

Division II

ECONOMIC OR FISHING ZONES¹

1. BAHAMAS

FISHERIES RESOURCES (JURISDICTION AND CONSERVATION) ACT, 1977²

2. (1) In this Act, unless the context otherwise requires—

“Bahamian” in relation to a fishing vessel means—

(a) *bone fide* owned by a citizen of The Bahamas resident in The Bahamas; or

(b) a company registered in The Bahamas under the Companies Act in which all the shares are beneficially owned by citizens of The Bahamas resident in The Bahamas;

“beneficially owned” shall be construed as in section 173 of the Companies Act;

“commercial” in relation to fishing means the fishing for any fishery resource for the purpose of subsequent sale whether the person fishing for the same does so on a full-time basis or part-time basis;

“conservation and management” refers to all of the rules, conditions, methods, and other measures which are required to rebuild, restore, or maintain, and which are useful in rebuilding, restoring or maintaining any fishery resource and the marine environment, and which are designed to ensure that—

(a) a supply of food and other products may be taken, and that recreational benefits may be obtained, on a continuing basis;

¹ A number of national legislations relating to extended economic or fishing zones deal with the conservation and management of the living resources of the sea, which is a matter also pertaining to division V. The instruments containing provisions specifically applicable to such zones, whether or not the zone in question is called as such, are reproduced in the present division, while those relating to fishing activities without reference to such zones or activities conducted in the territorial sea or in fishing zones of relatively narrow breadth are included in division V. In either case, cross references have been supplied as appropriate. In addition it should be noted that a number of provisions relating to extended economic or fishing zones are also found in laws and decrees which have been reproduced in division I, subdivision A, chapter I. Cross references are also made to such instruments.

² No. 13 of 1977. Effective on 16 June 1977. This Act, by its section 24, repeals the Fisheries Act, 1969, reproduced in ST/LEG/SER.B/16, p. 367. Text provided by the Permanent Representative of the Bahamas to the United Nations in a note verbale of 9 November 1977.

(b) irreversible or long term adverse effects on fishery resources and the marine environment are avoided; and

(c) there will be a multiplicity of options available with respect to the use of such resources;

“continental shelf” means the continental shelf appertaining to The Bahamas, that is to say, the seabed and subsoil of the submarine areas adjacent to the coasts, but outside the territorial sea of The Bahamas, to a depth of two hundred metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas;

“court” means magistrate’s court;

“exclusive fishery zone” means the exclusive fishery zone of The Bahamas established by section 4, the limits of which are set out in section 5;

“fishery” means—

(a) one or more stocks of fish which can be treated as a unit for the purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational and economic characteristics; and

(b) any fishing for such stocks;

“fishery resource” means fish of any kind found in the sea (other than species of tuna, which in the course of their life cycle, spawn and migrate over great distances in waters of the ocean) and includes living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil of the continental shelf;

“fishing” means the catching, taking or harvesting of any fishery resource or any other activity which can be reasonably expected to result in the catching, taking or harvesting of such fishery resource;

“fishing vessel” or “vessel” means any vessel or boat, of whatever size for the time being employed by any person in fishing operations or any operations ancillary thereto;

“foreign fishing” means fishing by a vessel other than a vessel owned by a Bahamian;

“miles” means international nautical miles of 1,852 meters;

“optimum yield” means the amount of fishery resources—

(a) which will provide the greatest overall benefit to The Bahamas with particular reference to food production and recreational opportunities; and

(b) which is prescribed as such on the basis of the maximum sustainable yield from such fishery as modified by any relevant economic, social or ecological factor.

(2) The Minister may, by notice published in the *Gazette*, declare any species of living organism to be a fishery resource for the purposes of this Act.

3. Every officer of the revenue, every peace officer and every officer of the Department of Agriculture and Fisheries appointed for the purpose by the Minister by instrument in writing shall be a fisheries inspector for the purpose of this Act and shall have and may exercise the functions assigned to a fisheries inspector by or under this Act.

4. There is established for the purposes of this Act a zone to be known as the exclusive fishery zone of The Bahamas.

5. The outer boundary of the exclusive fishery zone is a line drawn in such a manner that each point on it is two hundred miles from the baseline from which the territorial sea is measured:

Provided that where the distance between the baseline and the territorial sea or the exclusive fishery zone of a neighbouring state is less than two hundred miles the provisions of section 11 shall apply to the determination of the outer boundary of the exclusive fishery zone.

6. (1) Within the exclusive fishery zone, The Bahamas has sovereign rights and exclusive authority for the purpose of exploring and exploiting, conserving and managing the fishery resources of the seabed and subsoil and superjacent waters.

(2) The superjacent waters of the exclusive fishery zone outside the territorial sea of The Bahamas and beyond any foreign state's territorial sea, to the extent that such sea is recognised by The Bahamas, remain subject to the régime of the high seas for all purposes other than for the purposes of exploration and exploitation, conservation and management of the fishery resources or other than purposes with respect to which coastal states are accorded by international law exclusive jurisdiction.

7. No foreign fishing is authorized within the exclusive fishery zone for any fishery resource in respect of which The Bahamas exercises the sovereignty and authority specified in section 6 unless such foreign fishing—

(a) is authorized by virtue of a treaty to which The Bahamas is a party and such treaty is made subject to sections 8 and 10 and is conducted under and in accordance with a valid licence granted by the Minister under section 9;

(b) is authorized by the Minister and is conducted by a vessel owned or operated by an international organization of which The Bahamas is a member;

(c) is authorized by the Minister and is conducted for scientific or research purposes under the authority of and in accordance with the terms and conditions of a permit in that behalf granted by the Minister to the person operating the vessel;

(d) is conducted for sporting purposes in accordance with any regulations made under this Act, by a vessel which has first made entry in respect of the voyage on which it is engaged at a port of entry in The

Bahamas or by a vessel which has been imported into The Bahamas or constructed in The Bahamas.

8. Foreign fishing may be conducted pursuant to a fishery treaty if such treaty satisfies the requirements of this Act and includes as conditions of the treaty—

(a) that the foreign state acknowledges the exclusive fishery conservation and management authority of The Bahamas as set forth in this Act;

(b) the foreign state and the owner or operator of any fishing vessel fishing pursuant to such treaty will abide by the terms of the treaty, the provisions of this Act and any regulations made thereunder;

(c) the foreign state and the owner or operator of any fishing vessel fishing pursuant to such treaty will permit fisheries inspectors to enforce the provisions of this Act and any regulations made thereunder by allowing such inspectors to board and search or inspect any fishing vessel of the foreign state when it is within the exclusive fishery zone and to make arrests and seizures whenever such officers have reasonable cause to believe as a result of such search or inspection that any such vessel or any person thereon has committed a breach of this Act or any regulations made thereunder.

9. (1) Every foreign state with which The Bahamas has entered into a fishery treaty shall submit an application for a licence to the Minister before the 1st day of January of each year in respect of every fishing vessel wishing to fish in the exclusive fishery zone.

(2) Every application for a licence under this section shall be in such form as the Minister may prescribe and shall specify—

(a) the name and official registration number or other identification of each vessel for which a licence is sought;

(b) the name, address and nationality of the owner of each vessel;

(c) the tonnage, capacity, speed, processing equipment, type and quantity of fishing gear, and such other information with respect to the fishing characteristics of each vessel as the Minister may require;

(d) the description of each fishery resource for which each vessel wishes to fish;

(e) the quantities of fish or tonnage of catch contemplated for each vessel during the time such licence is in force;

(f) the area of the exclusive fishery zone in which, and the season or period during which, such fishing will be conducted.

(3) Subject to subsections (4) and (5), where the Minister decides to grant a licence he shall grant the licence to the owner or operator in respect of a named vessel in accordance with—

(a) the provisions of this Act and the regulations made thereunder;

(b) the terms and conditions of the relevant fishery treaty; and

(c) the principles and conditions set forth in section 10.

(4) A licence may contain such conditions and restrictions as appear to the Minister granting the licence to be necessary or expedient for regulating the conservation and management of the fishery resources of The Bahamas and in particular a licence shall contain conditions and restrictions—

(a) as to the requirements of any applicable fishery management plan and any regulations made to implement any such plan;

(b) as to the requirement that no licence may be used by any vessel other than the vessel in respect of which it is granted;

(c) as to any requirement provided for in the relevant fishery treaty;

(d) as to the requirements that the vessel shall fish only in the area of the exclusive fishery zone for which the licence is granted and at the seasons and periods indicated; and that the vessel shall not engage while in the exclusive fishery zone in any of the acts of cutting up, canning or packaging of any fishery resource except in the said area.

(5) A licence may not be granted to any vessel the owner or operator of which is not a national of the foreign state which is a party to the fishery treaty.

(6) A licence shall be prominently displayed at all times in the wheel-house of the vessel while the vessel is in the exclusive fishery zone and the number of the licence shall be painted on the vessel in such manner as the Minister may prescribe.

(7) A licence may be revoked or suspended in any case where the Minister is satisfied that there is a breach of the terms and conditions of a fishery treaty or the conditions and restrictions of the licence.

10. (1) The Governor-General may from time to time determine the optimum yield of the fishery resources of the exclusive fishery zone; in making that determination the Governor-General shall take into account the need to ensure, through proper conservation and management measures, the maintenance of these resources or the restoration of populations of harvested species at levels which can produce the maximum sustainable yield. In particular, he shall take into account relevant environmental and economic factors, including the economic needs of coastal fishing communities and the special requirements of the development of The Bahamas, fishing patterns, the inter-dependence of stocks and any generally recommended subregional, regional or global minimum standards, and the effects on species associated with or dependent upon harvested species.

(2) The Governor-General may from time to time determine the capacity of the fishing industry of The Bahamas to harvest the fishery resources of the exclusive fishery zone.

(3) The difference between the optimum yield and the maximum capacity of the fishing industry of The Bahamas as may be determined by the Governor-General in accordance with subsections (1) and (2) may be the allowable level of foreign fishing.

(4) An allocation to a foreign state of part of the total allowable level of foreign fishing as determined by the Governor-General may only be made in accordance with the condition that the foreign state concerned enters into a fishery treaty with The Bahamas in which there is specified—

(a) the proportion of the total allowable level of foreign fishing to be allocated to that foreign state, taking into account the extent to which fishermen of that foreign state have traditionally engaged in fishing activity in the fishery concerned;

(b) the number, identification and characteristics of the fishing vessels of that foreign state which are to be granted licences to fish in the exclusive fishery zone;

(c) that the fishing vessels of that foreign state will comply with the regulations made under this Act for the conservation and management of the fishery resources of The Bahamas;

(d) that access to the market of that foreign state shall be granted for the fishery resources and fishery products harvested by the fishermen of The Bahamas in the exclusive fishery zone;

(e) that that foreign state will extend substantially the same fishing privileges to fishing vessels owned by Bahamians as The Bahamas extends to the fishing vessels owned by citizens of that foreign state.

(5) For the purposes of subsections (1), (2) and (3), “the exclusive fishery zone” means that part of the waters thereof the inner boundary of which is a line drawn in such a manner that each point on it is twelve miles from the baseline from which the territorial sea is measured.

11. (1) Subject to subsection (3), where the exclusive fishery zone of The Bahamas meets the limits of the territorial sea, continental shelf or exclusive fishery zone of a neighbouring state, to the extent only to which such limits are recognized by The Bahamas to be validly established pursuant to international law, the Governor-General may initiate and conduct negotiations with that state to establish the boundary of the exclusive fishery zone in relation to the territorial sea, continental shelf or exclusive fishery zone of that state.

(2) In the absence of agreement on the boundary of the exclusive fishery zone with the territorial sea, continental shelf or exclusive fishery zone of a neighbouring state, the following shall be the limits of the exclusive fishery zone—

(a) in the case of the fishery resources of the waters of the exclusive fishery zone, a line every point of which is twelve miles distant from the baseline from which the territorial sea of that state is drawn;

(b) in the case of the fishery resources of the sea-bed and subsoil—

(i) where there is a continuous continental shelf between The Bahamas and the neighbouring state, a line every point of which is equidistant from the edge of the Great and Little Bahama Banks and the baselines from which the territorial sea limits of that state are drawn, and, in areas other than the Great and Little

Bahama Banks, a line every point of which is equidistant from the baselines respectively from which the territorial sea limits of The Bahamas and that state are drawn;

- (ii) where there is not a continuous continental shelf between The Bahamas and the neighbouring state, the limits of the continental shelf of that state shall be as determined by international law;

Provided, however, that in contemplation of such agreement being reached the Governor-General may by order fix another limit temporarily or by interim agreement with the neighbouring state.

(3) The Governor-General in the exercise of his powers under this section shall take into account that The Bahamas has long exercised sovereignty over, and enjoys exclusive authority for the purposes of exploring and exploiting, conserving and managing of, the Great and Little Bahama Banks.

12. (1) The Minister may by order declare any area of the waters within the exclusive fishery zone whether alone or together with any area of land adjacent to such waters to be a protected area for the purposes of this Act.

(2) Any order made under this section may prohibit fishing for any fishery resource whatever or for any fishery resource specified in the order, by any person otherwise than under the authority of and in accordance with the terms and conditions of a permit in that behalf granted to that person for that purpose.

(3) Any person who takes any fishery resource in a protected area in contravention of the provisions of any order made under this section in respect of such area or of any term or condition attached to a permit granted under such an order shall be guilty of an offence and liable upon summary conviction, subject to the provisions of section 21, to a fine of seven hundred and fifty dollars or to imprisonment for a term of six months or to both.

(4) Where any person is found within a protected area in possession of any fishery resource the fishing for which within that area is prohibited by an order made under this section he shall be deemed, until the contrary is proved, to have taken that fishery resource within that area.

13. (1) A fisheries inspector may at any time stop, go on board and search any fishing vessel within the exclusive fishery zone, and if he has reason to suspect that any person on board such vessel has contravened any of the provisions of this Act or of any regulations made thereunder he may without summons, warrant or other process seize the vessel and detain it and any person found on board.

(2) A fisheries inspector may at any time without summons, warrant or other process seize and detain any vessel or thing which is liable to forfeiture under this Act or which he has reasonable grounds to believe is so liable.

(3) A fisheries inspector and any person whom he may call to his assistance may arrest and detain without warrant any person whom such

inspector has reason to suspect has committed or permitted any offence against this Act.

(4) Any person who resists or obstructs any fisheries inspector in the exercise of any of his powers conferred by this section shall be guilty of an offence and liable upon summary conviction to a fine of five hundred dollars, and such person may be detained by the fisheries inspector.

(5) Where any vessel or thing is seized or detained or any person is detained under this section by a fisheries inspector, the inspector shall take such vessel, thing or person as soon as may be to the nearest or most convenient place in The Bahamas and there deliver it or him into the custody of the most senior police officer.

14. Where on delivering any person into the custody of a police officer in accordance with the provisions of section 13—

(a) the fisheries inspector makes a complaint to such officer that such person has committed an offence against this Act, the police officer shall as soon as may be cause such person to be brought before a magistrate's court to be dealt with according to law; or

(b) the fisheries inspector does not make any such complaint, the police officer shall forthwith release such person.

15. (1) Where any fishing vessel or thing is delivered into the custody of a police officer at any place by a fisheries inspector in accordance with the provisions of section 13, such vessel or thing shall be detained in the custody of the Commissioner of Police to the order of the Minister at that place or at such other place as the Minister may direct until the same shall be forfeited or released in accordance with the provisions of this section as the case may be.

(2) Any vessel or thing detained under the provisions of subsection (1) shall be released upon demand to the owner or his duly accredited agent—

(a) within the period of seven days next following the date of delivery of the vessel or thing to the police officer, if no proceedings are instituted within the period against the master or other person in charge of the vessel or thing in respect of an offence against this Act; or

(b) in any case where such proceedings are instituted as aforesaid and the vessel or thing is not liable or ordered to be forfeited under the provisions of this Act, upon the final determination of the proceedings and the payment of any fine imposed by the court in such proceedings within the time prescribed by the court for such payment.

...

16. (1) The provisions of the First Schedule¹ shall have effect for the purpose of forfeitures, and proceedings for the condemnation of any vessel or thing as being forfeited, under this Act.

(2) Subject to the provisions of the said Schedule, any vessel or thing seized or detained under the provisions of this Act as being liable to

¹The Schedules are not reproduced.

forfeiture shall, if condemned or deemed to have been condemned as forfeited, be disposed of in such manner as the Minister may direct.

17. (1) Where any offence against any of the provisions of this Act or of any regulations made thereunder is committed at some place on the water within the exclusive fishery zone but outside the limits of any district within which any magistrate has jurisdiction under the Magistrates Act (or any other statute for the time being in force regulating the jurisdiction of magistrates), the place of the commission of the offence shall for the purposes of the jurisdiction of any court be deemed to be the place in The Bahamas where the offender is found or to which he is first brought after the commission of the offence.

(2) The jurisdiction under subsection (1) shall be in addition to and not in derogation of any jurisdiction or power of any court under any other enactment.

18. (1) The Minister may make regulations for any or all of the following purposes—

(a) for the conservation and management of the fishery resources of the exclusive fishery zone which are consistent with this Act and with the following standards—

- (i) conservation and management measures shall prevent overfishing while achieving the optimum yield from each fishery;
- (ii) conservation and management measures shall be based upon the best available scientific information;
- (iii) to the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close co-ordination;
- (iv) conservation and management measures, where practicable, shall promote efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose;
- (v) conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources and catches;
- (vi) conservation and management measures shall where practicable minimize costs and unnecessary duplication;

(b) regulating the taking of any species or kind of fishery resource (whether by reference to size or weight or otherwise) absolutely or during such period or periods as may be specified anywhere within the exclusive fishery zone;

(c) limiting the quantity of any fishery resource which may be taken by any person;

(d) prohibiting the taking of any fishery resource by any specified method within the exclusive fishery zone;

(e) prohibiting the use of any engine, dredge, trap or device for the purpose of taking any fishery resource within the exclusive fishery zone;

(f) restricting the possession on board a fishing vessel of any noxious, poisonous or explosive substance or of any engine, dredge, trap or other device prohibited for use in taking of any fishery resource by any regulations made under paragraph (d) of this subsection;

(g) providing for the grant of permits and licences, their terms and conditions and for the transfer, amendment and revocation of such permits and licences;

(h) prescribing the fees to be charged in respect of the grant, transfer or amendment of any permit or licence;

...

(j) prescribing the forms of applications of permits and licences;

(k) prescribing the size and type of construction of any trap, net or seine and prohibiting the use for the purpose of taking any fishery resource of any trap, net or seine other than a trap, net or seine of the prescribed size of mesh;

(l) providing for the grant of permits for the purpose of trapping crawfish, their terms and conditions and for the suspension and cancellation of such permits;

(m) regulating the size of any fishery resource which may be in the possession of any person;

...

(q) regulating sports fishing by vessels by means of licences or otherwise;

(r) prescribing anything to be prescribed under the provisions of this Act.

(2) No regulation shall be made under subsection (1) so as to come into operation before a date to be appointed by the Minister by notice published in the *Gazette* (hereafter in this Act referred to as "the appointed day").

19. (1) Subject to subsection (3), where any fishing vessel engages in foreign fishing in the exclusive fishery zone for any fishery resource, the owner and also the master or other person in charge of the vessel and every person who so uses it shall each be guilty of an offence and liable on summary conviction, subject to the provisions of section 21, to a fine of fifty thousand dollars or to imprisonment for a term of one year or to both.

(2) Where any fishery resource is found on board any fishing vessel within the exclusive fishery zone or where any fishery resource is landed, or placed in any crawl, from any such fishing vessel at any creek, island or cay within The Bahamas, such fishery resource shall be deemed, until the contrary be proved, to have been taken within the exclusive fishery zone by a person on board such fishing vessel.

(3) Notwithstanding subsection (1) any fishing vessel which engages in foreign fishing in the exclusive fishery zone for any fishery resource having been so authorised under section 7 (a), (b) or (c) or for sporting purposes in accordance with the provisions of section 7 (d) shall be deemed not to be in contravention of subsection (1).

(4) Any person who being a non-Bahamian uses a Bahamian fishing vessel to fish for any fishery resource for commercial purposes within the exclusive fishery zone or is found employed on such a vessel in any capacity whatever, shall be guilty of an offence and liable on summary conviction, subject to the provisions of section 21, to a fine of two thousand dollars or to imprisonment for a term of six months or to both, unless such person has first been granted a permit in accordance with the provisions of the Immigration Act, 1967, so to do.

(5) Any person who being the owner, master or other person in charge of a Bahamian fishing vessel permits a non-Bahamian to use such vessel to fish for any fishery resource for commercial purposes within the exclusive fishery zone, or employs a non-Bahamian on such vessel, shall be guilty of an offence and liable on summary conviction, subject to the provisions of section 21, to a fine of two thousand dollars or to imprisonment for a term of six months or to both, unless the person so permitted to use the vessel or so employed has first been granted a permit in accordance with the provisions of the Immigration Act, 1967, so to do.

...

21. If any person, having been convicted of an offence against any provision of this Act or of any regulations made thereunder, is convicted of a further offence against that provision, then, notwithstanding anything to the contrary, he shall be liable upon conviction of such further offence—

(a) to a fine not exceeding double the amount or to imprisonment for a term not exceeding double the term (hereinafter respectively referred to as a "double fine" and "double imprisonment") which might otherwise have been imposed in respect of that offence; or

(b) in a case where both a fine and a term of imprisonment may be imposed in respect of a first offence, to both such double fine and double imprisonment.

...

2. BANGLADESH

[TERRITORIAL WATERS AND MARITIME ZONES ACT, 1974,
Sections 5 and 6]¹

3. BURMA

[TERRITORIAL SEA AND MARITIME ZONES LAW, 1977, Sections 17-20]²

¹ *Supra*, division I, subdivision A, chap. I, 2.

² *Ibid.*, 4.

4. CAPE VERDE

[DECREE No. 14/75 OF 1 OCTOBER 1975 CONCERNING THE TERRITORIAL SEA,
Article 3]¹

5. COLOMBIA

[ACT No. 10 OF 1978, Articles 7-9]²

6. COMOROS

[ORDONNANCE N° 76-038/CE DU 15 JUIN 1976 PRÉCISANT LES LIMITES DES
EAUX TERRITORIALES COMORIENNES ET ÉTABLISSANT UNE ZONE ÉCO-
NOMIQUE EXCLUSIVE, Articles 2 et 3]³

7. CUBA

ACT OF 24 FEBRUARY 1977 CONCERNING THE ESTABLISHMENT OF
AN ECONOMIC ZONE⁴

Fidel Castro Ruz, President of the Council of State of the Republic
of Cuba

Proclaims: That the Council of State has agreed as follows:

Whereas: Other States of the geographical area in which the Republic
of Cuba is situated have proclaimed their economic zone or fishing zone
taking into account, among other things, the current concepts of the inter-
national law of the sea, thus affecting areas of the high seas in which Cuba
has thus far exercised rights and legitimate interests,

Therefore: In exercise of the powers conferred upon it by article 88,
paragraph (c), of the Constitution, the Council of State decides to issue
the following

Legislative Decree No. 2

Article 1. The Economic Zone of the Republic of Cuba shall be
established in the zone adjacent to its territorial sea extending up to a
distance of 200 nautical miles measured from the baseline from which the
breadth of the territorial sea is measured. The outer line of this Economic
Zone shall be traced on the basis of geographical co-ordinates.

The Cuban State shall respect the equal rights of contiguous States to
their respective economic zones and declares that it is prepared to under-

¹ *Ibid.*, 5.

² *Ibid.*, 6.

³ *Ibid.*, 7.

⁴ Decree No. 2, *Gaceta Oficial* of the Republic of Cuba, No. 6, 26 February
1977, p. 18. Translation by the Secretariat of the United Nations.

take bilateral negotiations on the conflicts of law that may result from the application of those principles.

Article 2. The Republic shall exercise the following rights in the Economic Zone established by this Legislative Decree:

I. Sovereign rights for the purpose of exploring, exploiting, conserving and managing the natural resources, whether living or non-living, of the sea-bed, including its subsoil, and of the superjacent waters.

II. Exclusive rights and jurisdiction with regard to the establishment and use of artificial islands, installations and structures.

III. Exclusive jurisdiction with regard to other activities for the economic exploration and exploitation of the zone, including the use of marine currents and anything else that facilitates scientific and technological developments.

IV. Jurisdiction with regard to:

(a) The preservation of the marine environment, including pollution control and abatement;

(b) Scientific research.

Article 3. Foreign States shall enjoy in the Economic Zone the freedoms of navigation and overflight and of the laying of submarine cables and pipelines and other internationally lawful uses of the sea related to navigation and communication.

Article 4. In order to promote the optimum utilization of the living resources in the Economic Zone, the Republic of Cuba, through the conclusion of appropriate agreements, shall give other States access to the surplus of the allowable catch of the species concerned, in accordance with the arrangements, conditions and regulations in force.

Article 5. Any legal provisions and regulations at variance with the provisions of the present Legislative Decree, which shall come into force as soon as it is published in the *Gaceta Oficial* of the Republic, are hereby abrogated.

8. DEMOCRATIC KAMPUCHEA

[DÉCLARATION DU PORTE-PAROLE DU MINISTÈRE DES AFFAIRES ÉTRANGÈRES DU KAMPUCHEA DÉMOCRATIQUE DU 15 JANVIER 1978, Sections 3-6]¹

9. DEMOCRATIC YEMEN

[ACT No. 45 OF 1977 CONCERNING THE TERRITORIAL SEA, EXCLUSIVE ECONOMIC ZONE, CONTINENTAL SHELF AND OTHER MARINE AREAS, Articles 13-15, 17-23]²

¹ *Supra*, division I, subdivision A, chap. I, 9.

² *Ibid.*, 10.

10. DENMARK

(a) ACT NO. 597 OF 17 DECEMBER 1976 ON THE FISHING TERRITORY OF THE KINGDOM OF DENMARK¹

1. (1) The Prime Minister shall be empowered to enact that the fishing territory of the Kingdom of Denmark be extended to a breadth of 200 nautical miles (1 nautical mile = 1,852 metres) so that the fishing territory, in addition to the internal waters, shall comprise waters along the coasts of the Kingdom of Denmark, delimited by a line (the fishing limit) which at every point is 200 nautical miles from the baselines applicable at any given time. The extension may be effected for one area at a time.

(2) Failing any agreement to the contrary, the delimitation of the fishing territory, relative to foreign States whose coasts are situated at a distance of less than 400 nautical miles opposite the coasts of the Kingdom of Denmark or adjacent to Denmark, shall be a line which at every point is equidistant from the nearest points on the baselines at the coasts of the two States (the median line).

(3) Detailed provisions governing the delimitation of the fishing territory of the Faroe Islands shall be laid down by Royal Ordinance.

...

2. ...

(2) In step with the extension of the fishing territory in pursuance of section 1, subsection (1) of this Act, section 1, subsections (2) and (3) of the Salt Water Fisheries Act (Act No. 195 of 26 May 1965)² shall be repealed while in the Commercial Hunting, Fishing and Shooting Activities Act for Greenland (Act No. 413 of 13 June 1973),³ the words "12 nautical miles" in section 1, subsection (1), shall be amended to read "200 nautical miles".

(3) The Fishing Territory of Denmark Act (Act No. 207 of 12 June 1964) shall be repealed.

(b) DECREE NO. 598 OF 21 DECEMBER 1976. THE FISHING TERRITORY OF THE FAROE ISLANDS⁴

Pursuant to section 1, subsection (3), of the Kingdom of Denmark Fishing Territory Act (Act No. 597) of 17 December 1976,⁵ the following provisions are laid down:

¹ Entered into force 1 January 1977 pursuant to art. 2 (1). English text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977.

² Partially reproduced in ST/LEG/SER.B/15, p. 623.

³ Partially reproduced in ST/LEG/SER.B/18, p. 301.

⁴ Entered into force on 1 January 1977 pursuant to art. 3 (1). English text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977.

⁵ *Supra* (a).

1. (1) The fishing territory in the waters around the Faroe Islands shall comprise, in addition to the internal waters, the waters delimited by a line (the fishing limit) at a distance of 200 nautical miles (1 nautical mile = 1,852 metres) from the baselines mentioned in section 2 of this Decree.

(2) Where the coasts of Iceland, Norway and the United Kingdom of Great Britain and Northern Ireland are opposite the coasts of the Faroe Islands within a distance of 400 nautical miles, the fishing territory, until otherwise defined by special agreement, shall be delimited by the line which at every point is equidistant from the nearest points on the baselines at the coasts concerned (the median line).

2. The straight baselines from which, pursuant to section 1 of this Decree, the fishing limit shall be measured, shall be drawn between the following points (low water mark at mean spring tide) in the sequence indicated:

Point 1	Dry rock SW of the Munken group of islands	61° 20' 19"306 N 6° 40' 06"790 W
Point 2	W-most point of Knopur at Famara	61° 28' 34"772 N 6° 52' 18"834 W
Point 3	W-most point of island W of Myggenæs lighthouse	62° 05' 46"439 N 7° 41' 25"623 W
Point 4	NW-most point of island NW of Myggenæs lighthouse	62° 05' 52"783 N 7° 41' 12"936 W
Point 5	NW-most point of island NW of Myling	62° 18' 19"856 N 7° 12' 59"409 W
Point 6	NW-most point of Kalsfles N of Kadlur	62° 22' 26"968 N 6° 48' 18"806 W
Point 7	Dry rock N of Enniberg	62° 23' 49"299 N 6° 33' 38"438 W
Point 8	Skopari point at Nordbjerg on Fuglø	62° 21' 16"163 N 6° 17' 59"058 W
Point 9	NE-most point of Fuglø	62° 20' 40"637 N 6° 15' 16"003 W
Point 10	E-most point of Bispen E of Fuglø	62° 20' 27"398 N 6° 15' 00"521 W
Point 11	E-most point of the Munken group of islands	61° 20' 30"124 N 6° 39' 30"108 W
Point 12	S-most point of Storefles in the Munken group of islands	61° 20' 26"953 N 6° 39' 33"711 W

The co-ordinates of the above-mentioned points refer to European Datum (1st Adjustment 1950).

3. . . .

(2) Decree No. 29 of 27 February 1903,¹ as amended by Decree No. 129 of 18 March 1976, shall cease to be in effect.

¹ Partially reproduced in ST/LEG/SER.B/6, p. 467.

(c) EXECUTIVE ORDER NO. 628 OF 22 DECEMBER 1976. THE FISHING TERRITORY OF DENMARK¹

Pursuant to section 1 of the Kingdom of Denmark Fishing Territory Act (Act No. 597) of 17 December 1976,² the following provisions are laid down:

1. The fishing territory in the North Sea shall comprise, in addition to the internal waters, the waters off the coasts of Denmark which relative to the Federal Republic of Germany, the United Kingdom of Great Britain and Northern Ireland, and Norway are delimited by arcs of Great Circles between the following points:

(1) The boundary line relative to the Federal Republic of Germany:

Point 1	..... 55° 03' 51"0 N	07° 18' 22"0 E
Point 2	..... 55° 10' 03"4 N	07° 33' 09"6 E
Point 3	..... 55° 30' 40"3 N	05° 45' 00"0 E
Point 4	..... 55° 15' 00"0 N	05° 24' 12"0 E
Point 5	..... 55° 15' 00"0 N	05° 09' 00"0 E
Point 6	..... 55° 24' 15"0 N	04° 45' 00"0 E
Point 7	..... 55° 46' 21"8 N	04° 15' 00"0 E
Point 8	..... 55° 55' 09"4 N	03° 21' 00"0 E

(2) The boundary line relative to the United Kingdom of Great Britain and Northern Ireland:

Point 8	..... 55° 55' 09"4 N	03° 21' 00"0 E
Point 9	..... 56° 05' 12"0 N	03° 15' 00"0 E

(3) The boundary line relative to Norway:

Point 9	..... 56° 05' 12"0 N	03° 15' 00"0 E
Point 10	..... 56° 35' 30"0 N	05° 02' 00"0 E
Point 11	..... 57° 10' 30"0 N	06° 56' 12"0 E
Point 12	..... 57° 29' 24"4 N	07° 57' 22"2 E

2. The fishing territory in the North Sea shall be delimited relative to the waters around the Skaw (Skagerrak) by an arc of a Great Circle between the following points:

Point 12	..... 57° 29' 24"4 N	07° 57' 22"2 E
Point 13	..... 57° 16' 23"6 N	08° 20' 27"7 E

¹ Entered into force on 1 January 1977 pursuant to art. 3. English text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977.

² *Supra* (a).

(d) EXECUTIVE ORDER NO. 629 OF 22 DECEMBER 1976. THE FISHING TERRITORY OF GREENLAND¹

Pursuant to section 1 of the Kingdom of Denmark Fishing Territory Act (Act No. 597) of 17 December 1976,² the following provisions are laid down:

1. (1) The fishing territory in the waters around Greenland shall comprise on the west coast up to latitude 75° N and on the east coast up to latitude 67° N, in addition to the internal waters, the waters delimited by a line (the fishing limit) at a distance of 200 nautical miles (1 nautical mile = 1,852 metres) from the baselines mentioned in section 2 of this Executive Order.

(2) Up to latitude 75° N, the fishing territory relative to Canada, where the coasts of that country are opposite the coasts of Greenland within a distance of 400 nautical miles, shall be delimited by geodetic lines between the following points:

<i>Point No.</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
1	61° 24' 7	57° 16' 3
2	62° 00' 5	57° 21' 1
3	62° 02' 3	57° 21' 8
4	62° 03' 5	57° 22' 2
5	62° 11' 5	57° 25' 4
6	62° 47' 2	57° 41' 0
7	63° 22' 8	57° 57' 4
8	63° 28' 6	57° 59' 7
9	63° 35' 0	58° 02' 0
10	63° 37' 2	58° 01' 2
11	63° 44' 1	57° 58' 8
12	63° 50' 1	57° 57' 2
13	63° 52' 6	57° 56' 6
14	63° 57' 4	57° 53' 5
15	64° 04' 3	57° 49' 1
16	64° 12' 2	57° 48' 2
17	65° 06' 0	57° 44' 1
18	65° 08' 9	57° 43' 9
19	65° 11' 6	57° 44' 4
20	65° 14' 5	57° 45' 1
21	65° 18' 1	57° 45' 8
22	65° 23' 3	57° 44' 9
23	65° 34' 8	57° 42' 3
24	65° 37' 7	57° 41' 9
25	65° 50' 9	57° 40' 7
26	65° 51' 7	57° 40' 6
27	65° 57' 6	57° 40' 1
28	66° 03' 5	57° 39' 6
29	66° 12' 9	57° 38' 2

¹ Entered into force on 1 January 1977 pursuant to art. 3. English text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977.

² *Supra* (a).

<i>Point No.</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
30	66° 18' 8	57° 37' 8
31	66° 24' 6	57° 37' 8
32	66° 30' 3	57° 38' 3
33	66° 36' 1	57° 39' 2
34	66° 37' 9	57° 39' 6
35	66° 41' 8	57° 40' 6
36	66° 49' 5	57° 43' 0
37	67° 21' 6	57° 52' 7
38	67° 27' 3	57° 54' 9
39	67° 28' 3	57° 55' 3
40	67° 29' 1	57° 56' 1
41	67° 30' 7	57° 57' 8
42	67° 35' 3	58° 02' 2
43	67° 39' 7	58° 06' 2
44	67° 44' 2	58° 09' 9
45	67° 56' 9	58° 19' 8
46	68° 01' 8	58° 23' 3
47	68° 04' 3	58° 25' 0
48	68° 06' 8	58° 26' 7
49	68° 07' 5	58° 27' 2
50	68° 16' 1	58° 34' 1
51	68° 21' 7	58° 39' 0
52	68° 25' 3	58° 42' 4
53	68° 32' 9	59° 01' 8
54	68° 34' 0	59° 04' 6
55	68° 37' 9	59° 14' 3
56	68° 38' 0	59° 14' 6
57	68° 56' 8	60° 02' 4
58	69° 00' 8	60° 09' 0
59	69° 06' 8	60° 18' 5
60	69° 10' 3	60° 23' 8
61	69° 12' 8	60° 27' 5
62	69° 29' 4	60° 51' 6
63	69° 49' 8	60° 58' 2
64	69° 55' 3	60° 59' 6
65	69° 55' 8	61° 00' 0
66	70° 01' 6	61° 04' 2
67	70° 07' 5	61° 08' 1
68	70° 08' 8	61° 08' 8
69	70° 13' 4	61° 10' 6
70	70° 33' 1	61° 17' 4
71	70° 35' 6	61° 20' 6
72	70° 48' 2	61° 37' 9
73	70° 51' 8	61° 42' 7
74	71° 12' 1	62° 09' 1
75	71° 18' 9	62° 17' 5
76	71° 25' 9	62° 25' 5
77	71° 29' 4	62° 29' 3
78	71° 31' 8	62° 32' 0
79	71° 32' 9	62° 33' 5
80	71° 44' 7	62° 49' 6
81	71° 47' 3	62° 53' 1
82	71° 52' 9	63° 03' 9

<i>Point No.</i>	<i>Latitude (North)</i>	<i>Longitude (West)</i>
83	72° 01' 7	63° 21' 1
84	72° 06' 4	63° 30' 9
85	72° 11' 0	63° 41' 0
86	72° 24' 8	64° 13' 2
87	72° 30' 5	64° 26' 1
88	72° 36' 3	64° 38' 8
89	72° 43' 7	64° 54' 3
90	72° 45' 7	64° 58' 4
91	72° 47' 7	65° 00' 9
92	72° 50' 8	65° 07' 6
93	73° 18' 5	66° 08' 3
94	73° 25' 9	66° 25' 3
95	73° 31' 1	67° 15' 1
96	73° 36' 5	68° 05' 5
97	73° 37' 9	68° 12' 3
98	73° 41' 7	68° 29' 4
99	73° 46' 1	68° 48' 5
100	73° 46' 7	68° 51' 1
101	73° 52' 3	69° 11' 3
102	73° 57' 6	69° 31' 5
103	74° 02' 2	69° 50' 3
104	74° 02' 6	69° 52' 0
105	74° 06' 1	70° 06' 6
106	74° 07' 5	70° 12' 5
107	74° 10' 0	70° 23' 1
108	74° 12' 5	70° 33' 7
109	74° 24' 0	71° 25' 7
110	74° 28' 6	71° 45' 8
111	74° 44' 2	72° 53' 0
112	74° 50' 6	73° 02' 8
113	75° 00' 0	73° 16' 3

(3) From Point 113 the fishing limit shall be the parallel of latitude through the following points:

113	75° 00' 0 N	73° 16' 3 W
113a	75° 00' 0 N	59° 48' 0 W

(4) The fishing territory relative to Iceland, where the coasts of that country are opposite the coasts of Greenland within a distance of 400 nautical miles, shall be delimited, except where otherwise agreed, by the line which at every point is equidistant from the baselines at the coasts of the two countries (the median line) up to latitude 67° N, from where the line shall be the parallel of latitude to 67° 00' 0 N, 32° 50' 6 W.

2. The straight baselines (compass lines) or coastal lines from which, pursuant to section 1 above, the fishing limit shall be measured shall be drawn between the following points (low water mark at mean spring tide) in the sequence indicated below:

West Greenland

Point 1 S-most island of group of islands SSW of Cape Farewell	59° 43' 2 N 44° 00' 7 W
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Point 2	Island S of Kulusuk	59° 50' 7 N 44° 59' 5 W
Point 3	Naujat	59° 58' 6 N 45° 21' 9 W
Point 4	Qeqertat	60° 34' 7 N 47° 34' 9 W
Point 5	Island 2.5 nautical miles S of Thorstein Icelander	60° 43' 3 N 48° 24' 9 W
Point 6	Island 2.0 nautical miles S of Thorstein Icelander	60° 43' 8 N 48° 26' 6 W
Point 7	Island 1.5 nautical miles WSW of Thorstein Icelander	60° 45' 1 N 48° 29' 1 W
Point 8	Island 1.5 nautical miles W of Thorstein Icelander	60° 45' 9 N 48° 29' 6 W
Point 9	Semersût ûmánarssua	61° 14' 6 N 48° 57' 4 W
Point 10	Qïoqe	61° 31' 4 N 49° 23' 0 W
Point 11	Frederikshåb Umanak (Qajaersefik)	61° 45' 0 N 49° 37' 4 W
Point 12	Frederikshåb Qïoqe (Varde Island)	61° 56' 0 N 49° 48' 9 W
Point 13	Ikermiut	62° 23' 2 N 50° 16' 1 W
Point 14	Island 1 nautical mile SW of Tulugartalik	62° 28' 3 N 50° 21' 5 W
Point 15	Southern Kitdlit	62° 42' 5 N 50° 33' 8 W
Point 16	SW-most island of Hellefiske Islands	63° 02' 2 N 51° 00' 0 W
Point 17	Kitdlit	63° 08' 3 N 51° 10' 4 W
Point 18	Dry rock approx. 2.3 nautical miles SSW of Qilangaussua	63° 22' 8 N 51° 23' 9 W
Point 19	Cook Islands	63° 59' 6 N 52° 11' 3 W
Point 20	Cook Islands	64° 00' 1 N 52° 11' 8 W
Point 21	Southern island approx. 1.5 nautical miles W of Qagssup Igdlua	64° 24' 8 N 52° 20' 0 W
Point 22	Avatdlerparssuaq	65° 30' 4 N 53° 15' 9 W
Point 23	S-most island W of Qerralik	66° 03' 6 N 53° 40' 7 W
Point 24	N-most island W of Qerralik	66° 04' 6 N 53° 41' 2 W
Point 25	Ikerasagtût	66° 13' 5 N 53° 48' 1 W
Point 26	Ikardlugssuaq	66° 25' 8 N 53° 55' 5 W

Point 27	Qagssit	66° 59' 6 N 54° 08' 1 W
Point 28	Kitsigsut	67° 47' 1 N 53° 58' 6 W
Point 29	Kingigtut	68° 00' 8 N 53° 52' 5 W
Point 30	Kitdliat	68° 16' 9 N 53° 45' 9 W
Point 31	Blaafjeld (Uivfag)	69° 22' 3 N 54° 14' 4 W
Point 32	Ingigssuaq	69° 36' 3 N 54° 49' 1 W
Point 33	Northern Salmon Bay (Laksebugt), N- most point	69° 39' 0 N 54° 50' 0 W
Point 34	W-point at Kingigtup gága	69° 42' 9 N 54° 59' 2 W
Point 35	Iron Point (Jernpynten) (Navssap nua)	69° 50' 1 N 54° 56' 1 W
Point 36	Hare Island (Navdluarssurausaq)	70° 26' 7 N 55° 02' 8 W
Point 37	Narssaq	71° 27' 8 N 55° 29' 8 W
Point 38	Sigguk (Svartenhuk)	71° 41' 3 N 55° 52' 3 W
Point 39	Tikerarsuaq (Dark Head)	72° 08' 3 N 56° 04' 0 W
Point 40	Nunanguit (Smålandene)	72° 46' 3 N 56° 38' 1 W
Point 41	Kingigtortagdlit	73° 02' 0 N 56° 56' 0 W
Point 42	S-most point of Eider Islands	74° 01' 0 N 57° 50' 0 W
Point 43	W-most point of Eider Islands	74° 02' 3 N 57° 51' 1 W
Point 44	Qutdleq	74° 39' 9 N 57° 57' 8 W
Point 45	W-most Sabine Island	75° 29' 8 N 60° 14' 0 W
Point 46	Bushman Island	75° 57' 4 N 65° 00' 9 W
Point 47	Cape York	75° 54' 4 N 66° 29' 3 W
Point 48	Conical Rock SW-point	76° 04' 8 N 68° 43' 0 W

Between points 33 and 34 the baseline is the coastal line.

East Greenland

Point 1	S-most island of group of islands SSW of Cape Farewell	59° 43' 2 N 44° 00' 7 W
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Point 2 Island approx. 2.6 nautical miles S of Avalernga	59° 45' 4 N 43° 47' 2 W
Point 3 SE point of S-most island ESE of Cape Hoppe	59° 55' 3 N 43° 10' 9 W
Point 4	..... E point of island mentioned under point 3	59° 55' 4 N 43° 10' 7 W
Point 5	..... E point of N-most island ESE of Cape Hoppe	59° 55' 4 N 43° 10' 6 W
Point 6	..... SE point of island 1.5 nautical miles E of Qagssit	60° 01' 0 N 43° 03' 1 W
Point 7	..... NE point of island 1.5 nautical miles E of Qagssit	60° 01' 3 N 43° 02' 9 W
Point 8	..... Island 1.9 nautical miles ENE of Qagssit	60° 01' 8 N 43° 02' 6 W
Point 9	..... SE point of island approx. 2 nautical miles E of Aluk	60° 09' 4 N 42° 58' 8 W
Point 10	.... E-most island NE of Cape Discord	60° 53' 3 N 42° 37' 3 W
Point 11	.... Qutdleg	61° 32' 4 N 42° 13' 7 W
Point 12	.... Umanarssuk	61° 49' 6 N 42° 02' 0 W
Point 13	.... SE point of Griffenfeld Island	62° 51' 9 N 41° 30' 0 W
Point 14	.... E-most island at Cape Skjold	63° 06' 2 N 41° 10' 7 W
Point 15	.... Qertartivaq	63° 32' 1 N 40° 39' 5 W
Point 16	.... Twin Island (at Cape Møsting)	63° 41' 1 N 40° 30' 6 W
Point 17	.... Umivita	64° 20' 0 N 40° 11' 7 W
Point 18	.... Qertartip Saliaqita	64° 59' 7 N 39° 43' 1 W
Point 19	.... Island approx. 3 nautical miles ESE of Cape Dan	65° 29' 1 N 37° 03' 3 W
Point 20	.... E-most Kitsigsit Island	65° 33' 6 N 36° 35' 9 W
Point 21	.... Uigertertivit	65° 44' 5 N 36° 08' 1 W
Point 22	.... SW border of Wahl Fjord	66° 19' 3 N 34° 47' 4 W
Point 23	.... Nagsigpik	66° 21' 3 N 34° 42' 3 W
Point 24	.... Nanortalik	66° 35' 5 N 34° 12' 7 W
Point 25	.... Island approx. 1.75 nautical miles E of Cape S. M. Jørgensen	66° 45' 5 N 33° 52' 6 W

Point 26 Little Tindholm	66° 54' 5 N 33° 34' 9 W
Point 27 Pagtulajivit	67° 36' 1 N 32° 30' 1 W
Point 28 Point 1.5 nautical miles W of Cape I. C. Jacobsen	68° 05' 3 N 30° 34' 3 W
Point 29 Cape I. C. Jacobsen	68° 05' 6 N 30° 30' 0 W
Point 30 Nunap Isua	68° 07' 5 N 30° 10' 9 W
Point 31 Cape Nansen	68° 13' 1 N 29° 24' 5 W
Point 32 Cape Vedel	68° 28' 9 N 27° 37' 1 W

Between points 3 and 4, 6 and 7, 28 and 29, the baseline is the coastal line.

(e) EXECUTIVE ORDER NO. 631 OF 23 DECEMBER 1976 BY THE MINISTRY FOR GREENLAND CONCERNING DANISH AND FAROESE FISHERIES IN THE GREENLAND FISHERY ZONE¹

Pursuant to article 1, paragraphs 5 and 8, of Act No. 413 of 13 June 1973² on commercial fishing, trapping and hunting in Greenland, as amended by Act No. 624 of 22 December 1976³ and Act No. 597 of 17 December 1976⁴ concerning the fishery zone of the Kingdom of Denmark, it is hereby provided as follows:

Article 1. 1. This Executive Order shall apply to the following persons and establishments not resident in Greenland and having no permanent connexion with the Greenland community:

- (1) Danish nationals;
- (2) Institutions and associations whose management consists exclusively of Danish nationals who are resident in the Kingdom;
- (3) Jointly-owned shipping companies which are at least two-thirds owned by Danish nationals and the managing owner of which is a Danish national and is resident in the Kingdom;
- (4) Joint-stock companies and other limited-liability companies which have elected a board of directors, where at least two-thirds of the directors are Danish nationals who are resident in the Kingdom;
- (5) Other companies in which at least two-thirds of the participants are Danish nationals who are resident in the Kingdom.

2. Where institutions, associations or companies are partners in a jointly-owned shipping company or in a company as referred to in para-

¹ Entered into force as of 1 January 1977. Danish text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

² Partially reproduced in ST/LEG/SER.B/18, p. 301.

³ See *infra*, division V, 11 (b).

⁴ See *supra* (a).

graph (1), subparagraph 5, each partner must independently meet the requirements of this Executive Order in order to be able to engage in fishing operations.

Article 2. The persons and establishments referred to in article 1 shall be entitled to engage in the activities specified below with vessels registered in the Kingdom:

(1) To engage in commercial fishing in the Greenland fishery zone more than 12 nautical miles from the baselines which are used to determine the fishery boundaries;

(2) To process and trans-ship fish and fish products within the area referred to in subparagraph 1;

(3) To transport fish and fish products from the area referred to in subparagraph 1 to landing places in Greenland.

Article 3. The Governor of Greenland may, in special cases, grant to persons other than those referred to in article 1 specific authorization to engage in the activities mentioned in article 2 (2) and (3).

Article 4. Offences against the provisions of this Executive Order or violations of the conditions of the authorization granted in pursuance of the Order may lead to a warning or fine. Such cases shall be dealt with in accordance with the rules laid down in the Act on commercial fishing, trapping and hunting in Greenland.

(f) LEGISLATIVE ASSEMBLY (FAROE ISLANDS) ACT No. 77 OF 27 DECEMBER 1976 CONCERNING THE GRANTING OF CERTAIN TEMPORARY POWERS TO THE NATIONAL EXECUTIVE IN CONNEXION WITH THE EXTENSION OF THE FISHERY ZONE¹

Article 1. In connexion with the extension of the fishery zone the National Executive shall be empowered, in respect of the part of the fishery zone lying more than 12 nautical miles from the baselines, to grant exemptions, by means of Executive Orders, special laws or other similar instruments, from the following provisions of Legislative Assembly (Faroe Islands) Act No. 12 of 10 March 1964² concerning fishing in the fishery zone.

1. From the prohibition in article 2 of commercial fishing by fishing vessels belonging to and registered in a foreign State and by foreign nationals. Such exemptions may be granted only after consultation with the Market Committee of the Legislative Assembly.

2. From the prohibition in article 3 of fishing with trawls, otter trawls or Danish seines. Such exemptions may be granted only after consultation with the Fisheries Committee of the Legislative Assembly.

3. Any agreement concluded with other countries shall be submitted to the Legislative Assembly for approval before it enters into force.

¹ Entered into force on 1 January 1977 pursuant to article 3. Danish text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

² Partially reproduced in ST/LEG/SER.B/15, p. 622.

Article 2. Executive Orders, special laws, and similar instruments enacted pursuant to this Act may prescribe penalties in the form of fines for offences against the provisions of Executive Orders or the conditions of special laws and similar instruments.

Article 3. This Act shall enter into force in 1 January 1977 and shall be submitted to the Legislative Assembly for review by 1 December 1977 at the latest.

(g) EXECUTIVE ORDER NO. 47 OF 8 FEBRUARY 1977 BY THE MINISTRY FOR GREENLAND CONCERNING THE SUPERVISION OF FISHING BY NON-EEC COUNTRIES IN THE GREENLAND FISHERY ZONE¹

Pursuant to article 4, paragraph 1, and article 11 of Act No. 413 of 13 June 1973² on commercial fishing, trapping and hunting in Greenland, as amended by Act No. 624 of 22 December 1976³ and Act No. 597 of 17 December 1976⁴ concerning the fishing zone of the Kingdom of Denmark, it is hereby provided as follows:

Article 1. 1. This Executive Order shall apply to persons and establishments from countries which are not members of the European Economic Community (EEC) and which have been granted the rights of access to the fisheries in the Greenland fishery zone.

2. This Executive Order shall apply both to vessels engaged in fishing and to vessels which prepare, trans-ship and transport fish and fish products.

Article 2. 1. Before arrival in the Greenland fishery zone, information shall be provided concerning:

- (1) The vessel's name;
- (2) The vessel's country of registry;
- (3) The vessel's registry number;
- (4) The number displayed on the vessel's side;
- (5) The name of the vessel's master;
- (6) The vessel's radio call signal;
- (7) The activities planned (including the expected fishing area and the kind of fishing concerned).

2. No later than 48 hours before departure from the Greenland fishery zone, notification shall be given of the expected time of departure.

Article 3. 1. No later than one week after arrival in the Greenland fishery zone, a report shall be submitted, stating:

- (1) The vessel's name;
- (2) The vessel's country of registry;

¹ Danish text provided by the Foreign Ministry of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

² Partially reproduced in ST/LEG/SER.B/18, p. 301.

³ See *infra*, division V, 11 (b).

⁴ See *supra* (a).

- (3) The vessel's registry number;
- (4) The number displayed on the vessel's side;
- (5) The vessel's radio call signal;
- (6) The period covered by the report;
- (7) The nominal catch (round weight) during the period for each species of fish and for each area. The areas for East Greenland are the ICES statistical areas and for West Greenland the ICNAF divisions (1A-1F). In the case of shrimp fishing off West Greenland, however, all catches, including those portions returned to the sea shall be reported, broken down according to the following areas:
 - (i) ICNAF division 1A north of 69° 30' North;
 - (ii) ICNAF division 1A south of 69° 30' North and ICNAF division 1B north of 68° 00' North;
 - (iii) ICNAF division 1B south of 68° 00' North and ICNAF division 1C;
 - (iv) ICNAF division 1D, 1E and 1F;
- (8) In the case of trans-shipment: species, amount (with information as to whether the calculation is based on product weight or round weight) and the vessel to which trans-shipment was made;
- (9) The date of the report;
- (10) The name of the vessel's master.

2. A similar report shall be submitted on the same day of each successive week so long as the vessel remains in the Greenland fishery zone. Before departure from the fishery zone, a final report of the same kind shall be submitted, specifying the vessel's total catch for each species and for each area specified in paragraph (1), subparagraph 7.

Article 4. The reports referred to in articles 2 and 3 shall be in Danish or English and shall be telegraphed to the Governor of Greenland (telegraphic address: CENTRAL, Godthåb).

Article 5. The logbook shall be permanently kept on board and shall include daily entries concerning:

- (1) Position;
- (2) The sizes of catches, including those portions returned to the sea, broken down according to species;
- (3) The types of fishing gear used;
- (4) The amount of fishing activity, that is to say, the number of lines and hooks and the number of times trawls were hauled in, and the total amount of time the gear was used for fishing during the day in question;
- (5) The use made of each catch, including those portions returned to the sea;

(6) The total number of catches the vessel has made during the year in question, including those portions returned to the sea, broken down according to species for each of the areas specified in article 3, paragraph (1), subparagraph 7.

Article 6. Offences against the provisions of this Executive Order may lead to warning or fine. Such cases shall be dealt with in accordance with the rules laid down in the Act on commercial fishing, trapping and hunting in Greenland.

...

(h) EXECUTIVE ORDER NO. 347 OF 16 JUNE 1977 BY THE MINISTRY FOR GREENLAND CONCERNING SALMON FISHING IN THE GREENLAND FISHERY AREA¹

Pursuant to article 4 of Act No. 413 of 13 June 1973² on commercial fishing, trapping and hunting in Greenland, as amended by Act No. 624 of 22 December 1976³ and by Act No. 597 of 17 December 1976⁴ on the fishing territory of the Kingdom of Denmark, it is hereby provided as follows:

Article 1. This Executive Order shall apply to commercial salmon fishing carried out in 1977 in the Greenland fishery area west of Capte Farvel by Greenland fishermen.

Article 2. 1. Salmon fishing may take place only with the authorization of the Minister for Greenland or such person as he may authorize for the purpose. In connexion with such authorization, an apportionment of the catch quantities may be made among the persons receiving authorization. For the purpose of arriving at a suitable apportionment, the Governor of Greenland may establish provisions, over and above the measures referred to in article 4, prohibiting or restricting the use of certain fishing gear, types of fishing gear or fishing methods; a notice to that effect may be issued through the radio and press.

2. Authorizations may not be granted to persons whose main occupation lies outside the fields of fishing, trapping and sheep farming.

Article 3. Gear used for the purpose of salmon fishing must not be set in place before 10 August.

...

Article 6. 1. Offences against the provisions of this Executive Order may give rise to a warning or a fine.

2. The regulations of the Criminal Code for Greenland shall apply with respect to confiscation. A catch may be confiscated even if it cannot

¹ Danish text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977. Translation by the Secretariat of the United Nations.

² Partially reproduced in ST/LEG/SER.B/18, p. 301.

³ See *infra*, division V, 11 (b).

⁴ See *supra* (a).

be definitely established that it derives in its entirety from the unlawful circumstance.

...

Article 7. Executive Order No. 353 of 15 June 1976 concerning salmon fishing in the Greenland fishery area, as amended by Executive Order No. 498 of 8 October 1976, shall cease to have effect.

11. DOMINICAN REPUBLIC

[ACT NO. 186 OF 13 SEPTEMBER 1967 ON THE TERRITORIAL SEA, CONTIGUOUS ZONE, EXCLUSIVE ECONOMIC ZONE AND CONTINENTAL SHELF, AS AMENDED IN 1977, Articles 4-6 and 8]¹

12. GERMAN DEMOCRATIC REPUBLIC

(a) DECREE OF 22 DECEMBER 1977 CONCERNING THE ESTABLISHMENT OF A FISHERY ZONE OF THE GERMAN DEMOCRATIC REPUBLIC IN THE BALTIC SEA²

Article 1

Effective 1 January 1978, the German Democratic Republic shall establish a fishery zone adjacent to the seaward boundary of its territorial sea.

Article 2

(1) The fishery zone of the German Democratic Republic shall be delimited in relation to other States, whose coasts lie opposite the coast of the German Democratic Republic or border on the coasts of the German Democratic Republic, unless otherwise provided in inter-governmental agreements with these States in such a way, that the limit shall be the line on which each point is equidistant from the nearest points on the baselines, from which the breadth of the territorial sea of each State is measured.

(2) The baseline as determined in the relevant laws and regulations of the German Democratic Republic³ shall be the basis for the delimitation of the fishery zone of the German Democratic Republic.

Article 3

The German Democratic Republic shall exercise sovereign rights in the fishery zone referred to in Article 1 for the purpose of the exploration,

¹ *Supra*, division I, subdivision A, chap. I, 11.

² Entered into force on 22 December 1977 pursuant to article 9. English version provided by the Permanent Representative of the German Democratic Republic to the United Nations in a letter of 15 March 1979.

³ Presently, the Decree Concerning the Regulations Governing the Border Areas and the Territorial Sea of the German Democratic Republic of 15 June 1972 (abbr. Border Regulations) (GBl. II Nr. 43 p. 483, Ber.GBl.I 1974 Nr. 39, p. 368) (partially reproduced in SG/LEG.B/18, p. 19,) is applicable as amended by Decree No. 2 of 24 July 1974 (GBl. Nr. 39 p. 367).

conservation, utilization and management of fish stocks and other living resources.

Article 4

Within the fishery zone of the German Democratic Republic, fishing vessels of other States may conduct fisheries and engage in other related activities only on the basis of inter-governmental agreements between the German Democratic Republic and these States.

Article 5

(1) The regulations necessary for the exploration, conservation, utilization and rational management of fish stocks and other living resources in the fishery zone of the German Democratic Republic shall be issued by the competent authorities of the German Democratic Republic on the basis of this decree.

(2) The regulations referred to in paragraph 1 shall especially include the following stipulations:

(a) the annual total allowable catch in the fishery zone of the German Democratic Republic broken down to individual species and specific areas;

(b) the portion of the annual allowable catch which may be harvested by fishing vessels of other States in accordance with Article 4, and the conditions governing such fishing operations;

(c) measures to ensure the rational and orderly conduct of fishing operations including provisions to govern the number and size of vessels, the fishing gear to be used, limitations concerning fishing gear, the establishment of closed seasons and closed areas, and other measures necessary for the protection, conservation and increase of fish stocks and other living resources.

Article 6

The present decree shall not affect the rights and obligations ensuing from the membership of the German Democratic Republic in international organizations or from inter-governmental agreements of the German Democratic Republic with other States.

Article 7

Violations of the provisions of this decree shall be punishable in accordance with the laws and regulations of the German Democratic Republic.

Article 8

The provisions of the present decree shall be reviewed following the conclusion of the Third United Nations Conference on the Law of the Sea in the light of the results attained there.

(b) LAW OF 13 OCTOBER 1978 ON FISHERIES IN THE FISHERY ZONE OF THE GERMAN DEMOCRATIC REPUBLIC¹

Article 1

PURVIEW

(1) This Law shall be applicable to the fisheries conducted by fishing vessels of other States in the fishery zone of the German Democratic Republic.

(2) This Law shall not be applicable to fishing vessels sailing under the flag of the German Democratic Republic.

Article 2

BASIC PROVISION GOVERNING THE CONDUCT OF FISHERIES IN THE FISHERY ZONE OF THE GERMAN DEMOCRATIC REPUBLIC

(1) Within the fishery zone of the German Democratic Republic, fishing vessels of other States may conduct fisheries and engage in related activities by virtue of inter-governmental agreements between the German Democratic Republic and these States.

(2) Catch quotas may be granted to the States in question in pursuance of inter-governmental agreements. At the same time, the maximum fishing effort concerning total fisheries, individual species of fish and specific areas shall be established.

(3) According to the catch quotas allocated, the fishing vessels of the States in question may be granted permits to conduct fisheries (hereinafter referred to as "licence"), without which fishing shall not be allowed.

(4) The competent authorities of the German Democratic Republic may levy fees for the granting of licences for the conduct of fisheries in the fishery zone of the German Democratic Republic.

CONDITIONS GOVERNING THE CONDUCT OF FISHERIES IN THE FISHERY ZONE OF THE GERMAN DEMOCRATIC REPUBLIC

Article 3

The competent authorities of the States with which inter-governmental agreements were signed under Article 2 paragraph 1, shall transmit to the competent authorities of the German Democratic Republic the data prescribed by the latter concerning vessels which wish to conduct fisheries or to engage in related activities in the fishery zone of the German Democratic Republic.

Article 4

The beginning and completion of fishing operations in the fishery zone of the German Democratic Republic shall be reported in accordance

¹ Entered into force pursuant to Article 14 upon its promulgation on 13 October 1978. English version provided by the Permanent Representative of the German Democratic Republic to the United Nations in a letter of 15 March 1979.

with the regulations of the competent authorities of the German Democratic Republic. The same shall apply to the data concerning fishing activities in the fishery zone of the German Democratic Republic.

Article 5

(1) The fishing vessels permitted to fish in the fishery zone of the German Democratic Republic are required to keep a fishing log book which shall contain data regarding the location and time of the catch, the fishing effort and daily catch, the transshipment of the catch to other vessels, and the fish taken on board for processing or transportation. The fishing log book shall be presented to the competent authorities of the German Democratic Republic upon their request.

(2) Instead of the fishing log book vessels less than 15 meters in length may keep a catch record which shall contain complete and chronological data at least about the fishing grounds, the time of the catch, the species of fish and the daily catch.

Article 6

Fishing vessels which conduct fisheries and engage in other related activities in the fishery zone of the German Democratic Republic, shall display in a conspicuous place the flag of the registration or home State.

Article 7

PROTECTION AND CONSERVATION OF LIVING RESOURCES

Fishing vessels of foreign States have to conduct their fisheries and engage in related activities in the fishery zone of the German Democratic Republic with due respect for the laws and regulations of the German Democratic Republic pertaining to the conservation, utilization and rational management of fish stocks and other living resources.

Article 8

SUPERVISION AND CONTROL

(1) The competent authorities of the German Democratic Republic shall be responsible for the supervision and control of the observance by the fishing vessels of foreign States of the laws and regulations in the fishery zone of the German Democratic Republic.

(2) The competent authorities shall be empowered

(a) to call on fishing vessels to display the flag;

(b) to stop fishing vessels, to board them and to stay on board while the fishing vessels are within the fishery zone of the German Democratic Republic;

(c) to inspect fishing vessels, including the examination of holds for fish and fish products, processing facilities and fishing gear;

(d) to examine the ship's papers and all documents which contain information about fishing operations in the fishery zone of the German Democratic Republic and, if necessary, to make copies thereof;

(e) to use the radio and telex installations of the fishing vessel inspected;

(f) to enter any violation observed in the fishing log book or the catch record;

(g) to seize objects for the purpose of securing evidence in cases of violation of the laws and regulations regarding the conduct of fisheries in the fishery zone of the German Democratic Republic;

(h) to call on fishing vessels to leave the fishery zone of the German Democratic Republic or to move them into a port of the German Democratic Republic and to bring them before an authority to investigate the responsibility under criminal law.

(3) The authorities responsible for supervision and control shall be empowered to give instructions to the master or the person in charge of the vessel, if this is necessary to ensure observance of the laws and regulations in the fishery zone of the German Democratic Republic.

(4) The measures taken in accordance with paragraph 2 shall be specified in a report to be drawn up in German, which shall be countersigned by the master or the person in charge of the vessel. The master or the person in charge of the vessel may enter his reservations in the report or add them separately in any language.

Article 9

RESEARCH WORK

The use of research vessels to explore living resources in the fishery zone of the German Democratic Republic shall be subject to prior approval by the competent authorities of the German Democratic Republic, unless otherwise provided in inter-governmental agreements between the German Democratic Republic and other States.

PROVISIONS CONCERNING PUNITIVE ACTION AND FINES

Article 10

(1) Anyone who deliberately or negligently conducts fisheries in the fishery zone of the German Democratic Republic without a licence or in violation of the provisions of pertinent inter-governmental agreements shall be fined a maximum of 100,000 marks.

(2) Any attempt shall be punishable.

Article 11

(1) In petty cases, acts under Article 10, paragraph 1, may be subject to reprimand or a fine between 10 and 500 marks as minor offences.

(2) Equally, anyone may be held responsible who deliberately or negligently

1. violates the provisions laid down by the competent authorities of the German Democratic Republic for the conduct of fisheries;

2. obstructs the measures under Article 8 or fails to comply with the instructions given by the competent authorities;

3. violates the laws and regulations in force in the German Democratic Republic regarding the conservation, utilization and rational management of fish stocks and other living resources.

(3) If a deliberate act under paragraphs 1 and 2 is committed for self-gain or similar reasons in disregard of public interests, or if the act has been repeatedly committed within two years and punished with a fine, a fine of up to 1,000 marks may be imposed.

(4) The institution of legal proceedings to impose a fine shall be the responsibility of the heads of the authorities in charge of the supervision and control of the observance by fishing vessels of laws and regulations in the fishery zone of the German Democratic Republic.

(5) The Act to Combat Minor Offences (abbr. OWG) of 12 January 1968 (Gesetzblatt I Nr. 3, p. 101) shall be applicable to the institution of legal proceedings to impose a fine and to the imposition of fines.

Article 12

(1) In addition to the penalty or the imposition of a fine objects which have been used or are destined to be used to commit the criminal act or the minor offence, or objects which have been obtained by such act, shall be confiscated without compensation regardless of ownership or the rights of any third party.

(2) Confiscation according to paragraph 1 may also be an independent action.

(3) Beside the action set forth in paragraphs 1 and 2 or independent action, the licence granted may be revoked.

...

13. GERMANY, FEDERAL REPUBLIC OF

PROCLAMATION OF THE FEDERAL REPUBLIC OF GERMANY OF 21 DECEMBER 1976 ON THE ESTABLISHMENT OF A FISHERY ZONE OF THE FEDERAL REPUBLIC OF GERMANY IN THE NORTH SEA¹

Profound changes are underway in the international law of the sea. This is evident particularly from the proceedings of the Third United Nations Conference on the Law of the Sea, which has been in progress since 1973 and has not yet completed its work. Independently of the Conference, however, many States, also in the North Atlantic area, have, without waiting for the outcome of the Conference, begun unilaterally to claim fishery or economic zones extending up to 200 nautical miles off

¹ *Bundesgesetzblatt* 1976, part II, p. 1999. English text provided by the Permanent Representative of the Federal Republic of Germany to the United Nations in a note verbale dated 2 August 1977.

their coasts. This constitutes a very serious threat to the fishery interests of the Federal Republic of Germany as well as of other member States of the European Communities.

On 3 November 1976 the Council of the European Communities agreed, in order to protect the legitimate interests of the member States and taking due account of the main trends emerging at the Conference on the Law of the Sea regarding fishery rights, to take joint steps to deal with this danger. The Council accordingly decided that the member States would, in one concerted move, extend to 200 miles, as from 1 January 1977, the limits of their fisheries jurisdiction off their coasts in the North Sea and the North Atlantic, and that from that date the exploitation of fish stocks in these waters by fishermen from third countries would be regulated in agreements between the European Economic Community and the countries concerned.

In pursuance of the resolution of the Council of the European Communities of 3 November 1976 and following consultation with the other member States the Federal Republic of Germany proclaims the following:

1. The Federal Republic of Germany establishes in the North Sea with effect from 1 January 1977 a fishery zone extending from the seaward boundary of its territorial sea up to 200 miles measured from the baseline, and exercises sovereign rights within this zone for the purpose of the conservation and exploitation of fish stocks. The delimitation of the fishery zone of the Federal Republic of Germany in relation to the fishery zones of other States in the North Sea shall be subject to agreements with such States.

2. In accordance with the resolution of the Council of the European Communities of 3 November 1976, fishermen from the member States of the European Communities are authorized to fish in the fishery zone of the Federal Republic of Germany in accordance with Community Law, while fishermen from third countries may do so as from 1 January 1977 only with special permission or on the basis of agreements with those countries. In the event of contraventions the Federal Republic of Germany reserves the right if necessary to take appropriate measures.

3. The Federal Republic of Germany will exercise its rights in its fishery zone in the North Sea within the framework of the Common Fisheries Policy of the European Communities. The Federal Republic of Germany expects the Third United Nations Conference on the Law of the Sea to arrive at appropriate and equitable results to which the Federal Republic of Germany together with the other member States of the European Communities can agree. It therefore explicitly reserves the right, in agreement with its EC partners, to bring any provisions governing rights and obligations in its fishery zone into line with the results of the Third Conference on the Law of the Sea.

4. The Federal Government intends to introduce the requisite legislative measures as soon as possible.

14. GUATEMALA

[LEGISLATIVE DECREE No. 20-76 OF 9 JUNE 1976 CONCERNING THE BREADTH OF THE TERRITORIAL SEA AND THE ESTABLISHMENT OF AN EXCLUSIVE ECONOMIC ZONE, Articles 3-6 and 8]¹

15. GUYANA

[MARITIME BOUNDARIES ACT, 1977, Sections 2, 15-41]²

16. HAITI

[DÉCLARATION PRÉSIDENTIELLE DU 6 AVRIL 1977 RELATIVE À L'EXTENSION DES EAUX TERRITORIALES ET DE LA ZONE ÉCONOMIQUE EXCLUSIVE]³

17. ICELAND

[LAW No. 41 OF 1 JUNE 1979 CONCERNING THE TERRITORIAL SEA, THE ECONOMIC ZONE AND THE CONTINENTAL SHELF, Articles 3, 4 and 7-10]⁴

18. INDIA

[TERRITORIAL WATERS, CONTINENTAL SHELF, EXCLUSIVE ECONOMIC ZONE AND OTHER MARITIME ZONES ACT, 1976, Sections 7, 9-16]⁵

19. IRELAND

MARITIME JURISDICTION (EXCLUSIVE FISHERY LIMITS) ORDER, 1976⁶

...

2. In this Order a reference to section 6 (1) of the Maritime Jurisdiction Act, 1959 (No. 22 of 1959)⁷ is a reference to that section as amended by section 2 of the Maritime Jurisdiction (Amendment) Act, 1964 (No. 32 of 1964).

¹ *Supra*, division I, subdivision A, chap. I, 14.

² *Ibid.*, 16.

³ *Ibid.*, 17.

⁴ *Ibid.*, 18.

⁵ *Ibid.*, 19.

⁶ Of 22 December 1976. Text transmitted by the Permanent Representative of Ireland to the United Nations with a letter dated 25 April 1977. In accordance with art. 1, this Order came into operation on 1 January 1977.

⁷ For the text of sect. 6 (1) of the Maritime Jurisdiction Act, 1959, as amended in 1964, see ST/LEG/SER.B/15, p. 640.

3. Subject to article 4 of this Order, the exclusive fishery limits of the State shall include, in addition to the sea areas specified in section 6 (1) of the Maritime Jurisdiction Act, 1959,⁷ all sea areas between those areas and the line every point of which is at a distance of 200 nautical miles from the nearest point of the baseline.

4. Where because of the proximity of the fishery limits of another State the exclusive fishery limits specified in article 3 of this Order cannot be applied, the exclusive fishery limits of the State shall include, in addition to the sea areas specified in section 6 (1) of the Maritime Jurisdiction Act, 1959,⁷ all sea areas between those areas and the equitable equidistant line between the State and the other State, being the appropriate line set out in the Schedule to this Order.

SCHEDULE

Article 4

PART I

Between latitude 47° N and latitude 54° N, the geodesic line joining the co-ordinates on European Datum set out under—

<i>Reference</i>	<i>Latitude</i>	<i>Longitude</i>
1	47° 52' 00" N	10° 05' 00" W
2	48° 00' 30" N	9° 55' 00" W
3	48° 16' 30" N	9° 43' 30" W
4	48° 50' 00" N	9° 18' 00" W
5	49° 34' 00" N	8° 38' 30" W
6	49° 53' 00" N	8° 20' 30" W
7	50° 02' 00" N	8° 11' 00" W
8	50° 11' 00" N	8° 00' 00" W
9	50° 19' 30" N	7° 48' 30" W
10	50° 39' 00" N	7° 23' 00" W
11	50° 45' 30" N	7° 15' 00" W
12	50° 58' 00" N	6° 53' 00" W
13	51° 03' 00" N	6° 42' 00" W
14	51° 04' 30" N	6° 35' 30" W
15	51° 19' 00" N	6° 27' 00" W
16	51° 21' 00" N	6° 25' 00" W
17	51° 38' 30" N	6° 08' 00" W
18	51° 54' 00" N	5° 55' 30" W
19	52° 06' 30" N	5° 47' 30" W
20	52° 18' 30" N	5° 37' 00" W
21	52° 29' 00" N	5° 23' 00" W
22	52° 34' 00" N	5° 25' 30" W
23	52° 39' 00" N	5° 26' 00" W
24	52° 45' 30" N	5° 25' 00" W
25	52° 48' 30" N	5° 24' 30" W
26	52° 58' 00" N	5° 21' 00" W
27	53° 08' 30" N	5° 17' 30" W
28	53° 15' 00" N	5° 19' 30" W
29	53° 20' 30" N	5° 18' 30" W

<i>Reference</i>	<i>Latitude</i>	<i>Longitude</i>
30	53° 32' 00" N	5° 19' 00" W
31	53° 44' 30" N	5° 14' 30" W
32	53° 46' 30" N	5° 32' 30" W
33	53° 47' 30" N	5° 41' 00" W
34	53° 50' 00" N	5° 51' 00" W
35	53° 51' 00" N	5° 52' 30" W

PART II

Between latitude 55° N and latitude 58° N, the geodesic line joining the co-ordinates on European Datum set out under—

<i>Reference</i>	<i>Latitude</i>	<i>Longitude</i>
1	57° 34' 00" N	14° 22' 30" W
2	57° 20' 30" N	13° 31' 30" W
3	56° 38' 00" N	9° 18' 00" W
4	56° 35' 00" N	9° 00' 00" W
5	56° 24' 00" N	8° 34' 00" W
6	56° 08' 00" N	7° 44' 30" W
7	55° 58' 00" N	7° 12' 30" W
8	55° 55' 00" N	7° 04' 30" W
9	55° 50' 30" N	6° 58' 30" W
10	55° 48' 00" N	6° 54' 30" W
11	55° 40' 00" N	6° 43' 00" W
12	55° 38' 00" N	6° 40' 30" W
13	55° 35' 30" N	6° 41' 30" W
14	55° 30' 30" N	6° 42' 00" W
15	55° 25' 00" N	6° 44' 00" W

20. JAPAN

- (a) LAW NO. 31 OF 2 MAY 1977 ON PROVISIONAL MEASURES RELATING TO THE FISHING ZONE, AS AMENDED IN 1977¹

Article 1

This Law, in line with factors such as the recent rapid developments in the international community toward a new order of the sea and other significant changes in the international environment relating to fisheries, and to ensure proper conservation and management of fishery resources, shall prescribe provisional measures necessary for the exercise of jurisdiction over fisheries and similar activities within the fishing zone.

¹ Amended by Law No. 83 of 29 November 1977. The original law entered into force on 1 July 1977 by Cabinet Order No. 211 of 17 June 1977. Unofficial English texts provided by the Permanent Representative of Japan to the United Nations in notes verbales dated 27 June 1977 and 5 January 1978.

JURISDICTION WITHIN THE FISHING ZONE

Article 2

Japan has jurisdiction over fisheries (The term "fisheries" means the undertaking involving the catching and taking or culturing of marine animals and plants. The same shall apply hereinafter.) within the fishing zone.

2. Japan also has jurisdiction over the catching and taking of marine animals and plants (Other than that which falls under "fisheries". The same shall apply hereinafter.) within the fishing zone.

3. In exercising its jurisdiction provided for in the preceding two paragraphs, Japan shall respect the recommendations relating to the conservation and management of fishery resources of international organizations of which Japan is a member.

DEFINITIONS

Article 3

In this Law, the term "the baseline of Japan" means the baseline provided for in article 2, paragraph 1, of the Law on the Territorial Sea (Law No. 30 of 1977).¹

2. In this Law, the term "median line" means the line every point of which is equidistant from the nearest point on the baseline of Japan and the nearest point on the baseline from which the breadth of the territorial sea pertaining to the foreign coast which is opposite the coast of Japan is measured.

3. In this Law, the term "fishing zone" means the areas of the sea (excluding the territorial sea and such areas of the sea as prescribed by Cabinet Order)² which extend from the baseline of Japan to the line every point of which is 200 nautical miles from the nearest point on the baseline of Japan. Provided that, where any part of that line as measured from the baseline of Japan lies beyond the median line, the median line (or the line which may be agreed upon between Japan and a foreign country as a substitute for the median line) shall be substituted for that part of the line.

4. In this Law, the term "foreigner" means the following:

(1) Persons who are not Japanese nationals, with the exception of persons lawfully resident in Japan and designated by the Minister of Agriculture and Forestry;

(2) Foreign countries, public organizations of a foreign country or similar organizations, or juridical persons and other organizations established under foreign laws.

APPLICATION OF LAWS AND REGULATIONS WITHIN THE FISHING ZONE

Article 4

The laws and regulations of Japan shall apply, as prescribed by Cabinet Order, with respect to the fisheries and the catching and taking of marine

¹ *Supra*, division I, subdivision A, chap. I, 11 (a).

² *Infra* (b).

animals and plants in which foreigners engage within the fishing zone. The technical modifications necessary for the application of these laws and regulations shall be prescribed by Cabinet Order.¹

PROHIBITION OF FISHERIES, ETC.

Article 5

Foreigners shall not engage in fisheries or in the catching and taking of marine animals and plants in the following areas of the sea within the fishing zone, except in so far as such catching and taking of marine animals and plants is of insignificant nature as prescribed by Ministry of Agriculture and Forestry Ordinance.

- (1) Areas of the sea within the designated areas provided for in paragraph 2 of the Supplementary Provisions of the Law on the Territorial Sea but limited to that part of the sea which extends from the baseline of Japan to the line every point of which is 12 nautical miles from the baseline of Japan;
- (2) Areas of the sea designated by the Minister of Agriculture and Forestry as necessary for the protection of fishery resources and for fisheries adjustment.

PERMISSION TO ENGAGE IN FISHERIES, ETC.

Article 6

Foreigners shall not engage in fisheries or in the catching and taking of marine animals and plants within the fishing zone (The areas prescribed in each of the subparagraphs in the preceding article are excluded therefrom. The same shall apply in the next article and in art. 9, para. 1.), without obtaining permission from the Minister of Agriculture and Forestry as prescribed by Ministry of Agriculture and Forestry Ordinance, except in so far as the case falls under one of the following subparagraphs:

- (1) Where the fisheries or the catching and taking of marine animals and plants pertain to highly migratory species prescribed by Cabinet Order;²
- (2) Where the catching and taking of marine animals and plants is conducted with the approval provided for in article 9, paragraph 1;
- (3) Where the catching and taking of marine animals and plants is of insignificant nature as prescribed by the Ministry of Agriculture and Forestry Ordinance referred in the proviso of the preceding article.

2. Where the Minister of Agriculture and Forestry grants the permission provided for in the preceding paragraph, the Minister shall issue a permit to the foreigner concerned, as prescribed by Ministry of Agriculture and Forestry Ordinance.

3. The foreigner, having obtained the permission provided for in paragraph 1, shall display a prominent sign to that effect on the vessel pertaining to the fisheries or the catching and taking of marine animals

¹ *Ibid.*

² *Infra (b).*

and plants in which he engages and shall keep the permit provided for in the preceding paragraph on the vessel, as prescribed by Ministry of Agriculture and Forestry Ordinance.

CRITERIA FOR PERMISSION, ETC.

Article 7

When an application for the permission provided for in the first paragraph of the preceding article is made, the Minister of Agriculture and Forestry shall not grant the permission of the aforesaid paragraph unless it is considered certain that the fisheries or the catching and taking of marine animals and plants pertaining to the application will be conducted properly in accordance with an international agreement or other arrangements, that such activities will not exceed the limit of catch laid down by the Minister of Agriculture and Forestry for each of the classifications prescribed by Ministry of Agriculture and Forestry Ordinance for the fisheries or the catching and taking of marine animals and plants in which foreigners engage within the fishing zone, and that such activities will be in conformity with other criteria prescribed by Cabinet Order.¹

2. Decisions on the limit of catch pursuant to the provisions of the preceding paragraph shall be made, as prescribed by Cabinet Order, on the basis of fishery resources trends supported by scientific evidence and of the actual situation with respect to fishing by Japanese fishermen within the fishing zone, and with over-all consideration of factors such as the actual situation with respect to fishing by foreigners within the fishing zone and the situation with respect to Japanese fisheries in the waters adjacent to a foreign country.

FISHING FEES

Article 8

Where a foreigner is granted a permit pursuant to the provisions of article 6, paragraph 2, he shall pay to the State fishing fees the amount of which shall be prescribed by Cabinet Order.

2. Where a special reason justifies it, the fishing fees provided for in the preceding paragraph may be reduced or remitted, as prescribed by Cabinet Order.

3. In addition to what is prescribed in the preceding two paragraphs, other necessary matters relating to fishing fees shall be prescribed by Cabinet Order.

APPROVAL RELATING TO THE CATCHING AND TAKING OF MARINE ANIMALS AND PLANTS FOR THE PURPOSES OF EXPERIMENT, RESEARCH, ETC.

Article 9

A foreigner who wishes to engage in the catching and taking of marine animals and plants within the fishing zone for the purposes of experiment

¹ *Infra* (b).

or research, or for other purposes prescribed by Ministry of Agriculture and Forestry Ordinance, shall obtain approval from the Minister of Agriculture and Forestry as prescribed by Ministry of Agriculture and Forestry Ordinance, except in so far as the catching and taking of marine animals and plants pertains to highly migratory species prescribed by the Cabinet Order referred to in article 6, paragraph 1, subparagraph 1, or is of insignificant nature as prescribed by the Ministry of Agriculture and Forestry Ordinance referred to in the proviso of article 5.

2. A foreigner who applies for the approval provided for in the preceding paragraph shall, as prescribed by Cabinet Order, pay to the State fees the amount of which shall be prescribed by Cabinet Order.

3. The provisions of paragraph 2 and paragraph 3 of article 6 shall apply *mutatis mutandis* to the approval provided for in paragraph 1, and the provisions of paragraph 2 of the preceding article shall apply *mutatis mutandis* to the fees provided for in the preceding paragraph.

CONDITIONS AND RESTRICTIONS

Article 10

The permission provided for in article 6, paragraph 1, or the approval provided for in paragraph 1 of the preceding article may be made subject to conditions or restrictions, which may be subsequently altered.

REVOCATION, ETC., OF PERMISSION AND APPROVAL

Article 11

Where a foreigner who has obtained the permission provided for in article 6, paragraph 1, contravenes laws and regulations, or conditions or restrictions provided for in the preceding article, the Minister of Agriculture and Forestry may order the suspension of fisheries or of the catching and taking of marine animals and plants for a fixed period of time or may revoke the permission provided for in the aforesaid paragraph.

2. Where a foreigner who has obtained the approval provided for in article 9, paragraph 1, contravenes laws and regulations, or conditions or restrictions provided for in the preceding article, the Minister of Agriculture and Forestry may revoke the approval provided for in the aforesaid paragraph.

CONSERVATION AND MANAGEMENT OF ANADROMOUS SPECIES

Article 12

From the standpoint that in areas of the sea beyond the fishing zone also (excluding the internal waters, the territorial sea and the areas of the sea equivalent to the fishing zone of a foreign country) Japan has jurisdiction over the anadromous species which spawn in fresh waters of Japan, Japan shall endeavour to achieve, through international co-operation, proper conservation and management of anadromous species in the aforesaid areas of the sea.

DELEGATION OF POWERS TO CABINET ORDERS, ETC.

Article 13

Where Cabinet Orders or Ministry of Agriculture and Forestry Ordinances are enacted, amended or abrogated in accordance with the provisions of this Law, such Orders or Ordinances may prescribe necessary transitional measures (including transitional measures relating to penal provisions), in so far as they are considered reasonably necessary for such enactment, amendment or abrogation.

Article 14

Exemption from the provisions of articles 5 to 11 may be granted by a Cabinet Order¹ to the foreigner and for the areas of the sea designated by that Order with respect to one or more of the aforesaid provisions.

Article 15

Unless otherwise provided for in this Law, procedures necessary for the implementation of articles 23 to 25 and other matters necessary therefor shall be prescribed by Ordinance of the competent Ministry.

EFFECT OF TREATIES

Article 16

Where a treaty provides otherwise for matters provided for in this Law, the provisions of the treaty shall apply.

PENAL PROVISIONS

Article 17

A person who falls under one of the following subparagraphs shall be liable to a fine not exceeding 10 million yen.

(1) A person who has contravened the provisions of article 5 or of article 6, paragraph 1;

(2) A person who has contravened conditions and restrictions to which the permission provided for in article 6, paragraph 1, is made subject pursuant to the provisions of article 10, including those altered pursuant to the provisions of article 10;

(3) A person who has contravened an order issued pursuant to the provisions of article 11, paragraph 1.

Article 18

A person who has contravened the conditions and restrictions to which the approval provided for in article 9, paragraph 1, is made subject pursuant to the provisions of article 10, including those altered pursuant to the provisions of article 10, shall be liable to a fine not exceeding 500,000 yen.

Article 19

In cases which fall under the two preceding articles, any catch and its products, any vessel or any fishing gear or other objects which may be

¹ *Infra* (b).

used for fisheries or for the catching and taking of marine animals and plants owned or possessed by the offender may be forfeited. Provided that, where the forfeiture of the whole or part of the aforesaid objects owned by the offender is impracticable, the monetary value thereof may be forfeited.

Article 20

A person who has contravened the provisions of article 6, paragraph 3 (including cases where the paragraph shall apply *mutatis mutandis* under art. 9, para. 3), shall be liable to a fine not exceeding 200,000 yen.

Article 21

Where a representative of a juridical person or an agent, employee or other worker of a juridical person or of a person has acted, with respect to the business activities or properties of the juridical person or the person, in contravention of article 17, article 18 or the preceding article, not only shall such offender be liable, but the juridical person or the person shall also be liable to the penalty provided for in whichever article is relevant.

EXCEPTION RELATING TO THE JURISDICTION OF THE FIRST INSTANCE

Article 22

The jurisdiction of the first instance with respect to legal proceedings pertaining to offences under the provisions of this Law shall also be conferred upon District Courts.

RELEASE, ETC., UPON THE POSTING OF BOND, ETC.

Article 23

When seizure (The term "seizure" means the seizure of a vessel or the arrest of a master or any other crew. The same shall apply hereinafter.) is effected in connexion with a case involving an offence under the provisions of this Law or other offences prescribed by Cabinet Order (hereinafter referred to as "the case"), any officer designated by Cabinet Order from among the judicial police officers (hereinafter referred to as "the enforcement officer") shall, without delay, notify the master of the vessel pertaining to the aforesaid seizure (including any person performing the duties of master) and the offender of the following matters, except in so far as the case pertains to the fisheries or the catching and taking of marine animals and plants engaged in by foreigners prescribed by Cabinet Order.

(1) The offender shall be released and the vessel and any other articles seized (hereinafter referred to as "articles seized") shall be returned, without delay, upon the posting of bond or a document guaranteeing the posting thereof with the competent Minister as prescribed by the Cabinet Order referred to in para. 1 of the following article;

(2) The amount required to be posted as bond.

2. The amount of the bond provided for in subparagraph (2) of the preceding paragraph shall be determined by the enforcement officer in accordance with the criteria laid down by the competent Minister as

prescribed by Cabinet Order, taking into consideration the type, nature and other circumstances of the case.

Article 24

When the bond in the amount notified pursuant to the provisions of paragraph 1 of the preceding article or the document guaranteeing the posting thereof is posted with the competent Minister as prescribed by Cabinet Order, the competent Minister shall, without delay, notify the enforcement officer or public prosecutor to that effect.

2. Upon receiving notification pursuant to the provisions of the preceding paragraph, the enforcement officer shall, without delay, release the offender and return articles seized.

3. Upon receiving notification pursuant to the provisions of paragraph 1, the public prosecutor shall, without delay, take the steps necessary for the release of the offender and the return of articles seized.

Article 25

The bond shall be held in the custody of the competent Minister.

2. Where, in the proceedings relating to the case, the offender fails to appear at the place required on the date required, or the articles seized, which were returned but which the person (party) concerned has been required to produce, are not produced at the place required on the date required, the bond shall accrue to the National Treasury on the day one month from the day following the aforesaid date, except where communication is made within one month of the day following the aforesaid date to the effect that appearance will be made or the aforesaid articles will be produced on a specified day within three months of the day following the aforesaid date.

3. Where, in cases prescribed by the proviso of the preceding paragraph, the offender fails to appear or the aforesaid articles are not produced on the specified day pertaining to the aforesaid communication, the bond shall accrue to the National Treasury on the day following that day.

4. Where circumstances arise in which custody of the bond is no longer necessary, as in the case of conclusion of the proceedings relating to the case, the bond shall be returned.

THE COMPETENT MINISTER, ETC.

Article 26

The competent Minister referred to in the preceding three articles and the competent Ministry referred to in article 15 shall be prescribed by Cabinet Order.

SUPPLEMENTARY PROVISIONS

....

PARTIAL AMENDMENT OF THE LAW ON REGULATION OF FISHERIES
OF FOREIGNERS

2. The Law on Regulation of Fisheries of Foreigners (Law No. 60 of 1967)¹ shall be partially amended as follows:

The heading of article 3 shall be amended to read "Prohibition of fisheries, etc.", and in the same article the words "shall not engage in fisheries" shall be amended to read "shall not engage in fisheries or in the catching and taking of marine animals and plants (Other than that which falls under "fisheries". The same shall apply hereinafter.) except in so far as such catching and taking of marine animals and plants is of insignificant nature as prescribed by Ministry of Agriculture and Forestry Ordinance".

Subparagraph 2 of the same article shall be amended to read as follows:

(2) Foreign countries, public organizations of a foreign country or similar organizations, or juridical persons and other organizations established under foreign laws.

The following article shall follow article 6:

TRANSITIONAL MEASURES

Article 6-2

Where Cabinet Orders or Ministry of Agriculture and Forestry Ordinances are enacted, amended or abrogated in accordance with the provisions of this Law, such Orders or Ordinances may prescribe necessary transitional measures (including transitional measures relating to penal provisions), in so far as they are considered reasonably necessary for such enactment, amendment or abrogation.

The words "or the catching and taking of marine animals and plants" shall follow the words "fisheries" in article 9, paragraph 2.

(b) ENFORCEMENT ORDER OF 17 JUNE 1977 OF LAW NO. 31 OF 2 MAY 1977 ON PROVISIONAL MEASURES RELATING TO THE FISHING ZONE, AS AMENDED IN 1977²

Article 1

The areas of the sea prescribed by Cabinet Order provided for in article 3, paragraph 3, of the Law on Provisional Measures relating to the Fishing Zone (hereinafter referred to as "the Law") shall be those areas of the sea to the west of the line formed by the lines enumerated hereunder (excluding areas of the sea which are fishery zones of Japan) in accordance with the provisions of the Cabinet Order relating to the Establishment of

¹ Reproduced partially in ST/LEG/SER.B/16, p. 304, with a slightly different wording from the one used in this partial amendment.

² Cabinet Order No. 212 of 17 June 1977, issued in accordance with the provisions of art. 3, para. 3, of the Law on Provisional Measures relating to the Fishing Zone, as amended by Cabinet Order No. 313 of 29 November 1977. Pursuant to its supplementary provisions the original Cabinet Order entered into force on 1 July 1977. Unofficial English texts provided by the Permanent Representative of Japan to the United Nations in notes verbales dated 24 August 1977 and 5 January 1978.

Fishery Zones provided for in art. 1, para. 1, of the Agreement on Fisheries between Japan and the Republic of Korea (Cabinet Order No. 373 of 1965).

(1) The line 135° East Longitude (but limited to that part north of its point of intersection in the Sea of Japan (referred to as "point A" in the next subparagraph) with the line every point of which is 12 nautical miles from the nearest point on the baseline of Japan (hereinafter referred to as "the twelve-nautical mile line")).

(2) The twelve-nautical mile line extending from point A and passing north of Mishima Island to the first point (referred to as "point B" in the next subparagraph) at which the line drawn from the southernmost point of Yokoatejima Island (28° 47' 15" North Latitude, 128° 59' 40" East Longitude) to the Sotsukozaki Lighthouse (28° 15' 3" North Latitude, 129° 8' 20" East Longitude) intersects with the twelve-nautical mile line.

(3) The line drawn from the southernmost point of Yokoatejima Island to the Sotsukozaki Lighthouse (but limited to that part from point B to the other point (referred to as "point C" in the next subparagraph) at which it intersects with the twelve-nautical mile line).

(4) The twelve-nautical mile line extending from point C and passing north of Okinawajima Island to the first point (referred to as "point D" in the next subparagraph) at which the line drawn from the Nishimezaki Lighthouse (26° 21' 40" North Latitude, 126° 42' 40" East Longitude) to the Fudeiwa Lighthouse (24° 58' 40" North Latitude, 125° 21' 36" East Longitude) intersects with the twelve-nautical mile line.

(5) The line drawn from the Nishimezaki Lighthouse to the Fudeiwa Lighthouse (but limited to that part from point D to the other point (referred to as "point E" in the next subparagraph) at which it intersects with the twelve-nautical mile line).

(6) The twelve-nautical mile line extending from point E and passing north of Ishigakijima Island to the first point (referred to as "point F" in the next subparagraph) at which the line drawn from the Funauke Harbor Lighthouse (24° 20' 39" North Latitude, 123° 42' 12" East Longitude) to the Agarisaki Lighthouse (24° 27' 24" North Latitude, 123° 2' 31" East Longitude) intersects with the twelve-nautical mile line.

(7) The line drawn from the Funauke Harbor Lighthouse to the Agarisaki Lighthouse (but limited to that part from point F to the other point (referred to as "point G" in the next subparagraph) at which it intersects with the twelve-nautical mile line).

(8) The twelve-nautical mile line extending from point G and passing north of Yonakunijima Island to the point 24° 17' 15" North Latitude, 122° 47' 42" East Longitude.

(9) The line drawn at an angle of 131 degrees from the point 24° 17' 15" North Latitude, 122° 47' 42" East Longitude.

APPLICATION OF LAWS AND REGULATIONS WITHIN THE FISHING ZONE

Article 2

The laws and regulations of Japan other than the following laws (including Orders enacted thereunder) shall apply with respect to the fisheries

and the catching and taking of marine animals and plants in which foreigners engage within the fishing zone.

(1) The Law to Control Hunting of Sea Otters and Fur Seals (Law No. 21 of 1912).

(2) The Fisheries Law (Law No. 267 of 1949) (excluding art. 74, and those parts of art. 141 and art. 145 which refer to art. 74).

(3) The Fishery Resources Conservation Law (Law No. 313 of 1951).

2. With respect to the application of the provisions of article 74 of the Law on Regulation of Fisheries of Foreigners, in paragraph 1 of that article, the words "the competent Minister or Prefectural Governor" shall be modified to read "the competent Minister", and the words "fisheries inspector or fisheries inspection official" shall be modified to read "fisheries inspector".

HIGHLY MIGRATORY SPECIES PRESCRIBED BY CABINET ORDER

Article 3

The highly migratory species prescribed by Cabinet Order provided for in article 6, paragraph 1, subparagraph 1, of the Law shall be the following:

(1) skipjack (*Katsuwonus pelamis*), black skipjack (*Euthynnus affinis yaito*), frigate mackerel (*Auxis thazard*) and bullet mackerel (*Auxis tapeinosoma*);

(2) albacore (*Thunnus alalunga*), yellowfin tuna (*Thunnus albacares*), bluefin tuna (*Thunnus thynnus*), bigeye tuna (*Thunnus obesus*), and longtail tuna (*Thunnus tonggol*);

(3) broadbill swordfish (*Xiphias gladius*), blue marlin (*Makaira mazara*), black marlin (*Makaira indica*), striped marlin (*Tetrapturus audax*), sailfish (*Istiophorus platypterus*), and shortbill spearfish (*Tetrapturus angustirostris*).

CRITERIA FOR PERMISSION

Article 4

The criteria prescribed by Cabinet Order provided for in article 7, paragraph 1, of the Law shall be that the foreigner making an application belongs shall not be a country which fails to give due consideration to fishing by Japanese fishermen in the waters adjacent to that foreign country.

HEARING OF OPINIONS

Article 5

In laying down the limits of catch provided for in article 7, paragraph 1, of the Law, the Minister of Agriculture and Forestry shall hear the opinion of persons of learning and experience, fishermen, and other parties concerned, with respect to factors such as fishery resources trends and the actual situation with respect to fishing within the fishing zone (excluding the areas of the sea designated in each of the subparagraphs of art. 5 of the Law; the same shall apply hereinafter), and the situation with respect to Japanese fishing in the waters adjacent to a foreign country.

EXCEPTIONS WITH REGARD TO APPLICATION

Article 6

The provisions of the Law shown in the top section of the following schedule shall not apply with respect to the fisheries or the catching and taking of marine animals and plants in which the foreigners as set forth in the middle section of the schedule engage in the areas of the sea as set forth in the bottom section of the schedule.

<i>Article 5</i>	<i>Articles 6 to 11</i>	
Nationals of the Republic of Korea (including the Republic of Korea, its public organizations or similar organizations, or juridical persons and other organizations established under its laws and regulations; the same shall apply hereinafter)	Nationals of the Republic of Korea	Nationals of the People's Republic of China (including the People's Republic of China, its public organizations or similar organizations, or juridical persons and other organizations established under its laws and regulations)
Areas of the sea which are fishery zones of Japan established in accordance with the provisions of the Cabinet Order relating to the Establishment of Fishery Zones provided for in article 1, paragraph 1, of the Agreement on Fisheries between Japan and the Republic of Korea	The fishing zone	The fishing zone

....

OFFENCES PRESCRIBED BY CABINET ORDER PROVIDED FOR IN ARTICLE 23, PARAGRAPH 1, OF THE LAW

Article 7

The offences prescribed by Cabinet Order provided for in article 23, paragraph 1, of the Law shall be offences under the provisions of the Law and offences under articles 141 and 145 of the Fisheries Law (but only those parts of arts. 141 and 145 which refer to art. 74 of the same law) applied in accordance with the provisions of article 4 of the Law.

ENFORCEMENT OFFICER

Article 8

An officer designated by Cabinet Order provided for in article 23, paragraph 1, of the Law shall be a fisheries inspector or maritime safety officer.

CRITERIA FOR THE AMOUNT OF THE BOND

Article 9

The criteria provided for in article 23, paragraph 2, of the Law shall be laid down, taking into consideration the type of offence, the penalty prescribed for that offence, the degree and frequency of the offence, etc.

POSTING OF BOND, ETC.

Article 10

Bond (other than that which is posted pursuant to the provisions stated in a document guaranteeing the posting of bond [hereinafter referred to as "the written guarantee"]. The same shall apply in subpara. (1).) or the written guarantee shall be posted pursuant to the following provisions.

(1) In the case of the bond, it shall be posted in Japanese currency by the offender or the master of the vessel pertaining to the seizure or any other party recognized by the competent Minister as a party appropriate to post a bond within 10 days of the day following that on which the notification prescribed in article 23, paragraph 1, of the Law is made (or, where the enforcement officer, recognizing that unavoidable circumstances exist, has extended the period concerned to within 20 days of the day following that on which the aforesaid notification is made, within that extended period).

(2) In the case of the written guarantee, it shall be in conformity with the following requirements and be posted within the period prescribed in the preceding subparagraph (1).

(a) The aforesaid written guarantee shall be that which guarantees the posting of bond in Japanese currency within one month of the day following the day on which the aforesaid written guarantee is posted, and is such that it is considered that the bond will be posted with certainty pursuant to the provisions stated therein.

(b) The person (party) who posts the bond pertaining to the aforesaid written guarantee shall correspond to the person (party) prescribed in the preceding subparagraph (1).

2. Where the last day of the period provided for in subparagraph (1) and subparagraph (2) (a) of the preceding paragraph falls on Sunday, a holiday provided for in the National Holiday Law (Law No. 178 of 1948), or the 2nd or 3rd of January, that day shall not be included in the aforesaid period.

THE COMPETENT MINISTER AND ORDINANCE OF THE COMPETENT MINISTRY

Article 11

1. The competent Minister referred to in article 23, paragraph 1, article 24, paragraph 1, and article 25, paragraph 1, of the Law, and in paragraph 1 of the preceding article shall be the Minister of Agriculture and Forestry with respect to the case pertaining to the fisheries inspector, and the Minister of Transport with respect to the case pertaining to the maritime safety officer, and the competent Minister referred to in article 23, paragraph 2, of the Law shall be the Minister of Agriculture and Forestry and the Minister of Transport.

2. The Ordinance of the competent Ministry referred to in article 15 of the Law shall be the Ordinance of the Ministry of Agriculture and Forestry and the Ministry of Transport.

21. KENYA

PROCLAMATION BY THE PRESIDENT OF THE REPUBLIC OF KENYA
OF 28 FEBRUARY 1979¹

Whereas the Law of Nations is in the process of development by the Third United Nations Conference on the Law of the Sea, to recognize the right of a coastal state to establish beyond and adjacent to its territorial sea an area commonly referred to as an Exclusive Economic Zone, and to exercise thereon sovereign rights for the purpose of exploring, exploiting, conserving and managing the natural resources whether renewable or non-renewable, of the water column, sea-bed and subsoil.

And whereas, it is already recognized by the said Law of the Sea Conference that the extent of the area referred to as the Exclusive Economic Zone, aforesaid, shall not exceed two hundred nautical miles measured from the same base line as the territorial sea.

And whereas, it is necessary that a declaration be made establishing the extent of the said Exclusive Economic Zone of the Republic of Kenya.

Now therefore, I, Daniel Arap Moi, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, do hereby declare and proclaim in accordance with the Constitution of the Republic of Kenya:

1. That notwithstanding any rule of law or any practice which may hitherto have been observed in relation to Kenya or the waters beyond or adjacent to the territorial Sea of Kenya, the Exclusive Economic Zone of the Republic of Kenya extend across the sea to a distance of two hundred nautical miles measured from the appropriate base line from where the territorial sea is measured as indicated in the Map annexed to this Proclamation. Without prejudice to the foregoing, the Exclusive Economic Zone of Kenya shall:

¹ English text provided by the Minister of Foreign Affairs of the Republic of Kenya in a letter of 5 March 1979.

(a) in respect of its southern territorial waters boundary with the United Republic of Tanzania be an eastern latitude north of Pemba island to start at a point obtained by the northern intersection of two arcs one from the Kenya Lighthouse at Mpunguti ya Juu, and the other from Pemba island Lighthouse at Ras Kigomasha.

(b) in respect of its northern territorial waters boundary with Somali Republic be on eastern latitude South of Diua Damasciaca Island being latitude 1° 38' South.

2. That this Proclamation shall not affect or be in derogation of the vested rights of the Republic of Kenya over the Continental Shelf as defined in the Continental Shelf Act 1973.

3. All States shall, subject to the applicable laws and regulations of Kenya, enjoy in the Exclusive Economic Zone the freedom of navigation and overflight and of the laying of sub-marine cables and pipelines and other internationally lawful recognized uses of the sea related to navigation and communication.

4. That the scope and régime of the Exclusive Economic Zone shall be as defined in the schedule attached to this Proclamation.

SCHEDULE

The scope and régime of Exclusive Economic Zone

1. In and throughout the zone Kenya exercises the following:

(a) Sovereign rights for the purpose of exploring, exploiting, conserving and managing the natural resources, whether renewable or non-renewable of the water column, the sea-bed, and the subsoil thereof.

(b) Sovereign rights with regard to other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water currents and winds.

(c) (i) Jurisdiction with respect to regulation control and preservation of marine environment including pollution control and abatement.

(ii) Exclusive jurisdiction with respect to authorization and control of scientific research.

(iii) Exclusive jurisdiction with respect to the establishment and use of artificial islands, installations, structures and other devices including customs, fiscal, health, public order and immigration regulations pertaining thereto.

(iv) Other rights and duties compatible with international conventions or protocols to which Kenya is or may become party.

2. Kenya may permit other States or Nationals of such states to fish in the zone on such terms and conditions and subject to compliance with such regulations as it may prescribe. In particular and without prejudice to the generality of the foregoing these may *inter alia* relate to the following:

(a) Licensing of fishermen, fishing vessels and gear including payment of fees and other forms of remuneration.

(b) Conservation measures to preserve and manage the exploitation of fisheries resources including measures relating to and determining the species which may be caught and fixing quotas per vessel over a period of time or to the catch by nationals of any State during a specified period.

(c) Regulating seasons and areas of fishing, the types, sizes and amount of gear, and the numbers, sizes and types of fishing vessels that may be used in the zone.

(d) Fixing the age and size of fish and other species that may be caught.

(e) Specifying information required of fishing vessels, including catch and effort statistics and vessel position reports.

(f) Requiring, under the authorization and control of Kenya, the conduct of specified fisheries research programmes and regulating the conduct of such research, including the sampling of catches, disposition of samples, and reporting of associated scientific data.

(g) The placing of Kenyan observers or trainees on board such vessels.

(h) The landing of all or any part of the catch by such vessels in the ports of Kenya.

(i) Terms and conditions relating to joint ventures or other co-operative arrangements.

(j) Requirements for training personnel and transfer of fisheries technology including enhancement of Kenya's capability of undertaking fisheries research, management and development of the living resources of the zone.

(k) Measures for the enforcement of Law and regulations in accordance with this Proclamation.

22. MALDIVES

(a) LAW NO. 30/76 OF 5 DECEMBER 1976, RELATING TO THE EXCLUSIVE ECONOMIC ZONE OF THE REPUBLIC OF MALDIVES¹

1. The area, including the sea as well as the sea-bed and the subsoil thereof, situated within the line joining the points of which the co-ordinates

¹ Came into effect 5 December 1976. English text provided by the Permanent Representative of the Republic of Maldives to the United Nations in a letter dated 29 July 1977. This law supersedes Act No. 5/69 Javiyani of 1969, as amended by Act No. 52/70 Javiyani of 30 December 1970, partially reproduced in ST/LEG/SER.B/16, p. 308.

are given below, shall constitute the Exclusive Economic Zone of the Republic of Maldives.

(1)	7° 57' 27" N	69° 35' 45" E
(2)	7° 57' 27" N	69° 11' 48" E
(3)	4° 02' 20" S	69° 11' 48" E
(4)	4° 02' 20" S	77° 05' 42" E
(5)	3° 27' 15" N	77° 05' 42" E
(6)	4° 47' 04" N	77° 01' 40" E
(7)	4° 52' 15" N	76° 56' 48" E
(8)	5° 05' 35" N	76° 43' 15" E
(9)	5° 13' 56" N	76° 36' 48" E
(10)	6° 28' 14" N	75° 41' 34" E
(11)	6° 33' 21" N	75° 38' 31" E
(12)	6° 51' 06" N	75° 25' 46" E
(13)	7° 15' 27" N	75° 16' 19" E
(14)	7° 24' 00" N	75° 12' 06" E
(15)	7° 25' 19" N	75° 11' 18" E
(16)	7° 51' 30" N	74° 56' 09" E
(17)	7° 48' 30" N	74° 29' 45" E
(18)	7° 41' 50" N	73° 38' 34" E
(19)	7° 39' 02" N	73° 19' 38" E
(20)	7° 40' 52" N	73° 03' 23" E
(21)	7° 42' 19" N	72° 49' 30" E
(22)	7° 42' 54" N	72° 42' 26" E
(23)	7° 49' 05" N	72° 03' 45" E
(24)	8° 05' 38" N	70° 15' 08" E
(25)	7° 57' 27" N	69° 35' 45" E

2. The Republic of Maldives shall have the sovereign rights and exclusive jurisdiction over its Economic Zone for the purpose of exploitation, conservation and management of the natural resources therein, both living and non-living, or for any other economic purpose. Thus the use and exploitation of the products or natural resources found in the said Zone for any economic purpose, or the conduct of scientific researches, or the construction, maintenance or operation of artificial structures and devices for any purpose within the said Zone shall not be executed by non-Maldivians without assent of the Government of the Republic of Maldives.

3. Any person or persons contravening the sovereign rights of the Republic of Maldives over its Economic Zone shall be liable to prosecution and conviction in accordance with Laws and Regulations of the Republic of Maldives.

(b) [LAW NO. 32/76 OF 5 DECEMBER 1976, RELATING TO THE NAVIGATION AND PASSAGE BY FOREIGN SHIPS AND AIRCRAFTS THROUGH THE AIRSPACE, TERRITORIAL WATERS, AND THE ECONOMIC ZONE OF THE REPUBLIC OF MALDIVES, Sections 1 and 4]¹

¹ *Supra*, division I, subdivision A, chap. II, 13.

23. MEXICO

(a) FEDERAL ACT OF 10 MAY 1972 ON FISHERIES DEVELOPMENT,¹ AS AMENDED IN 1976²

Sole article. Article 37 of the Federal Act on Fisheries Development is hereby amended to read as follows:

Article 37. Foreign vessels are prohibited from engaging in commercial fishing in the territorial waters and in the waters of the exclusive economic zone.³

In exceptional cases, the Federal Executive, through the secretariat of Industry and Commerce, may grant foreign vessels fishing permits for individual voyages, when the total allowable catch of a species is greater than the fishing capacity of Mexican vessels.

Those wishing to obtain permits must submit to the secretariat of Industry and Commerce an application specifying net registered tonnage, the type of vessel and the gear involved, produce their National Fishery Registration Certificate, and undertake the following:

- I. Not to unload the catch in Mexican territory;
- II. To leave the waters of the zone within the established time-limit;
- III. Not to engage in fishing for or commercial hunting of marine mammals or of species reserved for fishing co-operatives or of those reserved for sport fishing as established in articles 40 and 10 of this Act;
- IV. To make available to Mexican nationals, without payment of remuneration or performance of services in return, the technology used in the fishing operations and in the industrial processing of the species caught under these authorizations;
- V. To make a cash deposit to guarantee compliance with the above-mentioned obligations;
- VI. Applicants for permits to fish within the territorial waters must also comply with the following provisions:

- (a) At least 50 per cent of the crew must be of Mexican nationality.
- (b) The Mexican crew must be hired in Mexican territory, at the same wages and with the same benefits as the foreign crew whenever such wages and benefits are superior to Mexican wages and benefits.
- (c) The applicant must undertake not to engage in commercial fishing for sardines and anchoveta.
- (d) The applicant must undertake not to catch live sardines for bait within the zone where it is prohibited by the secretariat of Industry and Commerce.

¹ Reproduced in ST/LEG/SER.B/18, pp. 337-344.

² By decree of 10 February 1976. *Diario Oficial* of 13 February 1976, pp. 3, 4. Spanish text provided by the Permanent Representative of Mexico to the United Nations in a note verbale of 21 June 1977. Translation by the Secretariat of the United Nations.

³ *Infra*, 23 (b), (c) and (d).

(e) The applicant must undertake not to engage in commercial fishing in zones that are reserved under the terms of this Act.

The secretariat of Industry and Commerce shall take all necessary decisions in accordance with the national interest. If its decision is favourable, the applicant must pay such taxes and duties as may be established by the fiscal regulations in force.

In granting special permits, the secretariat of Industry and Commerce shall give preference to foreign vessels of countries that grant similar conditions on a basis of reciprocity, to Mexican vessels; such vessels may be exempted from one or more of the requirements and conditions set forth above, if such exemption is in the national interest.

TRANSITIONAL PROVISION

Sole article. This Act shall enter into force simultaneously with the addition of paragraph 8 to article 27 of the Constitution.

- (b) DECREE OF 26 JANUARY 1976 ADDING A NEW PARAGRAPH 8 TO ARTICLE 27 OF THE CONSTITUTION OF THE UNITED MEXICAN STATES,¹ TO PROVIDE FOR EXCLUSIVE ECONOMIC ZONE BEYOND THE TERRITORIAL SEA

Sole article. The following paragraph shall be added after the seventh paragraph of article 27 of the Political Constitution of the United Mexican States:

“Article 27 . . .

“The Nation exercises in an exclusive economic zone beyond and adjacent to the territorial sea, sovereign rights and jurisdictions as determined by laws adopted by Congress. The exclusive economic zone shall extend to a distance of 200 nautical miles from the baseline from which the territorial sea is measured. In those cases in which such extension causes overlapping with the exclusive economic zones of other States, the delimitation of the zones will be determined, as appropriate, by agreement with those States.”

TRANSITIONAL PROVISION

Sole article. This Decree shall enter into force 120 days after its publication in the *Diario Oficial* of the Federation.

- (c) ACT OF 10 FEBRUARY 1976² REGULATING THE PROVISIONS OF PARAGRAPH 8 OF ARTICLE 27 OF THE POLITICAL CONSTITUTION OF THE UNITED MEXICAN STATES CONCERNING THE EXCLUSIVE ECONOMIC ZONE³

Article 1. The Nation exercises in an exclusive economic zone beyond and adjacent to the territorial sea the sovereign rights and jurisdiction determined by this Act.

¹ *Diario Oficial* of 6 February 1976, p. 2. Spanish text provided by the Permanent Representative of Mexico to the United Nations in a note verbale of 21 June 1977. Translation by the Secretariat of the United Nations.

² *Diario Oficial* of 13 February 1976. Spanish text provided by the Permanent Representative of Mexico to the United Nations in a note verbale of 21 June 1977. Translation by the Secretariat of the United Nations.

³ *Supra* (b).

Article 2. The outer limits of the exclusive economic zone shall be a line the points of which shall all be at a distance of 200 nautical miles from the baseline from which the breadth of the territorial sea is measured. In those cases in which such extension causes overlapping with the exclusive economic zones of other States, the delimitation of the zones will be determined, as appropriate, by agreement with those States.

Article 3. The islands which are part of the national territory, except those which cannot be kept inhabited or which do not have an economic life of their own, shall also have an exclusive economic zone the limits of which shall be fixed in accordance with the provisions of the preceding article.

Article 4. In the exclusive economic zone, the Nation has:

I. Sovereign rights for purposes of exploration and exploitation, conservation and management of the natural resources, both renewable and non-renewable, of the sea-bed, including the subsoil and the superjacent waters;

II. Exclusive rights and jurisdiction with respect to the establishment and utilization of artificial islands, installations and structures;

III. Exclusive jurisdiction with respect to other activities pertaining to the exploration and economic exploitation of the zone.

IV. Jurisdiction with respect to:

(a) The preservation of the marine environment, including pollution control and elimination.

(b) Scientific research.

Article 5. Foreign States shall enjoy in the exclusive economic zone freedoms with respect to navigation and overflight, the laying of submarine cables and pipelines, and other internationally lawful uses of the sea relating to navigation and communications.

Article 6. The Federal Executive Branch shall ensure through proper management and conservation measures that the living resources are not endangered by over-exploitation.

The Federal Executive shall determine the allowable catch of living resources in the exclusive economic zone.

Article 7. Without prejudice to the provisions of the preceding article, the Federal Executive shall promote the optimum utilization of the living resources of the exclusive economic zone.

Article 8. When the total allowable catch of a species is greater than the fishing and hunting capacity of Mexican vessels, the Federal Executive Branch shall allow foreign vessels access to the surplus of the allowable catch, in accordance with the national interest and under the conditions set forth in the Federal Fishery Promotion Act.

Article 9. The provisions of this Act do not modify the régime of the continental shelf.

TRANSITIONAL PROVISIONS

First. In implementing this Act, the Federal Executive Branch shall, as necessary, observe those laws and regulations in force which are applicable to the subjects covered by article 4 of this Act, until such time as specific legal provisions are enacted for each subject.

Second. This Act shall enter into force simultaneously with the addition of paragraph 8 to article 27 of the Constitution, for the implementation of which this Act establishes regulations.

(d) DECREE OF 4 JUNE 1976 ESTABLISHING THE OUTER LIMIT OF THE EXCLUSIVE ECONOMIC ZONE OF MEXICO¹

Luis Echeverria Alvarez, Constitutional President of the United Mexican States, exercising the powers bestowed upon me by section 1 of article 89 of the Constitution, and in keeping with the provisions of articles 2 and 3 of the Act establishing regulations for the implementation of the eighth paragraph of article 27 of the Constitution, concerning the Exclusive Economic Zone and

Considering

That the Act establishing regulations for the implementation of the eighth paragraph of article 27 of the Constitution, concerning the Exclusive Economic Zone, published in the *Diario Oficial* of 13 February 1976, states that the outer limit of that zone shall be a line the points of which shall all be at a distance of 200 nautical miles from the baseline from which the breadth of the territorial sea is measured and that in those cases in which such extension causes overlapping with the exclusive economic zones of other States, the delimitation of the zones will be determined, as appropriate, by agreement with those States.

That in accordance with article 18, section II, of the General Act on National Property, the breadth of the territorial sea is measured from the low-water line on the coasts and islands that are part of the national territory, but that it can also be measured, according to the provisions of the second paragraph of the aforementioned article, according to other criteria that are equally acceptable under international law.

That, for the above reason, it is necessary, in order for the Act establishing regulations for the implementation of the eighth paragraph of article 27 of the Constitution to have the desired effect, that navigators and the public in general have an exact knowledge of the outer limit of the Exclusive Economic Zone.

That this requirement can only be met by publishing such general rules as may be necessary to determine, by means of geographical coordinates, the outer limit of the Exclusive Economic Zone of Mexico, I have deemed it advisable to issue the following

¹ *Diario Oficial* of 7 June 1976, pp. 3-6. Spanish text provided by the Permanent Representative of Mexico to the United Nations in a note verbale of 21 June 1977. Translation by the Secretariat of the United Nations.

DECREE ESTABLISHING THE OUTER LIMIT OF THE EXCLUSIVE
ECONOMIC ZONE OF MEXICO

Article 1. The outer limit of the Exclusive Economic Zone of Mexico is made up of a series of arcs joining the points the geographical co-ordinates of which are as follows:

<i>Latitude</i>			<i>Longitude</i>		
<i>Grades</i>	<i>Minutes</i>	<i>Seconds</i>	<i>Grades</i>	<i>Minutes</i>	<i>Seconds</i>
I. In the Pacific Ocean:					
32	35	22.11	117	27	49.43
32	35	21.	117	28	4.
32	35	32.	117	29	06.
32	37	37.	117	49	31.
32	17	22.	117	59	41.
32	01	52.	118	07	16.0
31	32	58.	118	19	46.
31	21	25.	118	25	10.
31	20	55.0	118	25	35.
31	07	58.0	118	36	18.
30	59	00.	118	45	02.
30	58	06.	119	34	12.
30	57	21.	120	04	19.
30	53	28.	120	22	12.
30	52	05.	120	28	24.
30	32	31.20	121	51	58.37
30	12	57.57	122	0	16.69
29	49	11.25	122	6	55.46
29	24	53.10	122	10	9.90
29	3	54.52	122	10	13.50
28	36	8.81	122	6	26.95
28	17	7.07	122	1	14.41
28	2	43.59	121	57	35.94
27	39	28.72	121	48	59.70
27	17	19.12	121	37	20.82
26	56	33.82	121	22	51.00
26	37	30.49	121	5	44.01
26	20	25.26	120	25	15.46
26	5	32.46	120	24	42.58
25	51	30.14	119	57	56.69
25	43	11.83	119	36	39.41
25	36	2.56	119	10	49.56
25	31	42.61	118	44	15.82
25	30	15.56	118	17	20.00
25	31	51.89	117	49	3.27
25	19	42.07	117	36	12.91
25	8	55.27	117	22	50.48
24	53	10.08	117	7	10.79
24	36	58.24	116	47	4.48
24	19	33.39	116	18	26.35
24	10	18.39	115	58	1.73
24	4	51.12	115	50	30.55

<i>Latitude</i>			<i>Longitude</i>		
<i>Grades</i>	<i>Minutes</i>	<i>Seconds</i>	<i>Grades</i>	<i>Minutes</i>	<i>Seconds</i>
23	58	49.43	115	41	20.19
23	44	22.69	115	37	54.18
23	21	4.64	115	29	43.99
22	58	51.22	115	18	36.46
22	38	1.64	115	4	42.56
22	18	53.81	114	48	15.37
22	1	64.05	114	29	29.84
21	46	46.95	114	8	42.59
21	36	27.37	113	50	36.86
21	38	15.57	113	58	9.07
21	41	58.95	114	20	15.47
21	43	30.58	114	46	25.00
21	41	58.95	115	12	34.53
21	37	25.51	115	38	19.12
21	29	54.63	116	3	14.32
21	19	33.45	116	26	56.60
21	6	31.80	116	49	3.85
20	51	1.98	117	9	15.71
20	33	18.54	117	27	13.91
20	13	38.02	117	42	42.58
19	52	18.65	117	55	28.44
19	29	40.04	118	5	20.93
19	6	2.86	118	12	12.33
18	41	48.51	118	15	57.78
18	17	18.78	118	16	35.25
17	58	12.50	118	14	53.39
17	40	26.03	118	11	47.35
17	20	8.74	118	6	6.48
17	0	31.92	117	58	16.66
16	38	46.91	117	46	33.19
16	18	33.10	117	32	13.03
16	0	8.02	117	15	29.30
15	43	47.58	116	56	37.02
15	29	45.88	116	35	52.81
15	18	14.95	116	13	34.74
15	9	24.68	115	50	2.08
15	3	22.62	115	25	35.00
15	0	13.94	115	0	34.37
15	0	13.94	114	31	45.63
15	2	53.84	114	9	27.60
15	4	43.83	113	59	7.74
15	10	4.68	113	38	12.72
15	18	54.95	113	11	39.98
15	30	25.87	112	52	21.84
15	40	44.82	112	36	37.60
15	39	13.50	112	23	32.69
15	31	55.44	112	4	24.57
15	25	29.14	111	40	1.48
15	21	55.56	111	15	1.82
15	21	17.74	110	49	46.84
15	23	36.22	110	24	37.99

<i>Latitude</i>			<i>Longitude</i>		
<i>Grades</i>	<i>Minutes</i>	<i>Seconds</i>	<i>Grades</i>	<i>Minutes</i>	<i>Seconds</i>
15	28	49.03	109	59	56.64
15	36	51.71	109	36	3.84
15	47	37.40	109	13	19.99
16	0	56.87	108	52	4.67
16	16	38.70	108	32	36.32
16	34	29.38	108	15	12.06
16	54	13.54	108	0	7.40
17	17	34.21	107	46	36.57
17	4	30.82	107	34	39.55
16	47	52.62	107	15	57.94
16	37	5.11	107	0	58.31
16	28	2.78	106	48	19.82
16	15	26.58	106	26	33.64
16	6	25.72	106	6	1.88
15	57	5.00	105	56	44.62
15	41	3.56	105	37	35.35
15	27	22.70	105	16	36.67
15	16	14.16	104	54	6.81
15	7	56.35	104	30	54.45
15	3	36.69	104	20	2.15
14	58	32.24	104	4	18.99
14	54	4.21	103	52	36.35
14	48	1.58	103	31	55.01
14	46	15.75	103	23	47.41
14	44	23.22	103	20	35.25
14	40	28.52	103	13	26.04
14	31	55.07	103	1	33.44
14	20	56.23	102	43	10.42
14	11	51.61	102	23	44.50
14	4	33.34	102	2	40.09
14	0	32.34	101	53	1.57
13	54	46.85	101	36	5.41
13	51	42.93	101	24	23.99
13	45	56.56	101	14	15.26
13	36	51.60	100	54	52.43
13	29	46.65	100	34	39.07
13	25	7.27	100	15	35.64
13	16	14.26	99	57	22.47
13	9	23.52	99	39	5.65
13	0	17.98	99	23	8.03
12	50	16.25	99	0	19.82
12	43	0.16	98	36	28.63
12	38	43.84	98	12	57.57
12	31	48.56	97	54	9.29
12	27	26.27	97	38	0.79
12	22	6.70	97	17	27.84
12	19	36.48	97	2	35.85
12	17	36.09	96	44	34.56
12	17	23.43	96	19	38.86
12	20	2.53	95	55	23.40
12	22	7.61	95	39	32.06

<i>Latitude</i>			<i>Longitude</i>		
<i>Grades</i>	<i>Minutes</i>	<i>Seconds</i>	<i>Grades</i>	<i>Minutes</i>	<i>Seconds</i>
12	25	51.89	95	22	7.52
12	32	0.83	95	2	27.54
12	28	33.78	94	58	35.88
12	25	13.49	94	55	26.72
11	58	07.07	94	26	02.83
14	22	55.60	92	22	09.60

II. In the Gulf of Mexico and the Caribbean Sea:

25	58	30.5	96	55	27.37
26	01	17.00	95	00	02.00
26	00	33.00	93	28	07.00
25	59	48.28	93	26	42.19
25	48	42.45	93	27	8.00
25	34	46.77	93	28	38.49
25	20	58.76	93	31	12.47
25	7	22.39	93	34	48.83
24	54	1.56	93	39	26.21
24	44	13.42	93	43	33.32
24	40	12.09	93	45	26.32
24	47	8.55	93	36	12.94
24	55	20.24	93	23	46.83
25	2	42.20	93	10	43.43
25	9	12.13	92	57	6.70
25	14	48.00	92	43	0.81
25	19	28.05	92	28	30.10
25	23	10.81	92	13	39.10
25	25	55.10	91	58	32.46
25	27	40.07	91	43	14.91
25	28	4.18	91	37	18.11
25	33	15.47	91	27	5.36
25	39	18.77	91	13	10.50
25	42	13.05	91	5	24.89
25	42	45.	91	01	27.
25	46	39.	90	32	21.
25	46	52.00	90	29	41.00
25	46	49.0	90	28	30.0
25	46	41.0	90	24	36.0
25	43	40.	89	12	45.
25	41	56.52	88	23	5.54
25	37	25.05	88	11	13.42
25	31	8.29	87	57	28.07
25	23	58.96	87	44	13.20
25	15	59.30	87	31	34.83
25	7	11.79	87	19	36.76
25	0	6.39	87	11	6.80
24	56	35.25	87	7	13.67
24	56	36.86	87	4	10.00
24	56	34.98	87	0	19.71
24	56	29.35	86	56	29.50
24	56	28.83	86	56	16.69

<i>Latitude</i>			<i>Longitude</i>		
<i>Grades</i>	<i>Minutes</i>	<i>Seconds</i>	<i>Grades</i>	<i>Minutes</i>	<i>Seconds</i>
23	30	31.50	86	24	14.70
23	26	54.30	86	22	33.80
22	45	32.80	86	06	55.00
22	18	55.80	86	00	35.20
21	41	31.50	85	52	43.40
21	36	00.10	85	51	18.20
21	35	20.90	85	51	9.30
20	49	36.40	85	32	23.10
20	17	46.70	85	7	24.25
20	04	37.10	84	57	56.30
19	39	16.60	84	42	46.50
19	32	25.80	84	38	30.66
19	14	50.04	84	59	51.64
19	8	16.39	85	7	30.07
18	23	32.25	85	26	24.32
18	9	43.80	85	31	56.68
18	0	12.92	85	48	43.53
17	47	5.41	86	8	48.53
17	49	59.80	86	28	45.30
17	55	24.41	87	26	5.26
18	3	31.32	87	39	22.00

Article 2. The Secretariat of the Navy shall publish the charts showing the outer limit of the Exclusive Economic Zone, plotted according to the co-ordinates set forth in the preceding article.

TRANSITIONAL PROVISIONS

First. This Decree shall enter into force on 31 July 1976.

Second. The Secretariat of the Navy and the Secretariat of Industry and Commerce shall take all necessary steps, within their respective spheres of competence, to enforce the provisions of the Act establishing regulations for the implementation of the eighth paragraph of article 27 of the Constitution as of the date on which this Decree enters into force.

24. NEW ZEALAND

- (a) [TOKELAU (TERRITORIAL SEA AND FISHING ZONE) ACT, 1976, Sections 7 and 8]¹
- (b) [TERRITORIAL SEA AND EXCLUSIVE ECONOMIC ZONE ACT, 1977, Sections 2 and 9-33]²

¹ *Supra*, division I, subdivision A, chap. I, 23 (a).

² *Ibid.*, 23 (b).

25. NORWAY

- (a) ACT No. 91 OF 17 DECEMBER 1976 RELATING TO THE ECONOMIC ZONE OF NORWAY¹

Paragraph 1

An economic zone shall be established in the seas adjacent to the coast of the Kingdom of Norway. The King shall determine the date for the establishment of the economic zone and the waters to which it shall apply.

The outer limit of the economic zone shall be drawn at a distance of 200 nautical miles (1 nautical mile = 1,852 metres) from the applicable baselines, but not beyond the median line in relation to other States.

The establishment of the economic zone shall not entail changes in the provisions regarding the territorial sea of Norway.

Paragraph 2

The establishment of the economic zone shall not affect the right of navigation through or overflight over the waters in question, or the right to lay submarine cables and pipelines.

The establishment of the economic zone shall not affect the contents of, or the field of application of, the Act of 21 June 1963 No. 12² relating to the exploration for and exploitation of submarine natural resources, or of regulations issued pursuant thereto.

Paragraph 3

Persons who are not Norwegian nationals, or placed on an equal footing with Norwegian nationals under the Act of 17 June 1966 No. 19 relating to Norway's fishery limit and prohibition against fishing etc. by aliens inside the fishery limit, may not engage in fishing or hunting within the Norwegian economic zone. The provisions of the said Act shall apply correspondingly in the economic zone.

The provisions in the first paragraph shall apply unless otherwise provided in regulations issued pursuant to paragraphs 4 or 6 of this Act.

Paragraph 4

The King may issue regulations on fishing and hunting in the economic zone, including regulations concerning:

A. Total allowable catch and maximum catch effort, with regard to over-all fisheries as well as with regard to individual species and specific areas,

B. Access for fishermen from other States to fish allotted shares of the allowable catch, and the terms and conditions for such fishing,

C. Measures for assuring the rational and proper conduct of fishing activities, including provisions as to the number and size of vessels, use

¹ Entered into force on 17 December 1976 pursuant to paragraph 9. English text provided by the Permanent Representative of Norway to the United Nations in a note verbale of 27 December 1976.

² Reproduced in ST/LEG/SER.B/15, p. 393.

of gear, restrictions of gear, close periods, trawler-free zones and other area restrictions,

D. Other measures for the protection, conservation and reproduction of stocks of fish, shellfish and other living resources.

Paragraph 5

Prior to the implementation of the Norwegian economic zone, the King may, for areas referred to in paragraph 1, lay down interim provisions for the protection of fish stocks, for the limitation of foreign fishing and for the rational and proper conduct of fishing activities.

Paragraph 6

For the area of the economic zone between 12 and 200 nautical miles from the baselines, the King may, when necessary by reason of agreements with other States or where special considerations so require, make exceptions to the provisions of paragraphs 3, 4 and 5 or from regulations issued pursuant to these provisions. For areas where the Act of 17 June 1966 No. 19 relating to Norway's fishery limit and prohibition against fishing etc. by aliens inside the fishery limit has not been put into effect, such exceptions may also be applied to areas inside 12 nautical miles.

Paragraph 7

Subject to the rules of international law, the King may issue specific regulations in respect of the zone, including regulations concerning:

- A. The protection of the environment,
- B. Scientific research,
- C. Permanent or temporary artificial islands, installations, including artificial port facilities, and other structures,
- D. Cables and pipelines,
- E. The exploration and exploitation of the economic zone for other economic purposes, including the production of energy.

Paragraph 8

Anyone wilfully or negligently violating the provisions of this Act or regulations issued pursuant thereto, or aiding and abetting therein, shall be punished by fines. Attempted violations shall be similarly punished.

In the event of any violation of the provisions of this Act, or of regulations issued pursuant thereto, the vessel which has been used in such violation, together with the equipment, catch and gear on board, may be seized, irrespective of ownership. In lieu of the property, its value may be confiscated, in whole or in part, from the offender or from the person on whose behalf he has acted, or from the owner himself. It may be decided that any mortgage or other title or lien in the property seized shall be forfeited in whole or in part. The provisions of paragraph 37 C of the penal code shall apply correspondingly.

For an interim period, or pursuant to agreement with another State, the King may limit, in whole or in part, the application of the first and second paragraphs.

...

(b) ROYAL DECREE OF 17 DECEMBER 1976 RELATING TO THE ESTABLISHMENT OF THE ECONOMIC ZONE OF NORWAY¹

(1) Pursuant to the Act of 17 December 1976 relating to the economic zone of Norway, the economic zone shall be established in the waters off the Norwegian mainland with effect from 1 January 1977. The outer limit for the economic zone shall be at a distance of 200 nautical miles (1 nautical mile = 1,852 metres) from and parallel to the established baselines. Where the economic zone is adjacent to the area of jurisdiction of another State, the limit shall be drawn according to agreement.

(2) Pursuant to the Act of 17 December 1976 relating to the economic zone of Norway, paragraph 4, subparagraph B, from 1 January 1977 and until further notice, access to fishing and hunting in Norway's economic zone, beyond a distance of 12 nautical miles from the established baselines and on the terms deriving from items (3) and (4) below, shall be accorded to fishermen from States which have entered into an agreement with Norway concerning such access to fishing and hunting, or which are engaged in negotiations with Norway with a view to arriving at such an agreement.

(3) Pursuant to paragraph 4 in the said Act, the Ministry of Fisheries shall be empowered to issue regulations on fishing and hunting in the economic zone, comprising provisions in respect of quotas and other catch limitations, including area limitations, for such foreign fishing operations as may take place according to item (2) above. The Ministry of Fisheries shall likewise be empowered, pursuant to paragraph 6 in the Act, to issue regulations on exceptions to provisions in paragraph 3 of the said Act, first paragraph, second sentence.

(4) With effect from 1 January 1977, foreign vessels engaged in fishing or hunting in Norway's economic zone, in accordance with the provisions in items (2) and (3) above, shall notify the Directorate of Fisheries in Bergen as to when such fishing is commenced and discontinued, and shall submit weekly reports on the amount of catch harvested of each separate species of fish and on the catch areas. In cases where quotas for the year 1977 have not yet been determined, the volume of catch taken shall be regarded as an advance to be deducted from such quotas as may be allocated at a later date.

(5) The provisions laid down above do not affect the provisions in the royal decree of 31 January 1975 on the introduction of certain no-trawling zones, cf. the Act on no-trawling zones of 17 January 1975.

¹ English text provided by the Permanent Representative of Norway to the United Nations in a note verbale of 27 December 1976.

26. OMAN

ROYAL DECREE NO. 44 OF 15 JUNE 1977¹

Article 1

...

1. The area designated to the Sultanate for fishing purposes is to be extended to 200 nautical miles offshore, to be measured from the basic lines by which territorial waters on the high seas are measured.

2. In the event of there being a coastline of another State facing or bordering the coastline of the Sultanate of Oman, the outer boundary of the area designated to the Sultanate for fishing purpose shall be determined by the mid-line on which every point is equidistant from the nearest points on the basic lines from which the Sultanate's territorial waters on the high seas and territorial waters of other States are measured.

Article 2

The authorities concerned are to implement this Decree which will be effective from the date of its publication in the *Official Gazette*.

27. PAKISTAN

(a) EXCLUSIVE FISHERY ZONE (REGULATION OF FISHING) ACT, 1975²

Whereas it is expedient to provide for the regulation of fishing within the Exclusive Fishery Zone of Pakistan³ and for the matters ancillary thereto;

It is hereby enacted as follows:

1. *Short title, extent, application and commencement.* (1) This act may be called the Exclusive Fishery Zone (Regulation of Fishing) Act, 1975.

(2) It extends to the whole of Pakistan and to waters within the exclusive fishery zone of Pakistan beyond the territorial waters, hereinafter referred to as the Zone.

(3) It applies to all fishing crafts within the Zone and to all persons on board such fishing crafts.

(4) It shall come into force at once.

¹ Amending art. 6 of the Royal Decree of 17 July 1972 concerning Territorial Waters, the Continental Shelf and the Area designated to the Sultanate for Fishing Purposes, reproduced in ST/LEG/SER.B/16, p. 23.

² No. XXXII of 1975. Gazette of Pakistan, Extraordinary, part I of 5 March 1975, pp. 132-135. Assented to by the President on 1 March 1975. Text transmitted by the Permanent Representative of Pakistan to the United Nations on 3 June 1977.

³ Under section 6 of the Territorial Waters and Maritime Zones Act, 1976 (see *supra*, division I, 24), Pakistan has exclusive sovereign rights to living resources within a 200-mile economic zone.

2. *Definitions.* In this Act, unless there is anything repugnant in the subject or context—

(a) “fish” includes molluscs, crustaceans, kelp and other marine animals;

(b) “Fishery Officer” means any person who is authorized by the Federal Government, by notification in the official *Gazette*, to exercise or perform any of the powers or functions of Fishery Officer under this Act;

(c) “fishing” means taking or catching of fish within the Zone by any means;

(d) “fishing craft” includes every vessel of whatever description and size and in whatever way propelled or moved which is used in fishing or the transport or processing thereof;

(e) “fishing gear” includes all appliances used for fishing;

(f) “licensing authority” means any person authorized by the Federal Government, by notification in the official *Gazette*, to issue licences under this Act;

(g) “prescribed” means prescribed by rules; and

(h) “rules” means rules made under this Act.

3. *Fishing without licence prohibited.* No person shall, for the purpose of fishing, operate a fishing craft or use any kind of fishing gear within the Zone except under the authority of a licence granted by the licensing authority *nor* otherwise than in accordance with the terms and conditions of such licence.

4. *Fishing craft subject to navigational regulations.* (1) Every fishing craft shall be subject to any law relating to navigation for the time being in force.

(2) The location of nets and traps set by a fishing craft shall be prominently displayed by such means as may be prescribed.

(3) Every fishing gear shall be clear of the navigation channel and specified routes of commercial vessels.

5. *Dynamiting and poisoning prohibited.* No person shall use dynamite or any other explosive substance or poison, lime or noxious material for fishing or destroying fish in the Zone.

6. *Closed season and prohibited area.* Notwithstanding anything contained in this Act, the Federal Government may, by notification in the official *Gazette*, declare any period to be period during which, and any area to be an area within which, fishing of all or any specified description of fish shall be prohibited in the Zone.

7. *Power to search.* Any Fishery Officer may search any fishing craft or landing ground in or on which he has reason to believe to be concealed any fish caught or taken, or anything used, in contravention of any provision of this Act or the rules.

8. *Seizure and disposal.* (1) If any Fishery Officer has reason to believe that any fish has been caught or taken in contravention of any provision of this Act or the rules, or that any fishing craft and fishing gear has been used for such fishing, he may arrest without warrant the owner or the person in charge of the vessel and seize such fish.

(2) Every officer making an arrest under subsection (1) shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case or before the officer in charge of the nearest police station; and thereupon the provisions of the Code of Criminal Procedure 1898 (Act V of 1898), applicable in respect of a person who, having been arrested without warrant, has been taken or sent before a Magistrate or any officer in charge of a police station shall apply to him.

(3) Any fish seized under subsection (1) shall be disposed of in accordance with the decision of the Court before which the owner or person in charge of the fishing craft is prosecuted under subsection (2);

Provided that, if the fish seized is such as is likely to perish unless preserved or processed without delay, it may be sold or otherwise disposed of and, if it is sold, its value shall be treated as seized property for the purpose of this subsection.

9. *Penalty.* (1) Whoever contravenes any provision of this Act and the rules shall be punishable with fine which may extend to 5,000 rupees.

(2) Any Court convicting any person under subsection (1) may order that any fish caught or taken in contravention of the provisions of this Act or the rules, shall be forfeited to the Federal Government.

(3) Where the person contravening any provision of this Act or the rules is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention was committed without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

(4) Whoever attempts to contravene, or abets the contravention of, any provision of this Act or the rules shall be deemed to have contravened the provisions of this Act or the rules.

10. *False statement.* Whoever, upon being so required by a police officer not below the rank of Sub-Inspector or a Fishery Officer, makes any statement or furnishes any information which is false in any matter or particulars and which he knows or has reason to believe to be false, or does not believe to be true, or makes any such statement as aforesaid in

any book, account, record, declaration, or any document which he is required to maintain, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to 5,000 rupees or with both.

11. *Burden or proof.* Where any person is prosecuted for doing any act or being in possession of anything without lawful authority or licence the burden of proving that he has such authority or licence shall lie on the person.

12. *Liability of the owner, etc.* The owner or the person in charge of any fishing craft carrying anything in contravention of any provision of this Act or the rules shall be deemed to have contravened the provisions of this Act or the rules, as the case may be, if—

- (i) such carriage is part of the transaction involving the contravention; and
 - (ii) if the owner or person in charge knew or had reason to believe that a contravention was being committed;
- and shall be punishable under section 9.

13. *Indemnity.* No suit or other legal proceeding shall lie against the Federal Government or any Fishery Officer for anything in good faith done or intended to be done under this Act or any rule.

14. *Delegation of powers.* The Federal Government may, by notification in the official *Gazette*, delegate all or any of its powers under this Act or the rules to any officer.

15. *Jurisdiction of Courts.* For the purpose of giving jurisdiction to Courts under this Act, a fishing craft shall be deemed to be a ship within the meaning of any enactment for the time being in force relating to offences committed on board a ship, and every Court shall have the same jurisdiction over a foreign fishing craft within the Zone and persons belonging to such fishing craft as such Court would have if such fishing craft were a Pakistan fishing craft.

16. *Power to make rules.* (1) The Federal Government may, by notification in the official *Gazette*, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

- (a) the sizes of meshes and the sizes and types of nets;
- (b) the size and the quantity of fish which may be caught by any fishing gear or processed at any time;
- (c) the terms and conditions to which licences for fishing shall be subject;

- (d) the registration of fishing craft and fishing gear;
 - (e) the regulation of operations of fishing craft;
 - (f) registration fee, licence fee and royalties on catches, and other dues of the Federal Government;
 - (g) specification of the area for landing of fish taken or caught in the Zone; and
 - (h) regulation of landing and inspection of fish taken or caught in the Zone.
- (b) [TERRITORIAL WATERS AND MARITIME ZONES ACT, 1976, Sections 6, 8 (1) (b), (2) and 9, 14]¹

28. PORTUGAL

[ACT No. 33/77 OF 28 MAY 1977, Articles 2-8 and 12]²

29. SAO TOME AND PRINCIPE

DÉCRET-LOI N° 15/78 DU 16 JUIN³

Considérant la nécessité de préserver les droits légitimes et les intérêts fondamentaux de la nation en ce qui concerne les ressources biologiques et non biologiques de l'espace maritime de la République démocratique de Sao Tomé-et-Principe;

Considérant l'importance que revêtent pour l'économie nationale la pêche et l'exploitation des ressources naturelles, biologiques et non biologiques se trouvant au fond des océans et dans le sous-sol marin ainsi que dans les eaux susjacentes à proximité immédiate de la mer territoriale dont l'étendue est fixée par la loi;

Compte tenu de l'évolution du droit maritime international, notamment des travaux de la Conférence des Nations Unies sur le droit de la mer;

Etant donné la nécessité d'établir une zone économique exclusive en dehors de la mer territoriale et adjacente à celle-ci, sur laquelle l'Etat de Sao Tomé-et-Principe aura des droits souverains et une juridiction exclusive sur toutes les ressources naturelles, biologiques et non biologiques, qui s'y trouveraient;

En vertu des pouvoirs qui leur sont conférés au paragraphe 1^{er} de l'article 26 de la Constitution, le Gouvernement de la République démocratique de Sao Tomé-et-Principe adopte et le Président de la République promulgue le décret-loi ci-après :

¹ *Supra*, division I, subdivision A, chap. I, 24.

² *Ibid.*, 25.

³ Entré en vigueur immédiatement selon l'article 8. Texte français transmis par le représentant permanent de Sao Tomé-et-Principe auprès de l'Organisation des Nations Unies dans une note verbale datée du 6 mars 1979.

Art. 1^{er}.—L'Etat de la République démocratique de Sao Tomé-et-Principe établit dans la zone adjacente à sa mer territoriale une zone économique exclusive dont l'étendue est de 200 milles marins à partir de la ligne de base servant à mesurer la largeur de la mer territoriale.

Art. 2.—La ligne extérieure de cette zone économique exclusive est délimitée par des coordonnées géographiques.

Art. 3.—L'Etat de Sao Tomé-et-Principe respectera le droit qu'ont également les Etats voisins à leurs zones économiques respectives et se déclare disposé à recourir à des négociations bilatérales pour les conflits de souveraineté que susciterait l'application de ces principes.

Art. 4.—La République démocratique de Sao Tomé-et-Principe exercera, dans la zone économique exclusive instituée par le présent décret-loi, les droits ci-après :

1. Droits souverains aux fins de la recherche, l'exploitation, la conservation et l'utilisation des ressources naturelles, biologiques et non biologiques, des fonds marins, y compris le sous-sol et les eaux susjacentes.

2. Droits exclusifs et juridiction concernant l'établissement et l'utilisation d'îles artificielles, installations et dispositifs.

3. Juridiction exclusive sur d'autres activités concernant la recherche et l'exploitation économique de la zone, y compris l'utilisation des courants maritimes et toutes autres possibilités qui découleraient du développement technique et scientifique.

4. Juridiction concernant :

a) La préservation de l'espace maritime, en particulier le contrôle et l'élimination de la pollution;

b) La recherche scientifique.

Art. 5.—Les Etats étrangers jouiront, dans la zone économique exclusive, de la liberté de navigation, de survol, de pose de câbles et de pipe-lines sous-marins, ainsi que d'autres utilisations internationalement légitimes de la mer ayant trait à la navigation et aux communications.

1. La pose de câbles et de pipe-lines sous-marins sera faite en accord avec l'Etat de Sao Tomé-et-Principe.

Art. 6.—Afin de promouvoir l'usage optimal des ressources biologiques existant dans la zone économique exclusive, l'Etat de la République démocratique de Sao Tomé-et-Principe pourra autoriser d'autres Etats à exploiter rationnellement l'excédent des prises autorisées, moyennant accords bilatéraux.

Art. 7.—Toutes les dispositions légales en la matière qui seraient en contradiction avec le présent décret-loi sont abrogées.

...

30. SENEGAL

[CODE DE LA PÊCHE MARITIME, 1976, Article 2]¹

31. SEYCHELLES

- (a) [MARITIME ZONES ACT, 1977, Sections 6, 7 and 9-15]²
 (b) THE EXCLUSIVE ECONOMIC ZONE ORDER, 1978³

In exercise of the powers conferred by section 6(1) of the Maritime Zones Act, 1977, the President, considering it necessary so to do having regard to International Law and State practice, hereby makes the following Order:

2. The limit of the Exclusive Economic Zone is amended so as to be delineated by the boundary of Area A as shown on Chart No. ML/ADN/49 filed in the office of the Chief Surveyor and more fully described in the Schedule hereto.

SCHEDULE

Description of Limit of the Exclusive Economic Zone

The boundary from point 1 through points 2, 3, 4, 5; 6, 7, 8, 9, 10, 11, 12 to 13 is formed by the locus of a point 200 nautical miles from the nearest landmass of the Republic of Seychelles.

From point 13 through points 14, 15, 16, 17 to point 18, the boundary is the median line equidistant between the Republic of Seychelles and the Territory of Mauritius.

The boundary then follows the locus of a point 200 nautical miles from the nearest landmass of the Republic of Seychelles to point 19.

From point 19 through points 20, 21, 22, 23, 24, 25, 26, 27, 28 to 29 the boundary is formed by the median line equidistant between the Republic of Seychelles and the Malagasy Republic, Iles Glorieuses (France), Mayotte Island, Iles Comores and Mafia Island (Tanzania).

32. SPAIN

- (a) LAW 15/1978 OF 20 FEBRUARY ON THE ECONOMIC ZONE⁴

Article 1

1. In a belt of sea to be called the exclusive economic zone, which shall extend from the outer limit of the Spanish territorial sea for a distance

¹ *Infra*, division V, 29 (a).

² *Supra*, division I, subdivision A, chap. I, 28.

³ S.I. No. 23 of 1978, *Supplement to Official Gazette*, 22 February 1978, pp. 51-52. Text provided by the Ministry of Foreign Affairs and Tourism of the Republic of Seychelles in a note verbale of 10 April 1978.

⁴ *Boletín Oficial del Estado, Gaceta de Madrid* No. 46 of 23 February 1978. Spanish text provided by the Permanent Representative of Spain to the United Nations in a letter of 27 March 1978. Translation by the Secretariat of the United Nations.

of 200 nautical miles from the base lines used to measure the breadth of the territorial sea, the Spanish State shall have sovereign rights for the purposes of exploring and exploiting the natural resources of the sea-bed, subsoil thereof and its superjacent waters.

In the case of archipelagos, the outer limit of the economic zone shall be measured from straight base lines joining the outermost points of the islands and islets forming the archipelagos, so that the resulting perimeter conforms to the general configuration of each archipelago.

2. In accordance with the provisions of the preceding paragraph, the rights of the Spanish State shall include:

(a) The exclusive right to the natural resources of the Zone;

(b) The authority to enact regulations concerning the preservation of, exploration for and exploitation of such resources with a view to the protection of the marine environment;

(c) Exclusive jurisdiction to enforce all relevant measures;

(d) Such other rights as may be determined by the Government in accordance with international law.

Article 2

1. Except as provided in international treaties with States whose coasts are opposite or adjacent to Spanish coasts, the outer limit of the economic zone shall be the median or equidistant line.

2. For the purposes of this article, "median or equidistant line" shall mean the line every point of which is equidistant from the nearest points on the base lines drawn in accordance with international law from which the breadth of the territorial sea of each State is measured.

In the case of archipelagos, the median or equidistant line shall be determined on the basis of the archipelagic perimeter drawn in accordance with article 1, paragraph 1.

Article 3

1. Fishing in the economic zone shall be reserved for Spanish nationals and, subject to agreements between the Governments concerned, to nationals of those countries whose fishing vessels have habitually fished in the zone.

2. Foreign fishermen not covered by the preceding paragraph may not fish in the economic zone, except as provided in international treaties to which Spain is a party.

Article 4

The provisions of Law No. 93/1962 of 24 December¹ setting forth penalties for fishing violations committed by foreign vessels shall be applicable in the economic zone.

Article 5

1. The establishment of an economic zone shall not affect the freedom of navigation, the freedom of overflight and the freedom to lay submarine cables.

2. In the exercise of the freedom of navigation, foreign fishing vessels must comply with Spanish laws designed to prevent such vessels from fishing in the economic zone, including the laws concerning the carrying of fishing tackle.

FINAL PROVISIONS

1. The application of the provisions of this law shall be limited to the Atlantic coasts of Spain, both of the mainland and the islands, including the coasts on the Cantabrian Sea; the Government shall have the right to extend these provisions to other coasts of Spain.

2. Law No. 93/1962 of 24 December setting forth penalties for fishing violations committed by foreign vessels, Law No. 20/1967 of 8 April² on the extension of the reserved fishing belt and any other laws which are contrary to the provisions of this Law shall be amended as may be necessary for the application of this Law.

3. The Government and the competent official bodies shall adopt the necessary measures for the application of this Law.

(b) [CIRCULAR DATED 30 OCTOBER 1970 CONCERNING RULES APPLICABLE TO THE CONDUCT OF OCEANOGRAPHIC RESEARCH IN MARITIME AREAS SUBJECT TO SPANISH JURISDICTION]³

33. SRI LANKA

(a) [MARITIME ZONES LAW NO. 22 OF 1976, Sections 5, 7, 8 and 10-15]⁴

(b) [PROCLAMATION BY THE PRESIDENT OF THE REPUBLIC OF SRI LANKA OF 15 JANUARY 1977 IN PURSUANCE OF MARITIME ZONES LAW NO. 22 OF 1976, Sections (4)-(6)]⁵

34. SURINAME

[LAW CONTAINING THE EXTENSION OF THE TERRITORIAL SEA OF THE REPUBLIC OF SURINAME AND THE ESTABLISHMENT OF A CONTIGUOUS ECONOMIC ZONE, Articles 3-16]⁶

¹ Partially reproduced in ST/LEG/SER.B/15, p. 667.

² Partially reproduced in ST/LEG/SER.B/15, p. 668.

³ *Infra*, division III, 20 (d).

⁴ *Supra*, division I, subdivision A, chap. I, 31 (a).

⁵ *Ibid.*, 31 (b).

⁶ *Ibid.*, 32.

35. TOGO

[ORDONNANCE N° 24 DU 16 AOÛT 1977 PORTANT DÉLIMITATION DES EAUX TERRITORIALES ET CRÉATION D'UNE ZONE MARITIME ÉCONOMIQUE PROTÉGÉE, Articles 2-4]¹

36. UNION OF SOVIET SOCIALIST REPUBLICS

- (a) DECREE OF THE PRESIDIUM OF THE SUPREME SOVIET OF THE USSR OF 10 DECEMBER 1976 ON PROVISIONAL MEASURES TO CONSERVE LIVING RESOURCES AND REGULATE FISHING IN THE SEA AREAS ADJACENT TO THE COAST OF THE USSR²

The Presidium of the Supreme Soviet of the USSR notes that recently an increasing number of States, including some adjoining the USSR, have been establishing economic or fishery zones off their coasts up to a distance of 200 nautical miles without waiting for the conclusion of the international convention now in preparation at the Third United Nations Conference on the Law of the Sea.

The Soviet Union will continue to advocate that urgent problems relating to the legal régime of the world ocean should be settled on an international basis and that a convention should be concluded to that end which will resolve such problems, in particular those of utilizing coastal living marine resources, in a comprehensive and interrelated manner and with due regard for the legitimate interests of all States.

Considering that pending the conclusion of such a convention immediate action is needed to protect the interests of the Soviet State with regard to the conservation, reproduction and optimum utilization of the living resources of the sea areas adjacent to the coast of the USSR, the Presidium of the Supreme Soviet of the USSR decrees:

1. Provisional measures are hereby established, pursuant to the provisions of this Decree, to conserve the living resources of and regulate fishing in the sea areas adjacent to the coast of the USSR and extending to a distance of up to 200 nautical miles from the baselines from which the territorial waters of the USSR are measured.

The establishment of such provisional measures shall not affect the régime of the territorial waters of the USSR.

2. The USSR shall, within the sea areas referred to in article 1 of this Decree, exercise sovereign rights over fish and other living resources for the purpose of their exploration, exploitation and conservation. These rights of the USSR shall also apply to anadromous species of fish within their migration area except when they may occur within other States' territorial waters and economic or fishery zones recognized by the USSR.

¹ *Ibid.*, 33.

² Published in the *Gazette of the Supreme Soviet of the Union of Soviet Socialist Republics*, 1976, No. 50. Text provided by the Permanent Representative of the USSR to the United Nations in a note verbale of 19 September 1977.

3. The taking of fish and other living resources as well as exploration and other operations related thereto, which are hereinafter referred to as "fishing", may be conducted by foreign juridical and natural persons within the areas referred to in article 1 of this Decree solely on the basis of agreements or other arrangements between the USSR and foreign States.

4. *Optimum* utilization of fish and other living resources within the areas referred to in article 1 of this Decree shall be effected on the basis of relevant scientific data and, when appropriate, with due regard for the recommendations of competent international organizations. To this end there shall be established, *inter alia*:

(a) A total annual allowable catch for each species of fish and other living resources;

(b) That part of the annual allowable catch of fish or other living resources which may be harvested by foreign fishing vessels, provided that the size of the total allowable catch of any stock of commercial species exceeds the harvesting capacity of the Soviet fishing effort;

(c) Measures to ensure rational conduct of fishing as well as to conserve and reproduce living resources.

5. Subject to the provisions of articles 2, 3 and 4 of this Decree, quotas of catch may be fixed for foreign States, and in accordance with these quotas foreign fishing vessels shall be issued fishing permits. No fishing shall be permitted without such permits.

6. The Council of Ministers of the USSR shall decide upon the conditions and dates for introducing provisional measures to conserve living resources and to regulate fishing in respect of specific sea areas adjacent to the coast of the USSR, the establishment of measures to enforce the provisions of this Decree, and the procedure for application of articles 2, 3, 4 and 5 thereof.

7. Persons guilty of violating the provisions of this Decree or regulations issued in pursuance thereof shall be liable to a fine. The amount of the fine to be imposed by administrative procedure, shall not exceed 10,000 roubles.

Where such violations have caused substantial damage, have had other grave consequences or have been committed repeatedly, the persons guilty of them shall be prosecuted. The amount of the fine, to be imposed by judicial procedure, shall not exceed 100,000 roubles. Upon application by the authorities responsible for the protection of fish and other living resources in the areas referred to in article 1 of this Decree, the court may order the forfeiture of the vessel, fishing gear and appurtenances used by the violators as well as their entire illegal catch.

In the event of the seizure or detention of a foreign vessel, the competent Soviet authorities concerned shall promptly notify the flag State of the action taken and of any penalties subsequently imposed. The detained vessel and its crew shall be promptly released upon the posting of reasonable bond or other security.

8. The provisions of this Decree shall remain in force pending the adoption, in the light of the work of the Third United Nations Conference on the Law of the Sea, of another legislative act of the USSR governing the régime of the sea areas referred to in article 1 of this Decree.

- (b) DECISION NO. 163 OF 24 FEBRUARY 1977 OF THE COUNCIL OF MINISTERS OF THE USSR ON THE INTRODUCTION OF PROVISIONAL MEASURES TO PROTECT THE LIVING RESOURCES AND REGULATE FISHING IN THE AREAS OF THE PACIFIC AND ARCTIC OCEANS ADJACENT TO THE COASTLINE OF THE USSR¹

The Council of Ministers of the USSR decides:

In accordance with article 6 of the Decree of the Presidium of the Supreme Soviet of the USSR of 10 December 1976 "On provisional measures to protect the living resources and regulate fishing in the coastal waters of the USSR",² to introduce the measures envisaged in that Decree with effect from 1 March 1977, in the areas adjacent to the coastline of the USSR, in the Bering Sea, the Sea of Okhotsk, the Sea of Japan, and the Sea of Chukotsk, and the Pacific and Arctic Oceans, including the areas around the islands belonging to the USSR, to a distance of 200 nautical miles, calculated from the same baselines as the territorial waters of the USSR.

To establish that, in the part of the bodies of water mentioned above where the distance between the coastline of the USSR and those of adjacent States is less than 400 nautical miles, the line determining the area of operation of the provisional measures arising from the Decree of the Presidium of the Supreme Soviet of the USSR of 10 December 1976 shall be: in the Bering and Chukotsk Seas and the Arctic Ocean—the line established by the Russian-American Treaty of 18 (30) March 1867; in the Pacific Ocean and in the area of the southern group of the Kuril Islands—the line equidistant from these islands and the territory of Japan; in the Sovetsky and Kunashirsky Straits—the State frontier of the USSR; and in the Seas of Okhotsk and Japan—the median line or the line equidistant from the coastline of the USSR and the coasts of the adjacent States.

- (c) REGULATIONS ON THE PROTECTION OF FISHERY AND OTHER LIVING RESOURCES IN THE COASTAL WATERS OF THE USSR CONFIRMED BY DECISION NO. 174 OF 25 FEBRUARY 1977 OF THE COUNCIL OF MINISTERS OF THE USSR³

1. The protection of fishery and other living resources (hereinafter termed "fishery resources") in the coastal waters of the USSR, specified in the Decree of the Presidium of the Supreme Soviet of the USSR of 10 De-

¹ Published in *Legislative Series of the Government of the Union of Soviet Socialist Republics*, 1977, No. 11. Text provided by the Permanent Representative of the USSR to the United Nations in a note verbale of 19 September 1977. Translation by the Secretariat of the United Nations.

² *Supra* (a).

³ Published in *Legislative Series of the Government of the Union of Soviet Socialist Republics*, 1977, No. 11. Text provided by the Permanent Representative of the USSR to the United Nations in a note verbale of 19 September 1977. Translation by the Secretariat of the United Nations.

ember 1976 "On provisional measures to protect the living resources and regulate fishing in the coastal waters of the USSR"¹ (hereinafter termed "coastal waters"), shall be carried out by frontier guards and by the fishery conservation authorities of the Ministry of Fisheries of the USSR.

2. The frontier guards and fishery conservation authorities which are responsible for the protection of the fishery resources in the coastal waters shall be guided in the performance of their duties by these Regulations and by other legislative enactments of the USSR and of the Union Republics, and also by agreements and other arrangements concluded between the USSR and foreign States.

3. The harvesting of fish and other living resources, exploration and the conduct of other operations related thereto (hereinafter designated as "operations") may be carried out by foreign bodies corporate and individuals only if they hold permits issued to foreign vessels in the prescribed manner and under the conditions determined by the Ministry of Fisheries of the USSR within the limits established by that Ministry for the annual allowable catch and the catch quota for foreign States.

Operations in coastal waters shall be carried out with regard for the requirements of the rational conduct of operations, and the conservation and renewal of fishery resources specified in the regulations confirmed by the Ministry of Fisheries of the USSR.

4. When engaged in the protection of fishery resources in coastal waters, officials of the frontier guard and fishery conservation officials shall, where necessary, be empowered to:

(a) Stop and inspect vessels carrying out operations in coastal waters and also go on board such vessels;

(b) Inspect, on board such vessels, the documents authorizing the conduct of operations in coastal waters;

(c) Verify compliance by such vessels with the regulations for the conduct of operations in coastal waters and give binding instructions for the elimination of any violations discovered;

(d) Seize vessels carrying out operations in coastal waters without a permit or in violation of the established regulations, and escort them to an open port of the USSR;

(e) Draw up reports on the conduct of operations without a permit or in violation of the established regulations, institute administrative proceedings in the prescribed manner and, where necessary, submit materials in order to bring charges against offenders in accordance with the laws in force.

Foreign individuals and bodies corporate carrying out operations in the coastal waters shall reimburse to State organs of the USSR the expenses incurred in maintaining officials of the bodies responsible for the protection of fishery resources on foreign vessels.

¹ *Supra* (a).

5. Officials of the frontier guard and fishery conservation officials responsible for the protection of fishery resources in the coastal waters shall, in the performance of their official duties, carry the requisite official credentials.

The ships (vessels) used to protect fishery resources in coastal waters shall carry the appropriate flag of ships of the frontier guard or the pennant of the fishery conservation authorities of the USSR.

6. In order to stop a vessel in the cases provided for in article 4 of these Regulations, the signals prescribed by the International Code of Signals shall be given. A vessel that has been signalled to stop shall do so. It may proceed after obtaining the necessary permission.

7. On the occasion of the inspection of vessels, as provided for in article 4 of these Regulations, examination may be made of the ship's papers, navigational documents, premises, equipment and technical installations, cargo and everything harvested as a result of the operations.

The inspection shall be carried out in the presence of the master of the vessel or of other crew members designated by him or of the owner of the vessel.

8. Vessels, fishing gear and other technical equipment used to conduct operations in coastal waters without a permit or in violation of the regulations for the conduct of operations and whose ownership cannot be determined on inspection, shall be taken into custody and, if necessary, taken to an open port of the USSR for determination of ownership.

9. Reports on the conduct of operations in coastal waters without a permit or in violation of the established regulations shall be signed by officials of the frontier guard or the fishery conservation officials and by the master or owner of the vessel engaged in the operations. Such reports shall be drawn up in the Russian language.

If the master or owner of the vessel considers that the actions of the officials concerned are improper or not in accord with the contents of the report, he may make a reservation, in any language, in the report itself or in a separate document annexed thereto. If the master or owner of the vessel refuses to sign the report, the person who draws up the report shall note that fact in the report.

10. A vessel seized in accordance with these Regulations shall be taken, together with the fishing gear and other technical equipment and everything harvested to the nearest open port of the USSR. The seized vessel may be accompanied by a frontier patrol or by state inspectors of the fishery conservation authorities.

11. The master of a seized vessel may, if necessary, be required to surrender such ship's papers, navigational documents and documents relating to crew, passengers and cargo as are needed to explain the circumstances and nature of the offence. The documents so surrendered shall be recorded in a list.

12. The frontier guard and fishery conservation authorities shall inform the Ministry of Foreign Affairs of the USSR of all cases of the seizure of foreign vessels.

13. The officials who have seized the vessel shall inform the harbour-master of the arrival in the port of the seized vessel.

14. The responsibility for making arrangements for a seized foreign vessel to be moored in a port of the USSR shall rest with the port administration.

The harbour-master shall take steps to ensure that the regulations governing the conduct of vessels in ports of the USSR are complied with by the seized vessel.

While a seized foreign vessel is in a port of the USSR, the provision of the necessary supplies and equipment for the vessel, and for the provision of commercial and other services for persons on board, shall, at the request of the master or owner of the vessel, be effected in the prescribed manner by the Inflat Agency.

15. Crew members and other persons on board a seized foreign vessel may not go ashore unless permitted to do so by the frontier guard authorities in the manner prescribed by the laws in force.

Persons against whom no charges have been brought may, with the consent of the fishery conservation authorities, leave the territory of the USSR in the manner prescribed by law.

16. Seized Soviet vessels shall be detained in an open port of the USSR in accordance with the general regulations governing the stay of ships in ports of the USSR.

Vessels belonging to Soviet State, co-operative or public organizations may be detained in port only for as long as is necessary to confiscate prohibited fishing gear and anything illegally harvested in coastal waters.

17. Confiscated cargo and other items shall be placed in the safe keeping of the master (owner) of the vessel or kept by the fishery conservation authorities or shall be handed over to other organizations to be kept by them until the question of the responsibility of the offenders is settled in the prescribed manner. All illegally harvested organisms which are highly perishable shall be sold at the established prices to Soviet enterprises or trading organizations. Receipts for the items sold shall be included with the other material relating to the offence.

18. Foreign vessels which have been seized until the question of the responsibility of the offenders for the violation is settled in the prescribed manner shall be released as soon as security or any other established guarantee has been provided.

Foreign vessels which have been released after providing security or any other established guarantee or after the question of the responsibility

of the offenders for the violation has been settled shall be escorted by the frontier guard beyond the boundaries of the territorial waters of the USSR.

19. The present Regulations shall not apply to foreign warships or military auxiliary vessels.

(d) DECISION OF THE PRESIDUM OF THE SUPREME SOVIET OF THE USSR OF 22 MARCH 1977 ON THE SYSTEM FOR THE APPLICATION OF ARTICLE 7 OF THE DECREE OF THE PRESIDUM OF THE SUPREME SOVIET OF THE USSR ON PROVISIONAL MEASURES TO PROTECT THE LIVING RESOURCES AND REGULATE FISHING IN THE COASTAL WATERS OF THE USSR¹

The Presidium of the USSR Supreme Soviet decides that:

1. The penalties established in article 7 of the Decree of the Presidium of the Supreme Soviet of the USSR of 10 December 1976 "On provisional measures to protect the living resources and regulate fishing in the coastal waters of the USSR"² shall be applied to individuals and bodies corporate which have violated the provisions of the Decree or the regulations issued for its implementation within the limits of the coastal waters specified in article 1 of that Decree.

The legislation of the USSR and of the Union Republic whose territory is adjacent to the coastal waters concerned shall be applicable to the legal relations arising from the application of the provisional measures to protect the living resources and regulate fishing within the limits of the coastal waters concerned.

2. The fine specified in the first paragraph of article 7 of the Decree of the Presidium of the Supreme Soviet of the USSR of 10 December 1976 shall be an administrative fine imposed by the fishery conservation authorities at the place where the violation is discovered.

In the cases specified in the second paragraph of article 7 of the Decree of the Presidium of the Supreme Soviet of the USSR of 10 December 1976, the fine shall be imposed by the district (town) people's court at the place to which the offender is sent.

3. The payment of the fines specified in article 7 of the Decree of the Presidium of the Supreme Soviet of the USSR of 10 December 1976 shall not exempt the offender from making reparation, in accordance with the laws in force, for the damage caused to fishery and other living resources.

4. To make it clear that violations involving liability in accordance with the second paragraph of article 7 of the Decree of the Presidium of the Supreme Soviet of the USSR of 10 December 1976 include the illegal

¹ Published in the *Gazette of the Supreme Soviet of the Union of Soviet Socialist Republics*, 1977, No. 13. Text provided by the Permanent Representative of the USSR to the United Nations in a note verbale of 19 September 1977. Translation by the Secretariat of the United Nations.

² *Supra* (a).

harvesting of fish and other living organisms in large quantities, fishing in spawning grounds or approaches to spawning grounds, other gross violations of the regulations governing fishing operations, and the obstruction of the legitimate activities of officials responsible for the protection of fishery and other living resources in the areas specified in article 1 of that Decree.

A violation is considered to have been repeated if it is committed within one year following the application of the penalties provided in the Decree.

5. In the event of a refusal to pay the fine imposed by the fishery conservation authorities, or to make voluntary reparation for damage caused, and also in the event of the violations specified in the second paragraph of article 7 of the Decree of the Presidium of the Supreme Soviet of the USSR of 10 December 1976, the materials relating to the violations shall be examined by the district (town) people's court in the presence of the offenders and of representatives of the fishery conservation authorities no later than five days following the date of the receipt of the materials by the court. If necessary, witnesses may be called.

6. An appeal against the decision of the district (town) people's court on the imposition of a fine, reparation for damages and the confiscation of the vessel, fishing gear and instruments used by the offender, and of the illegal catch, may be lodged within 10 days with a higher court.

7. An appeal against a decision by a fishery conservation authority to impose a fine may be lodged within 10 days with the people's court at the nearest open port of the USSR. Such appeals shall be examined by the court within three days of their submission to the court.

37. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

BERMUDA

[INFORMATION ON THE EXTENSION OF THE EXCLUSIVE FISHING ZONE]¹

Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs presents his compliments to Their Excellencies and Messieurs the Heads of Diplomatic Missions and has the honour to inform them that the Acting Governor of Bermuda, on behalf of the United Kingdom, officially extended Bermuda's exclusive fishing zone by proclamation gazetted on 20 May 1977. The subsequent amendment to the administrative Fisheries Act 1972 was passed by both Houses of Bermuda's Parliament and was assented to by the Governor on 14 October 1977.

¹ Contained in a note from the Foreign and Commonwealth Office, supplied by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland in his note of 12 December 1977.

The Minister of Works and Agriculture in Bermuda is responsible for the control and management of fishing resources within the newly proclaimed extended fishing zone. Members of the Royal Navy, Bermuda Police Force, Bermuda Customs and Officers of the Bermuda Department of Agriculture and Fisheries are all "Enforcement Officers" under the Fisheries Act. Foreign fishing interests are required to apply to the Minister of Works and Agriculture, the Cabinet Office, Hamilton, Bermuda, for licences to fish within Bermuda's 200-mile exclusive area of fishing jurisdiction.

38. VENEZUELA

ACT ESTABLISHING AN EXCLUSIVE ECONOMIC ZONE ALONG THE COASTS OF THE MAINLAND AND ISLANDS OF THE REPUBLIC OF VENEZUELA, 1978¹

Article 1. Establishment of an exclusive economic zone

An exclusive economic zone is hereby established beyond and adjacent to the territorial sea, all along the coasts of the mainland and islands of the Republic of Venezuela, which zone shall be subject to the régime established by this Act.

Article 2. Breadth of the exclusive economic zone

The outer limit of the exclusive economic zone shall be a line every point of which is a distance of two hundred (200) nautical miles from the baseline used to measure the breadth of the territorial sea.

Where this provision results in overlapping with the exclusive economic zones of other States, the zones shall be delimited, as necessary, by agreement between the States concerned.

Article 3. Rights of the Republic in the exclusive economic zone

1. In the exclusive economic zone established by this Act, the Republic has:

(a) Sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the sea-bed and subsoil and the superjacent waters, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and wind.

(b) Jurisdiction as provided for in the relevant provisions of this Act and its regulations with regard to:

(i) The establishment and use of artificial islands, installations and structures;

¹ Approved by the Congress of Venezuela on 26 July 1978 and published in the *Gaceta Oficial Extraordinaria*, No. 2.291 of the same date. Information communicated by the Permanent Mission of Venezuela to the United Nations. Spanish text provided by the Permanent Representative of Venezuela to the United Nations in a letter of 20 September 1978. Translation by the Secretariat of the United Nations.

- (ii) Marine scientific research;
- (iii) The preservation of the marine environment.

2. The rights set out in this article with respect to the sea-bed and subsoil shall be exercised in accordance with provisions relating to the continental shelf.

Article 4. Rights of other States in the exclusive economic zone

In the exclusive economic zone of the Republic, other States, whether coastal or land-locked, shall enjoy, subject to the relevant provisions of the present Act, the freedoms of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea associated with navigation and communication.

Article 5. Conservation of the living resources

1. The National Executive shall periodically determine the allowable catch of the living resources in the exclusive economic zone of the Republic.

2. The National Executive, taking into account the available scientific evidence, shall ensure through proper conservation and management measures that the maintenance of the living resources in the exclusive economic zone is not endangered by over-exploitation. As appropriate, the Republic shall co-operate to that end with relevant subregional, regional and global organizations.

3. Such measures shall also be designed to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield in the light of relevant environmental and economic factors.

Article 6. Utilization of the living resources

1. The Republic shall promote the optimum use of the living resources of the exclusive economic zone without prejudice to article 5 of this Act.

2. The National Executive shall periodically determine the capacity of the Republic to harvest the living resources of the exclusive economic zone. Where the National Executive determines that the Republic does not have the capacity to harvest the entire allowable catch, it shall, through agreements and other arrangements and pursuant to the terms, conditions and requirements laid down in the regulations giving effect to this Act, give other States access to the surplus of the allowable catch.

Article 7. Co-ordination with other States in respect of measures for the conservation of the living resources

1. The Republic shall seek, either directly or through appropriate subregional or regional organizations, to agree upon the measures necessary to co-ordinate and ensure the conservation and development of the same stock or stocks of associated species occurring within the exclusive economic zone of the Republic and the exclusive economic zones of neighbouring States.

2. Where the same stock or stocks of associated species occur both within the exclusive economic zone of the Republic and in an area beyond and adjacent to the zone but not within the exclusive economic zone of any other State, the Republic shall seek, either directly or through appropriate subregional or regional organizations, to agree with States whose nationals harvest these species upon the measures necessary for their conservation.

Article 8. Artificial islands, installations and structures in the exclusive economic zone

1. In the exclusive economic zone, the Republic shall have the exclusive right to construct and to authorize and regulate the construction, operation and use of:

(a) Artificial islands;

(b) Installations and structures for the purposes provided for in article 3 of this Act and other economic purposes;

(c) Installations and structures which may interfere with the exercise of the rights of the Republic in the zone.

2. The Republic shall have exclusive jurisdiction over such artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration regulations.

3. For the purpose of ensuring the safety of navigation, due notice must be given of the construction of such artificial islands, installations and structures, and permanent means for giving warning of their presence must be maintained. Any installations and structures which are abandoned or disused must be entirely removed.

4. The Republic may, where necessary, establish reasonable safety zones around such artificial islands, installations and structures in which it may take appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures.

5. The breadth of the safety zones shall be determined by the National Executive, taking into account applicable international standards. Such zones shall be designed to ensure that they are reasonably related to the nature and function of the artificial islands, installations and structures and shall not exceed a distance of five hundred (500) metres, measured from each point of their outer edge, except as authorized by generally accepted international standards or as recommended by the appropriate international organizations.

6. All ships must respect these safety zones and shall comply with generally accepted international standards regarding navigation in the vicinity of artificial islands, installations, structures and safety zones. Due notice shall be given of the extent of safety zones.

7. Artificial islands, installations and structures and the safety zones around them may not be established where interference may be caused to the use of recognized sea lanes essential to international navigation.

8. Artificial islands, installations and structures have no territorial sea of their own and their presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.

Article 9. Scientific research

1. Marine scientific research activities in the exclusive economic zone shall be conducted with the prior consent of the Republic.

2. The Republic will not withhold its consent to the conduct of a marine scientific research project unless that project:

(a) Is directly related to the exploration and exploitation of living and non-living natural resources;

(b) Involves drilling, the use of explosives or the introduction of harmful substances into the marine environment;

(c) Involves the construction, operation or use of artificial islands, installations and devices as referred to in article 15 of this Act;

(d) Unjustifiably interferes with activities undertaken by the Republic in accordance with its jurisdiction and as provided in this Act.
