

*United Nations Legislative Series*

NATIONAL LEGISLATION  
AND TREATIES RELATING  
TO THE TERRITORIAL SEA,  
THE CONTIGUOUS ZONE,  
THE CONTINENTAL SHELF,  
THE HIGH SEAS  
AND TO  
FISHING AND CONSERVATION  
OF THE LIVING RESOURCES  
OF THE SEA



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## INTRODUCTION

This volume in the *United Nations Legislative Series* is intended to complete, by reproducing up-to-date legal texts, the contents of the previous volumes in the *United Nations Legislative Series* devoted to the law of the sea which were issued prior to the 1958 and 1960 United Nations Conferences on the Law of the Sea, in particular:

- (a) *Laws and Regulations on the Régime of the High Seas*, volume I (Continental Shelf, Contiguous Zones, Supervision of Foreign Vessels on the High Seas) (ST/LEG/SER.B/1, U.N. Sales No.: 1951.V.2);
- (b) *Supplement to Laws and Regulations on the Régime of the High Seas*, volume I (ST/LEG/SER.B/8, U.N. Sales No.: 1959.V.2); and
- (c) *Laws and Regulations on the Régime of the Territorial Sea* (ST/LEG/SER.B/6, U.N. Sales No.: 1957.V.2).

The adoption of four Conventions at the 1958 United Nations Conference on the Law of the Sea, namely the Convention on the Territorial Sea and the Contiguous Zone, the Convention on the Continental Shelf, the Convention on the High Seas and the Convention on Fishing and Conservation of the Living Resources of the High Seas, all of which are now in force, gave rise to a new series of legislative texts and treaties concerning different aspects of the law of the sea.

The present volume will, it is hoped, be of assistance to individual Governments and to United Nations bodies which may be concerned with the law of the sea or with various aspects of marine developments, in particular those bodies engaged in the study of the question of the reservation exclusively for peaceful purposes of the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction. It may also be recalled that, in resolution 2574 (XXIV) of 15 December 1969, the General Assembly requested the Secretary-General to ascertain the views of Member States "on the desirability of convening at an early date a conference on the law of the sea to review the régimes of the high seas, the continental shelf, the territorial sea and contiguous zones, fishing and conservation of the living resources of the high seas, particularly in order to arrive at a clear, precise and internationally accepted definition of the area of the sea-bed and ocean floor which lies beyond national jurisdiction, in the light of the international régime to be established for that area".

In order to compile the present volume, the Secretary-General addressed notes, dated 16 March 1967 and 26 January 1968, to States members of the United Nations, States members of the specialized agencies and States parties to the Statute of the International Court of Justice, requesting them to transmit to him the text of "laws, regulations,

treaties and other sources of evidence of international law, from the period between 1958 and the present time, and which relate to the delimitation and control of the territorial sea, of contiguous zones and of the continental shelf, and to the exploitation of the resources of the sea, sea-bed and subsoil outside of internal waters". In a further note, dated 9 April 1968, the Secretary-General requested Governments to furnish him also with "National legislation programmes concerning exploitation procedures, and research in natural resources of the sea-bed, ocean floor and subsoil, including available legislation on safety practices in connexion with oil drilling and mining in marine areas".

The present volume reproduces the texts received in response to the Secretary-General's inquiries.<sup>1</sup> The texts have been arranged in two parts: Part I reproduces the texts of national legislation and other acts of national regulation; and Part II comprises treaty provisions. Each Part is divided into four Divisions, as follows:

Division I: Territorial Sea and the Contiguous Zone

Division II: Continental Shelf

Division III: High Seas

Division IV: Fishing and Conservation of the Living Resources of the Sea.

The material contained in Division I of Part I is further divided into sub-divisions and chapters, as indicated in the table of contents. The texts contained in the chapters of Part I, Division I, are arranged, so far as possible in chronological order, under the name of the country concerned. In Part II a distinction has been made between multilateral and bilateral treaties, which are arranged separately in each division.

Charts and maps are not reproduced for technical reasons.

When it was not considered necessary to reproduce a text, the title of the text is marked by an asterisk (\*). As in the case of other volumes in the *United Nations Legislative Series*, texts in English or French have been reproduced in the original version only. Texts in other languages have been translated into English; when such translations have been made by the United Nations Secretariat, the titles of the texts concerned have been marked with two asterisks (\*\*).

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<sup>1</sup> Some of the texts received by the Secretary-General in response to the above notes have already been published, in whole or in part, in various United Nations documents, in order to supply promptly the appropriate United Nations body with relevant information. See for example the "Survey of Existing International Agreements concerning the Sea-Bed and the Ocean Floor, and the Subsoil thereof, underlying the High Seas beyond the Limits of Present National Jurisdiction" (A/AC.135/10/Rev.1) and the "Survey of National Legislation concerning the Sea-Bed and the Ocean Floor, and the Subsoil thereof, underlying the High Seas beyond the Limits of Present National Jurisdiction" (A/AC.135/11, and Corr.1, and A/AC.135/11/Add.1).

**Part I**  
**NATIONAL LEGISLATION**





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<sup>1</sup> Under this heading, all texts relating to fishing have been included whether they concern fishing in the territorial sea or in the high seas. However, the texts relating to living organisms belonging to sedentary species are to be found in DIVISION II and, in a few instances, in DIVISION I, SUB-DIVISION A, chapter IX. The provisions concerning the civil and penal jurisdiction over fisheries are also included in this DIVISION.

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**DIVISION I**  
**THE TERRITORIAL SEA AND THE CONTIGUOUS**  
**ZONE**

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**Sub-Division A. The Territorial Sea**

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**Chapter I**

**STATUS, BREADTH AND DELIMITATION OF THE**  
**TERRITORIAL SEA**

1. ARGENTINA

(a) LAW NO. 17,094-M 24 OF 29 DECEMBER 1966\*\*

*Article 1.* The sovereignty of the Argentine nation shall extend over the sea adjacent to its territory for a distance of 200 nautical miles measured from the line of the lowest tide, except in the cases of the San Matias, Nuevo and San Jorge gulfs, where it will be measured from the line joining the promontories which form their mouth.

*Article 2.* The sovereignty of the Argentine nation shall also extend over the seabed and the subsoil of the submarine zones adjacent to its territory up to a depth of 200 metres or, beyond this limit, up to that depth of the overlying waters which allows exploitation of the natural resources of those zones.

*Article 3.* The provisions of this law shall not affect freedom of navigation or of air traffic.

*Article 4.* Within ninety days from the date of promulgation of this law, the National Executive Power shall issue regulations establishing the terms under which foreign ships may conduct operations designed to explore and exploit the natural resources of the sea within the 200-nautical-mile zone referred to in this law.

(b) DECREE NO. 5106 OF 4 JANUARY 1967\*\*

*Article 1.* Pending the issuance of the regulations referred to in article 4 of Law 17,094, the Naval Operations Command shall be authorized to issue to foreign fishing vessels which request them permits to carry out fishing operations in the Argentine territorial sea at a distance of no less than twelve miles from the coast.

*Article 2.* The Naval Operations Command shall ensure that vessels requesting such permits meet all the safety standards laid down in the International Convention for the Safety of Life at Sea.

- (c) LAW NO. 17,500 OF 25 OCTOBER 1967 CONCERNING THE PROMOTION OF FISHERIES, article 1<sup>1</sup>

## 2. AUSTRALIA

- (a) WHALING ACT 1960 (No. 10 of 1960; 13 May 1960) section 5<sup>2</sup>
- (b) PETROLEUM (SUBMERGED LANDS) ACT 1967 (No. 118 of 1967; 22 November 1967), sections 5 and 6 and second schedule<sup>3</sup>
- (c) MINISTERIAL STATEMENT<sup>4</sup> of 31 OCTOBER 1967 on TERRITORIAL SEA BASELINES

I wish to inform the House of certain adjustments that the Government has decided to make with regard to the baselines from which the breadth of the 3-miles belt of territorial sea around Australia and the external Territories will henceforth be measured. The adjusted baselines will also be used for the measurement of the breadth of the 12-miles exclusive fisheries zone which is the subject of a Bill now before the House. The changes accord with current rules of international law and are specifically authorised by the International Convention of the Territorial Sea and the Contiguous Zone, to which Australia and other countries, including Britain and the United States, are parties.

The general international rule that has hitherto applied, and that continues to apply under the Convention, is that the baseline for the measurement of the territorial sea follows the low-water line along the coast. However, it has long been recognised that straight baselines may be drawn across bays. The waters on the landward side of these baselines are technically known as "internal waters" and, in Australia's case, they form part of the State or Territory to which they are adjacent.

Under Australia's present policy, the straight baselines drawn across bays do not exceed 10 miles in length. The Convention authorises the drawing of straight baselines up to 24 miles in length across bays that meet the criteria specified in the Convention, and the Government has decided to apply this principle, wherever relevant, around the coasts of Australia and of the Territories.

Three deep indentations around the Australian coast—Shark Bay, St. Vincent Gulf and Spencer Gulf—all of which are "bays" under the criteria specified in the Convention, would not be completely enclosed by baselines 24 miles in length. Shark Bay, at least, is probably already under Australian sovereignty as an "historic" bay. But in any event the Convention authorises the drawing of straight baselines exceeding 24 miles in length where a coast-line is deeply indented or cut into, provided that no appreciable departure from the general direction of the coast is involved. Straight baselines will accordingly be drawn across the entrances to Shark Bay and the two South Australian Gulfs.

<sup>1</sup> *Infra* DIVISION IV. 1 (c).

<sup>2</sup> *Infra* DIVISION IV. 2 (c).

<sup>3</sup> *Infra* DIVISION II. 2 (a).

<sup>4</sup> *Parliamentary Debates* (Hansard), twenty-sixth Parliament, first session, 1967 (second period) House of Representatives, Tuesday, 31 October 1967. Statement by Mr. Bowen (Parramatta; Attorney-General).

## STATES OF AUSTRALIA

## QUEENSLAND

*Mineral Resources (Adjacent Submarine Areas) Act of 1964* (No. 26 of 1964; 14 April 1964)  
sections 2 and 4<sup>1</sup>

## VICTORIA

(a) *Fisheries Act 1958* (No. 6252; 30 September 1958) as amended<sup>2</sup>

## PART I. PRELIMINARY

3. *Interpretation*

In this Act unless inconsistent with the context or subject-matter—

...

*Waters*

“Waters” includes all ports harbors lakes rivers creeks streams water-courses and lagoons in Victoria whether salt fresh or brackish and also all reservoirs dams tanks channels or works for water storage or distribution vested in or under the control of the Crown or any statutory authority and any part of the sea within a distance of three miles from any part of the coast of Victoria and any bay estuary or other inlet of the sea, but not any water or waters the property of any private individual.

## PART VI A. NOXIOUS FISH

51A. *Interpretation*

In this Part unless inconsistent with the context or subject-matter—

*Victorian waters*

“Victorian waters” includes all ports harbors lakes rivers creeks streams water-courses and lagoons in Victoria whether salt fresh or brackish and also all reservoirs dams tanks channels or works for water storage or distribution vested in or under the control of the Crown or any statutory authority and any part of the sea within a distance of three miles from any part of the coast of Victoria and any bay estuary or other inlet of the sea and also includes any aquarium or any hatchery or any water or waters whatsoever in Victoria whether or not the property of any private individual.

<sup>1</sup> *Infra* DIVISION II, 2. *States of Australia, Queensland (a)*.

<sup>2</sup> By the Fisheries (Amendment) Act 1967 (No. 7641; 19 December 1967). The Fisheries Act 1928 quoted in ST/LEG/SER.B/6, p. 1 was repealed by section 2(1) and second schedule of the Fisheries Act 1958.

(b) *Local Government Act 1958* (No. 6299, 30 September 1958) as amended<sup>1</sup>

PART I. THE CONSTITUTION OF MUNICIPALITIES GENERALLY

*Division 1. Incorporation and Government of Municipalities and Boundaries of Districts*

...

Section 12

...

(4) *Boundaries of municipalities*

Where in the Second Schedule to the *Local Government Act 1890* or in any document whether made before or after the commencement of this Act the boundary of the municipal district of any municipality (including the city of Melbourne and the city of Geelong) or of any subdivision of any such municipal district is described as or by reference to the sea-coast (whether such reference is to the sea-shore, to the waters of the sea or to any bay, or in any other way) such boundary shall be the line for the time being of the high water mark on the relevant sea-coast.

(c) *Underseas Mineral Resources Act 1963* (No. 7095; 10 December 1963), section 2<sup>2</sup>

WESTERN AUSTRALIA

*Fisheries Act, 1905-1966* (No. 38 of 1966; 31 October 1966).

PART I. PRELIMINARY

3. *Interpretation*

In this Act, unless the context or subject matter otherwise indicates or requires—“Western Australian Waters” include the sea to three miles from high-water mark, and every tidal river, and every estuary or arm of the sea, and the waters of every river, stream, brook, creek, lake, or lagoon, the water whereof, at any time of the year, has access to the sea, and notwithstanding that the land covered by the water is private land alienated by the Crown.

3. BRAZIL

LAW-DECREE<sup>3</sup> NO 56 OF 28 APRIL 1969 EXTENDING FROM SIX TO TWELVE NAUTICAL MILES THE BREADTH OF THE TERRITORIAL SEA

*Article 1.* The territorial sea of the Federal Republic of Brazil comprises all waters along its coastline from Cape Orange, at the mouth of River Oiapoque, to

<sup>1</sup> Most recently by the Local Government (Municipalities Assistance Fund) Act 1967 (No. 7626; 12 December 1967).

<sup>2</sup> *Infra* DIVISION II. 2. *States of Australia, Victoria (a)*.

<sup>3</sup> By this Law-Decree, the Law-Decree No. 44 of 18 November 1966 and all other rules contrary to it have been revoked. See also circular No. 43 of 25 August 1914 from the Ministry for Foreign Affairs to the Ministers of the Navy and of War and to the State Governors regarding the extent of the territorial waters, published in ST/LEG/SER. B/6, p. 2.

the brook Chui, in the State of Rio Grande do Sul, in a belt of twelve nautical miles in width, measured from the low-water mark adopted as reference on the Brazilian nautical charts.

*Paragraph.* In localities where the coastline, including the islands, is deeply indented, forming bays, inlets or other indentations, the twelve miles referred above shall be measured from straight baselines joining the two closest opposite points of the inflection of the coast, separated by a distance of twenty-four nautical miles or less.

#### 4. BURMA

##### DECLARATION OF 15 NOVEMBER 1968 BY THE CHAIRMAN OF THE REVOLUTIONARY COUNCIL OF THE UNION OF BURMA ON THE TERRITORIAL SEA OF THE UNION OF BURMA

Whereas International Law has always recognised that the sovereignty of a State extends to a belt of sea adjacent to its coast, and whereas international practice is not uniform as regards the extent of this sea belt commonly known as the territorial sea of the State, and consequently it is necessary to make a declaration as to the extent of the territorial sea of the Union of Burma, the Chairman of the Revolutionary Council of the Union of Burma hereby declares—

1. That notwithstanding any rule of law or practice to the contrary which may have been observed in the past relating to the Union of Burma or any part thereof, the territorial sea of the Union of Burma shall extend into the sea to a distance of twelve nautical miles measured from the appropriate baseline.

2. Except as provided for in paragraph 3, the low-water line along the coast, as marked on large-scale charts officially recognised by the Government of the Union of Burma, shall be the baseline for measuring the breadth of the territorial sea of the Union of Burma.

3. That where it is necessary by reason of the geographical conditions prevailing on the Union of Burma coasts, and for the purpose of safeguarding the vital economic interest of the inhabitants of the coastal regions, to establish the system of straight baselines drawn between fixed points on the mainland, on islands or rocks, the breadth of the territorial sea shall be measured from such baselines. The fixed points between which such straight baselines shall be drawn are indicated in detail in the schedule annexed to this declaration.

4. That where a single island, rock, or a composite group thereof, is situated seawards from the main coast or straight baselines, it shall have independent territorial sea extending twelve nautical miles from the low-water line along its coasts.

## SCHEDULE

## 1. ARAKAN COAST

|  |      |               |
|--|------|---------------|
| (a) Southern Point of OYSTER ISLAND .....  | Lat  | 20° 11' 49" N |
|  | Long | 92° 32' 19" E |
| (b) BORONGA POINT .....                    | Lat  | 19° 48' 30" N |
|  | Long | 93° 01' 42" E |
| (c) SOUTH TERRIBLES .....                  | Lat  | 19° 22' 56" N |
|  | Long | 93° 16' 20" E |
| (d) Western Point of HENRY ROCKS .....     | Lat  | 18° 51' 48" N |
|  | Long | 93° 26' 15" E |
| (e) Western Point of NERBUDDA ISLAND ..... | Lat  | 18° 20' 50" N |
|  | Long | 93° 56' 25" E |
| (f) St. JOHN'S or CHURCH ROCKS .....       | Lat  | 17° 27' 39" N |
|  | Long | 94° 19' 46" E |
| (g) NORTH-WEST GROUP .....                 | Lat  | 16° 55' 28" N |
|  | Long | 94° 12' 45" E |
| (h) KORONGE ISLAND .....                   | Lat  | 16° 31' 20" N |
|  | Long | 94° 14' 21" E |
| (i) SOUTH ROCK .....                       | Lat  | 16° 18' 55" N |
|  | Long | 94° 11' 20" E |
| (j) BLACK ROCK .....                       | Lat  | 16° 11' 50" N |
|  | Long | 94° 10' 50" E |
| (k) ALGUADA REEF (PATHEIN LIGHT) .....     | Lat  | 15° 42' 13" N |
|  | Long | 94° 12' 6" E  |

## 2. GULF OF MARTABAN

|  |      |               |
|--|------|---------------|
| (a) ALGUADA REEF (PATHEIN LIGHT) ..... | Lat  | 15° 42' 13" N |
|  | Long | 94° 12' 6" E  |
| (b) Western Point of LONG ISLAND ..... | Lat  | 14° 24' 15" N |
|  | Long | 97° 46' 02" E |

## 3. TENASSERIM COAST

|  |      |               |
|--|------|---------------|
| (a) Western Point of LONG ISLAND .....       | Lat  | 14° 24' 15" N |
|  | Long | 97° 46' 02" E |
| (b) NORTH ISLAND .....                       | Lat  | 14° 09' N     |
|  | Long | 97° 46' 54" E |
| (c) Western Point of CABUSA ISLAND .....     | Lat  | 12° 48' N     |
|  | Long | 97° 50' 03" E |
| (d) Northern Point of SAURIM ISLAND .....    | Lat  | 12° 30' 30" N |
|  | Long | 97° 47' 42" E |
| (e) Western Point of H. PRINCEP ISLAND ..... | Lat  | 12° 03' 03" N |
|  | Long | 97° 38' E     |
| (f) GREAT WESTERN TORRES .....               | Lat  | 11° 47' 15" N |
|  | Long | 97° 26' 15" E |
| (g) North-Western Point of NORTH TWIN .....  | Lat  | 10° 38' 15" N |
|  | Long | 97° 41' 45" E |
| (h) Western Point of SOUTH TWIN .....        | Lat  | 10° 28' 12" N |
|  | Long | 97° 40' 45" E |
| (i) WESTERN ROCKY ISLAND .....               | Lat  | 9° 51' 24" N  |
|  | Long | 97° 52' 18" E |
| (j) HAYCOCK ISLAND .....                     | Lat  | 9° 40' 45" N  |
|  | Long | 97° 54' 30" E |
| (k) Western Point of MURRAY ISLAND .....     | Lat  | 9° 35' 54" N  |
|  | Long | 97° 58' 12" E |



## 5. CAMBODIA

### DÉCLARATION DU GOUVERNEMENT ROYAL EN DATE DU 27 SEPTEMBRE 1969 RELATIVE À LA MER TERRITORIALE ET AU PLATEAU CONTINENTAL DU CAMBODGE

En rappelant que le Cambodge a adhéré aux dispositions des Conventions de Genève sur le droit de la mer,

Le Gouvernement royal déclare solennellement que la largeur de sa mer territoriale est fixée à douze milles marins,

Et réaffirme solennellement sa pleine et entière souveraineté sur son plateau continental. Il en résulte, en particulier, que le fond et le sous-sol de ce plateau ainsi que les ressources naturelles de toute nature qui s'y trouvent sont la propriété du Cambodge et, sont, par conséquent, placés sous sa juridiction exclusive et son contrôle directe.

Le Gouvernement royal n'admet ni ne reconnaît en aucun cas tout fait accompli ou tout acte portant atteinte à sa souveraineté sur son domaine maritime national.

## 6. CAMEROON

### LOI N° 67/LF/25 DU 3 NOVEMBRE 1967 MODIFIANT L'ARTICLE 5 DU CODE DE LA MARINE MARCHANDE CAMEROUNAISE

*Article 1<sup>er</sup>.* — L'article 5 de l'ordonnance n° 62/OF/30 du 31 mars 1962 portant Code de la marine marchande camerounaise est abrogé et remplacé par les dispositions ci-après:

...

*Article 5 (nouveau).* — La limite des eaux territoriales de la République Fédérale du Cameroun est fixée à dix-huit milles marins à compter de la laisse de la plus basse mer.

Pour les golfes, baies et rades, des décrets fixent les lignes à partir desquelles cette limite est comptée.

Des décrets fixent également la limite de la « zone contiguë » dans laquelle la pêche et l'exploitation du sol sous-marin peuvent être réservées aux nationaux camerounais.

## 7. CANADA

### (a) CANADA SHIPPING ACT,<sup>1</sup> AS AMENDED

...

#### Section 2

...

7(a) "Canadian waters" means the territorial sea of Canada and all internal waters of Canada.

<sup>1</sup> *Infra* Chapter II, 3 (a).

(b) CUSTOMS ACT, AS AMENDED<sup>1</sup>

...

## Section 2

(1) ...

(b) "Canadian waters" means all waters in the territorial sea of Canada and all internal waters of Canada, subject, however, to the specific provision that the Governor in Council may from time to time by proclamation temporarily restrict, for Customs purposes, the extent of Canadian waters and such proclamation shall not be construed as foregoing any Canadian rights in respect of waters thus restricted;"

(c) CRIMINAL CODE, AS AMENDED, Section 420<sup>2</sup>(d) COASTAL FISHERIES PROTECTION ACT, 1953, AS AMENDED, section 2<sup>3</sup>(e) TERRITORIAL SEA AND FISHING ZONE ACT<sup>4</sup> (16 JULY 1964)

## PART I. GENERAL

2. *Applies to Acts of Parliament, regulations, etc.*

Every provision of this Act extends and applies to every Act of the Parliament of Canada, now or hereafter passed, and to every order, rule or regulation thereunder, except in so far as any such provision is inconsistent with the intent or object of such Act, order, rule or regulation, or would give to any word, expression or clause thereof an interpretation repugnant to the subject matter or the context, or is, in any such Act, order, rule or regulation, declared not applicable thereto.

3. (1) – *Territorial sea*

Subject to any exceptions under section 5, the territorial sea of Canada comprises those areas of the sea having, as their inner limits, the baselines described in section 5 and, as their outer limits, lines measured seaward and equidistant from such baselines so that each point of the outer limit line of the territorial sea is distant three nautical miles from the nearest point of the baseline.

(2) – *Internal waters include certain sea areas*

The internal waters of Canada include any areas of the sea that are on the landward side of the baselines of the territorial sea of Canada.

<sup>1</sup> R.S.C. 1952, Vol. 2, Chap. 58; as amended by the Territorial Sea and Fishing Zones Act (*infra* under (e)). For other relevant text, see ST/LEG/SER.B/1, p. 54, ST/LEG/SER.B/6, p. 95 and ST/LEG/SER.B/8, p. 19.

<sup>2</sup> S.C. 1953-1954, Chap. 51. Assented to 26 June 1954. Amended by section 10 of the Territorial Sea and Fishing Zones Act. See *infra* Chapter V. 2 (a).

<sup>3</sup> See *infra* DIVISION IV. 4 (c).

<sup>4</sup> 1964 *Statutes of Canada*, Ch. 22. Assented to 16 July 1964.

4. (1) – *Fishing zones*

Subject to any exceptions under section 5, the fishing zones of Canada comprise those areas of the sea contiguous to the territorial sea of Canada and having, as their inner limits, the outer limits of the territorial sea and, as their outer limits, lines measured seaward and equidistant from such inner limits so that each point of the outer limit line of a fishing zone is distant nine nautical miles from the nearest point of the inner limit line.

(2) – *Fisheries laws of Canada apply to fishing zones*

Unless otherwise specified therein, the laws of Canada respecting fishing and the exploitation of the living resources of the sea apply to the fishing zones of Canada in the same way and to the same extent as they apply to the territorial sea of Canada.

5. (1) – *Lists of geographical co-ordinates*

The Governor in Council may, by order in council, issue one or more lists of geographical co-ordinates of points from which baselines may be determined and may, as he deems necessary, amend such lists.

(2) – *Baselines where co-ordinates listed*

In respect of any area for which geographical co-ordinates of points have been listed in a list issued pursuant to subsection (1) and subject to any exceptions in the list for the use of the low-water line along the coast as the baseline between given points, baselines are straight lines joining the consecutive geographical co-ordinates of points so listed.

(3) – *Baselines in other area*

In respect of any other area and until such time as geographical co-ordinates of points have, for such other area, been listed in a list issued pursuant to subsection (1), baselines remain those applicable immediately before the coming into force of this section.

(4) – *Substitution of outer limit lines in certain cases*

Where, in his opinion, a portion of the territorial sea of Canada or a portion of the fishing zones of Canada, determined, respectively, in accordance with subsection (1) of section 5 or subsection (1) of section 4, would conflict with the territorial sea of a country other than Canada or would be unreasonably close to the coast of a country other than Canada, the Governor in Council may, by order in council, issue a list of geographical co-ordinates of points from which,

(a) in respect of the portion of the territorial sea of Canada designated on the list, an outer limit line may be determined in substitution for the territorial sea outer limit line described in subsection (1) of section 3, and

(b) in respect of the portion of the fishing zones of Canada designated in the list, an outer limit line may be determined in substitution for the fishing zone outer limit line described in subsection (1) of section 4, and the outer limit lines referred to in paragraphs (a) and (b) shall, thereupon, be substituted.

(5) – *No fishing zone in certain cases*

Where an outer limit line of a portion of the territorial sea of Canada has been substituted pursuant to subsection (4) of this section, section 4 shall not apply to create a contiguous fishing zone in respect of such portion.

6. – *Issue of charts*

The Minister of Mines and Technical Surveys may cause charts to be issued delineating the territorial sea of Canada and the fishing zones of Canada or of any portions thereof as may be delineated consistent with the nature and scale of the chart.

...

(f) TERRITORIAL SEA AND FISHING ZONES GEOGRAPHICAL CO-ORDINATES (AREAS 1, 2 AND 3) ORDER (26 OCTOBER 1967)<sup>1</sup>

...

## 2. In this Order,

- (a) "Act" means the *Territorial Sea and Fishing Zones Act*;<sup>2</sup>
- (b) "Area" includes all islands and low-tide elevations adjacent to the Area;
- (c) "C.H.S. Chart" means Canadian Hydrographic Service Chart; and
- (d) "geographical co-ordinates of points" means the latitude and longitude of points determined by reference to columns II and III of the Schedules.

## 3. This Order applies to

- (a) Area 1 being Labrador, from Double Island to Cabot Island;
- (b) Area 2 being Southwest and East Newfoundland, from Lamaline Shag Rock to Eastern White Island; and
- (c) Area 3 being Southwest Newfoundland, from Cape Bay to S.W. Wolf Rock.

4. The lists of geographical co-ordinates of points set out in the Schedules are hereby issued as lists of geographical co-ordinates of points from which baselines may be determined pursuant to the Act.

## SCHEDULE A

## AREA 1

*Labrador*

| <i>Column I<br/>Locality</i> | <i>Column II<br/>Latitude</i> | <i>Column III<br/>Longitude</i> | <i>Column IV<br/>C.H.S. Chart</i> |
|------------------------------|-------------------------------|---------------------------------|-----------------------------------|
| 1. Double Island.....        | 52°15'30"N.                   | 55°32'58"W.                     | 4701                              |
| 2. Spear Point.....          | 52°26'37"N.                   | 55°37'40"W.                     | 4701                              |
| 3. Eastern Twin Island.....  | 52°40'20"N.                   | 55°44'43"W.                     | 4702                              |
| 4. Cooper Island.....        | 52°54'37"N.                   | 55°47'26"W.                     | 4702                              |
| 5. Eddystone Island.....     | 52°58'55"N.                   | 55°44'34"W.                     | 4702                              |

<sup>1</sup> SOR/67-543 *Canada Gazette, Part II*, vol. 101, No. 21, November 8, 1967; P.C. 1967-2025.

<sup>2</sup> *Supra* under (e).

## SCHEDULE A—cont.

## AREA 1—cont.

## Labrador—cont.

| Column I<br>Locality                    | Column II<br>Latitude | Column III<br>Longitude | Column IV<br>C.H.S. Chart |
|---|-----------------------|-------------------------|---------------------------|
| 6. S. E. Raven . . . . .                | 53°12'23"N.           | 55°41'19"W.             | 4702                      |
| 7. Roundhill Island . . . . .           | 53°25'58"N.           | 55°36'22"W.             | 4703                      |
| 8. North Wolf . . . . .                 | 53°43'06"N.           | 55°55'10"W.             | 4703                      |
| 9. Outer Gannet Island . . . . .        | 54°00'00"N.           | 56°32'12"W.             | 4732                      |
| 10. South-east Rock . . . . .           | 54°14'58"N.           | 56°48'22"W.             | 4732                      |
| 11. East Rock . . . . .                 | 54°27'06"N.           | 56°51'08"W.             | 4732                      |
| 12. Quaker Hat . . . . .                | 54°44'08"N.           | 57°20'28"W.             | 4730                      |
| 13. Cape Harrison . . . . .             | 54°55'35"N.           | 57°54'35"W.             | 4730                      |
| 14. Ragged Islands . . . . .            | 55°00'55"N.           | 58°11'30"W.             | 4730                      |
| 15. Kidlialuit Island . . . . .         | 55°12'20"N.           | 58°44'05"W.             | 4730                      |
| 16. Turnavik Island . . . . .           | 55°18'40"N.           | 59°19'20"W.             | 4730                      |
| 17. White Bear . . . . .                | 55°26'08"N.           | 59°30'32"W.             | 4730                      |
| 18. Nanuktok Island . . . . .           | 55°51'55"N.           | 59°54'30"W.             | 4730                      |
| 19. Kidlit Island . . . . .             | 56°14'22"N.           | 60°27'29"W.             | 4730                      |
| 20. Flat Rocks . . . . .                | 56°22'02"N.           | 60°30'13"W.             | 4730                      |
| 21. Hen and Chicken Islands . . . . .   | 56°30'08"N.           | 60°37'27"W.             | 4730                      |
| 22. Sentinel Rock . . . . .             | 56°48'20"N.           | 60°47'24"W.             | 4775                      |
| 23. Trio Islands . . . . .              | 56°53'58"N.           | 60°59'02"W.             | 4763                      |
| 24. Orphan Island . . . . .             | 57°02'28"N.           | 61°08'27"W.             | 4763                      |
| 25. Barnes Island . . . . .             | 57°12'26"N.           | 61°18'40"W.             | 4763                      |
| 26. Kikiktaksoak Island . . . . .       | 57°16'24"N.           | 61°18'07"W.             | 4763                      |
| 27. Stirrup Island . . . . .            | 57°34'27"N.           | 61°18'37"W.             | 4775                      |
| 28. White Bear Island . . . . .         | 57°55'15"N.           | 61°39'49"W.             | 4775                      |
| 29. Watchman Island . . . . .           | 58°13'43"N.           | 62°06'56"W.             | 4775                      |
| 30. Bluebell Island . . . . .           | 58°30'06"N.           | 62°34'32"W.             | 4775                      |
| 31. Big Island . . . . .                | 58°33'03"N.           | 62°38'08"W.             | 4775                      |
| 32. Reichel Head . . . . .              | 58°49'02"N.           | 62°54'38"W.             | 4776                      |
| 33. Gulch Cape . . . . .                | 59°02'40"N.           | 63°07'43"W.             | 4776                      |
| 34. Big White Bearskin Island . . . . . | 59°21'47"N.           | 63°25'04"W.             | 4776                      |
| 35. Unnamed Islet . . . . .             | 59°37'22"N.           | 63°29'10"W.             | 4776                      |
| 36. Galvano Group . . . . .             | 59°50'54"N.           | 63°46'00"W.             | 4776                      |
| 37. Galvano Group . . . . .             | 59°54'35"N.           | 63°47'58"W.             | 4776                      |
| 38. Galvano Group . . . . .             | 59°59'32"N.           | 63°52'25"W.             | 4776                      |
| 39. Unnamed Island . . . . .            | 60°05'04"N.           | 63°57'30"W.             | 4776                      |
| 40. Gaspar Islands . . . . .            | 60°15'41"N.           | 64°12'54"W.             | 4776                      |
| 41. Argo Island . . . . .               | 60°19'43"N.           | 64°17'45"W.             | 4776                      |
| 42. Cabot Island . . . . .              | 60°26'20"N.           | 64°25'47"W.             | 4776                      |

## AREA 2

## South-east and East Newfoundland

| Column I<br>Locality            | Column II<br>Latitude | Column III<br>Longitude | Column IV<br>C.H.S. Chart |
|---------------------------------|-----------------------|-------------------------|---------------------------|
| 1. Lamaline Shag Rock . . . . . | 46°50'21"N.           | 55°49'30"W.             | 4016                      |
| 2. Shag Rock . . . . .          | 46°50'17"N.           | 55°44'51"W.             | 4016                      |
| 3. Offer Island . . . . .       | 46°51'21"N.           | 55°37'25"W.             | 4016                      |

## SCHEDULE A—Cont.

## AREA 2—Cont.

## South-east and East Newfoundland—Cont.

| <i>Column I</i><br><i>Locality</i> | <i>Column II</i><br><i>Latitude</i> | <i>Column III</i><br><i>Longitude</i> | <i>Column IV</i><br><i>C.H.S. Chart</i> |
|------------------------------------|-------------------------------------|---------------------------------------|---|
| 4. Ferryland Head . . . . .        | 46°52'16"N.                         | 55°23'04"W.                           | 4016                                    |
| 5. Cape St. Marys . . . . .        | 46°49'14"N.                         | 54°11'54"W.                           | 4016                                    |
| 6. S. W. Bull and Cow . . . . .    | 46°46'34"N.                         | 54°06'13"W.                           | 4016                                    |
| 7. Shoal Point . . . . .           | 46°36'50"N.                         | 53°35'12"W.                           | 4016                                    |
| 8. Cape Freels . . . . .           | 46°36'42"N.                         | 53°33'30"W.                           | 4016                                    |
| 9. Mistaken Point . . . . .        | 46°37'29"N.                         | 53°09'48"W.                           | 4016                                    |
| 10. Cripple Rock Point . . . . .   | 46°38'29"N.                         | 53°06'08"W.                           | 4016                                    |
| 11. Big Johns Point . . . . .      | 46°38'36"N.                         | 53°05'51"W.                           | 4016                                    |
| 12. Unnamed Peninsula . . . . .    | 46°38'45"N.                         | 53°05'32"W.                           | 4016                                    |
| 13. Cape Race . . . . .            | 46°39'30"N.                         | 53°04'18"W.                           | 4016                                    |
| 14. Cape Ballard . . . . .         | 46°47'16"N.                         | 52°56'52"W.                           | 4016                                    |
| 15. Renewse Rocks . . . . .        | 46°52'39"N.                         | 52°54'00"W.                           | 4016                                    |
| 16. Bear Cove Point . . . . .      | 46°56'27"N.                         | 52°53'33"W.                           | 4016                                    |
| 17. Hare's Ears . . . . .          | 47°00'57"N.                         | 52°51'13"W.                           | 4016                                    |
| 18. Cape Broyle . . . . .          | 47°03'47"N.                         | 52°51'08"W.                           | 4016                                    |
| 19. Great Island . . . . .         | 47°10'57"N.                         | 52°48'32"W.                           | 4016                                    |
| 20. Green Island . . . . .         | 47°14'10"N.                         | 52°46'45"W.                           | 4016                                    |
| 21. Bull Head . . . . .            | 47°18'34"N.                         | 52°44'51"W.                           | 4016                                    |
| 22. Motion Rocks . . . . .         | 47°26'11"N.                         | 52°39'31"W.                           | 4016                                    |
| 23. North Head . . . . .           | 47°29'04"N.                         | 52°38'03"W.                           | 4016                                    |
| 24. Cape Spear . . . . .           | 47°31'25"N.                         | 52°37'13"W.                           | 4016                                    |
| 25. Redcliff Head . . . . .        | 47°38'50"N.                         | 52°39'38"W.                           | 4016                                    |
| 26. Torbay Point . . . . .         | 47°39'57"N.                         | 52°40'08"W.                           | 4016                                    |
| 27. Red Head . . . . .             | 47°43'20"N.                         | 52°42'01"W.                           | 4016                                    |
| 28. *Black Head North . . . . .    | 47°45'22"N.                         | 52°42'43"W.                           | 4016                                    |
| 29. *Black Head North . . . . .    | 47°45'29"N.                         | 52°42'51"W.                           | 4016                                    |
| 30. Pigeon Island . . . . .        | 47°48'17"N.                         | 52°46'19"W.                           | 4016                                    |
| 31. Cape St. Francis . . . . .     | 47°48'34"N.                         | 52°47'12"W.                           | 4016                                    |
| 32. Split Point . . . . .          | 48°06'06"N.                         | 52°51'00"W.                           | 4563                                    |
| 33. North Head . . . . .           | 48°32'49"N.                         | 53°00'13"W.                           | 4562                                    |
| 34. Flowers Point . . . . .        | 48°35'56"N.                         | 52°59'48"W.                           | 4562                                    |
| 35. Flowers Point . . . . .        | 48°35'59"N.                         | 52°59'48"W.                           | 4562                                    |
| 36. South Bird Island . . . . .    | 48°37'30"N.                         | 53°00'34"W.                           | 4562                                    |
| 37. North Bird Island . . . . .    | 48°38'07"N.                         | 53°00'54"W.                           | 4562                                    |
| 38. Cape L'Argent . . . . .        | 48°39'29"N.                         | 53°01'48"W.                           | 4562                                    |
| 39. Gull Island . . . . .          | 48°42'47"N.                         | 53°05'32"W.                           | 4562                                    |
| 40. Eastern Cabot Island . . . . . | 49°10'23"N.                         | 53°21'30"W.                           | 4520                                    |
| 41. Gull Island . . . . .          | 49°15'26"N.                         | 53°25'46"W.                           | 4520                                    |
| 42. Outer Cat Island . . . . .     | 49°19'55"N.                         | 53°35'19"W.                           | 4520                                    |
| 43. Offer Wadham Island . . . . .  | 49°35'42"N.                         | 53°45'42"W.                           | 4520                                    |
| 44. S. E. Barrack Island . . . . . | 49°47'30"N.                         | 53°59'04"W.                           | 4520                                    |
| 45. Bishops Island . . . . .       | 49°49'52"N.                         | 54°04'49"W.                           | 4520                                    |
| 46. N. E. Turr Islet . . . . .     | 49°50'11"N.                         | 54°08'45"W.                           | 4520                                    |
| 47. Gull Island . . . . .          | 50°00'01"N.                         | 55°21'15"W.                           | 4520                                    |
| 48. Gull Island . . . . .          | 50°00'08"N.                         | 55°21'48"W.                           | 4520                                    |
| 49. North Bill . . . . .           | 50°00'20"N.                         | 55°30'00"W.                           | 4520                                    |

\* See Schedule B.

## SCHEDULE A—Cont.

## AREA 2—Cont.

*South-east and East Newfoundland—Cont.*

| <i>Column I<br/>Locality</i>   | <i>Column II<br/>Latitude</i> | <i>Column III<br/>Longitude</i> | <i>Column IV<br/>C.H.S. Chart</i> |
|--------------------------------|-------------------------------|---------------------------------|-----------------------------------|
| 50. Bois Island .....          | 50°01'43"N.                   | 55°52'48"W.                     | 4520                              |
| 51. Cape Crapaud .....         | 50°08'15"N.                   | 56°04'20"W.                     | 4520                              |
| 52. Partridge Point .....      | 50°09'14"N.                   | 56°07'08"W.                     | 4520                              |
| 53. Twillingate Head .....     | 50°39'00"N.                   | 56°07'33"W.                     | 4583                              |
| 54. Cape Fox .....             | 50°51'33"N.                   | 55°53'31"W.                     | 4583                              |
| 55. Cape Rouge .....           | 50°55'30"N.                   | 55°49'36"W.                     | 4583                              |
| 56. St. Julien Island .....    | 51°06'15"N.                   | 55°42'51"W.                     | 4515                              |
| 57. Fichot Island .....        | 51°10'33"N.                   | 55°40'38"W.                     | 4515                              |
| 58. Crow Head .....            | 51°22'19"N.                   | 55°29'49"W.                     | 4514                              |
| 59. Eastern White Island ..... | 51°34'52"N.                   | 55°21'00"W.                     | 4731                              |

## SCHEDULE A—Cont.

## AREA 3

*South-west Newfoundland*

| <i>Column I<br/>Locality</i> | <i>Column II<br/>Latitude</i> | <i>Column III<br/>Longitude</i> | <i>Column IV<br/>C.H.S. Chart</i> |
|------------------------------|-------------------------------|---------------------------------|-----------------------------------|
| 1. Cape Ray .....            | 47°37'15"N.                   | 59°18'20"W.                     | 4015                              |
| 2. Shag Island .....         | 47°35'20"N.                   | 59°14'54"W.                     | 4015                              |
| 3. Duck Island .....         | 47°33'48"N.                   | 59°11'35"W.                     | 4015                              |
| 4. Yankee Rock .....         | 47°33'28"N.                   | 59°10'28"W.                     | 4015                              |
| 5. S. E. Rock .....          | 47°33'55"N.                   | 58°59'40"W.                     | 4015                              |
| 6. S. W. Shag Rock .....     | 47°35'32"N.                   | 58°43'15"W.                     | 4015                              |
| 7. Black Rock .....          | 47°35'52"N.                   | 58°41'35"W.                     | 4015                              |
| 8. Ireland Island .....      | 47°37'48"N.                   | 58°22'25"W.                     | 4015                              |
| 9. Offer Island .....        | 47°38'25"N.                   | 58°13'30"W.                     | 4015                              |
| 10. Miffel Island .....      | 47°33'20"N.                   | 57°39'55"W.                     | 4015                              |
| 11. South Turr Islet .....   | 47°30'05"N.                   | 57°26'50"W.                     | 4015                              |
| 12. Colombier Island .....   | 47°22'36"N.                   | 56°59'38"W.                     | 4015                              |
| 13. Lord Island .....        | 47°22'30"N.                   | 56°58'58"W.                     | 4015                              |
| 14. Distress Rock .....      | 47°31'50"N.                   | 56°48'05"W.                     | 4015                              |
| 15. Black Point .....        | 47°36'40"N.                   | 56°30'15"W.                     | 4015                              |
| 16. S. W. Wolf Rock .....    | 47°28'50"N.                   | 56°13'40"W.                     | 4015                              |

## SCHEDULE B

## AREA 2

*South-east and East Newfoundland*

| <i>Column I<br/>Locality</i> | <i>Column II<br/>Latitude</i> | <i>Column III<br/>Longitude</i> | <i>Column IV<br/>C.H.S. Chart</i> |
|------------------------------|-------------------------------|---------------------------------|-----------------------------------|
| 28. Black Head North .....   | 47°45'22"N.                   | 52°42'43"W.                     | 4016                              |
| 29. Black Head North .....   | 47°45'29"N.                   | 52°42'51"W.                     | 4016                              |

## SCHEDULE C

## AREA 1

*Labrador*

| <i>Name of Feature</i> | <i>C.H.S. Chart</i> |
|------------------------|---------------------|
| Bulldog Island .....   | 4730                |

## AREA 2

*South-east and East Newfoundland*

| <i>Column I<br/>Name of feature</i> | <i>Column II<br/>Latitude</i> | <i>Column III<br/>Longitude</i> | <i>Column IV<br/>C.H.S. Chart</i> |
|-------------------------------------|-------------------------------|---------------------------------|-----------------------------------|
| 1. Baccalieu Island .....           | —                             | —                               | 4563                              |
| 2. Funk Island .....                | —                             | —                               | 4520                              |
| 3. St. Barbe Islands .....          | —                             | —                               | 4520                              |
| 4. Gray Islands .....               | —                             | —                               | 402                               |
| 5. The Brandies .....               | 47°48'43"N.                   | 52°46'38"W.                     | 4016                              |
| 6. Whalesback .....                 | 48°35'20"N.                   | 52°59'33"W.                     | 4562                              |
| 7. Flowers Point .....              | 48°36'09"N.                   | 52°59'39"W.                     | 4562                              |

## 8. COLOMBIA

## (a) DECREE OF 6 NOVEMBER 1866\*\*

...

*Article 1*

The entire sea skirting the Colombian coast from the highest tides up to a distance of one marine league from the coast itself is hereby declared to belong to the territory of Colombia and to be under its jurisdiction.

(b) LAW<sup>1</sup> No. 120 OF 30 DECEMBER 1919 CONCERNING DEPOSITS OF HYDROCARBONS\*\*

...

*Article 38*

The Nation reserves the right to exploit deposits which are situated under the waters of the territorial sea, of the lakes and navigable rivers. In order to enable the verification of the exploitation of these deposits, it is necessary that all contracts authorizing such an exploitation be confirmed by the Congress.

<sup>1</sup> Quoted also in ST/LEG/SER. B/6, p. 5.



- (c) LAW NO. 14 OF 31 JANUARY 1923 AMENDING THE LAW CONCERNING DEPOSITS OF HYDROCARBONS\*\*

...

*Article 17*

For the purposes of article 38 of Law 120 of 1919, concerning deposits of hydrocarbons, and of Law 96 of 1922, relating to fishing in the sea of the Republic, the term "territorial sea" shall be understood to refer to a zone of twelve marine miles around the coasts of the continental and insular dominions of the Republic.

- (d) CUSTOMS LAW<sup>1</sup> NO. 79 OF 19 JUNE 1931\*\*

SECTION XVII. PROVISIONS CONCERNING IMPLEMENTATION OF THE CUSTOMS LAW

*Chapter LXXVIII*

Boarding of Vessels

...

*Article 363*

Customs or coastguard officials and persons thereunto authorized by the Director-General of Customs or for this purpose appointed in writing by any customs administrator, may, at any time, board any vessel, vehicle or aircraft present in the territory of the Republic or in its territorial waters up to a distance of twenty kilometres from the coast, whether inside or outside the districts of the said officials, for the purpose of examining the manifest and carrying out a careful search and inspection of the vessel, vehicle or aircraft, and each and every part thereof, as well as of the persons, baggage or packages on board. For this purpose they may order the vessel, vehicle or aircraft to be stopped, if it is in motion, and may use such force as may be necessary to secure compliance with the order. If it should appear that the laws of the Republic have been violated in some way which renders the vessel, vehicle or aircraft or all or part of the goods on board liable to confiscation, it shall be the duty of the said officials to carry out such confiscation and to arrest, or, in case of flight or attempted flight, to pursue and arrest, any person liable for the violation.

- (e) LEGISLATIVE DECREE NO. 3183 OF 20 DECEMBER 1952 CONCERNING THE COLOMBIAN MERCHANT MARINE\*\*

...

*Chapter III. Jurisdiction*

*Article 80*

The Columbian Merchant Marine Directorate and its various subsidiary bodies shall exercise their functions and powers in all the maritime ports of the Republic, in national territorial waters and in all the navigable frontier rivers of Colombia.

<sup>1</sup> See ST/LEG/SER.B/6, pp. 114-116.

Paragraph 1. For the purposes of the present Decree, territorial waters shall be deemed to mean the sea area skirting the mainland and island territory of the Republic up to a distance of three (3) sea miles measured from the lowest tide mark.

Paragraph 2. For the purposes of maritime vigilance, national security, protection of national interests and the exercise of fishing rights, the distance of three sea miles referred to in the foregoing paragraph shall be extended in contiguous waters up to nine (9) sea miles from the outer limit of the territorial sea.

Paragraph 3. The boundary between territorial waters and the inner waters of bays, gulfs, lakes and rivers shall be the straight line which, at the lowest tide, joins the corresponding points at each side of the entrance.

## 9. CUBA

### (a) ACT OF 31 OCTOBER 1890 CONCERNING PORTS\*\*

#### *Article 1*

The maritime-terrestrial zone, which is that region of the coast or maritime frontiers of Cuba washed by the ebb and flow of the sea, in which the tides can be measured or when they cannot, as during storms, when the highest waves can be measured.

This maritime-terrestrial zone shall also extend along the banks of rivers as far as they are navigable or up to the point where they are affected by tides.

...

### (b) MILITARY ORDER NO.173 OF 22 JUNE 1901. CUSTOM ORDINANCES\*\*

...

#### *Article 64*

...

2. -

Cuba's territorial waters shall extend four leagues (12 miles) from the coast of the Island or from the keys appertaining thereto.

### (c) LEGISLATIVE DECREE NO.108 OF 8 JANUARY 1934\*\*

...

#### *Article 6*

Cuba's territorial waters or maritime frontiers shall extend six miles from the coast or from the fringe of keys which surround it.

The waters between the islands, islets or keys and the land territory of Cuba shall be internal waters and their use for purposes of shipping, fishing and development shall be subject to the laws and regulations in force or which may be adopted.

...

(d) LEGISLATIVE DECREE NO. 704 OF 28 MARCH 1936. GENERAL ACT RELATING TO FISHING\*\*

...

*Article 4.* For the purposes of fishing whatever the form, purpose or method, Cuba's territorial waters shall extend three miles from the coastline.

*Article 5.* For the purposes of this Legislative Decree, the coastline shall mean the water line along the coast at low tide. In ports, rivers, inlets and other indentations, this shall be a straight baseline joining their outermost points provided it does not extend beyond 6 miles.

...

(e) CODE OF SOCIAL DEFENCE\*\*

...

*Article 7*

...

D. For the purposes of this Code, the territorial sea shall be the waters adjacent to the coasts of Cuba up to a distance of three nautical miles, measured from the low-water line on its most distant adjacent key or island, and following the contours of the national territory and of its keys or islands.

(f) LEGISLATIVE DECREE NO. 1948 OF 25 JANUARY 1955\*\*

*Article 1*

The waters lying between the coasts of the Island and the adjacent keys, when the distance between them or the distance between the keys does not exceed ten miles.

*Article 2*

The Cuban State may take the legal, administrative or technical measures necessary for the protection and conservation of the marine resources of the areas of the high sea contiguous to the Cuban territorial sea.

## 10. CYPRUS

(a) CRIMINAL CODE, CHAPTER 154 OF THE LAWS. 1959 EDITION. Section 5<sup>1</sup>

(b) TERRITORIAL SEA LAW<sup>2</sup>, NO. 45 OF 6 AUGUST 1964

...

2. *Interpretation*

In the present law, unless a different meaning emerges from the text—"territorial sea" means such part of the sea touching upon the shore of the Republic as is considered part of its territory and is subject to the sovereignty of the Republic.

3. *Breadth of the territorial sea*

Notwithstanding the provisions of any other law, the territorial sea of the Republic extends to a distance of twelve miles from the shore of the Republic measured from low-water mark.

## 11. DAHOMEY

(a) LOI N° 65-10 DU 23 JUIN 1965 INTERDISANT LE CHALUTAGE ET EN GÉNÉRAL LA PRATIQUE DE TOUTE PÊCHE UTILISANT DES ENGINs TRAÎNANTS À L'INTÉRIEUR DES EAUX TERRITORIALES DU DAHOMEY, article 1<sup>er</sup><sup>3</sup>

(b) DÉCRET GOUVERNEMENTAL N° 74/PR/MTPTT DU 7 MARS 1968 RELATIF À LA DÉLIMITATION DES EAUX TERRITORIALES DE LA RÉPUBLIQUE DU DAHOMEY

*Article 1<sup>er</sup>.* — Les eaux territoriales de la République du Dahomey sont fixées à une distance de douze milles marins à compter de la laisse de basse mer, et

<sup>1</sup> *Infra* Chapter V. 3.

<sup>2</sup> *Official Gazette* dated 6 August 1964. The reasons for the enactment of the above law are explained in a *note verbale* of 4 April 1967 from the Ministry of Foreign Affairs of the Republic of Cyprus as follows:

- (a) In determining the extent of its territorial sea, the Republic of Cyprus has followed the practice already adopted by almost all Mediterranean countries in extending their territorial waters beyond the three-mile limit, provided by the old rule—the "canon shot" rule;
- (b) Internationally, it is no longer recognized that there is any rule of customary or positive international law preventing the extension of the limit of the territorial sea of a State up to a distance of twelve miles;
- (c) On the contrary, the practice followed by the majority of States is to extend their territorial sea beyond the three-mile limit, a limit which has nowadays proved obsolete and inappropriate;
- (d) The geographical position of the Republic of Cyprus and reasons relating to the protection, security and well-being of its people, made such extension imperative;
- (e) The above law of the Republic of Cyprus is not at variance with the principle of the "freedom of the high seas", which, according to international law, commences beyond the twelve-mile limit.

<sup>3</sup> *Infra* DIVISION IV. 7 (a).

en ce qui concerne les estuaires, à compter du premier obstacle à la navigation maritime, tel qu'il est défini par la réglementation maritime en vigueur.

*Article 2.* — A l'intérieur des eaux territoriales dahoméennes, la pêche est et demeure réservée aux pêcheurs dahoméens et est interdite aux ressortissants étrangers qui ne seraient pas titulaires d'autorisations réglementaires dahoméennes.

*Article 3.* — Au-delà de cette zone de douze milles marins définie à l'article 1<sup>er</sup>, et dans une zone large de quatre-vingt-huit milles marins, s'étendant ainsi jusqu'à cent milles marins au large de la laisse de basse mer, ou du premier obstacle à la navigation, la République du Dahomay se réserve tous droits quant à l'exploitation du sous-sol sous-marin.

## 12. DENMARK

### (a) ORDER<sup>1</sup> NO. 191 OF 27 MAY 1963 ON THE DELIMITATION OF THE TERRITORIAL SEA OF GREENLAND\*\*

#### *Article 1*

(1) The territorial waters of Greenland shall consist of the internal waters and the territorial sea.

(2) The territorial sea shall comprise those areas of the sea which to landward are bounded by the lines specified in article 2 and to seaward by lines drawn in such a manner that the distance from every point on these lines to the nearest point on the inner boundary line is three nautical miles (5,556 metres).

(3) The internal waters shall comprise those water areas, such as harbours, harbour entrances, roadsteads, bays, fiords, sounds, belts and other waters, which are situated inside the lines specified in article 2.

#### *Article 2*

The lines which, in accordance with article 1, are taken as a basis for the delimitation of the territorial sea and the inland waters shall consist of the coastline (low-water mark at mean spring-tide) or of straight lines between the following points:

(All positions given in degrees and decimal minutes)

| No.                         | Position                    | Designation   |
|-----------------------------|-----------------------------|---|
| 1.<br>Sea Chart No.<br>1100 | 1 59° 44.7' N. 43° 53.6' W. | Southernmost island south of Cape Farvel (Ūmánarsuaq) |
|                             | 2 59° 44.8' N. 44° 10.9' W. | Nunat   |
|                             | 3 59° 50.8' N. 44° 59.3' W. | Small island directly south of Kulusuk                |
|                             | 4 59° 58.6' N. 45° 21.9' W. | Naujat  |

<sup>1</sup> Came into force on 1 June 1963.

| <i>No.</i>                              | <i>Position</i>  | <i>Designation</i>  |
|---|--|---|
| 1<br>Sea Chart No.<br>1100              | 5 60° 16.0' N. 45° 38.0' W.                                      | Īkardluk  |
|   | thence a straight line to  |   |
|   | 6 60° 26.1' N. 45° 58.0' W.                                      | Tukingasek (Tukingassoq)  |
|   | thence a straight line to  |   |
|   | 7 60° 37.3' N. 46° 43.4' W.                                      | Island SSW of Angissit  |
|   | thence a straight line to  |   |
|   | 8 60° 39.2' N. 46° 53.7' W.                                      | Island about 1/2 nautical mile south of Umita                     |
|   | thence a straight line to  |   |
|   | 9 60° 34.7' N. 47° 34.9' W.                                      | Southernmost Qeqertat   |
|   | thence a straight line to  |   |
|   | 10 60° 39.6' N. 48° 01.5' W.                                     | Island south of Agdlerússat avangnarlit                           |
|   | thence a straight line to  |   |
|   | 11 60° 43.4' N. 48° 24.9' W.                                     | Island 2 1/2 nautical miles south of Thorstein Islaender (Ūmánaq) |
|   | thence a straight line to  |   |
| 12 60° 43.8' N. 48° 26.5' W.            | Island 2 nautical miles south of Thorstein Islaender (Ūmánaq)    |   |
| thence a straight line to               |  |   |
| 13 60° 45.1' N. 48° 29.1' W.            | Island 1 1/2 nautical miles WSW of Thorstein Islaender (Ūmánaq)  |   |
| thence a straight line to               |  |   |
| 14 60° 45.8' N. 48° 29.6' W.            | Island 1 1/2 nautical miles west of Thorstein Islaender (Ūmánaq) |   |
| thence a straight line to               |  |   |
| 1. and 2.<br>Sea Chart No.<br>1100-1200 | 15 61° 03.1' N. 48° 38.1' W.                                     | Ūmánárssuk  |
|   | thence a straight line to  |   |
| 2.<br>Sea Chart No.<br>1200             | 16 61° 14.6' N. 48° 57.4' W.                                     | Sermersût Umana (Sermersût mûánárssua)                            |
|   | thence a straight line to  |   |
|   | 17 61° 31.4' N. 49° 23.0' W.                                     | Qioqe   |
|   | thence a straight line to  |   |
|   | 18 61° 45.1' N. 49° 37.6' W.                                     | Island south of Frederikshåbs Umanak                              |
|   | thence a straight line to  |   |
|   | 19 61° 56.0' N. 49° 48.9' W.                                     | Frederikshåb Qioqe  |
|   | thence a straight line to  |   |
|   | 20 62° 12.0' N. 50° 02.0' W.                                     | Island west of Qagssissalik                                       |
|   | thence a straight line to  |   |
|   | 21 62° 23.1' N. 50° 16.0' W.                                     | Ikermiut  |
| thence a straight line to               |  |   |
| 22 62° 28.3' N. 50° 21.5' W.            | Tulugartalik   |   |
| thence a straight line to               |  |   |
| 23 62° 42.4' N. 50° 33.9' W.            | Søndre Kitdlit   |   |
| thence a straight line to               |  |   |
| 24 63° 02.1' N. 51° 00.1' W.            | Hellefiskeøer (Qagssissagdlit)                                   |   |
| thence a straight line to               |  |   |
| 25 63° 08.3' N. 51° 10.3' W.            | Kitdlit  |   |
| 2. and 3.<br>Sea Chart No.<br>1200-1300 | thence a straight line to  |   |
|   | 26 63° 22.8' N. 51° 24.0' W.                                     | Island about 2 1/2 nautical miles SSW of Qilángáussua             |
| 3.<br>Sea Chart No.<br>1300             | thence a straight line to  |   |
|   | 27 63° 43.4' N. 51° 45.1' W.                                     | Qernertut   |
|   | thence a straight line to  |   |
|   | 28 63° 59.6' N. 52° 11.3' W.                                     | Kookøerne (Kitsigsut)   |
| thence a straight line to               |  |   |
| 29 64° 00.1' N. 52° 11.8' W.            | Kookøerne (Kitsigsut)  |   |
| thence a straight line to               |  |   |

| <i>No.</i>                              | <i>Position</i>   | <i>Designation</i>   |
|---|---|--|
| 3.<br>Sea Chart No.<br>1300             | 30 64° 24.7' N. 52° 20.1' W.<br>thence a straight line to | Southerly island about 1 1/2 nautical miles west of Qâgssûp igdlua |
|   | 31 64° 25.0' N. 52° 20.1' W.<br>thence a straight line to | Northerly island about 1 1/2 nautical miles west of Qâgssûp igdlua |
|   | 32 64° 48.2' N. 52° 18.4' W.<br>thence a straight line to | Merquitorsorsuit kujalê  |
|   | 33 64° 59.7' N. 52° 31.4' W.<br>thence a straight line to | Island south of Upernivik  |
|   | 34 65° 25.8' N. 53° 09.3' W.<br>thence a straight line to | Naujarssuit  |
|   | 35 65° 30.4' N. 53° 15.9' W.<br>thence a straight line to | Avatdlerpârssuaq   |
| 3. and 4.<br>Sea Chart No.<br>1300-1400 | 36 65° 38.6' N. 53° 18.0' W.<br>thence a straight line to | Qïoqit   |
|   | 37 65° 42.3' N. 53° 19.0' W.<br>thence a straight line to | Island west of the mouth of Agpamiut Kangerdluarssuat              |
| 4.<br>Sea Chart No.<br>1400             | 38 66° 02.9' N. 53° 40.0' W.<br>thence a straight line to | Simiútap nûgssua   |
|   | 39 66° 03.6' N. 53° 40.7' W.<br>thence a straight line to | Southernmost island at Qerrulik                                    |
|   | 40 66° 04.6' N. 53° 41.4' W.<br>thence a straight line to | Westernmost island at Simiútap                                     |
|   | 41 66° 25.8' N. 53° 55.4' W.<br>thence a straight line to | Íkardligssuaq  |
|   | 42 66° 59.6' N. 54° 08.1' W.<br>thence a straight line to | Qagsit   |
|   | 43 67° 16.0' N. 53° 57.9' W.<br>thence a straight line to | Island about 35 nautical miles NNW of Sydbay                       |
|   | 44 67° 37.2' N. 53° 50.0' W.<br>thence a straight line to | Simiutânguit   |
| 4. and 5.<br>Sea Chart No.<br>1400-1500 | 45 67° 47.2' N. 53° 58.6' W.<br>thence a straight line to | Kitsigsut  |
|   | 46 67° 56.7' N. 53° 53.9' W.<br>thence a straight line to | Westernmost island at Angmalortut                                  |
| 5.<br>Sea Chart No.<br>1500             | 47 68° 00.8' N. 53° 52.6' W.<br>thence a straight line to | Kingigtut  |
|   | 48 68° 16.9' N. 53° 45.9' W.<br>thence a straight line to | Kitdliat   |
|   | 49 68° 37.7' N. 53° 35.8' W.<br>thence a straight line to | Íkardlo  |
|   | 50 68° 59.1' N. 53° 27.4' W.<br>thence a straight line to | Oqaq   |
|   | 51 69° 03.7' N. 53° 31.5' W.<br>thence a straight line to | Braendevinsskaer (Avsigsut)  |
|   | 52 69° 22.3' N. 54° 14.4' W.<br>thence a straight line to | Bláfjeld (Uivfaq)  |
|   | 53 69° 36.3' N. 54° 49.1' W.<br>thence a straight line to | Íngigssuaq   |
|   | 54 69° 37.2' N. 54° 50.8' W.<br>thence a straight line to | West point south of Nordre Laksebugt (Equaluit)                    |

| <i>No.</i>                              | <i>Position</i>                                       | <i>Designation</i>   |
|---|---|--|
| 5.<br>Sea Chart No.<br>1500             | 55  | 69° 41.4' N. 54° 58.2' W. Páukařut<br>thence the coastline to  |
|   | 56  | 69° 42.9' N. 54° 59.2' W. West point at Kingigtup qáqâ<br>thence a straight line to                            |
|   | 57  | 69° 50.1' N. 54° 56.1' W. Jernpynten (Navssâp nûa)<br>thence a straight line to                                |
|   | 58  | 69° 51.9' N. 54° 55.0' W. Point about 1 nautical mile south of<br>thence the coastline to Qasigíssat           |
|   | 59  | 69° 56.4' N. 54° 52.0' W. Nûgârssuit<br>thence a straight line to  |
|   | 60  | 70° 05.5' N. 54° 53.5' W. Avatarpait   |
| 5. and 6.<br>Sea Chart No.<br>1500-1003 | 61  | thence a straight line to<br>70° 11.5' N. 54° 51.0' W. Jáma<br>thence a straight line to                       |
| 6.<br>Sea Chart No.<br>1003             | 62  | 70° 24.7' N. 54° 56.1' W. Navdluarssuaraussaq<br>thence the coastline to                                       |
|   | 63  | 70° 28.4' N. 54° 55.3' W. Erqua<br>thence a straight line to   |
|   | 64  | 70° 44.0' N. 54° 28.1' W. Kangeq<br>thence the coastline to  |
|   | 65  | 70° 50.0' N. 54° 18.2' W. Sermersuaraq (Sangmissuaraq)<br>thence a straight line to                            |
|   | 66  | 71° 09.4' N. 53° 51.2' W. Erqua<br>thence a straight line to   |
|   | 67  | 71° 21.8' N. 54° 34.3' W. Tartûssaq<br>thence a straight line to   |
|   | 68  | 71° 23.0' N. 55° 19.0' W. Kinivik (Qingnivik)<br>thence the coastline to                                       |
|   | 69  | 71° 35.5' N. 55° 44.3' W. Narssaq<br>thence a straight line to   |
|   | 70  | 71° 41.1' N. 55° 52.2' W. Sigguk (Svartenhuk)<br>thence a straight line to                                     |
|   | 71  | 72° 03.9' N. 55° 57.6' W. Nûa<br>thence a straight line to   |
|   | 72  | 72° 08.0' N. 56° 03.4' W. Tikerarssuaq (at Dark Head)<br>thence a straight line to                             |
| 73                                      | 72° 30.8' N. 56° 04.6' W. Kingigtuarssuk (Nuvertalik) |  |
| 6. and 7.<br>Sea Chart No.<br>1003-3100 | 74  | thence a straight line to<br>72° 46.5' N. 56° 37.5' W. Nunánguit (Smålandene)<br>thence a straight line to     |
| 7.<br>Sea Chart No.<br>3100             | 75  | 73° 02.0' N. 56° 55.0' W. Kingigtortagdlit<br>thence a straight line to  |
|   | 76  | 73° 15.0' N. 56° 51.8' W. Kingigtuarssuk<br>thence a straight line to  |
|   | 77  | 73° 38.6' N. 57° 04.1' W. Horse Head (Agpalersalik)<br>thence a straight line to                               |
|   | 78  | 74° 01.1' N. 57° 52.3' W. Duck Islands south point<br>thence a straight line to (Edderfugleøer/Kitsigsorssuit) |



| No.  | Position                                    | Designation                        |
|--|---|------------------------------------|
| 7.<br>Sea Chart No.<br>3100  | 79 74° 02.4' N. 57° 54.8' W.                | Duck Islands north point           |
|  | thence a straight line to                   | (Edderfugleøer/Kitsigsorssuit)     |
|  | 80 74° 39.8' N. 57° 55.0' W.                | Westernmost of Ryders islands      |
|  | thence a straight line to                   |                                    |
|  | 81 75° 11.0' N. 58° 52.2' W.                | Westernmost point of Balles Island |
|  | thence a straight line to                   |                                    |
|  | 82 75° 25.3' N. 60° 01.0' W.                | Northernmost point of westernmost  |
|  | thence a straight line to                   | Sabine Island                      |
|  | 83 75° 54.4' N. 61° 15.0' W.                | Bryants Island (Apusávik)          |
|  | thence a straight line to                   |                                    |
|  | 84 76° 01.3' N. 63° 41.0' W.                | Cape Melville (Navdlortup núa)     |
|  | thence a straight line to                   |                                    |
|  | 85 75° 55.6' N. 64° 47.8' W.                | South point on Bushnan Island      |
|  | thence a straight line to                   | (Sagdleg)                          |
|  | 86 75° 54.0' N. 66° 28.0' W.                | Cape York                          |
|  | thence the coastline to                     |                                    |
|  | 87 75° 54.5' N. 66° 40.7' W.                | Upernarssuaq (Upernivigssuaq)      |
| thence a straight line to  |   |                                    |
| 88 76° 02.7' N. 68° 15.8' W.   | Agpat (Agpat agpai)                         |                                    |
| thence a straight line to  |   |                                    |
| 89 76° 03.0' N. 68° 26.8' W.   | Conical Rock south-east point               |                                    |
| thence a straight line to  | (Igánaq)                                    |                                    |
| 90 76° 03.2' N. 68° 30.7' W.   | Conical Rock south-west point               |                                    |
| thence a straight line to  | (Igánaq)                                    |                                    |
| 91 76° 20.5' N. 69° 22.0' W.   | Tonge Rock (Tonge Skaer)                    |                                    |
| thence a straight line to  |   |                                    |
| 92 76° 25.7' N. 69° 54.8' W.   | Nôrujupaluk (Wolstenholme Island)           |                                    |
| thence the coastline to  |   |                                    |
| 93 76° 27.6' N. 70° 01.2' W.   | Qingmiliviup núa                            |                                    |
| thence a straight line to  |   |                                    |
| 94 76° 47.4' N. 70° 19.0' W.   | Nûgdllit                                    |                                    |
| thence a straight line to  |   |                                    |
| 95 76° 52.0' N. 70° 40.0' W.   | Wechmar Point (Wechmar Naes/<br>Tupeqarfik) |                                    |
| thence a straight line to  |   |                                    |
| 96 76° 53.3' N. 70° 45.0' W.   | Tasiussap núa                               |                                    |
| thence a straight line to  |   |                                    |
| 97 77° 00.0' N. 71° 08.0' W.   | Point south of Cape Parry                   |                                    |
| thence a straight line to  | (Kangârssugsuaq)                            |                                    |
| 98 77° 24.9' N. 72° 43.0' W.   | Hakluyt Island south-west point             |                                    |
| thence a straight line to  | (Agpârssuit)                                |                                    |
| 99 77° 25.7' N. 72° 43.5' W.   | Hakluyt Island north-west point             |                                    |
| thence a straight line to  | (Agpârssuit)                                |                                    |
| 100 77° 58.5' N. 72° 17.3' W.  | Cape Chalon                                 |                                    |
| thence a straight line to  |   |                                    |
| 101 78° 10.0' N. 73° 08.2' W.  | Cape Alexander (Uvdlerssuaq)                |                                    |
| thence a straight line to  |   |                                    |
| 102 78° 23.5' N. 73° 02.9' W.  | Littleton Island (Pikiuleq)                 |                                    |
| thence the coastline to point 180, but in bays and fiords a straight |   |                                    |
| line drawn across the bay or fiord at the place nearest to the mouth |   |                                    |
| where the width does not exceed 10 nautical miles.                   |   |                                    |
| 25.<br>Geodetic<br>Institute<br>No. 75 Ö. I                          | 180 75° 56.7' N. 18° 38.5' W.               | Cape Alf Trolle                    |
|  | thence a straight line to                   |                                    |
| 181 75° 24.8' N. 17° 59.0' W.  | Point about 2 nautical miles south-         |                                    |
| thence a straight line to  | east of Cape Børgen                         |                                    |

| <i>No.</i>                                  | <i>Position</i>  | <i>Designation</i>  |
|---|--|---|
| 25.<br>Geodetic<br>Institute<br>No. 75 Ö. 1 | 182 75° 08.9' N. 17° 19.5' W.<br>thence a straight line to | Cape Pansch   |
|   | 183 75° 01.5' N. 17° 21.0' W.<br>thence a straight line to | Southernmost east point on Shannon  |
| 26.<br>Geodetic<br>Institute<br>No. 74 Ö. 1 | 184 74° 56.8' N. 17° 34.0' W.<br>thence a straight line to | Point about 1 nautical mile north-<br>east of Cape Philip Broke               |
|   | 185 74° 36.9' N. 18° 23.0' W.<br>thence a straight line to | The south-east point on Lille<br>Pendulum                                     |
|   | 186 74° 20.8' N. 19° 10.6' W.<br>thence a straight line to | Point at Clark Mountain   |
|   | 187 74° 15.8' N. 19° 22.5' W.<br>thence a straight line to | Cape Borlase Warren   |
| 27.<br>Geodetic<br>Institute<br>No. 73 Ö. 1 | 188 73° 53.6' N. 20° 00.3' W.<br>thence a straight line to | East point on Jackson Island  |
|   | 189 73° 45.7' N. 20° 03.5' W.<br>thence a straight line to | Arundel Island  |
| 28.<br>Sea Chart No.<br>2701                | 190 73° 29.1' N. 20° 25.5' W.<br>thence a straight line to | Point about 2 1/2 nautical miles south<br>of Cape Broer Ruys                  |
|   | 191 73° 06.7' N. 21° 12.0' W.<br>thence a straight line to | Bontekoe Island   |
|   | 192 72° 52.2' N. 21° 44.5' W.<br>thence a straight line to | Island about 3 nautical miles south-<br>east of Cape Mackenzie                |
|   | 193 72° 39.3' N. 21° 37.7' W.<br>thence a straight line to | Franklins Island  |
|   | 194 72° 24.0' N. 21° 54.3' W.<br>thence a straight line to | Cape Parry  |
| 28. and 29.<br>Sea Chart No.<br>2701-2601   | 195 72° 15.8' N. 21° 59.4' W.<br>thence a straight line to | Rock  |
| 29.<br>Sea Chart No.<br>2601                | 196 72° 10.5' N. 22° 08.9' W.<br>thence a straight line to | Cape Moorsom  |
|   | 197 71° 44.2' N. 21° 54.8' W.<br>thence a straight line to | Cape Wardlaw (Ilivtiartíp nûa)  |
|   | 198 71° 33.0' N. 21° 39.6' W.<br>thence the coastline to   | North-east point on Murray Island   |
|   | 199 71° 32.3' N. 21° 39.4' W.<br>thence a straight line to | South-east point on Murray Island   |
|   | 200 71° 19.9' N. 21° 36.8' W.<br>thence a straight line to | Cape Topham   |
|   | 201 70° 57.6' N. 21° 35.1' W.<br>thence a straight line to | Cape Greg   |
|   | 202 70° 45.3' N. 21° 26.6' W.<br>thence a straight line to | Majskaer  |
|   | 203 70° 40.0' N. 21° 21.8' W.<br>thence the coastline to   | North-east point on Rathbone Island<br>(Ingmikêrtikajik)                      |
|   | 204 70° 39.5' N. 21° 21.6' W.<br>thence a straight line to | Southerly east point on Rathbone<br>Island (Ingmikêrtikajik)                  |
|   | 205 70° 31.7' N. 21° 28.7' W.<br>thence the coastline to   | Point about 1 1/2 nautical miles south<br>of Cape Hodgson (Kíámut<br>nûkajia) |

| No.   | Position   | Designation  |
|---|--|--|
| 29.<br>Sea Chart No.<br>2601                | 206 70° 29.0' N. 21° 32.2' W.  | Cape Lister  |
|   | thence a straight line to  |  |
| 33.<br>Geodetic<br>Institute<br>No. 68 Ö. 2 | 207 70° 09.4' N. 22° 03.3' W.  | Cape Brewster (Kangikajik)   |
|   | thence the coastline to point 222, but in bays and fiords a straight line drawn across the bay or fiord at the place nearest to the mouth where the width does not exceed 10 nautical miles. |  |
|   | 222 68° 28.9' N. 27° 37.1' W.  | Cape Vedel   |
|   | thence a straight line to  |  |
|   | 223 68° 22.0' N. 28° 37.7' W.  | Cape Rink  |
| thence a straight line to                   |  |  |
| 224 68° 19.7' N. 28° 50.5' W.               | Cape Normann   |  |
| thence a straight line to                   |  |  |
| 225 68° 13.1' N. 29° 25.0' W.               | Cape Nansen  |  |
| thence a straight line to                   |  |  |
| 226 68° 10.2' N. 29° 49.1' W.               | Cape J.A.D. Jensen   |  |
| thence a straight line to                   |  |  |
| 34.<br>Geodetic<br>Institute<br>No. 68 Ö. 3 | 227 68° 07.4' N. 30° 11.0' W.  | Nunap isua   |
|   | thence a straight line to  |  |
|   | 228 68° 05.6' N. 30° 30.5' W.  | Cape I.C. Jacobsen   |
|   | thence the coastline to  |  |
|   | 229 68° 05.3' N. 30° 34.3' W.  | Point about 1 1/2 nautical miles west of Cape I.C. Jacobsen                              |
|   | thence a straight line to  |  |
|   | 230 68° 05.0' N. 30° 39.2' W.  | Strømø   |
| thence a straight line to                   |  |  |
| 231 68° 04.4' N. 30° 58.2' W.               | Point about 3/4 nautical mile west of Cape Irminger  |  |
| thence a straight line to                   |  |  |
| 232 68° 04.2' N. 31° 02.0' W.               | Point about 2 1/2 nautical miles west of Cape Irminger   |  |
| thence a straight line to                   |  |  |
| 233 68° 04.1' N. 31° 07.3' W.               | Point about 4 nautical miles west of Cape Irminger   |  |
| thence a straight line to                   |  |  |
| 35.<br>Geodetic<br>Institute<br>No. 67 Ö. 1 | 234 67° 52.4' N. 32° 04.2' W.  | Keglen   |
|   | thence a straight line to  |  |
|   | 235 67° 37.4' N. 32° 24.9' W.  | Easternmost island about 2 1/2 nautical miles north-east of Pâtüterajivít (Págtúlájivít) |
|   | thence a straight line to  |  |
| 236 67° 36.1' N. 32° 30.1' W.               | Pâtüterajivít (Págtúlájivít)   |  |
| thence a straight line to                   |  |  |
| 237 67° 15.1' N. 33° 12.9' W.               | Søndre Aputitêq (Aputitêq)   |  |
| thence a straight line to                   |  |  |
| 36.<br>Geodetic<br>Institute<br>No. 66 Ö. 1 | 238 66° 54.5' N. 33° 34.9' W.  | Easternmost point at Lille Tindholm (Igtitalik)  |
|   | thence a straight line to  |  |
|   | 239 66° 45.5' N. 33° 52.6' W.  | Easternmost island about 1 3/4 nautical miles east of Cape S.M. Jørgensen                |
|   | thence a straight line to  |  |
|   | 240 66° 35.5' N. 34° 12.7' W.  | Nanertalik   |
|   | thence a straight line to  |  |
|   | 241 66° 21.3' N. 34° 42.3' W.  | Nasígfik (Nasígpik)  |
| thence a straight line to                   |  |  |
| 242 66° 19.3' N. 34° 47.4' W.               | Westernmost south point at Vahl Fiord (Nasígpip kangertiva)  |  |
| thence a straight line to                   |  |  |
| 243 66° 16.4' N. 34° 55.1' W.               | Ailsa Island (Simílaq)   |  |
| thence a straight line to                   |  |  |

| No.  | Position   | Designation   |   |
|--|--|---|---|
| 37.<br>Sea Chart No.<br>2301                               | 244 65° 59.8' N. 35° 37.0' W.<br>thence a straight line to | South-east point on island south of Stenø (Ilivtlaq)                      |   |
|  | 245 65° 44.5' N. 36° 07.8' W.<br>thence a straight line to | Uigerdlerssuaq (Uigertertivit)  |   |
|  | 246 65° 33.5' N. 36° 35.9' W.<br>thence a straight line to | Easternmost island at Kitsigsit (Kitsigsit orqortit)                      |   |
|  | 247 65° 29.0' N. 37° 02.6' W.<br>thence a straight line to | Island about 3 nautical miles ESE of Cape Dan (Naujångivit)               |   |
|  | 248 65° 29.4' N. 37° 16.4' W.<br>thence a straight line to | Island about 3 nautical miles WSW of Cape Dan (Naujångivit)               |   |
|  | 249 65° 32.9' N. 37° 44.0' W.<br>thence a straight line to | Island about 2 1/2 nautical miles south-east of Naujatlik (Pågtorpik)     |   |
|  | 250 65° 29.9' N. 38° 40.4' W.<br>thence a straight line to | Island about 1/2 nautical mile SSE of Ikátuaq (Ikátertaq)                 |   |
|  | 251 65° 14.5' N. 39° 22.8' W.<br>thence a straight line to | Island about 1 1/2 nautical miles SSE of Holms Naes                       |   |
|  | 252 65° 09.9' N. 39° 29.3' W.<br>thence a straight line to | Vahls Island (Atilât sártia)  |   |
|  | 253 64° 59.7' N. 39° 43.1' W.<br>thence a straight line to | Aflandshage   |   |
|  | 254 64° 57.7' N. 39° 47.5' W.<br>thence a straight line to | Northerly east point on Koklapperne (Sagtít)                              |   |
|  | 255 64° 57.0' N. 39° 48.0' W.<br>thence a straight line to | Southerly east point on Koklapperne (Sagtít)                              |   |
|  | 38.<br>Sea Chart No.<br>2200                               | 256 64° 35.7' N. 40° 14.1' W.<br>thence a straight line to                | South easternmost island in Søren Nordbyes Islands (Ilipigtivaq)                      |
|  |  | 257 64° 29.3' N. 40° 09.5' W.<br>thence a straight line to                | Island about 1 1/2 nautical miles north of Cape Poul Løvenørn (Umivip Kíámút Kangerá) |
|  |  | 258 64° 28.0' N. 40° 08.9' W.<br>thence a straight line to                | Cape Poul Løvenørn (Umivip Kíámút Kangerá)  |
| 259 64° 20.0' N. 40° 11.7' W.<br>thence a straight line to |  | East point on Umivítá   |   |
| 260 64° 18.2' N. 40° 13.5' W.<br>thence a straight line to |  | Southernmost island south of Putulik (Gabels Island) (Putoqartikajik)     |   |
| 261 64° 03.5' N. 40° 32.3' W.<br>thence a straight line to |  | Island about 1/2 nautical mile south of Kangerajik                        |   |
| 262 63° 41.1' N. 40° 30.6' W.<br>thence a straight line to |  | Tvillingøen (at Cape Møsting)   |   |
| 263 63° 32.1' N. 40° 39.5' W.<br>thence a straight line to |  | Qeqertarsuaq (Qêrtartivaq)  |   |
| 264 63° 16.3' N. 40° 59.7' W.<br>thence a straight line to |  | Easternmost island at Tupikajik (Valkyrierne)                             |   |
| 265 63° 06.2' N. 41° 10.7' W.<br>thence a straight line to |  | Easternmost island at Cape Skjold (Kangeq)                                |   |
| 266 62° 51.9' N. 41° 30.0' W.<br>thence a straight line to |  | South-east point on Griffenfelds Island (Ūmánaq)                          |   |
| 267 62° 41.4' N. 41° 45.5' W.<br>thence a straight line to |  | Island about 2 nautical miles south-east of the east point on Tingmiarmít |   |
| 268 62° 17.5' N. 42° 02.0' W.<br>thence a straight line to |  | North-east point on Ikermiut  |   |

| <i>No.</i>                                | <i>Position</i>               | <i>Designation</i>   |
|---|-------------------------------|--|
| 38.<br>Sea Chart No.<br>2200              | 269 62° 15.6' N. 42° 01.1' W. | Southerly east point on Ikermiut   |
|   | thence a straight line to     |  |
|   | 270 61° 52.9' N. 42° 04.5' W. | East point about 2 nautical miles north of Cape Cort Adelaer (Kangeq)          |
|   | thence a straight line to     |  |
|   | 271 61° 49.6' N. 42° 02.0' W. | Island about 1 1/2 nautical miles south-east of Cape Cort Adelaer (Umánárssuk) |
| 38. and 39.<br>Sea Chart No.<br>2200-2100 | thence a straight line to     |  |
|   | 272 61° 38.9' N. 42° 09.4' W. | Qeqertarsuaq   |
|   | thence a straight line to     |  |
|   | 273 61° 32.4' N. 42° 13.7' W. | Qutdleq  |
|   | thence a straight line to     |  |
|   | 274 61° 16.0' N. 42° 27.8' W. | Umánárssuk   |
|   | thence a straight line to     |  |
|   | 275 60° 53.3' N. 42° 37.3' W. | Easternmost island about 3/4 nautical mile ENE of Cape Discord (Kangeq)        |
|   | thence a straight line to     |  |
|   | 276 60° 40.7' N. 42° 45.1' W. | Southernmost island at Kûtseq (Kût-sit)  |
| 39.<br>Sea Chart No.<br>2100              | thence a straight line to     |  |
|   | 277 60° 33.8' N. 42° 50.2' W. | Cape Walløe (Kangerssivasiq)   |
|   | thence a straight line to     |  |
|   | 278 60° 33.2' N. 42° 51.8' W. | Island about 1 nautical mile south-west of Cape Walløe                         |
|   | thence a straight line to     |  |
|   | 279 60° 09.4' N. 42° 59.8' W. | Island about 2 nautical miles east of Aluk (Aluk avatdleq)                     |
|   | thence a straight line to     |  |
|   | 280 60° 01.7' N. 43° 03.9' W. | Island about 2 3/4 nautical miles south of Toqulineq                           |
|   | thence a straight line to     |  |
|   | 281 60° 01.2' N. 43° 04.1' W. | Island about 3 1/4 nautical miles south of Toqulineq                           |
|   | thence a straight line to     |  |
|   | 282 60° 01.0' N. 43° 04.3' W. | Island about 3 1/2 nautical miles south of Toqulineq                           |
|   | thence a straight line to     |  |
|   | 283 59° 55.2' N. 43° 15.3' W. | Island about 1/2 nautical mile south of Cape Hoppe                             |
|   | thence a straight line to     |  |
|   | 284 59° 48.8' N. 43° 35.3' W. | Easterly south point on Avatdlerssuaq  |
|   | thence a straight line to     |  |
|   | 285 59° 44.9' N. 43° 46.8' W. | Island about 3 nautical miles SSE of Avalernga                                 |

(b) ORDER NO. 437 OF 21 DECEMBER 1966 ON THE DELIMITATION OF THE TERRITORIAL SEA\*\*

The delimitation of the territorial waters which consist of the territorial sea and the internal waters shall be governed by the following rules:

*Article 1*

(1) The territorial sea comprises those areas of the sea which, on the inner side, are delimited by the lines referred to in article 4 and which, on the outer side, are delimited by lines drawn in such a manner that the distance from every point on

these lines to the nearest point on the inner borderline shall be 3 nautical miles (5,556 metres).

(2) The outer delimitation of the Danish Customs area and the Danish fishing territory is governed by special rules laid down by law.

(3) As far as the waters bordering upon Sweden and Germany are concerned, the outer limit of the territorial sea shall not go beyond the lines delimiting the internal waters and the territorial seas established by Declaration of 30 January 1932, between Denmark and Sweden concerning the delimitation in the Sound, cf. Executive Order No. 41 of 22 February 1932 and Executive Order No. 497 of 21 December 1923 concerning the frontier between Denmark and Germany.

#### *Article 2*

The internal waters comprise those areas of the sea, such as harbours, harbour entrances, roadsteads, bays, fiords, sounds and belts, which are situated inside the lines referred to in article 4.

#### *Article 3*

The provisions of article 2, cf. article 4, shall involve no restrictions in the existing right of passage for foreign vessels through those parts of the internal waters in the Samsø Belt, the Little Belt, the Great Belt, and the Sound, which are normally used for such passage.

#### *Article 4*

The lines to be used for delimitation of the territorial sea in pursuance of article 1 shall be those specified below and in the appended map of the coast-line (low-water mark at mean spring-tide) or straight lines between the following points:

(All positions indicated according to the European Datum System)

|                     |   |    |                      |  |
|---------------------|---|----|----------------------|--|
| Sea Chart No.<br>93 | } | 1. | 55°04'14"N 8°23'30"E | The point where the line from NW Sild to Rømø Flak Wintersects the line delimiting the internal waters between Denmark and Germany |
|                     |   | 2. | 55°12'40"N 8°24'14"E | Rømø W   |
|                     |   | 3. | 55°19'47"N 8°24'57"E | Galgerev (Fanø S)  |
|                     |   | 4. | 55°26'40"N 8°18'48"E | Søren Jessens Sand   |
|                     |   | 5. | 55°28'26"N 8°17'05"E | Skallingen W   |
|                     |   | 6. | 56°41'50"N 8°11'46"E | Harboøre Tange NW  |
|                     |   | 7. | 56°45'21"N 8°13'29"E | Agger Tange W  |



|                      |   |                           |   |
|----------------------|---|---------------------------|---|
| Sea Chart No.<br>185 | } | 34. 54°51'11"N 9°59'18"E  | Kegnæs  |
|                      |   | thence a straight line to | E-most end point of the line delimiting the internal waters between Denmark and Germany |
|                      |   | 35. 54°49'13"N 9°56'30"E  |   |

*Zealand and the islands S. of Zealand*

|                           |                                |                           |                                  |                       |                         |
|---------------------------|--------------------------------|---------------------------|----------------------------------|-----------------------|-------------------------|
| Sea Chart No.<br>100      | }                              | 36. 56°04'15"N 11°13'19"E | Sjællands Rev life-saving beacon | Elsinore harbour area |                         |
|                           |                                | thence a straight line to |                                  |                       |                         |
|                           |                                | 37. 56°00'41"N 11°16'40"E | Sjællands Odde                   |                       |                         |
|                           |                                | thence the coastline to   |                                  |                       |                         |
|                           |                                | 38. 55°58'42"N 11°46'37"E | Korshage                         |                       |                         |
|                           |                                | thence a straight line to |                                  |                       |                         |
|                           |                                | 39. 55°58'36"N 11°51'18"E | Spodsbjerg                       |                       |                         |
|                           |                                | thence the coastline to   |                                  |                       |                         |
| Sea Chart No.<br>130      | }                              | 40. 56°03'09"N 12°35'37"E | Point NW of Kronborg             |                       | Roadstead of Copenhagen |
|                           |                                | thence a straight line to |                                  |                       |                         |
|                           |                                | 41. 56°03'09"N 12°37'07"E | Lappegrund S seamark             |                       |                         |
|                           |                                | thence a straight line to |                                  |                       |                         |
|                           |                                | 42. 56°02'38"N 12°37'49"E | Point at sea                     |                       |                         |
|                           |                                | thence a straight line to |                                  |                       |                         |
|                           |                                | 43. 56°01'44"N 12°37'49"E | Point at sea                     |                       |                         |
|                           |                                | thence a straight line    |                                  |                       |                         |
|                           |                                | 44. 56°01'00"N 12°36'46"E | Point at sea                     |                       |                         |
|                           |                                | thence a straight line to |                                  |                       |                         |
|                           |                                | 45. 56°01'00"N 12°36'04"E | Point NE of Snekkersten          |                       |                         |
|                           |                                | thence the coastline to   |                                  |                       |                         |
|                           |                                | 46. 55°47'17"N 12°35'52"E | Taarbæk Harbour                  |                       |                         |
|                           |                                | thence a straight line to |                                  |                       |                         |
| 47. 55°47'07"N 12°40'20"E | Taarbæk Rev                    |                           |                                  |                       |                         |
| thence a straight line to |                                |                           |                                  |                       |                         |
| 48. 55°41'57"N 12°50'49"E | Saltholm NE (point at sea)     |                           |                                  |                       |                         |
| thence a straight line to |                                |                           |                                  |                       |                         |
| 49. 55°40'24"N 12°46'10"E | Saltholm N point               |                           |                                  |                       |                         |
| thence the coastline to   |                                |                           |                                  |                       |                         |
| 50. 55°40'15"N 12°46'36"E | Point on Saltholm              |                           |                                  |                       |                         |
| thence a straight line to |                                |                           |                                  |                       |                         |
| 51. 55°37'16"N 12°48'58"E | Svaneklapper N                 |                           |                                  |                       |                         |
| thence a straight line to |                                |                           |                                  |                       |                         |
| 52. 55°36'04"N 12°49'25"E | Søndre Flint                   |                           |                                  |                       |                         |
| thence a straight line to |                                |                           |                                  |                       |                         |
| 53. 55°36'19"N 12°47'07"E | Holm S of Saltholm             |                           |                                  |                       |                         |
| thence a straight line to |                                |                           |                                  |                       |                         |
| 54. 55°36'24"N 12°46'28"E | Saltholm S point               |                           |                                  |                       |                         |
| thence a straight line to |                                |                           |                                  |                       |                         |
| 55. 55°32'13"N 12°42'46"E | Drogden Lighthouse             |                           |                                  |                       |                         |
| thence a straight line to |                                |                           |                                  |                       |                         |
| 56. 55°30'58"N 12°35'36"E | Aflandshage black double broom |                           |                                  |                       |                         |
| thence a straight line to |                                |                           |                                  |                       |                         |
| 57. 55°19'51"N 12°27'23"E | Mandehoved                     |                           |                                  |                       |                         |
| thence the coastline to   |                                |                           |                                  |                       |                         |
| 58. 55°17'30"N 12°27'23"E | Stevns                         |                           |                                  |                       |                         |



|                           |       |                           |                                  |
|---------------------------|-------|---------------------------|----------------------------------|
| Sea Chart No.<br>186      | }     | thence a straight line to |                                  |
|                           |       | 59. 55°00'31"N 12°31'22"E | Hellehavn Nakke                  |
|                           |       | thence the coastline to   |                                  |
| Sea Chart No.<br>187      | }     | 60. 54°56'44"N 12°32'19"E | Point SW of Møn Lighthouse       |
|                           |       | thence a straight line to |                                  |
|                           |       | 61. 54°50'08"N 12°10'01"E | Hestehoved                       |
|                           |       | thence a straight line to |                                  |
|                           |       | 62. 54°33'39"N 11°58'29"E | Gedser Odde SE                   |
| Sea Chart No.<br>140      | }     | thence the coastline to   |                                  |
|                           |       | 63. 54°33'35"N 11°58'20"E | Gedser Odde S                    |
|                           |       | thence a straight line to |                                  |
|                           |       | 64. 54°33'38"N 11°52'25"E | Rødsand S                        |
|                           |       | thence a straight line to |                                  |
| Sea Chart No.<br>100      | }     | 65. 54°35'38"N 11°30'56"E | Hyllekrog                        |
|                           |       | thence the coastline to   |                                  |
|                           |       | 66. 54°50'12"N 10°57'36"E | Albuen                           |
|                           |       | thence a straight line to |                                  |
|                           |       | 67. 54°53'19"N 11°01'00"E | Point NW of Taars                |
|                           |       | thence the coastline to   |                                  |
|                           |       | 68. 54°54'48"N 11°01'38"E | Point SW of Korsnakke            |
|                           |       | thence a straight line to |                                  |
| Sea Chart No.<br>100      | }     | 69. 55°09'37"N 11°08'03"E | Omø W point                      |
|                           |       | thence a straight line to |                                  |
|                           |       | 70. 55°20'51"N 11°05'37"E | Halsskov                         |
|                           |       | thence a straight line to |                                  |
|                           |       | 71. 55°28'29"N 11°04'28"E | Musholm                          |
|                           |       | thence a straight line to |                                  |
|                           |       | 72. 55°30'57"N 11°04'55"E | Reersø                           |
|                           |       | thence a straight line to |                                  |
|                           |       | 73. 55°39'50"N 10°56'06"E | Asnæs                            |
|                           |       | Sea Chart No.<br>100      | }                                |
| 74. 55°44'40"N 10°52'12"E | Rønæs |                           |                                  |
| thence a straight line to |       |                           |                                  |
| Sea Chart No.<br>100      | }     | 75. 55°53'11"N 11°04'53"E | Sejerø N point                   |
|                           |       | thence a straight line to |                                  |
|                           |       | 36. 56°04'15"N 11°13'19"E | Sjællands Rev life-saving beacon |
|                           |       | Læsø                      |                                  |
|                           |       | 76. 57°21'52"N 10°56'00"E | Nordre Rønner                    |
|                           |       | thence a straight line to |                                  |
|                           |       | 77. 57°19'27"N 11°11'50"E | Syrodde                          |
|                           |       | thence the coastline to   |                                  |
|                           |       | 78. 57°17'53"N 11°11'24"E | Bløden Hale                      |
|                           |       | thence a straight line to |                                  |
| Sea Chart No.<br>100      | }     | 79. 57°12'21"N 11°02'09"E | Hornfiskerøn SE                  |
|                           |       | thence the coastline to   |                                  |
|                           |       | 80. 57°12'00"N 10°59'53"E | Hornfiskerøn SW                  |
|                           |       | thence a straight line to |                                  |
|                           |       | 81. 57°14'31"N 10°53'53"E | Sønder Nyland                    |
|                           |       | thence a straight line to |                                  |
| Sea Chart No.<br>100      | }     | 82. 57°15'30"N 10°52'15"E | Læsø W-most point                |
|                           |       | thence a straight line to |                                  |
|                           |       | 83. 57°21'21"N 10°54'12"E | Bordfeld                         |
|                           |       | thence a straight line to |                                  |
| Sea Chart No.<br>100      | }     | 76. 57°21'52"N 10°56'00"E | Nordre Rønner                    |

|                      |     |  |                       |
|----------------------|-----|--|-----------------------|
|                      |     | Christiansø  |                       |
|                      | 84. | 55°19'53"N 15°10'31"E<br>thence the coastline to   | Rock N of Tat (W end) |
|                      | 85. | 55°19'52"N 15°10'33"E<br>thence a straight line to | Rock N of Tat (E end) |
|                      | 86. | 55°19'27"N 15°11'31"E<br>thence a straight line to | Rock N of Christiansø |
|                      | 87. | 55°19'25"N 15°11'34"E<br>thence a straight line to | Christiansø NE        |
|                      | 88. | 55°19'09"N 15°11'56"E<br>thence a straight line to | Østerskær NE          |
|                      | 89. | 55°19'07"N 15°11'55"E<br>thence a straight line to | Østerskær SE          |
| Sea Chart No.<br>189 | 90. | 55°19'06"N 15°11'52"E<br>thence a straight line to | Østerskær SW          |
|                      | 91. | 55°19'04"N 15°11'20"E<br>thence a straight line to | Christiansø S         |
|                      | 92. | 55°19'25"N 15°10'36"E<br>thence a straight line to | Græsholm SW           |
|                      | 93. | 55°19'30"N 15°10'32"E<br>thence a straight line to | Græsholm W            |
|                      | 94. | 55°19'48"N 15°10'30"E<br>thence a straight line to | Rock S of Tat         |
|                      | 95. | 55°19'50"N 15°10'30"E<br>thence a straight line to | Rock S of Tat         |
|                      | 96. | 55°19'51"N 15°10'30"E<br>thence a straight line to | Tat W                 |
|                      | 84. | 55°19'53"N 15°10'31"E                              | Rock N of Tat (W end) |

### 13. DOMINICAN REPUBLIC

ACT NO. 186 OF 6 SEPTEMBER 1967 ON THE TERRITORIAL SEA, THE CONTIGUOUS ZONE AND THE CONTINENTAL SHELF<sup>1\*\*</sup>

#### *Article 1*

The territorial sea of the Dominican Republic shall comprise the sea area adjacent to its coasts, and to the coasts of the islands over which the Dominican Republic exercises sovereignty, and extending from the low-water line or from the straight baselines, as the case may be, to a distance of six miles seawards.

#### *Article 2*

The bays of Manzanillo, comprising the coastal area lying between the median line of the mouth of the River Massacre or Dajabón and Punta Manzanillo; Rincón, between Cabo Cabrón and Cabo Samaná; Samaná, between Cabo Samaná and Cabo San Rafael; Yuma, between Punta Espada and Punta Aljibe; Andrés, between

<sup>1</sup> *Gaceta Oficial*, No. 9052 of 16 September 1967, p. 26.

Punta Magdalena and Cabo Caucedo; Ocoa, between Punta Salinas and Punta Martín García; Neiba, between Punta Martín García and Punta Averena; and Aguilas, between Cabo Falso and Cabo Rojo, are bays according to the traditional geographical definition of the term hence the waters lying within the straight lines joining the points which delimit them are internal waters and as such under the full sovereignty of the State.

Paragraph 1. The bay of Santo Domingo, comprising the coastal area between Punto Palenque and Cabo Caucedo, and the bay of Escocesa, between Cabo Francés Vicjo and Cabo Cabrón, are declared to be historic bays. Accordingly, the waters lying within the straight baselines passing through the points which delimit them are internal waters and under the full sovereignty of the State.

Paragraph 2. The territorial waters adjacent to the bays of Santo Domingo and Escocesa and other bays and portions of internal waters shall be measured seawards from the straight baselines joining the points which delimit them.

#### *Article 3*

An additional zone contiguous to the territorial sea is hereby established which shall be known as the "Contiguous Zone", consisting of a belt extending seawards from the outer limit of the territorial sea to a distance of six nautical miles.

Sole paragraph. In the said contiguous zone the Dominican State shall exercise the powers of jurisdiction and control necessary for preventing contraventions of Dominican legislation governing public health, public revenue, customs and the protection and conservation of fisheries and other natural resources of the sea.

#### *Article 4*

The boundaries, extent or legal status of the territorial sea and of the contiguous zone in and in the vicinity of the bay of Manzanillo may be established by a treaty with the neighbouring Republic of Haiti. Pending the conclusion of such a treaty, the Dominican Republic shall comply with the rules of international law and of equity which it has in the past observed in the said bay in the waters adjacent thereto.

#### *Article 5*

The boundaries of the territorial sea and the contiguous zone at the mouth of the River Pedernales shall be determined in accordance with the rules of international law.

#### *Article 6*

The Dominican State hereby declares that, as a general rule, it has a particular interest in maintaining the productivity of the resources of the sea in any part of the high seas adjacent to its territorial sea; for that purpose, it reserves the right to take part, on a basis of equality, in every organization of studies and in every system of research or regulation relating to the conservation of the said resources in any zone of the high seas, even though its nationals have not in the past or are not at present engaged in the exploitation thereof.

Sole paragraph. Consequently, the conservation and maintenance of the productivity of the marine resources of the Bancos de la Plata (Silver Bank), whose centre is situated at latitude 20° 32.5' N, longitude 69° 42' W, and the Banco de la

Navidad (Navidad Bank), whose centre is situated at latitude 20° 01' N, longitude 68° 51' W, are hereby declared to be of national interest.

*Article 7*

The Dominican State shall exercise sovereign rights over the continental shelf for the purpose of exploring it and exploiting its natural resources. No person shall therefore undertake these activities without the express consent of the Dominican State.

Sole paragraph. For the purposes of this article, the term "continental shelf" means (a) the sea-bed and the subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits the exploitation of the natural resources of the said areas; (b) to the sea-bed and subsoil of similar submarine areas adjacent to the coasts of islands under Dominican sovereignty.

*Article 8*

This Act shall supersede any other legislation or part thereof which may be at variance with it.

## 14. ECUADOR

(a) CIVIL CODE<sup>1\*\*</sup>

...

*Article 633<sup>2</sup>*

"The territorial sea under national jurisdiction shall comprise the adjacent sea to a minimum distance of 200 nautical miles measured from the low-water mark of the outermost points of the Ecuadorian coast, and the inner waters of the gulfs, bays, straits and channels included within a line drawn through such points.

"The territorial sea shall also comprise the waters within a perimeter of 200 nautical miles measured from the outermost extremities of the outermost islands of the Galápagos (Colón) Archipelago.

"If, under the terms of any international agreements or treaties dealing with this matter, such as the Treaty of Reciprocal Assistance, maritime zones are designated for policing or protection which are broader than those laid down in the foregoing paragraphs, the provisions of such agreements or treaties shall prevail."

<sup>1</sup> The Ecuadorian Civil Code of 20 August 1960. Book II—Property and its ownership, possession, use and enjoyment; title III—National property. *Registro Oficial*, No. 1202, 20 August 1960 (Supplement).

<sup>2</sup> As amended by Decree No. 1542 of 10 November 1966, published in the *Registro Oficial*, No. 158, 11 November 1966.

(b) MARITIME FISHING AND HUNTING ACT<sup>1</sup> OF 30 AUGUST 1961\*\*

*Article 3.* The territorial sea under national jurisdiction shall comprise the adjacent sea to a minimum distance of twelve nautical miles,<sup>2</sup> of twenty to the degree, measured from the low-water mark of the outermost points of the Ecuadorian coast, and the inner waters of the gulfs, bays, straits and channels included within a line drawn through such points.

The territorial sea shall also comprise the waters within a perimeter of twelve nautical miles measured from the outermost extremities of the outermost islands of the Galápagos (Colón) Archipelago.

*Article 4.* If, under the terms of any international agreements or treaties dealing with this matter, such as the Treaty of Reciprocal Assistance, maritime zones are designated for policing or protection which are broader than those laid down in the foregoing articles, the provisions of such agreements or treaties shall prevail.

(c) DECREE<sup>3</sup> NO. 2556 OF 9 NOVEMBER 1964\*(d) POLITICAL CONSTITUTION OF THE ECUADORIAN STATE<sup>4</sup>\*\*

...

*Article 6*

The territory of the State is inalienable and irreducible. It comprises the territory of the *Real Audiencia* of Quito with the modifications introduced by validly concluded treaties, the adjacent islands, the Archipelago of Colón or Galápagos, the territorial sea, the subsoil and the corresponding air space.

...

*Article 55*

Ownerless land shall be the property of the State; the same shall apply to agricultural land which, although having an owner, has been abandoned for more than eight consecutive years without legal cause. This right of ownership shall be imprescriptible, but the land shall be granted to individuals for purposes of land reform and settlement.

<sup>1</sup> *Registro Oficial*, No. 353 of 31 October 1961 (Supplement). See also FISHERIES, TERRITORIAL SEA.

<sup>2</sup> Decree No. 1542, *Registro Oficial*, No. 158, 11 November 1966, provided that the territorial sea should be extended to 200 miles. See article 633 of the Civil Code, as amended by that Decree, *supra* (a).

<sup>3</sup> *Registro Oficial*, No. 376 of 18 November 1964. By the Decree, the following agreements, concluded at the Second Conference of the South Pacific, held at Lima from 1 to 4 December 1954, were approved and ratified: Agreement supplementary to the Declaration of sovereignty over the maritime zone of two hundred miles; Agreement to a special maritime frontier zone; and Agreement relating to measures of supervision and control in the maritime zones of the signatory countries. For the texts of the agreements, see ST/LEG/SER.B/6, pp. 729-730, 734-735 and 732, respectively.

<sup>4</sup> *Registro Oficial* No. 133 of 25 May 1967.

## 15. FRANCE

(a) ARRÊTÉ<sup>1</sup> DU 9 MARS 1965 RELATIF AUX ZONES DES TERRITOIRES FRANÇAIS INTERDITS AU SURVOL

Le ministre d'État chargé des départements et territoires d'outre-mer et le ministre des travaux publics et des transports,

Vu le décret du 11 mai 1928 portant application aux territoires d'outre-mer de la loi du 31 mai 1924 sur la navigation aérienne;

Vu la convention relative à l'aviation civile internationale, signée à Chicago le 7 décembre 1944, ratifiée le 13 novembre 1946 et publiée par décret n° 47-974 du 31 mai 1947;

Vu le décret n° 57-597 du 13 mai 1957 portant définition des types de la circulation aérienne et fixant les conditions d'établissement de leur réglementation rendu applicable dans les territoires d'outre-mer par le décret n° 58-690 du 31 juillet 1958;

Vu le décret n° 57-598 du 13 mai 1957 fixant les règles de l'air, les attributions et le rôle des services civils de la circulation aérienne, modifié par le décret n° 58-851 du 11 septembre 1958, rendus applicables dans les territoires d'outre-mer par le décret n° 58-691 du 31 juillet 1958, modifié par décrets du 6 novembre 1958, 17 avril 1961 et 19 juillet 1962;

Vu l'arrêté du 7 octobre 1948 fixant les zones des territoires français interdites au survol, et notamment l'article 3, ainsi que les textes qui l'ont modifié;

Vu l'arrêté du 30 septembre 1960 fixant les conditions dans lesquelles peuvent être prises des mesures d'interdiction de survol à titre provisoire;

Vu l'arrêté du 16 janvier 1962 étendant aux territoires d'outre-mer l'application de l'arrêté du 30 septembre 1960,

Arrêtent:

*Art. 1<sup>er</sup>.* — L'annexe à l'arrêté du 7 octobre 1948 susvisé est complétée par le paragraphe C ci-après:

*Polynésie française*

Zone de Mururoa—Fangatofa:

A: 21° 35' S — 138° 45' W.

B: 21° 55' S — 138° 15' W.

C: 22° 35' S — 138° 45' W.

D: 21° 55' S — 139° 15' W.

Plafond illimité.

Zone de Hao: cercle de 30 milles nautiques de rayon centré sur le point:

18° 15' S — 140° 55' W.

Plafond illimité.

*Art. 2.* — Les dispositions prévues dans le présent arrêté sont applicables immédiatement.

<sup>1</sup> *Journal Officiel*, n° 142 des 21 et 22 juin 1965, p. 5161.

(b) INSTRUCTION<sup>1</sup> DU 29 AVRIL 1966 RELATIVE À LA NAVIGATION DANS LES EAUX INTÉRIEURES ET TERRITORIALES ET AUX ESCALES DANS LES PORTS ET RADES DES DÉPARTEMENTS ET TERRITOIRES D'OUTRE-MER

La présente instruction a un double objet :

Rappeler et résumer la réglementation établie en matière de navigation dans les eaux intérieures et les eaux territoriales et d'escales dans les ports et rades maritimes ouverts à la navigation dans les départements et territoires d'outre-mer ;

Préciser le rôle des autorités portuaires locales chargées de l'application de cette réglementation.

*1<sup>o</sup> Rappel des définitions*

Les eaux intérieures comprennent les ports et rades, les mers intérieures et, d'une façon générale, toutes les eaux maritimes qui se trouvent en deçà de la ligne de base de la mer territoriale.

Les eaux territoriales sont limitées par la côte elle-même ou par les eaux intérieures d'une part, par la haute mer d'autre part. Elles s'étendent, sauf dérogation, à 3 milles de la ligne de base constituée, en règle générale, et sauf existence d'eaux intérieures, par la laisse de basse mer (isobathe zéro).

Le passage est le fait de naviguer dans les eaux territoriales soit pour les traverser sans entrer dans les eaux intérieures, soit pour se rendre dans les eaux intérieures, soit pour prendre le large en venant des eaux intérieures.

Le passage réputé inoffensif comprend le droit de stopper et de mouiller, mais seulement dans la mesure où l'arrêt et le mouillage constituent des incidents ordinaires de navigation ou s'imposent au navire en état de relâche forcée ou de détresse.

Le passage n'est pas inoffensif lorsque le navire utilise les eaux territoriales d'un État riverain aux fins d'accomplir un acte portant atteinte à la sécurité, à l'ordre public ou aux intérêts fiscaux de cet État, ou lorsque ce passage se trouve accompagné par une activité portant atteinte à ceux de ces intérêts que les règles du droit international l'autorisent à sauvegarder.

*2<sup>o</sup> Droits de souveraineté et rôle des autorités locales dans l'exercice de ces droits*

Les eaux territoriales et les eaux intérieures sont soumises à la souveraineté de l'État français. Celle-ci s'exerce conformément aux règles du droit international régissant la matière, en particulier en ce qui concerne l'exercice du droit de passage inoffensif et l'accès aux ports maritimes ouverts à la navigation.

Dans les eaux territoriales, le passage inoffensif peut, sans discrimination de pavillon, être suspendu par les autorités locales pour des raisons de sécurité. Cette suspension ne peut prendre effet qu'après avoir été dûment publiée.

Dans les eaux territoriales et dans les eaux intérieures toute relâche et toute opération d'embarquement ou de débarquement sont interdites en dehors des limites de certains ports et rades qu'il appartient aux autorités locales de fixer. Des

<sup>1</sup> *Ibid.*, n° 112 du 14 mai 1966, p. 3887.

dérogrations peuvent être consenties à ces règles, notamment au profit des navires se livrant au cabotage intérieur, à la pêche, à des missions scientifiques ou à la navigation de plaisance.

La réglementation édictée par les autorités locales doit prévoir l'obligation pour les bâtiments de signaler immédiatement les cas de force majeure qui les mettraient dans l'impossibilité d'observer cette réglementation.

### 3<sup>o</sup> *Rôle des autorités des ports maritimes ouverts à la navigation*

Dans les ports maritimes ouverts à la navigation, les autorités portuaires ou en tenant lieu sont chargées de faire connaître et appliquer les règlements établis. S'il y a lieu, elles rappellent aux navigateurs la nécessité de leur stricte observation et les poursuites judiciaires auxquelles ils s'exposent en cas d'infraction.

Le nombre et la situation des ports maritimes ouverts à la navigation sont choisis de manière à faciliter l'aide à apporter ainsi aux navigateurs. La liste en est approuvée et tenue à jour par le ministre d'État chargé des départements et territoires d'outre-mer.

#### (c) DÉCRET<sup>1</sup> DU 19 OCTOBRE 1967 RELATIF À LA DÉTERMINATION DES LIGNES DE BASE EN CE QUI CONCERNE LA LARGEUR DES EAUX TERRITORIALES

Le Premier ministre,

Vu le décret<sup>2</sup> n° 67-451 du 7 juin 1967 portant extension de la zone de pêche interdite aux navires étrangers, et notamment son article 2 (alinéa 1),

Décète :

*Art. 1<sup>er</sup>.* — Les lignes de base droites et les lignes de fermeture des baies servant à la détermination des lignes de base à partir desquelles est mesurée la largeur des eaux territoriales sont tracées comme il est indiqué ci-après :

#### *Littoral de la Manche*

Baie de Seine :

Du feu du cap de la Hève au feu de la jetée Ouest du port de Trouville.

Rade de Saint-Vaast-la-Capelle :

De la pointe de Saire au feu des îles Saint-Marcouf et du feu des îles Saint-Marcouf à l'extrémité Nord-Est du bac Roches de Grand Camp.

Rade de Cherbourg :

Du phare du cap Lévi au fort de Nacqueville.

Anse de Vauville :

Du sémaphore de Jobourg au sémaphore de Flamanville.

Baie du Mont-Saint-Michel :

Du feu de la pointe du Roc à l'îlot Herpin et de celui-ci à la pointe du Grouin.

<sup>1</sup> *Ibid.*, n° 255 du 1<sup>er</sup> novembre 1967, p. 10755.

<sup>2</sup> *Infra* DIVISION IV. 11 (g).



*Bretagne Nord et Ouest*

De la pointe du Grouin au feu du Menhir (Penmarch) suivant la ligne brisée joignant les points suivants:

Pointe du Grouin, tourelle de Rochefort, pointe Nord-Ouest de l'île de Cézembre (au large de Saint-Malo), extrémité Nord du cap Fréhel, feu du Grand-Lejon (baie de Saint-Brieuc), feu de la Horaine, feu des Héaux, pointe Nord de l'île Rouzic (les Sept-Îles), feu des Triagoz, îlot Pen Ven (au Nord de l'île de Batz), pointe Nord de l'île Vierge, feu de Corn-Carhai, îlot de Keller, feu d'An Ividig, dernier rocher découvrant à l'Ouest de la Chaussée de Sein ( $48^{\circ} 03' 25''$  N —  $05^{\circ} 02' 20''$  W), feu du Menhir (Penmarch).

*Bretagne Sud et Vendée*

Du feu du Menhir (Penmarch) au feu des Baleineaux (Nord de l'île de Ré) suivant la ligne brisée joignant les points suivants:

Feu du Menhir (Penmarch), tourelle des Putains, pointe Sud de l'île du Loch (îles des Glénans), pointe d'Enfer (Sud de l'île de Groix), îlot Baguénéres (Ouest de Belle-Île), pointe du Talut, pointe de l'Échelle (Sud-Est de Belle-Île), feu des Grands-Cardinaux, feu de la Banche (au large de l'estuaire de la Loire), feu du Pilier (Nord-Ouest de l'île de Noirmoutier), tourelle du Bavard, feu des Chiens-Perrins (Nord-Ouest de l'île d'Yeu), pointe de la Tranche (tour par le Sud de l'île d'Yeu), feu de la Grande-Barge (Ouest des Sables-d'Olonne), feu des Baleineaux (au Nord-Ouest de l'île de Ré).

*Vendée Sud et Landes*

Pertuis d'Antioche:

Du feu de Chanchardon au feu de Chassiron.

Pertuis de Maumusson:

Du feu de la Cotinière au feu de la Coubre.

Estuaire de la Gironde:

Du feu de la Coubre à la balise de la Négade.

*Littoral continental de la Méditerranée*

Golfe d'Aigues-Mortes:

De l'embouchure du Grau de Palavas au phare de l'Espiguette.

Golfe des Saintes-Maries:

Du Grau d'Orgon à la balise de Beauduc.

Du golfe de Fos à la baie de Sanary:

Du point défini par les coordonnées  $43^{\circ} 19' 50''$  N —  $4^{\circ} 50' 00''$  E à la pointe de la Gardiole suivant la ligne brisée joignant les points suivants:

Point défini par les coordonnées  $43^{\circ} 19' 50''$  N et  $4^{\circ} 50' 00''$  E, feu du cap Couronne, feu de l'île du Planier, pointe Est de l'île Riou, feu de la Cassidaigne, feu de l'île du Grand-Rouveau, pointe Sud-Ouest de l'île des Embiez, pointe Sud du Petit-Gau, pointe de la Gardiole.

De la rade de Toulon à la baie de Cavalaire :

Du feu du cap Sicie à l'extrémité Est du cap Camarat suivant la ligne brisée joignant les points suivants : feu du cap Sicie, cap d'Armes, îlot de la Gabinière, cap Maupertuis, le Grand-Cap, pointe du Titan, cap Taillat, extrémité Est du cap Camarat.

Baie de Pampelonne et golfe de Saint-Tropez :

De l'extrémité Est du cap Camarat à la pointe des Issambres.

Du golfe de Fréjus à Golfe-Juan :

De la pointe des Issambres au phare de l'Îlette suivant une ligne brisée joignant les points suivants : pointe des Issambres, île de la Boute, tourelle des Moines, phare de l'Îlette.

Baie des Anges :

Du bastion Nord-Est du Fort-Carré d'Antibes au phare du cap Ferrat (Villefranche).

Baie de Beaulieu :

De la pointe de Saint-Hospice au cap d'Ail.

Baie de Roquebrune :

De la pointe de la Vieille au cap Martin.

#### *Littoral de la Corse*

Golfe de Saint-Florent :

De la pointe de Canelle à la pointe de Mignole.

Golfe de Calvi :

De la pointe d'Espino à la pointe Revellata.

Du cap de la Morsetta au golfe de Pinarello :

Entre le cap de la Morsetta à la pointe Nord-Est du golfe de Pinarello suivant une ligne brisée joignant les points suivants : cap de la Morsetta, pointe des Scoglietti, îlot de Gargalo, cap Rosso, pointe d'Omignia, cap de Feno (golfe de Sagone), pointe Ouest des îles Sanguinaires, feu du cap Muro, pointe de Senetose, feu des Moines, feu du cap Pertusato, feu de l'îlot Lavezzi, pointe Est de l'île Cavallo, pointe Sud-Est de l'île Forana (îles Cerbicales), pointe Est de l'île Pinarello puis pointe Nord-Est du golfe de Pinarello.

*Art. 2.* — Sont abrogés, à compter de la date de publication du présent décret :

Le décret du 9 juillet 1888<sup>1</sup> qui fixe, pour les baies du cinquième arrondissement maritime, la ligne à partir de laquelle doivent être comptés les trois milles formant la mer territoriale française ;

Les décrets du 1<sup>er</sup> juin 1938<sup>2</sup> fixant, pour les directions d'inscription maritime du Havre, de Saint-Servan et de Bordeaux, les limites d'eaux réservées à la pêche française.

<sup>1</sup> Voir ST/LEG/SER.B/6, p. 15.

<sup>2</sup> *Ibid.*, p. 498.

## 16. GAMBIA

TERRITORIAL SEA AND CONTIGUOUS ZONE ACT, 1968 (No. 4 of 19 April 1968),  
AS AMENDED<sup>1</sup>

...

2. *Territorial sea*

Gambia shall extend for a distance of twelve nautical miles from low-water mark and any reference to "The Gambia" whatsoever or wheresoever made shall be deemed in the absence of a contrary intention to include the territorial sea of The Gambia.

...

4. "*Territorial waters*" considered as "*territorial sea*"

Any reference in any law in force in The Gambia to "territorial waters" shall be construed as if it were a reference to "territorial sea".

## 17. GHANA

TERRITORIAL WATERS AND CONTINENTAL SHELF ACT, 1963 (Act No. 175 of  
19 April, 1963)

1. *Extent of territorial waters*

(1) For the removal of doubt it is hereby declared that the territorial waters of the Republic shall extend to the limits of twelve nautical miles from low-water mark.

(2) The President may, if satisfied in the public interest so to do, by legislative instrument, declare any part of the sea touching or adjoining the coast, and seaward of the outer limits of the territorial waters, of the Republic to be an area over which the Government shall exercise any right of protection.

...

5. *Interpretation*

(1) For the purposes of this and any other enactment,

...

"territorial waters" shall have the meaning assigned to it by section 1 of this Act.

...

<sup>1</sup> By the Territorial Sea and Contiguous Zone (Amendments) Act, 1969 (No. 9 of 10 July 1969).

## 18. GUATEMALA

(a) DECREE NO. 1470 OF 23 JUNE 1961, article 21<sup>1</sup>

(b) CONSTITUTION<sup>2</sup> OF THE REPUBLIC OF GUATEMALA OF 15 SEPTEMBER 1965\*\*

TITLE I. THE NATION, THE STATE AND ITS GOVERNMENT

CHAPTER I. GENERAL PROVISIONS

...

*Article 3.* Guatemala exercises full sovereignty and dominion over its territory which includes soil, subsoil, continental shelf, territorial waters, and the space above these, and the natural resources and wealth existing therein, without prejudice to free navigation by sea and air in conformity with law and the provisions of international treaties and agreements.

...

TITLE III. SOCIAL GUARANTEES

...

CHAPTER V. SOCIAL AND ECONOMIC RÉGIME

...

*Article 129.* The following belong to the nation:

...

2. The waters of the maritime zone adjacent to the coasts of its territory, the lakes, navigable or passable rivers and the banks thereof, rivers, watersheds and streams which serve as the international boundary of the Republic; waterfalls and sources of water for hydro-electric use and waters not availed of by individuals, to an area and for a period fixed by law.

...

4. The maritime and land zone, the continental shelf and the air space above, to an area and in the manner laid down by law or ratified international treaties.

5. The subsoil, deposits of hydrocarbons and minerals and any other organic or inorganic substance in the subsoil.

...

*Article 130.* The nation reserves dominion over a strip of land three kilometres in width along the ocean fronts, counting from the line of high tide; of 200 metres along the shores of lakes; of 100 metres along each bank of navigable rivers; and of 50 metres around springs and sources of water which flow to cities and populated places.

...

<sup>1</sup> *Infra* DIVISION IV. 13 (a).

<sup>2</sup> The present Constitution (article 271) repealed the Constitution of 1 March 1956, quoted in ST/LEG/SER.B/6, p. 19.

*Article 134.* The technical and rational exploitation of hydrocarbons, minerals and other natural resources are declared to be of public utility and necessity.

Rights to the exploitation of hydrocarbons and minerals shall be acquired in conformity with the law, for a period of not more than forty years, with the right of extension for another twenty years.<sup>1</sup>

...

## 19. GUINEA

### DÉCRET N° 224/PRG DU 3 JUIN 1964 PORTANT LIMITATION DES EAUX TERRITORIALES DE LA RÉPUBLIQUE DE GUINÉE

*Article 1<sup>er</sup>.* — Les limites des eaux territoriales de la République de Guinée sont fixées ainsi :

Au Nord, par le parallèle de latitude 10° 56' 42" Nord, et

Au Sud, par le parallèle de latitude 9° 03' 18" Nord, sur une distance vers le large de 130 milles marins, à compter d'une droite passant au S.W. de l'île Sène du groupe Tristao, et au Sud, par la pointe S.W. de l'île Tamara, à la laisse des basses mers.

## 20. INDIA

### PROCLAMATION<sup>2</sup> OF 30 SEPTEMBER 1967 BY THE PRESIDENT

#### PROCLAMATION

*Whereas* international law has always recognised that the sovereignty of a State extends to a belt of sea adjacent to its coast;

*And whereas* international practice is not uniform as regards the extent of this sea-belt commonly known as the territorial waters of a State;

*And whereas* by the Proclamation<sup>3</sup> issued by the President of India on the 22nd March, 1956 and published with the notification of the Government of India in the Ministry of External Affairs, No. S.R.O. 669, dated the 22nd March, 1956, the territorial waters of India were declared to extend into the sea to a distance of six nautical miles measured from the appropriate base line and by the Proclamation issued by the President of India on the 3rd December, 1956, and published with the notification of the Government of India in the Ministry of External Affairs,

<sup>1</sup> Mining Code, Legislative Decree No. 342.

<sup>2</sup> Notification of the Ministry of External Affairs, published in the *Gazette of India* of 30 September 1967, Registered no. D. 221.

<sup>3</sup> For the text, see ST/LEG/SER.B/6, p. 23.

No. S.R.O. 2920, dated the 3rd December, 1956, the limit of contiguous zone was fixed at twelve nautical miles from the base line from which the width of the territorial waters is measured;

*And whereas* under international law and customs, a State has the right to fix the limits of its territorial waters up to a distance of twelve nautical miles measured from the appropriate base line;

*And whereas* several States have fixed the limits of their territorial waters up to a distance of twelve nautical miles from the appropriate baseline and such fixation is in consonance with the requirements and legitimate interests of all countries and especially the developing countries;

*And whereas* the Republic of India has the obligation to ensure its effective control over as wide an area of the sea adjacent to its coast as is compatible with international law, in order to safeguard its territorial integrity and as a developing country to exploit and utilise the natural resources of the sea in an efficient manner;

*Now, therefore*, in the Eighteenth Year of the Republic of India, I, Zakir Husain, President of India, hereby proclaim, in supersession of the Proclamations aforesaid, that the territorial waters of India extend into the sea to a distance of twelve nautical miles measured from the appropriate baseline.

## 21. IRAN

LOI<sup>1</sup> DU 12 AVRIL 1959 (22.1.1338) MODIFIANT LA LOI DÉTERMINANT LES LIMITES DES EAUX TERRITORIALES

### *Article 1*

Le droit de souveraineté de l'Iran en dehors du territoire de l'Iran et des eaux intérieures, s'étend sur la partie de la mer adjacente aux côtes de l'Iran et dénommée « mer territoriale ».

### *Article 2*

Ce droit de souveraineté s'étend à l'espace aérien au-dessus de la mer territoriale ainsi qu'au lit et sous-sol de la mer territoriale.

### *Article 3*

La largeur de la mer territoriale de l'Iran est de 12 (douze) milles à compter de la ligne de base desdites eaux. Le gouvernement déterminera la ligne de base en observant les principes reconnus du droit international public.

REMARQUE. — Le mille marin égale 1 852 mètres.

<sup>1</sup> D'après l'information fournie par la Mission permanente d'Iran auprès de l'Organisation des Nations Unies les dispositions de la loi ont remplacé la loi du 24 Tir 1313 (le 19 juillet 1934) relative à la limite des eaux territoriales et à la zone de supervision et de contrôle (voir ST/LEG/SER.B/1, p. 81, ST/LEG/SER.B/6, p. 24). Les dispositions du chapitre 2 de la loi du 24 Tir 1313 relative à l'entrée des navires de guerre étrangers dans les eaux iraniennes restent toujours en vigueur. Texte français fourni par la Mission permanente d'Iran.

*Article 4*

Dans le cas où les côtes de l'Iran sont limitrophes ou qui font face aux côtes d'un autre pays, et à défaut d'accord contraire entre les parties, la ligne de délimitation entre les eaux territoriales iraniennes et celles la ligne médiant dont tous les points sont équidistants des points les plus proches des lignes de base de l'autre partie.

*Article 5*

Toute île appartenant à l'Iran, qu'elle se trouve à l'intérieur de la mer territoriale de l'Iran ou à l'extérieur de cette mer, possède sa propre mer territoriale conformément à la présente loi.

Les îles qui sont situées à une distance de moins de 12 milles les unes des autres sont considérées comme une seule île et les limites de la mer territoriale sont calculées à partir des îles qui sont les plus éloignées du centre de l'archipel.

*Article 6*

Les eaux qui se trouvent entre les côtes du pays et la ligne de base, de même que les eaux situées entre les îles appartenant à l'Iran et qui ne sont pas séparées entre elles par une distance de plus de 12 milles, sont considérées comme les eaux intérieures du pays.

*Article 7*

Le droit de pêche et autres droits de l'Iran au-delà de la mer territoriale restent en vigueur.

...

## 22. IRAQ

(a) PROCLAMATION OF 10 APRIL 1958<sup>1</sup>

(b) REPUBLICAN ORDINANCE NO. 435 OF 15 NOVEMBER 1958<sup>2</sup>

1. The Iraqi territorial sea, its bed and subsoil and the air space above it shall be under the sovereignty of the Iraqi Republic, subject to the rules recognized by International Law pertaining to the innocent passage of the ships of other countries through the said sea.

2. The Iraqi territorial sea extends twelve nautical miles (a nautical mile is equivalent to 1852 metres) in the direction of the high sea, measured from the low-water line of the Iraqi coast.

3. In case the territorial sea of another State interlaps with the Iraqi territorial sea, the limits between the two territorial seas shall be determined by agreement with the State concerned in accordance with the recognized rules of international law or with such understanding as may be reached between the two States.

<sup>1</sup> *Infra* SUB-DIVISION B. 12 (b).

<sup>2</sup> *Official Gazette* No. 74 of 15 November 1958.

4. No provisions in this Ordinance shall infringe Iraq's other internationally recognized rights in the two maritime belts known as the contiguous zone and the continental shelf following the Iraqi territorial sea in the direction of the high sea. Nor shall any provisions in this Ordinance infringe the official announcements previously issued by the Iraqi Government in this respect.

(c) LAW NO. 71 OF 1958 DELIMITING THE IRAQI TERRITORIAL WATERS<sup>1</sup>

*Article 1*

The Iraqi territorial sea, its bed and subsoil and the air space about it shall be under the sovereignty of the Iraqi Republic, subject to the rules recognized by International Law pertaining to the innocent passage of the ships of other countries through the said sea.

*Article 2*

The Iraqi territorial sea extends twelve nautical miles (a nautical mile is equivalent to 1852 metres) in the direction of the high sea, measured from the low-water mark following the sinuosities of the Iraqi coast.

*Article 3*

In case the territorial sea of another State interlaps with the Iraqi territorial sea, the limits between the two territorial seas shall be determined by agreement with the State concerned in accordance with the recognized rules of International Law or with such understanding as may be reached between the two States.

*Article 4*

No provisions in this Law shall infringe Iraq's other internationally recognized rights in the two maritime belts known as the contiguous zone and the continental shelf following the Iraqi territorial sea in the direction of the high sea. Nor shall any provisions in this Law infringe the official proclamations previously issued by the Iraqi Government in this respect.

## 23. IRELAND

(a) MARITIME JURISDICTION ACTS, 1959<sup>2</sup> AND 1964<sup>3</sup>

1. *Interpretation*

In this Act —

“exclusive fishery limits” has the meaning given to it by or under section 6;

“fishery conservation area” has the meaning given to it by section 7;

<sup>1</sup> *Official Gazette* No. 82 of 25 November 1968.

<sup>2</sup> No. 22 of 1959. Came into operation on 1 October 1959. See also *infra* DIVISION IV. 15 (a).

<sup>3</sup> The Maritime Jurisdiction (Amendment) Act, 1964 (No. 32 of 1964). See also *infra* DIVISION IV. 15 (b).



“foreign ship” means a ship which is not a ship of the Naval Service of the Defence Forces or an Irish ship as defined by section 9 of the Mercantile Marine Act, 1955;

“internal waters” has the meaning given to it by section 5;

“island” means a naturally formed area of land surrounded by water which is above water at high water;

“low-tide elevation” means a naturally formed area of land which is surrounded by and above water at low water but submerged at high water;

“nautical mile” means the length of one minute of an arc of a meridian of longitude;

“ship” includes every description of vessel used in navigation whether on or under the surface of the water, howsoever propelled, and also includes a seaplane while it is in contact with the water.

## 2. *The territorial seas*

For the purposes of this Act, the territorial seas of the State shall be that portion of the sea which lies between the baseline and the outer limit of the territorial seas.

## 3. *Outer limit of the territorial seas*

For the purposes of this Act, the outer limit of the territorial seas is the line every point of which is at a distance of three nautical miles from the nearest point of the baseline.

## 4. *The baseline*

(1) Save as otherwise provided, the baseline is low-water mark—

(a) on the coast of the mainland or of any island, or

(b) on any low-tide elevation situated wholly or partly at a distance not exceeding three nautical miles from the mainland or an island.

(2) The Government may by order prescribe straight baselines in relation to any part of the national territory and the closing line of any bay or mouth of a river, and any line so prescribed shall be taken as the baseline.

(3) The Government may by order revoke or amend an order under subsection (2).

## 5. *Internal waters*

The internal or inland waters of the State shall extend to all sea areas which lie on the landward side of the baseline of the territorial seas and all such sea areas shall be subject to the jurisdiction of the State to the same extent in all respects as its ports and harbours, bays, lakes and rivers, subject to any right of innocent passage for foreign ships in those sea areas which previously had been considered as part of the territorial seas or of the high seas.

...

## 9. *Place of commission of offence*

For the purpose of giving jurisdiction under this Act, every offence shall be deemed to have been committed and every cause of complaint to have arisen either where it actually was committed or arose or wherever the offender or person complained against may be.

10. *Jurisdiction in case of offences*

(1) Every offence committed within the territorial seas or internal waters is an offence within the jurisdiction of the State and may be dealt with by a court of competent jurisdiction although committed on board or by means of a foreign ship and a person who commits such offence may be arrested, tried and punished accordingly.

(2) For the purpose of arresting any person charged with an offence declared by this section to be within the jurisdiction of the State, the territorial seas and internal waters shall be deemed to be within the jurisdiction of any court, judge, justice or peace commissioner having power within the State to issue warrants for the arrest of persons charged with offences committed within the jurisdiction of such court, judge, justice or peace commissioner.

11. *Prosecution of an alien for offence on foreign ship*

(1) Proceedings (other than the taking of depositions) for the prosecution of an alien for an offence alleged to have been committed in the territorial seas on board or by means of a foreign ship shall not be instituted without the certificate of the Minister for External Affairs that the institution of the proceedings is in his opinion expedient.

(2) This section does not apply to an offence against Part XIII of the Fisheries (Consolidation) Act, 1959, or an offence under section 7.

12. *Saving as to jurisdiction*

Nothing in this Act shall be construed to be in derogation of any jurisdiction of the State under international law or to affect or prejudice any jurisdiction conferred by any other enactment or now by law existing.

14. *Adaptation of enactments*

(1) References in any enactment to sea areas and waters within three miles or one league of the coast or shore and cognate expressions shall be construed as references to sea areas and waters lying within the outer limit of the territorial seas.

(2) For the purposes of any other enactment the territorial seas shall be taken to comprise the sea area to which section 2 applies.

(b) MARITIME JURISDICTION ACT, 1959 (STRAIGHT BASELINES) ORDER,<sup>1</sup> 1959

...

3. Straight lines joining in succession the points the co-ordinates of which are given in a particular Part of the Schedule shall be straight baselines for the purposes of the Maritime Jurisdiction Act, 1959.

<sup>1</sup> *Statutory Instruments*, No. 173 of 1959. The Order came into operation on 1 January 1960.

SCHEDULE  
 TERMINAL POINTS OF STRAIGHT BASELINES

| Reference<br>Number | Co-ordinates of Points |                | Location                                      |
|---------------------|------------------------|----------------|---|
|                     | North Latitude         | West Longitude |   |
| <i>Part A.</i>      |                        |                |   |
| 1.                  | 55° 22.6'              | 7° 24.2'       | Scart Rocks, Malin Head                       |
| 2.                  | 55° 15.4'              | 7° 47.1'       | Melmore Head                                  |
| 3.                  | 55° 13.7'              | 7° 58.9'       | Horn Head                                     |
| 4.                  | 55° 12.4'              | 8° 09.5'       | Inishbeg                                      |
| 5.                  | 55° 09.6'              | 8° 17.0'       | Bloody Foreland                               |
| 6.                  | 55° 04.5'              | 8° 28.9'       | Stag Rocks                                    |
| 7.                  | 55° 00.8'              | 8° 33.8'       | Rinrawros Point, Aran Island                  |
| 8.                  | 54° 42.0'              | 8° 48.2'       | Malinmore Head                                |
| <i>Part B</i>       |                        |                |   |
| 9.                  | 54° 39.6'              | 8° 47.3'       | West entrance to Malinbeg Bay                 |
| 10.                 | 54° 17.8'              | 9° 03.3'       | Lenadoon Point                                |
| 11.                 | 54° 19.7'              | 9° 20.5'       | Downpatrick Head                              |
| <i>Part C</i>       |                        |                |   |
| 12.                 | 54° 19.8'              | 9° 51.9'       | Kid Island, Broadhaven                        |
| 13.                 | 54° 18.6'              | 9° 59.9'       | Rocky Island, Erris Head                      |
| 14.                 | 54° 16.9'              | 10° 05.6'      | Eagle Island                                  |
| 15.                 | 54° 03.7'              | 10° 21.0'      | Blacksod Bay (Rocks to S.W. of<br>Black Rock) |
| 16.                 | 53° 58.3'              | 10° 16.5'      | Carrickakin, Achill Island                    |
| 17.                 | 53° 36.3'              | 10° 19.2'      | Kimmeen Rocks, Inishark                       |
| 18.                 | 53° 24.0'              | 10° 14.5'      | Slyne Head                                    |
| 19.                 | 53° 08.8'              | 9° 51.6'       | Eeragh Island, Aran Islands                   |
| 20.                 | 53° 08.4'              | 9° 50.9'       | South Island, Aran Islands                    |
| <i>Part D</i>       |                        |                |   |
| 21.                 | 53° 05.2'              | 9° 38.5'       | S.E. corner Inishmore, Aran Islands           |
| 22.                 | 53° 03.9'              | 9° 37.0'       | Inishmaan, Aran Islands                       |
| 23.                 | 53° 02.8'              | 9° 33.3'       | Inisheer, Aran Islands                        |
| 24.                 | 52° 56.4'              | 9° 28.5'       | Cregga More                                   |
| 25.                 | 52° 43.8'              | 9° 38.2'       | Donegal Point                                 |

| Reference<br>Number | Co-ordinates of Points |                | Location                                     |
|---------------------|------------------------|----------------|--|
|                     | North Latitude         | West Longitude |  |
| <i>Part E</i>       |                        |                |  |
| 26.                 | 52° 33.6'              | 9° 56.3'       | Loop Head                                    |
| 27.                 | 52° 25.2'              | 9° 56.8'       | Kerry Head                                   |
| 28.                 | 52° 17.6'              | 10° 10.4'      | Deelick Point                                |
| <i>Part F</i>       |                        |                |  |
| 29.                 | 52° 10.9'              | 10° 28.4'      | Sybil Point                                  |
| 30.                 | 52° 08.3'              | 10° 34.5'      | Inishtooskert, Basket Islands                |
| 31.                 | 52° 07.7'              | 10° 35.7'      | Carrigduff, Basket Islands                   |
| 32.                 | 52° 04.6'              | 10° 41.0'      | Tearaght Rocks West,<br>Inistearaght         |
| 33.                 | 52° 01.3'              | 10° 41.3'      | Great Foze Rock                              |
| 34.                 | 51° 45.8'              | 10° 32.7'      | Washerwoman Rock, Great<br>Skellig           |
| 35.                 | 51° 35.5'              | 10° 18.5'      | Gull Rock, Dursey Island                     |
| 36.                 | 51° 34.2'              | 10° 14.8'      | Calf Rock, Dursey Island                     |
| 37.                 | 51° 26.9'              | 9° 49.2'       | Mizen Head                                   |
| 38.                 | 51° 25.2'              | 9° 30.8'       | Bream Point, Cape Clear                      |
| 39.                 | 51° 28.0'              | 9° 13.4'       | The Stags, Toe Head                          |
| 40.                 | 51° 31.8'              | 8° 57.2'       | Galley Head                                  |
| 41.                 | 51° 34.2'              | 8° 42.7'       | Seven Heads                                  |
| 42.                 | 51° 36.3'              | 8° 32.0'       | Old Head of Kinsale                          |
| 43.                 | 51° 49.5'              | 7° 59.0'       | Ballycotton Island                           |
| 44.                 | 51° 52.9'              | 7° 51.2'       | Capel Island, Knockadoon Head                |
| 45.                 | 51° 56.5'              | 7° 42.4'       | Ram Head                                     |
| 46.                 | 51° 59.6'              | 7° 34.6'       | The Rogue, Minc Head                         |
| 47.                 | 52° 07.4'              | 6° 55.7'       | Hook Head                                    |
| 48.                 | 52° 06.5'              | 6° 37.4'       | Great Saltee Island (Southern<br>most Point) |
| 49.                 | 52° 09.2'              | 6° 24.6'       | Black Rock, Carnsore                         |
| 50.                 | 52° 10.3'              | 6° 21.8'       | Carnsore Point                               |

(c) MARITIME JURISDICTION ACT,<sup>1</sup> 1959 (CHARTS) ORDER, 1959\*

(d) MARITIME JURISDICTION (AMENDMENT) ACT, 1964, section 3<sup>2</sup>

(e) MARITIME JURISDICTION (AMENDMENT) ACT, 1964 (SPECIFIED STATES) ORDERS,  
1965 AND 1967, SCHEDULE, PART II<sup>3</sup>

<sup>1</sup> *Statutory Instruments*, No. 174 of 1959.

<sup>2</sup> *Infra* DIVISION IV. 15 (b).

<sup>3</sup> *Ibid.*, (c).

## 24. IVORY COAST

DÉCRET<sup>1</sup> N° 67-334 DU 1<sup>er</sup> AOÛT 1967 PORTANT LIMITATION DE LA MER TERRITORIALE EN CÔTE D'IVOIRE

*Article 1<sup>er</sup>.* — Les eaux territoriales de la Côte d'Ivoire sont fixées à une distance de 6 milles marins à compter de la laisse de la plus basse mer.

Pour les golfes, baies, rades et estuaires, des arrêtés déterminent la ligne à partir de laquelle cette limite est comptée.

*Article 2.* — Il est créé une zone contiguë aux eaux territoriales définies à l'article premier. Cette zone s'étend sur une largeur de 6 milles marins.

La Côte d'Ivoire se réserve le droit de réglementer la pêche à l'intérieur de ladite zone.

*Article 3.* — Sur toute l'étendue du plateau continental, zone comprise entre la laisse de plus basse mer et l'isobathe des fonds de 200 mètres, la Côte d'Ivoire se réserve tous droits quant à l'exploitation du sous-sol sous-marin.

*Article 4.* — Les infractions à la réglementation des pêches sont réprimées conformément aux articles 212 à 225 de la Loi 61-349 du 9 novembre 1961; celles relatives à la police de la navigation par l'article 183 de la même loi.

## 25. JAMAICA

The limits of territorial waters of Jamaica have been formally extended to a distance of twelve miles.<sup>2</sup>

## 26. KENYA

PROCLAMATION OF 6 JUNE 1969 BY THE PRESIDENT OF THE REPUBLIC OF KENYA CONCERNING THE TERRITORIAL SEA AND THE CONTIGUOUS ZONE OF THE REPUBLIC OF KENYA<sup>3</sup>

*Whereas* International Law has always recognized that the sovereignty of a state extends to a belt of sea adjacent to its coast,

<sup>1</sup> La note du Ministère des affaires étrangères de la République de Côte d'Ivoire n° 0456/AE/OI-2 du 30 mai 1968 précise que le décret a pour objet de protéger les richesses ichthyologiques situées à proximité des côtes ivoiriennes tout en réservant à la Côte d'Ivoire un droit de préemption sur les richesses minérales du plateau continental.

<sup>2</sup> Note of 27 March 1969 from the Permanent Representative of Jamaica to the Secretary-General of the United Nations.

<sup>3</sup> *Kenya Gazette Supplement* No. 44, (*Legislative Supplement* No. 31) of 13 June 1969.

*And whereas* international practice is not uniform as regards the extent of this sea-belt commonly known as the territorial sea of the State, and consequently it is necessary to make a declaration as to the extent of the territorial sea of the Republic of Kenya,

*Now therefore, I, Jomo Kenyatta*, President of the Republic of Kenya do hereby declare and proclaim

1. That notwithstanding any rule or practice to the contrary which may have been observed in the past relating to Republic of Kenya or the territorial sea of the Republic of Kenya, the territorial waters of the Republic of Kenya shall extend across the sea to a distance of twelve nautical miles, measured from the appropriate baselines.

2. This declaration shall not extend to the waters lying between the Republic of Kenya and the Republic of Tanzania in the Pemba Channel, where the width of such waters measured from the appropriate baselines is less than twenty-four miles, but the extent of the territorial waters shall be taken as a median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of the two States is measured.

3. In order to safeguard the vital economic interests of the inhabitants of the coastal region and to confirm the practice which has always existed, Ungwana Bay otherwise known as Formosa Bay is declared a historic bay constituting internal waters of the Republic of Kenya.

## 27. KUWAIT

### DECREE OF 17 DECEMBER 1967 REGARDING THE DELIMITATION OF THE BREADTH OF THE TERRITORIAL SEA OF THE STATE OF KUWAIT<sup>1</sup>

We, Sabah Al-Salem Al-Sabah, Amir of Kuwait,

Having noted Articles 1 and 65 of the Constitution, and

Annex III to Law No. 12 of 1964 regarding the Prevention of the Pollution of Navigable Waters by Oil, and

Law No. 48 of 1966 approving the Agreement of 7th July, 1965, concluded between the State of Kuwait and the Kingdom of Saudi Arabia concerning the Partition of the Neutral Zone between them, and

The International Convention on "The Territorial Sea and the Contiguous Zone" approved by the Geneva Conference and dated 29th April, 1958, and

The Concession Agreements<sup>2</sup> concluded between the Government of Kuwait and

<sup>1</sup> *Official Gazette* No. 658 of 24 December 1967, p. 4. The English text was provided by the Permanent Mission of the State of Kuwait to the United Nations.

<sup>2</sup> (a) In accordance with the information provided by the Permanent Mission of the State of Kuwait, the Oil Concession Agreement of 23 December 1934 between the Government of the State of Kuwait and Kuwait Oil Company referred to the territorial waters appertaining to Kuwait the breadth of which has been extended by the Agreement of

the Oil Companies operating in the territory of Kuwait, the (Partitioned) Neutral Zone, or in the sea-bed areas appertaining to each, and

Pursuant to the recommendation of the President of the Council of Ministers, and

After approval by the Council of Ministers,

Have decreed as follows:

#### *Article 1*

The territorial sea of the State of Kuwait extends seaward for a distance of twelve miles from the baselines of the mainland and of Kuwaiti islands as herein-after defined in Article 2 of this Decree.

#### *Article 2*

The base-lines from which the territorial sea of the State of Kuwait is measured are established as follows:

(a) Whereas the shore of the mainland or of a Kuwaiti island is fully exposed to the open sea, the low-water line along the coast is the baseline;

(b) Where there is a port or harbour, the outer-most permanent harbour works which form an integral part of the harbour system are considered as forming part of the coast;

(c) Where there is a low-tide elevation situated not more than twelve miles from the mainland or from a Kuwaiti island, the outer edge of the said low-tide elevation constitutes the baseline for measuring the territorial sea of the mainland or, as the case may be, of the island off which the elevation is situated;

(d) In the case of Kuwait Bay, the waters of which are internal waters, the baseline is the closing line across the entrance to the Bay established in Annex III to Law No. 12 of 1964 regarding Prevention of the Pollution of Navigable waters by Oil.

11 October 1955 (the Consolidated Supplemental Agreement) between the same parties to six miles. Article 3(b) of the Agreement reads as follows:

"3. (b) The area of the Concession covers and extends over the sea-bed and subsoil lying beneath the waters of the Persian Gulf subject to the authority of the Kuwait Government up to a distance of six nautical miles from the low-water baseline or basepoints at present used for delimiting the territorial waters of Kuwait, including the base line or base points along the shores of the islands of Warbah, Bubiyan, Failaika, Mashjan and Auha; provided that where said baseline crosses Kuwait Bay it shall, for this purpose, be drawn across the entrance of Kuwait Bay, that is, it shall be drawn from low-water mark at Ras al Ardh to the point at low-water mark on the opposite coast at latitude 29°27'10" North, longitude 40°14'00" East."

(b) In accordance with the information provided by the Permanent Mission of the State of Kuwait, the Oil Concession Agreement of 22 September 1949 between the Government of the State of Kuwait and the American Independent Oil Company has determined the territorial waters of Kuwaiti Islands of Kuber, Qaru and Umm-Al-Maradim for the purposes of the Oil Concessions by three miles. Second paragraph of article 1 of the Agree-

(c) See also the Oil Concession Agreement dated 15 January 1961 between the Ruler of Kuwait and Kuwait State Petroleum Development Co. Ltd. (article 1), *infra* DIVISION II, 26.

*Article 3*

In this Decree, the expression "island" means a naturally formed area of land surrounded by water, which is above water at mean high-water tides.

The expression "low-tide elevation" means a naturally formed area of land which is surrounded by and above water at low-tide but submerged at high-tide.

*Article 4*

If the territorial sea of Kuwait measured in accordance with the provisions of this Decree overlaps the territorial sea of another State or of the Zone partitioned by the Agreement relating to the Partition of the Neutral Zone dated 7th July 1965, the boundary shall be determined in conformity with the provisions of Article 12 of the Geneva Convention on the Territorial Sea and Contiguous Zone, referred to in the Preamble of this Decree.

*Article 5*

The enforcement of the provisions of this Decree shall not be understood as affecting in any way any rights of the interested parties in the submerged area to seawards of the Zone partitioned under the Partition Agreement of the Neutral Zone hereinabove mentioned.

Nor shall it be understood to detract in any way from any rights provided for in existing Concession Agreements between the Government of Kuwait and the Oil Companies operating in the territory of Kuwait, in the Partitioned Zone or in the sea-bed areas appertaining to each, particularly as regards the acreage of concession area as defined in the said agreements.

*Article 6*

Nothing in the provisions of this Decree shall prejudice the rights of the State of Kuwait to an area contiguous to its territorial sea to be delimited later on, or to the exploitation of fish resources.

*Article 7*

The President of the Council of Ministers and the Ministers shall, each within his competence, execute the provisions of this Decree which shall come into force as from the date of its publication in the Official Gazette.

## 28. MADAGASCAR

DÉCRET N° 63-131 DU 27 FÉVRIER 1963 FIXANT LA LIMITE DE LA MER TERRITORIALE DE LA RÉPUBLIQUE MALGACHE<sup>1</sup>

*Article 1<sup>er</sup>.* — La limite extérieure de la mer territoriale est constituée par une ligne dont chaque point est à une distance de 12 milles marins du point le plus proche de la ligne de base telle qu'elle est définie à l'article suivant:

<sup>1</sup> *Journal officiel* du 9 mars 1963, p. 663.



*Article 2.* — La ligne de base à partir de laquelle est mesurée la largeur de la mer territoriale est le polygone irrégulier tel qu'il est tracé sur la carte annexée<sup>1</sup> (J.O. du 9 mars 1963 — pages 652 et 653) et dont les sommets sont définis par les points suivants:

- |  |  |  |
|--|--|--|
| 1) Cap d'Ambre:<br>L = 11° 56' S.<br>G = 49° 15' E.            | 14) Îlot indien:<br>L = 19° 48' S.<br>G = 44° 22' E.         | 27) Baie de Ranofotsy:<br>L = 25° 11' S.<br>G = 46° 43' E.               |
| 2) Nosy Anambo:<br>L = 12° 16' S.<br>G = 48° 39' E.            | 15) Cap Ankarana:<br>L = 20° 29' S.<br>G = 44° 07' E.        | 28) Pointe Haperina:<br>L = 25° 00' S.<br>G = 47° 06' E.                 |
| 3) Nosy Lava:<br>L = 12° 45' S.<br>G = 48° 40' E.              | 16) Nosy Andriangory:<br>L = 20° 50' S.<br>G = 43° 45' E.    | 29) Sainte-Luce:<br>L = 24° 46' S.<br>G = 47° 13' E.                     |
| 4) Nosy Iranja:<br>L = 13° 35' S.<br>G = 47° 50' E.            | 17) Nosy Lava:<br>L = 21° 45' S.<br>G = 43° 16' E.           | 30) Foulpointe:<br>L = 17° 41' S.<br>G = 49° 32' E.                      |
| 5) Nosy Lava:<br>L = 13° 35' S.<br>G = 47° 35' E.              | 18) Nosy Hao:<br>L = 22° 05' S.<br>G = 43° 11' E.            | 31) Pointe Albrand:<br>L = 16° 42' S.<br>G = 50° 02' E.                  |
| 6) Pointe Maromanjo:<br>L = 15° 31' S.<br>G = 46° 28' E.       | 19) Les Coins de Mire:<br>L = 22° 26' S.<br>G = 43° 15' E.   | 32) Cap Bellone:<br>L = 16° 13' S.<br>G = 49° 52' E.                     |
| 7) Cap Saint-André:<br>L = 16° 12' S.<br>G = 44° 27' E.        | 20) Pointe Randrehana:<br>L = 22° 49' S.<br>G = 43° 21' E.   | 33) Nosy Nepato:<br>L = 16° 00' S.<br>G = 50° 14' E.                     |
| 8) Île Chesterfield:<br>L = 16° 20' S.<br>G = 43° 58' E.       | 21) Tuléar:<br>L = 23° 22' S.<br>G = 43° 28' E.              | 34) Cap Tanjondaingo:<br>L = 15° 48' S.<br>G = 50° 20' E.                |
| 9) Nosy Vao:<br>L = 17° 30' S.<br>G = 43° 46' E.               | 22) Falaise de Lanivato:<br>L = 24° 20' S.<br>G = 43° 40' E. | 35) Nosy Voara:<br>L = 15° 28' S.<br>G = 50° 27' E.                      |
| 10) Nosy Mavony:<br>L = 18° 19' S.<br>G = 43° 45' E.           | 23) Cap Andriamanoa:<br>L = 25° 00' S.<br>G = 44° 02' E.     | 36) Nosy Ngotsy:<br>L = 15° 16' S.<br>G = 50° 28' E.                     |
| 11) Nosy Androtra:<br>L = 18° 30' S.<br>G = 43° 48' E.         | 24) Nosy Hanitra:<br>L = 25° 14' S.<br>G = 44° 13' E.        | 37) Pointe de Vohemar (Harambazaha):<br>L = 13° 21' S.<br>G = 50° 01' E. |
| 12) Cap Kimby:<br>L = 18° 52' S.<br>G = 44° 15' E.             | 25) Cap Sainte-Marie:<br>L = 25° 35' S.<br>G = 45° 08' E.    | 38) Nosy Akao:<br>L = 12° 48' S.<br>G = 49° 51' E.                       |
| 13) Delta de la Manombolo:<br>L = 19° 03' S.<br>G = 44° 13' E. | 26) Faux-Cap:<br>L = 25° 35' S.<br>G = 45° 31' E.            |  |

<sup>1</sup> La carte n'est pas reproduite pour des raisons techniques.

*Article 3.* — La ligne de base entre deux points consécutifs est la droite qui les réunit, sauf entre les points 29 (Sainte-Luce) et 30 (Foulpointe) où la ligne de base se confond avec la laisse de basse mer longeant la côte.

## 29. MAURITANIA

LOI<sup>1</sup> N° 62.038 DU 20 JANVIER 1962 PORTANT CODE DE LA MARINE MARCHANDE ET PÊCHES MARITIMES, MODIFIÉE<sup>2</sup>

...

LIVRE VII. — LE DOMAINE PUBLIC MARITIME ET LES EAUX TERRITORIALES

...

### *Eaux territoriales*

#### Chapitre IV. — Délimitation

“*Article 1.* — Les eaux territoriales s’étendent jusqu’à une distance de douze milles marins à compter d’une ligne de base droite allant du Cap Blanc au Cap Timiris et pour la partie sud du littoral à compter de la laisse de basse mer.”

...

## 30. MEXICO

### (a) POLITICAL CONSTITUTION OF THE UNITED MEXICAN STATES\*\*

...

#### *Article 27* (fifth paragraph, first part)

The waters of the territorial sea, within the limits and terms fixed by international law, the inland marine waters and the waters of lagoons and estuaries permanently or intermittently connected with the sea are national property...

...

#### *Article 42*

The national territory comprises: ... .

...

V. The waters of the territorial sea to the extent and under terms fixed by international law and domestic maritime law; ... .

...

<sup>1</sup> Voir aussi *infra* Chapter II. 12.

<sup>2</sup> Par la Loi n° 63.148 du 19 juillet 1963 et par la Loi n° 67.023 du 21 janvier 1967.

*Article 48*

The islands, keys and reefs of the adjacent seas which belong to the national territory, the continental shelf, the submarine shelf of the islands, keys and reefs, the territorial sea, the inland marine waters, and the space above the national territory shall depend directly on the Government of the Federation, with the exception of those islands over which the States have so far exercised jurisdiction.

(b) GENERAL ACT OF 31 DECEMBER 1941 ON NATIONAL PROPERTY, AS AMENDED<sup>1\*\*</sup>

...

*Article 17*

Property subject to public use consists of:

I. ...

II. The territorial sea, in accordance with the provisions of the Political Constitution of the United Mexican States, the laws derived from it, and international treaties. The territorial sea comprises coastal waters to a distance of nine nautical miles (16,668 metres), measured from low-water mark on the coast of the mainland, on the shore of islands forming part of the national territory, in estuaries connected permanently or intermittently with the sea, and in rivers flowing into the sea.

Where there are deep bays and inlets in the coast, or where there is a fringe of islands immediately adjacent to the coast, the base shall be a straight line drawn from the points farthest out to sea, provided this line does not depart appreciably from the general direction of the coast. The lines shall be drawn to the elevations which emerge at low tide, when these support lighthouses or installations which remain constantly above water level or when they lie wholly or partly at a distance from the coast of the mainland or from an island which does not exceed the breadth of the territorial sea. Permanent installations farther out to sea forming an integral part of the port system shall be considered part of the coast for the purposes of delimiting the territorial sea.

III. Inland waters, that is, those situated behind the baseline of the territorial sea or the line which joins the bays.

...

(c) ACT<sup>2</sup> OF 13 DECEMBER 1966 ON THE EXCLUSIVE FISHING ZONE OF THE NATION, article 3<sup>3</sup>

<sup>1</sup> On 21 December 1967. See *Diario Oficial* of 29 December 1967.

<sup>2</sup> *Diario Oficial* of 20 January 1967.

<sup>3</sup> For the text, see DIVISION IV. 21.

## 31. NEW ZEALAND

(a) TERRITORIAL SEA AND FISHING ZONE ACT 1965  
(No. 11 of 1965; 10 September 1965)

...

2. *Interpretation*

In this Act, unless the context otherwise requires,—

“Bay” means an indentation of the coast such that its area is not less than that of the semi-circle whose diameter is a line drawn across the mouth of the indentation. For the purposes of this definition the area of an indentation shall be taken to be the area bounded by low-water mark around the shore of the indentation and the straight line joining the low-water marks of its natural entrance points; and where, because of the presence of islands, an indentation has more than one mouth the length of the diameter of the semi-circle referred to shall be the sum of the lengths of the straight lines drawn across each of the mouths; and in calculating the area of an indentation the area of any islands lying within it shall be treated as part of the area of the indentation:

“Island” means a naturally formed area of land which is surrounded by and above water at mean high-water spring tides:

“Low-water mark” has the meaning assigned thereto by section 9 of this Act:

“Low-tide elevation” means a naturally formed area of land which is surrounded by and above water at mean low-water spring tides but is submerged at mean high-water spring tides:

“Nautical mile” means the international nautical mile.

3. *The territorial sea*

The territorial sea of New Zealand comprises those areas of the sea having, as their inner limits, the baseline described in sections 5 and 6 of this Act and, as their outer limits, a line measured seaward from that baseline, every point of which is distant three nautical miles from the nearest point of the baseline.

4. *Internal waters*

The internal waters of New Zealand include any areas of the sea that are on the landward side of the baseline of the territorial sea of New Zealand.

5. *Baseline of the territorial sea*

(1) Except as otherwise provided in section 6 of this Act, the baseline from which the breadth of the territorial sea of New Zealand is measured shall be the low-water mark along the coast of New Zealand, including the coast of all islands.

(2) For the purposes of this section, a low-tide elevation which lies wholly or partly within the breadth of sea which would be territorial sea if all low-tide elevations were disregarded for the purpose of the measurement of the breadth thereof shall be treated as an island.

6. *Baseline of the territorial sea adjacent to a bay*

In the case of the sea adjacent to a bay, the baseline from which the breadth of the territorial sea is measured shall—

(a) If the bay has only one mouth and the distance between the low-water marks of the natural entrance points of the bay does not exceed twenty-four nautical miles, be a straight line joining the said low-water marks:

(b) If, because of the presence of islands, the bay has more than one mouth and the distances between the low-water marks of the natural entrance points of each mouth added together do not exceed twenty-four nautical miles, be a series of straight lines across each of the mouths so as to join the said low-water marks:

(c) If neither paragraph (a) nor paragraph (b) of this section applies, be a straight line twenty-four nautical miles in length drawn from low-water mark to low-water mark within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.

7. *Bed of territorial sea and internal waters vested in the Crown*

Subject to the grant of any estate or interest therein (whether by or pursuant to the provisions of any enactment or otherwise, and whether made before or after the commencement of this Act), the sea-bed and subsoil of submarine areas bounded on the landward side by the low-water mark along the coast of New Zealand, including the coast of all islands, and on the seaward side by the outer limits of the territorial sea of New Zealand shall be deemed to be and always to have been vested in the Crown.

...

9. *Official charts*

(1) For the purposes of this Act, the low-water mark in any specified area shall be the line of low water at mean low-water spring tides as depicted on the largest scale New Zealand Government nautical chart for the time being of that area, or, where no such chart of that area exists, the largest scale British Admiralty chart for the time being of that area.

...

(b) CUSTOMS ACT 1966 (No. 19 of 1966; 16 September 1966), section 250<sup>1</sup>

## 32. NIGERIA

(a) TERRITORIAL WATERS DECREE 1967 (No. 5 of 8 March 1967)

1. *Extension of limits of territorial waters*

1. (1) The territorial waters of Nigeria shall for all purposes include every part of the open sea within twelve nautical miles of the coast of Nigeria (measured from low water mark) or of the seaward limits of inland waters.

<sup>1</sup> *Supra* Chapter IV. 5.

(2) Without prejudice to the generality of the foregoing subsection, that subsection shall in particular apply for the purposes of any power of the Federal Military Government or of the Military Governor of a Region to make with respect to any matter laws applying to or to any part of the territorial waters of Nigeria.

(3) Accordingly—

(a) in the definition of territorial waters contained in section 18 (1) of the Interpretation Act 1964, for the words “three nautical miles” there shall be substituted the words “twelve nautical miles” and

(b) references to territorial waters or to the territorial waters of Nigeria in all other existing Federal enactments (and in particular the Sea Fisheries (Lagos) Act 1961) shall be construed accordingly.

In this subsection “existing Federal enactment” means any Act of Parliament or Decree passed or made before the commencement of this Decree (including any instrument made before 1st October 1960 in so far as it has effect as an Act) or any order, rules, regulations, rules of court or byelaws made before the commencement of this Decree in exercise of powers conferred by any such Act, Decree or instrument.

(4) Nothing in this section shall be construed as altering the area covered by any lease, licence or prospecting right granted before the commencement of this Decree under the Mineral Oils Act or the Minerals Act.

(b) SEA FISHERIES (LAGOS) ACT, 1961 (No. 30 of 1961; 29 September 1961), section 2<sup>1</sup>

### 33. PAKISTAN

#### PROCLAMATION<sup>2</sup> BY THE PRESIDENT OF PAKISTAN CONCERNING THE TERRITORIAL WATERS OF PAKISTAN, DATED 26 DECEMBER 1966

“Whereas international law has always recognised that the sovereignty of a State extends to a belt of sea adjacent to its coast, commonly known as the territorial waters of the State;

And Whereas international practice is not uniform in regard to the extent of the territorial waters and, consequently, it is necessary to make a declaration as to the extent of the territorial waters of Pakistan;

Now, Therefore I, Field Marshal Mohammad Ayub Khan, N. Pk., H. J., President of Pakistan, do hereby proclaim that, notwithstanding any rule of law or practice to the contrary which may have been observed in the past in relation to Pakistan or any part thereof, the territorial waters of Pakistan shall extend into the sea to a distance of twelve nautical miles measured from the appropriate base line.

<sup>1</sup> *Infra* DIVISION IV, 24.

<sup>2</sup> *Notification* of the Ministry of Foreign Affairs, dated 26 December 1966.

## 34. PANAMA

ACT<sup>1</sup> NO. 31 OF 2 FEBRUARY 1967

THE NATIONAL ASSEMBLY OF PANAMA

*Considering:*

That the Republic of Panama endorses the principles and purposes of the Declaration<sup>2</sup> on the Maritime Zone, signed at Santiago, Chile, on 18 August 1952 by the Governments of Chile, Ecuador and Peru, which are the following:

Governments are bound to ensure for their peoples access to necessary food supplies and to furnish them with the means of developing their economy.

It is therefore the duty of each Government to ensure the conservation and protection of its natural resources and to regulate the use thereof to the greatest possible advantage of its country.

Hence it is likewise the duty of each Government to prevent the said resources from being used outside the area of its jurisdiction so as to endanger their existence, integrity and conservation to the prejudice of peoples so situated geographically that their seas are irreplaceable sources of essential food and economic materials.

And that Panama requires territorial sea of sufficient breadth to ensure the defence of its territory and the maintenance of the neutrality of the interoceanic route constructed therein,

*Hereby Decrees as Follows:*

*Article 1.* The sovereignty of the Republic of Panama is extended beyond its continental and insular territory and its inland waters to a zone of territorial sea two hundred (200) nautical miles in breadth, the bed and subsoil of the said zone and the superjacent air space.

## 35. PHILIPPINES

(a) REPUBLIC ACT NO. 3046 OF 17 JUNE 1961. AN ACT TO DEFINE THE BASELINES OF THE TERRITORIAL SEA OF THE PHILIPPINES

*Whereas*, the Constitution of the Philippines describes the national territory as comprising all the territory ceded to the United States by the Treaty of Paris concluded between the United States and Spain on December 10, 1898, the limits of which are set forth in Article III of said treaty together with all the islands embraced in the treaty concluded in Washington, between the United States and Spain on November 7, 1900, and in the treaty concluded between the United States and Great Britain on January 2, 1930, and all the territory over which the Government of the

<sup>1</sup> Amending and supplementing Act No. 58 of 18 December 1958.

<sup>2</sup> For the text, see ST/LEG/SER.B/6, p. 723.

Philippine Islands exercised jurisdiction at the time of the adoption of the Constitution;

*Whereas*, all the waters within the limits set forth in the above-mentioned treaties have always been regarded as part of the territory of the Philippine Islands;

*Whereas*, all the waters around, between and connecting the various islands of the Philippine archipelago, irrespective of their width or dimension, have always been considered as necessary appurtenances of the land territory, forming part of the inland or internal waters of the Philippines;

*Whereas*, all the waters beyond the outermost islands of the archipelago but within the limits of the boundaries set forth in the aforementioned treaties comprise the territorial sea of the Philippines;

*Whereas*, the baselines from which the territorial sea of the Philippines is determined consist of straight lines joining appropriate points of the outermost islands of the archipelago; and

*Whereas*, the said baselines should be clarified and specifically defined and described for the information of all concerned;

...

*Section 1*<sup>1</sup>

...

*Section 2.* All waters within the baselines provided for in section one hereof are considered inland or internal waters of the Philippines.

(b) REPUBLIC ACT NO. 5446 OF 18 SEPTEMBER 1968. AN ACT TO AMEND SECTION ONE OF THE REPUBLIC ACT NUMBERED THIRTY HUNDRED AND FORTY SIX, ENTITLED "AN ACT TO DEFINE THE BASELINES OF THE TERRITORIAL SEA OF THE PHILIPPINES"<sup>1</sup>

*Section 1.* To correct typographical errors, Section One of Republic Act numbered thirty hundred and forty six is amended to read as follows:

"*Section 1.* The baselines for the territorial sea of the Philippines are hereby defined and described specifically as follows:

|  | <i>N. Latitude</i> | <i>E. Longitude</i> | <i>Asimuth</i> | <i>Distance<br/>in<br/>Metres</i> |
|--|--------------------|---------------------|----------------|-----------------------------------|
| Y'AMI Island (E) . . . . .             | 21°07'03"          | 121°57'24"          |                |                                   |
| Line 1 (Y'AMI I. (E.)—<br>Tumaruk Rk.) |                    |                     | 353°27'        | 81,656                            |
| Tumaruk Rk . . . . .                   | 20°28'28"          | 122°02'06"          |                |                                   |
| Line 2 (Tumaruk Rk.<br>—Balintang Is.) |                    |                     | 347°13'        | 58,105                            |
| Balintang Islands . . . . .            | 19°57'45"          | 122°09'28"          |                |                                   |
| Line 3 (Balintang Is.<br>—Didicas Rk.) |                    |                     | 357°05'        | 97,755                            |

<sup>1</sup> See Republic Act No. 5446 of 18 September 1968, *infra* (b).

<sup>1</sup> *Supra* (a).



|  | <i>N. Latitude</i> | <i>E. Longitude</i> | <i>Asimuth</i> | <i>Distance<br/>in<br/>Metres</i> |
|--|--------------------|---------------------|----------------|-----------------------------------|
| Didicas Rk .....                         | 19°04'50"          | 122°12'18"          |                |                                   |
| Line 4 (Didicas Rk.—<br>Iligan Pt.)      |                    |                     | 350°39'        | 86,155                            |
| Iligan Pt. ....                          | 18°18'45"          | 122°20'15"          |                |                                   |
| Line 5 (Iligan Pt.<br>Ditolong Pt.)      |                    |                     | 351°23'        | 136,030                           |
| Ditolong Pt. ....                        | 17°05'50"          | 122°31'44"          |                |                                   |
| Line 6 (Ditolong Pt.—<br>Diviuisa Pt.)   |                    |                     | 16°56'         | 34,378                            |
| Diviuisa Pt. ....                        | 16°48'00"          | 122°26'06"          |                |                                   |
| Line 7 (Diviuisa Pt.—<br>Dijohan Pt.)    |                    |                     | 21°01'         | 57,781                            |
| Dijohan Pt. ....                         | 16°18'45"          | 122°14'28"          |                |                                   |
| Line 7a (Dijohan Pt.—<br>Bulubalik Pt.)  |                    |                     | 10°52'         | 142,360                           |
| Bulubalik Pt. ....                       | 15°02'56"          | 121°59'30"          |                |                                   |
| Line 8 (Bulubalik Pt.—<br>Tinaga I.)     |                    |                     | 300°15'        | 120,986                           |
| Tinaga I. ....                           | 14°29'45"          | 122°57'40"          |                |                                   |
| Line 9 (Tinaga I.—<br>Horadaba Rks.)     |                    |                     | 286°27'        | 148,690                           |
| Horadaba Rks. ....                       | 14°06'41"          | 124°17'23"          |                |                                   |
| Line 10 (Horadaba<br>Rk.—Matulin Rk.)    |                    |                     | 306°34'        | 1,083                             |
| Matulin Rk. ....                         | 14°06'20"          | 124°17'23"          |                |                                   |
| Line 11 (Matulin<br>Rk.—Atalaya Pt.)     |                    |                     | 331°46'        | 178,480                           |
| Atalaya Pt. ....                         | 12°40'59"          | 125°04'02"          |                |                                   |
| Line 11a (Atalaya<br>Pt.—Finch Rk.)      |                    |                     | 313°30'        | 22,268                            |
| Finch Rk. ....                           | 12°32'40"          | 125°12'57"          |                |                                   |
| Line 12 (Finch Rk.—<br>SE of Manjud Pt.) |                    |                     | 322°27'        | 14,225                            |
| SE Manjud Pt. ....                       | 12°27'54"          | 125°17'59"          |                |                                   |
| Line 12a (SE of Manjud<br>Pt.—Sora Cay)  |                    |                     | 322°27'        | 14,225                            |
| Sora Cay .....                           | 12°21'47"          | 125°22'46"          |                |                                   |
| Line 13 (Sora Cay—<br>Bunga Pt.)         |                    |                     | 321°03'        | 22,793                            |
| Bunga Pt. ....                           | 12°12'10"          | 125°30'40"          |                |                                   |
| Line 13a (Bunga Pt.—<br>Tubabao I.)      |                    |                     | 331°50'        | 12,686                            |
| Tubabao I. ....                          | 12°06'06"          | 125°33'58"          |                |                                   |
| Line 14 (Tubabao I.—<br>Tugnug Pt.)      |                    |                     | 355°22'        | 83,235                            |
| Tugnug Pt. ....                          | 11°21'06"          | 125°37'40"          |                |                                   |
| Line 15 (Tugnug Pt.—<br>Suluan I.)       |                    |                     | 331°03'        | 75,326                            |

|   | <i>N. Latitude</i> | <i>E. Longitude</i> | <i>Asimuth</i> | <i>Distance<br/>in<br/>Metres</i> |
|---|--------------------|---------------------|----------------|-----------------------------------|
| Suluan I. ....  | 10°45'20"          | 125°57'40"          |                |                                   |
| Line 16 (Suluan I.—<br>Tuason Pt.)                        |                    |                     | 347°51'        | 107,070                           |
| Tuason Pt. ....   | 9°48'33"           | 126°10'00"          |                |                                   |
| Line 17 (Tuason Pt.—<br>Cautit Pt.)                       |                    |                     | 355°25'        | 55,415                            |
| Cautit Pt. ....   | 9°18'35"           | 126°12'25"          |                |                                   |
| Line 18 (Cautit Pt.<br>Arangasa Is.)                      |                    |                     | 342°44'        | 49,703                            |
| Arangasa Is. ....   | 8°52'50"           | 126°20'28"          |                |                                   |
| Line 19 (Arangasa Is.<br>—Quinablangan I.)                |                    |                     | 348°40'        | 131,330                           |
| Quinablangan I. ....                                      | 7°42'58"           | 126°34'30"          |                |                                   |
| Line 19a (Quinablangan<br>I.—Above Languyan R.)           |                    |                     | 353°08'        | 25,619                            |
| Above Languyan R. ....                                    | 7°29'10"           | 126°36'10"          |                |                                   |
| Line 20 (Above Languyan<br>R.—Pusan Pt.)                  |                    |                     | 356°52'        | 22,489                            |
| Pusan Pt. ....  | 7°16'59"           | 126°36'50"          |                |                                   |
| Line 21 (Pusan Pt.—<br>Tuguban Pt.)                       |                    |                     | 26°39'         | 36,259                            |
| Tuguban Pt. ....  | 6°59'24"           | 126°28'00"          |                |                                   |
| Line 22 (Tuguban Pt.<br>—Cape S. Agustin (N))             |                    |                     | 20°33'         | 83,350                            |
| Cape San Agustin (N)                                      | 6°17'03"           | 126°12'08"          |                |                                   |
| Line 22a (Cape S.<br>Agustin (N)—Cape<br>San Agustin (S)) |                    |                     | 30°16'         | 1,707                             |
| Cape San Agustin (S)                                      | 6°16'15"           | 126°11'40"          |                |                                   |
| Line 23 (Cape S. Agustin<br>(S) Panguil Bato Pt.)         |                    |                     | 39° 23'        | 125,100                           |
| Panguil Bato Pt. ....                                     | 5°23'45"           | 125°28'42"          |                |                                   |
| Line 23a (Panguil<br>Bato Pt.—Tapundo Pt.)                |                    |                     | 66°32'         | 7,484                             |
| Tapundo Pt. ....  | 5°22'08"           | 125°24'59"          |                |                                   |
| Line 24 (Tapundo Pt.<br>—Manamil I.)                      |                    |                     | 88°19'         | 7,667                             |
| Manamil I. ....   | 5°22'05"           | 125°20'50"          |                |                                   |
| Line 24a (Manamil<br>I.—Balut I. (W))                     |                    |                     | 139°01'        | 3,051                             |
| Balut I. (W) ....   | 5°23'20"           | 125°19'45"          |                |                                   |
| Line 25 (Balut I. (W)<br>Middle of 3 Rk. Awash            |                    |                     | 124°47'        | 149,840                           |
| Middle of 3 Rk. Awash ..                                  | 6°09'39"           | 124°13'02"          |                |                                   |
| Line 26 (Middle of<br>3 Rk. Awash—<br>TONGQUIL I.)        |                    |                     | 86°18'         | 259,400                           |

|  | <i>N. Latitude</i> | <i>E. Longitude</i> | <i>Asimuth</i> | <i>Distance<br/>in<br/>Metres</i> |
|--|--------------------|---------------------|----------------|-----------------------------------|
| TONGQUIL I. ....                                     | 6°00'15"           | 121°52'45"          |                |                                   |
| Line 27 (TONGQUIL<br>I.—Sumbasumba I.)               |                    |                     | 61°29'         | 115,950                           |
| Sumbasumba I. ....                                   | 5°30'10"           | 120°57'35"          |                |                                   |
| Line 28 (Sumbasumba I.<br>— Kinapusan Is.)           |                    |                     | 43°19'         | 44,445                            |
| Kinapusan Is. ....                                   | 5°12'37"           | 120°41'05"          |                |                                   |
| Line 29 (Kinapusan Is.<br>—Manuk Manka I.)           |                    |                     | 63°14'         | 101,290                           |
| Manuk Manka I. ....                                  | 4°47'50"           | 119°52'10"          |                |                                   |
| Line 30 (MANUK<br>MANKA I.—<br>FRANCES REEF)         |                    |                     | 58°30'         | 80,847                            |
| Frances Reef. ....                                   | 4°24'54"           | 119°14'54"          |                |                                   |
| Line 31 (Frances<br>Reef—Bajapa Reef)                |                    |                     | 134°34'        | 29,330                            |
| Bajapa Reef. ....                                    | 4°36'04"           | 119°03'36"          |                |                                   |
| Line 32 (Bajapa Reef<br>—Pangan I.)                  |                    |                     | 164°05'        | 13,480                            |
| Pangan I. ....                                       | 4°43'06"           | 119°01'36"          |                |                                   |
| Line 33 (Pangan I.—<br>Omapoy I.)                    |                    |                     | 238°48'        | 42,470                            |
| Omapoy I. ....                                       | 4°55'02"           | 119°21'15"          |                |                                   |
| Line 34 (Omapoy I.—<br>Sanga-Sanga I.)               |                    |                     | 246°11'        | 51,005                            |
| Sang-Sanga I. ....                                   | 5°06'12"           | 119°46'30"          |                |                                   |
| Line 35 (Sanga-Sanga I.<br>—Pearl Bank)              |                    |                     | 170°05'        | 80,200                            |
| Pearl Bank. ....                                     | 5°49'04"           | 119°39'01"          |                |                                   |
| Line 36 (Pearl Bank—<br>Baguan I.)                   |                    |                     | 103°12'        | 137,050                           |
| Baguan I. ....                                       | 6°06'00"           | 118°26'42"          |                |                                   |
| Line 36a (Baguan I.—<br>Taganak I.)                  |                    |                     | 76°52'         | 15,535                            |
| Taganak I. ....                                      | 6°04'05"           | 118°18'30"          |                |                                   |
| Line 37 (Taganak I.—<br>Gt. Bakkungaan)              |                    |                     | 118°39'        | 24,805                            |
| Gt. Bakkungaan ....                                  | 6°10'32"           | 118°06'42"          |                |                                   |
| Line 37a (Gt.<br>Bakkungaan-SIBAUNG<br>[Sibaung] I.) |                    |                     | 136°04'        | 18,470                            |
| SIBAUNG I. ....                                      | 6°17'45"           | 117°59'45"          |                |                                   |
| Line 38 (SIBAUNG<br>I.—Muligi I.)                    |                    |                     | 215°36'        | 79,915                            |
| Muligi I. ....                                       | 6°53'00"           | 118°25'00"          |                |                                   |
| Line 39 (Muligi I.—<br>Mangsee Is.)                  |                    |                     | 119°14'        | 140,541                           |

|  | <i>N. Latitude</i> | <i>E. Longitude</i> | <i>Asimuth</i> | <i>Distance<br/>in<br/>Metres</i> |
|--|--------------------|---------------------|----------------|-----------------------------------|
| Mangsee Is. ....                           | 7°30'10"           | 117°18'20"          |                |                                   |
| Line 39a (Mangsee<br>Is. Cape Melville)    |                    |                     | 134°50'        | 48,815                            |
| Cape Melville .....                        | 7°48'50"           | 116°59'30"          |                |                                   |
| Line 49 (Cape Melville<br>—Ligas Pt.)      |                    |                     | 153°54'        | 15,665                            |
| Ligas Pt. ....                             | 7°56'28"           | 116°55'45"          |                |                                   |
| Line 41 (Ligas Pt.—<br>Cay).               |                    |                     | 170°40'        | 5,666                             |
| Cay .....                                  | 7°59'30"           | 116°55'15"          |                |                                   |
| Line 41a (Cay-Secam I.)                    |                    |                     | 204°52'        | 22,925                            |
| Secam I. ....                              | 8°10'47"           | 117°00'30"          |                |                                   |
| Line 42 (SECAM I.<br>N. of Canipan Bay)    |                    |                     | 209°09'        | 54,990                            |
| N. of Canipan Bay .....                    | 8°36'50"           | 117°15'06"          |                |                                   |
| Line 43 (N. of Canipan<br>Bay—Tatub Pt.)   |                    |                     | 218°57'        | 18,570                            |
| Tatub Pt. ....                             | 8°44'40"           | 117°21'28"          |                |                                   |
| Line 44 (Tatub Pt.—<br>Punta Baja.)        |                    |                     | 222°04'        | 45,125                            |
| Punta Baja .....                           | 9°02'50"           | 117°37'58"          |                |                                   |
| Line 45 (Punta Baja—<br>Malapackun I.)     |                    |                     | 223°30'        | 32,195                            |
| Malapackun I. ....                         | 9°15'30"           | 117°50'04"          |                |                                   |
| Line 46 (Malapackun<br>I.—PIEIRAS Pt.)     |                    |                     | 225°50'        | 148,260                           |
| PIEIRAS Pt. ....                           | 10°11'28"          | 118°48'18"          |                |                                   |
| Line 47 (PIEIRAS<br>Pt.—Tapiutan I.)       |                    |                     | 203°19'        | 124,900                           |
| Tapiutan I. ....                           | 11°13'40"          | 119°15'28"          |                |                                   |
| Line 48 (Tapiutan I.—<br>Pinnacle Rk.)     |                    |                     | 208°47'        | 136,590                           |
| Pinnacle Rk. ....                          | 12°18'34"          | 119°51'45"          |                |                                   |
| Line 49 (Pinnacle<br>Rk.—Cape Calavite)    |                    |                     | 200°40'        | 134,230                           |
| Cape Calavite .....                        | 13°26'40"          | 120°18'00"          |                |                                   |
| Line 50 (Cape Calavite<br>—Cabra I.)       |                    |                     | 148°12'        | 58,235                            |
| Cabra I. ....                              | 13°53'30"          | 120°00'58"          |                |                                   |
| Line 51 (Cabra I.—<br>Caponos Is.)         |                    |                     | 179°26'        | 113,400                           |
| Caponos Is. ....                           | 14°55'00"          | 120°00'20"          |                |                                   |
| Line 52 (Caponos Is.—<br>PALAUIG Pt.)      |                    |                     | 168°09'        | 58,100                            |
| PALAUIG Pt. ....                           | 15°25'50"          | 119°53'40"          |                |                                   |
| Line 53 (PALAUIG Pt.—<br>Harmana Mayor I.) |                    |                     | 164°17'        | 40,870                            |
| Harmana Mayor I. ....                      | 15°47'10"          | 119°47'28"          |                |                                   |
| Line 53a (Hermana<br>Mayor I.—Tambobo Pt.) |                    |                     | 167°10'        | 20,490                            |

|  | <i>N. Latitude</i> | <i>E. Longitude</i> | <i>Asimuth</i> | <i>Distance<br/>in<br/>Metres</i> |
|--|--------------------|---------------------|----------------|-----------------------------------|
| Tambobo Pt. ....                         | 15°58'00"          | 119°44'55"          |                |                                   |
| Line 54 (Tambobo Pt.—<br>Rena Pt.)       |                    |                     | 181°43'        | 22,910                            |
| Rena Pt. ....                            | 16°10'25"          | 119°45'18"          |                |                                   |
| Line 54a (Rena Pt.—<br>Cape Bolinao)     |                    |                     | 191°39'        | 18,675                            |
| Cape Bolinao .....                       | 16°20'20"          | 119°47'25"          |                |                                   |
| Line 55 (Cape Bolinao<br>—Darigayos Pt.) |                    |                     | 226°20'        | 80,016                            |
| Darigayos Pt. ....                       | 16°50'15"          | 120°20'00"          |                |                                   |
| Line 56 (Darigayos<br>Pt.—Dile Pt.)      |                    |                     | 179°58'        | 81,616                            |
| Dile Pt. ....                            | 17°34'30"          | 120°19'58"          |                |                                   |
| Line 56a (Dile Pt.—<br>Pinget I.)        |                    |                     | 188°27'        | 12,060                            |
| Pinget I. ....                           | 17°40'58"          | 120°20'58"          |                |                                   |
| Line 56b (Pinget I.—<br>Badoc I.)        |                    |                     | 192°46'        | 27,170                            |
| Badoc I. ....                            | 17°55'20"          | 120°24'22"          |                |                                   |
| Line 57 (Badoc I.—<br>Cape Bojeador)     |                    |                     | 195°03'        | 65,270                            |
| Cape Bojeador .....                      | 18°29'30"          | 120°34'00"          |                |                                   |
| Line 58 (Cape Bojeador<br>—Dalupiri I.)  |                    |                     | 222°16'        | 101,740                           |
| Dalupiri I. ....                         | 19°10'15"          | 121°13'02"          |                |                                   |
| Line 59 (Dalupiri I.—<br>Catanapan Pt.)  |                    |                     | 213°29'        | 25,075                            |
| Catanapan Pt. ....                       | 19°21'35"          | 121°20'56"          |                |                                   |
| Line 60 (Catanapan<br>Pt.—Dequey I.)     |                    |                     | 202°27'        | 116,870                           |
| DEQUEY I. ....                           | 20°20'06"          | 121°46'35"          |                |                                   |
| Line 61 (DEQUEY I.—<br>RAILE)            |                    |                     | 180°47'        | 42,255                            |
| RAILE .....                              | 20°43'00"          | 121°46'55"          |                |                                   |
| Line 62 (RAILE—<br>Y'AMI I. (W))         |                    |                     | 200°30'        | 43,140                            |
| Y'ami I. (W) .....                       | 21°07'26"          | 121°56'39"          |                |                                   |
| Line 63 (Y'ami I. (W)—<br>Y'ami I. (M))  |                    |                     | 238°40'        | 237                               |
| Y'ami I. (M) .....                       | 21°07'30"          | 121°56'46"          |                |                                   |
| Line 64 (Y'ami I. (M)<br>—Y'Ami I. (E))  |                    |                     | 307°08'        | 1,376                             |
| Y'Ami I. (E) .....                       | 21°07'03"          | 121°57'24"          |                |                                   |

*Section 2.* The definition of the baselines of the territorial sea of the Philippine Archipelago as provided in this Act is without prejudice to the delineation of the baselines of the territorial sea around the territory of Sabah, situated in North North Borneo, over which the Republic of the Philippines has acquired dominion and sovereignty.

## 36. PORTUGAL

(a) ACT<sup>1</sup> No. 2130 OF 22 AUGUST 1966\*\**Article 1*

1. The normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast, as marked on charts officially recognized for that purpose by the Portuguese State.

2. The straight enclosing lines and baselines to be drawn by the Portuguese State, in accordance with international law, between points on its coast shall be set forth in a special instrument.

...

*Article IV*

Failing agreement to the contrary with a State whose coasts are adjacent or opposite to those of the Portuguese State, the limit of the territorial sea or of the contiguous zone shall not extend beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of the two States is measured.

(b) LEGISLATIVE DECREE NO. 47771 OF 27 JUNE 1967\*\*

*Article 1.* On the continental European coast and on the coasts of the provinces of Guinea, Angola and Mozambique, the normal baseline for measuring the breadth of the territorial sea set forth in article I<sup>2</sup> of Act No. 2130 shall be supplemented by the closing lines and straight baselines defined by the points whose geographical co-ordinates are given in the following tables:

(1) Closing lines and straight baselines which supplement the normal baseline on the continental European coast:

| <i>Point</i>        | <i>Latitude N.</i> | <i>Longitude W.</i> |
|---------------------|--------------------|---------------------|
| Cape Raso .....     | 38°42'29"          | 09°29'06"           |
| Cape Espichel ..... | 38°24'46"          | 09°13'17"           |
| Cape Sines .....    | 37°57'00"          | 08°53'21"           |

(2) Closing lines and straight baselines which supplement the normal baseline in Guinea:

| <i>Point</i>                         | <i>Latitude N.</i> | <i>Longitude W.</i> |
|--------------------------------------|--------------------|---------------------|
| Jufunco point .....                  | 12°11'53"          | 16°29'42"           |
| Point north-west of Caió Islet ..... | 11°50'42"          | 16°20'09"           |
| Acudama point .....                  | 11°31'36"          | 16°25'32"           |
| Igom point .....                     | 11°19'24"          | 16°28'57"           |

<sup>1</sup> *Diário do Governo*, Series I, No. 194 of 22 August 1966, p. 1401. See also *infra* SUB-DIVISION B 19 and DIVISION IV. 27 (a).

<sup>2</sup> *Supra* (a).

| <i>Point</i>                        | <i>Latitude N.</i> | <i>Longitude W.</i> |
|-------------------------------------|--------------------|---------------------|
| Anolhada (extreme west) point       | 11°17'40"          | 16°29'19"           |
| Anqueiãramedi (extreme south) point | 11°16'18"          | 16°28'53"           |
| Ancumbe point                       | 11°01'34"          | 16°11'04"           |
| Poilao Islet                        | 10°51'25"          | 15°43'35"           |
| Pedras Más east of Meio Islet       | 10°58'48"          | 15°37'58"           |
| Joao Vieira Island                  | 11°02'24"          | 15°36'36"           |
| Melo Island                         | 10°56'40"          | 15°16'27"           |
| South point of Canefaque Island     | 10°53'53"          | 15°06'18"           |

(3) Closing lines and straight baselines which supplement the normal baseline in Angola:

| <i>Point</i>                 | <i>Latitude S.</i> | <i>Longitude E.</i> |
|------------------------------|--------------------|---------------------|
| Spilimberta point            | 08°35'00"          | 13°22'15"           |
| Point of Luanda Island       | 08°45'34"          | 13°15'43"           |
| Point on Luanda Island       | 08°47'02"          | 13°13'54"           |
| Point south of Mossulo point | 08°52'42"          | 13°07'42"           |
| Giraul                       | 15°08'02"          | 12°06'40"           |
| Barreiras Brancas            | 15°13'00"          | 12°04'07"           |
| Navio Beach                  | 16°14'09"          | 11°48'00"           |
| Point south of Marca point   | 16°32'39"          | 11°40'20"           |

(4) Closing lines and straight baselines which supplement the normal baseline in Mozambique:

| <i>Point</i>                      | <i>Latitude S.</i> | <i>Longitude E.</i> |
|-----------------------------------|--------------------|---------------------|
| Cape Delgado                      | 10°41'24"          | 40°38'54"           |
| Tecomagi Island                   | 10°45'24"          | 40°40'22"           |
| Rongui Island                     | 10°50'08"          | 40°41'38"           |
| Vamizi Island                     | 11°00'50"          | 40°43'53"           |
| Quero-Niuni Island                | 11°41'30"          | 40°39'12"           |
| Medjumbi Island                   | 11°49'09"          | 40°38'09"           |
| Querimba                          | 12°27'09"          | 40°38'40"           |
| Diabo point                       | 12°45'48"          | 40°38'09"           |
| Maunhane point                    | 12°58'32"          | 40°36'02"           |
| Metampia point                    | 14°01'24"          | 40°38'42"           |
| Point north of Cogune point       | 14°10'39"          | 40°44'06"           |
| Point east of Pinda shoal         | 14°13'52"          | 40°47'49"           |
| Relamzapo point                   | 14°27'43"          | 40°50'55"           |
| Quitangonha Island                | 14°51'15"          | 40°50'04"           |
| Injaca Island                     | 15°00'12"          | 40°48'17"           |
| Goa Island                        | 15°03'14"          | 40°47'33"           |
| Sena Island                       | 15°05'12"          | 40°46'37"           |
| Infusse light                     | 15°29'42"          | 40°33'54"           |
| Mafamede Island                   | 16°21'38"          | 40°02'45"           |
| Puga-Puga Island                  | 16°27'36"          | 39°57'12"           |
| Caldeira Island                   | 16°39'12"          | 39°43'52"           |
| Moma Island                       | 16°49'04"          | 39°31'52"           |
| Epidendron Island                 | 17°05'54"          | 39°08'12"           |
| Casuarina Island                  | 17°07'52"          | 39°05'28"           |
| Fogo Island                       | 17°14'58"          | 38°52'47"           |
| Quisungo Island                   | 17°19'40"          | 38°05'15"           |
| Point north-east of Padjini point | 25°17'12"          | 33°19'20"           |
| Cape Inhaca                       | 25°58'10"          | 32°59'40"           |

*Article 2.* In addition to those referred to in the preceding article, the Portuguese State shall use, as the baseline for measuring the breadth of the territorial sea, the closing lines which result from the application of international law at the entrance of inlets used for the loading, unloading and anchorage of ships, at the mouths of rivers and at the entrance to harbours.

*Article 3.* The Portuguese State shall in due course define, in accordance with international law, the closing lines and straight baselines which have been established for the coasts of other parts of the national territory.

### 37. SAUDI ARABIA

ROYAL DECREE<sup>1</sup> CONCERNING THE TERRITORIAL WATERS OF THE KINGDOM OF SAUDI ARABIA (Royal Decree No. 33 of 16 February 1958)

#### *Article 1*

For the purposes of this Decree,

- a. The term "nautical mile" is the equivalent of 1,852 meters;
- b. The term "bay" includes any inlet, lagoon or other arm of the sea;
- c. The term "island" includes any islet, reef, rock, bar or permanent artificial structure not submerged at lowest tide;
- d. The term "shoal" denotes an area covered by shallow water, a part of which is not submerged at lowest low tide;
- e. The term "coast" refers to the coasts of the Red Sea, the Gulf of 'Aqabah, and the Persian Gulf.

#### *Article 2*

The territorial waters of the Kingdom of Saudi Arabia, as well as the air space above and the territorial sea-bed and the subsoil beneath them are under the sovereignty of the Kingdom, subject to the established provisions of international law.

#### *Article 3*

The inland waters of the Kingdom include:

- a. The waters of the bays along the coasts of the Kingdom of Saudi Arabia;
- b. The waters above and landward from any shoal no more than twelve nautical miles from the mainland or from a Saudi Arabian island;
- c. The waters between the mainland and a Saudi Arabian island not more than twelve nautical miles from the mainland;
- d. The waters between Saudi Arabian islands not farther apart than twelve nautical miles.

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<sup>1</sup> English text of the Decree provided by the Permanent Mission of Saudi Arabia to the United Nations.



*Article 4*

The territorial sea of the Kingdom of Saudi Arabia lies outside the inland waters of the Kingdom and extends seaward for a distance of twelve nautical miles.

*Article 5*

The following are the baselines from which the territorial sea of the Kingdom of Saudi Arabia is measured:

- a. Where the shore of the mainland or an island is fully exposed to the open sea, the lowest low-water mark on the shore;
- b. Where a bay confronts the open sea, lines drawn from headland to headland across the mouth of the bay;
- c. Where a shoal is situated not more than twelve nautical miles from the mainland or from a Saudi Arabian island, lines drawn from the mainland or the island and along the outer edge of the shoal;
- d. Where a port or harbor confronts the open sea, lines drawn along the seaward side of the outermost works of the port or harbor and between such works;
- e. Where an island is not more than twelve nautical miles from the mainland, lines drawn from the mainland and along the outer shores of the island;
- f. Where there is an island group which may be connected by lines not more than twelve nautical miles long, of which the island nearest to the mainland is not more than twelve nautical miles from the mainland, lines drawn from the mainland and along the outer shores of all the islands of the group if the islands form a chain, or along the outer shores of the outermost islands of the group if the islands do not form a chain;
- g. Where there is an island group which may be connected by lines not more than twelve nautical miles long, of which the island nearest to the mainland is more than twelve nautical miles from the mainland, lines drawn along the outer shores of all the islands of the group if the islands form a chain, or along the outer shores of the outermost islands of the group if the islands do not form a chain.

*Article 6*

If the measurement of the territorial sea in accordance with the provisions of this Decree leaves an area of high sea wholly surrounded by the territorial sea and extending not more than twelve nautical miles in any direction, such area shall form part of the territorial sea. The same rule shall apply to a pronounced pocket of high sea which may be wholly enclosed by drawing a single straight line not more than twelve nautical miles long.

*Article 7*

If the territorial sea measured from the baselines fixed by Article 5 of this Decree be overlapped by the waters of another State, boundaries will be determined by Our Government in agreement with that State in accordance with equitable principles.

*Article 8*

With a view to assuring compliance with the laws of the Kingdom relating to security, navigation, fiscal and health matters, maritime surveillance may be

exercised in a contiguous zone outside the territorial sea, extending for a distance of six nautical miles in addition to the twelve nautical miles measured from the baselines of the territorial sea, in accordance with Article 5 of this Decree.

*Article 9*

The provisions of this Decree shall not affect the rights of the Kingdom with respect to fishing.

### 38. SENEGAL

LOI<sup>1</sup> PORTANT DÉLIMITATION DES EAUX TERRITORIALES, DE LA ZONE CONTIGUË ET DU PLATEAU CONTINENTAL AU LARGE DES CÔTES DU SÉNÉGAL (n° 61-51 du 21 juin 1961)

*Article 1<sup>er</sup>.* — Les eaux territoriales du Sénégal sont fixées à une distance de six milles marins à compter de la laisse de la plus basse mer.

Pour les golfes, baies, rades et estuaires, des décrets fixent la ligne à partir de laquelle cette limite est comptée.

*Article 2.* — Il est créé une zone contiguë aux eaux territoriales fixées à l'article 1<sup>er</sup>. Cette zone s'étend sur une largeur de six milles marins.

*Article 4.* — Les dispositions ci-dessus concernant les eaux territoriales et de la zone contiguë ne portent pas atteinte au principe de la libre circulation et de passage inoffensif reconnu à tous bâtiments étrangers navigant, stationnant, ou mouillant dans ces zones.

Un décret déterminera en tant que de besoin, les règles spéciales de police auxquelles les bâtiments étrangers navigant, stationnant ou mouillant dans ces eaux pourront être tenus de se conformer.

La présente loi sera exécutée comme loi de l'État.

<sup>1</sup> Le représentant permanent du Sénégal auprès des Nations Unies a transmis au Secrétariat, une lettre n° 01964/MTPUH-T du Ministère des Travaux Publics, de l'Urbanisme et des Transports, datée du 13 mai 1968, selon laquelle « le Gouvernement du Sénégal envisage de modifier cette loi qui ne lui paraît plus suffisante pour protéger les fonds de pêches traditionnels de ses nationaux. Un projet de texte a été récemment déposé tendant à porter les eaux territoriales à douze milles marins et à leur adjoindre une zone contiguë de six milles marins dans laquelle, comme dans le texte précédent, toute possibilité de régler serait offerte à l'État sénégalais dans un but de protection des fonds. »

## 39. SIERRA LEONE

(a) TERRITORIAL WATERS JURISDICTION ACT, 1878, section 7<sup>1</sup>

(b) FISHERIES ORDINANCE (1 September 1957), section 2<sup>2</sup>

(c) FISHERIES REGULATIONS, 1957, section 4<sup>3</sup>

(d) FISHERIES (AMENDMENT) ACT, 1964<sup>4</sup> (Act No. 58 of 1964)

...

2. Section 2 of the Fisheries Act is hereby amended by the deletion of the definition "territorial waters" appearing therein and the substitution thereof of the following new definitions—

"territorial sea" means any part of the open sea within twelve nautical miles of the coast of Sierra Leone measured from low water mark;

"territorial waters" means the territorial sea and includes inland waters.

...

(e) INTERPRETATION ACT, 1965<sup>5</sup> (Act No. 7 of 1965)

...

*Interpretation of particular terms*

3. (1) In every Act, and every adopted law, unless a contrary intention appears—

...

"territorial sea" means any part of the open sea within twelve nautical miles of the coast of Sierra Leone measured from low water mark;

"territorial waters" means the territorial sea and includes inland waters;

...

## 40. SOUTH AFRICA

TERRITORIAL WATERS ACT, 1963 (ACT NO. 87 OF 1963)

1. *Definition of terms*

In this Act, unless the context otherwise indicates—

(i) "fish" means the living resources of the sea; (iv)

(ii) "low-water mark" means the lowest line to which the water of the sea recedes during periods of ordinary spring tides; (i)

<sup>1</sup> *Infra* Chapter V. 13.

<sup>2</sup> *Infra* DIVISION IV. 30 (a).

<sup>3</sup> *Ibid.*

<sup>4</sup> Supplement to the *Sierra Leone Gazette*, Vol. XCVI, No. 4, dated 14 January 1965.

<sup>5</sup> Supplement to the *Sierra Leone Gazette*, Vol. XCVI, No. 39, dated 18 May 1965.

- (iii) "Republic" includes the territory of South-West Africa; (ii)
- (iv) "sea" means the water and the bed of the sea. (iii).

## 2. *Territorial waters of Republic*

The sea within a distance of six nautical miles from low-water mark shall be territorial waters of the Republic.

## 3. *Fishing zone*

The sea outside the territorial waters of the Republic, but within a distance of twelve nautical miles from low-water mark, shall constitute a fishing zone in respect of which the Republic shall in relation to fish and the catching of fish have and exercise the same rights and powers as in respect of its territorial waters as defined in section *two*.

## 4. *Application of certain laws in fishing zone*

The Republic shall have the right to exercise in the fishing zone as defined in section *three* any powers which may be considered necessary to prevent contravention of any fiscal law or any customs, emigration, immigration or sanitary law.

## 5. *Application of laws relating to territorial waters, etc.*

Any law relating to the territorial waters of the Republic or to the sea within a distance of three miles or three nautical miles from low-water mark, shall apply:—

- (a) in respect of the territorial waters of the Republic as defined in section *two*; or
- (b) in so far as such law relates to fish or fishing, in respect of the fishing zone as defined in section *three*.

## 6. *Determination of territorial waters and fishing zone in special cases*

(1) In the determination of the extent of the territorial waters of the Republic referred to in section *two*, the rules contained in the Convention<sup>1</sup> on the Territorial Sea and the Contiguous Zone signed at Geneva on the twenty-ninth day of April, 1958, shall apply.

(2) The rules referred to in sub-section (1) shall *mutatis mutandis* be applied also in the determination of the extent of the fishing zone referred to in section *three*.

## 7. *Exploitation of natural resources of, and application of laws relating to mining, precious stones, etc. to continental shelf*

The Continental shelf as defined in the Convention on the Continental Shelf Signed at Geneva on the twenty-ninth day of April, 1958, or as it may from time to time be defined by international convention accepted by the Republic, shall be deemed to be part of the Republic for the purposes of the exploitation of natural resources as defined in such convention, and of any law relating to mining, precious stones, metals or minerals, including natural oil, which applies in that part of the Republic which adjoins such continental shelf, and for the purposes of any such law the said continental shelf shall be deemed to be unalienated State land.

<sup>1</sup> *Infra* Part II, DIVISION 1, Sub-Division A.3.

8. *Application to South-West Africa*

This Act shall apply also in respect of the territory of South-West Africa.

41. SUDAN

RESOLUTION<sup>1</sup> No. 1047 OF 2 AUGUST 1960 OF THE COUNCIL OF MINISTERS OF THE SUDAN PERTAINING TO THE TERRITORIAL SEA

The Council of Ministers of the Republic of the Sudan resolved on 2 August 1960 that the territorial sea of the Sudan shall have a breadth of twelve miles.

42. SWEDEN

(a) ACT<sup>2</sup> No. 595 OF 1 DECEMBER 1950 CONCERNING THE LIMITS OF PUBLIC WATERS\*\*

*Article 1*

A water area of the sea shall be public (public waters) unless it forms part of a property or properties (private waters).

*Article 2*

The water areas of the sea assigned to properties shall be as follows:

1. All waters within a distance of 300 metres from the mainland or from an island of not less than 100 metres in length and in addition, in places where the three-metre depth contour along the shore extends beyond the said distance, all waters within such depth contour; and

2. All waters which connect with the open sea only by way of the aforementioned waters;

Provided that waters off the coast of Bohus county between Gullmarsfjorden and Hakelfjorden, inclusive, may not be assigned to properties by virtue of subparagraph 2.

*Article 3*

Off the eastern and southern coasts of Sweden from the boundary with Finland to Listerhuvud in Blekinge, there shall likewise be assigned to properties all waters which are connected with the open sea by way of waters other than those referred

<sup>1</sup> The text of the Resolution has been communicated to the Secretariat by a *note verbale*, dated 2 December 1966, from the Permanent Mission of the Sudan to the United Nations. The resolution was also embodied in the Sudan Government Proclamation regarding the territorial sea in 1963.

<sup>2</sup> *Svensk författningsamling* 1950, No. 595.

to in article 2, sub-paragraph 2, on condition that such connecting waters do not exceed 1 kilometre in breadth as measured from the mainland or from an island of not less than 100 metres in length.

This provision shall not, however, apply to waters off Gotland or Öland or off other islands which are completely separated from the mainland by waters connecting with the open sea which exceed 1 kilometre in breadth as measured in the manner specified in the first paragraph.

#### *Article 4*

In Norrbotten and Kalmar counties, the following water areas of the sea shall also be assigned to properties:

In *Norrbotten county*, all waters at the mouth of the Torne River within a line from the boundary with Finland at 65 degrees 35 minutes north latitude in a westerly direction to 23 degrees 40 minutes longitude east of Greenwich, thence in a northerly direction to 65 degrees 45 minutes north latitude and thence in an easterly direction to Seskarö; and

*In Kalmar county:*

All waters within a line between the southern points of Sladö Ask and Äskeskär; Idöfjärden and Björkskärsdjupet within a line between the south-eastern points of Örskär, Idö Stångskär and Bussan;

All waters within the line: the south point of Ljungskär—Vinö Bredhäll—the north-eastern point of Boskär — the southern points of Örskären—Logen—Lilla (Södra) Ljusklabb—Soen;

All waters within the line: the south-eastern point of Tjudö—main island of the Träthällarna—the northern point of Långgrund—Slobbsudden—Oxlenäs—the north point of Sandö—the north point of Taktö—the east point of Taktö—the outermost small skerry of Eneskär—the south-eastern point of Eneskär—the north-eastern point of Vällöromp—the south point of Vällöromp—the east point of Stora Sillekrok—the east point of Gåsö; and

All waters within the line: the south point of Stångskär—the north-eastern point of Pata Enskär—the south point of Pata Enskär—Lilla Millgrund—the east point of Enskärkläppen—the east point of Ryssby Enskär—the south-eastern point of Långskär—Stånggrund—the south-eastern point of Ryggås—the east point of Stora Rocknekalven—the north point of Skäggenälandet.

#### *Article 5*

Public waters in water areas other than those of the sea are to be found only in Vänern, Vättern, Hjälmaren and Storsjön in Jämtland. These bodies of water shall be governed, *mutatis mutandis*, by the provisions of articles 1-3.

#### *Article 6*

In Hjälmaren and Storsjön, the following water areas shall also be assigned to properties:

In *Hjälmaren*, all waters bounded on the north by the group of skerries between Vraklandet and the north-western point of Vinön and on the east by Vinön and the line: the south-western point of Vinön—Fåran—Ramberget—Djursnäsudde; and

In *Storsjön*, all waters bounded in the direction of *Storsjöflaket* by the straight lines: the north-western point of *Andersön*—the north point of *Norderön*—the north point of *Värkön*—the south-eastern point of *Hammarnäslandet*.

*Article 7*

Where public waters are to be found off an island which constitutes a property or part of a property, the boundary with the public waters shall be deemed to follow the shore-line as determined in the manner hereinafter specified.

*Article 8*

For the purposes of this Act, shore-lines and water depths shall be determined in accordance with conditions at the following water levels:

In the sea, normal half-tide level;

In *Vänern*, 3.60 metres above the lower sluice-sill at *Sjötorp*;

In *Vättern*, 2.97 metres above the western sluice-sill at *Motala*;

In *Hjälmaren*, 2.77 metres above the southern sluice-sill at *Notholmen*; and

In *Storsjön*, 292.45 metres above the hydrographic datum of the system of heights which serves as the basis for the regulation of the lake.

\*  
\* \*

This Act shall come into force on 1 January 1951.

For the purposes of this Act, the fact that the particulars of a specific area are given in an annex to a property register of a town or community shall not prevent the area from being regarded as forming part of a property or properties.

Where a water area was partitioned before 1 January 1951 and an additional water area is assigned, by virtue of this Act, to the partitioned area, the said additional water area shall be deemed to have been partitioned among the allotments of land situated along the shore in accordance with the principles set out in chapter 12, article 4, of the Land Code; provided that where the earlier partitioning was effected on a substantially different basis, the newly created water area shall be deemed to have been partitioned among the allotments of land whose water areas border thereon, with the result that there shall belong to each allotment of land that part of the newly created water area which is nearest to the water area already belonging to the allotment of land. The foregoing provision notwithstanding, in the event of a determination of the boundary, such adjustment shall be made as appears necessary to obtain a suitable extension of the boundary or to prevent an allotment of land from being separated from a public water area.

Special provisions have been enacted concerning compensation from public funds by reason of the fact that a water area which, in accordance with a judgement or by virtue of some other special title, was allocated to a property or properties or was otherwise regarded under the law in force at the time as belonging thereto has, in consequence of the new Act, ceased to belong to such property or properties.

(b) ACT<sup>1</sup> NO. 374 OF 3 JUNE 1966 CONCERNING THE TERRITORIAL WATERS OF SWEDEN\*\*

...

*Article 1*

The territorial waters of Sweden shall comprise the internal waters and the territorial sea. In the direction of the open sea or the territory of another State, the territorial waters shall be bounded by the territorial limits.

*Article 2*

The internal waters shall include:

- (a) Lakes, watercourses and canals;
- (b) Harbours, bays and inlets situated along the coasts, and such water areas situated behind and between islands, holms and skerries as are bounded by straight lines determined by the King.

However, in the area between Klagshamn light and Kullen in the Sound, only harbours shall be included in the internal waters.

*Article 3*

The territorial sea shall include the water area situated outside the land areas and the internal waters of Sweden to a breadth of four nautical miles or 7,408 metres.

However, the territorial sea:

- (a) in the area nearest to the boundary with Norway, shall extend as far as a line at a distance of four nautical miles from and parallel to the straight line running through the northernmost of the skerries designated as "Stora Drammen" and the Hejeknubb half-submerged rock situated south-east of Heja Island;
- (b) in the Sound, shall not extend beyond the line in the longitudinal direction of the Sound which is specified in the Declaration between Sweden and Denmark of 30 January 1932 concerning the boundaries of the Sound;
- (c) in the Åland Strait, shall not extend beyond the boundary with Finland;
- (d) in the area nearest to the boundary with Finland in the Gulf of Bothnia, shall extend as far as a line at a distance of four nautical miles from and parallel to the straight line running from the southernmost skerry off Letto Island to the southernmost skerry off Selkäsarvi Island.

*Article 4*

In the use of land areas, the territorial sea shall be measured from the low-water line along the coast. Where, however, a skerry is exposed at low water but is submerged at half tide, the territorial sea shall be measured from such skerry only if it is situated at a distance of not more than four nautical miles from the nearest land area belonging to Sweden which is exposed at half tide.

<sup>1</sup> *Svensk författningssamling* 1966, No. 374. Came into force on 1 July 1966.



In the case of internal waters situated along the coasts, the territorial sea shall be measured from the outer boundaries (straight baselines) of such water areas.

(c) ROYAL NOTICE<sup>1</sup> No. 375 OF 3 JUNE 1966 CONTAINING REGULATIONS ON THE MEASUREMENT OF THE TERRITORIAL WATERS OF SWEDEN\*\*

*Article 1*

The straight baselines referred to in article 4, second paragraph, of the Act<sup>2</sup> concerning the territorial waters of Sweden shall extend between those points on the low-water line along the coast which are given in the attached list (baseline points) or, in the case of a harbour on the open coast, shall extend across the mouth of the harbour.

Between baseline point 103 and the boundary with Finland, the territorial sea shall be measured from a straight baseline which coincides with the straight line running between point 103 and the southernmost skerry off Selkäsarvi Island (approximate position 65° 36.2' N, 24° 12.2' E).

*Article 2*

Save as otherwise provided in article 3, second paragraph, of the Act concerning the territorial waters of Sweden, the measurement of the territorial sea shall be effected in such manner that every point along the territorial limits shall be situated at a distance of four nautical miles from the nearest point on the coastline as referred to in article 4 of the said Act or the nearest point on a straight baseline.

*List of baseline points*

A horizontal line across column 1 denotes an interruption in the system of straight baselines.

| 1                     | 2   | 3                           | 4         |
|-----------------------|---|-----------------------------|-----------|
| <i>Baseline point</i> | <i>Designation and description</i>  | <i>Approximate position</i> |           |
| 1                     | The centre of a straight line connecting the northernmost of the skerries designated as "Stora Drammen" and the Hejeknubb half-submerged rock situated south-east of Heja Island. (According to the arbitral award of 23 October 1909 in the question of the maritime boundary between Sweden and Norway) | 58°56.5'N                   | 10°55.2'E |
| 2                     | Stora Drammen. North point  | 58°55.8'N                   | 10°57.7'E |
| 3                     | Stora Drammen west. West point  | 58°55.8'N                   | 10°57.6'E |
| 4                     | Klävningen-Mörholmen. West point  | 58°53.3'N                   | 10°57.8'E |
| 5                     | Segelskären. West point   | 58°46.7'N                   | 10°58.7'E |
| 6                     | Trolleskären. West point  | 58°32.2'N                   | 11°01.3'E |
| 7                     | Yttre Brottet. South-west point   | 58°19.7'N                   | 11°12.4'E |
| 8                     | Måseskär. West point  | 58°05.7'N                   | 11°19.7'E |

<sup>1</sup> *Ibid.*, No. 375. Came into force on 1 July 1966.

<sup>2</sup> *Supra* under (a).

| <i>1</i>              | <i>2</i>   | <i>3</i>                    | <i>4</i>  |
|-----------------------|--|-----------------------------|-----------|
| <i>Baseline point</i> | <i>Designation and description</i>   | <i>Approximate position</i> |           |
| 9                     | Dyran. West point  | 57°53.7'N                   | 11°26.3'E |
| 10                    | Vinga Ungar. West point  | 57°38.2'N                   | 11°35.5'E |
| 11                    | Klockfoten. South-west point   | 57°17.8'N                   | 11°53.8'E |
| 12                    | Klåback. South-west point  | 57°09.1'N                   | 12°06.6'E |
| 13                    | Rödskär. South-west point  | 57°03.8'N                   | 12°14.6'E |
| 14                    | Lindbaden. West point  | 56°55.1'N                   | 12°21.5'E |
| 15                    | Marsten. South-west point  | 56°49.8'N                   | 12°31.2'E |
| 16                    | Busörereven. South-west point  | 56°43.8'N                   | 12°37.4'E |
| 17                    | Tylö. West point   | 56°38.9'N                   | 12°42.6'E |
| 18                    | Hallands Väderö. West point  | 56°27.1'N                   | 12°32.6'E |
| 19                    | Kullen. West point   | 56°18.2'N                   | 12°26.9'E |
| 20                    | Klagshamn. West point  | 55°31.2'N                   | 12°53.2'E |
| 21                    | Västra Haken. North-west point   | 55°27.2'N                   | 12°50.5'E |
| 22                    | Skanör. West point   | 55°25.0'N                   | 12°49.6'E |
| 23                    | Falsterbo. South-west point  | 55°22.7'N                   | 12°48.8'E |
| 24                    | Måkläppen north. West point  | 55°21.9'N                   | 12°48.4'E |
| 25                    | Måkläppen south-west. West-south-west point  | 55°21.4'N                   | 12°48.5'E |
| 26                    | Falsterborev. South point  | 55°20.2'N                   | 12°49.0'E |
| 27                    | Segelskären. South-east point  | 55°22.7'N                   | 12°56.1'E |
| 28                    | Skåre läge. South point  | 55°22.5'N                   | 13°03.2'E |
| 29                    | Revhaken. South point  | 55°54.4'N                   | 14°18.4'E |
| 30                    | Kråknabben. South-east point   | 55°59.6'N                   | 14°43.4'E |
| 31                    | Hanö south. South point  | 56°00.0'N                   | 14°50.7'E |
| 32                    | Hanö south-east. South-east point  | 56°00.3'N                   | 14°51.6'E |
| 33                    | Tärnö. South-south-east point  | 56°06.6'N                   | 14°58.5'E |
| 34                    | Vitbåden. South-west point   | 56°04.8'N                   | 15°28.7'E |
| 35                    | Utklippan south-west. South-west point of the south-westernmost skerry of the island group | 55°56.8'N                   | 15°42.1'E |
| 36                    | Utklippan south-east. South-east point of the south-easternmost skerry of the island group | 55°56.9'N                   | 15°42.4'E |
| 37                    | Utlångan. South-east point   | 56°00.7'N                   | 15°47.6'E |
| 38                    | Southern point of Öland. South-east point  | 56°11.7'N                   | 16°24.3'E |
| 39                    | Långlöt. Easternmost skerry east-south-east of Långlöt church                              | 56°44.0'N                   | 16°46.0'E |
| 40                    | Kapelludden. East-south-east point   | 56°49.2'N                   | 16°51.0'E |
| 41                    | Långöreudde. East point  | 56°50.8'N                   | 16°52.3'E |
| 42                    | Kesnäsudden. East point  | 57°10.7'N                   | 17°04.6'E |
| 43                    | Strandtorp. East point   | 57°13.7'N                   | 17°05.2'E |
| 44                    | Ångjärnsudden. East point  | 57°18.5'N                   | 17°09.3'E |
| 45                    | North-eastern point of Öland. North-east point   | 57°21.4'N                   | 17°07.8'E |
| 46                    | Lilla Båden. East point  | 57°35.7'N                   | 16°49.9'E |
| 47                    | Kungsgrundet. Light  | 57°41.1'N                   | 16°54.4'E |
| 48                    | Storkläppen. East point  | 57°50.6'N                   | 16°51.1'E |
| 49                    | Sandsankan. East point   | 58°18.6'N                   | 17°10.0'E |
| 50                    | Torsken. South point   | 58°32.1'N                   | 17°13.3'E |
| 51                    | Yttre Karvasen. South-south-east point   | 58°42.7'N                   | 17°58.4'E |

| 1<br>Baseline<br>point | 2<br>Designation and description                  | 3 4<br>Approximate position |           |
|------------------------|---|-----------------------------|-----------|
| 52                     | Yttre Karvasen. South-east point                  | 58°42.8'N                   | 17°58.5'E |
| 53                     | Roxen. South-east point                           | 58°43.9'N                   | 18°01.4'E |
| 54                     | Västerbommen. South-east point                    | 58°57.5'N                   | 18°35.4'E |
| 55                     | Stora Ivarn. South-east point                     | 58°58.3'N                   | 18°37.0'E |
| 56                     | Själberget. South-east point                      | 59°04.0'N                   | 18°48.3'E |
| 57                     | Österskär. South-east point                       | 59°18.4'N                   | 19°11.6'E |
| 58                     | Söderbåden. South-east point                      | 59°25.1'N                   | 19°30.1'E |
| 59                     | Ytterberget                                       | 59°37.2'N                   | 19°38.7'E |
| 60                     | Längden. North-north-east point                   | 59°44.3'N                   | 19°27.8'E |
| 61                     | Tjärven. North-east point                         | 59°47.6'N                   | 19°22.4'E |
| 62                     | Björkarbåden. North-east point                    | 59°53.6'N                   | 19°05.8'E |
| 63                     | Bysholmen. East point                             | 60°02.4'N                   | 18°51.7'E |
| 64                     | Halsaren. East point                              | 60°13.3'N                   | 18°55.0'E |
| 65                     | Travarbulten (Travarn). East point                | 60°14.4'N                   | 18°55.2'E |
| 66                     | Understen. East point                             | 60°16.6'N                   | 18°55.5'E |
| 67                     | Klacken. North-east point                         | 60°25.7'N                   | 18°49.7'E |
| 68                     | Högkallegrund. North-east point                   | 60°31.0'N                   | 18°30.2'E |
| 69                     | Järngrund. North-east point                       | 60°38.5'N                   | 18°01.3'E |
| 70                     | Löfgrunds rabbar. North-east point                | 60°49.3'N                   | 17°31.3'E |
| 71                     | Storskvalpet. East point                          | 61°10.5'N                   | 17°20.6'E |
| 72                     | Hällgrund. Light                                  | 61°16.7'N                   | 17°24.1'E |
| 73                     | Agö. East point                                   | 61°32.6'N                   | 17°28.3'E |
| 74                     | Gåshällan. East-south-east point                  | 61°43.4'N                   | 17°33.6'E |
| 75                     | Gran. East point                                  | 62°01.0'N                   | 17°38.8'E |
| 76                     | Brämön. East point                                | 62°13.1'N                   | 17°44.9'E |
| 77                     | Svenskär. East point                              | 62°30.7'N                   | 17°53.8'E |
| 78                     | Härnöklubb. South-east point                      | 62°36.0'N                   | 18°03.6'E |
| 79                     | Guldgrundet. South-east point                     | 62°51.3'N                   | 18°28.3'E |
| 80                     | Gnäggen. South-east point                         | 62°56.7'N                   | 18°37.5'E |
| 81                     | Skags Flasor. South-east point                    | 63°12.3'N                   | 19°05.4'E |
| 82                     | Själbådan. South-east point                       | 63°15.1'N                   | 19°12.0'E |
| 83                     | Norra Långrogrundet. South-south-east point       | 63°19.3'N                   | 19°40.9'E |
| 84                     | Sydvästbrotten. South-east point                  | 63°24.8'N                   | 20°01.8'E |
| 85                     | Sönnerstgrundkallen. South-east point             | 63°34.5'N                   | 20°44.6'E |
| 86                     | Svartbådahällan. South-east point                 | 63°35.3'N                   | 20°47.2'E |
| 87                     | Jägarstenen.                                      | 63°40.4'N                   | 20°55.5'E |
| 88                     | Idmanskallen. East-south-east point               | 63°41.0'N                   | 20°56.2'E |
| 89                     | Stora Fjäderägg east. East point                  | 63°48.6'N                   | 21°01.2'E |
| 90                     | Stora Fjäderägg north-east. East-north-east point | 63°48.8'N                   | 21°01.0'E |
| 91                     | Blankhällan. East point                           | 63°59.0'N                   | 20°54.9'E |
| 92                     | Yttre Vänskär. South-east point                   | 64°09.7'N                   | 21°08.1'E |
| 93                     | Blackkallen. South-east point                     | 64°20.1'N                   | 21°31.2'E |
| 94                     | Grundskaten. East-south-east point                | 64°26.0'N                   | 21°37.1'E |
| 95                     | Kapagrund. East point                             | 64°27.3'N                   | 21°37.4'E |
| 96                     | Skötgrönnan. East point                           | 64°35.7'N                   | 21°30.6'E |
| 97                     | Storgrundet. South-east point                     | 64°52.2'N                   | 21°18.2'E |
| 98                     | Rönnskär. South-east point                        | 65°01.9'N                   | 21°34.1'E |
| 99                     | Södra Bondökallarna. South-east point             | 65°07.7'N                   | 21°53.4'E |
| 100                    | Marakallen. South-east point                      | 65°16.9'N                   | 22°37.0'E |
| 101                    | Månshällorna. South point                         | 65°27.8'N                   | 22°46.2'E |
| 102                    | Malören. South-south-east point                   | 65°31.2'N                   | 23°33.7'E |

| 1                     | 2                                      | 3                           | 4         |
|-----------------------|--|-----------------------------|-----------|
| <i>Baseline point</i> | <i>Designation and description</i>     | <i>Approximate position</i> |           |
| 103                   | Letto. South point                     | 65°35.2'N                   | 23°57.2'E |
| <i>Gotland</i>        |  |                             |           |
| 104                   | Nyrevsudden. West-north-west point     | 57°32.1'N                   | 18°06.5'E |
| 105                   | Utholmen. West point                   | 57°25.9'N                   | 18°05.3'E |
| 106                   | Lilla Karlsö west. West point          | 57°18.7'N                   | 18°03.2'E |
| 107                   | Lilla Karlsö. West-south-west point    | 57°18.6'N                   | 18°03.3'E |
| 108                   | Hammarudd. West point                  | 57°15.5'N                   | 18°05.6'E |
| 109                   | Näsrevet. West point                   | 57°03.3'N                   | 18°09.5'E |
| 110                   | Hoburg. West point                     | 56°55.2'N                   | 18°07.5'E |
| 111                   | Barshageudd. South point               | 56°54.4'N                   | 18°11.7'E |
| 112                   | Heligholmen. South-east point          | 56°55.3'N                   | 18°17.3'E |
| 113                   | Raudehunden. South-east point          | 56°57.6'N                   | 18°21.4'E |
| 114                   | Faludden. South-east point             | 56°59.7'N                   | 18°24.1'E |
| 115                   | Närsholmen. South-east point           | 57°13.4'N                   | 18°42.1'E |
| 116                   | Östergarn south. South point           | 57°25.8'N                   | 18°59.3'E |
| 117                   | Östergarn north-east. North-east point | 57°26.8'N                   | 18°59.5'E |
| 118                   | Kyrkebingegrund. East point            | 57°33.7'N                   | 18°49.3'E |
| 119                   | Rute Missloper. South-east point       | 57°45.9'N                   | 19°05.6'E |
| 120                   | Holmudden. South-east point            | 57°57.5'N                   | 19°21.2'E |
| 121                   | Skärsändan. North point                | 57°59.2'N                   | 19°18.5'E |
| 122                   | Norsholmen. North point                | 57°59.9'N                   | 19°14.6'E |
| 123                   | Langhammarshammaren. North point       | 58°00.0'N                   | 19°11.4'E |
| 124                   | Hallshuk. North point                  | 57°55.9'N                   | 18°43.6'E |

(d) ROYAL NOTICE<sup>1</sup> NO. 382 OF 3 JUNE 1966 TO REPEAL ORDER NO. 397 OF 21 AUGUST 1924 CONCERNING THE EXTENT OF SWEDISH WATERS IN THE AREA NEAREST TO THE SEA FRONTIER BETWEEN SWEDEN AND NORWAY\*\*

His Majesty, the King, has seen fit to order that the Order of 21 August 1924 concerning the extent of Swedish waters on the area nearest to the sea frontier between Sweden and Norway shall cease to have effect as from the end of June 1966.

(e) ROYAL NOTICE<sup>2</sup> NO. 483 OF 16 JUNE 1966 CONCERNING THE PEACE-TIME DIVISION OF THE ARMED FORCES AND THE DIVISION OF SWEDEN INTO MILITARY DISTRICTS

<sup>1</sup> *Svensk författningssamling* 1966, 29 June 1966, No. 382. By this Notice, Royal Order No. 397 of 21 August 1924 concerning the extent of Swedish waters in the area nearest to the sea frontier between Sweden and Norway (see ST/LEG/SER.B, p. 41) has been repealed.

<sup>2</sup> *Svensk författningssamling* 1966, No. 483. By this Notice, Notice No. 634 of 30 November 1956 was repealed. By the latter Notice, Notice No. 317 of 5 June 1953 concerning the peace-time division of the armed forces and the division of the Kingdom into military districts (see ST/LEG/SER.B/6, p. 41) was repealed.

## 43. TANZANIA

PROCLAMATION ON THE TERRITORIAL WATERS OF THE UNITED REPUBLIC OF TANZANIA,  
MADE BY THE PRESIDENT ON 30 MARCH, 1967

*Whereas* the Law of Nations recognises that the sovereign powers of a state extends to a belt of sea adjacent to its coasts:

*And Whereas*, in the absence of uniformity in international practice relating to the extent of the territorial waters of states, it is necessary that a declaration be made of the extent of the territorial waters of the United Republic of Tanzania:

*Now Therefore*, I, JULIUS KAMBARAGE NYERERE, President of the United Republic of Tanzania, do hereby declare and proclaim that, notwithstanding any rule of law or any practice which may hitherto have been observed in relation to the territory of Tanganyika or the territories formerly subject to the sovereignty of the Sultan of Zanzibar or the territorial waters thereof, except as hereinbelow provided, the territorial waters of the United Republic of Tanzania extend across the sea a distance of twelve nautical miles measured from the mean low water line along the coasts and adjacent islands as marked on charts numbers 1 to 4<sup>1</sup> issued by the Surveys Division of the Ministry of Lands, Settlement and Water Development, Dar es Salaam, on 30th March 1967 and registered with the Secretary General of the United Nations:

*Provided* that in respect of the island of Pemba where the distance between the baseline measured on Pemba and the mainland of Kenya is less than twenty-four nautical miles, the territorial waters of the United Republic of Tanzania extend up to the median line every point of which is equidistant from the nearest points on the baseline between Pemba and the mainland of Kenya as marked on the aforesaid charts:

## 44. TOGO

Le Togo n'a pas encore, d'une façon générale, défini la largeur de sa mer territoriale<sup>1</sup>.

## 45. TUNISIA

LOI N° 62-35 DU 16 OCTOBRE 1962 (18 JOUMADA I 1382), MODIFIANT LE DÉCRET  
DU 26 JUILLET 1951 (22 CHAOUAL 1370), PORTANT REFORGE DE LA LÉGISLATION  
DE LA POLICE DE LA PÊCHE MARITIME ET DÉLIMITATION DES EAUX TERRITORIALES  
DE LA RÉPUBLIQUE TUNISIENNE

*Article unique.* — L'article 3 du décret du 26 juillet 1951 (22 chaoual 1370) est abrogé et remplacé par les dispositions suivantes:

<sup>1</sup> Due to technical reasons, the charts are not reproduced here.

<sup>1</sup> Renseignement fourni par la Mission permanente du Togo auprès de l'Organisation des Nations Unies dans sa note n° A/III/2/16/MPT-ONU du 21 mai 1968. Voir *infra* DIVISION IV. 34, Loi n° 64-14 du 11 juillet 1964 portant réglementation de la pêche.

*Article 3* (nouveau). — Est dénommée mer territoriale tunisienne :

*a)* De la frontière tuniso-algérienne à Ras-Kapoudia et autour des îles adjacentes, la partie de la mer comprise entre la laisse de basse mer et une ligne parallèle tracée à 6 milles au large, à l'exception du Golfe de Tunis qui, à l'intérieur de la ligne Cap-Farina, Île Plane, Île Zembra et Cap Bon, est entièrement compris dans ladite mer.

Au large de la mer territoire délimitée ci-dessus, une zone est réservée dans laquelle, seuls pourront être autorisés à pratiquer la pêche les navires battant pavillon tunisien.

La zone de pêche est fixée à 12 milles à partir de la ligne de base qui sert de point de départ pour mesurer la largeur de la mer territoriale telle qu'elle est déterminée au paragraphe *a)* ci-dessus ;

*b)* De Ras-Kapoudia à la frontière tuniso-lybienne, la partie de la mer limitée par une ligne qui, partant du point d'aboutissement de la ligne des 12 milles décrite ci-dessus, rejoint sur la parallèle de Ras-Kapoudia l'isobathe de 50 mètres et suit cet isobathe jusqu'à son point de rencontre avec une ligne partant de Ras-Aghdir en direction du Nord-Est- $Z_v = 45^\circ$ .

#### 46. TURKEY

ACT<sup>1</sup> CONCERNING THE TERRITORIAL SEA (Law No. 476 of 15 May 1964)\*\*

*Article 1.* Turkey's territorial sea is included in the territory of Turkey.  
The breadth of Turkey's territorial sea is six nautical miles.

For the purposes of this Act a nautical mile is equivalent to 1,852 metres.

*Article 2.* In relation to States whose territorial sea is of greater breadth, the breadth of Turkey's territorial sea shall be determined in accordance with the principle of reciprocity.

*Article 3.* Where the distance between Turkey's land territory and the land territory of a neighbouring State is less than the total of the breadth of the territorial seas of each of the two States, the median line shall, failing agreement to the contrary, constitute the outer limit of Turkey's territorial sea.

*Article 4.* The normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast.

In localities where the coastline is indented or where there are islands near the coast, the method of straight baselines joining salient points of the coast and islands shall be employed.

*Article 5.* The following shall be regarded as forming part of Turkey's internal waters: waters on the landward side of the baseline; bays the width of whose mouths does not exceed twenty-four nautical miles; in the case of bays the width

<sup>1</sup> *Official Gazette* No. 11,711 of 25 May. See also article 8, *infra* DIVISION IV. 36.

of whose mouths exceeds twenty-four nautical miles, those parts enclosed by a straight baseline of twenty-four miles drawn within the bay in such a manner as to join the two sides and to include on the landward side the maximum area of water; waters on the landward side of the outermost permanent harbour works which form an integral part of the harbour system; roadsteads.

*Article 6.* The territorial sea of islands shall be established in accordance with the principles set forth above.

*Article 7.* The baseline for measuring the breadth of the territorial sea shall be marked on large-scale charts and duly publicized for the benefit of those concerned.

*Article 8.* In zones contiguous to Turkey's territorial sea and extending to a distance of twelve nautical miles from the baseline from which the territorial sea is measured the régime of the territorial sea shall be applied in respect of fishing and exploitation of living resources.

*Article 9.* The provisions of international treaties, conventions and agreements to which Turkey is a party shall not be affected hereby.

Any provisions of law and regulations which are contrary to this Act are hereby repealed.

#### 47. UNION OF SOVIET SOCIALIST REPUBLICS

REGULATIONS OF 5 AUGUST 1960 FOR THE DEFENCE OF THE STATE FRONTIER OF THE UNION OF SOVIET SOCIALIST REPUBLICS, article 3<sup>1</sup>

#### 48. UNITED KINGDOM

##### (a) TERRITORIAL WATERS ORDER IN COUNCIL 1964<sup>2</sup>

...

2. (1) Except as otherwise provided in Articles 3 and 4 of this Order, the baseline from which the breadth of the territorial sea adjacent to the United Kingdom, the Channel Islands and the Isle of Man is measured shall be low-water line along the coast, including the coast of all islands comprised in those territories.

(2) For the purposes of this Article a low-tide elevation which lies wholly or partly within the breadth of sea which would be territorial sea if all low-tide eleva-

<sup>1</sup> *Infra* Chapter III. 7 (a).

<sup>2</sup> Made on 25 September, came into operation on 30 September 1964.

tions were disregarded for the purpose of the measurement of the breadth thereof and if Article 3 of this Order were omitted shall be treated as an island.

3. (1) The baseline from which the breadth of the territorial sea is measured between Cape Wrath and the Mull of Kintyre shall consist of the series of straight lines drawn so as to join successively, in the order in which they are there set out, the points identified by the co-ordinates of latitude and longitude in the first column of the Schedule to this Order, each being a point situated on low-water line and on or adjacent to the feature, if any, named in the second column of that Schedule opposite to the co-ordinates of latitude and longitude of the point in the first column.

(2) The provisions of paragraph (1) of this Article shall be without prejudice to the operation of Article 2 of this Order in relation to any island or low-tide elevation which for the purpose of that Article is treated as if it were an island, being an island or low-tide elevation which lies to seaward of the baseline specified in paragraph (1) of this Article.

4. In the case of the sea adjacent to a bay, the baseline from which the breadth of the territorial sea is measured shall, subject to the provisions of Article 3 of this Order—

(a) if the bay has only one mouth and the distance between the low-water lines of the natural entrance points of the bay does not exceed 24 miles, be a straight line joining the said low-water lines;

(b) if, because of the presence of islands, the bay has more than one mouth and the distances between the low-water lines of the natural entrance points of each mouth added together do not exceed 24 miles, be a series of straight lines across each of the mouths drawn so as to join the said low-water lines;

(c) if neither paragraph (a) nor (b) of this Article applies, be a straight line 24 miles in length drawn from low-water line to low-water line within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.

5. (1) In this Order—

the expression “bay” means an indentation of the coast such that its area is not less than that of the semi-circle whose diameter is a line drawn across the mouth of the indentation, and for the purposes of this definition the area of an indentation shall be taken to be the area bounded by low-water line around the shore of the indentation and the straight line joining the low-water lines of its natural entrance points, and where, because of the presence of islands, an indentation has more than one mouth the length of the diameter of the semi-circle referred to shall be the sum of the lengths of the straight lines drawn across each of the mouths, and in calculating the area of an indentation the area of any islands lying within it shall be treated as part of the area of the indentation;

the expression “island” means a naturally formed area of land surrounded by water which is above water at mean high-water spring tides; and

the expression “low-tide elevation” means a naturally formed area of drying land surrounded by water which is below water at mean high-water spring tides.

...



## SCHEDULE

POINTS BETWEEN CAPE WRATH AND THE MULL OF KINTYRE  
JOINED TO FORM BASELINES

|    | <i>Co-ordinates of latitude and longitude of point</i> |    |    |                       |    |    | <i>Name of Feature</i> |
|----|--|----|----|-----------------------|----|----|------------------------|
|    | <i>Latitude North</i>                                  |    |    | <i>Longitude West</i> |    |    |                        |
| 1  | 58   | 37 | 33 | 5                     | 00 | 00 | Cape Wrath             |
| 2  | 58   | 31 | 14 | 6                     | 15 | 46 | Lith Sgeir             |
| 3  | 58   | 29 | 08 | 6                     | 20 | 27 | Dell Rock              |
| 4  | 58   | 18 | 16 | 6                     | 48 | 18 | Tiumpan                |
| 5  | 58   | 17 | 40 | 6                     | 52 | 54 | Mas Sgeir              |
| 6  | 58   | 17 | 06 | 6                     | 55 | 31 | Stac nam Balg          |
| 7  | 58   | 14 | 33 | 7                     | 02 | 00 | Gallan Head            |
| 8  | 58   | 13 | 56 | 7                     | 03 | 00 | —                      |
| 9  | 58   | 10 | 38 | 7                     | 06 | 58 | Eilean Molach          |
| 10 | 57   | 59 | 03 | 7                     | 17 | 50 | Gasker                 |
| 11 | 57   | 41 | 15 | 7                     | 43 | 00 | Haskeir Eagach         |
| 12 | 57   | 32 | 33 | 7                     | 43 | 46 | Clettan a Fer          |
| 13 | 57   | 14 | 25 | 7                     | 27 | 24 | Rudha Ardvule          |
| 14 | 57   | 00 | 46 | 7                     | 31 | 36 | Greian Head            |
| 15 | 56   | 57 | 21 | 7                     | 33 | 43 | —                      |
| 16 | 56   | 56 | 56 | 7                     | 34 | 19 | Ard Caolas             |
| 17 | 56   | 56 | 00 | 7                     | 34 | 51 | Biruastil              |
| 18 | 56   | 49 | 16 | 7                     | 39 | 32 | Guarsay Point          |
| 19 | 56   | 48 | 00 | 7                     | 40 | 00 | Sron an Duin           |
| 20 | 56   | 47 | 07 | 7                     | 39 | 37 | Berneray Island        |
| 21 | 56   | 19 | 22 | 7                     | 06 | 48 | Skerryvore             |
| 22 | 56   | 08 | 00 | 6                     | 38 | 03 | Dubh Artach            |
| 23 | 55   | 41 | 36 | 6                     | 32 | 03 | Frenchman's Rocks      |
| 24 | 55   | 40 | 20 | 6                     | 30 | 55 | Orsay Island           |
| 25 | 55   | 35 | 19 | 6                     | 20 | 12 | Mull of Oa             |
| 26 | 55   | 17 | 57 | 5                     | 47 | 52 | Mull of Kintyre        |

(b) MARINE AND BROADCASTING (OFFENCES) ACT 1967 (1967 Chapter 41; 14 July 1967), section 9<sup>1</sup>

## CAYMAN ISLANDS

*Lobster (Restriction on Fishing) Law, 1964* (No. 18 of 1964; 22 October 1964) as amended, section 2<sup>2</sup>

## VIRGIN ISLANDS

*Treasury Ordinance (Chapter 186)*, section 37<sup>3</sup>

<sup>1</sup> *Infra* Chapter VIII. 3.

<sup>2</sup> *Infra* DIVISION IV. 39, Cayman Islands (b).

<sup>3</sup> *Infra* Chapter IV. 10, Virgin Islands.

## 49. UNITED STATES OF AMERICA

SUBMERGED LANDS ACT, 22 MAY 1953, sections 2 and 4<sup>1</sup>

## 50. VENEZUELA

(a) ACT<sup>2</sup> OF 22 JULY 1941 ON THE TERRITORIAL SEA, THE CONTINENTAL SHELF, PROTECTION OF FISHERIES AND AIR SPACE

## TITLE I

*The territorial sea and the contiguous zone*

*Article 1.* The territorial sea of the Republic of Venezuela shall extend over the entire length of its continental and insular coasts to a width of 22 kilometres and 224 metres (12 nautical miles), measured from the baselines referred to in article 2 of this Act.

National sovereignty over the territorial sea shall extend to the waters, bed, subsoil and resources thereof.

Where the limit established in this article coincides with foreign territorial waters, the matter shall be settled by agreements or other methods recognized by international law.

*Article 2.* The territorial sea shall be measured generally from the line of the lowest tide. When circumstances require a special regime because of the configuration of the coastline or the presence of nearby islands, or when the particular interests of a given region so justify, measurement shall be made from straight baselines.

Waters within the straight baselines shall be deemed to be internal waters forming part of the national territory.

The National Executive shall determine such straight baselines, which shall be marked on official geographical charts.

*Article 3.* For the purposes of maritime control and vigilance, to guard the security of the nation and to protect its interests, a contiguous zone of 5 kilometres and 556 metres (3 nautical miles) shall be established.

...

## TITLE IV

*Air space*

*Article 9.* The air space over the territory of the Republic of Venezuela up to the outer limit of its territorial sea comes within its sovereignty.

<sup>1</sup> *Infra* Chapter IX. 18 (a).

<sup>2</sup> *Gaceta Oficial* No. 496 Extraordinary of 17 August 1956.

(b) CONSTITUTION<sup>1</sup> OF THE REPUBLIC OF VENEZUELA OF 23 JANUARY 1961\*\*  
 TITLE I. THE REPUBLIC, ITS TERRITORY AND POLITICAL DIVISIONS

*Chapter II*

*The Territory and Political Divisions*

*Article 7.* The national territory is that which belonged to the Captaincy General of Venezuela before the political transformation initiated in 1810, with the modifications resulting from treaties validly concluded by the Republic.

The sovereignty, authority and vigilance over the territorial sea, the contiguous maritime zone, the continental shelf, and the air space, as well as the ownership and exploitation of property and resources contained within them, shall be exercised to the extent and conditions determined by law.

51. WESTERN SAMOA

There is no formal definition of the territorial sea of Western Samoa.<sup>2</sup>

52. YEMEN ARAB REPUBLIC

RESOLUTION NO. 17 OF THE PRESIDENT OF THE YEMEN ARAB REPUBLIC, DATED 30 APRIL 1967

The President of the Yemen Arab Republic resolved<sup>3</sup> on April 30, 1967, that the territorial sea of the Yemen Arab Republic shall have a breadth of twelve miles.

53. YUGOSLAVIA

LAW<sup>4</sup> OF 22 MAY 1965 ON YUGOSLAVIA'S MARGINAL SEAS, CONTIGUOUS ZONE AND CONTINENTAL SHELF

*Article 1*

The sovereignty of Yugoslavia extends to its marginal seas, including also the air space above them as well as the bed and the subsoil of those seas.

<sup>1</sup> *Gaceta Oficial* of 23 January 1961.

<sup>2</sup> The information was transmitted by a *note verbale* of 21 December 1967 from the Permanent Representative of New Zealand to the United Nations at the request of the Government of Western Samoa.

<sup>3</sup> The information was provided by a *note verbale* of 22 May 1967 from the Permanent Representative of the Yemen Arab Republic to the United Nations.

<sup>4</sup> *Official Gazette* No. 22 of 22 May 1965. The English translation was provided by the Permanent division of Yugoslavia to the United Nations.

The marginal seas of Yugoslavia are composed of the internal waters and the territorial sea.

...

#### *Article 11*

The territorial sea is a belt of the sea whose breadth is 10 nautical miles measured from the baseline towards the high seas.

The baseline is formed by:

- (1) a low-water line along the shore of the mainland and the isles;
- (2) straight lines closing the mouths of bays;
- (3) straight lines connecting the following points on the shore of the mainland and on the shore of the islands:

(a) cape Zarubača—the south-eastern cape of the island Mrkan—the southern cape of the island Sv. Andrija—cape Gruj (on the island Mljet).

(b) cape Korizmeni (island Mljet)—islet Glavat—cape Struga (island Lastovo)—cape Veljeg Mora (island Lastovo)—the south-western cape of the island Kopsite—cape Velo Danče (island Korčula)—cape Proizd—the south-western cape of the island Vodnjak—cape Rat (island Drvenik Mali)—rock Mulo—rock Blitvenica— island Purara— island Balun— island Mrtovac— island Garmenjak Veli—a point on the island Dugi otok whose coordinates are 43° 53' 12" N and 15° 10' 0" E;

(c) cape Veli Rat (Dugi otok)—rock Masarine—cape Margarina (island Susak)—rock Albanež— island Grunj—rock Sv. Ivan na Pučini—rock Mramori— island Alteiz—cape Kastanjija.

The straight lines referred to in sub-paragraph 3 of paragraph 2 of the present article must be marked on the maritime chart "Jadransko more" (Adriatic Sea), scale 1:1,000,000, published by the Hydrographic Institute of the Yugoslav navy. A reproduction of that chart is an integral part of the present Law.

In determining the baselines of the territorial sea, the outermost permanent harbour works which form an integral part of the harbour system shall be considered as a part of the coast.

The outer limit of the territorial sea is a line every point of which is 10 nautical miles distant from the nearest point of the baseline.

...

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**Chapter II**  
**NAVIGATION THROUGH THE TERRITORIAL SEA**  
**AND SAFETY OF SHIPS THERE**

1. ARGENTINA

- (a) LAW NO. 17094-M 24 OF 29 DECEMBER 1966, article 3<sup>1</sup>
- (b) DECREE NO. 8802 OF 22 NOVEMBER 1967. PROVISIONAL REGULATIONS GOVERNING THE ISSUE TO FOREIGN VESSELS OF PERMITS FOR THE EXPLOITATION OF THE LIVING RESOURCES OF THE ARGENTINE TERRITORIAL SEA, article 7<sup>2</sup>

2. AUSTRALIA

- (a) NAVIGATION ACT 1912-1967<sup>3</sup> (No. 60 of 1967, 18 September 1967)

PART I. INTRODUCTORY

...

2. *Application of Act*

(1) This Act shall not apply in relation to any Australian-trade ship, limited coast-trade ship, or river and bay ship, or her master or crew, unless the ship—

(a) is engaged in trade or commerce with other countries or among the States or with or among the Territories under the authority of the Commonwealth; or

(b) is on the high seas, or in waters which are used by ships engaged in trade or commerce with other countries or among the States; or

(c) is in the territorial waters of any Territory under the authority of the Commonwealth; or

(d) belongs to, or is in the control of, the Commonwealth and is included in a prescribed class of ships.

...

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<sup>1</sup> *Supra* Chapter I, 1 (a).

<sup>2</sup> *Infra* DIVISION IV. 1 (d).

<sup>3</sup> This Act comprises the Navigation Act 1912-1966, as amended. For the Navigation Act 1912-1953, see ST/LEG/SER.B/6, pp. 59-63.

3. *Act does not apply to naval ships, etc.*

Except where the contrary intention appears, this Act does not apply to or in relation to a vessel belonging to the naval, military or air forces of the Commonwealth or of any other country, including a foreign country.

6. *Interpretation*

(1) In this Act, unless the contrary intention appears—

“foreign-going ship” means a ship employed in trading or going between a place or places in Australia and a place or places outside Australia;

“Government ship” means a ship—

(a) which belongs to the Commonwealth or a State;

(b) the beneficial interest in which is vested in the Commonwealth or a State;

(c) which is for the time being demised or subdemised to or in the exclusive possession of the Commonwealth or a State; or

(d) which is registered in Australia as a Government ship for the purposes of the Merchant Shipping Act,

and includes a ship that belongs to the naval, military or air forces of the Commonwealth, but does not include a ship which belongs to the Australian Coastal Shipping Commission constituted under the *Australian Coastal Shipping Commission Act 1956*;

“nuclear ship” means a ship provided with a nuclear power plant”;

“river and bay ship” means—

(a) a ship which is employed exclusively in trading or going between places within the limits of a port, bay or river in Australia or within prescribed limits in a gulf or gulfs in Australia; or

(b) a ship, or a ship included in a class of ships, specified by the Minister by notice in the *Gazette*, being a ship which trades exclusively within the limits of a port, bay or river in Australia specified in the notice and within a radius of three nautical miles seaward from the entrance of that port, bay or river;

“tidal water” means a part of the sea, or a part of a river within the ebb and flow of the tide at ordinary spring tides, but does not include a harbour;

“vessel” means a vessel used in navigation, other than air navigation, and includes a barge, lighter or like vessel;

PART IV. SHIPS AND SHIPPING

*Division 1. General*

192A. *Detention of ships not registered in Australia*

(1) Where, under this Part, a foreign ship is detained or proceedings are taken against the owner or master of such a ship, such officer as is prescribed shall forth-

with give notice in writing, specifying the grounds on which the ship has been detained or the proceedings have been taken, to the consul for the country in which the ship is registered at or nearest to the port where, for the time being, the ship is.

(2) Where notice of the detention of a ship is given to a consul under the last preceding sub-section, a person named by the consul may accompany any person directed to survey the ship while he is carrying out the survey.

...

#### 192B. *Stability information*

The regulations may make provision for or in relation to the carrying on a ship of information with respect to the stability of the ship and, without limiting the generality of the foregoing, regulations so made may specify the tests or other data on which such information is to be based.”

...

#### 192C. *Nuclear ships*

(1) The regulations may make provision for ensuring that nuclear ships do not cause unreasonable radiation or other nuclear hazards to the crews or passengers of such ships, or to other persons, or to any waterways or food or water resources.

(2) Without limiting the generality of the last preceding sub-section, the regulations that may be made by virtue of that sub-section include regulations—

(a) making provision for or in relation to the preparation and the maintaining, in respect of a nuclear ship registered in Australia, of a Safety Assessment, that is to say, a document setting out prescribed information with respect to the ship and its power plant to enable an assessment to be made from time to time of the safety of the ship and of its power plant for the purpose of ensuring that there is no unreasonable radiation or other hazard to the crew or passengers of the ship or to other persons, or to waterways or food or water resources;

(b) making provision for or in relation to the preparation and the maintaining, in respect of a nuclear ship registered in Australia, of an Operating Manual, that is to say, a document setting out prescribed information with respect to the operation of the power plant of the ship;

(c) specifying requirements to be complied with in relation to a nuclear ship before it enters a port in Australia, including the giving of notice that the ship proposes to enter the port, the furnishing of prescribed information and the production of the Safety Assessment of the ship, or of a document that is issued by the government of another country in respect of the ship and corresponds with a Safety Assessment; and

(d) requiring the giving of notice by the master of a nuclear ship of any accident causing, or likely to cause, the existence of a hazard on, or in the vicinity of, the ship.

(3) The owner or master of a nuclear ship shall not permit the ship to enter Australia unless a person authorized by the Minister for the purposes of this sub-section has informed the owner or master of the ship that he is satisfied as to the safety of the ship with respect to radiation and other nuclear hazards.

(4) A person who contravenes the last preceding sub-section or a provision of the regulations made by virtue of this section is guilty of an offence punishable upon conviction by a fine not exceeding Two thousand dollars.

...

*Divisions 11. Collisions, Loss and Damage*

258. *Collisions, lights and signals*

(1) The regulations may prescribe measures to be observed for the prevention of collisions and may make provision for or in relation to the provision and use on ships of lights and signals.

...

*Division 13. Reports of Accidents and of Dangers to Navigation*

268. *Accidents, etc., to be reported*

Where a ship registered in Australia, or where, during a voyage to a port in Australia or within the limits of Australia or the territorial waters of Australia, a ship not registered in Australia—

(a) has sustained or caused an accident occasioning loss of life or serious injury to a person;

(b) has received damage that has rendered, or is likely to render, the ship unseaworthy or has affected, or is likely to affect, the efficient operation of the boilers or machinery of the ship;

(c) has been in a position of great peril, either from the action of some other ship or from danger of wreck or collision;

(d) has been stranded or wrecked; or

(e) has fouled or done any damage to a pipeline or submarine cable or to a lighthouse, lightship, beacon, buoy or other marine mark, not being a lighthouse, lightship, beacon, buoy or marine mark to which section nineteen B of the *Lighthouses Act 1911-1957* applies,

where a ship, having left a port in Australia, has put back to that port, the master of the ship shall, as soon as practicable, having regard to the means of communication available to him, report the happening to such person as is prescribed and shall, if so requested by or on behalf of that person, furnish a report in writing to that person in the prescribed form.

Penalty: One hundred pounds.

269. *Notification of loss of ships*

If—

(a) the owner or agent of a ship registered in Australia or engaged in the coasting trade has reason to believe that the ship has been wholly lost; or

(b) the owner or agent of any other ship has reason to believe that the ship has been wholly lost on or near the coast of Australia,

he shall forthwith give notice in writing to the Minister that he believes the ship to be lost and shall state, to the best of his knowledge, the probable cause of the loss.

Penalty: Fifty pounds.

269A. *Report of dangers to navigation*

(1) If the master of a ship registered in Australia or engaged in the coasting trade meets with, or is informed of any serious danger to navigation on or near his course, he shall—



(a) if the ship is fitted with a radio installation, send out the prescribed safety signal, followed by a message conveying such information as is required by the regulations, or if the ship is not so fitted, communicate the information, by any other means of communication at his disposal, to ships in the vicinity; and

(b) make a report to shore as soon as possible, to the person and in the manner prescribed.

Penalty: Fifty pounds.

(2) Every person in charge of a wireless telegraph station which is within the jurisdiction of the Commonwealth (including a station in a territory under the authority of the Commonwealth), or which is established or installed under licence granted under the *Wireless Telegraphy Act 1905-1919*, shall on receiving the prescribed safety signal, refrain from sending messages for a time sufficient to allow other stations to receive the message, and, if so required by the Minister, shall transmit the information in the manner directed by him.

(3) Compliance with the provisions of sub-section (2) of this section shall be deemed to be a condition of every licence granted under the *Wireless Telegraphy Act 1905-1919*.

(4) This section does not apply where compliance with this section would interfere with the transmission of a signal of distress.

(5) The transmission, in pursuance of this section, of messages respecting ice, derelicts or other dangers to navigation shall be free of cost to the ships concerned.

...

#### PART V. PASSENGERS

...

#### 272. *Provision for passengers wrecked*

If—

(a) any ship carrying passengers is wrecked, or is disabled and unable to proceed on her voyage within a reasonable time, whilst on her voyage from one port to another in Australia; or

(b) any ship carrying passengers coming from any port outside Australia is wrecked on the coast of Australia,

the owner or master shall cause the passengers to be taken on to their destination, and shall defray their maintenance until so taken on:

Provided that, if any passenger is tendered and accepts the return of the passage money paid by him, such liability shall cease.

#### PART VI. THE COASTING TRADE

...

#### 286. *Permits to unlicensed ships*

(1) Where it can be shown to the satisfaction of the Minister, in regard to the coasting trade with any port or between any ports in the Commonwealth or in the Territories under the authority of the Commonwealth—

- (a) that no licensed ship is available for the service; or  
 (b) that the service as carried out by a licensed ship or ships is inadequate to the needs of such port or ports,  
 and the Minister is satisfied that it is desirable in the public interest that unlicensed ships be allowed to engage in that trade, he may grant permits to unlicensed ships to do so, either unconditionally or subject to such conditions as he thinks fit to impose.

PART VII. WRECKS AND SALVAGE

*Division 2.<sup>1</sup> Wreck*

...

*Division 3. Salvage*

315.<sup>2</sup> *Salvage for saving life*

(1) Where services are rendered within Australian waters in saving life from any ship, or elsewhere in saving life from any ship registered in Australia, there shall be payable to the salvor, by the owner of the ship, cargo, or equipment saved, a reasonable amount of salvage, to be determined in case of dispute in manner hereinafter mentioned.

(2) Salvage in respect of the preservation of life, when payable by the owners of the ship, shall be payable in priority to all other claims for salvage.

(3) Where—

(a) the ship, and the cargo and equipment of the ship are destroyed; or

(b) the value of the ship, and of the cargo and equipment of the ship, after payment of any expenses incurred in saving them, is insufficient to pay the amount of salvage payable in respect of the preservation of life,

the Minister may, in his discretion, pay to the salvor, out of moneys appropriated by the Parliament for the purpose, such sum as he thinks fit in whole or part satisfaction of an amount of salvage payable in respect of the preservation of life left unpaid.

...

317A.<sup>3</sup> *Assistance to persons in danger at sea*

(1) The master of a ship shall, so far as he can do so without serious danger to his ship, her crew and passengers (if any), render assistance to any person, even if such person be a subject of a foreign State at war with the King, who is found at sea in danger of being lost.

(2) The master of a vessel who fails to comply with the provisions of this section shall be guilty of an indictable offence.

<sup>1</sup> For sections 296 and 305, see ST/LEG/SER.B/6, p. 60.

<sup>2</sup> Section 316 (see ST/LEG/SER.B/6, p. 61) was repealed by section 158 of the Navigation Act 1958 (No. 36 of 1958; 27 May 1958).

<sup>3</sup> For section 317, see ST/LEG/SER.B/6, p. 61.

(3) Compliance by the master of a vessel with the provisions of this section shall not affect his right, or the right of any other person, to salvage.

...

*Division 6.<sup>1</sup> Removal of Wreck*

...

PART IX.<sup>2</sup> COURTS OF MARINE INQUIRY

...

356.<sup>3</sup> *Establishment of Courts of Marine Inquiry*

(1) The Governor-General may, by proclamation, establish Courts of Marine Inquiry at such places as he thinks fit.

(2) Courts of Marine Inquiry so established shall have jurisdiction to hear and determine appeals, charges, complaints, inquiries and references under this Act.

(3) The Governor-General may, by proclamation, revoke the establishment of any Court of Marine Inquiry.

...

364. *Powers of Court*

(1) A Court of Marine Inquiry shall have jurisdiction to make inquiries as to all casualties affecting ships, or entailing loss of life on or from ships, and as to charges of incompetency or misconduct, or of failure of duty in regard to any collision or in any matter relating to the navigation, management or working of a ship, on the part of masters, mates or engineers of ships in the following cases, namely:—

(a) Where a shipwreck or casualty occurs to a ship on or near the coast of Australia, or in the course of a voyage to a port within Australia;

(b) where a shipwreck or casualty occurs in any part of the world to a ship registered in Australia;

(c) where some of the crew of a ship, which has been wrecked or to which a casualty has occurred, who are competent witnesses to the facts, are found in Australia;

(d) where the incompetency or misconduct has occurred on board a British ship on or near the coasts of Australia, or on board a British ship in the course of a voyage to a port within Australia;

(e) where the incompetency or misconduct or failure of duty has occurred on board a ship registered in Australia;

(f) where the master, mate, or engineer of a British ship who is charged with incompetency or misconduct is found in Australia;

<sup>1</sup> For section 329, see *ibid.*

<sup>2</sup> Part VIII (Pilots and Pilotage) reproduced in ST/LEG/SER.B/6, pp. 61-62 was repealed by section 161 of the Navigation Act 1958 (No. 36 of 1958).

<sup>3</sup> As amended by section 162 of the Navigation Act 1958 (No. 36 of 1958).

(g) where any ship is lost or supposed to have been lost, and any evidence is obtainable in Australia as to the circumstances under which she went to sea or was last heard of; and

(h) where it appears to the Minister, on a report made in consequence of a medical examination made under this Act, that a master, mate, or engineer holding a certificate of competency issued or recognized under this Act is incompetent by reason of his unfitness to perform the duties ordinarily required of a person employed in a position corresponding to that certificate.

...

#### PART X. LEGAL PROCEEDINGS

##### *Division I.<sup>1</sup> Jurisdiction*

...

#### 383.<sup>2</sup> *Power to detain foreign ship that has occasioned damage*

(i) Whenever—

(a) a foreign ship has, whether within or without the Commonwealth, caused injury to property belonging to the Queen, the Commonwealth, a State, a Commonwealth country other than Australia, a British subject or a citizen of a Commonwealth country; and

(b) at any time thereafter that ship is found in any port of Australia or within three miles of the coast thereof,

the High Court or the Supreme Court of a State may, upon its being shown by any person applying summarily that the injury was probably caused by the misconduct or want of skill of the master or crew of the ship, issue an order directed to any officer of Customs or other official named in the order, requiring him to detain the ship until such time as the owner, master, or consignee thereof has—

(i) made satisfaction in respect of the injury, or

(ii) given security, to be approved by Court, to abide the event of any legal proceedings that may be instituted in respect of the injury, and to pay all costs or damages that may be awarded thereon,

and the official to whom the order is directed shall detain the ship accordingly.

(2) Where it appears that, before an application can be made under this section, the ship will depart from Australia, the official may detain the ship for such time as will allow the application to be made and the result thereof to be communicated to him, and he shall not be liable for any costs or damages in respect of the detention unless it is proved to have been made without reasonable grounds.

(3) In any legal proceeding in relation to any such injury, the person giving security shall be made defendant, and shall be stated to be the owner of the ship that has occasioned the damage; and the production of the order of the Judge or Court made in relation to the security shall be conclusive evidence of the liability of the defendant to the proceeding.

<sup>1</sup> For section 380, see ST/LEG/SER.B/6, p. 62.

<sup>2</sup> As amended by section 177 of the Navigation Act 1958 (No. 36 of 1958).

(b) BEACHES, FISHING GROUNDS AND SEA ROUTES PROTECTION ACT 1932-1961<sup>1</sup>  
(No. 62 of 1961; 24 October 1961)

...

4. *Vessels not to be sunk without permission*

(1) Any person who, without having obtained permission in accordance with this section, or otherwise than in accordance with such permission, sends or takes to sea, from any port or place in Australia, any vessel, for the purpose of sinking the vessel at sea, or wilfully sinks any vessel at sea or who enters any port or place in Australia after having wilfully sunk any vessel at sea without such permission, or otherwise than in accordance with such permission, shall be guilty of an offence.

Penalty: One hundred pounds.

(2) Any person desiring to obtain permission to sink a vessel at sea may make application, in the prescribed form, to the Minister.

(3) Where an application is made under the last preceding sub-section the Minister may grant permission for the sinking of the vessel specified in the application in such manner and at such place within a prescribed area as the Minister thinks fit.

(4) Where the Minister is satisfied that it is not practicable to effect the sinking of a vessel in a prescribed area he may grant permission for the vessel to be sunk at sea in some other area.

(5) The Minister shall not grant permission for a vessel to be sunk at sea in any area or place in or at which the sinking would in his opinion—

(a) if within territorial limits—constitute a danger to vessels engaged in trade or commerce with other countries or among the States; or

(b) if beyond territorial limits—constitute a danger to such vessels or to trawling gear used in fishing.

(6) A person who sinks a vessel at sea, whether in accordance with permission obtained under this section or not, shall, within seven days after the sinking, furnish to a prescribed officer a report, in accordance with the prescribed form, of the sinking.

Penalty: Fifty pounds.

...

STATES OF AUSTRALIA

NEW SOUTH WALES

*Navigation Act 1901-1966*<sup>2</sup> \*

<sup>1</sup> The Act comprises the Beaches, Fishing Grounds and Sea Routes Protection Act 1932 (See ST/LEG/SER.B/6, p. 66) as amended. For sections 2, 3 and 5, see ST/LEG/SER.B/6, pp. 66-67.

<sup>2</sup> The provisions of the Navigation Act 1901-1954, as reproduced in ST/LEG/SER.B/6, pp. 67-70, remain in force.

*QUEENSLAND*

*Queensland Marine Acts, 1958 to 1967<sup>1</sup>*  
(No. 1 of 1967, 2 March 1967)

PART I. PRELIMINARY

...

6. *Exemptions*

Except where this Act or any Proclamation, Order in Council, regulation or rule made hereunder otherwise provides this Act, including every Proclamation, Order in Council, regulation or rule hereunder, shall not apply to—

- (i) Her Majesty's ships;
- (ii) Ships of the naval, military, or air forces of any Commonwealth country, including Australia and any Commonwealth country other than Australia, or of any British possession not a Commonwealth country, and, save ships usually engaged in carrying passengers or cargo or both passengers and cargo for hire or reward, ships which belong to the Government of any such Commonwealth country or British possession or which are held by any person on behalf of or for the benefit of any such Government, or which are employed in the service of any such Government; or
- (iii) Ships of the naval, military, or air forces of any foreign Government.

For the purposes of this section "Commonwealth" means the British Commonwealth of Nations, and "Commonwealth country" means a country that is a member of the Commonwealth, including every territory for whose international relations the Government of that country is responsible.

...

8. *Meaning of terms*

(1) In this Act, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say—

...

*Foreign-going ship*

"Foreign-going ship"—Includes every ship which, not being a coaster or harbour and river ship, is employed in trading or going between any port in the jurisdiction and any place beyond the jurisdiction;

...

---

<sup>1</sup> According to the information contained in a note of 7 June 1968 from the Permanent Mission of Australia to the United Nations, the Acts are generally limited in their application to vessels plying in the internal and territorial waters of Queensland and to vessels plying solely between ports under Queensland jurisdiction. See *infra* notes to PART VIII, sections 161 and 168 of this Act.

*The jurisdiction*

“The jurisdiction”—Queensland, including the territorial waters of Queensland and the inland navigable waters of the State;

...

*Vessel*

“Vessel”—Includes any ship, boat, and any other description of vessel used or designed for use for any purpose on the sea or in navigation: Without limiting the generality of the foregoing, the term includes any dinghy, lighter, barge, punt, hulk, raft, houseboat, pontoon, seaplane, or like vessel;

...

## PART VII. SAFETY AND PREVENTION OF ACCIDENTS

*Division VI. Regulations for Preventing Collisions—Concerning Lights, Signals, Persons in Distress, etc.*140. *Regulations for preventing collisions*

(1) Without limiting the general power to make regulations conferred by section two hundred and sixty-four of this Act, regulations may be made under that section with respect to vessels and to seaplanes on the surface of the water for the prevention of collisions; and those regulations (in this Act referred to as the “collision regulations”) may contain such requirements as appear to the Governor in Council to be necessary or desirable for the purpose.

...

143. *Duties of master in case of collision*

(1) In every case of collision between two ships the master or person in charge of each ship, if and so far as he can do so without danger to his own ship, crew, and passengers (if any) shall—

- (i) Render to the other ship, her master, crew, and passengers (if any), such assistance as may be practicable and necessary to save them from any danger caused by the collision, and shall stay by the other ship until he has ascertained that there is no need of further assistance; and also
- (ii) Give to the master or person in charge of the other ship the name of his own ship and of the port at which she is registered or to which she belongs, and also the names of the ports from which she comes and to which she is bound.

...

144. *General duty to assist persons in danger at sea*

(1) The master or person in charge of a ship shall, so far as he can do so without serious danger to his own ship, her crew, and passengers (if any) render assistance to every person whomsoever who is found at sea in danger of being lost; and if he fails to do so he is guilty of a misdemeanour.

*Obligation to assist vessels, etc., in distress*

(2) (a) The master of a ship on receiving at sea a signal of distress or information from any source that a ship or other vessel or an aircraft or any person is in distress at sea, shall proceed with all speed to the assistance of the persons in distress (informing them, if possible, that he is doing so), unless he is unable, or in the special circumstances of the case considers it unreasonable or unnecessary to do so, or unless he is released under the provisions of paragraphs (c) or (d) of this subsection.

(b) Where the master of any ship or other vessel or an aircraft in distress has requisitioned any ship that has answered his call, it shall be the duty of the master of the requisitioned ship to comply with the requisition by continuing to proceed with all speed to the assistance of the persons in distress.

(c) A master shall be released from the obligation imposed by paragraph (a) of this subsection as soon as he is informed of the requisition of one or more ships other than his own and that the requisition is being complied with by the ship or ships requisitioned.

(d) A master shall be released from the obligation imposed by paragraph (a) of this subsection, and, if his ship has been requisitioned, from the obligation imposed by paragraph (b) of this subsection, if he is informed by the persons in distress, or by the master of any ship that has reached the persons in distress, that assistance is no longer required.

(e) If a master of a ship fails to comply with any of the provisions of this subsection he shall be guilty of a misdemeanour.

(f) If the master of a ship, on receiving at sea a signal of distress or information from any source that a ship or other vessel or an aircraft or any person is in distress at sea, is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to go to the assistance of the persons in distress, he shall forthwith cause a statement to be entered in the official log book of his reasons for not going to the assistance of those persons, and if he fails to do so he commits an offence against this Act.

(g) The master of every ship shall forthwith on the receipt thereof at sea enter or cause to be entered in the official log book every signal of distress or message that a ship or other vessel or an aircraft or person is in distress at sea, and if he fails to do so he commits an offence against this Act:

Provided that if an official log book is not required by this Act to be kept on the ship, the master of the ship shall forthwith on the receipt thereof at sea enter or cause to be entered in a book suitable for the purpose every such signal of distress or message and shall produce every such book on demand to a shipping inspector or other official of the Board and if he fails to do so he commits an offence against this Act.

(h) Nothing in this subsection shall affect the provisions of subsection one of this section.

*Saving*

(3) Compliance by the master of a ship with the provisions of subsections one and two of this section shall not affect any right which would be had but for those provisions.



145. *Report of danger to navigation*

(1) The master of any ship, on meeting on or near his course with a dangerous derelict, a tropical storm, or any other direct danger to navigation, shall send information accordingly, by all means of communication at his disposal and in accordance with the regulations made for the purposes of this section, to ships in the vicinity and to such authorities on shore as may be prescribed.

(2) If the master of a ship fails to comply with the provisions of this section he commits an offence against this Act.

(3) For the purposes of this section, the term "tropical storm" includes a cyclone or other storm of a similar nature, and the master of a ship shall be deemed to have met with a tropical storm if he has reason to believe that there is such a storm in his vicinity.

PART VIII. PILOTAGE<sup>1</sup>

*Division I. Port Pilotage*

160. *Application of this Division*

This Division of this Part shall apply to—

- (i) The port of Brisbane;
- (ii) Every port being a harbour in respect to which a Harbour Board is constituted under "*The Harbours Acts, 1955 to 1956*";
- (iii) Every port whereat a pilot, being appointed under any Act repealed by this Act, remains so appointed at the commencement hereof;
- (iv) Such other ports as the Governor in Council may by Proclamation declare as ports to which the application of this Division of this Part is extended:

Provided that the Governor in Council may from time to time by Proclamation declare that this Division of this Part shall cease to apply and extend to any specified port whereupon the provisions of the said Division shall cease to apply to that port accordingly.

161. *Definition of limits of ports*<sup>2</sup>

For the purposes of this Division of this Part the Governor in Council may from time to time, by Proclamation, define the limits of all or any of the ports referred to in section one hundred and sixty of this Act (which limits, in the case of those ports specified in subparagraphs (i), (ii), and (iii) of the aforesaid section one of this section, may or may not correspond with the limits thereof at the commencement of this Act), and may from time to time in like manner alter any such limits.

...

<sup>1</sup> According to information contained in a note of 7 June 1968 from the Permanent Mission of Australia to the United Nations, PART VIII of this Act applies to all vessels both Australian and foreign.

<sup>2</sup> According to the information received from the Permanent Mission of Australia to the United Nations in its note of 7 June 1968 section 161 provides for the proclamation of the limits of ports for pilotage purposes. Generally such limits are contained within the boundaries of the territorial sea. However, the Government reserves the right to extend such limits beyond the territorial sea if considerations of the safety of navigation appear to warrant such action.

167. *Duty to facilitate pilot getting on board*

(1) Where any ship not exempted from the provisions of this Division of this part relating to compulsory pilotage is within, or within ten miles of the limits of and intending to enter, any port to which the said Division applies and any qualified pilot, having the proper distinguishing flag flying or using the proper distinguishing lights in his pilot ship, is within hail or is approaching within a mile of the former ship, then the master of that ship shall, by heaving to in proper time, or shortening sail, or by any practicable means consistent with the safety of his ship, facilitate the pilot getting on board.

Penalty: One hundred pounds.

...

168. *Duty to display pilot signal<sup>1</sup>*

(1) The master of any ship not exempted from the provisions of this Division of this Part relating to compulsory pilotage and intending to enter any port to which the said Division applies shall from the time when the ship is ten miles from the limits of the port until a qualified pilot comes on board, use or display the usual signal for a pilot.

(2) The master of any ship who requires the services of a qualified pilot shall use or display the usual signal for a pilot.

(3) Any master of a ship who commits any contravention of this section shall be guilty of an offence against this Act.

Penalty: One hundred pounds.

...

PART IX. INQUIRIES AND INVESTIGATIONS INTO SHIPPING CASUALTIES, INCOMPETENCY,  
AND MISCONDUCT

...

187. *Jurisdiction, etc., of Board*

(1) The Board is hereby authorised—

- (i) To hold a formal investigation into any shipping casualty which has occurred;
- (ii) To hold a formal investigation for the purpose of hearing and determining any charge of incompetency or misconduct on the part of any master, mate, engineer, or other person holding a certificate of competency or service, in respect of incompetency or misconduct on any coaster or passenger coaster (whether plying within restricted limits or not) or any harbour and river ship, or any other prescribed vessel, in or near the jurisdiction;

...

---

<sup>1</sup> According to the information received from the Permanent Mission of Australia to the United Nations, in its note of 7 June 1968, this section has application to vessels on the high seas, and intending to enter a Queensland port.

- (iii) To hold a formal investigation for the purpose of hearing and determining any charge of incompetency or misconduct on the part of any person holding any license (including a pilot's license), or any pilotage exemption certificate, issued under this Act, in respect of incompetency or misconduct on any ship, or other prescribed vessel, in or near the jurisdiction,".

...

## PART XI. PORTS

### *Division I. Control of Ports*

...

#### 210. *Prevention of pollution of water of jurisdiction*

Without limiting the power to make regulations conferred by section two hundred and sixty-four of this Act, regulations may be made under that section for preventing the pollution of the navigable or tidal waters of the jurisdiction whether by the discharge of oil, oily substances, or water or other fluids impregnated with oil, or by any other means howsoever.

A person contravening any of the provisions of the aforesaid regulations shall be guilty of an offence against this Act.

Penalty: Three hundred pounds.

#### 211. *Vessels sunk or stranded*

A person commits an offence against this Act who without the consent of the Board in writing first had and obtained does or causes or suffers to be done any of the following things so as to be injurious to or tend to the injury of navigation—

Casts, or places, or leaves any vessel laid by or neglected as unfit for sea service or other service for which it was used, or any timber whether floating or otherwise, or any other thing, in or on any port.

Penalty: Two hundred pounds.

...

## PART XIII. LEGAL PROCEEDINGS AND DETENTION OF VESSELS

#### 231. *Jurisdiction in relation to offences*

For the purpose of giving jurisdiction under this Act and without derogating from the provisions of section one hundred and thirty-nine of "*The Justices Acts, 1886 to 1956*," every offence under this Act shall be deemed to have been committed, and every cause of complaint to have arisen, either—

- (i) In the place in which it actually was committed or arose; or
- (ii) In any place in which the offender or person complained against is, or was arrested or served with the summons for the offence in question.

...

## PART XIV. MISCELLANEOUS

...

252. *Power to search ships*

Any person authorised by the Board, with such assistants as he requires, may search any vessel in any port whenever he has ground for believing the search to be necessary for the due performance of his duty under this Act.

*SOUTH AUSTRALIA**Harbors Act, 1936-1967<sup>1</sup>*

(No. 53 of 1967; 9 November 1967)

...

## PART III. MANAGEMENT AND CONTROL OF HARBORS

*Division V. Pilots and Pilotage*90. *Duty to display pilot signal*

(1) The master of any such ship when within ten miles of any pilot boarding stations and intending to enter any port to which this Part applies shall (unless he has an exemption certificate as aforesaid), until a qualified pilot comes on board, use or display the usual signal for a pilot.<sup>2</sup>

*TASMANIA**Marine Act 1921-1967*

(No. 57 of 1967; 7 December 1967)

## PART I

*Preliminary*

...

3. *Application of Act*

(1)<sup>1</sup> Nothing in this Act applies to or in relation to vessels of the naval, military, or air forces of any—

- (a) Commonwealth country; or
- (b) foreign Government.

...

<sup>1</sup> The provisions of Harbors Act, 1936-1953, reproduced in ST/LEG/SER.B/6, pp. 70-73, were not amended by this Act, except for section 90 (1), the text of which is cited above.

<sup>2</sup> For the text reproduced here, see Harbors Act Amendment Act, 1965 (No. 30 of 1965; 2 December 1965), section 3.

## PART VII

*General Duties and Powers**Division I. Duties of boards*

...

64. *General powers of boards*

(1) Every board shall have power

(g) to regulate navigation, including power to fix the times at which any vessel may berth at, or depart from, any wharf in any port within the jurisdiction of the board;

(h) to keep every port and wharf clear and unincumbered and fit for use by shipping, and to deal with and dispose of any goods or any articles which may incumber or render unfit for use any port or wharf, and to abate and remove any nuisance or obstruction in any port at the expense of the person, if any, causing the same, or otherwise;

...

(j) to prohibit navigation by a specified class of vessel in any specified waters generally or during any specified period: Provided that any by-law under this paragraph shall be first approved by the Governor;

...

(l) to provide for the safety of ports and wharves, and of shipping in or at any port or wharf, and to take such measures as may be necessary for the preservation of life and property in or at any port or wharf;

(m) to provide for the prevention of accidents resulting from the use of vessels of any kind (including rowing-boats and vessels used as pleasure yachts), for the licensing of any such vessels to which Part XIV does not apply, for the cancellation of licences issued in respect of any such vessels, and prohibiting the use of any such vessels which are unlicensed or of which the licence has been cancelled;

...

(o) to regulate the conduct of persons in charge of any shipping, or being upon or about, or resorting to, any shipping or wharf;

(p) to grant certificates in respect of, and issue licences to, any vessel or person for any special use or purpose of shipping or navigation, and to fix fares and charges;

...

65B. *Unauthorized dumping and reclamation work*

(1) No person shall—

(a) cast or discharge into, or place or leave in, under, or upon any waters within the jurisdiction of a board or trust any prohibited things; or

(b) reclaim or attempt to reclaim any land beyond or below the high-water mark of any such waters,

without the consent, in writing, of the board or trust.

Penalty: Two hundred pounds.

## PART XI

*Pilotage*

...

95. *Inward bound vessels to receive pilot*

Upon arrival of a vessel by sea at or off any port, the master shall immediately receive on board the duly appointed or licensed pilot who first offers himself for its conduct into port, and upon production by the pilot of his appointment or licence shall give the vessel in charge to such pilot.

Penalty: Fifty pounds, in addition to pilotage charge.

96. *Exemption: Distinguishing flag*

A master of a vessel otherwise bound to take a pilot shall (if possessed of an exemption certificate), on approaching within six nautical miles of the shore, display, and keep displayed, at its only or main masthead the distinguishing flag appointed by the board, and unless such vessel shall actually employ a pilot, it shall be exempt from payment of any pilotage rate or charge. Such master shall produce on demand his exemption certificate to any pilot or officer of the board.

97. *Outward-bound vessels to employ pilot*

The master of any vessel (if not possessed of an exemption certificate), when proceeding to sea or to some other place within the same port, shall employ a pilot for its conduct to sea or to such other place, and shall notify the board at a reasonable time beforehand that a pilot is required.

Penalty: Fifty pounds, in addition to pilotage charge.

...

## PART XIII

*Casualties and Collisions*124. *Application of this Part*

This Part shall apply to—

(a) any casualty happening to any vessel, and any collision occurring between any vessels, the master or mate or engineer of which, or of either or any of which, holds a certificate granted by a board;

(b) any casualty or collision occurring within the jurisdiction of a board, whether any officer of a vessel concerned holds such certificate or not; and

(c) any loss of life or any personal injury occurring upon, or in connection with the navigation of, any vessel mentioned in paragraph (a) or (b), whether or not the person whose life is lost, or who is injured, is a member of the vessel's company.

125. *Inquiries into casualties and collisions*

Any such casualty shall be inquired into in the following manner:

(1) (a) The master shall report the casualty or collision forthwith to the Authority.

...

(b) The chairman of the Authority shall, as soon as practicable after receipt of that report, direct an officer of the Authority or of a board to conduct a preliminary inquiry into the casualty and to report thereon to the Authority;

(c) On receipt of a report under paragraph (b) of this subsection the Authority shall decide whether any further inquiry is necessary and, if it considers that a further inquiry is necessary it—

- (i) shall request the Governor to direct a further inquiry to be held; and
- (ii) shall at the same time furnish a copy of the finding of the officer by whom the preliminary inquiry is conducted and a copy of the evidence on which that finding is based to the master or other person affected thereby and shall also furnish to the Governor, for the use of any court of inquiry that he may direct to inquire into the casualty, a copy of that finding and evidence;

...

(1A) The Authority may, in its discretion, direct an officer of the Authority or of a board to conduct a preliminary inquiry into any casualty whether or not the Authority has received such a report as is referred to in paragraph (a) of subsection (1) of this section, and in such a case the inquiry may be conducted, and the Authority may proceed, as nearly as possible as if such a report had been received by the Authority.

...

(2) On receiving a request under paragraph III of subsection (1) of this section the Governor shall, unless he considers that no purpose will be served by further inquiry into the casualty, direct that a court of inquiry constituted under Part XV shall inquire into the casualty.

...

(3) An officer by whom a preliminary inquiry is conducted—

(a) may, at any time, board the vessel in relation to which the inquiry is being conducted and inspect the hull and equipment thereof and any articles or things that he finds on board the vessel or that are in any way connected with the navigation or safety of the vessel; and

(b) has, and may exercise, the powers and authority conferred by Division II of Part II of the *Evidence Act* 1910 on persons holding inquiries on commission.

...

### 3. CANADA

(a) CANADA SHIPPING ACT 1934, AS AMENDED<sup>1</sup>

...

#### *Powers as to vessels wrecked, etc.*

500. (1) When any British or foreign vessel is wrecked, stranded or in distress at any place within Canadian waters or on or near the coasts thereof, the receiver

<sup>1</sup> 1952 R.S.C. Chap. 29 as amended by: 1956 S.C. Chap. 34; 1960-1961 S.C. Chap. 32; 1964 S.C. Chap. 22 and 1964 S.C. Chap. 39. Except the provisions reproduced here, and *supra* under Chapter 1, 7 (a), the text of the Act, as reprinted in ST/LÉG/SER.B/6, p. 87, remains unchanged.

shall, upon being made acquainted with such stranding or distress, forthwith proceed to such place; and, upon his arrival there, he shall take command of all persons present and assign such duties and issue such directions to each person as he thinks fit for the preservation of such vessel and of the wreck and of the lives of shipwrecked persons.”

(2) If any person so directed by the receiver of wrecks fails without reasonable cause to comply with such directions he is liable to a fine not exceeding two hundred dollars. 1934, c. 44, s. 493.

...

*Passage over adjoining lands*

505. (1) Whenever any vessel is wrecked, stranded or in distress within Canadian waters or on or near the coasts thereof, all persons for the purpose of rendering assistance to such vessel, or of saving any wreck or the lives of any shipwrecked persons, may, unless there is some public road equally convenient, pass and repass, either with or without conveyances or horses, over any adjoining lands, without being subject to interruption by the owner or occupier, if they do so with as little damage as possible; and may also, on the like condition, deposit on such lands any wreck saved.”

(2) If the owner or occupier of any property fails to comply with the provisions of this section or hinders, prevents or obstructs the execution thereof, he is liable to a fine not exceeding four hundred dollars.

...

*Duty of persons finding wreck in Canada. Exception*

510. (1) Whenever any person takes possession of a wreck within the limits of Canada, including Canadian waters, he shall, as soon as possible, deliver the same to the receiver, but the Minister may dispense with any such delivery in the case of any wreck, upon such conditions as he thinks fit.

*Aircraft*

(2) This section applies to any aircraft or any part thereof or cargo thereof found derelict at sea outside Canadian waters and brought within the territorial limits of Canada.”

(3) If any person who has so taken possession of wreck without reasonable cause fails to comply with the provisions of this section he is liable to a fine not exceeding four hundred dollars, and, in addition, a fine in double the value of the wreck, and he forfeits any claim or right to claim salvage with relation to such wreck.

...

*Salvage of cargo or wreck*

527. When, within Canadian waters or on or near the coasts thereof, any vessel is wrecked, abandoned, stranded or in distress, and services are rendered by any person in assisting such vessel or in saving any wreck, there shall be payable to the salvor by the owner of such vessel or wreck, as the case may be, a reasonable amount of salvage including expenses properly incurred.”

...



551. A shipping casualty shall be deemed to occur

(a) when any ship is lost, abandoned, stranded or damaged in Canadian waters, or on a voyage to or from a part of Canada;

(b) when any ship causes loss or damage to any other ship in Canadian waters;

(c) when, by reason of any casualty happening to or on board any ship in Canadian waters, loss of life ensues;

(d) When any such loss, abandonment, stranding, damage or casualty happens elsewhere, and any competent witness thereof arrives or is found at any place in Canada;

(e) When any loss of life occurs by reason of any casualty happening to or on board any boat belonging to a fishing vessel or other vessel registered or licensed in Canada; and

(f) When any ship is lost or supposed to have been lost, and any evidence is obtainable in Canada as to the circumstances under which she proceeded to sea or was last heard of.

...

*Statement where casualty has happened*

553. (1) Whenever a shipping casualty happens, anywhere in the case of a Canadian ship, or in Canadian waters in the case of any other British ship, the master, or, if the master is dead, the chief surviving officer, and also every other such person belonging to the ship as the Minister, from time to time, directs, shall within twenty-four hours of his first landing in Canada, after the happening of such casualty, attend and submit himself for examination

(a) At the office of the chief officer of Customs residing at or near the place where such casualty occurred, if the same occurred in Canadian waters, or

(b) If the casualty occurred elsewhere, at the office of the chief officer of Customs residing at or near the place of such landing, unless he has been previously examined or excused from attending for examination by any other chief officer of Customs residing at or near either of such places, or by any receiver of wreck in any part of Her Majesty's dominions outside of Canada.

(2) If any such person by this section required or by the Minister directed to attend and submit himself for examination without reasonable cause fails to do so, precisely as so required or directed, he is liable to a fine not exceeding two hundred dollars.

*Examination on oath of persons belonging to ship or other witnesses, in case of British or foreign ship*

554. (1) Where any ship, British or foreign, is or has been in distress in Canadian waters a receiver of wreck, or at the request of the Minister, a wreck commissioner or deputy approved by the Minister, or, in the absence of the persons aforesaid, a justice of the peace, shall, as soon as conveniently may be, examine on oath (and they are hereby respectively empowered)

(a) The name and description of the ship;

(b) The name of the master and of the owners;

(c) The name of the owners of the cargo;

- (d) The ports from and to which the ship was bound;
- (e) The occasion of the distress of the ship;
- (f) The services rendered; and
- (g) Such other matters or circumstances relating to the ship, or to the cargo on board the same, as the person holding the examination thinks necessary.

(2) The person holding the examination shall take the same down in writing, and shall send a copy thereof to the Minister.

(3) The person holding the examination has, for the purposes thereof, all the powers of a steamship inspector under this Act.

(4) If any such person belonging to the ship or such other person as aforesaid on being examined as aforesaid refuses to answer any question pertinent under this section that is put to him on his examination pursuant to this section he is liable, in addition to any other liability, to a fine not exceeding two hundred dollars.

...

645. (1) The Governor in Council may make rules or regulations for the prevention of collisions at sea and on the inland waters of Canada or any part thereof (which regulations shall for the purposes of this Act be deemed Collision Regulations) and may thereby regulate the lights to be carried and exhibited, the fog signals to be carried and used and the steering and sailing rules to be observed by ships.

(2) The Collision Regulations and Rules as to Signals of Distress set out as Schedule 1 to the Order of His Majesty in Council dated 13th October 1910, continue to apply to waters within Canadian jurisdiction as heretofore unless and until superseded by other Collision Regulations and Rules as to distress signals respectively.

(3) The Governor in Council may make rules or regulations relating to the safety of life or limb on navigable waters during regattas and marine parades.

(4) The Governor in Council may by Order or regulation provide

(a) for the government and regulation of any part or parts of the inland, minor or other waters of Canada,

(b) for the licensing of operators of vessels on such waters, and

(c) for the enforcement of any such order or regulation.

(4a) Without limiting the generality of subsection (4), any order or regulation made by the Governor in Council under that subsection may provide for the prohibiting or limiting of navigation on any part of the waters of Canada, in the interests of public safety or of promoting or insuring the effective regulation of such waters in the public interest or for the protection or convenience of the public, of vessels not exceeding fifteen tons gross tonnage.

(5) Any rule, regulation or order made under this section may provide for a fine not exceeding five hundred dollars for contravention of or non-compliance with any provision thereof.

...

647(1) Every owner, master and person having the conduct of a vessel or raft shall obey the Collision Regulations as modified by any local rule pursuant to section 646, and shall not carry or exhibit any other lights, or use any other form of signals, than such as are required by the Collision Regulations as so modified.

(2) Every person who fails, without reasonable cause, to comply with the provisions of this section is liable for each offence to a fine not exceeding two hundred dollars.

(3) Where any damage to person or property arises from the non-observance by any vessel or raft of any of the Collision Regulations, the damage shall be deemed to have been occasioned by the wilful default of the person in charge of that raft, or of the deck of that vessel at the time, unless it is shown to the satisfaction of the court that the circumstances of the case made a departure from the regulation necessary.

(4) The Collision Regulations, together with the provisions of this Part relating thereto, or otherwise relating to collisions, shall be observed by all foreign ships within Canadian jurisdiction, and in any case arising in a Canadian court concerning matters arising within Canadian jurisdiction, foreign ships shall so far as respects the Collision Regulations and the said provisions of this Act, be treated as if they were Canadian ships.

...

693. *Power to detain foreign ship that has occasioned damage*

(1) Whenever any injury has in any part of the world been caused to any property belonging to Her Majesty or to any of Her Majesty's subjects by any foreign ship, and at any time thereafter that ship is found in Canadian waters, a judge or district judge of the Admiralty Court may, upon its being shown to him by any person applying summarily that the injury was probably caused by the misconduct or want of skill of the master or mariners of the ship, issue an order directed to any officer of Customs or other officer named by the judge or court, requiring him to detain the ship until such time as the owner, master or consignee thereof has made satisfaction in respect of the injury, or has given security to be approved by the judge or court, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of the injury, and to pay all costs and damages that may be awarded thereon; any officer of Customs or other officer to whom the order is directed shall detain the ship accordingly.

*Detention of ship*

(2) Where it appears that, before an application can be made under this section, the ship in respect of which the application is to be made will have departed from Canadian waters, the ship may be detained for such time as will allow the application to be made and the result thereof to be communicated to the officer detaining the ship, and that officer is not liable for any costs or damages in respect of the detention unless the same is proved to have been made without reasonable grounds."

(3) In any legal proceeding in relation to any such injury aforesaid, the person giving security shall be made defendant and shall be stated to be the owner of the ship that has occasioned the damage; and the production of the order of the judge or court, made in relation to the security, is conclusive evidence of the liability of the defendant to the proceeding.

...

710. *Power to arrest ship or claim for work done in stowing cargo, etc.*

(1) Where it is claimed that any sum is due to any person from the owners of a ship for work done at any place in any province of Canada by that person in

connection with the stowing or discharging of cargoes on board or from that ship, or the trimming of coal on board that ship, and that ship is at any time found in Canadian waters, a judge or district judge of the Admiralty Court may, upon its being shown to him by any person applying in accordance with rules of court that *prima facie* the claim against the owners is a good claim and that none of the owners reside in the province in which the application is made, issue an order for the arrest of the ship.”

(2) An order under this Part shall be directed to a marshal of the court or to some officer of Customs, or some other officer named in the order, and shall require him to detain the ship until such time as satisfaction has been made by the owners, agent, master, or consignee thereof in respect of the claim, or until security to be approved by the judge, has been given by them or him, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of the claim, and to pay all costs and damages that may be awarded thereon, and where any such order is made, the officer to whom the order is directed shall detain the ship accordingly.

(3) In any legal proceedings in relation to any such claim as aforesaid, the person giving security shall be made defendant, and shall be stated to be the owner of the ship in respect of which the work giving rise to the claim was done, and the production of the order of the judge, made in relation to the security, is conclusive evidence of the liability of the defendant to the proceedings.

*Where complaint made that ship will have departed, etc.*

(4) Where a complaint is made to the Minister that, before an application can be made under this section, the ship in respect of which the application is to be made will have departed from Canadian waters, the ship shall, if the Minister so directs, be detained for such time as will allow the application to be made and the result thereof to be communicated to the officer detaining the ship, and that officer is not liable for any costs or damages in respect of the detention if made in accordance with the directions of the Minister.

(5) The provisions of section 693 shall apply to the detention of a ship under this Part as they apply to the detention of a ship under Part XV.

(6) Where the owner of a ship is a corporation, the owner shall, for the purposes of this section, be deemed to reside in the province where the application is made if the corporation has an office in that province at which service of writs can be effected.

(7) Where a ship has been demised to charterers, the provisions of this section apply to claims against the charterers of the ship as they apply to claims against the owners of a ship, with the substitution of charterers for owners, but no ship shall be detained on a claim against the charterers of the ship after the expiration of the term for which the ship was demised to them.

(8) Nothing in this section affects the power of any person to enforce any claim to which this Part applies otherwise than in accordance with the provisions of this Part and any person having a claim to which this Part applies may, if he so desires, instead of proceeding under the foregoing provisions of this Part institute proceedings in Admiralty for enforcing the claim in accordance with the ordinary rules of practice of the Admiralty Court, and such court, if proceedings are so instituted, has the same jurisdiction for the purpose of enforcing the claim as if the claim were a claim for necessaries supplied to the ship.

(b) CUSTOMS ACT, AS AMENDED<sup>1</sup>

(c) FOREIGN ENLISTMENT ACT 1937<sup>2</sup>

#### 4. COLOMBIA

CUSTOMS LAW NO. 79 OF 19 JUNE 1931, article 363<sup>3</sup>

#### 5. DENMARK

(a) PILOTAGE ACT<sup>4</sup> NO. 131 OF 17 APRIL 1916, AS SUBSEQUENTLY AMENDED, AS PUBLISHED IN STATUTE NOTICE NO. 244 OF 29 JULY 1964\*

...

(b) ACT NO. 203 OF 31 MAY 1963 ON THE PROTECTION OF HISTORICAL WRECK, ETC.\*\*

*Article 1.* Objects, including wreck, which are situated on the sea-bed in Danish waters and which may be presumed to have been lost at some time more than 150 years ago shall belong to the State unless some person establishes his right of ownership thereto.

*Article 2.* The national Custodian of Antiquities shall make provision for such measures as in his opinion are necessary for securing and recovering from the sea objects which, by virtue of article 1, belong to the State. Such objects may not be recovered from the sea or be damaged without the authorization of the National Custodian of Antiquities, even in the event of an alteration of the sea-bed conditions at or in the vicinity of the place where the objects are situated.

*Article 3.* Articles recovered from the sea by accident which, by virtue of article 1, belong to the State shall be surrendered to the National Custodian of Antiquities. The person who has recovered such objects from the sea shall not be entitled to salvage, but the National Custodian of Antiquities may pay him compensation.

<sup>1</sup> 1952, R.S.C. Vol. 2, Chap. 58 as amended by 1964 S.C. Chap. 22. Except section 2(1)(b) —see *supra* Chapter 1, 7 (b) the text, as reproduced in ST/LEG/SER.B/6, pp. 95-98 remains unchanged.

<sup>2</sup> 1952 R.S.C. Chap. 124. Except the title of the Act, the text as reproduced in ST/LEG/SER.B/6, pp. 99-102 remains unchanged.

<sup>3</sup> *Supra* Chapter 1, 8(d).

<sup>4</sup> *Forvarsministeriets lovbekendtgørelse* No. 244 of 29 July 1964. The texts of articles 11, 12 and 24 reproduced in ST/LEG/SER.B/6, p. 119 remain unchanged.

*Article 4.* Notwithstanding the provisions of article 1, the following provisions of the law concerning wreck, in so far as they relate to the recovery of wreck or other objects from the sea-bed, shall apply:

- (1) the provisions concerning what persons are entitled to effect recovery from the sea, including the provisions on obtaining prior authorization;
- (2) the provisions concerning the reporting of objects recovered from the sea;
- (3) the provisions concerning the summoning of the owner of objects recovered from the sea.

*Article 5.* An offence against the provision of article 2, second sentence, and failure to comply with the obligation, prescribed by article 3, of surrendering the objects referred to in article 3 to the National Custodian of Antiquities shall be punished by a fine.

*Article 6.* This Act shall not apply to the Faroe Islands.

(c) ACT NO. 118 OF 28 MARCH 1951 CONCERNING MEASURES FOR THE SAFETY OF NAVIGATION, AS AMENDED BY ACT NO. 185 OF 26 MAY 1965\*\*

*Article 5<sup>1</sup>*

1. The precautions to be taken on board Danish ships for the avoidance of collisions and for protection against dangers to navigation, and also the day and night signals to be used in case of distress at sea shall be prescribed by the Minister of Trade. In this connexion, the Minister shall also determine the extent to which the relevant provisions shall be applicable to foreign ships in the Danish territorial sea.

2. It shall be unlawful for the distress signals thus prescribed to be used for any purpose other than to report distress at sea. The same shall apply to signals which can be confused with distress signals. Flag, light and sound-signals which may otherwise be prescribed by virtue of this Act shall not be used for any purpose other than that prescribed.

3. The master of a ship which has given distress signals shall cancel the distress call as soon as possible after help is no longer needed. The cancellation shall, so far as possible, be disseminated to the same extent as was the distress call.

4. The Minister of Trade, Industry and Navigation may, after consultation with the Minister of Defence, make regulations for the maintenance of order and the prevention of danger in Danish waters, including regulations on the measures to be taken to prevent the obstruction of free navigation.

(d) ORDER NO. 437 OF 21 DECEMBER 1966 ON THE DELIMITATION OF THE TERRITORIAL SEA, article 3<sup>2</sup>

<sup>1</sup> The text of article 5, prior to amendment, is reproduced in ST/LEG/SER.B/6, p. 120.

<sup>2</sup> *Supra* Chapter I, 12(b).

## 6. FRANCE

INSTRUCTION DU 29 AVRIL 1966 RELATIVE À LA NAVIGATION DANS LES EAUX INTÉRIEURES ET TERRITORIALES ET AUX ESCALES DANS LES PORTS ET RADES DES DÉPARTEMENTS ET TERRITOIRES D'OUTRE-MER, articles 1-3<sup>1</sup>

## 7. IRAN

IRANIAN MARITIME CODE<sup>2</sup> OF 1964

CHAPTER I.<sup>3</sup> NATIONALITY AND REGISTRATION OF SHIPS  
*Section I. Nationality*

...

### *Article 6. Coastal Shipping*

Shipping between Iranian ports and islands and for commercial purposes (cabotage) shall be carried out exclusively by Iranian vessels, except in special cases where, upon the proposal of the Ports and Shipping Organization, there is a special authorisation from the Council of Ministers.

## 8. IVORY COAST

DÉCRET N° 67-334 DU 1<sup>er</sup> AOÛT 1967 PORTANT LIMITATION DE LA MER TERRITORIALE EN CÔTE D'IVOIRE, article 4<sup>4</sup>

<sup>1</sup> Voir *supra* Chapter I, 15 (b).

<sup>2</sup> Approved in Mordad 1343 (23 July to 23 August 1964). English text provided by the Permanent Mission of Iran to the United Nations. Articles 20, 94, 120, 188 and 190 of the Code replaced article 52 of the Regulations for the Consulates, quoted in ST/LEG/SER.B/2, p. 65.

<sup>3</sup> See *infra* DIVISION III, 12.

<sup>4</sup> *Supra* Chapter I, 24.

## 9. KUWAIT

### (a) KUWAIT MARITIME DECREE NO. 3 OF 1959

...

#### PART III. SAFETY

...

##### *Prevention of Collisions*

60. (1) The International Collision Regulations shall apply to all Kuwaiti registered ships, and the owner or Master of such a ship shall comply with the requirements of those regulations.

(2) If any damage to person or property arises from the non-observance by any ship of any of the International Collision Regulations, the damage shall be deemed to have been occasioned by the wilful default of the person in charge of the ship at the time, unless it is shown to the satisfaction of the Court that the circumstances of the case made a departure from the regulations necessary.

##### *Application*

61. Nothing in the preceding sections of this part of this Decree, except section 60, shall apply to any ship of war, troop-ship, pleasure yacht, fishing vessel or wooden ship of primitive build, or to any ship of less than 500 tons gross tonnage other than a passenger ship, or to any ship not propelled by mechanical means.

...

#### PART V. MISCELLANEOUS

...

##### *Power to enforce detention of ships*

75. (1) Where under this Decree there is a power to detain a ship, that power may be exercised by the Registrar or any Surveyor of ships or Port Officer.

(2) If any ship after detention proceeds to sea before she is released by the competent authority, the Master of the ship shall be guilty of an offence.

(3) When a ship so proceeding to sea takes to sea, when on board thereof in the execution of his duty, any person authorized under this Decree to detain or inspect the ship, the owner and Master of the ship shall each be liable to pay all expenses of, and incidental to, such person being so taken to sea and returned to the port from which he was taken, including his remuneration for the period of his absence from that port, and shall also be guilty of an offence under this subsection.



(b) GENERAL PORT RULES, ENACTED AS AN AMIRI DECREE NO. 7 OF 1959<sup>1</sup>*Section I**Regulations concerning the Port of Kuwait**General*

1. Nothing in these Regulations shall be construed as over-riding:—
  - (i) The International Regulations for Preventing Collisions at Sea.
  - (ii) The International Quarantine Regulations.
  - (iii) The Rules of Good Seamanship.
2. Nothing herein contained shall be construed as relieving the Master of any ship from his responsibility for the ship under his command.
3. These Regulations are not intended to apply to country craft (as defined in Section II herein), except in so far as navigation within the Port and taking up a berth in it are concerned, and the discharge and loading of Dangerous Cargo.

*Section II**Definitions*

...

9. "*The Port Limits*": The seaward limits of the Port comprise all waters in the area confined by a line drawn in direction 000 from RAS AJUZA (Lat. 29° 23' 27" North; Long. 48° 00' 24" East) to the parallel of Lat. 29° 30' 00" North, thence in a direction 230° to RAS ASHAIRIJ (Lat. 29° 23' 15" North; Long. 47° 51' 00" East).

...

23. "*Dangerous Cargo*" means and includes all substances described in the schedule attached to these regulations and such other substances as may be added thereto by the President of the Port from time to time.

...

*Section III**Regulations concerning the movement of ships within the limits of the port*

25. Ships may enter the Port limits and taken up an anchor within the anchorage North of Ras Ajuza without a pilot.

...

41. It is forbidden to jettison ballast, other than clean water, or pump out bilges or oil of any description within the limits of the Port.

...

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<sup>1</sup> Issued on 16 July 1959.

*Section V**Regulations concerning the working of cargo within the limits of the port*

...

69. The Master of any Vessel arriving with explosives, inflammable or combustible goods, or other dangerous cargo on board shall give immediate notice thereof to the Port Director, stating the nature of cargo, its quantity, place of stowage and intended disposal. Such Vessels shall carry during the day a square red flag at the triatic stay and at night a red light in the same place and shall only dispose of such cargo as and when directed by the Port.

(a) No dangerous cargo shall be shipped from or landed at any quay except as the Port shall from time to time direct.

(b) Whilst the Vessel is loading or discharging dangerous cargo no other cargo or stores shall be loaded or discharged or passengers embarked or disembarked.

(c) No damaged or leaking packages containing any of the goods described in the schedule of dangerous cargo shall be landed on-to any jetty or conveyance before it has been inspected on board the carrying Vessel by the Port and passed as fit for handling.

(d) The Port Director shall have the right to prohibit the unloading of any package he may consider to be detrimental to the safe working of the Port.

## APPENDIX I

*Schedule of Dangerous Cargo*

1. Substances which become dangerous by interaction with water.
2. Substances which become dangerous by interaction with air.
3. Substances having flashpoints up to 150 degrees fahrenheit close test.
4. Corrosive substances.
5. Substances which give off poisonous gas or vapour
6. Other poisonous substances excluding pharmaceuticals.
7. Strong supporters of combustion.
8. Substances liable to spontaneous combustion.
9. Readily combustible solids.
10. Such goods not classified in 1-9 above as are listed in Board of Trade Appendix (1943)—CARRIAGE OF DANGEROUS GOODS AND EXPLOSIVES IN SHIPS (S.O. Code No. 51 - 202) and supplements thereto.

## 10. MADAGASCAR

(a) LOI N° 66-007 DU 5 JUILLET 1966 PORTANT CODE MARITIME

ANNEX II.—CODE MARITIME

## PREMIÈRE PARTIE. — ADMINISTRATION DE LA MARINE MARCHANDE

*Livre I. — La navigation maritime*

...

## Chapitre IV. — Navigation réservée

1.4.01. — La navigation de cabotage, de bornage et de remorquage entre les ports de Madagascar peut être réservée par arrêté aux navires malgaches et sous réserve de réciprocité aux navires des autres États de la Communauté ou à certaines catégories d'entre eux.

...

*Livre II. — Le navire*

...

## Chapitre VII. — Des épaves maritimes

2.7.01. — Constituent des épaves maritimes soumises à l'application du présent code :

1° Les navires de mer et les aéronefs échoués en état d'innavigabilité sur une partie du rivage dépendant du domaine public maritime, abandonnés sans esprit de retour par leurs équipages et sans que les propriétaires en assurent réellement la garde ;

2° Les navires de mer et aéronefs submergés dans les eaux territoriales malgaches ;

3° Les cargaisons desdits bâtiments et aéronefs ;

4° Les coques ou parties de coques des navires de mer et les fragments d'aéronefs trouvés flottant en mer ou amenés par des sauveteurs ;

5° Les marchandises ou objets provenant de jet, bris ou naufrages tombés ou abandonnés à la mer, trouvés sur les flots ou sur une partie du domaine public maritime.

2.7.02. — L'autorité administrative maritime prête, dans toute la mesure des moyens dont elle dispose, aide et assistance pour le sauvetage des vies humaines en danger, à tout bâtiment ou aéronef naufragé dont l'équipage est encore présent à bord. Elle prend toutes mesures utiles au sauvetage et à la conservation de l'épave.

...

(b) ARRÊTÉ N° 2013 DU 25 NOVEMBRE 1960 FIXANT LES LIMITES DES DIFFÉRENTES ZONES DE NAVIGATION<sup>1</sup> MODIFIÉ PAR L'ARRÊTÉ N° 2034 DU 29 JUILLET 1964<sup>2</sup>

## TITRE I. — NAVIGATION DE COMMERCE

*Article 1<sup>er</sup>.* — La navigation de commerce à Madagascar est subdivisée en :

1° Navigation portuaire ;

2° Navigation au bornage ;

3° Navigation au cabotage ;

4° Navigation au long cours.

<sup>1</sup> *Journal officiel* du 3 décembre 1960, p. 2525.

<sup>2</sup> *Journal officiel* du 9 août 1964, p. 1561.

*Article 2.* — Est réputée navigation portuaire celle qui est pratiquée exclusivement dans les ports et rades attenantes, par des navires de moins de 100 tonneaux de jauge brute.

*Article 3.* — Est réputée navigation au bornage, la navigation s'exerçant le long des côtes de Madagascar sans s'en éloigner à plus de 30 milles, par des navires de moins de 250 tonneaux de jauge brute.

*Article 4.* modifié. — Est réputée navigation au cabotage celle exercée dans les limites ci-après :

- Au nord : l'Équateur ;
- Au sud : le parallèle de 36° de latitude sud ;
- A l'ouest : le méridien de 17° 30' est de Greenwich ;
- A l'est : le méridien de 65° est de Greenwich.

*Article 5.* — Est réputée long cours, la navigation effectuée en dehors des limites de la navigation au cabotage fixées à l'article précédent.

(c) ARRÊTÉ N° 647 DU 4 MARS 1963. CONDITIONS DE PASSAGE ET MOUILLAGE DES NAVIRES DE PÊCHE ÉTRANGERS DANS LES EAUX TERRITORIALES<sup>1</sup>

*Article 1<sup>er</sup>.* — On entend par navire de pêche, tout navire utilisé pour la capture des poissons, baleines, phoques, morses et autres ressources vivantes en mer.

*Article 2.* — Le passage des navires de pêche étrangers dans la mer territoriale est considéré comme inoffensif sous réserve pour lesdits navires de respecter les dispositions suivantes :

- a) Leur nom et celui de leur port d'attache doivent être écrits d'une manière apparente, en caractères romains ;
- b) Pendant toute la durée du séjour dans la mer territoriale, le pavillon national doit être arboré ;
- c) De nuit, le nom et le pavillon national doivent être éclairés en permanence ;
- d) Tout le matériel de pêche doit être arrimé aux postes de mer ; les lignes, filets, casiers et autres engins doivent être dégrées et rangés en soute ; les panneaux des cales à poisson doivent être hermétiquement clos ;
- e) Des documents officiels, délivrés par les autorités compétentes de leur pays, attestant leur nationalité, justifiant leurs marques et indiquant les noms de leur propriétaire et de leur Capitaine ou Patron, doivent être exhibés à la première requisition de l'un quelconque des agents désignés à l'article 7.7.11 du Code de la marine marchande.

*Article 3.* — Les navires de pêche étrangers usant du droit de passage inoffensif dans la mer territoriale doivent faire route en droiture sur leur destination finale.

<sup>1</sup> *Journal officiel* du 9 mars 1963, p. 664.

*Article 4.* — Sauf dans les cas de relâche forcée ou de détresse, l'arrêt et le mouillage sont interdits dans la mer territoriale aux navires de pêche étrangers, en dehors de: Diégo – Hell-ville – Majunga – Tuléar – Fort-Dauphin et Tamatave.

Des autorisations temporaires pourront sur demande justifiée être accordées pour permettre le mouillage en d'autres points de la mer territoriale.

...

## 11. MALAYSIA

PETROLEUM MINING ACT, 1966 (ACT OF PARLIAMENT NO. 58 OF 1966), second schedule, section 14<sup>1</sup>

## 12. MAURITANIA

Loi<sup>2</sup> n° 62.038 DU 20 JANVIER 1962 PORTANT CODE DE LA MARINE MARCHANDE ET PÊCHES MARITIMES, MODIFIÉE<sup>3</sup>

...

LIVRE PREMIER. — LA NAVIGATION MARITIME

...

### *Chapitre III. — Navigation réservée*

*Article premier.* — La République islamique de Mauritanie peut réserver par décret certains genres de navigation sur ses côtes : soit aux seuls navires mauritaniens, soit également, et sous réserve de réciprocité, aux navires d'autres États ou à certaines catégories d'entre eux.

LIVRE VI. — LE PILOTAGE

### *Chapitre II. — Organisation générale du pilotage*

*Article premier.* — Le pilotage, quand il existe, est obligatoire pour tous les navires mauritaniens ou étrangers. Certaines catégories de navires peuvent cependant en être dispensées.

<sup>1</sup> *Infra* DIVISION II. 27 (b).

<sup>2</sup> *Journal officiel* du 21 février 1962, p. 116.

<sup>3</sup> Par la Loi n° 63.148 du 19 juillet 1963 (*Journal officiel* du 7 août 1963, p. 261) et par la Loi n° 67.023 du 21 janvier 1967.

## LIVRE VII. — LE DOMAINE PUBLIC MARITIME ET LES EAUX TERRITORIALES

...

*Eaux territoriales*

...

*Chapitre IV. — Délimitation*

...

*Article 3.* — Les navires étrangers peuvent circuler ou stationner librement dans les eaux territoriales sous réserve de se conformer aux règlements en vigueur.

...

## 13. NEW ZEALAND

(a) HARBOURS ACT, 1950 (No. 34 of 1950; 13 October 1950) AS AMENDED<sup>1</sup>*Section 2. Interpretation*

“(2)<sup>2</sup> Notwithstanding anything in the definition of the term ‘harbour’ or ‘port’ in subsection (1) of this section or in any Warrant or Order in Council issued or made pursuant to section 3 of this Act or the corresponding provisions of any former Act or in any other enactment relating to any specified Harbour Board by or pursuant to which the limits of any harbour or port have been defined, the limits of any harbour or port so defined before the commencement of this subsection shall not extend beyond the internal waters of New Zealand as defined in section 4 of the Territorial Sea and Fishing Zone Act 1965:

“Provided that this Act and all regulations, orders, Warrants, and bylaws thereunder (whether made or issued before or after the commencement of this subsection) shall have effect in or with respect to the areas in or with respect to which they had effect immediately before the commencement of this subsection or, as the case may be, in or with respect to which they would have had effect if this subsection had not been enacted.”

*Section 118.*<sup>3</sup> *Missionary ships and pleasure yachts exempt, and provisions as to fishing vessels, etc.*

(1) Missionary ships not trading to or from any ports in New Zealand and not conveying goods for hire shall be exempt from all harbour dues except for services

<sup>1</sup> Most recently by the Harbours Amendment Act 1965 (No. 6 of 1965; 3 September 1965). Except the provisions reproduced here, the text cited in ST/LEG/SER.B/6, pp. 211-214 remains in force.

<sup>2</sup> Sub-section (2) was added by the Territorial Sea and Fishing Zone Act 1965 (No. 11 of 1965; 10 September 1965). For the Act, see *supra* Chapter 1, 31 (a).

<sup>3</sup> As amended by the Harbours Amendment Act 1965 (No. 6 of 1965; 3 September 1965) section 6.

rendered by the officers or servants of the Board, and from pilotage rates, except where the services of a pilot are actually made use of.

(2) Pleasure yachts (being ships however propelled used exclusively for pleasure and not carrying goods or passengers for hire) shall be exempt from all harbour dues except for—

- (a) Berthage not exceeding one penny per ton per day or one pound a year, whichever is the less; and
- (b) Services rendered by the officers and servants of the Board; and
- (c) Pilotage rates where the services of a pilot are actually made use of.

(3) ...

Vessels putting into any port in distress or through stress of weather or for water or provisions or to refit or for the purpose of docking only, and vessels calling at any port for orders, shall be exempt from all harbour dues, except for berthage, storage, dock, slip, or other accommodation actually provided and for services rendered by the officers and servants of the Board, and from pilotage rates, except where the services of a pilot are actually made use of: ...

(4) Vessels employed exclusively in commercial fishing or oyster dredging or both shall be exempt from all harbour dues, except berthage, storage, dock, slip, or other accommodation actually provided and for services rendered by the officers or servants of the Board, and from pilotage rates, except where the services of a pilot are actually made use of.

(b) SHIPPING AND SEAMEN ACT<sup>1</sup> 1952 (No. 49 of 1952; 23 October 1952)  
[Reprinted as of 1 June 1966, with amendments incorporated]

...

#### PART VIII. SHIPPING INQUIRIES AND COURTS

##### *Inquiries as to Shipping Casualties*

##### *Section 323. Cases where shipping casualty deemed to occur*

...

(f)<sup>2</sup> When any loss of life ensues by reason of any accident or mishap occurring to any ship or by the use or management of any ship on or near the coasts of New Zealand:

(g)<sup>2</sup> When in any place any such accident or mishap occurs to any New Zealand ship or by the use or management of any New Zealand ship.

<sup>1</sup> Except for the provisions reproduced here, the text cited in ST/LEG/SER.B/6, pp. 203-210 remains in force.

<sup>2</sup> Paragraphs (f) and (g) were added by section 61 of the Shipping and Seamen Amendment Act 1959.

PART IX.<sup>1</sup> WRECK AND SALVAGE OF SHIPS AND AIRCRAFT

...

PART XV.<sup>2</sup> SEAMEN OF FOREIGN SHIPS

...

## 14. NIGERIA

MERCHANT SHIPPING ACT, 1962 (No. 30 of 1962)<sup>3</sup>

## PART I

*Chapter 1. Preliminary*

...

4. *Power to apply Act to ships and aircraft of Commonwealth of foreign countries, and to exempt such ships*

(1) Where the Minister is satisfied that any provisions of the law of any Commonwealth country other than Nigeria, or of any foreign country, which apply with respect to ships registered in or belonging to that country while they are at any port in Nigeria, are substantially the same as, or equally effective with, any of the provisions of this Act, the Minister may, by Order, direct that any such provisions of this Act shall not apply with respect to ships registered in or belonging to that country while they are at any port in Nigeria, if it is proved that those ships comply with the corresponding provisions of the law of the country in which they are registered or to which they belong:

Provided that no such Order shall be made with respect to ships registered in or belonging to any foreign country, unless the Minister is satisfied that the Government of that country has provided or has undertaken to provide for the exemption of Nigerian ships, while they are at any port in that country, from the corresponding provisions of the law of that country.

(2) Where the Minister is satisfied that the Government of any Commonwealth country other than Nigeria or of any foreign country desires that any of the

<sup>1</sup> The text reproduced in ST/LEG/SER.B/6, pp. 205-208 remains unchanged except sections 343 (1), 347 (1), 349 (1), 350 (3), 353 (1), 354 (1), (2), (3) paras. (a) and (b), and section 357 para. (a) where after the words "any tidal water within the limits of New Zealand" the words "or in any river or lake or other inland water" were added. The same words were inserted in section 354 (1) after the words "any wreck found within those limits". The above were inserted by section 23 of the Shipping and Seamen Amendment Act 1963.

<sup>2</sup> There is no change in this part as reproduced in ST/LEG/SER.B/6, pp. 209-210 except section 447 (2) where the words "or being a British subject, secretes himself on any foreign ship at a port in any other country" were inserted after the words "who secretes himself on any foreign ship at a port in New Zealand". The words were inserted by section 7 (2) of the Shipping and Seamen Amendment Act 1957.

<sup>3</sup> Supplement to *Official Gazette* Extraordinary No. 89, vol. 49, 12 November, 1962—Part A.



provisions of this Act which do not apply to ships or aircraft registered in or belonging to that country, or to any class or description of those ships or aircraft, should so apply either generally or in specified circumstances, and no special provision for that application is made elsewhere in this Act, the Minister may, by Order, declare that such of the provisions of this Act as are specified in the Order shall, subject to any limitation set out in the Order, apply to ships or aircraft registered in or belonging to that country, or, as the case may be, to any class or description of those ships or aircraft, and to the owners of those ships or aircraft and any other persons for the time being responsible for their navigation and management, and to the masters or persons in command and the crews and other persons in the service of those ships or aircraft, when not locally within the jurisdiction of the country in which they are registered or to which they belong, in the same manner as if those ships were Nigerian ships or, as the case may be, as if those aircraft were aircraft registered in or belonging to Nigeria.

...

#### PART VI. SAFETY

##### *Chapter 39. Prevention of Collisions*

###### 230. *Collision rules*

(1) The Minister may make rules (in this Act called "collision rules") with respect to ships, and to aircraft on the surface of the water, for the prevention of collisions; and those rules shall contain such requirements as appear to the Minister to be necessary to implement the provisions of such international treaties, agreements and regulations for the prevention of collisions at sea as are for the time being in force.

(2) The collision rules, together with the provisions of this Part relating thereto, or otherwise relating to collisions, shall apply—

(a) to all ships and aircraft which are locally within the jurisdiction of Nigeria, whether or not they are Commonwealth ships or aircraft registered in or belonging to any Commonwealth country; and

(b) to all Commonwealth ships and to all aircraft which are registered in or belong to any Commonwealth country, whether or not they are locally within the jurisdiction of Nigeria or of any other Commonwealth country:

...

###### 233. *Duties of master in case of collision*

(1) In every case of collision between two ships, the master or person in charge of each ship, if and so far as he can do so without danger to his own ship, crew and passengers, if any, shall—

(a) render to the other ship, her master, crew and passengers, if any, such assistance as may be practicable and necessary to save them from any danger caused by the collision, and shall stay by the other ship until he has ascertained that there is no need of further assistance; and

(b) give to the master or person in charge of the other ship the name of his own ship and of the port at which she is registered or to which she belongs, and also the names of the ports from which she comes and to which she is bound.

(2) If the master or person in charge of a ship fails, without reasonable cause, to comply with this section, he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding five hundred pounds, or to imprisonment for a term not exceeding two years, or to both.

(3) The failure of the master or person in charge of a ship to comply with the provisions of this section shall not raise any presumption of law that the collision was caused by his wrongful act, neglect or default.

...

#### *Chapter 40. General Duty to Render Assistance*

##### *236. General duty to assist persons in danger at sea*

(1) The master or person in charge of a ship shall, so far as he can do so without serious danger to his own ship, her crew and passengers, if any, render assistance to every person, even if that person is a subject of a State at war with Nigeria, who is found at sea in danger of being lost; and, if he fails to do so, he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding five hundred pounds, or imprisonment for a term not exceeding two years, or to both.

(2) Compliance by the master or person in charge of a ship with the provisions of this section shall not affect his right, or the right of any other person, to salvage.

#### *Chapter 41. Signals of Distress*

...

##### *238. Obligation to assist vessels in distress, etc.*

(1) The master of a Nigerian ship, on receiving at sea a signal of distress or information from any source that a ship or other vessel or an aircraft or any person is in distress at sea, shall proceed with all speed to the assistance of the persons in distress, informing them if possible, that he is doing so, unless he is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to do so, or unless he is released under the provisions of subsection (3) or subsection (4) of this section.

(2) Where the master of any ship in distress has requisitioned any Nigerian ship that has answered his call, it shall be the duty of the master of the requisitioned ship to comply with the requisition by continuing to proceed with all speed to the assistance of the persons in distress.

(3) A master shall be released from the obligation imposed by subsection (1) as soon as he is informed of the requisition of one or more ships, other than his own, and that the requisition is being complied with by the ship or ships requisitioned.

(4) A master shall be released from the obligation imposed by subsection (1), and, if his ship has been requisitioned, from the obligation imposed by subsection (2), if he is informed by the persons in distress, or by the master of any ship that has reached the persons in distress, that assistance is no longer required.

(5) If a master fails to comply with the provisions of subsections (1) to (4) inclusive, he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding five hundred pounds, or to imprisonment for a term not exceeding two years or to both.

(6) If the master of a Nigerian ship, on receiving at sea a signal of distress or information from any source that a ship or other vessel, or an aircraft, or any person is in distress at sea, is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to go to the assistance of the persons in distress, he shall forthwith cause a statement to be entered in the official log book of his reasons for not going to the assistance of those persons; and, if he fails to do so, he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred pounds.

(7) The master of every Nigerian ship shall enter or cause to be entered in the official log book every signal of distress or message that a ship or other vessel, or an aircraft or person, is in distress at sea; and, if he fails to do so, he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred pounds.

(8) Nothing in this section shall affect the provisions of section 236; and compliance by the master of a ship with the provisions of this section shall not affect his right, or the right of any other person, to salvage.

...

#### PART VIII. WRECK AND SALVAGE

...

#### *Chapter 56. Vessels in Distress*

##### *276. Duty of Receiver where vessel in distress*

(1) Where a Commonwealth or foreign vessel is wrecked, stranded or in distress at any place on or near the coasts of Nigeria or any tidal water within Nigeria, the Receiver of Wreck shall, upon being made acquainted with the circumstances, forthwith proceed thereto, and, upon his arrival, shall take the command of all persons present, and shall assign such duties and give such directions to each person as he thinks fit for the preservation of the vessel, and of the lives of the persons belonging to the vessel and of the cargo and apparel of the vessel:

Provided that the Receiver of Wreck shall not interfere between the master and the crew of the vessel in reference to the management thereof, unless he is requested to do so by the master.

(2) If any person wilfully disobeys any lawful directions of the Receiver of Wreck, such person shall be guilty of an offence and on conviction shall be liable to a fine not exceeding one hundred pounds.

...

#### *Chapter 59. Removal of Wrecks*

##### *289. Removal of wreck by Receiver*

(1) Subject to the provisions of any Act or other written law relating to ports, where any vessel is sunk, stranded or abandoned in any port, navigable river or tidal water within Nigeria, or in or near any approach to any such port, navigable river or tidal water, in such a manner as, in the opinion of the Receiver of Wreck, to be, or to be likely to become, an obstruction or danger to navigation, the Receiver of Wreck—

(a) may take possession of, and raise, remove or destroy, the whole or any part of the vessel;

(b) may light or buoy any such vessel, or part of any such vessel, until the raising, removal or destruction thereof; and

(c) subject to the provisions of subsections (2) and (3), may sell, in such manner as he thinks fit, any vessel or part so raised or removed, and also any other property recovered in the exercise of his powers under this section, and out of the proceeds of the sale reimburse himself for the expenses incurred by him under this section in relation to such vessel, or part of a vessel, or other property, and shall hold the surplus, if any, of those proceeds in deposit for payment to the person thereafter establishing his right thereto:

Provided that the deposit shall be paid into the Consolidated Revenue Fund unless such person makes his claim within three years of the sale.

(2) A sale shall not, except in the case of property which is of a perishable nature or which would deteriorate in value by delay, be made under this section until at least seven clear days' notice of the intended sale has been given in the *Gazette*.

(3) At any time before any property is sold under this section, the owner thereof shall be entitled to have the same delivered to him on payment to the Receiver of Wreck of the fair market value thereof, to be ascertained by agreement between the Receiver of Wreck and the owner, or, failing such agreement, by some person to be named for the purpose by the Minister; and the sum paid to the Receiver of Wreck as the value of any property under this subsection shall, for the purposes of this section, be deemed to be the proceeds of sale of that property.

(4) If the proceeds of sale of any such property as is mentioned in this section is less than the costs incurred by the Receiver of Wreck under this section, he may recover such difference from the owner of the vessel by civil action.

...

## PART XII. LEGAL PROCEEDINGS

### *Chapter 85. Jurisdiction*

#### 397. *Jurisdiction over ships lying off the coasts*

Where any area within which any court has jurisdiction under this Act for any purpose whatever is situate on the coast of any sea, or abutting on or projecting into any bay, channel or other navigable water, such court shall have jurisdiction of the purposes of this Act over any vessel being on, or lying or passing off, that coast, or being in or near that bay, channel or navigable water, and over all persons on board that vessel or for the time being belonging thereto, in the same manner as if the vessel or persons were within the limits of the original jurisdiction of the court.

#### 398. *Jurisdiction in case of offences on ships of other Commonwealth countries.*

(1) Where the Governor-General is satisfied that the Government of any Commonwealth country other than Nigeria desires that the provisions of this Act

which prescribe offences or which prescribe the circumstances in which any ship shall become liable to forfeiture, or any of those provisions, should, in accordance with their terms or subject to any limitation, apply in respect of foreign-going ships registered in or belonging to that country when those ships are not locally within the jurisdiction of Nigeria, the Governor-General may, by Order, declare that those provisions of this Act, or such of those provisions as are specified in the Order, shall, subject to any limitation set out in the Order, so apply.

(2) Notwithstanding anything in this Act, no court shall, by virtue only of any provision of this Act, have jurisdiction—

(a) to try for any offence committed outside Nigeria any master, seaman or apprentice belonging to, or connected with, any foreign-going ship registered in or belonging to any Commonwealth country other than Nigeria;

(b) to try any owner or any other person for any offence committed outside Nigeria on board, or in relation to, any such ship as aforesaid; or

(c) to adjudge the forfeiture of any such ship as aforesaid, or any share therein, if that liability to forfeiture was incurred outside Nigeria,—

unless it has been declared, by Order under this section, that the provisions of this Act, which prescribe that offence, or, as the case may be, that liability to forfeiture, apply in respect of foreign-going ships registered in or belonging to the Commonwealth country in which that ship is registered, or to which she belongs, or otherwise than in conformity with the provisions of any such Order.

(3) For the purposes of determining liability for infringement to the collision rules, this section shall apply in the case of aircraft registered in or belonging to any Commonwealth country, and in the case of the owners and pilots or other persons on duty in charge of those aircraft, as it applies in the case of ships registered in or belonging to that country, and in the case of the owners and masters of those ships respectively:

Provided that no Order under this section shall be deemed to refer to aircraft unless that Order so provides, or may be implied under this Act.

(4) Nothing in this Act shall be construed to be in derogation of any rightful jurisdiction of the Government of the Federation under the law of nations; or, subject to the provisions of this section be construed to affect or prejudice any jurisdiction conferred by any other enactment having the force of law in Nigeria.

...

### *Chapter 96. Exemption of Certain Ships, etc.*

#### *423. Exemption of Government of Nigeria ships*

Unless otherwise specially provided in this Act or by regulations under this Act, nothing in this Act shall apply—

(a) to ships belonging to the Government of the Federation or of a Region;

(b) to ships of the Royal Nigerian Navy or the Royal Nigerian Naval Reserve;

(c) to ships of the naval forces of any Commonwealth country, other than Nigeria, or ships which belong to the Government of any such Commonwealth country;

## 15. NORWAY

REGULATIONS FOR PREVENTING COLLISIONS AT SEA (THE INTERNATIONAL RULES OF THE ROAD), AND SPECIAL NAVIGATION RULES FOR NORWEGIAN INLAND WATERS ESTABLISHED BY THE OFFICE OF SHIPPING AND NAVIGATION ON 3 MARCH 1965 (PURSUANT TO ARTICLE 1 OF THE ACT OF 21 AUGUST 1914 RESPECTING MEASURES FOR THE SAFETY OF NAVIGATION, CF. ROYAL DECREE OF 5 APRIL 1963), AS AMENDED BY THE SAME AUTHORITY ON 5 JUNE AND 23 JUNE 1965, AS CONTAINED IN "NOTICES OF THE OFFICE OF SHIPPING AND NAVIGATION" No. 14 FOR 1965, rules 1 and 30<sup>1</sup>

## 16. PORTUGAL

ACT<sup>2</sup> No. 2130 OF 22 AUGUST 1966

...

*Article II*

1. The Portuguese State recognizes the right of innocent passage through its territorial sea of ships of all States, subject to the limitations imposed by international law.

2. Passage is not innocent if it is directly or indirectly prejudicial to the peace, order or security of the Portuguese State, particularly in the following cases:

(a) If the ship does not identify itself by name and flag when requested to do so;

(b) If the ship, being a submarine, does not navigate on the surface and shows its flag;

(c) If the ship stops or anchors when the same are not incidental to ordinary navigation or are not rendered necessary by *force majeure*;

(d) If the ship, by reason of its movements, the purposes for which it is intended, the nature of its cargo, the persons on board or any other circumstances, is in violation of the provisions of Portuguese law determining the legal régime of the territorial sea.

## 17. SENEGAL

LOI PORTANT DÉLIMITATION DES EAUX TERRITORIALES, DE LA ZONE CONTIGUË ET DU PLATEAU CONTINENTAL AU LARGE DES CÔTES DU SÉNÉGAL (N° 61-51 DU 21 JUIN 1961), article 4<sup>3</sup>

<sup>1</sup> See *Supra* DIVISION III, 19 (b).

<sup>2</sup> See also *supra* Chapter I, 36 (a).

<sup>3</sup> *Supra* Chapter I, 38.

## 18. SWEDEN

(a) MARITIME LAW OF 12 JUNE 1891, AS AMENDED BY ACT NO. 720<sup>1</sup> OF 19 NOVEMBER 1965 AND ACT NO. 48 OF 24 FEBRUARY 1967<sup>2\*\*</sup>

...

## CHAPTER IV

*The master of the vessel**Article 58*

The master shall ensure, before the commencement of a voyage, that the vessel is seaworthy, is provided with the necessary arrangements for disease and accident prevention, is properly manned, is adequately provisioned and equipped and has been so loaded or ballasted as not to endanger the vessel, lives or cargo.

The master shall, in the course of the voyage, ensure that the vessel is kept in proper condition as aforesaid.

If any defect or shortcoming affecting the proper condition of the vessel cannot be immediately remedied, the master shall forthwith inform the shipowner or the shipowner's agent.

*Article 59*

The master shall ensure that the vessel is handled and navigated according to the principles of good seamanship.

He shall keep himself informed of the instructions and regulations concerning shipping and navigation which apply to the waters in which the vessel will be sailing and to the places at which it will be calling.

*Article 60*

The master shall be responsible for ensuring that the prescribed log-books are carried on the vessel. Provisions concerning log-books are contained in chapter 12.

The master shall also ensure that other ship's papers and a copy of the present Act are carried on the vessel in conformity with regulations made by the King or, on the authorization of the King, by the Shipping and Navigation Board.

*Article 61*

The master shall ensure that loading and unloading are carried out, and the voyage is effected, with reasonable dispatch.

The master shall carefully consider, before engaging in the salvage of vessel or cargo, whether such action is compatible with his obligations towards the persons whose rights and interests he is responsible for safeguarding.

<sup>1</sup> See *infra* DIVISION III, 22 (a).

<sup>2</sup> *Svensk författningssamling* 1967, No. 48. Came into force on 1 July 1967. See *infra* under (b). By this Act, the articles of the Maritime Law reproduced in ST/LEG/SER.B/2, p. 110 (ST/LEG/SER.B/8, p. 107) were repealed or amended.

*Article 62*

In a situation where the vessel is in distress, the master shall do his utmost to ensure that the persons on board and the vessel and cargo are saved. He shall, so far as possible, make provision for the safety of the log-books and other ship's papers and arrange for the salvage of the vessel and cargo. So long as there appears to be a reasonable prospect that the vessel can be saved, the master shall not abandon ship unless his life is in serious danger.

If the master encounters any person in distress at sea, he shall render whatever help is possible and necessary in order to rescue such person in so far as this can be done without serious risk to his own vessel or to the persons on board his vessel. If in any other case it comes to the knowledge of the master that someone is in distress at sea, or if he becomes aware of a peril to navigation, he shall, subject to the condition just mentioned, take steps for rescuing the person in distress or averting the peril in conformity with regulations applicable to such cases made by the King.

Provisions concerning the obligation of the master to render assistance in the event of his vessel colliding with another vessel are contained in article 223.

*Article 63*

If the master is absent or is prevented from being present, any decisions which cannot be postponed shall be taken by the highest ranking of the ship's officers who are present.

If the master leaves the vessel, he shall inform the highest ranking of the ship's officers who are present or, if no ship's officer is present, some other member of the crew and shall give such instructions as are necessary. Whenever the vessel is not moored in port or is not lying at a safe anchorage, the master shall not be allowed to leave the vessel unless it is necessary for him to do so. If some peril is imminent, he may not absent himself from the vessel.

If the master dies or is prevented by sickness or other compelling circumstances from commanding the vessel, or if he abandons his post, the highest ranking of the ship's officers shall act in his stead until a new master is appointed. The shipowner shall in such case be notified without delay.

...

*Article 70*

The master of a merchant vessel or fishing vessel shall forthwith make a report in writing to the Shipping and Navigation Board in the event that:

1. in connexion with the operation of the vessel, any person has, or may be presumed to have, died or been seriously injured;
2. a person employed on board the vessel has, or may be presumed to have, died or been seriously injured in a case other than as aforesaid;
3. in a case other than as referred to in items 1 and 2 any person from the vessel has, or may be presumed to have, been drowned, or any person has, or may be presumed to have, died on board and been buried at sea;
4. serious poisoning has, or may be presumed to have, occurred on board;
5. the vessel has collided with another vessel or has gone aground;
6. the vessel has been abandoned at sea;



7. in connexion with the operation of the vessel, serious damage has, or may be presumed to have, occurred to the vessel or cargo or to property outside the vessel; or

8. there has been a serious shifting of cargo.

The master of a vessel shall also submit a report to the Shipping and Navigation Board where, by reason of an event which has, or may be presumed to have, occurred in connexion with the operation of the vessel, the Board requests a report, or where a ship's protest is to be submitted as provided in article 302.

...

#### CHAPTER VIII

##### *Damage resulting from collision of vessels*

...

##### *Article 223*

In the event of a vessel colliding with another vessel, the master shall render the other vessel and the persons on board such vessel whatever help is necessary and possible in order to rescue them from the dangers resulting from the collision in so far as this can be done without serious risk to his own vessel and the persons on board his vessel. He shall, in addition, supply the master of the other vessel with the name of his own vessel and of its port of registry and the name of the place or port from which and of the place or port to which he is proceeding.

...

#### CHAPTER XI

##### *Penal provisions*

##### *Article 323*

If the master of a vessel fails to ensure that the vessel is in proper condition as provided in article 58, first and second paragraphs, he shall be liable to a fine or to imprisonment for a term of not more than six months.

The same penalty shall be incurred by the shipowner if he fails to remedy any such defect or shortcoming affecting the proper condition of the vessel as was or should have been known to him.

If the shipowner fails to do whatever he can to prevent the vessel from going to sea when, owing to a defect or shortcoming affecting the proper condition of the vessel, the intended voyage is apt to entail serious danger for the persons on board, he shall be liable to a fine or to imprisonment for a term of not more than two years.

##### *Article 324*

If a person whose functions on a vessel are vitally important for safety at sea fails to exercise good seamanship in connexion with the prevention of an accident at sea, he shall be liable to a fine or to imprisonment for a term of not more than six months.

In the case of a serious offence, he shall be liable to imprisonment for a term of not more than two years.

*Article 325*

If a person whose functions on a vessel are vitally important for safety at sea is under the influence of alcoholic liquor or some other intoxicant to such a degree that he must be presumed incapable of performing his duties in a proper manner, he shall be liable to a fine or to imprisonment for a term of not more than one year.

*Article 326*

If the master fails to perform his duties and abandons ship, he shall be liable to a fine or to imprisonment for a term of not more than one year.

If the master neglects the duties incumbent upon him by virtue of article 62, first paragraph, or the duties otherwise incumbent upon him as a good seaman when the vessel is in danger, he shall be liable to a fine or to imprisonment for a term of not more than two years.

*Article 327*

If the master neglects the duties incumbent upon him by virtue of article 62, second paragraph, where a person is in distress at sea or where a peril to navigation exists, or the duties incumbent upon him by virtue of article 223 where his vessel has collided with another vessel, he shall be liable to a fine or to imprisonment for a term of not more than two years.

*Article 328*

The master shall be liable to a fine if:

1. he fails to inform the shipowner, as provided in article 58, third paragraph, of any defect or shortcoming affecting the proper condition of the vessel;
2. he fails to ensure, as provided in article 60, second paragraph, that the ship's papers and a copy of the present Act are carried on the vessel;
3. he fails to make a report as provided in article 70 or he wilfully or through negligence supplies incorrect or misleading information in such report;
4. he refuses, in a case as provided in article 317, to produce the vessel's certificate of registry to the surveyor; or
5. without valid reason, he refuses, in a case as referred to in article 346, to take on board the master of a vessel or a seaman, the ashes of such a person or the effects left behind by such a person.

The same penalty shall be incurred by a master or shipowner who fails to give notice of a ship's protest as provided in article 306 or who wilfully or through negligence causes a ship's protest to be deferred without the conditions provided for in article 304 being present.

*Article 329*

Any person who fails to comply with the obligation incumbent upon him under this Act in regard to the keeping of a log-book or the rough draft of a log-book or who wilfully or through negligence supplies incorrect or misleading information in such log-book or rough draft shall be liable to a fine.

The same penalty shall be incurred by:

1. a master or shipowner who, without proper cause, refuses to allow a person to consult a log-book, rough draft of a log-book or a mechanically recorded notation concerning the navigation of the vessel or the operation of its machinery;
2. a shipowner who fails to comply with the obligation to preserve a document as aforesaid.

*Article 330*

Where a person has been found guilty of an offence referred to in articles 323, 324, 325, 326 or 327 and has thereby shown himself to be unfit for the performance on board a vessel of duties which are subject to specific standards of performance, the court shall declare him to be unqualified to perform such duties for a specified period or for all time.

Where the court makes a declaration as referred to in the first paragraph, it shall forthwith inform the Shipping and Navigation Board thereof. In the case of a radio operator, the Telecommunication Board shall also be informed.

*Article 331*

For the purposes of this chapter, the term "master" includes any person acting in the master's stead, and the term "shipowner" includes any person having dealings with the vessel in the shipowner's stead.

*Article 332*

Where two or more persons have taken part in the commission of an offence referred to in articles 323, 324, 325, 326 or 327, the provisions of chapter 23 of the Criminal Code shall apply.

No penalty shall be imposed under this Act where an offence is subject to a more severe penalty under the Criminal Code.

- (b) ROYAL ORDER<sup>1</sup> NO. 150 OF 18 MAY 1962 CONCERNING NAVIGATION, AS AMENDED BY ROYAL NOTICE<sup>2</sup> NO. 454 OF 15 JUNE 1965 AND BY ROYAL NOTICE<sup>3</sup> NO. 114 OF 21 APRIL 1967\*\*

*Introductory provisions*

*Article 1*

[Article 1 was repealed by Notice No. 114 of 21 April 1967.]

*Article 2*

The revised Regulations for Preventing Collisions at Sea (1960 International Rules of the Road), which were adopted at the International Conference on Safety at

<sup>1</sup> *Svensk författningssamling* 1962, No. 150, p. 331.

<sup>2</sup> *Ibid.*, 1965, No. 454, p. 803.

<sup>3</sup> *Ibid.*, 1967, No. 114, p. 297.

Sea, held in London in 1960, shall, save as otherwise provided in article 3, apply to vessels and seaplanes in the territorial waters of Sweden. They shall also apply to Swedish vessels and seaplanes outside the territorial waters of Sweden in so far as this is compatible with such laws of foreign States as, by virtue of agreements or otherwise, are applicable.

...

(c) ACT<sup>1</sup> No. 719 OF 19 NOVEMBER 1965 CONCERNING THE SAFETY OF SHIPS\*\*

CHAPTER I

*General provisions*

*Article 1*

Save as otherwise specified or provided therein, this Act shall apply to vessels used for navigation in Swedish waters and to Swedish vessels used for navigation outside Swedish waters.

The provisions of the Act shall apply to warships only to the extent prescribed by the King.

*Article 2*

With a view to ensuring the safety of ships, the provisions of the present Act, in conjunction with the provisions of the Merchant Shipping Act, shall be the applicable provisions in so far as concerns seaworthiness, disease and accident-prevention measures, cargo stowage, crew and number of passengers.

*Article 3*

The supervision of vessels in so far as concerns the matters dealt with in this Act shall be carried out by the Shipping and Navigation Board and, under the superintendence and direction of the Board, by the Shipping Inspection Office of the State. The King may authorize a Swedish consul to exercise such supervision outside Sweden.

In matters relating to the protection of persons employed on board against occupational diseases and industrial accidents, the supervision shall be exercised in co-operation with the Industrial Safety Board.

Supervision in respect of crews shall also be exercised by the marine superintendent.

*Article 4*

The supervision of a vessel which is owned or used by the Swedish State and is employed for purposes other than the general transport of cargo and passengers shall, save as otherwise determined by the King, be exercised by the authority that is administratively responsible for the vessel.

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<sup>1</sup> *Svensk författningssamling* 1965, No. 719.

## CHAPTER VII

*Supervision to ensure compliance with the Act*

## Control measures

*Article 1*

The control measures provided for in this Act shall be as follows:

- (a) regular examination of vessel and equipment (*seaworthiness inspection*);
- (b) regular partial examination of vessels other than passenger vessels and the equipment thereof (*intermediate inspection*);
- (c) regular examination of vessels for the purpose of determining their suitability for passenger transport and the maximum allowable number of passengers (*passenger-vessel inspection*);
- (d) regular examination and measurement of vessels for the purpose of applying load-line marks or of authorizing the retention of such marks (*freeboard inspection*);
- (e) special partial examination of vessels (*special inspection*);
- (f) other examination of conditions on board a vessel (*ordinary inspection*).

Where possible, two or more types of control measures shall be carried out on board a vessel at the same time. A control measure shall, if possible, be carried out in connexion with the examination by a classification society provided for in chapter 1, article 14.

...

*Article 16*

The purpose of an ordinary inspection shall be to determine whether necessary disease and accident-prevention measures have been taken, whether the vessel is properly loaded or ballasted, whether it is properly manned and whether it is otherwise in proper condition. An ordinary inspection may be less comprehensive than as here provided.

A vessel shall be subject to ordinary inspection whenever the supervisory authority considers such an inspection to be necessary.

*Article 17*

Supervision of foreign vessels shall be effected by means of an ordinary inspection.

At the request of an authority of a foreign State, the Shipping and Navigation Board may, however, prescribe other control measures in respect of a vessel registered in the foreign State and, if necessary, issue a certificate as provided in this Act or in regulations made thereunder.

*Drawings and control book**Article 18*

Drawings relating to a vessel which is being built or rebuilt for Swedish account and is subject, according to this Act, to control measures other than ordinary

inspection shall be submitted to the Shipping and Navigation Board in ample time before the work to which the drawings relate is begun. In urgent cases or if a vessel is being temporarily altered or is being rebuilt abroad, the drawings may be submitted later.

Drawings for a foreign vessel which has been transferred to Swedish registry and which must consequently undergo a seaworthiness inspection shall be submitted to the Shipping and Navigation Board as soon as possible.

The King, or the Shipping and Navigation Board by authorization of the King, may make such regulations as are necessary with regard to what drawings must be submitted and may modify the obligation to submit drawings in so far as it relates to particular types of vessels or to vessels which are assigned to a class in a classification society provided for in chapter 1, article 14.

#### CHAPTER VIII

#### *Prohibition against use*

##### *Article 1*

Where there are reasonable grounds for assuming that a vessel:  
is not seaworthy in so far as the intended voyage is concerned,  
has serious deficiencies as regards protection against disease and accidents,  
is not properly loaded or ballasted,  
is carrying more passengers than the allowable maximum, or  
is not properly manned,

the voyage of the vessel may be prohibited until the situation is corrected.

Where the deficiency relates merely to the operation of equipment or apparatus, the prohibition may instead be directed against the use of the equipment or apparatus until the deficiency is corrected.

The voyage may also be prohibited if the vessel is not made available for control measures or if the vessel, being required under this Act to have a certificate of navigation, a passenger-vessel certificate or a freeboard certificate, lacks such a certificate that is valid.

##### *Article 2*

The prohibition of a voyage or of the use of equipment or apparatus as provided in article 1 may be ordered by the Shipping and Navigation Board, the Shipping Inspection Office and such other supervisory authority as may be designated by the King. Outside Sweden, such prohibition may also be ordered by a Swedish consul who has been authorized to exercise supervision over vessels. The prohibition provided for in article 1, second paragraph, may, in addition, be ordered by an authority as referred to in chapter 1, article 5, and, irrespective of whether he has been authorized as aforesaid, by a Swedish consul. A decision by an authority other than the Shipping and Navigation Board shall be immediately submitted to the Board for approval.

The decision shall state the reasons for the prohibition and the measures which must be taken to correct the situation. A copy of the decision shall forthwith be transmitted to the shipowner or the person using the vessel in place of the shipowner,

to the master of the vessel and, if the prohibition relates to a foreign vessel, to the diplomatic or consular representative of the country in which the vessel is registered.

*Article 3*

The authority in Sweden which has made a decision to prohibit the voyage of a vessel as provided in article 1 shall forthwith give notice of the decision to the police authorities. The said authorities shall take such action as is necessary to prevent the departure of the vessel.

Notice of the decision shall also be given to the customs authorities and the pilotage authorities. Action affecting the voyage of the vessel which must be taken by these authorities shall be suspended while the prohibition is in effect.

If the prohibition relates to a Swedish vessel which is outside the country, the competent Swedish consul may, for the purpose of preventing the voyage, demand that the master of the vessel surrenders to him the vessel's certificate of registry.

*Article 4*

Where the departure of a vessel is prevented by reason of a prohibition ordered by an authority other than the Shipping and Navigation Board and not approved by the Board, the State shall be obliged to make compensation for any damage arising from such prohibition if it is found that there was no reasonable basis for the prohibition.

Proceedings for compensation in pursuance of the first paragraph shall be instituted in the City Court of Stockholm within two years of the date on which the prohibition was ordered. Proceedings not instituted by the said date shall be barred.

...

(d) ROYAL NOTICE NO. 267 OF 25 MAY 1962 CONTAINING SPECIAL PROVISIONS RELATING TO NAVIGATION, articles I-3, 11-13<sup>1</sup>

(e) ROYAL NOTICE<sup>2</sup> NO. 908 OF 19 NOVEMBER 1965 CONTAINING REGULATIONS FOR THE APPLICATION OF THE ACT CONCERNING THE SAFETY OF SHIPS, AS AMENDED BY NOTICE<sup>3</sup> NO. 263 OF 9 JUNE 1967\*\*

...

CHAPTER I

*General provisions*

...

*Article 11*

In the case of a cargo vessel engaged in international voyages and equipped with a radio-telegraph installation in accordance with the requirements in force for such an installation by virtue of an international maritime agreement to which

<sup>1</sup> *Infra*, Chapter III, 6 (a).

<sup>2</sup> *Svensk författningssamling* 1965, No. 908,

<sup>3</sup> *Ibid.*, 1967, No. 263.

Sweden is a party, the Shipping and Navigation Board shall issue a *radio-telegraph safety certificate for cargo vessels* showing that the vessel was found to be equipped with such an installation at the time of the seaworthiness inspection or the intermediate inspection. The certificate shall be valid for a period of not more than one year from the date on which the inspection is completed.

In the case of a cargo vessel engaged in international voyages and equipped with a radio-telephone installation in accordance with the requirements in force for such an installation by virtue of an international maritime agreement to which Sweden is a party, the Shipping and Navigation Board shall issue a *radio-telephone safety certificate for cargo vessels* showing that the vessel was found to be equipped with such an installation at the time of the seaworthiness inspection or the intermediate inspection. The certificate shall be valid for a period of not more than one year from the date on which the inspection is completed.

...

- (f) ACT NO. 314 OF 3 JUNE 1966 CONCERNING THE CONTINENTAL SHELF, articles 4, 6<sup>1</sup>
- (g) REGULATIONS NO. 315 OF 3 JUNE 1966 RELATING TO THE IMPLEMENTATION OF THE ACT NO. 314 OF 3 JUNE 1966 CONCERNING THE CONTINENTAL SHELF, article 6<sup>1</sup>
- (h) ROYAL NOTICE NO. 263 OF 9 JUNE 1967 TO AMEND ROYAL NOTICE<sup>2</sup> NO. 908 OF 19 NOVEMBER 1965 CONTAINING REGULATIONS FOR THE APPLICATION OF ACT NO. 719 OF 19 NOVEMBER 1965 CONCERNING THE SAFETY OF SHIPS

## 19. UNION OF SOVIET SOCIALIST REPUBLICS

- (a) REGULATIONS<sup>1</sup> CONCERNING AREAS IN WHICH MOVEMENT IS RESTRICTED AND RULES FOR NAVIGATION THEREIN\*\*

1. It is sometimes necessary temporarily to prohibit vessels from entering certain coastal areas of the USSR or to restrict the free choice of routes in connexion with navigation therein. In such cases, the appropriate restrictions are published in the Notices to Mariners and in sailing directions; in cases of extreme emergency, when the relevant notices cannot be conveyed to mariners in good time, a special "warning service", operated by special ships, lightships or shore stations, will be set up in the areas affected.

*Note.* A warning service may, however, also be set up in areas in respect of which the restrictions on navigation have been published in good time.

<sup>1</sup> *Supra* DIVISION II. 41 (a) and (b), respectively.

<sup>2</sup> *Supra* under (d).

<sup>3</sup> *Notices to Mariners* of 1 January 1967, issue 1, No. 3. See also ST/LEG/SER.B/6, p. 262.



2. Mariners are accordingly advised that when approaching the coasts of the USSR they should pay strict attention to the signals displayed by the warning service which are described in paragraphs 4 and 5 of these regulations.

3. When entering an area in which navigation has been restricted or where a warning service has been set up, mariners are advised, in the interests of safety, to pay strict attention to all published rules and to comply scrupulously with any additional instructions issued by the warning service.

4. The distinguishing markings of ships, lightships and shore stations operating the warning service are as follows:

(a) By day—a triangular blue flag;

(b) By night—three blue lights arranged in a vertical line and displayed at the gaff.

5. If entry into or navigation in the area is prohibited, the ship, lightship or shore station operating the warning service shall, in addition to the distinguishing markings described in paragraph 4 of these regulations, display:

(a) By day—three red balls arranged in a vertical line;

(b) By night—three red lights arranged in a vertical line;

6. If entry into or navigation in the area is not prohibited and if the warning service displays no special signals or issues no special instructions with reference to the ship's course, the ship may proceed to its destination, subject to observance of the rules published in the Notices to Mariners and in sailing directions.

If in such an area there are warships present and no special rules have been published for navigation in the area and no special instructions have been issued by the warning service, mariners shall so steer their course as to avoid passing between such warships and to avoid any possibility of collision with them.

7. Pilots shall be acquainted in good time with all rules that are to be strictly observed in cases of restricted navigation.

(b) NAVIGATION RÉGIME<sup>1</sup> IN THE VILKITSKY AND SHOKALSKY STRAITS\*\*

Owing to the very difficult navigation and ice conditions in the Vilkitsky and Shokalsky Straits (*Proliv Vilkitskogo* and *Proliv Shokalskogo*), icebreaker-pilotage escort shall be compulsory there for all ships in order to ensure safe navigation.

...

(c) REGULATIONS<sup>2</sup> CONCERNING THE STATE MARITIME PILOTAGE SERVICE OF THE USSR\*\*

1. A pilotage service has been established in accordance with annex V (State maritime pilots) to the Merchant Shipping Code of the USSR in order to ensure the safe conduct of vessels in those areas presenting difficulties of navigation where a special navigation régime has been established.

<sup>1</sup> *Notices to Mariners* of 1 January 1967, issue 1, No. 5.

<sup>2</sup> *Notices to Mariners* of 1 January 1967, issue 1, No. 19.

2. Navigation areas in which pilotage is compulsory and the points where the pilots are to be taken on and dropped shall be announced in sailing directions, in the Notices to Mariners and in compulsory orders of ports; the same shall apply in respect of navigation areas in which pilotage is not compulsory but may be employed at the request of the ship's master, the procedure for making such requests being specified.

...

9. Losses due to accidents for which pilots are responsible shall be compensated from the navigation safety fund.

10. The navigation safety fund shall be constituted by a deduction in the amount of 10 per cent from pilotage dues.

11. A claim for the compensation of losses due to an accident for which a pilot was responsible may be filed with the judicial and arbitration authorities of the USSR and Union Republics against the harbour-master to whom the pilot is subordinate.

12. State maritime pilots shall ensure the safe navigation of vessels through sea, reef and estuary fairways, in areas with special navigation régimes, on the approaches to USSR seaports, where required, and in the waters of such seaports.

Pilots shall further be responsible for berthing the piloted ships, for bringing them to anchor at the place assigned by the port authorities either inside the port or in the outer roadstead, for manoeuvring the vessel when weighing anchor and for effecting changes of position of vessels in the port.

## 20. YUGOSLAVIA

### LAW<sup>1</sup> OF 22 MAY 1965 ON YUGOSLAVIA'S MARGINAL SEAS, CONTIGUOUS ZONE AND CONTINENTAL SHELF

...

#### *Article 2*

The terms used in the present Law have the following meanings:

...

(2) A foreign fishing vessel is a vessel of foreign nationality which is equipped for fishing;

...

(4) A foreign warship is a ship of foreign nationality which belongs to the naval forces, bears the external marks distinguishing warships of its nationality, is under the command of a military person and is manned by a military crew;

...

<sup>1</sup> *Official Gazette* No. 22 of 22 May 1965. The English translation was provided by the Permanent Mission of Yugoslavia to the United Nations.

*Article 12*

Subject to the provisions of the present Law and other federal regulations, ships of all States shall enjoy the right of innocent passage through the territorial sea.

As innocent passage is considered navigation through the territorial sea without entering internal waters, or for the purpose of proceeding to internal waters, or for the purpose of making for the high seas from internal waters, provided this is not prejudicial to Yugoslavia's good order, peace, or security.

The innocent passage referred to in paragraph 2 of the present article includes also the ship's stopping and anchoring in the territorial sea if this is caused by the needs of regular navigation, force majeure, or distress.

*Article 13*

During the passage through the territorial sea, a foreign fishing vessel is obliged to keep its fishing gear and equipment in the ship's hold or sealed up. Such a vessel must traverse the territorial sea by the shortest way, with a speed which is not higher than the economic one, without stopping or anchoring, excepted when indispensable because of force majeure.

During its passage through the territorial sea, a foreign fishing vessel must show visible marks indicating that it is a fishing vessel.

The provisions of paragraph 1 of the present article do not apply to a fishing vessel which, by a permit issued on the basis of an international treaty, is authorized to fish in the territorial sea, as long as it stays in the zone where it is permitted to fish.

*Article 14*

More than three foreign warships of the same nationality may not traverse the Yugoslav territorial sea at the same time.

*Article 15*

During the passage through the territorial sea, foreign submarines shall navigate on the surface of the sea and show the flag of their State.

*Article 16*

The provisions of article 8 of the present Law shall apply also to the staying of a foreign warship or a group of warships in the Yugoslav territorial sea.

...

*Article 28*

With a fine of 100,000 to 1,000,000 dinars or with imprisonment to 30 days shall be punished for a maritime contravention:

...

(3) the master of a foreign submarine which is not a warship, or another responsible person aboard that submarine if the foreign submarine, during the passage through the Yugoslav territorial sea, does not navigate on the surface and does not show the flag of its State (article 15).

...

*Article 30*

With a fine of 20,000 to 200,000 dinars shall be punished for a maritime contravention:

...

(3) the master of a foreign fishing vessel, or another responsible person aboard that vessel, if that vessel, during its passage through the Yugoslav territorial sea, does not keep its fishing gear and equipment in the ship's hold or sealed up, or if it does not traverse the Yugoslav territorial sea by the shortest way, or if traversing the Yugoslav territorial sea it navigates with a speed less than the economic one, or if it stops or anchors in the Yugoslav territorial sea during its passage and this stopping or anchoring is not provoked by force majeure, or if traversing the Yugoslav territorial sea it shows no visible marks of a fishing vessel (article 13, paragraphs 1 and 2);

...

---

## Chapter III

### SECURITY OF THE COASTAL STATES

#### 1. AUSTRALIA

NAVAL FORCES (FIRING AREAS) REGULATIONS<sup>1</sup> NO. 49 OF 1960, AS AMENDED<sup>2</sup>

...

2.

(1) The Naval Board may—

(a) declare, by notice published in the *Gazette*, an area in or adjacent to Australia to be an area for gunnery, bombing, torpedo, mine-laying, mine-sweeping or similar practice; and

(b) subject to such conditions as it determines, permit the Naval Forces of the Commonwealth to carry out practice accordingly in the area.

(2) In the last preceding sub-regulation, “Australia” includes the Territories of the Commonwealth to which the Naval Defence Act 1910-1965 extends.

#### 2. CANADA

FOREIGN ENLISTMENT ACT, 1952<sup>3\*</sup>

#### 3. ECUADOR

MARITIME POLICE CODE<sup>4\*\*</sup>

TITLE I

*Harbour-Masters' Offices*

...

*Section II*

*Maritime Policing: Jurisdiction and Competence*

*Article 18.* The right of maritime policing covers, in addition to the territorial sea, continental shelf and foreshores, the extent of which is specified in the Civil

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<sup>1</sup> *Statutory Rules* 1960 No. 49.

<sup>2</sup> *Statutory Rules* 1962 No. 67 and 1965 No. 97.

<sup>3</sup> 1952 R.S.C. Chap. 124. The text reproduced in ST/LEG/SER.B/6, pp. 99-101, except the title of the Act, remained unchanged.

<sup>4</sup> *Registro Oficial*, No. 1202 of 20 August 1960 (Supplement).

Code, Book II, Title III, to all internal waters of the gulfs, bays, inlets, channels and canals of the Republic, whether in the mainland provinces, the adjacent islands or the Galapagos (Colon) Archipelago.

...

### TITLE III

#### *Foreshores and Bay Areas*

##### *Section I*

###### *General Provisions*

*Article 80.* The territorial sea, continental shelf and foreshores, the extent of which is specified in the Civil Code, Book II, Title III, rivers and large lakes belong to the national domain.

...

### TITLE V

#### *Maritime Traffic*

##### *Section V*

###### *Arrival of Ships*

*Article 202.* Ships of whatever nationality, if not bound for an Ecuadorian port may not come within three miles of the coast, reckoning from the water mark at the lowest tide, nor may they drop anchor at any place which is not an authorized trading port unless forced to take refuge. Ships which violate any of these provisions shall be seized as provided for in article 78, paragraph 1 of the Customs Act.

Forced arrival shall be taken to mean those cases described in article 870 of the Commercial Code and in article 233 of the Regulations implementing the Customs Act.

*Article 203.* Only ships carrying consignments for Ecuadorian ports on the Gulf of Guayaquil may enter the Gulf north and east of the imaginary line on nautical chart No. 1177 of the Naval Hydrographic Office of the United States of America connecting the following points:

1. The deepest point (Talwec) on the mid-line of the mouth of the Zarumilla River;
2. Latitude 3° 24' 30" S, longitude 80° 22' 00" W;
3. Latitude 2° 12' 00" S, longitude 81° 04' 30" W.

Ships caught violating the provisions of this article shall be seized except in cases of *force majeure*.

...

##### *Section XI*

###### *Transportation of Animals*

*Article 313.* No vessel, Ecuadorian or foreign, may engage in maritime or river transport of animals without the authorization of the harbour-master; before

granting authorization, he shall require production of the certificate of the Office of the Inspector General of Naval Machinery and Construction or of a body legally replacing it, stating that, according to the relevant regulations, the ship fulfills the necessary conditions.

...

#### TITLE VI

#### *Maritime Accidents and Disasters*

...

#### *Section III*

#### *Collisions*

*Article 342.* The harbour-master shall take cognizance of maritime accidents and disasters in the following cases:

(a) If the accident or disaster has occurred in the waters under his jurisdiction, whatever the nationality of the ship or ships involved; and,

(b) If the Ecuadorian maritime authority was the first to be notified of the maritime accident or disaster, unless it occurred in the territorial waters of another State.

*Article 343.* Collisions covered by paragraph (a) of the preceding article shall be decided under Ecuadorian law; those covered by paragraph (b) shall be decided in accordance with the law of the State of the flag flown by the ship or ships involved, if of the same nationality, or if of two or more nationalities, in accordance with the regulations recognized as international.

## 4. NORWAY

ROYAL ORDER<sup>1</sup> IN COUNCIL, OSLO, 9 FEBRUARY AND 6 APRIL 1962 ESTABLISHING NEW RESTRICTED AREAS IN TERRITORIAL WATERS AND ESTABLISHING PRESCRIBED NAVIGATION ROUTES AND USE OF PILOTS BY FOREIGN NON-NAVAL VESSELS IN THESE AREAS

a. By authority vested in the Defence Secrets Act of 18 August 1914 the territorial waters listed in Enclosure I are laid down as Restricted Areas.

b. In these Restricted Areas foreign ships and craft of more than 50 gross tons and which have not been listed naval (hereafter: non-naval) are prohibited to navigate unless they are supervised by a pilot from the State Pilotage Service.

c. Approaches to and navigation leads through the Restricted Areas for foreign non-naval ships and craft are laid down in Enclosure II.

Prior to entering a Restricted Area foreign non-naval ships are required to embark a pilot from the Pilotage Service in the specified positions listed in Enclosure III,

<sup>1</sup> The English translation was provided by the Permanent Mission of Norway to the United Nations.

or, should weather or sea conditions render such embarkation impossible, to be guided from a pilot vessel until embarkation is possible. Leaving a Restricted Area the foreign ship is required to act similarly.

d. Compliance with the above stated regulations, requiring embarked pilot and navigation in specified navigation leads in Restricted Areas, is excused a foreign non-naval ship clearly imperilled in heavy weather. The master of this ship is, however, required without delay and in the speediest way possible to report his arrival in Norwegian territorial waters to Norwegian port or police authorities.

e. The Ministry of Defence will regulate exemptions from regulations listed under letters b and c above for the ferry services between Scandinavian countries. Should specific reasons so warrant, the Ministry of Defence may, however, make exemptions from these regulations.

f. The Restricted Areas laid down by the Commander-in-Chief, Royal Norwegian Navy, prior to this Order are hereby superseded. This cancellation does not affect the prohibited anchorage for ships off the Royal Norwegian Air Force Station, Andøya, resolved by Royal Order in Council 20 January 1961.

g. The Ministry of Defence will decide when the regulations listed under letters b — e are to be made effective.

#### *Restricted Areas in Norwegian Coastal Waters*

##### *Outer Oslofjord—the Langesund fjord*

- |                                       |             |             |
|---------------------------------------|-------------|-------------|
| 1. All waters north of a line through |             |             |
| Norwegian border position             | 58° 58',6 N | 11° 4',3 E  |
| Torbjørnskjær lighthouse              | 58° 59',7 N | 10° 47',2 E |
| Færder lighthouse                     | 59° 1',6 N  | 10° 31',7 E |
| Svenner lighthouse                    | 58° 58',1 N | 10° 9',1 E  |
| Tvistein lighthouse                   | 58° 56',2 N | 9° 56',6 E  |
| Mejulen light                         | 58° 57',7 N | 9° 41',6 E  |
| Prisgrunn south point promontory      | 58° 57',9 N | 9° 41',9 E  |

##### *Kristiansand*

- |                                     |            |            |
|-------------------------------------|------------|------------|
| 2. All waters inside a line through |            |            |
| Arosveten                           | 58° 4',0 N | 7° 50',0 E |
| Songvår lighthouse                  | 58° 0',9 N | 7° 49',0 E |
| Lille Svarten                       | 58° 2',9 N | 8° 1',4 E  |
| Meholmskjær                         | 58° 5',6 N | 8° 11',9 E |
| Langbåskjær                         | 58° 6',4 N | 8° 15',4 E |
| Krygholmen east point               | 58° 7',2 N | 8° 14',4 E |

##### *Stavanger—Ryfylke fjords*

- |   |             |            |
|---|-------------|------------|
| 3. All waters inside a line through   |             |            |
| Tangerhaug beacon   | 58° 49',1 N | 5° 32',6 E |
| Feistein lighthouse   | 58° 49',5 N | 5° 30',5 E |
| Kvitsøy lighthouse  | 59° 3',7 N  | 5° 24',3 E |
| Klepp light   | 59° 10',3 N | 5° 22',9 E |
| Smørstakk light   | 59° 15',1 N | 5° 21',3 E |
| Kroknes   | 59° 16',0 N | 5° 21',5 E |
| Along the West beach of Fosen and across Lovasund to<br>Dragøy, along the West beach of Dragøy to Nostvik | 59° 19',9 N | 5° 20',0 E |



*The Bergen Areas*

|                                     |             |            |
|-------------------------------------|-------------|------------|
| 4. All waters inside a line through |             |            |
| Fonnes                              | 60° 48',5 N | 4° 57',0 E |
| Hellesøy lighthouse                 | 60° 45',1 N | 4° 43',0 E |
| Lesle Odde (Litleodden)             | 60° 41',5 N | 4° 42',0 E |
| Gangvarskjær                        | 60° 38',4 N | 4° 43',2 E |
| Herboskjær                          | 60° 18',8 N | 4° 53',5 E |
| Hufteskjær                          | 60° 15',7 N | 4° 55',2 E |
| Marsteinen                          | 60° 7',9 N  | 5° 1',0 E  |
| Salturholmen (Saltkjerholmen)       | 60° 4',9 N  | 5° 18',0 E |
| Svarthelleren                       | 60° 5',0 N  | 5° 22',4 E |
| Dalhovde                            | 60° 8',5 N  | 5° 36',5 E |

*The Trondheims fjord*

|                                     |             |            |
|-------------------------------------|-------------|------------|
| 5. All waters inside a line through |             |            |
| Beian light                         | 63° 38',9 N | 9° 34',3 E |
| Smellingen east point               | 63° 37',8 N | 9° 31',1 E |
| Skarpnes                            | 63° 33',7 N | 9° 24',0 E |

*The North-Norwegian fjords*

|  |             |             |
|--|-------------|-------------|
| 6. All waters inside a line through  |             |             |
| The NW point, Tysnes in Korsnes  | 68° 16',0 N | 15° 58',0 E |
| The SW point, Barøy  | 68° 20',0 N | 16° 2',0 E  |
| Then along the West beach to Barøy lighthouse  | 68° 21',2 N | 16° 5',4 E  |
| Lødingen, South light  | 68° 24',7 N | 16° 1',1 E  |
| Along the South coast of Hinnøy and around Årsteinen,<br>along the Eastern coastline in the Raftsund to<br>Kartnes light | 68° 34',4 N | 15° 13',0 E |
| Across the Sortlandssund to Haukenes   | 68° 34',8 N | 15° 2',0 E  |
| Then along the South and West beaches of Langøy to<br>Vikan beacon   | 68° 42',1 N | 14° 25',0 E |
| And out to base-line point No. 33  | 68° 44',7 N | 14° 19',5 E |
| Then along the base-line to base-line point No. 12<br>(Knivskjærodden)   | 71° 11',1 N | 25° 40',9 E |
| Along the Eastern and Southern beach of Magerøy to<br>SW-ness, entry to Honningsvåg                                      | 70° 58',0 N | 25° 55',0 E |
| Then the line to Sværholtklubben   | 70° 58',2 N | 26° 40',0 E |

*Specified Leads or Navigation Routes*

required for navigation through Restricted Areas in Norway

(When leads or navigation routes are not listed in detail, navigation is to be performed as prescribed in "Den norske los" (the "Norway Pilot".))

*Restricted Area*

*Specified navigation lead*

*Outer Oslofjord—Langesundfjord*

Iddefjord, Halden—Sarpsborg

1 *Herføl pilot station*

Sekken—Singlefjord to Svinesund to W Singlefjord—Hvaler—Løperen

11 *Færder pilot station*

North of Torbjørnskjær lighthouse—Sekken  
(Lauersvelgen—Gravningssundet)

*Restricted Area*

Fredrikstad—Sarpsborg and the Single-fjord

West of Strømtangen

North of Rauøy

in/off Tønsberg port district (Eastern part)

in/off Tønsberg port district (Western part)

Sandefjord

The Sandefjord fjord

Larvik—Stavern—the Larvik fjord—Nevlunghavn

the Langesund fjord—Skien port district

*The Kristiansand Area*

Okseø

Kristiansand port district—the Kristiansand fjord—Toppdalsfjord

Vestregapet

Hølen

*Stavanger—Ryfylke fjords*

Feistein

Risaviki

Stavanger port distr. (Western port)

*Specified navigation lead**Færder pilot station*

North of Struten light—South of Strømtangen light—Kjøkøysund or Vesterelva. Løperen—Østerelva

*Færder pilot station*

towards Hollenderboen, then shortest way in

*Færder pilot station*

East of Lille Færder—Hollenderboen

*Færder pilot station*

from the main navigation lead (East of Lille Færder—Hollenderboen) the ship enters Torgersøgapet or Granebosundet. (For big ships other route according to directive from the master-pilot)

I *Færder pilot station*

Entry: the Tønsberg fjord

II *Stavern pilot station (off Svenner)*

Entry: the Tønsberg fjord

I *Stavern pilot station (off Svenner)*

II *Færder pilot station*

III *Langesund pilot station*

I *Stavern pilot station (off Svenner)*

II *Langesund pilot station*

*Langesund pilot station*

Dypingen or Kalven, then according to the navigation regulations of the ports. Departure permitted in the Langesund

II *Stavern pilot station*

*Okseø pilot station*

From Okseø—Grønningen lighthouse and seawards—Odderø South Point

Entry: Kristiansand W/E port district

Entry: Toppdalsfjord (Prohibited anchorage in Marvika)

*Ny-Hellesund pilot station (off Songvår lighthouse)*

Songvår—Hanegalsboen

Entry: Midchannel in Vestregapet towards Odderø South Point, then in

*Ny-Hellesund pilot station*

I From Songvår through the lead past Skarvø

II From Kristiansand port distr. entering Ny-Hellesund (South lead) or Ny-Hellesund (North lead) ("Springdansen")

*Tananger pilot station*

From the Chart Lead in to Risaviki

Past Tungenes, through the Byfjorden lead

*Restricted Area*

Stavanger port distr. (Eastern port)

Sandnes  
Jørpeland—Fiskå—Jelsa—Tau—Lyse-  
fjord

Sandsfjord and Inner Ryfylke fjords  
not specified above  
the Skudefjord

South Ryfylke fjords

North Ryfylke fjords

*The Bergen Areas*

The navigation leads Langenuen—  
Bjørnefjord

Korsfjord

Korsfjord, North Bjørnefjord—Fusa-  
fjord—Samnangerfjord and Eke-  
landsfjord

North of Korsfjord (except Bergen and  
inner fjords)

Bergen and inner fjords (inside Herdla)

Hjeltefjord

as specified under Korsfjord

*Trøndelag*

The Trondheimsfjord navigation lead  
inside Agdenes

*North-Norway Restricted Areas*

I Lødingen—Ofoten

II Lødingen—Andfjorden

*Specified navigation lead*

Past Tungenes, through the Byfjorden and  
Åmøyfjord leads, past Kløvningen and in  
As above

Past Tungenes, through Byfjorden and Åmøy-  
fjord leads, past Kløvningen and across  
the Høgefjord and in

Entry: Kvitsøyfjord—Boknfjord—Ned-  
strandsfjord and in

*Skudefjord pilot station*

(Kvitsøy—Skudesnes pilot stations) (Utsira)

Entry: Skudefjord, past Sveinane across  
Kvitsøy fjord and then as specified above

I Entry: Skudefjord, across Boknfjord, Ned-  
strandsfjord and in

II Entry: Kopervik pilot station (The  
Karmsund southwards)

(Kopervik pilot station)

(Utsira pilot station)

Langenuen, then Bjørnefjord and Korsfjord  
Transit ships continue Lervikosen—Vatles-  
traumen—Hjeltefjord and the navigation  
lead northwards past Feie

*Korsfjorden pilot station*

(off Marsteinen)

Continue Korsfjord—Bjørnefjord

Continue Korsfjord, through Lervikosen—  
Vatlestraumen and Hjeltefjord

Continue from Vatlestraumen to the Byfjord  
and on

*Korsfjorden pilot station*

*Feie pilot station*

(Herdlafjord not to be used)

Between Smellingen and Grindviktangen,  
continue in past Agdenes

*Tranøy pilot station*

(Skrova pilot station)

(Lødingen pilot station)

*Tranøy pilot station*

*Skrova pilot station*

(Harstad and Tromsø only)

*Lødingen pilot station*

(to Honningsvåg)

Continue Tjeldsund, past Harstad and sea-  
wards through Toppsundet—Andfjorden

*Restricted Area*

## III Lødingen—Tromsø

IV Lødingen—Honningsvåg  
Transit shipping  
(Vestfjord—Honningsvåg)*Specified navigation lead**Lødingen pilot station*

(Tranøy pilot station)

(Skrova pilot station)

Continue Tjeldsund and northwards (not through Dyrøysund, not through East Channel in Finnsnesrenna)

As above

*Lødingen pilot station*

(As for Lødingen—Honningsvåg) Sørøysund to be sailed

*Positions from which Pilots of the Norwegian State Pilotage Service are to be Embarked before Navigation in the Restricted Areas**Outer Oslofjord—Langesundsfjord*

Herføl

Færder

Stavern (off Svenner lighthouse)

Langsund

*The Kristiansand area*

Oksø

Songvår

*Stavanger—Ryfylke fjords*

Tananger (off Feistein lighthouse)

Skudefjord pilot station (Skudenes—Kvitøy)

Utsira

Kopervik

*The Bergen areas*

Utsira

Korsfjord (off Marsteinen lighthouse)

Feie

(Runde)

*The Trondheims fjord*

(Runde)

Grip

Kråkvågfjord

*The North-Norwegian Restricted Area*

Tranøy (only as far as Tromsø)

Skrova (only as far as Tromsø)

Lødingen

Andenes

(Hekkingen)

(Fugløy)

Honningsvåg

## 5. PORTUGAL

ACT No. 2130 OF 22 AUGUST 1966, article II<sup>1</sup>

## 6. SWEDEN

(a) ROYAL NOTICE<sup>2</sup> NO. 267 OF 25 MAY 1962 CONTAINING SPECIAL PROVISIONS  
RELATING TO NAVIGATION\*\*

## GENERAL PROVISIONS

*Article 1*

In addition to the provisions of the Navigation Order, navigation in Swedish waters shall be governed by the provisions of the present Notice.

With regard to Swedish vessels, the Notice shall also apply outside Swedish waters in so far as this is compatible with such laws of foreign States as, by virtue of agreements or otherwise, are applicable.

Save as otherwise provided herein, the Notice shall not apply either to vessels of the Swedish Armed Forces or to foreign warships.

*Article 2*

1. A vessel of twenty tons gross tonnage or more shall fly its ensign during the period from sunrise to sunset while a Swedish warship is in sight.

If the vessel is lying in a port or at an anchorage at which a Swedish warship arrives, or if the vessel arrives at a port or anchorage in or at which a Swedish warship is present, the ensign may be lowered as soon as the arriving vessel has anchored or been moored.

2. In areas which, by order of the King, are either included in a naval port or are obstructed by mines or other means of defence, a vessel of twenty tons gross tonnage or more shall fly its ensign from sunrise to sunset while under way even if there is otherwise no obligation to wear a flag.

When the vessel is approaching such an area, the ensign shall be hoisted not later than the time when the vessel is one nautical mile away from the area.

3. A vessel which is laid up or is otherwise out of service shall in no case be required to wear a flag.

<sup>1</sup> See *supra* Chapter II. 16.

<sup>2</sup> *Svensk författningssamling* 1962, No. 267. By this Notice Royal Order No. 31 of 9 February 1945 concerning provisions relating to navigation in Swedish territorial waters (see ST/LÉG/SER.B/6, p. 245) has been repealed.

*Article 3*

A vessel may not, without compelling reason, navigate or come to a stop between Swedish warships which are under way in formation.

...

*Article 11*

1. If a vessel is commanded to heave to by a Swedish warship or military aircraft or by a fort or military post on land, the master of the vessel shall, if marine conditions so permit, immediately stop the vessel or lie to or, if necessary, cast anchor. In addition, the national ensign shall be hoisted even if there is otherwise no obligation to do so. If water and other conditions so permit, the master should also cause the vessel to sheer in order to indicate more clearly that the command to heave to has been understood and is being complied with. If the command is given by a military aircraft and the course to be followed is indicated, the master shall immediately steer the said course.

The master shall reply to signals and oral questions from the person giving the command to heave to. In replying to signals, the master may not reply by radio if a prohibition against signals by radio has been issued in any other connexion. The vessel may not continue its voyage until permission to do so has been received from the person who gave the command to heave to. The master shall comply with whatever instructions may be given by the said person with regard to the continuation of the voyage in Swedish waters.

2. A command to heave to given by a vessel or by a fort or military post on land shall be transmitted orally or by means of the international signal "WZ" in the form of signal flags or of Morse-code light or sound signals.

The command to heave to may be preceded or followed by an attention signal consisting of shots, with blank or live ammunition, aimed away from the vessel being commanded to heave to or of the protracted sound of a siren (or other sound-producing apparatus); provided that the last-mentioned type of signal shall not be used if the signal to heave to is given by means of a sound signal.

3. A command to heave to given by a military aircraft shall be transmitted by means of the international signal "WZ" (in the form of Morse-code sound signals or by radio) or by means of warning flares.

*Article 12*

The master of a vessel shall allow an inspection of the vessel to be carried out by the competent civil or military authority.

In the course of the inspection, the master shall take steps to facilitate the execution thereof and shall supply the information requested of him concerning the vessel and the voyage.

If the ship's papers are examined or a search of the vessel is carried out, the person conducting the inspection shall give the master an inspection certificate or shall make an entry concerning the inspection in the ship's log.

If, in the opinion of the person conducting the inspection, the inspection can be limited to an examination of the permit referred to in article 19, paragraph 2, a notation concerning the inspection shall be made on the permit.

If the inspection necessitates a further examination in port, the master of the vessel shall comply with the orders of the person conducting the inspection with regard to putting into a nearby Swedish port.

*Article 13*

The master of a vessel shall ensure that no photographing, sketching, surveying or other operation such as hydrographic measurements, gravimetric measurements or the like which provides or can yield unauthorized information concerning the country's defence arrangements or which may be of value for the intelligence activities of a foreign Power is carried out by any person employed on the vessel or otherwise accompanying the same, and that no measurements of water depths or soundings are carried out other than those which are indispensable for the safe navigation of the vessel.

The master may, on board the vessel, take into his custody such cameras, surveying instruments, radio equipment, telescopes and the like as can be used for unauthorized intelligence activities and may keep them in his custody for so long as may be necessary to prevent such activities.

The same authority shall vest in the person conducting the inspection.

(b) ROYAL NOTICE<sup>1</sup> NO. 10 OF 13 JANUARY 1967 CONCERNING PROTECTED AREAS, ETC.\*\*

INTRODUCTORY PROVISIONS

*Article 1*

For the purposes of the protection of installations of importance to national defence, the King shall establish the protected areas and the restricted areas which are specified in the annex to this Notice.

*Article 2*

Those provisions of the Notice which concern restrictions on the right of aliens and foreign vessels to stay in protected areas shall also apply to restricted areas in the event of Sweden becoming a belligerent in a war or, as from the time determined by the King, of being affected by a threat of war, or if other extraordinary circumstances so require.

*Article 3*

The provisions concerning foreign vessels shall also apply to foreign hovercraft and to Swedish vessels or Swedish hovercraft which are used by aliens.

The regulations concerning commanders of defence district shall apply, in the case of Gotland county, to the chief of the Gotland military command.

<sup>1</sup> *Svensk författningssamling* 1967, No. 10. Came into force on 1 June 1967. The Protected Areas Notice No. 572 of 21 October 1955 and Notice No. 392 of 29 June 1956 concerning the establishment of protected areas have been repealed.

## PROTECTED AREAS

*Article 4*

An alien or a foreign vessel shall be permitted to stay in a protected area only to the extent and subject to the conditions specified in articles 5-13.

...

*Article 9*

A foreign vessel may, without authorization, remain in a protected area for a period of not more than seventy-two consecutive hours at such anchorage or moorage as may be determined by the King. The said period shall include the time required for passage through the protected area to and from the anchorage or moorage.

A foreign vessel may, without authorization, make use of such water route within a protected area as the King or, as authorized by the King, the county administration may determine.

Navigation by a foreign vessel within a protected area shall take place without unnecessary stops and shall be undertaken for the purpose of direct passage or movement to or from the place where the vessel is permitted to stay.

*Article 10*

A foreign vessel may be authorized to stay in a protected area for a longer period or at another place than as specified in article 9 or to make use in such area of a water route other than as specified in the said article.

*Article 11*

If a foreign vessel anchors or moors at a place within a protected area where it is not permitted to do so, the master of the vessel shall forthwith report the situation to a police, customs, pilotage or military authority. A report as aforesaid made to an authority other than the police authority of the district in which the vessel has anchored or moored shall be forwarded to the latter authority. The police authority of the district shall notify the commander of the district.

After the report has been made, the vessel may not, except in a case of emergency, have any intercourse with land save as authorized by the police authority.

*Article 12*

Where a foreign vessel has anchored or moored within a protected area, a police or customs officer shall, as soon as possible, inspect the ship's papers and the identification documents of the persons on board and shall remind the master of the vessel of the regulations in force concerning aliens who wish to leave the vessel. The master shall enter particulars of the vessel and of the persons on board on a blank form prescribed by the National Police Board.

*Article 13*

Before a decision under article 5, second paragraph, or article 9, second paragraph, is made by a county administration, the county administration shall consult with the commander of the defence district.



## RESTRICTED AREAS

*Article 14*

An alien or a foreign vessel shall be permitted to stay in a restricted area only to the extent and subject to the conditions specified in articles 15-22.

...

*Article 18*

A foreign vessel may, without authorization, remain in a restricted area for a period of not more than seventy-two consecutive hours at such anchorage or moorage as may be determined by the King. The said period shall include the time required for passage through the restricted area to and from the anchorage or moorage.

A foreign vessel may, without authorization, make use of such water route within a restricted area as the King or, as authorized by the King, the county administration may determine.

Navigation by a foreign vessel within a restricted area shall take place without unnecessary stops and shall be undertaken for the purpose of direct passage or movement to or from the place where the vessel is permitted to stay.

*Article 19*

In addition to what is provided in article 18, a foreign vessel of under twenty tons gross tonnage may, without authorization, remain for a period of not more than three months during a calendar year within such part of the area as the King or, as authorized by the King, the county administration may determine.

*Article 20*

A foreign vessel may be authorized to stay in a restricted area for a longer period or at another place or within another part than as specified in articles 18-19 or to make use in such area of a water route other than as specified in the said articles.

...

*Article 22*

The provisions of articles 7, 8 and 11 shall also apply to restricted areas.

## SUPERVISION AND RELATED MATTERS

*Article 23*

Supervision to ensure that an alien or a foreign vessel does not unlawfully stay in a protected area or restricted area shall be incumbent on the police authority. Members of the Swedish armed forces and staff of the Customs Department shall assist in carrying out such supervision.

Regulations concerning such supervision shall be made by the National Police Board after consultation with the Commander-in-Chief and the General Customs Administration.

*Article 24*

An authorization as provided in this Notice may be granted where this can be done without endangering national defence.

An authorization to take up residence in a protected area or restricted area shall be granted by the county administration after consultation with the National Police Board and the commander of the defence district. Other authorizations shall be granted by the commander of the defence district after consultation with the police authority.

An authorization may be withdrawn where national-defence considerations give reason for doing so.

The granting or withdrawal of an authorization shall be reported to the State Aliens Commission.

...

## PENAL PROVISIONS

*Article 31*

Any person who fails to comply with the obligation prescribed by article 29, second paragraph, shall be liable to a fine of not more than 100 kronor.

If an alien, or if a Swedish master of a foreign vessel, contravenes any other provision of this Notice, he shall, unless the act is subject to a prescribed penalty, be liable to a fine or to imprisonment for a term of not more than six months.

*Article 32*

Any picture, description or surveying information originating from an activity prohibited under article 7, any apparatus or equipment used in connexion with such prohibited activity and any explosives found to be in the possession of an alien within a protected area or restricted area shall be declared forfeited to the Crown unless such action is clearly unreasonable.

The objects referred to in the first paragraph shall be taken charge of by the control officials and shall be held in the premises of the police authority.

## ANNEX

## PROTECTED AREAS AND RESTRICTED AREAS

*Protected areas*

*Kalix Protected Area* shall be bounded:

On the *west* by a line along the western boundary of Kalix rural commune from the innermost part of the inlet east of Rörbäck to Söråskogsmynnen (5.5 km south-west of Töre church), thence in an easterly direction to the southern point of Djupåsh., thence in a northerly direction to the north point of Bjurtj. (3 km north-north-east of Töre church), thence in a north-north-easterly direction to the west point of Granträsket (2 km south-south-west of Råktjärv stn), thence along the northern shore to the Lillån and along the Lillån to the south-east point of Råktjärv, thence along the eastern shore of Råktjärv to

the northernmost part of the inlet 2 km west-north-west of p 200 (Katisberget), thence in an east-north-easterly direction to the south-east point of Djupträsket, thence along the eastern shores of Djupträsket, L. Grundträsket and St. Grundträsket, to the outfall of the Allsån, thence along the Allsån to the south-east point of Allsjärv, thence along the eastern shore of Allsjärv to its north point and thence in a north-north-westerly direction 12.5 km to the south point of Furuträsket;

On the *north* by a line from the south point of Furuträsket in an easterly direction to the south point of Rönsjärv and thence due east to the eastern boundary of Överkalix rural commune;

On the *east* by a line from the last-mentioned point in a southerly direction along the commune boundary to the bend in the boundary 2 km north-north-west of the north point of Storträsket, thence to the north point of Vitvattnet and along the western shore of Vitvattnet to its south point, thence via p 12.3 (1 km west of the cross-roads at Orträsk) to the south-east point of Mjöträsket, thence in a south-westerly direction via the south point of Mjövattnet to the east point of Storträsket, thence along the southern shore to the south-west point of Storträsket, thence along the outlet of Storträsket through Kvarntr. to Törefjärden and thence to the southern point of L. Färön;

On the *south* by a line from the last-mentioned point in a west-south-westerly direction via Strömskatan to Maraklubben and thence in a north-westerly direction along the coast to the innermost part of the inlet east of Rörbäck.

*Boden Protected Area* shall be bounded:

On the *west* by a line from the south point of Bodön along the eastern bank of the Luleälven (west of Bodön and Sävastön) to a point on the bank 450 m west of p 88 (northern peak of the Åberget), thence via p 88, the cross-roads 1.7 km south of Svartbytr., the point of intersection between the road and brook 1 km east-north-east of the cross-roads in Svartbyn and the south point of Öv. Avans to a point on the railway 2 km north of the north point of Svartbytr., thence in a northerly direction along the railway to the point where it intersects the brook 3.5 km north of the north point of Svartbytr. and in a westerly direction along the said brook to its outfall in Buddbyträsket, thence in a southerly direction along the eastern shore of Buddbyträsket to the bridge at its south point, thence in a westerly direction along the road from the said bridge to the cross-roads in Gammelbyn and in a southerly direction along the road on the western shore of Bodträsk to the boundary of the target range at Bodträsk, thence along the said boundary to national road 97 and in a west-north-westerly direction along national road 97 to the cross-roads formed by the intersection of national road 97 and route 683 (500 m north of Trångforsbron), thence in a south-westerly direction to the eastern bank of the Luleälven and thence along the eastern bank of the Luleälven (south of Kusön) to a point on the bank 1 km south of the "Ö" in Överänge;

On the *north, east and south-east* by a line from the last-mentioned point in a north-easterly direction to the north-west point of Flarktj., thence in an easterly direction via the north point of Petträsket to p 173 (Ö. Lillträskhuvudet), thence in an east-south-easterly direction to the north-western part of the mountain directly north of p 173 (east of Junds.), thence along the boundary of the town of Boden via Kronkilmyren, Mellerstr., Smedstr., Smedsbyfjärden, Rörträsket and Kvavisträsket to the eastern bank of the Luleälven and thence to the south point of Bodön.

*Hemsö Protected Area* shall be bounded:

On the *south* by a line from the south-eastern point of Lungö along the southern shore of Lungö to the western point of Lungö (Strömskatan light);

On the *west* by a line from the last-mentioned point to the western point of Hemsön (landing-stage at Sanna) and thence along the western shore of Hemsön to its northern point;

On the *north* by a line from the last-mentioned point via the southern point of Lövvikslandet and the southern point of Grönviksgrund to the north-eastern point of Storön;

On the *east* by a line from the last-mentioned point via the eastern point of Storön to the south-eastern point of Lungö.

*Singö Protected Area* shall be bounded:

On the *south* by a line from Turhuvudet on Singö along the southern shore of Singö to the south-western point of Söder-Loskåret;

On the *west* by a line from the said point via the western point of the island directly west of Ramsan, Halvvägen light, the north-western point of the island directly west of Långgrundet, the westernmost point of Väassarön, the western point of Skogsskåret and the western point of Rödsåkåret to the northern point of Rödsåkåret;

On the *north* and *north-east* by a line from the last-mentioned point via the northern point of Norrsten to the north-eastern point of Understen;

On the *east* and *south-east* by a line from the last-mentioned point via Halsaren and the eastern point of Ytterörarna to Turhuvudet.

*Söderarm Protected Area* shall be bounded:

On the *south-west* and *west* by a line from the southernmost of the Vättarna via the north-east point of S. Rankarö to the southern point of Fejan, thence along the western shore of Fejan to its northern point, thence via the south-western point of S. Lönnsk, the south-western and western points of Lidön, the western point of Frövallskär, the southern point of Viberön and the south-western point of L. Äpsk. to the south-western point of Granö, thence along the western shore of Granö to its westernmost point and via the southern point of Högskår to Simpnäsklubb light;

On the *north-east* by a line from the said light via Tjärven light to the north-eastern point of Längden;

On the *south-east* by a line from the said point via Yttre Skötbådan and the southern point of Ö. Stenharan to the southernmost of the Vättarna.

*Huvudskär Protected Area* shall be bounded:

On the *west* by a line from the southern point of Storskär (8 km south-east of Utö church) along the western shore of Storskär to its north-western point, thence in a northerly direction to Nässkär, thence via the south-western point of Kroka Gråskär and the northern point of Ö. Runmaren to the south-eastern point of Varnöbergen (on Örnö), thence along the southern and eastern shores of Örnö to Örnöhuvud and thence to the eastern point of St. Kaskär;

On the *north* by a line from the last-mentioned point in an east-north-easterly direction to the northern point of Kvinnh.

On the *east* and *south-east* by a line from the northern point of Kvinnh. along the eastern shore of Kvinnh. to its south-eastern point, thence via the northern point of Jutskär, the eastern point of St. Grimskär, the eastern point of Smedsskär and the south-eastern part of Fiversättraön to the western point of Brännträsk and thence via the south-western point of Skogs-Rökan, Skakobben (north-east of Huvudskär) and the south-eastern point of Skaten to the southern point of Storskär.

*Muskö Protected Area* shall be bounded:

On the *south* and *west* by a line from the southern point of Ö. Slangholmen (south-east of Yxlö) via the south-western point of Yxlö (Låsudden) to Norvikudden, thence in a northerly direction along the mainland coast to the point 4000 m south of the final "r" in Ormmor, thence in a north-easterly direction to the point 850 m south of the "A" in Andviken, thence along the eastern shore to the landing-stage south-east of Alsnäset, thence

to Näsudden on Häringenäs and thence along the coast to Vitså landing-stage (700 m east-north-east of Berga castle);

On the *north* by a line from the last-mentioned landing-stage via the northern point of L. Huvudh., the northern point of Lövh., the westernmost part of Långarnsfjärden and the Oxnö triangulation-station mark to the southern point of V. Fjäderh.;

On the *east* and *south-east* by a line from the last-mentioned point in a south-south-westerly direction to Snappudd and via the eastern point of Kuggholmen to the eastern point of Kapellön, thence along the eastern shore of Kappellön to its south-eastern point and thence via the southern point of Blacken to the southern point of Ö. Slangholmen.

*Landsort Protected Area* shall be bounded:

On the *south* by a line from Yttre Karvasen (7 km east-south-east of Landsort light) in a west-north-westerly direction to Storberget;

On the *west* by a line from Storberget via Granklubben light, Vattklubben light, S. Bergholmen light, the south-western point of Torö and the north-western point of Öja to Örudden on Gärfloffa, thence along the western and northern shores of Gärfloffa to the headland at Draget, thence via the point south of the headland to the south point of Bergholmen, thence along the eastern shore to Stockbonäs, thence via the northern point of Brännskär and the northern point of Yttre Gården to the northern point of St. Rammklöv;

On the *north* by a line from the last-mentioned point via the northern point of Själskär and the northern point of Nättarö to the easternmost of the skerries east of Österskär (east of Nättarö);

On the *south-east* by a line from the last-mentioned skerry via the south-eastern point of Söderskär to Yttre Karvasen.

*Gotland Protected Area* shall comprise:

Gotska Sandön.

That part of northern Gotland which is bounded:

On the *west* and *north* by a line from the southern point of Majgu to the southern point of Enholmen, thence along the western shore of Enholmen via the northern point (Norderudde) of Asunden to Näsudden, thence along the western shore of Hideviken to Fridl. raukomr. and via Hideviken to the cross-roads south of Stenbrott, thence in a north-easterly direction along the road and path east of Nystugu (north of the name), south of Sudergårde and Kyllaj to Strandridaregården, thence along the Strandridaregården—Valleviken—Rute—Fleringe road to the cross-roads 400 m south-west of the "L" in Lundarhage, thence in a westerly direction to the coast and in a northerly direction along the coast to Hälludden, thence via the northern point of Falholmen, Digerhuvud, Langham-marshammaren (northern point) and the northernmost point of Norsholmen to Skärsände and thence along the coast to Fårö light;

On the *east* by a line from Fårö light to the northern point of Avagrunn, thence along the eastern shore of Avagrunn to its southern point, thence via the southern point of Askugrunn, the south-eastern point of Dämba Misslauper, the southern point of Rute Misslauper, Grauten light and the southern point of Skenalden to the southern point of Majgu.

*Blekinge Protected Area* shall be bounded:

On the *south* by a line from the southern point of Utlängan via Vitbådan (south of Hasslö) to Hasslöflöt;

On the *west* by a line from Hasslöflöt to the western point of Stångskär;

On the *north* by a line from the said point via Stångskärsflöt, the southern point (Almö point) of Almö, the northern point of Västraskär and the northern and north-eastern

points of the northernmost of the Högholmarna to the northernmost point of Kobebu, thence via the northern point of Getskär and the northern point of Äspeskär to the western point of Senoren, thence along the south-western shore of Senoren to its southern point, thence to the western point of Svenö and along the northern shore of Svenö to its eastern point, thence via the southern point of Svanö to the south-western point (south-west of Grebbegården) of Torhamnshalvön and thence along the shore of Torhamnshalvön to Torhamn point;

On the *east* by a line from Torhamn point to the north-eastern point (Saltstensudden) of Utlängan and along the eastern shore of Utlängan to its southern point.

*Styrsö Protected Area* shall be bounded:

On the *south* by a line from the south point of Rödsk. (south-east of Donsö) via the northern point of Vrångö and the southern point of the southernmost of the Amneskären to the southern point of Donsö Svartskär;

On the *west* by a line from the last-mentioned point via the western point of Buskär to the northern point of the island directly west of Klävesk.;

On the *north* by a line from the last-mentioned point to Gäveskär;

On the *east* by a line from Gäveskär to the northern point of Brännö, thence along the eastern shore of Brännö to its eastern point, thence to the northern point of the holm directly west of St. Mosskullen, thence along the eastern shore of the said holm to its south-eastern point, thence to the northern point of L. Mosskullen and along its eastern shore to its south-eastern point, thence via the northern point of Sillesk. and Krakö to the northern point of Rödsk. and thence along the eastern shore of Rödsk. to its southern point.

*Björkö Protected Area* shall be bounded:

On the *west* by a line from the southern holm of the holms directly south of Björkö to the eastern point of Fjärh., thence along the southern shore of Fjärh. to its north-western point, thence via the southern point of Hälsö to the southern point of Lindh. (north-west of Öckerö), thence along the western shore of Lind. to its north-western point and thence via the north-western point of Källön to the north-western point of Mavh.;

On the *north* and *east* by a line from the last-mentioned point via the northern point of St. Räven, Höge Lasken and the eastern holm of the holms south-south-west of Gallskärsb. to the northern point of Strömsund, thence along the eastern shore of this holm to its southern point and thence to the southern holm of the holms directly south of Björkö.

#### *Restricted areas*

*Kalix—Boden Restricted Area* shall be bounded:

To *landward* by a line from Alskataudden (south of Halfjärden) in a northerly direction along the mainland coast to the point 600 m east of Renholmsb., thence via the south-eastern point of Fjärdsgr., the southern point of Sandön (Sandöörarna), the south-eastern point of Sandöklubb and the south-eastern point of Liggskäret to the south-eastern point of Hertsön, thence along the eastern shores of Hertsön, Mulön and Björkö to Gloholmen, thence in a north-north-westerly direction to Gusöskatan and thence along the mainland coast to the north point of Mjölfjärden, thence in an easterly direction via the northern point of Granholmen to the innermost part of the inlet east of Rörbäck (where the western boundary of Kalix rural commune intersects the coastline), thence along the coast to Maraklubben and thence via Stromskatan and the southern point of L. Fårön to the outlet of Storräsket through Kvarntr. in Törefjärden, thence along the coast to Nässkatan, thence to Rånäsudden and along the coast to the position on a level with Klippan, thence to Bodskatan and along the coast to the eastern point of Torrveds-

holmen, thence to the southern point of Eriksören and thence due east to Kilpaniemi (where the eastern boundary of Kalix rural commune intersects the coastline);

To *seaward* by a line from the last-mentioned point due south to the south-eastern point of Malören and thence via the southern point of Kallen (south-east of Småskären), Marakallen and the south-east point of Mörön to Alskataudden.

*Hemsö Restricted Area* shall be bounded:

On the *south* by a line from the point 1 km south of the "H" in Härnö pilotage station along the northern shore of Härnön to the northernmost point of Härnön (Fridhem);

On the *west* and *north* by a line from the last-mentioned point due north to the southern shore of Vagnölandet, thence in a northerly direction along the shore to the position on a level with the north-western point of Åbordsön, thence to Hornöudden and thence along the eastern shore of Hornön, the western shore of Utviksfjärden and the western and northern shores of Norafjärden to easternmost part of Norafjärden, thence via the narrowest part of the headland to the western shore of Grönsviksfjärden and thence along the coastline via Kåringberget to Bråtaudden;

On the *east* by a line from Bråtaudden via the north-eastern point of Storön, the southern point of Grönviksgrund and the southern point of Lövvikslandet to the northern point of Hemsön, thence along the western shore Hemsön to the western point (ferry berth at Sanna) of Hemsön, thence via the western point (Strömskatan light) of Lungö and along the southern shore of Lungö to the south-eastern point of Lungö and thence to the point 1 km south of the "H" in Härnö pilotage station.

*Sandhamn Restricted Area* shall be bounded:

On the *south-west* and *north-west* by a line from the south point of Utterkobben (8.5 km south of the north-western point of Sandön) via the north-eastern point (Ska-gudden) of Runmarö and the northern point (Näsudden) of Runmarö to the northern point of Furuskäret;

On the *north* by a line from the last-mentioned point via the northern point of Horsh., the northern and eastern points of Brändö, the eastern point of Älgerören and the north-eastern point of St. Mälkobb to Norrlängd;

On the *south-east* by a line from Norrlängd via the south-eastern point of Horrssten to the south point of Utterkobben.

*Utö Restricted Area* shall be bounded:

On the *south* by a line from easternmost of the skerries east of Österskär (east of Nattarö) via the northern point of Nattarö and the northern point of Själskär to the northern point of St. Rammklöv;

On the *west* by a line from the last-mentioned point via the southern point of Ö. Slangholmen and the southern point of Blacken to the south-eastern point of Kapellön, thence along the eastern shore of Kapellön to its eastern point and via the eastern point of Kuggholmen and Snappudd to the southern point of V. Fjäderh., thence via the Oxnö triangulation-station mark, the westernmost part of Långgarnsfjärden and the northern point of Lövh. to the northern point of L. Huvudh., thence in a north-easterly direction to Frönäsudd (triangulation-station mark) and along the shore to the point directly north of the "a" in Hasslinge, thence via Hasslinge and along the path to Nor and the road to Morarna, thence to the mouth of the inlet south-south-east of Morarna and thence via the northern point of St. Rotholmen and the south-eastern point of L. Långh. to the eastern point of St. Kaskär;

On the *east* by a line from the last-mentioned point of Ornöhuvud thence along the eastern and southern shores of Ornö to the south-eastern point of Varnöbergen, thence via the northern point of Ö. Runmaren to the south-western point of Kroka Gråskär, thence

in a south-easterly direction to Nässkär, thence in a southerly direction to the north-western point of Storskär and thence along the western shore of Storskär to its southern point;

On the *south-east* by a line from the last-mentioned point to the easternmost of the skerries east of Österskär (east of Nättarö).

*Gotland Restricted Area* shall be bounded:

On the *west* by a line from the innermost part of Hideviken in a northerly direction along the Kännungs—Norrgårde—Hellvi—Kajlungs—Skuttlings—St. Källstäde—St. Vikers road to the cross-roads 600 m south of the “S” in Storungs, thence in a westerly direction to the coast and in a northerly direction along the coast to a point west of the cross-roads 400 m south-west of the “L” in Lundarhage and thence to the said cross-roads;

On the *east* by a line from the last-mentioned cross-roads along the Fleringe-Rute—Valleviken road to Strandridaregården, thence in a south-westerly direction along the path and the road south of Kyllaj and Sudergårde and east of Nystugu (north of the name) to the cross-roads south of Stenbrott, thence to the coast 600 m west-south-west of the said cross-roads and thence along the coast to the innermost part of Hideviken.

*Blekinge Restricted Area* shall be bounded:

On the *south* by a line from the south-western point of Torhamnshalvön (south-west of Grebbegården) in a north-westerly direction via the southern point of Svanö to the eastern point of Svcnö, thence along the northern shore of Svenö to its western point, thence to the southern point of Senoren and along the south-western shore of Senoren to its western point, thence via the northern point of Äspeskär, the northern point of Getskär, the northernmost point of Kobebu, the north-eastern and northern points of the northernmost holm of the Högholmarna, the northern point of Västraskär, the southern point (Almö point) of Almö, Stångskärsflöt and the western point of Stångskär to Hassleflöt, thence in a westerly direction via Vindskären and the southern point of Tärnö to the southern point of Stärnö;

On the *west* by a line from the last-mentioned point along the western shore of Stärnö to the easternmost part of Sandvik;

On the *north* and *east* by a line from the last-mentioned point in an easterly direction to the westernmost part of Vindhamn, thence via the north-western point of Boön to the northern point of Inr. Ortholmen, thence along the eastern shore of Inr. Ortholmen to its south-eastern point, thence to the northern point of Ytt. Ortholmen, thence along the eastern shore of Ytt. Ortholmen to its south-eastern point, thence via the narrowest part (north of Vägga point) of Yttervägga to the south-western point of Vettekullandet, thence along the mainland coast to the southern point (east of Rörh) of Risanäshalvön, thence in a south-easterly direction via the eastern point of Stekön to the north-western point of Krön and along the western shore of Karön to its southern point, thence due east to the western shore of Göhalvön, thence along the mainland coast to the southern point of Skillingenäs-halvön, thence via the northern point of Vanö to the northern point of Rosslö and thence due east to the western shore of Saltö, thence along the western shore of Saltö to the southern shore of Saltö, thence to the point 200 m south-east of the southern point of Saltö and along the south-western shore of Karlskrona to the south-eastern point of Lindholmen, thence via the south-eastern point of Stumh. and the south-eastern point (200 m north-north-east of the northern point of Kalsholem) of Vämmö to the south-western point of Verkön, thence along the southern shore of Verkön to its southernmost point, thence to the southern point (Knösöudden) of Knösö and along the eastern shore of Knösö to the position on a level with the northern point (300 m north-east of the second “ö” in Knösö) of Säljön, thence due east to the western shore of Fäjö and along the shore to the southern point of Fäjö, thence to the south-western point of Trumnäshalvön and along the shore to the south-eastern point of Trumnäshalvön, thence in an easterly direction to the western point of Möcklöhalvön and along the mainland coast to the south-western point of Torhamnshalvön.



*Björkö-Styrsö Restricted Area* shall be bounded:

On the *west* by a line from the southern point (south-west of Styrsö) of Donsö Svartskär via the Trubaduren lighthouse tower, Vinga ungar, L. Svartsk. and Valsk. to the southern point of Grötö, thence along the eastern shore of Grötö to its northern point and thence to the southern point of Hälsö;

On the *north* by a line from the last-mentioned point to the north-western point of Fjärh. and along the southern shore of Fjärh. to its eastern point, thence via the southern holm of the holms directly south of Björkö to the southern point of Strömsund and thence in an easterly direction to the mainland coast;

On the *east* by a line along the mainland coast to the position on a level with the northern point of L. Varh., thence along the western shore of L. Varh. to its southern point and in an easterly direction to the mainland coast, thence along the coast to the southern point of Nötö, thence via the northern point of Rivö and Skiftesk. to the northern point of St. Lyngsk. (east of Donsö), thence along the eastern shore of St. Lyngsk. to its southern point and thence to the northern point of Rödsck.;

*Thence* by a line from the last-mentioned point in a northerly direction via Kråkö and the northern point of Sillesk. to the south-eastern point of L. Mosskullen and along the eastern shore of L. Mosskullen to its northern point, thence to the south-eastern point of the holm directly west of St. Mosskullen and along the eastern shore of the said holm to its northern point, thence to the eastern point of Brännö and along the eastern shore of Brännö to its northern point and thence via Gäveskär, the northern point of the island directly west of Klåvesk. and the western point of Buskär to the southern point of Donsö Svartskär.

## 7. UNION OF SOVIET SOCIALIST REPUBLICS

### (a) REGULATIONS<sup>1</sup> OF 5 AUGUST 1960 FOR THE DEFENCE OF THE STATE FRONTIER OF THE UNION OF SOVIET SOCIALIST REPUBLICS\*\*

#### I. GENERAL PROVISIONS

*Article 1.* The State frontier of the USSR is the line delimiting the land and water territory of the USSR. The surface extending vertically along the said line constitutes the frontier of the air space and subsoil of the USSR.

...

*Article 3.* Coastal maritime waters to a distance of twelve nautical miles measured from the low-water line, both continental and insular, or from the outer limit of internal maritime waters of the USSR, shall constitute the territorial sea of the USSR. In particular cases provided for in agreements between the USSR and other States, the breadth of the territorial sea may differ from the foregoing.

<sup>1</sup> The text of the Regulations, published under No. 34 (1018) on 30 August 1960 in the *Bulletin of the Supreme Soviet of the Union of Soviet Socialist Republics*, was confirmed by the Decree of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics, dated 5 August 1960, and by the Act of the Union of Soviet Socialist Republics, dated 22 December 1960. For the Regulations of 15 June 1927, see ST/LEG/SER.B/6, p. 255.

The outer limit of the territorial sea shall constitute the State maritime frontier of the USSR.

In sections where the territorial sea of the USSR is contiguous to the territorial sea of adjacent States, the State maritime frontier of the USSR shall be determined in accordance with agreements concluded between the USSR and the adjacent States, or, in the absence of such agreements, in accordance with the principles accepted in the international practice of states or by a straight line connecting the points at which the land frontier reaches the sea.

*Article 4.* The internal maritime waters of the USSR shall consist of:

(a) The waters of USSR ports bounded to seaward by a line passing through the outermost seaward points of the hydraulic and other port installations;

(b) The waters of gulfs, bays, inlets and estuaries, the shores of which belong in their entirety to the USSR, up to a straight line drawn from one shore to the other at the place where, on the seaward side, one or more passages begin to take form, provided that the width of each passage does not exceed twenty-four nautical miles;

(c) The waters of gulfs, bays, inlets, estuaries, seas and straits which have historically belonged to the USSR.

*Article 5.* On navigable frontier rivers, the State frontier of the USSR shall be established along the middle of the main fairway or thalweg of the river, and on non-navigable rivers along the middle of the river or the middle of the main branch; on frontier lakes it shall be established along the middle of the lake or along a straight line connecting the points at which the land frontier reaches the shores of the lake. Save as otherwise provided in agreements between the USSR and other States, the portions of the State frontier running along a river or through a lake shall not be altered by reason of a change in the configuration of the banks or shores or in the water level or by reason of the deviation of the river-bed in either direction.

*Article 6.* The State frontier of the USSR shall be marked by clearly visible frontier marks (frontier posts, pyramids, cairns, mounds, buoys, sighting marks and other marks).

In certain places, the outer limit of the territorial sea of the USSR may, for purposes of orientation, be marked by buoys and spar-buoys.

...

## II. RÉGIME OF THE STATE FRONTIER

*Article 9.* Areas in which navigation, anchorage, fishing and similar activities shall be permanently or temporarily prohibited may be established in particular sections of the internal maritime and territorial waters of the USSR by decision of the competent authorities. The establishment of such areas shall be announced in the "Notices to Mariners".

...

*Article 11.* Persons wishing to cross the State frontier of the USSR may do so only if they are in possession of the prescribed documents in proper form entitling

them to enter or leave the USSR and shall do so at the places where frontier-crossing points are situated.

The conveyance across the frontier of matter in manuscript or printed form shall likewise be subject to control at the frontier-crossing points.

...

*Article 15.* Foreign non-military vessels shall enjoy the right of innocent passage through the territorial waters of the USSR. Innocent passage shall be understood to mean navigation through the territorial waters for the purpose of traversing the same without entering internal maritime waters or for the purpose of entering internal maritime waters or leaving internal maritime waters for the open sea. Passage shall be considered to be innocent if vessels steer the customary navigational course or the course recommended by the competent authorities, comply with the established régime and avoid areas closed to navigation as announced in the "Notices to Mariners".

The list of ports, bays and roadsteads open to foreign vessels, the procedure for entry and stay therein, for the conduct of cargo and passenger operations, for ship-to-shore communication, for the setting ashore of crew members and for visits aboard the vessels by persons other than crew members, and other matters connected with the entry of foreign non-military vessels into the territorial and internal maritime waters of the USSR shall be prescribed by the laws of the USSR and of the Union Republics and by special regulations and instructions issued by the competent authorities and published in the "Notices to Mariners" and other official publications.

*Article 16.* Foreign warships shall pass through the territorial waters and enter the internal maritime waters of the USSR, subject to the prior authorization of the Government of the USSR and in accordance with the procedure laid down in the rules for visits by foreign warships in the territorial and internal maritime waters of the USSR published in the "Notices to Mariners".

Foreign submarines authorized to stay in territorial and internal maritime waters of the USSR shall remain on the surface at all times.

*Article 17.* While in territorial and internal maritime waters of the USSR, foreign military and non-military vessels shall comply with the navigation, radio-telegraph, port, customs, sanitary and other regulations prescribed for vessels navigating and staying in such waters.

*Article 18.* Where foreign non-military vessels in distress are unable to comply with the rules of innocent passage through the territorial waters of the USSR, they shall so inform the authorities of the nearest Soviet port without delay. The giving of a false distress signal for the purpose of entering or staying in the territorial waters of the USSR illegally shall be regarded as a violation of the State frontier of the USSR. Vessels giving such a signal shall be liable to arrest.

*Article 19.* The taking of fish or crabs, killing of marine animals or conduct of any similar activity by foreign vessels in territorial and internal maritime waters of the USSR shall be prohibited except where such activity is authorized under agreements between the USSR and the States concerned. Foreign vessels shall likewise

be prohibited from engaging in hydrographic operations or research in the said waters.

Foreign vessels which violate the foregoing provisions, or, being authorized to engage in fishing or similar activities, violate the regulations in force while doing so, shall be liable to arrest, and the persons responsible for the violation shall be prosecuted in accordance with the laws of the USSR and of the Union Republics.

...

*Article 26.* The following shall be regarded as violators of the State frontier of the USSR:

(a) Persons who, by foot or by land transport, or aircraft, cross or attempt to cross the State frontier at points other than the established frontier-crossing points or who do so at the established points but in an illegal manner;

(b) Persons discovered in territorial and internal maritime waters of the USSR or in the Soviet portion of frontier rivers and lakes, whether on vessels or floating objects or swimming, if they have illegally entered such waters or are attempting to leave them illegally;

(c) Foreign military and non-military vessels which have entered territorial and internal maritime waters of the USSR or the Soviet portion of frontier rivers and lakes in violation of the regulations in force with regard to such entry;

(d) Aircraft which cross the air-space frontier of the USSR without the authorization of the competent Soviet authorities to fly across the frontier and over the land or water territory of the USSR, or, having received such authorization, fly across the frontier at an unauthorized place or at an unauthorized altitude.

*Article 27.* Persons who violate or attempt to violate the State frontier of the USSR, and persons and their accomplices who convey or attempt to convey across the State frontier of the USSR any objects, materials, currency or items having the value of currency the import or export of which is prohibited shall be liable to arrest and prosecution in accordance with the laws of the USSR and of the Union Republics.

(b) NOTICE<sup>1</sup> CONCERNING FORTIFIED ZONES AND RULES FOR NAVIGATION THEREIN\*\*

It may sometimes be found necessary to lay down special conditions, of permanent rather than a temporary nature, for navigation in certain areas contiguous to the Union of Soviet Socialist Republics. Such areas shall hereinafter be referred to as "fortified zones".

All ships sailing in waters contiguous to the Union of Soviet Socialist Republics shall be required to conform strictly to the "Rules for navigation in fortified zones of the USSR" set forth below.

Information concerning the areas declared to be fortified zones shall be published in the Notices to Mariners issued by the Hydrographic Department of the Ministry of Defence.

<sup>1</sup> *Notices to Mariners* of 1 January 1967, issue 1, No. 3. Except article 7, there is no substantial change in the text as reproduced in ST/LEG/SER.B/6, p. 263. The translation was revised.

*Rules for navigation in fortified zones of the USSR*

1. These rules shall apply to all foreign-going merchant ships, whether of USSR or foreign nationality.

2. Fortified zones shall be announced in the Notices to Mariners issued by the Hydrographic Department of the Ministry of Defence, and alleged ignorance of the said notices shall not constitute grounds for evading responsibility for breaches thereof.

3. No foreign-going merchant ship, whether of USSR or foreign nationality, may enter or leave a fortified zone without previous authorization.

Where entry into a port open to foreign-going merchant ships necessitates passage through a fortified zone, the procedure for entry into the fortified zone shall be prescribed in each case by a special notice.

4. No merchant ship may in any circumstances proceed through a fortified zone without a pilot.

When a ship is proceeding through a fortified zone, the master shall promptly carry out all instructions of the pilot in matters pertaining to compliance with the conditions for navigation in the said zone (black-out, keeping crew off the upper deck and so on).

5. A merchant ship proceeding through a fortified zone by night shall show only the prescribed lights, unless special orders to darken ship have been issued or the pilot has given instructions in that regard.

By day, a ship shall be required to fly its national flag, house pennant and distinguishing pennant.

6. A ship proceeding through a fortified zone shall not come to anchor at a distance less than three cables from the centre of the restricted fairway and from the prescribed course.

7. Merchant ships, in all cases, shall give way to formations of warships and shall refrain from cutting through a line of warships or approaching warships engaged in special exercises or in firing.

The procedure to be followed when meeting single warships not engaged in special exercises shall be governed by the regulations for the prevention of collisions of ships at sea.

8. On the approach of fog, a fortified zone shall be closed to the passage of merchant ships.

*Notification concerning prohibited navigation and anchorage areas*

It is sometimes necessary to prohibit vessels from navigating or anchoring in certain coastal waters of the USSR. In such cases, the boundaries of the areas in which navigation and anchorage are prohibited for all ships without exception shall be announced in the Notices to Mariners issued by the Hydrographic Department of the Ministry of Defence.

Such areas shall be declared, as a rule temporarily, to be prohibited for a specified period of time and shall be designated as "temporarily prohibited navigation areas".

Areas in which anchorage alone is prohibited shall be permanent and shall be designated as "prohibited anchorage areas".

The boundaries of such prohibited areas as announced in the Notices to Mariners issued by the Hydrographic Department of the Ministry of Defence must be marked on navigational charts.

## 8. YUGOSLAVIA

### LAW<sup>1</sup> OF 22 MAY 1965 ON YUGOSLAVIA'S MARGINAL SEAS, CONTIGUOUS ZONE AND CONTINENTAL SHELF

...

#### *Article 2*

The terms used in the present Law have the following meanings:

(1) A foreign merchant ship is a ship of foreign nationality used for commercial purposes and any other ship which is not comprised by paragraphs 2 to 5 of the present article;

...

(5) A foreign government ship is a ship owned or used by a foreign State, being not a warship and operated exclusively for non-commercial purposes of the respective State;

...

#### *Article 17*

The Secretary of State for National Defence, in agreement with the Federal Secretary for Internal Affairs and the Federal Secretary for Transport and Communications, may as a necessary measure for Yugoslavia's security, determine several zones in the territorial sea through which zones the passage of foreign ships is provisionally suspended or limited.

The Secretary of State for National Defence, in agreement with the Federal Secretary for Internal Affairs and the Federal Secretary for Transport and Communications, shall prescribe which national ships and under which conditions are allowed to navigate through the forbidden zones referred to in paragraph 1 of the present article.

The regulations concerning the limits of the zones, the suspension or limitation referred to in paragraph 1 of the present article, together with necessary informations, shall be published in the Notice to Mariners.

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<sup>1</sup> *Official Gazette* No. 22 of 22 May 1965. The English translation was provided by the Permanent Mission of Yugoslavia to the United Nations.

**Chapter IV**  
**CUSTOMS, FISCAL AND SANITARY MATTERS**

1. AUSTRALIA

(a) QUARANTINE ACT 1908-1961 (No. 61 of 1961; 24 October 1961)

PART I. INTRODUCTORY

...

5. *General definitions*

In this Act, unless the contrary intention appears—  
“Australian vessel” means a vessel which does not voyage or ply to or from any place outside Australia:

...

PART II. ADMINISTRATION

...

13. *Proclamation of ports of entry, etc.*

(1) The Governor-General may, by proclamation—

(a) declare any ports in Australia to be first ports of entry for oversea vessels;

(aa) declare any place or area in Australia to be a landing place for vessels engaged in navigation by air;

(b) declare any ports in Australia to be ports where imported animals and plants or any particular kinds of imported animals or plants may be landed;

(c) appoint places on land or sea to be quarantine stations for the performance of quarantine by vessels, persons, goods, animals, or plants;

(d) prohibit the introduction into Australia of any noxious insect, or any pest, or any disease germ or microbe, or any disease agent, or any culture virus or substance or article containing, or likely to contain, any noxious insect, pest, disease germ, microbe, or disease agent;

(e) prohibit the importation into Australia of any articles likely, in his opinion, to introduce any infectious or contagious disease, or disease or pest affecting persons, animals or plants;

(f) prohibit the importation into Australia of any animals or plants, or any parts of animals or plants;

(fa) prohibit the bringing into any port or place in Australia of any animals;

(g) prohibit the removal of any animals, plants or goods, or parts of animals or plants from any part of the Commonwealth to any other part of the Commonwealth;

(h) declare any part of the Commonwealth in which any quarantinable disease or any disease or pest affecting animals or plants exists, or is suspected to exist, to be a quarantine area; or

(i) declare that any vessel, persons, animals, plants, or goods in any quarantine area, or in any part of the Commonwealth in which any quarantinable disease, or any disease or pest affecting plants or animals, exists, or is suspected to exist, shall be subject to quarantine.

(1A) The power to declare first ports of entry shall extend to authorize the declaration of a port to be a first port of entry for all oversea vessels, or for oversea vessels from any particular place, or for any class of oversea vessels.

(2) The power of prohibition under this section shall extend to authorize prohibition generally or with limitations as to place and subject-matter, and either absolutely or subject to any specified conditions or restrictions.

(3) The powers conferred on the Governor-General by this section, in relation to the matters specified in paragraphs (g), (h) and (i) of sub-section (1), so far as they relate to animals, plants or goods, or any disease or pest affecting animals or plants, shall only be exercised in cases where the Governor-General is satisfied that the exercise of those powers is necessary for the purpose of preventing the spread of a quarantinable disease, or a disease or pest affecting animals or plants.

#### 14. *Exemption of certain vessels and goods*

The Governor-General may exempt, for such time and subject to such conditions as he thinks fit, from all or any of the provisions of this Act—

(a) any ship of war;

(b) any vessels trading exclusively between Australian ports or Australia and New Zealand or Fiji, or other places adjacent to Australia;

(c) any particular vessel or class of vessels; and

(d) any persons, animals, plants, or goods.

...

#### 17. *When vessel subject to quarantine*

The following vessels shall be subject to quarantine:—

(a) Every oversea vessel until pratique has been granted or until she has been released from quarantine;

(b) Every vessel (whether an Australian vessel or an oversea vessel) on board which any quarantinable disease or disease which there is reason to believe or suspect to be a quarantinable disease has broken out or been discovered (notwithstanding that pratique has been granted or that she has been released from quarantine); and

(c) Every vessel which is ordered into quarantine by a quarantine officer.



18. *Persons subject to quarantine*

(1) The following persons shall be subject to quarantine:—

- (a) Every person who is on board a vessel subject to quarantine, or who has been on board the vessel (being an oversea vessel) since her arrival in Australia;
- (b) Every person infected with a quarantinable disease;
- (c) Every person who has been in contact with or exposed to infection from any person or goods subject to quarantine; and
- (d) every person who is, or has been within a period of fourteen days, in an area which is a quarantine area.

*Goods subject to quarantine*

(2) The following goods shall be subject to quarantine:—

- (a) All goods which are on board a vessel subject to quarantine, or which have been on board the vessel (being an oversea vessel) since her arrival in Australia;
- (b) All goods infected with a quarantinable disease; and
- (c) All goods which have been in contact with or exposed to infection from a quarantinable disease or from any person or goods subject to quarantine.

(b) QUARANTINE (GENERAL) REGULATIONS (Statutory Rules No. 34 of 1958; 29 May 1958)<sup>1\*</sup>

(c) QUARANTINE (ANIMALS) REGULATIONS (Statutory Rules No. 23 of 1961, 20 February 1961)<sup>2\*</sup>

(d) QUARANTINE (PLANTS) REGULATIONS (Statutory Rules No. 117; 28 August 1964)<sup>3\*</sup>

## 2. CANADA

### CUSTOMS ACT, AS AMENDED<sup>4</sup>

<sup>1</sup> As amended by *Statutory Rules* No. 80 and No. 188 of 1965.

<sup>2</sup> As amended by *Statutory Rules* No. 14, No. 109 and No. 117 of 1966.

<sup>3</sup> As amended by *Statutory Rules* No. 82 of 1965, No. 13 of 1966 and No. 45 of 1967.

<sup>4</sup> *Supra* Chapter 1. 7 (b).

## 3. DENMARK

(a) CUSTOMS ACT NO. 1 OF 28 JANUARY 1959, AS AMENDED, AS PUBLISHED IN CONSOLIDATED ACT NO. 1 OF 18 JANUARY 1967<sup>1\*\*</sup>

...

## PART 2. CUSTOMS ADMINISTRATION

## CHAPTER 1

*General provisions**Article 5*

1. The customs area shall comprise the land areas and internal waters of Denmark and the territorial sea of Denmark to a distance of four nautical miles (7,408 m.) from the coastline or from such straight baselines as have been or may be established in accordance with the rules of international law.

2. Such provisions of this Act or of regulations made thereunder as concern the transport of goods and similar matters may be made applicable outside the customs area to the extent determined by international agreement.

3. The Faroe Islands and Greenland shall not be included in the customs area.

...

*Article 11*

1. The customs authorities may move freely anywhere along the coast and in port areas and conduct searches of goods in warehouses on the coast or in ports.

2. The customs authorities may pursue persons who evade customs supervision, or are presumed to do so, in respect of goods brought with them over the land frontiers or from vessels or aircraft, and may also, in such cases, conduct house searches and the like if such measures are directly connected with the pursuit.

...

## CHAPTER 2

*Navigation*A. *General provisions**Article 17*

1. Every vessel within the Danish customs area shall be subject to the supervision of the Danish customs authorities and shall stop when so requested by such authorities. Regulations concerning the use of stop signals shall be made by the Customs Administration.

<sup>1</sup> *Lovtidende A* 1967, No. 1 of 18 January 1967. Customs Act No. 171 of 11 May 1928, Customs Regulations of 1 February 1927, Royal Decrees No. 234 of 9 September 1927 and No. 219 of 4 December 1929 on measures to prevent smuggling, and Act No. 219 of 1 July 1955 respecting measures to prevent smuggling, etc., reproduced in ST/LEG/SER.B/6, pp. 121-122, have been repealed.

2. The customs authorities may conduct such inspections (rummaging) anywhere on the vessel as are necessary for purposes of supervision.

3. It shall be the responsibility of the master of the vessel to provide such information concerning the vessel, its cargo and so on as may be necessary for the exercise of supervision and to produce ship's papers and cargo documents in support of the information given. It shall further be the duty of the master to indicate all means of access to the cargo and all holds and recesses in which goods can be kept with which he is or should be familiar.

*Article 18*

The customs authorities may require that goods subject to customs control be placed under customs seal while a vessel is in the Danish customs area or when, on a voyage between places in Denmark, it passes through foreign waters. If the application of customs seals cannot be effected properly, the vessel may, at the decision of the customs authorities and at the vessel's expense, be placed under customs guard.

*Article 19*

The unloading and loading of goods and the disembarkation and embarkation of passengers may take place only at the custom-houses and customs inspection posts which are entitled to clear vessels on the route in question.

...

PART 3. PENAL PROVISIONS

*Article 189*

1. The import from abroad or from a customs-free area of dutiable goods of any kind without declaring the same to the customs authorities in accordance with the provisions of this Act shall be regarded as smuggling. The removal of goods from a bonded warehouse without notification and the removal of goods under customs seal shall likewise be so regarded.

2. An offence against the provisions of articles 106 and 122 shall also be regarded as smuggling.

3. If uncleared goods or goods which are declared for export against reimbursement of or exemption from customs or other duty or against consignment to storage are found to have been brought back without notification from a vessel or other means of conveyance or otherwise withheld from export without being declared to the customs authorities, such goods shall be considered to have been smuggled into the country.

4. If dutiable goods which are not listed in the cargo documents and have not been properly declared to the customs authorities are found on board a vessel or other means of conveyance that has entered the customs area, the owner of such goods shall be considered to have attempted to smuggle them into the country.

5. Any vessel under 120 net tons which within the customs area is found to be carrying on board heavily dutiable goods the customs and other duty on which amounts to not less than 500 kronor shall be considered to be attempting to engage in smuggling unless there is strong evidence that the vessel is not being used for such purposes.

*Article 190a*

1. Any means of conveyance which has been used for the smuggling or attempted smuggling into the country of heavily dutiable goods or for the conveyance of such goods in the customs area may be detained by the customs authorities, or by the police on behalf of the customs authorities, until the amounts which, in respect of customs or other duty, fines and costs, are due from the owner, person in charge or crew of the means of conveyance or any other person employed thereon have been paid or security for the payment thereof has been given. If payment is not made or security given within two months after the final disposition of the case, satisfaction may be sought against the means of conveyance.

2. The provisions of articles 745 and 746 of the Administration of Justice Act in respect of the seizure of articles liable to confiscation shall apply as appropriate to the detaining of the means of conveyance by the aforementioned authorities. Detention may be effected only if necessary to ensure payment of the aforementioned amounts. Detention may not be effected if the person who was in charge of the means of conveyance while it was being used for smuggling or the like was not legally in possession thereof.

...

*Article 195*

1. The use of a Danish vessel for the commercial smuggling of alcoholic liquors to the foreign States which have ratified the Convention<sup>1</sup> for the Suppression of the Contraband Traffic in Alcoholic Liquors, signed at Helsinki on 19 August 1925, shall entail the application of the penalties provided for in article 190, paragraph 1, in respect both of the owner or ship-owner and of the charterer of the vessel and its master. The trans-shipment of goods outside the customs areas of the aforementioned States in circumstances which constitute strong evidence of intent to smuggle the goods into one of those areas shall also be regarded as smuggling.

2. The vessel shall constitute security for the payment of fines.

3. Save where the Act is punishable under article 193, paragraph 3, the provisions of article 193, paragraphs 1 and 2, shall apply to any person who, in respect of goods exported from Denmark, issues or causes to be issued fundamentally inaccurate documents in support of an application for customs privileges (Area tariff treatment) in foreign States which have ratified the Convention establishing the European Free Trade Association or an agreement of association therewith.

(b) NOTICE NO. 9 OF 28 JANUARY 1959 ON MEASURES TO PREVENT SMUGGLING<sup>2\*\*</sup>

*Article 1*

In pursuance of article 12, paragraph 1, of the Customs Act, it is hereby provided that the provisions of the Customs Act relating to the carriage of goods by sea, etc. and the relevant penal provisions, including the provisions of article 189, paragraphs 4 and 5, shall apply to vessels of Danish and Norwegian nationality and

<sup>1</sup> For article 9 of the Convention, see ST/LEG/SER.B/6, p. 709.

<sup>2</sup> *Finansministeriets bekendtgørelse* No. 9 of 28 January 1928. See the Customs Act above.

of the nationality of all the Baltic States in the areas and to the extent laid down by article 9<sup>1</sup> of the Convention for the Suppression of the Contraband Traffic in Alcoholic Liquors and the Final Protocol thereto, signed at Helsinki on 19 August 1925 (cf. Notice No. 150 of 20 May 1926 concerning Denmark's ratification of the said Convention).

*Article 2*

It is further provided, in pursuance of article 12, paragraph 2, of the Customs Act, that supervision staff from Sweden, while carrying out the supervision referred to in the Convention of 28 October 1935 between Denmark and Sweden for common supervision in order to prevent the smuggling of alcoholic liquors (as published in the Notice of 10 February 1936), shall have the same powers and enjoy the same legal protection as Danish customs supervision staff.

This Notice shall come into force on 1 February 1959, and on the same date there shall stand repealed Royal Orders No. 281 of 17 November 1926, No. 234 of 4 September 1927,<sup>2</sup> No. 181 of 25 August 1929, No. 219 of 4 December 1929<sup>3</sup> and No. 13 of 24 January 1936.<sup>4</sup>

(c) NOTICE<sup>5</sup> NO. 101 OF 18 MARCH 1960 ON HEAVILY DUTIABLE GOODS\*

#### 4. FEDERAL REPUBLIC OF GERMANY

##### CUSTOMS ACT OF 14 JUNE 1961<sup>6\*\*</sup>

###### PART I. THE MOVEMENT OF GOODS

...

*Article 2*

*Customs territory, attached customs areas, detached customs areas, customs-free areas, customs frontier, areas outside customs jurisdiction*

(1) The term "customs territory" (*Zollgebiet*) means German territory, including the attached customs areas but excluding the detached customs areas and the customs-free areas. The customs territory is enclosed by the customs frontier.

(2) The term "attached customs areas" (*Zollanschlüsse*) means foreign territories which are attached to the German customs territory. The term "detached

<sup>1</sup> See ST/LEG/SER.B/6, p. 709.

<sup>2</sup> *Ibid.*, p. 121.

<sup>3</sup> *Ibid.*, p. 122.

<sup>4</sup> *Ibid.*, p. 150.

<sup>5</sup> *Finansministeriets bekendtgørelse* No. 101 of 18 March 1960.

<sup>6</sup> *Bundesgesetzblatt* 1961 I, p. 737. The Customs Act of 20 March 1939, partly reproduced in ST/LEG/SER.B/6, pp. 139-140, was repealed as from 1 January 1962.

customs areas” (*Zollauschlüsse*) means German territories which are attached to a foreign customs territory.

(3) The term “customs-free areas” (*Zollfreigebiete*) includes:

1. German ships and German aircraft in areas which do not form part of any customs territory;
2. The island of Helgoland;
3. Portions of seaports that are excluded from the customs territory (free ports, cf. article 86);
4. Waters and shoals between the national frontier and the customs frontier along the coast (paragraph 4);
5. Roads on the national frontier and inland waters which, owing to the drawing back of the customs frontier (paragraph 5), are excluded from the customs territory but are not included in a foreign customs territory.

(4) The customs frontier along the coast shall be the actual coastline. The Federal Minister of Finance shall, by administrative decree, determine the customs frontier at the mouths of rivers in accordance with the requirements of customs control. The Federal Minister of Finance may, by administrative decree, extend the customs frontier along the coast as far as the national frontier for the purpose of facilitating customs control.

(5) The Federal Minister of Finance may, by administrative decree and for the purpose of facilitating customs control, draw back the customs frontier in such a way that roads on the national frontier and inland waters are completely or partially excluded from the customs territory.

(6) The customs Code shall apply without limitation in the customs territory. The Customs Code shall not apply in customs-free areas in so far as it relates to the character of goods as goods subject to customs control; this provision shall not affect the provisions of paragraph (7). The Customs Code shall not apply in detached customs areas.

(7) Places where customs clearance is effected outside the customs territory and where duly authorized German or foreign customs authorities conduct official business in accordance with the German Customs Code shall be deemed for the purposes of such business to be German customs territory. The same shall apply to the routes connecting those places with the customs territory to the extent that goods being imported or exported are carried thereon. Customs posts in customs-free areas shall be authorized at the places where customs clearance is effected by them, to conduct official business relating to the import and export of goods.

(8) The term “areas outside customs jurisdiction” (*Zollausland*) means all areas not belonging either to the customs territory or to the customs-free areas.

### *Article 3*

#### *Customs routes, customs ports of entry, customs airports*

(1) Goods may be imported and exported only by way of customs routes. This shall not apply to the importation and exportation of goods transported on public railways or in aircraft or to the importation of goods not subject to customs control (article 5, paragraph (1)).

(2) The term “customs routes” (*Zollstrassen*) means those roads, waterways, pipelines and other transport routes which are declared by public notice to be customs routes.

(3) Incoming ships may dock only at customs ports of entry, and outgoing ships may depart only from such ports. Public notice shall be given of customs ports of entry. Ships on customs routes may not hold intercourse with other vessels or vehicles or with the shore.

...

## SECTION 2

### *Other customs-free areas*

#### *Article 67*

##### *Transport restrictions and customs control*

...

(2) In waters and shoals between the national frontier and the customs frontier along the coast, and in inland waters excluded from the customs territory, the master of a ship shall, at the request of the customs officers, bring his ship to a stop and shall allow the customs officers to come on board and leave the ship, to examine the shipping papers and to inspect the ship and its cargo.

...

(4) In waters which constitute customs-free areas, goods may be disembarked only when necessary for fishing, oyster catching, the emplacement of navigation markers or similar purposes.

## 5. NEW ZEALAND

CUSTOMS ACT 1966 (No. 19 OF 1966; 16 SEPTEMBER 1966)<sup>1</sup>

...

### *2. Interpretation.*

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

...

“Most favoured nation” means a country, not forming part of the Commonwealth, to the products or manufactures of which the duties and exemptions from duty referred to in paragraph (a) of subsection (2) of section 4 of the General Agreement on Tariffs and Trade Act 1948 for the time being apply, whether by virtue of that paragraph or by virtue of any Order in Council made (before or after the commencement of this Act) under section 5 of that Act and for the time being in force:

<sup>1</sup> By section 311 and seventh schedule of this Act, Customs Act 1913 reproduced in ST/LEG/SER.B/6, pp. 216-218, was repealed.

“Most Favoured Nation Tariff” means the rates of duty and the exemptions from duty (except the rates and exemptions preceded by the abbreviation “SA”) specified in the column headed “Most Favoured Nation” in the Tariff; and includes any modification or amendment thereof that may hereafter be made:

...

“Ship” means any kind of vessel used in navigation, not propelled by oars only:

...

### PART III. IMPORTATION, EXPORTATION, REMOVAL WITHIN NEW ZEALAND

#### *Ports of Entry, Customs Airports*

#### 26. *Ports of entry*

(1) The Minister may from time to time, by notice in the *Gazette*, appoint as a port of entry for the purposes of this Act any area specified in the notice, and fix the name of that port.

(2) A port of entry may be so appointed for any specified limited purposes exclusively, or for all purposes with specified exceptions, or without any such limitation; and if any such limitation is so imposed the port shall be deemed a port of entry in respect of the purposes so authorised only.

(3) The Minister may from time to time, by notice in the *Gazette*, declare that any port shall cease to be a port of entry for the purposes of this Act, or alter the limits or the name of any port, or impose any limitation on the purposes for which any port shall be a port of entry, or remove or alter any such limitation.

...

### PART V. DUTIES

#### *The Customs Tariff*

...

#### 126. *Most Favoured Nation and General Tariffs may be applied to countries of the Commonwealth*

Subject to section 128 of this Act, but notwithstanding any other provisions of this Act, the Governor-General may from time to time, by Order in Council, apply the Most Favoured Nation Tariff or the General Tariff, either in whole or in part, to goods being the produce or manufacture of any part of the Commonwealth, and thereupon there shall be levied on all such goods the duties (if any) set forth in respect of those goods in the Most Favoured Nation Tariff or in the General Tariff, as the case may require, in lieu of the duties (if any) set forth in respect of those goods in the British Preferential Tariff.

### PART VIII. POWERS OF OFFICERS OF CUSTOMS

...

#### 206. *Searching of ships and aircraft*

(1) Any officer of Customs may search any ship or aircraft within the territorial limits of New Zealand.



(2) In the exercise of this power of search an officer may, by force if need be, enter every part of the ship or aircraft, and open any package, locker, or other place, and examine all goods found on the ship or aircraft.

...

208. *Firing on ships*

The officer commanding or officer in charge of any ship in Her Majesty's service (whether in respect of the Government of New Zealand or otherwise) having hoisted and carrying the proper ensign and pendant or the Customs flag may, within the territorial limits of New Zealand, chase any ship which does not immediately bring-to when signalled or required to do so, and may, after having fired a gun as a signal, fire at or into the ship to compel her to bring-to.

...

PART XI. OFFENCES

...

*Other Offences*

...

250. *Ships and aircraft adapted for smuggling*

If any ship or aircraft comes or is found within the territorial limits of New Zealand having—

(a) False bulkheads, bows, sides, or bottoms adapted for the purpose of concealing goods; or

(b) Any secret or disguised place adapted for the purpose of concealing goods; or

(c) Any hole, pipe, or device adapted for the purpose of smuggling or unlawfully importing or exporting goods—

the master and the owner in the case of a ship, or the owner in the case of an aircraft, shall be guilty of an offence and shall be severally liable to a fine not exceeding five hundred pounds.

...

PART XII. FORFEITURES

*Forfeiture*

...

272. *Boats and vehicles forfeited*

Every boat, vehicle, or animal used in smuggling goods, or in unlawfully conveying goods with intent to defraud the revenue of Customs, or in the importation or conveyance of prohibited imports or forfeited goods, shall be forfeited.

...

*Seizure*

...

276. *Where goods may be seized*

Goods may be seized as forfeited wherever found within the territorial limits of New Zealand.

...

## PART XIII. DETENTION OF SHIPS AND AIRCRAFT

289. *Ships and aircraft liable to detention*

Any ship or aircraft shall be liable to detention in accordance with this Part of this Act when any offence has been committed for which the owner or master of the ship or the owner or pilot in command of the aircraft is liable as such to a penalty under this Act.

290. *Seizure of ships and aircraft*

(1) Any officer of Customs may seize any ship or aircraft that is liable to detention under this Act or which he has reasonable and probable cause for suspecting to be so liable.

(2) Any such seizure may be made in the same manner as a seizure of forfeited goods.

(3) No ship or aircraft shall be so seized at any time except within two years after the act or event that rendered it liable to detention.

291. *Where ships and aircraft may be seized*

No ship or aircraft shall be so seized elsewhere than within the territorial limits of New Zealand.

## 6. NORWAY

(a) CUSTOMS ACT<sup>1</sup> OF 10 JUNE 1966<sup>2\*\*</sup>

## CHAPTER 1

*Definitions. Scope of the Act**Article 1*

For the purposes of this Act:

1. The term "customs area" means the Norwegian mainland and all areas within the territorial frontier.

<sup>1</sup> By this Act the Customs Act of 22 June 1928, as amended (see ST/LEG/SER.B/6, p. 222), was repealed. By section 2 (1), a new authority is given for the Royal Resolution of 28 October 1932 (see ST/LEG/SER.B/1, p. 87 and ST/LEG/SER.B/6, p. 35) prescribing a specific customs limit. The texts reproduced in ST/LEG/SER.B/1, p. 87, and ST/LEG/SER.B/6, p. 35, have been so amended.

<sup>2</sup> For paragraph 2 see *infra* DIVISION III.

...

8. The term "conveyance" means any device capable of being used for the transport of goods.

9. The term "vessel" means any conveyance capable of being used for water transport.

...

#### *Article 2*

The King may:

1. Establish a special customs frontier outside the territorial sea frontier and determine the extent to which this Act shall apply to that area;
2. Establish provisions specifying whether, and to what extent, the provisions of this Act in respect of traffic to and from the customs area shall apply to traffic from and to Svalbard, Jan Mayen and the marine hunting grounds on the high seas;
3. Make exceptions to the provisions of this Act in the case of certain types of conveyance;
4. Make such amendments to the provisions of this Act as are necessitated by international agreements.

...

#### *Article 4*

In application of an agreement concerning customs co-operation with another State, the King may establish, along the frontier facing that State, a supervision zone which shall correspond to a similar zone in the territory of the other State. The width of the supervision zone in Norwegian territory may not exceed fifteen kilometres.

As a feature of customs co-operation in connexion with road, rail, air or sea traffic the King may likewise establish supervision zones elsewhere in Norwegian territory, comprising sections of road or rail with one or more station areas, landing fields for aircraft, shipping channels or port areas.

...

### CHAPTER III

#### *General provisions concerning customs supervision and customs treatment*

...

#### *Article 10*

In the exercise of their supervision activities the customs authorities shall have unimpaired access out of doors anywhere along the coast, in port areas, to railway lines and the station areas pertaining thereto, and to landing fields for aircraft and to areas adjoining the land frontier.

#### *Article 11*

The customs authorities may stop and search:

1. Vessels and aircraft anywhere in the customs area;
2. Any other conveyance en route from or to the frontier of the customs area;

3. Goods carried to or from the customs area without the use of a conveyance;
4. Goods carried from or to a stopping-place for vessels or a landing field for aircraft.

The customs authorities may take such measures as are deemed necessary for the exercise of supervision with respect to conveyances or the carriage of goods as provided in the first paragraph of this article.

#### *Article 12*

In order to ascertain whether there has been an evasion or attempted evasion of customs supervision in respect of goods, the customs authorities may conduct a search:

1. Anywhere out of doors provided that the search is undertaken in direct connexion with the investigation of a circumstance which is believed to entail such an evasion of supervision;
2. Anywhere out of doors in areas where unloading or loading is taking place or is believed to have taken place;
3. Anywhere in warehouses or other buildings at places where unloading or loading is taking place or has taken place;
4. In railway trains anywhere within the customs area;
5. Of persons:
  - (a) Who are travelling to or from the frontier of the customs area;
  - (b) Who are travelling in, from or to a conveyance en route from or to the frontier of the customs area;
  - (c) Who are leaving areas for the storage of dutiable or taxable goods which have not been cleared;
  - (d) Who are at or en route from or to a stopping-place for vessels or a landing field for aircraft engaging in international traffic;
  - (e) Who are found at a place and in circumstances in which the customs authorities can conduct a search under sub-paragraphs 1 to 3 of this article and who are suspected of withholding goods from supervision.

#### *Article 13*

If the customs authorities are denied access to a conveyance or to a place or area which, in accordance with articles 10 to 12 and article 49, second paragraph, they are entitled to enter or search, they may obtain access by force.

#### *Article 14*

Anyone travelling from or to the frontier, a driver of a conveyance or anyone otherwise present at a place or in circumstances of the kind referred to in articles 11 and 12 shall be required to stop when the customs authorities so request by signalling or any other means. The person concerned shall be required to provide the customs authorities with all the information and assistance which the customs authorities deem necessary for the exercise of supervision. When so requested, they shall also be required to show any goods they may be bringing with them.

...

## CHAPTER IV

*Traffic to and from the customs area**Article 21*

The driver shall be required to ensure that the conveyance arriving in the customs area on the way to a place within the realm goes directly to where the customs authorities are stationed unless prior permission to go elsewhere has been received from the customs authorities.

The King may decide that the carriage of goods by land to or from the customs area shall be permitted only on specific routes, and that vessels sailing in the customs area shall follow specific sailing channels.

*Article 22*

When a conveyance arrives from abroad at a place within the realm, the driver shall be required, in accordance with the requirements of the Customs Act in force to report the arrival to the customs authorities as soon as possible. He shall be required to produce such documents and give such information as may be requested at any time in accordance with the requirements of the Customs Act in force.

*Article 27*

No one may load goods onto an outward bound vessel without the consent of the customs authorities. An exception shall be made in the case of the products of fishing and maritime hunting taken on board the vessel in the fishing and hunting grounds.

If the goods are loaded without the approval of the customs authorities, the master of the vessel shall be required to unload the goods if the customs authorities find it necessary for the purpose of inspecting the goods or calculating the duty payable.

The King may specify that the provisions contained in the first and second paragraphs shall also apply to other conveyances.

...

## CHAPTER XIII

*Entry into force. Repeal and amendment of laws in force**Article 84*

This Act shall enter into force on the date specified by the King. On the same date the Customs Act of 22 June 1928 and the Act of 18 December 1959 concerning frontier customs co-operation with foreign States shall be repealed. The regulations and provisions laid down in pursuance of the aforesaid Acts shall continue in force until they are repealed. If any Act contains a reference to a legal provision which has been superseded by a provision in this Act, the reference shall be considered to apply to the latter.

*(b) CUSTOMS REGULATIONS<sup>1</sup> (1968)\**


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<sup>1</sup> Entered into force as from 1 February 1968. Established by the Customs Directorate in pursuance of the Customs Act of 10 June 1966, the Royal Resolution of 24 November 1967 and the letter by the Finance Department of the same date.

## 7. SPAIN

DECREE<sup>1</sup> NO. 2166 OF 16 JULY 1964 BRINGING THE CONTRABAND ACT INTO CONFORMITY WITH THE GENERAL FISCAL ACT\*\*

TEXT OF THE CONTRABAND ACT AS BROUGHT INTO CONFORMITY  
WITH THE GENERAL FISCAL ACT

...

## TITLE II

*Offences**Sole Chapter*

*Article 11.* In the case of restricted or prohibited articles or goods, the offence of smuggling shall be considered to have been committed:

...

(10) Where restricted or prohibited articles or goods are brought into any port or locality on the Spanish coast not equipped with customs facilities in a Spanish or foreign vessel of a tonnage less than the minimum permitted by the Regulations even if the cargo is destined for a foreign port, or where the said articles or goods are transported in such a vessel within the limits of waters under Spanish jurisdiction as defined by the General Customs Revenue Ordinances in contravention of the requirements or prohibitions established by regulation;

(11) Where, within the limits of waters under Spanish jurisdiction as defined by the General Customs Revenue Ordinances, restricted or prohibited articles are clandestinely unloaded or trans-shipped from a vessel, even if the vessel is in a port equipped with customs facilities;

(12) Where, irrespective of the tonnage or registry of a vessel, that part of a cargo consisting of restricted or prohibited articles is concealed when a vessel puts into any port or locality on the Spanish coast, whether or not equipped with customs facilities, for a forced call in the legal sense of the term, or where, in similar circumstances, the said articles are not declared in response to a request by the customs authorities or, in default thereof, by a special customs officer or, in default of both the foregoing, by the local authorities.

...

*Article 13.* In the case of articles of legitimate trade, the offence of smuggling shall be considered to have been committed:

...

(6) Where foreign merchandise is brought into any port or locality on the Spanish coast not equipped with customs facilities in a Spanish or foreign vessel of a tonnage less than the minimum permitted by the Regulations even if the cargo is destined for a foreign port, or where the said merchandise is transported in such a vessel within the limits of waters under Spanish jurisdiction as defined by the General Customs Revenue Ordinances unless the vessel is making a forced call in the legal sense of the term or the transport of the merchandise has been duly authorized;

<sup>1</sup> *Boletín oficial* of 24 July 1964, No. 177, p. 9545.

(7) Where, within the limits of waters under Spanish jurisdiction as defined by the General Customs Revenue Ordinances, foreign or domestic merchandise is clandestinely unloaded or trans-shipped from a vessel even in any port or coastal locality equipped with customs facilities.

## 8. SWEDEN

(a) CUSTOMS DECREE<sup>1</sup> NO. 391 OF 7 OCTOBER 1927, AS AMENDED BY ROYAL NOTICE<sup>2</sup> NO. 346 OF 3 JUNE 1966\*\*

His Majesty the King has seen fit to order that articles 1, 145 and 157 of the Customs Decree of 7 October 1927 shall be amended to read as follows:

### *Article 1*

The customs territory of Sweden shall comprise the land areas and the territorial waters of Sweden.

This Notice shall come into force, in so far as article 1 is concerned, on 1 July 1966—on which date Royal Letter<sup>3</sup> No. 151 of 4 May 1934 to the General Customs Administration concerning the establishment of the boundaries of the Swedish customs territory shall stand repealed—and in other respects on 15 July 1966.

(b) ROYAL ORDER<sup>4</sup> NO. 65 OF 3 APRIL 1934 FOR THE EXECUTION OF THE AGREEMENT OF 29 DECEMBER 1933 BETWEEN FINLAND AND SWEDEN FOR A COMMON SURVEILLANCE SERVICE FOR PREVENTING THE ILLICIT IMPORTATION OF ALCOHOLIC BEVERAGES, AS AMENDED BY ROYAL NOTICE<sup>5</sup> NO. 463 OF 30 JUNE 1960\*\*

### *Article 1*

For the purpose of preventing the illicit importation of alcoholic beverages into a Swedish or Finnish customs area, Swedish customs staff and staff of the sea surveillance service of Finland shall exercise common surveillance within the zone of sea situated between 60° 30' and 59° 45' latitude north and bounded on the west by straight lines drawn between the reefs of Högkallegrund Ostergryndan, Klacken, Gråskälsbrännan, Understen, Travarn, Halsaren, Storbrottet, Lerbådan, Simpnäs-klubb, Håkanskär, Tjärven, Söderarm and Längden, and on the east by straight lines drawn between the reefs of Jernbåden, Sälskär, Malgrunden, Skarven, Yttre

<sup>1</sup> The text of article 1, prior to the amendment, is reproduced in ST/LEG/SER.B/1, p. 96, and in ST/LEG/SER.B/6, p. 246.

<sup>2</sup> *Svensk författningssamling* 1966, No. 346. See also Act No. 374 of 3 June 1966 and Royal Notice No. 375 of 3 June 1966, *supra* chapter 1 . 42 (b).

<sup>3</sup> For the text, see ST/LEG/SER.B/6, p. 248.

<sup>4</sup> For the text prior to the amendment see ST/LEG/SER.B/6, p. 250.

<sup>5</sup> *Svensk författningssamling* 1960, No. 463. Came into force on 1 January 1961.

Borgen, Gislán, Torskubbar, Sandgrunden, Uddbåda, Mellangadden, Nyhamn, Lågskår, Vittensten, Granbåda and Voronina, and thence by a straight line drawn southwards.

Regulations for the conduct of the surveillance service shall be made by agreement between the general customs board and the head of the sea surveillance service of Finland.

#### *Article 2*

Within that part of the zone of sea described in article 1 situated west of the line mentioned in article 2, paragraph (I) (d), of the Convention relating to the non-fortification and neutralization of the Åland Islands, signed at Geneva on 20 October 1921, Finnish supervision staff may carry out such inspection of a vessel as is absolutely necessary for the purposes of the supervision and may exercise the same right of seizure as, under the Act concerning the prohibition in certain cases of the importation of alcoholic beverages and the Act concerning penalties for smuggling, is conferred upon Swedish customs officer.

#### *Article 3*

A vessel navigating within the zone of sea west of the line mentioned in article 2 shall immediately comply with an order to stop given by Swedish or Finnish surveillance staff for the purpose of inspection; provided that within that part of the zone of sea situated between Swedish territorial waters and the said line these provisions shall apply only to a vessel of such nationality as the said staff may be empowered to inspect.

...

(c) NOTICE<sup>1</sup> NO. 13 OF 24 JANUARY 1936 CONCERNING THE AGREEMENT OF 28 OCTOBER 1935 BETWEEN SWEDEN AND DENMARK, AS AMENDED BY ROYAL NOTICE<sup>2</sup> NO. 464 OF 30 JUNE 1960\*\*

#### *Article 1*

Within Swedish and Danish territorial waters in the Sound and certain parts of the Kattegat and the Baltic, namely:

*On the Swedish side*, from 56°27' north latitude (Hallands Väderö lighthouse), along the west, south and east coast of Skåne, to 55°39.8' north latitude (Stenshuvud), and

*On the Danish side*, from 12°17.5' east longitude (Gilbjergshoved), along the north and east coast of Zealand, together with Møen and Falster, to 11°58' east longitude (Gedser) and round the island of Bornholm and the islands known as Aerteholmene,

Swedish and Danish supervision staff shall, in accordance with the detailed regulations agreed upon between the General Customs Board and the competent

<sup>1</sup> For the text prior to the amendment, see ST/LEG/SER.B/6, p. 251.

<sup>2</sup> *Svensk författningssamling* 1960, No. 464.



Danish customs authority, and in pursuance of the provisions respecting Sweden laid down in articles 2-11, co-operate in combating the illicit import of alcoholic beverages into Sweden and Denmark.

The provisions of this Order relating to the territorial waters shall not be applicable to ports and entrances to ports.

Where measures to prevent unlawful importation in vessels of Swedish or Danish nationality are concerned, such co-operation as aforesaid shall also take place in the waters immediately outside the said territorial waters within the zone referred to in article 9 of the Convention concluded at Helsingfors, on 19 August 1925, for the suppression of the contraband traffic in alcoholic liquors, together with the comments on the said article contained in the Final Protocol to that Convention.

#### *Article 2*

The provisions of article 1, paragraph 2 (b), and of article 2, paragraph 1, second sub-paragraph, of the Act concerning the prohibition in certain cases of the importation of alcoholic beverages shall not, in respect of cases where the circumstances clearly show that the alcoholic beverages introduced into Swedish territorial waters are not or were not intended to be unlawfully imported into Sweden, apply to the introduction of such beverages into the Swedish territorial waters specified in article 1 unless the circumstances likewise clearly show that the said beverages are not or were not intended to be unlawfully imported into Denmark.

#### *Article 3*

Within the Swedish territorial waters specified in article 1 and the waters outside the said territorial waters situated in the zone referred to in the last paragraph of article 1, Danish supervision staff may carry out such inspection of a vessel as is absolutely necessary for the purposes of the relevant supervision and may exercise the same right of seizure as, under the Act concerning the prohibition in certain cases of the importation of alcoholic beverages, as applied in conformity with article 2 above, and under the Act concerning penalties for smuggling, is conferred upon Swedish customs officers.

...

#### *Article 4*

(1) Any vessel proceeding within the Swedish territorial waters specified in article 1 or the waters adjacent thereto situated in the zone referred to in the last paragraph of article 1 shall immediately comply with any order to stop given by Swedish or Danish supervision staff for the purposes of carrying out an inspection: Provided that in waters outside the territorial waters this provision shall not apply unless the nationality of the vessel is such that it is subject to inspection by the aforesaid staff.

...

- (d) ACT<sup>1</sup> NO. 418 OF 30 JUNE 1960 CONCERNING PENALTIES FOR SMUGGLING, AS AMENDED BY ACT NO. 228 OF 31 MAY 1963 AND BY ACT NO. 215 OF 20 MARCH 1964\*\*

### *Penalties*

#### *Article 1*

Any person who, without informing the competent authorities, imports into or exports from Sweden goods in respect of which customs or other public duties are payable to the State or which, as prescribed by law or regulation, may not be imported or exported, shall, in the case of a wilful offence, be guilty of *smuggling* and shall be liable to a daily fine, of not less than ten in number, or to imprisonment for a term of not more than one year. The same shall apply where a person, through misleading statements or conduct in connexion with the customs clearance of goods wilfully causes customs or other public duties to be withheld from the State or goods to be imported or exported contrary to a prohibition to that effect.

...

#### *Article 6*

Any person who acquires, transports, hides, keeps or disposes of goods which have been the object of smuggling shall, in the case of a wilful offence, be guilty of *unlawful dealings with smuggled goods* and shall be liable to a daily fine, of not less than ten in number, or to imprisonment for a term of not more than one year.

If the offender did not realize but had reasonable cause to assume that the goods had been the object of smuggling, the penalty shall be a daily fine.

Where an offence as referred to in this article is of trivial importance, no penalty shall be imposed.

#### *Article 7*

Where goods are discovered which have been hidden away in such place on a vessel, aircraft or train as is not available for the personal use of the persons travelling thereon and it is apparent from the circumstances that smuggling which cannot be regarded as trivial has been attempted or has taken place, the person in charge of the vessel, aircraft or train shall be guilty of *inadequate supervision over a means of conveyance* and shall be liable to a daily fine unless he is subject to a penalty under some other provision of this Act. If the person in charge of the vessel, aircraft or train has done what could reasonably be expected of him to prevent smuggling, he shall not be subject to any penalty. The foregoing provisions relating to the person in charge of the vessel, aircraft or train shall, where supervision over the means of conveyance, in so far as the matters dealt with here are concerned, be entrusted by

<sup>1</sup> *Svensk författningssamling* 1960, 12 July 1960, p. 1119. Came into force on 1 January 1961. By the Act, as amended, and by Act No. 419 of 30 June 1960 (*infra*), the following legislation has been repealed: Act No. 225 of 20 June 1924 concerning unlawful dealing in alcoholic beverages and wines (ST/LEG/SER.B/8, p. 31 and ST/LEG/SER.B/6, p. 248), Act No. 463 of 27 November 1925 extending the application of Act No. 225 of 20 June 1924 concerning unlawful dealing in alcoholic beverages and wines (ST/LEG/SER.B/8, p. 31 and ST/LEG/SER.B/6, p. 249), Act No. 234 of 31 May 1935 supplementing the provisions in force concerning the import of alcoholic beverages and wines into Swedish territorial waters (ST/LEG/SER.B/6, p. 250 and ST/LEG/SER.B/8, p. 32).

virtue of written instructions or in some similar manner to another person of supervisory rank, apply instead to such person.

...

### *Forfeiture*

#### *Article 9*

Goods which have been the object of smuggling or of an attempt to smuggle shall, together with the packing and receptacles in which they are contained, be declared forfeited to the Crown; if the goods are no longer intact, the value thereof shall instead be declared forfeited. If the aforementioned penalty is clearly unreasonable, it may be remitted in whole or in part.

The provisions of the first paragraph shall not apply to any person who acquired the goods or title thereto in good faith.

#### *Article 10*

Anything which is used for the purposes of smuggling, an attempt to smuggle or unlawful dealings with smuggled goods may, if the owner or any person acting in his stead wilfully committed the offence or wilfully participated in the commission thereof, be declared, in its entirety or in part, to be forfeited to the Crown if such action is necessary for preventing an offence as aforesaid or if there are other special reasons for taking such action and it is not clearly unreasonable; if the goods are no longer intact, all or part of the value thereof may instead be declared forfeited. The foregoing provisions shall not, however, apply to any person who acquired the goods or title thereto in good faith. In lieu of forfeiture, the court may prescribe measures to prevent improper use of the goods.

#### *Article 11*

Where a declaration of forfeiture concerns a vessel which is encumbered by a maritime lien or a mortgage, or an aircraft encumbered by an aircraft lien or mortgage, the court may also declare that the lien on the forfeited property shall cease. Where, in other cases, it appears that a person's interest in an object which has been declared forfeited should subsist despite the declaration of forfeiture, the court shall make a reservation to that effect.

...

### *Procedure in certain cases of forfeiture*

#### *Article 20*

Where a matter concerns the forfeiture of property other than transport equipment and the owner is not known or does not have any known address in Sweden or it is otherwise impossible for service to be effected in Sweden in accordance with the procedure for the service of process in criminal proceedings, then proceedings for forfeiture of the property may be instituted against the carrier or other person in possession of the seized property if process can be served on him.

*Article 21*

If it is impossible for any person to be prosecuted for an offence which results in the seizure of property by virtue of this Act, the prosecutor, where the matter concerns only property other than transport equipment and the value of the property is estimated at less than 500 kronor, may, in lieu of instituting judicial proceedings for forfeiture of the property, issue an order in writing to the effect that the seizure shall remain in effect until further notice; the property shall in such case be forfeited if, within one month after the order was issued, the owner or other person claiming an interest in the property fails to give notice to the prosecutor of an appeal against the seizure.

If notice of appeal is given but it appears that the seizure should not be terminated, the prosecutor shall institute judicial proceedings and petition the court to declare the property forfeited. If proceedings are not instituted within one month after the said notice has been given, the seizure shall terminate.

Where an order has been issued as provided in the first paragraph and criminal proceedings in respect of the offence which gave rise to the seizure are instituted before the question of the forfeiture of the property has been decided in accordance with the foregoing provisions, the question of the forfeiture of the property shall, instead, be considered in conjunction with the criminal proceedings, and the measures taken by virtue of the first and second paragraphs shall in consequence lapse.

...

(e) ACT<sup>1</sup> NO. 419 OF 30 JUNE 1960 CONCERNING THE PROHIBITION IN CERTAIN CASES OF THE IMPORT OF ALCOHOLIC BEVERAGES\*\*

*Article 1*

1. Alcoholic beverages may not be imported into Swedish territorial waters from an international or foreign area in vessels of less than 500 tons net tonnage.

In special circumstances the King may likewise prohibit such importation into a specified area of Swedish territorial waters in vessels exceeding the aforementioned net tonnage.

2. The prohibition set forth in paragraph 1 shall not prevent the importation into Swedish territorial waters of alcoholic beverages:

(a) If the beverages are part of the stores of the vessel in which they are transported, or the property of passengers on the vessel or of persons employed thereon, and are shown not to exceed the amount required for the voyage, or if they may be introduced by a passenger into Sweden for his personal use in accordance with the regulations in force; and

<sup>1</sup> *Svensk författningssamling* 1960, 12 July 1960, p. 1125. Came into force on 1 January 1961. By this Act and by Act No. 418 of 30 June 1960 (*supra*), the following Acts were repealed: Act No. 225 of 20 June 1924 concerning unlawful dealing in alcoholic beverages and wines (ST/LEG/SER.B/8, p. 31 and ST/LEG/SER.B/6, p. 248), Act No. 463 of 27 November 1925 extending the application of Act No. 225 of 20 June 1924 concerning unlawful dealing in alcoholic beverages and wines (ST/LEG/SER.B/8, p. 31 and ST/LEG/SER.B/6, p. 249), Act No. 234 of 31 May 1935 supplementing the provisions in force concerning the import of alcoholic beverages and wines into Swedish territorial waters (ST/LEG/SER.B/1, p. 97, ST/LEG/SER.B/6, p. 250 and ST/LEG/SER.B/8, p. 32).

(b) In transit without unnecessary stops through the Sound between Cape Falsterbo and Kullen light from an international or foreign area to another such area if the circumstances clearly show no intention to import the beverages illegally into Sweden; provided that navigation shall be prohibited in waters situated within one half kilometre of the Swedish coast.

3. The General Customs Administration may in special cases waive the prohibition referred to in this article.

#### *Article 2*

1. Persons violating the prohibition referred to in article 1 shall be regarded as guilty of smuggling under the Act concerning penalties for smuggling.

If, however, the circumstances clearly show no intention to import the beverages illegally into Sweden, the penalty of forfeiture shall be barred.

If it is shown that the vessel in which the beverages were transported was compelled by a peril of the sea to enter and remain in Swedish territorial waters in order that the ship, cargo or human life might be saved, the defendant shall not incur any penalty.

2. Prosecutions for the offence referred to in paragraph 1 may not be instituted except with the leave of the General Customs Administration.

#### *Article 3*

1. Customs officers, when so required in the course of their duty, may carry out such inspection of a vessel as may be necessary to ascertain whether alcoholic beverages are being transported in the vessel in violation of the prohibition referred to in article 1.

2. If a chief customs or coastguard officer has found it necessary, because of suspected illegal importation of alcoholic beverages, to place a special customs guard on a vessel of less than 500 tons net tonnage arriving from or departing for a foreign port, he may, if beverages carried on board the vessel during the voyage are seized, order that the cost of such guard shall be borne by the owner of the vessel.

The cost of the guard shall be payable at the rates laid down for additional customs services and in accordance with the procedure prescribed for the remuneration of such services.

#### *Article 4<sup>1</sup>*

If alcoholic beverages have been introduced in a vessel of less than 500 tons net tonnage into waters situated outside the limits of Swedish territorial waters

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<sup>1</sup> In accordance with the information supplied by the Permanent Mission of Sweden to the United Nations in its memorandum of 29 February 1968, the following notices are applicable to article 4:

(a) Royal Notice No. 464 of 27 November 1925 concerning the entry into force of Act No. 463 of 27 November 1925 extending the application of Act No. 225 of 20 June 1924 concerning unlawful dealing in alcoholic beverages and wines\* (*Svensk författningssamling* 1925, No. 464).

(b) Royal Notice No. 206 of 11 June 1926 concerning the application to vessels of Danish nationality of Act No. 463 of 27 November 1925 extending the application of Act

but within twelve nautical miles of the Swedish coast or of the outermost skerries lying off the coast, and the circumstances clearly indicate that the vessel is in the said waters for the purpose of committing or abetting the illegal importation of such beverages into Sweden, the offence of illegal importation into Swedish territorial waters within the meaning of article 1 shall be deemed to have been committed.

In frontier waters having a breadth of less than twenty-four nautical miles, the boundary of the waters referred to in the first paragraph shall be deemed to coincide with the mid-line or with the boundary line established by agreement, custom or otherwise.

The provisions of this article shall not apply to vessels of a foreign nationality unless the King orders that the article shall apply to vessels of that nationality.

#### *Article 5*

The provisions of article 1, paragraph 2 (b), and of article 2, paragraph 1, second sub-paragraph, which apply to cases where the circumstances clearly show that alcoholic beverages introduced into Swedish territorial waters are not or were not intended to be illegally imported into Sweden, shall, to the extent that the King may so order, not apply to the introduction of such beverages into an area within the territorial waters in respect of which an agreement has been made with a foreign State for common supervision in order to prevent the illegal import of alcoholic liquors unless the circumstances likewise clearly show that the beverages are not or were not intended to be illegally imported into the State with which the agreement was concluded.

(f) ROYAL NOTICE<sup>1</sup> No. 383 OF 3 JUNE 1966 CONCERNING THE REPEAL OF ROYAL ORDER<sup>2</sup> No. 84 OF 29 APRIL 1932 RESPECTING THE BOUNDARIES OF THE SWEDISH CUSTOMS AREA IN THE SOUND\*\*

His Majesty has been pleased to order that the Order of 29 April 1932 respecting the boundaries of the Swedish customs area in the Sound shall cease to have effect as from the end of June 1966.

...

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No. 225 of 20 June 1924 concerning unlawful dealing in alcoholic beverages and wines\* (*ibid.*, 1926, No. 206).

(c) Royal Notice No. 375 of 13 July 1926 concerning the application to vessels of Estonian nationality of Act No. 463 of 27 November 1925 extending the application of Act No. 225 of 20 June 1924 concerning unlawful dealing in alcoholic beverages and wines\* (*ibid.*, No. 375).

(d) Royal Notice No. 344 of 26 August 1927 concerning the application to vessels of Polish and of Dantzig and German nationality of Act No. 463 of 27 November 1925 extending the application of Act No. 225 of 20 June 1924 concerning unlawful dealing in alcoholic beverages and wines\* (*ibid.*, 1927, No. 344).

(e) Royal Order No. 290 of 19 September 1929 respecting the application to vessels of Lithuanian and Soviet Nationality of the Act of 27 November 1925, extending the application of the Act of 20 June 1924 concerning unlawful dealing in alcoholic beverages and wines (for the text, see ST/LEG/SER.B/1, p. 97).

<sup>1</sup> *Svensk författningssamling* 1966, No. 383.

<sup>2</sup> For the text, see ST/LEG/SER.B/6, p. 247.

## 9. UNION OF SOVIET SOCIALIST REPUBLICS

(a) CUSTOMS CODE<sup>1</sup> OF THE UNION OF SOVIET SOCIALIST REPUBLICS\*\*

...

## CHAPTER II

*Customs control in respect of water transport*

*Article 21.* Foreign vessels arriving in port to load or discharge cargo or for other reasons shall be under customs control during the entire time that they are lying in port.

The customs office shall be entitled, during the entire time that a vessel is lying in port, to inspect the vessel and to seal, or apply a seal to such areas of the vessel as contain cargo the import or export of which is prohibited or other articles not permitted to be landed.

*Article 22.* It shall be unlawful for any articles to be transferred in either direction between the vessel and the shore or other vessels without the permission of the customs office.

This provision shall not apply to unloading or hoisting equipment, to equipment to protect the cargo from damage, or to rigging, in cases when such equipment and rigging are necessary to prevent loss or damage to the vessel or cargo.

*Article 23.* If, as a result of damage, the presence of ice or other circumstances in the nature of *force majeure*, the vessel is unable to reach a place where a customs office and a frontier-crossing point are situated, cargo may be discharged from the vessel at places where there is no customs office.

...

*Article 32.* The consent of the customs office shall not be required for the temporary departure of a vessel from port as a result of storms, of conditions of the ebb and flow of the tide or of other circumstances in the nature of *force majeure*.

*Article 33.* The customs office shall consent to the departure of a vessel from port on payment by the master of all charges due or upon the submission by him of a commitment in writing from solvent organizations or persons to pay the amounts due.

In the event of non-payment of such amounts or of failure to provide the corresponding security, the customs office shall order the port to detain the vessel.

...

*Article 35.* Military vessels shall not be subject to customs inspection.

For the purposes of this Code, the term "military vessel" means any ship or auxiliary vessel sailing under a military or frontier-service flag, commanded by a

<sup>1</sup> Confirmed by the Decree of 5 May 1964 of the Presidium of the Supreme Soviet of the USSR. For the relevant provisions of 1928 Customs Code, see ST/LEG/SER.B/6, p. 271.

person in military service and manned by a military crew, and also any vessel which by special declaration of the Ministry of Defence of the USSR is performing duties of an operational military nature.

The commanding officer of a military vessel shall be responsible for observing the provisions of this Code.

*Article 36.* The provisions of article 35 of this Code shall also apply to foreign military vessels on the occasion of visits to ports of the USSR.

(b) EXCERPTS<sup>1</sup> FROM THE REGULATIONS CONCERNING THE CUSTOMS CONTROL OF FOREIGN-GOING VESSELS AND THEIR CARGOES\*\*

1. Foreign-going vessels of the merchant marine shall be permitted to enter ports where there are customs offices.

2. Vessels coming within reception range of a coastal radio station shall comply with the international regulations in force pertaining to radio communication, and foreign vessels shall in this regard comply with the regulations concerning the use of radio equipment on foreign vessels during their stay in USSR waters.

3. On the approaches to ports where provision has been made for the pilotage of vessels, foreign vessels shall be required to take on a pilot.

4. Vessels coming from abroad shall raise the quarantine flag when approaching ports.

Until the quarantine flag is lowered, no one, with the exception of the pilot and medical personnel, shall be permitted to board the vessel.

If, upon completion of a sanitary inspection of the vessel, sanitary conditions on the vessel are found to be satisfactory, a clearance shall be issued to the master of the vessel. In the contrary event, sanitary measures shall be taken with respect to the vessel in accordance with the relevant regulations in force.

Upon completion of the sanitary inspection and the admission of the vessel to pratique, the master of the vessel shall order the lowering of the quarantine flag.

Radio stations in the ports of Leningrad, Murmansk, Arkhangelsk, Odessa, Novorossiisk, Tuapse, Poti, Batumi and Nakhodka shall receive quarantine communications sent by vessels bound for these ports which are made in the form prescribed by the International Code of Signals. The sending of such communications shall not be obligatory.

Such communications, if they are sent, shall be addressed to the port sanitary service; they must be dispatched not earlier than twelve hours and not later than five hours before the arrival of the vessel in port. The name of the vessel must be in clear, but the remainder of the message may be sent in the code groups of the International Code of Signals.

Without prejudice to the regulations in force concerning the reception of foreign-going vessels, the purpose of sending quarantine communications shall be to facilitate and expedite the application of such sanitary measures as may be necessary in each specific case.

<sup>1</sup> *Notices to Mariners*, USSR, Ministry of Defence, Administration for Hydrography, vol. 1, 1 January 1967, No. 11.



5. The procedure for visits by the local authorities (sanitary, customs, port and other) to each particular vessel shall be laid down in special regulations.

Before the commencement of the customs inspection, the master of the vessel shall complete a "Statement by the master of the vessel" and shall attach thereto:

(a) The manifest, the available bills of lading and other documents relating to the cargo being transported;

(b) The passenger list and a list containing the given names and surnames of all other persons aboard the vessel other than crew members;

(c) The crew list;

(d) An inventory of the ship's provisions, supplies and equipment, and a list of effects belonging to the master and to other members of the crew;

(e) Other ship's documents, at the request of the customs office.

6. Customs inspection shall be carried out in accordance with the Customs control regulations for the admission of foreign-going vessels and their cargoes.

After the inspection of the vessel, the customs office shall, as may be required, seal or affix seals to such areas as contain cargo and articles which are intended for other ports and are not permitted to be landed. If such areas contain cargo intended for the port in question, the sealing or affixing of seals to those areas shall be done after the goods intended for the said port have been unloaded.

No one shall be allowed to enter or to leave the vessel until the customs inspection is completed.

7. Vessels arriving from abroad may not hold any intercourse with the shore until permission for that purpose has been granted by the local authorities.

Weapons, explosives, narcotics and similar substances carried on foreign vessels shall be sealed by the customs authorities.

The unloading of vessels arriving from abroad shall be carried out with the permission and under the supervision of the customs office.

8. Before the commencement of the formalities for the outward clearance of a vessel for a foreign destination, the master of the vessel must submit the appropriate documents to the customs office.

9. Foreign-going vessels arriving in a port whether for the purpose of taking in or discharging cargo or for other purposes shall be under the control of the customs authorities for the entire duration of their stay in the port.

The masters of arriving vessels must comply with all port and customs regulations.

10. The masters of vessels arriving in port shall report to the commercial Port Administration all cases of damage, accidents and similar events.

If a shipment intended for a USSR port does not reach the port because of damage, the master of the vessel shall submit a written statement containing a copy of the ship's protest to the customs office.

11. All information concerning the condition of buoys, light-houses, etc., the pilotage service and radio stations serving the needs of navigation shall be published in the Notices to Mariners issued by the Hydrographic Department of the Ministry of Defence.

10. UNITED KINGDOM

*FALKLAND ISLANDS*

(a) CUSTOMS (AMENDMENT) ORDINANCE, 1959 (No. 1 of 1959)\*

(b) CUSTOMS (AMENDMENT) ORDINANCE, 1959 (No. 21 of 1959)\*

*VIRGIN ISLANDS*

TREASURY ORDINANCE<sup>1</sup> (CHAPTER 186)

...

2. *Interpretation*

In this Ordinance—

...

“foreign vessel” means any vessel belonging to a port outside the Colony;

...

“vessel” includes every description of ship, vessel, boat or canoe;

...

37. *Power to Treasurer to stop and search any vessel within 3 miles of Colony*

It shall be lawful for the Treasurer at any time to board and search any vessel coming within three miles of the Colony.

38. *Power to Treasurer to seize and secure smuggled goods, etc.*

It shall be lawful for the Treasurer to seize and secure all uncustomed, forfeited or smuggled goods together with the vessel, cart or conveyance in which the same are contained, and the horses or other animals, tackle, apparel and other things belonging or attached thereto.

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<sup>1</sup> Revised edition of the Laws Ordinance, 1959.

**Chapter V<sup>1</sup>**  
**CRIMINAL AND CIVIL JURISDICTION**  
**OVER FOREIGN SHIPS IN THE TERRITORIAL SEA**

1. AUSTRALIA

NAVIGATION ACT 1912-1967  
(No. 60 of 1967; 18 September 1967) Parts IX and X<sup>2</sup>

STATES OF AUSTRALIA

*QUEENSLAND*

*Queensland Marine Act, 1958 to 1963*  
(No. 1 of 1963; 17 January 1963) section 231<sup>3</sup>

2. CANADA

(a) CRIMINAL CODE (26 June 1954) AS AMENDED<sup>4</sup>

...

420(1) Where an offence is committed by a person, whether or not he is a Canadian citizen, on the territorial sea of Canada or on internal waters between the territorial sea and the coast of Canada, whether or not it was committed on board or by means of a Canadian ship, the offence is within the competence of and shall be tried by the court having jurisdiction in respect of similar offences in the territorial division nearest to the place where the offence was committed, and shall be tried in the same manner as if the offence had been committed within that territorial division.

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<sup>1</sup> For the text relating to the jurisdiction over the continental shelf, ships on the high seas and fisheries, see also *infra* DIVISIONS II, III and IV, respectively.

<sup>2</sup> See *supra* Chapter II, 2 (a).

<sup>3</sup> *Ibid.*, 2, *States of Australia*, Queensland.

<sup>4</sup> 1953-1954, S.C., Chap 51, as amended by 1964 S.C. Chap. 22. Except the above provisions, the text reproduced in ST/LEG/SER.B/8, pp. 85-87 remains unchanged.

(2) Proceedings for an offence to which subsection (1) applies shall, where the accused is not a Canadian citizen, be instituted without the consent of the Attorney General of Canada.

(b) AERONAUTICS ACT, AS AMENDED<sup>1</sup>

(c) CANADA SHIPPING ACT, AS AMENDED, section 693<sup>2</sup>

(d) FOREIGN ENLISTMENT ACT, 1952<sup>3</sup>

(e) ADMIRALTY ACT, 1952<sup>4</sup>

(f) CANADA PRIZE ACT, 1954<sup>5</sup>

### 3. CYPRUS

#### CRIMINAL CODE, CHAPTER 154 OF THE LAWS (1959 EDITION)

...

#### 5. *Extent of the jurisdiction of the Courts of the Colony*

The jurisdiction of the Courts of the Colony for the purposes of this Law extends to every place within the Colony or within three miles<sup>6</sup> of the coast thereof measured from low-water mark.

...

### 4. DAHOMEY

#### LOI N° 65-10 DU 23 JUIN 1965 INTERDISANT LE CHALUTAGE ET EN GÉNÉRAL LA PRATIQUE DE TOUTE PÊCHE UTILISANT DES ENGINs TRAÎNANTS À L'INTÉRIEUR DES EAUX TERRITORIALES DU DAHOMEY, articles 3-9<sup>7</sup>

<sup>1</sup> R.S.C. 1952, Chap. 2. *Infra* DIVISION III. 3 (d).

<sup>2</sup> *Supra* Chapter II, 3 (a).

<sup>3</sup> *Supra* Chapter II, 2.

<sup>4</sup> 1952 R.S.C. Chap. 1. The text reproduced in ST/LEG/SER.B/6, pp. 322-324 remained unchanged.

<sup>5</sup> The text of the Act reproduced in ST/LEG/SER.B/6, pp.325-327 remained unchanged.

<sup>6</sup> The territorial sea of the Republic was extended to a distance of twelve miles by the Territorial Sea Law of 1964, see *supra* Chapter I, 10 (b).

<sup>7</sup> Voir *infra* DIVISION IV. 7 (a).

## 5. DENMARK

CIVIL PENAL CODE<sup>1</sup>, AS AMENDED AND AS PUBLISHED IN THE CONSOLIDATED ACT  
NO. 276 OF 30 JUNE 1965\*

## 6. FRANCE

- (a) ORDONNANCE N° 58-1297 DU 23 DÉCEMBRE 1958 MODIFIANT CERTAINES PEINES EN VUE D'ÉLEVER LA COMPÉTENCE DES TRIBUNAUX DE POLICE, article 27<sup>2</sup>
- (b) LOI N° 64-438 DU 25 MAI 1964 CONCERNANT LA PROCÉDURE APPLICABLE EN CAS D'INFRACTION À LA LOI DU 1<sup>er</sup> MARS 1888 RELATIVE À LA PÊCHE DANS LES EAUX TERRITORIALES<sup>3\*</sup>
- (c) INSTRUCTION DU 29 AVRIL 1966 RELATIVE À LA NAVIGATION DANS LES EAUX INTÉRIEURES ET TERRITORIALES ET AUX ESCALES DANS LES PORTS ET RADES DES DÉPARTEMENTS ET TERRITOIRES D'OUTRE-MER, articles 1-3<sup>4</sup>
- (d) LOI N° 66-400 DU 18 JUIN 1966 SUR L'EXERCICE DE LA PÊCHE MARITIME ET L'EXPLOITATION DES PRODUITS DE LA MER DANS LES TERRES AUSTRALES ET ANTARCTIQUES FRANÇAISES, article 11<sup>5</sup>

## 7. IRAN

IRANIAN MARITIME CODE<sup>6</sup> OF 1964\*

## 8. IRELAND

MARITIME JURISDICTION ACT, 1959, sections 9-14<sup>7</sup>

<sup>1</sup> Article 6 reproduced in ST/LEG/SER.B/6, p. 335 remains unchanged.

<sup>2</sup> *Infra*, DIVISION IV. 11 (a).

<sup>3</sup> *Ibid.* (e).

<sup>4</sup> Voir *supra* Chapter I, 15 (b).

<sup>5</sup> Voir *infra* DIVISION IV. 11 (f).

<sup>6</sup> Approved in Mordad 1343 (23 July to 23 August 1964). Article 200 of the Code of Criminal Procedure, 9 Ramazan 1330 (July 1912) reproduced in ST/LEG/SER.B/2, p. 65 remains in force.

<sup>7</sup> *Supra* Chapter I, 23 (a).

## 9. MADAGASCAR

LOI N° 66-007 DU 5 JUILLET 1966 PORTANT CODE MARITIME<sup>1</sup>

## ANNEXE II. — CODE MARITIME

## DISPOSITIONS PRÉLIMINAIRES

I. Le présent Code est applicable, sauf disposition contraire, à tout navire et à toute navigation maritime lorsque la loi malgache est compétente.

II. La loi malgache régit le statut administratif et le statut réel des navires immatriculés à Madagascar, dits navires malgaches.

Elle définit les attributions des capitaines des navires malgaches.

III. En haute mer, les navires malgaches sont considérés comme territoire malgache.

IV. En cas d'abordage soit en haute mer, soit dans des eaux territoriales étrangères, la loi malgache est applicable lorsque l'un des navires intéressés est un navire malgache.

V. La loi malgache régit le contrat d'engagement des gens de mer de toute nationalité à bord des navires malgaches.

VI. En matière de transports, la loi malgache régit, sauf convention contraire des parties, la conclusion des contrats formés sur le territoire malgache et l'exécution des contrats qui intéressent une partie malgache.

Elle définit les diligences des destinataires lorsque la livraison doit être faite sur le territoire malgache.

VII. La loi malgache est applicable aux infractions de toute nature, actes d'assistance ou de sauvetage, naufrages ou autres sinistres, récupérations d'épaves et, plus généralement, à toute situation, événement ou acte constaté ou accompli entièrement ou partiellement soit dans les eaux territoriales malgaches, soit à bord des navires malgaches.

VIII. Sous réserve de dispositions contraires, les règles du présent Code s'appliquent à tous les bâtiments de mer affectés à des activités de plaisance, de pêche ou de commerce, quelle que soit la personnalité juridique de droit privé ou de droit public du propriétaire ou de l'armateur.

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<sup>1</sup> *Journal officiel*, N° 487, du 16 juillet 1966, p. 1484, et *ibid.*, N° 105, du 25 juin 1960, p. 1065.

## 10. MAURITANIA

LOI N° 62.038 DU 20 JANVIER 1962 PORTANT CODE DE LA MARINE MARCHANDE ET PÊCHE MARITIMES, MODIFIÉE<sup>1</sup>

...

## LIVRE X. — LE RÉGIME DISCIPLINAIRE ET PÉNAL

*Chapitre premier. — Dispositions générales*

*Article premier.* — Sont soumis aux dispositions du présent livre :

1. Les navires mauritaniens;
2. Les personnes, de quelque nationalité qu'elles soient, embarquées à bord des navires mauritaniens: soit comme membres de l'équipage, pendant la durée de leur embarquement; soit comme passagers, pendant la durée de leur présence à bord.
3. Les personnes qui, bien que non embarquées à bord d'un navire mauritanien, ont commis une des infractions prévues au présent livre, quelle que soit leur nationalité.
4. Les navires étrangers, leurs équipages et leurs passagers dans les cas prévus expressément par le présent livre.

*Chapitre III<sup>2</sup>. — Des délits maritimes et crimes maritimes*

## Énumération

...

## B. — Délits et crimes concernant la police de la navigation

*Article 25.* — Toute personne, même étrangère, embarquée sur un navire mauritanien ou étranger, qui, dans les eaux maritimes et jusqu'à la limite des eaux territoriales, ne se conforme pas aux règlements ou aux ordres émanant de l'autorité maritime et relatifs, soit à la police des eaux et rades, soit à la police de la navigation maritime, soit à la sécurité de la navigation, est punie d'un emprisonnement de dix jours à six mois et d'une amende de 25.000 à 250.000 francs ou de l'une de ces deux peines seulement.

La même peine est encourue par toute personne embarquée sur un navire mauritanien qui, hors des eaux territoriales mauritaniennes, ne se conforme pas aux ordres régulièrement donnés par l'autorité maritime ou par le commandant d'un bâtiment de guerre de la République islamique de Mauritanie.

Si les infractions au présent article sont commises en temps de guerre, la peine peut être triplée.

...

<sup>1</sup> *Supra* Chapter II, (12).

<sup>2</sup> Pour le Chapitre IV – Des délits en matière de pêche maritime, voir *infra* DIVISION IV. 20 (a).

## C. — Délits et crimes nautiques

*Article 49.* — Toute personne qui échoue, perd ou détruit volontairement et dans une intention criminelle un navire quelconque, par quelque moyen que ce soit, est punie des peines prévues par les articles 434 et 435 du Code pénal.

Le maximum de la peine est appliqué au délinquant qui est chargé, à quelque titre que ce soit, de la conduite du navire ou qui le dirige comme pilote.

## II. NIGERIA

(a) MERCHANT SHIPPING ACT, 1962 (No. 30 of 1962) sections 397 and 398<sup>1</sup>

(b) TERRITORIAL WATERS DECREE<sup>2</sup> 1967 (No. 5 of 8 March 1967)

...

2. *Jurisdiction in respect of offences committed in territorial waters*

(1) Any act or omission which—

(a) is committed within the territorial waters of Nigeria, whether by a citizen of Nigeria or a foreigner; and

(b) would, if committed in any part of Nigeria, constitute an offence under the law in force in that part, shall be an offence under that law, and the person who committed it may, subject to section 3 of this Decree, be arrested, tried and punished for it as if he had committed it in that part of Nigeria.

(2) The foregoing subsection—

(a) shall apply whether or not the act or omission in question is committed on board or by means of a ship or in, on or by means of a structure resting on the sea-bed or subsoil; and

(b) in the case of an act or omission committed by a foreigner on board or by means of a foreign ship, shall apply notwithstanding that the ship is a foreign one.

(3) For the purposes of the issue of a warrant for the arrest of any person who is by virtue of this section liable to be tried in some part of Nigeria for an offence, that offence may be treated as having been committed in any place in that part.

(4) Any jurisdiction conferred on any court by this section shall be without prejudice to any jurisdiction (and in particular any jurisdiction to try acts of piracy as defined by the law of nations) exercisable apart from this section by that or any other court.

<sup>1</sup> See *supra* Chapter II, 14.

<sup>2</sup> For the text of the Decree, see *supra* Chapter I, (32).



(5) Nothing in this section shall be construed as derogating from the jurisdiction possessed by Nigeria under the law of nations, whether in relation to foreign ships or persons on board such ships or otherwise.

(6) In this section—

“foreigner” means a person who is not a citizen of Nigeria;

“foreign ship” means a ship of any country other than Nigeria;

“ship” includes floating craft and floating structures of every description.

3. *Restriction on trial of persons other than Nigerian citizens for offences committed in territorial waters*

(1) Subject to the provisions of this section, a Nigerian court shall not try a person who is not a citizen of Nigeria for any offence committed on the open sea within the territorial waters of Nigeria unless before the trial the Attorney-General of the Federation has issued a certificate signifying his consent to the trial of that person for that offence.

(2) Nothing in subsection (1) above—

(a) shall affect any power of arrest, search, entry, seizure or custody exercisable with respect to an offence which has been, or is believed to have been, committed as aforesaid;

(b) shall affect any obligation on any person in respect of a recognizance or bail bond entered into in consequence of his arrest, or the arrest of any other person, for such an offence;

(c) shall affect any power of any court to remand (whether on bail or in custody) a person brought before the court in connection with such an offence;

(d) shall affect anything done or omitted in the course of a trial unless in the course of the trial objection has already been made that, by reason of subsection (1) above, the court is not competent to proceed with the trial; or

(e) shall, after the conclusion of a trial, be treated as having affected the validity of the trial if no such objection as aforesaid was made in the proceedings at any stage before the conclusion of the trial.

(3) Subsection (1) above shall not apply to the trial of any act of piracy as defined by the law of nations.

(4) A document purporting to be a certificate issued for the purposes of subsection (1) above and to be signed by the Attorney-General of the Federation shall be received in evidence and shall, unless the contrary is proved, be taken to be a certificate issued by the said Attorney-General.

(5) Nothing in this section shall be construed as derogating from the provisions of any other enactment restricting the prosecution of any proceedings or requiring the consent of any authority to the prosecution thereof.

(6) In this section “offence” means any act or omission which by virtue of section 2 of this Decree or any other enactment is an offence under the law of Nigeria or any part thereof.

...

(c) SEA FISHERIES (LAGOS) ACT, 1961 (No. 30 of 29 September 1961) section 13<sup>1</sup>

<sup>1</sup> *Infra* DIVISION IV. 24.

## 12. NORWAY

GENERAL PENAL CODE OF 22 MAY 1902, AS AMENDED, article 12<sup>1</sup>

## 13. SIERRA LEONE

TERRITORIAL WATERS JURISDICTION ACT, 1878<sup>2</sup>

...

*And whereas* it is expedient that all offences committed on the open sea within a certain distance of the coasts of the United Kingdom and of all other parts of Her Majesty's dominions, by whomsoever committed, should be dealt with according to law:

...

2. An offence committed by a person, whether he is or is not a subject of Her Majesty, on the open sea within the territorial waters of Her Majesty's dominions, is an offence within the jurisdiction of the admiral, although it may have been committed on board or by means of a foreign ship, and the person who committed such offence may be arrested, tried, and punished accordingly.

...

7. In this Act, unless there is something inconsistent in the context, the following expressions shall respectively have the meanings hereinafter assigned to them; that is to say—

...

“The territorial waters of Her Majesty's dominions”, in reference to the sea, means such part of the sea adjacent to the coast of the United Kingdom, or the coast of some other part of Her Majesty's dominions, as is deemed by international law to be within the territorial sovereignty of Her Majesty; and for the purpose of any offence declared by this Act to be within the jurisdiction of the admiral, any part of the open sea within one marine league of the coast measured from low-water mark shall be deemed to be open sea within the territorial waters of Her Majesty's dominions;

...

“Foreign ship” means any ship which is not a British ship.

## 14. SPAIN

ACT OF 26 DECEMBER 1958 INSTITUTING THE LEGAL RÉGIME FOR THE EXPLORATION AND EXPLOITATION OF OIL AND GAS, articles 57 and 61<sup>3</sup>

<sup>1</sup> *Infra* DIVISION III. 19 (a).

<sup>2</sup> *Laws of Sierra Leone*, Vol. VIII, p. 2325.

<sup>3</sup> *Infra* DIVISION II. 40 (a).

## 15. SWEDEN

- (a) MARITIME LAW OF 12 JUNE 1891, AS AMENDED BY ACT NO. 720 OF 19 NOVEMBER 1965 AND ACT NO. 48 OF 24 FEBRUARY 1967, articles 323-332<sup>1</sup>
- (b) EXTRADITION ACT OF 6 DECEMBER 1957, article 3<sup>2</sup>
- (c) ACT OF 5 JUNE 1959 CONCERNING EXTRADITION FOR THE COMMISSION OF AN OFFENCE TO DENMARK, FINLAND, ICELAND AND NORWAY, article 2<sup>3</sup>
- (d) PENAL CODE OF 21 DECEMBER 1962, part one, chapter 2, articles 1-7<sup>4</sup>

## 16. VENEZUELA

NATIONAL CONSTITUTION OF 23 JANUARY 1961, Chapter II (The Territory and its Political Divisions), article 7

The national territory is that which, before the political transformation initiated in 1810, corresponded to the Captainship-General of Venezuela, with the modifications resulting from the treaties validly contracted by the Republic.

Sovereignty, authority and vigilance over the territorial sea, the contiguous maritime zone, the continental shelf and the air space and the ownership and development of the wealth and resources contained therein shall be exercised to the extent and under the conditions of the law.

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<sup>1</sup> *Supra* Chapter II, 18 (a).

<sup>2</sup> *Infra* DIVISION III, 22 (e).

<sup>3</sup> *Ibid.* (g).

<sup>4</sup> *Ibid.* (j).

**Chapter VI**  
**STATUS OF FOREIGN WARSHIPS IN THE TERRITORIAL SEA**

1. AUSTRALIA

- (a) QUARANTINE ACT 1908-1961 (No. 61 of 1961; 24 October 1961), section 14<sup>1</sup>
- (b) NAVIGATION ACT 1912-1967 (No. 60 of 1967, 18 September 1967), section 3<sup>2</sup>

STATES OF AUSTRALIA

*QUEENSLAND*

*Queensland Marine Acts, 1958 to 1967* (No. 1 of 1967, 2 March 1967), sections 6 and 162<sup>3</sup>

*TASMANIA*

*Marine Act 1921-1967* (No. 57 of 1967; 7 December 1967), section 4<sup>4</sup>

2. DOMINICAN REPUBLIC

ACT No. 366 OF 1 OCTOBER 1968 GOVERNING THE ARRIVAL AND SOJOURN OF  
WARSHIPS AND MILITARY AND NAVAL AIRCRAFT IN DOMINICAN PORTS, AIRPORTS  
AND TERRITORIAL WATERS IN TIME OF PEACE\*\*

*Article 1.* For the purposes of this Act the expression “warships and military and naval aircraft” shall be understood to include not only vessels designated as such but also vessels of all kinds belonging to foreign navies and air forces.

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<sup>1</sup> *Supra* Chapter IV, 1.

<sup>2</sup> *Supra* Chapter II, 2 (a).

<sup>3</sup> *Supra* Chapter II, 2, *States of Australia*, Queensland.

<sup>4</sup> *Supra* Chapter II, 2, *States of Australia*, Tasmania.

*Article 2.* Visits made by foreign warships and military and naval aircraft to ports, airports and territorial waters of the Dominican Republic in time of peace shall be regarded as:

- (a) Formal;
- (b) Informal;
- (c) Operational.

Visits shall be considered formal if important members of foreign Governments are on board, if the foreign Government designates them as such, or if they are made at the invitation of the Dominican Government for the purpose of participating in national or special honour-rendering ceremonies.

Visits shall be considered informal if made for the purpose of participating in local ceremonies, in which formalities are limited to ceremonial honours and to the exchange of courtesy visits with the local naval or air authorities. Formalities and courtesy visits shall be kept to the absolute minimum.

Operational visits shall be those made primarily for the purpose of logistical requirements, repairs, the transport of personnel and equipment, combined exercises, the testing of equipment, recreation, or transit through waters or air-space under Dominican jurisdiction, or for any other purpose connected with operational assignments.

*Article 3.* Authorizations to make formal or informal visits shall be requested from the Secretary of State for Foreign Affairs through the diplomatic channel not less than four (4) weeks before the date of arrival. For operational visits such notice shall be given at least two (2) weeks in advance. Until the appropriate authorization is granted, foreign warships and military aircraft shall not enter or remain in Dominican ports, airports or territorial waters.

...

*Article 4.* Warships and military aircraft shall not be required to give notice of their arrival in advance if they are forced by damage, bad weather or any other reason of *force majeure* to enter Dominican territorial waters or air-space, or if they belong to a country which has a special agreement with the Dominican Republic on the subject.

Warships and military aircraft which, for any of the reasons mentioned in the preceding paragraph, do not give advance notice of their entry into Dominican waters or air-space, shall notify the Naval Chief of Staff or the Chief of Staff of the Dominican Air Force as soon as possible.

*Article 5.* In the case of formal and informal visits, not more than three (3) warships or military aircraft belonging to one and the same nation shall be present simultaneously in Dominican territorial waters, air-space, ports or airports without special authorization by the Government.

Ships or aircraft on formal visits shall remain not longer than fifteen (15) days in the same port or airport, and in the case of vessels, not longer than twenty (20) days in the territorial waters of the Republic. A special permit from the Government shall be required for a longer stay.

The foregoing provisions shall not apply to ships or aircraft having on

board or serving as escort to heads of State, members of reigning dynasties and their suite or diplomatic agents accredited to the Government of the Republic.

Ships or aircraft on informal or operational visits shall not remain longer than five (5) days in the same port or airport or more than fifteen (15) days in Dominican territorial waters.

*Article 6.* When a foreign warship or military aircraft arrives at a Dominican port or airport, the competent authority shall specify the anchorage, berth or other place in which it is to stay; it shall not change its position without authorization except in case of *force majeure* or if this is necessary for the immediate safety of the ship or aircraft, and it shall comply with the rules laid down by the naval, air force, customs and health authorities.

*Article 7.* Foreign warships and military aircraft shall be allowed to remain in the Republic only if they comply with the following requirements:

(a) They shall not travel in Dominican territorial waters or air-space with their lights extinguished;

(b) No sketches or maps of land areas may be made and no soundings may be taken other than those needed for navigation;

(c) Submarines shall not be permitted to travel submerged or to dive in waters under Dominican jurisdiction or in national ports;

(d) Vessels shall apply to the naval authorities for a pilot to navigate them within the ports and territorial waters of the Republic;

(e) No death sentence may be carried out;

(f) On entering Dominican territorial waters vessels shall be obliged to hoist their national flag;

(g) They shall be forbidden to land armed personnel or troops of their complement, save in exceptional cases when so agreed for certain ceremonies; in such cases they shall obtain authorization from the Dominican Government through the local naval or air force authorities;

(h) Vessels shall be forbidden to carry out diving operations within the limits of Dominican territorial waters and ports; for that purpose the authorization of the Dominican Government shall be required;

(i) Ship's boats operating in ports and territorial waters shall not be armed;

(j) If vessels are forced to lie in any anchorage or uninhabited bay where there are no maritime authorities, they shall be required to report the fact immediately to the naval authority responsible for that area; likewise, they shall notify the authority before weighing anchor. If they wish to land personnel or any object they shall request authorization beforehand from the same authority, stating the reason. In no event shall they remain in such places for longer than twenty-four (24) hours, unless damage has occurred which makes navigation impossible;

(k) Before landing unarmed patrols for the supervision and control of personnel on liberty they shall apply for authorization and make arrangements with the local naval and air force authorities for that duty to be performed in co-operation with Dominican military personnel to be provided by those authorities;

(l) While within Dominican territorial waters and air-space, they shall be

forbidden to carry out military exercises such as: artillery practice, searchlight exercises, the launching of torpedos, the releasing of bombs, amphibious operations, mine-laying, anti-aircraft practice, smoke-screens and any other military manœuvres, without the previous consent of the Dominican Government;

(*m*) They shall be forbidden to carry out hydrographic or geodesic operations or to place any kind of installations on land or in the water without obtaining a special permit from the Dominican Government.

*Article 8.* Requests from foreign warships and military aircraft to use their radio equipment for communications while they are in the ports, airports and territorial waters of the Dominican Republic shall be submitted through the diplomatic channel to the Secretary of State for Foreign Affairs; this official shall determine whether the said request is compatible with the Telecommunications Act of the Republic. Even if the request has not been submitted together with the notification of the visit, it may be made directly to the local naval or air force authority.

*Article 9.* The use of radiocommunications by foreign warships and military aircraft in the ports, airports and territorial waters of the Republic shall be permitted subject to the following restrictions:

(*a*) The use of radio equipment shall not interfere with the normal operation of other radio services;

(*b*) Transmission shall be suspended immediately at the request of a governmental, military or naval station;

(*c*) The 600-metre wave-length shall not be used except to transmit or answer distress signals;

(*d*) The frequencies used shall be those allotted for the use of mobile stations by the international regulations in force; and

(*e*) To enter into communication with the Dominican authorities, foreign warships and military aircraft shall establish contact with the radio stations of the Dominican Republic enumerated in the List of Fixed and Mobile Stations published by the International Telecommunication Union.

*Article 10.* The port of Santo Domingo is the only port in the Dominican Republic where a gun salute is given. Visiting ships shall time their salvos to finish as the ship draws level with the landfall buoy of the port, and shall be answered by the naval base "27 de Febrero" of the Dominican navy, situated on the east bank of the River Ozama.

*Article 11.* If a vessel or aircraft fails to comply with the provisions in the foregoing articles, the senior local naval or air force authority shall draw the attention of the captain concerned to his duty to comply with them. If this is of no avail, the Secretary of State for the Armed Forces may order that the ship or aircraft be called upon to leave the port, airport or Dominican territorial waters within six (6) hours following the time of notification.

## 3. KUWAIT

KUWAIT MARITIME DECREE NO. 3 OF 1959, article 61<sup>1</sup>

## 4. NIGERIA

MERCHANT SHIPPING ACT 1962 (No. 30 of 1962), section 423<sup>2</sup>

## 5. NORWAY

REGULATIONS CONCERNING MANŒUVRING RULES FOR SUBMARINES, SURFACE VESSELS AND SEAPLANES ON THE WATER WHEN APPROACHING EACH OTHER AND CONCERNING SPECIAL ARRANGEMENTS FOR THE SHOWING OF LIGHTS BY NORWEGIAN NAVAL VESSELS AND OTHER MILITARY VESSELS, PROMULGATED ON 22 DECEMBER 1967\*\*

*Article 1*

Submarines which are fully submerged or are submerged except for their periscope shall in Norwegian waters consider themselves obliged to give way to all surface vessels and to seaplanes on the water.

Surface vessels shall nevertheless strictly comply with the provisions of Rules 21, 27 and 29 of the Regulations for Preventing Collisions at Sea of 3 March 1965 by keeping a careful watch and exercising caution.

Submarines which are fully or partly surfaced shall be regarded as power-driven vessels and shall comply with the provisions of the aforementioned Regulations for Preventing Collisions at Sea which relate to power-driven vessels.

When submerged submarines are manœuvring with other naval vessels, the latter shall carry the flag signal HP as a warning signal.

*Article 2*

Submarines on the surface shall carry a flashing light in addition to the prescribed running lights in order to draw the attention of approaching traffic to the fact that the submarine is considerably larger than the distance between the lights would indicate.

The lantern containing the flashing light shall be placed 1.83 metres directly above the mast-head light and shall be so constructed as to show an amber light all round the horizon rotating at the rate of about ninety flashes a minute. The light from this lantern shall be visible at a distance of at least five miles.

<sup>1</sup> *Supra* Chapter II, 9.

<sup>2</sup> *Supra* Chapter II, 14.



*Article 3*

Norwegian naval vessels and other military vessels shall not be required to carry the white light referred to in Rule 2, paragraph (a) (ii), of the Regulations for Preventing Collisions at Sea of 3 March 1965 if, owing to their special design or their special purpose, they would thereby be hindered in the performance of their military functions.

*Article 4*

In addition to the prescribed running lights, Norwegian vessels of the Naval Fishery Protection Service shall, while engaged in patrol activities, carry a blue light as an identification mark. The lantern containing the blue light shall be placed on the highest mast-head and shall be so constructed as to show an unbroken blue light all round the horizon. The light from this lantern shall be visible at a distance of at least two miles.

*Article 5*

*Penal provisions*

Save where a more severe penalty is applicable under some other provision of law, an offence against these provisions shall be punished by a fine under article 339, paragraph 2, of the General Penal Code of 22 May 1902.

## 6. SWEDEN

- (a) ROYAL NOTICE No. 267 OF 25 MAY 1962 CONTAINING SPECIAL PROVISIONS RELATING TO NAVIGATION, article 1<sup>1</sup>
- (b) ACT No. 719 OF 19 NOVEMBER 1965 CONCERNING THE SAFETY OF SHIPS, chapter 1, articles 1 and 4<sup>2</sup>
- (c) ROYAL NOTICE<sup>3</sup> No. 366 OF 3 JUNE 1966 CONCERNING THE ADMISSION TO SWEDISH TERRITORY OF FOREIGN WARSHIPS AND MILITARY AIRCRAFT\*\*

*Introductory provisions*

*Article 1*

For the purposes of this Notice, the term "Swedish territory" means the land areas and territorial waters of Sweden and the air-space above such areas and waters.

<sup>1</sup> *Supra* Chapter III, 6 (a).

<sup>2</sup> *Supra* Chapter II, 18 (c).

<sup>3</sup> *Svensk författningssamling* 1966, No. 336. Came into force on 1 July 1966. By this Notice, the following legislation was repealed: Royal Notice No. 467 of 21 November 1925 on access of foreign warships and military aircraft to Swedish territory in peace-time (ST/LEG/SER.B/6, p. 409); Royal Notice No. 627 of 21 October 1928 (ST/LEG/SER.B/6, p. 411); the Rules of Neutrality of 27 May 1938 (admission into the ports and other territorial waters of the Kingdom is accorded to belligerent warships subject to the following exceptions, restrictions and conditions) (ST/LEG/SER.B/6, p. 655); Royal Notice No. 66 of 27 February 1953 concerning access of foreign military aircraft to Swedish territory (ST/LEG/SER.B/6, p. 412); Notice No. 61 of 10 March 1961.

*Article 2*

The provisions of the Notice which relate to warships shall also apply to other vessels and to hovercraft which are owned or used by a foreign Power and are employed for non-commercial purposes. The provisions relating to military aircraft shall also apply to other aircraft which are owned or used by a foreign Power and are employed for non-commercial purposes.

*Article 3*

The Notice shall cease to have effect if Sweden becomes a belligerent in a war.

The provisions of articles 15-29 shall become applicable when His Majesty so orders. When the aforementioned articles are applicable, the provisions of articles 4 and 5 and 7-14 shall not apply to warships and military aircraft of a belligerent Power.

*General provisions applicable to warships and military aircraft of a foreign Power**Article 4*

Warships of a foreign Power shall be admitted, for the purposes of through passage, to the territorial sea, subject to the giving of notice through the diplomatic channel. No notice shall, however, be required for the purpose of passing through the territorial sea in the Sound between the lines Kullen—Gilbjerghoved and Cape Falsterbo—Stevens light.

In cases other than as provided in the first paragraph, authorization shall be required for the admission of warships to Swedish territory. No authorization shall, however, be required for a warship that is in distress or is being used by a foreign head of State on the occasion of a visit to Sweden.

*Article 5*

Military aircraft of a foreign Power shall be admitted, for the purposes of through flight, to the air-space above the territorial sea in the Sound between the lines Kullen—Gilbjerghoved and Cape Falsterbo—Stevens light.

In cases other than as provided in the first paragraph, authorization shall be required for the admission of aircraft to Swedish territory. No authorization shall, however, be required for an aircraft that is in distress or is being used by a foreign head of State on the occasion of a visit to Sweden.

*Article 6*

Warships and military aircraft of a foreign Power shall be subject, in Swedish territory, to the applicable provisions of Swedish health, pilotage, customs, traffic, port, airport and police regulations and regulations concerning the use of radio equipment. The instructions of the Swedish authorities must be followed.

*Article 7*

A warship of a foreign Power may not, without authorization, come to a stop or cast anchor or otherwise stop for any length of time in Swedish territory

unless the safety of the vessel requires it to do so. If a warship is compelled to stop for any length of time or if it enters internal waters because it is in distress, it shall if possible give a signal according to the international code and shall report the situation to the Swedish authorities.

*Article 8*

While navigating in the territorial waters, a warship of a foreign Power shall fly its national ensign. Submarines shall remain on the surface.

In internal waters, warships shall proceed along pilot's fairways with the aid of a licensed Swedish pilot.

*Article 9*

Except as otherwise determined by His Majesty in specific cases, military aircraft of a foreign Power shall, in Swedish territory, proceed along routes in the controlled air-space and shall comply with the civil aviation regulations. An aircraft which enters the territory because it is in distress shall if possible give a signal according to the international code and shall report the situation to the Swedish authorities.

*Article 10*

Except where necessary for the safety of the vessel or aircraft, mapping, surveying and the taking of soundings from a warship or military aircraft of a foreign Power shall be prohibited. Aerial photography shall be prohibited.

*Article 11*

A warship or military aircraft of a foreign Power may not, without authorization, engage in firing practice or in other exercises which cannot be conducted in their entirety within the vessel or aircraft. Manœuvring in connexion with military exercises shall likewise be prohibited.

*Article 12*

No guns or cameras other than those which are mounted on the aircraft and no ammunition, explosives, photographic plates or film may, without authorization, be carried on board military aircraft of a foreign Power.

*Article 13*

Personnel from a warship or military aircraft of a foreign Power may not be landed at any place other than that in respect of which authorization for a visit has been given. Personnel that is landed shall be deemed not to have entered the country.

Landed personnel may not, without authorization, bear arms. Commissioned and non-commissioned officers may, however, carry side-arms which form part of their uniforms.

Armed troops may not be carried in a military aircraft except with authorization.

*Article 14*

The authorization referred to in articles 4, 5, 7 and 11-13 shall be given by the King. The admission to Swedish territory of a military aircraft of a

foreign Power may, however, be authorized by the Civil Aviation Administration, after consultation with the Commander-in-Chief, if the aircraft is unarmed and is being used for transport on behalf of the United Nations or for transport of the same type as civil air transport.

The authorization given by the King shall be obtained through the diplomatic channel.

*Special provisions applicable to warships and military aircraft of a belligerent Power*

*Article 15*

Warships and military aircraft of a belligerent Power must respect Swedish neutrality. No military action—including the arrest, capture or boarding of a vessel or aircraft—may be carried out in Swedish territory or against an object or person in that territory. Swedish territory may not be used as a base for military operations. No intelligence or military command activities may be carried on there.

*Article 16*

Warships of a belligerent Power shall be admitted to the territorial sea for the purposes of passage not to exceed a period of twenty-four successive hours. Passage through the territorial sea by submarines and hovercraft shall, however, be permitted only in the Sound between the lines Kullen—Gilbjerghoved and Cape Falsterbo—Stevns light. A warship which has left the territorial sea may not return thereto until at least forty-eight hours have elapsed.

Admission to Swedish territory in cases other than as provided in the first paragraph shall be granted only in respect of a warship that is in distress at sea and, as determined by the military command after consultation with the regional director of civil defence, in respect of military hospital ships and other warships that are fitted out and used exclusively for humanitarian purposes.

*Article 17*

No more than three warships belonging to the same belligerent Power or to allied belligerent Powers may be present in Swedish territory at the same time.

*Article 18*

Military aircraft of a belligerent Power shall, for the purposes of passage without unnecessary deviations of course, be admitted to the air-space above the territorial sea in the Sound between the lines Kullen—Gilbjerghoved and Cape Falsterbo—Stevns light.

Admission to Swedish territory in cases other than as provided in the first paragraph shall be granted only in respect of an aircraft in distress and, as determined by the Commander-in-Chief, an aircraft serving as an ambulance.

*Article 19*

Warships of a belligerent Power which are present in Swedish territory when articles 15-29 become applicable shall leave the territory within twenty-four

hours. Where warships belonging to different belligerent Powers are present in the same port or at the same anchorage and the said Powers are not allies, a period of at least twenty-four hours must elapse between the departure times. Save where special conditions otherwise require, the warships shall depart in the order in which they arrived. If a merchant vessel of a belligerent leaves a port or anchorage in which a warship of an enemy Power is present, the warship may depart only after twenty-four hours have elapsed from the time of departure of the merchant vessel.

#### *Article 20*

A warship of a belligerent Power may not come to a stop or cast anchor or otherwise stop for any length of time in Swedish territory unless the safety of the vessel requires it to do so. If a warship is compelled to stop for any length of time, or if, by reason of extreme distress at sea, it enters a prohibited part of the territory, or if it is unable to leave the territory by the prescribed time, it shall if possible give a signal according to the international code and shall report the situation to the Swedish authorities.

If, by reason of extreme distress at sea, a warship enters a prohibited part of the territory, or if it is unable to leave the territory by the prescribed time, the military command shall fix a reasonable time limit within which the vessel shall leave the territory. The military command shall also determine the extent to which repairs may be carried out. It shall be borne in mind in this regard that no time limit may be granted if the vessel obviously cannot be made seaworthy within a reasonable time, that damage resulting from military action may not be repaired and that other repairs may be carried out only to the extent required, having regard to the seaworthiness of the vessel.

If the prescribed time limit is not observed, the vessel shall be detained by the military command.

#### *Article 21*

Warships of a belligerent Power shall, while in Swedish territory, fly their national ensign at all times. Submarines shall remain on the surface.

In internal waters, warships shall proceed along pilot's fairways with the aid of a licensed Swedish pilot. In the territorial sea, the services of a pilot may be requested only in the case of extreme distress at sea.

#### *Article 22*

A warship of a belligerent Power may, as determined by the military command, replenish its stores if it is present in internal waters at the time when articles 15-29 become applicable, or if it has been granted a time limit in accordance with article 20. It shall be borne in mind in this regard that stores may be replenished only to the extent required to enable the vessel to reach the nearest port in its own territory.

The replenishment of stores in cases other than as provided in the first paragraph shall, as determined by the military command after consultation with the regional director of civil defence, be permitted in the case of military hospital ships and other warships that are fitted out and used exclusively for humanitarian purposes and in the case of an aircraft serving as an ambulance.

*Article 23*

A military aircraft of a belligerent Power which enters Swedish territory because it is in distress shall if possible give a signal according to the international code.

A military aircraft which lands or comes down on the water in the territory shall be detained by the military command. An aircraft serving as an ambulance may not, however, be detained.

*Article 24*

Except where necessary for the safety of the vessel or aircraft, mapping, surveying and the taking of soundings from a warship or military aircraft of a belligerent Power shall be prohibited. Aerial photography shall be prohibited.

Warships or military aircraft may not engage in exercises.

*Article 25*

Radio equipment on board warships or military aircraft of a belligerent Power may not be used for the sending of radio messages except in a case of distress or except for the purpose of communicating with Swedish authorities via a Swedish radio station.

*Article 26*

Unless the military command decides otherwise, personnel from a warship or military aircraft of a belligerent Power may not be landed. Personnel that is landed shall be deemed not to have entered the country.

*Special provisions applicable to captured vessels**Article 27*

Foreign vessels captured by a belligerent Power shall be admitted, for the purposes of through passage, to the territorial sea in the Sound between the lines Kullen—Gilbjerghoved and Cape Falsterbo—Stevens light.

Admission to Swedish territory in cases other than as provided in the first paragraph shall be granted only in respect of a captured vessel that is in extreme distress at sea.

The provisions of articles 6, 15, 20, 21 and 24-26 shall apply to captured vessels which are present in the territory. A captured vessel may not replenish its stores in the territory.

*Article 28*

Where a Swedish vessel captured by a belligerent Power enters Swedish territory, it may not leave the territory without the authorization of the King.

*Article 29*

The provisions of article 27 shall apply, *mutatis mutandis*, to the transport of prisoners of war.

*Regulations for the application of a Notice*

*Article 30*

Regulations and instructions for the application of this Notice shall, as the case may be, be made or issued by the King or, with the authorization of the King, by the Commander-in-Chief.

In addition to the provisions of the Notice, there shall also apply such special regulations for admission to Swedish territory as may be made by the King.

- (d) ROYAL NOTICE<sup>1</sup> No. 466 OF 25 MAY 1967 CONCERNING, *inter alia*, THE REPORTING OF FOREIGN WARSHIPS\*\*

*Article 1*

The provisions of this Notice which relate to foreign warships shall also apply to other vessels and to hovercraft which are owned or used by a foreign Power and are employed for non-commercial purposes.

*Article 2*

The provisions of article 5 shall become applicable when His Majesty so orders. When the aforementioned article is applicable, the provisions of article 4 shall not apply to warships of a belligerent Power or to foreign vessels captured by a belligerent Power.

*Article 3*

The pilotage, lighthouse, customs and police authorities shall make a report as soon as possible to the military commander designated by the Commander-in-Chief if:

(a) a foreign warship is observed in or adjacent to the territorial waters of Sweden;

(b) a foreign warship contravenes provisions of Notice<sup>2</sup> No. 366 of 3 June 1966 concerning the admission to Swedish territory of foreign warships and military aircraft.

Regulations and instructions concerning such reporting shall, as the case may be, be made or issued, in their respective fields of jurisdiction, by the Shipping and Navigation Board, the General Customs Administration and the National Police Board in consultation with the Commander-in-Chief.

*Article 4*

The piloting of a warship shall be conditional upon the warship having been admitted to the territorial waters of Sweden. If the warship enters the territory

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<sup>1</sup> *Svensk författningssamling* 1967, No. 466. Came into force on 1 October 1967. By this Notice, Notice No. 468 of 21 November 1925 concerning the reporting of movements of foreign vessels off the coasts of the Kingdom, and the pilotage of foreign warships in Swedish territorial waters (ST/LEG/SER.B/6, p. 410) was repealed.

<sup>2</sup> *Supra* under (c).

without being entitled to do so, pilotage may none the less be provided if so ordered by the military commander designated by the Commander-in-Chief.

*Article 5*

The piloting of warships of a belligerent Power and of foreign vessels captured by a belligerent Power shall be conditional upon the warship or vessel having been admitted to the territorial waters of Sweden; provided that pilotage may be provided in the territorial sea only if the warship or vessel is in extreme distress.

7. UNION OF SOVIET SOCIALIST REPUBLICS

(a) RULES<sup>1</sup> FOR VISITS BY FOREIGN WARSHIPS IN TERRITORIAL WATERS AND PORTS OF THE UNION OF SOVIET SOCIALIST REPUBLICS\*\*

*Article 1.* Visits by foreign warships in territorial waters and ports of the USSR shall be subject to the authorization of the Government of the USSR.

*Article 2.* Authorization for the entry of foreign warships shall be requested through the Ministry of Foreign Affairs of the USSR not later than thirty days before the date of the proposed visit; the request shall contain the following particulars: the purpose of the visit, the port which it is proposed to visit, the number, class, names and principal characteristics of the ships (displacement, length, beam, draught), the length of stay and the rank and name of the commanding officer (flag officer).

*Article 3.* The provisions of articles 1 and 2 shall not apply to:

(a) Warships carrying Heads of State or Heads of Government and warships escorting them;

(b) Warships which enter Soviet territorial waters or USSR ports as a consequence of natural disasters and damage endangering the safety of the ship (forced call). In such cases the foreign warship shall inform the nearest port of the reason for its entry into Soviet waters, and, if possible, it shall proceed to a port open to foreign merchant vessels or to a point indicated by a ship of the Navy or Frontier Defence Service dispatched for purposes of rendezvous or rendering assistance.

*Article 4.* As a general rule, not more than three warships of any one State shall be permitted to stay at any one time in the same area of Soviet territorial waters or in the same USSR port. Unless otherwise provided in the authorization obtained, the maximum length of stay for each foreign warship in a Soviet port shall be seven days.

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<sup>1</sup> *Notices to Mariners*, USSR, Ministry of Defence, Administration for Hydrography, 1 January 1967, issue I, No. 10. For the Provisional rules of 28 March 1931 for foreign warships visiting USSR waters, see ST/LEG/SER.B/6, p. 412.



*Article 5.* Visits by foreign warships to Soviet ports shall be classified as: official visits, primarily intended to serve representational purposes and designed to develop friendly relations between States; non-official visits, paid as a rule by training and research ships and vessels; and service calls, due to operational or technical circumstances.

The ceremonial and procedure for receiving foreign warships in Soviet ports, the procedure for salutes and the procedure for co-ordinating all matters connected with calls at Soviet ports on the occasion of visits or service calls shall be laid down in special instructions issued by the Ministry of Defence of the USSR.

*Article 6.* Foreign warships shall be exempt from harbour, ship and other dues in ports of the USSR, subject to reciprocity. Dues shall be collected only for services rendered (towage, pilotage, etc.).

Warships shall also be exempt from customs inspection and customs duties. Customs duties shall be levied only on goods unladen on to the shore.

*Article 7.* Foreign submarines shall be permitted to enter and stay in USSR waters only if they remain on the surface.

*Article 8.* Foreign warships visiting USSR ports shall be required to take on USSR pilots in those ports on the approaches to which pilotage is compulsory.

*Article 9.* While in USSR territorial waters, foreign warships shall not enter areas closed to navigation. Information concerning such areas shall be published in the Notices to Mariners issued by the Hydrographic Department of the Ministry of Defence.

*Article 10.* A foreign warship bound for a USSR port shall be boarded on the approaches to the port by a liaison officer, who shall be a representative of the senior naval commander.

On boarding the ship, the representatives of the senior naval commander shall be furnished, on the orders of the commanding officer of the foreign warship, with the particulars specified in the annexed list (unless such particulars have been previously furnished). The representative of the senior naval commander shall make known the rules and directions specifically applicable to foreign warships to be observed by the warship, its boats and its crew during the stay in the port (roadstead).

Particulars of the sanitary condition of the warship shall be furnished to the representative of the sanitary authority when he boards the ship.

*Note.* In ports where there is no senior naval commander and no person specially designated to act in his stead in connexion with the reception of foreign warships, the rights and obligations of the senior naval commander shall vest in the garrison commander or in the senior officer of the local Frontier Defence Service unit.

*Article 11.* The berth to be assigned to a foreign warship shall be determined by the senior naval commander and shall be communicated to the commanding officer of the warship by the representative of the senior naval commander on boarding the warship.

If a representative of the senior naval commander does not come on board and the place where the ship is to be berthed is not known to the commanding officer of the foreign warship, the said commanding officer shall seek the relevant information from the port authorities by radio or some other means of communication and shall come to anchor in accordance with their directions. Subsequently, the senior naval commander acting through his representative shall confirm the berth in question or shall indicate to the commanding officer of the foreign warship another berth as well as any later changes of berth which may prove necessary.

*Article 12.* Unarmed boats of foreign warships may move within the precincts of the port only in accordance with the port rules and the directions of the senior naval commander.

*Article 13.* Subject to compliance with the port rules, the crews of foreign warships may be given shore leave by agreement with the senior naval commander, who shall be informed of the number of men to be given leave, the duration of the leave and the time of return to the ship.

*Article 14.* When ashore, members of the crews of foreign warships shall conform to the rules relating to the wearing of uniforms.

Crew members shall not go ashore armed, except for officers, who may carry side-arms forming part of their uniforms.

*Article 15.* Persons not members of the crew of a foreign warship shall be permitted to board the warship or to go ashore from the warship in accordance with the procedure prescribed by the senior naval commander, by agreement with the commanding officer of the warship and subject to compliance with the relevant passport and customs formalities of the USSR.

*Note.* In the case of diplomatic and consular representatives of the country to which a visiting foreign warship belongs, special instructions established by the Ministry of Defence of the USSR, by agreement with the Ministry of Foreign Affairs of the USSR, shall apply.

*Article 16.* In addition to the activities prohibited by other laws and regulations, foreign warships and their crews shall be prohibited, while visiting USSR territorial waters and ports, from engaging in the following activities:

(a) Exploration and prospecting and any soundings or measurements other than those necessary for the safe navigation of the ship along a fairway open to navigation by all ships or for its safe anchorage at the designated berth in the port;

(b) Photographic or other surveying, drawing, sketching or the preparation of descriptions of any area of a port or of fortifications or any military or other installations;

(c) Movement of armed boats or boat training with armed crews, including landings;

(d) Searchlight training;

(e) Firing from weapons of any kind (except in the case of salutes);

(f) Mine laying or mine sweeping;

- (g) Exercises in the use of chemical agents, the laying of smoke screens and the generation of artificial fog;
- (h) Underwater explosions of any kind;
- (i) Flights by aircraft, and the release of balloons, flying of kites, etc.;
- (j) Use of radar or other radio, acoustical or similar devices while the ship is berthed in the port;
- (k) The taking of fish or marine animals of any kind;
- (l) Pollution of the water with waste oil or other waste products.

*Article 17.* Upon a request made in advance, the commanding officer of the foreign warship may be authorized by the senior naval commander:

- (a) To use radio equipment to communicate with his country;
- (b) To carry out underwater operations connected with the inspection or repair of the foreign warship;
- (c) To land armed or unarmed detachments in formation for patrolling purposes or for participation in parades or funeral ceremonies.

*Article 18.* Any breach of the established rules by a foreign warship or by members of its crew shall be drawn to the attention of the commanding officer of the foreign warship by the senior naval commander or by the officer acting in his stead, who shall simultaneously report the matter to his superior officer. If the foreign warship fails to heed this notice, it may be invited by the competent authorities to leave USSR territorial waters.

In exceptional circumstances, a foreign warship may at any time be invited to leave USSR territorial waters within a specified period.

*Article 19.* The application of these rules shall extend to auxiliary naval vessels and to armed vessels for the protection of fishing.

*Article 20.* The Provisional Rules of 28 February 1931 for foreign warships visiting USSR waters hereby cease to have effect.

- (b) REGULATIONS OF 5 AUGUST 1960 FOR THE DEFENCE OF STATE FRONTIER OF THE UNION OF SOVIET SOCIALIST REPUBLICS, articles 16, 17 and 26<sup>1</sup>
- (c) CUSTOMS CODE OF THE UNION OF SOVIET SOCIALIST REPUBLICS, articles 35, 36<sup>2</sup>
- (d) REGULATIONS CONCERNING THE USE OF RADIO EQUIPMENT BY FOREIGN VESSELS WITHIN THE TERRITORIAL WATERS OF THE UNION OF SOVIET SOCIALIST REPUBLICS, articles 4, 8, 9, 10<sup>3</sup>

<sup>1</sup> *Supra* Chapter III, 7 (a).

<sup>2</sup> *Supra* Chapter IV, 9 (a).

<sup>3</sup> *Infra* Chapter VIII.

8. UNITED KINGDOM

- (a) OIL IN NAVIGABLE WATERS ACT, 1955 (CHAPTER 25), section 16<sup>1</sup>
- (b) OIL IN NAVIGABLE WATERS ACT, 1963 (CHAPTER 28), schedule 1, section 3<sup>2</sup>

9. YUGOSLAVIA

LAW OF 22 MAY 1965 ON YUGOSLAVIA'S MARGINAL SEAS, CONTIGUOUS ZONE AND CONTINENTAL SHELF, articles 2, 14 and 16<sup>3</sup>

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<sup>1</sup> *Infra* DIVISION III. 23 (a).

<sup>2</sup> *Ibid.* (f).

<sup>3</sup> *Supra* Chapter I, 53.

**Chapter VII**  
**POLLUTION OF THE TERRITORIAL SEA**

1. AUSTRALIA

- (a) NAVIGATION ACT 1912-1967 (No. 60 of 1967; 18 September 1966), section 192ABC<sup>1</sup>
- (b) BEACHES, FISHING GROUNDS AND SEA ROUTES PROTECTION ACT 1932-1961 (No. 62 of 1961; 24 October 1961), sections 3 and 5<sup>2</sup>
- (c) POLLUTION OF THE SEA BY OIL ACT 1960-1965 (No. 4 of 1965; 12 April 1965), section 3<sup>3</sup>

...

STATES OF AUSTRALIA

*NEW SOUTH WALES*

*Prevention of Oil Pollution of Navigable Waters Act, 1960*

(No. 48 of 1960, 17 November 1960)<sup>4</sup>

...

3.

...

*Application*

(2) This Act shall apply to all ships within the jurisdiction: Provided that sections nine, ten and fifteen of this Act shall not apply to ships trading, or proceeding, to or from a port outside the jurisdiction.

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<sup>1</sup> *Supra* Chapter II, 2 (a).

<sup>2</sup> *Supra* Chapter II, 2 (b).

<sup>3</sup> *Infra* DIVISION III 1 (a).

<sup>4</sup> Oil in Navigable Waters Act, 1927 reproduced in ST/LEG/SER.B/6, pp. 73-74 was repealed by this Act.

#### 4. *Definitions*

(1) In this Act, unless the context or subject matter otherwise indicates or requires,

...

“The jurisdiction” means the sea lying within the territorial limits, the ports and tidal rivers, and the inland navigable waters of New South Wales.

(2) Any discharge of oil, or of any mixture containing oil, onto or into any lands or waters, or any structure or thing, having the result that the whole or any part of such oil or mixture containing oil eventually enters any waters within the jurisdiction, is for all purposes under this Act a discharge into such waters within the jurisdiction of the said oil or mixture containing oil, or of so much of the same as enters the said waters within the jurisdiction.

...

#### 6. *Discharge of oil into waters*

If any discharge of oil, or of any mixture containing oil, into any waters within the jurisdiction occurs from any ship, or from any place on land, or from any apparatus used for transferring oil from or to any ship (whether to or from a place on land or to or from another ship) then subject to the provisions of this Act—

(a) if the discharge is from a ship, both the owner and the master of the ship, or

(b) if the discharge is from a place on land, the occupier of that place, or

(c) if the discharge is from apparatus used for transferring oil from or to a ship, the person in charge of the apparatus,

shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding one thousand pounds.

#### 7. *Special defences*

(1) Where the owner or master of a ship is charged with an offence against section six of this Act it shall be a defence to prove—

(a) that the discharge of oil or mixture containing oil was necessary for the purpose of securing the safety of the ship, or of preventing damage to the ship or cargo or of saving life, and was a reasonable step to take in the circumstances;

(b) that the oil or mixture containing oil escaped—

(i) in consequence of damage to the ship and that all reasonable steps were taken after the occurrence of the damage for stopping or reducing the escape of the oil or mixture; or

(ii) in consequence of leakage which could not have been avoided, foreseen or anticipated and that all reasonable steps were taken for prompt discovery of the leakage and after such discovery for stopping or reducing the escape of the oil or mixture.

(2) Where the occupier of a place on land, or the person in charge of any apparatus, is charged with an offence under section six of this Act it shall be a defence to prove that the escape of the oil or mixture containing oil was due to accident which could not have been avoided, foreseen or anticipated, and that all reasonable steps were taken for prompt discovery of the escape of the oil or mixture and after such discovery for stopping or reducing such escape.

...

#### 11. *Reporting and investigation of discharges of oil, etc.*

(1) If any discharge of oil, or of any mixture containing oil, occurs from any ship or from any place on land into any waters within the jurisdiction, the owner and master of the ship from which such discharge occurs or the occupier of the place on land from which such discharge occurs shall forthwith inform the Board of all details of the occurrence, and, if he fails to do so, shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding two hundred pounds.

(2) The harbour master of any port, or any officer or employee of the Board having charge of any district, or any other person appointed for that purpose by the Board may where any discharge of oil or any mixture containing oil into any waters within the jurisdiction occurs or where he has reasonable cause to suspect that any such discharge has occurred—

(a) go on board and inspect any ship being within the jurisdiction;

(b) inspect any records required to be kept in respect of such ship by this Act or any regulations made thereunder, or by any laws of any Contracting Government to the Convention for the carrying out of the purposes of the Convention;

(c) if such records are kept in a language other than English, be accompanied and assisted by an interpreter; and

(d) cause any entry in any such records to be copied and require the person by whom the records are to be kept to certify the copy as a true copy of the entry:

Provided that a person exercising any powers conferred by this section shall not unnecessarily detain or delay the ship from proceeding on any voyage.

...

#### 13. *Restriction on transfer of oil at night*

(1) No oil shall be transferred between sunset and sunrise from or to a ship (whether to or from a place on land or to or from another ship) in any waters within the jurisdiction unless notice of such transfer has been given to, and permission in writing obtained from, the harbour master or other person having charge of those waters, or the Board.

...

*QUEENSLAND*

(a) *Fisheries Acts, 1957-1962 (No. 10 of 1962), section 86*<sup>1</sup>

(b) *Queensland Marine Acts, 1958-1967 (No. 1 of 1967; 2 March 1967), section 210*<sup>2</sup>

(c) *Pollution of Waters by Oil Acts, 1960-1961 (No. 44 of 1961; 13 December 1961)*<sup>3</sup>

3. *Interpretation*

(1) In this Act unless the context or subject matter otherwise indicates or requires:—

...

*The Jurisdiction*

“The Jurisdiction”—means Queensland, including the territorial waters of Queensland and the inland navigable waters of the State;

*Waters*

“Waters”—means any waters of the sea or any inland navigable waters within the jurisdiction.

...

(3) Any discharge of oil, or of any mixture containing oil, onto or into any lands or waters, or any structure or thing, having the result that the whole or any part of such oil or mixture containing oil eventually enters any waters within the jurisdiction, is for all purposes under this Act a discharge into such waters within the jurisdiction of the said oil or mixture containing oil, or of so much of the same as enters the said waters within the jurisdiction.

4. *Discharge of oil or mixture containing oil into waters*

(1) Subject to this Act—

(a) if any discharge of oil into any waters occurs from a ship or from any place on land, or from any apparatus used for transferring oil from or to any ship (whether to or from a place on land or to or from another ship); or

(b) if any discharge of a mixture containing oil into any waters occurs from a ship, or from any place on land, or from any apparatus used for transferring any mixture containing oil from or to any ship (whether to or from any place on land or to or from another ship) with the consequence that the oil in the mixture fouls the surface of the waters, then—

<sup>1</sup> *Supra* DIVISION IV. 2, *States of Australia*, Queensland.

<sup>2</sup> *Supra* Chapter II, 2, *States of Australia*, Queensland.

<sup>3</sup> According to the information received from the Permanent Mission of Australia to the United Nations, these Acts relate to the prevention of the pollution of the territorial waters and inland navigable waters of Queensland.



- (i) if the discharge is from a ship, both the owner and the master of the ship; or
- (ii) if the discharge is from a place on land, the occupier of such place on land; or
- (iii) if the discharge is from apparatus used for transferring oil or a mixture containing oil to or from a ship, the person in charge of the apparatus,

shall be guilty of an offence against this Act.

Penalty: One thousand pounds.

#### *Special defences*

(2) It is a defence if a person charged with an offence against this section in relation to a ship proves—

(a) that the discharge of oil or mixture containing oil was necessary for the purpose of securing the safety of the ship, or of preventing damage to the ship or cargo or of saving life, and was a reasonable step to take in the circumstances;

(b) that the oil or mixture containing oil escaped in consequence of damage to the ship or unavoidable leakage, and that all reasonable precautions were taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or reducing the escape of the oil or mixture.

It is a defence if a person charged with an offence against this section in relation to any land or apparatus proves that the oil or mixture containing oil escaped in consequence of unavoidable leakage and that all reasonable precautions were taken after the discovery of the leakage for the purpose of preventing or reducing the escape of the oil or mixture.

#### *Presumptions*

(3) In any proceedings for an offence against this section in respect of the discharge of a mixture containing oil—

(a) if it is proved that there were not less than one hundred parts of oil in one million parts of the mixture, it shall be conclusively presumed that the oil in the mixture fouled the surface of the waters; or

(b) if it is proved that there were less than one hundred parts of oil in one million parts of the mixture, it shall be conclusively presumed that the oil in the mixture did not foul the surface of the waters.

...

#### 8. *Reporting and investigation of discharges of oil, etc.*

(1) If any discharge of oil, or of any mixture containing oil, occurs from any ship or from any place on land into any waters within the jurisdiction, the owner or master of such ship, or the occupier of such place on land shall forthwith inform—

(a) if the discharge occurs into waters within the limits of a harbour, the Harbour Board; or

(b) if the discharge occurs into waters without the limits of any harbour, the Board, of all details of the occurrence, and, if he fails to do so, shall be guilty of an offence against this section.

(2) For the purpose of investigating any discharge or suspected discharge of oil or of a mixture containing oil into any waters within the jurisdiction, the harbour master of any harbour, or any officer or employee of the Board having charge of any district, or any person appointed for that purpose by the Board or a Harbour Board—

(a) may go on board and inspect any ship being within the jurisdiction;

(b) may inspect any records required to be kept in respect of the ship by this Act or any regulations made thereunder, or by any laws of any country to which the Convention applies;

(c) if such records are kept in a language other than English, may be accompanied and assisted by an interpreter; and

(d) may cause any entry in any such records to be copied and require the person by whom the records are to be kept to certify the copy as a true copy of the entry:

Provided that a person exercising any powers conferred by this section shall not unnecessarily detain or delay the ship from proceeding on any voyage.

...

#### 10. *Restrictions on transfer of oil at night*

(1) No oil shall be transferred between sunset and sunrise to or from a ship in any waters within the jurisdiction unless notice has been given to, and permission in writing obtained from—

(a) where such waters are within the limits of a harbour for which there is a Harbour Board, such Harbour Board; or

(b) where such waters are not within the limits of a harbour for which there is a Harbour Board, the harbour master or other person having charge of such waters or the Board.

(d) *Prevention of Pollution of Queensland Waters by Oil Regulations of 1963*\*<sup>1</sup>

### SOUTH AUSTRALIA

#### *Prevention of Pollution of Waters by Oil Act, 1961-1964*

(No. 4 of 1964, 5 March 1964)

...

#### 3. *Interpretation*

(1) In this Act unless the context or subject matter otherwise requires:—

...

“the jurisdiction” means the sea lying within the territorial limits and the ports and tidal rivers, and the inland navigable waters of the State:

<sup>1</sup> Published in Queensland *Government Gazette* of 12 October 1963, pp. 441-449 and amended by the Regulations made by the Governor on 13 February 1964.

(2) Any discharge of oil, or of any mixture containing oil, onto or into any lands or waters, or any structure or thing, whereby the whole or any part of such oil or mixture containing oil eventually enters any waters within the jurisdiction, shall for all purposes under this Act be deemed to be a discharge into such waters within the jurisdiction of the said oil or mixture containing oil, or of so much of the same as enters the said waters within the jurisdiction.

...

#### 5.<sup>1</sup> *Discharge of Oil into waters*

If any discharge of oil, or of any mixture containing oil, into any waters within the jurisdiction occurs from any ship, or from any apparatus used for transferring oil from or to any ship (whether to or from a place on land or to or from another ship) then subject to the provisions of this Act—

(a) if the discharge is from a ship, both the owner, the agent and the master of the ship severally, or

(b) if the discharge is from apparatus used for transferring oil from or to a ship, the person in charge of the apparatus,

shall be guilty of an offence against this section.

Penalty: One thousand pounds.

#### 6. *Special Defences*

(1) Where a person is charged with an offence against section 5 as owner or master of a ship, it shall be a defence to prove—

(a) that a discharge of oil or mixture containing oil was necessary for the purpose of securing the safety of the ship, or of preventing damage to the ship or cargo or of saving life, and was a reasonable step to take in the circumstances; or

(b) that the oil or mixture containing oil escaped in consequence of damage to the ship, or of leakage which could not have been avoided, foreseen or anticipated, and that all reasonable steps were taken after the occurrence of the damage, or for prompt discovery of the leakage and thereafter, for stopping or reducing the escape of the oil or mixture.

...

#### 10. *Reporting and investigation of discharges of oil, etc.*

(1) If any discharge of oil, or of any mixture containing oil, occurs from any ship into any waters within the jurisdiction, the owner, agent or master of such ship, shall forthwith inform the Board of all details of the occurrence, and, if he fails to do so, shall be guilty of an offence against this section.

(2) For the purpose of investigating any discharge or suspected discharge of oil or of a mixture containing oil into any waters within the jurisdiction, the harbour master of any port, or any officer or employee of the Board having charge of any district, or any other person appointed for that purpose by the Board—

(a) may go on board and inspect any ship being within the jurisdiction;

<sup>1</sup> As amended by Statute Law Revision Act, 1965 (No. 39 of 1965; 9 December 1965).

(b) may inspect any records required to be kept in respect of the ship by this Act or any regulations made thereunder, or by any laws of any Contracting State for the carrying out of the purposes of the Convention;

(c) if such records are kept in a language other than English, may be accompanied and assisted by an interpreter; and

(d) may cause any entry in any such records to be copied and require the person by whom the records are to be kept to certify the copy as a true copy of the entry.

Provided that a person exercising any powers conferred by this section shall not unnecessarily detain or delay the ship from proceeding on any voyage.

...

## 12. *Restrictions on transfer of oil at night*

(1) No oil shall be transferred between sunset and sunrise to or from a ship in any waters within the jurisdiction unless notice has been given to, and permission in writing obtained from, the harbour master or other person having charge of those waters, or the Board.

## TASMANIA

(a) *Marine Act 1921–1967 (No. 57 of 1967; 7 December 1967)*<sup>1</sup>

### PART VII

#### GENERAL DUTIES AND POWERS

##### *Division I. Duties of boards*

...

#### 65AB. *Disposal of refuse from overseas vessels*<sup>2</sup>

(1) Where an overseas terminal is, or overseas terminals are, situated in a port within the jurisdiction of a board—

(a) that board shall, if so directed by the Minister, install approved equipment—

- (i) at that terminal or at all or any of those terminals, as the case may be; or
- (ii) at such other place in the vicinity of that terminal or such other places in the vicinity of all or any of those terminals, as the case may be, as may be agreed upon between the Minister and the board; and

(b) the master of an overseas vessel that is berthed in any waters within that port shall take all such steps as may be necessary to ensure that all refuse on board that vessel is, as soon as is reasonably practicable after the production or accumulation of the refuse, removed from the vessel in conformity with such

<sup>1</sup> *Supra* Chapter II, 2, *States of Australia*, Tasmania.

<sup>2</sup> See also *ibid.*, section 65A.

directions as to the disposal thereof as may be given by the Minister or an authorized officer either generally or in any particular case.

(2) If the master of an overseas vessel fails to comply with the provisions of paragraph (b) of subsection (1) of this section, he is guilty of an offence.

Penalty: Four hundred dollars.

...

(10) Where an overseas vessel is berthed or is under way in any waters within the jurisdiction of a board by which approved equipment has been installed pursuant to this section and any refuse—

(a) is discharged from that vessel into any such waters;

(b) is removed from that vessel except in conformity with such directions given under this section by the Minister or by an authorized officer as may be applicable, either generally or in relation to that vessel; or

(c) is disposed of otherwise than in or by means of approved equipment so installed,

the master of that vessel, and any person causing or permitting that refuse so to be discharged, removed, or disposed of, is guilty of an offence.

Penalty: Four hundred dollars.

(b) *Oil Pollution Act 1961-1964*  
(No. 41 of 1964, 20 November 1964)

...

## 2. *Interpretation*

In this Act, unless the contrary intention appears—

“Convention” means—

(a) the International Convention<sup>1</sup> for the Prevention of Pollution of the Sea by Oil 1954 and includes that Convention as amended by any amendment accepted by Her Majesty on behalf of the Commonwealth; and

(b) any subsequent Convention relating to the same subject and accepted by Her Majesty on behalf of the Commonwealth;

...

“Tasmanian ship” means any vessel other than one which trades or proceeds to or from a port outside the State;

...

“the sea” includes estuaries, arms of the sea, creeks, tidal rivers and inland navigable waters;

## 3. *Discharge of oil into waters*

If any oil is discharged or escapes into the sea from a vessel, a place on land, or apparatus used for transferring oil from or to a vessel (whether to or from a place on land or to or from another vessel)—

<sup>1</sup> *Infra* PART II, DIVISION III, SUB-DIVISION A, I.

(a) if the discharge or escape is from a vessel, the owner or master of the vessel;

(b) if the discharge or escape is from a place on land, the occupier of that place; or

(c) if the discharge or escape is from such apparatus, the person in charge of the apparatus,

is liable to a penalty of one thousand pounds.

...

#### 8. *Restriction on transfer of oil at night*

(1) Oil shall not be transferred between sunset and sunrise to or from a vessel in any port unless notice has been given to, and permission in writing obtained from, the harbour master or the harbour authority.

...

#### 10. *Powers of inspection*

(1) For the purpose of investigating any known or suspected discharge or escape of oil into the sea the harbour master or any person appointed for the purpose by the harbour authority may—

(a) go on board and inspect any vessel within the jurisdiction of the harbour authority;

(b) inspect any records required to be kept in respect of the vessel by this Act or by any law of the country of a contracting government to the Convention for the carrying out of the purposes of the Convention;

(c) if those records are kept in a language other than English be accompanied and assisted by an interpreter; and

(d) cause any entry in those records to be copied and require the person by whom the records are kept to certify the copy as a true copy of the entry.

(2) A person exercising a power conferred by subsection (1) of this section shall not unnecessarily detain or delay a vessel from proceeding on her voyage.

### VICTORIA

*Fisheries Act 1958 (No. 62 of 1958; 30 September 1958), section 48<sup>1</sup>*

## 2. FINLAND

LAW NO. 146 CONCERNING THE PREVENTION OF POLLUTION OF THE SEA (5 March 1965), articles 1-6<sup>2</sup>

<sup>1</sup> See *Infra* DIVISION IV, 2, *States of Australia*, Victoria.

<sup>2</sup> *Infra* DIVISION III, 9 (b).

## 3. FRANCE

- (a) LOI N° 64-1331 DU 26 DÉCEMBRE 1964 RÉPRIMANT LA POLLUTION DES EAUX DE LA MER PAR LES HYDROCARBURES, article 4<sup>1</sup>
- (b) ARRÊTÉ<sup>2</sup> DU 25 FÉVRIER 1965 RELATIF AU REGISTRE DES HYDROCARBURES TENU À BORD DE CERTAINS BÂTIMENTS DE MER\*

## 4. GHANA

OIL IN NAVIGABLE WATERS ACT, 1964 (Act No. 235 of 6 April 1964)<sup>3</sup>

## 5. KUWAIT

- (a) GENERAL PORT RULES, ENACTED AS AN AMIRI DECREE NO. 7 OF 1959, section III, para. 41; section IV, para. 46(ii)<sup>4</sup>
- (b) LAW NO. 12<sup>5</sup> FOR THE YEAR 1964 REGARDING PREVENTION OF POLLUTION OF NAVIGABLE WATERS BY OIL

*Article I*

1. It is prohibited to pollute the sea area described in paragraph 2 of this Article by the discharge or escape of oil or any other oily mixture from any ship, place on land or equipment intended to keep or transfer oil from place to place on board a ship or on land.

2. The sea areas where pollution referred to in the preceding paragraph shall be prohibited are:

(a) The internal waters of the State of Kuwait including all the waters on the landward side of the closing line of Kuwait Bay as established in Annex III attached to this Law and shown on the attached map.

(b) The territorial waters of the State of Kuwait.

3. Those responsible for the pollution referred to in paragraph 1 shall be:

(a) The owner or master of a ship, if pollution is caused by a ship.

<sup>1</sup> *Supra* DIVISION III. 10 (a).

<sup>2</sup> *Journal Officiel* n° 76 du 31 mars 1965, p. 2539.

<sup>3</sup> *Infra* DIVISION III. 11.

<sup>4</sup> *Supra* Chapter II, 9 (b).

<sup>5</sup> Issued on 26 February 1964.

(b) The occupier or tenant of the place if pollution is caused from a place on land.

(c) The Owner, user or possessor of the equipment if pollution is caused by equipment for keeping or transferring oil.

#### *Article II*

1. Tankers of 150 Gross Registered Tons or more, and other vessels of 500 Gross Registered Tons or more registered in Kuwait are forbidden to discharge oil or any other liquid of which oil constitutes not less than one hundred parts per million into areas which are for such vessels prohibited zones in accordance with the description prescribed in Annex I attached to this Law.

2. The Minister of Finance and Industry may issue regulations to change the prohibited zones described in Annex I attached to this Law, in accordance with any amendment of the provisions of the International Convention<sup>1</sup> for the Prevention of Pollution of the Sea as amended in 1962 or any other convention ratified by the State of Kuwait.

...

#### *Article V*

1. Pollution shall not be considered an offence if it is proved that it has occurred as a result of the discharge of oil or oily mixture for the purpose of securing the safety of the ship, saving life at sea or preventing serious damage to cargo; or if it is proved that the escape of oil or oily mixture is a result of an accident occurring to the ship or equipment, or that it has occurred and continued despite all reasonable efforts to prevent, stop or minimise it.

...

#### *Article VI*

The Minister of Finance and Industry or any person authorized by him may give orders to detain any ship causing pollution until the trial of the person held responsible for pollution has been completed.

2. The person responsible for pollution may suspend a detention order issued against the ship on payment as a guarantee of one thousand Kuwait Dinars, to the officer entrusted with the execution of such order.

...

### ANNEX 1

#### PROHIBITED ZONES

All sea areas within 50 miles from the nearest land shall be prohibited zones.

For the purpose of this Annex, the term 'from the nearest land' means 'from the base line from which the territorial sea of the territory in question is established in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958'.

2. The following sea areas, in so far as they extend more than 50 miles from the nearest land, shall also be prohibited zones:

<sup>1</sup> *Infra* PART II, DIVISION III, SUB-DIVISION A, I.



## (a) PACIFIC OCEAN

*The Canadian Western Zone*

The Canadian Western Zone shall extend for a distance of 100 miles from the nearest land along the west coast of Canada.

## (b) NORTH ATLANTIC OCEAN, NORTH SEA AND BALTIC SEA

(i) *The North West Atlantic Zone*

The North West Atlantic Zone shall comprise the sea areas within a line drawn from latitude 38° 47' north, longitude 73° 43' west to latitude 39° 58' north, longitude 64° 34' west thence to latitude 24° 05' north, longitude 64° 37' west thence along the east coast of Canada at a distance of 100 miles from the nearest land.

(ii) *The Icelandic Zone*

The Icelandic Zone shall extend for a distance of 100 miles from the nearest land along the coast of Iceland.

(iii) *The Norwegian, North Sea and Baltic Sea Zone*

The Norwegian, North Sea and Baltic Sea Zone shall extend for a distance of 100 miles from the nearest land along the coast of Norway and shall include the whole of the North Sea and of the Baltic Sea and its Gulfs.

(iv) *The North-East Atlantic Zone*

The North-East Atlantic Zone shall include the Sea areas within a line drawn between the following positions:

| <i>Latitude</i> | <i>Longitude</i>              |
|-----------------|-------------------------------|
| 62° north       | 2° east                       |
| 64° north       | 00°                           |
| 64° north       | 10° west                      |
| 60° north       | 14° west                      |
| 54° 30' north   | 30° west                      |
| 53° north       | 40° west                      |
| 44° 20' north   | 40° west                      |
| 44° 20' north   | 30° west                      |
| 46° north       | 20° west, thence towards cape |

Finisterre at the intersection of the 50 miles limit.

(v) *The Spanish Zone*

The Spanish Zone shall comprise the areas of the Atlantic Ocean within a distance of 100 miles from the nearest land along the coast of Spain and shall come into operation on the date on which the present Convention shall have come into force in respect of Spain.

(vi) *The Portuguese Zone*

The Portuguese Zone shall comprise the area of the Atlantic Ocean within a distance of 100 miles from the nearest land along the coast of Portugal and shall come into operation on the date on which the present Convention shall have come into force in respect of Portugal.

## (c) MEDITERRANEAN AND ADRIATIC SEAS

*The Mediterranean and Adriatic Zone*

The Mediterranean and Adriatic Zone shall comprise the sea areas within a distance of 100 miles from the nearest land along the coasts of each of the territories bordering the Mediterranean and Adriatic Seas and shall come into operation in respect of each territory on the date on which the present Convention shall have come into force in respect of that territory.

## (d) BLACK SEA AND SEA OF AZOV

*The Black Sea and Sea of Azov Zone*

The Black Sea and Sea of Azov Zone shall comprise the sea areas within a distance of 100 miles from the nearest land along the coasts of each of the territories bordering the Black Sea and Sea of Azov and shall come into operation in respect of each territory on the date on which the present Convention shall have come into force in respect of that territory.

Provided that the whole of the Black Sea and the Sea of Azov shall become a prohibited zone on the date on which the present Convention shall have come into force in respect of Roumania and the Union of Soviet Socialist Republics.

## (e) RED SEA, THE RED SEA ZONE

The Red Sea Zone shall comprise the sea areas within a distance of 100 miles from the nearest land along the coasts of each of the territories bordering the Red Sea and shall come into operation in respect of each territory on the date on which the present Convention shall have come into force in respect of that territory.

## (f) ARABIAN GULF

(i) *The Kuwait Zone*

The Kuwait Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of Kuwait.

(ii) *The Saudi Arabian Zone*

The Saudi Arabian Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of Saudi Arabia and shall come into operation on the date on which the present Convention shall have come into force in respect of Saudi Arabia.

## (g) ARABIAN SEA, BAY OF BENGAL AND INDIAN OCEAN

(i) *The Arabian Sea Zone*

The Arabian Sea Zone shall comprise the sea areas within a line drawn between the following positions:

| <i>Latitude</i> | <i>Longitude</i> |
|-----------------|------------------|
| 23° 33' north   | 68° 20' east     |
| 23° 33' north   | 67° 30' east     |
| 22° north       | 68° east         |
| 20° north       | 70° east         |
| 18° 55' north   | 72° east         |
| 15° 40' north   | 72° 42' east     |
| 8° 30' north    | 75° 48' east     |
| 7° 10' north    | 76° 50' east     |
| 7° 10' north    | 78° 14' east     |
| 9° 06' north    | 79° 32' east     |

and shall come into operation on the date on which the present Convention shall have come into force in respect of India.

(ii) *The Bay of Bengal Coastal Zone*

The Bay of Bengal Coastal Zone shall comprise the sea areas between the nearest land and a line drawn between the following positions:

| <i>Latitude</i> | <i>Longitude</i> |
|-----------------|------------------|
| 10° 15' north   | 80° 50' east     |
| 14° 30' north   | 81° 38' east     |
| 20° 20' north   | 88° 10' east     |
| 20° 20' north   | 89° east         |

and shall come into operation on the date on which the present Convention shall have come into force in respect of India.

(iii) *The Malagasy Zone*

The Malagasy Zone shall comprise the area within a distance of 100 miles from the nearest land along the coast of Madagascar west of the meridians of Cape d'Ambre in the north and of Cape Ste. Marie in the south and within a distance of 150 miles from the nearest land along the coast of Madagascar east of these meridians, and shall come into operation when the present Convention shall have come into force in respect of Madagascar.

(h) AUSTRALIA

*The Australian Zone*

The Australian Zone shall comprise the sea area within a distance of 150 miles from the nearest land along the coasts of Australia, except off the north and west coasts of the Australian mainland between the point opposite Thursday Island and a point on the west coast at 20° south latitude.

...

ANNEX III

"Closing line of Kuwait Bay" means the straight lines drawn between the points hereinafter mentioned and shown on the map attached to this Law.

1. ON THE SOUTH-EAST

The line drawn from the northern outer-most end of the jetty at Abu Hulaifa situated approximately at latitude 29 degrees 07 point 65 minutes north and longitude 48 degrees 09 minutes east to the south-western extremity of the low-water line of Jazirat Auha situated at latitude 29 degrees 22 point 3 minutes north and longitude 48 degrees 26 point 15 minutes east.

2. ON THE NORTH-EAST

The line drawn from the north-western extremity of the low-water line of Jazirat Auha situated approximately at latitude 29 degrees 22 point 5 minutes north and longitude

48 degrees 26 point 15 minutes east to the eastern extremity of the low-water line of Jazirat Failaka situated approximately at latitude 29 degrees 23 point 5 minutes north and longitude 48 degrees 24 point 45 minutes east.

### 3. ON THE NORTH

The line drawn from the north-western extremity of the low-water line of Jazirat Failaka situated approximately at latitude 29 degrees 27 point 2 minutes north and longitude 48 degrees 16 point 5 minutes east to the low-water line of the north-eastern extreme of the drying spit extending south-eastwards from the mainland at Sabiya situated approximately at latitude 29 degrees 27 point 5 minutes north and longitude 48 degrees 15 point 5 minutes east.

*Note:*

For the purpose of identification on the spot, all lines described in this Annex have been shown on the map<sup>1</sup> attached to this Law.

### 6. NEW ZEALAND

(a) PETROLEUM REGULATIONS 1939 (15 March 1939), section 29<sup>2</sup>

(b) OIL IN NAVIGABLE WATERS ACT 1965 (No. 65 of 1965; 22 October 1965)<sup>3</sup>

### 7. PORTUGAL

#### LEGISLATIVE DECREE No. 46, 619 OF 27 OCTOBER 1965\*\*

*Article 1.* The discharge of any petroliferous products, or mixtures containing such products, into Portugal's territorial sea, as also at ports, docks or basins, in river-beds or on beaches and shores, shall be prohibited.

*Sole para.* The maritime authorities, on their own initiative or at the request of the health authorities, shall take the requisite measures to prevent captains of ships from discharging residual waters and substances.

*Article 2.* Portuguese ships of over 150 tons gross tonnage shall be prohibited from discharging persistent oils (crude oil, fuel oil, heavy diesel oil and lubricating oil), or mixtures containing such oils, within 100 miles of the Portuguese coast in the case of the European continent and within 50 miles of other Portuguese coasts.

<sup>1</sup> Not reproduced here for technical reasons.

<sup>2</sup> *Infra* DIVISION II. 31 (b).

<sup>3</sup> *Infra* DIVISION III. 18 (b).

*Article 3.* Portuguese ships of over 150 tons gross tonnage shall be prohibited from discharging persistent oils, or mixtures containing such oils, in the prohibited zones shown in Annex A of the International Convention for the Prevention of Pollution of the Sea by Oil as defined at the London Conference of 1962 with respect to the countries which have ratified that Convention.

*Article 4.* Ships which are found to have violated the provisions of this Legislative Decree shall be subject to a fine of 20,000 to 100,000 escudos.

*Sole para.* Competence to impose the fines referred to in the foregoing article shall lie with the maritime and health authorities.

*Article 5.* This Legislative Decree shall not be applicable to:

(a) The discharge of oil or an oily mixture from a ship for the purpose of securing the safety of the ship, preventing damage to the ship or cargo, or saving life at sea;

(b) The escape of oil, or of an oily mixture, resulting from damage or leakage, if all reasonable precautions have been taken after the occurrence of the damage or leakage for the purpose of preventing or minimizing the escape.

## 8. SWEDEN

ACT<sup>1</sup> NO. 86 OF 6 APRIL 1956 CONCERNING MEASURES FOR THE PREVENTION OF WATER POLLUTION CAUSED BY SHIPS, AS AMENDED<sup>2\*\*</sup>

### *Article 1*

It shall be unlawful to discharge oil from a ship in water areas which form part of Swedish territory. Every effort shall be made to prevent the escape of oil from a ship in such water areas.

In so far as other water areas are concerned, the King may prescribe that the provisions of the first paragraph shall apply to Swedish tankers of 150 tons gross tonnage or more and to other Swedish ships of 500 tons gross tonnage or more or to specific types of such tankers or ships.

For the purposes of this Act, the term "oil" means crude oil and lubricating oil and also heavy diesel oil and other persistent fuel oils as specified by the King. What is provided in the Act with regard to oil shall also apply to an oily mixture consisting of not less than 100 parts of oil as aforesaid in 1,000,000 parts of the mixture.

<sup>1</sup> *Svensk författningssamling* 1956, No. 86. Came into force on 1 January 1957. For Royal Notice No. 191 of 2 May 1958 containing regulations for the application of Act No. 86 of 6 April 1956, see *infra* DIVISION III. 22 (f).

<sup>2</sup> Amended by the following legislation: Notice No. 473 of 21 September 1956; Act No. 187 of 31 May 1963; Notice No. 125 of 21 April 1967; and Act No. 653 of 1 December 1967.

*Article 2*

Notwithstanding the provisions of article 1, it shall be permissible to discharge:

(a) oily bilge water, but, in the case of tankers, of 150 tons gross tonnage or more and other ships of 500 tons gross tonnage or more, only if the water contains no oil other than lubricating oil which has drained or leaked from the machinery spaces of the vessel;

(b) residue arising from the purification or clarification of fuel oil or lubricating oil.

Any discharge as referred to in sub-paragraph (b) shall, however, be made as far as practicable from land.

*Article 3*

The King or an authority designated by the King may, in respect of specific water areas of Sweden, make regulations to prevent the water from being polluted by waste from ships other than oil or by such discharge as referred to in article 2.

*Article 4*

Swedish tankers of 150 tons gross tonnage or more and other Swedish ships of 500 tons gross tonnage or more may not be used for navigation unless such tanker or ship, in conformity with regulations made by the King or an authority designated by the King, is so fitted as to prevent the escape of persistent fuel oil within the vessel or to prevent water pollution through the discharge or escape of oily bilge water in contravention of this Act.

A Swedish ship other than a tanker may not carry water in a fuel tank unless the ship is fitted with an oily-water separator as prescribed by the King or an authority designated by the King.

Supervision to ensure compliance with the foregoing provisions shall be exercised in accordance with the provisions of Act No. 719 of 19 November 1965 concerning safety on board vessels.

...

## 9. UNITED KINGDOM

(a) OIL IN NAVIGABLE WATERS ACT, 1955 (CHAPTER 25) AS AMENDED, sections 2, 3, 7, 8, 9, 10 and 11,<sup>1</sup> 14-16; schedule, part III

(b) OIL IN NAVIGABLE WATERS ACT 1963 (CHAPTER 25)<sup>1</sup>

(c) CONTINENTAL SHELF ACT 1964, section 5<sup>2</sup>

(d) OIL IN NAVIGABLE WATERS (PROHIBITED SEA AREAS) ORDER 1967<sup>1</sup>

(e) OIL IN NAVIGABLE WATERS (HEAVY DIESEL OIL) REGULATIONS 1967, section 4<sup>1</sup>

(f) OIL IN NAVIGABLE WATERS ACTS 1955 and 1963. EXEMPTION FOR VESSELS OF LESS THAN 80 TONS<sup>1</sup>

<sup>1</sup> *Infra* DIVISION III. 23 (a) (f) (n) (o) (r), respectively.

<sup>2</sup> *Infra* DIVISION II. 45 (a).

## 10. UNITED STATES OF AMERICA

OIL POLLUTION ACT,<sup>1</sup> 1924§ 432. *Definitions*

When used in sections 431—437 of this title, unless the context otherwise requires—

- (1) “oil” means oil of any kind or in any form, including fuel oil, sludge, and oil refuse;
- (2) “person” means an individual, company, partnership, corporation, or association; any owner, operator, master, officer, or employee of a vessel; and any officer, agent or employee of the United States;
- (3) “discharge” means any grossly negligent, or willful spilling, leaking, pumping, pouring, emitting, or emptying of oil;
- (4) “navigable waters of the United States” means all portions of the sea within the territorial jurisdiction of the United States, and all inland waters navigable in fact; and
- (5) “Secretary” means the Secretary of the Interior.

(As amended Nov. 3, 1966, Pub. L. 89-753, title II, § 211(a), 80 Stat. 1252)

§ 433. *Discharge of oil*(a) *Prohibition*

Except in case of emergency imperiling life or property, or unavoidable accident, collision, or stranding, and except as otherwise permitted by regulations prescribed by the Secretary as hereinafter authorized, it is unlawful for any person to discharge or permit the discharge from any boat or vessel of oil by any method, means, or manner into or upon the navigable waters of the United States, and adjoining shorelines of the United States.

(b) *Removal of discharged oil; costs and expenses of removal; penalties for failure to remove*

Any person discharging or permitting the discharge of oil from any boat or vessel, into or upon the navigable waters of the United States shall remove the same from the navigable waters of the United States, and adjoining shorelines immediately. If such person fails to do so, the Secretary may remove the oil or may arrange for its removal, and such person shall be liable to the United States, in addition to the penalties prescribed in section 434 of this title, for all costs and expenses reasonably incurred by the Secretary in removing the oil from the navigable waters of the United States, and adjoining shorelines of the United States. These costs and expenses shall constitute a lien on such boat or vessel which may be recovered in proceedings by libel in rem.

<sup>1</sup> 43 Stat. 604, as amended on 3 November 1966, 80 Stat. 1252, 33 U.S.C. 431-437 (Supp. II 1965-1966). Sections 432 and 433 reproduced in ST/LEG/SER.B/6, pp. 307-8, have been replaced by the above text.

(c) *Rules and regulations*

The Secretary may prescribe regulations which—

(1) permit the discharge of oil from boats or vessels in such quantities under such conditions, and at such times and places as in his opinion will not be deleterious to health or marine life or a menace to navigation, or dangerous to persons or property engaged in commerce on navigable waters of the United States; and

(2) relate to the removal or cost of removal, or both, of oil from the navigable waters of the United States, and adjoining shorelines of the United States.

(As amended Nov. 3, 1966, Pub. L. 89-753, title II, § 211(a), 80 Stat. 1253.)

§ 434. *Penalties for violations; liability of vessel*

(a) Any person who violates section 433(a) of this title shall, upon conviction thereof, be punished by a fine not exceeding \$2,500, or by imprisonment not exceeding one year, or by both such fine and imprisonment for each offense.

(b) Any boat or vessel other than a boat or vessel owned and operated by the United States from which oil is discharged in violation of section 433(a) of this title shall be liable for a penalty of not more than \$10,000. Clearance of a boat or vessel liable for this penalty from a port of the United States may be withheld until the penalty is paid. The penalty shall constitute a lien on such boat or vessel which may be recovered in proceedings by libel in rem in the district court of the United States for any district within which such boat or vessel may be.

(As amended Nov. 3, 1966, Pub. L. 89-753, title II, § 211(a), 80 Stat. 1253.)

§ 435. *Revocation or suspension of license of officers of offending boats or vessels*

The Commandant of the Coast Guard may, subject to the provisions of section 239 of Title 46, suspend or revoke a license issued to the master or other licensed officer of any boat or vessel found violating the provisions of section 433 of this title.

(As amended Nov. 3, 1966, Pub. L. 89-753, title II, § 211(a), 80 Stat. 1254.)

§ 436. *Enforcement by Coast Guard and Army personnel; consent by Commandant and Secretary; arrest of offenders and procedure*

In the administration of sections 431—437 of this title the Secretary may, with the consent of the Commandant of the Coast Guard or the Secretary of the Army, make use of the organization, equipment, and agencies, including engineering, clerical, and other personnel, employed by the Coast Guard or the Department of the Army, respectively, for the preservation and protection of navigable waters of the United States. For the better enforcement of the provisions of such sections, the officers and agents of the United States in charge of river and harbor improvements and persons employed under them by authority of the Secretary of the Army, and persons employed by the Secretary, and officers of the Customs and Coast Guard of the United States shall have the power and authority and it shall be their duty to swear out process and to arrest and take into custody, with or without process, any person who may violate any of such provisions,



except that no person shall be arrested without process for a violation not committed in the presence of some one of the aforesaid persons. Whenever any arrest is made under the provisions of such sections the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offences alleged against him, and such commissioner, judge or court shall proceed in respect thereto as authorized by law in cases of crimes against the United States.

(As amended Nov. 3, 1966, Pub. L. 89-753, title II, § 211(a), 80 Stat. 1254.)

§ 437. *Other statutes for preservation and protection of navigable waters unaffected*

Sections 431—437 of this title shall be in addition to other laws for the preservation and protection of navigable waters of the United States and shall not be construed as repealing, modifying, or in any manner affecting the provisions of such laws.

(As amended Nov. 3, 1966, Pub. L. 89-753, title II, § 211(a), 80 Stat. 1254.)

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## Chapter VIII

### BROADCASTS FROM SHIPS IN THE TERRITORIAL SEA

#### 1. AUSTRALIA

(a) WIRELESS TELEGRAPHY ACT 1905-1967 (No. 59 of 1967; 11 September 1967)

...

#### 6A. *Broadcasts from ships in waters adjacent to Australia*

(1) Except as authorized by or under this Act, a person shall not, on a ship outside Australia but in waters adjacent to Australia—

(a) establish, maintain or use any station or appliance for the purpose of transmitting broadcast programmes by means of wireless telegraphy; or

(b) transmit a broadcast programme by means of wireless telegraphy.

(2) A person shall not, in Australia or in waters adjacent to Australia—

(a) sell or otherwise supply to another person any goods knowing, or having reasonable cause to believe, that the goods are for use—

(i) in or in connexion with the making of unauthorized broadcasts; or

(ii) in or in connexion with the navigation, working, operation or maintenance of a ship used, or to be used, in or in connexion with the making of unauthorized broadcasts;

(b) maintain or install, or do any act or thing in or in connexion with the maintenance or installation of, any appliance or apparatus knowing, or having reasonable cause to believe, that the appliance or apparatus is used, or is to be used, in or in connexion with the making of unauthorized broadcasts;

(c) do any act or thing in or in connexion with the navigation, working, operation or maintenance of any ship which the person knows, or has reasonable cause to believe, is used, or is to be used, in or in connexion with the making of unauthorized broadcasts; or

(d) transport any goods to a ship which the person knows, or has reasonable cause to believe, is used, or is to be used, in or in connexion with the making of unauthorized broadcasts.

(3) In the last preceding subsection, “unauthorized broadcast” means the transmission, except as authorized by or under this Act, of a broadcast programme by means of wireless telegraphy from a ship outside Australia but in waters adjacent to Australia.

Penalty: One thousand dollars or imprisonment for a term not exceeding Five years.

(b) NAVIGATION ACT 1912-1967 (No. 60 of 1967, 18 September 1967), section 269 A<sup>1</sup>

## 2. SWEDEN

ROYAL NOTICE<sup>2</sup> NO. 448 OF 9 JUNE 1967 CONCERNING POSSESSION AND USE WITHIN SWEDISH TERRITORY OF RADIO TRANSMITTERS AND RECEIVERS ON BOARD FOREIGN VESSELS OR AIRCRAFT OR IN NON-SWEDISH MOTOR VEHICLES\*\*

### *Article 1*

For the purposes of this Notice, the expression "Swedish territory" means the land areas and the territorial waters of Sweden and the air space above such areas and waters.

### *Article 2*

No special authorization shall be required for the possession within Swedish territory of a radio transmitter or receiver on board a foreign vessel or aircraft or in a non-Swedish motor vehicle.

The Telecommunication Department shall determine what fees are to be charged for the possession of radio receivers in non-Swedish motor vehicles where such receivers have not been imported for temporary use and are not exempt from duty.

### *Article 3*

A radio transmitter on board a foreign vessel may be used in a case of emergency, and also:

(a) within Swedish port areas, for, on the one hand, radio-telephone communications on frequencies in the 156-162 MHz band either via a Swedish coastal station or in conjunction with port radio traffic, and, on the other hand, for other purposes or on other frequencies than as aforesaid as authorized by the Telecommunication Department;

(b) elsewhere within Swedish territory, unless the Telecommunication Department has issued a prohibition against or imposed a restriction upon such use.

...

### *Article 6*

Where a radio transmitter on board a foreign vessel or aircraft or in a non-Swedish motor vehicle is used within Swedish territory, the provisions of the

<sup>1</sup> *Supra* Chapter II, 2 (a).

<sup>2</sup> *Svensk författningssamling*, 1967, No. 448. Came into force on 1 July 1967. Notice No. 796 of 3 November 1939 concerning use within Swedish territory of radio installations and receiving sets on board foreign vessels and aircraft has been repealed.

International Telecommunication Convention and of the Radio Regulations for the time being in force shall be complied with.

In the case of aircraft, the regulations on radio communications which apply to air traffic within Swedish territory shall also be complied with.

*Article 7*

A radio receiver on board a foreign vessel or aircraft or in a non-Swedish motor vehicle may be used within Swedish territory unless the Telecommunication Department has issued a prohibition against or imposed a restriction upon such use.

*Article 8*

Regulations shall be made by the Telecommunication Department concerning the sealing of, or other measures in respect of, a radio transmitter or receiver which is in an area in which it may not be used.

...

*Article 10*

Any person who contravenes the provisions of this Notice or of regulations made thereunder shall be liable to a fine or to imprisonment for a term of not more than one year.

The provisions of the first paragraph shall not apply to a radio transmitter or receiver on board a warship or military aircraft or in a military motor vehicle.

*Article 11*

The provisions of article 338 of the Merchant Shipping Act in respect of courts shall apply as appropriate where an offence as referred to in article 10 of the present Act is committed on board a vessel.

### 3. UNITED KINGDOM

MARINE AND BROADCASTING (OFFENCES) ACT 1967 (1967 Chapter 41; 14 July 1967)

1. *Prohibition of broadcasting from ships and aircraft*

(1) It shall not be lawful for a broadcast to be made from a ship or aircraft while it is in or over the United Kingdom or external waters, nor shall it be lawful for a broadcast to be made from a ship registered in the United Kingdom, the Isle of Man or any of the Channel Islands or an aircraft so registered while the ship or aircraft is elsewhere than in or over the United Kingdom or external waters.

...

2. *Prohibition of broadcasting from marine structures*

(1) It shall not be lawful for a broadcast to be made from—

(a) a structure in external waters or in tidal waters in the United Kingdom,

being a structure affixed to, or supported by, the bed of those waters and not being a ship; or

(b) any other object in such waters, being neither a structure affixed or supported as aforesaid nor a ship or aircraft;

and if a broadcast is made in contravention of the foregoing provision, every person who operates, or participates in the operation of, the apparatus by means of which the broadcast is made shall be guilty of an offence.

(2) A person who procures the making of a broadcast in contravention of the foregoing subsection shall be guilty of an offence.

3. *Prohibition of acts connected with broadcasting from certain ships and aircraft, and from marine structures outside the United Kingdom*

(1) If a broadcast is made—

(a) from a ship other than one registered in the United Kingdom, the Isle of Man or any of the Channel Islands while the ship is on the high seas; or

(b) from an aircraft other than one so registered while the aircraft is on or over the high seas; or

(c) from a structure on the high seas, being a structure affixed to, or supported by, the bed of those seas and not being a ship; or

(d) from any other object on those seas, being neither a structure affixed or supported as aforesaid nor a ship or aircraft;

any of the persons mentioned in subsection (3) below who operates, or participates in the operation of, the apparatus by means of which the broadcast is made shall be guilty of an offence.

...

9. *Interpretation*

(1) In this Act—

“broadcast” means a broadcast by wireless telegraphy of sounds or visual images intended for general reception (whether the sounds or images are actually received by any person or not), but does not include a broadcast consisting in a message or signal sent in connection with navigation or for the purpose of securing safety;

“external waters” means the whole of the sea adjacent to the United Kingdom which is within the seaward limits of the territorial waters adjacent thereto;

“the high seas” means the seas outside the seaward limits of the territorial waters adjacent to the United Kingdom or to any country or territory outside the United Kingdom;

“ship” includes every description of vessel used in navigation;

“wireless telegraphy”, “wireless telegraphy apparatus” and “wireless telegraphy licence” have the same meanings respectively as in the Wireless Telegraphy Act 1949.

(2) For the purposes of this section, the seaward limits of the territorial waters adjacent to the United Kingdom shall be determined by reference to the baseline established by the Territorial Waters Order in Council 1964 or by any

subsequent Order of Her Majesty made in Council under Her royal prerogative for establishing the baseline from which the breadth of the territorial sea adjacent to the United Kingdom, the Channel Islands and the Isle of Man is measured.

#### 4. UNION OF SOVIET SOCIALIST REPUBLICS

##### REGULATIONS<sup>1</sup> CONCERNING THE USE OF RADIO EQUIPMENT BY FOREIGN VESSELS WITHIN THE TERRITORIAL WATERS OF THE UNION OF SOVIET SOCIALIST REPUBLICS\*\*

The Council of People's Commissars<sup>2</sup> of the USSR hereby decrees that:

1. Foreign military and non-military vessels situated within the limits of the sea frontier of the USSR or in inland waters of the USSR<sup>3</sup> at a distance of ten miles from the shore may use their radio equipment only in accordance with the provisions of this decree.

2. Foreign non-military vessels situated within the area of radio stations on shore may not transmit and receive radio messages except in the cases mentioned in article 7 of this decree.

3. Foreign non-military vessels situated in ports that are more than ten miles in a direct line from the nearest radio station, and foreign non-military vessels within the limits of the Sea of Azov, may use the ship's radio only by special written permission of the harbour-master of the relevant commercial port, such permission being granted for a specified period or on each separate occasion on which the vessel visits the ports or inland waters of the USSR.

If the nearest shore radio station belonging to the People's Commissariat for Military and Naval Affairs or to some other public authority is situated not more than ten miles in a direct line from a commercial port, foreign vessels as aforesaid shall be given permission by the harbour-master of the commercial port to transmit and receive radio messages only by agreement with the local representatives of the relevant public authority.

4. The local naval command shall be entitled to restrict the transmission and reception of radio messages by foreign military vessels within the ten-mile limit in respect of time, the areas in which conversations may be conducted, and wave-length.

5. The harbour-master of the nearest commercial port shall be responsible for securing compliance with the provisions of article 2 of this decree.

6. Foreign vessels anchored in quarantine and requiring to communicate by radio with the local shore radio station may in exceptional cases use either their

<sup>1</sup> *Notices to Mariners* of 1 January 1967, issue 1, No. 9. The text of the Regulations in substance identical with that of Act No. 431 of 24 July 1928 concerning the use of radio equipment on foreign vessels within the territorial waters of the Union, published in ST/LEG/SER.B/6, p. 258, except paragraph 5. The translation was revised.

<sup>2</sup> Now the Council of Ministers, as observed in a note in the *Notices to Mariners*.

<sup>3</sup> Within the limits of the territorial sea and the internal waters, as mentioned in a note in *Notices to Mariners*.

main transmitter at minimum power or a low-powered ship's radio on the days and at the times notified to them by the said station.

7. The restrictions on the use of a ship's radio laid down in articles 2 to 6 of this decree shall not apply to: (a) vessels in danger or vessels transmitting messages to avert an accident, (b) vessels assisting other vessels in distress or (c) the escorting of vessels through ice.

On entering a port with shore radio stations, a foreign vessel may, in especially important cases, conclude a radio conversation commenced with the port, but only if it transfers to minimum power or to a low-powered set.

8. In all cases where a ship's radio is used in accordance with this decree, a foreign military or non-military vessel shall comply with the applicable regulations for international radio communication adopted by the USSR and also with the regulations relating to internal radio communication within the USSR. Upon arrival in ports of the USSR, foreign vessels shall be informed by the competent local naval or port authorities of unpublished regulations relating to internal radio communication.

9. Radio messages transmitted and received by foreign military and non-military vessels must be in clear and must not contain any symbol or code, except conventional signals under the official international rules for radio communication and the international code of signals.

10. The commanding officer or master of a foreign vessel shall be the person empowered to negotiate with the authorities on all questions arising out of this decree.

11. The provisions of this decree shall have effect only if the USSR is not at war and only in respect of vessels flying the flag of a non-belligerent State.

12. Persons who violate the provisions of this decree shall be liable to prosecution under the criminal law of the Union Republic concerned.

...

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**Chapter IX**  
**EXPLOITATION<sup>1</sup> OF MINERAL RESOURCES**  
**AND THE LAYING<sup>2</sup> OF CABLES AND PIPELINES**  
**UNDER THE TERRITORIAL SEA**

1. AUSTRALIA

- (a) PETROLEUM(SUBMERGED LANDS)ACT<sup>3</sup>1967(No. 118 of 1967; 22 November 1967)
- (b) PETROLEUM (ASHMORE AND CARTIER ISLANDS) ACT<sup>3</sup> 1967 (No. 124 of 1967; 22 November 1967)

STATES OF AUSTRALIA

*NEW SOUTH WALES*

- (a) *Mining Act*,<sup>4</sup> 1906-1967 (No. 67 of 1967; 7 December 1967)
- (b) *Petroleum (Submerged Lands) Act, 1967* (No. 70 of 1967; 7 December 1967) \*
- (c) *Petroleum (Submerged Lands) Taxation Act, 1967* (No. 70 of 1967; 7 December 1967) \*

*SOUTH AUSTRALIA*

- (a) *Fibre and Sponges Act, 1909-1937* (No. 2369 of 1937; 15 December 1937)

...

3. *Interpretation*

In this Act, and in regulations made under this Act, unless inconsistent with the context or the subject matter—

...

“fibre” means the fibre known as *Posidonia Australis* :

...

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<sup>1</sup> See also *infra* DIVISION II. Some of the texts reproduced there may be of relevance also in relation to mineral resources under the territorial sea.

<sup>2</sup> See also *infra* DIVISION III. Some of the texts reproduced there may be of relevance in relation to laying cables and pipelines under the territorial sea.

<sup>3</sup> *Infra* DIVISION II, 2 (a) and (b), respectively.

<sup>4</sup> *Infra* DIVISION II, 2, *States of Australia*, New South Wales (a).



“sea” includes any inlet or arm of the sea:

...

#### 4. *Licences may be granted*

The Commissioner, or any person authorised by him, may grant licences in respect of any portions of the foreshore and of the lands which, being overflowed by the territorial waters of the sea, adjoin such portions of the foreshore, for the purpose of obtaining and removing fibre and sponges or either therefrom: Provided that—

- I. no licence shall be granted in respect of any place situated within one mile of any jetty, wharf, pier, breakwater, or harbour, or of any place disapproved by the Commissioner;
- II. any application for a licence may be refused entirely in the discretion of the Commissioner;
- III. in the granting or renewal of any licence, all other matters being equal, preference shall be given to applicants who undertake to establish a manufacturing industry in the said State in respect of fibre and sponges, or either, according to the nature of the licence.

(b) *Mining (Petroleum) Act*,<sup>1</sup> 1940—*General Regulations (31 July 1941)* \*

(c) *Mining (Petroleum) Act, 1940-1967 (No. 75 of 1967; 23 November 1967)* \*

#### TASMANIA

*Petroleum (Submerged Lands) Act*<sup>1</sup> 1967 (*No. 63 of 1967; 20 December 1967*) \*

#### VICTORIA

(a) *Underseas Mineral Resources Act 1963 (No. 7095, 10 December 1963) as amended, section 2*<sup>1</sup>

(b) *Petroleum (Submerged Lands) Act*<sup>1</sup> 1967 (*No. 7591, 28 November 1967*) \*

## 2. COSTA RICA

ACT NO. 3977 OF 20 OCTOBER 1967 APPROVING A CONTRACT FOR THE EXPLOITATION AND EXPLORATION OF PETROLEUM AND OTHER HYDROCARBONS, clause 1 of the Contract<sup>2</sup>

<sup>1</sup> *Infra* DIVISION II, 2, *States of Australia*, South Australia (a) and (b); Tasmania and Victoria (a) and (b).

<sup>2</sup> *Infra* DIVISION II, 7.

## 3. DENMARK

- (a) ACT NO. 181 OF 8 MAY 1950 CONCERNING PROSPECTING FOR AND EXPLOITATION OF RAW MATERIALS IN THE SUBSOIL OF THE KINGDOM OF DENMARK, articles 1-11<sup>1</sup>
- (b) ORDER NO. 372 OF 7 NOVEMBER 1963 CONCERNING AN EXCLUSIVE CONCESSION FOR THE PROSPECTING AND EXPLOITATION OF HYDROCARBONS AND THE LIKE IN THE SUBSOIL OF DENMARK, articles 1, 3(1), 6, 10, 12(1), 13<sup>1</sup>
- (c) ACT<sup>1</sup> NO. 166 OF 12 MAY 1965 CONCERNING MINERAL RAW MATERIALS IN GREENLAND

## 4. GHANA

MINERAL ACT 1962 (ACT NO. 126 OF 14 JUNE 1962) AS AMENDED<sup>2</sup>

## 5. GREECE

In Greece, there is no special legislation regulating the exploitation of natural resources of the sea-bed and its subsoil. In accordance with the Greek Law on Mining, exploitation of, and research in natural resources of the sea-bed are reserved to the State. The State, however, may grant private individuals or corporations the right of research or exploitation by special contract.<sup>3</sup>

## 6. GUATEMALA

- (a) PETROLEUM CODE, ENACTED BY DECREE NO. 345 OF 7 JULY 1955, articles 1, 2, 4 and 6<sup>4</sup>
- (b) PETROLEUM CODE REGULATIONS, ENACTED BY DECREE NO. 342 OF 22 APRIL 1965\*

<sup>1</sup> *Infra* DIVISION II, 10 (a), (c) and (d), respectively.

<sup>2</sup> By the Territorial Waters and Continental Shelf Act 1963; *infra* DIVISION II, 16 (b).

<sup>3</sup> The information was provided in a *note verbale* No. 2319 of 6 June 1968 from the Permanent Mission of Greece to the United Nations.

<sup>4</sup> *Infra* DIVISION II, 18 (a).

- (c) MINING CODE, ENACTED BY THE LEGISLATIVE DECREE NO. 342 OF 22 APRIL 1965, articles 1 and 115<sup>1</sup>
- (d) CONSTITUTION OF THE REPUBLIC OF GUATEMALA OF 15 SEPTEMBER 1965, articles 3, 129, 130 and 134<sup>2</sup>
- (e) GOVERNMENTAL DECREES<sup>3</sup> OF 20 JANUARY 1967 CONCERNING THE ZONES OF RESERVES OF SULPHUR AND IRON DEPOSITS

## 7. INDIA

### (a) CONSTITUTION OF INDIA

...

#### *Article 297*

Things of value lying within territorial waters or continental shelf to vest in the Union—All lands, minerals and other things of value underlying the ocean within the territorial waters or the continental shelf<sup>4</sup> of India shall vest in the Union and be held for the purposes of the Union.

### (b) OILFIELDS (REGULATION AND DEVELOPMENT ACT) 1948\*

### (c) PETROLEUM AND NATURAL GAS RULES,<sup>5</sup> 1959

## 8. IRAN

ACT<sup>6</sup> OF 31 JULY 1957 ON SURVEY, EXPLORATION AND EXPLOITATION OF THE OIL RESOURCES IN THE IRANIAN TERRITORY AND ITS CONTINENTAL SHELF

<sup>1</sup> *Ibid.* (c).

<sup>2</sup> *Supra* Chapter I, 18 (b).

<sup>3</sup> *Infra* DIVISION II, 18 (e).

<sup>4</sup> The words "or the continental shelf" were inserted by the Constitution (Fifteenth Amendment) Act.

<sup>5</sup> *Infra* DIVISION II, 20 (c).

<sup>6</sup> *Infra* DIVISION II, 21 (b).

## 9. ITALY

ACT No. 613 OF 21 JULY 1967. SURVEYING AND PRODUCTION OF OIL AND GAS IN THE TERRITORIAL SEA AND CONTINENTAL SHELF, AND AMENDMENTS TO ACT No. 6 OF 11 JANUARY 1967 ON THE SURVEYING AND PRODUCTION OF OIL AND GAS, articles 1-3, 9-10, 13, 16, 18, 27, 34, 49, 55<sup>1</sup>

## 10. MALAYSIA

PETROLEUM MINING ACT, 1966 (ACT OF PARLIAMENT No. 58 OF 1966), sections 2, 3, 4(1), second schedule, sections 14-15, 21-22<sup>2</sup>

## 11. NEW ZEALAND

(a) PETROLEUM ACT 1937 (No. 27 of 1937: 11 December 1937), sections 2-5, 50 and 79<sup>3</sup>

(b) PETROLEUM REGULATIONS 1939 (15 March 1939), section 29<sup>4</sup>

(c) SUBMARINE CABLES AND PIPELINES PROTECTION ACT<sup>5</sup> 1966 (No. 5 of 1966; 2 September 1966)

## 12. NICARAGUA

(a) DECREE No. 316 OF 12 MARCH 1958. GENERAL ACT ON THE EXPLOITATION OF NATURAL RESOURCES, articles 2 and 3<sup>6</sup>

(b) DECREE No. 372 OF 2 DECEMBER 1958. SPECIAL ACT ON THE EXPLORATION AND EXPLOITATION OF PETROLEUM, articles 1-4<sup>6</sup>

(c) DECREE No. 1067 OF 20 MARCH 1965. SPECIAL ACT ON THE EXPLORATION AND EXPLOITATION OF MINES AND QUARRIES, articles 1-2<sup>6</sup>

(d) DECREE No. II OF 5 APRIL 1965 DELIMITING THE NATIONAL FISHING ZONE TO 200 MILES, articles 1-3<sup>7</sup>

<sup>1</sup> *Infra* DIVISION II, 24.

<sup>2</sup> *Infra* DIVISION II, 27 (b).

<sup>3</sup> *Infra* DIVISION II, 31 (a). Petroleum Act 1937 was extended to the continental shelf by section 4 of the Continental Shelf Act 1964.

<sup>4</sup> *Ibid.* (b).

<sup>5</sup> *Infra* DIVISION III, 18 (c).

<sup>6</sup> *Infra* DIVISION II, 32 (a), (b), (c), respectively.

<sup>7</sup> *Infra* DIVISION IV, 23 (b).

## 13. NIGERIA

- (a) MINERAL OILS ACT (CHAPTER 120) AN ORDINANCE TO REGULATE THE RIGHT TO SEARCH FOR, WIN AND WORK MINERAL OILS (No. 17 of 1914; 31 December 1914)<sup>1</sup>

...

3. *Licence or lease required for searching for or working mineral oils. Saving as to licences and leases granted under Ordinance repealed*

It shall not be lawful for any person to search or drill for or work mineral oils within or under any lands in Nigeria except under a licence or lease granted by the Governor-General under this Ordinance: Provided that nothing in this Ordinance contained shall affect any licence or lease granted under any Ordinance repealed by this Ordinance, which licence or lease shall for all purposes have effect as if this Ordinance had not been made.

Penalty:—Fine of five hundred pounds, or imprisonment for twelve months, and forfeiture of all mineral oils raised, won or gotten.

...

6. *Powers conferred upon Governor-General to be exercised subject to certain conditions*

(1) The powers conferred upon the Governor-General by sections 4 and 5 shall be exercised subject to the following conditions:—

(a) no lease or licence shall be granted except to a British subject or to a British company registered in Great Britain or in a British colony, and having its principal place of business within Her Majesty's dominions, the chairman and the managing director (if any) and the majority of the other directors of which are British subjects;

(b) every lease and licence shall be granted subject to the condition that the lessee or licensee shall pay (i) to any person in lawful occupation of the land, such compensation for disturbance of surface rights, and (ii) in the case of land which is neither Crown land nor land declared to be native land under the Land and Native Rights Ordinance to the owner or owners of the land such compensation for the exercise of the rights, powers and liberties conferred by the lease or licence as the Governor-General may from time to time determine.

(2) The condition (a) in subsection (1) shall be omitted in the application of this Ordinance to the Cameroons under United Kingdom Trusteeship.

(3)<sup>2</sup> The Governor-General may waive the restriction specified in paragraph (b) of subsection (1) in respect of any lease or licence if there is provision therein that the lessee or licensee may be required (unless he is able to show that he would incur substantial tax disabilities by so doing) to form a company

<sup>1</sup> As reprinted in *The Laws of the Federation of Nigeria and Lagos in force on 1 June 1958*. Revised Edition, 1959.

<sup>2</sup> Sub-section 3 has been amended by the Mineral Oils Act, 1962. See *infra* under (c).

incorporated in Nigeria at any time after five years from the date of the first commercial export of oil from Nigeria for the purpose of transferring to such locally incorporated company the rights exercised under such lease or licence.

...

10. *Submarine areas*

Submarine areas beneath the territorial waters shall be deemed to be lands for the purposes of this Ordinance, and the provisions of this Ordinance, with the exception of the provisions of paragraph (b) of section 6, shall apply to all such areas with such verbal modifications not affecting the substance of the said provisions as are necessary to make them applicable.

(b) MINERAL OILS ACT (CHAPTER 120), THE MINERAL OILS (SAFETY) REGULATIONS, 1963 (11 April 1962)\*

(c) MINERAL OILS ACT, 1962 (No. 24 of 13 September 1962)

1. *Correction and repeal of provisions of Cap. 120*

In subsection (3) of section six of the Mineral Oils Act the reference to paragraph (b) of subsection (1) shall, as respects the period beginning with the commencement of that Act and ending with the thirtieth day of September, nineteen hundred and sixty, be deemed to have been a reference to paragraph (a) of subsection (1); and the said paragraph (a) and subsections (2) and (3) of that section shall be deemed to have been repealed at the end of that day.

14. SINGAPORE<sup>1</sup>

15. SPAIN

ACT OF 26 DECEMBER 1958 INSTITUTING THE LEGAL RÉGIME FOR THE EXPLORATION AND EXPLOITATION OF OIL AND GAS, articles 1, 2, 5, 6, 9, 57, 58, 61<sup>2</sup>

16. SWEDEN

REGULATIONS NO. 315 OF 3 JUNE 1966 RELATING TO THE IMPLEMENTATION OF THE ACT NO. 314 OF 3 JUNE 1966 CONCERNING THE CONTINENTAL SHELF, article 6<sup>3</sup>

<sup>1</sup> *Infra* DIVISION II, 38.

<sup>2</sup> *Infra* DIVISION II, 40 (a).

<sup>3</sup> *Infra* DIVISION II, 41 (b).

## 17. UNITED KINGDOM

- (a) MINERAL ORDINANCE, 1962 (NO. 14 OF 1962), sections 2-6, 10-11<sup>1</sup>
- (b) MINING (MINERAL OIL) ORDINANCE, 1963 (NO. 7 OF 1963), sections 2-5, 10-11<sup>2</sup>

## 18. UNITED STATES OF AMERICA

(a) SUBMERGED LANDS ACT,<sup>3</sup> 22 MAY 1953

## SEC. 2. WHEN USED IN THIS ACT—

*Lands beneath navigable waters*

## (a) The term “lands beneath navigable waters” means—

(1) all lands within the boundaries of each of the respective States which are covered by nontidal waters that were navigable under the laws of the United States at the time such State became a member of the Union, or acquired sovereignty over such lands and waters thereafter, up to the ordinary high water mark as heretofore or hereafter modified by accretion, erosion, and reliction;

(2) all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coast line of each such State and to the boundary line of each such State where in any case such boundary as it existed at the time such State became a member of the Union, or as heretofore approved by Congress, extends seaward (or into the Gulf of Mexico) beyond three geographical miles, and

(3) all filled in, made, or reclaimed lands which formerly were lands beneath navigable waters, as hereinabove defined;

*Boundaries*

(b) The term “boundaries” includes the seaward boundaries of a State or its boundaries in the Gulf of Mexico or any of the Great Lakes as they existed at the time such State became a member of the Union, or as heretofore approved by the Congress, or as extended or confirmed pursuant to section 4 hereof but in no event shall the term “boundaries” or the term “lands beneath navigable waters” be interpreted as extending from the coast line more than three geographical miles into the Atlantic Ocean or the Pacific Ocean, or more than three marine leagues into the Gulf of Mexico;

<sup>1</sup> *Infra* DIVISION II. 45 Seychelles (a).

<sup>2</sup> *Ibid.*, (b).

<sup>3</sup> 67 Stat. 29.

*Coast line*

(c) The term “coast line” means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters;

*Grantees and lessees*

(d) The terms “grantees” and “lessees” include (without limiting the generality thereof) all political subdivisions, municipalities, public and private corporations, and other persons holding grants or leases from a State, or from its predecessor sovereign if legally validated, to lands beneath navigable waters if such grants or leases were issued in accordance with the constitution, statutes, and decisions of the courts of the State in which such lands are situated, or of its predecessor sovereign: *Provided, however*, That nothing herein shall be construed as conferring upon said grantees or lessees any greater rights or interests other than are described herein and in their respective grants from the State, or its predecessor sovereign;

*Natural resources*

(e) The term “natural resources” includes, without limiting the generality thereof, oil, gas, and all other minerals, and fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life but does not include water power, or the use of water for the production of power;

(f) The term “lands beneath navigable waters” does not include the beds of streams in lands now or heretofore constituting a part of the public lands of the United States if such streams were not meandered in connection with the public survey of such lands under the laws of the United States and if the title to the beds of such streams was lawfully patented or conveyed by the United States or any State to any person;

(g) The term “State” means any State of the Union;

*Person*

(h) The term “person” includes, in addition to a natural person, an association, a State, a political subdivision of a State, or a private, public, or municipal corporation.

## TITLE II

## LANDS BENEATH NAVIGABLE WATERS WITHIN STATE BOUNDARIES

## SEC. 3. RIGHTS OF THE STATES.—

*Title and powers*

(a) It is hereby determined and declared to be in the public interest that (1) title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and (2) the right and power to manage, administer, lease, develop, and use the said lands and natural resources all in accordance with applicable State law be, and they are hereby, subject to the provisions hereof, recognized, confirmed,



established, and vested in and assigned to the respective States or the persons who were on June 5, 1950, entitled thereto under the law of the respective States in which the land is located, and the respective grantees, lessees, or successors in interest thereof;

*Claims of U.S.*

(b) (1) The United States hereby releases and relinquishes unto said States and persons aforesaid, except as otherwise reserved herein, all right, title, and interest of the United States, if any it has, in and to all said lands, improvements, and natural resources; (2) the United States hereby releases and relinquishes all claims of the United States, if any it has, for money or damages arising out of any operations of said States or persons pursuant to State authority upon or within said lands and navigable waters; and (3) the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States shall pay to the respective States or their grantees issuing leases covering such lands or natural resources all moneys paid thereunder to the Secretary of the Interior or to the Secretary of the Navy or to the Treasurer of the United States and subject to the control of any of them or to the control of the United States on the effective date of this Act, except that portion of such moneys which (1) is required to be returned to a lessee; or (2) is deductible as provided by stipulation or agreement between the United States and any of said States;

*Leases in effect on June 5, 1950*

(c) The rights, powers, and titles hereby recognized, confirmed, established, and vested in and assigned to the respective States and their grantees are subject to each lease executed by a State, or its grantee, which was in force and effect on June 5, 1950, in accordance with its terms and provisions and the laws of the State issuing, or whose grantee issued, such lease, and such rights, powers, and titles are further subject to the rights herein now granted to any person holding any such lease to continue to maintain the lease, and to conduct operations thereunder, in accordance with its provisions, for the full term thereof, and any extensions, renewals, or replacements authorized therein, or here to fore authorized by the laws of the State issuing, or whose grantee issued such lease: *Provided, however,* That, if oil or gas was not being produced from such lease on and before December 11, 1950, or if the primary term of such lease has expired since December 11, 1950, then for a term from the effective date hereof equal to the term remaining unexpired on December 11, 1950, under the provisions of such lease or any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of the State issuing, or whose grantee issued, such lease: *Provided, however,* That within ninety days from the effective date hereof (i) the lessee shall pay to the State or its grantee issuing such lease all rents, royalties, and other sums payable between June 5, 1950, and the effective date hereof, under such lease and the laws of the State issuing or whose grantee issued such lease, except such rents, royalties, and other sums as have been paid to the State, its grantee, the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States and not refunded to the lessee; and (ii) the lessee shall file with the Secretary of the Interior or the Secretary of the Navy and with the State issuing or whose grantee issued such lease, instruments consenting to the payment by the Secretary of the Interior or the Secretary of the Navy or the

Treasurer of the United States to the State or its grantee issuing the lease, of all rents, royalties, and other payments under the control of the Secretary of the Interior or the Secretary of the Navy or the Treasurer of the United States or the United States which have been paid, under the lease, except such rentals, royalties, and other payments as have also been paid by the lessee to the State or its grantee;

*Rights of U.S. respecting navigation, etc.*

(d) Nothing in this Act shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of said lands and waters for the purposes of navigation or flood control or the production of power, or be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control, or the production of power.

*Surface waters west of 98th meridian*

(e) Nothing in this Act shall be construed as affecting or intended to affect or in any way interfere with or modify the laws of the States which lie wholly or in part westward of the ninety-eighth meridian, relating to the ownership and control of ground and surface waters; and the control, appropriation, use, and distribution of such waters shall continue to be in accordance with the laws of such States.

SEC. 4. SEAWARD BOUNDARIES.—The seaward boundary of each original coastal State is hereby approved and confirmed as a line three geographical miles distant from its coast line or, in the case of the Great Lakes, to the international boundary. Any State admitted subsequent to the formation of the Union which has not already done so may extend its seaward boundaries to a line three geographical miles distant from its coast line, or to the international boundaries of the United States in the Great Lakes or any other body of water traversed by such boundaries. Any claim heretofore or hereafter asserted either by constitutional provision, statute, or otherwise, indicating the intent of a State so to extend its boundaries is hereby approved and confirmed, without prejudice to its claim, if any it has, that its boundaries extend beyond that line. Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond three geographical miles if it was so provided by its constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore approved by Congress.

SEC. 5. EXCEPTIONS FROM OPERATION OF SECTION 3 OF THIS ACT.—There is excepted from the operation of section 3 of this Act—

(a) all tracts or parcels of land together with all accretions thereto, resources therein, or improvements thereon, title to which has been lawfully and expressly acquired by the United States from any State or from any person in whom title had vested under the law of the State or of the United States, and all lands which the United States lawfully holds under the law of the State; all lands expressly retained by or ceded to the United States when the State entered the Union (otherwise than by a general retention or cession of lands underlying the marginal sea); all lands acquired by the United States by eminent domain proceedings, purchase, cession, gift, or otherwise in a proprietary capacity; all

lands filled in, built up, or otherwise reclaimed by the United States for its own use; and any rights the United States has in lands presently and actually occupied by the United States under claim of right;

(b) such lands beneath navigable waters held, or any interest in which is held by the United States for the benefit of any tribe, band, or group of Indians or for individual Indians; and

(c) all structures and improvements constructed by the United States in the exercise of its navigational servitude.

Sec. 6. POWERS RETAINED BY THE UNITED STATES.—(a) The United States retains all its navigational servitude and rights in and powers of regulation and control of said lands and navigable waters for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources which are specifically recognized, confirmed, established, and vested in and assigned to the respective States and others by section 3 of this Act.

(b) In time of war or when necessary for national defense, and the Congress or the President shall so prescribe, the United States shall have the right of first refusal to purchase at the prevailing market price, all or any portion of the said natural resources, or to acquire and use any portion of said lands by proceeding in accordance with due process of law and paying just compensation therefor.

5 USC 485; 16 USC 460d, 825s; 30 USC 35, 36, 38, 43, 46, 47, 51, 52; 33 USC 701a-1, 701c, 701f, 701j and notes, 708, 709; 43 USC 321-323, 325, 327-329, 372-498 *passim*, 661, 766

Sec. 7. Nothing in this Act shall be deemed to amend, modify, or repeal the Acts of July 26, 1866 (14 Stat. 251), July 9, 1870 (16 Stat. 217), March 3, 1877 (19 Stat. 377), June 17, 1902 (32 Stat. 388), and December 22, 1944 (58 Stat. 887), and Acts amendatory thereof or supplementary thereto.

Sec. 8. Nothing contained in this Act shall affect such rights, if any, as may have been acquired under any law of the United States by any person in lands subject to this Act and such rights, if any, shall be governed by the law in effect at the time they may have been acquired: *Provided, however,* That nothing contained in this Act is intended or shall be construed as a finding, interpretation, or construction by the Congress that the law under which such rights may be claimed in fact or in law applies to the lands subject to this Act, or authorizes or compels the granting of such rights in such lands, and that the determination of the applicability or effect of such law shall be unaffected by anything contained in this Act.

#### *Resources seaward of Continental Shelf*

Sec. 9. Nothing in this Act shall be deemed to affect in any wise the rights of the United States to the natural resources of that portion of the subsoil and seabed of the Continental Shelf lying seaward and outside of the area of lands beneath navigable waters, as defined in section 2 hereof, all of which natural resources appertain to the United States, and the jurisdiction and control of which by the United States is hereby confirmed.

SEC. 10. Executive Order Numbered 10426, dated January 16, 1953, entitled "Setting Aside Submerged Lands of the Continental Shelf as a Naval Petroleum Reserve", is hereby revoked insofar as it applies to any lands beneath navigable waters as defined in section 2 hereof.

SEC. 11. SEPARABILITY.—If any provision of this Act, or any section, subsection, sentence, clause, phrase or individual word, or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase or individual word to other persons and circumstances shall not be affected thereby; without limiting the generality of the foregoing, if subsection 3 (a) 1, 3 (a) 2, 3 (b) 1, 3 (b) 2, 3 (b) 3, or 3 (c) or any provision of any of those subsections is held invalid, such subsection or provision shall be held separable and the remaining subsections and provisions shall not be affected thereby.

(b) MARINE RESOURCES AND ENGINEERING DEVELOPMENT ACT OF 1966 (17 June 1966), section 8<sup>1</sup>

## 19. YUGOSLAVIA

BASIC LAW OF 18 FEBRUARY 1966 ON MINERAL ORES, articles 3 and 4<sup>2</sup>

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<sup>1</sup> *Infra* DIVISION II, 46 (d).

<sup>2</sup> *Infra* DIVISION II, 49 (b).

## Sub-Division B. The Contiguous Zone

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### 1. AUSTRALIA

WIRELESS TELEGRAPHY ACT 1905-1967  
(No. 59 of 1967; 11 September 1967), section 6A<sup>1</sup>

#### STATES OF AUSTRALIA

##### QUEENSLAND

*Queensland Marine Acts, 1958 to 1967; (No. 1 of 1967; 2 March 1967), sections 167 and 168<sup>2</sup>*

##### SOUTH AUSTRALIA

*Harbors Act, 1936-1967 (No. 53 of 1967, 9 November 1967), section 90 (1)<sup>3</sup>*

##### TASMANIA

*Marine Act 1921-1967 (No. 57 of 1967; 7 December 1967), section 96<sup>4</sup>*

### 2. BRAZIL

DECREE-LAW<sup>5</sup> NO. 44 OF 18 NOVEMBER 1966

*(Changes the limits of the territorial waters of Brazil, establishes a contiguous zone and makes other provisions)\*\**

...

Art. 2—A contiguous zone of six maritime miles in width, measured from the outside limit of the territorial waters, is under the jurisdiction of the United

<sup>1</sup> *Supra* SUB-DIVISION A, Chapter VIII, 1 (a).

<sup>2</sup> *Supra* SUB-DIVISION A, Chapter II, 2, *States of Australia*, Queensland.

<sup>3</sup> *Ibid.*, South Australia.

<sup>4</sup> *Ibid.*, Tasmania.

<sup>5</sup> See also *supra* SUB-DIVISION A, Chapter I, 3, Law-Decree No. 56 of 28 April 1969 extending from six to twelve nautical miles the breadth of the territorial sea.

States of Brazil in anything pertaining to the prevention and repression of infractions of Brazilian law insofar as our customs, fiscal, sanitary or immigration police are concerned.

Art. 3—In a zone of six maritime miles measured from the outside limits of our territorial waters (Art. 1), the United States of Brazil has the same exclusive rights over fishing, of jurisdiction over the subject of fishing, and of exploitation of the living resources of the sea, which we hold in our territorial waters.

### 3. CAMEROON

LOI N° 67(LF)25 DU 3 NOVEMBRE 1967 MODIFIANT L'ARTICLE 5 DU CODE DE LA MARINE MARCHANDE CAMEROUNAISE<sup>1</sup>

### 4. CANADA

CUSTOMS ACT, AS AMENDED, section 2 (1) (b)<sup>2</sup>

### 5. COLOMBIA

(a) CUSTOMS LAW NO. 79 OF 19 JUNE 1931, article 363<sup>3</sup>

(b) LEGISLATIVE DECREE NO. 3183 OF 20 DECEMBER 1952 CONCERNING THE COLOMBIAN MERCHANT MARINE, article 80<sup>4</sup>

### 6. CUBA

LEGISLATIVE DECREE NO. 1948 OF 25 JANUARY 1955, article 2<sup>5</sup>

<sup>1</sup> *Supra* SUB-DIVISION A, Chapter I, 6.

<sup>2</sup> R.S.C. Vol. 2, Chap. 58. Most recently, by the Territorial Sea and Fishing Zones Act (13 Eliz II, Chap. 22), paragraph (b) of subsection (1) of section 2 was repealed (see ST/LEG/SER.B/1, p. 54 and ST/LEG/SER.B/8, p. 19) and the text contained in section 11 of the Territorial Sea and Fishing Zones Act was substituted therefore (*supra* SUB-DIVISION A, Chapter I, 7 (b)).

<sup>3</sup> *Supra* SUB-DIVISION A, Chapter I, 8 (d).

<sup>4</sup> *Ibid.*, (e).

<sup>5</sup> *Supra* SUB-DIVISION A, Chapter I, 9 (f).

## 7. CYPRUS

The Republic of Cyprus does not claim any contiguous zone beyond its territorial sea<sup>1</sup>

## 8. DAHOMEY

DÉCRET GOUVERNEMENTAL N° 74/PR/MTPPT DU 7 MARS 1968 RELATIF À LA DÉLIMITATION DES EAUX TERRITORIALES DE LA RÉPUBLIQUE DU DAHOMEY, article 2<sup>2</sup>

## 9. DOMINICAN REPUBLIC

ACT NO. 186 OF 6 SEPTEMBER 1967 ON THE TERRITORIAL SEA, THE CONTIGUOUS ZONE AND THE CONTINENTAL SHELF, articles 3-6<sup>3</sup>

## 10. FEDERAL REPUBLIC OF GERMANY

The Federal Republic of Germany has no contiguous zone. Consequently, there are no laws nor treaty provisions relating to it.<sup>4</sup>

## 11. GAMBIA

TERRITORIAL SEA AND CONTIGUOUS ZONE ACT,<sup>5</sup> 1968 (NO. 4 OF 19 APRIL 1968), AS AMENDED<sup>6</sup>

...

3. *Contiguous Zone*

It is hereby declared that Her Majesty in right of Her Government of The Gambia may in the zone of the high seas contiguous to the territorial sea of The

<sup>1</sup> The information was provided by the Ministry of Foreign Affairs of the Republic of Cyprus in a *note verbale* of 4 April 1967.

<sup>2</sup> *Supra* SUB-DIVISION A, Chapter I, 11.

<sup>3</sup> *Supra* SUB-DIVISION A, Chapter I, 13.

<sup>4</sup> The information was provided by the Acting Permanent Observer of the Federal Republic of Germany to the United Nations in a note of 29 December 1967.

<sup>5</sup> *Supra* SUB-DIVISION A, Chapter I, 16.

<sup>6</sup> By the Territorial Sea and Contiguous Zone (Amendments) Act, 1969 (No. 9 of 10 July 1969).

Gambia and extending seawards to a line eighteen nautical miles from low-water mark exercise control necessary to prevent and punish the infringement of any law or right of The Gambia.

## 12. IRAQ

(a) OFFICIAL PROCLAMATION OF 23 NOVEMBER 1957<sup>1</sup>

(b) PROCLAMATION OF 10 APRIL 1958<sup>2</sup>

(c) REPUBLICAN ORDINANCE NO. 435 OF 15 NOVEMBER 1958, paragraph 4<sup>3</sup>

(d) LAW NO. 71 OF 1958 DELIMITING THE IRAQI TERRITORIAL WATERS, article 4<sup>4</sup>

## 13. IVORY COAST

DÉCRET N° 67-334 DU 1<sup>er</sup> AOÛT 1967 PORTANT LIMITATION DE LA MER TERRITORIALE EN CÔTE D'IVOIRE, article 2<sup>5</sup>

## 14. KUWAIT

DECREE OF 17 DECEMBER 1967 FIXING THE BREADTH OF THE TERRITORIAL SEA OF THE STATE OF KUWAIT, article 6<sup>6</sup>

## 15. MAURITANIA

LOI N° 62.038 DU 20 JANVIER 1962 PORTANT CODE DE LA MARINE MARCHANDE ET PÊCHES MARITIMES, MODIFIÉE, livre VIII, chapitre II, article 5<sup>7</sup>

<sup>1</sup> *Infra* DIVISION II, 22 (a).

<sup>2</sup> *Supra* SUB-DIVISION A, Chapter I, 22 (a).

<sup>3</sup> *Ibid.* (b).

<sup>4</sup> *Ibid.* (c).

<sup>5</sup> *Supra* SUB-DIVISION A, Chapter I, 24.

<sup>6</sup> *Supra* DIVISION II, 26.

<sup>7</sup> *Infra* DIVISION IV, 10 (a).



## 16. MEXICO

GENERAL ACT<sup>1</sup> OF 31 DECEMBER 1941 ON NATIONAL PROPERTY, AS AMENDED

...

Article 17. ...

I. ...

II. ...

“In waters adjacent to the territorial sea the Federation may take, up to a distance established by special laws, such police or defence measures as it may consider necessary.”

## 17. NEW ZEALAND

TERRITORIAL SEA AND FISHING ZONE ACT 1965 (No. 11 of 1965; 10 September 1965),  
section 8<sup>2</sup>

## 18. NORWAY

CUSTOMS ACT OF 10 JUNE 1966, articles 2 and 4<sup>3</sup>

## 19. PORTUGAL

ACT<sup>4</sup> No. 2130 OF 22 AUGUST 1966\*

...

*Article III*

The Portuguese State exercises in the zone of the high seas contiguous to its territorial sea, to a distance of twelve miles from the baseline, the powers conferred upon it by international law, particularly the control necessary to:

<sup>1</sup> *Supra* SUB-DIVISION A, Chapter I, 30 (b).

<sup>2</sup> See DIVISION IV, 22 (e).

<sup>3</sup> *Supra* SUB-DIVISION A, Chapter IV, 6 (a).

<sup>4</sup> See also article IV, *supra* SUB-DIVISION A, Chapter I, 36 (a).

- (a) Prevent and punish infringement of its customs, fiscal, sanitary or immigration regulations within its territory or territorial sea;
- (b) Provide for self-defence, as recognized in international law, in cases of emergency or when it considers that the national security is threatened.

## 20. SAUDI ARABIA

### ROYAL DECREE CONCERNING THE TERRITORIAL WATERS OF THE KINGDOM OF SAUDI ARABIA (Royal Decree No. 33 of 16 February 1958)

...

*Article 8.* With a view to assuring compliance with the laws of the Kingdom relating to security, navigation, fiscal and health matters, maritime surveillance may be exercised in a contiguous zone outside the territorial sea, extending for a distance of six nautical miles in addition to the twelve nautical miles measured from the base line of the territorial sea, in accordance with Article 5 of this Decree<sup>1</sup>.

## 21. SENEGAL

- (a) LOI RELATIVE À LA PÊCHE DANS LES EAUX TERRITORIALES ET DANS LA ZONE CONTIGUË AU LARGE DES CÔTES DU SÉNÉGAL (n° 61-46 du 21 juin 1961), articles 2 et 3<sup>2</sup>
- (b) LOI PORTANT DÉLIMITATION DES EAUX TERRITORIALES, DE LA ZONE CONTIGUË ET DU PLATEAU CONTINENTAL AU LARGE DES CÔTES DU SÉNÉGAL (n° 61-51 du 21 juin 1961), article 2<sup>3</sup>

## 22. SWEDEN

- (a) ROYAL ORDER NO. 65 OF 3 APRIL 1934 FOR THE EXECUTION OF THE AGREEMENT OF 29 DECEMBER 1933 BETWEEN FINLAND AND SWEDEN FOR A COMMON SURVEILLANCE SERVICE FOR PREVENTING THE ILLICIT IMPORTATION OF ALCOHOLIC BEVERAGES, AS AMENDED BY ROYAL NOTICE NO. 463 OF 30 JUNE 1960, article 3<sup>4</sup>

<sup>1</sup> See *supra*, SUB-DIVISION A, Chapter I, 37.

<sup>2</sup> *Infra* DIVISION IV, 29.

<sup>3</sup> Voir aussi article 4, *supra* SUB-DIVISION A, Chapter I, 38.

<sup>4</sup> *Supra* SUB-DIVISION A, Chapter IV, 8 (b).

- (b) NOTICE NO. 13 OF 24 JANUARY 1936 CONCERNING THE AGREEMENT OF 28 OCTOBER 1935 BETWEEN SWEDEN AND DENMARK, AS AMENDED BY ROYAL NOTICE NO. 464 OF 30 JUNE 1960, articles 1, 3 and 4<sup>1</sup>
- (c) ACT No. 419 OF 30 JUNE 1960 CONCERNING THE PROHIBITION IN CERTAIN CASES OF THE IMPORT OF ALCOHOLIC BEVERAGES, article 4<sup>2</sup>

23. TOGO<sup>3</sup>

## 24. TURKEY

ACT CONCERNING THE TERRITORIAL SEA (LAW No. 476 OF 15 MAY 1964), article 8<sup>4</sup>

## 25. UNITED STATES OF AMERICA

- (a) TARIFF ACT, 17 JUNE 1930, AS AMENDED<sup>5</sup>

*Section 1581—Boarding vessels*

...

(d) Any vessel or vehicle which, at any authorized place, is directed to come to a stop by any officer of the customs, or is directed to come to a stop by signal made by any vessel employed in the service of the customs and displaying proper insignia, shall come to a stop, and upon failure to comply a vessel or vehicle so directed to come to a stop shall become subject to pursuit and the master, owner, operator, or person in charge thereof shall be liable to a penalty of not more than \$5,000 nor less than \$1,000.<sup>6</sup>

...

*Section 1583—Certification of manifest*

The master of every vessel and the person in charge of every vehicle bound to a port or place in the United States shall deliver to the officer of the customs or coast guard who shall first demand it of him, the original and one copy of the manifest of such vessel or vehicle, and such officer shall certify on the original manifest to the inspection thereof and return the same to the master

<sup>1</sup> *Ibid.* (c).

<sup>2</sup> *Ibid.* (e).

<sup>3</sup> *Supra* DIVISION II, 42.

<sup>4</sup> *Infra* DIVISION IV, 36.

<sup>5</sup> 19 U.S.C. 1581 (1964). Except for the provision quoted above, the text reproduced in ST/LEG/SER.B/1, pp. 101-106 remains unchanged.

<sup>6</sup> As amended by the Act, 1 September 1954.

or other person in charge. (June 17, 1930, ch. 497, title IV, section 583, 46 Stat. 748.)<sup>1</sup>

(b) ANTI-SMUGGLING ACT, 5 AUGUST 1935, AS AMENDED<sup>2\*</sup>

## 26. VENEZUELA

(a) ACT OF 22 JULY 1941 ON THE TERRITORIAL SEA, THE CONTINENTAL SHELF, PROTECTION OF FISHERIES AND AIR SPACE, article 3<sup>3</sup>

(b) NATIONAL CONSTITUTION OF 23 JANUARY 1961, article 7<sup>4</sup>

## 27. WESTERN SAMOA

No attempt has yet been made to claim jurisdiction over a contiguous zone.<sup>5</sup>

## 28. YUGOSLAVIA

LAW<sup>6</sup> OF 22 MAY 1965 ON YUGOSLAVIA'S MARGINAL SEAS, CONTIGUOUS ZONE AND CONTINENTAL SHELF

...

### *Article 18*

The contiguous zone is a belt of 2 nautical miles, measured from the outer limit of the territorial sea towards the high seas.

### *Article 19*

In the contiguous zone the competent organ shall exercise the control for the purpose of preventing violations of customs, fiscal and sanitary regulations and regulations relating to the passage of the frontier which could be committed on land and in the marginal seas, as well as for the purpose of punishing the violations of these regulations.

<sup>1</sup> As amended, 2 August 1956, ch. 887 section 4 (c), 70 Stat. 948.

<sup>2</sup> Act, 5 August 1935, ch. 438, title IV, § 403, 49 Stat. 529; 19 U.S.C. 1701-1709 (1964). The text reproduced in ST/LEG/SER.B/1, pp. 107-112 remains unchanged except for section 1702 which has been repealed (25 June 1948, ch. 645, § 21, 62 Stat. 862).

<sup>3</sup> *Supra* SUB-DIVISION A, Chapter I, 50 (a).

<sup>4</sup> *Ibid* (b).

<sup>5</sup> The information was submitted by a *note verbale* of 21 December 1967 from the Permanent Representative of New Zealand to the United Nations at the request of the Government of Western Samoa.

<sup>6</sup> *Supra* SUB-DIVISION A, Chapter I, 53. English text provided by the Permanent Mission of Yugoslavia to the United Nations.

## DIVISION II.<sup>1</sup> THE CONTINENTAL SHELF

---

### 1. ARGENTINA

ACT No. 17.094—M.24 OF 29 DECEMBER 1966 CONCERNING THE TERRITORIAL SEA AND THE ADJACENT SUBMARINE ZONES, articles 2 and 4<sup>2</sup>

### 2. AUSTRALIA

(a) PETROLEUM (SUBMERGED LANDS) ACT 1967<sup>3</sup> (No. 118 of 1967; 22 November 1967)

#### PART I. PRELIMINARY

...

#### 5. Interpretation

(1.) In this Act, unless the contrary intention appears—

...

“adjacent area” means an area specified in the Second Schedule to this Act as being adjacent to a State or Territory and “the adjacent area”, in relation to a State or Territory, means the area specified in the Second Schedule to this Act as being adjacent to that State or Territory;

---

<sup>1</sup> DIVISION II concerning the continental shelf is closely connected with DIVISION I, SUB-DIVISION A, Chapter IX concerning exploitation of mineral resources, etc. in the territorial sea. Some of the texts reproduced in DIVISION II have been quoted, at least in part, in background papers—issued in official languages of the United Nations—prepared by the Secretariat of the United Nations for various United Nations bodies engaged in the study of the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction: see e.g. Survey of existing international agreements concerning the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national legislation (A/AC.135/10/Rev. 1), Survey of national legislation concerning the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction (A/AC.135/11, A/AC.135/11/Corr. 1 and A/AC.135/11/Add. 1, A/AC.135/1/Add. 1 and A/AC.138/9).

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, I (a).

<sup>3</sup> The individual States of Australia enacted laws similar in substance to this Act: New South Wales, Petroleum (Submerged Lands) Act 1967; Queensland, Petroleum (Submerged Lands) Act of 1967; South Australia, Mining (Petroleum) Act, 1940-1967; Tasmania, Petroleum (Submerged Lands) Act 1967; Victoria, Petroleum (Submerged Lands) Act 1967; see *infra*, *States of Australia*.

...

“the continental shelf” means the continental shelf, within the meaning of the Convention, adjacent to the coast of Australia or of a Territory not forming part of the Commonwealth;

“the Convention”<sup>1</sup> means the Convention entitled “Convention on the Continental Shelf” signed at Geneva on the twenty-ninth day of April, One thousand nine hundred and fifty-eight, being the Convention a copy of which in the English language is set out in the First Schedule to this Act;

...

6. *Spaces above and below adjacent areas*

For the purposes of this Act and the regulations—

(a) the space above or below an adjacent area shall be deemed to be in that area; and

(b) the space above or below an area that is part of an adjacent area shall be deemed to be in that part.

7. *Extension to certain Territories*<sup>2</sup>

This Act extends to the following Territories of the Commonwealth:—

(a) the Territory of Papua;

(b) the Territory of New Guinea; and

(c) the Territory of Ashmore and Cartier Islands.

8. *Application of Act*

This Act applies to all natural persons, whether Australian citizens or not, and whether resident in the Commonwealth or a Territory or not, and to all corporations, whether incorporated or carrying on business in the Commonwealth or a Territory or not.

PART II. APPLICATION OF LAWS

9. *Application of laws in areas adjacent to States*

(1.) Subject to this Act, the provisions of the laws in force in a State, whether written or unwritten, and as in force from time to time, and the provisions of any instrument made under any of those laws, apply in the adjacent area.

(2.) The provisions referred to in the last preceding sub-section apply to and in relation to all acts, matters, circumstances and things touching, concerning, arising out of or connected with the exploration of the sea-bed or subsoil of the

<sup>1</sup> *Infra* PART II, DIVISION II, SUB-DIVISION A, 1.

<sup>2</sup> Petroleum (Ashmore and Cartier Islands) Act 1967, No. 124 of 1967; 22 November 1967, extended the application of Petroleum (Submerged Lands) Act 1967 to the Territory of Ashmore and Cartier Islands. See *infra* (b).

adjacent area for petroleum and the exploitation of the natural resources, being petroleum, of that sea-bed or subsoil, and not otherwise, and so apply as if that area were part of that State and of the Commonwealth.

- (3.) This section does not—
- (a) extend to the provisions of any law or instrument—
    - (i) in so far as they apply to or in relation to exploration for, or operations for the recovery of, petroleum;
    - (ii) in so far as they apply to or in relation to the construction or operation of pipelines;
    - (iii) in so far as they are incapable of application in the adjacent area; or
    - (iv) in so far as they are expressed not to extend to or apply in the adjacent area; or
  - (b) affect the operation that any law has apart from this section;

...

#### 10. *Jurisdiction of State courts*

(1.) Subject to this section, the several courts of a State are invested with federal jurisdiction in all matters arising under the applied provisions having effect in the adjacent area.

...

### PART III. MINING FOR PETROLEUM

...

#### *Division 2. Exploration Permits for Petroleum*

#### 19. *Exploration for petroleum*

A person shall not explore for petroleum in an adjacent area—

- (a) except under and in pursuance of a permit; or
- (b) except as otherwise provided by this Part.

Penalty: Two thousand dollars for each day on which the offence occurs.

...

#### 28. *Rights conferred by permit*

A permit, while it remains in force, authorizes the permittee, subject to this Act and the regulations and in accordance with the conditions to which the permit is subject, to explore for petroleum, and to carry on such operations and execute such works as are necessary for that purpose, in the permit area.

...

#### 33. *Conditions of permit*

(1.) A permit may be granted subject to such conditions as the Designated Authority thinks fit and specifies in the permit.

*Division 3. Production Licences for Petroleum*

39. *Recovery of petroleum in adjacent area*

A person shall not carry on operations for the recovery of petroleum in an adjacent area—

- (a) except under and in pursuance of a licence; or
- (b) except as otherwise provided by this Part.

Penalty: Two thousand dollars for each day on which the offence occurs.

...

52. *Rights conferred by licence*

A licence, while it remains in force, authorizes the licensee, subject to this Act and the regulations and in accordance with the conditions to which the licence is subject—

- (a) to carry on operations for the recovery of petroleum in the licence area;
- (b) to explore for petroleum in the licence area; and
- (c) to carry on such operations and execute such works in the licence area as are necessary for those purposes.

...

56. *Conditions of licence*

A licence may be granted subject to such conditions as the Designated Authority thinks fit and specifies in the licence.

...

*Division 4. Pipeline Licences*

60. *Construction, etc., of pipelines, etc.*

(1.) A person shall not, in an adjacent area, commence, or continue, the construction of a pipeline except under and in pursuance of a pipeline licence.

(2.) A person shall not, in an adjacent area, alter or reconstruct a pipeline except under and in pursuance of a pipeline licence.

(3.) A person shall not, in an adjacent area, operate a pipeline—

(a) except under and in pursuance of a pipeline licence; and

(b) unless he has obtained the consent of the Designated Authority under section 75 of this Act to the commencement or resumption, as the case may be, of operations and commences or resumes operations in accordance with the conditions, if any, specified in the instrument of consent.

(4.) A person shall not, in an adjacent area, commence, or continue, the construction of, alter, reconstruct or operate a water line, pumping station, tank station, valve station or secondary line—

(a) except under and in pursuance of a pipeline licence; or

(b) except with the consent in writing of the Designated Authority and in accordance with the conditions, if any, specified in the instrument of consent.



(5.) The Designated Authority may, for reasons that he thinks sufficient, refuse to give his consent under any provision of this section.

Penalty: Two thousand dollars for each day on which the offence occurs.

...

#### 97. *Work practices*

(1.) A permittee or licensee shall carry out all petroleum exploration operations and operations for the recovery of petroleum in the permit area or licence area in a proper and workmanlike manner and in accordance with good oil-field practice and shall secure the safety, health and welfare of persons engaged in those operations in or about the permit area or licence area.

(2.) In particular, and without limiting the generality of the last preceding sub-section, a permittee or licensee shall—

(a) control the flow and prevent the waste or escape in the permit area or licence area of petroleum or water;

(b) prevent the escape in the permit area or licence area of any mixture of water or drilling fluid with petroleum or any other matter;

(c) prevent damage to petroleum-bearing strata in an area, whether in the adjacent area or not, in respect of which the permit or licence is not in force;

(d) keep separate—

(i) each petroleum pool discovered in the permit area or licence area; and

(ii) such of the sources of water, if any, discovered in that area as the Designated Authority, by instrument in writing served on that person, directs; and

(e) prevent water or any other matter entering any petroleum pool through wells in the permit area or licence area except when required by, and in accordance with, good oil-field practice.

(3.) A pipeline licensee shall operate the pipeline in a proper and workmanlike manner and shall secure the safety, health and welfare of persons engaged in operations in connexion with the pipeline.

(4.) In particular and without limiting the generality of the last preceding sub-section, a pipeline licensee shall prevent the waste or escape of petroleum or water from the pipeline or from any secondary line, pumping station, tank station, valve station or water line.

(5.) A person who is the holder of a special prospecting authority or an access authority shall carry out all petroleum exploration operations in the area in respect of which the special prospecting authority or access authority is in force in a proper and workmanlike manner and in accordance with good oil-field practice and shall secure the safety, health and welfare of persons engaged in those operations in or about that area.

(6.) It is a defence if a person charged with failing to comply with a provision of this section, or a defendant in an action arising out of a failure by the defendant to comply with a provision of this section, proves that he took all reasonable steps to comply with that provision.

Penalty: Two thousand dollars.

...

100. *Drilling near boundaries*

(1.) A permittee or licensee shall not make a well any part of which is less than one thousand feet from a boundary of the permit area or licence area, as the case may be, except with the consent in writing of the Designated Authority and in accordance with such conditions, if any, as are specified in the instrument of consent.

...

106. *Cancellation of permit, etc., not affected by other provisions*

(1.) A permit, licence or pipeline licence may be wholly cancelled or partly cancelled on the ground that the registered holder of the permit, licence or pipeline licence has not complied with a provision of this Part or of the regulations notwithstanding that he has been convicted of an offence by reason of his failure to comply with the provision.

...

107. *Removal of property, etc., by permittee, etc.*

(1.) Where a permit, licence or pipeline licence has been wholly determined, partly determined, wholly cancelled or partly cancelled or has expired, the Designated Authority may, by instrument in writing served on the person who was, or is, as the case may be, the permittee, licensee or pipeline licensee, direct that person to do any one or more of the following things:—

(a) to remove or cause to be removed from the relinquished area all property brought into that area by any person engaged or concerned in the operations authorized by the permit, licence or pipeline licence or to make arrangements that are satisfactory to the Designated Authority with respect to that property;

(b) to plug or close off, to the satisfaction of the Designated Authority, all wells made in that area by any person engaged or concerned in those operations;

(c) subject to this Part and to the regulations, to make provision, to the satisfaction of the Designated Authority, for the conservation and protection of the natural resources in that area; and

(d) to make good, to the satisfaction of the Designated Authority, any damage to the sea-bed or subsoil in that area caused by any person engaged or concerned in those operations.

...

108. *Removal of property, etc., by Designated Authority*

Where a permit, licence or pipeline licence has been wholly determined, partly determined, wholly cancelled or partly cancelled or has expired and a direction under the last preceding section has not been complied with, or an arrangement under that section has not been carried out, in relation to the relinquished area—

(a) the Designated Authority may do all or any of the things required by the direction or arrangement to be done; and

(b) if any property brought into that area by any person engaged or concerned in the operations authorized by the permit, licence or pipeline licence has not been removed in accordance with the direction or arrangement, the Designated Authority

may, by instrument published in the *Gazette*, direct that the owner or owners of that property shall remove it from that area, or dispose of it to the satisfaction of the Designated Authority, within the period specified in the instrument and shall serve a copy of the instrument on each person whom he believes to be an owner of that property or any part of that property.

...

#### 119. *Safety zones*

(1.) For the purpose of protecting a well or structure, or any equipment, in an adjacent area, the Designated Authority may, by instrument published in the *Gazette*, prohibit—

- (a) all vessels;
- (b) all vessels other than specified vessels; or
- (c) all vessels other than the vessels included in specified classes of vessels, from entering or remaining in a specified area (in this section called a “safety zone”) surrounding the well, structure or equipment without the consent in writing of the Designated Authority.

(2.) A safety zone specified in an instrument under the last preceding sub-section may extend to a distance of five hundred metres around the well, structure or equipment specified in the instrument measured from each point of the outer edge of the well, structure or equipment.

(3.) Where a vessel enters or remains in a safety zone specified in an instrument under sub-section (1.) of this section in contravention of the instrument, the owner and the person in command or in charge of the vessel are each guilty of an offence against this section and are punishable, upon conviction, by a penalty not exceeding a fine of Ten thousand dollars.

#### 120. *Discovery and use of water*

Where water is discovered in a permit area or in a licence area, the permittee or licensee, as the case may be, shall, within a period of one month after the date of the discovery, furnish to the Designated Authority, in writing, particulars of the discovery.

Penalty: Two thousand dollars.

...

#### 123. *Scientific investigations*

(1.) The Designated Authority may, by instrument in writing, consent to the carrying on in an adjacent area by any person of petroleum exploration operations in the course of a scientific investigation.

(2.) An instrument of consent under the last preceding sub-section may be made subject to such conditions, if any, as are specified in the instrument.

(3.) An instrument of consent in force under sub-section (1.) of this section authorizes the person specified in the instrument, subject to the next succeeding section and in accordance with the conditions, if any, to which the instrument is subject, to carry on, in the adjacent area so specified, petroleum exploration operations so specified in the course of the scientific investigation so specified.

124. *Interference with other rights*

A person carrying on operations in an adjacent area under a permit, licence, pipeline licence, special prospecting authority, access authority or instrument of consent under the last preceding section shall carry on those operations in a manner that does not interfere with—

- (a) navigation;
  - (b) fishing;
  - (c) the conservation of the resources of the sea and sea-bed; or
  - (d) any operations of another person being lawfully carried on by way of exploration for, recovery of or conveyance of a mineral, whether petroleum or not, or by way of construction or operation of a pipeline,
- to a greater extent than is necessary for the reasonable exercise of the rights and performance of the duties of that first-mentioned person.

Penalty: Two thousand dollars.

...

127. *Property in petroleum*

Subject to this Act and to any rights of other persons, upon recovery of any petroleum by a permittee or licensee in the permit area or licence area, the petroleum becomes the property of the permittee or licensee.

SECOND SCHEDULE<sup>1</sup>*Section 5**Areas Adjacent to States and Territories*

The adjacent area in respect of a State or Territory is the area the boundary of which is described in this Schedule in relation to that State or Territory, to the extent only that that area includes—

- (a) areas of territorial waters; and
- (b) areas of superjacent waters of the continental shelf.

*Area Adjacent to the State of New South Wales*

The area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the geodesic between the trigonometrical station known as Point Danger near Point Danger and a point of Latitude 27° 58' South, Longitude 154° East and runs thence north-easterly along that geodesic to the last-mentioned point, thence north-easterly along the geodesic to a point of Latitude 27° 48' South, Longitude 154° 22' East, thence easterly along the geodesic to a point of Latitude 27° 30' 35" South, Longitude 160° East, thence southerly along the meridian of Longitude 160° East to its intersection by the parallel of Latitude 39° 12' South, thence south-westerly along the geodesic to a point of Latitude 40° 40' South, Longitude 158° 53' East, thence north-westerly

<sup>1</sup> Areas adjacent to the individual states are also defined in corresponding Acts of new South Wales (First schedule), Queensland (Second schedule), Tasmania (Second schedule), Victoria (Third schedule); see *infra States of Australia*.

along the geodesic to a point of Latitude 37° 35' South, Longitude 150° 10' East, thence north-westerly along the geodesic to the intersection of the coastline at mean low water by the boundary between the States of New South Wales and Victoria, thence along the coastline of the State of New South Wales at mean low water to the point of commencement.

*Area Adjacent to the State of Victoria*

The area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the States of New South Wales and Victoria and runs thence south-easterly along the geodesic to a point of Latitude 37° 35' South, Longitude 150° 10' East, thence south-easterly along the geodesic to a point of Latitude 40° 40' South, Longitude 158° 53' East, thence south-westerly along the geodesic to a point of Latitude 41° 30' South, Longitude 158° 13' East, thence north-westerly along the geodesic to a point of Latitude 39° 12' South, Longitude 150° East, thence westerly along the parallel of Latitude 39° 12' South to its intersection by the meridian of Longitude 142° 30' East, thence south-westerly along the geodesic to a point of Latitude 39° 50' South, Longitude 142° East, thence south-westerly along the geodesic to a point of Latitude 44° South, Longitude 136° 29' East, thence north-easterly along the geodesic to a point of Latitude 38° 40' 48" South, Longitude 140° 40' 44" East, thence north-easterly along the geodesic to a point of Latitude 38° 35' 30" South, Longitude 140° 44' 37" East, thence north-easterly along the geodesic to a point of Latitude 38° 26' South, Longitude 140° 53' East, thence north-easterly along the geodesic to a point of Latitude 38° 15' South, Longitude 140° 57' East, thence north-easterly along the geodesic to a point that is the intersection of the parallel of Latitude 38° 10' South by the meridian passing through the intersection of the coastline at mean low water by the boundary between the States of South Australia and Victoria, thence northerly along that meridian to its intersection by the coastline at mean low water, thence along the coastline of the State of Victoria at mean low water to the point of commencement.

*Area Adjacent to the State of Queensland*

The area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the Northern Territory of Australia and the State of Queensland and runs thence north-easterly along the geodesic to a point of Latitude 15° 55' South, Longitude 138° 30' East, thence northerly along the meridian of Longitude 138° 30' East to its intersection by the parallel of Latitude 14° 30' South, thence easterly along that parallel to its intersection by the meridian of Longitude 139° 15' East, thence northerly along that meridian to its intersection by the parallel of Latitude 11° South, thence north-westerly along the geodesic to a point of Latitude 10° 51' South, Longitude 139° 12' 30" East, thence north-easterly along the geodesic to a point of Latitude 10° 11' 15" South, Longitude 140° 04' 45" East, thence north-easterly along the geodesic to a point of Latitude 10° South, Longitude 140° 21' 15" East, thence north-easterly along the geodesic to a point of Latitude 9° 52' 30" South, Longitude 140° 30' 30" East, thence north-easterly along the geodesic to a point of Latitude 9° 38' South, Longitude 141° East, thence north-easterly along the geodesic to a point of Latitude 9° 30' South, Longitude 141° 35' 30" East, thence north-easterly along the geodesic to a point of Latitude 9° 10' 45" South, Longitude

142° 00' 15" East, thence easterly along the parallel of Latitude 9° 10' 45" South to its intersection by the meridian of Longitude 142° 04' 45" East, thence south-easterly along the geodesic to a point of Latitude 9° 11' 45" South, Longitude 142° 09' East, thence north-easterly along the geodesic to a point of Latitude 9° 10' 30" South, Longitude 142° 16' East, thence south-easterly along the geodesic to a point of Latitude 9° 11' 45" South, Longitude 142° 18' 30" East, thence south-easterly along the geodesic to a point of Latitude 9° 14' 45" South, Longitude 142° 21' 30" East, thence south-easterly along the geodesic to a point of Latitude 9° 21' 30" South, Longitude 142° 33' 15" East, thence north-easterly along the geodesic to a point of Latitude 9° 08' 15" South, Longitude 143° 52' 15" East, thence south-easterly along the geodesic to a point of Latitude 9° 24' 30" South, Longitude 144° 13' 45" East, thence north-easterly along the geodesic to a point of Latitude 9° South, Longitude 144° 45' East, thence easterly along the parallel of Latitude 9° South to its intersection by the meridian of Longitude 145° 13' East, thence south-easterly along the geodesic to a point of Latitude 9° 15' South, Longitude 145° 20' East, thence south-easterly along the geodesic to a point of Latitude 10° 45' South, Longitude 145° 40' East, thence south-easterly along the geodesic to a point of Latitude 12° 10' South, Longitude 146° 25' East, thence south-easterly along the geodesic to a point of Latitude 12° 50' South, Longitude 147° 40' East, thence southerly along the meridian of Longitude 147° 40' East to its intersection by the parallel of Latitude 14° South, thence westerly along that parallel to its intersection by the meridian of Longitude 146° 55' East, thence southerly along that meridian to its intersection by the parallel of Latitude 17° 05' South, thence easterly along that parallel to its intersection by the meridian of Longitude 147° 45' East, thence southerly along that meridian to its intersection by the parallel of Latitude 18° 30' South, thence easterly along that parallel to its intersection by the meridian of Longitude 150° 50' East, thence southerly along that meridian to its intersection by the parallel of Latitude 20° South, thence easterly along that parallel to its intersection by the meridian of Longitude 151° 30' East, thence southerly along that meridian to its intersection by the parallel of Latitude 20° 25' South, thence easterly along that parallel to its intersection by the meridian of Longitude 153° 05' East, thence southerly along that meridian to its intersection by the parallel of Latitude 22° 50' South, thence easterly along that parallel to its intersection by the meridian of Longitude 153° 40' East, thence southerly along that meridian to its intersection by the parallel of Latitude 23° 15' South, thence easterly along that parallel to its intersection by the meridian of Longitude 154° East, thence southerly along that meridian to its intersection by the parallel of Latitude 23° 50' South, thence easterly along that parallel to its intersection by the meridian of Longitude 155° 15' East, thence southerly along that meridian to its intersection by the parallel of Latitude 25° South, thence easterly along that parallel to its intersection by the meridian of Longitude 158° 35' East, thence south-easterly along the geodesic to a point of Latitude 27° 30' 35" South, Longitude 160° East, thence westerly along the geodesic to a point of Latitude 27° 48' South, Longitude 154° 22' East, thence south-westerly along the geodesic to a point of Latitude 27° 58' South, Longitude 154° East, thence south-westerly along the geodesic between the last-mentioned point and the trigonometrical station known as Point Danger near Point Danger to its intersection by the coastline at mean low water, thence along the coastline of the State of Queensland at mean low water to the point of commencement.

*Area Adjacent to the State of South Australia*

The area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the States of South Australia and Victoria and runs thence southerly along the meridian through that point to its intersection by the parallel of Latitude  $38^{\circ} 10'$  South, thence south-westerly along the geodesic to a point of Latitude  $38^{\circ} 15'$  South, Longitude  $140^{\circ} 57'$  East, thence south-westerly along the geodesic to a point of Latitude  $38^{\circ} 26'$  South, Longitude  $140^{\circ} 53'$  East, thence south-westerly along the geodesic to a point of Latitude  $38^{\circ} 35' 30''$  South, Longitude  $140^{\circ} 44' 37''$  East, thence south-westerly along the geodesic to a point of Latitude  $38^{\circ} 40' 48''$  South, Longitude  $140^{\circ} 40' 44''$  East, thence south-westerly along the geodesic to a point of Latitude  $44^{\circ}$  South, Longitude  $136^{\circ} 29'$  East, thence westerly along the parallel of Latitude  $44^{\circ}$  South to its intersection by the meridian of Longitude  $129^{\circ}$  East, thence northerly along that meridian to its intersection by the parallel of Latitude  $31^{\circ} 45'$  South, thence northerly along the geodesic to the intersection of the coastline at mean low water by the boundary between the States of South Australia and Western Australia, thence along the coastline of the State of South Australia at mean low water to the point of commencement.

*Area Adjacent to the State of Western Australia*

The area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the States of South Australia and Western Australia and runs thence southerly along the geodesic to a point of Latitude  $31^{\circ} 45'$  South, Longitude  $129^{\circ}$  East, thence southerly along the meridian of Longitude  $129^{\circ}$  East to its intersection by the parallel of Latitude  $44^{\circ}$  South, thence westerly along that parallel to its intersection by the meridian of Longitude  $110^{\circ}$  East, thence northerly along that meridian to its intersection by the parallel of Latitude  $17^{\circ}$  South, thence north-easterly along the geodesic to a point of Latitude  $12^{\circ} 24'$  South, Longitude  $121^{\circ} 24'$  East, thence south-easterly along the geodesic to a point of Latitude  $12^{\circ} 56'$  South, Longitude  $122^{\circ} 06'$  East, thence south-easterly along the geodesic to a point of Latitude  $13^{\circ} 20'$  South, Longitude  $122^{\circ} 41'$  East, thence easterly along the geodesic to a point of Latitude  $13^{\circ} 19' 30''$  South, Longitude  $123^{\circ} 16' 45''$  East, thence easterly along the parallel of Latitude  $13^{\circ} 19' 30''$  South to its intersection by the meridian of Longitude  $124^{\circ} 27' 45''$  East, thence north-easterly along the geodesic to a point of Latitude  $13^{\circ} 13' 15''$  South, Longitude  $124^{\circ} 36' 15''$  East, thence north-easterly along the geodesic to a point of Latitude  $12^{\circ} 46' 15''$  South, Longitude  $124^{\circ} 55' 30''$  East, thence north-easterly along the geodesic to a point of Latitude  $11^{\circ} 51'$  South, Longitude  $125^{\circ} 27' 45''$  East, thence north-easterly along the geodesic to a point of Latitude  $11^{\circ} 44' 30''$  South, Longitude  $125^{\circ} 31' 30''$  East, thence north-easterly along the geodesic to a point of Latitude  $10^{\circ} 21' 30''$  South, Longitude  $126^{\circ} 10' 30''$  East, thence north-easterly along the geodesic to a point of Latitude  $10^{\circ} 13'$  South, Longitude  $126^{\circ} 26' 30''$  East, thence north-easterly along the geodesic to a point of Latitude  $10^{\circ} 05'$  South, Longitude  $126^{\circ} 47' 30''$  East, thence south-easterly along the geodesic to a point of Latitude  $11^{\circ} 13' 15''$  South, Longitude  $127^{\circ} 32'$  East, thence south-easterly along the geodesic to a point of Latitude  $11^{\circ} 48'$  South, Longitude  $127^{\circ} 53' 45''$  East, thence south-easterly along the geodesic to a point of Latitude  $12^{\circ} 26' 30''$  South, Longitude  $128^{\circ} 22'$  East, thence south-easterly along the geodesic to a point of Latitude  $12^{\circ} 32' 45''$  South, Longitude  $128^{\circ} 24'$  East,

thence south-easterly along the geodesic to a point of Latitude 12° 55' 30" South, Longitude 128° 28' East, thence southerly along the meridian of Longitude 128° 28' East to its intersection by the parallel of Latitude 13° 15' 30" South, thence south-easterly along the geodesic to a point of Latitude 13° 39' 45" South, Longitude 128° 30' 45" East, thence south-easterly along the geodesic to a point of Latitude 13° 49' 45" South, Longitude 128° 33' 15" East, thence south-easterly along the geodesic to a point of Latitude 14° South, Longitude 128° 42' 15" East, thence south-easterly along the geodesic to a point of Latitude 14° 19' 30" South, Longitude 128° 53' East, thence south-easterly along the geodesic to a point of Latitude 14° 32' 30" South, Longitude 129° 01' 15" East, thence southerly along the geodesic to a point of Latitude 14° 37' 30" South, Longitude 129° 01' 45" East, thence southerly along the geodesic to the intersection of the coastline at mean low water by the boundary between the Northern Territory of Australia and the State of Western Australia, thence along the coastline of the State of Western Australia at mean low water to the point of commencement.

*Area Adjacent to the State of Tasmania*

The area the boundary of which commences at a point of Latitude 39° 12' South, Longitude 142° 30' East and runs thence easterly along the parallel of Latitude 39° 12' South to its intersection by the meridian of Longitude 150° East, thence south-easterly along the geodesic to a point of Latitude 41° 30' South, Longitude 158° 13' East, thence south-westerly along the geodesic to a point of Latitude 45° South, Longitude 150° East, thence south-easterly along the geodesic to a point of Latitude 56° South, Longitude 165° East, thence westerly along the parallel of Latitude 56° South to its intersection by the meridian of Longitude 155° East, thence north-westerly along the geodesic to a point of Latitude 45° South, Longitude 140° East, thence north-westerly along the geodesic to a point of Latitude 44° South, Longitude 136° 29' East, thence north-easterly along the geodesic to a point of Latitude 39° 50' South, Longitude 142° East, thence north-easterly along the geodesic to the point of commencement.

*Area Adjacent to the Northern Territory of Australia*

The area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the Northern Territory of Australia and the State of Western Australia and runs thence northerly along the geodesic to a point of Latitude 14° 37' 30" South, Longitude 129° 01' 45" East, thence northerly along the geodesic to a point of Latitude 14° 32' 30" South, Longitude 129° 01' 15" East, thence north-westerly along the geodesic to a point of Latitude 14° 19' 30" South, Longitude 128° 53' East, thence north-westerly along the geodesic to a point of Latitude 14° South, Longitude 128° 42' 15" East, thence north-westerly along the geodesic to a point of Latitude 13° 49' 45" South, Longitude 128° 33' 15" East, thence north-westerly along the geodesic to a point of Latitude 13° 39' 45" South, Longitude 128° 30' 45" East, thence north-westerly along the geodesic to a point of Latitude 13° 15' 30" South, Longitude 128° 28' East, thence northerly along the meridian of Longitude 128° 28' East to its intersection by the parallel of Latitude 12° 55' 30" South, thence north-westerly along the geodesic to a point of Latitude 12° 32' 45" South, Longitude 128° 24' East, thence north-westerly along the geodesic to a point of Latitude 12° 26' 30" South, Longitude 128° 22' East, thence north-westerly along the geodesic to a point



of Latitude  $11^{\circ} 48'$  South, Longitude  $127^{\circ} 53' 45''$  East, thence north-westerly along the geodesic to a point of Latitude  $11^{\circ} 13' 15''$  South, Longitude  $127^{\circ} 32'$  East, thence north-westerly along the geodesic to a point of Latitude  $10^{\circ} 05'$  South, Longitude  $126^{\circ} 47' 30''$  East, thence north-easterly along the geodesic to a point of Latitude  $9^{\circ} 53' 45''$  South, Longitude  $127^{\circ} 18' 30''$  East, thence north-easterly along the geodesic to a point of Latitude  $9^{\circ} 25'$  South, Longitude  $128^{\circ}$  East, thence easterly along the parallel of Latitude  $9^{\circ} 25'$  South to its intersection by the meridian of Longitude  $129^{\circ} 38'$  East, thence north-easterly along the geodesic to a point of Latitude  $8^{\circ} 53'$  South, Longitude  $133^{\circ} 21'$  East, thence north-easterly along the geodesic to a point of Latitude  $8^{\circ} 52' 15''$  South, Longitude  $133^{\circ} 24' 15''$  East, thence south-easterly along the geodesic to a point of Latitude  $9^{\circ} 23' 15''$  South, Longitude  $134^{\circ} 47' 30''$  East, thence easterly along the geodesic to a point of Latitude  $9^{\circ} 20' 30''$  South, Longitude  $135^{\circ} 06' 45''$  East, thence north-easterly along the geodesic to a point of Latitude  $9^{\circ} 08' 15''$  South, Longitude  $135^{\circ} 28' 45''$  East, thence south-easterly along the geodesic to a point of Latitude  $9^{\circ} 50' 30''$  South, Longitude  $137^{\circ} 34'$  East, thence south-easterly along the geodesic to a point of Latitude  $10^{\circ} 01'$  South, Longitude  $138^{\circ} 03'$  East, thence south-easterly along the geodesic to a point of Latitude  $10^{\circ} 16' 45''$  South, Longitude  $138^{\circ} 32' 30''$  East, thence south-easterly along the geodesic to a point of Latitude  $10^{\circ} 44' 45''$  South, Longitude  $139^{\circ} 09' 15''$  East, thence south-easterly along the geodesic to a point of Latitude  $10^{\circ} 51'$  South, Longitude  $139^{\circ} 12' 30''$  East, thence south-easterly along the geodesic to a point of Latitude  $11^{\circ}$  South, Longitude  $139^{\circ} 15'$  East, thence southerly along the meridian of Longitude  $139^{\circ} 15'$  East to its intersection by the parallel of Latitude  $14^{\circ} 30'$  South, thence westerly along that parallel to its intersection by the meridian of Longitude  $138^{\circ} 30'$  East, thence southerly along that meridian to its intersection by the parallel of Latitude  $15^{\circ} 55'$  South, thence south-westerly along the geodesic to the intersection of the coastline at mean low water by the boundary between the Northern Territory of Australia and the State of Queensland, thence along the coastline of the Northern Territory of Australia at mean low water to the point of commencement.

*Area Adjacent to the Territory of Ashmore and Cartier Islands*

The area the boundary of which commences at a point of Latitude  $12^{\circ} 24'$  South, Longitude  $121^{\circ} 24'$  East and runs thence north-easterly along the geodesic to a point of Latitude  $11^{\circ} 33'$  South, Longitude  $123^{\circ} 14'$  East, thence north-easterly along the geodesic to a point of Latitude  $11^{\circ} 17'$  South, Longitude  $123^{\circ} 24' 15''$  East, thence south-easterly along the geodesic to a point of Latitude  $11^{\circ} 26' 18''$  South, Longitude  $123^{\circ} 40'$  East, thence north-easterly along the geodesic to a point of Latitude  $11^{\circ} 21'$  South, Longitude  $124^{\circ} 08' 30''$  East, thence north-easterly along the geodesic to a point of Latitude  $10^{\circ} 55' 45''$  South, Longitude  $124^{\circ} 27'$  East, thence north-easterly along the geodesic to a point of Latitude  $10^{\circ} 37' 15''$  South, Longitude  $125^{\circ} 41' 30''$  East, thence north-easterly along the geodesic to a point of Latitude  $10^{\circ} 21' 30''$  South, Longitude  $126^{\circ} 10' 30''$  East, thence south-westerly along the geodesic to a point of Latitude  $11^{\circ} 44' 30''$  South, Longitude  $125^{\circ} 31' 30''$  East, thence south-westerly along the geodesic to a point of Latitude  $11^{\circ} 51'$  South, Longitude  $125^{\circ} 27' 45''$  East, thence south-westerly along the geodesic to a point of Latitude  $12^{\circ} 46' 15''$  South, Longitude  $124^{\circ} 55' 30''$  East, thence south-westerly along the geodesic to a point of Latitude  $13^{\circ} 13' 15''$  South, Longitude  $124^{\circ} 36' 15''$  East, thence south-westerly along the geodesic to a

point of Latitude  $13^{\circ} 19' 30''$  South, Longitude  $124^{\circ} 27' 45''$  East, thence westerly along the parallel of Latitude  $13^{\circ} 19' 30''$  South to its intersection by the meridian of Longitude  $123^{\circ} 16' 45''$  East, thence westerly along the geodesic to a point of Latitude  $13^{\circ} 20'$  South, Longitude  $122^{\circ} 41'$  East, thence north-westerly along the geodesic to a point of Latitude  $12^{\circ} 56'$  South, Longitude  $122^{\circ} 06'$  East, thence north-westerly along the geodesic to the point of commencement.

*Area Adjacent to the Territory of Papua*

The area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the Territory of New Guinea and the Territory of Papua and runs thence north-easterly along the geodesic to a point of Latitude  $7^{\circ} 59' 20''$  South, Longitude  $148^{\circ} 01' 30''$  East, thence north-easterly along the geodesic to a point of Latitude  $7^{\circ} 50' 45''$  South, Longitude  $148^{\circ} 06' 15''$  East, thence north-easterly along the geodesic to a point of Latitude  $7^{\circ} 22'$  South, Longitude  $148^{\circ} 16' 45''$  East, thence north-easterly along the geodesic to a point of Latitude  $7^{\circ} 16'$  South, Longitude  $148^{\circ} 55'$  East, thence south-easterly along the geodesic to a point of Latitude  $7^{\circ} 31'$  South, Longitude  $149^{\circ} 15'$  East, thence north-easterly along the geodesic to a point of Latitude  $7^{\circ} 22'$  South, Longitude  $149^{\circ} 42'$  East, thence north-easterly along the geodesic to a point of Latitude  $7^{\circ} 18'$  South, Longitude  $150^{\circ} 10'$  East, thence easterly along the geodesic to a point of Latitude  $7^{\circ} 19'$  South, Longitude  $150^{\circ} 25'$  East, thence easterly along the geodesic to a point of Latitude  $7^{\circ} 13'$  South, Longitude  $151^{\circ} 05'$  East, thence easterly along the geodesic to a point of Latitude  $7^{\circ} 10'$  South, Longitude  $152^{\circ} 40'$  East, thence north-easterly along the geodesic to a point of Latitude  $7^{\circ} 05'$  South, Longitude  $153^{\circ} 10'$  East, thence south-easterly along the geodesic to a point of Latitude  $7^{\circ} 18'$  South, Longitude  $153^{\circ} 30'$  East, thence south-easterly along the geodesic to a point of Latitude  $7^{\circ} 35'$  South, Longitude  $153^{\circ} 48'$  East, thence south-easterly along the geodesic to a point of Latitude  $8^{\circ} 50'$  South, Longitude  $155^{\circ} 08'$  East, thence south-easterly along the geodesic to a point of Latitude  $9^{\circ} 18'$  South, Longitude  $155^{\circ} 18'$  East, thence south-westerly along the geodesic to a point of Latitude  $10^{\circ} 9'$  South, Longitude  $154^{\circ} 41'$  East, thence south-easterly along the geodesic to a point of Latitude  $10^{\circ} 45'$  South, Longitude  $154^{\circ} 55'$  East, thence south-easterly along the geodesic to a point of Latitude  $14^{\circ} 07'$  South, Longitude  $156^{\circ} 35'$  East, thence south-westerly along the geodesic to a point of Latitude  $14^{\circ} 28'$  South, Longitude  $155^{\circ} 03'$  East, thence south-westerly along the geodesic to a point of Latitude  $14^{\circ} 45'$  South, Longitude  $154^{\circ} 15'$  East, thence north-westerly along the geodesic to a point of Latitude  $14^{\circ} 15'$  South, Longitude  $152^{\circ} 15'$  East, thence north-westerly along the geodesic to a point of Latitude  $13^{\circ} 50'$  South, Longitude  $151^{\circ} 29'$  East, thence north-westerly along the geodesic to a point of Latitude  $13^{\circ} 12'$  South, Longitude  $149^{\circ} 40'$  East, thence north-westerly along the geodesic to a point of Latitude  $13^{\circ} 05'$  South, Longitude  $148^{\circ} 35'$  East, thence north-westerly along the geodesic to a point of Latitude  $12^{\circ} 50'$  South, Longitude  $147^{\circ} 40'$  East, thence north-westerly along the geodesic to a point of Latitude  $12^{\circ} 10'$  South, Longitude  $146^{\circ} 25'$  East, thence north-westerly along the geodesic to a point of Latitude  $10^{\circ} 45'$  South, Longitude  $145^{\circ} 40'$  East, thence north-westerly along the geodesic to a point of Latitude  $9^{\circ} 15'$  South, Longitude  $145^{\circ} 20'$  East, thence north-westerly along the geodesic to a point of Latitude  $9^{\circ}$  South, Longitude  $145^{\circ} 13'$  East, thence westerly along the parallel of Latitude  $9^{\circ}$  South to its intersection by the meridian of Longitude

144° 45' East, thence south-westerly along the geodesic to a point of Latitude 9° 24' 30" South, Longitude 144° 13' 45" East, thence north-westerly along the geodesic to a point of Latitude 9° 08' 15" South, Longitude 143° 52' 15" East, thence south-westerly along the geodesic to a point of Latitude 9° 21' 30" South, Longitude 142° 33' 15" East, thence north-westerly along the geodesic to a point of Latitude 9° 14' 45" South, Longitude 142° 21' 30" East, thence north-westerly along the geodesic to a point of Latitude 9° 11' 45" South, Longitude 142° 18' 30" East, thence north-westerly along the geodesic to a point of Latitude 9° 10' 30" South, Longitude 142° 16' East, thence south-westerly along the geodesic to a point of Latitude 9° 11' 45" South, Longitude 142° 09' East, thence north-westerly along the geodesic to a point of Latitude 9° 10' 45" South, Longitude 142° 04' 45" East, thence westerly along the parallel of Latitude 9° 10' 45" South to its intersection by the meridian of Longitude 142° 00' 15" East, thence south-westerly along the geodesic to a point of Latitude 9° 30' South, Longitude 141° 35' 30" East, thence south-westerly along the geodesic to a point of Latitude 9° 38' South, Longitude 141° East, thence south-westerly along the geodesic to a point of Latitude 9° 52' 30" South, Longitude 140° 30' 30" East, thence north-easterly along the geodesic to the intersection of the coastline at mean low water by the boundary between the Territory of Papua and West Irian, thence along the coastline of the Territory of Papua at mean low water to the point of commencement.

*Area Adjacent to the Territory of New Guinea*

The area the boundary of which commences at a point that is the intersection of the coastline at mean low water by the boundary between the Territory of New Guinea and West Irian and runs thence north-westerly along the geodesic to a point of Latitude 2° 30' South, Longitude 140° 56' East, thence north-westerly along the geodesic to a point of Latitude 2° 25' South, Longitude 140° 55' East, thence north-easterly along the geodesic to a point of Latitude 1° South, Longitude 141° 22' East, thence north-westerly along the geodesic to a point of Latitude 0° 47' North, Longitude 140° 49' East, thence north-westerly along the geodesic to a point of Latitude 2° 41' North, Longitude 140° 46' East, thence easterly along the geodesic to a point of Latitude 2° 40' North, Longitude 142° 05' East, thence easterly along the geodesic to a point of Latitude 2° 44' North, Longitude 143° 05' East, thence north-easterly along the geodesic to a point of Latitude 2° 47' North, Longitude 143° 26' East, thence north-easterly along the geodesic to a point of Latitude 3° 19' North, Longitude 145° 10' East, thence north-easterly along the geodesic to a point of Latitude 3° 23' North, Longitude 145° 43' East, thence south-easterly along the geodesic to a point of Latitude 3° 17' North, Longitude 146° 38' East, thence south-easterly along the geodesic to a point of Latitude 3° 12' North, Longitude 147° 01' East, thence south-easterly along the geodesic to a point of Latitude 2° 41' North, Longitude 147° 58' East, thence easterly along the geodesic to a point of Latitude 2° 46' North, Longitude 150° 22' East, thence south-easterly along the geodesic to a point of Latitude 2° 22' North, Longitude 151° 02' East, thence south-easterly along the geodesic to a point of Latitude 0° 19' South, Longitude 152° 45' East, thence south-easterly along the geodesic to a point of Latitude 1° South, Longitude 153° 58' East, thence easterly along the geodesic to a point of Latitude 1° 05' South, Longitude 157° 40' East, thence north-easterly along the geodesic to a point of Latitude 1° 01' South, Longitude 157° 51' East, thence north-easterly along the geodesic to a point of Latitude

0° 53' North, Longitude 160° 04' East, thence south-easterly along the geodesic to a point of Latitude 0° 15' North, Longitude 161° 46' East, thence south-easterly along the geodesic to a point of Latitude 3° 55' South, Longitude 163° 58' East, thence south-westerly along the geodesic to a point of Latitude 4° 53' South, Longitude 160° 08' East, thence north-westerly along the geodesic to a point of Latitude 4° 46' South, Longitude 158° 58' East, thence north-westerly along the geodesic to a point of Latitude 4° 35' South, Longitude 158° 12' East, thence south-westerly along the geodesic to a point of Latitude 5° 52' South, Longitude 157° 53' East, thence westerly along the geodesic to a point of Latitude 5° 51' South, Longitude 157° 23' East, thence north-westerly along the geodesic to a point of Latitude 5° 38' South, Longitude 156° 32' East, thence south-westerly along the geodesic to a point of Latitude 6° 23' South, Longitude 156° 15' East, thence south-westerly along the geodesic to a point which lies 9½ admiralty nautical miles north 23° east true from Cape Friendship, thence southerly along the geodesic to a point which lies 4 admiralty nautical miles south 84° east true from Cape Friendship, thence south-westerly along the geodesic to a point which lies 2½ admiralty nautical miles south 36° east true from Cape Friendship, thence south-westerly along the geodesic to a point which lies 2 admiralty nautical miles south 38° east true from the southernmost point of the peninsula which bounds the harbour of Tonolei on the east, thence southerly along the geodesic to a point which lies 3½ admiralty nautical miles south 19° east true from the southernmost point of that peninsula, thence south-westerly along the geodesic to a point which lies 4 admiralty nautical miles south true from the southernmost point of that peninsula, thence north-westerly along the geodesic to a point which lies 3½ admiralty nautical miles south 45° west true from the southernmost point of that peninsula, thence south-westerly along the geodesic to a point which lies 6 admiralty nautical miles south 40° west true from the southernmost point of that peninsula, thence westerly along the geodesic to a point which lies 4½ admiralty nautical miles north 85° east true from Moila Point, thence south-westerly along the geodesic to a point which lies 4 admiralty nautical miles south 66° east true from Moila Point, thence south-westerly along the geodesic to a point which lies 5½ admiralty nautical miles south 53° west true from Moila Point, thence north-westerly along the geodesic to a point which lies 8½ admiralty nautical miles south 78° west true from Moila Point, thence south-westerly along the geodesic to a point of Latitude 7° 11' South, Longitude 155° 27' East, thence south-westerly along the geodesic to a point of Latitude 7° 14' South, Longitude 155° 04' East, thence south-westerly along the geodesic to a point of Latitude 7° 27' South, Longitude 154° 06' East, thence south-westerly along the geodesic to a point of Latitude 7° 35' South, Longitude 153° 48' East, thence north-westerly along the geodesic to a point of Latitude 7° 18' South, Longitude 153° 30' East, thence north-westerly along the geodesic to a point of Latitude 7° 05' South, Longitude 153° 10' East, thence south-westerly along the geodesic to a point of Latitude 7° 10' South, Longitude 152° 40' East, thence westerly along the geodesic to a point of Latitude 7° 13' South, Longitude 151° 05' East, thence westerly along the geodesic to a point of Latitude 7° 19' South, Longitude 150° 25' East, thence westerly along the geodesic to a point of Latitude 7° 18' South, Longitude 150° 10' East, thence south-westerly along the geodesic to a point of Latitude 7° 22' South, Longitude 149° 42' East, thence south-westerly along the geodesic to a point of Latitude 7° 31' South, Longitude 149° 15' East, thence north-westerly along the geodesic to a point of Latitude 7° 16' South, Longitude 148° 55' East, thence south-westerly along the

geodesic to a point of Latitude 7° 22' South, Longitude 148° 16' 45" East, thence south-westerly along the geodesic to a point of Latitude 7° 50' 45" South, Longitude 148° 06' 15" East, thence south-westerly along the geodesic to a point of Latitude 7° 59' 20" South, Longitude 148° 01' 30" East, thence south-westerly along the geodesic to the intersection of the coastline at mean low water by the boundary between the Territory of New Guinea and the Territory of Papua, thence along the coastline of the Territory of New Guinea at mean low water to the point of commencement.

(b) PETROLEUM (ASHMORE AND CARTIER ISLANDS) ACT 1967 (No. 124 of 1967; 22 November 1967)

### Section 3

#### *Application of Petroleum (Submerged Lands) Act*

(1.) The Petroleum (Submerged Lands) Act 1967, and any Act with which that Act is incorporated, have effect in relation to the Territory of Ashmore and Cartier Islands as though the adjacent area in relation to that Territory included the area, whether land or water, within the territorial limits of that Territory and as though the land within those limits were beneath the sea and were portion of the sea-bed and subsoil of that adjacent area.

## STATES OF AUSTRALIA

### NEW SOUTH WALES

(a) *Mining Act, 1906-1967 (No. 67 of 1967, 7 December 1967)*

...

### 3. *Interpretation*

...

(2) The provisions of this Act shall, subject to such modifications as may be prescribed, apply to and in respect of the sea-bed and subsoil of the continental shelf (within the meaning of the Convention entitled "Convention<sup>1</sup> on the Continental Shelf" signed at Geneva on the twenty-ninth day of April, one thousand nine hundred and fifty-eight and to which Australia is a party) that is adjacent to the State of New South Wales, as if such sea-bed and subsoil were Crown lands within that State.

(b) *Petroleum (Submerged Lands) Act, 1967<sup>2</sup>\* (No. 69 of 1967, 7 December 1967)*

(c) *Petroleum (Submerged Lands) Taxation Act, 1967\* (No. 70 of 1967, 7 December 1967)*

<sup>1</sup> *Infra* PART II, DIVISION II, SUB-DIVISION A, 1.

<sup>2</sup> The content of the Act is similar in substance to that of Petroleum (Submerged Lands) Act 1967 of Australia. See *supra* 2, (a).

## QUEENSLAND

(a) *Mineral Resources (Adjacent Submarine Areas) Act*<sup>1</sup> of 1964 (No. 26 of 1964; 14 April 1964)

...

2. *Exploration and exploitation of adjacent submarine areas.* (1) It is hereby declared that subject to this Act the provisions of “*The Mining Acts, 1898 to 1955*”, “*The Coal Mining Acts, 1925 to 1964*”, and “*The Petroleum Acts, 1923 to 1962*” (hereinafter referred to as “the said Acts”), extend and apply and shall be deemed always to have extended and applied—

(a) to the sea-bed and its subsoil within the territorial limits of the State of Queensland and its Dependencies; and

(b) (for the purpose of the more effectual exploration and exploitation of the mineral resources thereof) to the sea-bed and its subsoil of the adjacent submarine areas outside such territorial limits 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 (including the sea-bed and its subsoil of similar submarine areas adjacent to the coasts of islands forming part of the State of Queensland and its Dependencies) to the same extent as if such sea-bed and subsoil were within the territorial limits of the State of Queensland and its Dependencies.

The submarine areas referred to in paragraph (b) of subsection (1) of this section include and shall be deemed always to have included all areas the right of the State of Queensland and its Dependencies to explore and exploit the natural resources of which is recognised under or by virtue of the principles of international law or is derived from or acquired under or by virtue of any statute, letters patent, commission, proclamation, order in council, rule of law, usage, prescription, exercise of dominium, acquiescence, or is otherwise derived or acquired, or is inherent in or appertains or is incidental to the said State and its Dependencies. Without limiting in any way the above description, such submarine areas in particular include and shall be taken always to have included the sea-bed and its subsoil within the boundaries described by “*The Queensland Coast Islands Act of 1879*”. The areas described in this paragraph are hereinafter in this Act referred to as “the said submarine areas”.

3. *Minerals property of Crown.* For the purpose of the application of the said Acts to the said submarine areas coal, petroleum, gold, silver and other minerals, fluids whether gaseous or in liquid form, compounds, combinations and other exploitable substances and whether of the above kinds or otherwise, on or in the sea-bed or its subsoil of any such area shall be deemed to be and always to have been the property of the Crown in the same way and to the same extent as minerals on or below the surface of land (including land covered by water whether by the sea or otherwise) within the territorial limits of the State of Queensland and its Dependencies have been and are the property of the Crown and they shall be dealt with accordingly.

<sup>1</sup> In accordance with its section 160, in case of inconsistency, the provisions of Petroleum (Submerged Lands) Act of 1967 shall prevail over those of this Act.

4. *Application of Acts.* Without in any way limiting the generality of the other provisions of this Act it is hereby expressly declared and provided so far as is necessary for the carrying out of the purposes of this Act, and subject to the provisions of section 6 hereof, the said Acts shall apply and be deemed always to have applied—

(a) as if references to land, and land within Queensland, referred to and included land covered by water, and whether by the sea or otherwise; and such land shall be deemed to include and always to have included the sea-bed and its subsoil within territorial limits or within the said submarine areas as the case may require;

(b) *mutatis mutandis.*

(b) *Petroleum (Submerged Lands) Act<sup>1</sup> of 1967 (No. 36 of 1967; 6 December 1967) \**

#### SOUTH AUSTRALIA

(a) *Mining (Petroleum) Act 1940—General Regulations (31 July 1941) \**

(b) *Mining (Petroleum) Act 1940-1967 (No. 75 of 1967; 23 November 1967) <sup>2</sup>\**

#### TASMANIA

*Petroleum (Submerged Lands) Act 1967 (No. 63 of 1967; 20 December 1967)<sup>2</sup>*

#### VICTORIA

(a) *Underseas Mineral Resources Act 1963 (No. 7095, 10 December 1963), as amended<sup>3</sup>*

...

2. *Application of Mines Act 1958 and Petroleum Act 1958 to certain submarine mineral resources*

(1) For the purpose of encouraging the exploration and exploitation of the mineral resources of the sea-bed and its subsoil it is hereby declared that the provisions of the *Mines Act 1958* extend and apply and shall be deemed to have always extended and applied to the sea-bed and its subsoil within the territorial limits of Victoria and to those parts of the sea-bed and its subsoil of the submarine areas outside such territorial limits to which the jurisdiction and legislative power of the State of Victoria extends in the same manner and to the same extent as if such sea-bed and subsoil were land within Victoria.

(2) In the application of the said *Mines Act 1958* gold, silver, uranium, thorium and other minerals found on or in such sea-bed or subsoil shall be deemed to be the property of the Crown.

<sup>1</sup> The content of the Act is similar in substance to that of *Petroleum (Submerged Lands) Act 1967* of Australia. See *supra* 2 (a).

<sup>2</sup> The content of this Act is similar in substance to that of *Petroleum (Submerged Lands) Act 1967* of Australia. *Supra* 2 (a).

<sup>3</sup> By *Petroleum (Submerged Lands) Act 1967*.

(3) It is hereby declared that the power to make regulations or by-laws conferred upon the Governor in Council by the *Mines Act* 1958 shall extend and apply and shall be deemed to have always extended and applied to the making of regulations or by-laws of general application or of a specially limited application for or with respect to the exploration and exploitation of the mineral resources of such sea-bed and its subsoil.

(b) PETROLEUM (SUBMERGED LANDS) ACT 1967 (No. 7591; 28 November 1967)<sup>1\*</sup>

### 3. BRAZIL

#### DECREE<sup>2</sup> NO. 28.840 OF 8 NOVEMBER 1950

*(Declares the underwater shelf adjacent to national territory to be an integral part of it and sets forth other provisions)*

...

Considering that the underwater shelf, which borders on the continents and islands and juts out into the high seas, is in fact a submerged territory, and, together with the land to which it lies adjacent, constitutes a single geographic unit;

Considering that the interests of a declaration of sovereignty, or of the domain and jurisdiction of Nations, over the part thus added to their national territory, have become more vital as a consequence of the ever-increasing possibility, of the investigation or application of the natural wealth there to be found;

Considering that, as a result, several States of the Americas, by means of Presidential declarations or decrees, have affirmed their just rights of domain and jurisdiction, or of sovereignty, over the part of the underwater shelf, contiguous and corresponding to their national territory,

...

*Art. 1.* Express recognition is hereby taken that the underwater shelf, where it corresponds to the continental and insular territory of Brazil is an integral part of that same territory, under the jurisdiction and exclusive dominion of the Federal Government.

*Art. 2.* The use and exploitation of the products or natural riches which are found in this part of the national territory are in all cases subject to federal concession or authorization.

*Art. 3.* Rulings on navigation in the waters above the shelf mentioned above continue in full force, without prejudice to those rulings which may later be established, especially as concerns fishing in the region.

...

*Art. 5.* All dispositions to the contrary are hereby revoked.

<sup>1</sup> The content of this Act is similar in substance to that of Petroleum (Submerged Lands) Act 1967 of Australia. *Supra* 2 (a).

<sup>2</sup> English text provided by the Permanent Mission of Brazil to the United Nations.



## 4. CAMBODIA

DÉCLARATION<sup>1</sup> DU GOUVERNEMENT ROYAL EN DATE DU 27 SEPTEMBRE 1969 RELATIVE  
À LA MER TERRITORIALE ET AU PLATEAU CONTINENTAL DU CAMBODGE

## 5. CANADA

- (a) CANADA OIL AND GAS LAND REGULATIONS, AS AMENDED<sup>2\*</sup>
- (b) CANADA MINING REGULATIONS, AS AMENDED<sup>3\*</sup>
- (c) CANADA OIL AND GAS DRILLING AND PRODUCTION REGULATIONS<sup>4\*</sup>

## 6. COLOMBIA

- (a) LAW NO. 120 OF 30 DECEMBER 1919 CONCERNING DEPOSITS OF HYDROCARBONS,  
article 38<sup>5</sup>
- (b) LAW NO. 14 OF 31 JANUARY AMENDING THE LAW CONCERNING DEPOSITS OF  
HYDROCARBONS<sup>6</sup>

## 7. COSTA RICA

ACT NO. 3977 OF 20 OCTOBER 1967 APPROVING A CONTRACT FOR THE EXPLOITATION  
AND EXPLORATION OF PETROLEUM AND OTHER HYDROCARBONS\*\*

Clause 1 of the Contract:

“The State, having sole and exclusive dominion over sources and deposits  
of petroleum, gas and other hydrocarbons, by virtue of the authority vested in it

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 5.

<sup>2</sup> Established by P.C. 1961-797 of 6 June 1961; amended by P.C. 1963-408, P.C. 1964-1614, P.C. 1966-552, P.C. 1966-1370, P.C. 1966-1477, P.C. 1966-2020, P.C. 1966-2343, P.C. 1967-1310, P.C. 1967-2316.

<sup>3</sup> Established by P.C. 1961-325 of 3 March 1961; amended by P.C. 1962-966 and P.C. 1963-1777.

<sup>4</sup> SOR/61-253, *Canada Gazette, Part II*, vol. 95, No. 12, June 28, 1961.

<sup>5</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 8 (b).

<sup>6</sup> *Ibid.* (c).

under the Constitution now in force, concedes to the Contractor the exclusive right to undertake explorations of every kind in the area of the national territory situated north of a line joining the points the co-ordinates of which are as follows:

| <i>Point</i> | <i>Longitude West</i> | <i>Latitude North</i>                         |
|--------------|-----------------------|---|
| A            | 83° 00'               | 09° 55' to the limit of the continental shelf |
| B            | 83° 40'               | 09° 55'                                       |
| C            | 83° 40'               | 10° 05'                                       |
| D            | 84° 10'               | 10° 15'                                       |
| E            | 85° 15'               | 10° 55'                                       |
| F            | 85° 40'               | 10° 35' to the limit of the continental shelf |

“The aforementioned co-ordinates, being those indicated on the map of Costa Rica prepared by the National Geographic Institute, provisional edition of 1949, delimit the area conceded to the contractor, including islands and all the ground beneath all the territorial waters, oceans, lagoons, bays, harbours, estuaries, and the continental shelf adjacent to the said area which forms part of the territory of the Republic or over which it has preferential rights, dominion, jurisdiction or sovereignty, for the purpose of locating, discovering or exploiting, transporting and exporting, on the terms stipulated in this contract, petroleum and any hydro-carbonic substances and gas of any kind, and the substances associated therewith and contained therein ... The contractor may exercise the rights granted under this clause on lands owned by the State, by official institutions, and by private persons and, as stated above, on all the ground beneath all the territorial waters, oceans, lagoons, bays, harbours, estuaries, and the continental shelf adjacent to the area conceded.

“For the purposes of this contract, the continental shelf shall be defined in accordance with the provisions of the Geneva Convention of 1958.

“The right of exploitation conceded to the contractor does not imply ownership of any deposits discovered by the contractor, but only the right to exploit them throughout the period and on the terms specified in this contract.”

## 8. CYPRUS

The Republic of Cyprus has not so far claimed any rights on the continental shelf.<sup>1</sup>

## 9. DAHOMEY

DÉCRET GOUVERNEMENTAL N° 74/PR/MTPPT DU 7 MARS 1968 RELATIF À LA DÉLIMITATION DES EAUX TERRITORIALES DE LA RÉPUBLIQUE DU DAHOMEY, article 3<sup>2</sup>

<sup>1</sup> The information was provided by the Ministry of Foreign Affairs of the Republic of Cyprus in a *note verbale* of 4 April 1967.

<sup>2</sup> *Supra* DIVISION 1, SUB-DIVISION A, Chapter I, 11 (b).

## 10. DENMARK

## (a) ACT NO. 181 OF 8 MAY 1950 CONCERNING PROSPECTING FOR AND EXPLOITATION OF RAW MATERIALS IN THE SUBSOIL OF THE KINGDOM OF DENMARK\*\*

*Article 1*

Raw materials in the subsoil of the Kingdom of Denmark which were not made available for utilization by private interests in Denmark before 23 February 1932 shall belong to the Danish State. Prospecting for and exploitation of such raw materials shall be reserved to the State.

*Article 2*

1. The Government, after the matter has been submitted to a committee appointed by the Rigsdag, may grant a concession conferring, for a period not exceeding fifty years at a time, the exclusive right to the prospecting for and exploitation of raw materials of the kinds mentioned in article 1. The aforementioned right may be subjected to local restrictions. The committee appointed by the Rigsdag shall be so constituted as to include one member selected by each of the parties represented in the finance committee of the Lower House.

2. An exclusive concession may not be granted until complete plans of the proposed measures have been submitted to the Minister of Public Works and proof has been furnished to him that the financing regarded by him as necessary for the prospecting has been ensured.

3. Before exploitation is started or the measures relating thereto are put into effect, the installations necessary for such purpose must be approved by the Minister, and proof must be furnished to him that the financing regarded by him as necessary for the exploitation operations has been ensured.

*Article 3*

Any person who, in pursuance of this Act, causes deep drilling to be performed shall provide the Danish Geological Survey with particulars of the drilling site, the thickness and nature of the earth or rock strata drilled through and the raw materials found and with samples of the earth and rock strata and of the raw materials. Before the drilling begins, notice thereof shall be given in order that the Danish Geological Survey may be able to check on the drilling as it proceeds.

*Article 4*

1. The granting of the exclusive concession shall be further conditional upon:

- (1) the concessionary paying to the Treasury a royalty of an amount to be fixed when the concession is granted;
- (2) the concession not being transferred to anyone else unless the Minister of Public Works permits such transfer and approves the compensation agreed upon;
- (3) the concessionary paying for the services of an inspector, who shall be appointed by the Minister and whose orders for ensuring that the interests

of the State are protected must be complied with, any disputes in this regard to be settled by the Minister;

(4) the articles of association, where the concession is granted to a company of the concessionary, being approved by the Minister;

(5) the concessionary complying with the instructions of the Minister concerning the use of local labour in giving effect to the concession and concerning which members of the board of directors and of the management staff must be of Danish nationality;

(6) the concessionary not abandoning his operations in Denmark;

(7) the exploitation operations being started before the expiry of a period allowed for prospecting, which shall be specified in the concession and may not exceed ten years;

(8) the prospecting not being suspended during the prospecting period for as long as two consecutive years;

(9) the exploitation operations not being suspended for as long as two consecutive years.

2. Where an exclusive concession includes the prospecting for and exploitation of more than one raw material, the concession shall remain in force during the prospecting period unless all prospecting for any raw material included in the concession is suspended for more than two consecutive years, whereas after the prospecting period the concession shall remain in force only in respect of those raw materials the exploitation of which had been started by the end of that period and is not subsequently discontinued for as long as two consecutive years.

3. Where a concession is granted for a group of raw materials which by their nature or the circumstances of their occurrence may be regarded as belonging together, the concessionary may, by virtue of the concession and on condition that the exploitation of any raw material belonging to the group has been started by the end of the prospecting period, obtain an extension of not more than five years at a time, within the period for which the concession as a whole is valid, of the period allowed for the prospecting of the other raw materials belonging to the group, but such extension shall be valid only so long as the concessionary is entitled to exploit any raw material belonging to the group.

4. Where a concession is granted for a group of raw materials as aforesaid, the concessionary may, by virtue of the concession and on condition that the exploitation of any raw material belonging to the group has been started by the end of the prospecting period, be permitted to retain the exclusive right to exploit such other raw materials belonging to the group as may be discovered by him in the course of exploiting a raw material belonging to the group after the expiry of the period allowed for prospecting, but only within the locally defined areas specified in the concession.

5. Notwithstanding the provisions of paragraph 1, item (9), a concessionary may, by virtue of the concession, be permitted temporarily to suspend current exploitation operations for not more than five years if he can demonstrate to the Minister that the continuation of such operations must for the time being be regarded as uneconomical.

*Article 5*

The concession shall be forfeited if any of the conditions specified in articles 2 to 4 are not fulfilled. The same shall apply if any of the special conditions laid down in the concession or in agreements annexed thereto are not complied with or if any of the prescribed time-limits are exceeded. A time-limit may be postponed to the extent required in the event of *force majeure*.

*Article 6*

Upon the granting of the exclusive concession, provision shall be made for the procedure to be followed with regard to the facilities pertaining to the exploitation upon the expiry of the concession or in the event of its surrender or forfeiture.

*Article 7*

Areas which are temporarily or permanently needed for measures under this Act may, by permission of the Minister of Public Works, be acquired by expropriation in accordance with the provisions of the Ordinance of 5 March 1845, cf. Act No. 6 of 10 January 1928. In a case where expropriation of part of a property will appreciably lessen the usefulness of the remainder of the property, the concessionary may be compelled, by virtue of a claim to that effect by the owner, to acquire the entire property.

*Article 8*

The Minister of Public Works may permit the measures provided for in this Act to be carried out even though damage or inconvenience might result for properties, businesses or the like which are not required to surrender any of their area. Full compensation for such damage or inconvenience shall be made by the concessionary as provided in article 7.

*Article 9*

For the purpose of dealing with applications for the permission referred to in articles 7 and 8, and for the general purpose of assisting the Minister of Public Works with advice, the Minister may establish a committee, which shall comprise a chairman having the qualifications required of a rural judge, and four members who shall be experts.

*Article 10*

1. The concessionary shall be liable for any injury or damage resulting from the prospecting or exploitation operations.
2. Such liability may, however, lapse or be reduced if the injury is shown to have been caused, either wilfully or through gross negligence, by the injured person himself.

*Article 11*

This Act shall come into force on 1 May 1950. The Act shall apply to the Faroe Islands, subject to the limitations which arise from Act No. 137 of 23 March 1948 concerning home rule in the Faroe Islands.

The above Act is binding on all concerned.

(b) ROYAL DECREE OF 7 JUNE 1963 CONCERNING THE EXERCISE OF DANISH SOVEREIGNTY OVER THE CONTINENTAL SHELF

...

In conformity with the Convention on the Continental Shelf, which was opened for signature at the United Nations Conference on the Law of the Sea, held at Geneva in 1958, and with reference to the decision of the Lower House of 2 May 1963, it is hereby provided as follows:

*Article 1.* Danish sovereignty shall be exercised, in so far as the exploration and exploitation of natural resources are concerned, over that portion of the continental shelf which, according to the Convention on the Continental Shelf, which was opened for signature at Geneva on 29 April 1958 (hereinafter referred to as the "Convention"), belongs to the Kingdom of Denmark, cf. article 2.

*Article 2.* 1. In accordance with article 1 of the Convention, the term "continental shelf" is used as referring (a) to the sea-bed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 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; (b) to the sea-bed and subsoil of similar submarine areas adjacent to the coasts of islands.

2. The boundary of the continental shelf in relation to foreign States whose coasts are opposite the coasts of the Kingdom of Denmark or are adjacent to Denmark shall be determined in accordance with article 6 of the Convention, that is to say, in the absence of special agreement, the boundary is the median line, every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea of each State is measured.

3. The Minister of Public Works may, if necessary, cause official charts to be prepared on which the boundary line shall be entered.

*Article 3.* The exploration and exploitation of the natural resources of the continental shelf referred to in article 1 may be effected only by virtue of a concession granted in pursuance of Act No. 181 of 8 May 1950 concerning prospecting for and exploitation of raw materials in the subsoil of the Kingdom of Denmark or of Royal Order No. 153 of 27 April 1935 concerning the exploitation of raw materials in the soil of Greenland.

(c) ORDER<sup>1</sup> No. 372 OF 7 NOVEMBER 1963 CONCERNING AN EXCLUSIVE CONCESSION FOR THE PROSPECTING AND EXPLOITATION OF HYDROCARBONS AND THE LIKE IN THE SUBSOIL OF DENMARK\*\*

Notice is hereby given of an exclusive concession, dated 8 July 1962, for the prospecting and exploitation of hydrocarbons and the like in the subsoil of Denmark, with such amendments and additions as follow from the amendments laid down by Royal Resolution of 5 October 1963.

<sup>1</sup> Ministry of Public Works Order of 7 November 1963.

\*  
\* \* \*

On the recommendation of the Minister of Public Works and in conformity with Act<sup>1</sup> No. 181 of 8 May 1950 concerning prospecting for and exploitation of raw materials in the subsoil of the Kingdom of Denmark (the Subsoil Act), it has pleased His Majesty the King to issue during the period 8 July 1962 to 5 October 1963, jointly to the *Dansk Boreselskab A/S*, *A/S Dampskibsselskabet Svendborg* and *Dampskibsselskabet af 1912 A/S* the exclusive right, for a period of fifty years beginning on 8 July 1962, to prospect for and exploit the raw materials specified in article 1 in the subsoil throughout Denmark, both in the territorial land area and in the territorial sea for so far as Danish sovereignty extends, with the exception of the Faroe Islands and Greenland, and in that portion of the continental shelf over which Denmark, in accordance with Royal Order of 7 June 1963, exercises sovereignty, with the exception of the area of the continental shelf belonging to the Faroe Islands and Greenland. The concessionaries shall, in so far as prospecting and exploitation in the said area of the continental shelf are concerned, refrain from conducting their activities in any manner inconsistent with the Convention on the Continental Shelf, which was opened for signature at Geneva on 29 April 1958.

The concession shall be granted subject to the conditions embodied in the Subsoil Act and to the special conditions specified below.

#### *Article 1*

1. The exclusive concession shall comprise the following raw materials:
  - A. All hydrocarbons, irrespective of whether occurring in solid, liquid or gaseous state (for example, asphalt, oil and gas);
  - B. Sulphur (in solid state or as hydrogen sulphide);
  - C. Noble gases (helium, etc.).
2. The exclusive right conferred by the concession shall not include any of the aforementioned raw materials which were made available for utilization by private interests in Denmark before the entry into force on 23 February 1932 of Act No. 27 of 19 February 1932.
3. Any dispute concerning the scope of the concession which does not affect the rights of another concessionary shall be settled by the board of arbitration referred to in article 14, except that the question whether or not a raw material was made available for utilization by private interests in Denmark before the entry into force on 23 February 1932 of Act No. 27 of 19 February 1932 must be submitted for settlement to the courts.

#### *Article 3*

1. The concessionaries may not, without the previous consent of the Minister of Public Works, engage in prospecting or exploitation within the known salt horsts.

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<sup>1</sup> *Supra* (a).

*Article 6*

1. Before undertaking geophysical or geological surveys, the concessionaries shall inform the Minister of Public Works of the plans therefor. If, by virtue of the concession, the concessionaries make a boring, they shall, in accordance with the instructions issued by the Danish Geological Survey, provide that body with the particulars of the drilling site and of the drilling results prescribed by article 3 of the Subsoil Act. Provisional reports on the geophysical and geological surveys shall be submitted to the Minister each month. Detailed geophysical and geological reports on the operations effected, together with copies of all original data, shall be submitted to the Danish Geological Survey every six months.

2. Any bore holes or mine shafts abandoned by the concessionaries shall be closed and covered by the concessionaries in a manner in all respects satisfactory as specified by the inspector.

3. The provisions of paragraph 1 of this article shall also apply to measures carried out in international waters in connexion with prospecting in the portion of the continental shelf referred to in the introduction. If the concessionaries wish to set up fixed installations in international waters for use in connexion with such prospecting, they shall obtain the consent of the Minister of Public Works beforehand for the setting-up and arrangement of the said installations in each individual case. The concessionaries shall submit to such inspection and supervision with regard to the condition and operation of the said installations as is necessary to ensure that neither the installations nor the use thereof give rise to unlawful interference with the other interests connected with full enjoyment of the freedom of the seas. The concessionaries shall, as provided by the Minister, reimburse the National Treasury for the expenditure incurred for such inspection and supervision.

...

*Article 10*

The concessionaries shall pay royalties to the Danish State in accordance with the following provisions:

a. *Hydrocarbons*

1. The royalty in respect of the hydrocarbons referred to in article 1 A which are exploited in the territorial land area or the territorial sea shall be fixed during the first five years after commercial exploitation has begun at 7½ per cent of the actual value at the production site of the marketable crude oil, gas and other hydrocarbons which are exploited and sold, and thereafter at 12½ per cent of the said value. The royalty shall be similarly fixed at 5 per cent and 8½ per cent, respectively, in the case of the hydrocarbons referred to in article 1 A which are exploited in the area of the continental shelf included in the concession.

2. If the raw materials are sold in their original state for delivery at the production site, the actual value shall be equivalent to the selling price.

3. If the raw materials are sold in their original state for delivery elsewhere than at the production site, the actual value shall be the selling price less transport charges and any other charges which are borne by the seller and, consequently, are included in or have influenced the selling price.



4. If the raw materials are sold after refining or other further processing, the actual value used in determining the royalty shall be the selling price most recently received by the concessionaries for the sale of the relevant raw material in its original state less transport charges and other charges as aforesaid. If the concessionaries have not effected any sale of the raw material in its original state, or if the selling price most recently received by the concessionaries no longer corresponds to the actual value of the relevant raw material in its original state at the production site, the actual value used in determining the royalty shall be the selling price which the concessionaries could have received on the world market under conditions of free competition by the sale at the production site of the relevant raw material in its original state, cf. also paragraph 3.

5. The provisions of paragraph 4, last sentence, shall similarly apply to the determination of the royalty in the case of sales by the concessionaries to an establishment within their enterprise or to an establishment in which they have a direct or indirect interest. The same shall apply to sales to establishments with which the concessionaries have entered into an agreement concerning participation in the prospecting and/or exploitation operations under the concession.

6. In case of disagreement concerning the computation of the royalty, the question shall be settled by the board of arbitration referred to in article 14.

b. *Other raw materials included in the concession*

The raw materials referred to in article 1 B and C which are exploited in the territorial land area or the territorial sea shall be subject to the payment of a royalty of 8½ per cent of the price at the production site of the raw material exploited and sold. The raw materials referred to in article 1 B and C which are exploited in the area of the continental shelf included in the concession shall be similarly subject to the payment of a royalty of 6 per cent. The provisions of part a, paragraphs 2 to 6, shall apply *mutatis mutandis*.

c. *Joint provision applicable to all raw materials*

Upon the termination of the concession for any reason whatever, the concessionaries shall be liable to the State for the royalty on raw materials which have been exploited and are marketable but have not yet been sold. The provisions of part a, paragraph 6, shall apply *mutatis mutandis*.

...

*Article 12*

1. If any of the conditions laid down in the Subsoil Act for the granting or continuance in force of the concession is not observed, the concession shall cease to be in force.

*Article 13*

1. This concession may not be transferred to any other party without the consent of the Minister of Public Works, except in so far as transfers between the bodies corporate participating in the syndicate of the concessionaries are concerned.

(d) ACT NO. 166 OF 12 MAY 1965 CONCERNING MINERAL RAW MATERIALS IN GREENLAND\*\*

CHAPTER I  
GENERAL PROVISIONS

*Article 1*

1. All mineral raw materials in Greenland shall belong to the State. Preliminary surveys, prospecting and exploitation in respect of such raw materials shall be reserved to the State.

2. The resident population of Greenland may, however, continue as formerly to avail itself of coal, peat, crushed stone, gravel, stone and the like.

*Article 2*

1. The Minister for Greenland may grant permits for preliminary surveys and grant an exclusive concession for the prospecting and exploitation of mineral raw materials in Greenland.

2. The Minister may require applicants to supply such particulars, including plans of operations, as are necessary for dealing with the applications.

*Article 3*

1. A permit for a preliminary survey and an exclusive concession for prospecting and exploitation may, with due regard for the protection of nature and of structures and for usufructuary and similar rights, be granted in respect of any part of Greenland.

...

CHAPTER III  
PROSPECTING

*Article 8*

1. An exclusive concession for the prospecting of mineral raw materials may be granted to applicants who, in the opinion of the Minister, possess the necessary financial means and practical experience.

2. The concession shall be granted for a specified area and for a period which in West Greenland may not exceed eight years and in North Greenland and East Greenland may not exceed twelve years.

...

*Article 12*

1. The concession may not be transferred, either directly or indirectly, to other parties unless the Minister for Greenland permits the transfer and approves the terms thereof.

2. The concession shall be exempt from legal process of any kind.

*Article 13*

1. The concessionary may, within the concession area, make use of such areas as are needed for the construction of buildings, workshops, dwellings, plant facilities, port facilities, roads, light railways and the like, and make such changes in the terrain as are in general necessitated by the prospecting operations of the concessionary. The concessionary may, in such manner as may be necessary, enclose the areas of which he is thus making use.

2. Outside the areas of which use is being made as provided in paragraph 1, the concession must not constitute an obstacle to other persons in gaining access to traffic facilities or in engaging in hunting or fishing or in making use of other areas for grazing and similar purposes.

...

CHAPTER IV  
EXPLOITATION

*Article 15*

1. An exclusive concession for the exploitation of mineral raw materials may as a general rule be granted only to joint-stock companies that are registered in Denmark, and only to applicants who, in the opinion of the Minister, possess the necessary financial means and practical experience. Before the concession is granted, the matter shall be submitted to the Rigsdag committee established under article 2, paragraph 1, of Act No. 181 of 8 May 1950 concerning prospecting for and exploitation of raw materials in the subsoil of the Kingdom of Denmark, and the opinion of the National Council of Greenland shall be sought.

2. The concession shall be granted for a specific area and for a period not exceeding fifty years. It may be stipulated that the right of exploitation conferred by the concession shall apply only to specified raw materials or that certain raw materials shall be excluded from exploitation.

3. Where a concession is granted as a continuation of and on the basis of earlier prospecting activity carried out by virtue of the provisions of chapter III, the holder of the prospecting concession shall be given preference if he fulfils the conditions of the concession and there are no exceptional circumstances which make it reasonable to award the concession to another applicant.

...

*Article 17*

1. The concession shall as a general rule provide what share the public is to have in the profits when the invested capital plus a suitable amount for interest has been earned back through the conduct of mining operations.

2. Where, however, circumstances so require, the financial interests of the State and those of the national treasury of Greenland may be provided for through the imposition of a concession royalty or in some other manner.

...

## 11. DOMINICAN REPUBLIC

ACT NO. 186 OF 6 SEPTEMBER 1967 ON THE TERRITORIAL SEA, THE CONTIGUOUS ZONE AND THE CONTINENTAL SHELF OF THE DOMINICAN REPUBLIC, article 7<sup>1</sup>

## 12. ECUADOR

(a) CIVIL CODE<sup>2\*\*</sup>

...

*Article 630*

The continental or insular shelf adjacent to the Ecuadorian coasts, and the resources thereof, shall belong to the State, which shall have the use thereof and shall exercise the supervision necessary to ensure the conservation of the said resources and the protection of the corresponding fisheries.

The expression "continental or insular shelf" means the submarine areas adjacent to the national territory to a depth of 200 metres.

(b) MARITIME FISHING AND HUNTING ACT<sup>3</sup> OF 30 AUGUST 1961

...

*Article 2<sup>4</sup>*(c) POLITICAL CONSTITUTION<sup>5\*\*</sup> OF THE ECUADORIAN STATE*Article 55*

...

The continental shelf, and minerals and other substances that constitute deposits or concretions the composition of which differs from that of the subsoil, shall likewise belong to the State. This right of ownership shall also be inalienable and imprescriptible, but concessions may be granted for the appropriate exploration and exploitation of such minerals or substances in conformity with the law.

<sup>1</sup> *Supra* DIVISION 1, SUB-DIVISION A, Chapter I, 13.

<sup>2</sup> Taken from the latest Codification of the provisions of the Ecuadorian Civil Code, 20 August 1960. Book II—Property and its ownership, possession, use and enjoyment; title III—National property. *Registro Oficial*, No. 1202, 20 August 1960 (Supplement).

<sup>3</sup> *Registro Oficial*, No. 353 of 31 October 1961 (Supplement).

<sup>4</sup> The text is identical with that of article 630 of the Civil Code, *supra* (a).

<sup>5</sup> *Registro Oficial* No. 133 of 25 May 1967.

## 13. FEDERAL REPUBLIC OF GERMANY

(a) DECLARATION<sup>1</sup> OF 20 JANUARY 1964 BY THE FEDERAL GOVERNMENT\*\*

As at 30 October 1958, the Geneva Convention on the Continental Shelf of 29 April 1958 had been signed by the Federal Republic of Germany and forty-five other States. Since that date, it has already been ratified or acceded to by twenty-one States, and in accordance with article 11, paragraph 1, it will come into force as soon as another State has deposited the twenty-second instrument of ratification. The Federal Government will shortly lay before the legislative organs a bill approving this Convention, in order to establish the constitutional basis for ratification by the Federal Republic of Germany.

In order to dispose of any legal ambiguities which might arise in the present situation, pending the entry into force of the Geneva Convention on the Continental Shelf and its ratification by the Federal Republic of Germany, the Federal Government deems it necessary at this stage to make the following declaration:

1. In the light of the development of general international law, as expressed in the recent practice of States and especially in the signing of the Geneva Convention on the Continental Shelf, the Federal Government regards the exploration and exploitation of the natural resources of the sea-bed and subsoil of the submarine area adjacent to the German coast but outside the area of the German territorial sea to a depth of 200 metres and, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources as an exclusive sovereign right of the Federal Republic of Germany. The detailed delimitation of the German continental shelf in relation to the continental shelf of foreign States shall be the subject of agreements with those States.

2. The Federal Government regards as inadmissible any activities undertaken within the area of the German continental shelf for the purpose of exploring and exploiting its natural resources without the express approval of the competent German authorities. It will, if necessary, take appropriate measures against such activities.

## (b) ACT OF 24 JULY 1964 ON PROVISIONAL DETERMINATION OF RIGHTS RELATING TO THE CONTINENTAL SHELF\*\*

*Article 1*

Prospecting for mineral resources in the German continental shelf as defined in the Declaration<sup>2</sup> by the Federal Government of 20 January 1964 the extraction of such mineral resources and all research activities relating to the continental shelf undertaken *in situ* shall be prohibited, unless authorized in advance in accordance with article 2.

<sup>1</sup> *Bundesgesetzblatt* 1964 11, p. 104.

<sup>2</sup> *Supra* (a).

*Article 2*

(1) The activities specified in article 1 may be authorized in advance, on application, in accordance with paragraphs (2) to (5).

(2) Pending definitive regulation of the question of competence, permits shall be issued:

1. As concerns technical and commercial mining operations, by the Central Bureau of Mines at Clausthal-Zellerfeld;
2. As concerns arrangements for the use and utilization of the waters and airspace above the continental shelf, by the German Hydrographical Institute. Research activities which, by their nature, are manifestly not directed towards prospecting for mineral resources shall require only a permit in accordance with clause 2 of the first sentence; in other cases, such a permit may be issued only if the permit under clause 1 of the first sentence is produced.

(3) The permit may be issued subject to restrictions and conditions and may be subject to cancellation; conditions may also be imposed retrospectively. The permit shall be issued for a maximum period of three years and may, if the Act referred to in article 16, paragraph (2), has not yet come into force when the period expires, be renewed, provided that its total duration shall not exceed five years. There shall be no legal entitlement to the issue or renewal of a permit.

(4) Any restrictions and conditions attached to a permit issued in accordance with clause 1 of the first sentence of paragraph (2) must in substance conform at least to such provisions of Part Three, Section Two, and Part Nine, Section Two, of the General Mines Act for the Prussian States of 24 June 1865 (*Gesetzesammlung*, p. 705) and of orders made pursuant to article 197 thereof as are in force in *Land* Lower Saxony.

(5) The issue of a permit for the extraction of mineral resources in accordance with clause 1 of the first sentence of paragraph (2) may be subject to payment of a consideration. The amount of the consideration shall be assessed on the basis of the mining dues which would customarily be payable at the point in German territorial waters nearest to the place of extraction. The option provided for in the first sentence shall be exercised where the competitive position of enterprises engaged in mining in German territorial waters would otherwise be substantially affected. The consideration shall be paid to the Central Bureau of Mines at Clausthal-Zellerfeld; the party to whom the Central Bureau of Mines shall transfer moneys thus received shall be specified in the Act envisaged in article 16, paragraph (2).

...

*Article 4*

(1) Within the area of the German continental shelf the executive officers specified in article 6 (1), (2) and (4) of the Act concerning the use of direct force in the exercise of public authority by executive officers of the Federal Republic of 10 March 1961 (*Bundesgesetzblatt* I, p. 165) shall ensure that:

1. The prohibition contained in article 1 is not contravened,
2. Any restrictions and conditions imposed in accordance with article 2, paragraph (3), are complied with, and
3. Orders made in accordance with article 3, paragraph (1), are carried out.

(2) For the purpose of performing the duties incumbent on them in accordance with paragraph (1), executive officers of the Federal Republic shall be authorized to enter and search structures and installations designed for carrying on activities of the kind specified in article 1 and vessels used for the maintenance or operation of such structures and installations or employed directly in carrying on the said activities. For the purpose of ensuring restrictions and conditions attached to permits issued by the Central Bureau of Mines at Clausthal-Zellerfeld are complied with, agents of the Bureau shall also have the powers mentioned in the first sentence. Persons exercising actual control over the structures, installations or vessels shall be required to allow the officers and agents specified in the first and second sentences to exercise their powers and to quit the structures, installations and vessels.

#### *Article 5*

Administrative decisions pursuant to this Act shall be enforced within the area of the German continental shelf, as elsewhere, in accordance with the Administrative Decisions Enforcement Act of 27 April 1953 (*Bundesgesetzblatt I*, p. 157), as amended by the Act of 12 April 1961 (*Bundesgesetzblatt I*, p. 429), and the Act concerning the use of direct force in the exercise of public authority by executive officers of the Federal Republic. Direct force shall be used by the executive officers of the Federal Republic specified in article 4, paragraph (1).

...

#### *Article 9*

Where acts of the kind referred to in article 7 are not committed within German territory, German penal law shall apply independently of the law of the place where the acts are committed.

#### *Article 10*

Within the area of the German continental shelf the executive officers of the Federal Republic specified in article 4, paragraph (1), shall investigate punishable acts of the kind mentioned in article 7 and shall take all such measures as cannot be delayed to prevent the destruction of evidence; the officers shall have the rights and obligations of police officers under the provisions of the Code of Criminal Procedure; they shall be deemed in this connexion to be acting as officers of the Department of State Counsel.

#### *Article 11*

The powers which may be exercised within the area of the German continental shelf in accordance with articles 3 to 6 and 10 shall also extend to the waters and airspace above the continental shelf.

## 14. FINLAND

- (a) LAW NO. 146 CONCERNING THE PREVENTION OF POLLUTION OF THE SEA (5 March 1965), article 1<sup>1</sup>
- (b) LAW NO. 149 CONCERNING THE CONTINENTAL SHELF (5 MARCH 1965)<sup>2\*\*</sup>

...

*Article 1*

The right to explore the continental shelf adjacent to the coast of Finland and the subsoil of it and for the purpose of exploitation of the natural resources of the areas mentioned in article 3 is exclusively exercised by the state of Finland.

For the purpose of the present law the term "continental shelf" means outside the area of Finland's territorial sea with the adjacent sea-bed and its subsoil to the boundary line which is determined according to articles 1 and 6 in the Geneva Convention of April 29, 1958, on the continental shelf or upon which agreements have been concluded between Finland and a foreign state according to the said article 6, paragraphs 1 or 2.

*Article 2*

With special permission a Finnish citizen, a community having legal capacity or a foundation may be granted by the cabinet of Ministers the right mentioned in article 1, paragraph 1. The same right may also be granted by the Cabinet of Ministers to a foreign citizen or a foreign community having legal capacity or a foreign foundation, if a special reason thereto is deemed to exist.

The permission may be granted also for certain time or provisionally. In the permission the conditions should be prescribed which, in consideration of security and the common interest, are considered necessary or which the Cabinet of Ministers otherwise deems essential. The conditions prescribed in the permission may be requested in changed circumstances.

If the permission mentioned in sub-paragraph 1 is requested by a qualified institution with a view to purely scientific research into the physical or biological characteristics of the continental shelf, the permission shall not be withheld if a special reason thereto does not exist.

*Article 3*

For the purpose of this law the natural resources of the continental shelf consist of the mineral and other non-living resources of the sea-bed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the sea-bed or are unable to move except in constant physical contact with the sea-bed or the subsoil thereof.

<sup>1</sup> *Infra* DIVISION III, 9 (b).

<sup>2</sup> English text provided by the Permanent Mission of Finland to the United Nations.



*Article 4*

Where the permission requested according to article 2 concerns search for mine mineral or a mining-claim or exploitation of such minerals, in addition to the present law, the law concerning mines and in virtue thereof issued instructions should be observed.

*Article 5*

For exploration of the continental shelf and the exploitation of its natural resources the Cabinet of Ministers may grant permission to construct installations and other devices and to establish safety zones around such installations, as well as taking into consideration that interference is not caused to the use of recognized sea lanes. If the permission concerns establishment of safety zones, therein shall also be prescribed, which authority handles the supervision of this safety zone and the maintenance of the necessary devices for this supervision. The Cabinet of Ministers shall also give instructions concerning the compensation of the costs of supervision.

It shall be unlawful to navigate in a properly marked safety zone as referred to in the first paragraph without the permission of the supervising authority or to contravene any other provision concerning the protection of a safety zone that is made by virtue of this Act or is embodied in the permission concerning the establishment of such zone.

*Article 6*

What, in particular has been legislated concerning laying a submarine conduit or a pipeline on the continental shelf and the maintenance of them, shall apply.

*Article 7*

Any breach against the present law or the prescriptions or conditions on permission issued by virtue thereof will be punished by fines, unless a severer punishment has been prescribed elsewhere in the law or the breach shall be punished according to the criminal instructions in the law concerning mines. In addition to the punishment the permission granted according to articles 2 and 5, shall be cancelled.

*Article 8*

More detailed instructions for the execution and application of the present law and for the application of the law of mines on search for mine mineral in the area of the continental shelf as well as on mine-claim and exploitation of such mineral therein shall be issued, when needed, by a decree.

## 15. FRANCE

LOI<sup>1</sup> N° 68-1181 DU 30 DÉCEMBRE 1968 RELATIVE À L'EXPLORATION DU PLATEAU CONTINENTAL ET À L'EXPLORATION DE SES RESSOURCES NATURELLES

## TITRE PREMIER

*Dispositions générales*

*Art. 1<sup>er</sup>.* — La République française exerce, conformément à la Convention de Genève sur le plateau continental du 29 avril 1958, publiée par le décret n° 65-1049 du 29 novembre 1965, des droits souverains aux fins de l'exploration du plateau continental adjacent à son territoire et de l'exploitation de ses ressources naturelles.

Le plateau continental sur lequel la République française exerce les droits définis ci-dessus est, dans toute son étendue et quels que soient la situation géographique et le statut des territoires auxquels il est adjacent, soumis à un régime juridique unique fixé par la présente loi sous réserve des dispositions des articles 35 et 36.

*Art. 2.* — Toute activité entreprise par une personne publique ou privée sur le plateau continental, en vue de son exploration ou de l'exploitation de ses ressources naturelles, est subordonnée à la délivrance préalable d'une autorisation.

En ce qui concerne l'exploitation des ressources végétales et des ressources animales appartenant aux espèces sédentaires, les ressortissants français sont dispensés de l'autorisation prévue à l'alinéa premier sauf dans le cas où cette exploitation comporte l'installation d'un établissement de pêche ou de culture marine sur le plateau continental.

*Art. 3.* — L'expression «installations et dispositifs» désigne, au sens de la présente loi:

1. Les plates-formes et autres engins d'exploration ou d'exploitation, ainsi que leurs annexes;
2. Les bâtiments de mer qui participent directement aux opérations d'exploration ou d'exploitation.

*Art. 4.* — Il peut être établi autour des installations et dispositifs définis à l'article 3 une zone de sécurité s'étendant jusqu'à une distance de 500 mètres mesurée à partir de chaque point du bord extérieur de ces installations et dispositifs. Il est interdit de pénétrer sans autorisation, par quelque moyen que ce soit, dans cette zone, pour des raisons étrangères aux opérations d'exploration ou d'exploitation.

Des restrictions peuvent être apportées au survol des installations et dispositifs et des zones de sécurité, dans la mesure nécessaire à la protection de ces installations et dispositifs et à la sécurité de la navigation aérienne.

*Art. 5.* — Sous réserve des dispositions de la présente loi et des textes pris pour son application, les lois et règlements français s'appliquent, pendant le temps

<sup>1</sup> *Journal Officiel*, n° 307, du 31 décembre 1968, p. 12.404.

où sont exercées les activités mentionnées à l'article 2, sur les installations et dispositifs définis à l'article 3 comme s'ils se trouvaient en territoire français métropolitain. Ils sont également applicables, dans les mêmes conditions, aux installations et dispositifs eux-mêmes.

Lesdits lois et règlements s'appliquent, dans les mêmes conditions, à l'intérieur des zones de sécurité, au contrôle des opérations qui y sont effectuées ainsi qu'au maintien de l'ordre public.

*Art. 6.* — La recherche, l'exploitation et le transport par canalisations de l'ensemble des substances minérales ou fossiles contenues dans le sous-sol du plateau continental ou existant à sa surface sont soumis au régime applicable sur le territoire métropolitain aux gisements appartenant à la catégorie des mines. Toutefois, la durée des concessions sur le plateau continental est, sans distinction de substances, limitée à cinquante ans.

*Art. 7.* — Sauf dérogation exceptionnelle accordée par le ministre compétent, tout transport maritime ou aérien entre le territoire français et les installations et dispositifs mis en place sur le plateau continental adjacent est réservé aux navires et aéronefs français.

...

## TITRE II

### *Dispositions relatives aux mesures de sécurité*

*Art. 10.* — Les installations et dispositifs définis au 1<sup>o</sup> de l'article 3 ci-dessus sont soumis aux lois et règlements concernant la sauvegarde de la vie humaine en mer.

En outre, lorsqu'ils sont susceptibles de flotter, ils sont soumis aux lois et règlements concernant l'immatriculation et le permis de circulation, ainsi qu'au règlement relatif à la prévention des abordages en mer pendant le temps où ils flottent.

Pour l'application de ces lois et règlements, la personne assumant sur ces installations et dispositifs la conduite des travaux d'exploration ou d'exploitation est considérée comme le capitaine au sens desdits lois et règlements. Elle relève dans tous les cas de la juridiction de droit commun.

...

*Art. 13.* — Les articles 70 à 74 du code des ports maritimes sont applicables à la signalisation des installations et dispositifs définis au 1<sup>o</sup> de l'article 3 de la présente loi ainsi qu'à celle des zones de sécurité prévues par l'article 4 de cette loi.

Pour l'application des articles 70 à 72 du code des ports maritimes, la personne assumant, sur ces installations et dispositifs, la conduite des travaux d'exploration ou d'exploitation est considérée comme le capitaine ou le patron au sens desdits articles. Elle relève dans tous les cas de la juridiction de droit commun.

*Art. 14.* — Le propriétaire ou l'exploitant sont tenus d'enlever complètement les installations ou dispositifs qui ont cessé d'être utilisés. S'il y a lieu, ils sont mis en demeure de respecter cette obligation et des délais leur sont impartis pour le commencement et l'achèvement des travaux.

S'ils refusent ou négligent d'exécuter ces travaux, il peut y être procédé d'office à leurs frais et risques.

Dans ce cas, le propriétaire ou l'exploitant peuvent être déchus de leurs droits sur les installations et dispositifs.

### TITRE III

#### *Dispositions douanières et fiscales*

*Art. 15.* — En matière douanière, les produits extraits du plateau continental sont considérés comme extraits d'une nouvelle partie du territoire douanier prévu par l'article premier du code des douanes.

Les mêmes produits doivent, pour l'application de la législation fiscale, être considérés comme extraits du territoire français métropolitain.

*Art. 16.* — Les matériels industriels, ainsi que les produits nécessaires à leur fonctionnement et à leur entretien, affectés, sur le plateau continental, à la recherche ou à l'exploitation des hydrocarbures et d'autres substances minérales et organiques dont la liste est fixée par décret, sont exemptés des droits de douane d'importation.

*Art. 17.* — Les agents des douanes peuvent, à tout moment, visiter les installations et dispositifs. Ils peuvent également visiter les moyens de transport concourant à l'exploration du plateau continental ou à l'exploitation de ses ressources naturelles, à l'intérieur des zones de sécurité prévues par l'article 4 ci-dessus et dans la zone maritime du rayon des douanes.

...

### TITRE IV

#### *Dispositions relatives aux redevances*

*Art. 20.* — Les titulaires de concessions d'hydrocarbures liquides ou gazeux sur le plateau continental sont assujettis au paiement de la redevance annuelle prévue par l'article 31 du code minier.

...

*Art. 22.* — Les exploitations de ressources végétales ou animales comportant un établissement de pêche ou de culture marine sur le plateau continental sont assujetties au paiement d'une redevance annuelle au profit de l'État.

...

### TITRE V

#### *Dispositions pénales*

*Art. 24.* — Quiconque aura entrepris sur le plateau continental une activité en vue de son exploration ou de l'exploitation de ses ressources naturelles sans

l'autorisation prévue à l'article 2 ci-dessus ou sans que soient respectées les conditions fixées par ladite autorisation, sera puni d'un emprisonnement de onze jours à trois mois et d'une amende de 1 000 F à 5 000 F ou de l'une de ces deux peines seulement. En cas de récidive, la peine d'amende sera de 2 000 F à 10 000 F et un emprisonnement n'excédant pas cinq ans pourra en outre être prononcé.

De plus, le tribunal pourra ordonner, s'il y a lieu, soit l'enlèvement des installations et dispositifs mis en place sur les lieux d'exploration ou d'exploitation sans l'autorisation mentionnée à l'alinéa précédent, soit leur mise en conformité avec les conditions fixées par cette autorisation. Il pourra impartir au condamné un délai pour procéder, selon le cas, à l'enlèvement des installations ou dispositifs ou à leur mise en conformité.

Les peines prévues à l'alinéa premier seront également applicables en cas d'inexécution, dans les délais prescrits, des travaux d'enlèvement ou de mise en conformité visés à l'alinéa 2.

Si à l'expiration du délai fixé par le jugement, l'enlèvement des installations et dispositifs ou leur mise en conformité, selon le cas, n'a pas eu lieu ou n'est pas terminé, l'autorité administrative désignée par décret en Conseil d'État pourra faire procéder d'office à tous travaux nécessaires à l'exécution de la décision de justice, aux frais et aux risques du condamné.

## 16. GHANA

### (a) MINERAL ACT 1962, AS AMENDED<sup>1</sup> (Act No. 126 of 14 June 1962)

#### 1. *Minerals, etc. to be vested in President*

Subject as hereinafter expressly provided, the entire property in and control of all minerals in, under or upon, any lands in Ghana, all rivers, streams and watercourses throughout Ghana and land covered by territorial waters, and of the continental shelf are hereby declared to be vested in the President on behalf of the Republic of Ghana in trust for the People of Ghana:

...

#### 12. *Interpretation*

In this Act, unless the context otherwise requires—

“minerals” include minerals and ores of all kinds including precious stones, coal, mineral oil and gases;

“territorial waters” means the territorial waters of Ghana below low-water mark;

<sup>1</sup> By the Territorial Waters and Continental Shelf Act, 1963, section 3, see *infra* (b).

(p) TERRITORIAL WATERS AND CONTINENTAL SHELF ACT, 1963 (Act No. 175 of 19 April 1963)

...

5. *Interpretation*

(1) For the purposes of this and any other enactment, "continental shelf" includes the sea-bed and subsoil of marine areas to a depth of one hundred fathoms contiguous to the coast and seaward of the area of land beneath the territorial waters of the Republic and all the resources of any such area including minerals and other inorganic as well as organic matter;

...

(2) For the avoidance of doubt it is hereby declared that the continental shelf seaward of the territorial waters is vested in the President on behalf of the Republic in trust for the people of Ghana.

17. GREECE<sup>1</sup>

18. GUATEMALA

(a) PETROLEUM CODE, ENACTED BY DECREE NO. 345 OF 7 JULY 1955\*\*

...

TITLE I. GENERAL PROVISIONS AND NATIONAL RESERVE ZONES

CHAPTER I—GENERAL PROVISIONS

*Article 1.* All of the natural deposits or occurrences of petroleum that are located within the terrestrial or maritime limits of the Republic or within the outer limit of the continental platform belong to the Nation.

Ownership over the same is inalienable and not subject to prescription.

...

*Article 2.* For the purposes of this Code, petroleum shall mean all natural mixtures of oil or gas and the oils and gases of which petroleum is composed, which accompany it or which are derived from it, regardless of their physical state.

*Article 3.* Everything connected with operations for the surface reconnaissance, exploration, exploitation, processing and transport of petroleum shall be declared

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter IX, 5.

to be of public utility and shall be governed by the provisions of this Code and its regulations.

The State shall have the power to carry out such operations itself or to grant petroleum concessions so that they may be undertaken by national or foreign individuals or bodies corporate having legal capacity and domiciled in the Republic of who (which) appoint a duly briefed and financed agent and who (which) give proof of the financial capacity and technical skill required to carry out the operations for which they are requesting a concession.

*Article 4.* No person shall engage in petroleum operations unless he has a petroleum concession for the surface reconnaissance, exploration, exploitation, processing or transport of petroleum.

The granting of these concessions shall in no case convey ownership of the petroleum deposits.

*Article 6.* The following shall not acquire petroleum concessions themselves or through third parties:

(a) Foreign Governments or States, and persons, institutions or agencies directly or indirectly belonging or responsible to them. Nor shall they acquire, possess or be usufructuaries, lessees or owners of the property being used in petroleum operations;

(b) Civil servants and public employees who, in conformity with this Code, are required directly or indirectly to intervene, take decisions or pass judgement in petroleum matters. This shall include parents, spouses and children under their paternal authority; it shall not, however, apply to petroleum concessions acquired prior to their taking office or to concessions acquired by inheritance; and

(c) Persons in default with the State for any payment or loan deriving from or related to a petroleum concession, unless they put up a bond or collateral or real security or deposit a sum sufficient to cover payment of the amounts in dispute.

...

*Article 8.* The State may, for reasons of national security, restrict the granting of petroleum concessions in areas situated within fifteen kilometres of the frontiers.

*Article 9.* No petroleum concession may be granted unless the applicant provides sufficient and reasonable security in advance to cover payment of any damages he may incur *vis-à-vis* third parties and of any amounts he may be required to pay in accordance with this Code and its regulations.

...

*Article 18.* Stock companies established in the Republic with foreign capital for the purpose of engaging in petroleum operations shall, in the manner laid down in the regulations and for a period of at least ninety days, give Guatemalans the public option of contributing at least thirty per cent of the initial capital, on equal terms with the founders. They shall be under the same obligation when unsubscribed shares of the authorized capital are to be sold or when the authorized capital is to be increased, except that in the latter cases only persons who have bought shares of the initial capital shall be entitled to buy them.

The shares of such firms shall be registered and the issue of bearer stock shall be prohibited; alienation in favour of persons not competent to acquire petroleum concessions shall be void.

#### CHAPTER II—NATIONAL RESERVE ZONES

...

*Article 21.* Holdings which, having formed part of an exploration or exploitation concession, have for any reason reverted to the State shall be national reserve zones.

The State may refuse to grant petroleum concessions on land forming part of regions used for agriculture, animal husbandry or industry, if it considers that petroleum operations in such zones may be incompatible with Guatemalan petroleum policy.

For the purposes of this Code, Guatemala's petroleum policy shall promote the rapid, uninterrupted and efficient execution of operations for the discovery, development, exploitation, processing, transport and distribution of petroleum in Guatemala, preferably through private enterprise and investment in such a manner that it is compatible with the national well-being.

(b) PETROLEUM CODE REGULATIONS, ENACTED BY DECREE NO. 445  
OF 24 OCTOBER 1955\*

(c) MINING CODE, ENACTED BY THE LEGISLATIVE DECREE NO. 342  
OF 22 APRIL 1965\*\*

#### CHAPTER I—OWNERSHIP AND CLASSIFICATION OF MINERALS

*Article 1.* For the purposes of this Code, all minerals found within the land or sea boundaries of Guatemalan territory, whether on, in or under the surface of the earth, river's lakes, seas and continental shelf, shall be the property of the nation, with the exception of quarries, which are governed by special regulations. National ownership of these assets shall be inalienable and imprescriptible.

...

The State may grant to individuals, for a specific period of time, the right to reconnoitre, explore and exploit minerals and to carry out these operations either on their own account or in association.

#### CHAPTER XVI—NATIONAL RESERVES

*Article 115.* When it is in the interest of the State, the Executive may declare certain minerals, regardless of the ownership of the land in which they are found, to be national reserves, with the exception, in each case, of minerals covered by existing exploration or exploitation concessions, within the areas to which such concessions refer.



(d) CONSTITUTION OF THE REPUBLIC OF GUATEMALA OF 15 SEPTEMBER 1965, articles 3, 129 and 134<sup>1</sup>

(e) GOVERNMENTAL DECREES<sup>2</sup> OF 20 JANUARY 1967 CONCERNING THE ZONES OF RESERVES OF SULPHUR AND IRON DEPOSITS\*\*

1.

*Article 1.* A national reserve shall be established consisting of the sulphur deposits in the departments of Alta Verapaz, Isabal, Baja Verapaz and Guatemala, and in the areas of the territory of El Petén not yet known to have been explored, on the coast of the department of Jutiapa, Santa Rosa, Escuintla, Suchitepéquez, Retalhuleu, Quezaltenango and San Marcos and in the continental shelf belonging to Guatemala and underlying the waters of Amatique Bay and the Pacific Ocean.

For the purposes of this provision, the coast shall mean that part of the national territory lying between mean sea level and a point 300 metres above that level.

*Article 2.* As a consequence of the foregoing article, authorization for the exploration or exploitation of the above-mentioned mineral, regardless of the circumstances under which it is found, may not be granted when it is situated in the zones and departments indicated.

...

*Article 4.* This Resolution shall apply to any petrographic form or type and to any variety or physical state in which sulphur is the principal component, except gypsum and anhydrite, and to any category of deposit, whether of volcanic origin or constituting strata overlying salt domes, and whether the sulphur occurs sublimated in emanations of subterranean origin or in any other form.

...

2.

*Article 1.* To establish a national reserve régime for the iron and bauxite deposits in the entire territory of the Republic, including the continental shelf.

An exception shall be made in those cases in which negotiations are pending concerning the exploration and exploitation of the deposits in question.

*Article 2.* No exploration or exploitation of the minerals to which this Resolution applies may be undertaken by individuals; however, the Government of the Republic, through the Ministry of Economy, may enter into contracts for the industrial exploitation of such minerals in accordance with the development plans prepared by the Government.

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I. 18 (b).

<sup>2</sup> Published in *Diario Oficial* of 25 January 1967.

## 19. ICELAND

ACT<sup>1</sup> OF 24 MARCH 1969 REGARDING THE SOVEREIGN RIGHTS OF THE ICELANDIC STATE OVER THE CONTINENTAL SHELF AROUND ICELAND*Article 1*

The Icelandic State exercises over the continental shelf of Iceland full and unimpaired sovereign rights for the purpose of exploring it and exploiting its natural resources. All such resources are the property of the Icelandic State, and Icelandic laws are effective in all respects in those matters.

*Article 2*

The provisions of Article 1 include all such minerals, solid, liquid, and gaseous, as may be found in the continental shelf of Iceland, and all its other resources, organic and inorganic.

*Article 3*

For the purpose of this Act the continental shelf of Iceland is considered to extend as far out from the coast of Iceland as it may be possible to exploit its resources. The continental shelves of islands lying outside the territorial sea shall be demarked in a similar manner.

*Article 4*

The Minister concerned will set by Regulations more precise provisions regarding the performance of the exploration of the resources of the continental shelf and their exploitation, and at the same time regarding its more precise demarkation and such other points as may be considered necessary.

## 20. INDIA

(a) CONSTITUTION OF INDIA, article 297<sup>2</sup>

(b) OILFIELDS (REGULATION AND DEVELOPMENT) ACT 1948<sup>3\*</sup>

(c) PETROLEUM AND NATURAL GAS RULES, 1959<sup>4</sup>

## CHAPTER I—PRELIMINARY

...

*Article 3. Definitions*

In these rules, unless the context otherwise requires,

(aa) "continental shelf" means the sea-bed and subsoil of submarine areas adjacent to the coast of India including its islands but outside the area of its

<sup>1</sup> English text provided by the Permanent Mission of Iceland to the United Nations.

<sup>2</sup> *Supra* DIVISION 1, SUB-DIVISION A, Chapter IX, 7 (a).

<sup>3</sup> As modified up to 1 June 1958.

<sup>4</sup> Notification of 24 November 1959 by the Government of India. The Rules came into force on 25 November 1959.

territorial waters, to a depth of 200 metres, or beyond that limit to where the depth of the superjacent water admits of the exploitation of natural resources of the areas;

...

#### CHAPTER II—GENERAL

##### *Article 4. No prospecting or mining except under a licence or a lease*

No person shall prospect for petroleum except in pursuance of a petroleum exploration licence (hereinafter referred to as a licence) granted under these rules, and no person shall mine petroleum except in pursuance of a petroleum mining lease (hereinafter referred to as a lease) granted under these rules.

##### 5. *Grant of licence or lease:*

(1) A licence or lease in respect of

(i) any land or mineral underlying the ocean within the territorial waters or the continental shelf of India and vested in the Union, shall be granted by the Central Government; and

(ii) any land vested in a State Government, shall be granted by the State Government.

(2) Every licence and lease shall contain such of the terms covenants and conditions prescribed by those rules as are applicable and such additional terms, covenants and conditions as may be provided in the agreement between the Central Government and the licensee or the lessee;

Provided that where the licence or lease has been or is to be granted by the State Government, the Central Government shall consult the State Government before agreeing to such additional terms, covenants and conditions;

(3) The Central Government, if it deems fit, may from time to time notify in the official Gazette, particulars regarding the basis on which the Central Government may be prepared to consider proposals for prospecting or mining operations in any specified area or areas;

...

#### CHAPTER VI—CONSERVATION AND DEVELOPMENT

...

##### *Article 29. Control of operations to prevent escape of petroleum or access of water:*

The Central Government may after reasonable notice to the lessee,—

(a) assume control of the operation of an oil-well or gas-well and adopt such means as may appear to it necessary or expedient to prevent the escape of petroleum or water from the well, if the lessee fails to do so or appears unable to do so;

(b) assume control of the operation of an oil-well or gas-well and adopt such means as may appear to it necessary or expedient to prevent the access of water to such well; or to the petroleum-bearing or gas-bearing strata or to both;

(c) for the above purposes appoint such agents as may be deemed necessary and authorise them to enter upon the premises and perform the work and for this purpose to take possession of and use any drilling rig, derrick, tools, machinery and other appliances or materials necessary for the performance of the work which may be upon the location or which may be in the possession or control of the lessee; and

(d) recover from the lessee all the costs and expenses incurred in the performance of the operations so undertaken by the Central Government.

...

## 21. IRAN

### (a) LOI<sup>1</sup> DU 19 JUIN 1955 SUR LE PLATEAU CONTINENTAL

#### *Article 1*

L'expression « plateau continental » employée dans la présente loi a la même signification que l'expression anglaise « *continental shelf* » et l'expression française « plateau continental ».

#### *Article 2*

Les régions ainsi que les ressources naturelles du fond de la mer et du sous-sol marin jusqu'aux limites du plateau continental s'étendent à partir des côtes de l'Iran et de celles des îles iraniennes dans le golfe Persique et dans la mer d'Oman, appartiennent au gouvernement iranien et se trouvent sous la souveraineté du Gouvernement de l'Iran.

REMARQUE. — Les règles du droit international sur les mers fermées s'appliqueront à la mer Caspienne.

#### *Article 3*

Au cas où le plateau continental mentionné à l'article précité s'étendrait jusqu'aux côtes d'un autre pays, ou serait commun avec celui d'un pays voisin, et si les différends surgissent sur les limites du plateau continental de l'Iran, ces différends seront résolus conformément aux règles de l'équité, et le gouvernement prendra les mesures nécessaires pour la résolution des différends éventuels par la voie diplomatique.

#### *Article 4*

La présente loi n'entraînera aucune modification dans les dispositions de la loi<sup>2</sup> du 24 tir 1313 sur la délimitation des limites des eaux territoriales et la zone du contrôle maritime de l'Iran, et la susdite loi restera en vigueur.

<sup>1</sup> Traduction officielle fournie par la Mission permanente de l'Iran auprès de l'Organisation des Nations Unies. (Voir ST/LEG/SER.B/6, p. 25).

<sup>2</sup> Voir Territorial Sea Delimitation.

*Article 5*

La présente loi n'entraînera aucune modification dans le régime des eaux du plateau continental en ce qui concerne le droit de libre navigation et du régime des câbles sous-marins. Le gouvernement pourra créer les institutions nécessaires pour la prospection et l'exploitation des ressources naturelles du plateau continental et prendra les mesures nécessaires pour garantir la sécurité de ces institutions.

(b) ACT OF 31 JULY 1957 ON SURVEY, EXPLORATION AND EXPLOITATION OF THE OIL RESOURCES IN THE IRANIAN TERRITORY AND ITS CONTINENTAL SHELF<sup>1</sup>

*Article 1.* With a view to extending as rapidly as possible the operations of research, exploration and extraction of petroleum throughout the country and the continental shelf, excluding that part of Iranian territory which has been defined as the area of operations of the Consortium in accordance with the Agreement for the Sale of Oil dated 29th October, 1954, and also with a view to extending promptly the operations of refining, transportation and sale, throughout the territory as well as abroad, of all petroleum to be obtained from outside the Consortium area, the National Iranian Oil Company is authorised to proceed in accordance with the rules and provisions of this Act.

*Note 1.* Petroleum, as used in this Act, means crude oil, natural gas, asphalt, all liquid hydrocarbons whether found in a natural state or obtained through separation from crude or natural gas by means of different processes, and any finished or semi-finished product derived from such substances by condensation, refining, chemical treatment, or other method or process, whether now known or not.

...

*Article 2.* In execution of the provisions of this Act, the National Iranian Oil Company may negotiate with any person, whether Iranian or foreign, whose technical and financial competence shall have been established, and may conclude with such person any agreement<sup>2</sup> which it deems appropriate, on the basis of the

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<sup>1</sup> *Official Gazette* No. 3642. English text provided by the Permanent Mission of Iran to the United Nations.

<sup>2</sup> In accordance with the explanatory remarks made in the note of 20 June 1968 from the Permanent Representative of Iran to the United Nations, those agreements together with the relevant laws and regulations provide the body of rules which govern Iran's actions and policies with respect to matters related to the law of the sea. The following agreements between the Iranian National Oil Company and a number of foreign entities for exploitation of the Iranian off-shore resources are in force:

1. Agreement between National Iranian Oil Company and Pan American Petroleum Corporation, dated 24 April 1958.
2. Agreement between National Iranian Oil Company and Farsi Petroleum Company (F.P.C.) dated 19 January 1965.
3. Joint Structure Agreement between National Iranian Oil Company and Iranian Marine International Oil Company, dated 17 January 1965.
4. Joint Structure Agreement between National Iranian Oil Company and Bataafse Petroleum Maatschappij N.V., dated 16 January 1965.

terms and stipulations of this Act and other conditions not inconsistent with the laws of the country. The agreement thus drawn up shall be signed by the National Iranian Oil Company and submitted to the Council of Ministers, which if it confirms the same, shall place it before the Legislature for approval. Agreements thus signed shall be enforceable after approval by the Legislature and with effect from the date of such approval.

## 22. IRAQ

### (a) OFFICIAL PROCLAMATION OF 23 NOVEMBER 1957<sup>1</sup>

The Government of Iraq being anxious to exploit the natural resources of Iraq to the fullest possible extent, and being convinced that a considerable amount of such resources lies at the bottom of the maritime zone extending outwards to the sea and contiguous to the Iraqi territorial sea, and being further confident that the exploitation of such resources in such a way as will bring benefit to the Iraqi people has become possible in view of modern scientific progress;

It therefore declares that all natural resources existing on the sea-bed and the sub-soil beneath it are the property of Iraq and that Iraq has exclusive general jurisdiction over such resources and over their preservation and exploitation. It has likewise the exclusive right to take all measures necessary for the exploration of such resources and their exploitation in such a way as it deems suitable. It has also the right to take such administrative and legislative measures as are

---

5. Joint Structure Agreement of 16 January 1965 between National Iranian Oil Company and:

Tidewater Oil Company  
Skelly Oil Company  
Sunray DX Oil Company  
The Superior Oil Company  
Kerr-McGee Oil Industries, Inc.  
Cities Service Company  
Richfield Oil Corporation.

6. Joint Structure Agreement of 18 January 1965 between National Iranian Oil Company and:

Atlantic Refining Company  
Murphy Oil Corporation  
Sun Oil Company  
Union Oil Company of California.

7. Joint Structure Agreement of 16 June 1965 between National Iranian Oil Company and:

Wintershall Aktiengesellschaft  
Deutsche Schatbau – UND  
Tiefbohrgesellschaft M.B.H.  
Gelsenkirchener Bergwerks—Aktiengesellschaft  
Gewerkschaft Elwerath  
Scholven—Chemie Aktiengesellschaft  
Deutsche Erdoel—Aktiengesellschaft  
Preussag Aktiengesellschaft.

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<sup>1</sup> *Government Gazette* No. 4069 of 27 November 1957.

necessary for the protection of all constructions required by the process of exploration and exploitation.

The Government of Iraq wishes to assert that the sole purpose of its issue of this proclamation is the exercise of rights established by international practice. It also wishes to assert that nothing in this proclamation shall infringe the established rules pertaining to the freedom of navigation.

(b) PROCLAMATION<sup>1</sup> OF 10 APRIL 1958

In affirmation of the proclamation of the Government of Iraq made on 23rd November 1957 establishing the rights of the Iraqi State to the waters contiguous to Iraqi territorial waters; the Government of Iraq declares that its full sovereignty extends to Iraqi territorial waters and to the air-space over these waters and to the surface and subsoil of the sea-bed beneath them. The Government of Iraq wishes to assert that such works and constructions as have been or will be undertaken in this zone or the zone encompassing the waters contiguous to it are subject to the sovereignty of the Iraqi State, and that the undertaking of such works and constructions is permissible to none other than the Iraqi authorities or to such quarters as may be duly authorized by Iraqi authorities. While declaring this in establishment of its rights, the Government of Iraq declares also its adherence to international practice in this respect and to the principle of equidistance which guarantees to Iraq freedom of passage into and out of the high seas.

While declaring the above, the Government of Iraq declares also its non-recognition of any proclamation, declaration, legislation or planning pertaining to territorial waters or to contiguous waters issued by any neighbouring country in contradiction with the contents of this proclamation.

(c) REPUBLICAN ORDINANCE NO. 435 OF 15 NOVEMBER 1958, article 4<sup>2</sup>

(d) LAW NO. 71 OF 1958 DELIMITING THE IRAQI TERRITORIAL WATERS, article 4<sup>3</sup>

## 23. IRELAND

The legislation is in preparation.<sup>3</sup>

<sup>1</sup> *Ibid.*, No. 4128 of 10 April 1958.

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 22 (b) and (c), respectively.

<sup>3</sup> According to information from the Permanent Mission of Ireland to the United Nations, there is as yet no legislation in Ireland on the continental shelf but this is in preparation.

## 24. ITALY

ACT<sup>1</sup> No. 613 OF 21 JULY 1967. SURVEYING AND PRODUCTION OF OIL AND GAS IN THE TERRITORIAL SEA AND CONTINENTAL SHELF, AND AMENDMENTS TO ACT NO. 6 OF 11 JANUARY 1967 ON THE SURVEYING AND PRODUCTION OF OIL AND GAS\*\*

## TITLE I

Surveying and production of oil and gas in the territorial sea and continental shelf

## CHAPTER I

*The Continental Shelf**Art. 1*

For the purpose of this Act, the term "continental shelf" is used as referring to the sea-bed and subsoil of the submarine areas adjacent to the territory of the Italian peninsula and islands but outside the area of the territorial sea, to a depth of 200 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.

The outer boundary of the Italian continental shelf shall be determined by agreement with the States whose coasts are opposite those of the Italian State and which share the same continental shelf.

Pending the entry into force of the agreements referred to in the preceding paragraph, non-exclusive prospecting and surveying licences and concessions for producing oil and gas in the Italian continental shelf shall be issued only in respect of the Italian side of the median line between the Italian coast and that of the opposite States.

## CHAPTER II

*Purpose of the Title**Art. 2*

The right to explore the continental shelf and exploit its natural resources shall be vested in the State.

Operations undertaken with a view to prospecting for, surveying and producing oil and gas in the subsoil of the submarine areas adjacent to the territory of the Italian peninsula and islands, from the coast at low tide to the outer boundary of the Italian continental shelf, shall be subject to the provisions of this Act and to those provisions of the laws in force which are not in conflict therewith.

The operations referred to in the preceding paragraph shall be carried out in such a manner as not to result in unjustifiable interference with the freedom of navigation, fishing, the conservation of the living resources of the sea, other uses of the high seas authorized by international law, or the conservation of the shore, beaches, roadsteads and ports.

<sup>1</sup> *Gazette Ufficiale*, 1967, No. 194, p. 4302. See also Navigation Code of 30 March 1942, article 2 in ST/LEG/SER.B/6, p. 162.



Minerals extracted from the continental shelf shall, for all purposes, including taxation not provided for in this Act, be deemed to be equivalent to those extracted in Italian territory.

Authorizations and concessions for exploring the continental shelf for purposes other than those provided for in the foregoing paragraphs and for exploiting natural resources other than gas, oil and other minerals shall come within the jurisdiction of the maritime administration. Such authorizations and concessions shall be governed, in so far as applicable, by the provisions of the Navigation Code and the related regulations, and by the rules in force for determining the relevant fee.

*Art. 3*

The activities referred to in the second paragraph of the preceding article shall be carried out in the following stages:

(1) Prospecting, which shall consist of reconnaissance of the surface of the entire subsoil of the sea-bed of the territorial sea and continental shelf with a view to ascertaining its geo-mineral characteristics;

(2) Prospecting, similar to the foregoing but in a delimited zone, which shall be permitted on a non-exclusive basis;

(3) Surveying on an exclusive basis in a zone of predetermined topography and size, which shall consist of all operations, including mechanical drilling, undertaken with a view to discovering deposits;

(4) Production on an exclusive basis in the area covered by the survey licence with a view to exploiting the deposits discovered.

Stage (1) shall have absolute priority; this stage shall be reserved, provisionally on an exclusive basis, for the National Hydrocarbons Agency (*Ente nazionale idrocarburi*).

Stage (2) shall not be mandatory and may be authorized either before, or at the same time as stages (3) and (4); stage (3) shall be mandatory before proceeding to the production stage (4).

...

*Art. 9*

... prospecting licences shall be issued to applicant Italian citizens or enterprises and to companies that have their head offices in Italy, and to individuals and corporate bodies having the nationality of States that permit Italian citizens, enterprises and companies to survey for and produce oil and gas in their territorial waters and continental shelf, and which have the technical and financial capacity required to undertake the prospecting operations.

*Art. 10*

...

Prospecting licences shall be non-exclusive.

...

*Art. 13*

Prospecting licences shall not be transferable *inter vivos*.

...

CHAPTER IV  
*Surveying Licences*

*Art. 16*

Surveying licences shall be exclusive and shall be issued to applicant Italian citizens or enterprises or to companies that have their head offices in Italy, and to individuals and corporate bodies having the nationality of States that permit Italian citizens, enterprises and companies to survey for and produce oil and gas in their territorial waters and continental shelf, and which have the technical and financial capacity required for surveying marine areas.

Where competing applications are submitted for the same zone, consideration shall be given to the rationality and completeness of the planned work programme, to the speedy development of such deposits as may be found, to the guarantees offered for carrying out the aforesaid programme, particularly as regards mining experience, and to the contribution which the applicant has made or is making to Italy's power resources.

*Ceteris paribus* the first applicant shall have priority.

...

*Art 18*

A surveying licence may be issued to one or more physical persons or corporate bodies, including joint stock companies, fulfilling the requirements referred to in article 16, in accordance with the shares specified in the licence applications.

...

CHAPTER V  
*Production*

*Art. 27*

Any licensee who, upon drilling a well, finds oil or gas shall be granted a production concession for an area which includes that well, provided that the output of the well and other available geo-mineral data make the development of the deposit so discovered technically and economically justifiable.

The area referred to in the preceding paragraph shall be such as to enable the deposit to be developed efficiently.

...

*Art. 34*

Up to 50 per cent of the declared profits of companies and corporations, assessed for tax purposes on the basis of their balance-sheets, which are derived from activities relating to the production of oil and gas in the areas referred to in article 2 shall be exempt from the Category B movable property tax for twenty years from the date of the entry into force of this Act if they are invested directly in the non-exclusive prospecting for, or the exclusive surveying of, oil and gas, or in both activities, carried out in the territorial sea, the continental shelf or zones of the national territory subject to the provisions of Act No. 6 of 11 January 1957.

Up to 50 per cent of the cost of the activities referred to in the preceding paragraph shall be eligible for exemption.

In order to obtain the exemption referred to in the first paragraph, companies and corporations whose tax liability is assessed on the basis of their balance-sheets must specifically apply for it by making an annual declaration of income and stating the proportion of the profits which they intend to invest. The declaration shall be accompanied by a draft investment schedule specifying the date of commencement and completion of the operations, their cost and the relevant financing plan.

#### CHAPTER VIII

##### *Final and Interim Provisions*

...

##### *Art. 49*

Surveying and production installations on the Italian continental shelf shall be subject to the laws of the State.

The powers conferred on State organs in their respective purviews shall be exercised by the organs which have jurisdiction over the coast nearest to the installation.

Documents drawn up and acts performed in such installations shall be governed by articles 4 and 5 of the Navigation Code, approved by Royal Decree No. 327 of 30 March 1942, until such time as the installations are afloat.

...

##### *Art. 55*

The oil and gas extracted from the sea-bed referred to in article 2 are intended primarily for the national market. They shall not be exported without the authorization of the Minister of Foreign Trade, subject to the assent of the Minister of Industry, Commerce and Handicrafts.

Gas extracted from the sea-bed referred to in article 2 shall not be sold or otherwise utilized by the concession-holder, except for the purposes referred to in the third paragraph of article 33, without first being offered for sale to the National Hydrocarbons Agency.

In the absence of agreement between the parties, the terms of sale shall be laid down by the Ministry of Industry, Commerce and Handicrafts, after consultation with the parties and with the Technical Committee for Hydrocarbons

Programmes for the utilization of gas shall be subject to the approval of the Ministry of Industry, Commerce and Handicrafts, with the assent of the Ministry for State-subsidized Industries, which shall base its decisions on the sectoral programmes adopted by the Inter-Ministerial Committee for Economic Programming.

## 25. IVORY COAST

DÉCRET N° 67-334 DU 1<sup>er</sup> AOÛT 1967 PORTANT LIMITATION DE LA MER TERRITORIALE EN CÔTE D'IVOIRE, article 3<sup>1</sup>

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, 24.

## 26. KUWAIT

KUWAITI PROCLAMATION WITH RESPECT TO THE SEA-BED AND THE SUBSOIL OF THE HIGH SEAS OF THE PERSIAN GULF, DATED 12 JUNE 1949<sup>1</sup>

<sup>1</sup>For the text, see ST/LEG/SER.B/1, p. 26. In accordance with the information supplied by the Permanent Mission of the State of Kuwait, Oil Concession Agreement dated 15 January 1961 between the Ruler of Kuwait and Kuwait Shell Petroleum Development Co. Ltd, in its article I, defines the sea-bed and sub-soil underlying the waters of the Arabian Gulf which are the subject of the above Proclamation, and indicates by co-ordinates its approximate boundaries. The relevant part of the Agreement reads as follows:

*Whereas:*

1.—There appertains to the State of Kuwait the seabed and the subsoil lying beneath the high seas of the Arabian Gulf contiguous to the territorial waters of Kuwait and extending seawards to boundaries to be defined with greater precision when an opportunity offers and on equitable principles after discussions between Kuwait and the neighbouring States, and this seabed and subsoil are subject to the Emir's jurisdiction and control and the Emir is accordingly the owner of the oil and gas rights in the said seabed and subsoil; and

2.—The Company is desirous of obtaining from the Emir and the Emir is desirous of granting unto the Company, the concessions and rights hereinafter set forth and described in and to the Concession Area as herein defined upon the terms and conditions hereinafter set forth.

NOW THEREFORE in consideration of the premises and the mutual agreements and undertaking hereinafter contained, the Emir and the Company hereby agree as follows:

*Article 1.*

In this Agreement unless inconsistent with the subject or context,

“*Concession Area*” means and includes:

- (i) All the seabed and subsoil underlying the waters of the Arabian Gulf the subject of the Proclamation made by the then Ruler of Kuwait on 12th June, 1949, but excluding Concessionary Waters (as hereinafter defined),
- (ii) Any and all islands, islets, shoals and bars, which fall within the jurisdiction of the Emir and lie within the boundaries of the area defined in (i) above but excluding the islands of Warbah, Bubiyan, Failaka, Mashjan, Auha, and Kubr and their Concessionary Waters. (The islands of Qaru and Umm al Maradim fall within the jurisdiction of the Emir but lie beyond the boundaries of the Concession Area and, together with their Concessionary Waters, are excluded therefrom.)

The approximate boundaries of the seabed to which Kuwait is entitled are straight lines joining the following points:

- (i) The seaward end of the boundary between Kuwait and Iraq in the Khor Abdullah;
- (ii) A point 29° 43' 12" N and 48° 31' 30" E
- (iii) A point 29° 35' 00" N and 48° 37' 00" E
- (iv) A point 29° 32' 24" N and 48° 47' 24" E
- (v) A point 29° 21' 54" N and 49° 13' 18" E
- (vi) A point 28° 58' 36" N and 49° 29' 48" E
- (vii) A point 29° 01' 36" N and 48° 52' 12" E
- (viii) A point 28° 49' 42" N and 48° 22' 30" E
- (ix) A point 28° 50' 42" N and 48° 19' 06" E

## 27. MALAYSIA

- (a) CONTINENTAL SHELF ACT, 1966 (ACT OF PARLIAMENT NO. 57 OF 1966,  
28 JULY 1966)

...

*Interpretation*

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

“continental shelf” means the sea-bed and subsoil of those submarine areas adjacent to the coast of the States of Malaya but beyond the limits of the territorial waters adjacent to those States, the surface of which lies at a depth no greater than 200 metres below the surface of the sea, or, where depth of the superadjacent waters admits of the exploitation of the natural resources of the said areas, at any greater depth:

Provided that in the case of the west coast of the States of Malaya the extent of the continental shelf shall be determined in accordance with Article 6 of the Geneva Convention on the Continental Shelf (1958) set out in the Schedule to this Act;

“Minister” means the Minister charged with the responsibility for lands and mines;

“natural resources” means—

(a) the mineral and other natural non-living resources of the sea-bed and subsoil; and

(b) living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the sea-bed or are unable to move except in constant physical contact with the sea-bed or the subsoil;

“petroleum” includes any mineral oil or relative hydrocarbon and natural gas existing in its natural condition in strata, but does not include coal or bituminous shales or other stratified deposits from which oils can be extracted by destructive distillation.

---

(x) The seaward end of the boundary between Kuwait and the Kuwait/Saudi-Arabian Neutral Zone.

*“Concessionary Waters”*

Means the waters contiguous to and extending from the mainland and the following named islands of Kuwait:

- (i) Up to a distance of six nautical miles from the low water base line or base points used on the 11th day of October, 1955, corresponding to the 24th day of Safar, 1375, for delimiting the territorial waters of Kuwait including the base line or base points along the shores of the islands of Warbah, Bubiyan, Failaka, Mashjan and Auha; provided that where the said base line crosses Kuwait Bay it shall for this purpose be drawn across the entrance of Kuwait Bay, that is, it shall be drawn from low water mark at Ras al Ardh to the point at low water mark on the opposite coast at latitude 29° 27' 10" North longitude 48° 14' 00" East and
- (ii) up to a distance of three nautical miles from the low water base line or base points used on the 22nd day of September, 1949, corresponding to the 30th day of Zoulka'ada, 1368, for delimiting the territorial waters contiguous to the shores of the island of Kubr.

*Rights with respect to continental shelf*

3. All rights with respect to the continental shelf and its natural resources for the purpose of exploring the shelf and exploiting those resources are hereby vested in the Federation and exercisable by the Government of the Federation.

*Exploration, prospecting and mining for petroleum and other minerals on continental shelf*

4. (1) No person shall explore, prospect or bore for or carry on any operations for the getting of petroleum in the sea-bed or subsoil of the continental shelf except in pursuance of a licence issued, or by virtue of a petroleum agreement entered into, under the provisions of the Petroleum Mining Act, 1966;<sup>1</sup> and the provisions of this Act shall apply in all respects to the exploration, prospecting and mining for petroleum in the sea-bed or subsoil of the continental shelf.

(2) For the purpose of the following subsections, the expression "minerals" shall be construed as to mean minerals other than petroleum.

(3) No person shall explore, prospect or bore for or carry on any operations for the getting of minerals in the sea-bed or subsoil of the continental shelf except in pursuance of a licence issued under the provisions of the following subsections.

...

(6) The grant of a licence under subsection (4) shall in every case be in the absolute discretion of the Minister and any number of such licences may be granted to the same person; and every licence may be so granted as to be enjoyed by the licensee thereof in common with other licensees to whom licences under subsection (4) may have been granted or may hereafter be granted.

(7) Any person who explores, prospects, bores or mines for, or carries on operations for the recovery of any minerals in the sea-bed or subsoil of the continental shelf otherwise than pursuant to a licence under subsection (4) and in accordance with the conditions of the licence (not being a condition relating to the payment of royalties to the Government of the Federation) commits an offence, and shall on conviction be liable to a term of imprisonment not exceeding two years or to a fine not exceeding twenty thousand dollars or to both such imprisonment and fine; and all machinery, tools, plant, buildings and other property together with any minerals or other products which may be found upon or proved to have been obtained from the area of the continental shelf so unlawfully explored, prospected or mined shall be liable to forfeiture.

*Application of criminal and civil law*

5. (1) Subject to the provisions of this Act, for the purposes of this Act and of every other written law (whether passed before or after the passing of this Act) for the time being in force in the Federation—

(a) every act or omission which takes place on or under or above, or any waters within five hundred metres of, any installation or device (whether temporary or permanent) constructed, erected, placed, or used in, on, or above the continental

<sup>1</sup> No. 58 of 1966. See *infra*. (b).

shelf in connection with the exploration of the continental shelf or the exploitation of its natural resources shall be deemed to take place in the Federation; and

(b) every such installation or device or any waters within five hundred metres of such installation or device shall be deemed to be situated in the Federation, and for the purposes of jurisdiction shall be deemed to be situated in that part of the Federation above high-water mark at ordinary spring tides which is nearest to that installation or device; and

(c) every Court in the Federation which would have jurisdiction (whether civil or criminal) in respect of that act or omission if it had taken place in the Federation shall have jurisdiction accordingly; and

(d) every power of arrest or of entry or search or seizure or other power that could be exercised under any written law (whether passed before or after the passing of this Act) in respect of any such act or omission or suspected act or omission if it had taken place or was suspected to have taken place in the Federation may be exercised on or in respect of any such installation or device or any waters within five hundred metres thereof as if the installation or device or such waters were in the Federation; and

(e) without limiting the provisions of the Customs Ordinance, 1952,<sup>1</sup> every installation or device, and any materials or parts used in the construction of an installation or device, which are brought into the waters above the continental shelf from parts beyond the seas shall be deemed to have been imported into the Federation at the time when the installation or device is constructed, erected, or placed in, on, or above the continental shelf in connection with the exploration of the continental shelf or the exploitation of its natural resources.

...

#### *Power to make regulations*

6. (1) The Yang di-Pertuan Agong may from time to time make regulations for all or any of the following purposes—

(a) regulating the construction, erection, or use of installations or devices in, on, or above the continental shelf, or any specified part thereof, in connection with the exploration of the shelf or that part thereof or the exploitation of its natural resources;

(b) prohibiting the construction, erection, placing, or use of installations or devices in, on, or above the continental shelf in places where they could cause interference with the use of recognised sea lanes essential to coastwise or international navigation;

(c) establishing safety zones, extending to a distance not exceeding five hundred metres measured from each point of the outer edge of the installation or device, around any such installations or devices in, on, or above the continental shelf;

(d) prescribing such measures as he considers necessary in any such safety zone for the protection of the installation or device with respect to which the safety zone is established;

(e) regulating or prohibiting the entry of ships into any such safety zone;

(f) prescribing measures to be taken in any such safety zone for the protection

<sup>1</sup> No. 42 of 1952.

of the living resources of the sea and the natural resources of the continental shelf from harmful agents;

(g) prescribing the notice to be given of the construction, erection, or placing of installations or devices in, on, or above the continental shelf;

(h) prescribing the permanent means to be installed for the purpose of giving warning to shipping and aircraft of the presence of installations or devices in, on, or above the continental shelf;

(i) providing for the removal of installations or devices constructed, erected, or placed in, on or above the continental shelf which have been abandoned or become disused;

(j) prohibiting or restricting any exploration of the continental shelf or any specified part thereof or any exploitation of its natural resources which in the opinion of the Yang di-Pertuan Agong could result in an unjustifiable interference with navigation, fishing, or the conservation of the living resources of the sea, or could interfere with national defence or with oceanographic or other scientific research or with submarine cables or pipelines;

(k) providing for such matters as are necessary for giving full effect to the provisions of this Act and for the due administration thereof;

(l) prescribing penalties for breaches of the regulations, not exceeding five thousand dollars.

(2) In this section the term "continental shelf" includes the sea-bed and subsoil of the submarine areas within the limits of the territorial waters adjacent to the States of Malaya:

Provided that nothing in this section shall affect the rights and powers of the State Authority under the National Land Code<sup>1</sup> or any other written law in respect of areas within the limits of the territorial waters of the State.

(b) PETROLEUM MINING ACT, 1966 (ACT OF PARLIAMENT NO. 58 OF 1966)

...

## 2. Interpretation

"continental shelf" has the meaning ascribed to it under section 2 of the Continental Shelf Act, 1966;<sup>2</sup>

...

"land" means any area of on-shore land within the States of Malaya and includes off-shore land adjacent to and contiguous with such on-shore land;

...

"off-shore land" means the area of the continental shelf;

"on-shore land" includes the foreshores and submarine areas beneath the territorial waters of the States of Malaya;

...

"petroleum" includes any mineral oil or relative hydrocarbon and natural gas existing in its natural condition in strata but does not include coal or bitu-

<sup>1</sup> No. 56 of 1965.

<sup>2</sup> No. 57 of 1966: *supra* under (a).



minous shales or other stratified deposits from which oil can be extracted by destructive distillation;

...

*Restriction on petroleum exploring, prospecting or mining*

3. (1) No person shall explore, prospect or mine for petroleum or do any act with a view to such exploring, prospecting or mining upon any land except by virtue of an exploration licence or a petroleum agreement issued or entered into under the provisions of this Act.

(2) Any person who acts in contravention of this section or of any of the conditions of the said exploration licence or a petroleum agreement which has been issued or entered into by him shall be guilty of an offence and shall on conviction be liable to a term of imprisonment not exceeding two years, or to a fine not exceeding twenty thousand dollars, or to both such imprisonment and fine; and all machinery, tools, plant, buildings and other property together with any minerals or other products which may be found upon or proved to have been obtained from the land so unlawfully explored, prospected or mined shall be liable to forfeiture.

## 28. MAURITANIA

LOI<sup>1</sup> 62.038 DU 20 JANVIER 1962 PORTANT CODE DE LA MARINE MARCHANDE ET PÊCHES MARITIMES, MODIFIÉE<sup>2</sup>

...

LIVRE VII. — LE DOMAINE PUBLIC MARITIME ET LES EAUX TERRITORIALES

...

*Eaux territoriales*

Chapitre IV. — Délimitation

...

*Art. 3.* — Le plateau continental s'étend de la laisse de la plus basse mer jusqu'à l'isobathe des fonds de deux cents mètres.

Chapitre V. — Régime

...

*Art. 2.* — Sur l'étendue du plateau continental, la République islamique de Mauritanie se réserve tous droits quant à l'exploitation du sous-sol marin.

<sup>1</sup> *Supra*, DIVISION I, SUB-DIVISION A, Chapter I, 29 and Chapter II, 12.

<sup>2</sup> Par la Loi n° 63.148 du 19 juillet 1963 et par la Loi n° 67.023 du 21 janvier 1967.

## 29. MEXICO

## POLITICAL CONSTITUTION OF THE UNITED MEXICAN STATE

...

*Article 42*

The national territory comprises: ...

“IV. The continental shelf and the submarine shelf of the islands, keys and reefs; ...”.

...

*Article 48*<sup>1</sup>

...

*Article 27*

(fourth paragraph, first part) The Nation is the direct owner of all natural resources of the continental shelf and the submarine shelf of the islands ...

## 30. NETHERLANDS

(a) LOI<sup>2</sup> RELATIVE AUX INSTALLATIONS DANS LA MER DU NORD (1964)<sup>3</sup>

A tous ceux qui les présentes verront, salut et savoir faisons:

Ayant pris en considération qu'en vue de la protection d'intérêts juridiques et tant qu'une réglementation internationale n'aura pas été établie à cet effet, il est souhaitable de prendre des mesures à l'égard des installations sur le sol de la partie de la mer du Nord dont les limites coïncident avec celles de la partie du plateau continental appartenant aux Pays-Bas;

...

*Article 1*

Par installations en mer, la présente loi entend les installations construites en dehors des eaux territoriales sur le sol de la partie de la mer du Nord dont les limites coïncident avec celles du plateau continental appartenant aux Pays-Bas.

<sup>1</sup> For the text, see *supra* DIVISION I, SUB-DIVISION A, Chapter I, 30 (a).

<sup>2</sup> Une loi du 16 mars 1967 (*Staatsblad* 1967, No. 152) établit des règles assurant une action publique contre les infractions commises, en dehors du territoire de juridiction des tribunaux néerlandais, notamment en ce qui concerne les installations édifiées sur le fond de la mer territoriale ou sur le plateau continental néerlandais.

<sup>3</sup> *Staatsblad* 1964, no. 447. La loi est entrée en vigueur le jour suivant la date de sa publication. La traduction française non officielle a été fournie par la Mission permanente des Pays-Bas auprès des Nations Unies.

*Article 2*

La législation pénale néerlandaise est applicable à toute personne qui se rend coupable d'un fait punissable sur une installation en mer.

*Article 3*

Les dispositions législatives néerlandaises désignées à cet effet par « Algemene Maatregel van Bestuur » (règlement d'administration publique) sont applicables à bord des installations en mer et à tout ce qui concerne ces installations.

*Article 4*

Les compétences à l'égard des installations en mer des autorités, collèges et fonctionnaires chargés soit de l'exécution des dispositions désignées en vertu de l'article 3, soit du dépistage, de la poursuite ou du jugement de faits punissables pourront être fixées par règlement d'administration publique.

*Article 5*

Par règlement d'administration publique les dispositions du code pénal néerlandais et les dispositions législatives désignées en vertu de l'article 3 peuvent être déclarées inapplicables ou leur applicabilité peut être limitée à l'égard des installations en mer à désigner dans ce règlement.

*Article 6*

Si, dans les trois mois suivant l'entrée en vigueur d'un règlement d'administration publique basé sur l'article 3 ou sur l'article 5 de la présente loi, Nous n'avons pas fait parvenir aux États généraux un projet de loi en vue d'amender la loi conformément à ce règlement ou si un tel projet de loi est retiré ou rejeté, Nous abrogeons sans délai le règlement.

*Article 7*

À l'égard des installations construites en dehors des eaux territoriales ou à construire sur le sol de la partie de la mer du Nord visée à l'article 1 peuvent être fixées par règlement d'administration publique des dispositions soit dans l'intérêt de la navigation, de la pêche, de la conservation de la faune marine, de la recherche scientifique pure, de la pose et de l'entretien des câbles et des pipe-lines sous-marins, de la prévention de la pollution de la mer, soit en vue de la protection d'autres intérêts reconnus par le droit international.

*Article 8*

Les agissements contraires aux dispositions fixées en vertu de l'article 7 sont punis d'une amende de 10.000 florins au plus. Le fait punissable est considéré comme une infraction.

(b) LAW<sup>1</sup> OF 23 SEPTEMBER 1965, CONTAINING REGULATIONS GOVERNING THE EXPLORATION FOR AND THE PRODUCTION OF MINERALS IN OR ON THE PART OF THE CONTINENTAL SHELF SITUATED UNDER THE NORTH SEA (CONTINENTAL SHELF MINING LAW)

...

Whereas we have considered that it is desirable to enact regulations concerning the exploration for and the production of minerals in or on the part of the continental shelf situated under the North Sea in respect of which the Kingdom has sovereign rights.

...

§ 1. *Definitions*

*Section 1*

1. For the purposes of provisions laid down in or pursuant to this Law, the following expressions shall have the meanings hereby respectively assigned to them:

“continental shelf” means that part of the sea-bed and the subsoil thereof situated under the North Sea in respect of which the Kingdom has sovereign rights in accordance, *inter alia*, with the Convention on the Continental Shelf concluded at Geneva on 29th April, 1958 (Neth. Treaties Series 1959, 126) and which lies seawards of the line determined in pursuance of subsection 2;

“minerals” means a natural concentration or deposit in or on the continental shelf of ores, minerals or substances of organic origin, in solid, liquid or gaseous form, with the exception of water and of shells, gravel, sand and clay present on the sea-bed or immediately below the surface thereof;

“reconnaissance survey” means a survey of the continental shelf for minerals, without use being made of boreholes;

“prospecting survey” means a survey of the continental shelf for minerals, use being made of boreholes;

“Our Minister” means Our Minister of Economic Affairs;

“reconnaissance licence” means a licence for the conduct of a reconnaissance survey;

“prospecting licence” means a licence for the conduct of a prospecting survey for the minerals specified therein, as well as for the conduct of a reconnaissance survey;

“production licence” means a licence for the production of the minerals specified therein, as well as for the conduct of a prospecting survey for those minerals and for the conduct of a reconnaissance survey;

“inspection officials” means the officials designated pursuant to section 31.

2. We shall determine the line that for the purposes of provisions laid down in or pursuant to the present Law, the Law of 21st April, 1810 (Bulletin des Lois, No. 285) or the Mining Law (Mijnwet) of 1903 (“Staatsblad” 1904, 73) is deemed to be the boundary between the territorial sea and the sea under which the continental shelf is situated.

<sup>1</sup> *Staatsblad* 1965 No. 428. The unofficial English translation was provided by the Permanent Mission of the Netherlands to the United Nations. See also, *supra* under (a) Note 2 relating to the “Loi relative aux installations dans la mer du Nord”.

## § 2. *General Provisions*

### *Section 2*

1. It shall be forbidden, without a licence granted by Our Minister, to conduct surveys in, on or above the continental shelf whereby the presence of minerals in or on that shelf can be proven or whereby such minerals can be produced.

2. Our Minister may, in agreement with Our Minister of Education and Science, and in response to a request therefor, grant exemption from the provisions of subsection 1 for the purposes of fundamental scientific research.

3. Our Minister may, in response to a request therefor, grant exemption from the provisions of subsection 1 for the purposes of surveys as referred to in subsection 1 which are neither reconnaissance surveys nor prospecting surveys.

### *Section 3*

It may be laid down by Order in Council that for parts of the continental shelf designated therein no licences or exemptions shall be granted.

### *Section 4*

Any prospecting survey by or on behalf of the State or by or on behalf of a juridical person in which the State has a substantial interest, with the exception of a survey of the type referred to in section 2, subsection 2, shall require prior authorization by law.

### *Section 5*

We may lay down that, during a period of at most three years commencing at least three months after the promulgation of Our decree in the "Staatscourant", no applications may be submitted for prospecting or production licences of the tenor indicated therein.

### *Section 6*

The applicability of this Law shall be limited by the exceptions recognized in international law.

## § 3. *Licences and Exemptions*

### *Section 7*

1. A licence or exemption shall specify the period and the part of the continental shelf for which it is valid.

2. A licence or exemption may also be granted subject to other restrictions. Regulations may be attached to a licence or exemption.

3. It may be laid down in a licence or exemption that Our Minister has powers defined therein for the implementation of regulations indicated therein.

4. It may also be laid down in a licence or exemption that contravention of regulations indicated therein constitutes a ground for withdrawal of the licence or exemption.

*Section 8*

To a licence may be attached the regulation that the holder must pay to the State at the times specified therein a surface rental fixed therein.

...

§ 4. *Other Provisions*

*Section 22*

1. The minerals present in or on the continental shelf are the property of the State.

...

§ 5. *Enforcement of the Law*

*Section 31*

1. Our Minister shall designate the officials responsible for enforcing the provisions laid down in or pursuant to this Law.

2. An order made pursuant to subsection 1 shall be published in the "Staatscourant".

*Section 32*

The inspection officials shall be authorized to inspect all documents belonging to or in the custody of the holder of a licence or exemption granted under section 2 and to make copies thereof, all in so far as in their reasonable opinion this is necessary for the fulfilment of their duties. To that end they may retain possession of documents for at most five days.

*Section 33*

1. The inspection officials shall have access to all installations, vessels and aircraft used for conducting a reconnaissance or prospecting survey or for producing minerals.

2. They shall also have access to all vessels and aircraft which in their reasonable opinion are on their way to or from a place at which a reconnaissance or prospecting survey is being conducted or minerals are being produced.

3. If they enter a private dwelling without the consent of the occupier, they shall draw up a report within forty-eight hours, stating the time and purpose of entry. They shall ensure that a copy of the report is issued to the occupier or delivered at the dwelling for his use.

*Section 34*

1. The inspection officials shall be authorized to subject to examination and inspection any goods encountered at places to which they have access pursuant to section 33 and to take samples thereof, all in so far as in their reasonable opinion this is necessary for the fulfilment of their duties.

2. Any samples so taken shall, as far as possible, be returned to the lawful owner of the goods.

*Section 35*

1. Each and every person shall be obliged to render the inspection officials all the assistance that in their reasonable opinion is necessary for the fulfilment of their duties.

2. If, in the reasonable opinion of the inspection officials, insufficient assistance is being rendered, they may exercise their powers *manu militari* at the expense of the defaulter or take other measures necessary therefor.

3. In respect of costs due pursuant to subsection 2, section 24 shall be applicable.

*Section 36*

Persons who by reason of their rank, profession or office are pledged to secrecy may claim exemption from giving information, but only in respect of matters entrusted to them in that capacity. They may also refuse access to documents and refuse to render assistance, in so far as their pledge of secrecy extends to such matters.

## 31. NEW ZEALAND

(a) PETROLEUM ACT<sup>1</sup> 1937 (No. 27 of 1937; 11 December 1937), AS AMENDED

...

2. *Interpretation*

In this Act, unless the context otherwise requires:

“Land” includes Maori land, and also includes land below the sea or below any other water:

3. *Petroleum declared to be property of the Crown*

(1) Notwithstanding anything to the contrary in any Act or in any Crown grant, certificate of title, lease, or other instrument of title, all petroleum existing in its natural condition on or below the surface of any land within the territorial limits of New Zealand, whether the land has been alienated from the Crown or not, is hereby declared to be the property of the Crown.

(2) All alienations of land from the Crown made after the commencement of this Act, whether by way of sale or lease or otherwise, shall be deemed to be made

<sup>1</sup> Reprint of the Statutes of New Zealand 1908-1957, as amended, most recently by the Petroleum Amendment Act 1967 (No. 132 of 1967, 24 November 1967). Petroleum Act 1937 by force of section 4 of the Continental Shelf Act 1964 (see *infra* under (c)) shall apply with respect to petroleum in the sea-bed and subsoil of the continental shelf.

subject to the reservation of all petroleum existing in its natural condition on or below the surface of the land, and subject to the provisions of this Act.

4. *Prohibiting prospecting or mining for petroleum save pursuant to this Act*

(1) Subject to the provisions of this Act no person shall after the commencement of this Act prospect or mine for petroleum except in pursuance of a prospecting licence or of a mining licence issued under this Act.

(2) This section shall bind the Crown.

5. *Minister may grant prospecting licences*

(1) Subject to the provisions of this Act and of any regulations made under this Act, the Minister may from time to time, on application in that behalf, grant to any person a petroleum prospecting licence, authorising the licensee to prospect for petroleum on any land specified in the licence. Where application under this subsection is made by any applicant in respect of two or more separate areas a separate application shall be made in respect of each area, but a licence may be granted to any applicant, in accordance with the next succeeding subsection, over any two or more of the said areas.

(2) A prospecting licence may be granted in respect of any land in New Zealand not exceeding two hundred square miles in area, being the whole or such portion as the Minister thinks fit of the land specified in the application for the licence.

Provided that a prospecting licence may be granted in respect of a continuous area within the continental shelf in excess of two hundred square miles but, in any such case, the Minister may include in the licence as conditions thereof provisions requiring the licensee, in respect of the land comprised in the licence, to—

(a) Expend a specified sum within a specified period on prospecting operations; and

(b) Commence and carry on geological and geophysical investigations within such time as may be specified in the licence, and according to a work programme submitted by the applicant to the Minister and approved by him before the licence is granted; and

(c) Commence and carry on drilling operations as soon as practicable after the aforesaid geophysical investigations have been completed; and

(d) Undertake to surrender his licence unless the conditions included therein under this proviso are complied with<sup>1</sup>.

(2A) Where any conditions are included in a licence under the proviso to subsection (2) of this section, the provisions of sections 8 and 8A of this Act and of sections 61 and 62 of the Statutes Amendment Act 1941 shall not apply to that licence.<sup>1</sup>

Provided that in any such case—

(a) Any condition included in the licence may, in the discretion of the Minister, from time to time be suspended, amended, or modified; and

(b) Where the Minister is satisfied that the licensee under any such licence is carrying on prospecting operations with reasonable diligence under some other

<sup>1</sup> This provision was added by the Petroleum Amendment Act 1965 (No. 14 of 1965; 10 September 1965) section 2.



prospecting licence held by that licensee, the Minister may, in his discretion and upon and subject to such conditions as he thinks fit, from time to time suspend for any period not exceeding six months the obligations imposed by the first mentioned licence; and

(c) Where the Minister is satisfied that the licensee is carrying on prospecting operations with reasonable diligence under any such licence, the Minister may, in his discretion and upon and subject to such conditions as he thinks fit, from time to time suspend for any period not exceeding six months the obligations imposed by any other prospecting licence held by the licensee.<sup>1</sup>

...

(3) Subject to the provisions of this Act and of any regulations made under this Act, a prospecting licence shall during its currency confer on the licensee the exclusive right to prospect for petroleum on the land comprised in the licence, and the right for that purpose to carry on mining operations, and such other rights, not inconsistent with this Act, or with any regulations made under this Act, as may be necessary for the effective carrying on of prospecting operations. The rights of the licensee shall be so exercised as to interfere as little as possible with the occupation and use of the land by any other person having a right to occupy or use it. Nothing in this section, or in any licence granted thereunder, shall be construed to exempt the holder of any licence from the obligation to comply with the requirements of any other Act or regulations that may affect or apply to any operations carried on under the licence.

...

(5)<sup>2</sup> The grant of a prospecting licence shall in every case be in the absolute discretion of the Minister. In considering an application for a licence the Minister shall take into account such matters as may be prescribed by regulations or as the Minister thinks proper, including in particular any expenditure incurred by the applicant or by any person supporting the application in searching or prospecting for petroleum in New Zealand before the date of the application.

(6) The holder of a prospecting licence shall not, by virtue thereof, have any proprietary or other rights in respect of any natural gas derived from the land comprised in his licence otherwise than in consequence of his mining operations thereon.

(7) Any number of prospecting licences may be granted to the same person.

...

## PART II. PIPELINES<sup>3</sup>

...

### *Pipeline Authorisations*

#### 50. *Authority to construct pipeline.*

(1) Except so far as may be authorised by or under any licence under this Act held by him, no person shall construct or operate a pipeline otherwise than pursuant

<sup>1</sup> This provision was added by the Petroleum Amendment Act 1965 (No. 132 of 1967; 24 November 1967) section 2.

<sup>2</sup> Sub-section (4) was repealed by section 6 (2) of the Petroleum Amendment Act 1955.

<sup>3</sup> This Part was added by the Petroleum Amendment Act 1962 (No. 127 of 1962; 14 December 1962) section 3.

to the authority and in conformity with the terms and conditions of a pipeline authorisation granted by the Minister under this Part.

(2) Every person who contrary to the provisions of this section commences to construct, constructs, or operates a pipeline commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred pounds.

...

*Miscellaneous provisions*

79. *Pipelines to remain property of owner*

(1) Notwithstanding the provisions of any enactment or rule of law to the contrary, any pipeline constructed under the authority of this Part of this Act shall remain the property of the owner whether or not the pipeline is affixed to any land and whether or not the pipeline authorisation granted in respect of the pipeline has been suspended or revoked.

(2) The owner of a pipeline in respect of which an authorisation has been revoked may remove the pipeline and, if directed by the Minister, shall do so in accordance with such terms and conditions as may be contained in the direction.

(3) The owner shall have such rights of entry on land as may be necessary for the purposes of any such removal and of complying with the directions of the Minister.

(4) Any person entering on land under this section shall, on the completion of the removal of the pipeline, restore the land, as far as practicable, to its former condition.

...

(b) PETROLEUM REGULATIONS 1939 (15 March 1939)<sup>1</sup>

...

29. *Disposal of Waste Oil, Salt Water, and Refuse*

The licensee shall drain all waste oil, salt water, and refuse from tanks, gas-holders, and wells into proper receptacles erected and maintained by him for that purpose at a safe distance from the tanks, gasholders, and wells, and from any buildings or structures, whether situate on the area comprised in the license or not, and shall dispose of the waste oil, salt water, and refuse in manner from time to time approved by the Inspector. The licensee shall not cause or permit any waste oil, salt water, or refuse to flow into or over or to be deposited upon any land, whether situate within the area comprised in the license or not.

---

<sup>1</sup> As subsequently amended, most recently by the Petroleum Regulations 1939, Amendment No. 3. 9 March 1964. S.R. 1964/30.

(c) CONTINENTAL SHELF ACT 1964 (No. 28 of 1964; 3 November 1964)

...

## 2. *Interpretation*

In this Act, unless the context otherwise requires,—

“Continental shelf” means the sea-bed and subsoil of those submarine areas adjacent to the coast of New Zealand, but beyond the territorial limits of New Zealand, the surface of which lies at a depth no greater than two hundred metres below the surface of the sea, or, where the natural resources thereof are capable of exploitation, at any greater depth:

“Natural resources” means—

(a) The mineral and other natural non-living resources of the sea-bed and subsoil; and

(b) Living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the sea-bed or are unable to move except in constant physical contact with the sea-bed or subsoil.

## 3. *Exploration and exploitation of continental shelf*

All rights that are exercisable by New Zealand with respect to the continental shelf and its natural resources for the purpose of exploring the shelf and exploiting those resources are hereby vested in the Crown.

## 4. *Mining for petroleum on continental shelf*

(1) Subject to the provisions of subsection (2) of this section, the provisions Petroleum Act 1937 (except section 3) and of any regulations made under that Act, as far as they are applicable and with any necessary modifications, shall apply with respect to petroleum (as defined in that Act) in the sea-bed and subsoil of the continental shelf, as if—

(a) Every reference in that Act or those regulations to land included a reference to the sea-bed (including, where necessary, the subsoil) of the continental shelf; and

(b) Every reference in that Act or in those regulations to New Zealand included a reference to the continental shelf; and

(c) The Minister of Marine were the appropriate Minister for the purposes of section 20; and

(d) The references in subsection (6) of section 33 and in section 34 of that Act to a district were references to the district in New Zealand nearest to the petroleum works or mining operations concerned.

(2) The Governor-General may from time to time, by Order in Council, modify or exclude any of the provisions of the Petroleum Act 1937 to such extent as may be necessary for the purpose of giving full effect to the provisions of this section.

## 5. *Mining for minerals on continental shelf*

(1) No person shall prospect or mine for, or carry on any operations for the recovery of, minerals in the sea-bed or subsoil of the continental shelf except in pursuance of a licence issued under this section.

(2) The Minister of Mines may from time to time, on application in that behalf, grant to any person a licence authorising the licensee to prospect and mine for, and carry on operations for the recovery of, minerals or of minerals of any specified kinds in any specified area of the continental shelf.

(3) Every licence granted under this section shall be subject to such conditions as the Minister, when granting the licence, thinks fit to impose in the circumstances of each particular case, including, but without limiting the generality of the foregoing provisions of this section, conditions requiring the licensee—

(a) To comply with such conditions as to safety as are specified in the licence, and for this purpose the Minister may require the licensee to comply with all or any of the provisions as to safety of the Mining Act 1926 or the Coal Mines Act 1925 or of any regulations under either of those Acts, with such modifications as the Minister considers necessary:

(b) To pay to the Crown in respect of minerals recovered by the licensee from the continental shelf such royalties as are specified in the licence.

(4) The grant of a licence under this section shall in every case be in the absolute discretion of the Minister of Mines.

(5) Any number of licences under this section may be granted to the same person.

(6) Subject to the provisions of subsection (3) of this section, nothing in the Mining Act 1926 or in the Coal Mines Act 1925 shall apply with respect to minerals in the sea-bed or subsoil of the continental shelf.

(7) Every person commits an offence, and is liable on summary conviction to a fine not exceeding one hundred pounds, who prospects or mines for, or carries on operations for the recovery of, minerals in the sea-bed or subsoil of the continental shelf otherwise than pursuant to a licence under this section and in accordance with the conditions of the licence (not being a condition relating to the payment of royalties to the Crown.)

## 8. *Regulations*

(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) Regulating the construction, erection, or use of installations or devices in, on, or above the continental shelf, or any specified part thereof, in connection with the exploration of the shelf or that part thereof or the exploitation of its natural resources:

(b) Prohibiting the construction, erection, placing, or use of installations or devices in, on, or above the continental shelf in places where they could cause interference with the use of recognised sea lanes essential to coastwise or international navigation:

(c) Establishing safety zones, extending to a distance not exceeding five hundred metres measured from each point of the outer edge of the installation or device, around any such installations or devices in, on, or above the continental shelf:

(d) Prescribing such measures as the Governor-General considers necessary in any such safety zone for the protection of the installation or device with respect to which the safety zone is established:

(e) Regulating or prohibiting the entry of ships into any such safety zone:

(f) Prescribing measures to be taken in any such safety zone for the protection of the living resources of the sea and the natural resources of the continental shelf from harmful agents:

(g) Prescribing the notice to be given of the construction, erection, or placing of installations or devices in, on, or above the continental shelf:

(h) Prescribing the permanent means to be installed for the purpose of giving warning to shipping and aircraft of the presence of installations or devices in, on, or above the continental shelf:

(i) Providing for the removal of installations or devices constructed, erected, or placed in, on, or above the continental shelf which have been abandoned or become disused:

(j) Prohibiting or restricting any exploration of the continental shelf or any specified part thereof or any exploitation of its natural resources which in the opinion of the Governor-General could result in an unjustifiable interference with navigation, fishing, or the conservation of the living resources of the sea, or could interfere with national defence or with oceanographic or other scientific research or with submarine cables or pipelines:

(k) Providing for such matters as are necessary for giving full effect to the provisions of this Act and for the due administration thereof:

(1) Prescribing penalties for breaches of the regulations, not exceeding a fine of five hundred pounds.

(2) In this section the term "continental shelf" includes the sea-bed and subsoil of the submarine areas within the territorial limits of New Zealand.

#### 9. *Act in force in Cook Islands*

(1) This Act, except sections 4 and 6, shall be in force in the Cook Islands.

(2) In the application of this Act to the Cook Islands—

(a) Every reference to New Zealand shall be read as a reference to the Cook Islands:

## 32. NICARAGUA

(a) DECREE<sup>1</sup> NO. 316 OF 12 MARCH 1958. GENERAL ACT ON THE EXPLOITATION OF NATURAL RESOURCES\*\*

### CHAPTER I. CLASSIFICATIONS AND CONCEPTS

...

*Article 2.* For the purposes of this Act, the expression "natural resources" means any element or economic factor which by its nature is capable of being put to use by the work of man.

<sup>1</sup> *Gaceta* No. 83 of 17 April 1958.

*Article 3.* Those natural resources shall belong to the State which are comprised within the limits of the national territory, as defined in article 5 of the Constitution,<sup>1</sup> and which have no other owner or which belong to the State in conformity with the Political Constitution and other laws of the Republic.

...

(b) DECREE<sup>2</sup> NO. 372 OF 2 DECEMBER 1958. SPECIAL ACT ON THE EXPLORATION AND EXPLOITATION OF PETROLEUM\*\*

#### CHAPTER I. GENERAL PROVISIONS AND PETROLEUM PROSPECTING

*Article 1.* There shall belong to the State all deposits or natural supplies of petroleum which exist, in any state, on the surface or in the subsoil of the national territory.

*Article 2.* For the purposes of this Act, the term "petroleum" includes all such natural mixtures of hydrocarbons, derivatives of hydrocarbons and associated substances which are generally known as natural gas, crude petroleum, asphalt and petroleum schists, but excluding coal.

*Article 3.* The exploration and exploitation of petroleum may be carried out only by virtue of the exploration and exploitation concessions provided for in this Act.

All provisions of the General Act<sup>3</sup> on the Exploration of Natural Resources which are not modified by the present Act shall apply to prospecting for and the exploration and exploitation of petroleum insofar as they are compatible with the nature of that natural resource.

*Article 4.* For the purposes of the granting of concessions for the exploration or exploitation of petroleum, the national territory shall be divided into four main regions, as follows:

- (a) Pacific Region, comprising the department of Chinandega, León, Managua, Masaya, Carazo, Granada and Rivas including the Managua Lake and Nicaragua Lake;
- (b) Central Region, comprising the departments of Nueva Segovia, Madriz, Esteli, Jinotega, Matagalpa, Boaco and Chontales;
- (c) Atlantic Region, comprising the remainder of the land area of the national territory;
- (d) The continental shelf of both oceans.

<sup>1</sup> For the text, see ST/LEG/SER.B/6, p. 35.

<sup>2</sup> *Gaceta* No. 278 of 3 December 1958.

<sup>3</sup> *Supra* (a).

- (c) DECREE<sup>1</sup> No. 1067 OF 20 MARCH 1965. SPECIAL ACT ON THE EXPLORATION AND EXPLOITATION OF MINES AND QUARRIES \*\*

CHAPTER I. GENERAL PROVISIONS

*Article 1.* Save as provided in the Special Act on the Exploration and Exploitation of Petroleum,<sup>2</sup> the present Act shall govern all matters relating to useful substances of the mineral kingdom, whether organic or inorganic, and irrespective of their physical state, origin and form of deposit, the exploitation of which requires the application of mining technology. Any such matters not covered by the present Act shall be governed by the provisions of the General Act on the Exploitation of Natural Resources. The Ministry of Economic Affairs shall be the branch of the Executive Power responsible for the application of these provisions.

*Article 2.* Subject to the exceptions referred to in article 242 of the Constitution, the State shall be the owner of all the mineral resources of the subsoil.

- (d) DECREE NO.II OF 5 APRIL 1965 DELIMITING THE NATIONAL FISHING ZONE TO 200 MILES, articles 1-3<sup>3</sup>

33. NORWAY

- (a) ROYAL DECREE<sup>4</sup> OF 31 MAY 1963 RELATING TO THE SOVEREIGNTY OF NORWAY OVER THE SEA-BED AND SUBSOIL OUTSIDE THE NORWEGIAN COAST

The sea-bed and the subsoil in the submarine areas outside the coast of the Kingdom of Norway are under Norwegian sovereignty as regards exploitation and exploration of natural resources, as far as the depth of the superjacent waters admits of exploitation of natural resources, within as well as outside the maritime boundaries otherwise applicable, but not beyond the median line in relation to other states.

- (b) ACT<sup>4</sup> OF 21 JUNE 1963 RELATING TO EXPLORATION AND EXPLOITATION OF SUBMARINE NATURAL RESOURCES

§ 1. This Act applies to the exploration and exploitation of natural resources in the sea-bed or in its subsoil, as far as the depth of the superjacent waters admits of exploitation of natural resources, within as well as outside the maritime boundaries otherwise applicable, but not beyond the median line in relation to other states.

<sup>1</sup> *Gaceta* Nos. 69, 70, 71, 72 and 74 of 24, 25, 26, 27 and 30 March 1965, respectively.

<sup>2</sup> *Supra* (b).

<sup>3</sup> *Infra* DIVISION IV, 23 (b).

<sup>4</sup> English translation provided by the Permanent Mission of Norway to the United Nations.

§ 2. The right to submarine natural resources is vested in the State,

The King may give Norwegian or foreign persons, including institutions, companies and other associations, the right to explore or exploit natural resources. Specific conditions for such permission may be stipulated.

§ 3. The King may issue regulations relating to the exploration and exploitation of submarine natural resources.

§ 4. Existing legislation shall not preclude the issue of regulations pursuant to §§ 2 and 3 of this Act.

§ 5. The rights of navigation and fishing are not affected by this Act.

(c) ROYAL DECREE OF 9 APRIL 1965 RELATING TO EXPLORATION FOR AND EXPLOITATION OF PETROLEUM DEPOSITS IN THE SEA-BED AND ITS SUBSOIL ON THE NORWEGIAN CONTINENTAL SHELF\*\*

#### CHAPTER I

##### INTRODUCTORY PROVISIONS

###### *Article 1*

These provisions shall apply to exploration for and exploitation of petroleum deposits on the sea-bed or in its subsoil in Norwegian internal waters, the Norwegian territorial sea and that part of the continental shelf which is subject to Norwegian national jurisdiction, but they shall not apply in respect of areas which are under private ownership.

###### *Article 2*

The term "petroleum deposits" means deposits of mineral oils and related hydrocarbons and gases found in the natural state in the subsoil and other substances, including sulphur, which are mined or extracted in connexion with the exploitation of such deposits.

###### *Article 3*

The following licences may be granted by the Department of Industry pursuant to this Decree and subject to such further conditions as may be laid down in the licence:

- (1) A licence to engage in exploration for petroleum deposits on or in the sea-bed or in limited sections thereof for a specified period of time without the grant of exclusive rights to the licence-holder (exploration licence);
- (2) A licensee under which exclusive rights are granted to engage for a specified period of time in the exploration for and exploitation of petroleum deposits in delimited areas (mining and extraction licence).



CHAPTER II  
EXPLORATION LICENCES

*Article 4*

Exploration licences may be granted to Norwegian or foreign persons, companies, institutions or other associations.

...

- (d) REGULATIONS RELATING TO THE SAFE PRACTICE ETC. IN EXPLORATION FOR AND EXPLOITATION OF PETROLEUM RESOURCES OF THE SEA-BED AND ITS SUBSOIL (ROYAL DECREE OF 25 AUGUST 1967)\*\*

By virtue of Section 3 of Act of 21 June 1963,<sup>1</sup> on the exploration and exploitation of the natural resources of the sea-bed and its subsoil and Royal Decree of 9 April 1965, relating to the exploration and exploitation of petroleum in the sea-bed and its subsoil, it is hereby provided:

CHAPTER I  
INTRODUCTORY PROVISIONS

*Section 1*

These regulations shall apply to exploration for and exploitation of petroleum in the sea-bed or in the subsoil in Norwegian internal waters, in Norwegian territorial waters and in that part of the continental shelf which is under Norwegian sovereignty.

*Section 2*

The Royal Norwegian Ministry of Industry (hereinafter called the Ministry) may issue further regulations which are necessary for the implementation of these regulations.

The Ministry or any one it authorizes may, under special circumstances, grant dispensation from provisions laid down in or by virtue of these regulations.

*Section 3*

Anyone carrying out such activities as mentioned in Section 1, is obliged in addition to the provisions contained in the licence, to comply with the provisions of these regulations and of regulations issued pursuant hereto, and to see to it that these provisions are complied with in regard to their activities. This applies to the licensee, as well as to any one carrying out such activities for him, either personally or through employees or through independent contractors or sub-contractors.

Orders and prohibitions issued by the Ministry, shall be directed to the licensee. In cases where delays may create danger, such orders and prohibitions may be directed to the responsible person on a platform, vessel or aircraft or other installation to which these regulations apply. In these cases orders and prohibitions may also be issued by any one authorized by the Ministry. Copies of such orders or prohibitions shall be forwarded to the licensee without delay.

<sup>1</sup> *Supra* (b).

*Section 4*

Exploration and exploitation of petroleum must be carried out in a safe manner in accordance with good oil field practice and with the regulations in force at any time. The activity must not to an unreasonable degree interfere with other activities. Particular care must be taken to avoid any unreasonable impediment or nuisance to shipping, fishing or aviation, to avoid damage or risk of damage to marine life or to underwater cables or other underwater installations and to avoid pollution or risk of pollution to the sea-bed and its subsoil, the sea and the air.

*Section 5*

The licensee shall currently and in writing keep the Ministry informed of the names, address and nationality of contractors or sub-contractors carrying out main activities in the areas mentioned in Section 1.

*Section 6*

Before provisional or permanent installations, including all types of drilling platforms, are placed on or above the sea-bed or in its subsoil in the areas mentioned in Section 1, the Ministry's written consent to the location or relocation must be obtained. The Ministry shall likewise sufficient time in advance be informed about removals and movements of the said installations.

A notice concerning an approved location of said installations shall sufficient time in advance be inserted by the licensee in "Etterretninger for Sjøfarende" ("Notice to Mariners"), "Kunngjøring fra Luftfartsdirektoratet" ("Notice from the Directorate of Aviation") and likewise be announced in the Norwegian Broadcasting Corporation's "Fiskerimeldinger" and in any other manner which the Ministry may decide. It shall contain information as to the type and position of the installation, light and sound signals etc. The licensee shall likewise in the manner prescribed above inform about the removal and movements of such installations.

CHAPTER II  
EXPLORATION

*Section 7*

Survey vessels and aircraft must comply with international and Norwegian regulations and rules in force for the particular location at any time, relating to navigation and aviation respectively.

Vessels—and aircraft to the extent it is deemed necessary—must be acquainted with the Norwegian rules for the marking of floating and stationary fishing gear and with the rules relating to lights to be carried by vessels engaged in trawling and other fishing.

They must keep at a safe distance from vessels engaged in fishing and from floating and stationary fishing gear. Particular care must be taken when larger gatherings of fishing vessels are observed.

*Section 8*

Vessels to be used for seismic surveys must be equipped with radar, echosounder and sonar (asdic). The said equipment shall be of an approved type and must be in full operating order.

*Section 9*

Aircraft are not allowed to be used for seismic surveys without special permission from the Ministry.

*Section 10*

Seismic surveys are subject to the following rules:

(a) Prior to the commencement of seismic surveys, the sonar and radar shall in good time be turned on and shall be kept continuously sweeping round a full circle. Echosounder and sonar shall thereafter continuously be kept in use till the termination of the surveys.

(b) As long as seismic surveys are being carried out, the survey vessel shall fly the international flag signal in force, at present HD.

(c) Special care must be shown in the use of explosives. They must not be detonated in the vicinity of vessels engaged in fishing or in the vicinity of floating and stationary fishing gear. Nor must they be detonated if schools of fish are discovered under or near the shot point.

Furthermore, detonations must be carried out in such a manner as not to cause damage or risk of damage to underwater cables or other underwater installations

(d) The explosives employed must be of such types as to cause the least possible damage to marine life.

(e) Charges must not be larger than necessary and shall be detonated as near to the surface of the sea as possible. The Ministry reserves the right to decide the types of explosives to be used etc., as well as to fix the maximum charges to be detonated.

(f) The charges shall be equipped with safety devices which render the charges harmless if they remain in the water for more than two hours. Such safety devices shall beforehand be approved by the Ministry or any one authorized by it.

The charges shall likewise be marked with the name of the licensee or other identification approved by the Ministry.

*Section 11*

In ample time prior to the commencement of seismic surveys, the Directorate of Fisheries in Bergen shall be notified. Furthermore, the said Directorate shall be kept informed of the movements of the vessels and their calls at Norwegian ports.

*Section 12*

A daily log shall be kept of the surveys. As regards seismic surveys, the log shall include information on the size of the charges and the number of explosions, with a precise indication of the shot points. Charges which fail to fire or which

misfire, shall also be entered into the log. The log shall, as far as possible, contain information of importance to the question of the effects of the surveys on marine life. The Ministry may require the log to be produced.

CHAPTER III  
DRILLING PLATFORMS

*Section 13*

The licensee shall—in ample time prior to the commencement of drilling operations—transmit to the Ministry or any one authorized by it a description of the platform, together with the necessary drawings and specifications.

Prior to the commencement of drilling operations in the areas mentioned in Section 1 above, consent of the Ministry or any one authorized by it must be obtained for the use of the drilling platform with installations and equipment.

The cost involved shall be covered by the licensee.

*Section 14*

The drilling platform shall at all times be seaworthy and be provided with such equipment as required for the safe operation of the platform i.e. the necessary nautical equipment, telecommunication systems for radio communications on both assigned and emergency frequencies with land stations, helicopters, ships and other platforms in the area, position marking equipment (light and sound), lifesaving equipment, firefighting equipment, first aid equipment, etc.

The Ministry or any one authorized by it may at any time inspect the platform with installations and equipment. The cost involved shall be covered by the licensee.

*Section 15*

The drilling platform must be constructed in such a manner as to be strong enough to withstand the weather and wind conditions which may be anticipated in the areas mentioned in Section 1. The anchoring systems and jack-up legs etc. must be so constructed that the platform is kept in place under the weather conditions that reasonably may be anticipated.

All drilling equipment with machinery and accessories must be properly constructed and maintained. The licensee shall check that the platform with equipment at all times is in proper working condition.

Substantial damages caused to the platform or its equipment or installations shall immediately be reported to the Ministry or anyone authorized by it. Repair of such damages or substantial changes in the construction shall immediately be reported to the Ministry or any one authorized by it.

*Section 16*

The drilling platform with equipment and installations shall be equipped with all necessary safety devices in accordance with good oilfield practice in order to prevent accidents.

Walkways, stairways and working surfaces shall be equipped with non-slip surface and, where necessary, be equipped with suitable toeboard and railing.

The companionways, stairways, etc. between the various parts of the platform shall be so constructed as to permit safe passage.

Railing shall likewise be installed on gangways, platforms and around open tanks, shafts, gutters, etc. creating hazards for the safety of the personnel.

The platform shall be constructed in such manner that living quarters and working areas shall be sufficiently separated. The living quarters shall be sufficiently sound insulated, ventilated and heated.

The decks of the platform shall be constructed in such a manner that water washing the decks drains off easily.

The work rooms and living quarters shall be equipped with a sufficient number of emergency exits giving easy access to the lifesaving equipment such as escape ropes, climbing nets etc.

#### *Section 17*

The drilling platform shall be positioned so as to give maximum protection to the operations performed thereon including mooring of vessels, landing and take off of helicopters. Particular care should be shown to avoid oil or gas leakage from reaching sources of ignition.

#### *Section 18*

During operations whereby the platform is lifted or lowered necessary personnel only shall be present on the platform. The personnel remaining on board shall, as far as possible, be stationed on deck and be equipped with approved life vests. Suitable means for safe and immediate removal of personnel from the platform shall remain in readiness during the entire operation. In addition, a stand-by vessel with sufficient capacity and equipment shall be kept ready in the immediate vicinity of the platform.

The manœuvres mentioned in the first paragraph shall, as far as possible, be undertaken only in daylight and when this is rendered safe by wind and weather conditions.

The provisions contained in Section 106 shall apply.

#### *Section 19*

Towing of drilling platforms in areas mentioned in Section 1 intended for use in these areas, shall not be carried out without prior notification to the Ministry or any one authorized by it. The Ministry or any one authorized by it may give further provisions for the towing. The towing must be carried out in accordance with the international and Norwegian rules and regulations in force at any time. Necessary personnel only shall remain on the platform during towing. All proper safety measures must be taken.

The towing must be carried out in such a manner that it causes the least possible nuisance in the area. Special consideration shall be taken to fishing and shipping in the area.

#### *Section 20*

Unauthorized persons may not enter the drilling platform without special permission of the licensee or any one he authorizes. During stay on the platform,

visitors must comply with the safety rules applicable to the platform. Visitors shall upon arrival be instructed about safety regulations in force. Specific information must be given about areas where smoking is allowed.

#### *Section 21*

The licensee shall at any time keep a record of all persons present on board the platform or on their way to and from the platform. The record shall contain the name of the individual and the name of the company or agency by whom he is employed. This record shall be available for the Ministry or any one it authorizes at the licensee's base in Norway.

#### *Section 22*

Detailed safety instructions shall be prepared for each drilling platform with regard to its operation and with special emphasis on the safety and well being of of the personnel involved. Each employee will be required to sign a receipt for their individual copy.

The person in charge shall ascertain that the workers have understood oral and written instructions given for the execution of an operation.

Furthermore, general instructions shall be prepared for each drilling platform with regard to measures to be taken in emergencies. These instructions shall likewise be handed to the personnel in the above-mentioned manner. At frequent intervals drill exercises shall be held with a view to such situations. The daily log shall contain necessary information as to such drills.

#### *Section 23*

Before drilling is commenced, an organization plan shall be submitted to the Ministry or any one authorized by it. This plan shall clearly stipulate the command set-up and the line of command. A chief responsible and deputy shall always be present on the platform. The plan must expressly stipulate their abilities. The chief responsible must as far as possible have maritime experience. If not, he shall always have an assistant with sufficient maritime experience.

#### *Section 24*

The drilling platform shall be marked with the name of the platform and the name of the licensee.

The marking shall be effected in such a manner as to make identification easily possible from vessels as well as from aircraft. The marking shall be easily visible in daylight as well as at night.

#### *Section 25*

The drilling platform shall be equipped with approved lights, sound signals, shape and flag signals. Under special circumstances, the Ministry may decide that the platform shall be equipped with light and sound buoys round the platform, with lighthouse lanterns etc.

For the protection of air traffic the platform shall be equipped with approved warning lights.

Furthermore, all points on the platform which may endanger helicopter service shall be sufficiently marked.

*Section 26*

From sunset to sunrise a drilling platform shall be equipped with one or more white lights and placed so as to ensure that at least one light is visible upon approaching the platform from any direction. The lights shall be placed not more than thirty metres and not less than six metres above sea level and shall be visible—in dark nights with good visibility—at least ten nautical miles. The lights shall be equipped with synchronized devices rendering a flashing character according to Morse letter U approximately every fifteen seconds. The lenses of the lights must be constructed in such a manner as to ensure that the lights—in addition to being visible at the above-mentioned distance—are visible from any vessel being in the vicinity of the platform.

*Section 27*

A platform shall be equipped with one or more potent synchronized devices capable of emitting sound signals installed and constructed in such a manner as to be audible upon approaching the platform in any direction. The sound signals shall be placed not more than thirty metres and not less than six metres above sea level and shall be audible at a distance of at least two nautical miles in calm weather. The character shall be rhythmic blasts—two short and one long blast corresponding to Morse letter U approximately every thirty seconds.

The short blast shall last a minimum of 0.75 seconds. The sound signals shall be in operation when the visibility is less than two nautical miles.

*Section 28*

The drilling platform shall be equipped with an emergency system for light and sound devices which shall be switched on immediately if the ordinary equipment fails.

*Section 29*

The light and sound systems provided for in Sections 26-28 must be so constructed as to function without special attention in cases where the platform is evacuated for a shorter or longer period of time.

*Section 30*

The drilling platform shall be equipped with sufficient electric light to make work and stay on board as safe as possible.

The drilling platform shall be equipped with sufficient emergency lights powered from an independent energy source.

The emergency lights shall be switched on immediately if the ordinary light fails.

Furthermore, flashlights of approved type shall be easily available at appropriate places.

The emergency lights and the flashlights shall be inspected with regular intervals. Note of the inspection shall be made in the log.

## CHAPTER IV

## DRILLING

*Section 31*

Drilling shall not be commenced until the Ministry's written consent hereto has been obtained, see Section 39 in Royal Decree of 9 April 1965 relating to exploration and exploitation of petroleum in the sea-bed and its subsoil on the Norwegian continental shelf.

*Section 32*

Before such consent as mentioned in Section 31 is granted, the applicant shall submit to the Ministry a drilling programme which, *inter alia*, shall contain the following information:

(a) The name of the drilling platform, together with a description of the construction and equipment of the platform, and information as to whether the drilling will be carried out by others than the licensee. If the platform has already been used with the Ministry's consent on the areas mentioned in Section 1, it is sufficient to give information about later changes in construction, installation and equipment etc.

(b) Information on the geographical position of the well.

(c) The estimated depth of the well.

(d) The geological strata which are assumed to be penetrated.

(e) Depth of the ocean at the well site.

(f) A programme for the installation of casing. The programme shall give the necessary details as to diameter, weight and dimensions of the casing, whether new or used casing is to be applied, at what depths the casing is intended to be installed, together with a cementing programme.

The said casing programme shall be in accordance with good oilfield practice. Necessary consideration shall, *inter alia*, be given to the possibility of unknown geological structures in the subsoil at the well site. Necessary consideration shall likewise be given to any pressure which may be anticipated in the well.

(g) Description of blowout preventers including auxiliary equipment which will be used during the drilling, with information as to make, type, necessary technical details and the manner in which they will be installed. The description shall likewise contain the necessary information as to pressure tests of the blowout preventers. Details must furthermore be given as to the manner and frequency of pressure tests to be taken during the period of drilling.

(h) Drilling fluid programme.

(i) Programmes for pressure tests and other measurements of the well.

(j) Coring programme.

(k) Testing programme for possible petroleum finds.

Four copies of the safety instructions applicable to the platform and the work carried out whether issued by the licensee or a contractor, shall be enclosed unless these safety instructions previously have been submitted to the Ministry. Informations as to changes in or amendments to safety instructions previously submitted must be given.



### *Section 33*

Major changes in the drilling programme must not be made without the consent of the Ministry.

In emergencies the said programme may be departed from without previous consent. The Ministry shall in such cases be notified forthwith of the alterations and of the underlying circumstances.

### *Section 34*

Prior to the placing of a drilling platform in position for drilling, the sea-bed shall be checked and other necessary safety precautions be taken in accordance with good oilfield practice with a view to ensuring that the platform will remain in place during operations.

The result of the examinations shall forthwith be transmitted to the Ministry.

The licensee must currently check during drilling that the conditions of the sea-bed at the places where the legs of the drilling platform are situated, are not materially changed. In case of floating platforms or ships the anchors shall likewise be regularly checked, i.e., by checking the tension of anchor-chains and cables.

### *Section 35*

The drilling platform must be placed at a safe distance from other installations for exploitation of petroleum, as well as from lighthouses, sea-buoys, telegraph and telephone cables, pipelines etc.

In areas mentioned in Section 1 where cables, pipelines and other underwater installations exist, anchoring, jacking-up of platforms and drilling cannot be commenced till the licensee has undertaken a thorough bottom survey, which has localized exactly the position of the underwater cable, pipeline and installation.

Without the expressed consent of the Ministry anchoring, jacking-up or drilling must not take place at a distance less than one nautical mile from cable, pipeline or installation and not less than two nautical miles from telephone or telegraph amplifier.

If damage is caused to the said cables, pipelines or installations, the licensee and the other persons and companies mentioned in Section 3 shall be liable to pay indemnity for the damage caused.

### *Section 36*

The lower deck of the drilling platform must be at a safe distance above the sea level.

### *Section 37*

As soon as the drilling platform has been placed in position, the Ministry shall be informed in writing about the exact geographical position of the platform.

### *Section 38*

When circumstances so demand, the licensee shall provide for a stand-by vessel which shall be stationed at the platform during drilling operations. This

stand-by vessel shall have sufficient capacity and equipment to take on board and provide for the total crew of the platform in cases of emergency.

*Section 39*

On platforms where the derrick has been lowered, the derrick must not be raised until the drilling platform is properly placed on the sea-bed or properly anchored. Prior to the erection of the derrick, it must be thoroughly checked so that the derrick is in proper condition.

Erection or lowering of the derrick must be carried out only when weather and wind conditions render this safe, and as far as possible only by day. The required safety measures for protection of life and health shall be taken, including such measures as are mentioned in Sections 18 and 106 of this decree.

No other work must be carried out below or in the immediate vicinity of the derrick while this is being erected or lowered.

*Section 40*

The derrick with equipment such as winches, gin-poles and other rig equipment, together with wire ropes etc., shall be of a type approved by a recognized agency and be inspected at short intervals. These inspections shall be recorded in the daily log.

Wire ropes shall be replaced or cut as soon as they show signs of wear and tear, or in cases when this is rendered necessary by the amount of work in ton-kilometres performed by the wire.

*Section 41*

The derrick shall be equipped with necessary safety devices in order to avoid accidents.

Moving parts, such as chains, travelling blocks, gear, belts, shafts, couplings and clutches etc., shall as far as possible be properly shielded. The crown block shall be equipped with a safety device in order to prevent the wire from leaving the sheave.

All hooks must be equipped with safety latches.

When practical, the derrick shall be equipped with escape rope or similar devices installed in such a manner as to lead away from the derrick. The derrick floor shall have a sufficient number of emergency exits.

*Section 42*

The outgoing crew shall by the end of each shift inform the incoming crew of defects and damages on platform or equipment which have arisen or been detected during the shift and which have not been repaired. The incoming crew shall make certain that the equipment is in a safe condition.

A note shall be made in the daily log about substantial defects which are not immediately repaired.

*Section 43*

Special care must be taken in the loading, unloading, handling and racking of drill pipes and casing. Due precaution must be taken to prevent racked pipes and casing from rolling or shifting.

#### *Section 44*

Prior to the opening of a well, the necessary safety devices for the proper control of the well must be present and easily available on the platform. The said devices shall be installed without delay, as the drilling makes it necessary in accordance with good oilfield practice.

During drilling of the well all necessary steps shall be taken to keep the well under full control against the presence of oil, gas, water etc., which may cause explosions, blowouts, pollutions or other destruction or accidents.

In case of explosions from blowouts etc. in the well, all necessary steps shall immediately be taken in accordance with good oilfield practice to re-establish safe working conditions and bring the well under control. In addition, all necessary measures must immediately be taken to repair, as far as possible, all damages sustained.

#### *Section 45*

Suitable measures must be taken during drilling so as to avoid as far as possible pollution and disturbance of the geological formations encountered.

#### *Section 46*

Each well must be equipped with surface casing according to good oilfield practice. The surface casing shall be placed at the depths dictated by the geological structures and with a view to securing complete control of the well at any time.

The surface casing shall be properly cemented over its full length. The cement shall be given sufficient time to cure prior to the commencement of further drilling.

#### *Section 47*

Intermediate casing must be installed in such a manner and at such time as to ensure full control of the well at any time considering i.e. the geological structures of the subsoil, the danger of blowouts or other explosions, the protection of other resources in the subsoil, the danger of pollution of sea and air.

Intermediate casing must be properly cemented in conformity with good oilfield practice.

#### *Section 48*

The production casing shall be installed and cemented in a manner to isolate all hydrocarbon bearing zones.

#### *Section 49*

The casing mentioned in Section 46-48 shall have such dimensions, diameter, weight and thickness and otherwise be designed and installed in such a manner as to withstand any anticipated pressure encountered in the well during drilling or production.

After casing has been installed and properly cemented it must be pressure tested according to good oilfield practice before drilling is resumed.

The installation of used casing is not allowed without proper testing of such casing in advance.

*Section 50*

Apart from drilling for opening the well, drilling must not be carried out before blowout preventers and their auxiliary equipment have been properly installed in accordance with good oilfield practice.

The blowout preventers shall have such construction and such capacity as to enable them, together with the casing installed and the drilling fluid, to fully control any pressure which may be anticipated in the well.

The blowout preventers shall be equipped with hydraulic controls operated with manual remote control from the derrick floor within easy reach of the driller. The blowout preventers shall furthermore be equipped with an extra remote control which may be operated independently and placed at a safe distance so as to be easily and quickly reached in the event the controls at the derrick floor cannot be reached or fail to function.

The controls shall plainly indicate whether the blowout preventers are open or closed.

Blowout preventers of a sufficient capacity and in a sufficient number must be installed according to good oilfield practice. After the surface casing has been set, a minimum of one bag type preventer, one blind ram type preventer and one pipe ram preventer must be used. The accumulator system required for the operation of the hydraulic system of the blowout preventers shall be of sufficient capacity to operate against maximum pressure conditions to be expected on well-head during drilling.

*Section 51*

In addition to the blowout prevention equipment mentioned in the preceding sections, the necessary additional blowout prevention equipment, including a kelly cock and an automatic inside blowout preventer valve (backpressure type) shall be at hand on the platform in accordance with good oilfield practice.

*Section 52*

During drilling, installation and cementing of casing, the blowout prevention equipment shall be pressure tested and operated at regular intervals. Operations of the BOPs shall be carried out as frequently as necessary and at least once per twenty-four hours and at least each time the drill pipe and bit are removed from the well. The BOPs shall be pressure tested at regular intervals according to good oilfield practice.

A note shall be made in the daily log concerning such testing.

*Section 53*

During drilling, drilling fluid of the proper density shall be kept circulating at all times in the well, in accordance with good oilfield practice. It shall ordinarily be filtered and constantly checked against undesirable elements including gases or liquids which may cause explosions or fire. The drilling fluid shall be of the proper consistency and weight considering the geological conditions and other circumstances at the well site. Proper care must be taken in applying drilling fluid so as to avoid pollution of the sea.

Shale shaker and active drilling fluid tanks shall be provided with suitable and adequate means to remove combustible vapours to a safe location. Areas where the shale shakers and drilling fluid tanks are located, shall regularly be tested with gas detectors or explosion meters against explosive gases. The drilling fluid tanks shall be equipped with mud pit level indicators. The indicator shall be so constructed as to make it possible to read the mud pit level directly on the control panel at the driller's stand.

#### *Section 54*

Drilling which deviates from the vertical line drawn from the centre of the well-head shall not be allowed without the written consent of the Ministry. However, such consent is not required for unintentional deviations over shorter distances, deviations to straighten out a well or to overcome difficulties encountered during drilling. The well shall be checked to ensure that it does not deviate substantially from the vertical line.

The written consent of the Ministry is required in cases of drilling multiple holes from the same location.

#### *Section 55*

Gas detectors or explosion meters shall be readily available on the platform.

The platform shall likewise be provided with a sufficient number of apparatus for full breathing protection.

If sulphurous or other poisonous gases are encountered during drilling, all necessary safety measures shall be taken for preventing accidents. The Ministry shall be notified forthwith.

#### *Section 56*

In connexion with swabbing, drill stem testing, shooting, hydraulic fracturing or chemical treatment of a well, all necessary safety measures must be taken. Preferably such activities must take place by daylight and only when wind and weather conditions render it advisable.

The work must be performed with a view to preventing damage to the well or the penetration of salt water or other alien matter into the well.

Details of the activities mentioned in the first paragraph, together with information on the result achieved, shall be included in the report to the Ministry mentioned in Section 70.

#### *Section 57*

Prior to the commencement of the activities mentioned in Section 56, the drilling platform shall be cleared of all unnecessary obstructions. Only the personnel necessary for the operation shall be on deck. All necessary precautions against fire shall be taken. The firefighting equipment shall be ready for immediate use.

After termination of the activities mentioned in Section 56, the well and drilling platform shall immediately be cleaned.

*Section 58*

During acidizing operations the personnel who may come in contact with acid shall be provided with protective clothing including hoods, gloves and boots.

Acid containers must be handled with care and shall during transport and use be properly secured so as to prevent movement, breakage or the inflicting of damage to the surroundings.

A sufficient amount of neutralizing material shall be easily available for neutralizing any spillage of acid.

*Section 59*

If coal or other natural resources are encountered during drilling, the Ministry shall within a reasonable time be informed about the nature and extent of such deposits. All necessary precautions must be taken to preserve exploitable deposits. The Ministry may issue instructions for the preservation of the discoveries.

*Section 60*

During drilling operations the necessary logs must be taken according to good oilfield practice. Such logs together with any analysis made thereof shall without delay be forwarded to the Ministry.

The Ministry shall receive a composite log of the well within six months after the completion of a well. Within the same time limit a final report concerning the well shall be transmitted to the Ministry.

*Section 61*

The finding of any petroleum deposits shall promptly be reported to the Ministry.

Within a reasonable time, complete information relating to the nature of the deposits and what further steps have been taken to determine the extent of the deposits and the results thereof, shall be submitted in writing to the Ministry. Furthermore, information shall be given as to whether the deposits are considered commercially exploitable. When the plan for exploitation is complete, it shall likewise be furnished to the Ministry.

*Section 62*

Wells where petroleum finds have been made shall be secured in a proper manner according to good oilfield practice, so as to facilitate production, protect the well against penetration of water or other alien matter into the well, to prevent the escape of petroleum from the well, and to protect the sea and air against pollution.

*Section 63*

The Ministry shall be informed at least twenty-four hours in advance of discontinuation of extended duration and resumption of drilling operations.

CHAPTER V  
ABANDONMENT OF WELLS

*Section 64*

The Ministry shall be informed at least 24 hours in advance of the abandonment of a well. The statement shall contain information as to the reasons why the well will be abandoned. In addition, a plan shall be submitted for the plugging, securing and abandonment.

The Ministry may stipulate a time limit within which each installation in or above the well shall be removed.

*Section 65*

When a well is abandoned, casings and cementing in the well must not be removed or destroyed except as provided in Section 67 without the written consent of the Ministry.

*Section 66*

An abandoned well shall be plugged—in accordance with good oilfield practice—with top cement plugs and with additional cement plugs in such a number, with such length and at such a distance between the individual plugs as is required in order to maintain complete control of the well and prevent the escape of petroleum from the well or penetration of salt water or other alien matter into the well.

The well, including the interval between the cement plugs, shall be filled with drilling fluid or other fluid of sufficient density to safely withstand, together with the plugs, any pressure which may develop within the well.

*Section 67*

When a well is abandoned, parts of casing and other installations protruding from the sea-bed must—except as provided in Section 64-66—be removed to such a depth that no obstruction remains which may cause danger or impediment to fishing or shipping. Before final abandonment of the well, the licensee must make sure that on the sea-bed and on the surface of or in the vicinity of the well-head no obstruction remains which result from his activity and which may cause damage or impediment to fishing, shipping or other activities.

CHAPTER VI  
REPORTS, SAMPLES ETC., RELATING TO DRILLING, FINDS AND  
ABANDONMENT OF THE WELL

*Section 68*

While drilling is in progress, the licensee shall keep a daily log of the drilling operations on a form approved by the Ministry. Such log shall be made at least in duplicate. One copy shall be filed at the licensee's office in Norway. The other copy shall at all times be retained at the platform and there be available for inspectors appointed by the Ministry.

*Section 69*

The daily log shall contain data on all operations during the day. Such information shall include:

- (a) Depth of the well at the beginning of the day.
- (b) Depth of the well at the end of the day.
- (c) Diameter of the well.
- (d) The geological formations encountered.
- (e) Characteristics of drilling fluid used.
- (f) Installation of casings.
- (g) If casings are installed, all relevant data concerning the installation, indicating the diameter, wall thickness, type, quality, weight and length, together with information whether new or used casings are employed and to what depth the casings have been installed.
- (h) Particulars concerning cementing.
- (i) Water, oil, gas etc., encountered.
- (j) Details concerning well-logs.
- (k) Deviation tests, formation tests, pressure tests, temperature measurements in the well as well as other tests undertaken.
- (l) Any other operations carried out, such as fishing up of broken drill pipes from the well, shooting, perforating, fracturing or acidizing of wells, completion and abandonment of the well etc.
- (m) When the Ministry so decides, what steps are taken to protect underwater tele-cables in the area.

The daily log shall further contain information about accidents, damages, injuries and other occurrences and other information which may be deemed to be of current or future interest to the authorities.

The Ministry may require further information concerning the activities carried out.

*Section 70*

As long as drilling operations are carried out in the areas mentioned in Section 1 and the well has not been completed or abandoned according to prevailing rules and regulations, the licensee shall transmit to the Ministry a weekly report of the activities. The report shall contain the information mentioned in Section 69 with regard to the week in question. This report shall be in the possession of the Ministry within the expiry of the following week.

*Section 71*

The licensee shall, when drilling is in progress, take samples from the drilling fluid of all rock types in all the geological formations penetrated.

When drilling is carried out in geological formation which may be of interest from petroleum point of view, such samples shall be taken at frequent intervals. In these instances the intervals ordinarily shall not exceed 10 meters.

All samples taken shall be washed, dried and preserved in bags suited for the purpose. They shall be labelled with the name of the well and contain information



on the date and depth of taking. The samples or parts thereof shall within 3 months after the completion or abandonment of the well be dispatched—at the expense of the licensee—to Norges geologiske undersøkelse (The Geological Survey of Norway).

Geologists of the Ministry and of the Institute shall at any time have access to the samples.

*Section 72*

The licensee shall, when it is deemed necessary, take and keep cores of the various geological formations penetrated. Within three months of the termination of the drilling, the licensee shall dispatch, at his own expense, complete longitudinal sections of each core to Norges geologiske undersøkelse. The longitudinal section shall contain not less than one fourth of the core. The Ministry shall receive copies of descriptions and analysis made of the core.

CHAPTER VII

ELECTRICAL INSTALLATIONS

*Section 73*

Electrical installations and electrical equipment of any nature shall be constructed, installed and maintained in such a manner as to prevent, as far as possible, danger of accidents, fires, explosions etc.

*Section 74*

During activity in the areas mentioned in Section 1 of this decree, the licensee and any other person mentioned in Section 3 shall comply with the electrical regulations for drilling platforms in force at any time.

The electrical installations, and equipment including generators, wires etc. must at any time conform to regulations in force.

*Section 75*

The drilling platform shall, for the purpose of electrical installations, be classified as danger areas. More detailed regulations relating to this classification as well as regulations relating to electrical installations within each danger area may be issued by the Ministry or anyone authorized by it.

*Section 76*

The generators, diesel engines etc., shall be placed at such distance from the derrick as to prevent, as far as possible, penetration into the generator room of inflammable gases etc. Generators, other principal electrical installations and diesel engines etc., shall be placed in compartments constructed of fire-proof materials.

The equipment shall be adequately powered to develop sufficient energy for carrying out the drilling in a satisfactory manner. Regard shall be had to increased demand for power due to unforeseen circumstances.

*Section 77*

Electrical installations shall be effectively earthed in accordance with the regulations in force.

All plants, machinery, derrick and other installations of steel, including containers for oil, gas etc., which may accumulate static electricity, shall likewise be earthed in conformity with the regulations in force.

*Section 78*

All electrical installations shall be protected in such a manner as to prevent higher voltage than prescribed, from being introduced into the wiring system.

*Section 79*

Electrical installations and wiring must be provided with adequate protection against the penetration of water, humidity etc. Special care must be taken where out-door installations and wiring are concerned.

*Section 80*

Electrical installations serving light- and sound-signals, blowout preventers, firefighting equipment etc. shall, when necessary, be equipped with a reserve wiring system which shall be routed and which shall work independently of the main system.

*Section 81*

Portable electrical equipment and lights used in danger areas on the platform shall be of explosion-proof construction. Only flashlights of an approved type shall be used on the platform.

*Section 82*

The drilling platform shall be equipped with a main switch for all electrical installations in danger areas. Such main switch shall be installed in a place easily accessible and outside danger areas. The main switch shall also be equipped with remote control from the control panel of the driller.

*Section 83*

A qualified electrician—approved by the Ministry or any one authorized by it—shall always be available on the platform. Only qualified electricians may carry out the following work on board:

(a) Installation and maintenance of electrical equipment and circuits.

(b) Necessary examinations and testing of electrical equipment and wiring including inspection that the earthing system is in order and that the electrical code in general is complied with.

The qualified electrician shall take care that electrical installations at all times are in conformity with the regulations in force.

CHAPTER VIII  
PREVENTION OF FIRE

*Section 84*

During activities in those areas mentioned in Section 1 of this decree, the regulations concerning the prevention of fire on drilling platform in force at any time must be complied with.

Sufficient care must be taken in connection with all activities which may cause fire. Special care must be shown in the handling and storing of inflammable equipment and material such as explosives, inflammable liquids and gases, materials which are known to cause self-ignition etc.

*Section 85*

On each platform there shall be appointed a person who shall have the daily responsibility for the firefighting services on board both with regard to the steps to be taken to prevent fire, as well as the steps to be taken if a fire should occur. Furthermore, a firefighting squad shall be organized consisting of a sufficient number of the personnel. This squad shall receive special training in fighting fires and explosions with the firefighting equipment at hand.

A firefighting plan shall be elaborated advising each employee of his place and task in case of fires. Regard must be had to the shift plans. On each shift a firefighting leader shall be appointed.

The personnel shall be acquainted with this firefighting plan which shall be made public on a conspicuous place on the platform.

Fire drills must be held regularly for the firefighting squad and the rest of the personnel.

A note shall be made in the daily log concerning fire drills held and checks made on the firefighting equipment.

*Section 86*

The platform with installations and equipment shall, as far as possible, be of a fire-proof construction.

The drilling platform shall be equipped with firefighting equipment of such type and in such number that effective firefighting operations are made possible. The equipment shall be installed in proper places and always ready for immediate use.

The fire pumps and their prime movers shall be constructed and placed in such a manner that sufficient pressure will be maintained in the fire hoses irrespective of the place on the platform where a fire might occur.

The engine room of the platform shall be equipped with a permanent main firefighting installation or other firefighting equipment deemed satisfactory by the Ministry or any one authorized by it.

*Section 87*

In addition to the equipment mentioned in Section 86, the platform shall be equipped with a sufficient number of approved mobile fire-extinguishers. These

shall be placed easily accessible in strategic positions on the platform and shall always be ready for use.

A sufficient quantity of refill material for the fire-extinguishers shall be available at the platform at all times.

*Section 88*

Adequate procedures shall be established on each platform to assure immediate detection and alarm of a fire.

Furthermore, the platform must be equipped with a fire warning system which can easily be heard all over the platform.

*Section 89*

Use of naked light, fire or working operations causing flying sparks are permitted only where such activities may occur without creating danger of fire or explosions. The permission of the person responsible for the firefighting on board must be obtained in each case in advance.

Smoking is permitted in the living quarters of the platform. Otherwise, smoking shall be permitted only in such areas and at such times where no danger is caused thereby. The person in charge of the platform shall decide on these questions.

Prohibition against smoking shall immediately be announced by a sufficient number of signs in Norwegian and the foreign language concerned in the place to which the prohibition applies.

*Section 90*

Welding and metal-cutting by gas or electricity shall be carried out in a safe manner and in accordance with the rules and regulations in force at any time. Permission must be obtained in advance from the person responsible for the firefighting on the platform. All necessary precautions must be taken during the performance of such work. The person responsible for the firefighting shall ensure especially that:

(a) The welding and cutting equipment are in full order.

(b) The place where welding and cutting are to be performed is free of gas and that no inflammable material of any kind is as far as possible present in the vicinity. Inflammable material which cannot be removed must be sufficiently protected.

(c) Firefighting personnel and sufficient firefighting equipment must be at hand.

After the completion of the work the working place shall be thoroughly checked so as to prevent that sparks or glow may cause fire.

CHAPTER IX

STORAGE AND USE OF EXPLOSIVES

*Section 91*

During transportation, storage and use of explosives, the safety regulations in force at any time shall be complied with.

*Section 92*

On a drilling platform only approved types of explosives, including detonator and booster, shall be used. The explosives shall be of such a type as to render them harmless by the effect of being in sea-water for a period of 24 hours at the maximum. Perforating charges and charges used for casing-cutting are not included in the foregoing requirement.

*Section 93*

Explosives shall be kept on board only during periods reasonably prior to their use, and only in such quantities as are required for the expected use.

*Section 94*

Explosives shall be stored in magazines which are specially approved for the purpose. Detonator, booster and explosives must be kept separate.

The magazines shall be so placed and constructed as to facilitate the throwing overboard of explosives in cases of emergencies.

*Section 95*

The transportation of explosives to and from the platform as well as loading and unloading, must be undertaken with the utmost care. The explosives must not be exposed to sunshine, rain, humidity, frost, etc.

*Section 96*

Explosives must be used by qualified persons only. Blastings must not be carried out under unfavourable weather conditions such as thunder and lightning storms etc.

Blastings shall, as far as possible, be carried out only during daylight.

*Section 97*

All necessary safety precautions must be taken while blastings are carried out.

Radio equipment and other equipment which may endanger blasting activities must not be used while blasting is carried out. Radio silence shall also be observed on ships and helicopters which are not at a safe distance from the platform considering the type and strength of the radio equipment.

Other activities involving similar risk are likewise prohibited. The landing and take-off of helicopters and mooring of vessels are likewise prohibited during this period. The provisions contained in Section 57 relating to safety measures apply correspondingly.

## CHAPTER X

## PERFORATING

*Section 98*

Perforating operations must be carried out in accordance with good oilfield practice and the rules and regulations in force at any time.

*Section 99*

All personnel except those required to perform the perforating work shall be kept away from the derrick floor and from the areas under the derrick floor, while the work is performed.

*Section 100*

During perforation work all necessary precautions must be taken including those prescribed in Section 57.

Extreme caution should be exercised to prevent premature firing. The provisions contained in Section 97 apply correspondingly.

*Section 101*

Ammunition for the perforating gun should be stored in metal containers properly earthed.

The provisions contained in Section 94 apply correspondingly so far as practical.

## CHAPTER XI

## TELECOMMUNICATIONS

*Section 102*

The drilling platform shall be equipped with radio communications according to the rules and regulations in force.

Before any platform is put into operation in the areas mentioned in Section 1, the above-mentioned installation shall be approved by the Ministry or any one authorized by it.

Inspection of the above-mentioned radio communication equipment shall be made whenever it is deemed necessary by the Ministry or any one authorized by it.

*Section 103*

The radio communication equipment mentioned in Section 102 shall be installed in adequate rooms for that purpose and shall be permanently installed so as to prevent it from being damaged or displaced by sudden movements of the platform.

*Section 104*

The radio installation shall only operate on approved frequencies and with approved power and in compliance with the conditions laid down in the radio communication licence issued for the said installation. It must be maintained and operated in accordance with the international conventions in force to which Norway is a party and in accordance with Norwegian laws and regulations.

Broadcasting (sound and television) from the platform is prohibited.

*Section 105*

The radio installations shall be operated by a radio operator holding an approved certificate in accordance with prevailing rules and regulations.

*Section 106*

During operations whereby the platform is lifted or lowered, see Section 18, and during other operations and manœuvres creating special danger such as landing and take-off of helicopters, mooring of vessels etc., the radio station shall be ready for use and manned with a radio operator.

*Section 107*

The radio installations mentioned in Section 102 shall cover the necessary connexions with approved fixed stations on land, ships, helicopters and other drilling platforms in the area.

The platform shall likewise be equipped with sufficient number of survival craft stations of an approved type for lifeboats and other survival craft.

CHAPTER XII  
COMMUNICATIONS

*Section 108*

The platform shall have at its disposal a system of communications consisting of ships and helicopters sufficient for good and safe operation and maintenance of the platform.

The system must be fully sufficient to meet any emergency which may occur. Special consideration must be paid to life, health and welfare of the crew of the platform.

*Section 109*

Before a platform is put into operation in the areas mentioned in Section 1, the licensee shall submit to the Ministry a plan covering the communication system mentioned in Section 108. The platform shall not be put into operations until this system has been approved by the Ministry.

*Section 110*

The drilling platform shall be constructed in such a manner as to permit the transfer of persons and goods to and from the platform without creating unreasonable danger or risks to human lives, platform, vessel or goods.

Vessels must not moor, be moored or remain alongside the platform when wind and weather conditions create dangers for the vessel or the platform.

The drilling platform shall be equipped with properly constructed and maintained fender systems, buoys systems or similar mooring devices offering safe transfer of persons and goods to or from the platform without creating hazards for platform, vessel, persons or goods. Alternate possibilities should exist for such mooring and transfer of persons and goods.

*Section 111*

Ships used for transport to and from the platform shall be constructed, equipped, manned and maintained in accordance with the rules and regulations in force at any time.

*Section 112*

The drilling platform to be used in the areas mentioned in Section 1, shall be equipped with an approved helicopterdeck.

The drilling platform shall be constructed in such a manner as to secure an unobstructed flight path for landing on and take-off from the helicopterdeck.

The drilling platform must be equipped with the installations and equipment which is deemed necessary for good and safe operations of helicopters to and from the platform in accordance with the rules and regulations in force at any time.

*Section 113*

Helicopters used for transport to and from the platform shall be constructed, equipped, manned and maintained in accordance with the rules and regulations in force.

The helicopters shall be of such type and have such capacity as to be able to serve the platform in a safe and satisfactory manner. The helicopters shall be constructed in such a manner or otherwise be equipped with such devices that they are able to land on the sea. The helicopters shall carry life-saving equipment, life-saving winch, firefighting equipment, first aid equipment and navigation and communication equipment in accordance with the rules and regulations in force and the approved flight manual.

Licence is required for helicopter service to and from the platform.

## CHAPTER XIII

## USE OF RADIOACTIVE EQUIPMENT

*Section 114*

Due care must be shown in the transport, storage, handling and use of radioactive material and equipment in order to avoid harmful effects to human life and health or other organic life in compliance with the international and Norwegian rules and regulations in force at any time.

Special care must be shown to avoid harmful effects to marine life.

*Section 115*

In sufficient time before radioactive equipment is put into use, the licensee is obliged to submit for approval to the Ministry or any one authorized by it a complete plan for the transport, storage and use thereof. The plan shall contain a description of the safety measures to be taken.

*Section 116*

The personnel to be occupied with the transport, storage, handling and use of the radioactive equipment, shall be specially trained for this task. The number of persons participating in this work or persons who otherwise may be exposed to the danger of radioactive rays, shall be reduced to a minimum.

All necessary precautionary measures must be taken to avoid harmful effects to the persons mentioned above and for the rest of the personnel on board.



Personnel engaged in the transport, storage, handling and use of radioactive material shall regularly be submitted to medical control and always undergo medical examination before being appointed to such work.

*Section 117*

Radioactive material and equipment with containers shall always be properly marked advising about the danger of radioactive rays. Storage rooms on board the platform and during transport shall be marked in a similar manner.

When not in use, radioactive material and equipment shall be kept in locked rooms. All other necessary measures shall be taken to avoid that such equipment may be lost or misplaced.

Radioactive material and equipment shall only be kept on board the platform during periods immediately prior to their use and only in such quantities as required for the immediate use.

*Section 118*

If radioactive material and equipment are misplaced or lost, the licensee shall immediately notify the Ministry or any one authorized by it.

Radioactive waste or packing material which has contained radioactive material, shall be disposed of in a safe and approved manner in accordance with the rules and regulations in force at any time. Such waste or material must in no event be thrown overboard.

CHAPTER XIV  
MISCELLANEOUS

*Section 119*

For such activities as mentioned in Section 1 in this decree, the rules and regulations in force at any time for the protection of the workers on board the drilling platform shall apply.

*Section 120*

The licensee, contractors and any other person working on board shall at all times take the necessary precautions to avoid accidents.

*Section 121*

The employees shall be equipped with safety helmets, safety boots, safety belts and other safety equipment which they are obliged to use when working conditions so require.

*Section 122*

No one shall be in areas where there is lack of oxygen or pollution of the air by inflammable or poisonous gases or by other obnoxious vapours or dust in such quantities as to endanger human life or health without being equipped with the necessary breathing apparatus.

*Section 123*

Before diving operations are commenced, a work plan shall be submitted for approval to the Ministry or any one authorized by it. The plan shall contain details concerning the equipment to be used in the diving operation, the manner in which the diving operations will be carried out and details with regard to what safety precautions have been taken to protect the life and health of the diver.

If the diver is not equipped with approved Norwegian Diver Certificate, permission must be obtained in advance from the Ministry or any one authorized by it for the diver or divers involved.

Diving operations must be carried out in a safe manner according to the rules and regulations in force at any time.

*Section 124*

Outdoor working areas shall if possible be screened and heated in safe manner during the winter season or when otherwise weather conditions so require.

*Section 125*

Working areas shall at all times be kept as clean and free from hindrances and impediments as possible. Possible hindrances, protruding points, low ceilings etc. shall be properly marked.

The drilling platform shall as far as possible be cleared of oil spillages, ice, snow, etc.

The living quarters shall at all times be properly cleared and kept in good order. The quarters shall have sufficient equipment and light to ensure the health and comfort of the personnel. The living quarters shall be properly ventilated and heated. The ventilation system shall be so constructed as to prevent the penetration of poisonous or obnoxious gases, dust, etc. through the system into the quarters. The ventilation system shall be equipped with main switches for immediate cutting off of system in case of danger of gases etc.

*Section 126*

The drilling platform shall as far as possible be equipped with a sick-bay (hospital room) with adequate facilities to care for the sick and injured. The platform shall have available complete first aid equipment in accordance with the rules and regulations in force at any time. The first aid equipment shall be sufficient to give at any time satisfactory aid on board and during transport ashore in connexion with any foreseeable accident or disease. The first aid equipment shall be available on immediate notice.

The platform shall be provided with resuscitating equipment which likewise shall be immediately available at all times.

On each shift at least one member of the personnel must have passed an approved first aid course.

A maximum number of the personnel shall be taught an approved method of artificial respiration.

Before drilling operations are started, arrangement shall be made with a medical association or a doctor to ensure that a doctor is available at all times for transport to the platform at the shortest possible notice to render medical aid on board in case it is not deemed advisable to move a sick or injured person.

*Section 127*

If a disease is discovered on the platform which may be of a contagious nature or otherwise be a risk to the health of the personnel or others, a Norwegian medical doctor shall be called to the platform without undue delay.

If fatalities and serious injuries to the personnel or to others occur, they shall immediately be notified to the Ministry or any one authorized by it. In addition an ordinary sick-report shall be forwarded in connexion with all accidents or diseases caused by the activities on board and which result in disabilities of more than three days of the above mentioned persons.

CHAPTER XV

FINAL PROVISIONS

*Section 128*

By violations of the provisions of this decree or of the provisions contained in regulations issued pursuant to this decree, the provisions contained in Sections 45 and 48 of the Royal Decree of 9th April, 1965 concerning exploration for and exploitation of petroleum deposits in the sea-bed or its subsoil apply correspondingly.

*Section 129*

Willful or gross negligent violations of the provisions of this decree or of the provisions contained in regulations issued pursuant to this decree are punishable according to the applicable law in force.

*Section 130*

This decree enters into force immediately.

## 34. PANAMA

ACT NO. 31 OF 2 FEBRUARY 1967, article 1<sup>1</sup>

## 35. PHILIPPINES

PROCLAMATION NO. 370 OF 20 MARCH 1968 BY THE PRESIDENT OF THE PHILIPPINES

*Declaring as Subject to the Jurisdiction and Control of the Republic of the Philippines all Mineral and Other Natural Resources in the Continental Shelf of the Philippines*

...

*Whereas*, the Congress of the Philippines, in Republic Act No. 387, as amended, known as the "Petroleum Act of 1949",<sup>2</sup> declared that "all natural deposits or occurrences of petroleum or natural gas in public and/or private lands in the Philippines, whether found in, on or under the surface of dry lands, creeks, rivers, lakes, or other submerged lands within the territorial waters, or on the continental shelf, or its analogue in an archipelago, seaward from the shores of the Philippines which are not within the territories of other countries, belong to the Republic of the Philippines inalienably and imprescriptively"; and

*Whereas*, it is established international practice sanctioned by the law of nations that a coastal state is vested with jurisdiction and control over the mineral and other natural resources in its sea-bed and subsoil of the continental shelf adjacent to its coasts but outside the area of the territorial sea to where the depth of the superjacent waters admits of the exploitation of such resources;

Now, Therefore, I, Ferdinand E. Marcos, President of the Philippines, do hereby proclaim that all the mineral and other natural resources in the sea-bed and subsoil of the continental shelf adjacent to the Philippines, but outside the area of its territorial sea to where the depth of the superjacent waters admits of the exploitation of such resources, including living organisms belonging to sedentary species, appertain to the Philippines and are subject to its exclusive jurisdiction and control for purposes of exploration and exploitation. In any case where the continental shelf is shared with an adjacent state, the boundary shall be determined by the Philippines and that state in accordance with legal and equitable principles. The character of the waters above these submarine areas as high seas and that of the airspace above those waters, is not affected by this proclamation.

...

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 34.

<sup>2</sup> Section 2 of Republic Act No. 387, reproduced in ST/LEG/SER.B/1, p. 19.

## 36. PORTUGAL

DECREE<sup>1</sup> No. 47,973 OF 30 SEPTEMBER 1967\*\*CHAPTER I  
CONCESSIONSSECTION I  
GRANTING OF CONCESSIONS*Article 1**Subject of the Decree. Definition of petroleum*

Concessions for the utilization of petroleum on the continental shelf of Portugal as referred to in Act No. 2080 of 21 March 1956 shall be granted by contract, subject to the provisions of articles II to IV of the said Act and in conformity with the provisions of the following articles of the present Decree.

*Sole paragraph.* For the purpose of this Decree, the term "petroleum" means any natural concentration or mixture of liquid or gaseous hydrocarbons, including all substances of any other nature which are found combined or mixed therewith or suspended therein. The term excludes natural hydrocarbons in the solid state and all concentrations which are exploitable only by means of extraction from the rock in which the concentration occurs.

*Article 2**Division of the continental shelf*

The continental shelf as referred to in the preceding article shall be divided into blocks in conformity with the map deposited with the Department of Mines and Geological Services. The dimensions of the blocks shall be 6' of longitude and 5' of latitude, except that the coastline, the 200-metre isobath or the maritime frontier shall constitute the limit of a block when it is contiguous thereto.

*Article 3**Methods of granting concessions. Concession area*

Subject to the authorization of the Council of Ministers, the Ministry of Economic Affairs shall, when it considers it appropriate to do so, call for bids on a competitive basis or undertake private negotiations for the granting of concessions embodying exclusive rights to petroleum prospecting, exploration and exploitation in specified areas comprising specified blocks of the continental shelf. The final arrangements shall be made by the Secretariat of State for Industry which, after the necessary investigation and formalities, shall submit the matter for consideration and decision to the Council of Ministers.

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<sup>1</sup> *Diário do Governo*, Series I, No. 229, of 30 September 1967, p. 1756.

*Sole paragraph.* The maximum area of each concession shall be twelve blocks, which, wherever possible, shall form a compact whole. More than one concession may be granted to the same undertaking.

#### *Article 4*

##### *Competitive bidding*

In case of competitive bidding, the concessions shall be granted to the bidder of proven technical and financial capacity whose proposal is considered most advantageous to the nation.

The Government reserves the right not to accept any of the bids.

#### *Article 5*

##### *Conditions of bidding*

In addition to such other conditions as may be established for competitive bidding in each particular case, there shall be required of each bidder:

(a) A minimum work programme, with an estimate of its cost, for a period of six years, which shall be the basis for the formulation of definitive programmes;

(b) A statement of the benefits offered to the State in addition to the minimum conditions laid down in this Decree;

(c) Documentary evidence of the bidder's technical and financial capacity;

(d) In the case of an alien, a statement whereby he waives the jurisdiction of any special court or body and, in all matters concerning the activities arising out of the concessions being sought, accepts the provisions of Portuguese law;

(e) A document certifying that the bidder has deposited with the *Caixa Geral de Depósitos, Crédito e Previdência* a sum of 20,000 escudos, plus 200 escudos for each block, which shall constitute a provisional deposit.

The provisional deposit shall become definitive in the case of a successful bidder and shall thereupon revert to the State.

#### *Article 6*

##### *Private negotiation*

In the case of private negotiations, the terms of the concession shall be drawn up with due regard for the provisions of the preceding article, and the deposit referred to in that article shall be made prior to the granting of the concession.

## SECTION II

### DURATION OF CONCESSIONS

#### *Article 7*

##### *Initial period. Conditions for extension*

A concession shall be valid for a period of six years from the date on which the relevant contract is signed. The concessionary shall be entitled to an extension of the concession for an additional period of forty years if he has adhered strictly

to the work programme and has complied with all the provisions of this Decree and with those of the relevant contract.

1. An application for such extension must be made to the Secretary of State for Industry not later than three months before the expiry of the initial six-year period.

The application shall be accompanied by a detailed account of all the work carried out, its results and the prospects for the future.

As the extension for the first three years shall apply to not more than 75 per cent of the number of blocks originally included in the concession, the concessionary shall state in his application which blocks he intends to retain.

2. After three years of the extension period have elapsed, the area of the concession shall be further reduced to not more than 50 per cent of the original number of blocks.

The concessionary shall state, in an application submitted to the Secretary of State for Industry not less than three months before expiry of the said period of three years, which blocks he intends to retain.

3. If the concessionary fails to submit an application within the time limits specified in the preceding paragraphs, he shall automatically lose his rights to the concession.

4. During any extension period the concessionary shall carry on such prospecting, exploration and exploitation activities as are conducive to the rapid development of the entire concession, in accordance with annual plans which shall be approved by the Secretary of State for Industry after consultation with the Department of Mines and Geological Services and the Hydrographic Institute.

#### *Article 8*

##### *Special extension*

An extension beyond the forty-year period referred to in the preceding article may, as an exceptional measure, be authorized by the Council of Ministers for Economic Affairs, on the proposal of the Ministry for Economic Affairs, when there are sound reasons for believing that a petroleum deposit will continue in production after the said period.

Such extension shall be requested by the concessionary at least two years prior to the date on which the concession expires.

*Sole paragraph.* The special conditions for such extension shall be laid down by the Council of Ministers.

#### *Article 9*

##### *Waiver*

A concessionary may at any time waive his rights to the relevant concession area. The waiver shall not dispense the concessionary from compliance with any obligations or responsibilities imposed by or arising from this Decree or with the special requirements laid down in the relevant contract, and it shall be subject to the following conditions:

(a) During the initial six-year period, the waiver shall become effective one year after the relevant declaration has been submitted to the Department of Mines and

Geological Services, and it shall apply to the entire concession area. As an exceptional measure, however, the Secretary of State for Industry may accept a waiver in respect of a part of the original area if the concessionary submits an acceptable revised programme for the area he intends to retain;

(b) During the forty-year extension period, the waiver shall become effective three months after the relevant declaration has been submitted to the Department of Mines and Geological Services, and it shall apply to all or part of the concession area.

...

#### *Article 11*

##### *Non-transferability of the concessionary rights*

Save with the prior authorization of the Council of Ministers, a concessionary may not alienate or otherwise transfer the concessionary rights either in whole or in part nor grant sub-concessions in respect of the concession area or a part thereof.

## CHAPTER II

### *MINING OPERATIONS*

#### SECTION I

#### EXECUTION OF THE WORK

#### *Article 16*

##### *Drilling, closing or abandonment of borings*

The conditions for the drilling, closing or abandonment of borings may be prescribed by the Department of Mines and Geological Services, which, whenever it considers it appropriate to do so for purposes of supervision in respect of the depth, direction, casing, sealing or discontinuance of a boring, shall have the boring and the relevant logs examined, subject to such conditions and by such persons as it considers appropriate; all the resulting expenditure shall be borne exclusively by the concessionary.

The closing of any boring shall be effected in an efficient and safe manner and only after approval of the relevant plan has been given by the aforementioned Department.

No boring may be abandoned without the prior consent in writing of the said Department.

...

#### *Article 17*

##### *Distance of borings from the boundaries of the concession area*

No boring may be drilled or operated within a distance of less than 100 metres from the boundaries of the concession area; provided that this distance may be



reduced by the Department of Mines and Geological Services in special cases where such action is justified.

...

#### *Article 19*

##### *Working methods. Safeguards to be observed*

It shall be incumbent upon the concessionary to keep all his equipment, instruments, installations and borings in safe condition and in a proper state of repair; to carry out all operations in a careful and responsible manner in accordance with accepted standards of petroleum technology; and, without prejudice to the regulations in force, to take all necessary steps to:

- (a) control the flow and prevent the escape or loss of petroleum or gas discovered or extracted in his concession area;
- (b) maintain the area in a suitable condition for production operations;
- (c) prevent damage which is apt to affect production levels;
- (d) prevent water from entering the producing horizons, except for the purpose of secondary recovery;
- (e) prevent the escape of petroleum or gas into the waters within his own concession area or neighbouring concession areas.

...

#### *Article 23*

##### *Fishing, navigation and scientific research*

No operations, even if they have been expressly authorized, may be carried out in such a way as unjustifiably to interfere with navigation, fishing or the conservation of the living resources of the sea or adversely to affect fundamental oceanographic or other scientific research; prior notice shall be given to the maritime authorities of any proposed operations.

#### *Article 24*

##### *Safety standards*

Adequate safety standards shall be observed in respect of the operations and of transport, installations and operating sites, and the concessionary shall comply with such written instructions as may be communicated to him by the Department of Mines and Geological Services for the purpose of safeguarding the safety, health and well-being of the persons employed in the area concerned and in the vicinity thereof.

To this end, consultations shall be held with the Ministry of Marine, and in particular with the Hydrographic Institute as regards marking problems and with the Department of Marine as regards rescue facilities.

#### *Article 25*

##### *Safety zone*

A safety zone shall be established around and above permanent or temporary installations and equipment, such as fixed drilling barges, drilling platforms, pumps and the like.

The safety zone shall be determined by the Ministry of Marine and may extend to a distance of 500 metres from the outer edge of the installations or equipment concerned.

The installations and equipment and the surface boundaries of the safety zone shall be suitably marked. Specific marking requirements shall be laid down in each case by the Ministry of Marine either on its own initiative or at the request of the concessionary.

*Sole paragraph.* Unless expressly authorized by the Ministry of Marine, ships, aircraft and other water-borne or air-borne vessels not connected with the operations shall be prohibited from entering the safety zone.

...

#### CHAPTER IV

##### *VALUATION AND MARKETING OF PETROLEUM*

...

#### *Article 38*

##### *Preferential treatment of Portuguese industry*

The concessionary shall, all other conditions being equal, give preference to meeting the needs of Portuguese industry.

#### *Article 39*

##### *Requisition by the Government*

In the event of war or other grave national emergency, all production shall be at the disposal of the Government, but the concessionary shall receive fair compensation, due regard being had for the information referred in articles 36 and 37.

#### *Article 40*

##### *Export*

The export of petroleum shall be subject to authorization by the Minister of Economic Affairs and to a system of regulations proposed by the Secretariats of State for Commerce and for Industry and approved by the aforesaid Minister after consultation with the Ministry of Finance.

#### CHAPTER V

##### *PAYMENTS TO THE STATE*

#### *Article 41*

##### *Tax system*

The concessionary shall be subject to the general tax system, without being entitled to the exemptions provided for in article 18 of the Industrial Taxation

Code, as approved by Legislative Decree No. 45,103 of 1 July 1963, and shall pay rent and royalties as provided in the following articles.

CHAPTER VI  
*EXEMPTIONS AND PRIVILEGES*

*Article 46*

*Exemption from customs duty*

Subject to the provisions of article 5 of Legislative Decree No. 43,962 of 14 October 1969, the Government shall exempt from import duty all equipment intended solely for such prospecting, exploration, development and exploitation operations and such treatment, transport and storage of products as are referred to in this Decree.

*Article 47*

*Foreign technical personnel*

In view of the specialized skills required by the nature of the operations to which this Decree refers, the concessionary may utilize such foreign specialists as may be necessary, provided that this shall be without prejudice to the preference which must be given to the employment of suitably qualified Portuguese personnel and the obligation of the concessionary to promote and accelerate this specialized training of such personnel with a view to the gradual replacement, as far as possible, of the foreign specialists.

*Article 48*

*Expropriation*

Concessionaries may, on the basis of a declaration of public convenience and necessity made by the Council of Ministers in accordance with the legislation in force, appropriate such land areas as are necessary for the erection on land of facilities for the storage of the petroleum extracted or other facilities indispensable to the purposes of the concession.

*Article 49*

*Confidential treatment of information*

All work programmes, reports and other items of information made available by the concessionary to official bodies shall be treated by them as confidential for a period of five years, which may be extended at the request of the concessionary who provided the same. Departments and agencies of the State may, however, make public information of a general nature concerning the progress of the work and the prospects of discovering petroleum.

*Sole paragraph.* Two years after a concessionary has waived or lost his rights, the information referred to in this article may be freely utilized.

...

## CHAPTER VIII

## PENALTIES

## Article 52

*Penalties*

Infringement of the provisions of this Decree shall be subject to the following penalties:

- (a) fine;
- (b) forfeiture of the concession.

*Sole paragraph.* Non-compliance by a concessionary by reason of *force majeure* shall not constitute an infringement.

## Article 53

*Fines*

Fines shall range from 5,000 to 300,000 escudos according to the seriousness of the infringement.

## Article 54

*Power to impose fines*

Fines not exceeding 50,000 escudos shall be imposed by the Department of Mines and Geological Services and fines from 50,000 to 300,000 escudos shall be imposed by the Secretary of State for Industry.

## Article 55

*Grounds for forfeiture*

The following shall be grounds for forfeiture of the concession:

- (a) Non-payment—within sixty days of receipt of the relevant notice by registered letter, with acknowledgement of receipt—of the rent or the concession royalties and of the fine imposed by reason of such non-payment where payment is not made within the time limits laid down by this Decree;
- (b) Serious violation of the conditions laid down by this Decree or by the relevant concession contract;
- (c) A fourth instance of non-compliance with the obligations imposed by this Decree or by the relevant concession contract;
- (d) Failure to comply with the approved work programmes;
- (e) Failure to furnish sureties within the time limits and in the amounts prescribed;
- (f) Bankruptcy of the concessionary.

*Sole paragraph.* The penalty of forfeiture shall be imposed by the Council of Ministers, on the proposal of the Secretariat of State for Industry.

The concessionary shall be granted a prior hearing in the cases dealt with in items (b), (c), (d) and (e).

## 37. SENEGAL

LOI PORTANT DÉLIMITATION DES EAUX TERRITORIALES, DE LA ZONE CONTIGUË ET DU PLATEAU CONTINENTAL AU LARGE DES CÔTES DU SÉNÉGAL (n° 61-51 du 21 juin 1961)

...

*Article 3.* Sur toute l'étendue du plateau continental, zone comprise entre la laisse de la plus basse mer et l'isobathe des fonds de 200 mètres, le Sénégal se réserve tous les droits quant à l'exploitation du sous-sol marin.

...

## 38. SINGAPORE

Singapore has not enacted any national legislation programmes concerning exploitation procedures, and research in natural resources of the sea-bed, ocean floor and subsoil, or safety practices in connexion with oil drilling and mining in marine areas.<sup>1</sup>

## 39. SOUTH AFRICA

TERRITORIAL WATERS ACT, 1963 (Act No. 87 of 1963), section 7<sup>2</sup>

## 40. SPAIN

(a) ACT<sup>3</sup> OF 26 DECEMBER 1958 INSTITUTING THE LEGAL RÉGIME FOR THE EXPLORATION AND EXPLOITATION OF OIL AND GAS\*\*

## CHAPTER I

## GENERAL PROVISIONS

1. This Act institutes the legal régime for the exploration and exploitation of oil and gas, the deposits of which in Spanish territory constitute an inalienable and imprescriptible national asset in accordance with the traditional provisions of Spanish mining law.

<sup>1</sup> The information was provided by the Permanent Mission of Singapore to the United Nations in a note SM/UN/800: 711/15/1/1 of 21 May 1968.

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 40.

<sup>3</sup> *Boletín Oficial*; 29 December 1958.

This Act shall apply to the following three zones:

Zone I. Peninsular territory, the Balearic Islands, the Canary Islands and Spanish territories in North Africa.

Zone II. Territories of Guinea.

Zone III. Territories of Spanish West Africa.

Each zone includes the corresponding territorial waters and continental shelf.

...

2. All activities pertaining to oil and gas prospecting, exploring, exploiting, storing and refining and to the transport of oil and gas by pipeline and other special conduits which are governed by this Act shall be declared to be of public utility.

5. Permits and concessions may be granted to any natural or legal person who, besides having the necessary legal capacity, shall have furnished proof to the Administration's satisfaction of the technical skill and financial capacity to carry out the operations to which the permit or concession refers.

6. Surface prospecting may be carried out freely except that in no case may permission of an exclusive nature be granted.

Exploration permits and exploitation concessions shall enable the holder to search for and exploit the substances to which this Act refers for a definite period of time within a specified area.

An exploitation concession shall give the holder the right to obtain authorization to store and transport such substances for the purposes for which it was granted. The appropriate authorizations shall give the holder the right to refine, store and transport them in the manner and within the limitations prescribed by this Act.

...

9. No foreign State or Government may, either directly or indirectly, through intermediary natural or legal persons, apply for, possess or acquire the permits and concessions to which this Act refers. The same prohibition shall apply to companies or other entities which are financially dependent on such States or Governments to the extent of holding more than one third of the actual votes in the board of management and general meeting of stockholders.

...

## CHAPTER VII

### AUTHORITY AND JURISDICTION

57. Holders of permits and concessions shall be unrestrictedly subject to the laws and courts of Spain.

The courts of Madrid shall have sole jurisdiction to hear cases arising under this Act between the holders and the State.

58. The State may inspect all work and activities connected with the exploration, exploitation, refining, storing and transport of the substances to which this Act refers in order to verify compliance with the obligations which the Act and its regulations impose on concession holders.

It may also inspect at any time the accounts of the concession holders and exercise all the activities of inspection and control incumbent upon it under this Act and its regulations, especially in order to verify compliance with the laws and administrative provisions relating to fiscal, social and labour matters.

...

61. The ordinary courts of justice shall deal with and rule on all matters pertaining to oil and gas permits and concessions arising between parties with respect to ownership, shares, debts and other civil affairs, as well as any common offences which may be committed on the actual premises of the parties' establishments.

Action by an ordinary court shall not obstruct administrative proceedings, the court's decision pertaining only to the economic aspects of the right at issue and not to the administrative order whereby it was granted, and shall not occasion suspension of the exploration, exploitation and other work, for which the posting of a bond may be required.

When the courts order the attachment of the products of exploitation, only a sum corresponding to the official valuation of such products may be attached as and when they are sold.

(b) DECREE 977/1959 OF 12 JUNE 1959.<sup>2</sup> REGULATIONS FOR IMPLEMENTING THE ACT<sup>2</sup> INSTITUTING THE LEGAL RÉGIME FOR THE EXPLORATION AND EXPLOITATION OF OIL AND GAS\*\*

## CHAPTER I

### GENERAL PROVISIONS

*Article 1.* The present regulations are supplementary and further to the Act of 26 December 1958 instituting the legal régime for the exploration and exploitation of oil and gas in accordance with the provisions of that Act, which governs the exploration, exploitation, refining, storage and transport of all kinds of oil and gas produced in the Spanish mainland, islands and territories in Africa.

## CHAPTER II

### SURFACE PROSPECTING

*Article 5.* In accordance with article 6 of the Act, surface prospecting may be carried out freely, except that in no case may permission of an exclusive nature be granted. Such surface prospecting shall include all geological and prospecting methods, by air and land, but not probes or geophysical methods requiring the use of explosives.

...

<sup>1</sup> *Boletín Oficial*, No. 142 of 15 June 1959, p. 8537.

<sup>2</sup> *Supra* under (a).

## CHAPTER III

## EXPLORATION PERMITS

*Article 8.* Any natural or legal person, whether national or foreign, to whom the disqualifications set forth in article 9 of the Act do not apply may, within the limitations imposed by articles 14 and 15 of the Act, obtain permits to explore for oil and gas and carry out, as appropriate, the exploitation which may derive therefrom, provided that he proves, at the time of application, or has previously proved, to the Bureau of Mines and Fuels, his technical and economic capacity to carry out such exploration.

...

*Article 16.* Where foreign natural or legal persons are concerned, they must prove that they have previously founded a Spanish company, or a foreign company having its head office in Spanish territory for the purposes of the oil and gas Act, the aim of which is precisely to engage in the activities authorized by the permits which may be obtained.

...

(c) DECREE 2615/1966 OF 7 SEPTEMBER 1966 PUBLISHING THE OFFICIAL GRID MAP OF SEA AREAS IN ZONE III (SAHARA)<sup>1\*\*</sup>

Article 1 of this Act of 26 December 1958 instituting the legal régime for the exploration and exploitation of oil and gas includes the corresponding waters and continental shelf under Spanish jurisdiction in each of three Zones into which, for all purposes of the Act, Spanish territory is considered to be divided.

Article 15, paragraph 1, sub-paragraph (b), of the regulations of 12 June 1959 for implementing the Act of 26 December 1958 instituting the legal régime for the exploration and exploitation of oil and gas provides that the areas applied for in Zones II and III and expressed in terms of square numbers shall be defined in accordance with the plan referred to in article 172 which also indicates the boundaries of the squares.

Since the techniques and methods of exploring and exploiting oil and gas in the subsoil of the sea-bed at low depths were at the experimental stage, the grid map did not initially cover sea areas in Zone III (Sahara), even though most of these areas were allotted and deemed to be incorporated, although their boundaries were not defined, in the corresponding coastal squares. However, since the aforesaid methods and techniques have been greatly improved and since most of the areas allotted have reverted to the State as reserves because the areas have been renounced by the concessionaires, it is advisable to publish the grid of the official map of Zone III for the sea areas under Spanish jurisdiction and the continental shelf.

...

*Article 1.* (1) Article 172 of the regulations for implementing the Act of 26 December 1958 instituting the legal régime for the exploration and exploitation

<sup>1</sup> *Boletín Oficial* No. 253 of 22 October 1966, p. 13353.



of oil and gas, approved by Decree of 12 June 1959, is hereby amended so as to include the following provision:

“The squares corresponding to sea areas in Zone III (Sahara) shown in the annexed map and with the boundaries indicated below shall also be deemed to be included in the grid referred to in article 15:

- “No. 1-a. – Northern boundary: 27° 40' N; southern boundary: 27° 20' N; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 27° 40' N and longitude 13° 28' W to the point of intersection of latitude 27° 20' N and longitude 13° 38' W; total area 101,686 hectares.
- “No. 8-a. – Northern boundary: 27° 20' N; southern boundary: 27° 00' N; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 27° 20' N and longitude 13° 38' W to the point of intersection of latitude 27° 00' N and longitude 13° 42' W; total area 108,722 hectares.
- “No. 15-a. – Northern boundary: 27° 00' N; southern boundary: 26° 40' N; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 27° 00' N and longitude 13° 42' W to the point of intersection of latitude 26° 40' N and longitude 14° 10' W; total area 153,132 hectares.
- “No. 22-a. – Northern boundary: 26° 40' N; southern boundary: 26° 20' N; eastern boundary: the coastline; western boundary; the line joining the point of intersection of latitude 26° 40' N and longitude 14° 10' W to the point of intersection of latitude 26° 20' N and longitude 14° 39' W; total area 168,505 hectares.
- “No. 30-a. – Northern boundary: 26° 20' N; southern boundary: 26° 00' N; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 26° 20' N and longitude 14° 39' W to the point of intersection of latitude 26° 00' N and longitude 15° 07' W; total area 164,756 hectares.
- “No. 39-a. – Northern boundary: 26° 00' N; southern boundary: 25° 40' N; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 26° 00' N and longitude 15° 07' W to the point of intersection of latitude 25° 40' N and longitude 15° 38' W; total area 322,661 hectares.
- “No. 43-a. – Northern boundary: 25° 40' N; southern boundary: 25° 20' N; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 25° 40' N and longitude 15° 38' W to the point of intersection of latitude 25° 20' N and longitude 16° 04' W; total area 413,151 hectares.
- “No. 47-a. – Northern boundary: 25° 20' N; southern boundary: 25° 00' N; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 25° 20' N and longitude 16° 04' W to the point of intersection of latitude 25° 00' N and longitude 16° 14' W; total area 477,868 hectares.
- “No. 51-a. – Northern boundary: 25° 00' N; southern boundary: 24° 20' N; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 25° 00' N and longitude 16° 14' W to the

- point of intersection of latitude 24° 20' N and longitude 16° 42' W; total area 1,04,275 hectares.
- “No. 60-a. – Northern boundary: 24° 20' N; southern boundary: 24° 00' N; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 24° 20' N and longitude 16° 42' W to the point of intersection of latitude 24° 00' N and longitude 16° 47' W; total area 460,568 hectares.
- “No. 65-a. – Northern boundary: 24° 00' N; southern boundary: 23° 20' N; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 24° 00' N and longitude 16° 47' W to the point of intersection of latitude 23° 20' N and longitude 17° 05' W; total area 841,338 hectares.
- “No. 77-a. – Northern boundary: 23° 20' N; southern boundary: 23° 00' N; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 23° 20' N and longitude 17° 05' W to the point of intersection of latitude 23° 00' N and longitude 17° 13' W, total area 377,994 hectares.
- “No. 82-a. – Northern boundary: 23° 00' N; southern boundary: 22° 40' N; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 23° 00' N and longitude 17° 13' W to the point of intersection of latitude 22° 40' N and longitude 17° 19' W; total area 379,273 hectares.
- “No. 82-b. – Northern boundary: 22° 40' N; southern boundary: 22° 20' N; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 22° 40' N and longitude 17° 19' W to the point of intersection of latitude 22° 20' N and longitude 17° 27' W; total area 361,186 hectares.
- “No. 91-a. – Northern boundary: 22° 20' N; southern boundary: 22° 00' N; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 22° 20' N and longitude 17° 27' W to the point of intersection of latitude 22° 00' N and longitude 17° 29' W; total area 267,118 hectares.
- “No. 97-a. – Northern boundary: 22° 00' N; southern boundary: 21° 40' N; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 22° 00' N and longitude 17° 29' W to the point of intersection of latitude 21° 40' N and longitude 17° 30' W; total area 213,288 hectares.
- “No. 97-b. – Northern boundary: 21° 40' N; southern boundary: 21° 20' N; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 21° 40' N and longitude 17° 30' W to the point of intersection of latitude 21° 20' N and longitude 17° 32' W; total area 197,824 hectares.
- “No. 97-c. – Northern boundary: 21° 20' N; southern boundary: 21° 00' N; eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 21° 00' N and longitude 17° 32' W to the point of intersection of latitude 21° 00' N and longitude 17° 36' W; total area 198,274 hectares.
- “No. 97-d. – Northern boundary: 21° 00' N; southern boundary: 20° 46' N;

eastern boundary: the coastline; western boundary: the line joining the point of intersection of latitude 21° 00' N and longitude 17° 36' W to the point of intersection of latitude 20° 46' N and longitude 17° 48' W; total area 165,970 hectares.

All longitudes are in relation to the Greenwich meridian.

“The zone of sovereignty over the continental shelf of the above-mentioned territory not covered by the squares specified above may be the subject of later demarcation.”

(II) The map referred to in the added provision constitutes the annex to this Decree, and shall be published as a map annexed to the regulations.

*Article 2.* Squares Nos. 1-a, 8-a, 15-a, 22-a, 30-a, 39-a, 43-a, 60-a, 77-a, 97-a, 97-b, 97-c and 97-d are included in areas which have reverted to the State as reserves, having been renounced by the concessionnaires, and shall continue to be reserves.

Squares Nos. 82-a, 82-b and 91-a, which have never been allotted, shall continue to be free and subject to registration.

Squares Nos. 47-a, 51-a and 65-a, the perimeters of which are included in the concessions granted to the Spanish Gulf Company and the *Compañía Española de Petróleos, S.A.*, jointly, under Decree 195 of 11 February 1960 and Decree 1608 of 10 August 1960 shall continue to be allotted to those companies.

#### 41. SWEDEN

(a) ACT NO. 314 OF 3 JUNE 1966 CONCERNING THE CONTINENTAL SHELF<sup>1\*\*</sup>

##### *Article 1*

For the purpose of this Act the term “continental shelf” shall mean the sea-bed and its subsoil within Swedish public waters and within such an area of the sea outside the territorial limits as the Government may determine in accordance with the Convention on the Continental Shelf signed at Geneva on 29 April 1958.

The term “natural resources of the continental shelf” in this Act shall be interpreted to mean the mineral and other non-living natural resources on the sea-bed and in its subsoil and such living organisms as, at their harvestable stage, are either immobile on or under the sea-bed, or are unable to move unless they are in constant contact with the sea-bed or its subsoil.

Within Swedish public waters this Act shall not apply to the exploration and exploitation of those minerals for which mining concessions can be taken out under the Mining Act of 3 June 1938 (No. 314). Nor does it apply to the harvesting of such living natural resources as are covered by Swedish fisheries legislation.

<sup>1</sup> *Svensk författningssamling*, 1966, 27 June 1966, p. 735. Entered into force on 1 July 1966.

*Article 2*

The right to explore the continental shelf and to extract its natural resources shall vest in the State.

*Article 3*

The Government, or such authority as it may designate, shall have the right to grant a concession<sup>1</sup> to another party to explore the continental shelf by means of geophysical measurements, drilling or other methods, and to extract its natural resources.

The concession shall be for a definite area and a fixed period.

The Government shall have the right to prescribe that certain of the activities referred to in the first paragraph hereof may be engaged in without a concession.

*Article 4*

A concession may be made subject to such conditions as the public interest may require, for example, as regards the management of the enterprise concerned, the methods of carrying out the work, the installations on the continental shelf for the work, charts of the work, sampling, reporting on activities, utilization of the products and measures for safeguarding any deposit found or drill-hole, and instructions for preventing water pollution or for protecting shipping, fishing or other public or private interests.

When a concession is granted, a decision may be taken concerning the extent to which exploration or extraction is to be undertaken for the right deriving from the concession to remain in force.

The concession may also include conditions relating to the participation of the State in the undertaking, or to the payment to the State of fees for the concession, calculated in relation to the quantity or value of the products extracted or otherwise or as a share of the products, and any similar conditions.

...

*Article 6*

The Government, or an authority designated by it, shall have the right to order that a safety zone be instituted to protect an installation set up for the exploration of the continental shelf or for the extraction of its natural resources. Such a safety zone shall extend not more than 500 metres from the outer limit of the installation. The Government, or the authority designated by it, shall also have the right to issue such instructions as may be required for safeguarding such a zone. Unless otherwise provided in this Act or in any regulations which, by virtue of this Act, may be promulgated by the Government or the authority designated by it, ships shall not be permitted to sail into the safety zone without the consent of the owner of the installation.

...

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<sup>1</sup> According to the information provided by the Permanent Representative of Sweden to the United Nations in his note of 6 June 1968, no such concession has yet been granted. No practice has, therefore, been established concerning such special regulations as are mentioned in paragraph 4 of the Act. It is, however, expected that such concessions may come to be granted to a mixed State and privately owned company specialized in oil and natural gas prospecting. Legislation for the creation of such a company is presently being elaborated.

*Article 8*

An authority designated by the Government shall be responsible for ensuring compliance with the instructions and conditions to which a concession is subject.

When requested by the supervising authority, the holder of a concession shall give such information and transmit such documents as are necessary for exercising supervision. The supervising authority shall have the right to issue regulations in order to ensure compliance with the stipulations and conditions applying to the concession.

Persons responsible for supervision shall have the right of access to any installation, ship or aircraft upon which work covered by the concession is being done and the right to obtain information concerning any circumstance of importance for the purpose of carrying out the instructions and conditions applying to the concession.

...

*Article 10*

In installations or security zones outside Swedish territorial limits Swedish law shall apply, except as provided in the Mining Act, the Coal Deposits etc. Act of 28 May 1886 (No. 46), the Uranium Act of 2 December 1960 (No. 679), the Water Act and the legislation relating to game and fisheries. In this connexion, the installations and zones shall be deemed to be situated within the nearest part of Swedish territorial waters.

Products extracted outside Swedish territorial waters shall be deemed to have been extracted in Sweden.

*Article 11*

Any unauthorized person who explores the continental shelf or extracts its natural resources or prepares for such exploration or extraction shall be liable to a fine or to a maximum of six months' imprisonment.

Any person who

(1) disobeys an instruction issued in pursuance of the first paragraph of article 4 thereof;

(2) fails to comply with the requirements or instructions of the supervising authority issued in pursuance of the second or third paragraph of article 8 hereof; or

(3) either wilfully or through gross negligence gives incorrect information in discharging his obligation to provide information in accordance with the terms of the concession, or as directed or imposed in accordance with the second paragraph of article 8 hereof; shall be liable to the same punishment.

Any person who disobeys the order in article 6 hereof not to sail into the safety zone, or the instructions for safeguarding such a zone, shall be liable to a fine.

*Article 13*

No person who has, or has had, to exercise supervision to ensure compliance with this Act or instructions or conditions issued by virtue of this Act, or who has acted as an assistant in the exercise of such supervision, or who has otherwise had to concern himself with the matters to which the Act refers, may disclose or make

unauthorized use of trade secrets which have thereby become known to him; nor may he, unless this is deemed desirable in the interests of his duties, reveal a working process or commercial data with which he has thus become acquainted. Any person who contravenes these provisions shall be liable to a fine or to a maximum of one year's imprisonment.

Any alien who has committed, outside Sweden, any of the offences referred to in article 11 or article 13 hereof shall, if he is in Sweden, be tried by a Swedish court of law in accordance with this Act even if chapter 2, article 2 or article 3, of the Criminal Code does not apply.

Legal proceedings in respect of the offences referred to in the first and third paragraphs of article 11 hereof may not be instituted unless a decree to that effect has been issued by the Government or by the authority empowered by it to issue such a decree.

Proceedings in respect of offences referred to in article 13 may not be instituted until information has been given by the plaintiff.

(b) REGULATIONS<sup>1</sup> NO. 315 OF 3 JUNE 1966 RELATING TO THE IMPLEMENTATION OF THE ACT<sup>2</sup> NO. 314 OF 3 JUNE 1966 CONCERNING THE CONTINENTAL SHELF\*\*

*Article 1*

Outside Swedish territorial limits, the Act concerning the continental shelf shall apply to the sea area in which Sweden has the sovereign right to explore the continental shelf and to utilize its natural resources under the Convention on the Continental Shelf, signed at Geneva on 29 April 1958.

...

*Article 3*

No concession pursuant to the Act concerning the continental shelf shall be required for harvesting living organisms.

Nor shall any such concession be required for scientific explorations carried out by Swedish scientific institutions if the work can be done without jeopardizing activities carried out under a concession. The same shall apply to any other exploration carried out by Swedish individuals or corporations in Swedish public waters, unless the exploration is for salt, oil or gas, or involves blasting, drilling, the setting up of an installation, or any other major intrusion on nature.

Explorations of the kind referred to in the second paragraph hereof shall be reported in writing to the Board of Trade not less than one fortnight before the work begins.

...

*Article 6*

The exploration of the continental shelf and the extraction of its natural resources shall not be carried out in such a way that they damage submarine cables or interfere unduly with shipping, fishing or the biological resources of the sea.

<sup>1</sup> *Ibid.*, 27 June 1966, p. 738. Entered into force on 1 July 1966.

<sup>2</sup> *Supra* (a).

The holder of a concession under the Act concerning the continental shelf shall permit cables and pipes to be laid or maintained within the area covered by the concession to the extent that such work is done without unduly obstructing the concessionaire's activities.

Concessionaires shall also permit basic oceanographic research or any other scientific research intended for general publication to be carried out within the area covered by the concession.

#### 42. TOGO

En ce qui concerne le plateau continental et la zone contiguë, le Gouvernement de la République togolaise se réserve le droit d'adopter des mesures de protection des espèces animales, de conservation et d'exploitation des richesses minérales<sup>1</sup>.

#### 43. TURKEY

No legislation exists at present in Turkey on continental shelf and on exploitation procedures and research in natural resources of the sea-bed, ocean-floor and subsoil. According to current regulations, permission for oil drilling within continental shelf is subject to a decision by the Council of Ministers. In granting such permission, it is normally stipulated that those undertaking the drilling should conform to the provisions of the Convention on Continental Shelf.<sup>2</sup>

#### 44. UNION OF SOVIET SOCIALIST REPUBLICS

(a) DECREE<sup>3</sup> OF THE PRESIDIUM OF THE SUPREME SOVIET OF THE UNION OF SOVIET SOCIALIST REPUBLICS DATED 6 FEBRUARY 1968 ENTITLED "ON THE CONTINENTAL SHELF OF THE USSR" \*\*

1. The USSR exercises sovereign rights over the continental shelf adjacent to the outer limit of the territorial sea of the USSR, for the purpose of exploring it and exploiting its natural resources.

<sup>1</sup> Renseignement fourni par la Mission permanente du Togo auprès de l'Organisation des Nations Unies dans sa note n° A III<sup>2</sup>/16/MPT-ONU du 21 mai 1968.

<sup>2</sup> The information was provided by the Permanent Representative of Turkey to the United Nations in his note of 9 May 1968.

<sup>3</sup> *Bulletin of the Supreme Soviet of the Union of Soviet Socialist Republics* No. 6 (1404) of 6 February 1968.

The continental shelf of the USSR consists of the sea-bed and the subsoil of the submarine areas adjacent to the coast or to the islands of the USSR but outside the area of the territorial sea, to a depth of 200 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.

The sea-bed and the subsoil of depressions entirely surrounded by the continental shelf of the USSR, irrespective of their depth, are part of the continental shelf of the USSR.

2. Where the boundary of the continental shelf of the USSR is adjacent to those of other States, that boundary shall be determined by agreements with those States. In the absence of such agreements, and unless another boundary line is justified by special circumstances:

(a) The boundary of the continental shelf of the USSR with a State whose coasts are opposite those of the USSR shall be the median line, every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea of the USSR and of the other State is measured;

(b) The boundary of the continental shelf of the USSR with a State whose shelf is contiguous to that of the USSR shall be determined by application of the principle of equidistance from the nearest points of the baselines from which the breadth of the territorial sea of the USSR and of the other State is measured.

3. The natural resources of the continental shelf are the State property of the USSR. The exploration and exploitation of those resources and any research on the continental shelf shall be carried out in accordance with the current legislation of the Union of Soviet Socialist Republics and the union republics.

The natural resources of the continental shelf mean the mineral and other non-living resources of the sea-bed and the subsoil, together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the sea-bed or are unable to move except in constant physical contact with the sea-bed or the subsoil. A list of the species of living organisms which are natural resources of the continental shelf of the USSR shall be drawn up by the Ministry of Fishing of the USSR and published for purposes of general information.

4. For the purpose of the exploration and exploitation of the natural resources of the continental shelf, the competent authorities of the USSR shall authorize the construction of installations and other devices and the establishment around such installations and devices of safety zones which may extend to a distance of 500 metres from the installations and devices, measured from any point on their outer edge. The construction of any such installations and devices and of the establishment of safety zones shall be announced in the "Notices to Navigators" of the Hydrographic Department of the Ministry of Defence of the USSR.

These installations or devices and the safety zones around them shall not be established where interference may be caused to the use of recognized sea lanes essential to international navigation.

Such installations and devices and the safety zones around them shall be under the jurisdiction of the Union of Soviet Socialist Republics.

Foreign ships may enter the safety zones only with the special permission of the competent Soviet authorities.



The organization responsible for the maintenance and operation of such installations and devices shall be obliged to protect them, to maintain permanent means for giving warning of their presence and to undertake, in the safety zones, measures for the protection of the living resources of the sea from harmful agents. Any installations or devices which are permanently disused must be entirely removed.

5. Foreign physical and juridical persons shall be prohibited from surveying, exploring or exploiting the natural resources or carrying on any other activity on the continental shelf of the USSR unless such activity is specifically provided for by an agreement between the USSR and the foreign State concerned or by special permission granted by the competent authorities of the USSR.

6. Persons guilty of violating this Decree may be sentenced by a court to a fine of up to 10,000 roubles or imprisonment for up to one year or both, unless the legislation of the Union of Soviet Socialist Republics and the union republics provides a stricter punishment for the violation in question.

7. If article 5 of this Decree is violated, the vessel and all the instruments and tools used by the person committing the violation and anything which has been obtained illegally shall be liable to confiscation.

8. The task of protecting the natural resources of the continental shelf of the USSR shall be the responsibility of the fisheries supervision bodies which, in performing their duties, shall be guided by the current legislation of the Union of Soviet Socialist Republics and the union republics, and by agreements of the Union of Soviet Socialist Republics and the union republics with other States.

Where necessary, border guards shall assist the above-mentioned bodies in taking action to protect the natural resources of the continental shelf of the USSR.

9. The task of checking that the mineral and other non-living resources of the continental shelf of the USSR are being properly exploited shall be the responsibility of the organs of the State Inspectorate of Mine Engineering of the USSR, which shall be guided by the current regulations, instructions and other regulatory enactments designed to protect the country's mineral wealth.

**(b) RESOLUTION NO. 564 OF 18 JULY 1969 OF THE COUNCIL OF MINISTERS OF THE USSR CONCERNING THE PROCEDURE FOR CARRYING OUT WORK ON THE CONTINENTAL SHELF AND THE PROTECTION OF ITS NATURAL RESOURCES\*\***

In accordance with the Decree of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics dated 6 February 1968, entitled "On the continental shelf of the USSR", and with a view to ensuring the rational utilization of the natural resources of the continental shelf of the USSR, the Council of Ministers of the Union of Soviet Socialist Republics has resolved that:

1. The study, exploration and exploitation of the natural resources of the continental shelf of the USSR shall be permitted after registration according to the procedure prescribed by the present Resolution.

Registration shall be required in the case of operations concerned with the study, exploration and exploitation of natural resources of the continental shelf of the USSR if such operations are to be carried out on the sea-bed or in the subsoil of the submarine areas adjacent to the outer limit of the territorial sea of the USSR

to a depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits of the aforementioned operations being carried out, and also on the sea-bed or in the subsoil of depressions entirely surrounded by the continental shelf of the USSR, irrespective of their depth, save as otherwise provided in an international agreement to which the USSR is a party.

2. The registration of operations concerned with the study, exploration and exploitation of natural resources of the continental shelf of the USSR shall be effected:

(a) By the authorities of the Ministry of Geology of the USSR, in the case of study and exploration of mineral and other non-living resources of the continental shelf;

(b) By those authorities of the State Mining Inspectorate of the USSR responsible for issuing mining concessions, in the case of exploitation of mineral and other non-living resources of the continental shelf;

(c) By the fishery conservation authorities of the Ministry of Fisheries of the USSR in the case of study, exploration and the taking, on the continental shelf, of living organisms belonging to sedentary species.

The procedure for the registration of operations carried out on the continental shelf of the USSR shall be established by the Ministries and departments effecting such registration, in consultation with the Ministry of Defence of the USSR, the State Security Committee of the Council of Ministers of the USSR, and the Ministry of Fisheries of the USSR.

Compliance with the requirements of the present section shall not dispense foreign bodies corporate and individuals or Soviet organizations from the obligation to obtain the appropriate permit for the execution of work in cases where the obtaining of such a permit is prescribed by the legislation in force.

3. Permits for the construction of installations and other devices on the continental shelf of the USSR for the purposes of study, exploration and exploitation of its natural resources and permits for the establishment of safety zones around such installations and devices shall be issued by the Ministry of Defence of the USSR in accordance with regulations established by the said Ministry in consultation with the State Security Committee of the Council of Ministers of the USSR, the Ministry of Foreign Affairs of the USSR, the Ministry of the Merchant Marine, the Ministry of Fisheries of the USSR, the Ministry of Geology of the USSR, the State Mining Inspectorate of the USSR and the Ministry of Reclamation and Water Resources Management of the USSR.

Permits for foreign vessels to enter the safety zones shall be issued by the Ministries and departments engaged in operations on the continental shelf of the USSR, in consultation with the Ministry of Defence of the USSR and the State Security Committee of the Council of Ministers of the USSR.

4. The construction of installations and other devices on the continental shelf of the USSR, and the maintenance, operation, protection and dismantling thereof, shall be carried out in accordance with regulations established by the Ministries and departments engaged in the exploration and exploitation of the natural resources of the continental shelf, in consultation with the Ministry of Defence of the USSR, the State Security Committee of the Council of Ministers of the USSR, the Ministry of Fisheries of the USSR, the State Mining Inspectorate

of the USSR and the Ministry of Reclamation and Water Resources Management of the USSR.

Regulations governing the establishment of safety zones and navigation procedures within such zones shall be established by the Ministry of Defence of the USSR.

5. Organizations and persons carrying out work on the continental shelf of the USSR shall be required to utilize the natural resources of the continental shelf in a rational manner, prevent the continental shelf and the superjacent waters from being polluted by industrial or other commercial refuse, sewage, radioactive substances or industrial waste, and take measures for protecting plant and animal life.

6. Operations on the continental shelf of the USSR must be carried out in compliance with:

(a) The regulations governing the study and exploration of the mineral and other non-living resources of the continental shelf, established by the Ministry of Geology of the USSR in consultation with the Ministry of Fisheries of the USSR;

(b) The safety regulations governing the execution of work on the continental shelf and the regulations governing the exploitation and protection of the mineral and other non-living resources of the continental shelf, established by the State Mining Inspectorate of the USSR in consultation with the Ministry of Fisheries of the USSR and the other Ministries and departments concerned;

(c) The regulations governing the study and exploration, and the taking and protection, on the continental shelf, of living organisms belonging to sedentary species, established by the Ministry of Fisheries of the USSR.

...

#### 45. UNITED KINGDOM

(a) CONTINENTAL SHELF ACT 1964 (1964 Chapter 29; 15 April 1964)

##### 1. *Exploration and exploitation of continental shelf*

(1) Any rights exercisable by the United Kingdom outside territorial waters with respect to the sea-bed and subsoil and their natural resources, except so far as they are exercisable in relation to coal, are hereby vested in Her Majesty.

(2) In relation to any coal with respect to which those rights are exercisable the Coal Industry Nationalisation Act 1946 shall apply as it applies in relation to coal in Great Britain, but with the modification that the National Coal Board shall not engage in any operations for the purpose of working or getting the coal without the consent of the Minister of Power, which may be given on such terms and subject to such conditions as he thinks fit.

(3) In relation to any petroleum with respect to which those rights are exercisable sections 2 and 6 of the Petroleum (Production) Act 1934 (which relate to the granting of licences to search and bore for, and get, petroleum) shall apply as they apply in

relation to petroleum in Great Britain, and section 3 of that Act (which enables persons holding licences under that Act to acquire ancillary rights) and section 5 of that Act (which makes provision as to receipts and expenditure under that Act) shall have effect as if this subsection were part of that Act.

...

(7) Her Majesty may from time to time by Order in Council designate any area as an area within which the rights mentioned in subsection (1) of this section are exercisable, and any area so designated is in this Act referred to as a designated area.

...

## 2. *Protection of installations in designated areas*

(1) The Minister of Power may for the purpose of protecting any installation in a designated area by order made by statutory instrument prohibit ships, subject to any exceptions provided by the order, from entering without his consent such part of that area as may be specified in the order.

...

## 3. *Application of criminal and civil law*

(1) Any act or omission which—

(a) takes place on, under or above an installation in a designated area or any waters within five hundred metres of such an installation; and

(b) would, if taking place in any part of the United Kingdom, constitute an offence under the law in force in that part, shall be treated for the purposes of that law as taking place in that part.

...

## 4. *Safety of navigation*

(1) Part II of the Coast Protection Act 1949 (which requires the consent of the Minister of Transport to the carrying out of certain works on the sea-shore if obstruction or danger to navigation is likely to result) except section 34(1)(b) (which restricts the deposit of materials) shall apply in relation to any part of the sea-bed in a designated area as it applies in relation to the sea-shore; and section 46 of that Act (local inquiries) shall extend to any matter arising under this section)

## 5. *Discharge of oil*

(1) If any oil to which section 1 of the Oil in Navigable Waters Act 1955 applies or any mixture containing not less than one hundred parts of such oil in a million parts of the mixture is discharged or escapes into any part of the sea—

(a) from a pipe-line; or

(b) (otherwise than from a ship) as the result of any operations for the exploration of the sea-bed and subsoil or the exploitation of their natural resources in a designated area,

the owner of the pipe-line or, as the case may be, the person carrying on the operations shall be guilty of an offence unless he proves, in the case of a discharge from

a place in his occupation, that it was due to the act of a person who was there without his permission (express or implied) or, in the case of an escape, that he took all reasonable care to prevent it and that as soon as practicable after it was discovered all reasonable steps were taken for stopping or reducing it.

...

#### 8. *Submarine cables and pipe-lines*

(1) Section 3 (punishment for damaging cables) of the Submarine Telegraph Act 1885 and Article IV and paragraph 1 of Article VII (liability to pay compensation for damage to cables and for loss of gear sacrificed to avoid such damage) of the Convention set out in the Schedule to that Act (which by virtue of section 2 thereof has the force of law) shall apply in relation to all submarine cables under the high seas (and not only to those to which that Convention applies) and to pipe-lines under the high seas; and the said section 3 shall be construed as referring to telephonic as well as telegraphic communication, and, in relation to high-voltage power cables and to pipe-lines, as if the words from "in such manner" to the end of subsection (1) were omitted.

...

#### 9. *Use and supply of gas*

(1) The following provisions of this section shall have effect with respect to the use and supply of any natural gas gotten in pursuance of a licence under the Petroleum (Production) Act 1934 as applied by section 1(3) of this Act, and section 52 of the Gas Act 1948 shall not apply to any such gas.

(2) The holder of the licence shall not without the consent of the Minister of Power use the gas in Great Britain and no person shall without that consent supply the gas to any other person at premises in Great Britain.

...

#### 11. *Prosecution of offences, etc.*

(1) Proceedings for any offence under this Act (including an offence under another Act as applied by or under this Act and anything that is an offence by virtue of section 3(1) of this Act) may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

#### (b) CONTINENTAL SHELF (DESIGNATION OF AREAS) ORDER 1964<sup>1</sup> (12 MAY 1964)

...

2. The rights exercisable by the United Kingdom outside territorial waters with respect to the sea-bed and subsoil and their natural resources may be exercised in the area bounded:

<sup>1</sup> *Statutory Instruments* 1964, No. 697.

(a) on the East by lines joining the following co-ordinates

- |                               |                         |
|-------------------------------|-------------------------|
| (1) 61° 00'N: 1° 48'E;        | (2) 59° 40'N: 1° 48'E;  |
| (3) 59° 40'N: 1° 36'E;        | (4) 59° 20'N: 1° 36'E;  |
| (5) 59° 20'N: 1° 24'E;        | (6) 58° 10'N: 1° 24'E;  |
| (7) 58° 10'N: 1° 36'E;        | (8) 58° 00'N: 1° 36'E;  |
| (9) 58° 00'N: 1° 48'E;        | (10) 57° 40'N: 1° 48'E; |
| (11) 57° 40'N: 2° 00'E;       | (12) 57° 20'N: 2° 00'E; |
| (13) 57° 20'N: 2° 12'E;       | (14) 56° 50'N: 2° 12'E; |
| (15) 56° 50'N: 2° 24'E;       | (16) 56° 30'N: 2° 24'E; |
| (17) 56° 30'N: 2° 36'E;       | (18) 56° 20'N: 2° 36'E; |
| (19) 56° 20'N: 2° 48'E;       | (20) 56° 10'N: 2° 48'E; |
| (21) 56° 10'N: 3° 00'E;       | (22) 56° 00'N: 3° 00'E; |
| (23) 56° 00'N: 3° 12'E;       | (24) 55° 40'N: 3° 12'E; |
| (25) 55° 40'N: 3° 00'E;       | (26) 55° 10'N: 3° 00'E; |
| (27) 55° 10'N: 2° 48'E;       | (28) 54° 40'N: 2° 48'E; |
| (29) 54° 40'N: 2° 36'E;       | (30) 53° 50'N: 2° 36'E; |
| (31) 53° 50'N: 2° 48'E;       | (32) 53° 10'N: 2° 48'E; |
| (33) 53° 10'N: 3° 00'E;       | (34) 52° 30'N: 3° 00'E; |
| (35) 52° 30'N: 2° 48'E;       | (36) 52° 20'N: 2° 48'E; |
| (37) 52° 20'N: 2° 36'E;       | (38) 52° 10'N: 2° 36'E; |
| (39) 52° 10'N: 2° 24'E;       | (40) 51° 50'N: 2° 24'E; |
| (41) 51° 50'N: 2° 00'E;       | (42) 51° 30'N: 2° 00'E; |
| (43) 51° 30'N: 1° 48'E;       | (44) 51° 20'N: 1° 48'E; |
| (45) 51° 20'N: 1° 36'E;       | (46) 51° 10'N: 1° 36'E; |
| (47) 51° 10'N: 1° 29.2'E; and |                         |

(b) on the West by the seaward limit of the territorial waters off the East coasts of England and Scotland as far as (48) 58° 40' N: 2° 47.7' W, and then by lines joining the co-ordinates

- |                         |                         |
|-------------------------|-------------------------|
| (49) 58° 40'N: 2° 12'W; | (50) 59° 20'N: 2° 12'W; |
| (51) 59° 20'N: 1° 24'W; | (52) 59° 30'N: 1° 24'W; |
| (53) 59° 30'N: 1° 00'W; | (54) 60° 00'N: 1° 00'W; |
| (55) 60° 00'N: 0° 36'W; | (56) 61° 00'N: 0° 36'W; |
| (57) 61° 00'N: 1° 48'E. |                         |

(c) CONTINENTAL SHELF (DESIGNATION OF ADDITIONAL AREAS) ORDER<sup>1</sup> 1965 (1965 No. 1531; 3 August 1965)

...

2. The rights exercisable by the United Kingdom outside territorial waters with respect to the sea-bed and subsoil and their natural resources may be exercised in the areas defined in the Schedule to this Order.

#### SCHEDULE

The following are the areas to which Article 2 of this Order applies:

(1) The area within a line:

(a) commencing at the co-ordinates numbered (1) in Article 2 of the Continental Shelf (Designation of Areas) Order, 1964;

<sup>1</sup> *Statutory Instruments* 1965, No. 1531.

(b) joining the following co-ordinates on European datum:

- |                                   |                                   |
|-----------------------------------|-----------------------------------|
| (1) 61° 00' 00" N; 1° 51' 44" E;  | (2) 59° 53' 48" N; 2° 04' 36" E;  |
| (3) 59° 17' 24" N; 1° 42' 42" E;  | (4) 58° 25' 48" N; 1° 29' 00" E;  |
| (5) 57° 54' 18" N; 1° 57' 54" E;  | (6) 56° 35' 42" N; 2° 36' 48" E;  |
| (7) 56° 05' 12" N; 3° 15' 00" E;  | (8) 55° 50' 06" N; 3° 24' 00" E;  |
| (9) 54° 37' 18" N; 2° 53' 54" E;  | (10) 54° 22' 48" N; 2° 45' 48" E; |
| (11) 53° 57' 48" N; 2° 52' 00" E; | (12) 53° 40' 06" N; 2° 57' 24" E; |
| (13) 53° 35' 06" N; 2° 59' 18" E; | (14) 53° 28' 12" N; 3° 01' 00" E; |
| (15) 53° 18' 06" N; 3° 03' 24" E; | (16) 52° 53' 00" N; 3° 10' 30" E; |
| (17) 52° 47' 00" N; 3° 12' 18" E; | (18) 52° 37' 18" N; 3° 11' 00" E; |
| (19) 52° 25' 00" N; 3° 03' 30" E; | (20) 52° 17' 24" N; 2° 56' 00" E; |
| (21) 52° 12' 24" N; 2° 50' 24" E; | (22) 52° 06' 00" N; 2° 42' 54" E; |
| (23) 52° 05' 18" N; 2° 42' 12" E; | (24) 52° 01' 00" N; 2° 39' 30" E; |
| (25) 51° 59' 00" N; 2° 37' 36" E; | (26) 51° 50' 00" N; 2° 30' 20" E; |
- and

(c) ending at the co-ordinates numbered (40) in Article 2 of the Continental Shelf (Designation of Areas) Order 1964;

(2) The areas bounded:

(a)(i) on the North by the seaward limit of the territorial waters off the South coast of England and

(ii) on the South by lines joining the following co-ordinates on European datum:

- |                                   |                                   |
|-----------------------------------|-----------------------------------|
| (27) 51° 04' 59" N; 1° 24' 00" E; | (28) 51° 00' 00" N; 1° 24' 00" E; |
| (29) 51° 00' 00" N; 1° 12' 00" E; | (30) 50° 50' 00" N; 1° 12' 00" E; |
| (31) 50° 50' 00" N; 1° 00' 00" E; | (32) 50° 40' 00" N; 1° 00' 00" E; |
| (33) 50° 40' 00" N; 0° 48' 00" E; | (34) 50° 30' 00" N; 0° 48' 00" E; |
| (35) 50° 30' 00" N; 2° 22' 13" W; | and                               |

(b)(i) on the North by the seaward limit of the territorial waters off the South coast of England, and

(ii) on the South by a line joining the following co-ordinates on European datum:

- |                                   |                                   |
|-----------------------------------|-----------------------------------|
| (36) 50° 30' 00" N; 2° 31' 59" W; | (37) 50° 30' 00" N; 3° 25' 28" W; |
|-----------------------------------|-----------------------------------|

(3) The area bounded:

(a) on the East by the seaward limit of the territorial waters off the West coasts of Scotland and England;

(b) on the West by lines joining the following co-ordinates on European datum:

- |                                   |                                   |
|-----------------------------------|-----------------------------------|
| (38) 53° 20' 00" N; 4° 46' 13" W; | (39) 53° 20' 00" N; 5° 00' 00" W; |
| (40) 54° 37' 00" N; 5° 00' 00" W; |                                   |

(4) The area within a line:

(a) commencing at the co-ordinates numbered (48) in Article 2 of the Continental Shelf (Designation of Areas) Order 1964;

(b) following the seaward limit of the territorial waters off the Orkney Islands and the North coast of Scotland;

(c) joining the following co-ordinates on European datum:

|                                   |                                   |
|-----------------------------------|-----------------------------------|
| (41) 58° 41' 06" N; 5° 00' 00" W; | (42) 60° 10' 00" N; 5° 00' 00" W; |
| (43) 60° 10' 00" N; 4° 24' 00" W; | (44) 60° 20' 00" N; 4° 24' 00" W; |
| (45) 60° 20' 00" N; 4° 00' 00" W; | (46) 61° 00' 00" N; 4° 00' 00" W; |
| (47) 61° 00' 00" N; 2° 00' 00" W; | (48) 61° 40' 00" N; 2° 00' 00" W; |
| (49) 61° 40' 00" N; 1° 36' 10" E; | (50) 61° 21' 24" N; 1° 47' 24" E; |
| (51) 61° 00' 00" N; 1° 51' 44" E; | and                               |

(d) ending at the co-ordinates numbered (57) in Article 2 of the Continental Shelf (Designation of Areas) Order 1964.

(d) PETROLEUM (PRODUCTION) (CONTINENTAL SHELF AND TERRITORIAL SEA) REGULATIONS<sup>1</sup> 1964 (1964 No. 708; 15 MAY 1964)\*

(e) PETROLEUM (PRODUCTION) REGULATIONS 1966<sup>2</sup> (1966 No. 898; 21 JULY 1966)

...

### 3. *Application of the Regulations*

(1) These Regulations shall have effect in relation to applications for, and the model clauses to be prescribed for inclusion, unless the Minister thinks fit to modify or exclude them in any particular case, in, licences to search and bore for, and get, petroleum—

(a) in strata in the areas of Great Britain and waters adjacent thereto which lie on the landward side of lines drawn in accordance with the provisions of Schedule 1 to these regulations (in these regulations referred to as "landward areas"); and

(b) in strata in the islands on the seaward side of the said lines, in the sea-bed and subsoil of waters which lie on the seaward side of the said lines and, where such lines are not the outward limit of territorial waters adjacent to Great Britain, within that limit, and in the sea-bed and subsoil of any designated area (in these regulations referred to as "seaward areas").

...

(3) The provisions of the Petroleum (Production) (Continental Shelf and Territorial Sea) Regulations 1964(d) shall cease to have effect in relation to applications for, or model clauses to be incorporated in, any licence to be granted after the date of coming into force of these regulations to search and bore for and get petroleum.

### 4. *Applicants for licences*

Persons who are citizens of the United Kingdom and Colonies and are resident in the United Kingdom or who are bodies corporate incorporated in the United Kingdom may apply in accordance with these Regulations for—

<sup>1</sup> *Statutory Instruments* 1964, No. 708. See section 3(3) of Petroleum (Production) Regulations 1966, *infra* (e).

<sup>2</sup> *Ibid.*, 1966, No. 898. Made on 21 July 1966, came into operation on 8 August 1966.



- (a) a production licence which may be in respect of a landward area or a seaward area;
  - (b) an exploration licence in respect of the areas referred to in regulation 8;
  - (c) a methane drainage licence.
- ...

#### SCHEDULE 1

##### *Lines Dividing Landward Areas from Seaward Areas*

1. Except as provided by the four next following paragraphs, the lines dividing the mainland of Great Britain and islands adjacent thereto (other than the Orkney and Shetland Islands) and the waters adjacent to the mainland and such islands to be treated for the purposes of these Regulations as landward areas from the islands and waters to be treated for such purposes as seaward areas shall be the low-water line along the coast of the mainland of Great Britain, the Isle of Wight, Anglesey and Holy Island.

2. The lines dividing landward areas from seaward areas at the estuaries, rivers, harbours, bays and other places specified in the first column of Table 1 of this Schedule shall be straight lines drawn between the pairs of points identified by the map references respectively specified in the second column of that Table, each such point being a point situate on low-water line on or adjacent to the feature respectively named in the third column of that Table.

3. The lines dividing landward areas from seaward areas between Cape Wrath and the Mull of Kintyre shall be a series of straight lines drawn so as to join successively, in the order in which they are there set out, the points identified by the map references specified in the first column of Table 2 of this Schedule, each such point being a point situate on low-water line on or adjacent to the feature, if any, named in the second column of that Table.

4. The lines dividing landward areas from seaward areas in the vicinity of the Pentland Firth and the Orkney Islands shall be a straight line drawn from the map reference point ND 310753, being a point situate on low-water line on or adjacent to the feature known as St. John's Point to the map reference point ND 289809 and thence a line following the outward limit of the territorial waters adjacent to the Orkney Islands in a clockwise direction to the map reference point ND 459711 and thence a straight line to the map reference point ND 407734, being a point situate on low-water line on or adjacent to the feature known as Duncansby Head.

5. Subject to the provisions of the last three foregoing paragraphs, the lines dividing landward areas from seaward areas at the mouths of rivers or estuaries shall be straight lines joining the points on the low-water lines either side of each such mouth.

6. The line dividing the Shetland Islands and the waters adjacent thereto to be treated for the purposes of these regulations as landward areas from the areas to be treated for such purposes as seaward areas shall be the line of the outward limit of the territorial waters adjacent to those islands:

Provided that Foula and Fair Isle and the territorial waters adjacent to them shall be treated as seaward areas.

7. In this Schedule the expression "low-water line" means the line so marked on the Ordnance Survey maps on a scale of 1:25,000 in the edition for the areas to which they respectively relate last published prior to the date on which these Regulations are made, and any reference to a map reference point shall be construed as a reference to a point having that map reference on the National Grid for those Ordnance Survey maps.

*Table 1*  
Points at Mouths of Specified Estuaries and other  
Indentations of the Coast

|     | <i>Name of estuary<br/>or other<br/>indentation</i> | <i>National<br/>Grid<br/>Reference</i> | <i>Name of Feature</i>     |
|-----|---|--|----------------------------|
| 1.  | Firth of Clyde                                      | NR 716074                              | Cove Point                 |
|     |   | NR 718046                              | Sanda Island (Black Point) |
|     |   | NR 725037                              | Sanda Island Lighthouse    |
|     |   | NX 962695                              | Laggan Hill                |
| 2.  | Wigtown Bay   | NX 494464                              | Eggerness Point            |
|     |   | NX 545512                              | Ringdoo Point              |
| 3.  | Solway Firth  | NX 653432                              | Fox Craig (Meikle Ross)    |
|     |   | NX 943134                              | St. Bees Head              |
| 4.  | Duddon Sands  | SD 130762                              | Haverigg Point             |
|     |   | SD 168685                              | Mill Scar                  |
| 5.  | Morecambe Bay                                       | SD 219613                              | Hilpsford Point            |
|     |   | SD 309483                              | Rossall Point              |
| 6.  | River Ribble  | SD 298317                              | Crusader Bank              |
|     |   | SD 274205                              | Horse Bank                 |
| 7.  | Liverpool Bay                                       | SD 263053                              | Formby Point               |
|     |   | SJ 132856                              | Point of Ayr               |
| 8.  | Beaumaris Bay                                       | SH 737788                              | Penmaenbach Point          |
|     |   | SH 641815                              | Trwyn Du                   |
| 9.  | Holyhead Harbour                                    | SH 280849                              | Twyn Cliperau              |
|     |   | SH 257847                              | Breakwater Head            |
| 10. | Cymyran Bay   | SH 294750                              | Traeth Llydan              |
|     |   | SH 297748                              | Traeth Cymyran             |
| 11. | Llanddwyn Bay                                       | SH 386623                              | Llanddwyn Island           |
|     |   | SH 429585                              | Morfa Dinlleu              |
| 12. | Milford Haven                                       | SM 819036                              | West Blockhouse Point      |
|     |   | SM 840027                              | Rat Island                 |
| 13. | Carmarthen Bay                                      | SN 310060                              | Laugharne Sands            |
|     |   | SS 397926                              | Burry Holms                |
| 14. | Bristol Channel                                     | ST 311809                              | West Usk Lighthouse        |
|     |   | ST 306627                              | Birnbeck Island            |
| 15. | Padstow Bay   | SW 925784                              | Shag Rock                  |
|     |   | SW 915785                              | Stepper Point              |
| 16. | Falmouth Harbour                                    | SW 827315                              | Pendennis Point            |
|     |   | SW 845311                              | St. Anthony Head           |
| 17. | Plymouth Sound                                      | SX 443486                              | Penlee Point               |
|     |   | SX 490486                              | Renny Rocks                |
| 18. | Salcombe River                                      | SX 725359                              | Bolt Head                  |
|     |   | SX 766355                              | Gammon Head                |

|     | <i>Name of estuary<br/>or other<br/>indentation</i> | <i>National<br/>Grid<br/>Reference</i> | <i>Name of Feature</i>             |
|-----|---|--|------------------------------------|
| 19. | Solent (west side)                                  | SZ 319897                              | Hurst Castle                       |
|     |   | SZ 292849                              | Needles Point                      |
| 20. | Solent (east side)                                  | SZ 663876                              | Foreland                           |
|     |   | SZ 684990                              | Fort Cumberland<br>(Eastney Point) |
| 21. | Thames Estuary                                      | TR 227694                              | Reculver                           |
|     |   | TM 174142                              | Clacton-on-Sea                     |
| 22. | Harwich Harbour                                     | TM 268244                              | The Naze                           |
|     |   | TM 283311                              | Landguard Point                    |
| 23. | The Wash  | TF 700453                              | Gore Point                         |
|     |   | TF 565571                              | Gibraltar Point                    |
| 24. | River Humber  | TA 375050                              | Northcoates Point                  |
|     |   | TA 397104                              | Spurn Head                         |
| 25. | Holy Island Harbour<br>(Lindisfarne)                | NU 141402                              | Parton Shiel                       |
|     |   | NU 141415                              | Castle Point                       |
| 26. | Firth of Forth                                      | NT 496864                              | Eyebroughy                         |
|     |   | NT 496993                              | Elie Ness                          |
| 27. | Firth of Tay  | NO 538159                              | Kinkell Ness                       |
|     |   | NO 546303                              | Buddon Ness                        |
| 28. | Moray Firth   | NH 807587                              | Whiteness Head                     |
|     |   | NH 812670                              | Sutors Stacks                      |
|     |   | NH 812670                              | Sutors Stacks                      |
|     |   | NH 813686                              | North Sutor                        |
| 29. | Dornoch Firth                                       | NH 814858                              | Whiteness                          |
|     |   | NH 809871                              | Dornoch Point                      |
| 30. | Tongue Bay  | NC 641638                              | Port an-t Srathain                 |
|     |   | NC 572663                              | Gcodh' an Fhuarain                 |
| 31. | Loch Eriboll  | NC 502687                              | Whiten Head                        |
|     |   | NC 392719                              | Faraid Head                        |
| 32. | Kyle of Durness                                     | NC 392719                              | Faraid Head                        |
|     |   | NC 349717                              | A'Ghoil                            |

Table 2

## Points between Cape Wrath and the Mull of Kintyre

|    | <i>National Grid<br/>Reference</i> | <i>Name of<br/>Feature</i> |
|----|------------------------------------|----------------------------|
| 1. | NC 257748                          | Cape Wrath                 |
| 2. | NB 519669                          | Lith Sgeir                 |
| 3. | NB 472634                          | Dell Rock                  |
| 4. | NB 186451                          | Tiumpan                    |
| 5. | NB 142442                          | Mas Sgeir                  |
| 6. | NB 115435                          | Stac nam Balg              |
| 7. | NB 048399                          | Sgeir Gallan               |

|     | <i>National Grid Reference</i> | <i>Name of Feature</i> |
|-----|--------------------------------|------------------------|
| 8.  | NB 036382                      | Gallan Beag            |
| 9.  | NA 993324                      | Eilean Molach          |
| 10. | NA 873118                      | Gasker                 |
| 11. | NF 594809                      | Haskeir Eagach         |
| 12. | NF 572646                      | Huskeiran              |
| 13. | NF 707301                      | Rudha Ardvule          |
| 14. | NF 646049                      | Greian Head            |
| 15. | NL 620988                      | —                      |
| 16. | NL 614979                      | Ard a' Chaolais        |
| 17. | NL 606963                      | Biruaslum              |
| 18. | NL 549843                      | Guarsay Mor            |
| 19. | NL 542819                      | Sron an Duin           |
| 20. | NL 546803                      | Skate Point            |
| 21. | NL 840262                      | Skerryvore             |
| 22. | NM 121031                      | Dubh Artach            |
| 23. | NR 151538                      | Frenchman's Rocks      |
| 24. | NR 162510                      | An Coire               |
| 25. | NR 268414                      | Mull of Oa             |
| 26. | NR 589071                      | Mull of Kintyre        |

...

SCHEDULE 4

*Model Clauses for Production Licences in Seaward Areas<sup>1</sup>*

...

12. *Working obligations*

The Licensee shall during the term hereby granted carry out with due diligence the scheme of prospecting and development including any geological survey by any physical or chemical means or programme of test drilling or any of them set out in Schedule 3 to this Licence.

...

15. *Provision of storage tanks pipes pipe-lines or other receptacles*

The Licensee shall use methods and practice customarily used in good oilfield practice for confining the petroleum obtained from the licensed area in tanks gas-holders pipes pipe-lines or other receptacles constructed for that purpose.

16. *Avoidance of harmful methods of working*

(1) The Licensee shall maintain all apparatus and appliances and all wells in the licensed area which have not been abandoned and plugged as provided by

<sup>1</sup> Identical or similar clauses are contained in *Schedule 3, Model Clauses for Production Licences in Landward Areas*: clauses no. 12 (Working obligations), no. 15 (Provision of storage tank pipes, pipe-lines or other receptacles), no. 16 (Avoidance of harmful methods of working), no. 17 (Fishing and navigation).

Clause 13 thereof (the marginal note whereof is “Commencement and abandonment and plugging of wells”) in good repair and condition and shall execute all operations in or in connection with the licensed area in a proper and workmanlike manner in accordance with methods and practice customarily used in good oilfield practice and without prejudice to the generality of the foregoing provision the Licensee shall take all steps practicable in order—

(a) to control the flow and to prevent the escape or waste of petroleum discovered in or obtained from the licensed area;

(b) to conserve the licensed area for productive operations;

(c) to prevent damage to adjoining petroleum bearing strata;

(d) to prevent the entrance of water through wells to petroleum bearing strata except for the purposes of secondary recovery; and

(e) to prevent the escape of petroleum into any waters in or in the vicinity of the licensed area.

...

### 17. *Fishing and navigation*

The Licensee shall not carry out any operations authorised by this Licence in or about the licensed area in such manner as to interfere unjustifiably with navigation or fishing in the waters of the licensed area or with the conservation of the living resources of the sea.

...

## SCHEDULE 5

### *Model Clauses for Exploration Licences<sup>1</sup>*

...

### 3. *Prospecting methods*

The right to search for petroleum conferred by this Licence shall include prospecting and carrying out geological surveys by physical or chemical means and drilling for the purpose of obtaining geological information about strata in the exploration area but shall not include any right to get petroleum or any right to drill wells for production of petroleum or any other well of a depth exceeding three hundred and fifty metres below the surface of the sea-bed or such greater depth as the Minister may from time to time approve either generally or in relation to a particular well or in relation to a class of wells to which that well belongs.

(f) CONTINENTAL SHELF (PROTECTION OF INSTALLATIONS) (NO. 1) ORDER<sup>2</sup> 1967  
(1967 No. 655; 22 APRIL 1967)

...

2.—(1) In this Order the expression “prohibited area” means an area specified in the Schedule to this Order, being part of the area designated by the Continental Shelf (Designated of Areas) Order 1964.

<sup>1</sup> Clauses nos. 9 and 10 are identical with clauses nos. 16 and 17, respectively, or of *Model Clauses for Production Licences in Seaward Areas*, see *supra*.

<sup>2</sup> *Statutory Instruments* 1967, No. 655. The Order came into operation on 15 May 1967.

3.—(1) Except as provided in the next following paragraph, ships are prohibited from entering a prohibited area without the consent of the Minister of Power.

(2) The prohibition contained in the foregoing paragraph does not apply, in relation to a prohibited area, to a ship—

(a) engaged or about to be engaged in the repair of any submarine cable in or adjacent to that prohibited area;

(b) engaged in

(i) services for,

(ii) inspection under the authority of a Government Department of, or

(iii) the transport of goods to or from  
an installation in that prohibited area;

(c) carrying out movements with a view to saving or attempting to save life or property at sea;

(d) which enters that prohibited area owing to stress of weather; or

(e) in distress.

#### THE SCHEDULE

1. An area bounded by a circle having a radius of five hundred metres and having its centre at the point having co-ordinates Latitude 53° 42' 12" North, Longitude 01° 09' 00" East (E.D. (1950)) or Latitude 53° 42' 08" North, Longitude 01° 09' 01" East (O.S.G.B. (1936)).

2. An area bounded by a circle having a radius of five hundred metres and having its centre at the point having co-ordinates Latitude 53° 43' 09" North, Longitude 01° 07' 09" East (E.D. (1950)) or Latitude 53° 43' 05" North, Longitude 01° 07' 10" East (O.S.G.B. (1936)).

3. An area bounded by a circle having a radius of five hundred metres and having its centre at the point having co-ordinates Latitude 53° 42' 23" North, Longitude 01° 07' 17" East (E.D. (1950)) or Latitude 53° 42' 19" North, Longitude 01° 07' 18" East (O.S.G.B. (1936)).

(g) CONTINENTAL SHELF (PROTECTION OF INSTALLATIONS) (NO. 2) ORDER<sup>1</sup> 1968  
(1968 No. 323; 5 MARCH 1968)

...

2.—(1) In this Order the expression "specified area" means an area described in the Schedule to this Order, being part of the area designated by the Continental Shelf (Designation of Areas) Order 1964.

3.<sup>2</sup>

#### THE SCHEDULE

1. An area bounded by a circle having a radius of five hundred metres and having its centre at the point having co-ordinates Latitude 52° 59' 58" North,

<sup>1</sup> *Statutory Instruments* 1968, No. 323. Came into operation on 1 April 1968.

<sup>2</sup> This section is identical with section 3 of Continental Shelf (Protection Installations) (No. 1) Order 1967, see *supra* (e).

Longitude 01° 50' 52" East (E.D. (1950)) or Latitude 52° 59' 54" North, Longitude 01° 50' 54" East (O.S.G.B. (1936)).

2. An area bounded by a circle having a radius of five hundred metres and having its centre at the point having co-ordinates Latitude 53° 05' 23" North, Longitude 02° 07' 48" East (E.D. (1950)) or Latitude 53° 05' 19" North, Longitude 02° 07' 50" East (O.S.G.B. (1936)).

3. An area bounded by a circle having a radius of five hundred metres and having its centre at the point having co-ordinates Latitude 53° 03' 18" North, Longitude 02° 13' 58" East (E.D. (1950)) or Latitude 53° 03' 14" North, Longitude 02° 13' 59" East (O.S.G.B. (1936)).

(h) CONTINENTAL SHELF (DESIGNATION OF ADDITIONAL AREAS) ORDER<sup>1</sup> 1968 (1968 No. 891; 1 JUNE 1968)

2. The rights exercisable by the United Kingdom outside territorial waters with respect to the sea-bed and subsoil and their natural resources may be exercised in the area defined in the Schedule to this Order.

#### SCHEDULE

Article 2 of this Order applies to the area bounded:—

(a) on the North and East by a line starting at the following co-ordinates on European Datum:

(1) 55° 20' 26" N; 6° 00' 00" W, and thence following the seaward limit of the territorial waters off the west coast of Scotland to the co-ordinates numbered (40) in the Schedule to the Continental Shelf (Designation of Additional Areas) Order 1965, and by a line joining the co-ordinates numbered (40), (39) and (38) in the aforesaid Schedule and thence following the seaward limits of the territorial waters off the west coast of England to latitude 50° North;

(b) on the South by a line joining the following co-ordinates on European Datum:

(2) 50° 00' 00" N; 5° 44' 23" W (3) 50° 00' 00" N; 6° 10' 54" W; thence following the seaward limit of the territorial waters north of the Isles of Scilly and by a line joining the following co-ordinates on European Datum:

(4) 50° 00' 00" N; 6° 25' 53" W (5) 50° 00' 00" N; 7° 00' 00" W;

(c) on the West by lines joining the following co-ordinates on European Datum:

(5) 50° 00' 00" N; 7° 00' 00" W; (6) 50° 50' 00" N; 7° 00' 00" W;  
 (7) 50° 50' 00" N; 6° 48' 00" W; (8) 51° 00' 00" N; 6° 48' 00" W;  
 (9) 51° 00' 00" N; 6° 36' 00" W; (10) 51° 20' 00" N; 6° 36' 00" W;  
 (11) 51° 20' 00" N; 6° 24' 00" W; (12) 51° 30' 00" N; 6° 24' 00" W;  
 (13) 51° 30' 00" N; 6° 12' 00" W; (14) 51° 40' 00" N; 6° 12' 00" W;  
 (15) 51° 40' 00" N; 6° 00' 00" W; (16) 51° 50' 00" N; 6° 00' 00" W;  
 (17) 51° 50' 00" N; 5° 48' 00" W; (18) 52° 00' 00" N; 5° 48' 00" W;  
 (19) 52° 00' 00" N; 5° 36' 00" W; (20) 52° 10' 00" N; 5° 36' 00" W;  
 (21) 52° 10' 00" N; 5° 24' 00" W; (22) 52° 20' 00" N; 5° 24' 00" W;  
 (23) 52° 20' 00" N; 5° 12' 00" W; (24) 54° 00' 00" N; 5° 12' 00" W;  
 (25) 54° 00' 00" N; 5° 57' 28" W;

<sup>1</sup> *Statutory Instruments* 1968, No. 891.

and thence following the seaward limit of territorial waters off the east coast of Northern Ireland to the following co-ordinates on European Datum:

(26) 55° 14' 08" N: 6° 00' 00" W

and thence following the meridian of 6° W longitude to co-ordinates No. 1 in this Schedule.

(i) CONTINENTAL SHELF (JURISDICTION) ORDER<sup>1</sup> 1968 (1968 No. 892; 7 JUNE 1968)

1. *Interpretation*

...

(3) In this Order—

“the Act” means the Continental Shelf Act 1964;

“co-ordinate” means a co-ordinate on European datum;

“the first designated area” means the area designated by the Continental Shelf (Designation of Areas) Order 1964; “the second designated area” means the area described in paragraph (1) of the Schedule to the Continental Shelf (Designation of Additional Areas) Order 1965; “the third designated area” means the area described in paragraph (2)(a) of that Schedule; “the fourth designated area” means the area described in paragraph (2)(b) of that Schedule; “the fifth designated area” means the area described in paragraph (3) of that Schedule; “the sixth designated area” means the area described in paragraph (4) of that Schedule; and “the seventh designated area” means the area designated by the Continental Shelf (Designation of Additional Areas) Order 1968; and a reference to a designated area shall include a reference to any of these areas.

“the Scottish border” means, in relation to the first and second designated areas, latitude 55° 50' N.; in relation to the fifth designated area, a line joining the following co-ordinates:—

(1) 54° 30' 00" N.: 5° 00' 00" W.;

(2) 54° 30' 00" N.: 4° 05' 29" W.;

(3) 54° 36' 03" N.: 3° 55' 14" W.;

and, in relation to the seventh designated area, latitude 54° 30' N.;

“the Northern Irish border” means in relation to the seventh designated area, a line joining the following co-ordinates:—

(1) 55° 20' N.: 6° 00' W.;

(2) 55° 10' N.: 5° 48' W.;

(3) 55° 00' N.: 5° 36' W.;

(4) 54° 50' N.: 5° 24' W.;

(5) 54° 40' N.: 5° 12' W.;

(6) 54° 30' N.: 5° 00' W.;

(7) 54° 20' N.: 5° 00' W.;

(8) 54° 10' N.: 5° 12' W.;

(9) 54° 00' N.: 5° 24' W.;...

<sup>1</sup> *Ibid.*, No. 892. Came into operation on 1 July 1968. By the Order, the Continental Shelf (Jurisdiction) Order 1965 (*Statutory Instruments* 1965 No. 1881 of 29 October 1965) has been revoked.



“the English area” means the areas included in the third and fourth designated areas, those parts of the first, second and fifth designated areas which lie south of the Scottish border and that part of the seventh designated area which lies south of the Scottish and east of the Northern Irish border;

“the Scottish area” means the areas included in the sixth designated area, those parts of the first, second and fifth designated areas which lie north of the Scottish border and that part of the seventh designated area which lies north of the Scottish and east of the Northern Irish border;

“the Northern Irish area” means that part of the seventh designated area which lies west of the Northern Irish border.

## 2. *Application of English, Scottish and Northern Irish law*

Subject to section 3(1) of the Act, the law in force in England shall apply for the determination of questions to which section 3(2) of the Act refers arising out of acts or omissions taking place in the English area; the law in force in Scotland shall apply for the determination of such questions arising out of acts or omissions taking place in the Scottish area; and the law in force in Northern Ireland shall apply for the determination of such questions arising out of acts or omissions taking place in the Northern Irish area.

## 3. *Jurisdiction*

The High Court shall have such jurisdiction for the determination of any questions to which section 3(2) of the Act refers and which, under the last foregoing Article, fall to be determined in accordance with the law in force in England, as it would have if the acts or omissions in question had taken place in England; the Court of Session shall have such jurisdiction for the determination of any such questions so falling to be determined in accordance with the law in force in Scotland, as it would have if the acts or omissions in question had taken place in Scotland; and Her Majesty’s High Court of Justice in Northern Ireland shall have such jurisdiction for the determination of any such questions so falling to be determined in accordance with the law in force in Northern Ireland, as it would have if the acts or omissions in question had taken place in Northern Ireland.

## 4. *Application of Wireless Telegraphy Act 1949 and the Radioactive Substances Act 1960*

For the purposes of the Wireless Telegraphy Act 1949, the Radioactive Substances Act 1960 and any regulations or orders made under either of those Acts (subject, however, in the case of any such regulations or orders made hereafter, to any contrary intention appearing therein) any installation in the English area and any waters in a designated area within 500 metres of such an installation (not being waters lying in the Scottish or Northern Irish area and within 500 metres of an installation in either of those areas) shall be deemed to be situated in England; any installation in the Scottish area and any such waters within 500 metres of such an installation (not being waters lying in the English or Northern Irish area and within 500 metres of an installation in either of those areas) shall be deemed to be situated in Scotland; and any installation in the Northern Irish area and any waters lying within 500 metres of such an installation (not being waters lying within the English or Scottish area and within 500 metres of an installation in either of those areas) shall be deemed to be situated in Northern Ireland.

## SEYCHELLES

(a) MINERALS ORDINANCE,<sup>1</sup> 1962 (No. 14 of 1962; 15 October 1962)

...

2. *Interpretation*

In this Ordinance, unless the context otherwise requires—

“continental shelf” means that part of the sea-bed and subsoil of the submarine areas adjacent to the islands forming part of the Colony of Seychelles but outside territorial waters, over which Her Majesty, in right of Her Government of Seychelles, is entitled by international law to exercise sovereign rights for the purpose of exploring it and exploiting its natural resources.

“land in Seychelles” includes land covered with water, the sea-bed and subsoil beneath the territorial waters and the continental shelf.

...

“petroleum” includes any mineral oil or relative hydrocarbon and natural gas existing in its natural condition in strata, but does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation.

...

3. *Vesting of property in and control of minerals in Her Majesty*

The entire property in and control of all minerals in, under or upon any land in Seychelles or in all rivers or streams throughout Seychelles is hereby vested in Her Majesty and Her Majesty shall have the exclusive right of prospecting and mining for such minerals.

...

4. *Prohibition of prospecting or mining without authority*

(1) Except as in this Ordinance provided, no person shall prospect or mine in, under or upon any land in Seychelles, or divert or impound water for the purpose of mining operations.

(2) Any person contravening the provisions of subsection (1) shall be guilty of an offence and shall on conviction, be liable to a fine not exceeding one thousand rupees or to imprisonment not exceeding twelve months, or to both such fine and imprisonment, and the Court before which such person is convicted may order the forfeiture of all minerals obtained by such person or if such minerals cannot be forfeited, of such a sum as the Court shall assess as the value of such minerals. Any minerals so forfeited shall be sold or otherwise disposed of as the Governor may direct and the proceeds from the sale of any such minerals shall be paid into general revenue.

5. *Prospecting when lawful*

Prospecting shall be lawful under a prospecting right, an exclusive prospecting licence or a special exclusive prospecting licence granted by the Governor.

<sup>1</sup> *Supplement to Seychelles Gazette*, 15 October 1962.

6. *Mining when lawful*

Mining shall be lawful under a mining right, a mining lease or a special mining lease granted by the Governor.

...

10. *Ordinance not to apply to petroleum*

This Ordinance shall not apply to petroleum as defined in section 2 of this Ordinance.

(b) MINING (MINERAL OIL) ORDINANCE,<sup>1</sup> 1963 (No. 7 of 1963; 6 May 1963)

...

2. *Interpretation*

In this Ordinance, unless the context otherwise requires—

“continental shelf” means that part of the sea-bed and subsoil of the submarine areas adjacent to the islands forming part of the Colony of Seychelles but outside territorial waters, over which Her Majesty, in right of Her Government of Seychelles, is entitled by international law to exercise sovereign rights for the purpose of exploring it and exploiting its natural resources;

...

“land in Seychelles” includes land covered with water, the sea-bed and subsoil beneath the territorial waters and the continental shelf;

...

“minerals” does not include petroleum.

...

“petroleum” includes any mineral oil or relative hydrocarbon and natural gas existing in its natural condition in strata, but does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation.

...

3. *Vesting of property in petroleum in Her Majesty*

The entire property in petroleum existing in its natural condition in strata, in or under any land in Seychelles is hereby vested in Her Majesty, and Her Majesty shall have the exclusive right of searching and boring for and getting such petroleum.

4. *Prohibition of searching for or winning petroleum without a licence or lease*

(1) No person shall explore, prospect or mine for, or win, any petroleum on, under or from any land in Seychelles, whether public or private, except under and in accordance with a licence or lease granted under the provisions of this Ordinance.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and shall, on conviction, be liable, to a fine not exceeding five hundred

<sup>1</sup> *Ibid*, 6 May 1963.

rupees for each day during which the offence continues, and, in addition, all petroleum won in contravention of such provisions shall be forfeited to Her Majesty and shall be disposed of as the Governor may direct.

5. *Power of Governor to grant licences and leases*

(1) The Governor may if he thinks fit from time to time grant—

(a) exploration licences to explore for petroleum in, or under such land in Seychelles whether public or private, as may be specified therein;

(b) prospecting licences to prospect for, win and carry away petroleum on, under or from such land in Seychelles whether public or private, as may be specified therein;

(c) leases to explore for, prospect for, mine for, win and carry away petroleum on, under or from such land in Seychelles whether public or private, as may be specified therein.

...

#### 46. UNITED STATES OF AMERICA

(a) SUBMERGED LANDS ACT, 22 MAY 1953, section 9<sup>1</sup>

(b) OUTER CONTINENTAL SHELF LANDS ACT,<sup>2</sup> 7 AUGUST 1953

§ 1331. *Definitions*

When used in this subchapter—

(a) The term “outer Continental Shelf” means all submerged lands lying seaward and outside of the area of lands beneath navigable waters as defined in section 1301 of this title, and of which the subsoil and sea-bed appertain to the United States and are subject to its jurisdiction and control;

§ 1332. *Congressional declaration of policy; jurisdiction; construction*

(a) It is declared to be the policy of the United States that the subsoil and sea-bed of the outer Continental Shelf appertain to the United States and are subject to its jurisdiction, control, and power of disposition as provided in this subchapter

(b) This subchapter shall be construed in such manner that the character as high seas of the waters above the outer Continental Shelf and the right to navigation and fishing therein shall not be affected. (Aug. 7, 1953, ch. 345, § 3, 67 Stat. 462.)

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter IX, 18 (a).

<sup>2</sup> “U.S. Code” (1964 Edition), Title 43, (Public Lands). Executive Order No. 9633, Reserving and Placing Certain Resources of the Continental Shelf under the Control and Jurisdiction of the Secretary of the Interior, 28 September 1945, reproduced in ST/LEG/SER.B/1, p. 41, has been repealed.

§ 1333. *Laws and regulations governing lands*

(a) *Constitution and United States laws; laws of adjacent States; publication of projected State lines; restriction on State taxation and jurisdiction*

(1) The Constitution and laws and civil and political jurisdiction of the United States are extended to the subsoil and sea-bed of the outer Continental Shelf and to all artificial islands and fixed structures which may be erected thereon for the purpose of exploring for, developing, removing, and transporting resources therefrom, to the same extent as if the outer Continental Shelf were an area of exclusive Federal jurisdiction located within a State: *Provided, however*, That mineral leases on the outer Continental Shelf shall be maintained or issued only under the provisions of this subchapter.

(2) To the extent that they are applicable and not inconsistent with this subchapter or with other Federal laws and regulations of the Secretary now in effect or hereafter adopted, the civil and criminal laws of each adjacent State as of the effective date of this subchapter are declared to be the law of the United States for that portion of the subsoil and sea-bed of the outer Continental Shelf, and artificial islands and fixed structures erected thereon, which would be within the area of the State if its boundaries were extended seaward to the outer margin of the outer Continental Shelf, and the President shall determine and publish in the Federal Register such projected lines extending seaward and defining each such area. All of such applicable laws shall be administered and enforced by the appropriate officers and courts of the United States. State taxation laws shall not apply to the outer Continental Shelf.

(3) The provisions of this section for adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State for any purpose over the sea-bed and subsoil of the outer Continental Shelf, or the property and natural resources thereof or the revenues therefrom.

(b) *Jurisdiction of United States district courts*

The United States district courts shall have original jurisdiction of cases and controversies arising out of or in connection with any operations conducted on the outer Continental Shelf for the purpose of exploring for, developing, removing or transporting by pipeline the natural resources, or involving rights to the natural resources of the subsoil and sea-bed of the outer Continental Shelf, and proceedings with respect to any such case or controversy may be instituted in the judicial district in which any defendant resides or may be found, or in the judicial district of the adjacent State nearest the place where the cause of action arose.

...

(c) *Coast Guard regulations; marking of islands and structures; offences and penalties*

(1) The head of the Department in which the Coast Guard is operating shall have authority to promulgate and enforce such reasonable regulations with respect to lights and other warning devices, safety equipment, and other matters relating to the promotion of safety of life and property on the islands and structures referred to in subsection (a) of this section or on the waters adjacent thereto, as he may deem necessary.

(2) The head of the Department in which the Coast Guard is operating may mark for the protection of navigation any such island or structure whenever the owner has failed suitably to mark the same in accordance with regulations issued hereunder, and the owner shall pay the cost thereof. Any person, firm, company, or corporation who shall fail or refuse to obey any of the lawful rules and regulations issued hereunder shall be guilty of a misdemeanor and shall be fined not more than \$100 for each offense. Each day during which such violation shall continue shall be considered a new offense.

(f) *Prevention of obstruction to navigation by Secretary of the Army*

The authority of the Secretary of the Army to prevent obstruction to navigation in the navigable waters of the United States is extended to artificial islands and fixed structures located on the outer Continental Shelf.

(g) *Provisions as non-exclusive*

The specific application by this section of certain provisions of law to the subsoil and sea-bed of the outer Continental Shelf and the artificial islands and fixed structures referred to in subsection (a) of this section or to acts or offenses occurring or committed thereon shall not give rise to any inference that the application to such islands and structures, acts, or offenses of any other provision of law is not intended. (Aug. 7, 1953, ch. 345, § 4, 67 Stat. 462.)

§ 1334. *Administration of leasing*

(a) *Rules and regulations; amendment; cooperation with State agencies; violations and penalties; compliance with regulations as condition of lease*

(1) The Secretary shall administer the provisions of this subchapter relating to the leasing of the outer Continental Shelf, and shall prescribe such rules and regulations as may be necessary to carry out such provisions. The Secretary may at any time prescribe and amend such rules and regulations as he determines to be necessary and proper in order to provide for the prevention of waste and conservation of the natural resources of the outer Continental Shelf, and the protection of correlative rights therein, and, notwithstanding any other provisions herein, such rules and regulations shall apply to all operations conducted under a lease issued or maintained under the provisions of this subchapter. In the enforcement of conservation laws, rules, and regulations the Secretary is authorized to cooperate with the conservation agencies of the adjacent States. Without limiting the generality of the foregoing provisions of this section, the rules and regulations prescribed by the Secretary thereunder may provide for the assignment or relinquishment of leases, for the sale of royalty oil and gas accruing or reserved to the United States at not less than market value, and, in the interest of conservation, for unitization, pooling, drilling agreements, suspension of operations or production, reduction of rentals or royalties, compensatory royalty agreements, subsurface storage of oil or gas in any of said submerged lands, and drilling or other easements necessary for operations or production.

(2) Any person who knowingly and willfully violates any rule or regulation prescribed by the Secretary for the prevention of waste, the conservation of the natural resources, or the protection of correlative rights shall be deemed guilty

of a misdemeanor and punishable by a fine of not more than \$2,000 or by imprisonment for not more than six months, or by both such fine and imprisonment, and each day of violation shall be deemed to be a separate offense. The issuance and continuance in effect of any lease, or of any extension, renewal, or replacement of any lease under the provisions of this subchapter shall be conditioned upon compliance with the regulations issued under this subchapter and in force and effect on the date of the issuance of the lease if the lease is issued under the provisions of section 1337 of this title, or with the regulations issued under the provisions of section 1335 (b) (2) of this title if the lease is maintained under the provisions of section 1335 of this title.

(c) *Pipeline rights-of-way; forfeiture of grant*

Rights-of-way through the submerged lands of the outer Continental Shelf, whether or not such lands are included in a lease maintained or issued pursuant to this subchapter, may be granted by the Secretary for pipeline purposes for the transportation of oil, natural gas, sulphur, or other mineral under such regulations and upon such conditions as to the application therefor and the survey, location and width thereof as may be prescribed by the Secretary, and upon the express condition that such oil or gas pipelines shall transport or purchase without discrimination, oil or natural gas produced from said submerged lands in the vicinity of the pipeline in such proportionate amounts as the Federal Power Commission, in the case of gas, and the Interstate Commerce Commission, in the case of oil, may, after a full hearing with due notice thereof to the interested parties, determine to be reasonable, taking into account, among other things, conservation and the prevention of waste. Failure to comply with the provisions of this section or the regulations and conditions prescribed thereunder shall be ground for forfeiture of the grant in an appropriate judicial proceeding instituted by the United States in any United States district court having jurisdiction under the provisions of section 1333 (b) of this title. (Aug. 7, 1953, ch. 345, § 5, 67 Stat. 464.)

...

§ 1337. *Grant of leases by Secretary*

(a) *Oil and gas leases; award to highest bidder; method of bidding*

In order to meet the urgent need for further exploration and development of the oil and gas deposits of the submerged lands of the outer Continental Shelf, the Secretary is authorized to grant to the highest responsible qualified bidder by competitive bidding under regulations promulgated in advance, oil and gas leases on submerged lands of the outer Continental Shelf which are not covered by leases meeting the requirements of section 1335 (a) of this title. The bidding shall be (1) by sealed bids, and (2) at the discretion of the Secretary, on the basis of a cash bonus with a royalty fixed by the Secretary at not less than 12½ per centum in amount or value of the production saved, removed or sold, or on the basis of royalty, but at not less than the per centum above mentioned, with a cash bonus fixed by the Secretary.

(b) *Terms and provisions of oil and gas leases*

An oil and gas lease issued by the Secretary pursuant to this section shall (1) cover a compact area not exceeding five thousand seven hundred and sixty acres,

as the Secretary may determine, (2) be for a period of five years and as long thereafter as oil or gas may be produced from the area in paying quantities, or drilling or well reworking operations as approved by the Secretary are conducted thereon, (3) require the payment of a royalty of not less than 12½ per centum, in the amount or value of the production saved, removed, or sold from the lease, and (4) contain such rental provisions and such other terms and provisions as the Secretary may prescribe at the time of offering the area for lease.

(c) *Sulphur leases; award to highest bidder; method of bidding*

In order to meet the urgent need for further exploration and development of the sulphur deposits in the submerged lands of the outer Continental Shelf, the Secretary is authorized to grant to the qualified persons offering the highest cash bonuses on a basis of competitive bidding sulphur leases on submerged lands of the outer Continental Shelf, which are not covered by leases which include sulphur and meet the requirements of section 1335 (a) of this title, and which sulphur leases shall be offered for bid by sealed bids and granted on separate leases from oil and gas leases, and for a separate consideration, and without priority or preference accorded to oil and gas lessees on the same area.

(d) *Terms and provisions of sulphur leases*

A sulphur lease issued by the Secretary pursuant to this section shall (1) cover an area of such size and dimensions as the Secretary may determine, (2) be for a period of not more than ten years and so long thereafter as sulphur may be produced from the area in paying quantities or drilling, well reworking, plant construction, or other operations for the production of sulphur, as approved by the Secretary, are conducted thereon, (3) require the payment to the United States of such royalty as may be specified in the lease but not less than 5 per centum of the gross production or value of the sulphur at the wellhead, and (4) contain such rental provisions and such other terms and provisions as the Secretary may by regulation prescribe at the time of offering the area for lease.

(e) *Other mineral leases; award to highest bidder; terms and conditions*

The Secretary is authorized to grant to the qualified persons offering the highest cash bonuses on a basis of competitive bidding leases of any mineral other than oil, gas, and sulphur in any area of the outer Continental Shelf not then under lease for such mineral upon such royalty, rental, and other terms and conditions as the Secretary may prescribe at the time of offering the area for lease.

...

§ 1340. *Geological and geophysical explorations*

Any agency of the United States and any person authorized by the Secretary may conduct geological and geophysical explorations in the outer Continental Shelf, which do not interfere with or endanger actual operations under any lease maintained or granted pursuant to this subchapter, and which are not unduly harmful to aquatic life in such area. (Aug. 7, 1953, ch. 345, § 11, 67 Stat. 469.)



§ 1341. *Reservation of lands and rights*

(a) *Withdrawal of unleased lands by President*

The President of the United States may, from time to time, withdraw from disposition any of the unleased lands of the outer Continental Shelf.

(b) *First refusal of mineral purchases*

In time of war, or when the President shall so prescribe, the United States shall have the right of first refusal to purchase at the market price all or any portion of any mineral produced from the outer Continental Shelf.

(c) *National security clause*

All leases issued under this subchapter, and leases, the maintenance and operation of which are authorized under this subchapter, shall contain or be construed to contain a provision whereby authority is vested in the Secretary, upon a recommendation of the Secretary of Defense, during a state of war or national emergency declared by the Congress or the President of the United States after August 7, 1953, to suspend operations under any lease; and all such leases shall contain or be construed to contain provisions for the payment of just compensation to the lessee whose operations are thus suspended.

(d) *National defense areas; suspension of operations; extension of leases*

The United States reserves and retains the right to designate by and through the Secretary of Defense, with the approval of the President, as areas restricted from exploration and operation that part of the outer Continental Shelf needed for national defense; and so long as such designation remains in effect no exploration or operations may be conducted on any part of the surface of such area except with the concurrence of the Secretary of Defense; and if operations or production under any lease theretofore issued on lands within any such restricted area shall be suspended, any payment of rentals, minimum royalty, and royalty prescribed by such lease likewise shall be suspended during such period of suspension of operation and production, and the term of such lease shall be extended by adding thereto any such suspension period, and the United States shall be liable to the lessee for such compensation as is required to be paid under the Constitution of the United States.

(e) *Source materials essential to production of fissionable materials*

All uranium, thorium, and all other materials determined pursuant to paragraph (1) of subsection (b) of section 5 of the Atomic Energy Act of 1946, as amended, to be peculiarly essential to the production of fissionable material, contained, in whatever concentration, in deposits in the subsoil or sea-bed of the outer Continental Shelf are reserved for the use of the United States.

(f) *Helium ownership; rules and regulations governing extraction*

The United States reserves and retains the ownership of and the right to extract all helium, under such rules and regulations as shall be prescribed by the Secretary, contained in gas produced from any portion of the outer Continental Shelf which may be subject to any lease maintained or granted pursuant to this

subchapter, but the helium shall be extracted from such gas so as to cause no substantial delay in the delivery of gas produced to the purchaser of such gas. (Aug. 7, 1953, ch. 345, § 12, 67 Stat. 469.)

(c) OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF,<sup>1</sup>  
8 May 1954

§ 250.2. *Definitions*

(d) *Outer Continental Shelf*. All submerged lands (1) which lie seaward and outside of the area of lands beneath navigable waters as defined in the Submerged Lands Act (67 Stat. 29) and (2) of which the subsoil and sea-bed appertain to the United States and are subject to its jurisdiction and control.

...

§ 250.42 *Pollution*

The lessee shall not pollute the waters of the high seas or damage the aquatic life of the sea or allow extraneous matter to enter and damage any mineral- or water-bearing formation. The lessee shall dispose of all useless liquid products of wells in a manner acceptable to the supervisor.

§ 250.43 *Well abandonment*

The lessee shall promptly plug and abandon any well on the leased land that is not used or useful, but no productive well shall be abandoned until its lack of capacity for further profitable production of oil, gas, or sulphur has been demonstrated to the satisfaction of the supervisor. Before abandoning a producible well, the lessee shall submit to the supervisor a statement of reasons for abandonment and his detailed plans for carrying on the necessary work. A producible well may be abandoned only after receipt of written approval by the supervisor. No well shall be plugged and abandoned until the manner and method of plugging shall be approved or prescribed by the supervisor. Equipment shall be removed, and premises at the well-site shall be properly conditioned immediately after plugging operations are completed on any well when directed by the supervisor. Drilling equipment shall not be removed from any suspended drilling well without taking adequate measures to protect the natural resources.

§ 250.44 *Accidents and fires*

The lessee shall take all reasonable precautions to prevent accidents and fires, shall immediately notify the supervisor of any serious accident or fire on the leasehold, and shall submit a full report thereon within 10 days

§ 250.45 *Workmanlike operations*

The lessee shall carry on all operations and maintain the property at all times in a safe and workmanlike manner, having due regard for the preservation and the conservation of the property and for the health and safety of employees. The

<sup>1</sup> *Code of Federal Regulations*, (Revised as of 1 January 1969) Title 30 (Mineral Resources) Chapter II (Geological Survey) Part 250.

lessee shall take reasonable steps to prevent accumulations of oil or other materials deemed to be fire hazards and shall promptly remove such hazardous accumulations as do occur.

...

(d) OUTER CONTINENTAL SHELF MINERAL DEPOSITS, 23 JULY 1964<sup>1</sup>\*

(e) MARINE RESOURCES AND ENGINEERING DEVELOPMENT ACT<sup>2</sup> OF 1966.  
17 JUNE 1966.

...

#### DECLARATION OF POLICY AND OBJECTIVES

SEC. 2. (a) It is hereby declared to be the policy of the United States to develop, encourage, and maintain a coordinated, comprehensive, and long-range national program in marine science for the benefit of mankind to assist in protection of health and property, enhancement of commerce, transportation, and national security, rehabilitation of our commercial fisheries, and increased utilization of these and other resources.

(b) The marine science activities of the United States should be conducted so as to contribute to the following objectives:

- (1) The accelerated development of the resources of the marine environment.
- (2) The expansion of human knowledge of the marine environment.
- (3) The encouragement of private investment enterprise in exploration, technological development, marine commerce, and economic utilization of the resources of the marine environment.
- (4) The preservation of the role of the United States as a leader in marine science and resource development.
- (5) The advancement of education and training in marine science.
- (6) The development and improvement of the capabilities, performance, use, and efficiency of vehicles, equipment, and instruments for use in exploration, research, surveys, the recovery of resources, and the transmission of energy in the marine environment.
- (7) The effective utilization of the scientific and engineering resources of the Nation, with close cooperation among all interested agencies, public and private, in order to avoid unnecessary duplication of effort, facilities, and equipment, or waste.
- (8) The cooperation by the United States with other nations and groups of nations and international organizations in marine science activities when such cooperation is in the national interest.

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<sup>1</sup> *Ibid.*, Title 43 (Public Lands: Interior) Chapter II (Bureau of Land Management) Part 3380 (Circular 2153, July 23, 1964).

<sup>2</sup> 80 Stat. 203.

THE NATIONAL COUNCIL  
ON MARINE RESOURCES AND ENGINEERING DEVELOPMENT

SEC. 3. (a) There is hereby established, in the Executive Office of the President, the National Council on Marine Resources and Engineering Development (hereinafter called the "Council") which shall be composed of—

- (1) The Vice President, who shall be Chairman of the Council.
- (2) The Secretary of State.
- (3) The Secretary of the Navy.
- (4) The Secretary of the Interior.
- (5) The Secretary of Commerce.
- (6) The Chairman of the Atomic Energy Commission.
- (7) The Director of the National Science Foundation.
- (8) The Secretary of Health, Education, and Welfare.
- (9) The Secretary of Transportation (See PL 89-670)

(b) The President may name to the Council such other officers and officials as he deems advisable.

...

RESPONSIBILITIES

SEC. 4. (a) In conformity with the provisions of section 2 of this Act, it shall be the duty of the President with the advice and assistance of the Council to—

- (1) survey all significant marine science activities, including the policies, plans, programs, and accomplishments of all departments and agencies of the United States engaged in such activities;
- (2) develop a comprehensive program of marine science activities, including, but not limited to, exploration, description and prediction of the marine environment, exploitation and conservation of the resources of the marine environment, marine engineering, studies of air-sea interaction, transmission of energy, and communications, to be conducted by departments and agencies of the United States, independently or in cooperation with such non-Federal organizations as States, institutions and industry;
- (3) designate and fix responsibility for the conduct of the foregoing marine science activities by departments and agencies of the United States;
- (4) insure cooperation and resolve differences arising among departments and agencies of the United States with respect to marine science activities under this Act, including differences as to whether a particular project is a marine science activity;
- (5) undertake a comprehensive study, by contract or otherwise, of the legal problems arising out of the management, use, development, recovery, and control of the resources of the marine environment;
- (6) establish long-range studies of the potential benefits to the United States economy, security, health, and welfare to be gained from marine resources, engineering, and science, and the costs involved in obtaining such benefits; and
- (7) review annually all marine science activities conducted by departments

and agencies of the United States in light of the policies, plans, programs, and priorities developed pursuant to this Act.

(b) In the planning and conduct of a coordinated Federal program the President and the Council shall utilize such staff, interagency, and non-Government advisory arrangements as they may find necessary and appropriate and shall consult with departments and agencies concerned with marine science activities and solicit the views of non-Federal organizations and individuals with capabilities in marine sciences.

COMMISSION ON MARINE SCIENCE, ENGINEERING, AND RESOURCES

SEC. 5. (a) The President shall establish a Commission on Marine Science, Engineering, and Resources (in this Act referred to as the "Commission").

...

(b) The Commission shall make a comprehensive investigation and study of all aspects of marine science in order to recommend an overall plan for an adequate national oceanographic program that will meet the present and future national needs. The Commission shall undertake a review of existing and planned marine science activities of the United States in order to assess their adequacy in meeting the objectives set forth under section 2 (b), including but not limited to the following:

- (1) Review the known and contemplated needs for natural resources from the marine environment to maintain our expanding national economy.
- (2) Review the surveys, applied research programs, and ocean engineering projects required to obtain the needed resources from the marine environment.
- (3) Review the existing national research programs to insure realistic and adequate support for basic oceanographic research that will enhance human welfare and scientific knowledge.
- (4) Review the existing oceanographic and ocean engineering programs, including education and technical training, to determine which programs are required to advance our national oceanographic competence and stature and which are not adequately supported.
- (5) Analyze the findings of the above reviews, including the economic factors involved, and recommend an adequate national marine science program that will meet the present and future national needs without unnecessary duplication of effort.
- (6) Recommend a Governmental organizational plan with estimated cost.

...

SEC. 6. The Council, under the foreign policy guidance of the President and as he may request, shall coordinate a program of international cooperation in work done pursuant to this Act, pursuant to agreements made by the President with the advice and consent of the Senate.

...

SEC. 8. For the purposes of this Act the term "marine science" shall be deemed to apply to oceanographic and scientific endeavors and disciplines, and engineering and technology in and with relation to the marine environment; and

the term "marine environment" shall be deemed to include (a) the oceans, (b) the Continental Shelf of the United States, (c) the Great Lakes, (d) sea-bed and subsoil of the submarine areas adjacent to the coasts of the United States to the depth of two hundred meters, or beyond that limit, to where the depths of the superjacent waters admit of the exploitation of the natural resources of such areas, (e) the sea-bed and subsoil of similar submarine areas adjacent to the coasts of islands which comprise United States territory, and (f) the resources thereof.

(f) ACT PROHIBITING FOREIGN FISHING VESSELS IN THE TERRITORIAL WATERS OF THE UNITED STATES. 20 MAY 1964, sections 1081 and 1085<sup>1</sup>

(g) ACT ESTABLISHING A FISHERIES ZONE CONTIGUOUS TO THE TERRITORIAL SEA OF THE UNITED STATES, 14 OCTOBER 1966, section 1094<sup>2</sup>

#### 47. VENEZUELA

(a) ACT OF 27 JULY 1956 CONCERNING THE TERRITORIAL SEA, CONTINENTAL SHELF, FISHERY PROTECTION AND AIR-SPACE

...

##### TITLE II

##### *The continental shelf*

*Article 4.* The Republic of Venezuela shall own and have sovereignty over the sea-bed and subsoil of the submarine shelf adjacent to the territory of the Republic of Venezuela outside the area of the territorial sea, to a depth of 200 metres or, beyond that limit, to where the depth of the waters admits of the exploitation of the resources of the sea-bed and subsoil in accordance with technical progress in exploration and exploitation. Channels, depressions or irregularities in the sea-bed of the continental shelf shall not constitute a break in the continuity of that shelf, and banks which by position or natural conditions are related to the continental shelf shall be comprised therein.

The continental shelf of the Republic of Venezuela shall include the continental shelf, as just defined, of the islands of the Republic.

*Article 5.* Installations necessary for the exploration and exploitation of the continental shelf shall be subject to the sovereignty of the Republic, and the Republic shall, in the safety zones which it establishes around such installations, take such measures for the protection of those installations as it considers necessary.

*Article 6.* In the exploration and exploitation of its continental shelf, the State shall ensure that no interference is caused to navigation, fishing or the development of fish resources. The State shall also ensure that appropriate precautions are taken with regard to the installation of electric power cables, oil pipelines and the like.

<sup>1</sup> *Infra* DIVISION IV, 39 (e).

<sup>2</sup> *Ibid.* (f).

## TITLE III

*Fishery protection*

*Article 7.* The exploration and exploitation of the sedentary fisheries of the continental shelf of Venezuela shall be subject to the prior authorization and to the control of the national executive.

...

(b) CONSTITUTION OF THE REPUBLIC OF VENEZUELA OF 23 JANUARY 1961,  
Title I, Chapter II, article 7<sup>1</sup>

## 48. WESTERN SAMOA

No attempt has yet been made to claim jurisdiction over a continental shelf. No provision exists relating to the exploitation of resources of the sea or of the sea-bed and subsoil outside internal waters.<sup>2</sup>

## 49. YUGOSLAVIA

(a) LAW OF 22 MAY 1965<sup>3</sup> ON YUGOSLAVIA'S MARGINAL SEAS, CONTIGUOUS ZONE AND CONTINENTAL SHELF.

*Article 20*

The continental shelf comprises the sea-bed and subsoil of the submarine areas outside the outer limit of the territorial sea to a depth of 200 metres and also beyond that limit to the line where the depth of the superjacent waters admits of the exploitation of natural resources of the sea-bed and the subsoil.

*Article 21*

Yugoslavia exercises sovereign rights over the continental shelf relating to the exploration and exploitation of the natural resources of the shelf.

Are considered as natural resources within the meaning of paragraph 1 of the present article mineral and other non-living resources of the sea-bed and its subsoil, as well as living organisms which, at the harvesting stage, are immobile on or under the sea-bed or are able to move only in constant physical contact with the sea-bed or the subsoil.

<sup>1</sup> See *supra* DIVISION I, SUB-DIVISION A, Chapter I, 50 (b).

<sup>2</sup> The information was provided by the Permanent Representative of New Zealand to the United Nations in his note of 21 December 1967, at the request of the Government of Western Samoa.

<sup>3</sup> *Official Gazette* No: 22 of 22 May 1965. English text provided by the Permanent Mission of Yugoslavia to the United Nations.

*Article 22*

The rights referred to in article 21, paragraph 1, of the present Law do not affect the legal status of the superjacent waters as high seas, or the legal status of the air-space above them. The exercise of these rights must not unjustifiably interfere with navigation, fishing, the protection of living resources of the sea and with fundamental oceanographic or other scientific research open to publication.

*Article 23*

The exploration and exploitation of the natural resources of the continental shelf as well as the construction, operation and maintenance of installations and devices which are necessary for such explorations and exploitations may be performed under conditions provided for by laws and by regulations based on law.

The installations and devices referred to in paragraph 1 of the present article must be permanently marked by lights and other signals. These installations and devices must be removed when they are abandoned or when they cease to be used for the purposes for which they were erected.

*Article 24*

The operator of works for the exploration and exploitation of the natural resources in the continental shelf must establish safety zones around the installations and devices referred to in article 23 of the present Law, which zones may extend to a maximal distance of 500 metres as measured from every outer point of the installation or device. It is prohibited for the ships to navigate through these safety zones, except when allowed by special regulations.

The operator of the works referred to in paragraph 1 of the present article must undertake adequate measures on the installations and devices as well as in the safety zones for the purpose of preserving living resources of the sea from harmful waste.

*Article 25*

The installations and devices referred to in article 23, paragraph 1, and the safety zones referred to in article 24, paragraph 1, of the present Law must not be erected and established on points where they could interfere with the use of usual sea lanes essential to international navigation.

*Article 26*

The operator of works must report to the port authority about the construction, the way of permanent marking by lights and other signals, and the removal of installations and devices referred to in article 23 of the present Law, as well as about the establishment of safety zones and their limits referred to in article 24, paragraph 1, of the present Law. The port authority shall publish these data in the Notice to Mariners.

...

*Article 31*

A working organization or another juridical person shall be punished by a fine of 100,000 to 1,000,000 dinars:



(1) if it performs the exploration or exploitation of natural resources of the Yugoslav continental shelf without authorization (article 23, paragraph 1);

(2) if the exploration and exploitation of natural resources of the Yugoslav continental shelf is performed in a way which unjustifiably interferes with navigation, fishing, protection of living resources of the sea or fundamental oceanographic or other research open to publication (article 22);

(3) if it does not permanently mark by determined lights and other signals the installations or devices established in the Yugoslav continental shelf for the purpose of exploring or exploiting natural resources, or if it does not remove installations and devices when they are abandoned or when they cease to be used for the purpose for which they were erected (article 23, paragraph 2);

(4) if, exploring or exploiting the natural resources in the Yugoslav continental shelf, and in the safety zones established around the installations and devices for exploring or exploiting them, it does not undertake adequate measures for the protection of sea resources from harmful waste (article 24);

(5) if it establishes installations or devices for exploring and exploiting natural resources of the Yugoslav continental shelf on points where they could interfere with the use of the usual sea lanes essential to international navigation (article 25);

(6) if it does not report to the port authority about the construction, the way of permanent marking by signals, and the removal, of installations and devices for exploring and exploiting natural resources of the continental shelf, or if it does not report about the establishment of safety zones around these installations and devices and their limits (article 26).

For the action referred to in paragraph 1 of the present article the responsible person in a working organization or another juridical person shall also be punished with a fine of 100,000 dinars.

#### *Article 32*

Any individual person having committed an act referred to in article 31 of the present Law shall be punished by a fine of 100,000 dinars.

...

#### *(b) BASIC LAW<sup>1</sup> OF 18 FEBRUARY 1966 ON MINERAL ORES*

...

#### *Article 3*

(1) The provisions of this law are relevant to the exploration and exploitation of mineral ores, regardless of whether they are deposited deep in the earth or on its surface, on the sea-bed or beneath it in the coastal sea of Yugoslavia.

(2) The provisions of this law shall apply also to the exploration and exploitation of mineral ores deposited on the sea-bed or underneath it outside the coastal sea of Yugoslavia if, on the basis of the international law, such exploration and exploitation are regulated under Yugoslav legislation.

<sup>1</sup> English text provided by the Permanent Mission of Yugoslavia to the United Nations.

*Article 4*

(1) Exploration or exploitation of mineral ores shall be carried on by the economic organizations or institutions designated by this law and fulfilling the prescribed conditions (in the case of economic organizations).

(2) The right to carry out exploration work or to exploit individual mineral ores in a specified area shall be acquired by the organizations on the basis of the approval of the competent authority.

...

*Article 7*

(1) This law shall be applicable to the exploration and exploitation of the following mineral ores:

1. all types of fossil coal, except turf;
2. bituminous substances in solid, liquid or gaseous state, all kinds of bituminous (oil) rocks, as well as other types of gases found under the earth;
3. radio-active mineral ores;
4. mineral ores out of which can be extracted metals and their usable compounds;
5. non-metallic minerals, viz.: graphite, sulphur, magnesite, fluorite, barite, asbestos, mica, phosphorus, gypsum, calcite, chalk, common alum, bentonite, flint (quartz) and flint (quartz) sand, caolin, ceramic and fire clays, cement marls, marble, feldspar, talcum, diatom earth, pozzolana, disten, leucite, precious and semi-precious stones;
6. sodium, potassium, magnesium salts and all other salts and saline waters.

...

## CHAPTER II

*Exploration and Mineral Ores*

## 1. Approval to carry out exploration

*Article 18*

(1) Under the exploration of mineral ores shall be understood the mining operations (preparation of pits, exploration ditches, adits, shafts, drillings, etc.) and the explorations undertaken in order to establish mineral ore deposits, their quantity and quality, the position and form of the deposits and the conditions of exploitation.

(2) Under the provisions of this law the following operations shall not be considered as exploration of mineral ores: mining-geological prospecting, geological measurement, small diggings, shallow geological explorations performed by hand and undertaken in order to trace minerals, prepare geological maps, examine the structure of the soil, carry out scientific research, and the like.

## DIVISION III. THE HIGH SEAS

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### 1. AUSTRALIA

(a) POLLUTION OF THE SEA BY OIL ACT 1960-1965 (No. 4 of 1965; 12 April 1965)

...

#### 3. *Definitions*:

(1) In this Act, unless the contrary intention appears—

“Australian ship” means—

(a) a ship registered in Australia; or

(b) an unregistered ship having Australian nationality;

...

“the Convention” means the 1954 Convention,<sup>1</sup> as amended by the 1962 Amendments;

“the sea” does not include the territorial waters of Australia;

...

“the 1962 Amendments” means the amendments to the 1954 Convention that were adopted on the eleventh day of April, One thousand nine hundred and sixty-two, by a Conference of Contracting Governments to the 1954 Convention convened under sub-paragraph (a) of paragraph 3 of Article XVI of the 1954 Convention, being the amendments a copy of the English text of which is set out in the Third Schedule to this Act.

(2) In this Act, except as otherwise provided by the regulations, “prohibited part of the sea” means a part of the sea included in a prohibited zone under Annex A to the Convention.

...

#### 6. *Discharge of oil, etc., into certain sea areas prohibited*

(1) Subject to this Act—

(a) if any discharge of oil or of an oily mixture occurs from an Australian ship, not being a ship referred to in the next succeeding paragraph, into a prohibited part of the sea; or

(b) if any discharge of oil or of an oily mixture occurs from an Australian ship, being a ship of twenty thousand tons gross tonnage or more and being a ship the

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<sup>1</sup> *Infra* PART II, DIVISION III, SUB-DIVISION A. (1).

contract for building which was entered into on or after date of commencement of the *Pollution of the Sea by Oil Act 1965*, into any part of the sea, the owner and the master of the ship are each guilty of an offence against this section.

(2) The last preceding sub-section does not apply in relation to—

(a) the discharge of oil or of an oily mixture from a ship referred to in paragraph (a) of the last preceding sub-section, not being a tanker, unless the discharge occurs on or after the date fixed by the Minister, by notice published in the *Gazette*, as the date on and after which that sub-section shall apply in relation to such a ship; or

(b) the discharge of oil or of an oily mixture from a ship referred to in paragraph (b) of the last preceding sub-section, if—

- (i) in the opinion of the master of the ship, special circumstances make it neither reasonable nor practicable to retain the oil or the oily mixture on board the ship;
- (ii) the oil or oily mixture is discharged into a part of the sea other than a prohibited part of the sea; and
- (iii) at the first practicable opportunity, the master notifies a prescribed officer of those special circumstances and of the discharge.

(3) Subject to this Act, if, before the date fixed under paragraph (a) of the last preceding sub-section, a discharge of oil or of an oily mixture occurs from a ship referred to in that paragraph into a part of the sea otherwise than as far from land as is practicable, the owner and the master of the ship are each guilty of an offence against this section.

(4) It is a defence if a person charged with an offence against this section proves—

(a) in the case of a ship referred to in paragraph (a) of sub-section (1) of this section, not being a tanker—that the discharge of the oil or of the oily mixture from the ship occurred when the ship was proceeding to a port not provided with such reception facilities for ships, other than tankers, as are referred to in Article VIII of the Convention;

(b) that the discharge of the oil or of the oily mixture from the ship was for the purpose of securing the safety of a ship, preventing damage to a ship or cargo or saving life at sea;

(c) that the oil or the oily mixture escaped from the ship in consequence of damage to the ship or unavoidable leakage and that all reasonable precautions were taken after the occurrence of the damage or the discovery of the leakage for the purpose of preventing or minimizing the escape of the oil or of the oily mixture;

(d) that—

(i) the oil or oily mixture was residue arising from the purification or clarification of fuel oil or lubricating oil; and

(ii) the discharge was made as far from land as was practicable; or

(e) in the case of a discharge from a ship of an oily mixture—that the discharge was from the bilges of the ship and the mixture contained no oil, other than lubricating oil that had drained or leaked from the machinery spaces of the ship.

(5) The penalty for an offence against this section is a fine not exceeding One thousand pounds.

7. *Powers of inspection, etc.*

(1) For the purpose of ascertaining—

(a) whether a provision of this Act or of the regulations that is applicable in respect of a ship has been complied with in respect of the ship;

(b) whether a provision of the 1954 Convention, or of the 1954 Convention as amended at any time, that is applicable in respect of a ship, other than an Australian ship, has been complied with in respect of the ship; or

(c) whether a provision of a law of a country, other than Australia, giving effect to a provision of the 1954 Convention, or of the 1954 Convention as amended at any time, being a provision of that law that is applicable in respect of a ship, has been complied with in respect of the ship,

a person holding office as a surveyor under section one hundred and ninety of the *Navigation Act 1912-1965* or a person authorized by the Minister to act under this section may—

(d) go on board the ship;

(e) inspect the machinery and equipment of the ship and any oil record book carried in the ship; and

(f) require a person to answer questions.

(2) The regulations may provide that the last preceding sub-section does not apply in relation to a ship registered in, or an unregistered ship having the nationality of, a country, other than Australia, that is specified in the regulations.

(3) A person shall not—

(a) assault, resist, hinder or obstruct a person in the exercise of his powers under this section;

(b) without lawful excuse refuse to answer a question that he is required to answer under this section; or

(c) in answer to such a question, make a statement that is false or misleading in any particular.

Penalty: One hundred pounds.

...

11. *No time limit for prosecutions*

A prosecution for an offence against this Act or the regulations may be brought at any time.

(b) WHALING ACT 1960 (No. 10 of 1960; 13 May 1960), section 5<sup>1</sup>

(c) NAVAL FORCES (FIRING AREAS) REGULATIONS (No. 49 of 1960), section 2<sup>2</sup>

<sup>1</sup> *Infra* DIVISION IV, 2 (c).

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter III, 1.

(d) THE SUBMARINE CABLES AND PIPELINES PROTECTION ACT 1963 (No. 61 of 1963;  
28 October 1963)

...

4. *Extension of Act to Territories*

This Act extends to all the Territories of the Commonwealth.

5. *Act applies only to cables and pipelines beneath the high seas*

(1) A reference in this Act to a submarine cable or pipeline shall be read as a reference only to a cable or pipeline beneath the high seas or to such part of a cable or pipeline as is beneath the high seas.

(2) In the last preceding sub-section, "the high seas" has the same meaning as in the Convention on the High Seas signed at Geneva on the twenty-ninth day of April, One thousand nine hundred and fifty-eight.

...

7. *Persons not to break or injure submarine cables or pipelines*

(1) A person shall not wilfully, or through culpable negligence—

(a) break or injure, or cause a ship registered in Australia or in a Territory of the Commonwealth to break or injure, a submarine telegraph or telephone cable in such manner as might interrupt or obstruct telegraphic or telephonic communications; or

(b) break or injure, or cause a ship registered in Australia or in a Territory of the Commonwealth to break or injure, a submarine pipeline or a submarine high-voltage power cable.

Penalty: Where the person acted wilfully, Two thousand dollars or imprisonment for one year; in any other case, One thousand dollars or imprisonment for three months.

(2) Where—

(a) a breakage of, or an injury to, a cable or pipeline is caused by persons acting with the sole object of saving their lives or their ships; and

(b) those persons took all necessary precautions to avoid breaking or injuring the cable or pipeline,

the last preceding sub-section does not apply in relation to the break or injury.

8. *Liability for breaking or injuring a cable or pipeline*

If a person, in the course of laying or repairing a submarine cable or pipeline of which he is the owner, causes a break in or injury to another cable or pipeline, he is liable to bear the costs of repairing the break or injury.

9. *Indemnity for loss of anchor, etc.*

If, after all reasonable precautionary measures have been taken, an anchor, a net or any other fishing gear belonging to a ship is sacrificed in order to avoid injuring a submarine cable or pipeline, the owner of the ship is entitled to be indemnified for his loss by the owner of the cable or pipeline.

10. *Punishment of offences.*

(1) An offence against this Act may be prosecuted either summarily or upon indictment, but an offender is not liable to be punished more than once in respect of the same offence.

(2) In summary proceedings against a person for an offence against this Act, the court shall not impose on that person, in respect of the offence, a penalty exceeding One thousand dollars or imprisonment for a term exceeding three months.

11. *Jurisdiction of courts*

(1) Subject to the succeeding provisions of this section—

(a) the several courts of the States are invested with federal jurisdiction; and

(b) jurisdiction is conferred on the several courts of the Territories of the Commonwealth,

with respect to offences against this Act.

(2) The jurisdiction invested on or conferred on courts by the last preceding sub-section is invested or conferred within the limits (other than limits having effect by reference to the places at which offences are committed) of their several jurisdictions, whether those limits are as to subject-matter or otherwise, but subject to the conditions and restrictions specified in paragraphs (a), (b) and (c) of sub-section (2) of section thirty-nine of the *Judiciary Act 1903-1960*.

(3) The jurisdiction invested in, or conferred on, a court of summary jurisdiction by this section shall not be judicially exercised except by a Chief, Police, Stipendiary, Resident or Special Magistrate.

(4) The trial on indictment of an offence against this Act, not being an offence committed within a State, may be held in any State or in any Territory of the Commonwealth.

(5) Subject to this Act, the laws of a State or Territory of the Commonwealth with respect to the arrest and custody of offenders or persons charged with offences and the procedure for—

(a) their summary conviction;

(b) their examination and commitment for trial on indictment;

(c) their trial and conviction on indictment; and

(d) the hearing and determination of appeals arising out of any such trial or conviction or out of any proceedings connected therewith,

and for holding accused persons to bail apply, so far as they are applicable, to a person who is charged in that State or Territory with an offence against this Act.

(6) Except as provided by this section, the *Judiciary Act 1903-1960* applies in relation to offences against this Act.

(e) WIRELESS TELEGRAPHY ACT 1967<sup>1</sup>

(No. 59 of 1967; 11 September 1967)

(f) PETROLEUM (SUBMERGED LANDS) ACT 1967

(No. 118 of 1967; 22 November 1967) sections 60, 97, 119 and 124<sup>2</sup>

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter VIII, 1 (a).

<sup>2</sup> *Supra* DIVISION II, 2 (a).

## 2. BELGIUM

(a) LOI<sup>1</sup> DU 2 AVRIL 1965 RELATIVE À LA NATIONALITÉ DES NAVIRES DE MER ET À L'IMMATRICULATION DES NAVIRES DE MER ET DES BATEAUX D'INTÉRIEURCHAPITRE 1<sup>er</sup>. — DE LA NATIONALITÉ

*Article 1<sup>er</sup>.* — § 1<sup>er</sup>. Possède la nationalité belge, tout navire au sens de l'article 1<sup>er</sup> du livre II du Code de commerce appartenant pour plus de la moitié en pleine ou en nue-propiété:

- 1<sup>o</sup> à des Belges qui ont en Belgique leur domicile et leur résidence habituelle;
- 2<sup>o</sup> à des sociétés commerciales ayant leur principal établissement en Belgique.

La nationalité belge est réputée acquise de plein droit dès que les conditions prévues au présent paragraphe sont remplies.

§ 2. Le Ministre qui a l'Administration de la Marine et de la Navigation intérieure dans ses attributions, dénommé ci-après le Ministre, peut conférer la nationalité belge à tout navire appartenant pour plus de la moitié en pleine ou en nue-propiété:

- 1<sup>o</sup> à des Belges non visés au § 1<sup>er</sup>, 1<sup>o</sup>;

2<sup>o</sup> à des étrangers qui ont en Belgique leur résidence habituelle et effective depuis un an au moins au moment de l'introduction de la demande.

La nationalité belge est réputée acquise dès que l'autorisation du Ministre est notifiée par lettre recommandée à la poste aux propriétaires visés au présent paragraphe. La notification est faite au domicile de ceux-ci.

Si les propriétaires ne sont pas domiciliés en Belgique, ils doivent y élire domicile lors de l'introduction de la demande tendant à l'attribution de la nationalité belge au navire. Dans ce cas, l'autorisation leur est notifiée à ce domicile élu.

§ 3. Tout navire en construction en Belgique est réputé posséder la nationalité belge jusqu'à la réception.

La nationalité belge est réputée acquise dès le commencement de la construction.

*Article 2.* — Le commandement d'un navire belge ne peut être attribué qu'à une personne de nationalité belge.

Il peut être dérogé à cette disposition en vertu d'une autorisation accordée par le Ministre dans des cas particuliers, si les besoins du commerce ou de la navigation le justifient.

*Article 3.* — Le navire perd la nationalité belge:

- 1<sup>o</sup> en cas de démolition ou de perte par naufrage;
- 2<sup>o</sup> lorsque les conditions prévues à l'article 1<sup>er</sup>, §§ 1<sup>er</sup> et 2 ne sont plus réunies;
- 3<sup>o</sup> lorsque, dans les cas prévus à l'article 1<sup>er</sup>, § 2, le Ministre retire son autorisation.

<sup>1</sup> *Moniteur belge* du 6 Mai 1965. Voir la Loi du 20 septembre 1903 sur les lettres de mer et l'Arrêté royal n° 690 du 8 novembre 1920 portant règlement pour l'application de la Loi du 25 août 1920 sur la sécurité des navires (ST/LEG/SER.B/5, p. 3 à 5).



(b) ARRÊTÉ ROYAL<sup>1</sup> DU 4 AVRIL 1967 RELATIF À LA NATIONALITÉ DES NAVIRES DE MER ET À L'IMMATRICULATION DES NAVIRES DE MER ET DES BATEAUX D'INTÉRIEUR\*

### 3. CANADA

(a) CRIMINAL CODE, 1953-1954, AS AMENDED<sup>2</sup>

(b) EXTRADITION ACT<sup>3</sup>

(c) FUGITIVE OFFENDERS ACT<sup>4</sup>

(d) AERONAUTICS ACT, AS AMENDED<sup>5</sup>

...

4. (1) Subject to the approval of the Governor in Council, the Minister may make regulations to control and regulate air navigation over Canada including the territorial sea of Canada and all waters on the landward side thereof, and the conditions under which aircraft registered in Canada may be operated over the high seas or any territory not within Canada, and, without restricting the generality of the foregoing, may make regulations with respect to:

...

(i) The institution and enforcement of such laws, rules and regulations as may be deemed necessary for the safe and proper navigation of aircraft in Canada, including the territorial sea of Canada and all waters on the landward side thereof, and of aircraft registered in Canada, wherever such aircraft may be;

...

(e) NATIONAL DEFENCE ACT AS AMENDED<sup>6</sup>

### 4. DENMARK

(a) SHIPPING ACT NO. 149 OF 7 MAY 1937, AS AMENDED<sup>7\*</sup>

(b) SHIPPING REGISTRATION ACT NO. 93 OF 29 MARCH 1957, AS AMENDED<sup>8\*</sup>

<sup>1</sup> *Moniteur belge* du 6 juin 1967.

<sup>2</sup> S.C. Chap. 51 as amended by 1964 S.C. Chap. 22. *Supra* DIVISION 1, SUB-DIVISION A, Chapter V, 2 (a).

<sup>3</sup> R.S.C. 1952, Chap. 127. For the relevant text, see ST/LEG/SER.B/8, pp. 86-87.

<sup>4</sup> R.S.C. 1952, Chap. 127. For the relevant text, see ST/LEG/SER.B/8, p. 87.

<sup>5</sup> R.S.C. 1952, Chap. 2, as amended by 1964 S.C. Chap. 22. Except for the above provisions, the text reproduced in ST/LEG/SER.B/8, pp. 88-89 remained in force.

<sup>6</sup> R.S.C. 1952, Chap. 184, as amended by S.C. 1952-53, Chap. 24 and S.C., 1953-1954, Chap. 13. See ST/LEG/SER.B/8, p. 89.

<sup>7</sup> Most recently by Act No. 159 of 27 May 1964. By Royal Order No. 27 of 11 February 1961, the Act entered into force in Greenland. Text of article 1 (see ST/LEG/SER.B/8, pp. 118-119) remains unchanged.

<sup>8</sup> Most recently by Act No. 205 of 18 May 1960 and by Act No. 213 of 4 June 1964. By Royal Order No. 28 of 11 February 1961, the Act entered into force in Greenland. The

## 5. DOMINICAN REPUBLIC

ACT No. 186 OF 6 SEPTEMBER 1967 ON THE TERRITORIAL SEA, THE CONTIGUOUS ZONE AND THE CONTINENTAL SHELF, article 6<sup>1</sup>

## 6. ECUADOR

DECREE<sup>2</sup> No. 1186-d OF 29 MAY 1964\*\*

...

*Article 1*

The delegation of Ecuador to the Standing Committee of the South Pacific, which constitutes the Ecuadorian section of the Committee, shall be composed of the following officials:

For the Ministry of External Relations, the Adviser on Territorial Matters, who shall act as head of the delegation;

For the Ministry of National Defence, the Commander in Chief of the Navy;

For the Ministry of Development, the Director of Fishing and Hunting;

In the absence of the persons holding these offices each Ministry shall designate the respective alternates...

...

## 7. ETHIOPIA

MARITIME CODE OF THE EMPIRE OF ETHIOPIA OF 1960 (PROCLAMATION No. 164 OF 1960)<sup>3</sup>

## CHAPTER II. NATIONALITY OF SHIPS

*Article 4. Qualification for owning Ethiopian Ships*

A ship shall not be deemed to be an Ethiopian ship unless owned wholly by persons of the following descriptions, namely:

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text reproduced in ST/LEG/SER.B/8, pp. 119-123, except article 57, remains unchanged.

Both Shipping Act No. 149 and Shipping Registration Act No. 93 relate to the nationality of ships.

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION B, 9.

<sup>2</sup> *Registro Oficial*, No. 273 of 19 June 1964. By this Decree, the delegation of Ecuador is integrated into the Standing Committee of the South Pacific and constitutes the Ecuadorian section of that Committee for the Agreement on Organization of the Standing Committee of the Conference on the use and conservation of the marine resources of the South Pacific; see ST/LEG/SER.B/6, pp. 724-726.

<sup>3</sup> *Negarit Gazeta*, 19th year No. 1, of 5 May 1960.

- (a) Ethiopian subjects;
- (b) Bodies Corporate established under, and subject to, the Laws of Ethiopia and having their principal place of business in Ethiopia;
- (c) Foreigners domiciled in Ethiopia and having their principal place of business in Ethiopia.

*Article 5. Ships treated as Ethiopian Ships*

The following shall be Ethiopian ships:

- (a) Ships abandoned at sea and salvaged by ships flying the Ethiopian flag;
- (b) Ships confiscated under the provisions of this Code.

*Article 6. Ethiopian Ships*

- (1) Only Ethiopian ships shall sail under the Ethiopian flag.
- (2) Coastal fishing, coastal trade between Ethiopian ports and towage in Ethiopian ports shall only be undertaken by Ethiopian ships.

## 8. FEDERAL REPUBLIC OF GERMANY

ACT<sup>1</sup> OF 24 JULY 1964 ON PROVISIONAL DETERMINATION OF RIGHTS RELATING TO  
THE CONTINENTAL SHELF, articles 2 and 11

## 9. FINLAND

- (a) LAW<sup>1</sup> NO. 145 CONCERNING THE PROTECTION OF CERTAIN SUBMARINE CONDUITS.  
Issued at Helsinki on 5 March 1965

...

*Article 1*

For the purpose of the present law the term "submarine conduit" means a cable or a pipeline laid beneath the high seas.

*Article 2*

Any action provided in the Criminal Law, chapter 34, article 12, paragraphs 1 or 2 against a submarine conduit or any action exposing the laying, constructing or repairing of such conduits to danger in pursuance of paragraphs 3-6 of the said article will be punished in accordance to the above-mentioned paragraphs.

<sup>1</sup> *Supra* DIVISION II, 13 (b).

<sup>2</sup> The Law came into force on 18 March 1965; by it, the Law (398/38) issued on 16 December 1938 concerning the protection of certain submarine cables was recalled. English text provided by the Permanent Mission of Finland to the United Nations.

*Article 3*

When by laying, constructing or repairing a submarine conduit injury is caused to another conduit the owner of the first mentioned conduit shall be liable to bear the reasonable costs arising from the repairing of the conduit to its owner even if the action having caused the injury is not punishable.

*Article 4*

When a ship, in order to avoid injuring a submarine conduit, has sacrificed an anchor, a net or any other fishing gear the owner of the conduit is liable to pay the damage arising therefrom.

Receiving damages presupposes that the master of the ship, as far as possible, for the verifying of the occurrence immediately after it writes down a summary report of it in the log book, if one exists, or in a separate record which the crew of the ship confirms with its signature, and that he within twenty-four hours after the arrival of the ship in the first port and in any case as soon as possible after such arrival makes a ship's protest in pursuance of the Sea Law. If the ship's protest is made in Finland the appropriate court shall without delay notify the Ministry for Foreign Affairs about it which shall immediately make it known to the diplomatic or consular representation of the native country of the owner of the conduit.

(b) LAW<sup>1</sup> NO. 146 CONCERNING THE PREVENTION OF POLLUTION OF THE SEA.  
Issued at Helsinki on 5 March 1965

*Article 1*

The discharge or disposal in the sea of residue or other substance from the territory of Finland or from a Finnish ship shall be prohibited, if such action either directly or after its effects have spread causes harmful pollution on the high seas or on the territorial waters of another state. The same rule shall apply to mining and other activities of the same nature in the territory of Finland or on the continental shelf belonging to Finland if such action has the aforementioned consequences.

*Article 2*

Discharge in the sea of untreated radiated nuclear fuel and of the radioactive waste developed in the connection of the first phase of the chemical separation of its nuclear fission products shall be prohibited.

*Article 3*

Discharge of radioactive materials, other than those referred to in article 2, from the territory of Finland or from a Finnish ship, in a way which can harm the human beings, the environment or the living resources of the sea or expose them to danger, is prohibited.

<sup>1</sup> English text provided by the Permanent Mission of Finland to the United Nations.

Radioactive materials packed in containers or solid radioactive materials shall be disposed of in the sea only at a depth more than two thousand metres.

*Article 4*

Permission shall be sought from the appropriate Water Rights Court for the disposal of radioactive materials in the sea irrespective of whether the disposal thereof has the consequences referred to in chapter I, article 19, of the Water Rights Act. If the action is to be carried out outside the territorial waters of Finland, the matter shall be dealt with by the Water Rights Court of Western Finland.

Permission for the disposal may be granted, unless otherwise provided in the present law, as the conditions prescribed in the Water Rights Act, chapter 10, article 24 in regard to the territory of Finland. Otherwise the same provisions, as prescribed for the permission provided in the aforementioned article of the Water Rights Act, shall apply, *mutatis mutandis*, to the provisions governing the grant of the permission and the questions connected therewith.

Furthermore, special provisions shall apply to the handling of radioactive materials.

*Article 5*

The provisions of the present law relating to vessels shall also apply to aircraft.

*Article 6*

Unless a severer punishment has been prescribed elsewhere in the law, any breach of the present law or the prescriptions issued by virtue thereof will be punished *mutatis mutandis*, in accordance with the provisions of the Water Rights Act concerning the punishment for causing pollution of waters, it being understood that legal proceedings relating to an action committed outside the territory of Finland shall be brought before the Water Rights Court of Western Finland.

10. FRANCE

(a) LOI N° 64-1331 DU 26 DÉCEMBRE 1964 RÉPRIMANT LA POLLUTION DES EAUX DE LA MER PAR LES HYDROCARBURES<sup>1</sup>

*Article 1<sup>er</sup>.* — Sera puni d'une amende de 2 000 F à 20 000 F et, en cas de récidive, d'un emprisonnement de dix jours à six mois et d'une amende de 5 000 F à 50 000 F ou de l'une de ces deux peines seulement, tout capitaine d'un bâtiment français soumis aux dispositions de la convention internationale pour la prévention de la pollution des eaux de la mer par les hydrocarbures, signée à Londres le 12 mai 1954 et publiée par le décret n° 58-922 du 7 octobre 1958, qui se sera rendu coupable d'infraction aux dispositions des paragraphes 1 et 2 de l'article 3 de ladite convention

<sup>1</sup> *Journal Officiel* n° 303 des 28 et 29 décembre 1964.

relatif aux interdictions de rejet à la mer d'hydrocarbures ou de mélanges d'hydrocarbures.

Nonobstant l'application des peines prévues à l'alinéa précédent à l'égard du capitaine, si l'infraction a été commise sur ordre exprès du propriétaire ou de l'exploitant du navire, ce propriétaire ou cet exploitant sera puni de peines qui pourront être portées au double de celles prévues à l'alinéa précédent.

Tout propriétaire ou exploitant d'un navire qui n'aura pas donné au capitaine l'ordre exprès de se conformer aux dispositions des paragraphes 1 et 2 de l'article 3 de la convention de Londres pourra être retenu comme complice de l'infraction prévue au premier alinéa du présent article.

*Article 2.* — Les mêmes peines seront prononcées lorsque les actes interdits par les dispositions précitées auront été commis par le capitaine d'un bâtiment français, quel que soit son tonnage, appartenant aux catégories suivantes, à l'exception des bâtiments de la marine nationale :

- a) Navires-citernes ;
- b) Autres navires, lorsque la puissance installée de leur machine propulsive dépasse un chiffre fixé par décret en Conseil d'État ;
- c) Engins portuaires, chalands et bateaux-citernes fluviaux, qu'ils soient automoteurs ou remorqués.

*Article 3.* — Les mêmes peines seront prononcées lorsque les actes interdits à l'article 3 de la convention précitée auront été commis dans les eaux intérieures françaises fréquentées normalement par les bâtiments de mer, par le capitaine d'un bâtiment français auquel s'applique, soit l'article 2 de ladite convention, soit l'article 2 de la présente loi.

*Article 4.* — Dans les eaux territoriales françaises et dans les eaux intérieures françaises fréquentées normalement par les bâtiments de mer, les dispositions de la présente loi s'appliquent aux bâtiments étrangers même immatriculés dans un territoire relevant d'un gouvernement non contractant, et y compris les catégories de bâtiments énumérées à l'article 2 ci-dessus.

*Article 5.* — Sont habilités à constater les infractions aux dispositions des articles 3 et 9 de la convention précitée, aux dispositions réglementaires qui étendent l'application dudit article 9, et à celles de la présente loi : les administrateurs de l'inscription maritime, les inspecteurs de la navigation et du travail maritimes, les inspecteurs mécaniciens, les ingénieurs des ponts et chaussées chargés du service maritime, les agents des douanes et, à l'étranger, les consuls de France à l'exclusion des agents consulaires. En outre, les infractions aux dispositions de l'article 3 de la convention pourront être constatées par les officiers de port et les commandants des bâtiments de la marine nationale.

Sont chargés de rechercher les infractions constituant le délit de pollution des eaux de la mer, de recueillir à cet effet tous renseignements en vue de découvrir les auteurs de ces infractions et d'en rendre compte, soit à un administrateur de l'inscription maritime, soit à un officier de police judiciaire : les agents de la police de la navigation et de la surveillance des pêches maritimes, les commandants des navires océanographiques de l'État, les chefs de bord des aéronefs militaires, des aéronefs de la protection civile et des aéronefs de l'État affectés à la surveillance des eaux

maritimes, les agents des services des phares et balises, ceux de l'institut scientifique et technique des pêches maritimes et ceux de la police de la pêche fluviale.

*Article 6.* — Les procès-verbaux dressés conformément à l'article 5 de la présente loi font foi jusqu'à preuve du contraire et ne sont pas soumis à l'affirmation. Ils sont transmis immédiatement au procureur de la République par l'agent verbalisateur qui en adresse en même temps copie à l'administrateur de l'inscription maritime lorsqu'il s'agit de navires et à l'ingénieur en chef des ponts et chaussées chargé du service maritime s'il s'agit d'engins portuaires ou de bâtiments fluviaux.

Les infractions aux dispositions de la convention de Londres et à celle de la présente loi sont jugées, soit par le tribunal compétent du lieu de l'infraction, soit par celui dans le ressort duquel le bâtiment est attaché en douanes s'il est français, soit par celui dans le ressort duquel peut être trouvé le bâtiment s'il est étranger.

*Article 7.* — L'administration conserve la faculté de poursuivre, selon la procédure des contraventions de grande voirie, la réparation des dommages causés au domaine public, sans qu'aucune peine puisse être prononcée par la juridiction administrative lorsque les faits incriminés sont constitutifs d'un des délits prévus aux articles 1<sup>er</sup> à 4 de la présente loi.

(b) ARRÊTÉ DU 25 FÉVRIER 1965 RELATIF AU REGISTRE DES HYDROCARBURES TENU À BORD DE CERTAINS BÂTIMENTS DE MER <sup>1\*</sup>

## 11. GHANA

### OIL IN NAVIGABLE WATERS ACT, 1964 (Act. No. 235 of 6 April 1964)

#### 1. *Discharge of certain oils into prohibited sea areas*

(1) If any oil to which this section applies is discharged from any ship registered in Ghana into a part of the sea which is a prohibited sea area, or if any mixture containing not less than one hundred parts of oil to which this section applies in a million parts of the mixture is discharged from such a ship into such a part of the sea, the owner or master of the ship shall, subject to the provisions of this Act, be guilty of an offence under this section.

(2) This section applies to crude oil, fuel oil, heavy diesel oil and lubricating oil and shall also apply to any other description of oil which may be prescribed by the Minister, having regard to the provisions of any subsequent Convention in so far as it relates to the prevention of pollution of the sea by oil, or having regard to the persistent character of oil of that description and the likelihood that it would cause pollution if discharged from a ship into a prohibited sea area.

(3) Regulations made under this section by the Minister may make exceptions from the operation of subsection (1) of this section, either absolutely or subject to

<sup>1</sup> *Ibid.*, n° 76 du 31 mars 1965.

any prescribed conditions, and either generally or as respects particular classes of ships, or in relation to particular descriptions of oil or mixtures containing oil or to the discharge of oil or mixtures in prescribed circumstances, or in relation to particular areas of the sea.

(4) This section shall not apply to the discharge from the bilges of a ship of an oily mixture containing no other oil than lubricating oil which has drained or leaked from machinery spaces.

(5) In this Act "subsequent Convention" means any Convention subsequent to the Convention of 1954, being a Convention accepted by the Government of Ghana.

## 2. *Designation of prohibited sea areas*

(1) For the purposes of this Act the areas of the sea designated by or in accordance with this section shall be prohibited sea areas.

(2) Subject to the following provisions of this section the areas specified in the First Schedule to this Act shall be prohibited sea areas.

(3) The Minister, if he considers it necessary to do so for the purpose of protecting the coast and territorial waters of Ghana from pollution by oil, may by legislative instrument, designate any area of the sea, outside the territorial waters of Ghana and outside the areas specified in the First Schedule to this Act, as a prohibited sea area.

(4) For the purpose of giving effect to any variation of the prohibited zones referred to in the Convention of 1954, in accordance with the provisions of that Convention or of any subsequent Convention, the Minister may by legislative instrument vary any of the areas specified in the First Schedule to this Act, or declare that any area specified in that Schedule shall cease to be included therein, or designate as a prohibited area any area of the sea, outside the Territorial waters of Ghana, which apart from the instrument is not a prohibited sea area.

## 3. *Discharge of oil into Ghanaian waters*

(1) If any oil or mixture containing oil is discharged into waters to which this section applies from any vessel, or from any place on land, or from any apparatus used for transferring oil from or to any vessel (whether to or from a place on land or to or from another vessel), then subject to the provisions of this Act—

(a) if the discharge is from a vessel, the owner or master of the vessel, or

(b) if the discharge is from a place on land, the occupier of that place, or

(c) if the discharge is from apparatus used for transferring oil from or to a vessel, the person in charge of the apparatus,  
shall be guilty of an offence under this section.

(2) This section applies to the following waters, that is to say—

(a) the whole of the sea within the seaward limits of the territorial waters of Ghana, and

(b) all other waters (including inland waters) which are within those limits and are navigable by sea-going ships.



(3) A port Authority may appoint a place within his jurisdiction where the ballast water of vessels in which a cargo of petroleum-spirit has been carried may be discharged into the waters of the port at such times, and subject to such conditions, as the Authority may determine; and, where a place is so appointed, the discharge of ballast water from such a vessel shall not constitute an offence under this section, if the ballast water is discharged at that place, and at a time and in accordance with the conditions so determined, and the ballast water contains no oil other than petroleum-spirit.

(4) In this Act "place on land" includes anything resting on the bed or shore of the sea, or of any other waters to which this section applies, and also includes anything afloat (other than a vessel) if it is anchored or attached to the bed or shore of the sea or of any such waters; and "occupier" in relation to any such thing as is mentioned in the preceding provisions of this subsection, if it has no occupier, means the owner thereof, and, in relation to a railway wagon or road vehicle, means the person in charge of the wagon or vehicle and not the occupier of the land on which the wagon or vehicle stands.

#### 4. *Special defences under Sections 1 and 3*

(1) Where a person is charged with an offence under section 1 of this Act, or is charged with an offence under the last preceding section as the owner or master of a vessel, it shall be a defence to prove that the oil or mixture in question was discharged for the purpose of securing the safety of any vessel, or of preventing damage to any vessel or cargo, or of saving life:

Provided that a defence under this subsection shall not have effect if the court is satisfied that the discharge of the oil or mixture was not necessary for the purpose alleged in the defence or was not a reasonable step to take in the circumstances.

(2) Where a person is charged as mentioned in the preceding subsection it shall also be a defence—

(a) that the oil or mixture escaped in consequence of damage to the vessel, and that as soon as practicable after the damage occurred all reasonable steps were taken for preventing, or (if it could not be prevented) for stopping or reducing, the escape of the oil or mixture, or

(b) that the oil or mixture escaped by reason of leakage, that the leakage was not due to any want of reasonable care, and that as soon as practicable after the escape was discovered all reasonable steps were taken for stopping or reducing it.

(3) Where a person is charged with an offence under the last preceding section as the occupier of a place on land, or as the person in charge of any apparatus, from which oil or a mixture containing oil is alleged to have escaped, it shall be a defence to prove that the escape of the oil or mixture was not due to any want of reasonable care, and that as soon as practicable after the escape was discovered all reasonable steps were taken for stopping or reducing it.

(4) Without prejudice to the last preceding subsection, it shall be a defence for the occupier of a place on land, who is charged with an offence under the last preceding section, to prove that the discharge was caused by the act of a person who was in that place without the permission (express or implied) of the occupier.

(5) Where a person is charged with an offence under the last preceding section in respect of the discharge of a mixture containing oil from a place on land, it shall

(without prejudice to any other defence under this section) be a defence to prove—

(a) that the oil was contained in an effluent produced by operations for the refining of oil;

(b) that it was not reasonably practicable to dispose of the effluent otherwise than by discharging it into waters to which the last preceding section applies; and

(c) that all reasonably practicable steps had been taken for eliminating oil from the effluent:

Provided that a defence under this subsection shall not have effect if it is proved that, at a time to which the charge relates, the surface of the waters into which the mixture was discharged from the place in question, or land adjacent to those waters, was fouled by oil, unless the court is satisfied that the fouling was not caused, or contributed to, by oil contained in any effluent discharge at or before that time from that place.

(6) Where any oil or mixture containing oil is discharged in consequence of the exercise of any power conferred by sections 243 and 244 of the Merchant Shipping Act, 1963 (Act 183) (which relate to the removal of wrecks), and apart from this subsection the authority exercising the power, or a person employed by or acting on behalf of the authority, would be guilty of an offence under section 1 of this Act, or under the last preceding section, in respect of that discharge the authority or person shall not be convicted of that offence unless it is shown that they or he failed to take such steps (if any) as were reasonable in the circumstances for preventing stopping or reducing the discharge.

#### 5. *Equipment in ships to prevent oil pollution*

(1) All ships registered in Ghana which use oil as fuel for either engines or boilers shall be so fitted as to prevent oil fuel from leaking or draining into bilges unless effective means are provided to ensure that the oil in the bilges is not discharged in contravention of this Act.

...

#### 12. *Restrictions on transfer of oil at night*

(1) No oil shall be transferred between sunset and sunrise to or from a vessel in any port in Ghana unless the requisite notice has been given in accordance with this section:

Provided that this subsection shall not apply to the transfer of oil for the purposes of saving life or property.

...

#### 13. *Duty to report discharges of oil into waters of ports*

(1) If any oil or mixture containing oil—

(a) is discharged from a vessel into the waters of a port in Ghana for the purposes of securing the safety of the vessel or of preventing damage to the vessel or her cargo, or of saving life, or

(b) is found to be escaping, or to have escaped, into any such waters from a vessel in consequence of damage to the vessel or by reason of leakage, or

(c) is found to be escaping or to have escaped into any such waters from a place on land,

the owner or master of the vessel or the occupier of the place on land, as the case may be, shall forthwith report the occurrence to the harbour master (or if there is no harbour master, to the port Authority) stating in the case of a report by the owner or master of a vessel, whether it falls within paragraph (a) or paragraph (b) of this subsection, and if he fails to do so, shall be guilty of an offence under this section.

(2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding two hundred pounds.

...

#### 17. *General provisions as to application of Act*

The provisions of this Act, except provisions which are expressed to apply only to ships registered in Ghana, shall (subject to any exemptions expressly conferred by or under this Act) apply to all vessels, whether registered or not, and of whatever nationality.

...

#### 21. *Interpretation*

(1) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say—

...

“mile” means nautical mile, that is to say, a distance of six thousand and eighty feet;

...

“outside the territorial waters of Ghana” means outside the seaward limits of those waters;

...

“sea” includes any estuary or arm of the sea;

“subsequent convention” has the meaning assigned to it by section 1 of this Act;

“territorial waters” in relation to Ghana has the meaning assigned to it by the Territorial Waters and Continental Shelf Act, 1963 (Act 175); and

...

### FIRST SCHEDULE

#### PROHIBITED ZONES

1. The prohibited zones shall be all sea areas within 50 miles from land and outside the territorial waters of Ghana with the following exceptions:—

(a) The North Sea Zone. This zone shall extend for a distance of 100 miles from the coasts of the following countries:

Belgium,  
Denmark,  
the Federal Republic of Germany,  
the Netherlands,  
the United Kingdom of Great Britain and Northern Ireland,

but not beyond the point where the limit of a 100-mile zone off the west coast of Jutland intersects the limit of the 50-mile zone off the coast of Norway.

- (b) The Atlantic Zone. This zone shall comprise the sea area—
- (i) within a line drawn from a point on the Greenwich meridian 100 miles in a north-north-easterly direction from the Shetland Islands; thence northwards along the Greenwich meridian to latitude 64° north; thence westwards along the 64th parallel to longitude 10° west; thence to latitude 60° north, longitude 14° west; thence to latitude 54° 30' north, longitude 30° west; thence to latitude 44° 20' north, longitude 30° west; thence to latitude 48° north, longitude 14° west; thence eastward along the 48th parallel to a point of intersection with the 50-mile zone off the coast of France:

Provided that in relation to voyages which do not extend seawards beyond the Atlantic Zone as defined above, and which are to ports not provided with adequate facilities for the reception of oily residue, the Atlantic Zone shall be deemed to terminate at a distance of 100 miles from land.

- (ii) The sea area within 100 miles from land on the Atlantic coast of Canada.

(c) The Australian Zone shall extend for a distance of 150 miles from the nearest land along the coasts of Australia, except off the north and west coasts of the Australian mainland between the point opposite Thursday Island and the point on the west coast at 20° south latitude.

## 12. IRAN

### IRANIAN MARITIME CODE<sup>1</sup> OF 1964

#### CHAPTER I. NATIONALITY AND REGISTRATION OF SHIPS

##### SECTION I. NATIONALITY

###### *Article 1. Qualification for Granting Nationality*

1. Any sea-going ships (whether completed or in the process of construction) whose gross registered tonnage is not less than 25 tons and having the following qualifications may, under the provisions of this Act, be registered, granted Iranian nationality, and entitled to fly the Iranian flag.

The ship shall be owned by a person or persons (natural or juridical) of Iranian nationality, and if owned by an Iranian corporation it shall have registered shares, and at least 51% of its real capital shall be owned by Iranian Nationals. The ship shall be registered under the provisions of this Chapter.

2. Oil ships belonging to persons (natural or juridical) engaged in production, refining and/or transportation of crude oil, gas or other petroleum products, may irrespective of the minimum capital and share requirements prescribed in this Article, be registered and obtain Iranian nationality, subject to the submission of an application by the interested party and approval of the Ports and Shipping Organization.

<sup>1</sup> Approved in Mordad 1343 (23 July to 23 August 1964). The English text provided by the Permanent Mission of Iran to the United Nations.

*Article 2. Nationality of the Master, Officers and Crew Members*

The Master, officers and members of the crew may if necessary be of foreign nationality.

The owner of the ship shall, at his own expense, train Iranian Nationals to operate the ship and gradually replace the foreign crew members. The training programme shall be drawn up by the owners of the ship and implemented by them after approval by the Ports and Shipping Organization, but in any case, at least one half of the crew members shall, within a period of four years from the date of the ship's obtaining Iranian nationality, be Iranian nationals.

The Iranian marine engineers, officers and crew members shall, for so long as they are employed on the vessel, be exempt from payment of tax on their salaries and allowances.

...

*Article 5. Ships Constructed in Iran*

Ships which are being built in Iran and whose tonnage is not less than 25 tons shall be deemed to have Iranian nationality until such time as the ship-builder has delivered them.

...

*Article 7. Change of Nationality*

Any owner whose ship has been registered in Iran shall be entitled to change the nationality of his ship. Provisions concerning relinquishment of (Iranian) nationality shall be set out in the Regulations of this Act.

...

*Article 21. Cancellation of Registration of Iranian Ships and Losing Their Nationality*

In the following instances the registration of a ship shall be cancelled and its nationality withdrawn:—

1. Where the ship ceases to qualify for registration and for flying the Iranian flag.
2. Where the ship is lost or seized either by pirates or through enemy action.
3. Where the ship is broken up or scrapped and can no longer be used as a ship.
4. Where the ship is abandoned by her owner.

Application for cancellation of registration and withdrawal of nationality shall be submitted to the Admiralty Court by the Ports and Shipping Organization.

In all the above instances the certificates of Registration shall be returned to the Central Office for Registration in the Ports and Shipping Organization or to an Iranian Consular representative within a period of 30 days.

## 13. ITALY

ACT NO. 613 OF 21 JULY 1967. SURVEYING AND PRODUCTION OF OIL AND GAS IN THE TERRITORIAL SEA AND CONTINENTAL SHELF, AND AMENDMENTS TO ACT NO. 6 OF 11 JANUARY 1967 ON THE SURVEYING AND PRODUCTION OF OIL AND GAS, article 2<sup>1</sup>

## 14. KUWAIT

(a) KUWAIT MARITIME DECREE NO. 3 OF 1959

## PART I

*Registry*

...

*Kuwaiti ships:*

2. For the purposes of this Decree, a ship shall not be deemed to be a Kuwaiti ship unless owned wholly either:

(a) by Kuwait subjects; or

(b) by an association of persons carrying on trade or business together in Kuwait, as respects which:

(i) the principal place of business is in Kuwait; and

(ii) the majority of the capital and other interest therein is vested in Kuwait subjects.

*Obligation to register:*

3. (1) Every Kuwaiti ship, unless it is a ship which does not exceed one hundred and fifty tons gross tonnage, shall be registered under this Decree.

(2) If a ship required by this Decree to be registered is not registered under this Decree she shall not be recognized as a Kuwaiti ship and may be detained until the Master of the ship, if so required, produces the certificate of registry of the ship.

(b) LAW NO. 12 FOR THE YEAR 1964 REGARDING PREVENTION OF POLLUTION OF NAVIGABLE WATERS BY OIL, articles II-VII, ANNEX I<sup>2</sup>

<sup>1</sup> *Supra* DIVISION II, 22.

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter VII, 5 (b).

## 15. MALAYSIA

PETROLEUM MINING ACT, 1966 (ACT OF PARLIAMENT NO. 58 OF 1966), second schedule, sections 14 and 22<sup>1</sup>

## 16. MAURITANIA

(a) Loi<sup>2</sup> N° 62.038 DU 20 JANVIER 1962 PORTANT CODE DE LA MARINE MARCHANDE ET PÊCHES MARITIMES, MODIFIÉE

...

## LIVRE II. — LE STATUT DU NAVIRE

*Chapitre II — Naturalisation des navires de mer*

...

*Article 2.* — Aucun navire de mer ne peut porter le pavillon de la République islamique de Mauritanie et, par voie de conséquence, être immatriculé et avoir un port d'attache en Mauritanie, s'il ne possède pas un acte de naturalisation.

*Article 3.* — Tout navire de mer doit posséder un acte de naturalisation et ne peut prendre la mer s'il n'en est muni. En sont dispensés :

- Les navires étrangers affrétés sous leur pavillon d'origine ;
- Les navires de faible tonnage ou ayant une affection très particulière dont la liste est établie par l'autorité maritime.

*Article 4.* — La délivrance de l'acte de naturalisation est subordonnée aux conditions suivantes :

1° Le navire doit avoir été construit en Mauritanie ou, s'il a été construit ou acheté à l'étranger, avoir satisfait au paiement des droits d'importation s'il en existe. Dans ce dernier cas, il doit, en outre, avoir été radié de la flotte du pays d'origine s'il en faisait déjà partie.

...

5° Le navire doit appartenir pour moitié au moins à des nationaux mauritaniens.

Si le navire appartient à une société, il est nécessaire que :

- Le siège social soit situé en Mauritanie.
- Le président, le directeur général s'il y en a un, le gérant et la moitié des membres du Conseil d'administration ou de surveillance soient des nationaux mauritaniens.

<sup>1</sup> *Supra* DIVISION II, 27 (b).

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter II, 12.

— La moitié du capital appartient à des nationaux mauritaniens s'il s'agit d'une société de personnes ou d'une société à responsabilité limitée.

Pour l'application de ces dispositions les nationaux de droit reconnu équivalent seront assimilés aux nationaux mauritaniens.

*Article 6.* — Les navires achetés ou construits à l'étranger sont munis, pour se rendre en Mauritanie, d'une autorisation provisoire de naviguer sous pavillon mauritanien. Cette autorisation est délivrée par les consuls mauritaniens ou les autorités qui les suppléent ou, à défaut, par le ministre chargé de la Marine marchande. L'acte de naturalisation est alors délivré à l'arrivée de ces navires en Mauritanie.

...

#### LIVRE X. — LE RÉGIME DISCIPLINAIRE ET PÉNAL

##### *Chapitre premier. — Dispositions générales*

*Article premier.* — Sont soumis aux dispositions du présent livre:

1<sup>o</sup> Les navires mauritaniens;

2<sup>o</sup> Les personnes, de quelque nationalité qu'elles soient, embarquées à bord des navires mauritaniens: soit comme membres de l'équipage, pendant la durée de leur embarquement; soit comme passagers, pendant la durée de leur présence à bord.

3<sup>o</sup> Les personnes qui, bien que non embarquées à bord d'un navire mauritanien, ont commis une des infractions prévues au présent livre, quelle que soit leur nationalité.

4<sup>o</sup> Les navires étrangers, leurs équipages et leurs passagers dans les cas prévus expressément par le présent livre.

## 17. NETHERLANDS

LOI RELATIVE AUX INSTALLATIONS DANS LA MER DU NORD, articles 1-8<sup>1</sup>

## 18. NEW ZEALAND

(a) CRIMES ACT<sup>2</sup> 1961 (No. 43 of 1961; 1 November 1961)

...

### 2. *Interpretation*

(1)<sup>3</sup> In this Act, unless the context otherwise requires—

<sup>1</sup> *Supra* DIVISION II, 30 (a).

<sup>2</sup> By section 412 and the fifth schedule of this Act, Offences at Sea Act, 1963 reproduced in ST/LÉG/SER.B/6, pp. 346-347, was repealed

<sup>3</sup> As amended by Schedule of the Territorial Sea and Fishing Zone Act 1965. *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 31 (a).



“New Zealand” includes all waters within the outer limits of the territorial sea of New Zealand (as defined by section 3 of the Territorial Sea and Fishing Zone Act 1965)<sup>1</sup>

...

“Territorial waters”, in relation to any country other than New Zealand, means such part of the sea adjacent to the coast of that country as is within the territorial sovereignty of that country; and includes ports, harbours, rivers, and other places in which at the commencement of this Act the Admiralty of England has jurisdiction (whether exclusive or not) in respect of offences of any kind committed on board Commonwealth ships:

#### PART I. JURISDICTION

...

#### 8. *Jurisdiction in respect of crimes on ships or aircraft beyond New Zealand*

(1) This section applies to any act done or omitted beyond New Zealand by any person—

(a) On board any Commonwealth ship; or

(b) On board any New Zealand aircraft; or

(c) On board any ship or aircraft, if that person arrives in New Zealand on that ship or aircraft in the course or at the end of a journey during which the act was done or omitted; or

(d) Being a British subject, on board any foreign ship (not being a ship to which he belongs) on the high seas, or on board any such ship within the territorial waters of any Commonwealth country; or

(e) Being a New Zealand citizen or a person ordinarily resident in New Zealand, on board any aircraft:

Provided that paragraph (c) of this subsection shall not apply where the act was done or omitted by a person, not being a British subject, on any ship or aircraft for the time being used as a ship or aircraft of any of the armed forces of a country that is not a Commonwealth country.

(2) Where any person does or omits any act to which this section applies, and that act or omission would, if it occurred within New Zealand, be a crime under this Act or under any other enactment (whether that enactment was passed before or after the commencement of this Act), then, subject to the provisions of this Act and of that other enactment, he shall be liable on conviction on indictment or, in the case of a crime to which Part I of the Summary Proceedings Act 1957 applies, either on conviction on indictment or on summary conviction under that Part, as if the act or omission had occurred in New Zealand:

Provided that where any proceedings are taken by virtue of the jurisdiction conferred by this section it shall be a defence to prove that the act or omission would not have been an offence under the law of the country of which the person charged was a national or citizen at the time of the act or omission, if it had occurred in that country.

<sup>1</sup> By section 412 and the fifth schedule of this Act, Offences at Sea Act, 1963 reproduced in ST/LEG/SER.B/6, pp. 346-347, was repealed

(3) Where at any place beyond New Zealand any person who belongs, or within three months previously has belonged, to any Commonwealth ship does or omits any act, whether on shore or afloat, not being an act or omission to which subsection (1) of this section applies, and that act or omission would, if it occurred within New Zealand, be a crime, then this section shall apply in respect of that act or omission in the same manner in all respects as if it had occurred on board a Commonwealth ship.

(4) The provisions of this section shall have the same operation in relation to the Republic of Ireland and to the citizens thereof, and to ships registered therein or belonging thereto, and to persons who belong or have belonged to those ships, and to all other persons on board those ships, as if the Republic of Ireland were a Commonwealth country and as if the citizens thereof were British subjects.

(5) This section shall be read subject to the provisions of section 400 of this Act.

(6) In this section, the expression "British subject" includes a British protected person within the meaning of the British Nationality and Citizenship Act 1948.

(7) Nothing in this section shall apply with respect to any crime against the Shipping and Seamen Act 1952.

...

#### PART V. CRIMES AGAINST PUBLIC ORDER

...

#### 92. *Piracy*

(1) Every one who does any act amounting to piracy by the law of nations, whether that act is done within or outside New Zealand,—

(a) Shall upon conviction thereof be sentenced to imprisonment for life if, in committing piracy, he murders, attempts to murder, or does any act likely to endanger the life of any person:

(b) Is liable to imprisonment for a term not exceeding fourteen years in any other case.

(2) Any act that by the law of nations would amount to piracy if it had been done on the high seas on board or in relation to a ship shall be piracy for the purposes of this section if it is done on board or in relation to an aircraft, whether the aircraft is on or above the sea or is on or above the land.

#### 93. *Piratical acts*

(1) Every one commits a piratical act who—

(a) Within New Zealand, or, being a New Zealand citizen or a person ordinarily resident in New Zealand, outside New Zealand, under pretence of any commission from any State other than New Zealand (whether or not that State is at war with New Zealand) or under pretence of authority from any person whatever, commits an act of hostility or robbery:

(b) Within or outside New Zealand, enters into any New Zealand ship and throws overboard or destroys any goods on board the ship:

(c) Within or outside New Zealand, on board any New Zealand ship—

- (i) Turns enemy or rebel and piratically runs away with the ship or any boat, weapons, ammunition, or goods; or
- (ii) Voluntarily yields up the ship or any boat, weapons, ammunition, or goods to any pirate; or
- (iii) Counsels or procures any person to yield up or run away with any ship, goods, or merchandise, or to turn pirate or go over to pirates; or
- (iv) Assaults the master or commander of any ship in order to prevent him from fighting in defence of his ship and goods; or
- (v) Imprisons or restrains the master or commander of any ship; or
- (vi) Makes or endeavours to make a revolt in the ship.

(2) Subsection (1) of this section shall extend and apply to aircraft as it applies to ships; and for the purposes of this subsection any reference in subsection (1) of this section to the master or commander of any ship shall be read as a reference to the pilot in command of an aircraft.

94. *Punishment of piratical acts*

Every one who commits any piratical act—

(a) Shall upon conviction thereof be sentenced to imprisonment for life if, in committing that act, he murders, attempts to murder, or does any act likely to endanger the life of any person:

(b) Is liable to imprisonment for a term not exceeding fourteen years in any other case.

95. *Attempt to commit piracy*

Every one is liable to imprisonment for a term not exceeding fourteen years who, within or outside New Zealand, attempts to do any act amounting to piracy by the law of nations.

96. *Conspiring to commit piracy*

Every one is liable to imprisonment for a term not exceeding ten years who, within or outside New Zealand, conspires with any other person to do any act amounting to piracy by the law of nations.

97. *Accessory after the fact to piracy*

Every one is liable to imprisonment for a term not exceeding seven years who, within or outside New Zealand, is accessory after the fact to any act amounting to piracy by the law of nations.

...

PART XVI. MISCELLANEOUS PROVISIONS

400. *Consent of Attorney-General to proceedings in certain cases of offences on ships or aircraft*

(1) Proceedings for the trial and punishment of any person who—

(a) Whether or not he is a New Zealand citizen or a person ordinarily resident

in New Zealand, is charged with having committed beyond New Zealand an offence on board or by means of any ship or aircraft which is not a New Zealand ship or a New Zealand aircraft, or an offence to which subsection (3) of section 8 of this Act applies; or

(b) Whether or not he is a New Zealand citizen or a person ordinarily resident in New Zealand, is charged with having committed, anywhere within New Zealand or in the space above New Zealand, an offence on board or by means of any ship or aircraft which belongs to the Government of any country other than New Zealand or is held by any person on behalf or for the benefit of that Government, whether or not the ship or aircraft is for the time being used as a ship or aircraft of any of the armed forces of that country—

shall not, by virtue only of the provisions of this Act, be instituted in any Court except with the consent of the Attorney-General and on his certificate that it is expedient that the proceedings should be instituted; and where the proceedings would be instituted only by virtue of the jurisdiction conferred by paragraph (c) of subsection (1) of section 8 of this Act the Attorney-General shall not give his consent unless he is satisfied that the Government of the country to which the ship or aircraft belongs has consented to the institution of the proceedings:

Provided that a person charged with any such offence may be arrested, or a warrant for his arrest may be issued and executed, and he may be remanded in custody or on bail, notwithstanding that the consent of the Attorney-General to the institution of a prosecution for the offence has not been obtained; but no further or other proceedings shall be taken until that consent has been obtained.

(2) Nothing in this section shall apply with respect to any offence against the Shipping and Seamen Act 1952.

...

(b) OIL IN NAVIGABLE WATERS ACT 1965 (No. 65 of 1965; 22 October 1965)<sup>1</sup>

...

## 2. Interpretation

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

...

“Continental shelf” has the same meaning as in the Continental Shelf Act 1964:

...

“Prohibited sea area”,—

(a) Until the prescribed date, means,—

(i) In relation to tankers, an area of the sea designated by or in accordance with section 4 of this Act to be a prohibited sea area in relation to tankers:

(ii) In relation to ships other than tankers, an area of the sea designated by or in accordance with section 4 of this Act to be a prohibited sea area in relation to ships other than tankers:

<sup>1</sup> The Oil in Territorial Waters Act 1926 (No. 27 of 1925) quoted in ST/LEG/SER.B/6, pp. 214-5, was repealed by Second Schedule of this Act.

(b) On and after the prescribed date, an area of the sea designated in accordance with section 5 of this Act to be a prohibited sea area:

“Sea” includes any estuary or arm of the sea:

...

“Subsequent Convention” means any Convention relating to the prevention of the pollution of the sea by oil, being a Convention subsequent to the International Convention for the Prevention of Pollution of the Sea by Oil 1954; and includes any amendments to that convention or to any subsequent Convention:

...

“Territorial sea of New Zealand” has the same meaning as in the Territorial Sea and Fishing Zone Act 1965:<sup>1</sup>

...

### 3. *Discharge of certain oils into prohibited sea areas*

(1) If any oil to which this section applies is discharged before the prescribed date from a New Zealand ship into a part of the sea which, in relation to that ship, is a prohibited sea area, or if any mixture containing not less than one hundred parts of oil to which this section applies in a million parts of the mixture is discharged from such a ship into such a part of the sea, the owner or master of the ship shall, subject to the provisions of this Act, be guilty of an offence under this section.

...

### 5. *Designation of prohibited sea areas on and after prescribed date*

For the purpose of protecting the coasts and territorial sea of New Zealand against pollution by oil, or of giving effect to any Convention relating to the prevention of the pollution of the sea by oil, regulations made under this Act and commencing on or after the prescribed date may,—

(a) Designate, as a prohibited sea area, any area of the sea outside the territorial sea of New Zealand:

(b) Vary the limits of any such prohibited sea area or declare that any area shall cease to be a prohibited sea area.

### 6. *Discharge of oil into New Zealand waters*

(1) If any oil or mixture containing oil is discharged into the territorial sea or internal waters of New Zealand from any ship, or from any place on land, or from any apparatus used for transferring oil from or to any ship (whether to or from a place on land or to or from another ship), then, subject to the provisions of this Act,—

(a) If the discharge is from a ship, the owner or master of the ship; or

(b) If the discharge is from a place on land, the occupier of that place; or

(c) If the discharge is from an apparatus used for transferring oil from or to a ship, the person in charge of the apparatus—  
is guilty of an offence under this section.

...

<sup>1</sup> *Supra* DIVISION 1, SUB-DIVISION A, Chapter I, 31 (a).

7. *Special defences under sections 3, 6, and 9*

(1) Where a person is charged with an offence under section 3 or section 9 of this Act, or is charged with an offence under section 6 of this Act as the owner or master of a ship, it shall be a defence to prove that the oil or mixture in question was discharged for the purpose of securing the safety of any ship, or of preventing damage to any ship or cargo, or of saving life:

...

15. *Master of overseas ship carrying oil to notify harbourmaster*

(1) The master of every ship arriving in New Zealand from overseas carrying oil in bulk as cargo shall—

(a) Send by radio to the harbourmaster at the first port of call in New Zealand, so as to be delivered to him not later than twelve hours before the arrival of the ship thereat, notice of the fact that oil is being carried as aforesaid; and

(b) Before proceeding from any port in New Zealand to any other such port, send a similar notice to the harbourmaster at the last-mentioned port by such means as will ensure its being delivered at least twelve hours before the arrival of the ship.

...

17. *Powers of inspection*

(7) Without prejudice to any powers exercisable by virtue of the foregoing provisions of this sections, in the case of a ship which is for the time being in a harbour in New Zealand, the harbourmaster, and any person appointed by the Minister under this subsection (either generally or in relation to a particular ship), shall have power—

(a) To go on board and inspect the ship or any part thereof, or any of the machinery, boats, equipment, or articles on board the ship, for the purpose of ascertaining the circumstances relating to an alleged discharge of oil or a mixture containing oil from the ship into the waters of the harbour:

(b) To require the production of any records which by virtue of any regulations made under this Act are required to be kept in respect of the ship:

(c) To copy any entry in any such records, and require the person by whom the records are to be kept to certify the copy as a true copy of the entry:

Provided that a person exercising any powers conferred by this subsection shall not unnecessarily detain or delay the ship from proceeding on any voyage.

...

3. *Application of Act*

(1) For the purpose of jurisdiction in respect of offences against this Act or regulations under this Act, and subject to section 8 of this Act, this Act applies to all acts or omissions—

(a) By any person (whether or not a New Zealand citizen or ordinarily resident in New Zealand) within the territorial sea or internal waters of New Zealand; or

(b) By any person (whether or not a New Zealand citizen or ordinarily resident in New Zealand) on board or by means of a New Zealand ship on the high seas; or

(c) By a New Zealand citizen or a person ordinarily resident in New Zealand on board or by means of any ship on the high seas.

(2) This Act does not apply to any part of a cable or pipeline situated on the landward side of low-water mark in any area nor to any part of a cable or pipeline not ordinarily beneath the surface of the sea.

#### 4. *Offence to break or injure submarine cable or pipeline*

(1) Any person who, wilfully, breaks or injures or causes or permits a ship to break or injure a submarine cable or submarine pipeline, commits an offence against this Act, and shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding five hundred pounds, or to both.

(2) Notwithstanding the provisions of subsection (1) of this section, it shall be a defence to a prosecution under this section if the breakage or injury to which the prosecution relates was caused by persons acting with the sole object of saving their lives or their ships after having taken all necessary precautions to avoid the breakage or injury.

(3) For the purposes of this section, any person who causes an event by an act or omission which he knows or ought to know would probably cause it, being reckless whether that event happens or not, shall be deemed to have caused it wilfully.

(c) SUBMARINE CABLES AND PIPELINES PROTECTION ACT 1966 (No. 5 of 1966;  
2 September 1966)

...

#### 2. *Interpretation*

In this Act, unless the context otherwise requires,—

...

“High seas” means all parts of the sea that are not included in the territorial sea or in the internal waters of any country:

“Low-water mark”, in relation to New Zealand, has the meaning assigned thereto by the Territorial Sea and Fishing Zone Act 1965:

“New Zealand ship” means a New Zealand ship within the meaning of the Crimes Act 1961:

...

“Ship” means every description of vessel (including barges, lighters, and like vessels) used in navigation, however propelled:

“Submarine cable” means a cable which lies beneath the high seas, or the territorial sea or internal waters of New Zealand:

“Submarine pipeline” means a pipeline which lies beneath the high seas, or the territorial sea or internal waters of New Zealand.

#### 5. *Absolute liability in respect of damage to cables or pipelines*

If any person, in the course of laying or repairing a submarine cable or submarine pipeline of which he is the owner, causes a break in or injury to another

submarine cable or submarine pipeline, he shall be liable, in addition to any other liability to which he may be subject, to bear the cost of repairing the break or injury, whether or not he has been guilty of any offence and whether or not the damage was caused through his negligence.

6. *Indemnity for loss of gear*

If, after all reasonable precautionary measures have been taken, an anchor, a net, or any other fishing gear belonging to a ship is sacrificed in order to avoid injuring a submarine cable or submarine pipeline, the owner of the ship shall be entitled to be indemnified for his loss by the owner of the cable or pipeline.

7. *Protected and restricted areas*

(1) The Governor-General may from time to time by Order in Council declare any area within the territorial sea or internal waters of New Zealand to be a protected area for the purposes of this Act.

(2) The Governor-General may from time to time by Order in Council declare any area within the fishing zone of New Zealand to be a restricted area for the purposes of this Act.

(3) Any Order in Council under this section may prescribe such terms and conditions as the Governor-General in Council thinks necessary or desirable for the protection of submarine cables and submarine pipelines and may apply generally in respect of any area to which it relates or in respect of specified areas or classes of areas and may also apply generally in respect of all ships or in respect of specified ships or classes of ships.

(4) Subject to any Order in Council under this section, any person who conducts, or causes or permits to be conducted, fishing operations from a ship in a protected or restricted area or who anchors, or causes or permits to be anchored, a ship in any such area, or who commits a breach of any terms or conditions prescribed by any Order in Council under this section, commits an offence against this Act and shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding five hundred pounds, or to both.

(5) Notwithstanding the provisions of this section, it shall be a defence to a prosecution under this section if any anchoring to which the prosecution relates was made necessary by *force majeure* or for the purpose of saving life or a ship in distress.

...

13. *Regulations*

The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) Regulating the navigation or conduct of ships engaged in the laying, repairing, or maintenance of submarine cables or submarine pipelines and prescribing the lights or signals to be displayed by any such ships while engaged in any such operations:

(b) Prescribing the duties of owners of submarine cables or submarine pipelines in respect of the marking or definition of those cables and pipelines and prescribing records to be kept in respect of the location of any such cables or pipelines:



(c) Regulating the navigation or conduct of ships in relation to other ships engaged in the laying, repairing, or maintenance of submarine cables or submarine pipelines or in relation to any such cables or pipelines or in relation to any buoys or signals indicating the presence or proximity of any such cables or pipelines:

(d) Prescribing the duties of persons in respect of reporting damage caused or likely to be caused to submarine cables or submarine pipelines:

(e) Prescribing offences against the regulations and defining the persons or classes of persons liable to conviction for any such offences:

(f) Prescribing penalties for offences against the regulations, not exceeding imprisonment for a term not exceeding three months or a fine not exceeding five hundred pounds:

(g) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof.

## 19. NORWAY

(a) GENERAL PENAL CODE OF 22 MAY 1902, AS AMENDED<sup>1\*\*</sup>

...

### CHAPTER I

#### APPLICATION OF NORWEGIAN CRIMINAL LAW

##### *Article 12<sup>2</sup>*

In the absence of any specific provisions or any agreement concluded with a foreign State to the contrary, the Norwegian Penal Code shall apply to any act committed:

1. Within the Kingdom, which shall include any Norwegian vessel on the high seas and any Norwegian aircraft beyond the limits of national jurisdiction;
2. On a Norwegian vessel or aircraft, wherever it may be, by a member of the crew or by any other person aboard the vessel or aircraft;
3. In a foreign country by a Norwegian national or a person domiciled in Norway, where the act:

(a) Is included among those dealt with in chapters 8, 9, 10, 11, 12, 14, 17, 18, 20, 23, 24, 25, 26 or 33 or in articles 135, 141, 142, 144, 169, 192-195, 199, 206-209, 223-225, 228-235, 242-245, 291, 292, 294 (2), 318, 326-328, 330, final paragraph, 338, 367-370, 380, 381 or 423 of this Code and, in any case, where it:

(b) Is a crime (*forbrytelse*) or misdemeanour (*forseelse*) against the Norwegian State or a Norwegian State authority, or

<sup>1</sup> Most recently by the Act of 17 June 1966. For the text of articles 13 and 14, see ST/LEG/SER.B/2, pp. 86-87.

<sup>2</sup> This text supersedes the one reproduced in ST/LEG/SER.B/6, p. 348 (a). It should be noted that the title of the Code reproduced in ST/LEG/SER.B/6, p. 348 (b) should read: Code of Criminal Procedure, 1 July 1887, as amended by Act No. 12 of 22 May 1902.

(c) Is also punishable under the law of the country in which it is committed:

4. In a foreign country by a foreign national, where the act either:

(a) Is included among those dealt with in articles 83, 88, 89, 90, 91, 91 a, 93, 94, 98-104, 110-132, 148, 149, 152, first and second paragraphs, 153, first, second, third and fourth paragraphs, 154, 159, 160, 161, 169, 174-178, 182-185, 187, 189, 190, 192-195, 217, 220, 221, 223-225, 229, 231-235, 243, 244, 256, 258, 267-269, 276, 292, 324, 325, 328, 415 or 423 of this Act or in articles 1, 2, 3 or 5 of the Defence Secrets Act, or

(b) Is a crime which is also punishable under the law of the country in which it is committed, and the offender is domiciled or resident in the Kingdom.

Where the punishable nature of an act is dependent upon or affected by an actual or intended effect, the act shall also be deemed to have been committed in the place where the effect has occurred or was intended to occur.

(b) REGULATIONS<sup>1</sup> FOR PREVENTING COLLISIONS AT SEA (THE INTERNATIONAL RULES OF THE ROAD), AND SPECIAL NAVIGATION RULES FOR NORWEGIAN INLAND WATERS ESTABLISHED BY THE OFFICE OF SHIPPING AND NAVIGATION ON 3 MARCH 1965 (PURSUANT TO ARTICLE 1 OF THE ACT OF 21 AUGUST 1914 RESPECTING MEASURES FOR THE SAFETY OF NAVIGATION, *cf.* ROYAL DECREE OF 5 APRIL 1963), AS AMENDED BY THE SAME AUTHORITY ON 5 JUNE AND 23 JUNE 1965, AS CONTAINED IN "NOTICES OF THE OFFICE OF SHIPPING AND NAVIGATION" No. 14 FOR 1965\*\*

## I. THE INTERNATIONAL RULES OF THE ROAD

### PART A. PRELIMINARY AND DEFINITIONS

#### *Rule 1*

(a) These Rules shall be followed by all vessels and seaplanes upon the high seas and in all waters connected therewith navigable by seagoing vessels, except as provided in Rule 30. Where, as a result of their special construction, it is not possible for seaplanes to comply fully with the provisions of Rules specifying the carrying of lights and shapes, these provisions shall be followed as closely as circumstances permit.

(b) The Rules concerning lights shall be complied with in all weathers from sunset to sunrise. During such times no other lights shall be exhibited, except such lights as cannot be mistaken for the prescribed lights or impair their visibility or distinctive character, or interfere with the keeping of a proper look-out. The lights prescribed by these Rules may also be shown between sunrise and sunset under conditions of reduced visibility and in any other circumstances when it is considered necessary to do so.

(c) In the following Rules, except where the context otherwise requires:

1. the word "vessel" includes every description of water craft, other than a

<sup>1</sup> These regulations supersede the text reproduced in ST/LEG/SER.B/6, p. 221.

seaplane on the water, used or capable of being used as a means of transportation on water;

2. the word "seaplane" includes a flying boat and any other aircraft designed to manoeuvre on the water;

...

PART F. MISCELLANEOUS

...

*Rule 30*

*Reservation of rules for harbours and inland navigation*

Nothing in these Rules shall interfere with the operation of a special rule duly made by local authority relative to the navigation of any harbour, river, lake, or inland water, including a reserved seaplane area.

...

(c) CUSTOMS ACT OF 10 JUNE 1966, article 2<sup>1</sup>

20. PANAMA

ACT NO. 31 OF 2 FEBRUARY 1967, article 1<sup>2</sup>

21. PORTUGAL

(a) LEGISLATIVE DECREE NO. 46 OF 27 OCTOBER 1965, articles 2-5<sup>3</sup>

(b) DECREE NO. 47973 OF 30 SEPTEMBER 1967, article 23<sup>4</sup>

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter IV, 6 (a).

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 34.

<sup>3</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter VII, 7.

<sup>4</sup> *Supra* DIVISION II, 36.

## 22. SWEDEN

(a) MARITIME LAW<sup>1</sup> OF 12 JUNE 1891, AS AMENDED BY ACTS NO. 720<sup>2</sup> OF 19 NOVEMBER 1965 AND NO. 48 OF 24 FEBRUARY 1967<sup>3\*\*</sup>

*Article 1.*<sup>4</sup> A ship can be considered Swedish when it is either owned to the extent of two-thirds by Swedish subjects, or else is owned by a joint-stock company, the Board of Directors of which has its registered office in Sweden and the shareholders of which are Swedish subjects. A managing part-owner must always be a Swedish subject residing in Sweden. *Law of 27 April 1906.*

...

*Article 2.*<sup>5</sup> A register shall be kept of all Swedish ships of twenty tons gross tonnage or more intended for use in merchant shipping or for the conveyance of passengers and shall contain for each such ship all the details which are deemed requisite for its identification, as well as information respecting the ownership, the nature of the acquist by the registered owner and the time when the ship was registered or when change of ownership was entered; and a certificate shall be issued to every ship when entered in the Register, and such certificate shall accompany the ship.

...

*Article 5.*<sup>6</sup> No share in a ship shall be transferred to any person who is not a Swedish subject without the consent of all the other part-owners, if owing to such transfer the ship would cease to be a Swedish ship; should the transfer take place, however, it shall be void, even though the share were sold in consequence of a legal seizure or in bankruptcy.

Should an alien through inheritance, will or marriage become a part-owner in a Swedish ship, or should any Swedish part-owner become the subject of a Foreign Power and should, in consequence of the acquist or the change in nationality the ship cease to be a Swedish ship, such part-owner shall then transfer to a Swedish subject such proportion of the ship as shall enable her Swedish nationality to be preserved. If within three months from the date of the acquist or change no such transfer has been made and duly notified to the proper authority where the ship is registered, or, if the ship is not registered, to all the other part-owners, any one of such other shareholders shall have the right to cause to be sold, for account of the owner, any such share in a ship which in the manner aforesaid has become the property of an alien. The sale shall be made by the bailiff of the place to which the

<sup>1</sup> See ST/LEG/SER.B/5 and Add.1, p. 162 and ST/LEG/SER.B/8, p. 133.

<sup>2</sup> *Svensk författningssamling* 1965, No. 720, p. 1557. Came into force on 1 January 1966.

<sup>3</sup> For articles 58-63, 70, 223, 323-332, see *supra* DIVISION I, SUB-DIVISION A, Chapter II, 18 (a).

<sup>4</sup> The text of article 1 (see ST/LEG/SER.B/5 and Add.1, p. 162) has not been amended, only the English translation has been modified, as suggested by the Permanent Mission of Sweden to the United Nations.

<sup>5</sup> Translation by the Secretariat of the United Nations.

<sup>6</sup> Also reproduced in ST/LEG/SER.B/5 and Add.1, p. 183.

ship belongs, in the manner prescribed for sale of ships seized for debt. *Law of 27 April 1906.*

...

(b) ORDINANCE<sup>1</sup> NO. 78 OF 18 OCTOBER 1901 CONCERNING THE REGISTRATION OF SWEDISH VESSELS, AS AMENDED BY NOTICE<sup>2</sup> NO. 683 OF 16 DECEMBER 1955\*\*

...

*Article 1.* The register of Swedish ships mentioned in article 2 of the Maritime Law shall be kept at the Board of Shipping and Navigation.

...

*Article 7.* After registration has been completed and an entry regarding the master made in the register, the Board of Shipping and Navigation shall issue a certificate (*Certificate of Nationality and Registration*) in accordance with the annexed form (Form B). If the application for registration was accompanied only by a provisional formula of measurement, the certificate shall not be issued until a Swedish tonnage certificate for the vessel has been produced.

This certificate shall be produced whenever a request to that effect is made by a Swedish civil or military authority or by a Swedish consular official.

No entry may be made on the certificate by the shipowner, master or any other private person. *Notice of 8 May 1931.*

*Article 8.* 1. A vessel which has been built in Sweden and has not been in foreign ownership and is of twenty tons gross tonnage or more may not be used in merchant shipping or for the conveyance of passengers until a certificate of nationality and registration has been issued with regard to the vessel, except in the cases mentioned in paragraph 3. The present provisions are also applicable to a vessel of the tonnage just mentioned if it has passed from foreign to Swedish ownership while in this country.

2. If a vessel of the tonnage mentioned in paragraph 1 has been built abroad for Swedish account, or if a vessel of such tonnage, while abroad, has passed from foreign to Swedish ownership, the foregoing provisions shall apply after the vessel has entered a Swedish port. If, before such entry takes place, the owner wishes to use the vessel in merchant shipping or for the conveyance of passengers on any voyage other than to Sweden, either direct or calling at only one intermediate port, notice regarding that vessel shall be given for the purposes of the register in the manner and according to the procedure prescribed in articles 4 and 5 in the case of a vessel which has passed from foreign to Swedish ownership, but instead of a Swedish tonnage certificate, there may be produced the foreign tonnage certificate of the vessel or a certificate regarding the net tonnage of the vessel in Swedish or foreign measurement issued by a Swedish consul or other proper Authority; the said notice shall also contain particulars of the master's name, his domicile and any special

<sup>1</sup> The English translation in ST/LEG/SER.B/5, p. 163, has been modified, as suggested by the Permanent Mission of Sweden to the United Nations.

<sup>2</sup> *Svensk författningssamling* 1955, No. 683, p. 1511. Came into force on 1 January 1955. According to the Proclamation, the National Board of Shipping and Navigation is now the registration authority.

qualification that he may possess for holding command on board a Swedish merchant vessel.

After the vessel has been entered in the register, the Board of Shipping and Navigation shall issue a certificate to that effect (*Interim Certificate of Nationality and Registration*) valid for such time as the Board may decide in each separate case. If the vessel does not arrive within such specified time in a Swedish port, the Board of Shipping and Navigation may, after investigating the circumstances, issue a new interim certificate for the vessel.

Where special circumstances give occasion for doing so, the Board of Shipping and Navigation may, even though the above conditions for obtaining the interim certificate have not been complied with, authorize a Swedish consul, after having ascertained the alleged owner's legal right to the vessel, to issue an interim certificate, which shall be valid for a specified time not exceeding six months, or until the vessel arrives in a Swedish port within such specified time.

3. In special cases, and for very special reasons, and subject to such conditions as may in such cases be prescribed, the Board of Shipping and Navigation may issue a certificate (*Interim Evidence of Nationality*) to the effect that a vessel which is in this country and is subject to registration may, even if it is not entered in the register, depart either for one or more other specified Swedish ports or for one or more specified foreign ports and back to a Swedish port.

4. An interim certificate, during the time it is valid, shall carry the same rights and privileges as a certificate of nationality and registration. The same shall apply in the case of a certificate constituting interim evidence of nationality in regard to the voyage set out therein.

...

(c) ORDINANCE<sup>1</sup> OF 4 DECEMBER 1903 CONCERNING PASSPORTS AND NATIONALITY DOCUMENTS FOR SWEDISH FOREIGN-GOING VESSELS\*\*

*Article 1.* A Swedish vessel of such description as necessitates its being entered in the register of ships shall, on its voyages to places outside Sweden, carry, for confirmation of its nationality, not only a *Certificate of Nationality and Registration* or, in lieu thereof, a valid interim document of nationality but also the proper ship's articles; all such documents must be issued in conformity with provisions specially enacted to that effect.

No vessel of the above-mentioned description which is not provided with the documents here prescribed may be cleared from a Swedish port.

...

(d) ACT NO. 86 OF 6 APRIL 1956 CONCERNING MEASURES FOR THE PREVENTION OF WATER POLLUTION, CAUSED BY SHIPS, AS AMENDED, article 1<sup>2</sup>

<sup>1</sup> The English text reproduced in ST/LEG/SER.B/5 and Add.1, p. 165, has been modified, as suggested by the Permanent Mission of Sweden to the United Nations.

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter VII, 8.

(e) EXTRADITION ACT<sup>1</sup> OF 6 DECEMBER 1957\*\*

...

*Article 3*

Extradition may be granted only for an offence, or for participation in an offence, which was committed in its entirety or in part outside Sweden or on board a foreign vessel or aircraft.

In the case of an offence committed in Sweden by a person who was an officer or employee of a foreign State and a national of the same State, extradition to the said State may be granted irrespective of the provisions of the first paragraph (Act of 30 March 1962).

- (f) ROYAL NOTICE<sup>2</sup> No. 191 OF 2 MAY 1958 CONTAINING REGULATIONS FOR THE APPLICATION OF ACT No. 86 OF 6 APRIL 1956 CONCERNING MEASURES FOR THE PREVENTION OF WATER POLLUTION CAUSED BY SHIPS, AS AMENDED BY ROYAL NOTICE<sup>3</sup>

*Article 1*

The provisions of article 1, first paragraph, of the Act concerning measures for the prevention of water pollution caused by ships shall, in so far as Swedish tankers of 150 tons gross tonnage or more and other Swedish ships of 500 tons gross tonnage or more are concerned, also apply within the water areas (prohibited zones) which are set out in the annex to this Notice.

With regard to Swedish ships of 20,000 tons gross tonnage or more for which the building contract was placed on or after 18 May 1967, the provisions of article 1, first paragraph, of the said Act shall apply within each water area. Oil may, however, be discharged from such a ship outside the prohibited zones if special circumstances make it neither reasonable nor practicable to retain the oil on board. Such discharge and the reasons therefore shall be reported by the master to the Shipping and Navigation Board as soon as possible.

*Article 1a*

The provisions of article 1, first paragraph, of the Act concerning measures for the prevention of water pollution caused by ships shall also apply in the prohibited zones to Swedish tankers of under 150 tons gross tonnage and other Swedish ships of under 500 tons gross tonnage having engines of 400 effective horsepower or more.

The provisions of articles 2, 4 and 6 of the said Act which relate to ships of a specified minimum tonnage shall also apply to the ships referred to in the first paragraph of the present article.

The Shipping and Navigation Board shall be authorized to waive the provisions of this article.

<sup>1</sup> C. G. Hellquist. *Sveriges Rikes Lag*, 1969, p. 717. Came into force on 1 January 1958. By this Act, the Extradition Law of 4 June 1913, as amended (see ST/LEG/SER.B/2, p.111; ST/LEG/SER.B/8, p. 107), was repealed. The present Act does not relate to Denmark, Finland, Iceland and Norway, which are dealt with in a separate Act of 5 June 1959 (see *infra*).

<sup>2</sup> *Svensk författningssamling* 1958, No. 191.

<sup>3</sup> *Ibid.*, 1967, No. 126.

## ANNEX

## PROHIBITED ZONES

1. All sea areas within fifty miles from the nearest land shall be prohibited zones.
2. The following sea areas, in so far as they extend more than fifty miles from the nearest land, shall also be prohibited zones:

## PACIFIC OCEAN

*The Canadian Western Zone*

The Canadian Western Zone shall extend for a distance of 100 miles from the nearest land along the west coast of Canada.

## NORTH ATLANTIC OCEAN, NORTH SEA AND BALTIC SEA

*The North-West Atlantic Zone*

The North-West Atlantic Zone shall comprise the sea areas within a line drawn from latitude 38° 47' north, longitude 73° 43' west to latitude 39° 58' north, longitude 68° 34' west, thence to latitude 42° 05' north, longitude 64° 37' west, thence along the east coast of Canada at a distance of 100 miles from the nearest land.

*The Icelandic Zone*

The Icelandic Zone shall extend for a distance of 100 miles from the nearest land along the coast of Iceland.

*The Norwegian, North Sea and Baltic Sea Zones*

The Norwegian, North Sea and Baltic Sea Zones shall extend for a distance of 100 miles from the nearest land along the coast of Norway and shall include the whole of the North Sea, the Baltic Sea and the Gulf of Bothnia.

*The North-East Atlantic Zone*

The North-East Atlantic Zone shall include the sea areas within a line drawn between the following positions:

| <i>Latitude</i> | <i>Longitude</i>            |
|-----------------|-----------------------------|
| 62° north       | 2° east,                    |
| 64° north       | 00°;                        |
| 64° north       | 10° west,                   |
| 60° north       | 14° west;                   |
| 54° 30' north   | 30° west,                   |
| 53° north       | 40° west;                   |
| 44° 20' north   | 40° west,                   |
| 44° 20' north   | 30° west;                   |
| 46° north       | 20° west, [new line] thence |

towards Cape Finisterre at the intersection of the 50-mile limit.

*The Spanish Zone*

The Spanish Zone shall comprise the areas of the Atlantic Ocean within a distance of 100 miles from the nearest land along the coast of Spain.



*The Mediterranean and Adriatic Zone*

The Mediterranean and Adriatic Zone shall comprise the sea areas within a distance of 100 miles from the nearest land along the coasts of Algeria, France, Greece, Israel, Italy, Spain and the United Arab Republic.

RED SEA

*The Red Sea Zone*

The Red Sea Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of the United Arab Republic.

PERSIAN GULF

*The Kuwait Zone*

The Kuwait Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of Kuwait.

INDIAN OCEAN

*The Malagasy Zone*

The Malagasy Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of Madagascar west of the meridians of Cape d'Ambre in the north and of Cape Ste. Marie in the south and within a distance of 150 miles from the nearest land along the coast of Madagascar east of these meridians.

*The Australian Zone*

The Australian Zone shall comprise the sea area within a distance of 150 miles from the nearest land along the coasts of Australia, except off the north and west coasts of the Australian mainland between the point opposite Thursday Island and the point on the west coast at 20° south latitude.

The term "mile" means a nautical mile of 1,852 metres.

The term "from the nearest land" means from the baseline from which the territorial sea is established.

---

This Notice shall come into force on 1 January 1969 in so far as article 1a is concerned and on 18 May 1967 in all other respects.

(g) ACT<sup>1</sup> OF 5 JUNE 1959 CONCERNING EXTRADITION FOR THE COMMISSION OF AN OFFENCE TO DENMARK, FINLAND, ICELAND AND NORWAY\*\*

...

*Article 2*

A Swedish national may be extradited only if, at the time of the commission of the offence, he had been resident for at least two years in the requesting State or if

---

<sup>1</sup> *Ibid.*, p. 270. According to information transmitted by the Permanent Mission of Sweden to the United Nations, the Act does not require, in respect of the extradition of a foreign national, that the offence shall have been committed in its entirety or in part outside Sweden. A Swedish national may be extradited under the conditions laid down in article 2.

the offence for which extradition is requested corresponds to an offence which is punishable under Swedish law by a term of imprisonment exceeding four years; extradition may not, however, be granted for an offence that was committed in its entirety in Sweden save where the offence entails participation in an offence committed outside Sweden or where extradition is also taking place for an offence that was committed outside Sweden (Act of 20 March 1964).

(h) ROYAL ORDER NO. 150 OF 18 MAY 1962 CONCERNING NAVIGATION, AS AMENDED BY ROYAL NOTICE NO. 454 OF 15 JUNE 1965 AND BY ROYAL NOTICE NO. 114 OF 21 APRIL 1967, article 2<sup>1</sup>

(i) ROYAL NOTICE NO. 267 OF 25 MAY 1962 CONTAINING SPECIAL PROVISIONS RELATING TO NAVIGATION, article 1<sup>2</sup>

(j) PENAL CODE<sup>3</sup> OF 21 DECEMBER 1962

PART ONE. GENERAL PROVISIONS

...

#### CHAPTER 2

#### *Applicability of Swedish law*

##### *Article 1*

A person who has committed an offence in Sweden shall be tried according to Swedish law and in a Swedish court. The same shall apply when it is uncertain where the offence was committed but grounds exist for assuming that it was committed in Sweden.

##### *Article 2*

Where an offence has been committed outside Sweden by a Swedish national or by an alien domiciled in Sweden, the offender shall be tried according to Swedish law and in a Swedish court.

Where an alien other than as aforesaid has, while outside Sweden, committed an offence punishable under the law in force at the place where the offence was committed, he shall be tried according to Swedish law and in a Swedish court if, after having committed the offence, he has become a Swedish national or has acquired domicile in Sweden, or if he is a Danish, Finnish, Icelandic or Norwegian national and is found to be present in Sweden, or if he is found to be present in Sweden and the offence is one that is punishable under Swedish law by a term of imprisonment exceeding six months.

<sup>1</sup> *Supra* DIVISION 1, SUB-DIVISION A, Chapter II, 18 (b).

<sup>2</sup> *Ibid.*, Chapter III, 6 (a).

<sup>3</sup> C. G. Hellquist, *Sveriges Rikes Lag*, 1969, p. 716. Came into force on 1 January 1965. By the present Penal Code, the Penal Code of 16 February 1864, as amended, (see ST/LEG/SER.B/2, p. 109) was repealed.

*Article 3*

Apart from the cases referred to in article 2, an alien who has committed an offence outside Sweden shall be tried according to Swedish law and in a Swedish court:

1. If he committed the offence on board a Swedish vessel or aircraft or if he was the officer in charge or a crew member of such vessel or aircraft and committed the offence while acting in that capacity;
2. If he committed the offence in an area where a detachment of military forces was present, but, unless he was a serviceman, only if the detachment was there for other than training purposes;
3. If the offence was committed against Sweden, a Swedish national or a Swedish group, institution or organization or against an alien domiciled in Sweden; or
4. If the offence constituted a violation of international law.

*Article 4*

An offence shall be deemed to have been committed at the place where the criminal act occurred and also where the offence was completed or, in the case of an attempt to commit an offence, where the intended offence would have been completed.

*Article 5*

Criminal proceedings in respect of an offence committed in Sweden on board a foreign vessel or aircraft by an alien who was the officer in charge or a crew member of or a person otherwise accompanying such vessel or aircraft may not be instituted against such alien or a foreign interest without an order from the King or from a person authorized by the King to issue such an order.

Criminal proceedings in respect of an offence committed outside Sweden may be instituted only in pursuance of an order as referred in the first paragraph. Such proceedings may, however, be instituted without such an order if the offence was committed on board a Swedish vessel or aircraft, or, while on duty, by the officer in charge or a crew member of such a vessel or aircraft, or by a serviceman in an area where a detachment of the armed services was present, or by a Swedish, Danish, Finnish, Icelandic or Norwegian national against a Swedish interest.

*Article 6*

No person may, without an order from the King or from a person authorized by the King to issue such an order, be prosecuted for an act for which he has been punished or otherwise penalized outside Sweden. If criminal proceedings are instituted in Sweden, the fixing of the penalty shall be done with due regard for the penalties imposed on the offender outside Sweden, and the offender may, according to the circumstances, be sentenced to a lesser penalty than the one prescribed by law for the relevant act or may be completely absolved from punishment.

*Article 7*

Apart from the provisions of this chapter regarding the applicability of Swedish law and the jurisdiction of Swedish courts, attention shall be paid to the limitations

arising from generally recognized principles of international law or, in accord with special statutory provisions, from agreements with foreign Powers.

...

(k) ACT NO. 719 OF 19 NOVEMBER 1965 CONCERNING THE SAFETY OF SHIPS, chapter 1, articles 1 and 3; chapter 8, article 2<sup>1</sup>

(l) ACT<sup>2</sup> NO. 78 OF 1 APRIL 1966 CONCERNING THE PROHIBITION IN CERTAIN CASES OF RADIO BROADCASTING ON THE HIGH SEAS\*\*

*Article 1*

Any person who broadcasts from a radio installation on the high seas or in the air space above the high seas shall be liable to a fine or to imprisonment for a term of not more than one year if the broadcast is intended to be received or can be received in Sweden, Denmark, Finland or Norway or in any country which is a party to the European Agreement for the prevention of broadcasts transmitted from stations outside national territories, or if the broadcast causes harmful interference with radio communications in any of the said countries.

Any person who establishes or operates a radio installation for the purposes of broadcasting as referred to in the first paragraph shall be liable to a fine or to imprisonment for a term of not more than one year.

*Article 2*

A person shall be liable to punishment for participating in an offence as referred to in article 1 if he furthers the establishment, maintenance or operation of the radio installation by:

- (1) providing the owner or operator of the installation with technical or financial assistance;
- (2) providing equipment or supplies for the broadcasting activity;
- (3) providing transport to or from a vessel, aircraft or contrivance of any other nature containing the installation, or providing the means for such transport;
- (4) participating in a broadcast;
- (5) producing a programme or anything else which is intended to be used in a broadcast;
- (6) giving or transmitting instructions for a broadcast;
- (7) supplying advertising for the broadcasting activity; or
- (8) carrying on business for the purpose of furthering the broadcasting activity in any other manner.

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter II, 18 (c).

<sup>2</sup> *Svensk författningssamling, 1966, No. 78*. Came into force on the date on which the Act was published. Act No. 278 of 6 June 1962 prohibiting radio broadcasting on the high seas in certain cases, has been repealed.

*Article 3*

Any stock-in-trade or payment which an owner or operator of a radio installation as referred to in article 1 has received for the establishment, maintenance or operation of the installation or for a broadcast from the installation shall be declared forfeited to the Crown unless such action is clearly unreasonable.

Property which has been used for the purpose of committing or has resulted from or has been the object of an offence referred to in article 1 or in article 2, item (1), (2), (3), (5) or (8), may, if the offence was committed by the owner of the property or a person acting in his stead, be declared, in its entirety or in part, to be forfeited to the Crown where such action is required for the purpose of preventing an offence as referred to in this paragraph or for any other special reason and it is not clearly unreasonable.

Where property as referred to in the first or second paragraph was in a form other than money and cannot be recovered, the value of such property may instead be declared forfeited.

The provisions of the first and second paragraphs may not be applied to the detriment of any person who acquired the property or a special interest therein in good faith.

*Article 4*

Where a vessel on which there is a maritime lien or a mortgage, or an aircraft on which there is an aircraft lien or a mortgage, is declared to be forfeited, the court may rule that the lien on the forfeited property shall be lost. Where in other cases a person's interest in an object declared to be forfeited ought to subsist despite such declaration, the court shall make a reservation to that effect.

*Article 5*

An alien who has committed an offence as referred to in article 1 or 2 outside Sweden shall, if he is present in Sweden, be brought to trial in a Swedish court by virtue of the present Act even if the provisions of chapter 2, article 2 or 3, of the Criminal Code are not applicable.

Proceedings against a Swedish national in respect of an offence concerning a broadcast which is not intended to be or cannot be received in Sweden and which does not cause harmful interference with radio communications in Sweden, or proceedings against an alien, may, even in a case other than as referred to in chapter 2, article 5, of the Criminal Code, be instituted only as determined by the King or a person authorized by the King.

(m) ACT NO. 314 OF 3 JUNE 1966 CONCERNING THE CONTINENTAL SHELF (articles 4, 10 and 13)<sup>1</sup>

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<sup>1</sup> *Supra* DIVISION II, 41 (a).

## 23. UNITED KINGDOM

(a) OIL IN NAVIGABLE WATERS ACT,<sup>1</sup> 1955 (CHAPTER 25) AS AMENDED<sup>2</sup>

Whereas a Convention entitled "The International Convention for the Prevention of Pollution of the Sea by Oil, 1954" (in this Act referred to as "the Convention of 1954") was signed on behalf of Her Majesty's Government in the United Kingdom in London on the twelfth day of May, nineteen hundred and fifty-four:

And whereas it is expedient to enable effect to be given to that Convention, and otherwise to make new provision for preventing the pollution of navigable waters by oil:

<sup>1</sup> 3 and 4 Eliz. 2 c. 25.

<sup>2</sup> By the Oil in Navigable Waters (Enforcement of Convention) Order, 1958 and the Oil in Navigable Waters Act 1963;

To give effect to the provisions of the Act, the following Orders were issued (besides those mentioned above under the heading UNITED KINGDOM):

- The Oil in Navigable Waters (Prohibited Sea Areas) (Australian Zone) Order, 1958 (*Statutory Instruments* 1958 No. 1058)
- The Oil in Navigable Waters (Prohibited Areas) (Extension of Canadian Zone) Order, 1961 (*Statutory Instruments* 1961, No. 78)
- The Oil in Navigable Waters (Convention Countries) (Poland) Order, 1961 (*Statutory Instruments* 1961 No. 1008)
- The Oil in Navigable Waters (Convention Countries) (Greece and Ivory Coast) Order 1967 (*Statutory Instruments* 1967 No. 814)
- The Oil in Navigable Waters (Prohibited Sea Areas) (Amendment) Order 1967 (*Statutory Instruments* 1967 No. 891)
- The Oil in Navigable Waters (Prohibited Sea Areas) (Amendment No. 2) Order 1967 (*Statutory Instruments* 1967 No. 1120)
- The Oil in Navigable Waters (Convention Countries) (Lebanon) Order 1967 (*Statutory Instruments* 1967 No. 1153)
- The Oil in navigable Waters (Prohibited Sea Areas) (Amendment No. 3) Order 1967 (*Statutory Instruments* 1967 No. 1625)
- The Oil in Navigable Waters (Convention Countries) (Japan and Portugal) Order 1967 (*Statutory Instruments* 1967 No. 1680)
- The Oil in Navigable Waters (Convention Countries) (United States of America) Order, 1961 (*Statutory Instruments* 1961 No. 2277)
- The Oil in Navigable Waters (Convention Countries) (Kuwait) Order 1962 (*Statutory Instruments* 1962 No. 174)
- The Oil in Navigable Waters (Convention Countries) (Iceland) Order 1962 (*Statutory Instruments* 1962 No. 1092)
- The Oil in Navigable Waters (Convention Countries) (Liberia) Order 1962 (*Statutory Instruments* 1962 No. 1345)
- The Oil in Navigable Waters (Convention Countries) (Ghana) Order 1962 (*Statutory Instruments* 1962 No. 1657)
- The Oil in Navigable Waters (Extension of Convention) (Netherlands Antilles) Order 1962 (*Statutory Instruments* 1962 No. 2189)
- The Oil in Navigable Waters (Convention Countries) (Jordan) Order 1963 (*Statutory Instruments* 1963 No. 1149)
- The Oil in Navigable Waters (Convention Countries) (United Arab Republic) Order 1963 (*Statutory Instruments* 1963 No. 1150)

1. *Discharge of certain oils into prohibited sea areas.*—(1) If any oil to which this section applies is discharged from a British ship registered in the United Kingdom into a part of the sea which is a prohibited sea area, or if any mixture containing not less than one hundred parts of oil to which this section applies in a million parts of the mixture is discharged from such a ship into such a part of the sea, the owner or master of the ship shall, subject to the provisions of this Act, be guilty of an offence under this section.

(2) This section applies—

(a) to crude oil, fuel oil and lubricating oil, and

(b) to heavy diesel oil, as defined by regulations made under this section by the Minister of Transport and Civil Aviation (in this Act referred to as “the Minister”), and shall also apply to any other description of oil which may be prescribed by the Minister, having regard to the provisions of any subsequent Convention in so far as it relates to the prevention of pollution of the sea by oil, or having regard to the persistent character of oil of that description and the likelihood that it would cause pollution if discharged from a ship into a prohibited sea area.

(3) Regulations made under this section by the Minister may make exceptions from the operation of subsection (1) of this section, either absolutely or subject to any prescribed conditions, and either generally or as respects particular classes of ships, or in relation to particular descriptions of oil or mixtures containing oil or to the discharge of oil or mixtures in prescribed circumstances, or in relation to particular areas of the sea.

...

(5) In this Act “subsequent Convention” means any Convention subsequent to the Convention of 1954, being a Convention accepted by Her Majesty’s Government in the United Kingdom.

...

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The Oil in Navigable Waters (Convention Countries) (Dominican Republic) Order 1963 (*Statutory Instruments* 1963 No. 1317)

The Oil in Navigable Waters (Convention Countries) (Republic of Panama) Order 1963 (*Statutory Instruments* 1963 No. 1931)

The Oil in Navigable Waters (Convention Countries) (Republic of the Philippines) Order 1964 (*Statutory Instruments* 1964 No. 60)

The Oil in Navigable Waters (Convention Countries) (Republic of Venezuela) Order 1964 (*Statutory Instruments* 1964 No. 61)

The Oil in Navigable Waters (Convention Countries) (Democratic and Popular Republic of Algeria) Order 1964 (*Statutory Instruments* 1964 No. 280)

The Oil in Navigable Waters (Convention Countries) (Spanish State) Order 1964 (*Statutory Instruments* 1964 No. 281)

The Oil in Navigable Waters (Convention Countries) (Italian Republic) Order 1964 (*Statutory Instruments* 1964 No. 931)

The Oil in Navigable Waters (Convention Countries) (Malagasy Republic) Order 1965 (*Statutory Instruments* 1965 No. 976)

The Oil in Navigable Waters (Convention Countries) (State of Israel) Order 1966 (*Statutory Instruments* 1966 No. 189)

The Oil in Navigable Waters (Convention Countries) (Swiss Confederation) Order 1966 (*Statutory Instruments* 1966 No. 392)

2. *Designation of prohibited sea areas.*—(1) For the purposes of this Act the areas of the sea designated by or in accordance with this section shall be prohibited sea areas.

(2) Subject to the following provisions of this section,—

(a) the areas specified in Part I of the Schedule to this Act shall, as from the coming into operation of this paragraph, be prohibited sea areas in relation to tankers;

(b) the areas specified in Part II of that Schedule shall, as from the coming into operation of this paragraph, be prohibited sea areas in relation to vessels other than tankers.

...

(5) The Minister, if he considers it necessary to do so for the purpose of protecting the coasts and territorial waters of the United Kingdom against pollution by oil, may by order—

(a) designate any area of the sea, outside the territorial waters of the United Kingdom and outside the areas specified in the Schedule to this Act, as a prohibited sea area.

...

(7) For the purpose of giving effect to any variation of the prohibited zones referred to in the Convention of 1954, in accordance with the provisions of that Convention or of any subsequent Convention, the Minister may by order vary any of the areas specified in any Part of the Schedule to this Act, or declare that any area specified in a Part of that Schedule shall cease to be included therein.

(8) For the purpose of giving effect to any subsequent Convention, the Minister may by order designate, as a prohibited sea area, any area of the sea, outside the territorial waters of the United Kingdom, which apart from the order is not a prohibited sea area in relation to tankers, or to vessels other than tankers, as the case may be.

3. *Discharge of oil into United Kingdom waters.*—(1) If any oil or mixture containing oil is discharged into waters to which this section applies from any vessel, or from any place on land, or from any apparatus used for transferring oil from or to any vessel (whether to or from a place on land or to or from another vessel), then subject to the provisions of this Act—

(a) if the discharge is from a vessel, the owner or master of the vessel, or

(b) if the discharge is from a place on land, the occupier of that place, or

(c) if the discharge is from apparatus used for transferring oil from or to a vessel, the person in charge of the apparatus,

shall be guilty of an offence under this section.

(2) This section applies to the following waters, that is to say,—

(a) the whole of the sea within the seaward limits of the territorial waters of the United Kingdom, and

(b) all other waters (including inland waters) which are within those limits and are navigable by sea-going ships.



(3) A harbour authority may appoint a place within their jurisdiction where the ballast water of vessels in which a cargo of petroleum-spirit has been carried may be discharged into the waters of the harbour, at such times, and subject to such conditions, as the authority may determine; and, where a place is so appointed, the discharge of ballast water from such a vessel shall not constitute an offence under this section, if the ballast water is discharged at that place, and at a time and in accordance with the conditions so determined, and the ballast water contains no oil other than petroleum-spirit.

In this subsection "petroleum-spirit" has the same meaning as in the Petroleum (Consolidation) Act, 1928.

(4) In this Act "place on land" includes anything resting on the bed or shore of the sea, or of any other waters to which this section applies, and also includes anything afloat (other than a vessel) if it is anchored or attached to the bed or shore of the sea or of any such waters; and "occupier", in relation to any such thing as is mentioned in the preceding provisions of this subsection, if it has no occupier, means the owner thereof, and, in relation to a railway wagon or road vehicle, means the person in charge of the wagon or vehicle and not the occupier of the land on which the wagon or vehicle stands.

(5) In this Act—

"harbour authority" means a person or body of persons empowered by an enactment to make charges in respect of vessels entering a harbour in the United Kingdom or using facilities therein;

"harbour in the United Kingdom" means a port, estuary, haven, dock, or other place which fulfils the following conditions, that is to say,—

(a) that it contains waters to which this section applies, and

(b) that a person or body of persons is empowered by an enactment to make charges in respect of vessels entering that place or using facilities therein.

In this subsection "enactment" includes a local enactment, and "charges" means any charges with the exception of light dues, local light dues and any other charges payable in respect of lighthouses, buoys or beacons, and of charges in respect of pilotage.

4. *Special defences under ss. 1 and 3.*—(1) Where a person is charged with an offence under section one of this Act, or is charged with an offence under the last preceding section as the owner or master of a vessel, it shall be a defence to prove that the oil or mixture in question was discharged for the purpose of securing the safety of any vessel, or of preventing damage to any vessel or cargo, or of saving life:

Provided that a defence under this subsection shall not have effect if the court is satisfied that the discharge of the oil or mixture was not necessary for the purpose alleged in the defence or was not a reasonable step to take in the circumstances.

(2) Where a person is charged as mentioned in the preceding subsection, it shall also be a defence to prove—

(a) that the oil or mixture escaped in consequence of damage to the vessel, and that as soon as practicable after the damage occurred all reasonable steps were taken for preventing, or (if it could not be prevented) for stopping or reducing, the escape of the oil or mixture, or

(b) that the oil or mixture escaped by reason of leakage, that the leakage was not due to any want of reasonable care, and that as soon as practicable after the escape was discovered all reasonable steps were taken for stopping or reducing it.

(3) Where a person is charged with an offence under the last preceding section as the occupier of a place on land, or as the person in charge of any apparatus, from which oil or a mixture containing oil is alleged to have escaped, it shall be a defence to prove that the escape of the oil or mixture was not due to any want of reasonable care, and that as soon as practicable after the escape was discovered all reasonable steps were taken for stopping or reducing it.

(4) Without prejudice to the last preceding subsection, it shall be a defence for the occupier of a place on land, who is charged with an offence under the last preceding section, to prove that the discharge was caused by the act of a person who was in that place without the permission (express or implied) of the occupier.

(5) Where a person is charged with an offence under the last preceding section in respect of the discharge of a mixture containing oil from a place on land, it shall (without prejudice to any other defence under this section) be a defence to prove—

(a) that the oil was contained in an effluent produced by operations for the refining of oil;

(b) that it was not reasonably practicable to dispose of the effluent otherwise than by discharging it into waters to which the last preceding section applies; and

(c) that all reasonably practicable steps had been taken for eliminating oil from the effluent:

Provided that a defence under this subsection shall not have effect if it is proved that, at a time to which the charge relates, the surface of the waters into which the mixture was discharged from the place in question, or land adjacent to those waters, was fouled by oil, unless the court is satisfied that the fouling was not caused, or contributed to, by oil contained in any effluent discharged at or before that time from that place.

(6) Where any oil, or mixture containing oil, is discharged in consequence of—

(a) the exercise of any power conferred by sections five hundred and thirty to five hundred and thirty-two of the Merchant Shipping Act, 1894 (which relate to the removal of wrecks by harbour, conservancy and lighthouse authorities), or

(b) the exercise, for the purpose of preventing an obstruction or danger to navigation, of any power to dispose of sunk, stranded or abandoned vessels which is exercisable by a harbour authority under any local enactment,

and apart from this subsection the authority exercising the power, or a person employed by or acting on behalf of the authority, would be guilty of an offence under section one of this Act, or under the last preceding section, in respect of that discharge, the authority or person shall not be convicted of that offence unless it is shown that they or he failed to take such steps (if any) as were reasonable in the circumstances for preventing, stopping or reducing the discharge.

(7) The last preceding subsection shall apply to the exercise of any power conferred by section thirteen of the Dockyard Ports Regulation Act, 1865 (which relates to the removal of obstructions to dockyard ports), as it applies to the exercise of any such power as is mentioned in paragraph (a) of that subsection, as if references

to the authority exercising the power were references to the Queen's harbour-master for the port in question.

...

7. *Keeping of records of matters relating to oil.*—(1) The Minister may make regulations requiring masters of British ships registered in the United Kingdom to keep records—

(a) of any occasion on which oil or a mixture containing oil is discharged from any such ship for the purpose of securing the safety of any vessel, or of preventing damage to any vessel or cargo, or of saving life;

(b) of any occasion on which oil or a mixture containing oil is found to be escaping, or to have escaped, from any such ship in consequence of damage to the ship, or by reason of leakage;

(c) of the carrying out, on board or in connection with any such ship, of such operations as may be prescribed, being operations relating to—

(i) the ballasting of oil tanks (whether cargo or bunker fuel tanks) and the discharge of ballast from, and cleaning of, such tanks, or

(ii) the separation of oil from water, or from other substances, in any mixture containing oil, or

(iii) the disposal of any oil or water, or any other substance, arising from operations relating to any of the matters specified in the preceding subparagraphs, or,

(iv) the disposal of any other oil residues.

(2) The Minister may make regulations requiring the keeping of records relating to the transfer of oil to and from vessels while they are within the seaward limits of the territorial waters of the United Kingdom.

In the case of vessels in respect of which requirements are imposed by the preceding subsection, any requirements imposed by virtue of this subsection shall be in addition to those requirements.

(3) Any records required by virtue of regulations made under the last preceding subsection in the case of any vessel shall be kept by the master of the vessel:

Provided that in the case of a barge the records, in so far as they relate to the transfer of oil to the barge, shall be kept by the person supplying the oil, and, in so far as they relate to the transfer of oil from the barge, shall be kept by the person to whom the oil is delivered.

(4) Where by any regulations made under this section any records are required to be kept, the regulations may—

(a) prescribe the form in which the records are to be kept, and the nature of the entries to be made in them;

(b) require the person keeping the records to retain them for a prescribed period;

(c) require that person, at the end of the prescribed period, to transmit the records to a place or person determined by or under the regulations;

(d) provide for the custody or disposal of the records after their transmission to such a place or person;

and any regulations made under subsection (2) of this section may provide for any of the matters specified in paragraphs (b) to (d) of this subsection in relation to records kept under section three of the Oil in Navigable Waters Act, 1922 (which provides for the keeping of records such as are mentioned in subsection (2) of this section).

(5) If any person fails to comply with any requirements imposed by or under this section, he shall be liable on summary conviction to a fine not exceeding five hundred pounds; and if any person makes an entry in any records kept under this section which is to his knowledge false or misleading in any material particular, he shall be liable on summary conviction to a fine not exceeding five hundred pounds, or imprisonment for a term not exceeding six months, or both.

(6) In any proceedings under this Act—

(a) any records kept in pursuance of the Convention of 1954 shall be admissible as evidence of the facts stated in those records;

(b) any copy of an entry in such records, which is certified by the master of the ship to be a true copy of the entry, shall be admissible as evidence of the facts stated in the entry;

(c) any document purporting to be records kept in pursuance of the Convention of 1954 or purporting to be such a certified copy as is mentioned in the last preceding paragraph, shall, unless the contrary is proved, be presumed to be such records or such a certified copy, as the case may be.

8. *Facilities in harbours for disposal of oil residues.*—(1) In respect of every harbour in the United Kingdom, the powers of the harbour authority shall include power to provide facilities for enabling vessels using the harbour to discharge or deposit oil residues (in this Act referred to as “oil reception facilities”).

...

9. *Restrictions on transfer of oil at night.*—(1) No oil shall be transferred between sunset and sunrise to or from a vessel in any harbour in the United Kingdom unless the requisite notice has been given in accordance with this section:

Provided that this subsection shall not apply to the transfer of oil for the purposes of a fire brigade.

...

10. *Duty to report discharges of oil into waters of harbours.*—(1) If any oil or mixture containing oil—

(a) is discharged from a vessel into the waters of a harbour in the United Kingdom for the purposes of securing the safety of the vessel, or of preventing damage to the vessel or her cargo, or of saving life, or

(b) is found to be escaping, or to have escaped, into any such waters from a vessel in consequence of damage to the vessel, or by reason of leakage; or

(c) is found to be escaping or to have escaped into any such waters from a place on land,

the owner or master of the vessel, or the occupier of the place on land, as the case may be, shall forthwith report the occurrence to the harbour-master, stating, in the case of a report by the owner or master of a vessel whether it falls within paragraph (a) or paragraph (b) of this subsection, and, if he fails to do so, shall be guilty of an offence under this section:

Provided that if the harbour has no harbour-master the report shall be made to the harbour authority.

(2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding two hundred pounds.

...

11. *Powers of inspection.*—(1) The Minister may appoint any person as an inspector to report to him—

(a) whether the prohibitions, restrictions and obligations imposed by virtue of this Act (including prohibitions so imposed by the creation of offences under this Act) have been complied with;

(b) what measures (other than measures made obligatory by regulations under section five of this Act) have been taken to prevent the escape of oil and mixtures containing oil;

(c) whether the oil reception facilities provided in harbours are adequate; and any such inspector may be so appointed to report either in a particular case or in a class of cases specified in his appointment.

...

(6) Without prejudice to any powers exercisable by virtue of the preceding provisions of this section, in the case of a vessel which is for the time being in a harbour in the United Kingdom the harbour-master, and any other person appointed by the Minister under this subsection (either generally or in relation to a particular vessel), shall have power—

(a) to go on board and inspect the vessel or any part thereof, or any of the machinery, boats, equipment or articles on board the vessel, for the purpose of ascertaining the circumstances relating to an alleged discharge of oil or a mixture containing oil from the vessel into the waters of the harbour;

(b) to require the production of any records which by virtue of any regulations made under this Act are required to be kept in respect of the vessel;

(c) to copy any entry in any such records, and require the person by whom the records are to be kept to certify the copy as a true copy of the entry:

Provided that a person exercising any powers conferred by this subsection shall not unnecessarily detain or delay the vessel from proceeding on any voyage.

14. *General provisions as to application of Act.*—(1) The provisions of this Act, except provisions which are expressed to apply only to British ships registered in the United Kingdom, shall (subject to any exemptions expressly conferred by or under this Act) apply to all vessels, whether registered or not, and of whatever nationality.

(2) Her Majesty may by Order in Council direct that, subject to such exceptions and modifications as may be specified in the Order, any regulations made under section five of this Act, or under subsection (1) of section seven of this Act, shall apply to ships registered in countries and territories other than the United Kingdom at any time when they are in a harbour in the United Kingdom, or are within the seaward limits of the territorial waters of the United Kingdom while on their way to or from a harbour in the United Kingdom.

(3) An Order in Council under the last preceding subsection shall not be made so as to impose different requirements in respect of ships of different countries or territories:

Provided that if Her Majesty is satisfied, as respects any country or territory, that ships registered there are required, by the law of that country or territory, to comply with provisions which are substantially the same as, or equally effective with, the requirements imposed by virtue of the Order, Her Majesty may by Order in Council direct that those requirements shall not apply to any ship registered in that country or territory if the ship complies with the said provisions applicable thereto under the law of that country or territory.

(4) No regulation shall by virtue of an Order in Council under this section apply to any ship as being within a harbour in the United Kingdom, or on her way to or from such a harbour, if the ship would not have been within the harbour, or, as the case may be, on her way to or from the harbour, but for stress of weather or any other circumstance which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled.

...

*16. Application of Act to Crown.*—(1) The provisions of this Act do not apply to vessels of Her Majesty's navy, nor to Government ships in the service of the Admiralty while employed for the purposes of Her Majesty's navy.

(2) Subject to the preceding subsection—

...

(b) provisions of this Act which are expressed to apply to vessels generally apply to Government ships as they apply to other vessels.

(3) In this section "Government ships" has the same meaning as in section eighty of the Merchant Shipping Act, 1906.

*17. Provisions as to Isle of Man, Channel Islands, colonies and dependencies.*—

(1) Her Majesty may by Order in Council direct that any of the provisions of this Act specified in the Order (including any enactments for the time being in force amending or substituted for those provisions) shall extend, with such exceptions and modifications, if any, as may be specified in the Order, to the Isle of Man, any of the Channel Islands, or any colony.

(2) The Foreign Jurisdiction Act, 1890, shall have effect as if the provisions of this Act were included among the enactments which, by virtue of section five of that Act, may be extended by Order in Council to foreign countries in which for the time being Her Majesty has jurisdiction.

(3) Her Majesty may by Order in Council direct that, subject to such exceptions and modifications as may be specified in the Order, the provisions of this Act which (apart from section fourteen of this Act and the last preceding section) apply only to British ships registered in the United Kingdom shall apply also to ships registered in any country or territory specified in the Order, being a country or territory to which the provisions of this Act can be extended by virtue of either of the preceding subsections.

*18. Enforcement of Conventions relating to oil pollution.*—(1) Her Majesty may by Order in Council empower such persons as may be designated by or under the Order to go on board any ship to which the Convention of 1954 applies, while the ship is within a harbour in the United Kingdom, and to require production of any records required to be kept in accordance with that Convention.

(2) An Order in Council under this section may, for the purposes of the Order, and with any necessary modifications, apply any of the provisions of this Act relating to the production and inspection of records and the taking of copies of entries therein, and to the admissibility in evidence of such records and copies, including any provisions of the Merchant Shipping Act, 1894, applied by those provisions and including any penal provisions of this Act in so far as they relate to those matters.

(3) For the purposes of this section Her Majesty, if satisfied that the government of any country has accepted, or denounced, the Convention of 1954, or that the Convention of 1954 extends, or has ceased to extend, to any territory, may by Order in Council make a declaration to that effect; and in this section "ship to which the Convention of 1954 applies" means a ship registered in—

(a) a country the government of which has been so declared to have accepted that Convention, and has not been so declared to have denounced it, or

(b) a territory to which it has been so declared that the Convention extends, not being a territory to which it has been so declared that the Convention has ceased to extend.

(4) The preceding provisions of this section shall apply to any sub-

...

22. *Interpretation.*—(1) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say:—

...

"oil" means oil of any description and includes spirit produced from oil of any description, and also includes coal tar, and any power conferred by any provision of this Act to prescribe descriptions of oil for the purposes of that provision shall be construed accordingly;

"oil reception facilities" has the meaning assigned to it by section eight of this Act;

"oil residues" means any waste material consisting of, or arising from, oil or a mixture containing oil;

"outside the territorial waters of the United Kingdom" means outside the seaward limits of those waters;

...

"sea" includes any estuary or arm of the sea;

"subsequent Convention" has the meaning assigned to it by section one of this Act;

...

23. *Provisions as to Northern Ireland.*—(1) The provisions of this section shall have effect for the purposes of the application of this Act in relation to Northern Ireland.

...

## SCHEDULE

## PROHIBITED SEA AREAS

*Part I**Initial Areas*

1. The whole of the sea which lies—
  - (a) outside the territorial waters of the United Kingdom, and
  - (b) within 100 miles from the coast of any of the following countries, that is to say, the United Kingdom, Belgium, the Netherlands, the Federal Republic of Germany, and Denmark.
2. The whole of the sea which lies—
  - (a) south of latitude 62° north, and
  - (b) within 50 miles from the coast of Norway.
3. So much of the Atlantic Ocean and of the English Channel, outside the territorial waters of the United Kingdom, and outside the area specified in paragraph 1 of this Part of this Schedule, as lies within a line drawn from a point on the Greenwich meridian 100 miles in a north-north-easterly direction from the Shetland Isles; thence northwards along the Greenwich meridian to latitude 64° north; thence westwards along the 64th parallel to longitude 10° west; thence to latitude 60° north, longitude 14° west; thence to latitude 54° 30' north, longitude 30° west; thence to latitude 44° 20' north, longitude 30° west; thence to latitude 48° north, longitude 14° west; thence eastwards along the 48th parallel to the coast of France.

...

*Part III**Additional Areas*

1. The whole of the sea which lies within 50 miles from land, exclusive of—
  - (a) the areas specified in Part I of this Schedule,
  - (b) any area within the seaward limits of the territorial waters of the United Kingdom, and
  - (c) the Adriatic Sea.
2. So much of the Adriatic Sea as lies within 50 miles from the coast of Albania, and so much of the remainder of the Adriatic Sea as lies within 30 miles from any other coast (the island of Vis being disregarded).

(b) OIL IN NAVIGABLE WATERS (SHIPS EQUIPMENT) REGULATIONS,<sup>1</sup> 1957\*

(c) OIL IN NAVIGABLE WATERS (ENFORCEMENT OF CONVENTION) ORDER,<sup>2</sup> 1958

...

<sup>1</sup> *Statutory Instruments* 1957 No. 1424 made on 31 July 1957, came into operation on 1 July 1958.

<sup>2</sup> *Statutory Instruments* 1958 No. 1526 made on 11 September, came into operation on 18 September 1958.



2. Without prejudice to any powers exercisable by surveyors of ships otherwise than by virtue of this Order every surveyor of ships is hereby designated as a person empowered to go on board any ship to which the Convention of 1954 applies, while the ship is within a harbour in the United Kingdom, and to require production of any records required to be kept in accordance with that Convention.

...

(d) OIL IN NAVIGABLE WATERS (HONG KONG) ORDER,<sup>1</sup> 1963

1. The provisions of the Oil in Navigable Waters Act 1955 specified in the Schedule to this Order (being those provisions which apply only to British ships registered in the United Kingdom) shall apply also to British ships registered in Hong Kong.

...

SCHEDULE

Section 1.

Section 5.

Section 7, subsection (1).

(e) OIL IN NAVIGABLE WATERS (HONG KONG) REGULATIONS,<sup>2</sup> 1963

...

3. The provisions of the following statutory instruments, namely, the Oil in Navigable Waters (Heavy Diesel Oil) Regulations 1956, the Oil in Navigable Waters (Ships' Equipment) (No. 1) Regulations 1956, the Oil in Navigable Waters (Records) Regulations 1957, the Oil in Navigable Waters (Ships' Equipment) Regulations 1957 and the Oil in Navigable Waters (Exceptions and Exemptions) Regulations 1958, shall apply in relation to British ships registered in Hong Kong as they apply in relation to British ships registered in the United Kingdom, but, as respects those statutory instruments other than the Oil in Navigable Waters (Ships' Equipment) Regulations 1957, as if they had come into operation on the date of coming into operation of these Regulations, and, as respects the Oil in Navigable Waters (Ships' Equipment) Regulations 1957, as if they were coming into operation on the 3rd May 1966.

...

(f) OIL IN NAVIGABLE WATERS ACT,<sup>3</sup> 1963

(Chapter 28)

Whereas on the 11th April 1962 the Conference of Contracting Governments to the International Convention for the Prevention of Pollution of the Sea by Oil 1954, adopted amendments to that Convention:

<sup>1</sup> *Statutory Instruments* 1963 No. 788 made on 11 April, came into operation on 20 April 1963.

<sup>2</sup> *Statutory Instruments* 1963 No. 848. Made on 22 April, came into operation on 3 May 1963.

<sup>3</sup> By the Oil in Navigable Waters Act 1963 (Commencement Order) 1967 *Statutory Instruments* 1967 No. 708 (C.11) made on 8 May 1967, the Act came into operation on 18 May 1967.

And whereas it is expedient to enable effect to be given to those amendments, and otherwise to extend the Oil in Navigable Waters Act 1955:

...

1. *Amendments as to prohibited sea areas*

(1) The areas which at the coming into operation of this section are prohibited sea areas in relation to tankers shall be prohibited sea areas in relation to all ships to which section 1 of the Oil in Navigable Waters Act 1955 (hereafter referred to as "the principal Act") applies.

(2) The power of the Minister under section 2 (7) or 2 (8) of the principal Act (variation or deletion of prohibited sea areas, and designation of additional areas, in accordance with or to give effect to Conventions) shall be exercisable either generally or in relation to different classes of vessels or different circumstances or both.

2. *Restriction of discharge at sea from new ships over specified tonnage*

(1) If any oil to which section 1 of the principal Act applies is discharged anywhere at sea from a British ship registered in the United Kingdom, being a ship of twenty thousand tons gross tonnage or more for which the building contract was entered into on or after the coming into operation of this section, or if there is so discharged from such a ship any such oily mixture as is mentioned in subsection (1) of that section, the owner or master of the ship shall, subject to the provisions of the principal Act, be guilty of an offence:

Provided that it shall be a defence to prove that by reason of special circumstances it was impracticable or unreasonable to retain the oil or mixture in the ship.

(2) Where any such oil or oily mixture is discharged at sea from such a ship as aforesaid, the master of the ship shall as soon as may be report the fact in the prescribed form and manner to the Minister, and if he fails to comply with this subsection he shall be guilty of an offence.

(3) Section 1 (3) of the principal Act (power to prescribe exceptions) shall apply to subsection (1) of this section, and sections 4 (special defences) and 6 (penalties) of the principal Act shall apply in relation to offences under the said subsection (1).

(4) In subsection (2) of this section "prescribed" means prescribed by regulation under section 7 of the principal Act, and subsection (5) of that section (failure to keep records and falsification of records) and subsection (6) thereof (evidence) shall apply in relation to reports required by subsection (2) of this section as they apply in relation to records required under the said section 7.

(5) For the purpose of giving effect to any variation of the Convention of 1954 or to any subsequent Convention the Minister may by order apply the foregoing provisions of this section to ships of such classes as may be specified in the order.

(6) Nothing in this section shall be taken to authorise the discharge of oil or oily mixture in a prohibited sea area.

...

## SCHEDULE 1

*Minor Amendments*

3.—(1) Subject to section 16 (1) of the principal Act (exclusion of naval ships), provisions of the principal Act or this Act which are expressed to apply only to British ships registered in the United Kingdom apply—

(a) to Government ships so registered,

(b) to Government ships, not so registered, which are held for the purposes of Her Majesty's Government in the United Kingdom, as they apply to other ships which are registered in the United Kingdom as British ships.

(2) In this paragraph "Government ships" has the same meaning as in section 80 of the Merchant Shipping Act 1906.

...

(g) CONTINENTAL SHELF ACT, 1964, sections 5 and 8<sup>1</sup>

(h) OIL IN NAVIGABLE WATERS (GUERNSEY) ORDER,<sup>2</sup> 1966

1. The provisions of the Oil in Navigable Waters Act 1955 which (apart from sections 14 and 16 of the Act) apply only to British ships registered in the United Kingdom shall apply also to ships registered in the Isle of Man.

...

(i) OIL IN NAVIGABLE WATERS (ISLE OF MAN) ORDER,<sup>3</sup> 1966

1. The provisions of the Oil in Navigable Waters Act 1955 which (apart from sections 14 and 16 of the Act) apply only to British ships registered in the United Kingdom shall also to ships registered in the Isle of Man.

...

(j) OIL IN NAVIGABLE WATERS (JERSEY) ORDER,<sup>4</sup> 1966

1. The provisions of the Oil in Navigable Waters Act 1955 which (apart from sections 14 and 16 of the Act) apply only to British ships registered in the United Kingdom shall apply also to ships registered in Jersey.

...

<sup>1</sup> *Supra*, DIVISION II, 45 (a).

<sup>2</sup> *Statutory Instruments* 1966 No. 393. Made on 6 April, came into operation on 18 April 1966.

<sup>3</sup> *Statutory Instruments* 1966 No. 394. Made on 6 April, came into operation on 18 April 1966.

<sup>4</sup> *Statutory Instruments* 1966 No. 395. Made on 6 April, came into operation on 18 April 1966.

(k) OIL IN NAVIGABLE WATERS (GUERNSEY) REGULATIONS,<sup>1</sup> 1966

1. The provisions of the Oil in Navigable Waters (Heavy Diesel Oil) Regulations 1956, the Oil in Navigable Waters (Records) Regulations 1957 and of Regulations 2 to 4 of the Oil in Navigable Waters (Exceptions and Exemptions) Regulations 1958 shall apply in relation to ships registered in Guernsey as they apply in relation to British ships registered in the United Kingdom.

2. The Regulations specified below shall apply in relation to ships registered in Guernsey as they apply in relation to British ships registered in the United Kingdom, with effect from the dates specified in relation to them respectively:—

|   |                  |
|---|------------------|
| The Oil in Navigable Waters (Ships' Equipment) (No. 1) Regulations 1956 | 19th April 1967. |
| The Oil in Navigable Waters (Ships' Equipment) Regulations 1957         | 19th April 1969. |

(l) OIL IN NAVIGABLE WATERS (ISLE OF MAN) REGULATIONS,<sup>2</sup> 1966

1. The provisions of the Oil in Navigable Waters (Heavy Diesel Oil) Regulations 1956, the Oil in Navigable Waters (Records) Regulations 1957 and of Regulations 2 to 4 of the Oil in Navigable Waters (Exceptions and Exemptions) Regulations 1958 shall apply in relation to ships registered in the Isle of Man as they apply in relation to British ships registered in the United Kingdom.

2. The Regulations specified below shall apply in relation to ships registered in the Isle of Man as they apply in relation to British ships registered in the United Kingdom, with effect from the dates specified in relation to them respectively:—

|   |                  |
|---|------------------|
| The Oil in Navigable Waters (Ships' Equipment) (No. 1) Regulations 1956 | 19th April 1967. |
| The Oil in Navigable Waters (Ships' Equipment) Regulations 1957         | 19th April 1969. |

...

(m) OIL IN NAVIGABLE WATERS (JERSEY) REGULATIONS,<sup>3</sup> 1966\*

<sup>1</sup> *Statutory Instruments* 1966 No. 425. Made on 18 April, came into operation on 19 April 1966.

<sup>2</sup> *Statutory Instruments* 1966 No. 426. Made on 18 April, came into operation on 19 April 1966.

<sup>3</sup> *Statutory Instruments* 1966 No. 427. Made on 18 April, came into operation on 19 April 1966.

(n) OIL IN NAVIGABLE WATERS (PROHIBITED SEA AREAS) ORDER 1967<sup>1</sup>

...

1. There shall be such variations of the prohibited sea areas specified in Parts I and III of the Schedule to the principal Act, as varied, (being areas which, by virtue of section 1 of the 1963 Act, are prohibited sea areas in relation to all ships to which section 1 of the principal Act applies) as are necessary for those prohibited sea areas to read as set out in Schedule 1 to this Order.

2. The sea area specified in Schedule 2 to this Order, being an area outside the areas specified in the Schedule to the principal Act as varied by Article 1 of this Order and being an area which the Board of Trade consider it necessary to designate as a prohibited sea area for the purpose of protecting the coasts and territorial waters of the United Kingdom against pollution by oil, is hereby so designated.

...

## SCHEDULE 1

*Prohibited Sea Areas in accordance with the International Convention for the Prevention of Pollution of the Sea by Oil 1954, as amended*

1. All sea areas which lie within 50 miles from the nearest land.

2. The following sea areas, insofar as they extend more than 50 miles from the nearest land:—

(1) *Norway, North Sea and Baltic Sea*

The area lying within 100 miles from the nearest land along the coast of Norway; the whole of the North Sea; and the whole of the Baltic Sea and its Gulfs.

(2) *North-East Atlantic Ocean*

The area lying within a line drawn between the following points:

| <i>Latitude</i>  | <i>Longitude</i> |
|------------------|------------------|
| (a) 62° north    | 2° east;         |
| (b) 64° north    | 00°;             |
| (c) 64° north    | 10° west;        |
| (d) 60° north    | 14° west;        |
| (e) 54°30' north | 30° west;        |
| (f) 53° north    | 40° west;        |
| (g) 44°20' north | 40° west;        |
| (h) 44°20' north | 30° west;        |
| (j) 46° north    | 20° west;        |

and thence to Cape Finisterre.

(3) *Iceland*

The area lying within 100 miles from the nearest land along the coast of Iceland.

<sup>1</sup> *Statutory Instruments* 1967 No. 709, made on 8 May came into operation on 18 May 1967. By this Order, the Oil in Navigable Waters (Prohibited Sea Areas) (Protection of the United Kingdom Coasts) Order 1956 was revoked.

(4) *North-West Atlantic Ocean*

The area lying within a line drawn from latitude 38° 47' north, longitude 73° 43' west to latitude 39° 58' north, longitude 68° 34' west; thence to latitude 42° 05' north, longitude 64° 37' west; thence along the east coast of Canada at a distance of 100 miles from the nearest land.

(5) *Atlantic Ocean: Spain*

The area of the Atlantic Ocean lying within 100 miles from the nearest land along the coast of Spain.

(6) *Mediterranean Sea*

The areas of the Mediterranean Sea lying within 100 miles from the nearest land along the coasts of Spain, France, Israel, the United Arab Republic and Algeria.

(7) *Red Sea*

The areas of the Red Sea lying within 100 miles from the nearest land along the coasts of the United Arab Republic and Jordan.

(8) *Persian Gulf*

The area lying within 100 miles from the nearest land along the coast of Kuwait.

(9) *Malagasy*

(a) The area lying within 100 miles from the nearest land along the coast of the Malagasy Republic west of Cape d'Ambre in the north and Cape Ste. Marie in the South.

(b) The area lying within 150 miles from the nearest land along the coast of the Malagasy Republic east of those points.

(10) *Australia*

The areas lying within 150 miles from the nearest land along the coasts of Australia and Tasmania except that part thereof lying off the north and west coasts of the Australian mainland between the point opposite Thursday Island and the point on the west coast at latitude 20° south.

(11) *Western Canada*

The area lying within 100 miles from the nearest land along the west coast of Canada.

## 3. In this Schedule—

(1) the sea areas specified in paragraphs 1 and 2 shall not include the territorial waters of the United Kingdom;

(2) the expression “from the nearest land” in relation to any territory means from the baseline from which the territorial sea of that territory is established in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone 1958 (Cmd. 584).

## SCHEDULE 2

*Prohibited Sea Area designated pursuant to section 2(5) of the Oil in Navigable Waters Act 1955, as amended*

The area of the Atlantic Ocean adjacent to that specified in paragraph 2(2) of Schedule 1 and lying within a line drawn from latitude 44° 20' north, longitude 40° west to latitude 42° north, longitude 40° west; thence to latitude 44° 20' north, longitude 30° west; thence to the point of commencement.

*(o) OIL IN NAVIGABLE WATERS (HEAVY DIESEL OIL) REGULATIONS 1967<sup>1</sup>*

...

1. For the purposes of section 1 of the Oil in Navigable Waters Act 1955 as so amended heavy diesel oil shall mean marine diesel oil, other than those distillates of which more than half the volume distils at a temperature not exceeding 340 degrees centigrade when tested by the A.S.T.M. (American Society for Testing and Materials) Standard Method D.86-66, published in the 1967 Book of A.S.T.M. Standards, Part 17.

*(p) OIL IN NAVIGABLE WATERS (EXCEPTIONS) REGULATIONS 1967<sup>2</sup>*1. *Exception for ships generally*

There are hereby excepted from the operation of—

- (a) section 1(1) of the principal Act as amended by the 1963 Act, and
- (b) section 2(1) of the 1963 Act

all ships to which those provisions respectively apply in so far as they prohibit the discharge from the bilges of a ship of oily mixture, being a mixture in which the only oil is lubricating oil which has drained or leaked from machinery spaces.

2. *Exceptions for tankers*

(1) Every tanker of less than 150 tons to which section 1 of the principal Act applies is hereby excepted from the operation of subsection (1) of that section as so amended in so far as it prohibits the discharge from the ship of oil or oily mixture into any prohibited sea area other than a home prohibited sea area.

(2) Subject to paragraph (3) of this Regulation, every such tanker when proceeding to a port without adequate oil reception facilities in the United Kingdom or elsewhere in or adjacent to a home prohibited sea area is hereby excepted from the operation of the said subsection (1) as so amended in so far as it prohibits the discharge from the ship of oily mixture, being a mixture consisting only of oil and either ballast

<sup>1</sup> *Statutory Instruments* 1967 No. 710. By this Order, made on 8 May, which came into operation on 18 May 1967, the Oil in Navigable Waters (Heavy Diesel Oil) Regulations 1956 were revoked.

<sup>2</sup> *Statutory Instruments* 1967 No. 771. By the Regulations, made on 8 May, which came into operation on 18 May 1967, the Oil in Navigable Waters (Exceptions and Exemptions) Regulations 1958 were revoked.

water or water which has been used for cleaning cargo tanks, into a home prohibited sea area.

(3) The exception in paragraph (2) of this Regulation is subject to the condition that the discharge therein referred to shall be made as far from land as practicable.

### 3. *Exceptions for ships other than tankers*

(1) This Regulation applies to every ship to which section 1 of the principal Act applies, not being (i) a tanker or (ii) a ship of 20,000 tons or more to which section 2 of the 1963 Act applies.

(2) Subject to paragraph (4) of this Regulation every ship to which this Regulation applies of 500 tons or more which is using bunker fuel tanks for the carriage of ballast water and—

- (a) is fitted with effective means of separating oil from ballast water, and
- (b) is proceeding to a port without adequate oil reception facilities

is hereby excepted from the operation of subsection (1) of the said section 1 as amended by the 1963 Act in so far as it prohibits the discharge from the ship into any prohibited sea area of oily mixture consisting only of oil from bunker fuel tanks and ballast water.

(3) Subject to paragraphs (4) and (5) of this Regulation every ship of less than 500 tons is hereby excepted from the operation of the said subsection (1) as amended—

(a) in so far as it prohibits the discharge from the ship into any prohibited sea area, other than a home prohibited sea area, of oil or oily mixture; and

(b) in so far as it prohibits the discharge from the ship into a home prohibited sea area of oily mixture consisting only of oil from bunker fuel tanks and ballast water.

(4) The exceptions in paragraphs (2) and (3)(b) of this Regulation are subject to the condition that any discharge referred to therein shall be made as far from land as practicable.

(5) The exception in paragraph (3)(b) applies only if the ship is using bunker fuel tanks for the carriage of ballast water, and in the case of a ship of 80 tons or more only if the ship

- (a) is fitted with effective means of separating oil from water, and
- (b) is proceeding to a port without adequate oil reception facilities in the United Kingdom or elsewhere in or adjacent to a home prohibited sea area.

### 4. *Interpretation and Revocation*

(1) In these Regulations—

“port without adequate oil reception facilities” in relation to any ship means a port which has no facilities adequate to receive oil residues from the ship without causing unreasonable delay to the ship;

“tanker” means a vessel the greater part of the cargo space of which is constructed or adapted for the carriage of liquid cargoes in bulk and which is not carrying a cargo other than oil in that part of its cargo space;

“tons” means tons gross tonnage.



(2) For the purposes of these Regulations the home prohibited sea areas are the following:—

(a) the sea area south of latitude 62° north lying within 100 miles from the nearest land along the coast of Norway; and the whole of the North Sea south of that latitude excluding the territorial waters of the United Kingdom;

(b) the sea area lying within a line drawn between the following points, excluding the territorial waters of the United Kingdom:—

| <i>Latitude</i> | <i>Longitude</i> |
|-----------------|------------------|
| 62° north       | 2° east;         |
| 64° north       | 00°;             |
| 64° north       | 10° west;        |
| 60° north       | 14° west;        |
| 54° 30' north   | 30° west;        |
| 53° north       | 40° west;        |
| 44° 20' north   | 40° west;        |
| 44° 20' north   | 30° west;        |
| 46° north       | 20° west,        |

and thence to Cape Finisterre.

The expression “from the nearest land along the coast of Norway” means from the baseline from which the territorial sea of Norway is established in accordance with the Geneva Convention on the Territorial Sea and Contiguous Zone 1958.

...

(q) OIL IN NAVIGABLE WATERS (RECORDS AND REPORTS) REGULATIONS 1967<sup>1</sup>

1. *Records: Tankers*

(1) The master of every ship to which section 7 of the principal Act applies, being a tanker, shall keep a record in the form of a book of the following matters, namely—

(a) any occasion on which oil or a mixture containing oil is discharged from the ship for the purpose of securing the safety of any vessel or of preventing damage to any vessel or cargo, or of saving life;

(b) any occasion on which oil or a mixture containing oil is found to be escaping, or to have escaped, from the ship in consequence of damage to the ship, or by reason of leakage;

(c) any of the following operations carried out on board or in connection with the ship; namely—

(i) any ballasting of, and discharge of ballast from, oil tanks being cargo tanks;

(ii) any cleaning of oil tanks being cargo tanks;

(iii) any settling in slop tanks and discharge of water therefrom;

(iv) any disposal of oil residues from slop tanks or other sources.

(2) Entries shall be made in the said book in respect of every occasion specified in sub-paragraphs (a) and (b) of paragraph (1) above in the form and containing the

<sup>1</sup>*Statutory Instruments* 1967 No. 712. By the Regulations, made on 8 May, which came into operation on 18 May 1967, the Oil in Navigable Waters (Records) Regulations 1957 were revoked.

particulars set out in Schedule 3 to these Regulations, and in respect of the operations specified in sub-paragraph (c) of that paragraph in the form and containing the particulars set out in Schedule 1 to these Regulations.

2. *Records: ships other than tankers*

(1) The master of every ship to which section 7 of the principal Act applies of 80 tons or more which uses oil fuel, not being a tanker, shall keep a record in the form of a book of the following matters, namely—

(a) any occasion on which oil or a mixture containing oil is discharged from the ship for the purpose of securing the safety of any vessel or of preventing damage to any vessel or cargo, or of saving life;

(b) any occasion on which oil or a mixture containing oil is found to be escaping, or to have escaped, from the ship in consequence of damage to the ship, or by reason of leakage;

(c) any of the following operations carried out on board or in connection with the ship, namely—

(i) any ballasting of, and discharge of ballast from, oil tanks being bunker fuel tanks;

(ii) any cleaning of, and discharge of washing water from, oil tanks being bunker fuel tanks;

(iii) any separation of oil from water, or from other substances, in any mixture containing oil;

(iv) any disposal of oil residues from oil tanks being bunker fuel tanks or from other sources.

...

(r) OIL IN NAVIGABLE WATERS ACTS 1955 AND 1963. EXEMPTION<sup>1</sup> FOR VESSELS OF LESS THAN 80 TONS, 18 MAY 1967

The Board of Trade in exercise of their powers under *section 15* of the Oil in Navigable Waters Act 1955 as amended hereby exempt the following class of vessels, that is to say—

vessels of less than 80 tons gross tonnage,

from the provisions of *section 3(1)* of that Act (Prohibition of discharge of oil into United Kingdom waters) in so far as such provisions prohibit the discharge from the bilges of such vessels of a mixture containing oil, being a mixture the only oil in which is lubricating oil which has drained or leaked from machinery spaces.

(s) MARINE AND BROADCASTING (OFFENCES) ACT, 1967 (1967 Chapter 41; 14 July 1967) Sections k, 3 and 9<sup>2</sup>

<sup>1</sup> Issued by an Assistant Secretary of the Board of Trade on 18 May 1967.

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter VIII, 3.

## 24. UNITED STATES OF AMERICA

(a) UNITED STATES CODE, TITLE 18 (CRIMES AND CRIMINAL PROCEDURE), AS AMENDED<sup>1</sup>

...

§ 3238. *Offenses not committed in any district*

The trial of all offenses begun or committed upon the high seas, or elsewhere out of the jurisdiction of any particular State or district, shall be in the district in which the offender, or any one of two or more joint offenders, is arrested or is first brought; but if such offender or offenders are not so arrested or brought into any district, an indictment or information may be filed in the district of the last known residence of the offender or of any one of two or more joint offenders, or if no such residence is known the indictment or information may be filed in the District of Columbia. (June 25, 1948, ch. 645, 62 Stat. 826; May 23, 1963, Pub. L. 88-27, 77 Stat. 48.)

(b) REGULATIONS<sup>2</sup> ON SHIPPING AND SEAMEN§ 83.7 *Jurisdiction over offenses committed on the high seas*

Under the general principles of international and maritime law, crimes and misdemeanors, committed on the high seas and out of the territorial limits of any state, are cognizable only in the courts of the country to which the vessel belongs. For the purpose of prosecuting such crimes the vessel may be regarded as part of the country of registry. These principles are recognized and enforced by courts of the United States and they are incorporated into Federal statutes. Piracy is a notable exception to this rule since the law of nations recognizes this crime as punishable by the authorities of any nation capturing the accused persons and bringing them within the jurisdiction of its courts. Piracy should not be confused with mutiny, which is not an international crime in this sense.

§ 83.8 *Jurisdiction over offenses committed in port or territorial waters*

(a) *Offenses involving the peace of the port.* When an offense is committed aboard a merchant vessel in the port or territorial waters of a nation other than the nation of registry, and when the offense involves the peace of the port, the nation in whose waters the offense is committed has jurisdiction under an accepted principle of international law.

(b) *Offenses not involving the peace of the port.* When an offense is committed aboard a merchant vessel in the port or territorial waters of a nation other than the nation of registry, but does not involve the peace of the port, such offense is usually left by local governments to be adjusted by officers of the vessel and the diplomatic

<sup>1</sup> 18 U.S.C. (1964). The text reproduced in ST/LEG/SER.B/2, pp. 125-135 remains unchanged except section 3238 which is reproduced above.

<sup>2</sup> "Code of Federal Regulations", Title 22, Chapter I; "Federal Register", Vol. 22, p. 10852, 27 December 1957. The Consular Regulations of the United States, sections 355-356, reproduced in ST/LEG/SER.B/2, pp. 134-135 have been replaced by the above quoted provisions.

or consular representatives of the nation of registry. In the case of vessels of the United States, the right to protection against intervention by a foreign government in this class of cases is safeguarded in many areas by a treaty of friendship, commerce and navigation or by a consular convention between the United States and the foreign government concerned. Even where no treaty or convention exists, the local foreign government will usually refrain from intervening in such cases on the basis of comity between nations.

§ 83.9 *Jurisdiction over offenses committed ashore*

The courts of a country have jurisdiction over offenses against the laws of the country committed by seamen while ashore in its ports.

(c) OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF, section 250.42<sup>1</sup>

(d) OUTER CONTINENTAL SHELF LANDS ACT, 7 AUGUST 1953, section 1332 (b)<sup>2</sup>

(e) OIL POLLUTION ACT,<sup>3</sup> 30 AUGUST 1961

§ 1001. *Definitions*

As used in this chapter, unless the context otherwise requires—

(a) The term “convention” means the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954;

(b) The term “discharge” in relation to oil or to an oily mixture means any discharge or escape howsoever caused;

(c) The term “heavy diesel oil” means marine diesel oil, other than those distillates of which more than 50 per centum, by volume distils at a temperature not exceeding three hundred and forty degrees centigrade when tested by American Society for the Testing of Materials standard method D. 158/53;

(d) The term “mile” means a nautical mile of six thousand and eighty feet or one thousand eight hundred and fifty-two meters;

(e) The term “oil” means persistent oils, such as crude oil, fuel oil, heavy diesel oil, and lubricating oil. For the purposes of this legislation, the oil in an oily mixture of less than one hundred parts of oil in one million parts of the mixture, shall not be deemed to foul the surface of the sea;

(f) The term “person” means an individual, partnership, corporation, or association; and any owner, operator, agent, master, officer, or employee of a ship;

(g) The term “prohibited zones” means the zones described in section 1011 of this title as modified by notices, if any, of extension or reduction issued by the Secretary;

<sup>1</sup> *Supra* DIVISION II, 46 (c).

<sup>2</sup> *Supra* DIVISION II, 46 (b).

<sup>3</sup> “U.S. Code” (1964 Edition), Title 33 (Navigation and Navigable Waters).

- (h) The term "Secretary" means the Secretary of the Army;
  - (i) The term "ship" means a seagoing ship of American registry except—
    - (1) ships for the time being used as naval auxiliaries;
    - (2) ships of under five hundred tons gross tonnage;
    - (3) ships for the time being engaged in the whaling industry;
    - (4) Ships for the time being navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the Lachine Canal at Montreal in the Province of Quebec, Canada.
- (Pub. L. 87-167, § 2, Aug. 30, 1961, 75 Stat. 402.)

§ 1002. *Prohibition against discharge of oil; area for discharge of oily ballast water or tank washings*

(a) Subject to the provisions of sections 1003 and 1004 of this title, the discharge by any person from any ship, which is a tanker, within any of the prohibited zones of oil or any oily mixture the oil in which fouls the surface of the sea, shall be unlawful.

(b) Subject to the provisions of sections 1003 and 1004 of this title, any discharge by any person into the sea from a ship, other than a tanker, of oily ballast water or tank washings shall be made as far as practicable from land. As from July 26, 1961, subsection (a) of this section shall apply to ships other than tankers as it applies to tankers, except that the prohibited zones in relation to ships other than tankers shall be those referred to in the schedule. (Pub. L. 87-167, § 3, Aug. 30, 1961, 75 Stat. 402.)

§ 1003. *Excepted discharges; securing safety of ship; prevention of damage to ship or cargo; saving life; damaged ship or unavoidable leakage; solid sediments; residue from purification or clarification*

Section 1002 of this title shall not apply to—

(a) the discharge of oil or of an oily mixture from a ship for the purpose of securing the safety of the ship, preventing damage to the ship or cargo, or saving life at sea; or

(b) the escape of oil, or of an oily mixture, resulting from damage to the ship or unavoidable leakage, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimizing the escape;

(c) the discharge of sediment—

(i) which cannot be pumped from the cargo tanks of tankers by reason of its solidity; or

(ii) which is residue arising from the purification or clarification of oil fuel or lubricating oil,

*Provided*, That such discharge is made as far from land as is practicable.

(Pub. L. 87-167, § 4, Aug. 30, 1961, 75 Stat. 402.)

§ 1004. *Excepted discharges; oily mixtures from bilges*

Section 1002 of this title shall not apply to the discharge from the bilges of a ship—

(a) of any oily mixture, during the period of twelve months after the United States accepts the convention;

(b) after the expiration of such period, of an oily mixture containing no oil other than lubricating oil.

(Pub. L. 87-167, § 5, Aug. 30, 1961, 75 Stat. 403.)

§ 1005. *Penalties for violation ; liability of vessel*

Any person who violates any provision of this chapter, except sections 1007(b) and 1008 of this title, or any regulation prescribed in pursuance thereof, is guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$2,500 nor less than \$500, or by imprisonment not exceeding one year, or by both such fine and imprisonment, for each offense. And any ship (other than a ship owned and operated by the United States) from which oil is discharged in violation of this chapter, or any regulation prescribed in pursuance thereof, shall be liable for the pecuniary penalty specified in this section, and clearance of such ship from a port of the United States may be withheld until the penalty is paid, and said penalty shall constitute a lien on such ship which may be recovered in proceedings by libel in rem in the district court of the United States for any district within which the ship may be. (Pub. L. 87-167, § 6, Aug. 30, 1961, 75 Stat. 403.)

§ 1006. *Suspension or revocation of licensc of officers of offending vessels*

The Coast Guard may, subject to the provisions of section 239 of Title 46, suspend or revoke a license issued to the master or other licensed officer of any ship found violating the provisions of this chapter or the regulations issued pursuant thereto. (Pub. L. 87-167, § 7, Aug. 30, 1961, 75 Stat. 403.)

§ 1007. *Personnel for enforcement of provisions ; arrest of offenders and procedure ; ship fittings and equipment ; civil penalty*

(a) In the administration of sections 1001-1011 of this title, the Secretary may make use of the organization, equipment, and agencies, including engineering, clerical, and other personnel, employed under his direction in the improvement of rivers and harbors and in the enforcement of laws for the improvement of rivers and harbors and in the enforcement of laws for the preservation and protection of navigable waters. For the better enforcement of the provisions of said sections, the officers and agents of the United States in charge of river and harbor improvements and persons employed under them by authority of the Secretary, and officers and employees of the Bureau of Customs and the Coast Guard, shall have power and authority and it shall be their duty to swear out process and to arrest and take into custody, with or without process, any person who may violate any of said provisions: *Provided*, That no person shall be arrested without process for a violation not committed in the presence of some one of the aforesaid officials: *And provided further*, That whenever any arrest is made under the provisions of said sections the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in cases of crimes against the United States. Representatives of the Secretary and of the Bureau of Customs and Coast Guard of the United States may go on board and

inspect any ship in a prohibited zone or in a port of the United States as may be necessary for enforcement of this chapter.

(b) To implement article VII of the convention, ship fittings and equipment, and operating requirements thereof, shall be in accordance with regulations prescribed by the Secretary of the Department in which the Coast Guard is operating. Any person found violating these regulations shall, in addition to any other penalty prescribed by law, be subject to a civil penalty not in excess of \$ 100. (Pub. L. 87-167, § 8, Aug. 30, 1961, 75 Stat. 403.)

#### Cross Reference

Convention defined, see section 1001 of this title.

#### § 1008. *Oil record book; entries; penalties*

(a) There shall be carried in every ship an oil record book in the form specified in section 1012 of this title. In the event of discharge or escape of oil from a ship in a prohibited zone, a signed statement shall be made in the oil record book, by the officer or officers in charge of the operations concerned and by the master of the ship, of the circumstances of and the reason for the discharge or escape.

(b) If any person fails to comply with the requirements imposed by or under this section, he shall be liable on conviction to a fine not exceeding \$1,000 nor less than \$500 and if any person makes an entry in any records kept in accordance with this chapter which is to his knowledge false or misleading in any material particular, he shall be liable on conviction to a fine not exceeding \$1,000 nor less than \$500 or imprisonment for a term not exceeding six months, or both. (Pub. L. 87-167, § 9, Aug. 30, 1961, 75 Stat. 404.)

#### § 1009. *Regulations*

The Secretary may make regulations for the administration of sections 1002, 1003, 1004, 1007(a), and 1008 of this title. (Pub. L. 87-167, § 10, Aug. 30, 1961, 75 Stat. 404.)

#### § 1010. *Boarding of ships; production of records; evidence of violations by foreign ships*

(a) The Secretary may make regulations empowering such persons as may be designated to go on board any ship to which the convention applies, while the ship is within the territorial jurisdiction of the United States, and to require production of any records required to be kept in accordance with the convention.

(b) Should evidence be obtained that a ship registered in another country party to the convention has discharged oil in any prohibited zone, such evidence should be forwarded to the State Department for action in accordance with article X of the convention. (Pub. L. 87-167, § 11, Aug. 30, 1961, 75 Stat. 404.)

#### § 1011. *Prohibited zones; publication of reduction or extension of zones*

(a) Subject to subsection (c) of this section, the prohibited zones in relation to tankers shall be all sea areas within fifty miles from land, with the following exceptions:

(1) *The Adriatic Zones*.—Within the Adriatic Sea the prohibited zones off the coasts of Italy and Yugoslavia respectively shall each extend for a distance of fifty miles from land, excepting only the island of Vis.

(2) *The North Sea Zone*.—The North Sea Zone shall extend for a distance of one hundred miles from the coasts of the following countries—

Belgium,  
Denmark,  
the Federal Republic of Germany,  
the Netherlands,  
the United Kingdom of Great Britain and Northern Ireland;

but not beyond the point where the limit of a one hundred-mile zone off the west coast of Jutland intersects the limit of the fifty-mile zone off the coast of Norway.

(3) *The Atlantic Zone*.—The Atlantic Zone shall be within a line drawn from a point on the Greenwich meridian one hundred miles in a north-northeasterly direction from the Shetland Islands; thence northward along the Greenwich meridian to latitude 64 degrees north; thence westward along the 64th parallel to longitude 10 degrees west; thence to latitude 60 degrees north, longitude 14 degrees west; thence to latitude 54 degrees 30 minutes north, longitude 30 degrees west; thence to latitude 44 degrees 20 minutes north, longitude 30 degrees west; thence to latitude 48 degrees north, longitude 14 degrees west; thence eastward along the forty-eighth parallel to a point of intersection with the fifty-mile zone off the coast of France: *Provided*, That in relation to voyages which do not extend seaward beyond the Atlantic Zone as defined above, and which are to points not provided with adequate facilities for the reception of oily residue, the Atlantic Zone shall be deemed to terminate at a distance of one hundred miles from land.

(4) *The Australian Zone*.—The Australian Zone shall extend for a distance of one hundred and fifty miles from the coasts of Australia, except off the north and west coasts of the Australian mainland between the point opposite Thursday Island and the point on the west coast at 20 degrees south latitude.

(b) Subject to subsection (c) of this section the prohibited zones in relation to ships other than tankers shall be all sea areas within fifty miles from land with the following exceptions:

(1) *The Adriatic Zones*.—Within the Adriatic Sea the prohibited zones off the coasts of Italy and Yugoslavia respectively shall each extend for a distance of twenty miles from land, excepting only the Island of Vis. After the expiration of a period of three years following the application of prohibited zones to ships other than tankers in accordance with section 1002(b) of this title the said zones shall each be extended by a further thirty miles in width unless the two Governments agree to postpone such extension. In the event of such an agreement, the Convention provides for notification to be given accordingly to the Intergovernmental Maritime Consultative Organization by said governments not less than three months before the expiration of such period of three years and for notification to be given to all contracting governments by the Intergovernmental Maritime Consultative Organization.

(2) *The North Sea and Atlantic Zones*.—The North Sea and Atlantic Zones shall extend for a distance of one hundred miles from the coasts of the following countries:

Belgium,  
Denmark,



the Federal Republic of Germany,  
Ireland,  
the Netherlands,  
the United Kingdom of Great Britain and Northern Ireland,  
but not beyond the point where the limit of a one hundred-mile zone off the west coast of Jutland intersects the limit of the fifty-mile zone off the coast of Norway.

(e) With respect to the reduction or extension of the zones described above effectuated under the terms of the Convention, the Secretary of the Army shall give notice thereof by publication of such information in Notices to Mariners issued by the United States Coast Guard and United States Navy.

(f) ACT<sup>1</sup> ESTABLISHING INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 24 SEPTEMBER 1963

GENERAL PROVISIONS

§ 1051. *Regulations for preventing collisions at sea; proclamation by President; effective date; publication; applicability*

The President is authorized to proclaim the regulations set forth in sections 1061—1094 of this title for preventing collisions involving waterborne craft upon the high seas, and in all waters connected therewith. The effective date of such proclamation shall be not earlier than the date fixed by the Inter-Governmental Maritime Consultative Organization for application of such regulations by Governments which have agreed to accept them. Such proclamation, together with the regulations, shall be published in the Federal Register and after the effective date specified in such proclamation such regulations shall have effect as if enacted by statute and shall be followed by all public and private vessels of the United States and by all aircraft of United States registry to the extent therein made applicable. Such regulations shall not apply to the harbors, rivers, and other inland waters of the United States; to the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the Saint Lambert Lock at Montreal in the Province of Quebec, Canada; to the Red River of the North and the rivers emptying into the Gulf of Mexico and their tributaries; nor with respect to aircraft in any territorial waters of the United States. (Pub. L. 88-131, § 1, Sept. 24, 1963, 77 Stat. 194.)

Repeals; Effective Date; References in Other Laws to Act Oct. 11, 1951

Section 3 of Pub. L. 88-131 provided that: "On the date the regulations authorized to be proclaimed under section 1 hereof [section 1051 of this title] take effect, the Act of October 11, 1951 (65 Stat. 406) [sections 143—143b, 144, 145—145n, 146—146k and 147—147d of this title], is repealed and the regulations proclaimed thereunder shall be of no further force or effect. Until such date, nothing herein shall in any way limit, supersede, or repeal any regulations for the prevention of collisions which have heretofore been prescribed by statute, regulation, or rule. Any reference in any other law to the Act of October 11, 1951 (65 Stat. 406), or the regulations proclaimed thereunder, shall be deemed a reference to this Act [this chapter] and the regulations proclaimed hereunder."

<sup>1</sup> *Ibid.*

## Proc. No. 3632. Enabling Proclamation

Proc. No. 3632, Dec. 29, 1964, 29 F.R. 19167, provided:

*Whereas* certain regulations designated as Regulations for Preventing Collisions at Sea, 1960, were approved by the International Conference on Safety of Life at Sea, 1960, held at London from May 17 to June 17, 1960; and

*Whereas* the Act of September 24, 1963 (Public Law 88-131, 77 Stat. 194) [this chapter], hereinafter referred to as the Act, authorizes the President of the United States of America to proclaim those regulations, which are set forth in Section 4 of the Act [sections 1053, 1061—1094 of this title], and to specify the effective date thereof, the regulations to have effect (after the effective date thus specified), as if enacted by statute; and

*Whereas* on March 12, 1964, the Government of the United States of America communicated to the Inter-Governmental Maritime Consultative Organization, as depository agency, its acceptance of the regulations; and

*Whereas* the Government of the United States of America has been notified by the Inter-Governmental Maritime Consultative Organization, as depository agency, that substantial unanimity has been reached as to the acceptance by interested countries, and that it has fixed September 1, 1965, as the date on and after which the regulations shall be applied by the governments which have accepted them; and

*Whereas* the Act [this chapter] provides that the Regulations for Preventing Collisions at Sea, 1948 (65 Stat. 406), as proclaimed and made effective as of January 1, 1954, by Proclamation No. 3030 of August 15, 1953, shall be of no further force or effect after the effective date proclaimed for the Regulations for Preventing Collisions at Sea, 1960.

*Now, Therefore, I, Lyndon B. Johnson*, President of the United States of America, under and by virtue of the authority vested in me by the Act, do hereby proclaim the Regulations for Preventing Collisions at Sea, 1960, as set forth in Section 4 of the Act [sections 1053, 1061—1094 of this title], which regulations are attached hereto and made a part hereof, and do hereby specify that the effective date thereof shall be September 1, 1965.

Proclamation No. 3030 is superseded effective as of September 1, 1965.

*In Witness Whereof*, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

*Done* at the City of Washington this twenty-ninth day of December in the year of our Lord nineteen hundred and sixty-four, and of the Independence [SEAL] of the United States of America the one hundred and eighty-ninth.

LYNDON B. JOHNSON

§ 1052. *Navy and Coast Guard vessels; exemption regarding lights; feasible conformity to requirements; publication; effective date*

Any requirement of such regulations in respect of the number, position, range of visibility, or arc of visibility of the lights required to be displayed by vessels shall not apply to any vessel of the Navy or of the Coast Guard whenever the Secretary of the Navy or the Secretary of the Treasury, in the case of Coast Guard vessels operating under the Treasury Department, or such official as either may designate, shall find or certify that, by reason of special construction, it is not possible for such vessel or class of vessels to comply with such regulations. The lights of any such exempted

vessel or class of vessels, however, shall conform as closely to the requirements of the applicable regulations as the Secretary or such official shall find or certify to be feasible. Notice of such findings or certification and of the character and position of the lights prescribed to be displayed on such exempted vessel or class of vessels shall be published in the Federal Register and in the Notice to Mariners and, after the effective date specified in such notice, shall have effect as part of such regulations. (Pub. L. 88-131, § 2, Sept. 24, 1963, 77 Stat. 194.)

§ 1053. *Designation of regulations*

The regulations authorized to be proclaimed under section 1051 of this title are the Regulations for Preventing Collisions at Sea, 1960, approved by the International Conference on Safety of Life at Sea, 1960, held at London from May 17, 1960, to June 17, 1960, and are set out in sections 1061—1094 of this title. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 195.)

PRELIMINARY AND DEFINITIONS

§ 1061. *Scope of sections 1061—1094 (Rule 1)*

(a) *Watercraft to which applicable*

Sections 1061—1094 of this title shall be followed by all vessels and seaplanes upon the high seas and in all waters connected therewith navigable by seagoing vessels, except as provided in section 1092 of this title. Where, as a result of their special construction, it is not possible for seaplanes to comply fully with the provisions of sections 1062—1074 of this title specifying the carrying of lights and shapes, these provisions shall be followed as closely as circumstances permit.

(b) *Provisions concerning lights; conditions governing compliance*

The provisions of sections 1062—1074 of this title concerning lights shall be complied with in all weathers from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the prescribed lights or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out. The lights prescribed by such sections may also be exhibited from sunrise to sunset in restricted visibility and in all other circumstances when it is deemed necessary.

(c) *Definitions*

In sections 1062—1094 of this title, except where the context otherwise requires—

- (i) the word “vessel” includes every description of water craft, other than a seaplane on the water, used or capable of being used as a means of transportation on water;
- (ii) the word “seaplane” includes a flying boat and any other aircraft designed to manoeuvre on the water;
- (iii) the term “power-driven vessel” means any vessel propelled by machinery;
- (iv) every power-driven vessel which is under sail and not under power is to be considered a sailing vessel, and every vessel under power, whether under sail or not, is to be considered a power-driven vessel;

(v) a vessel or seaplane on the water is "under way" when she is not at anchor, or made fast to the shore, or aground;

(vi) the term "height above the hull" means height above the uppermost continuous deck;

(vii) the length and breadth of a vessel shall be her length overall and largest breadth;

(viii) the length and span of a seaplane shall be its maximum length and span as shown in its certificate of airworthiness, or as determined by measurement in the absence of such certificate;

(ix) vessels shall be deemed to be in sight of one another only when one can be observed visually from the other;

(x) the word "visible", when applied to lights, means visible on a dark night with a clear atmosphere;

(xi) the term "short blast" means a blast of about one second's duration;

(xii) the term "prolonged blast" means a blast of from four to six seconds' duration;

(xiii) the word "whistle" means any appliance capable of producing the prescribed short and prolonged blasts;

(xiv) the term "engaged in fishing" means fishing with nets, lines or trawls but does not include fishing with trolling lines.

(Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 195.)

#### LIGHTS AND SHAPES

##### § 1062. *Requirements when under way (Rule 2)*

###### (a) *Power-driven vessels*

A power-driven vessel when under way shall carry—

(i) On or in front of the foremast, or if a vessel without a foremast then in the forepart of the vessel, a white light so constructed as to show an unbroken light over an arc of the horizon of 225 degrees (20 points of the compass), so fixed as to show the light  $112\frac{1}{2}$  degrees (10 points) on each side of the vessel, that is, from right ahead to  $22\frac{1}{2}$  degrees (2 points) abaft the beam on either side, and of such a character as to be visible at a distance of at least 5 miles.

(ii) Either forward or abaft the white light prescribed in clause (i) of this subsection a second white light similar in construction and character to that light. Vessels of less than 150 feet in length shall not be required to carry this second white light but may do so.

(iii) These two white lights shall be so placed in a line with and over the keel that one shall be at least 15 feet higher than the other and in such a position that the forward light shall always be shown lower than the after one. The horizontal distance between the two white lights shall be at least three times the vertical distance. The lower of these two white lights or, if only one is carried, then that light, shall be placed at a height above the hull of not less than 20 feet, and, if the breadth of the vessel exceeds 20 feet, then at a height above the hull not less than such breadth, so however that the light need not be placed at a greater height above the hull than

40 feet. In all circumstances the light or lights, as the case may be, shall be so placed as to be clear of and above all other lights and obstructing superstructures.

(iv) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of  $112\frac{1}{2}$  degrees (10 points of the compass), so fixed as to show the light from right ahead to  $22\frac{1}{2}$  degrees (2 points) abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.

(v) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of  $112\frac{1}{2}$  degrees (10 points of the compass), so fixed as to show the light from right ahead to  $22\frac{1}{2}$  degrees (2 points) abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

(vi) The said green and red sidelights shall be fitted with inboard screens projecting at least 3 feet forward from the light, so as to prevent these lights from being seen across the bows.

(b) *Seaplanes*

A seaplane under way on the water shall carry—

(i) In the forepart amidships where it can best be seen a white light, so constructed as to show an unbroken light over an arc of the horizon of 220 degrees of the compass, so fixed as to show the light 110 degrees on each side of the seaplane, namely, from right ahead to 20 degrees abaft the beam on either side, and of such a character as to be visible at a distance of at least 3 miles.

(ii) On the right or starboard wing tip a green light, so constructed as to show an unbroken light over an arc of the horizon of 110 degrees of the compass, so fixed as to show the light from right ahead to 20 degrees abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.

(iii) On the left or port wing tip a red light, so constructed as to show an unbroken light over an arc of the horizon of 110 degrees of the compass, so fixed as to show the light from right ahead to 20 degrees abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

(Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 196.)

§ 1063. *Towing or pushing other vessels or seaplanes (Rule 3)*

(a) A power-driven vessel when towing or pushing another vessel or seaplane shall, in addition to her sidelights, carry two white lights in a vertical line one over the other, not less than 6 feet apart, and when towing and the length of the tow, measuring from the stern of the towing vessel to the stern of the last vessel towed, exceeds 600 feet, shall carry three white lights in a vertical line one over the other, so that the upper and lower lights shall be the same distance from, and not less than 6 feet above or below, the middle light. Each of these lights shall be of the same construction and character and one of them shall be carried in the same positions as the white light prescribed in section 1062 (a) (i) of this title. None of these lights shall be carried at a height of less than 14 feet above the hull. In a vessel with a single mast, such lights may be carried on the mast.

(b) The towing vessel shall also show either the stern light prescribed in section 1070 of this title or in lieu of that light a small white light abaft the funnel or aftermast for the tow to steer by, but such light shall not be visible forward of the beam.

(c) Between sunrise and sunset a power driven vessel engaged in towing, if the length of tow exceeds 600 feet, shall carry, where it can best be seen, a black diamond shape at least 2 feet in diameter.

(d) A seaplane on the water, when towing one or more seaplanes or vessels, shall carry the lights prescribed in section 1062(b)(i), (ii), and (iii) of this title; and, in addition, she shall carry a second white light of the same construction and character as the white light prescribed in section 1062(b)(i) of this title, and in a vertical line at least 6 feet above or below such light. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 197.)

§ 1064. *Vessels and seaplanes not under command, and vessels engaged in certain operations (Rule 4)*

(a) A vessel which is not under command shall carry, where they can best be seen, and, if a power-driven vessel, in lieu of the lights prescribed in section 1062(a)(i) and (ii) of this title, two red lights in a vertical line one over the other not less than 6 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day, she shall carry in a vertical line one over the other not less than 6 feet apart, where they can best be seen, two black balls or shapes each not less than 2 feet in diameter.

(b) A seaplane on the water which is not under command may carry, where they can best be seen, and in lieu of the light prescribed in section 1062(b)(i) of this title, two red lights in a vertical line, one over the other, not less than 3 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles, and may by day carry in a vertical line one over the other not less than 3 feet apart, where they can best be seen, two black balls or shapes, each not less than 2 feet in diameter.

(c) A vessel engaged in laying or in picking up a submarine cable or navigation mark, or a vessel engaged in surveying or underwater operations, or a vessel engaged in replenishment at sea, or in the launching or recovery of aircraft when from the nature of her work she is unable to get out of the way of approaching vessels, shall carry, in lieu of the lights prescribed in section 1062(a)(i) and (ii), or section 1067(a)(i) of this title, three lights in a vertical line one over the other so that the upper and lower lights shall be the same distance from, and not less than 6 feet above or below, the middle light. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day, she shall carry in a vertical line one over the other not less than 6 feet apart, where they can best be seen, three shapes each not less than 2 feet in diameter, of which the highest and lowest shall be globular in shape and red in colour, and the middle one diamond in shape and white.

(d) (i) A vessel engaged in minesweeping operations shall carry at the fore truck a green light, and at the end or ends of the fore yard on the side or sides on which danger exists, another such light or lights. These lights shall be carried in addition to the light prescribed in section 1062(a)(i) or section 1067(a)(i) of this title, as appropriate, and shall be of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day she shall carry black balls, not less than 2 feet in diameter, in the same position as the green lights.

(ii) the showing of these lights or balls indicates that it is dangerous for other vessels to approach closer than 3,000 feet astern of the minesweeper or 1,500 feet on the side or sides on which danger exists.

(e) The vessels and seaplanes referred to in this section, when not making way through the water, shall show neither the coloured side-lights nor the stern light, but when making way they shall show them.

(f) The lights and shapes prescribed in this section are to be taken by other vessels and seaplanes as signals that the vessel or seaplane showing them is not under command and cannot therefore get out of the way.

(g) These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in section 1093 of this title. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 197.)

§ 1065. *Sailing vessels under way; vessels or seaplanes being towed; vessels being pushed ahead (Rule 5)*

(a) A sailing vessel under way and any vessel or seaplane being towed shall carry the same lights as are prescribed in section 1062 of this title for a power-driven vessel or a seaplane under way, respectively, with the exception of the white lights prescribed therein, which they shall never carry. They shall also carry stern lights as prescribed in section 1070 of this title, provided that vessels towed, except the last vessel of a tow, may carry, in lieu of such stern light, a small white light as prescribed in section 1063(b) of this title.

(b) In addition to the lights prescribed in subsection (a) of this section, a sailing vessel may carry on the top of the foremast two lights in a vertical line one over the other, sufficiently separated so as to be clearly distinguished. The upper light shall be red and the lower light shall be green. Both lights shall be constructed and fixed as prescribed in section 1062(a) (i) of this title and shall be visible at a distance of at least 2 miles.

(c) A vessel being pushed ahead shall carry, at the forward end, on the starboard side a green light and on the port side a red light, which shall have the same characteristics as the lights prescribed in section 1062(a) (iv) and (v) of this title and shall be screened as provided in section 1062(a) (vi) of this title, provided that any number of vessels pushed ahead in a group shall be lighted as one vessel.

(d) Between sunrise and sunset a vessel being towed, if the length of the tow exceeds 600 feet, shall carry where it can best be seen a black diamond shape at least 2 feet in diameter. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 198.)

§ 1066. *Vessels in bad weather; other sufficient cause (Rule 6)*

(a) When it is not possible on account of bad weather or other sufficient cause to fix the green and red sidelights, these lights shall be kept at hand lighted and ready for immediate use, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor, if practicable, more than  $22\frac{1}{2}$  degrees (2 points) abaft the beam on their respective sides.

(b) To make the use of these portable lights more certain and easy, the lanterns

containing them shall each be painted outside with the colour of the lights they respectively contain, and shall be provided with proper screens. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 199.)

§ 1067. *Substitute lights for power-driven vessels, power-driven vessels towing or pushing other vessels, vessels under oars or sails, vessels being towed or pushed ahead, and rowing boats (Rule 7)*

Power-driven vessels of less than 65 feet in length, vessels under oars or sails or less than 40 feet in length, and rowing boats, when under way shall not be required to carry lights prescribed in sections 1062, 1063, and 1065 of this title, but if they do not carry them they shall be provided with the following lights—

(a) Power-driven vessels of less than 65 feet in length, except as provided in subsections (b) and (c) of this section, shall carry—

- (i) In the forepart of the vessel, where it can best be seen, and at a height above the gunwale of not less than 9 feet, a white light constructed and fixed as prescribed in section 1062(a) (i) of this title and of such a character as to be visible at a distance of at least 3 miles.
- (ii) Green and red sidelights constructed and fixed as prescribed in section 1062(a) (iv) and (v) of this title, and of such a character as to be visible at a distance of at least 1 mile, or a combined lantern showing a green light and a red light from right ahead to  $22\frac{1}{2}$  degrees (2 points) abaft the beam on their respective sides. Such lantern shall be carried not less than 3 feet below the white light.

(b) Power-driven vessels of less than 65 feet in length when towing or pushing another vessel shall carry—

- (i) In addition to the sidelights or the combined lantern prescribed in subsection (a) (ii) of this section two white lights in a vertical line, one over the other not less than 4 feet apart. Each of these lights shall be of the same construction and character as the white light prescribed in subsection (a) (i) of this section and one of them shall be carried in the same position. In a vessel with a single mast such lights may be carried on the mast.
- (ii) Either a stern light as prescribed in section 1070 of this title or in lieu of that light a small white light abaft the funnel or aftermast for the tow to steer by, but such light shall not be visible forward of the beam.

(c) Power-driven vessels of less than 40 feet in length may carry the white light at a less height than 9 feet above the gunwale but it shall be carried not less than 3 feet above the sidelights or the combined lantern prescribed in subsection (a) (ii) of this section.

(d) Vessels of less than 40 feet in length, under oars or sails, except as provided in subsection (f) of this section, shall, if they do not carry the sidelights, carry, where it can best be seen, a lantern showing a green light on one side and a red light on the other, of such a character as to be visible at a distance of at least 1 mile, and so fixed that the green light shall not be seen on the port side, nor the red light on the starboard side. Where it is not possible to fix this light, it shall be kept ready for immediate use and shall be exhibited in sufficient time to prevent collision and so that the green light shall not be seen on the port side nor the red light on the starboard side.

(e) The vessels referred to in this section when being towed shall carry the sidelights or the combined lantern prescribed in subsections (a) or (d) of this section, as



appropriate, and a stern light as prescribed in section 1070 of this title, or, except the last vessel of the tow, a small white light as prescribed in subsection (b) (ii) of this section. When being pushed ahead they shall carry at the forward end the sidelights or combined lantern prescribed in subsections (a) or (d) of this section, as appropriate, provided that any number of vessels referred to in this section when pushed ahead in a group shall be lighted as one vessel under this section unless the overall length of the group exceeds 65 feet when the provisions of section 1065(c) of this title shall apply.

(f) Small rowing boats, whether under oars or sail, shall only be required to have ready at hand an electric torch or a lighted lantern, showing a white light, which shall be exhibited in sufficient time to prevent collision.

(g) The vessels and boats referred to in this section shall not be required to carry the lights or shapes prescribed in sections 1064(a) and 1071(e) of this title and the size of their day signals may be less than is prescribed in sections 1064(c) and 1071(c) of this title. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 199.)

§ 1068. *Pilot-vessels on and off duty (Rule 8)*

(a) A power-driven pilot-vessel when engaged on pilotage duty and under way—

- (i) Shall carry a white light at the masthead at a height of not less than 20 feet above the hull, visible all round the horizon at a distance of at least 3 miles and at a distance of 8 feet below it a red light similar in construction and character. If such a vessel is of less than 65 feet in length she may carry the white light at a height of not less than 9 feet above the gunwale and the red light at a distance of 4 feet below the white light.
- (ii) Shall carry the sidelights or lanterns prescribed in section 1062(a) (iv) and (v) or section 1067(a) (ii) or (d) of this title, as appropriate, and the stern light prescribed in section 1070 of this title.
- (iii) Shall show one or more flare-up lights at intervals not exceeding 10 minutes. An intermittent white light visible all round the horizon may be used in lieu of flare-up lights.

(b) A sailing pilot-vessel when engaged on pilotage duty and under way—

- (i) Shall carry a white light at the masthead visible all round the horizon at a distance of at least 3 miles.
- (ii) Shall be provided with the sidelights or lantern prescribed in sections 1065(a) or 1067(d) of this title, as appropriate, and shall, on the near approach of or to other vessels, have such lights ready for use, and shall show them at short intervals to indicate the direction in which she is heading, but the green light shall not be shown on the port side nor the red light on the starboard side. She shall also carry the stern light prescribed in section 1070 of this title.
- (iii) Shall show one or more flare-up lights at intervals not exceeding ten minutes.

(c) A pilot-vessel when engaged on pilotage duty and not under way shall carry the lights and show the flares prescribed in subsections (a) (i) and (iii) or (b) (i) and (iii) of this section, as appropriate, and if at anchor shall also carry the anchor lights prescribed in section 1071 of this title.

(d) A pilot-vessel when not engaged on pilotage duty shall show the lights or shapes for a similar vessel of her length. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 200.)

§ 1069. *Fishing vessels; trawling vessels; fishing vessels by day (Rule 9)*

(a) Fishing vessels when not engaged in fishing shall show the lights or shapes for similar vessels of their length.

(b) Vessels engaged in fishing, when under way or at anchor, shall show only the lights and shapes prescribed in this section, which lights and shapes shall be visible at a distance of at least 2 miles.

(c) (i) Vessels when engaged in trawling, by which is meant the dragging of a dredge net or other apparatus through the water, shall carry two lights in a vertical line, one over the other, not less than 4 feet nor more than 12 feet apart. The upper of these lights shall be green and the lower light white and each shall be visible all round the horizon. The lower of these two lights shall be carried at a height above the sidelights not less than twice the distance between the two vertical lights.

(ii) Such vessels may in addition carry a white light similar in construction to the white light prescribed in section 1062(a) (i) of this title but such light shall be carried lower than and abaft the all-round green and white lights.

(d) Vessels when engaged in fishing, except vessels engaged in trawling, shall carry the lights prescribed in subsection (c) (i) of this section except that the upper of the two vertical lights shall be red. Such vessels if of less than 40 feet in length may carry the red light at a height of not less than 9 feet above the gunwale and the white light not less than 3 feet below the red light.

(e) Vessels referred to in subsections (c) and (d) of this section, when making way through the water, shall carry the sidelights or lanterns prescribed in section 1062(a) (iv) and (v) or section 1067 (a) (ii) or (d) of this title, as appropriate, and the stern light prescribed in section 1070 of this title. When not making way through the water they shall show neither the sidelights nor the stern light.

(f) Vessels referred to in subsection (d) of this section with outlying gear extending more than 500 feet horizontally into the seaway shall carry an additional all-round white light at a horizontal distance of not less than 6 feet nor more than 20 feet away from the vertical lights in the direction of the outlying gear. This additional white light shall be placed at a height not exceeding that of the white light prescribed in subsection (c) (i) of this section and not lower than the sidelights.

(g) In addition to the lights which they are required by this section to carry, vessels engaged in fishing may, if necessary in order to attract the attention of an approaching vessel, use a flare-up light, or may direct the beam of their searchlight in the direction of a danger threatening the approaching vessel, in such a way as not to embarrass other vessels. They may also use working lights but fishermen shall take into account that specially bright or insufficiently screened working lights may impair the visibility and distinctive character of the lights prescribed in this section.

(h) By day vessels when engaged in fishing shall indicate their occupation by displaying where it can best be seen a black shape consisting of two cones each not less than 2 feet in diameter with their points together one above the other. Such vessels if of less than 65 feet in length may substitute a basket for such black shape.

If their outlying gear extends more than 500 feet horizontally into the seaway vessels engaged in fishing shall display in addition one black conical shape, point upwards, in the direction of the outlying gear.

*Note.*—Vessels fishing with trolling lines are not “engaged in fishing” as defined in section 1061(c) (xiv) of this title. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 201.)

§ 1070. *Stern and tail lights (Rule 10)*

(a) Except where otherwise provided in sections 1061—1094 of this title, a vessel when under way shall carry at her stern a white light, so constructed that it shall show an unbroken light over an arc of the horizon of 135 degrees (12 Points of the compass), so fixed as to show the light  $67\frac{1}{2}$  degrees (6 points) from right aft on each side of the vessel, and of such a character as to be visible at a distance of at least 2 miles.

(b) In a small vessel, if it is not possible on account of bad weather or other sufficient cause for this light to be fixed, an electric torch or a lighted lantern showing a white light shall be kept at hand ready for use and shall, on the approach of an overtaking vessel, be shown in sufficient time to prevent collision.

(c) A seaplane on the water when under way shall carry on her tail a white light, so constructed as to show an unbroken light over an arc of the horizon of 140 degrees of the compass, so fixed as to show the light 70 degrees from right aft on each side of the seaplane, and of such a character as to be visible at a distance of at least 2 miles. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 202.)

§ 1071. *Vessels and seaplanes at anchor or aground (Rule 11)*

(a) A vessel of less than 150 feet in length, when at anchor, shall carry in the forepart of the vessel, where it can best be seen, a white light visible all round the horizon at a distance of at least 2 miles. Such a vessel may also carry a second white light in the position prescribed in subsection (b) of this section but shall not be required to do so. The second white light, if carried, shall be visible at a distance of at least 2 miles and so placed as to be as far as possible visible all round the horizon.

(b) A vessel of 150 feet or more in length, when at anchor, shall carry near the stern of the vessel, at a height of not less than 20 feet above the hull, one such light, and at or near the stern of the vessel and at such a height that it shall be not less than 15 feet lower than the forward light, another such light. Both these lights shall be visible at a distance of at least 3 miles and so placed as to be as far as possible visible all round the horizon.

(c) Between sunrise and sunset every vessel when at anchor shall carry in the forepart of the vessel, where it can best be seen, one black ball not less than 2 feet in diameter.

(d) A vessel engaged in laying or in picking up a submarine cable or navigation mark, or a vessel engaged in surveying or underwater operations, when at anchor, shall carry the lights or shapes prescribed in section 1064(c) of this title in addition to those prescribed in the appropriate preceding subsections of this section.

(e) A vessel aground shall carry the light or lights prescribed in subsections (a) or (b) of this section and the two red lights prescribed in section 1064(a) of this title. By day she shall carry, where they can best be seen, three black balls, each

not less than 2 feet in diameter, placed in a vertical line one over the other, not less than 6 feet apart.

(f) A seaplane on the water under 150 feet in length, when at anchor, shall carry, where it can best be seen, a white light, visible all round the horizon at a distance of at least 2 miles.

(g) A seaplane on the water 150 feet or upwards in length, when at anchor, shall carry, where they can best be seen, a white light forward and a white light aft, both lights visible all round the horizon at a distance of at least 3 miles; and, in addition, if the seaplane is more than 150 feet in span, a white light on each side to indicate the maximum span, and visible, so far as practicable, all round the horizon at a distance of 1 mile.

(h) A seaplane aground shall carry on anchor light or lights as prescribed in subsections (f) and (g) of this section, and in addition may carry two red lights in a vertical line, at least 3 feet apart, so placed as to be visible all round the horizon. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 202.)

§ 1072. *Additional lights and signals when necessary (Rule 12)*

Every vessel or seaplane on the water may, if necessary in order to attract attention, in addition to the lights which she is by sections 1062-1074 of this title required to carry, show a flare-up light or use a detonating or other efficient sound signal that cannot be mistaken for any signal authorised elsewhere under such sections. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 203.)

§ 1073. *Ships of war, convoy vessels, fishing vessels, and seaplanes on water; naval and military vessels and seaplanes of special construction (Rule 13)*

(a) Nothing in sections 1061—1094 of this title shall interfere with the operation of any special rules made by the Government of any nation with respect to additional station and signal lights for ships of war, for vessels sailing under convoy, for fishing vessels engaged in fishing as a fleet or for seaplanes on the water.

(b) Whenever the Government concerned shall have determined that a naval or other military vessel or waterborne seaplane of special construction or purpose cannot comply fully with the provisions of any of sections 1062—1074 of this title with respect to the number, position, range or arc of visibility of lights or shapes, without interfering with the military function of the vessel or seaplane, such vessel or seaplane shall comply with such other provisions in regard to the number, position, range or arc of visibility of lights or shapes as her Government shall have determined to be the closest possible compliance with such sections in respect of that vessel or seaplane. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 203.)

§ 1074. *Vessels proceeding under sail, when also propelled by machinery (Rule 14)*

A vessel proceeding under sail, when also being propelled by machinery, shall carry in the daytime forward, where it can best be seen, one black conical shape, point downwards, not less than 2 feet in diameter at its base. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 203.)

## SOUND SIGNALS AND CONDUCT IN RESTRICTED VISIBILITY

§ 1075. *General considerations of radar*

1. The possession of information obtained from radar does not relieve any vessel of the obligation of conforming strictly with sections 1061—1094 of this title and, in particular, the obligations contained in sections 1076 and 1077 of this title.

2. The Annex to the Rules contains recommendations intended to assist in the use of radar as an aid to avoiding collision in restricted visibility. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 203.)

§ 1076. *Sound signals (Rule 15)*(a) *Power-driven, and sailing vessels*

A power-driven vessel of 40 feet or more in length shall be provided with an efficient whistle, sounded by steam or by some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog horn to be sounded by mechanical means, and also with an efficient bell. A sailing vessel of 40 feet or more in length shall be provided with a similar fog horn and bell.

(b) *Methods of sending*

All signals prescribed in this section for vessels under way shall be given—

- (i) by power-driven vessels on the whistle;
- (ii) by sailing vessels on the fog horn;
- (iii) by vessels towed on the whistle or fog horn.

(c) *Number and length of blasts and rings*

In fog, mist, falling snow, heavy rainstorms, or any other condition similarly restricting visibility, whether by day or night, the signals prescribed in this section shall be used as follows—

(i) A power-driven vessel making way through the water shall sound at intervals of not more than 2 minutes a prolonged blast.

(ii) A power-driven vessel under way, but stopped and making no way through the water, shall sound at intervals of not more than 2 minutes two prolonged blasts, with an interval of about 1 second between them.

(iii) A sailing vessel under way shall sound, at intervals of not more than 1 minute, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.

(iv) A vessel when at anchor shall at intervals of not more than 1 minute ring the bell rapidly for about 5 seconds. In vessels of more than 350 feet in length the bell shall be sounded in the forepart of the vessel, and in addition there shall be sounded in the after part of the vessel, at intervals of not more than 1 minute for about 5 seconds, a going or other instrument, the tone and sounding of which cannot be confused with that of the bell. Every vessel at anchor may in addition, in accordance with section 1072 of this title, sound three blasts in succession, namely, one short, one prolonged, and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.

(v) A vessel when towing, a vessel engaged in laying or in picking up a submarine cable or navigation mark, and a vessel under way which is unable to get out of the way of an approaching vessel through being not under command or unable to manœuvre as required by sections 1061—1094 of this title shall, instead of the signals prescribed in clauses (i), (ii), and (iii) of this subsection sound, at intervals of not more than 1 minute, three blasts in succession, namely, one prolonged blast followed by two short blasts.

(vi) A vessel towed, or, if more than one vessel is towed, only the last vessel of the tow, if manned, shall, at intervals of not more than 1 minute, sound four blasts in succession, namely, one prolonged blast followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.

(vii) A vessel aground shall give the bell signal and, if required, the gong signal, prescribed in clause (iv) of this subsection and shall, in addition, give 3 separate and distinct strokes on the bell immediately before and after such rapid ringing of the bell.

(viii) A vessel engaged in fishing when under way or at anchor shall at intervals of not more than 1 minute sound the signal prescribed in clause (v) of this subsection. A vessel when fishing with trolling lines and under way shall sound the signals prescribed in clauses (i), (ii), or (iii) of this subsection as may be appropriate.

(ix) A vessel of less than 40 feet in length, a rowing boat, or a seaplane on the water, shall not be obliged to give the above-mentioned signals but if she does not, she shall make some other efficient sound signal at intervals of not more than 1 minute.

(x) A power-driven pilot-vessel when engaged on pilotage duty may, in addition to the signals prescribed in clauses (i), (ii) and (iv) of this subsection, sound an identity signal consisting of 4 short blasts.

(Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 203.)

§ 1077. *Speed in weather restricting visibility (Rule 16)*

(a) Every vessel, or seaplane when taxi-ing on the water, shall, in fog, mist, falling snow, heavy rainstorms or any other condition similarly restricting visibility, go at a moderate speed, having careful regard to the existing circumstances and conditions.

(b) A power-driven vessel hearing, apparently forward of her beam, the fog-signal of a vessel the position of which is not ascertained, shall, go far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.

(c) A power-driven vessel which detects the presence of another vessel forward of her beam before hearing her fog signal or sighting her visually may take early and substantial action to avoid a close quarters situation but, if this cannot be avoided, she shall, so far as the circumstances of the case admit, stop her engines in proper time to avoid collision and then navigate with caution until danger of collision is over. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 205.)

## STEERING AND SAILING RULES

§ 1078. *General considerations*

1. In obeying and construing sections 1078—1089 of this title, any action taken should be positive, in ample time, and with due regard to the observance of good seamanship.

2. Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

3. Mariners should bear in mind that seaplanes in the act of landing or taking off, or operating under adverse weather conditions, may be unable to change their intended action at the last moment.

4. Sections 1079 to 1086 of this title apply only to vessels in sight of one another. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 205.)

§ 1079. *Sailing vessels approaching one another; windward side (Rule 17)*

(a) When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows—

(i) When each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other.

(ii) When both have the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.

(b) For the purposes of this section the windward side shall be deemed to be the side opposite to that on which the mainsail is carried or, in the case of a square-rigged vessel, the side opposite to that on which the largest fore-and-aft sail is carried. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 205.)

§ 1080. *Power-driven vessels meeting end on; definition (Rule 18)*

(a) When two power-driven vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other. This section only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two vessels which must, if both keep on their respective course, pass clear of each other. The only cases to which it does apply are when each of two vessels is end on, or nearly end on, to the other; in other words, to cases in which, by day, each vessel sees the masts of the other in a line, or nearly in a line, with her own; and by night, to cases in which each vessel is in such a position as to see both the sidelights of the other. It does not apply, by day, to cases in which a vessel sees another ahead crossing her own course; or, by night, to cases where the red light of one vessel is opposed to the red light of the other or where the green light of one vessel is opposed to the green light of the other or where a red light without a green light or a green light without a red light is seen ahead, or where both green and red lights are seen anywhere but ahead.

(b) For the purposes of this section and sections 1081 to 1091 of this title inclusive, except section 1082(c) and section 1090 of this title, a seaplane on the water shall be deemed to be a vessel, and the expression “power-driven vessel” shall be construed accordingly. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 205.)

§ 1081. *Power-driven vessels crossing (Rule 19)*

When two power-driven vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 206.)

§ 1082. *Vessels or seaplanes meeting (Rule 20)*

(a) When a power-driven vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, except as provided for in sections 1086 and 1088 of this title, the power-driven vessel shall keep out of the way of the sailing vessel.

(b) This section shall not give to a sailing vessel the right to hamper, in a narrow channel, the safe passage of a power-driven vessel which can navigate only inside such channel.

(c) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with sections 1078—1089 of this title. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 206.)

§ 1083. *Vessels having right of way; duty in aiding to avert collision (Rule 21)*

Where by any of sections 1078—1089 of this title one of two vessels is to keep out of the way, the other shall keep her course and speed. When, from any cause, the latter vessel finds herself so close that collision cannot be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision (see sections 1089 and 1091 of this title). (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 206.)

§ 1084. *Positive action to keep out of way; crossing ahead of vessel having right of way (Rule 22)*

Every vessel which is directed by sections 1078—1089 of this title to keep out of the way of another vessel shall, so far as possible, take positive early action to comply with this obligation, and shall, if the circumstances of the case admit, avoid crossing ahead of the other. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 206.)

§ 1085. *Duty to slacken speed, stop or reverse (Rule 23)*

Every power-driven vessel which is directed by sections 1078—1089 of this title to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 206.)

§ 1086. *Overtaking vessel to keep out of way (Rule 24)*

(a) Notwithstanding anything contained in sections 1078—1089 of this title, every vessel overtaking any other shall keep out of the way of the overtaken vessel.

(b) Every vessel coming up with another vessel from any direction more than 22½ degrees (2 points) abaft her beam, i.e., in such a position, with reference to the vessel which she is overtaking, that at night she would be unable to see either of that vessel's sidelights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a



crossing vessel within the meaning of sections 1078—1089 of this title, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

(c) If the overtaking vessel cannot determine with certainty whether she is forward of or abaft this direction from the other vessel, she shall assume that she is an overtaking vessel and keep out of the way. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 206.)

§ 1087. *Power-driven vessels in narrow channels; nearing bends therein (Rule 25)*

(a) In a narrow channel every power-driven vessel when proceeding along the course of the channel shall, when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such vessel.

(b) Whenever a power-driven vessel is nearing a bend in a channel where a vessel approaching from the other direction cannot be seen, such power-driven vessel, when she shall have arrived within one-half ( $\frac{1}{2}$ ) mile of the bend, shall give a signal by one prolonged blast on her whistle which signal shall be answered by a similar blast given by any approaching power-driven vessel that may be within hearing around the bend. Regardless of whether an approaching vessel on the farther side of the bend is heard, such bend shall be rounded with alertness and caution.

(c) In a narrow channel a power-driven vessel of less than 65 feet in length shall not hamper the safe passage of a vessel which can navigate only inside such channel. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 207.)

§ 1088. *Right of way of fishing vessels; obstruction of fairways (Rule 26)*

All vessels not engaged in fishing, except vessels to which the provisions of section 1064 of this title apply, shall, when under way, keep out of the way of vessels engaged in fishing. This section shall not give, to any vessel engaged in fishing the right of obstructing a fairway used by vessels other than fishing vessels. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 207.)

§ 1089. *Special circumstances requiring departure from rules to avoid immediate danger (Rule 27)*

In obeying and construing sections 1078—1089 of this title due regard shall be had to all dangers of navigation and collision, and to any special circumstances, including the limitations of the craft involved, which may render a departure from such sections necessary in order to avoid immediate danger. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 207.)

SOUND SIGNALS FOR VESSELS IN SIGHT OF ONE ANOTHER

§ 1090. *Sound signals indicating course (Rule 28)*

(a) *Meaning of blasts*

When vessels are in sight of one another, a power-driven vessel under way, in taking any course authorised or required by sections 1061—1094 of this title, shall indicate that course by the following signals on her whistle, namely—

One short blast to mean “I am altering my course to starboard”.

Two short blasts to mean “I am altering my course to port”.

Three short blasts to mean “My engines are going astern”.

(b) *Doubt as to action of other vessel*

Whenever a power-driven vessel which, under sections 1061—1094 of this title, is to keep her course and speed, is in sight of another vessel and is in doubt whether sufficient action is being taken by the other vessel to avert collision, she may indicate such doubt by giving at least five short and rapid blasts on the whistle. The giving of such a signal shall not relieve a vessel of her obligations under sections 1089 and 1091 of this title or any other provision of sections 1061—1094 of this title, or of her duty to indicate any action taken under sections 1061—1094 of this title by giving the appropriate sound signals laid down in this section.

(c) *Simultaneous operation of whistle and visual signals*

Any whistle signal mentioned in this section may be further indicated by a visual signal consisting of a white light visible all round the horizon at a distance of at least 5 miles, and so devised that it will operate simultaneously and in conjunction with the whistle-sounding mechanism and remain lighted and visible during the same period as the sound signal.

(d) *Additional signals between ships of war or vessels sailing under convoy*

Nothing in sections 1061—1094 of this title shall interfere with the operation of any special rules made by the Government of any nation with respect to the use of additional whistle signals between ships of war or vessels sailing under convoy. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 207.)

MISCELLANEOUS RULES

§ 1091. *Usual additional precautions required generally (Rule 29)*

Nothing in sections 1061—1094 of this title shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 208.)

§ 1092. *Reservation of rules for harbours and inland navigation (Rule 30)*

Nothing in sections 1061—1094 of this title shall interfere with the operation of a special rule duly made by local authority relative to the navigation of any harbour, river, lake, or inland water, including a reserved seaplane area. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 208.)

§ 1093. *Distress signals (Rule 31)*

(a) When a vessel or seaplane on the water is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately, namely—

- (i) A gun or other explosive signal fired at intervals of about a minute.
- (ii) A continuous sounding with any fog-signalling apparatus.
- (iii) Rockets or shells, throwing red stars fired one at a time at short intervals.
- (iv) A signal made by radiotelegraphy or by any other signalling method consisting of the group ... — — — ... in the Morse Code.
- (v) A signal sent by radiotelephony consisting of the spoken word "May-day".
- (vi) The International Code Signal of distress indicated by N.C.
- (vii) A signal consisting of a square flag having above or below it a ball or anything resembling a ball.
- (viii) Flames on the vessel (as from a burning tar barrel, oil barrel, etc.).
- (ix) A rocket parachute flare or a hand flare showing a red light.
- (x) A smoke signal giving off a volume of orange-coloured smoke.
- (xi) Slowly and repeatedly raising and lowering arms outstretched to each side.

*Note.*—Vessels in distress may use the radiotelegraph alarm signal or the radiotelephone alarm signal to secure attention to distress calls and messages. The radiotelegraph alarm signal, which is designed to actuate the radiotelegraph auto alarms of vessels so fitted, consists of a series of twelve dashes, sent in 1 minute, the duration of each dash being 4 seconds, and the duration of the interval between 2 consecutive dashes being 1 second. The radiotelephone alarm signal consists of 2 tones transmitted alternately over periods of from 30 seconds to 1 minute.

(b) The use of any of the foregoing signals, except for the purpose of indicating that a vessel or seaplane is in distress, and the use of any signals which may be confused with any of the above signals, is prohibited. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 208.)

#### ANNEX TO RULES

#### § 1094. *Other general considerations*

##### *Assumptions to be avoided*

(1) Assumptions made on scanty information may be dangerous and should be avoided.

##### *Radar navigation; moderate speed; limitations of radar*

(2) A vessel navigating with the aid of radar in restricted visibility must, in compliance with section 1077(a) of this title, go at a moderate speed. Information obtained from the use of radar is one of the circumstances to be taken into account when determining moderate speed. In this regard it must be recognised that small vessels, small icebergs and similar floating objects may not be detected by radar. Radar indications of one or more vessels in the vicinity may mean that "moderate speed" should be slower than a mariner without radar might consider moderate in the circumstances.

*Same; duty to stop*

(3) When navigating in restricted visibility the radar range and bearing alone do not constitute ascertainment of the position of the other vessel under section 1077 (b) of this title sufficiently to relieve a vessel of the duty to stop her engines and navigate with caution when a fog signal is heard forward of the beam.

*Close quarters; circumstances to guide alteration of course or speed*

(4) When action has been taken under section 1077 (c) of this title to avoid a close quarters situation, it is essential to make sure that such action is having the desired effect. Alterations of course or speed or both are matters as to which the mariner must be guided by the circumstances of the case.

*Close quarters; alteration of course to avoid*

(5) Alteration of course alone may be the most effective action to avoid close quarters provided that—

- (a) There is sufficient sea room.
- (b) It is made in good time.
- (c) It is substantial. A succession of small alterations of course should be avoided.
- (d) It does not result in a close quarters situation with other vessels.

*Alteration of course; circumstances to guide direction; general preference for alteration to starboard*

(6) The direction of an alteration of course is a matter in which the mariner must be guided by the circumstances of the case. An alteration to starboard, particularly when vessels are approaching apparently on opposite or nearly opposite courses, is generally preferable to an alteration to port.

*Substantial alteration of speed*

(7) An alteration of speed, either alone or in conjunction with an alteration of course, should be substantial. A number of small alterations of speed should be avoided.

*Close quarters; action to take all way off vessel*

(8) If a close quarters situation is imminent, the most prudent action may be to take all way off the vessel. (Pub. L. 88-131, § 4, Sept. 24, 1963, 77 Stat. 209.)

(g) MARINE RESOURCES AND ENGINEERING DEVELOPMENT ACT OF 1966, 17 JUNE 1966, section 8<sup>1</sup>

<sup>1</sup> *Supra* DIVISION II, 46 (e).

## 25. WESTERN SAMOA

No provision exists relating to the exploitation of resources of the sea or of the sea-bed or subsoil outside internal waters.<sup>1</sup>

## 26. YUGOSLAVIA

LAW<sup>2</sup> OF 22 MAY 1965 ON YUGOSLAVIA'S MARGINAL SEAS, CONTIGUOUS ZONE AND CONTINENTAL SHELF

...

*Article 27*

The hot pursuit of a foreign ship will be undertaken when the competent organ has good reasons to suspect that the ship, its boat, or a boat operating with it, has violated the present Law or other Yugoslav regulations.

The hot pursuit may commence only when that ship, its boat, or a boat operating with it, is within the marginal seas or the contiguous zone and when it does not stop after a visual or auditory summons to stop has been addressed to it at a distance which enables the ship to receive it.

If the foreign ship, its boat, or a boat operating with it, is in the contiguous zone, the hot pursuit may only be undertaken for violations of the provisions referred to in article 19 of the present Law.

The hot pursuit may also be continued on the high seas if it has not been interrupted, until the foreign ship enters the territorial sea of its own country or of a third State.

The hot pursuit may be exercised only by Yugoslav warships or military aircraft or by other ship or aircraft which are authorized to that effect. For the beginning of the hot pursuit it is not necessary that the pursuing ship or aircraft be within the marginal seas or the contiguous zone.

...

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<sup>1</sup> Information submitted by a *note verbale* of 21 December 1967 from the Permanent Representative of New Zealand to the United Nations at the request of the Government of Western Samoa.

<sup>2</sup> See also articles 22 and 24, *supra* DIVISION II, 49 (a). English text provided by the Permanent Mission of Yugoslavia to the United Nations.

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**DIVISION IV**  
**FISHING AND CONSERVATION**  
**OF THE LIVING RESOURCES OF THE SEA**

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1. ARGENTINA

(a) LAW NO. 17,094-M.24 OF 29 DECEMBER 1966, article 4<sup>1</sup>

(b) DECREE NO. 5106 OF 4 JANUARY 1967, articles 1-2<sup>2</sup>

(c) LAW NO. 17,500 OF 25 OCTOBER 1967 CONCERNING THE PROMOTION OF FISHERIES\*\*

*Article 1.* The resources of the Argentine territorial sea are the property of the national State, which shall authorize their exploitation in accordance with the provisions of this Act and the rules governing its application.

*Article 2.* Resources up to a distance of twelve nautical miles from the coast may be exploited only by vessels flying the national flag. In addition, the Executive Power shall each year select, within the Argentine territorial sea, a specific zone whose exploitation shall be reserved for vessels flying the national flag.

...

(d) DECREE NO. 8,802 OF 22 NOVEMBER 1967. PROVISIONAL REGULATIONS GOVERNING THE ISSUE TO FOREIGN VESSELS OF PERMITS FOR THE EXPLOITATION OF THE LIVING RESOURCES OF THE ARGENTINE TERRITORIAL SEA\*\*

I. PERMITS: APPLICATION AND FORMALITIES

*Article 1.* Foreign vessels may engage in activities involving the exploitation of the living resources of the Argentine territorial sea beyond a distance of twelve nautical miles from the coast only if they have in their possession, before the commencement of their activities, a local registration document (*matricula*) and a

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<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 1 (a).

<sup>2</sup> *Ibid.*, (b).

permit. The registration document shall remain in force for one calendar year. The permit shall be valid for 120 days reckoned from the date of issue.

...

## II. DUTIES AND RIGHTS OF THE APPLICANT

...

*Article 6.* Foreign vessels authorized to engage in the exploitation of the living resources of the sea in waters under Argentine jurisdiction shall operate within the legal limits and shall comply with the provisions already in force and those which may be established by the Fisheries Directorate of the Secretariat of Agriculture in respect of:

- (a) Prohibited zones and periods;
- (b) Characteristics of equipment and gear;
- (c) Methods and techniques;
- (d) Non-exploitable species;
- (e) Conservation of species;
- (f) Any other measures which in the judgement of the aforesaid authority may help to ensure the rational exploitation of the living resources of the sea.

*Article 7.* Activities carried out under the permits granted shall be performed in such a manner as not to interfere with navigation or obstruct similar operations by vessels of Argentine registration.

*Article 8.* It shall be forbidden:

- (a) To use explosives, toxic substances or other agents harmful to the living resources of the sea;
- (b) To carry on board devices for fishing, hunting or extracting which are prohibited by the competent authority, or to transport explosives or toxic substances;
- (c) To kill, mutilate or in any manner disable species which may be caught in fishing devices but are unsuitable for the particular purpose envisaged or for feeding the crew; such species shall be returned to the sea;

*Article 9.* Resources obtained from the sea by foreign vessels under the exploitation permits referred to in these regulations shall not be sold on the Argentine market except with the express authorization of the competent authority.

(e) ORDER NO. 124 OF 3 APRIL 1968 OF THE DIRECTORATE GENERAL OF FISHERIES AND CONSERVATION OF FAUNA, CONCERNING FISHING IN WATERS OF THE ARGENTINE TERRITORIAL SEA

1. The zone within the Argentine territorial sea in which authorized vessels flying a foreign flag shall be entitled to fish during 1968 shall be the area to the south of the parallel of latitude 39° south.

...

- 4. The fishing of prawn, shrimp and sea-bream shall be prohibited.



## 2. AUSTRALIA

(a) FISHERIES ACT<sup>1</sup> 1952-1967 (No. 116 of 1967; 17 November 1967)

## PART I. PRELIMINARY

...

4. *Definitions*

In this Act, unless the contrary intention appears "Australian waters" means—

- (a) Australian waters beyond territorial limits;
- (b) The waters adjacent to a Territory and within territorial limits; and
- (c) The waters adjacent to a Territory, not being part of the Commonwealth, and beyond territorial limits;

"fish" includes turtles, dugong, crustacea, oysters and other shellfish but does not include any species of whales, pearl shell, trochus, bêche-de-mer or green snail;

...

"foreign boat" means a boat other than—

(a) a boat owned by a resident of, or by a company incorporated in, Australia or a Territory, being a boat—

(i) that is registered in Australia or in a Territory; or

(ii) the operations of which are based on a place in Australia or in a Territory; or

(b) a boat belonging to, and ordinarily attached to or carried on board, a boat of a kind referred to in the last preceding paragraph";

...

"Territory" means Territory of the Commonwealth and includes the Territory of Nauru;

"the declared fishing zone" means—

(a) the waters adjacent to Australia and having as their inner limits the baselines by reference to which the territorial limits of Australia are defined for the purposes of international law and as their outer limits lines seaward from those inner limits every point on each of which is distant twelve international nautical miles from the point on one of those baselines that is nearest to the first-mentioned point; and

(b) the waters adjacent to each Territory not forming part of the Commonwealth and having as their inner limits the baselines by reference to which the territorial limits of that Territory are defined for the purposes of international law and as their outer limits lines seaward from those inner limits every point on each of which is distant twelve international nautical miles from the point on one of those baselines that is nearest to the first-mentioned point, but does not include any waters that are not proclaimed waters;

...

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<sup>1</sup> The Act comprises the Fisheries Act, 1952-1953 (see ST/LEG/SER.B/6, pp. 421-424) as subsequently amended. Except for the provisions quoted here, the text reproduced in ST/LEG/SER.B/6 remains in force.

5. *Application*

(1) This Act extends to all Territories and to all Australian waters.

(2) In relation to proclaimed waters comprised in the declared fishing zone, this Act applies to all persons, including foreigners, and to all boats, including foreign boats.

...

PART III. REGULATION OF FISHERIES

8. *Regulation of fishing*

(1) The Minister may, by notice published in the *Gazette*—

(a) Prohibit, either at all times or during a period specified in the notice, the taking, from proclaimed waters or from an area of proclaimed waters, of fish or of fish included in a class of fish specified in the notice;

(b) Prohibit the taking, from proclaimed waters or from an area of proclaimed waters, of fish included in a class of fish specified in the notice not exceeding a size so specified; and

(c) Prohibit the taking, from proclaimed waters or from an area of proclaimed waters, of fish included in a class of fish specified in the notice, by a method or equipment specified in the notice.

(2) A notice under this section may provide for exemptions from the prohibition contained in the notice.

...

9. *Licences and registration*

...

(1) The Minister, the Secretary or a prescribed authority may grant to a person a licence to engage in fishing in proclaimed waters or in an area of proclaimed waters.

(2) The Minister, the Secretary or a prescribed authority may grant to a person a licence in respect of a boat authorizing the use of the boat for fishing in proclaimed waters or in an area of proclaimed waters; and

...

(3) The Minister, the Secretary or a prescribed authority may grant to a person registration of nets, traps and other equipment for use in the taking of fish in proclaimed waters or in an area of proclaimed waters and may issue certificates of registration accordingly.

...

(4) The Secretary or a prescribed authority may, in his discretion, grant or refuse an application for a licence or registration under this section.

...

(5) A licence granted, or registration effected, under this section—

(a) is subject to such conditions as are specified in the licence or certificate of registration;

(b) comes into force on a date specified in the licence or certificate of registration or, if no date is so specified, on the date on which it is granted or effected; and

(c) subject to the next succeeding sub-section, remains in force until the succeeding thirty-first day of December.

(5A) Where a licence granted, or registration effected, under this section comes into force during the month of December in any year, it remains in force until the thirty-first day of December in the succeeding year.

...

#### 10. *Powers of officers*

(a) board or enter upon a boat in proclaimed waters or a boat that he has reason to believe has been used, is being used, or is intended to be used, for fishing in proclaimed waters and may search the boat for fish and for equipment used or capable of being used for fishing;

(b) examine any equipment found in any place, being equipment that he has reason to believe has been used, is being used, or is intended to be used, for fishing in proclaimed waters;

(c) seize, take, detain, remove and secure any fish, boat, net, trap or equipment which the officer has reason to believe has been taken or used, is being used, or is intended to be used, in contravention of this Act;

(d) without warrant, arrest a person whom the officer has reason to believe has committed an offence against this Act;

(e) require the master or other person in charge of a boat which the officer has reason to believe has been used, is being used or is intended to be used in contravention of this Act to bring the boat to a place in Australia or a Territory specified by the officer and to remain in control of the boat at that place until an officer permits him to depart from that place;

(f) bring a boat which the officer has reason to believe has been used, is being used or is intended to be used in contravention of this Act to a place in Australia or a Territory and may remain in control of that boat pending the taking of proceedings in respect of that contravention;

...

### PART V. MISCELLANEOUS

#### 13. *Offences*

(1) A person shall not:

(a) In an area of proclaimed waters, engage in fishing, whether on his own account or as the partner, agent or employee of another person, unless he is the holder of a licence in force under section nine of this Act authorizing him to do so;

(aa) in an area of proclaimed waters, use a boat for fishing, or have a boat for fishing in his possession or in his charge, unless that boat is licensed under this Act, in his name or in the name of a person on whose behalf he is acting, for use in fishing in that area;

(b) in an area of proclaimed waters, use a net, trap or other equipment for the taking of fish, or have a net, trap or other equipment for the taking of fish in his possession or in his charge, unless that net, trap or equipment is registered under

this Act, in his name or in the name of a person on whose behalf he is acting, for use in the taking of fish in that area;

...

13AA. *Using or having charge of foreign boat for fishing in declared fishing zone*

(1) A person shall not, in an area of proclaimed waters comprised in the declared fishing zone—

(a) use a foreign boat for fishing; or

(b) have a foreign boat for fishing in his possession or in his charge, unless that boat is licensed under this Act, in his name or in the name of a person on whose behalf he is acting, for use in fishing in that area.

(2) A reference in paragraph (b) of the last preceding sub-section to a foreign boat shall be read as not including a reference to a foreign boat if—

(a) the nets, traps and other equipment for the taking of fish belonging to the boat are stowed and secured; and

(b) the work of cutting up, dismembering, cleaning, sorting or packing fish is not being carried out on the boat.

...

(b) WHALING INDUSTRY ACT REPEAL ACT 1956\* (No. 21 of 1956; 16 May 1956)<sup>1</sup>

(c) WHALING ACT<sup>2</sup> 1960 (No. 10 of 1960; 13 May 1960)

PART I. PRELIMINARY

...

5. *Interpretation*

(1) In this Act, unless the contrary intention appears— “Australia” includes the Territories;

“Australian waters” means—

(a) Australian waters beyond territorial limits;

(b) the waters adjacent to a Territory and within territorial limits; and

(c) the waters adjacent to a Territory, being a Territory that is not part of the Commonwealth, and beyond territorial limits;

“ship” includes every kind of vessel;

...

“Territory” means Territory of the Commonwealth;

...

“waters to which this Act applies” means—

(a) Australian waters; and

(b) subject to section eight of this Act, all other waters;

...

<sup>1</sup> By section 4 of the Act, the Whaling Industry Act, 1949-1952, reproduced in ST/LEG/SER.B/6, p. 426, has been repealed.

<sup>2</sup> By section 4 of the Act, the Whaling Act, 1935 and the Whaling Act, 1948 reproduced in ST/LEG/SER.B/6, p. 425, are repealed.

(2) For the purposes of this Act, a ship or aircraft shall be deemed to be under the jurisdiction of the Commonwealth if—

- (a) it is registered in Australia;
- (b) its operations are based on a port or place in Australia; or
- (c) it is within the territorial limits of the Commonwealth or of a Territory and is not a public ship or aircraft of a country other than Australia that is neither employed for the purposes of whaling nor otherwise employed in commercial operations.

...

7. *Extra-territorial operation of Act*

This Act applies both within and without the Commonwealth and extends to all the Territories.

8. *Application of Act to State territorial waters*

(1) A reference in this Act to waters to which this Act applies shall be read as not including a reference to waters that are territorial waters of a State unless a Proclamation under the next succeeding sub-section is in force in respect of those waters.

(2) The Governor-General may, by Proclamation, declare that this Act applies in respect of the territorial waters of a State or a specified part of those territorial waters.

...

PART II. REGULATION OF WHALING

10. *Prohibition of certain acts by notice*

(1) Subject to sub-section (5) of this section, the Minister may, by notice published in the *Gazette*, prohibit, either at all times or during a period specified in the notice—

- (a) the taking or killing of whales, or whales of a species, kind or sex specified in the notice;
- (b) the taking or killing of whales, or whales of a species, kind or sex specified in the notice, not exceeding a size so specified; or
- (c) the taking or killing of whales, or whales of a species, kind or sex specified in the notice, by a method or equipment so specified.

(2) A notice under the last preceding sub-section applies to the taking or killing of whales in any waters to which this Act applies unless the notice is expressed to apply only in relation to a part of those waters.

(3) The power conferred by virtue of paragraph (a) of sub-section (1) of this section extends to prohibiting the taking or killing of female whales, or female whales of a particular species or kind, when accompanied by calves or suckling whales.

(4) A notice under this section may provide for exceptions to, and exemptions from, the prohibition contained in the notice and such an exception or exemption has effect subject to such conditions, if any, as are specified in the notice.

(5) The powers conferred on the Minister by this section are, in relation to the taking or killing of whales in waters other than Australian waters, exercisable only to the extent necessary to give effect to the International Whaling Conventions.

#### 11. *Licences*

(1) Subject to this section, the Secretary may, in his discretion, grant to a person, being the owner or charterer of a ship or aircraft, a licence to use that ship or aircraft as a whale catcher in, or in and over, the waters to which this Act applies or such of those waters as are specified in the licence.

...

#### 12. *Conditions of licences*

(1) A licence granted under the last preceding section is subject to such conditions as are specified in the licence.

...

#### 13. *Whaling inspectors*

(1) The Secretary may appoint persons to be whaling inspectors for the purposes of this section.

...

#### 14. *Powers of officers*

(1) For the purposes of this Act, an officer may—

(a) board a ship or aircraft under the jurisdiction of the Commonwealth which, or which he has reason to believe—

- (i) is a factory ship or a whale catcher; or
- (ii) has been, is being or is intended to be used for a purpose for which a factory ship or a whale catcher is used;

...

(c) inspect a ship, aircraft, land station or premises which he has boarded or entered in pursuance of this section and the plant and equipment in or on the ship, aircraft, land station or premises, and examine any whale, part of a whale or whale product in or on the ship, aircraft, land station or premises;

...

(f) seize, take, detain, remove and secure—

- (i) any whale, part of a whale or product of a whale which the officer has reason to believe has been taken or killed in contravention of this Act; and
- (ii) any equipment which the officer has reason to believe has been used in taking or killing a whale in contravention of this Act;

(g) where the officer has reason to believe that any whale, part of a whale, product of a whale or equipment that he is authorized to seize by virtue of the last preceding paragraph is on board a ship or aircraft under the jurisdiction of the Commonwealth, require the master or pilot of the ship or aircraft to bring the ship or aircraft to a port or place in Australia specified by the officer;

...

(i) without warrant, arrest a person who the officer has reason to believe has committed an offence against this Act; and

...

### PART III. OFFENCES

...

#### 19. *Forfeiture of equipment, etc.*

Where a person is convicted of an offence against this Act in respect of the taking, killing or treating of a whale in contravention of this Act, the court by which he is convicted may order the forfeiture to the Commonwealth of—

(a) any equipment used in contravention of this Act in the taking or killing of the whale; or

(b) the whale, or any part or product of the whale, or the proceeds of the sale of the whale or of any part or product of the whale.

#### 20. *Unlicensed ships entering Australia*

(1) A ship designed and equipped for hunting, taking, killing, towing, holding on to or scouting for whales, or for treating whales, shall not be brought into a port in Australia unless—

(a) the owner or charterer of the ship is the holder of a licence in force under this Act authorizing the use of the ship as a whale catcher or as a factory ship, as the case may be; or

(b) the ship is duly authorized by the Government of the country whose flag she flies to engage in taking whales or in treating whales, as the case may be.

(2) Where a ship is brought into a port in Australia in contravention of the last preceding sub-section, the owner and master, or, if the ship is under charter, the charterer and master, of the ship are each guilty of an offence against this Act punishable, upon conviction, by a penalty not exceeding One thousand pounds.

...

### PART IV. RESEARCH AND DEVELOPMENT

...

#### 26. *Permit for scientific purposes*

(1) The Minister may grant a permit to a person authorizing the taking or killing, or the treating, for purposes of scientific research, subject to such restrictions as to number and such other conditions as are specified in the permit, of whales the taking, or killing, or the treating, of which is otherwise prohibited by or under this Act.

(2) A person is not guilty of an offence against this Act or the regulations by reason of anything done by him which he is authorized to do by a permit in force under this section

...

## PART V. MISCELLANEOUS

27. *Jurisdiction of courts*

(1) Subject to the succeeding provisions of this section—

(a) the several courts of the States are invested with federal jurisdiction; and

(b) jurisdiction is conferred on the several courts of the Territories,

with respect to offences against this Act or the regulations.

(2) The jurisdiction invested in or conferred on courts by the last preceding sub-section is invested or conferred within the limits (other than limits having effect by reference to the places at which offences are committed) of their several jurisdictions, whether those limits are as to subject-matter or otherwise, but subject to the conditions and restrictions specified in paragraphs (a), (b) and (c) of sub-section (2) of section thirty-nine of the *Judiciary Act 1903-1959*.

(3) The jurisdiction invested in, or conferred on, a court of summary jurisdiction by this section shall not be judicially exercised except by a Chief, Police, Stipendiary, Resident or Special Magistrate, or a District Officer or Assistant District Officer of a Territory.

(4) The trial on indictment of an offence against this Act, not being an offence committed within a State, may be held in any State or Territory.

(5) Subject to this Act, the laws of a State or Territory with respect to the arrest and custody of offenders or persons charged with offences and the procedure for—

(a) their summary conviction;

(b) their examination and commitment for trial on indictment;

(c) their trial and conviction on indictment; and

(d) the hearing and determination of appeals arising out of any such trial or conviction or out of any proceedings connected therewith,

and for holding accused persons to bail apply, so far as they are applicable, to a person who is charged in that State or Territory with an offence against this Act or the regulations.

(6) Except as provided by this section, the *Judiciary Act 1903-1959* applies in relation to offences against this Act or the regulations.

...

(d) MINISTERIAL STATEMENT<sup>1</sup> OF 31 OCTOBER 1967 ON TERRITORIAL SEA BASELINES

(e) PETROLEUM (SUBMERGED LANDS) ACT 1967, section 124<sup>2</sup>

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 2 (c).

<sup>2</sup> *Supra* DIVISION II, 2 (a).



## STATES OF AUSTRALIA

## NEW SOUTH WALES

*Fisheries and Oyster Farms Act,<sup>1</sup> 1935-1966\**

## QUEENSLAND

*Fisheries Acts,<sup>2</sup> 1957-1962 (No. 10 of 1962)*

## PART I. PRELIMINARY

...

6. *Meaning of terms*

(1) In this Act, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say—

...

“Fish”—Every description of fish, turtles, crabs, prawns, shrimps, or other crustacea, mammals, molluscs (shellfish) and sponges, and (save those excepted from this definition) other marine products, found in Queensland waters, including their spat, spawn, fry, and young: The term does not include whales, oysters, pearl shell, trochus, bêche-de-mer, green snail, coral, and shell-grit.

...

“High water”—The mean height of the higher high water at spring tides;

...

“Low water”—The mean height of the lower low water at spring tides;

...

“Oysters”—Oysters and all brood, ware, half-ware, spat, and spawn of oysters;

...

“Pearling”—Includes all work of searching for or taking pearl shell, trochus, bêche-de-mer, or green snail;

...

“Queensland waters”—The sea within the territorial limits of Queensland and all salt, brackish, and fresh waters in Queensland whether coastal or inland,

<sup>1</sup> The Fisheries and Oyster Farm Act, 1935-1949 has been amended by the Fisheries and Oyster Farm (Amendment) Act, 1963 (No. 20 of 1963) and by the Maritime Service (Amendment) Act, 1966 (No. 63 of 1966). The provisions reproduced in ST/LEG/SER.B/6, pp. 426-429 have not been amended except section 51 which was repealed.

<sup>2</sup> According to information supplied by the Permanent Representative of Australia to the United Nations in a note of 7 June 1968, the Acts control fisheries in the waters of the territorial sea along the coast of Queensland and around the islands of the Great Barrier Reef and other islands under Queensland's jurisdiction. The Acts have no express extra-territorial operation.

By this Act the following Acts have been repealed: The Fish and Oyster Acts, 1914-1945, as amended; the Pearl-shell and Bêche-de-mer Fishery Act of 1881, as amended; the Pearl-shell and Bêche-de-mer Fishery Amendment Act of 1891, as amended; the Whaling Act, 1935-1936 (see ST/LEG/SER.B/6, pp. 429-433).

including, but without limiting the generality thereof, the waters of all bays, gulfs, and inlets of the sea, and all rivers, creeks, streams, lakes, and lagoons, and waters on all foreshores and all other waters whatsoever of the State:

Provided that the term does not include water on or over land which for the time being is lawfully granted in fee simple by the Crown;

...

“Vessel”—Includes a ship, vessel, boat, or floating craft of any description;

...

#### 9. *Reserves*

(1) The Governor in Council may from time to time by Order in Council set apart and declare any Crown land—

- (i) To be a public oyster reserve; or
- (ii) To be a reserve for all or any of the following purposes, namely:—
  - (a) A camping place for oystermen or fishermen;
  - (b) A catchment area for spat;
  - (c) The setting and anchoring of nets for taking dugong;
  - (d) The formation, culture and growth of sponges or such other marine products as are specified in the Order in Council;
  - (e) The protection of coral or such other marine products as may be specified in the Order in Council; and
  - (f) Any other purpose whatsoever in connection with fisheries.

The aforesaid purposes shall be deemed to be public purposes within the meaning of “The Land Acts, 1910 to 1955.”

(2) The Governor in Council may, by Order in Council, cancel in whole or in part the reservation of any land reserved or deemed to be reserved under this Act for any purpose specified in subsection one of this section or any other purpose whatsoever.

Upon and from the date of the publication in the Gazette of such an Order in Council (or if a later date is specified therein on and from such later date) the land comprised in the reservation or, as the case may be, the part cancelled of the reservation in question shall cease to be reserved.

(3) Subject to this Act, every public oyster reserve shall be for the use of the public.

(4) *Reserves excepted from certain licenses.* Every reserve under this Act shall not be subjected to any, and shall be deemed at all times while it remains as such to be excepted from every, license granted under this Act in relation to any land or area.

(5) *Protection, etc., of reserves.* The regulations may prescribe in relation to all or any of the reserves under this Act all such matters and things as the Governor in Council considers necessary or desirable for all or any of the following:—

- (i) The protection and management thereof;
- (ii) Prescribing offences with respect to such reserves and all or any marine products thereon or therein or within the limits thereof, and the penalty or punishment for all or any of such offences;

- (iii) The control of all or any persons and vessels within the limits thereof and the preservation of order; and
- (iv) Generally regulating and controlling the use thereof.

...

13. *General powers of inspectors*

(1) Any inspector, in addition to such other powers and duties as from time to time devolve upon him under this Act, may—

...

- (v) At any time, stop, board, or enter upon or into, examine, search, and muster the persons on board any vessel used, or which he suspects to be used, in connection with any whaling, pearling, oystering, or any other fishery;
- (vi) At any time, search and examine all bags, baskets, vehicles, or other receptacles for holding or carrying pearl shell, trochus, bêche-de-mer, green snail, oysters, coral, shell-grit, or fish or other marine product or suspected so to be, and for that purpose the inspector may require the owner or person in charge thereof to open any such bag, basket, vehicle, or other receptacle, as the case may be, and expose its contents to view;

...

- (viii) Seize, take away, detain, and secure, pending proceedings, any vessel, net-gear, tackle, dredge, windlass, trawl, or other apparatus, pearl shell, trochus, bêche-de-mer, green snail, oysters, coral, shell-grit, or fish or other marine product which any person has used, is using or has obtained, or is suspected of using or having obtained, contrary in any respect to this Act;

...

PART II. WHALING

15. *Taking or killing of certain kinds of whales prohibited*

(1) A person shall not take—

- (i) Any right whale;
- (ii) Any gray whale;
- (iii) Any calf or suckling whale or immature whale; or
- (iv) Any female whale accompanied by a calf or suckling whale.

(2) Any person who has in his possession any calf or whale taken in contravention of this section, or any part or product or any such calf or whale, shall be guilty of an offence.

(3) For the purposes of this section, a whale of any description shall be deemed to be immature if it is of less length than that prescribed in relation to whales of that description.

(4) Any person guilty of an offence against this section shall be liable to a penalty of four hundred dollars or to imprisonment for three months, or to both such penalty and imprisonment; and in addition an amount equal to the value of the products (if any) obtained or obtainable from the whale.

16. *Taking or treating whales without a license*

(1) It shall be unlawful for a vessel to be used for taking or treating whales, or for a factory to be used for treating whales unless the owner or charterer of the vessel or the occupier of the factory is the holder of a license authorising the vessel or the factory, as the case may be, to be so used.

Penalty (on owner, charterer, or master of a vessel or occupier of a factory): Four hundred dollars and, in addition, four hundred dollars in respect of each whale taken or treated in contravention of this section.

(2) A vessel designed and equipped for taking or treating whales shall in the absence of proof to the contrary be deemed to be used for taking or treating whales.

17. *Unlicensed vessel entering Queensland*

A vessel designed and equipped for taking or treating whales shall not be brought into any port or place in Queensland unless the owner or charterer of the vessel is the holder of a license authorising the vessel to be used for taking or treating whales, or the vessel is duly authorised by the Government of the country whose flag she flies to engage in taking or treating whales.

Penalty (on owner, charterer, or master): Two thousand dollars.

...

25. (1) *Powers of inspector to board and search vessels*

For the purposes of this Part an inspector may—

(i) Board any vessel or enter any factory which he has reason to believe is used for taking or treating whales, and inspect the vessel or factory and its plant and equipment;

...

26. (1) *Inspector may board and remain on board vessel*

At least two inspectors may go on board any vessel which is used for treating whales and shall be entitled to remain on board the vessel, to be provided with subsistence and accommodation therein, and to be present at all operations in connection with the treating of whales on board the vessel.

...

PART III. PEARLING

27. *What vessels deemed to be engaged in pearling*

For the purposes of this Act, a vessel shall be deemed to be used for pearling—

(i) If the vessel is used as a place of abode or refuge, or for storing provisions, for persons employed in or for the purposes of pearling or persons engaged in superintending the operations of persons so employed;

(ii) If the vessel is used for transporting, other than as a seagoing vessel under a transire, or as a place for storing, pearl shell, trochus, bêche-de-mer, or green snail;

(iii) If the vessel is used as a place from which persons dive for pearl shell, trochus, bêche-de-mer, or green snail, or is used in the immediate collection of pearl shell, trochus, bêche-de-mer, or green snail; or

(iv) If the vessel is otherwise used in or for the purpose of pearling.

28. *License of pearl shell, bêche-de-mer, etc., ground*

(1) Subject to this section, the Governor in Council from time to time may grant to any person, for such period not exceeding seven years and subject to such terms, conditions, and exceptions as in each individual case he thinks fit and subject otherwise to this Act, a license to take, store, cultivate, and propagate pearls, pearl shell, trochus, bêche-de-mer or green snail within the limits of the area to which the license relates.

...

30. (1) *Qualifications of owners of vessel used for pearling*

A license under this Act in respect of a vessel used for pearling shall not be granted unless that vessel is owned—

(a) By persons who are British subjects under and within the meaning of the Nationality and Citizenship Act 1948-1953, of the Commonwealth; or

(b) By a body corporate consisting wholly of members who are such British subjects and incorporated according to the law of some part of the British Commonwealth.

For the purposes of this section any person who owns or acquires (by sale, charge, lease, hire, transfer or otherwise howsoever) any interest, either legal or beneficial in any vessel shall be deemed to be an owner of that vessel.

...

34. *Penalty in respect of pearling without appropriate license*

(1) It shall be unlawful for a vessel to be used in Queensland waters for pearling unless the owner or charterer of the vessel is the holder of a license under this Part authorising the vessel to be so used.

Penalty (on owner, charterer, or person in charge of vessel): Four hundred dollars.

(2) It shall be unlawful for a person not thereunto authorised by a license under this Part to be in charge of a vessel at any time when that vessel is used for pearling.

Penalty (on person so in charge and owner or charterer, if any, so employing him, or authorising or permitting such employment): Two hundred dollars.

This subsection does not apply in respect of a person lawfully authorised to be in charge of the vessel concerned by a certificate of competency under "The Navigation Acts, 1876 to 1950."

(3) It shall be unlawful for a person not thereunto authorised by a license under this Part to be employed whether on his own account or by another person in pearling as a diver using diving apparatus.

Penalty (on person so employed and person, if any, so employing him or authorising or permitting such employment): Two hundred dollars.

(4) It shall be unlawful for a person not thereunto authorised by a license under this Part to be employed in pearling as a diver's tender.

Penalty (on person so employed and person, if any, so employing him or authorising or permitting such employment): Two hundred dollars.

...

46. *Regulation of pearling*

(1) The Governor in Council may by Order in Council published in the Gazette—

- (i) Prohibit, either at all times or during a period specified in the Order in Council, the taking from Queensland waters or from an area of such waters specified in the Order in Council of pearl shell, trochus, bêche-de-mer, and green snail, or of such of them as are specified in the Order in Council;
- (ii) Prohibit the taking from Queensland waters or from an area of such waters specified in the Order in Council of pearl shell, trochus, bêche-de-mer, and green snail, or of such of them as are specified in the Order in Council by a method or equipment specified in the Order in Council;
- (iii) Prohibit the taking by any one vessel used for pearling during a period of time or within an area of Queensland waters or both during a period of time and within an area of such waters specified in the Order in Council of pearl shell, trochus, bêche-de-mer, or green snail in excess of a quantity specified in the Order in Council;
- (iv) Prohibit the removal of live pearl shell, trochus, bêche-de-mer, or green snail from Queensland waters or from an area of such waters specified in the Order in Council.

...

## PART IV. OYSTERING

48. *Power to restrict operation of Part*

The Governor in Council may from time to time by Order in Council exclude any part of Queensland from all or any of the provisions of this Part for such period as is specified in the order, and during such period this Part or such provisions thereof shall not extend to or apply in such locality.

49. *Oysters the property of the Crown*

(1) All oysters on every public oyster reserve and on all other Crown lands whatsoever in, or within the territorial limits of, Queensland (other than oyster grounds comprised in a license under this Part) and all oysters taken therefrom without lawful authority, shall be the property of Her Majesty in right of this State.

(2) Nothing in this Part shall apply to the taking of pearl shell from any Crown land, other than a public oyster reserve, under the authority of Part III of this Act, nor require any license under this Part to be held in relation to the employment or use in pearling of any vessel.

50. (1) *Governor in Council may close place wholly or in part*

The Governor in Council may from time to time, by Order in Council, prohibit, for a time specified in such Order, the taking of oysters from any specified place in Queensland waters and the foreshores thereof.

...

56. *Offences in relation to oystering*

Any person who—

(i) Engages in oystering operations, whether in taking oysters or otherwise, on any oyster ground comprised in a license granted under this Part except under the authority of and in accordance with a license, mentioned in subparagraph (i) of subsection one of section fifty-three of this Act, held by him; or

(ii) Employs or uses in oystering operations, whether in taking oysters or otherwise, any vessel (other than a vessel in relation to which a subsisting license is granted under section seventy-nine of this Act) unless he holds a license, mentioned in subparagraph (ii) of subsection one of section fifty-three of this Act, in relation to that vessel,

shall be guilty of an offence.

...

## PART V. OTHER FISHERIES

...

70. *Prohibition and restriction of taking fish*

(1) The Governor in Council may from time to time by Order in Council or regulation—

(i) Prohibit absolutely, or regulate and control as he deems necessary or expedient, the taking of all or any fish in such Queensland waters as may be specified in the Order in Council or, as the case may be, regulation;

(ia) Prohibiting, either absolutely or save upon and subject to prescribed conditions, any vessel from having on board any net or other apparatus at any time when that vessel is in such Queensland waters as may be specified in the Order in Council or, as the case may be, regulation in which the taking of fish by means of such net or other apparatus is prohibited, and providing for the seizure of any net or other apparatus found on board any vessel contrary to the prohibition imposed by any such Order in Council or, as the case may be, regulation;

(ii) Prohibit the taking by the use of or, according as prescribed, except by the use of the apparatus specified of all or any fish;

(iii) Regulate and control the use in or for the purpose of taking fish of the apparatus specified.

...

79. *License for vessels*

(1) It shall be unlawful to employ or use a vessel in Queensland waters in taking fish—

(i) With a net, whether for sale or not;

(ii) With a line or by any other means whatsoever, for sale,

unless the owner of the vessel has obtained from the Minister a license authorising its employment or use for that purpose.

...

80. *Licenses for fishermen*

(1) It shall be unlawful for any person to engage in taking fish for sale—  
 (a) Unless he holds a master fisherman's license; or  
 (b) Unless he holds an employee fisherman's license and is engaged in taking fish for sale as an employee of a person who holds a master fisherman's license.

(2) It shall be unlawful for any person—

(a) To have in possession any net; or

(b) To use or assist in using for taking fish for sale any net; or

(c) To use or assist in using for taking fish other than for sale any net,

unless he is a holder of a master fisherman's license, or a holder of an employee fisherman's license employed by and acting for and on behalf of a holder of a master fisherman's license or, in any case referred to in paragraph (a) of this subsection, a maker of or dealer in nets of the class, description of kind in question, or in any case referred to in paragraph (c) of this subsection, a holder of a net fisherman's license lawfully authorised by such license to use a net of the class, description or kind in question.

...

82. *Exclusive licenses*

(1) Subject to this section, the Governor in Council from time to time may grant to any person, for such period of time and subject to such terms, conditions, and exceptions as in each individual case he thinks fit and subject otherwise to this Act, an exclusive license to take fish, coral, shell-grit, or any other marine product whatsoever (other than oysters, pearl shell, trochus, bêche-de-mer, and green snail) within the limits of the area to which the license relates.

...

86. *Pollution of waters*

Any person who without lawful authority, the proof whereof shall lie upon him, discharges into or deposits in any tidal or inland waters or into any watercourse, whether dry or not, leading into the same, from any mining works, paper mills, gas works, saw mills, sugar mills, or other manufactory, or from any boiling-down or wool-washing establishment, or from any source whatever, any matter deleterious to fish or oyster life, or to the growth and development of oysters, or any filth or refuse, or who drowns or destroys any animal on any oyster ground under license, or deposits thereon any dead carcass, shall be guilty of an offence.

Penalty: Two hundred dollars.

### SOUTH AUSTRALIA

(a) FISHERIES ACT, 1917-1967 (No. 52 of 1967; 30 October 1967) sections 4, 9 and 10<sup>1</sup>

(b) REGULATIONS UNDER THE FISHERIES ACT, 1917-1962\* (6 December 1962)

<sup>1</sup> See ST/LEG/SER.B/6, pp. 433-434. The provisions of the Fisheries Act, 1917-1946, which are reproduced there, were not affected by subsequent amendment acts.



## (c) WHALING ACT, 1937 (No. 2361 of 1937; 1 December 1937)

...

4. *Application of Act*

(1) This Act shall extend to South Australia and all South Australian waters.

(2) This Act shall be construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative powers of the State to the extent that, where any enactment thereof would but for this subsection have been construed as being in excess of that power, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

5. *Taking or killing of certain kinds of whales prohibited*

(1) Any person who takes or kills—

(a) any right whale;

(b) any calf or suckling whale or immature whale; or

(c) any female whale accompanied by a calf or suckling whale,

shall be guilty of an offence.

(2) Any person who has in his possession any calf or whale taken or killed in contravention of this section, or any part or product of any such calf or whale, shall be guilty of an offence.

(3) For the purpose of this section a whale of any description shall be deemed to be immature if it is of less length than that prescribed in relation to whales of that description:

Provided that the length prescribed for the purposes of this section in relation to blue whales shall not be less than sixty feet, and the length so prescribed in relation to fin whales shall not be less than fifty feet.

(4) Any person who is guilty of any offence against this section shall be liable to the following penalty: Two hundred pounds or imprisonment for three months or both, and, in addition, an amount equal to the value of the products (if any) obtained or obtainable from the whale.

6. *Taking, killing or treating whales without a licence*

(1) It shall be unlawful for a ship to be used for taking, killing or treating whales or for a factory to be used for treating whales unless the owner or charterer of the ship, or the occupier of the factory, is the holder of a licence in force under this Act authorising the ship or the factory, as the case may be, to be so used.

Penalty (on the owner, charterer, master, or occupier): In respect of each whale taken, killed or treated in contravention of this section, two hundred pounds.

(2) A ship designed and equipped for taking, killing or treating whales shall, in the absence of proof to the contrary, be deemed to be used for taking, killing or treating whales.

(d) FIBRE AND SPONGES ACT,<sup>1</sup> 1909-1937 (No. 2369 of 1937; 15 December 1937)

...

<sup>1</sup> *Supra* DIVISION 1, SUB-DIVISION A, Chapter IX, 1, *States of Australia*, South Australia (a).

## (e) CONTROL OF CRAYFISHING REGULATIONS, 1968 (1 February 1968)

...

3. *Definitions*

In these regulations, unless the context otherwise requires—

“Australian waters” means Australian waters of the Southern Ocean beyond territorial limits.

...

“State waters” means the area of waters comprised by the two crayfishing zones created by regulation 4.

...

“Northern Crayfishing Zone” and “Southern Crayfishing Zone” mean, respectively, the crayfishing zones created by regulation 4, and “zone” and “zones” shall be construed accordingly.

...

*Crayfishing Zones*

4. (a) For the purposes of these regulations, there shall be two crayfishing zones to be known as the Northern Crayfishing Zone and the Southern Crayfishing Zone.

(b) The zones shall comprise those areas, respectively, of the waters of the Southern Ocean whose boundaries are defined in schedule one.

...

*Schedule One*

## (Regulation 4)

1. *The Northern Crayfishing Zone* comprises the area of the waters of the Southern Ocean the boundary of which commences at a point near the Murray Mouth that is the intersection of the meridian of Longitude 138° 54' East by the coast-line at mean low water; thence south-south-westerly along the geodesic to a point of Latitude 37° South, Longitude 138° East; thence westerly along the parallel of Latitude 37° South to a point that is the intersection of that parallel by the meridian of Longitude 137° East; thence north-westerly along the geodesic to a point of Latitude 33° South, Longitude 129° East; thence northerly along the meridian of Longitude 129° East to the intersection of that meridian of longitude by the coast-line at mean low water; thence generally easterly along the coast-line at mean low water to the point of commencement, to the extent only that that area includes waters that are not beyond territorial limits.

2. *The Southern Crayfishing Zone* comprises the area of the waters of the Southern Ocean the boundary of which commences at a point near the Murray Mouth that is the intersection of the meridian of Longitude 138° 54' East by the coast-line at mean low water; thence south-south-westerly along the geodesic to a point of Latitude 37° South, Longitude 138° East; thence south-easterly along the geodesic to a point of Latitude 39° South, Longitude 141° East; thence northerly along the meridian of Longitude 141° East to the intersection of that meridian of

longitude by the coast-line at mean low water; thence generally north-westerly along the coast-line at mean low water to the point of commencement, to the extent only that that area includes waters that are not beyond territorial limits.

## VICTORIA

*Fisheries Act 1958 (No. 6252 of 1958; 30 September 1958) as amended<sup>1</sup>*

### PART I. PRELIMINARY

...  
3. *Interpretation*<sup>2</sup>

In this Act unless inconsistent with the context or subject-matter.

...

“Fish” includes all or any of the species of marine or freshwater fish (including crayfish and other crustacea) and also any species of other marine or freshwater animal life which the Governor in Council by proclamation under this Act prescribes to be fish for the purposes of this Act.

...

5. *Extension to other mollusca of provisions relating to oysters*

(1) The provisions of this Act relating to oysters shall so far as applicable extend and apply to—

- (a) any other species of marine mollusca; or
- (b) any species of fresh water mollusca—

which the Governor in Council by proclamation specifies; and the said provisions and, in particular, any reference in the said provisions to oyster bed, oyster brood, oyster-bearing areas, oyster industry, or the like shall with such adaptations as are necessary be read and construed accordingly.

...

### PART V. SPECIAL PROVISIONS RELATING TO OYSTERS

22. *Power to grant permission to form and plant artificial oyster beds or work and improve natural or artificial oyster beds*

(1) Any person with the permission to the effect in the Third Schedule hereto in writing—

- (a) setting forth the boundaries and limits of the area to which such permission refers; and
- (b) signed by the Minister—

may form or plant on any shore up to high-water mark or on any land under the sea or any bay estuary or other inlet of the sea in Victorian waters any artificial

<sup>1</sup> Most recently by the Fisheries (Amendment) Act, 1967 (No. 7641 of 1967; 19 December 1967). The Fisheries Act, 1928 quoted in ST/LEG/SER.B/6, p. 1 was repealed by section 2 (1) and second schedule of the Fisheries Act, 1958.

<sup>2</sup> For the definition of “waters”, see DIVISION I, SUB-DIVISION A, Chapter 1, 2, *States of Australia, Victoria (a)*.

oyster bed or may work and improve any natural or artificial oyster bed existing at the date of the permission on any such shore or land.

...

25. *Damaging or taking oysters from artificial oyster bed etc.*

(1) It shall not be lawful for any person other than a person who holds an oyster bed under any permission under this Act his agents or employees to do any of the following acts, namely:—

(a) To take or in any way damage or disturb or interfere with any oysters upon any oyster bed held under any such permission without the consent of the holder of the permission; or

(b) To cut or lop or remove trees scrub or any timber from any area in respect of which any such permission is granted; or

(c) To deposit upon or remove from any such area any stone ballast rubbish or substance or to dredge or drag upon any such area with any implement, unless by permission or authority of the Minister or the proper officer of any public authority within the meaning of this Act; or

(d) To place upon any such area any implement or thing likely to injure oysters or oyster brood except for lawful purposes of navigation or anchorage.

...

PART VI. OFFENCES

...

48. *Protection of waters containing fish from poisonous matter and trade effluents*

No person shall cause or knowingly permit to flow or to be discharged either directly or indirectly, or put or knowingly permit to be put, into any waters containing fish or oysters or into any tributaries thereof or streams flowing thereinto, any liquid or solid matter to such an extent as to cause the waters to be poisonous or injurious to fish or oysters or the spawning grounds spawn (including oyster spat and oyster brood) or food of fish or oysters, and every person who contravenes this subsection shall be guilty of a misdemeanour and shall be liable to a penalty of not less than \$4 nor more than \$100 or to imprisonment for a term of not more than two years.

49. *Explosives not to be used without permission of Minister*

Every person using any kind of explosive substance in any waters without first obtaining the permission in writing of the Minister shall be liable to a penalty of not less than \$10 nor more than \$100.

PART VI A NOXIOUS FISH<sup>1</sup>

51B. *Offences*

(1) Any person who—

(a) keeps hatches rears consigns or conveys or causes to be kept hatched reared consigned or conveyed; or

<sup>1</sup> For the definition of "Victorian waters" see DIVISION I, SUB-DIVISION A, Chapter I, 2, *States of Australia, Victoria (a)*.

- (b) releases or causes to be released into any Victorian waters; or
  - (c) puts into any container intending it to hold live fish or the eggs of fish—
- any noxious fish shall be liable to a penalty of not less than \$200 and not more than \$1,000.

PART VII. ENTRY, APPREHENSION, SEIZURE, INQUIRIES.  
FORFEITURE, LEGAL PROCEEDINGS

53. *Seizure and apprehension*

The inspector of fisheries or any assistant to such inspector or any member of the police force may at any time with or without warrant seize any net or nets or boat which any person found offending against this Act or any proclamation thereunder may be using and also may with or without warrant with any assistance he requires take into custody any person found offending against any of the provisions of this Act or of any proclamation thereunder whose name and address are unknown to such inspector assistant or member of the police force if such person on demand—

- (a) refuses to give his name and address; or
- (b) gives a name and address which in any particular such inspector assistant or member of the police force reasonably suspects to be false or after reasonable inquiry from such person does not believe to be true.

WESTERN AUSTRALIA

*Fisheries Act,*<sup>1</sup> 1905-1966 (No. 38 of 1966; 31 October 1966)

PART I. PRELIMINARY

...

3. *Interpretation*<sup>2</sup>

...

“Close waters” means such waters as by proclamation made under this Act are for the time being closed to fishing;

...

“Fish” means and includes all or any of the varieties of marine or fresh water fishes and crustacea or marine animal life;

...

<sup>1</sup> The Fisheries Act, 1905-1951 (No. 55 of 1951; 2 January 1952) quoted in ST/LEG/SER.B/6, pp. 435-6, as subsequently amended. The Pearling Act, 1912-1949 (No. 38 of 1949, 26 October 1949) and the Whaling Act (No. 15 of 1937; 13 January 1938) reproduced in ST/LEG/SER.B/6, pp. 436-439 and 440, respectively, are still in force.

<sup>2</sup> For the definition of “Western Australian Waters” see DIVISION 1, SUB-DIVISION A, Chapter 1, 2, *States of Australia*, Western Australia.

## PART III. FISHING

9. *Gazettal of close fisheries*

(1) The Minister may, by notice published in the *Government Gazette*, prohibit all persons from—

- (a) taking any specified species of fish by any specified means of capture;
- (b) taking any fish whatsoever by any specified means of capture;
- (c) taking any specified species of fish by any means of capture whatsoever;
- (d) taking any fish whatsoever by any means of capture whatsoever; and
- (e) taking any marine algae life whatsoever

in Western Australian waters or in any specified portion of those waters, during any specified term or until a further notice is so published.

...

10. *Proclamation closing waters against use of fishing nets, etc.*

The Minister may, subject to subsection (2) of section nine of this Act, by notice published in the *Government Gazette*, prohibit all persons from taking any fish whatsoever, in every or any specified portion of Western Australian waters, by means of fishing nets and fishing lines, or either of such means of capture, or by any other specified means of capture, for any specified term or until a further notice is so published.

...

12A. *Governor may declare proclaimed fishing zones.*

(1) In this section, “proclaimed fishing zone” means a specific portion of the State that the Governor by proclamation made pursuant to this section declares to be a proclaimed fishing zone for the purposes of this Act.

(2) The Governor, on the recommendation of the Minister, may at any time and from time to time declare a specific portion of the State south of the thirty-second parallel being any part of the seashore up to high water mark, and any portion of Western Australian waters contiguous to that part of the seashore, to be a proclaimed fishing zone for the purposes of this Act during any specified time in any specified year or during a specified portion of every year.

(3) A proclamation made under this section—

- (a) shall specify and describe the part of the seashore and contiguous waters declared by the proclamation to be a proclaimed fishing zone;
- (b) shall specify the period during which the portion of the State specified and described in the proclamation shall be a proclaimed fishing zone;
- (c) may be cancelled or from time to time varied, or an error in the proclamation may be rectified, by a subsequent proclamation.

...

26. *Dynamite, etc., not to be used*

(1) It shall not be lawful by the explosion of dynamite or any explosive substance, or by means of any poisonous or noxious thing, to destroy or take fish in any Western Australian waters: And if any person shall explode any dynamite

or any explosive substance in or under such waters, or place or cause to flow there-into any poisonous or noxious thing, such person and all other persons assisting or being at the time in company of such person shall, for every such offence, be severally liable to a penalty not exceeding one hundred dollars and not less than twenty dollars: But nothing herein contained shall apply to any person duly authorised by the persons and in the manner to be prescribed by the regulations to explode torpedoes or dynamite in any such waters.

...

#### PART IV. MISCELLANEOUS

...

#### 49. *Inspector may seize boats, nets, lines, etc., in certain circumstances*

(1) When any boat, net, crayfish pot, line, engine, implement, appliance or other article for taking fish shall be found by an inspector in any closed waters without any person in actual possession thereof, or on a boat in closed waters, or on the foreshore abutting on such closed waters, the inspector may seize such boat, net, crayfish pot, line, engine, implement, appliance, or other article, and such inspector, or another inspector, shall give the prescribed notice of finding thereof, and shall thereafter cause the thing so found to be taken before a justice, who shall, if satisfied that there are reasonable grounds for believing that the thing in question had been or was intended to be used in contravention of this Act, or of any regulation or proclamation made thereunder, condemn the same as forfeited to His Majesty, and the same shall be forfeited accordingly.

### 3. BRAZIL

DECREE-LAW No.44 OF 18 NOVEMBER 1966, article 3<sup>1</sup>

### 4. CANADA

#### (a) WHALING CONVENTION ACT<sup>2</sup> (1951)

...

#### 2. *Definitions*

In this Act

(a) "Convention" means the International Convention for the Regulation of Whaling, set out in the Schedule;

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, 2.

<sup>2</sup> 1951 (2nd Sess.) c. 29, s.1. The Act implements the International Convention for the Regulation of Whaling done in Washington on 2 December 1946. *Infra* PART II, DIVISION IV, SUB-DIVISION A.

(b) “factory ship” means a ship in or on which whales are treated whether wholly or in part;

(c) “land station” means a place on land at which whales are treated whether wholly or in part;

(d) “ship” means a ship registered in Canada or any ship within the territorial waters of Canada;

(e) “whale catcher” means a ship used for the purpose of hunting, taking, towing, holding onto or scouting for whales;

(f) “whale products” means any part of a whale and blubber, meat, bones, whale oil, sperm oil, spermaceti, meal and baleen;

(g) “whale treating” means the possession, treatment or processing of whales or of whale products; and

(h) “whaling” means scouting for, hunting, killing, taking, towing or holding onto whales.

### 3. *Licensing of whale catchers and factory ships*

Every person is guilty of an offence who

(a) engages in whaling on, from or by means of a ship, the owner or charterer of which does not hold a licence issued under this Act authorizing that ship to be used as a whale catcher, or

(b) engages in whale treating on, from or by means of a ship, the owner or charterer of which does not hold a licence issued under this Act authorizing that ship to be used as a factory ship.

### 4. *Liability of owner and charterer*

(1) The owner and charterer of a ship that is used as a whale catcher are each guilty of an offence unless the owner or charterer holds a licence issued under this Act authorizing that ship to be used as a whale catcher.

(2) The owner and charterer of a ship that is used as a factory ship are each guilty of an offence unless the owner or charterer holds a licence issued under this Act authorizing that ship to be used as a factory ship.

### 5. *Unlawful possession of whales*

Every person who has in his possession any whale, knowing it to have been taken in contravention of the provisions of this Act or the regulations, or the products of any whale, knowing the whale to have been taken in contravention of the provisions of this Act or the regulations, is guilty of an offence.

...

### 8. *Jurisdiction of courts*

All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 689 to 692 of the *Canada Shipping Act* with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act*.

...



(b) FISHERIES ACT,<sup>1</sup> 1952, AS AMENDED

...

2.

...

(ab) "Canadian Fisheries Waters" means all waters in the fishing zones of Canada, all waters in the territorial sea of Canada and all internal waters of Canada;

...

(f) "Fishing vessel" means any vessel used, outfitted or designed for the purpose of catching, processing or transporting fish."

...

31. *Fish not to be caught outside Canadian waters when catching is forbidden in such waters*

No one shall leave any port or place in Canada to fish outside Canadian fisheries waters for fish the catching of which is at such time prohibited in the Canadian fisheries waters opposite to or nearest the place where such person proposes to fish, and no one shall bring into Canada any fish caught outside Canadian fisheries waters when fishing for such fish is prohibited inside the Canadian fisheries waters opposite or nearest to the place where such fish was caught, or shall bring into Canada any vessels, boats, nets, fishing gear, implements or appliances used in such fishing.

...

33. *Injury to Fishing Grounds and Pollution of Waters*

(1) No one shall throw overboard ballast, coal ashes, stones, or other prejudicial or deleterious substances in any river, harbour or roadstead, or in any water where fishing is carried on, or leave or deposit or cause to be thrown, left or deposited, upon the shore, beach or bank of any water or upon the beach between high and low water mark, remains or offal of fish, or of marine animals, or leave decayed or decaying fish in any net or other fishing apparatus; such remains or offal may be buried ashore, above high water mark.

(2) No persons shall cause or knowingly permit to pass into, or put or knowingly permit to be put, lime, chemical substances or drugs, poisonous matter, dead or decaying fish, or remnants thereof, mill rubbish or saw dust or any other deleterious substance or thing, whether the same is of a like character to the substances named in this section or not, in any water frequented by fish, or that flows into such water, nor on ice over either such waters.

(3) No person engaging in logging, lumbering, land clearing or other operations, shall put or knowingly permit to be put, any slash, stumps or other debris into any water frequented by fish or that flows into such water, or on the ice over either such water, or at a place from which it is likely to be carried into either such water.

(4) The Governor in Council may by order deem any substance to be a deleterious substance for the purposes of subsection (2).

<sup>1</sup> R.S.C. 1952, Chap. 119, as amended by 1960-1961 S.C. Chap. 23 and 1964 S.C. Chap. 22. Except for the provisions reproduced here and sections 35, 45 and 60 which were repealed, the text of the Act reprinted in ST/LEG/SER.B/6, pp. 445-449 remained unchanged.

(5) Every person who violates any provision of this section is guilty of an offence and is liable upon summary conviction,

(a) for the first offence, to a fine of not less than one hundred dollars and not more than one thousand dollars or to imprisonment for a term of not less than one month and not more than six months, or to both such fine and imprisonment; and

(b) for a second and each subsequent offence, to a fine of not less than three hundred dollars and not more than two thousand dollars or to imprisonment for a term of not less than two months and not more than twelve months, or to both such fine and imprisonment.

34. The Governor in Council may make regulations for carrying out the purposes and provisions of this Act and in particular, but without restricting the generality of the foregoing, may make regulations

(a) for the proper management and control of the seacoast and inland fisheries;

(b) respecting the conservation and protection of fish;

(c) respecting the catching, loading, landing, handling, transporting, possession and disposal of fish;

(d) respecting the operation of fishing vessels;

(e) respecting the use of fishing gear and equipment;

(f) respecting the issue, suspension and cancellation of licences and leases;

(g) prescribing the terms and conditions under which a licence or lease is to be issued;

(h) respecting the obstruction and pollution of any waters frequented by fish;

(i) respecting the conservation and protection of spawning grounds;

...

(l) prescribing the powers and duties of persons engaged or employed in the administration or enforcement of this Act and providing for the carrying out of those duties and powers; and

(m) authorizing a person engaged or employed in the administration or enforcement of this Act to vary any close time or fishing quota that has been fixed by the regulations.

...

#### 55. *Offences and Penalties*

(1) Every person is guilty of an offence, and shall incur therefor a penalty of not less than one hundred dollars and not more than two thousand dollars, recoverable with costs upon summary conviction, who at any time, except under licence from the Minister,

(a) With intent to fish or to cause any other person to fish with a vessel that uses an "otter" or other trawl of a similar nature for catching fish in the sea, leaves or departs from any port or place in Canada for the purpose of such fishing; or

*Bringing in fish caught beyond Canadian fisheries waters*

...

(b) knowingly brings into Canada any fish taken or caught in the sea beyond Canadian fisheries waters with any vessel that uses an "otter" or other trawl of a

similar nature, or any vessel that uses an “otter” or other trawl of a similar nature for catching fish in the sea beyond Canadian fisheries waters, if the leaving or departure from Canada of such vessel constituted an offence under this section, and the fish or vessel so brought in shall be confiscated to Her Majesty for violation of this Act, in the manner provided by section 64.

(2) No such vessel shall carry on fishing operations from or to any Canadian port or ports, unless such vessel is registered as a British ship in Canada and is owned by a Canadian or by a body corporate incorporated under the laws of Canada or of one of the provinces thereof, and having its principal place of business in Canada.

(3) No such vessel shall carry on fishing operations from or to any Canadian port or ports, unless it restricts its fishing operations to waters that are at least twelve miles distant from the nearest shore on the Atlantic sea coast of Canada; the proof that such fishing operations are so restricted at all times lies on the captain of the vessel; but this subsection does not apply to small draggers operated by inshore fishermen if exempted from the provisions of this subsection by special permit which the Minister is hereby authorized to issue for that purpose; and in the application of this subsection to the coasts of Newfoundland the words “three miles” shall be substituted for the words “twelve miles”.

(3) (a) The Minister may also, by Order, exempt any owners of a dragger or trawler defined by the regulations from the operation of subsection (3) in respect of any area that is not less than three miles from the nearest shore on the Atlantic seacoast of Canada.

...

64. (1) A fishery officer may seize any fishing vessel, vehicle, fishing gear, implement, appliance, material, container, goods, equipment or fish where the fishery officer on reasonable grounds believes that

(a) the fishing vessel, vehicle, fishing gear, implement, appliance, material, container, goods or equipment has been used in connection with the commission of an offence against this Act or the regulations;

(b) the fish or any part thereof have been caught, taken, killed, transported, bought, sold or had in possession contrary to any provision of this Act or the regulations; or

(c) the fish or any part thereof have been intermixed with fish referred to in paragraph (b).

(2) Subject to this section, any vessel, vehicle, article, goods or fish seized pursuant to subsection (1) shall be retained in the custody of the fishery officer making the seizure or shall be delivered into the custody of such person as the Minister directs.

(3) Where, in the opinion of the person having custody of an article, goods or fish seized pursuant to subsection (1), that article, goods or fish will rot, spoil or otherwise perish, that person may sell the article, goods or fish in such manner and for such price as that person may determine.

(4) The proceeds of a sale referred to in subsection (3) shall be paid to the Receiver General of Canada or shall be deposited in a chartered bank to the credit of the Receiver General of Canada.

(5) Where a person is convicted of an offence under this Act or any regulations, the convicting court or judge may, in addition to any other penalty imposed, order that

(a) any vessel, vehicle, article, goods or fish seized pursuant to subsection (1), or

(b) the whole or any part of the proceeds of a sale referred to in subsection (3), be forfeited, and upon such order being made the vessel, vehicle, article, goods, fish or proceeds so ordered to be forfeited, are forfeited to Her Majesty in right of Canada.

(6) Notwithstanding subsection (5), where the ownership of any fishing gear, implement, appliance, material, container, goods, equipment or fish seized pursuant to subsection (1) cannot, at the time of the seizure, be ascertained by the fishery officer by whom the seizure is made, the fishing gear, implement, appliance, material, container, goods, equipment or fish are upon the seizure thereof forfeited to Her Majesty.

(7) Where any vessel, vehicle, article, goods or fish have been seized under subsection (1) and proceedings in respect of the alleged offence have been instituted, the court or judge may, except in the case of any article, goods or fish forfeited under subsection (6), order re-delivery thereof to the accused upon security by bond, with two sureties, in an amount and form satisfactory to the Minister, being given to Her Majesty or upon security of a cash deposit, in an amount satisfactory to the Minister, being given to Her Majesty.

(8) Any vessel, vehicle, article, goods or fish seized under subsection (1) or the proceeds realized from a sale thereof under subsection (3), except any article, goods or fish forfeited under subsection (6), shall be returned or paid to the person from whom the vessel, vehicle, article, goods or fish were taken if the Minister decides not to institute a prosecution in respect of the alleged offence, and in any event, shall be returned or paid upon the expiration of three months from the day of the seizure unless before that time proceedings in respect of the alleged offence are instituted.

(9) Except as provided in section 64A, any vessel, vehicle, article, goods or fish forfeited under subsection (5) or (6) shall, after the expiration of thirty days from the date of the forfeiture, be disposed of as the Minister directs.

(10) Notwithstanding subsection (9), any lobster trap forfeited under subsection (6) may, at the time of forfeiture, be disposed of as the Minister directs.

(11) Where any vessel, vehicle, article, goods or fish have been seized pursuant to subsection (1) and proceedings in respect of the offence have been instituted, but the vessel, vehicle, article, goods or fish or any proceeds realized from the sale thereof under subsection (3) are not at the final conclusion of the proceedings ordered to be forfeited under subsection (5) and have not been forfeited under subsection (6), they shall be returned forthwith, or the proceeds shall be paid forthwith, to the person from whom the vessel, vehicle, article, goods or fish were taken, unless there has been a conviction and a fine imposed, in which case the vessel, vehicle, article, goods or fish may be detained until the fine is paid, or the vessel, vehicle, article, goods or fish may be sold under execution in satisfaction of the fine, or the proceeds realized from a sale of any article, goods or fish pursuant to subsection (3) may be applied in payment of the fine.

(12) Notwithstanding anything contained in this section, a fishery officer may, at the time of seizure, return to the water any fish seized pursuant to subsection (1) that the fishery officer believes to be alive.

(c) COASTAL FISHERIES PROTECTION ACT,<sup>1</sup> 1953, AS AMENDED

...

SECTION 2

...

*Canadian fisheries waters*

(b) "Canadian fisheries waters" means all waters in the fishing zones of Canada, all waters in the territorial sea of Canada, and all internal waters of Canada.

(d) CANADA NORTHERN PACIFIC HALIBUT FISHERY CONVENTION ACT<sup>2</sup> (14 May 1953)

...

10. All courts, justices of the peace, and magistrates in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 689 to 692 of the Canada Shipping Act, Chapter 29 of the Revised Statutes of Canada, 1952, with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the Canada Shipping Act.

(e) NORTH PACIFIC FISHERIES CONVENTION ACT<sup>3</sup> (14 May 1953)

...

5. *Boarding and search of vessels*

When a fishing vessel of Canada or of the United States of America or of Japan, or belonging to or operated by a citizen, national or resident of any of those countries is found in waters in which that country has by or under the provisions of the Convention agreed to abstain from exploitation, a Protection Officer may in

<sup>1</sup> 1952-1953 S.C. Chap. 15, amended by section 9 of 1964 S.C. Chap. 22. Except the above provision, the repeal of paragraph (d) of section 4 and the substitution, wherever it occurs, of "Canadian fisheries waters", to "Canadian territorial waters", the text reproduced in ST/LEG/SER.B/6, pp. 450-453 remains unchanged.

<sup>2</sup> 1-2 Eliz II, c. 43. The relevant parts of the Act are reproduced in ST/LEG/SER.B/8, p. 53 and except section 10, reproduced above, remain unchanged. The text of the Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, 2 March 1953, is reproduced fully in ST/LEG/SER.B/8, p. 51 partly in ST/LEG/SER.B/6, p. 803.

<sup>3</sup> 1-3 Eliz II, Chap. 44. An Act to implement the International Convention for the High Seas Fisheries of the North Pacific Ocean, done at Tokyo on 9 May 1952. For the text of the Convention, see *infra* PART II, DIVISION IV, SUB-DIVISION A, and ST/LEG/SER.B/8, p. 57, for the text of the Act, see *ibid.*, p. 63.

accordance with the provisions of the Convention board such vessel and inspect its equipment, books, documents and other articles, and question the persons on board.

#### 6. *Seizure and arrest for violation of Convention*

(1) When a fishing vessel of Canada or the United States of America or Japan or person on board thereof is found engaging in operations in violation of the provisions of the Convention, or there is reasonable ground to believe that the vessel or person was so engaged immediately prior to the boarding of the vessel, a Protection Officer may in accordance with the provisions of the Convention arrest or seize such fishing vessel or person.

##### *Procedure*

(2) If the fishing vessel seized as provided in subsection (1) belongs to or is operated by a citizen, national or resident of the United States of America or of Japan, or the person arrested as provided in subsection (1) is a citizen, national or resident of either of those countries, the Protection Officer shall immediately notify the Minister of such seizure or arrest and keep in custody the vessel or person pending delivery to the authorized officials of the country to which such person or vessel belongs in accordance with the provisions of the Convention and the directions of the Minister.

##### *Violation by Canadian citizens or vessels*

(3) If the fishing vessel seized as provided in subsection (1) belongs to or is operated by a Canadian citizen or a resident of Canada, or the person arrested as provided in subsection (1) is a Canadian citizen or resident of Canada, the vessel or person shall be dealt with in accordance with the regulations.

#### 7. *Jurisdiction of courts*

All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 689 to 692 of the *Canada Shipping Act*, chapter 29 of the Revised Statutes of Canada, 1952, with respect to offences under that Act, and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act*.

(f) NORTHWEST ATLANTIC FISHERIES CONVENTION ACT<sup>1</sup> (4 March 1954)

...

#### 3. *Regulations*

The Governor in Council may make regulations for carrying out and giving effect to the provisions of the Convention and anything done by the Commission thereunder, and without restricting the generality of the foregoing, may make regulations

<sup>1</sup> 2-3 Eliz, Chap. 18. An Act to implement the International Convention for the Northwest Atlantic Fisheries, done in Washington on 8 February 1949. For the text of the Convention, see *infra* PART II, DIVISION IV, SUB-DIVISION A, 3.

- (a) for the conservation and protection of fish in the Convention area;
- (b) prohibiting, limiting or otherwise regulating
  - (i) the exploitation by citizens or residents of Canada or by Canadian fishing vessels of any stocks of fish in any part of the Convention area,
  - (ii) the loading, processing, transporting or possession of any stocks of fish in or from any part of the Convention area, and
  - (iii) the landing, importation, sale or other disposal of fish caught in any part of the Convention area;
- (c) respecting the operation of fishing vessels and the use of fishing gear in the Convention area;
- (d) providing for the issue, suspension and cancellation of licences for the purposes of this Act, and prescribing their terms, conditions and forms and fixing the fees for the issue of licences;
- (e) for the seizure, forfeiture and disposition of fishing vessels including equipment or fishing gear, or fish, by means of or in relation to which any of the provisions of the regulations have been contravened;
- (f) prescribing the powers and duties of Protection Officers and other persons engaged or employed in the administration or enforcement of this Act and providing for the carrying out of those duties and powers; and
- (g) prescribing the penalties that may be imposed, either on summary conviction on indictment, for violation of any regulation by any person in Canada or on, from or by means of any fishing vessels.

#### 4. *Jurisdiction of courts*

All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respect to offences under the regulations as they have under sections 689 to 692 of the *Canada Shipping Act*, with respect to offences under that Act, and the provisions of those sections apply to offences under the regulations in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act*.

#### (g) NORTH PACIFIC FISHERIES CONVENTION REGULATIONS<sup>1</sup> (3 June 1954)

1. No person aboard a Canadian fishing vessel shall fish for, load, process, transport or have in his possession salmon in that area of the Bering Sea that lies east of the line starting from Cape Prince of Wales on the west coast of Alaska, thence running westward to 168° 58' 22.59" west longitude, thence due south to a point 65° 15' 00" north latitude, thence along the Great Circle Course which passes through 51° north latitude and 167° east longitude, to its intersection with meridian 175° west longitude, thence south along a provisional line which follows this meridian to the territorial waters limit of Atka Island.

2. Every person who violates section 1 is liable upon summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

<sup>1</sup> SOR/54-219 *Canada Gazette, Part II* of June 23, 1954; P.C. 1954-825.

3. (1) Whenever a Protection Officer suspects on reasonable grounds that a violation of section 1 has been committed, he may anywhere except within the territorial waters of another country seize

(a) any fishing vessel by means of or in relation to which he reasonably believes the violation was committed,

(b) any goods aboard the fishing vessel, including fish, tackle, rigging, apparel, furniture, stores and cargo, or

(c) the fishing vessel and any of the goods mentioned in paragraph (b).

(2) A Protection Officer shall take delivery of any Canadian fishing vessel seized and delivered by a duly authorized official of the United States of America or of Japan pursuant to Article X of the Convention.

(3) Subject to this section, a fishing vessel or goods seized under subsection (1) or delivered to a Protection Officer under subsection (2) shall be retained in the custody of the Protection Officer making the seizure or taking delivery or shall be delivered into the custody of such person as the Minister may direct.

...

(h) COASTAL FISHERIES PROTECTION REGULATIONS (17 January 1957) AS AMENDED<sup>1</sup>

...

2. (1) The Minister may issue a licence to a United States fishing vessel authorizing it to enter any port on the Atlantic coast of Canada for the purpose of purchasing bait, ice, seines, lines and other such supplies and outfits.

(2) The Minister may issue a licence to a foreign fishing vessel, other than a United States fishing vessel, authorizing it to enter any port in the provinces of Nova Scotia or Newfoundland during the period stated in the licence for the purpose of purchasing bait, ice, seines, lines and other such supplies and outfits.

(3) A licence issued under this section shall be valid only during the calendar year in which it was issued.

(4) A fee of one dollar shall be paid upon application for a licence under this section.

3. Subject to the customs laws of Canada and with the permission of the Minister, fish on board a disabled foreign fishing vessel entering any port on the Atlantic Coast for repairs may be unloaded, landed or trans-shipped.

4. United States fishing vessels may pass through the Canadian fisheries waters known as the "Inland Passage", British Columbia, upon the following conditions:

(a) all fishing gear shall be removed from its normal position of operation on board the vessel and shall be stowed in such manner that it is not in readiness for fishing; and

(b) the vessel shall comply with any directions given to it by a Protection Officer.

<sup>1</sup> SOR/57-26 *Canada Gazette, Part II*, vol. 91, No. 3, February 13, 1957; P.C. 1957-64. Amended by P.C. 1957-1263, P.C. 1960-219, P.C. 1960-791, P.C. 1961-131 and P.C. 1964-1112.



5. United States sport fishing vessels may enter Canadian fisheries waters for sport fishing subject to their compliance with the fisheries, customs and navigation laws of Canada.

6. The Minister may by permit authorize a fishing vessel of any State which is a party to a Fisheries Conservation Convention with Canada, and the crew thereof, to enter Canadian fisheries waters for purposes of scientific research and to do all or any of the things described in paragraphs (a) to (e) of subsection (2) of section 3 of the Coastal Fisheries Protection Act, subject to such conditions as the Minister may prescribe.

7. Subject to the customs and immigration laws of Canada, and with the permission of the Minister or an officer designated by him, a foreign fishing vessel may enter any Canadian port

(a) to discharge or take on board a crew member or passenger of that vessel or of any other fishing vessel registered under the same national flag; or

(b) to unload, land, re-embark or trans-ship any equipment other than fishing gear, of that vessel or of any other fishing vessel registered under the same national flag.

...

9. (1) Fishing vessels of United States of America are authorized to continue to fish in the fishing zones established by section 4 of the *Territorial Sea and Fishing Zones Act*.<sup>1</sup>

(2) Fishing vessels of France, Britain, Portugal, Spain, Italy, Norway and Denmark are authorized to continue to fish in the fishing zones on the Atlantic Coast of Canada established by section 4 of the *Territorial Sea and Fishing Zones Act*.

(i) PACIFIC SALMON FISHERIES CONVENTION ACT<sup>2</sup> (28 March 1957)

...

#### 6. Seizures

(1) A protection officer may, anywhere in the convention waters except the territorial waters of the United States, seize

(a) any fishing vessel belonging to or operated by a citizen, national or resident of Canada by means of or in relation to which vessel he suspects on reasonable grounds that an offence against this Act was committed:

(b) any fishing vessel belonging to or operated by a citizen, national or resident of the United States by means of or in relation to which vessel he suspects on reasonable grounds that an offence against this Act was committed in the territorial waters of Canada;

(c) any goods aboard a fishing vessel described in paragraph (a) or (b), including fish, tackle, rigging, apparel, furniture, stores and cargo; or

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, 7 (e).

<sup>2</sup> 5-6 Eliz II, Chap. 11. An Act to implement a Convention between Canada and the United States of America for the Protection, Preservation and Extension of the Sockeye Salmon Fisheries in the Fraser River System. For the text of the Convention, see *infra* PART II, DIVISION IV, SUB-DIVISION B. ≠ 2 and 3.

(d) a fishing vessel described in paragraph (a) or (b) and any of the goods mentioned in paragraph (c).

*Arrests*

(2) A protection officer may, anywhere in the convention waters except the territorial waters of the United States, arrest without warrant,

(a) any citizen, national or resident of Canada whom he on reasonable grounds suspects of having committed an offence against this Act; or

(b) any citizen, national or resident of the United States whom he on reasonable grounds suspects of having committed an offence against this Act in the territorial waters of Canada.

*Custody of seized vessels, etc.*

(3) Subject to this section, the fishing vessel and goods seized under subsection (1) shall be retained in the custody of the protection officer making the seizure or shall be delivered into the custody of such person as the Minister may direct.

...

7. *Forfeiture*

(1) Where a person is convicted of an offence against this Act, the convicting court or judge may, in addition to any other penalty imposed, order that

(a) any fishing vessel seized under section 6 by means of or in relation to which the offence was committed,

(b) any goods aboard the fishing vessel, including fish, tackle, rigging, apparel, furniture, stores and cargo, or, if any of the goods have been sold under subsection (4) of section 6, the proceeds thereof, or

(c) the fishing vessel and any of the goods mentioned in paragraph (b), or the proceeds thereof,

be forfeited, and upon such order being made the fishing vessel, goods or proceeds so ordered to be forfeited are forfeited to Her Majesty in right of Canada.

8. *Seizure where U.S. citizen involved*

(1) Whenever a protection officer suspects on reasonable grounds that any provision of the Convention or any order or regulation made thereunder has been violated, anywhere in convention waters except the territorial waters of Canada or the United States, he may, in accordance with the provisions of the Convention, anywhere in the convention waters except the territorial waters of the United States, seize and detain

(a) any fishing vessel belonging to or operated by a national or inhabitant of the United States by means of or in relation to which he suspects on reasonable grounds that the violation was committed;

(b) any goods aboard the fishing vessel, including fish, tackle, rigging, apparel, furniture, stores and cargo; or

(c) the fishing vessel and any of the goods mentioned in paragraph (b).

*Arrest*

(2) A protection officer may, in accordance with the provisions of the Convention, anywhere in convention waters except the territorial waters of the United States, arrest and detain without warrant any national or inhabitant of the United States whom he on reasonable grounds suspects of having violated, anywhere in convention waters except the territorial waters of Canada or the United States, any provision of the Convention or the regulations made thereunder.

*Delivery to U.S. authorities*

(3) Whenever, pursuant to this section,

(a) a person is arrested and detained, or

(b) a vessel or goods are seized and detained,

such person, vessel or goods shall, in accordance with the provisions of the Convention, as soon as practicable at the place nearest to the place of seizure or at such other place as may be agreed upon, be delivered by the protection officer who made the seizure to an authorized official of the United States to be dealt with in accordance with the law of the United States.

(j) PACIFIC FUR SEALS CONVENTION ACT<sup>1</sup> (12 April 1957)

...

## OFFENCES AND PUNISHMENTS

5. *Pelagic sealing*

Every person is guilty of an offence who, being a citizen or resident of Canada or a member of the crew of a vessel subject to the jurisdiction of Canada, engages in pelagic sealing in convention waters.

6. *Equipping vessels for pelagic sealing*

Every person is guilty of an offence who uses any port or harbour or territory within Canada for the purpose of equipping any vessel intended to be used in pelagic sealing.

7. Sections 5 and 6 do not apply to

(a) an Indian or an Eskimo dwelling on the coast of Canada contiguous to the convention waters, while engaging in pelagic sealing in convention waters in the manner provided for in Article VII of the Convention, or

(b) vessels owned or chartered by the Government of Canada or members of the crew thereof or other personnel engaged in pelagic sealing for research purposes in accordance with the provisions of the Convention.

<sup>1</sup> 5-6 Eliz. Chap. 31. The Act implements the Interim Convention on North Pacific Fur Seals. Signed at Washington on 9 February 1957. For the text of the Convention, see *infra* PART II, DIVISION IV, SUB-DIVISION A. 6.

8. *Dealing in skins*

Every person is guilty of an offence who imports, buys, sells, ships or otherwise deals in any skins of fur seals of North Pacific origin except skins officially marked and certified as being skins

(a) taken by the United States of Amerika or the Union of Soviet Socialist Republics on rookeries,

(b) taken at sea for research purposes in accordance with the provisions of the Convention,

(c) taken by Indians, Ainos, Aleuts or Eskimos dwelling on the coasts of the convention waters, in accordance with the provisions of Article VII of the Convention, or

(d) confiscated under the provisions of this Act.

9. *Punishment*

Every person who is guilty of an offence against this Act is liable upon summary conviction to a fine of not less than one hundred dollars and not more than one thousand dollars, or to imprisonment for a term not exceeding one year, or to both fine and imprisonment.

SEIZURE, ARREST AND FORFEITURE

10. *Search and seizure*

(1) When a protection officer has reasonable cause to believe that any vessel outfitted for the harvesting of living marine resources and subject to the jurisdiction of a convention country, is engaged in pelagic sealing in convention waters contrary to the provisions of the Convention or this Act, he may, except within the territorial waters of a convention country other than Canada, board and search such vessel; and if after searching the vessel, the protection officer has reasonable cause to believe that the vessel or any person on board thereof is offending against the prohibition of pelagic sealing in the Convention or this Act, he may seize such vessel or arrest such person.

...

11. *Seizure of Canadian vessels*

(1) Whenever a protection officer suspects on reasonable grounds that an offence against this Act has been committed by means of or in relation to a vessel subject to the jurisdiction of Canada, he may anywhere, except within the territorial waters of a convention country other than Canada, seize

(a) the vessel,

(b) any goods aboard the vessel, including equipment, furniture, stores and cargo, or

(c) the vessel and any of the goods mentioned in paragraph (b).

*Arrest*

(2) A protection officer may anywhere, except within the territorial waters of a convention country other than Canada, arrest without warrant any person subject to the jurisdiction of Canada, whom he on reasonable grounds suspects of having committed an offence against this Act.

*Custody of seized vessels, etc.*

(3) Subject to this section, the vessel and goods seized under subsection (1) shall be retained in the custody of the protection officer making the seizure or shall be delivered into the custody of such person as the Minister directs.

...

12. *Court may order forfeiture*

(1) Where a person is convicted of an offence against this Act, the convicting court or judge may, in addition to any other penalty imposed, order that

(a) any vessel seized under section 11 by means of or in relation to which the offence was committed,

(b) any goods aboard the vessel, including equipment, furniture, stores and cargo, or, if any of the goods have been sold under subsection (4) of section 11, the proceeds thereof, or

(c) the vessel and any of the goods mentioned in paragraph (b), or the proceeds thereof,

be forfeited, and upon such order being made the vessel, goods or proceeds so ordered to be forfeited are forfeited to Her Majesty in right of Canada.

...

(k) LOBSTER FISHERY REGULATIONS<sup>1</sup> (15 May 1963) AS AMENDED

...

3. (1) No person shall, in any district or portion of a district,

(a) during the closed season specified in the Schedule for that district or that portion of a district

(i) fish for, catch or kill any lobster, or

(ii) have any lobster in possession without lawful excuse; or

(b) at any time fish for, catch, kill or have in possession any lobster of a length less than that specified in the Schedule for that district or that portion of a district.

...

9. (1) No person shall engage in lobster fishing or leave any port or place in Canada to fish for lobsters either inside or outside the territorial waters of Canada, except under licence issued by the Minister.

<sup>1</sup> SOR/63-173, *Canada Gazette*, Part II, Vol. 97, No. 11, June 12, 1963; P.C. 1963-745. Amended by P.C. 1963-973, P.C. 1963-1050, P.C. 1963-1147, P.C. 1964-1845, P.C. 1965-539, P.C. 1965-1417, P.C. 1966-903, P.C. 1966-1161, P.C. 1966-1360.

(l) WHALING REGULATIONS<sup>1</sup> (19 March 1964) AS AMENDED

...

*Licences*

3. (1) The Minister may issue a licence to the owner or charterer of a ship registered in Canada authorizing the use of that ship as a whale catcher or factory ship.

(2) The Minister may issue a licence to any person authorizing that person to engage in whaling or whale treating on, from or by means of a ship registered in Canada.

...

4. No person shall engage in whaling or whale treating on, from or by means of a ship unless he has a valid licence issued under subsection (2) of section 3.

...

*Conservation*

7. No person shall shoot, kill or take any gray whale or right whale unless

(a) that person is an Indian, an Eskimo, the Minister or some person acting under authority of the Minister; and

(b) the meat and other products of the whale are to be used exclusively for local consumption by Indians or Eskimos.

...

(m) TERRITORIAL SEA AND FISHING ZONES ACT (16 July 1964) sections 2, 4-6<sup>2</sup>

(n) INTERNATIONAL PACIFIC HALIBUT FISHERY REGULATIONS<sup>3</sup> (23 March 1966)

## SECTION 1. REGULATORY AREAS

(a) The "convention waters" which include the territorial waters and the high seas off the western coasts of Canada and the United States of America including the southern and the western coasts of Alaska shall be divided into the following areas, all directions given being magnetic unless otherwise stated.

...

## SECTION 6. LICENSING OF VESSELS

(a) All vessels of any tonnage which shall fish for halibut in any manner or hold halibut in possession in any area, or which shall transport halibut otherwise

<sup>1</sup> SOR/64-117, *Canada Gazette*, Part II, vol. 98, No. 7, April 8, 1964; P.C. 1964-400. Amended by P.C. 1965-399, P.C. 1966-51, P.C. 1966-308, P.C. 1967-371.

<sup>2</sup> *Supra* DIVISION 1, SUB-DIVISION A, Chapter I, 7 (e). See also *infra* under (r) Territorial Sea and Fishing Zones Geographical Co-ordinates (Areas 1, 2 and 3) Order (P.C. 1967-2025).

<sup>3</sup> SOR/66-149, *Canada Gazette*, Part II, vol. 110, No. 7, April 13, 1966, P.C. 1966-534. The Regulations were made pursuant to section 2 of article III of the Convention between Canada and the United States of America for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea of 2 March 1953. For the relevant text of the Convention, see ST/LEG/SER.B/8, pp. 50-51.

than as a common carrier documented by the Government of the United States or of Canada for the carriage of freight, must be licensed by the Commission, provided that vessels of less than five net tons or vessels which do not use set lines need not be licensed.

(b) Each vessel licensed by the Commission shall carry on board at all times while at sea the halibut license thus secured when it is validated for halibut fishing, and this license shall at all times be subject to inspection by authorized officers of the Governments of Canada or the United States or by representatives of the Commission.

(c) The halibut license shall be issued without fee by the customs officers of the Governments of Canada or the United States or by representatives of the Commission or by fishery officers of the Governments of Canada or the United States at places where there are neither customs officers nor representatives of the Commission.

...

#### SECTION 13. SUPERVISION OF UNLOADING AND WEIGHING

The unloading and weighing of the halibut of any vessel licensed under these regulations shall be under such supervision as the customs or other authorized officer may deem advisable in order to assure the fulfillment of the provisions of these regulations.

#### (o) SEAL PROTECTION REGULATIONS<sup>1</sup> (19 May 1966), AS AMENDED

...

#### *Interpretation*

2. (1) In these Regulations,

(a) "defined area" means the Canadian waters and territories north of 60° North Latitude and includes the whole of Ungava Bay, Hudson Bay and James Bay;

(b) "Front Area" means all the waters of the Strait of Belle Isle and the Atlantic Ocean east of a straight line between the lighthouse at Amour Point on the coast of Labrador and the lighthouse on Flowers Island in Flowers Cove, Newfoundland;

(c) "Gulf Area" means all the waters and territories west of a straight line between the lighthouse at Amour Point on the coast of Labrador and the lighthouse on Flowers Island in Flowers Cove, Newfoundland;

...

(h) "sealing" means the hunting for, killing and skinning of seals, the handling and transporting of raw seal pelts from the place where they are killed to the land and the transporting of persons engaged in sealing to and from the killing area, and includes searching for seals from helicopters and other aircraft.

...

<sup>1</sup> SOR/66-235, *Canada Gazette*, Part II, vol. 100, No. 19, October 12, 1966, P.C. 1966-1797. Amended by P.C. 1966-2154.

3. For the purposes of these Regulations, the Gulf Area is divided into the following districts:

(a) District No. 1, comprising all the waters and territories in the Gulf Area north of 50° North Latitude;

(b) District No. 2, comprising all the waters and territories in the Gulf Area south of 50° North Latitude and west of a line from Channel Head in Newfoundland to Scatari Light, Scatari Island, off Cape Breton Island; and

(c) District No. 3, comprising all the waters and territories in the Gulf Area east of a straight line from Channel Head to Scatari Light.

*Protection of Seals*

4. Subject to these Regulations, no person shall take or kill seals in the defined area.

5. A resident may kill seals for food for himself, his family or his dogs.

6. A person authorized by the Minister may kill seals in the defined area for scientific purposes.

7. (1) Subject to subsections (2) to (4) a person may take or kill seals for sport in the defined area under a sport sealing licence issued by the Minister.

(2) A person shall not take or kill seals for sport in the defined area except where he

(a) employs a guide who is an Indian, an Eskimo or a person of mixed blood; and

(b) uses a boat belonging to his guide.

(3) A person who kills seals for sport shall not retain more than twenty-five pounds of meat from the seals killed and shall give all meat in excess of that amount to his guide.

(4) No person hunting seals for sport shall take or kill

(a) a bearded seal at any time; or

(b) more than two seals in any year.

8. No person shall sell or otherwise dispose of seal meat in the defined area to any person other than a traveller or a resident who requires the seal meat for food for himself or his dogs.

9. (1) No person shall take or kill seals in the Gulf Area or Front Area from or by means of a vessel that has an overall length of more than thirty feet except under authority of a vessel sealing licence issued by the Minister.

(2) A vessel sealing licence is subject to such terms and conditions as the Minister may prescribe.

10. No person shall take or kill hood seals at any time in the Gulf Area.

11. (1) In District No. 2 of the Gulf Area no person shall take or kill harp seals with white coats or other baby seals of less than a year in age from or by means of a licensed vessel or helicopter or other aircraft after the quota for such seals for the area and year has been reached.

(2) The annual quota for District No. 2 of the Gulf Area for seals referred to in subsection (1) is fifty thousand seals.



(3) Where the Minister is of opinion that the quota prescribed by this section has been reached or is about to be reached, he may by order direct that the taking or killing of seals in District No. 2 of the Gulf Area shall cease.

12. (1) Subject to subsections (2) and (3), no person shall use a helicopter or other aircraft for any purpose in sealing except that

(a) in District No. 2 of the Gulf Area, helicopters and other aircraft may be used in sealing; and

(b) in Districts Nos. 1 and 3 of the Gulf Area and in the Front Area, helicopters and other aircraft may be used from a land base for searching for seals.

(2) Except for searching for seals from a land base, no person shall use a helicopter or another aircraft in sealing unless he has an aircraft sealing licence issued by the Minister.

(3) No person shall kill or attempt to kill seals from a helicopter or other aircraft.

(4) An aircraft sealing licence may be issued only for a Canadian aircraft.

(5) An aircraft sealing licence is subject to such terms and conditions as the Minister may prescribe.

13. (1) No person shall take or kill seals from or by means of a licensed vessel or helicopter or other aircraft

(a) in the Front Area from the first day of May, in any year, to the eleventh day of March next following, both days inclusive; or

(b) in the Gulf Area from the twenty-sixth day of April, in any year, to the sixth day of March next following, both days inclusive.

(2) The Minister may, by Order, vary the closed season prescribed in subsection (1) for taking and killing seals in the Gulf Area.

(3) Where the Minister considers it necessary for conservation purposes, he may, by Order, prohibit the taking or killing of seals in any part of the Gulf Area by a means other than a means described in subsection (1).

14. No person shall take or kill seals by any means in the Gulf Area or Front Area unless he

(a) has a sealer's licence issued by the Minister;

(b) is wearing over or attached to his outer clothing so that it is visible at all times the means of identification issued with the licence; and

(c) is complying with any further directions respecting the wearing of the means of identification that may be given by a fishery officer who is present at the seal hunt.

15. No person shall take or kill seals at any time or in any area by means of long lines.

(p) FRASER RIVER SOCKEYE AND PINK SALMON FISHERY REGULATIONS,<sup>1</sup> 1966\*

...

7. (1) No person shall buy, sell or have in possession any sockeye or pink salmon taken contrary to the provisions of section 4, 5 or 6.

...

<sup>1</sup> SOR/66-211, *Canada Gazette*, Part II, vol. 100, No. 10, May 25, 1966; P.C. 1966-798.

(g) TUNA FISHERY REGULATIONS<sup>1</sup> (22 September 1966) AS AMENDED

...

2. In these Regulations, "tuna" means any fish known by the name of tuna and includes fish of the species yellowfin (*Thunnus albacares*), bluefin (*Thunnus thynnus*), blackfin (*Thunnus atlanticus*), albacore (*Thunnus alalunga*), bigeye (*Thunnus obesus*), skipjack (*Euthynnus pelamis*), common bonito (*Sarda sarda*), Pacific bonito (*Sarda chiliensis*) or false albacore (*Euthynnus alletteratus*).

3. (1) No person on board a fishing vessel that is subject to the laws of Canada shall fish for, transport, process or have in his possession any tuna except under a licence for such vessel issued by the Minister.

(2) The Minister may, in any licence, impose such terms and conditions, not inconsistent with these Regulations, as he deems proper and the holder of the licence shall comply with those terms and conditions.

(3) Every licence issued under these Regulations expires on the 31st day of December next following the day on which it is issued.

(4) The fees for a licence are

(a) for a vessel under one hundred feet in overall length, \$15; and

(b) for a vessel one hundred feet or more in overall length, \$25.

4. (1) No person shall fish for, transport, process or have in his possession any yellowfin from September 15, 1966 to December 31, 1966, in the area described as follows:

All waters bounded by a line beginning at a point on the coast of California in 40° north latitude; thence due west to 125° west longitude; thence due south to 20° north latitude; thence due east to 120° west longitude; thence due south to 5° north latitude; thence due east to 110° west longitude; thence due south to 10° south latitude; thence due east to 90° west longitude; thence due south to 30° south latitude; thence due east to the coast of Chile; thence northerly along the coasts of Chile, Peru, Ecuador, Columbia, Panama, Costa Rica, Nicaragua, Honduras, El Salvador, Guatemala, Mexico and California to the point of beginning.

(2) Notwithstanding subsection (1), a person, in the course of fishing for tuna other than yellowfin, may take a quantity of yellowfin not exceeding fifteen percent by pound weight of all tuna on the vessel.

5. These Regulations do not apply to the fishing of tuna for sport or pleasure.

(r) TERRITORIAL SEA AND FISHING ZONES GEOGRAPHICAL CO-ORDINATES (AREAS 1, 2 AND 3) ORDER (26 October 1967) sections 2-4, schedules A-C<sup>2</sup>

<sup>1</sup> SOR/66-449, *Canada Gazette*, Part II, vol. 100, No. 19, October 12, 1966, P.C. 1966-1797. Amended by P.C. 1966-2154.

<sup>2</sup> For these provisions and those of the Territorial Sea and Fishing Zones Act, see *supra* DIVISION 1, SUB-DIVISION A, Chapter I, 7 (e) (f).

(s) BRITISH COLUMBIA FISHERY REGULATIONS<sup>1</sup> (8 December 1954) AS AMENDED

...

*Licences, Vessel Registration and Permits*

31. (1) Subject to these Regulations, no person shall, except under a personal commercial fishing licence issued by the Minister

(a) fish in any waters of the province with nets or other apparatus; or

(b) leave any port or place in British Columbia to fish with nets or other apparatus either inside or outside territorial waters adjacent to the province.

(2)<sup>2</sup> A personal commercial fishing licence may be issued only to

(b) a person who is a Canadian citizen or has served in the Canadian Armed Forces.

(3) No person under eighteen years of age shall act as captain or operator upon a commercial fishing vessel outfitted for the purpose of catching fish or as operator of any commercial fishing gear or equipment.

(4) A person who is under sixteen years of age may engage in commercial fishing without obtaining a personal commercial fishing licence.

(5) The holder of a personal commercial fishing licence shall, at all times, when engaged in fishing, carry his licence with him and shall, on demand by a fishery officer or fishery guardian, produce his licence to the fishery officer or fishery guardian.

(6) No person shall hold more than one personal commercial fishing licence.

31A. No person shall use a fishing vessel in any commercial fishing operation unless

(a) the vessel is registered with the Minister as a commercial fishing vessel;

(b) the vessel bears valid commercial fishing vessel registration plates issued in respect of the vessel;

(c) the plates are displayed on both sides of the bow or on both sides of the pilot house or deck cabin of the vessel throughout the fishing season; and

(d) the plates have been validated for the current year and have attached to them current year annual commercial fishing tabs having numbers corresponding to those of the plates.

...

*Prohibited Areas*

65. No person shall fish by means of nets of any kind or description in,

(a) the waters of Victoria Harbour, inside of a line from Macauley Point to Clover Point, and embracing all the waters of the Harbour to Victoria Arm and including the Inlet;

(b) Wyclese Lake, Smith Inlet area, above the rapids at the entrance thereof;

(c) the waters of Discovery Passage, at the mouth of Campbell River, Quathiaski district, bounded on the south by a straight line from Cape Mudge due west to a

<sup>1</sup> SOR/54-659, *Canada Gazette*, Part II, vol. 88, No. 24, December 22 1954, P.C. 1954-1910. Amended most recently by P.C. 1967-319.

<sup>2</sup> Paragraph (a) was revoked by P.C. 1966-1468.

point on Vancouver Island, and on the north by a straight line from Wilfred Point through the northwesterly point of Maude Island to the Mainland of Quadra Island;

(d) Ladysmith Harbour (Oyster Bay) inside of a straight line from Sharp Point to Boulder Point;

(e) Juskatla Inlet, Queen Charlotte Islands, but if unusual conditions prevail which will result in salmon entering the inlet before a reasonable portion of them can be caught the Area Director may authorize salmon fishing in this inlet for such length of time as he may find safe;

(f) Fulford Harbour, Saltspring Island;

(g) That portion of Johnstone Straits known as Salmon Bay, at the mouth of Salmon River, inside of a straight line from a fishing boundary sign on the shore of Vancouver Island approximately one mile northwesterly from Kelsey Bay wharf to a fishing boundary sign on the Vancouver Island shore approximately one-half mile easterly of Port Kusam;

(h) In the waters in and adjacent to the mouth of the Fraser River bounded on the south by the north jetty on the main channel of said river, and on the north by the row of range pile dolphins approximately one thousand feet distant from and parallel to the aforesaid north jetty from Steveston to the western extremity of said jetty;

(i) In the waters in and adjacent to the mouth of the Fraser River that are bounded on the north by the south jetty from Smoky Tom Island, thence by a straight line from the westerly extremity of said jetty in a southeasterly direction to a fishing boundary sign on the shore of Smoky Tom Island, approximately three-quarters of a mile southwesterly from the easterly end of the south jetty;

(j) In the waters of Deep Cove, North Arm of Burrard Inlet, inside of a straight line between fishing boundary signs at the entrance thereof;

(k) The waters of Esquimalt Harbour inside a straight line drawn from the light on Fisgard Island to the Scroggs Rocks Buoy, thence in a northeasterly direction to the fishing boundary sign on Vancouver Island.

(l) NOVA SCOTIA FISHERY REGULATIONS (31 December 1954) AS AMENDED<sup>1\*</sup>

(m) NEWFOUNDLAND FISHERY REGULATIONS (26 May 1960) AS AMENDED<sup>2\*</sup>

<sup>1</sup> SOR/60-221, *Canada Gazette*, Part II, vol. 94, No. 11, June 8, 1960, P.C. 1960-713. Amended most recently by P.C. 1966-1359.

<sup>2</sup> SOR/54-728, *Canada Gazette*, Part II, vol. 89, No. 2, January 26, 1955, P.C. 1954-2062. Amended most recently by P.C. 1966-1906.

## 5. COLOMBIA

- (a) LAW NO. 58 OF 3 NOVEMBER 1914 CONCERNING FISHERIES IN THE TERRITORIAL WATERS OF THE REPUBLIC\*\*

*Article 1*

The Republic reserves fishing rights in its territorial waters.

Fishing for whales, sperm whales and other cetaceans, cod, coral, shellfish, sponges, amber and pearls shall constitute a source of revenue for the State.

Fishing for other submarine species shall be unrestricted but shall be subject to the regulations laid down by law.

*Article 2*

The Government shall include this reservation in all trade and navigation treaties it concludes.

- (b) LAW NO. 96 OF 7 DECEMBER 1922 EMPOWERING THE GOVERNMENT TO REGULATE FISHING IN THE SEAS OF THE REPUBLIC\*\*

*Article 1*

The Government is hereby empowered to organize the renting of fishing in the seas of the Republic, in a manner which it considers as most appropriate from the point of view of national interest.

- (c) LAW NO. 14 OF 31 JANUARY 1923 CONCERNING DEPOSITS OF HYDROCARBONS, article 17<sup>1</sup>

- (d) LEGISLATIVE DECREE NO. 3183 OF 20 DECEMBER 1952 CONCERNING THE COLOMBIAN MERCHANT MARINE, article 80<sup>2</sup>

## 6. CUBA

LEGISLATIVE DECREE NO. 704 OF 28 MARCH 1936.  
GENERAL ACT RELATING TO FISHING, article 4<sup>3</sup>

<sup>1</sup> *Supra* DIVISION 1, SUB-DIVISION A, Chapter I, 8 (c).

<sup>2</sup> *Ibid.* (e).

<sup>3</sup> *Supra* DIVISION 1, SUB-DIVISION A, Chapter I, 9 (d).

## 7. DAHOMEY

(a) LOI N° 65-10 DU 23 JUIN 1965 INTERDISANT LE CHALUTAGE ET EN GÉNÉRAL LA PRATIQUE DE TOUTE PÊCHE UTILISANT DES ENGINS TRAÎNANTS À L'INTÉRIEUR DES EAUX TERRITORIALES DU DAHOMEY

*Article 1<sup>er</sup>.* La pêche est interdite aux navires étrangers dans les eaux territoriales du Dahomey en deçà d'une limite fixée à 12 milles marins au large de la laisse de basse mer.

*Article 2.* La pêche aux engins traînants est interdite dans les eaux territoriales de la République du Dahomey, sauf aux ressortissants dahoméens et aux étrangers titulaires d'une autorisation de pêche industrielle délivrée dans les conditions prévues au décret 349/PR-MAC du 5 août 1963.

Sont considérés comme engins traînants, les appareils qui comportent une combinaison de tout ou partie des éléments suivants, tirés mécaniquement :

- 1° des funes ou remorques attachées à un ou plusieurs bateaux et servant au déplacement de l'engin sur le fond de la mer;
- 2° à l'extrémité de ces funes des panneaux ou autres dispositifs servant notamment à maintenir l'écartement du filet;
- 3° un filet constitué par des ailes et une poche flottée ou non à sa partie supérieure et lestée à sa partie inférieure.

*Article 3.* Le patron de tout bateau ayant contrevenu aux dispositions de l'article précédent est puni d'une amende de 100 000 francs au moins et de 500 000 francs au plus.

En cas de récidive, l'amende est portée au double. Il y a récidive lorsque, dans les deux années précédentes, il a été rendu, contre le contrevenant, un jugement passé en force de chose jugée pour infraction à la présente loi.

En outre le tribunal compétent ordonne la confiscation des engins ayant servi à commettre l'infraction au profit du Service des pêches; il en est de même du prix résultant de la vente du produit saisi dans les conditions prévues à l'article 5.

Ce prix, ainsi que le montant des amendes, sont intégralement versés au Trésor.

(b) DÉCRET N° 290/PR/MDRC/SP DU 16 JUILLET 1966 PORTANT CRÉATION D'UNE COMMISSION POUR L'OCTROI DE LICENCES D'ARMEMENT À LA PÊCHE INDUSTRIELLE\*

8. DENMARK<sup>1</sup>

(a) ACT<sup>1</sup> No. 277 OF 27 MAY 1950 RESPECTING THE CONDUCT OF ECONOMIC ACTIVITIES IN GREENLAND, AS AMENDED BY ACT No. 182 OF 20 MAY 1963\*\*

## CHAPTER I

## TRAPPING, FISHING AND HUNTING

*Article 1*

1. Only Danish nationals domiciled in Greenland may carry on commercial trapping, fishing and hunting in the land domain of Greenland or in the sea off Greenland within a distance of twelve nautical miles from the coastline or from other baselines established by the Minister.

2. In the case of vessels belonging to and registered in foreign States from whose vessels trapping, fishing and hunting have regularly been carried on within the boundary referred to in article 1 for a number of years, the Minister may make regulations under which such trapping, fishing and hunting shall continue to be allowed in areas within the said boundary during a transitional period.

3. The Minister may make regulations exempting Danish nationals not resident in Greenland from the provisions of paragraph 1.

*Article 2*

The Minister may make general regulations concerning trapping, fishing and hunting and may thereby prohibit certain methods and trans-shipment entirely.

*Article 3*

Any vessel equipped for trapping, fishing or hunting which enters the area of the sea referred to in article 1 without being specifically authorized to carry on trapping, fishing or hunting there shall keep all its trapping, fishing and hunting gear stowed away on board and its boats shipped in their usual places.

*Article 4*

1. If there is reason to believe that a vessel is committing or has committed an offence against the foregoing provisions, it may, within the area of the sea referred to in article 1 – or even outside that area in the case of uninterrupted pursuit – be overtaken, boarded and, where appropriate, detained by patrol ships of the Danish Navy or by the local authorities.

2. A vessel detained by reason of an offence against this Act shall remain in custody, with all its gear, until the case is disposed of, unless the necessary security as prescribed by the court is furnished. If necessary to meet fines and costs, the vessel may be sold or confiscated.

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<sup>1</sup> For the text of articles 1-5 prior to amendment, see ST/LEG/SER.B/6, pp. 472-473.

*Article 5*

1. An offence against the provisions of article 2 or 3 shall be punished by a fine, and, in addition, the yield of the unlawful trapping, fishing or hunting shall, and all trapping, fishing and hunting gear may, be confiscated.

2. If an offence is repeated or there are other aggravating circumstances, not only all the trapping, fishing and hunting gear but also the entire catch, whether on board or elsewhere, may be confiscated, and where there are especially aggravating circumstances, the vessel to which the offender belongs may in addition be confiscated.

(b) AGREEMENT OF 28 AUGUST 1959 BETWEEN THE PROVINCIAL COUNCIL OF GREENLAND AND REPRESENTATIVES OF THE NATIONAL EXECUTIVE OF THE FAROE ISLANDS CONCERNING THE CONDITIONS UNDER WHICH FAROESE FISHERMEN ARE AUTHORIZED TO CARRY ON FISHING IN THE TERRITORIAL SEA OF GREENLAND AND TO ESTABLISH LAND BASES FOR THE PROCESSING OF THE FISH, AS AMENDED BY THE AGREEMENT OF 19 SEPTEMBER 1964\*.

(c) NOTICE NO. 295 OF 14 OCTOBER 1959 ON TRAPPING, FISHING AND HUNTING IN THE DISTRICT OF ANGMAGSSALIK\*\*

*Article 1*

1. With reference to chapter I, cf. article 21, of Act<sup>1</sup> No. 277 of 27 May 1950 respecting the conduct of economic activities in Greenland, and to the Notice of 5 July 1924 of the Administration of Greenland concerning the east coast of Greenland, it is hereby provided that the northern and southern boundary within which only Danish nationals who are domiciled in Greenland shall be authorized to carry on trapping, fishing and hunting in the district of Angmagssalik shall be as indicated by the solid line on the map<sup>2</sup> annexed to the present Notice.

2. The area referred to in paragraph 1 shall accordingly be delimited by the parallel of latitude (65° 15' 18" W) running through the south point of Dannebrog Island to the point of intersection with the coastline on the west (270°) and to the territorial frontier on the east (90°). Thence the territorial boundary shall be followed off the coast to the south (180°) of the south point (65° 44' 36" N 12' 02" W) of Erik den Røde Island, thence along the east coast of this island to the north point, thence to the north-west (315°) to the point of intersection with the coast of Leif Island, thence along the east coast of this island to the north point and thence to the west (270°) to the point of intersection with the coast on the mainland.

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<sup>1</sup> *Supra* (a).

<sup>2</sup> Not reproduced here for technical reasons.



(d) ORDER<sup>1</sup> NO. 156 OF 24 APRIL 1963, AMENDING THE ORDER ON THE SUPERVISION OF FISHERIES IN THE SEA SURROUNDING THE FAROE ISLANDS\*\*

It is hereby provided that article 1 of Order No. 29 of 27 February 1903 respecting the supervision of fisheries in the sea surrounding the Faroe Islands shall be amended in so far as concerns the area of the sea surrounding the Faroe Islands in which fishing is reserved exclusively to Faroese and to other Danish nationals.

*Article 1*

1. The limit within which only Faroese and other Danish nationals shall be authorized to carry on fishing shall be a line twelve nautical miles from the baselines described in paragraph 2 drawn as indicated on the chart<sup>2</sup> annexed to the present Order.

2. The baselines referred to in paragraph 1 shall be drawn between the following thirteen points and, with the exception of the line between point 13 and point 1, which shall follow the contour of the land, shall consist of straight lines:

...

(e) NOTICE<sup>3</sup> NO. 192 OF 27 MAY 1963 ON COMMERCIAL TRAPPING, FISHING AND HUNTING IN GREENLAND, AS AMENDED BY NOTICE NO. 340 OF 23 SEPTEMBER 1966\*\*

In accordance with the provisions of article 1, paragraph 3, and of article 2 of Act<sup>4</sup> No. 277 of 27 May 1950 respecting the conduct of economic activities in Greenland, as amended by Act No. 182 of 20 May 1963, it is hereby provided as follows:

*Article 1.* Trapping, fishing and hunting in the sea off Greenland within a distance of twelve nautical miles from the inner boundary line and in internal waters may be carried on only by means of ships sailing under the Danish flag and only in conformity with the provisions of the law and the provisions of the present Notice.

The foregoing provision shall in no way limit the rights which, in pursuance of article 1, paragraph 2, of the Act may be granted to certain foreign vessels.

Trawling shall be prohibited within a distance of three nautical miles from the inner boundary line and in internal waters.

This shall not, however, apply to the use of seines or trawls for catching shrimps, herring and capelin (*mallotus villosus*) or to the use of trawls with a minimum mesh width of 130 mm in stretched position, corresponding to 65 mm from knot to knot,

<sup>1</sup> By this Order, Order No. 29 of 27 February 1903 respecting the supervision of fisheries in the sea surrounding the Faroe Islands and Iceland outside the Danish territorial sea (ST/LEG/SER.B/6, p. 467) was amended. Order No. 160 of 20 May 1955 to amend Order No. 29 of 27 February 1903 (ST/LEG/SER.B/6, p. 468), and Order No. 130 of 27 April 1959 have been repealed.

<sup>2</sup> Not reproduced for technical reasons.

<sup>3</sup> By this Notice, as amended, Notice No. 292 of 11 November 1953 on commercial trapping, fishing and hunting in Greenland and exports from Greenland (see ST/LEG/SER.B/6, p. 476) was repealed.

<sup>4</sup> *Supra* (a).

for catching cod from vessels of not more than fifty tons in the Sermersq field in Julianehab district.

The term "trawling" means fishing with some kind of seine attached to a boat or vessel driven by any kind of power.

*Article 2.* Notwithstanding the provision of article 1, paragraph 1, of Act No. 277 of 27 May 1950 respecting the conduct of economic activities in Greenland, as amended by Act No. 182 of 20 May 1963, Danish nationals who are not domiciled in Greenland may engage in commercial trapping, fishing and hunting and effect trans-shipments in the area between the outer boundary line and a line situated at a distance of three nautical miles from the inner boundary line.

*Article 3.* Danish nationals who are not domiciled in Greenland may not, without special authorization, engage in commercial trapping, fishing and hunting within a distance of three nautical miles from the inner boundary line or in internal waters or in the land domain of Greenland.

With regard to the authorization referred to in the first paragraph, the Minister for Greenland may provide that a contribution shall be made to the Greenland economic equalization fund in respect of that portion of the catch – including the catch made outside the waters mentioned in the first paragraph – which is not disposed of through the Greenland marketing organization. The amount of the contribution shall be determined by the Minister for Greenland, who may demand the necessary security for the payment of the contribution. The granting of the authorization may also be made subject to the condition that, to such extent as may be desirable, up to half the crew of the relevant fishing vessel shall consist of Greenlanders.

The authorization may also embody regulations prohibiting trapping, fishing and hunting in certain protected areas, prohibiting the use of certain trapping and fishing methods and imposing restrictions with regard to what kinds of animals and fish may be taken.

The granting of the authorization may also, in individual cases, be made subject to such further conditions as the Minister may consider necessary.

*Article 4.* The right to effect trans-shipments in the waters referred to in article 3 and to store catches of fish on land shall be reserved to Danish nationals domiciled in Greenland and to such others as may obtain special authorization to that effect.

Such authorization may not be granted to foreign vessels engaged in trawl fishing.

With regard to the authorization referred to in the first paragraph, the Minister for Greenland may provide that a contribution shall be made to the Greenland economic equalization fund in respect of catches of fish which are not disposed of through the Greenland marketing organization. The amount of the contribution shall be determined by the Minister for Greenland, who may demand the necessary security for the payment of the contribution.

...

*Article 6.* Any vessel equipped for trapping, fishing or hunting which enters the area of the sea referred to in article 1 of the Act without being specifically authorized to carry on trapping, fishing or hunting there shall keep all its trapping, fishing and hunting gear stowed away on board and its boats shipped in their usual places.

*Article 7.* If there is reason to believe that a vessel has committed an offence against the provisions of articles 1-4 or article 6 or has disregarded a condition laid down in pursuance of article 3, fourth paragraph, it may, even outside the area of the sea referred to in article 1 of the Act in the case of uninterrupted pursuit, be overtaken, boarded and, where appropriate, detained by patrol ships of the Danish Navy or by the local authorities. If the vessel is detained, it shall, if requested to do so, accompany the patrol ship or local authorities to the nearest port.

*Article 8.* An offence against the provisions of articles 1-4 or article 6 or the non-observance of a condition laid down in pursuance of article 3, fourth paragraph, shall be punished by a fine, and, in addition, the yield of the unlawful activities shall be confiscated. According to the circumstances, all trapping, fishing and hunting gear may also be confiscated. If an offence is repeated or there are other aggravating circumstances, the entire catch, whether on board or elsewhere, may likewise be confiscated. Where there are especially aggravating circumstances, the vessel to which the offender belongs may in addition be confiscated.

Proceedings instituted in Greenland in respect of an offence against the foregoing provisions shall be dealt with by the High Court of Greenland. Where, however, the fine imposed exceeds 2,000 kroner, an appeal from the judgement of the High Court may be lodged by the convicted person with the East High Court of Copenhagen.

...

(f) NOTICE NO. 193 OF 27 MAY 1963 CONCERNING THE AUTHORIZATION OF FOREIGN VESSELS TO ENGAGE IN FISHING AND OTHER ACTIVITIES IN GREENLAND WATERS, AS AMENDED BY NOTICE NO. 227 OF 3 JULY 1964\*\*

In accordance with articles 1 and 2 of Act<sup>1</sup> No. 277 of 27 May 1950 respecting the conduct of economic activities in Greenland, as amended by Act No. 182 of 20 May 1963, it is hereby provided as follows:

#### *Article 1*

1. The areas in which persons other than Danish nationals are prohibited from carrying on commercial trapping, fishing and hunting shall be bounded to seaward by lines drawn in such a manner that the distance from every point on these lines to the nearest point of the inner boundary line specified in article 2 of the Order of 27 May 1963 concerning the delimitation of the territorial sea off Greenland is twelve nautical miles.

2. The prohibition against trapping, fishing and hunting referred to in paragraph 1 shall apply, *mutatis mutandis*, to trans-shipment.

<sup>1</sup> *Supra* (a).

3. With regard, however, to vessels belonging to and registered in Iceland, Norway, the United Kingdom of Great Britain and Northern Ireland, the Federal Republic of Germany, France, Spain and Portugal, it shall be lawful, until 31 May 1973, to carry on trapping, fishing and hunting and to effect trans-shipments in the area between the outer boundary line and a line situated at a distance of six nautical miles from the inner boundary line, and, until 31 October 1968, to carry on fishing with long lines and hand-lines, and, in connexion therewith, to effect trans-shipments up to a line situated at a distance of three nautical miles from the inner boundary line.

*Article 2*

In accordance with article 3 of the Act respecting the conduct of economic activities in Greenland, any vessel equipped for trapping, fishing or hunting which enters the areas in which it is not authorized to carry on trapping, fishing or hunting shall keep all its trapping, fishing and hunting gear stowed away on board and its boats shipped in their usual places.

(g) LEGISLATIVE ASSEMBLY (FAROE ISLANDS) ACT<sup>1</sup> NO. 12 OF 10 MARCH 1964  
CONCERNING FISHING IN THE FISHERY ZONE\*\*

In accordance with the resolution of the Legislative Assembly of the Faroe Islands, the Governor (*lagmand*) hereby confirms and promulgates the following Act of the Legislative Assembly:

*Article 1*

1. The fishery zone, as indicated on the chart<sup>2</sup> annexed to the present Act, shall consist of the sea within a line twelve nautical miles from baselines drawn between the following thirteen points:

...

*Article 2*

It shall be unlawful for fishing vessels belonging to and registered in a foreign State and for foreign nationals to engage in any kind of commercial fishing in the fishery zone, including the carrying out of such actions connected with fishing as the trans-shipment of fish, the processing, packing or other treatment of fish or fish products, the trans-shipment of gear and anchoring with a view to the eventual trans-shipment of fish or taking on of supplies.

*Article 3*

It shall be unlawful for any person to carry on fishing in the fishery zone with trawls, otter trawls or Danish seines. The aforementioned methods of fishing shall, however, be permitted in the case of lobster fishing and for research purposes on condition that the authorization of the National Executive is obtained beforehand. Such authorization shall in all cases be subject to a time-limit.

<sup>1</sup> By this Act, Act No. 59 of 23 April 1881 respecting fishing by foreign nationals off the Faroe Islands (See ST/LEG/SER.B/6, p. 467) was amended and Act No. 13 of 28 April 1958 was repealed.

<sup>2</sup> Not reproduced for technical reasons.

*Article 4*

Fishing vessels which, under this Act, are not, in the fishery zone, allowed to engage in any kind of fishing or in specified kinds of fishing shall, while in the fishery zone, keep all their fishing gear, or the relevant kind of fishing gear, stowed away in the proper place. The foregoing provision shall not apply to ships in port which are authorized to carry on fishing in the fishery zone with specified kinds of gear nor to other ships in the event of damage or the like.

*Article 5*

1. An offence against the provisions of article 2, in so far as unlawful fishing is concerned, or the provisions of article 3 shall be punishable by a fine of 10,000 kroner or more or, if a trawl is used, a fine of 30,000 kroner or more, and, in addition, all fishing gear, including hatches, hawsers, lines, stanchions and so on, and the catch, shall be confiscated. The ship may be seized as security for fines and costs.

2. An offence against the provisions of article 2, in so far as the carrying out of actions connected with fishing is concerned, or the provisions of article 4 shall be punishable by a fine of 10,000 kroner or more, and, in addition, the ship, catch and gear may be seized as security for fines and costs.

(h) ACT<sup>1</sup> No. 195 OF 26 MAY 1965 ON SALT-WATER FISHERIES\*\*

CHAPTER I

GENERAL PROVISIONS CONCERNING THE EXTENT OF THE FISHERY ZONE AND ITS USE  
FOR FISHING PURPOSES

*Article 1*

1. Save as otherwise provided, this Act shall apply to fishing in the Danish fishery zone with the exception of waters which have been brought under the provisions of the Act on fresh-water fisheries.

2. The Danish fishery zone shall comprise, in addition to the internal waters, a water area along the Danish coasts which is bound by a line (fishery limit) running parallel to the baselines for the time being in force and situated at the following distances from such baselines:

- (1) In so far as concerns the Danish coastal area in the North Sea, the Skagerrak and the Kattegat: twelve nautical miles (one nautical mile = 1,852 metres).

The term "Kattegat" in this connexion means the water area which is bounded to the south by lines drawn from Hasenøre to Gnibens point, from Korshage to Spodsbjerg and from Gilbjerg Hoved to Kullen;

- (2) In so far as concerns other areas of the Danish coast: three nautical miles.

3. Where, however, the Danish coast is opposite the coast of another State, the fishery limit may not extend beyond a line determined by special agreement

<sup>1</sup> Act No. 500 of 19 December 1951 respecting marine fishing (ST/LEG/SER.B/6, p. 474) was repealed by this Act.

with such other State, or, in the absence of such agreement, a line every point of which is equidistant from the nearest points on the low-water line along the coasts of the two States.

4. Fishing in the Danish fishery zone shall be restricted to :
  - (1) Danish nationals;
  - (2) Persons who are resident in Denmark and have been continuously resident there for the past two years;
  - (3) Institutions and associations the management of which consists exclusively of Danish nationals who are resident in Denmark;
  - (4) Jointly-owned shipping companies at least two-thirds of which are owned by Danish nationals and the managing owner of which is a Danish national and is resident in Denmark;
  - (5) Joint-stock companies and other companies with limited liability which have elected a board of directors, if at least two-thirds of the board consists of Danish nationals who are resident in Denmark;
  - (6) Other companies in which at least two-thirds of the partners are Danish nationals who are resident in Denmark.

Where institutions, associations or companies are partners in a jointly-owned shipping company or in a company as referred to in item (6), each partner must meet the conditions laid down for recognition as a Danish owner.

5. It shall be unlawful for persons other than those mentioned in paragraph 4 to process or to trans-ship fish in the Danish fishery zone or to transport fish or fish products through the Danish fishery zone direct from the sea to Danish landing places.

6. Only Danish ships may be used for the purposes referred to in paragraphs 4 and 5, and two-thirds of the crews thereof must meet the conditions laid down in paragraph 4, item (1) or (2).

7. The Minister of Fisheries may grant exemptions from the provisions of paragraphs 4-6 where it seems to be in the interests of fisheries development to do so or where exemptions from the said provisions may be granted by virtue of agreements with other States. It may also be provided in agreements with Norway and Sweden that, in so far as Norwegian and Swedish fishermen are concerned, the fishery zone shall be less extensive than as specified in paragraph 2, item (1). Regulations for the execution of such agreements shall be made by the Minister of Fisheries.

8. Notwithstanding the provisions of article 4, Finnish, Icelandic, Norwegian and Swedish nationals may, in conformity with the regulations made in this matter by the Minister of Fisheries, engage in pleasure fishing with rod, jig or similar hand tackle. Regulations may be made by the Minister of Fisheries to enable other foreign nationals to engage in pleasure fishing to the same extent.

#### *Article 2*

1. Fishing shall not be carried on in such manner as to infringe the Royal Prerogative of oyster fishery or the rights which, by virtue of articles 13A and B of the Act on the superseding and assumption by the State of the right to fish with eel weirs and of other special fishing rights in the territorial sea, are conferred on

persons exercising superseded eel-weir rights or other special fishing rights pending the final expiry of such rights, cf. article 1 of the aforementioned Act, cf. article 14.

2. The Minister of Fisheries may:

(1) in respect of waters stocked with fry or hatchery-produced fish, make special provision for the exercise of fishing and for the protection of the fish with which the waters have been stocked, including a complete or partial prohibition of fishing;

(2) provisionally prohibit some or all fishing in smaller areas of the fishery zone where fisheries research is being conducted on the initiative or with the approval of the State. Such research may, moreover, be conducted irrespective of the provisions of this Act or of regulations made in pursuance thereof;

(3) except where essential public interests make it undesirable to do so, grant exclusive rights for the cultivation of mussels in areas where fishing other than mussel fishing is not carried on or is of negligible importance, and, in that connexion, prohibit any activities in those areas which might be harmful to the undisturbed growth of the mussels. The Minister of Fisheries may require the payment of a royalty in respect of such exclusive rights and lay down such conditions as he otherwise sees fit.

...

#### CHAPTER IV

##### PROTECTION AND DEVELOPMENT OF FISH STOCKS

...

##### *C. Protected areas and protection zones*

###### *Article 18*

1. During the months of May, June and July, all trawl and seine fishing shall be prohibited in the Kattegat off the east coast of Jutland, west of a line drawn:

(1) from the west corner of the inner harbour of Skagen due south to the point of intersection with the three-mile limit, and from there

(2) in a southerly direction parallel with the coastline three nautical miles from land to the point of intersection with the line running on a true bearing of 250° from Strandby church, and from there

(3) due west to a point two nautical miles from land, and from there

(4) in a southerly direction parallel with the coastline two nautical miles from land to the point of intersection with a line from Hammelev church in direct alignment with Fornæs lighthouse.

During the aforementioned period, beach seines may only be used in the protected water areas for catching school fish (by which is meant in this connexion herring, mackerel and gar-pike) and *gadidae* and *salmonidae*. Beach seines may not be less than two metres deep at any place in the wings in the position assumed when being drawn through the water.

2. With regard to specifically defined areas within the waters referred to in paragraph 1, the Minister of Fisheries may, however, on the recommendation of the principal fisheries organizations and after consultation with the Danish fisheries

and marine research authorities, allow fishing to be carried on during the months of May, June and July with Danish seines having a mesh gauge no smaller than 110 mm.

*Article 19*

1. Unless specifically authorized, fishing shall not be carried on at a distance, at normal daily high tide, or less than 300 metres from the point where a natural or artificial outlet or mouth of a river, stream or inlet meets the sea or a fiord if the river, stream or inlet is at least two metres wide at the said outlet or mouth. An unobstructed passage to the protection zone shall be available at all times through an area measuring not less than 200 metres in width and not less than 100 metres in length running in a direct line from the outlet or mouth of the watercourse or inlet. The foregoing provisions shall apply both to the outlet or mouth of a watercourse that discharges into an inlet and to the outlet or mouth of an inlet that discharges into a fiord or the sea. In the months of August, September, October and November the present provisions shall not, however, apply to eel-pots designed to catch silver eels and placed so that their mouths and intercepting arms are directed against the current. In the case of inlets, the Minister of Fisheries may also, after consultation with the principal fisheries organizations and the Danish fisheries and marine research authorities, designate such protection zone as he considers appropriate within the relevant mouth or outlet.

...

CHAPTER VI  
CONTROL PROVISIONS

*Article 30*

1. Supervision to ensure compliance with the provisions of this Act and of the regulations made thereunder and with the provisions of the fisheries regulations shall be exercised by the fishery control authorities of the Ministry of Fisheries and by the police.

2. In the exercise of the supervision referred to in paragraph 1, fishery control officers shall have police powers.

3. In case of disagreement between fishermen themselves or between fishermen and other persons regarding matters coming under this Act, the fishery control authorities, if so requested by the parties, shall act as mediator between them.

*Article 31*

1. The fishery control authorities and the police shall have access to every place where fish, crustacea and shellfish are stored or sold and the right to inspect consignments thereof. The fishery control authorities and the police may also carry out inspections of catches, cargo and gear in any part of a fishing vessel or a vessel used to transport fish.

2. The fishery control authorities and the police may cause fishing vessels and vessels used to transport fish to be stopped and boarded so that official actions, including examination of ship's papers and inspection of fishing gear and catches, may be carried out, and they may require gear to be recovered for the purposes of



official inspection. Fishery control officers may also order such vessels to accompany them to a port for purposes of search or the unloading of an illegal catch.

3. In cases where seizure of a fishing vessel or vessel used to transport fish is contemplated and an order to stop cannot be given orally, the fishery control officers may give the following stop signals as a means of announcing that pursuit of the vessel has begun:

(a) By day:

In addition to the flag used by the fishery control authorities on the flagstaff or the monkey-gaff, there shall be displayed at the mast-head or at some other conspicuous place the international signal flag "K" ("You should stop your vessel instantly"). At the same time, one long, one short and one long blast (— — —) shall be given by means of the ship's whistle, siren or signal-horn.

(b) By night:

The light signal "K" (one long, one short and one long flash (— — —)) shall be given by means of a searchlight or similar device. At the same time, the sound signal used by day shall be given by means of the ship's whistle, siren or signal-horn.

...

#### CHAPTER VIII

##### PENALTIES, PROSECUTION AND OTHER PROCEEDINGS

...

#### *Article 39*

The Act<sup>1</sup> shall not apply to Greenland or the Faroe Islands.

(i) ACT NO. 223 OF 3 JUNE 1967 ON COMMERCIAL TRAPPING, FISHING AND HUNTING IN GREENLAND\*\*

#### *Article 1*

1. Commercial trapping, fishing and hunting in the sea off Greenland within a distance of twelve nautical miles from the coastline or from other baselines established by the Minister for Greenland may be carried on only by:

- (1) Danish nationals;
- (2) Persons who are resident in Denmark and have been continuously resident there for the past two years;
- (3) Institutions and associations the management of which consists exclusively of Danish nationals who are resident in Denmark;
- (4) Jointly-owned shipping companies at least two-thirds of which are owned by Danish nationals and the managing owner of which is a Danish national and is resident in Denmark;
- (5) Joint-stock companies and other companies with limited liability which have elected a board of directors, if at least two-thirds of the board consists of Danish nationals who are resident in Denmark;

<sup>1</sup> By Order No. 51 of 8 March 1967 the twelve-mile fishery limit in the North Sea, the Skagerrak and the Kattegat entered into force as of 1 July 1967.

- (6) Other companies in which at least two-thirds of the partners are Danish nationals who are resident in Denmark.

Where institutions, associations or companies are partners in a jointly-owned shipping company or in a company as referred to in item (6), each partner must meet the same conditions as would have to be met in order to carry on an economic activity independently.

#### *Article 2*

1. Where, in the interests of the Greenland fishing industry it appears necessary to do so, the Minister may make regulations whereby trapping, fishing and hunting in internal Greenland waters and in the sea off Greenland within three nautical miles from the coastline or from other baselines established by the Minister may be carried on only by Danish nationals who are resident in Greenland and by other specially authorized persons

- (1) in specified areas,
- (2) for marine mammals, birds and certain species of fish,
- (3) with certain kinds of fishing gear.

2. Under circumstances similar to those referred to in paragraph 1, it may also be provided that commercial trapping, fishing and hunting in specified areas of internal Greenland waters and in the sea off Greenland within three nautical miles from the coastline or from other baselines established by the Minister may be carried on by persons other than those mentioned in paragraph 1 only if agreement is reached with production plants in Greenland for the purchase of all or part of the catch.

...

#### *Article 6*

The Fishery Inspection Service of the Office of Naval Defence and the Greenland authorities may cause fishing vessels and vessels used to transport fish to be stopped and boarded so that official actions, including examination of ship's papers and inspection of fishing gear and catches, may be carried out, and they may require gear to be recovered for the purposes of official inspection. The fishery inspection officers and Greenland authorities may also order such vessels to accompany them to a port for purposes of search or the unloading of a catch.

#### *Article 7*

1. An offence against the provisions of article 1, paragraphs 1-3, article 3 or article 5, or failure to comply with an order given in pursuance of article 6, shall be punishable by a fine.

2. Regulations made under the Act may also provide that offences against provisions of the regulations shall be punishable by a fine.

3. The provisions of the Criminal Code shall apply in respect of confiscation. However, gear may be confiscated by reason both of a wilful offence and of an offence due to negligence. In addition, the catch or the value thereof may be confiscated even if there is no positive proof that it originated in its entirety from the commission of the offence.

#### *Article 8*

1. If a reasonable presumption exists that a vessel has been used in connexion with an offence dealt with in article 7, the vessel may be seized by the authorities mentioned in article 6.

2. A foreign vessel may be stopped, boarded or seized outside the area referred to in article 1, paragraph 1 unless a reasonable presumption exists that the offence was committed within the area or unless pursuit was begun while the vessel was still within the area and was thereafter continued without interruption.

#### *Article 9*

1. A vessel which is seized in pursuance of this Act may, if in the commission of the offence it was used by persons, companies or the like other than those mentioned in article 1, paragraph 1, items (1) – (6), be detained together with all gear until the amounts due in respect of fines, confiscation and costs have been paid or security for the payment thereof has been given. If payment is not made or security given within two months after the final disposition of the case, satisfaction may be sought against the vessel and gear.

2. If a protest is made against the detention, the provisions of chapter 5, article 9, of the Administration of Justice in Greenland Act shall apply as appropriate, except that the matter shall be brought before the judge of the High Court. Detention may be effected only when necessary for ensuring payment of the said amounts. Detention may not be effected if the person who was in command of the ship was not legally in possession thereof.

## 9. DOMINICAN REPUBLIC

ACT NO. 186 OF 6 SEPTEMBER 1967 ON THE TERRITORIAL SEA, THE CONTIGUOUS ZONE  
AND THE CONTINENTAL SHELF, article 6<sup>1</sup>

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<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, 13.

## 10. ECUADOR

(a) DECREE<sup>1</sup> NO. 464 (c) OF 4 MARCH 1960\*\*

...

*Article 1*

Vessels of foreign registry may engage in commercial fishing for marine species in Ecuadorian continental or insular territorial waters, and for species used in bait fishing, if they first obtain the appropriate fishing permits and licences provided for in the Maritime Fishing and Hunting Act<sup>2</sup> and in regulations for the time being in force.

Fishing for the species known as grouper (*cabrilla* or *bacalao*) and for shrimps, lobsters and whales shall not be subject to the foregoing provision but shall be subject to the relevant laws and regulations.

*Article 2*

It shall be unlawful for any vessel of Ecuadorian or foreign registry to engage in bait fishing in a maritime zone extending 1,000 metres along the coastline beyond each boundary of a coastal town and extending 1,000 metres seaward from the shore. This prohibition shall not apply to local fishermen.

*Article 3*

It shall be unlawful for vessels of foreign registry engaged in commercial fishing to enter the mouths of the estuaries situated in the Gulf of Guayaquil and the Archipelago of Jambelí, or to cross while engaged in fishing an imaginary line running East-West from Boca de Naranjal (latitude 2° 39' 30" South and longitude 79° 46' West) through Punta Mondragón (latitude 2° 40' South and longitude 79° 51' West) and the southern extremity of Isla Verde (latitude 2° 39' 5" South and longitude 79° 56' 5" West) to Boca del Morro (latitude 2° 39' 5" South and longitude 80° 15' West).

*Article 4*

The master of a vessel of foreign registry engaged in commercial fishing for marine and bait species in Ecuadorian continental or insular territorial waters shall furnish a detailed report of the catch in which quantities, species and locations shall be specified. Such reports shall be submitted to the Harbourmasters' Offices for transmission to the Fisheries Department of the Ministry of Development.

<sup>1</sup>*Registro Oficial*, No. 1091 of 9 April 1960. By this Decree, the following decrees quoted in ST/LEG/SER.B/6 were repealed: Executive Decree No. 0160 of 29 January 1952, published in *Registro Oficial*, No. 1027 of 31 January 1952; Executive Decree No. 1376 of 16 July 1952, published in *Registro Oficial*, No. 1166 of 16 July 1952 (ST/LEG/SER.B/6, pp. 488-489); Executive Decree No. 955 (a) of 29 April 1955, published in *Registro Oficial*, No. 812 of 9 May 1955 (ST/LEG/SER.B/6, pp. 489-490), and Executive Decree No. 1085 of 14 May 1955, published in *Registro Oficial*, No. 818 of May 1955 (ST/LEG/SER.B/6, p. 490).

<sup>2</sup> *Infra* (c).

(b) DECREE<sup>1</sup> No. 991 OF 23 MAY 1961\*\*

*Article 1*

Vessels of foreign registry shall be prohibited from engaging in bait fishing in the sea areas between Punta Santa Elena in the province of Guayas and Cabo Pasado in the province of Manabí.

(c) MARITIME FISHING AND HUNTING ACT<sup>2</sup> OF 30 AUGUST 1961\*\*

*Article 1.* The State shall exercise sovereignty over the territorial waters and the marine fauna and flora.

...

*Article 9.* Fishing in territorial waters shall be free to Ecuadorian nationals and to foreigners resident in Ecuador, on condition that it is carried out for the purposes of processing in Ecuador or of internal consumption, or for trade in fish products in the natural state.

If vessels are used for such fishing, they shall be vessels flying the national flag.

Activities connected with such fishing shall be subject to the corresponding laws and regulations.

*Article 10.* Authority may be granted for fishing in territorial waters by vessels flying a foreign flag, subject to the relevant legal provisions and regulations.

...

CHAPTER III

FISHING BY VESSELS FLYING A FOREIGN FLAG

*Article 21.* No fishing vessel flying a foreign flag may enter Ecuadorian territorial waters unless it is in possession of a registration certificate, a fishing permit and other relevant documents.

...

CHAPTER VI

OBLIGATIONS AND PROHIBITIONS

...

*Article 50.* It shall be forbidden to:

- (1) Use explosives in waters inhabited by fish species;
- (2) Pour or allow to run into waters in which there are fish species toxic or harmful substances such as mullein and cyanide;
- (3) Strike the water or contaminate it with substances intended to blind or kill fish species;
- (4) Change the course or bed where the fish normally spawn, obstructing the free passage of the fish and diverting or halting the natural flow of the water; and
- (5) Leave fish waste products on shores or banks or deposit them in the water.

...

<sup>1</sup> *Registro Oficial*, No. 229 of 2 June 1961.

<sup>2</sup> *Registro Oficial*, No. 353 of 31 October 1961 (Supplement).

(d) DECREE<sup>1</sup> NO. 682-F OF 31 MARCH 1964\*\*

*Article 1*

Vessels of foreign registry intending to purchase fish under permits stipulating that the holder shall have a place of business in Ecuador shall pay 50 per cent of the fee for the fishing permits provided for in article 29 (b) of the Maritime Fishing and Hunting Act.

(e) DECREE<sup>2</sup> NO. 1186-D OF 29 MAY 1964\*, Article 1

(f) DECREE<sup>3</sup> NO. 2556 OF 9 NOVEMBER 1964

## 11. FEDERAL REPUBLIC OF GERMANY

ACT<sup>4</sup> BY WHICH THE ACTS RELATING TO FISHING IN THE EAST SEA WERE REPEALED AS FROM 1 DECEMBER 1954\*

## 12. FRANCE

(a) ORDONNANCE<sup>5</sup> N° 58-1297 DU 23 DÉCEMBRE 1958 MODIFIANT CERTAINES PEINES EN VUE D'ÉLEVER LA COMPÉTENCE DES TRIBUNAUX DE POLICE

...

*Art. 27.* L'article 18 du décret du 9 janvier 1852 sur l'exercice de la pêche côtière<sup>6</sup> est remplacé par la disposition suivante:

« *Art. 18.* Lorsque les infractions aux dispositions de la présente loi et des décrets et arrêtés pris en exécution des articles 3 et 4 auront été commises

<sup>1</sup> *Registro Oficial*, No. 230 of 20 April 1964.

<sup>2</sup> *Registro Oficial*, No. 273 of 19 June 1964. By this Decree, the Delegation of Ecuador is integrated into the Standing Committee of the South Pacific and constitutes the Ecuadorian section of that Committee for the Agreement on Organization of the Standing Committee of the Conference on the Use and Conservation of the Marine Resources of the South Pacific, see ST/LEG/SER.B/6, pp. 724-726.

<sup>3</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter 1, 14 (c).

<sup>4</sup> *Bundesgesetzblatt* 1955, I, p. 355. By this Act, the Act of 30 April 1934 for the Protection of the North Sea Plaice Fisheries (ST/LEG/SER.B/6, pp. 501-502) was repealed. The Fishery Act of 11 May 1916 (*ibid.*, pp. 500-501), the Fishery Act of 26 February 1929 for the Division (Landesteil) of Oldenburg (Niedersachsen) (*ibid.*, p. 503) and the Notice of 26 February 1929 of the Ministry of State concerning the Execution of the Fishery Act of 26 February 1929 for the Division (Landesteil) of Oldenburg (*ibid.*, p. 505) are not in force any more.

<sup>5</sup> *Journal officiel*, n° 300 du 24 décembre 1958, p. 11758.

<sup>6</sup> Les articles 1 à 3 et 8 du décret sont reproduits dans ST/LEG/SER.B/6, p. 492.

en mer, elles seront portées devant le tribunal compétent du port auquel appartient le bateau.

« En matière de contraventions de police, la procédure de l'amende de composition ne s'appliquera pas et l'appel sera toujours possible de la part de toutes les parties. »

...

(b) ARRÊTÉ DU 1<sup>er</sup> DÉCEMBRE 1960 PORTANT RÉGLEMENTATION DE LA PÊCHE SOUS-MARINE SUR L'ENSEMBLE DU LITTORAL MÉTROPOLITAIN<sup>1</sup>, MODIFIÉ<sup>2</sup>

*Art. 1<sup>er</sup>.* Par pêche sous-marine au sens du présent arrêté, il faut entendre la capture des animaux marins, par quelque procédé que ce soit, en action de nage ou de plongée.

*Art. 2.* 1. Les personnes désireuses de se livrer à la pêche sous-marine sur le littoral de la France continentale ou de la Corse doivent au préalable en faire chaque année la déclaration à un administrateur de l'inscription maritime, chef de quartier, qui en délivre récépissé.

...

II. Les membres d'une fédération d'associations de pêcheurs sous-marins reconnue par le ministre chargé de la marine marchande sont dispensés de cette formalité.

III. Les marins se livrant habituellement à la pêche et désireux de pratiquer à titre professionnel la pêche sous-marine sont dispensés de produire sur papier timbré la déclaration visée à l'alinéa I ci-dessus.

IV. L'exercice de la pêche sous-marine est interdit aux personnes âgées de moins de seize ans.

...

*Art. 9.* Pour des motifs tirés de la conservation des fonds, de la protection de la pêche professionnelle en bateau ou de la sécurité en mer, les directeurs de l'inscription maritime peuvent, par arrêtés soumis à l'approbation du ministre chargé de la marine marchande, définir certains secteurs où l'exercice de la pêche sous-marine ou de la plongée est interdit ou soumis à certaines restrictions.

Dans les mêmes conditions, des zones de protection peuvent être établies autour des établissements de pêche.

(c) DÉCRET<sup>3</sup> N° 61-459 DU 9 MAI 1961 MODIFIANT L'ARTICLE 17 DE L'ORDONNANCE N° 45-1813 DU 14 AOÛT 1945 PORTANT RÉORGANISATION DES PÊCHES MARITIMES\*

<sup>1</sup> *Journal officiel* n° 286 du 9 décembre 1960, p. 11.058.

<sup>2</sup> Par l'arrêté du 12 novembre 1963 portant modification de la réglementation de la pêche sous-marine sur l'ensemble du littoral métropolitain (*Journal Officiel*, n° 275 du 24 novembre 1963, p. 10509.

<sup>3</sup> *Journal officiel*, n° 111 du 10 mai 1961, p. 4302.

(d) ARRÊTÉ DU 4 JUIN 1963 PORTANT RÉGLEMENTATION DE LA CRÉATION DE RÉSERVES OU DE CANTONNEMENTS POUR LA PÊCHE MARITIME CÔTIÈRE<sup>1</sup>

*Art. 1<sup>er</sup>.* Les réserves ou cantonnements dans les limites desquels seront interdits soit l'exercice de toute espèce de pêche, soit seulement l'utilisation de navires d'un certain tonnage ou d'une certaine force motrice ou l'emploi de certains engins de pêche sont établis en deçà et au-delà de la limite des trois milles de la laisse de basse mer, par arrêté du ministre chargé de la marine marchande pris sur l'avis de l'institut scientifique et technique des pêches maritimes.

*Art. 2.* Sont abrogés à compter de la date de publication du présent arrêté: Les articles 2 et 7 du décret<sup>2</sup> du 10 mai 1862 sur la pêche maritime côtière; L'article 6 du décret du 1<sup>er</sup> septembre 1936 sur la pêche maritime côtière.

(e) LOI<sup>3</sup> N° 64-438 DU 25 MAI 1964 CONCERNANT LA PROCÉDURE APPLICABLE EN CAS D'INFRACTION À LA LOI<sup>4</sup> DU 5<sup>er</sup> MARS 1888 RELATIVE À LA PÊCHE DANS LES EAUX TERRITORIALES\*

(f) LOI N° 66-400 DU 18 JUIN 1966 SUR L'EXERCICE DE LA PÊCHE MARITIME ET L'EXPLOITATION DES PRODUITS DE LA MER DANS LES TERRES AUSTRALES ET ANTARCTIQUES FRANÇAISES<sup>5</sup>

*Art. 1<sup>er</sup>.* L'exercice de la pêche maritime et de la chasse aux animaux marins et l'exploitation des produits de la mer dans les Terres australes et antarctiques françaises sont régis par les dispositions de la présente loi.

Celles-ci s'appliquent sur toute l'étendue du territoire et, en mer, le long des côtes, sur toute la zone de juridiction française en matière d'exercice de la pêche.

*Art. 2.* Nul ne peut exercer la pêche et la chasse aux animaux marins ni se livrer à l'exploitation des produits de la mer, que ce soit à terre ou à bord de navires, sans avoir obtenu au préalable une autorisation

*Art. 3.* Un règlement d'administration publique fixera les conditions dans lesquelles des arrêtés du chef du territoire pourront délivrer ou retirer les autorisations et déterminer les règles et, le cas échéant, les interdictions applicables en ce qui concerne la capture ou la récolte et l'exploitation industrielle et commerciale des espèces marines animales et végétales.

*Art. 4.* Sera puni d'une amende de 2 000 à 10 000 F et d'un emprisonnement de deux mois à six mois ou de l'une de ces deux peines seulement, quiconque exercera la pêche, la chasse aux animaux marins ou procédera à l'exploitation des

<sup>1</sup> *Journal officiel*, n° 137 du 13 juin 1963, p. 5263.

<sup>2</sup> Voir ST/LEG/SER.B/6, p. 496.

<sup>3</sup> *Journal officiel*, n° 121 des 25 et 26 mai 1964, p. 4394.

<sup>4</sup> Voir articles 1<sup>er</sup>, 11 et 12 dans ST/LEG/SER.B/6, p. 497.

<sup>5</sup> *Journal officiel*, n° 142 des 20 et 21 juin 1966, p. 5036.



produits de la mer à terre ou à bord d'un navire, sans avoir obtenu au préalable l'autorisation exigée par l'article 2.

Sera puni des mêmes peines quiconque se livrera à la pêche, dans les zones ou aux époques interdites, en infraction aux dispositions des arrêtés prévus à l'article 3.

*Art. 5.* Sera puni d'une amende de 1 000 à 30 000 F et d'un emprisonnement de dix jours à trois mois ou de l'une de ces deux peines seulement, quiconque, sauf autorisation régulièrement accordée en vue d'un usage autre que la pêche et dont justification devra être produite à toute réquisition, détiendra à bord d'un navire armé pour la pêche ou utilisé en vue d'entreposer ou traiter des produits de la mer, soit de la dynamite ou des substances explosives autres que la poudre pour l'usage des armes à feu, soit des substances ou appâts de nature à enivrer ou à détruire les poissons, crustacés ou toutes autres espèces animales.

*Art. 6.* Sera puni d'une amende de 10 000 à 30 000 F et d'un emprisonnement de six mois à dix-huit mois ou de l'une de ces deux peines seulement, quiconque fera usage, pour la pêche, soit de la dynamite ou de toute autre matière explosive, soit de substances ou d'appâts de nature à enivrer ou à détruire les poissons, crustacés ou toutes autres espèces animales.

*Art. 7.* Sera puni d'une amende de 1 000 à 30 000 F et d'un emprisonnement de dix jours à trois mois ou de l'une de ces deux peines seulement, quiconque aura sciemment recueilli, transporté, mis en vente ou vendu le produit des pêches effectuées en infraction à l'article précédent.

*Art. 8.* Sera puni d'une amende de 1 000 à 5 000 F et d'un emprisonnement de dix jours à trois mois ou de l'une de ces deux peines seulement, quiconque aura contrevenu aux dispositions réglementaires prises en application de l'article 3 qui concerne les modes de pêche, les restrictions apportées à l'exercice de la pêche, de la chasse aux animaux marins et à la capture ou à la récolte des produits de la mer, l'installation et l'exploitation d'établissements de pêche ou d'industries ayant pour objet la transformation, le traitement ou la conservation des produits de la mer.

Les dispositions du présent article ne sont pas applicables aux infractions visées à l'alinéa 2 de l'article 4.

*Art. 9.* Quiconque aura commis à la fois une infraction aux dispositions de l'article 4 et l'une des infractions prévues par les articles 5 à 8 pourra être condamné au double de la peine la plus forte prévue respectivement à chacun desdits articles 5 à 8.

*Art. 10.* Le navire et ses embarcations annexes ainsi que le matériel ayant servi aux délinquants pourront être saisis par l'agent verbalisateur; la confiscation et la mise en vente des engins pourront être prononcées par le tribunal. Le tribunal ordonnera également la destruction des engins non réglementaires.

Les produits des ventes faites en exécution du présent article seront versés, déduction faite de tous frais, au budget du territoire.

*Art. 11.* Les infractions sont recherchées et constatées par les chefs de district des Terres australes et antarctiques françaises, les officiers et officiers mariniers commandant les bâtiments de l'Etat, les personnes chargées d'une mission de contrôle à bord de navires, dûment habilitées à cet effet par l'administrateur supérieur des Terres australes et antarctiques françaises et assermentées.

Les infractions portant sur le transport et la consommation de produits d'origine maritime n'ayant pas la taille réglementaire ou obtenus par l'emploi d'explosifs ou de substances ou appâts de nature à enivrer ou détruire les poissons, crustacés ou toutes autres espèces animales, peuvent également être constatées au port de débarquement par les officiers, fonctionnaires et agents habilités en vertu des dispositions générales de police et des dispositions particulières relatives à la police de la pêche maritime dans la métropole, les départements et les autres territoires d'outre-mer.

(g) DÉCRET N° 67-451 DU 7 JUIN 1967 PORTANT EXTENSION DE LA ZONE DE PÊCHE INTERDITE AUX NAVIRES ÉTRANGERS<sup>1</sup>

*Art. 1<sup>er</sup>.* L'article 1<sup>er</sup> de la loi susvisée du 1<sup>er</sup> mars 1888<sup>2</sup> est abrogé et remplacé par les dispositions réglementaires des articles 2 à 4 ci-après.

*Art. 2.* La pêche est interdite aux navires étrangers dans une zone de 12 milles marins mesurés à partir des lignes de base de la mer territoriale, dont le tracé est déterminé par décret.

Cette zone ne comprendra aucune partie de la mer située au-delà d'une ligne médiane dont tous les points sont équidistants des points les plus proches de la laisse de basse mer des côtes françaises et de celle des côtes des pays étrangers qui font face aux côtes françaises ou qui leur sont limitrophes.

*Art. 3.* Par dérogation aux dispositions de l'article 2 ci-dessus, des décrets fixeront les conditions dans lesquelles des droits de pêche pourront être accordés aux navires étrangers dans la zone définie audit article 2.

Ces décrets feront application des stipulations de la convention sur la pêche susvisée du 9 mars 1964, à l'égard des pays qui l'ont signée ou y ont adhéré.

*Art. 4.* Les navires étrangers visés à l'article précédent seront soumis à la réglementation française des pêches.

*Art. 5.* Des décrets pris sur le rapport du ministre d'Etat chargé des départements et territoires d'outre-mer et du ministre des transports et contresignés par le ministre des affaires étrangères et le ministre des armées fixeront la date d'entrée en vigueur du présent décret dans les départements et les territoires d'outre-mer.

*Art. 6.* Le présent décret entrera en vigueur en même temps que la loi modifiant les articles 2 et suivants de la loi susvisée du 1<sup>er</sup> mars 1888.

<sup>1</sup> *Journal officiel*, n° 133 du 9 juin 1967, p. 5758.

<sup>2</sup> Voir ST/LEG/SER.B/6, p. 497.

## 13. GHANA

TERRITORIAL WATERS AND CONTINENTAL SHELF ACT,<sup>1</sup> 1963 (Act No. 175 of 19 April 1963)

...

*Section 2. Fishing conservation zone*

Where the President is satisfied that it is in the public interest so to do, he may, by legislative instrument, declare any area of the sea touching or adjoining the coast, and within a distance of one hundred nautical miles from the outer limits of the territorial waters of the Republic to be a fishing conservation zone; and may in the same or any other instrument specify the measures which shall be taken for the conservation of the resources of any such area.

...

## 14. GUATEMALA

(a) DECREE NO. 1470 OF 23 JUNE 1961.<sup>2</sup> ACT CONCERNING THE RATIONAL EXPLOITATION OF THE COUNTRY'S FISHING RESOURCES, WHICH PRESCRIBES THE FEES TO BE PAID AND SUPPLEMENTS THE PROVISIONS OF DECREE NO. 1235 GOVERNING PISCICULTURE AND FISHING AND ALSO THE ISSUANCE OF LICENCES FOR FISHING IN TERRITORIAL WATERS\*\*

*Article 1*

The Executive is hereby authorized to issue, through the Ministry of Agriculture, special licences for large-scale maritime fishing in the territorial waters of the Republic to persons or enterprises engaged in fishing for the domestic or export market.

For the purposes of this Decree, "large-scale maritime fishing" means fishing carried out by any enterprise which complies with the following requirements:

(a) The enterprise must operate with one or more vessels equipped with appropriate engines;

(b) The vessels must be suitable for fishing in shallow, deep and very deep waters;

(c) The vessels must be equipped with appropriate mechanical fishing gear, have skilled crews and ample storage with facilities for temporary cold storage, and be no less than 30 tons;

(d) The enterprises must have an operational base on land, with plants for processing the catches and supply facilities for the vessels.

These basic requirements shall be subject to the regulations appended hereto.

...

<sup>1</sup> For sections 1 and 5 of the Act, see *supra* DIVISION I, SUB-DIVISION A, Chapter I, 17.

<sup>2</sup> *Diario Oficial*, No. 32, volume CLXII of 11 July 1961.

*Article 15*

In addition to the penalties prescribed in the Decree governing pisciculture and fishing, the persons and enterprises to which the present Decree refers shall be liable to the following penalties:

- A. Fines
- B. Confiscation of products and fishing gear
- C. Revocation of the licence

...

*Article 21*

The shipping authorities of the Republic shall be responsible for warning captains and crews of fishing vessels that they must respect the territorial waters of other States as defined in their respective laws.

...

(b) GOVERNMENT RESOLUTION OF 16 AUGUST 1962 CONTAINING THE REGULATIONS FOR APPLYING THE ACT<sup>1</sup> CONCERNING THE RATIONAL EXPLOITATION OF THE COUNTRY'S FISHING RESOURCES\*\*

...

*Article 7.* If, on expiry of the six months laid down by the Act as the period during which foreign vessels chartered for fishing may remain within the country, such vessels are not given the Guatemalan flag and the person or enterprise in whose service they were does not replace them with Guatemalan-registered vessels, the authorization granted to such person or enterprise shall be cancelled with respect to the number of foreign vessels not replaced by vessels flying the Guatemalan flag. The number of vessels in respect of which the authorization has been cancelled shall be distributed equitably among other persons or enterprises undertaking to place Guatemalan vessels in operation, and the Ministry of Agriculture shall effect the necessary notifications.

*Article 8.* The Ministry of Agriculture shall not permit vessels of foreign flag to operate with persons or enterprises holding fishing licences if the said vessels of foreign flag have previously operated for the period of six months, unless they are to operate under the Guatemalan flag.

*Article 9.* In the Department of Hunting and Fishing attached to the Directorate of Forests of the Ministry of Agriculture, and in the harbour-masters' offices of the ports on which the operations of persons and enterprises authorized to engage in the fishing industry are based, a record shall be established of the particulars necessary for keeping account of the time during which foreign vessels and any vessels by which they may be replaced are in operation, so that, when the authorized period of six months has expired, and in accordance with the restriction

<sup>1</sup> *Supra* under (a).

imposed by article 6, fishing operations by units whose time has run out may be prohibited.

*Article 10.* Any foreign craft or vessel which is found engaging in fishing in territorial waters without the necessary permit shall be liable to the penalties established by the Act.

*Article 11.* The Department of Hunting and Fishing shall maintain a register of authorized fishing vessels, whether operating under the Guatemalan flag or foreign. Note shall be kept in this register of the date on which each vessel enters the national territory, and of its principal characteristics, so that it can be identified.

...

*Article 20.* The amounts which, according to Decree No. 1470, are payable in respect of every foreign-registered vessel shall in all cases be paid in advance; and without the appropriate certificate of payment the captain of the port on which the operations of the person or enterprise concerned are based shall not authorize the fishing vessel to weigh anchor.

## 15. GUINEA

### DÉCRET N° 224/PRG DU 3 JUIN 1964 PORTANT LIMITATION DES EAUX TERRITORIALES DE LA RÉPUBLIQUE DE GUINÉE<sup>1</sup>

*Article 2.* La pêche à l'intérieur des eaux territoriales guinéennes<sup>1</sup> est interdite aux navires étrangers.

*Article 3.* La violation des dispositions de l'Article 2 de la présente Ordonnance est passible d'une amende de 500 000 à 1 000 000 de francs. L'amende est doublée en cas de récidive.

Il y a récidive, lorsque dans un délai de 2 années, il a été rendu un jugement contre le contrevenant pour violation des dispositions précitées.

*Article 6.* Indépendamment de l'amende prévue à l'article 3, le Tribunal compétent ordonne la confiscation des engins de pêche dont l'emploi a permis l'infraction. Il ordonne également la confiscation du prix du produit de la pêche saisie sur le bateau. Ce prix et le montant des amendes sont intégralement versés au Trésor.

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 19.

## 16. IRELAND

(a) MARITIME JURISDICTION ACTS,<sup>1</sup> 1959 AND 1964<sup>2</sup>

...

6. *The exclusive fishery limits of the State*

(1) For the purposes of Part XIII of the Fisheries (Consolidation) Act, 1959, the exclusive fishery limits of the State shall comprise all sea areas which lie within line every point of which is at a distance of twelve nautical miles from the nearest point of the baseline.

...

7. *Conservation of the living resources of the sea*

(1) Where the Government, having regard to any international agreement to which the State is a party, are satisfied that it is necessary so to do in order to maintain the productivity of the living resources of the sea, they may by order prescribe and adopt such measures of conservation as they think proper, appropriate to any stock of fish or other marine resources in any area (in this Act called "a fishery conservation area") of the high seas adjacent to the exclusive fishery limits, and may by order revoke or amend any such order.

(2) Every person who contravenes or attempts to contravene any provision of an order under this section shall be guilty of an offence and shall on summary conviction be liable to the penalties provided by section 223 of the Fisheries (Consolidation) Act, 1959, for an offence under that section, and the provisions of that section and of Chapter IV of Part XIII of that Act shall apply to any such offence as if, for references therein to an offence under that Part, there were substituted references to an offence under this section.

8. *Fishery permits*

(1) Whenever the Minister for Lands so thinks proper, for experimental purposes in connection with sea-fishing, the Minister may issue a permit authorising fishing by means of a specified foreign sea-fishing boat (as defined by section 219 of the Fisheries (Consolidation) Act, 1959) within the exclusive fishery limits of the State or any defined area or areas thereof.

(2) A permit shall be subject to such conditions as the Minister, at his discretion, shall specify, including, without prejudice to the generality of the foregoing, conditions as to the kind of fish to be taken, the disposal of the catch, the method of fishing to be employed, the times of fishing, and the information to be furnished in respect to the movements and operations of the boat.

...

<sup>1</sup> See also section 13, *supra* DIVISION I, SUB-DIVISION A, Chapter I, 23 (a).

<sup>2</sup> The Maritime Jurisdiction (Amendment) Act, 1964, *see infra* (b).

(b) MARITIME JURISDICTION (AMENDMENT) ACT,<sup>1</sup> 1964

...

3. *States the fishing vessels of which may fish within exclusive fishery limits*

(1) The Government may, with respect to that portion of the exclusive fishery limits of the State which lies outside the line every point of which is at a distance of six nautical miles from the nearest point of the baseline, by order specify the states the fishing vessels of which may fish therein.

(2) The Government may, with respect to that portion of the exclusive fishery limits of the State which lies between—

(a) the line every point of which is at a distance of three nautical miles from the nearest point of the baseline, and

(b) the line every point of which is at a distance of six nautical miles from the nearest point of the baseline,

by order specify the states the fishing vessels of which may, until—

(i) the end of the year 1965 in areas off parts of the coast where the baseline is low-water mark, and

(ii) the end of the year 1966 in other areas,  
fish therein.

(3) An order under this section may apply differently to different states and vessels and may confine fishing by any vessels to particular stocks of fish or particular fishing grounds.

...

(c) MARITIME JURISDICTION (AMENDMENT) ACT, 1964 (SPECIFIED STATES) ORDERS, 1965<sup>2</sup> AND 1967<sup>3</sup>

...

## 2. In this Order—

“demersal species” means any species of sea fish which lives most of its adult life at or near the sea bottom and includes in particular brill, cod, conger eel, haddock, hake, halibut, ling, plaice, ray, skate, sole, turbot and whiting;

“the section” means section 3 of the Maritime Jurisdiction (Amendment) Act, 1964 (No. 32 of 1964).

3. (1) As respects that portion of the exclusive fishery limits of the State mentioned in subsection (1) of the section, the states the fishing vessels of which, subject to paragraph (1) of Article 4 of this Order, may fish therein shall be the states specified in Part I of the Schedule to this Order.

<sup>1</sup>No. 32 of 1964. Came into operation on 1 October 1965, in accordance with the Maritime Jurisdiction (Amendment) Act, 1964 (Commencement) Order, 1965 (*Statutory Instruments*, No. 197 of 1965).

<sup>2</sup>*Statutory Instruments*, No. 198 of 1965.

<sup>3</sup>*Ibid.*, No. 14 of 1967.

(2) As respects that portion of the exclusive fishery limits of the State mentioned in subsection (2) of the section, the states the fishing vessels of which, for the periods mentioned in the said subsection (2) and subject to paragraph (2) of Article 4 of this Order, may fish therein shall be the states specified in the said Part I.

4. (1) Fishing in that portion of the exclusive fishery limits of the State mentioned in subsection (1) of the section by a vessel which is a vessel specified in the first column of Part II of the Schedule to this Order is hereby confined to —

(a) the stocks of fish specified in the second column of the said Part II, and

(b) the fishing grounds in that part of the exclusive fishery limits of the State mentioned in subsection (1) of the section which lie within a portion of the exclusive fishery limits of the State specified in the third column of the said Part II, opposite the mention of the vessel.

(2) Fishing in that portion of the exclusive fishery limits of the State mentioned in subsection (2) of the section by a vessel which is a vessel specified in the first column of the said Part II is hereby confined to —

(a) the stocks of fish specified in the second column of the said Part II, and

(b) the fishing grounds in that part of the fishery limits of the State mentioned in subsection (2) of the section which lie within a portion of the exclusive fishery limits of the State specified in the third column of the said Part II, opposite the mention of the vessel.

#### SCHEDULE

##### PART I

Belgium  
Federal Republic of Germany  
France  
Netherlands  
Spain  
United Kingdom

##### PART II

...

#### 17. ITALY

ACT NO. 613 OF 21 JULY 1967. SURVEYING AND PRODUCTION OF OIL AND GAS IN THE TERRITORIAL SEA AND CONTINENTAL SHELF, AND AMENDMENTS TO ACT NO. 6 OF 11 JANUARY 1967 ON THE SURVEYING AND PRODUCTION OF OIL AND GAS, article 2<sup>1</sup>

#### 18. IVORY COAST

DÉCRET N° 67-334 DU 1<sup>er</sup> AOÛT 1967 PORTANT LIMITATION DE LA MER TERRITORIALE EN CÔTE D'IVOIRE, articles 2 et 4<sup>2</sup>

<sup>1</sup> *Supra* DIVISION II, 24.

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 24.



## 19. KUWAIT

DECREE OF 17 DECEMBER 1967 REGARDING THE DELIMITATION OF THE BREADTH OF THE TERRITORIAL SEA OF THE STATE OF KUWAIT, article 6<sup>1</sup>

## 20. MADAGASCAR

- (a) LOI<sup>2</sup> DU 1<sup>er</sup> MARS 1888 AYANT POUR OBJET D'INTERDIRE AUX ÉTRANGERS LA PÊCHE DANS LES EAUX TERRITORIALES DE FRANCE ET D'ALGÉRIE, MODIFIÉE PAR LA LOI DU 20 MARS 1928 ET PAR LA LOI DU 16 AVRIL 1933\*
- (b) DÉCRET<sup>3</sup> DU 12 AVRIL 1914 PORTANT RÉGLEMENTATION DE LA PÊCHE ET DE L'EXPLOITATION INDUSTRIELLE DE LA BALEINE DANS LES COLONIES FRANÇAISES, MODIFIÉ PAR LE DÉCRET DU 6 FÉVRIER 1925<sup>4</sup>\*
- (c) ARRÊTÉ<sup>5</sup> DU 14 JANVIER 1921 RÉGLEMENTANT LA PÊCHE, LA VENTE ET LE COLPORTAGE DES LANGOUSTES DANS LA COLONIE DE MADAGASCAR ET DÉPENDANCES\*
- (d) DÉCRET<sup>6</sup> DU 5 AVRIL 1922 RELATIF À LA PÊCHE FLUVIALE ET À LA PÊCHE MARITIME CÔTIÈRE

## TITRE PREMIER. — DÉFINITION DE LA PÊCHE MARITIME: LIMITES

*Art. 1<sup>er</sup>.* La pêche maritime dans les eaux territoriales de Madagascar et dépendances, est libre d'une part à la mer et sur les côtes, d'autre part dans les fleuves, rivières, lagunes, canaux ou cours d'eau communiquant directement ou indirectement avec la mer.

Toutefois, des concessions réservées peuvent être accordées et réglementées par arrêté du gouverneur général pris en conseil d'administration. Les dispositions du présent décret ne sont applicables dans les fleuves, canaux, rivières, lagunes, etc, que jusqu'à la limite des eaux non salées sujettes à l'influence de la marée. Cette limite entre le domaine de la pêche maritime et le domaine de la pêche fluviale sera déterminée par arrêté du gouverneur général.

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 27.

<sup>2</sup> *Journal officiel* du 8 avril 1950. Pour le texte, voir ST/LEG/SER.B/6, p. 497. La loi a été promulguée à Madagascar par l'arrêté du 30 mars 1960.

<sup>3</sup> *Journal officiel* du 20 juin 1914, p. 768. Le décret a été promulgué à Madagascar par l'arrêté du 13 juin 1914. Les errata à ce décret ont été publiés dans le *Journal officiel*, n° 108 du 21 avril 1914, p. 3694.

<sup>4</sup> Promulgué à Madagascar par l'arrêté du 25 mars 1925 (*Journal officiel* du 28 mars 1925, p. 294).

<sup>5</sup> *Journal officiel* du 22 janvier 1921, p. 104.

<sup>6</sup> *Journal officiel* du 29 juillet 1922, p. 455. Promulgué à Madagascar le 13 janvier 1923.

## TITRE II. — LIEUX INTERDITS — DIFFÉRENTES PÊCHES — PÊCHES LIBRES EN TOUS TEMPS

*Art. 2.* Toute espèce de pêche, par quelque procédé, en quelque lieu et à quelque époque que ce soit à l'exception de la pêche à la ligne peut être interdite par arrêté du gouverneur général, en conseil d'administration, lorsque cette interdiction est reconnue nécessaire, d'une part, pour sauvegarder soit la reproduction des espèces, soit la conservation de frai et du fretin, d'autre part, pour assurer la protection des ouvrages hydrauliques et les mouvements des navires.

...

## TITRE IV. — DISPOSITIONS SPÉCIALES PROPRES À PRÉVENIR LA DESTRUCTION DU FRAI ET ASSURER LA CONSERVATION DU POISSON, DES COQUILLAGES, AUTRES QUE LES COQUILLAGES À NACRE, ET DES HOLOTHURIES

DIMENSIONS EN DESSOUS DESQUELLES LES DIVERSES ESPÈCES DE POISSONS ET DE COQUILLAGES AUTRES QUE LES COQUILLAGES À NACRE NE POURRONT ÊTRE PÊCHÉES, MISES EN VENTE, ET COLPORTÉES.

*Art. 15.* — Il est défendu de récolter les herbes marines qui croissent dans les ports, le long des quais, ponts, ouvrages en maçonnerie construits en mer ou sur le rivage.

De même, la récolte des herbes et algues marines, des plages découvrant à marée basse est interdite. La même défense s'applique aux coquillages et autres produits marins qui s'attachent aux constructions dont il s'agit. Cependant le gouverneur général pourra par arrêté fixer les époques et les lieux où cette récolte sera permise.

*Art. 16.* Les œufs de tous les poissons ainsi que ceux de tous les crustacés sont compris sous la dénomination de frai. Il est interdit de les pêcher ou de les recueillir de quelque manière que ce soit.

...

*Art. 18.* Il est en outre interdit :

1<sup>o</sup> d'employer pour la pêche des matières explosives.

2<sup>o</sup> de jeter dans les eaux soumises à la réglementation du présent décret, toutes substances, solides ou liquides, tous produits d'usines ou autres, toutes plantes ou latex de plantes, capables d'enivrer ou d'empoisonner le poisson et tous les produits marins d'origine animale.

...

(e) DÉCRET<sup>1</sup> DU 9 DÉCEMBRE 1926 RENDANT APPLICABLE À MADAGASCAR LA LOI DU 1<sup>er</sup> MARS 1888 AYANT POUR OBJET D'INTERDIRE AUX ÉTRANGERS LA PÊCHE DANS LES EAUX TERRITORIALES DE FRANCE ET D'ALGÉRIE\*

(f) DÉCRET<sup>2</sup> DU 14 AVRIL 1929 RÉGLEMENTANT LA PÊCHE DES HŪÎTRES PERLIÈRES, DES COQUILLAGES À NACRE OU D'ORNEMENT ET DES ÉPONGES

*Art. 1<sup>er</sup>* — La pêche des huîtres perlières, des coquillages à nacre ou d'ornement et des éponges, dans les eaux territoriales de Madagascar et Dépendances peut faire l'objet de concessions accordées par arrêté du Gouverneur Général en conseil d'administration.

<sup>1</sup> *Journal officiel* du 15 décembre 1926. Pour le texte, voir ST/LEG/SER.B/6, p. 497.

<sup>2</sup> *Journal officiel* n° 2271 du 26 octobre 1929, p. 1094.

- (g) ARRÊTÉ<sup>1</sup> DU 23 AOÛT 1929 PORTANT FIXATION DES MODALITÉS D'APPLICATION DU DÉCRET DU 14 AVRIL 1929, RÉGLEMENTANT, DANS LA COLONIE DE MADAGASCAR, LA PÊCHE DES HUÎTRES PERLIÈRES, DES COQUILLAGES À NACRE ET DES ÉPONGES\*
- (h) ARRÊTÉ<sup>2</sup> DU 27 JANVIER 1931 DIVISANT EN SECTEURS LES EAUX TERRITORIALES, EN CE QUI CONCERNE LES HUÎTRES PERLIÈRES, COQUILLAGES À NACRE, ÉPONGES\*
- (i) ARRÊTÉ<sup>3</sup> DU 3 MARS 1939 FIXANT POUR L'ENSEMBLE DES TERRITOIRES RATTACHÉS AU GOUVERNEMENT GÉNÉRAL DE MADAGASCAR LES MODALITÉS D'APPLICATION DU DÉCRET DU 12 AVRIL 1914, MODIFIÉ PAR LE DÉCRET DU 6 FÉVRIER 1925 PORTANT RÉGLEMENTATION DE LA PÊCHE ET DE L'EXPLOITATION INDUSTRIELLE DE LA BALEINE<sup>3\*</sup>
- (j) ARRÊTÉ<sup>4</sup> N° 1794 DU 22 OCTOBRE 1960 FIXANT LES CONDITIONS DANS LESQUELLES SONT ACCORDÉES LES AUTORISATIONS D'ÉTABLISSEMENTS DE PÊCHERIES ET PARCS À HUÎTRES, À MOULES ET AUTRES COQUILLAGES\*
- (k) ARRÊTÉ<sup>5</sup> N° 2013 DU 25 NOVEMBRE 1960 FIXANT LES LIMITES DES DIFFÉRENTES ZONES DE NAVIGATION, MODIFIÉ PAR ARRÊTÉ N° 2034 DU 29 JUILLET 1964

...

## TITRE II. — NAVIGATION DE PÊCHE

*Art. 6.* — La navigation à la pêche comprend 3 zones :

- a) La zone côtière ;
- b) La pêche au large ;
- c) La grande pêche.

*Art. 7.* — La navigation à la pêche côtière est celle qui s'exerce le long des côtes de Madagascar, dans une zone ne s'étendant pas plus de 30 milles de ces côtes.

*Art. 8.* — La navigation à la pêche au large est celle qui s'exerce au-delà de 30 milles des côtes et en deçà des limites du cabotage fixées à l'article 4 du présent arrêté.

*Art. 9.* — Est réputée navigation à la grande pêche, celle qui s'exerce au-delà des limites de la pêche au large.

- (l) DÉCRET<sup>6</sup> N° 62-213 DU 18 MAI 1962 RÉGLEMENTANT LE CONTRÔLE DE LA SALUBRITÉ ET DES CONDITIONS DE CONSERVATION DES PRODUITS DE LA MER D'ORIGINE ANIMALE DESTINÉS À LA COMMERCIALISATION\*, MODIFIÉ PAR LE DÉCRET<sup>7</sup> N° 62-665 DU 27 DÉCEMBRE 1962\*

<sup>1</sup> *Ibid.*

<sup>2</sup> *Journal officiel*, n° 2340-1931, p. 214.

<sup>3</sup> *Journal officiel* du 18 mars 1939, p. 366.

<sup>4</sup> *Journal officiel* du 29 octobre 1960, p. 2321.

<sup>5</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter II, 10 (b).

<sup>6</sup> *Journal officiel* n° 224 du 26 mai 1962, p. 934.

<sup>7</sup> *Journal officiel* du 5 janvier 1963.

(m) ARRÊTÉ N° 647 DU 4 MARS 1963. CONDITIONS DE PASSAGE ET MOUILLAGE DES NAVIRES DE PÊCHE ÉTRANGERS DANS LES EAUX TERRITORIALES, articles 1-4<sup>1</sup>

(n) LOI N° 66-007 DU 5 JUILLET 1966 PORTANT CODE MARITIME<sup>2</sup>

...

LIVRE V. — LA PÊCHE MARITIME

*Chapitre premier. — Réglementation de la pêche*

*Art. 5. 1. 02.* — Des arrêtés de l'autorité administrative maritime préparés en liaison avec la division des pêches maritimes du service de l'élevage relevant du ministère du développement rural déterminent :

- 1° L'étendue de la côte devant laquelle chaque espèce de pêche est permise;
- 2° La distance de la côte ainsi que des embouchures de rivières, étangs ou canaux à laquelle les pêcheurs devront se tenir;
- 3° Les époques d'ouverture et de clôture de diverses pêches; l'indication de celles qui seront libres toute l'année; les heures pendant lesquelles les pêches pourront être pratiquées;
- 4° Les filets, engins, instruments de pêche prohibés et modes de pêche prohibés;
- 5° Les dispositions propres à prévenir la destruction du frai et assurer la conservation des poissons, crustacés, coquillages et autres animaux marins;
- 6° Les interdictions relatives à la pêche, à la mise en vente, à l'achat, au transport, colportage ou à l'emploi du frai, des poissons, des crustacés, et des coquillages qui n'atteignent pas les dimensions prescrites;
- 7° Les conditions d'établissement des pêcheries, des parcs à huîtres, à moules et autres coquillages, les conditions de leur exploitation;
- 8° Les appâts défendus;
- 9° Les mesures d'ordre et de police tant en mer que sur le littoral propres à assurer la conservation de la pêche qu'à en régler l'exercice.

*Art. 5. 1. 03.* — Il est interdit de faire usage pour la pêche, soit de dynamite ou de tout autre explosif, soit de substances ou d'appâts pouvant enivrer ou détruire les poissons, crustacés et coquillages.

*Chapitre II. — Zone de pêche réservée dans les eaux territoriales*

*Art. 5.2.01.* — Dans les eaux territoriales, la pêche est réservée aux navires malgaches et, sous réserve de réciprocité, aux navires des autres Etats ayant conclu avec la République Malgache des accords particuliers.

Pour les golfes, baies et rades, des arrêtés de l'autorité administrative maritime déterminent la ligne à partir de laquelle cette limite est comptée.

*Art. 5.2.02.* — Les dispositions ci-dessus ne portent pas atteinte à la libre circulation reconnue aux bateaux de pêche étrangers naviguant ou mouillant dans la zone de pêche réservée des eaux territoriales malgaches.

Un arrêté de l'autorité administrative maritime déterminera les règles spéciales de police auxquelles, dans ces cas, les bateaux de pêche devront se conformer.

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter II, 10 (c).

<sup>2</sup> *Journal officiel* n° 487 du 16 juillet 1966, p. 1482.

## 21. MAURITANIA

(a) Loi<sup>1</sup> n° 62.038 DU 20 JANVIER 1962 PORTANT CODE DE LA MARINE MARCHANDE ET PÊCHES MARITIMES, MODIFIÉE<sup>2</sup>

## LIVRE VIII. — LA PÊCHE MARITIME

*Chapitre II. — Réglementation des pêches maritimes*

*Article premier.* — L'exercice de la pêche est libre. Cette liberté ne peut cependant s'exercer que dans le cadre des règlements maritimes en vigueur.

*Article 4.* — Dans les eaux territoriales, la pêche est réservée aux navires mauritaniens et aux navires des Etats auxquels ce droit aura été reconnu par accord particulier. Les dérogations éventuelles à cette règle ne pourront être accordées que par décret.

*Article 5.* — La République islamique de Mauritanie se réserve le droit de réglementer la pêche dans la zone contiguë aux eaux territoriales. Ces règlements sont pris par l'autorité maritime.

## LIVRE X. — LE RÉGIME DISCIPLINAIRE ET PÉNAL

*Chapitre IV. — Des délits en matière de pêche maritime*Article 4 — nouveau<sup>3</sup>

Tout capitaine d'un navire étranger surpris en action de pêche dans la zone réservée des eaux territoriales est passible d'une amende :

- de 100 000 à 200 000 de francs pour les navires d'un tonnage inférieur à 150 tonneaux.
- de 1 000 000 à 6 000 000 Fr pour les navires d'un tonnage compris entre 150 et 500 tonneaux.
- de 5 000 000 à 20 000 000 Fr pour les navires d'un tonnage supérieur à 500 tonneaux.

En outre, dans tous les cas, l'autorité maritime peut procéder à la saisie et à la mise en vente immédiate, au profit de l'Etat, des filets, des produits de la pêche, et à la saisie du navire et des autres engins utilisés, dont le tribunal peut ordonner la confiscation de la mise en vente au profit de l'Etat.

Les mêmes sanctions sont applicables en matière de pêche dans la zone contiguë.

En cas de récidive dans les deux ans, le maximum de l'amende sera infligé, et il sera procédé obligatoirement à la saisie et à la mise en vente immédiate, au profit de l'Etat, des produits de la pêche, et à la saisie du navire et des engins utilisés, dont le tribunal ordonnera la confiscation et la mise en vente au profit de l'Etat.

<sup>1</sup> Voir aussi *supra* DIVISION I, SUB-DIVISION A, Chapter I, 29 and Chapter II, 12.

<sup>2</sup> Par la Loi 63.148 du 19 juillet 1963, la Loi 66.110 du 27 juin 1966 (*Journal officiel* du 3 août 1966, p. 212) et par la Loi 67.023 du 21 janvier 1967.

<sup>3</sup> Inséré par la Loi 66.110 du 27 juin 1966 (*Journal officiel* du 3 août 1966, p. 212).

L'armateur est solidairement responsable du paiement et des amendes prononcées.

(b) ARRÊTÉ<sup>1</sup> N° 10.499 MD/DP DU 29 AOÛT 1966 RÉGLEMENTANT LA PÊCHE DANS LA ZONE CONTIGÜE AUX EAUX TERRITORIALES

*Article 1.* — Tout armateur, de quelque nationalité que soient ses navires, qui a l'intention de pêcher dans la zone contiguë aux eaux territoriales, doit en demander l'autorisation au Ministre chargé de la pêche.

*Article 2.* — Cette autorisation ne pourra être accordée qu'à la condition expresse que la totalité du poisson pêché passe par les industries à terre de Mauritanie.

*Article 3.* — En cas d'accord bilatéral passé entre un Gouvernement Etranger et la République Islamique de Mauritanie, les navires battant pavillon de ce gouvernement étranger ne seront pas soumis aux articles 1 et 2 du présent arrêté.

(c) ARRÊTÉ N° 52/PR/HCIM DU 3 FÉVRIER 1967 RÉGLEMENTANT LA PÊCHE DANS LES EAUX TERRITORIALES ET INTÉRIEURES

*Article 1<sup>er</sup>.* — La pêche au moyen de l'engin trainant dénommé "chalut" est interdite dans la Baie du Lévrier, délimitée en sa partie Sud par une ligne allant du cap Blanc au cap Sainte-Anne. Aucune dérogation ne pourra être accordée.

*Article 2.* — En deçà de la ligne de base cap Blanc – cap Timiris et dans la zone des eaux territoriales toute pêche autre que la chalutage est réservée aux navires visés à l'article 4 du chapitre II du Livre VIII du Code de la marine marchande et des pêches maritimes.

*Article 3.* — Dans les mêmes zones, définies dans l'article 2, l'emploi de l'engin trainant dénommé "chalut" est interdit à tous navires sauf dérogations qui pourront être accordées pour chaque cas par l'autorité maritime pour les navires visés à l'article 4 du chapitre II du Livre VIII du Code de la marine marchande et des pêches maritimes.

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<sup>1</sup> L'arrêté a pris effet à compter du 1<sup>er</sup> octobre 1966. L'arrêté n° 10.208 d'avril 1966 est abrogé.

## 22. MEXICO

ACT<sup>1</sup> OF 13 DECEMBER 1966 ON THE EXCLUSIVE FISHING ZONE OF THE NATION*Article 1*

The United Mexican States establish their exclusive jurisdiction for fishing purposes in a zone twelve nautical miles (22,224 metres) wide, measured from the base line from which the breadth of the territorial sea is measured.

*Article 2*

The legal régime on the exploitation of the living resources of the sea, within the territorial sea, shall be extended to the whole of the exclusive fishing zone of the nation mentioned in the preceding article.

*Article 3*

No provisions of this Act shall in any way modify the legal provisions<sup>2</sup> establishing the breadth of the territorial sea.

## TRANSITIONAL ARTICLES: THREE

The Federal Executive shall establish the conditions and terms under which nationals of countries which have traditionally exploited the living resources of the sea in the zone three nautical miles outside the territorial sea may be authorized to continue their activities during a period which shall not exceed five years from 1 January 1968. In 1967, nationals of such countries may continue those activities without being subject to any special conditions.

## 23. NEW ZEALAND

(a) FISHERIES ACT 1908 (No. 65 of 1908; 4 August 1908) AS AMENDED<sup>3</sup>*Section 2 (1) – Interpretation*

In this Act, unless the context otherwise requires,—

...

“New Zealand fisheries waters”<sup>4</sup> means all waters in the fishing zone of New Zealand (as defined by section 8<sup>5</sup> of the Territorial Sea and Fishing Zone Act 1965),

<sup>1</sup> *Diario Oficial* of 20 January 1967.

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, 30 (c).

<sup>3</sup> Most recently by the Fisheries Amendment Act 1967 (No. 49 of 1967; 15 November 1967). Except for the provisions quoted above, the text of the Fisheries Act 1908, as reproduced in ST/LEG/SER.B/6, pp. 540-543, remains in force.

<sup>4</sup> The Territorial Sea and Fishing Zone Act 1965 (No. 11 of 1965; 10 September 1965), by its Schedule introduced the term “New Zealand fisheries waters”, see *supra* DIVISION I, SUB-DIVISION A, Chapter I, 31 (a), and repealed the terms “waters” or “New Zealand waters”.

<sup>5</sup> See *infra* (b).

all waters of the territorial sea of New Zealand (as defined by section 3 of that Act), all internal waters of New Zealand (as defined by section 4 of that Act), and the waters of any lake, river, or stream where fish indigenous to New Zealand are found:

...

*Section 5 – Regulations (1)*

The Governor-General may from time to time, by Order in Council gazetted, make regulations, which shall have force and effect either throughout New Zealand and New Zealand fisheries water or only in such waters or places as are specified in the regulations, for any of the purposes following, that is to say:

(a) Generally regulating sea-fishing in New Zealand:

...

*Section 12A.<sup>1</sup> Taking of fish by vessels that are not New Zealand ships*

(1) No vessel that is not a New Zealand ship within the meaning of the Shipping and Seamen Act 1952 shall be used in fishing in New Zealand fisheries waters, except for fisheries research or experimental or sports fishing purposes and then, in each such case, only with the consent of the Minister and subject to compliance with any conditions imposed by him in giving that consent.

...

*Section 56.<sup>2</sup> Officer may enter and search for fish or oysters illegally taken*

(1) Any fishery officer or any constable may at any time between sunrise and sunset, with or without warrant, enter any fish shop and premises attached thereto, or any fish shed or fish factory, or any premises, not being a dwelling-house, where fish or oysters are stored, treated, dressed, canned, or frozen, or any smokehouse, ship, boat, cart, carriage, or conveyance of any kind, or in or upon any public place as defined by the Police Offences Act 1927, and there search for, seize, and take away fish or oysters supposed to be illegally taken, and open and examine boxes, bags, baskets, and other receptacles in the course of such search.

(2) Every person who in any way prevents or hinders any entry or search, seizing or taking away, under this or the last preceding section is liable to a fine not exceeding twenty pounds.

*Section 57.<sup>3</sup> Ships and boats engaged in illegally taking seals to be forfeited*

Any ship or boat the crew or any part of the crew of which are engaged in illegally taking seals, and any ship or boat on board of which any seal so illegally taken, or the skin, oil, blubber, or other product of a seal so illegally taken, is found, shall, together with the boats, furniture, and appurtenances of such ship

<sup>1</sup> As amended by section 11 of the Fisheries Amendment Act, 1967 (No. 49 of 1967; 15 November 1967).

<sup>2</sup> As amended by sections 16 of the Statutes Amendment Act, 1947 (No. 60 of 1947; 27 November 1947).

<sup>3</sup> As amended by section 6 (2) (a) and (b) of the Fisheries Amendment Act, 1948 (No. 11 of 1948; 26 August 1948).



or boat, on the conviction of the offender be deemed to be forfeited to His Majesty, and shall be disposed of as the Minister thinks fit.

...

*Section 58.<sup>1</sup> Seizure and search of ships and boats*

(1) The officer in command of any vessel of the New Zealand Naval Forces or any Inspector of Sea Fishing or any constable or the master of any New Zealand Government ship within the meaning of the Shipping and Seamen Act 1952 may, without limiting the powers conferred by sections 52 and 56 of this Act,—

(a) Enter upon, seize, and take possession of any ship or boat within New Zealand or New Zealand fisheries waters on or from which he has reasonable cause to believe that an offence against this Part of this Act, or against any regulations made under this Part, is being or has been committed; and

(b) At any time enter upon any ship or boat within New Zealand or New Zealand fisheries waters, and there search for, seize, and take possession of any fish, oysters, or seals, in respect of which he has reasonable cause to believe that an offence against this Part, or against any regulations made under this Part, has been committed.

...

(2) Every person who in any way prevents or hinders any such entry, search, seizing, or taking possession is liable to imprisonment ... for any term of not less than three nor more than six months in the case of a first offence, and for any term of not less than six nor more than twelve months in the case of a second or any subsequent offence.

...

*Section 58A.<sup>2</sup> Apprehension of persons on vessels other than New Zealand ships*

(1) Where the officer in command of any vessel of the New Zealand Naval Forces or any Inspector of Sea Fishing or any constable or the master of any New Zealand Government ship within the meaning of the Shipping and Seamen Act 1952—

(a) Finds any person (being the owner, the charterer, or the master, or a crew member of a vessel other than a New Zealand ship within the meaning of the Shipping and Seamen Act 1952) committing an offence against this Part of this Act or against any regulations made under this Part; or

(b) Has reasonable cause to believe that any such person has committed an offence as aforesaid,—

the officer, Inspector, constable, or master, as the case may be, may, without first requiring the person to disclose his true name and address, apprehend him and cause him to be taken as soon as practicable before a Magistrate to be dealt with according to law.

<sup>1</sup> As amended by section 5 of the Fisheries Amendment Act, 1967 (No. 49 of 1967; 15 November 1967).

<sup>2</sup> As amended by section 6 of the Fisheries Amendment Act, 1967 (No. 49 of 1967; 15 November 1967).

(b) WHALING INDUSTRY ACT 1935 (No. 12 of 1935)<sup>1</sup>

...

*Section 2.*<sup>2</sup> In this Act, unless the context otherwise requires.

...

“Coastal waters” means—

(a) In relation to New Zealand, New Zealand fisheries waters as defined in the Fisheries Act 1908:

(b) In relation to any other country or territory, so much of the waters adjoining that country or territory as is within the distance to which the provisions of the laws of that country or territory corresponding to the provisions of this Act extend:

...

(c) FISHERIES (GENERAL) REGULATIONS 1950<sup>3\*</sup>

## (d) FISHERIES AMENDMENT ACT 1963 (No. 69 of 1963; 23 October 1963)

## PART I. REGISTRATION OF FISHING BOATS, AND METHODS OF FISHING

...

5. *Fishing boats to be registered*

(1) It shall not be lawful for any boat to be used in fishing for the purposes of sale, unless the boat is registered under this Part of this Act.

(2) If any boat is used in fishing in contravention of this section, the owner and the master of the boat shall each be deemed to have committed an offence.

...

*Section 11*

(1) If any person discharges or permits to escape any noxious matter from a whale or from a ship or factory used for taking or for treating whales into any bay, gulf, harbour, lake, river, stream, creek, or other water included within coastal waters of New Zealand, he commits an offence, and that person and, if the offence is committed on or in connection with the operations of a ship, the master and (subject to the following provisions of this Act) the owner and the charterer (if any) of the ship, and, if the offence is committed in or in connection with the operations of a factory, the manager and (subject as aforesaid) the occupier of the factory shall each be liable to a fine not exceeding fifty pounds.

<sup>1</sup> 1957 Reprint, vol. 16, p. 657. Except for the provisions quoted above, the text reproduced in ST/LEG/SER.B/6, pp. 543-4 remains in force.

<sup>2</sup> As amended by Schedule of the Territorial Sea and Fishing Zone Act, 1965 (No. 11 of 1965; 10 September 1965).

<sup>3</sup> Amended most recently by Amendment No. 8 (S.R. 1964/211). Section 7 reproduced in ST/LEG/SER.B/6, pp. 542-3 has not been amended.

(2) Nothing in this section shall be construed to restrict the operation of the Oil in Territorial Waters Act, 1926, or of any other Act.

(e) TERRITORIAL SEA AND FISHING ZONE ACT 1965  
(No. 11 of 1965; 10 September 1965)

...

8. *Fishing zone of New Zealand*

(1) The fishing zone of New Zealand comprises those areas of the sea contiguous to the territorial sea of New Zealand and having, as their inner limits, the outer limits of the territorial sea and, as their outer limits, a line measured seaward from those inner limits every point of which is distant nine nautical miles from the nearest point of the inner limit line.

(2) The provisions of Part I of the Fisheries Act 1908 and of any regulations made pursuant to section 5 of that Act and of the Whaling Industry Act 1935 and of any regulations made under that Act shall apply to the fishing zone of New Zealand in the same way and to the same extent as they apply to the territorial sea of New Zealand.

(3) Nothing in this section shall limit the provisions of any enactment applying to ships while they are outside the fishing zone of New Zealand and to persons on such ships.

(f) FISHERIES AMENDMENT ACT 1965 (No. 132 of 1965; 29 October 1965)

PART I. OYSTERS

...

7. *Defining the boundaries of oyster beds*

The Minister may from time to time, by notice in the *Gazette*, define the boundaries of any oyster bed or any area on which oysters have been planted. That notice shall, in all proceedings relating to an offence under this Part of this Act, be conclusive evidence of the boundaries so defined.

...

(g) SUBMARINE CABLES AND PIPELINES PROTECTION ACT 1966 (No. 5 of 1966; 2 September 1966) section 7 (4)<sup>1</sup>

(h) FISHERIES (AGREEMENT WITH JAPAN) ACT 1967 (No. 16 of 1967; 25 August 1967)\*

...

<sup>1</sup> *Supra* DIVISION III, 18 (c).

## 24. NICARAGUA

(a) DECREE NO. 577 OF 20 JANUARY 1961. SPECIAL ACT ON THE EXPLOITATION OF FISHERIES<sup>1\*\*</sup>

## CHAPTER I

*Purpose of the Act and administrative jurisdiction*

*Article 1.* The present Act shall apply to fishing for aquatic fauna and flora which is carried out in:

(a) The territorial, continental and insular waters and the waters covering the continental shelf and the insular shelves belonging to the national territory;

(b) The waters of the open sea when such fishing is conducted by means of vessels of Nicaraguan registry or vessels operating under the authority of a Nicaraguan licence;

(c) Lakes, lagoons and rivers available for use by the public at large.

...

## CHAPTER II

*Fishing Activities*

*Art. 6.* Any operation or action which is performed for the purpose of catching fish, molluscs, chelonians, saurians, crustaceans or specimens of any other species of aquatic fauna and flora shall be considered a fishing activity.

*Art. 7.* Only permitted species may be caught, during the authorized fishing seasons or periods, in accordance with the applicable regulations; and, with respect to any fishing activity, it shall be prohibited:

(a) To interfere with navigation, the natural course of the waters or their normal use;

(b) To leave products of or refuse from fishing activities on beaches or shores or to throw them into the sea, outside the areas where it is permitted to do so;

(c) To pour or spill toxic material harmful to fish in waters where fish species exist;

(d) To use in fishing poisonous substances or harmful toxic materials causing death or torpor in fish or other aquatic species;

(e) To use fishing devices prohibited by existing regulations;

(f) To use dynamite or any other type of explosive in fishing.

## CHAPTER III

*Licenses for commercial fishing*

*Art. 8.* Commercial fishing licenses shall be granted for a period not exceeding twenty years, calculated from the issuance of the respective certificate to which article 71 of the General Act on the Exploitation of the Natural Wealth refers.

<sup>1</sup> *La Gaceta*, No. 32 of 7 February 1961.

*Art. 9.* Commercial fishing licenses shall be granted only to persons who or entities which have already established, or undertake to establish, on land in Nicaraguan territory and within a reasonable time to be determined by the Ministry of Economic Affairs, one or more plants having sufficient capacity to preserve, process and pack fish in the form of internationally marketable products. Failure to establish such a plant within the time limit fixed shall be punishable by suspension of the licence. Accordingly, the use of floating plants shall not be permitted.

#### CHAPTER IV

##### *Licenses for turtle fishing*

*Art. 15.* Firms wishing to engage specifically in turtle fishing on a commercial scale must previously obtain a turtle-fishing licence, which shall be subject to the following regulations:

(1) The application for the licence shall be processed and acted upon in accordance with the provisions of the General Act concerning the Exploitation of the Natural Wealth and with this Special Act.

(2) Authorized fishing shall have reference only to sea turtles weighing at least fifty-five kilogrammes, provided that the specimens caught are intended for export. Turtles weighing less than fifty-five kilogrammes and more than eighteen kilogrammes may be used for domestic consumption provided that they have been caught in fresh water or in areas extending no further than seven kilometres from the Nicaraguan seacoast.

(3) Any turtle weighing less than fifty-five kilogrammes which is caught further than seven kilometres from the Nicaraguan seacoast shall be put back alive into the sea. This shall also be done in the case of any turtles caught which weigh less than eighteen kilogrammes;

(4) The catching of turtles shall be completely suspended between 15 May and 15 July of each year.

The executive power shall be authorized to alter this proscribed period and to fix other dates;

(5) Commercial turtle fishing in the waters off the Atlantic coast shall not be carried on within a strip seven kilometres in breadth extending eastward from the continent or within an equal number of kilometres of the shores of Great Corn Island and Little Corn Island.

The exception to which the preceding paragraph refers shall not apply to commercial fishing carried on by natural persons domiciled in Nicaragua or by corporations in which Nicaraguan capital constitutes no less than 60 per cent of the whole and has effective control over the enterprise.

(6) The authorized catching of turtles may be carried on in all waters and on all cays beyond the limits mentioned in the preceding paragraph.

(7) The licensee may construct enclosures in which to gather and keep captured turtles on cays situated outside the limits to which paragraph (5) refers or in the waters surrounding them.

(b) DECREE NO. II OF 5 APRIL 1965 DELIMITING THE NATIONAL FISHING ZONE TO 200 NAUTICAL MILES<sup>1\*\*</sup>

*Art. 1.* In conformity with article 5 of the Constitution, in order to promote the better conservation and rational exploitation of Nicaragua's fishing and other resources, the waters lying between the coast and a line drawn parallel to it at a distance of 200 nautical miles seaward, both in the Atlantic and in the Pacific Oceans, shall be designated a "national fishing zone".

*Art. 2.* Any fishing activity carried on within the "national fishing zone" shall be subject to the provisions of the General Act on the Exploitation of the Natural Wealth, the legislation supplementing it and legislation which may be adopted in the future.

## 25. NIGERIA

### SEA FISHERIES (LAGOS) ACT, 1961 (No. 30 of 29 September 1961)<sup>2</sup>

#### PART I. PRELIMINARY

##### 1. *Short title, commencement and application*

...

(2) This Act shall apply in respect of the Federal territory of Lagos.

##### 2. *Interpretation*

...

"territorial waters of the Federal territory of Lagos" means that part of the territorial waters of Nigeria as defined in the Interpretation Ordinance over which the Federal Legislature is competent to exercise jurisdiction in respect of fisheries.

#### PART II. MOTOR FISHING BOAT LICENCES

##### 3. *Provision for licence*

No person shall operate or navigate any motor fishing boat within the territorial waters of the Federal Territory of Lagos unless a licence in respect of such vessel has been issued to the owner thereof: Provided that a licence issued under legislation of the same nature as this Act enacted by the Legislature of the Western or Eastern Nigeria shall be deemed to be a licence issued under section 5 of this Act.

...

<sup>1</sup> *La Gaceta*, No. 82 of 8 April 1965.

<sup>2</sup> Supplement to *Official Gazette* Extraordinary, No. 70, vol. 48, 30 September 1961, Part A.

## PART III. MISCELLANEOUS

10. *Enforcement*

(1) Any of the following persons, namely a licensing officer, a commissioned officer of the Royal Nigerian Navy, a police officer not below the rank of Assistant Superintendent, a Customs officer not below the rank of Assistant Collector, a surveyor or examiner appointed under the provisions of the Shipping and Navigation Ordinance, or a person authorized in writing by a licensing officer in that behalf, may within the territorial waters of the Federal territory of Lagos, for the purpose of enforcing the provisions of this Act,—

...

(d) where there is reasonable suspicion that an offence under this Act has been committed, take the alleged offender and the fishing boat, fishing apparatus and catch to the most convenient port or police station without warrant, summons or other process.

...

13. *Forfeiture, etc.*

The court before which any person is convicted of an offence under this Act may—

(a) order the forfeiture to the Government of the Federation of Nigeria of any fishing boat, apparatus or catch employed in the commission of or derived from any act in respect of which such person is so convicted;

(b) where the fishing boat so employed is a motor fishing boat, cancel or suspend for such time as the court may think fit the licence.

## 26. NORWAY

ACT<sup>1</sup> OF 17 JUNE 1966 RELATING TO NORWAY'S FISHING LIMIT AND PROHIBITION FOR FOREIGNERS TO ENGAGE IN FISHING ETC. INSIDE THE FISHING LIMITS

## § 1.

The fishing limit off Norway and Jan Mayen shall run at a distance of 12 nautical miles (one nautical mile equalling 1852 metres) outside and parallel to the base lines at any time determined by the King.

<sup>1</sup> The English text was provided by the Permanent Mission of Norway to the United Nations. The following Norwegian legislation concerning fisheries, published in ST/LEG/SER.B/6, is out of force: la Loi du 3 août 1897 relative à la pêche maritime au large des côtes du Finnmark, modifiée par la Loi du 17 mars 1911 (p. 547); la Loi du 2 juin 1906 portant interdiction aux étrangers de pêcher dans les eaux territoriales norvégiennes (p. 548); Act of 13 April 1951 supplementing the Act of 2 June 1906 prohibiting aliens from fishing, etc., inside Norwegian fishery limits (p. 548); le Décret Royal du 22 décembre 1906 fixant les instructions ci-après pour les commandants de navires de guerre norvégiens, concernant la surveillance des pêcheurs étrangers dans les eaux territoriales norvégiennes (p. 549); and the Act of 20 April 1951 respecting trawl fishing (p. 551).

## § 2.

For the purpose of this Act, the term “Norwegian citizen” shall be considered as comprising:

1. Persons who are resident in Norway.

2. Joint stock companies and other limited liability companies provided the head office and the board of directors of such company are located in Norway and the directors are shareholders, resident in Norway and Norwegian citizens, and at least six-tenths of the share capital is owned by Norwegian citizens.

3. The State, establishments and funds directed by the State and Norwegian municipalities.

In special cases the King may permit a joint stock company or other limited liability company which does not satisfy the conditions in point 2 above, and which engages in the processing of fish products pursuant to concession granted under the Act of 14th December, 1917 concerning the acquisition of waterfalls, mines and other real property, to engage in business which according to this Act is reserved for the persons and companies mentioned in the preceding paragraph. The permission can only be granted for such business as is naturally related to the company’s processing plant in Norway. Whenever the public interest so requires, the permit may be made subject to certain requirements.

The term “Norwegian vessel” – cf. § 1 of the Maritime Act of 20th July, 1893 – is for the purpose of this Act deemed to include vessels owned by persons resident in Norway provided the vessel is not of such size as to be subject to compulsory registration under the Ship Registration Act of 4th May, 1901.

For the purpose of this Act, fishing gear shall be deemed to be Norwegian if the owner thereof is a Norwegian citizen under the terms of the first paragraph above.

## § 3.

Those who are not Norwegian citizens under the terms of § 2, first paragraph above are prohibited from engaging in fishing, whaling or sealing inside the Norwegian fishing limit. For the purpose of fishing, whaling or sealing inside the fishing limit, it is prohibited to employ any vessel or gear which is not Norwegian (cf. § 2) or to employ foreigners as crew members or sharesmen to a greater extent than permitted in the following paragraph.

Vessels engaged in lawful fishing, whaling or sealing according to the preceding paragraph, may be manned by crew members or sharesmen who are not Norwegian citizens or persons resident in Norway, provided at least half the crew members or sharesmen and the Master of the vessel are Norwegian citizens or resident in Norway.

The prohibitions in the first paragraph of this section do not apply to fishing for sport with hand gear. Selling the catch is prohibited. The Ministry may issue regulations defining the term “hand gear”.

## § 4.

Whenever trial operation of new vessel types or gear or other special reasons make it desirable, the Ministry may permit a person who is considered as a Norwegian citizen for the purpose of this Act, for a specific occasion or for a



specified, short period of time, to engage in fishing, whaling or sealing inside the fishing limit by means of a vessel or gear which is not Norwegian (cf. § 2), or to employ foreigners as crew members or sharesmen to a larger extent than permitted in § 3 second paragraph.

#### § 5.

It is prohibited for any person who is not considered as a Norwegian citizen (cf. § 2), to engage, inside the fishing limit, in the processing, packing or transshipment of fish, crustaceans and molluscs or parts and products of such fish and animals.

The prohibition in the preceding paragraph does not apply to catches made by fishing for sport in accordance with § 3, third paragraph, or made pursuant to permission according to § 4.

The Ministry may exempt from the prohibition in the event of shipwreck or the like.

#### § 6.

In special cases, the King may, for specific areas inside the fishing limit, exempt from the provisions of § 3 first paragraph and § 5 first paragraph.

Effective for areas where such exemption has been granted the King may provide that fishing activities which are permitted according to the preceding paragraph shall wholly or partially be subject to Norwegian legislation.

#### § 7.

Whenever necessary for the implementation of a convention with a foreign state, the King may provide:

1. that a Norwegian fishery inspection authority shall be empowered to control that the agreed fishing rules are observed.
2. that a foreign fishery inspection authority outside the fishing limit shall be entitled to control that the fishing from Norwegian vessels is undertaken in accordance with agreed rules.

#### § 8.

It is prohibited to land from the fishing area any fish, crustaceans and molluscs or parts and products of such fish and animals caught by vessels which are not Norwegian (cf. § 2), or by vessels which are not managed by a Norwegian citizen (cf. § 2).

The prohibition in the preceding paragraph does not apply to catches made by fishing for sport in accordance with § 3, third paragraph, or made pursuant to permission according to § 4.

The King may through regulations or by granting permission for each specific occasion, exempt from the prohibition in the first paragraph of this section:

1. when the landing of such fish and animals would presumably not counteract stable and satisfactory prices and sales terms in the firsthand sales and the subsequent sales and exports, or
2. when it is necessary for the implementation of any convention concluded for the benefit of the fishing industry between Norway and foreign states, or

3. in the case of shipwreck or the like.

The King may stipulate as a condition for granting permission according to the preceding paragraph, points 1 and 2 that the catch be made by means of gear as provided for Norwegian fishers.

Before any regulation or permission is issued pursuant to the third paragraph of this section, the sales association of fishermen concerned shall be consulted so far as possible.

#### § 9.

Catches which are landed pursuant to regulations or permission according to § 8, third paragraph points 1 and 2, shall be sold to Norwegian buyers who are approved pursuant to the Raw Fish Act of 14th December, 1951. In cases where regulation according to the Raw Fish Act has not been introduced, the Ministry can issue further regulations defining the term "Norwegian buyers".

#### § 10.

Intentional or negligent violation of this Act or provisions issued pursuant thereto will be punished by fines. Similar punishment will be imposed for complicity and attempted violation. If the guilty person has previously been fined or convicted under this Act or similar, former laws, or if particularly aggravating circumstances exist, the punishment will be fines or imprisonment for up to three months or both.

#### § 11.

In the event of any violation of §§ 3, 5, 8 and 9 the vessel which has been utilised and its accessories, catch and gear can wholly or partially be confiscated by court order, whoever the owner may be. The value of said objects may wholly or partially be confiscated by court order from the guilty parties or from the owner, even if the latter is not criminally liable.

In the event of confiscation, any mortgage or other lien on the vessel or gear will be cancelled.

Confiscation under this Act does not constitute punishment under the criminal laws. Action for confiscation may be brought even if no criminal proceedings are instituted or can be instituted against anybody.

#### § 12.

This Act comes into force from the date determined by the King.

The King may provide during a transitional period that the fishing limit outside specified parts of the coast shall run at a distance from the base lines which is less than 12 nautical miles, and may issue further regulations concerning the location of such temporary fishing limit.

...

## 27. PAKISTAN

PROCLAMATION<sup>1</sup> BY THE PRESIDENT OF PAKISTAN DEALING WITH FISHING RIGHTS IN AREAS OF THE HIGH SEAS ADJACENT TO THE TERRITORIAL WATERS OF PAKISTAN, dated 19 February 1966

“*Whereas* the coastal communities of Pakistan have from time immemorial been engaged in fishing activities in the high seas adjacent to its territorial waters;

*And whereas* certain areas of these high seas provide fisheries, which contribute to the food and means of livelihood of large sections of the population;

*And whereas* Pakistan has a special interest in maintaining the productivity of the living resources in all such areas;

*Now, therefore*, I, Field Marshal Mohammad Ayub Khan, President of Pakistan, do hereby proclaim and declare as follows:—

(1) Pakistan shall have exclusive fishing rights in areas of the high seas adjacent to the territorial waters of Pakistan within a distance of twelve nautical miles from the coast-line;

(2) The Government of Pakistan may from time to time:

- (i) establish conservation zones in areas of the high seas adjacent to the territorial waters of Pakistan, but within a distance of one hundred nautical miles from the outer limits of those waters;
- (ii) take conservation measures in the zones so established in order to protect fisheries and other living resources of the sea from indiscriminate exploitation, depletion or destruction; and
- (iii) subject to the provisions of any international agreement or convention to which Pakistan is, or may hereafter become a party, regulate all fishing activities in the said area of the high seas for the purpose aforesaid.”

## 28. PORTUGAL

(a) Act<sup>2</sup> No. 2130 OF 22 AUGUST 1966

...

## ARTICLE V

1. Without prejudice to historic titles, conventions or other international agreements, the Portuguese State exercises exclusive fishing rights and exclusive jurisdiction over fishing in zones of the high seas contiguous to its territorial sea to a distance of twelve miles measured from the baseline of the latter.

<sup>1</sup> Notification of the Ministry of Agriculture and Works, dated 19 February, 1966.

<sup>2</sup> For the text of the Act, see also *supra* DIVISION I, SUB-DIVISION A, Chapter I, 36 (a).

2. In the zone between six and twelve miles measured from the baseline of its territorial sea, the Portuguese State has competence to regulate fishing and enforce those regulations, provided they do not result in any discrimination against foreign ships having the right to fish in that zone.

3. The outer limits of the fishing zones established in this article shall be demarcated in accordance with the provisions of the preceding article.

(b) LEGISLATIVE DECREE<sup>1</sup> NO. 47947 OF 18 AUGUST 1967\*\*

Whereas article V<sup>2</sup> of Act No. 2130 of 22 August 1966 provides that, without prejudice to customary titles, conventions and other international agreements, the Portuguese State shall exercise the exclusive right to fish and exclusive jurisdiction over fishing in the zones of the high seas adjacent to each of the parts of the national territory up to a distance of twelve miles, measured from the baselines which were used to measure the width of the territorial sea,

Whereas furthermore, with regard to the above-mentioned zones of the high seas, article V of Act No. 2130 empowers the Portuguese State to regulate fishing and to ensure compliance with such regulations, but without discriminating against foreign vessels entitled to fish in this zone,

Exercising the power conferred by paragraph 2, part 1, of article 109 of the Constitution, the Government decrees and I hereby promulgate the following, which shall have the force of law:

*Article 1*

The sea areas over which the Portuguese State exercises exclusive jurisdiction in the matter of fishing, as they are defined in Act. No. 2130, shall be designated "jurisdictional fishing waters".

*Article 2*

1. It shall be unlawful for foreign vessels to fish, prepare to fish or commit acts prejudicial to fishing in jurisdictional fishing waters.

2. For the purposes of this Legislative Decree, anchoring, mooring, stopping or hovering in fishing areas, except for reasons of *force majeure* such as damage, bad weather, strong currents or some other cause beyond the captain's, master's, or skipper's control, shall be deemed to constitute preparations for fishing.

3. For the purposes of this Legislative Decree, churning up the waters, employing any other processes to frighten fish or resorting to any manœuvre or method with the manifest intention of prejudicing fishing, shall be deemed to constitute acts prejudicial to fishing.

*Article 3*

1. The prohibition laid down in article 2 shall not prevent the Portuguese State from granting to foreign vessels, in accordance with international conventions or other agreements or on the basis of customary titles recognized by the Portuguese

<sup>1</sup> *Diario do Governo*, Series I, No. 218 of 18 September 1967, p. 1668.

<sup>2</sup> *Supra (a)*.

State, the right to fish at any time or for negotiated periods in all or part of jurisdictional fishing waters.

2. In the metropolitan territory, the Minister of Marine, having consulted the Minister for Foreign Affairs, and, in the overseas provinces, the Minister for Overseas Portugal, having consulted the Minister of Marine and the Minister for Foreign Affairs, shall establish, by means of Orders, which foreign vessels are authorized to fish in jurisdictional fishing waters and shall determine, according to the circumstances, the areas and methods of fishing which may be used, the species or groups of species which may be caught, the size of catches and the periods of time during which such vessels may operate; they shall also have power to modify or withdraw the authorization granted.

3. Foreign vessels authorized to fish in jurisdictional fishing waters shall comply with the regulations in force for Portuguese vessels engaged in the same fishing in the same areas and shall be liable to the same penalties, subject, however, to the legal procedure laid down in this Decree. For these purposes, instead of suspension of the right to fish and withdrawal of the captain's, master's or skipper's licence, the vessel's authorization to fish in jurisdictional fishing waters shall be suspended for the same period of time.

#### *Article 4*

1. Any foreign vessel found, within jurisdictional fishing waters, to be fishing or preparing to fish in an area or for a species or by means of a fishing method for which it has no legal authorization, or to be prejudicing fishing, shall be seized together with all its tackle, belongings, nets, gear, equipment and ancillary craft and its catch, if any, and the vessel and all it contains shall be handed over, by the seizing authority, to the harbour-master of the first port to be entered after the seizure.

2. The shipowner, captain, master or skipper of the seized vessel shall be liable to a fine of 30,000 to 300,000 escudos, the amount depending on the circumstances, size of vessel and loss of fish. Where the gross tonnage of the vessel is under ten tons, the minimum and maximum fines shall be reduced, respectively, to 10,000 and 30,000 escudos.

...

#### *Article 6*

1. Crew members of a vessel which disobeys or refuses to comply with the control measures shall, the vessel having been seized, be criminally and civilly liable for such acts in accordance with the general law.

2. In such cases, the shipowner, captain, master or skipper of the vessel shall also be liable to pay any costs incurred by the control authorities as a result of the acts of disobedience or resistance.

3. The mandatory collection of the costs mentioned in the foregoing paragraph, which shall be established by the seizing authority, shall be effected in the form laid down in this Decree for the collection of fines, costs, stamps and other charges.

(c) DECREE NO. 47973 OF 30 SEPTEMBER 1967, article 23<sup>1</sup>

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<sup>1</sup> *Supra* DIVISION II, 36.

## 29. SAUDI ARABIA

ROYAL DECREE CONCERNING THE TERRITORIAL WATERS OF THE KINGDOM OF SAUDI ARABIA (Royal Decree No. 33 of 16 February 1958), article 9<sup>1</sup>

## 30. SENEGAL

LOI RELATIVE À LA PÊCHE DANS LES EAUX TERRITORIALES ET DANS LA ZONE CONTIGUË AU LARGE DES CÔTES DU SÉNÉGAL (n° 61-46 du 21 juin 1961)<sup>2</sup>

*Article 1.* — Dans les eaux territoriales, la pêche maritime est réservée aux navires sénégalais ou ceux ressortissants aux Etats à qui ce droit a été reconnu par convention.

*Article 2.* — Le Sénégal se réserve le droit de réglementer la pêche à l'intérieur de la zone contiguë.

*Article 3.* — Sans préjudice des sanctions prévues par les textes concernant la police de la navigation, le fait d'être surpris en action de pêche à bord d'un navire étranger à l'intérieur des eaux territoriales sera puni d'une amende de 160 000 à 1 800 000 francs C.F.A. le capitaine ou le patron responsable du navire sera considéré comme le coauteur de l'infraction commise.

Les engins de pêche sont saisis, ainsi que le produit de la pêche embarqué à bord du bâtiment.

En cas de récidive, les amendes en question peuvent être doublées.

Les navires étrangers peuvent être retenus dans le port sénégalais jusqu'à versement au trésor d'un cautionnement dont le montant est fixé par le Ministre chargé de la marine marchande, en garantie des amendes prononcées par le Tribunal.

Selon qu'ils sont ou non prohibés, les engins de pêche sont détruits ou vendus, le montant de la vente ainsi que celui du poisson embarqué est versé au Trésor du Sénégal.

Les mêmes sanctions sont applicables aux mêmes personnes qui ne respecteraient pas les règlements sénégalais en matière de pêche dans la zone contiguë.

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 37.

<sup>2</sup> Le représentant permanent du Sénégal auprès des Nations Unies a communiqué au Secrétariat une lettre n° 01964/ MTPUH-T du Ministère des travaux publics, de l'urbanisme et des transports, datée du 13 mai 1968, selon laquelle « le projet de texte en cours d'élaboration prévoit que le droit de pêche exclusif au profit des nationaux ou assimilés s'exercera à l'avenir, non plus sur six milles mais sur douze milles marins. Par assimilés il faut comprendre les ressortissants de toute nation ayant passé avec le Sénégal des accords privilégiés, tels que ceux réalisés avec la France ».

## 31. SIERRA LEONE

(a) FISHERIES REGULATIONS<sup>1</sup>, 1957

...

## SECTION 4

*Prohibition of motor fishing vessel taking fish in certain areas*

No motor fishing vessel of an overall length of forty feet or more operating in the territorial waters of Sierra Leone shall take any fish in the area within one mile from low water mark, off the coast:

Provided that in the estuary of the Sierra Leone River, the prohibited area shall be within a line drawn from Cape Sierra Leone to Tagrin Point:

Provided further that in the estuary of the Sherbro River, the prohibited area shall be east of a line 12 degrees 48 minutes West.

...

(b) FISHERIES ORDINANCE,<sup>2</sup> 1957

## PART I – PRELIMINARY

*Section 2. Interpretation*

In this Ordinance, unless the context otherwise requires—

“fish” means any aquatic animal whether piscine or not, and includes shellfish, crustaceans, turtles and aquatic mammals;

“fishing vessel” means any ship, boat, canoe or other craft used for the taking of fish for sale or barter;

...

“motor fishing vessel” means a fishing vessel constructed or adapted for propulsion by means other than sails, oars, paddles or poles;

“Sierra Leone” includes the territorial waters of Sierra Leone;

...

“territorial waters” means any part of the open sea within three<sup>3</sup> nautical miles of the coast of Sierra Leone measured from low water mark.

## PART II – LICENCES FOR MOTOR FISHING VESSELS

*Section 3. Unlicensed motor fishing vessels not to operate in Sierra Leone*

(1) No motor fishing vessel shall be operated or navigated within Sierra Leone until a licence in respect of such vessel is issued.

<sup>1</sup> *Laws of Sierra Leone*, vol. VII, p. 1682. Entered into force on 1 September 1957.

<sup>2</sup> Supplement to the Sierra Leone *Royal Gazette*, vol. LXXXVIII, No. 16, dated 7 March 1957.

<sup>3</sup> See the Fisheries (Amendment) Act, 1964, section 2 and the Interpretation Act, 1965, section 3. *Supra* DIVISION I, SUB-DIVISION A, 39 (d) and (e).

(2) Any person operating or navigating or causing to be operated or navigated, a motor fishing vessel in contravention of subsection (1) of this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding six months or to both such fine and imprisonment.

*Section 5. Application for a licence for a motor fishing vessel*

(1) Any person may apply to any licensing officer for a licence for a motor fishing vessel.

PART III – MISCELLANEOUS

...

*Powers of examination and detention*

14. (1) Any officer or member of the crew of any of Her Majesty's ships, licensing officer, constable, customs officer and any other person authorised by the Minister in that behalf, may, for the purposes of enforcing the provisions of this Ordinance—

(a) require the owner or person in charge of any fishing vessel or any person employed in taking fish to exhibit his fishing apparatus and catch;

(b) require the owner or person in charge of any motor fishing vessel to exhibit his licence, fishing apparatus and catch;

(c) go on board any fishing vessel and search and examine any fishing apparatus in such vessel;

(d) where there is reasonable suspicion that any offence under this Ordinance has been committed, take the alleged offender, the vessel, apparatus and catch, without warrant, summons or other process, to the nearest or most convenient police station or port.

(2) Any vessel or apparatus taken under the provisions of paragraph (d) of subsection (1) of this section may be detained pending trial of the offender and the catch may be sold and the proceeds of the sale detained pending such trial; and thereafter any vessel, apparatus or money so detained shall, unless forfeited under the provisions of paragraph (a) of section 13 of this Ordinance, be returned to the person from whom the same was taken.

...

(c) FISHERIES (AMENDMENT) ACT, 1963 (Act No. 14 of 1963)\*

(d) FISHERIES (AMENDMENT) REGULATIONS,<sup>1</sup> 1966\*

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<sup>1</sup> *Public Notice*, No. 36 of 1966. Published on 7 July 1966.



## 32. SOUTH AFRICA

TERRITORIAL WATERS ACT, 1963, (Act No. 87 of 1967) sections 1-6<sup>1</sup>

## 33. SPAIN

(a) ACT<sup>2</sup> No. 93 OF 24 DECEMBER 1962 ON PENALTIES FOR FISHING OFFENCES COMMITTED BY FOREIGN VESSELS IN SPANISH TERRITORIAL WATERS AND OTHER WATERS UNDER SPANISH JURISDICTION\*\*

...

*Article 1.* Foreign vessels shall be prohibited from fishing within a zone of the Spanish coastal sea six miles distant seawards from the low-tide level, which was defined as waters under Spanish jurisdiction by a Royal Order of 17 December 1760 and subsequent provisions.

If the distance between the low-tide level of the natural points of entry into a bay does not exceed twenty-four miles, the line of demarcation joining such points shall be deemed to be the base line, for the purpose of the restrictions set forth in the foregoing paragraph; waters lying inside such a line shall be deemed to be internal waters.

Fishing in the coastal sea zone specified in this article shall be an industry reserved exclusively for Spanish fishermen and, accordingly, forbidden to foreigners, except in the cases provided for in international treaties to which Spain has acceded or in agreements granting reciprocal concessions.

*Article 2.* Foreign vessels discovered in the act of fishing in the zone of the coastal sea specified in the preceding article shall be detained, together with all their supplies, tackle, nets and other accessories and with auxiliary fishing vessels, this term being understood to mean the so-called "*enviadas*" and "*acostadas*".

The catch found aboard such vessels shall also be detained.

*Article 3.* The owners, captains or masters of foreign fishing vessels found to have infringed the limits specified in article 1 shall be liable to a fine of 50,000 to 500,000 pesetas, depending on the circumstances in which the offence was committed, and the catch found on board at the time of detention shall be confiscated.

<sup>1</sup> *Supra* DIVISION 1, SUB-DIVISION A, Chapter 1, 40.

<sup>2</sup> *Boletín oficial* of 27 December 1962, No. 310, p. 18,297. The Act was amended by article 5 of the Act No. 20 of 8 April 1967, see *infra* (b).

(b) ACT<sup>1</sup> NO. 20 OF 8 APRIL 1967 CONCERNING THE EXTENSION OF SPANISH TERRITORIAL WATERS TO TWELVE MILES FOR FISHING PURPOSES\*\*

...

*Article 1*

The Spanish State shall have:

- (a) The exclusive right to fish and exclusive jurisdiction in matters of fisheries within the belt of six miles measured from the baselines defined in article 2;
- (b) Exercise of the right to fish in the belt of twelve miles measured from the same baseline, in accordance with the provisions of article 4 of this Act;
- (c) The power to regulate the fisheries and the conservation of the resources of the sea, and to enforce and ensure compliance with such regulations and internationally agreed measures of conservation, in a belt of the sea adjacent to the Spanish coast and twelve miles wide, measured from the baselines defined in article 2.

*Article 2*

The baseline shall generally be defined as the low-water mark along all coasts under Spanish sovereignty.

The Government may, in places where it considers this advisable, permit straight baselines to be drawn joining appropriate points on the coast, in accordance with the relevant international standards.

If the distance between the low-water marks of the natural headlands of a bay does not exceed twenty-four miles, the straight line joining them shall be regarded as the baseline, the area between that line and the coast being deemed to be internal waters.

*Article 3*

The Government shall conclude whatever delimitation agreements are necessary with neighbouring countries and those whose coasts lie opposite the coast of Spain.

*Article 4*

The fishing referred to in article 1 of this Act shall be governed by the following general provisions:

- (a) To fish in the belt of three miles measured from the baseline, Spanish nationals shall have the exclusive right, foreigners being strictly excluded;
- (b) Spanish nationals shall also have the exclusive right to fish in the belt lying between three and six miles, with the exception that temporary permission may be granted to nationals of countries whose fishing vessels have habitually fished in the belt during the period from 1 January 1953 to 31 December 1962. Such permission and its duration shall be agreed upon beforehand by the Governments concerned;
- (c) Spanish nationals shall have the exclusive right to fish in the belt lying between six and twelve miles, as shall also the nationals of countries whose fishing

<sup>1</sup> *Boletín oficial* of 11 April 1967, No. 86, p. 4814.

vessels have habitually fished in it during the aforesaid period, by previous agreement with the Governments concerned, on a reciprocal basis and on condition that they do not divert their fishing effort towards stocks of fish or fishing grounds in the belt other than those which they have habitually exploited.

*Article 5*

The Royal Charter of 17 December 1760, together with other Acts and provisions concerning the extension of Spanish territorial waters, are hereby amended in respect of fisheries. Act No. 93 of 24 December 1962<sup>1</sup> concerning offences by foreign vessels in matters of fisheries is also hereby amended to the extent necessary for the application of the present Act.

34. SWEDEN

- (a) ROYAL ORDER<sup>2</sup> NO. 21 OF 5 MAY 1871 CONCERNING THE AREA WITHIN WHICH FISHING ON THE WEST COAST OF SWEDEN IS EXCLUSIVELY RESERVED TO RESIDENTS OF THE KINGDOM\*
- (b) ROYAL ORDER<sup>3</sup> NO. 75 OF 4 JULY 1910 CONCERNING THE APPLICATION OF THE ROYAL ORDER OF 5 MAY 1871 CONCERNING THE AREA WITHIN WHICH FISHING ON THE WEST COAST OF SWEDEN IS EXCLUSIVELY RESERVED TO RESIDENTS OF THE KINGDOM\*
- (c) ACT<sup>4</sup> NO. 596 OF 1 DECEMBER 1950 RESPECTING FISHERY RIGHTS, AS AMENDED<sup>5\*\*</sup>

GENERAL PROVISIONS

*Article 1*

This Act relates to the right to fish in the territorial waters of Sweden and in the Swedish fishery zone.

The fishery zone shall comprise such area of the sea outside the territorial limits along the west coast of Sweden as is determined by the King in conformity with the Fisheries Convention<sup>6</sup> signed in London on 9 March 1964.

<sup>1</sup> See *supra* (a).

<sup>2</sup> For the text, see ST/LEG/SER.B/6, p. 563. Cf., however, Act No. 374 of 3 June 1966 concerning the territorial waters of Sweden and Notice No. 375 of 3 June 1966 containing regulations on the measurement of the territorial waters of Sweden (*supra* DIVISION I, SUB-DIVISION A, Chapter 1, 42 (b) and (e)).

<sup>3</sup> For the text, see ST/LEG/SER.B/6, p. 564. See however foot-note 2 above.

<sup>4</sup> For the text prior to the amendment, see ST/LEG/SER.B/6, p. 565. The text of article 28 reproduced there is still in force. See also Act No. 595 of 1 December 1950 concerning the limits of public waters, *supra* DIVISION I, SUB-DIVISION A, 42 (a).

<sup>5</sup> By Act No. 46 of 25 March 1960 (amendment of article 4) and Act. No. 184 of 25 May 1967 (amendment of article 1).

<sup>6</sup> *Infra* PART II, DIVISION IV, SUB-DIVISION A. 13.

Subject to the restrictions arising from the Act concerning the continental shelf, the provisions of the present Act relating to fishing in public waters shall also apply to the fishery zone.

#### FISHING IN PUBLIC WATERS

##### *Article 2*

Any Swedish national may fish with portable gear in waters which are public waters within the meaning of the Act respecting the limits of public waters.

Except as otherwise provided in article 3, fixed gear may not be set up in public waters unless permission has been obtained from the authority designated by the King. Any person possessing such fishery rights in private waters as are referred to in article 5 (holder of private fishery rights) may not be denied permission to extend fixed gear from the private waters into public waters in so far as it appears that this can be done without prejudice to other fishermen.

For the purposes of this Act, the term "fixed gear" means any structure used for fishing and any fishing gear fitted with guide-arms which is attached by poles or weights or in any other manner to the sea-bottom or shore and is intended to remain in position for more than two consecutive days.

##### *Article 3*

On the coast of Norrbotten county, the coasts of Kalmar county south of Kråkelund, the east coast of Blekinge county (north of Torhamnsudde), and the east and south coasts of Skåne, any person possessing private fishery rights may, without special permission from the authority, extend fixed gear from private waters into public waters to a maximum distance of 200 metres from the shoreline and a maximum depth of three metres along the mainland or along an island of not less than 100 metres in length.

In the case, however, of a person who bases his fishing rights upon a contract, the provisions of the foregoing paragraph shall apply only in so far as they do not conflict with the provisions of the relevant arrangement with regard to the extent of the fishing rights.

##### *Article 4*

An alien who has been a permanent resident in Sweden for at least two years shall be placed on the same footing as a Swedish national so far as fishing in public waters is concerned.

In all other cases, a person who is not a Swedish national may engage in fishing in public waters only to the extent that the King or an authority designated by the King so permits. Nevertheless, if such a person possesses private fishing rights, he shall be placed on the same footing as a Swedish national so far as the right to extend fixed gear from the private waters into public waters is concerned.

...

(d) FISHERIES ACT<sup>1</sup> (NO. 607) OF 24 SEPTEMBER 1954\*\*

...

GENERAL PROVISIONS CONCERNING THE PROTECTION OF FISHERIES AND  
THE CONDUCT OF FISHING IN THE WATER AREAS OF SWEDEN

...

## PROTECTION OF FISHERIES

...

*Article 8*

Save by authorization of the Board of Fisheries, no person may carry on fishing with the aid of explosives, deadening or poisonous substances, electric current or firearms.

...

*Article 10*

No person may take fish of the following species which do not meet the respective minimum size:

...

*Article 11*

Where a person, while fishing for a species of fish which may be legally caught, happens to take a fish which, under article 9 or 10, may not be legally caught, he shall not be considered to have violated a fishing prohibition if such fish is immediately returned to the water.

*Article 12*

The Board of Fisheries may grant an exemption from the prohibitions imposed by articles 9 and 10 where this appears necessary to ensure the protection of fisheries or to obtain fish for fish-breeding or scientific purposes. The Board may also, where, from the point of view of fisheries protection, there are reasons for doing so in particular cases, grant an exemption from the prohibition under article 6 against the use of fish-gigs.

...

## FISHING IN INTERNATIONAL WATERS

*Article 23*

The provisions of articles 3, 4 and 8, the fishing prohibitions imposed by article 10 in so far as they are applicable and the provisions of article 11 and article 12, first sentence, shall also apply to fishing carried on from Swedish vessels in international waters.

The provisions of article 5 shall also apply to such waters in so far as gear set out from Swedish vessels is concerned.

<sup>1</sup> *Svensk författningssamling* 1954, No. 607. Came into force on 1 January 1955.

## PROHIBITION AGAINST IMPORT, SALE, ETC.

...

*Article 25*

Where fish the importation of which is prohibited under article 24 is brought into Sweden, it may be re-exported on condition that it has been properly declared to the Customs.

...

## PENAL PROVISIONS

...

*Article 32*

Where a person is found to have carried on fishing with unauthorized gear or in a prohibited manner or at a prohibited time, or has set out gear in contravention of the provisions of article 9, second paragraph, or article 21, first paragraph, or has taken fish which are smaller than the prescribed minimum size or taken fish contrary to a fishing prohibition issued in connexion with an undertaking as referred to in the Water Resources Act or a corresponding earlier Act, then the illegal catch or, if it has putrefied or is no longer intact, the value thereof shall be declared forfeited.

Where a lot of fish is found to include fish which, by virtue of the first paragraph, are subject to forfeiture by reason of having been taken at a prohibited time or of being smaller than the prescribed minimum size, the other fish in the lot shall also be declared forfeited unless the owner of the lot, at his own expense, immediately has a reliable person sort out such other fish or unless forfeiture of the entire lot clearly appears to be unreasonable.

Where fish are declared forfeited, the box or other container in which they are kept shall also be forfeited.

Fishing gear which has been employed in connexion with fishing as referred to in the first paragraph or in connexion with unlawful preparations for such fishing, or which has been set out in an unlawful manner, shall be declared, in its entirety or in part, to be forfeited if the owner thereof or any person acting in his stead wilfully committed, or was a wilful accomplice in the commission of, the offence and if such forfeiture of the gear is not clearly unreasonable; if the gear is no longer intact, the value thereof shall instead be declared forfeited. The foregoing provision shall not, however, apply to firearms.

The provisions of this article shall not apply to any person who acquired the fish or gear or title thereto in good faith.

...

*Article 34*

If a person is caught in the act of contravening a prohibition referred to in article 32, first paragraph, or of engaging in preparations for fishing which are punishable under article 31, first paragraph, or if unauthorized gear or gear which has been set out in clear violation of the provisions of article 9, second paragraph, or

article 21, first paragraph, is discovered in fishery waters, then a fishery protection officer appointed by a county administration or by the Board of Fisheries, the commander of a government vessel which has been dispatched to supervise conditions in the fishing grounds or an officer of the coastal patrol service of the Customs Department may seize property which, under article 32, may be declared forfeited and also a boat or any other object which can be assumed to be of importance for the investigation of the offence. Where the fishing violates private fishing rights, the same powers as aforesaid shall vest in the holder of such rights or in persons in his employ.

(e) ACT NO. 314 OF 3 JUNE 1966 CONCERNING THE CONTINENTAL SHELF, article 4<sup>1</sup>

(f) REGULATIONS NO. 315 OF 3 JUNE 1966 RELATING TO THE IMPLEMENTATION OF THE ACT NO. 314 OF 3 JUNE 1966 CONCERNING THE CONTINENTAL SHELF, articles 3 and 6<sup>2</sup>

An employee of the customs or pilotage service who discovers fish which a person has brought or attempted to bring into the country illegally shall be required to seize the same.

...

#### *Article 36*

The person effecting a seizure as provided in article 34 shall report the seizure to the competent police or prosecuting authority or to the nearest police officer. Where the seizure concerns fish, a report of the seizure shall be made even though the fish have been released as provided in article 35.

The person receiving a report as referred to in the first paragraph shall proceed, in so far as compliance with the provisions of this Act or with other provisions relating to seizures is concerned, in the same manner as if he had made the seizure himself.

...

(g) ROYAL NOTICE NO. 443 OF 16 JUNE 1966 CONCERNING EXEMPTIONS FROM THE PROHIBITION AGAINST TRAWL FISHING\*\*

His Majesty the King has seen fit to order that, notwithstanding the prohibition under article 7 of the Fisheries Act<sup>3</sup> of 24 September 1954 (No. 607) against trawling, fishing with a trawl may, at the times and subject to the conditions hereinafter specified, be carried on in the following areas.

...

<sup>1</sup> *Supra* DIVISION II, 41 (a).

<sup>2</sup> *Ibid.*, (b).

<sup>3</sup> *Supra* (d).

(h) ROYAL NOTICE<sup>1</sup> NO. 549 OF 21 OCTOBER 1966 CONCERNING EXEMPTIONS FROM  
THE PROHIBITION AGAINST FISHING WITH FISH-GIGS

His Majesty the King has seen fit to order that, notwithstanding the prohibition under article 6 of the Fisheries Act of 24 September 1954 (No. 607) against fishing with fish-gigs, eel fishing may be carried on with fish-gigs during the period December-March off the coast of Blekinge county between the meridians of longitude passing, respectively, through Cape Gö on the west and Cape Torhamn on the east.

35. TOGO

LOI N° 64-14 DU 11 JUILLET 1964 PORTANT RÉGLEMENTATION DE LA PÊCHE

...

La pêche est interdite aux navires étrangers dans les eaux territoriales togolaises en deçà d'une limite fixée à douze milles marins au large de la laisse de basse mer.

36. TUNISIA

LOI N° 62-35 DU 16 OCTOBRE 1962 (18 JOUMADA I 1382), MODIFIANT LE DÉCRET DU 26 JUILLET 1951 (22 CHAOUAL 1370), PORTANT REFONTE DE LA LÉGISLATION DE LA POLICE DE LA PÊCHE MARITIME ET DÉLIMITATION DES EAUX TERRITORIALES DE LA RÉPUBLIQUE TUNISIENNE, article 3<sup>2</sup>

37. TURKEY

ACT CONCERNING THE TERRITORIAL SEA (Law No. 476 of 15 May 1964)<sup>3</sup>

...

*Art. 8.* In zones contiguous to Turkey's territorial sea and extending to a distance of twelve nautical miles from the baseline from which the territorial sea is measured the régime of the territorial sea shall be applied in respect of fishing and exploitation of living resources.

...

<sup>1</sup> *Svensk författningsamling* 1966, No. 549. Came into force on 1 January 1967.

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter 1, 45.

<sup>3</sup> *Official Gazette*, No. 11711 of 25 May 1964. For articles 1-7, see *supra* DIVISION I, SUB-DIVISION A, Chapter 1, 46.



## 38. UNION OF SOVIET SOCIALIST REPUBLICS

(a) REGULATIONS<sup>1</sup> CONCERNING THE CONSERVATION OF FISHERY RESOURCES AND THE REGULATION OF FISHING IN THE WATERS OF THE USSR\*

1. All waters (territorial waters of the USSR, inland seas, rivers, lakes, ponds and reservoirs, and their accessory waters) which are or may be used for the taking of fish and other aquatic animals and plants for commercial purposes or which are important for the maintenance of stocks of fish of commercial value shall be considered to be fishery waters.

2. The conservation of fish stocks, the regulation of fishing, the allocation of commercial fishery zones and the issuance of permits for the taking of fish and other aquatic animals and plants, supervision to ensure compliance with these regulations and with the fishery rules, and supervision of measures for the maintenance of fish stocks and improvements in fishery waters shall be the responsibility of the fishery conservation authorities.

...

7. Individuals and bodies corporate of foreign nationality may not engage in the taking of fish and other aquatic animals and plants for commercial purposes in the waters of the USSR, except as provided in agreements concluded by the USSR with other States.

...

14. The heads of the fishery conservation authorities and their deputies and the inspectors of the said authorities shall be authorized:

(b) To detain persons who have violated fishery rules in order that a record of such violations may be drawn up;

(c) To seize from persons who have violated fishery rules the fishing implements and floating equipment in their possession and any fish or other aquatic animals or plants unlawfully taken.

...

18. Persons guilty of violating the rules governing fishing and the conservation of fish stocks shall be liable to an administrative fine not exceeding ten roubles in the case of individuals who are not officials and not exceeding fifty roubles in the case of officials. Persons guilty of a serious violation of such rules which does not entail criminal liability shall be liable to a fine not exceeding fifty roubles in the case of individuals who are not officials and not exceeding 100 roubles in the case of officials.

...

(b) REGULATIONS OF 5 AUGUST 1960 FOR THE DEFENCE OF THE STATE FRONTIER OF THE UNION OF SOVIET SOCIALIST REPUBLICS, article 19<sup>2</sup>

<sup>1</sup> Confirmed by the Council of Ministers of the USSR on 15 September 1958. The above text includes the amendments and additions confirmed by the Council of Ministers of the USSR on 10 December 1965. Cf. ST/LEG/SER.B/6, p. 577.

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter III, 7 (a).

## 39. UNITED KINGDOM

- (a) SEA FISHERIES ACT 1883, sections 2, 7, 11-13, 18, 23, 25, 28<sup>1\*</sup>
- (b) SEA FISHERIES (SCOTLAND) AMENDMENT ACT 1885, sections 2, 6, 7 and Schedule<sup>2\*</sup>
- (c) SEA FISHERIES REGULATION ACT 1888, sections 1, 2, 6<sup>3\*</sup>
- (d) FISHERIES ACT, 1891, sections 5 and 8<sup>4\*</sup>
- (e) WHALE FISHERIES (SCOTLAND) ACT 1907, sections 1-3<sup>5\*</sup>
- (f) SEA FISHING INDUSTRY ACT 1933, sections 4, 4a<sup>6\*</sup>
- (g) WHALING INDUSTRY (REGULATIONS) ACT 1934, sections 2, 8, 12, 13, 17<sup>7\*</sup>
- (h) WHITE FISH AND HERRING INDUSTRIES ACT 1948, sections 1-2<sup>8\*</sup>
- (i) FISHERY LIMITS ACT<sup>9</sup> 1964 (CHAPTER 72) (31 July 1964)

1. *British fishery limits*

(1) For the purposes of the Sea Fisheries Acts the fishery limits of the British Islands shall be the seas surrounding the United Kingdom, the Channel Islands and the Isle of Man to a distance of twelve miles from the baselines from which the breadth of the territorial sea is measured and shall be divided into—

- (a) the exclusive fishery limits, that is to say, the said fishery limits to a distance of six miles from those baselines; and
- (b) the remainder, in this section referred to as “the outer belt”.

<sup>1</sup> Reproduced in ST/LEG/SER.B/6, p. 584. For amendments, see *infra* (i) the Fishery Limits Act 1964, SCHEDULE 1.

<sup>2</sup> Reproduced in ST/LEG/SER.B/6, p. 588. For amendments, see *infra* (i) the Fishery Limits Act 1964, SCHEDULE 1.

<sup>3</sup> Reproduced in ST/LEG/SER.B/6, p. 588. For amendments, see *infra* (i) the Fishery Limits Act 1964, SCHEDULE 1.

<sup>4</sup> Reproduced in ST/LEG/SER.B/6, p. 593. For amendments, see *infra* (i) the Fishery Limits Act 1964, SCHEDULE 1.

<sup>5</sup> Reproduced in ST/LEG/SER.B/6, p. 594. For amendments, see *infra* (i) the Fishery Limits Act 1964, SCHEDULE 1.

<sup>6</sup> Reproduced in ST/LEG/SER.B/6, p. 596. For amendments, see *infra* (i) the Fishery Limits Act 1964, SCHEDULE 1.

<sup>7</sup> Reproduced in ST/LEG/SER.B/6, p. 596. For amendments, see *infra* (i) the Fishery Limits Act 1964, SCHEDULE 1.

<sup>8</sup> Reproduced in ST/LEG/SER.B/6, p. 599. For amendments, see *infra* (i) the Fishery Limits Act 1964, SCHEDULE 1.

<sup>9</sup> By the Fishery Limits Act 1964 (Commencement) Order 1964 (*Statutory Instruments* 1964, No. 1553 (C. 20)), the Act made on 31 July 1964, was brought into operation on 30 September 1964. By this Act, a number of enactments were repealed, e.g. the Sea Fisheries Act 1843 (ST/LEG/SER.B/6, p. 581); in section 5 of the Sea Fisheries Act 1868 (*ibid.*, p. 583), the definition of “consular officer”.

(2) The following provisions shall have effect with respect to foreign fishing boats within the outer belt—

(a) if the boat is not registered in a country for the time being designated under this Act, section 7 of the Sea Fisheries Act 1883 shall apply as it applies with respect to the exclusive fishery limits;

(b) if the boat is registered in a country for the time being so designated, the boat shall not fish or attempt to fish except in an area and for any description of sea fish so designated in relation to that country;

and any contravention of this subsection shall be treated as a contravention of the said section 7.

(3) For the purpose of giving effect to any Convention, agreement or arrangement providing for sea-fishing by foreign fishing boats the Ministers may by order designate any country outside the United Kingdom, the Channel Islands and the Isle of Man, and the area in which and descriptions of sea fish for which fishing boats registered in that country may fish in the outer belt, and any such order shall be made by statutory instrument and may be varied or revoked by a subsequent order so made.

(4) Notwithstanding anything in subsection (1) of this section, the fishery limits of the British Islands shall not include any part of the sea which is beyond the median line between the coasts of England or the Channel Islands and France, that is to say a line every point of which is equidistant from the nearest points on the low water lines of those coasts or any other line agreed between the government of the United Kingdom and the government of France.

## 2. *Temporary concessions*

In relation to fishing boats registered in such of the countries designated by an order under section 1 of this Act as may be specified in that order for the purposes of this section, the said section 1 shall have effect—

(a) until the end of the year 1965; and

(b) so far as concerns any area where the base line of the territorial sea is a straight line other than a bay-closing line or is a straight line exceeding ten miles, until the end of the year 1966;

as if subsection (1) referred to three instead of six miles.

## 3. *Interpretation, amendments, repeals and saving*

—(1) In this Act—

“fishing boat” means a vessel of whatever size, and in whatever way propelled, which is for the time being employed in sea-fishing;

“foreign fishing boat” means a fishing boat which is neither registered in the United Kingdom, the Channel Islands or the Isle of Man nor exempted from registration by regulations under section 373 of the Merchant Shipping Act 1894;

“mile” means nautical mile;

“Sea Fisheries Acts” means any enactments for the time being in force relating to sea-fishing, including any enactment relating to fishing for shellfish,

salmon or migratory trout and any such enactment passed by the Parliament of Northern Ireland; and

“the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretaries of State concerned with sea-fishing in Scotland and Northern Ireland respectively.

(2) So much of the definition of “sea-fishing” in the Sea Fisheries Act 1883 as excludes fishing for salmon shall cease to have effect.

(3) The enactments mentioned in Schedule 1 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential on the extension of the fishery limits of the British Islands.

(4) The enactments mentioned in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(5) Nothing in section 7 of the Sea Fisheries Act 1883 or section 1(2) of this Act shall prohibit or restrict fishing by French fishing boats in any area with respect to which special provision for fishing by such boats is made by any agreement or arrangement between the government of the United Kingdom and the government of France.

#### 4. *Provisions as to Northern Ireland*

(1) This Act extends to Northern Ireland.

(2) References in the Government of Ireland Act 1920 to the portion of Ireland within the jurisdiction of the Parliament of Northern Ireland shall be construed as including, in relation to any matter concerning or connected with fishing, so much of the fishery limits of the British Islands as is adjacent to Northern Ireland but is not nearer to any point on the coasts of Scotland than to any point on the coasts of Northern Ireland.

(3) For the purposes of section 6 of that Act (conflict of laws) so much of this Act as relates to matters with respect to which the Parliament of Northern Ireland has power to make laws shall be deemed to be contained in an Act passed before the day appointed for the purposes of that section.

...

#### SCHEDULE 1

##### CONSEQUENTIAL AMENDMENTS

...

#### *Sea Fisheries Act 1883<sup>1</sup>*

The word “exclusive” shall be omitted in sections 4, 5, 18, 25 and 31.

In section 12, for the words “exclusive limits” there shall be substituted the words “fishery limits”.

#### *Sea Fisheries (Scotland) Amendment Act 1885<sup>1</sup>*

In section 4 the word “exclusive” shall be omitted.

<sup>1</sup> The relevant provisions are reproduced in ST/LEG/SER.B/6, pp. 586-599.

*Sea Fisheries Regulation Act 1888*<sup>1</sup>

In paragraph (a) of section 1(1) for the words from “within” to “fishing” there shall be substituted the words “within the national or territorial waters of the United Kingdom”.

...

*Fisheries Act 1891*<sup>1</sup>

In section 5 the word “exclusive” shall be omitted.

*Whale Fisheries (Scotland) Act 1907*

In section 3(4), for the words “within three miles of low-water mark of any part of the coast of Scotland” there shall be substituted the words “in any waters off the coast of Scotland which are within the fishery limits of the British Islands”.

...

*Sea-Fishing Industry Act 1933*<sup>1</sup>

In section 3 the following subsection shall be inserted after subsection (1):—

“(1A) An order under this section may be so made as to extend to nets or other fishing gear carried in any waters adjacent to the United Kingdom and within the fishery limits of the British Islands by fishing boats registered in any country outside the United Kingdom or not registered in any country”.

In section 4(5) and in section 4A for the words “within the limits of the territorial waters adjacent to the United Kingdom” there shall be substituted the words “in waters adjacent to the United Kingdom and within the fishery limits of the British Islands”.

*Whaling Industry (Regulation) Act 1934*<sup>1</sup>

In section 17(1) for the definition of “coastal waters” there shall be substituted the following:

“coastal waters” means—

- (a) in relation to the United Kingdom, the Channel Islands and the Isle of Man, so much of the waters adjoining those countries respectively as is within the fishery limits of the British Islands; and
- (b) in relation to any other country, so much of the waters adjoining that country as is within the distance to which provisions of the law of that country corresponding to the provisions of this Act extend.

*White Fish and Herring Industries Act 1948*<sup>1</sup>

In section 2(5) for the words from “within the limits” to “adjacent to the United Kingdom” there shall be substituted the words “in any waters adjacent to the United Kingdom which are within the fishery limits of the British Islands”.

<sup>1</sup> The relevant provisions are reproduced in ST/LEG/SER.B/6, pp. 596-599.

(j) FISHING BOATS (FEDERAL REPUBLIC OF GERMANY) DESIGNATION ORDER<sup>1</sup> 1964  
(29 September 1964)

...

3.—(1) The Federal Republic of Germany is hereby designated for the purpose of section 1(3) of the Act.<sup>2</sup>

(2) The areas in which fishing boats registered in the Federal Republic of Germany may fish in the outer belt of the fishery limits of the British Islands shall be those which respectively lie between the demarcation lines drawn from the landmarks, and in the true directions, mentioned in the 2nd column of the Schedule to this Order in respect of each such area as aforesaid.

(3) The sea fish for which such fishing boats may fish is herring.

4. Section 2 of the Act shall apply to fishing boats registered in the Federal Republic of Germany.

...

(k) FISHING BOATS (NORWAY) DESIGNATION ORDER<sup>3</sup> 1964 (29 September 1964)

...

3.—(1) Norway is hereby designated for the purpose of section 1(3) of the Act.<sup>4</sup>

(2) The areas in which fishing boats registered in Norway may fish in the outer belt of the fishery limits of the British Islands shall be:—

(a) the whole of the outer belt surrounding the islands referred to in the 2nd column of Schedule 1 to this Order

(b) those areas which respectively lie between the demarcation lines drawn from the landmarks, and in the true directions mentioned in the 2nd column of Schedule 2 to this Order in respect of each such area as aforesaid.

(3) The descriptions of sea fish for which such fishing boats may fish shall be those specified in the 3rd column of the said Schedules to this Order in respect of each such area as aforesaid.

4. Section 2 of the Act shall apply to fishing boats registered in Norway.

...

(l) FISHING BOATS (FRANCE) DESIGNATION ORDER 1965<sup>5</sup> (8 June 1965)

...

4.—(1) France is hereby designated for the purpose of section 1(3) of the Act.<sup>6</sup>

(2) The areas in which fishing boats registered in France may fish in the outer belt of the fishery limits of the British Islands shall be:—

<sup>1</sup> *Statutory Instruments* 1964, No. 1597. Came into operation on 30 September 1964.

<sup>2</sup> "The Act" means the Fishery Limits Act 1964.

<sup>3</sup> *Statutory Instruments* 1964, No. 1600. Came into force on 30 September 1964.

<sup>4</sup> "The Act" means the Fishery Limits Act 1964.

<sup>5</sup> *Statutory Instruments* 1965, No. 1241. Came into operation on 18 June 1965.

<sup>6</sup> "The Act" means the Fishery Limits Act 1964.

(a) the whole of the outer belt surrounding the islands referred to in the 2nd column of Schedule 1 to this Order;

(b) the areas which respectively lie between the demarcation lines drawn from the landmarks, and in the true directions mentioned in the 2nd column of Schedule 2 to this Order in respect of each such area as aforesaid.

(3) The descriptions of sea fish for which such fishing boats may fish shall be those specified in the 3rd column of the said Schedules to this Order in respect of each such area as aforesaid.

5. Section 2 of the Act shall apply to fishing boats registered in France.

...

(m) FISHING BOATS (REPUBLIC OF IRELAND) DESIGNATION ORDER<sup>1</sup> 1965 (20 July 1965)

...

4.—(1) The Republic of Ireland is hereby designated for the purpose of section 1(3) of the Act.<sup>2</sup>

(2) The areas in which fishing boats registered in the Republic of Ireland may fish shall be:—

(a) the outer belt of so much of the fishery limits of the British Islands as is adjacent to Northern Ireland;

(b) those parts of the outer belt which respectively lie between the demarcation lines drawn from the landmarks, and in the true directions mentioned in the 2nd column of the Schedule to this Order in respect of each such area as aforesaid.

(3) Within the area defined in sub-paragraph (a) of the last preceding paragraph fishing boats registered in the Republic of Ireland may fish for sea fish of all descriptions. Within the area mentioned in sub-paragraph (b) of the last preceding paragraph the descriptions of sea fish for which such fishing boats may fish shall be those specified in the 3rd column of the said Schedule to this Order in respect of each such area as aforesaid.

5. Section 2 of the Act shall apply to fishing boats registered in the Republic of Ireland.

...

(n) FISHING BOATS (BELGIUM) DESIGNATION ORDER<sup>3</sup> 1965 (6 August 1965)

...

4.—(1) Belgium is hereby designated for the purpose of section 1(3) of the Act.<sup>4</sup>

(2) The areas in which fishing boats registered in Belgium may fish in the outer belt of the fishery limits of the British Islands shall be those which respectively lie between the demarcation lines drawn from the landmarks, and in the true directions mentioned in the 2nd column of the Schedule to this Order in respect of each such area as aforesaid.

<sup>1</sup> *Statutory Instruments* 1964, No. 1448. Came into operation on 1 August 1965.

<sup>2</sup> "The Act" means the Fishery Limits Act 1964.

<sup>3</sup> *Statutory Instruments* 1965, No. 1569. Came into operation on 17 August 1965.

<sup>4</sup> "The Act" means the Fishery Limits Act 1964.

(3) The descriptions of sea fish for which such fishing boats may fish shall be those specified in the 3rd column of the said Schedule to this Order in respect of each such area as aforesaid.

5. Section 2 of the Act shall apply to fishing boats registered in Belgium.

...

(o) FISHING BOATS (FRANCE) DESIGNATION (NO. 2) ORDER<sup>1</sup> 1965 (1 September 1965)\*

(p) FISHING BOATS (BELGIUM) DESIGNATION (AMENDMENT) ORDER<sup>2</sup>  
(17 November 1965)\*

(q) FISHING BOATS (BELGIUM) DESIGNATION (AMENDMENT) ORDER<sup>3</sup>  
1966 (21 January 1966)\*

(r) FISHING BOATS (NETHERLANDS) DESIGNATION (NO. 2) ORDER<sup>4</sup> 1966  
(20 June 1966)

...

4.—(1) The Netherlands is hereby designated for the purpose of section 1(3) of the Act.<sup>5</sup>

(2) The areas in which fishing boats registered in the Netherlands may fish in the outer belt of the fishery limits of the British Islands shall be, in relation to England and Wales, those which lie between the demarcation lines drawn from the landmarks, and in the true directions, mentioned in Part I of Column 2 of the Schedule to this Order and in relation to Scotland, those which lie to the south-west of the demarcation line first mentioned in Part II of the said Column and to the south-east of the demarcation lines second and third mentioned in the said Part II and between the said demarcation lines which are drawn from the respective landmarks and in the true directions mentioned in the said Part II.

(3) The sea fish for which such fishing boats may fish is herring.

...

<sup>1</sup> *Statutory Instruments* 1965, No. 1667. Came into operation on 5 September 1965. By the Order a new entry was inserted in Schedule 2 of the Fishing Boats (France) Designation Order 1965 (*supra* (1)), which specifies the areas in which fishing boats registered in France may fish in the outer belt of the fishery limits of the British Islands.

<sup>2</sup> *Statutory Instruments* 1965, No. 1982. Came into operation on 1 December 1965. By the Order an entry was repealed in the Schedule of the Fishing Boats (Belgium) Designation Order 1965 (*supra* (n)), which specifies the areas in which fishing boats registered in Belgium may fish in the outer belt of the fishery limits of the British Islands.

<sup>3</sup> *Statutory Instruments* 1966, No. 59. Came into operation on 1 February 1966. By the Order a new entry was inserted in the Schedule of the Fishing Boats (Belgium) Designation Order 1965 (*supra* (n)), as amended (*supra* (p)). See also the preceding note.

<sup>4</sup> *Statutory Instruments* 1966, No. 743. Came into operation on 1 July 1966. By this Order, the Fishery Boats (Netherlands) Designation Order 1966 was revoked.

<sup>5</sup> "The Act" means the Fishery Limits Act 1964.



## BAHAMAS ISLANDS

- (a) SEAL FISHERIES (CROWN COLONIES AND PROTECTORATES) ORDER IN COUNCIL, 1913-1956 (11 April 1913)<sup>1\*</sup>
- (b) WHALING INDUSTRY (REGULATIONS) ACT (NEWFOUNDLAND, COLONIES, PROTECTORATES AND MANDATED TERRITORIES) ORDER (3 July 1936)<sup>2\*</sup>
- (c) MARINE PRODUCT (SPONGE) RULES (1 October 1937)<sup>3\*</sup>
- (d) MARINE PRODUCT (FISHERIES) RULES (23 September 1954)<sup>4\*</sup>
- (e) AGRICULTURE AND FISHERIES ACT (20 December 1963)<sup>5</sup>

## 5. Rules

The Minister may make rules for all or any of the following purposes:—

- (a) to define areas hereinafter called “protected areas” within which it shall be unlawful for any person except a licensee especially licensed in that behalf—
- (i) to take, capture or kill any kind or any particular kind, species or size of marine product;
- (ii) to plant, propagate, take, uproot or destroy any species of plant;
- (b) to prohibit any specified mode of taking, capturing, destroying or killing any marine product by all or any particular person or persons whether or not holding a licence;
- (c) to prohibit the use of any engine, dredge, trap or device in the taking, capturing, destroying or killing of any marine product by all or any particular person or persons whether or not holding a licence;
- (d) the issue, amendment, transfer or revocation of licences for any of the purposes of this Act or any rules made thereunder and the terms and conditions upon which such licences may be issued, amended, transferred or revoked;
- (e) to conserve, uproot, or destroy any specified kind of plant;
- (f) to determine the size and type of construction of any seine, net or trap and the size of any mesh thereof;
- (g) to provide for the examination, seizure, forfeiture and disposal of any articles or marine products taken, captured, destroyed or killed contrary to the provisions of a licence or of any rules made under this Act;
- (h) the disposal (including the sale and purchase) of any marine product;
- (i) the grading, packing and inspection of fruit and vegetable produce intended for export;

<sup>1</sup> *Bahamas Islands Subsidiary Legislation*. Revised Edition 1965. Chapter 25. Agriculture and Fisheries, Part II, under section 5. The Order was amended, most recently, by *Statutory Instruments* 1956, No. 838.

<sup>2</sup> *Bahamas Islands Subsidiary Legislation*. Revised Edition 1965. Chapter 25, Part III, under section 13. Reproduced in ST/LEG/SER.B/6, p. 598.

<sup>3</sup> *Ibid.*, Part I, under section 5.

<sup>4</sup> *Ibid.* Most recently amended by *Statutory Instruments* 1965, No. 65.

<sup>5</sup> *Bahamas Islands Statute Law*. Revised Edition 1965, Chapter 25.

(j) the inspection, grading, manufacture and packing of straw braid and articles made wholly or partly from straw or straw fibre intended for sale or export, and for the seizure, forfeiture and disposal of any such straw braid or articles as aforesaid the grading, manufacture or packing of which does not comply with any rule made under this paragraph;

(k) the management of the Botanical Station;

(l) the establishment, management and regulation of produce exchanges;

(m) generally for carrying into effect the purposes of this Act.

...

8. *Taking, etc., marine products in a protected area*

Any person found taking, capturing, destroying or killing any marine product within a protected area without a licence in that behalf shall forfeit any such marine product and shall be liable, on summary conviction, to a penalty of two hundred and fifty pounds or to imprisonment for one year or to both such fine and imprisonment.

9. *Penalty on owner of vessels, etc.*

(1) Any owner or master or other person in charge of any vessel whether or not it be operating under a licence who shall permit such vessel to be employed in taking, capturing, destroying or killing any marine product, or who shall permit or suffer any person belonging to such vessel to be employed in taking, capturing, destroying or killing any marine product contrary to the terms of a licence or of any rule made under this Act shall forfeit any such marine product and in addition thereto shall be liable, on summary conviction, to a penalty of two hundred and fifty pounds or to imprisonment for one year or to both such fine and imprisonment and such vessel shall be liable to forfeiture.

(2) If any vessel shall be employed in exporting any marine product from the Colony contrary to the terms of any licence or of any rule made under this Act, such vessel shall be liable to forfeiture unless there has been issued a proper certificate of clearance of such vessel relating to such marine product under the provisions of The Customs Regulations Act.

(3) Any vessel liable to forfeiture under this section shall be proceeded against and condemned in such manner as is prescribed by and under The Customs Regulations Act.

10. *Power to search and detain vessels*

(1) Any peace officer may go on board and search any vessel within the limits of the Colony; and if such officer shall find any marine product on board such vessel which he has good cause to suspect has been taken contrary to the provisions of this Act or the rules made thereunder, such officer may detain such vessel and shall deliver the same (if so detained) into the care of the nearest commissioner, the Comptroller of Customs or a police officer of or above the rank of inspector.

(2) Any vessel detained under subsection (1) of this section shall be the subject of a lien in favour of Her Majesty for the amount of any fine imposed upon the owner, master or other person in charge of such vessel under the provisions of subsection (1) of section 9 and shall be released—

(a) within seven days of the delivery of the vessel into the care of a commissioner, the Comptroller of Customs or a police officer of or above the rank of inspector, if no charge is brought within that time against the owner, master or other person in charge thereof; or

(b) if a charge is brought against the owner, master or other person in charge of such vessel within seven days, then unless proceedings have been instituted for the condemnation of such vessel upon the charge being dismissed or upon the payment of any fine imposed under the provisions of subsection (1) of section 9.

#### 11. *Powers of arrest*

Any peace officer and all persons whom such officer may call to his assistance may arrest and take into custody without warrant any person who there is good cause to suspect has committed or permitted any act punishable under the provisions of section 8 or 9.

### CAYMAN ISLANDS

(a) FISHERIES LICENSING LAW (Chapter 56, No. 1 of 1915; 11 November 1915)<sup>1</sup>

...

#### 2. *Administrator to grant licences*

It shall be lawful for the Administrator to grant licences for the establishment and maintenance and regulation of turtle, sponge and any other kind of fishery on the shore and bed of the sea of the Islands.

...

#### 5. *Effect of licence*

The licensee shall, within the limits of the fishery and subject to any restrictions or exceptions contained in this Law, or licence granted under this Law, have the exclusive right of confining, depositing, propagating, fishing for or otherwise taking turtle and sponge or engaging in any other form of fishery as mentioned in the licence.

...

#### 7. *Property in fishery and protection of licensee*

All turtle, sponge or other kinds of fishery within the limits mentioned in the licence shall be the absolute property of the licensee and it shall not be lawful for any person other than the licensee or the agents, servants or workmen of such licensee to enter upon or within the limits of any such fishery or to use any implement of fishing, or to disturb or injure in any manner any such fishery.

...

<sup>1</sup> *The Laws of the Cayman Islands*, in force on 31 December 1963. Revised edition.

(b) LOBSTER (RESTRICTION ON FISHING) LAW,<sup>1</sup> 1964 (No. 18 of 1964; 22 October 1964), AS AMENDED<sup>2</sup>

...

## 2. *Interpretation*

In this Law unless the context otherwise requires—

“Cayman waters” includes all waters surrounding the Islands of Grand Cayman, Cayman Brac and Little Cayman up to and including a distance of three nautical miles from the shoreline respectively, and shall specifically include the waters comprising the geographical area known as the “North Sound”, Grand Cayman;

...

### 3. *Offence to injure, destroy, sell etc. when lobster is bearing eggs*

Any person who takes, injures, destroys, sells, purchases or is in the possession of any lobster whether dead or alive at any time when the lobster is bearing eggs shall be guilty of an offence under this Law.

### 4. *Offence to take or injure lobster during closed season*

Any person who takes, injures or destroys a lobster in Cayman waters at any time during the closed season shall be guilty of an offence under this Law.

### 5. *Offence for any person to take more than three lobsters per day during open season*

Any person who takes, injures or destroys with spear gun or by spear fishing more than three lobsters in any one day during the open season shall be guilty of an offence under this Law.

### 5A. *Prohibition of fishing while scuba diving*

Any person using scuba equipment who takes, injures or destroys any lobster with a spear gun or by spear fishing in Cayman waters at any time, whether during the open season or the closed season, shall be guilty of an offence under this Law.

### 6. *No restriction on number of lobsters taken by pot etc.*

There shall be no restriction on the numbers of lobsters taken by pot during the open season, but it shall be an offence under this Law to take or retain in Cayman waters any lobster below the minimum size.

...

<sup>1</sup> Government Notice No. 102 of 1964.

<sup>2</sup> By the Lobster (Restriction on Fishing) (Amendment) Law, 1965 (No. 41 of 1965; 23 November 1965) Government Notice No. 144 of 1965; and by the Lobster (Restriction on Fishing) (Amendment) Law, 1967 (No. 16 of 1967; 17 July 1967) Government Notice No. 79 of 1967.

9. *Power of Member of Police Force*

For the purpose of ascertaining whether there is or has been any contravention of the provisions of this Law any member of the Cayman Islands Police Force shall have the power—

- (i) to enter any premises or any vehicle, boat, receptacle or place where lobster may be kept; and/or
- (ii) inspect the contents of any lobster pot and to ensure the removal therefrom any lobster which cannot lawfully by reason of any provision of this Law, be taken.

*FIJI*

FISHERIES ORDINANCE,<sup>1</sup> 1 JANUARY 1942, AS AMENDED<sup>2</sup>

...

2. In this Ordinance, unless the context otherwise requires—

...

“territorial waters” means that part of the sea adjacent to the coast of any island in the Colony which is within three geographical miles measured from low-water mark of the seaward side of the reef fronting such coast, or when a reef is not present, from the low-water mark of the coast itself.

3. (1) A licensing officer may in his discretion grant licences to take fish in the territorial or inland waters of the Colony.

(2) Every licence granted under this Ordinance shall terminate on the thirty-first day of December next after the day of issue. It shall be personal to the holder, shall not be transferable and shall be subject to such conditions as the licensing officer shall think fit to endorse thereon in accordance with this Ordinance or any regulations made thereunder.

(3) No person shall take fish in the territorial or inland waters of the Colony by way of trade or business or as an employee of a person carrying on the trade or business of a fisherman unless such person is authorized by a licence to take fish: Provided that—

(a) a person who takes fish with a line from the shore or with a spear shall not be required to obtain such a licence;

(b) the Governor in Council may by regulation exempt any person from the necessity of possessing such a licence.

(4) No licence to take fish in the territorial or inland waters of the Colony shall be granted to any person owning, operating or manning any fishing vessel

<sup>1</sup> Sections 2, 3, 7 and 8, as amended up to 1951, are reproduced in ST/LEG/SER.B/6, pp. 603-604.

<sup>2</sup> Most recently by the Fisheries (Amendment) Ordinance, 1958 (No. 16 of 1958), the Fisheries (Amendment) Ordinance, 1959 (No. 34 of 1959), the Fisheries (Amendment) Ordinance, 1964 (No. 26 of 1964) and the Law Revision (Miscellaneous Amendments) Ordinance, 1966 (No. 7 of 1966).

registered elsewhere than in Her Majesty's dominions, without the prior approval of the Governor.

...

7. The Governor in Council may make regulations—

(d) Prescribing limits to the size of nets or the mesh of nets which may be employed in taking fish either in the territorial or inland waters of the Colony or in any specified part thereof;

...

8. (1) Any person who, being required to be the holder of a licence, takes or attempts to take fish in the territorial or inland waters of the Colony or is in possession of fishing apparatus in such circumstances as to satisfy the Court before which he is tried that he intended to use the apparatus for the purpose of taking or destroying fish without being licensed under this Ordinance shall be liable to imprisonment for three months or to a fine of twenty-five pounds or to both such penalties. (Amended by 2 of 1945, s. 133).

(2) Any person who—

(a) Being the holder of a licence under this Ordinance, fails to comply with any of the conditions of his licence; or

(b) Commits any offence against this Ordinance for which no special penalty is provided; or

(c) Contravenes or fails to comply with the provisions of any regulation made hereunder,

shall be liable to imprisonment for three months or to a fine of twenty-five pounds or to both such penalties.

(3) The master and the owner of any fishing vessel registered elsewhere than in His Majesty's dominions using such vessel for the purpose of taking fish within the territorial or inland waters of the Colony, without the prior approval of the Governor, shall be liable to imprisonment for six months or to a fine of five hundred pounds or to both such penalties.

#### SEYCHELLES

TURTLES (AMENDMENT) ORDINANCE, 1964 (CHAPTER 22) (No. 1 of 1964)\*

#### VIRGIN ISLANDS

TREASURY ORDINANCE (CHAPTER 186), section 21<sup>1</sup>

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter IV, 10.

40. UNITED STATES OF AMERICA<sup>1</sup>(a) NORTHERN PACIFIC HALIBUT ACT,<sup>2</sup> 28 JUNE 1937§ 772a. *Definitions*

When used in sections 772—772i of this title—

(a) *Convention*: The word “Convention” means the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea signed at Ottawa on the 2d day of March 1953<sup>3</sup> and any other treaty or convention which modifies or replaces that Convention, and shall include the regulations promulgated thereunder.

(b) *Commission*: The word “Commission” means the Commission provided for in the Convention.

(c) *Person*: The word “person” includes partnerships, associations, and corporations.

(d) *Territorial waters of the United States*: The term “Territorial waters of the United States” means the territorial waters contiguous to the western coast of the United States and the territorial waters contiguous to the southern and western coasts of Alaska.

(e) *Territorial waters of Canada*: The term “territorial waters of Canada” means the territorial waters contiguous to the western coast of Canada.

(f) *Convention waters*: The term “Convention waters” means the territorial waters of the United States, the territorial waters of Canada, and the high seas of the Northern Pacific Ocean and the Bering Sea, extending westerly from the limits of the territorial waters of the United States and of Canada.

(g) *Halibut*: The word “halibut” means the species of *Hippoglossus* inhabiting Convention waters.

(h) *Vessel*: The word “vessel” includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water. (June 28, 1937, ch. 392, § 2, 50 Stat. 325; Aug. 8, 1953, ch. 382, 67 Stat. 494.)

§ 772b. *Acts unlawful*

It shall be unlawful for—

(a) any person other than a national or inhabitant of the United States to catch or attempt to catch any halibut in the territorial waters of the United States;

(b) any person to transfer to or to receive upon any vessel of the United States, or to bring to any place within the jurisdiction of the United States any halibut caught in Convention waters by the use of any vessel of a nation not a party to the Convention, or caught in Convention waters by any national or inhabitant of the United States or Canada in violation of the Convention or of sections 772—772i of this title;

<sup>1</sup> Acts concerning the Alaska fisheries and Regulations concerning the Alaska commercial fisheries, Bristol area, reproduced in ST/LEG/SER.B/6, 609-613, have been repealed.

<sup>2</sup> *United States Code* (1964 Edition) Title 16 (Conservation). The text reproduced in ST/LEG/SER.B/1, pp. 210-214, has been amended, as quoted above.

<sup>3</sup> See ST/LEG/SER.B/6, p. 803.

(c) any national or inhabitant of the United States to catch, attempt to catch, or to possess any halibut in the territorial waters of the United States or in Convention waters in violation of any provision of the Convention or of sections 772—772i of this title;

(d) any person within the territory or jurisdiction of the United States to furnish, prepare, outfit, or provision any vessel, other than a vessel of the United States or Canada, in connection with any voyage during which such vessel is intended to be, is being or has been employed in catching, attempting to catch, or possessing any halibut in Convention waters or the territorial waters of the United States or Canada;

(e) any person within the territory or jurisdiction of the United States to furnish, prepare, outfit, or provision any vessel of the United States or Canada in connection with any voyage during which such vessel is intended to be, is being, or has been employed in catching, attempting to catch, or possessing any halibut in violation of any provision of the Convention or of sections 772—772i of this title;

(f) any person within the territory or jurisdiction of the United States or any national or inhabitant of the United States within Convention waters knowingly to have or have had in his possession any halibut taken, transferred, received, or brought in in violation of any provision of the Convention or of sections 772—772i of this title;

(g) any person to depart from any place within the jurisdiction of the United States in any vessel which departs from such place in violation of the Convention or of sections 772—772i of this title;

(h) any person in the territorial waters of the United States or any national or inhabitant of the United States in Convention waters to catch or attempt to catch any halibut, or to possess any halibut caught incidentally to fishing for other species of fish by the use of or in any vessel required by the Convention to have on board any license or permit unless such vessel shall have on board a license or permit which shall comply with all applicable requirements of the Convention, and which shall be available for inspection at any time by any officer authorized to enforce the Convention or by any representative of the Commission;

(i) any person to take, retain, land, or possess any halibut caught incidentally to fishing for other species of fish, in violation of any provision of the Convention or of sections 772—772i of this title. (June 28, 1937, ch. 392, § 3, 50 Stat. 326.)

§ 772c. *Records and reports of master or owner*

It shall be unlawful for the master or owner or person in charge of any vessel or any other person required by the Convention to make, keep, or furnish any record or report, to fail to do so, or to refuse to permit any officer authorized to enforce the Convention or any representative of the Commission to examine and inspect any such record or report at any time. (June 28, 1937, ch. 392, § 4, 50 Stat. 327.)

§ 772d. *Enforcement; arrest and seizure; detention; testimony of officers*

(a) The provisions of the Convention and of sections 772—772i of this title and any regulations issued under said sections shall be enforced by the Coast Guard, the Customs Service, and the Fish and Wildlife Service. For such purposes any officer of the Coast Guard, Customs, or Fish and Wildlife Service may at any



time go on board of any vessel in territorial waters of the United States, or any vessel of the United States or Canada in Convention waters, except in the territorial waters of Canada, to address inquiries to those on board and to examine, inspect, and search the vessel and every part thereof and any person, trunk, package, or cargo on board, and to this end may hail and stop such vessel, and use all necessary force to compel compliance.

(b) Whenever it appears to any such officer that any person, other than a national or inhabitant of Canada, on any vessel of the United States is violating or has violated any provision of the Convention or of sections 772—772i of this title, he shall arrest such person and seize any such vessel employed in such violation. If any such person on any such vessel of the United States is a national or inhabitant of Canada, such person shall be detained and shall be delivered as soon as practicable to an authorized officer of Canada at the Canadian port or place nearest to the place of detention or at such other port or place as such officers of the United States and of Canada may agree upon.

(c) Whenever it appears to any such officer of the United States that any person, other than a national or inhabitant of the United States, on any vessel of Canada in Convention waters, except in the territorial waters of Canada, is violating or has violated any provision of the Convention, such person, and any such vessel employed in such violation, shall be detained and such person and such vessel shall be delivered as soon as practicable to an authorized officer of Canada at the Canadian port or place nearest to the place of detention, or at such other port or place as such officers of the United States and of Canada may agree upon. If any such person on any such vessel of Canada is a national or inhabitant of the United States, such person shall be arrested as provided for in subsection (b) of this section.

(d) Officers or employees of the Coast Guard, Customs, and Fish and Wildlife Service may be directed to attend as witnesses and to produce such available records and files or certified copies thereof as may be produced compatibly with the public interest and as may be considered essential to the prosecution in Canada of any violation of the provisions of the Convention or any Canadian law for the enforcement thereof when requested by the appropriate Canadian authorities in the manner prescribed in article V of the Convention to suppress smuggling concluded between the United States and Canada on June 6, 1924 (44 Stat. (pt. 3), 2097). (June 28, 1937, ch. 392, § 5, 50 Stat. 327; 1939 Reorg. Plan No. II, § 4 (e), eff. July 1, 1939, 4 F. R. 2731, 53 Stat. 1433; 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F. R. 2103, 54 Stat. 1232.)

#### § 772e. Penalties and forfeitures

(a) Any person violating any provision of section 772b of this title upon conviction shall be fined not more than \$1,000 nor less than \$100 or be imprisoned for not more than one year, or both.

(b) The cargo of halibut of every vessel employed in any manner in connection with the violation of any provision of section 772b of this title shall be forfeited; upon a second violation of the provisions of said section, every such vessel, including its tackle, apparel, furniture, and stores may be forfeited and the cargo of halibut of every such vessel shall be forfeited; and, upon a third or subsequent violation of the provisions of said section, every such vessel, including its tackle, apparel, furniture, cargo, and stores shall be forfeited.

(c) All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of sections 772—772i of this title, insofar as such provisions of law are applicable and not inconsistent with the provisions of said sections: *Provided*, That except as provided in section 772d of this title all rights, powers, and duties conferred or imposed by said sections upon any officer or employee of the Treasury Department shall, for the purposes of said sections, be exercised or performed by the Secretary of the Interior or by such persons as he may designate. (June 28, 1937, ch. 392, § 6, 50 Stat. 328; 1939 Reorg. Plan No. II, § 4 (e), eff. July 1, 1939, 4 F. R. 2731, 53 Stat. 1433.)

...

(b) SOCKEYE SALMON FISHERY ACT,<sup>1</sup> 29 JULY 1947

§ 776. *Definitions*

When used in this chapter—

(a) *Convention*: The word “convention” means the convention between the United States of America and the Dominion of Canada for the protection, preservation, and extension of the sockeye salmon fisheries of the Fraser River system, signed at Washington on the 26th day of May 1930, as amended by the protocol to the convention, signed at Ottawa on the 28th day of December 1956.

(b) *Commission*: The word “Commission” means the International Pacific Salmon Fisheries Commission provided for by article II of the convention.

(c) *Person*: The word “person” includes individuals, partnerships, associations, and corporations.

(d) *Convention waters*: The term “convention waters” means those waters described in article I of the convention.

(e) *Sockeye salmon and pink salmon*: The term “sockeye salmon” means that species of salmon known by the scientific name *Oncorhynchus nerka*, and the term “pink salmon” means that species of salmon known by the scientific name *Oncorhynchus gorbuscha*.

(f) *Vessel*: The word “vessel” includes every type or description of water craft or other contrivance used, or capable of being used, as a means of transportation in water.

(g) *Fishing*: The word “fishing” means the fishing for, catching, or taking, or the attempted fishing for, catching, or taking, of any sockeye salmon or pink salmon in convention waters.

(h) *Fishing gear*: The term “fishing gear” means any net, trap, hook, or other device, appurtenance or equipment, of whatever kind or description, used or capable of being used, for the purpose of capturing fish or as an aid in capturing fish. (July 29, 1947, ch. 345, § 2, 61 Stat. 511; July 11, 1957, Pub. L. 85—102, §§ 1—3, 71 Stat. 293.)

<sup>1</sup> *United States Code* (1964 Edition) Title 16 (Conservation). The text reproduced in ST/LEG/SER.B/1, pp. 201-205, has been replaced by the above text.

§ 776a. *Unlawful acts*

(a) It shall be unlawful for any person to engage in fishing for sockeye salmon or pink salmon in convention waters in violation of the convention or of this chapter or of any regulation of the Commission.

(b) It shall be unlawful for any person to ship, transport, purchase, sell, offer for sale, import, export, or have in possession any sockeye salmon or pink salmon taken in violation of the convention or of this chapter or of any regulation of the Commission.

(c) It shall be unlawful for any person or vessel to use any port or harbor or other place subject to the jurisdiction of the United States for any purpose connected in any way with fishing in violation of the convention or of this chapter or of any regulation made by the Commission.

(d) It shall be unlawful for any person or vessel to engage in fishing for sockeye salmon or pink salmon in convention waters without first having obtained such license or licenses as may be used by or required by the Commission, or to fail to produce such license, upon demand, for inspection by an authorized enforcement officer.

(e) It shall be unlawful for any person to fail to make, keep, submit, or furnish any record or report required of him by the Commission or to refuse to permit any officer authorized to enforce the convention, this chapter, and the regulations of the Commission, or any authorized representative of the Commission, to inspect any such record or report at any reasonable time.

(f) It shall be unlawful for any person to molest, interfere with, tamper with, damage, or destroy any boat, net, equipment, stores, provisions, fish-cultural stations, rearing pond, weir, fishway, or any other structure, installation, experiment, property, or facility acquired, constructed, or maintained by the Commission.

(g) It shall be unlawful for any person or vessel to do any act prohibited or to fail to do any act required by the convention or by this chapter or by any regulation of the Commission. (July 29, 1947, ch. 345, § 3, 61 Stat. 511; July 11, 1957, Pub. L. 85-102, § 3, 71 Stat. 294.)

§ 776b. *Omission of or fraudulent returns, records, and reports; penalties*

Any person who fails to make, keep, or furnish any catch return, statistical record, or any report that may be required by the Commission, or any person who furnishes a false return, record, or report, upon conviction shall be subject to such fine as may be imposed by the court not to exceed \$1,000, and shall in addition be prohibited from fishing for and from shipping, transporting, purchasing, selling, offering for sale, importing, exporting, or possessing sockeye salmon or pink salmon from the date of conviction until such time as any delinquent return, record, or report shall have been submitted or any false return, record, or report shall have been replaced by a duly certified correct and true return, record, or report to the satisfaction of the court. The penalties imposed by section 776c of this title shall not be invoked for failure to comply with requirements respecting returns, records, and reports. (July 29, 1947, ch. 345, § 4, 61 Stat. 512; July 11, 1957, Pub. L. 85-102, § 3, 71 Stat. 294.)

§ 776c. *Penalties and forfeitures*

(a) *Fine and imprisonment; prohibition on activities*

Except as provided in section 776b of this title, any person violating any provision of the convention or of this chapter or the regulation of the Commission upon conviction shall be fined not more than \$1,000 or be imprisoned not more than one year, or both, and the court may prohibit such person from fishing for, or from shipping, transporting, purchasing, selling, offering for sale, importing, exporting, or possessing sockeye salmon or pink salmon for such period of time as it may determine.

(b) *Forfeitures; first and subsequent violations*

The catch of fish of every vessel or of any fishing gear employed in any manner, or any fish caught, shipped, transported, purchased, sold, offered for sale, imported, exported, or possessed in violation of this chapter or the regulations of the Commission shall be forfeited; and upon a second and subsequent violation the catch of fish shall be forfeited and every such vessel and any fishing gear and appurtenances involved in the violation may be forfeited.

(c) *Same; procedure*

All procedures of law relating to the seizure, judicial forfeiture, and condemnation of a vessel for violation of the customs laws and the disposition of such vessel or the proceeds from the sale thereof shall apply to seizures, forfeitures, and condemnations incurred, or alleged to have been incurred, under the provisions of this chapter insofar as such provisions of law are applicable and not inconsistent with this chapter.

...

§ 776d. *Enforcement*

...

(d) *Arrests, searches, and seizures*

Any duly authorized officer or employee of the Federal agency designated by the President for enforcement purposes under the provisions of subsection (a) of this section; any officer or employee of the State of Washington who is authorized by the Federal agency so designated by the President; any enforcement officer of the Fish and Wildlife Service of the Department of the Interior, any Coast Guard officer, any United States marshal or deputy United States marshal, any collector or deputy collector of customs, and any other person authorized to enforce the provisions of the convention, this chapter, and the regulations of the Commission, shall have power, without warrant or other process, but subject to the provisions of the convention, to arrest any person committing in his presence or view a violation of the convention or of this chapter or of the regulations of the Commission and to take such person immediately for examination before an officer or trial before a court of competent jurisdiction; and shall have power, without warrant or other process, to search any vessel within convention waters when he has reasonable cause to believe that such vessel is subject to seizure under the provisions of the convention or this chapter, or the regulations of the Commission, and to search any place of business or any commercial vehicle when he has reasonable cause to believe that such place or vehicle contains fish taken, possessed, trans-

ported, purchased, or sold in violation of any of the provisions of the convention, this chapter, or the regulations of the Commission. Any person authorized to enforce the provisions of the convention and of this chapter and the regulations of the Commission shall have power to execute any warrant or process issued by an officer or court of competent jurisdiction for the enforcement of this chapter, and shall have power with a search warrant to search any person, vessel, or place, at any time. The judges of the United States courts and the United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. Subject to the provisions of the convention, any person authorized to enforce the convention and this chapter and the regulations of the Commission may seize, whenever and wherever lawfully found, all fish caught, shipped, transported, purchased, sold, offered for sale, imported, exported, or possessed contrary to the provisions of the convention or this chapter or the regulations of the Commission and may seize any vessel, together with its tackle, apparel, furniture, appurtenances and cargo, and all fishing gear, used or employed contrary to the provisions of the convention or this chapter or the regulations of the Commission, or which it reasonably appears has been used or employed contrary to the provisions of the convention or this chapter or the regulations of the Commission.

...

(c) OUTER CONTINENTAL SHELF LANDS ACT, 7 AUGUST 1953, section 1332 (b)<sup>1</sup>

(d) NORTH PACIFIC FISHERIES ACT,<sup>2</sup> 12 AUGUST 1954

§ 1021. *Definitions*

As used in this chapter, the term—

(a) “Convention” means the International Convention<sup>3</sup> for the High Seas Fisheries of the North Pacific Ocean with a protocol relating thereto signed at Tokyo, May 9, 1952;

(b) “Commission” means the International North Pacific Fisheries Commission provided for by article II of the Convention;

(c) “United States Section” means the United States Commissioners to the Commission;

(d) “Convention area” means all waters, other than territorial waters, of the North Pacific Ocean which for the purposes of this chapter shall include the adjacent seas;

(e) “Fishing vessel” means any vessel engaged in catching fish or processing or transporting fish loaded on the high seas, or any vessel outfitted for such activities. (Aug. 12, 1954, ch. 669, § 2, 68 Stat. 698.)

§ 1022. *Commissioners; appointment, number and compensation*

The United States shall be represented on the Commission by not more than four Commissioners to be appointed by the President, to serve as such during his

<sup>1</sup> *Supra* DIVISION II, 46 (b).

<sup>2</sup> *United States Code* (1964 Edition), Title 16 (Conservation).

<sup>3</sup> See ST/LEG/SER.B/8, pp. 56-63; for ANNEX, see PART II, DIVISION IV, SUB-DIVISION A. 5.

pleasure, and to receive no compensation for their services as Commissioners. Of such Commissioners—

(a) one shall be an official of the United States Government; and

(b) each of the others shall be a person residing in a State or Territory, the residents of which maintain a substantial fishery in the Convention area. (Aug. 12, 1954, ch. 669, § 3, 68 Stat. 698.)

§ 1023. *Advisory Committee; appointment and number of members; terms; sessions; meetings; compensation*

(a) The United States Section shall appoint an advisory committee composed of not less than five nor more than twenty members and shall fix the terms of office thereof, such members to be selected both from the various groups participating in the fisheries covered by the Convention and from the fishery agencies of the States or Territories, the residents of which maintain a substantial fishery in the Convention area.

(b) Any or all members of the advisory committee may attend all sessions of the Commission except executive sessions.

(c) The advisory committee shall be invited to all nonexecutive meetings of the United States Section and at such meetings shall be granted opportunity to examine and to be heard on all proposed programs of study and investigation, reports, and recommendations of the United States Section.

(d) The members of the advisory committee shall receive no compensation for their services as such members. On approval by the United States Section, not more than three members of the committee, designated by the committee, may be paid for transportation expenses and per diem incident to attendance at meetings of the Commission or of the United States Section. (Aug. 12, 1954, ch. 669, § 4, 68 Stat. 698.)

...

§ 1025. *Powers of President; acceptance or rejection of Commission's recommendations; selection of special committee*

The President is authorized to (a) accept or reject, on behalf of the United States, recommendations made by the Commission in accordance with the provisions of article III, section 1, of the Convention, and recommendations made by the Commission in pursuance of the provisions of the Protocol to the Convention; and (b) act for the United States in the selection of persons by the contracting parties to compose the special committee provided by the Protocol to the Convention. (Aug. 12, 1954, ch. 669, § 6, 68 Stat. 699.)

...

§ 1027. *Enforcement; boarding and inspecting vessels; detention of persons and vessels; enforcement officers as witnesses*

(a) The provisions of the Convention and this chapter relating to abstention from fishing in certain areas by the nationals and vessels of one or more of the contracting parties shall be enforced by the Coast Guard in cooperation with the Fish and Wildlife Service and the Bureau of Customs.

(b) For such purposes any Coast Guard officer, any officer of the Fish and Wildlife Service, or any other person authorized to enforce the provisions of the Convention and this chapter referred to in subsection (a) of this section may go on board any fishing vessel of Canada or Japan found in waters in which Canada or Japan has agreed by or under the Convention to abstain from exploitation of one or more stocks of fish, and, when he has reasonable cause to believe that such vessel is engaging in operations in violation of the provisions of the Convention, may, without warrant or other process, inspect the equipment, books, documents, and other articles on such vessel and question the persons on board, and for these purposes may hail and stop such vessel, and use all necessary force to compel compliance.

(c) Whenever any such officer has reasonable cause to believe that any person on any fishing vessel of Canada or Japan is violating, or immediately prior to the boarding of such vessel was violating, the provisions of the Convention referred to in subsection (a) of this section, such person, and any such vessel employed in such violation shall be detained and shall be delivered as promptly as practicable to an authorized official of the nation to which they belong in accordance with the provisions of the Convention.

(d) Any officer of the Coast Guard, any officer of the Fish and Wildlife Service, or any other person authorized to enforce the provisions of the Convention and this chapter referred to in subsection (a) of this section, may be directed to attend as witnesses and to produce such available records and files or duly certified copies thereof as may be necessary to the prosecution in Canada or Japan of any violation of the provisions of the Convention or any Canadian or Japanese law for the enforcement thereof when requested by the appropriate authorities of Canada or Japan respectively. (Aug. 12, 1954, ch. 669, § 8, 68 Stat. 699.)

...

#### § 1029. *Unlawful activities*

(a) It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States to engage in the catching of any stock of fish from which the United States may agree to abstain in the waters specified for such abstention as set forth in the Annex to the Convention, or to load, process, possess, or transport any such fish or fish products processed therefrom in the said waters, or to land in a port of the United States any fish so caught, loaded, possessed, or transported or any fish products processed therefrom.

(b) It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States knowingly to load, process, possess, or transport any fish specified in subsection (a) of this section or any fish products processed therefrom in the territorial waters of the United States or in any waters of the Convention area in addition to those specified in subsection (a) of this section, or to land in a port of the United States any such fish or fish products.

(c) It shall be unlawful for any person or fishing vessel subject to the jurisdiction of the United States knowingly to load, process, possess, or transport in the Convention area or in the territorial waters of the United States any fish taken by a national of Canada or Japan from a stock of fish from which Canada or Japan respectively has agreed to abstain as set forth in the Annex to the Convention or

any fish products processed therefrom, or to land such fish or fish products in a port of the United States.

(d) It shall be unlawful for any person subject to the jurisdiction of the United States to aid or abet in the taking of fish by a national or fishing vessel of Canada or of Japan from a stock of fish from which Canada or Japan has respectively agreed to abstain as set forth in the Annex of the Convention.

(e) It shall be unlawful for the master or owner or any person in charge of any fishing vessel of the United States to refuse to permit the duly authorized officials of the United States, Canada, or Japan to board such vessel or inspect its equipment, books, documents, or other articles or question the persons on board in accordance with the provision of the Convention, or to obstruct such officials in the execution of such duties. (Aug. 12, 1954, ch. 669, § 10, 68 Stat. 699.)

#### § 1030. Penalties

(a) Any person violating subsections (a), (b), or (c) of section 1029 of this title shall upon conviction be fined not more than \$10,000, and for such offense the court may order forfeited, in whole or in part, the fish concerned in the offense, or the fishing gear involved in such fishing, or both, or the monetary value thereof. Such forfeited fish or fishing gear shall be disposed of in accordance with the direction of the court.

(b) Any person violating subsection (d) of section 1029 of this title shall upon conviction be fined not more than \$10,000.

(c) Any person violating subsection (e) of section 1029 of this title shall upon conviction be fined not more than \$10,000 and be imprisoned for not more than one year or both, and for such offense the court may order forfeited, in whole or in part, the fish and fishing gear on board the vessel, or both, or the monetary value thereof. Such fish and fishing gear shall be disposed of in accordance with the direction of the court.

(d) Section 989 of this title shall not apply to violations for which penalties are provided in this section. (Aug. 12, 1954, ch. 669, § 11, 68 Stat. 700.)

(e) ACT<sup>1</sup> PROHIBITING FOREIGN FISHING VESSELS IN THE TERRITORIAL WATERS OF THE UNITED STATES. 20 MAY 1964

#### § 1081. Prohibition against fishing in territorial waters; exceptions

It is unlawful for any vessel, except a vessel of the United States, or for any master or other person in charge of such a vessel, to engage in the fisheries within the territorial waters of the United States, its territories and possessions and the Commonwealth of Puerto Rico, or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters or to engage in the taking of any Continental Shelf fishery resource which appertains to the United States except as provided in this chapter or as expressly provided by an international agreement to which the United States is a party. However, sixty days after written notice to the President of the Senate and the Speaker of the House of Representatives of intent to do so, the Secretary of the Treasury may

<sup>1</sup> *United States Statutes at Large*, vol. 78, p. 194; *United States Code* (1964 edition), Title 16 (Conservation).



authorize a vessel other than a vessel of the United States to engage in fishing for designated species within the territorial waters of the United States or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters or for resources of the Continental Shelf which appertain to the United States upon certification by the Secretaries of State and of the Interior that such permission would be in the national interest and upon concurrence of any State, Commonwealth, territory, or possession directly affected. The authorization in this section may be granted only after a finding by the Secretary of the Interior that the country of registry, documentation, or licensing extends substantially the same fishing privileges for a fishery to vessels of the United States. Notwithstanding any other provision of law, the Secretary of State, with the concurrence of the Secretaries of the Treasury and of the Interior, may permit a vessel, other than a vessel of the United States, owned or operated by an international organization of which the United States is a member, to engage in fishery research within the territorial waters of the United States or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters, or for resources of the Continental Shelf which appertain to the United States and to land its catch in a port of the United States in accordance with such conditions as the Secretary may prescribe whenever they determine such action is in the national interest. (Pub. L. 88-308, § 1, May 20, 1964, 78 Stat. 194.)

§ 1082. *Violations and penalties; seizure, forfeiture, and condemnation*

(a) Any person violating the provisions of this chapter shall be fined not more than \$10,000 or imprisoned not more than one year, or both.

(b) Every vessel employed in any manner in connection with a violation of this chapter including its tackle, apparel, furniture, appurtenances, cargo, and stores shall be subject to forfeiture and all fish taken or retained in violation of this chapter or the monetary value thereof shall be forfeited.

(c) All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of a vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores for violation of the customs laws, the disposition of such vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provision of this chapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this chapter. (Pub. L. 88-308, § 2, May 20, 1964, 78 Stat. 195.)

§ 1083. *Enforcement responsibility*

(a) *Joint responsibility of Secretaries*

Enforcement of the provisions of this chapter is the joint responsibility of the Secretary of the Interior, the Secretary of the Treasury, and the Secretary of the Department in which the Coast Guard is operating. In addition, the Secretary of the Interior may designate officers and employees of the States of the United States, of the Commonwealth of Puerto Rico, and of any territory or possession of the United States to carry out enforcement activities hereunder. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as

employees of the United States for the purposes of any laws administered by the Civil Service Commission.

(b) *Issuance of warrants and other processes*

The judges of the United States district courts, the judges of the highest courts of the territories and possessions of the United States, and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in Federal District Courts, as may be required for enforcement of this chapter and any regulations issued thereunder.

(c) *Powers of enforcement*

Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this chapter.

(d) *Arrest*

Such person so authorized shall have the power—

(1) with or without a warrant or other process, to arrest any person committing in his presence or view a violation of this chapter or the regulations issued thereunder;

(2) with or without a warrant or other process, to search any vessel and, if as a result of such search he has reasonable cause to believe that such vessel or any person on board is in violation of any provision of this chapter or the regulations issued thereunder, then to arrest such person.

(e) *Seizure of vessel, etc.*

Such person so authorized may seize any vessel, together with its tackle, apparel, furniture, appurtenances, cargo and stores, used or employed contrary to the provisions of this chapter or the regulations issued hereunder or which it reasonably appears has been used or employed contrary to the provisions of this chapter or the regulations issued hereunder.

(f) *Seizure of illegal catch; disposal*

Such person so authorized may seize, whenever and wherever lawfully found, all fish taken or retained in violation of this chapter or the regulations issued thereunder. Any fish so seized may be disposed of pursuant to the order of a court of competent jurisdiction pursuant to the provisions of subsection (g) of this section, or if perishable, in a manner prescribed by regulations of the Secretary of the Treasury.

(g) *Discharge of seized fish upon bond or approved security*

Notwithstanding the provisions of section 2464 of Title 28 when a warrant of arrest or other process in rem is issued in any cause under this section, the United States marshal or other officer shall discharge any fish seized if the process has been levied, on receiving from the claimant of the fish a bond or stipulation for the value

of the fish with sufficient surety to be approved by a judge of the district court having jurisdiction of the offense, conditioned to deliver the fish seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as determined by the court. In the discretion of the accused, and subject to the direction of the court, the fish may be sold for not less than its reasonable market value and the proceeds of such sale placed in the registry of the court pending judgment in the case. (Pub. L. 88-308, § 3, May 20, 1964, 78 Stat. 195.)

#### § 1084. *Regulations*

The Secretaries of the Treasury and Interior are authorized jointly or severally to issue such regulations as they determine are necessary to carry out the provisions of this chapter. (Pub. L. 88-308, § 4, May 20, 1964, 78 Stat. 196.)

#### § 1085. *Definitions*

(a) As used in this chapter, the term "Continental Shelf fishery resource" includes the living organisms belonging to sedentary species; that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil of the Continental Shelf.

(b) The Secretary of the Interior in consultation with the Secretary of State is authorized to publish in the Federal Register a list of the species of living organisms covered by the provisions of subsection (a) of this section.

(c) As used in this chapter, the term "fisheries" means the taking, planting, or cultivation of fish, mollusks, crustaceans, or other forms of marine animal or plant life by any vessel or vessels; and the term "fish" includes mollusks, crustaceans, and all other forms of marine animal or plant life.

(d) As used in this chapter, the term "Continental Shelf" refers (a) to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas; (b) to the seabed and subsoil of similar submarine areas adjacent to the coasts of islands. (Pub. L. 88-308, § 5, May 20, 1964, 78 Stat. 196.)

#### (f) ACT<sup>1</sup> ESTABLISHING A FISHERIES ZONE CONTIGUOUS TO THE TERRITORIAL SEA OF THE UNITED STATES, 14 OCTOBER 1966

#### § 1091. *Establishment ; fisheries rights*

There is established a fisheries zone contiguous to the territorial sea of the United States. The United States will exercise the same exclusive rights in respect to fisheries in the zone as it has in its territorial sea, subject to the continuation of traditional fishing by foreign states within this zone as may be recognized by the United States. (Pub. L. 89-658, § 1, Oct. 14, 1966, 80 Stat. 908.)

<sup>1</sup> *United States Code* (Supplement II, 1965-1966), Title 16 (Conservation).

§ 1092. *Description of boundaries*

The fisheries zone has as its inner boundary the outer limits of the territorial sea and as its seaward boundary a line drawn so that each point on the line is nine nautical miles from the nearest point in the inner boundary. (Pub. L. 89-658, § 2, Oct. 14, 1966, 80 Stat. 908.)

§ 1093. *Substitution of description of boundaries where conflict of zones or waters*

Whenever the President determines that a portion of the fisheries zone conflicts with the territorial waters of fisheries zone of another country, he may establish a seaward boundary for such portion of the zone in substitution for the seaward boundary described in section 1092 of this title. (Pub. L. 89-658, § 3, Oct. 14, 1966, 80 Stat. 908.)

§ 1094. *State jurisdiction over natural resources and waters*

Nothing in sections 1091—1094 of this title shall be construed as extending the jurisdiction of the States to the natural resources beneath and in the waters within the fisheries zone established by such sections or as diminishing their jurisdiction to such resources beneath and in the waters of the territorial seas of the United States. (Pub. L. 89-658, § 4, Oct. 14, 1966, 80 Stat. 908.)

(g) FUR SEAL ACT,<sup>1</sup> 2 NOVEMBER 1966

§ 1151. *Prohibitions*

It is unlawful, except as provided in this chapter or by regulation of the Secretary of the Interior, for any person or vessel subject to the jurisdiction of the United States to engage in the taking of fur seals in the North Pacific Ocean or on lands or waters under the jurisdiction of the United States, or to use any port or harbor or other place under the jurisdiction of the United States for any purpose connected in any way with such taking, or for any person to transport, import, offer for sale, or possess at any port or place or on any vessel, subject to the jurisdiction of the United States, fur seals or the parts thereof, including, but not limited to, raw, dressed, or dyed fur seal skins, taken contrary to the provisions of this chapter or the Convention, or for any person subject to the jurisdiction of the United States to refuse to permit, except within the territorial waters of the United States, a duly authorized official of Canada, Japan, or the Union of Soviet Socialist Republics to board and search any vessel which is outfitted for the harvesting of living marine resources and which is subject to the jurisdiction of the United States to determine whether such vessel is engaged in sealing contrary to the provisions of said Convention. (Pub. L. 89-702, title I, § 101, Nov. 2, 1966, 80 Stat. 1091.)

§ 1152. *Sealing permitted by Aleuts, Eskimos, and Indians*

(a) Indians, Aleuts, and Eskimos who dwell on the coasts of the North Pacific Ocean are permitted to take fur seals and dispose of their skins in any manner after the skins have been officially marked and certified by a person author-

<sup>1</sup> *United States Code* (Supplement II, 1965-66), Title 16 (Conservation). By this Act, the text reproduced in ST/LEG/SER.B/1, pp. 227-232 has been superseded.

ized by the Secretary of the Interior, provided that the seals are taken only in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms.

(b) The authority contained in this section shall not apply to Indians, Aleuts, and Eskimos who are employed by any person for the purpose of taking fur seals or are under contract to deliver the skins to any person. (Pub. L. 89-702, title I, § 102, Nov. 2, 1966, 80 Stat. 1091.)

§ 1153. *Scientific research on fur seal resources; use of fur seals for educational, scientific, or exhibition purposes*

The Secretary of the Interior shall (1) conduct such scientific research and investigations on the fur seal resources of the North Pacific Ocean as he deems necessary to carry out the obligations of the United States under the Convention, and (2) permit, subject to such terms and conditions as he deems desirable, the taking, transportation, importation, exportation, or possession of fur seals or their parts for educational, scientific, or exhibition purposes. (Pub. L. 89-702, title I, § 103, Nov. 2, 1966, 80 Stat. 1091.)

...

§ 1155. *Enforcement provisions*

(a) *Search of vessels; certificate of identification; exhibition to master*

Any person authorized to enforce the provisions of this chapter who has reasonable cause to believe that any vessel outfitted for the harvesting of living marine resources and subject to the jurisdiction of any of the parties to the Convention is violating the provisions of article III of the Convention may, except within the territorial waters of another nation, board and search such vessel. Such person shall carry a special certificate of identification issued by the Secretary of the Interior or Secretary of the Treasury which shall be in English, Japanese, and Russian and which shall be exhibited to the master of the vessel upon request.

(b) *Seizure or arrest; notice; delivery of vessel or person to authorized officials; surveillance*

If, after boarding and searching such vessel, such person continues to have reasonable cause to believe that such vessel, or any person on board, is violating said article, he may seize such vessel or arrest such person, or both. The Secretary of State shall, as soon as practicable, notify the party having jurisdiction over the vessel or person of such seizure or arrest.

The Secretary of the Interior or the Secretary of the Treasury, upon request of the Secretary of State, shall deliver the seized vessel or arrested person, or both, as promptly as practicable to the authorized officials of said party: *Provided*, That whenever said party cannot immediately accept such delivery, the Secretary of the Interior or the Secretary of the Treasury may, upon request of the Secretary of State, keep the vessel or person under surveillance within the United States.

...

§ 1159. *Definitions*

As used in this subchapter the term—

(a) “Convention” means the Interim Convention<sup>1</sup> on the Conservation of North Pacific Fur Seals signed at Washington, on February 9, 1957, by the parties, as amended by the protocol signed at Washington, on October 8, 1963, by the parties.

(b) “Party” or “parties” means the United States of America, Canada, Japan, and the Union of Soviet Socialist Republics.

(c) “Commission” means the North Pacific Fur Seal Commission established pursuant to article V of the Convention.

(d) “Sealing” means the taking of fur seals.

(e) “North Pacific Ocean” means the waters of the Pacific Ocean north of the thirtieth parallel of north latitude, including the Bering, Okhotsk, and Japan Seas.

(f) “Import” means to land on, or bring into, or attempt to land on, or bring into any place subject to the jurisdiction of the United States. (Pub. L. 89-702, title I, § 109, Nov. 2, 1966, 80 Stat. 1093.)

(h) REGULATIONS<sup>2</sup> OF THE INTERNATIONAL FISHERIES COMMISSION CONCERNING PACIFIC HALIBUT FISHERIES, APPROVED BY THE PRESIDENT OF THE UNITED STATES, 4 NOVEMBER 1966.

§ 301.1 *Regulatory areas*

(a) The “convention waters” which include the territorial waters and the high seas off the western coasts of Canada and the United States of America including the southern and the western coasts of Alaska shall be divided into the following areas, all directions given being magnetic unless otherwise stated.

...

§ 301.3 *Closed seasons*

(a) Under paragraph 1 of Article I of the Convention, all convention waters shall be closed to halibut fishing except as provided in § 301.2

(b) All convention waters, if not already closed under other provisions of the regulations in this part, shall be closed to halibut fishing at 1800 hours of the 15th day of November and shall remain closed until reopened as provided in § 301.2, and the retention and landing of any halibut caught during this closed period shall be prohibited.

(c) Nothing contained in the regulations in this part shall prohibit the fishing for species of fish other than halibut during the closed halibut seasons, provided that it shall be unlawful for a vessel to have halibut aboard, or for any person to have halibut in his possession while so engaged. Nor shall anything in the regulations in this part prohibit the International Pacific Halibut Commission, hereafter in the regulations in this part referred to as “the Commission,” from

<sup>1</sup> PART II, DIVISION IV, SUB-DIVISION A, 6.

<sup>2</sup> *Code of Federal Regulations*. Title 50, Chapter III, Part 301; *Federal Register*, vol. 31, p. 14256, 4 November 1966. The text reproduced in ST/LEG/SER.B/1, pp. 214-222, has been superseded by the above-quoted text.

conducting or authorizing fishing operations for investigation purposes as provided for in paragraph 3 of Article I of the Convention.

...

§ 301.6 *Licensing of vessels*

(a) All vessels of any tonnage which shall fish for halibut in any manner or hold halibut in possession in any area, or which shall transport halibut otherwise than as a common carrier documented by the Government of the United States or of Canada for the carriage of freight, must be licensed by the Commission, provided that vessels of less than five net tons or vessels which do not use set lines need not be licensed.

(b) Each vessel licensed by the Commission shall carry on board at all times while at sea the halibut license thus secured when it is validated for halibut fishing, and this license shall at all times be subject to inspection by authorized officers of the Governments of Canada or the United States or by representatives of the Commission.

(c) The halibut license shall be issued without fee by the customs officers of the Governments of Canada or the United States or by representatives of the Commission or by fishery officers of the Governments of Canada or the United States at places where there are neither customs officers nor representatives of the Commission.

(d) The halibut license of any vessel shall be validated before departure from port for each halibut fishing operation for which statistical return is required and at such times as required by other provisions of the regulations in this part. This validation of a license shall be by customs officers or by fishery officers of the Governments of Canada or the United States when available at places where there are no customs officers and shall not be made unless the area in which the vessel will fish is entered on the license form and unless the provisions of § 301.7 have been complied with for all landings and all fishing operations since issue of the license, provided that if the master or operator of any vessel shall fail to comply with the provisions of § 301.7, the halibut license of such vessel may be validated by customs officers or by fishery officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

...

§ 301.7 *Statistical return by vessels*

(a) Statistical return as to the amount of halibut taken during fishing operations must be made by the master or operator of any vessel licensed under the regulations in this part within 96 hours of landing, sale or transfer of halibut or of first entry thereafter into a port where there is an officer authorized to receive such return.

(b) The statistical return must state the port of landing and the amount of halibut taken within the area or areas defined in the regulations in this part, for which the vessel's license is validated for halibut fishing.

(c) The statistical return must include all halibut landed or transferred to other vessels and all halibut held in possession on board and must be full, true and correct in all respects herein required.

(d) The master or operator or any person engaged on shares in the operation of any vessel licensed under the regulations in this part may be required by the Commission or by any officer of the Governments of Canada or the United States authorized to receive such return to certify to its correctness to the best of his information and belief and to support the certificate by a sworn statement. Validation of a halibut license after such sworn return is made shall be provisional and shall not render the license valid in case the return shall later be shown to be false or fraudulently made.

(e) The master or operator of any vessel holding a license under the regulations in this part shall keep an accurate log of all fishing operations including therein date, locality, amount of gear used, and amount of halibut taken daily in each such locality. This log record shall be retained for a period of 2 years and shall be open to inspection by representatives of the Commission authorized for this purpose.

(f) The master, operator or any other person engaged on shares in the operation of any vessel licensed under the regulations in this part may be required by the Commission or by any officer of the States to certify to the correctness of Governments of Canada or the United States such log record to the best of his information and belief and to support the certificate by a sworn statement.

(g) The master or operator of any vessel holding a license validated for fishing in Areas 3C, 4A, 4B, 4C, 4D, or 4E on entering Sand Point, Alaska, enroute to another port to unload, must report to an authorized representative of the United States or of the Commission the estimated amount of halibut on board that was caught in each regulatory area.

#### § 301.8 *Statistical return by dealers*

(a) All persons, firms or corporations that shall buy halibut or receive halibut for any purpose from fishing or transporting vessels or other carrier shall keep and on request furnish to customs officers or to any enforcing officer of the Governments of Canada or the United States or to representatives of the Commission, records of each purchase or receipt of halibut, showing date, locality, name of vessel, person, firm or corporation purchased or received from and the amount in pounds according to trade categories of the halibut.

(b) All records of all persons, firms or corporations concerning the landing, purchase, receipt and sale of halibut shall be retained for a period of 2 years and shall be open at all times to inspection by any enforcement officer of the Governments of Canada or the United States or by any authorized representative of the Commission. Such persons, firms or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement.

(c) The possession by any person, firm or corporation of halibut which such person, firm or corporation knows to have been taken by a vessel without a valid halibut license is prohibited.

...

#### § 301.9 *Dory gear prohibited*

The use of any hand gurdy or other appliance in hauling halibut gear by hand power in any dory or small boat operated from a vessel licensed under the provisions of the regulations in this part is prohibited in all convention waters.



§ 301.10 *Retention of halibut taken by nets*

(a) It is prohibited to retain halibut taken with a net of any kind or to have in possession any halibut while fishing with any net or nets other than bait nets in any convention waters.

(b) All vessels with any halibut on board are prohibited to use or possess any net or nets other than bait nets.

(c) The character and the use of bait nets referred to in paragraphs (a) and (b) of this section shall conform to the laws and regulations of the country where they may be utilized and shall be of a type commonly used for such purposes and said bait nets shall be utilized for no other purpose than the capture of bait for use of the vessel carrying them.

§ 301.11 *Retention of tagged halibut*

Nothing contained in the regulations in this part shall prohibit any vessel at any time from retaining and landing any halibut which bears a Commission tag at the time of capture, provided that such halibut with the tag still attached is reported at the time of landing to representatives of the Commission or to enforcement officers of the Governments of Canada or the United States and is made available to them for examination.

§ 301.12 *Responsibility of master*

Wherever in the regulations in this part any duty is laid upon any vessel, it shall be the personal responsibility of the master or operator of said vessel to see that said duty is performed and he shall personally be responsible for the performance of said duty. This provision shall not be construed to relieve any member of the crew of any responsibility with which he would otherwise be chargeable.

§ 301.13 *Supervision of unloading and weighing*

The unloading and weighing of the halibut of any vessel licensed under the regulations in this part shall be under such supervision as the customs or other authorized officer may deem advisable in order to assure the fulfillment of the provisions of the regulations in this part.

...

§ 301.15 *Previous regulations superseded*

The regulations in this part shall supersede all previous regulations adopted pursuant to the Convention between Canada and the United States of America for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, signed March 2, 1953, except as to offenses occurring prior to the approval of the regulations in this part. The regulations in this part shall be effective as to each succeeding year, with the dates herein specified changed accordingly, until superseded by subsequently approved regulations. Any determination made by the Commission pursuant to the regulations in this part shall become effective immediately.

(i) REGULATIONS<sup>1</sup> ISSUED PURSUANT TO THE NORTH PACIFIC FISHERIES ACT,  
15 DECEMBER 1966§ 210.1 *Definition*

For the purpose of the regulations of this part the North Pacific area is defined to include all waters of the North Pacific Ocean and Bering Sea north of 48 degrees 30 minutes north latitude, exclusive of waters adjacent to Alaska north and west of the International Boundary at Dixon Entrance which extend 3 miles seaward (a) from the coast, (b) from lines extending from headland to headland across all bays, inlets, straits, passes, sounds and entrances, and (c) from any island or groups of islands, including the islands of the Alexander Archipelago, and the waters between such groups of islands and the mainland.

§ 210.10 *Salmon fishing prohibited, exception*

No person or fishing vessel subject to the jurisdiction of the United States shall fish for or take salmon with any net in the North Pacific area, as defined in this part: *Provided*, That this shall not apply to fishing for sockeye salmon or pink salmon south of latitude 49 degrees north.

## 41. VENEZUELA

ACT<sup>2</sup> OF 22 JULY 1941 ON THE TERRITORIAL SEA, THE CONTINENTAL SHELF, PROTECTION  
OF FISHERIES AND AIR SPACE\*\*

...

## TITLE III

*Protection of fisheries*

*Article 7.* The exploration and exploitation of fixed fishing grounds in the continental shelf of Venezuela shall be subject to the prior authorization and control of the National Executive.

*Article 8.* Outside the territorial sea or the contiguous zone, the State shall determine those maritime zones over which it shall exercise its authority and vigilance and in which it shall be responsible for the development, conservation and rational exploitation of the living resources of the sea contained therein, whether those resources are developed by persons of Venezuelan or foreign nationality.

...

<sup>1</sup> *Code of Federal Regulations*, Title 50, Chapter II, Part 210; *Federal Register*, vol. 31, p. 16038, 15 December 1966.

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter I, 50 (a).

## 42. YUGOSLAVIA

(a) BASIC LAW<sup>1</sup> OF 27 FEBRUARY 1965 ON THE SEA FISHING INDUSTRY

## I. GENERAL PROVISIONS

*Article 1*

Fish and other sea animals living in the sea fishing grounds of Yugoslavia shall be social property over which the right of use or the right of ownership may be acquired subject to the conditions specified by law and the regulations enacted on the basis thereon.

Under the sea fishing industry for the purposes of the present law shall be understood fishing, pisciculture and protection of sea fish and of other sea animals.

*Article 2*

The sea fishing shall be carried out in the fishing sea of Yugoslavia and in other seas if not otherwise provided for by federal law.

The fishing sea of Yugoslavia comprises the internal waters and the territorial sea as determined by the special federal law.

*Article 3*

The fishing sea of Yugoslavia represents a uniform sea-fishing area if not otherwise provided for under this law, under some regulations enacted on the basis thereon or under some other federal legislation.

*Article 4*

The working organizations and individuals shall have the right to carry out sea fishing subject to certain conditions.

In the fishing sea of Yugoslavia, foreign nationals and foreign firms shall not engage in sea fishing except in cases specified under this law or an international agreement to which Yugoslavia is a party.

In the parts of the fishing sea of Yugoslavia which, under a special federal decree, have been declared as being of military or some other specific public social interest, in order to engage in fishing it shall be necessary, in addition to fulfilling the other conditions, to obtain the approval of the state organ designated by the decree.

*Article 5*

Fish and other sea animals, with the exception of those causing damage, shall be protected in the fishing sea of Yugoslavia from excessive exploitation and destruction.

Under a special law some harmful sea animals may be protected as natural rarities.

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<sup>1</sup> English text provided by the Permanent Mission of Yugoslavia to the United Nations.

*Article 6*

With a view to promoting the sea fishing industry, legislation to be observed by the working organizations and individuals engaged in sea fishing and in the sale of fish and other sea animals can be enforced.

(b) LAW OF 22 MAY 1965 ON YUGOSLAVIA'S MARGINAL SEAS, CONTIGUOUS ZONE AND CONTINENTAL SHELF, articles 2, 12, 13<sup>1</sup>

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<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, Chapter II, 20.

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**Part II**  
**TREATIES**



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**DIVISION I**  
**THE TERRITORIAL SEA AND THE CONTIGUOUS**  
**ZONE**

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**Sub-Division A. Multilateral Treaties**

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- I. CONVENTION<sup>1</sup> AND STATUTE ON FREEDOM OF TRANSIT.  
BARCELONA, 20 APRIL 1921\*
  
2. AGREEMENT<sup>2</sup> BETWEEN DENMARK, NORWAY AND SWEDEN TO  
FACILITATE THE SANITARY CONTROL OF TRAFFIC BETWEEN  
THOSE COUNTRIES. SIGNED AT STOCKHOLM ON 19 MARCH  
1955

*Article 1*

Means of transport, persons, baggage or goods arriving from any of the contracting States shall, upon arrival in another contracting State, be subject to the sanitary measures and formalities in force in the country of arrival only in the case of:

- (a) Ships which were not granted *pratique* at their last port of call;
- (b) Aircraft whose commanding officers declined to permit them to be subjected to the sanitary measures prescribed at the airport where they last landed, or which have not been subjected to sanitary measures even though the commanding officer was unable to make a satisfactory statement concerning health conditions on board;
- (c) Persons who at the time of departure from another contracting State were under surveillance by a health authority or who had travelled in transit through that State under the circumstances defined in article 34 of the International Sanitary Regulations;

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<sup>1</sup> *Treaty Series* League of Nations, vol. VII, p. 11. The text is reproduced in ST/LEG/SER.B/6, p. 702. In force since 31 October 1922. Parties :Albania, Austria, Belgium, British Empire, Bulgaria, Chile, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, India, Iran, Iraq, Italy, Japan, Latvia, Luxemburg, the Netherlands, New Zealand, Norway, Poland, Romania, Spain, Sweden, Switzerland, Thailand, Turkey, Yugoslavia. Signatures of accessions not yet perfected by ratification: Bolivia, China, Ethiopia, Guatemala, Lithuania, Panama, Peru, Portugal and Uruguay.

<sup>2</sup> United Nations, *Treaty Series*, vol. 228, p. 106. Came into force on 1 April 1955.

(d) Goods which have passed through one of the contracting States in transit without trans-shipment.

#### *Article 2*

1. When a ship or aircraft within the meaning of article 1 (a) or 1 (b) departs for, or can be assumed as intending to depart for, a port or airport in another contracting country, immediate notification shall be made to the health authority at the port or airport (in Sweden, the Public Health Board; in Denmark, the Quarantine Board, and in Norway, the Board of Health). If the port or airport to which the ship or aircraft intends to proceed is not definitely known, arrangements should be made as far as possible to notify the health authorities in all places likely to be concerned. If necessary, a notification as laid down in this article should be made by way of the communication network of the air safety service.

2. If a person who is under surveillance by a health authority proceeds to a place in another contracting State, the health authority responsible for such surveillance shall, upon being apprised of the circumstances, forthwith inform the competent health authority at the said person's first stopping-place in the other country, indicating the reasons for the surveillance and the reporting period fixed.

3. If a health authority learns that a person in transit to another contracting State (see article 1 (c)) has come from an infected area during the incubation period of the particular disease and the said person is not placed under surveillance, the said authority shall immediately inform the health authority at such person's first stopping-place in the other State.

4. Where goods intended for one of the contracting States pass in transit without trans-shipment through another contracting State (see article 1 (d)) and the health authorities in the State of transit have reason to believe that the goods may be contaminated with the infection of a quarantinable disease or could help to spread such a disease, the health authority at the place where the goods are to be unloaded shall be notified immediately.

5. If a situation of epidemiological importance incidentally comes to the knowledge of a health authority during the inspection of a means of transport bound for another contracting State, it should notify the competent health authority in the State of destination accordingly.

6. In the event of uncertainty as to which health authority should be notified under the present article, the information may be communicated to the competent central health administration (in Sweden, the Medical Board; in Denmark, the Public Health Board, and in Norway, the Ministry of Health).

#### *Article 3*

The central health administration of each State shall immediately report cases of quarantinable disease in its own country to the corresponding administrations in the other contracting States. Information should also be supplied concerning other circumstances of special epidemiological importance.

#### *Article 4*

The central health administrations shall consult with one another concerning the details of application of the regulations laid down in the contracting States for protection against quarantinable diseases.

*Article 5*

If an area of one of the contracting States is infected with a quarantinable disease, the central health administrations of the countries shall consult together. In such circumstances, a central health administration shall have the right, if it is deemed absolutely necessary, temporarily to suspend the provisions of article 1.

*Article 6*

The provisions of this Agreement shall not apply to the Faeroe Islands<sup>1</sup> and Greenland.

3. CONVENTION<sup>2</sup> ON THE TERRITORIAL SEA AND  
THE CONTIGUOUS ZONE. DONE AT GENEVA, ON 29 APRIL 1958

PART I

TERRITORIAL SEA

*Section I. General*

*Article 1*

1. The sovereignty of a State extends, beyond its land territory and its internal waters, to a belt of sea adjacent to its coast, described as the territorial sea.
2. This sovereignty is exercised subject to the provisions of these articles and to other rules of international law.

*Article 2*

The sovereignty of a coastal State extends to the air space over the territorial sea as well as to its bed and subsoil.

*Section II. Limits of the territorial sea*

*Article 3*

Except where otherwise provided in these articles, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State.

<sup>1</sup> The Agreement was extended by Protocol of 20 September 1960 to cover the Faeroe Islands. See *infra* 5.

<sup>2</sup> United Nations, *Treaty Series*, vol. 516, p. 205. Came into force on 10 September 1964. Parties to the Convention: Australia, Bulgaria, Byelorussian SSR, Cambodia, Czechoslovakia, Denmark, Dominican Republic, Finland, Haiti, Hungary, Israel, Italy, Jamaica, Japan, Madagascar, Malawi, Malaysia, Malta, Mexico, Netherlands, Nigeria, Portugal, Romania, Senegal, Sierra Leone, South Africa, Switzerland, Thailand, Trinidad and Tobago, Uganda, Ukrainian SSR, Union of Soviet Socialist Republics, United Kingdom, United States of America, Venezuela, Yugoslavia.

*Article 4*

1. In localities where the coast line is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial sea is measured.

2. The drawing of such baselines must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the régime of internal waters.

...

3. Baselines shall not be drawn to and from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them.

4. Where the method of straight baselines is applicable under the provisions of paragraph 1, account may be taken, in determining particular baselines, of economic interests peculiar to the region concerned, the reality and the importance of which are clearly evidenced by a long usage.

...

5. The system of straight baselines may not be applied by a State in such a manner as to cut off from the high seas the territorial sea of another State.

6. The coastal State must clearly indicate straight baselines on charts, to which due publicity must be given.

*Article 5*

1. Waters on the landward side of the baseline of the territorial sea form part of the internal waters of the State.

2. Where the establishment of a straight baseline in accordance with article 4 has the effect of enclosing as internal waters areas which previously had been considered as part of the territorial sea or of the high seas, a right of innocent passage, as provided in articles 14 to 23, shall exist in those waters.

*Article 6*

The outer limit of the territorial sea is the line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea.

*Article 7*

1. This article relates only to bays the coasts of which belong to a single State.

2. For the purposes of these articles, a bay is a well-marked indentation whose penetration is in such proportion to the width of its mouth as to contain landlocked waters and constitute more than a mere curvature of the coast. An indentation shall not, however, be regarded as a bay unless its area is as large as, or larger than, that of the semi-circle whose diameter is a line drawn across the mouth of that indentation.



3. For the purpose of measurement, the area of an indentation is that lying between the low-water mark around the shore of the indentation and a line joining the low-water marks of its natural entrance points. Where, because of the presence of islands, an indentation has more than one mouth, the semi-circle shall be drawn on a line as long as the sum total of the lengths of the lines across the different mouths. Islands within an indentation shall be included as if they were part of the water areas of the indentation.

4. If the distance between the low-water marks of the natural entrance points of a bay does not exceed twenty-four miles, a closing line may be drawn between these two low-water marks, and the waters enclosed thereby shall be considered as internal waters.

5. Where the distance between the low-water marks of the natural entrance points of a bay exceeds twenty-four miles, a straight baseline of twenty-four miles shall be drawn within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.

6. The foregoing provisions shall not apply to so-called "historic" bays, or in any case where the straight baseline system provided for in article 4 is applied.

#### *Article 8*

For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of the harbour system shall be regarded as forming part of the coast.

#### *Article 9*

Roadsteads which are normally used for the loading, unloading and anchoring of ships, and which would otherwise be situated wholly or partly outside the outer limit of the territorial sea, are included in the territorial sea. The coastal State must clearly demarcate such roadsteads and indicate them on charts together with their boundaries, to which due publicity must be given.

#### *Article 10*

1. An island is a naturally-formed area of land, surrounded by water, which is above water at high-tide.

2. The territorial sea of an island is measured in accordance with the provisions of these articles.

#### *Article 11*

1. A low-tide elevation is a naturally-formed area of land which is surrounded by and above water at low-tide but submerged at high-tide. Where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the mainland or an island, the low-water line on that elevation may be used as the baseline for measuring the breadth of the territorial sea.

2. Where a low-tide elevation is wholly situated at a distance exceeding the breadth of the territorial sea from the mainland or an island, it has no territorial sea of its own.

*Article 12*

1. Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The provisions of this paragraph shall not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance with this provision.

2. The line of delimitation between the territorial seas of two States lying opposite to each other or adjacent to each other shall be marked on large-scale charts officially recognized by the coastal States.

*Article 13*

If a river flows directly into the sea, the baseline shall be a straight line across the mouth of the river between points on the low-tide line of its banks.

*Section III. Right of innocent passage*

*Sub-section A. Rules applicable to all ships*

*Article 14*

1. Subject to the provisions of these articles, ships of all States, whether coastal or not, shall enjoy the right of innocent passage through the territorial sea.

2. Passage means navigation through the territorial sea for the purpose either of traversing that sea without entering internal waters, or of proceeding to internal waters, or of making for the high seas from internal waters.

3. Passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by *force majeure* or by distress.

4. Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. Such passage shall take place in conformity with these articles and with other rules of international law.

5. Passage of foreign fishing vessels shall not be considered innocent if they do not observe such laws and regulations as the coastal State may make and publish in order to prevent these vessels from fishing in the territorial sea.

6. Submarines are required to navigate on the surface and to show their flag.

*Article 15*

1. The coastal State must not hamper innocent passage through the territorial sea.

2. The coastal State is required to give appropriate publicity to any dangers to navigation, of which it has knowledge, within its territorial sea.

*Article 16*

1. The coastal State may take the necessary steps in its territorial sea to prevent passage which is not innocent.

2. In the case of ships proceeding to internal waters, the coastal State shall also have the right to take the necessary steps to prevent any breach of the conditions to which admission of those ships to those waters is subject.

3. Subject to the provisions of paragraph 4, the coastal State may, without discrimination amongst foreign ships, suspend temporarily in specified areas of its territorial sea the innocent passage of foreign ships if such suspension is essential for the protection of its security. Such suspension shall take effect only after having been duly published.

4. There shall be no suspension of the innocent passage of foreign ships through straits which are used for international navigation between one part of the high seas and another part of the high seas or the territorial sea of a foreign State.

*Article 17*

Foreign ships exercising the right of innocent passage shall comply with the laws and regulations enacted by the coastal State in conformity with these articles and other rules of international law and, in particular, with such laws and regulations relating to transport and navigation.

*Sub-section B. Rules applicable to merchant ships*

*Article 18*

1. No charge may be levied upon foreign ships by reason only of their passage through the territorial sea.

2. Charges may be levied upon a foreign ship passing through the territorial sea as payment only for specific services rendered to the ship. These charges shall be levied without discrimination.

*Article 19*

1. The criminal jurisdiction of the coastal State should not be exercised on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connexion with any crime committed on board the ship during its passage, save only in the following cases:

- (a) If the consequences of the crime extend to the coastal State; or
- (b) If the crime is of a kind to disturb the peace of the country or the good order of the territorial sea; or
- (c) If the assistance of the local authorities has been requested by the captain of the ship or by the consul of the country whose flag the ship flies; or
- (d) If it is necessary for the suppression of illicit traffic in narcotic drugs.

2. The above provisions do not affect the right of the coastal State to take any steps authorized by its laws for the purpose of an arrest or investigation on board a foreign ship passing through the territorial sea after leaving internal waters.

3. In the cases provided for in paragraphs 1 and 2 of this article, the coastal State shall, if the captain so requests, advise the consular authority of the flag State before taking any steps, and shall facilitate contact between such authority and the ship's crew. In cases of emergency this notification may be communicated while the measures are being taken.

4. In considering whether or how an arrest should be made, the local authorities shall pay due regard to the interests of navigation.

5. The coastal State may not take any steps on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connexion with any crime committed before the ship entered the territorial sea, if the ship, proceeding from a foreign port, is only passing through the territorial sea without entering internal waters.

#### *Article 20*

1. The coastal State should not stop or divert a foreign ship passing through the territorial sea for the purpose of exercising civil jurisdiction in relation to a person on board the ship.

2. The coastal State may not levy execution against or arrest the ship for the purpose of any civil proceedings, save only in respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its voyage through the waters of the coastal State.

3. The provisions of the previous paragraph are without prejudice to the right of the coastal State, in accordance with its laws, to levy execution against or to arrest, for the purpose of any civil proceedings, a foreign ship lying in the territorial sea, or passing through the territorial sea after leaving internal waters.

#### *Sub-section C. Rules applicable to government ships other than warships*

#### *Article 21*

The rules contained in sub-sections A and B shall also apply to government ships operated for commercial purposes.

#### *Article 22*

1. The rules contained in sub-section A and in article 18 shall apply to government ships operated for non-commercial purposes.

2. With such exceptions as are contained in the provisions referred to in the preceding paragraph, nothing in these articles affects the immunities which such ships enjoy under these articles or other rules of international law.

#### *Sub-section D. Rule applicable to warships*

#### *Article 23*

If any warship does not comply with the regulations of the coastal State concerning passage through the territorial sea and disregards any request for compliance which is made to it, the coastal State may require the warship to leave the territorial sea.

PART II  
CONTIGUOUS ZONE

*Article 24*

1. In a zone of the high seas contiguous to its territorial sea, the coastal State may exercise the control necessary to:

(a) Prevent infringement of its customs, fiscal, immigration or sanitary regulations within its territory or territorial sea;

(b) Punish infringement of the above regulations committed within its territory or territorial sea.

2. The contiguous zone may not extend beyond twelve miles from the baseline from which the breadth of the territorial sea is measured.

3. Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its contiguous zone beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of the two States is measured.

...

PART III  
FINAL ARTICLES

*Article 25*

The provisions of this Convention shall not affect conventions or other international agreements already in force, as between States Parties to them.

*Article 26*

This Convention shall, until 31 October 1958, be open for signature by all States Members of the United Nations or of any of the specialized agencies, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention.

*Article 27*

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

*Article 28*

This Convention shall be open for accession by any States belonging to any of the categories mentioned in article 26. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

*Article 29*

1. This Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

*Article 30*

1. After the expiration of a period of five years from the date on which this Convention shall enter into force, a request for the revision of this Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

*Article 31*

The Secretary-General of the United Nations shall inform all States Members of the United Nations and the other States referred to in article 26:

(a) Of signatures to this Convention and of the deposit of instruments of ratification or accession, in accordance with articles 26, 27 and 28;

(b) Of the date on which this Convention will come into force, in accordance with article 29;

(c) Of requests for revision in accordance with article 30.

*Article 32*

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article 26.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.

DONE at Geneva, this twenty-ninth day of April one thousand nine hundred and fifty-eight.

4. **PROTOCOL<sup>1</sup> REGARDING THE ADHERENCE OF FINLAND TO THE AGREEMENT<sup>2</sup> OF 19 MARCH 1955 BETWEEN DENMARK, NORWAY AND SWEDEN TO FACILITATE THE SANITARY CONTROL OF TRAFFIC BETWEEN THOSE COUNTRIES. SIGNED AT STOCKHOLM, ON 10 SEPTEMBER 1959**

Whereas the Government of Finland has been invited to accede to the Agreement of 19 March 1955<sup>2</sup> between Sweden, Denmark and Norway to facilitate the sanitary control of traffic between the three countries, and whereas the Government of Finland has declared itself willing to accede thereto, the Govern-

<sup>1</sup> United Nations, *Treaty Series*, Vol. 427, No. 3144, p. 378. Came into force on 1 December 1959.

<sup>2</sup> *Supra* 2.

ments of Denmark, Finland, Norway and Sweden have come to an agreement regarding Finland's accession to the said Agreement.

As far as Finland is concerned, the health authority referred to in article 2, paragraph 1, shall be the Epidemics Bureau of the Medical Board, and the central health administration referred to in article 2, paragraph 6, shall be the Medical Board.

5. PROTOCOL<sup>1</sup> REGARDING THE AMENDMENT OF ARTICLE 6 OF THE AGREEMENT<sup>2</sup> OF 19 MARCH 1955 BETWEEN DENMARK, FINLAND,<sup>3</sup> NORWAY AND SWEDEN TO FACILITATE THE SANITARY CONTROL OF TRAFFIC BETWEEN THOSE COUNTRIES. SIGNED AT STOCKHOLM, ON 20 SEPTEMBER 1960\*\*

Whereas the Government of Denmark has proposed that the Agreement of 19 March 1955 between Denmark, Finland, Norway and Sweden to facilitate the sanitary control of traffic between those countries shall be extended to include the Faroe Islands, the Governments of Denmark, Finland, Norway and Sweden have come to an agreement concerning such extension.

6. AGREEMENT<sup>4</sup> BETWEEN DENMARK, FINLAND, NORWAY AND SWEDEN CONCERNING CO-OPERATION IN ICE-BREAKING. SIGNED AT HELSINKI, ON 20 DECEMBER 1960

The Governments of Finland, Denmark, Norway and Sweden, desiring to facilitate the continuity of navigation and to promote safety at sea in Scandinavian waters during the winter months through co-operation in ice-breaking and through uniform regulations concerning ice-breaking operations, have agreed as follows:

*Article 1*

Scandinavian co-operation in ice-breaking shall be maintained in the Gulf of Bothnia, in the Ålandshav, in the Baltic Sea north of the parallel of latitude passing through Dueodde (on Bornholm), and in the Sound, the Kattegat and the Skagerrak between open water and those coastal waters which are protected against sea ice, drifting ice, pack ice and similar ice barriers.

*Article 2*

Each of the Contracting States shall use for purposes of Scandinavian co-operation in ice-breaking, where necessary, all available ice-breakers owned or hired by it which are not strictly indispensable to ice-breaking operations in its own coastal waters.

<sup>1</sup> *Sveriges överenskommelser med främmande makter, 1960, No. 22.* Came into force on 1 December 1960.

<sup>2</sup> *Supra 2.*

<sup>3</sup> See *supra* 4. Protocol of 10 September 1959 regarding the adherence of Finland to the Agreement.

<sup>4</sup> United Nations, *Treaty Series*, vol. 419, No. 6031, p. 108. Came into force on 20 December 1960.

The ice-breakers of each Contracting State shall be used primarily for operations in waters adjacent to its own territory. Regional co-operation shall, as the need arises, be instituted primarily in the following areas:

Between Finland and Sweden: in the Gulf of Bothnia, the Ålandshav and the northern part of the Baltic Sea;

Between Denmark and Sweden: in the Sound and the waters to the south, in the Kattegat and in the southern Skagerrak; and

Between Norway and Sweden: in the northern Skagerrak.

#### *Article 3*

Over and above what is provided for in articles 1 and 2, Scandinavian co-operation in ice-breaking may be pursued to such extent and in such forms as may be agreed upon between the competent authorities of the Contracting States.

#### *Article 4*

The work of the ice-breakers used by a Contracting State shall be directed by the ice-breaking service of that State, in co-operation, where necessary, with the ice-breaking services of the other Contracting States.

Where ice-breakers from more than one State are used in co-operation in a given area, the method of directing the joint operations shall be agreed upon between the ice-breaking services concerned.

Responsibility for directing the work of ice-breakers owned or hired by one Contracting State may be transferred to the ice-breaking service of another Contracting State by agreement in each individual case between the ice-breaking services of the States concerned.

#### *Article 5*

Ice-breakers used by the Contracting States shall enjoy in each Contracting State the same rights and privileges as the ice-breakers of that Contracting State.

#### *Article 6*

Where necessary in order to obtain information on the extent of sea ice formation, aerial reconnaissance shall be organized, by agreement between the ice-breaking services concerned in each individual case or for a specified period:

Over the Gulf of Bothnia and the Baltic Sea north of the parallel of latitude passing through the Bogskär lighthouse: by Finland and Sweden;

Over the rest of the Baltic Sea east of the meridian of longitude passing through the Falsterbo lighthouse: by Sweden;

Over the Kattegat: by Denmark; and

Over the Skagerrak: by Denmark, Norway and Sweden.

The collection of further information on ice conditions shall be arranged between the competent authorities.

#### *Article 7*

Unless special circumstances require otherwise, vessels in need of assistance shall be accorded it, irrespective of nationality, in the following order of priority:



1. Vessels in distress or in need of assistance because of danger to the lives of persons on board;
2. Vessels bound for or coming from one of the Contracting States, priority being given to passenger vessels and to vessels carrying goods of particular importance;
3. Other vessels.

*Article 8*

The competent authorities of the Contracting States shall issue uniform regulations requiring any vessel which may need assistance from ice-breakers of one of the Contracting States to give advance notice of its arrival and to furnish any information concerning the vessel and its cargo which is requested by the ice-breaking service. The said regulations shall also specify the considerations which will determine whether a vessel giving such notice can expect assistance from an ice-breaker, and shall indicate what the master of a vessel giving such notice must bear in mind with regard to ice conditions, and the consequences to the vessel of failure to comply with the orders or instructions communicated to it.

*Article 9*

A joint signal table prepared by the competent authorities of the Contracting States shall be employed in sound signalling between ice-breakers and vessels receiving assistance.

*Article 10*

During the hours of darkness, ice-breakers used by a Contracting State shall carry on the masthead, as a special identifying mark, a blue light visible from any point on the horizon.

*Article 11*

The ice-breaking services of the Contracting States shall make arrangements to supply vessels in Scandinavian waters by air or by ice-breaker where they consider such assistance strictly indispensable.

Payment for goods so supplied, at purchase price, shall be recovered from the owner of the vessel. No charge shall be made for the transport of goods to vessels faced with an emergency through no fault of their own.

*Article 12*

No charge shall be made for towage or other assistance provided under this Agreement by ice-breakers of the Contracting States. The provisions of this article shall not, however, apply to salvage operations.

*Article 13*

None of the States participating in Scandinavian ice-breaking operations assumes any responsibility for delay, damage or other loss suffered by a vessel or its crew, passengers or cargo by reason of ice conditions.

*Article 14*

Efforts shall be made so to apportion the co-operative activities provided for in this Agreement that no financial settlement is required between the States concerned, except for the hire of ice-breakers.

*Article 15*

A schedule containing the names, addresses and telephone numbers of the ice-breaking services of the Contracting States shall be issued each year. The said schedule shall also include the corresponding particulars of such local organs of the ice-breaking service as may be established by the Contracting States.

The competent authorities of the Contracting States shall issue uniform regulations concerning the publication of ice bulletins, traffic reports, and information on other conditions affecting navigation in winter.

7. AGREEMENT BETWEEN DENMARK, FINLAND, NORWAY AND SWEDEN CONCERNING UNIFORM RULES FOR THE MARKING OF NAVIGABLE WATERS. SIGNED AT HELSINKI, ON 18 SEPTEMBER 1962, articles 1-5<sup>1</sup>

8. TREATY<sup>2</sup> BANNING NUCLEAR WEAPON TESTS IN THE ATMOSPHERE, IN OUTER SPACE AND UNDER WATER. SIGNED AT MOSCOW, ON 5 AUGUST 1963

*Article 1*

1. Each of the Parties to this Treaty undertakes to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control:

(a) in the atmosphere; beyond its limits, including outer space; or under water, including territorial waters or high seas; or

<sup>1</sup> *Infra* DIVISION III, SUB-DIVISION A, 5.

<sup>2</sup> United Nations, *Treaty Series*, vol. 480, p. 45. Came into force on 10 October 1963. Parties to the Treaty (in accordance with the place of deposit of the instruments of ratification or accession—see United States Department of State, *Treaties in Force*... 1 January 1970, p. 329):

| <i>Moscow</i>            | <i>London</i>            | <i>Washington</i>        |
|--------------------------|--------------------------|--------------------------|
| Afghanistan              | Afghanistan              | Afghanistan              |
| Australia                | Australia                | Australia                |
| Austria                  | Austria                  | Austria                  |
| Belgium                  | Belgium                  | Belgium                  |
| Botswana                 |                          |                          |
|                          | Bolivia                  | Bolivia                  |
| Brazil                   | Brazil                   | Brazil                   |
| Bulgaria                 | Bulgaria                 | Bulgaria                 |
| Burma                    | Burma                    | Burma                    |
| Byelorussian SSR         |                          |                          |
| Canada                   | Canada                   | Canada                   |
| Central African Republic | Central African Republic | Central African Republic |

(b) in any other environment if such explosion causes radio-active debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted. It is understood in this connexion that the provisions of this subparagraph are without prejudice to the conclusion of a treaty resulting in the permanent banning of all nuclear test explosions, including

<sup>2</sup> (continued)

| <i>Moscow</i>   | <i>London</i>  | <i>Washington</i>  |
|---|--|--|
| Ceylon  | Ceylon   | Ceylon<br>Chad   |
|   | Chile  | China<br>Congo (Democratic<br>Rep. of)<br>Costa Rica<br>Cyprus<br>Czechoslovakia<br>Dahomey<br>Denmark<br>Dominican Republic<br>Ecuador<br>El Salvador<br>Federal Republic of<br>Germany   |
| Cyprus<br>Czechoslovakia<br>Dahomey<br>Denmark<br>Dominican Republic<br>Ecuador<br>El Salvador  | Cyprus<br>Czechoslovakia<br>Dahomey<br>Denmark<br>Dominican Republic<br>Ecuador<br>El Salvador<br>Federal Republic of<br>Germany   | Finland<br>Finland<br>Gabon<br>Gambia<br>Gambia<br>German Democratic<br>Republic<br>Ghana<br>Greece<br>Ghana<br>Greece<br>Guatemala<br>Honduras<br>Honduras<br>Hungary<br>Iceland<br>Iceland<br>India<br>India<br>Indonesia<br>Indonesia<br>Iran<br>Iran<br>Iraq<br>Iraq<br>Ireland<br>Ireland<br>Israel<br>Israel<br>Italy<br>Italy<br>Ivory Coast<br>Ivory Coast |
| Finland<br>Gabon<br>Gambia<br>German Democratic<br>Republic<br>Ghana<br>Greece  | Finland<br>Finland<br>Gabon<br>Gambia<br>Gambia<br>Ghana<br>Greece   | Japan<br>Japan<br>Jordan<br>Jordan<br>Kenya<br>Kenya<br>Korea (Republic of)<br>Korea (Republic of)<br>Kuwait<br>Kuwait<br>Laos<br>Laos<br>Lebanon<br>Lebanon<br>Liberia<br>Liberia<br>Luxembourg<br>Luxembourg<br>Madagascar<br>Madagascar<br>Malawi<br>Malawi<br>Malaysia<br>Malaysia<br>Malta<br>Malta<br>Mauritania<br>Mauritania                               |
| Hungary<br>Iceland<br>Iceland<br>India<br>India<br>Indonesia<br>Indonesia<br>Iran<br>Iran<br>Iraq<br>Iraq<br>Ireland<br>Ireland<br>Israel<br>Israel<br>Italy<br>Italy                                 | Honduras<br>Honduras<br>Hungary<br>Hungary<br>Iceland<br>Iceland<br>India<br>India<br>Indonesia<br>Indonesia<br>Iran<br>Iran<br>Iraq<br>Iraq<br>Ireland<br>Ireland<br>Israel<br>Israel<br>Italy<br>Italy       | Japan<br>Japan<br>Jordan<br>Jordan<br>Kenya<br>Kenya<br>Korea (Republic of)<br>Korea (Republic of)<br>Kuwait<br>Kuwait<br>Laos<br>Laos<br>Lebanon<br>Lebanon<br>Liberia<br>Liberia<br>Luxembourg<br>Luxembourg<br>Madagascar<br>Madagascar<br>Malawi<br>Malawi<br>Malaysia<br>Malaysia<br>Malta<br>Malta<br>Mauritania<br>Mauritania                               |
| Japan<br>Jordan<br>Jordan<br>Kenya<br>Kenya<br>Korea (Republic of)<br>Korea (Republic of)<br>Kuwait<br>Kuwait<br>Laos<br>Laos<br>Lebanon<br>Lebanon<br>Liberia<br>Liberia<br>Luxembourg<br>Luxembourg | Japan<br>Japan<br>Jordan<br>Jordan<br>Kenya<br>Kenya<br>Korea (Republic of)<br>Korea (Republic of)<br>Kuwait<br>Kuwait<br>Laos<br>Laos<br>Lebanon<br>Lebanon<br>Liberia<br>Liberia<br>Luxembourg<br>Luxembourg | Malawi<br>Malawi<br>Malaysia<br>Malaysia<br>Malta<br>Malta<br>Mauritania<br>Mauritania   |
| Malawi<br>Malawi<br>Malaysia<br>Malaysia<br>Malta<br>Malta<br>Mauritania<br>Mauritania  | Malawi<br>Malawi<br>Malaysia<br>Malaysia<br>Malta<br>Malta<br>Mauritania<br>Mauritania   |  |

all such explosions underground, the conclusion of which, as the Parties have stated in the Preamble to this Treaty, they seek to achieve.

2. Each of the Parties to this Treaty undertakes furthermore to refrain from causing, encouraging, or in any way participating in, the carrying out of any nuclear weapon test explosion, or any other nuclear explosion, anywhere which would take place in any of the environments described, or have the effect referred to, in paragraph 1 of this Article.

...

<sup>1</sup> continued...

| <i>Moscow</i>  | <i>London</i>  | <i>Washington</i>  |
|--|--|--|
| Mauritius  | Mauritius  | Mauritius  |
| Mexico   | Mexico   | Mexico   |
| Mongolia   | Mongolia   |  |
| Morocco  | Morocco  | Morocco  |
| Nepal  | Nepal  | Nepal  |
| Netherlands (for the<br>Kingdom in Europe,<br>Surinam and the<br>Netherlands Antilles) | Netherlands (for the<br>Kingdom in Europe,<br>Surinam and the<br>Netherlands Antilles) | Netherlands (for the<br>Kingdom in Europe,<br>Surinam and the<br>Netherlands Antilles) |
| New Zealand  | New Zealand  | New Zealand  |
| Nicaragua  | Nicaragua  | Nicaragua  |
| Niger  | Niger  | Niger  |
| Nigeria  | Nigeria  | Nigeria  |
| Norway   | Norway   | Norway   |
|  |  | Panama   |
| Peru   | Peru   | Peru   |
| Philippines  | Philippines  | Philippines  |
| Poland   | Poland   | Poland   |
|  | Republic of Korea  | Republic of Korea  |
| Romania  | Romania  | Romania  |
| Rwanda   | Rwanda   | Rwanda   |
| San Marino   | San Marino   | San Marino   |
| Senegal  | Senegal  | Senegal  |
| Sierra Leone   | Sierra Leone   | Sierra Leone   |
| South Africa   | South Africa   | South Africa   |
|  | Spain  | Spain  |
| Sudan  | Sudan  | Sudan  |
| Swaziland  | Swaziland  | Swaziland  |
| Sweden   | Sweden   | Sweden   |
| Switzerland  | Switzerland  | Switzerland  |
| Syria  | Syria  | Syria  |
|  | Tanganyika   |  |
| Thailand   | Thailand   | Thailand   |
|  |  | Togo   |
| Trinidad and Tobago  | Trinidad and Tobago  | Trinidad and Tobago  |
| Tunisia  | Tunisia  | Tunisia  |
| Turkey   | Turkey   | Turkey   |
|  | Uganda   | Uganda   |
| Ukrainian SSR  |  |  |
| USSR   | USSR   | USSR   |
| UAR  | UAR  | UAR  |
| United Kingdom   | United Kingdom   | United Kingdom   |
| United States  | United States  | United States  |
|  | Uruguay  |  |
| Venezuela  | Venezuela  | Venezuela  |
| Western Samoa  | Western Samoa  | Western Samoa  |
| Yugoslavia   | Yugoslavia   | Yugoslavia   |
| Zambia   | Zambia   | Zambia   |

9. CONVENTION<sup>1</sup> ON FACILITATION OF INTERNATIONAL MARITIME TRAFFIC. SIGNED AT LONDON, ON 9 APRIL 1965

The Contracting Governments:

Desiring to facilitate maritime traffic by simplifying and reducing to a minimum the formalities, documentary requirements and procedures on the arrival, stay and departure of ships engaged in international voyages;

Have agreed as follows:

*Article I*

The Contracting Governments undertake to adopt, in accordance with the provisions of the present Convention and its Annex, all appropriate measures to facilitate and expedite international maritime traffic and to prevent unnecessary delays to ships and to persons and property on board.

*Article II*

(1) The Contracting Governments undertake to co-operate, in accordance with the provisions of the present Convention, in the formulation and application of measures for the facilitation of the arrival, stay and departure of ships. Such measures shall be, to the fullest extent practicable, not less favourable than measures applied in respect of other means of international transport; however, these measures may differ according to particular requirements.

(2) The measures for the facilitation of international maritime traffic provided for under the present Convention and its Annex apply equally to the ships of coastal and non-coastal States the Governments of which are Parties to the present Convention.

(3) The provisions of the present Convention do not apply to warships or pleasure yachts.

*Article III*

The Contracting Governments undertake to co-operate in securing the highest practicable degree of uniformity in formalities, documentary requirements and procedures in all matters in which such uniformity will facilitate and improve international maritime traffic and keep to a minimum any alterations in formalities, documentary requirements and procedures necessary to meet special requirements of a domestic nature.

*Article IV*

With a view to achieving the ends set forth in the preceding Articles of the present Convention, the Contracting Governments undertake to co-operate with each other or through the Inter-Governmental Maritime Consultative Organization (hereinafter called the "Organization") in matters relating to formalities, documentary requirements and procedures, as well as their application to international maritime traffic.

<sup>1</sup> United Nations, *Treaty Series*, vol. 591, p. 266. Came into force on 5 March 1967. Parties to the Convention: Belgium, Czechoslovakia, Dominican Republic, Ghana, Iceland, Ivory Coast, Monaco, Nigeria, Norway, USSR, United Kingdom, Yugoslavia and Zambia.

*Article V*

(1) Nothing in the present Convention or its Annex shall be interpreted as preventing the application of any wider facilities which a Contracting Government grants or may grant in future in respect of international maritime traffic under its national laws or the provisions of any other international agreement.

(2) Nothing in the present Convention or its Annex shall be interpreted as precluding a Contracting Government from applying temporary measures considered by that Government to be necessary to preserve public morality, order and security or to prevent the introduction or spread of diseases or pests affecting public health, animals or plants.

(3) All matters that are not expressly provided for in the present Convention remain subject to the legislation of the Contracting Governments.

...

*Article VIII*

(1) Any Contracting Government that finds it impracticable to comply with any Standard by bringing its own formalities, documentary requirements or procedures into full accord with it or which deems it necessary for special reasons to adopt formalities, documentary requirements or procedures differing from that Standard, shall so inform the Secretary-General and notify him of the differences between its own practice and such Standard. Such notification shall be made as soon as possible after entry into force of the present Convention for the Government concerned, or after the adoption of such differing formalities, documentary requirements or procedures.

(2) Notification by a Contracting Government of any such difference in the case of an amendment to a Standard or of a newly adopted Standard shall be made to the Secretary-General as soon as possible after the entry into force of such amended or newly adopted Standard, or after the adoption of such differing formalities, documentary requirements or procedures and may include an indication of the action proposed to bring the formalities, documentary requirements or procedures into full accord with the amended or newly adopted Standard.

(3) Contracting Governments are urged to bring their formalities, documentary requirements and procedures into accord with the Recommended Practices insofar as practicable. As soon as any Contracting Government brings its own formalities, documentary requirements and procedures into accord with any Recommended Practice, it shall notify the Secretary-General thereof.

(4) The Secretary-General shall inform the Contracting Governments of any notification made to him in accordance with the preceding paragraphs of this Article.

...

10. CONVENTION<sup>1</sup> ON TRANSIT TRADE OF LAND-LOCKED COUNTRIES. DONE AT NEW YORK, ON 8 JULY 1965

PREAMBLE

*The States Parties to the present Convention,*

*Recalling* that article 55 of its charter requires the United Nations to promote conditions of economic progress and solutions of international economic problems,

*Noting* General Assembly resolution 1028 (XI) on the land-locked countries and the expansion of international trade which, "recognizing the need of land-locked countries for adequate transit facilities in promoting international trade", invited "the Governments of Member States to give full recognition to the needs of land-locked Member States in the matter of transit trade and, therefore, to accord them adequate facilities in terms of international law and practice in this regard, bearing in mind the future requirements resulting from the economic development of the land-locked countries",

*Recalling* article 2 of the Convention on the High Seas which states that the high seas being open to all nations, no State may validly purport to subject any part of them to its sovereignty and article 3 of the said Convention which states:

"1. In order to enjoy the freedom of the seas on equal terms with coastal States, States having no sea-coast should have free access to the sea."

To this end States situated between the sea and a State having no sea-coast shall by common agreement with the latter and in conformity with existing international conventions accord:

"(a) To the State having no sea-coast, on a basis of reciprocity, free transit through their territory; and

"(b) To ships flying the flag of that State treatment equal to that accorded to their own ships, or to the ships of any other States, as regards access to seaports and the use of such ports.

"2. States situated between the sea and a State having no sea-coast shall settle, by mutual agreement with the latter, and taking into account the rights of the coastal State or State of transit and the special conditions of the State having no sea-coast, all matters relating to freedom of transit and equal treatment in ports, in case such States are not already parties to existing international conventions."

*Reaffirming* the following principles adopted by the United Nations Conference on Trade and Development with the understanding that these principles are interrelated and each principle should be construed in the context of the other principles:

*Principle I*

The recognition of the right of each land-locked State of free access to the sea is an essential principle for the expansion of international trade and economic development.

<sup>1</sup> United Nations, *Treaty Series*, vol. 597, p. 42. Entered into force on 9 June 1967. Parties to the Convention: Burundi, Chad, Czechoslovakia, Hungary, Laos, Malawi, Mali, Mongolia, Nepal, Niger, Nigeria, Norway, Rwanda, San Marino, United States of America, Yugoslavia, Zambia.

*Principle II*

In territorial and on internal waters, vessels flying the flag of land-locked countries should have identical rights and enjoy treatment identical to that enjoyed by vessels flying the flag of coastal States other than the territorial State.

*Principle III*

In order to enjoy the freedom of the seas on equal terms with coastal States, States having no sea-coast should have free access to the sea. To this end States situated between the sea and a State having no sea-coast shall by common agreement with the latter and in conformity with existing international conventions accord to ships flying the flag of that State treatment equal to that accorded to their own ships or to the ships of any other State as regards access to seaports and the use of such ports.

*Principle IV*

In order to promote fully the economic development of the land-locked countries, the said countries should be afforded by all States, on the basis of reciprocity, free and unrestricted transit, in such a manner that they have free access to regional and international trade in all circumstances and for every type of goods.

Goods in transit should not be subject to any customs duty.

Means of transport in transit should not be subject to special taxes or charges higher than those levied for the use of means of transport of the transit country.

*Principle V*

The State of transit, while maintaining full sovereignty over its territory, shall have the right to take all indispensable measures to ensure that the exercise of the right of free and unrestricted transit shall in no way infringe its legitimate interests of any kind.

*Principle VI*

In order to accelerate the evolution of a universal approach to the solution of the special and particular problems of trade and development of land-locked countries in the different geographical areas, the conclusion of regional and other international agreements in this regard should be encouraged by all States.

*Principle VII*

The facilities and special rights accorded to land-locked countries in view of their special geographical position are excluded from the operation of the most-favoured-nation clause.

*Principle VIII*

The principles which govern the right of free access to the sea of the land-locked State shall in no way abrogate existing agreements between two or more contracting parties concerning the problems, nor shall they raise an obstacle as regards the conclusions of such agreements in the future, provided that the latter do not establish a régime which is less favourable than or opposed to the above-mentioned provisions.



*Have agreed as follows:*

*Article 1*

*Definitions*

For the purpose of this Convention,

(a) the term "land-locked State" means any Contracting State which has no sea-coast;

(b) the term "traffic in transit" means the passage of goods including unaccompanied baggage across the territory of a Contracting State between a land-locked State and the sea when the passage is a portion of a complete journey which begins or terminates within the territory of that land-locked State and which includes sea transport directly preceding or following such passage. The transshipment, warehousing, breaking bulk, and change in the mode of transport of such goods as well as the assembly, disassembly or reassembly of machinery and bulky goods shall not render the passage of goods outside the definition of "traffic in transit" provided that any such operation is undertaken solely for the convenience of transportation. Nothing in this paragraph shall be construed as imposing an obligation on any Contracting State to establish or permit the establishment of permanent facilities on its territory for such assembly, disassembly or reassembly;

(c) the term "transit State" means any Contracting State with or without a sea-coast, situated between a land-locked State and the sea, through whose territory "traffic in transit" passes;

(d) the term "means of transport" includes:

- (i) any railway stock, seagoing and river vessels and road vehicles;
- (ii) where the local situation so requires porters and pack animals;
- (iii) if agreed upon by the Contracting States concerned, other means of transport and pipelines and gas lines

when they are used for traffic in transit within the meaning of this article.

*Article 2*

*Freedom of transit*

1. Freedom of transit shall be granted under the terms of this Convention for traffic in transit and means of transport. Subject to the other provisions of this Convention, the measures taken by Contracting States for regulating and forwarding traffic across their territory shall facilitate traffic in transit on routes in use mutually acceptable for transit to the Contracting States concerned. Consistent with the terms of this Convention, no discrimination shall be exercised which is based on the place of origin, departure, entry, exit or destination or on any circumstances relating to the ownership of the goods or the ownership, place of registration or flag of vessels, land vehicles or other means of transport used.

2. The rules governing the use of means of transport, when they pass across part or the whole of the territory of another Contracting State, shall be established by common agreement among the Contracting States concerned, with due regard to the multilateral international conventions to which these States are parties.

3. Each Contracting State shall authorize, in accordance with its laws, rules and regulations, the passage across or access to its territory of persons whose movement is necessary for traffic in transit.

4. The Contracting States shall permit the passage of traffic in transit across their territorial waters in accordance with the principles of customary international law or applicable international conventions and with their internal regulations.

### *Article 3*

#### *Customs duties and special transit dues*

Traffic in transit shall not be subjected by any authority within the transit State to customs duties or taxes chargeable by reason of importation or exportation nor to any special dues in respect of transit. Nevertheless on such traffic in transit there may be levied charges intended solely to defray expenses of supervision and administration entailed by such transit. The rate of any such charges must correspond as nearly as possible with the expenses they are intended to cover and, subject to that condition, the charges must be imposed in conformity with the requirement of non-discrimination laid down in article 2, paragraph 1.

### *Article 4*

#### *Means of transport and tariffs*

1. The Contracting States undertake to provide, subject to availability, at the points of entry and exit, and as required at points of trans-shipment, adequate means of transport and handling equipment for the movement of traffic in transit without unnecessary delay.

2. The Contracting States undertake to apply to traffic in transit, using facilities operated or administered by the State, tariffs or charges which, having regard to the conditions of the traffic and to considerations of commercial competition, are reasonable as regards both their rates and the method of their application. These tariffs or charges shall be so fixed as to facilitate traffic in transit as much as possible, and shall not be higher than the tariffs or charges applied by Contracting States for the transport through their territory of goods of countries with access to the sea. The provisions of this paragraph shall also extend to the tariffs and charges applicable to traffic in transit using facilities operated or administered by firms or individuals, in cases in which the tariffs or charges are fixed or subject to control by the Contracting State. The term "facilities" used in this paragraph shall comprise means of transport, port installations and routes for the use of which tariffs or charges are levied.

3. Any haulage service established as a monopoly on waterways used for transit must be so organized as not to hinder the transit of vessels.

4. The provisions of this article must be applied under the conditions of non-discrimination laid down in article 2, paragraph 1.

### *Article 5*

#### *Methods and documentation in regard to customs, transport, etc.*

1. The Contracting States shall apply administrative and customs measures permitting the carrying out of free, uninterrupted and continuous traffic in transit. When necessary, they should undertake negotiations to agree on measures that ensure and facilitate the said transit.

2. The Contracting States undertake to use simplified documentation and expeditious methods in regard to customs, transport and other administrative procedures relating to traffic in transit for the whole transit journey on their territory, including any trans-shipment, warehousing, breaking bulk, and changes in the mode of transport as may take place in the course of such journey.

#### *Article 6*

##### *Storage of goods in transit*

1. The conditions of storage of goods in transit at the points of entry and exit, and at intermediate stages in the transit State may be established by agreement between the States concerned. The transit States shall grant conditions of storage at least as favourable as those granted to goods coming from or going to their own countries.

2. The tariffs and charges shall be established in accordance with article 4.

#### *Article 7*

##### *Delays or difficulties in traffic in transit*

1. Except in cases of *force majeure* all measures shall be taken by Contracting States to avoid delays in or restrictions on traffic in transit.

2. Should delays or other difficulties occur in traffic in transit, the competent authorities of the transit State or States and of the land-locked State shall co-operate towards their expeditious elimination.

#### *Article 8*

##### *Free zones or other customs facilities*

1. For convenience of traffic in transit, free zones or other customs facilities may be provided at the ports of entry and exit in the transit States, by agreement between those States and the land-locked States.

2. Facilities of this nature may also be provided for the benefit of land-locked States in other transit States which have no sea-coast or seaports.

#### *Article 9*

##### *Provision of greater facilities*

This Convention does not entail in any way the withdrawal of transit facilities which are greater than those provided for in the Convention and which under conditions consistent with its principles, are agreed between Contracting States or granted by a Contracting State. The Convention also does not preclude such grant of greater facilities in the future.

#### *Article 10*

##### *Relation to most-favoured-nation clause*

1. The Contracting States agree that the facilities and special rights accorded by this Convention to land-locked States in view of their special geographical position are excluded from the operation of the most-favoured-nation clause.

A land-locked State which is not a Party to this Convention may claim the facilities and special rights accorded to land-locked States under this Convention only on the basis of the most-favoured-nation clause of a treaty between that land-locked State and the Contracting State granting such facilities and special rights.

2. If a Contracting State grants to a land-locked State facilities or special rights greater than those provided for in this Convention, such facilities or special rights may be limited to that land-locked State, except in so far as the withholding of such greater facilities or special rights from any other land-locked State contravenes the most-favoured-nation provision of a treaty between such other land-locked State and the Contracting State granting such facilities or special rights.

#### *Article 11*

##### *Exceptions to Convention on grounds of public health, security, and protection of intellectual property*

1. No Contracting State shall be bound by this Convention to afford transit to persons whose admission into its territory is forbidden, or for goods of a kind of which the importation is prohibited, either on grounds of public morals, public health or security, or as a precaution against diseases of animals or plants or against pests.

2. Each Contracting State shall be entitled to take reasonable precautions and measures to ensure that persons and goods, particularly goods which are the subject of a monopoly, are really in transit, and that the means of transport are really used for the passage of such goods, as well as to protect the safety of the routes and means of communication.

3. Nothing in this Convention shall affect the measures which a Contracting State may be called upon to take in pursuance of provisions in a general international convention, whether of a world-wide or regional character, to which it is a party, whether such convention was already concluded on the date of this Convention or is concluded later, when such provisions relate:

(a) to export or import or transit of particular kinds of articles such as narcotics, or other dangerous drugs, or arms; or

(b) to protection of industrial, literary or artistic property, or protection of trade names, and indications of source or appellations of origin, and the suppression of unfair competition.

4. Nothing in this Convention shall prevent any Contracting State from taking any action necessary for the protection of its essential security interests.

#### *Article 12*

##### *Exceptions in case of emergency*

The measures of a general or particular character which a Contracting State is obliged to take in case of an emergency endangering its political existence or its safety may, in exceptional cases and for as short a period as possible, involve a deviation from the provisions of this Convention on the understanding that the principle of freedom of transit shall be observed to the utmost possible extent during such a period.

*Article 13**Application of the Convention in time of war*

This Convention does not prescribe the rights and duties of belligerents and neutrals in time of war. The Convention shall, however, continue in force in time of war so far as such rights and duties permit.

*Article 14**Obligations under the Convention and rights and duties of United Nations Members*

This Convention does not impose upon a Contracting State any obligation conflicting with its rights and duties as a Member of the United Nations.

*Article 15**Reciprocity*

The provisions of this Convention shall be applied on a basis of reciprocity.

*Article 16**Settlement of disputes*

1. Any dispute which may arise with respect to the interpretation or application of the provisions of this Convention which is not settled by negotiation or by other peaceful means of settlement within a period of nine months shall, at the request of either party, be settled by arbitration. The arbitration commission shall be composed of three members. Each party to the dispute shall appoint one member to the commission, while the third member, who shall be the Chairman, shall be chosen in common agreement between the parties. If the parties fail to agree on the designation of the third member within a period of three months, the third member shall be appointed by the President of the International Court of Justice. In case any of the parties fail to make an appointment within a period of three months the President of the International Court of Justice shall fill the remaining vacancy or vacancies.
2. The arbitration commission shall decide on the matters placed before it by simple majority and its decisions shall be binding on the parties.
3. Arbitration commissions or other international bodies charged with settlement of disputes under this Convention shall inform, through the Secretary-General of the United Nations, the other Contracting States of the existence and nature of disputes and of the terms of their settlement.

*Article 17**Signature*

The present Convention shall be open until 31 December 1965 for signature by all States Members of the United Nations or of any of the specialized agencies or Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention.

*Article 18**Ratification*

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

*Article 19**Accession*

The present Convention shall remain open for accession by any State belonging to any of the four categories mentioned in article 17. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

*Article 20**Entry into force*

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the instruments of ratification or accession of at least two land-locked States and two transit States having a sea coast.

2. For each State ratifying or acceding to the Convention after the deposit of the instruments of ratification or accession necessary for the entry into force of this Convention in accordance with paragraph 1 of this article, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

*Article 21**Revision*

At the request of one third of the Contracting States, and with the concurrence of the majority of the Contracting States, the Secretary-General of the United Nations shall convene a Conference with a view to the revision of this Convention.

*Article 22**Notifications by the Secretary-General*

The Secretary-General of the United Nations shall inform all States belonging to any of the four categories mentioned in article 17;

(a) of signatures to the present Convention and of the deposit of instruments of ratification or accession, in accordance with articles 17, 18 and 19;

(b) of the date on which the present Convention will enter into force, in accordance with article 20;

(c) of requests for revision, in accordance with article 21.

*Article 23**Authentic texts*

The original of the present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States belonging to any of the four categories mentioned in article 17.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

DONE at the Headquarters of the United Nations, New York, this eighth day of July, one thousand nine hundred and sixty-five.

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## Sub-Division B. Bilateral Treaties

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### 1. TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND ITALY, DATED 21 NOVEMBER 1957<sup>1\*\*</sup>

#### *Article 24*

1. Ships flying the flag of one of the Contracting States and carrying the papers prescribed by the law of that State as evidence of nationality shall be deemed to be ships of that State.

2. The tonnage certificates issued by the competent authorities shall be recognized by both States. The calculation and the payment of navigation fees and charges shall be made on the basis of these tonnage certificates, without remeasurement, in accordance with the provisions of the other Contracting State and on the same conditions as apply to its own ships. Recognition as aforesaid shall be based on the substantial equivalence of the systems of measurement currently used by both Contracting States; if the systems of measurement should in future be altered, the Contracting State effecting such alteration shall so notify the other Contracting State in order that factors suitable for re-establishing equivalence can be agreed upon for the purposes of new tonnage certificates.

3. A ship of one Contracting State may not be entered in the register of the other Contracting State in the absence of a statement from the authorities of the State whose flag the ship has been flying attesting that the ship has been removed from the register of that State.

#### *Article 25*

1. Each Contracting State shall accord to the ships of the other Contracting State treatment equal to that which it accords to its own ships or to those of any other State in the ports under its sovereignty in so far as concerns freedom of access to ports and their utilization and the unrestricted use of the navigational and commercial facilities which each Contracting State makes available to ships, their cargoes and passengers. Equal treatment as aforesaid shall extend to the provision of services of any kind, such as the allocation of berths and the use of loading and

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<sup>1</sup> For the text, see *Bundesgesetzblatt*, 1959, II, p. 949. The Treaty superseded the Treaty of Commerce and Navigation between Germany and Italy, signed at Rome on 31 October 1925, partly reproduced in ST/LEG/SER.B/6, p. 786. The Treaty of Commerce and Navigation between Germany and Sweden, signed at Berlin on 2 May 1911 (*ibid.*, p. 777), is not in force either.

The Commercial Convention of 19 July 1892 between Egypt and Germany mentioned in ST/LEG/SER.B/1, p. 154, and its articles 1, 5, 16 and 20 in French and article 20 in English reproduced in ST/LEG/SER.B/6 and 8, respectively, was abrogated by article 148 of the Peace Treaty of Versailles dated 28 June 1919.

unloading equipment, and to charges and fees of any kind levied on behalf or for the account of the State, public authorities, franchise holders or bodies of any kind.

2. The ships of one Contracting State shall be accorded national treatment and most-favoured-nation treatment with respect to the right to transport cargo of any kind which may be shipped to or from the territory of the other Contracting State.

3. The ships of one Contracting State may, in the same manner as the ships of the other Contracting State, discharge and disembark in the ports of the other Contracting State open to foreign navigation and commerce cargo and passengers originating or coming from abroad, and may keep on board cargo and passengers destined for or travelling to other ports open to foreign navigation and commerce, whether of the same country or of other countries; the said ships may also, during the same voyage, take on board in the various ports open to foreign navigation and commerce cargo destined for and passengers travelling to foreign ports.

#### *Article 26*

Goods which are carried in ships flying the flag of one Contracting State and which are destined for or come from the territory of the other Contracting State shall enjoy the same privileges as are accorded to goods carried in ships flying the flag of the other Contracting State. This shall apply especially to customs duties, other charges and fees, bounties, drawbacks and similar matters, to the application of customs regulations, and to loading and unloading in the case of railway cars or other means of transport.

#### *Article 27*

If a ship of one Contracting State is stranded on the coast of the other Contracting State, or is shipwrecked, or is forced to take shelter in a port of the other Contracting State, the latter State shall extend to the ship, crew, passengers and personal effects of the crew and of passengers and to the cargo of the ship the same protection and assistance as would have been extended to a ship in similar circumstances flying its own flag. Articles salvaged from the ship shall be exempt from customs duty on condition that they are not made available for domestic consumption. Even if not made available for domestic consumption, such articles may, for the entire duration of their stay in the said State, be subjected to customs security measures.

#### *Article 28*

1. Where, because of sickness or for any other reason, the crew of a ship flying the flag of one Contracting State is no longer complete, the master of the ship may hire, in any port of the other Contracting State, such seamen as may be necessary for the continuation of the voyage, provided that the hiring takes place in accordance with the law of the State whose flag the vessel flies.

2. Seamen who are nationals of one Contracting State and who carry seamen's papers issued in lieu of passports shall be permitted to travel through the territory of the other Contracting State in order to join their vessels or to return to their country.

*Article 29*

The provisions of this Treaty relating to national treatment as regards navigation shall not apply to:

- (a) Regulations made by virtue of special laws for the purpose of promoting the shipbuilding industry and maritime navigation;
- (b) The privileges accorded to yacht clubs;
- (c) The provision of such maritime services in ports and roadsteads and on the coast as piloting, towing, life-saving and salvage;
- (d) The coasting trade and inland navigation;
- (e) Fishing in territorial waters;
- (f) Emigration and the transport of emigrants.

2. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup>  
BETWEEN NORWAY AND SWEDEN REGARDING THE COASTING  
TRADE. OSLO, 9 JUNE 1958

I

*The Swedish Ambassador at Oslo to the Minister for Foreign Affairs of Norway*

Oslo, 9 June 1958

Your Excellency,

I hereby have the honour to inform you that, whereas the Nordic Council has recommended that the Governments of Denmark, Finland, Norway and Sweden should agree among themselves on measures to facilitate the coasting trade in so far as vessels of any of the said countries are concerned, the Swedish Government is willing to allow Norwegian vessels to be used in Swedish coasting as from 1 July 1958 on condition that the Norwegian Government will allow Swedish vessels to be used in Norwegian coasting as from the same date.

If this proposal is acceptable to the Norwegian Government, I have the honour also to propose that this note and your reply should constitute an agreement between our two Governments in this matter.

I have the honour to be, etc.

Rolf EDBERG

II

*The Minister for Foreign Affairs of Norway to the Swedish Ambassador at Oslo*

Oslo, 9 June 1958

Your Excellency,

In your note of today's date you informed me that the Royal Swedish Government is willing to allow Norwegian vessels to be used in Swedish coasting

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<sup>1</sup> United Nations, *Treaty Series*, vol. 427, p. 223. Entered into force on 1 July 1958.

as from 1 July 1958 on condition that the Royal Norwegian Government will allow Swedish vessels to be used in Norwegian coasting as from the same date.

I have the honour to confirm that the Norwegian Government is in agreement with this proposal and that your letter and this reply shall be considered to constitute an agreement in this matter between the Norwegian Government and the Swedish Government.

I have the honour to be, etc.

Halvard LANGE

3. CONVENTION DU 14 JUILLET 1959 ENTRE L'ESPAGNE ET LA FRANCE RELATIVE À LA PÊCHE EN BIDASSOA ET BAIE DU FIGUIER, titre 1<sup>er</sup> et titre III<sup>1</sup>
  
4. TREATY<sup>2</sup> BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE KINGDOM OF THE NETHERLANDS CONCERNING ARRANGEMENTS FOR CO-OPERATION IN THE EMS ESTUARY (EMS-DOLLARD TREATY). SIGNED AT THE HAGUE, ON 8 APRIL 1960

CHAPTER I. GENERAL PROVISIONS

...

*Article 7*

1. In this Treaty, the terms:

Ems Estuary,

Bight of Watum,

Area south of the Geise Dam,

Line connecting the main lighthouse on Borkum and the main beacon on Rottumeroog,

Line connecting the Knock lighthouse and the Termunten church tower,

Main fairway,

North passage from the main fairway to the Bight of Watum,

South passage from the main fairway to the Bight of Watum,

Emden fairway and

Upper Ems

are used in the senses defined in annex B.

2. Save as otherwise provided, the depths mentioned in this Treaty are based on the zero level shown in German charts (mean low water springs).

...

<sup>1</sup> *Infra* DIVISION IV, SUB-DIVISION B, 5.

<sup>2</sup> United Nations, *Treaty Series*, vol. 509, p. 64. Came into force on 1 August 1963. For the Supplementary Agreement to the Treaty, see *infra* 5.

## CHAPTER 5. RIVER POLICE

*Article 19*

1. The Kingdom of the Netherlands shall be responsible for river-police functions relating to:

- (a) The Bight of Watum and the north and south passages from the main fairway to the Bight of Watum;
- (b) New works carried out by the Kingdom of the Netherlands;
- (c) The area south of the Geise Dam.

2. In the remainder of the Ems Estuary, river-police functions shall be the responsibility of the Federal Republic of Germany.

...

*Article 21*

In carrying out river-police functions, each Contracting Party shall apply its own laws and regulations. The Ems Commission shall be notified of the laws and regulations in question.

...

## CHAPTER 8. THE EMS COMMISSION

*Article 29*

1. The Contracting Parties shall establish a permanent Netherlands-German Ems Commission.

...

## CHAPTER 9. SPECIAL PROVISIONS

*Article 32*

1. Where the applicability of any legal provision depends upon the question within which territory a vessel is situated or through which territory its course lies, the following—save as otherwise provided in this Treaty or in other international treaties to which both Contracting Parties are parties—shall apply with respect to the Ems Estuary:

German vessels shall be deemed to be within the territory of the Federal Republic, and Netherlands vessels shall be deemed to be within the territory of the Kingdom of the Netherlands;

Vessels of a third country shall be deemed to be within the territory of the State

- (a) In which the first port of destination is situated, in the case of incoming vessels,
- (b) In which the last port of departure is situated, in the case of outgoing vessels,

(c) In which the port of destination is situated, in the case of vessels proceeding between a port on the Ems Estuary and another port on or above the Ems Estuary.

2. The terms of paragraph 1 shall also apply to persons and objects on board.

#### *Article 33*

1. Article 32 shall apply *mutatis mutandis* with respect to the jurisdiction of the police authorities, the prosecuting authorities and the courts.

2. If a prosecution cannot be conducted by the Contracting Party having jurisdiction because the offender is within the territory of the other Contracting Party and cannot be extradited, the general laws of the last-mentioned Contracting Party concerning the applicability of the criminal law and the jurisdiction of the authorities shall apply.

...

#### *Article 34*

1. The International Regulations for the Prevention of Collisions at Sea shall apply to shipping in the Ems Estuary, subject to variant and supplementary provisions to be agreed by the two Contracting Parties.

...

#### *Article 35*

1. Supervision of fishing and hunting in the areas specified in article 41, paragraph 1, and article 42, paragraph 1, shall be exercised jointly. However, the German fishing and hunting inspectors shall have jurisdiction with respect to German fishermen and hunters and the Netherlands fishing and hunting inspectors shall have jurisdiction with respect to Netherlands fishermen and hunters.

...

#### *Article 36*

1. Frontier control in the Ems Estuary shall be exercised, in accordance with domestic law:

(a) In the case of incoming vessels, by the frontier control authorities of the Contracting Party in whose territory the first port of destination of the vessel is situated,

(b) In the case of outgoing vessels, by the frontier control authorities of the Contracting Party in whose territory the last port of departure of the vessel is situated,

(c) In the case of vessels proceeding between a port on the Ems Estuary and another port on or above the Ems Estuary, up to a distance of two nautical miles from the port of departure or, if the port of departure is not situated on the Ems Estuary, from the point at which the vessel enters the Ems Estuary, by the frontier control authorities of the Contracting Party in whose territory the port of departure of the vessel is situated; elsewhere, by the frontier control authorities of the Contracting Party in whose territory the port of destination is situated.

2. In addition to the foregoing, the Contracting Parties shall have rights of inspection by their frontier control authorities over all vessels in the Ems Estuary, to the extent necessary to determine their port of destination or port of departure. The frontier control authorities shall carry out such inspections only on suspicion of some irregularity, and in particular on suspicion that the flag flown by a vessel does not indicate its true port of destination or departure.

...

#### Article 37

Public health measures shall be within the jurisdiction of the authorities of the Contracting Party in which the port of call is situated.

#### Article 38

The Agreement between the Government of the Kingdom of the Netherlands and the Government of the Federal Republic of Germany concerning co-operation for the saving of human lives in the North Sea between the sixth and seventh meridians of longitude east, concluded by an exchange of notes of 25 and 30 January 1958 at The Hague<sup>1</sup> shall in the Ems Estuary apply also east of the seventh meridian of longitude east.

#### Article 39

1. In the event of a collision between seagoing vessels or between seagoing vessels and inland navigation craft in the Ems Estuary, the terms of the Convention for the unification of certain rules of law with respect to collisions between vessels, signed at Brussels on 23 September 1910,<sup>2</sup> shall apply. If a collision between vessels in the Ems Estuary involves inland navigation craft exclusively, the terms of the said Convention, excepting article 8, shall apply *mutatis mutandis* so far as concerns liability for compensation in respect of damage done to the vessels or to persons or objects on board.

...

#### Article 40

1. Pilotage on board incoming or outgoing vessels shall be provided:  
By the Government of the Federal Republic of Germany in the case of vessels calling at or sailing from a German port;

By the Government of the Kingdom of the Netherlands in the case of vessels calling at or sailing from a Netherlands port.

2. Pilotage on board vessels proceeding between German and Netherlands ports may be provided by pilots licensed by the Netherlands or the German Government.

<sup>1</sup> United Nations, *Treaty Series*, vol. 315, p. 117.

<sup>2</sup> League of Nations, *Treaty Series*, vol. CCV, p. 220; see also United Nations, *Treaty Series*, vol. 492, p. 305; exchange of notes dated at The Hague, on 13 August 1954, providing, *inter alia*, for the renewed application of this Convention as between the Netherlands and the Federal Republic of Germany.

*Article 41*

1. Below a line connecting the Knock lighthouse and the Termunten church tower, Netherlands and German fishermen shall be permitted on equal terms to fish, in accordance with paragraphs 3 to 5, in the Ems Estuary and beyond at depths of up to six feet (1.80 m), calculated in relation to the water level at the relevant time, along the shores of either Contracting Party (common fishing area). This common fishing area shall not include creeks or the Westerbalje. The entries to creeks shall where necessary be clearly marked with beacons, by the Kingdom of the Netherlands west of the main fairway and by the Federal Republic of Germany east of the main fairway. The limit of the Ems Estuary shall be deemed to constitute the limit of the Westerbalje.

2. Outside the common fishing area, the fishing rights for German fishermen off the German coast and for Netherlands fishermen off the Netherlands coast shall remain unaffected.

...

*Article 42*

1. Hunting in the Ems Estuary shall be prohibited below a line connecting the Knock lighthouse and the Termunten church tower. German and Netherlands hunters shall, however, be permitted to hunt seal on the Möwensteert sandbanks in accordance with the terms of paragraphs 2 and 3.

2. Permission to hunt seal shall be granted to German hunters by the *Kreisjägermeister* at Norden and to Netherlands hunters by the Director of the Wildlife Administration, Ministry of Agriculture and Fisheries.

3. The following matters shall be regulated annually by mutual agreement:

- (a) The maximum kill,
- (b) The maximum number of hunters,
- (c) The dates of the hunting season and hunting rules, in accordance with the hunting laws of the two Contracting Parties.

4. The maximum kill and the maximum number of hunters shall be the same for both Contracting Parties.

...

*Article 45*

The Contracting Parties shall not impede navigation from and to the ports of the other Contracting Party on the Ems Estuary. No shipping dues shall be imposed.

## CHAPTER 10. THE INTERNATIONAL FRONTIER

*Article 46*

1. The provisions of this Treaty shall not affect the question of the course of the international frontier in the Ems Estuary. Each Contracting Party reserves its legal position in this respect.



2. Either Contracting Party may refer the question of the course of the international frontier in the Ems Estuary to the International Court of Justice for settlement or may submit it to arbitration in the manner provided for by the Convention of Arbitration and Conciliation between Germany and the Netherlands, signed at The Hague on 20 May 1926.<sup>1</sup>

...

5. SUPPLEMENTARY AGREEMENT<sup>2</sup> TO THE TREATY<sup>3</sup> CONCERNING ARRANGEMENTS FOR CO-OPERATION IN THE EMS ESTUARY (EMS-DOLLARD TREATY), SIGNED BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE FEDERAL REPUBLIC OF GERMANY ON 8 APRIL 1960. SIGNED AT BENNEKOM, ON 14 MAY 1962

...

*Article 1*

In this Agreement:

The term "frontier area" means the area hatched on the map annexed to this Agreement, together with the ground beneath it;

The term "line" means the line, marked in green on the attached map, bisecting the frontier area lengthwise;

The term "natural resources" means all solid, liquid or gaseous underground substances for the extraction of which, under the mining legislation of one of the two Contracting Parties, a concession is required;

The term "concessionaire" means a person who has authorization to prospect for or to extract natural resources (hereinafter referred to as "a concession").

*Article 2*

The Contracting Parties shall co-operate in a spirit of good-neighbourliness with respect to all questions arising in connexion with prospecting for and the extraction of natural resources underlying the Ems Estuary which may affect their interests.

*Article 3*

The provisions of articles 4 to 10 of this Agreement shall apply to deposits of petroleum and natural gas present in the frontier area before the commencement of extraction and to other substances recovered in the course of extraction. The Contracting Parties shall make arrangements in a separate agreement for the application of these provisions *mutatis mutandis* to other natural resources in the frontier area, if one of the Contracting Parties declares this to be necessary.

<sup>1</sup> League of Nations, *Treaty Series*, vol. LXVI, p. 103. See also United Nations, *Treaty Series*, vol. 492, p. 295.

<sup>2</sup> United Nations, *Treaty Series*, vol. 509, p. 140. Came into force on 1 August 1963.

<sup>3</sup> *Supra* 4.

*Article 4*

(1) In the frontier area, without prejudice to the terms of the Ems-Dollard Treaty, Netherlands law shall apply on the Netherlands side of the line and German law shall apply on the German side of the line to:

- (a) Prospecting and extraction;
- (b) Acts and omissions connected with prospecting and extraction;
- (c) Installations erected for prospecting and extraction purposes.

The same shall apply with respect to the competence of the authorities and the courts; article 33, paragraphs 2 to 6, of the Ems-Dollard Treaty shall apply *mutatis mutandis* to fixed installations used for prospecting or extraction operations.

(2) The Contracting Parties may in accordance with their domestic law grant concessions valid for the whole of the frontier area. However, such concessions, and concessions already existing at the time of the entry into force of this Agreement, may be utilized only in accordance with the terms of this Agreement.

(3) Each of the Contracting Parties shall without delay notify the other Party of the concessions already in existence. The same shall apply when new concessions are granted or when concessions are amended or revoked.

*Article 5*

(1) German concessionaires and Netherlands concessionaires respectively shall be entitled to an equal share of the petroleum and natural gas extracted and of other substances recovered in the course of their extraction.

(2) A concessionaire may with the consent of his Government waive the right to the whole or a part of his share, or agree to a cash settlement.

(3) Expenses reasonably attributable to prospecting for and the extraction of products which are shared or for which a cash settlement is made shall be shared in the same proportion as the products, unless the concessionaires agree otherwise in accordance with the terms of article 7.

*Article 6*

(1) Prospecting and extraction shall be carried out on the Netherlands side of the line by Netherlands concessionaires and on the German side of the line by German concessionaires.

(2) If a concessionaire does not within one year accede to a request by the concessionaire on the other side of the line to carry out appropriate prospecting or extraction operations on his side of the line, the last-mentioned concessionaire may himself, subject to any conditions imposed on the other concessionaire by the terms of his concession, proceed with the prospecting or extraction operations. If the first-mentioned concessionaire has set up any extraction installations, he must allow the other concessionaire, upon request, to use such installations against suitable remuneration, provided that it is inexpedient to set up new installations.

(3) If a concessionnaire, in the application of the first sentence of paragraph 2, discovers deposits of petroleum or natural gas on the other side of the line, and if the other concessionnaire claims the whole or a part of his share of the products extracted from such deposits in accordance with the terms of article 5, or a cash settlement is agreed upon, the first-mentioned concessionnaire shall be entitled not only to the share of the expenses already incurred provided for in article 5, paragraph 3, but also to an appropriate risk bonus, save as otherwise agreed between the concessionnaires in accordance with the terms of article 7, paragraph 2.

#### *Article 7*

(1) The concessionnaires of one side shall co-operate closely with those of the other side in prospecting and extraction. To this end, they shall exchange all plans for operations in the frontier area and reports on the results of such operations.

(2) With a view to such co-operation, concessionnaires shall conclude agreements as soon as possible on the following matters:

- (a) Methods of calculating petroleum and natural gas reserves and output;
- (b) Details relating to the sharing of products and costs in accordance with the terms of article 5, and book-keeping and auditing procedures;
- (c) Whether the risk bonuses referred to in article 6, paragraph 3, are to be payable and, if so, in what amount;
- (d) The settlement of disputes.

(3) Concessionnaires shall be at liberty to conclude agreements on other matters connected with co-operation between them; such agreements may provide for risk bonuses in cases other than those referred to in article 6, paragraph 3.

(4) The Governments of the Contracting Parties shall be notified of the agreements referred to in paragraphs 2 and 3. The agreements referred to in paragraph 2, and clauses in other agreements providing for the payment of a risk bonus or the sharing of costs otherwise than as prescribed in article 5, paragraph 3, shall require the approval of each of the two Governments.

(5) If a concessionnaire is succeeded by a new concessionnaire, the latter shall be bound by one of the agreements referred to in paragraph 2 until such time as a new agreement is concluded.

#### *Article 8*

If an agreement under the terms of article 7, paragraph 2, is not arrived at within a reasonable period of time, the Governments of the Contracting Parties shall enter into negotiations with a view to presenting a joint proposal to the concessionnaires. If the endeavours of the Governments do not result in an agreement between the concessionnaires, either Government may appeal to the arbitral tribunal provided for in chapter 12 of the Ems-Dollard Treaty.

6. AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF FINLAND AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING THE BOUNDARIES OF SEA AREAS AND OF THE CONTINENTAL SHELF IN THE GULF OF FINLAND. SIGNED AT HELSINKI, ON 20 MAY 1965<sup>1\*\*</sup>

The Government of the Republic of Finland and the Government of the Union of Soviet Socialist Republics,

...

Having regard to the Geneva Conventions of 1958 on the Territorial Sea and the Contiguous Zone and on the Continental Shelf,

Have decided to conclude this Agreement

*Article 1*

The Contracting Parties agree that the sea frontier between Finland and the USSR and the boundaries of Finnish and Soviet territorial waters in the section of the Gulf of Finland to the north-east of the island of Suursaari (Gogland) shall be drawn as follows:

The sea frontier between the Republic of Finland and the Union of Soviet Socialist Republics shall follow a straight line in a south-westerly direction from the terminal point of the sea frontier fixed in 1940 and confirmed by the 1947 Treaty of Peace with Finland, whose co-ordinates are 60° 15' 35" north latitude and 27° 30' 43" east longitude, to the point whose co-ordinates are 60° 13' 42" north latitude and 27° 27' 50" east longitude and shall then turn and follow a straight line in a west-south-westerly direction to the point whose co-ordinates are 60° 12' 19" north latitude and 27° 18' 01" east longitude, which shall be the terminal point of the sea frontier between Finland and the Soviet Union.

From the aforementioned terminal point of the sea frontier, the boundary of Soviet territorial waters shall follow a straight line in a south-westerly direction to the point, situated on the boundary of Soviet territorial waters fixed in 1940 and confirmed by the 1947 Treaty of Peace with Finland, whose co-ordinates are 60° 08' 49" north latitude and 27° 04' 36" east longitude.

The boundary of Finnish territorial waters shall follow a straight line in a westerly direction from the aforementioned terminal point of the sea frontier to the point, situated on the boundary of Finnish territorial waters fixed in 1940 and confirmed by the 1947 Treaty of Peace with Finland, whose co-ordinates are 60° 12' 19" north latitude and 27° 13' 49" east longitude.

*Article 2*

The Contracting Parties agree not to extend their fishing and other areas in the section of the Gulf of Finland to the north of the island of Suursaari (Gogland) beyond a line marking the middle of the water area between the boundaries of Finnish and Soviet territorial waters fixed in 1940 and confirmed by the 1947 Treaty of Peace with Finland.

<sup>1</sup> Registered with the Secretariat of the United Nations on 6 July 1966 under No. 8238. Came into force on 25 May 1966.

The said line shall begin at the point whose co-ordinates are 60° 10.6' north latitude and 27° 11.3' east longitude and run in a generally westerly direction through the point whose co-ordinates are 60° 10.6' north latitude and 26° 57.9' east longitude and the point whose co-ordinates are 60° 10.4' north latitude and 26° 54.9' east longitude to the point whose co-ordinates are 60° 08.8' north latitude and 26° 47.9' east longitude, which shall be the initial point of the median line in the section of the Gulf of Finland to the west of the island of Suursaari (Gogland).

#### *Article 3*

The Contracting Parties agree not to extend their territorial waters or their fishing and other areas in the section of the Gulf of Finland to the west of the island of Suursaari (Gogland) beyond the median line passing through the points whose geographical co-ordinates are the following:

60° 08.8' north latitude and 26° 47.9' east longitude, 60° 06.8' north latitude and 26° 38.4' east longitude, 60° 06.4' north latitude and 26° 32.6' east longitude, 60° 00.0' north latitude and 26° 20.8' east longitude, 59° 59.4' north latitude and 26° 13.1' east longitude, 59° 58.4' north latitude and 26° 08.4' east longitude, 59° 52.0' north latitude and 25° 58.5' east longitude, 59° 52.9' north latitude and 25° 28.0' east longitude, 59° 53.6' north latitude and 25° 10.6' east longitude, 59° 52.4' north latitude and 24° 57.6' east longitude, 59° 50.8' north latitude and 24° 49.7' east longitude, 59° 44.5' north latitude and 24° 24.8' east longitude, 59° 37.4' north latitude and 23° 54.8' east longitude, 59° 31.9' north latitude and 23° 30.1' east longitude, 59° 32.0' north latitude and 23° 10.0' east longitude.

#### *Article 4*

The lines of the sea frontier and of the boundaries of Finnish and Soviet territorial waters referred to in article 1 as well as the lines referred to in articles 2 and 3 and the geographical co-ordinates through which the said lines pass are indicated on charts Nos. 400, 403 and 404 (date of issue: 1964), which are annexed to this Agreement. All the co-ordinates referred to in this Agreement conform to the system of co-ordinates employed in the charts.

#### *Article 5*

The Contracting Parties shall mark at the appropriate sites the point where the sea frontier between the Republic of Finland and the Union of Soviet Socialist Republics turns and its terminal point, the geographical co-ordinates of which are, respectively, 60° 13' 42" north latitude, 27° 27' 50" east longitude and 60° 12' 19" north latitude, 27° 18' 01" east longitude.

The costs incurred in connexion with these operations shall be shared equally by the Contracting Parties.

#### *Article 6*

The lines referred to in articles 2 and 3 of this Agreement shall constitute the boundary of the continental shelf of the Republic of Finland and of the Union of Soviet Socialist Republics in the Gulf of Finland.

7. AGREEMENT<sup>1</sup> BETWEEN THE STATE OF KUWAIT AND THE KINGDOM OF SAUDI ARABIA RELATING TO PARTITION OF THE NEUTRAL ZONE. SIGNED ON 7 JULY 1965

*In the Name of God the Compassionate, the Merciful*

*Whereas* the two Contracting Parties have equal rights in the shared Zone whose land boundaries are delineated in accordance with the Boundary Convention of Al Uqair dated 13 Rabi Al-Thani, 1341 H., corresponding to 2nd December, 1922, and the agreed Minutes signed at Kuwait on 12 Shawal, 1380 H., corresponding to 21st March, 1961 (called hereinafter the "Partitioned Zone"), and

*Whereas* the aforesaid Convention did not regulate the exercise of those rights, and as that state of affairs was of a provisional nature which entailed serious practical difficulties, and

*Whereas* the two Contracting Parties, by an exchange of notes on 15/3/1383 H., corresponding to 5/8/1963 (in regard to partitioning the Neutral Zone) have agreed to put an end to that temporary state of affairs by means of partitioning that Zone into two sections, so that the one shall be annexed to the State of Kuwait and the other shall be annexed to the Kingdom of Saudi Arabia, provided that these equal rights of the two Parties shall be preserved in full in the whole partitioned Zone as this had originally been decided by the Convention made at Al Uqair that it is shared between the two parties, and shall be safeguarded by the provisions of international responsibility. They therefore have agreed upon the following:

*Article I*

The boundary line between the two sections of the Zone is to be the line which divides them into two equal parts and which begins from a point at the mid-eastern shore on the low-tide line, and ends at the western boundary line of the Zone. That boundary line shall be demarcated in a natural manner by the Committee of Survey which is to determine the boundary lines of the Neutral Zone and which is to be set up in the manner agreed upon in the protocol annexed to the notes exchanged between the two parties at Jeddah on 15/3/1383 H., corresponding to 5/8/1963. This boundary line shall be approved by the two sides in an agreement they will conclude later on.

*Article II*

Without prejudice to the provisions of this Agreement, the area lying to the north of the line dividing the partitioned Zone into two equal parts shall be annexed to Kuwait as an integral part of its territory, and the area lying to the south of the line dividing the Partitioned Zone into two equal parts shall be annexed to the Kingdom of Saudi Arabia as an integral part of its territory.

*Article III*

Each of the Contracting Parties shall exercise over that part of the Partitioned Zone annexed to its territory the same rights of administration, legislation and

<sup>1</sup> The official Arabic text is reproduced in *Kuwait Al-Yoam*, No. 581 of 19 June 1966; the unofficial English translation appears in *American Journal of International Law*, vol. 60, p. 744, 1966. Entered into force on 25 July 1966.

defense as those exercised in its territory of origin, while observing other provisions of this Agreement, and without prejudice to the rights of the Contracting Parties to natural resources in the whole of the Partitioned Zone.

*Article IV*

Each of the Contracting Parties shall respect the rights of the other Party to the shared natural resources either existing at present or which shall exist in future in that part of the Partitioned Zone which is annexed to its territory.

*Article V*

If one of the parties cedes or otherwise alienates all or part of said equal rights which are safeguarded by the provisions of this Agreement and which are exercised over any part of the Partitioned Zone to any other State, the other Party shall be relieved of its obligations under this Agreement.

*Article VI*

Each of the Contracting Parties shall be under obligation not to take any local or international measure or action which may result in whatsoever manner in hindering the other Party from exercising the rights which are safeguarded by this Agreement, and it shall be under obligation to co-operate with the other Party fully to protect those rights.

*Article VII*

Each of the Contracting Parties shall exercise over the territorial waters which adjoin that part of the Partitioned Zone which will be annexed to its territory the same rights as those exercised over the part annexed to its territory; and the two Contracting Parties shall agree to determine the boundary line which divides the territorial waters which adjoin the Partitioned Zone.

For the purpose of exploiting the natural resources in the Partitioned Zone, not more than six marine miles of the sea-bed and sub-soil adjoining the Partitioned Zone shall be annexed to the mainland of that Partitioned Zone.

*Article VIII*

In determining the northern boundary of the submerged area adjoining the Partitioned Zone, it shall be delineated as if the Zone has not been partitioned and without regard to the provisions of this Agreement.

The two Contracting Parties shall exercise their equal rights in the submerged area beyond the aforesaid six mile limit mentioned in the preceding article by means of joint exploitation, unless the two Parties agree otherwise.

*Article IX*

Each of the Contracting Parties shall, in the part of the Partitioned Zone annexed to the other Party, evacuate the establishments occupied by its government officials who perform administrative and legal work, and hand it over to the other Party, provided that such provision shall not apply to establishments occupied by government officials engaged in oil-gauging, checking and auditing accounts, technical supervision, purchasing committees and such similar supervision work.

*Article X*

If one of the Contracting Parties entrusts the companies that have been granted a joint concession by the two Parties with the construction in that part of the Partitioned Zone annexed to its territory of establishments for judicial and administrative purposes in accordance with terms of the concession, the cost of constructing such establishments shall be deducted from the capital expenses of the concessionary companies, provided that such costs shall be limited to necessary and reasonable expenses.

*Article XI*

The present agreements of oil concessions shall remain in force and each Party pledges to respect, in that half of the Partitioned Zone to be annexed to its territory, their provisions and the amendments entered into. It shall also undertake such legislative and legal measures necessary for the continued exercise by the concessionary companies of their rights and the discharge of their obligations.

*Article XII*

Each Contracting Party shall be responsible, in that part of the Partitioned Zone to be annexed to its territory, for protection and security according to the obligations provided for in the present concession agreements in force.

*Article XIII*

To avoid double taxation, each Contracting Party shall undertake to enact legislative safeguards which ensure the non-imposition of taxes, customs duties or royalties on the companies that have been granted a concession in the Partitioned Zone by the other Party.

*Article XIV*

Entry and movement in the Partitioned Zone of citizens of the two Contracting Parties, who are working as officials, employees, labourers and contractors in establishments and firms engaged in the exploitation of natural resources according to concessions now in force or affiliated firms shall be by a valid passport issued by the other Party or by a card of special form to be issued by one of the Contracting Parties, and to be agreed upon, without the need to obtain an entry visa.

*Article XV*

Without prejudice to the concessionary oil agreements in force, each of the Parties shall ensure, in that part of the Partitioned Zone to be annexed to its territory, to the citizens of the other Party freedom to work and the right to practice any profession or occupation on equal footing with its citizens, concerning oil resources granted in the present concessions or in what may supersede them in future.

With regard to natural resources which may be discovered in future, the two Parties shall agree on the rights of each other's citizens to work or practice any occupation related thereto.



*Article XVI*

Each of the Contracting Parties shall respect the rights of the other Party's citizens in the present establishments and constructions existing in that part of the Partitioned Zone to be annexed to its territory.

*Article XVII*

To ensure the continuance of the two Contracting Parties' efforts in exploiting natural resources in the Partitioned Zone, a joint permanent committee (called hereinafter the "Committee") shall be set up.

*Article XVIII*

The Committee shall be composed of an equal number of representatives of the two Contracting Parties; and the two competent Ministers for Natural Resources in the two Contracting Governments shall agree upon the number of Committee members, its rules of procedure and the manner of securing the necessary appropriations for it.

*Article XIX*

The Committee shall have the following powers:

(a) To facilitate passage of officials and employees (other than the citizens of the two Parties) of concessionary companies and of ancillary companies and establishments in the Partitioned Zone.

(b) Studies relative to projects of exploiting shared natural resources.

(c) To study the new licenses, contracts, and concessions relating to shared natural resources and submit its recommendations to the two competent Ministers as to what it deems appropriate in this respect.

(d) To consider whatever the two competent Ministers refer to it.

The Committee in performing its duties shall have the right to sign contracts, and shall submit its reports and recommendations directly to the two competent Ministers.

The two Contracting Parties shall endeavour to make sure that the Committee be ready to start its work within six months at most from the date of the entry into force of the present Agreement.

*Article XX*

The two competent Ministers shall consult together in granting or amending any new concession relating to shared natural resources. The Party which does not agree with the other shall send him a written notification giving the reasons, before granting or amending the new concession.

If any other establishment or company is allowed to replace any present establishment or company exploiting natural resources in the Partitioned Zone, this replacement shall not be considered as a new concession, provided that the rights of the other Party shall not be prejudiced.

*Article XXI*

The two Contracting Parties shall undertake to supply the Committee with information, data and documents which it may require to facilitate its task.

...

8. AGREEMENT OF 9 OCTOBER 1965 BETWEEN DENMARK AND THE SOVIET UNION CONCERNING SALVAGE OPERATIONS IN DANISH AND SOVIET WATERS\*\*

The Government of Denmark and the Government of the Union of Soviet Socialist Republics,

Considering that, during navigation, situations may arise when a ship, having suffered damage or being otherwise in distress, will be in need of assistance,

Taking into account that prompt assistance may be of vital importance for the successful salvage of a ship in distress and its cargo,

Having in mind the object of providing an opportunity for ships in distress to make use of such assistance as is most expedient in each individual case, and

Desiring to strengthen the good neighbourly relations between the Kingdom of Denmark and the Union of Soviet Socialist Republics,

Have agreed as follows:

*Article 1*

If a ship flying the flag of one of the Contracting Parties requires assistance while navigating or staying in the internal waters or the territorial sea of the other Contracting Party because it has suffered damage or is otherwise in distress, the master or owner of the ship may, at his discretion, call for help and salvage assistance from a ship flying the flag of either Contracting Party.

If a ship of one Contracting Party suffers damage outside the territorial sea of the other Contracting Party and such damage affects the seaworthiness of the ship to the extent that it needs immediate assistance, the said ship may, with the aid of any other ship flying the same flag, be brought into the territorial sea or internal waters of the other country in order that the damage can be repaired. In such case, the procedure provided for in article 2 of the present Agreement for admission to internal waters and territorial seas shall apply to the ship providing assistance.

Having due regard for the provisions of this Agreement, ships which are present in the territorial sea or internal waters of the other country, shall observe the laws and regulations of that country regarding the stay of foreign ships and nationals and the carrying-out of salvage operations.

*Article 2*

The right, provided for in article 1, of free admission to the territorial sea and the internal waters of the Contracting Parties for the purpose of rendering assistance is granted on the condition that information about the nature of the distress and the names of the organization and the ship or ships which are to carry out the salvage operations is furnished, as soon as possible but not later than the moment when the salvage ship of one of the Contracting Parties enters the territorial sea of the other Contracting Party, to the authorities of the country in whose waters the ship in distress finds itself.

The procedure for furnishing the information referred to in the first paragraph of this article shall be determined by an exchange of letters.

*Article 3*

The assistance referred to in this Agreement shall comprise any kind of salvage operations, towage or help rendered from the sea to disabled ships or other floating material or to cargo on board thereof.

*Article 4*

This Agreement shall apply to naval vessels to the extent consistent with the rules for the time being in force in the territory of each of the Contracting Parties regarding the admission of foreign naval vessels to its waters.

*Article 5*

This Agreement shall apply to the Danish territorial sea and internal waters in the Baltic Sea, in Danish sounds and belts, in the Kattegat and the Skagerrak, in the North Sea and off the Faroe Islands, with the exception of the areas in which navigation or anchoring are prohibited or in which Danish nationals are prohibited from fishing as notified in the "*Efterretninger for Søfarende*" (Notices to Mariners).

This Agreement shall apply to the Soviet territorial sea and internal waters in the Baltic Sea including the Gulf of Finland, with the exception of the areas in which navigation and anchoring are prohibited as notified in the "*Izveshchenie Moreplavatelyam*" (Notices to Mariners).

Applications for permission to carry out salvage operations in those areas aforementioned in which such operations are prohibited shall be given sympathetic and prompt consideration.

*Article 6*

This Agreement is concluded for a period of three years and shall enter into force on the date of the exchange of letters referred to in article 2, second paragraph.

If neither of the Contracting Parties denounces the Agreement at least six months before the expiry of the said period, the Agreement shall remain in force for an additional year and shall thereafter be extended for further periods of one year unless it is denounced by either of the Contracting Parties at least six months before the expiry of the current period.

Done in Moscow, on 9 October 1965, in duplicate in the Danish and Russian languages, both texts being equally authentic.

9. ÉCHANGE DE NOTES DU 20 MARS 1967 CONSTITUANT ACCORD GÉNÉRAL SUR LA PÊCHE ENTRE L'ESPAGNE ET LA FRANCE, article IV<sup>1</sup>

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<sup>1</sup> *Infra* DIVISION IV, SUB-DIVISION B, 16.

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## DIVISION II. THE CONTINENTAL SHELF

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### Sub-Division A. Multilateral Treaties

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#### 1. CONVENTION<sup>1</sup> ON THE CONTINENTAL SHELF. DONE AT GENEVA, ON 29 APRIL 1958

##### *Article 1*

For the purpose of these articles, the term "continental shelf" is used as referring (a) to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 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; (b) to the seabed and subsoil of similar submarine areas adjacent to the coasts of islands.

##### *Article 2*

1. The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.

2. The rights referred to in paragraph 1 of this article are exclusive in the sense that if the coastal State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities, or make a claim to the continental shelf, without the express consent of the coastal State.

3. The rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation.

4. The natural resources referred to in these articles consist of the mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

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<sup>1</sup> United Nations, *Treaty Series*, vol. 499, p. 311. Came into force on 10 June 1964. Parties to the Convention: Albania, Australia, Bulgaria, Byelorussian SSR, Cambodia, Colombia, Czechoslovakia, Denmark, Dominican Republic, Finland, France, Guatemala, Haiti, Israel, Jamaica, Madagascar, Malawi, Malaysia, Malta, Mexico, Netherlands, New Zealand, Poland, Portugal, Romania, Senegal, Sierra Leone, South Africa, Sweden, Switzerland, Thailand, Trinidad and Tobago, Uganda, Ukrainian SSR, Union of Soviet Socialist Republics, United Kingdom, United States of America, Venezuela, Yugoslavia.

*Article 3*

The rights of the coastal State over the continental shelf do not affect the legal status of the superjacent waters as high seas, or that of the airspace above those waters.

*Article 4*

Subject to its right to take reasonable measures for the exploration of the continental shelf and the exploitation of its natural resources, the coastal State may not impede the laying or maintenance of submarine cables or pipe lines on the continental shelf.

*Article 5*

1. The exploration of the continental shelf and the exploitation of its natural resources must not result in any unjustifiable interference with navigation, fishing or the conservation of the living resources of the sea, nor result in any interference with fundamental oceanographic or other scientific research carried out with the intention of open publication.

2. Subject to the provisions of paragraphs 1 and 6 of this article, the coastal State is entitled to construct and maintain or operate on the continental shelf installations and other devices necessary for its exploration and the exploitation of its natural resources, and to establish safety zones around such installations and devices and to take in those zones measures necessary for their protection.

3. The safety zones referred to in paragraph 2 of this article may extend to a distance of 500 metres around the installations and other devices which have been erected, measured from each point of their outer edge. Ships of all nationalities must respect these safety zones.

4. Such installations and devices, though under the jurisdiction of the coastal State, do not possess the status of islands. They have no territorial sea of their own, and their presence does not affect the delimitation of the territorial sea of the coastal State.

5. Due notice must be given of the construction of any such installations, and permanent means for giving warning of their presence must be maintained. Any installations which are abandoned or disused must be entirely removed.

6. Neither the installations or devices, nor the safety zones around them, may be established where interference may be caused to the use of recognized sea lanes essential to international navigation.

7. The coastal State is obliged to undertake, in the safety zones, all appropriate measures for the protection of the living resources of the sea from harmful agents.

8. The consent of the coastal State shall be obtained in respect of any research concerning the continental shelf and undertaken there. Nevertheless the coastal State shall not normally withhold its consent if the request is submitted by a qualified institution with a view to purely scientific research into the physical or biological characteristics of the continental shelf, subject to the proviso that the coastal State shall have the right, if it so desires, to participate or to be represented in the research, and that in any event the results shall be published.

*Article 6*

1. Where the same continental shelf is adjacent to the territories of two or more States whose coasts are opposite each other, the boundary of the continental shelf appertaining to such States shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary is the median line, every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea of each State is measured.

2. Where the same continental shelf is adjacent to the territories of two adjacent States, the boundary of the continental shelf shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary shall be determined by application of the principle of equidistance from the nearest points of the baselines from which the breadth of the territorial sea of each State is measured.

3. In delimiting the boundaries of the continental shelf, any lines which are drawn in accordance with the principles set out in paragraphs 1 and 2 of this article should be defined with reference to charts and geographical features as they exist at a particular date, and reference should be made to fixed permanent identifiable points on the land.

*Article 7*

The provisions of these articles shall not prejudice the right of the coastal State to exploit the subsoil by means of tunnelling irrespective of the depth of water above the subsoil.

...

*Article 8*

This Convention shall, until 31 October 1958, be open for signature by all States Members of the United Nations or of any of the specialized agencies, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention.

*Article 9*

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

*Article 10*

This Convention shall be open for accession by any States belonging to any of the categories mentioned in article 8. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

*Article 11*

1. This Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

*Article 12*

1. At the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than to articles 1 to 3 inclusive.

2. Any Contracting State making a reservation in accordance with the preceding paragraph may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

*Article 13*

1. After the expiration of a period of five years from the date on which this Convention shall enter into force, a request for the revision of this Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

*Article 14*

The Secretary-General of the United Nations shall inform all States Members of the United Nations and the other States referred to in article 8:

(a) Of signatures to this Convention and of the deposit of instruments of ratification or accession, in accordance with articles 8, 9 and 10;

(b) Of the date on which this Convention will come into force, in accordance with article 11;

(c) Of requests for revision, in accordance with article 13;

(d) Of reservations to this Convention, in accordance with article 12.

*Article 15*

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article 8.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.

DONE at Geneva, this twenty-ninth day of April one thousand nine hundred and fifty-eight.



2. PROTOCOL<sup>1</sup> BETWEEN DENMARK, THE NETHERLANDS AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE SUBMISSION OF A CASE TO THE INTERNATIONAL COURT OF JUSTICE (TOGETHER WITH ITS ANNEXED PROTOCOL). SIGNED AT BONN, ON 2 FEBRUARY 1967

The Kingdom of Denmark, the Kingdom of the Netherlands and the Federal Republic of Germany have agreed to submit their differences concerning the delimitation of the continental shelf in the North Sea to the International Court of Justice. The Governments of the Kingdom of Denmark and the Federal Republic of Germany shall accordingly submit to the International Court the Special Agreement which is annexed to this Protocol; the Governments of the Federal Republic of Germany and the Kingdom of the Netherlands shall submit to the International Court the Special Agreement which is likewise annexed to this Protocol.

In conformity with the provisions of the Additional Protocol which is also annexed to the present Protocol, the Governments of the three States will ask the International Court to join the cases introduced by the two Special Agreements.

This Protocol and the annexes thereto shall also apply to *Land Berlin* unless the Government of the Federal Republic of Germany makes a declaration to the contrary to the Governments of the Kingdom of Denmark and the Kingdom of the Netherlands within three months after the signing of the present Protocol.

#### PROTOCOL

At the signature of the Special Agreement of to-day's date between the Government of the Federal Republic of Germany and the Governments of the Kingdom of Denmark and the Kingdom of the Netherlands respectively, on the submission to the International Court of Justice of the differences between the parties concerning the delimitation of the continental shelf in the North Sea, the three Governments wish to state their agreement on the following:

(1) The Government of the Kingdom of the Netherlands will, within a month from the signature, notify the two Special Agreements together with the present Protocol to the International Court of Justice in accordance with article 40, paragraph 1 of the Statute of the Court.

(2) After the notification in accordance with item (1) above the parties will ask the Court to join the two cases.

(3) The three Governments agree that for the purpose of appointing a judge ad hoc, the Governments of the Kingdom of Denmark and the Kingdom of the Netherlands shall be considered parties in the same interest within the meaning of article 31, paragraph 5 of the Statute of the Court.

<sup>1</sup> Registered with the Secretariat of the United Nations on 2 October 1967 under No. 8777. Entered into force on 2 February 1967. See also *infra* SUB-DIVISION B, 2. For the judgement by the International Court of Justice, see *North Sea Continental Shelf, Judgement, I.C.J. Reports*, p. 5.

3. DECLARATION OF 23 OCTOBER 1968 BY THE GERMAN DEMOCRATIC REPUBLIC, THE POLISH PEOPLE'S REPUBLIC AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE CONTINENTAL SHELF OF THE BALTIC SEA \*\*

The Governments of the German Democratic Republic, the Polish People's Republic and the Union of Soviet Socialist Republics,

Being guided by the desire to deepen and extend good-neighbourly and friendly relations between the Baltic States,

Desiring to confirm and further develop the provisions of the 1958 Geneva Convention on the Continental Shelf in conformity with the specific conditions of the Baltic Sea,

Proceeding from the fact that the solution of the questions of delimiting and using the continental shelf of the Baltic Sea is of interest to all Baltic States,

Considering it desirable that other Baltic States adhere to the present Declaration,

*Declare that:*

1. In accordance with the provisions of the 1958 Geneva Convention on the Continental Shelf and inasmuch as the Baltic Sea is a shallow sea, the surface and subsoil of the bed of that sea constitute a continuous continental shelf which is subject to delimitation among the respective Baltic States.

2. Each Baltic State, in conformity with article 2 of the 1958 Geneva Convention on the Continental Shelf, has sovereign rights over its continental shelf in the Baltic Sea for the purposes of exploring and exploiting the natural resources of the sea-bed and the subsoil thereof.

3. The continental shelf of the Baltic Sea must be used by all States exclusively for peaceful purposes.

4. Delimitation of the continental shelf of the Baltic Sea must be carried out in conformity with the principles set forth in the 1958 Geneva Convention on the Continental Shelf and, in particular, in article 6 of the said Convention.

5. The baselines for measuring the breadth of the territorial sea established by each of the parties to the Declaration in conformity with articles 3 and 4 of the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone shall be reciprocally recognized and considered to be the baselines for delimiting the continental shelf.

6. The exact co-ordinates of the boundaries of the continental shelf in the Baltic Sea shall be determined by bilateral or multilateral agreements concluded between the States concerned.

7. The rights of each coastal State over the continental shelf shall in no way affect the legal status of the superjacent waters as high seas or that of the airspace above those waters.

8. Exploration, exploitation and other uses of the continental shelf of the Baltic Sea must not result in any unjustifiable interference with navigation, fishing or the conservation of the living resources of the sea.

9. No portions of the continental shelf of the Baltic Sea may be given over for exploration, exploitation or any other use to non-Baltic States, their nationals or firms.

10. The parties to the Declaration shall consult with each other on questions of mutual interest in connexion with the use of the continental shelf of the Baltic Sea.

11. Every Baltic State may accede to the present Declaration. Each such State shall become a party to the Declaration as soon as written notification is given to the Government of the Union of Soviet Socialist Republics that it accepts the principles contained therein.

DONE in Moscow on 23 October 1968 in one copy in the Russian language.

*For the German Democratic Republic*

H. BITTNER

*For the Polish People's Republic*

J. PTASINSKI

*For the Union of Soviet Socialist Republics*

A. GROMYKO

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## Sub-Division B. Bilateral Treaties

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1. TREATY<sup>1</sup> BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE KINGDOM OF THE NETHERLANDS CONCERNING THE LATERAL DELIMITATION OF THE CONTINENTAL SHELF IN THE VICINITY OF THE COAST. SIGNED AT BONN, ON 1 DECEMBER 1964

### *Article 1*

“(1) Up to the fifty-fourth parallel of north latitude, the boundary between the Netherlands and German parts of the continental shelf of the North Sea shall run from the northern end of the line which was agreed upon in the Supplementary Agreement of 14 May 1962 to the Ems-Dollard Treaty of 8 April 1960, and which divides the frontier area of the Ems Estuary length-wise, along the shortest line passing through points E<sub>1</sub> and E<sub>2</sub> to point E<sub>3</sub>.

“(2) The co-ordinates of the points (according to German marine charts No. 50, July 1956 edition, and No. 90, May 1964 edition) are the following:

Point E<sub>1</sub>: 53°45'06" N, 6°19'56" E;

Point E<sub>2</sub>: 53°48'56" N, 6°15'49" E;

Point E<sub>3</sub>: 54°00'00" N, 6°06'26" E.”

### *Article 2*

“(1) The provisions of this Treaty shall not affect the question of the course of the international frontier in the Ems Estuary. Each Contracting Party reserves its legal position in this respect.

“(2) A decision under the terms of article 46, paragraph 2, of the Ems-Dollard Treaty<sup>2</sup> shall not affect this Treaty.”

2. AGREEMENT BETWEEN THE GOVERNMENT OF THE KINGDOM OF NORWAY AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND RELATING TO THE DELIMITATION OF THE CONTINENTAL SHELF BETWEEN THE TWO COUNTRIES. SIGNED AT LONDON, ON 10 MARCH 1965<sup>3</sup>

### *Article 1*

The dividing line between that part of the Continental Shelf which appertains to the United Kingdom of Great Britain and Northern Ireland and that part which

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<sup>1</sup> United Nations, *Treaty Series*, vol. 550, p. 128. Came into force on 18 September 1965.

<sup>2</sup> *Supra* DIVISION I, SUB-DIVISION B, 4.

<sup>3</sup> United Nations, *Treaty Series*, vol. 551, p. 214. Came into force on 29 June 1965.

appertains to the Kingdom of Norway shall be based, with certain minor divergencies for administrative convenience, on a line, every point of which is equidistant from the nearest points of the baselines from which the territorial sea of each country is measured.

#### *Article 2*

(1) In implementation of the principle set forth in Article 1, the dividing line shall be arcs of Great Circles between the following points, in the sequence given below:

- Point 1. 56° 05' 12" N., 3° 15' 00" E.
- Point 2. 56° 35' 42" N., 2° 36' 48" E.
- Point 3. 57° 54' 18" N., 1° 57' 54" E.
- Point 4. 58° 25' 48" N., 1° 29' 00" E.
- Point 5. 59° 17' 24" N., 1° 42' 42" E.
- Point 6. 59° 53' 48" N., 2° 04' 36" E.
- Point 7. 61° 21' 24" N., 1° 47' 24" E.
- Point 8. 61° 44' 12" N., 1° 33' 36" E.

The positions of the points in this Article are defined by latitude and longitude on European Datum (1st Adjustment 1950).

(2) The dividing line has been drawn on the chart annexed to this Agreement.<sup>1</sup>

#### *Article 3*

(1) In the south the termination point of the dividing line shall be point No. 1, which is the point of intersection of the dividing lines between the Continental Shelves of the United Kingdom of Great Britain and Northern Ireland, the Kingdom of Norway and the Kingdom of Denmark. The position of the above-mentioned point No. 1 shall be subject to acceptance by the Kingdom of Denmark.

(2) For the time being the Contracting Parties have not deemed it necessary to draw the dividing line further north than point No. 8.

#### *Article 4*

If any single geological petroleum structure or petroleum field, or any single geological structure or field of any other mineral deposit, including sand or gravel, extends across the dividing line and the part of such structure or field which is situated on one side of the dividing line is exploitable, wholly or in part, from the other side of the dividing line, the Contracting Parties shall, in consultation with the licensees, if any, 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 5*

This Agreement shall not affect the status of the superjacent waters or air space above.

<sup>1</sup> The chart is not reproduced for technical reasons.

3. AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF FINLAND AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING THE BOUNDARIES OF THE SEA AREAS AND OF THE CONTINENTAL SHELF IN THE GULF OF FINLAND. SIGNED AT HELSINKI, ON 20 MAY 1965, article 6<sup>1</sup>
4. AGREEMENT<sup>2</sup> BETWEEN THE KINGDOM OF DENMARK AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE DELIMITATION, IN THE COASTAL REGIONS, OF THE CONTINENTAL SHELF OF THE NORTH SEA. SIGNED AT BONN, ON 9 JUNE 1965

*Article 1*

The boundary line between the Danish and German portions of the continental shelf of the North Sea shall run, in the coastal regions, in a straight line from the point indicated in the 1921 description of the frontier at which the prolongation of the line connecting the East List Beacon with the median point of the line connecting the two West List Beacons reaches the open sea to a point 55° 10' 03.4" N, 7° 33' 09.6" E by the European Datum System (corresponding to the Danish geographical co-ordinates 55° 10' 01.1" N, 7° 33' 16.7" E and the German geographical co-ordinates 55° 10' 07.1" N, 7° 33' 07.7" E).

5. PROTOCOL<sup>3</sup> TO THE AGREEMENT<sup>4</sup> BETWEEN THE KINGDOM OF DENMARK AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE DELIMITATION, IN THE COASTAL REGIONS, OF THE CONTINENTAL SHELF OF THE NORTH SEA. DONE AT BONN, ON 9 JUNE 1965

The Danish-German negotiations conducted at the instance of Germany concerning the delimitation of the continental shelf adjacent to the Danish and German coast have disclosed that there are differences of views concerning the principles of delimitation of the continental shelf of the North Sea. Agreement could be reached only on the course of the boundary line of the continental shelf in the coastal regions, each Contracting Party reserves its legal position with respect to the further course of the boundary line.

With respect to the continental shelf adjacent to the coasts of the Baltic Sea opposite each other, it is agreed that the boundary shall be determined according to the median line. Each Contracting Party accordingly declares that it will raise no objections of principle if the other Contracting Party delimits its portion of the continental shelf of the Baltic Sea on the basis of the median line.

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION B, 6.

<sup>2</sup> United Nations, *Treaty Series*, vol. 570, p. 96. Came into force on 27 May 1966.

<sup>3</sup> *Ibid.*, p. 98.

<sup>4</sup> *Supra* 4.

6. AGREEMENT BETWEEN THE STATE OF KUWAIT AND THE KINGDOM OF SAUDI ARABIA RELATING TO THE PARTITION OF THE NEUTRAL ZONE. SIGNED ON 7 JULY 1965, articles VII, VIII<sup>1</sup>
7. AGREEMENT<sup>2</sup> BETWEEN THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND RELATING TO THE EXPLOITATION OF SINGLE GEOLOGICAL STRUCTURES EXTENDING ACROSS THE DIVIDING LINE ON THE CONTINENTAL SHELF UNDER THE NORTH SEA. SIGNED AT LONDON, ON 6 OCTOBER 1965

The Government of the Kingdom of the Netherlands and the Government of the United Kingdom of Great Britain and Northern Ireland;

Having reached agreement on the delimitation of the Continental Shelf under the North Sea between the two countries;

Desiring to regulate certain matters of common interest with regard to the exploitation of single geological structures extending across the dividing line;

Have agreed as follows:

*Article 1.*

If any single geological mineral oil or natural gas structure or field extends across the dividing line and the part of such structure or field which is situated on one side of the dividing line is exploitable, wholly or in part, from the other side of the dividing line, the Contracting Parties will 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 costs and proceeds relating thereto shall be apportioned, after having invited the licensees concerned, if any, to submit agreed proposals to this effect.

*Article 2*

Where a structure or field referred to in Article 1 of this Agreement is such that failure to reach agreement between the Contracting Parties would prevent maximum ultimate recovery of the deposit or lead to unnecessary competitive drilling, then any question upon which the Contracting Parties are unable to agree concerning the manner in which the structure or field be exploited or concerning the manner in which the costs and proceeds relating thereto shall be apportioned, shall, at the request of either Contracting Party, be referred to a single Arbitrator to be jointly appointed by the Contracting Parties. The decision of the Arbitrator shall be binding upon the Contracting Parties.

*Article 3*

The Contracting Parties shall, at the request of either, consult regarding the extension of this Agreement to mineral deposits other than those referred to in Article 1 of this Agreement.

<sup>1</sup> *Supra* DIVISION 1, SUB-DIVISION B, 7.

<sup>2</sup> United Nations, *Treaty Series*, vol. 595, p. 105. Came into force on 23 December 1966.



8. AGREEMENT BETWEEN THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND RELATING TO THE DELIMITATION OF THE CONTINENTAL SHELF UNDER THE NORTH SEA BETWEEN THE TWO COUNTRIES. SIGNED AT LONDON, ON 6 OCTOBER 1965<sup>1</sup>

The Government of the Kingdom of the Netherlands and the Government of the United Kingdom of Great Britain and Northern Ireland;

Desiring to establish the boundary between the respective parts of the Continental Shelf under the North Sea on the basis of a line every point of which is equidistant from the nearest points of the baselines from which the territorial sea of each country is at present measured;

Have agreed as follows:

*Article 1*

(1) Subject to Article 2 of this Agreement the dividing line between that part of the Continental Shelf which appertains to the United Kingdom of Great Britain and Northern Ireland and that part which appertains to the Kingdom of the Netherlands shall be arcs of Great Circles between the following points in the sequence given below:

|     |                 |               |
|-----|-----------------|---------------|
| 1.  | 51° 48' 18" N., | 2° 28' 54" E. |
| 2.  | 51 59 00        | 2 37 36       |
| 3.  | 52 01 00        | 2 39 30       |
| 4.  | 52 05 18        | 2 42 12       |
| 5.  | 52 06 00        | 2 42 54       |
| 6.  | 52 12 24        | 2 50 24       |
| 7.  | 52 17 24        | 2 56 00       |
| 8.  | 52 25 00        | 3 03 30       |
| 9.  | 52 37 18        | 3 11 00       |
| 10. | 52 47 00        | 3 12 18       |
| 11. | 52 53 00        | 3 10 30       |
| 12. | 53 18 06        | 3 03 24       |
| 13. | 53 28 12        | 3 01 00       |
| 14. | 53 35 06        | 2 59 18       |
| 15. | 53 40 06        | 2 57 24       |
| 16. | 53 57 48        | 2 52 00       |
| 17. | 54 22 48        | 2 45 48       |
| 18. | 54 37 18        | 2 53 54       |
| 19. | 55 50 06        | 3 24 00       |

The positions of the points in this Article are defined by latitude and longitude on European Datum (1st Adjustment 1950).

(2) The dividing line has been drawn on the chart<sup>2</sup> annexed to this Agreement.

<sup>1</sup> United Nations, *Treaty Series*, vol. 595, No. 8616, p. 113. Came into force on 23 December 1966.

<sup>2</sup> The chart is not reproduced here for technical reasons.

*Article 2*

(1) In the south the termination point of the dividing line shall be point No. 1, which is the point of intersection of the dividing lines between the Continental Shelves of the United Kingdom of Great Britain and Northern Ireland, the Kingdom of the Netherlands and the Kingdom of Belgium.

(2) In the north the termination point of the dividing line shall be point No. 19, which is the point of intersection of the dividing lines between the Continental Shelves of the United Kingdom of Great Britain and Northern Ireland, the Kingdom of the Netherlands and the Kingdom of Denmark.

*Article 3*

Should any dispute arise concerning the position of any installation or other device or a well's intake in relation to the dividing line, the Contracting Parties shall in consultation determine on which side of the dividing line the installation or other device or the well's intake is situated.

...

9. AGREEMENT<sup>1</sup> ON THE DELIMITATION OF THE CONTINENTAL SHELF BETWEEN DENMARK AND NORWAY. SIGNED AT OSLO, ON 8 DECEMBER 1965

The Government of the Kingdom of Denmark and the Government of the Kingdom of Norway, having decided to fix the common frontier between the portions of the continental shelf over which Denmark and Norway, respectively, exercise sovereignty in so far as the exploration and utilization of natural resources are concerned, have agreed as follows:

*Article 1*

The boundary between that portion of the continental shelf over which sovereignty is exercised by Denmark and Norway, respectively, shall be the median line which at every point is situated at an equal distance from the nearest point on the base lines from which the width of the outer territorial waters of the Contracting Parties is measured.

*Article 2*

In order that the principle set out in article 1 may be properly applied, the boundary shall be drawn in the form of straight lines (compass lines) through the following points in the sequence indicated:

|         |             |             |
|---------|-------------|-------------|
| Point 1 | 58° 15.8' N | 10° 02.0' E |
| Point 2 | 57° 59.3' N | 9° 23.0' E  |
| Point 3 | 57° 41.8' N | 8° 53.3' E  |
| Point 4 | 57° 37.1' N | 8° 27.5' E  |
| Point 5 | 57° 29.9' N | 7° 59.0' E  |
| Point 6 | 57° 10.5' N | 6° 56.2' E  |
| Point 7 | 56° 35.5' N | 5° 02.0' E  |
| Point 8 | 56° 05.2' N | 3° 15.0' E  |

<sup>1</sup> United Nations, *Treaty Series*, vol. 634, No. 9052. Came into force on 22 June 1966.

The aforementioned geographical co-ordinates refer to the attached Norwegian hydrographic chart No. 301, 1941 edition, printed in November 1963, on which the boundary lines are marked. The chart constitutes an integral part of the present Agreement.

*Article 3*

The terminal points of the Danish-Norwegian boundary line shall be the points at which the said line meets the boundary line for the portions of the continental shelf belonging to other States.

The Contracting Parties intend, if necessary, to fix these points definitively after consultation with the third country concerned.

*Article 4*

If it is established that natural resources of the sea-bed or the subsoil thereof, extend over both sides of the boundary between the continental shelf of the Contracting Parties with the result that deposits situated in the territory of one Party can be completely or partially worked from the territory of the other Party, an agreement shall be made, at the request of one of the Contracting Parties, concerning the utilization of the said natural resources.

10. AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE KINGDOM OF DENMARK AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND RELATING TO THE DELIMITATION OF THE CONTINENTAL SHELF BETWEEN THE TWO COUNTRIES. SIGNED AT LONDON, ON 3 MARCH 1966

*Article 1*

The dividing line between that part of the Continental Shelf which appertains to the United Kingdom of Great Britain and Northern Ireland and that part which appertains to the Kingdom of Denmark is in principle a line which at every point is equidistant from the nearest points of the baselines from which the territorial sea of each country is measured.

*Article 2*

(1) In implementation of the principle set forth in Article 1, the dividing line shall be an arc of a Great Circle between the following points:

56° 05' 12" N., 3° 15' 00" E.

55° 50' 06" N., 3° 24' 00" E.

The positions of the two above-mentioned points are defined by latitude and longitude on European Datum (1st Adjustment 1950).

(2) The dividing line has been drawn on the chart annexed to this Agreement.

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<sup>1</sup> United Nations, *Treaty Series*, vol. 592, p. 207.

*Article 3*

(1) In the north the termination point of the dividing line is the point of intersection of the dividing lines between the Continental Shelves of the United Kingdom of Great Britain and Northern Ireland, the Kingdom of Denmark and the Kingdom of Norway.

(2) In the south the termination point of the dividing line is the point of intersection of the dividing lines between the Continental Shelves of the United Kingdom of Great Britain and Northern Ireland, the Kingdom of Denmark and the Kingdom of the Netherlands.

*Article 4*

If any single geological petroleum structure or petroleum field, or any single geological structure or field of any other mineral deposit, including sand or gravel, extends across the dividing line and the part of such structure or field which is situated on one side of the dividing line is exploitable, wholly or in part, from the other side of the dividing line, the Contracting Parties shall seek to reach agreement as to the exploitation of such structure or field.

11. AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE KINGDOM OF DENMARK AND THE KINGDOM OF THE NETHERLANDS CONCERNING THE DELIMITATION OF THE CONTINENTAL SHELF UNDER THE NORTH SEA BETWEEN THE TWO COUNTRIES. SIGNED AT THE HAGUE, ON 31 MARCH 1966

*Article 1*

1. In the application of the median-line principle set out in the preamble of this Agreement, the boundary line between the portion of the continental shelf belonging to the Kingdom of Denmark and the portion belonging to the Kingdom of the Netherlands shall consist of arcs of great circles between the following points in the sequence indicated:

- A. 55° 02' 36" N – 5° 29' 09" E
- B. 55° 26' 11" N – 4° 25' 34" E
- C. 55° 46' 22" N – 3° 36' 40" E
- D. 55° 50' 06" N – 3° 24' 00" E

The positions of the points referred to in this article are expressed in longitude and latitude according to the European Datum (first revision 1950).

2. The boundary line is marked on the chart attached to this Agreement.

*Article 2*

1. At the request of one Contracting Party, the other Contracting Party shall as soon as possible make known its opinion regarding the position, in relation to the boundary line, of an existing or projected installation or other structure or a drilling site.

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<sup>1</sup> United Nations, *Treaty Series*, vol. 604, p. 209.

2. In the event of a dispute concerning the position, in relation to the boundary line, of an installation or other structure or a drilling site, the Contracting Parties shall determine by agreement between them on which side of the boundary line the installation, structure or drilling site is situated.

12. SPECIAL AGREEMENT<sup>1</sup> FOR THE SUBMISSION TO THE INTERNATIONAL COURT OF JUSTICE OF A DIFFERENCE BETWEEN THE KINGDOM OF DENMARK AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE DELIMITATION, AS BETWEEN THE KINGDOM OF DENMARK AND THE FEDERAL REPUBLIC OF GERMANY, OF THE CONTINENTAL SHELF IN THE NORTH SEA. SIGNED AT BONN, ON 2 FEBRUARY 1967

The Government of the Kingdom of Denmark and the Government of the Federal Republic of Germany,

Considering that the delimitation of the coastal continental shelf in the North Sea between the Kingdom of Denmark and the Federal Republic of Germany has been laid down by a Convention<sup>2</sup> concluded on 9 June 1965,

Considering that in regard to the further course of the boundary disagreement exists between the Danish and German Governments, which could not be settled by detailed negotiations,

Intending to settle the open questions in the spirit of the friendly and good-neighbourly relations existing between them,

Recalling the obligation laid down in Article 1 of the Danish-German Treaty<sup>3</sup> of Conciliation and Arbitration of 2 June 1926 to submit to a procedure of conciliation or to judicial settlement all controversies which cannot be settled by diplomacy,

Bearing in mind the obligation assumed by them under Articles 1 and 28 of the European Convention<sup>4</sup> for the Peaceful Settlement of Disputes of 29 April 1957 to submit to the judgment of the International Court of Justice all international legal controversies to the extent that no special arrangement has been or will be made,

By virtue of the fact that the Kingdom of Denmark is a party to the Statute of the International Court of Justice, and of the Declaration of acceptance of the jurisdiction of the International Court of Justice made by the Federal Republic of Germany on 29 April 1961 in conformity with Article 3 of the Convention of 29 April 1957 and with the Resolution<sup>5</sup> adopted by the Security Council of the United Nations on 15 October 1946 concerning the "Conditions under which the

<sup>1</sup> Registered with the Secretariat of the United Nations on 2 October 1967 under No. 8778. See also *supra* SUB-DIVISION A, 2. For the judgement by the International Court of Justice, see *North Sea Continental Shelf, Judgement, I.C.J. Reports*, p. 5.

<sup>2</sup> *Supra* 4.

<sup>3</sup> League of Nations, *Treaty Series*, vol. LXI, p. 325.

<sup>4</sup> United Nations, *Treaty Series*, vol. 320, p. 243.

<sup>5</sup> S/RES.9 (1946).

International Court of Justice shall be open to States not Parties to the Statute of the International Court of Justice”.

Have agreed as follows:

*Article 1*

(1) The International Court of Justice is requested to decide the following question:

What principles and rules of international law are applicable to the delimitation as between the Parties of the areas of the continental shelf in the North Sea which appertain to each of them beyond the partial boundary determined by the above mentioned Convention of 9 June 1965.

(2) The Governments of the Kingdom of Denmark and of the Federal Republic of Germany shall delimit the continental shelf in the North Sea as between their countries by agreement in pursuance of the decision requested from the International Court of Justice.

*Article 2*

(1) The Parties shall present their written pleadings to the Court in the order stated below:

1. a Memorial of the Federal Republic of Germany to be submitted within six months from the notification of the present Agreement to the Court;
2. a Counter-Memorial of the Kingdom of Denmark to be submitted within six months from the delivery of the German Memorial;
3. a German reply followed by a Danish rejoinder to be delivered within such time limits as the Court may order.

(2) Additional written pleadings may be presented if this is jointly proposed by the Parties and considered by the Court to be appropriate to the case and the circumstances.

(3) The foregoing order of presentation is without prejudice to any question of burden of proof which might arise.

*Article 3*

The present Agreement shall enter into force on the day of signature thereof.

DONE at Bonn on 2 February 1967 in triplicate in the English language.

13. AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF FINLAND AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING THE BOUNDARY OF THE CONTINENTAL SHELF IN THE NORTH-EASTERN PART OF THE BALTIC SEA. DONE AT HELSINKI, ON 5 MAY 1967<sup>1\*\*</sup>

Desiring to delimit the boundary of the continental shelf between Finland and the Soviet Union in the north-eastern part of the Baltic Sea,

...

<sup>1</sup> Registered with the Secretariat of the United Nations on 22 July 1968. Came into force on 15 March 1968.

Having regard to the Agreement<sup>1</sup> of 20 May 1965 between Finland and the Soviet Union concerning the boundaries of sea waters and of the continental shelf in the Gulf of Finland,

Bearing in mind the Geneva Convention of 1958 on the Continental Shelf,

#### *Article 1*

The Contracting Parties agree that the boundary of the continental shelf between the Republic of Finland and the Union of Soviet Socialist Republics in the north-eastern part of the Baltic Sea in the section extending west from the line connecting the Hankoniemi Peninsula, the Osmussaari Island and Pöösäpää Cape to the line connecting the Finnish navigational marker on Grimsörarna Island with the Soviet lighthouse Ristna on Hiiumaa Island shall be the median line.

This median line shall begin at a point whose co-ordinates are 59° 32' 0" north latitude and 23° 10' 0" east longitude, established in article 3 of the above-mentioned Finnish-Soviet agreement of 20 May 1965, and shall follow a westerly direction, passing points whose geographical co-ordinates are the following:

59° 25' 2" north latitude and 22° 45' 5" east longitude; and

59° 23' 1" north latitude and 22° 10' 3" east longitude.

The median line shall terminate at a point whose co-ordinates are 59° 19' 0" north latitude and 21° 47' 0" east longitude, situated along the line connecting the Finnish navigational marker on Grimsörarna Island with the Soviet lighthouse Ristna on Hiiumaa Island.

#### *Article 2*

The line forming the boundary of the continental shelf between the Republic of Finland and the Union of Soviet Socialist Republics referred to in article 1 is indicated on Soviet Maritime Chart No. 444 on the scale 1:200,000 (date of issue: 17 July 1965), which is annexed<sup>2</sup> to this Agreement.

All the co-ordinates referred to in this Agreement are given in the system of co-ordinates employed in this maritime chart.

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<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION B, 6.

<sup>2</sup> Not reproduced for technical reasons.

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## DIVISION III. THE HIGH SEAS

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### Sub-Division A. Multilateral Treaties

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#### 1. INTERNATIONAL CONVENTION<sup>1</sup> FOR THE PREVENTION OF POLLUTION OF THE SEA BY OIL, 1954. DONE AT LONDON, ON 12 MAY 1954, AS AMENDED<sup>2</sup>

##### *Article I*

(1) For the purposes of the present Convention, the following expressions shall (unless the context otherwise requires) have the meanings hereby respectively assigned to them, that is to say:

“The Bureau” has the meaning assigned to it by Article XXI;

“Discharge” in relation to oil or to oily mixture means any discharge or escape howsoever caused;

“Heavy diesel oil” means marine diesel oil, other than those distillates of which more than 50 per cent by volume distils at a temperature not exceeding 340°C. when tested by A.S.T.M. Standard Method D.86/59;

“Mile” means a nautical mile of 6,080 feet or 1,852 metres;

“Oil” means crude oil, fuel oil, heavy diesel oil and lubricating oil, and “oily” shall be construed accordingly;

“Oily mixture” means a mixture with an oil content of 100 parts or more in 1,000,000 parts of the mixture;

“Organization” means the Inter-Governmental Maritime Consultative Organization;

“Ship” means any sea-going vessel of any type whatsoever, including floating craft, whether self-propelled or towed by another vessel, making a sea voyage; and “tanker” means a ship in which the greater part of the cargo space is constructed or adapted for the carriage of liquid cargoes in bulk and which

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<sup>1</sup> United Nations, *Treaty Series*, vol. 327, p. 3. The Convention came into force on 26 July 1958. The Parties: Algeria, Australia, Belgium, Canada, Denmark, Dominican Republic, Federal Republic of Germany, Finland, France, Ghana, Greece, Iceland, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Kuwait, Lebanon, Liberia, Madagascar, Mexico, Morocco, Netherlands, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Southern Yemen, Spain, Sweden, Switzerland, Syria, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

<sup>2</sup> The amendments to articles I-X, XVI and XVIII and to annexes A and B, adopted on 11 April 1962 by the Conference of Contracting Governments to the Convention, held at London, from 4 to 11 April 1962, came into force for all Contracting Governments on 18 May 1967. The amendment to article XIV, adopted on 11 April 1962 by the Conference, came into force for all Contracting Governments, with exception of Poland, on 28 June 1967.

is not, for the time being, carrying a cargo other than oil in that part of its cargo space.

(2) For the purposes of the present Convention, the territories of a Contracting Government mean the territory of the country of which it is the Government and any other territory for the international relations of which it is responsible and to which the Convention shall have been extended under Article XVIII.

#### *Article II*

(1) The present Convention shall apply to ships registered in any of the territories of a Contracting Government and to unregistered ships having the nationality of a Contracting Party, except:

(a) tankers of under 150 tons gross tonnage and other ships of under 500 tons gross tonnage, provided that each Contracting Government will take the necessary steps, so far as is reasonable and practicable, to apply the requirements of the Convention to such ships also, having regard to their size, service and the type of fuel used for their propulsion;

(b) ships for the time being engaged in the whaling industry when actually employed on whaling operations;

(c) ships for the time being navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of St. Lambert Lock at Montreal in the Province of Quebec, Canada;

(d) naval ships and ships for the time being used as naval auxiliaries.

(2) Each Contracting Government undertakes to adopt appropriate measures ensuring that requirements equivalent to those of the present Convention are, so far as is reasonable and practicable, applied to the ships referred to in sub-paragraph (d) of paragraph (1) of this Article.

#### *Article III*

Subject to the provisions of Articles IV and V:

(a) the discharge from a tanker to which the present Convention applies, within any of the prohibited zones referred to in Annex A to the Convention, of oil or oily mixture shall be prohibited;

(b) the discharge from a ship to which the present Convention applies, other than a tanker, of oil or oily mixture shall be made as far as practicable from land. As from a date three years after that on which the Convention comes into force for the relevant territory in respect of the ship in accordance with paragraph (1) of Article II, sub-paragraph (a) of this Article shall apply to a ship other than a tanker, except that the discharge of oil or of oily mixture from such a ship shall not be prohibited when the ship is proceeding to a port not provided with such facilities for ships other than tankers as are referred to in Article VIII;

(c) the discharge from a ship of 20,000 tons gross tonnage or more, to which the present Convention applies and for which the building contract is placed on or after the date on which this provision comes into force, of oil or oily mixture shall be prohibited. However, if, in the opinion of the master, special circumstances make it neither reasonable nor practicable to retain the oil or oily mixture on board, it may be discharged outside the prohibited zones referred to in Annex A to the Convention. The reasons for such discharge shall be reported to the Contracting

Government of the relevant territory in respect of the ship in accordance with paragraph (1) of Article II. Full details of such discharges shall be reported to the Organization at least every twelve months by Contracting Governments.

#### *Article IV*

Article III shall not apply to:

- (a) the discharge of oil or of oily mixture from a ship for the purpose of securing the safety of a ship, preventing damage to a ship or cargo, or saving life at sea;
- (b) the escape of oil or of oily mixture resulting from damage to a ship or unavoidable leakage, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimizing the escape;
- (c) the discharge of residue arising from the purification or clarification of fuel oil or lubricating oil, provided that such discharge is made as far from land as is practicable.

#### *Article V*

Article III shall not apply to the discharge from the bilges of a ship:

- (a) during the period of twelve months following the date on which the present Convention comes into force for the relevant territory in respect of the ship in accordance with paragraph (1) of Article II, of oily mixture;
- (b) after the expiration of such period, of oily mixture containing no oil other than lubricating oil which has drained or leaked from machinery spaces.

#### *Article VI*

(1) Any contravention of Articles III and IX shall be an offence punishable under the law of the relevant territory in respect of the ship in accordance with paragraph (1) of Article II.

(2) The penalties which may be imposed under the law of any of the territories of a Contracting Government in respect of the unlawful discharge from a ship of oil or oily mixture outside the territorial sea of that territory shall be adequate in severity to discourage any such unlawful discharge and shall not be less than the penalties which may be imposed under the law of that territory in respect of the same infringements within the territorial sea.

(3) Each Contracting Government shall report to the Organization the penalties actually imposed for each infringement.

#### *Article VII*

(1) As from a date twelve months after the present Convention comes into force for the relevant territory in respect of a ship in accordance with paragraph (1) of Article II, such a ship shall be required to be so fitted as to prevent, so far as reasonable and practicable, the escape of fuel oil or heavy diesel oil into bilges, unless effective means are provided to ensure that the oil in the bilges is not discharged in contravention of this Convention.

(2) Carrying water ballast in oil fuel tanks shall be avoided if possible.

*Article VIII*

(1) Each Contracting Government shall take all appropriate steps to promote the provision of facilities as follows:

(a) according to the needs of ships using them, ports shall be provided with facilities adequate for the reception, without causing undue delay to ships, of such residues and oily mixtures as would remain for disposal from ships other than tankers if the bulk of the water had been separated from the mixture;

(b) oil loading terminals shall be provided with facilities adequate for the reception of such residues and oily mixtures as would similarly remain for disposal by tankers;

(c) ship repair ports shall be provided with facilities adequate for the reception of such residues and oily mixtures as would similarly remain for disposal by all ships entering for repairs.

(2) Each Contracting Government shall determine which are the ports and oil loading terminals in its territories suitable for the purposes of sub-paragraphs (a), (b) and (c) of paragraph (1) of this Article.

(3) As regards paragraph (1) of this Article, each Contracting Government shall report to the Organization, for transmission to the Contracting Government concerned, all cases where the facilities are alleged to be inadequate.

*Article IX*

(1) Of the ships to which the present Convention applies, every ship which uses oil fuel and every tanker shall be provided with an oil record book, whether as part of the ship's official log book or otherwise, in the form specified in Annex B to the Convention.

(2) The oil record book shall be completed on each occasion, whenever any of the following operations takes place in the ship:

(a) ballasting of and discharge of ballast from cargo tanks of tankers;

(b) cleaning of cargo tanks of tankers;

(c) settling in slop tanks and discharge of water from tankers;

(d) disposal from tankers of oily residues from slop tanks or other sources;

(e) ballasting, or cleaning during voyage, of bunker fuel tanks of ships other than tankers;

(f) disposal from ships other than tankers of oily residues from bunker fuel tanks or other sources;

(g) accidental or other exceptional discharges or escapes of oil from tankers or ships other than tankers.

In the event of such discharge or escape of oil or oily mixture as is referred to in sub-paragraph (c) of Article III or in Article IV, a statement shall be made in the oil record book of the circumstances of, and reason for, the discharge or escape.

(3) Each operation described in paragraph (2) of this Article shall be fully recorded without delay in the oil record book so that all the entries in the book appropriate to that operation are completed. Each page of the book shall be signed by the officer or officers in charge of the operations concerned and, when the ship is manned, by the master of the ship. The written entries in the oil record

book shall be in an official language of the relevant territory in respect of the ship in accordance with paragraph (1) of Article II, or in English or French.

(4) Oil record books shall be kept in such a place as to be readily available for inspection at all reasonable times, and, except in the case of unmanned ships under tow, shall be kept on board the ship. They shall be preserved for a period of two years after the last entry has been made.

(5) The competent authorities of any of the territories of a Contracting Government may inspect on board any ship to which the present Convention applies, while within a port in that territory, the oil record book required to be carried in the ship in compliance with the provisions of this Article, and may make a true copy of any entry in that book and may require the master of the ship to certify that the copy is a true copy of such entry. Any copy so made which purports to have been certified by the master of the ship as a true copy of an entry in the ship's oil record book shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry. Any action by the competent authorities under this paragraph shall be taken as expeditiously as possible and the ship shall not be delayed.

#### *Article X*

(1) Any Contracting Government may furnish to the Government of the relevant territory in respect of the ship in accordance with paragraph (1) of Article II particulars in writing of evidence that any provision of the present Convention has been contravened in respect of that ship, wheresoever the alleged contravention may have taken place. If it is practicable to do so, the competent authorities of the former Government shall notify the master of the ship of the alleged contravention.

(2) Upon receiving such particulars, the Government so informed shall investigate the matter, and may request the other Government to furnish further or better particulars of the alleged contravention. If the Government so informed is satisfied that sufficient evidence is available in the form required by its law to enable proceedings against the owner or master of the ship to be taken in respect of the alleged contravention, it shall cause such proceedings to be taken as soon as possible, and shall inform the other Government and the Organization of the result of such proceedings.

#### *Article XI*

Nothing in the present Convention shall be construed as derogating from the powers of any Contracting Government to take measures within its jurisdiction in respect of any matter to which the Convention relates or as extending the jurisdiction of any Contracting Government.

#### *Article XII*

Each Contracting Government shall send to the Bureau and to the appropriate organ of the United Nations:

(a) the text of laws, decrees, orders and regulations in force in its territories which give effect to the present Convention;

(b) all official reports or summaries of official reports in so far as they show the results of the application of the provisions of the Convention, provided always that such reports or summaries are not, in the opinion of that Government, of a confidential nature.

*Article XIII*

Any dispute between Contracting Governments relating to the interpretation or application of the present Convention which cannot be settled by negotiation shall be referred at the request of either party to the International Court of Justice for decision unless the parties in dispute agree to submit it to arbitration.

*Article XIV*

(1) The present Convention shall remain open for signature for three months from this day's date and shall thereafter remain open for acceptance.

(2) Subject to Article XV, the Governments of States Membres of the United Nations or of any of the Specialized Agencies or parties to the Statute of the International Court of Justice may become parties to the present Convention by:

- (a) signature without reservation as to acceptance;
- (b) signature subject to acceptance followed by acceptance; or
- (c) acceptance.

(3) Acceptance shall be effected by the deposit of an instrument of acceptance with the Bureau, which shall inform all Governments that have already signed or accept the present Convention of each signature and deposit of an acceptance and of the date of such signature or deposit.

*Article XV*

(1) The present Convention shall come into force twelve months after the date on which not less than ten Governments have become parties to the Convention, including five Governments of countries each with not less than 500,000 gross tons of tanker tonnage.

(2) (a) For each Government which signs the Convention without reservation as to acceptance or accepts the Convention before the date on which the Convention comes into force in accordance with paragraph (1) of this Article, it shall come into force on that date. For each Government which accepts the Convention on or after that date, it shall come into force three months after the date of the deposit of that Government's acceptance.

(b) The Bureau shall, as soon as possible, inform all Governments which have signed or accepted the Convention of the date on which it will come into force.

*Article XVI*

(1) (a) The present Convention may be amended by unanimous agreement between the Contracting Governments.

(b) Upon request of any Contracting Government a proposed amendment shall be communicated by the Organization to all Contracting Governments for consideration and acceptance under this paragraph.

(2) (a) An amendment to the present Convention may be proposed to the Organization at any time by any Contracting Government, and such proposal if adopted by a two-thirds majority of the Assembly of the Organization upon recommendation adopted by a two-thirds majority of the Maritime Safety Committee of the Organization shall be communicated by the Organization to all Contracting Governments for their acceptance.

(b) Any such recommendation by the Maritime Safety Committee shall be communicated by the Organization to all Contracting Governments for their consideration at least six months before it is considered by the Assembly.

(3) (a) A conference of Governments to consider amendments to the present Convention proposed by any Contracting Government shall at any time be convened by the Organization upon the request of one-third of the Contracting Governments.

(b) Every amendment adopted by such conference by a two-thirds majority of the Contracting Governments shall be communicated by the Organization to all Contracting Governments for their acceptance.

(4) Any amendment communicated to Contracting Governments for their acceptance under paragraph (2) or (3) of this Article shall come into force for all Contracting Governments, except those which before it comes into force make a declaration that they do not accept the amendment, twelve months after the date on which the amendment is accepted by two-thirds of the Contracting Governments.

(5) The Assembly, by a two-thirds majority vote, including two-thirds of the Governments represented on the Maritime Safety Committee, and subject to the concurrence of two-thirds of the Contracting Governments to the present Convention, or a conference convened under paragraph (3) of this Article by a two-thirds majority vote, may determine at the time of its adoption that the amendment is of such an important nature that any Contracting Government which makes a declaration under paragraph (4) of this Article and which does not accept the amendment within a period of twelve months after the amendment comes into force, shall, upon the expiry of this period, cease to be a party to the present Convention.

(6) The Organization shall inform all Contracting Governments of any amendments which come into force under this Article, together with the date on which such amendments shall come into force.

(7) Any acceptance or declaration under this Article shall be made by a notification in writing to the Organization which shall notify all Contracting Governments of the receipt of the acceptance or declaration.

#### *Article XVII*

(1) The present Convention may be denounced by any Contracting Government at any time after the expiration of a period of five years from the date on which the Convention comes into force for that Government.

(2) Denunciation shall be effected by a notification in writing addressed to the Bureau, which shall notify all the Contracting Governments of any denunciation received and of the date of its receipt.

(3) A denunciation shall take effect twelve months, or such longer period as may be specified in the notification, after its receipt by the Bureau.

#### *Article XVIII*

(1) (a) The United Nations in cases where they are the administering authority for a territory or any Contracting Government responsible for the international relations of a territory shall as soon as possible consult with such territory in an endeavour to extend the present Convention to that territory and may at any time

by notification in writing given to the Bureau declare that the Convention shall extend to such territory.

(b) The present Convention shall from the date of the receipt of the notification or from such other date as may be specified in the notification extend to the territory named therein.

(2) (a) The United Nations in cases where they are the administering authority for a territory or any Contracting Government which has made a declaration under paragraph (1) of this Article, at any time after the expiry of a period of five years from the date on which the present Convention has been so extended to any territory, may by a notification in writing given to the Bureau after consultation with such territory declare that the Convention shall cease to extend to any such territory named in the notification.

#### *Article XIX*

(1) In case of war or other hostilities, a Contracting Government which considers that it is affected, whether as a belligerent or as a neutral, may suspend the operation of the whole or any part of the present Convention in respect of all or any of its territories. The suspending Government shall immediately give notice of any such suspension to the Bureau.

(2) The suspending Government may at any time terminate such suspension and shall in any event terminate it as soon as it ceases to be justified under paragraph (1) of this Article. Notice of such termination shall be given immediately to the Bureau by the Government concerned.

(3) The Bureau shall notify all Contracting Governments of any suspension or termination of suspension under this Article.

#### *Article XX*

As soon as the present Convention comes into force it shall be registered by the Bureau with the Secretary-General of the United Nations.

#### *Article XXI*

The duties of the Bureau shall be carried out by the Government of the United Kingdom of Great Britain and Northern Ireland unless and until the Inter-Governmental Maritime Consultative Organisation comes into being and takes over the duties assigned to it under the Convention signed at Geneva on the 6th day of March, 1948, and thereafter the duties of the Bureau shall be carried out by the said Organisation.

IN WITNESS WHEREOF the undersigned plenipotentiaries have signed the present Convention.

DONE in London this twelfth day of May, 1954, in English and French, both texts being equally authoritative, in a single copy, which shall be deposited with the Bureau and of which the Bureau shall transmit certified copies to all signatory and Contracting Governments.



## ANNEX A

## PROHIBITED ZONES

(1) All sea areas within 50 miles from the nearest land shall be prohibited zones.

For the purposes of this Annex, the term "from the nearest land" means "from the baseline from which the territorial sea of the territory in question is established in accordance with the Geneva Convention on the Territorial Sea and the Contiguous Zone, 1958".

(2) The following sea areas, insofar as they extend more than 50 miles from the nearest land, shall also be prohibited zones:

(a) *Pacific Ocean*

## The Canadian Western Zone

The Canadian Western Zone shall extend for a distance of 100 miles from the nearest land along the west coast of Canada.

(b) *North Atlantic Ocean, North Sea and Baltic Sea*(i) *The North-West Atlantic Zone*

The North-West Atlantic Zone shall comprise the sea areas within a line drawn from latitude 38° 47' north, longitude 73° 43' west to latitude 39° 58' north, longitude 68° 34' west thence to latitude 42° 05' north, longitude 64° 37' west thence along the east coast of Canada at a distance of 100 miles from the nearest land.

(ii) *The Icelandic Zone*

The Icelandic Zone shall extend for a distance of 100 miles from the nearest land along the coast of Iceland.

(iii) *The Norwegian, North Sea and Baltic Sea Zone*

The Norwegian, North Sea and Baltic Sea Zone shall extend for a distance of 100 miles from the nearest land along the coast of Norway and shall include the whole of the North Sea and of the Baltic Sea and its Gulfs.

(iv) *The North-East Atlantic Zone*

The North-East Atlantic Zone shall include the sea areas within a line drawn between the following positions:

| <i>Latitude</i> | <i>Longitude</i>                                    |
|-----------------|---|
| 62° north       | 2° east,  |
| 64° north       | 00°   |
| 64° north       | 10° west,   |
| 60° north       | 14° west;   |
| 54° 30' north   | 30° west,   |
| 53° north       | 40° west;   |
| 44° 20' north   | 40° west,   |
| 44° 20' north   | 30° west;   |
| 46° north       | 20° west, thence towards Cape                       |
|                 | Finisterre at the intersection of the 50-mile limit |

(v) *The Spanish Zone*

The Spanish Zone shall comprise the areas of the Atlantic Ocean within a distance of 100 miles from the nearest land along the coast of Spain and shall come into operation on the date on which the present Convention shall have come into force in respect of Spain.

(vi) *The Portuguese Zone*

The Portuguese Zone shall comprise the area of the Atlantic Ocean within a distance of 100 miles from the nearest land along the coast of Portugal and shall come into operation on the date on which the present Convention shall have come into force in respect of Portugal.

(c) *Mediterranean and Adriatic Seas**The Mediterranean and Adriatic Zone*

The Mediterranean and Adriatic Zone shall comprise the sea areas within a distance of 100 miles from the nearest land along the coast of each of the territories bordering the Mediterranean and Adriatic Seas and shall come into operation in respect of each territory on the date on which the present Convention shall have come into force in respect of that territory.

(d) *Black Sea and Sea of Azov**The Black Sea and Sea of Azov Zone*

The Black Sea and Sea of Azov Zone shall comprise the sea areas within a distance of 100 miles from the nearest land along the coasts of each of the territories bordering the Black Sea and the Sea of Azov and shall come into operation in respect of each territory on the date on which the present Convention shall have come into force in respect of that territory, provided that the whole of the Black Sea and the Sea of Azov shall become a prohibited zone on the date on which the present Convention shall have come into force in respect of Roumania and the Union of Soviet Socialist Republics.

(e) *Red Sea**The Red Sea Zone*

The Red Sea Zone shall comprise the sea areas within a distance of 100 miles from the nearest land along the coasts of each of the territories bordering the Red Sea and shall come into operation in respect of each territory on the date on which the present Convention shall have come into force in respect of that territory.

(f) *Persian Gulf*(i) *The Kuwait Zone*

The Kuwait Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of Kuwait.

(ii) *The Saudi Arabian Zone*

The Saudi Arabian Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of Saudi Arabia and shall come into operation on the date on which the present Convention shall have come into force in respect of Saudi Arabia.

(g) *Arabian Sea, Bay of Bengal and Indian Ocean*(i) *The Arabian Sea Zone*

The Arabian Sea Zone shall comprise the sea areas within a line drawn between the following positions:

| <i>Latitude</i> | <i>Longitude</i> |
|-----------------|------------------|
| 23° 33' north   | 68° 20' east,    |
| 23° 33' north   | 67° 30' east;    |
| 22° north       | 68° east,        |
| 20° north       | 70° east;        |

| <i>Latitude</i> | <i>Longitude</i> |
|-----------------|------------------|
| 18° 55' north   | 72° east,        |
| 15° 40' north   | 72° 42' east;    |
| 8° 30' north    | 75° 48' east,    |
| 7° 10' north    | 76° 50' east;    |
| 7° 10' north    | 78° 14' east,    |
| 9° 06' north    | 79° 32' east,    |

and shall come into operation on the date on which the present Convention shall have come into force in respect of India.

(ii) *The Bay of Bengal Coastal Zone*

The Bay of Bengal Coastal Zone shall comprise the sea areas between the nearest land and a line drawn between the following positions:

| <i>Latitude</i> | <i>Longitude</i> |
|-----------------|------------------|
| 10° 15' north   | 80° 50' east,    |
| 14° 30' north   | 81° 38' east;    |
| 20° 20' north   | 88° 10' east,    |
| 20° 20' north   | 89° east,        |

and shall come into operation on the date on which the present Convention shall have come into force in respect of India.

(iii) *The Malagasy Zone*

The Malagasy Zone shall comprise the sea area within a distance of 100 miles from the nearest land along the coast of Madagascar west of the meridians of Cape d'Ambre in the north and of Cape Ste. Marie in the south and within a distance of 150 miles from the nearest land along the coast of Madagascar east of these meridians, and shall come into operation when the present Convention shall have come into force in respect of Madagascar.

(h) *Australia*

*The Australian Zone*

The Australian Zone shall comprise the sea area within a distance of 150 miles from the nearest land along the coasts of Australia, except off the north and west coasts of the Australian mainland between the point opposite Thursday Island and the point on the west coast at 20° south latitude.

(3) (a) Any Contracting Government may propose:

(i) the reduction of any zone off the coast of any of its territories;

(ii) the extension of any such zone to a maximum of 100 miles from the nearest land along any such coast,

by making a declaration to that effect and the reduction or extension shall come into force after the expiration of a period of six months after the declaration has been made, unless any one of the Contracting Governments shall have made a declaration not less than two months before the expiration of that period to the effect that it considers that the destruction of birds and adverse effects on fish and the marine organisms on which they feed would be likely to occur or that its interests are affected either by reason of the proximity of its coasts or by reason of its ships trading in the area, and that it does not accept the reduction or extension, as the case may be.

(b) Any declaration under this paragraph shall be made by a notification in writing to the Organization which shall notify all Contracting Governments of the receipt of the declaration.

(4) The Organization shall prepare a set of charts indicating the extent of the prohibited zones in force in accordance with paragraph (2) of this Annex and shall issue amendments thereto as may be necessary.

ANNEX B  
FORM OF OIL RECORD BOOK  
I. For Tankers

| <i>Date of Entry</i>  |  |  |  |  |  |
|---|--|--|--|--|--|
| <p>(a) <i>Ballasting of and discharge of ballast from cargo tanks</i></p> <p>1. Identity numbers of tank(s) concerned .....</p> <p>2. Type of oil previously contained in tank(s) .....</p> <p>3. Date and place of ballasting .....</p> <p>4. Date and time of discharge of ballast water .....</p> <p>5. Place or position of ship at time of discharge .....</p> <p>6. Approximate amount of oil-contaminated water transferred to slop tank(s) .....</p> <p>7. Identity numbers of slop tank(s) ....</p> <p>(b) <i>Cleaning of cargo tanks</i></p> <p>8. Identity numbers of tank(s) cleaned .</p> <p>9. Type of oil previously contained in tank(s) .....</p> <p>10. Identity numbers of slop tank(s) to which washings transferred .....</p> <p>11. Dates and times of cleaning .....</p> <p>(c) <i>Settling in slop tank(s) and discharge of water</i></p> <p>12. Identity numbers of slop tank(s) ...</p> <p>13. Period of settling (in hours) .....</p> <p>14. Date and time of discharge of water</p> <p>15. Place or position of ship .....</p> <p>16. Approximate quantities of residue .</p> <p>17. Approximate quantities of water discharged .....</p> <p>(d) <i>Disposal of oily residues from slop tank(s) and other sources</i></p> <p>18. Date and method of disposal .....</p> <p>19. Place or position of ship at time of disposal .....</p> <p>20. Sources and approximate quantities</p> |  |  |  |  |  |

Signature of Officer or Officers in charge  
of the operations concerned  
.....  
Signature of Master  
.....

II. For Ships Other Than Tankers

| <i>Date of Entry</i>  |  |  |  |  |  |
|---|--|--|--|--|--|
| <i>(a) Ballasting, or cleaning during voyage, of bunker fuel tanks</i>        |  |  |  |  |  |
| 1. Identity number of tank(s) concerned .....                                 |  |  |  |  |  |
| 2. Type of oil previously contained in tank(s) .....                          |  |  |  |  |  |
| 3. Date and place of ballasting .....   |  |  |  |  |  |
| 4. Date and time of discharge of ballast or washing water .....               |  |  |  |  |  |
| 5. Place or position of ship at time of disposal .....                        |  |  |  |  |  |
| 6. Whether separator used: if so, give period of use .....                    |  |  |  |  |  |
| 7. Disposal of oily residue retained on board .....                           |  |  |  |  |  |
| <i>(b) Disposal of oily residues from bunker fuel tanks and other sources</i> |  |  |  |  |  |
| 8. Date and method of disposal .....  |  |  |  |  |  |
| 9. Place or position of ship at time of disposal .....                        |  |  |  |  |  |
| 10. Sources and approximate quantities  |  |  |  |  |  |

..... Signature of Officer or Officers in charge of the operations concerned  
 ..... Signature of Master

III. For All Ships

| <i>Date of Entry</i>   |  |  |  |  |  |
|--|--|--|--|--|--|
| <i>Accidental and other exceptional discharges or escapes of oil</i> |  |  |  |  |  |
| 1. Date and time of occurrence .....                                 |  |  |  |  |  |
| 2. Place or position of ship at time of occurrence .....             |  |  |  |  |  |
| 3. Approximate quantity and type of oil .....                        |  |  |  |  |  |
| 4. Circumstances of discharge or escape and general remarks .....    |  |  |  |  |  |

..... Signature of Officer or Officers in charge of the operations concerned  
 ..... Signature of Master

2. CONVENTION<sup>1</sup> ON THE HIGH SEAS, DONE AT GENEVA, ON  
29 APRIL 1958

*Article 1*

The term "high seas" means all parts of the sea that are not included in the territorial sea or in the internal waters of a State.

*Article 2*

The high seas being open to all nations, no State may validly purport to subject any part of them to its sovereignty. Freedom of the high seas is exercised under the conditions laid down by these articles and by the other rules of international law. It comprises, *inter alia*, both for coastal and non-coastal States:

- (1) Freedom of navigation;
- (2) Freedom of fishing;
- (3) Freedom to lay submarine cables and pipelines;
- (4) Freedom to fly over the high seas.

These freedoms, and others which are recognized by the general principles of international law, shall be exercised by all States with reasonable regard to the interests of other States in their exercise of the freedom of the high seas.

*Article 3*

1. In order to enjoy the freedom of the seas on equal terms with coastal States, States having no sea-coast should have free access to the sea. To this end States situated between the sea and a State having no sea-coast shall by common agreement with the latter, and in conformity with existing international conventions, accord:

(a) To the State having no sea-coast, on a basis of reciprocity, free transit through their territory; and

(b) To ships flying the flag of that State treatment equal to that accorded to their own ships, or to the ships of any other States, as regards access to sea-ports and the use of such ports.

2. States situated between the sea and a State having no sea-coast shall settle, by mutual agreement with the latter, and taking into account the rights of the coastal State or State of transit and the special conditions of the State having no sea-coast, all matters relating to freedom of transit and equal treatment in ports, in case such States are not already parties to existing international conventions.

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<sup>1</sup> United Nations, *Treaty Series*, vol. 450, p. 82. Came into force on 30 September 1962. Parties to the Convention: Afghanistan, Albania, Australia, Bulgaria, Byelorussian SSR, Cambodia, Central African Republic, Czechoslovakia, Denmark, Dominican Republic, Finland, Guatemala, Haiti, Hungary, Indonesia, Israel, Italy, Jamaica, Japan, Kenya, Madagascar, Malawi, Malaysia, Mexico, Nepal, Netherlands, Nigeria, Poland, Portugal, Romania, Senegal, Sierra Leone, South Africa, Switzerland, Thailand, Trinidad and Tobago, Uganda, Ukrainian SSR, Union of Soviet Socialist Republics, United Kingdom, United States of America, Upper Volta, Venezuela, Yugoslavia.

*Article 4*

Every State, whether coastal or not, has the right to sail ships under its flag on the high seas.

*Article 5*

1. Each State shall fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. Ships have the nationality of the State whose flag they are entitled to fly. There must exist a genuine link between the State and the ship; in particular, the State must effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag.

2. Each State shall issue to ships to which it has granted the right to fly its flag documents to that effect.

*Article 6*

1. Ships shall sail under the flag of one State only and, save in exceptional cases expressly provided for in international treaties or in these articles, shall be subject to its exclusive jurisdiction on the high seas. A ship may not change its flag during a voyage or while in a port of call, save in the case of a real transfer of ownership or change of registry.

2. A ship which sails under the flags of two or more States, using them according to convenience, may not claim any of the nationalities in question with respect to any other State, and may be assimilated to a ship without nationality.

*Article 7*

The provisions of the preceding articles do not prejudice the question of ships employed on the official service of an inter-governmental organization flying the flag of the organization.

*Article 8*

1. Warships on the high seas have complete immunity from the jurisdiction of any State other than the flag State.

2. For the purposes of these articles, the term "warship" means a ship belonging to the naval forces of a State and bearing the external marks distinguishing warships of its nationality, under the command of an officer duly commissioned by the government and whose name appears in the Navy List, and manned by a crew who are under regular naval discipline.

*Article 9*

Ships owned or operated by a State and used only on government non-commercial service shall, on the high seas, have complete immunity from the jurisdiction of any State other than the flag State.

*Article 10*

1. Every State shall take such measures for ships under its flag as are necessary to ensure safety at sea with regard *inter alia* to:

(a) The use of signals, the maintenance of communications and the prevention of collisions;

(b) The manning of ships and labour conditions for crews taking into account the applicable international labour instruments;

(c) The construction, equipment and seaworthiness of ships.

2. In taking such measures each State is required to conform to generally accepted international standards and to take any steps which may be necessary to ensure their observance.

#### *Article 11*

1. In the event of a collision or of any other incident of navigation concerning a ship on the high seas, involving the penal or disciplinary responsibility of the master or of any other person in the service of the ship, no penal or disciplinary proceedings may be instituted against such persons except before the judicial or administrative authorities either of the flag State or of the State of which such person is a national.

2. In disciplinary matters, the State which has issued a master's certificate or a certificate of competence or licence shall alone be competent, after due legal process, to pronounce the withdrawal of such certificates, even if the holder is not a national of the State which issued them.

3. No arrest or detention of the ship, even as a measure of investigation, shall be ordered by any authorities other than those of the flag State.

#### *Article 12*

1. Every State shall require the master of a ship sailing under its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers,

(a) To render assistance to any person found at sea in danger of being lost;

(b) To proceed with all possible speed to the rescue of persons in distress if informed of their need of assistance, in so far as such action may reasonably be expected of him;

(c) After a collision, to render assistance to the other ship, her crew and her passengers and, where possible, to inform the other ship of the name of his own ship, her port of registry and the nearest port at which she will call.

2. Every coastal State shall promote the establishment and maintenance of an adequate and effective search and rescue service regarding safety on and over the sea and—where circumstances so require—by way of mutual regional arrangements co-operate with neighbouring States for this purpose.

#### *Article 13*

Every State shall adopt effective measures to prevent and punish the transport of slaves in ships authorized to fly its flag, and to prevent the unlawful use of its flag for that purpose. Any slave taking refuge on board any ship, whatever its flag, shall *ipso facto* be free.

#### *Article 14*

All States shall co-operate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State.



*Article 15*

Piracy consists of any of the following acts:

(1) Any illegal acts of violence, detention or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:

(a) On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;

(b) Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;

(2) Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;

(3) Any act of inciting or of intentionally facilitating an act described in subparagraph 1 or sub-paragraph 2 of this article.

*Article 16*

The acts of piracy, as defined in article 15, committed by a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft are assimilated to acts committed by a private ship.

*Article 17*

A ship or aircraft is considered a pirate ship or aircraft if it is intended by the persons in dominant control to be used for the purpose of committing one of the acts referred to in article 15. The same applies if the ship or aircraft has been used to commit any such act, so long as it remains under the control of the persons guilty of that act.

*Article 18*

A ship or aircraft may retain its nationality although it has become a pirate ship or aircraft. The retention or loss of nationality is determined by the law of the State from which such nationality was derived.

*Article 19*

On the high seas, or in any other place outside the jurisdiction of any State, every State may seize a pirate ship or aircraft, or a ship taken by piracy and under the control of pirates, and arrest the persons and seize the property on board. The courts of the State which carried out the seizure may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the ships, aircraft or property, subject to the rights of third parties acting in good faith.

*Article 20*

Where the seizure of a ship or aircraft on suspicion of piracy has been effected without adequate grounds, the State making the seizure shall be liable to the State the nationality of which is possessed by the ship or aircraft, for any loss or damage caused by the seizure.

*Article 21*

A seizure on account of piracy may only be carried out by warships or military aircraft, or other ships or aircraft on government service authorized to that effect.

*Article 22*

1. Except where acts of interference derive from powers conferred by treaty, a warship which encounters a foreign merchant ship on the high seas is not justified in boarding her unless there is reasonable ground for suspecting:

- (a) That the ship is engaged in piracy; or
- (b) That the ship is engaged in the slave trade; or
- (c) That though flying a foreign flag or refusing to show its flag, the ship is, in reality, of the same nationality as the warship.

2. In the cases provided for in sub-paragraphs (a), (b) and (c) above, the warship may proceed to verify the ship's right to fly its flag. To this end, it may send a boat under the command of an officer to the suspected ship. If suspicion remains after the documents have been checked, it may proceed to a further examination on board the ship, which must be carried out with all possible consideration.

3. If the suspicions prove to be unfounded, and provided that the ship boarded has not committed any act justifying them, it shall be compensated for any loss or damage that may have been sustained.

*Article 23*

1. The hot pursuit of a foreign ship may be undertaken when the competent authorities of the coastal State have good reason to believe that the ship has violated the laws and regulations of that State. Such pursuit must be commenced when the foreign ship or one of its boats is within the internal waters or the territorial sea or the contiguous zone of the pursuing State, and may only be continued outside the territorial sea or the contiguous zone if the pursuit has not been interrupted. It is not necessary that, at the time when the foreign ship within the territorial sea or the contiguous zone receives the order to stop, the ship giving the order should likewise be within the territorial sea or the contiguous zone. If the foreign ship is within a contiguous zone, as defined in article 24 of the Convention on the Territorial Sea and the Contiguous Zone, the pursuit may only be undertaken if there has been a violation of the rights for the protection of which the zone was established.

2. The right of hot pursuit ceases as soon as the ship pursued enters the territorial sea of its own country or of a third State.

3. Hot pursuit is not deemed to have begun unless the pursuing ship has satisfied itself by such practicable means as may be available that the ship pursued or one of its boats or other craft working as a team and using the ship pursued as a mother ship are within the limits of the territorial sea, or as the case may be within the contiguous zone. The pursuit may only be commenced after a visual or auditory signal to stop has been given at a distance which enables it to be seen or heard by the foreign ship.

4. The right of hot pursuit may be exercised only by warships or military aircraft, or other ships or aircraft on government service specially authorized to that effect.

5. Where hot pursuit is effected by an aircraft:

- (a) The provisions of paragraph 1 to 3 of this article shall apply *mutatis mutandis*;

(b) The aircraft giving the order to stop must itself actively pursue the ship until a ship or aircraft of the coastal State, summoned by the aircraft, arrives to take over the pursuit, unless the aircraft is itself able to arrest the ship. It does not suffice to justify an arrest on the high seas that the ship was merely sighted by the aircraft as an offender or suspected offender, if it was not both ordered to stop and pursued by the aircraft itself or other aircraft or ships which continue the pursuit without interruption.

6. The release of a ship arrested within the jurisdiction of a State and escorted to a port of that State for the purposes of an enquiry before the competent authorities may not be claimed solely on the ground that the ship, in the course of its voyage, was escorted across a portion of the high seas, if the circumstances rendered this necessary.

7. Where a ship has been stopped or arrested on the high seas in circumstances which do not justify the exercise of the right of hot pursuit, it shall be compensated for any loss or damage that may have been thereby sustained.

#### *Article 24*

Every State shall draw up regulations to prevent pollution of the seas by the discharge of oil from ships or pipelines or resulting from the exploitation and exploration of the seabed and its subsoil, taking account of existing treaty provisions on the subject.

#### *Article 25*

1. Every State shall take measures to prevent pollution of the seas from the dumping of radio-active waste, taking into account any standards and regulations which may be formulated by the competent international organizations.

2. All States shall co-operate with the competent international organizations in taking measures for the prevention of pollution of the seas or air space above, resulting from any activities with radio-active materials or other harmful agents.

#### *Article 26*

1. All States shall be entitled to lay submarine cables and pipelines on the bed of the high seas.

2. Subject to its right to take reasonable measures for the exploration of the continental shelf and the exploitation of its natural resources, the coastal State may not impede the laying or maintenance of such cables or pipelines.

3. When laying such cables or pipelines the State in question shall pay due regard to cables or pipelines already in position on the seabed. In particular, possibilities of repairing existing cables or pipelines shall not be prejudiced.

#### *Article 27*

Every State shall take the necessary legislative measures to provide that the breaking or injury by a ship flying its flag or by a person subject to its jurisdiction of a submarine cable beneath the high seas done wilfully or through culpable negligence, in such a manner as to be liable to interrupt or obstruct telegraphic or telephonic communications, and similarly the breaking or injury of a submarine pipeline or

high-voltage power cable shall be a punishable offence. This provision shall not apply to any break or injury caused by persons who acted merely with the legitimate object of saving their lives or their ships, after having taken all necessary precautions to avoid such break or injury.

*Article 28*

Every State shall take the necessary legislative measures to provide that, if persons subject to its jurisdiction who are the owners of a cable or pipeline beneath the high seas, in laying or repairing that cable or pipeline, cause a break in or injury to another cable or pipeline, they shall bear the cost of the repairs.

*Article 29*

Every State shall take the necessary legislative measures to ensure that the owners of ships who can prove that they have sacrificed an anchor, a net or any other fishing gear, in order to avoid injuring a submarine cable or pipeline, shall be indemnified by the owner of the cable or pipeline, provided that the owner of the ship has taken all reasonable precautionary measures beforehand.

*Article 30*

The provisions of this Convention shall not affect conventions or other international agreements already in force, as between States Parties to them.

*Article 31*

This Convention shall, until 31 October 1958, be open for signature by all States Members of the United Nations or of any of the specialized agencies, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention.

*Article 32*

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

*Article 33*

This Convention shall be open for accession by any States belonging to any of the categories mentioned in article 31. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

*Article 34*

1. This Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

*Article 35*

1. After the expiration of a period of five years from the date on which this Convention shall enter into force, a request for the revision of this Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

*Article 36*

The Secretary-General of the United Nations shall inform all States Members of the United Nations and the other States referred to in article 31:

- (a) Of signatures to this Convention and of the deposit of instruments of ratification or accession, in accordance with articles 31, 32 and 33;
- (b) Of the date on which this Convention will come into force, in accordance with article 34;
- (c) Of requests for revision in accordance with article 35.

*Article 37*

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article 31.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.

DONE at Geneva, this twenty-ninth day of April one thousand nine hundred and fifty-eight.

3. INTERNATIONAL CONVENTION<sup>1</sup> FOR THE SAFETY OF LIFE AT SEA, 1960 SIGNED AT LONDON, ON 17 JUNE 1960

*Article 1*

(a) The Contracting Governments undertake to give effect to the provisions of the present Convention and of the Regulations annexed thereto, which shall be deemed to constitute an integral part of the present Convention. Every reference to the present Convention implies at the same time a reference to these Regulations.

<sup>1</sup> United Nations, *Treaty Series*, vol. 536, p. 28. Came into force on 26 May 1965. Parties: Algeria, Argentina, Australia, Belgium, Brazil, Bulgaria, Burma, Canada, Chile, China, Congo (Democratic Republic of), Cuba, Cyprus, Czechoslovakia, Denmark, Federal Republic of Germany, Finland, France, Gambia, Ghana, Greece, Guinea, Haiti, Honduras, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Korea (Republic of), Kuwait, Lebanon, Liberia, Madagascar, Malaysia, Maldives Islands, Mauritania, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Singapore, Somalia, South Africa, Southern Yemen, Spain, Sweden, Switzerland, Syria, Trinidad and Tobago, Tunisia, Turkey, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom, United States of America, Uruguay, Venezuela, Viet-Nam (Republic of), Yugoslavia.

(b) The Contracting Governments undertake to promulgate all laws, decrees, orders and regulations and to take all other steps which may be necessary to give the present Convention full and complete effect, so as to ensure that, from the point of view of safety of life, a ship is fit for the service for which it is intended.

#### *Article II*

The ships to which the present Convention applies are ships registered in countries the Governments of which are Contracting Governments, and ships registered in territories to which the present Convention is extended under Article XIII.

#### *Article III*

##### *Laws, Regulations*

The Contracting Governments undertake to communicate to and deposit with the Inter-Governmental Maritime Consultative Organization (hereinafter called the Organization):

(a) a list of non-governmental agencies which are authorised to act in their behalf in the administration of measures for safety of life at sea for circulation to the Contracting Governments for the information of their officers;

(b) the text of laws, decrees, orders and regulations which shall have been promulgated on the various matters within the scope of the present Convention;

(c) a sufficient number of specimens of their Certificates issued under the provisions of the present Convention for circulation to the Contracting Governments for the information of their officers.

#### *Article IV*

##### *Cases of "Force Majeure"*

(a) No ship, which is not subject to the provisions of the present Convention at the time of its departure on any voyage, shall become subject to the provisions of the present Convention on account of any deviation from its intended voyage due to stress of weather or any other cause of *force majeure*.

(b) Persons who are on board a ship by reason of *force majeure* or in consequence of the obligation laid upon the master to carry shipwrecked or other persons shall not be taken into account for the purpose of ascertaining the application to a ship of any provisions of the present Convention.

#### *Article V*

##### *Carriage of Persons in Emergency*

(a) For the purpose of moving persons from any territory in order to avoid a threat to the security of their lives a Contracting Government may permit the carriage of a larger number of persons in its ships than is otherwise permissible under the present Convention.

(b) Such permission shall not deprive other Contracting Governments of any right of control under the present Convention over such ships which come within their ports.

(c) Notice of any such permission, together with a statement of the circumstances, shall be sent to the Organization by the Contracting Government granting such permission.

#### *Article VI*

##### *Suspension in the case of War*

(a) In case of war or other hostilities, a Contracting Government which considers that it is affected, whether as a belligerent or as a neutral, may suspend the operation of the whole or any part of the Regulations annexed hereto. The suspending Government shall immediately give notice of any such suspension to the Organization.

(b) Such suspension shall not deprive other Contracting Governments of any right of control under the present Convention over the ships of the suspending Government when such ships are within their ports.

(c) The suspending Government may at any time terminate such suspension and shall immediately give notice of such termination to the Organization.

(d) The Organization shall notify all Contracting Governments of any suspension or termination under this Article.

#### *Article VII*

##### *Prior Treaties and Conventions*

(a) As between the Contracting Governments the present Convention replaces and abrogates the International Convention for the Safety of Life at Sea which was signed in London on 10 June 1948.<sup>1</sup>

(b) All other treaties, conventions and arrangements relating to safety of life at sea, or matters appertaining thereto, at present in force between Governments parties to the present Convention, shall continue to have full and complete effect during the terms thereof as regards:

- (i) ships to which the present Convention does not apply;
- (ii) ships to which the present Convention applies, in respect of matters for which it has not expressly provided.

(c) To the extent, however, that such treaties, conventions or arrangements conflict with the provisions of the present Convention, the provisions of the present Convention shall prevail.

(d) All matters which are not expressly provided for in the present Convention remain subject to the legislation of the Contracting Governments.

#### *Article VIII*

##### *Special Rules drawn up by Agreement*

When in accordance with the present Convention special rules are drawn up by agreement between all or some of the Contracting Governments, such rules shall be communicated to the Organization for circulation to all Contracting Governments.

<sup>1</sup> United Nations, *Treaty Series*, vol. 164, p. 113. See also references in *Cumulative Indexes* Nos. 2 and 4 as well as Annex A in volumes 419, 466, 470, 486, 531, 535 and p. 476 in volume No. 536.

*Article IX**Amendments*

(a) (i) The present Convention may be amended by unanimous agreement between the Contracting Governments.

(ii) Upon the request of any Contracting Government a proposed amendment shall be communicated by the Organization to all Contracting Governments for consideration and acceptance under this paragraph.

(b) (i) An amendment to the present Convention may be proposed to the Organization at any time by any Contracting Government and such proposal, if adopted by a two-thirds majority of the Assembly of the Organization (hereinafter called the Assembly), upon recommendation adopted by a two-thirds majority of the Maritime Safety Committee of the Organization (hereinafter called the Maritime Safety Committee), shall be communicated by the Organization to all Contracting Governments for their acceptance.

(ii) Any such recommendation by the Maritime Safety Committee shall be communicated by the Organization to all Contracting Governments for their consideration at least six months before it is considered by the Assembly.

(c) (i) A conference of Governments to consider amendments to the present Convention proposed by any Contracting Government shall at any time be convened by the Organization upon the request of one-third of the Contracting Governments.

(ii) Every amendment adopted by such conference by a two-thirds majority of the Contracting Governments shall be communicated by the Organization to all Contracting Governments for their acceptance.

(d) Any amendment communicated to Contracting Governments for their acceptance under paragraph (b) or (c) of this Article shall come into force for all Contracting Governments, except those which before it comes into force make a declaration that they do not accept the amendment, twelve months after the date on which the amendment is accepted by two-thirds of the Contracting Governments including two-thirds of the Governments represented on the Maritime Safety Committee.

(e) The Assembly, by a two-thirds majority vote, including two-thirds of the Governments represented on the Maritime Safety Committee, and subject to the concurrence of two-thirds of the Contracting Governments to the present Convention, or a conference convened under paragraph (c) of this Article by a two-thirds majority vote, may determine at the time of its adoption that the amendment is of such an important nature that any Contracting Government which makes a declaration under paragraph (d) of this Article and which does not accept the amendment within a period of twelve months after the amendment comes into force, shall, upon the expiry of this period, cease to be a party to the present Convention.

(f) Any amendment to the present Convention made under this Article which relates to the structure of a ship shall apply only to ships the keels of which are laid after the date on which the amendment comes into force.

(g) The Organization shall inform all Contracting Governments of any amendments which come into force under this Article, together with the date on which such amendments shall come into force.



(h) Any acceptance or declaration under this Article shall be made by a notification in writing to the Organization, which shall notify all Contracting Governments of the receipt of the acceptance or declaration.

#### *Article X*

##### *Signature and Acceptance*

(a) The present Convention shall remain open for signature for one month from this day's date and shall thereafter remain open for acceptance. Governments of States may become parties to the Convention by:

- (i) signature without reservation as to acceptance;
- (ii) signature subject to acceptance followed by acceptance; or
- (iii) acceptance.

(b) Acceptance shall be effected by the deposit of an instrument with the Organization, which shall inform all Governments that have already accepted the Convention of each acceptance received and of the date of its receipt.

#### *Article XI*

##### *Coming into Force*

(a) The present Convention shall come into force twelve months after the date on which not less than fifteen acceptances, including seven by countries each with not less than one million gross tons of shipping, have been deposited in accordance with Article X. The Organization shall inform all Governments which have signed or accepted the present Convention of the date on which it comes into force.

(b) Acceptances deposited after the date on which the present Convention comes into force shall take effect three months after the date of their deposit.

#### *Article XII*

##### *Denunciation*

(a) The present Convention may be denounced by any Contracting Government at any time after the expiry of five years from the date on which the Convention comes into force for that Government.

(b) Denunciation shall be effected by a notification in writing addressed to the Organization which shall notify all the other Contracting Governments of any denunciation received and of the date of its receipt.

(c) A denunciation shall take effect one year, or such longer period as may be specified in the notification after its receipt by the Organization.

#### *Article XIII*

##### *Territories*

(a) (i) The United Nations in cases where they are the administering authority for a territory or any Contracting Government responsible for the international relations of a territory shall as soon as possible consult with such territory in an endeavour to extend the present Convention to that territory and may at any time by

notification in writing given to the Organization declare that the present Convention shall extend to such territory.

(ii) The present Convention shall from the date of the receipt of the notification or from such other date as may be specified in the notification extend to the territory named therein.

(b) (i) The United Nations or any Contracting Government which has made a declaration under paragraph (a) of this Article, at any time after the expiry of a period of five years from the date on which the Convention has been so extended to any territory, may by a notification in writing given to the Organization declare that the present Convention shall cease to extend to any such territory named in the notification.

(ii) The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be specified therein, after the date of receipt of the notification by the Organization.

(c) The Organization shall inform all the Contracting Governments of the extension of the present Convention to any territories under paragraph (a) of this Article, and of the termination of any such extension under the provisions of paragraph (b), stating in each case the date from which the present Convention has been or will cease to be so extended.

#### *Article XIV*

##### *Registration*

(a) The present Convention shall be deposited in the archives of the Organization and the Secretary-General of the Organization shall transmit certified true copies thereof to all Signatory Governments and to all other Governments which accept the present Convention.

(b) As soon as the present Convention comes into force it shall be registered by the Organization with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed the present Convention.

DONE in London this seventeenth day of June, 1960, in a single copy in English and French, each text being equally authoritative.

The original texts will be deposited with the Inter-Governmental Maritime Consultative Organization, together with texts in the Russian and Spanish languages which will be translations.

#### 4. AGREEMENT BETWEEN DENMARK, FINLAND, NORWAY AND SWEDEN CONCERNING CO-OPERATION IN ICE BREAKING. SIGNED AT HELSINKI ON 20 DECEMBER 1960, articles 1-15<sup>1</sup>

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, 6.

5. CONVENTION<sup>1</sup> FOR THE INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA. SIGNED AT COPENHAGEN ON 12 SEPTEMBER 1964

PREAMBLE

The Governments of the States Parties to this Convention

Having participated in the work of the International Council for the Exploration of the Sea, which was established at Copenhagen in 1902 as a result of conferences held in Stockholm in 1899 and in Christiania in 1901 and entrusted with the task of carrying out a programme of international investigation of the sea.

Desiring to provide a new constitution for the aforesaid Council with a view to facilitating the implementation of its programme.

Have agreed as follows:

*Article 1*

It shall be the duty of the International Council for the Exploration of the Sea, hereinafter referred to as the "Council",

(a) to promote and encourage research and investigations for the study of the sea particularly those related to the living resources thereof;

(b) to draw up programmes required for this purpose and to organise, in agreement with the Contracting Parties, such research and investigation as may appear necessary;

(c) to publish or otherwise disseminate the results of research and investigations carried out under its auspices or to encourage the publication thereof.

*Article 2*

The Council shall be concerned with the Atlantic Ocean and its adjacent seas and primarily concerned with the North Atlantic.

*Article 3*

(1) The Council shall be maintained in accordance with the provisions of this Convention.

(2) The seat of the Council shall remain at Copenhagen.

*Article 4*

The Council shall seek to establish and maintain working arrangements with other international organisations which have related objectives and cooperate, as far as possible, with them, in particular in the supply of scientific information requested.

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<sup>1</sup> Registered with the Secretariat of the United Nations under No. 9344 on 13 December 1968. Came into force on 22 July 1968. Parties to the Convention: Belgium, Canada, Denmark, Finland, France, Federal Republic of Germany, Iceland, Ireland, Italy, the Netherlands, Norway, Poland, Portugal, Spain, Sweden, the USSR and the United Kingdom.

*Article 5*

The Contracting Parties undertake to furnish to the Council information which will contribute to the purposes of this Convention and can reasonably be made available and, wherever possible, to assist in carrying out the programmes of research coordinated by the Council.

...

*Article 15*

(1) The Council shall enjoy, in the territories of the Contracting Parties, such legal capacity as may be agreed between the Council and the Government of the Contracting Party concerned.

(2) The Council, delegates and experts, the General Secretary and other officials shall enjoy in the territories of the Contracting Parties such privileges and immunities, necessary for the fulfilment of their functions, as may be agreed between the Council and the Government of the Contracting Party concerned.

6. AGREEMENT<sup>1</sup> BETWEEN DENMARK, FINLAND, NORWAY AND SWEDEN CONCERNING UNIFORM RULES FOR THE MARKING OF NAVIGABLE WATERS. SIGNED AT HELSINKI ON 18 SEPTEMBER 1962

The Governments of Denmark, Finland, Norway and Sweden, desiring to promote safety at sea in Scandinavian navigable waters through a more uniform system of marking, have agreed as follows:

*Article 1*

Marking in accordance with the *cardinal system* means that the appearance of sea marks is determined by their position—in terms of the nearest cardinal point (N, E, S or W)—with respect to the shoal they are marking.

Marking in accordance with the *lateral system* means that vessels proceeding in a channel in a given direction (e.g., from seaward to a port) are guided by seamarks of a specified type to starboard and of a different type to port, without reference to the points of the compass.

For the purposes of this Agreement, the term “open sea” means navigable waters lying beyond the line connecting the points which delimit the territorial sea.

The term “other navigable waters” means navigable waters lying within the aforesaid line, with the exception of inland waterways (lakes, rivers and canals).

*Article 2*

The following systems of marking shall be applied as heretofore, subject to the changes required under article 3:

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<sup>1</sup> United Nations, *Treaty Series*, vol. 442, p. 228. Came into force on 18 October 1962.

*In the open sea*

In the case of Denmark: the lateral system,  
 In the case of Finland: the cardinal system,  
 In the case of Norway: the cardinal system,  
 In the case of Sweden: the cardinal system,

*In other navigable waters*

In the case of Denmark: the lateral system,  
 In the case of Finland: the cardinal system,  
 In the case of Norway: a combination of the cardinal and lateral systems,  
 In the case of Sweden: a combination of the cardinal and lateral systems.

Notwithstanding the provisions of the first paragraph, a uniform system shall be employed, both in the open sea and in other navigable waters, for the purpose of marking either the middle of a channel or a shoal of very limited size which is so situated in the channel that it can be passed on either side.

The system of marking shall be such as to make it unmistakably clear whether the marks are intended to designate the middle of a channel or a shoal situated in the channel.

*Article 3*

Buoys shall be coloured as follows:

*When the lateral system is employed:* in accordance with the system in widest use internationally at the present time;

*When the cardinal system or a combination of the cardinal and lateral systems is employed:* in accordance with the colouring principles applied in Finland and Norway;

*For the purpose of marking the middle of a channel or a shoal of limited size situated in a channel:* with black and red horizontal or vertical stripes.

*Article 4*

The topmarks of red and red-and-white buoys shall be triangular in shape, with the base uppermost.

The topmarks of black and black-and-white buoys shall be triangular in shape, with the apex uppermost.

The topmarks of red-and-black buoys shall be spherical in shape.

The nature of identifying marks other than the topmarks referred to in this article shall be determined by the State concerned.

Such other identifying marks shall be employed only to supplement the topmarks and shall be placed beneath them.

*Article 5*

All measures required for the application of this Agreement, including the amendment of charts and other nautical publications, shall be carried out by 1 July 1965.

7. EUROPEAN AGREEMENT<sup>1</sup> FOR THE PREVENTION OF BROADCASTS TRANSMITTED FROM STATIONS OUTSIDE NATIONAL TERRITORIES. SIGNED AT STRASBOURG, ON 22 JANUARY 1965

The member States of the Council of Europe signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its Members;

Considering that the Radio Regulations annexed to the International Telecommunication Convention prohibit the establishment and use of broadcasting stations on board ships, aircraft or any other floating or airborne objects outside national territories;

Considering also the desirability of providing for the possibility of preventing the establishment and use of broadcasting stations on objects affixed to or supported by the bed of the sea outside national territories;

Considering the desirability of European collaboration in this matter,

Have agreed as follows:

*Article 1*

This Agreement is concerned with broadcasting stations which are installed or maintained on board ships, aircraft, or any other floating or airborne objects and which, outside national territories, transmit broadcasts intended for reception or capable of being received, wholly or in part, within the territory of any Contracting Party, or which cause harmful interference to any radio-communication service operating under the authority of a Contracting Party in accordance with the Radio Regulations.

*Article 2*

1. Each Contracting Party undertakes to take appropriate steps to make punishable as offences, in accordance with its domestic law, the establishment or operation of broadcasting stations referred to in Article 1, as well as acts of collaboration knowingly performed.

2. The following shall, in relation to broadcasting stations referred to in Article 1, be acts of collaboration:

(a) the provision, maintenance or repairing of equipment;

(b) the provision of supplies;

(c) the provision of transport for, or the transporting of, persons, equipment or supplies;

(d) the ordering or production of material of any kind, including advertisements, to be broadcast;

(e) the provision of services concerning advertising for the benefit of the stations.

*Article 3*

Each Contracting Party shall, in accordance with its domestic law, apply the provisions of this Agreement in regard to:

<sup>1</sup> United Nations, *Treaty Series*, vol. 634, No. 9066. Came into force on 19 October 1967. Parties to the Agreement: Belgium, Denmark, France, Sweden, the United Kingdom.

(a) its nationals who have committed any act referred to in Article 2 on its territory, ships, or aircraft, or outside national territories on any ships, aircraft or any other floating or airborne object;

(b) non-nationals who, on its territory, ships or aircraft, or on board any floating or airborne object under its jurisdiction have committed any act referred to in Article 2.

#### *Article 4*

Nothing in this Agreement shall be deemed to prevent a Contracting Party:

(a) from also treating as punishable offences acts other than those referred to in Article 2 and also applying the provisions concerned to persons other than those referred to in Article 3;

(b) from also applying the provisions of this Agreement to broadcasting stations installed or maintained on objects affixed to or supported by the bed of the sea.

#### *Article 5*

The Contracting Parties may elect not to apply the provisions of this Agreement in respect of the services of performers which have been provided elsewhere than on the stations referred to in Article 1.

#### *Article 6*

The provisions of Article 2 shall not apply to any acts performed for the purpose of giving assistance to a ship or aircraft or any other floating or airborne object in distress or of protecting human life.

### 8. CONVENTION<sup>1</sup> OF 14 JANUARY 1966 ON THE INTERNATIONAL LEGAL PERSONALITY OF THE STANDING COMMITTEE OF THE SOUTH PACIFIC\*

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<sup>1</sup> For the text of the Convention, see the *Registro Oficial* of Ecuador, No. 134 of 26 May 1967.

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## **Sub-Division B. Bilateral Treaties**

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PROTOCOL<sup>1</sup> BETWEEN CANADA AND THE UNITED STATES OF AMERICA AMENDING THE CONVENTION FOR THE PROTECTION, PRESERVATION AND EXTENSION OF SOCKEYE SALMON FISHERIES, 26 MAY 1930. SIGNED AT OTTAWA, ON 28 DECEMBER 1956

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<sup>1</sup> *Infra*, DIVISION IV, SUB-DIVISION B, 3.

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**DIVISION IV**  
**FISHING AND CONSERVATION**  
**OF THE LIVING RESOURCES OF THE SEA**

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**Sub-Divisiou A. Multilateral Treaties**

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1. CONVENTION<sup>1</sup> FOR THE REGULATION OF THE MESHES OF FISHING NETS AND THE SIZE LIMITS OF FISH. SIGNED AT LONDON, ON 5 APRIL 1946, AS AMENDED<sup>2</sup>

PART I. EXTENT OF THE CONVENTION

*Article 1*

The area to which this Convention applies shall be all waters which are situated within those parts of the Atlantic and Arctic Oceans and their dependent seas which lie north of 48 degrees north latitude and between 42 degrees west longitude and 32 degrees east longitude, but excluding the Baltic Sea and Belts lying to the south and east of lines drawn from Hasenore Head to Griben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to the Kullen.

*Article 2*

Nothing in the present Convention shall be deemed to diminish the exclusive rights of vessels registered or owned in the territory of each Contracting Government to fish in waters where that Contracting Government has exclusive jurisdiction over fisheries.

*Article 3*

Nothing in this Convention shall be deemed to prejudice the claims of any Contracting Government in regard to the limits of territorial waters.

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<sup>1</sup> United Nations, *Treaty Series*, vol. 231, p. 199. Came into force on 5 April 1953. Parties to the Convention: Belgium, Denmark, France, Iceland, Ireland, Netherlands, Norway, Poland, Portugal, Spain, Sweden. Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland. In accordance with article 15, the Convention came into force in respect of the Federal Republic of Germany on 11 June 1954 by deposit of the instrument of accession.

<sup>2</sup> Most recently, at the Eleventh Meeting of the Permanent Commission held in London from 8 to 10 May 1963. See United Nations, *Treaty Series*, vol. 482, p. 372.

PART II. REGULATION OF THE MESHES OF FISHING NETS AND THE  
SIZE LIMITS OF FISH

*Article 4*

Subject to the provisions of Articles 8, 10 and 16(2), the provisions of this Convention shall apply to all vessels of any Contracting Government either when they are operating in the waters where that Contracting Government has exclusive jurisdiction over fisheries, or when they are operating outside such waters.

*Article 5*

No vessel shall carry on board or use any trawl, seine, or other net towed or hauled at or near the bottom of the sea, which has in any part of the net meshes of dimensions less than those specified in Annex I to this Convention.

...

*Article 6*

Notwithstanding the provisions of Article 5, vessels fishing for mackerel, clupeoid fishes, sand eels (*Ammodytes*) Norway pout (*Gadus esmarkii*), smelts, eels, great weeviers (*Trachinus draco*), shrimps, prawns, nephrops or molluscs, may carry on board and use nets having meshes of dimensions less than those so specified: provided that (a) any fishing instruments used by such vessels for the capture of any of the fish described in this Article shall not be used for the purpose of capturing other kinds of fish; and (b) any fish in excess of the percentages set out in Annex III to this Convention, of the species set out in Annex II to this Convention, which may be captured by such instruments and which are of less than the minimum sizes prescribed in Annex II to this Convention shall be returned to the sea immediately after capture.

and (c) provided that in the period from 1st June, 1963 to 1st June, 1966, no nets having in the cod-end meshes of dimensions between 50 mm (irrespective of material used) and the minimum sizes specified in Annex I shall be carried or used by vessels in the waters of that part of the Convention area defined in that paragraph, except—

- (i) those waters to the south and west of the following lines: a line drawn due west from the Mull of Galloway along 54° 38' north latitude, and a line drawn from France to England along 2° west longitude;
- (ii) those waters east of a line drawn from Hanstholm to Lindesnes.

...

*Article 7*

(1) No vessel while operating shall use any device by means of which the mesh in any part of a fishing net to which Article 5 of this Convention applies is obstructed or otherwise in effect diminished.

Notwithstanding the provisions of the foregoing paragraph it shall not be deemed unlawful:

- (i) to attach to the underside of the cod-end of a trawl net any canvas, netting, or other material, for the purpose of preventing or reducing wear to tear;

and as from 1st January, 1959, and until 1st June, 1965, and only for trawl nets with a mesh of 100 mm. or more:

(ii) to attach a rectangular piece of netting to the upper side of the cod-end of a trawl net to reduce and prevent damage so long as such netting conforms to the following conditions:

- (a) this netting shall not have a mesh size less than that specified for the net itself;
- (b) the netting may be fastened to the cod-end only along the forward and lateral edges of the netting and at no other place in it, and shall be fastened in such a manner that it extends forward of the splitting strop no more than four meshes and ends not less than four meshes in front of the cod-line mesh; where a splitting strop is not used the netting shall not extend to more than one-third of the cod-end measured from not less than four meshes in front of the cod-line mesh;
- (c) the number of meshes in the width of the netting shall be at least one and a half times the number of meshes in the width of that part of the cod-end which is covered, both widths being taken at right angles to the long axis of the cod-end.

#### *Article 8*

Subject to the provisions of Annex III to this Convention, no vessel shall retain on board any sea fish of the descriptions set out in Annex II to this Convention, of a less size than the size prescribed therein for each fish, and all such fish shall be returned immediately to the sea; provided that they may be retained on board for the purpose of transplantation to other fishing grounds.

#### *Article 9*

Subject to the provisions of Annex III to this Convention, each Contracting Government undertakes to prohibit by regulations the landing, sale, exposure or offer for sale, in its territories of any sea fish of the descriptions set out in Annex II to this Convention which are of a less size than the size prescribed therein for each fish and have been caught in the waters defined in Article 1 of this Convention, whether such fish are whole or have had their heads or any other part removed.

#### *Article 10*

The provisions of this Convention shall not apply to fishing operations conducted for the purposes of scientific investigation, or to fish taken in the course of such operations, but fish so taken shall not be sold, or exposed or offered for sale in contravention of the provisions of Article 9.

#### *Article 11*

The Contracting Governments agree to take, in their territories and in regard to their vessels, to which this Convention applies, appropriate measures to ensure the application of the provisions of this Convention and the punishment of infractions of the said provisions.

## PART III. CONSTITUTION OF PERMANENT COMMISSION

*Article 12*

(1) The Contracting Governments undertake to set up a permanent Commission to which each of them shall appoint one or if they so desire two delegates.

(2) The Commission shall elect its own President either from among the delegates or from independent nominees. If a delegate has been elected President he shall forthwith cease to be the delegate of his Government and that Government shall have the right to appoint another person to serve as its delegate.

(3) The Commission shall draw up its own rules of procedure including provisions for the term of office of the President and the election of subsequent Presidents and such rules may be altered or amended from time to time by a majority of the delegates of Contracting Governments who are present and vote. Only in the case of an even division of votes on any such matter shall the President have a casting vote and it shall be decisive.

(4) For the purpose of voting on all matters within the scope of this article each Contracting Government shall possess one vote, whether it has appointed one delegate or two, but the vote may be exercised by either delegate.

(5) It shall be the duty of this Commission to consider whether the provisions of this Convention should be extended or altered. For this purpose the Commission shall where practicable consult the International Council for the Exploration of the Sea.

(6) The Government of the United Kingdom of Great Britain and Northern Ireland undertakes to call the first meeting of this Commission in the United Kingdom within two years from the coming into force of this Convention, and to call subsequent meetings at the request of the President at such time and in such places as the Commission shall decide.

(7) There shall be a meeting of the Commission not less than once in every three years.

(8) The Government of the United Kingdom of Great Britain and Northern Ireland undertakes to communicate the agenda for the first meeting to all other Contracting Governments not less than one month before the date of the meeting.

(9) Reports of the proceedings of the Commission shall be transmitted by the President of the Commission to the Government of the United Kingdom of Great Britain and Northern Ireland, which shall in turn communicate them to all the Governments which have ratified or acceded to this Convention.

(10) The Contracting Governments undertake to give effect to any recommendation of the Commission for the extension or alteration of this Convention which has been carried unanimously at a meeting of the Commission and accepted by all Contracting Governments not represented at the meeting.

*Article 13*

(1) For the purposes of this Convention the expression "vessel" means:  
(a) any vessel or boat employed in fishing for sea fish or in the treatment of sea fish; or

(b) any vessel or boat used partly or wholly for the purposes of the transport of sea fish registered or owned in the territories of any Contracting Government.

(2) The expression "territories" denotes in relation to any Contracting Government:

- (a) its metropolitan territory;
- (b) any territory in respect of which action has been taken by the Contracting Government under Article 16; and
- (c) the waters where the Contracting Government has exclusive jurisdiction over fisheries.

#### *Article 14*

This Convention shall be ratified as soon as possible and shall come into force two months after the deposit of instruments of ratification by all the Governments which have signed the Convention, or upon such earlier date as may be agreed between any Governments which may ratify or accede to it under Article 15 in respect of those Governments.

#### *Article 15*

(1) Any Government (other than the Government of a territory to which Article 16 applies) which has not signed this Convention may accede thereto at any time after it has come into force in accordance with Article 14. Accession shall be affected by means of a notification in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland, and shall take effect immediately after the date of its receipt.

(2) The Government of the United Kingdom will inform all the Governments which have signed or acceded to the present Convention of all accessions received and the date of their receipt.

...

#### ANNEX I

(1) The minimum size of mesh for nets referred to in Article 5 of this Convention shall be such that when the mesh is stretched diagonally lengthwise of the net a flat gauge 2 mm. thick of the appropriate width shall pass through it easily when the net is wet.

(2) The appropriate width of gauge in relation to any net shall be

- (a) until 31st May, 1964 that shown in Table I and
- (b) as from 1st June, 1964 that shown in Table II.

Table I

| <i>Part of Convention Area</i>  | <i>Type of Net</i>  | <i>Appropriate Width of Gauge</i> |
|---|---|-----------------------------------|
| (1) Icelandic waters between the parallels of 68 degrees and 62 degrees north latitude and between the meridians of 28 degrees and 10 degrees west longitude. | Seine net or such part of any trawl net as is made of cotton, hemp, polyamide fibres or polyester fibres. | 100 mm.                           |
|   | Such part of any trawl net as is made of any other material.  | 110 mm.                           |
| (2) Waters situated north of 66 degrees north latitude and east of the meridian of Greenwich.   | Seine net.  | 100 mm.                           |
|   | Such part of any trawl net as is made of cotton, hemp, polyamide fibres or polyester fibres.              | 110 mm.                           |
|   | Such part of any trawl net as is made of any other material.  | 120 mm.                           |
| (3) Other waters.   | Seine net or such part of any trawl net as is made of single twine and contains no manila or sisal.       | 70 mm.                            |
|   | Such part of any trawl net as is made of double twine or of manila or sisal.                              | 75 mm.                            |

Table II

| <i>Part of Convention Area</i>   | <i>Type of Net</i>   | <i>Appropriate Width of Gauge</i> |
|--|--|-----------------------------------|
| (1) Waters north of a line drawn from the coast of Norway along latitude 66 degrees north to the meridian 10 degrees west, thence south to latitude 62 degrees north; thence west to the meridian of 28 degrees west, thence south to latitude 59 degrees north and thence west. | Seine net.   | 100 mm.                           |
|  | Such part of any trawl net as is made of cotton, hemp, polyamide fibres or polyester fibres.         | 110 mm.                           |
|  | Such part of any trawl net as is made of any other material.   | 120 mm.                           |
| (2) Other waters.  | Seine net, or such part of any trawl net as is made of single twine and contains no manila or sisal. | 70 mm.                            |
|  | Such part of any trawl net as is made of double twine and contains no manila or sisal.               | 75 mm.                            |
|  | Such part of any trawl net as is made of manila or sisal.  | 80 mm.                            |



## ANNEX II

The fish to which Articles 6, 8 and 9 of this Convention apply and the sizes below which such fish may not be retained on board, landed, or sold and exposed or offered for sale are as follows:

| <i>Fish</i>   | <i>Size limit for whole Fish<br/>measured from tip of snout<br/>to extreme end of tail fin</i> |
|---|--|
| <i>Fish</i>   | <i>Cm.</i>   |
| Cod ( <i>Gadus callarias</i> ) . . . . .                | 30   |
| Haddock ( <i>Gadus aeglefinus</i> ) . . . . .           | 27   |
| Hake ( <i>Merluccius merluccius</i> ) . . . . .         | 30   |
| Plaice ( <i>Pleuronectes platessa</i> ) . . . . .       | 25   |
| Witches ( <i>Glyptocephalus cynoglossus</i> ) . . . . . | 28   |
| Lemon soles ( <i>Microstomus kitt</i> ) . . . . .       | 25   |
| Soles ( <i>Solea solea</i> ) . . . . .                  | 24   |
| Turbot ( <i>Scophthalmus maximus</i> ) . . . . .        | 30   |
| Brill ( <i>Scophthalmus rhombus</i> ) . . . . .         | 30   |
| Megrims ( <i>Lepidorhombus whiff</i> ) . . . . .        | 25   |
| Whittings ( <i>Gadus merlangus</i> ) . . . . .          | 23   |
| Dabs ( <i>Pleuronectes limanda</i> ) . . . . .          | 20   |

“provided that in any waters in which at any time a minimum size of mesh of nets of 110 mm. is specified the sizes below which cod and haddock may not be retained on board or landed shall be 34 cm. and 31 cm. respectively.”

## ANNEX III

Until 1st June 1966, in the fisheries set out in Article 6 of this Convention, 10 per cent by weight of each total landing or part thereof which is not intended for human consumption in the form of fish, may consist of undersized fish of the species set out in Annex II to this Convention.

## 2. INTERNATIONAL CONVENTION<sup>1</sup> FOR THE REGULATION OF WHALING, SIGNED AT WASHINGTON, ON 2 DECEMBER 1946, AS AMENDED BY PROTOCOL<sup>2</sup> SIGNED AT WASHINGTON, ON 19 NOVEMBER 1956

The Governments whose duly authorized representatives have subscribed hereto,

Recognizing the interest of the nations of the world in safeguarding for future generations the great natural resources represented by the whale stocks;

<sup>1</sup> United Nations, *Treaty Series*, vol. 161, p. 72. Came into force on 10 November 1948. Parties to the Convention: Argentina, Australia, Brazil, Canada, Chile, Denmark, France, Iceland, Japan, Mexico, Netherlands, New Zealand, Norway, Panama, South Africa, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America. Schedule of the Convention has been several times amended (see *infra* note relating to article V).

<sup>2</sup> United Nations, *Treaty Series*, vol. 338, p. 366. The parties to the Protocol are the same as those to the Convention. See *supra* note 1.

Considering that the history of whaling has seen overfishing of one area after another and of one species of whale after another to such a degree that it is essential to protect all species of whales from further overfishing;

Recognizing that the whale stocks are susceptible of natural increases if whaling is properly regulated, and that increases in the size of whale stocks will permit increases in the numbers of whales which may be captured without endangering these natural resources;

Recognizing that it is in the common interest to achieve the optimum level of whale stocks as rapidly as possible without causing wide-spread economic and nutritional distress;

Recognizing that in the course of achieving these objectives, whaling operations should be confined to those species best able to sustain exploitation in order to give an interval for recovery to certain species of whales now depleted in numbers;

Desiring to establish a system of international regulation for the whale fisheries to ensure proper and effective conservation and development of whale stocks on the basis of the principles embodied in the provisions of the International Agreement for the Regulation of Whaling signed in London on June 8, 1937<sup>1</sup> and the protocols to that Agreement signed in London on June 24, 1938<sup>2</sup> and November 26, 1945;<sup>3</sup> and

Having decided to conclude a convention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry;

Have agreed as follows:

#### *Article I*

1. This Convention includes the Schedule attached thereto which forms an integral part thereof. All references to "Convention" shall be understood as including the said Schedule either in its present terms or as amended in accordance with the provisions of Article V.

2. This Convention applies to factory ships, land stations, and whale catchers under the jurisdiction of the Contracting Governments, and to all waters in which whaling is prosecuted by such factory ships, land stations, and whale catchers.

#### *Article II*

As used in this Convention

1. "factory ship" means a ship in which or on which whales are treated whether wholly or in part;

2. "land station" means a factory on the land at which whales are treated whether wholly or in part;

3.<sup>4</sup> "whale catcher" means a helicopter, or other aircraft, or a ship, used for the purpose of hunting, taking, towing, holding on to, or scouting for whales;

<sup>1</sup> League of Nations, *Treaty Series*, vol. CXC, p. 79; United Nations, *Treaty Series*, vol. 32, p. 404, and vol. 91, p. 388

<sup>2</sup> League of Nations, *Treaty Series*, vol. CXCVI, p. 131; United Nations, *Treaty Series*, vol. 32, p. 405, and vol. 92, p. 435.

<sup>3</sup> United Nations, *Treaty Series*, vol. 11, p. 43, and vol. 32, p. 396.

<sup>4</sup> The words "a helicopter, or other aircraft, or" added by Protocol of 19 November 1956.

4. "Contracting Government" means any Government which has deposited an instrument of ratification or has given notice of adherence to this Convention.

### *Article III*

1. The Contracting Governments agree to establish an International Whaling Commission, hereinafter referred to as the Commission, to be composed of one member from each Contracting Government. Each member shall have one vote and may be accompanied by one or more experts and advisers.

2. The Commission shall elect from its own members a Chairman and Vice Chairman and shall determine its own Rules of Procedure. Decisions of the Commission shall be taken by a simple majority of those members voting except that a three-fourths majority of those members voting shall be required for action in pursuance of Article V. The Rules of Procedure may provide for decisions otherwise than at meetings of the Commission.

3. The Commission may appoint its own Secretary and staff.

4. The Commission may set up, from among its own members and experts or advisers, such committees as it considers desirable to perform such functions as it may authorize.

5. The expenses of each member of the Commission and of his experts and advisers shall be determined and paid by his own Government.

6. Recognizing that specialized agencies related to the United Nations will be concerned with the conservation and development of whale fisheries and the products arising therefrom and desiring to avoid duplication of functions, the Contracting Governments will consult among themselves within two years after the coming into force of this Convention to decide whether the Commission shall be brought within the framework of a specialized agency related to the United Nations.

7. In the meantime the Government of the United Kingdom of Great Britain and Northern Ireland shall arrange, in consultation with the other Contracting Governments, to convene the first meeting of the Commission, and shall initiate the consultation referred to in paragraph 6 above.

8. Subsequent meetings of the Commission shall be convened as the Commission may determine.

### *Article IV*

1. The Commission may either in collaboration with or through independent agencies of the Contracting Governments or other public or private agencies, establishments, or organizations, or independently

(a) encourage, recommend, or if necessary, organize studies and investigations relating to whales and whaling;

(b) collect and analyze statistical information concerning the current condition and trend of the whale stocks and the effects of whaling activities thereon;

(c) study, appraise, and disseminate information concerning methods of maintaining and increasing the populations of whale stocks.

2. The Commission shall arrange for the publication of reports of its activities, and it may publish independently or in collaboration with the International Bureau

for Whaling Statistics at Sandefjord in Norway and other organizations and agencies such reports as it deems appropriate, as well as statistical, scientific, and other pertinent information relating to whales and whaling.

*Article V<sup>1</sup>*

1. The Commission may amend from time to time the provisions of the Schedule by adopting regulations with respect to the conservation and utilization of whale resources, fixing (a) protected and unprotected species; (b) open and closed seasons; (c) open and closed waters, including the designation of sanctuary areas; (d) size limits for each species; (e) time, methods, and intensity of whaling (including the maximum catch of whales to be taken in any one season); (f) types and specifications of gear and apparatus and appliances which may be used; (g) methods of measurement; (h) catch returns and other statistical and biological biological records; (i)<sup>2</sup> and methods of inspection.

2. These amendments of the Schedule (a) shall be such as are necessary to carry out the objectives and purposes of this Convention and to provide for the conservation, development, and optimum utilization of the whale resources; (b) shall be based on scientific findings; (c) shall not involve restrictions on the number or nationality of factory ships or land stations, nor allocate specific quotas to any factory ship or land station or to any group of factory ships or land stations; and (d) shall take into consideration the interests of the consumers of whale products and the whaling industry.

3. Each of such amendments shall become effective with respect to the Contracting Governments ninety days following notification of the amendment by the Commission to each of the Contracting Governments, except that (a) if any Government presents to the Commission objection to any amendment prior to the expiration of this ninety-day period, the amendment shall not become effective with respect to any of the Governments for an additional ninety days; (b) thereupon, any other Contracting Government may present objection to the amendment at any time prior to the expiration of the additional ninety-day period, or before the expiration of thirty days from the date of receipt of the last objection received during such additional ninety-day period, whichever date shall be the later; and (c) thereafter, the amendment shall become effective with respect to all Contracting Governments which have not presented objection but shall not become effective with respect to any Government which has so objected until such date as the objection is withdrawn. The Commission shall notify each Contracting Government immediately upon receipt of each objection and withdrawal and each Contracting Government shall acknowledge receipt of all notifications of amendments, objections, and withdrawals.

4. No amendments shall become effective before July 1, 1949.

*Article VI*

The Commission may from time to time make recommendations to any or all Contracting Governments on any matters which relate to whales or whaling and to the objectives and purposes of this Convention.

<sup>1</sup> In accordance with article V, the Schedule has been amended several times, most recently at the fourteenth meeting of the International Whaling Commission held at London, 6 July 1962. United Nations, *Treaty Series*, vol. 495, p. 254.

<sup>2</sup> The provision under (i) added by Protocol of 19 November 1956.

*Article VII*

The Contracting Governments shall ensure prompt transmission to the International Bureau for Whaling Statistics at Sandefjord in Norway, or to such other body as the Commission may designate, of notifications and statistical and other information required by this Convention in such form and manner as may be prescribed by the Commission.

*Article VIII*

1. Notwithstanding anything contained in this Convention, any Contracting Government may grant to any of its nationals a special permit authorizing that national to kill, take, and treat whales for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the Contracting Government thinks fit, and the killing, taking, and treating of whales in accordance with the provisions of this Article shall be exempt from the operation of this Convention. Each Contracting Government shall report at once to the Commission all such authorizations which it has granted. Each Contracting Government may at any time revoke any such special permit which it has granted.

2. Any whales taken under these special permits shall so far as practicable be processed and the proceeds shall be dealt with in accordance with directions issued by the Government by which the permit was granted.

3. Each Contracting Government shall transmit to such body as may be designated by the Commission, in so far as practicable, and at intervals of not more than one year, scientific information available to that Government with respect to whales and whaling, including the results of research conducted pursuant to paragraph 1 of this Article and to Article IV.

4. Recognizing that continuous collection and analysis of biological data in connection with the operations of factory ships and land stations are indispensable to sound and constructive management of the whale fisheries, the Contracting Governments will take all practicable measures to obtain such data.

*Article IX*

1. Each Contracting Government shall take appropriate measures to ensure the application of the provisions of this Convention and the punishment of infractions against the said provisions in operations carried out by persons or by vessels under its jurisdiction.

2. No bonus or other remuneration calculated with relation to the results of their work shall be paid to the gunners and crews of whale catchers in respect of any whales the taking of which is forbidden by this Convention.

3. Prosecution for infractions against or contraventions of this Convention shall be instituted by the Government having jurisdiction over the offence.

4. Each Contracting Government shall transmit to the Commission full details of each infraction of the provisions of this Convention by persons or vessels under the jurisdiction of that Government as reported by its inspectors. This information shall include a statement of measures taken for dealing with the infraction and of penalties imposed.

3. INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES. DONE IN WASHINGTON ON 8 FEBRUARY 1949<sup>1</sup>

*Article I*

1. The area to which this Convention applies, hereinafter referred to as "the Convention area", shall be all waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71° 40' west longitude; thence due south to 39° 00' north latitude; thence due east to 42° 00' west longitude; thence due north to 59° 00' north latitude; thence due west to 44° 00' west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland to 78° 10' north latitude; thence southward to a point in 75° 00' north latitude and 73° 30' west longitude; thence along a rhumb line to a point in 69° 00' north latitude and 59° 00' west longitude; thence due south to 61° 00' north latitude; thence due west to 64° 30' west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coasts of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and a southerly direction along the coast of Labrador to the southern terminus of its in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape Breton Island to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts, and Rhode Island to the point of beginning.

2. Nothing in this Convention shall be deemed to affect adversely (prejudice) the claims of any Contracting Government in regard to the limits of territorial waters or to the jurisdiction of a coastal state over fisheries.

3. The Convention area shall be divided into five sub-areas, the boundaries of which shall be those defined in the Annex to this Convention, subject to such alterations as may be made in accordance with the provisions of paragraph 2 of Article VI.

*Article II*

1. The Contracting Governments shall establish and maintain a Commission for the purposes of this Convention. The Commission shall be known as the International Commission for the Northwest Atlantic Fisheries, hereinafter referred to as "the Commission".

2. Each of the Contracting Governments may appoint not more than three Commissioners and one or more experts or advisers to assist its Commissioner or Commissioners.

3. The Commission shall elect from its members a Chairman and a Vice Chairman, each of whom shall serve for a term of two years and shall be eligible for re-election but not to a succeeding term. The Chairman and Vice Chairman must be Commissioners from different Contracting Governments.

4. The seat of the Commission shall be in North America at a place to be chosen by the Commission.

<sup>1</sup> United Nations, *Treaty Series*, vol. 157, p. 157. Came into force on 3 July 1950. Parties: Canada, Denmark, Federal Republic of Germany, France, Iceland, Italy, Norway, Poland, Portugal, Romania, Spain, Union of Soviet Socialist Republics, United Kingdom and United States of America.

5. The Commission shall hold a regular annual meeting at its seat or at such place in North America as may be agreed upon by the Commission.

6. Any other meeting of the Commission may be called by the Chairman at such time and place as he may determine, upon the request of the Commissioner of a Contracting Government and subject to the concurrence of the Commissioners of two other Contracting Governments, including the Commissioner of a Government in North America.

7. Each Contracting Government shall have one vote which may be cast by any Commissioner from that Government. Decisions of the Commission shall be taken by a two-thirds majority of the votes of all the Contracting Governments.

8. The Commission shall adopt, and amend as occasion may require, financial regulations and rules and by-laws for the conduct of its meetings and for the exercise of its functions and duties.

#### *Article III*

1. The Commission shall appoint an Executive Secretary according to such procedure and on such terms as it may determine.

2. The staff of the Commission shall be appointed by the Executive Secretary in accordance with such rules and procedures as may be determined and authorized by the Commission.

3. The Executive Secretary shall, subject to the general supervision of the Commission, have full power and authority over the staff and shall perform such other functions as the Commission shall prescribe.

#### *Article IV*

1. The Contracting Governments shall establish and maintain a Panel for each of the sub-areas provided for by Article I, in order to carry out the objectives of this Convention. Each Contracting Government participating in any Panel shall be represented on such Panel by their Commissioner or Commissioners, who may be assisted by experts or advisers. Each Panel shall elect from its members a Chairman who shall serve for a period of two years and shall be eligible for re-election but not to a succeeding term.

2. After this Convention has been in force for two years, but not before that time, Panel representation shall be reviewed annually by the Commission, which shall have the power, subject to consultation with the Panel concerned, to determine representation on each Panel on the basis of current substantial exploitation in the sub-area concerned of fishes of the cod group (*Gadiformes*), of flatfishes (*Pleuronectiformes*), and of rosefish (*genus Sebastes*), except that each Contracting Government with coastline adjacent to a sub-area shall have the right of representation on the Panel for the sub-area.

3. Each Panel may adopt, and amend as occasion may require, rules of procedure and by-laws for the conduct of its meetings and for the exercise of its functions and duties.

4. Each Government participating in a Panel shall have one vote, which shall be cast by a Commissioner representing that Government. Decisions of the Panel shall be taken by a two-thirds majority of the votes of all the Governments participating in that Panel.

5. Commissioners of Contracting Governments not participating in a particular Panel shall have the right to attend the meetings of such Panel as observers, and may be accompanied by experts and advisers.

6. The Panels shall, in the exercise of their functions and duties, use the services of the Executive Secretary and the staff of the Commission.

#### *Article V*

1. Each Contracting Government may set up an Advisory Committee composed of persons, including fishermen, vessel owners and others, well informed concerning the problems of the fisheries of the Northwest Atlantic Ocean. With the assent of the Contracting Government concerned, a representative or representatives of an Advisory Committee may attend as observers all non-executive meetings of the Commission or of any Panel in which their Government participates.

2. The Commissioners of each Contracting Government may hold public hearings within the territories they represent.

#### *Article VI*

1. The Commission shall be responsible in the field of scientific investigation for obtaining and collating the information necessary for maintaining those stocks of fish which support international fisheries in the Convention area and the Commission may, through or in collaboration with agencies of the Contracting Governments or other public or private agencies and organizations or, when necessary, independently:

(a) make such investigations as it finds necessary into the abundance, life history and ecology of any species of aquatic life in any part of the Northwest Atlantic Ocean;

(b) collect and analyze statistical information relating to the current conditions and trends of the fishery resources of the Northwest Atlantic Ocean;

(c) study and appraise information concerning the methods for maintaining and increasing stocks of fish in the Northwest Atlantic Ocean;

(d) hold or arrange such hearings as may be useful or essential in connection with the development of complete factual information necessary to carry out the provisions of this Convention;

(e) conduct fishing operations in the Convention area at any time for purposes of scientific investigation;

(f) publish and otherwise disseminate reports of its findings and statistical, scientific and other information relating to the fisheries of the Northwest Atlantic Ocean as well as such other reports as fall within the scope of this Convention.

2. Upon the unanimous recommendation of each Panel affected, the Commission may alter the boundaries of the sub-areas set out in the Annex. Any such alteration shall forthwith be reported to the Depositary Government which shall inform the Contracting Governments, and the sub-areas defined in the Annex shall be altered accordingly.

3. The Contracting Governments shall furnish to the Commission, at such time and in such form as may be required by the Commission, the statistical information referred to in paragraph 1(b) of this Article.



*Article VII*

1. Each Panel established under Article IV shall be responsible for keeping under review the fisheries of its sub-area and the scientific and other information relating thereto.
2. Each Panel, upon the basis of scientific investigations, may make recommendations to the Commission for joint action by the Contracting Governments on the matters specified in paragraph 1 of Article VIII.
3. Each Panel may recommend to the Commission studies and investigations within the scope of this Convention which are deemed necessary in the development of factual information relating to its particular sub-area.
4. Any Panel may make recommendations to the Commission for the alteration of the boundaries of the sub-area defined in the Annex.
5. Each Panel shall investigate and report to the Commission upon any matter referred to it by the Commission.
6. A Panel shall not incur any expenditure except in accordance with directions given by the Commission.

*Article VIII*

1. The Commission may, on the recommendations of one or more Panels, and on the basis of scientific investigations, transmit to the Depository Government proposals, for joint action by the Contracting Governments, designed to keep the stocks of those species of fish which support international fisheries in the Convention area at a level permitting the maximum sustained catch by the application, with respect to such species of fish, of one or more of the following measures;
  - (a) establishing open and closed seasons;
  - (b) closing to fishing such portions of a sub-area as the Panel concerned finds to be a spawning area or to be populated by small or immature fish;
  - (c) establishing size limits for any species;
  - (d) prescribing the fishing gear and appliances the use of which is prohibited;
  - (e) prescribing an over-all catch limit for any species of fish.
2. Each recommendation shall be studied by the Commission and thereafter the Commission shall either
  - (a) transmit the recommendation as a proposal to the Depository Government with such modifications or suggestions as the Commission may consider desirable, or
  - (b) refer the recommendation back to the Panel with comments for its reconsideration.
3. The Panel may, after reconsidering the recommendation returned to it by the Commission, reaffirm that recommendation, with or without modification.
4. If, after a recommendation is reaffirmed, the Commission is unable to adopt the recommendation as a proposal, it shall send a copy of the recommendation to the Depository Government with a report of the Commission's decision. The Depository Government shall transmit copies of the recommendation and of the Commission's report to the Contracting Governments.
5. The Commission may, after consultation with all the Panels, transmit

proposals to the Depositary Government within the scope of paragraph 1 of this Article affecting the Convention area as a whole.

6. The Depositary Government shall transmit any proposal received by it to the Contracting Governments for their consideration and may make such suggestions as will facilitate acceptance of the proposal.

7. The Contracting Governments shall notify the Depositary Government of their acceptance of the proposal, and the Depositary Government shall notify the Contracting Governments of each acceptance communicated to it, including the date of receipt thereof.

8. The proposal shall become effective for all Contracting Governments four months after the date on which notifications of acceptance shall have been received by the Depositary Government from all the Contracting Governments participating in the Panel or Panels for the sub-area or sub-areas to which the proposal applies.

9. At any time after the expiration of one year from the date on which a proposal becomes effective, any Panel Government for the sub-area to which the proposal applies may give to the Depositary Government notice of the termination of its acceptance of the proposal and, if that notice is not withdrawn, the proposal shall cease to be effective for that Panel Government at the end of one year from the date of receipt of the notice by the Depositary Government. At any time after a proposal has ceased to be effective for a Panel Government under this paragraph, the proposal shall cease to be effective for any other Contracting Government upon the date a notice of withdrawal by such Government is received by the Depositary Government. The Depositary Government shall notify all Contracting Governments of every notice under this paragraph immediately upon the receipt thereof.

#### *Article IX*

The Commission may invite the attention of any or all Contracting Governments to any matters which relate to the objectives and purposes of this Convention.

#### *Article X*

1. The Commission shall seek to establish and maintain working arrangements with other public international organizations which have related objectives, particularly the Food and Agriculture Organization of the United Nations and the International Council for the Exploration of the Sea, to ensure effective collaboration and coordination with respect to their work and, in the case of the International Council for the Exploration of the Sea, the avoidance of duplication of scientific investigations.

2. The Commission shall consider, at the expiration of two years from the date of entry into force of this Convention whether or not it should recommend to the Contracting Governments that the Commission be brought within the framework of a specialized agency of the United Nations.

#### *Article XI*

1. Each Contracting Government shall pay the expenses of the Commissioners, experts and advisers appointed by it.

2. The Commission shall prepare an annual administrative budget of the proposed necessary administrative expenditures of the Commission and an annual special projects budget of proposed expenditures on special studies and investigations to be undertaken by or on behalf of the Commission pursuant to Article VI, or by or on behalf of any Panel pursuant to Article VII.

3. The Commission shall calculate the payments due from each Contracting Government under the annual administrative budget according to the following formula:

(a) from the administrative budget there shall be deducted a sum of 500 United States dollars for each Contracting Government;

(b) the remainder shall be divided into such number of equal shares as corresponds to the total number of Panel memberships;

(c) the payment due from any Contracting Government shall be the equivalent of 500 United States dollars plus the number of shares equal to the number of Panels in which that Government participates.

4. The Commission shall notify each Contracting Government the sum due from that Government as calculated under paragraph 3 of this Article and as soon as possible thereafter each Contracting Government shall pay to the Commission the sum so notified.

5. The annual special projects budget shall be allocated to the Contracting Governments according to a scale to be determined by agreement among the Contracting Governments, and the sums so allocated to any Contracting Government shall be paid to the Commission by that Government.

6. Contributions shall be payable in the currency of the country in which the seat of the Commission is located, except that the Commission may accept payment in the currencies in which it may be anticipated that expenditures of the Commission will be made from time to time, up to an amount established each year by the Commission in connection with the preparation of the annual budgets.

7. At its first meeting the Commission shall approve an administrative budget for the balance of the first financial year in which the Commission functions and shall transmit to the Contracting Governments copies of that budget together with notices of their respective allocations.

8. In subsequent financial years, the Commission shall submit to each Contracting Government drafts of the annual budgets together with a schedule of allocations, not less than six weeks before the annual meeting of the Commission at which the budgets are to be considered.

#### *Article XII*

The Contracting Governments agree to take such action as may be necessary to make effective the provisions of this Convention and to implement any proposals which become effective under paragraph 8 of Article VIII. Each Contracting Government shall transmit to the Commission a statement of the action taken by it for these purposes.

#### *Article XIII*

The Contracting Governments agree to invite the attention of any Government not a party to this Convention to any matter relating to the fishing activities in the

Convention area of the nationals or vessels of that Government which appear to affect adversely the operations of the Commission or the carrying out of the objectives of this Convention.

*Article XIV*

The Annex, as attached to this Convention and as modified from time to time, forms an integral part of this Convention.

...

ANNEX

1. The sub-areas provided for by Article I of this Convention shall be as follows:

*Sub-area 1*—That portion of the Convention area which lies to the north and east of a rhumb line from a point in 75° 00' north latitude and 73° 30' west longitude to a point in 69° 00' north latitude and 59° 00' west longitude; east of 59° 00' west longitude; and to the north and east of a rhumb line from a point in 61° 00' north latitude and 59° 00' west longitude to a point in 52° 15' north latitude and 42° 00' west longitude.

*Sub-area 2*—That portion of the Convention area lying to the south and west of sub-area 1 defined above and to the north of the parallel of 52° 15' north latitude.

*Sub-area 3*—That portion of the Convention area lying south of the parallel of 52° 15' north latitude; and to the east of a line extending due north from Cape Bauld on the north coast of Newfoundland to 52° 15' north latitude; to the north of the parallel of 39° 00' north latitude; and to the east and north of a rhumb line extending in a north-westerly direction which passes through a point in 43° 30' north latitude, 55° 00' west longitude, in the direction of a point in 47° 50' north latitude, 60° 00' west longitude, until it intersects a straight line connecting Cape Ray, on the coast of Newfoundland, with Cape North on Cape Breton Island; thence in a north-easterly direction along said line to Cape Ray.

*Sub-area 4*—That portion of the Convention area lying to the west of sub-area 3 defined above, and to the east of a line described as follows: beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel, at a point in 44° 46' 35.34" north latitude, 66° 54' 11.23" west longitude; thence due south to the parallel of 43° 50' north latitude; thence due west to the meridian of 67° 40' west longitude; thence due south to the parallel of 42° 20' north latitude; thence due east to a point in 66° 00' west longitude; thence along a rhumb line in a south-easterly direction to a point in 42° 00' north latitude, 65° 40' west longitude; thence due south to the parallel of 39° 00' north latitude.

*Sub-area 5*—That portion of the Convention area lying west of the western boundary of sub-area 4 defined above.

2. For a period of two years from the date of entry into force of this Convention, Panel representation for each sub-area shall be as follows:

(a) Sub-area 1—Denmark, France, Italy, Norway, Portugal, Spain, United Kingdom;

(b) Sub-area 2—Denmark, France, Italy, Newfoundland;

(c) Sub-area 3—Canada, Denmark, France, Italy, Newfoundland, Portugal, Spain, United Kingdom;

(d) Sub-area 4—Canada, France, Italy, Newfoundland, Portugal, Spain, United States;

(e) Sub-area 5—Canada, United States;

it being understood that during the period between the signing of this Convention and the date of its entry into force, any signatory or adhering Government may, by notification to the Depository Government, withdraw from the list of members of a Panel for any sub-area or be added to the list of members of the Panel for any sub-area on which it is not named. The Depository Government shall inform all the other Governments concerned of all such notifications received and the memberships of the Panels shall be altered accordingly.

4. AGREEMENT<sup>1</sup> CONCERNING MEASURES FOR THE PROTECTION OF THE STOCK OF DEEP SEA PRAWNS (*PANDALUS BOREALIS*), EUROPEAN LOBSTERS (*HOMARUS VULGARIS*), NORWAY LOBSTERS (*NEPHROPS NORVEGICUS*) AND CRABS (*CANCER PAGURUS*). SIGNED AT OSLO, ON 7 MARCH 1952, AS AMENDED BY PROTOCOL<sup>2</sup> AMENDING ARTICLE 4 OF THE AGREEMENT, SIGNED AT OSLO, ON 14 OCTOBER 1959

The Governments of Denmark, Norway and Sweden, being desirous of concluding an agreement relating to measures for the protection of stocks of deep-sea prawns (*Pandalus borealis*), European lobsters (*Homarus vulgaris*), Norway lobsters (*Nephrops norvegicus*) and crabs (*Cancer pagurus*), have agreed as follows:

*Article 1*

The area to which this Agreement applies shall include all waters bounded on the west by a line from Lindesnes light to Hanstholm light and on the east by the 13th meridian east of Greenwich.

*Article 2*

No vessel may use or have on board any prawn trawl which does not comply with the provisions of article 3 of this Agreement.

*Article 3*

The minimum size of the mesh of a prawn trawl shall be such that a flat measure 30 mm. wide and 2 mm. thick can be easily passed between the meshes when the trawl is wet and spread out lengthwise.

*Article 4*

No vessel shall keep on board any Norway lobsters (*Nephrops norvegicus*) under 13 cm. in length measured from the tip of the frontal horn to the anterior fixed side of the middle swimming appendage.

*Article 5*

The provisions of this Agreement shall not apply to fishery research conducted by, or with the consent of, the public authorities.

*Article 6*

The Contracting Governments agree to take such action and make such regulations as are necessary to give effect to the provisions of this Agreement, including the provisions which prohibit the landing or selling in their territories of Norway lobsters under the prescribed minimum size.

<sup>1</sup> United Nations, *Treaty Series*, vol. 175, p. 208. Came into force on 26 January 1953.

<sup>2</sup> *Ibid.*, vol. 427, p. 366. Came into force on 14 October 1959.

*Article 7*

A commission shall be set up consisting of two representatives (one representative for scientific research in fishing and one for the fishing industry) from each of the Contracting Parties. The purpose of the commission shall be to attempt to co-ordinate the scientific and practical research conducted by the various countries with regard to stocks of prawns, European lobsters, Norway lobsters and crabs in the area to which the Agreement applies. The commission shall also, on the basis of available information, consider whether there are grounds for modifying existing measures for the protection of stocks of the aforementioned shell-fish or for introducing other measures, and, as the circumstances require, shall make appropriate recommendations to the Contracting Governments. The commission shall itself determine its procedure and when it shall meet. The first meeting of the commission shall be called by the Norwegian Government.

5. CONVENTION<sup>1</sup> FOR THE HIGH SEAS FISHERIES OF THE NORTH PACIFIC OCEAN, SIGNED AT TOKYO, ON 9 MAY 1952, AS AMENDED<sup>2</sup> ON 17 NOVEMBER 1962

ANNEX

1. With regard to the stocks of fish in the respective waters named below, Japan agrees to abstain from fishing, and Canada and the United States of America agree to continue to carry out necessary conservation measures, in accordance with the provisions of Article V, Section 2 of this Convention:

(a) Halibut (*Hippoglossus stenolepis*)

The Convention area off the coast of Canada and the United States of America, exclusive of the Bering Sea, in which commercial fishing for halibut is being or can be prosecuted. Halibut referred to herein shall be those originating along the coast of North America.

(b) Herring (*Clupea pallasii*)

The Convention area off the coast of Canada in which commercial fishing for herring of Canadian origin is being or can be prosecuted, exclusive of the waters of the high seas north of 51° 56' North Latitude and west of the Queen Charlotte Islands and west of a line drawn between Langara Point on Langara Island, Queen Charlotte Islands, and Cape Muzon on Dall Island in Southeast Alaska.

(c) Salmon (*Oncorhynchus gorbuscha*, *Oncorhynchus keta*, *Oncorhynchus kisutch*, *Oncorhynchus nerka*, *Oncorhynchus tshawytscha*)

The Convention area off the coasts of Canada and the United States of America, exclusive of the Bering Sea and the waters of the North Pacific Ocean west of a provisional line following the meridian passing through the western extremity of Atka Island; in which commercial fishing for salmon originating in the rivers of Canada and the United States of America is being or can be prosecuted.

2. With regard to the stocks of fish in the waters named below, Canada and Japan agree to abstain from fishing, and the United States of America agrees to continue to carry out necessary conservation measures, in accordance with the provisions of Article V, Section 2 of this Convention:

<sup>1</sup> United Nations, *Treaty Series*, vol. 205, p. 65. The text of the Convention as reproduced in ST/LEG/SER.B/8, pp. 57-63, except the Annex (reproduced above) remains unchanged. Parties to the Convention: Canada, Japan and United States of America.

<sup>2</sup> Text of the amendment provided by the Permanent Mission of the United States of America to the United Nations.

Salmon (*Oncorhynchus gorbuscha*, *Oncorhynchus keta*, *Oncorhynchus kisutch*, *Oncorhynchus nerka* and *Oncorhynchus tshawytscha*)

The Convention area of the Bering Sea east of the line starting from Cape Prince of Wales on the west coast of Alaska, running westward to 168° 58' 22.59" West Longitude; thence due south to a point 65° 15'00" North Latitude; thence along the great circle course which passes through 51° North Latitude and 167° East Longitude, to its intersection with meridian 175° West Longitude; thence south along a provisional line which follows this meridian to the territorial waters limit of Atka Island; in which commercial fishing for salmon originating in the rivers of the United States of America is being or can be prosecuted.

6. INTERIM CONVENTION<sup>1</sup> BETWEEN CANADA, JAPAN, THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE UNITED STATES OF AMERICA ON NORTH PACIFIC FUR SEALS. SIGNED AT WASHINGTON, ON 9 FEBRUARY 1957, AS AMENDED BY THE PROTOCOL<sup>2</sup> OF 8 OCTOBER 1963

The Governments of Canada, Japan, the Union of Soviet Socialist Republics, and the United States of America,

Desiring to take effective measures towards achieving the maximum sustainable productivity of the fur seal resources of the North Pacific Ocean so that the fur seal populations can be brought to and maintained at the levels which will provide the greatest harvest year after year, with due regard to their relation to the productivity of other living marine resources of the area,

Recognizing that in order to determine such measures it is necessary to conduct adequate scientific research on the said resources, and

Desiring to provide for international cooperation in achieving these objectives, Agree as follows:

*Article I*

1. The term "pelagic sealing" is hereby defined for the purposes of this Convention as meaning the killing, taking, or hunting in any manner whatsoever of fur seals at sea.

2. The words "each year", "annual" and "annually" as used hereinafter refer to Convention year, that is, the year beginning on the date of entry into force of the Convention.

3. Nothing in this Convention shall be deemed to affect in any way the position of the Parties in regard to the limits of territorial waters or to the jurisdiction over fisheries.

<sup>1</sup> United Nations, *Treaty Series*, vol. 314, p. 105. Entered into force on 14 October 1957. The Provisional Fur Seal Agreement, between Canada and the United States of America, reproduced in ST/LEG/SER.B/1, pp. 222-224, has been replaced.

<sup>2</sup> United Nations, *Treaty Series*, vol. 494, p. 303. Entered into force on 10 April 1964.

*Article II*

1. In order to realize the objectives of this Convention, the Parties agree to coordinate necessary scientific research programs and to cooperate in investigating the fur seal resources of the North Pacific Ocean to determine:

(a) what measures may be necessary to make possible the maximum sustainable productivity of the fur seal resources so that the fur seal populations can be brought to and maintained at the levels which will provide the greatest harvest year after year; and

(b) what the relationship is between fur seals and other living marine resources and whether fur seals have detrimental effects on other living marine resources substantially exploited by any of the Parties and, if so, to what extent.

2. The research referred to in the preceding paragraph shall include studies of the following subjects:

(a) size of each fur seal herd and its age and sex composition;

(b) natural mortality of the different age groups and recruitment of young to each age or size class at present and subsequent population levels;

(c) with regard to each of the herds, the effect upon the magnitude of recruitment of variations in the size and the age and sex composition of the annual kill;

(d) migration routes of fur seals and their wintering areas;

(e) numbers of seals from each herd found on the migration routes and in wintering areas and their ages and sexes;

(f) extent to which the food habits of fur seals affect commercial fish catches and the damage fur seals inflict on fishing gear;

(g) effectiveness of each method of sealing from the viewpoint of management and rational utilization of fur seal resources for conservation purposes;

(h) quality of sealskins by sex, age, and time and method of sealing; and

(i) other subjects involved in achieving the objectives of the Convention, as determined by the Commission established under Article V, paragraph 1.

3. In furtherance of the research referred to in this Article, the Parties agree:

(a) to continue to mark adequate numbers of pups;

(b) to devote to pelagic research an effort similar in extent to that expended in recent years, provided that this shall not involve the taking of more than 2,500 seals in the Eastern and more than 2,200 seals in the Western Pacific Ocean, unless the Commission, pursuant to Article V, paragraph 3, shall decide otherwise; and

(c) to carry out the determinations made by the Commission pursuant to Article V, paragraph 3.

4. Each Party agrees to provide the Commission annually with information on:

(a) number of black pups tagged for each breeding area;

(b) number of fur seals, by sex and estimated age, taken at sea and on each breeding area; and

(c) tagged seals recovered on land and at sea;

and, so far as is practicable, other information pertinent to scientific research which the Commission may request.



5. The Parties further agree to provide for the exchange of scientific personnel; each such exchange shall be subject to mutual consent of the Parties directly concerned.

6. The Parties agree to use for the scientific pelagic research provided for in this Article only government-owned or government-chartered vessels operating under strict control of their respective authorities. Each Party shall communicate to the other Parties the names and descriptions of vessels which are to be used for pelagic research.

### *Article III*

In order to realize the purposes of the Convention, including the carrying out of the coordinated and cooperative research, each Party agrees to prohibit pelagic sealing, except as provided in Article II, paragraph 3 in the Pacific Ocean north of the 30th parallel of north latitude including the seas of Bering, Okhotsk, and Japan by any person or vessel subject to its jurisdiction.

### *Article IV*

1. Each Party shall bear the expense of its own research. Title to sealskins taken during the research shall vest in the Party conducting such research.

2. If the total number of seals of the Commander Islands breeding grounds decreases and falls below 50,000 head, according to data in official records, then commercial killing of seals and apportionment of skins may be suspended by the Union of Soviet Socialist Republics until the number of seals exceeds 50,000 head. This provision also applies to the fur seal herd of Robben Island, if the population of that herd becomes less than 50,000 head.

3. The Government of the Union of Soviet Socialist Republics upon suspending such sealing shall so inform the other Parties. In this case the Commission shall determine whether or not to reduce the level of or to suspend completely the pelagic sealing for scientific purposes in the Western Pacific Ocean during the period of the said suspension.

4. The Commission may, subsequent to the second year of operation of the Convention, modify the floor figure set forth in paragraph 2 of this Article in accordance with its findings based upon scientific data received by it; and if any such modifications are made, paragraph 2 of this Article shall be considered amended accordingly. The Commission shall notify each Party of every such amendment and of the effective date thereof.

### *Article V*

1. The Parties agree to establish the North Pacific Fur Seal Commission to be composed of one member from each Party.

2. The duties of the Commission shall be to:

(a) formulate and coordinate research programs designed to achieve the objectives set forth in Article II, paragraph 1;

(b) recommend these coordinated research programs to the respective Parties for implementation;

(c) study the data obtained from the implementation of such coordinated research programs;

(d) recommend appropriate measures to the Parties on the basis of the findings obtained from the implementation of such coordinated research programs, including measures regarding the size and the sex and age composition of the seasonal commercial kill from a herd; and

(e) study whether or not pelagic sealing in conjunction with land sealing could be permitted in certain circumstances without adversely affecting achievement of the objectives of this Convention, and make recommendations thereon to the Parties at the end of the eleventh year after entry into force of this Convention and, if the Convention is continued under the provisions of Article XIII, paragraph 4, at a later year; this later year shall be fixed by the Parties at the meeting early in the twelfth year provided for in Article XI.

3. In addition to the duties specified in paragraph 2 of this Article, the Commission shall, subject to Article II, paragraph 3, determine from time to time the numbers of seals to be marked on the rookery islands, and the total number of seals which shall be taken at sea for research purposes, the times at which such seals shall be taken and the areas in which they shall be taken, as well as the number to be taken by each Party.

4. Each Party shall have one vote. Decisions and recommendations shall be made by unanimous vote. With respect to any recommendations regarding the size and the sex and age composition of the seasonal commercial kill from a herd, only those Parties sharing in the sealskins from that herd under the provisions of Article IX, paragraph 1 shall vote.

5. The Commission shall elect from its members a Chairman and other necessary officials and shall adopt rules of procedure for the conduct of its work.

6. The Commission shall hold an annual meeting at such time and place as it may decide. Additional meetings shall be held when requested by two or more members of the Commission. The time and place of the first meeting shall be determined by agreement among the Parties.

7. The expenses of each member of the Commission shall be paid by his own Government. Such joint expenses as may be incurred by the Commission shall be defrayed by the Parties by equal contributions. Each Party shall also contribute to the Commission annually an amount equivalent to the value of the sealskins it confiscates under the provisions of Article VI, paragraph 5.

8. The Commission shall submit an annual report of its activities to the Parties.

9. The Commission may from time to time make recommendations to the Parties on any matter which relates to the fur seal resources or to the administration of the Commission.

#### *Article VI*

In order to implement the provisions of Article III, the Parties agree as follows:

1. When a duly authorized official of any of the Parties has reasonable cause to believe that any vessel outfitted for the harvesting of living marine resources and subject to the jurisdiction of any of the Parties is offending against the prohibition

of pelagic sealing as provided for by Article III, he may, except within the territorial waters of another State, board and search such vessel. Such official shall carry a special certificate issued by the competent authorities of his Government and drawn up in the English, Japanese, and Russian languages which shall be exhibited to the master of the vessel upon request.

2. When the official after searching a vessel continues to have reasonable cause to believe that the vessel or any person on board thereof is offending against the prohibition, he may seize or arrest such vessel or person. In that case, the Party to which the official belongs shall as soon as possible notify the Party having jurisdiction over the vessel or person of such arrest or seizure and shall deliver the vessel or person as promptly as practicable to the authorized officials of the Party having jurisdiction over the vessel or person at a place to be agreed upon by both Parties; provided, however, that when the Party receiving notification cannot immediately accept delivery of the vessel or person, the Party which gives such notification may, upon request of the other Party, keep the vessel or person under surveillance within its own territory, under the conditions agreed upon by both Parties.

3. The authorities of the Party to which such person or vessel belongs alone shall have jurisdiction to try any case arising under Article III and this Article and to impose penalties in connection therewith.

4. The witnesses or their testimony and other proofs necessary to establish the offense, so far as they are under the control of any of the Parties, shall be furnished with all reasonable promptness to the authorities of the Party having jurisdiction to try the case.

5. Sealskins discovered on seized vessels shall be subject to confiscation on the decision of the court or other authorities of the Party under whose jurisdiction the trial of a case takes place.

6. Full details of punitive measures applied to offenders against the prohibition shall be communicated to the other Parties not later than three months after the application of the penalty.

#### *Article VII*

The provisions of this Convention shall not apply to Indians, Ainos, Aleuts, or Eskimos dwelling on the coast of the waters mentioned in Article III, who carry on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms; provided that such hunters are not in the employment of other persons or under contract to deliver the skins to any person.

#### *Article VIII*

1. Each Party agrees that no person or vessel shall be permitted to use any of its ports or harbors or any part of its territory for any purpose designed to violate the prohibition set forth in Article III.

2. Each Party also agrees to prohibit the importation and delivery into and the traffic within its territories of skins of fur seals taken in the area of the North Pacific Ocean mentioned in Article III, except only those taken by the Union of Soviet Socialist Republics or the United States of America on rookeries, those

taken at sea for research purposes in accordance with Article II, paragraph 3, those taken under the provisions of Article VII, those confiscated under the provisions of Article VI, paragraph 5, and those inadvertently captured which are taken possession of by a Party; provided, however, that all such excepted skins shall be officially marked and duly certified by the authorities of the Party concerned.

*Article IX*

1. The respective Parties agree that, of the total number of sealskins taken commercially each season on land, there shall at the end of the season be delivered a percentage of the gross in number and value thereof as follows:

|  |           |             |
|--|-----------|-------------|
| By the Union of Soviet Socialist Republics | to Canada | 15 per cent |
|  | to Japan  | 15 per cent |
| By the United States of America            | to Canada | 15 per cent |
|  | to Japan  | 15 per cent |

2. Each Party agrees to deliver such sealskins to an authorized agent of the recipient Party at the place of taking, or at some other place mutually agreed upon by such Parties.

3. In order more equitably to divide the direct and indirect costs of pelagic research in the Western Pacific Ocean, it is agreed that Canada and Japan for three years starting from the seventh year after entry into force of this Convention will forego the delivery of the sealskins by the Union of Soviet Socialist Republics as set forth in paragraph 1 of this Article and the Union of Soviet Socialist Republics will deliver annually to Canada and to Japan 1,500 sealskins each during these three years.

*Article X*

1. Each Party agrees to enact and enforce such legislation as may be necessary to guarantee the observance of this Convention and to make effective its provisions with appropriate penalties for violation thereof.

2. The Parties further agree to cooperate with each other in taking such measures as may be appropriate to carry out the purposes of this Convention, including the prohibition of pelagic sealing as provided for by Article III.

*Article XI*

The Parties agree to meet early in the twelfth year of this Convention and, if the Convention is continued under the provisions of Article XIII, paragraph 4, to meet again at a later year, to consider the recommendations of the Commission made in accordance with Article V, paragraph 2 (e), and to determine what further agreements may be desirable in order to achieve the maximum sustainable productivity of the North Pacific fur seal herds. The above-mentioned later year shall be fixed by the Parties at the meeting early in the sixth year.

*Article XII*

Should any Party consider that the obligations of Article II, paragraphs 3, 4, or 5, or any other obligation undertaken by the Parties are not being carried out and notify the other Parties to that effect, all the Parties shall, within three months of the receipt of such notification, meet to consult together on the need for and nature

of remedial measures. In the event that such consultation shall not lead to agreement as to the need for and nature of remedial measures, any Party may give written notice to the other Parties of intention to terminate the Convention and, notwithstanding the provisions of Article XIII, paragraph 4, the Convention shall thereupon terminate as to all the Parties nine months from the date of such notice.

*Article XIII*

1. This Convention shall be ratified and the instruments of ratification deposited with the Government of the United States of America as soon as practicable.

2. The Government of the United States of America shall notify the other signatory Governments of ratifications deposited.

3. This Convention shall enter into force on the date of the deposit of the fourth instrument of ratification, and upon such entry into force Article IX, paragraphs 1 and 2, shall be deemed to have been operative from June 1, 1956, provided that the Parties shall have, from the date of signing, maintained under their internal law the prohibition and effective prevention of pelagic sealing by all persons and vessels subject to their respective jurisdictions.

4. The present Convention shall continue in force for twelve years and thereafter until the entry into force of a new or revised fur seal convention between the Parties, or until the expiration of one year after such period of twelve years, whichever may be the earlier; provided, however, that it may continue in force for a further period if the Parties so decide at the meeting early in the twelfth year provided for in Article XI.

5. The original of this Convention shall be deposited with the Government of the United States of America, which shall communicate certified copies thereof to each of the Governments signatory to the Convention.

7. CONVENTION<sup>1</sup> ON FISHING AND CONSERVATION OF THE LIVING RESOURCES OF THE HIGH SEAS. DONE AT GENEVA, ON 29 APRIL 1958

*The States Parties to this Convention,*

*Considering* that the development of modern techniques for the exploitation of the living resources of the sea, increasing man's ability to meet the need of the world's expanding population for food, has exposed some of these resources to the danger of being over-exploited,

*Considering* also that the nature of the problems involved in the conservation of the living resources of the high seas is such that there is a clear necessity that they be solved, whenever possible, on the basis of international co-operation through the concerted action of all the States concerned,

<sup>1</sup> United Nations, *Treaty Series*, vol. 559, p. 285. Came into force on 20 March 1966. Parties to the Convention: Australia, Cambodia, Colombia, Denmark, Dominican Republic, Finland, Haiti, Jamaica, Kenya, Madagascar, Malawi, Malaysia, Mexico, Netherlands, Nigeria, Portugal, Senegal, Sierra Leone, South Africa, Switzerland, Thailand, Trinidad and Tobago, Uganda, United Kingdom, United States of America, Upper Volta, Venezuela, Yugoslavia.

*Have agreed as follows:*

*Article 1*

1. All States have the right for their nationals to engage in fishing on the high seas, subject (a) to their treaty obligations, (b) to the interests and rights of coastal States as provided for in this Convention, and (c) to the provisions contained in the following articles concerning conservation of the living resources of the high seas.

2. All States have the duty to adopt, or to co-operate with other States in adopting, such measures for their respective nationals as may be necessary for the conservation of the living resources of the high seas.

*Article 2*

As employed in this Convention, the expression "conservation of the living resources of the high seas" means the aggregate of the measures rendering possible the optimum sustainable yield from those resources so as to secure a maximum supply to food and other marine products. Conservation programmes should be formulated with a view to securing in the first place a supply of food for human consumption.

*Article 3*

A State whose nationals are engaged in fishing any stock or stocks of fish or other living marine resources in any area of the high seas where the nationals of other States are not thus engaged shall adopt, for its own nationals, measures in that area when necessary for the purpose of the conservation of the living resources affected.

*Article 4*

1. If the nationals of two or more States are engaged in fishing the same stock or stocks of fish or other living marine resources in any area or areas of the high seas, these States shall, at the request of any of them, enter into negotiations with a view to prescribing by agreement for their nationals the necessary measures for the conservation of the living resources affected.

2. If the States concerned do not reach agreement within twelve months, any of the parties may initiate the procedure contemplated by article 9.

*Article 5*

1. If, subsequent to the adoption of the measures referred to in articles 3 and 4, nationals of other States engage in fishing the same stock or stocks of fish or other living marine resources in any area or areas of the high seas, the other States shall apply the measures, which shall not be discriminatory in form or in fact, to their own nationals not later than seven months after the date on which the measures shall have been notified to the Director-General of the Food and Agriculture Organization of the United Nations. The Director-General shall notify such measures to any State which so requests and, in any case, to any State specified by the State initiating the measure.

2. If these other States do not accept the measures so adopted and if no agreement can be reached within twelve months, any of the interested parties

may initiate the procedure contemplated by article 9. Subject to paragraph 2 of article 10, the measures adopted shall remain obligatory pending the decision of the special commission.

#### *Article 6*

1. A coastal State has a special interest in the maintenance of the productivity of the living resources in any area of the high seas adjacent to its territorial sea.
2. A coastal State is entitled to take part on an equal footing in any system of research and regulation for purposes of conservation of the living resources of the high seas in that area, even though its nationals do not carry on fishing there.
3. A State whose nationals are engaged in fishing in any area of the high seas adjacent to the territorial sea of a State shall, at the request of that coastal State, enter into negotiations with a view to prescribing by agreement the measures necessary for the conservation of the living resources of the high seas in that area.
4. A State whose nationals are engaged in fishing in any area of the high seas adjacent to the territorial sea of a coastal State shall not enforce conservation measures in that area which are opposed to those which have been adopted by the coastal State, but may enter into negotiations with the coastal State with a view to prescribing by agreement the measures necessary for the conservation of the living resources of the high seas in that area.
5. If the States concerned do not reach agreement with respect to conservation measures within twelve months, any of the parties may initiate the procedure contemplated by article 9.

#### *Article 7*

1. Having regard to the provisions of paragraph 1 of article 6, any coastal State may, with a view to the maintenance of the productivity of the living resources of the sea, adopt unilateral measures of conservation appropriate to any stock of fish or other marine resources in any area of the high seas adjacent to its territorial sea, provided that negotiations to that effect with the other States concerned have not led to an agreement within six months.
2. The measures which the coastal State adopts under the previous paragraph shall be valid as to other States only if the following requirements are fulfilled:
  - (a) That there is a need for urgent application of conservation measures in the light of the existing knowledge of the fishery;
  - (b) That the measures adopted are based on appropriate scientific findings;
  - (c) That such measures do not discriminate in form or in fact against foreign fishermen.
3. These measures shall remain in force pending the settlement, in accordance with the relevant provisions of this Convention, of any disagreement as to their validity.
4. If the measures are not accepted by the other States concerned, any of the parties may initiate the procedure contemplated by article 9. Subject to paragraph 2 of article 10, the measures adopted shall remain obligatory pending the decision of the special commission.
5. The principles of geographical demarcation as defined in article 12 of the

Convention on the Territorial Sea and the Contiguous Zone<sup>1</sup> shall be adopted when coasts of different States are involved.

*Article 8*

1. Any State which, even if its nationals are not engaged in fishing in an area of the high seas not adjacent to its coast, has a special interest in the conservation of the living resources of the high seas in that area, may request the State or States whose nationals are engaged in fishing there to take the necessary measures of conservation under articles 3 and 4 respectively, at the same time mentioning the scientific reasons which in its opinion make such measures necessary, and indicating its special interest.

2. If no agreement is reached within twelve months, such State may initiate the procedure contemplated by article 9.

*Article 9*

1. Any dispute which may arise between States under articles 4, 5, 6, 7 and 8 shall, at the request of any of the parties, be submitted for settlement to a special commission of five members, unless the parties agree to seek a solution by another method of peaceful settlement, as provided for in Article 33 of the Charter of the United Nations.

2. The members of the commission, one of whom shall be designated as chairman, shall be named by agreement between the States in dispute within three months of the request for settlement in accordance with the provisions of this article. Failing agreement they shall, upon the request of any State party, be named by the Secretary-General of the United Nations, within a further three-month period, in consultation with the States in dispute and with the President of the International Court of Justice and the Director-General of the Food and Agriculture Organization of the United Nations, from amongst well-qualified persons being nationals of States not involved in the dispute and specializing in legal, administrative or scientific questions relating to fisheries, depending upon the nature of the dispute to be settled. Any vacancy arising after the original appointment shall be filled in the same manner as provided for the initial selection.

3. Any State party to proceedings under these articles shall have the right to name one of its nationals to the special commission, with the right to participate fully in the proceedings on the same footing as a member of the commission, but without the right to vote or to take part in the writing of the commission's decision.

4. The commission shall determine its own procedure, assuring each party to the proceedings a full opportunity to be heard and to present its case. It shall also determine how the costs and expenses shall be divided between the parties to the dispute, failing agreement by the parties on this matter.

5. The special commission shall render its decision within a period of five months from the time it is appointed unless it decides, in case of necessity, to extend the time limit for a period not exceeding three months.

6. The special commission shall, in reaching its decisions, adhere to these articles and to any special agreements between the disputing parties regarding settlement of the dispute.

7. Decisions of the commission shall be by majority vote.

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<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION A, 3.



*Article 10*

1. The special commission shall, in disputes arising under article 7, apply the criteria listed in paragraph 2 of that article. In disputes under articles 4, 5, 6 and 8, the commission shall apply the following criteria, according to the issues involved in the dispute:

(a) Common to the determination of disputes arising under articles 4, 5 and 6 are the requirements:

- (i) That scientific findings demonstrate the necessity of conservation measures;
- (ii) That the specific measures are based on scientific findings and are practicable; and
- (iii) That the measures do not discriminate, in form or in fact, against fishermen of other States;

(b) Applicable to the determination of disputes arising under article 8 is the requirement that scientific findings demonstrate the necessity for conservation measures, or that the conservation programme is adequate, as the case may be.

2. The special commission may decide that pending its award the measures in dispute shall not be applied, provided that, in the case of disputes under article 7, the measures shall only be suspended when it is apparent to the commission on the basis of *prima facie* evidence that the need for the urgent application of such measures does not exist.

*Article 11*

The decisions of the special commission shall be binding on the States concerned and the provisions of paragraph 2 of Article 94 of the Charter of the United Nations shall be applicable to those decisions. If the decisions are accompanied by any recommendations, they shall receive the greatest possible consideration.

*Article 12*

1. If the factual basis of the award of the special commission is altered by substantial changes in the conditions of the stock or stocks of fish or other living marine resources or in methods of fishing, any of the States concerned may request the other States to enter into negotiations with a view to prescribing by agreement the necessary modifications in the measures of conservation.

2. If no agreement is reached within a reasonable period of time, any of the States concerned may again resort to the procedure contemplated by article 9 provided that at least two years have elapsed from the original award.

*Article 13*

1. The regulation of fisheries conducted by means of equipment embedded in the floor of the sea in areas of the high seas adjacent to the territorial sea of a State may be undertaken by that State where such fisheries have long been maintained and conducted by its nationals, provided that non-nationals are permitted to participate in such activities on an equal footing with nationals except in areas where such fisheries have by long usage been exclusively enjoyed by such nationals. Such regulations will not, however, affect the general status of the areas as high seas.

2. In this article, the expression "fisheries conducted by means of equipment embedded in the floor of the sea" means those fisheries using gear with supporting members embedded in the sea floor, constructed on a site and left there to operate permanently or, if removed, restored each season on the same site.

*Article 14*

In articles 1, 3, 4, 5, 6 and 8, the term "nationals" means fishing boats or craft of any size having the nationality of the State concerned, according to the law of that State, irrespective of the nationality of the members of their crews.

*Article 15*

This Convention shall, until 31 October 1958, be open for signature by all States Members of the United Nations or of any of the specialized agencies, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention.

*Article 16*

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

*Article 17*

This Convention shall be open for accession by any States belonging to any of the categories mentioned in article 15. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

*Article 18*

1. This Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

*Article 19*

1. At the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than to articles 6, 7, 9, 10, 11 and 12.

2. Any contracting State making a reservation in accordance with the preceding paragraph may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

*Article 20*

1. After the expiration of a period of five years from the date on which this Convention shall enter into force, a request for the revision of this Convention may be made at any time by any contracting party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

*Article 21*

The Secretary-General of the United Nations shall inform all States Members of the United Nations and the other States referred to in article 15:

- (a) Of signatures to this Convention and of the deposit of instruments of ratification or accession, in accordance with articles 15, 16 and 17;
- (b) Of the date on which this Convention will come into force, in accordance with article 18;
- (c) Of requests for revision in accordance with article 20;
- (d) Of reservations to this Convention, in accordance with article 19.

*Article 22*

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article 15.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed this Convention.

DONE at Geneva, this twenty-ninth day of April one thousand nine hundred and fifty-eight.

8. NORTH-EAST ATLANTIC FISHERIES CONVENTION.<sup>1</sup> SIGNED AT LONDON ON 24 JANUARY 1959

*Article 1*

(1) The area to which this Convention applies (hereinafter referred to as "the Convention area") shall be all waters which are situated

(a) within those parts of the Atlantic and Arctic Oceans and their dependent seas which lie north of 36° north latitude and between 42° west longitude and 51° east longitude, but excluding

- (i) the Baltic Sea and Belts lying to the south and east of lines drawn from Hasenore Head to Gniben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to the Kullen, and
- (ii) the Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36° latitude and the meridian of 5° 36' west longitude.

(b) within that part of the Atlantic Ocean north of 59° north latitude and between 44° west longitude and 42° west longitude.

<sup>1</sup> United Nations, *Treaty Series*, vol. 486, No. 7078. Came into force on 27 June 1963. Parties to the Convention: Belgium, Denmark, Federal Republic of Germany, France, Iceland, Ireland, Netherlands, Norway, Poland, Portugal, Spain, Sweden, Union of Soviet Socialist Republics, United Kingdom.

(2) The Convention area shall be divided into regions, the boundaries of which shall be those defined in the Annex to this Convention. The regions shall be subject to such alterations as may be made in accordance with the provisions of paragraph (4) of Article 5 of this Convention.

(3) For the purposes of this Convention

(a) the expression "vessel" means any vessel or boat employed in fishing for sea fish or in the treatment of sea fish which is registered or owned in the territories of, or which flies the flag of, any Contracting State; and

(b) the expression "territories," in relation to any Contracting State, extends to

(i) any territory within or adjacent to the Convention area for whose international relations the Contracting State is responsible;

(ii) any other territory, not situated within the Convention area or adjacent to it, for whose international relations the Contracting State is responsible and for which such State shall have made known, by written declaration to the Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as the Government of the United Kingdom), either at the time of signature, of ratification, or of adherence, or subsequently, that this Convention shall apply to it;

(iii) the waters within the Convention area where the Contracting State has exclusive jurisdiction over fisheries.

#### *Article 2*

Nothing in this Convention shall be deemed to affect the rights, claims, or views of any Contracting State in regard to the extent of jurisdiction over fisheries.

#### *Article 3*

(1) A North-East Atlantic Fisheries Commission (hereinafter referred to as the Commission) is hereby established and shall be maintained for the purposes of this Convention.

...

#### *Article 5*

(1) The Commission shall establish a Regional Committee, with the powers and duties described in Article 6 of this Convention, for each of the regions into which the Convention area is divided.

...

#### *Article 6*

(1) It shall be the duty of the Commission:—

(a) to keep under review the fisheries in the Convention area;

(b) to consider, in the light of the technical information available, what measures may be required for the conservation of the fish stocks and for the rational exploitation of the fisheries in the area;

(c) to consider, at the request of any Contracting State, representations made to it by a State which is not a party to this Convention for the opening of negotiations on the conservation of fish stocks in the Convention area or any part thereof; and

(d) to make to Contracting States recommendations, based as far as practicable on the results of scientific research and investigation, with regard to any of the measures set out in Article 7 of this Convention.

(2) It shall be the duty of a Regional Committee to perform, in relation to its Region, functions of review and consideration similar to those described in paragraph (1) of this Article in relation to the Commission and the Convention area. A Regional Committee may initiate proposals for measures in relation to its region and shall consider any such proposals as may be remitted to it by the Commission.

...

#### *Article 7*

(1) The measures relating to the objectives and purposes of this Convention which the Commission and Regional Committees may consider, and on which the Commission may make recommendations to the Contracting States, are

- (a) any measures for the regulation of the size of mesh of fishing nets;
- (b) any measures for the regulation of the size limits of fish that may be retained on board vessels, or landed, or exposed or offered for sale;
- (c) any measures for the establishment of closed seasons;
- (d) any measures for the establishment of closed areas;
- (e) any measures for the regulation of fishing gear and appliances, other than regulation of the size of mesh of fishing nets;
- (f) any measures for the improvement and the increase of marine resources, which may include artificial propagation, the transplantation of organisms and the transplantation of young.

(2) Measures for regulating the amount of total catch, or the amount of fishing effort in any period, or any other kinds of measures for the purpose of the conservation of the fish stocks in the Convention area, may be added to the measures listed in paragraph (1) of this Article on a proposal adopted by not less than a two-thirds majority of the Delegations present and voting and subsequently accepted by all Contracting States in accordance with their respective constitutional procedures.

(3) The measures provided for in paragraphs (1) and (2) of this Article may relate to any or all species of sea fish and shell fish, but not to sea mammals; to any or all methods of fishing; and to any or all parts of the Convention area.

#### *Article 8*

(1) Subject to the provisions of this Article, the Contracting States undertake to give effect to any recommendation made by the Commission under Article 7 of this Convention and adopted by not less than a two-thirds majority of the Delegations present and voting.

(2) Any Contracting State may, within ninety days of the date of notice of a recommendation to which paragraph (1) of this Article applies, object to it and in that event shall not be under obligation to give effect to the recommendation.

(3) In the event of an objection being made within the ninety-day period, any other Contracting State may similarly object at any time within a further period of sixty days, or within thirty days after receiving notice of an objection by another Contracting State made within the further period of sixty days.

(4) If objections to a recommendation are made by three or more of the Contracting States, all the other Contracting States shall be relieved forthwith of any obligation to give effect to that recommendation but any or all of them may nevertheless agree among themselves to give effect to it.

(5) Any Contracting State which has objected to a recommendation may at any time withdraw that objection and shall then, subject to the provisions of paragraph (4) of this Article, give effect to the recommendation within ninety days, or as from the date determined by the Commission under Article 9 of this Convention, whichever is the later.

(6) The Commission shall notify each Contracting State immediately upon receipt of each objection and withdrawal.

#### *Article 9*

Any recommendation to which paragraph (1) of Article 8 of this Convention applies shall, subject to the provisions of that Article, become binding on the Contracting States from the date determined by the Commission, which shall not be before the period for objection provided in Article 8 has elapsed.

#### *Article 10*

(1) At any time after two years from the date on which it has been required to give effect to any recommendation to which paragraph (1) of Article 8 of this Convention applies, any Contracting State may give the Commission notice of the termination of its acceptance of the recommendation and, if that notice is not withdrawn, the recommendation shall cease to be binding on that Contracting State at the end of twelve months from the date of the notice.

(2) At any time after a recommendation has ceased to be binding on a Contracting State under paragraph (1) of this Article, the recommendation shall cease to be binding on any other Contracting State which so desires upon the date of notice to the Commission of withdrawal of acceptance of that recommendation by such other State.

(3) The Commission shall notify all Contracting States of every notice under this Article immediately upon the receipt thereof.

#### *Article 11*

(1) In order that the recommendations made by the Commission for the conservation of the stocks of fish within the Convention area shall be based so far as practicable upon the results of scientific research and investigation, the Commission shall when possible seek the advice of the International Council for the Exploration of the Sea and the co-operation of the Council in carrying out any necessary investigations and, for this purpose, may make such joint arrangements as may be agreed with the International Council for the Exploration of the Sea or may make such other arrangements as it may think fit.

(2) The Commission may seek to establish and maintain working arrangements with any other international organisation which has related objectives.

*Article 12*

(1) The Contracting States undertake to furnish on the request of the Commission any available statistical and biological information the Commission may need for the purposes of this Convention.

(2) The Commission may publish or otherwise disseminate reports of its activities and such other information relating to the fisheries in the Convention area or any part of that area as it may deem appropriate.

*Article 13*

(1) Without prejudice to the sovereign rights of States in regard to their territorial and internal waters, each Contracting State shall take in its territories and in regard to its own nationals and its own vessels appropriate measures to ensure the application of the provisions of this Convention and of the recommendations of the Commission which have become binding on that Contracting State and the punishment of infractions of the said provisions and recommendations.

(2) Each Contracting State shall transmit annually to the Commission a statement of the action taken by it for these purposes.

(3) The Commission may by a two-thirds majority make recommendations for, on the one hand, measures of national control in the territories of the Contracting States and, on the other hand, national and international measures of control on the high seas, for the purpose of ensuring the application of the Convention and the measures in force thereunder. Such recommendations shall be subject to the provisions of Articles 8, 9 and 10.

*Article 14*

The provisions of this Convention shall not apply to fishing operations conducted solely for the purpose of scientific investigation by vessels authorised by a Contracting State for that purpose, or to fish taken in the course of such operations, but in any of the territories of any Contracting State bound by a recommendation to which paragraph (1) of Article 8 applies, fish so taken shall not be sold or exposed or offered for sale in contravention of any such recommendation.

...

ANNEX

The regions provided for by Article 1 of this Convention shall be as follows:—

Region 1—The part of the Convention area bounded on the south by a line running from a point 59° north latitude 44° west longitude due east to the meridian of 42° west longitude; thence due south to the parallel of 48° north latitude; thence due east to the meridian of 18° west longitude; thence due north to the parallel of 60° north latitude; thence due east to the meridian of 5° west longitude; thence due north to the parallel of 60° 30' north latitude; thence due east to the meridian of 4° west longitude; thence due north to the parallel of 62° north latitude; thence due east to the coast of Norway; thence north and east along the coast of Norway and along the coast of the Union of Soviet Socialist Republics as far as the meridian of 51° east longitude.

Region 2—The part of the Convention area not covered by Region 1 and north of 48° north latitude.

Region 3—The part of the Convention area between 36° and 48° north latitude.

9. DECLARATION<sup>1</sup> OF UNDERSTANDING REGARDING THE INTERNATIONAL CONVENTION<sup>2</sup> FOR THE NORTHWEST ATLANTIC FISHERIES. DONE AT WASHINGTON, 24 APRIL 1961

*Article 1*

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949, which Convention is hereinafter referred to as the Convention, hereby declare their understanding that the words "fish", "fishes", "fishery", "fisheries", and "fishing" as they appear in the Convention include and apply to mollusks, as well as finny fish.

10. ARRANGEMENT FOR THE REGULATION OF ANTARCTIC PELAGIC WHALING. LONDON, 6 JUNE 1962

The Governments of Japan, the Kingdom of the Netherlands, the Kingdom of Norway, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland, being Parties to the International Convention<sup>3</sup> for the Regulation of Whaling, signed at Washington on December 2, 1946 (hereinafter referred to as "the Convention");

Have agreed upon the following Arrangements:

*Article 1*

For the purposes of the present Arrangements the term "season" shall mean the season during which the taking of baleen whales is permitted under paragraph 7(a) of the Schedule to the Convention.

*Article 2*

The present Arrangements shall be operative until the end of the 1965-66 season.

*Article 3*

The total annual catch authorised under the Convention shall be divided among the countries of the Contracting Governments in the following quotas:

|   |     |
|---|-----|
| Japan . . . . .                               | 33% |
| Netherlands . . . . .                         | 6%  |
| Norway . . . . .                              | 32% |
| Union of Soviet Socialist Republics . . . . . | 20% |
| United Kingdom . . . . .                      | 9%  |

These quotas are not transferable except as provided in Article 5 hereof and in Articles 3 and 4 of the Supplementary Arrangements signed at London on this day's date.

<sup>1</sup> United Nations, *Treaty Series*, vol. 480, p. 334. Declaration entered into force on 5 June 1963. Parties: Canada, Denmark, Federal Republic of Germany, France, Iceland, Italy, Norway, Poland, Portugal, Romania, Spain, Union of Soviet Socialist Republics, United Kingdom, United States of America.

<sup>2</sup> *Supra* 3.

<sup>3</sup> *Supra* 2.



*Article 4*

None of the Contracting Governments shall permit any increase in the number of factory ships under its jurisdiction operating in the Antarctic except by purchase from the country of another Contracting Government of factory ships engaged at the time of purchase in Antarctic pelagic whaling, save that the Government of the Union of Soviet Socialist Republics may permit one additional factory ship to be added to the fleet operating during the 1960-61 whaling season.

*Article 5*

(1) None of the factory ships under the jurisdiction of any of the Contracting Governments shall be transferred to the jurisdiction of another Government which is a party to the Convention, unless a part of the quota of the transferor Government is allocated to the transferee Government and the latter agrees to accept the obligations of the present Arrangements, or unless the transferee country gives a satisfactory guarantee that the factory ship will not be used as such in Antarctic pelagic whaling during the period of the present Arrangements.

(2) The part of the quota of the transferor country to be allocated shall be settled between the two Governments concerned, provided that no such allocation shall result in any country with only one factory ship having a quota exceeding 6% of the total annual catch authorised under the Convention. The part of the quota allocated shall be notified by the two Governments concerned to the Government of the United Kingdom of Great Britain and Northern Ireland, which shall notify the other signatory Governments.

*Article 6*

If a factory ship under the jurisdiction of a Government which is not a party to the present Arrangements should engage in Antarctic pelagic whaling otherwise than as a result of a transfer as provided under Article 5 above, and that Government is or becomes a Party to the Convention, the present Arrangements shall be terminated.

11. AGREEMENT OF 20 DECEMBER 1962 BETWEEN DENMARK, THE FEDERAL REPUBLIC OF GERMANY AND SWEDEN CONCERNING THE PROTECTION OF THE SALMON POPULATION IN THE BALTIC SEA \*\*

The Kingdom of Denmark, the Federal Republic of Germany and the Kingdom of Sweden, desiring to conclude an agreement concerning the protection of the salmon population (*Salmo salar*) in the Baltic Sea, have agreed as follows:

*Article 1*

The area to which this Agreement applies shall comprise the Baltic Sea, including the Gulf of Bothnia and the Gulf of Finland. This area shall be delimited with respect to the Öresund, the Store Baelt and the Lille Baelt by the following lines:

- (a) Falsterbo lighthouse – Stevn lighthouse
- (b) Jungshoved – Bøgenaessand
- (c) Hestehoved lighthouse – Maddes Klint
- (d) Skelby church – Flinthorne Odde
- (e) Kappel church – Gulstav
- (f) Ristingehale – Ærøhale
- (g) Skjoldnaes – Pøls Huk
- (h) Christian X bridge at Sønderborg.

*Article 2*

Nothing in this Agreement may be construed as restricting the exclusive right of vessels of a Contracting Party to fish in waters over which, as regards fisheries, that Contracting Party has exclusive jurisdiction.

*Article 3*

Nothing in this Agreement may be construed as restricting the claims of any Contracting Party in regard to the limits of its territorial sea.

*Article 4*

The provisions of this Agreement shall apply to all vessels of the Contracting Parties which are within or outside the waters over which, as regards fisheries, one of the Contracting Parties has exclusive jurisdiction.

*Article 5*

The Contracting Parties shall not, for the purposes of salmon fishing with nets or hooks, permit the use of tackle having measurements other than those prescribed below:

Seine nets for catching salmon must be so constructed that when the mesh is stretched diagonally lengthwise of the net a flat gauge two millimetres thick shall pass through it easily when the net is wet. The breadth of this gauge shall be 165 millimetres for seine nets made of natural fibres and 157 millimetres for seine nets made of synthetic fibres.

Seine nets already in use which have a mesh size less than 170 millimetres in the case of nets made of natural fibres or less than 160 millimetres in the case of nets made of synthetic fibres may continue to be used until they are worn out but not beyond five years from the date on which this Agreement comes into force.

The gap width of fish-hooks (the shortest distance between the tip of the hook and the shank) on travel-lines and fixed lines used for catching salmon shall be at least 19 millimetres. Fish-hooks already in use which have a gap width less than 19 millimetres may continue to be used but not beyond three years from the date on which this Agreement comes into force.

*Article 6*

No ship may retain on board any salmon caught in the water area specified in article 1 which do not measure at least 60 centimetres (measured from the tip of the snout to the end of the longest portion of the caudal fin). Such salmon must be returned immediately to the sea.

*Article 7*

Each of the Contracting Parties shall make regulations under which it shall be unlawful to land, offer, keep in stock for sale, put up for sale, sell, otherwise deal in or purchase for resale salmon which are not of the minimum length specified in article 6. This prohibition shall apply only to salmon which have been caught in the water area specified in article 1 of this Agreement.

*Article 8*

The provisions of this Agreement shall not apply to fishing which is carried out with a view to the preservation of fish stocks or for scientific purposes nor to the salmon caught in this connexion. Such salmon may be landed for scientific purposes; in all other respects, the provisions of article 7 shall apply.

*Article 9*

Each of the Contracting Parties shall make such regulations as are necessary to give effect to this Agreement. These regulations shall also apply to salmon fishing in waters over which, as regards fisheries, the Contracting Party has exclusive jurisdiction.

The Contracting Parties shall communicate to each other the texts of the regulations which are made to give effect to this Agreement.

*Article 10*

A Standing Committee shall be set up in which each Contracting Party shall be represented by one voting member. Each of the Contracting Parties may, in addition, appoint experts and advisers. The decisions of the Committee shall be taken by unanimous vote.

It shall be the function of the Committee to establish and co-ordinate technical contacts with international organizations, research institutions of the Contracting Parties and scientists with a view to fostering the development of salmon stocks in the Baltic Sea, fish-breeding methods and the rational exploitation of the salmon population. The Committee shall also, on the basis of available information, consider whether there are grounds for modifying or amending this Agreement and, if necessary, shall make appropriate recommendations to the Contracting Parties.

The Committee shall establish its own rules of procedure.

The Committee shall meet at the request of one of the Contracting Parties but in any case not less than once every three years.

The Government of the Kingdom of Sweden, as soon as possible after the entry into force of this Agreement, shall call the first meeting of the Committee.

Each Contracting Party shall bear the expenses of its representative, experts and advisers.

12. PROTOCOL<sup>1</sup> TO EXTEND THE PROVISIONS OF THE INTERNATIONAL CONVENTION<sup>2</sup> FOR THE NORTHWEST ATLANTIC FISHERIES, SIGNED AT WASHINGTON ON 8 FEBRUARY 1949, TO HARP AND HOOD SEALS. DONE AT WASHINGTON, ON 15 JULY 1963

*Article I*

The provisions of the Convention shall be applicable with respect to harp and hood seals in conformity with Articles II and III of this Protocol.

*Article II*

1. The Contracting Governments shall establish and maintain a Panel with jurisdiction respecting harp and hood seals in the Convention area. Initial representation on the Panel shall be determined by the International Commission for the Northwest Atlantic Fisheries on the basis of current substantial exploitation of harp and hood seals in the Convention area, except that each Contracting Government with coastline adjacent to the Convention area shall have the right to representation on the Panel.

2. Panel representation shall be reviewed annually by the Commission, which shall have the power, subject to consultation with the Panel, to determine representation on the Panel on the same basis as provided in paragraph 1 of this Article for initial representation.

*Article III*

Proposals in accordance with Article VIII of the Convention for joint action by Contracting Governments with respect to harp and hood seals shall become effective for all Contracting Governments four months after the date on which notifications of acceptance have been received by the Depository Government from all the Contracting Governments participating in the Panel for harp and hood seals.

13. FISHERIES CONVENTION. DONE IN LONDON, ON 9 MARCH 1964<sup>3</sup>

*Article 1*

(1) Each Contracting Party recognizes the right of any other Contracting Party to establish the fishery régime described in Articles 2 to 6 of the present Convention.

<sup>1</sup> United Nations, *Treaty Series*, vol. 590, p. 292. Entered into force on 29 April 1966. Parties to the Protocol: Canada, Denmark, Federal Republic of Germany, France, Iceland, Italy, Norway, Poland, Portugal, Spain, USSR, United Kingdom, United States of America.

<sup>2</sup> *Supra* 3 and 9.

<sup>3</sup> United Nations, *Treaty Series*, vol. 581, p. 57. Parties to the Convention: Belgium, Denmark, Ireland, Italy, Portugal, Spain, Sweden and United Kingdom; entered into force on 15 March 1966.

(2) Each Contracting Party retains however the right to maintain the fishery régime which it applies at the date on which the present Convention is opened for signature, if this régime is more favourable to the fishing of other countries than the régime described in Articles 2 to 6.

*Article 2*

The coastal State has the exclusive right to fish and exclusive jurisdiction in matters of fisheries within the belt of six miles measured from the baseline of its territorial sea.

*Article 3*

Within the belt between six and twelve miles measured from the baseline of the territorial sea, the right to fish shall be exercised only by the coastal State and by such other Contracting Parties, the fishing vessels of which have habitually fished in that belt between 1st January, 1953 and 31st December, 1962.

*Article 4*

Fishing vessels of the Contracting Parties, other than the coastal State, permitted to fish under Article 3, shall not direct their fishing effort towards stocks of fish or fishing grounds substantially different from those which they have habitually exploited. The coastal State may enforce this rule.

*Article 5*

(1) Within the belt mentioned in Article 3 the coastal State has the power to regulate the fisheries and to enforce such regulations, including regulations to give effect to internationally agreed measures of conservation, provided that there shall be no discrimination in form or in fact against fishing vessels of other Contracting Parties fishing in conformity with Articles 3 and 4.

(2) Before issuing regulations, the coastal State shall inform the other Contracting Parties concerned and consult those Contracting Parties, if they so wish.

*Article 6*

Any straight baseline or bay closing line which a Contracting Party may draw shall be in accordance with the rules of general international law and in particular with the provisions of the Convention on the Territorial Sea and the Contiguous Zone opened for signature at Geneva on 29th April, 1958.

*Article 7*

Where the coasts of two Contracting Parties are opposite or adjacent to each other, neither of these Contracting Parties is entitled, failing agreement between them to the contrary, to establish a fisheries régime beyond the median line, every point of which is equidistant from the nearest points on the low water lines of the coasts of the Contracting Parties concerned.

*Article 8*

(1) Once a Contracting Party applies the régime described in Articles 2 to 6, any right to fish which it may thereafter grant to a State not a Contracting Party

shall extend automatically to the other Contracting Parties, whether or not they could claim this right by virtue of habitual fishing, to the extent that the State not a Contracting Party avails itself effectively and habitually of that right.

(2) If a Contracting Party which has established the régime described in Articles 2 to 6 should grant to another Contracting Party any right to fish which the latter cannot claim under Articles 3 and 4, the same right shall extend automatically to all other Contracting Parties.

#### *Articles 9*

(1) In order to allow fishermen of other Contracting Parties, who have habitually fished in the belt provided for in Article 2 to adapt themselves to their exclusion from that belt, a Contracting Party which establishes the régime provided for in Articles 2 to 6, shall grant to such fishermen the right to fish in that belt for a transitional period, to be determined by agreement between the Contracting Parties concerned.

(2) If a Contracting Party establishes the régime described in Articles 2 to 6, it may, notwithstanding the provisions of Article 2, continue to accord the right to fish in the whole or part of the belt provided for in Article 2 to other Contracting Parties of which the fishermen have habitually fished in the area by reason of voisinage arrangements.

#### *Article 10*

Nothing in the present Convention shall prevent the maintenance or establishment of a special régime in matters of fisheries:

- (a) as between States Members and Associated States of the European Economic Community,
- (b) as between States Members of the Benelux Economic Union,
- (c) as between Denmark, Norway and Sweden,
- (d) as between France and the United Kingdom of Great Britain and Northern Ireland in respect of Granville Bay and the Minquiers and the Ecrehos,
- (e) as between Spain, Portugal and their respective neighbouring countries in Africa,
- (f) in the Skagerrak and the Kattegat.

#### *Article 11*

Subject to the approval of the other Contracting Parties, a coastal State may exclude particular areas from the full application of Articles 3 and 4 in order to give preference to the local population if it is overwhelmingly dependent upon coastal fisheries.

#### *Article 12*

The present Convention applies to the waters adjacent to the coasts of the Contracting Parties listed in Annex I. This Annex may be amended with the consent of the Governments of the Contracting Parties. Any proposal for amendment shall be sent to the Government of the United Kingdom of Great Britain and Northern Ireland which shall notify it to all Contracting Parties, and inform them of the date on which it enters into force.

*Article 13*

Unless the parties agree to seek a solution by another method of peaceful settlement, any dispute which may arise between Contracting Parties concerning the interpretation or application of the present Convention shall at the request of any of the parties be submitted to arbitration in accordance with the provisions of Annex II to the present Convention.

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## ANNEX I

The coasts of the Contracting Parties to which the Convention applies are the following:

*Belgium*

All coasts.

*Denmark*

The coasts of the North Sea, the Skagerrak and the Kattegat (*i.e.* the area lying to the north and west of lines drawn from Hasenore Head to Gniben Point, from Korshage to Spodsbjerg, and from Gilbjerg Head to the Kullen).

*France*

The North Sea and the English Channel coasts and the European Atlantic coasts.

*Federal Republic of Germany*

The North Sea coast.

*Ireland*

All coasts.

*Netherlands*

The North Sea coast.

*Portugal*

The Atlantic coast, north of the 36th Parallel, and the coast of Madeira.

*Spain*

The Atlantic coast, north of the 36th Parallel.

*Sweden*

The west coast, north of a line drawn from the Kullen to Gilbjerg Head.

*United Kingdom of Great Britain and Northern Ireland*

All coasts, including those of the Isle of Man and The Channel Islands.

14. PROTOCOL<sup>1</sup> OF PROVISIONAL APPLICATION OF THE FISHERIES CONVENTION<sup>2</sup> OF 9 MARCH 1964. DONE AT LONDON ON 9 MARCH 1964

*Article 1*

The Contracting Parties will raise no objection if a Government which has ratified or approved the Fisheries Convention opened for signature at London on 9th March, 1964, applies provisionally the provisions of the Convention, having first notified its decision to the Government of the United Kingdom of Great Britain and Northern Ireland.

*Article 2*

(1) The provisional application of the provisions of the Fisheries Convention by a Contracting Party will entail the establishment of the list of arbiters provided for in Article 1 of Annex II to the Convention.

(2) A Contracting Party which has provisionally applied the provisions of the Convention shall be bound by its provisions, in particular Article 13, and shall not object if they are invoked by a Government which has signed the present Protocol and the Convention, even if the latter Government has not yet ratified or approved the Convention, with a view to settling a dispute raised by this provisional application.

*Article 3*

The present Protocol shall be open for signature from 9th March, 1964 to 10th April, 1964. It shall enter into force, when it has been signed by two Governments as between those Governments, and in respect of any Government which signs it thereafter on the date of signature by that Government.

*Article 4*

(1) Upon the entry into force of the Convention, the present Protocol shall automatically cease to have effect as between Governments which have become parties to the Convention.

(2) The present Protocol shall cease to have effect in respect of any Government which notifies the Government of the United Kingdom of Great Britain and Northern Ireland of its decision not to ratify or approve the Convention.

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<sup>1</sup> United Nations, *Treaty Series*, vol. 581, p. 76. Parties to the Protocol: Belgium, Denmark, Federal Republic of Germany, France, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, United Kingdom.

<sup>2</sup> *Supra* 13.



15. AGREEMENT<sup>1</sup> AS TO TRANSITIONAL RIGHTS BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND BELGIUM, THE FEDERAL REPUBLIC OF GERMANY, FRANCE, IRELAND AND THE NETHERLANDS. DONE AT LONDON, ON 9 MARCH 1964

*Article 1*

The provisions of Article 9(1) of the Fisheries Convention<sup>2</sup> opened for signature on 9th March, 1964, shall apply as follows:

(a) Until 31st December, 1965, Belgian, French, German, Irish and Netherlands fishing vessels shall continue to have the right to fish off the coasts of the United Kingdom of Great Britain and Northern Ireland, up to a limit of three miles measured from the baselines of the territorial sea;

(b) Until 31st December, 1966, Belgian, French, German, Irish and Netherlands fishing vessels shall also continue to have the right to fish up to a limit of three miles measured from the baselines of the territorial sea off those parts of the coasts of the United Kingdom of Great Britain and Northern Ireland where straight baselines or bay-closing lines in excess of 10 miles are drawn.

*Article 2*

The provisions of Articles 4 and 5 of the Fisheries Convention shall during the transitional periods be applicable in the zones laid down in Article 1.

*Article 3*

The present Agreement shall be open for signature from 9th March, 1964 to 10th April, 1964. It shall enter into force, when it is signed by the Government of the United Kingdom of Great Britain and Northern Ireland, as between that Government and any other Government which then signs, or has signed, it; in respect of any Government which signs the present Agreement thereafter, the date of entry into force shall be the date of signature by that Government.

16. AGREEMENT<sup>3</sup> AS TO TRANSITIONAL RIGHTS BETWEEN IRELAND AND BELGIUM, THE FEDERAL REPUBLIC OF GERMANY, FRANCE, THE NETHERLANDS, SPAIN AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND. DONE AT LONDON, ON 9 MARCH 1964

*Article 1*

The provisions of Article 9(1) of the Fisheries Convention<sup>4</sup> opened for signature on 9th March, 1964, shall apply as follows:

<sup>1</sup> United Nations, *Treaty Series*, vol. 581, p. 84. Parties to the Agreement: Belgium, France, Federal Republic of Germany, Ireland, Netherlands, United Kingdom.

<sup>2</sup> *Supra* 13.

<sup>3</sup> United Nations, *Treaty Series*, vol. 581, p. 90. Parties to the Agreement: Belgium, Federal Republic of Germany, France, Ireland, Netherlands, Spain, United Kingdom.

<sup>4</sup> *Supra* 13.

(a) Until 31st December, 1965, Belgian, British, French, German, Netherlands and Spanish fishing vessels shall continue to have the right to fish off the coasts of Ireland, up to a limit of three miles measured from the baselines of the territorial sea;

(b) Until 31st December, 1966, Belgian, British, French, German, Netherlands and Spanish fishing vessels shall also continue to have the right to fish up to a limit of three miles measured from the baselines of the territorial sea off those parts of the coasts of Ireland where straight baselines or bay-closing lines in excess of 10 miles are drawn.

#### *Article 2*

The provisions of Articles 4 and 5 of the Fisheries Convention shall during the transitional periods be applicable in the zones laid down in Article 1.

#### *Article 3*

The present Agreement shall be open for signature from 9th March, 1964 to 10th April, 1964. It shall enter into force, when it is signed by the Government of Ireland, as between that Government and any other Government which then signs, or has signed, it. In respect of any Government which signs the present Agreement thereafter, the date of entry into force shall be the date of signature by that Government.

17. CONVENTION FOR THE INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA, SIGNED AT COPENHAGEN, ON 20 SEPTEMBER 1964, articles 1-5, 15<sup>1</sup>

18. AGREEMENT BETWEEN DENMARK, NORWAY AND SWEDEN ON RECIPROCAL ACCESS TO FISHING IN THE SKAGERRAK AND THE KATTEGAT. SIGNED AT COPENHAGEN, ON 19 DECEMBER 1966<sup>2</sup>

The Governments of Denmark, Norway and Sweden, desiring to maintain the access of fishermen of the three countries to the fishery resources in the areas of the Skagerrak and the Kattegat which have long been a common fishing ground, have, with a view to the possibility of changes in the fishery limits of the three countries, agreed, as neighbouring countries, to enter into an arrangement based on the following provisions:

#### *Article 1*

The area to which this Agreement relates comprises the Skagerrak and the northern Kattegat bounded on the west by a straight line running through the Hanstholm lighthouse and the Lindesnes lighthouse and on the south by a straight line running through the Skagen lighthouse and the Tistlarna lighthouse.

<sup>1</sup> *Supra* DIVISION III, SUB-DIVISION A, 5.

<sup>2</sup> United Nations, *Treaty Series*, vol. 605, No. 8769. Came into force on 7 August 1967.

*Article 2*

1. Each of the Contracting States shall, irrespective of such fishery limits as they may otherwise establish, permit vessels of the other two countries to engage in fishing in the water area specified in article 1 to a distance of four nautical miles (1 nautical mile = 1,852 metres) from the baseline of the territorial sea, with the result that the aforementioned water area shall, for the purposes of such fishing, be deemed to constitute the high seas:

2. To such extent as may be considered appropriate, an attempt shall be made through mutual consultation to establish as uniform regulations as possible in the three countries in respect of fishing in the area specified in article 1.

19. CONVENTION<sup>1</sup> ON CONDUCT OF FISHING OPERATIONS IN THE NORTH ATLANTIC. DONE AT LONDON, 1 JUNE 1967

The Governments of Belgium, Canada, Denmark, the French Republic, the Federal Republic of Germany, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Norway, the Polish People's Republic, Portugal, Spain, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

Desiring to ensure good order and conduct on the fishing grounds in the North Atlantic area;

Have agreed as follows:

*Article 1*

(1) The present Convention applies to the waters of the Atlantic and Arctic Oceans and their dependent seas which are more specifically defined in Annex I to this Convention.

(2) In this Convention

“fishing vessel” means any vessel engaged in the business of catching fish;

“vessel” means any fishing vessel and any vessel engaged in the business of processing fish or providing supplies or services to fishing vessels.

*Article 2*

Nothing in this Convention shall be deemed to affect the rights, claims or views of any Contracting Party in regard to the limits of territorial waters or national fishery limits, or of the jurisdiction of a coastal State over fisheries.

*Article 3*

(1) The fishing vessels of each Contracting Party shall be registered and marked in accordance with the regulations of that Party in order to ensure their identification at sea.

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<sup>1</sup> The English text was provided by the Permanent Mission of the Netherlands to the United Nations.

(2) The competent authority of each Contracting Party shall specify one or more letters and a series of numbers for each port or district.

(3) Each Contracting Party shall draw up a list showing these letters.

(4) This list, and all modifications which may subsequently be made in it, shall be notified to the other Contracting Parties.

(5) The provisions of Annex II to this Convention shall apply to fishing vessels and their small boats and fishing implements.

#### *Article 4*

(1) In addition to complying with the rules relating to signals as prescribed in the International Regulations for Preventing Collisions at Sea, the fishing vessels of each Contracting Party shall comply with the provisions of Annex III to this Convention.

(2) No other additional light and sound signals than those provided in the Annex shall be used.

#### *Article 5*

Nets, lines and other gear anchored in the sea and nets or lines which drift in the sea shall be marked in order to indicate their position and extent. The marking shall be in accordance with the provisions of Annex IV to this Convention.

#### *Article 6*

(1) Subject to compliance with the International Regulations for Preventing Collisions at Sea all vessels shall conduct their operations so as not to interfere with the operations of fishing vessels or fishing gear and shall conform to the provisions of Annex V to this Convention.

(2) For the better implementation of these provisions the competent authorities of Contracting Parties may at their discretion notify the competent authorities of other Contracting Parties likely to be concerned of concentrations or probable concentrations known to them of fishing vessels or fishing gear, and Contracting Parties receiving such notification shall take such steps as are practicable to inform their vessels thereof. The authorised officers appointed in accordance with Article 9 of this Convention may also draw the attention of vessels to fishing gear placed in the sea.

#### *Article 7*

(1) In any dispute that arises between the nationals of different Contracting Parties concerning damaged gear or damage to vessels resulting from entanglement of gear, the following procedure will apply in the absence of agreement among the Contracting Parties concerning the resolution of such disputes:

At the request of the Contracting Party of a complainant each Contracting Party concerned will appoint a review board or other appropriate authority for handling the claim. These boards or other authorities will examine the facts and endeavour to bring about a settlement.

(2) These arrangements are without prejudice to the rights of complainants to prosecute their claims by way of ordinary legal procedure.

*Article 8*

(1) Each Contracting Party undertakes to take such measures as may be appropriate to implement and enforce the provisions of this Convention with respect to its vessels and gear.

(2) Within the area where a coastal State has jurisdiction over fisheries, the implementation and enforcement of the provisions of this Convention shall be the responsibility of the coastal State.

(3) Within that area the coastal State may make special rules and exemptions from any of the Rules in Annexes II to V to this Convention for vessels or gear which by reason of their size or type operate or are set only in coastal waters, provided that there shall be no discrimination in form or in fact against vessels of other Contracting Parties entitled to fish in those waters. Before making special rules and exemptions under this paragraph in respect of areas in which foreign fishing vessels operate a Contracting Party shall inform the Contracting Parties concerned of their intentions and consult them if they so wish.

*Article 9*

(1) To facilitate the implementation of the provisions of the Convention the arrangements set out in this Article and in Annex VI to this Convention shall apply outside national fishery limits.

(2) Authorised officers means officers who may be appointed by the Contracting Parties for the purpose of these arrangements.

(3) Any Contracting Party shall, upon the request of another Contracting Party, notify the latter of the names of the authorised officers who have been appointed or of the ships in which such officers are carried.

(4) Authorised officers shall observe whether the provisions of the Convention are being carried out, enquire and report on infringements of the provisions of the Convention, seek information in cases of damage, where desirable draw the attention of vessels of Contracting Parties to the provisions of the Convention, and shall co-operate for these purposes with the authorised officers of other Contracting Parties.

(5) If an authorised officer has reason to believe that a vessel of any Contracting Party is not complying with the provisions of the Convention, he may identify the vessel, seek to obtain the necessary information from the vessel and report. If the matter is sufficiently serious, he may order the vessel to stop and, if it is necessary in order to verify the facts of the case, he may board the vessel for enquiry and report.

(6) If an authorised officer has reason to believe that a vessel or its gear has caused damage to a vessel or fishing gear and that this may be due to a breach of the Convention, he may, under the same conditions as in the preceding paragraph, order any vessel concerned to stop and board it for enquiry and report.

(7) An authorised officer shall not order a fishing vessel to stop while it is actually fishing or engaged in shooting or hauling gear except in an emergency to avoid damage to vessels or gear.

(8) An authorised officer shall not pursue his enquiries further than is necessary to satisfy him either that there has been no breach of the Convention, or, where it

appears to him that a breach has occurred, to secure information about the relevant facts, always acting in such a manner that vessels suffer the minimum interference and inconvenience.

(9) An authorised officer may, in case of damage to a vessel or fishing gear, offer to conciliate at sea, and if the parties concerned agree to this, assist them in reaching a settlement. At the request of the parties concerned the authorised officer shall draw up a protocol recording the settlement reached.

(10) Resistance by a vessel to the directions of an authorised officer shall be deemed as resistance to the authority of the flag State of that vessel.

(11) The Contracting Parties shall consider and act on reports of foreign authorised officers under these arrangements on the same basis as reports of national officers. The provisions of this paragraph shall not impose any obligation on a Contracting Party to give the report of a foreign authorised officer a higher evidential value than it would possess in the authorised officer's own country. Contracting Parties shall collaborate in order to facilitate judicial or other proceedings arising from a report of an authorised officer under this Convention.

(12) An authorised officer shall not exercise his powers to board a vessel of another Contracting Party if an authorised officer of that Contracting Party is available and in a position to do so himself.

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#### ANNEX I

##### AREA OF APPLICATION OF CONVENTION

The waters of the Atlantic and Arctic Oceans and dependent seas to which this Convention applies are the waters seaward of the baselines of the territorial sea within the area bounded:

(a) in the south by a line drawn due west along 36° north latitude to 42° west longitude, thence due south to 35° north latitude, thence due west along 35° north latitude;

(b) in the west by a line drawn southward from a point on the coast of Greenland at 78° 10' north latitude to a point in 75° north latitude and 73° 30' west longitude, thence along a rhumb line to a point in 69° north latitude and 59° west longitude, thence due south to 61° north latitude, thence due west to 64° 30' west longitude, thence due south to the coast of Labrador, and thence south along the coast of North America;

(c) in the east by 51° east longitude, but excluding—

- (i) the Baltic Sea and Belts lying to the south and east of lines drawn from Hasenore Head to Gniben Point and from Gilbiorg Head to the Kullen; and
- (ii) the Mediterranean Sea and its dependent seas as far as the meridian of 5° 36' west longitude.

#### ANNEX II

##### IDENTIFICATION AND MARKING OF FISHING VESSELS AND GEAR

###### *Rule 1*

(1) The letter or letters of the port or district in which each fishing vessel is registered and the number under which it is registered shall be painted on the bow of the fishing vessel at both sides, and may also be painted on the upper part of the fishing vessel so as to be clearly visible from the air.

(2) The name of the fishing vessel, if any, and the name of the port or district in which it is registered shall be painted on the fishing vessel so as to be clearly visible.

(3) The names, letters and numbers placed on a fishing vessel shall be large enough to be easily recognised and shall not be effaced, altered, made illegible, covered or concealed.

(4) Small boats and, where practicable, all fishing implements shall be marked with the letter or letters and number of the fishing vessel to which they belong. The ownership of nets or other fishing implements may be distinguished by private marks.

#### *Rule 2*

(1) Each fishing vessel shall carry on board an official document, issued by the competent authority of its country, showing the name, if any, and description of the vessel, its nationality, its registration letter or letters and number, and the name of the owner or of the firm or association to which it belongs.

(2) Each fishing vessel shall carry a national flag in good condition to be shown at the request of the competent authorities.

(3) The nationality of a fishing vessel shall not be concealed in any manner whatsoever.

### ANNEX III

#### ADDITIONAL SIGNALS TO BE USED BY FISHING VESSELS

##### *Rule 1*

##### *General*

(1) Subject to compliance with the International Regulations for Preventing Collisions at Sea, the Rules herein are intended to prevent damage to fishing gear or accidents in the course of fishing operations.

(2) The Rules herein concerning lights shall apply in all weathers from sunset to sunrise when fishing vessels are engaged in fishing as a fleet and during such times no other lights shall be exhibited, except the lights prescribed in the International Regulations for Preventing Collisions at Sea and such lights as cannot be mistaken for the prescribed lights or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out. These lights may also be exhibited from sunrise to sunset in restricted visibility and in all other circumstances when it is deemed necessary.

(3) For the purpose of these Rules the words employed shall have the meaning set down in the International Regulations for Preventing Collisions at Sea except that the term "fishing vessel" shall have the meaning assigned to it in Article 1 (2) of this Convention.

(4) The lights mentioned herein shall be placed where they can best be seen. They should be at least 3 feet (0.92 m.) apart but at a lower level than the lights prescribed in Rule 9 (c) (i) and (d) of the International Regulations for Preventing Collisions at Sea 1960. They shall be visible at a distance of at least 1 mile, all round the horizon as nearly as possible and their visibility shall be less than the visibility of lights exhibited in accordance with Rule 9 (b) of the above Regulations.

##### *Rule 2*

##### *Signals for Trawling and Drift netting*

(1) Fishing vessels, when engaged in trawling, whether using demersal or pelagic gear shall exhibit:

- (i) when shooting their nets:
  - two white lights in a vertical line one over the other;

- (ii) when hauling their nets:  
one white light over one red light in a vertical line one over the other;
  - (iii) when the net has come fast upon an obstruction:  
two red lights in a vertical line one over the other.
- (2) Fishing vessels engaged in drift netting may exhibit the lights prescribed in (1) above.
- (3) Each fishing vessel engaged in pair trawling shall exhibit:
- (i) by day: the "T" flag—"Keep clear of me. I am engaged in pair trawling", hoisted at the foremast;
  - (ii) by night: a searchlight shone forward and in the direction of the other fishing vessel of the pair;
  - (iii) when shooting or hauling the net or when the net has come fast upon an obstruction: the lights prescribed in (1) above.
- (4) This rule need not be applied to fishing vessels of less than 65 feet (19.80 m.) in length. Any such exception and the areas in which fishing vessels so excepted are likely to be numerous shall be notified to the competent authorities of the other Contracting Parties likely to be concerned.

### *Rule 3*

#### *Light signals for Purse Seining*

- (1) Fishing vessels engaged in fishing with purse seines shall show two amber coloured lights, in a vertical line one over the other. These lights shall be flashing intermittently about once a second in such a way that when the lower is out the upper is on and vice versa. These lights shall only be shown while the fishing vessel's free movement is hampered by its fishing gear, warning other vessels to keep clear of it.
- (2) This rule need not be applied to fishing vessels of less than 85 feet (25.90 m.) in length. Any such exception and areas in which fishing vessels so excepted are likely to be numerous shall be notified to the competent authorities of the other Contracting Parties likely to be concerned.

### *Rule 4*

#### *Sound signals*

No sound signals shall be used other than those prescribed by the International Regulations for Preventing Collisions at Sea and the International Code of Signals.

## ANNEX IV

### MARKING OF NETS, LINES AND OTHER GEAR

#### *Rule 1*

##### *Anchored gear*

- (1) The ends of nets, lines and other gear anchored in the sea shall be fitted with flag or radar reflector buoys by day and light buoys by night sufficient to indicate their position and extent. Such lights should be visible at a distance of at least 2 miles in good visibility.
- (2) By day the westernmost (meaning the half compass circle from south through west to and including north) end buoy of such gear extending horizontally in the sea shall be fitted with two flags one above the other or one flag and a radar reflector, and the easternmost (meaning the half compass circle from north through east to and including south) end



buoy shall be fitted with one flag or a radar reflector. By night the westernmost end buoy shall be fitted with two white lights and the easternmost end buoy with one white light. In addition a buoy fitted with one flag or a radar reflector by day and one white light by night may be set 70-100 metres from each end buoy to indicate the direction of the gear.

(3) On such gear extending more than 1 mile additional buoys shall be placed at distances of not more than 1 mile so that no part of the gear extending 1 mile or more shall be left unmarked. By day every buoy shall be fitted with a flag or a radar reflector and by night as many buoys as possible with one white light. In no case shall the distance between two lights on the same gear exceed 2 miles.

(4) On such gear which is attached to a fishing vessel a buoy shall not be required at the end attached to the fishing vessel.

(5) The flagpole of each buoy shall have a height of at least 2 metres above the buoy.

#### *Rule 2*

##### *Drift gear*

(1) Nets or lines which drift in the sea shall be marked at each end and at distances of not more than 2 miles by a buoy with a pole not less than 2 metres above the buoy. The pole shall carry a flag or a radar reflector by day and a white light by night visible at a distance of at least 2 miles in good visibility.

(2) On gear which is attached to a fishing vessel a buoy shall not be required at the end attached to the fishing vessel.

## ANNEX V

### RULES GOVERNING THE OPERATIONS OF VESSELS

#### *Rule 1*

Subject to compliance with the International Regulations for Preventing Collisions at Sea all vessels shall conduct their operations so as not to interfere with the operations of fishing vessels, or fishing gear.

#### *Rule 2*

Vessels arriving on fishing grounds where fishing vessels are already fishing or have set their gear for that purpose shall inform themselves of the position and extent of gear already placed in the sea and shall not place themselves or their fishing gear so as to interfere with or obstruct fishing operations already in progress.

#### *Rule 3*

No vessel shall anchor or remain on a fishing ground where fishing is in progress if it would interfere with such fishing unless required for the purpose of its own fishing operations or in consequence of accident or other circumstances beyond its control.

#### *Rule 4*

Except in cases of *force majeure* no vessel shall dump in the sea any article or substance which may interfere with fishing or obstruct or cause damage to fish, fishing gear or fishing vessels.

#### *Rule 5*

No vessel shall use or have on board explosives intended for the catching of fish.

*Rule 6*

In order to prevent damage, fishing vessels engaged in trawling and other fishing vessels with gear in motion shall take all practicable steps to avoid nets and lines or other gear which is not being towed.

*Rule 7*

(1) When nets belonging to different fishing vessels get foul of each other, they shall not be severed without the consent of the parties concerned unless it is impossible to disengage them by other means.

(2) When fishing vessels fishing with lines entangle their lines, the fishing vessel which hauls up the lines shall not sever them unless they cannot be disengaged in any other way, in which case any lines which may be severed shall where possible be immediately joined together again.

(3) Except in cases of salvage and the cases to which the two preceding paragraphs relate, nets, lines or other gear shall not under any pretext whatever, be cut, hooked, held on to or lifted up except by the fishing vessel to which they belong.

(4) When a vessel fouls or otherwise interferes with gear not belonging to it, it shall take all necessary measures for reducing to a minimum the injury which may result to such gear. The fishing vessel to which the gear belongs shall, at the same time, avoid any action tending to aggravate such damage.

## ANNEX VI

## RULES APPLYING TO AUTHORISED OFFICERS

(1) An authorised officer shall carry a document of identity written in English, French and the language of the authorised officer (if different) in a form agreed by the Contracting Parties on the request of the depositary Government.

(2) Any orders to stop given by an authorised officer shall be given by the appropriate signal in the International Code of Signals.

(3) On boarding a vessel an authorised officer shall exhibit his document of identity.

(4) On boarding a vessel an authorised officer may require the master of the vessel to exhibit the document specified in Annex II Rule 2 (1) and the fact of such document having been exhibited shall immediately be endorsed upon it by the authorised officer or on some other official document of the vessel.

(5) On each occasion on which an authorised officer boards a vessel, he shall draw up a report in the form set out in the Appendix indicating the circumstances of the boarding and the information he secures.

(6) This report shall be drawn up in the language of the authorised officer and shown to the master of the vessel boarded, who shall be given an opportunity of adding in his own language any remarks he or any member of his crew may wish to make. The authorised officer shall sign the report in the presence of the master and give him a copy. A copy of the report shall be sent to the competent authority of the country of the vessel boarded. In cases of damage copies of the report shall also be sent to the competent authorities in the countries to which the other parties concerned belong.

(7) Whenever an authorised officer observes a vessel infringing the provisions of the Convention, he may report the occurrence to the competent authority of the country of the vessel, having first made every effort to communicate to the vessel in question by signal or otherwise his intention to report the infringement. If he orders the vessel to stop but

does not board it, he shall report the circumstances to the competent authority of the country of the vessel.

(8) Ships carrying authorised officers, which may be vessels as defined in Article 1 (2), shall fly a special flag or pennant. The special flag or pennant shall be in a form agreed by the Contracting Parties on the request of the depositary Government. Authorised officers shall exercise their powers under paragraphs (5) or (6) of Article 9, and communicate with vessels, only from surface craft.

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## Sub-Divisiou B. Bilateral Treaties

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1. EXCHANGE<sup>1</sup> OF NOTES BETWEEN THE GOVERNMENT OF DENMARK AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND MODIFYING THE CONVENTION<sup>2</sup> OF JUNE 24, 1901, AS LATER AMENDED, CONCERNING THE REGULATION OF FISHING AROUND THE FAROE ISLANDS. COPENHAGEN, 27 APRIL 1959

### I

UDENRIGSMINISTERIET<sup>3</sup>  
COPENHAGEN

27th April, 1959

Sir,

I have the honour to refer to the discussions between representatives of the Government of Denmark and the Government of the United Kingdom of Great Britain and Northern Ireland relating to the temporary regulation of fishing around the Faroe Islands pending the entry into force of a general Convention regulating the breadth of the territorial sea and fishery limits and have the honour to make the following proposals:

I. The Government of the United Kingdom shall raise no objection to the exclusion by the competent Danish or Faroese authorities of vessels registered in the United Kingdom from fishing in the area between the coast of the Faroe Islands and the blue line shown on the map annexed hereto.<sup>4</sup>

II. Having regard to the fisheries traditionally exercised in waters around the Faroe Islands by vessels registered in the United Kingdom, the Government of Denmark shall raise no objection to such vessels continuing to fish in the area between the blue line mentioned in paragraph I and a line twelve sea miles from low water mark along the coast of the Faroe Islands drawn as shown by the red dotted line on the map annexed hereto.

III. In view of the exceptional dependence of the Faroese economy on fisheries, in the three areas hatched red on the map annexed hereto, lying within the area mentioned in paragraph II, fishing by vessels registered in the Faroe Islands or Denmark and vessels registered in the United Kingdom shall be limited to fishing with long line and hand line between the dates specified in sub-paragraphs (a), (b) and (c) of this paragraph. The areas and dates referred to are:

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<sup>1</sup> United Nations, *Treaty Series*, vol. 337, p. 416. Came into force on 27 April 1959.  
<sup>2</sup> Articles 2 and 3 reproduced in ST/LEG/SER.B/6, pp. 771-772. For the whole text, see United Nations, *Treaty Series*, vol. 213, p. 313.

<sup>3</sup> Ministry of Foreign Affairs.

<sup>4</sup> The map is not reproduced owing to technical reasons.

(a) on the west: the area south-west and south of Myggenaes bounded at the northern end by the broken blue line drawn on a bearing of 270 degrees (True) from Myggenaes lighthouse—annually from the 15th of November to the 1st of April;

(b) on the south: the area south of the island of Syderö bounded at its northern end by the broken blue line on a bearing of 253 degrees (True) from Akraberg lighthouse, and on the east by the similar line on a bearing of 146 degrees (True) from the same lighthouse—annually from the 1st of October to the 31st of May;

(c) on the north: the area bounded on the west by the broken blue line forming the meridian of longitude 7 degrees west of Greenwich, and on the east by the broken blue line drawn due north of the northern point of Nordberg on Fuglø—annually from the 15th of February to the 15th of April.

IV. The Danish Government shall accord to fishing vessels registered in the United Kingdom treatment no less favourable than that accorded to the fishing vessels of any other foreign country.

V. The map annexed hereto shall be an integral part of the present Agreement and shall be deemed to be definitive as regards the lines and areas mentioned in paragraphs I, II and III.

VI. The Governments of Denmark and the United Kingdom shall arrange for experts to report each year what, if any, measures additional to those currently in force may be necessary for the conservation of the stocks of fish around the Faroe Islands and the two Governments shall consider together any recommendations for such measures that may be made by the experts.

VII. Nothing in the present Agreement shall be deemed to prejudice the views held by either Government as to the delimitation and limits in international law of territorial waters or of exclusive jurisdiction in fishery matters.

VIII. (a) The present Agreement shall enter into force on this day's date and shall, subject to the provisions of sub-paragraph (b) of this paragraph, remain in force until the entry into force of a general Convention regulating the breadth of the territorial sea and fishery limits.

(b) If by the 27th of October, 1961, a Convention as mentioned in sub-paragraph (a) of this paragraph has not entered into force, the Governments of Denmark and the United Kingdom shall consider whether any modifications should be made to the present Agreement and, subject to such modifications as may be agreed, the present Agreement shall continue in force provided that at any time after the 27th of April, 1962, either Government may give to the other Government notice in writing terminating the Agreement which notice shall take effect one year after the date on which such notice is given.

2. If the proposals contained in this Note are acceptable to the Government of the United Kingdom I suggest that this Note, and your reply to that effect, should be regarded as constituting an Agreement between our two Governments replacing the provisions regarding fishery limits around the Faroe Islands set out in the Notes exchanged between our two Governments on the 22nd of April, 1955,<sup>1</sup> and modifying, accordingly, the Convention of the 24th of June, 1901,<sup>2</sup> as modified by

<sup>1</sup> United Nations, *Treaty Series*, vol. 213, p. 313.

<sup>2</sup> De Martens, *Nouveau Recueil général de Traités*, deuxième série, tome XXXIII, p. 268.

the Notes exchanged between our two Governments on the 23rd of July, 1954,<sup>1</sup> and the 22nd of April, 1955.

I avail myself, etc.

J. O. KRAG

His Excellency Sir Roderick Barclay  
Her Britannic Majesty's Ambassador  
Copenhagen

## II

BRITISH EMBASSY  
COPENHAGEN

27th April 1959

Monsieur le Ministre,

I have the honour to acknowledge receipt of your Note of to-day's date which reads as follows:

[*See note I*]

I have the honour to inform you that the foregoing proposals are acceptable to the Government of the United Kingdom and that they will regard your Note and this reply as constituting an Agreement between our two Governments, replacing the provisions regarding the fishery limits around the Faroe Islands set out in the Notes exchanged between our two Governments on the 22nd of April, 1955, and modifying, accordingly, the Convention of the 24th of June, 1901, as modified by the Notes exchanged between our two Governments on the 23rd of July, 1954, and the 22nd of April, 1955.

I have the honour, etc.

Roderick E. BARCLAY

His Excellency  
Hr. Udenrigsminister<sup>2</sup>  
J. O. Krag  
Copenhagen

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<sup>1</sup> United Nations, *Treaty Series*, vol. 213, p. 313.

<sup>2</sup> Minister for Foreign Affairs.

2. CONVENTION<sup>1</sup> BETWEEN CANADA AND THE UNITED STATES OF AMERICA FOR THE PROTECTION, PRESERVATION AND EXTENSION OF THE SOCKEYE SALMON FISHERIES IN THE FRASER RIVER SYSTEM, SIGNED AT WASHINGTON ON 26 MAY 1930, AS AMENDED BY THE PROTOCOL<sup>2</sup> SIGNED AT WASHINGTON ON 28 DECEMBER 1956

*Article I*

The provisions of this Convention and the orders and regulations issued under the authority thereof shall apply, in the manner and to the extent hereinafter provided in this Convention, to the following waters:

1. The territorial waters and the high seas westward from the western coast of the Dominion of Canada and the United States of America and from a direct line drawn from Bonilla Point, Vancouver Island, to the lighthouse on Tatoosh Island, Washington—which line marks the entrance to Juan de Fuca Strait—and embraced between 48 and 49 degrees north latitude, excepting therefrom, however, all the waters of Barklay Sound, eastward of a straight line drawn from Amphitrite Point to Cape Beale and all the waters of Nitinat Lake and the entrance thereto.

2. The waters included within the following boundaries:

Beginning at Bonilla Point, Vancouver Island, thence along the aforesaid direct line drawn from Bonilla Point to Tatoosh Lighthouse, Washington, described in paragraph numbered 1 of this Article, thence to the nearest point of Cape Flattery, thence following the southerly shore of Juan de Fuca Strait to Point Wilson, on Quimper Peninsula, thence in a straight line to Point Partridge on Whidbey Island, thence following the western shore of the said Whidbey Island, to the entrance to Deception Pass, thence across said entrance to the southern side of Reservation Bay, on Fidalgo Island, thence following the western and northern shore line of the said Fidalgo Island to Swinomish Slough, crossing the said Swinomish Slough, in line with the track of the Great Northern Railway, thence northerly following the shore line of the mainland to Atkinson Point at the northerly entrance to Burrard Inlet, British Columbia, thence in a straight line to the southern end of Bowen Island, thence westerly following the southern shore of Bowen Island to Cape Roger Curtis, thence in a straight line to Gower Point, thence westerly following the shore line to Welcome Point on Seachelt Peninsula, thence in a straight line to Point Young on Lasqueti Island, thence in a straight line to Dorcas Point on Vancouver Island, thence following the eastern and southern shores of the said Vancouver Island to the starting point at Bonilla Point, as shown on the British Admiralty Chart Number 579, and on the United States Coast and Geodetic Survey Chart Number 6300, as corrected to March 14, 1930, copies of which are annexed to this Convention and made a part thereof.

3. The Fraser River and the streams and lakes tributary thereto.

The High Contracting Parties engage to have prepared as soon as practicable charts of the waters described in this Article, with the above described boundaries thereof and the international boundary indicated thereon. Such charts, when approved by the appropriate authorities of the Governments of the Dominion of

<sup>1</sup> League of Nations, *Treaty Series*, vol. CLXXXIV, p. 305. Reproduced in ST/LEG/SER.B/1, pp. 195-200.

<sup>2</sup> *Infra* 3.



Canada and the United States of America, shall be considered to have been substituted for the charts annexed to this Convention and shall be authentic for the purposes of the Convention.

The High Contracting Parties further agree to establish within the territory of the Dominion of Canada and the territory of the United States of America such buoys and marks for the purposes of this Convention as may be recommended by the Commission hereinafter authorized to be established, and to refer such recommendations as the Commission may make as relate to the establishment of buoys or marks at points on the international boundary to the International Boundary Commission, Canada and United States-Alaska, for action pursuant to the provisions of the Treaty between His Majesty in respect of Canada and the United States of America, respecting the boundary between the Dominion of Canada and the United States of America, signed February 24, 1925.

...

#### *Article III*

The Commission shall make a thorough investigation into the natural history of the Fraser River sockeye salmon, into hatchery methods, spawning ground conditions and other related matters. It shall conduct the sockeye salmon fish cultural operations in the waters described in paragraphs numbered 2 and 3 of Article I of this Convention, and to that end it shall have power to improve spawning grounds, construct, and maintain hatcheries, rearing ponds and other such facilities as it may determine to be necessary for the propagation of sockeye salmon in any of the waters covered by this Convention, and to stock any such waters with sockeye salmon by such methods as it may determine to be most advisable. The Commission shall also have authority to recommend to the Governments of the High Contracting Parties removing or otherwise overcoming obstructions to the ascent of sockeye salmon, that may now exist or may from time to time occur, in any of the waters covered by this Convention, where investigation may show such removal of or other action to overcome obstructions to be desirable. The Commission shall make an annual report to the two Governments as to the investigations which it has made and other action which it has taken in execution of the provisions of this Article, or of other Articles of this Convention.

The cost of all work done pursuant to the provisions of this Article, or of other Articles of this Convention, including removing or otherwise overcoming obstructions that may be approved, shall be borne equally by the two Governments, and the said Governments agree to appropriate annually such money as each may deem desirable for such work in the light of the reports of the Commission.

#### *Article IV*

The Commission is hereby empowered to limit or prohibit taking sockeye salmon in respect of all or any of the waters described in Article I of this Convention, provided that no order limiting or prohibiting taking sockeye salmon adopted by the Commission shall be construed to suspend or otherwise affect the requirements of the laws of the Dominion of Canada or of the State of Washington as to the procuring of a licence to fish in the waters on their respective sides of the boundary, or in their respective territorial waters embraced in paragraph numbered 1 of Article I of this Convention, and provided further that any order adopted by the

Commission limiting or prohibiting taking sockeye salmon on the High Seas embraced in paragraph numbered 1 of Article I of this Convention shall apply only to nationals and inhabitants and vessels and boats of the Dominion of Canada and the United States of America.

Any order adopted by the Commission limiting or prohibiting taking sockeye salmon in the waters covered by this Convention, or any part thereof, shall remain in full force and effect unless and until the same be modified or set aside by the Commission. Taking sockeye salmon in said waters in violation of an order of the Commission shall be prohibited.

#### *Article V*

In order to secure a proper escapement of sockeye salmon during the spring or chinook salmon fishing season, the Commission may prescribe the size of the meshes in all fishing gear and appliances that may be operated during said season in the Canadian waters and/or the waters of the United States of America described in Article I of this Convention. At all seasons of the year the Commission may prescribe the size of the meshes in all salmon fishing gear and appliances that may be operated on the High Seas embraced in paragraph numbered 1 of Article I of this Convention, provided, however, that in so far as concerns the High Seas, requirements prescribed by the Commission under the authority of this paragraph shall apply only to nationals and inhabitants and vessels and boats of the Dominion of Canada and the United States of America.

Whenever, at any other time than the spring or chinook salmon fishing season, the taking of sockeye salmon in Canadian waters or in waters of the United States of America is not prohibited under an order adopted by the Commission, any fishing gear or appliance authorized by the laws of the Dominion of Canada may be used in Canadian waters by any person thereunto duly authorized, and any fishing gear or appliance authorized by the State of Washington may be used in waters of the United States of America by any person thereunto authorized by the State of Washington. Whenever the taking of sockeye salmon on the High Seas embraced in paragraph numbered 1 of Article I of this Convention is not prohibited, under an order adopted by the Commission, to the nationals or inhabitants or vessels or boats of the Dominion of Canada or the United States of America, only such salmon fishing gear and appliances as may have been approved by the Commission may be used on such High Seas by said nationals, inhabitants, vessels or boats.

#### *Article VI*

No action taken by the Commission under the authority of this Convention shall be effective unless it is affirmatively voted for by at least two of the Commissioners of each Contracting Party.

All regulations made by the Commission shall be subject to approval of the two Governments with the exception of orders for the adjustment of closing or opening of fishing periods and areas in any fishing season and of emergency orders required to carry out the provisions of the Convention.

...

*Article IX*

Every national or inhabitant, vessel or boat of the Dominion of Canada or of the United States of America, that engages in sockeye salmon fishing on the High Seas embraced in paragraph numbered 1 of Article I of this Convention, in violation of an order or regulation adopted by the Commission, under the authority of this Convention, may be seized and detained by the duly authorized officers of either High Contracting Party, and when so seized and detained shall be delivered by the said officers, as soon as practicable, to an authorized official of the country to which such person, vessel or boat belongs, at the nearest point to the place of seizure, or elsewhere, as may be agreed upon with the competent authorities. The authorities of the country to which a person, vessel or boat belongs alone shall have jurisdiction to conduct prosecutions for the violation of any order or regulation, adopted by the Commission in respect of fishing for sockeye salmon on the High Seas embraced in paragraph numbered 1 of Article I of this Convention, or of any law or regulation which either High Contracting Party may have made to carry such order or regulation of the Commission into effect, and to impose penalties for such violations; and the witnesses and proofs necessary for such prosecutions, so far as such witnesses or proofs are under the control of the other High Contracting Party, shall be furnished with all reasonable promptitude to the authorities having jurisdiction to conduct the prosecutions.

3. PROTOCOL<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND CANADA AMENDING THE CONVENTION<sup>2</sup> FOR PROTECTION, PRESERVATION AND EXTENSION OF SOCKEYE SALMON FISHERIES, 26 MAY 1930. SIGNED AT OTTAWA, ON 28 DECEMBER 1956

The Government of the United States of America and the Government of Canada, desiring to coordinate the programs for the conservation of the sockeye and pink salmon stocks of common concern by amendment of the Convention between the United States of America and Canada for the Protection, Preservation and Extension of the Sockeye Salmon Fisheries in the Fraser River System, signed at Washington on the 26th day of May, 1930, hereinafter referred to as the Convention,

Have agreed as follows:

*Article I*

The Convention as amended by the present Protocol shall apply to pink salmon with the following exception:

The understanding stipulated in the Protocol<sup>3</sup> of Exchange of Ratifications signed at Washington on the 28th day of July, 1937, which provides that "the Commission shall not promulgate or enforce regulations until the scientific investigations

<sup>1</sup> United Nations, *Treaty Series*, vol. 290, p. 103. Entered into force on 3 July 1957.

<sup>2</sup> League of Nations, *Treaty Series*, vol. CLXXXIV, p. 305. The text reproduced in ST/LEG/SER.B/1, pp. 195-200.

<sup>3</sup> The understandings, stipulated in the Protocol and accepted by the Canadian Government, are reproduced in ST/LEG/SER.B/1, p. 199, *Note*.

provided for in the Convention have been made, covering two cycles of sockeye salmon runs, or eight years;" shall not apply to pink salmon.

*Article V*

Paragraph (3) of the understandings stipulated in the Protocol of Exchange of Ratifications signed at Washington on the 28th day of July, 1937, shall be amended to read as follows:

"That the Commission shall set up an Advisory Committee composed of six persons from each country who shall be representatives of the various branches of the industry including, but not limited to, purse seine, gill net, troll, sport fishing and processing, which Advisory Committee shall be invited to all non-executive meetings of the Commission and shall be given full opportunity to examine and to be heard on all proposed orders, regulations or recommendations."

*Article VI*

1. The Parties shall conduct a coordinated investigation of pink salmon stocks which enter the waters described in Article I of the Convention for the purpose of determining the migratory movements of such stocks. That part of the investigation to be carried out in the waters described in Article I of the Convention shall be carried out by the Commission.

2. Except with regard to that part of the investigation to be carried out by the Commission, the provisions of Article III of the Convention with respect to the sharing of cost shall not apply to the investigation referred to in this Article.

3. The Parties shall meet in the seventh year after the entry into force of this Protocol to examine the results of the investigation referred to in this Article and to determine what further arrangements for the conservation of pink salmon stocks of common concern may be desirable.

*Article VII*

Nothing in the Convention or this Protocol shall preclude the Commission from recording such information on stocks of salmon other than sockeye or pink salmon as it may acquire incidental to its activities with respect to sockeye and pink salmon.

4. AGREEMENT<sup>1</sup> OF 29 MAY 1958 BETWEEN DENMARK AND THE FEDERAL REPUBLIC OF GERMANY REGARDING COMMON FISHERY RIGHTS IN THE FLENSBORG FJORD\*\*

*Article I*

(1) This Agreement shall apply to the part of the Flensborg Fjord which is bounded on the east by a line between Borreshoved and Neukirchen light (treaty zone). The Nybøl Nor up to the point at its mouth marked by the two sea marks shall, however, be excluded from the treaty zone.

<sup>1</sup> *Bundesgesetzblatt* 1959, II, p. 1073. The Agreement replaces the Agreement regarding common fishery rights in the Flensborg Fjord reproduced in ST/LEG/SER.B/6, p. 783.

(2) Nationals of the two States who, at the entry into force of this agreement, are resident in the communes situated on the German or Danish side of the aforementioned part of the Fjord shall have the right to fish within the treaty zone. Fishermen who take up residence in those communes after that date shall acquire the right to fish in the territory of the other Contracting State only after they have carried on fishing continuously for one year in the part of the fjord belonging to their own State.

(3) Special rights based on property or privileges shall not be affected by the provisions of paragraph 2.

(4) German and Danish nationals who are not resident in the communes specified in paragraph 2 may fish in the treaty zone only within the territorial limits of their own State.

#### *Article 2*

(1) Fishermen who, in accordance with article 1, participate in the common fishing in the treaty zone may, on condition that they comply with the regulations in force, and in particular with the food inspection, customs and passport regulations, land and dispose of their catch from the treaty zone at the landing places in the treaty zone which belong to the other Contracting State (cf. article 4, paragraph (1) (a)), and may there take on board and replenish their fishing supplies and provisions.

(2) Persons who participate in the common fishing may not be supplied with duty-free ship's stores in the other Contracting State. They shall not, moreover, be allowed to acquire such stores.

...

#### *Article 5*

(1) If an offence against the provisions of this Agreement takes place in the part of the territory of one Contracting State which belongs to the treaty zone, the control officials of that Contracting State may, in the event that prompt action is called for, subject the offender to an investigation even in the part of the territory of the other Contracting State which belongs to the treaty zone. The investigation shall be limited to ascertaining the identification marks of the vessel, checking identification papers and searching the vessel for the purpose of the securing of evidence. Upon the arrival of the officials of the competent authorities of the other Contracting State, the control officials carrying out the investigation shall be required to leave further inquiries to the aforementioned officials and shall return to their own territory.

(2) If the offender succeeds in reaching the territory of the other Contracting State before an investigation of the offender and of the offence can be carried out, and if no control official of that Contracting State is at hand, the control officials carrying out the investigation may take the offender's vessel to a control station of the other Contracting State and let further action be taken by that station. The vessel may not be taken by the investigating officials to their own side.

(3) If a vessel of one Contracting State is detained in the territory of the other Contracting State by reason of an offence against the provisions of this Agreement, the control officials of such other Contracting State may, if no control official of the

State in which the vessel is registered is at hand, take the offender's vessel to a control station of the latter State and let further action be taken by that station. Save in the case of an offence against the provisions of article 1, paragraph (4), the vessel may not be taken to a port of the State in which it is detained as aforesaid.

(4) Reciprocal visits by fishery inspection officials for official purposes shall be permitted.

#### *Article 6*

(1) Offences against the provisions of article 1, paragraph (2), second sentence, and of article 3 and against the regulations made by virtue of article 4, paragraph (1), shall be investigated and prosecuted by the Contracting State in which the fishing vessel used in the commission of the offence is registered.

Any person who contravenes article 1, paragraph (4), and is apprehended in the part of the treaty zone belonging to the other Contracting State shall be prosecuted by the authorities of that State in accordance with the provisions in force there. The prosecution may, however, be left to the offender's own State. If the offender cannot be apprehended in the territory of the other Contracting State, he shall be pursued and, where applicable, be prosecuted, by the authorities of his own State.

...

### 5. CONVENTION<sup>1</sup> DU 14 JUILLET 1959 ENTRE L'ESPAGNE ET LA FRANCE RELATIVE À LA PÊCHE EN BIDASSOA ET BAIE DU FIGUIER

#### TITRE I<sup>er</sup>. — DÉLIMITATION DES EAUX

##### *Article 1<sup>er</sup>*

##### AIRE DE LA CONVENTION

La présente convention s'applique dans le cours principal de la Bidassoa et son embouchure, depuis Chapitelaco Arria (ou Chapiteco Erreca) jusqu'à la ligne joignant le cap du Figuier (pointe Erdico) en Espagne, à la pointe du Tombeau en France.

##### *Article 2*

##### DIVISIONS PRINCIPALES

L'aire définie à l'article 1<sup>er</sup> ci-dessus, se divise en deux parties:

La première partie comprend le cours principal de la Bidassoa, depuis Chapitelaco Arria (ou Chapiteco Erreca), jusqu'à la ligne fictive joignant intérieurement les extrémités aval des digues française et espagnole de l'embouchure;

La deuxième partie s'étend depuis cette ligne fictive jusqu'à la ligne joignant le cap du Figuier (pointe Erdico) à la pointe du Tombeau. Cette partie est dénommée baie du Figuier.

Ces deux parties sont définies à l'article 3 suivant.

<sup>1</sup> La Convention a été publiée en France par le décret n° 65-173 du 3 mars 1965 (*Journal Officiel* n° 57 des 8 et 9 mars 1965) et par le décret n° 65-173 (rectificatif) [*Journal Officiel* n° 145 du 25 juin 1965, p. 5297].

*Article 3*

## DIVISIONS SECONDAIRES

*a) Première partie :*

Le cours principal de la Bidassoa, tel que défini à l'article 2 ci-dessus, se divise lui-même en trois zones :

La première est comprise entre Chapitelaco Arria ou Chapiteco Erreca et Alunda ;

La deuxième zone s'étend d'Alunda jusqu'en aval du pont de chemin de fer Hendaye-Irun ;

La troisième zone s'étend d'en aval du pont de chemin de fer Hendaye-Irun jusqu'à la ligne fictive joignant intérieurement les extrémités aval des digues française et espagnole de l'embouchure.

*b) Deuxième partie :*

La baie du Figuier se divise en trois zones du point de vue juridictionnel (déclaration du 30 mars 1879 et plan annexé) :

La première zone comprend les eaux placées sous la juridiction exclusive de l'Espagne ;

La deuxième zone comprend les eaux placées sous la juridiction exclusive de la France ;

La troisième zone forme les eaux communes.

*Article 4*

## LIMITES EXTÉRIEURES

La deuxième partie dont il est parlé à l'article précédent est limitée par une ligne transversale A B C D (pointe Erdico—pointe du Tombeau) au Nord de laquelle la convention cesse d'être applicable.

Au Nord de cette ligne, le méridien passant par le milieu M de la ligne A B partage les eaux territoriales des deux pays.

*Article 5*

La ligne transversale A B C D, qui est de 3 055 mètres et qui signale la limite de la baie, se divise en trois parties égales AB, BC, CD.

*Article 6*

## EAUX ESPAGNOLES

Une ligne qui part des points F' et F'' (pyramides placées sur la côte espagnole près de la pointe Socorra), s'étend parallèlement à la côte d'Espagne jusqu'à rencontrer en un point I une autre ligne RB. Cette ligne RB est constituée par l'alignement de deux pyramides situées à terre en Espagne près du port de Refuge, et le point B situé au tiers de la longueur de la ligne ABCD, soit à 1 018 mètres du cap du Figuier. Les eaux comprises entre les lignes F' I B et la côte d'Espagne sont placées sous la juridiction exclusive de ce pays.

*Article 7*

## EAUX FRANÇAISES

Une ligne passant par les pyramides G et G' coupe la ligne ABCD en un point C, dans le tiers de sa longueur, soit à 1 018 mètres de la pointe du tombeau. Les eaux de la baie du Figuier, comprises entre cette ligne GC et la côte de France, sont placées sous la juridiction exclusive de ce pays.

*Article 8*

## EAUX COMMUNES

Les eaux comprises entre la ligne BC et les eaux françaises et espagnoles déterminées aux articles 6 et 7 ci-dessus forment la zone des eaux communes. La jouissance du mouillage dans cette zone reste commune aux navires des deux pays.

*Article 9*

## ENTRETIEN DES BALISES

La mise en place, l'entretien et la réfection des marques et balises nécessaires pour matérialiser les limites prévues aux articles précédents sont assurés d'une manière permanente sur leur propre territoire par les services qualifiés de chaque pays.

## TITRE II. — DROITS DE PÊCHE

## PERSONNES AUTORISÉES

*Article 10*

1<sup>o</sup> Le droit de pêche dans l'aire de la convention appartient exclusivement et indistinctement en Espagne aux habitants d'Irun et Fontarabie, et en France aux habitants de Biriadou, Urrugne et Hendaye.

...

## TITRE III. — POLICE ET SURVEILLANCE DE LA PÊCHE

*Article 23*

## AUTORITÉS ET AGENTS CHARGÉS DE LA RÉPRESSION

A. — Pour assurer le maintien de l'ordre et l'exécution des dispositions de la présente convention, la surveillance sera exercée et les contraventions seront constatées en la forme prescrite à l'article 26 ci-après:

## STATIONS NAVALES

1<sup>o</sup> Par les commandants des stations navales de chaque État ou par leurs délégués ou par les maîtres patrons des annexes des stationnaires.



#### GARDES-PÊCHE

2° Par quatre gardes-pêche, dont deux nommés par les municipalités d'Urrugne, d'Hendaye et de Biriadou, et deux par les municipalités de Fontarabie et d'Irun. Ces gardes, dont le salaire sera à la charge des municipalités qui les auront nommés, seront assermentés et revêtus d'une bandoulière avec plaque indiquant leur qualité. Ces gardes seront placés sous la surveillance directe du commandant de leur station navale respective et devront se conformer à ses instructions pour tout ce qui concerne la police de la pêche. Ils transmettront les procès-verbaux au commandant de leur station navale.

#### POLICE DES RIVES

B. — La police et la surveillance de la baie du Figuier et du cours international de la Bidassoa seront exercées exclusivement par les agents espagnols sur le rivage espagnol et par les agents français sur le rivage français.

#### *Article 24*

##### POUVOIRS DES COMMANDANTS DES STATIONS NAVALES

Les commandants des stations navales de chaque État dans la Bidassoa pourront, d'un commun accord, ordonner sous la réserve ci-dessous telle mesure non prévue à la présente convention qu'il paraîtra convenable de prendre dans la Bidassoa et la baie du Figuier.

Chacun des commandants devra en référer sans délai au président de la délégation de sa nationalité à la commission internationale des Pyrénées. La mesure ne sera agissante qu'après approbation des deux présidents. La commission internationale des Pyrénées, à la première réunion qui suivra, statuera sur ladite mesure.

#### *Article 25*

##### AGENTS DES DOUANES ET POLICES MUNICIPALES

Les agents des services des douanes et polices municipales seront habilités à dresser procès-verbal dans les mêmes conditions que les gardes-pêche visés à l'article 23 ci-dessus.

#### *Article 26*

##### CONSTATATION DES INFRACTIONS

Les contraventions à la présente convention seront prouvées soit par témoins, soit à l'aide de procès-verbaux dressés et signés par les autorités désignées aux articles 23 et 25.

Les commandants des stations navales française et espagnole dans la Bidassoa sont autorisés à saisir les filets et autres instruments de pêche prohibés, ainsi que le poisson pêché en contravention. Ils peuvent aussi faire opérer la saisie immédiate des filets même non prohibés des délinquants nationaux quand la nature de la contravention le rendra nécessaire.

Les gardes-pêche auront le droit de requérir directement la force publique pour la répression des contraventions à la présente convention ainsi que pour la saisie des engins prohibés, du poisson et des coquillages pêchés en contravention.

## OFFICIERS DE POLICE

Les contraventions en matière de vente et de colportage du poisson, des coquillages et du frai, pris durant les époques prohibées ou au-dessous des dimensions prescrites pourront également être constatées par tous officiers de police judiciaire en France et par tous membres de la garde civile en Espagne, qui pourront transmettre leur procès-verbal au commandant de la station navale intéressée, lequel reste seul juge de la suite à donner.

*Article 27*

## NÉGLIGENCE DES AGENTS

Le garde-pêche qui, dans l'exercice de ses fonctions, aura fait preuve de négligence établie par le commandant de la station navale sous la surveillance directe duquel il est placé, sera immédiatement révoqué. Si ce garde a agréé des promesses ou reçu des présents pour manquer à ses devoirs, il sera poursuivi d'après les dispositions prévues pour ce cas dans la législation de son pays.

## TITRE IV. — RÉPRESSION DES INFRACTIONS

*Article 28*

## POUVOIRS RÉCIPROQUES DES AGENTS

Les préposés à l'exécution du présent règlement mentionnés à l'article 23 pourront constater les contraventions de tous les riverains quelle que soit leur nationalité, mais les contrevenants ne pourront être jugés que par le tribunal compétent de leur pays.

*Article 29*

Toutefois, les infractions constatées au deuxième paragraphe de l'article 11 de la présente convention relèveront des juridictions de l'État sur le territoire duquel elles se seront produites.

*Article 30*

## SUITE À DONNER AUX PROCÈS-VERBAUX

Tous les procès-verbaux, remis au commandant de la station navale sous la juridiction duquel se trouve le contrevenant, comporteront la suite prévue à l'alinéa ci-après et à l'article 32.

## TRANSACTION

Pour toutes les infractions aux dispositions de la présente convention, le commandant de la station navale française aura la faculté d'admettre les contrevenants à transaction et le commandant de la station navale espagnole appliquera les dispositions en vigueur dans son pays.

*Article 31*

## PREUVE DES PROCÈS-VERBAUX

Les procès-verbaux dressés par les agents mentionnés à l'article 23 feront foi jusqu'à inscription de faux.

*Article 32*

## TRIBUNAUX COMPÉTENTS

A défaut de transaction prévue à l'article 30, le jugement d'une contravention à la présente convention sera placé en France dans la compétence du tribunal correctionnel de Bayonne, en Espagne, les contrevenants pourront faire appel des décisions du commandant de la station navale devant le tribunal compétent à Saint-Sébastien.

Avis de la décision ou du jugement qui interviendra sera donné à l'autorité qui aura dressé procès-verbal.

*Article 33*

## POURSUITE AU CIVIL

Sans préjudice des droits appartenant au ministère public, la poursuite résultant de dommages ou de pertes éprouvés par des pêcheurs du fait d'autres pêcheurs se fera à la diligence des maires ou des alcades ou sur la plainte de la partie civile.

Le tribunal ordonnera dans ce cas et, s'il y a lieu, en sus de la peine infligée pour fait de contravention, le paiement de dommages et intérêts en faveur de qui de droit et il en déterminera le montant.

*Article 34*

## PRESCRIPTION DES POURSUITES

L'action publique et l'action civile résultant des contraventions prévues dans la présente convention seront prescrites après soixante jours révolus à compter du jour où le fait aura eu lieu.

## TITRE V. — SANCTIONS

*Article 35*

## PEINES INFLIGÉES

Afin qu'il y ait identité effective de droits pour tous les riverains, il faut qu'il y ait identité de répression pour les contrevenants des deux pays qui auront violé les mesures adoptées pour régler, conformément aux traités, la jouissance en commun de la Bidassoa.

Dans les deux pays, le tribunal compétent sera en conséquence appelé à prononcer pour les faits de contravention à la présente convention contre les pêcheurs soumis à sa juridiction :

- 1° La confiscation du produit de la pêche;
- 2° La confiscation et la destruction des filets ou autres instruments de pêche défendus;
- 3° L'amende depuis 2 000 F (240 pesetas) jusqu'à 12 000 F (1 440 pesetas) ou l'emprisonnement pendant six jours au moins et un mois au plus;
- 4° Dans tous les cas prévus par la présente convention, si les circonstances paraissent atténuantes, les tribunaux compétents des deux pays sont autorisés à réduire l'emprisonnement même au-dessous de six jours et l'amende même au-

dessous de 2 000 F (240 pesetas). Ils peuvent aussi prononcer l'une ou l'autre de ces peines sans qu'en aucun cas l'amende puisse descendre au-dessous de 250 F (30 pesetas) et l'emprisonnement au-dessous de vingt-quatre heures.

Si des fluctuations interviennent en ce qui concerne le cours du change entre les deux monnaies, le taux des amendes prévu aux alinéas ci-dessus pourra être révisé sur la demande de l'une ou l'autre des hautes parties contractantes et le nouveau taux pourra être fixé par simple échange de lettres entre ces hautes parties contractantes.

#### *Article 36*

##### RÉCIDIVE

Dans tous les cas de récidive, l'infracteur sera condamné au double de l'amende ou de l'emprisonnement qui aura déjà été prononcé contre lui, mais cette double peine ne pourra jamais dépasser le maximum établi dans le paragraphe 3<sup>o</sup> de l'article précédent. Il y a récidive lorsque, dans les douze mois précédents, il a été rendu contre l'infracteur un premier jugement pour contravention aux dispositions de la présente convention.

Si, dans les douze mois précédents, il a été rendu contre l'infracteur deux jugements pour contravention aux dispositions du règlement, l'amende ou l'emprisonnement pourront être portés au double du maximum fixé dans l'article précédent.

#### *Article 37*

##### CAS PARTICULIER DU SAUMON

Tout riverain qui pêchera le saumon en dehors de son tour de pêche, dont il est question au paragraphe 2 de l'article 22, sans l'autorisation de celui à qui ce tour revient, sera passible de l'amende ou de l'emprisonnement établi dans le paragraphe 3<sup>o</sup> de l'article 35.

De plus, il devra restituer le poisson pris en contravention ou sa valeur au pêcheur dont il aura pris le tour.

En cas de récidive, il pourra être condamné à l'amende ou à l'emprisonnement, sans préjudice de la confiscation éventuelle des filets.

#### *Article 38*

##### DESTINATION DU POISSON CONFISQUÉ

Le poisson saisi pour contravention aux dispositions de la présente convention sera immédiatement distribué aux pauvres de la commune riveraine dans laquelle la saisie aura été faite.

#### *Article 39*

##### DESTINATION DES AMENDES

Le produit des amendes ou des transactions prononcées en vertu de la présente convention sera versé dans l'un et l'autre pays dans les caisses municipales, et la moitié en sera attribuée au garde-pêche ou agent de la police municipale ou agent des douanes qui aura constaté l'infraction.

*Article 40*

## RESPONSABILITÉ CIVILE

Les pères, mères, maris et maîtres pourront être déclarés responsables des amendes prononcées pour contraventions commises par leurs enfants mineurs, leurs femmes ou leurs serviteurs.

*Article 41*

## OUTRAGES À AGENTS

Tout riverain qui aura outragé dans l'exercice de ses fonctions un des préposés mentionnés aux articles 23 et 25 ou tout officier de police judiciaire instrumentant, comme il est dit au dernier paragraphe de l'article 26, ou qui leur aura résisté avec violence et voies de fait, sera puni des peines édictées en pareil cas par les lois de son pays.

6. TREATY BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE KINGDOM OF THE NETHERLANDS CONCERNING ARRANGEMENTS FOR CO-OPERATION IN THE EMS ESTUARY (EMS-DOLLARD TREATY). SIGNED AT THE HAGUE, ON 8 APRIL 1960, articles 41-42<sup>1</sup>
  
7. FISHERY AGREEMENT BETWEEN THE GOVERNMENT OF THE KINGDOM OF NORWAY AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND. SIGNED AT OSLO, ON 17 NOVEMBER 1960<sup>2</sup>

The Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as "the United Kingdom Government") and the Government of the Kingdom of Norway (hereinafter referred to as "the Norwegian Government");

Taking into account the proposal<sup>3</sup> on the breadth of the territorial sea and fishery limits which was put forward jointly by the Governments of the United States of America and Canada at the Second United Nations Conference on the Law of the Sea in 1960 and which obtained 54 votes;

Affirming their belief that an Agreement to stabilise fishery relations between the two countries should be based on the aforesaid proposal, and should not contemplate the exclusion of fishing vessels from any area beyond the limits of the fishery zone referred to in that proposal;

Desiring to stabilise fishery relations between the United Kingdom and Norway;

Have agreed as follows:

<sup>1</sup> *Supra* DIVISION I, SUB-DIVISION B, 4.

<sup>2</sup> United Nations, *Treaty Series*, vol. 398, p. 190.

<sup>3</sup> *Official Records of the Second United Nations Conference on the Law of the Sea, Annexes and Final Act*, p. 169 (A/CONF.19/C.1/L.10 of 8 April 1960).

*Article I*

For the purpose of this Agreement:—

(a) the term “mile” means a nautical mile (1,852 metres) reckoned at sixty to one degree of latitude;

(b) the term “territory” means, in relation to the United Kingdom, the territory of the United Kingdom of Great Britain and Northern Ireland, including the Isle of Man; and in relation to Norway, the territory of the Kingdom of Norway;

(c) the term “vessel” means any vessel or boat employed in fishing.

*Article II*

As from a date of which the Norwegian Government shall give due notice to the United Kingdom Government, the latter Government shall not object to the exclusion, by the competent authorities of the Norwegian Government, of vessels registered in the territory of the United Kingdom from fishing in an area contiguous to the territorial sea of Norway extending to a limit of 6 miles from the base line from which that territorial sea is measured.

*Article III*

During the period between the date referred to in Article II of this Agreement and the thirty-first day of October, 1970, the Norwegian Government shall not object to vessels registered in the territory of the United Kingdom continuing to fish in the zone between the limits of 6 and 12 miles from the base line from which the territorial sea of Norway is measured.

*Article IV*

After the thirty-first day of October, 1970, the United Kingdom Government shall not object to the exclusion by the competent authorities of the Norwegian Government, of vessels registered in the territory of the United Kingdom from fishing within the limit of 12 miles from the base line from which the territorial sea of Norway is measured.

*Article V*

If at any time before the thirty-first day of October, 1970, the Norwegian Government considers that there has been a fundamental change in the character of the fishing carried on in the zone referred to in Article III of this Agreement by vessels registered in the territory of the United Kingdom, the Norwegian Government may raise the matter with the United Kingdom Government, and the two Governments shall together review the position.

*Article VI*

Except in the case of arrangements between the Norwegian Government and the Government of any other Scandinavian country in respect of the Skagerrak, the Norwegian Government shall accord to vessels registered in the territory of the United Kingdom treatment no less favourable than that accorded to the vessels of other foreign countries.

*Article VII*

As from the date referred to in Article II of this Agreement, the Contracting Parties shall apply to vessels registered in their respective territories the provisions of the Annexes to this Agreement which shall be an integral part of the Agreement.

*Article VIII*

Nothing in this Agreement shall be deemed to prejudice the views held by either Contracting Party as to the delimitation and limitation in international law of territorial waters or of exclusive jurisdiction in fishery matters.

## ANNEX I

## RULES FOR THE REGULATION OF THE FISHERIES

...

## CHAPTER II. RULES GOVERNING THE OPERATIONS OF FISHING

...

*Article 16*

Where it can be proved that damage has been caused to nets or lines by a trawler, the responsibility shall be presumed to lie with that trawler unless it proves:—

- (a) that the damage was done under stress of circumstances beyond its control; or
- (b) that the damage was not due to its fault; or
- (c) that it had complied with the relevant provisions of this Chapter and had done all that was possible to avoid the damage; or
- (d) that the vessel whose gear had been damaged had not complied with the provisions of this Chapter, and that such non-compliance materially contributed to the damage.

...

*Article 19*

No vessel shall except by reason of distress dump in the sea any article which may obstruct or cause damage to fishing gear.

## CHAPTER III. RULES RELATING TO THE POLICING OF FISHERIES

*Article 20*

(1) The superintendence of the fisheries in areas outside the zone referred to in Article III of the Agreement shall be exercised by fishery protection vessels of each Contracting Party recognised as such by the other Contracting Party and commanded by naval officers or officers holding commissions.

(2) In the zone referred to in Article III of the Agreement the superintendence of the fisheries shall be exercised by Norwegian fishery protection vessels, commanded by naval officers or officers holding commissions.

...

## CHAPTER IV. AREA OF APPLICATION

*Article 28*

The area within which the rules set out in this Annex shall be applicable comprises all water in which vessels registered in the territories of the United Kingdom and of Norway respectively, fish in accordance with the terms of the Agreement and which are situated off the coast of Norway north of 61° North latitude and as far west as the meridian of the North Unst lighthouse.

8. EXCHANGE<sup>1</sup> OF NOTES CONSTITUTING AN AGREEMENT BETWEEN ICELAND AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND SETTLING THE FISHERIES DISPUTE BETWEEN THE GOVERNMENT OF ICELAND AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND. REYKJAVIK, 11 MARCH 1961

## I

March 11, 1961

Your Excellency,

I have the honour to refer to the discussions which have taken place in Reykjavik and London between our Governments concerning the fisheries dispute between our two countries. In view of these discussions my Government is willing to settle the dispute on the following basis:

1. The United Kingdom Government will no longer object to a twelve-mile fishery zone around Iceland measured from the base lines specified in paragraph 2 below which relate solely to the delimitation of that zone.

2. The base lines, which will be used for the purpose referred to in paragraph 1 above, will be those set out in the Icelandic Regulation No. 70 of June 30, 1958, as modified by the use of the base lines drawn between the following points:

- A. Point 1 (Horn) to Point 5 (Ásbúöarrif).
- B. Point 12 (Langanes) to Point 16 (Glettinganes).
- C. Point 51 (Geirfugladrangur) to Point 42 (Skálasnagi).
- D. Point 35 (Geirfuglasker) to Point 39 (Eldeyjarangur).

These modifications will enter into force immediately.

3. For a period of three years from the date of Your Excellency's reply to this Note, the Icelandic Government will not object to vessels registered in the United Kingdom fishing within the outer six miles of the fishery zone referred to in paragraphs 1 and 2 above within the following areas during the periods specified:

- (i) Horn (Point 1) – Langanes (Point 12) (June to September).
- (ii) Langanes (Point 12) – Glettinganes (Point 16) (May to December).
- (iii) Glettinganes (Point 16) – Setusker (Point 20) (January to April and July to August).

<sup>1</sup> United Nations, *Treaty Series*, vol. 397, p. 276. Came into force on 11 March 1961.



- (iv) Setusker (Point 20) – Meöallandssandur I (Point 30) (March to July).
- (v) Meöallandssandur I (Point 30) – 20° west longitude (April to August).
- (vi) 20° west longitude – Geirfugladrangur (Point 51) (March to May).
- (vii) Geirfugladrangur (Point 51) – Bjartangar (Point 43) (March to May).

4. There will, however, be no fishing by vessels registered in the United Kingdom in the outer six miles of the fishery zone referred to in paragraphs 1 and 2 during the aforesaid period of three years in the following areas:

- (i) Between 63° 37' north latitude and 64° 13' north latitude (Faxaflói).
- (ii) Between 64° 40' north latitude and 64° 52' north latitude (Snæfellsnes).
- (iii) Between 65° north latitude and 65° 20' north latitude (Breiðafjörður).
- (iv) Between Bjartangar (Point 43) and Horn (Point 1).
- (v) Off the mainland in the area delimited by lines drawn from the southernmost point of Grimsey to base points 6 and 8.
- (vi) Between 14° 58' west longitude and 15° 32' west longitude (Mýrabugt).
- (vii) Between 16° 12' west longitude and 16° 46' west longitude (Ingólfshöfði).

The Icelandic Government will continue to work for the implementation of the Althing Resolution of May 5, 1959, regarding the extension of fisheries jurisdiction around Iceland, but shall give to the United Kingdom Government six months' notice of such extension and, in case of a dispute in relation to such extension, the matter shall, at the request of either party, be referred to the International Court of Justice.

I have the honour to suggest that this Note and Your Excellency's reply thereto, confirming that its contents are acceptable to the United Kingdom Government, shall be registered with the Secretary General of the United Nations in accordance with Article 102 of the United Nations Charter, and further to suggest that a settlement on this basis shall become effective forthwith.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

(Signed) Guðmundur Í GUÐMUNDSSON

His Excellency Mr. Andrew C. Stewart  
Ambassador Extraordinary and Plenipotentiary  
British Embassy  
Reykjavík

## II

BRITISH EMBASSY  
REYKJAVÍK

March 11, 1961

Your Excellency,

I have the honour to acknowledge receipt of Your Excellency's Note of today's date reading as follows:

[See note I]

I have the honour to confirm that in view of the exceptional dependence of the Icelandic nation upon coastal fisheries for their livelihood and economic develop-

ment, and without prejudice to the rights of the United Kingdom under international Law towards a third party, the contents of Your Excellency's Note are acceptable to the United Kingdom and the settlement of the dispute has been accomplished on the terms stated therein. I also confirm that the United Kingdom Government agrees that the settlement becomes effective forthwith and that the Notes exchanged today shall be registered with the Secretary-General of the United Nations in accordance with Article 102 of the United Nations Charter.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

(Signed) Charles STEWART

His Excellency Mr. Guðmundur Í GUÐMUNDSSON  
Minister for Foreign Affairs  
Reykjavík

9. AGREEMENT<sup>1</sup> ON FISHING BETWEEN THE GOVERNMENT OF THE KINGDOM OF NORWAY AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS. SIGNED AT MOSCOW, ON 16 APRIL 1962

*Article I*

For the purpose of this Agreement:

- (a) the term "mile" shall be understood to mean a nautical mile (1,852 metres);
- (b) the term "vessel" shall be understood to mean any vessel or boat engaged in fishing.

*Article II*

From the moment of the entry into force of this Agreement until 31 October 1970, the Government of the Kingdom of Norway shall permit fishing vessels registered in the Union of Soviet Socialist Republics and manned by Soviet nationals to fish in a Norwegian fishing zone between the limits of six and twelve miles from the base line from which the territorial waters of the Kingdom of Norway are measured.

However, in the areas indicated below, vessels of the Contracting Parties shall be limited to fishing with fixed nets and hand tackle:

- (a) Andenes: from longitude 15° 25' East to 16° East throughout the year;
- (b) Vesterålen: from latitude 69° 12' North to 69° 18' North from 16 May to 14 February, both dates inclusive;
- (c) Grimsbakken: from latitude 69° 43' North to 69° 47' North from 1 December to 15 April, both dates inclusive;
- (d) Fugløybanken: from longitude 19° East to 19° 30' East from 1 December to 15 April, both dates inclusive.

<sup>1</sup> United Nations, *Treaty Series*, vol. 437, p. 175. The Agreement came into force on 1 August 1962.

*Article III*

During the period indicated in article II of this Agreement the Government of the Union of Soviet Socialist Republics shall permit fishing vessels registered in the Kingdom of Norway and manned by Norwegian nationals to engage in fishing in Soviet territorial waters in Varangerfjord between the limits of six and twelve miles from the shore in a zone bounded to the south by a line drawn along the Soviet coast six miles from the shore, to the south-east by a line drawn six miles from the base line from which Soviet territorial waters are measured, running from the promontory at the entrance to the bay of Dolgaya Shchel through the north-western extremity of the island of Bolshoy Ainov to Cape Nemetsky on Rybachy Peninsula, and to the north-east by a line joining Cape Nemetsky to Cape Kibergnes, as indicated on the map<sup>1</sup> annexed to this Agreement.

*Article IV*

Fishing in the zones indicated in articles II and III of this Agreement shall be carried on in accordance with the annexed Protocol,<sup>2</sup> which is an integral part of the Agreement.

For purposes other than fishing, Norwegian nationals and vessels present in Soviet territorial waters shall be subject to the laws and regulations of the Union of Soviet Socialist Republics relating to the presence in these waters of foreign nationals and vessels, without prejudice to the provisions of this Agreement.

Particulars of such laws and regulations and of amendments and additions thereto shall be notified to the Government of the Kingdom of Norway through the diplomatic channel.

*Article V*

If at any time before 31 October 1970 either Contracting Party finds that there has been a radical change in the character of the fishing carried on by vessel of the other Party in the zones indicated in articles II and III of this Agreement, the Government concerned may raise the matter with the Government of the other country and they shall together review the position.

*Article VI*

If in the zones indicated in articles II and III of this Agreement fishing gear belonging to fishermen of one Party should be damaged by the fault of fishermen of the other Party, claims for compensation shall be examined in accordance with the Agreement<sup>3</sup> between the Government of the Union of Soviet Socialist Republics and the Norwegian Government of 9 December 1959 concerning the handling of claims in connection with damage to fishing gear.

*Article VII*

The Contracting Parties shall take the appropriate steps to ensure compliance with the provisions of this Agreement by their nationals and by vessels registered in their territories.

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<sup>1</sup> The map is not reproduced for technical reasons.

<sup>2</sup> *Infra*.

<sup>3</sup> United Nations, *Treaty Series*, vol. 361, p. 93.

PROTOCOL  
RULES FOR THE REGULATION OF THE FISHERIES

*Chapter I*

*Rules concerning the registration  
of fishing vessels*

*Article 1*

1. The vessels of each of the Contracting Parties shall be registered in accordance with the rules in force in the country of which they fly the flag.
2. The competent authorities of each of the Contracting Parties shall specify one or more initial letters and a consecutive series of numbers for each port of registration or for each maritime district.
3. The Contracting Parties shall communicate to one another a list of these identification marks and shall notify one another of all subsequent modifications thereto.

*Article 2*

1. Every vessel shall bear, on the outside of the hull, clearly visible identification marks in the form of a letter or letters, the number under which the vessel is registered, the name of the port of registration, and the name of the vessel itself.
2. Small boats and all fishing implements shall be marked for identification purposes with a sufficiently clear and large letter or letters, and with the number of the vessel to which they belong. The ownership of nets or other fishing implements may be further distinguished by special marks.
3. The identification marks enumerated in paragraph 1 of this Article shall not be effaced, altered, made illegible or covered, nor shall the nationality of a vessel be concealed.

*Article 3*

1. The master of each vessel shall have with him an official document, issued by the competent authorities of his country, confirming the nationality of the vessel. This document shall indicate the letter or letters and the number of the vessel, the name and nationality of the owner, or the name of the firm or company owning the vessel, and shall contain a precise description of the vessel.
2. Each vessel shall carry a ship's roll, drawn up by the competent authorities of the country concerned, showing the names, nationality and residence of all persons on board.

*Article 4*

Responsibility for ensuring that the provisions of articles 1, 2 and 3 of this Protocol are complied with shall rest with the competent authorities of the country to which the vessel belongs. The commanders of fishery protection vessels of each Contracting Party shall inform each other of any violation of these provisions by vessels registered in the territory of the other Contracting Party.

## *Chapter II*

### *Procedure governing the operations of fishing*

#### *Article 5*

Vessels arriving on fishing grounds where other vessels are already fishing or have set their gear for that purpose shall not place themselves or their lines, nets, buoys or other fishing implements in such a way as to interfere with or obstruct fishing operations already in progress.

#### *Article 6*

No vessel shall anchor or remain at anchor between sunset and sunrise on grounds where drift-net fishing is in progress during that period, except as a consequence of accident, shipwreck or other circumstances beyond the vessel's control.

#### *Article 7*

1. Nets and lines anchored in the sea shall be furnished at each end with flag buoys by day and with light buoys by night. These buoys shall be clearly visible at a distance of at least two miles.

2. On fishing gear referred to in paragraph 1 of this article extending for more than one mile, additional flag buoys or light buoys shall be placed at distances of not more than one mile from one another.

3. On fishing gear referred to in paragraph 1 of this article which is attached to a vessel, a flag buoy or light buoy shall not be required at the end attached to the vessel.

#### *Article 8*

1. Trawlers shall take all practicable steps to avoid anchored nets or lines in order to prevent damage to them, and in particular to avoid trawling between two buoys.

2. No vessel shall make fast to or hold on to the nets, buoys, floats, or any other part of the fishing tackle of another vessel.

#### *Article 9*

Where it can be proved that damage has been caused to nets or lines by a trawler, the responsibility shall be presumed to lie with that trawler unless it proves:

- (a) that the damage was done under circumstances beyond its control;
- (b) that the damage was not due to its fault;
- (c) that it had complied with the provisions of articles 5, 6, 7 and 8 of this Protocol and had done all that was possible to avoid the damage, or
- (d) that the vessel whose gear had been damaged had not complied with the provisions of articles 5, 6, 7 and 8 of this Protocol, and that this circumstance had led to the damage.

*Article 10*

1. When nets belonging to different vessels foul each other, they shall not be severed without the consent of both parties unless it is impossible to disengage them by other means.

2. When vessels fishing with lines entangle their lines, the vessel which hauls up the lines shall not sever the lines of the other vessel unless they cannot be disengaged in any other way, in which case any lines which may be severed shall where possible be immediately joined together again.

3. Except in cases of salvage and the cases enumerated in paragraphs 1 and 2 of this article, no vessel shall sever, hook or lift up fishing implements not belonging to it or damage them unnecessarily.

4. When a vessel fouls or otherwise interferes with gear not belonging to it, it shall take all measures to reduce to a minimum the damage to such gear which may result. The vessel to which the gear belongs shall at the same time avoid any action tending to aggravate such damage.

*Article 11*

All vessels, or their rigging, tackle and fishing implements or gear found and picked up at sea shall as soon as possible be delivered to the competent authorities in the first port in the territory of either Contracting Party to which the salving vessel puts in.

Such authorities shall, where the circumstances permit, inform the consular representative of the country of which the owner of the salvaged property is a national. The property shall be restored to the owner or to his representative as soon as it has been claimed and the interests of the salving vessel have been properly guaranteed.

The amount of the reward to be paid to the salving vessel shall be determined by the authorities of the country in whose territory is situated the port in which the salvaged property was delivered.

*Article 12*

No vessel shall, except by reason of distress, dump in the sea fishing gear, appurtenances or other articles which may obstruct or cause damage to fishing gear.

*Chapter III**Procedure relating to the policing of the fisheries**Article 13*

1. Responsibility for ensuring that the provisions of chapter II of this Protocol are complied with in the zone referred to in article II of the Agreement shall rest with Norwegian fishery protection vessels.

2. Responsibility for ensuring that the provisions of chapter II of this Protocol are complied with in the zone referred to in article III of the Agreement shall rest with Soviet fishery protection vessels.

3. The commanders of vessels referred to in paragraphs 1 and 2 of this article shall carry documentary proof of their right to superintend the conduct of fishing

operations, such documents to be drawn up in Russian and Norwegian and to be issued by the competent authorities of the appropriate Contracting Party.

*Article 14*

1. When the commander of a vessel referred to in paragraphs 1 and 2 of article 13 has reason to believe that a vessel of the other Contracting Party has infringed the provisions of chapter II of this Protocol, he or his representatives may board the said vessel and search it, insofar as such search is necessary in order to find the required evidence.

The commander of a fishery protection vessel or his representatives shall not remain longer on a vessel under search than is necessary for the conduct of the search.

*Article 15*

1. When a vessel belonging to the other Contracting Party is being searched, the commander of the fishery protection vessel shall draw up a statement, in Russian or Norwegian, of the reasons for and results of the search.

If, as a result of the search, the fact of an infringement by the fishing vessel of the provisions of chapter II of this Protocol is established, the Contracting Party whose representatives have discovered the infringement shall notify the other Contracting Party accordingly.

2. The master of a fishing vessel accused of infringing the provisions of chapter II of this Protocol, and the witnesses, shall be entitled to add observations to the statement, in their own language, and shall sign such observations.

M. S.

J. E.

10. ÉCHANGE<sup>1</sup> DE NOTES ENTRE LES GOUVERNEMENTS DE LA RÉPUBLIQUE FRANÇAISE ET DU ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD CONSTITUANT UN ACCORD PRÉCISANT, PAR RAPPORT À LA CONVENTION SUR LA PÊCHE OUVERTE À LA SIGNATURE À LONDRES DU 9 MARS AU 10 AVRIL 1964, LE STATUT DE CERTAINS ACCORDS DE PÊCHE ANTÉRIEURS À CETTE DERNIÈRE. LONDRES, 10 AVRIL 1964

No. 1

*From the French Ambassador to Her Majesty's Principal Secretary of State for Foreign Affairs*

Le 10 avril 1964

Monsieur le Secrétaire d'État,

Au moment de signer la Convention sur la pêche adoptée à Londres le 2 mars 1964, j'ai l'honneur d'appeler l'attention de Votre Excellence sur ce qui suit:

Le régime général de la pêche entre la France et le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord a été jusqu'à présent défini par la Convention du 2 août 1839 et par le Règlement général du 24 mai 1843.

<sup>1</sup> United Nations, *Treaty Series*, vol. 648, No. 9272.

Ces deux actes stipulaient une dérogation au régime général en ce qui concerne la baie de Granville. L'accord franco-britannique du 20 décembre 1928 a eu pour but de modifier certains détails de délimitation des eaux de la baie de Grandville auxquelles s'appliquait le régime particulier défini par les actes de 1839 et de 1843.

Par la suite un accord du 30 janvier 1951 a déterminé, en ce qui concerne les parages des Îles Minquiers et Écréhous, un régime d'exception au régime général de la pêche entre la France et la Grande-Bretagne, qui devait avoir un caractère définitif quelle que fût la décision de la Cour Internationale de Justice au sujet de l'attribution de la souveraineté sur ces îlots.

Au cours d'une conférence à laquelle le gouvernement britannique avait notamment invité les divers gouvernements intéressés par la pêche le long des côtes britanniques une Convention sur la pêche a été élaborée à Londres en mars 1964 et le régime défini par cette Convention a été par suite déterminé en accord avec le gouvernement français.

Il a été entendu entre les délégations française et britannique à la Conférence de Londres que la modification du régime général de la pêche entre les deux pays, qui résulterait de la Convention ouverte à la signature le 9 mars 1964, ne porterait pas atteinte aux régimes particuliers institués entre les deux pays en ce qui concerne la baie de Granville et les parages des îlots du groupe des Minquiers et des Écréhous. Une disposition spéciale a été introduite à cet effet à l'article 10(d) de ladite Convention.

En conséquence j'ai l'honneur de faire savoir à Votre Excellence que le gouvernement français est prêt à adopter les dispositions suivantes :

- (1) Les dispositions des actes ci-dessus mentionnés qui ne seront plus compatibles avec les dispositions de la nouvelle Convention, cesseront d'avoir effet lorsque celle-ci deviendra applicable entre les deux gouvernements.
- (2) Les dispositions de la Convention du 2 août 1839 du Règlement général du 24 mai 1843 et de l'accord franco-britannique du 20 décembre 1928 relatives au régime particulier de la pêche dans la baie de Granville, ainsi que les dispositions de l'accord franco-britannique du 30 janvier 1951, continuent à être applicables aux pêcheurs français et britanniques.
- (3) Les dispositions des actes visés au paragraphe 2 ci-dessus concernant le régime particulier de la pêche seront reprises dans un arrangement bilatéral qui sera conclu le plus rapidement possible entre les deux gouvernements.

Si les dispositions qui précèdent rencontrent l'agrément du Gouvernement du Royaume-Uni, j'ai l'honneur de proposer à Votre Excellence que la présente note et la réponse de Votre Excellence soient considérées comme constituant l'accord des deux gouvernements à ce sujet.

Je saisis, etc.

G. DE COURCEL



No. 2

*From Her Majesty's Principal Secretary of State for Foreign Affairs  
to the French Ambassador*

April 10, 1964

Your Excellency,

I have the honour to refer to the Note which Your Excellency has addressed to me to-day on the occasion of the signature on behalf of the Government of the French Republic of the Fisheries Convention, the Protocol of Provisional Application of the Fisheries Convention, and the Agreement as to Transitional Rights. Your Excellency's Note reads in English translation as follows:

*[As in translation of No. 1]*

I have the honour to inform Your Excellency that the provisions set out in Your Excellency's Note are acceptable to the Government of the United Kingdom, that the Government of the United Kingdom will also apply these provisions, and that they will regard Your Excellency's Note and this reply as constituting an agreement between our two Governments to that effect.

I have, etc.

W.N. HILLIER-FRY

11. EXCHANGE<sup>1</sup> OF NOTES CONSTITUTING AN AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC REGARDING THE RIGHTS TO BE ACCORDED TO POLISH VESSELS WITHIN THE BRITISH FISHERY LIMITS TO BE ESTABLISHED ON 30 SEPTEMBER 1964. WARSAW, 26 SEPTEMBER 1964

## I

*Her Majesty's Ambassador at Warsaw to the Acting Minister for Foreign Affairs  
of the Polish People's Republic*

BRITISH EMBASSY

Warsaw, September 26, 1964

Monsieur le Ministre,

I have the honour to refer to the recent discussions in London between delegations representing the Fishery Authorities of our two countries.

As Your Excellency will be aware, as a result of these discussions the delegations agreed to recommend to their respective Governments the following arrangements in regard to the rights to be accorded to Polish vessels within the British fishery limits to be established on the 30th of September, 1964:

<sup>1</sup> United Nations, *Treaty Series*, vol. 539, p. 153. Came into force on 30 September 1964.

(1) Polish fishing vessels shall have the right to continue to fish for herring until the 31st of December, 1967, in the zone between six and twelve miles from the baselines of the territorial sea of the United Kingdom, subject to the general fishery regulations in force in that zone, in the area extending from a line due East of the Longstone Lighthouse to a line due East of the River Tyne North Pier Lighthouse.

(2) Polish mother ships shall be permitted to enter the British fishery limits outside the territorial sea for purposes ancillary to fishing provided that these ships comply with the regulations applicable within the fishery limits. The Government of the United Kingdom may terminate this permission by giving one year's notice in writing to the Polish Government starting from the 31st of December of any year. However, at least one month before giving such notice the Government of the United Kingdom shall inform the Polish Government of their readiness to enter into consultations on this matter.

(3) These arrangements shall be without prejudice to the rights of either Government under any multilateral agreement regarding fisheries in coastal waters which may hereafter take effect as between the two Governments.

On instructions from Her Majesty's Principal Secretary of State for Foreign Affairs, I confirm that the above arrangements are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, and have the honour to propose that if they are also acceptable to the Government of the Polish People's Republic this Note and Your Excellency's reply to that effect should constitute an Agreement between the two Governments in this matter which shall enter into force on the 30th of September, 1964.

I avail myself, Monsieur le Ministre, of this opportunity to renew to Your Excellency the assurance of my highest consideration.

G. L. CLUTTON

## II

*The Acting Minister for Foreign Affairs of the Polish People's Republic  
to Her Majesty's Ambassador at Warsaw*

Excellency,<sup>1</sup>

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date reading as follows:

[See note I]

I have the honour to inform you that the Government of the Polish People's Republic confirms the agreement set out in Your Excellency's Note, and agrees that your Note and this reply constitute an Agreement between the two Governments.

I avail myself of this opportunity to convey to Your Excellency the assurances of my highest consideration.

M. NASZKOWSKI

Warsaw, September 26, 1964

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<sup>1</sup> Translation by the Government of the United Kingdom of Great Britain and Northern Ireland.

12. AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE KINGDOM OF NORWAY AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FOR THE CONTINUANCE OF FISHING BY NORWEGIAN VESSELS WITHIN THE FISHERY LIMITS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND. LONDON, 28 SEPTEMBER 1964

*Article 1*

The United Kingdom Government, in fulfilment of the obligations in the Note addressed by Her Majesty's Chargé d'Affaires at Oslo to the Norwegian Minister for Foreign Affairs on the occasion of the signing on 17th November, 1960, of the Fishery Agreement<sup>2</sup> between the United Kingdom Government and the Norwegian Government and in consideration of the particular nature of the fisheries involved, agree that fishing vessels registered in the Kingdom of Norway (hereinafter referred to as "Norwegian vessels") may continue to fish within the fishery limits of the United Kingdom of Great Britain and Northern Ireland as provided in Articles 2 to 6 of this Agreement.

*Article 2*

Norwegian vessels may continue to fish until 31st December, 1984, in the zone between 6 and 12 miles from the baselines of the territorial sea of the United Kingdom:

(a) for dogfish: in the areas extending from a line due west of Ard an Runair (North Uist) northwards to a line due east of Start Point (Orkney) including the areas around the Flannan Islands, the Shetland Islands and Fair Isle and the off-lying islands of the St. Kilda Group, North Rona and Sulisker, Sule Skerry and Stack Skerry; and

(b) for basking sharks: in the same area as for dogfish and also in the area between a line due west of the Mull of Oa (Islay) and a line due west of Ard an Runair.

*Article 3*

Norwegian vessels may also continue to fish for dogfish and basking sharks off those parts of the coast described in Article 2 (a) and (b) of this Agreement up to a limit of three miles from the baselines of the territorial sea of the United Kingdom until 31st December, 1965, or where straight baselines or bay closing lines in excess of 10 miles are drawn, until 31st December, 1966.

*Article 4*

If the United Kingdom Government should extend to any third country any right to fish for dogfish or basking sharks in the areas described in Article 2 (a) and (b) of this Agreement the same right shall extend automatically to the Kingdom of Norway.

<sup>1</sup> United Nations, *Treaty Series*, vol. 548, p. 63. Entered into force on 11 March 1965.

<sup>2</sup> *Infra* 7.

*Article 5*

If at any time there has been a fundamental change in the character of the fishing carried on by Norwegian vessels in the areas described in Article 2 (a) and (b) of this Agreement, the United Kingdom Government may raise the matter with the Norwegian Government and the two Governments shall together review the position.

*Article 6*

Unless and until the two Governments otherwise agree, the rules of conduct to be enforced by the United Kingdom Government on Norwegian vessels fishing in the areas described in Article 2 (a) and (b) of this Agreement shall be those set out in the Convention for Regulating the Police of the North Sea Fisheries, signed at The Hague on 6th May, 1882.

*Article 7*

The United Kingdom Government shall not require Norwegian vessels to observe any conservation measures which have the effect of abridging the right to fish for dogfish or basking sharks in the areas described in Article 2 (a) and (b) of this Agreement, unless the Norwegian Government has agreed to such measures.

13. EXCHANGE<sup>1</sup> OF NOTES CONSTITUTING AN AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON MATTERS ARISING FROM THE ESTABLISHMENT BY THE UNITED KINGDOM OF THE FISHERY REGIME PROVIDED FOR BY THE FISHERY LIMITS ACT, 1964. MOSCOW, 30 SEPTEMBER 1964

## I

*Her Majesty's Chargé d'Affaires at Moscow to the Acting Minister for Foreign Affairs of the Union of Soviet Socialist Republics*

BRITISH EMBASSY

Moscow, September 30, 1964

Your Excellency,

I have the honour to refer to the recent discussions in London between delegations representing the Governments of the Union of Soviet Socialist Republics and of the United Kingdom of Great Britain and Northern Ireland about matters arising from the establishment by the United Kingdom of the fishery régime provided for by the Fishery Limits Act, 1964.

As Your Excellency will be aware, as a result of these discussions the two delegations agreed to recommend to their respective Governments that, pending the

<sup>1</sup> United Nations, *Treaty Series*, vol. 539, p. 160. Entered into force on 30 September 1964.

conclusion of a formal agreement on a basis of reciprocity on the treatment to be accorded to fishing vessels and depot ships of each country within the limits of the other, they should approve the following temporary arrangements:

1. Fishing vessels and depot ships of the Soviet Union shall be permitted to anchor, navigate, transship fish and perform other activities ancillary to fishing operations within the belt between 3 and 12 miles from the baseline from which the territorial sea of the United Kingdom is measured around the Shetland Islands north of a line drawn due west from Esha Ness lighthouse and a line drawn due east from the southernmost point of Bressay. They shall comply with the fishery regulations there in force which shall not discriminate as between vessels of the Soviet Union and those of other countries.

2. These arrangements shall come into force as soon as they are approved by the two Governments, and shall remain in force until they are replaced by a more formal agreement or until the Government of the Soviet Union inform the Government of the United Kingdom that they no longer desire to make use of these arrangements subject, however, to the right of the Government of the United Kingdom at any time to give notice to the Government of the Soviet Union to terminate these arrangements, which shall then remain in force until the expiration of one year from the date on which such notice is given.

On instruction from Her Majesty's Principal Secretary of State for Foreign Affairs, I confirm that the above arrangements are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, and have the honour to propose that if they are also acceptable to the Government of the Union of Soviet Socialist Republics this Note and Your Excellency's reply to that effect should constitute an agreement between the two Governments in this matter which shall enter into force on the 30th of September, 1964.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

Thomas BRIMELOW

## II

*The Acting Minister for Foreign Affairs of the Union of Soviet Socialist Republics  
to Her Majesty's Chargé d'Affaires at Moscow*

MINISTRY<sup>1</sup> OF FOREIGN AFFAIRS OF THE UNION OF SOVIET SOCIALIST REPUBLICS

Moscow, September 30, 1964

Mr. Chargé d'Affaires,

I have the honour to acknowledge receipt of your Note of to-day's date which reads as follows:

[*See note I*]

I have the honour to inform you that the arrangements set out above are acceptable to the Government of the Union of Soviet Socialist Republics and that

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<sup>1</sup> Translation by the Government of the United Kingdom of Great Britain and Northern Ireland.

the Soviet side agrees that your Note and this reply to it should constitute an Agreement on this question between both Governments, which will enter into force on the 30th of September, 1964.

V. KUZNETSOV

14. (i) AGREEMENT<sup>1</sup> ON FISHERIES BETWEEN JAPAN AND THE REPUBLIC OF KOREA, SIGNED AT TOKYO, ON 22 JUNE 1965

*Article I*

1. The Contracting Parties mutually recognize that each Contracting Party has the rights to establish within twelve nautical miles measured from its coastal baseline a sea zone over which it exercises exclusive jurisdiction with respect to fisheries (hereinafter referred to as "fishery zone"). However, in case where either Contracting Party uses a straight baseline in establishing its fishery zone, it shall determine such straight baseline *upon* [through] consultation with the other Contracting Party.

2. The Contracting Parties shall not raise against each other any objection to the exclusion by either Contracting Party of the fishing vessels of the other Contracting Party from engaging in fishing operation in the fishery zone of that either Contracting Party.

3. The overlapping part of the fishery zones of the Contracting Parties shall be divided into two by the straight lines joining the two end-points of the part with the mid-point of the straight line drawn across that area at its widest point.

*Article II*

The Contracting Parties shall establish a joint regulation zone enclosed by the lines described below (excluding any territorial seas and the fishery zone of the Republic of Korea).

(a) Meridian 124° East Longitude north of 37° 30' North Latitude.

(b) Lines connecting the following points in order:

- (i) Intersection of 37° 30' North Latitude and 124° East Longitude
- (ii) Intersection of 36° 45' North Latitude and 124° 30' East Longitude
- (iii) Intersection of 33° 30' North Latitude and 124° 30' East Longitude
- (iv) Intersection of 32° 30' North Latitude and 126° East Longitude
- (v) Intersection of 32° 30' North Latitude and 127° East Longitude
- (vi) Intersection of 34° 34' 30" North Latitude and 129° 2' 50" East Longitude
- (vii) Intersection of 34° 44' 10" North Latitude and 129° 8' East Longitude
- (viii) Intersection of 34° 50' North Latitude and 129° 14' East Longitude
- (ix) Intersection of 35° 30' North Latitude and 130° East Longitude
- (x) Intersection of 37° 30' North Latitude and 131° 10' East Longitude
- (xi) Highest peak of Uamryung

<sup>1</sup> United Nations, *Treaty Series*, vol. 583, p. 130.

*Article III*

The Contracting Parties shall implement in the joint regulation zone, until such time as conservation measures necessary for the maintenance of the maximum sustained productivity of fishery resources are implemented on the basis of sufficient scientific surveys, the provisional regulation measures for fisheries described in the Annex, which constitutes an integral part of the present Agreement, with respect to drag-net fishing and seine fishing and to mackerel-angling fishing by fishing vessels of not less than 60 tons. (Tonnage is in gross tonnage and is indicated by deducting the tonnage allowed for improving living quarters of the vessel.)

*Article IV*

1. Policing (including halting and *inspecting* [visiting] of vessel) and court jurisdiction in the waters outside the fishery zone shall be carried out and exercised only by the Contracting Party to which the fishing vessel belongs.

2. Each Contracting Party shall give and exercise pertinent guidance and supervision in order to ensure that its nationals and fishing vessels observe faithfully the provisional regulation measures for fisheries, and shall enforce domestic measures, including appropriate penalties against violations thereof.

*Article V*

Joint resources survey zones shall be established outside the joint regulation zone. The extent of the said survey zones and the survey to be conducted within these zones shall be determined upon consultation between the two Contracting Parties on the basis of recommendation to be made by the Joint Fisheries Commission provided for in Article VI of the present Agreement.

*Article VI*

1. The Contracting Parties shall establish and maintain the Japan-Republic of Korea Joint Fisheries Commission (hereinafter referred to as "the Commission") in order to realize the objectives of the present Agreement.

...

*Article VII*

1. The Commission shall perform the following functions:

(a) Recommend to the Contracting Parties with respect to scientific survey to be conducted for the purpose of studying the fishery resources in waters of their common interest and to the regulation measures to be taken within the joint regulation zone on the basis of the results of such survey and study;

(b) Recommend to the Contracting Parties with respect to the extent of the joint resources survey zones;

(c) Review, when necessary, matters concerning the provisional regulation measures for fisheries and recommend to the Contracting Parties with respect to measures, including the revision of the provisional regulation measures, to be taken on the basis of the results of such review;

(d) Deliberate on necessary matters concerning the safety and order of operation between the fishing vessels of the Contracting Parties and on general principles of measures for handling accidents at sea between the fishing vessels of the Contracting

Parties, and recommend to the Contracting Parties with respect to measures to be taken on the basis of the results of such deliberation;

(e) Compile and study data, statistics and records to be provided by the Contracting Parties at the request of the Commission;

(f) Consider and recommend to the Contracting Parties with respect to the enactment of schedules of equivalent penalties for violations of the present Agreement;

(g) Submit annually to the Contracting Parties a report on the operations of the Commission; and

(h) In addition to the foregoing, deliberate on various technical questions arising from the implementation of the present Agreement, and recommend, when deemed necessary, to the Contracting Parties with respect to measures to be taken.

2. The Commission, in order to perform its functions, may, when necessary, establish subordinate organs composed of experts.

3. The Governments of the Contracting Parties shall respect to the extent possible the recommendations made by the Commission under the provisions of paragraph 1.

#### *Article VIII*

1. The Contracting Parties shall take measures deemed pertinent toward their respective nationals and fishing vessels in order to have them observe international practices concerning navigation, to ensure safety and maintain proper order in operation between the fishing vessels of the Contracting Parties and to seek smooth and speedy settlements of accidents at sea between the fishing vessels of the Contracting Parties.

2. For the purposes set forth in paragraph 1, the authorities concerned of the Contracting Parties shall, to the extent possible, maintain close contact and cooperate with each other.

...

(ii) EXCHANGE<sup>1</sup> OF NOTES CONCERNING THE STRAIGHT BASELINES CONNECTION WITH THE ESTABLISHMENT OF THE FISHERY ZONE OF THE REPUBLIC OF KOREA

#### KOREAN NOTE

Tokyo, June 22, 1965

Monsieur le Ministre,

I have the honour to refer to the Agreement on Fisheries between the Republic of Korea and Japan signed today and to state that the Government of the Republic of Korea intends to determine the following straight baselines in connection with the establishment of the fishery zone of the Republic of Korea:

(1) Closing line of the mouth of bay by a straight line connecting the tips of Changgigap and Talmangap;

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<sup>1</sup> *Ibid.*, p. 144.



(2) Closing line of the mouth of bay by a straight line connecting the tips of *Haamchu* [Hwaamchu] and *Pomwolgap* [Bomweolgab];

(3) Straight lines connecting in order the respective southern extremities of 1.5-Meter Am, *Sengdo* [Saengdo], *Hongdo*, *Kanyoam* [Ganyeoam], *Sangbekdo* [Sangbaegdo] and *Komundo* [Keomundo]; and

(4) Straight lines connecting in order the respective western extremities of *Soryongdo* [Soryeongdo], the *Sogyongnyolpido* [Seogyeogyelbido], *Ochondo* [Eocheongdo], *Jikdo*, *Sangwangdungho* [Sanghwangdeungdo] and *Hoengdo* [Hoengdo] (the Anma Islands).

I have the honour to state that, if Your Excellency would confirm, on behalf of the Government of Japan, that the Government of Japan has no objection with respect to the determination of the aforementioned straight baselines, the Government of the Republic of Korea will consider that the consultations with the Government of Japan on this matter have been completed.

I avail myself of this opportunity to renew to Your Excellency, Monsieur le Ministre, the assurances of my highest consideration.

TONG WON LEE  
Minister of Foreign Affairs

His Excellency Etsusaburo Shiina  
Minister for Foreign Affairs of Japan

## II

### JAPANESE NOTE

Tokyo, June 22, 1965

Monsieur le Ministre,

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

[See note I]

I have the honour to state that the Government of Japan has no objection with respect to the determination by the Government of the Republic of Korea of the aforementioned straight baselines in connection with the establishment of the fishery zone of the Republic of Korea.

I avail myself of this opportunity to renew to Your Excellency, Monsieur le Ministre, the assurances of my highest consideration.

Etsusaburo SHIINA  
Minister for Foreign Affairs of Japan

His Excellency Tong Won Lee  
Minister of Foreign Affairs  
of the Republic of Korea

(iii) EXCHANGE<sup>1</sup> OF NOTES CONCERNING THE FISHERY ZONE OF  
THE REPUBLIC OF KOREA

## I

## KOREAN NOTE

Tokyo, June 22, 1965

Monsieur le Ministre,

I have the honour to refer to the Agreement on Fisheries between the Republic of Korea and Japan signed today and to confirm the following understandings reached between the representatives of the two Governments:

As a provisional measure, the waters enclosed by the lines delimiting the fishery zone to be established by the Republic of Korea and the following lines shall for the time being *be treated as being included* [be included] in the fishery zone of the Republic of Korea.

(1) Straight lines connecting in order the intersection of 33° 48' 15" North Latitude and 127° 21' East Longitude, the intersection of 33° 47' 30" North Latitude and 127° 13' East Longitude and the point 12 nautical miles due east of Udo; and

(2) Straight line connecting the intersection of 33° 56' 25" North Latitude and 125° 55' 30" East Longitude and the intersection of 33° 24' 20" North Latitude and 125° 56' 20" East Longitude.

Upon receipt of Your Excellency's reply confirming, on behalf of the Government of Japan, the aforementioned understandings, the Government of the Republic of Korea will consider that this Note and Your Excellency's reply shall constitute an agreement between the two Governments which shall enter into force on the date of the entry into force of the aforementioned Agreement.

I avail myself of this opportunity to renew to Your Excellency, Monsieur le Ministre, the assurances of my highest consideration.

TONG WON LEE  
Minister of Foreign Affairs

His Excellency Etsusaburo Shiina  
Minister for Foreign Affairs of Japan

## II

## JAPANESE NOTE

Tokyo, June 22, 1965

Monsieur le Ministre,

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date, which reads as follows:

[See note I]

I have the honour to confirm that the aforementioned understandings are also the understandings of the Government of Japan and that the Government of Japan

<sup>1</sup> *Ibid.*, p. 148.

will consider that Your Excellency's Note and this reply shall constitute an agreement between the two Governments which shall enter into force on the date of the entry into force of the aforementioned Agreement.

I avail myself of this opportunity to renew to Your Excellency, Monsieur le Ministre, the assurances of my highest consideration.

Etsusaburo SHINA  
Minister for Foreign Affairs of Japan

His Excellency Tong Won Lee  
Minister of Foreign Affairs  
of the Republic of Korea

(iv) AGREED MINUTES<sup>1</sup> TO THE AGREEMENT ON FISHERIES BETWEEN  
JAPAN AND THE REPUBLIC OF KOREA

The representatives of the Governments of Japan and the Republic of Korea have reached the following understandings concerning the Agreement on Fisheries between Japan and the Republic of Korea signed today:

3. *Re policing and violation concerning the provisional regulation measures for fisheries:*

(a) A duly authorized official on a patrol vessel of either country may immediately notify, when he discovers a fact which makes him believe with sufficient reasons that a fishing vessel of the other country is *actually and*<sup>2</sup> obviously violating the provisional regulation measures for fisheries, the fact to a duly authorized official on a patrol vessel of the other country to which such fishing vessel belongs. The Government of that other country *will* [shall] respect the notification in *carrying out enforcement* [policing such fishing vessel] and exercising its jurisdiction over such fishing vessel, and *will* [shall] notify the measures taken as a consequence to the Government of that either country.

(b) The patrol vessels of the two countries may, in *carrying out enforcement over* [policing] the fishing vessels of the respective countries with respect to the provisional regulation measures for fisheries, patrol jointly and maintain close contacts, as necessary, in accordance with the result of prior consultations between the authorities concerned of the two countries, in order to make their policing smooth and effective.

(c) Either Government *will* [shall], if requested by the other, render as much convenience as possible for the *observation* [inspection] of the state of policing within its country concerning the provisional regulation measures for fisheries to an official of the other who has been specially authorized for this purpose.

(d) Either Government *will, in carrying out enforcement over* [shall, in policing] the fishing vessels of its country with respect to the provisional regulation measures for fisheries, if requested by the other and if it deems such a request as appropriate, render *reciprocally* as much convenience as possible to officials of the other for

<sup>1</sup> *Ibid.*, p. 150.

<sup>2</sup> Does not appear in the English translation provided by the Government of the Republic of Korea.

boarding its patrol vessels engaging solely in *enforcement over* [policing] fisheries, for the purpose of observation of the actual state of policing.

...

8. *Re mutual respect for domestic fishing ban areas, etc.:*

(a) With respect to the fishing ban areas concerning drag-net fishing and concerning seine fishing, and the waters enclosed by the lines of 128° East Longitude, 128° 30' East Longitude, 33° 9' 15" North Latitude and 25° North Latitude concerning drag-net fishing, presently established by the Government of Japan, and with respect to the fishing ban areas concerning drag-net fishing and concerning trawl fishing presently established by the Government of the Republic of Korea, either Government *will* [shall] respectively take necessary measures to prevent fishing vessels of its country from engaging in such fishing operations in these waters of the other.

(b) The systems being *applied* [enforced] by the Government of the Republic of Korea with respect to drag-net fishing by the fishing vessels of the Republic of Korea of less than 50 tons in that part of the Yellow Sea which is within the aforementioned fishing ban areas of the Republic of Korea and with respect to drag-net fishing for prawn of the Republic of Korea in that part of the Japan Sea which is within the said fishing ban areas *will* [shall] be recognized as exceptions.

(c) A duly authorized official on a patrol vessel of either country may, when he discovers the fact that a fishing vessel of the other is operating in its areas referred to in (a), call attention of such fishing vessels to the fact and, at the same time, promptly notify the fact to a duly authorized official on a patrol vessel of the other. The Government of that other *will* [shall] respect the notification in *carrying out enforcement* [policing] and exercising its jurisdiction over such fishing vessel and *will* [shall] notify the measures taken as a consequence to the Government of that other country.

9. *Re innocent passage:*

It is confirmed that innocent passage (in the case of fishing vessels, it is restricted to cases where their fishing gear has been *put away* [stowed away]) through territorial seas and fishery zones *will be in accordance with* [shall conform to] the rules of international law.

10. *Re rescue at sea and emergency refuge:*

The two Governments *will* [shall] conclude arrangements as soon as possible with respect to rescue at sea and emergency refuge for fishing vessels of the two countries. Even prior to the conclusion of such arrangements, the two Governments *will* [shall] provide pertinent rescue and protection to the extent possible in accordance with international practice with respect to rescue at sea and emergency refuge for fishing vessels of the two countries.

Tokyo, June 22, 1965

15 EXCHANGE<sup>1</sup> OF NOTES CONSTITUTING AN AGREEMENT BETWEEN DENMARK AND NORWAY ON TRADITIONAL NORWEGIAN SPRAT FISHING IN THE KATTEGAT. COPENHAGEN, 19 DECEMBER 1966\*\*

## I

Copenhagen, 19 December 1966

Sir,

In connexion with the signing this day of the Agreement between Denmark, Norway and Sweden on reciprocal access to fishing in the Skagerrak and the Kattegat, I take the liberty, on the Danish Government's behalf, of proposing the following arrangement for Norwegian fishing in the Kattegat outside the area referred to in article 1 of that Agreement:

In the case of a change in the Danish fishery limits in the Kattegat, Norwegian fishing vessels may continue to engage in sprat fishing in the months of October, November and December in a water area bounded as follows:

On the south by the parallel of 57° 30' north latitude;

On the east by the meridian of 11° east longitude;

On the north by a straight line running through the Skagen lighthouse and the Tistlarna lighthouse;

On the west by a line running between the points where the parallel of 57° 30' north latitude and the straight line running through the Skagen lighthouse and the Tistlarna lighthouse respectively intersect the Danish four-mile limit.

The relevant fishing shall, within the Danish fishery limits, be subject to Danish fishery regulations and Danish jurisdiction. The Danish Government shall, however, consult the Norwegian Government before introducing regulations that affect sprat fishing in the aforementioned area during the aforementioned months.

I have the honour further to propose that this note together with your reply shall constitute an agreement between the Danish and Norwegian Governments, which shall take effect from the entry into force of the aforementioned Agreement between Denmark, Norway and Sweden on reciprocal access to fishing in the Skagerrak and the Kattegat and shall continue to have effect as long as that Agreement is in force, it being understood that the Protocol annexed to that Agreement shall apply as appropriate to the arrangement set out herein.

Accept, Sir, the assurances of my highest consideration.

J.O. KRAG

Mr. B. Augdahl  
*Chargé d'Affaires a.i.*  
 The Royal Norwegian Embassy  
 Copenhagen

<sup>1</sup> United Nations, *Treaty Series*, vol. 606, No. 8770.

## II

ROYAL NORWEGIAN EMBASSY

Copenhagen, 19 December 1966

Sir,

I have the honour to acknowledge the receipt of your note to me of 19 December 1966, which reads as follows:

[See note I]

I have the honour to inform you that the Norwegian Government finds the proposed agreement acceptable and agrees that your note of today's date and this note of reply shall constitute an agreement between our two Governments.

Accept, Sir, the assurances of my highest consideration.

B. AUGDAHL

Mr. Jens Otto Krag  
Prime Minister and Minister  
for Foreign Affairs  
The Royal Ministry of Foreign Affairs  
Copenhagen

16. ÉCHANGE<sup>1</sup> DE NOTES DU 20 MARS 1967 CONSTITUANT ACCORD  
GÉNÉRAL SUR LA PÊCHE ENTRE L'ESPAGNE ET LA FRANCE

MINISTÈRE DES AFFAIRES ÉTRANGÈRES

20 mars 1967

Unions internationales

A l'ambassade d'Espagne, Paris

Le ministère des affaires étrangères présente ses compliments à l'ambassade d'Espagne et a l'honneur de se référer à la réunion franco-espagnole destinée à la conclusion d'un accord général de pêche entre la France et l'Espagne qui a eu lieu à Paris du 23 au 25 janvier 1967.

Les représentants des deux gouvernements qui participaient à cette réunion étant parvenus à un accord en ont précisé les termes dans un procès-verbal qu'ils ont signé le 25 janvier 1967 et dont la teneur est la suivante:

Considérant l'intention des gouvernements des deux pays d'étendre à douze milles la limite de leur zone de pêche réservée, et compte tenu du fait que ces deux gouvernements sont parties à la convention sur la pêche signée à Londres le 9 mars 1964, les deux délégations sont convenues de ce qui suit:

I. — *Zone extérieure de 6 à 12 milles.* — a) Dans la zone extérieure de 6 à 12 milles, le long des côtes d'Espagne, les ressortissants français jouissent à titre permanent du droit de pêcher:

<sup>1</sup> Cet échange de notes a été publié en France par le Décret n° 67-633 du 23 juillet 1967.

- sur la côte atlantique, depuis l'embouchure de la Bidassoa jusqu'à la rive nord du rio Minho, toutes les espèces;
  - sur la côte de la Méditerranée, depuis la frontière franco-espagnole jusqu'au cap Creus, toutes les espèces.
- b) Dans la zone de 6 à 12 milles, le long des côtes françaises, les ressortissants espagnols jouissent à titre permanent du droit de pêcher :
- sur la côte atlantique, depuis l'embouchure de la Bidassoa jusqu'au parallèle de la pointe nord de Belle-Ile, toutes les espèces;
  - sur la côte de la Méditerranée, depuis la frontière jusqu'au cap Leucate, toutes les espèces.

II. — *Zone intérieure de 3 à 6 milles.* — 1. Les ressortissants de chacune des parties pourront continuer à pêcher dans la zone intérieure de l'autre partie jusqu'au 31 décembre 1968, sauf au large des parties des côtes où auront été tracées de nouvelles lignes de base droites ou de fermeture de baies, et où la période transitoire sera prolongée jusqu'au 31 décembre 1969.

2. Dans un but de protection des fonds, il est entendu qu'à une date aussi rapprochée que possible qui sera déterminée d'un commun accord entre les deux pays, le chalutage sera interdit sur les côtes atlantiques aux Espagnols dans la zone intérieure française et aux Français dans la zone intérieure espagnole.

3. Pour la pêche du poisson de surface les ressortissants de chacun des deux pays bénéficieront dans la zone intérieure atlantique de l'autre pays d'un délai supplémentaire de deux ans dans les conditions prévues au paragraphe 1 ci-dessus, soit jusqu'au 31 décembre 1970 ou au 31 décembre 1971 selon que de nouvelles lignes de base auront été tracées ou non.

III. — *Zone de 0 à 3 milles.* — Entre 0 et 3 milles, la pêche est interdite aux ressortissants de l'autre pays.

Néanmoins, les chefs des circonscriptions maritimes frontalières de la province de Guipuzcoa et du quartier de Bayonne pourront convenir de mesures de tolérance mutuelle de pêche conformes aux relations traditionnelles des populations côtières de part et d'autre de la frontière.

IV. — *Lignes de base.* — Les deux délégations se sont mutuellement informées de l'intention de leurs gouvernements d'établir de nouvelles lignes de base droites et de fermeture de baies conformes aux dispositions de la convention de Genève sur la mer territoriale. Les précisions qu'elles se sont communiquées sur les projets de tracés n'ont donné lieu à aucune observation ni d'un côté ni de l'autre.

V. — Les deux délégations ont été d'accord pour estimer que les dispositions mentionnées aux articles I, II et III s'inscrivent dans le cadre des arrangements de voisinage prévus par l'article 9 (§ 2) de la convention de Londres. Ces dispositions sont d'ailleurs fondées dans leur ensemble sur la reconnaissance des habitudes de pêche des ressortissants des deux pays. Il est entendu que pour l'application de ces dispositions les deux parties se conformeront aux dispositions générales prévues par la convention de Londres de 1964.

VI. — *Protection des fonds.* — Les deux délégations prennent note de l'accord intervenu en 1963 entre les experts des deux pays au sujet des mesures à prendre pour la protection des ressources, et notamment des stocks de merlu, dans le golfe de

Gascogne. Elles approuvent en particulier les projets qui sont actuellement étudiés par ces experts en vue de l'établissement de cantonnements.

VII. — Les conclusions auxquelles les deux délégations sont parvenues seront reprises aussitôt que possible dans un échange de lettres entre le ministère français des affaires étrangères et l'ambassade d'Espagne en France.

Le ministère des affaires étrangères a l'honneur de faire savoir à l'ambassade d'Espagne que le Gouvernement français approuve ce document et est prêt, pour sa part, à en appliquer les dispositions.

Le ministère suggère à l'ambassade que la présente note et la réponse de l'ambassade constituent un accord entre les gouvernements français et espagnol, qui entrera en vigueur à la date que portera la réponse de l'ambassade.

Le ministère des affaires étrangères saisit cette occasion pour renouveler à l'ambassade d'Espagne les assurances de sa très haute considération.

G. C.

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AMBASSADE D'ESPAGNE  
PARIS

N°203

Paris, le 20 mars 1967

Au ministère des affaires étrangères, Paris.

L'ambassade d'Espagne présente ses compliments au ministère des affaires étrangères et a l'honneur d'accuser réception de sa note verbale en date de ce jour se référant à la réunion hispano-française qui a eu lieu à Paris du 23 au 25 janvier 1967 en vue de la conclusion d'un accord général de pêche entre l'Espagne et la France.

Les représentants des deux gouvernements qui participaient à cette réunion étaient parvenus à un accord et en ont précisé les termes dans un procès-verbal qu'ils ont signé le 25 janvier 1967 et dont la teneur est la suivante :

« Considérant l'intention des gouvernements des deux pays... ».

L'ambassade d'Espagne à l'honneur de faire savoir au ministère des affaires étrangères que le gouvernement espagnol approuve ce document et est prêt, pour sa part, à en appliquer les dispositions.

L'ambassade d'Espagne donne son approbation à la suggestion selon laquelle la note du ministère et la réponse de l'ambassade constituent un accord entre les gouvernements espagnol et français, qui entrera en vigueur à la date de ce jour.

L'ambassade d'Espagne saisit cette occasion pour renouveler au ministère des affaires étrangères l'assurance de sa très haute considération.

P. C.



17. (i) AGREEMENT<sup>1</sup> CONCERNING THE DELIMITATION OF THE FISHERY AREAS OF NORWAY AND SWEDEN IN THE NORTH-EASTERN SKAGERRAK. SIGNED AT OSLO, ON 5 APRIL 1967\*\*

The Government of the Kingdom of Norway and the Government of the Kingdom of Sweden,

Considering it desirable to regulate certain questions which arise where one or both of the countries extend their fishery limits,

And having considered the question of the application of the international arbitral award of 23 October 1909 fixing part of the sea frontier between Norway and Sweden,

Have, in so far as concerns the delimitation of the fishery areas in the north-eastern Skagerrak, agreed as follows:

*Article 1*

The delimitation of the Norwegian and Swedish fishery areas in the north-eastern Skagerrak shall be based, *inter alia*, on the following three points:

1. The point (hereinafter referred to as point A) where the frontier line established by the arbitral award of 1909 intersects the outer boundary of the Norwegian sea as drawn at a distance of one geographical mile (7,420 m) from the Norwegian baselines established by the Royal Decree of 18 July 1952 concerning the fishery limit south of Traena (*Norsk Lovtidend*, 1952, part 2, pp. 824 *et seq.*);
2. The easternmost point of deflection (hereinafter referred to as point B) on a line drawn at a distance of twelve nautical miles from the aforementioned Norwegian baselines;
3. The point of intersection (hereinafter referred to as point C) between a line drawn at a distance of twelve nautical miles from the aforementioned Norwegian baselines and a line drawn at a distance of twelve nautical miles from the Swedish baseline established by the Royal Notice of 3 June 1966 specifying the particulars for the calculation of the Swedish territorial sea (*Svensk författningssamling* No. 375).

The positions of the three points are defined in relation to the European Datum (first adjustment, 1950) and are as follows:

Point A: 58° 53' 34.0" N., 10° 38' 25.0" E.

Point B: 58° 46' 32.5" N., 10° 16' 05.3" E.

Point C: 58° 45' 41.3" N., 10° 35' 40.0" E.

*Article 2*

Sweden shall not object if Norway extends its fishery area up to a straight line (compass line) extending between points A and B. Sweden shall likewise not oppose the extension by Norway of its fishery area west of that line up to a line drawn at a distance of twelve nautical miles from the Norwegian baselines established by the aforementioned Royal Decree of 18 July 1952.

<sup>1</sup> Entered into force on 29 June 1967. The Agreement between Norway and Sweden concerning fishing in certain waters belonging to Norway and Sweden, signed at Oslo on 20 December 1950 (see ST/LEG/SER.B/6, pp. 800-801) has ceased to exist.

*Article 3*

Norway shall not object if Sweden extends its fishery area: up to the frontier line established by the arbitral award of 1909 between the westernmost point on the outer boundary of the Swedish territorial sea in the direction of Norway and point A, and up to a straight line (compass line) between points A and C.

Norway shall likewise not oppose the extension by Sweden of its fishery area south of the last-mentioned line up to a line drawn at a distance of twelve nautical miles from the Swedish baseline established by the aforementioned Notice of 3 June 1966.

*Article 4*

Subject to the limitations arising from the Agreement of 19 December 1966 between Norway, Sweden and Denmark on reciprocal access to fishing in the Skagerrak and the Kattegat and from article 6 of the present Agreement, Norway may exercise fishery jurisdiction in the sea area bounded by straight lines (compass lines) between points A, B and C.

*Article 5*

The positions of points A, B and C as defined in article 1 are indicated on the annexed chart (Norwegian marine chart No. 202), in which the boundary lines specified in articles 2, 3 and 4 are also shown.

*Article 6*

If Norway extends its fishery area to include the sea area specified in article 4, it shall, even after the expiry of the initial thirty-five-year period of validity of the Agreement of 19 December 1966, permit Swedish fishing vessels to engage freely in fishing operations within that area without being subject to Norwegian law or jurisdiction.

The right enjoyed by Swedish vessels under the first paragraph of this article shall lapse three years after notice of termination is given but not earlier than sixty years after the expiry of the aforementioned thirty-five-year period.

(ii) **DECLARATION CONCERNING THE TERRITORIAL SEA OF NORWAY AND SWEDEN IN THE NORTH-EASTERN SKAGERRAK. SIGNED AT OSLO, ON 5 APRIL 1967**

The Government of Norway and the Government of Sweden, having this day concluded, subject to ratification, an Agreement concerning the delimitation of the fishery areas of Norway and Sweden in the north-eastern Skagerrak, are agreed that, irrespective of the provisions governing the extent of the territorial sea of the two countries which may otherwise for the time being be in force, they shall not, without prior agreement between them, extend their respective territorial sea in the north-eastern Skagerrak beyond the lines indicated below.

The Government of Sweden accordingly undertakes, in relation to the Government of Norway, not to extend the Swedish territorial sea beyond a straight line (compass line) extending between:

the point (58° 53' 34.0" N., 10° 38' 25.0" E., corresponding to point A in the said Agreement) where the frontier line established by the international arbitral award of 23 October 1909 fixing part of the sea frontier between Norway and Sweden intersects the outer boundary of the Norwegian territorial sea as drawn at a distance of one geographical mile (7,420 m) from the Norwegian baselines established by the Royal Decree of 18 July 1952 concerning the fishery limit south of Traena (*Norsk Lovtidend*, 1952, part 2, pp. 824 *et seq.*) and the point of intersection (58° 45' 41.3" N., 10° 35' 40.0" E., corresponding to point C in the said Agreement) between a line drawn at a distance of twelve nautical miles from the aforementioned Norwegian baselines and a line drawn at a distance of twelve nautical miles from the Swedish baseline as established by the Royal Notice of 3 June 1966 specifying the particulars for the calculation of the Swedish territorial sea (*Svensk författningssamling* No. 375).

The Government of Norway similarly undertakes, in relation to the Government of Sweden, not to extend the Norwegian territorial sea beyond a straight line (compass line) extending between:

the aforementioned point (58° 53' 34.0" N., 10° 38' 25.0" E., corresponding to point A in the said Agreement) where the frontier line established by the arbitral award of 1909 intersects the outer boundary of the Norwegian territorial sea and the easternmost point of deflection (58° 46' 32.5" N., 10° 16' 05.3" E., corresponding to point B in the said Agreement) on a line drawn at a distance of twelve nautical miles from the Norwegian baselines established by the aforementioned Royal Decree of 18 July 1952.

The positions of the three points, which are defined in relation to the European Datum (first adjustment, 1950), are indicated in the annexed chart (Norwegian marine chart No. 202), in which the two boundary lines are also shown.

This Declaration shall enter into force on the date<sup>1</sup> of the exchange of the instruments of ratification in respect of the Agreement concerning the delimitation of the fishery areas of Norway and Sweden in the north-eastern Skagerrak.

#### 18. AGREEMENT<sup>2</sup> BETWEEN DENMARK AND NORWAY CONCERNING THE EAST GREENLAND FISHERIES. SIGNED AT OSLO, ON 20 APRIL 1967\*\*

The Government of the Kingdom of Denmark and the Government of the Kingdom of Norway, desiring to solve such problems as may arise for Norwegian nationals after the expiry of the Danish-Norwegian Convention of 9 July 1924 concerning East Greenland, have agreed as follows:

##### *Article 1*

1. Norwegian nationals and vessels shall, until 10 July 1977, enjoy the same rights as Danish nationals and vessels with regard to fishing in the waters off that part

<sup>1</sup> 29 June 1967.

<sup>2</sup> United Nations, *Treaty Series*, vol. 604, p. 103.

of the eastern coast of Greenland which extends from Lindenovs fjord (60° 27' north latitude) to Nordostrundingen (81° north latitude).

2. To the extent that Danish activities in the said waters are conditional upon the issue of a special permit, such permit shall, in accordance with the principle set out in paragraph 1, also be issued, in a corresponding manner, for Norwegian activities during the aforementioned period. The rules and the administrative procedure for the issuance of the permits shall be determined after discussion with the competent Norwegian authorities.

#### *Article 2*

1. If it appears that the arrangement referred to in article 1 is causing demonstrable harmful effects to the fisheries of the resident population of Greenland, the arrangement may be terminated before the expiry of the aforementioned period, provided that such termination may not take effect before 10 July 1972.

2. If the Danish Government wishes to exercise the option to terminate the arrangement, as provided in paragraph 1, it shall so notify the Norwegian Government at least one year in advance.

3. At the request of the Norwegian Government, negotiations between the parties shall then be undertaken with a view to solving such problems as may still exist for Norwegian nationals up to the date specified in article 1, paragraph 1, as a result of the expiry of the Danish-Norwegian Convention of 9 July 1924 concerning East Greenland.

4. If such negotiations do not result in agreement within six months after the date on which the Danish Government notified the Norwegian Government in accordance with paragraph 2, the matter may, at the request of either party, be submitted to a board consisting of two representatives from each side, together with an umpire whom the parties, in the absence of agreement, shall jointly ask the Swedish Government to appoint. The board may, if a decision cannot be reached before the expiry of the time limit specified in paragraph 2, and if it otherwise appears reasonable to do so, agree on a temporary postponement of the termination of the arrangement referred to in article 1 but not beyond the date specified in paragraph 1 of the same article. The decisions of the board shall be recognized by the parties as binding.

#### *Article 3*

After further discussion between the competent Danish and Norwegian authorities, supply bases for Norwegian vessels may be established at one or more places within the area specified in article 1 and the period specified in article 1, cf. article 2.

...

19. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT<sup>1</sup>  
BETWEEN BELGIUM AND DENMARK REGARDING THE FISHING  
RIGHTS OF BELGIAN FISHERMEN IN THE FISHERY ZONES OF  
DANISH WATERS. BRUSSELS, 29 JUNE 1967

I

Your Excellency,

I have the honour to acknowledge receipt of aide-mémoire No. 63.B.7 which Your Excellency addressed to me on 10 March 1967 for the purpose of informing the Belgian Government of the entry into force, from 1 July 1967, of the Danish law No. 195 of 26 May 1965 on maritime fisheries, and of inviting it to assert the rights which Belgian fishermen have habitually exercised in the regions affected by the new Danish legal provisions.

The Belgian Government notes that those provisions are in accordance with the Fisheries Convention, signed in London on 9 March 1964, of which Denmark and Belgium are Contracting Parties.

It notes that the talks opened at Copenhagen between the representatives of the two countries have established that Belgian fishermen have habitually fished off the Danish North Sea coast between Lyngvig and the German-Danish frontier. Belgian fishermen will therefore have the right, in accordance with the provisions of Articles 3 and 4 of the Convention of 9 March 1964, to fish for flat fish, the only stock which they had normally exploited, in the zone between six and twelve miles from the baseline of the territorial sea of Denmark.

The Belgian Government also takes note of the Danish Government's proposal to establish a period of one year, from 1 July 1967, as the transitional period provided under Article 9 of the London Convention, during which Belgian fishermen may continue to fish in those parts of Danish waters situated between Lyngvig and the German-Danish frontier, between three and six miles from the baseline of the territorial sea. It finds the proposal entirely satisfactory.

I have the honour to be, with the highest consideration,

Your Excellency's obedient servant,

(Signed) Pierre HARMEL

His Excellency  
Count Eggert Knuth  
Ambassador of Denmark  
Brussels

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<sup>1</sup> United Nations, *Treaty Series*, vol. 606, No. 8780.

## II

Brussels, 29 June 1967

Your Excellency,

I have the honour to acknowledge receipt of your letter of 29 June 1967, which reads as follows:

[See letter I]

I have the honour to inform you that the Danish Government signifies its agreement with the content of the foregoing letter.

I have the honour, to be, etc.

E. KNUTH

His Excellency Pierre Harmel  
Minister for Foreign Affairs and Development Co-operation, etc.  
Brussels.

20. AGREEMENT<sup>1</sup> ON FISHERIES BETWEEN NEW ZEALAND AND  
JAPAN. SIGNED AT WELLINGTON ON, 12 JULY 1967

*Article I*

For the purpose of this Agreement, "the Area" means the waters which are contiguous to the territorial sea of New Zealand and extend to a limit of twelve nautical miles from the base line from which the territorial sea of New Zealand is measured.

*Article II*

Japanese vessels and persons on board those vessels will not engage in fishing in the Area, except that, until 31 December 1970, Japanese vessels duly licensed by the Government of Japan may engage in bottom fish long-line fishing on a scale to be agreed upon between the two Governments in terms of the number of mother ships and their tonnage, within the waters between six and twelve nautical miles from the base line from which the territorial sea of New Zealand is measured, in that part of the Area:

(a) Off the coast of the North Island of New Zealand and adjacent islands;  
and

(b) Off the northern coast of the South Island of New Zealand and adjacent islands, north of 41° 30' South Latitude and east of 172° 30' East Longitude.

*Article III*

Any infringement of the provisions of this Agreement by a Japanese vessel will be dealt with either by the New Zealand or by the Japanese authorities, and the two Governments may make arrangements in accordance with which their respective jurisdictions will be exercised.

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<sup>1</sup> Department of External Affairs publication No. 335, Wellington, 1967.

*Article IV*

The New Zealand authorities may visit Japanese vessels within the Area to inspect their licences and to ascertain that the provisions of this Agreement are being observed.

21. EXCHANGE<sup>1</sup> OF NOTES CONSTITUTING AN AGREEMENT BETWEEN DENMARK AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING GERMAN FISHING RIGHTS IN THE DANISH FISHERY ZONE. BONN, 30 NOVEMBER 1967\*\*

## I

MINISTRY OF FOREIGN AFFAIRS OF THE FEDERAL REPUBLIC OF GERMANY

Bonn, 30 November 1967

Sir,

I have the honour, on behalf of the Government of the Federal Republic of Germany, to state as follows:

The Federal Government has been informed that, in pursuance of the Danish Act No. 195 of 26 May 1965, a fishery zone has been established, with effect from 1 July 1967, in the coastal waters of the Kingdom of Denmark. This has been done in conformity with the European Fisheries Convention, which was signed in London on 9 March 1964 by our two Governments.

In the course of the discussions which took place on 22 and 23 August of this year between representatives of our two Governments, it was agreed that German traditional fisheries within the meaning of articles 3 and 4 of the aforementioned Fisheries Convention exist to the following extent off the Danish coast:

a. *Shrimp*

From the frontier in the North Sea to the parallel of latitude running through the southern tip of Skallingen.

b. *Flounder*

From the frontier in the North Sea to the parallel of latitude running through Bovbjerg lighthouse.

c. *Flounder and Norway lobster*

In the area north and east of Laesø bounded as follows:

- (i) West: from the northern tip of Skagen (Grenen) due north;
- (ii) South: from the entrance to Frederikshavn harbour to Northern Rønner lighthouse;
- (iii) South-west: to Syrodde lighthouse along a line on a true bearing of 532°.

<sup>1</sup> United Nations, *Treaty Series*, vol. 632, No. 9017.

d. *Flounder, Norway lobster and herring*

In the area about Anholt bounded as follows:

- (i) North-west: from Gerrild lighthouse to Nordbjerg on Anholt island;
- (ii) West: Syrodde lighthouse along a line on a true bearing of 532° to the point of intersection with the line Anholt lighthouse-Anholt lightship (position: 56° 47' 6"N, 11° 43' 8"E);
- (iii) South: the parallel of latitude running through Fornæs lighthouse.

e. *Flounder, herring and sprat*

In the area north of Sjaelland bounded in the north by the parallel of latitude running through Fornæs lighthouse.

German traditional fisheries shall, pursuant to article 9, paragraph (1), of the London Fisheries Convention, be allowed to continue to the aforementioned extent in the belt between three and six nautical miles from the baseline until 1 July 1968. After that date, the said traditional fisheries shall be allowed to continue in the belt between six and twelve nautical miles from the baseline.

The southern boundary of the Danish fishery zone shall consist provisionally of the line which was agreed upon in the Agreement of 9 June 1965 between our two States concerning the delimitation, in the coastal regions, of the continental shelf of the North Sea. The choice of this boundary line is not based on legal considerations but is intended solely to facilitate the supervision of the fisheries during a transitional period. The final determination of the southern boundary of the Danish fishery zone in the North Sea shall be made later by means of an agreement between the two Governments.

I take the liberty of proposing that this note and your note in reply shall constitute an agreement between our two Governments, which shall enter into force on the date of your reply and shall also apply to *Land* Berlin unless the Government of the Federal Republic of Germany delivers a contrary declaration to the Government of the Kingdom of Denmark within three months after the entry into force of this Agreement.

Accept, Sir, the assurances of my highest consideration.

Willy BRANDT

Mr. Knuth-Winterfeldt  
Royal Danish Embassy  
Bonn

II

ROYAL DANISH EMBASSY

Bonn, 30 November 1967

Sir,

I have the honour to acknowledge receipt of your note of 30 November 1967, which reads as follows:

[See note I]

I have the honour to inform you that my Government agrees with the contents of this note and with the proposal that your note and this reply shall constitute an



agreement between our two Governments which shall enter into force on the date of the present note.

Accept, Sir, the assurances of my highest consideration.

**KNUTH-WINTERFELDT**

His Excellency Mr. Willy Brandt  
Federal Minister for Foreign Affairs  
of the Federal Republic of Germany

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