

**Part II**  
**TREATIES**



## Division I

### THE TERRITORIAL SEA AND THE CONTIGUOUS ZONE

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#### Subdivision A. Multilateral treaties<sup>1</sup>

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#### Subdivision B. Bilateral treaties

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1. CONVENTION ENTRE LA FRANCE ET L'ESPAGNE SUR LA DELIMITATION DE LA MER TERRITORIALE ET DE LA ZONE CONTIGUE DANS LE GOLFE DE GASCOGNE (GOLFE DE BISCAYE), SIGNÉE A PARIS LE 29 JANVIER 1974<sup>2</sup>

Le Président de la République française,

Le Chef de l'Etat espagnol,

Désireux de délimiter la mer territoriale française et la mer territoriale et la zone contiguë espagnoles.

Tenant compte de la Convention du 14 juillet 1959 entre la France et l'Espagne relative à la pêche en Bidassoa et dans la baie du Figuiers<sup>3</sup>,

Ont résolu de conclure une Convention et ont nommé à cette fin pour plénipotentiaires :

Le Président de la République française :

M. Jean-Pierre Cabouat, ministre plénipotentiaire.

Le Chef de l'Etat espagnol :

M. Antonio Poch, ministre plénipotentiaire,

lesquels, après avoir échangé leurs pleins pouvoirs reconnus en bonne et due forme, sont convenus des dispositions suivantes :

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<sup>1</sup> No text of multilateral treaties on the territorial sea or the contiguous zone was received during the period covered by this volume.

<sup>2</sup> Texte espagnol transmis par le représentant permanent de l'Espagne auprès de l'Organisation des Nations Unies dans une note en date du 17 juin 1977. Le texte reproduit est le texte français authentique de la convention qui a été enregistrée au Secrétariat de l'Organisation des Nations Unies par le Gouvernement français le 19 février 1976.

<sup>3</sup> Reproduit partiellement dans ST/LEG/SER.B/15, p. 888.

*Article premier.*—La présente Convention s'applique dans le golfe de Gascogne, au nord de la baie du Figuier et jusqu'à la limite de douze milles à partir des lignes de base françaises et espagnoles.

*Article 2.*—1. Dans l'aire définie à l'article premier, la ligne de délimitation de la mer territoriale française tant avec la mer territoriale qu'avec la zone contiguë espagnoles est composée de deux lignes géodésiques définies comme suit :

a) La première ligne géodésique suit le méridien passant par le point M, milieu de la ligne AD qui joint le cap du Figuier (pointe Erdico), en Espagne, à la pointe de Sainte-Anne ou du Tombeau, en France.

Cette ligne part du point M et se poursuit vers le nord jusqu'au point P distant de 6 milles du point M.

b) La seconde ligne géodésique suit l'arc de grand cercle joignant le point P au point Q équidistant des lignes de base françaises et espagnoles et situé à douze milles de celles-ci.

2. La ligne séparative est tracée, conformément aux critères et données figurant ci-dessus, sur la carte marine française n° 174, mise à jour en 1973, annexée à la présente Convention.

*Article 3.*—La ligne MP limite les mers territoriales française et espagnole. La ligne PQ limite, d'une part, la mer territoriale française, d'autre part, la zone contiguë espagnole et le plateau continental sous-jacent à cette dernière. Il est convenu que, dans l'éventualité où l'Espagne étendrait à douze milles la largeur de sa mer territoriale, la ligne MPQ deviendrait la ligne de partage des mers territoriales respectives des deux Etats.

*Article 4.*—1. Les repères permettant d'identifier les points mentionnés à l'alinéa a) du paragraphe 1 de l'article 2 de la présente Convention sont ceux établis en application de la Convention du 14 juillet 1959 entre la France et l'Espagne, relative à la pêche en Bidassoa et dans la baie du Figuier.

2. Des repères permettant d'identifier les points désignés dans la présente Convention par les lettres P et Q seront installés.

*Article 5.*—La présente Convention sera ratifiée et les instruments de ratification seront échangés à Madrid. Elle entrera en vigueur le jour de l'échange des instruments de ratification.

## 2. AGREEMENT BETWEEN THE REPUBLIC OF SRI LANKA AND THE REPUBLIC OF INDIA ON THE BOUNDARY IN HISTORIC WATERS BETWEEN THE TWO COUNTRIES AND RELATED MATTERS, SIGNED AT COLOMBO ON 26 JUNE 1974 AND AT NEW DELHI ON 28 JUNE 1974<sup>1</sup>

The Government of the Republic of Sri Lanka and the Government of the Republic of India,

<sup>1</sup> Text provided by the Permanent Representative of Sri Lanka to the United Nations in a note verbale of 26 May 1977.

Desiring to determine the boundary line in the historic waters between Sri Lanka and India and to settle the related matters in a manner which is fair and equitable to both sides,

Having examined the entire question from all angles and taken into account the historical and other evidence and legal aspects thereof,

Have agreed as follows:

*Article 1.* The boundary between Sri Lanka and India in the waters from Palk Strait to Adam's Bridge shall be arcs of Great Circles between the following positions, in the sequence given below, defined by latitude and longitude:

Position 1: 10° 05' North, 80° 03' East

Position 2: 09° 57' North, 79° 35' East

Position 3: 09° 40.15' North, 79° 22.60' East

Position 4: 09° 21.80' North, 79° 30.70' East

Position 5: 09° 13' North, 79° 32' East

Position 6: 09° 06' North, 79° 32' East

*Article 2.* The co-ordinates of the positions specified in article 1 are geographical co-ordinates and the straight lines connecting them are indicated in the chart annexed hereto\* which has been signed by the surveyors authorized by the two Governments, respectively.

*Article 3.* The actual location of the aforementioned positions at sea and on the sea-bed shall be determined by a method to be mutually agreed upon by the surveyors authorized for the purpose by the two Governments, respectively.

*Article 4.* Each country shall have sovereignty and exclusive jurisdiction and control over the waters, the islands, the continental shelf and the subsoil thereof, falling on its own side of the aforesaid boundary.

*Article 5.* Subject to the foregoing, Indian fishermen and pilgrims will enjoy access to visit Kachchativu as hitherto, and will not be required by Sri Lanka to obtain travel documents or visas for these purposes.

*Article 6.* The vessels of Sri Lanka and India will enjoy in each other's waters such rights as they have traditionally enjoyed therein.

*Article 7.* If any single geological petroleum or natural gas structure or field, or any single geological structure or field of any other mineral deposit, including sand or gravel, extends across the boundary referred to in article 1 and the part of such structure or field which is situated on one side of the boundary is exploited, in whole or in part, from the other side of the boundary, the two countries shall seek to reach agreement as to the manner in which the structure or field shall be most effectively exploited and the manner in which the proceeds deriving therefrom shall be apportioned.

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\* This chart is in the custody of the Minister of Defence and Foreign Affairs.

*Article 8.* This Agreement shall be subject to ratification. It shall enter into force on the date of exchange of the instruments of ratification which will take place as soon as possible.

3. AGREEMENT ON THE DELIMITATION OF MARINE AND SUBMARINE AREAS AND MARITIME CO-OPERATION BETWEEN THE REPUBLICS OF ECUADOR AND COLOMBIA, SIGNED AT QUITO ON 23 AUGUST 1975<sup>1</sup>

The Governments of the Republics of Ecuador and Colombia, having regard to the fruitful friendship governing relations between the two countries and considering that:

Their identical interests in the southern Pacific region require the establishment of the closest possible co-operation between them for the purpose of adopting, in the marine and submarine areas over which they now exercise or may hereafter exercise sovereignty, jurisdiction or supervision, suitable measures for the preservation, protection and rational exploitation of the resources of the said areas,

It is their obligation to provide their peoples with the living conditions essential to their economic development and they must therefore utilize for the benefit of their peoples the resources which they possess and must prevent the plundering of those resources,

It is appropriate for them to delimit their respective marine and submarine areas,

Have for that purpose appointed as their plenipotentiaries:

His Excellency the President of Ecuador: Mr. Antonio José Lucio Paredes, Minister for Foreign Affairs;

His Excellency the President of Colombia: Mr. Indalecio Liévano Aguirre, Minister for Foreign Affairs;

Who have agreed as follows:

*Article 1.* To define as the boundary between their respective marine and submarine areas, as they now are or may hereafter be established, the geographical parallel running through the point at which the international land boundary between Ecuador and Colombia touches the sea.

*Article 2.* To establish beyond the distance of 12 nautical miles from the coast a special zone extending 10 nautical miles on either side of the parallel constituting the sea boundary between the two countries in order that the accidental presence of small fishing vessels of either country in the said zone may not be regarded as constituting a violation of the sea boundary. This does not imply recognition of any right to engage in fishing or hunting in the said special zone.

<sup>1</sup> Spanish text provided by the Permanent Representative of Ecuador to the United Nations in a note verbale dated 28 June 1977. Translation by the Secretariat of the United Nations.

*Article 3.* To recognize and respect the procedures by means of which each of the two States now or hereafter exercises its sovereignty, jurisdiction or supervision in the marine and submarine areas adjacent to its coasts up to a distance of 200 miles, in conformity with the provision now or hereafter made by each country and with their respective legislation.

*Article 4.* To recognize the right of each of the two countries to define the baselines from which the breadth of the territorial sea is to be measured by means of the straight baselines method linking the outermost points of their coasts, and to respect the measures which they have adopted or may hereafter adopt for that purpose.

*Article 5.* To institute the broadest possible co-operation between the two countries for the protection of renewable and non-renewable resources situated in the marine and submarine areas over which they now or hereafter exercise sovereignty, jurisdiction or supervision and for the utilization of those resources for the benefit of their peoples and in furtherance of their national development.

*Article 6.* To provide each other with the most extensive possible facilities for the purpose of promoting the exploitation and utilization of the living resources of their respective zones of maritime jurisdiction through the exchange of information, co-operation in scientific research, technical co-operation and encouragement of the formation of mixed enterprises.

*Article 7.* To co-ordinate, in so far as possible, the laws and regulations adopted by each country by virtue of its sovereign powers with regard to the granting of fishing licences and permits.

*Article 8.* To promote the broadest possible international co-operation in co-ordinating the protective measures taken by individual States in the maritime zones subject to their sovereignty or jurisdiction, particularly as regards species which migrate beyond their respective zones of jurisdiction, taking into account the recommendations of appropriate regional bodies and the most reliable and up-to-date scientific information. The said international co-operation shall be without prejudice to the sovereign right of each State to adopt, within its zone of maritime jurisdiction, such rules and regulations as it may find appropriate.

*Article 9.* To encourage the broadest possible co-operation in facilitating unimpeded international navigation in the sea areas subject to their sovereignty or jurisdiction.

*Article 10.* This Agreement shall enter into force on the date of the exchange of the respective instruments of ratification, which shall take place at Bogotá.

*Article 11.* This Agreement has been signed in duplicate, the two texts being identical and equally authentic.

4. ACCORD ENTRE LE GOUVERNEMENT DE LA REPUBLIQUE FRANÇAISE ET LE GOUVERNEMENT DE L'ETAT ESPAGNOL EN MATIERE DE COOPERATION OCEANOLOGIQUE, SIGNE A MADRID LE 11 DECEMBRE 1975<sup>1</sup>

Le Gouvernement de la République française et le Gouvernement de l'Etat espagnol,

Désireux d'instaurer entre les deux Etats une coopération qui, d'une part, facilite l'étude océanologique du golfe de Gascogne (Biscaye), ainsi que celle de la formation de son bassin et de la dynamique de ses eaux et, d'autre part, contribue à une meilleure utilisation des ressources naturelles existantes dans les espaces maritimes respectifs fixés dans les deux Conventions du 23 janvier 1974 qui délimitent, l'une, la mer territoriale et la zone contiguë<sup>2</sup>, et l'autre, le plateau continental<sup>3</sup>;

Considérant en outre que l'article 3 de la Convention relative à la délimitation des plateaux continentaux des deux Etats dans le golfe de Gascogne (Biscaye) du 23 janvier 1974 fixe les limites d'une vaste zone de fonds marins dans laquelle les Etats contractants s'engagent à favoriser une exploitation tendant à un partage égal de leurs ressources sur la base d'une association à parts égales et d'un financement des travaux proportionnel à leurs intérêts respectifs.

Etant donné que la coopération scientifique entre les deux Etats permettra également de parvenir à une connaissance plus étendue et plus rapide des conditions océanologiques de la mer Méditerranée, des variables physiques et géologiques, tout en facilitant l'exploitation des ressources existantes (vivantes et non vivantes);

Sont convenus des dispositions suivantes en application des articles premier et 2 de l'Accord complémentaire en vue de l'application de l'article VI de l'Accord de coopération culturelle, scientifique et technique du 7 février 1969 :

*Article premier.*—I. Le présent Accord s'applique à l'ensemble des zones dans lesquelles les deux Etats exercent des droits exclusifs.

II. La coopération océanologique prévue au présent Accord s'exerce essentiellement dans les domaines suivants :

1. Les recherches en matière d'océanologie fondamentale ou d'application commune à toute exploration ou exploitation des ressources marines (vivantes ou non vivantes).

2. L'activité scientifique ayant pour objet l'évaluation des ressources existantes et la découverte de nouvelles ressources.

<sup>1</sup> Texte espagnol transmis par le représentant permanent de l'Espagne auprès de l'Organisation des Nations Unies dans une note en date du 17 juin 1977. Le texte reproduit est le texte français authentique de l'accord, qui a été enregistré au Secrétariat de l'Organisation des Nations Unies par le Gouvernement français le 12 octobre 1976.

<sup>2</sup> *Supra*, sous-section b, 1.

<sup>3</sup> *Infra*, section III, sous-section b, 1.



3. Les études ayant pour objet de prévenir la pollution de la mer dans les zones visées au paragraphe 1, et, le cas échéant, de réduire au minimum les effets de toute pollution accidentelle.

4. Les méthodes de travail en vue de parvenir à un aménagement rationnel du littoral afin d'éviter l'industrialisation incontrôlée de ce dernier de nature à porter atteinte audit aménagement.

5. L'aquaculture, dans ses phases successives (de la semi-culture à la fécondation artificielle de différentes espèces dans différents milieux).

6. Etudes géologiques des zones dans lesquelles les deux Etats exercent des droits exclusifs.

7. L'échange d'étudiants, de personnels scientifique et technique et leur participation à des conférences, symposiums, séminaires, cours et autres activités de caractère analogue.

8. L'octroi de toutes sortes de facilités réciproques permettant au personnel scientifique de l'un des Etats de travailler dans des installations de l'autre Etat, à des projets d'intérêt commun.

9. L'intensification de la coordination des politiques océanologiques des deux Etats afin de permettre à ces derniers d'en utiliser réciproquement les résultats, de compléter leurs efforts et d'assurer la plus grande efficacité possible de l'utilisation et de la protection des ressources marines.

*Article 2.*—La mise en œuvre de la coopération prévue à l'article premier est confiée, du côté espagnol, à l'Instituto Español de Oceanografía (IEO), et, du côté français, au Centre national pour l'exploitation des océans (CNEXO).

*Article 3.*—Le CNEXO et l'IEO échangeront, trois mois au moins avant la fin de chaque année, pour l'année suivante, le programme général de leurs recherches exigeant la collecte de données ou d'échantillons océanologiques dans les zones, définies au paragraphe I de l'article premier, de l'autre Etat qui sera invité à y participer.

Ces programmes seront examinés en détail et précisés d'un commun accord dans l'esprit de la plus large coopération afin de donner lieu, dans toute la mesure possible, à des campagnes conjointes. Pour leur réalisation, ils devront être approuvés par les autorités compétentes de chaque Etat avant la fin de l'année. Cette approbation vaudra autorisation de principe pour les campagnes incluses dans les programmes.

En cas de circonstances imprévisibles ou exceptionnelles, l'un ou l'autre Etat pourra néanmoins s'opposer à la réalisation de l'une de ces campagnes, en communiquant sa décision avant le commencement de ladite campagne.

*Article 4.*—Le CNEXO et l'IEO sont autorisés à échanger librement toutes les informations océanologiques obtenues dans le cadre des programmes conjoints ou présentant un intérêt pour les programmes nationaux, à s'aider mutuellement dans l'exécution des travaux de traitement, de calcul et d'analyse desdites données, et à favoriser les réunions et les échanges de personnels scientifique et technique des instituts qui peuvent être jugés nécessaires.

*Article 5.*—Dans le cadre des programmes réalisés conjointement par le CNEXO et l'IEO, les formalités douanières qui doivent être observées pour tout le matériel qui peut être envoyé d'un Etat à l'autre sont limitées à la vérification sur les listes en quatre exemplaires, délivrées par les instituts, avec dispense de présentation de garantie à l'importation temporaire dans l'Etat correspondant.

*Article 6.*—Lorsque la mise en œuvre des programmes conjoints comporte la visite de navires océanographiques espagnols dans des ports français ou la visite de navires océanographiques français dans des ports espagnols, lesdits navires bénéficient des mêmes facilités que les navires nationaux.

*Article 7.*—Le CNEXO et l'IEO peuvent, par accord préalable, autoriser l'échange entre les navires français et espagnols de personnels scientifique et technique en matière d'océanologie participant à des programmes communs.

*Article 8.*—Les données obtenues et le résultat de l'analyse de ces dernières, dans le cadre des programmes conjoints, doivent être échangés en priorité entre les instituts intéressés. Ces derniers doivent solliciter l'accord des deux gouvernements avant de communiquer à des tiers tous résultats présentant un intérêt particulier pour l'un ou l'autre Etat.

*Article 9.*—Le présent Accord est conclu pour une durée de cinq ans et entrera en vigueur à la date de sa signature. Il sera reconduit tacitement d'année en année, sauf dénonciation par l'une des parties, qui devra être notifiée six mois avant l'expiration de sa validité.

5. (i) AGREEMENT BETWEEN SRI LANKA AND INDIA ON THE MARITIME BOUNDARY BETWEEN THE TWO COUNTRIES IN THE GULF OF MANNAR AND THE BAY OF BENGAL AND RELATED MATTERS, SIGNED AT NEW DELHI ON 23 MARCH 1976<sup>1</sup>

*The Government of the Republic of Sri Lanka and the Government of the Republic of India,*

*Recalling that the boundary in the Palk Strait has been settled by the Agreement between the Republic of Sri Lanka and the Republic of India on the Boundary in Historic Waters between the Two Countries and Related Matters, signed on 26/28 June 1974,<sup>2</sup>*

*And desiring to extend that boundary by determining the maritime boundary between the two countries in the Gulf of Mannar and the Bay of Bengal,*

<sup>1</sup>Text provided by the Permanent Representative of Sri Lanka to the United Nations in a note verbale of 26 May 1977.

<sup>2</sup>*Supra*, subdivision B, 2.

*Have agreed as follows:*

*Article I.* The Maritime Boundary between Sri Lanka and India in the Gulf of Mannar shall be arcs of Great Circles between the following positions, in the sequence given below, defined by latitude and longitude:

- Position 1 m: 09° 06' .0 N., 79° 32' .0 E
- Position 2 m: 09° 00' .0 N., 79° 31' .3 E
- Position 3 m: 08° 53' .8 N., 79° 29' .3 E
- Position 4 m: 08° 40' .0 N., 79° 18' .2 E
- Position 5 m: 08° 37' .2 N., 79° 13' .0 E
- Position 6 m: 08° 31' .2 N., 79° 04' .7 E
- Position 7 m: 08° 22' .2 N., 78° 55' .4 E
- Position 8 m: 08° 12' .2 N., 78° 53' .7 E
- Position 9 m: 07° 35' .3 N., 78° 45' .7 E
- Position 10 m: 07° 21' .0 N., 78° 38' .8 E
- Position 11 m: 06° 30' .8 N., 78° 12' .2 E
- Position 12 m: 05° 53' .9 N., 77° 50' .7 E
- Position 13 m: 05° 00' .0 N., 77° 10' .6 E

The extension of the boundary beyond position 13 m will be done subsequently.

*Article II.* The Maritime boundary between Sri Lanka and India in the Bay of Bengal shall be arcs of Great Circles between the following positions, in the sequence given below, defined by latitude and longitude:

- Position 1 b: 10° 05' .0 N., 80° 03' .0 E
- Position 1 ba: 10° 05' .8 N., 80° 05' .0 E
- Position 1 bb: 10° 08' .4 N., 80° 09' .5 E
- Position 2 b: 10° 33' .0 N., 81° 46' .0 E
- Position 3 b: 10° 41' .7 N., 81° 02' .5 E
- Position 4 b: 11° 02' .7 N., 81° 56' .0 E
- Position 5 b: 11° 16' .0 N., 82° 24' .4 E
- Position 6 b: 11° 26' .6 N., 83° 22' .0 E

*Article III.* The co-ordinates of the positions specified in articles I and II are geographical co-ordinates and the straight lines connecting them are indicated in the chart annexed hereto, which has been signed by the surveyors duly authorized by the two Governments respectively.

*Article IV.* The actual location at sea and on the sea-bed of the positions specified in articles I and II shall be determined by a method to be mutually agreed upon by the surveyors authorized for the purpose by the two Governments, respectively.

*Article V.* (1) Each Party shall have sovereignty over the historic waters and territorial sea, as well as over the islands, falling on its side of the aforesaid boundary.

(2) Each Party shall have sovereign rights and exclusive jurisdiction over the continental shelf and the exclusive economic zone as well as over their resources, whether living or non-living, falling on its side of the aforesaid boundary.

(3) Each Party shall respect rights of navigation through its territorial sea and exclusive economic zone in accordance with its laws and regulations and the rules of international law.

*Article VI.* If any single geological petroleum or natural gas structure or field, or any single geological structure or field of any mineral deposit, including sand or gravel, extends across the boundary referred to in articles I and II and the part of such structure or field which is situated on one side of the boundary is exploited, in whole or in part, from the other side of the boundary, the two countries shall seek to reach agreement as to the manner in which the structure or field shall be most effectively exploited and the manner in which the proceeds deriving therefrom shall be apportioned.

*Article VII.* The Agreement shall be subject to ratification. It shall enter into force on the date of exchange of instruments of ratification which shall take place as soon as possible.

## (ii) EXCHANGE OF LETTERS

### I

Excellency,

An Agreement has been concluded between India and Sri Lanka on Maritime Boundary between the two countries in the Gulf of Mannar and the Bay of Bengal and Related Matters which was signed on 23 March 1976. Our two Governments have also exchanged views on the substance of our proposed maritime legislation. With the establishment of the exclusive economic zones by the two countries, India and Sri Lanka will exercise sovereign rights over the living and non-living resources of their respective zone. The fishing vessels and fishermen of India shall not engage in fishing in the historic waters, the territorial sea and the exclusive zone of Sri Lanka nor shall the fishing vessels and fishermen of Sri Lanka engage in fishing in the historic waters, the territorial sea and the exclusive economic zone of India, without the express permission of Sri Lanka or India, as the case may be. In this connexion, the following understanding has been reached between our two Governments in respect of fishing in the Wadge Bank:

(1) The Wadge Bank which is located near Cape Comorin, the general description and outline of which is given in the enclosed note and chart, lies within the exclusive economic zone of India and India shall have sovereign rights over the area and its resources.

(2) The fishing vessels of Sri Lanka and persons on board these vessels shall not engage in fishing in the Wadge Bank. However, at the request of the Government of Sri Lanka and as a gesture of goodwill, the Government of India agrees that Sri Lanka fishing vessels duly licensed by the Government of India may engage in fishing in the Wadge Bank for a period of three years from the date of establishment by India of its

exclusive economic zone. It is agreed that the number of Sri Lanka fishing vessels shall not exceed six, and their fish catch in the Wadge Bank shall not exceed 2,000 tons, in any one year. At the expiry of this period, Sri Lanka vessels shall cease to fish in the Wadge Bank.

(3) The fishing by Sri Lanka vessels in the Wadge Bank shall be subject to the terms and conditions, including the fees to be charged, specified by the Government of India and to inspection and control by the Indian authorities. The Sri Lanka fishing vessels shall comply with these terms and conditions.

(4) If the Government of India decides to explore the Wadge Bank for petroleum and other mineral resources during the period mentioned in subparagraph (2), the Government of India shall notify to the Government of Sri Lanka the zones reserved for such exploration and the date of commencement of exploration. Sri Lanka fishing vessels shall terminate fishing activity, if any, in these zones with effect from the date of commencement of exploration.

(5) The facility allowed to the Sri Lanka fishing vessels and persons on board those vessels is restricted to the fishing vessels owned by the Government of Sri Lanka or by a Sri Lanka company or its nationals. This facility shall not be transferable to any other State or its vessels or nationals.

(6) At the request of the Government of Sri Lanka, the Government of India agrees to provide annually to Sri Lanka 2,000 tons of fish of the quality and species and at the price to be mutually agreed upon between the two Governments, for a period of five years with effect from the date of cessation of fishing activity by Sri Lanka vessels in the Wadge Bank as stipulated in subparagraph (2).

(7) The Government of India agrees to make available to the Government of Sri Lanka, upon terms and conditions to be agreed upon between the two Governments, technical assistance for the development of Sri Lanka's fisheries arising from the diversion of Sri Lanka's fishing vessels from the Wadge Bank.

I shall be grateful if you kindly confirm that the above sets out correctly the understanding reached between our two Governments. On receipt of your letter confirming this understanding, the understanding embodied in this letter shall constitute an Agreement between our two Governments.

Accept, Excellency, the assurances of my highest consideration.

*Signed: Kewal SINGH*  
*Foreign Secretary to the*  
*Government of India*

*His Excellency*  
*Mr. W. T. JAYASINGHE*  
*Secretary in the Ministry of*  
*Defence and Foreign Affairs,*  
*Government of Sri Lanka*

## II

Excellency

I have the honour to acknowledge receipt of your letter of 23 March 1976 which reads as follows:

[See Letter I]

I have the honour to confirm that the above correctly sets out the understanding reached between our two Governments. Your letter and my reply thereto shall constitute an Agreement between the Government of Sri Lanka and the Government of India which shall come into force with effect from today the twenty-third day of March Nineteen Hundred and Seventy-six.

Accept, Excellency, the assurances of my highest consideration.

W. T. JAYASINGHE

*His Excellency*  
Mr. Kewal SINGH  
*Foreign Secretary to*  
*the Government of India*

6. EXCHANGE OF NOTES BETWEEN THE UNITED REPUBLIC OF TANZANIA AND KENYA CONCERNING THE DELIMITATION OF THE TERRITORIAL WATERS BOUNDARY BETWEEN THE TWO STATES<sup>1</sup>

## I

*Kenyan note*

December 17th, 1975

Your Excellency,

I have the honour to refer to the meetings held between officials of the United Republic of Tanzania and of the Republic of Kenya on 8th May, 1972 at Mombasa, Kenya and from 6th to 8th August, 1975 at Arusha, Tanzania and on 4th September, 1975 at Dar-es-Salaam, Tanzania, on the delimitation of the territorial waters boundary between our two countries and to state that, as a result of the said meetings, the following points were agreed:

1. *Boundary:*

*Base Lines:*

- (a) Ras Jimbo beacon—Kisite Island (rock)
- (b) Ras Jimbo—Mwamba-wamba beacon
- (c) Mwamba-wamba beacon—Fundo Island beacon (rock)
- (d) Fundo Island beacon (rock)—Ras Kigomasha lighthouse
- (e) Kisite Island (rock)—Mpunguti ya Juu—lighthouse.

<sup>1</sup> Entered into force on 9 July 1976. English text provided by the Permanent Representative of Kenya to the United Nations in a letter of 18 April 1977.

2. *The description of the boundary:*

- (a) *On the West:* The median line between the Ras Jimbo beacon—Kisite Island/Ras Jimbo—Mwamba-wamba beacon base lines to a point 12 nautical miles from Ras Jimbo up to a point hereinafter referred to as 'A', located at 4° 49' 56" S and 39° 20' 58" E;
- (b) *On the East:* The median line derived by the Intersection of two arcs each being 12 nautical miles drawn from Mpunguti ya Juu lighthouse and Ras Kigomasha lighthouse respectively hereinafter referred to as point 'B', located at 4° 53' 31" S and 39° 28' 40" E and point C, located at 4° 40' 52" S and 39° 36' 18" E;
- (c) *On the South:* An arc with the centre as the Northern Intersection of arcs with radii 6 nautical miles from point 'A' as described in paragraph 2 (a) above and point 'B' which is the Southern Intersection of arcs from Ras Kigomasha lighthouse and Mpunguti ya Juu lighthouse.
- (d) The eastward boundary from point C, which is the Northern Intersection of arcs from Ras Kigomasha lighthouse and Mpunguti ya Juu lighthouse as described under paragraph 2 (b) above, shall be the latitude extending eastwards to a point where it intersects the outermost limits of territorial water boundary or areas of national jurisdiction of two States.
- (e) The marine charts of 1:250,000 describing the co-ordinates of the above points shall form an integral part of this agreement.

3. *Fishing and fisheries:*

- (a) It was agreed that indigenous fishermen from both countries engaged in fishing for subsistence, be permitted to fish within 12 nautical miles of either side of the territorial sea boundary in accordance with existing regulations.
- (b) It was agreed that there be reciprocal recognition of fisheries licences, regulations and practices of either State applicable to indigenous fishermen aforesaid. The fishing within the area specified in paragraph 3 (a).

After due consideration of the said points of agreement, including the attached map describing the co-ordinates of the boundary as delimited, the Government of the Republic of Kenya hereby confirms that it accepts the above recommendations having been fully convinced that they are for the mutual benefit of our two countries.

If the Government of the United Republic of Tanzania is of the same view, then it is suggested that this Note and your reply thereto in the affirmative shall constitute an Agreement for the territorial waters boundary

between our two States and other related matters referred to above and the same shall enter into force on the date of the receipt of your said Note in reply.

Accept, Your Excellency, the assurances of my highest consideration.

Yours

Dr. Munyua WAIYAKI  
*Minister for Foreign Affairs*

H.E. Mr. Ibrahim KADUMA, M.P.,  
*Minister for Foreign Affairs,*  
*United Republic of Tanzania,*  
*Dar es Salaam, Tanzania*

## II

### *Tanzanian note*

9th July, 1976

Your Excellency,

I have the honour to acknowledge receipt of your letter Ref. No. MFA.273/430/001A/120 of 17th December, 1975 which reads as follows:

[See Letter I]

I have the honour to confirm that the foregoing is acceptable to the Government of the United Republic of Tanzania.

Please accept, Your Excellency, the assurances of my highest consideration.

Ibrahim M. KADUMA  
*Minister for Foreign Affairs*

H.E. Dr. Munyua WAIYAKI  
*Minister for Foreign Affairs,*  
*Office of the Minister,*  
*Nairobi, Kenya*

### 7. AGREEMENT BETWEEN THE GOVERNMENT OF THE KINGDOM OF DENMARK AND THE GOVERNMENT OF THE GERMAN DEMOCRATIC REPUBLIC CONCERNING SALVAGE OPERATIONS IN THE INTERNAL WATERS AND TERRITORIAL SEAS OF THE KINGDOM OF DENMARK AND THE GERMAN DEMOCRATIC REPUBLIC, DONE AT BERLIN, 13 OCTOBER 1976<sup>1</sup>

<sup>1</sup> Danish and German texts 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.



The Government of the Kingdom of Denmark and the Government of the German Democratic Republic,

Desiring to strengthen the good-neighbourly relations between the two States on the basis of the principles of international law,

Taking into account the fact that prompt assistance to ships in distress and their cargoes may be of vital importance.

Bearing in mind the fact that ships in distress must have an opportunity to make use of such assistance as is most expedient in each individual case,

Have agreed to conclude this Agreement.

#### *Article 1*

For the purposes of this Agreement:

1. "Ship" means a vessel of any type which is used at sea, including hydrofoil boats, air-cushion vessels, submarines, floating vessels and fixed or floating platforms.
2. "Salvage" means any operation conducted from the sea, including assistance and towage, to save ships in distress and their cargo.
3. "Accident at sea" means any collision, shipwreck, stranding, inability to manoeuvre or other event on board or outside a ship which leads or may lead to imminent danger to a ship or its cargo.

#### *Article 2*

1. This Agreement shall apply to the internal waters and territorial sea of the German Democratic Republic with the exception of areas, as specified in *Nautische Mitteilungen für Seefahrer*, in which navigation and anchoring are prohibited or in which nationals of the German Democratic Republic are prohibited from fishing.

2. This Agreement shall apply to Danish internal waters and the Danish territorial sea in the Baltic, in the Kattegat and the Skagerrak, in the North Sea, in the Danish Sounds and Belts and in the waters surrounding the Faroe Islands, with the exception of areas, as specified in *Efterretninger för Sjöfarende*, in which navigation or anchoring are prohibited or in which Danish nationals are prohibited from fishing.

3. Applications for permission to conduct salvage operations in areas in which salvage is prohibited under paragraphs (1) and (2) shall be given sympathetic and prompt consideration.

#### *Article 3*

(1) If a ship flying the flag of one of the Contracting Parties, while navigating or staying in the internal waters or the territorial sea of the other Contracting Party, experiences an accident at sea, the ship's master or owner shall be permitted to call for salvage assistance from ships flying the flag of one of the Contracting Parties.

(2) If a ship flying the flag of one of the Contracting Parties and situated outside the territorial waters of the other Contracting Party experiences an accident at sea which affects its seaworthiness and the ship requires immediate assistance, it may, with the assistance of another ship flying the same flag, be brought into the territorial sea or internal waters of the other Contracting Party for repair. In such a case the provisions of article 4 concerning admission to the territorial sea and internal waters shall also apply to the assisting ship.

(3) Ship flying the flag of the one of the Contracting Parties and situated in the territorial sea or internal waters of the other Contracting Party shall be under obligation, with due regard to the provisions of this Agreement to observe the laws and regulations of that Contracting Party, especially in respect of salvage operations and the sojourn of foreign ships and nationals.

(4) The provisions of paragraph (1) shall not affect the right of the Contracting Party concerned to conduct operations in its territorial sea or internal waters with a view to averting serious and imminent dangers which pose a threat to that Contracting Party or to navigation in connexion with the accident.

#### *Article 4*

(1) The right of admission to the internal waters and territorial seas of the Contracting Parties for the purpose of conducting salvage operations which is provided for in article 3 is granted on the condition that information about the nature and scope of the accident and the names of the organization and the ship or ships which are to conduct the salvage operations is furnished to the competent authorities of the country in whose internal waters or territorial sea the ship in distress is situated.

(2) Such information shall be furnished as soon as possible, and in any case not later than the time when the salvage ship enters the territorial sea of the other Contracting Party.

(3) If the salvage ship referred to in paragraph (2) is already in the other Party's territorial sea or internal waters, the information referred to in paragraph (1) shall be furnished before salvage operations are begun.

(4) The procedure for furnishing the information referred to in this article shall be laid down in an exchange of letters.

#### *Article 5*

(1) The use of salvage ships not flying the flag of one of the Contracting Parties shall require the permission of the Contracting Party in whose territorial sea or internal waters assistance is to be rendered from the sea. The same shall apply when salvage equipment which does not belong to the authorities of one of the Contracting Parties or to an individual or body corporate domiciled in the State of one of the Contracting Parties is to be used.

(2) Permission under paragraph (1) shall be granted as soon as possible, unless there is some important reason for refusal.

(3) The procedure for requesting the permission referred to in this article shall be laid down in an exchange of letters.

#### *Article 6*

Salvage operations by naval vessels and ships used by the State for non-commercial purposes may be conducted in accordance with the laws and regulations in force at the time and in each Contracting State regarding the admission and sojourn of such foreign ships in its territorial sea and internal waters.

#### *Article 7*

(1) If a ship flying the flag of one of the Contracting Parties has experienced an accident at sea in the territorial sea or internal waters of the other Contracting Party and if, as a result, the ship poses a danger to or seriously hampers navigation or fishing, or there is pollution by oil or some other noxious substance or there is reason to fear a significant risk thereof, the competent authorities may call upon the ship's owner to remove the ship within a reasonable time or, if the ship has sunk, to provide such depth over the wreck as is necessary in the circumstances. The period deemed to be a reasonable time shall be the total time required for transmitting the notification, for conducting the necessary negotiations with the salvage enterprises for making the necessary preparations for salvage operations, and for the salvage ship to reach the site of the accident.

(2) Each Contracting Party shall ensure that the master of any ship flying its flag, in the event of an accident leading to the ship's sojourn in the territorial sea or internal waters of the other Contracting Party, shall provide, at the request of the latter Party's authorities, such detailed information concerning the ship and its cargo as is relevant to measures for preventing or combating marine pollution and that he shall co-operate with those authorities.

(3) If the owner of a ship flying the flag of one of the Contracting Parties refuses or is unable to remove the ship or initiate the measures referred to in paragraph (1) within a reasonable time, the competent authorities of the other Party may themselves take the necessary measures at the owner's expense.

(4) If the salvage or removal of the wreck is urgently necessary because of a danger to navigation or the threat of marine pollution, or in some other way to limit the scope of the accident, the authorities of the Contracting Party concerned may themselves at the owner's expense, arrange for salvage or removal of the wreck or take measures to provide the necessary depth over the wreck.

(5) In no case referred to in this article shall the ship's owner be responsible for expenses exceeding the limitation of liability for ships flying the flag of the country concerned.

(6) If a ship flying the flag of one of the Contracting Parties experiences an accident at sea in waters which lie outside the territorial sea but in which the authorities of the other Contracting Party are responsible for the safety of international navigation, and if, as a result, the ship poses a danger to or seriously hampers navigation, the competent authorities of both Contracting Parties shall immediately undertake negotiations with a view to ensuring the early salvage or removal of the ship.

*Article 8*

(1) This Agreement shall not affect the rights and obligations of the Contracting Parties deriving from international conventions on the law of the sea and on navigation.

(2) This Agreement shall not affect the positions of the Contracting Parties with regard to questions concerning the international law of the sea.

*Article 9*

The application of this Agreement to naval vessels and ships used by the State for non-commercial purposes shall in no way restrict the immunities of those ships deriving from the generally recognized rules of international law.

*Article 10*

This Agreement is concluded for a period of three years. It shall be extended for successive one-year periods unless one of the Contracting Parties denounces it in writing not later than six months before the expiry of the period of validity.

*Article 11*

This Agreement shall enter into force on the date of the exchange of diplomatic notes in which the Contracting Parties inform each other that the constitutional requirements for the entry into force of the Agreement have been fulfilled.

DONE at Berlin on 13 October 1976, in duplicate in the Danish and German languages, both texts being equally authentic.

8. SUPPLEMENTARY AGREEMENT BETWEEN SRI LANKA AND INDIA ON THE EXTENSION OF THE MARITIME BOUNDARY BETWEEN THE TWO COUNTRIES IN THE GULF OF MANNAR FROM POSITION 13 M TO THE TRIJUNCTION POINT BETWEEN SRI LANKA, INDIA AND MALDIVES (POINT T), SIGNED AT COLOMBO ON 22 NOVEMBER 1976<sup>1</sup>

*The Government of the Republic of Sri Lanka and the Government of the Republic of India,*

<sup>1</sup>Text provided by the Permanent Representative of Sri Lanka to the United Nations in a note verbale of 26 May 1977.

*Recalling* the Agreement between Sri Lanka and India on the Maritime Boundary between the two countries in the Gulf of Mannar and the Bay of Bengal and related matters, which was signed in March 1976, . . .,<sup>1</sup> and which, in article I, provides that "The extension of the boundary beyond position 13 m will be done subsequently",

*Recalling* the Agreement between Sri Lanka, India and Maldives concerning the determination of the trijunction point between the three countries in the Gulf of Mannar, which was signed by the representatives of the three Governments in July 1976, . . .<sup>2</sup>

*And desiring* to extend the maritime boundary between Sri Lanka and India in the Gulf of Mannar from position 13 m to the trijunction point (Point T),

*Have agreed* as follows:

#### *Article I*

The maritime boundary between Sri Lanka and India in the Gulf of Mannar beyond position 13 m, defined in the Maritime Boundary Agreement of March 1976 (Annex I), up to the trijunction point (Point T) defined in the trilateral agreement of July 1976 (Annex II), shall be of Great Circles between the following positions, defined by latitude and longitude:

Position 13 m: 05° 00'.0.N., 77° 10'.6 E

Point T: 04° 47'.04.N., 77° 01'.40 E

#### *Article II*

The provisions of article III to article VII of the Maritime Boundary Agreement of March 1976 (Annex I) shall apply, *mutatis mutandis*, to this Agreement, as if this Agreement were supplementary to and an integral part of that Agreement.

<sup>1</sup> *Supra*, 5.

<sup>2</sup> *Supra*, division II, subdivision A, 1.