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AND TREATIES RELATING TO
THE LAW OF THE SEA**



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ET TRAITÉS CONCERNANT
LE DROIT DE LA MER**

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INTRODUCTION

At its sixtieth meeting, held on 26 March 1971, the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction requested the Secretary-General to ask Member States to provide the texts of legislation or treaties recently adopted or concluded, so as to bring up to date the information previously transmitted and contained in the volumes on the law of the sea printed in the *United Nations Legislative Series*.¹

The present volume contains the texts received from Governments in reply to two notes from the Secretary-General, dated 11 May 1971 and 25 May 1972 respectively, requesting to supply the information in question. While the notes anticipated that the texts would, in general, be those adopted since 1969, it was stated that texts of an earlier date might also be supplied if they had not been included in earlier volumes in the *Legislative Series*. The present volume also contains relevant material transmitted, without reference to the Secretary-General's notes, by several Governments requesting that it be circulated². In addition, the volume reproduces, in an annex, the texts of declarations, resolutions or reports adopted or conclusions reached by international organizations, international conferences or other international meetings, which have been issued as documents of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the limits of National Jurisdiction.

The present volume, like the 1970 volume,³ is arranged in two parts. Part One reproduces the texts of national legislation and other

¹ The volumes previously published are as follows:

- (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, United Nations publication, Sales No. 1951.V.2);
- (b) *Laws and Regulations on the Régime of the High Seas*, Volume II (Laws relating to Jurisdiction over Crimes Committed Abroad or on the High Seas) (ST/LEG/SER.B/2, United Nations publication, Sales No. 1952.V.1);
- (c) *Supplement to Laws and Regulations on the Régime of the High Seas (Volumes I and II) and Laws concerning the Nationality of Ships* (ST/LEG/SER.B/8, United Nations publication, Sales No. 59.V.2);
- (d) *Laws and Regulations on the Régime of the Territorial Sea* (ST/LEG/SER.B/6, United Nations publication, Sales No. 1957.V.2); and
- (e) *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* (ST/LEG/SER.B/15, United Nations publication, Sales No. E/F.70.V.9).

² It should be noted that most of the texts received from Governments printed in the present volume were contained in preliminary issues of the volume circulated in 1972 and 1973, in mimeograph form, for the convenience of the members of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction.

³ *Sea supra* p. vii, note 1 (e).

acts of national regulation. Part Two comprises treaty provisions. Each Part is divided into four Divisions, as follows:

- Division I. The Territorial Sea and the Contiguous Zone;
- Division II. The Continental Shelf;
- Division III. The High Seas;
- Division IV. Fishing and Conservation of the Living Resources of the Sea.

The material contained in Part One, Division I, is further divided into subdivisions and chapters. In Part One the texts are arranged as far as possible chronologically under the name of the State concerned; the texts of laws and similar enactments normally precede the texts of decrees or regulations. The names of the States are given in English and follow the English alphabetical order. In Part Two a distinction is made between multilateral and bilateral treaties which are arranged separately in chronological order in each Division. It should be noted that the inclusion of a particular treaty in the present volume does not necessarily mean that the treaty in question is in force at the time of editing.

Charts and maps are not reproduced for technical reasons.

In accordance with the practice followed in the *United Nations Legislative Series*, texts received in English or French are given in the original language. Texts received in other languages are given in English. A footnote to the title of the text indicates when the text reproduced is a translation made by the Secretariat of the United Nations.

INTRODUCTION

A sa 60^e séance, tenue le 26 mars 1971, le Comité des utilisations pacifiques du fond des mers et des océans au-delà des limites de la juridiction nationale a prié le Secrétaire général de demander aux États Membres de lui faire parvenir le texte des dispositions législatives qu'ils avaient adoptées ou des traités qu'ils avaient conclus récemment afin de mettre à jour les renseignements communiqués antérieurement contenus dans les volumes de la *Série législative des Nations Unies* relatifs au droit de la mer¹.

¹ Les volumes déjà publiés sont les suivants :

- a) *Laws and Regulations on the Régime of the High Seas*, vol. I (Plateau continental, zones contiguës, surveillance des navires étrangers en haute mer) [ST/LEG/SER.B/1, publication des Nations Unies, numéro de vente : 1951.V.2];
- b) *Laws and Regulations on the Régime of the High Seas*, vol. II (Lois relatives à la compétence juridictionnelle en matière d'infractions pénales commises à l'étranger ou en haute mer) [ST/LEG/SER.B/2, publication des Nations Unies, numéro de vente : 1952.V.1];
- c) Supplément aux volumes intitulés *Laws and Regulations of the Régime of the High Seas* (vol. I et II) et *Laws concerning the Nationality of Ships* (ST/LEG/SER.B/8, publication des Nations Unies, numéro de vente : 59.V.2);

Le présent volume contient les textes adressés par les gouvernements en réponse aux deux notes du Secrétaire général, datées respectivement du 11 mai 1971 et du 25 mai 1972, par lesquelles il sollicitait les renseignements en question. Ces notes prévoyaient que les textes seraient en général ceux adoptés depuis 1969, mais il était toutefois précisé que les gouvernements pouvaient communiquer des textes antérieurs à cette date dans la mesure où ils n'avaient pas été publiés dans les volumes précédents de la *Série législative*. Le présent volume contient également la documentation pertinente communiquée, indépendamment des notes du Secrétaire général, par plusieurs gouvernements qui ont demandé qu'elle soit diffusée². En outre, on a reproduit dans une annexe au volume le texte des déclarations, des résolutions ou des rapports adoptés par des organisations internationales, des conférences internationales ou d'autres réunions internationales ou celui des conclusions auxquelles elles sont parvenues; ces différents textes ont été publiés comme documents du Comité des utilisations pacifiques du fond des mers et des océans au-delà des limites de la juridiction nationale.

Comme le volume de 1970³, le présent volume comprend deux parties. La première partie reproduit le texte des dispositions législatives nationales et autres mesures de réglementation prises par les pays. La deuxième partie contient des dispositions de traités. Chaque partie comprend quatre sections :

- Section I. La mer territoriale et la zone contiguë;
- Section II. Le plateau continental;
- Section III. La haute mer;
- Section IV. Pêche et conservation des ressources biologiques de la mer.

La section I de la première partie est subdivisée en sous-sections et chapitres. Dans la mesure du possible, les textes qui figurent dans la première partie sont présentés dans l'ordre chronologique sous le nom de l'Etat intéressé; les lois et autres textes législatifs précèdent en principe les décrets ou règlements. Le nom des Etats est donné en anglais et selon l'ordre alphabétique anglais. Dans la deuxième partie, on fait une distinction entre les traités multilatéraux et les traités bilatéraux qui, dans chaque section, sont classés à part et selon l'ordre chronologique. Il convient de noter que le fait qu'un traité figure dans le présent volume ne signifie pas nécessairement qu'il soit en vigueur au moment de la publication.

d) *Laws and Regulations on the Régime of the Territorial Sea* (ST/LEG/SER.B/6, publication des Nations Unies, numéro de vente : 1957.V.2); et

e) *National Legislation and Treaties relating to the Territorial Sea, the Contiguous Zone, the Continental Shelf, the High Sea and to Fishing and Conservation of the Living Resources of the Sea* (ST/LEG/SER.B/15, publication des Nations Unies, numéro de vente : E/F.70.V.9).

² Il convient de noter que la plupart des textes adressés par les gouvernements qui sont reproduits dans le présent volume figuraient dans l'édition préliminaire de ce volume publiée en 1972 et 1973 sous forme miméographiée pour la commodité des membres du Comité des utilisations pacifiques du fond des mers et des océans au-delà des limites de la juridiction nationale.

³ Voir ci-dessus note 1, e.

Les cartes ne sont pas reproduites pour des raisons d'ordre technique.

Conformément à la pratique suivie pour la *Série législative des Nations Unies*, les textes reçus en anglais ou en français sont publiés dans la langue originale. Les textes reçus en d'autres langues sont publiés en anglais. Une note placée après le titre indique que le texte reproduit est une traduction établie par le Secrétariat de l'Organisation des Nations Unies.

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¹ A title in **bold-face** indicates that the text concerned is reproduced in the division, subdivision, or chapter in question. A title in light-face means that the relevant text is reproduced in another division, subdivision or chapter of the volume. In such a case, a cross-reference is made, in the appropriate place, to the division, subdivision or chapter in which the text is actually reproduced. A title in square brackets means that although the text is not reproduced in the volume, some explanations are provided in a foot-note.

² Les titres des textes sont tantôt en **caractères gras**, tantôt en caractères ordinaires, tantôt entre crochets. Les caractères gras indiquent que le texte correspondant au titre en question est reproduit dans la section, la sous-section ou le chapitre considéré. Les caractères ordinaires indiquent que le texte correspondant est reproduit ailleurs dans le volume. Dans ce dernier cas, une note indique l'endroit où le texte est effectivement reproduit. Les crochets encadrant certains titres indiquent que bien que le texte correspondant ne soit pas reproduit dans le volume, certaines explications sont fournies dans une note de bas de page.

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Part I
NATIONAL LEGISLATION

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

Subdivision A. The Territorial Sea

Chapter I

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

1. ARGENTINA

[DECREE NO. 5106 OF 29 DECEMBER 1966 CONCERNING FISHING BY FOREIGN
VESSELS IN THE TERRITORIAL SEA]¹

2. BRAZIL

DECREE LAW NO. 1098 OF 25 MARCH 1970 ALTERING THE LIMITS OF THE
TERRITORIAL SEA²

The President of the Republic, by virtue of the power vested in him by Article 55, Item I, of the Constitution and considering:

That the special interest of a coastal State in the maintenance of the productivity of the live resources of the maritime areas adjacent to its coastline is recognized by international law;

That this interest can only be effectively protected by the exercise of the sovereignty inherent in the concept of territorial waters;

That each State has the competence to fix reasonable limits for the extent of its territorial sea, on the basis of geographical and biological factors, as well as the needs of its population, security and defence, decrees:

¹ This Decree (*Boletín Oficial*, No. 21107 of 13 January 1967), which is reproduced in ST/LEG/SER.B/15, p. 45, with the date of 4 January 1967 instead of 29 December 1966, was repealed by Decree No. 8802 of 24 November 1967 (*Boletín Oficial*, No. 21321 of 24 November 1967, p. 4). For the Provisional Regulations approved by Decree No. 8802 see ST/LEG/SER.B/15, pp. 569-570.

² Entered into force on the day of publication, revoking Decree Law No. 553 of 25 April 1969. Unofficial English translation, provided by the Permanent Mission of Brazil to the United Nations in a note verbale of 29 December 1972.

Article 1. The territorial sea of Brazil will cover a band of 200 maritime miles in width, measured from the low-water line of the continental and insular coast of Brazil adopted as reference on Brazilian nautical charts.

Subparagraph. For those locations in which the coastline shows deep indentations or extensive promontories, or in which there exist a series of islands along the coast and in its immediate proximity, a system of straight baselines linking appropriate points will be adopted in order to draw the line from which the extent of the territorial sea will be measured.

Article 2. The sovereignty of Brazil extends to the air above the territorial sea, as well as to the sea-bed and subsoil beneath these waters.

Article 3. It is acknowledged that ships of all nations have the right to innocent passage through the Brazilian territorial sea.

Paragraph 1. Innocent passage is considered as simple travel through the territorial sea, as long as no other activities extraneous to navigation are undertaken and no stops are made except those pertinent to navigation.

Paragraph 2. While in the territorial sea, all ships must comply with the Brazilian regulations which have been imposed for the purpose of guaranteeing peace, good order and security, as well as avoiding pollution of the waters and damage to the resources of the sea.

Paragraph 3. The Brazilian Government will establish all the regulations that, for security reasons, in its judgement, must be observed by foreign war ships or other ships under the flag of foreign States.

Article 4. The Brazilian Government will regulate fishing, bearing in mind the best interests of the nation and the preservation of the living resources of the territorial sea, as well as research and exploration activities.

Paragraph 1. The regulations can fix zones in which fishing will be reserved exclusively for Brazilian vessels.

Paragraph 2. In the zones of the territorial sea that remain open for fishing by foreign vessels, such vessels can operate only when they are duly registered and authorized by the proper authorities and as long as they observe their obligation to respect Brazilian regulations.

Paragraph 3. Special systems of fishing, research and exploration may be set up by international agreements, in principle on the basis of reciprocity.

3. CANADA

(a) TERRITORIAL SEA AND FISHING ZONE ACT OF 16 JULY 1964, AS AMENDED BY ACT OF 1970¹

...

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

¹ The 1964 Act (*Statutes of Canada*, 1964, Chapter 22) is reproduced in ST/LEG/SER.B/15, pp. 52-54. The amendments were made by the Act to Amend the Territorial Sea and Fishing Zone Act, *Revised Statutes of Canada*, 1970, Chapter 45 (1st Supp.). Only the amended sections are reproduced here.

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 twelve nautical miles from the nearest point of the baseline.

...
4. (1) *Fishing zones*

The fishing zones of Canada comprise such areas of the sea adjacent to the coast of Canada as may be prescribed by the Governor in Council pursuant to subsection 5.1 (1).

...
5. (1) *Powers of Governor in Council*

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

(2) *Baselines where coordinates listed*

In respect of any area for which geographical coordinates 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 between given points and the use of the low water lines of low tide elevations situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the coast, baselines are straight lines joining the consecutive geographical coordinates of points so listed.

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

Where, in his opinion, a portion of the territorial sea of Canada determined in accordance with subsection 3 (1) would conflict with the territorial sea or the fishing zones 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, issue a list of geographical coordinates of points from which, in respect of the portion of the territorial sea of Canada designated in the list, an outer limit line may be determined in substitution for the territorial sea outer limit line described in subsection 3 (1) and such outer limit line shall thereupon be substituted.

(5) *Low tide elevations*

For the purposes of this section, low tide elevations are naturally formed areas of land that are surrounded by and above water at low tide but submerged at high tide.

...
5.1 (1) *Prescription of fishing zones*

Subject to subsection (2), the Governor in Council may, by order, prescribe as fishing zones of Canada such areas of the sea adjacent to the coast of Canada as are specified in the order and may, as he deems necessary, amend such areas.

(2) *Publication of proposed orders*

A copy of each order that the Governor in Council proposes to make under subsection (1) shall be published in the *Canada Gazette*; and no order

may be made by the Governor in Council under subsection (1) based upon any such proposal except after the expiration of sixty days following publication of the proposal in the *Canada Gazette*.

...

(b) TERRITORIAL SEA AND FISHING ZONES GEOGRAPHICAL COORDINATES
(AREAS 4, 5 AND 6) ORDER OF 1969¹

...

2. In this Order,

- (a) "Act" means the *Territorial Sea and Fishing Zones Act*;²
- (b) "Area" includes all islands adjacent to the Area;
- (c) "C.H.S. Chart" means Canadian Hydrographic Service Chart; and
- (d) "geographical coordinates of points" means the latitude and longitude of points determined by reference to columns II and III of the Schedule.

3. This Order applies to

- (a) Area 4 being Southeast and South Nova Scotia;
- (b) Area 5 being Southwest Vancouver Island; and
- (c) Area 6 being the West coast of the Queen Charlotte Islands.

4. The list of geographical coordinates of points set out in the Schedule are hereby issued as lists of geographical coordinates of points from which baselines may be determined pursuant to the Act.

5. In respect of the portions of Areas 4, 5 and 6 for which the geographical coordinates of points are set out in the Schedule, the baselines are straight lines joining the points so set out.

SCHEDULE

AREA 4

Nova Scotia

<i>Column I Locality</i>	<i>Column II Latitude</i>	<i>Column III Longitude</i>	<i>Column IV C.H.S. Chart</i>
1. Whipple Point	44° 14' 12" N.	66° 23' 48" W.	4011
2. Gull Rock	44° 12' 31" N.	66° 23' 24" W.	4011
3. Cape St. Mary	44° 04' 40" N.	66° 12' 42" W.	4011
4. Chegoggin Point	43° 51' 03" N.	66° 10' 17" W.	4011
5. Cape Fourchu	43° 47' 58" N.	66° 10' 14" W.	4322
6. Gannet Rock	43° 38' 26" N.	66° 08' 59" W.	4011
7. Devils Limb	43° 24' 11" N.	66° 02' 20" W.	4011
8. Seal Island	43° 23' 34" N.	66° 01' 08" W.	4011
9. Seal Island	43° 23' 29" N.	66° 00' 29" W.	4011
10. Cape Sable	43° 23' 18" N.	65° 37' 10" W.	4215

¹ P.C. 1969-1109; 29 May 1969. SOR/69-278. *Canada Gazette*, Part II, Vol. 103, No. 11; 11 June 1969.

² For the text of the Act see ST/LEG/SER.B/15, pp.52-54 and for the 1970 amendments thereto *supra* (a).

AREA 4—*cont.**Nova Scotia—cont.*

<i>Column I</i> Locality	<i>Column II</i> Latitude	<i>Column III</i> Longitude	<i>Column IV</i> C.H.S. Chart
11. Salvage Islands	43° 27' 57" N.	65° 22' 45" W.	4215
12. Potter Ledge	43° 40' 28" N.	65° 02' 05" W.	4213
13. Little Hope Island	43° 48' 29" N.	64° 47' 22" W.	4213
14. Western Head	43° 59' 20" N.	64° 39' 40" W.	4212
15. Black Rock	44° 10' 28" N.	64° 19' 32" W.	4211
16. Cross Island	44° 18' 40" N.	64° 10' 01" W.	4384
17. Betty Island	44° 26' 16" N.	63° 46' 04" W.	4385
18. Pennant Point	44° 25' 51" N.	63° 39' 00" W.	4385
19. Shag Rock	44° 25' 50" N.	63° 34' 09" W.	4385
20. Black Rock	44° 26' 54" N.	63° 32' 10" W.	4385
21. Shut-in Island	44° 37' 04" N.	63° 16' 52" W.	4311
22. Old Man	44° 39' 33" N.	62° 59' 44" W.	4311
23. Transport Ledges	44° 39' 26" N.	62° 51' 58" W.	4311
24. Beaver Island	44° 49' 25" N.	62° 20' 13" W.	4317
25. Bowen Ledge	44° 52' 10" N.	62° 09' 22" W.	4317
26. Gull Ledge	44° 54' 34" N.	62° 01' 47" W.	4317
27. Pollux Rock	45° 03' 08" N.	61° 39' 20" W.	4284
28. Country Island	45° 05' 53" N.	61° 32' 30" W.	4283
29. Shag Rock	45° 10' 08" N.	61° 21' 18" W.	4283
30. White Head Island	45° 11' 45" N.	61° 07' 55" W.	4282
31. Millstone Island	45° 11' 58" N.	61° 06' 29" W.	4282
32. White Point Ledges	45° 14' 36" N.	60° 58' 52" W.	4280
33. Michaud Point	45° 34' 13" N.	60° 40' 41" W.	4374
34. Basque Islands	45° 34' 28" N.	60° 38' 55" W.	4374
35. St. Esprit Island	45° 37' 12" N.	60° 29' 26" W.	4374
36. West Head	45° 38' 36" N.	60° 25' 25" W.	4374
37. Fourchu Head	45° 42' 58" N.	60° 13' 48" W.	4374
38. Guyon Island	45° 45' 54" N.	60° 06' 38" W.	4374
39. Guyon Island	45° 46' 06" N.	60° 06' 15" W.	4374
40. Black Rocks	45° 48' 14" N.	60° 03' 42" W.	4375
41. White Point	45° 52' 23" N.	59° 59' 40" W.	4375
42. Portnova Islands	45° 56' 15" N.	59° 47' 28" W.	4375
43. Scatarie Island	45° 59' 33" N.	59° 42' 01" W.	4375
44. Cormorandiere Rocks ..	46° 02' 14" N.	59° 39' 42" W.	4375
45. Flint Island	46° 10' 51" N.	59° 46' 12" W.	4375
46. David Head	46° 14' 58" N.	60° 02' 36" W.	4367
47. David Head	46° 15' 11" N.	60° 03' 36" W.	4367
48. Low Point	46° 16' 04" N.	60° 07' 36" W.	4367
49. Cape Smokey	46° 37' 39" N.	60° 21' 01" W.	4367
50. East Rocks	46° 41' 12" N.	60° 19' 48" W.	4363
51. Cape Egmont	46° 50' 54" N.	60° 18' 09" W.	4363
52. Money Point	47° 01' 46" N.	60° 23' 25" W.	4363

AREA 5
Vancouver Island

<i>Column I</i> Locality	<i>Column II</i> Latitude	<i>Column III</i> Longitude	<i>Column IV</i> C.H.S. Chart
1. Bonilla Point	48°35'37"N.	124°43'09"W.	3607
2. Pachena Point	48°43'15"N.	125°05'52"W.	3627
3. Mara Rock	48°52'30"N.	125°28'40"W.	3627
4. Florencia Islet	48°58'35"N.	125°38'43"W.	3627
5. Gowlland Rocks	49°04'12"N.	125°51'52"W.	3627
6. Cleland Island	49°10'08"N.	126°05'23"W.	3640
7. Estavan Point	49°22'35"N.	126°33'00"W.	3640
8. Hesquiat Peninsula	49°24'10"N.	126°35'02"W.	3640
9. Bajo Point	49°36'56"N.	126°49'57"W.	3662
10. Skuna Bay	49°40'32"N.	126°54'30"W.	3662
11. Ferrer Point	49°43'52"N.	126°58'02"W.	3662
12. Tatchu Point	49°51'30"N.	127°09'26"W.	3662
13. Barrier Islands	49°57'19"N.	127°20'13"W.	3667
14. Lookout Island	50°00'23"N.	127°30'49"W.	3667
15. Clerke Point	50°04'32"N.	127°48'47"W.	3667
16. Brooks Peninsula	50°05'30"N.	127°52'37"W.	3667
17. Solander Island	50°06'32"N.	127°56'06"W.	3667
18. Solander Island	50°06'39"N.	127°56'26"W.	3667
19. Solander Island	50°06'52"N.	127°56'34"W.	3667
20. Kwakiutl Point	50°20'07"N.	127°59'33"W.	3680
21. Topknot Point	50°32'16"N.	128°13'14"W.	3676
22. Cape Palmerston	50°36'36"N.	128°18'27"W.	3676
23. Winifred Island	50°39'40"N.	128°22'00"W.	3676

AREA 6
Queen Charlotte Islands

<i>Column I</i> Locality	<i>Column II</i> Latitude	<i>Column III</i> Longitude	<i>Column IV</i> C.H.S. Chart
1. Kunghit Island	51°56'37"N.	131°01'52"W.	3825
2. Kunghit Island	51°57'12"N.	131°02'58"W.	3825
3. Barber Point	51°58'14"N.	131°04'38"W.	3825
4. Anthony Island	52°05'00"N.	131°14'13"W.	3825
5. McLean Fraser Point ..	52°12'48"N.	131°25'25"W.	3853
6. Wells Cove	52°19'32"N.	131°33'35"W.	3853
7. Mike Inlet	52°30'39"N.	131°47'00"W.	3853
8. Murray Cove	52°34'38"N.	131°53'44"W.	3853
9. Headland west of Mt. De la Touche	52°41'34"N.	132°03'45"W.	3853
10. Tasu Sound	52°44'50"N.	132°08'32"W.	3853
11. Chads Point	52°48'01"N.	132°14'06"W.	3853
12. Bottle Point	52°53'41"N.	132°19'33"W.	3854
13. Cape Henry	52°55'38"N.	132°22'00"W.	3854
14. Kitgoro Point	53°02'48"N.	132°32'05"W.	3854
15. Buck Point	53°05'11"N.	132°34'50"W.	3854
16. Marble Rock	53°11'45"N.	132°40'12"W.	3869

AREA 6—cont.
Queen Charlotte Islands—cont.

Column I Locality	Column II Latitude	Column III Longitude	Column IV C.H.S. Chart
17. Hunter Point	53° 15' 08" N.	132° 43' 16" W.	3869
18. Kindakun Rock	53° 18' 54" N.	132° 47' 35" W.	3869
19. Hippa Island	53° 32' 51" N.	133° 01' 05" W.	3869
20. Tina Rock	53° 46' 24" N.	133° 07' 23" W.	3868
21. Frederick Island	53° 56' 17" N.	133° 12' 02" W.	3868
22. Carew Rock	54° 09' 50" N.	133° 07' 38" W.	3868
23. Langara Island	54° 14' 45" N.	133° 05' 02" W.	3868
24. Langara Island	54° 14' 58" N.	133° 04' 48" W.	3868

4. COSTA RICA

INFORMATION CONCERNING CONSTITUTIONAL PROVISIONS AND DEFINITION BY
COURTS OF THE BREADTH OF THE TERRITORIAL WATERS¹

“The Constitution does not expressly establish the breadth of the Republic’s territorial waters but refers to the principles of international law and the provisions of the treaties in force. The Republic’s courts have defined the breadth of Costa Rica’s territorial waters as extending to a distance of three nautical miles from the low-water line. (Judgement of the Court of Cassation, 14 December 1950, *Jones Boden v. Han Daniels*.)²

5. EQUATORIAL GUINEA

INFORMATION CONCERNING PRESIDENTIAL DECREE NO. 17/70 OF 24 SEP-
TEMBER 1970, EXTENDING THE BREADTH OF THE TERRITORIAL WATERS³

“[M]y Government maintains in effect its Presidential Decree No. 17/70, signed and promulgated at Santa Isabel . . . on 24 September 1970; that Decree extends the territorial waters of my country to twelve miles in the Bay of Corisco in the southern part of Equatorial Guinea.”

6. FIJI

FISHERIES ORDINANCE OF 1941, AS AMENDED UP TO 1966, section 2⁴

¹ Provided by the Permanent Mission of Costa Rica to the United Nations in a note verbale of 29 July 1971. Translation by the Secretariat of the United Nations.

² *Compilation of Judgements*, vol. 2, Second Term, 1950, p. 1220.

³ Provided by the Permanent Mission of the Republic of Equatorial Guinea to the United Nations in a note verbale of 16 March 1972. Translation by the Secretariat of the United Nations.

⁴ *Infra* DIVISION IV, 7.

7. GABON

RENSEIGNEMENTS CONCERNANT L'EXTENSION DE LA LIMITE DES EAUX TERRITORIALES¹

“[L]e gouvernement gabonais a décidé de porter la limite des eaux territoriales du Gabon à 100 milles à partir du 21 juillet 1972. Cette nouvelle mesure annule l'ordonnance n° 1/72/PR du 5 janvier 1972 qui avait fixé cette limite à 30 milles.”

8. GHANA

INFORMATION CONCERNING THE EXTENSION OF THE TERRITORIAL WATERS²

“[O]n 12th September 1972 the National Redemption Council of Ghana decided that the territorial waters of the Republic of Ghana should be extended to thirty miles.”

9. IRAN

ACT OF 12 APRIL 1959 AMENDING THE ACT OF 15 JULY 1934 ON THE TERRITORIAL WATERS AND THE CONTIGUOUS ZONE OF IRAN³

Article 1. The sovereignty of Iran extends, beyond its land territory and internal waters, to a belt of the sea adjacent to its coast, referred hereto as the “territorial sea”.

Article 2. The said sovereignty extends to the air space over the territorial sea as well as to the sea-bed and subsoil thereof.

Article 3. The breadth of the territorial sea of Iran is 12 nautical miles from the baseline of the said sea. The baseline will be determined by the Government with due regard to the established rules of public international law.

Note: One nautical mile is equal to 1,852 metres.

Article 4. Wherever the coast of Iran is adjacent to or opposite the coast of another State, the dividing line between Iran's coastal waters and those of the other State shall be, unless otherwise agreed between the parties, the median line every point of which is equidistant from the nearest point on the baselines of both States.

¹ Transmis au Secrétaire général de l'Organisation des Nations Unies par le représentant permanent de la République gabonaise auprès de l'Organisation des Nations Unies par lettre en date du 28 août 1972.

² Provided by the Ministry of Foreign Affairs of Ghana in a note verbale dated 29 November 1972.

³ English text provided by the Minister for Foreign Affairs of Iran in a note verbale of 16 July 1972. In accordance with the information contained in the note, this English text replaces the French text reproduced in ST/LEG/SER.B/15, pp. 88-89.

Article 5. Every island belonging to Iran, situated within or outside the territorial sea of Iran, shall have its own territorial sea determined in accordance with the provisions of the present Act. The islands situated at a distance not exceeding 12 nautical miles from one another, shall be considered as a single island and the limit of their territorial sea shall be determined from the islands remotest from the centre of the archipelago.

Article 6. The waters between Iran's coast and baseline, as well as the waters between the islands belonging to Iran situated at a distance not exceeding 12 nautical miles from one another, shall constitute the internal waters of Iran.

Article 7. Fishing and other rights of Iran beyond the limits of its territorial sea, shall remain unaffected.

...

10. JAMAICA

TERRITORIAL SEA ACT, 1971¹

...

2. *Interpretation*

In this Act:

"Breadth", used with reference to the territorial sea, means any measurement, from a baseline therefor, whereby any of the outer limits of the territorial sea may, for the purposes of subsection (1) of section 3, be located in a manner such as described in article 6 of the Convention;

"The Convention" means the Convention on the Territorial Sea and the Contiguous Zone,² which was prepared at the International Conference on the Law of the Sea held at Geneva from the 24th February to the 27th April, 1958, to which Jamaica is a party. . . .;

"Laws" includes instruments having the force of law and unwritten rules of law;

"Minister" means the Minister for the time being responsible for External Affairs;

"The territorial sea" means the territorial sea of Jamaica.

3. *Limits of territorial sea and application of laws with reference thereto*

(1) The territorial sea shall comprise the waters of so much of the sea adjacent to the coasts of Jamaica, and shall have such limits, as may be in keeping with the provisions of this Act, and with any regulations made under section 6, in all respects so provided for or prescribed for the time being and, in other respects, with the Convention.

¹ Act 14 of 1971; 29 April 1971. Date of entry into force to be appointed by the Minister by notice published in the *Gazette*. Text provided by the Permanent Representative of Jamaica to the United Nations in a note verbale of 19 July 1972.

² United Nations, *Treaty Series*, vol. 516, p. 205. Reproduced in ST/LEG/SER.B/15, pp. 721-728.

(2) The territorial sea shall be twelve miles in breadth or shall have such other breadth as may be prescribed.

(3) The waters, within the limits which are mentioned in subsection (1) shall be the territorial waters of Jamaica and such references to territorial waters of the Island as were expressed (in whatever terms) or implied immediately before the date of commencement of this Act in any laws, being laws continuing in force or brought into operation in Jamaica on or after that date, shall, in relation to any period commencing thereon or thereafter, be construed accordingly except where the context is such that it is inappropriate.

(4) The provisions of paragraph 1 of article 5 and paragraph 4 of article 7 of the Convention as respects waters situated on the landward side of any baseline or enclosed by any closing line shall have effect as part of the law of Jamaica, which (as in force from time to time) shall apply to such waters accordingly, with reference to any prescribed or other line aforesaid limiting the territorial sea but without prejudice to any regulations made under section 6 for the purpose of giving effect to paragraph 2 of article 5 of the Convention.

(5) All laws made or having effect prior to commencement of this Act, and for the construction or application of which any provision is hereinbefore made by this section, shall, subject to repeal or variation by any competent authority, have effect with such adaptations and modifications as may be necessary to bring them into conformity with that provision.

4. *Criminal jurisdiction*

(1) An act:

(a) Committed by a person, whether he is or is not a citizen of Jamaica, on or in the territorial sea; and

(b) Being of such a description as would, if committed on land within a parish in Jamaica, be punishable on indictment according to the law of Jamaica for the time being in force,

is an offence punishable on indictment in like manner, notwithstanding that it may have been committed on board or by means of a vessel the nationality of which is not Jamaican; and the person who is reasonably suspected of having committed such offence may, subject to the provisions of subsection (5), be arrested, and may be tried and otherwise dealt with in reference to any charge against him in connection with that offence, accordingly.

(2) Without prejudice to the provisions of subsection (5), for the purpose of arresting any person charged with an offence declared by subsection (1) to be indictable, the territorial sea shall be deemed to be within the jurisdiction of any person authorized by law for the time being in force in Jamaica to issue warrants for the arrest of persons charged with indictable offences committed within his jurisdiction.

(3) At the commencement of this Act, the Territorial Waters Jurisdiction Act, 1878, in so far as it forms part of the law of Jamaica, shall cease to have effect.

(4) Nothing in this section shall:

(a) Except as provided by subsection (5), restrict or prejudice the exercise of any powers or authority by, for, or on behalf or in the name or service of, Her Majesty in right of Her Government of Jamaica pursuant to international

law or any provisions contained immediately before the commencement of this Act in any law having effect thereafter as part of the law of Jamaica;

(b) Abrogate or abridge any criminal jurisdiction conferred on any court by virtue of any provisions contained as aforesaid;

(c) Preclude any act of piracy (as defined by any such law or provisions as aforesaid) from being tried or otherwise dealt with in like manner as such an act might, until the commencement of this Act, have been dealt with pursuant to any law or custom hitherto applicable in Jamaica, but without prejudice to its being lawful to deal in any other manner hereinbefore authorized by this section with any such act declared to be indictable as aforesaid; and references in this section to provisions contained in any law immediately before the commencement of this Act include references to provisions as construed or having effect under section 3 which were so contained.

(5) No exercise of power or authority in any manner described in paragraph (a) of subsection (4) shall be such as to constitute a breach of article 19 of the Convention.

5. Restriction of execution of civil process

Nothing shall be lawful to any extent to which it is inconsistent with any provisions of the Convention in so far as they are restrictive of the taking, pursuant to Jamaica's sovereignty over the territorial sea, of measures for the purposes of the execution of civil process or the exercise of civil jurisdiction.

6. Regulations

(1) The Minister may, by regulations, make such provision as appears to him to be necessary or expedient for the purposes of carrying out the Convention and regulating the use of the territorial sea, or for any such purpose, and (without prejudice to the generality of the foregoing) provision may be so made for all or any of the following matters:

(a) The charts to be officially recognised as indicating baselines limiting the territorial sea, and the admission of any of such charts in evidence or the admission therein of a chart as being certified in the prescribed manner to be a copy of any of them;

(b) Defining any limits of the territorial sea or part thereof, whether by way of such charts as aforesaid or otherwise;

(c) Making it a breach of the regulations to fish without lawful authority in the territorial sea:

(i) By means of a vessel the nationality of which is not Jamaican; and

(ii) In contravention of any law which imposes in case of summary conviction thereof, or conviction on indictment therefor, liability irrespective of the nationality of any vessel involved therein,

and making any such breach of the regulations as aforesaid an offence punishable in like case by a fine of any maximum amount exceeding by not more than five thousand dollars, or by imprisonment for any maximum term exceeding by not more than twelve months, that to which any liability is imposed as mentioned in subparagraph (ii), or by both such fine and imprisonment, as may be prescribed;

(d) Determining the nationality of vessels for the purposes of any provisions of the regulations;

(e) Making with effect from a prescribed date, not earlier than the date of commencement of this Act, such adaptations or modifications in any other laws made or having effect in Jamaica prior to the date of commencement aforesaid as appear to him necessary or expedient in consequence of anything contained in the Convention;

(f) Prescribing anything authorized or required by this Act to be prescribed.

(2) Powers conferred by subsection (1) or any such regulations as aforesaid for any purpose shall be in addition to, and (save as may be otherwise provided under paragraph (e) of subsection (1)) not in derogation of, any powers exercisable for the like purpose in accordance with any other laws, so, however, that in case of any conflict the powers conferred as aforesaid shall prevail.

(3) Any regulations made pursuant to subsection (2) of section 3 shall be subject to negative resolution, and any regulations made under paragraph (e) of subsection (1) for the purpose of adapting or modifying any Act or Law shall be subject to affirmative resolution, of the House of Representatives.

7. *Crown bound.*

This Act binds the Crown.

...

11. LIBYAN ARAB REPUBLIC

ACT NO. 2 OF 18 FEBRUARY 1959 CONCERNING THE DELIMITATION OF LIBYAN TERRITORIAL WATERS¹

Article 1. The limit of Libyan territorial waters shall be fixed at twelve nautical miles.

...

12. MADAGASCAR

DÉCRET N° 70.028 DU 10 JANVIER 1970 FIXANT LES LIMITES DES "EAUX INTÉRIEURES MARITIMES", articles 1-4²

13. MALAYSIA

EMERGENCY (ESSENTIAL POWERS) ORDINANCE, NO. 7, 1969, AS AMENDED IN 1969³

...

2. *Interpretation*

This Ordinance shall apply throughout Malaysia.

¹ *Official Journal*, 9th Year, No. 7, March 13, 1959, p. 3. Entered into force on 13 March 1959 in accordance with article 2. Translation by the Secretariat of the United Nations.

² *Infra* DIVISION IV, 14 (a).

³ The original Ordinance was promulgated on 2 August 1969. Amendments were made by PU(A) 355/69 and PU(A) 468/69. Text provided by the Permanent Representative of Malaysia to the United Nations in a note verbale of 14 February 1972.

3. *Breadth of territorial waters*

(1) The breadth of the territorial waters of Malaysia shall be twelve nautical miles and such breadth shall except in the Straits of Malacca, the Sulu Sea and the Celebes Sea be measured in accordance with Articles 3, 4, 6, 7, 8, 9, 10, 11, 12 and 13 of the Geneva Convention on the Territorial Sea and Contiguous Zone (1958), . . .

(2) In applying the aforesaid Articles, the expression “territorial sea” occurring therein shall be construed as “territorial waters”.

4. *Modification of laws*

(1) Except as provided in subsection (2), any reference occurring in any written law to territorial waters shall in so far as such reference affects federal law be construed subject to the provisions of this Ordinance.

(2) For the purposes of the Continental Shelf Act, 1966², the Petroleum Mining Act, 1966,³ the National Land Code and any written law relating to land in force in Sabah and Sarawak, any reference to territorial waters therein shall in relation to any territory be construed as a reference to such part of the sea adjacent to the coast thereof not exceeding three nautical miles measured from the low-water mark.

5. *Publication of large-scale map*

(1) So soon hereafter as may be possible or thereafter from time to time as he may consider necessary the Yang di-Pertuan Agong shall cause to be published a large-scale map indicating the low water marks, the baselines, the outer limits and the areas of the territorial waters of Malaysia.

(2) A copy of such map shall be published in the *Gazette* for general information.

6. *Modification of territorial waters*

The Yang di-Pertuan Agong shall, pursuant to any agreement entered into between Malaysia and another coastal State, by order modify the areas of the territorial waters of Malaysia; and any modification so made shall be indicated in a large-scale map and a copy thereof shall be published in the *Gazette* for general information.

7. *Evidence*

In any proceedings before any court in Malaysia if a question arises as to whether an act or omission has taken place within or without the territorial waters of Malaysia, a certificate to that effect purported to be signed by or on behalf of the Minister charged with the responsibility for external affairs shall be received in evidence and shall be prima facie proof of the facts stated therein.

. . .

¹ United Nations, *Treaty Series*, vol. 516, p. 205. Reproduced in ST/LEG/SER.B/15, pp. 721-728.

² *Infra* DIVISION II, 13 (a).

³ *Ibid.* 13 (b).

14. MALDIVES

CONSTITUTION OF THE REPUBLIC¹

Article 1. The Territory of the Republic of Maldives is the islands situated between latitudes 07.09½ degrees North, and 0.45¼ degrees South, and longitudes 72.30½ degrees East, and 73.48 degrees East, and the sea and air surrounding and in between the islands.

...

15. MALTA

TERRITORIAL WATERS AND CONTIGUOUS ZONE ACT, 1971²

...

3. *Extent of territorial waters*

(1) Save as hereinafter provided, the territorial waters of Malta shall be all parts of the open sea within six nautical miles of the coast of Malta measured from low-water mark on the method of straight baselines joining appropriate points.

(2) For the purposes of the Fish Industry Act, 1953 and of any other law relating to fishing, whether made before or after this Act, the territorial waters of Malta shall extend to all other parts of the open sea within twelve nautical miles from the baselines from which the breadth of the territorial waters is measured, and for the purposes aforesaid jurisdiction shall extend accordingly.

4. *Contiguous Zone*

(1) Without prejudice to the provisions of subsection (2) of section 3 of this Act, in the zone of the open sea contiguous to the territorial waters of Malta as defined in subsection (1) of section 3 of this Act (such zone being in this Act referred to as "the contiguous zone") the State shall have such jurisdictions and powers as are recognised in respect of such zone by international law and in particular may exercise therein the control necessary:

(a) To prevent any contravention of any law relating to customs, fiscal matters, immigration and sanitation, including pollution, and

(b) To punish offences against any such law committed within Malta or in the territorial waters of Malta as defined by subsection (1) or subsection (2) of section 3 of this Act, as the case may require.

(2) The contiguous zone shall extend to twelve nautical miles from the baselines from which the breadth of the territorial waters is measured.

¹ Text provided by the Minister of External Affairs of the Republic of Maldives in his letter of 29 May 1972.

² Act No. XXXI of 1971; 7 December 1971. Assented to by the Governor-General on 10 December 1971. Text provided by the Permanent Mission of Malta to the United Nations in a note verbale of 5 July 1972.

5. *Saving*

Nothing in this Act shall be construed as affecting any jurisdiction and power exercisable in accordance with international law outside territorial waters.

16. MAURITANIA .

RENSEIGNEMENTS CONCERNANT L'EXTENSION DE LA LIMITE DES EAUX TERRITORIALES¹

“[L]a République Islamique de Mauritanie par une Loi adoptée le 30 juillet 1972, a décidé d'étendre la limite des eaux territoriales de la République Islamique de Mauritanie jusqu'à une distance de trente milles marins à compter d'une ligne de base droite allant du Cap Blanc au Cap Timiris.

“Cette loi a été publiée par le Gouvernement de la République Islamique de Mauritanie selon la procédure d'urgence le 31 juillet 1972.

“Elle est donc entrée en vigueur à partir de cette date.”

17. MEXICO

DECREE OF 28 AUGUST 1968 DELIMITING THE MEXICAN TERRITORIAL SEA WITHIN THE GULF OF CALIFORNIA²

Whereas, in conformity with article 42 (V) of the Constitution of the United Mexican States, as amended by Decree of 6 January 1960,

“The national territory comprises:

... .

“V. The waters of the territorial seas within the areas and the limits established by international law and by domestic maritime law”.

Whereas, the Convention on the Territorial Sea and the Contiguous Zone,³ opened for signature at Geneva on 29 April 1958 and ratified by Mexico on 17 June 1966, established the current international rules for measuring the breadth of the territorial sea;

Whereas, in conformity with article 4, paragraph 1, of the afore-mentioned Convention, “in localities where the coastline 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

¹ Transmis au Secrétaire général de l'Organisation des Nations Unies par le chargé d'affaires a.i. de la mission permanente de la République islamique de Mauritanie auprès de l'Organisation des Nations Unies par lettre en date du 29 août 1972.

² *Diario Oficial*, 30 August 1968, and list of errata of 5 October 1968. Came into force on 30 August 1968. Translation by the Secretariat of the United Nations.

³ United Nations, *Treaty Series*, vol. 516, p. 205. Reproduced in ST/LEG/SER.B/15, pp. 721-728.

measured", while at the same time, in accordance with article 4, paragraph 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;

Whereas, the aforementioned provisions, incorporated into our domestic law through the amendments to article 17 of the General Act on National Property adopted by Decree of the Congress of the Union of 29 December 1967, justify, in the judgement of the Executive, the use of the system of straight baselines for the delimitation of our territorial sea within the Gulf of California, wherever the islands lying along the respective coasts permit the drawing of such lines, without departing to any appreciable extent from the general direction of those coasts—a definition which, as the International Court of Justice has recognized, is not mathematically precise;

Whereas the two sets of baselines drawn from the entrance of the Gulf of California in a general north-westerly direction along the western and eastern shores of the Gulf terminate respectively at the south-western and the north-eastern extremity of San Esteban Island, as a result of which the waters between those baselines and the coasts of Baja California and Sonora become internal waters, in conformity with the provisions of article 5 of the Convention on the Territorial Sea and the Contiguous Zone;

Now therefore I have, without prejudice to the establishment of such other straight baselines as may be deemed proper for the measurement of the breadth of our territorial sea in the Pacific Ocean and the Gulf of Mexico, decided to issue, pursuant to article 89 (I) of the Constitution, the following

DECREE

Sole article. The Mexican territorial sea within the Gulf of California shall be measured from a baseline drawn as follows:

1. Along the western coast of the Gulf, from the point known as Punta Arena in the Territory of Baja California, in a north-westerly direction along the low-water mark to the point known as Punta Arena de la Ventana; thence along a straight baseline to the point known as Roca Montaña at the southern extremity of Cerralvo Island; thence along the low-water mark of the eastern shore of the said island to the northern extremity of the same; thence along a straight baseline to Las Focas Reef; thence along a straight baseline to the easternmost point of Espíritu Santo Island; thence along the eastern shore of the said island to the northernmost point of the same; thence along a straight baseline to the south-eastern extremity of La Partida Island; thence along the western shore of the said island to the group of islets known as Los Islotes at the northern extremity of La Partida Island; from the northern extremity of the said islets along a straight baseline to the south-eastern extremity of San José Island; thence in a general northerly direction along the low-water mark of the eastern shore to the point at which the shore of the island changes direction towards the north-west; from that point along a straight baseline to the island known as Las Animas; from the northern extremity of the said island along a straight baseline to the north-eastern extremity of Santa Cruz Island; from that point along a straight baseline to the south-eastern extremity

of Santa Catalina Island; thence along the low-water mark of the eastern coast of the said island to the northern extremity of the same; thence along a straight baseline to the place known as Punta Lobos at the north-eastern extremity of Carmen Island; thence along a straight baseline to the north-eastern extremity of Coronados Island; thence along a straight baseline to a point on the coast of the peninsula of Baja California known as Punta Mangles; thence along the low-water mark of the coast to another point on the coast known as Punta Pulpito; thence along a straight baseline to the eastern extremity of San Ildefonso Island; thence along a straight baseline to a point on the coast of the peninsula of California known as Punta Santa Teresa; thence along the low-water mark of the coast of the peninsula to the point known as Punta Concepción; thence along a straight baseline to the eastern extremity of Santa Inés Island; thence along the low-water mark of the eastern shore of the said island to the northern extremity of the same; thence along a straight baseline to the eastern extremity of Tortuga Island; thence along the low-water mark of the northern shore of the said island to the westernmost point of the same; thence along a straight baseline to a point on the peninsula of Baja California known as Punta Baja; thence along the low-water mark of the coast of the Peninsula to the point known as Cabo San Miguel; thence along a straight baseline to the south-western extremity of San Esteban Island.

2. Along the eastern coast of the Gulf of California, from a point known as Punta San Miguel in the State of Sinaloa, along the low-water mark in a general north-westerly direction to another point on the same coast known as Cabo Arco in the State of Sonora; thence along a straight baseline to another point on the same coast known as Puerto San Carlos; thence along the low-water mark of the shore to a point on the same coast known as Punta Doble; thence along a straight baseline to the south-eastern extremity of San Pedro Nolasco Island; thence along the low-water mark of the western shore of the said island to the northern extremity of the same; thence along a straight baseline to a point on the coast known as Punta Lesna; thence along the low-water mark of the eastern coast of the Gulf to a point on the coast of the State of Sonora known as Punta Baja; thence along a straight baseline to the southern extremity of Turners Island; thence along a straight baseline to the north-eastern extremity of San Esteban Island.

...

18. NAURU

PROVISION OF THE INTERPRETATION ACT 1971 DEFINING THE TERRITORIAL WATERS¹

[‘Nauruan territorial waters’ means:]

That area of water, and the waters and subsoil beneath it, enclosed by a line every part of which is at a distance of twelve miles from the nearest point of the outer edge of the reef surrounding the Island of Nauru which is exposed at low tide and, where there is an opening in the reef, from a straight line across the outer edge of that opening.

...

¹ Excerpt provided by the Secretary for External Affairs of Nauru in his letter of 11 February 1972.

19. NIGERIA

(a) TERRITORIAL WATERS DECREE 1967, AS AMENDED IN 1971¹

1. *Extension of limits of territorial waters*

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

(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 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 "twelve nautical miles" there shall be substituted the words "thirty 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 Decree 1971²) 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 or of the Territorial Waters (Amendment) Decree 1971³ (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 or of the Territorial Waters (Amendment) Decree 1971 in exercise of powers conferred by any such Act, Decree or instrument.

(4) Nothing in this section shall be construed as altering the extent of or the area covered by any lease, licence, right or permit granted under any enactment or instrument before the commencement of this Decree or of the Territorial Waters (Amendment) Decree 1971.

...

(b) TERRITORIAL WATERS (AMENDMENT) DECREE 1971⁴

1. *Extension of the limits of territorial waters of Nigeria to 30 nautical miles*

(1) As from the commencement of this Decree, the territorial waters of Nigeria shall for all purposes extend to thirty nautical miles of the coast of Nigeria (measured from low-water mark) or of the seaward limits of inland waters.

(2) Accordingly, for any reference to the area or extent of the territorial waters of Nigeria in:

¹ The 1967 Decree (No. 5 of 1967; 8 March 1969) is reproduced in part in ST/LEG/SER.B/15, pp. 103-104, 250-251. The amendments were made by the Territorial Waters (Amendment) Decree 1971, reproduced *infra* (b). The amendments cover only Section 1.

² *Infra* DIVISION IV, 18.

³ *Infra* (b).

⁴ Decree No. 38; 26 August 1971. Supplement to *Official Gazette*, No. 44, vol. 58; 2 September 1971, part A, p. 177. Entered into force on 26 August 1971.

- (a) The Territorial Waters Decree 1967¹
 (b) The Interpretation Act 1964,² in so far as section 18 thereof deals with the definition of territorial waters; and
 (c) Any other enactment,
 there shall be substituted "thirty nautical miles" instead of "twelve nautical miles".

...

3. *Saving*

Nothing in this Decree shall be construed as affecting the extent of or the area covered by any lease, licence, right or permit granted before the commencement of this Decree under any enactment of Federal application and such enactment shall with any necessary modifications be construed subject to this Decree.

...

20. NORWAY

ROYAL DECREE OF 25 SEPTEMBER 1970 CONCERNING THE DELIMITATION OF THE TERRITORIAL WATERS OF PARTS OF SVALBARD³

The boundary of Norway's territorial waters in the area of Svalbard, from Verlegenhuken to Halvmaneøya and around Bjørnøya and Nopen shall be drawn (cf. Royal Decree of 22nd February, 1812) four nautical miles outside and parallel with straight base lines drawn between the following points:

Number of the point	Name of the point	Position of the point	
		N. lat.	E. long.
1	Keilhauøya	74 20,5	19 04,4
2	Kapp Ruth	74 24,8	18 53,2
3	Kapp Hanna	74 26,2	18 49,8
4	Utstein	74 28,6	18 45,6
5	Drangane	74 29,3	18 46,8
6	Snyta	74 30,0	18 48,4
7	Flisa	74 30,2	18 49,4
8	Emmaholmane	74 30,9	18 56,4
9	Nordkapp	74 31,3	19 06,5
10	Havhestholmen	74 31,2	19 08,4
11	Hakestauren	74 30,9	19 10,2
12	Framnes	74 28,3	19 17,3
13	Kapp Nordenskjöld	74 28,0	19 17,4
14	Kapp Levin	74 27,1	19 16,9
15	Brettingdalen headland	74 26,4	19 16,5
16	Makeholmen	74 21,9	19 12,0
17	Kapp Kolthoff	74 20,9	19 07,4

¹ 1967 No. 5. Reproduced in part in ST/LEG/SER.B/15, pp. 103-104, 250-251.

² 1964 No. 4.

³ English text provided by the Permanent Representative of Norway to the United Nations in a note verbale of 17 November 1971.

Number of the point	Name of the point	Position of the point	
		N. lat.	E. long.
18	Kapp Thor	76 27,2	24 55,5
19	Vesterodden	76 27,7	24 53,5
20	Askheimodden	76 30,0	24 56,5
21	N. W. of Killerfjellet	76 34,0	25 06,8
22	W. of Flatsalen	76 42,0	25 25,8
23	Beisaren	76 43,0	25 29,8
24	The easternmost point	76 42,8	25 30,0
25	Skumskjera	76 27,4	24 59,5
26	Verlegenhuken	80 03,7	16 15,6
27	Moffen	80 02,4	14 30,8
28	Velkomstpynten	79 52,8	13 46,3
29	Biskayerhukun	79 50,6	12 24,8
30	Kobbeskjera, N	79 54,5	11 39,9
31	Ørneøya	79 52,3	11 16,7
32	Ytterholmane, N	79 46,2	10 35,0
33	Rock off Hamburgerbukta	79 32,0	10 40,3
34	Rock off Tredjebreen	79 20,6	10 51,7
35	Kapp Mitra, the outermost rock	79 06,7	11 09,8
36	Fuglehukun, Western rock	78 53,6	10 28,6
37	Kapp Sietoe, Northern headland	78 47,2	10 30,7
38	Fidrasteinen	78 42,5	10 37,5
39	Kvervodden, rock	78 27,3	11 04,5
40	Plankeholmane, S	78 12,5	11 57,8
41	Salskjera, S	78 12,1	12 06,8
42	SW Agskjera (Daudmannsodden)	78 11,9	12 59,8
43	Kapp Linmé, Revleodden	78 03,0	13 35,5
44	Islet NW of St. Hansholmane	77 53,4	13 32,8
45	Lagneset, W	77 45,2	13 43,8
46	Dunderholmane	77 29,3	13 54,1
47	Middagsskjera	77 25,1	13 53,2
48	Rock SW of Olsholmane	77 12,7	14 14,2
49	Svartsteinane (SW of Kroghryggen)	77 07,0	14 36,0
50	Dunøyane	77 03,3	14 57,8
51	Utskjeret (S of Suffolkpynten)	76 51,3	15 30,3
52	Brimingen	76 43,1	15 54,5
53	Svartskjeret	76 32,3	16 19,2
54	Bråttholmen	76 28,2	16 31,2
55	Sørkappfallet	76 26,5	16 38,1
56	Flakskjeret, S	76 28,0	16 49,0
57	Tristeinane, SE	76 32,9	17 03,8
58	Dumskolten	76 42,4	17 10,0
59	Davislaguna (near Hedgehogfjellet)	76 58,6	17 19,5
60	Headland between Markhambreen-Crollbreen	77 10,9	17 26,0
61	Kvalvagen, SW	77 25,0	17 36,7
62	Kvalvagen, E	77 29,5	18 13,2
63	Kvalhovden	77 31,5	18 16,2
64	Thomsonbreen, headland to the south	77 37,5	18 20,2
65	Beresnikovbreen, headland to the south	77 48,2	18 26,5
66	Kapp Dufferin	77 57,2	18 29,0
67	SE of Agardhfjellet	78 03,2	18 56,7
68	E of Agardhfjellet	78 05,9	19 02,2
69	Kapp Johannesen	78 13,5	19 04,0
70	Jakimovitsøyane, SW	78 12,0	20 24,2

Number of the point	Name of the point	Position of the point	
		N. lat.	E. long.
71	Kapp Lee, W	78 04,8	20 46,8
72	Blankeodden	77 58,8	21 12,5
73	Kapp Spörer	77 49,5	21 23,7
74	Rock W of Russebukta	77 35,1	20 47,4
75	W islet in the fjord	77 31,7	20 02,2
76	Kvalpynten	77 26,6	20 51,0
77	Kong Ludvigøyane, W	77 16,7	21 12,5
78	Utsira (between 77 and 79)	77 06,0	21 16,0
79	Haøyane, W	76 56,1	21 16,8
80	Haøyane, S	76 55,2	21 20,5
81	Braekholmholmane, SE (between 80 and 82)	77 03,1	22 12,0
82	Menkeøyane, SE	77 08,9	22 50,4
83	Halvmanøya, E	77 16,4	23 18,0

21. OMAN

DECREE OF 17 JULY 1972 CONCERNING THE TERRITORIAL SEA, CONTINENTAL SHELF AND EXCLUSIVE FISHING ZONES OF THE SULTANATE OF OMAN¹

PART ONE

Territorial sea

Article 1. The Sultanate of Oman exercises full sovereignty over the territorial sea of the Sultanate and over the airspace above and the seabed and subsoil beneath the Territorial sea of the Sultanate, in harmony with the principle of innocent passage of ships and planes of other states through international straits, and laws and regulations of the Sultanate relating thereto.

Article 2. The territorial sea of the Sultanate extends twelve nautical miles (22,224 metres) seaward, measured from the following baselines:

(a) The low-water line of the coast of the mainland or of an island, rock, reef, or shoal more than twelve nautical miles distant from the mainland or another island, rock, reef, or shoal, where the coast faces open sea;

(b) Straight lines, not exceeding twenty-four nautical miles in length, connecting the low-water marks of the entrance points to bays or gulfs.

(c) Straight lines connecting the nearest point on the mainland with the outermost extremities of an island, rock, reef, or shoal, or group of such islands, rocks, reefs, or shoals, less than twelve nautical miles distant from each other, if any part of such island, rock, reef or shoal or group of islands, rocks, reefs, or shoals lies within twelve nautical miles from the mainland;

(d) Straight lines connecting the outermost extremities of islands, rocks, reefs, or shoals, more than twelve nautical miles distant from the mainland, but less than twelve nautical miles distant from each other.

¹ English text provided by the Permanent Representative of Oman to the United Nations in his letter dated 17 July 1972 to the Secretary-General of the United Nations.

PART TWO

Continental shelf

Article 3. The Sultanate of Oman exercises sovereign rights over the continental shelf of the Sultanate for the purpose of exploring it and exploiting its natural resources.

Article 4. The continental shelf of the Sultanate includes the sea-bed and natural resources upon and beneath the sea-bed adjacent to the coast of the mainland or of an island, rock, reef, or shoal, but outside the territorial sea of the Sultanate, to a depth of 200 metres or to such greater depths as admit of the exploitation of natural resources.

PART THREE

Exclusive fishing zone

Article 5. The Sultanate of Oman exercises sovereign rights over the exclusive fishing zone of the Sultanate for the purposes of exploring, developing and exploiting its living resources, including but not limited to fish.

Article 6. The exclusive fishing zone of the Sultanate extends thirty-eight nautical miles seaward, measured from the outer limits of the territorial sea of the Sultanate.

PART FOUR

Overlapping jurisdictions

Article 7. Where the coast of another State is opposite or adjacent to the coast of the Sultanate of Oman, the outer limits of the territorial sea, continental shelf and exclusive fishing zone of the Sultanate 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 sea of the Sultanate and the territorial sea of such other States is measured.

PART FIVE

Miscellaneous provisions

Article 8. The precise limits of the territorial sea and exclusive fishing zone, as well as the median line limit of the continental shelf of the Sultanate, shall be determined by the Government of the Sultanate on maps and hydrographic charts recognized by the Sultanate of Oman.

Article 9. Official notification of effectiveness of this law shall be given to the Secretariat of the United Nations Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction.

...

22. PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN

TERRITORIAL WATERS AND THE CONTINENTAL SHELF OF THE PEOPLE'S REPUBLIC OF SOUTHERN YEMEN LAW, 1970¹

...

2. For the purposes of this Law, the following words and expressions shall have the meanings hereunder assigned to them unless the context otherwise requires:

...

(e) "Continental shelf" means the bottom of the sea and the ground beneath it in zones bordering the shore beyond the zone of the territorial sea up to a depth of two hundred metres or to such a farther depth as may allow the exploitation of the natural resources of such zones;

...

(h) "Shore or coast" means the Southern Yemeni coast facing the Gulf of Aden, the Arab Sea, the Indian Ocean and the Red Sea in accordance with the maps recognized by the Republic.

3. The territorial waters of the Republic, the air space over it and the land beneath it from the under-surface shall come under the sovereignty of the State provided that the provisions of the international law in respect of the peaceful passage of ships of other States in the territorial sea be respected.

4. The Republic shall have the right of sovereignty over the bottom of the sea and beneath in the continental shelf beyond the territorial waters of the Republic up to a point where the depth of the water is nine hundred and sixty feet or to a farther depth on the line within the limits of which the natural resources existing at the bottom may be exploited, and the Republic shall also have the right of sovereignty over the similar continental shelf of the Republic islands without affecting the description of the waters which being of the high seas, overlie the said zones or affecting the freedom of navigation in them and of aviation in the air space overlying them.

5. The Republic shall have the sole right to explore, search for and exploit all natural mineral and other inanimate resources and all living beings whether such resources exist at or under the bottom of the sea.

6. No alien whether a natural person or body corporate shall exploit the natural resources set out in section 5 or carry out search or excavation over them or make researches whatsoever in the continental shelves save by a resolution of the Presidential Council.

7. The territorial waters of the Republic shall include the internal waters in the lands and territorial sea of the Republic.

8. The internal waters in the lands of the Republic include

(a) Waters of gulfs existing along the coasts of the Republic;

(b) Waters between the land and any island of the Republic which is not more than twelve nautical miles distant from the lands;

¹ No. 8 of 1970; 9 February 1970. Legal Supplement to the *Official Gazette*, No. 14; 2 April 1970. Prior to 30 November 1970, the official title of the People's Democratic Republic of Yemen was "People's Republic of Southern Yemen".

(c) Waters between the islands of the Republic which are not more than twelve nautical miles distant from each other;

(d) Waters on land from any shoal which is not more than twelve nautical miles distant from the land or from any island of the Republic and waters between such a shoal and the land.

9. The Republic's territorial sea bordering the internal waters of the Republic extends as far as twelve nautical miles seaward measured from the straight baseline or from the low-water mark along the shore as set out on the large-scale maps recognized by the People's Republic of Southern Yemen.

10. The baseline from which the territorial sea of the Republic is measured, is determined as under:

(a) If the entire shore or coast of the island is exposed to sea, the lowest point of water recession from the coast.

(b) In case of existence of a gulf facing the sea, lines to be drawn at either end of the land from the gulf entrance to the other end.

(c) In case of existence of a shoal not more than twelve nautical miles distant from the land or from any island of the Republic, lines to be drawn from the land or island along the outer margin of the shoal.

(d) In case of existence of a wharf or port facing the sea, lines to be drawn along the side facing the sea from installations which are more projective than those of the port or wharf, in addition to the drawing of lines between the ends of such installations.

(e) In case of existence of an island not more than twelve nautical miles distant from the land, lines to be drawn from the land along the outer shores of the island.

(f) In case of existence of a group of islands which may be linked together by lines each length of which being not more than twelve nautical miles and the nearest island being not more than twelve miles distant from the land, lines to be drawn from the land and then on the outer shores of the whole group of islands if such islands are in the form of a chain, or to be drawn along the outer shores which are more projective than the group if the islands are not in the form of a chain.

(g) In case of existence of a group of islands which may be linked together by lines each length of which being not more than twelve nautical miles and the nearest island being more than twelve nautical miles distant from the land, lines to be drawn along the outer shores of the whole group of islands if such islands are in the form of a chain, or to be drawn along the outer shores of the islands which are more projective than the group if the islands are not in the form of a chain.

11. If after the delimitation of the territorial sea in accordance with the provisions of this Law there remains behind a portion of the high seas surrounded by territorial sea from all directions and may not extend twelve nautical miles towards any direction such a zone shall be deemed part of the territorial sea, and there shall be deemed also part of the territorial sea, any cavity clearly distinct from the high sea, which may be circumscribed by one straight line not more than twelve nautical miles in length.

12. In the event of waters of another State overlapping with the internal waters or territorial sea of the Republic the limits shall be determined either by agreement with such a State in accordance with the principles observed by the International Law or by means of an understanding between the States.

13. The Authorities of the Republic shall have the right to take all necessary measures in the territorial sea to protect itself against anything that may be prejudicial to its integrity or interests in accordance with the rules in force and with the provisions of the international law.

14. The Authorities of the Republic shall have the right to take all necessary measures for preventing ships entering the internal waters from violating the conditions to which such ships are subject while entering such waters.

15. Foreign ships having the right of passage in the territorial sea shall observe laws and rules in force in the Republic and the provisions of the international laws, particularly those relating to transportation and navigation.

16. The Authorities of the Republic shall, in such cases as they may determine, have the right to stop innocent passage in such areas of the territorial waters as may be specified by the Authorities, provided that such action be declared in advance.

17. Passage of foreign warships in the territorial sea shall be subject to prior permission and the Authorities of the Republic shall have the right to take all measures they may consider necessary against ships committing contravention, and submarines shall in no way pass submerged in the territorial sea.

18. For the following purposes, the Republic Authorities shall have the right to impose the necessary control over the high seas zone bordering the territorial sea of the Republic to an extent of six miles measured from the end of the territorial sea:

1. Preventing of contravention of its laws and rules relating to security, customs, health and finance whether in its land or in its territorial sea.
2. Punishment to be administered for contravention of the above-mentioned laws whether such contravention is committed in its land or in its territorial sea.

23. PERU

(a) SUPREME RESOLUTION NO. 23 OF 12 JANUARY 1955 DETERMINING THE PERUVIAN 200-MILE MARITIME ZONE¹

Whereas:

It is necessary to specify in cartographic and geodesic documents the method for determining the Peruvian 200-mile maritime zone referred to in the Supreme Decree of 1 August 1947² and the joint Declaration signed at Santiago on 18 August 1952 by Peru, Chile and Ecuador.

¹ Text taken from *Instrumentos Nacionales e Internacionales sobre Derecho del Mar* (Ministerio de Relaciones Exteriores del Perú, 1971), provided by the Minister of External Relations in a note verbale of 22 August 1972. Translation by the Secretariat of the United Nations.

² Reproduced in ST/LEG/SER.B/1, pp. 16-18 and, in part, in ST/LEG/SER.B/6, pp. 38-39.

It is hereby resolved that:

1. The said zone shall be bounded at sea by a line parallel to and at a constant distance of 200 nautical miles from the Peruvian coast.

2. In accordance with paragraph IV of the Declaration of Santiago, the said line shall not extend beyond the parallel of latitude drawn from the point at which the frontier of Peru reaches the sea.

(b) LAW NO. 15720 OF 11 NOVEMBER 1965 ON CIVIL AERONAUTICS¹

...

Article 2. The Republic of Peru shall exercise sole sovereignty over the air space above its territory and jurisdictional waters within a distance of 200 miles.

...

(c) LEGISLATIVE DECREE NO. 17752 OF 24 JULY 1969 ON GENERAL WATER LAW¹

...

Article 4. The provisions of this legislative decree shall apply to the maritime, terrestrial and atmospheric waters of the national territory and space, in all their physical states, such as waters being described as, but not limited to:

- (a) The waters of the sea within a distance of 200 miles;
- (b) The waters of the gulfs, bays, inlets and estuaries.

...

24. SINGAPORE

[TERRITORIAL WATERS JURISDICTION ACT, 1878]²

25. SPAIN

COASTS ACT OF 26 APRIL 1969³

Title I. Public maritime property and the use and exploitation thereof

Article 1. The following shall be public property without prejudice to legally acquired rights:

¹Text taken from *Instrumentos Nacionales e Internacionales sobre Derecho del Mar* (Ministerio de Relaciones Exteriores del Perú, 1971), provided by the Minister of External Relations in a note verbale of 22 August 1972. Translation by the Secretariat of the United Nations.

²Reproduced in ST/LEG/SER.B/6, pp. 355-357, under "United Kingdom of Great Britain and Northern Ireland". See especially Section 7, which defines "the territorial waters of Her Majesty's dominions".

³Act No. 28/69. *Boletín Oficial del Estado*, No. 101; 28 April 1969, pp. 763-766. Translation by the Secretariat of the United Nations.

...

(2) The land-sea zone, being that part of the coasts or maritime frontiers of Spanish territory which is covered by the sea between flood and ebb where the tides are perceptible and by the largest waves in normal weather where they are not. The said zone also extends along the banks of rivers as far as they are navigable or as far as the tides are perceptible.

(3) The territorial sea along the coasts or frontiers of the national territory, including inlets, roadsteads, bays, coves, harbours and other shelters which can be used for fishing and navigation.

(4) The bed and subsoil of the territorial sea and of the adjacent waters, to where the exploitation of their natural resources is possible.

Article 2. Islands which now exist or may be formed in the future in the territorial sea, in inlets or in the mouths of rivers as far as they are navigable or as far as the tides are perceptible shall belong to the State as part of its private domain, except where they are privately owned or derive from the division of a private estate. Their beaches and land-sea zones shall in any event be public property in accordance with the preceding article.

Article 3. (1) Public use of the property referred to in article 1 shall conform to the provisions of this Act and of administrative regulations.

(2) Free use of the territorial sea, inlets, roadsteads, bays and coves shall be deemed to include their use for bathing, sailing, fishing, embarking and disembarking, anchoring and similar activities, subject, however, to the applicable laws and police regulations.

(3) The same shall apply to the public use of beaches and of the land-sea zone, over which all persons may pass and on which all persons may bathe, spread nets, fish, beach, careen, repair and construct boats, bathe livestock, gather shells, plants and shellfish and engage in any other similar activities, subject to the applicable laws and police regulations. However, the Administration may impose such restrictions and grant such concessions as the economy, the public interest and the attainment of the purposes of the local corporations affected may require.

...

Article 5.

...

3. Land reclaimed from the territorial sea, other than harbours, through works constructed by the State or by provinces, municipalities or duly authorized private persons shall be the property of the person who or entity which carried out the works, without prejudice to servitudes relating to rescue, passage and the coast-guard or to public ownership of the land-sea zone and of the beaches, if any.

Title II. Administrative authority over public property

Article 8. The Spanish authorities shall, within their respective fields of competence, exercise over the territorial sea and the zone adjacent thereto such powers as are conferred on them by legislation for the time being in force.

...

26. SRI LANKA

PROCLAMATION BY THE GOVERNOR-GENERAL OF 7 JANUARY 1971 CONCERNING THE EXTENT OF THE TERRITORIAL SEA¹

Whereas by Proclamation dated the nineteenth day of December, 1957, and published in *Gazette Extraordinary* No. 11,222 of December 20, 1957, the territorial waters (hereinafter referred to as the territorial sea) of Ceylon was declared to extend into the sea to a distance of six nautical miles measured from the appropriate baseline:

And whereas it has become necessary to declare afresh the extent of the territorial sea of Ceylon:

Now therefore, I, William Gopallawa, Governor-General of Ceylon do by this Proclamation declare --

- (i) That the territorial sea of Ceylon shall, notwithstanding any law or practice to the contrary observed in the past in relation to Ceylon, extend into the sea to a distance of twelve nautical miles measured from the appropriate baseline, and
- (ii) That the first-mentioned Proclamation dated the nineteenth day of December, 1957, is hereby revoked.

27. SUDAN

TERRITORIAL WATERS AND CONTINENTAL SHELF ACT, 1970²

CHAPTER I

Preliminary

...

2. *Interpretation*

In this Act, unless the context otherwise requires:

...

(b) "Bay" means any extension, inclination, inlet, lagoon, bend, gulf, or other arm of the sea;

...

(e) "Coast" means the coast of the Democratic Republic of the Sudan adjacent to the Red Sea, as marked on charts or Maps officially recognized by the Democratic Republic of the Sudan, and includes the outermost permanent harbour works which form an integral part of the harbour system;

...

(g) "Passage" means navigation through the territorial waters;

¹ *Ceylon Government Gazette, Extraordinary*, No. 14939/15, 8 January 1971. Prior to 22 May 1972 the official title of "Sri Lanka" was "Ceylon".

² 1970 Act No. 106. Entered into force on 28 November 1970. Text provided by the Permanent Mission of the Sudan to the United Nations in a note verbale of 28 August 1972.

(h) "Innocent Passage" means the passage of the ship through the territorial waters so long as it is not prejudicial to the peace, good order or security of the Democratic Republic of the Sudan and is in conformity with rules of international law and 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;

...

(k) "Continental Shelf" means the sea bed and subsoil of the submarine areas but outside the territorial waters of the Democratic Republic of the Sudan, 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.

...

CHAPTER II

Internal waters and territorial waters

4. Internal waters

For the purposes of this Act the internal waters of the Democratic Republic of the Sudan means the internal waters within the on the landward side boundaries of the Republic of the territorial waters and include the following:

- (a) Ports, wharfs and anchorages;
- (b) Waters of a bay the coasts of which belong to the Democratic Republic of the Sudan;
- (c) Waters on the landward side of any shoal not more than twelve nautical miles from the mainland or from a Sudanese island;
- (d) Waters between the mainland and any Sudanese island not more than twelve nautical miles from the mainland;
- (e) Waters between the Sudanese islands not further apart than twelve nautical miles.

5. Territorial waters

The Territorial Waters of the Democratic Republic of the Sudan extend seaward to a distance of twelve nautical miles and shall be measured from the straight baseline as marked on large-scale maps recognized by the Democratic Republic of the Sudan.

6. The baseline for measuring the territorial waters

(1) The baseline for measuring the breadth of the territorial waters of the Democratic Republic of the Sudan shall consist of:

- (a) Where the coast of the mainland or an island is wholly exposed to the open sea, the lowest low-water line as marked on large-scale charts officially recognized by the Democratic Republic of the Sudan.
- (b) Where a bay belongs to the Democratic Republic of the Sudan, a line 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 Sudanese island, the lowest low water line on that shoal;

(d) Where a port or harbour faces the open sea, a line drawn along the seaward side of the outermost works of the port or harbour and between such works;

(e) Where an island is not more than twelve nautical miles from the mainland, appropriate 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, appropriate 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 of the islands which form a chain, or along the outer shores of the outermost islands of the group if the islands do not form a chain.

(2) If the delimitation of the territorial waters in accordance with the provisions of this Act results in any portion of the high seas being wholly surrounded by territorial waters and such portion does not extend more than twelve nautical miles in any direction, such portion shall form part of the territorial waters.

...

(4) If the internal waters of the Democratic Republic of the Sudan described in section 4, or if the territorial waters delimited in accordance with sections 5 and 6 overlap internal or territorial waters of another State, the delimitation of the internal waters or, as the case may be, the territorial waters of the Democratic Republic of the Sudan and of that State shall, failing agreement between the Democratic Republic of the Sudan and the other State to the contrary, be determined in accordance with the principles of international law.

7. Power to take action in the territorial waters

The Democratic Republic of the Sudan shall have power to take all necessary action in the territorial waters:

(a) To protect itself against any act prejudicial to security, safety or interests of the Democratic Republic of the Sudan, according to the Sudanese Laws, and rules of international Law;

(b) To prevent a ship proceeding to internal waters from committing any breach of the conditions to which admission of the ship to those waters is subject.

8. Foreign ships

(1) The ships passing through the territorial waters shall comply with the Sudanese laws in force as well as the provisions of international law and agreements and, in particular of those relating to carriage and navigation.

(2) The Democratic Republic of the Sudan may suspend in specified areas of its territorial waters the passage of foreign ships if such suspension is,

in its opinion, necessary for its security but such suspension shall take effect only after having been duly published.

(3) The passage of military vessels in the territorial waters shall be subject to previous permission, and the Government may take all necessary action against ships committing any breach, and submarines shall navigate on the surface and shall show the flag of the nation to which they belong.

9. *Power to exercise control over area of high seas*

The Government may exercise necessary control over the high seas contiguous to its territorial waters up to a distance of six nautical miles measured from the limits of the territorial waters of the Democratic Republic of the Sudan:

(a) To prevent infringement of its customs, fiscal, immigration, sanitary or security laws within its territory or territorial waters,

(b) To punish infringement of any of the laws aforesaid committed within its territory or territorial waters,

CHAPTER III

Continental shelf

10. *Rights of sovereignty, power to erect installations etc. on the continental shelf*

(1) The Democratic Republic of the Sudan shall have the rights of sovereignty over the continental shelf for the purpose of exploring it and exploiting its natural resources and no one shall explore or exploit as aforesaid or make a claim to the continental shelf, without the express approval of the Council of Ministers.

(2) The rights of the Democratic Republic of the Sudan referred to in the preceding subsection or their exercise shall not depend on actual or national occupation or on any express declaration.

11. *Power to erect installations etc. on the continental shelf*

(1) The Democratic Republic of the Sudan shall have the right 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 the installations and other devices erected and to take in those zones measures necessary for their protection.

(2) The safety zones aforesaid 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.

12. *Status of superjacent waters or air space not affected*

The rights of the Democratic Republic of the Sudan over the continental shelf shall not affect the legal status of the superjacent waters as high seas or that of the air space above those waters.

13. *Natural resources*

The natural resources referred to in this Chapter consist of the mineral and other non-living resources 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.

28. THAILAND

(a) DECLARATION OF THE OFFICE OF THE PRIME MINISTER CONCERNING THE INNER PART OF THE GULF OF THAILAND, 22 SEPTEMBER 1959¹

The Council of Ministers has seen fit to issue the following declaration confirming the juridical status of the inner part of the Gulf of Thailand; namely, that the inner part of the Gulf of Thailand situated northward of the baseline which starts from the first point on the Bahn Chong Samsarn Peninsula (latitude 12° 35' 45" north, longitude 100° 57' 45" east) and, running westward parallel to the latitude, reaches the second point on the opposite sea coast (latitude 12° 35' 45" north, longitude 99° 57' 30" east) is a historic bay and that the waters enclosed within the baselines aforesaid form part of the internal waters of Thailand.

The Kingdom of Thailand has constantly maintained the foregoing position from time immemorial.

(b) PROCLAMATION ESTABLISHING THE BREADTH OF TERRITORIAL WATERS OF THAILAND, 6 OCTOBER 1966²

Whereas Thailand always maintains that the sovereignty of Thailand extends, beyond its land territory and its internal waters, to a belt of sea adjacent to the coast, described as the territorial sea, including the air space over the territorial sea as well as its bed and subsoil;

Whereas it is deemed appropriate to establish the breadth of the coastal territorial waters;

It is hereby proclaimed that the breadth of the territorial waters of Thailand is established at twelve nautical miles measured from a baseline used for measuring the breadth of the territorial sea.

29. UNION OF SOVIET SOCIALIST REPUBLICS

(a) REGULATIONS OF 5 AUGUST 1960 FOR THE PROTECTION OF THE STATE FRONTIER OF THE UNION OF SOVIET SOCIALIST REPUBLICS,³ AS AMENDED IN 1971⁴

...

Article 3. Coastal waters extending for 12 nautical miles from the low-water line both on the mainland and around islands, or from the line of the outer limits of the internal sea waters of the Union of Soviet Socialist Republics,

¹ *Official Gazette*, vol. 76, Chapter 91, Special Supplement, 26 September 1959. Unofficial English translation provided by the Foreign Ministry of Thailand in a note verbale of 18 October 1971.

² Unofficial English translation provided by the Foreign Ministry of Thailand in a note verbale of 18 October 1971.

³ Reproduced in part in ST/LEG/SER.B/15, pp. 211-214.

⁴ Amended by the Decree of the Presidium of the Supreme Soviet No. 254, dated 10 June 1971. The amendment covers only the first paragraph of article 3. Text provided by the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations in a note verbale of 26 November 1971. Translation by the Secretariat of the United Nations.

or in those places where the coastline is deeply indented and cut into or where there is a fringe of islands along the coast in its immediate vicinity, from straight baselines joining appropriate points, shall constitute the territorial waters of the Union of Soviet Socialist Republics. The geographical coordinates of the points through which the straight baselines are drawn for purposes of calculating the breadth of the territorial waters of the Union of Soviet Socialist Republics shall be approved in a manner to be established by the Council of Ministers of the USSR. In certain cases provided for in agreements between the Union of Soviet Socialist Republics and other States, the breadth of the territorial waters may be different.

...

(b) FUNDAMENTAL PRINCIPLES OF WATER LEGISLATION IN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE UNION REPUBLICS, DATED 10 DECEMBER 1970¹

...

PART I

General provisions

Article 1. Aims of Soviet water legislation.

The aims of Soviet water legislation are to regulate water resources relations with a view to ensuring rational water utilization to meet the needs of the population and the national economy, protecting water resources from pollution, obstruction and depletion, preventing and eliminating the harmful effects of water, improving the condition of bodies of water, and protecting the rights of undertakings, organizations, institutions and citizens and strengthening legality in water resources relations.

Article 2. Water legislation in the Union of Soviet Socialist Republics and the Union Republics.

Water resources relations in the USSR shall be regulated by these Fundamental Principles and other legislative enactments relating to water in the Union of Soviet Socialist Republics and the water codes and other legislative enactments relating to water in the union republics, which are promulgated in connexion with these Fundamental Principles.

...

Article 3. State ownership of water resources in the USSR.

In accordance with the Constitution of the USSR, water resources in the Union of Soviet Socialist Republics are State property that is to say they belong to the whole people.

Water resources in the USSR are the exclusive property of the State and no rights to them other than the right to use the water shall be granted.

¹ Entered into force on 1 September 1971. Text provided by the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations in a note verbale of 26 November 1971. Translation by the Secretariat of the United Nations.

Article 4. State waters.

All waters (bodies of water) in the USSR shall comprise the State waters. The State waters shall include:

...

- (3) Inland seas and other internal maritime water of the USSR;
- (4) The territorial waters (territorial sea) of the USSR.

Article 5. Competence of the Union of Soviet Socialist Republics in the regulation of water resources relations.

The Union of Soviet Socialist Republics shall have authority in the regulation of the following matters relating to water resources:

- (1) The administration of the State waters within the limits required for the exercise of the authority of the Union of Soviet Socialist Republics in accordance with the Constitution of the USSR;
- (2) The establishment of basic regulations relating to water utilization, the protection of waters from pollution, obstruction and depletion, and the prevention and elimination of the harmful effects of water;
- (3) The establishment of all-union standards governing water utilization, the quality of water and methods of assessing it;

...

- (5) The approval of schemes for integrated water utilization and conservation and water balances having an all-union significance;
- (6) The planning of all-union measures for water utilization and conservation and the prevention and elimination of the harmful effects of water;
- (7) State control over water utilization and conservation and the establishment of a system for the exercise of such control;

...

Article 10. The placing, planning, construction and bringing into operation of enterprises, installations and other facilities affecting the condition of the water.

In the placing, planning and construction of new and reconstructed enterprises, installations and other facilities and in bringing them into operation, and in introducing new technological processes affecting the condition of the water, due care must be taken to ensure rational water utilization on conditions which first and foremost meet the needs of the population for drinking water and water for domestic purposes. To this end, measures shall be taken to ensure that accounts are kept of water taken from bodies of water and returned to them, that the waters are protected from pollution, obstruction and depletion, that any harmful effects of water are prevented, that land submersion is reduced to the minimum necessary, that the land is protected from becoming saline, water-logged or arid, and that favourable natural conditions and the landscape are safeguarded.

When new or reconstructed enterprises, installations and other facilities are placed, planned, constructed or brought into operation on fisheries, the necessary measures must also be taken to protect fish, other aquatic animals and plants, and their reproduction.

...

It shall be prohibited to bring the following into operation:

New and reconstructed enterprises, workshops, assembly units, communal and other facilities which are not equipped with devices to prevent the pollution or obstruction of the waters or any harmful effects thereof;

...

Drainage systems before the completion of water intakes and other facilities in accordance with approved plans;

...

Drill holes in the water without equipping them with water regulating devices or, in appropriate cases, establishing health protection zones.

...

Article 11. Procedure for the execution of work on bodies of water in riparian strips (zones).

Construction, dredging and blasting work, the extraction of minerals, the taking of aquatic plants, the laying of cables, pipelines and other channels of communication, the felling of timber, and drilling, agricultural and other work on bodies of water or in riparian strips (zones) which affect the condition of the water shall be executed by agreement with the organs responsible for regulating water utilization and conservation, with the executive committees of local Soviets of Working People's Deputies and with other organs in accordance with the legislation of the Union of Soviet Socialist Republics and the Union Republics.

...

PART II

Water use

...

Article 26. The utilization of bodies of water for the needs of water transport and logging.

The rivers, lakes, artificial reservoirs, canals, inland seas and other internal maritime waters of the USSR and the territorial waters (territorial sea) of the USSR shall be public waterways, except in cases where their use for such purposes has been prohibited wholly or in part or where they have been set aside for special use.

The procedure for classifying waterways as navigable waterways or logging routes and the establishment of the rules for the exploitation of waterways shall be determined by the legislation of the Union of Soviet Socialist Republics and the Union Republics.

The floating of logs which are not bound together and the floating of wood in bundles or sacks which are not towed by a boat shall be prohibited:

(1) On navigable waterways;

(2) On those bodies of water which are included in a list approved by the Council of Ministers of the USSR or the Councils of Ministers of the Union Republics, taking into account the special significance of such bodies of water for fishing, water supply or other national economic purposes.

On other bodies of water, the above-mentioned types of logging shall be permitted on the basis of permits issued by the organs responsible for regulating water utilization and conservation after agreement with the organs responsible for the protection of fish stocks.

...
Article 27. Utilization of bodies of water for the needs of air transport.

The procedure for the utilization of bodies of water for the stationing, taking off and landing of aircraft and for other air transport needs shall be established by the legislation of the Union of Soviet Socialist Republics.

Article 28. Utilization of bodies of water for fishing needs.

In fisheries, or in specific parts of such bodies of water which are of special significance for the conservation and reproduction of valuable species of fish and other aquatic animals or plants, the rights of water consumers may be restricted in the interests of the fishing industry. A list of such bodies of water or parts thereof and the ways in which water consumption is to be restricted shall be determined by the organs responsible for regulating water utilization and conservation on the basis of suggestions by the organs responsible for the conservation of fish stocks.

In the case of the operation of hydroelectric and other installations on fishery waters, measures must be taken where necessary to ensure the conservation of fish stocks and the conditions for their reproduction.

The procedure for the utilization of bodies of water for fishing needs shall be established by the legislation of the Union of Soviet Socialist Republics and the Union Republics.

Article 29. Utilization of bodies of water for hunting needs.

On rivers, lakes and other bodies of water which are inhabited by wild swimming-birds and valuable fur-bearing wild animals (including beaver, muskrat and nutria) the organs responsible for regulating water utilization and conservation may grant preference in respect of water utilization to hunting enterprises and organizations, taking due account of the demands for integrated water utilization.

The procedure for the utilization of bodies of water for hunting needs shall be established by the legislation of the Union of Soviet Socialist Republics and the Union Republics.

...
Article 36. Water utilization in the frontier waters of the USSR

Water utilization in the frontier waters of the USSR shall be governed by international agreements.

Where water utilization in the Soviet part of the frontier waters is not regulated by an international agreement to which the USSR is a party, it shall be governed by the legislation of the Union of Soviet Socialist Republics and the Union Republics.

The procedure for water utilization in the frontier waters of the USSR shall be established by the competent organs in accordance with the requirements of the frontier troops.

PART III

*Conservation of water and prevention of its harmful effects**Article 37. Conservation of water*

All waters (bodies of water) shall be subject to protection from pollution, obstruction, and depletion that may cause harm to the health of the population, the diminution of fish reserves, the deterioration of water supply conditions, and other unfavourable effects resulting from changes in the physical, chemical, and biological properties of the water, reducing its capacity for natural purification, and upsetting the hydrological and hydro-geological régime.

...

Article 38. Protection of water from pollution and obstruction.

The discharge into bodies of water of industrial, everyday, and other forms of wastes shall be prohibited. . . .

The owners of means of water transport, pipelines, floating and other installations on bodies of water, logging organizations, and other enterprises, organizations, and institutions shall be obliged not to permit the pollution and obstruction of water resulting from the loss of oil, wood, chemicals, petroleum, and other products.

Undertakings, organizations, and institutions shall be obliged not to permit the pollution and obstruction of the surface of drainage systems, the ice-cover of bodies of water, and the surface of glaciers by industrial, everyday, or other wastes and discharges, and by oil and chemical products whose contact with water entails a deterioration in the quality of surface and underground water.

The administrations of state water management systems, collective and state farms, and other undertakings, organizations, and institutions shall be obliged to prevent the pollution of water by fertilizers and toxic chemicals.

...

PART V

*Liability for violation of water legislation**Article 46. Liability for violation of water legislation.*

Any acts which infringe water utilization rights and other transactions which overtly or covertly violate the right of state ownership of the waters shall be invalid.

Persons who are guilty of having entered into such transactions and persons who are guilty of the following acts:

The unauthorized seizure of bodies of water or unauthorized water utilization;

The collection of waters in violation of water utilization plans;

Pollution and obstruction of the waters;

Bringing into operation enterprises and communal and other facilities without installations and devices to prevent the pollution and obstruction of the waters or any harmful effects of the waters;

Wasteful use of water (obtained from or returned to bodies of water);

...

Unauthorized execution of hydrotechnical work;

Damage to water resources installations and devices;

Violation of the rules governing the operation of water resources installations and devices;

shall bear criminal and administrative liability in accordance with the legislation of the Union of Soviet Socialist Republics and the Union Republics.

...

Undertakings, organizations, institutions and citizens shall be obliged to make restitution for any loss caused by violations of water legislation to the extent and in the manner established by the legislation of the Union of Soviet Socialist Republics and the Union Republics. Officials and other workers through whose fault enterprises, organizations and institutions have incurred expenditure in connexion with the payment of restitution for losses shall bear material liability, in accordance with the established procedure.

Chapter II

NAVIGATION THROUGH THE TERRITORIAL SEA AND SAFETY OF SHIPS THERE¹

1. AUSTRALIA

NAVIGATION ACT 1912-1970, part VII A²

2. BRAZIL

DECREE LAW NO. 1098 OF 25 MARCH 1970, ALTERING THE LIMITS OF THE TERRITORIAL SEA, article 3³

3. CANADA

- (a) Arctic Waters Pollution Prevention Act, 1970, sections 2, 3, 6-9, 11-20⁴
- (b) Canada Shipping Act of 1970, as amended in 1971, sections 401-403, 485, 542 and 543⁵

4. MADAGASCAR

- (a) ARRÊTÉ N° 01174 DU 21 MAI 1962 PORTANT POLICE DE LA NAVIGATION À L'INTÉRIEUR DES EAUX TERRITORIALES DE LA RÉPUBLIQUE MALGACHE⁶

Article 1er. Tout navire se trouvant dans les eaux territoriales de la République malgache doit être en mesure à tout moment de prouver sa nationalité ainsi que son droit de battre le pavillon qu'il arbore en présentant sur simple demande des autorités administratives les documents officiels qui lui ont été délivrés à cette fin par le Gouvernement de l'Etat dont il réclame la nationalité.

¹ On navigation see also *infra* Chapter IX as well as DIVISION II, where a number of laws and regulations refer to the protection of navigation in connexion with the exploitation of natural resources on the sea-bed and the subsoil thereof.

² *Infra* Chapter VII, 1.

³ *Supra* Chapter 1, 2.

⁴ *Infra* DIVISION III, 3 (c).

⁵ *Ibid.*, 3(d).

⁶ Texte transmis par le représentant permanent de la République malgache auprès de l'Organisation des Nations Unies par note verbale en date du 15 décembre 1971.

Article 2. L'entrée et la sortie des ports et rades de la République malgache sont interdites à tout navire ne remplissant pas les conditions édictées à l'article 1^{er}.

- (b) DÉCRET N° 70.028 DU 10 JANVIER 1970 FIXANT LES LIMITES DES "EAUX INTÉRIEURES MARITIMES", articles 1-4¹

5. NEW ZEALAND

[HARBOURS ACT]²

6. NORWAY

- (a) ROYAL DECREE IN COUNCIL OF 9 FEBRUARY 1968 CONCERNING RESTRICTED AREAS IN NORWEGIAN TERRITORIAL WATERS³
- (b) REGULATIONS FOR THE ADMITTANCE OF FOREIGN, NON-MILITARY SHIPS INTO NORWEGIAN TERRITORY DURING TIMES OF PEACE, 1968⁴

Preliminary provisions

Article 1. These regulations for the admittance to Norwegian territory of foreign, non-military ships are only applicable when both Norway and the country whose flag the ship is flying are in a state of peace.

Article 2. By foreign, non-military ship is meant in these regulations any foreign vessel, and Norwegian vessel chartered by a citizen of a foreign power for a non-commercial purpose, not subject to current Norwegian regulations for the admittance of foreign warships and military aircraft into Norwegian territory during times of peace. The latter regulations have been established by Royal Decree of 19th January 1951.⁵

By foreign, non-military ship is meant in these regulations also the equipment (life boats etc.) belonging to the ship.

Article 3. In these regulations Norwegian territory stands for all Norwegian land and sea territory.

¹ *Infra* DIVISION IV, 14 (a).

² No. 34 of 1950. Subsequently amended—most recently by the Harbours Amendment Act 1970 (No. 68 of 1970; 27 November 1970), without modifying the sections reproduced in ST/LEG/SER.B/6, pp. 211-214.

³ *Infra* Chapter III, 1 (a).

⁴ Royal Decree of 9 February 1968. English text provided by the Permanent Representative of Norway to the United Nations in a note verbale of 17 November 1971.

⁵ Reproduced in part in ST/LEG/SER.B/6, pp. 398-401.

Article 4. In these regulations Norwegian internal waters means the waters within straight lines drawn through basepoints laid down by Royal Decrees¹ of 12th July 1935, 18th July 1952 and 30th June 1955 respectively.

By territorial sea is meant Norwegian waters outside the borders of the internal waters mentioned above.

Article 5. Restricted sea areas on Norwegian territory have been established by Royal Decree of 9th February 1968.²

Article 6. Masters of all foreign, non-military ships are duty bound to know the contents of these regulations before entering Norwegian territory.

Admittance into Norwegian territory

Article 7. Foreign, non-military ships may undertake innocent passage through the territorial sea.

In this connection 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. Passage also includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by distress or by force majeure.

Article 8. (a) Foreign, non-military ships engaged in commercial activities are admitted to Norwegian internal waters for:

- (i) Passage through the leads to and from Norwegian ports in connection with loading, discharging, victualling, fuelling, necessary repairs at Norwegian shipyards, and visits by tourist ships.
- (ii) Passage through the leads in transit whenever necessary and when such passage is natural in connection with the mission of the ship.
- (iii) The purpose of seeking port of distress, see article 12 below.

(b) Stopping or anchoring during the passage in internal waters is only permitted to the extent necessary in connection with the safety of the ship or due to force majeure.

Article 9. Foreign, non-military ships without justification as stated in article 8, are only permitted to internal waters after having obtained permission in advance through diplomatic channels, see article 13 below.

Article 10. Foreign, non-military ships shall only use those fairways of approach and transit in Norwegian internal waters which are stated in Den Norske Los, in Norwegian charts or as instructed by Norwegian pilot embarked. For permitted fairways in restricted sea areas reference is made to regulations in Royal Decree of 9th February 1968 mentioned above.

Article 13. Request for permission as stated in article 9 shall normally reach the Norwegian authority concerned at the latest 14—fourteen—days prior to the visit. The request must contain information regarding the purpose of the visit, number of ships, type of ship and name, the call sign of the

¹ Royal Decrees of 18 July 1952 and 30 June 1955 are reproduced in ST/LEG/SER.B/6, pp. 552-554 and 555-557 respectively.

² *Infra* Chapter III, 1(a).

ship's radio station, the route planned on Norwegian territory, the port or ports and places of anchorage which it is desired to visit, the time for the visit(s) and the duration of same and any other information deemed to be of importance.

During the stay on Norwegian territory

Article 15. Officers and petty officers of Norwegian warships or guard ships and other officers and petty officers of the Royal Norwegian Navy have the right on Norwegian territory to search any non-military ship, her papers, cargo and equipment and persons embarked. The master of the ship being searched shall willingly assist in order to facilitate the search. Upon request he shall render information of interest to the military authorities. He is duty bound to follow directives for the forthcoming voyage and for his further conduct.

The person responsible for the search of the ship shall give the master a written manifest or enter remarks about the search in the ship's log.

Article 16. It is prohibited for any person embarked on board a foreign, non-military vessel to make charts or sketches of the ports, waters, airfields, sea-plane bases or any territory of the Kingdom. Other measurements or soundings than those necessary for the safety of the ship must not be taken.

Likewise it is prohibited to make charts, sketches, photographs or descriptions of Norwegian military installations and fortifications.

Infringements of the regulations

Article 19. Should the master or any other person embarked on foreign, non-military ships fail to comply with the regulations laid down for the stay of the ships on Norwegian territory, the ship may, by the Norwegian authority concerned, be ordered to leave Norwegian territory immediately or at the latest within a further stipulated and reasonable time limit. Furthermore, ships may be ordered to proceed to the nearest police authority for action and prosecution.

Article 20. Infringements of these regulations are punishable in accordance with the Penal Code, paragraph 418, second part, with fines or imprisonment up to 3 months.

7. PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN

TERRITORIAL WATERS AND THE CONTINENTAL SHELF OF THE PEOPLE'S
REPUBLIC OF SOUTHERN YEMEN LAW, 1970, articles 14-17¹

¹ *Supra* Chapter I, 22.

8. SPAIN

ACT NO. 25/64 OF 29 APRIL 1964 CONCERNING NUCLEAR ENERGY¹

CHAPTER I

Purpose and definitions

...

Article 2. Definitions:

For purposes of this Act:

...

14. "Operator" of a nuclear installation, a radio-active installation or a nuclear ship or aircraft means the individual body corporate possessing the necessary authorization to operate the said installation, ship or aircraft;

15. "Controlled zone" means any area in which, owing to the existence of a source of ionizing radiation, workers may be exposed to doses of radiation exceeding 1.5 rem per year;

...

18. "Nuclear ships and aircraft" means any ship or aircraft equipped to use nuclear fuel;

10. "Warship" means any ship which belongs to the naval forces of a State and bears the external markings characterizing warships of that State, which is under the command of an officer duly authorized by the Government of the said State, which is listed in the Navy Register (*Escalafón de la Marina*) and whose crew is subject to naval discipline.

...

CHAPTER VII

Civil liability for nuclear damage

Article 45. The operator of a nuclear installation or of any other installation producing or working with radio-active materials or having equipment which may produce ionizing radiation shall be liable for nuclear damage. Liability shall ensue irrespective of intent and shall be limited to the maximum amount of coverage laid down in this Act.

If the operator proves that the person who suffered nuclear damage produced or contributed to producing the damage through fault or negligence, the competent court may release the operator from all or part of his obligation to provide compensation for the damage suffered by the said person.

No liability on the part of the operator shall ensue from nuclear damage caused by a nuclear accident which is the direct result of armed conflict, hostilities, civil war or insurrection, or of a natural catastrophe of an exceptional nature.

...

¹ *Boletín Oficial del Estado*, 4 May 1964. Entered into force on 15 May 1964 in accordance with Article 96. Translation by the Secretariat of the United Nations.

CHAPTER VIII.

Coverage for nuclear risks

Article 55. Any operator of a nuclear installation or of any other installation producing or working with radio-active materials or having equipment which may produce ionizing radiation for use in carrying out any nuclear-type activity shall, in addition to obtaining prior authorization, provide coverage for the risks which may arise in connexion with the liability ensuing from nuclear accidents.

...

CHAPTER XI.

Nuclear ships and aircraft

Article 69. The provisions of this chapter shall apply to nuclear ships and aircraft, including warships and military aircraft and those having the same legal status; the latter shall not, however, be subject to the provisions of article 71.

Article 70. The passage through territorial waters of nuclear ships and the flight over national territory of nuclear aircraft shall be considered exceptions to the right of "innocent passage".

Article 71. The Government of the country in which the nuclear ship or aircraft is registered and by which the operator thereof is licensed shall:

(a) Certify in an appropriate report the safety of the nuclear equipment or installations on board the ship or aircraft.

...

(b) Verify and ensure protection against ionizing radiation for persons on board and for those in the vicinity of the ship or aircraft during its stay in or transit through the territorial waters or the air space of the national territory.

...

(c) Guarantee, in a form deemed sufficient, coverage for any civil liability which may ensue from nuclear damage or nuclear accident. The said guarantee shall include:

- (I) Acceptance by the Government of the country in which the nuclear ship or aircraft is registered of all liability ensuing from nuclear accidents or nuclear damage occurring on board, or produced by, the ship or aircraft;
- (II) Provision of coverage for nuclear risks in an amount not less than that laid down in the international Conventions to which Spain is a party, or a higher amount if so agreed between the Spanish Government and the Government of the country in which the nuclear ship or aircraft is registered;
- (III) The adoption of measures by the country in which the nuclear ship or aircraft is registered to ensure that the insurance compensation or other financial guarantees are effectively available in the territory of that country.

Article 72. The liability referred to in the preceding article shall ensue automatically where it is proved that the damage was produced by a nuclear accident involving the nuclear fuel of the ship or aircraft or its radio-active products or wastes. This provision shall apply to cases where nuclear missiles or nuclear fuel are being transported, even if they are not being used to generate motive power.

Article 73. Nuclear ships or aircraft may be denied permission to stay in a port or at an airport by the national maritime or aviation authorities if they fail to comply with the regulations of the said authorities for the implementation of the provisions of this chapter or if any other ground for such denial exists.

Article 74. The national maritime authorities may inspect nuclear ships within the territorial waters and verify their safety and operating conditions before the ships are authorized to enter port or to pass through the territorial waters.

...

Article 76. Nuclear ships or aircraft shall remain in the port or airport areas prescribed by the competent authorities, with the advice of the Nuclear Energy Board; they must, under all circumstances, observe the safety precautions and safety measures laid down in chapter VI of this Act with respect to "controlled zones".

Article 77. A ship in distress which puts into port, or an aircraft which makes a forced landing, must submit to designation of the place where it is to remain as long as the circumstances which caused the unscheduled stop continue. The designation shall be made by the competent national authority, which may itself take measures to have the ship or aircraft removed to the appointed place.

Nuclear ships must anchor in calm waters, away from centres of population or industry.

...

The provisions of this article shall also apply to warships or military aircraft which have nuclear generators of motive power or are armed with nuclear weapons.

...

Article 79. The operator of a nuclear ship or aircraft shall be deemed to be the operator of a nuclear installation and shall accordingly be subject to the provisions of chapter VII concerning civil liability and, with regard to coverage for nuclear risks, to the provisions of chapter VIII in the case of nuclear ships and aircraft registered in Spain.

However, the provisions of the said chapters shall not apply to salvage money or to general coverage.

Article 80. Nuclear ships and aircraft shall in addition be required to comply with the international rules relating respectively to passage through the territorial sea and the contiguous zone and to flight over the national territory of States.

...

9. SUDAN

TERRITORIAL WATERS AND CONTINENTAL SHELF ACT, 1970,
sections 2, 7 and 8¹

10. UNION OF SOVIET SOCIALIST REPUBLICS

FUNDAMENTAL PRINCIPLES OF WATER LEGISLATION IN THE UNION OF
SOVIET SOCIALIST REPUBLICS AND THE UNION REPUBLICS, DATED
10 DECEMBER 1970, articles 26 and 27²

¹ *Supra* Chapter I, 27.

² *Ibid.*, 29(b).

Chapter III

SECURITY OF THE COASTAL STATE

1. NORWAY

(a) ROYAL DECREE IN COUNCIL OF 9 FEBRUARY 1968 CONCERNING RESTRICTED AREAS IN NORWEGIAN TERRITORIAL WATERS¹

(a) By authority vested in the Defence Secrets Act of 18th August 1914 the territorial waters listed in Enclosure I² are laid down as Restricted Areas.

(b) In these Restricted Areas foreign ships and craft of more than 50 gross register tons and which have not been listed military (hereafter non-military) 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 by foreign, non-military ships and craft are laid down in Enclosure II.² It is prohibited for ships to remain stationary in these areas. Prior to entering a Restricted area foreign, non-military ships are required to embark a pilot from the Pilotage Service in the specified positions in Enclosure III,² or, should the weather or sea conditions render such embarkation impossible, to be guided from a pilot vessel until embarkation is possible. On leaving the Restricted Area the foreign ship is required to act similarly.

(d) Compliance with the above stated regulations, requiring embarked pilot and navigation leads specified in the Restricted Areas, is excused a foreign, non-military ship clearly imperilled in heavy weather. The master of this ship is, however, required without delay and in the speediest manner possible to report his arrival on Norwegian territory to Norwegian port or police authorities.

(e) By foreign, non-military ship is in these regulations also meant the equipment (life boats, etc.) belonging to the ship.

(f) The ministry of Defence will regulate exemptions from the regulations listed under letters (b) and (c) above for the ferry services between Scandinavian countries. Should other specific reasons so warrant, the Ministry of Defence may, however, make exemptions from these regulations.

(g) The Restricted Areas laid down by the Commander-in-Chief, Royal Norwegian Navy, prior to this Decree are hereby superseded. This cancellation does not affect the prohibited anchorage for ships off the Royal Norwegian Air Force Station, Andøya, resolved by Royal Decree 20th January 1961.

¹ English text provided by the Permanent Representative of Norway to the United Nations in a note verbale of 17 November 1971.

² Enclosures are not reproduced here.

(h) The Ministry of Defence may approve minor changes in the regulations in the Enclosures I, II and III mentioned above.

(i) The Ministry of Defence will decide when the regulations above are to be made effective. From that moment the regulations resolved by Royal Decree of 9th February and 6th April 1962¹ are cancelled.

...

(b) REGULATION FOR THE ADMITTANCE OF FOREIGN, NON-MILITARY SHIPS INTO NORWEGIAN TERRITORY DURING TIMES OF PEACE, 1968, article 16²

2. PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN

TERRITORIAL WATERS AND THE CONTINENTAL SHELF OF THE PEOPLE'S REPUBLIC OF SOUTHERN YEMEN LAW, 1970, articles 13 and 17³

3. SUDAN

TERRITORIAL WATERS AND CONTINENTAL SHELF ACT, 1970, sections 7 and 8⁴

¹ Reproduced in ST/LEG/SER:B/15, pp. 193-198.

² *Supra* Chapter II, 6(b).

³ *Supra* Chapter I, 22.

⁴ *Ibid.*, 27.

Chapter IV
CUSTOMS, FISCAL AND SANITARY MATTERS

1. DENMARK

CUSTOMS ACT OF 28 DECEMBER 1970¹

CHAPTER 1

Customs area

Article 1. 1. The customs area shall comprise the land areas and internal waters of Denmark, and its territorial sea 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, and the air space above the aforesaid areas.

2. The customs areas shall not include the Faroe Islands and Greenland.

CHAPTER 8

Customs control and customs clearance

Article 78. The customs authorities shall collect customs and other duty on goods brought into the customs area and exercise the control necessary for collection of customs and other duty.

...

Article 80. 1. Ships and aircraft in the customs area and other means of conveyance operating between the customs area and places abroad and means of conveyance used to transport uncleared goods shall be subject to control by the customs authorities. The customs authorities shall be entitled to conduct such inspection of the aforesaid means of conveyance as is necessary for the exercise of customs control.

...

CHAPTER 10

Other provisions

...

Article 116. The regulations laid down in this Act or in pursuance thereof concerning customs control and customs clearance may be extended to apply outside the customs area to the extent provided in international agreement. The Minister of Finance shall announce the scope of any such extensions.

¹ Act No. 524 of 1970. Text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 16 November 1971. Translation by the Secretariat of the United Nations.

Article 117. 1. Within the framework of this Act the Minister of Finance may enter into agreements with foreign States concerning co-operation in the prevention of smuggling and make the necessary arrangements for the implementation of such agreements.

2. The Minister of Finance may provide that customs security personnel from a foreign State with which an agreement has been concluded concerning joint surveillance for the prevention of unlawful import and export of goods shall, in the exercise of their functions in the parts of the Danish customs area covered by the agreement, have the same powers and enjoy the same legal protection as Danish customs security personnel.

...

Article 124. 1. 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 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 unless he can provide convincing evidence to show that no attempt at smuggling was made.

2. 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 kroner 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.

...

2. NEW ZEALAND

[CUSTOMS ACT 1966]¹

3. SRI LANKA

CUSTOMS ORDINANCE²

...

64. It shall be lawful for the officers of the customs to go on board any ship before and after clearance outwards within the limits of any port in Ceylon, or within two leagues of the coast thereof, and to demand the certificate of clearance and the victualling bill, and if there be any goods on board subject to duty and not duly entered outwards, such goods shall be re-landed and forfeited; and if any goods contained in such clearance or victualling bill be not on board, the master shall forfeit a sum not exceeding two hundred rupees for every package or parcel of goods contained in such clearance or victualling bill and not on board.

...

¹ No. 19 of 1966; 16 September 1966. Amended most recently by the Customs Amendment Act 1970 (No. 44 of 1970; 26 November 1970). The sections reproduced in ST/LEG/SER.B/15, pp. 225-228, however, have not been modified.

² *Legislative Enactments of Ceylon*, 1956 Revision, vol. III, Chap. 235. Prior to 22 May 1972, the official title of "Sri Lanka" was "Ceylon".

Chapter V

CRIMINAL AND CIVIL JURISDICTION OVER FOREIGN SHIPS IN THE TERRITORIAL SEA¹

1. CANADA

CRIMINAL CODE, AS AMENDED IN 1968²

433. *Offences on territorial sea and waters off the coast*

(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.

(2) No proceedings for an offence to which subsection (1) applies other than an offence for which the accused is punishable on summary conviction shall, where the accused is not a Canadian citizen, be instituted without the consent of the Attorney General of Canada.

2. JAMAICA

TERRITORIAL SEA ACT, 1971, sections 4 and 5³

3. NORWAY

REGULATIONS FOR THE ADMITTANCE OF FOREIGN, NON-MILITARY SHIPS INTO
NORWEGIAN TERRITORY DURING TIMES OF PEACE, 1968, articles 15, 19 and 20⁴

¹ See also *infra* Chapter VII and DIVISION IV for coastal States jurisdiction in connexion with pollution and fishing, respectively.

² *Revised Statutes of Canada*, 1970, Chap. C-34.

³ *Supra* Chapter I, 10.

⁴ *Supra* Chapter II, 6(b).

4. SINGAPORE

[TERRITORIAL WATERS JURISDICTION ACT, 1878]¹

¹ Reproduced in ST/LEG/SER.B/6, pp. 355-357 under “United Kingdom of Great Britain and Northern Ireland”.

Chapter VI

STATUS OF FOREIGN WARSHIPS IN THE TERRITORIAL SEA

1. BRAZIL

DECREE NO. 56.515 OF 28 JUNE 1965 ESTABLISHING RULES GOVERNING VISITS BY FOREIGN WARSHIPS TO BRAZILIAN PORTS AND TERRITORIAL WATERS IN TIME OF PEACE¹

1. *Classification of visits.* Visits by foreign warships to ports or the territorial waters of the Republic of the United States of Brazil in time of peace shall be regarded as: *official, non-official* and *operational*.

Official: when the visits are formally designated as such by the Government of the foreign country to which the units belong in a communication addressed to the Brazilian Government through the diplomatic channel, or when they are made at the invitation of the Brazilian Government. Such visits shall conform to an official programme in which all matters relating to the entry of the visiting ships into, their stay in and their departure from such waters shall be set out in detail.

Non-official: when the visits are formally designated as such by the foreign Government concerned in its communication to the Brazilian Government. The programme for such visits shall involve only the salutes required by maritime ceremonial and protocol visits.

Operational: when the foreign Government concerned, in its communication to the Brazilian Government, states that the ship is carrying out a military mission involving the transport of personnel or cargo, logistic support or crew training exercises.

There shall be no programme, the only requirement being such visits to the authorities as may be deemed essential by the Ministry of Marine.

2. *Ships putting in at ports.* A warship putting in at a Brazilian port because of damage, bad weather or other emergency shall not be considered to be visiting unless the accredited diplomatic mission in Brazil of the country to which it belongs declares that it is on a *non-official* or *operational* visit.

3. If a foreign warship which is en route to another country and has on board a foreign chief of State or his representative puts in at a Brazilian port, the Brazilian Government, on being notified of these circumstances through the diplomatic channel, shall arrange for such courtesies to be paid to the visitor as the unexpected nature of the event permits.

¹ Text provided by the Permanent Mission of Brazil to the United Nations in a note verbale of 29 December 1972. Translation by the Secretariat of the United Nations.

4. *Notice of visit.* Advance notice of any visit shall be given by the Government of the State to which the visiting ship belongs:

(a) In the case of *official* visits, not less than 60 days before the date of arrival at the first Brazilian port;

(b) In the case of *non-official* and *operational* visits, not less than 30 days before the date of arrival at the first Brazilian port.

...

7. *Limitation on number and on length of stay.* Unless special authorization is granted, not more than three warships of the same nationality may be present simultaneously in Brazilian ports or territorial waters. The maximum stay of all or any such ships in the same port or in territorial waters shall be 21 days.

On entering Brazilian territorial waters they shall hoist the flag of the country to which they belong.

8. If warships of any State are compelled by damage or other emergency to enter the same Brazilian port, no limitation shall be placed on their number until the emergency which compelled their entry has ceased. However, the Commanding Officer of the force or the Commanding Officers of the ships so entering shall arrange for the necessary repairs to their ships to be effected immediately and with the greatest possible speed and shall inform the local naval authority of the special circumstances of the case.

9. Except in the case provided for in article 8, if it is desired that more than three warships of the same country should be admitted to the same Brazilian port, the Government of the country to which they belong shall address to the Brazilian Government, through the diplomatic channel, a request for special authorization, giving the information called for in article 5.

10. *Overflights by aircraft carried on board.* Authorization for aircraft carried on board to make flights over the Brazilian land domain and territorial waters, if desired, shall be requested from the competent authority of the Ministry of Aviation, in accordance with the rules of the said Ministry, through the naval authority of the port of call.

11. *Compliance with regulations.* During their stay in Brazilian ports and territorial waters, foreign warships shall be subject to the present rules and shall comply with the regulations of the Brazilian ports and the health authorities.

12. *Violations.* In the event of a violation of the present rules or of the regulations referred to in the preceding articles the most senior naval authority present shall draw the attention of the visiting party to such violation. If this notice is not heeded, he shall immediately submit the facts for a decision to Navy Headquarters, with a report to the Commanding Officer of the naval district concerned and to the authority immediately superior to him.

13. *Warships.* For the purposes of these rules, the term "warship" means:

(a) A combat ship which is an actual unit of the armed forces of the State whose flag it flies;

(b) An auxiliary ship which is intended exclusively for naval service, is a unit of the Navy and is manned by a naval crew;

(c) A merchant marine ship which has been adapted for naval service and is under the command of an officer of the Navy.

14. For a merchant marine ship which has been adapted for naval service to be regarded as a warship by the Brazilian Government, the Government of the State to which it belongs must notify the Brazilian Government, through the diplomatic channel, of the ship's new status and declare that in such status the ship will no longer engage in trading operations and is under the command of an officer of its Navy.

15. *Commercial missions*. Foreign warships may, by way of exception and with the authorization of the Brazilian Government, enter a Brazilian port for the purpose of carrying out a commercial mission, in which case they shall not be entitled to enjoy the privileges and exemptions normally enjoyed by warships and shall be subject to all the obligations to which merchant ships are subject under the relevant regulations.

16. *Submarines*. Except where special authorization is obtained, a foreign submarine may not enter a Brazilian port or Brazilian territorial waters while submerged, nor may it submerge when in such a port or such waters.

17. *Special exercises and activities*. Foreign warships in Brazilian territorial waters shall not be authorized to engage in the following activities unless the foreign Government has requested such authorization in advance from the Brazilian Government, through the diplomatic channel:

- (a) The launching of torpedos or laying of mines;
- (b) Firing with artillery, except in the case of salutes;
- (c) Exercises with armed boats;
- (d) Exercises with electric or other searchlights;
- (e) Embarking troops;
- (f) Topographic or hydrographic surveying and bathymetric or bathythermographic soundings.

18. However, soundings for the exclusive purpose of ensuring the safe navigation of the ship when moving shall be permitted.

19. The visiting ship may carry out underwater operations in Brazilian ports or territorial waters, with or without diving gear, only after obtaining the relevant permit from the naval authority having jurisdiction over the place where the work is to be done.

20. *Shore leave*. The authorities of foreign warships in Brazilian ports shall have exclusive competence to grant shore leave to members of their crews.

...

22. *Salutes*. Salutes given by foreign warships in Brazilian ports to Brazilian flags or to land shall be returned, at the port of Rio de Janeiro, by warships and saluting stations respectively. At other ports salutes shall be exchanged only when a ship of the Brazilian Navy with saluting batteries is anchored at the port.

23. *Radio transmissions*. Foreign warships anchored at Brazilian ports or travelling through Brazilian territorial waters may transmit radio communications only if application has been submitted in advance and authorization has

been granted by Navy Headquarters, except in emergencies when they shall use the frequency of 500 Kc/s (600 metres).

...

28. *Belligerent warships*. The present rules shall not apply to the entry into, stay in and departure from Brazilian ports and territorial waters of belligerent warships which shall be subject to special provisions.

2. PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN

TERRITORIAL WATERS AND THE CONTINENTAL SHELF OF THE PEOPLE'S
REPUBLIC OF SOUTHERN YEMEN LAW, 1970, article 17¹

3. SPAIN

ACT NO. 25/64 OF 29 APRIL 1964 CONCERNING NUCLEAR ENERGY,
articles 2, 69-77, 79 and 80²

4. SUDAN

TERRITORIAL WATERS AND CONTINENTAL SHELF ACT, 1970, section 8 (3)³

¹ *Supra* Chapter I, 22.

² *Supra* Chapter II, 8.

³ *Supra* Chapter I, 27.

Chapter VII
POLLUTION OF THE TERRITORIAL SEA

I. AUSTRALIA

NAVIGATION ACT 1912-1970¹

...

PART VIIIA

Prevention, etc., of pollution by oil of Australian coast, coastal waters and reefs

329D. (1.) In this Part:

“Australian coastal waters” means Australian territorial waters and the territorial waters of any Territory not forming part of the Commonwealth, and includes any internal waters, being tidal waters, of Australia or such a Territory;

“Australian reef” means a reef in Australian coastal waters or a reef outside Australian coastal waters but forming part of the continental shelf adjacent to the Australian coast;

“Continental shelf” has the same meaning as in the Convention entitled “Convention on the Continental Shelf”² and dated the twenty-ninth day of April, One thousand nine hundred and fifty-eight;

“Oil” means oil of any description, and includes:

- (a) Spirit produced from oil;
- (b) Coal tar; and
- (c) Any mixture containing oil, spirit produced from oil or coal tar and water or any other substance;

“Territory” means a Territory of the Commonwealth, other than the Territory of Papua or the Territory of New Guinea;

“The Australian coast” includes the coast of any Territory not forming part of the Commonwealth, the coast of any island forming part of Australia or of such a Territory and the shores of any internal waters, being tidal waters, of Australia, of such a Territory or of such an island;

¹ Act No. 117 of 1970; 11 November 1970. The Navigation Act 1912-1967, as amended by Act No. 62, 1968; No. 1, 1970; and No. 117, 1970. Text provided by the Permanent Representative of Australia to the United Nations in a note verbale of 3 December 1971. The Navigation Acts 1912-1967 and 1912-1953 are reproduced in part in ST/LEG/SER.B/15, pp. 135-142 and ST/LEG/SER.B/6, pp. 59-63, respectively. Only the sections amended in 1968 and 1970 are reproduced here.

² United Nations, *Treaty Series*, vol. 499, p. 312. Reproduced in ST/LEG/SER.B/15, pp. 767-770.

“Tidal waters” means a part of the sea, or a part of a river within the ebb and flow of the tide.

(2) Where oil has been, is being or is likely to be, discharged, intentionally or otherwise, from a ship, the discharge or likely discharge of the oil from the ship shall, for the purposes of this Part, be deemed to be an escape or likely escape of oil from the ship.

329E. (1) Where oil is escaping from, or the Minister is satisfied that oil is likely to escape from, a ship, then, for the purpose of preventing, or reducing the extent of, the pollution or likely pollution by the oil of any Australian coastal waters, any part of the Australian coast or any Australian reef, the Minister may, by notice in writing addressed to the owner of the ship and served in accordance with the next succeeding section, do all or any of the following things:

(a) Require such action to be taken in relation to the ship or its cargo, or the ship and its cargo, as is specified in the notice;

(b) Prohibit the removal of the ship from a place specified in the notice except with, and in accordance with, the approval of the Minister; or

(c) Prohibit the removal from the ship of any cargo, or any cargo specified in the notice, except with, and in accordance with, the approval of the Minister.

(2) The Minister shall specify in a notice under the last preceding subsection, in relation to any requirement specified in the notice under paragraph (a) of that subsection, the time by which the requirement is to be complied with.

(3) Without limiting the generality of paragraph (a) of subsection (1) of this section, the action that the Minister may, under that subsection, require to be taken in relation to a ship includes

(a) Action to prevent the escape of oil from the ship;

(b) The removal of oil from the ship, or a specified part of the ship, in such manner, if any, as is specified by the Minister to such place, if any, as is so specified; and

(c) The removal of the ship to a place specified by the Minister.

(4) Nothing in this section shall be construed as preventing the service under subsection (1) of this section of more than one notice in respect of a ship.

...

(6) This section does not apply in relation to a ship not registered in Australia unless the ship is in Australian coastal waters.

(7) In this section, “cargo” includes ballast and ship’s stores and fuel.

...

329G. (1) Where:

(a) A notice under subsection (1) of section 329E of this Act is served in respect of a ship; and

(b) A requirement specified in the notice under paragraph (a) of that subsection is not complied with before the time specified in the notice as the time by which the requirement is to be complied with,

the owner of the ship is guilty of an offence against this Part punishable upon conviction by a fine not exceeding the amount that, under subsection (3) of this section, is the prescribed amount in relation to the ship together with an amount not exceeding the prescribed amount in respect of each period of twenty-four hours included in the period that, under subsection (3) of this section, is the default period in relation to the requirement.

(2) Where:

(a) A notice under subsection (1) of section 329E of this Act is served in respect of a ship; and

(b) A prohibition specified in the notice under paragraph (b) or (c) of that subsection is contravened,

the owner of the ship is guilty of an offence against this Part punishable upon conviction by a fine not exceeding the amount that, under the next succeeding subsection, is the prescribed amount in relation to the ship.

(3) In this section:

“The default period”, in relation to a requirement specified in a notice under subsection (1) of section 329E of this Act served in respect of a ship, being a requirement that is not complied with before the time specified in the notice as the time by which the requirement is to be complied with, means the period commencing at that time and ending at the time when the requirement is complied with or, if the owner of the ship proves that, after a particular time, compliance with the requirement was not possible or compliance with the requirement would not have prevented oil escaping from the ship, that last-mentioned time;

“The prescribed amount”, in relation to a ship, means an amount of two thousand dollars or, if the Court is satisfied that the quantity of oil on board the ship was not less than five thousand tons, an amount ascertained in accordance with the following table:

<i>Quantity of oil on board the ship</i>	<i>Amount</i> \$
5,000 tons or more but less than 50,000 tons	4,000
50,000 tons or more but less than 100,000 tons	6,000
100,000 tons or more	8,000

(4) A reference in the last preceding subsection to the quantity of oil on board a ship shall be read as a reference to the quantity of oil being carried in bulk in the ship as cargo or as ship’s fuel:

(a) At the time when the notice under subsection (1) of section 329E of this Act in respect of the ship was served; or

(b) If oil had escaped from the ship before that time—immediately before oil first escaped from the ship.

(5) It is a defence to a prosecution for an offence against this Part if the person charged with the offence proves:

(a) That his failure to comply with the notice resulted from the need to save life at sea; or

(b) That compliance with the notice was not possible.

...

329J. (1) Where a requirement specified in a notice served under section 329E of this Act in respect of a ship is not complied with, the Minister may, whether or not the owner of the ship has been convicted of an offence against this Part by reason of the requirement not having been complied with, cause such things to be done as he thinks proper for the carrying out of the action required by the notice to be carried out.

(2) Where:

(a) A notice under subsection (1) of section 329E of this Act is served in respect of a ship which is not a ship to which the next succeeding section applies;

(b) A requirement specified in the notice is not complied with or a prohibition specified in the notice is contravened; and

(c) Oil escapes from the ship by reason of the requirement not having been complied with or by reason of the prohibition having been contravened, the Minister may, whether or not the owner of the ship has been convicted of an offence against this Part by reason of the requirement not having been complied with or by reason of the prohibition having been contravened, cause such things to be done as he thinks proper to prevent, or reduce the extent of, the pollution by the oil of any Australian coastal waters, any part of the Australian coast or any Australian reef, or to remove or reduce the effects of the pollution by the oil of any such waters, coast or reef.

(3) Subject to the next succeeding subsection, the amount of any expense or other liability incurred by the Minister in, or by reason of, the exercise of his powers under either of the last two preceding subsections in relation to a ship:

(a) Is a debt due to the Commonwealth by, and may be recovered by the Commonwealth from, the owner of the ship; and

(b) Is a charge upon the ship, which, except where the ship is not registered in Australia and is not in Australian coastal waters, may be detained by a person authorized by the Minister and may be so detained until the amount is paid or security for the payment of the amount is provided to the satisfaction of the Minister.

(4) The last preceding subsection does not apply in relation to the amount of any expense or other liability incurred by the Minister in, or by reason of, the exercise of his powers under subsection (2) of this section in relation to oil that has escaped from a ship where

(a) The failure of the owner of the ship to comply with the notice under subsection (1) of section 329E of this Act resulted from the need to save life at sea; or

(b) Compliance with the notice was not possible.

329K. (1) This section applies to a ship carrying oil in bulk as cargo.

(2) Where oil escapes from a ship to which this section applies (whether in Australian coastal waters or elsewhere), the Minister may (whether or not a notice has been served in respect of the ship under section 329E of this Act and whether or not any notice so served has been complied with) cause such things to be done as he thinks proper to prevent, or reduce the extent of, the pollution by the oil of any Australian coastal waters, any part of the

Australian coast or any Australian reef, or to remove or reduce the effects of the pollution by the oil of any such waters, coast or reef.

(3) Subject to the next succeeding subsection, where the Minister has incurred expenses or other liabilities in the exercise of his powers under the last preceding subsection in relation to any oil that has escaped from a ship, the total amount of those expenses and liabilities, or, where the escape of oil did not occur as a result of the actual fault or privity of the owner, that total amount to the extent that it does not exceed the maximum liability applicable to the ship under subsection (5) of this section in relation to that incident:

(a) Is a debt due to the Commonwealth by, and may be recovered by, the Commonwealth from, the owner of the ship; and

(b) Is a charge upon the ship, which, except where the ship is not registered in Australia and is not in Australian coastal waters, may be detained by a person authorized by the Minister and may be so detained until the amount is paid or security for the payment of the amount is provided to the satisfaction of the Minister.

(4) The last preceding subsection does not apply in relation to a ship, or the owner of a ship, where the owner of the ship proves that the escape of the oil:

(a) Resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character;

(b) Was wholly caused by an act or omission done by a third party with intent to cause damage; or

(c) Was wholly caused by the negligence or other wrongful act of any government, or other authority, responsible for the maintenance of lights or other navigational aids in the exercise of its functions in relation to those lights or aids.

(5) For the purposes of subsection (3) of this section, the maximum liability applicable to a ship in relation to an incident that resulted in the escape of oil from the ship is:

(a) An amount calculated by multiplying the sum of one hundred and twenty dollars by the tonnage factor applicable to the ship; or

(b) The amount of twelve million six hundred thousand dollars, whichever is the less.

(6) Where oil has escaped from two or more ships and it is not reasonably practicable to identify the oil that has escaped from a particular ship, all oil that has escaped from those ships shall, for the purposes of this section, be deemed to have escaped from each of those ships, but the Commonwealth is not, by virtue of this subsection, entitled to recover from the owners of those ships amounts that, in the aggregate, exceed the total amount of the expenses and liabilities incurred by the Minister in the exercise of his powers under subsection (2) of this section in relation to the oil.

2. BRAZIL

- (a) ACT NO. 5357 OF 17 NOVEMBER 1967 ESTABLISHING PENALTIES FOR VESSELS AND MARITIME OR RIVER TERMINALS WHICH DISCHARGE WASTE OR OIL INTO BRAZILIAN WATERS¹

Article 1. Vessels or maritime or river terminals of any kind, whether foreign or Brazilian, which discharge waste or oil into the waters situated within a belt of 6 (six) maritime miles from the Brazilian coast, or into rivers, ponds or other bodies of water, shall be liable to the following penalties:

(a) Vessels: to a fine of 2% (two per cent) of the highest minimum monthly wage in force in Brazilian territory per register ton or fraction thereof;

(b) Maritime or river terminals: to a fine of 200 (two hundred) times the highest minimum monthly wage in force in Brazilian territory.

Sole paragraph. If a further offence is committed, the fine shall be doubled.

...

- (b) DECREE NO. 50877 OF 29 JUNE 1961, ESTABLISHING REGULATIONS CONCERNING THE DISCHARGE OF TOXIC OR OILY RESIDUES INTO THE INTERNAL OR COASTAL WATERS²

Article 1. Liquid, solid or gaseous residues of household or industrial origin may be discharged into the water in their natural state or after treatment only where such discharge does not result in the pollution of the water.

Article 2. The cleaning of ships' engines and the discharge of the resultant oily residues into the coastal water of Brazil shall be strictly prohibited.

Article 3. For the purposes of this Decree, "pollution" means any alteration of the physical, chemical and biological properties of the water which might adversely affect the health, safety and welfare of the population, jeopardize the use of such water for agricultural, industrial, commercial and recreational purposes and, in particular, imperil the normal existence of aquatic fauna.

Article 4. Water which fails to comply with the following standards shall be deemed to be polluted:

(a) The coliform index shall not exceed 200 (two hundred) per cm³ (cubic centimetre) in 5% (five per cent) or more of the samples taken;

(b) The monthly average of dissolved oxygen shall be not less than 4 (four) parts per million and the daily average not less than 3 (three) parts per million;

(c) The monthly average for biochemical oxygen demand shall not exceed 5 (five) parts per million (BOD)—5 (five) days at 20° C;

(d) The pH shall be not less than 5 (five) and not more than 9½ (nine and a half).

¹ Text provided by the Permanent Mission of Brazil to the United Nations in a note verbale of 29 December 1972. Translation by the Secretariat of the United Nations.

² To come into force on the day of its publication, in accordance with article 11. Text provided by the Permanent Mission of Brazil to the United Nations in a note verbale of 29 December 1972. Translation by the Secretariat of the United Nations.

Article 5. The standards laid down in the preceding article may be adjusted upwards or downwards at the discretion of the Game and Fisheries Service acting in consultation with the health services of the Ministry of Health and the States concerned.

Article 6. The discharge of residues referred to in article 1 shall require the express authorization of the Game and Fisheries Service or the authorities of the States acting in agreement with the party concerned.

Article 7. Any person who violates the provisions of this Decree shall be liable to the following penalties:

(a) A fine of Cr 5,000 (five thousand cruzeiros), or double in the event of the commission of a further offence, without prejudice to the application of other penalties under the criminal law;

(b) The impounding, for a period not exceeding 5 (five) days, of any vessel which violates the prohibition set forth in article 2, without prejudice to the penalties laid down in the foregoing paragraph.

Article 8. Any individual or body corporate discharging pollutant residues into internal waters shall be allowed a period of 180 (one hundred and eighty) days from the date of issue of this Decree to take steps to ensure the containment or treatment of such residues in compliance with the technical and scientific rules applicable to the case.

...

(c) LEGISLATIVE DECREE NO. 221 OF 28 FEBRUARY 1967 ON FISHING, articles 37 and 38¹

3. CANADA

(a) FISHERIES ACT, 1952, AS AMENDED UP TO 1970, sections 33, 33A-33D²

(b) ARCTIC WATERS POLLUTION PREVENTION ACT, 1970, sections 2-25³

(c) CANADA SHIPPING ACT OF 1970, AS AMENDED IN 1971, sections 485 (1), 727-736, 752-757, 760 and 761⁴

4. DENMARK

(a) ACT NO. 290 OF 7 JUNE 1972 ON MEASURES AGAINST POLLUTION OF THE SEA BY SUBSTANCES OTHER THAN OIL, sections 1-12 and annexes⁵

(b) ACT NO. 289 OF 7 JUNE 1972 AMENDING THE ACT ON MEASURES AGAINST POLLUTION OF THE SEA BY OIL AND OTHER MATERIALS, section 1⁶

(c) NOTICE OF 18 JANUARY 1972 ISSUED BY THE MINISTRY OF POLLUTION CONTROL PROHIBITING THE DUMPING OF CERTAIN MATERIALS FROM SHIPS, articles 1-4 and annexes⁷

¹ *Infra* DIVISION IV, 2(a).

² *Ibid.*, 3(a).

³ *Infra* DIVISION III, 3(c).

⁴ *Ibid.*, 3(d).

⁵ *Infra* DIVISION III, 4 (a).

⁶ *Ibid.*, 4 (b).

⁷ *Ibid.*, 4 (c).

5. JAPAN

MARINE POLLUTION PREVENTION LAW, 1970, articles 1, 2, 4-6, 8-10, 18, 38-42, 55, 57 and 58¹

6. MALTA

CONTINENTAL SHELF ACT, 1966, section 7²

7. NETHERLANDS

(a) POLLUTION OF SURFACE WATER ACT, 13 NOVEMBER 1969³

CHAPTER I

General provisions

Section 1. 1. The depositing of waste, pollutants or harmful substances in whatsoever form without a permit in surface water by means of installations for that purpose is prohibited.

2. The prohibition contained in paragraph 1 does not apply to discharge by means of an installation which is linked to another installation, provided that the instructions given by the person in charge of the second installation are observed when discharge takes place.

3. We may lay down by General Administrative Order that it is prohibited to deposit the substances referred to in paragraph 1 in surface waters without a permit in any manner such as may be specified, in the Order, being other than by means of installations for that purpose. In addition we may lay down by General Administrative Order that the depositing of any of the substances referred to in paragraph 1 of such types as may be specified in the Order in whatsoever way in surface waters is prohibited. . . .

4. Without a permit issued by or on behalf of our Minister of Transport, Water Control and Public Works, it is prohibited to deposit any of the substances referred to in paragraph 1, which are conveyed for that purpose from or via the territory of the Netherlands, in the waters of the open sea within a distance from the coast to be laid down by us.

. . .

CHAPTER V

Powers of enforcement

. . .

Section 25. 1. The State, provinces, water control boards, fenland boards or fenland polders, municipal authorities, boards of bodies possessing legal

¹ *Ibid.*, 6.

² *Infra* DIVISION II, 14.

³ *Staatsblad* 536. English text provided by the Permanent Mission of the Netherlands to the United Nations in a note verbale of 9 November 1971.

personality as referred to in the Joint Organization Act, and the boards of other public bodies shall, insofar as any duties are imposed on them under this Act, designate officials who will be responsible for supervising the observance of the provisions made or orders issued in or by virtue of this Act.

2. The officials referred to in paragraph 1 are authorized to measure the discharge deposited in a body of surface water, and also to take samples of that discharge, insofar as either of these actions is necessary for the fulfilment of their duties. The results of the measurements and of the examination of the samples shall be brought to the notice of those responsible for the discharge concerned as soon as possible.

...

Section 26. 1. The officials and persons designated by virtue of section 25, together with their apparatus, shall, for the purposes referred to in that section, have access to parts of businesses and establishments not intended as dwellings, and are also authorized to enter closed premises for those purposes. If necessary they may obtain entry with the help of the police.

Section 27. Each and every person is obliged to co-operate fully with the officials designated in pursuance of section 25, and to submit for their inspection any records which the latter may require to see in order to fulfil their duties.

CHAPTER VI

Penalties

Section 28. 1. Acts in contravention of the provisions of or made by virtue of section 1 shall be punishable by a term of imprisonment not exceeding one year or a fine not exceeding twenty-five thousand guilders.

2. When pronouncing sentence for the act referred to in paragraph 1 the judge may require a sum not exceeding fifty thousand guilders to be deposited as a guarantee for a period not exceeding two years.

3. In his judgement the judge shall lay down that, in the event of failure by the convicted person to observe the general condition that he shall not repeat the punishable act referred to in paragraph 1 or to observe special conditions laid down by the judge, the sum deposited shall be forfeit, wholly or in part, to the body charged with responsibility for the quality of the surface water in respect of which the offence was committed. Sections 14b, paras. 2 and 3, 14c, paragraph 3, 14d and 14e of the Penal Code shall apply as appropriate.

4. A measure as referred to in paragraph 2 shall be enforced in a similar manner to a fine with the proviso that a term of imprisonment shall not be substituted for it. If the judge has determined that the sum deposited as a guarantee is forfeit to the body charged with responsibility for the quality of the surface water in respect of which the punishable act has been committed, the Department of Public Prosecutions shall be responsible for seeing that the sum is paid to that body in exchange for a receipt.

5. The act referred to in paragraph 1 is an offence against the law.

...

CHAPTER VIII

...

Section 35. A permit as referred to in this Act is not required to deposit fission material, ores or radio-active substances of other kinds in surface waters or to convey them from or through the territory of the Netherlands and deposit them in the waters of the open sea, insofar as the depositing of these substances in surface waters and in the waters of the open sea is subject to the issue of a permit under section 15 or section 29 of the Nuclear Energy Act, or to compliance with the regulations established under section 21 or section 32 of that Act.

...

(b) PENAL CODE, AS AMENDED IN 1969¹

...

Section 173a. Whoever, without a permit from the competent authority issued in accordance with the Pollution of Surface Water Act, deposits any substance in a body of water knowing that the substance so added will be detrimental to others in connexion with the use customarily made of that water or a body of water connected with it, shall be liable to imprisonment for a period not exceeding six months or a fine not exceeding six hundred guilders.

Section 173b. Whoever, without a permit from the competent authority issued in accordance with the Pollution of Surface Water Act is guilty of allowing to be deposited in a body of water any substance through the addition of which detriment is caused to others in connection with the use customarily made of that water or a body of water connected with it, shall be liable to imprisonment or detention for a period not exceeding three months or a fine not exceeding six hundred guilders.

...

(c) POLLUTION OF NATIONAL WATERS IMPLEMENTATION DECREE,
5 NOVEMBER 1970²

CHAPTER I

General provisions

Section 1. This Decree applies to:

(a) Surface waters under State control, including territorial waters, together with ports in open communication with these waters which are under the control of bodies other than the State;

(b) The part of the open sea lying within the distance from the coast laid down by us in pursuance of section 1, para. 4 of the Pollution of Surface Water Act;³

¹ Penal Code (*Staatsblad* 350) as amended by Section 36 (1) of the Pollution of Surface Water Act, 13 November 1969, *supra* (a).

² English text provided by the Permanent Mission of the Netherlands to the United Nations in a note verbale of 9 November 1971.

³ *Supra* (a).

Section 2. For the purposes of this Decree the following definitions shall apply:

(a) Our Minister: our Minister of Transport, Water Control and Public Works;

(b) The Act: the Pollution of Surface Waters Act (*Staatsblad* No. 536, 1969);

...

(e) National waters: the waters and ports specified under (a) in section 1, except in so far as these are designated by or under a general administrative order as specified in section 3, paragraph 2 of the Act;

(f) The open sea: the part of the open sea specified under (b) in section 1;

(g) Director (Chief Engineer): the Director (Chief Engineer) of the Water Control and Public Works Department or of the Zuyder Zee Projects Department within whose area of responsibility the waters are situated;

...

CHAPTER III

The permit and the declaration of inadequacy

...

Section 6. 1. An application for the granting, amendment or withdrawal of a permit to discharge waste, pollutants or harmful substances into national waters or the open sea shall, except as provided in paragraph 2, be submitted in writing, in quadruplicate, to the Director (Chief Engineer).

2. If, in the case of a port as specified under (a) in section 1, the responsibility for granting, refusing, amending or withdrawing permits has been delegated under section 4, paragraph 2 of the Act to the board of the public body which has control of the port concerned, the application specified in paragraph 1 shall be submitted to that board.

...

CHAPTER IV

Levies

Part I. General provisions

Section 10. To meet the cost of measures for the prevention and control of pollution of national waters pollution by oxidizing agents shall be subject to a levy to be called the national waters pollution levy.

Section 11. 1. Subject to the provisions of paragraphs 2, 3 and 4, the levy is payable by:

(a) those who, through the medium of an installation intended for this purpose, directly or indirectly deposit waste, pollutants or harmful substances in national waters;

...

3. If waste, pollutants or harmful substances are discharged into national waters from several sources through the medium of an installation which is not under the control of a public body then the levy is payable by each of the establishments responsible.

...

8. NEW ZEALAND

(a) OIL IN NAVIGABLE WATERS (RECORDS, TRANSFER, AND ENFORCEMENT OF CONVENTION) REGULATIONS 1971, regulations 2-7¹

(b) OIL IN NAVIGABLE WATERS (SHIP' EQUIPMENT) REGULATIONS 1971, regulations 3-5²

9. SINGAPORE

PREVENTION OF POLLUTION OF THE SEA ACT, 1971, sections 2, 4-20, 22-27³

10. THAILAND

PETROLEUM ACT OF 26 MARCH 1971, section 75⁴

11. UNION OF SOVIET SOCIALIST REPUBLICS

FUNDAMENTAL PRINCIPLES OF WATER LEGISLATION IN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE UNION REPUBLICS, DATED 10 DECEMBER 1970, articles 1, 10, 37, 38 and 46⁵

12. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

(a) PREVENTION OF OIL POLLUTION ACT 1971, sections 1-6, 8, 10-14, 16-18, 21 and 22⁶

(b) MERCHANT SHIPPING (OIL POLLUTION) ACT 1971, sections 1-4, 10, 12, 14, 15 and 19⁷

¹ *Infra* DIVISION III, 10(a).

² *Ibid.*, 10(c).

³ *Infra* DIVISION III, 12.

⁴ *Infra* Chapter IX, 15.

⁵ *Supra* Chapter I, 29(b).

⁶ *Infra* DIVISION III, 16 (b).

⁷ *Ibid.*, 16 (c).

BAHAMAS

(a) DISCHARGE OF OIL (PREVENTION) ACT 1967¹

...

[Section] 3. Discharge of oil into waters of the Colony prohibited.

(1) Save as is provided in this section, no oil shall be discharged or permitted to escape from any vessel into any of the territorial waters of the Colony or into the waters of any harbour in the Colony.

...

(3) If any oil is discharged or permitted to escape from any vessel in contravention of the provisions of this section the owner and Master of such vessel shall each be guilty of an offence and shall be liable on summary conviction:

(a) In the case of the owner, to a fine not exceeding Five thousand dollars, and

(b) In the case of the Master, to a fine not exceeding Two thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment:

provided that it shall be a good defence to any charge brought under the provisions of this section to prove that the discharge or escape of such oil was due to or necessitated by reason of the vessel being in collision or of some damage or accident happening to the vessel and, if the charge is in respect of the escape of oil, that all reasonable means were taken by the Master to prevent the escape thereof.

...

(b) PETROLEUM ACT, 1971, sections 29-31²

13. UNITED STATES OF AMERICA

FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED UP TO 1970³

...

CONTROL OF POLLUTION BY OIL

Section 11. (a) For the purpose of this section, the term:

...

(9) "Contiguous zone" means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone,⁴

...

¹ Act No. 4 of 1968. Came into operation on 9 January 1968. Text provided by the Permanent Representative of the United Kingdom in a note verbale of 15 November 1971.

² *Infra* Chapter IX, 16.

³ The most recent amendments were made by the Water Quality Improvement Act of 1970 (Public Law 91-224; 3 April 1970), 84 *Stat.* 91.

⁴ United Nations, *Treaty Series*, vol. 516, p. 205. Reproduced in ST/LEG/SER.B/15, pp. 721-728.

(b) (1) The Congress hereby declared that it is the policy of the United States that there should be no discharges of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone.

(2) The discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in harmful quantities as determined by the President under paragraph (3) of this subsection, is prohibited, except (A) in the case of such discharges into the waters of the contiguous zone, where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended,¹ and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, determine not to be harmful. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

...

(4) Any person in charge of a vessel or of an onshore facility or an offshore facility shall, as soon as he has knowledge of any discharge of oil from such vessel or facility in violation of paragraph (2) of this subsection, immediately notify the appropriate agency of the United States Government of such discharge. Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than \$10,000, or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

(5) Any owner or operator of any vessel, onshore facility, or offshore facility from which oil is knowingly discharged in violation of paragraph (2) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than \$10,000 for each offence. No penalty shall be assessed unless the owner or operator charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offence. . . .

(c) (1) Whenever any oil is discharged, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, the President is authorized to act to remove or arrange for the removal of such oil at any time, unless he determines such removal will be done properly by the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs.

...

(d) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of

¹ United Nations, *Treaty Series*, vol. 327, p. 3. Reproduced in ST/LEG/SER.B/15, pp. 787-799.

large quantities of oil from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provision of law governing the employment of personnel or the expenditure of appropriated funds. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil.

...

(f) (1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any vessel from which oil is discharged in violation of subsection (b) (2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed \$100 per gross ton of such vessel or \$14,000,000, whichever is lesser, except that where the United States can show that such discharge was the result of wilful negligence or wilful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs.

...

(2) Except where an owner or operator of an onshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b) (2) of this section shall be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed \$8,000,000, except that where the United States can show that such discharge was the result of wilful negligence or wilful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs.

(3) Except where an owner or operator of an offshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b) (2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed \$8,000,000, except that where the United States can show that such discharge was the result of wilful negligence or wilful misconduct within the privity and knowledge of the owner, such owner

or operator shall be liable to the United States Government for the full amount of such costs.

...

(g) In any case where an owner or operator of a vessel, of an onshore facility, or of an offshore facility, from which oil is discharged in violation of subsection (b) (2) of this section proves that such discharge of oil was caused solely by an act or omission of a third party, or was caused solely by such an act or omission in combination with an act of God, an act of war, or negligence on the part of the United States Government, such third party shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for removal of such oil by the United States Government, except where such third party can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of another party without regard to whether such act or omission was or was not negligent, or any combination of the foregoing clauses. . . .

...

(m) Anyone authorized by the President to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

...

CONTROL OF HAZARDOUS POLLUTING SUBSTANCES

Section 12. (a) The President shall, in accordance with subsection (b) of this section, develop, promulgate, and revise as may be appropriate, regulations (1) designating as hazardous substances, other than oil as defined in section 11 of this Act, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches; and (2) establishing, if appropriate, recommended methods and means for the removal of such substances.

...

(c) In order to facilitate the removal, if appropriate, of any hazardous substance any person in charge of a vessel or of an onshore or offshore facility of any kind shall, as soon as he has knowledge of any discharge of such substance from such vessel or facility, immediately notify the appropriate agency of the United States of such discharge.

(d) Whenever any hazardous substance is discharged into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, unless removal is immediately undertaken by the owner

or operator of the vessel or onshore or offshore facility from which the discharge occurs or which caused the discharge, pursuant to the regulations promulgated under this section, the President, if appropriate, shall remove or arrange for the removal thereof in accordance with such regulations. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such hazardous substance at any time.

(e) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any hazardous substance or from the removal of any such substance.

...

Chapter VIII
BROADCASTS FROM SHIPS IN THE TERRITORIAL SEA¹

¹ No text concerning broadcasts from ships in the territorial sea was received during the period covered by this volume.

Chapter IX

EXPLOITATION OF MINERAL RESOURCES AND THE LAYING OF CABLES AND PIPELINES UNDER THE TERRITORIAL SEA¹

1. AUSTRALIA

INCOME TAX ASSESSMENT ACT 1936-1968²

...

6AA. (1) For all purposes of this Act related directly or indirectly to:

(a) The exploration of an adjacent area for petroleum or the exploitation of the natural resources, being petroleum, of an adjacent area, whether by the taxpayer concerned or by another person; or

(b) Acts, matters, circumstances and things touching, concerning, arising out of or connected with any such exploration or exploitation,

including purposes in relation to the application of this Act in respect of income or profits derived from any such exploration, exploitation, act, matter, circumstance or thing, or in respect of dividends paid wholly or partly out of any such profits, the provisions of this Act have effect, subject to this section, as if:

(c) The whole of each adjacent area, other than the adjacent areas in relation to the Territory of Papua and the Territory of New Guinea, were, and had at all times been, a part of Australia;

(d) The whole of the adjacent area in relation to the Territory of Papua were, and had at all times been, a part of that Territory; and

(e) The whole of the adjacent area in relation to the Territory of New Guinea were, and had at all times been, a part of that Territory.

(2) Where a company carries on business in an adjacent area, other than the adjacent area in relation to the Territory of Papua or the Territory of New Guinea, and that business consists of exploration or exploitation of a kind referred to in the last preceding subsection, or arises out of or is connected with any such exploration or exploitation (whether by that company or by another person), that company shall, for the purposes of the definition of

¹ See also *infra* DIVISIONS II and III. Some of the texts reproduced there may also be of relevance in relation to mineral resources exploitation and to the laying of cables and pipelines under the territorial sea.

² Income Tax Assessment Act (Act No. 27) of 1936, as subsequently amended, most recently by Act No 87 of 1968 (21 November 1968). Text provided by the Permanent Representative of Australia to the United Nations in a note verbale of 3 December 1971.

'resident' or 'resident of Australia' in subsection (1) of the last preceding section, be deemed to be carrying on business in Australia.

...

(4) For the purposes of this section:

(a) "Adjacent area" means an area specified in the Second Schedule to the *Petroleum (Submerged Lands) Act 1967-1968*¹ as being adjacent to a State or Territory of the Commonwealth;

(b) "The adjacent area", in relation to a Territory, means the area specified in that Schedule as being adjacent to that Territory;

(c) The adjacent area in relation to the Territory of Ashmore and Cartier Islands shall be deemed to include the area, whether land or water, within the territorial limits of that Territory; and

(d) A reference in this section to an adjacent area shall be read as including a reference to the land below that adjacent area and the space above that adjacent area.

...

2. BRAZIL

DECREE NO. 63.164 OF 24 AUGUST 1968, GOVERNING EXPLORATION AND RESEARCH CARRIED OUT ON THE UNDERWATER SHELF OF BRAZIL OR IN THE WATERS OF THE TERRITORIAL SEA AND INTERNAL AND OTHER WATERS²

CHAPTER I

Authorization and supervision of exploration and research carried out on the underwater shelf of Brazil or in the waters of the territorial sea and internal waters.

Article 1. Exploration and research carried out on the underwater shelf of Brazil or in the waters of the territorial sea and internal waters, to the extent that they are not prohibited by the Constitution or special legislation, shall be conducted in compliance with the following rules:

(a) When carried out by any public authority, autonomous unit or semi-public agency, or by Brazilian individuals or bodies corporate contracted by such authorities or agencies, they must have the prior approval of the Ministry of Marine in order to ensure compliance with the requirements of navigational safety and of the Marine Police;

(b) When carried out by private agencies or Brazilian individuals or bodies corporate and when, under special legislation, they require the authorization of another Ministry or authority, permission shall be granted only after prior approval has been given by the Ministry of Marine. In cases where there

¹ The *Petroleum (Submerged Lands) Act 1967* is reproduced in part in ST/LEG/SER.B/15, pp. 319-335.

² Provided by the Permanent Mission of Brazil to the United Nations in a note verbale of 29 December 1972. Translation by the Secretariat of the United Nations. This decree revoked Decree No. 63837 of 6 June 1968.

is no special legislation, they shall require the authorization of the Ministry of Marine;

(c) When carried out by aliens (individuals or bodies corporate, governmental or private organizations), on their own initiative or under contract, they shall require the authorization of the President of the Republic, the procedure for which shall be initiated and carried out as prescribed in article 6 of this Decree.

Article 2. In any of the cases referred to in the previous article, exploration and research activities carried out on the underwater shelf or in the waters of the territorial sea and internal waters shall be subject to the control of the Ministry of Marine in so far as the requirements of the Marine Police and navigational safety are concerned.

Sole paragraph. The results of the exploration and research activities referred to in this article shall be reported to the Ministry of Marine for whatever action the latter may deem necessary.

Article 3. For the purposes of this Decree, the underwater shelf shall be considered to be the area of national territory included in the property of the Union under article 4, III of the Brazilian Constitution, and in accordance with the international treaties and conventions ratified by Brazil.

Sole paragraph. For the purposes of this Decree, the terms "underwater shelf", "continental shelf" and "underwater continental shelf" shall have the same meaning.

Article 4. The term "research" shall include all activities carried out on the underwater continental shelf or in waters of the territorial sea or internal waters involving filming and recording for scientific purposes, limnographic, oceanographic investigation or prospecting.

CHAPTER II

Applications for permits

Article 5. Applications for permits or for the prior approval of the Ministry of Marine made by any public authority, autonomous unit, semi-public agency, private body or Brazilian individual or body corporate for the execution of exploration or research on the submarine shelf of Brazil or in the waters of its territorial sea and internal waters shall be transmitted to the Ministry of Marine at least sixty (60) days before the date on which it is intended to begin the programme of work.

Article 6. Applications by aliens for permits to carry out exploration or research on the submarine shelf of Brazil or in the waters of its territorial sea and internal waters shall comply with the following procedure:

I. The foreign individual or body corporate responsible for the proposed exploration or research on the Brazilian submarine shelf or in the waters of the territorial sea and internal waters shall transmit the appropriate application to the Brazilian diplomatic mission to the Government of the country concerned at least one hundred and eighty (180) days before the departure of the persons concerned from their countries of origin, as prescribed in article 8 below;

II. The Ministry of Foreign Affairs shall forward the application to the Ministry of Marine together with any information that it may deem appropriate. Having completed its procedures, the Ministry of Marine shall refer the document to the President of the Republic or to any other Ministry, as the case may be;

III. In the case of aliens contracted by a public authority, autonomous unit, semi-public agency, private body, or a Brazilian individual or body corporate the application shall be transmitted to the Ministry of Marine by the contractor at least sixty (60) days before the date on which it is proposed to begin the programme of work;

IV. The Ministry of Marine shall have a period of thirty (30) working days from the date of receipt of the application in which to express its opinion as to whether the proposed exploration or research should be carried out as regards the matters referred to in article 2, and shall transmit this opinion to the President of the Republic or to the appropriate Ministry, as the case may be. Each Ministry concerned shall have thirty (30) days in which to express its views on the application.

Sole paragraph. Resident aliens in Brazil who wish to carry out research of the kind referred to in this Decree shall forward their applications to the Ministry of Marine at least sixty (60) days before the date on which it is proposed to begin the programme of work.

Article 7. In the case of exploratory or research expeditions consisting of both Brazilians and aliens, the Brazilian participants shall be governed by article 5 and the aliens by article 6 respectively.

Article 8. Applications for permits or the prior approval of the Ministry of Marine referred to in articles 5 and 6 shall be required to specify:

...

CHAPTER III

Supervision

Article 10. Supervision of the exploration and research referred to in this Decree shall be exercised by observers appointed by the Ministry of Marine and other Ministries concerned to accompany the authorized expedition for all or part of its duration. Any marine authority based in Brazilian ports or navigation over the submarine shelf, in internal waters or waters of the territorial sea may take the initiative of exercising such supervision, whenever necessary.

1. At the request of the Ministry of Marine, the National Research Council shall appoint Brazilian scientists or technicians to accompany the expedition in question, the transport costs being payable by the Ministry of Marine.

2. Supervision of exploration and research carried out by aliens shall be exercised from the beginning of such exploratory activities on the Brazilian submarine shelf or in territorial waters. For the supervision of such activities to be effective from the start, the inspector, preferably, embark at the last foreign port or airport visited before the work is begun and shall remain on board until the first port or airport is reached after the work is completed.

3. The observers and inspectors appointed shall submit detailed reports to the Ministry of Marine on the techniques employed and the activities and research carried out.

Article 11. For the purpose of ensuring implementation of the provisions of this Decree, the Ministry of Marine shall be responsible for supervising the activities on the submarine shelf of Brazil and in the waters of its territorial sea and its internal waters and shall seize any vessels carrying out explorations or research in the areas referred to above without permission from the competent authority.

1. Any person found carrying out unauthorized research or explorations shall be liable to the penalties prescribed in Brazilian law.

2. Any material connected with unauthorized explorations and research shall be confiscated and placed at the disposal of the Ministry of Marine which shall decide what is to be done with it, after hearing the views of other interested bodies as appropriate.

...

3. CANADA

(a) OIL AND GAS PRODUCTION AND CONSERVATION ACT, AS AMENDED IN 1970, sections 2, 3, 12-14, 42-49¹

(b) ARCTIC WATERS POLLUTION PREVENTION ACT, 1970, sections 2-10, 14-22²

(c) CANADA OIL AND GAS LAND REGULATIONS OF 1961³, AS AMENDED UP TO 1969⁴

...

2. Interpretation

(1) In these Regulations

...

(d) "Canada lands" means:

(i) Territorial lands as defined in the *Territorial Lands Act*,⁵ and

(ii) Public lands as defined in the *Public Lands Grants Act*⁶ for the sale, lease or other disposition of which there is no provision in the law, and includes land under water;

¹ *Infra* DIVISION II, 3(a).

² *Infra* DIVISION III, 3(c).

³ P.C. 1961-797; 6 June 1961. SOR/61-253, *Canada Gazette*, Part II, Vol. 95, No. 12; 28 June 1961.

⁴ The most recent amendment was made by P.C. 1969-1584; 13 August 1969. SOR/69-415, *ibid.*, Vol. 103, No. 16; 27 August 1969.

⁵ The Act defines "territorial lands" as "lands in the Northwest Territories or in the Yukon Territory that are vested in the Crown or of which the Government of Canada has power to dispose" (Section 2(g)).

⁶ The Act defines "public lands" as "lands belonging to Her Majesty in right of Canada and includes lands of which the Government of Canada has power to dispose" (Section 2(d)).

(e) "Chief" means:

- (i) In respect of Canada lands located in that part of Canada described in Schedule F, the Chief, Oil and Mineral Division, Development Branch of the Department of Indian Affairs and Northern Development, and
- (ii) In respect of Canada lands other than those lands located in that part of Canada described in Schedule F, the Chief, Resource Administration Division of the Department of Energy, Mines and Resources;

...

(g) "Commercial quantity" means the output of oil or gas from a well that in the opinion of the Chief, would warrant the drilling of another well in the same area, and in determining that opinion the Chief may consider the costs of drilling and producing and the volume of production;

...

(k) "Exploratory work" includes test drilling, aerial mapping, surveying, bulldozing, geological, geophysical and geochemical examinations and other investigations relating to the subsurface geology and all work, including the construction and maintenance of those facilities necessarily connected therewith and the building and maintenance of airstrips and roads required for the supply of or access to exploratory operations;

...

(q) "Minister" means,

- (i) In respect of Canada lands located in that part of Canada described in Schedule F, the Minister of Indian Affairs and Northern Development, and
- (ii) In respect of Canada lands other than those lands located in that part of Canada described in Schedule F, the Minister of Energy, Mines and Resources;

...

3. *Application*

These Regulations apply only to Canada lands that are under the control, management and administration of the Minister.

...

10. *Surveys*

For the purposes of these Regulations, no person other than a Dominion Land Surveyor shall make a legal survey of Canada lands.

...

23. *Prohibition*

(1) No person shall, for the purpose of searching for oil or gas, carry out exploratory work on Canada lands except as authorized by these Regulations.

(2) No person shall produce, mine, quarry or extract from Canada lands any oil, gas or other minerals or substances that are produced, mined, quarried

or extracted in association with any oil or gas except as authorized by these Regulations.

...

24. *Exploratory Licences*

(1) Any individual who is twenty-one years of age or over may submit an application for a licence.

(2) Any corporation that is registered with the Registrar of Companies pursuant to the *Companies Ordinance* of the Northwest Territories may submit an application for a licence with respect to Canada lands within the Northwest Territories.

(3) Any corporation that is entitled to carry on business in any province may submit an application for a licence with respect to Canada lands outside the Northwest Territories.

(4) Every person who submits an application for a licence shall forward his application to the Chief or Oil Conservation Engineer, together with the fee set out therefor in Schedule A.

...

Permits

30. *Permit upon Application*

(1) Where the Minister is satisfied that exploratory work will be carried out, he may, upon application, issue an exploratory permit for Canada lands that have not previously been held under permit or lease.

...

32. *Permit upon Tender*

(1) Before a permit may be issued for Canada lands that have been held under a permit or lease which permit or lease has expired, been cancelled or surrendered, the Minister shall call for tenders for the purchase of a permit in the manner provided in this section.

...

34. (1) A permittee must be the holder of a licence before he may carry out exploratory work on Canada lands.

(2) Where a permittee is authorized to carry out exploratory work under these Regulations, that work may be performed by any person employed or hired by the permittee.

...

Oil and gas leases

55. *Oil and Gas Lease upon Application*

(1) Upon application to the Minister, a permittee shall be granted an oil and gas lease.

(2) An oil and gas lease shall not be granted under this section

(a) To a person unless the Minister is satisfied that he is a Canadian citizen over twenty-one years of age, and that he will be the beneficial owner of the interest to be granted;

- (b) To a corporation incorporated outside of Canada; or
- (c) To a corporation unless the Minister is satisfied
 - (i) That at least fifty per cent of the issued shares of the corporation is beneficially owned by persons who are Canadian citizens, or
 - (ii) That the shares of the corporation are listed on a recognized Canadian stock exchange and that Canadians will have an opportunity of participating in the financing and ownership of the corporation, or
 - (iii) That the shares of the corporation are wholly owned by a corporation that meets the qualifications outlined in subparagraph (i) or (ii) of this paragraph.

56. (1) The land to be included in an oil and gas lease granted pursuant to section 55 shall be selected by the permittee from his permit area.

...

59. *Powers of Lessee*

(1) A lessee who is the holder of a licence may

(a) Carry out exploratory work and drill wells in the Canada lands included in his lease; and

(b) Produce, mine, quarry or extract any oil or gas or any minerals or substances that are produced, mined, quarried or extracted in association with any oil or gas from the Canada lands included in his lease.

(2) Where a lessee is authorized to carry out work or operations under these Regulations, that work or those operations may be performed by any person employed or hired by the lessee.

...

62. *Term of Lease*

Subject to subsection (2) of section 35, every oil and gas lease shall be granted for a term of twenty-one years.

...

66. *Obligation to Lease*

The Chief may at any time order that a well within a permit area contains oil or gas in commercial quantity.

...

79. *Rental*

(1) Subject to sections 80 to 85, a lessee shall pay to Her Majesty

(a) For the first year of the oil and gas lease, a rental of fifty cents for each acre of land under lease; and

(b) For each year after the first year of the oil and gas lease a rental of one dollar for each acre of land under lease.

(2) The rental required by subsection (1) shall be paid before the commencement of the year for which the rental is payable.

...

86. *Royalty*

(1) Subject to sections 87 and 88, a permittee or lessee shall pay to Her Majesty

(a) For each month

(i) Prior to the end of the first five years of commercial exploitation, or

(ii) Prior to the end of the first thirty-six months, in aggregate, during which oil or gas is produced,

whichever first occurs, a royalty of five per cent of the market value at the well head or extraction plant (after production thereat) of all oil and gas obtained during that month from the permit or lease area, where

(iii) The permit or lease area is located north of latitude 70°, or

(iv) The whole or greater part of the permit or lease area is, in the opinion of the Chief, covered by seacoast water;

(b) For each month prior to the end of the first three years of commercial exploitation, a royalty of five per cent of the market value at the well head or extraction plant (after production thereat) of all oil and gas obtained during that month from the permit or lease area, where the whole or greater part of the permit or lease area is located south of latitude 70° and is not included in paragraph (a); and

(c) For each month following the period for which a royalty is payable pursuant to paragraph (a) or (b), a royalty of ten per cent of the market value at the well head or extraction plant (after production thereat) of all oil and gas obtained during that month from the permit or lease area.

(2) The royalty shall be paid on or before the twenty-fifth day of the month next following the month for which the royalty is payable.

...

108. *Inspection*

(1) The Minister, or a person authorized by him, may at any time enter upon a permit area or lease area and

(a) Inspect all wells, technical records, plants and equipment;

(b) Take samples and particulars; and

(c) Carry out tests or examinations not detrimental to the operations of the permittee or lessee for determining the production of oil or gas that may be reasonable or proper.

(2) The permittee or lessee shall give the Minister or person authorized by him such assistance as may be necessary.

...

4. DENMARK

ACT NO. 166 OF 12 MAY 1965 ON MINERAL RESOURCES IN GREENLAND, AS AMENDED IN 1969, sections 8 and 17¹

¹ *Infra* DIVISION II, 5(a).

5. FIJI

OIL MINES ORDINANCE OF 28 DECEMBER 1915, AS AMENDED UP TO 1969¹

. . .

2. *Interpretation*

In this Ordinance:

. . .

“Land” includes water and also includes land covered by water within Fiji and land covered by water outside Fiji to the limits of the Continental Shelf appertaining to Fiji;

“The Continental Shelf” has the same meaning as in the Convention entitled “Convention on the Continental Shelf” signed at Geneva on the 29th day of April, 1958;”²

. . .

3. *Mineral oil and gas the property of the Crown*

The entire control of the exploration, prospecting, working and winning of all mineral oils and gas in natural state below any land is subject to the control of the Governor. No person shall explore or prospect for or mine any such mineral oils or gases save in accordance with the provisions of this Ordinance and of regulations made under this Ordinance and in compliance with all conditions prescribed by or under the powers conferred by this Ordinance.

4. *Issue of exploration licences*

The Governor may from time to time by means of an exploration licence grant to any person or persons or company the right to enter upon any lands whether the same shall be lands owned by the Crown or by a private owner or by native owners or lands in respect of which the Crown has rights, and to explore and examine geologically such lands in such manner as the Governor may think proper and subject to regulations made under this Ordinance:

. . .

5. *Issue of prospecting licences*

The Governor may from time to time by means of a prospecting licence grant to any person or persons or company the right to enter upon lands, whether the same shall be lands owned by the Crown or by a private owner or lands in respect of which the Crown has rights or by native owners, and to mine, bore, quarry, dig, search for, win and work all or any crude oil within any such lands in such manner as the Governor in Council may think proper, and such licence shall, *inter alia*, provide:

¹ The most recent amendment was made by the Oil Mines (Amendment) Ordinance, 1969. Text provided by the Permanent Representative of Fiji to the United Nations in a note verbale of 23 September 1971.

² United Nations, *Treaty Series*, vol. 499, p. 312. Reproduced in ST/LEG/SER.B/15, pp.767-770.

(a) For the payment by the licensee or licensees to the Accountant-General of the prescribed royalty in respect of such crude oil so won and worked as aforesaid; and

(b) For the payment by the licensee or licensees to the Accountant-General of compensation for all or any damage or injury done to the property the subject of such licence and the manner in which such payment is to be assessed.

...

7. Mining leases

On the expiration of such prospecting licence as aforesaid the Governor may, if he shall think fit, grant to the licensee or licensees or to any person or persons or company a lease of the crude oil in or under the lands the subject of such prospecting licence (hereinafter called a mining lease), and such mining lease shall, *inter alia*, provide for the reservation of the rents and royalties to be paid by the lessee or lessees to the Accountant-General.

...

6. GREECE

DÉCRET-LOI N° 142/1969 RELATIF À L'EXPLORATION ET À L'EXPLOITATION DES RESSOURCES MINÉRALES SE TROUVANT DANS LE FOND DE LA MER ET DES LACS¹

1. L'Etat a également le droit exclusif d'explorer et d'exploiter tous les minéraux métallifères, y compris les hydrocarbures à l'état solide, fluide ou gazeux, ainsi que les minéraux de carrière se trouvant :

a) Sur le fond de la mer territoriale hellénique ou dans le sous-sol de ce dernier,

b) Sur le fond de la mer au-delà de la mer territoriale ou dans le sous-sol de ce dernier, attenant ou adjacent aux côtes continentales ou à celles des îles et jusqu'à une profondeur de 200 mètres de la surface de la mer, ou même au-delà de cette profondeur lorsque les eaux surjacentes permettent l'exploration et l'exploitation précitées, c'est-à-dire dans le plateau continental, ainsi que celui-ci est entendu et déterminé par les Conventions internationales approuvées législativement. Dans le cas où le plateau continental ci-dessus est adjacent au territoire de la Grèce et d'un autre Etat, limitrophe ou dont les côtes sont situées en face des côtes helléniques, les règles du droit international seront appliquées pour la détermination des limites de ce plateau continental.

...

¹ *Journal officiel*, fasc. A'48/1969. Texte français fourni par la mission permanente de la Grèce auprès de l'Organisation des Nations Unies par note en date du 15 novembre 1971.

7. KHMER REPUBLIC¹

KRÂM (LOI) N° 380/68-CE DU 16 DÉCEMBRE 1968 PORTANT
RÉGLEMENTATION MINIÈRE²

TITRE I

Article premier. Les mines sont propriété domaniale.

Article 2. La recherche et l'exploitation des gîtes naturels de substances minérales ou fossiles dans l'étendue de tout le Royaume et la partie du plateau continental qui lui est adjacente sont régies par les dispositions de la présente Loi.

La définition et la délimitation du plateau continental appartenant au Cambodge sont celles de la Convention internationale de Genève du 29 avril 1958³, en ses articles 1 et 6 notamment.

...

Article 5. Des Krets pris en Conseil des Ministres peuvent :

1° Désigner pour des motifs d'ordre public des zones déterminées appelées "zones interdites" dans lesquelles, sous réserve des droits acquis, le droit de rechercher et d'exploiter les mines est suspendu;

2° Délimiter les zones appelées "zones réservées", dans lesquelles, sous réserve des droits acquis, le droit de rechercher et d'exploiter toutes ou certaines substances minérales ou fossiles ne peut être obtenu que par voie d'adjudication, ou est réservé à l'Etat ou à des organismes publics qu'il aura créés à cet effet.

...

Article 7. Sous réserve des dispositions de l'article 5 ci-dessus mentionné, les travaux de recherches pour découvrir les mines ne peuvent être entrepris qu'en vertu d'un permis de recherches.

Les mines ne peuvent être exploitées qu'en vertu d'une concession.

Le permis de recherches constitue un droit mobilier, indivisible, cessible et transmissible dans les conditions définies dans la présente Loi, et susceptible d'hypothèque.

...

Article 12. Les permis de recherches et les concessions ne peuvent être accordés qu'à des personnes physiques ou morales de nationalité cambodgienne.

Les sociétés constituées pour la recherche et l'exploitation des mines, ainsi que celles qui se livrent, même partiellement, à l'une de ces activités doivent être constituées conformément à la législation en vigueur et avoir leur siège social au Cambodge.

¹ Prior to 9 October 1970, the official title of "the Khmer Republic" was "Cambodia".

² Cette loi abroge tous les textes antérieurs relatifs à la législation régissant les mines et maintenus en vigueur par le Krâm n° 690-NS du 4 octobre 1951. Texte transmis par le représentant permanent de la République khmère auprès de l'Organisation des Nations Unies par note verbale en date du 1^{er} décembre 1971.

³ Nations Unies, *Recueil des Traités*, vol. 499, p. 312.

Des dérogations aux dispositions définies ci-dessus pourront être accordées par Kret pris en Conseil des Ministres, en faveur de certaines personnes physiques ou morales de nationalité étrangère possédant les capacités techniques et financières pour la recherche et l'exploitation de certaines substances minérales.

Les infractions à ces dispositions peuvent entraîner l'annulation des permis de recherches ou la déchéance des concessions sans avertissement ou mise en demeure préalable.

...

TITRE II

Le permis de recherches

Article 17. Le permis de recherches confère à son titulaire le droit exclusif de recherches minières, dans l'étendue de son périmètre et indéfiniment en profondeur, pour la ou les substances pour lesquelles il est délivré et le droit de priorité d'obtenir une concession minière après la preuve fournie qu'elles ont été découvertes en quantités raisonnables au point de vue commercial et d'exploitation. . .

TITRE III

Les concessions de mines

Article 36. La concession de mines confère à son titulaire le droit exclusif d'exploiter les substances minérales pour lesquelles elle est accordée dans l'étendue de son périmètre et indéfiniment en profondeur.

Article 37. La concession de mines peut être obtenue :

Soit par le titulaire d'un permis de recherches en cours de validité, pour les substances du permis et ses limites;

Soit par voie d'adjudication dans les conditions définies par le présent Krâm.

...

Article 55. Toute concession doit être maintenue en activité. Si l'exploitation d'une mine est suspendue ou restreinte sans cause reconnue légitime, le concessionnaire est mis en demeure par Prakas du Ministre chargé des mines de reprendre ou d'activer les travaux dans un délai qui ne peut être supérieur à un an.

Faute par le concessionnaire de justifier, dans le délai imparti par le Prakas susvisé, qu'il a repris l'exploitation régulière et qu'il possède les moyens de la poursuite, la déchéance est prononcée par Kret pris en Conseil des Ministres.

Article 56. Le concessionnaire est assujéti à taxe annuelle superficière due à partir du 1^{er} janvier qui suit l'institution de la concession et payable d'avance.

Les substances minérales extraites des exploitations minières sont soumises à une taxe *ad valorem* appelée redevance proportionnelle qui est liquidée par les soins du Ministre chargé des mines; il est procédé à son recouvrement comme en matière de contribution.

La taxe et les modalités de liquidation de ces taxes sont fixées par Kret pris en Conseil des Ministres.

...

TITRE V

De la surveillance administrative des recherches et des exploitations minières

Article 71. La recherche et l'exploitation des mines sont soumises à la surveillance de l'administration pour tout ce qui touche à la sécurité publique, la sécurité et l'hygiène des ouvriers, l'habitat et la formation professionnelle, la conservation de la mine, la meilleure utilisation possible des gisements, la protection des sources, voies publiques et édifices de surface.

La surveillance de l'administration est exercée sous l'autorité du Ministre chargé des mines par le Chef du Service des mines et les fonctionnaires et agents placés sous ses ordres.

Ils concourent à l'application de la législation en vigueur sur le Code de travail et à cet effet disposent pour les entreprises minières des pouvoirs dévolus aux inspecteurs du travail.

TITRE VI

Dispositions spéciales aux hydrocarbures

Article 80. Les dispositions spéciales du présent titre sont applicables aux hydrocarbures. En ce qui ne leur est pas contraire, les dispositions générales de la présente Loi leur sont également applicables.

Article 81. Le permis de recherches d'hydrocarbures dit "Permis H" est accordé après enquête par Kret pris en Conseil des Ministres pour une durée de cinq ans sur le rapport du Ministre chargé des mines.

...

Si le permissionnaire s'est acquitté de ses obligations pendant la première validité et a souscrit dans la demande de renouvellement à un effort financier proportionnellement au moins égal au précédent, la prolongation peut lui être accordée.

Article 82. La concession d'hydrocarbures dite concession "H" est accordée par Kret pris en Conseil des Ministres sur proposition du Ministre chargé des mines aux conditions d'un cahier des charges annexées à l'acte institutif.

La durée de la concession "H" est fixée à quarante ans avec possibilité de renouvellement de 25 ans chaque fois.

La concession doit être entièrement comprise dans le dernier périmètre de recherches auquel elle fait suite. Le cahier des charges fixera une redevance sur la production dont le taux pourrait être progressif.

...

8. MADAGASCAR

CODE PÉTROLIER, 1962¹

Article premier. Sur le territoire de la République malgache et le plateau continental qui lui est adjacent, la prospection, la recherche, l'exploitation et le transport des hydrocarbures liquides ou gazeux, ainsi que le régime fiscal de ces activités, sont soumis aux dispositions du présent code.

Les bitumes et asphaltes restent régis par loi minière.

Le présent code s'applique à toutes sociétés, qu'elles soient malgaches ou étrangères.

TITRE PREMIER

De la prospection et de la recherche des gisements d'hydrocarbures

Article 2. Les travaux de prospection et de recherche d'hydrocarbures ne peuvent être entrepris, même par le propriétaire de la surface, qu'en vertu :

Soit d'une autorisation de prospection,

Soit d'un permis exclusif de recherches, dit permis H.

Article 3. L'autorisation de prospection confère à son titulaire le droit non exclusif d'exécuter des travaux préliminaires de prospection d'hydrocarbures, notamment par utilisation des méthodes géophysiques, à l'exclusion des forages de recherche. Elle est accordée par arrêté du Ministre chargé des mines, pour une durée d'un an, renouvelable.

Elle ne confère à son titulaire aucun droit à l'obtention d'un titre d'exploitation ou à la disposition des produits extraits en cas de découverte d'hydrocarbures à l'occasion de travaux de prospection.

L'autorisation de prospection ne peut porter sur une surface couverte par un permis H qu'avec l'accord du titulaire du permis.

L'autorisation de prospection ne peut porter sur une surface couverte par un titre d'exploitation.

Article 4. Le permis exclusif de recherches d'hydrocarbures, dit permis H, confère à son titulaire, à l'exclusion de toute autre personne, le droit d'exécuter, dans son périmètre, tous travaux de prospection et de recherches d'hydrocarbures. Il comporte de plein droit autorisation de prospection pendant sa durée de validité.

Le permis H confère à son titulaire le droit de disposer librement des hydrocarbures extraits du sol à l'occasion de ses recherches et des essais de production qu'elles peuvent comporter ainsi que des substances connexes, c'est-à-dire les substances qui sont nécessairement extraites en même temps que les hydrocarbures.

¹ Promulgué par l'ordonnance n° 62-105 du 1^{er} octobre 1962 portant création du Code pétrolier à Madagascar. Le code abroge en ce qui concerne les hydrocarbures toutes dispositions contraires antérieures. Texte transmis par le représentant permanent de la République malgache auprès de l'Organisation des Nations Unies par note verbale en date du 15 décembre 1971.

Le permis H peut être de forme et de dimensions quelconques. Sa durée initiale ne peut dépasser cinq ans. Il est accordé par décret sur proposition du Ministre chargé des mines.

...

Article 6. Nul ne peut obtenir de permis H s'il ne justifie des capacités techniques et financières nécessaires pour mener à bien les recherches et s'il ne souscrit à l'engagement de consacrer aux recherches pendant la durée du permis un effort financier minimum approprié.

Article 7. Le titulaire du permis est tenu, après toute découverte d'hydrocarbures permettant de présumer l'existence d'un gisement commercialement exploitable, de poursuivre, avec le maximum de diligence, la délimitation d'un tel gisement.

Dès que l'existence d'un gisement commercialement exploitable est établie, le titulaire du permis est tenu de demander l'octroi d'une concession et de poursuivre les travaux de développement.

En cas de contestation sur l'application du présent article, il est statué par arbitrage dans les conditions prévues à la convention d'établissement.

Article 8. La validité du permis H peut, sur la demande du titulaire et sous les mêmes conditions que lors de l'octroi du permis, être prolongée à deux reprises, chaque fois de cinq ans au plus, par décret.

La superficie du permis est réduite du quart de la surface initiale lors du premier renouvellement et de la moitié de la surface restante lors du deuxième renouvellement. Le titulaire choisit les zones qu'il doit abandonner.

Si le titulaire du permis H a satisfait à ses obligations et souscrit, dans sa demande de prolongation, à un effort financier minimum global au moins égal, à une durée de validité égale, à l'effort souscrit pour la période de validité précédente, la prolongation est de droit pour une durée égale à la précédente.

...

TITRE II

De l'exploitation des gisements d'hydrocarbures

Article 18. Les gisements d'hydrocarbures ne peuvent être exploités qu'en vertu :

Soit d'une concession,

Soit d'une autorisation provisoire d'exploiter accordée en application de l'article 19 ci-après.

Article 19. Pendant la durée de validité d'un permis H, son titulaire peut, sur sa demande, être autorisé, par arrêté du Ministre chargé des mines, à exploiter à titre provisoire les puits productifs pour une période maximum de deux ans pendant laquelle il sera tenu de poursuivre la délimitation et le développement du gisement, conformément aux dispositions de l'article 7 ci-dessus.

Cette autorisation peut être retirée dans les mêmes formes en cas d'inobservation des dispositions de l'article 7 ainsi que du dernier alinéa du présent article. Elle devient caduque en cas d'expiration du permis pour quelque cause que ce soit, à moins que ne soit déposée une demande de concession.

Le titulaire d'une autorisation provisoire d'exploiter doit satisfaire aux conditions et obligations auxquelles le concessionnaire est soumis en application du présent code et de la convention d'établissement.

Article 20. Les gisements d'hydrocarbures sont immeubles. Sont aussi immeubles, outre les bâtiments, les machines, équipements et matériels établis à demeure, utilisés pour l'exploitation des gisements, le stockage et le transport des produits bruts.

L'institution d'une concession crée un droit immobilier distinct de la propriété de la surface, susceptible d'hypothèque.

Article 21. Les actions ou intérêts dans une société ou entreprise pour l'exploitation des gisements d'hydrocarbures sont meubles.

Sont meubles aussi les matières extraites, les approvisionnements et autres objets mobiliers.

...

Article 26. La durée de la concession est de cinquante ans.

...

Article 28. Nul ne peut obtenir une concession s'il ne justifie des capacités techniques et financières nécessaires pour mener à bien les travaux d'exploitation. Ces capacités techniques et financières sont réputées acquises au titulaire du permis H sur le périmètre duquel est situé le gisement faisant l'objet de la demande de concession.

...

Article 30. Le concessionnaire est tenu d'appliquer à la délimitation, à la mise en production et à l'exploitation du gisement les méthodes les plus appropriées pour éviter des pertes d'énergie et de produits industriels, assurer la conservation du gisement et porter au maximum le rendement économique en hydrocarbures de ce gisement, notamment par l'emploi des méthodes de récupération secondaires.

...

TITRE IX

De la constatation des infractions et pénalités

Article 83. Sera punie d'un emprisonnement de 15 jours à 3 mois et d'une amende de 50 000 à 1 000 000 de francs, ou de l'une de ces deux peines seulement, toute personne qui, sans être titulaire d'une autorisation de prospection d'un permis exclusif de recherches H, d'une autorisation provisoire d'exploitation ou d'une concession, aura exercé des droits légalement conférés par ces titres.

Article 84. Sera punie d'un emprisonnement de 15 jours à 3 mois et d'une amende de 50 000 à 500 000 francs, ou de l'une de ces deux peines seulement, toute personne qui, étant détentrice d'un des titres prévus aux articles 2 ou 18, aura effectué, en des lieux non couverts par ce titre, des travaux visés respectivement aux titres I et II du présent code.

...

9. MALTA

PETROLEUM (PRODUCTION) ACT, 1958¹ AS AMENDED UP TO 1969²

...

2. Interpretation

In this Act:

“Licence” means a licence granted pursuant to this Act and includes a petroleum mining concession;

“Malta” means the Island of Malta, the Island of Gozo, the other islands of the Maltese Archipelago and the land underlying territorial waters;

“Minister” means the Prime Minister of Malta and includes such other Minister or Officer as may be authorised by him from time to time for any of the purposes of this Act;

“Petroleum” means all natural hydrocarbons liquid or gaseous including crude oil, natural gas, asphalt, ozokerite and cognate substances and natural gasoline.

3. Vesting of property in petroleum in Maltese Government

(1) The property in any petroleum in its natural condition in strata where-soever existing in Malta is hereby vested in the Maltese Government and the Maltese Government shall have the exclusive right of searching and boring for and getting such petroleum.

(2) Any person who, without a licence granted under this Act, searches or bores for or gets petroleum on, under or from any lands in Malta, shall be guilty by reason merely of having done so and without prejudice to prosecution under any other provision of law, of an offence and shall be liable on conviction to a fine (multa) of not less than two hundred pounds but not exceeding five hundred pounds for each day during which the offence continues, which fine (multa) shall also be applicable for the purposes of subsection (3) of section 389 of the Criminal Code (Chapter 12) and in addition all petroleum so gotten shall be forfeited to the Malta Government. Nothing in this Act, however, shall be construed as imposing any penalty on any person where in the course of lawful boring in search of water or of other lawful operations, petroleum is set free.

...

4. Licences to search for and get petroleum

(1) The Minister shall have the power to grant to such persons as he thinks fit licences to search and bore for and get petroleum on, under or from any lands in Malta including petroleum mining concessions.

(2) Any such licence shall be granted for such consideration (by way of royalty and/or otherwise) as the Minister may determine, and over such

¹ Act No. IV of 1958, passed by the Legislative Assembly on 5 March 1958.

² The most recent amendments were made by Act No. XX of 1969. Text of the Act as amended provided by the Permanent Mission of Malta to the United Nations in a note verbale of 5 July 1972.

areas, for such periods and upon such other terms and conditions as the Minister thinks fit.

(3) Without prejudice to the generality of the last preceding subsection, the terms and conditions of any such licence may in particular, if the Minister so determines, include provision for the following matters:

- (i) The rates of royalties to be paid in respect of any petroleum won in the exercise of the rights conferred by the licence, the method of calculation of the amount of such royalties and the manner of payment thereof;
- (ii) The surface rents to be charged in respect of the areas of the licence;
- (iii) The working obligations attaching to the licence;
- (iv) The division between the Government of Malta and the licensee of profits derived from the sale or disposal of petroleum won in the exercise of the rights conferred by the licence;
- (v) The supply from time to time of information by way of returns, reports, notices, records of operations or otherwise.

...

10. NEW ZEALAND

[SUBMARINE CABLES AND PIPELINES PROTECTION ORDER 1971]¹

11. NORWAY

- (a) ROYAL DECREE OF 31 JANUARY 1969 ESTABLISHING RULES RELATING TO SCIENTIFIC RESEARCH FOR NATURAL RESOURCES ON THE NORWEGIAN CONTINENTAL SHELF, ETC., sections 1-4, 6, 7, 9-12²
- (b) ROYAL DECREE OF 21 JUNE 1970 ESTABLISHING PROVISIONAL RULES CONCERNING EXPLORATION FOR CERTAIN SUBMARINE NATURAL RESOURCES OTHER THAN PETROLEUM ON THE NORWEGIAN CONTINENTAL SHELF, ETC., sections 1-4, 7, 9, 12, 13, and 18³

¹ This Order declared two areas within the territorial sea or internal waters of New Zealand to be protected areas for the purposes of the Submarine Cables and Pipelines Protection Act 1966, reproduced in part in ST/LEG/SER.B/15, pp. 505-507.

² *Infra* DIVISION II, 16(a).

³ *Ibid.* 16(b).

12. PAKISTAN

PAKISTAN PETROLEUM (PRODUCTION) RULES, 1949¹ AS AMENDED UP TO 1964²

PART I

General

...

3. *Persons by whom applications may be made*

Any person may apply in accordance with the Rules for:

- (a) An oil exploration licence, as set out in Part I of the Second Schedule;³
- (b) An oil prospecting licence, as set out in Part II of the Second Schedule;
- (c) An oil mining lease, as set out in Part III of the Second Schedule.

4. *Manner in which application may be made*

Every application shall be made in writing in the form set out in the First Schedule³ hereto addressed to the Government of Pakistan in the appropriate Ministry which Ministry shall maintain a register of applications open to inspection upon payment of a fee of Rs. 5 per hour. The register shall be in such form as may be prescribed by the Central Government:

(1) The application shall state:

(a) In the case of an application by an individual, his address, nationality and occupation;

(b) In the case of an application by a company, the nature of and the principal place of business of the company, the authorised, subscribed and paid-up capital of the company, the names and nationality of the Directors thereof and the names and holdings of the principal shareholders.

(2) An application by an alien or a company incorporated outside Pakistan, shall contain, in addition to the matters specified in paragraph (1) of this rule, full particulars of the company to be incorporated in accordance with rule 10 in Pakistan for the purpose of receiving the grant of and working any licence or lease which may be granted in pursuance of the application.

...

(6) The applicant who is not a national of Pakistan shall with his application furnish an undertaking that he will abstain from all political activity whatsoever affecting the sovereignty or security of Pakistan or such as may be tantamount to interference in its internal affairs and that specially he will eschew all espionage.

...

9. *Reciprocity*

A licence or lease shall not be granted to or held by any person who is or becomes controlled directly or indirectly by a national of or by a company

¹ No. M(M)-4(16)48, dated 27 August 1949. Came into force on 1 September 1949 in accordance with Rule 1.

² Text as amended provided by the Permanent Mission of Pakistan to the United Nations in a note verbale of 2 February 1972.

³ Schedules are not reproduced.

incorporated in any country the laws and customs of which do not permit nationals of Pakistan or companies incorporated in Pakistan to acquire, hold and operate petroleum concessions directly or indirectly on conditions which in the opinion of the Government are reasonably comparable with the conditions upon which such rights are granted to nationals of that country.

10. *Application by an alien or a company incorporated outside Pakistan*

Except where the Central Government otherwise orders in writing, in the case of an application for a licence or a lease by an alien or a company incorporated outside Pakistan or in the case of an application by a Licensee or Lessee for the Government's consent to the assignment of a licence or lease to an alien or a company incorporated outside Pakistan such licence or lease shall only be granted or assigned to a company incorporated in Pakistan for the purpose of receiving and working any such licence or lease.

...

PART II

Oil exploration licences

15. *Grant of oil exploration licence*

The Government may in its discretion grant an oil exploration licence over the lands specified therein subject to the payment by the licensee of an annual fee at the following rates.

...

PART III

Oil prospecting licences

20. *Grant of oil prospecting licence*

The Government may grant an oil prospecting licence over the lands specified therein whether or not the applicant has been the holder of an oil exploration licence. Subject to the right of holder of oil exploration licence on satisfactory observance and performance of the terms and conditions of the licence, the grant of an oil prospecting licence shall be at the discretion of the Government.

...

PART IV

Oil Mining leases

29. *Grant of oil mining lease*

The Government shall on being satisfied that the terms and conditions of an oil prospecting licence have been duly observed and performed, grant an oil mining lease in respect of:

(a) An area which has previously been included either in an oil prospecting licence granted to the applicant under these Rules or under Mining Concession Rules previously in force in the Provinces or centrally administered or leased areas or in an oil mining lease granted to him previously under the Mining Concession Rules referred to above; or

(b) An additional area outside the area covered by an oil prospecting licence referred to in clause (a): Provided that the additional area adjoins an area already held by the applicant under an oil mining lease referred to in clause (a) and does not exceed in extent one tenth of the area so already held.

...

41. *Power of President to enter into Agreement*

The President may enter into agreement with any of the oil companies incorporated in Pakistan or outside Pakistan to explore, prospect, mine and refine petroleum in Pakistan, and if any of the terms of such an agreement are in conflict with any of the provisions of the foregoing rules, the terms of the agreement shall prevail.

...

13. PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN

TERRITORIAL WATERS AND THE CONTINENTAL SHELF OF THE PEOPLE'S REPUBLIC OF SOUTHERN YEMEN LAW, 1970, sections 5 and 6¹

14. PERU

(a) NORMATIVE LEGISLATIVE DECREE NO. 18225 OF 14 APRIL 1970, CONCERNING THE MINING INDUSTRY²

...

Article 2. The General Mining Law shall deal with all matters relating to the use of the mineral and fossil substances of the soil and subsoil of the national territory, which shall include the continental shelf and the sea-bed within a distance of 200 miles, with the exception of petroleum and similar hydrocarbons, guano deposits and waters having mineral and medicinal properties. The Law shall also include special provisions relating to the use of radioactive substances and common salt.

...

(b) LEGISLATIVE DECREE NO. 18880 OF 8 JUNE 1971, CONCERNING GENERAL MINING LAW²

Preliminary title

I. This Legislative Decree shall apply to all matters relating to the use of the mineral substances of the soil and subsoil of the national territory, as well as those of the sea, the continental margin, the sea-bed and subsoils thereof within a distance of 200 nautical miles from the coast, with the exception

¹ *Supra*, Chapter 1, 22.

² Text taken from *Instrumentos Nacionales e Internacionales sobre Derecho del Mar* (Ministerio de Relaciones Exteriores del Perú, 1971), provided by the Minister of External Relations in a note verbale of 22 August 1972. Translation by the Secretariat of the United Nations.

of petroleum and similar hydrocarbons, guano deposits and waters having mineral and medicinal properties.

...
 IV. The State shall grant rights to conduct mining industry operations to Peruvian or foreign national or juridical persons under private law; such rights shall essentially be subject to the régime governing employment protection.

...
Article 4. A permit-holder may not simultaneously hold prospecting permits covering a total area of more than 200,000 hectares.

The maximum duration of a permit shall be three years. This period may be extended for two years in the forest region and in areas presenting difficulties with respect to geography and accessibility, which shall be specified in the Regulations.

The Regulations shall establish the maximum duration with respect to the sea, the continental margin, the sea-bed and the subsoils thereof.

...
Article 11. Concessions in the continental margin, the sea-bed and the subsoils thereof shall be granted for areas of 100 to 10,000 hectares, in accordance with the conditions established in this registrative Decree and specified in the Regulations.

...
Article 197. In the case of mining claims situated in the continental margin, the sea and the sea-bed, the reference point shall be fixed at a prominent spot which can be identified by description alone and is marked on land by a landmark and an indication of its geographical co-ordinates shall be provided. The distance and direction of this point from the low-water line and from the starting point from which the area claimed is measured must also be indicated.

15. THAILAND

PETROLEUM ACT OF 26 MARCH 1971¹

DIVISION I

General provisions

...
Section 4. In this Act,

“Petroleum operation” means the exploration, production, storage, transport, sale, or disposal of petroleum.

¹ English text provided by the Foreign Ministry of Thailand in a note verbale of 18 October 1971. This Act replaces provisions of all other laws, regulations and rules in so far as they are stipulated in it or are contrary to or inconsistent with its provisions.

“Petroleum” means crude oil, natural gas, natural gas liquid, by-products and other naturally occurring hydrocarbons in a free state, whether solid, semi-solid, liquid or gaseous, and it shall include all heavy hydrocarbons which can be recovered in situ by thermal or chemical processes, but shall not include coal, oil shale or other kinds of rocks from which oil can be extracted by application of heat or chemical process.

...

“To explore” means to undertake standard practices in searching for petroleum by employing geological, geophysical, and other surveys; and it shall also include to undertake drilling for stratigraphic tests in order to determine the existence of petroleum and its extent, to define the boundaries of petroleum reservoirs or to obtain other essential data which are necessary to petroleum production.

“To produce” means to undertake any operation in order to obtain petroleum from its reservoirs; and it shall include to employ any processes other than refining and petrochemical operation in order to render petroleum in salable or disposable forms.

...

“Thailand” includes also the areas of the continental shelf over which the Kingdom of Thailand has jurisdiction under the generally recognized principles of international laws under compacts made with foreign governments.

...

“Competent officers” means those who have been appointed by the Minister to execute this Act.

Section 5. This Act shall have effect on any conduct of petroleum operations undertaken anywhere in Thailand.

...

Section 9. In the execution of his duties, the competent officer shall have the following powers:

(1) To enter upon the places where petroleum operation is conducted and into the office of the concessionaire during office hours for the purpose of inspecting the petroleum operation and determining whether it is being carried out in compliance with the concession and with the provisions of this Act;

(2) To give a written instruction to the concessionaire to refrain from any performance which may cause damage to persons or to properties of other persons.

(3) To take, in reasonable quantities for tests, samples of the petroleum, rocks, soils, and other substances obtained from petroleum exploration or production.

The concessionaire shall have the right to appeal to the Director-General against the instruction of the competent officer given under subparagraph (2) hereof within seven days from the date of receipt of such instruction; and the decision of the Director-General shall be treated as final.

...

Section 14. The Minister of National Development shall have care and charge of this Act and shall have the power to appoint competent officers and to issue the Ministerial Regulations:

(1) Prescribing rules and procedures in conducting petroleum exploration, production, and conservation operations;

(2) Prescribing safety zones and marks in the vicinity of installations and devices which are employed in petroleum exploration and production operations;

(3) Prescribing measures in according care and protection to workers and safety to outsiders;

(4) Prescribing fees not exceeding the rates listed in an appendix of this Act;

(5) Prescribing other matters for the purpose of execution of this Act.

Such Ministerial Regulations shall come into effect upon their publication in the Government Gazette.

...

DIVISION 3

Petroleum exploration and production

...

Section 23. Petroleum belongs to the State; and no person shall explore for or produce petroleum in any area, whether such area is owned by him or by other persons, except by virtue of a concession.

...

Section 24. An eligible applicant shall:

(1) Be a company or companies, and

(2) Command assets, machinery, equipment, tools and specialists to such extent that he is capable to explore for, produce, sell and dispose of petroleum.

In the event that the applicant does not possess all the qualifications under subparagraph (2) hereof, it shall be required to have another company which the Government finds reliable and which possesses all the qualifications under subparagraph (2) hereof and which has relationship in capital or management with the applicant, guarantee that such company shall make available to the applicant assets, machinery, equipment, tools and specialists to such extent that the applicant shall be capable to explore for, produce, sell and dispose of petroleum.

Section 25. The petroleum exploration period under any concession shall not exceed eight years from the date of the concession.

If the concessionaire has been complying with all provisions of his concession and submitted an application for a renewal of his petroleum exploration period not less than six months prior to the termination of such period, he shall be entitled to one renewal of his petroleum exploration period of not exceeding four years under expenditure and/or physical work obligations to be agreed upon. However, the concessionaire, who initially has applied for

the petroleum exploration period of not exceeding five years, shall have no right for any renewal of his petroleum exploration period.

Section 26. The petroleum production period under any concession shall not exceed thirty years from the day following the date of termination of the petroleum exploration period, notwithstanding any petroleum production undertaken during the petroleum exploration period.

If the concessionaire has been complying with all provisions of his concession and submitted an application for a renewal of his petroleum production period not less than six months prior to the termination of the petroleum production period, he shall be entitled to one renewal of his petroleum production period of not exceeding ten years on terms, obligations and conditions generally prevalent at that time.

...

Section 28. In awarding a concession, the Minister shall have the power to award to each applicant not more than four exploration blocks; but in the case that the Minister considers appropriate, the Minister may award to such applicant one more exploration block; provided, however, that the aggregate areas of such exploration blocks shall not exceed 50,000 square kilometres.

The area of an offshore exploration block shall include the areas of those islands located therein, and it shall be in accordance with the delineation made by the Department of Mineral Resources as published in the Government Gazette.

...

Section 30. The concessionaire shall perform his obligations in petroleum exploration, both in the amount of expenditure and in the amount of work, as set out in his concession.

Section 31. In determining the obligations under Section 30, the term of the petroleum exploration period shall be divided into three following obligation periods:

The first obligation period shall be the first three years of the term of the petroleum exploration period or, in the event that the term of the petroleum exploration period is less than three years, such term of the petroleum exploration period as stipulated in the concession.

The second obligation period shall be the remaining petroleum exploration period after the first obligation period.

The third obligation period, if the petroleum exploration period has been renewed, shall be the period of a renewal of such petroleum exploration period.

...

Section 32. At the end of each obligation period under Section 31, or in the event of relinquishment of whole exploration blocks during the first obligation period, if the concessionaire has not fulfilled his obligations in petroleum exploration as set out in his concession for any exploration block, the concessionaire shall pay to the Department of Mineral Resources the unspent residue of his exploration obligations for that obligation period within thirty days from the date of the termination of the said obligation period, or the date of such relinquishment, whichever the case may be.

...

Section 34. In conducting petroleum exploration within any exploration block in any obligation period, if the concessionaire has expended or worked in excess of the obligations in petroleum exploration for such exploration block in that obligation period, he shall be entitled to deduct such excess from his obligations in petroleum exploration for that exploration block in the subsequent obligation period.

Section 35. In the event of the revocation of the concession in the first obligation period, if the concessionaire has not fulfilled his obligations in petroleum exploration as set out in his concession, the concessionaire shall pay to the Department of Mineral Resources the unspent residue of his exploration obligations for that obligation period within thirty days from the date on which the notice of the revocation becomes effective.

Section 36. Subject to Section 45, the concessionaire shall relinquish the area of each of the exploration blocks in accordance with the following rules:

(1) At the end of the fifth year from the date of commencement of the petroleum exploration period, the concessionaire shall be obliged to relinquish fifty per cent of the area of that exploration block;

(2) At the end of the petroleum exploration period and such petroleum exploration period is not renewed, the concessionaire shall be obliged to relinquish the area remaining from subparagraph (1) hereof;

(3) At the end of the petroleum exploration period and such petroleum exploration period shall be renewed, the concessionaire shall relinquish a further twenty-five per cent of the area of that exploration block;

(4) At the end of the petroleum exploration period which has been renewed, the concessionaire shall be obliged to relinquish all the remaining area.

For purpose of calculating the area to be relinquished hereunder, the production areas shall at first be deducted from the area of that exploration block, and any relinquishment required hereunder shall be made in accordance with rules and regulations prescribed by the Department of Mineral Resources.

...

Section 37. Subject to Sections 38, 39 and 40 the concessionaire shall be entitled at any time to relinquish the whole or parts of any exploration block.

The relinquishment under paragraph 1 hereof shall be counted towards the relinquishment under Section 36.

...

Section 41. During the petroleum exploration period, the concessionaire may produce petroleum.

Section 42. Before producing petroleum from any place in an exploration block, the concessionaire shall demonstrate that a commercial well has been found and a production area has been correctly defined; and he may produce petroleum from such production area when concurrence has been given by the Director-General with the approval of the Minister.

...

Section 44. At the end of the petroleum exploration period, if the concessionaire is unable to demonstrate that a commercial well has been found in

any exploration block or he fails to define a production area under Section 42, his concession in respect of such exploration block shall be deemed expired.

Section 45. At the end of the petroleum exploration period in any exploration block in which the concessionaire has obtained the right to produce petroleum, the concessionaire shall be entitled to reserve areas in that exploration block to an aggregate amount of not exceeding twelve and one half per cent of the initial area of that exploration block till the petroleum production period terminates or till the concessionaire relinquishes such reserved areas prior to the termination of said period; and the concessionaire shall have the right to explore for petroleum in the areas thus reserved.

In reserving the areas under paragraph 1 hereof, the concessionaire shall pay annual reservation fees in advance, and such reservation shall be in accordance with rules, procedures and conditions prescribed in a ministerial regulation.

In the event that the concessionaire discovers petroleum within his reserved areas and desires to produce such petroleum, the provision of Section 42 shall apply.

...

Section 51. The Minister shall have the power to revoke the concession when the concessionaire:

- (1) Fails to perform his obligations in petroleum exploration;
- (2) Fails to comply with good petroleum industry practice;
- (3) Fails to pay royalty;
- (4) Fails to pay income tax; or
- (5) Violates or fails to comply with the provisions set out in the concession as the grounds for revocation.

...

DIVISION 5

Sale and disposal of petroleum

Section 56. Subject to the provisions of this Division, the concessionaire holds the right to sell and dispose of the petroleum which he produces.

...

Section 61. In the case where it is necessary for the purpose of national security, or in order to ensure an adequate supply of petroleum to meet domestic demand, the Minister shall have the power to issue a Ministerial Announcement prohibiting temporarily the export of all or part of the petroleum produced by the concessionaires, or prohibiting temporarily such export to any specific destination.

...

DIVISION 6

Benefits, rights and duties of the concessionaire

...

Section 64. The concessionaire shall receive the following guarantees:

(1) Save the deliveries of the concessionaire's properties to the State under the provisions of the concession, the State shall not nationalize the concessionaire's properties and his rights to conduct petroleum operations.

(2) The State shall not restrict the export of petroleum except in the circumstances under Section 61.

Section 72. For the purpose of the conservation of petroleum resources or of good petroleum industry practice, in case where concessionaires have their production areas covering the same petroleum reservoir, the Minister shall have the power to require such concessionaires to produce petroleum under the unit operation.

Section 73. If historical objects, fossils, economic minerals, or those minerals which are of significant value in geological studies are discovered in the conduct of his petroleum exploration or production operations, the concessionaire shall report such discovery to the Department of Mineral Resources within thirty days from the date of the discovery.

Section 74. In conducting petroleum operations in offshore areas, the concessionaire shall not cause any unjustifiable interference with navigation, aviation, the conservation of the living resources of the sea, or scientific researches; and the concessionaire shall not undertake any operation which hinders the laying of submarine cables or pipelines or causes damage to the submarine cables or pipelines.

Section 75. In conducting petroleum operations, the concessionaire shall take appropriate measures in accordance with good petroleum industry practice to prevent pollution of any place by oil, mud or any other substance.

In the event that pollution of any place by oil, mud or any other substance results from the concessionaire's petroleum operations, the concessionaire shall take immediate action to combat such pollution.

Section 80. In the conduct of petroleum operations, irrespective of whether the petroleum exploration or production rights under the concession have terminated or not, the concessionaire shall execute all operations in accordance with sound technical principles and good petroleum industry practice in respect of the petroleum operations and the conservation of petroleum resources.

Section 81. The concessionaire and his agents and employees shall have a duty to accord due facilities to the competent officers in respect of the performance of their duties under this Act.

DIVISION 7

Royalty

Section 82. The concessionaire shall pay royalty on petroleum which is sold or disposed of; and the concessionaire shall be exempted from payment of royalty on the following categories of petroleum:

- (1) Petroleum delivered as payment of royalty in kind;
- (2) Petroleum produced and used in Thailand in its natural state for analyses, test, and in the conduct of petroleum exploration, petroleum production, conservation of petroleum resources, storage and transport of petroleum;

(3) Petroleum exported for analyses and tests;

(4) Natural gas transferred without consideration to other concessionaires for the purpose of the conservation of petroleum resources with a prior approval of the Director-General;

(5) Natural gas flared unavoidably in connection with petroleum production operations.

Provided, however, that such exemptions under (2) to (5) inclusive shall be in accordance with rules, procedures and conditions prescribed by the Department of Mineral Resources.

...

DIVISION 8

Punishment

...

Section 102. Whoever fails to comply with the Ministerial Regulations issued under subparagraph (1), (2) or (3) of Section 14, shall be punished with a fine of not exceeding fifty thousand Baht.

Section 103. Whoever fails to comply with paragraph 1 of Section 23 shall be punished with imprisonment of not exceeding two years, or a fine of not exceeding four hundred thousand Baht, or both.

Section 104. Any concessionaire who produces petroleum without the concurrence of the Director-General under paragraph 1 of Section 42, shall be punished with a fine of not exceeding fifty thousand Baht.

Section 105. Whoever violates paragraph 1 of Section 61 shall be punished with imprisonment of not exceeding two years and a fine of not exceeding four hundred thousand Baht.

Section 106. Any concessionaire who fails to comply with Section 73 shall be punished with imprisonment of not exceeding one year, or a fine of not exceeding ten thousand Baht, or both.

Section 107. Any concessionaire who fails to comply with Section 74 . . . shall be punished with a fine of not exceeding ten thousand Baht.

Section 108. Any concessionaire who fails to comply with Section 75 shall be punished with a fine of not exceeding one hundred thousand Baht.

Section 109. Whoever fails to accord facility to a competent officer under Section 81 shall be punished with a fine of not exceeding five thousand Baht.

Section 110. Whoever furnishes false information, makes false statement, gives false answers, produces false records, or does act in order to evade or, in an attempt to evade payment of royalty shall be punished with imprisonment of a period between three months to seven years, and with a fine amounting from two thousand Baht to two hundred thousand Baht.

Section 111. The petroleum, equipment, tools, transport vehicles or any machinery which a person has acquired, employed in committing an offence, or employed as means to obtain advantages in committing an offence under Section 103, Section 104, or Section 105, shall all be forfeited, whether any person is executed by judgement, except where the owners of those properties are not conspirators of the offence.

16. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

MINERAL WORKINGS (OFFSHORE INSTALLATIONS) ACT 1971¹

1. *Application of Act*

(1) This Act shall apply to the underwater exploitation and underwater exploration of mineral resources:

(a) In or under the shore or bed of waters to which this Act applies, other than inland waters; and

(b) In or under the bed of such inland waters as may for the time being be specified for the purposes of this paragraph by Order in Council.

(2) In this Act:

(a) "Waters to which this Act applies" means the waters in or adjacent to the United Kingdom up to the seaward limits of territorial waters, and the waters in any designated area within the meaning of the Continental Shelf Act 1964.²

(b) "Inland waters" means waters within the United Kingdom, other than estuaries and tidal rivers.

(3) For purposes of this Act "underwater exploitation" or "underwater exploration" means exploitation or exploration from or by means of any floating or other installation which is maintained in the water, or on the foreshore or other land intermittently covered with water, and is not connected with dry land by a permanent structure providing access at all times and for all purposes; and, subject to the provisions of section 12 of this Act, in this Act:

(a) "Exploration" means exploration with a view to exploitation; and

(b) "Offshore installation" means any installation which is maintained, or is intended to be established, for underwater exploitation or exploration to which this Act applies.

...

2. *Registration of offshore installations*

(1) The Secretary of State may make regulations for the registration of offshore installations.

...

3. *Construction and survey regulations for offshore installations*

(1) The Secretary of State may make regulations:

(a) Requiring offshore installations or parts of offshore installations to be certified by such persons and in such manner as may be provided by the regulations to be in respect of such matters affecting safety as may be so provided, fit for the purpose or purposes specified by the regulations;

(b) Imposing requirements as to the survey, testing and inspection of installations or parts of installations in respect of matters covered or required to be covered by a certificate of fitness;

¹ 1971, Chapter 61; 27 July 1971.

² 1964, Chapter 29. Reproduced in part in ST/LEG/SER.B/15, pp. 445-447.

(c) Imposing any prohibition or restriction as respects installations or parts of installations which, in any respect, fail to comply with any provisions of the regulations.

...

(4) It shall be the duty of the owner of the offshore installation, and of the installation manager and of the concession owner, to ensure that the provisions of regulations under this section are complied with, and, if regulations under this section are contravened in any respect in relation to an offshore installation when it is within waters to which this Act applies, the owner of the offshore installation, the installation manager and the concession owner shall each be guilty of an offence under this section, and shall be liable:

(a) On summary conviction to a fine not exceeding £400,

(b) On conviction on indictment to imprisonment for a term not exceeding two years, or to a fine, or both.

4. *Masters of offshore installations*

(1) Every offshore installation, so long as it is in waters to which this Act applies, shall be under the charge of a person appointed to be or act as manager of the installation, and the owner of the installation shall appoint to be installation manager:

(a) A person who, to the best of the knowledge and belief of the owner, has the skills and competence suitable for the appointment; and

(b) Another or others to act where necessary in place of the installation manager,

and shall inform the Secretary of State of any appointment under this subsection by giving notice in the prescribed form and containing the prescribed particulars.

...

(5) It shall be the duty of the owner, in order to ensure that an installation manager appointed under subsection (1) (a) above is on the installation when it is manned, from time to time to place a person so appointed on the installation, and to ensure that he remains there until relieved, or so long as it is manned.

(6) If the owner fails to comply, or to ensure compliance with the provisions of this section, he shall be guilty of an offence under this section, and liable on summary conviction to a fine not exceeding £400.

...

(8) In this Act references to the manager of an offshore installation or to an installation manager are to be taken, except in so far as the context otherwise requires, as references to the person for the time being in charge of the installation and appointed as required by paragraph (a) or (b) of subsection (1) above.

5. *Masters of offshore installations, further provision*

(1) The manager of an offshore installation shall not be absent from the installation at any time when it is manned except in case of sudden sickness or other cause beyond his control, or for other sufficient reason, and a person failing to comply with this subsection shall be guilty of an offence under this section, and liable on summary conviction to a fine not exceeding £400.

(2) Except as otherwise provided by this Act, the manager of an installation shall have in relation to it general responsibility for matters affecting safety, health or welfare or, where connected with safety, health or welfare, the maintenance of order and discipline, and for the discharge of that responsibility shall exercise authority over all persons in or about the installation:

Provided that this subsection shall not extend to any matters for which another person is responsible as master, captain or person in charge of any vessel, aircraft or hovercraft.

(3) If a person subject to the authority of the manager of an offshore installation wilfully disobeys a lawful command given him by the manager in exercise of that authority, he shall be liable on summary conviction to a fine not exceeding £ 50.

(4) The manager of an offshore installation shall not permit the installation to be used in any manner, or permit any operation to be carried out on or from the installation, if the seaworthiness or stability of the installation is likely to be endangered by its use in that manner, or by the carrying out of that operation or by its being carried out in the manner proposed, and it shall be the duty of the owner of the installation to ensure that the provisions of this subsection are complied with by the installation manager.

If an installation manager or owner fails to comply, or ensure compliance, with this subsection he shall be guilty of an offence under this section, and liable:

- (a) On summary conviction, to a fine not exceeding £ 400;
- (b) On conviction on indictment to imprisonment for a term not exceeding two years, or to a fine, or both.

(5) Where at an offshore installation there is an emergency or apprehended emergency endangering the seaworthiness or stability of the installation or otherwise involving a risk of death or serious personal injury, the installation manager may take or require to be taken any such measures as are necessary or expedient to meet or avoid the emergency; and no regulation or condition having effect by virtue of this Act shall apply to prohibit or restrict the taking of any such measures by virtue of this subsection.

(6) If the installation manager has reasonable cause to believe that it is necessary or expedient for the purpose of securing the safety of an offshore installation or persons in or about it, or maintaining order and discipline among those persons, the installation manager may cause any of those persons to be put ashore in the United Kingdom; and where any of those persons has done or is about to do any act endangering or likely to endanger the safety of the installation or persons in or about it or the maintenance of order and discipline among those persons, or the installation manager with reasonable cause suspects him of having done or being about to do any such act, the installation manager may take or cause to be taken such other reasonable measures against him, by restraint of his person or otherwise, as the installation manager thinks necessary or expedient:

Provided that this subsection shall not extend to any matters for which another person is responsible as master, captain or person in charge of any vessel, aircraft or hovercraft.

...

(8) The manager of an offshore installation shall notify the owner as soon as practicable of any event which occurs at the installation and which the owner is by any regulation or condition having effect by virtue of this Act required to notify to the Secretary of State.

If a person fails to comply with the provisions of this subsection he shall be guilty of an offence under this section, and liable on summary conviction to a fine not exceeding £100.

...

6. *Safety regulations*

(1) The Secretary of State may make regulations for the safety, health and welfare of persons on offshore installations in waters to which this Act applies, and generally, and whether or not by way of supplementing the preceding sections of this Act, for the safety of such installations and the prevention of accidents on or near them.

...

8. *Application of existing law to offshore installations in territorial waters and designated areas*

(1) Section 3 of the Continental Shelf Act 1964 (application of criminal and civil law to installations outside territorial waters) shall have effect as if any references in that section to an installation in a designated area included references to any offshore installation either in territorial waters of the United Kingdom or in a designated area.

(2) So far as relates to questions arising out of acts or omissions taking place on, under or above:

(a) An offshore installation in territorial waters of the United Kingdom; or

(b) Territorial waters of the United Kingdom within five hundred metres of an offshore installation,

subsection (2) of the said section 3 (power to confer jurisdiction on courts in any part of the United Kingdom) shall apply as if the words "in a designated area, or in any part of such an area" were omitted.

(3) It is hereby declared that, notwithstanding that the said section 3 may affect individuals or bodies corporate outside the United Kingdom, it applies to any individual whether or not he is a British subject, and to any body corporate whether or not incorporated under the law of any part of the United Kingdom.

(4) So far as relates to any provision of an Order in Council or regulation concerning aircraft on or in the neighbourhood of offshore installations, section 59 of the Civil Aviation Act 1949¹ (extra-territorial effect) shall apply to all aircraft, and not only to British aircraft registered in the United Kingdom and shall apply to the doing of anything in relation to any aircraft by any person, irrespective of nationality or, in the case of a body corporate, of the law under which it was incorporated.

¹ 1949, Chapter 67.

(5) This section, and the said section 3 of the Continental Shelf Act 1964, shall apply to installations notwithstanding that they are for the time being in transit.

9. *Offences: general provisions*

(1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In this subsection "director", in relation to a body corporate established by or under any enactment for the purpose of carrying on under public ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

...

(4) Proceedings for any offence under 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.

(5) A constable shall on any offshore installation in waters to which this Act applies have all the powers, protection and privileges which he has in the area for which he acts as constable.

...

11. *Civil liability for breach of statutory duty*

(1) This section has effect as respects

(a) A duty imposed on any person by any provision of this Act, or

(b) A duty imposed on any person by any provision of regulations made under this Act which expressly applies the provisions of this section.

(2) Breach of any such duty shall be actionable so far, and only so far, as it causes personal injury, and references in section 1 of the Fatal Accidents Act 1846¹ as it applies in England and Wales, and in Northern Ireland, to a wrongful act, neglect or default shall include references to any breach of a duty which is so actionable.

...

12. *Interpretation*

(1) In this Act, unless the context otherwise requires:

"Concession owner" means the person having the right to exploit or explore the mineral resources in connection with which the offshore installation is, or has been, or is to be used;

"Designated area" has the same meaning as in the Continental Shelf Act, 1964.

...

¹ 1846, Chapter 93.

(3) References to this Act to an offshore installation do not include an installation which at the relevant time consists exclusively of a pipe-line, whether or not any part of it previously formed part of an offshore installation.

(4) It is hereby declared that, notwithstanding that this Act may affect individuals or bodies corporate outside the United Kingdom, it applies to any individual whether or not he is a British subject, and to any body corporate whether or not incorporated under the law of any part of the United Kingdom.

...

BAHAMAS

PETROLEUM ACT, 1971¹

PART I

Preliminary

...

2. *Interpretation*

(1) In this Act, unless the context otherwise requires:

“Submarine area” means land underlying the sea waters surrounding the coast of the Bahama Islands below the high-water mark of the sea at ordinary spring tides, including the sea-bed and subsoil situated beneath the territorial waters and the continental shelf of the Bahama Islands (continental shelf here having the same meaning as in The Continental Shelf Act, 1970²);

...

PART II

Permits, licences and leases

5. *Permits, licences and leases*

(1) Subject to the provisions of this Act, no person shall carry out any of the activities mentioned in the definition of permit in this Act or explore or prospect for petroleum or commence petroleum mining in commercial quantities, unless he first obtains from the Minister a permit, licence or lease, as the case may be, as provided for in this Act or the Regulations.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment and, in the case of a continuing offence, to a further fine of one thousand dollars for every day during which the offence continues.

...

11. *Minister's right to appoint a director*

Where a company which holds a lease mines petroleum in commercial quantities, the Minister shall have the right to appoint a public officer as a

¹ Act No. 11 of 1971. Assented to on 10 June 1971. By this Act the previous Petroleum Act was repealed. Text provided by the Permanent Representative of the United Kingdom to the United Nations in a note verbale of 15 November 1971.

² *Infra* DIVISION II, 25.

member of the board of directors of such company for so long as petroleum continues to be mined by the company in commercial quantities.

12. *Licensees and lessees to have resident managers*

Every licensee or lessee shall have a manager who is resident in the Bahama Islands.

13. *Permits, licences and leases only granted to companies incorporated in the Bahama Islands or to foreign companies registered in the said Islands*

(1) A permit, licence or lease shall only be granted to a company which has been incorporated and registered in the Bahama Islands under the provisions of The Companies Act or to a company which has been incorporated outside the said Islands which has been duly registered in the said Islands under the provisions of The Foreign Companies Act:

Provided that the provisions of this subsection in relation to the grant of a permit, shall not apply to a scientific search organisation approved by the Minister.

...

17. *Royalties*

(1) Subject to the provisions of this section, every licensee and lessee shall pay a royalty at a rate of not less than twelve and one-half per centum of the selling value at the well-head of the petroleum won and saved from the licensed or leased area.

...

PART IV

Miscellaneous and general

...

29. *Pollution*

(1) A licensee or lessee shall adopt all practicable precautions to avoid pollution of the land or waters by petroleum, mud or any other fluid or substance which might contaminate such land or waters or which might cause harm or destruction to marine life, and shall at its own expense remove any petroleum, mud or other fluid or substance causing any such pollution as aforesaid.

(2) A licensee or lessee shall be absolutely liable for any loss, damage or injury which may be caused by the licensee or lessee or by the agents or servants of the licensee or lessee resulting from any such pollution.

(3) Full details of any spill or leakage of petroleum, mud or any other fluid or substance shall be recorded in writing by the licensee or lessee and shall forthwith be reported to the Minister.

(4) Where a licensee or lessee fails to take any step or do any thing which it is required to take or do by subsection (1) or (3) the Minister shall have the right to take that step or do that thing and to recover from the licensee or lessee any costs or expenses reasonably and necessarily incurred by him on that account.

(5) Any person who contravenes or fails to comply with the provisions of subsection (1) or (3) shall be guilty of an offence and liable on summary

conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment and in the case of a continuing offence, to a further fine of one thousand dollars for every day during which the offence continues.

30. *Licensees and lessees to keep Minister indemnified*

The Minister shall ensure that a licensee or lessee shall keep the Minister indemnified at all times against any action, claim or demand of whatever nature which may be brought against the Minister by any third party in relation to any matter arising out of the exercise of the rights granted by the licence or the lease.

31. *Bonding provisions*

The Minister shall require every licensee or lessee to take out and maintain with an insurance company acceptable to the Minister a policy of insurance against liability for personal injury or damage to property to such amount as the Minister may determine or that such holder shall enter into a bond with one or more sufficient sureties for the discharge of any such liability to a like amount.

...

CAYMAN ISLANDS

PETROLEUM (PRODUCTION) LAW,¹ AS AMENDED IN 1969²

...

2. (1) The property in petroleum existing in its natural condition in strata in the Islands and on the sea-bed and in the sub-soil beneath the territorial waters thereof and in the continental shelf appertaining thereto is hereby vested in Her Majesty, and, subject to the provisions of this Law, Her Majesty shall have exclusive right of searching and boring for and getting such petroleum.

(2) ...

“Continental shelf” has the same meaning as in the convention entitled “Convention on the Continental Shelf” signed at Geneva on the 29th of April 1958.

...

¹ Cap. 123.

² The amendment was made by the Petroleum (Production) (Amendment) Law, 1969, (Law 16 of 1969), which passed the Assembly on 8 December 1969, and came into operation on 1 January 1970. Text provided by the Permanent Representative of the United Kingdom to the United Nations in a note verbale of 15 November 1971.

Subdivision B. The Contiguous Zone

1. MALTA

TERRITORIAL WATERS AND CONTIGUOUS ZONE ACT, 1971, section 4¹

2. PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN

TERRITORIAL WATERS AND THE CONTINENTAL SHELF OF THE PEOPLE'S
REPUBLIC OF SOUTHERN YEMEN LAW, 1970, article 18²

3. SPAIN

(a) COASTS ACT OF 24 APRIL 1969, article 8³

(b) GENERAL CUSTOMS REVENUE ORDINANCES OF 1950, AS AMENDED BY
DECREE NO. 3281/68 OF 26 DECEMBER 1968⁴

...

Article 3. For customs purposes and in order to suppress smuggling, the activities of the tax authorities shall be exercised:

(a) Throughout Spanish territory;

(b) In the waters under Spanish jurisdiction, which shall, for taxation purposes, comprise an area of sea adjacent to the Spanish coasts having a breadth of 12 miles, or 22,222 metres, measured from the low-water line along the coasts under Spanish sovereignty.

The Government may, in respect of localities where it deems such action fitting, authorize the drawing of straight baselines joining appropriate points on the coast, in accordance with the applicable international instruments.

If the distance between the low-water marks of the natural entrance points of or openings into a bay does not exceed 24 miles, the straight line joining them shall be deemed to be a baseline and the waters between that line and the coast shall be regarded as internal waters.

...

¹ *Supra*, SUBDIVISION A, Chapter 1, 15.

² *Ibid.*, 22.

³ *Ibid.*, 25.

⁴ For Decree No. 3281/68, see *Boletín Oficial del Estado*, No. 17, 20 January 1969, p. 130. Only the amended article is reproduced here. Translation by the Secretariat of the United Nations.

4. SUDAN

TERRITORIAL WATERS AND CONTINENTAL SHELF ACT, 1970, section 9¹

5. UNITED STATES OF AMERICA

FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED UP TO 1970,
sections 11 and 12²

¹ *Supra* SUBDIVISION A, Chapter I, 27.

² *Ibid.*, Chapter VII, 13.

Division II

THE CONTINENTAL SHELF¹

1. AUSTRALIA²

- (a) INCOME TAX ASSESSMENT ACT 1936-1968, section 6AA (1), (2), and (4)³
- (b) CONTINENTAL SHELF (LIVING NATURAL RESOURCES) ACT 1968⁴

PART I

Preliminary

...
5. (1) In this Act, unless the contrary intention appears:

...
“Continental shelf” has the same meaning as in the Convention;

¹ See also *supra* DIVISION I, SUBDIVISION A, Chapter IX. Most of the texts reproduced there are of relevance also in relation to the continental shelf.

² According to the information provided by the Permanent Representative of Australia to the United Nations in a note verbale of 3 December 1971, the Minister for External Affairs made the following statement on 30 October 1970 on the continental shelf between the northern coast of Australia and Indonesian Timor:

“The International Court of Justice has emphasized in a recent North Sea case that what is known as the morphological concept is also inherent in the Convention. Indeed it is the foundation of the doctrine which the lawyers later took over and developed. The morphological concept is that the continental shelf is the natural prolongation under the sea of the land mass of the coastal state, out to the lower edge of the margin, where it slopes down to and merges in, the deep ocean-floor or abyssal plain. These two concepts are in no way inconsistent. They both point to the outer edge of the margin as the limit of the coastal state’s rights.

... “The rights claimed by Australia in the Timor Sea area are based unmistakably on the morphological structure of the sea-bed. The essential feature of the sea-bed beneath the Timor Sea is a huge steep cleft or declivity called the Timor Trough, extending in an east-west direction, considerably near to the coast of Timor than to the northern coast of Australia. It is more than 550 nautical miles long and on the average 40 miles wide, and the sea-bed slopes down on opposite sides to a depth of over 10,000 feet. The Timor Trough thus breaks the continental shelf between Australia and Timor, so that there are two distinct shelves, and not one and the same shelf, separating the two opposite coasts. The fall-back median line between the 2 coasts, provided for in the Convention in the absence of agreement, would not apply for there is no common area to delimit.” ...

³ *Supra* DIVISION I, SUBDIVISION A, Chapter IX, 1.

⁴ No. 149 of 1968; 9 December 1968. Text provided by the Permanent Representative of Australia to the United Nations in a note verbale of 3 December 1971. This Act repealed the Pearl Fisheries Act 1952, the Pearl Fisheries Act 1953 and the Pearl Fisheries Act (No. 2) 1953, which are reproduced in part in ST/LEG/SER.B/6, pp. 423-424.

“Controlled area” means an area of the Australian continental shelf, or an area of the continental shelf of a Territory, declared by notice in force under section 11 of this Act to be a controlled area in relation to sedentary organisms of any kind;

...

“Foreign ship” means a ship other than:

(a) A ship that is owned by a resident of, or by a company incorporated in, Australia or a Territory and:

(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 ship of a kind referred to in the last preceding paragraph;

“Officer” means:

(a) A person permanently or temporarily employed in the Public Service of the Commonwealth or of a Territory, or by an authority of the Commonwealth, and authorized in writing by the Secretary to the Department of Primary Industry, or the Secretary to the Department of External Territories, to perform duties under this Act;

(b) A person permanently or temporarily employed in the Public Service of a State and authorized in writing by the Secretary to the Department of Primary Industry, or the Secretary to the Department of External Territories, to perform duties under this Act in pursuance of an arrangement between the Commonwealth and the State;

(c) A member of the Commonwealth Police Force or of the Police Force of a State or Territory; and

(d) A member of the Defence Force;

“Sedentary organism” means an organism of a kind declared by Proclamation in force under section 7 of this Act to be a sedentary organism to which this Act applies;

...

“Territory” means Territory of the Commonwealth;

“The Australian continental shelf” means the continental shelf adjacent to the coast of Australia, and includes the continental shelf adjacent to the Territory of Ashmore and Cartier Islands and the sea-bed and subsoil of the territorial sea of that Territory;

“The continental shelf of a Territory” means the continental shelf adjacent to any Territory not forming part of the Commonwealth (other than the Territory of Ashmore and Cartier Islands), and includes the sea-bed and subsoil of the territorial sea of any such Territory;

“The Convention” means the Convention entitled “Convention on the Continental Shelf”¹ signed at Geneva on the twenty-ninth day of April, One thousand nine hundred and fifty-eight.

¹ United Nations, *Treaty Series*, vol. 499, p. 312. Reproduced in ST/LEG/SER.B/15, pp. 767-770.

(2) Unless the contrary intention appears, a reference in this Act to the Australian continental shelf or to the continental shelf of a Territory shall be read as including a reference to the waters above the Australian continental shelf or the continental shelf of the Territory, as the case may be, and a reference in this Act to an area, or part of an area, of the Australian continental shelf or of the continental shelf of a Territory shall be read as including a reference to the waters above that area or that part of that area.

(3) For the purposes of this Act, a person shall be deemed to be using a ship in searching for and taking sedentary organisms of a particular kind if:

(a) He is using the ship as a place of abode or refuge, or for storing provisions, for:

(i) Persons employed in or in connexion with searching for or taking sedentary organisms of that kind; or

(ii) Persons engaged in superintending persons so employed;

(b) He is using the ship for transporting, or as a place for storing, sedentary organisms, or parts of sedentary organisms of that kind;

(c) He is using the ship as a place from which persons search for or take sedentary organisms of that kind; or

(d) He is otherwise using the ship in or in connexion with searching for or taking sedentary organisms of that kind.

7. Where the Governor-General is satisfied that a marine organism of any kind is, for the purposes of the Convention, part of the living natural resources of the Australian continental shelf, or the continental shelf of a Territory, by reason that it is, for the purposes of the Convention, an organism belonging to sedentary species, he may, by Proclamation,¹ declare the organism to be a sedentary organism to which this Act applies.

8. (1) The Governor-General may, by Proclamation,² declare an area of continental shelf specified in the Proclamation to be, for the purposes of this Act, an area of continental shelf adjacent to a Territory (being a Territory not forming part of the Commonwealth) so specified.

(2) Where a Proclamation is in force under the last preceding subsection, the area of continental shelf specified in the Proclamation shall, for the purposes of this Act, be deemed to be an area of continental shelf adjacent to the Territory specified in the Proclamation, and shall be deemed not to be an area of continental shelf adjacent to Australia.

9. This Act extends to all the Territories and to all parts of the Australian continental shelf and all parts of the continental shelf of a Territory, and applies to all persons, including foreigners, and to all ships, including foreign ships.

¹ See Proclamation of 25 March 1970 by Governor-General, *infra* (d).

² See Proclamation of 25 March 1970 by Governor-General, *infra* (e).

PART II

Regulation of the taking of sedentary organisms.

11. The appropriate Minister may, by notice¹ published in the *Gazette*, declare an area of the Australian continental shelf, or an area of the continental shelf of a Territory, specified in the notice to be, in relation to sedentary organisms of a kind so specified, a controlled area for the purposes of this Act.

12. (1) The appropriate Minister may, by notice² published in the *Gazette*:

(a) Prohibit the taking, either at all times or during a specified period, of sedentary organisms of a specified kind in, or in a specified part of, an area of the Australian continental shelf, or an area of the continental shelf of a Territory, that is a controlled area in relation to sedentary organisms of that kind;

(b) Prohibit the taking of any sedentary organism of a specified kind that is less than a specified size in, or in a specified part of, an area of the Australian continental shelf, or an area of the continental shelf of a Territory, that is a controlled area in relation to sedentary organisms of that kind;

(c) Prohibit the taking, by a method or equipment of a specified kind, of any sedentary organism of a specified kind in, or in a specified part of, an area of the Australian continental shelf, or an area of the continental shelf of a Territory, that is a controlled area in relation to sedentary organisms of that kind;

(d) Prohibit the taking by any one ship, during a specified period, of a quantity of sedentary organisms of a specified kind that is in excess of a specified quantity in, or in a specified part of, an area of the Australian continental shelf, or an area of the continental shelf of a Territory, that is a controlled area in relation to sedentary organisms of that kind;

(e) Prohibit the taking by any one person, during a specified period, of a quantity of sedentary organisms of a specified kind that is in excess of a specified quantity in, or in a specified part of, an area of the Australian continental shelf, or an area of the continental shelf of a Territory, that is a controlled area in relation to sedentary organisms of that kind; and

(f) Prohibit the removal of sedentary organisms of a specified kind from the Australian continental shelf, or the continental shelf of a Territory, being a Territory specified in the notice, unless the organisms are dead.

(2) A notice under this section may provide for exemptions from the prohibition contained in the notice.

13. (1) The appropriate Minister or the appropriate Secretary may grant to a person a licence authorizing the person to search for and take sedentary organisms of a specified kind in, or in a specified part of, an area of the Australian continental shelf, or an area of the continental shelf of a Territory, that is a controlled area in relation to sedentary organisms of that kind.

¹ See Controlled Area (Australian Continental Shelf) Notices and Controlled Area (External Territories) Notice, *infra* (f) and (g).

² See Conservation (Australian Continental Shelf) Notices and Conservation (External Territories) Notice, *infra* (h) and (i).

(2) The appropriate Minister or the appropriate Secretary may grant to a person a licence in respect of a ship authorizing the use of the ship by that person, or by a person acting on his behalf, in searching for and taking sedentary organisms of a specified kind in, or in a specified part of, an area of the Australian continental shelf, or an area of the continental shelf of a Territory, that is a controlled area in relation to sedentary organisms of that kind.

(3) A licence authorizing the use of a ship in searching for and taking sedentary organisms of a particular kind in an area of the Australian continental shelf, or an area of the continental shelf of a Territory, extends, subject to any conditions specified in the licence, to authorizing the use of the ship in that area, in relation to sedentary organisms of that kind, for any purpose specified in a paragraph of subsection (3) of section 5 of this Act.

(4) The appropriate Minister or the appropriate Secretary may grant to or in respect of a person:

(a) A licence authorizing the employment of the person, in a controlled area specified in the licence, as a diver;

(b) A licence authorizing the employment of the person, in a controlled area specified in the licence, as a trial diver; or

(c) A licence authorizing the employment of the person, in a controlled area specified in the licence, as a diver's tender.

(5) A person authorized to grant licences under this section may, in his discretion, grant or refuse an application for a licence.

(6) A licence granted under this section:

(a) Is subject to such conditions as are specified in the licence; and

(b) Remains in force for such period as is specified in the licence.

(7) The appropriate Minister or the appropriate Secretary may, in his discretion, on the application of the holder of a licence in respect of a ship and of another person as proposed transferee, transfer the licence to that other person.

(8) Such fees, if any, as are prescribed are payable in respect of the grant of a licence, or the transfer of a licence, under this section.

14. An officer may:

(a) Board or enter upon a ship in a controlled area, or a ship that he has reason to believe has been used, is being used or is intended to be used for searching for or taking sedentary organisms in a controlled area, and may search the ship for equipment used, or capable of being used, for searching for or taking sedentary organisms:

(b) Examine any equipment found on any ship or in any place, being equipment that he has reason to believe has been used, is being used or is intended to be used for searching for or taking sedentary organisms in a controlled area;

(c) Seize, take, detain, remove and secure any ship that the officer has reason to believe has been used, is being used or is intended to be used in contravention of this Act or any sedentary organisms that the officer has reason to believe have been taken in contravention of this Act;

(d) Arrest, without warrant, 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 ship that 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 ship to a place specified by the officer, being a place in Australia or a Territory, and to remain in control of the ship at that place until an officer permits him to depart from that place;

(f) Bring a ship that 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 remain in control of the ship pending the taking of proceedings in respect of that contravention;

(g) Require the master or other person in charge of a ship in respect of which a licence is required to be in force under this Act to produce the licence, and take copies of, or extracts from, the licence;

(h) Require the master or other person in charge of a ship in respect of which a licence is required to be in force under this Act to give information concerning the ship and the crew and any person on board the ship;

(i) Require a person who is on board a ship in respect of which a licence is required to be in force under this Act, or who is engaged in searching for or taking any sedentary organisms in a controlled area, or whom he reasonably suspects of having committed an offence against this Act, to state his name and place of abode;

(j) Require a person engaged in searching for or taking sedentary organisms in a controlled area to state whether he is the holder of a licence under subsection (1) or (4) of section 13 of this Act and, if so, to produce the licence; and

(k) Sell any sedentary organisms seized by him under this Act.

PART III

Offences.

15. (1) A person shall not, in an area of the Australian continental shelf, or an area of the continental shelf of a Territory, that is a controlled area in relation to sedentary organisms of any kind, whether on his own account or as the partner, agent or employee of another person, search for or take sedentary organisms of that kind except as authorized by a licence granted to him under subsection (1) of section 13 of this Act.

(2) A person shall not, in an area of the Australian continental shelf, or an area of the continental shelf of a Territory, that is a controlled area in relation to sedentary organisms of any kind, use a ship (other than an exempt boat) in searching for or taking sedentary organisms of that kind or except as authorized by a licence granted to him, or to a person on whose behalf he is acting, under subsection (2) of section 13 of this Act.

(3) A person shall not, in a controlled area, have in his possession or in his charge a ship (other than an exempt boat) for use in searching for or taking sedentary organisms unless there is in force in respect of the ship a licence under subsection (2) of section 13 of this Act authorizing the use of the ship by him, or by a person on whose behalf he is acting, in searching for and taking sedentary organisms in that area.

(4) A person shall not, in a controlled area, employ or have on board a ship, for the purpose of searching for or taking any sedentary organisms, a diver, trial diver or diver's tender unless there is in force in respect of him a licence granted under subsection (4) of section 13 of this Act authorizing his employment, in that area, as a diver, trial diver or diver's tender, as the case may be.

(5) A person who is the holder of a licence under this Act shall not contravene a condition of the licence and a person acting on behalf of the holder of a licence under subsection (2) of section 13 of this Act shall not contravene a condition of that licence.

...
 (7) Sub-sections (2) and (3) of this section do not apply in relation to a foreign ship if:

(a) The equipment for searching for and taking sedentary organisms belonging to the ship is stowed and secured; and

(b) The work of cutting up, dismembering, cleaning, sorting or packing sedentary organisms is not being carried out on the ship.

...
 17. A person shall not:

(a) Fail to facilitate by all reasonable means the boarding of a ship by an officer acting in pursuance of his powers under this Act;

(b) Refuse to allow a search to be made that is authorized by or under this Act;

(c) Refuse or neglect to comply with a requirement made by an officer under section 14 of this Act;

(d) When lawfully required to state his name and place of abode to an officer acting in pursuance of his powers under this Act, state a false name or place of abode to the officer;

(e) When lawfully required to give information by an officer acting in pursuance of his powers under this Act, give false or misleading information to the officer;

(f) Use abusive or threatening language to an officer acting in pursuance of his powers under this Act;

(g) Assault, resist or obstruct an officer acting in pursuance of his powers under this Act;

(h) Impersonate an officer; or

(i) In an application for the purposes of this Act, make a statement or furnish information which is false or misleading in any particular.

18. (1) A person who contravenes or fails to comply with a provision of this Act is guilty of an offence.

(2) Subject to this section, an offence against this Act shall be prosecuted summarily and is punishable by a fine not exceeding One thousand dollars.

(3) An offence against subsection (2) or (3) of section 15 of this Act committed in respect of a foreign ship may be prosecuted summarily or upon indictment, but an offender is not liable to be punished more than once in respect of the same offence, and such an offence is punishable

(a) Upon summary conviction, by a fine not exceeding One thousand dollars or imprisonment for a period not exceeding six months, or both; or

(b) Upon conviction on indictment, by a fine of not less than One thousand dollars and not exceeding Ten thousand dollars or imprisonment for a period not exceeding one year, or both.

(4) Where proceedings for an offence against subsection (2) or (3) of section 15 of this Act committed in respect of a foreign ship are brought in a court of summary jurisdiction, the court may commit the defendant for trial or, with the consent of the defendant, determine the proceedings.

(5) Where a person is convicted of an offence against section 15 or 16 of this Act, the court may order the forfeiture of any ship used or otherwise involved in the commission of the offence, and of its equipment and contents (other than the personal effects of members of the crew) and of any sedentary organisms found on the ship or the proceeds of the sale of any sedentary organisms so found.

19. (1) Subject to 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 that are committed outside Australia and the Territories.

...

20. ...

(2) Where a person (including a person on board a ship) is at any place that is, or is above, a part of the Australian continental shelf or a part of the continental shelf of a Territory and he has in his possession or under his control any sedentary organism, then, in any prosecution of that person for an offence against subsection (1) of section 15 of this Act, that possession or control is evidence that the person took the sedentary organism in that part of the Australian continental shelf or that part of the continental shelf of the Territory, as the case may be.

...

25. The Governor-General may make regulations,¹ not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or are necessary or convenient to be prescribed for carrying out or giving effect to this Act,

...

(c) NAVIGATION ACT 1912-1970, part VIIA²

¹ See Continental Shelf (Living Natural Resources) Regulations (Statutory Rules 1970 No. 47; 25 March 1970) notified in the *Commonwealth Gazette* on 9 April 1970.

² *Supra* DIVISION I, SUBDIVISION A, Chapter VII, 1.

(d) PROCLAMATION OF 25 MARCH 1970 BY GOVERNOR-GENERAL CONCERNING MARINE ORGANISMS OF THE CONTINENTAL SHELF¹

. . . I, Sir Paul Meernaa Caedwalla Hasluck, the Governor-General aforesaid, acting with the advice of the Federal Executive Council, hereby declare the marine organisms included in a class of marine organisms specified in the Schedule to this Proclamation to be sedentary organisms to which the Continental Shelf (Living Natural Resources) Act 1968 applies.

THE SCHEDULE

CLASSES OF MARINE ORGANISMS

1. Corals, of any kind, included in the Phylum *Coelenterata*, Class *Anthozoa* or Class *Hydrozoa*
2. Lace corals, of any kind, included in the Phylum *Ectoprocta*, Order *Cheilostomata* or Order *Cyclostomata*
3. Sea anemones included in the Phylum *Coelenterata*, Class *Anthozoa* (other than sea anemones included in the family *Minyadidae*)
4. Sea pens included in the Phylum *Coelenterata*, Class *Anthozoa*, Order *Penatulacea*
5. Sponges of any kind
6. Sea urchins included in the Phylum *Echinodermata*, Class *Echinoidea*
7. Bêche-de-mer (also called sea cucumbers or trepang)
8. Sea lilies or stalked crinoids included in the Phylum *Echinodermata*, Class *Crinoidea*, Suborder *Millerocrinida*
9. Bivalve molluscs (except scallops), including oysters, mother-of-pearl, pearl shell, mussels, clams, pipis, venus shells, cockles and razor fish
10. Gasteropods (except sea hares, sea butterflies, sea slugs of the Order *Opisthobranchiata*, violet snails of the Family *Ianthinidae* and organisms of the Family *Heteropoda*), including abalone, green snail, trochus, triton shells, helmet shells, cone shells, bailer shells, winkles and cowries
11. Chitons
12. Sea-weed of the Family *Gelidiaceae* or Family *Gracilariaceae*
13. Kelp of the Genus *Macrocystis*

(e) [PROCLAMATION OF 25 MARCH 1970 BY GOVERNOR-GENERAL CONCERNING THE CONTINENTAL SHELF ADJACENT TO PAPUA AND NEW GUINEA]²

¹ *Commonwealth of Australia Gazette*, No. 25; 9 April 1970, p. 2315. Issued in pursuance of section 7 of the Continental Shelf (Living Natural Resources) Act 1968, *supra* (b).

² *Commonwealth of Australia Gazette*, No. 25; 9 April 1970, pp. 2315-2317. This proclamation declared certain specified areas of the continental shelf to be the areas of the continental shelf adjacent to the Territories of Papua and New Guinea for the purposes of the Continental Shelf (Living Natural Resources) Act 1968.

- (f) [CONTINENTAL SHELF (LIVING NATURAL RESOURCES) ACT: CONTROLLED AREA (AUSTRALIAN CONTINENTAL SHELF) NOTICE, 9 April 1970. Nos. 1-5]¹
- (g) [CONTINENTAL SHELF (LIVING NATURAL RESOURCES) ACT: CONTROLLED AREA (EXTERNAL TERRITORIES) NOTICE, 9 April 1970. No. 1]²
- (h) CONTINENTAL SHELF (LIVING NATURAL RESOURCES) ACT: CONSERVATION (AUSTRALIAN CONTINENTAL SHELF) NOTICE, 10 April 1970³

No. 1. Prohibitions relating to taking of pearl shell.

In pursuance of section 12 of the Continental Shelf (Living Natural Resources) Act 1968⁴ 1, John Douglas Anthony, the Minister of State for Primary Industry, hereby prohibit the taking:

(a) In the area of the Australian continental shelf specified in the Second Schedule⁵ to this Notice—of a sedentary organism of the kind specified in the First Schedule to this Notice, being a sedentary organism to which that Act applies:

- (i) The maximum exterior measurement of which, in its original form as fished, measured in a straight line from, and at right angles to, a straight line joining the extremities of the butt to the opposite edge of the lip, is less than five and one-half inches; or
- (ii) The maximum measurement of which, measured in a straight line from, and at right angles to, a straight line joining the extremities of the edge of the nacre at the butt to the opposite edge of the nacre, is less than four and one-half inches;

(b) In the area of the Australian continental shelf specified in the Third Schedule⁶ to this Notice, of a sedentary organism of the kind so specified

- (i) The maximum exterior measurement of which, in the original form as fished, measured in a straight line from and at right angles to,

¹ These Notices, issued by the Minister of State for Primary Industry in pursuance of section 11 of the Continental Shelf (Living Natural Resources) Act 1968, declared the areas of the Australian continental shelf—Queensland Division, Victoria Division, Tasmania Division, Western Australia Division, and Northern Territory and Ashmore and Cartier Islands Divisions—as controlled areas for the purposes of that Act in relation to the sedentary organisms specified in the Schedules to each Notice. For the texts, see *ibid.*, No. 27; 10 April 1970, p. 2323.

² This Notice, issued by the Minister of State for External Territories in pursuance of section 11 of the Continental Shelf (Living Natural Resources) Act 1968, declared the areas of the continental shelf which are shortly called as Papua Division and New Guinea Division to be controlled areas for the purposes of that Act in relation to any sedentary organisms to which that Act applies. See *ibid.*, for the text.

³ *Ibid.*, No. 28; 13 April 1970, pp. 2325-2326.

⁴ *Supra* (b).

⁵ The Second Schedule (specifying the area of continental shelf in the Western Australia Division) and the Third Schedule (specifying the area in Mangrove Point Area) are not reproduced here.

⁶ The Second Schedule (specifying the area of continental shelf in the Western Australia Division) and the Third Schedule (specifying the area in Mangrove Point Area) are not reproduced here.

a straight line joining the extremities of the butt to the opposite edge of the lip, is less than four and one-half inches; or

- (ii) The maximum measurement of which, measured in a straight line from, and at right angles to, a straight line joining the extremities of the edge of the nacre, is less than three and one-half inches; and

(c) In any other area of the Australian continental shelf that is a controlled area in relation to sedentary organisms of the kind specified in the First Schedule to this Notice, of a sedentary organism of the kind so specified

- (i) The maximum exterior measurement of which, in its original form as fished, measured in a straight line from, at right angles to, a straight line joining the extremities of the butt to the opposite edge of the lip is less than six and one-half inches; or
- (ii) The maximum measurement of which, measured in a straight line from, and at right angles to, a straight line joining the extremities of the edge of the nacre at the butt to the opposite edge of the nacre, is less than five inches,

except by a person who, being a person for the time being authorized by the Minister of State for Primary Industry, by instrument in writing, so to do, takes, in accordance with the instrument and subject to the conditions, if any, specified in the instrument, a sedentary organism of that kind from an area that is a controlled area in relation to sedentary organisms of that kind.

FIRST SCHEDULE

SEDENTARY ORGANISMS

Pearl shell of the species *Pinctada maxima* (commonly known as gold-lip, silver-lip or white shell).

...

No. 2. Prohibitions relating to the method of taking pearl shell, trochus, bêche-de-mer or green snail

In pursuance of section 12 of the Continental Shelf (Living Natural Resources) Act 1968, I, John Douglas Anthony, the Minister of State for Primary Industry, hereby prohibit the taking, by any method of trawling or dredging, of sedentary organisms of a kind specified in the Schedule to this Notice in any area of the Australian continental shelf that is a controlled area in relation to sedentary organisms of that kind except by a person who, being a person for the time being authorized by the Minister of State for Primary Industry, by instrument in writing, so to do, takes, in accordance with that instrument and subject to the conditions, if any, specified in that instrument, sedentary organisms of that kind in an area specified in the instrument, being an area that is, or is a part of, a controlled area in relation to sedentary organisms of that kind.

THE SCHEDULE

KINDS OF SEDENTARY ORGANISMS

Pearl Shell
Trochus
Bêche-de-Mer
Green Snail

No. 3. Removal of live pearl shell, trochus, bêche-de-mer and green snail

In pursuance of section 12 of the Continental Shelf (Living Natural Resources) Act 1968, I, John Douglas Anthony, the Minister of State for Primary Industry, hereby prohibit the removal of sedentary organisms of a kind specified in the Schedule to this Notice from the Australian continental shelf:

(a) Unless the organisms are dead; or

(b) Unless the organisms, being live organisms, are removed by a person who, being a person for the time being authorized by the Minister of State for Primary Industry, by instrument in writing, so to do, removes the organisms, in accordance with that instrument and subject to the conditions, if any, specified in that instrument, from an area of the Australian continental shelf specified in that instrument.

THE SCHEDULE

KINDS OF SEDENTARY ORGANISMS

Pearl Shell
Trochus
Bêche-de-Mer
Green Snail

No. 4. Prohibitions relating to taking of pearl shell, trochus and green snail

In pursuance of section 12 of the Continental Shelf (Living Natural Resources) Act 1968, I, John Douglas Anthony, the Minister of State for Primary Industry, hereby prohibit the taking at all times

(a) In any area of the Australian continental shelf that is a controlled area in relation to pearl shell of the species *Pinctada margaritifera* (commonly known as black-lip), being a sedentary organism to which that Act applies, of sedentary organisms of that kind:

(i) The maximum exterior measurement of which, in its original form as fished, measured in a straight line from, and at right angles to, a straight line joining the extremities of the butt to the opposite edge of the lip, is less than four and one-half inches; or

(ii) The maximum measurement of which, measured in a straight line from, and at right angles to, a straight line joining the extremities of the edge of the nacre at the butt to the opposite edge of the nacre, is less than three and one-half inches;

(b) In any area of the Australian continental shelf that is a controlled area in relation to trochus, being a sedentary organism to which that Act

applies, of sedentary organisms of that kind the minimum measurement of the shell of which, measured in a straight line across the base through the axis of the whorl, is less than two and one-half inches; or

(c) In any area of the Australian continental shelf that is a controlled area in relation to green snail, being a sedentary organism to which that Act applies, of sedentary organisms of that kind the shell of which is less than ten ounces in weight,

except by a person who, being a person for the time being authorized by the Minister of State for Primary Industry, by instrument in writing, so to do, takes in accordance with the instrument and subject to the conditions, if any, specified in the instrument pearl shell, trochus or green snail, as the case may be, in an area that is a controlled area in relation to sedentary organisms of that kind.

No. 5. Prohibitions relating to the taking of triton shells, giant clams and helmet shells

In pursuance of section 12 of the Continental Shelf (Living Natural Resources) Act 1968, I, John Douglas Anthony, the Minister of State for Primary Industry, hereby prohibit the taking at all times of sedentary organisms of a kind specified in the Schedule to this Notice in the area of the Australian continental shelf the short description of which is the "Queensland Division", being an area of the Australian continental shelf that is a controlled area in relation to sedentary organisms of that kind.

THE SCHEDULE

1. Triton shells
2. Giant clams
3. Helmet shells

(i) CONTINENTAL SHELF (LIVING NATURAL RESOURCES) ACT:
CONSERVATION (EXTERNAL TERRITORIES) NOTICE, 10 APRIL 1970¹

No. 1. Prohibitions relating to taking of pearl shell (known as black-lip), trochus and green snail

In pursuance of section 12 of the Continental Shelf (Living Natural Resources) Act 1968,² I, Charles Edward Barnes, the Minister of State for External Territories, hereby prohibit the taking, at all times:

(a) In any area of the continental shelf of the Territory of Papua, and in any area of the continental shelf of the Territory of New Guinea, that is a controlled area in relation to pearl shell of the species *Pinctada margaritifera* (commonly known as black-lip), being a sedentary organism to which that Act applies—of sedentary organisms of that kind:

- (i) The maximum exterior measurement of which, in its original form as fished, measured in a straight line from, and at right angles to, a straight line joining the extremities of the butt to the opposite edge of the lip, is less than four and one-half inches; or

¹ *Commonwealth of Australia Gazette*, No. 28; 13 April 1970, pp. 2326-2327.

² *Supra* (b).

(ii) The maximum measurement of which, measured in a straight line from, and at right angles to, a straight line joining the extremities of the edge of the nacre at the butt to the opposite edge of the nacre, is less than three and one-half inches;

(b) In any area of the continental shelf of the Territory of Papua, and in any area of the continental shelf of the Territory of New Guinea, that is a controlled area in relation to trochus, being a sedentary organism to which that Act applies, of sedentary organisms of that kind the minimum measurement of the shell of which, measured in a straight line across the base through the axis of the whorl, is less than two and one-half inches; or

(c) In any area of the continental shelf of the Territory of Papua, and in any area of the continental shelf of the Territory of New Guinea, that is a controlled area in relation to green snail, being a sedentary organism to which that Act applies, of sedentary organisms of that kind the shell of which is less than ten ounces in weight,

except by a person who, being a person for the time being authorized by the Minister of State for External Territories, by instrument in writing, so to do, takes, in accordance with the instrument and subject to the conditions, if any, specified in the instrument, pearl shell, trochus or green snail, as the case may be, in an area specified in the instrument, being an area of the continental shelf of the Territory of Papua, or an area of the continental shelf of the Territory of New Guinea, as the case may be, that is, or is a part of, a controlled area in relation to sedentary organisms of that kind.

No. 2. Prohibitions relating to the method of taking pearl shell, trochus, bêche-de-mer and green snail

In pursuance of section 12 of the Continental Shelf (Living Natural Resources) Act 1968, I, Charles Edward Barnes, the Minister of State for External Territories, hereby prohibit the taking, by any method of trawling or dredging, of sedentary organisms of a kind specified in the Schedule to this Notice in any area of the continental shelf of the Territory of Papua, and in any area of the continental shelf of the Territory of New Guinea, that is a controlled area in relation to sedentary organisms of that kind except by a person who, being a person for the time being authorized by the Minister of State for External Territories, by instrument in writing, so to do, takes, in accordance with that instrument and subject to the conditions, if any, specified in that instrument, sedentary organisms of that kind in an area specified in the instrument, being an area of the continental shelf of the Territory of Papua, or an area of the continental shelf of the Territory of New Guinea, that is, or is a part of, a controlled area in relation to sedentary organisms of that kind.

THE SCHEDULE
KINDS OF SEDENTARY ORGANISMS

Pearl Shell
Trochus
Bêche-de-Mer
Green Snail

No. 3. Prohibitions relating to taking of pearl shell known as gold-lip or white shell

In pursuance of section 12 of the Continental Shelf (Living Natural Resources) Act 1968, I, Charles Edward Barnes, the Minister of State for External Territories, hereby prohibit the taking in any area of the continental shelf of the Territory of Papua, and in any area of the continental shelf of the Territory of New Guinea, that is a controlled area in relation to sedentary organisms of the kind specified in the Schedule to this Notice, of a sedentary organism of the kind so specified:

- (i) The maximum exterior measurement of which, in its original form as fished, measured in a straight line from, and at right angles to, a straight line joining the extremities of the butt to the opposite edge of the lip, is less than six and one-half inches; or
- (ii) The maximum measurement of which, measured in a straight line from, and at right angles to, a straight line joining the extremities of the edge of the nacre at the butt to the opposite edge of the nacre, is less than five inches,

except by a person who, being a person for the time being authorized by the Minister of State for External Territories, by instrument in writing, so to do, takes, in accordance with the instrument and subject to the conditions, if any, specified in the instrument, a sedentary organism of that kind from an area specified in the instrument, being an area of the continental shelf of the Territory of Papua, or an area of the continental shelf of the Territory of New Guinea, as the case may be, that is, or is a part of, a controlled area in relation to sedentary organisms of that kind.

THE SCHEDULE

Sedentary organisms

Pearl shell of the species *Pinctada maxima* (commonly known as gold-lip, silver-lip or white shell).

2. BRAZIL

DECREE NO. 63.164 OF 24 AUGUST 1968, GOVERNING EXPLORATION AND RESEARCH CARRIED OUT ON THE UNDERWATER SHELF OF BRAZIL OR IN THE WATERS OF THE TERRITORIAL SEA AND INTERNAL AND OTHER WATERS¹

3. CANADA

(a) OIL AND GAS PRODUCTION AND CONSERVATION ACT², AS AMENDED IN 1970³

...

¹ *Supra* DIVISION I, SUBDIVISION A, Chapter IX, 2.

² *Revised Statutes of Canada*, 1970, Chapter O-4. This original act, promulgated on 27 June 1969, was to be applicable to "the Yukon Territory and the Northwest Territories" only.

³ The amendments were made by the Act to Amend the Oil and Gas Production and Conservation Act, *ibid.*, Chapter 30 (1st Supp.).

Interpretation

2. *Definitions*

In this Act

“Chief Conservation Officer” means

(a) In relation to any area in respect of which the Minister of Indian Affairs and Northern Development had administrative responsibility for the natural resources therein, such officer of the Department of Indian Affairs and Northern Development as that Minister may designate from time to time, and

(b) In relation to any area in respect of which the Minister of Energy, Mines and Resources has administrative responsibility for the natural resources therein, such officer of the Department of Energy, Mines and Resources as that Minister may designate from time to time;

...

“gas” means natural gas;

“Lease” means an oil and gas lease issued pursuant to regulations made in accordance with the Territorial Lands Act and the Public Lands Grants Act;

“Minister” means

(a) In relation to any area in respect of which the Minister of Indian Affairs and Northern Development has administrative responsibility for the natural resources therein, the Minister of Indian Affairs and Northern Development, and

(b) In relation to any area in respect of which the Minister of Energy, Mines and Resources has administrative responsibility for the natural resources therein, the Minister of Energy, Mines and Resources;

“Oil” means any hydrocarbons except coal and gas;

“Permit” means an exploratory oil and gas permit issued pursuant to regulations made

in accordance with the Territorial Lands Act and the Public Lands Grants Act;

...

“Pool” means a natural underground reservoir containing or appearing to contain an accumulation of oil or gas or both oil and gas and being separated or appearing to be separated from any other such accumulation;

...

Application

3. *Application*

This Act applies in respect of oil and gas in any of the following areas, namely:

(a) The Yukon Territory or the North-west Territories;

(b) Those submarine areas adjacent to the coast of Canada to a water 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 sea-bed and subsoil thereof; and

(c) Any lands that belong to Her Majesty in right of Canada or in respect of which Her Majesty in right of Canada has the right to dispose of or exploit the minerals therein;

but does not apply in respect of oil and gas in any such area if the area is within the geographical limits of, or if the administration of the oil and gas resources in the area has been transferred by law to, any of the ten provinces of Canada.

...

PART I. PRODUCTION AND CONSERVATION

12. *Regulatory power of Governor in Council*

The Governor in Council may make regulations respecting the exploration and drilling for and the production and conservation, processing and transportation of oil and gas and, in particular, but without restricting the generality of the foregoing, may make regulations

(a) Respecting the licensing, drilling, spacing, locating, completing, producing, equipping, suspending and abandoning of wells;

...

(b) Respecting the regulating and controlling of the rate at which oil, gas or water may be produced from any well, pool or field;

(c) Respecting the reporting of information and data obtained in the course of the exploration for, the drilling for and the production of oil and gas and the keeping of records and measurements of all oil, gas and water produced;

(d) Concerning the safety and the inspection of all operations conducted in connection with the exploration for, the drilling for and the production of oil and gas and prescribing the measures to be taken to ensure the safety of such operations;

...

(l) For the prevention of waste within the meaning of this Act;

(m) Prescribing the conditions under which drilling operations may be carried out in water-covered areas and any special measures to be taken for such operations;

...

(p) Prescribing minimum acceptable standards for the construction, alteration or use of any works, fittings, machinery, plant and appliances used for the development, production, transmission, distribution, measurement, storage or handling of any oil or gas;

(q) Prescribing the measures necessary to prevent pollution of air, land or water as a result of the exploration and drilling for or the production, storage, transportation, distribution, measurement, processing or handling of any oil or gas or any substance obtained from or associated with oil or gas; and

...

Waste

13.

(1) *Waste prohibited.* Subject to subsection 48(5), any person who commits waste is guilty of an offence under this Act, but a prosecution may be instituted for such an offence only with the consent of the Minister.

(2) “*Waste*”. In this Act “waste”, in addition to its ordinary meaning, means waste as understood in the oil and gas industry and in particular, but without limiting the generality of the foregoing, includes

(a) The inefficient or excessive use or dissipation of reservoir energy;

(b) The locating, spacing or drilling of a well within a field or pool or within part of a field or pool or the operating of any well that, having regard to sound engineering and economic principles, results or tends to result in a reduction in the quantity of oil or gas ultimately recoverable from a pool;

(c) The drilling, equipping, completing, operating or producing of any well in a manner that causes or is likely to cause the unnecessary or excessive loss or destruction of oil or gas after removal from the reservoir;

(d) The inefficient storage of oil or gas above ground or underground;

(e) The production of oil or gas in excess of available storage, transportation or marketing facilities;

(f) The escape or flaring of gas that could be economically recovered and processed or economically injected into an underground reservoir; or

(g) The failure to use suitable artificial, secondary or supplementary recovery methods in a pool when it appears that such methods would result in increasing the quantity of oil or gas, or both, ultimately recoverable under sound engineering and economic principles.

14.

(1) *Prevention of waste.* Where the Chief Conservation Officer on reasonable and probable grounds is of the opinion that waste, other than waste as defined in paragraph 13 (2) (f) or (g), is being committed, the Chief Conservation Officer may, subject to subsection (2) of this section, order that all operations giving rise to such waste cease until he is satisfied that the waste has stopped.

(2) *Investigation.* Before making any order under subsection (1), the Chief Conservation Officer shall hold an investigation at which interested persons shall be given an opportunity to be heard.

(3) *Peremptory order.* Notwithstanding subsection (2), the Chief Conservation Officer may, without an investigation, make an order under this section requiring all operations to be shut down if in his opinion it is necessary to do so to prevent damage to persons or property or to prevent pollution; but as soon as possible after making any such order and in any event within fifteen days thereafter, he shall hold an investigation at which interested persons shall be given an opportunity to be heard.

(4) *Order after inquiry.* At the conclusion of an investigation under subsection (3) the Chief Conservation Officer may set aside, vary or confirm the order made, or make a new order.

...

Conservation engineers

42. *Conservation engineers*

The conservation engineers necessary for the administration and enforcement of this Act shall be appointed under the *Public Service Employment Act*.

43. *Powers of conservation engineers*

A conservation engineer may at any reasonable time

(a) Enter and inspect any place, premises or structure used in connection with the production, storing, handling, processing, transporting of or the exploration or drilling for oil and gas or either of them;

(b) Require the production and inspection of any books, records, documents, licences or permits required by this Act or the regulations and make copies thereof; and

(c) Take samples or particulars and carry out any reasonable tests or examinations.

44. *Certificate of appointment*

A conservation engineer shall be furnished by the Minister with a certificate of his appointment or designation and on entering any place, premises or structure pursuant to the authority of this Act shall, if so required, produce the certificate to the person in charge thereof.

45. *Assistance to be given conservation engineer*

The owner or person in charge of any place, premises or structure and every person found therein or thereon shall give a conservation engineer all reasonable assistance within his power to enable the conservation engineer to carry out his duties and functions under this Act or the regulations.

46.

(1) *Obstruction or hindrance prohibited.* No person shall obstruct or hinder any conservation engineer in carrying out his duties or functions under this Act or the regulations.

(2) *False statements.* No person shall make a false or misleading statement either orally or in writing to a conservation engineer engaged in carrying out his duties and functions under this Act or the regulations.

47.

(1) *Power of conservation engineer when dangerous operation detected.* Where a conservation engineer, on reasonable and probable grounds, is of the opinion that an operation is in contravention of any safety regulation made pursuant to this Act and that continuation of the operation is likely to result in serious bodily injury, he may order that such operation cease or be continued only in accordance with the terms of the order and shall affix at or near the scene of the operation a notice of the order in a form prescribed by the Minister.

...

Offences and penalties

48.

(1) *Offences with respect to documents and records.* A person is guilty of an offence who

(a) Knowingly makes any false entry or statement in any report, record or document required by this Act or the regulations or by any order made pursuant to this Act or the regulations; or

(b) Knowingly destroys, mutilates or falsifies any report or other document required by this Act or the regulations or by any order made pursuant to this Act or the regulations.

(2) *Contravention of ss. 26(1).* A person who produces any oil or gas from a pool or field under the terms of a unit agreement within the meaning of Part 11, or any amended unit agreement, before the unit agreement or amended unit agreement is filed with the Chief Conservation Officer is guilty of an offence.

(3) *Other offences.* A person is guilty of an offence who contravenes any of the provisions of section 25, subsection 27(2), section 45, section 46, subsection 47(7) or any regulation made pursuant to section 12 when the contravention thereof is stated in the regulations to be an offence under this Act.

(4) *Offence.* A person is guilty of an offence

(a) Who fails to comply with any order of the Chief Conservation Officer made under section 14, or

(b) Who contravenes any order of the Committee made under section 16 or 18.

(5) *Presumption against waste.* A person shall not be deemed to have committed an offence under subsection 13(1) by reason of having committed waste as defined in paragraph 13(2)(f) or (g) unless he has been directed by the Committee to take measures to prevent the waste and has failed to do so within the time specified by the Committee.

49. *Penalty*

Every person who, or whose employee or agent, is guilty of an offence under this Act is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months, or to both.

...

(b) ARCTIC WATERS POLLUTION PREVENTION ACT 1970,
sections 2-10, 14-22¹

4. CYPRUS

Information concerning the outer limit of the continental shelf²

“[W]ith regard to the continental shelf of the Republic, advice has been given in 1972 by the Attorney-General’s Office that ‘the submarine areas beyond

¹ *Infra* DIVISION III, 3 (c).

² Provided by the Ministry of Foreign Affairs of Cyprus in a note verbale of 31 May 1972.

the depth of 200 metres may, in the light of the judgement of the International Court of Justice in the *North Sea Continental Shelf Case*,¹ still be considered by Cyprus as part of the Continental Shelf if they form part of the *natural* prolongation of the Cyprus land territory into and under the sea.’

5. DENMARK

(a) ACT NO. 166 OF 12 MAY 1965 ON MINERAL RESOURCES IN GREENLAND,
AS AMENDED IN 1969²

Section 8. Subsection 1: A concession on the exploration of mineral resources may be granted applicants who, at the Minister's discretion, are found to have the necessary financial backing and expert skill at their disposal.

Subsection 2: The concession may be granted for a specific area and for a period of time which as far as West Greenland is concerned shall not exceed 8 years and for North and East Greenland not 12 years.

Subsection 3: It may be provided in the concession that the concessionaire shall pay a fee to the State in consideration for the concession.

...

Section 17. Subsection 1: The concession shall, as a general rule, contain provisions as to the share of the profit to accrue to public funds following the return of the invested capital plus adequate interest from the proceeds of the mining operations.

Subsection 2: When indicated by circumstances, the economic interests of the State and of Greenland's provincial treasury may, however, be secured, for instance through payment of a fixed royalty. In this connection it may be stipulated that royalty shall be paid by the concessionaire even if the proceeds of the mining activities have not yet yielded a complete return of investments plus an adequate amount of interest thereon.

Subsection 3: In connection with the stipulation as to the payments to public funds to be made by the concessionaire, the latter may be granted exemption from taxation on earnings from the mining operations. Similarly, exemption may be granted in respect of tariffs and other duties on machinery, instruments, other operational equipment, and materials imported into Greenland in order to be used in the mining activities.

...

¹ *I.C.J. Reports*, 1969, p. 3.

² The Act of 1965 is reproduced in part in ST/LEG/SER.B/15, pp. 348-349. The amendments were made by Act No. 203 of 21 May 1969. Only the amended sections are reproduced here. English text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 16 November 1971.

(b) ACT NO. 259 OF 9 JUNE 1971 CONCERNING THE CONTINENTAL SHELF, AS AMENDED IN 1972¹

Article 1. 1. The natural resources of the Danish continental shelf shall belong to the Danish State and may only be explored or utilized by other parties under a concession or licence.

2. For the purposes of this Act the term "natural resources" means:

(1) The mineral and other non-living resources of the sea-bed and its subsoil, and

(2) Living organisms which, when harvestable, are either immobile on or under the sea-bed, or are unable to move unless they are in constant physical contact with the sea-bed or its subsoil.

Article 2. 1. The Minister of Public Works may permit exploration of the natural resources specified in article 1, paragraph 2 (1), where such exploration is not undertaken with a view to utilization. He may also permit the removal of such raw materials as were available for utilization by private interests in Denmark before 23 February 1932. Otherwise exploration and utilization of the resources specified in article 1, paragraph 2 (1), may only take place under a concession granted in accordance with the rules laid down in the Act concerning prospecting for and exploitation of raw materials in the subsoil of the Kingdom of Denmark.

2. The Minister of Fisheries may permit fishing and exploration of the living organism specified in article 1, paragraph 2(2). If the study of the natural resources specified in article 1, paragraph 2(1) is required for fisheries or oceanographic research, permission for such study shall similarly be granted by the Minister of Fisheries.

3. A permit under the second sentence of paragraph 1 hereof may be issued as a sole right to recover during the validity of the permit one or more of the said raw materials from the whole of the continental shelf or any particular area thereof.

4. A sole permit shall be issued only to such enterprises as are organized as limited liability companies. Such permits shall be valid for maximum periods of fifteen years at a time and may, *inter alia*, contain the following conditions:

(a) That the Minister for Public Works shall be empowered at any time to impose restrictions with respect to the nature and quantity of the deposits authorized for recovery; restrict or bar all recovery in certain areas, or define general or local limits of depths within or beyond which recovery is authorized;

(b) That the Minister shall be empowered to issue directives for fixing of prices of the deposits recovered and that, with a view thereto, the company shall provide the Minister with detailed information on the annual expenses

¹ The Act of 1971 entered into force on 1 July 1971, repealing article 3 of Royal Decree of 7 June 1963 concerning the exercise of Danish Sovereignty over the continental shelf, reproduced in ST/LEG/SER.B/15, p. 344. Text of 1971 Act provided by the Foreign Ministry of Denmark in a note verbale of 16 November 1971 and translated by the Secretariat of the United Nations. The amendments were made by Act No. 278 of 7 June 1972. The amendments modified paragraph 3 of article 2 and added paragraphs 4 and 5 thereto as well as a new article 6 (a). English text of these new provisions are based on an unofficial translation done by the Ministry of Justice of Denmark and provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 5 January 1973.

of the company for administration, repairs, replacements, depreciations, appropriations for reserves, dividends, etc.;

(c) That the company shall not be authorized to increase its share capital or to raise any loan without the consent of the Minister;

(d) That any assignment of shares shall be subject to the consent of the Minister;

(e) That deposits recovered shall be landed in a Danish port or at such other place of discharge as has been approved by the Minister;

(f) That, in accordance with directives issued by the Minister, the Company shall report on their recovery activities, particularly with respect to sites and depths of recovery and also the nature and quantities of the deposits recovered;

(g) That, in accordance with rules issued by the Minister, the company shall accede to supervision of its fulfilment of the directives issued and shall defray the expenses incidental thereto;

(h) That the company shall pay a royalty to the Treasury for its recovery activities; and

(i) That the company shall reimburse the Government for expenditure incurred in respect of payment of compensation under paragraph 2 of article 6 (a) of this Act and for the expenses incidental to the fixing of the compensation.

5. Permits under the second sentence of paragraph 1 hereof for recovery of species of raw materials other than those comprised by a sole permit, or for recovery in areas other than those authorized by a sole permit, and also permits under paragraph 2 hereof shall be issued for periods of up to five years at a time and may, *inter alia*, be contingent upon payment of a royalty to the Treasury and upon the raw materials recovered being landed in a Danish port or at such other place of discharge as has been approved by the Minister for Public Works.

Article 3. 1. Danish law shall apply to installations which are to be used for exploration or exploitation of the continental shelf and are situated in the area of the shelf and in safety zones surrounding the installation (cf. however, paragraph (2)). In determining the area of jurisdiction of Danish courts and administrative authorities, installations and safety zones shall be deemed to belong to the area nearest to them, save as otherwise provided by the Minister concerned.

2. The following laws shall not apply to installations and safety zones:

- (1) The Act on Saltwater Fisheries;
- (2) The Act on Hunting;
- (3) The Act Concerning the Conduct of Economic Activities in Greenland;
- (4) The Act on Hunting and Fresh Water Fisheries in Greenland, and
- (5) The Act on Commercial Trapping, Fishing and Hunting in Greenland.

Article 4. 1. The Minister of Public Works may prescribe special regulations concerning safety measures in connexion with the setting-up and operation of the installations specified in article 3, paragraph 1, concerning the laying of pipelines and cables and concerning measures to prevent or remedy pollution.

Supervision to ensure compliance with the regulations shall be the responsibility of the authorities entrusted with similar tasks under other laws, and complaints concerning decisions of the supervisory authority shall be made in accordance with the regulations otherwise applicable to complaints concerning such decisions. The Minister may, however, authorize departures from these provisions.

2. The Minister may also prescribe regulations concerning the establishment of safety zones surrounding installations used for such exploration or exploitation. The maximum extent of such zones shall be 500 metres round the installation, measured from any point at its outer edge. The Minister may prescribe rules concerning sailing in safety zones and, in that connexion, may prohibit access to them by unauthorized ships.

3. The Minister of Public Works shall draw up the regulations specified in paragraphs 1 and 2 of this article in consultation with the ministers responsible for dealing with matters of this kind.

Article 5. 1. Violations of the exclusive right of the State under article 1 shall be punishable by a fine or term of detention not exceeding six months save where a higher penalty is applicable under another law.

2. Any failure to comply with the conditions governing a concession or licence granted in pursuance of this Act or in pursuance of the laws specified in article 2, paragraph 1, and article 6, shall be punishable by a fine save where a higher penalty is applicable under another law.

3. Rules issued in pursuance of article 4 may provide for a penalty of a fine for any violation of such rules.

4. In the case of offences committed by joint-stock companies, co-operative societies or the like, the company or society as such may be held liable.

Article 6. In the case of installations and safety zones (cf. article 3, paragraph 1) situated or established in the part of the continental shelf appertaining to Greenland, the law otherwise applicable to Greenland shall apply. The Minister for Greenland shall exercise the powers specified in articles 2 and 4 in compliance with the regulations laid down in the Act concerning mineral raw materials in Greenland.

Article 6. (a) 1. In the event that a sole permit is issued under article 2, paragraph 3 of this Act the Minister for Public Works shall be empowered to revoke any permits issued prior to January-, 1972, under the second sentence of article 2, paragraph 1 of this Act in so far as the sole permit is issued for raw materials and areas comprised by previous permits.

2. Any party whose permit for recovery of raw materials is revoked in pursuance of paragraph 1 hereof shall be entitled to compensation from the Treasury for any loss thus incurred. Article 12, paragraphs 2 and 3 of the Utilization of Stone, Gravel and Other Natural Resources in the Soil and Territorial Waters Act are similarly applicable.

3. The Minister for Public Works shall be empowered to decide that such restrictions as may be imposed on a sole permit in pursuance of article 2, paragraph 4, subparagraph a of this Act shall be applicable to any permits issued prior to January 1972, under the second sentence of article 2, paragraph 1 of this Act.

6. FIJI

(a) CONTINENTAL SHELF ACT, 1970¹

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 coasts of the islands of Fiji, but beyond the territorial limits of Fiji, to a depth of two hundred metres below the surface of the sea, or beyond that limit, to where the depth of the superjacent waters admits of exploitation of the natural resources of those areas;

“Designated area” means an area designated by an order made under the provisions of subsection (2) of the next succeeding section;

“Installation or device” means any installation, or equipment or other property whatsoever that is constructed, erected or placed in a designated area for the purpose of the exploration of the sea-bed or subsoil or the exploitation of the natural resources thereof;

. . .

“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;

“Petroleum” means

(a) Any naturally occurring hydrocarbon, whether in a gaseous, liquid or solid state;

(b) Any naturally occurring mixture of hydrocarbons, whether in a gaseous, liquid or solid state; or

(c) Any naturally occurring mixture of one or more hydrocarbons, whether in a gaseous, liquid or solid state, and one or more of the following, that is to say, hydrogen sulphide, nitrogen, helium and carbon dioxide, and includes any petroleum as defined in paragraph (a), (b), or (c) of this definition that has been returned to a natural reservoir.

3. Exploration and exploitation of continental shelf

(1) All rights exercisable with respect to the continental shelf appertaining to Fiji and its natural resources for the purpose of exploring that shelf and exploiting those resources are hereby vested in the Crown.

(2) The Minister may from time to time by order² designate any area comprising

(a) Areas within the territorial limits of Fiji; and

(b) Areas of superjacent waters of the continental shelf, as being an area to which the provisions of this Act apply and, in respect of any areas of

¹ Act No. 9 of 1970; 30 December 1970. Provided by the Permanent Representative of Fiji to the United Nations in a note verbale of 23 September 1971.

² See Continental Shelf Act, 1970: Designation of Area Order, *infra* (c).

superjacent waters of the continental shelf included therein, within which the rights referred to in the last preceding subsection are exercisable.

(3) In relation to:

(a) Any petroleum with respect to which any rights referred to in subsection (1) of this section are exercisable; the provisions of any Act for the time being in force relating to the exploration for, and exploitation of, petroleum in Fiji;

(b) Any minerals with respect to which any rights referred to in subsection (1) of this section are exercisable; the provisions of any Act for the time being in force relating to mining in Fiji; and

(c) Any sedentary species of shell-fish or sponges as to which any rights referred to in subsection (1) of this section are exercisable; the provisions of any Act for the time being in force relating to fisheries in Fiji,

as far as they are applicable and with any necessary modifications shall, subject to the provisions of this Act and of any order made under the provisions of the next succeeding subsection, apply with respect to petroleum, minerals and sedentary species of shell-fish or sponges respectively in or on the continental shelf within a designated area as if:

- (i) Every reference to Fiji in any of those Acts included a reference to the continental shelf within that designated area;
- (ii) Every reference to land in any of the Acts referred to in paragraph (a) or (b) of this subsection, included a reference to the continental shelf within that designated area; and
- (iii) Every reference to the territorial waters of Fiji in any Act referred to in paragraph (c) of this subsection, included a reference to the continental shelf and to the waters of the sea above that shelf within that designated area.

(4) The Minister may from time to time by order modify or exclude any of the provisions of any of the Acts referred to in the last preceding subsection to such extent as may be necessary for the purpose of giving full effect to the provisions of that subsection.

4. *Application of laws*

(1) Subject to the provisions of this Act the provisions of all laws for the time being in force in Fiji and all instruments having effect under any such laws (hereinafter in this Act referred to as the "applied provisions") shall apply as provided by this section, to the superadjacent waters of the continental shelf within every designated area as if such waters were part of Fiji.

(2) The applied provisions shall apply to and in relation to all acts, omissions, matters, circumstances and things touching, concerning, arising out of or connected with the exploration of the continental shelf in a designated area and the exploitation of the natural resources of that shelf.

(3) Without limiting the operation of the last preceding subsection the applied provisions shall apply:

(a) To and in relation to:

- (i) Any act or omission that takes place in, on, above, below or in the vicinity of; and

(ii) Any matter, circumstance or thing that exists or arises with respect to or in connexion with, any installation or device that is in a designated area for any reason touching, concerning, arising out of or connected with the exploration of the continental shelf in that designated area or the exploitation of the natural resources of that shelf;

(b) To and in relation to any person:

- (i) Who is in, on, above, below or in the vicinity of any such installation or device; or
- (ii) Who is in a designated area for any reason touching, concerning, arising out of or connected with the exploration of the continental shelf in a designated area or the exploitation of the natural resources of that shelf; or
- (iii) In respect of his carrying on any operation or doing any work in a designated area for any reason of the kind referred to in the last preceding subparagraph.

(4) For the purposes of this section a law shall be taken to be a law in force in Fiji notwithstanding that that law applies to part only of Fiji.

(5) Subject to the provisions of the two next succeeding subsections jurisdiction is conferred on the several courts of Fiji in all matters arising under the applied provisions.

...

5. *Application of customs laws*

Without limiting the provisions of any law relating to the Customs, every installation or device, and any materials or parts used in the construction of an installation or device, which is brought into a designated area from any port or place beyond the seas shall be deemed to have been imported into Fiji when the installation or device is constructed, erected or placed in, on or above the sea-bed within such designated area in connection with the exploration of the sea-bed or subsoil or the exploitation of the natural resources thereof.

6. *Safety zones for protection of installations in designated areas*

(1) The Minister may, for the purpose of protecting any installation or device in any designated area, by order prohibit ships, subject to any exceptions provided by such order, from entering or remaining in any area specified in such order (hereinafter in this Act referred to as a "safety zone") without the permission of the Minister.

(2) A safety zone specified in an order made under the provisions of the last preceding subsection may extend to a distance of five hundred metres around the installation or device specified in such order measured from each point of the outer edge of the installation or device.

(3) If any ship enters or remains in any part of a safety zone in contravention of an order made under this section, the owner or master of such ship shall be guilty of an offence and shall be liable to a fine not exceeding one thousand dollars or to imprisonment for a period not exceeding six months or to both such fine and imprisonment unless he proves that the prohibition was not, and could not on reasonable inquiry have become, known to the master.

7. *Safety of navigation*

(1) No person shall without the consent in writing of the Minister in any designated area

(a) Construct, alter or improve any works on, under or over any part of the sea-bed; or

(b) Remove any object or any material from any part of the sea-bed, in such manner that any obstruction or danger to navigation is caused or is likely to arise.

...

(3) If the Minister is of the opinion that any operation in respect of which an application is made to him under the provisions of this section will cause or is likely to cause any obstruction or danger to navigation he may either refuse his consent or may give his consent subject to such conditions as he thinks fit having regard to the nature and extent of the obstruction or danger which appears to him would otherwise be caused or be likely to result.

...

8. *Enforcement*

(1) Any person who

(a) Carried out any operation in contravention of the provisions of subsection (1) of the last preceding section; or

(b) Fails to comply with any condition subject to which the consent of the Minister has been given under that section,

shall be guilty of an offence and liable to a fine not exceeding three thousand dollars.

(2) Without prejudice to any proceedings under the provisions of the last preceding subsection, where any person has constructed, altered or improved any works in contravention of the provisions of the last preceding section or has failed to comply with any condition subject to which the consent of the Minister was given under that section, the Minister may serve a notice on such person requiring him within such period, not being less than thirty days, as may be specified in the notice, or if it appears to the Minister urgently necessary so to do, the Minister may himself arrange for the works to be removed or altered, as the case may be.

(3) If within the period specified in any notice served under the provisions of the last preceding subsection the person upon whom the notice is served fails to comply therewith, the Minister may himself arrange for the works to be removed or altered, as the case may be.

(4) In any case in which the Minister, exercising the powers conferred by either of the two last preceding subsections, arranges for the works to be removed or altered he shall be entitled to recover as a civil debt the expenses thereof, as certified by him, from the person by whom the works were constructed, altered or improved.

9. *Discharge of oil*

(1) If in any designated area any oil to which the provisions of this section apply 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 pipeline; or

(b) As a result of any operations for the exploration of the sea-bed or subsoil or the exploitation of the natural resources thereof in a designated area,

the owner of the pipeline 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.

(2) The provisions of this section apply to crude oil, fuel oil, lubricating oil and heavy diesel oil, as the same may be defined by the Minister by order made under the provisions of this section, and to any other description of oil which may be so defined by the Minister having regard to the persistent character of that oil and the likelihood that it would cause pollution if discharged or allowed to escape into the sea.

(3) Any person guilty of an offence under the provisions of this section shall be liable, on conviction, to a fine of three thousand dollars.

...

11. *Prosecution of offences*

(1) Proceedings for any offence under this Act (including an offence under any of the applied provisions) may be taken, and such offence may for all incidental purposes be treated as having been committed, in any place in Fiji.

(2) Where a body corporate is guilty of such an offence and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(3) For the purposes of the last preceding subsection, "director" in relation to any statutory corporation, the affairs of which are managed by its members, means a member of that corporation.

...

(b) OIL MINES ORDINANCE OF 28 DECEMBER 1915, AS AMENDED UP TO 1969, articles 2-5, and 7¹

(c) CONTINENTAL SHELF ACT, 1970: DESIGNATION OF AREA ORDER OF 16 APRIL 1971 BY MINISTER FOR NATURAL RESOURCES²

In exercise of the powers conferred upon me by subsection (2) of section 3 of the Continental Shelf Act, 1970,³ I have designated the area lying between

¹ *Supra* DIVISION 1, SUBDIVISION A, Chapter IX, 5.

² Legal Notice No. 46. *Fiji Royal Gazette Supplement*, No. 14; 23 April 1971, p. 83.

³ *Supra* (a).

latitudes 15 degrees 30 minutes south and 21 degrees 30 minutes south as contained by meridians of longitude 176 degrees 30 minutes east and 178 degrees west as being an area to which the provisions of that Act apply and, in respect of any areas of superjacent waters of the continental shelf included therein, within which the rights referred to in subsection (1) of section 3 of that Act are exercisable.

7. FRANCE

(a) CODE DES DOUANES, MODIFIÉ EN 1969¹

Article 63 bis. Les agents des douanes peuvent à tout moment visiter les installations et dispositifs du plateau continental. Ils peuvent également visiter les moyens de transport concourant à son exploration ou à l'exploitation de ses ressources naturelles, à l'intérieur des zones de sécurité prévues par la loi et dans la zone maritime du rayon des douanes.

...

TITRE VII

...

Chapitre V. Plateau continental

Article 196 quater. Les produits extraits du plateau continental sont considérés comme extraits d'une nouvelle partie du territoire douanier.

Les mêmes produits doivent, pour l'application de la législation fiscale, être considérés comme extraits du territoire français métropolitain.

Article 196 quinquies. 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.

...

(b) DÉCRET N° 71-360 DU 6 MAI 1971², PORTANT APPLICATION DE LA LOI N° 68-1181³ DU 30 DÉCEMBRE 1968 RELATIVE À L'EXPLORATION DU PLATEAU CONTINENTAL ET À L'EXPLOITATION DE SES RESSOURCES NATURELLES

TITRE 1^{er}. DES AUTORISATIONS D'EXPLORATION ET D'EXPLOITATION

Section 1. Dispositions communes à toutes les activités d'exploration ou d'exploitation

Article premier. Sous réserve des dispositions de l'article 15, les autorisations prévues au présent titre ne peuvent être accordées qu'aux personnes qui possèdent un établissement en France métropolitaine et s'engagent à observer toutes les obligations et toutes les formalités qui résultent du droit d'explorer le plateau continental de la République et d'en exploiter les ressources naturelles.

¹ Modifié par le décret n° 69-268 du 14 mars 1969, *Journal officiel*, 28 mai 1969, p. 3096.

² *Journal officiel*, 15 mai 1971, p. 4692.

³ *Ibid.*, 31 décembre 1968, p. 12404. Reproduite partiellement dans ST/LEG/SER.B/15, p. 356 à 359.

Toutefois, les personnes qui possèdent un établissement dans les départements ou territoires d'outre-mer sont considérées comme satisfaisant à la condition d'établissement prévue ci-dessus lorsqu'elles ont élu domicile en France métropolitaine.

Article 2. Les demandes d'autorisation sont, au cours de la procédure d'instruction, soumises pour avis au centre national pour l'exploitation des océans qui, dans le délai d'un mois, les examine en tenant compte, notamment, des autres activités en cours ou en projet.

*Section 2. Activités d'exploration ou d'exploitation concernant
les substances minérales ou fossiles*

Article 3. L'autorisation prévue par l'article 2 de la loi susvisée du 30 décembre 1968 est constituée, en ce qui concerne l'exploration et l'exploitation des substances minérales ou fossiles, soit par une autorisation de prospections préalables, qui sera délivrée dans des conditions fixées par décret en Conseil d'Etat, soit par un permis exclusif de recherches de mines, un permis d'exploitation de mines ou une concession de mines, qui seront dénommés "Titres miniers" dans les articles ci-après.

Article 4. Sans préjudice des dispositions de l'article 34 de la loi susvisée du 30 décembre 1968, toutes activités de prospection, d'exploration ou d'exploitation exercées sur le plateau continental et portant sur des substances minérales et fossiles sont soumises aux déclarations, au contrôle et à la communication de renseignements prévus aux articles 131 à 135 du code minier.

La déclaration prévue à l'article 131 dudit code est obligatoire, quelle que soit la profondeur des fouilles et sondages exécutés sur le plateau continental.

Article 5. Les demandes de titres miniers portant en totalité ou en partie sur le plateau continental sont établies et instruites selon les dispositions qui sont prévues par le code minier et les textes pris pour son application en matière de titres miniers concernant le fond de la mer, notamment le décret susvisé du 29 octobre 1970.

La conférence prévue à l'article 1^{er}, 3^o, dudit décret examine notamment si les activités projetées sont compatibles avec les dispositions des conventions ou accords sur le plateau continental auxquels la France est partie.

Article 6. Le décret ou l'arrêté portant octroi du titre minier désigne le préfet qui exercera les attributions dévolues à l'autorité préfectorale par la législation et la réglementation minières applicables.

Article 7. Le titulaire d'un titre minier doit adresser au préfet, avec copie à l'ingénieur en chef des mines, ses programmes de travaux quarante-cinq jours au moins avant la date prévue pour leur mise à exécution.

Article 9. Sans préjudice des pouvoirs qu'il tient du code minier, le préfet peut, si la commission estime que l'exécution des programmes présentés à son examen doit porter atteinte à la création, au développement ou à l'extension des ports, nuire à la stabilité des rivages, comporter des risques de pollution, entraver la pose, l'entretien ou le fonctionnement des câbles de télécommunications sous-marins, des câbles d'énergie ou des pipe-lines sous-marins, ou doit gêner de manière injustifiable la navigation, la pêche, la défense nationale,

les liaisons de télécommunications, la conservation des ressources biologiques de la mer ou les recherches océanographiques fondamentales, interdire les travaux en tout ou en partie ou les soumettre à des conditions particulières. La décision du préfet est notifiée au titulaire.

En l'absence de notification de la décision du préfet dans le délai de quarante-cinq jours suivant la présentation du programme de travaux, le titulaire peut procéder à l'exécution de ce programme.

Le titulaire peut se pourvoir contre la décision du préfet auprès du ministre du développement industriel et scientifique, qui saisit le ou les ministres intéressés. Il est statué par décision conjointe desdits ministres.

Le titulaire rend compte au préfet de l'exécution des programmes.

Article 10. Après avis de la commission, le préfet maritime prescrit, le cas échéant, qu'il sera établi une ou plusieurs zones de sécurité dans les conditions prévues à l'article 4 de la loi susvisée du 30 décembre 1968.

Il peut déterminer les restrictions de survol des installations et des zones de sécurité.

A l'intérieur de la zone de sécurité, il exerce les pouvoirs de police qu'il assume dans les eaux territoriales.

...

Section 3. Activités d'exploration ou d'exploitation ne concernant pas les substances minérales ou fossiles

Article 14. L'autorisation d'entreprendre sur le plateau continental une activité tendant à la découverte ou à l'exploitation de ressources naturelles autres que les substances minérales ou fossiles est accordée par le ministre exerçant la tutelle du centre national pour l'exploitation des océans, après avis du ministre chargé de la marine marchande et des autres ministres intéressés. Toutefois, en ce qui concerne les établissements de pêche ou de culture marine mentionnés à l'article 2, deuxième alinéa, de la loi du 30 décembre 1968, l'autorisation est délivrée par le ministre chargé des pêches maritimes, après avis du centre national pour l'exploitation des océans.

Article 15. Par dérogation aux dispositions de l'article 1^{er} du présent décret, l'octroi d'une autorisation de recherches de nature purement scientifique concernant notamment les caractères physiques ou biologiques du plateau continental n'est pas subordonné à la possession d'un établissement en France par la personne qui en fait la demande. L'autorisation est demandée au ministre chargé de la recherche scientifique, qui prend l'avis des autres ministres intéressés, notamment celui du ministre des affaires étrangères si le demandeur est de nationalité étrangère.

TITRE II. SIGNALISATION DES INSTALLATIONS ET DISPOSITIFS ET TRANSMISSION DES INFORMATIONS NAUTIQUES

Section 1. Signalisation des installations et dispositifs

Article 16. Les règles générales techniques relatives à la signalisation prescrite par l'article 11 de la loi susvisée du 30 décembre 1968 sont fixées par

arrêté du ministre de l'équipement et du logement, pris après avis de la commission des phares.

TITRE IV. DISPOSITIONS GÉNÉRALES

Article 23. Les fonctionnaires et agents de l'Etat, et éventuellement des établissements publics nationaux, ainsi que toutes autres personnes habilitées à exercer des fonctions en application des lois et règlements visés à l'article 5 de la loi susvisée du 30 décembre 1968 exercent leurs attributions respectives sur les installations et dispositifs mentionnés à l'article 3 de ladite loi et à l'intérieur des zones de sécurité mentionnées à l'article 4 de cette loi dans les mêmes conditions que sur le territoire national, terrestre ou maritime.

Le préfet désigné selon l'article 6 du présent décret exerce sur les installations et dispositifs et, le cas échéant, à l'intérieur des zones de sécurité les attributions de police administrative dévolues au préfet dans un département dans les conditions et sous les réserves prévues par l'article 5 de la loi précitée.

Article 24. La compétence des juridictions dans le ressort desquelles est situé le point de la côte le plus rapproché des installations et dispositifs visés à l'article 3 de la loi susvisée du 30 décembre 1968 ainsi que des zones de sécurité visées à l'article 4 de ladite loi est étendue auxdites installations, dispositifs et zones de sécurité. Demeurent applicables les règles de compétence territoriale autres que celles qui dérivent du lieu d'un fait survenu sur une installation ou un dispositif ou dans une zone de sécurité, et notamment la règle prévue aux alinéas 1 et 2 de l'article 358 du code des douanes.

Article 25. Les attributions de police judiciaire des services de police et de gendarmerie ayant compétence dans le ressort du tribunal de grande instance ou, pour les territoires d'outre-mer, du tribunal de première instance déterminé conformément à l'article précédent s'exercent sur les installations et dispositifs ainsi que dans les zones de sécurité visées auxdits articles.

Il en est de même en ce qui concerne les attributions des fonctionnaires et agents chargés de certaines fonctions de police judiciaire.

Article 26. Le service des douanes doit être préalablement informé par le propriétaire ou l'exploitant de la mise en place, du déplacement ou de l'enlèvement d'une installation ou d'un dispositif.

Article 27. Il est tenu sur les installations et dispositifs prévus à l'article 3, 1°, de la loi susvisée du 30 décembre 1968 un registre des hydrocarbures. La forme suivant laquelle sera tenu ce registre et les mentions qui devront y figurer seront précisées par un arrêté conjoint du ministre du développement industriel et scientifique, du ministre chargé de la marine marchande et du ministre de l'économie et des finances.

TITRE V. MESURES PARTICULIÈRES CONCERNANT L'EXPLORATION ET L'EXPLOITATION DU PLATEAU CONTINENTAL ADJACENT AUX TERRITOIRES D'OUTRE-MER

Article 28. Les dispositions du présent décret sont applicables aux personnes entreprenant l'exploration ou l'exploitation des ressources du plateau continental adjacent aux territoires d'outre-mer, sous réserve des conditions particulières prévues aux articles suivants.

Article 29. Pour l'application des dispositions des titres I^{er} et IV ci-dessus, le délégué du Gouvernement dans les territoires est substitué au préfet.

Pour l'application de l'article 10 ci-dessus, le délégué du Gouvernement dans le territoire est investi des pouvoirs confiés au préfet maritime.

De même pour l'application des dispositions du titre II ci-dessus, le délégué du Gouvernement est compétent pour remplir les fonctions dévolues à l'ingénieur en chef des services maritimes des ponts et chaussées.

Pour l'exercice des attributions qui lui sont confiées, le délégué du Gouvernement pourra déléguer sa signature à tout fonctionnaire compétent relevant d'un service de l'Etat dans le territoire.

Article 30. Le délégué du Gouvernement correspond directement avec les ministres compétents; une copie de ses correspondances est adressée au ministre chargé des territoires d'outre-mer, qui, le cas échéant, fait part de ses observations au ministre compétent.

Un représentant du ministre chargé des territoires d'outre-mer siège à la conférence prévue à l'article 1^{er}, 3^o, du décret susvisé du 29 octobre 1970 lorsqu'une affaire intéressant un territoire d'outre-mer y est examinée.

Article 32. Dans les territoires d'outre-mer, les délais de quarante-cinq jours prévus aux articles 7 et 9 ci-dessus sont portés à soixante jours et le délai de trente jours prévu à l'article 8 ci-dessus est porté à quarante jours.

Article 33. Les salariés exerçant leur activité sur des installations ou dispositifs situés sur le plateau continental adjacent à un territoire d'outre-mer bénéficient du régime du travail et de prévoyance sociale en vigueur dans ce territoire, à moins qu'ils ne soient déjà soumis à un autre régime.

(c) DÉCRET N° 71-362, DU 6 MAI 1971, RELATIF AUX AUTORISATIONS DE PROSPECTIONS PRÉALABLES DE SUBSTANCES MINÉRALES OU FOSSILES DANS LE SOUS-SOL DU PLATEAU CONTINENTAL¹

Article premier. Sous réserve des dispositions de l'article 5 du présent décret, l'autorisation de prospections préalables de substances minérales ou fossiles dans le sous-sol du plateau continental est accordée pour une surface définie et pour une durée n'excédant pas deux ans par le ministre chargé des mines dans les conditions définies aux articles 2 à 4 ci-après.

Cette autorisation donne à son titulaire le droit non exclusif d'exécuter tous travaux de recherches à l'exclusion des sondages dépassant une profondeur de 300 mètres.

Ces travaux sont soumis aux règles de police et de sécurité régissant les travaux effectués en vertu d'un permis exclusif de recherches de mines.

L'autorisation de prospections préalables ne donne pas le droit de disposer du produit des recherches.

Elle devient caduque de plein droit lors de l'attribution d'un titre minier, pour les surfaces et les substances intéressées par celui-ci :

Elle peut-être retirée en cas d'inobservation des règlements;

¹ *Journal officiel*, 15 mai 1971, p. 4695.

Le titulaire d'une autorisation de prospections préalables peut demander à y renoncer;

Les arrêtés ministériels prononçant le retrait ou acceptant la renonciation sont publiés au *Journal officiel*.

Article 2. La demande d'autorisation de prospections préalables est adressée au ministre chargé des mines . . .

. . .

Article 5. Les demandes de prospections préalables portant sur des substances comprises dans l'appellation de matériaux de construction, d'empierrement ou de viabilité pour une période ne dépassant pas trois mois sont adressées au préfet du ou des départements les plus proches compris entre le prolongement soit des méridiens, soit des parallèles limitant la zone à prospector. Copies de la demande et de ses annexes sont envoyées au ministre, au centre national pour l'exploitation des océans et à l'ingénieur en chef des mines. Il est précisé, dans chaque envoi, qu'il est fait en application du présent article. Le programme des travaux doit être joint à la demande.

8. GREECE

DÉCRET-LOI N° 142/1969 RELATIF À L'EXPLORATION ET À L'EXPLOITATION DES RESSOURCES MINÉRALES SE TROUVANT DANS LE FOND DE LA MER ET DES LACS, article premier¹

9. IRAN

ACT OF 18 JUNE 1955 ON THE EXPLORATION AND EXPLOITATION OF THE NATURAL RESOURCES OF THE CONTINENTAL SHELF OF IRAN²

Article 1. The term "Falate Gharreh" used in this Act, shall have the same meaning as the term "Continental Shelf" in English or "Plateau continental" in French.

Article 2. The (submarine) areas as well as the natural resources of the sea-bed and the subsoil thereof, up to the limit of the continental Shelf adjacent to the Iranian coast and to the coasts of Iranian islands in the Persian Gulf and the Sea of Oman have belonged and shall continue to belong to Iran and shall remain under its sovereignty.

Note: In respect of the Caspian Sea, the principles of International Law relating to closed seas shall remain applicable.

10. KHMER REPUBLIC

KRAM (LOI) N° 380/68-CE DU 16 DÉCEMBRE 1968 PORTANT RÉGLEMENTATION MINIÈRE, articles 1, 2, 5, 7, 12, 17, 36, 37, 55, 58, 71, 80-82³

¹ *Supra* DIVISION I, SUBDIVISION A, Chapter IX, 6.

² English text provided by the Minister for Foreign Affairs of Iran in a note verbale of 16 July 1972. In accordance with the information contained in the note, this English text replaces the French text reproduced in ST/LEG/SER.B/15, pp. 366-367.

³ *Supra* DIVISION I, SUBDIVISION A, Chapter IX, 7.

11. KUWAIT

INFORMATION CONCERNING THE BOUNDARY OF THE CONTINENTAL SHELF¹

Kuwait is not a party to the Convention on the Continental Shelf which was signed at Geneva on 29 April 1958. However, Kuwait is aware of the provisions of that Convention, and in exercise of its sovereign right has adopted the "median line" in delimiting the boundary of the continental shelf with its neighbours.

12. MADAGASCAR

- (a) CODE PÉTROLIER, 1962, articles 1-4, 6-8, 18-21, 26, 28, 30, 83 et 84²
 (b) LOI N° 70-016 DU 15 JUILLET 1970 PORTANT RÉGLEMENTATION MARITIME DES INSTALLATIONS ET AUTRES DISPOSITIFS SUR LE PLATEAU CONTINENTAL³

CHAPITRE I. EXERCICE DE LA SOUVERAINETÉ SUR LE PLATEAU CONTINENTAL DÉFINITIONS

Article premier. La République exerce, conformément à la Convention de Genève du 29 avril 1958, des droits souverains sur le plateau continental malgache.

Article 2. Tous "dispositifs" et "installations" construits aux fins d'exploration et d'exploitation du plateau continental sont soumis aux dispositions de la présente Loi.

Article 3. Les expressions "dispositifs" et "installations" désignent

- a) Les plates-formes
- b) Les autres engins d'exploration et d'exploitation ainsi que leurs annexes
- c) Les bâtiments de mer qui participent directement aux opérations d'exploration et d'exploitation.

CHAPITRE II. RÉGIME JURIDIQUE DES DISPOSITIFS ET INSTALLATIONS

Article 4. Lorsqu'ils sont susceptibles de flotter les dispositifs et installations sont soumis aux lois et règlements concernant l'immatriculation, le permis de circulation ou de navigation ainsi qu'au règlement relatif à la prévention des abordages en mer pendant le temps où ils flottent.

Article 5. Sauf dérogation spéciale accordée par le Ministère de l'Équipement et des Communications tout transport maritime ou aérien à destination des dispositifs et installations mis en place sur le plateau continental adjacent est réservé aux navires et aéronefs malgaches.

Article 6. Les dispositifs et installations définis ci-dessus sont meubles et susceptibles d'hypothèques dans les conditions prévues par le Code maritime.

CHAPITRE III. STATUT DU PERSONNEL MARITIME

Article 7. Pour la mise en œuvre de la présente Loi et de ses règlements d'application, la personne assumant sur ces dispositifs et installations la con-

¹ Provided by the Permanent Mission of the State of Kuwait to the United Nations in a note verbale of 12 July 1971.

² *Supra* DIVISION I, SUBDIVISION A, Chapter IX, 8.

³ Texte transmis par le représentant permanent de la République malgache auprès de l'Organisation des Nations Unies par note en date du 15 décembre 1971.

duite des travaux d'exploration ou d'exploitation est considérée comme le Capitaine au sens du Code maritime.

Article 8. Sont considérés comme marins, au sens de la présente Loi, les personnels en poste permanent qui s'occupent de la conduite, de la manœuvre, de la mise en place, de l'entretien et de la sécurité des dispositions et installations.

Article 9. Les marins malgaches qui concourent à bord des dispositifs et installations aux activités définies ci-dessus sont soumis aux dispositifs du Code maritime.

CHAPITRE IV. DISPOSITIONS RELATIVES AUX MESURES DE SÉCURITÉ

Article 10. Il sera délimité autour des dispositifs et installations définis ci-dessus 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.

Article 11. Il est interdit de pénétrer sans autorisation dans la zone de sécurité par quelque moyen que ce soit pour des raisons étrangères aux opérations d'exploration et d'exploitation.

Article 12. Des restrictions peuvent être apportées au survol des dispositifs et installations et des zones de sécurité dans la mesure nécessaire à la protection de ces dispositifs et installations et à la sécurité de la navigation aérienne.

Article 13. Les dispositifs et installations sont soumis aux conventions, lois et règlements concernant la sauvegarde de la vie humaine en mer.

...

CHAPITRE V. SIGNALISATION

Article 15. Le propriétaire, l'exploitant d'un dispositif ou d'une installation et le capitaine sont responsables, chacun en ce qui le concerne, de l'installation, du fonctionnement et du maintien constant en bon état de sa signalisation.

...

Article 18. Les informations nautiques relatives aux activités d'exploration et d'exploitation du plateau continental, notamment celles concernant la zone de sécurité, la signalisation, la mise en place et les mouvements des installations et dispositifs, doivent être transmises aux autorités administratives maritimes.

CHAPITRE VI. DISPOSITIONS PÉNALES

Article 19. Toute personne qui aura détruit volontairement ou dans une intention criminelle une installation ou un dispositif quelconque par quelque moyen que ce soit sera punie des peines édictées par les articles 434 et 435 du Code pénal.

Article 20. Quiconque, sauf cas de force majeure, aura irrégulièrement pénétré à l'intérieur d'une zone de sécurité définie ci-dessus, après que les autorités compétentes auront pris les mesures appropriées en vue de permettre aux navigateurs d'avoir connaissance de la situation de cette zone, sera puni d'un emprisonnement d'un à deux mois et d'une amende de 25 000 à 1 250 000 francs, ou de l'une de ces deux peines seulement.

En cas de récidive, les peines prévues au paragraphe précédent seront portées au double.

Article 21. Quiconque aura entrepris sur le plateau continental une activité en vue de son exploration ou de l'exploitation de ses ressources sans être muni de l'autorisation prévue par le Code pétrolier et la loi minière ou sans que soient respectées les conditions fixées par cette autorisation sera puni d'un emprisonnement d'un à trois mois et d'une amende de 50 000 à 1 000 000 francs ou de l'une de ces deux peines seulement.

En cas de récidive, les peines prévues au paragraphe précédent seront portées au double.

Article 22. Sans préjudice de l'application des lois et règlements concernant la répression de la pollution des eaux de mer par les hydrocarbures, sera puni d'une amende de 100 000 à 1 000 000 francs, et, en cas de récidive, d'un emprisonnement d'un à six mois et d'une amende de 250 000 à 2 500 000 de francs, ou de l'une de ces deux peines seulement, quiconque aura, au cours d'exploration et d'exploitation des ressources naturelles du plateau continental, déversé ou laissé échapper dans la mer, à partir d'une installation ou d'un dispositif défini ci-dessus, des produits énumérés à l'article 3, 1°, de la Convention internationale pour la prévention de la pollution des eaux de la mer par les hydrocarbures, signée à Londres le 12 mai 1954¹, tels qu'ils sont définis à l'article premier, 1°, de ladite Convention.

...

CHAPITRE VII. DISPOSITIONS DIVERSES

Article 30. Pour s'assurer que le propriétaire ou l'exploitant ou le capitaine des dispositifs et installations satisfont aux obligations mises à leur charge par la présente loi, les personnes énumérées à l'article 29 ont accès dans la zone de sécurité, aux installations et dispositifs, ainsi qu'aux appareils de signalisation.

Article 31. La mise en place des installations et dispositifs ne doit pas gêner gravement les activités traditionnelles de la mer, notamment en ce qui concerne la pêche et la navigation maritime.

...

Article 34. Le propriétaire ou l'exploitant des dispositifs et installations doit obligatoirement souscrire une assurance pour couvrir sa responsabilité pour dommages par pollution de la mer et du rivage.

13. MALAYSIA

(a) CONTINENTAL SHELF ACT, 1966, AS AMENDED IN 1969²

1. Citation and application

...

(2) This Act shall apply throughout Malaysia.

¹ Nations Unies, *Recueil des Traités*, vol. 327, p. 3.

² The 1966 Act (Act of Parliament No. 57 of 1966; 28 July 1966) is reproduced in part in ST/LEG/SER.B/15, pp. 375-378. The amendments were made by PU (A) 467/69. Only the amended parts are reproduced here.

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 Malaysia but beyond the limits of the territorial waters¹ adjacent to the States of Malaya, Sabah and Sarawak, the surface of which lies at a depth no greater than 200 metres below the surface of the sea, or, where the depth of the superadjacent waters admits of the exploitation of the natural resources of the said areas, at any greater depth.

...

4. *Exploration, prospecting and mining of petroleum and other minerals on continental shelf*

(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; and the provisions of that Act shall apply in all respects to the exploration, prospecting and mining for petroleum in the sea-bed or subsoil of the continental shelf.

...

5. *Application of criminal and civil law*

(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:

...

(e) Without limiting the provisions of the Customs Act, 1967, 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.

...

6. *Power to make regulations*

...

(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 Malaysia:

Provided that nothing in this section shall affect the rights and powers of the State Authority under the appropriate land law or any other written law in respect of areas within the limits of the territorial waters of the State.

¹ For the definition of the territorial waters, see Emergency (Essential Powers) Ordinance, No. 7, 1969, as amended, Sections 3 and 4, *supra* DIVISION 1. SUBDIVISION A, Chapter 1, 13.

(b) PETROLEUM MINING ACT, 1966, AS AMENDED IN 1969¹1. *Citation, commencement and application*

...

(2) This Act shall apply throughout Malaysia:

Provided that in its application to Sabah and Sarawak this Act shall have effect only with respect to the exploration, prospecting or mining for petroleum in off-shore land.

2. *Interpretation*

...

“Foreshore” means all that land lying between the shore line and the low-water mark of ordinary spring tides;

“Land” means in relation to the States of Malaya any area of on-shore land and includes off-shore land adjacent to and contiguous with such on-shore land and in relation to the States of Sabah and Sarawak only the area of off-shore land;

...

“On-shore land” includes the foreshores and submarine areas beneath the territorial waters² of the States of Malaya, Sabah and Sarawak;

...

13.

(1) ...

(2) *Extent of repeal of the mining ordinances of Sabah and Sarawak.* The Mining Ordinance of Sabah, the Oil Mining Ordinance of Sarawak and any other State law in force in Sabah or Sarawak relating to mining shall continue in force except in relation to the exploration, prospecting or mining for petroleum in off-shore land and the provisions of the said Ordinances and any such law insofar as they relate to the exploration, prospecting or mining for petroleum in off-shore land shall upon the commencement of this Ordinance cease to have force or effect.

...

14. MALTA

CONTINENTAL SHELF ACT, 1966³

...

2. *Interpretation*

In this Act, unless the context otherwise requires:

¹ The 1966 Act (Act of Parliament No. 58 of 1966; 1 December 1966) is reproduced in part in ST/LEG/SER.B/15, pp. 378-379. The amendments were made by PU(A) 467/69. Only the amended sections are reproduced here.

² For the definition of the territorial waters, see Emergency (Essential Powers) Ordinance, No. 7, 1969, as amended, Section 3 and 4, *supra* DIVISION I, SUBDIVISION A, Chapter 1, 13.

³ Act No. XXXV of 1966. Passed by the House of Representatives on 22 July 1966, and assented to by the Governor-General on 28 July 1966. Text provided by the Permanent Mission of Malta to the United Nations in a note verbale of 5 July 1972.

“The continental shelf” means the sea-bed and subsoil of the submarine areas adjacent to the coast of Malta but outside territorial waters, 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; so however that where in relation to states of which the coast is opposite that of Malta it is necessary to determine the boundaries of the respective continental shelves, the boundary of the continental shelf shall be that determined by agreement between Malta and such other State or States or, in the absence of agreement, the median line, namely a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial waters of Malta and of such other State or States is measured;

“Malta” has the same meaning as is assigned to it by section 126 of the Constitution of Malta;

“Natural resources” means the mineral and other non-living resources of the sea-bed and subsoil as well as the living organisms belonging to sedentary species.

3. *Exploration and exploitation of the continental shelf*

(1) Any rights exercisable by Malta with respect to the continental shelf and its natural resources are by this Act vested in the Government of Malta.

(2) In relation to any petroleum with respect to which the rights mentioned in subsection (1) of this section are exercisable, subsection (2) of section 3 (which prohibits any person from searching or boring for or getting petroleum without a licence), section 4 (which relates to the granting of licences to search and bore for, and get, petroleum) and section 5 (which relates to the making of regulations with respect to the exploration, prospecting and mining for petroleum) of the Petroleum (Production) Act, 1958,¹ shall apply as they apply in relation to petroleum in Malta.

(3) The Prime Minister may from time to time by order published in the Government Gazette 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.

(4) In this section “petroleum” has the same meaning as in the Petroleum (Production) Act, 1958.

4. *Protection of installations in designated areas*

(1) The Prime Minister may for the purpose of protecting any installation or other device in a designated area by order published in the Government Gazette 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.

(2) If any ship enters any part of a designated area in contravention of an order under this section its owner or master shall be liable, on summary conviction, to a fine (*multa*) not exceeding one thousand pounds or to imprisonment for a term not exceeding three months, or to both, unless he proves that the prohibition imposed by the order was not, and would not on reasonable inquiry have become, known to the master.

...

¹ Act No. IV of 1958. Reproduced *supra* DIVISION I, SUBDIVISION A, Chapter IX, 9 (a).

6. *Application of law in force in Malta*

(1) Any act or omission which:

(a) Takes place on, under or above an installation or other device in a designated area or any waters within five hundred metres of such an installation or device; and

(b) Would, if taking place in any part of Malta, constitute an offence under the law in force in Malta,

shall be treated for the purposes of that law and of any other law in force in Malta as taking place in the island of Malta.

(2) For the purposes of section 743 of the Code of Organisation and Civil Procedure (which relates to jurisdiction) any installation or device in a designated area and any waters within five hundred metres of such an installation or device shall be treated as if they were situated in the island of Malta.

7. *Discharge of oil*

(1) If any oil or any mixture containing not less than one hundred parts of any 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) As a 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.

(2) A person guilty of an offence under this section shall be liable, on summary conviction, to a fine (*multa*) not exceeding one thousand pounds.

8. *Measures to prevent interference with exploitation of continental shelf*

(1) No person shall lay or maintain any submarine cable or pipe-line under the high seas in a designated area without a licence in that behalf granted by the Prime Minister or in contravention of any requirement or condition contained in any such licence as to the route of any such cable or pipe-line or as to any other matter intended to ensure non-interference with the exploration or exploitation of the continental shelf or its natural resources.

(2) Any person who contravenes any of the provisions of this section shall be liable, on summary conviction, to a fine (*multa*) not exceeding fifty pounds for each day during which the offence continues.

9. *Offences by association of persons*

(1) Where an offence under this Act (including an offence under another Act as applied by this Act and anything that is an offence by virtue of subsection (1) of section 6 of this Act) is committed by an association of persons, every person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer of such association or was purporting to act in any such capacity shall be deemed to be guilty of that offence unless

he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.

(2) A member of the Police Force shall on any installation or device in a designated area have all the powers, protection and privileges which he has in Malta.

...

15. NIGERIA

PETROLEUM DECREE 1969¹

...

14. (1) In this Decree, unless the context otherwise requires:

...

“Continental shelf” means the sea-bed and subsoil of those submarine areas adjacent to the coast of Nigeria the surface of which lies at a depth no greater than two hundred metres (or, where its natural resources are capable of exploitation, at any depth) below the surface of the sea, excluding so much of those areas as lies below the territorial waters of Nigeria;

...

“Explore”, in relation to petroleum, means to make a preliminary search by surface geological and geophysical methods, including aerial surveys but excluding drilling below three hundred feet;

...

“Prospect”, in relation to petroleum, means search for by all geological and geophysical methods, including drilling and seismic operations;

...

16. NORWAY

(a) ROYAL DECREE OF 31 JANUARY 1969, ESTABLISHING RULES RELATING TO SCIENTIFIC RESEARCH FOR NATURAL RESOURCES ON THE NORWEGIAN CONTINENTAL SHELF, ETC.²

By virtue of section 3 of the Act of 21st June, 1963, relating to exploration for and exploitation of natural resources of the sea-bed and its subsoil,³ it is hereby provided:

Section 1. These regulations shall apply to scientific research for the natural resources of the sea-bed or its subsoil in Norwegian internal waters, in Norwegian territorial waters, and in the part of the Continental Shelf which is under Norwegian sovereignty, but not in areas subject to private property rights.

Section 2. The natural resources referred to in these rules consist of the mineral and other non-living resources of the sea-bed and its subsoil together with living organisms belonging to the sedentary species, that is to say, orga-

¹ No. 51 of 1969. Text of section 14 provided by the Permanent Representative of Nigeria to the United Nations in a note verbale of 25 October 1973.

² Unofficial English translation by the Royal Ministry of Industry and Handicrafts provided by the Permanent Representative of Norway to the United Nations in a note verbale of 17 November 1971.

³ Reproduced in ST/LEG/SER.B/15, pp. 393-394.

nisms 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.

Section 3. The Royal Ministry of Industry and Handicrafts (hereinafter referred to as the Ministry) may grant licences for scientific research for natural resources in the sea-bed or in its subsoil or in limited areas of same. The licence shall be valid for a specified period of time and shall otherwise be in agreement with this Decree. The Ministry may give additional provisions to ensure the implementation of this Decree and may stipulate supplementary conditions in each separate licence.

Section 4. A scientific research licence may be granted to Norwegian or foreign scientific institutions, scientists and others having a need for conducting scientific researches.

Section 6. A scientific research licence is usually granted for one particular investigation. The licence is free of duty unless otherwise decided in the particular case.

Section 7. Unless otherwise decided, the licence entitles the licensee to carry out the following operations:

- (a) Magnetic surveys;
- (b) Gravimetric surveys;
- (c) Seismic surveys;
- (d) Thermal conductivity measurements;
- (e) Radiometric measurements;
- (f) Collection of samples from the sea-bed or its subsoil, provided that drilling is not involved;

The Ministry may on application grant permission to use other exploration methods.

Section 9. The Ministry may demand in the licence that the Ministry, or anyone authorized by it, shall have the right to participate in, or be represented in the research.

Section 10. The scientific research licence does not give any exclusive right to undertake research in the areas covered by the licence. Nor does it give rights or priority to exploit possible natural resources.

The Ministry may at any time grant exploitation licences to others in the areas covered by the granted scientific research licence without incurring liability, to the licensees mentioned in Section 4.

Section 11. The holder of a scientific research licence shall, without delay, at the termination of the research, submit a report to the Ministry concerning the extent and the execution of the research. The Ministry may stipulate in the licence that reports shall also be submitted whilst the research is in progress.

The holder of a scientific research licence shall within a reasonable period of time submit to the Ministry a detailed report on the results of the research.

The Ministry may require additional information and material to supplement the reports mentioned in paragraphs 1 and 2.

The Ministry may decide that the research results shall be published in a recognized scientific publication or in another manner acceptable to the Ministry. A reasonable number of copies of the relevant publication shall be submitted to the Ministry.

Section 12. The scientific research must be carried out in a safe manner and must not interfere in any unreasonable degree with other activities. Particular care must be taken to avoid unreasonable impediment or nuisance to fishing, shipping, navigation or aviation, damage or risk of damage to marine life, damage or risk of damage to natural resources on the sea-bed or in its subsoil, or to underwater cable or other underwater installations, pollution or risk of pollution to the sea-bed, its subsoil, or the sea or the air.

(b) ROYAL DECREE OF 21 JUNE 1970, ESTABLISHING PROVISIONAL RULES CONCERNING EXPLORATION FOR CERTAIN SUBMARINE NATURAL RESOURCES OTHER THAN PETROLEUM ON THE NORWEGIAN CONTINENTAL SHELF, ETC.¹

Pursuant to section 3 of the Act No. 12 of June 21, 1963 relating to exploration and exploitation of submarine natural resources,² the following rules are provided:

Section 1. These rules shall apply to exploration for certain submarine natural resources other than petroleum—see the definition of petroleum in section 2 of the Royal Decree of April 9, 1965³—on the sea-bed or in its subsoil in Norwegian internal waters, in Norwegian territorial waters and in the part of the Continental Shelf which is under Norwegian sovereignty, but not in areas subject to private property rights.

Any exploration in Norwegian internal waters and in Norwegian territorial waters is subject to the Royal Decrees of February 9, 1968 relating to "Prohibited sea areas"⁴ and "Rules regarding the access of foreign non-military vessels to any part of Norwegian territory in peacetime".⁵

Section 2. For the purpose of this decree, submarine natural resources mean mineral resources other than petroleum, inorganic resources, and coal on the sea-bed and in its subsoil.

Section 3. The Ministry of Industry may grant licences to explore (reconnaissance licences) for certain submarine natural resources on the sea-bed or in its subsoil or in defined parts thereof. Such licences are granted for a period of up to two years.

Section 4. Reconnaissance licences may be granted to Norwegian citizens, corporations, foundations or other associations. The licence is non-assignable.

Section 7. Except as otherwise provided in the licence, it entitles the licensee to carry out the following explorations:

¹ Unofficial English translation by the Royal Ministry of Industry and Handicrafts provided by the Permanent Representative of Norway to the United Nations in a note verbale of 17 November 1971.

² Reproduced in ST/LEG/SER.B/15, pp. 393-394.

³ Reproduced *ibid.*, pp. 394-395.

⁴ *Supra* DIVISION I, SUBDIVISION A, Chapter III, 1 (a).

⁵ *Ibid.*, Chapter II, 6 (b).

(a) Geological and geophysical surveys for the purpose of examining the upper strata of the subsoil,

(b) Sampling of the sea-bed or its subsoil, but not exploratory drilling to a greater depth than 25 metres.

The Ministry may upon special application stating the reasons therefor permit the use of other exploration methods.

...

Section 9. A reconnaissance licence does not give any exclusive right to carry out exploration in the areas mentioned in the licence. Nor does it give any precedence or right to exploit possible natural resources.

The Ministry may, upon special application stating the reasons therefor, grant an exclusive right to explore a defined area for a specified period of time. The licence is granted on conditions that are stipulated for each separate case.

The Ministry may at any time grant to others production licences in areas covered by the granted reconnaissance licence without incurring any liability therefor to any reconnaissance licensee.

...

Section 12. The exploration shall be conducted in a proper and safe manner and must insofar as possible not interfere with other activities. Particular care must be taken in the exploration for the purpose as far as possible to avoid creating any difficulty or obstacle to shipping, fishing or aviation, to avoid any harm or hazard to marine fauna or flora, to natural resources on the sea-bed or in its subsoil, including petroleum resources, or to submarine cables or other submarine installations, and to avoid contamination or risk of contamination of the sea-bed, its subsoil, the sea or the air.

The licensee is obliged to comply with instructions regarding safety measures issued by the maritime and port authorities. The costs of such measures will be paid by the licensee.

Section 13. The exploration shall be conducted in accordance with the safety regulations applying at any time to such activities. The rules of the Royal Decree of August 25, 1967 relating to safety regulations etc. for the surveying and drilling for submarine petroleum resources will until otherwise provided be applicable insofar as appropriate.

Section 18. If damage or inconvenience is caused, Norwegian law of torts is applicable. The tort-feasor, his employer and the holder of the reconnaissance licence are jointly and severally liable for the claim.

The fact that the Ministry of Industry has approved or permitted the act or device which has caused the damage or inconvenience, does not exempt from liability.

...

17. OMAN

DECREE OF 17 JULY 1972 CONCERNING THE TERRITORIAL SEA, CONTINENTAL SHELF AND EXCLUSIVE FISHING ZONES OF THE SULTANATE OF OMAN, articles 3, 4, 7 and 8¹

18. PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN

TERRITORIAL WATERS AND THE CONTINENTAL SHELF OF THE PEOPLE'S REPUBLIC OF SOUTHERN YEMEN LAW, 1970, articles 4-6²

19. PERU

(a) PETROLEUM LAW OF 12 MARCH 1952³

...

Article 14. For the purposes of this law, the territory of the Republic shall be divided into the following four zones:

...

(4) Continental shelf. This shall be the zone lying between the western limit of the coastal zone and an imaginary line drawn seaward at a constant distance of 200 miles from the low-water line along the continental coast.

...

Article 61. The following shall be reserved areas:

...

(2) The zone designated as the continental shelf.

...

(b) NORMATIVE LEGISLATIVE DECREE NO. 18225 OF 14 APRIL 1970, CONCERNING THE MINING INDUSTRY, article 2⁴

(c) LEGISLATIVE DECREE NO. 18880 OF 8 JUNE 1971, ESTABLISHING GENERAL MINING LAW, preliminary title I and IV, and articles 4, 11 and 19⁵

20. SPAIN

COASTS ACT OF 26 APRIL 1969, article I, par. 4⁶

¹ *Supra* DIVISION I. SUBDIVISION A. Chapter I, 21.

² *Ibid.*, 22.

³ No. 11780 of 1952. Text taken from *Instrumentos Nacionales e Internacionales sobre Derecho del Mar* (Ministerio de Relaciones Exteriores del Perú, 1971) provided by the Minister of External Relations in a note verbale of 22 August 1972. Translation by the Secretariat of the United Nations.

⁴ *Supra* DIVISION I. SUBDIVISION A. Chapter IX, 14 (a).

⁵ *Ibid.*, 14 (b).

⁶ *Ibid.*, Chapter I, 25.

21. SRI LANKA

PROCLAMATION OF 19 DECEMBER 1957 BY THE GOVERNOR-GENERAL ON THE RIGHTS OVER THE CONTINENTAL SHELF AND CONSERVATION ZONES¹

Whereas it is established by international practice that every coastal State, for the purpose of the exploration and the exploitation of the natural resources of the sea-bed and the subsoil of the continental shelf adjoining its territory, has sovereign rights over such sea-bed and subsoil, and it is expedient to declare the rights of the Government of Ceylon in respect of the continental or insular shelf of Ceylon:

Now, therefore, I, Oliver Ernest Goonetilleke, Governor-General of Ceylon do by this Proclamation declare

(1) That the Government of Ceylon has had and shall have full and exclusive sovereign rights over the sea-bed and subsoil of the continental or insular shelf adjoining the territory and beyond the territorial waters of Ceylon and accordingly may cause the exploration and the exploitation of the natural resources of such sea-bed and subsoil.

22. SUDAN

TERRITORIAL WATERS AND CONTINENTAL SHELF ACT, 1970, sections 2 (k), 10-13²

23. THAILAND

PETROLEUM ACT OF 26 MARCH 1971³

24. UNION OF SOVIET SOCIALIST REPUBLICS

(a) LIST OF SPECIES OF LIVING ORGANISMS WHICH ARE NATURAL RESOURCES OF THE CONTINENTAL SHELF OF THE USSR APPROVED BY ORDER NO. 350 OF 1971 OF THE MINISTRY OF FISHERIES OF THE USSR⁴

I. CRUSTACEANS (*Crustacea*)

A. True crab (*Brachiura*)

1. Cutter crab (*Chionoecetes opilio* and other species of the genus)
2. Hairy crabs (*Erimacrus isenbeckii*, *Telmessus cheiragonus*)
3. Other species of crab found on the continental shelf of the USSR, excluding species capable of swimming in the adult state

¹ *Government Gazette*, No. 11222; 20 December 1957. Prior to 22 May 1972 the official title of "Sri Lanka" was "Ceylon".

² *Supra* DIVISION I, SUBDIVISION A, Chapter I, 27.

³ *Ibid.*, Chapter IX, 15.

⁴ Text provided by the Permanent Representative of the Union of Soviet Socialist Republics in a note verbale of 26 November 1971. Translation by the Secretariat of the United Nations.

- B. Anomuran crabs (*Lithodidea*)
 - 4. King crab (*Paralithodes camtschatica*)
 - 5. Blue anomuran crab (*Paralithodes platypus*)
 - 6. Prickly anomuran crab (*Paralithodes brevipes*)
 - 7. Equispinous anomuran crab (*Lithodes aequispina*)
 - 8. Arctic anomuran crab (*Lithodes maja*)
- II. MOLLUSCS (*Mollusca*)
 - C. Bivalve molluscs (*Bivalvia*) suitable for use in foodstuffs or for the production of albuminous preparations, fertilizers, calcareous meal, etc.:
 - 9. Oysters (species of genera *Ostrea*, *Crasostrea*, *Pododesmus*)
 - 10. Mussels (species of genera *Mytilus*, *Crenomytilus*)
 - 11. Mussels (species of genera *Modiola*)
 - 12. Mussels (species of genera *Musculus*)
 - 13. Scallops (species of genera *Chlamys*, *Pecten*, *Patinopecten*)
 - 14. Leda (species of genera *Leda*)
 - 15. File clams (species of genera *Yoldia*, *Megayoldia*, *Cnesterium*)
 - 16. Clams (species of genera *Mactra*, *Spisula*)
 - 17. Cockles (species of genera *Cardium*, *Serripes*, *Cerastoderma*)
 - 18. Venus clams (species of genera *Venus*, *Liocyma*)
 - 19. Tellins (species of genera *Macoma*, *Tellina*)
 - 20. Razor clams (species of genera *Siliqua*, *Solen*)
 - 21. Softshell clams (species of genera *Mya*)
 - D. Gastropod molluscs (*Gastropoda*) excluding species capable of swimming in the adult state (members of family *Pteropoda*)
 - 22. Neptuneans (species of genus *Neptunea*)
 - 23. Whelks (species of genus *Buccinum*)
 - 24. Rapana (species of genus *Rapana*)
- III. ECHINODERMS (*Echinodermata*)
 - E. Sea cucumbers (*Holothuroidea*)
 - 25. Trepang (species of genus *Stylochopus*)
 - 26. Cucumaria (species of genus *Cucumaria*)
 - F. Sea urchins (*Echinoidea*)
 - 27. Common urchin (species of genus *Strongylocentrotus*)
 - G. Starfish (*Asteroidea*)
 - 28. Starfish forming part of the fauna of the continental shelf of the USSR
- H. Brittle stars (*Ophiuroidea*)
 - 29. Brittle stars forming part of the fauna of the continental shelf of the USSR

IV. COELENTERATES (*Coelenterata*)I. Namatocystic coelenterates (*Cnidaria*)

30. Coelenterates attached to or moving along the sea-bed and forming part of the fauna of the continental shelf of the USSR

V. SPONGES (*Porifera*)J. Sponges (*Spongia*)

31. Sponges forming part of the fauna of the continental shelf of the USSR

VI. RED SEAWEEDS (*Rhodophyta*)

K. Red agarophytes

32. Anfeltia (species of genus *Anfeltia*)
33. Furcellaria (species of genus *Furcellaria*)
34. Phyllophora (species of genus *Phyllophora*)
35. Iceland moss (species of genus *Chondrus*)

L. Edible red seaweeds

36. Laver (species of genus *Porphyra*)
37. Seakale (species of genus *Rhodymenia*)

VII. BROWN SEAWEEDS (*Phaeophyta*)

M. Laminaria

38. Blade kelp (species of genus *Laminaria*)
39. Wing kelp (species of genus *Alaria*)
40. Kombu (species of genus *Arthrotamnus*)
41. Agarum (species of genus *Agarum*)

N. Rockweeds

42. Rockweed (species of genus *Fucus*)
43. Rockweed (species of genus *Ascophyllum*)
44. Kelps (species of genus *Cystoseira*)
45. Sargasso (species of genus *Sargassum*)
46. Pelvetia (species of genus *Pelvetia*)

VIII. GREEN SEAWEEDS (*Chlorophyta*)

O. Edible green seaweeds

47. Sea lettuce (species of genus *Ulva*)
48. Monostroma (species of genus *Monostroma*)
49. Enteromorpha (species of genus *Enteromorpha*)
50. Cladophora (species of genus *Cladophora*)

IX. HIGHER PLANTS (*Angiospermae*)

P. Marine grasses

51. Eelgrass (species of genus *Zostera*)
52. Surfgrass (species of genus *Phyllospadix*)

X. Other commercially exploitable varieties of crustaceans, molluscs, echinoderms and other invertebrates; other seaweeds and marine grasses, and other varieties of marine plant life which later:

- (a) Prove to be commercially exploitable;
- (b) Are described as new additions to the fauna (flora) of the USSR;
- (c) Become established on the continental shelf of the USSR;
- (d) Are acclimatized or artificially cultured on the continental shelf of the USSR and, at the appropriate stage of their development for purposes of commercial exploitation, are attached to the sea-bed or below it or are able to move only on the sea-bed or below it.

XI. No change of classification or renaming of any animal (or plant) in accordance with the International Code of Zoological (botanical) Nomenclature may serve as grounds for exclusion from the List.

(b) DECISION OF THE PRESIDIUM OF THE SUPREME SOVIET OF THE USSR CONCERNING THE APPLICATION OF THE DECREE OF THE PRESIDIUM OF THE SUPREME SOVIET OF THE USSR CONCERNING THE CONTINENTAL SHELF OF THE USSR. 13 AUGUST 1969¹

1. In accordance with articles 3 and 8 of the Decree of the Presidium of the Supreme Soviet of the USSR of 6 February 1968 Concerning the Continental Shelf of the USSR,² the laws of the USSR and the laws of the Union Republic whose territory is adjacent to the continental shelf of the USSR shall be deemed to be applicable to legal relations arising in connexion with research activities on the continental shelf of the USSR and with the exploration, exploitation and conservation of the natural resources of the continental shelf of the USSR.

2. Special authorizations for the conduct of research, the exploration and exploitation of natural resources, and the execution of other works on the continental shelf of the USSR by foreign individuals and bodies corporate, as provided by article 5 of the Decree of the Presidium of the Supreme Soviet of the USSR of 6 February 1968, shall, where the execution of such works is not expressly provided for in an agreement between the USSR and the foreign State concerned, be issued in a manner and under conditions to be determined by the Council of Ministers of the USSR.

3. The following violations shall make the offender liable to the penalties prescribed in article 6 of the Decree of the Presidium of the Supreme Soviet of the USSR of 6 February 1968 Concerning the Continental Shelf of the USSR:

The erection of installations and other works on the continental shelf of the USSR and the creation around them of safety zones without the appropriate authorization;

Failure to provide protection for installations and other works on the continental shelf of the USSR, to maintain permanent devices for warning

¹ Text provided by the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations in a note verbale of 26 November 1971. Translation by the Secretariat of the United Nations.

² Reproduced in ST/LEG/SER.B/15, pp. 441-443.

of their presence, to remove installations and works which have been permanently taken out of operation, or to take steps within the safety zone to protect the living resources of the sea from harmful waste-products;

The conduct of the exploration and exploitation of natural resources, and the execution of other work on the continental shelf of the USSR by foreign individuals and bodies corporate in contravention of the requirements of article 5 of the above-mentioned Decree.

25. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- (a) [CONTINENTAL SHELF ACT 1964, AS AMENDED BY PREVENTION OF OIL POLLUTION ACT 1971]¹
 (b) PETROLEUM (PRODUCTION) REGULATIONS 1966, AS AMENDED IN 1971²

...

SCHEDULE 4

Model clauses for production licences in seaward areas

...

12. Working obligations

The Licensee shall during the term hereby granted carry out with due diligence such scheme of prospecting and development including any geological survey by any physical or chemical means or programme of test drilling, if any, as may be set out in Schedule 3 to this Licence.

...

- (c) CONTINENTAL SHELF (PROTECTION OF INSTALLATIONS) (NO. 3) ORDER 1969³

...

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. (1) Except as provided in the next following paragraph, ships are prohibited from entering a specified area without the consent of the Minister of Power.

(2) The prohibition contained in the foregoing paragraph does not apply, in relation to a specified area, to a ship

(a) Engaged or about to be engaged in the repair of any submarine cable in or adjacent to that specified area;

¹ The 1964 Act (1964 Chapter 29) is reproduced in part in ST/LEG/SER.B/15, pp. 445-447. For the Prevention of Oil Pollution Act 1971, see *infra* DIVISION III. 16 (b).

² The 1966 Regulations (*Statutory instruments* 1966 No. 898) is reproduced in part in ST/LEG/SER.B/15, pp. 450-455. The amendment was made by the Petroleum (Production) (Amendment) Regulations 1971 (*ibid.*, 1971 No. 814; 18 May 1971), entered into force on 26 May 1971. Only the amended clause is reproduced here.

³ *Ibid.*, 1969 No. 195. Came into operation on 1 March 1969. For the Continental Shelf (Protection of Installations) (No. 1) Order 1967 and the Continental Shelf (Protection of Installations) (No. 2) Order 1968, see ST/LEG/SER.B/15, pp. 455-457.

- (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 specified area;
- (c) Carrying out movements with a view to saving or attempting to save life or property at sea;
- (d) Which enters that specified 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° 01' 03" North, Longitude 01° 47' 47" East (E.D. (1950)) or Latitude 53° 00' 59" North, Longitude 01° 47' 47" 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° 01' 41" North, Longitude 02° 15' 23" East (E.D. (1950)) or Latitude 53° 01' 36" North, Longitude 02° 15' 25" 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' 08" North, Longitude 02° 17' 05" East (E.D. (1950)) or Latitude 53° 03' 04" North, Longitude 02° 17' 07" East (O.S.G.B. (1936)).
4. 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° 21' 50" North, Longitude 02° 34' 07" East (E.D. (1950)) or Latitude 53° 21' 46" North, Longitude 02° 34' 09" East (O.S.G.B. (1936)).

(d) CONTINENTAL SHELF (PROTECTION OF INSTALLATIONS) (No. 4) ORDER 1969¹

2. [Identical with Section 2 of the Continental Shelf (Protection of Installations) (No. 3) Order 1969, *supra* (c).]
3. [Identical with Section 3 of the above-quoted Order.]

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° 04' 35" North, Longitude 02° 11' 05" East (E.D. (1950)) or Latitude 53° 04' 31" North, Longitude 02° 11' 07" 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° 45' 13" North, Longitude 01° 04' 52" East (E.D. (1950)) or Latitude 53° 45' 09" North, Longitude 01° 04' 53" East (O.S.G.B. (1936)).

¹ Dated 18 September 1968. *Statutory Instrument* 1969 No. 1322. Came into operation on 1 October 1969.

(e) CONTINENTAL SHELF (DESIGNATION OF ADDITIONAL AREAS)
ORDER 1971¹

...

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 bounded:

(a) On the north and east by a line joining the co-ordinates numbered (6), (5) and (4) in the Schedule to the Continental Shelf (Designation of Additional Areas) Order 1968, thence following the seaward limits of territorial waters west of the Isles of Scilly to the following co-ordinates on European Datum:

(1) 49° 50' 00'' N; 6° 29' 40'' W.

(b) On the south and west by a line joining the co-ordinates numbered (1) in this Schedule and the following co-ordinates on European Datum:

(2) 49° 50' 00'' N; 8° 36' 00'' W;	(3) 50° 00' 00'' N; 8° 36' 00'' W;
(4) 50° 00' 00'' N; 8° 24' 00'' W;	(5) 50° 10' 00'' N; 8° 24' 00'' W;
(6) 50° 10' 00'' N; 8° 12' 00'' W;	(7) 50° 20' 00'' N; 8° 12' 00'' W;
(8) 50° 20' 00'' N; 7° 48' 00'' W;	(9) 50° 30' 00'' N; 7° 48' 00'' W;
(10) 50° 30' 00'' N; 7° 36' 00'' W;	(11) 50° 40' 00'' N; 7° 36' 00'' W;
(12) 50° 40' 00'' N; 7° 12' 00'' W;	(13) 50° 50' 00'' N; 7° 12' 00'' W;

and by a line to the co-ordinates numbered (6) in the Schedule to the Continental Shelf (Designation of Additional Areas) Order 1968.

(2) The area bounded:

(a) On the north by a line joining the co-ordinates numbered (3) and (2) in the Schedule to the Continental Shelf (Designation of Additional Areas) Order 1968, thence following the seaward limits of territorial waters and by a line joining the following co-ordinates on European Datum:

(14) 50° 00' 00'' N; 5° 35' 04'' W; (15) 50° 00' 00'' N; 5° 20' 43'' W;

thence following the seaward limits of territorial waters to the co-ordinates numbered (37) in the Schedule to the Continental Shelf (Designation of Additional Areas) Order 1965 and by a line to the co-ordinates numbered (36) in that Schedule, thence following the seaward limits of territorial waters to the co-ordinates numbered (35) also in that Schedule, and by a line to the following co-ordinates on European Datum:

(16) 50° 30' 00'' N; 0° 12' 00'' E.

(b) On the south by a line joining the co-ordinates numbered (16) in this Schedule and the following co-ordinates on European Datum:

(17) 50° 20' 00'' N; 0° 12' 00'' E;	(18) 50° 20' 00'' N; 2° 24' 00'' W;
(19) 50° 10' 00'' N; 2° 24' 00'' W;	(20) 50° 10' 00'' N; 3° 12' 00'' W;
(21) 50° 00' 00'' N; 3° 12' 00'' W;	(22) 50° 00' 00'' N; 3° 24' 00'' W;

thence following the seaward limits of territorial waters east of the Isles of Scilly to the co-ordinates numbered (3) in the Schedule to the Continental Shelf (Designation of Additional Areas) Order 1968.

¹ Dated 5 April 1971. *Ibid.*, 1971 No. 594. For the other orders designating the areas within which the rights of the United Kingdom with respect to the sea-bed and subsoil and their natural resources may be exercised, see the Continental Shelf (Designation of Areas) Order 1964 (ST/LEG/SER.B/15, pp. 447-448), the Continental Shelf (Designation of Additional Areas) Order 1965 (*ibid.*, pp. 448-450), and the Continental Shelf (Designation of Additional Areas) Order 1968 (*ibid.*, pp. 457-458).

(3) The area bounded:

(a) On the east by a line joining the following co-ordinates on European Datum:

(25) 59° 50' 00" N; 5° 00' 00" W;

to the co-ordinates numbered (41) in the Schedule to the Continental Shelf (Designation of Additional Areas) Order 1965 and thence by the seaward limits of territorial waters off the west coast of Scotland to the following co-ordinates on European Datum:

(26) 55° 40' 00" N; 6° 36' 33" W.

(b) On the west by a line joining the co-ordinates numbered (26) in this Schedule and the following co-ordinates on European Datum:

(27) 55° 40' 00" N; 6° 48' 00" W;

(29) 55° 50' 00" N; 7° 00' 00" W;

(31) 56° 00' 00" N; 8° 00' 00" W;

(33) 56° 10' 00" N; 8° 48' 00" W;

(35) 56° 20' 00" N; 9° 24' 00" W;

(37) 58° 20' 00" N; 8° 36' 00" W;

(39) 58° 50' 00" N; 7° 36' 00" W;

(41) 59° 20' 00" N; 6° 36' 00" W;

(28) 55° 50' 00" N; 6° 48' 00" W;

(30) 56° 00' 00" N; 7° 00' 00" W;

(32) 56° 10' 00" N; 8° 00' 00" W;

(34) 56° 20' 00" N; 8° 48' 00" W;

(36) 58° 20' 00" N; 9° 24' 00" W;

(38) 58° 50' 00" N; 8° 36' 00" W;

(40) 59° 20' 00" N; 7° 36' 00" W;

(42) 59° 50' 00" N; 6° 36' 00" W;

and thence by a line to the co-ordinates numbered (25) in this Schedule.

(4) The area bounded by a line commencing at the co-ordinates numbered (48) in the Schedule to the Continental Shelf (Designation of Additional Areas) Order 1965 and joining the following co-ordinates on European Datum:

(43) 62° 00' 00" N; 2° 00' 00" W;

(45) 61° 44' 12" N; 1° 29' 36" E;

(44) 62° 00' 00" N; 1° 17' 48" E;

(46) 61° 44' 12" N; 1° 33' 36" E;

and thence by a line to the co-ordinates numbered (49) in that Schedule.

(f) [CONTINENTAL SHELF (JURISDICTION) (AMENDMENT) ORDER 1971¹

(g) MINERAL WORKINGS (OFFSHORE INSTALLATIONS) ACT 1971, sections 1-6, 8-9, 11-13²

(h) CONTINENTAL SHELF (PROTECTION OF INSTALLATIONS) (NO. 5) ORDER 1972³

...

2. [Identical with Section 2 of the Continental Shelf (Protection of Installations) (No. 3) Order 1969, *supra* (c).]

3. [Identical with Section 3 of the above-quoted order, except that the words "Minister of Power" are replaced by "Secretary of State".]

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° 04' 52" North, Longitude 02° 10' 55" East (E.D. (1950)) or Latitude 53° 04' 48" North, Longitude 02° 10' 57" East (O.S.G.B. (1936)).

¹ Dated 30 April 1971. *Statutory instruments* 1971 No. 721. Came into operation on 18 May 1971. This Order included in the areas of the United Kingdom Continental Shelf the new areas designated as part of the Shelf by the Continental Shelf (Designation of Additional Areas) Order 1971, *supra* (e).

² *Supra* DIVISION I. SUBDIVISION A. Chapter IX, 16 (a).

³ Dated 12 June 1972. *Statutory Instruments*, 1972 No. 883. Came into operation on 17 July 1972.

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' 48" North, Longitude 02° 09' 46" East (E.D. (1950)) or Latitude 53° 05' 44" North, Longitude 02° 09' 48" 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° 19' 37" North, Longitude 02° 37' 54" East (E.D. (1950)) or Latitude 53° 19' 33" North, Longitude 02° 37' 56" East (O.S.G.B. (1936)).

4. 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° 32' 03" North, Longitude 02° 15' 25" East (E.D. (1950)) or Latitude 53° 31' 59" North, Longitude 02° 15' 26" East (O.S.G.B. (1936)).

BAHAMAS

(a) Continental Shelf Act, 1970¹

...

2. *Interpretation*

(1) In this Act unless the context otherwise requires:

“Continental shelf” means the continental shelf appertaining to the Bahama Islands, that is to say, the sea-bed and subsoil of the submarine areas adjacent to the coasts, but outside the territorial waters, of the said Islands, 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;

“Minister” means the Minister responsible for Fisheries;

...

(2) The Governor may from time to time by order designate any submarine area adjacent to the coasts of the Bahama Islands as an area forming part of the continental shelf appertaining to the said Islands for the purposes of this Act; and, notwithstanding anything contained in the definition of “continental shelf” in subsection (1) of this section, any such submarine area beyond a depth of two hundred metres shall not be regarded as forming part of the continental shelf appertaining to the said Islands for the purposes of this Act except insofar as such area is for the time being designated under this subsection.

3. *Exploration and exploitation of continental shelf*

(1) Any rights exercisable with respect to the continental shelf and the natural resources thereof for the purpose of exploring that shelf and exploiting those resources are hereby vested in Her Majesty in right of Her Government of the Bahama Islands.

...

4. *Protection of structures on the continental shelf*

(1) The Governor may, for the purpose of protecting any structure on the continental shelf, by order prohibit ships, subject to any exceptions provided

¹ No. 17 of 1970. Text provided by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations in a note verbale of 15 November 1971.

by the order, from entering without the consent of the Minister such part of the waters above the said shelf as may be specified in the order.

(2) If any ship enters any area in contravention of an order made under this section its master shall be guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand five hundred dollars, unless he proves that the prohibition imposed by the order was not, and would not on reasonable inquiry have become, known to him.

5. *Application of criminal and civil law*

(1) Any act or omission which:

(a) Takes place on, under or above a structure on the continental shelf or in any waters within five hundred metres of such a structure; and

(b) Would, if taking place in any part of the Bahama Islands, constitute an offence under any law in force in the said Islands, shall be treated for the purposes of that law as taking place in the Bahama Islands.

...

6. *Safety of navigation*

(1) No person shall without the consent in writing of the Minister:

(a) Construct, alter or improve any works on, under or over; or

(b) Remove any object or any material from,

any part of the continental shelf, so that any obstruction or danger to navigation is caused or is likely to result.

...

7. *Enforcement*

(1) Any person who:

(a) Carries out any operation in contravention of the provisions of subsection (1) of section 6 of this Act; or

(b) Fails to comply with any condition subject to which any consent of the Minister has been given under that section,

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding three thousand dollars.

...

8. *Discharge of oil*

(1) If any oil to which this section 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 in or on; or

(b) As a result of any operations for the exploration of, or the exploitation of the natural resources of,

the continental shelf, 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.

(2) This section applies to crude oil, fuel oil, lubricating oil and heavy diesel oil, as the same may be defined by the Minister by order made under this section, and to any other description of oil which the Minister, having regard to the persistent character of that oil and the likelihood that it would cause pollution if discharged or allowed to escape into the sea, may declare by order to be a description of oil to which this section applies.

(3) Any person guilty of an offence under this section shall be liable, on summary conviction, to a fine not exceeding three thousand dollars.

9. Construction, operation and status of structures

(1) Where a structure of any description is constructed on or above the continental shelf for the purpose of, or to be used in connection with, the exploration or the exploitation of the resources of the said shelf and for the deposit within any such structure of any material substance, such structure and its contents shall be and become vested in Her Majesty in right of Her Government of the Bahama Islands.

(2) Any such structure as is referred to in subsection (1) of this section may be occupied and used, for the purpose of or in connection with the exploration or exploitation of the continental shelf, by the person by or on whose behalf such structure was created, without payment of any rent or charge whatever; but, upon the termination of the agreement, licence or other authority under which such person is permitted to carry out such exploration as aforesaid, he shall peaceably yield up the same to Her Majesty without receiving payment of any compensation whatever.

10. Agreements and licences

The Governor may enter into agreements with or grant licences to any person for the exploration by that person of any part of the continental shelf or the exploitation of the resources thereof upon such terms and conditions not inconsistent with the provisions of this Act as to the Governor may appear proper.

11. Prosecution of offences

(1) Proceedings for any offence under this Act (including an offence under any other law applied by or under this Act and anything which is an offence by virtue of subsection (1) of section 5 of this Act) may be taken, and such offence may for all incidental purposes be treated as having been committed, in any place in the Bahama Islands.

(b) PETROLEUM ACT, 1971, sections 2 (1), 5, 11-13 (1), 17 (1), 29-31¹

¹ *Supra* DIVISION I, SUBDIVISION A, Chapter IX, 16.

CAYMAN ISLANDS

PETROLEUM (PRODUCTION) LAW, AS AMENDED, IN 1969, section 2¹

BRITISH SOLOMON ISLANDS PROTECTORATE
*CONTINENTAL SHELF ORDINANCE 1970*²

...
2. *Interpretation*

In this Ordinance, unless the context otherwise requires:

“Continental shelf” means the sea-bed and subsoil of those submarine areas adjacent to the coasts of the islands of the Protectorate but beyond the territorial limits of the Protectorate, to a depth of two hundred metres below the surface of the sea, or, beyond that limit, to where the depth of the superjacent waters admits of exploitation of the natural resources of those areas;

“Designated area” means an area designated by order made under section 3(3);

...
3. *Exploration and exploitation of continental shelf*

(1) Any rights exercisable with respect to the continental shelf appertaining to the Protectorate and its natural resources for the purpose of exploring that shelf and exploiting those resources are hereby vested in the Crown.

(2) In relation to any petroleum or mineral with respect to which any rights referred to in subsection (1) are exercisable the provisions of the Petroleum (Production) Ordinance or the Mining Ordinance 1968, as the case may be, shall apply, subject to the provisions of this Ordinance, as they apply in relation to petroleum or minerals, as the case may be, in the Protectorate.

(3) The High Commissioner may from time to time by order designate any area as an area within which the rights referred to in subsection (1) are exercisable.

4. *Protection of installations in designated areas*

(1) The High Commissioner may, for the purpose of protecting any installation in any designated area, by order prohibit ships, subject to any exceptions provided by such order, from entering without the permission of such officer, such area within five hundred metres of the installation, as may be specified in the order.

(2) If any ship enters an area in contravention of an order made under this section the owner or master of such ship shall be guilty of an offence and liable to a fine of five hundred dollars or to imprisonment for six months unless he proves that the prohibition was not and would not on reasonable inquiry have become known to the master.

¹ *Supra* DIVISION I, SUBDIVISION A, Chapter IX, 16.

² No. 4 of 1970, 28 July 1970. Entered into operation on 7 August 1970. Text provided by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations in a note verbale of 15 November 1971.

5. *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 Protectorate, constitute an offence under any law in force in the Protectorate,

shall be treated for the purpose of that law as taking place in the Protectorate.

...

6. *Safety of navigation*

(1) No person shall without the consent in writing of the Superintendent of Marine in any designated area:

(a) Construct, alter or improve any works on, under or over any part of the sea-bed; or

(b) Remove any object or any material from any part of the sea-bed, so that any obstruction or danger to navigation is caused or is likely to result.

...

7. *Enforcement*

(1) Any person who:

(a) Carries out any operation in contravention of the provisions of section 6(1); or

(b) Fails to comply with any condition subject to which the consent of the Superintendent of Marine has been given under that section, shall be guilty of an offence and liable to a fine of five hundred dollars.

...

8. *Discharge of oil*

(1) If any oil to which this section 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 within a designated area:

(a) From a pipeline; or

(b) As a result of any operations for the exploration of the continental shelf or the exploitation of the natural resources thereof in a designated area, the owner of the pipeline 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.

...

(3) Any person guilty of an offence under this section shall be liable to a fine of five hundred dollars.

9. *Construction, operation and status of structures*

(1) Where in any designated area a structure of any description is constructed on or above the sea-bed for the purpose of, or to be used in connection

with, the exploration or the exploitation of the resources of the continental shelf in that area, such structure shall be and become vested in the Crown.

(2) Any such structure as is referred to in subsection (1) may be occupied and used for the purpose of the exploration of the continental shelf or its exploitation, by the person by whom or on whose behalf such structure was created, without payment of any rent or charge whatever; but, upon the termination of the licence or other agreement under which such person is permitted to carry out such exploration or exploitation as aforesaid, he shall peaceably yield up the same to the Crown without receiving payment of any compensation whatever.

10. *Agreements and licences*

Subject to the provisions of the Petroleum (Production) Ordinance and the Mining Ordinance 1968, as applied by section 3(2), the High Commissioner may enter into agreements with or grant licences to any person to explore the continental shelf or to exploit the natural resources thereof upon such terms and conditions not inconsistent with the provisions of this Ordinance as to him may appear proper.

11. *Prosecution of offences*

(1) Proceedings for any offence under this Ordinance, including an offence under any other law applied by or under this Ordinance and anything which is an offence by virtue of section 5(1), may be taken, and such offence may for all incidental purposes be treated as having been committed, in any place in the Protectorate.

(3) A police officer and every other officer shall on any installation in a designated area have all the powers, protection and privileges which he has in the Protectorate.

26. UNITED STATES OF AMERICA

(a) UNITED STATES GEOLOGICAL SURVEY OCS ORDER NO. 10 OF 28 MARCH 1969, REGARDING DRILLING AND OTHER OPERATING PROCEDURES ON CONTINENTAL SHELF OFF CALIFORNIA¹

1. The applicability of OCS Order No. 2, March 31, 1965, to operations off California is terminated and the following requirements substituted therefor. Each Application to Drill (Form 9-331-C) submitted for approval shall include the casing, cement, mud, and blowout preventer programs for the well which shall comply with these requirements. . . .

A. *Well Casing and Cementing*

All wells shall be cased and cemented in a manner which will prevent communication between separate fluid-bearing strata through the well bore,

¹ Issued by U.S. Department of the Interior, Geological Survey, Conservation Division, following blowout of well in Santa Barbara Channel. Text provided by the Permanent Representative of the United States of America to the United Nations in a note verbale of 11 November 1971.

directly or indirectly, except hydrocarbon bearing zones to be commingled, and will prevent release of fluids or hydrocarbons from any stratum through the well bore, directly or indirectly, into the ocean. Casing strings shall be installed in sufficient number and be of adequate size, strength, and of suitable material to withstand collapse, bursting, tensile, and other stresses.

Casing program design safety factors shall be of sufficient magnitude to provide optimum protection while drilling and to assure safe operations for the life of the well. . . .

B. *Blowout Prevention*

- (1) Blowout prevention equipment. Blowout preventers and related well control equipment shall be installed, used, and tested in a manner which will prevent blowouts.

. . . .

C. *Mud Program*

The characteristics, use, and testing of drilling mud and the conduct of related drilling procedures shall be such as will prevent the blowout of any well. Sufficient quantities of mud having the characteristics required to prevent blowouts shall be maintained readily accessible for use.

. . . .

2. . . . All wells completed for flowing production shall be equipped with an approved storm choke or similar subsurface safety device which shall be installed in the tubing to prevent escape of oil, gas, or other fluid into the ocean in the event of damage to the well or its equipment. Such equipment shall be installed and tested at regular intervals at a depth of 100 feet or greater below the ocean floor. . . .

Artificial lift equipment required for non-flowing wells must be of a type that will automatically shut down and not cause escape of oil, gas or other fluid into the ocean, in the event of damage to the well. Safety valves shall be installed at each well head on platforms and tested at regular intervals. All oil and gas gathering lines shall have check valves at the flowline manifold assembly. . . .

. . . .

4. *Inspections*

Inspections, both scheduled and unannounced, will be conducted frequently by Geological Survey personnel. Failure to permit inspection or to comply with all applicable operating regulations will result in immediate suspension of operations and further actions as provided in the lease and applicable regulations.

5. *Production Platform Requirements*

Production platforms will have the following safety and anti-pollution devices installed and in proper operating condition:

- (1) Gas detector and alarm system at strategic locations on platforms.
- (2) Approved firefighting system.
 - (a) Automatic sprinkler system in well bay areas.
 - (b) Closed loop firewater system with standby firefighting pump.
 - (c) Portable fire extinguishers located in strategic areas.

(3) High and low level of pressure alarms and shut-down devices in all production vessels and water separation devices.

(4) Remote and local automatic platform and well shut-down devices.

(5) High and low pressure oil pipeline alarm and control devices to shut down shipping pumps and to shut in all wells in event of actuation.

(6) Approved sewage disposal system.

(7) Curbs, gutters, and drains in all deck areas to collect contaminants for pumping to shore for treatment.

(8) Auxiliary power supply equipment.

(9) Approved waste water handling and disposal system of the agency having jurisdiction.

6. *Pollution Control Equipment*

Standby pollution control containment and removal equipment shall be maintained on or immediately available to each platform, floating drilling ship, and floating platform. This equipment shall include inflatable or other acceptable booms, skimming apparatus, and approved chemical dispersants, to be operational in the vicinity of the platform or floating drilling rig. All equipment shall be available prior to the commencement of drilling operations. The equipment and plan of containment shall be approved by the Geological Survey. This equipment will be regularly inspected. Additional equipment and containment procedures can be required by the Geological Survey from time to time.

(b) MEANING OF THE TERM "SEA-BED", *UNITED STATES V. RAY*, U.S. COURT OF APPEALS, FIFTH CIRCUIT, 22 JANUARY 1970, AS MODIFIED 10 APRIL 1970¹

...

The evidence establishes that the term "sea-bed" is commonly understood to be any terrain below the high water line. The federal and common law comports with this understanding in defining the "bed" of a body of water as lands below the ordinary high water mark.

... The record shows that on the death of the coral, which has a natural predilection for cementing itself onto preexisting rocky structures, its skeletal remains become part of the seabed of the Continental Shelf. The District Court's finding that the reefs are part of the "sea-bed" of the Shelf is fully supported by substantial evidence of record.

...

(c) REGULATIONS CONCERNING THE LIVING ORGANISMS OF THE CONTINENTAL SHELF, 18 JUNE 1971²

Paragraph 295.1 *Purpose*

The purpose of the regulations in this part is to list those species determined by the Secretary of Commerce, in consultation with the Secretary of State,

¹ 423 F. 2d 16, at pp. 20-21 (1970).

² Code of Federal Regulations, Title 50, Chapter II, Part 295; *Federal Register*, vol. 36, no. 121, 23 June 1971, p. 11923.

to constitute a Continental Shelf fishery resource, i.e., living organisms belonging to sedentary species, 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 of the Continental Shelf.

Paragraph 295.2 *List of species*

COELENTERATA

- Precious Red Corals—*Corallium spp*
- Black Coral—*Antipathes grandis*

CRUSTACEA

- Dungeness Crab—*Cancer magister*
- Tanner Crab—*Chionocetes tanneri*
- Tanner Crab—*Chionocetes opilio*
- Tanner Crab—*Chionocetes angulatus*
- Tanner Crab—*Chionocetes baildi*
- King Crab—*Paralithodes camtschatica*
- King Crab—*Paralithodes platypus*
- King Crab—*Paralithodes brevipes*
- California King Crab—*Paralithodes californiensis*
- Golden King Crab—*Lithodes acquispinus*
- Northern Stone Crab—*Lithodes maia*
- Stone Crab—*Menippe mercenaria*
- Deep-sea Red Crab—*Geryon quinquedens*

MOLLUSKS

- Red Abalone—*Haliotis refcscens*
- Pink Abalone—*Haliotis corrugata*
- Japanese Abalone—*Haliotis kamtschatkana*
- Queen Conch—*Strombus gigas*
- Surf Clam—*Spisula solidissima*
- Ocean Quahog—*Arctica islandica*

SPONGES

- Glove Sponge—*Hippiospongia canaliculata*
 - Sheepwool Sponge—*Hippiospongia lachne*
 - Grass Sponge—*Spongia graminea*
 - Yellow Sponge—*Spongia barbera*
-

DIVISION III THE HIGH SEAS¹

1. AUSTRALIA

(a) NAVIGATION ACT 1912-1970, PART VIIA²

(b) POLLUTION OF THE SEA BY OIL REGULATIONS, AS AMENDED UP TO 1967³

. . .

3. In these Regulations, unless the contrary intention appears:

“Heavy diesel oil” has the same meaning as in the Convention;⁴

“The Act” means the Pollution of the Sea by Oil Act 1960-1965⁵

“The Secretary” means the Secretary to the Department of Shipping and Transport.

. . .

5. (1) This regulation applies in relation to ships registered in Australia, being ships which use oil as fuel, whether for the purpose of propelling the ship or for any other purpose.

(2) Where a ship in relation to which this regulation applies is not so fitted as to prevent the escape of fuel oil or heavy diesel oil into the bilges of the ship into which it is possible for fuel oil or heavy diesel oil to escape, the owner and the master of the ship are each guilty of an offence against this regulation.

(3) It is a defence if the person charged with an offence against this regulation proves that the ship is so fitted as to prevent any of the contents of those bilges from being pumped into the sea without having been treated by a process, being an approved process of separating oil from water, capable of separating oil from the contents of the bilges of the ship effectively, having regard to the maximum rate at which those contents can be discharged into the sea.

¹ Some of the texts reproduced under DIVISION II and DIVISION IV also contain provisions relating to the high seas.

² *Supra* DIVISION I, SUBDIVISION A, Chapter VII, 1.

³ The Regulations comprise Statutory Rules 1962, No. 90 as amended by subsequent Rules up to No. 82 of 29 June 1967. Text provided by the Permanent Representative of Australia to the United Nations in a note verbale of 3 December 1971.

⁴ International Convention for the Prevention of Pollution of the Sea by Oil of 1954 as amended. United Nations, *Treaty Series*, vol. 327, p. 3. Reproduced in ST/LEG/SER.B/15, pp. 787-799.

⁵ Reproduced in part in ST/LEG/SER.B/15, pp. 477-479.

6. (1) An oil record book shall be carried in every ship registered in Australia.

(2) An oil record book shall be in accordance with Form 1 or Form 2 in the Second Schedule¹ to these Regulations (whichever is applicable) with provision made for the signature, in accordance with subregulation (5) of this regulation, of each entry made in it.

(3) Where a ship registered in Australia does not carry an oil record book as required by this regulation, the owner and the master of the ship are each guilty of an offence punishable, upon conviction, by a fine not exceeding Five hundred pounds.

(4) The master of a ship shall make the appropriate entries in, or cause the appropriate entries to be made in, the oil record book for the ship whenever an operation or occurrence:

(a) If the ship is a tanker—referred to in Form 1 in the Second Schedule to these Regulations; or

(b) If the ship is not a tanker—referred to in Form 2 in that Schedule, is carried out or occurs.

Penalty: Five hundred pounds.

...

11. (1) Ships included in a class of ships specified in the next succeeding subregulation are exempted from the provisions of the Act.

(2) For the purposes of the last preceding subregulation, the classes of ships are:

(a) Tankers of under 150 tons gross tonnage;

(b) Ships, being ships other than tankers, of under 250 tons gross tonnage;

(c) Ships for the time being engaged in the whaling industry when actually employed on whaling operations; and

(d) Naval ships and ships for the time being used as naval auxiliaries.

...

2. BRAZIL

LEGISLATIVE DECREE NO. 221 OF 28 FEBRUARY 1967 ON FISHING,
articles 37 and 38²

3. CANADA

(a) FISHERIES ACT, 1952, AS AMENDED UP TO 1970, sections 33,
33A-33D, and 76³

(b) OIL AND GAS PRODUCTION AND CONSERVATION ACT, AS AMENDED IN
1970, sections 2, 3, 12-14, 42-49⁴

¹ Not reproduced here.

² *Infra* DIVISION IV, 2 (a).

³ *Infra* DIVISION IV, 3 (a).

⁴ *Supra* DIVISION II, 3 (a).

(c) ARCTIC WATERS POLLUTION PREVENTION ACT, 1970¹*Preamble*

Whereas Parliament recognizes that recent developments in relation to the exploitation of the natural resources of arctic areas, including the natural resources of the Canadian arctic, and the transportation of those resources to the markets of the world are of potentially great significance to international trade and commerce and to the economy of Canada in particular;

And whereas Parliament at the same time recognizes and is determined to fulfil its obligation to see that the natural resources of the Canadian arctic are developed and exploited and the arctic waters adjacent to the mainland and islands of the Canadian arctic are navigated only in a manner that takes cognizance of Canada's responsibility for the welfare of the Eskimo and other inhabitants of the Canadian arctic and the preservation of the peculiar ecological balance that now exists in the water, ice and land areas of the Canadian arctic;

Now therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

...

*Interpretation**2. Definitions*

In this Act:

(a) "Analyst" means a person designated as an analyst pursuant to the *Canada Water Act* or the *Northern Inland Waters Act*;

(b) "Icebreaker" means a ship specially designed and constructed for the purpose of assisting the passage of other ships through ice;

(c) "Owner" in relation to a ship, includes any person having for the time being, either by law or by contract, the same rights as the owner of the ship as regards the possession and use thereof;

(d) "Pilot" means a person licensed as a pilot pursuant to the *Canada Shipping Act*;

(e) "Pollution prevention officer" means a person designated as a pollution prevention officer pursuant to section 14;

(f) "Ship" includes any description of vessel or boat used or designed for use in navigation without regard to method or lack of propulsion;

(g) "Shipping safety control zone" means an area of the arctic waters prescribed as a shipping safety control zone by order of the Governor in Council made under section 11; and

(h) "Waste" means

(i) Any substance that, if added to any waters, would degrade or alter or form part of a process of degradation or alteration of the quality of those waters to an extent that is detrimental to their use by man or by any animal, fish or plant that is useful to man, and

(ii) Any water that contains a substance in such a quantity or concentration, or that has been so treated, processed or changed, by heat

¹ *Statutes of Canada*, 1969-1970, Chap. 47. Assented to on 26 June 1970.

or other means, from a natural state that it would, if added to any waters, degrade or alter or form part of a process of degradation or alteration of the quality of those waters to an extent that is detrimental to their use by man or by any animal, fish or plant that is useful to man.

and without limiting the generality of the foregoing, includes anything that, for the purposes of the *Canada Water Act*, is deemed to be waste.

Application of act

3. *Application to arctic waters*

(1) Except where otherwise provided, this Act applies to the waters (in this Act referred to as the "arctic waters") adjacent to the mainland and islands of the Canadian arctic within the area enclosed by the sixtieth parallel of north latitude, the one hundred and forty-first meridian of longitude and a line measured seaward from the nearest Canadian land a distance of one hundred nautical miles; except that in the area between the islands of the Canadian arctic and Greenland, where the line of equidistance between the islands of the Canadian arctic and Greenland is less than one hundred nautical miles from the nearest Canadian land, there shall be substituted for the line measured seaward one hundred nautical miles from the nearest Canadian land such line of equidistance.

(2) For greater certainty, the expression "arctic waters" in this Act includes all waters described in subsection (1) and, as this Act applies to or in respect of any person described in paragraph (a) of subsection (1) of section 6, all waters adjacent thereto lying north of the sixtieth parallel of north latitude, the natural resources of whose subjacent submarine areas Her Majesty in right of Canada has the right to dispose of or exploit, whether the waters so described or such adjacent waters are in a frozen or a liquid state, but does not include inland waters.

Deposit of waste

4.

(1) *Prohibition.* Except as authorized by regulations made under this section, no person or ship shall deposit or permit the deposit of waste of any type in the arctic waters or in any place on the mainland or islands of the Canadian arctic under any conditions where such waste or any other waste that results from the deposit of such waste may enter the arctic waters.

(2) *Application of subsection (1).* Subsection (1) does not apply to the deposit of waste in waters that form part of a water quality management area designated pursuant to the *Canada Water Act* if the waste so deposited is of a type and quantity and is deposited under conditions authorized by regulations made by the Governor in Council under paragraph (a) of subsection (2) of section 16 of that Act with respect to that water quality management area.

(3) *Regulations.* The Governor in Council may make regulations for the purposes of this section prescribing the type and quantity of waste, if any, that may be deposited by any person or ship in the arctic waters or in any

place on the mainland or islands of the Canadian arctic under any conditions where such waste or any other waste that results from the deposit of such waste may enter the arctic waters, and prescribing the conditions under which any such waste may be so deposited.

5.

(1) *Report of deposit of waste or danger thereof.* Any person who:

(a) Has deposited waste in violation of subsection (1) of section 4, or

(b) Carries on any undertaking on the mainland or islands of the Canadian arctic or in the arctic waters that, by reason of any accident or other occurrence, is in danger of causing any deposit of waste described in that subsection otherwise than of a type, in a quantity and under conditions prescribed by regulations made under that section,

shall forthwith report the deposit of waste or the accident or other occurrence to a pollution prevention officer at such location and in such manner as may be prescribed by the Governor in Council.

(2) *Report by master of ship.* The master of any ship that has deposited waste in violation of subsection (1) of section 4, or that is in distress and for that reason is in danger of causing any deposit of waste described in that subsection otherwise than of a type, in a quantity and under conditions prescribed by regulations made under that section, shall forthwith report the deposit of waste or the condition of distress to a pollution prevention officer at such location and in such manner as may be prescribed by the Governor in Council.

6.

(1) *Civil liability resulting from deposit of waste.* The following persons, namely:

(a) Any person who is engaged in exploring for, developing or exploiting any natural resource on any land adjacent to the arctic waters or in any submarine area subjacent to the arctic waters,

(b) Any person who carries on any undertaking on the mainland or islands of the Canadian arctic or in the arctic waters, and

(c) The owner of any ship that navigates within the arctic waters and the owner or owners of the cargo of any such ship,

are respectively liable and, in the case of the owner of a ship and the owner or owners of the cargo thereof, are jointly and severally liable, up to the amount determined in the manner provided by regulations made under section 9 in respect of the activity or undertaking so engaged in or carried on or in respect of that ship, as the case may be,

(d) For all costs and expenses of and incidental to the taking of action described in subsection (2) on the direction of the Governor in Council, and

(e) For all actual loss or damage incurred by other persons resulting from any deposit of waste described in subsection (1) of section 4 that is caused by or is otherwise attributable to that activity or undertaking or that ship, as the case may be.

(2) *Costs and expenses of Her Majesty.* Where the Governor in Council directs any action to be taken by or on behalf of Her Majesty in right of Canada to repair or remedy any condition that results from a deposit of waste

described in subsection (1), or to reduce or mitigate any damage to or destruction of life or property that results or may reasonably be expected to result from such deposit of waste, the costs and expenses of and incidental to the taking of such action, to the extent that such costs and expenses can be established to have been reasonably incurred in the circumstances, are, subject to this section, recoverable by Her Majesty in right of Canada from the person or persons described in paragraph (a), (b) or (c) of that subsection, with costs, in proceedings brought or taken therefor in the name of Her Majesty.

(3) *Procedure for recovery of claims.* All claims pursuant to this section against a person or persons described in paragraph (a), (b) or (c) of subsection (1) may be sued for and recovered in any court of competent jurisdiction in Canada, and all such claims shall rank firstly in favour of persons who have suffered actual loss or damage as provided in paragraph (e) of subsection (1) (which said claims shall among themselves rank *pari passu*) and secondly to meet the costs and expenses described in subsection (2), up to the limit of the amount determined in the manner provided by regulations made under section 9 in respect of the activity or undertaking engaged in or carried on by the person or persons against whom the claims are made, or in respect of the ship of which any such person is the owner or of all or part of whose cargo any such person is the owner.

(4) *Limitation period.* No proceedings in respect of a claim pursuant to this section shall be commenced after two years from the time when the deposit of waste in respect of which the proceedings are brought or taken occurred or first occurred, as the case may be, or could reasonably be expected to have become known to those affected thereby.

7.

(1) *Nature and extent of liability.* The liability of any person pursuant to section 6 is absolute and does not depend upon proof of fault or negligence, except that no person is liable pursuant to that section for any costs, expenses or actual loss or damage incurred by another person whose conduct caused any deposit of waste described in subsection (1) of that section, or whose conduct contributed to any such deposit of waste, to the degree to which his conduct contributed thereto, and nothing in this Act shall be construed as limiting or restricting any right of recourse or indemnity that a person liable pursuant to section 6 may have against any other person.

(2) *Idem.* For the purposes of subsection (1), a reference to any conduct of "another person" includes any wrongful act or omission by that other person or by any person for whose wrongful act or omission that other person is by law responsible.

(3) *Limitation on liability of cargo owner.* Notwithstanding anything in this Act, no person is liable pursuant to section 6, either alone or jointly and severally with any other person or persons, by reason only of his being the owner of all or any part of the cargo of a ship if he can establish that the cargo or part thereof of which he is the owner is of such a nature, or is of such a nature and is carried in such a quantity that, if it and any other cargo of the same nature that is carried by that ship were deposited by that ship in the arctic waters, the deposit thereof would not constitute a violation of subsection (1) of section 4.

8.

(1) *Evidence of financial responsibility to be provided.* The Governor in Council may require:

(a) Any person who engages in exploring for, developing or exploiting any natural resource on any land adjacent to the arctic waters or in any submarine area subjacent to the arctic waters.

(b) Any person who carries on any undertaking on the mainland or islands of the Canadian arctic or in the arctic waters that will or is likely to result in the deposit of waste in the arctic waters or in any place under any conditions where such waste or any other waste that results from the deposit of such waste may enter the arctic waters.

(c) Any person, other than a person described in paragraph (a), who proposes to construct, alter or extend any work or works on the mainland or islands of the Canadian arctic or in the arctic waters that, upon completion thereof, will form all or part of an undertaking described in paragraph (b), or

(d) The owner of any ship that proposes to navigate or that navigates within any shipping safety control zone specified by the Governor in Council and, subject to subsection (3) of section 7, the owner or owners of the cargo of any such ship,

to provide evidence of financial responsibility, in the form of insurance or an indemnity bond satisfactory to the Governor in Council, or in any other form satisfactory to him, in an amount determined in the manner provided by regulations made under section 9.

(2) *Persons entitled to claim against insurance or bond.* Evidence of financial responsibility in the form of insurance or an indemnity bond shall be in a form that will enable any person entitled pursuant to section 6 to claim against the person or persons giving such evidence of financial responsibility to recover directly from the proceeds of such insurance or bond.

9. *Regulations respecting manner of determining limit of liability*

The Governor in Council may make regulations for the purposes of section 6 prescribing, in respect of any activity or undertaking engaged in or carried on by any person or persons described in paragraph (a), (b) or (c) of subsection (1) of section 6, or in respect of any ship of which any such person is the owner or of all or part of whose cargo any such person is the owner, the manner of determining the limit of liability of any such person or persons pursuant to that section, which prescribed manner shall, in the case of the owner of any ship and the owner or owners of the cargo thereof, take into account the size of such ship and the nature and quantity of the cargo carried or to be carried by it.

Plans and specifications of works

10.

(1) *Plans and specifications to be provided.* The Governor in Council may require any person who proposes to construct, alter or extend any work or works on the mainland or islands of the Canadian arctic or in the arctic

waters that, upon completion thereof, will form all or part of an undertaking the operation of which will or is likely to result in the deposit of waste of any type in the arctic waters or in any place under any conditions where such waste or any other waste that results from the deposit of such waste may enter the arctic waters, to provide him with a copy of such plans and specifications relating to the work or works as will enable him to determine whether the deposit of waste that will or is likely to occur if the construction, alteration or extension is carried out in accordance therewith would constitute a violation of subsection (1) of section 4.

(2) *Powers of Governor in Council.* If, after reviewing any plans and specifications provided to him under subsection (1) and affording to the person who provided those plans and specifications a reasonable opportunity to be heard, the Governor in Council is of the opinion that the deposit of waste that will or is likely to occur if the construction, alteration or extension is carried out in accordance with such plans and specifications would constitute a violation of subsection (1) of section 4, he may, by order, either

(a) Require such modifications in those plans and specifications as he considers to be necessary, or

(b) Prohibit the carrying out of the construction, alteration or extension.

Shipping safety control zones

11.

(1) *Prescription of shipping safety control zones.* Subject to subsection (2), the Governor in Council may, by order, prescribe as a shipping safety control zone any area of the arctic waters specified in the order, and may, as he deems necessary, amend any such area.

(2) *Publication of proposed orders.* A copy of each order that the Governor in Council proposes to make under subsection (1) shall be published in the *Canada Gazette*; and no order may be made by the Governor in Council under subsection (1) based upon any such proposal except after the expiration of sixty days following publication of the proposal in the *Canada Gazette*.

12.

(1) *Regulations relating to navigation in shipping safety control zones.* The Governor in Council may make regulations applicable to ships of any class or classes specified therein, prohibiting any ship of that class or of any of those classes from navigating within any shipping safety control zone specified therein

(a) Unless the ship complies with standards prescribed by the regulations relating to

(i) Hull and fuel tank construction, including the strength of materials used therein, the use of double hulls and the subdivision thereof into watertight compartments,

(ii) The construction of machinery and equipment and the electronic and other navigational aids and equipment and telecommunications equipment to be carried and the manner and frequency of maintenance thereof,

- (iii) The nature and construction of propelling power and appliances and fittings for steering and stabilizing,
- (iv) The manning of the ship, including the number of navigating and look-out personnel to be carried who are qualified in a manner prescribed by the regulations,
- (v) With respect to any type of cargo to be carried, the maximum quantity thereof that may be carried, the method of stowage thereof and the nature or type and quantity of supplies and equipment to be carried for use in repairing or remedying any condition that may result from the deposit of any such cargo in the arctic waters,
- (vi) The freeboard to be allowed and the marking of load lines,
- (vii) Quantities of fuel, water and other supplies to be carried, and
- (viii) The maps, charts, tide tables and any other documents or publications relating to navigation in the arctic waters to be carried;

(b) Without the aid of a pilot, or of an ice navigator who is qualified in a manner prescribed by the regulations, at any time or during any period or periods of the year, if any, specified in the regulations, or without icebreaker assistance of a kind prescribed by the regulations; and

(c) During any period or periods of the year, if any, specified in the regulations or when ice conditions of a kind specified in the regulations exist in that zone.

(2) *Orders exempting certain ships.* The Governor in Council may by order exempt from the application of any regulations made under subsection (1) any ship or class of ship that is owned or operated by a sovereign power other than Canada where the Governor in Council is satisfied that appropriate measures have been taken by or under the authority of that sovereign power to ensure the compliance of such ship with, or with standards substantially equivalent to, standards prescribed by regulations made under paragraph (a) of subsection (1) that would otherwise be applicable to it within any shipping safety control zone, and that in all other respects all reasonable precautions have been or will be taken to reduce the danger of any deposit of waste resulting from the navigation of such ship within that shipping safety control zone.

(3) *Certificates evidencing compliance.* The Governor in Council may make regulations providing for the issue to the owner or master of any ship that proposes to navigate within any shipping safety control zone specified therein, of a certificate evidencing, in the absence of any evidence to the contrary, the compliance of such ship with standards prescribed by regulations made under paragraph (a) of subsection (1) that are or would be applicable to it within that shipping safety control zone, and governing the use that may be made of any such certificate and the effect that may be given thereto for the purposes of any provision of this Act.

13.

(1) *Destruction or removal of ships in distress.* Where the Governor in Council has reasonable cause to believe that a ship that is within the arctic waters and is in distress, stranded, wrecked, sunk or abandoned, is depositing waste or is likely to deposit waste in the arctic waters, he may cause the

ship or any cargo or other material on board the ship to be destroyed, if necessary, or to be removed if possible to such place and sold in such manner as he may direct.

(2) *Application of proceeds of sale.* The proceeds from the sale of a ship or any cargo or other material pursuant to subsection (1) shall be applied towards meeting the expenses incurred by the Government of Canada in removing and selling the ship, cargo or other material, and any surplus shall be paid to the owner of that ship, cargo or other material.

Pollution prevention officers

14.

(1) *Appointment.* The Governor in Council may designate any person as a pollution prevention officer with such of the powers set out in sections 15 and 23 as are specified in the certificate of designation of such person.

(2) *Certificate of designation.* A pollution prevention officer shall be furnished with a certificate of his designation specifying the powers set out in sections 15 and 23 that are vested in him, and a pollution prevention officer, on exercising any such power shall, if so required, produce the certificate to any person in authority who is affected thereby and who requires him to do so.

15. (1) *Powers*

A pollution prevention officer may, at any reasonable time,

(a) Enter any area, place or premises (other than a ship, a private dwelling place or any part of any area, place or premises other than a ship that is designed to be used and is being used as a permanent or temporary private dwelling place) occupied by any person described in paragraph (a) or (b) of subsection (1) of section 8, in which he reasonably believes

(i) There is being or has been carried on any activity that may result in or has resulted in waste, or

(ii) There is any waste

that may be or has been deposited in the arctic waters or on the mainland or islands of the Canadian arctic under any conditions where such waste or any other waste that results from the deposit of such waste may enter the arctic waters in violation of subsection (1) of section 4;

(b) Examine any waste found therein in bulk or open any container found therein that he has reason to believe contains any waste and take samples thereof; and

(c) Require any person in such area, place or premises to produce for inspection or for the purpose of obtaining copies thereof or extracts therefrom, any books or other documents or papers concerning any matter relevant to the administration of this Act or the regulations.

(2) *Powers in relation to works.* A pollution prevention officer may, at any reasonable time,

(a) Enter any area, place or premises (other than a ship, a private dwelling place or any part of any area, place or premises other than a ship that is designed to be used and is being used as a permanent or temporary private

dwelling place) in which any construction, alteration or extension of a work or works described in section 10 is being carried on; and

(b) Conduct such inspections of the work or works being constructed, altered or extended as he deems necessary in order to determine whether any plans and specifications provided to the Governor in Council, and any modifications required by the Governor in Council, are being complied with.

(3) *Powers in relation to ships*. A pollution prevention officer may

(a) Go on board any ship that is within a shipping safety control zone and conduct such inspections thereof as will enable him to determine whether the ship complies with standards prescribed by any regulations made under section 12 that are applicable to it within that shipping safety control zone;

(b) Order any ship that is in or near a shipping safety control zone to proceed outside such zone in such manner as he may direct, to remain outside such zone or to anchor in a place selected by him,

(i) If he suspects, on reasonable grounds, that the ship fails to comply with standards prescribed by any regulations made under section 12 that are or would be applicable to it within that shipping safety control zone,

(ii) If such ship is within the shipping safety control zone or is about to enter the zone in contravention of a regulation made under paragraph (b) or (c) of subsection (1) of section 12, or

(iii) If, by reason of weather, visibility, ice or sea conditions, the condition of the ship or its equipment or the nature or condition of its cargo, he is satisfied that such an order is justified in the interests of safety; and

(c) Where he is informed that a substantial quantity of waste has been deposited in the arctic waters or has entered the arctic waters, or where on reasonable grounds he is satisfied that a grave and imminent danger of a substantial deposit of waste in the arctic waters exists,

(i) Order all ships within a specified area of the arctic waters to report their positions to him, and

(ii) Order any ship to take part in the clean-up of such waste or in any action to control or contain the waste.

16. *Assistance to pollution prevention officer*

The owner or person in charge of any area, place or premises entered pursuant to subsection (1) or (2) of section 15, the master of any ship boarded pursuant to paragraph (a) of subsection (3) of that section and every person found in the area, place or premises or on board the ship shall give a pollution prevention officer all reasonable assistance in his power to enable the pollution prevention officer to carry out his duties and functions under this Act and shall furnish the pollution prevention officer with such information as he may reasonably require.

17.

(1) *Obstruction of pollution prevention officer*. No person shall obstruct or hinder a pollution prevention officer in the carrying out of his duties or functions under this Act.

(2) *False statements* No person shall knowingly make a false or misleading statement, either verbally or in writing, to a pollution prevention officer engaged in carrying out his duties or functions under this Act.

Offences

18.

(1) *Deposit of waste by persons or ships.*

Any person who violates subsection (1) of section 4 and any ship that violates that subsection is guilty of an offence and liable on summary conviction to a fine not exceeding, in the case of a person, five thousand dollars, and in the case of a ship, one hundred thousand dollars.

(2) *Continuing offences.* Where an offence is committed by a person under subsection (1) on more than one day or is continued by him for more than one day, it shall be deemed to be a separate offence for each day on which the offence is committed or continued.

19.

(1) *Additional offences by persons.* Any person who

(a) Fails to make a report to a pollution prevention officer as and when required under subsection (1) of section 5,

(b) Fails to provide the Governor in Council with evidence of financial responsibility as and when required under subsection (1) of section 8,

(c) Fails to provide the Governor in Council with any plans and specifications required of him under subsection (1) of section 10, or

(d) Constructs, alters or extends any work described in subsection (1) of section 10

(i) Otherwise than in accordance with any plans and specifications provided to the Governor in Council in accordance with a requirement made under that subsection, or with any such plans and specifications as required to be modified by any order made under subsection (2) of that section, or

(ii) Contrary to any order made under subsection (2) of that section prohibiting the carrying out of such construction, alteration or extension, is guilty of an offence and is liable on summary conviction to a fine not exceeding twenty-five thousand dollars.

(2) *Additional offences by ships.* Any ship

(a) That navigates within a shipping safety control zone while not complying with standards prescribed by any regulations made under section 12 that are applicable to it within that shipping safety control zone,

(b) That navigates within a shipping safety control zone in contravention of a regulation made under paragraph (b) or (c) of subsection (1) of section 12,

(c) That, having taken on board a pilot in order to comply with a regulation made under paragraph (b) of subsection (1) of section 12, fails to comply with any reasonable direction given to it by the pilot in carrying out his duties,

(d) That fails to comply with any order of a pollution prevention officer under paragraph (b) or (c) of subsection (3) of section 15 that is applicable to it,

(e) The master of which fails to make a report to a pollution prevention officer as and when required under subsection (2) of section 5, or

(f) The master of which or any person on board which violates section 17, is guilty of an offence and is liable on summary conviction to a fine not exceeding twenty-five thousand dollars.

(3) *Obstruction of pollution prevention officer, etc.* Any person, other than the master of a ship or any person on board a ship, who violates section 17 is guilty of an offence punishable on summary conviction.

20.

(1) *Proof of offence by person.* In a prosecution of a person for an offence under subsection (1) of section 18, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that the offence was committed without his knowledge or consent and that he exercised all due diligence to prevent its commission.

(2) *Proof of offence by ship.* In a prosecution of a ship for an offence under this Act, it is sufficient proof that the ship has committed the offence to establish that the act or neglect that constitutes the offence was committed by the master of or any person on board the ship, other than a pollution prevention officer or a pilot taken on board in compliance with a regulation made under paragraph (b) of subsection (1) of section 12, whether or not the person on board the ship has been identified; and for the purposes of any prosecution of a ship for failing to comply with any order or direction of a pollution prevention officer or a pilot, any order given by such pollution prevention officer or any direction given by such pilot to the master or any person on board the ship shall be deemed to have been given to the ship.

21.

(1) *Certificate of analyst.* Subject to this section, a certificate of an analyst stating that he has analysed or examined a sample submitted to him by a pollution prevention officer and stating the result of his analysis or examination is admissible in evidence in any prosecution for a violation of subsection (1) of section 4 and in the absence of evidence to the contrary is proof of the statements contained in the certificate without proof of the signature or the official character of the person appearing to have signed the certificate.

(2) *Attendance of analyst.* The party against whom a certificate of an analyst is produced pursuant to subsection (1) may, with leave of the court, require the attendance of the analyst for the purposes of cross-examination.

(3) *Notice.* No certificate shall be received in evidence pursuant to subsection (1) unless the party intending to produce it has given to the party against whom it is intended to be produced reasonable notice of such intention together with a copy of the certificate.

22.

(1) *Jurisdiction in relation to offences.* Where any person or ship is charged with having committed an offence under this Act, any court in Canada that would have had cognizance of the offence if it had been committed by a

person within the limits of its ordinary jurisdiction has jurisdiction to try the offence as if it had been so committed.

(2) *Service on ship and appearance at trial.* Where a ship is charged with having committed an offence under this Act, the summons may be served by leaving the same with the master or any officer of the ship or by posting the summons on some conspicuous part of the ship, and the ship may appear by counsel or agent, but if it does not appear, a summary conviction court may, upon proof of service of the summons, proceed *ex parte* to hold the trial.

Seizure and forfeiture

23.

(1) *Seizure of ship and cargo.* Whenever a pollution prevention officer suspects on reasonable grounds that

(a) Any provision of this Act or the regulations has been contravened by a ship, or

(b) The owner of a ship or the owner or owners of all or part of the cargo thereof has or have committed an offence under paragraph (b) of subsection (1) of section 19,

he may, with the consent of the Governor in Council, seize the ship and its cargo anywhere in the arctic waters or elsewhere in the territorial sea or internal or inland waters of Canada.

(2) *Custody.* Subject to subsection (3) and section 24, a ship and cargo seized under subsection (1) shall be retained in the custody of the pollution prevention officer making the seizure or shall be delivered into the custody of such person as the Governor in Council directs.

(3) *Perishable goods.* Where all or any part of a cargo seized under subsection (1) is perishable, the pollution prevention officer or other person having custody thereof may sell the cargo or the portion thereof that is perishable, as the case may be, and the proceeds of the sale shall be paid to the Receiver General or shall be deposited in a chartered bank to the credit of the Receiver General.

24.

(1) *Court may order forfeiture.* Where a ship is convicted of an offence under this Act, or where the owner of a ship or an owner of all or part of the cargo thereof has been convicted of an offence under paragraph (b) of subsection (1) of section 19, the convicting court may, if the ship and its cargo were seized under subsection (1) of section 23, in addition to any other penalty imposed, order that the ship and cargo or the ship or its cargo or any part thereof be forfeited, and upon the making of such order the ship and cargo or the ship or its cargo or part thereof are or is forfeited to Her Majesty in right of Canada.

(2) *Forfeiture of proceeds of sale.* Where any cargo or part thereof that is ordered to be forfeited under subsection (1) has been sold under subsection (3) of section 23, the proceeds of such sale are, upon the making of such order, forfeited to Her Majesty in right of Canada.

(3) *Redelivery of ship and cargo on bond.* Where a ship and cargo have been seized under subsection (1) of section 23 and proceedings that could

result in an order that the ship and cargo be forfeited have been instituted, the court in or before which the proceedings have been instituted may, with the consent of the Governor in Council, order redelivery thereof to the person from whom they were seized upon security by bond, with two sureties, in an amount and form satisfactory to the Governor in Council, being given to Her Majesty in right of Canada.

(4) *Seized ship, etc. to be returned unless proceedings instituted.* Any ship and cargo seized under subsection (1) of section 23 or the proceeds realized from a sale of any perishable cargo under subsection (3) of that section shall be returned or paid to the person from whom the ship and cargo were seized within thirty days from the seizure thereof unless, prior to the expiration of the thirty days, proceedings are instituted in respect of an offence alleged to have been committed by the ship against this Act or in respect of an offence under paragraph (b) of subsection (1) of section 19 alleged to have been committed by the owner of the ship or an owner of all or part of the cargo thereof.

(5) *Disposal of forfeited ship.* Where proceedings referred to in subsection (4) are instituted and, at the final conclusion of those proceedings, a ship and cargo or ship or cargo or part thereof are or is ordered to be forfeited they or it may, subject to section 25, be disposed of as the Governor in Council directs.

(6) *Return of seized ship, etc. where no forfeiture ordered.* Where a ship and cargo have been seized under subsection (1) of section 23 and proceedings referred to in subsection (4) have been instituted, but the ship and cargo or ship or cargo or part thereof or any proceeds realized from the sale of any part of the cargo are not at the final conclusion of the proceedings ordered to be forfeited, they or it shall be returned or the proceeds shall be paid to the person from whom the ship and cargo were seized, unless there has been a conviction and a fine imposed in which case the ship and cargo or proceeds may be detained until the fine is paid, or the ship and cargo may be sold under execution in satisfaction of the fine, or the proceeds realized from a sale of the cargo or any part thereof may be applied in payment of the fine.

25.

(1) *Protection of persons claiming interest.* The provisions of section 64A of the *Fisheries Act* apply, with such modifications as the circumstances require, in respect of any ship and cargo forfeited under this Act as though the ship and cargo were, respectively, a vessel and goods forfeited under subsection (5) of section 64 of that Act.

(2) *Idem* References to "the Minister" in section 64A of the *Fisheries Act* shall, in applying that section for the purposes of this Act, be read as references to the Governor in Council and the phrase "other than a person convicted of the offence that resulted in the forfeiture or a person in whose possession the vessel, vehicle, article, goods or fish were when seized" shall be deemed to include a reference to the owner of the ship where it is the ship that is convicted of the offence that results in the forfeiture.

(d) CANADA SHIPPING ACT OF 1970¹, AS AMENDED IN 1971²

...

PART VIII

...

*Radio equipment*401. *Prohibition against navigation without ship stations and operators*

No person shall navigate

(a) In Canadian waters any ship, and

(b) In any waters a Canadian ship,

unless that ship is fitted with a ship station that complies with the requirements prescribed by the regulations for that class of ship and has on board operators in such number and having such qualifications as are prescribed by the regulations.

402. . . .

(2) *Offence and punishment* Every person who contravenes subsection (1) or section 401 is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both.

403. *Regulations*

The Governor in Council may make regulations in respect to the following matters:

...

(b) Prescribing the ship stations to be fitted on Canadian ships and on ships other than Canadian ships while navigating in Canadian waters;

(c) To authorize the imposition of a fine not exceeding fifty dollars and costs or three months imprisonment for the contravention of any regulation made under this section and the recovery of any such fine upon summary conviction; and

(d) For the imposing of fines not exceeding fifty dollars and costs on persons found guilty of any breach of any regulation made by the Minister under this Part.

...

485.

(1) *Removal of certain vessels in distress, etc.* Where the Minister has reasonable cause to believe that the cargo or fuel of a vessel that is in distress, stranded, wrecked, sunk or abandoned

(a) Is polluting or is likely to pollute any Canadian waters,

¹ *Revised Statutes of Canada, 1970*, Chapter S-9.

² Amended by the Act to Amend the Canada Shipping Act (given Royal Assent on 30 March 1971), *ibid.*, 1970-71-72, Chapter 27. This amending Act repealed Part IX (Pollution of the Water and Air) of the original act, renumbered Part XX thereof as Part XXI and section 727 as section 762, and added a new Part XX reproduced here. For the complete text of the amendments, see *ibid.*, 1970, Chapter 27 (2nd Supp.).

(b) Constitutes or is likely to constitute a danger to waterfowl or marine life, or

(c) Is damaging or is likely to damage coastal property or is interfering or is likely to interfere with the enjoyment thereof,

he may cause the vessel, its cargo or fuel to be destroyed or removed to such place, and sold in such manner, as he may direct.

...

542.

(1) *Investigation into accidents* The Minister may order an investigation to be made by any person or persons into the cause of any accident on any ship, whether attended with loss of life or not.

(2) *Powers of investigation.* For the purposes of investigating the cause of any accident on a ship any person appointed under subsection (1) has and may exercise the powers set out in section 546.

543.

(1) *Regulations.* The Governor in Council may make regulations

(a) Respecting the reporting of shipping casualties by ships in Canadian waters and Canadian ships in any waters;

(b) Respecting the reporting of accidents or dangerous occurrences happening to or on board ships in Canadian waters and Canadian ships in any waters, whether attended with loss of life or not;

(c) Respecting the reporting of deaths on and the disappearance of persons from ships in Canadian waters or Canadian ships in any waters; and

(d) Prescribing the information to be included in any report referred to in paragraph (a), (b) or (c) and the form of that report.

(2) *Offence and punishment.* Every person who contravenes any regulation made under this section is guilty of an offence punishable on summary conviction.

...

...

PART XX. POLLUTION

Interpretation

727.

(1) *Definitions.* In this Part

“Administrator” means the Administrator of the Maritime Pollution Claims Fund appointed pursuant to section 738;

“Analyst” means a person designated as an analyst pursuant to section 731;

“Assessor” means an assessor appointed pursuant to subsection 746 (3);

“Discharge” includes, but not so as to limit its meaning, any spilling, leaking, pumping, pouring, emitting, emptying, throwing or dumping;

“Fisherman” means

- (a) The holder of a commercial fishing licence,
 - (b) A hired hand who derives all or a substantial portion of his income from employment as such on a fishing vessel,
 - (c) A fishing vessel owner who derives all or a substantial portion of his income from the rental of fishing vessels to holders of commercial fishing licences, and
 - (d) A person who derives all or a substantial portion of his income from the handling of fish on shore directly after the landing thereof from fishing vessels,
- but does not include a person engaged in the processing of fish;

“In bulk”, in relation to any pollutant carried on board a ship whether as cargo or otherwise, means in a quantity that exceeds a quantity prescribed by the Governor in Council with respect to that pollutant by any regulation made pursuant to paragraph 730(1) (p);

“Oil” means oil of any kind or in any form and, without limiting the generality of the foregoing, includes petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes but does not include dredged spoil;

“Owner”, in relation to a ship, means the person having for the time being, either by law or by contract, the rights of the owner of the ship as regards the possession and use thereof;

“Pollutant” means

(a) Any substance that, if added to any waters, would degrade or alter or form part of a process of degradation or alteration of the quality of those waters to an extent that is detrimental to their use by man or by any animal, fish or plant that is useful to man, and

(b) Any water that contains a substance in such a quantity or concentration, or that has been so treated, processed or changed, by heat or other means, from a natural state that it would, if added to any waters, degrade or alter or form part of a process of degradation or alteration of the quality of those waters to an extent that is detrimental to their use by man or by any animal, fish or plant that is useful to man,

and without limiting the generality of the foregoing includes oil and any substance or any substance that is part of a class of substances that is prescribed by the Governor in Council, for the purposes of this Part, to be a pollutant;

“Pollution prevention officer” means a person designated as a pollution prevention officer pursuant to section 731.

(2) *Application.* Except where otherwise provided in this Part or in any regulation made thereunder, this Part and any regulations made thereunder apply

(a) To all Canadian waters south of the sixtieth parallel of north latitude;

(b) To all Canadian waters north of the sixtieth parallel of north latitude that are not within a shipping safety control zone prescribed pursuant to the *Arctic Waters Pollution Prevention Act*;¹

¹ *Supra* (c).

(c) To any fishing zones of Canada prescribed pursuant to the *Territorial Sea and Fishing Zones Act*,¹ and

(d) To all ships in waters described in paragraphs (a) to (c).

Discharges of pollutants

728.

(1) *Regulations prohibiting discharge of pollutants.* The Governor in Council may make regulations prohibiting the discharge from ships of any one or more pollutants specified in the regulations, except as thereby authorized for the purposes of this Part, in any waters to which this Part applies and with respect to which those regulations are made applicable.

(2) *Report by master of ship* Where a ship

(a) Has discharged a pollutant, or

(b) Is in danger of discharging a pollutant or causing a discharge of a pollutant,

contrary to any regulation made pursuant to subsection (1), or

(c) Has discharged a pollutant in such circumstances as may be prescribed by regulation,

the master of the ship shall forthwith report the discharge of the pollutant or the danger to a pollution prevention officer, or such other person as the Governor in Council may designate, at such location and in such manner as the Governor in Council prescribes.

729.

(1) *Removal of ships in distress, etc.* Where the Minister has reasonable cause to believe that a ship that is in distress, stranded, wrecked, sunk or abandoned is discharging or is likely to discharge a pollutant into any waters to which this Part applies, he may, or he may authorize any person to, destroy, if necessary, or remove, if possible, and sell or otherwise dispose of the ship, its cargo or other material on board the ship.

730.

(1) *Regulations.* The Governor in Council may make regulations

(a) Prescribing substances and classes of substances that are, for the purposes of this Part, pollutants;

(b) Prescribing for the purposes of subsection 728(2) circumstances in which, the location at which and the manner in which the master of a ship shall report to a pollution prevention officer or other designated person;

(c) Respecting the fitting, maintenance, testing and use of electronic and other navigational equipment on ships carrying pollutants, in addition to that required under any other provision of this Act or the regulations;

(d) Prescribing with respect to ships of any class designated in the regulations

¹ Reproduced in ST/LEG/SER.B/15, pp. 52-54. See also *supra* DIVISION I, SUBDIVISION A, Chapter I, 3 (a), for its amendments.

- (i) The types of pollutants and the maximum quantities thereof that may be carried on board such ships whether as cargo or otherwise,
- (ii) The maximum quantities of any pollutant that may be carried in cargo holds or tanks and in any fuel tanks in such ships, and
- (iii) The method of stowage of the cargo or fuel in such holds and tanks;
- (e) Respecting the supplies and equipment to be carried by and the fittings and installations required on ships carrying pollutants for handling the pollutants and dealing with any discharge thereof;
- (f) Respecting the method of retention of oily or other wastes by ships carrying pollutants;
- (g) Requiring ships in waters to which this Part applies and with respect to which the regulations are made applicable to have on board, maintain and use appropriate charts, tide tables, lists of lights and other nautical publications;
- (h) Respecting the number and qualifications of navigation and engine room personnel, including pilots and lookouts, required to be on duty on ships of any class designated in the regulations in any waters to which this Part applies and with respect to which such regulations are made applicable;
- (i) Prescribing procedures and practices to be followed by persons on board ships in order to ensure safe navigation in waters to which this Part applies;
- (j) Prescribing procedures to be followed when pollutants are loaded or unloaded from a ship in waters to which this Part applies or transferred on board a ship in such waters;
- (k) Prescribing the supplies and equipment to be maintained by the operators of loading and unloading facilities for ships for use in the event of any discharge of a pollutant during the loading or unloading of a ship;
- (l) Respecting the records to be kept on board a ship
 - (i) Of any activities on board the ship in waters to which this Part applies that result in or may result in the discharge of a pollutant in any such waters or into the atmosphere,
 - (ii) Of loadings and unloadings of the ship at any facilities in such waters, and
 - (iii) Of discharges of pollutants by Canadian ships in any waters, which discharges, if made in waters to which this Part applies, would be contrary to any regulation made pursuant to subsection 728(1),
 and prescribing the person or persons by whom such records shall be kept;
- (m) For regulating and preventing the pollution of the air by ships;
- (n) For regulating and preventing the discharge of pollutants by Canadian ships in such waters, other than waters to which this Part applies, as are designated by the Governor in Council;
- (o) Establishing compulsory traffic routes and other shipping traffic controls considered necessary for safe navigation in waters to which this Part applies and with respect to which those regulations are made applicable;
- (p) Prescribing quantities of pollutants for the purposes of the definition "in bulk" in subsection 727(1); and

(q) Designating or prescribing anything that, pursuant to any provision of this Part, is to be designated or prescribed by the Governor in Council.

(2) *Certificates evidencing compliance.* The Governor in Council may make regulations providing for the issue to the owner or master of any ship of a certificate that, in the absence of any evidence to the contrary, is proof of the compliance of such ship with the requirements of this Act and regulations made thereunder relating to construction, fitting and equipping that are applicable to it or would be applicable to it if it were within waters to which this Part applies, and governing the use that may be made of any such certificate and the effect that may be given thereto for the purposes of any provision of this Act.

Pollution prevention officers and analysts

731.

(1) *Appointment.* The Minister may designate any person as a pollution prevention officer or an analyst for the purposes of this Part.

(2) *Powers of pollution prevention officers.* A pollution prevention officer has such of the powers set out in sections 732 and 760 as are specified in the certificate of his designation.

...

732.

(1) *Powers of pollution prevention officer.* A pollution prevention officer may

(a) Require any ship that is within waters to which this Part applies or that is about to enter any such waters to provide him with information concerning the condition of the ship, its machinery and equipment, the nature and quantity of its cargo and fuel and the manner in which and the locations in which the cargo and fuel of the ship are stowed and any other information that he considers appropriate for the administration of this Part;

(b) Go on board any ship that is within waters to which this Part applies and that he suspects on reasonable grounds is bound for a place in Canada and conduct such inspections of the ship as will enable him to determine whether the ship complies with any regulations made under this Part that are applicable to the ship;

(c) Order any ship to proceed out of waters to which this Part applies by such route and in such manner as he may direct, to remain outside such waters or to proceed to and moor, anchor or remain for a reasonable time specified by him and in a place selected by him that is within waters to which this Part applies,

- (i) If he suspects, on reasonable grounds, that the ship fails to comply with any regulation made under this Part that is or may be applicable to it; or
- (ii) If, by reason of weather, visibility, ice or sea conditions, the condition of the ship or any of its equipment, or any deficiency in its complement or the nature and condition of its cargo, he is satisfied that such an order is justified to prevent the discharge of a pollutant;

(d) Order any ship that he suspects on reasonable grounds is carrying a pollutant to proceed through any waters to which this Part applies by a route prescribed by him and at a rate of speed not in excess of a rate prescribed by him; and

(e) Where he is informed that a substantial quantity of a pollutant has been discharged in waters to which this Part applies or has entered waters to which this Part applies, or where on reasonable grounds he is satisfied that a grave and imminent danger of a substantial discharge of a pollutant in waters to which this Part applies exists,

(i) Order all ships within a specified area in waters to which this Part applies to report their positions to him, and

(ii) Order any ship to take part in the clean up of such pollutant or in any action to control or contain the pollutant.

(2) *Compensation.* Compensation shall be paid by the Crown for the services of any ship that has complied with an order issued under subparagraph (1) (e) (ii).

733.

(1) *Assistance to pollution prevention officer.* The master of any ship boarded pursuant to paragraph 732(1) (b) and every person on board the ship shall give a pollution prevention officer all reasonable assistance in his power to enable the pollution prevention officer to carry out his duties and functions under this Part and shall furnish the pollution prevention officer with such information as he may reasonably require.

(2) *Obstruction of pollution prevention officer.* No person shall obstruct or hinder a pollution prevention officer in the carrying out of his duties or functions under this Part.

(3) *False statements.* No person shall knowingly make a false or misleading statement, either verbally or in writing, to a pollution prevention officer engaged in carrying out his duties and functions under this Part.

Civil liability

734.

(1) *Civil liability resulting from discharge of pollutant.* Subject to section 735,

(a) The owner of a ship that carries a pollutant in bulk, or

(b) The owner of a ship that carries a pollutant in bulk and the owner or owners of that pollutant, if the ship is of a class prescribed by the Governor in Council as a class to which this paragraph applies,

in a case described in paragraph (a) is liable or, in a case described in paragraph (b) are jointly and severally liable

(c) For the costs and expenses of and incidental to the taking of any action authorized by the Governor in Council to repair or remedy any condition that results from the discharge of a pollutant in waters to which this Part applies that is caused by or is otherwise attributable to that ship, or to reduce or mitigate any damage to or destruction of life or property that results from or may reasonably be expected to result from such discharge, to the extent

that such costs and expenses can be established to have been reasonably incurred in the circumstances, and

(d) For all actual loss or damage incurred by Her Majesty in right of Canada or a province or any other person resulting from the discharge of a pollutant into waters to which this Part applies that is caused by or is otherwise attributable to that ship,

and such costs and expenses and actual loss or damage are recoverable, with costs, in the case of costs and expenses referred to in paragraph (c), by the person authorized by the Governor in Council to take the action or if that person is the Minister, by Her Majesty in right of Canada, and, in case of actual loss or damage referred to in paragraph (d), by Her Majesty in right of Canada or a province or the other person that incurred that loss or damage.

(2) *Costs and expenses of preventive action.* Where the Minister, pursuant to subsection 729(1), takes or authorizes the taking of any action to destroy or remove a ship or to destroy or remove the cargo or other material on board a ship, the owner of the ship is liable or, if the ship carries a pollutant in bulk and is of a class prescribed by the Governor in Council as a class to which paragraph (1) (b) applies, the owner of the ship and the owner or owners of the pollutant are jointly and severally liable, for the costs and expenses of and incidental to the taking of such action, to the extent that such costs and expenses can be established to have been reasonably incurred in the circumstances, and such costs and expenses are recoverable, with costs, by the person so authorized to take action or, if the action was taken by the Minister, by Her Majesty in right of Canada.

(3) *Procedure for recovery of claims.* All claims pursuant to this section may be sued for and recovered in the Admiralty Court.

(4) *Limitation period.* No proceedings in respect of a claim pursuant to this section shall be commenced after two years

(a) From the time when the destruction or removal of the ship or the cargo or other material on board the ship was authorized; or

(b) From the time when the discharge of a pollutant in respect of which the proceedings are brought or taken occurred or first occurred, as the case may be, or could reasonably be expected to have become known to those affected thereby.

(5) *Throwing overboard of dangerous goods.* Subsection 450(5) does not apply to relieve the master or owner of a ship from liability, either civil or criminal or both, under this Part except where the consent of the Minister to the throwing of dangerous goods overboard in accordance with that subsection has been given and such goods are thrown overboard in accordance with any terms and conditions on which such consent was given.

735.

(1) *Limitations liability.* The liability of any person pursuant to section 734 does not depend upon proof of fault or negligence but no person is liable pursuant to that section for any costs or expenses described in paragraph (1) (c) of that section or actual loss or damage described in paragraph (1) (d) of that section incurred by another person where he establishes that

(a) The conduct of that other person caused the discharge of the pollutant that gave rise to the liability or contributed to such discharge, to the degree to which his conduct contributed thereto, or

(b) The discharge of the pollutant that gave rise to the liability was wholly caused by

- (i) An act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character,
- (ii) An act or omission done with intent to cause damage by a person other than any person for whose wrongful act or omission he is by law responsible, or
- (iii) The negligence or wrongful act or omission of any person or government in the installation or maintenance of lights or other navigational aids,

and nothing in this Part shall be construed as limiting or restricting any right of recourse that a person liable pursuant to section 734 may have against any other person.

(2) *Idem.* For the purposes of subsection (1), a reference to the conduct of another person includes any wrongful act or omission by that other person or by any person for whose wrongful act or omission that other person is by law responsible.

(3) *Exemption from liability of certain persons.* The Minister may, by order, exempt from liability under subsection 734(1) any owner of a pollutant that is carried by a ship of a class to which paragraph (b) of that subsection applies, if such owner establishes to the satisfaction of the Minister that the pollutant of which he is the owner is of such a nature and quantity that, if it were discharged by the ship in waters to which this Part applies, the discharge would not constitute a contravention of any regulation made pursuant to subsection 728(1).

(4) *Amount directly recoverable.* Notwithstanding any other provision of this Act, the aggregate amount recoverable directly from

(a) The owner of a ship, or

(b) The owner of a ship that carries a pollutant in bulk and the owner or owners of that pollutant,

as the case may be, in respect of each separate incident that gives rise to civil liability under section 734 is,

(c) Where the incident occurs without actual fault or privity on the part of the person or persons described in paragraph (a) or (b), the lesser of

- (i) 2,000 gold francs for each ton of the ship's tonnage, and
- (ii) 210,000,000 gold francs, and

(d) Where the incident occurs with actual fault or privity on the part of the person or persons described in paragraph (a) or (b), an amount determined without reference to paragraph (c),

and where the aggregate of all settlements and judgements in respect of any such incident exceeds the aggregate amount so recoverable directly from the person or persons described in paragraph (a) or (b), the amount of such excess may be recovered out of the Fund in the manner provided in this Part.

736.

(1) *Evidence of financial responsibility to be provided.* Evidence of financial responsibility in the form of insurance or an indemnity bond, or any other evidence of financial responsibility satisfactory to the Minister, shall be provided by

(a) The owner of any ship that carries a pollutant in bulk to or from any place in Canada, or

(b) Subject to subsection 735(3), the owner of any ship that carries a pollutant in bulk to or from any place in Canada and the owner or owners of that pollutant, if the ship is of a class prescribed by the Governor in Council as a class to which paragraph 734(1) (b) applies, in an amount not less than the aggregate amount recoverable directly from the person or persons described in paragraph (a) or (b), as the case may be, determined in accordance with paragraph 735(4) (c), and such evidence shall be provided,

(c) In the case of a ship that carries a pollutant to any place in Canada from any place outside waters to which this Part applies, before it enters such waters, and

(d) In the case of a ship that carries a pollutant from any place in Canada, before it leaves the facility where such pollutant is loaded.

(2) *Persons entitled to claim against insurance or bond.* Evidence of financial responsibility in the form of insurance or an indemnity bond shall be in a form that will enable any person entitled pursuant to section 734 to claim against the person or persons giving such evidence of financial responsibility to recover directly from the proceeds of such insurance or bond.

...

Offences

752. *Discharge of pollutants by persons or ships*

Any person who and any ship that discharges a pollutant in contravention of any regulation made pursuant to section 728 is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred thousand dollars.

753.

(1) *Additional offences by person.* Any person who

(a) Fails to make a report as and when required under subsection 728(2) or as and when required under any regulation made for the purposes of that subsection, or

(b) Fails to provide evidence of financial responsibility as and when required under subsection 736(1) is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred thousand dollars.

(2) *Idem* Any person who violates subsection 733(2) or (3) is guilty of an offence punishable on summary conviction.

754.

(1) *Additional offences by ships.* Any ship that fails to comply with any reasonable requirement of a pollution prevention officer made under paragraph 732(1) (a) or with any order or direction of a pollution prevention officer given under paragraph 732(1) (c) (d) or (e) is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred thousand dollars.

(2) *Failure to carry certificate.* Any ship in respect of which a certificate may be issued pursuant to regulations made under subsection 730(2) and that enters or proceeds within any waters to which this Part applies without having such a certificate on board is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred thousand dollars.

755. *Additional offences by persons or ships*

Any person who and any ship that contravenes any regulation made under any of paragraphs 730 (1) (c) to (o) that is applicable to him or it is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred thousand dollars.

756.

(1) *Evasion of payment.* Every person who wilfully, in any manner, evades or attempts to evade payment of any amount payable under subsection 748 (1) is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars.

(2) *Idem.* Any person who fails to file an information return, as and when required by any regulation made under paragraph 749 (b), containing substantially the information required to be included therein is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars for each day of such default.

757. *Proof of offence by ship*

In a prosecution of a ship for an offence under this Part, it is sufficient proof that the ship has committed the offence to establish that the act or neglect that constitutes the offence was committed by the master of or any person on board the ship, other than a pollution prevention officer, whether or not the person on board the ship has been identified; and for the purposes of any prosecution of a ship for failing to comply with any requirement, order or direction of a pollution prevention officer, any requirement made or order or direction given by such pollution prevention officer of or to the master or any person on board the ship shall be deemed to have been made of or given to the ship.

...

Seizure

760.

(1) *Seizure of ship and pollutant.* Whenever a pollution prevention officer suspects on reasonable grounds that

(a) Any provision of this Part or of any regulation made thereunder has been contravened by a ship, or

(b) The owner of a ship or the owner or owners of all or part of the pollutant that is carried thereon has or have committed an offence under paragraph 753 (1) (b),

he may, with the consent of the Minister, seize the ship, and any pollutant that is carried thereon, anywhere in waters to which this Part applies or to which the *Arctic Waters Pollution Prevention Act* applies.

(2) *Custody.* Subject to subsection (3) and section 761, a ship and any pollutant seized under subsection (1) shall be retained in the custody of the pollution prevention officer making the seizure or shall be delivered into the custody of such person as the Minister directs.

(3) *Perishable goods.* Where all or any pollutant seized under subsection (1) is perishable, the pollution prevention officer or other person having custody thereof may sell the pollutant or the portion thereof that is perishable, as the case may be, and the proceeds of the sale shall be paid to the Receiver General or shall be deposited in a chartered bank to the credit of the Receiver General.

761.

(1) *Seized ship, etc. to be returned unless proceedings instituted.* Any ship and any pollutant seized under subsection 760(1) and the proceeds realized from a sale of any perishable pollutant under subsection 760(3) shall be returned or paid to the person from whom the ship and pollutant were seized within thirty days from the seizure thereof unless, prior to the expiration of the thirty days, proceedings are instituted in respect of an offence alleged to have been committed by the ship against this Part or in respect of an offence under paragraph 753(1) (b) alleged to have been committed by the owner of the ship or an owner or owners of all or part of any pollutant that is carried thereon.

(2) *Redelivery of ship and pollutant on posting of security.* Where a ship and any pollutant are seized under subsection 760(1), any court in or before which proceedings referred to in subsection (1) of this section may be instituted may, with the consent of the Minister, order redelivery thereof to the person from whom they were seized if security for payment of the maximum fine that might be imposed as a result of any such proceedings and costs thereof is given to Her Majesty in right of Canada.

...

4. DENMARK

(a) ACT NO. 290 OF 7 JUNE 1972 ON MEASURES AGAINST POLLUTION OF THE SEA BY SUBSTANCES OTHER THAN OIL¹

Section 1. For the purpose of this Act "dumping" means any disposal of substances or materials into the sea by discharge, emptying or sinking from or together with vessels, aircraft and other sea-going or airborne means of transport and floating or fixed platforms.

¹ English text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 5 January 1973.

Dumping is not: (1) disposal of substances or materials derived from the normal operation of means of transport, platforms or their equipment; and (2) the placing in the sea of substances and materials for a purpose other than the mere disposal thereof.

Section 2. The Act applies to the following means of transport and platforms:

(1) Means of transport which are Danish-owned or located in or above Danish territorial waters;

(2) Platforms which are Danish-owned or located in Danish territorial waters or in Danish territory of the Continental Shelf.

Section 3. It is prohibited to dump substances or materials

(1) Within Danish territorial waters;

(2) Within those parts of the Atlantic and Arctic Oceans and their dependent seas, including harbour areas, which lie north of 36° north latitude and between 42° west longitude and 51° east longitude, excluding the Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36° north latitude and the meridian of 5° 36' west longitude;

(3) Within that part of the Atlantic Ocean which lies north of 59° north latitude and between 44° west longitude and 42° west longitude.

Section 4. In other ocean territories the dumping of substances or materials listed in Annexes 1 and 2 is prohibited.

Section 5. The Minister for Environmental Protection or his agent may authorise dumping irrespective of the prohibitions laid down in sections 3 and 4. Dumping outside Danish territorial waters may also be authorized by the competent authorities of any country which has acceded to the international Convention on Prevention of Pollution of the Sea by Dumping from Vessels and Aircraft.

Subsection 2. Dumping of substances and materials listed in Annexes 1 and 2 may be authorised only in specific individual instances and for substances and materials listed in Annex 1 only in very special circumstances. Dumping of substances and materials not listed in the Annexes to this Act or of waste with only negligible quantities of the substances and materials listed in Annex 2 may be authorised without limit as to time, number or extent of dumpings.

Subsection 3. Dumping of waste containing insignificant quantities of the substances and materials listed in Annex 1 may be authorised even in the absence of special circumstances provided the substances or materials have not been added to the waste for the purpose of disposal.

Section 6. The prohibitions laid down in sections 3 and 4 do not apply to dumping made for the purpose of saving human life or out of consideration for the safety of the means of transport or of the platform.

Section 7. It is prohibited in Denmark for the purpose of dumping to release substances and materials for transportation and to carry and load such substances and materials. This does not apply where dumping has been authorised or where the relevant substances and materials are not listed in Annexes 1 and 2 and are intended for dumping outside the territories specified in section 3.

Section 8. Owners, users or operators of means of transport and owners or users of platforms must report to the Minister for Environmental Protection or any other authority designated by the Minister any dumping made by them and requiring authorisation or made under the provisions of section 6. The report must be filed not later than one week after the dumping.

Subsection 2. The report must state:

- (1) Time and place of dumping;
- (2) Nature and extent of the dumped substances or materials;
- (3) Dumping procedure;
- (4) Name of the authority issuing the authorisation;
- (5) Date of authorisation.

Subsection 3. If the dumping was made under the provisions of section 6 the report must state the reason and mention the circumstances which necessitated the dumping.

Section 9. The police, the defence and the fisheries inspection supervise the compliance with the provisions of this Act and the precepts issued under this Act.

Subsection 2. The defence and the fisheries inspection are invested with police authority while discharging supervisory functions.

Subsection 3. Police authority may be exercised towards foreign, sea-going vessels passing through Danish territorial waters only where violation of the provisions of this Act and of the precepts issued under this Act has taken place or is expected to take place within Danish territory.

Section 10. The Minister for Environmental Protection is empowered to establish provisions on prohibitions against dumping of substances or materials other than those listed in Annexes 1 and 2 outside the territories indicated in subsections 1 and 2 of section 3, or to establish divergent provisions on dumping outside these territories.

Subsection 2. The Minister is further empowered to amend Annexes 1 and 2.

Section 11. Upon recommendation by the Council mentioned in section 9 of the Act on Measures Against Pollution of the Sea by Oil, the Minister for Environmental Protection may establish provisions on prohibitions against discharge and emptying into the sea from means of transport and platforms, as described in section 2, of substances and materials derived from the normal operation of means of transport, platforms or their equipment.

Section 12. Violation of sections 3, 4, 7 and 8 are punishable by fine, ordinary imprisonment or, in aggravating circumstances, by jail term of up to one year.

Subsection 2. In precepts issued pursuant to sections 10(1) and 11, punishment may be provided as either fine or ordinary imprisonment or as fine, ordinary imprisonment or, in aggravating circumstances, jail term of up to one year for violations of the provisions of the precepts.

Subsection 3. In the case of violations committed by limited liability companies, co-operatives or the like, the company as such shall be held liable to pay the fine.

...

ANNEX I

SUBSTANCES AND MATERIALS FOR WHICH DUMPING AUTHORISATION WILL BE GIVEN ONLY IN VERY SPECIAL CIRCUMSTANCES

1. Organic halogenous compounds and substances which may form such substances in the marine environment, excluding substances which are non-toxic or will rapidly be converted in the sea to substances which are biologically harmless.
2. Organic silicone compounds and substances which may form such compounds in the marine environment, excluding substances which are non-toxic or will rapidly be converted in the sea to substances which are biologically harmless.
3. Substances which have been closely defined by the Minister for Environmental Protection and which may supposedly be carcinogenic.
4. Mercury and mercury compounds.
5. Cadmium and cadmium compounds.
6. Non-degradable plastics and other non-degradable synthetic materials which can float on the sea and which may seriously inconvenience fisheries, navigation or other legitimate uses of the sea or may reduce the recreational value of the sea.

ANNEX 2

SUBSTANCES AND MATERIALS FOR WHICH DUMPING AUTHORISATION WILL BE GIVEN ONLY IN SPECIFIC INDIVIDUAL INSTANCES

1. Arsenic, lead, copper, zinc and compounds thereof, cyanides and fluorides, and pesticides and their byproducts not listed in Annex 1.
2. Substances which may cause a disagreeable taste in fish, shellfish and molluscs, thereby reducing their commercial value.
3. Containers, metal waste, tar-like substances which may sink to the bottom and other voluminous waste which may seriously inconvenience fisheries or navigation.
4. Substances which, although not toxic *per se*, may be noxious to the marine environment because of the quantity in which they are dumped or because they may to a substantial degree reduce the recreational value of the sea.

(b) ACT NO. 289 OF 7 JUNE 1972 AMENDING THE ACTION MEASURES AGAINST POLLUTION OF THE SEA BY OIL AND OTHER MATERIALS¹

Section 1. In the Act on Measures Against Pollution of the Sea by Oil and Other Materials, cf. Government Order No. 124 of April 7, 1967, amended by Act No. 49 of February 3, 1971, the following amendments shall apply:

1. The title of the Act shall be: "Act on Measures Against Pollution of the Sea by Oil."
2. Section 10 a shall be deleted.
3. Section 11 shall read:

¹ English text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 5 January 1973.

Section 11. Violation of this Act is punishable by fine, ordinary imprisonment or, in aggravating circumstances, by jail term up to one year.

Subsection 2. In precepts issued pursuant to this Act, punishment may be provided as either fine or ordinary imprisonment or as fine, ordinary imprisonment or, in aggravating circumstances, jail term of up to one year for violations of the provisions of the precepts.

Subsection 3. In the case of violations committed by limited liability companies, co-operatives or the like the company as such shall be held liable to pay the fine.

...

(c) NOTICE OF 18 JANUARY 1972 ISSUED BY THE MINISTRY OF POLLUTION CONTROL PROHIBITING THE DUMPING OF CERTAIN MATERIALS FROM SHIPS¹

Pursuant to article 10 *a* of the Act concerning measures to prevent pollution of the sea by oil and other materials (cf. Statute Notice No. 124 of 7 April 1967, as amended by Act No. 49 of 3 February 1971) it is hereby provided that:

Article 1

1. It shall be unlawful to dump in the sea from Danish ships any materials loaded on board with a view to dumping, which contain substances that could have harmful effects on marine animal or plant life. The prohibition shall, in particular, apply to the dumping of

- (1) Persistent organic halogen compounds and
- (2) Compounds of toxic metals.

2. It shall also be unlawful to dump from Danish ships any materials that could cause serious inconvenience to navigation and fisheries and other lawful uses of the sea.

3. Annexes 1 and 2 of this Notice contain examples of substances and materials subject to the prohibition in paragraphs 1 and 2.

Article 2

It shall be unlawful to dump harmful substances of the kind specified in article 1 from any ship in Danish territorial waters.

Article 3

The Minister for Pollution Control may, upon request, permit dumping of materials containing substances of the kind referred to in article 1, paragraph 1. Permits to dump materials containing substances of the kind listed in annex 1 are not likely to be granted.

Article 4

Offences against the provisions set forth in this Notice shall be punishable by a fine.

...

¹ Entered into force on 1 February 1972 in accordance with article 5. Text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 5 January 1973. Translation by the Secretariat of the United Nations.

ANNEX I

EXAMPLES OF SUBSTANCES AND MATERIALS, WHICH ARE SUBJECT TO THE PROHIBITION IN ARTICLE I OF THE NOTICE AND FOR WHICH A DUMPING PERMIT IS NOT LIKELY TO BE GRANTED

- A. *Persistent pollutants which become concentrated in animals and plants.* (Waste from the production of the substances listed under item A may, in many cases, contain by-products of similar composition.)
1. *Halogenated hydrocarbons* (e.g. chlorinated hydrocarbons):
 - (1) DDT (Dichloro-diphenyl-trichloroethane), lindane, dieldrin, aldrin and endrin.
 - (2) Aliphatic chlorinated hydrocarbons. (Waste from the manufacture of PVC).
 - (3) PCBs (polychlorinated biphenyls). (Used as cooling agents in transformers and condensers, under such names as askarel and pyrelene 1499.)
 - (4) Polychlorinated dibenzo-paradoxines. (Occur as by-products in the manufacture of pentachlorophenol and dichlorophenoxyacetic acids (herbatox, etc.).)
 - (5) By-products of teflon.
 - (6) Chlorobenzenes.
 2. *Other examples*
 Cresols.
 Naphthylamines.
 Silicons.
- B. *The elements mercury and cadmium and their compounds.* (The examples given below are intended to make it possible to identify the elements either with the help of the chemical symbols or the underlined part of the names of the substances.¹ Where mercuric sulfide is mentioned, the same classification also applies to such compounds as mercuric cyanide and/or other compounds of mercury. Similarly, such compounds as cadmium nitrate and cadmium chloride are also subject to the prohibition, even if they are not specifically listed.)
- Mercury.
 . . .
 Cadmium.
 . . .
- C. *Durable plastics, fishing tackle, cordage, packing materials etc.*, which can cause serious inconvenience to navigation and fisheries and other lawful uses of the sea.

ANNEX 2

EXAMPLES OF SUBSTANCES WHICH ARE SUBJECT TO THE PROHIBITION IN ARTICLE I OF THE NOTICE AND FOR WHICH A DUMPING PERMIT MAY BE GRANTED IN CERTAIN CASES

- A. *Other highly toxic elements and their compounds.* (The examples listed below are intended to make it possible to identify the elements either with the help of the chemical symbols or the underlined part of the names of the substances¹. Where sodium arsenite is mentioned, the same classification also applies to such compounds of arsenic. Similarly, such compounds as copper nitrate, antimony trichloride, tetraethyl lead and beryllium lactate are also subject to the prohibition, even if they are not specifically listed. The cyanide group is included, although cyanide is not an element.)

¹ The chemical symbols and the names of substances are omitted.

- Antimony.
 - . . .
 - Arsenic.
 - . . .
 - Beryllium.
 - . . .
 - Lead.
 - . . .
 - Copper.
 - . . .
 - Cobalt.
 - . . .
 - Chromium.
 - . . .
 - Nickel.
 - . . .
 - Selenium.
 - . . .
 - Thallium.
 - . . .
 - Tin.
 - . . .
 - Titanium.
 - . . .
 - Vanadium.
 - . . .
 - Zinc.
 - . . .
 - Cyanides.
 - . . .
- B. *Alkaloids.*
- Strychnine.
 - Brucine.
 - LSD.

5. FIJI

CONTINENTAL SHELF ACT, 1970, section 9¹

¹ *Supra* DIVISION II, 6 (a).

6. JAPAN

MARINE POLLUTION PREVENTION LAW, 1970¹

CHAPTER I

General provisions

Article 1. Purpose

The purpose of this Law is to prevent marine pollution by controlling the discharge to the ocean of oil and wastes from a ship and an offshore facility, by securing appropriate disposal of waste oil and by taking measures for the prevention of marine pollution, thereby contributing to the preservation of the marine environment.

Article 2. Prevention of marine pollution

Every person shall endeavour oneself not to pollute the ocean by the discharge of oil or wastes and by other acts.

...

CHAPTER II

Control of discharge of oil from a ship

Article 4. Prohibition of discharge of oil from a ship

1. No one shall discharge oil from a ship on the sea areas. However, this provision shall not apply to the discharge of oil that falls under any of the following subparagraphs:

- (1) The discharge of oil for the purpose of securing the safety of a ship, preventing damage to a ship or cargo, or saving human life;
- (2) The discharge of such oil as that was discharged due to damage to a ship or by other unavoidable reasons and when all the possible measures to prevent the continuous discharge of oil were taken.

2. The provisions of the preceding paragraph proper shall not apply to the discharge of oil (in case of a tanker, the discharge of bilge only) that falls under all of the following subparagraphs:

- (1) The discharge takes place while the ship is proceeding en route;
- (2) The instantaneous rate of discharge (meaning the rate of discharge of oil in litres per hour at any instant divided by the speed of the ship in knots at the same instant; hereinafter the same shall apply) of oil content (meaning crude oil, heavy oil as provided by the Ministry of Transport Ordinance referred to in subparagraph (1) of the preced-

¹ Law No. 136 of 1970. Entered into force on 24 June 1971, except Articles 4, 5 and 8 as well as Chapters III and IV, which came into force on 25 June 1972, in accordance with Article 1 of the Supplementary Provisions attached to the Law. The Law for the Prevention of Pollution of the Sea by Oil from Ships (Law No. 127 of 1966) was repealed by Article 2 of the Supplementary Provisions. English text provided by the Permanent Representative of Japan to the United Nations in a note verbale of 11 February 1972.

ing article or lubricating oil contained in the discharged oil; hereinafter the same shall apply) does not exceed 60 litres per nautical mile;

- (3) The oil content is less than 100 parts per 1,000,000 parts of the discharged oil;
3. The provision of paragraph 1 proper shall not apply to the discharge of bilge from a ship other than a tanker which is less than 300 tons gross tonnage.
4. The discharge of oil falling under any subparagraph of paragraph 2 and the discharge of bilge mentioned in the preceding paragraph shall be made as far from land as practicable.
5. The provision of paragraph 1 proper shall not apply to the discharge of ballast water (including cleaning water of the cargo hold; hereinafter the same shall apply in this paragraph) that falls under all of the following subparagraph and the discharge of ballast water from the cleaned cargo hold of a tanker and its degree of cleaning conforms to the standards provided by the Ministry of Transport Ordinance:
 - (1) The discharge takes place while the ship is proceeding en route;
 - (2) The instantaneous rate of discharge of oil does not exceed 60 litres per nautical mile;
 - (3) The total quantity of oil discharge on a ballast voyage (meaning the period from the commencement of loading of ballast water into the cargo hold of the ship to the completion of the discharge of such ballast water) does not exceed 1/15,000 of the total cargo-carrying capacity;
 - (4) The discharge is made in the sea areas beyond 50 nautical miles from the base-line (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).
6. The provisions of paragraph 1 proper shall not apply to the discharge of oil from a ship for the time being engaged in the whaling industry when actually employed on whaling operations.

Article 5. Device for prevention of discharge of oil

The owner of a ship (in case of co-ownership of the ship, the ship's husband; in case of a lease of the ship, the lessee of a ship; hereinafter the same shall apply) shall, as provided by the Ministry of Transport Ordinance, provide on board a ship (excluding ships that produce no bilge) a device for prevention of leakage to the bottom of oil existing on board or for storage or disposal of bilge on board (hereinafter referred to as the "bilge discharge prevention device").

Article 6. Oil pollution supervisor

1. The owner of a ship shall, for each ship prescribed by the Ministry of Transport Ordinance, designate one of ship's officers who go on board the ship as an oil pollution supervisor to have him assist the master (in case where any person other than the master executes the master's duties for the master; that person; hereinafter the same shall apply) and supervise over the business concerning the prevention of inadequate discharge of oil from the ship.

2. The oil pollution supervisor shall be a person with experiences of operation concerning handling of oil or other requirements as provided by the Ministry of Transport Ordinance.

...

Article 8. Oil record book

1. The master of a ship (in case of a ship navigation exclusively under tow or pushed by other ship (hereinafter referred to as the "towed ship"), the owner of a ship; the same shall apply in the following paragraph and paragraph 3) shall provide an oil record book on board (in case of a towed ship, at the office of the owner of a ship who administers the ship concerned; the same shall apply in paragraph 3). However, this shall not apply to ships other than a tanker which produces no bilge.

2. The oil pollution supervisor (in case of a ship in which such oil pollution supervisor has not been designated, the master of a ship) shall, when the discharge of oil or other operations concerning handling of oil on board as provided by the Ministry of Transport Ordinance is taken place, make entry in the oil record book in accordance with the Ministry of Transport Ordinance.

3. The master of a ship shall keep the oil record book on board for two years from the day on which the last entry was made.

4. In addition to those provisions prescribed in the three preceding paragraphs, necessary matters concerning the oil record book such as the form of the oil record book shall be provided by the Ministry of Transport Ordinance.

Article 9. Exceptions

1. The provisions from article 5 to the preceding article inclusive shall not apply to ships, other than tankers, of less than 300 tons gross tonnage.

2. The provisions of articles 6 and 7 shall not apply to ships other than Japanese ships (meaning Japanese ships provided for in article 1 of the Ship Law (Law No. 46 of 1899)).

CHAPTER III

Control of discharge of wastes from a ship

Article 10. Prohibition of discharge of wastes from a ship

1. No one shall discharge wastes from a ship on the sea areas. However, this shall not apply to the discharge of wastes that falls under any of the following subparagraphs:

- (1) The discharge of wastes for the purpose of securing the safety of a ship, preventing damage to a ship or cargo, or saving human life;
- (2) The discharge of such wastes as that were discharged due to damage to a ship or by other unavoidable reasons and when all the possible measures to prevent the continuous discharge of wastes were taken.

2. The provision of the preceding paragraph proper shall not apply to the discharge of wastes that falls under any of the following subparagraphs:

- (1) The discharge of refuse, excrements, sewage or other similar wastes that arise from daily life of seamen and other persons on board the ship concerned. . . .

...

CHAPTER IV

*Control of discharge of oil and wastes from an offshore facility**Article 18. Prohibition of discharge of oil and wastes from an offshore facility*

1. No one shall discharge oil or wastes from an offshore facility. However this provision shall not apply to the discharge of oil or wastes that fall under any of the following subparagraphs:

- (1) The discharge of oil or wastes for the purpose of securing the safety or preventing damage of an offshore facility, or saving human life;
- (2) Such discharge of oil or wastes as when oil or wastes were discharged due to damage of an offshore facility or by other unavoidable reasons and all the possible measures to prevent the continuous discharge of oil or wastes were taken.

2. The provision of the preceeding paragraph proper shall not apply to the discharge of oil or wastes that falls under any of the following subparagraphs:

- (1) The discharge of refuse, excrements, sewage or other similar wastes that arise from daily life of persons in an offshore facility. . . .

. . .

CHAPTER VI

*Measures for the prevention of marine pollution and the removal of marine pollution**Article 38. Removal of oil discharged in large quantity*

1. When oil (only when its oily content is of such density as may be provided by the Ministry of Transport Ordinance or of higher density) is discharged (hereinafter referred to as "the discharge of oil in large quantity") in such quantity as may be provided by the Ministry of Transport Ordinance, or more, the following persons shall immediately report to the nearest local office of the Maritime Safety Agency, in accordance with the provisions of the Ministry of Transport Ordinance, of the time, date and place of the discharge of oil, quantity and conditions of dispersion of the discharged oil, and the ship that has carried the discharged oil or the offshore facility and other facility (including such facility on land) that has kept the discharged oil in custody; however, the same shall not apply in case it is recognized that there is no fear of the discharged oil being dispersed beyond such extent as may be provided by the Ministry of Transport Ordinance:

- (1) The master of the ship that has carried the discharged oil or supervisor of the facility that has kept the discharged oil under custody;
- (2) Any person other than those aboard the ship mentioned in the preceding subparagraph or who are employees of the facility referred to therein, who has committed acts that caused the discharge of oil (in case such person is aboard the ship, the master of the ship).

2. Any person who has discovered oil having dispersed beyond such extent as may be provided by the Ministry of Transport Ordinance under the proviso

of the preceding paragraph shall report, without delay, to the nearest local office of the Maritime Safety Agency.

Article 39.

1. When the discharge of oil in large quantity is made, any person mentioned in each subparagraph of paragraph 1 of the preceding article shall, in accordance with the provisions as may be provided by the Ministry of Transport Ordinance, immediately take emergency measures to prevent the dispersion of the discharged oil and the subsequent discharge of oil, and to remove the discharged oil (hereinafter referred to as "removal of the discharged oil").

2. When the discharge of oil in large quantity is made, the following persons shall immediately take necessary measures, in accordance with the Ministry of Transport Ordinance, for removal of the discharged oil. However, the same shall not apply in case a person referred to in the preceding article has taken measures in accordance with the provisions of the preceding paragraph and such measures are recognized to be sufficient to remove the discharged oil:

- (1) The owner of a ship as prescribed in paragraph 1, subparagraph (1), of the preceding article;
- (2) The owner of a facility as provided in paragraph 1, subparagraph (1), of the preceding article;
- (3) The employer, other than those persons referred to in the preceding two subparagraphs, of a person who has committed in the course of his employment an act that caused the discharge of oil (if such person is a crew member of a ship, the owner of the ship).

3. In a case referred to in the preceding paragraph, the Commandant of the Maritime Safety Agency may order the persons mentioned in any subparagraph of that paragraph to take measures pursuant to the provisions of the same paragraph when it is recognized that such persons have not taken measures that they should take in accordance with the provisions of that paragraph.

4. When the discharge of oil in large quantity is made from a ship in or near a port, the following persons shall endeavour to assist such persons as provided in paragraphs 1 and 2 in implementation of the measures that these persons shall take, or to take necessary measures in cooperation with these persons for removal of the discharged oil:

- (1) The consignor in case the port is a port of shipment of the discharged oil;
- (2) The consignee in case the port is a port of landing of the discharged oil;
- (3) The supervisor of the mooring facility in case the discharge of oil is made during mooring of the ship.

Article 40. Removal of wastes and other materials

The Commandant of the Maritime Safety Agency may, when the ocean is polluted by the discharged wastes and other materials (excluding oil; hereinafter the same shall apply in this article), and such pollution entails or is feared to entail a notable impediment to the preservation of the marine environment and when it is recognized that the prevention of such pollution is urgently required, order the person who is recognized to have discharged the wastes

and other materials that caused pollution to take necessary measures to prevent pollution inclusive of the removal of such wastes and other materials.

Article 41. Burden of expenditures required for the measures taken by the commandant of the maritime safety agency

1. The Commandant of the Maritime Safety Agency may, when any person who shall undertake measures in accordance with the provisions of paragraphs 1 to 3 of article 39 and the preceding article does not undertake measures or the Commandant of the Maritime Safety Agency deems to be difficult to prevent marine pollution solely by measures undertaken by such person, undertake himself measures for removal of the discharged oil, wastes and other materials and other necessary measures for the prevention of marine pollution. He may have the expenditures so incurred for such measures borne, in accordance with the Ministry of Transport Ordinance, by the owner of the ship that carried the discharged oil, wastes and other materials or the owner of an offshore facility or other facility (including facility on land) to such extent as may be provided by the Ministry of Transport Ordinance. However, the same shall not apply in case the discharge of oil, wastes and other materials are made due to an abnormal natural disaster and other causes as may be provided by the Ministry of Transport Ordinance.

...

4. In the case of paragraph 1 the owner of a ship or the supervisor of a facility under the same paragraph may have recourse as to the expenditures borne in accordance with the provisions of the same paragraph against any person who is liable for the discharge of oil, wastes and other materials.

Article 42. Disposal of properties for the purpose of removal of significant marine pollution by oil

The Commandant of the Maritime Safety Agency may, when significantly large quantity of oil is discharged along the coastal waters of this country resulting in significant marine pollution, and such pollution entails a notable impediment to preservation of the marine environment, injures human health, inflicts heavy damage upon properties or makes business activities difficult or when there is fear that these impediments may arise, dispose, only to the extent as may be necessary for removal of the discharged oil, of properties existent in the waters around the place where the discharged oil is afloat, including destruction of the ship that carried the discharged oil and burning up of the discharged oil so long as it is urgently required to undertake measures to remove the discharged oil in order to prevent such impediments.

...

CHAPTER VIII

Penal provisions

Article 55

Any person who falls under any of the following subparagraphs shall be liable to a penal servitude not exceeding six months or a fine not exceeding 200,000 yen:

- (1) A person who has discharged oil in violation of the provisions of paragraph 1 of article 4;

- (2) A person who has discharged wastes in violation of the provisions of paragraph 1 of article 10;
- (3) A person who has discharged oil or wastes in violation of the provisions of paragraph 1 of article 18;
- ...
- (6) A person who has violated the provisions of paragraph 1 of article 39;
- (7) A person who has violated the order made in accordance with the provisions of paragraph 3 of article 39 or article 40;
- ...

Article 57

Any person who falls under any of the following subparagraphs shall be liable to a fine not exceeding 100,000 yen:

- (1) A person who has put a ship to navigation in violation of the provisions of article 5;
- (2) A person who has violated the provisions of paragraph 1 of article 6, article 7 or article 27;
- (3) A person who has violated the order made in accordance with the provisions of paragraph 1 of article 33;
- (4) A person who has not made a report in accordance with the provisions of paragraph 1 of article 38, or who has made a false report.

Article 58

Any person who falls under any of the following subparagraphs shall be liable to a fine not exceeding 50,000 yen:

- (1) A person who has violated the provisions of paragraph 1 or paragraph 3 of article 8 or paragraph 1 or paragraph 3 of article 16;
- (2) A person who has not made entry in the oil record book of the matters that shall be entered in accordance with paragraph 2 of article 8 or paragraph 2 of article 16, or who has made a false entry therein;
- ...

7. MADAGASCAR

LOI N° 70-016 DU 15 JUILLET 1970 PORTANT RÉGLEMENTATION MARITIME DES INSTALLATIONS ET AUTRES DISPOSITIFS SUR LE PLATEAU CONTINENTAL, articles 22 et 34¹

8. MALTA

CONTINENTAL SHELF ACT, 1966, sections 4, 6-9²

¹ *Supra* DIVISION II, 12 (b).

² *Ibid.*, 14.

9. NETHERLANDS

- (a) POLLUTION OF SURFACE WATER ACT, 13 NOVEMBER 1969, sections 1, 25-28 and 35¹
- (b) PENAL CODE, AS AMENDED IN 1969, sections 173a and 173b²
- (c) POLLUTION OF NATIONAL WATERS IMPLEMENTATION DECREE, 5 NOVEMBER 1970, sections 1, 2, 6, 10 and 11³

10. NEW ZEALAND

- (a) OIL IN NAVIGABLE WATERS (RECORDS, TRANSFER, AND ENFORCEMENT OF CONVENTION) REGULATIONS 1971⁴

2. Interpretation

In these regulations, unless the context otherwise requires:

“Convention” means the International Convention for the Prevention of Pollution of the Sea by Oil 1954⁵ as amended in 1962, or any subsequent Convention;

“Ship” has the same meaning as in the Shipping and Seamen Act 1952;

“Surveyor of ships” means a surveyor of ships appointed or recognised as such under section 13 of the Shipping and Seamen Act 1952;

Other expressions defined in the Oil in Navigable Waters Act 1965⁶ shall have the meaning so defined.

3. Duty to keep records

(1) Subject to the provisions of subclauses (2) and (3) of this regulation, records shall be kept by the master of every New Zealand ship in an oil record book in respect of the following matters:

(a) Of any occasion on which oil or a mixture containing oil is discharged from the ship for the purpose of securing the safety of any ship, or of preventing damage to any ship 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 the ship in consequence of damage to the ship or by reason of leakage;

(c) Of the carrying out, on board or in connection with the ship, of such operations as may be prescribed, being operations relating to:

¹ *Supra* DIVISION I, SUBDIVISION A, Chapter VII, 7 (a).

² *Supra* DIVISION I, SUBDIVISION A, Chapter VII, 7 (b).

³ *Ibid.*, 7 (c).

⁴ 1971/104; 3 May 1971. Entered into force on 1 September 1971. Text provided by the Minister of Foreign Affairs of New Zealand in a note verbale of 8 November 1971.

⁵ United Nations, *Treaty Series*, vol. 327, p. 3. The Convention as amended in 1962 is reproduced in ST/LEG/SER.B/15, pp. 787-799.

⁶ Reproduced in part *ibid.*, pp. 502-505.

- (i) The ballasting of oil tanks (whether cargo or bunker fuel tanks) and the discharge of ballast from, and the 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 subparagraphs (i) and (ii) of this paragraph; or
- (iv) The disposal of any other oil residues or sediments.

(2) The master of every New Zealand ship (not being a tanker) of 250 tons gross tonnage or over shall keep a record in an oil record book, in the form set out in the First Schedule to these regulations of the matters specified in paragraphs (a) and (b) of subclause (1) of this regulation, and in the form set out in the Second Schedule to these regulations of the matters specified in paragraph (c) of that subclause.

(3) The master of every New Zealand ship, being a tanker, shall keep a record in an oil record book, in the form set out in the First Schedule to these regulations of the matters specified in paragraphs (a) and (b) of subclause (1) of this regulation and in the form set out in the Third Schedule to these regulations of the matters specified in paragraph (c) of that subclause.

4. *Transfer records*

(1) Subject to the provisions of subclause (2) of this regulation, the master of every ship of 250 tons gross tonnage or over and of every tanker, whether registered or not and of whatever nationality, shall keep in the oil record book a record of the particulars specified in regulation 5 hereof relating to the transfer of oil to and from the vessel while it is within the territorial sea or internal waters of New Zealand.

(2) In the case of the transfer of oil to a barge, the records shall be kept by the person supplying the oil and in the case of the transfer of oil from the barge the record shall be kept by the person to whom the oil is delivered.

5. *Particulars to be shown in transfer records*

(1) The record which, by regulation 4 of these regulations, is required to be kept shall show clearly the following particulars:

- (a) The name and port of registry (if any) of the ship or barge;
- (b) The date and time of transfer;
- (c) The place of transfer;
- (d) The amount and description of oil transferred;
- (e) From what ship, barge, or place on land, and to what ship, barge, or place, the oil was transferred.

...

6. *Duty to retain records*

The records required to be kept in accordance with regulations 3 and 4 of these regulations shall be kept in the ship for a period of two years after the date on which the last entry was made: provided that in the case of a ship which is unmanned or under tow the records shall be kept at the principal office in New Zealand of the owners of the ship.

7. *Production of records*

Without prejudice to any powers exercisable by surveyors of ships otherwise than by virtue of these regulations, every surveyor of ships is hereby designated as a person empowered to go on board any ship to which the Convention applies, while the ship is within a harbour in New Zealand, and to require production of any records required to be kept in accordance with the Convention and these regulations.

...

(b) [OIL IN NAVIGABLE WATERS (PROHIBITED SEA AREAS) REGULATIONS 1971]¹

(c) OIL IN NAVIGABLE WATERS (SHIPS' EQUIPMENT) REGULATIONS 1971²

...

3. *New Zealand ships to be fitted to prevent escape of oil into bilges*

(1) Every New Zealand ship which uses oil as fuel for propulsion or for any other purpose shall be fitted with such equipment as will prevent the escape of oil into the bilges of the ship, unless effective means are provided to prevent the contents of the bilges from being discharged in contravention of the Oil in Navigable Waters Act 1965³

(2) For the purpose of this regulation the term "effective" means a process, approved by a person appointed by the Minister, of separating oil from the contents of the bilges.

4. *Requirements where bunker fuel tanks used for ballast water*

Subject to the provisions of regulation 5 hereof,

(a) Every New Zealand ship, not being a tanker, which has a gross tonnage of 250 tons or more and which uses its bunker fuel tanks for ballast water shall be properly fitted with equipment for the purpose of preventing discharges of oil and mixtures containing oil into the sea, in contravention of the Oil in Navigable Waters Act 1965:

(b) All such equipment shall comply with the requirements specified in the Schedule⁴ to these regulations.

5. *Existing ships*

Where at the date of the coming into force of these regulations a ship to which regulation 4 hereof applies is already fitted with equipment for the purpose mentioned in the said regulation 4 it shall be sufficient for the purpose of these regulations if the equipment:

¹ 1971/102; 3 May 1971. The Regulations prescribe "prohibited sea areas" for the purposes of the Oil in Navigable Waters Act 1965, reproduced in ST/LEG/SER.B/15, pp. 502-505, as the "prohibited zones" appearing in Annex A to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended. For the text of the Annex, see *ibid.*, pp. 795-797.

² 1971/105; 3 May 1971. Entered into force on 1 September 1972. Text provided by the Minister of Foreign Affairs of New Zealand in a note verbale of 8 November 1971.

³ Reproduced in ST/LEG/SER.B/15, pp. 502-505.

⁴ The Schedule is not reproduced here.

(a) Complies with the requirements specified in paragraphs (a), (b), and (c) of the Schedule to these regulations; and

(b) Is of a type which will separate mixtures of residual fuel oil of specific gravity of not less than .95 (at 60° F) and fresh water, so that the oil content of the water after treatment in the separator does not exceed 100 parts per million:

Provided that, if at any time after the said date any ship that was so fitted at the said date is fitted with new equipment for the purpose of preventing discharges of oil and mixtures containing oil into the sea, whether the new equipment is in substitution for or in addition to the equipment already so fitted in the ship, the said new equipment shall comply with all the requirements specified in the said schedule.

11. NORWAY

ROYAL DECREE OF 21 JUNE 1970, ESTABLISHING PROVISIONAL RULES CONCERNING EXPLORATION FOR CERTAIN SUBMARINE RESOURCES OTHER THAN PETROLEUM ON THE NORWEGIAN CONTINENTAL SHELF, ETC., section 12¹

12. SINGAPORE

PREVENTION OF POLLUTION OF THE SEA ACT, 1971²

PART I

Preliminary

2. Interpretation

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

“Appointed authority” means the Director of Marine, the Port of Singapore Authority and any person appointed by the Minister for the purposes of sections 13, 14, 15 and 16 of this Act;

“Convention of 1954” means the International Convention for the Prevention of Pollution of the Sea by Oil, 1954,³ done at London on the 12th day of May, 1954, and the amendments made thereto and includes any Convention replacing the Convention of 1954;

¹ *Supra* DIVISION II, 16 (b).

² Act No. 3 of 1971; 11 January 1971. Assented to by the President on 25 January 1971. *Government Gazette, Acts Supplement*, No. 18; 12 February 1971. The Act, except section 13, has come into operation, according to the information provided by the Permanent Mission of Singapore to the United Nations in a note verbale of 26 June 1972.

³ United Nations, *Treaty Series*, vol. 327, p. 3. The Convention as amended in 1962 is reproduced in ST/LEG/SER.B/15, pp. 787-799.

“Director” means the Director of Marine appointed under section 9 of the Merchant Shipping Ordinance and includes the Deputy Director of Marine appointed under the said section;

“Master” includes every person, except a pilot, having command or charge of any ship;

“Mixture containing oil” means a mixture with an oil content of one hundred parts or more in one million parts of the mixture;

“Occupier”, in relation to any place on land 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 road vehicle and not the occupier of the land on which the wagon or vehicle stands;

“Oil” means oil of any description and includes spirit produced from oil of any description, and also includes coal tar;

“Oil reception facilities” has the same meaning as is assigned to it in section 8 of this Act;

“Oil residues” means any waste material consisting of, or arising from, oil or a mixture containing oil;

“Owner”, in relation to a vessel, means the person registered as the owner of the vessel or, in the absence of registration, the person owning the vessel: provided that in the case of a vessel owned by a State and operated by a company which in that State is registered as the vessel’s operator, “owner” shall include such State;

“Place on land” includes anything resting on the bed or shore of the sea, or of any Singapore waters, 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 Singapore waters;

...

“Proper authority”, for the purposes of subsection (6) of section 5 of this Act, means the Director of Marine or the Port of Singapore Authority;

“Ship” includes every description of vessel used in navigation not propelled by oars;

“Singapore ship” means a ship registered under Part XIV of the Merchant Shipping Ordinance;

“Singapore waters” means the following waters, that is to say

- (a) The whole of the sea within the seaward limits of the territorial waters of Singapore; and
- (b) All other waters (including inland waters) which are within these limits and are subject to the ebb and flow of the ordinary tides;

“Substance of a dangerous or obnoxious nature” includes any substance which the Minister may, by notification published in the *Gazette*, declare to be deemed to be a substance of a dangerous or obnoxious nature, as the case may be, for the purposes of this Act;

“Surveyor of ships” means a surveyor of ships appointed under section 11 of the Merchant Shipping Ordinance;

“Trade effluent” means the solid or liquid waste of any trade, business or manufacture;

“Vessel” includes any ship or boat or any other description of vessel used in navigation.

(2) For the purpose of any provision of this Act relating to the discharge of oil, a mixture containing oil, refuse, garbage, waste matter or substance of a dangerous or obnoxious nature from a vessel, any floating craft other than a vessel which is attached to a vessel shall be treated as part of the vessel.

(3) Any reference in any provision of this Act to a mixture containing oil shall be construed as a reference to any mixture of oil with water or with any substance.

(4) Any reference in this Act to the discharge of oil, a mixture containing oil, refuse, garbage, waste matter, substance of a dangerous or obnoxious nature or trade effluent to its being discharged from a vessel, place or thing, except where the reference is to its being discharged for a specific purpose, includes a reference to the escape of the oil, mixture containing oil, refuse, garbage, waste matter, substance of a dangerous or obnoxious nature or trade effluent, as the case may be, to its escaping from that vessel, place or thing.

(5) Any power in this Act to test any equipment on board a vessel shall be construed as including a power to require persons on board the vessel to carry out such work as may be requisite for the purpose of the equipment; and any provision of this Act as to submitting equipment for testing shall be construed accordingly.

PART II

Criminal liability for polluting the sea

3. Discharge of oil into the sea

(1) If any oil or mixture containing oil is discharged from a Singapore ship into any part of the sea outside the territorial limits of Singapore, the owner, the agent or the master of such ship shall, subject to the provisions of this Act, be guilty of an offence under this Act and shall be liable on conviction to a fine of not less than five hundred dollars and not exceeding twenty thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(2) The Minister may make regulations to exempt any Singapore ship 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 mixture containing oil or to the discharge of oil or mixture containing oil in prescribed circumstances, or in relation to particular areas of the sea.

4. Discharge of oil into Singapore waters

If any oil or mixture containing oil is discharged into Singapore waters 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):

(a) If the discharge is from a vessel, the owner, the master or the agent of the vessel; or

(b) If the discharge is from a place on land, the occupier of that place or if the discharge is caused by the act of another person who is in that place without the permission (express or implied) of the occupier, that person; 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 Act and shall be liable on conviction to a fine of not less than five hundred dollars and not more than twenty thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

5. *Special defences*

(1) Where a person is charged with an offence under section 3 of this Act, or is charged with an offence under section 4 of this Act as the owner, the master or the agent of a vessel, it shall be a defence to prove that the oil or mixture containing oil in question was discharged for the purpose of securing the safety of any vessel, or 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 containing oil 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 with an offence under section 3 of this Act, or is charged with an offence under section 4 of this Act as the owner, the agent or the master of a vessel, it shall also be a defence to prove

(a) That the oil or mixture containing oil 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 containing oil; or

(b) That the oil or mixture containing oil 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 section 4 of this Act as the occupier of a place on land, or as the person in charge of any apparatus, from which the oil or 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 provisions of subsection (3) of this section, it shall be a defence for the occupier of a place on land, who is charged with an offence under section 4 of this Act, 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 section 4 of this Act 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 Singapore waters; 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 the 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 the removal of sunk, stranded or abandoned vessels by the proper authority in exercise of any power conferred by any written law, and apart from this subsection the proper authority exercising the power, or a person employed by or acting on behalf of the proper authority, would be guilty of an offence under section 4 of this Act, in respect of that discharge, the proper authority or person shall not be convicted of that offence unless it is shown that the proper authority or that person failed to take such steps (if any) as were reasonable in the circumstances for preventing, stopping or reducing the discharge.

6. *Refuse, etc., discharged from vessels*

If any refuse, garbage, waste matter, substance of a dangerous or obnoxious nature or trade effluent is discharged from any vessel into Singapore waters, the owner, the master or the agent of the vessel shall be guilty of an offence under this Act and shall be liable on conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

7. *Person throwing rubbish, etc., into Singapore waters*

Any person who puts, throws, casts or deposits into Singapore waters, or causes to be put, thrown, cast or deposited thereinto, any oil, mixture containing oil, refuse, garbage, waste matter, carcase, substance of a dangerous or obnoxious nature, or trade effluent, shall be guilty of an offence under this Act and shall be liable on conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

PART III

Preventive measures against pollution of the sea

8. *Facilities for disposal of oil residues, etc.*

(1) The Port of Singapore Authority shall have power to provide facilities for enabling vessels using the port to discharge or deposit oil residues, refuse, waste matter and garbage (hereinafter in this Act referred to as "oil reception

facilities’’). The power of the Port of Singapore Authority to provide oil reception facilities shall include power:

- (a) To join with any person in providing them;
 - (b) To arrange for the provision of such facilities by any other person;
- and
- (c) To require every vessel in Singapore waters to make use of such facilities.
- (2) Any oil reception facilities provided by the Port of Singapore Authority may be rendered outside and within the limits of the port.
- (3) The port of Singapore Authority may, with the approval of the Minister, prescribe regulations in respect of every matter relating to the provision of oil reception facilities. Without prejudice to the generality of the foregoing provisions, such regulations may provide:
- (a) For fees to be levied for the use of oil reception facilities;
 - (b) For the conditions upon which vessels may make use of the oil reception facilities; and
 - (c) That a contravention thereof shall be punishable by a fine not exceeding five thousand dollars or with imprisonment for a term not exceeding two years or with both such fine and imprisonment.

9. *Equipment in ships to prevent oil pollution*

(1) For the purpose of preventing or reducing the discharge of oil or mixture containing oil into the sea, the Minister may make regulations requiring all ships in Singapore waters to be fitted with such equipment, and to comply with such other requirements, as may be prescribed.

(2) Without prejudice to the generality of subsection (1) of this section, where any regulations made thereunder require ships to be fitted with equipment of a prescribed description, the regulations may provide that equipment of that description:

- (a) Shall not be installed in a ship to which the regulations apply unless it is of a type tested and approved by a person appointed by the Minister;
- (b) While installed in such a ship, shall not be treated as satisfying the requirements of the regulations unless, at such times as may be specified in the regulations, it is submitted for testing and approval by a person so appointed.

(3) The Minister may appoint persons to carry out tests for the purposes of any regulations made under this section and, in respect of the carrying out of such tests, may charge such fees as may be prescribed by the regulations.

(4) Every surveyor of ships shall be taken to be a person appointed by the Minister to carry out tests for the purposes of any regulations made under this section, in so far as they relate to tests required in accordance with paragraph (b) of subsection (2) of this section.

(5) If, in the case of any ship, the provisions of any regulations made under this section which apply to that ship are contravened, the owner, the master or the agent of the ship shall be guilty of an offence under this Act and shall be liable on conviction to a fine not exceeding five thousand dollars.

10. *Keeping of oil record books*

(1) The Minister may make regulations requiring oil record books to be carried in all ships in Singapore waters and requiring the master of any such ship to record in the oil record book carried by it

(a) The carrying out, on board or in connection with the ship, of such of the following operations as may be prescribed, that is to say, operations relating to:

- (i) The loading of oil cargo;
- (ii) The transfer of oil cargo during a voyage;
- (iii) The discharge of oil cargo;
- (iv) The ballasting of oil tanks (whether cargo or bunker fuel tanks) and the discharge of ballast from, and cleaning of, such tanks;
- (v) The separation of oil from water, or from other substances, in any mixture containing oil;
- (vi) The disposal of any oil or water, or any other substance, arising from operations relating to any matters specified in this subsection; or
- (vii) The disposal of any other oil residue;

(b) 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 lives; and

(c) Any occasion on which oil or 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.

(2) The Minister may make regulations requiring the keeping of records relating to the transfer of oil to and from vessels while they are in Singapore waters.

(3) The requirements of any regulations made under subsection (2) of this section shall be in addition to the requirements of any regulations made under subsection (1) of this section.

(4) Any records requiring to be kept by regulations made under subsection (2) of this section shall, unless the vessel is a barge, be kept by the master of the vessel and shall, if the vessel is a barge, be kept, in so far as they relate to the transfer of oil to the barge, by the person supplying the oil and, in so far as they relate to the transfer of oil from the barge, by the person to whom the oil is delivered.

(5) Regulations made under this section requiring the carrying of oil record books or the keeping of records may:

(a) Prescribe the form of the oil record books or records and the nature of the entries to be made in them;

(b) Require the person providing or keeping the books or records to retain them for a prescribed period;

(c) Require that person, at the end of the prescribed period, to transmit the books or records to a place or person determined by or under the regulations; and

(d) Provide for the custody or disposal of the books or records after their transmission to such a place or person.

(6) If any ship fails to carry such an oil record book as is required to carry under this section, the owner, the agent or the master shall be guilty of an offence under this Act and shall be liable on conviction to a fine not exceeding five thousand dollars.

(7) Any person who fails to comply with any requirements imposed by or under this section shall be guilty of an offence under this Act and shall be liable on conviction to a fine not exceeding five thousand dollars.

(8) Any person who makes an entry in any oil record book carried or record kept under this section which is to his knowledge false or misleading in any material particular shall be guilty of an offence under this Act and shall be liable on conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(9) In any proceedings under this Act:

(a) Any oil record book carried or record kept in pursuance of regulations made under this section shall be admissible as evidence of the facts stated in it;

(b) Any copy of an entry in such an oil record book or record which is certified by the master of the ship in which the book is carried or by the person by whom the record is required to be kept 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 an oil record book carried or record kept in pursuance of regulations made under this section, or purporting to be such a certified copy as is mentioned in paragraph (b) of this subsection shall, unless the contrary is proved, be presumed to be such a book, record or copy, as the case may be.

11. *Restrictions on transfer of oil at night*

(1) No oil shall be transferred between the hours of 6 p.m. and 6 a.m. to or from a vessel in Singapore waters unless the requisite notice has been given in accordance with this section.

(2) For the purposes of this section, a general notice may be given to the Director and the Port Master that transfers of oil between the hours of 6 p.m. and 6 a.m. will be frequently carried out at a place in the port within a period specified in the notice; and if such a notice is given it shall be the requisite notice for the purposes of this section as regards transfers of oil at that place within the period specified in the notice: provided that the period specified in such a notice shall not extend beyond the end of the period of twelve months beginning with the date on which the notice is given.

(3) Subject to the provisions of subsection (2) of this section, the requisite notice for the purposes of this section shall be a notice given to the Director and the Port Master not less than three hours nor more than ninety-six hours before the transfer of oil begins.

(4) If any oil is transferred to or from a vessel in contravention of this section, the master of the vessel, and, if the oil is transferred from or to a place on land, the occupier of that place shall be guilty of an offence under

this Act and shall be liable on conviction to a fine not exceeding five thousand dollars.

12. *Duty to report discharges of oil into Singapore waters*

If any oil or mixture containing oil:

(a) Is discharged from a vessel into Singapore waters for the purposes of securing the safety of the vessel, or of preventing damage to the vessel or her cargo, or of saving life;

(b) Is found to be escaping, or to have escaped into Singapore 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 Singapore waters from a place on land,

the owner, the master or the agent of the vessel, or the occupier of the place on land, as the case may be, shall forthwith report the occurrence to the Director and the Port Master, stating, in the case of a report by the owner, the master or the agent of a vessel, whether it falls within paragraph (a) or (b) of this section, and, if he fails to do so, shall be guilty of an offence under this Act and shall be liable on conviction to a fine not exceeding five thousand dollars.

PART IV

Miscellaneous provisions.

13. *Recovery of costs of removing oil*

If any oil, mixture containing oil, refuse, garbage, waste matter, substance of a dangerous or obnoxious nature, or trade effluent is discharged from any vessel, or two or more vessels:

(a) Into Singapore waters; or

(b) Into the sea outside the territorial limits of Singapore and such oil, mixture containing oil, refuse, garbage, waste matter, substance of a dangerous or obnoxious nature, or trade effluent subsequently flows or drifts into Singapore waters,

the owner of the vessel shall be liable, or the owners of all the vessels concerned shall be jointly and severally liable (as the case may be), to pay for the costs incurred by the appointed authority in removing or eliminating the oil, mixture containing oil, garbage, waste matter, substance of a dangerous or obnoxious nature, or trade effluent.

14. *Recovery of costs from operator of apparatus*

If any oil or mixture containing oil is discharged into Singapore waters from any apparatus used for transferring oil from or to any vessel (whether to or from a place on land or to or from a vessel) the person in charge of the apparatus and the employer of that person shall be jointly or severally liable to pay the costs incurred by the appointed authority in removing or eliminating the oil or mixture containing oil.

15. *Recovery of costs from occupier of land*

(1) If any oil or mixture containing oil is discharged into Singapore waters from any place on land, the occupier of that place shall, subject to the provisions of subsection (2) of this section, be liable to pay for the costs incurred by the appointed authority in removing or eliminating the oil or mixture containing oil.

(2) The occupier of a place shall be exempted from the liability to pay for the costs incurred by the appointed authority in removing or eliminating the oil or mixture containing oil if he proves that the discharge of the oil or mixture containing oil was caused by the act of a person who was in that place without the permission (express or implied) of the occupier.

16. *Recovery of costs from person responsible for the pollution*

Any person who puts, throws, casts or deposits into Singapore waters, or causes to be put, thrown, cast or deposited thereunto any oil, mixture containing oil, refuse, garbage, waste matter, substance of a dangerous or obnoxious nature, or trade effluent, shall be liable to pay for the costs incurred by the appointed authority in removing or eliminating the same.

17. *Power to detain vessels*

Notwithstanding any proceedings which may be instituted under section 4 or 6 of this Act, the Director or the Port Master may detain any vessel if the Director or the Port Master has reasonable cause to believe that any oil, mixture containing oil, refuse, garbage, waste matter or substance of a dangerous or obnoxious nature, or trade effluent has been discharged from the vessel:

(a) Into Singapore waters; or

(b) Into the sea, outside the territorial limits of Singapore and such oil, mixture containing oil, refuse, garbage, waste matter, substance of a dangerous or obnoxious nature, or trade effluent subsequently flows or drifts into Singapore waters,

and the vessel may be so detained until the owner of the vessel deposits with the Government a sum of money or furnishes such security which would, in the opinion of the Director or the Port Master, be adequate to meet the owner's liability for the costs incurred in removing the oil, mixture containing oil, refuse, garbage, waste matter, substance of a dangerous or obnoxious nature, or trade effluent from Singapore waters.

18. *Detained vessel proceeding to sea*

(1) If any vessel is detained under section 17 of this Act and the vessel proceeds to sea before it is released by the competent authority, the master of the vessel, and also the owner thereof and any person who sends the vessel to sea, if that owner or person is party or privy to the act of sending the vessel to sea, shall be guilty of an offence under this Act and shall be liable on conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(2) Any person authorised under this Act to detain a vessel may, if he thinks it necessary, place a police guard on board.

19. *Sale of vessel*

Where the owner, the master or the agent of a vessel has been convicted of an offence under the provisions of this Act and any fine imposed under this Act is not paid at the time ordered by the court, the court shall, in addition to any powers for enforcing payment, have power to direct the amount remaining unpaid to be levied by distress and sale of the vessel, her tackle, furniture and apparel.

20. *Court for trial of offences*

Any offence under this Act may be tried by a District Court or by a Magistrate's Court and such Court shall, notwithstanding the provisions of the Criminal Procedure Code and any other written law, have jurisdiction to impose the maximum penalty provided for by this Act.

22. *Application to naval ships and Government vessels*

(1) The provisions of this Act do not apply to vessels belonging to the naval, military or air forces of Singapore or of any other country.

(2) Subject to the provisions of subsection (1) of this section, the provisions of this Act shall apply to all ships belonging to or in the employment of the Government, and in such application the word "Director" shall be read for "owner".

23. *Exemptions*

(1) The Minister may exempt any ship trading or proceeding to or from a port or place outside Singapore waters from the provisions of sections 9 and 10 of this Act.

(2) Any exemption granted by the Minister under the provisions of this section may be granted subject to such conditions as the Minister thinks fit; the exemption shall not have effect unless those conditions are complied with.

24. *Power of arrest*

(1) The Director, the Port Master or a police officer may arrest without warrant any person who has committed or whom he reasonably believes to have committed an offence against this Act or any regulations made thereunder and take him before a Magistrate's Court or a District Court, as the case may be, to be dealt with according to law.

(2) Any article concerning, by or for which an offence has been committed may be seized and taken to a police station, unless given up sooner by order of a Magistrate's Court or a District Court, until the charge is decided in due course of law.

25. *Delegation of powers*

(1) The Director may appoint so many other officers as he may think fit for the purpose of carrying out all or any of the powers conferred on the Director by or under this Act.

(2) Every officer so appointed by the Director may go on board any ship at any time and inspect the same or any part thereof, or any of the machinery, equipment or articles on board thereof to which the provisions of this Act or any of the regulations made thereunder apply.

26. *Protection from personal liability*

No matter or thing done by the Minister, the Director, or the Port Master and no matter or thing done by any officer employed in the administration of this Act or other person acting under the direction of the Minister, the Director or the Port Master shall, if the matter or thing was done *bona fide* for the purpose of executing this Act or any of the regulations made thereunder, subject them or any of them personally to any action, liability, claim or demand whatsoever.

27. *Regulations*

(1) The Minister may make such regulations as appear to him necessary or expedient for the purposes of carrying out the provisions of this Act.

(2) Without prejudice to the generality of subsection (1) of this section, the Minister may by such regulations:

(a) Require persons carrying on any trade, business or manufacture to instal such equipment as may be prescribed by the Minister for the purpose of eliminating any oil in any trade effluent and for preventing or reducing the discharge of any trade effluent into Singapore waters;

(b) Require oil refineries carrying on business in Singapore to store such detergents and equipment as are prescribed by the Minister to deal with any pollution of Singapore waters;

(c) Prescribe for measures as appear to the Minister to be necessary for the prevention of pollution of Singapore waters by any oil, mixture containing oil, substance of a dangerous or obnoxious nature, trade effluent, or any other substance; and

(d) Prescribe such measures as appear to the Minister to be necessary for giving effect to the Convention of 1954.

(3) Any regulations made under this Act may provide that a contravention thereof shall be punishable by a fine not exceeding five thousand dollars or with imprisonment for a term not exceeding two years or with both such fine and imprisonment.

...

13. SPAIN

(a) ORDER OF THE COUNCIL OF MINISTERS OF 1 JUNE 1963 ESTABLISHING THE RULES TO BE FOLLOWED IN ORDER TO PREVENT POLLUTION OF THE SEA BY OIL¹

Article 1. Enterprises established in Spanish territory which operate oil refineries, asphalt factories or similar industries in which crude oil or petroliferous products are handled must install in the ports where they possess loading terminals, within 18 months from the date of publication of this Order in the *Boletín Oficial del Estado*, fixed or floating facilities adequate for the reception of residues from the cleaning of the cargo tanks or tankers loading therein.

¹ *Boletín Oficial del Estado*, No. 135. Translation by the Secretariat of the United Nations.

Such facilities must be of sufficient capacity to receive, without causing major delay to ships, the mixture of petroliferous products and water resulting from the cleaning of their cargo tanks when the major bulk of the water has already been separated from the mixture aboard ship.

Article 2. Enterprises established in Spanish territory which are suppliers of heavy fuels (fuel oil and heavy diesel oil) must submit to the Technical Sub-Commission of the National Commission for the Prevention of Pollution of the Sea by Oil, within three months from the date of publication of this Order in the *Boletín Oficial del Estado*, a survey of the implications of the obligation to collect residues from the bunker fuel tanks of ships supplied by them and of appropriate measures. Once such measures have been endorsed by the aforementioned Technical Sub-Commission and approved by the Under-Secretary of State for the Merchant Marine, as Chairman of the National Commission, the said enterprises shall be allowed a period of 18 months to put them into effect.

Article 3. Spanish docks and shipyards where tankers are repaired must install, within 18 months from the date of publication of this Order in the *Boletín Oficial del Estado*, fixed or floating facilities capable of receiving residues from the cleaning of the cargo tanks of tankers being repaired therein.

Similar fixed or floating facilities must be installed by individuals or bodies corporate engaged in shipbreaking.

Article 4. The enterprises of the kind referred to in articles 1, 2 and 3 of this Ministerial Order shall be exempt from the obligation to install the equipment mentioned if there exist in the ports concerned residue-receiving installations of the required capacity belonging to the Harbour Board (*Juntas de obras del Puerto*) or other public bodies or private enterprises.

(b) ORDER OF THE COUNCIL OF MINISTERS OF 1 JUNE 1963 ESTABLISHING THE RULES TO BE FOLLOWED IN THE BUILDING OF NEW SHIPS IN ORDER TO PREVENT POLLUTION OF THE SEA BY OIL,¹ AS AMENDED IN 1968²

Article 1. All tankers of 20,000 tons or more gross tonnage for which the building contract is signed on or after 1 January 1964 shall be fitted with a tank of sufficient capacity to receive residues from the cleaning of their cargo tanks after the bulk of the water has been separated from the mixture of water and petroliferous products.

The said tank shall be connected to a covered discharge line through which its contents may be pumped to suitable receiving installations in port.

Article 2. All ships, whether or not tankers, of 20,000 tons or more gross tonnage for which the building contract is signed on or after 1 January 1964 shall be fitted with a tank of sufficient capacity to receive residues and water polluted by residues from the fuel tanks, where the latter are also used for

¹ *Boletín Oficial del Estado*, No. 135, of 6 June 1963.

² The amendment, which relates only to Article 3, was made by the Order of the Council of Ministers of 23 January 1968 abolishing the requirement that separators of bilge-water and ballast water must operate automatically (*ibid.*, No. 24, 1968). Translation of the text as amended made by the Secretariat of the United Nations.

the carriage of ballast, after the bulk of the water has been separated from the mixture.

Article 3. All ships of 500 tons or more gross tonnage which are contracted for subsequent to 1 January 1964 shall comply with the following specifications:

1. It shall be capable of separating mixtures of water and oil to a point where the oil content of the water does not exceed 100 parts per million.
2. It shall be able to treat effectively any mixture of oil and water which the ship might normally contain.
3. It shall operate satisfactorily in all normal shipping conditions.

Water having an oil content of less than one part per 10,000 may be discharged into the sea; oil derived from the separation process outside of the prohibited zones specified in the Convention or shall be deposited in a tank for subsequent discharge into the receiving installations in port.

Types of separator shall be approved by the Office of the Under-Secretary of State for the Merchant Marine, and all separators shall be inspected by the Inspectorate General of Merchant Shipping in the builder's yard or on board the ship.

(c) ORDER OF THE MINISTRY OF COMMERCE OF 24 SEPTEMBER 1963 LAYING DOWN RULES PROHIBITING THE DISCHARGE INTO THE SEA OF RESIDUES FROM THE CLEANING OF SHIPS' BUNKER FUEL TANKS, AS AMENDED BY THE ORDER OF 30 DECEMBER 1963¹

In the light of the amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954² adopted by the International Conference held in London in 1962,

The Ministry orders as follows:

Article 1. Spanish tankers of more than 150 tons gross tonnage shall be prohibited from discharging into the sea, at a distance of less than 50 miles from the coast, the contents of their ballast tanks or residues from the cleaning thereof when they contain persistent petroliferous products, that is to say, crude oil, fuel oil, heavy diesel oil and lubricating oil.

The prohibited zone shall extend for a distance of 100 miles from the Spanish coasts of the Iberian Peninsula, from Cape Creus to Cape Finisterre and the Cantabrian Sea, north of the line which beginning at Finisterre, passes through the point 46° north, 20° west. The prohibited zone shall also extend for a distance of 100 miles from the coasts of the Canary Islands and the Balearic Islands.

Article 2. The aforementioned ships shall be prohibited from discharging into the sea, at a distance of less than six miles from the coast, the contents of their ballast tanks or residues derived from the cleaning thereof when they contain non-persistent petroliferous products, that is to say, light diesel oil, gas oil, kerosene and gasoline.

¹ *Boletín Oficial del Estado*, No. 237; No. 22/1964. Entered into force on 1 January 1964 in accordance with Article 6. Translation by the Secretariat of the United Nations.

² United Nations, *Treaty Series*, vol. 327, p. 3. The Convention as amended is reproduced in ST/LEG/SER.B/15, pp. 789-799.

Article 3. All Spanish ships of more than 500 tons shall be prohibited from discharging into the sea, in the zones specified in article 1, residues from the cleaning of their fuel tanks or ballast water, if such tanks are used alternatively for the carriage of fuel and ballast.

This prohibition shall not apply to ships which discharge polluted water from the said tanks after treating it with a separator or other system duly approved by the Office of the Under-Secretary of State for the Merchant Marine, the oily residue being retained for subsequent use aboard or for discharge outside the prohibited zones.

Article 4. All Spanish ships of more than 500 tons shall be prohibited from discharging bilge-water containing persistent petroliferous products in the zones specified in article 1, with the exception of water which is discharged after being treated with a separator or other device approved by the Office of the Under-Secretary of State for the Merchant Marine.

Article 5. All tankers of more than 150 tons, and ships other than tankers of more than 500 tons which use oil fuel, shall carry an Oil Record Book (conforming to the official model attached)¹ duly stamped by the maritime authorities (*Comandancias de Marina*), in which shall be scrupulously noted operations of ballasting, unballasting, cleaning of tanks, discharge of residues and accidental releases of cargo, fuel or ballast.

...

(d) ORDER OF THE COUNCIL OF MINISTERS OF 27 MAY 1967 LAYING DOWN RULES PROHIBITING THE DISCHARGE INTO THE SEA OF PETROLIFEROUS PRODUCTS OR POLLUTED RESIDUES FROM FACTORIES AND INDUSTRIES OF ALL KINDS²

Article 1. Factories and industries of all kinds are hereby prohibited from discharging into the sea petroliferous products or residues containing petroliferous substances, whether persistent (that is to say, crude oil, fuel oil, heavy diesel oil and lubricating oil or non-persistent (for instance, light diesel oil, gas oil, kerosene and gasoline)).

Article 2. Applications for permission to discharge into the sea, which shall be processed by the Ministry of Public Works, must envisage an appropriate system or procedure to prevent pollution of the sea by the above-mentioned products; in order to be approved, such system or procedure shall require the endorsement of the Office of the Under-Secretary of State for the Merchant Marine.

...

¹ The model is not reproduced here.

² *Boletín Oficial del Estado*, No. 130. Translation by the Secretariat of the United Nations.

(e) ORDER OF THE MINISTRY OF COMMERCE OF 28 JULY 1969 CONCERNING
THE ESTABLISHMENT OF MEASURES FOR DEALING WITH OIL SPILLS¹

Article 1. All tankers carrying persistent petroliferous products, that is to say, those referred to in the International Convention for the Prevention of Pollution of the Sea by Oil² (*Boletín Oficial del Estado*, No. 258/1967), must be fitted with mechanical devices for removing oil from the surface of the sea.

Such device must be connected to the ship's intake pipes so that the oil taken up may be deposited in its tanks.

Tankers of more than 25,000 tons dead weight must also be equipped with side hydrants in the pumping chamber connected to the intake pipe of the appropriate pumps and situated at a sufficient height to enable those pumps to draw from the surface of the sea.

Article 2. Oil refineries, factories supplying fuel to ships and commercial installations which possess on-shore terminals for piping persistent oil to and from ships must have available, ready for immediate use, mechanical devices for removing oil from the sea which can be connected to the pipes for pumping into the tanks of the refinery, factory or installation.

...

(f) ORDER OF THE COUNCIL OF MINISTERS OF 27 MAY 1971 RELATING TO
MEASURES FOR DEALING WITH MARINE POLLUTION³

1. Oil refineries, petrochemical factories and liquid-fuel supply stations possessing terminals for the loading and unloading of oil in port or in coastal waters shall be provided with at least one vessel appropriately equipped to throw upon the surface of the water the mixtures of detergents and dispersants approved by the Office of the Under-Secretary of State for the Merchant Marine.

2. The vessel referred to in the preceding paragraph shall be so equipped that the mixture can be sprayed through perforated pipes arranged like outriggers on both sides of the vessel. The detergents or dispersants shall be mixed with water in the appropriate proportions, either in tanks from which the mixture shall be pumped to the sprayers or by means of eductors at the outlet or intake point of the pump whereby the amount of detergents or dispersants to be used can be controlled, having been drawn directly from their container.

3. The measures referred to in paragraphs 1 and 2 must be tested and operational within not more than four months from the date of publication of this Order in the *Boletín Oficial del Estado*.

...

¹ *Boletín Oficial del Estado*, No. 199. Translation by the Secretariat of the United Nations.

² United Nations, *Treaty Series*, vol. 327, p. 3. Reproduced in ST/LEG/SER.B/15, pp. 787-799.

³ *Boletín Oficial del Estado*, No. 131, 2 June 1971, p. 8815. Translation by the Secretariat of the United Nations.

14. SUDAN

MARITIME ACT 1961¹

CHAPTER I

Preliminary

...

3. *Application*

(1) Save as otherwise provided in this Act, this Act applies to all sea-going Sudanese ships of not less than 100 tons gross, wherever they may be, and to foreign ships (other than non-commercial ships belonging to any foreign state), lying or proceeding within the territorial waters of the Sudan.

...

CHAPTER V

22. *Nationality and Flag of Ships*

(1) Every Sudanese ship shall fly the National Flag in accordance with the rules of usage of the aforesaid Flag, as may be prescribed by the Minister under the National Flag and Foreign States Flag Act, 1959.

(2) No owner or master of a Sudanese ship shall knowingly do or permit any act with intent to conceal the Sudanese nationality or the identity of the ship.

(3) No person in authority on a foreign ship shall fly or permit to be flown the Sudanese national flag or do or permit any other act with such intent to conceal the foreign nationality or the identity of the ship.

23.

The Port authorities shall not grant clearance to any foreign ship until its master has declared its nationality and may detain any such ship attempting to leave port without such clearance.

...

CHAPTER X

Safety and seaworthiness of ships

35. *Life-saving appliances*

The Minister may make regulations concerning the provision on board ship of:

(a) Life-saving appliances.

(b) Fire-fighting appliances.

(c) Radio, radar and electronic equipment,

(d) Signalling equipment,

(e) Any other equipment necessary or desirable for securing the safety of the ship.

¹ Act No. 23. Text provided by the Permanent Mission of the Sudan to the United Nations in a note verbale of 28 August 1972.

36. *Safety certificates*

The Minister may make regulations:

- (a) Requiring every ship to which this Act applies to obtain an official certificate of safety before proceeding to sea;
- (b) Providing for the survey of ships by surveyors prior to and with a view to the issue of such certificates;
- (c) Prescribing standards of manning, construction, and equipment to be satisfied before the issue of such certificates.

37. *Recognition of foreign safety certificates*

If the Minister is satisfied:

(a) That a certificate of safety, similar to a certificate of safety issued under this Act, which has been issued under the relevant laws of any foreign state, is not so issued in respect of a ship meeting standards of manning, construction and equipment not inferior to those required under the preceding Section, or

(b) That a ship in respect of which such a certificate has been issued is in all the circumstances adequately manned, constructed, and equipped, the Minister may accept such certificate, during the period of its currency, as a valid certificate of safety for the purposes of the preceding Section.

38. *Prohibition on going to sea without safety certificate*

No ship required to have a certificate of safety under this Act shall go to sea unless it has a valid certificate of safety.

...

15. THAILAND

PETROLEUM ACT OF 26 MARCH 1971, section 75¹

16. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

(a) [OIL IN NAVIGABLE WATERS ACT 1971]²

¹ *Supra* DIVISION I, SUBDIVISION A, Chapter IX, 15.

² 1971, Chapter 21; 8 April 1971. Repealed by the Prevention of Oil Pollution Act 1971, *infra* (b).

(b) PREVENTION OF OIL POLLUTION ACT 1971¹*General provisions for preventing oil pollution*1. *Discharge of certain oils into sea outside territorial waters*

(1) If any oil to which this section applies or any mixture containing such oil is discharged from a ship registered in the United Kingdom into any part of the sea outside the territorial waters of the United Kingdom, the owner or master of the ship shall, subject to the provisions of this Act, be guilty of an offence.

(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 Secretary of State;

and shall also apply to any other description of oil which may be specified by regulations made by the Secretary of State, having regard to the provisions of any Convention accepted by Her Majesty's Government in the United Kingdom 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 any part of the sea outside the territorial waters of the United Kingdom.

(3) Regulations made by the Secretary of State may make exceptions from the operation of subsection (1) of this section, either generally or with respect to particular classes of ships, particular descriptions of oil or mixtures containing oil or the discharge of oil or mixtures in particular circumstances or into particular areas of the sea, and may do so either absolutely or subject to any specified conditions.

(4) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £50,000 or on conviction on indictment to a fine.

2. *Discharge of oil into United Kingdom waters*

(1) If any oil or mixture containing oil is discharged as mentioned in the following paragraphs into waters to which this section applies, then, subject to the provisions of this Act, the following shall be guilty of an offence, that is to say:

(a) If the discharge is from a vessel, the owner or master of the vessel, unless he proves that the discharge took place and was caused as mentioned in paragraph (b) of this subsection;

(b) If the discharge is from a vessel but takes place in the course of a transfer of oil to or from another vessel or a place on land and is caused by the act or omission of any person in charge of any apparatus in that order

¹ 1971 Chapter 60; 27 July 1971. Entered into force on 1 March 1973 in accordance with Section 2 of the Prevention of Oil Pollution Act 1971 (Commencement) Order 1973 (*Statutory Instruments*, 1973 No. 203 (C.6); 12 February 1973). This Act was enacted to consolidate the Oil in Navigable Waters Acts 1955, 1963 (reproduced in part in ST/LEG/SER.B/15, pp. 520-530) and 1971 and Section 5 of the Continental Shelf Act 1964 (*ibid.*, pp. 445-447), repealing, *inter alia*, all these acts and the section.

vessel or that place, the owner or master of that other vessel or, as the case may be, the occupier of that place;

(c) If the discharge is from a place on land, the occupier of that place, unless he proves that the discharge was caused as mentioned in paragraph (d) of this subsection;

(d) If the discharge is from a place on land and is caused by the act of a person who is in that place without the permission (express or implied) of the occupier, that person;

(e) If the discharge takes place otherwise than as mentioned in the preceding paragraphs and is the result of any operations for the exploration of the sea-bed and subsoil or the exploitation of their natural resources, the person carrying on the operations.

(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) 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) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £50,000 or on conviction on indictment to a fine.

3. Discharge of certain oils from pipe-lines or as the result of exploration etc. in designated areas

(1) If any oil to which section 1 of this Act applies, or any mixture containing such oil, is discharged into any part of the sea:

(a) From a pipe-line; or

(b) (Otherwise than from a ship) as the result of any operation for the exploration of the sea-bed and subsoil or the exploitation of their natural resources in a designated area,

then, subject to the following provisions of this Act, 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 the discharge was from a place in his occupation and he proves that it was due to the act of a person who was there without his permission (express or implied).

(2) In this section "designated area" means an area for the time being designated by an Order made under section 1 of the Continental Shelf Act 1964.

(3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £50,000 or on conviction on indictment to a fine.

4. *Equipment in ships to prevent oil pollution*

(1) For the purpose of preventing or reducing discharges of oil and mixtures containing oil into the sea, the Secretary of State may make regulations requiring ships registered in the United Kingdom to be fitted with such equipment and to comply with such other requirements as may be specified in the regulations.

(2) Without prejudice to the generality of subsection (1) of this section, where any regulations made thereunder require ships to be fitted with equipment of a specified description, the regulations may provide that equipment of that description:

(a) Shall not be installed in a ship to which the regulations apply unless it is of a type tested and approved by a person appointed by the Secretary of State;

(b) While installed in such a ship, shall not be treated as satisfying the requirements of the regulations unless, at such times as may be specified in the regulations, it is submitted for testing and approval by a person so appointed.

(3) The Secretary of State may appoint persons to carry out tests for the purposes of any regulations made under this section, and, in respect of the carrying out of such tests, may charge such fees as, with the approval of the Treasury, may be prescribed by the regulations.

(4) Every surveyor of ships shall be taken to be a person appointed by the Secretary of State to carry out tests for the purposes of any regulations made under this section, in so far as they relate to tests required in accordance with paragraph (b) of subsection (2) of this section.

(5) If, in the case of any ship, the provisions of any regulations made under this section which apply to that ship are contravened, the owner or master of the ship shall be guilty of an offence.

(6) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £1,000 or on conviction on indictment to a fine.

5. *Defences of owner or master charged with offence under s. 1 or s. 2*

(1) Where a person is charged with an offence under section 1 of this Act, or is charged with an offence under section 2 of this Act as the owner or master of a vessel, it shall be a defence to prove that the oil or mixture 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, unless the court is satisfied that the discharge of the oil or mixture was not necessary for that purpose or was not a reasonable step to take in the circumstances.

(2) Where a person is charged as mentioned in subsection (1) of this section, 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 neither the leakage nor any delay in discovering it was 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.

6. *Defences of other persons charged with offences under s. 2 or s. 3*

(1) Where a person is charged, in respect of the escape of any oil or mixture containing oil, with an offence under section 2 or 3 of this Act:

- (a) As the occupier of a place on land; or
- (b) As a person carrying on operations for the exploration of the sea-bed and subsoil or the exploitation of their natural resources; or
- (c) As the owner of a pipe-line,

it shall be a defence to prove that neither the escape nor any delay in discovering it was due to any want of reasonable care and that as soon as practicable after it was discovered all reasonable steps were taken for stopping or reducing it.

(2) Where a person is charged with an offence under section 2 of this Act in respect of the discharge of a mixture containing oil from a place on land, it shall also, subject to subsection (3) of 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 that section applies; and
- (c) That all reasonably practicable steps had been taken for eliminating oil from the effluent.

(3) 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 on land, or land adjacent to those waters, was fouled by oil, subsection (2) of this section shall not apply 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.

7. *Protection of acts done in exercise of certain powers of harbour authorities etc.*

(1) *Where any oil, or mixture containing oil, is discharged in consequence of:*

- (a) The exercise of any power conferred by sections 530 to 532 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 1 or section 2 of this Act 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.

(2) Subsection (1) of this section shall apply to the exercise of any power conferred by section 13 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, and shall, as so applying, have effect as if references to the authority exercising the power were references to the Queen's harbour master for the port in question.

8. *Discharge of certain ballast water into harbours*

(1) 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 section 2 of this Act, 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.

(2) 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 section 2 of this Act 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.

9. *Facilities in harbour for disposal of oil residues*

(1) The powers exercisable by a harbour authority in respect of any harbour in the United Kingdom 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”).

...

10. *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 or the transfer is for the purposes of a fire brigade.

(2) A general notice may be given to the harbour master of a harbour that transfers of oil between sunset and sunrise will be frequently carried

out at a place in the harbour within such period, not ending later than twelve months after the date on which the notice is given, as is specified in the notice; and if such a notice is given it shall be the requisite notice for the purposes of this section as regards transfers of oil at that place within the period specified in the notice.

(3) Subject to subsection (2) of this section, the requisite notice for the purposes of this section shall be a notice given to the harbour master not less than three hours nor more than ninety-six hours before the transfer of oil begins.

(4) In the case of a harbour which has no harbour master, references in this section to the harbour master shall be construed as references to the harbour authority.

(5) If any oil is transferred to or from a vessel in contravention of this section, the master of the vessel, and, if the oil is transferred from or to a place on land, the occupier of that place, shall be liable on summary conviction to a fine not exceeding £100.

11. *Duty to report discharge 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; or

(b) Is found to be escaping or to have escaped from a vessel into any such waters; 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 the harbour has no harbour master, to the harbour authority.

(2) A report made under subsection (1) of this section by the owner or master of a vessel shall state whether the occurrence falls within paragraph (a) or paragraph (b) of that subsection.

(3) If a person fails to make a report as required by this section he shall be liable on summary conviction to a fine not exceeding £200.

Shipping casualties

12. *Shipping casualties*

(1) The powers conferred by this section shall be exercisable where:

(a) An accident has occurred to or in a ship; and

(b) In the opinion of the Secretary of State oil from the ship will or may cause pollution on a large scale in the United Kingdom or in the waters in or adjacent to the United Kingdom up to the seaward limits of territorial waters; and

(c) In the opinion of the Secretary of State the use of the powers conferred by this section is urgently needed.

(2) For the purpose of preventing or reducing oil pollution, or the risk of oil pollution, the Secretary of State may give directions as respects the ship or its cargo:

(a) To the owner of the ship, or to any person in possession of the ship; or

(b) To the master of the ship; or

(c) To any salvor in possession of the ship, or to any person who is the servant or agent of any salvor in possession of the ship, and who is in charge of the salvage operation.

(3) Directions under subsection (2) of this section may require the person to whom they are given to take, or refrain from taking, any action of any kind whatsoever, and without prejudice to the generality of the preceding provisions of this subsection the directions may require:

(a) That the ship is to be, or is not to be, moved, or is to be moved to a specified place, or is to be removed from a specified area or locality; or

(b) That the ship is not to be moved to a specified place or area, or over a specified route; or

(c) That any oil or other cargo is to be, or is not to be, unloaded or discharged; or

(d) That specified salvage measures are to be, or are not to be, taken.

(4) If in the opinion of the Secretary of State the powers conferred by subsection (2) of this section are, or have proved to be, inadequate for the purpose, the Secretary of State may, for the purpose of preventing or reducing oil pollution, or the risk of oil pollution, take, as respects the ship or its cargo, any action of any kind whatsoever, and without prejudice to the generality of the preceding provisions of this subsection the Secretary of State may:

(a) Take any such action as he has power to require to be taken by a direction under this section;

(b) Undertake operations for the sinking or destruction of the ship, or any part of it, of a kind which is not within the means of any person to whom he can give directions;

(c) Undertake operations which involve the taking over of control of the ship.

(5) The powers of the Secretary of State under subsection (4) of this section shall also be exercisable by such persons as may be authorised in that behalf by the Secretary of State.

(6) Every person concerned with compliance with directions given, or with action taken, under this section shall use his best endeavours to avoid any risk to human life.

(7) The provisions of this section and of section 16 of this Act are without prejudice to any rights or powers of Her Majesty's Government in the United Kingdom exercisable apart from those sections whether under international law or otherwise.

(8) It is hereby declared that any action taken as respects a ship which is under arrest or as respects the cargo of such a ship, being action duly

taken in pursuance of a direction given under this section, or being any action taken under subsection (4) or (5) of this section:

(a) Does not constitute contempt of court; and

(b) Does not in any circumstances make the Admiralty Marshal liable in any civil proceedings.

(9) In this section, unless the context otherwise requires:

“Accident” includes the loss, stranding, abandonment of or damage to a ship; and

“Specified”, in relation to a direction under this section, means specified by the direction;

and the reference in subsection (8) of this section to the Admiralty Marshal includes a reference to the Admiralty Marshal of the Supreme Court of Northern Ireland.

13. *Right to recover in respect of unreasonable loss or damage*

(1) If any action duly taken by a person in pursuance of a direction given to him under section 12 of this Act, or any action taken under subsection (4) or (5) of that section

(a) Was not reasonably necessary to prevent or reduce oil pollution, or risk of oil pollution; or

(b) Was such that the good it did or was likely to do was disproportionately less than the expense incurred, or damage suffered, as a result of the action, a person incurring expense or suffering damage as a result of, or by himself taking, the action shall be entitled to recover compensation from the Secretary of State.

(2) In considering whether subsection (1) of this section applies account shall be taken of:

(a) The extent and risk of oil pollution if the action had not been taken;

(b) The likelihood of the action being effective; and

(c) The extent of the damage which has been caused by the action.

(3) Any reference in this section to the taking of any action includes a reference to a compliance with a direction not to take some specified action.

(4) The Admiralty jurisdiction of the High Court, of the Court of Session and of the Supreme Court of Northern Ireland shall include jurisdiction to hear and determine any claim arising under this section.

14. *Offences in relation to s. 12*

(1) If the person to whom a direction is duly given under section 12 of this Act contravenes, or fails to comply with, any requirement of the direction, he shall be guilty of an offence.

(2) If a person wilfully obstructs any person who is

(a) Acting on behalf of the Secretary of State in connection with the giving or service of a direction under section 12 of this Act;

(b) Acting in compliance with a direction under that section; or

(c) Acting under subsection (4) or (5) of that section; he shall be guilty of an offence.

(3) In proceedings for an offence under subsection (1) of this section, it shall be a defence for the accused to prove that he has used all due diligence to ensure compliance with the direction, or that he had reasonable cause for believing that compliance with the direction would have involved a serious risk to human life.

(4) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £50,000, or on conviction on indictment to a fine.

15. *Service of directions under s. 12*

(1) If the Secretary of State is satisfied that a company or other body is not one to whom section 412 or section 437 of the Companies Act 1948 (service of notices) applies so as to authorise the service of a direction on that body under either of those sections, he may give a direction under section 12 of this Act:

(a) To that body, as the owner of, or the person in possession of, a ship, by serving the direction on the master of the ship; or

(b) To that body, as a salvor, by serving the direction on the person in charge of the salvage operations.

(2) For the purpose of giving or serving a direction under section 12 of this Act to or on any person on a ship, a person acting on behalf of the Secretary of State shall have the right to go on board the ship.

(3) In the application of subsection (1) of this section to Northern Ireland, for references to sections 412 and 437 of the Companies Act 1948 there shall be substituted references to sections 361 and 385 of the Companies Act (Northern Ireland) 1960.

16. *Application of ss. 12 to 15 to certain foreign and other ships*

(1) Her Majesty may by Order in Council provide that sections 12 to 15 of this Act, together with any other provisions of this Act, shall apply to a ship:

(a) Which is not a ship registered in the United Kingdom; and

(b) Which is for the time being outside the territorial waters of the United Kingdom;

in such cases and circumstances as may be specified in the Order, and subject to such exceptions, adaptations and modifications, if any, as may be so specified.

(2) An Order in Council under subsection (1) of this section may contain such transitional and other consequential provisions as appear to Her Majesty to be expedient.

(3) Except as provided by an Order in Council under subsection (1) of this section, no direction under section 12 of this Act shall apply to a ship which is not registered in the United Kingdom and which is for the time being outside the territorial waters of the United Kingdom, and no action shall be taken under subsection (4) or (5) of section 12 of this Act as respects any such ship.

(4) No direction under section 12 of this Act shall apply to any vessel of Her Majesty's navy or to any Government ship (within the meaning of

section 80 of the Merchant Shipping Act 1906) and no action shall be taken under subsection (4) or (5) of that section as respects any such vessel or ship.

Enforcement

17. *Oil records*

(1) The Secretary of State may make regulations requiring oil record books to be carried in ships registered in the United Kingdom and requiring the master of any such ship to record in the oil record book carried by it:

(a) The carrying out, on board or in connection with the ship, of such of the following operations as may be prescribed, that is to say, operations relating to:

- (i) The loading of oil cargo, or
- (ii) The transfer of oil cargo during a voyage, or
- (iii) The discharge of oil cargo, or
- (iv) The ballasting of oil tanks (whether cargo or bunker fuel tanks) and the discharge of ballast from, and cleaning of, such tanks, or
- (v) The separation of oil from water, or from other substances, in any mixture containing oil, or
- (vi) The disposal of any oil or water, or any other substance, arising from operations relating to any of the matters specified in the preceding sub-paragraphs, or
- (vii) The disposal of any other oil residues;

(b) 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;

(c) 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.

(2) The Secretary of State 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; and the requirements of any regulations made under this subsection shall be in addition to the requirements of any regulations made under subsection (1) of this section.

(3) Any records required to be kept by regulations made under subsection (2) of this section shall, unless the vessel is a barge, be kept by the master of the vessel, and shall, if the vessel is a barge, be kept, in so far as they relate to the transfer of oil to the barge, by the person supplying the oil and, in so far as they relate to the transfer of oil from the barge, by the person to whom the oil is delivered.

(4) Regulations under this section requiring the carrying of oil record books or the keeping of records may:

(a) Prescribe the form of the oil record books or records and the nature of the entries to be made in them;

(b) Require the person providing or keeping the books or records to retain them for a prescribed period;

(c) Require that person, at the end of the prescribed period, to transmit the books or records to a place or person determined by or under the regulations;

(d) Provide for the custody or disposal of the books or records after their transmission to such a place or person.

(5) If any ship fails to carry such an oil record book as it is required to carry under this section the owner or master shall be liable on summary conviction to a fine not exceeding £500; if any person fails to comply with any requirements imposed on him by or under this section, he shall be liable on summary conviction to a fine not exceeding £500; and if any person makes an entry in any oil record book carried or record 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 £500, or imprisonment for a term not exceeding six months, or both, or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or both.

(6) In any proceedings under this Act:

(a) Any oil record book carried or record kept in pursuance of regulations made under this section shall be admissible as evidence, and in Scotland shall be sufficient evidence, of the facts stated in it;

(b) Any copy of an entry in such an oil record book or record which is certified by the master of the ship in which the book is carried or by the person by whom the record is required to be kept to be a true copy of the entry shall be admissible as evidence, and in Scotland shall be sufficient evidence, of the facts stated in the entry;

(c) Any document purporting to be an oil record book carried or record kept in pursuance of regulations made under this section, or purporting to be such a certified copy as is mentioned in the preceding paragraph, shall, unless the contrary is proved, be presumed to be such a book, record or copy, as the case may be.

18. *Powers of inspection*

(1) The Secretary of State 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 any provision of this Act other than section 3) have been complied with;

(b) What measures (other than measures made obligatory by regulations made under section 4 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.

(2) Every surveyor of ships shall be taken to be a person appointed generally under the preceding subsection to report to the Secretary of State in every kind of case falling within that subsection.

(3) Section 729 of the Merchant Shipping Act 1894 (powers of inspectors) shall apply to persons appointed or taken to be appointed under subsection (1) of this section as it applies to the inspectors referred to in that section and shall, as so applying, have effect as if:

(a) In paragraph (a) of subsection (1) of that section, the reference to a ship included any vessel, and the reference to that Act were a reference to this Act and any regulations made under this Act; and

(b) Any power under that section to inspect premises included power to inspect any apparatus used for transferring oil.

(4) Any power of an inspector, under section 729 as applied by the preceding subsection, to inspect a vessel shall include power to test any equipment with which the vessel is required to be fitted in pursuance of regulations made under section 4 of this Act.

(5) Any power of an inspector, under section 729 as so applied, to require the production of any oil record book required to be carried or records required to be kept in pursuance of regulations made under section 17 of this Act shall include power to copy any entry therein and require the master to certify the copy as a true copy of the entry; and in subsection (3) of section 729, as so applied, the reference to making a declaration shall be construed as a reference to the certification of such a copy.

(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 Secretary of State 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 oil record book required to be carried or records required to be kept in pursuance of regulations made under section 17 of this Act; and

(c) To copy any entry in any such book or record and require the master to certify the copy as a true copy of the entry.

(7) A person exercising any powers conferred by subsection (6) of this section shall not unnecessarily detain or delay the vessel from proceeding on any voyage.

(8) If any person fails to comply with any requirement duly made in pursuance of paragraph (b) or paragraph (c) of subsection (6) of this section, he shall be liable on summary conviction to a fine not exceeding £10; and if any person wilfully obstructs a person acting in the exercise of any power conferred by virtue of this section, he shall be liable on summary conviction to a fine not exceeding £100.

19. *Prosecutions*

(1) Proceedings for an offence under this Act may, in England or Wales, be brought only:

- (a) By or with the consent of the Attorney General, or
- (b) If the offence is one to which subsection (2) of this section applies, by the harbour authority, or
- (c) Unless the offence is one mentioned in paragraph (b), (c) or (d) of subsection (2) of this section, by the Secretary of State or a person authorised by any general or special direction of the Secretary of State.

(2) This subsection applies to the following offences:

- (a) Any offence under section 2 of this Act which is alleged to have been committed by the discharge of oil, or a mixture containing oil, into the waters of a harbour in the United Kingdom;
- (b) Any offence in relation to such a harbour under section 10 or section 11 of this Act;
- (c) Any offence under section 17 of this Act relating to the keeping of records of the transfer of oil within such a harbour; and
- (d) Any offence under section 18 of this Act in respect of a failure to comply with a requirement of a harbour master, or in respect of obstruction of a harbour master acting in the exercise of any power conferred by virtue of that section.

(3) The preceding provisions of this section shall apply in relation to any part of a dockyard port within the meaning of the Dockyard Ports Regulation Act 1865 as follows, that is to say:

- (a) If that part is comprised in a harbour in the United Kingdom, the reference to the harbour authority shall be construed as including a reference to the Queen's harbour master for the port;
- (b) If that part is not comprised in a harbour in the United Kingdom, the references to such a harbour shall be construed as references to such a dockyard port and the reference to the harbour authority as a reference to the Queen's harbour master for the port.

(4) Where, immediately before the date on which (apart from this subsection) the time for bringing summary proceedings for an offence under this Act would expire, the person to be charged is outside the United Kingdom, the time for bringing the proceedings shall be extended until the end of the period of two months beginning with the date on which he next enters the United Kingdom.

(5) Proceedings for any offence under this Act may (without prejudice to any jurisdiction exercisable apart from this subsection) be taken against a person at any place at which he is for the time being.

(6) If a local fisheries committee constituted by an order made, or having effect as if made, under section 1 of the Sea Fisheries Regulation Act 1966 or any of its officers is authorised in that behalf under subsection (1) of this section, the committee may institute proceedings for any offence under this Act committed within the district of the committee.

(7) The preceding provisions of this section do not apply in relation to an offence under section 3 of this Act, but proceedings for such an offence may:

(a) In England and Wales, be brought only by or with the consent of the Director of Public Prosecutions; and

(b) In Northern Ireland, be brought only by or with the consent of the Attorney General for Northern Ireland;

and any such proceedings may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

(8) Where a body corporate is guilty of an offence under section 3 of this Act and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

In this subsection, “director” in relation to a body corporate established for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

20. *Enforcement and application of fines*

(1) Where a fine imposed by a court in proceedings against the owner or master of a vessel for an offence under this Act is not paid at the time ordered by the court, the court shall, in addition to any other powers for enforcing payment, have power to direct the amount remaining unpaid to be levied by distress or poinding and sale of the vessel, her tackle, furniture and apparel.

(2) Where a person is convicted of an offence under section 1 or section 2 of this Act, and the court imposes a fine in respect of the offence, then if it appears to the court that any person has incurred, or will incur, expenses in removing any pollution, or making good any damage, which is attributable to the offence, the court may order the whole or part of the fine to be paid to that person for or towards defraying those expenses.

21. *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 Convention ship while the ship is within a harbour in the United Kingdom, and to require production of any oil record book required to be carried in accordance with the 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 oil record books and the taking of copies of entries therein, and to the admissibility in evidence of such oil record books 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) Her Majesty, if satisfied that the government of any country has accepted, or denounced, the Convention, or that the Convention extends, or has ceased to extend, to any territory, may by Order in Council make a declaration to that effect.

(4) In this section "the Convention" means any Convention accepted by Her Majesty's Government in the United Kingdom in so far as it relates to the prevention of pollution of the sea by oil: and "Convention ship" means a ship registered in:

(a) A country the government of which has been declared by an Order in Council under the preceding subsection to have accepted the 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.

Miscellaneous and supplementary

22. Power to apply certain provisions to ships registered outside United Kingdom

(1) 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 4 or section 17(1) 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.

(2) An Order in Council under subsection (1) of this section shall not be made so as to impose different requirements in respect of ships of different countries or territories; but 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 such of those provisions as are applicable thereto under the law of that country or territory.

(3) 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 circumstances which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled.

23. *Power of Secretary of State to grant exemptions*

The Secretary of State may exempt any vessels or classes of vessels from any of the provisions of this Act or of any regulations made thereunder, either absolutely or subject to such conditions as he thinks fit.

24. *Application of Act to Government ships*

(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 Secretary of State while employed for the purposes of Her Majesty's navy.

(2) Subject to subsection (1) of this section and subsection (4) of section 16 of this Act:

(a) Provisions of this Act which are expressed to apply only to ships registered in the United Kingdom apply to Government ships so registered and also to Government ships not so registered but held for the purposes of Her Majesty's Government in the United Kingdom;

(b) Provisions of this Act which are expressed to apply to vessels generally apply to Government ships.

(3) In this section "Government ships" has the same meaning as in section 80 of the Merchant Shipping Act 1906.

25. *Provisions as to Isle of Man, Channel Islands, colonies and dependencies*

(1) Her Majesty may by Order in Council direct that such of the provisions of this Act, other than section 3, or of any enactment for the time being in force amending or replacing them, as may be specified in the Order 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, other than section 3, were included among the enactments which, by virtue of section 5 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 sections 22 and 24 of this Act) apply only to 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.

...

29. *Interpretation*

(1) In this Act:

"Barge" includes a lighter and any similar vessel;

...

"Oil" means oil of any description and includes spirit produced from oil of any description, and also includes coal tar;

"Oil reception facilities" has the meaning assigned to it by section 9(1) of this Act;

“Oil residues” means any waste 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;

“Transfer”, in relation to oil, means transfer in bulk.

(2) Any reference in any provision of this Act to a mixture containing oil shall be construed as a reference to any mixture of oil (or, as the case may be, of oil of a description referred to in that provision) with water or with any other substance.

(3) Any reference in the provisions of this Act other than section 11 to the discharge of oil or a mixture containing oil, or to its being discharged, from a vessel, place or thing, except where the reference is to its being discharged for a specified purpose, includes a reference to the escape of the oil or mixture, or (as the case may be) to its escaping, from that vessel, place or thing.

(4) For the purposes of any provision of this Act relating to the discharge of oil or a mixture containing oil from a vessel, any floating craft (other than a vessel) which is attached to a vessel shall be treated as part of the vessel.

(5) Any power conferred by this Act to test any equipment on board a vessel shall be construed as including a power to require persons on board the vessel to carry out such work as may be requisite for the purpose of testing the equipment; and any provision of this Act as to submitting equipment for testing shall be construed accordingly.

30. *Provisions as to Northern Ireland*

(1) This Act extends to Northern Ireland and the following provisions of this section shall have effect with respect to the application of this Act to Northern Ireland.

(2) References in section 9 of this Act to the Secretary of State shall be construed as references to the Ministry of Commerce for Northern Ireland (in this section referred to as “the Ministry of Commerce”).

(3) In relation to places on land in Northern Ireland, and to apparatus located in Northern Ireland otherwise than on board a vessel:

(a) Persons appointed by the Secretary of State as inspectors under section 18 of this Act, and surveyors of ships in their capacity as persons so appointed, shall have no powers of entry or inspection; but

(b) Persons appointed by the Ministry of Commerce shall have the like powers as (but for the preceding paragraph) persons appointed by the Secretary of State would have by virtue of that section, and the provisions of that section shall have effect in relation to persons appointed by the Ministry of Commerce as, in England and Wales, they have effect in relation to persons appointed by the Secretary of State.

(4) Subsection (1) of section 19 of this Act shall apply to proceedings in Northern Ireland as it applies to proceedings in England and Wales, but with the substitution, for references to the Attorney General, of references

to the Attorney General for Northern Ireland; except that, in relation to proceedings for an offence under section 2 of this Act:

(a) If the alleged offence relates to the discharge of oil or a mixture containing oil from a vessel in a harbour or inland waterway in Northern Ireland, the references in that subsection to the Secretary of State shall be construed as references to the Secretary of State or the Ministry of Commerce;

(b) If the alleged offence relates to the discharge of oil or a mixture containing oil from a place on land in Northern Ireland, or from apparatus located in Northern Ireland otherwise than on board a vessel, the references in that subsection to the Secretary of State shall be construed as references to the Ministry of Commerce.

...

33. *Repeals and savings*

(1) The enactments specified in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) In so far as any instrument made or other thing done under any enactment repealed by this Act could have been made or done under any provision of this Act it shall have effect as if made or done under that provision; and references in any such instrument to any such enactment shall be construed as referring to the corresponding provision of this Act or, as the case may be, to this Act.

...

SCHEDULE

ENACTMENTS REPEALED

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
3 & 4 Eliz.2. c.25.	The Oil in Navigable Waters Act 1955.	The whole Act.
1963 c.28.	The Oil in Navigable Waters Act 1963.	The whole Act.
1964 c.29.	The Continental Shelf Act 1964.	Section 5.
1966 c.38.	The Sea Fisheries Regulation Act 1966.	Section 21(7).
1971 c.21.	The Oil in Navigable Waters Act 1971.	The whole Act.
1971 c.61.	The Mineral Workings (Off-shore Installations) Act 1971.	Section 10(1)(c).

(c) MERCHANT SHIPPING (OIL POLLUTION) ACT 1971¹1. *Liability for oil pollution*

(1) Where, as a result of any occurrence taking place while a ship is carrying a cargo of persistent oil in bulk, any persistent oil carried by the ship (whether as part of the cargo or otherwise) is discharged or escapes from the ship, the owner of the ship shall be liable, except as otherwise provided by this Act:

(a) For any damage caused in the area of the United Kingdom by contamination resulting from the discharge or escape; and

(b) For the cost of any measures reasonably taken after the discharge or escape for the purpose of preventing or reducing any such damage in the area of the United Kingdom; and

(c) For any damage caused in the area of the United Kingdom by any measures so taken.

(2) Where a person incurs a liability under subsection (1) of this section he shall also be liable for any damage or cost for which he would be liable under that subsection if the references therein to the area of the United Kingdom included the area of any other Convention country.

(3) Where persistent oil is discharged or escapes from two or more ships and:

(a) A liability is incurred under this section by the owner of each of them; but

(b) The damage or cost for which each of the owners would be liable cannot reasonably be separated from that for which the other or others would be liable;

each of the owners shall be liable, jointly with the other or others, for the whole of the damage or cost for which the owners together would be liable under this section.

(4) For the purposes of this Act, where more than one discharge or escape results from the same occurrence or from a series of occurrences having the same origin, they shall be treated as one; but any measures taken after the first of them shall be deemed to have been taken after the discharge or escape.

...

2. *Exceptions from liability under s. 1*

The owner of a ship from which persistent oil has been discharged or has escaped shall not incur any liability under section 1 of this Act if he proves that the discharge or escape:

(a) Resulted from an act of war, hostilities, civil war, insurrection or an exceptional, inevitable and irresistible natural phenomenon; or

(b) Was due wholly to anything done or left undone by another person, not being a servant or agent of the owner, with intent to do damage; or

¹ 1971 Chapter 59, 27 July 1971. Sections 1 (except subsection (2)), 2, 3, 9, 13 (1), and 14 (1) were brought into operation on 9 September 1971 by the Merchant Shipping (Oil Pollution) Act 1971 (Commencement) Order 1971.

(c) Was due wholly to the negligence or wrongful act of a government or other authority in exercising its function of maintaining lights or other navigational aids for the maintenance of which it was responsible.

3: *Restriction of liability for oil pollution*

Where, as a result of any occurrence taking place while a ship is carrying a cargo of persistent oil in bulk, any persistent oil carried by the ship is discharged or escapes then, whether or not the owner incurs a liability under section 1 of this Act,

(a) He shall not be liable otherwise than under that section for any such damage or cost as is mentioned therein; and

(b) No servant or agent of the owner nor any person performing salvage operations with the agreement of the owner shall be liable for any such damage or cost.

4. *Limitation of liability under s. 1*

(1) Where the owner of a ship incurs a liability under section 1 of this Act by reason of a discharge or escape which occurred without his actual fault or privity:

(a) Section 503 of the Merchant Shipping Act 1894¹ (limitation of liability) shall not apply in relation to that liability; but

(b) He may limit that liability in accordance with the provisions of this Act, and if he does so his liability (that is to say, the aggregate of his liabilities under section 1 resulting from the discharge or escape) shall not exceed 2,000 gold francs for each ton of the ship's tonnage nor (where that tonnage would result in a greater amount) 210 million gold francs.

...

10. *Compulsory insurance against liability for pollution*

(1) Subject to the provisions of this Act relating to Government ships, subsection (2) of this section shall apply to any ship carrying in bulk a cargo of more than 2,000 tons of persistent oil of a description specified in regulations made by the Secretary of State.

(2) The ship shall not enter or leave a port in the United Kingdom or arrive at or leave a terminal in the territorial sea of the United Kingdom nor, if the ship is registered in the United Kingdom, a port in any other country or a terminal in the territorial sea of any other country, unless there is in force a certificate complying with the provisions of subsection (3) of this section and showing that there is in force in respect of the ship a contract of insurance or other security satisfying the requirements of Article VII of the Convention (cover for owner's liability).

(3) The certificate must be:

(a) If the ship is registered in the United Kingdom, a certificate issued by the Secretary of State;

(b) If the ship is registered in a Convention country other than the United Kingdom, a certificate issued by or under the authority of the government of the other Convention country; and

¹ 1894, Chapter 60.

(c) If the ship is registered in a country which is not a Convention country, a certificate issued by the Secretary of State or a certificate recognised for the purposes of this paragraph by regulations made under this section.

(4) The Secretary of State may by regulations provide that certificates in respect of ships registered in any, or any specified, country which is not a Convention country shall, in such circumstances as may be specified in the regulations, be recognised for the purposes of subsection (3)(c) of this section if issued by or under the authority of the government of the country designated in the regulations in that behalf; and the country that may be so designated may be either or both of the following, that is to say:

(a) The country in which the ship is registered; and

(b) Any country specified in the regulations for the purposes of this paragraph.

(5) Any certificate required by this section to be in force in respect of a ship shall be carried in the ship and shall, on demand, be produced by the master to any officer of customs or of the Department of Trade and Industry and, if the ship is registered in the United Kingdom, to any proper officer within the meaning of section 97 (1) of the Merchant Shipping Act 1970.¹

(6) If a ship enters or leaves, or attempts to enter or leave, a port or arrives at or leaves, or attempts to arrive at or leave, a terminal in contravention of subsection (2) of this section, the master or owner shall be liable on conviction on indictment to a fine, or on summary conviction to a fine not exceeding £35,000.

(7) If a ship fails to carry, or the master of a ship fails to produce, a certificate as required by subsection (5) of this section the master shall be liable on summary conviction to a fine not exceeding £400.

(8) If a ship attempts to leave a port in the United Kingdom in contravention of this section the ship may be detained.

...

12. *Rights of third parties against insurers*

(1) Where it is alleged that the owner of a ship has incurred a liability under section 1 of this Act as a result of any discharge or escape of oil occurring while there was in force a contract of insurance or other security to which such a certificate as is mentioned in section 10 of this Act related, proceedings to enforce a claim in respect of the liability may be brought against the person who provided the insurance or other security (in the following provisions of this section referred to as "the insurer").

(2) In any proceedings brought against the insurer by virtue of this section it shall be a defence (in addition to any defence affecting the owner's liability) to prove that the discharge or escape was due to the wilful misconduct of the owner himself.

(3) The insurer may limit his liability in respect of claims made against him by virtue of this section in like manner and to the same extent as the

¹ 1970, Chapter 36.

owner may limit his liability but the insurer may do so whether or not the discharge or escape occurred without the owner's actual fault or privity.

...

14. *Government ships*

(1) Nothing in the preceding provisions of this Act applies in relation to any warship or any ship for the time being used by the government of any State for other than commercial purposes.

(2) In relation to a ship owned by a State and for the time being used for commercial purposes it shall be a sufficient compliance with subsection (2) of section 10 of this Act if there is in force a certificate issued by the government of that State and that any liability for pollution damage as defined in Article I of the Convention will be met up to the limit prescribed by Article V thereof.

(3) Every Convention State shall, for the purposes of any proceedings brought in a court in the United Kingdom to enforce a claim in respect of a liability incurred under section 1 of this Act, be deemed to have submitted to the jurisdiction of that court, and accordingly rules of court may provide for the manner in which such proceedings are to be commenced and carried on; but nothing in this subsection shall authorise the issue of execution, or in Scotland the execution of diligence, against the property of any State.

15. *Liability for cost of preventive measures where s. 1 does not apply*

(1) Where:

(a) After an escape or discharge of persistent oil from a ship, measures are reasonably taken for the purpose of preventing or reducing damage in the area of the United Kingdom which may be caused by contamination resulting from the discharge or escape; and

(b) Any person incurs, or might but for the measures have incurred, a liability, otherwise than under section 1 of this Act, for any such damage; then, notwithstanding that subsection (1) (b) of that section does not apply, he shall be liable for the cost of the measures, whether or not the person taking them does so for the protection of his interests or in the performance of a duty.

...

19. *Meaning of "the Convention," "Convention country" and "Convention State"*

(1) In this Act:

"The Convention" means the International Convention on Civil Liability for Oil Pollution Damage¹ signed in Brussels in 1969;

"Convention country" means a country in respect of which the Convention is in force; and

"Convention State" means a State which is a party to the Convention.

...

¹ *Infra* PART II, DIVISION III, SUBDIVISION A, 4.

(d) [OIL IN NAVIGABLE WATERS (PROHIBITED SEA AREAS) (AMENDMENT)
ORDERS 1972]¹

BAHAMAS

(a) CONTINENTAL SHELF ACT, 1970, section 8²

(b) PETROLEUM ACT, 1971, sections 29-31³

BRITISH SOLOMON ISLANDS PROTECTORATE

CONTINENTAL SHELF ORDINANCE 1970, section 8⁴

17. UNITED STATES OF AMERICA

(a) FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED UP TO 1970,
sections 11 and 12⁵

(b) UNITED STATES GEOLOGICAL SURVEY OCS ORDER NO. 10 OF 28 MARCH
1969 REGARDING DRILLING AND OTHER OPERATING PROCEDURES ON
CONTINENTAL SHELF OFF CALIFORNIA, sections 1, 2, 5 and 6⁶

¹ *Statutory Instruments*, 1972 Nos. 676 and 1592. These Orders amended the Oil in Navigable Waters (Prohibited Sea Areas) Order 1967, reproduced in ST/LEG/SER.B/15, pp. 535-537, by including amongst the prohibited sea areas specified by that Order the areas of the Red Sea, the Persian Gulf and the Mediterranean, lying within 100 miles from the nearest land along the coasts of Saudi Arabia and Libya.

² *Supra* DIVISION II, 25.

³ *Supra* DIVISION I, SUBDIVISION A, Chapter IX, 16.

⁴ *Supra* DIVISION II, 25.

⁵ *Supra* DIVISION I, SUBDIVISION A, Chapter VII, 13.

⁶ *Supra* DIVISION II, 26 (a).

Division IV
FISHING AND CONSERVATION OF THE LIVING
RESOURCES OF THE SEA¹

I. AUSTRALIA

(a) [~~FISHERIES ACT 1952-1970~~]

(b) PROCLAMATION OF 15 AUGUST 1968 OF GOVERNOR-GENERAL ON
FISHERIES WATERS³

Whereas the Fisheries Act 1952-1953 provided, and that Act as amended by any Act up to and including the Fisheries Act 1967 has continued to provide, by section 7, that the Governor-General may, by Proclamation, declare any Australian waters to be proclaimed waters for the purposes of that Act:⁴

and whereas by Proclamation published in the Gazette on the ninth day of December, One thousand nine hundred and fifty-four, certain Australian waters were declared to be proclaimed waters for the purposes of the Fisheries Act 1952-1953:

and whereas that Proclamation was varied by a Proclamation published in the Gazette on the sixteenth day of February, One thousand nine hundred and fifty-six:

and whereas it is desirable to revoke those proclamations and to make other provision in their stead:

now therefore I, Richard Gardiner, Baron Casey, the Governor-General aforesaid, acting with the advice of the Federal Executive Council, hereby:

(a) Revoke the abovementioned proclamations published in the Gazette on the ninth day of December, One thousand nine hundred and fifty-four,

¹ Texts under this Division cover both the territorial sea and the high seas. For texts relating to sedentary fisheries on the continental shelf, see also *supra* DIVISION II.

² The Fisheries Act 1952 as subsequently amended—most recently by the Fisheries Act 1970 (No. 93 of 1970). For the text of the Fisheries Act 1952-1967, see ST/LEG/SER.B/6, pp. 421-424 and ST/LEG/SER.B/15, pp. 571-574. The Fisheries Act 1970 deleted “the Territory of Nauru” from the definition of “Territory” for the purpose of the Act. Otherwise the text reproduced in the above-cited documents remains unchanged.

³ *Commonwealth of Australia Gazette*, No. 71; 22 August 1968.

⁴ For the text of the Fisheries Act 1952-1953 and amendments thereto, see references in foot-note 2 *supra*.

and the sixteenth day of February, One thousand nine hundred and fifty-six, respectively; and

(b) Declare the Australian waters specified in the Schedule to this Proclamation to be proclaimed waters for the purposes of the Fisheries Act 1952-1967.

THE SCHEDULE

All those waters, other than waters that are within the territorial limits of a State or of a Territory of the Commonwealth, contained within the area bounded by a line commencing at the intersection of the parallel 26 degrees 40 minutes south latitude with the meridian 157 degrees 10 minutes east longitude; thence proceeding in a straight line to the intersection of the parallel 29 degrees south latitude with the meridian 160 degrees 5 minutes east longitude; thence proceeding along that meridian to its intersection with the parallel 32 degrees 25 minutes south latitude; thence proceeding in a straight line to the intersection of the parallel 34 degrees south latitude with the meridian 155 degrees 50 minutes east longitude; thence proceeding in a straight line to the intersection of the parallel 45 degrees 40 minutes south latitude with the meridian 152 degrees east longitude; thence proceeding in a straight line to the intersection of the parallel 47 degrees 20 minutes south latitude with the meridian 147 degrees 30 minutes east longitude; thence proceeding in a straight line to the intersection of the parallel 46 degrees 40 minutes south latitude with the meridian 143 degrees east longitude; thence proceeding in a straight line to the intersection of the parallel 34 degrees 57 minutes south latitude with the meridian 130 degrees 48 minutes east longitude; thence proceeding in a straight line to the intersection of the parallel 38 degrees 22 minutes south latitude with the meridian 115 degrees 8 minutes east longitude; thence proceeding in a straight line to the intersection of the parallel 36 degrees 10 minutes south latitude with the meridian 111 degrees 20 minutes east longitude; thence proceeding in a straight line to the intersection of the parallel 25 degrees 50 minutes south latitude with the meridian 108 degrees 40 minutes east longitude; thence proceeding in a straight line to the intersection of the parallel 19 degrees south latitude with the meridian 112 degrees east longitude; thence proceeding in a straight line to the intersection of the parallel 17 degrees 6 minutes south latitude with the meridian 118 degrees 40 minutes east longitude; thence proceeding in a straight line to the intersection of the parallel 11 degrees 57 minutes south latitude with the meridian 123 degrees 9 minutes east longitude; thence proceeding along that parallel to its intersection with the meridian 125 degrees east longitude; thence proceeding in a straight line to the intersection of the parallel 9 degrees 2 minutes south latitude with the meridian 133 degrees 32 minutes east longitude; thence proceeding along that parallel to its intersection with the meridian 135 degrees 38 minutes east longitude; thence proceeding in a straight line to the intersection of the parallel 9 degrees 43 minutes south latitude with the meridian 137 degrees 12 minutes east longitude; thence proceeding in a straight line to the intersection of the parallel 10 degrees 15 minutes south latitude with the meridian 138 degrees east longitude; thence proceeding in a straight line to the intersection of the parallel 9 degrees 35 minutes south latitude with the meridian 141 degrees 2 minutes east longitude; thence proceeding in a straight line to the middle of the mouth of the Bensbach River on the southern shore of the island of New Guinea; thence proceeding in a straight line to the point on the southern shore of that island at high water mark where the eastern bank of that river meets that shore; thence following the shores of that island at high water mark generally easterly as far as East Cape and thence generally north-westerly to the intersection of the northern shore of that island at high water mark with the meridian 141 degrees east longitude; thence proceeding along that meridian to its intersection with the Equator; thence proceeding along the Equator to its intersection with the meridian 160 degrees east longitude; thence proceeding along that meridian to its intersection with the parallel 4 degrees 50 minutes south latitude; thence proceeding along that parallel to its intersection with the meridian 159 degrees east longitude; thence proceeding in a straight line to

a point that lies 6 nautical miles north 42 degrees east true from Cape Friendship on Bougainville Island; thence proceeding in a straight line to a point that lies 4 nautical miles north 70 degrees 30 minutes east true from Cape Friendship; thence proceeding in a straight line to a point that lies 3 nautical miles south true from the southern point of the peninsula that bounds the harbour of Tonolai on Bougainville Island on the east; thence proceeding in a straight line to a point that lies 3 nautical miles south true from Moila Point on Bougainville Island; thence proceeding in a straight line to a point that lies 8 nautical miles south 69 degrees west true from Moila Point; thence proceeding in a straight line to the intersection of the parallel 8 degrees south latitude with the meridian 154 degrees east longitude; thence proceeding along that parallel to its intersection with the meridian 155 degrees east longitude; thence proceeding along that meridian to its intersection with the parallel 10 degrees south latitude; thence proceeding along that parallel to its intersection with the meridian 157 degrees 10 minutes east longitude; thence proceeding along that meridian to the point of commencement.

2. BRAZIL

(a) LEGISLATIVE DECREE NO. 221 OF 28 FEBRUARY 1967 ON FISHING¹

CHAPTER I

Fishing

Article 1. For the purposes of this Legislative Decree, fishing is defined as any activity designed to catch or gather animal or vegetable organisms normally or more commonly found in water.

Article 2. Fishing may be undertaken for the purposes of trade, sport or science.

1. Commercial fishing means fishing for the purpose of engaging in commercial activities, as provided for in the laws in force.

2. Fishing for sport means fishing which is carried out with hand lines, diving or any other equipment permitted by the competent authority and which in no event amounts to commercial activity.

3. Fishing in the interests of science means fishing carried out exclusively for research purposes by duly authorized institutions or persons.

Article 3. All animal or vegetable organisms found in territorial waters shall be public property.

Article 4. This Legislative Decree and the regulations, decrees and orders pertaining thereto shall apply in particular to:

(a) The inland waters of Brazil;

(b) The Brazilian territorial sea;

(c) The areas of the high seas, whether or not adjacent to the territorial sea, in accordance with the provisions of the international treaties and conventions ratified by Brazil;

¹ Text provided by the Permanent Mission of Brazil to the United Nations in a note verbale of 29 December 1972. Translation by the Secretariat of the United Nations.

(d) The continental shelf, up to a depth which is in conformity with the international treaties and conventions ratified by Brazil.

CHAPTER II

Commercial fishing

Title I. Fishing vessels

Article 5. Duly authorized vessels engaged exclusively and permanently in catching, processing or searching for animal or vegetable organisms naturally or more commonly found in water shall be deemed to be fishing vessels.

Sole paragraph. Fishing vessels, together with the nets used for commercial fishing or scientific purposes, shall be deemed to be capital goods.

Article 6. All Brazilian or foreign vessels engaged in commercial fishing must, in addition to complying with the requirements of the maritime authorities, be registered and authorized by the competent federal department.

Sole paragraph. Any vessel which fails to comply with the provisions of this article shall be debarred from operations until the requirements laid down by the competent authorities are fulfilled.

Article 7. Fishing vessels of whatever kind, and their crews and owners shall, except in matters falling within the competence of the Ministry of Marine with regard to national defence and safety of navigation and of the Ministry of Labour and Social Welfare with regard to social welfare, be subject to the provisions of this Legislative Decree.

Article 8. Only native-born or naturalized Brazilians or companies established in Brazil shall be registered by the Maritime Tribunal as owners of fishing vessels.

Article 9. Foreign vessels may engage in fishing activities in the waters referred to in article 4 of this Legislative Decree only when so authorized by the Minister of State for Agricultural Affairs.

Sole paragraph. For the purposes of this Legislative Decree, violations of the provisions of this article shall be deemed to constitute smuggling and the public authorities may issue an injunction against the vessel and its equipment and cargo and bring charges against the master in accordance with the criminal laws in force.

...

Article 12. Once they are registered and duly licensed, fishing vessels shall, in the normal course of fishing operations, have free access at any time of the day or night to Brazilian fishing ports and terminals.

...

Article 17. Coastal shipping regulations shall not apply to fishing vessels.

Title II. Fishing enterprises

Article 18. For the purposes of this Legislative Decree, the following is hereby defined as a "fishing enterprise" and consequently declared to be

a "basic enterprise": the activity of catching, preserving, processing or marketing animal or vegetable organisms naturally or more commonly found in water.

...

Article 19. No fishing enterprise, either Brazilian or foreign, may operate in Brazilian territory or in the waters referred to in this Legislative Decree without prior authorization from the competent federal authority; all such enterprises shall be duly registered and shall fulfil the reporting and any other prescribed requirements.

Sole paragraph. Any establishment which violates the provisions of this article shall be debarred from operating, without prejudice to any fine that may be applicable.

Article 20. Fishing enterprises operating on the date of entry into force of this Legislative Decree shall, within 120 days, apply for registration in accordance with the preceding article.

...

Title IV. Commercial fishermen

Article 26. Commercial fishermen means fishermen who are licensed by the competent department in accordance with the laws and regulations in force and make fishing their principal means of livelihood.

Sole paragraph. Such licences may be cancelled if it is established that the fisherman does not make fishing his habitual occupation or that he violates the provisions of this Legislative Decree and the regulations thereto when he engages in fishing.

Article 27. Commercial fishing shall be carried out by native-born or naturalized Brazilians or by foreigners, duly authorized by the competent body.

1. Commercial fishing shall be authorized for persons over 18 years of age.
2. Persons over 14 years of age shall be allowed on board ship as apprentice fishermen, if so authorized by the competent magistrate.

Article 28. In order to be licensed, commercial fishermen must obtain prior authorization from the Fisheries Development Board (SUDEPE) or the state authority empowered to apply and supervise the implementation of this Legislative Decree.

...

CHAPTER IV

Permits, prohibitions and concessions

Title I. General rules

Article 33. To the extent permissible under this Legislative Decree, fishing may be carried on in Brazilian territory and in extra-territorial waters, subject to compliance with the instructions agreed on between the competent body of the federal Government and the state authorities.

1. The list of species, minimum sizes and closed seasons shall be drawn up by SUDEPE.

2. Fishing may be temporarily or permanently prohibited in waters which are public or private property.

3. Fishing in waters which are private property shall require the express or tacit consent of the owners, in accordance with articles 599, 600, 601 and 602 of the Civil Code.

Article 34. The import or export or any aquatic species, at any stage of growth, and the introduction of indigenous or exotic species into inland waters without the authorization of SUDEPE shall be prohibited.

Article 35. Fishing shall be forbidden:

(a) In places or in seasons prohibited by the competent body;

(b) In areas where fishing may constitute a hazard to shipping;

(c) With dynamite or other common explosives or with substances which may act like explosives on contact with water;

(d) With poisonous substances;

(e) Less than 500 metres from sewer outlets.

Sole paragraph. The prohibitions set out in subparagraphs (c) and (d) of this article shall not apply to operations undertaken by the public authorities to exterminate species regarded as harmful.

...

Article 37. Sewage and liquid or solid industrial wastes may be discharged into waters only if they do not pollute them.

1. Pollution shall be deemed to be any change in the physical, chemical or biological properties of waters that may harm fauna or flora either directly or indirectly.

2. Each State Government shall be responsible for checking pollution and taking action to prevent it.

3. The Federal Government shall ensure compliance with the provisions of subparagraph 2.

Article 38. The discharge of oil and oil products into the waters specified by the competent body in accordance with international rules shall be prohibited.

...

Title IV. Whale fishing and processing

Article 41. Land establishments intended for the processing of whales shall be termed Whale Fishing Land Stations.

...

Article 43. Authorization for Whale Fishing by the Land Stations provided for in this Legislative Decree shall be granted only if the land facilities and factory ships belonging to such establishments meet the technical requirements for the complete processing of whale products and by-products.

...

Article 45. SUDEPE shall prescribe the whaling seasons and the maximum catches.

(b) [DECREE LAW NO. 478 OF 27 FEBRUARY 1969, APPROVING THE INTERNATIONAL CONVENTION ON THE CONSERVATION OF TUNA AND RELATIVE SPECIES IN THE ATLANTIC]¹

(c) DECREE LAW NO. 1098 OF 25 MARCH 1970, ALTERING THE LIMITS OF THE TERRITORIAL SEA, article 4²

(d) DECREE NO. 68,459 OF 1 APRIL 1971 ON FISHING ZONES³

CHAPTER I

On fishing zones

Article 1. The following fishing zones are established in the Brazilian territorial sea:

I. A zone contained within 100 (one hundred) nautical miles, measured from the low water mark at the continental and island coast of Brazil, used as reference on Brazilian nautical charts.

II. Beyond the zone specified under item I, up to a limit of two hundred nautical miles.

Paragraph 1. In the zone referred to in item I of this article, fishing activities shall be conducted by Brazilian fishing vessels.

Paragraph 2. In the zone referred to in item II of this article, fishing activities may be conducted by Brazilian and foreign fishing vessels.

Paragraph 3. The exploitation of crustacea and other living resources, which are closely dependent on the sea-bed under the Brazilian territorial sea, is reserved to Brazilian fishing vessels.

Paragraph 4. Under the terms of this Decree, foreign fishing vessels leased by Brazilian legal entities headquartered in Brazil shall be considered equal to Brazilian fishing vessels, subject to the provisions of this Decree, of the Regulations on Maritime Traffic and of the Brazilian Maritime Legislation.

Paragraph 5. Under special circumstances, the Ministry of Agriculture, through SUDEPE,⁴ after consulting with the Navy Ministry, may allow foreign vessels to conduct fishing activities in areas within the zone referred to in item I of this article, subject to compensation in all cases.

Article 2. Fishing vessels will be considered those which, properly registered, enrolled and authorized in accordance with this Decree and further legislation in force, are exclusively and permanently involved in capture, processing or research of fauna and flora whose natural or most frequent habitat is the sea or the sea-bed.

Paragraph. When engaged in research activities, fishing vessels shall be subject to the requirements put forth in special legislation on such matters.

¹ For the text of the Convention, see *infra* PART II, DIVISION IV, SUBDIVISION A, 6.

² *Supra* DIVISION I, SUBDIVISION A, Chapter I, 2.

³ *Diário Oficial*, 2 April 1971. Entered into force on 2 April 1971, revoking Decree Nos. 58,696 and 65,005 of 22 June 1966 and of 18 August 1969, respectively. Unofficial English text provided by the Permanent Mission of Brazil to the United Nations in a note verbale of 29 December 1972.

⁴ Superintendência do Desenvolvimento da Pesca (Superintendency for the Development of Fisheries).

CHAPTER II

On activities of fishing vessels

. . .

Article 5. Foreign fishing vessels, not leased by Brazilian legal entities, may engage in fishing operations in the Brazilian territorial sea, in the zone set forth in item II of article 1 of this Decree, when authorized by the Minister of Agriculture after consultation with the Navy Ministry.

Paragraph 1. Fishing authorizations shall be granted for a maximum period of one (1) year, and may be renewed subject to the provisions of articles 6 and 7 of this Decree.

Paragraph 2. Authorizations granted shall specify fishing methods and gear to be employed.

Paragraph 3. Authorizations shall be valid only after payment of the registration and operation fees set forth in article 7.

Article 6. Applications for authorization referred to above shall be addressed to the Ministry of Agriculture and presented to SUDEPE through a Brazilian legal entity of established integrity which undertakes legal and financial responsibility for the activities to be carried out, and shall contain:

I. Name, nationality and other useful information on the foreign citizen or company requesting authorization.

II. Technical data on the vessels to be used and their respective equipment, including photographs, copies of the original registry documents, certified and with official translation attached, crew list and respective functions on board and proof that the vessel carries all up-to-date certificates required by International Conventions in force in Brazil.

III. Planned fishing routes, also mapped on a nautical chart of appropriate scale, indicating fishing plans and purposes as well as methods and techniques to be employed.

IV. Commitment to reserve room on board of each vessel so that representatives appointed by the Navy Ministry or the Ministry of Agriculture (SUDEPE) may observe fishing operations, partially or in full.

Paragraph. Applications received and examined by SUDEPE shall be sent by the Ministry of Agriculture to the Navy Ministry for evaluation, final decision to grant or deny the request being in the hands of the Ministry of Agriculture.

Article 7. After the request for authorization under article 6 has been granted, foreign fishing vessels not under lease shall undertake the following:

I. In order to be included in the General Fishing Register, pay a registration fee, in Brazilian currency, equivalent to \$US 500.00 (five hundred dollars).

II. In order to conduct fishing operations, pay an operation fee, in Brazilian currency, equivalent to \$ US 20.00 (twenty dollars) per net registered ton of vessel.

Article 8. The captains of foreign vessels operating in Brazilian territorial waters under the terms of articles 4 and 5 and paragraph 5 of article 1 of this Decree shall be bound to:

I. Use fishing logs adopted by SUDEPE and send them, duly filled out, to that agency at a time to be indicated.

II. Be familiar and comply with Brazilian laws and regulations, especially as regards fishing and prevention of sea pollution.

III. Use only methods and gear authorized by SUDEPE.

IV. Inform the Navy Ministry, for purposes of Maritime Traffic Control, Coast Patrol, Naval Police and Search and Rescue Service, of the day and hour of entry and exit of the vessel into and from waters of the Brazilian territorial sea, as well as of the position of the vessel in said waters, daily. Such information shall be transmitted, through SUDEPE radiotelephone stations or through the nearest Coast Station, to the Naval District Command of the fishing area.

Article 9. Foreign fishing vessels not under lease shall only land their catch at Brazilian ports under special circumstances and if duly authorized by SUDEPE.

Article 10. Transshipment of catch between any vessels in the territorial sea is subject to authorization and shall be made under the terms of said authorization, which shall be granted by the Ministry of Agriculture, after consulting with the Navy Ministry in each instance.

CHAPTER III

On control

Article 11. Control of fishing activities in the Brazilian territorial sea shall be exercised by the Navy Ministry and the Ministry of Agriculture, through SUDEPE.

...

Article 12. Notwithstanding other legal sanctions under the terms of Brazilian law, fishing vessels shall be subject to fines as set forth in chapters VI and VII of Decree-law 221 of February 28, 1967¹

...

3. CANADA

(a) FISHERIES ACT, 1952, AS AMENDED UP TO 1970²

...

Interpretation

2. *Interpretation*

In this Act,

(a) [Repealed.]³

¹ *Supra* (a).

² The Act of 1952 (*Revised Statutes of Canada*, 1952, Chapter 119) is reproduced in part in ST/LEG/SER.B/6, pp. 445-449. For its amendments up to 1965, see ST/LEG/SER.B/15, pp. 595-599. Subsequent amendments were made by 1968-69, c. 28 and 1969-70, c. 63. Text reproduced here includes some of the sections of the original Act which, though not amended, have not been reproduced in either of the two volumes.

³ By 1969-70, c. 63, s. 1 (1).

(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;

(b) "Close time" means a specified period during which fish to which it applies, may not be fished, and "closed time" or "closed season" has a similar meaning;

(c) "Fish" includes shell fish, crustaceans and marine animals;

(d) "Fishery" includes the area, locality, place or station in or on which a pound, seine, net, weir or other fishing appliance is used, set, placed or located, and the area, tract or stretch of water in or from which fish may be taken by the said pound, seine, net, weir or other fishing appliance, and also the pound, seine, net, weir, or other fishing appliance used in connection therewith;

(e) "Fishing" means fishing for or catching fish by any method;

(f) "Fishing vessel" means any vessel used, outfitted or designed for the purpose of catching, processing or transporting fish;

(g) "Lawful excuse" means

(i) Ability to prove that fish in possession during the close time therefor at the place of possession, were legally caught; or

(ii) The unintentional or incidental catching of any fish that may not then be taken, when legally fishing for other fish;

(h) "Minister" means the Minister of Fisheries and Forestry.

...

5. *Appointment of fishery officers*

(1) There may be appointed in the manner authorized by law, fishery officers, whose powers and duties are as defined by this Act and the regulations, and by instructions from the Minister, and whose titles are as specified in their appointments.

...

Fishery leases and licences

7. *Fishery leases and licences.*¹

...

Seal fishing

10. *Sedentary seal fisheries not to be disturbed*

(1) No one shall with boat or vessel or in any other way during the time of fishing for seals, knowingly or wilfully disturb, impede or injure any sedentary seal fishery, or prevent, or impede the shoals of seals from coming into such fishery or knowingly or wilfully frighten such shoals.

Salmon fishing

11. *Fry, parr or smolt, not to be killed*

Salmon fry, parr and smolt shall not at any time be fished for, caught or killed, and no salmon or grilse of less weight than three pounds shall be caught or killed, otherwise than by angling with hook and line.

¹ Same text as the one reproduced in ST/LEG/SER.B/6, p. 445.

12. *Use of nets regulated*

The use of nets, weirs or other apparatus of a like nature for the capture of salmon shall be confined to tidal waters except where otherwise provided by regulation and, where not otherwise specified by law, any fishery officer may determine the length and place of each net or other apparatus used in any Canadian fisheries waters.

13. *Distance of nets apart*

All stationary nets, or other stationary appliances for the capture of salmon, shall be placed at distances of not less than two hundred and fifty yards apart, without intermediate fishing nets or appliances of any kind being set or used.

...

Lobster fisheries

16. *Annual returns to Minister by owner or manager of lobster factory*

The owner or manager of every lobster factory or canning establishment shall, by the date fixed by the Minister for that purpose, deliver to the fishery officer for the district on a form provided by the Minister a statement under oath showing,

(a) The number of fishermen employed, and of the lobster traps used in connection with his factory or canning establishment;

(b) The number of persons employed in such factory or canning establishment, distinguishing the sexes;

(c) The number of cases of lobsters, and the weights thereof, packed during the legal lobster fishing season last concluded and ended; and

(d) Such other details and particulars as are required by the Minister.

...

Possession of fish

18. *Possession of sale of fish prohibited*

No one, without lawful excuse, the proof whereof lies on him, shall fish for, buy, sell or have in his possession any fish, or portion of any fish, at a place where at that time fishing for such fish is prohibited by law.

...

General prohibitions

21. *Fishing in limits leased to another prohibited¹*

...

22. *Seines, nets, etc., not to obstruct navigation*

Seines, nets or other fishing apparatus shall not be set or used in such manner or in such place as to obstruct the navigation of boats and vessels and no boats or vessels shall destroy or wantonly injure in any way seines, nets or other fishing apparatus lawfully set.

...

¹ Same text as the one reproduced in ST/LEG/SER.B/6, pp. 445-446.

26. *Use of explosives prohibited*

No one shall hunt or kill fish or marine animals of any kind, other than porpoises, whales, walruses, sea lions and hair seals, by means of rockets, explosive materials, or explosive projectiles or shells.

...

30. *Eggs and fry not to be destroyed*

The eggs or fry of fish on the spawning grounds, shall not at any time be destroyed.

31. [Repealed.]¹

...

Injury to fishing grounds and pollution of waters

33. *Throwing overboard of certain substances prohibited*

(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 of offal of fish, or of marine animals, or leave decayed or decaying fish in any net or other fishing apparatus; such remains of offal may be buried ashore, above high water mark.

(2) *Deposit of deleterious substance prohibited.* Subject to subsection (4), no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where such deleterious substance or any other deleterious substance that results from the deposit of such deleterious substance may enter any such water.

(3) *Slash, stumps, etc, prohibited.* 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) *Application of subsection (2).* Subsection (2) does not apply (a) to the deposit of waste of a type, in a quantity and under conditions authorized by regulations made by the Governor in Council under any other Act in any waters with respect to which those regulations are applicable, or in any place under any conditions where such waste or any other waste that results from the deposit of such waste may enter any such waters; or (b) to the deposit of a deleterious substance of a type, in a quantity and under conditions authorized by any regulations made by the Governor in Council under this Act for the purposes of this subsection in any water with respect to which those regulations are applicable, or in any place under any conditions where such deleterious substance or any other deleterious substance that results from the deposit of such deleterious substance may enter any such water.

¹ By 1969-70, c. 63, s.2.

(5) *Punishment.* Any person who violates any provision of this section is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars for each offence.

(6) *Continuing offences.* Where an offence under subsection (5) is committed on more than one day or is continued for more than one day, it shall be deemed to be a separate offence for each day on which the offence is committed or continued.

(7) *Order to refrain.* Where a person is convicted of an offence under this section, the court may, in addition to any punishment it may impose, order that person to refrain from committing any further such offence or to cease to carry on any activity specified in the order the carrying on of which, in the opinion of the court, will or is likely to result in the committing of any further such offence.

(8) *Proof of offence.* In a prosecution for an offence under this section or section 33D, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that the offence was committed without his knowledge or consent and that he exercised all due diligence to prevent its commission.

(9) *Action to enjoin not prejudiced by prosecution.* Notwithstanding that a prosecution has been instituted in respect of an offence under this section, the Attorney General of Canada may commence and maintain proceedings to enjoin any violation of any provision of this section.

. . .

(11) *Definitions.* For the purposes of this section and section 33A

(a) “deleterious substance” means

- (i) Any substance that, if added to any water, would degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered deleterious to fish or to the use by man of fish that frequent that water, or
- (ii) Any water that contains a substance in such quantity or concentration, or that has been so treated, processed or changed, by heat or other means from a natural state that it would, if added to any other water, degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered deleterious to fish or to the use by man of fish that frequent that water,

and without limiting the generality of the foregoing includes

- (iii) Any substance or any substance that is part of a class of substances prescribed pursuant to paragraph (a) of subsection (12),
- (iv) Any water that contains any substance or any substance that is part of a class of substances in a quantity or concentration that is equal to or in excess of a quantity or concentration prescribed in respect of that substance or class of substances pursuant to paragraph (b) of subsection 12, and
- (v) Any water that has been subjected to a treatment process or change prescribed pursuant to paragraph (c) of subsection (12); and

(b) "Water frequented by fish" includes all waters in the fishing zones of Canada.

(12) *Regulations.* The Governor in Council may make regulations prescribing

(a) Substances and classes of substances,

(b) Quantities or concentrations of substances and classes of substances in water, and

(c) Treatments, processes and changes of water

for the purpose of subparagraphs (iii) to (v) of paragraph (a) of subsection (11).

33A. *Minister may require plans and specifications*

(1) The Minister may require any person who proposes to construct, alter or extend any work or works that, upon completion thereof, will form all or part of an undertaking the operation of which will or is likely to result in the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where such deleterious substance or any other deleterious substance that results from the deposit of such deleterious substance may enter any such water, to provide him with a copy of such plans and specifications relating to the work or works as will enable him to determine whether the deposit of the deleterious substance that will or is likely to occur if the construction, alteration or extension is carried out in accordance therewith would constitute an offence under subsection (5) of section 33.

...

33B. *Inspector*

(1) The Minister may designate any qualified person as an inspector for the purposes of this section; and any person so designated may, at any reasonable time,

(a) Enter any area, place or premises, other than a private dwelling place or any part of any such area, place or premises that is designed to be used and is being used as a permanent or temporary private dwelling place, in which any construction, alteration or extension of a work or works described in section 33A is being carried on; and

(b) Conduct such inspections of the work or works being constructed, altered or extended as he deems necessary in order to determine whether any plans and specifications provided to the Minister, and any modifications required by the Minister, are being complied with.

...

33C. *Obstruction of inspector*

(1) No person shall obstruct or hinder an inspector in the carrying out of his duties or functions under section 33B.

(2) *False statements.* No person shall knowingly make a false or misleading statement, either verbally or in writing, to an inspector engaged in carrying out his duties or functions under section 33B.

33D. *Offences and punishment*

- (1) Any person who
- (a) Fails to provide the Minister with any plans and specifications required of him pursuant to subsection (1) of section 33A,
- (b) Constructs, alters or extends any work described in subsection (1) of section 33A
- (i) Otherwise than in accordance with any plans and specifications provided to the Minister in accordance with a requirement made under that subsection, or with any such plans and specifications as required to be modified by any order made under subsection (2) of that section, or
- (ii) Contrary to any order made under subsection (2) of that section prohibiting the carrying out of such Construction, alteration or extension, or
- (c) Fails to provide the Minister with any information and samples requested of him pursuant to subsection (3) of section 33A within a reasonable time after the making of the request,
- is guilty of an offence and is liable on summary conviction to the punishment provided in subsection (5) of section 33.
- (2) Any person who violates section 33C is guilty of an offence punishable on summary conviction.

Regulations

34. *Regulations*¹

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

- ...
- (g) Respecting the terms and conditions under which a lease or licence may be issued;
- ...

Marine plants

34A. *Prohibition of harvesting of marine plants in certain cases*

Except in accordance with the conditions of a licence issued by the Minister under section 34B, no person shall harvest marine plants in the coastal waters of Canada in contravention of any regulation made pursuant to paragraph (a) of section 34C.

34B. *Licences*

The Minister may, on receipt of an application made in accordance with the regulations, issue a licence to the applicant therefor for the harvesting

¹ Except paragraph (g), the text reproduced in ST/LEG/SER.B/15, p. 596 remains unchanged.

of marine plants in the coastal waters of Canada for a term not exceeding one year and on such conditions relating to

- (a) The nature of the gear and equipment to be used in such harvesting,
 - (b) The manner in which harvesting is to be carried out,
 - (c) The quantity of marine plants authorized to be harvested thereunder,
- and
- (d) The area or areas within the coastal waters of Canada where the harvesting is to be carried out or where harvesting may not be carried out, as he considers to be necessary for the protection and conservation of the marine plant resources of the coastal waters of Canada.

34C. *Regulations*

The Governor in Council may make regulations

- (a) Prohibiting, subject to the conditions of any licence issued by the Minister under section 34B,
- (i) The harvesting of marine plants or of any class of marine plants.
- (ii) The harvesting of marine plants or of any class of marine plants in quantities in excess of quantities specified in the regulations; or
- (iii) The harvesting of marine plants or of any class of marine plants in a manner specified in the regulations,

in the coastal waters of Canada or any area or areas of the coastal waters of Canada specified in the regulations;

- (b) Prohibiting, notwithstanding the conditions of any licence, the harvesting of marine plants or of any class of marine plants in any area or areas of the coastal waters of Canada for such period or periods as are specified in any such regulation; and

- (c) Requiring persons to whom licences are issued under section 34B to maintain such books and records and to make such returns of information to the Minister as the Governor in Council deems necessary for the enforcement of this Act and the regulations.

34D. *Interpretation*

For the purposes of sections 34A to 34C

- (a) "Coastal waters of Canada" means all waters in the fishing zones of Canada, all waters in the territorial sea of Canada and all internal waters of Canada not within the geographical limits of any province;
- (b) "Harvest" includes cut, take, dredge, rake or otherwise obtain; and
- (c) "Marine plant" includes all benthic and detached algae, marine flowering plants, brown algae, red algae, green algae and phytoplankton.

Powers of fishery officers and other justices

35. [Repealed]

36. *Search may be made or authorized under warrant.*²

¹ By 1960-61, c. 23, s.6.

² Same text as the one reproduced in ST/LEG/SER.B/6, p. 447.

37. *Arrest.*¹

38. *In what locality offence may be prosecuted.*²

...

41. *Disputes how settled.*¹

...

43. *Boundaries of estuary fishing*¹

...

45. ~~[Repealed]~~³

...

Offences and penalties

...

55. *Penalty for using trawls*

(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

(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) ~~[Repealed]~~³

(3) *Fishing restricted to 12 mile limit.* 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 seacoast 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.

¹ Same text as the one reproduced in ST/LEG/SER.B/15, pp. 597-599.

² By 1960-61, c.23, s.7.

³ By 1969-70, c.63, s.6(1).

(3a) *Exception.* The Minister may also, by order, exempt any class of dragger or trawler defined by the regulations from the operation of subsection (3) in respect of any area on the Atlantic seacoast of Canada.

...

58. *Use of rockets or explosives*

Every person who hunts or kills fish or marine animals of any kind, other than porpoises, whales, walruses, sea lions and hair seals, by means of rockets, explosive materials or explosive projectiles or shells, is liable to a penalty of not less than one hundred dollars and costs, or to imprisonment for not less than three months, or both, and not more than five hundred dollars and costs or to imprisonment for six months or both.

...

64. *Seizure of vessels, etc.*¹

...

66. *Penalties not otherwise provided for*

Except as herein otherwise provided, everyone who violates or prepares to violate any provision of this Act, or any regulation, is liable to a penalty of not more than one thousand dollars and costs, and, in default of payment, to imprisonment for a term not exceeding twelve months, or to both.

...

Application of act to the high seas

76. *Application to High Seas*

The provisions of this Act and the regulations that apply to any or all of Canadian fisheries waters, without anything in the context of such provisions indicating that they apply to any specified area of Canadian fisheries waters, shall, in relation to any fishing vessel on the High Seas that is subject to the jurisdiction of Canada, or any act or thing done or omitted to be done on, from or by means of any such fishing vessel, be deemed to extend and apply to the High Seas.

...

(b) COASTAL FISHERIES PROTECTION ACT, 1953, AS AMENDED UP TO 1970²

...

2.

...

(e) "Fishing vessel" includes any ship or boat or any other description of vessel used in or equipped for

¹ Same text as the one reproduced in ST/LEG/SER.B/15, pp. 597-599.

² The Act of 1953 (*Statutes of Canada*, 1952-1953, Chapter 15) is reproduced in part in ST/LEG/SER.B/6, pp. 450-453. The most recent amendment was made by the Act to Amend the Coastal Fisheries Protection Act (18-19 Elizabeth II, Chapter 27, Assented to 25 March 1970). Except the paragraph reproduced here, the original Act as amended up to 1964 (see ST/LEG/SER.B/15, p. 599) remains unchanged.

- (i) Fishing or processing or transporting fish from fishing grounds,
- (ii) Taking, processing or transporting marine plants, or
- (iii) Provisioning, servicing, repairing or maintaining any vessels of a foreign fishing fleet while at sea;

...

(c) TERRITORIAL SEA AND FISHING ZONE ACT OF 16 JULY 1964, AS AMENDED BY ACT OF 1970, sections 4 and 5.¹

(d) BRITISH COLUMBIA FISHERY REGULATIONS OF 8 DECEMBER 1954, AS AMENDED UP TO 1971²

...

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) Subject to subsection (3), a personal commercial fishing licence may be issued only to

(a) A person who is a Canadian citizen or has served in the Canadian Armed Forces; or

(b) A landed immigrant during the first five years of his residence in Canada.

(3) A personal commercial fishing licence issued pursuant to subsection (2) shall, where the person to whom the licence was issued is a landed immigrant or a person under eighteen years of age, cease to be valid if that person acts as captain or operator upon a commercial fishing vessel outfitted for 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.

¹ *Supra* DIVISION I, SUBDIVISION A, Chapter 1, 3(a).

² The 1954 Regulations (P.C. 1954-1910, SOR/54-659, *Canada Gazette*, Part II, Vol. 88, No. 24; 22 December 1954) as amended by P.C. 1969-319 are reproduced in part in ST/LEG/SER.B/15, pp. 613-614. The most recent amendments were made by P.C. 1971-474; 16 March 1971. SOR/71-106; *ibid.*, Vol. 105, No. 7; 14 April 1971. Except the sections reproduced here, subsequent amendments have not affected the sections appearing in ST/LEG/SER.B/15.

(6) No person shall hold more than one personal commercial fishing licence.

...

65.

...

(h) [Repealed]

(i) [Repealed]

...

(e) [LOBSTER FISHERY REGULATIONS OF 15 MAY 1963, AS AMENDED UP TO 1969]¹

(f) [WHALING REGULATIONS OF 19 MARCH 1964, AS AMENDED UP TO 1971]²

(g) SEAL PROTECTION REGULATIONS OF 19 MAY 1966, AS AMENDED UP TO 1968⁴

.....

2.

(1) In these Regulations,

...

(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.

...

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

¹ P.C. 1963-754; 15 May 1963. SOR/63-171, *Canada Gazette*, Part II, Vol. 97, No. 11; 12 June 1963. The most recent amendments were made by P.C. 1969-1711. SOR/69, *ibid.*, vol. 103, No. 18; 24 September 1969. The Regulations as amended up to 1966 are reproduced in part in ST/LEG/SER.B/15, p. 607. Subsequent amendments have not affected the part reproduced therein.

² P.C. 1964-400. SOR/64-117, *ibid.*, Vol. 98, No. 7; 8 April 1964. The most recent amendments were made by P.C. 1971-983; 25 May 1971. The Regulations as amended up to 1967 are reproduced in part in ST/LEG/SER.B/15, p. 608. Subsequent amendments have not affected the parts reproduced therein.

³ P.C. 1966-904; 19 May 1966. SOR/66-235, *Canada Gazette*, Part II, Vol. 100, No. 11; 8 June 1966.

⁴ The most recent amendments were made by P.C. 1968-377; 29 February 1968, SOR/68-78, *ibid.*, Vol. 102, No. 5; 13 March 1968. The Regulations as amended by P.C. 1966-2154 are reproduced in part in ST/LEG/SER.B/15, pp. 609-611. Only the sections amended thereafter are reproduced here.

(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 other aircraft in sealing unless he has an aircraft sealing licence issued by the Minister.

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 twenty-sixth day of April, in any year, to the twenty-first 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 seventeenth day of March next following, both days inclusive.

...

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 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.

(h) TUNA FISHERY REGULATIONS OF 22 SEPTEMBER 1966¹ AS AMENDED UP TO 1969²

...

4.

(1) No person shall fish for, transport, process or have in his possession any yellowfin from September 30 to December 31 in any year in the area described in the Schedule.

(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.

...

6.

Any closed time or fishing quota that is fixed by these Regulations may be varied by order of the Minister.

¹ P.C. 1966-1797; 22 September 1966. SOR/66-449, *Canada Gazette*, Part II, Vol. 100, No. 19; 12 October 1966.

² Amendments were made by P.C. 1968-1775. SOR/68-431, *ibid.* Vol. 102, No. 19; 9 October 1968 and by P.C. 1969-698. SOR/69-180, *ibid.*, Vol. 103, No. 9; 14 May 1969. The Regulations as amended in 1966 are reproduced in part in ST/LEG/SER.B/15, p. 612. Only the sections amended thereafter are reproduced here.

(i) TERRITORIAL SEA AND FISHING ZONES GEOGRAPHICAL CO-ORDINATES (AREAS 4, 5 AND 6) ORDER OF 1969, sections 2-5 and schedule¹

(j) [NOVA SCOTIA FISHERY REGULATIONS OF 17 FEBRUARY 1970, AS AMENDED UP TO 1971]²

(k) FISHING ZONES OF CANADA (ZONES 1, 2 and 3) ORDER OF 25 FEBRUARY 1971³

2. In this Order,

(a) "C.H.S. Chart" means Canadian Hydrographic Service Chart; and

(b) "Geographical co-ordinates of points" means the latitude and longitude of points determined by reference to columns III and IV in the description of Zones set out in the Schedule.

3. The areas of the sea adjacent to the coast of Canada and described in the Schedule are hereby prescribed as fishing zones of Canada.

SCHEDULE

ZONE I

Gulf of St. Lawrence

being those areas of the sea adjacent to the coast of Canada, bounded by straight lines joining the geographical co-ordinates of points set out below:

<i>Column I</i> <i>Area</i>	<i>Column II</i> <i>Locality</i>	<i>Column III</i> <i>Latitude</i>	<i>Column IV</i> <i>Longitude</i>	<i>Column V</i> <i>C.H.S.</i> <i>Chart</i>
Strait of Belle Isle	1. Eastern White Island	51° 34' 52" N	55° 21' 00" W	4731
	2. Northeast Ledge	52° 02' 07" N	55° 16' 04" W	4705
	3. Double Island	52° 15' 30" N	55° 32' 58" W	4701
Cabot Strait	1. Money Point	47° 01' 46" N	60° 23' 25" W	4363
	2. St. Paul Island	47° 11' 28" N	60° 08' 45" W	4450
	3. Cape Ray	47° 37' 15" N	59° 18' 20" W	4015

¹ *Supra* DIVISION I, SUBDIVISION A, Chapter I, 3(b).

² P.C. 1970-302; 17 February 1970. SOR/70-80, *Canada Gazette*, Part II, Vol. 104, No. 5; 11 March 1970. The most recent amendment was made by P.C. 1971-1174; 15 June 1971. The Regulations apply only to "persons in the Province" of Nova Scotia and "in respect of the seacoast and inland fisheries of the Province." (Section 3)

³ P.C. 1971-366; 25 February 1971. SOR/71-81, *Canada Gazette*, Part II, Vol. 105, No. 5; 10 March 1971. Entered into effect on 10 March 1971.

SCHEDULE

ZONE 2

Bay of Fundy

being that area of the sea adjacent to the coast of Canada, bounded by straight lines joining the geographical co-ordinates of points set out below:

<i>Column I Area</i>	<i>Column II Locality</i>	<i>Column III Latitude</i>	<i>Column IV Longitude</i>	<i>Column V C.H.S. Chart</i>
Bay of Fundy	1. Whipple Point	44° 14' 12" N	66° 23' 48" W	4011
	2. Gannet Rock	44° 30' 34" N	66° 46' 57" W	4340
	3. Yellow Lodge	44° 29' 01" N	66° 51' 05" W	4340
	4. Machias Seal Island	44° 29' 58" N	67° 06' 05" W	4340
	5. Machias Seal Island	44° 30' 00" N	67° 06' 10" W	4340
	6. Machias Seal Island	44° 30' 06" N	67° 06' 16" W	4340
	7. North Rock	44° 32' 16" N	67° 05' 18" W	4340
	8. Pandora Head Grand Manan	44° 39' 27" N	66° 53' 32" W	4340
	9. Grand Manan	44° 39' 41" N	66° 53' 27" W	4340
	10. Grand Manan	44° 43' 11" N	66° 51' 52" W	4340
	11. Grand Manan	44° 43' 23" N	66° 51' 44" W	4340
	12. Grand Manan	44° 44' 10" N	66° 51' 11" W	4340
	13. Grand Manan	44° 45' 37" N	66° 50' 06" W	4340
	14. Grand Manan Channel	44° 47' 39.58" N	66° 53' 09.62" W	4340

SCHEDULE

ZONE 3

Queen Charlotte Sound, Hecate Strait and Dixon Entrance

being those areas of the sea adjacent to the coast of Canada, bounded by straight lines joining the geographical co-ordinates of points set out below:

<i>Column I Area</i>	<i>Column II Locality</i>	<i>Column III Latitude</i>	<i>Column IV Longitude</i>	<i>Column V C.H.S. Chart</i>
Queen Charlotte Sound	1. Winifred Island	50° 39' 40" N	128° 22' 00" W	3625
	2. Beresford Islands	50° 47' 03" N	128° 46' 04" W	3625
	3. Sartine Islands	50° 49' 02" N	128° 56' 24" W	3625

SCHEDULE (*suite*)
 ZONE 3 (*suite*)
Queen Charlotte Sound, Hecate Strait and Dixon Entrance (suite)

<i>Column I Area</i>	<i>Column II Locality</i>	<i>Column III Latitude</i>	<i>Column IV Longitude</i>	<i>Column V C.H.S. Chart</i>
Queen Charlotte Sound	4. Triangle Island	50° 51' 09" N	129° 05' 24" W	3625
	5. Kerouard Islands	51° 54' 20" N	130° 58' 12" W	3825
	6. Kerouard Islands	51° 54' 38" N	130° 59' 04" W	3825
	7. Kerouard Islands	51° 55' 20" N	131° 00' 17" W	3825
	8. Kunglit Island	51° 56' 37" N	131° 01' 52" W	3825
Dixon Entrance	1. Langara Island	54° 14' 58" N	133° 04' 48" W	3868
	2. Point A of Line A-B	54° 39' 45.16" N	132° 40' 51.18" W	3002

(I) INTERNATIONAL PACIFIC HALIBUT CONVENTION REGULATIONS, 1971¹

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 shall be divided into the following areas, all directions given being magnetic unless otherwise stated.

...

Section 3. Closed Seasons

(a) Under paragraph 1 of Article 1 of the Convention, all convention waters shall be closed to halibut fishing except as provided in Section 2 of these regulations.

(b) All convention waters, if not already closed under other provisions of these regulations, shall be closed to halibut fishing at 0600 hours of the 15th day of November and shall remain closed until reopened as provided

¹ P.C. 1971-547; 23 March 1971. SOR/71-128, *Canada Gazette*, Part II, Vol. 105, No. 7; 14 April 1971. The Regulations implement the Regulations of the International Pacific Halibut Commission adopted pursuant to the Pacific Halibut Fishery Convention between Canada and the United States of America, signed on 2 March 1953 (United Nations, *Treaty Series*, vol. 222, p. 77. Reproduced in part in ST/LEG/SER.B/8, pp. 51-53). In accordance with section 16, these regulations are to be effective as to each succeeding year, with the dates herein specified changed accordingly, until superseded by subsequently approved regulations. They supersede all previous regulations, including those of 1966 reproduced in part in ST/LEG/SER.B/15, pp. 608-609.

in Section 2 of these regulations, and the retention and landing of any halibut caught during this closed period shall be prohibited.

(c) Nothing contained in these regulations 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 these regulations prohibit the International Pacific Halibut Commission, hereafter in these regulations referred to as "the Commission," from conducting or authorizing fishing operations for investigation purposes as provided for in paragraph 3 of Article 1 of the Convention.

...

Section 7. 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 use hook and line gear other than 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 licence thus secured when it is validated for halibut fishing, and this licence 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 licence 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 licence 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 these regulations.

...

(q) A halibut licence shall not be valid for halibut fishing in any area closed to halibut fishing nor for the possession of halibut in any area closed to halibut fishing except while in actual transit to an area open to halibut fishing, or to or within a port of sale. The said licence shall become invalid for the possession of halibut if the licensed vessel is fishing or attempting to fish for any species of fish in any area closed to halibut fishing, or if the vessel has not complied with the provisions of Section 15 of these regulations, if applicable.

(r) Any vessel which is not required to be licensed for halibut fishing under paragraph (a) of this section of these regulations shall not possess any halibut of any origin in any area closed to halibut fishing except while in actual transit to or within a port of sale.

...

(t) No person on any vessel which is required to have a halibut licence under paragraph (a) of this section shall fish for halibut or have halibut in

his possession, unless said vessel has a valid licence issued and in force in conformity with the provisions of this section.

Section 8. 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 these regulations following the landing, sale or transfer of halibut but prior to validation of the licence for any subsequent fishing operation or at first entry thereafter into a port where there is an officer authorized to receive such return except that statistical return must be made within 96 hours of landing, sale or transfer of halibut following the final fishing operation in 1971.

...

(d) The master or operator or any person engaged on shares in the operation of any vessel licensed under these regulations 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 licence after such sworn return is made shall be provisional and shall not render the licence 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 licence under these regulations 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 two years and shall be open to inspection by representatives of the Commission authorized for this purpose.

...

Section 10. 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 these regulations is prohibited in all convention waters.

Section 11. 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.

...

Section 13. Responsibility of Master

Wherever in these regulations 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.

...

4. CYPRUS

(a) SPONGE FISHERY LAW OF 1890¹

...

PART I

Grants of exclusive licences

2. *Governor may grant exclusive right*

The Governor,² whenever he shall deem it expedient in the interest of the public revenue, may grant to any person or body of persons (hereinafter called the grantee) the exclusive licence to use vessels or boats in fishing for sponge on the coasts of Cyprus or on any specified part thereof, subject to such conditions as the Governor shall approve.

...

6. *Penalty for sponge fishing without permission*

Every person who during the continuance of such grant shall use any vessel or boat for the purpose of fishing for sponge on any part of the coast in respect of which the grant has been made, without the permission of the grantee, shall be guilty of an offence; and for every such offence shall be liable to a fine not exceeding one hundred pounds; and all vessels and boats so used shall be liable to seizure and may be forfeited at the discretion of the Court before which the offence is tried.

One-half of every fine imposed and actually recovered under this section shall be paid to the grantee within the limits of whose grant the offence was committed.

PART II

General licences and penal provisions

7. *Illegal fishing for sponge*

It shall be unlawful for any person:

(a) To fish for sponge within the territorial waters of Cyprus unless he is duly licensed in that behalf under the provisions of this Law; or

(b) To use any trawling or scratching apparatus or appliance of the like nature in fishing for sponge within the said waters, unless specially licensed so to do as hereinafter provided.

¹ Chapter 146; 12 May 1890. Text provided by the Ministry of Foreign Affairs of Cyprus in a note verbale of 11 May 1971.

² All references to "Governor" in this law should be read now as "Council of Ministers".

8. *Special licences*

The Governor may grant permission by special licence under his hand to any person to use any appliance specified in the licence for the taking of sponges within any part of the territorial waters of Cyprus, and may annex to the licence any conditions he may consider expedient.

Every person who within the territorial waters of Cyprus acts contrary to any condition stated in such special licence or uses any appliance not specified therein shall be guilty of an offence against this Law.

...

10. *Offences*

The master and each member of the crew of any boat or vessel whereon or by means of which an offence against any of the provisions of the last three preceding sections is committed, shall be liable to a fine not exceeding twenty-five pounds, and the vessel or boat whereon or by means of which the offence was committed shall be forfeited, together with her tackle, apparel, and furniture: provided that no member of the crew of any boat or vessel shall be guilty of an offence against this Part of this Law by reason only of an act done in obedience to the master or person in charge of the boat or vessel.

11. *Forfeiture of sponge*

All sponge taken otherwise than in accordance with this Law or with the conditions of any licence issued under this Law shall remain and be the property of the Government.

12. *Licences*

(1) The Governor in Council may prescribe the charges, terms and conditions under which licences enabling any persons to fish for sponge within the territorial waters of Cyprus may be granted, and may appoint such persons as he shall think fit to issue such licences.

(2) Any person committing a breach of or failing to comply with the terms of any licence granted under this Law shall be liable to a fine not exceeding one hundred pounds, without prejudice to any other penalty to which he may be liable: provided always that no person shall be punished twice for the same offence.

...

14. *Declaration of sponge landed*

All sponge taken by any licensed boat within the territorial waters of the Colony and landed shall be declared at the nearest Custom House as having been so taken, and the quantity and value thereof shall be stated in the declaration. In default of such declaration, the sponge shall be presumed, in the absence of proof to the contrary, to have been taken beyond the territorial waters and to be liable to import duty.

15. *Power to detain and search vessels*

Any Officer of Customs or any officer in command or charge of any vessel or boat in Her Majesty's Navy may, within the territorial waters of the Colony, detain, go on board, and search any vessel found fishing or which

may reasonably be suspected to have been fishing or to be about to fish for sponge within the waters of the Colony.

Any unlicensed boat or vessel which may be found within the waters of Cyprus with freshly taken sponge on board shall be deemed to have committed an offence against this Law unless and until it is proved that the sponge was not in fact taken in contravention of this Law.

16. *Duty of boats to bring to*

If any boat or vessel within the territorial waters of the Colony shall not bring to when required to do so by any boat or vessel in charge or command of an Officer of Her Majesty's Navy or of an Officer of Customs, the master of such first-named boat or vessel shall on conviction pay a fine of ten pounds; and on such boat or vessel being chased by any boat or vessel in such charge or command as aforesaid, it shall be lawful for the officer in charge or command (having first caused a gun to be fired as a signal) to fire at or into the boat or vessels so chased as aforesaid; and any officer or other person acting on his order or by his direction shall be and is hereby indemnified and discharged from any prosecution, penalty, action or proceeding.

(b) FISHERIES LAW OF 1931¹

...

3. *No vessel to be used for fishing without a licence*

(1) No vessel shall be used for the purpose of taking fish in the Colony unless a licence has been issued in respect thereof under the provisions of this Law.

(2) Any person using a vessel in contravention of subsection (1) hereof and the owner of such vessel shall be guilty of an offence and shall on summary conviction be liable to imprisonment for any term not exceeding three months or to a fine not exceeding twenty-five pounds or to both such imprisonment and fine.

...

5. *Use of explosives or poisons*

Any person who:

(a) takes, stupefies or kills or attempts to take, stupefy or kill any fish by the use of dynamite or other explosive substance or by the use of any noxious or poisonous matter; or

(b) is found in possession of dynamite or other explosive substance or of noxious or poisonous matter in such circumstances as to satisfy the Court before which he is tried that he intended to use the dynamite or other explosive substance or the noxious or poisonous matter for the purpose of taking, stupefying or killing fish; or

(c) sells, exposes for sale or hawks, or knowingly possesses or transports, fish which has been taken by the use of dynamite or any other explosive substance or by the use of any noxious or poisonous matter,

¹ Chapter 135; 15 May 1931. Text provided by the Ministry of Foreign Affairs of Cyprus in a note verbale of 11 May 1971.

shall be guilty of an offence and shall on summary conviction be liable to imprisonment for any term not exceeding two years or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

7. *Powers to peace officers or officers of Customs and Excise*

Any peace officer of Customs and Excise may, where he has reasonable grounds to suspect that an offence has been or is likely to be committed under the provisions of this Law or any Regulation made thereunder, without warrant;

(a) Enter any premises during the hours of daylight or board any vessel and search such premises or vessel and examine any catch, equipment, instrument or other device or material which may be used for taking fish and measure any fishing net therein;

(b) Seize and detain, pending a decision thereon, any vessel, catch, equipment, instrument or other device or material which may be used for taking fish in contravention of this Law or any Regulations made thereunder;

Provided that the catch may be sold and the proceeds thereof be detained pending the decision.

8. *Forfeiture and cancellation of licence*

In addition to or in substitution for any punishment for any contravention of this Law or any Regulations made thereunder, upon conviction of the offender:

(a) Any vessel, equipment, instrument or any other device or material, which in the opinion of the Court was used or was intended to be used by him for taking, stupefying, killing or poisoning fish, shall, when the person concerned has been convicted of an offence against section 5 of this Law, and may in any other case be adjudged by the Court to be forfeited;

(b) Any fish in his possession seized under the provisions of this Law, which in the opinion of the Court was taken, stupefied, killed or poisoned, or the proceeds of the sale thereof, shall be adjudged by the Court to be forfeited;

(c) Any licence issued to him under the provisions of this Law may be cancelled by the issuing authority.

5. COSTA RICA

INFORMATION CONCERNING DECREES NO. 116 OF 27 JUNE 1948 AND NO. 803 OF 2 NOVEMBER 1949 RELATING TO SPECIAL FISHING ZONES¹

“With regard to special areas reserved exclusively for fishing, reference may be made to Decree No. 116 of 27 June 1948 and Decree No. 803 of 2 November 1949, which proclaim the rights and interests of Costa Rica in the

¹ Provided by the Permanent Mission of Costa Rica to the United Nations in a note verbale of 29 July 1971. Translation by the Secretariat of the United Nations.

conservation and utilization of the resources and wealth of the adjacent seas, both continental and insular, to a distance of 200 miles from its coasts.

“In issuing these Legislative Decrees, Costa Rica was not seeking to proclaim its sovereignty or to exercise exclusive rights to the utilization of marine resources over a broader expanse than is recognized by international law. It simply proclaims its interest in the conservation of the resources of the sea adjacent to its continental and insular coasts and its right to exercise vigilance in order to prevent an inadequate and non-rational exploitation of such resources—a vigilance which is exercised in the interests of other States too.”

6. DENMARK

(a) LEGISLATIVE ASSEMBLY (FAROE ISLANDS) ACT NO. 12 OF 10 MARCH 1964 CONCERNING FISHING IN THE FISHERY ZONE, AS AMENDED UP TO 1971¹

...
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 and shellfish 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.

During the period 15 February to 30 April inclusive, fishing with nets shall not be permitted in the following areas:

...
 The National Executive is otherwise authorized to issue regulations, by means of a notice, concerning such aspects of net fishing as the number of nets to be used by each ship, the manner in which floats are to be fastened to the nets and the manner of marking fishing tackle.

...
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 5,000 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.

...
¹ The 1964 Act is reproduced in ST/LEG/SER.B/15, pp. 622-623. The amendments were made by the Legislative Assembly (Faroe Islands) Acts of 20 February 1970 and of 10 June 1971. Only the amended sections are reproduced here. Text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 16 November 1971. Translation by the Secretariat of the United Nations.

(b) LEGISLATIVE ASSEMBLY (FAROE ISLANDS) ACT NO. 37 OF 22 JUNE 1972
CONCERNING THE REGULATION OF HERRING FISHERIES IN THE
FISHERY ZONE¹

...

Article 2. (1) It shall be unlawful to fish for, sell or purchase herring measuring less than 22 cm in total length.

...

Article 3. Any offence against this Act shall be punishable by a fine.

...

(c) EXECUTIVE ORDER NO. 529 OF 3 DECEMBER 1969 ON THE ACCESS OF
FOREIGN VESSELS TO FISHERY, ETC., IN GREENLAND WATERS²

The following provisions are laid down pursuant to section 1, subsection 4, of Act No. 223 of June 3, 1967, relating to Economic Activity in Greenland.

Section 1. (1) The areas within which the right to carry on whaling, sealing, fishing and hunting for commercial purposes is reserved exclusively for Danish nationals shall be bounded outwardly by lines drawn in such a manner that the distance from any one point on these lines to the nearest point of the inner boundary line defined in Decree of May 27, 1963, on the Delimitation of the Territorial Waters around Greenland shall be twelve nautical miles.

(2) The exclusive right referred to in subsection (1) above shall extend also to processing, transshipment and transportation of fish and fish products within the area referred to in subsection (1).

(3) Operators of vessels domiciled and registered in France, the Federal Republic of Germany, Iceland, Norway, Portugal, Spain and the United Kingdom of Great Britain and Northern Ireland shall be allowed, however, for the period until May 31, 1973, to carry on whaling, sealing, fishing, or hunting and to process, tranship and transport fish and fish products in the area between the outer boundary line and a line running at a distance of six nautical miles from the inner boundary line and, provisionally for the period until October 31, 1970, to fish with long line and hand line from open boats of mother ships and, in connection therewith, to process, tranship and transport fish and fish products up to a line running at a distance of three nautical miles from the inner boundary line.

Section 2. (1) Section 5 of the Act relating to Economic Activity in Greenland provides that whenever a vessel equipped for whaling, sealing, fishing and hunting enters areas in which it is not authorized to carry on whaling,

¹ Entered into force on 22 June 1972. Text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 16 November 1971. Translation by the Secretariat of the United Nations.

² Issued by the Ministry for Greenland on 3 December 1969. Entered into force on 1 January 1970, superseding Notice No. 193 of 27 May 1963 as amended by Notice No. 227 of 3 July 1964, reproduced in ST/LEG/SER.B/15, pp. 621-622. English text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 16 November 1971.

sealing, fishing and hunting, all its whaling, sealing, fishing and hunting implements shall be stowed away inboard, and its boats shall be in their usual places onboard the vessel.

(d) NOTICE NO. 530 OF 3 DECEMBER 1969 BY THE MINISTRY FOR GREENLAND CONCERNING COMMERCIAL TRAPPING, FISHING AND HUNTING IN GREENLAND¹

Pursuant to article 1, 2, 3 and 12 of Act No. 223² dated 3 June 1967 concerning commercial trapping, fishing and hunting in Greenland, it is hereby provided as follows:

Article 1. The Act concerning commercial trapping, fishing and hunting in Greenland shall enter into force on 1 January 1970.

Article 2. 1. Commercial trapping, fishing and hunting in the sea of Greenland within a distance of 12 nautical miles from the boundary lines established in article 2 of Order No. 191 of 27 May 1963³ concerning the delimitation of the territorial sea of 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;
- (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.

2. The Minister may, in very special circumstances, depart from the provisions of paragraph 1 when it is deemed important for the development of fisheries.

Article 3. 1. Commercial fishing in the waters referred to in the annex⁴ to this Notice, lying within the outermost islands, islets and skerries, may

¹ Entered into force on 1 January 1970. At the same time, Notice No. 192 of 27 May 1963 (see ST/LEG/SER.B/15, pp. 619-621) concerning commercial trapping, fishing and hunting in Greenland and Notice No. 295 of 14 October 1959 (*ibid.*, p. 618) concerning trapping, fishing and hunting in the district of Angmagssalik ceased to have effect. Text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 16 November 1971. Translation by the Secretariat of the United Nations.

² Reproduced in part in ST/LEG/SER.B/15, pp. 627-629.

³ Reproduced in ST/LEG/SER.B/15, pp. 63-71.

⁴ The annex is not reproduced here.

be carried on only by the persons and enterprises referred to in article 2 and resident in Greenland.

2. The competent communal authority may, however, permit persons and enterprises, as specified in article 2 and not resident in Greenland and others that have obtained special permission from the Minister for Greenland to fish in Greenland territorial waters, under article 1, paragraph 6, of the Act concerning fishing, trapping and hunting in Greenland, to fish in the waters specified in the aforesaid annex.

Article 4. Commercial fishing involving the use of fixed fishing tackle attached to land and commercial trapping of marine mammals and hunting of birds within a distance of three nautical miles from the boundary lines established in article 2 of the Royal Order No. 191 of 27 May 1963 may be carried on only by the persons and enterprises referred to in article 2 and resident in Greenland and to others having obtained special permission for the purpose.

Article 5. Commercial salmon fishing in fjords and inner Greenland waters lying within the outermost islands, islets and skerrics may be carried on only by the persons and enterprises referred to in article 2 and resident in Greenland and others having obtained special permission for the purpose.

Article 6. The Governor of Greenland may, in special cases, grant permission for Danish nationals staying in Greenland but not resident there to engage in commercial trapping and hunting in the land domain of Greenland.

Article 7. The Governor of Greenland may, in special cases, grant permission to persons other than those specified in article 1, paragraph 1, of the Act concerning commercial trapping, fishing and hunting in Greenland, to process or trans-ship fish in the area specified in article 1, paragraph 1 of the Act to transport fish or fish products through that area direct from the sea to landing places in Greenland.

Article 8. Any offence against the provisions of this Notice or violation of the conditions pertaining to permission granted in connexion therewith shall be punishable by a fine, and cases involving such offences shall otherwise be dealt with in accordance with the regulations laid down in Act No. 223 of 3 June 1967 concerning commercial trapping, fishing and hunting in Greenland.

...

7. FIJI

FISHERIES ORDINANCE OF 1941, AS AMENDED UP TO 1966¹

...

2. Interpretation

In this Ordinance, unless the context otherwise requires

...

¹ No. 4 of 1941 as amended—most recently by Ordinance No. 37 of 1966. Text provided by the Permanent Representative of Fiji to the United Nations in a note verbale of 23 September 1971.

“Territorial waters” means that part of the sea adjacent to the coast of any island in Fiji 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;

...

4. *Licence to take fish*

(1) A licensing officer may in his discretion grant licences to take fish in the territorial or inland waters of Fiji.

(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 Fiji 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 authorised 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 Fiji shall be granted to any person owning, operating or manning any fishing vessel registered elsewhere than in Her Majesty's dominions, without the prior approval of the Governor.

5. *Registration of fishing vessels*

(1) Every licensed fisherman owning or operating any fishing vessel shall register every such vessel with a licensing officer, and shall renew the registration annually in the prescribed manner.

...

6. *Power of examination and detention*

(1) Any licensing officer, police officer, customs officer, honorary fish warden and any other officer empowered in that behalf by the Governor, may, for the purpose of enforcing the provisions of this Ordinance:

(a) Require any person engaged in fishing to exhibit his licence, apparatus and catch;

(b) Go on board any vessel reasonably believed to be engaged in fishing and search and examine any fishing apparatus therein;

(c) Where there is reasonable suspicion that any offence has been committed, take the alleged offender, the vessel, apparatus and catch, without summons, warrant or other process, to the nearest or most convenient police station or port. The vessel and apparatus 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 subsection (7) of section 9 of this Ordinance, be returned to the person from whom the same was taken.

(2) Any person who refuses to permit any officer or person mentioned in the last preceding subsection to board a vessel or obstructs or hinders him in the course of boarding a vessel or in the course of otherwise executing his duties shall be guilty of an offence and shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months.

...

9. *Offences*

(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 Fiji 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.

(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 Her Majesty's dominions using such vessel for the purpose of taking fish within the territorial or inland waters of Fiji, 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.

(4) Any person who takes or destroys or attempts to take or destroy any fish by the use of dynamite, gelignite or other explosive substance, or who, being the holder of a licence under this Ordinance, is found in possession of dynamite, gelignite or other explosive in such circumstances as to satisfy the court before which he is tried that he intended to use the substance for the purpose of taking or destroying fish, or any person possessing, transporting or selling or exposing for sale or hawking fish which has been taken by the use of one of the aforesaid explosives, shall be liable for a first offence to imprisonment for six months or to a fine of fifty pounds or to both such penalties; for a second offence to imprisonment for nine months or a fine of seventy-five pounds or to both such penalties, and if he is the holder of a licence to take fish it shall be cancelled and may not be renewed for a period of three years from the date of the second conviction; for a third and any subsequent offence to imprisonment for twelve months or a fine of one hundred pounds or to both such penalties, and if he is the holder of a licence to take fish it shall be cancelled and may not be renewed for a period of six years from the date of such conviction.

In all cases where dynamited fish is seized, it shall be confiscated and destroyed.

...

8. FRANCE

- (a) DÉCRET N° 70-21 DU 8 JANVIER 1970 RELATIF À L'EXTENSION À LA POLYNÉSIE FRANÇAISE DU DÉCRET N° 67-451 DU 7 JUIN 1967 PORTANT EXTENSION DE LA ZONE DE PÊCHE INTERDITE AUX NAVIRES ÉTRANGERS¹

Article premier. Les dispositions du décret n° 67-451 du 7 juin 1967² portant extension de la zone de pêche interdite aux navires étrangers entreront en vigueur en Polynésie française le 1^{er} janvier 1970.

...

- (b) DÉCRET N° 70-1183 DU 11 DÉCEMBRE 1970 RELATIF À L'EXTENSION AU DÉPARTEMENT DE LA GUYANE FRANÇAISE DU DÉCRET N° 67-451 DU 7 JUIN 1967 PORTANT EXTENSION DE LA ZONE DE PÊCHE INTERDITE AUX NAVIRES ÉTRANGERS³

Article premier. Les dispositions du décret n° 67-451 du 7 juin 1967² portant extension de la zone de pêche interdite aux navires étrangers entreront en vigueur dans le Département de la Guyane française le 1^{er} janvier 1971.

...

9. ICELAND

REGULATIONS OF 14 JULY 1972 CONCERNING THE FISHERY LIMITS OFF ICELAND⁴

Article 1. The fishery limits off Iceland shall be drawn 50 nautical miles outside base-lines drawn between the following points:

1. Horn	66°27'4 N 22°24'3 W
2. Ásbúoarrif	66°08'1 N 20°11'0 W
3. Rauoinúpur	66°30'7 N 16°32'4 W
4. Rifstangi	66°32'3 N 16°11'8 W
5. Hraunhafnartangi	66°32'2 N 16°01'5 W
6. Langanes	66°22'7 N 14°31'9 W
7. Glettinganes	65°30'5 N 13°36'3 W
8. Norofjaroarhorn	65°10'0 N 13°30'8 W

¹ *Journal officiel*, 10 janvier 1970, p. 406.

² *Ibid.*, 9 juin 1967, p. 5758. Reproduit dans ST/LEG/SER.B/15, p. 636.

³ *Journal officiel*, 19 décembre 1970, p. 11658.

⁴ Entered into force on 1 September 1972. At the same time, the Regulations of 11 March 1961 concerning the same subject ceased to have effect. Text provided by the Chargé d'Affaires of the Permanent Mission of Iceland to the United Nations in his letter of 20 July 1972.

9.	Gerpir	65°04'7 N	13°29'6 W
10.	Hólmur	64°58'9 N	13°30'6 W
11.	Hvítingar	64°23'9 N	14°28'0 W
12.	Stokksnes	64°14'1 N	14°58'4 W
13.	Hrollaugseyjar	64°01'7 N	15°58'7 W
14.	Tvisker	63°55'7 N	16°11'3 W
15.	Ingólfshöfoi	63°47'8 N	16°38'5 W
16.	Hvalsíki	63°44'1 N	17°33'5 W
17.	Meoallandssandur I	63°32'4 N	17°55'6 W
18.	Meoallandssandur II	63°30'6 N	17°59'9 W
19.	Mýrmatangi	63°27'4 N	18°11'8 W
20.	Kötlutangi	63°23'4 N	18°42'8 W
21.	Lundadrangur	63°23'5 N	19°07'5 W
22.	Geirfluglasker	63°19'0 N	20°29'9 W
23.	Eldeyjardrangur	63°43'8 N	22°59'4 W
24.	Geirflugladrangur	63°40'7 N	23°17'1 W
25.	Skálasnagi	64°51'3 N	24°02'5 W
26.	Bjargtangar	65°30'2 N	24°32'1 W
27.	Kópanes	65°48'4 N	24°06'0 W
28.	Baroi	66°03'7 N	23°47'4 W
29.	Straumnes	66°25'7 N	23°08'4 W
30.	Kögur	66°28'3 N	22°55'5 W
31.	Horn	66°27'9 N	22°28'2 W

Limits shall also be drawn around the following points 50 nautical miles seaward:

32.	Kolbeinsey	67°08'8 N	18°40'6 W
33.	Hvalbakur	64°35'8 N	13°16'6 W

Each nautical mile shall be equal to 1,852 metres.

Article 2. Within the fishery limits all fishing activities by foreign vessels shall be prohibited in accordance with the provisions of Law No. 33 of 19 June 1922, concerning Fishing inside the Fishery Limits.¹

Article 3. Icelandic vessels using bottom trawl, mid-water trawl or Danish seine-netting are prohibited from fishing inside the fishery limits in the following areas and periods:

1. Off the North-East Coast during the period 1 April to 1 June in an area which in the west is demarcated by a line drawn true North from Rifstangi (Base-point 4) and in the east by a line which is drawn true North-East from Langanes (Base-point 6).

2. Off the South-Coast during the period 20 March to 20 April in an area demarcated by lines drawn between the following points:

- (a) 63°32'0 N 21°25'0 W
- (b) 63°00'0 N 21°25'0 W
- (c) 63°00'0 N 22°00'0 W
- (d) 63°32'0 N 22°00'0 W

With these exceptions Icelandic vessels using bottom trawl, mid-water trawl or Danish seine-netting shall be allowed to fish within the fishery limits

¹ Reproduced in part in ST/LEG/SER.B/6, pp. 510-512.

in accordance with the provisions of Law No. 62 of 18 May 1967, concerning Prohibition of Fishing with Trawl and Mid-water Trawl, cfr. Law No. 21 of 10 May 1969, or special provisions made before these regulations become effective.

Article 4. Trawlers shall have all their fishing gear properly stowed aboard while staying in areas where fishing is prohibited.

Article 5. Fisheries statistics shall be forwarded to the Fiskifélag Islands (Fisheries Association of Iceland) in the manner prescribed by Law No. 55 of 27 June 1941, concerning Catch and Fisheries Reports.

If the Ministry of Fisheries envisages the possibility of overfishing, the Ministry may limit the number of fishing vessels and the maximum catch of each vessel.

Article 6. Violation of the provisions of these Regulations shall be subject to the penalties provided for by Law No. 62 of 18 May 1967, concerning Prohibition of Fishing with Trawl and Mid-water Trawl, as amended, Law No. 40 of 9 June 1960, concerning Limited Permissions for Trawling within the Fishery Limits off Iceland under Scientific Supervision, Law No. 33 of 19 June 1922 concerning Fishing inside the Fishery Limits, as amended, or if the provisions of said Laws do not apply, to fines from kr. 1000.00 to kr. 100 000.00.

Article 7. These Regulations are promulgated in accordance with Law No. 44 of 5 April 1948,¹ concerning the Scientific Conservation of the Continental Shelf Fisheries, cfr. Law No. 81 of 8 December 1952. When these Regulations become effective, Regulations No. 3 of 11 March 1961, concerning the Fishery Limits off Iceland shall cease to be effective.

10. INDIA

PRESIDENTIAL PROCLAMATION OF 29 NOVEMBER 1956 ON CONSERVATION ZONES²

Whereas the coastal communities of India 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, consequently, India has a special interest in maintaining the productivity of the living resources in all such areas;

Now, therefore, I, Rajendra Prasad, President of India, do hereby proclaim and declare in the seventh year of the Republic as follows:

The Government of India may from time to time:

- (i) Establish, in accordance with laws enacted for the purpose, conservation zones in areas of the high seas adjacent to the territorial waters

¹ Reproduced in part *ibid.*, pp. 513-514.

² *The Gazette of India*, Extraordinary, Part II, Section 3, No. 361; 29 November 1956.

of India, 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 India is, or may hereafter become, a party, regulate all fishing activities in the said areas of the high seas in order to enforce the laws and regulations that may be issued from time to time for the purposes aforesaid.

11. JAMAICA

Territorial Sea Act, 1971, article 6 (c)¹

12. JAPAN

LAW NO. 60 OF 14 JULY 1967 FOR THE REGULATION OF FISHING OPERATIONS BY FOREIGN NATIONALS²

Article 1. Objective of this Law

1. The objective of this Law is to establish fundamental regulations for the use of ports and other water areas of our country by foreign nationals so that the maintenance of the normal order of our fishing industry may not be hindered by increased fishing operations conducted by them using such water areas.

...

Article 2. Definitions

1. "This country" as used in this Law shall consist of Honshu, Hokkaido, Shikoku, Kyushu and the islands attached thereto as specified in Ministerial Ordinance of Agriculture and Forestry.

...

4. "Foreign fishing boats" as used in this Law shall be those boats other than Japanese (excluding those designated by the Minister of Agriculture and Forestry) which come under any one of the following items:

(1) Boats fitted with fishing equipments;

(2) In addition to the boats mentioned in the preceding item, those used for fishing operations or for carrying back fish catches and others from fishing grounds.

...

Article 3. Prohibition of fishing operations

1. The persons mentioned in the following items shall not conduct fishing operations in the waters of this country:

¹ *Supra* DIVISION I, SUBDIVISION A, Chapter I, 10.

² Entered into force on 12 October 1967. English text provided by the Permanent Representative of Japan to the United Nations in a note verbale of 11 February 1972.

(1) Any person who is not of Japanese nationality; provided that this shall not apply to a person who lawfully resides in this country and has been designated by the Minister of Agriculture and Forestry.

(2) Any juridical person or other corporation established under the provisions of laws of a foreign country which has its head office or principal office in a foreign country; provided that this shall not apply to persons or corporations designated by the Minister of Agriculture and Forestry.

Article 4. Permission for call at port

1. In case any captain of a foreign fishing boat (including any person who conducts the duties of captain as a substitute; the same shall apply hereinafter) wants to put his boat into any port of this country, he shall obtain the permission of the Minister of Agriculture and Forestry as provided for by Ministerial Ordinance of Agriculture and Forestry except when such call at port is made only for the purpose of performing acts as specified in the following items:

(1) Any act needed for averting disaster at sea or for maintaining the safety of navigation or human life;

(2) Landing in this country of fish catches and others which have been shipped off from foreign countries (only those accompanied by the instruments as prescribed by Cabinet Order; hereinafter referred to as "fish catches and others shipped off from foreign countries") or transshipment of them to other ships;

(3) Landing in this country of fish catches and others other than the fish catches and others shipped off from foreign countries which is provided for in Cabinet Order as an act not impeding the maintenance of normal order of Japanese fishing industry.

2. In case any application for the permission mentioned in the preceding paragraph has been filed, the Minister of Agriculture and Forestry shall grant it only when such call at port is judged not to aggravate the fishing operation of foreign fishing boat and not to impede the normal order of the Japanese fishing industry.

Article 5. Order for leaving port

In case the Minister of Agriculture and Forestry has confirmed that the captain of a foreign fishing boat is putting his boat into any port of this country in violation of the provisions of paragraph 1 of the preceding article, he may order the captain to leave the port with his boat.

Article 6. Prohibition of Transshipment, etc. of fish catches and others

In the waters of this country (excluding the waters of harbour of this country; same shall apply in the next paragraph), captains of foreign fishing boats shall not tranship any fish catches and others (excluding those shipped off from foreign countries; the same shall apply in the next paragraph and paragraph 3) from their boats to other boats nor take them in their boats from other foreign fishing boats.

2. In the waters of this country captains of boats other than foreign fishing boats shall not take any fish catches and others in their boats from foreign fishing boats.

3. Captains of boats other than foreign fishing boats shall not land any fish catches and others transhipped from foreign fishing boats in the waters other than those of this country at any port of this country or tranship them to other ships from their boats.

4. The provisions of the preceding three paragraphs shall not apply to the cases which are determined by Cabinet Order as not impeding the maintenance of normal order of our fishing industry.

...

Article 8. Validity of Treaty

In case there is any special stipulation in treaties relating to the matters regulated by this Law, the provisions of such treaties shall prevail.

Article 9. Penal provisions

1. The persons who come under any of the following items shall be subject to an imprisonment with hard labour for a period not exceeding three years or a fine not exceeding two hundred thousand yen, or both:

- (1) Any person who has acted in violation of the provisions of article 3;
- (2) Any captain who has brought a foreign fishing boat in a port without obtaining the permission mentioned in article 4, paragraph 1;
- (3) Any captain who has acted in violation of the order under the provisions of article 5;
- (4) Any captain who has acted in violation of the provisions from paragraph 1 to paragraph 3 of article 6.

2. In the case of the preceding article, any fish catch and others, vessel, fishing gear and other things to be used for fishing owned or possessed by the offender may be confiscated. However, in cases where the confiscation of the whole or part of the above-mentioned articles owned by the offender is impracticable, a penalty equal to the value thereof may be imposed upon him.

Article 10.

In case any representative of a juridical person, any agent, employee or other worker of a juridical person or individual has, relevant to the business affairs or properties of that juridical person or individual, effected a violation mentioned in paragraph 1 of the preceding article, not only shall such offender be punished but that juridical person or individual shall also be fined in accordance with the provisions of the same paragraph.

13. KHMER REPUBLIC

KRÂM (LOI) N° 453/71-CE DU 22 JANVIER 1971 PORTANT AUTORISATION DE CHALUTAGE DANS LES EAUX MARITIMES ET FIXATION DES TAXES SUR LES CHALUTIERS¹

Article premier. La pêche au chalut appelée "Uon Aus" ou "Uon Lak" peut être pratiquée dans les eaux maritimes de la République khmère.

¹ Texte transmis par le représentant permanent de la République khmère auprès de l'Organisation des Nations Unies par note en date du 1^{er} décembre 1971.

Article 2. L'autorisation de chalutage sera accordée par le Ministre de l'agriculture sur proposition du Directeur du Service des pêches.

Les caractéristiques des "Uon Aus" ou "Uon Lak" et le nombre de chaluts, la zone de pêche, la profondeur minimum autorisée pour le chalutage ainsi que les modalités de délivrance de l'autorisation seront fixés par Prakas du Ministre de l'agriculture.

Article 3. Les taxes sur les chalutiers servant à la pêche maritime seront fixées par Prakas conjoint des Ministres de l'agriculture et des finances.

Article 4. Toute infraction aux dispositions des articles 2 et 3 de la présente loi sera punie d'une amende de KR 1 201 à KR 4 000 par infraction.

Tout chalut dont les mailles sont inférieures aux normes autorisées sera considéré comme engin prohibé et saisi.

En cas de récidive, une peine d'emprisonnement d'un mois à un an pourrait être prononcée.

...

14. MADAGASCAR

(a) DÉCRET N° 70.028 DU 10 JANVIER 1970 FIXANT LES LIMITES DES "EAUX INTÉRIEURES MARITIMES"¹

Article premier. La partie de la mer et du littoral soumise à la juridiction de l'Etat malagasy en matière de pêche et de navigation maritime est comprise entre les limites suivantes :

— Du côté du large, la ligne marquant la limite de la mer territoriale telle qu'elle est définie par le décret 63-131 du 27 février 1963²;

— Du côté de la terre, la ligne littorale.

Article 2. Au sens du présent décret, la ligne littorale est constituée par les points extrêmes atteints par les plus hautes marées périodiques et régulières :

(a) Le long de la côte, dans les rades, les baies et les ports;

(b) Ainsi que dans les chenaux, étiers, salines et étangs salés en communication directe avec la mer.

Article 3. A l'entrée des fleuves et des rivières, la limite de la mer est constituée par la ligne fictive qui prolonge la ligne littorale de part et d'autre de l'embouchure, sauf dans ceux désignés à l'article ci-après.

Article 4. La limite de la mer est reportée en amont, au premier obstacle permanent naturel ou artificiel qui s'oppose au passage des navires de mer, dans certains estuaires, fleuves et rivières fréquentés par ceux-ci.

...

¹ Texte transmis par le représentant permanent de la République malgache auprès de l'Organisation des Nations Unies par note en date du 15 décembre 1971. Ce décret abroge les dispositions du décret du 5 juin 1922 relatives à la pêche maritime côtière et contrairement aux présentes dispositions.

² Reproduit dans ST/LEG/SER.B/15, p. 98 à 100.

(b) DÉCRET N° 71-238 DU 18 MAI 1971 RÉGLEMENTANT L'EXERCICE
DE LA PÊCHE PAR CHALUTAGE, DANS LA MER TERRITORIALE¹

Article premier. Dans le but d'assurer un développement rationnel des pêches maritimes dans les eaux territoriales malgaches, la pratique du chalutage est subordonnée à la possession selon le cas :

— D'une licence portant autorisation de pratiquer le chalutage au moyen de bateaux dont la force motrice est supérieure à 25 CV;

— D'une licence portant autorisation de pratiquer le chalutage au moyen de bateaux dont la force motrice est inférieure ou égale à 25 CV.

Article 2. Les licences relatives aux chalutiers dont la force motrice est supérieure à 25 CV sont délivrées conjointement par le Ministre chargé de l'élevage et de la pêche maritime et le Ministre des travaux publics, sur avis de la commission définie à l'article 4 ci-dessous, chargée d'étudier les dossiers de demandes recevables à adresser au Ministère chargé de l'élevage et de la pêche maritime au plus tard six mois avant l'expiration de la période biennale en cours, c'est-à-dire pour le 1^{er} juillet de chaque année paire.

Les licences relatives aux chalutiers dont la force motrice est inférieure à 25 CV sont délivrées par le Ministère chargé de l'élevage et de la pêche maritime sur simple demande recevable en tout temps, mais visée au préalable par les services de la marine marchande et de la pêche maritime, dans la limite du quota biennal par la commission.

...

15. MALDIVES

ACT NO. 5/69 JAVIYANI OF 1969, AS AMENDED BY ACT NO. 52/70 JAVIYANI
OF 30 DECEMBER 1970²

...

The Fishing Territory of the Republic of Maldives lies between latitude 7° 42' North and latitude 2° 22 1/4' South and longitude 70° 53 1/2' East and longitude 75° 25' East, leaving the North-East corner formed by a diagonal line intersecting at latitude 7° 42' North and longitude 75° 01' East and longitude 75° 25' East and latitude 7° 12' North.

...

16. MALTA

TERRITORIAL WATERS AND CONTIGUOUS ZONE ACT, 1971, section 3³

¹ *Journal officiel*, 5 juin 1971, p. 1180.

² Text transmitted by the Minister of External Affairs of Maldives, without quoting the article number, in his letter of 29 May 1972.

³ *Supra* DIVISION I, SUBDIVISION A, Chapter I, 15.

17. NEW ZEALAND

(a) FISHERIES ACT 1908, AS AMENDED UP TO 1970¹

...

9.² *Officers may enter boats, examine licence, and inspect nets, etc.*

(1) Any fishery officer is hereby empowered, for the enforcement of the provisions of this Act, to exercise the powers and authorities of a constable, and may at all times and seasons, without let or hindrance

(a) Enter any boat engaged in fishing, or which he suspects to be so engaged; and

(b) Require the master or person in charge of such a boat to produce the licence for the boat if a fishing-boat, and take copies thereof or of any part thereof; and

(c) Require the master to give any explanation concerning his boat and her crew, and any person on board his boat, and the said licence; and

(d) Examine all standing, floating, or other nets, and all dredges, engines, and instruments, and seize all nets, dredges, engines, instruments, and devices that are illegal or are being used illegally; and

(dd) Enter upon (by foot or by means of a boat, vehicle, or other form of transport) and pass along the land abutting any part of the sea, or abutting any tidal waters, estuary, or navigable river, or any lake to which the sea is able to gain access (whether continuously or otherwise), whether or not the land is owned or occupied by any private person or any public body: provided that nothing in this paragraph shall be construed to empower any fishery officer to enter the enclosed garden or curtilage of any dwellinghouse without the consent of its occupier; and

(e) Do all such other acts and things as he is required or authorized to do by regulations under this Act.

(2) The production of his instrument of appointment, or of a copy of the *Gazette* notifying such appointment, shall be sufficient warrant for any officer so acting in any of the cases aforesaid.

...

50.³ *Using explosives, etc., in fisheries*

(1) Every person commits an offence, and is liable to imprisonment for a term not exceeding two months or to a fine not exceeding five hundred dollars, or to both, who uses for the purpose of catching or destroying fish in New Zealand fisheries waters any explosive or any toxic gas or any toxic, poisonous, or narcotic substance.

¹ Text provided by the Minister of Foreign Affairs of New Zealand in note verbale of 8 November 1971. The 1908 Act (No. 65; 4 August 1908) as amended up to 1953 is reproduced in part in ST/LEG/SER.B/6, pp. 540-543. For its further amendments see ST/LEG/SER.B/15, pp. 649-651. Only the provisions amended thereafter are reproduced here.

² As amended by section 3 of the Fisheries Amendment Act 1968 (No. 27 of 1968; 25 November 1968).

³ As amended by section 8 of the Fisheries Amendment Act 1968 (No. 27 of 1968; 25 November 1968).

(2) Where any person is charged with having committed an offence against subsection (1) of this section, it shall be presumed that any explosive or any toxic gas or any toxic, poisonous, or narcotic substance used by the defendant was used by him for the purpose of catching or destroying fish, unless he satisfies the Court to the contrary.

(3) Every person commits an offence, and is liable to a fine not exceeding five hundred dollars, who has in his possession any fish caught by means of any explosive or any toxic gas or any toxic, poisonous, or narcotic substance: provided that (without limiting the effect of the proviso to subsection (2) of section 2 of this Act) in any proceedings for an offence against this subsection, it shall be a defence if the defendant satisfies the Court that he did not know, and could not with the exercise of reasonable care have known, that the fish to which the alleged offence relates were caught as aforesaid.

...

56.¹ *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 commits an offence, and is liable to a fine not exceeding two hundred dollars, who wilfully prevents or hinders any lawful entry, search, seizure, or forfeiture authorised under this Part of this Act or any regulations made under this Part, or, being the driver of any conveyance or the rider or person in charge of any riding or pack animal, fails to stop that conveyance or animal on the request of any fishery officer.

(3) For the purposes of this section, the term "conveyance" includes any motor or horse driven vehicle, or any cycle, aircraft, or hovercraft.

...

60.² *Obstructing officers*

(1) Every person commits an offence, and is liable to a fine not exceeding two hundred dollars, who

(a) Assaults, resists, or obstructs any fishery officer in his execution of any of the powers or duties conferred on him by this Part of this Act, or by any regulations made under this Part, or any person lawfully acting under the officer's orders or in his aid; or

(b) Incites or encourages any other person to assault, resist, or obstruct any fishery officer, while in the execution of his powers or duties, or any person lawfully acting under the officer's orders or in his aid; or

¹ As amended by section 10 of the Fisheries Amendment Act 1968, quoted above.

² As amended by section 11 of the Fisheries Amendment Act 1968, quoted above.

(c) Uses threatening language or behaves in a threatening manner towards any fishery officer, while in the execution of his powers or duties, or any person lawfully acting under the officer's orders or in his aid; or

(d) Fails to comply with the lawful requirements of any fishery officer; or

(e) Furnishes under this Part of this Act, or under any regulations made under this Part, any particulars which, to his knowledge, are false or misleading in any material respect.

(2) For the purpose of subsection (1) of this section, any person who refuses to allow any fishery officer, or any person acting by his order or in his aid, to exercise any of the powers conferred on a fishery officer by this Part of this Act shall be deemed to be obstructing that officer or person.

(b) FISHERIES (GENERAL) REGULATIONS 1950, AS AMENDED IN 1968¹

...

7. These regulations shall, except as otherwise expressly provided, have force and effect throughout New Zealand and New Zealand fisheries waters; but nothing in this regulation shall affect the application of any restriction contained in any of the regulations following this regulation to particular parts of New Zealand or of New Zealand fisheries waters.

...

18. NIGERIA

SEA FISHERIES DECREE 1971²

1. *Licensing of motor fishing boats*

(1) Subject to the provisions of this section, no person shall operate or navigate any motor fishing boat within the territorial waters of Nigeria unless a licence in respect of that vessel has been issued to the owner thereof.

(2) Any person operating or navigating or causing to be operated or navigated a motor fishing boat in contravention of subsection (1) of this section shall be guilty of an offence under this Decree and on conviction shall be liable to imprisonment for one year, or to a fine of £500 for each day during which the offence continues, or to both such fine and imprisonment.

(3) The provisions of this section shall not apply to any motor fishing boat entering the territorial waters of Nigeria not for fishing or the disposal

¹ Text provided by the Minister of Foreign Affairs of New Zealand in a note verbale of 8 November 1971. Regulation 7 of the 1950 Regulations (S.R. 1950/147) is reproduced in ST/LEG/SER.B/6, pp. 542-543. The amendment was made by the Fisheries Regulations 1950, Amendment No. 10 (1968/104; 24 June 1968).

² Decree No. 30; 10 June 1971. Entered into force on 10 June 1971. Text provided by the Permanent Representative of Nigeria to the United Nations in a note verbale of 25 October 1972. By this Decree, the Sea Fisheries (Lagos) Act 1961, reproduced in part in ST/LEG/SER.B/15, pp. 656-657, is repealed.

of fish, but solely for re-fuelling at any port or for shelter, or solely because the motor fishing boat is in distress or there is any other emergency.

2. *Application for a licence*

(1) Any person, being the owner of a motor fishing boat, may apply to a licensing officer for a licence in respect of the motor fishing boat.

(2) An application for a licence shall be in such form and manner as may be prescribed and shall:

(a) Contain the particulars and descriptions of the motor fishing boat in respect of which the application is made; and

(b) A statement in detail as to

(i) The methods of taking fish that are to be employed,

(ii) The area within which it is proposed that the motor fishing boat shall operate, and

(iii) The arrangements that are to be made for the preservation and marketing of the catch in Nigeria.

3. *Grounds for issue of a licence, etc.*

(1) On being satisfied that

(a) An application for a licence has been made in the prescribed manner and contains all the information that is required under section 2 of this Decree;

(b) The prescribed fees have been paid;

(c) The applicant is the lawful owner of the motor fishing boat in respect of which the application is made, and that he is a fit and proper person to be granted a licence; and

(d) The operation of the motor fishing boat in the territorial waters of Nigeria is not likely to be prejudicial to the interests of sea fishing industry in Nigeria,

the licensing officer shall issue a licence in respect of the motor fishing boat.

(2) Subject to the provisions of this Decree, a licence shall be in the prescribed form and may be issued subject to such conditions as the licensing officer may think fit to impose, and any conditions so imposed shall be endorsed on the licence.

(3) A licence shall be a yearly licence or a quarterly licence, and—

(a) If the licence is a yearly licence, it shall expire on the 31st day of December in the year in which it is issued; and

(b) If the licence is a quarterly licence, it shall expire on the 31st day of March, the 30th day of June, the 30th day of September or the 31st day of December, whichever day falls next after the date of the issue of the licence.

(4) Where the ownership of a motor fishing boat in respect of which a licence has been issued is transferred from one person to another person, the licence shall not be valid in respect of the new owner of the vessel until such time as a licensing officer has approved the transfer of the ownership of the motor fishing boat and has endorsed the licence to that effect.

(5) A licensing officer may, without assigning any reason

(a) Cancel a licence, or

(b) Suspend a licence for such period as he thinks fit.

4. *Renewal of a licence*

The provisions of this Decree relating to application for a licence and the issue of a licence shall apply in relation to an application for the renewal of the licence and to such renewal.

5. *Appeals*

(1) Any person aggrieved by any refusal by a licensing officer to issue or renew a licence or by the cancellation or suspension of a licence or by any condition endorsed on a licence may, within fourteen days of receiving notice of the refusal, cancellation, suspension or endorsement, appeal to the Commissioner in respect thereof.

(2) After considering any appeal made under subsection (1) of this section the Commissioner shall take such decision thereon as he deems fit and the licensing officer shall give effect thereto, as may be necessary.

(3) The decision of the Commissioner on any appeal under this section shall be final.

6. *Returns*

The owner of a motor fishing boat in respect of which a licence has been issued shall

(a) Render to a licensing officer such periodical returns concerning the operation of the motor fishing boat as may be prescribed; and

(b) Permit a licensing officer or any person authorised in writing by a licensing officer to inspect the catch of the motor fishing boat either before or after the catch has been landed and shall give the licensing officer or that person all reasonable facilities for the inspection of the catch.

7. *Enforcement of the Decree*

(1) An authorised person may, within the territorial waters of Nigeria, for the purpose of enforcing any provision of this Decree

(a) Require the owner or the person in charge of a motor fishing boat in respect of which a licence has been issued, to exhibit his licence, fishing apparatus and catch;

(b) Require the owner or the person in charge of any other motor fishing boat or any person engaged in fishing to exhibit his fishing apparatus and catch;

(c) Go on board of any fishing boat and search and examine the fishing boat and any fishing apparatus that may be therein;

(d) Where there is reasonable suspicion that an offence under this Decree has been committed, take the alleged offender and the motor fishing boat, fishing apparatus and catch to the most convenient port or police station.

(2) The powers vested in an authorised person under subsection (1) of this section may be exercised by him without warrant, summons or other process.

(3) Any fishing boat or apparatus taken from an alleged offender under the provisions of paragraph (d) of subsection (1) above may be detained pending the trial of the alleged offender, and the catch may be sold and the proceeds of the sale detained pending such trial.

(4) Any vessel, apparatus or money detained under subsection (2) of this section shall, unless forfeited under the provisions of section 10 of this Decree, be returned to the person from whom the same was taken or to the lawful owner thereof.

(5) If a vessel, after detention under subsection (2) of this section, proceeds to sea before it is released by an authorised person or a court, the master of the vessel and also the owner and any person who sends the vessel to sea, if the owner or person is privy to the master's offence, shall be guilty of an offence under this Decree.

(6) In this section "an authorised person" means

(a) A licensing officer;

(b) Any commissioned officer in the Nigerian Army, Navy or Air Force;

(c) A police officer not below the rank of assistant superintendent of police;

(d) A customs officer not below the rank of assistant preventive superintendent;

(e) A surveyor or examiner appointed under the provisions of the Merchant Shipping Act 1962; and

(f) Any other person authorised in writing by the Commissioner in that behalf.

8. *Prohibited method of fishing*

No person may take or destroy or attempt to take or destroy any fish within the territorial waters of Nigeria by any of the following methods, that is,

(a) By the use of any explosive substance; or

(b) By the use of any noxious or poisonous matter.

9. *Offences*

(1) Any person who

(a) Contravenes or fails to comply with any of the provisions of this Decree;

(b) Contravenes or fails to comply with any requirement made under this Decree; or

(c) Contravenes or fails to comply with any condition endorsed on a licence,

shall be guilty of an offence under this Decree.

(2) Any person who is guilty of an offence under this Decree for which no other penalty is specifically provided shall on conviction be liable to a fine of £100 or to imprisonment for six months or to both such fine and imprisonment; and where the offence is a continuing offence the person shall be liable to a further sum of £50 for each and every day during which such failure continues, the liability to such further sum to commence from the day following the last conviction, or from such day thereafter as the court may order.

10. *Forfeiture, etc.*

A court before which any person is convicted of an offence under this Decree may

(a) Order the forfeiture to the Government of the Federation of any fishing boat, apparatus or catch employed in the commission of or derived from any act in respect of which that person is so convicted;

(b) Where the fishing boat employed in the commission of the offence is a motor boat in respect of which a licence had been issued, cancel the licence or suspend the licence for such time as the court may think fit.

11. *Regulations*

(1) The Commissioner may make regulations

(a) for furthering the interests of sea fishing industry in Nigeria, and

(b) for giving effect to the provisions of this Decree.

...

12. *Interpretation*

In this Decree, unless the context otherwise requires

“Commissioner” means Federal Commissioner charged with responsibility for fisheries;

“Fish” means any aquatic creature whether fish or not, and includes shell-fish, crustaceans, turtles and aquatic mammals;

...

“Motor fishing boat” means any fishing boat propelled by means of steam, internal combustion or other machinery except one or more portable outboard engines;

...

“Territorial waters of Nigeria” has the same meaning as in section 1 of the Territorial Waters Decree 1967.¹

...

19. OMAN

DECREE OF 17 JULY 1972 CONCERNING THE TERRITORIAL SEA, CONTINENTAL SHELF AND EXCLUSIVE FISHING ZONES OF THE SULTANATE OF OMAN, articles 5-8²

20. PERU

(a) GENERAL FISHING LAW OF 1971³

Whereas, firstly:

It is the policy of the Revolutionary Government of the Armed Forces to ensure the maximum development of the national fishing industry as rapidly

¹ 1967 No. 5. Reproduced in part in ST/LEG/SER.B/15, pp. 103-104, 250-251. For the Decree as amended in 1971, see *supra* DIVISION I, SUBDIVISION A, Chapter 1, 19(a).

² *Supra* DIVISION I, SUBDIVISION A, Chapter 1, 21.

³ Legislative Decree No. 18810 of March 1971. Text taken from *Instrumentos Nacionales e Internacionales sobre Derecho del Mar* (Ministerio de Relaciones Exteriores del Perú, 1971), provided by the Minister of External Relations in a note verbale of 22 August 1972. Translation by the Secretariat of the United Nations.

as possible, in a manner compatible with the principle of the rational exploitation of the hydrobiological resources of the country's jurisdictional sea within a distance of 200 miles and of its continental waters, with a view to raising the nutritional status and level of living of the Peruvian people and guaranteeing jurisdiction over the Peruvian sea.

...

Whereas, fourthly:

The Government wishes to develop interest in maritime and fishing matters through a joint effort by all components of the fishing industry, with a view to exploiting the hydrobiological wealth of Peru's jurisdictional sea within a distance of 200 miles and of other seas, taking the form of a "march to the west".

Article 1. The hydrobiological species contained in the jurisdictional sea within a distance of 200 miles and in the continental waters of the national territory shall be the property of the State.

...

(b) REGULATIONS OF THE GENERAL FISHING LAW, 1971¹

...

Article 27. Extraction shall mean any operation or activity for the purpose of catching, entrapping, extracting, harvesting or gathering cetaceans, fish, molluscs, crustaceans, algae and other species of aquatic fauna and flora intended for direct or indirect human consumption or other purposes, including all activities carried out prior to or following such extraction which are directly or indirectly related to it.

...

Article 29. Vessels flying a foreign flag may conduct extraction operations in Peruvian jurisdictional waters in the following circumstances:

- (a) If they do not bring their catch to Peru;
- (b) If they are operating under contract for enterprises domiciled in Peru;
- (c) If they are engaged solely in supplying fresh or frozen fish to the domestic market;
- (d) If they are engaged in pelagic whaling; and
- (e) If they are accompanying the fishing fleet as refrigerator ships.

Article 30. In order to operate in Peruvian jurisdictional waters, vessels flying a foreign flag shall be required to:

(a) Register their certificates of registry with the competent Peruvian authority; such registration shall be valid for one calendar year, and may be extended for further periods of one calendar year.

(b) Obtain a fishing permit, which shall be granted by the Ministry of Fisheries, for the purpose of taking certain species, which shall be specified.

¹ Supreme Decree No. 011-71-PE of 25 June 1971. Text *ibid.* Translation by the Secretariat of the United Nations.

The permit shall be valid for 100 days and shall be renewable except that the vessels flying a foreign flag referred to in paragraphs (b) and (c) of the preceding article shall be granted permits valid for one calendar year, renewable for further periods of one calendar year.

Article 31. The vessels flying a foreign flag mentioned in article 29, paragraph (c), of these regulations shall be exempt from the payment of fees for registering their certificates of registry and for fishing permits. In order to conduct the aforesaid extraction operations, they shall require only an authorization issued by the Ministry of Fisheries upon receipt of a report from the Ministry of the Navy. The same exemption shall apply to the vessels mentioned in paragraph (b) of the said article when their catch is intended for the domestic consumer market.

Article 32. In addition to the requirements contained in these Regulations, the vessels flying a foreign flag mentioned in article 29, paragraph (d), shall be required to comply with the Regulations governing Maritime Fishing Activities in the Waters of the South Pacific¹ approved by Supreme Resolution No. 175 of 3 June 1933 and Legislative Resolution No. 12305 of 6 May 1955.

Article 33. Refrigerator ships shall be granted permits only when they are acting as motherships accompanying fishing vessels that are authorized to fish in accordance with these Regulations. Upon applying for such permits, the said ships shall pay only the fee for registering their certificates of registry and shall not be required to pay for a fishing permit. The catch which they receive shall be subject to the relevant export régime.

Article 34. Where vessels flying a foreign flag conduct fishing operations in Peru and store their catch in refrigeration facilities on land for technical reasons, the said catch shall be considered as goods in transit, for which a special permit must be requested.

Article 35. Vessels flying a foreign flag shall pay:

(a) Five hundred dollars (\$US 500.00) to register their certificates of registry; and

(b) Twenty dollars (\$US 20.00) for a fishing permit, per net register ton.

The revenues collected shall be deposited in a special account to be designated "Fisheries Research and Training—Ministry of Fisheries" and shall be used as provided in article 82 of these Regulations.

Article 36. Applications for the registration of certificates of registry and fishing permits shall be submitted to the Ministry of Fisheries or the regular Peruvian consulate exercising jurisdiction in the port of departure.

Article 37. In the cases referred to in article 29 of these Regulations, applications must be accompanied by the following documents:

(a) Photostats of the certificate of registry, the tonnage certificate and the maximum load line certificate;

¹ These Regulations refer only to whaling. In essence, they state that the enterprises in question shall also be required to register in a special register of the Standing Committee on the South Pacific; that they must obtain a permit from the said Committee; and that their respective crews shall also be required to enter their names in another special register of the said Committee. (Note supplied by the Peruvian Foreign Ministry.)

(b) A declaration indicating familiarity and express agreement to comply with the regulations governing the vessel's operations;

(c) Proof that there is a duly accredited and bonded agent or legal representative in Peru who assumes responsibility for the vessel's operations in the cases indicated in paragraphs (b), (c) and (d).

...

21. SRI LANKA¹

(a) PROCLAMATION OF 19 DECEMBER 1957 BY THE GOVERNOR-GENERAL ON THE RIGHTS OVER THE CONTINENTAL SHELF AND CONSERVATION ZONES²

Whereas it is established by international practice that every coastal State, for the purpose of the exploration and the exploitation of the natural resources of the sea-bed and the subsoil of the continental shelf adjoining its territory, has sovereign rights over such sea-bed and subsoil, and it is expedient to declare the rights of the Government of Ceylon in respect of the continental or insular shelf of Ceylon:

And whereas certain areas of the high seas provide fisheries which contribute to the food and means of livelihood of large sections of the population of Ceylon and consequently the Government of Ceylon has a special interest in maintaining the productivity of the living resources in all such areas:

Now, therefore, I, Oliver Ernest Goonetilleke, Governor-General of Ceylon, do by this Proclamation declare—

(1) That the Government of Ceylon has had and shall have full and exclusive sovereign rights over the sea-bed and subsoil of the continental or insular shelf adjoining the territory and beyond the territorial waters of Ceylon and accordingly may cause the exploration and the exploitation of the natural resources of such sea-bed and subsoil.

(2) That the Government of Ceylon may from time to time—

(a) Establish in accordance with laws enacted for the purpose, conservation zones in such part of the Indian Ocean as is commonly known as the Wadge Bank and in such areas of the high seas adjacent to the territorial waters of Ceylon as are within a distance of one hundred nautical miles from the outer limits of those waters.

(b) Take measures in the conservation zones so established in order to protect, conserve and control fisheries and other living resources of the sea from indiscriminate exploitation, depletion or destruction and

(c) Subject to the provisions of any international agreement or convention to which the Government of Ceylon is or may hereafter be a party, regulate all fishing activities in the aforesaid Wadge Bank and the aforesaid areas of the high seas in order to enforce the laws that may be enacted from time to time for the aforesaid purposes; and

¹ Prior to 22 May 1972 the official title of "Sri Lanka" was "Ceylon".

² *Government Gazette*, No. 11222; 20 December 1957.

(3) That nothing contained in this Proclamation shall be deemed to affect or diminish the undisputed and exclusive sovereign right and national jurisdiction of the Government of Ceylon to and over the Chank Fisheries and the Pearl Banks and Pearl Fisheries of Ceylon.

(b) CHANK FISHERIES ACT OF 1953, AS AMENDED¹

Taking of chanks

2.

(1) No vessel shall be used or employed in or for the purpose of taking chanks or of any operations for taking chanks, unless it is registered under this Act and the registration card issued in respect thereof is carried in the vessel at the time when it is so used or employed.

(2) The authority empowered under this Act to register vessels which are to be used or employed for the purpose of taking chanks or of any operations for taking chanks may refuse to register any vessel or cancel the registration of any vessel if he has reasonable cause to believe that such vessel is to be so used or employed, or is being so used or employed, by or on behalf of any person

(a) Who is neither a citizen of Ceylon nor the holder of a valid residence permit; or

(b) Who has been convicted of any offence by reason of his having acted in contravention of any of the provisions of this Act or any regulation made thereunder relating to the taking of chanks.

The decision of such authority to refuse or cancel such registration may be the subject of an appeal to a District Court.

3.

(1) No person shall carry out any diving operations for the purpose of taking chanks unless he is the holder of a diving licence issued under this Act and for the time being in force.

(2) No person shall use or employ any other person for the purpose of carrying out diving operations for taking chanks unless that other person is the holder of a diving licence issued under this Act and for the time being in force.

(3) The authority empowered under this Act to issue diving licences may refuse such licence to any applicant therefor, or may cancel the licence of any holder thereof, if such authority has reasonable cause to believe that the applicant or holder, as the case may be

(a) Is neither a citizen of Ceylon nor the holder of a valid residence permit; or

(b) Has been convicted of any offence by reason of his having acted in contravention of any of the provisions of this Act or any regulation made thereunder relating to the taking of chanks.

¹ *Legislative Enactments of Ceylon*, 1956 Revision, vol. VII, Cap. 213. This Act repealed the Chanks Ordinance, 1870.

The decision of such authority to refuse or cancel such licence may be the subject of an appeal to a District Court.

4.

No person shall use any dredge or other apparatus of a like nature for the purpose of taking chanks.

...

12.

(1) Any person who acts in contravention of any provision of this Act or any regulation made thereunder shall be guilty of an offence and shall be liable on conviction after summary trial before a Magistrate to imprisonment of either description for a period not exceeding six months or to a fine not exceeding five hundred rupees or to both such imprisonment and fine.

(2) Where any vessel is used or employed in contravention of section 2 of this Act or of any regulation made thereunder, the person for the time being in charge of the vessel shall be guilty of an offence punishable under subsection (1) of this section; and the owner of the vessel shall also be guilty of the like offence unless he proves to the satisfaction of the court that the offence was committed without his consent and that he had taken all reasonable steps to prevent such contravention.

13.

(1) Any chank, *bêche-de-mer*, coral or shell taken, or any dredge or vessel used or employed, in contravention of any provision of this Act or of any regulation made thereunder, may be seized by any fisheries inspector, or by any police officer or officer of customs, or by any headman, or by any person appointed for that purpose in writing by the Government Agent of the administrative district in which such seizure is made, and when seized shall be conveyed to the customs office nearest to the place of seizure; and anything so seized

(a) shall be returned to the person from whose possession it was seized forthwith upon the expiration of fourteen days after the seizure, unless a prosecution for the alleged contravention is instituted before the end of that period; or

(b) shall be returned to that person forthwith after the final determination of the prosecution unless it is duly declared to be forfeited to Her Majesty under subsection (2).

(2) Any court convicting any person of any offence under this Act may make order declaring that any chank, *bêche-de-mer*, coral, shell, dredge or vessel used in or in connexion with the commission of the offence shall be forfeited to Her Majesty; and anything so ordered to be forfeited may be sold or otherwise disposed of in such manner as the court may direct.

...

(c) PEARL FISHERIES ORDINANCE OF 12 FEBRUARY 1925, AS AMENDED¹

PART I

Preliminary

2.

In this Ordinance, unless the context otherwise requires,

“Pearl bank” means the areas from time to time specified in the First Schedule² and includes the bed of any pearl bank. The said Schedule may from time to time be altered by regulation;

“Pearl fishery guard” means all customs officers, police officers, peace officers, the camp superintendent, the inspector of pearl banks, and every person appointed by the camp superintendent, or the inspector of pearl banks, to act as a pearl fishery guard;

“Pearl oyster” means pearl-bearing oysters of all descriptions, and includes the mollusc commonly called the “window pane oyster” or “the Tampalakam pearl oyster”, and scientifically known as *Placuna Placenta*, as well as any other pearl-producing molluscs which may be introduced, or laid down, off the coasts of Ceylon, or in the bays or inland waters of Ceylon;

“Vessel” includes ships, boats, rafts, canoes, and vessels of every description.

3.

The exclusive right of fishing for and taking pearl oysters off the coasts of Ceylon and in all bays and inland waters of Ceylon is vested in the Crown.

PART II

Regulation of pearl fisheries

4.

(1) No person shall fish, or dive for, or collect, pearl oysters on, or from any pearl bank, or use a vessel for any such purpose, unless he holds a licence (in this Ordinance referred to as a pearl fishery licence) authorizing him so to do.

(2) A pearl fishery licence shall be issued in the discretion of and by a Government Agent authorized to issue such licences, and shall be in the appropriate form in the Second Schedule.² The said Second Schedule may be altered by regulation.

(3) Any penalty imposed by a pearl fishery licence may be recovered on summary conviction before a Magistrate as well as by any means provided by the licence.

¹ *Legislative Enactments of Ceylon*, 1956 Revision, vol. VII, Cap. 214.

² The Schedule is not reproduced here.

(4) Every person, to whom a pearl fishery licence is issued under this section, shall produce it on the demand of and for the perusal by any pearl fishery guard, and shall observe the terms and conditions contained in the licence.

(5) A licence to collect pearl oysters issued by any Government Agent before the commencement of this Ordinance shall be deemed to be a pearl fishery licence issued under this Ordinance.

(6) All pearl oysters or pearls collected otherwise than under the authority of and in accordance with the terms and conditions contained in a duly issued pearl fishery licence are the property of the Crown.

...

6.

(1) No person shall on any pearl bank use or have in his possession, power, or control for use on such bank any net, dredge, or fishing line, or fishing tackle.

(2) Nothing in this section shall apply to any dredge, net, fishing line, or fishing tackle, the use of which is for the time being permitted by regulation.

7.

Unless permitted by regulation, no person shall anchor any vessel on a pearl bank except when collecting pearl oysters under the authority of a pearl fishery licence or compelled to do so by necessity.

8.

If any pearls or pearl oysters are found in the possession, power, or control of any person on a pearl bank, or proceeding from a pearl bank to the shore, or disembarking or immediately after having disembarked, on coming from a pearl bank, and there appears to the Magistrate to be prima facie evidence that the pearls or pearl oysters were obtained in contravention of the provisions of this Ordinance, then such pearls or pearl oysters shall be forfeited to the Crown unless satisfactory evidence is given that they were lawfully obtained, and that person shall be guilty of an offence unless satisfactory evidence is given that he was not personally concerned in the unlawful obtaining thereof and that they were not dishonestly retained in his possession, power, or control with the knowledge that they had been unlawfully obtained.

9.

(1) If any vessel is found on a pearl bank anchoring or hovering and not proceeding to her proper destination as wind and weather permit, or is found on or near a pearl bank in circumstances giving rise to reasonable suspicion that she is being or has been used for the unlawful collection of pearl oysters, any pearl fishery guard specially authorized by a Government Agent, Assistant Government Agent, or the inspector of pearl banks to act for the purposes of this section may enter, seize, and search such vessel, and convey the same to some convenient place in Ceylon for adjudication.

...

10.

If any person contravenes or attempts to contravene or abets the contravention of any provision of this Part or any regulation made thereunder, he shall be guilty of an offence against this Ordinance, and shall, on conviction by a Magistrate, be liable to a fine not exceeding two hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

(d) WHALING ORDINANCE OF 4 JULY 1936, AS AMENDED¹

...

2.

(1) The provisions of this Ordinance shall apply only in relation to whales known as

(a) Whalebone whales or baleen whales;

(b) Sperm whales.

(2) The Minister may, by Order published in the Gazette, declare that the provisions of this Ordinance shall apply to whales other than those mentioned in subsection (1) or to any other marine mammals of the order *Cetacea*, subject to such exceptions, adaptations and modifications as may be specified in the Order; and upon the publication of any such Order the provisions of this Ordinance shall apply to such other whales or mammals or to such descriptions thereof as may be so specified.

3.

(1) No person shall, within the coastal waters of Ceylon, kill or take or attempt to kill or take

(a) A right whale, or

(b) An immature whale, or

(c) A female whale which is accompanied by a calf.

(2) If any person kills or takes or attempts to kill or take any whale specified in subsection (1), that person and the master of the vessel used for the purpose of such killing or taking or of such attempt to kill or take, shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to imprisonment of either description for a term not exceeding three months, or to a fine not exceeding two thousand rupees, and an additional fine not exceeding the value of the products, if any, obtained or obtainable from the whale in question, or to both such imprisonment and such fines.

...

4.

(1) Without prejudice to the provisions of section 3, no person shall use any vessel for the purpose of taking or treating whales within the coastal waters of Ceylon or use any factory situate within Ceylon for the purpose

¹ *Legislative Enactments of Ceylon*, 1956 Revision, vol. VII, Cap. 215.

of treating whales, unless the master of the vessel or the occupier of the factory is the holder of a licence in force under this Ordinance authorizing the vessel or the factory, as the case may be, to be so used.

(2) If any vessel or factory is used for taking or treating whales in contravention of this section, the master of the vessel or the manager and the occupier of the factory, as the case may be, shall each be guilty of an offence and shall each be liable, in respect of each whale taken or treated in contravention of this section, to imprisonment of either description for a term not exceeding three months, or to a fine not exceeding two thousand rupees and an additional fine not exceeding the value of the products, if any, obtained or obtainable from the whale, or to both such imprisonment and such fines.

5.

(1) Every application for a licence under this Ordinance shall be in such form, contain such particulars, and be accompanied by such fee, as may be prescribed, and shall be addressed to the Marine Biologist.

...

8.

(1) There may be appointed for the purposes of this Ordinance any person by name or by office to be or to act as a whale fishery inspector.

(2) For the purpose of enforcing the provisions of this Ordinance, a whale fishery inspector, on producing on demand evidence of the fact that he is such an inspector

(a) May board or enter any vessel or factory which he has reason to believe is used for taking or for treating whales, and inspect the vessel or factory and its plant and equipment; and

(b) May, in the case of any such vessel, require the master and crew, or any of them, or in the case of any such factory, require the occupier or manager thereof and the employees therein or any of them, to produce all such licences, records and other documents as the inspector considers it necessary to inspect, and to answer all such inquiries as he considers it necessary to make; and

(c) May take copies of, or extracts from, any documents produced to him.

(3) Every person who refuses to produce to a whale fishery inspector any document which he is required under this section to produce, or refuses to answer, or answers falsely, any inquiry duly made of him by such an inspector, or otherwise obstructs, or refuses facilities to, such an inspector in the discharge of his functions under this section, shall be guilty of an offence and shall on summary conviction before a Magistrate be liable to a fine not exceeding one thousand rupees.

(4) A whale fishery inspector appointed under this Ordinance shall be a public servant within the meaning of the Penal Code.

...

(e) FISHERIES ORDINANCE, 1956 REVISION¹

. . .

Fishing licences and registration of fishing boats

5.

Subject as hereinafter provided, no person shall take, or employ any other person to take, any fish for profit in Ceylon waters except under the authority of a fishing licence granted by a prescribed officer under this Ordinance: provided, however, that nothing herein before contained shall apply

(a) To a Ceylonese or a Ceylon company;

(b) To a Ceylonese who is employed by, and takes fish on behalf of, a Ceylonese or a Ceylon company or the holder of a fishing licence; and

(c) To any person who is a member of a class of persons exempted by regulation from the necessity for obtaining a fishing licence.

6.

(1) Every application for a fishing licence shall be made to the prescribed officer in the prescribed form and shall be accompanied by the prescribed fee.

(2) A prescribed officer may, in such circumstances and upon such grounds as may be prescribed, refuse to grant a fishing licence to any person who makes application therefor. An appeal shall lie to the Minister from any such refusal, and the decision of the Minister upon such appeal shall be final.

7.

Every fishing licence shall

(a) Be in the prescribed form, and be in force until the thirty-first day of December next following the date on which it is granted;

(b) Be subject to such conditions as may, in accordance with regulations, be inserted in the licence.

8.

The Director [of Fisheries] may by order revoke any fishing licence if he is satisfied that the holder thereof has acted in contravention of any provision of this Ordinance or any regulation, or has committed a breach of any condition lawfully inserted in the licence. An appeal shall lie to the Minister from any such order, and the decision of the Minister upon such appeal shall be final.

9.

Regulations may be made providing for the registration of fishing boats used for the purpose of taking fish in Ceylon waters, and of the owners of such boats.

10.

On or after such date as may be prescribed, no person shall use any fishing boat for the purpose of taking fish in Ceylon waters, unless the boat has been registered under this Ordinance.

¹ *Legislative Enactments of Ceylon, 1956 Revision, vol. VII, Cap. 212.*

11.

(1) On or after such date as may be prescribed, no person shall, except under the authority of a permit issued in that behalf by a prescribed officer, land at any port or place in Ceylon any fish taken outside Ceylon waters unless:

(a) Such fish was taken by a fishing boat duly registered under this Ordinance; or

(b) Such fish was, before being brought to land in Ceylon, previously landed at a port or place outside Ceylon.

(2) Regulations may be made exempting any specified class or classes of persons from the operation of the provisions of subsection (1).

(3) A prescribed officer may, in such circumstances and upon such grounds as may be prescribed, refuse to issue to any person a permit under this Ordinance to issue to any person a permit under this Ordinance to land in Ceylon fish taken outside Ceylon waters. An appeal shall lie to the Minister from any such refusal, and the decision of the Minister upon such appeal shall be final.

...

Protection of fish

...

14.

No person shall in Ceylon waters use any poisonous, explosive or stupefying substance for the purpose of poisoning, killing or stupefying any fish.

...

Fishing disputes

20.

(1) Where any fishing dispute arises or is apprehended, the Minister may, if he considers it expedient so to do, refer the dispute and all matters relating thereto, connected therewith or arising therefrom for public inquiry and report to any person or to a committee of not more than three persons appointed by him for the purpose. Where a committee is so appointed, one of the members nominated by the Minister in that behalf shall be the chairman.

...

(14) In this section "fishing dispute" means any dispute, between two or more groups or sections of persons engaged in fishing, in regard to the right to take fish, or to the time or manner of taking fish in any part of Ceylon waters.

Powers of officers, offences, regulations, &c.

21.

The Director [of Fisheries] or any prescribed officer, or any person authorized in writing by the Director either generally or specially in that behalf, may

(a) Go on board any fishing boat which is for the time being within Ceylon waters and may make such examination of the boat, the personnel of the crew thereof, the nets and other equipment carried therein and the fish found therein, as may be necessary for the purpose of ascertaining whether any provision of this Ordinance or of any regulation has been contravened;

(b) Examine any fishing nets, fishing kraals, fishing stakes or other fishing equipment, which may be found in Ceylon waters;

(c) Enter any premises in which fish is stored, kept or cured for profit, or in which any aquarium is maintained for profit, and examine any fish found therein for the purpose of ascertaining whether any provision of this Ordinance or of any regulation has been contravened.

22.

(1) Any officer appointed under section 2 (1) may, if he has reason to believe that any offence under this Ordinance has been committed, seize and detain any fishing boat, or any fishing net or stake, or other equipment or instrument or any vehicle used in or in connexion with the commission of the offence, or any fish taken in the course of such commission.

(2) Where any article is seized under subsection (1), the officer by whom the article was seized shall, as soon as possible, produce that article before or make it available for inspection by a Magistrate's Court of competent jurisdiction; and the court shall make such order as it may deem fit relating to the custody of the article pending its disposal under subsection (3).

(3) Where any article is seized under subsection (1) from the possession of any person:

(a) It shall be returned to that person forthwith upon the expiration of fourteen days after the seizure, unless a prosecution for the alleged offence is instituted before the end of that period; or

(b) It shall, forthwith after the final determination of the prosecution, be returned to that person or to such other person as is considered by the court to be entitled to its possession unless it is duly declared to be forfeited to Her Majesty under subsection (2) of section 30.

23.

For the purposes of this Ordinance it shall be presumed until the contrary is proved

(a) That where any fish is found at any time in any fishing boat at any place in Ceylon or in Ceylon waters, such fish was taken

(i) By the owner of that boat, if he is in the boat at that time or if no person is found in the boat at that time, or

(ii) By the person for the time being in the boat and in charge thereof, if the owner is not in the boat at that time;

(b) That any person who takes, or is presumed under paragraph (a) (ii) to have taken, any fish from a fishing boat of which he is not the owner, is employed by the owner of that boat for the purpose of taking such fish;

(c) That where any fishing boat which has not been registered is at any time within Ceylon waters, any fish found in that boat at that time was taken for profit in Ceylon waters;

(d) That any fish which is not taken for sport, scientific research or for any other prescribed purpose, is taken for profit.

24.

(1) Where any poisonous, explosive or stupefying substance, which can be used for the purpose of poisoning, killing or stupefying fish, is found in the possession or control of any person in the neighbourhood of any Ceylon waters, shortly after such substance is proved to have been used in such waters, that person shall be presumed, until the contrary is proved, to have used such substance for the purpose aforesaid.

(2) Where any poisonous, explosive or stupefying substance, which can be used for the purpose of poisoning, killing or stupefying fish, is found in the possession or control of any person in a fishing boat in Ceylon waters, that person shall be presumed, until the contrary is proved, to have attempted to use such substance for the purpose aforesaid.

25.

Where any net, the use of which in any specified part of Ceylon waters is prohibited by any regulation made under this Ordinance, is found in the possession or under the control of any person within a distance of a quarter of a mile from such waters, then, for the purposes of any prosecution for a contravention of that regulation that person shall be presumed, until the contrary is proved, to have used such net in such waters.

26.

(1) Any person who acts in contravention of any provision of this Ordinance shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

(2) Any person who acts in contravention of any provision of any regulation or of any condition lawfully inserted in any fishing licence or permit granted under this Ordinance, shall be guilty of an offence and shall be liable to a fine not exceeding five hundred rupees.

(3) A person who acts in contravention of any provision of any regulation shall, in addition to any other penalty which may be imposed under subsection (2), be liable to a fine of one hundred rupees for each day during which the contravention is continued after conviction thereof.

(4) Any person who attempts or conspires to commit any offence under this Ordinance shall be deemed to be guilty of that offence.

27.

(1) Any person who acts in contravention of any of the provisions of section 14 shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not less than five hundred rupees or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment or on a second or subsequent conviction

to a fine not less than one thousand rupees or to imprisonment of either description for a term not exceeding two years or to both such fine and imprisonment.

...

30.

(1) Where the holder of a fishing licence or of a permit granted or issued under this Ordinance is convicted by a Magistrate of any offence under this Ordinance, the Magistrate may make order cancelling the licence or permit.

(2) The Magistrate may, on the conviction of any person of any offence under this Ordinance, make order declaring that any fishing boat, or any fishing net or stake, or other equipment or instrument or any vehicle used in or in connexion with the commission of the offence, or any fish taken in the course of such commission shall be forfeited to Her Majesty:

Provided that in the case of a conviction of an offence under section 14 or section 15, the Magistrate shall make order as aforesaid unless it is proved that the fishing boat, fishing net or stake, or other equipment or instrument or vehicle belongs to a person other than the person convicted and that the owner thereof had no knowledge that it would be used in or in connexion with the commission of the offence.

31.

Where any offence under this Ordinance is committed by any person in any part of the sea which is within Ceylon waters, the Magistrate's Court having jurisdiction:

(a) Over that part of the coast nearest to the place at which the offence was committed; or

(b) Over the place at which the person comes ashore after the commission of the offence,
shall have jurisdiction to try the offence.

...

35.

In this Ordinance, unless the context otherwise requires

...

“Ceylon waters” includes

(a) The territorial waters of Ceylon; and

(b) All public bays, rivers, lakes, lagoons, estuaries, streams, tanks, pools, ponds and channels and all other public inland waters;

...

“Fish” means any variety of marine, fluviomarine or fresh-water fishes, *crustacea* or *mollusca*, and includes every aquatic animal which derives its sustenance wholly or mainly in water, but does not include

(a) Chanks;

(b) Pearl oysters within the meaning of the Pearl Fisheries Ordinance;

(c) Whales to which the Whaling Ordinance applies; or

(d) Any reptile for the time being included in Schedule I to the Fauna and Flora Protection Ordinance;

“Fishing boat” means a vessel of whatever size, and in whatever way propelled, which is for the time being employed for the purpose of taking fish;

“Fishing licence” means a licence to take fish in Ceylon waters granted under section 5;

...

“Inland water” means any part of Ceylon waters other than the territorial waters of Ceylon;

...

“Territorial waters” means the part of the sea within a distance of three nautical miles from any point of the coast of Ceylon measured from low-water mark of ordinary spring tides.

22. SWEDEN

(a) ROYAL NOTICE OF 5 SEPTEMBER 1968 CONCERNING THE EXTENT OF THE SWEDISH FISHERY ZONE¹

His Majesty the King, in pursuance of article 1 of Act No. 596 of 1 December 1950 respecting fishery rights,² has seen fit to make the following order:

The Swedish fishery zone shall be bounded to the north by straight lines between the most westerly point on the outer boundary of Sweden's territorial sea in the direction of Norway, the point 58° 53' 34.0" N, 10° 38' 25.0" E and the point 58° 45' 41.3" N, 10° 35' 40.0" E and to the south by a straight line between the Kullen Lighthouse and Gilbjergohoved.

The fishery zone includes the area of sea beyond the territorial boundary up to a distance of eight nautical miles or 14,816 metres from that boundary, but not beyond a line on which all points are equidistant from the nearest points on the low-water line along the Swedish coast and along the coast of any foreign country.

...

(b) ROYAL NOTICE OF 5 SEPTEMBER 1968 CONCERNING THE RIGHT OF ALIENS TO FISH IN SWEDISH TERRITORIAL WATERS AND IN THE SWEDISH FISHERY ZONE³

His Majesty the King, in pursuance of articles 4 and 21 of Act No. 596 of 1 December 1950 respecting fishery rights,² has seen fit to make the following order:

¹ Entered into force on 1 November 1968. Text provided by the Permanent Representative of Sweden to the United Nations in a note verbale of 31 January 1972. Translation by the Secretariat of the United Nations.

² The Act, as amended, is reproduced in part in ST/LEG/SER.B/15, pp. 669-670.

³ Entered into force on 1 November 1968, whereupon Notice No. 47 of 25 March 1960 concerning the rights of aliens to fish in public waters and other matters ceased to have effect. Text provided by the Permanent Representative of Sweden to the United Nations in a note verbale of 31 January 1972. Translation by the Secretariat of the United Nations.

Article 1

Fishing may be carried on from Danish fishing vessels in the Swedish fishery zone north of a straight line from the most northerly point of the Skaw to the Vinga Lighthouse. South of that line Danish fishermen may fish in accordance with Royal Notice No. 282 of 2 June 1933 containing provisions concerning fishing in the frontier waters of Sweden and Denmark.

Fishing may be carried on from Norwegian fishing vessels in the Swedish fishery zone north of a straight line between the Skaw Lighthouse and the Tistlarna Lighthouse.

Nationals of Denmark, Finland, Iceland or Norway may engage in spare-time fishing with a rod, bob or similar hand-tackle in the Swedish fishery zone and along the sea coast, beyond the coast of Nedertonea commune, in public waters and in private waters within the limits specified in article 6, 11 to 13 and 15 of the Act respecting fishery rights.

The rights of nationals of Denmark, Finland or Norway to fish in certain frontier areas shall be governed by special provisions.

Article 2

Aliens who are not entitled to fish in accordance with article 1, third paragraph, of this Notice, or article 4, first paragraph, or article 21, first paragraph, of the Act respecting fishery rights may, upon authorization, engage in spare-time fishing in the Swedish fishery zone, in public waters or in private waters within the limits specified in articles 6 to 20 of the Act respecting fishery rights.

The question of authorization shall be considered by the Board of Fisheries. If fishing is to be carried on only in certain specific countries, authorization may be granted by the county authorities, or, if fishing is to be carried on with the use of hand-tackle for a period not exceeding fourteen days, by the police authorities in the locality. The authorization shall apply to a particular person. The Board of Fisheries may, however, also grant authorization to groups of aliens.

The Board of Fisheries and the police authorities shall inform the county authorities of any decisions whereby authorization is granted.

Article 3

With respect to spare-time fishing carried on in pursuance of article 1, third paragraph, or under authorization as provided in article 2, the appropriate portions of articles 3, 4, 10 and 11 of the Fisheries Act (No. 607) of 24 September 1954¹ shall apply also in the case of fishing from foreign vessels in the Swedish fishery zone.

Article 4

A spare-time fishing permit shall be carried by the person fishing at the time of fishing and shall be shown upon request to the fishing warden or any other person supervising fishing in accordance with the provisions in force.

¹ The Act is reproduced in part in ST/LEG/SER.B/15, pp. 671-673.

Article 5

Fish caught in the course of spare-time fishing as provided in this Royal Notice may not be sold.

The spare-time fishing permit shall mention the prohibition contained in the first paragraph.

Article 6

Any person who fails to comply with the provisions of article 4 shall be fined up to 500 kroner. If, however, the person concerned can satisfy the fishing warden, police authority or prosecutor, within three working days from the date of the request to produce a permit, that at the time of the offence he was in possession of a valid permit, he shall be exempt from the penalty.

Any person who fails to comply with the provisions of article 5, first paragraph, shall be fined.

23. UNION OF SOVIET SOCIALIST REPUBLICS

FUNDAMENTAL PRINCIPLES OF WATER LEGISLATION IN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE UNION REPUBLICS, DATED 10 DECEMBER 1970, articles 10, 28 and 29¹

24. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND*(a) SEA FISHERIES REGULATION ACT 1966²**Sea fisheries districts and local fisheries committees**1. Establishment of sea fisheries districts and local fisheries committees*

(1) The Minister may, on the application of a county council or borough council, by order

(a) Create a sea fisheries district comprising any part of the sea within the national or territorial waters of the United Kingdom adjacent to England or Wales, either with or without any part of the adjoining coast, and

(b) Define the limits of the district, and the area chargeable with any expenses under this Act, and

(c) Provide for the constitution of a local fisheries committee for the regulation of the sea fisheries carried on within the district;

¹ *Supra* DIVISION I, SUBDIVISION A, Chapter I, 29(b).

² 1966 Chapter 38, 17 November 1966. Came into force on 18 December 1966. This Act does not extend to Scotland or Northern Ireland. By this Act, several enactments were repealed, including (1) The Sea Fisheries Regulation Act 1888 (partly reproduced in ST/LEG/SER.B/6, pp. 588-590) as amended by the Schedule I to the Fishery Limits Act 1964 (ST/LEG/SER.B/15, p. 679), and (2) The Sea Fisheries (Shell Fish) Regulation Act 1894 (57 and 58 Vict. c.26).

and the Minister may, by a subsequent order made on the like application, or made on the application of the local fisheries committee and after consultation with every county or borough council concerned, vary or revoke any order made under this section, or unite two or more districts or parts of districts into a separate sea fisheries district that may have been created.

...

Powers of local fisheries committees

5. Byelaws for regulation, etc., of sea fisheries

(1) The local fisheries committee for a sea fisheries district may, subject to such regulations as may be made in that behalf by the Minister by statutory instrument, make byelaws, to be observed within their district, for all or any of the following purposes, namely

(a) For restricting or prohibiting, either absolutely or subject to any exceptions and regulations, the fishing for or taking of all or any specified kinds of sea fish during any period specified in the byelaw;

(b) For restricting or prohibiting, either absolutely or subject to such regulations as may be provided by the byelaws, any method of fishing for sea fish or the use of any instrument of fishing for sea fish and for determining the size of mesh, form and dimensions of any instrument of fishing for sea fish;

(c) For prohibiting or regulating the deposit or discharge of any solid or liquid substance detrimental to sea fish or sea fishing;

...

10. Appointment and powers of fishery officers

(1) Subject to any restrictions or conditions as to expenditure made by the council or councils by whom a local fisheries committee is appointed, the committee may appoint such fishery officers as they deem expedient for the purpose of enforcing the observance within their district of byelaws made by the committee, but nothing in this section shall exempt British sea-fishery officers from their statutory duty of enforcing the laws and regulations affecting vessels engaged in sea fishing.

(2) For the purpose of enforcing byelaws made by a local fisheries committee any fishery officer appointed by the committee may within the limits of the district, or of any adjoining sea fisheries district or district under the jurisdiction of a river authority or of a harbour authority,

(a) Stop and search any vessel or vehicle used within the district in fishing or in conveying either fish or any substance the deposit or discharge of which is prohibited or regulated by any such byelaw;

(b) Examine any instrument used in fishing for fish and search any container used in carrying fish; and

(c) Seize any sea fish or instrument taken or used in contravention of any such byelaw.

(3) For the enforcement of the provisions of any such byelaw every such officer shall be deemed to be a constable and to have the same powers and

privileges and be subject to the same liabilities as a constable duly appointed has and is subject to at common law or by statute.

...

(b) SEA FISH (CONSERVATION) ACT 1967,¹ AS AMENDED IN 1968²

Restrictions on commercial use of undersized, etc., sea fish

1. *Size limits, etc., for fish*

(1) Subject to the provisions of this section and of section 9 (1) of this Act, no person shall, in Great Britain, land, sell, expose or offer for sale, or have in his possession for the purpose of sale, any sea fish of any description, being a fish of a smaller size than such size as may be prescribed in relation to sea fish of that description by an order of the Ministers, and orders under this subsection may prescribe a different size in relation to landing from that prescribed for other purposes.

(2) Where an order under subsection (1) above prescribes a size for fish of any description (whether in relation to landing only or for all the purposes of the subsection), then, except in so far as provision to the contrary is made by such an order, a person who in Great Britain lands a part of a fish of that description, shall, subject to section 9(1) of this Act, be deemed to contravene subsection (1) above if the part is of a smaller size than the one so prescribed.

(3) Sea fish of any description which are of less than the minimum size prescribed in relation to sea fish of that description by an order under subsection (1) above shall not be carried, whether within or outside the fishery limits of the British Islands, on a British fishing boat.

(4) An order under subsection (1) above may prohibit the carrying, by any foreign fishing boat in waters adjacent to the United Kingdom and within the fishery limits of the British Islands, of sea fish of any description prescribed by the order which are of less than the minimum size so prescribed in relation to sea fish of that description.

(5) An order under subsection (1) above may confer exemptions from any prohibition imposed by or by virtue of this section; and any such exemption may be general or subject to conditions and may relate to all fish to which the order applies or to fish of any specified description.

(6) Any person who contravenes subsection (1) above shall be guilty of an offence under that subsection and if subsection (3) above is not complied with in the case of any fishing boat, the master, the owner and the charterer (if any) shall each be guilty of an offence under that subsection.

...

¹ 1967 Chapter 84, 27 October 1967. Came into force on 28 November 1967. Several provisions of this Act do not extend to Northern Ireland. By this Act, provisions of several enactments were repealed, including the Sea-Fishing Industry Act 1933 (reproduced in part in ST/LEG/SER.B/6, p. 596) (the entire act except Section 4(2)), the White Fish and Herring Industries Act 1948 (reproduced in part *ibid.*, pp. 599-600) (Sections 1, 2, and 10(a) only), and the Sea Fish Industry Act 1959 (Sections 4 to 8, 9(1) (a) and (b), 10 to 12, 14(2), etc.).

² Amended by the Sea Fisheries Act 1968, *infra* (d).

Regulation of fishing for sea fish

3. *Regulation of nets and other fishing gear*

(1) The Ministers may make an order for securing that the nets and other fishing gear carried in any British fishing boat registered in the United Kingdom comply with such requirements as to construction, design, material, or size, including, in the case of nets, size of mesh, as may be prescribed by the order, and an order under this section, or any provisions of such an order, may be framed so as to apply only in relation to fishing for specified descriptions of sea fish, to specified methods of fishing or to fishing in specified areas or during specified periods.

(2) An order under this section may be made so 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.

...

(5) If any order under this section is contravened in the case of any fishing boat, the master, the owner and the charterer (if any) shall each be guilty of an offence under this section.

...

4. *Licensing of British fishing boats*

(1) As from such day as may be appointed by an order¹ made by the Ministers and subject to such exceptions as may be made by any such order, no British fishing boat registered in the United Kingdom shall be used by way of trade or business for fishing in any area specified in the order, and no fishing boat which is British-owned but not registered under the Merchant Shipping Act 1894 shall be used by way of trade or business for fishing for salmon or migratory trout in any area so specified, except under the authority of a licence granted by one of the Ministers and for the time being in force.

...

(7) If subsection (1) above is contravened in the case of any fishing boat, the master, the owner and the charterer (if any) shall each be guilty of an offence under this section.

...

5. *Power to restrict fishing for sea fish*

(1) Subject to the provisions of this section, where it appears to the Ministers necessary or expedient to do so for the purpose of giving effect to any convention or agreement for the time being in force between Her Majesty's Government in the United Kingdom and the government of any other country, they may by order² prohibit, for any period and in any area specified in the order

¹ The Salmon and Migratory Trout (Sea Fishing) Licensing Order 1971 (*Statutory Instruments* 1971, No. 181) appointed the day for the purpose of this section as 15 February 1971.

² See, e.g., the Sea Fish (Northwest Atlantic) Order 1970, *infra* (j), the Salmon and Migratory Trout (Prohibition of Fishing) Order 1971, *infra* (k), and the Salmon (Northwest Atlantic) Order 1971, *infra* (l).

(a) All fishing for sea fish, or
 (b) The fishing for any description of sea fish specified in the order, or
 (c) The fishing for sea fish, or for any description of sea fish specified in the order, by any method so specified,
 by any fishing boat to which the prohibition applies; and where any fishing boat is used in contravention of any prohibition imposed by an order under this section, the master, the owner and the charterer (if any) shall each be guilty of an offence under this subsection.

(2) The power conferred by subsection (1) above shall, in relation to the imposition of any prohibition:

(a) On fishing for salmon or migratory trout, whether within or outside the fishery limits of the British Islands, or

(b) On fishing for any other sea fish in any waters adjacent to Great Britain and within those limits,

be exercisable wherever it appears to the Ministers to be necessary or expedient to exercise that power, whether for the purpose of giving effect to such a convention or agreement as is therein mentioned or not.

(6) Where an order under this section is made in respect of a description of sea fish specified in the order, and, in the course of any fishing operations conducted in an area so specified and at a time when a prohibition imposed by the order in relation to sea fish of that description has effect in that area, any sea fish of that description (or, if the prohibition applies only to fishing for sea fish of that description by a method specified in the order, any sea fish of that description caught by that method) are taken on board a fishing boat to which the obligation imposed by this subsection applies, those sea fish shall, subject to section 9 of this Act, be returned to the sea forthwith.

(7) Where subsection (6) above is not complied with in the case of any fishing boat, the master, the owner and the charterer (if any) shall each be guilty of an offence under that subsection.

(8) Subject to section 9 of this Act, any prohibition imposed by an order under this section, and the obligation imposed by subsection (6) above, shall apply to all British fishing boats registered in the United Kingdom and, in any waters adjacent to the United Kingdom which are within the fishery limits of the British Islands, also to all other fishing boats; and any prohibition imposed by such an order, in so far as it relates to fishing for salmon or migratory trout, shall apply also to any fishing boats which are British-owned but not registered under the Merchant Shipping Act 1894.

Regulation of the landing of sea fish

6. Prohibition on landing of sea fish caught in certain areas

(1) The Ministers, after consultation with the Board of Trade, may by order¹ prohibit, in accordance with the provisions of this section, the landing

¹ e.g., the Hake (Regulation of Landing) Order 1970 (*Statutory Instruments* 1970 No. 373) and the Salmon and Migratory Trout (Restriction on Landing) Order 1971 (*ibid.*, 1971 No. 172).

in the United Kingdom of sea fish, or any particular description of sea fish, being fish caught in any such waters as may be specified in the order.

...

Exemptions for certain operations

9. *Exemption for operations for scientific and other purposes*

(1) Nothing in section 1 (1) or (2) of this Act shall restrict the landing of fish taken in the course of fishing operations which, under the authority of one of the Ministers, are conducted for the purpose of scientific investigation.

(2) Nothing in section 1 (3) of this Act or in any order made under section 3 thereof shall apply in relation to fishing operations which, under the authority of one of the Ministers, are conducted for the purpose of scientific investigation or for the purpose of transplanting fish from one fishing ground to another.

(3) Neither a prohibition imposed by an order under section 5 of this Act, nor the obligation imposed by subsection (6) of that section, shall apply in relation to fishing operations conducted under the authority of one of the Ministers for either of the purposes mentioned in subsection (2) above.

(4) No enactment to which this subsection applies, and no order or byelaw made (whether before or after the passing of this Act) under any such enactment, shall restrict the carrying on of any operations which, under the authority of one of the Ministers, are conducted for the purpose of scientific investigation, or for the purpose of transplanting sea fish from one fishing ground to another, or shall restrict the landing of sea fish caught in the course of any such operations.

(5) Subsection (4) above applies to sections 4, 5, 6 and 8 of this Act and to any other enactment which provides for regulating the catching or landing of sea fish.

...

Measures for increase or improvement of marine resources

10. *Measures for increase or improvement of marine resources*

The Ministers may take or concur or assist in the taking of such measures for the increase or improvement of marine resources as may be required for giving effect to any convention or agreement for the time being in force between Her Majesty's Government in the United Kingdom and the government of any other country.

Penalties for, and other provisions as to, offences

11. *Penalties for offences*

(1) Any person guilty of an offence under any provision of this Act shall be liable on summary conviction

(a) In the case of a first offence under that provision, to a fine not exceeding £100;

(b) In the case of a second or subsequent offence under section 1 (1) or (3), section 2 or section 5 (6), to a fine not exceeding £200; and

(c) In the case of a second or subsequent offence under any other provision of this Act, to imprisonment for a term not exceeding three months or a fine not exceeding £200 or both.

(2) Subject to the following provisions of this section, the court by which a person is convicted of an offence under any of the following provisions of this Act, that is to say, sections 1 (3), 3, 4, 5 (1) or (6) and 6, may:

(a) In the case of an offence under section 1 (3), order the forfeiture of any fish in respect of which the offence was committed;

(b) In the case of an offence under section 3, order the forfeiture of the net or other fishing gear in respect of which the contravention constituting the offence occurred;

(c) In the case of an offence under section 4 or section 5 (1) or (6), order the forfeiture of any fish in respect of which the offence was committed and of any net or other fishing gear used in committing the offence;

(d) In the case of an offence under section 6, order the forfeiture of any fish in respect of which the offence was committed and of any net or other fishing gear used on the vessel in catching any fish landed in contravention of an order under that section.

(3) Any person guilty of an offence under section 4, section 5 (1) or (6) or section 6 of this Act shall, subject to subsection (5) below, be liable on summary conviction to a fine not exceeding the value of the fish in respect of which the offence was committed.

(4) A person shall not be liable to a fine under subsection (3) above in respect of an offence if, under subsection (2) above, the court orders the forfeiture of the fish in respect of which the offence was committed; and where a fine is imposed under subsection (3) above in respect of any offence, the court shall not have power under subsection (2) above to order the forfeiture of the fish in respect of which the offence was committed.

(5) Subject to subsection (4) above, any fine to which a person is liable under subsection (3) above in respect of an offence shall be in addition to any other penalty (whether pecuniary or otherwise) to which he is liable in respect of that offence under this section or under any other enactment.

12. *Offences committed by bodies corporate*

Where any offence under any of the following provisions of this Act, that is to say, section 1(1) and (3) and sections 3 and 6, committed by a body corporate is proved to have been committed with the consent or approval of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Enforcement of orders, etc.

15. *Powers of British sea-fishery officers for enforcement of Act*

(1) Every British sea-fishery officer shall have the powers conferred by the following provisions of this section.

(2) Any such officer may seize:

(a) Any net or other fishing gear in respect of which a contravention of an order under section 3 of this Act has been, or is being, committed;

(b) Any fish caught by the use of a fishing boat contravening section 4 (1) of this Act, or caught in contravention of a prohibition imposed by an order under section 5 thereof, where the fish are on the fishing boat or, as the case may be, on the fishing boat used in contravention of such a prohibition or are in the ownership or custody, or under the control, of the owner or master or the charterer (if any) of the fishing boat;

(c) Any net or other fishing gear used in contravening the said section 4 (1) or used in contravention of a prohibition imposed by an order under the said section 5;

(d) Any fish landed in contravention of an order under section 6 of this Act, and any net or other fishing gear used in catching any fish so landed.

(3) Any such officer may exercise in relation to any fishing boat in any waters adjacent to the United Kingdom and within the fishery limits of the British Islands, and in relation to any British fishing boat registered in the United Kingdom and any British owned fishing boat (not so registered) anywhere outside those limits, such of the powers of a British sea-fishery officer under section 8 (2) to (4) of the sea Fisheries Act 1968¹ as may be conferred on him by order of the Ministers, being powers which the Ministers consider necessary for the enforcement of any of the provisions of sections 1 to 7 of this Act or any order made under any of those sections.

(4) An order under this section may make different provision for different cases.

(5) Section 10 of the Sea Fisheries Act 1968 shall apply in relation to the provisions of an order under this section and the powers thereby conferred as they apply in relation to section 8 of that Act and the powers thereby conferred; and, in relation to an offence under the said section 10 as it applies by virtue of this subsection, sections 12 to 14 of that Act shall apply accordingly.

16. *Enforcement of orders under ss. 1 and 2.*

(1) With a view to enforcing any order under section 1 of this Act, and with a view to enforcing section 2 thereof, any of the following officers, that is to say

(a) Any officer authorised by the appropriate Minister,

(b) Any police officer,

(c) Any officer of a market authority, acting within the limits of any market which that authority has power to regulate,

(d) Any fishery officer of a local fisheries committee acting within the district of the committee, and

(e) Any officer authorised by the Fishmongers' Company and acting within the City of London,

may, at all reasonable times, go on board any fishing boat or enter any premises used for carrying on any business in connection with the treatment, storage

¹ *Infra* (d).

or sale of sea fish, may search for and examine any sea fish in any place, whether on board a fishing boat or elsewhere, and whether in a receptacle or not, and may seize any sea fish which have been landed, sold or exposed or offered for sale by any person in contravention of the said section 1, or which any person has in his possession in contravention of the said section 1 or 2, as the case may be.

...

17. *Enforcement of orders under s. 3*

With a view to enforcing any order made under section 3 of this Act, any fishery officer of a local fisheries committee may, within the district of the committee, go on board any British fishing boat registered in the United Kingdom and search for and examine all nets or other fishing gear carried in that boat, and may seize any net or other fishing gear in respect of which a contravention of an order under that section has been, or is being, committed.

...

22. *Interpretation*

(1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:

“British-owned”, in relation to a fishing boat, means owned by a person who is (within the meaning of the Merchant Shipping Act 1894) a person qualified to own a British ship, or owned by two or more persons any one of whom is (within the meaning of that Act) a person so qualified;

“British sea-fishery officer” means any person who by virtue of section 7 of the Sea Fisheries Act 1968 is a British sea-fishery officer;

...

(2) In this Act “the appropriate Minister”, in relation to England and Wales, means the Minister of Agriculture, Fisheries and Food, and, in relation to Scotland, means the Secretary of State concerned with the sea fishing industry in Scotland, and “the Ministers”:

(a) Except in sections 1 and 9(1) and (4) of this Act means the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with the sea fishing industry in Scotland and Northern Ireland;

(b) In the said sections 1 and 9(1) means the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with the sea fishing industry in Scotland;

(c) In the said section 9(4) means the Minister of Agriculture, Fisheries and Food, the Secretary of State concerned with the sea fishing industry in Scotland and the Ministry of Agriculture for Northern Ireland.

...

(c) SEA FISHERIES (SHELLFISH) ACT 1967,¹ AS AMENDED IN 1968²*Fisheries for shellfish*1. *Power to make orders as to fisheries for shellfish.*

(1) Subject to the provisions of this section, the appropriate Minister may, on an application made to him in accordance with subsection (2) of this section, by order provide for the establishment or improvement, and for the maintenance and regulation, of a fishery for shellfish or any one or more of the following descriptions, that is to say, oysters, mussels, cockles, clams and any other molluscs of a kind specified in regulations made by the appropriate Minister on any portion of the shore and bed of the sea, or of an estuary or tidal river, above or below, or partly above and partly below, low water mark and within so much of the exclusive fishery limits of the British Islands as is adjacent to Great Britain (which shore and bed are in this Act referred to as "the sea shore") and, if desirable, for the constitution of a board or body corporate for the purposes of the order.

(2) An application for an order under this section shall be made in such form and manner as may be prescribed by regulations made by the appropriate Minister; and the provisions of Schedule 1³ to this Act shall have effect in relation to the making of orders under this section.

(3) An order under this section may confer on such persons as may be specified in the order:

(a) A right of several fishery with respect to the whole of the area of the fishery to which the order relates, or

(b) A right of regulating a fishery with respect to the whole of that area, or

(c) A right of several fishery with respect to such part of that area as may be specified by or under the order and a right of regulating a fishery with respect to the remainder,

but shall not confer either right for a longer period at one time than sixty years.

...

2. *Effect of grant of right of several fishery*

(1) Where an order under section 1 of this Act confers a right of several fishery, then, subject to any restrictions and exceptions contained in the order and to section 12 of this Act, the grantees shall have within the limits of the fishery, or of that part of the fishery within which the right is exercisable, the exclusive right of depositing, propagating, dredging, fishing for and taking shellfish of any description to which the order applies, and in the exercise of that right may within those limits

(a) Make and maintain beds for such shellfish;

(b) At any season collect such shellfish and remove them from place to place and deposit them as and where the grantees think fit;

¹ 1967, Chapter 83; 27 October 1967.

² Amended by the Sea Fisheries Act 1968, *infra* (d).

³ The Schedule is not reproduced here.

(c) Do all other things which the grantees think proper for obtaining, storing and disposing of the produce of their fishery.

(2) In this section "the grantees" means the persons for the time being entitled to the right of several fishery conferred by the order under the said section 1.

3. *Effect of grant of right of regulating a fishery*

(1) Where an order under section 1 of this Act confers on the grantees a right of regulating a fishery for any specified description of shellfish and imposes restrictions on, or makes regulations respecting, the dredging, fishing for and taking of any specified description of shellfish within the limits of the regulated fishery, or of that part of the fishery within which the right is exercisable, or imposes tolls or royalties upon persons dredging, fishing for and taking any specified description of shellfish within the limits of that fishery or part, then, subject to any restrictions and exceptions contained in the order and to section 12 of this Act, the grantees shall have power to do all or any of the following things, namely:

(a) To carry into effect and enforce any such restrictions and regulations;

(b) To levy any such tolls or royalties;

(c) To provide for depositing and propagating shellfish of any description to which the order applies within those limits and for improving and cultivating the regulated fishery or regulated part, as the case may be.

...

4. *Licensing powers in case of regulated fishery*

(1) This section applies to an order made under section 1 of this Act, being an order which confers a right of regulating a fishery.

(2) The restrictions imposed by an order to which this section applies may include restrictions prohibiting all persons from dredging, fishing for or taking, within the limits of the fishery or of that part of the fishery within which the right is exercisable, shellfish of the description to which the order applies except under the authority of a licence issued in that behalf by the grantees.

(3) Any power to vary an order to which this section applies shall (without prejudice to the generality of that power) include power to vary the order so as to impose restrictions in accordance with subsection (2) of this section.

(4) Where an order to which this section applies (either as originally made or as varied) imposes any such restrictions, then, subject to the provisions of the order and of this section, licences may be issued under the order in such numbers and to such persons, and operative for such periods, and may authorise the dredging, fishing for or taking of shellfish at such times, in such manner and to such extent, as the grantees may determine.

(5) Where in pursuance of such an order the grantees propose to issue licences, they shall, unless they propose to issue licences to all such persons as may apply for them, notify the appropriate Minister of their intention; and the appropriate Minister may give directions to the grantees as to the exercise of their powers under subsection (4) of this section.

(6) If the grantees issue or withhold licences without complying with the requirements of subsection (5) of this section or of any directions given thereunder, then, for the purposes of section 5 of this Act (and without prejudice to the generality of that section) the grantees shall be taken not to be properly carrying into effect the restrictions imposed by the order; but no licence issued in contravention of any such requirements shall be invalid by reason only that it was so issued.

...

7. Protection of fisheries

(1) The provisions of this section shall have effect where

(a) An order under section 1 of this Act grants a right of several fishery, or

(b) A private oyster bed is owned by any person independently of this Act and is sufficiently marked out or sufficiently known as such.

(2) All shellfish of a description to which the order applies in or on a bed for such shellfish within the area of the fishery with respect to which the right of several fishery is conferred, or, as the case may be, all oysters in or on the private oyster bed, shall be the absolute property of the grantees or, as the case may be, of the owner of the bed and in all courts and for all purposes shall be deemed to be in the actual possession of the grantees or, as the case may be, owner.

(3) All such shellfish removed by any person from a bed for such shellfish within the area of the fishery with respect to which the right of several fishery is conferred, or, as the case may be, all oysters removed by any person from the private oyster bed, shall, unless sold in market overt or disposed of by or under the authority of the grantees or, as the case may be, of the owner of the bed, be the absolute property of the grantees or, as the case may be, of the owner, and in all courts and for all purposes the absolute right to the possession thereof shall be deemed to be in the grantees or, as the case may be, owner.

(4) Subject to subsection (5) of this section, if within the limits of the area of the fishery with respect to which the right of several fishery is conferred or in any part of that area described for the purposes of this subsection in the order, or within the limits of any such private oyster bed, any person other than the grantees or an agent or employee of theirs or, as the case may be, the owner or an agent or employee of his knowingly does any of the following things, namely:

(a) Uses any implement of fishing except:

(i) A line and hook; or

(ii) A net adapted solely for catching floating fish and so used as not to disturb or injure in any manner shellfish of the description in question or any bed therefor or the fishery therefor;

(b) Dredges for any ballast or other substance except under a lawful authority for improving the navigation;

(c) Deposits any ballast, rubbish or other substance;

(d) Places any implement, apparatus or thing prejudicial or likely to be prejudicial to any such shellfish, bed or fishery except for a lawful purpose of navigation or anchorage;

(e) Disturbs or injures in any manner, except for a lawful purpose of navigation or anchorage, any such shellfish, bed or fishery;

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding, in the case of a first offence, £2 or, in the case of a second offence, £5, or, in the case of a third or subsequent offence, £10, and shall also be liable to make full compensation to the grantees or, as the case may be, owner for all damage sustained by them or him by reason of the unlawful act; and such compensation in default of payment may be recovered from him by the grantees or owner as the case may be by proceedings in any court of competent jurisdiction whether he has been prosecuted for or convicted of the offence in question or not.

(5) Nothing in subsection (4) of this section shall make it unlawful for any person to do any of the things therein mentioned

(a) In the case of a right of several fishery granted by an order under section 1 of this Act, if at the time of his doing that thing the limits of the area of the fishery within which that right is exercisable or of the part of that area described for the purposes of the said subsection (4) in the order are not sufficiently marked out in manner prescribed by or under the order or if notice of those limits has not been given to that person in manner so prescribed;

(b) In the case of a private oyster bed owned by any person independently of this Act, if the bed is not sufficiently marked out and known as such.

(6) In this section "the grantees" means the persons for the time being entitled to the right of several fishery conferred by the order under section 1 of this Act.

...

17. *Taking and sale of certain crabs and lobsters prohibited*

(1) Subject to subsection (2) of this section, any person who takes, has in his possession, sells, exposes for sale, buys for sale, or consigns to any person for the purpose of sale,

(a) Any edible crab carrying any spawn attached to the tail or other exterior part of the crab, or

(b) Any edible crab which has recently cast its shell,
shall be guilty of an offence.

(2) A person shall not be guilty of an offence under subsection (1) of this section if he satisfies the court that the edible crabs found in his possession or alleged to have been sold, exposed for sale, bought for sale, or consigned to any person for the purpose of sale, were intended for bait for fishing.

...

22. *Interpretation*

(1) In this Act "the Minister" means the Minister of Agriculture, Fisheries and Food and "the appropriate Minister", in relation to England and Wales, means the Minister and, in relation to Scotland, means the Secretary of State.

(2) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say

...
 "Shellfish" includes crustaceans and molluscs of any kind, and includes any part of a shellfish and any (or any part of any) brood, ware, half-ware or spat of shellfish, and any spawn of shellfish, and the shell, or any part of the shell, of a shellfish, and references in this Act to shellfish of any particular description shall be construed accordingly;
 ...

(d) SEA FISHERIES ACT 1968¹

Regulation of sea fishing operations

5. Regulation of conduct of fishing operations

(1) The Ministers may, for the purpose of giving effect to any convention for the time being in force between Her Majesty's Government in the United Kingdom and the government of any other country, by order make provision for regulating the conduct of, and safeguarding, fishing operations and operations ancillary thereto, including provision with respect to the identification and marking of fishing boats and fishing gear.

(2) The provisions of any order under subsection (1) above shall, except as provided by the order, apply:

(a) To all British fishing boats, and things done by such boats and their crews, anywhere within the convention area to which the order relates; and

(b) To all foreign fishing boats, and things done by such boats and their crews, in waters which are within both the fishery limits of the British Islands and that convention area.

(3) The Ministers may by order make such provision as is mentioned in subsection (1) above with respect to foreign fishing boats which, in pursuance of an arrangement for the time being in force between Her Majesty's Government in the United Kingdom and the government of any other country, enter the fishery limits of the British Islands for the purpose of carrying on fishing operations or operations ancillary thereto, including provisions regulating the movement of those boats within those limits.

¹ 1968, Chapter 77; 18 December 1968. Most of the provisions, including all those reproduced here, were brought into operation on 24 November 1969 by the Sea Fisheries Act 1968 (Commencement No. 1) Order 1969 (*Statutory Instruments* 1969 No. 1551 (c. 42)).

By this Act a number of enactments were ordered to be repealed wholly or partly. These include, notably, the Sea Fisheries Act 1883 (partly reproduced in ST/LEG/SER.B/6, pp. 584-588) (the whole Act) and the Fishery Limits Act 1964 (partly reproduced in ST/LEG/SER.B/15, pp. 676-679 (Sections 1(2), 2 and 3(2) and (5)). The above-mentioned Order of 1969 exempted from being repealed on 24 November 1969 some of the provisions of these Acts, e.g., sections 1 to 5, 11, 14 to 22, 26, 28 and 31 of the former, and section 3(2) of the latter.

(4) Where a provision of an order under this section is not complied with in the case of a fishing boat or its crew, any person prescribed by the order in relation to that provision, being one or more of the following, that is to say the master, the owner, and the charterer, if any, shall be liable on summary conviction in the case of a first offence under this section to a fine not exceeding £200 and in the case of a second or subsequent offence thereunder to a fine not exceeding £400.

...

6. *Restriction on fishing within the fishery limits of the British Islands*

(1) A foreign fishing boat not registered in a country for the time being designated under the Fishery Limits Act¹ shall not enter the fishery limits of the British Islands except for a purpose recognised by international law, or by any convention for the time being in force between Her Majesty's Government in the United Kingdom and the government of the country to which the boat belongs; and any such boat which enters those limits

(a) Shall return outside those limits as soon as the purpose for which it entered them has been fulfilled; and

(b) Shall not fish or attempt to fish while within those limits.

(2) A foreign fishing boat registered as aforesaid shall not enter the exclusive fishery limits except for any such purpose as aforesaid and if it enters those limits

(a) Shall return outside them as soon as the purpose for which it entered them has been fulfilled; and

(b) Shall not fish or attempt to fish while within those limits.

(3) A foreign fishing boat so registered shall not fish or attempt to fish in the outer belt except in an area and for any description of fish for the time being designated under the Fishery Limits Act 1964 in relation to the country in which it is registered.

(4) The fishing gear of a foreign fishing boat which is prohibited by this section from fishing in any area within the fishery limits of the British Islands shall, while the boat is in that area, be stowed in accordance with an order² made by the Ministers, and if a fishing boat is prohibited by this section from fishing in an area for the time being designated as aforesaid for fish for the time being not so designated, all the fishing gear of the boat except that required by it for fishing for fish for the time being so designated shall, while the boat is in that area, be stowed as aforesaid.

(5) In the event of a contravention of this section in the case of a fishing boat

(a) The master of the boat shall be liable on summary conviction to a fine not exceeding £500; and

(b) The court may on convicting him of an offence under this section order the forfeiture of any fish or fishing gear found in the boat or taken or used by any person from the boat; and

¹ 1964, Chapter 72. Partly reproduced in ST/LEG/SER.B/15, pp. 676-679.

² See the Foreign Fishing Boats (Stowage of Gear) Order 1970, *infra* (i).

(c) Where the contravention takes place in Scotland, any fish or fishing gear forfeited under paragraph (b) above may be destroyed or otherwise disposed of as the court may direct.

(6) The foregoing provisions of this section shall not prohibit or restrict fishing by fishing boats registered in a country outside the United Kingdom in any area with respect to which special provision for fishing by such boats is made by any arrangement between Her Majesty's Government in the United Kingdom and the government of that country.

7. *Sea-fishery officers*

(1) The following persons shall be British sea-fishery officers for the purposes of the Sea Fisheries Acts, that is to say

(a) Officers of the sea-fishery inspectorates of each of the appropriate Ministers other than assistant fishery officers;

(b) Commissioned officers of any of Her Majesty's ships;

(c) Persons in command or charge of any aircraft or hovercraft of the Royal Navy, the Army or the Royal Air Force;

(d) Officers of the fishery protection service of the Secretary of State holding the rank of commander, first officer or second officer;

(e) Officers of Customs and Excise;

(f) The following members of the Coastguard, that is to say, inspectors, district officers and members in charge of coastguard stations;

(g) Other persons appointed as British sea-fishery officers by one of the appropriate Ministers.

(2) The appropriate Minister may appoint any person to exercise and perform the powers and duties of a British sea-fishery officer subject to such limitations as may be specified in the instrument appointing him; and for the purposes of the Sea Fisheries Acts a person so appointed shall be a British sea-fishery officer within those limitations, but not otherwise.

(4) In this Act, "foreign sea-fishery officer", in relation to any convention with respect to the conduct or safeguarding of fishing operations or operations ancillary thereto to which Her Majesty's Government in the United Kingdom is a party, means a person of any class specified in an order made by the Ministers, being a person appointed by the government of any other country which is a party to the convention to enforce its provisions or any other person having power under the laws of that other country to enforce those provisions.

(5) *In this section "the appropriate Minister" means:*

(a) In relation to England and Wales, the Minister of Agriculture, Fisheries and Food;

(b) In relation to Scotland, the Secretary of State; and

(c) In relation to Northern Ireland, the Ministry of Agriculture for Northern Ireland.

8. *General powers of British sea-fishery officers*

(1) For the purpose of enforcing the provisions of any order under section 5 above or of section 6 above or any order thereunder a British sea-fishery officer may exercise in relation to any fishing boat within the fishery limits of the British Islands and in relation to any British fishing boat anywhere outside those limits the powers conferred by subsections (2) to (4) below.

(2) He may go on board the boat, with or without persons assigned to assist him in his duties, and for that purpose may require the boat to stop and do anything else which will facilitate the boarding of the boat.

(3) He may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to him to be necessary for the purpose mentioned in subsection (1) above and, in particular,

(a) May examine any fish on the boat and the equipment of the boat, including the fishing gear, and require persons on board the boat to do anything which appears to him to be necessary for facilitating the examination; and

(b) May require any person on board the boat to produce any documents relating to the boat or the persons on board which are in his custody or possession and may take copies of any such document.

(4) Where it appears to a British sea-fishery officer that a contravention of any provision of an order under section 5 above or of section 6 above or any order thereunder has at any time taken place within the fishery limits of the British Islands, he may take the boat in relation to which the contravention took place and the crew of the boat to the port which appears to him to be the nearest convenient port and detain the boat and the crew in the port until the completion of proceedings for the contravention.

(5) If it appears to a British sea-fishery officer that a British fishing boat or a fishing boat belonging to a country which is party to a convention to which Her Majesty's Government in the United Kingdom is a party is being so navigated or stationed as to interfere or be likely to interfere with fishing operations which are being carried on, or about to be carried on, within the fishery limits of the British Islands, he may require the boat to move away or to move in a direction or to a position specified by him.

(6) For the purpose of enforcing the collision regulations made under section 418 of the Merchant Shipping Act 1894,¹ so far as they apply to fishing boats, a British sea-fishery officer may exercise, in relation to any fishing boat within the fishery limits of the British Islands and in relation to a British fishing boat anywhere outside those limits, the powers conferred by section 723(1) of that Act (enforcement), whether or not he is mentioned in that subsection, and also the powers conferred by the foregoing provisions of this section, and section 723(2) of that Act so far as it relates to the former powers shall apply accordingly.

9. *Powers of sea fishery officers to enforce conventions*

(1) For the purpose of enforcing the provisions of any convention with respect to the conduct or safeguarding of fishing operations to which Her

¹ For the text of section 418, see ST/LEG/SER.B/6, p. 272.

Majesty's Government in the United Kingdom is a party a foreign sea-fishery officer may, in relation to a British fishing boat, and a British sea-fishery officer may, in relation to any foreign fishing boat, exercise anywhere within the convention area outside the fishery limits of the British Islands the powers conferred by section 8(2) and (3) above.

(2) Nothing in this section shall authorise a British or foreign sea-fishery officer to do anything not authorised by the convention he is purporting to enforce or authorise him to exercise in relation to a boat belonging to a country which is a party to the convention any power which the government of that country has informed the other parties to the convention is not to be exercised in relation to its fishing boats.

10. *Miscellaneous provisions as to sea-fishery officers*

(1) A British or foreign sea-fishery officer shall not be liable in any civil or criminal proceedings for anything done in purported exercise of the powers conferred on him by section 8 or 9 of this Act if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

(2) Any person who on any fishing boat within the fishery limits of the British Islands, or on a British fishing boat anywhere outside those limits,

(a) Fails to comply with any requirement imposed, or to answer any question asked, by a British sea-fishery officer under section 8 or 9 of this Act;

(b) Prevents, or attempts to prevent, any other person from complying with any such requirement or answering any such question; or

(c) Assaults any such officer while exercising any of the powers conferred on him by or by virtue of section 8 or 9 of this Act or obstructs any such officer in the exercise of any of those powers;

shall be guilty of an offence.

(3) Subsection (2) above shall apply in relation to things done on a British fishing boat anywhere within the convention area outside the fishery limits of the British Islands by or in relation to a foreign sea-fishery officer who is exercising powers to enforce the provisions of the convention relating to that area as it applies in relation to things done on any fishing boat within those limits by or in relation to a British sea-fishery officer.

(4) A person guilty of an offence under this section shall be liable on summary conviction in the case of a first offence thereunder to a fine not exceeding £200 and in the case of a second or subsequent offence thereunder to a fine not exceeding £400.

...

14. *Jurisdiction to try offences*

Proceedings for an offence under section 5, 6 or 10 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.

...

(e) CONSERVATION OF SEALS ACT 1970¹1. *Prohibited methods of killing seals*

(1) Subject to section 9(2) and section 10 of this Act, if any person

(a) Uses for the purpose of killing or taking any seal any poisonous substance; or

(b) Uses for the purpose of killing, injuring or taking any seal any firearm other than a rifle using ammunition having a muzzle energy of not less than 600 footpounds and a bullet weighing not less than 45 grains,

he shall be guilty of an offence.

(2) The Secretary of State may by order amend paragraph (b) of subsection (1) of this section by adding any firearm or ammunition to, or by altering the description of, or by substituting any other firearm or ammunition for, the firearm or ammunition mentioned in that subsection.

2. *Close seasons for seals*

(1) There shall be an annual close season for grey seals, that is to say seals of the species known as *Halichoerus grypus*, extending from 1st September to 31st December both inclusive and an annual close season for common seals, that is to say seals of the species known as *Phoca vitulina*, extending from 1st June to 31st August both inclusive.

(2) Subject to sections 9 and 10 of this Act, if any person wilfully kills, injures or takes a seal during the close season prescribed by subsection (1) of this section for seals of the species so killed, injured or taken he shall be guilty of an offence.

3. *Orders prohibiting killing seals*

(1) Where, after consultation with the [Natural Environment Research] Council, it appears to the Secretary of State necessary for the proper conservation of seals he may by order prohibit with respect to any area specified in the order the killing, injuring or taking of the seals of both or either of the species mentioned in section 2 of this Act.

(2) Subject to sections 9 and 10 of this Act, if any person wilfully kills, injures or takes a seal in contravention of an order made under subsection (1) of this section he shall be guilty of an offence.

4. *Apprehension of offenders and powers of search and seizure*

(1) A constable may stop any person he suspects with reasonable cause of committing an offence under this Act and may

(a) Without warrant arrest that person if he fails to give his name and address to the constable's satisfaction;

(b) Without warrant search any vehicle or boat which that person may be using at that time; and

(c) Seize any seal, seal skin, firearm, ammunition or poisonous substance which is liable to be forfeited under section 6 of this Act.

¹ 1970, Chapter 30; 29 May 1970. Came into force on 30 August 1970. This Act does not extend to Northern Ireland.

(2) A constable may sell or otherwise dispose of any seal seized under this section and the net proceeds of any sale shall be liable to forfeiture in the same manner as the seal sold:

Provided that no constable shall be subject to any liability on account of his neglect or failure in the exercise of the powers conferred on him by this subsection:

5. *Penalties*

(1) Any person guilty of an offence¹ under section 11 (7) of this Act shall be liable on summary conviction to a fine not exceeding £50.

(2) Any person guilty of any other offence under this Act shall be liable on summary conviction to a fine not exceeding £50 or, in the case of a second or subsequent conviction for such an offence, to a fine not exceeding £100.

6. *Forfeitures*

The court by which a person is convicted of an offence under this Act may order the forfeiture of any seal or seal skin in respect of which that offence was committed or of any seal, seal skin, firearm, ammunition or poisonous substance in his possession at the time of the offence.

...

8. *Attempt to commit offence*

(1) Any person who attempts to commit an offence under this Act shall be guilty of an offence.

(2) Any person who, for the purpose of committing an offence under this Act, has in his possession any poisonous substance or any firearm or ammunition the use of which is prohibited by section 1 (1) (b) of this Act shall be guilty of an offence.

9. *General exceptions*

(1) A person shall not be guilty of an offence under section 2 or 3 of this Act by reason only of

(a) The taking or attempted taking of any seal which had been disabled otherwise than by his act and was taken or to be taken solely for the purpose of tending it and releasing it when no longer disabled;

(b) The unavoidable killing or injuring of any seal as an incidental result of a lawful action;

(c) The killing or attempted killing of any seal to prevent it from causing damage to a fishing net or fishing tackle in his possession or in the possession of a person at whose request he killed or attempted to kill the seal, or to any fish for the time being in such fishing net, provided that at the time the seal was in the vicinity of such net or tackle.

(2) A person shall not be guilty of an offence under section 1, 2 or 3 of this Act by reason only of the killing of any seal which had been so seriously

¹ i.e., wilful obstruction to any person authorised by the Secretary of State exercising a power of entry upon land for obtaining information relating to seals, etc.

disabled otherwise than by his act that there was no reasonable chance of its recovering.

10. *Power to grant licences*

(1) A licence may be granted to any person by the Secretary of State authorising that person, notwithstanding anything in the foregoing provisions of this Act, but subject to compliance with any conditions specified in the licence,

(a) For scientific or educational purposes to kill or take within an area specified in the licence by any means so specified other than by the use of strychnine any number of seals so specified;

(b) For the purposes of any zoological gardens or collection specified in the licence to take within an area specified in the licence by any means so specified any number of seals so specified;

(c) For:

(i) The prevention of damage to fisheries;

(ii) The reduction of a population surplus of seals for management purposes; or

(iii) The use of population surplus of seals as a resource, to kill or take within any area specified in the licence by any means so specified other than by the use of strychnine any number of seals so specified.

...

17. *Area of application*

...

(2) Nothing done outside the seaward limits of the territorial waters adjacent to Great Britain shall constitute an offence under this Act.

...

(f) [FISHING BOATS (BELGIUM) DESIGNATION (AMENDMENT) ORDER 1967]¹

(g) [FISHING BOATS (FRANCE) DESIGNATION (AMENDMENT) ORDER 1967]²

¹ Dated 20 December 1967. *Statutory Instruments*, 1967, No. 1930. Came into operation on 1 January 1968. This Order removed as from 1 January 1968 the additional rights to fish for herring in part of the outer belt of the fishery limits of the British Islands conferred upon Belgian fishing boats by the Fishing Boats (Belgium) Designation (Amendment) Order 1966.

² Dated 20 December 1967. *Ibid.*, No. 1931. Came into operation on 1 January 1968. This Order removed as from 1 January 1968 the additional rights to fish for herring in part of the outer belt of the fishery limits of the British Islands conferred upon French fishing boats by the Fishing Boats (France) Designation (No. 2) Order 1965.

(h) FOREIGN SEA-FISHERY OFFICERS (NORTH-EAST ATLANTIC FISHERIES COMMISSION SCHEME) ORDER 1969¹

...

2. *Interpretation*

(1) In this Order:

“The Act” means the Sea Fisheries Act 1968;²

“The Commission” means the North-East Atlantic Fisheries Commission established under the Convention;

“The Convention” means the North-East Atlantic Fisheries Convention signed in London on 24th January 1959;³

“The Convention area” means the area to which the Convention applies, comprising the waters described in Part II of Schedule 1 to this Order;

“The Scheme” means the Scheme of Joint Enforcement of the Commission which is set out in Part I of Schedule 1 to this Order, being a Recommendation of the Commission which takes effect as an international arrangement by virtue of the agreement thereto of the member states of the Commission, subject to the Reservations mentioned in the said Part I of Schedule 1.

...

3. *Foreign Sea-Fishery Officers*

In relation to the Scheme there are hereby specified as foreign sea-fishery officers, entitled to exercise in relation to British fishing boats anywhere within the Convention area outside the fishery limits of the British Islands, the powers referred to in section 9 of the Act, officers of the countries referred to in Schedule 2 to this Order, who are duly appointed by the government of their respective countries as inspectors under the terms of the Scheme and who hold a document of identity in the form approved under the Scheme.

...

SCHEDULE 1

PART I. *Scheme of Joint Enforcement*

Recommendation

Pursuant to Article 13(3) of the Convention the commission recommends the establishment of the following arrangements for international control outside territorial waters and fishery limits for the purpose of ensuring the application of the Convention and the measures in force thereunder:

(1) Control shall be carried out by inspectors of the fishery control services of Contracting States. The names of the inspectors appointed for that purpose by their respective governments shall be notified to the Commission.

(2) Ships carrying inspectors shall fly a special flag or pennant approved by the Commission to indicate that the inspector is carrying out international inspection duties.

¹ Dated 17 December 1969. *Statutory Instruments* 1969 No. 1822. Came into operation on 1 January 1970.

² *Supra* (d).

³ United Nations, *Treaty Series*, vol. 486, p. 157. Reproduced in part in ST/LEG/SER.B/15, pp. 853-857.

The names of the ships so used for the time being, which may be either special inspection vessels or fishing vessels, shall be notified to the Commission.

(3) Each inspector shall carry a document of identity supplied by the authorities of the flag state in a form approved by the Commission and given him on appointment stating that he has authority to act under the arrangements approved by the Commission.

(4) Subject to the arrangement agreed under paragraph (9), a vessel of any Contracting State employed for the time being in fishing for sea fish or in the treatment of sea fish in the Convention area shall stop when given the appropriate signal in the International Code of Signals by a ship carrying an inspector unless actually fishing, shooting or hauling, in which case it shall stop immediately it has finished hauling. The master of the vessel shall permit the inspector, who may be accompanied by a witness, to board it. The master shall enable the inspector to make such examination of catch, nets or other gear and any relevant documents as the inspector deems necessary to verify the observance of the Commission's recommendations in force in relation to the flag state of the vessel concerned and the inspector may ask for any explanations that he deems necessary.

(5) On boarding the vessel an inspector shall produce the document described in (3) above. Inspections shall be made so that the vessel suffers the minimum interference and inconvenience. An inspector shall limit his enquiries to the ascertainment of the facts in relation to the observance of the Commission's recommendations in force in relation to the flag state of the vessel concerned. In making his examination an inspector may ask the master for any assistance he may require. He shall draw up a report of his inspection in a form approved by the Commission. He shall sign the report in the presence of the master of the vessel who shall be entitled to add or have added to the report any observations which he may think suitable and must sign such observations. Copies of the report shall be given to the master of the vessel and to the Inspector's Government who shall transmit copies to the appropriate authorities of the flag state of the vessel and to the Commission. Where any infringement of the recommendations is discovered the inspector should where possible also inform the competent authorities of the flag state, as notified to the Commission, and any inspection ship of the flag state known to be in the vicinity.

(6) Resistance to an inspector or failure to comply with his directions shall be treated by the flag state of the vessel as if the inspector were an inspector of that state.

(7) Inspectors shall carry out their duties under these arrangements in accordance with the rules set out in this recommendation but they shall remain under the operational control of their national authorities and shall be responsible to them.

(8) Contracting States shall consider and act on reports of foreign inspectors under these arrangements on the same basis as reports of national inspectors. The provisions of this paragraph shall not impose any obligation on a Contracting State to give the report of a foreign inspector a higher evidential value than it would possess in the inspector's own country. Contracting States shall collaborate in order to facilitate judicial or other proceedings arising from a report of an inspector under these arrangements.

- (9) (i) Contracting States shall inform the Commission by 1st March each year of their provisional plans for participation in these arrangements in the following year and the Commission may make suggestions to Contracting States for the co-ordination of national operations in this field including the number of inspectors and ships carrying inspectors.
- (ii) The arrangements set out in this Recommendation and the plans for participation shall apply between Contracting States unless otherwise agreed between them; and such agreement shall be notified to the Commission: Provided, however, that implementation of the scheme shall be suspended

between any two Contracting States, if either of them has notified the Commission to that effect, pending completion of an agreement.

- (10) (i) When nets are inspected the meshes of the cod-end are to be examined with a flat gauge with parallel sides, a thickness of 2 mm. and the appropriate width made of any durable material that will retain its shape and constructed with a wedge-shaped section or sections have a taper of 2 cm. calibrated to measure the width of the meshes in which the section or sections are inserted. An illustration of such a gauge is appended.
- (ii) The appropriate width is the appropriate width prescribed in the Commission's recommendations for the type of net inspected and the area on which the inspection takes place which are in force in relation to the flag state of the vessel concerned.
- (iii) At least 20 consecutive meshes of the cod-end running parallel to its long axis, starting at least ten meshes from the lacings, are to be examined, or the maximum number if less than 20.
- (iv) The gauge should be inserted into the meshes when wet so as to measure the long axis of the mesh when stretched diagonally lengthwise. If the section of the gauge with parallel sides passes easily through a mesh it is not undersized. If the inspector has any doubt as to whether the gauge passes easily through, he shall insert the gauge in the mesh held horizontally and attach a weight of 5 kilogrammes to the gauge and if the section in the gauge with parallel sides passes through the mesh the mesh is not undersized.
- (v) The number of undersized meshes and the width of each mesh examined shall be entered in the inspector's report, together with the average width of the meshes examined.
- (vi) Inspectors shall have authority to inspect all nets other than those which are dry and stowed away below deck.

(11) The inspector shall affix an identification mark approved by the Commission, to any net which appears to have been used in contravention of the Commission's recommendations in force in relation to the flag state of the vessel concerned and shall record this fact in his report.

(12) The inspector may photograph the net in such a way that the identification mark and the measurement of the net is visible, in which case the subjects photographed should be listed in the report and copies of the photographs should be attached to the copy of the report to the flag state.

(13) The inspector shall so far as reasonably practicable examine the catch and may take such measurements as he deems necessary to establish whether and to what extent undersized fish of protected species are present in the part of the catch inspected. He shall report his findings including the number of fish measured and the size of any fish which are undersized to the authorities of the flag state of the inspected vessel as soon as possible.

RESERVATIONS

(a) As between the Union of Soviet Socialist Republics and other Contracting States the provisions of the Scheme relating to inspection of gear below deck and of catch do not apply.

(b) As between Poland and other Contracting States the provisions of the Scheme relating to inspection of gear or catch below deck do not apply.

(c) As between Sweden and other Contracting States the provisions of the Scheme relating to inspection of gear or catch below deck do not apply.

PART II. *Convention area*

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 Griben 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° north 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.

SCHEDULE 2

Foreign countries which are parties to the scheme¹

- | | |
|------------|--|
| 1. Belgium | 7. Portugal |
| 2. Denmark | 8. Spain |
| 3. France | 9. Sweden |
| 4. Iceland | 10. Union of Soviet Socialist
Republics |
| 5. Norway | |
| 6. Poland | |

(i) FOREIGN FISHING BOATS (STOWAGE OF GEAR) ORDER 1970²

...

3. *Stowage of Gear*

Where under section 6(4) of the Sea Fisheries Act 1968³ any fishing gear of a foreign fishing boat is required to be stowed while the boat is in any area within the fishery limits of the British Islands, such gear shall be stowed in accordance with the following provisions:

- (1) All such fishing gear shall be carried wholly inboard;
- (2) All nets and trawlboards and weights shall be disconnected from their towing or hauling wires or ropes;
- (3) All trawlboards and weights shall be secured at deck level or carried below deck;
- (4) All nets which are on deck or above deck shall be securely lashed to some part of the superstructure of the fishing boat.

...

¹ The Federal Republic of Germany and the Netherlands are subsequently added to the list by Foreign Sea-Fishery Officers (North-East Atlantic Fisheries Commission Scheme) Variation Order 1972, *Statutory Instruments* 1972, No. 758.

² Dated 29 February 1970. *Ibid.*, 1970, No. 318.

³ *Supra* (d).

(j) SEA FISH (NORTH-WEST ATLANTIC) ORDER 1970¹

...

2. *Interpretation*

(1) In this Order:

“Specified areas” means the areas described in the Schedule² to this Order;

“Specified method” means a method involving the use of trawl nets, seine nets or hooks and lines;

“Specified period” means in relation to the year 1970 the period from the date of coming into operation of this Order until 30th April and in relation to the years 1971 and 1972, the period from 1st March to 30th April all dates inclusive.

3. *Prohibition of fishing*

During the specified period the fishing for sea fish in the specified areas by a specified method is hereby prohibited.

4. *Powers of British Sea Fishery Officers*

For the purpose of enforcing the provisions of this Order a British Sea Fishery Officer may exercise in relation to any British fishing boat registered in the United Kingdom and any British owned fishing boat (not so registered) wherever it may be any of the following powers:

(a) He may go on board the boat, with or without persons assigned to assist him in his duties, and for that purpose may require the boat to stop and do anything else which will facilitate the boarding of the boat;

(b) He may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to him to be necessary for the purpose of enforcing the provisions of this Order and, in particular,

(i) May examine any fish on the boat and the equipment of the boat, including the fishing gear and require persons on board the boat to do anything which appears to him to be necessary for facilitating the examination; and

(ii) May require any person on board the boat to produce any document relating to the boat or the persons on board which are in his custody or possession and may take copies of any such document.

...

¹ Dated 5 March 1970. *Statutory Instruments* 1970 No. 353. Came into operation on 14 March 1970. This Order implements an agreement of the Commission established under the International Convention for the North-West Atlantic Fisheries.

² The Schedule is not reproduced here.

(k) SALMON AND MIGRATORY TROUT (PROHIBITION OF FISHING) ORDER
1971¹

3.

During the period 15th February 1971 to 14th February 1973, both days inclusive, fishing for salmon or migratory trout within the area of sea specified in part I of the Schedule to this Order (being part of the area to which the North-East Atlantic Fisheries Convention² applies) is hereby prohibited.

4.

(1) During the period from 15th February 1971 to 14th February 1973, both days inclusive, fishing for salmon or migratory trout by a specified method within the area of sea specified in Part II of the said Schedule is hereby prohibited.

(2) In this Article:

“Specified method” means a method of fishing with drift-net, trawl net, seine net, troll or long-line, but does not include beach seining or fishing from the shore by net and coble;

“Drift-net” means any length of net allowed to float or drift being either attached to or released from a fishing boat and not being a length of net attached to or held on the shore.

5. In accordance with the provisions of section 5 (3) of the Sea Fish (Conservation) Act 1967 it is hereby declared that this order is not made for the sole purpose of giving effect to such a convention or agreement as is mentioned in section 5(1) of that Act.

SCHEDULE

PART I

Those areas of the Atlantic and Arctic Oceans and seas adjacent to those oceans which lie outside the fishery limits of the British Islands, north of 36° north latitude, between 42° west longitude and 51° east longitude and north of 59° north latitude between 44° west longitude and 42° west longitude, but excluding the Mediterranean and Baltic Seas and Belts lying to the south and east of lines drawn from Hasenore Head, Denmark, to Griben Point, Denmark, from Korshage, Denmark, to Spodsbjerg, Denmark and from Gilbjerg Head, Denmark, to Kullen, Sweden.

PART II

Those areas of sea within the fishery limits of the British Islands lying north of 54° 30' north latitude excluding

(a) The territorial waters of England except in so far as they lie within the mouth of the River Tweed;

(b) Waters, other than territorial waters mentioned in sub-paragraph (a) of this paragraph, lying on the east coast of England south of the southern boundary of the mouth of the River Tweed and of a line drawn due east from the eastmost point of that boundary;

¹ Dated 21 January 1971. *Statutory Instruments* 1971, No. 242. Came into Operation on 15 February 1971.

² United Nations, *Treaty Series*, vol. 486, p. 157. Reproduced in part in ST/LEG/SER.B/15, pp. 853-857.

(c) Waters within such part of the fishery limits of the British Islands as is mentioned in section 4 (2) of the Fishery Limits Act 1964.¹

(l) SALMON (NORTHWEST ATLANTIC) ORDER 1971²

...

2. *Prohibition*

Fishing for salmon in those waters of the Northwest Atlantic Ocean which are described in the Schedule³ to this order (being the waters to which the International Convention for the Northwest Atlantic Fisheries applies) is hereby prohibited.

...

(m) FOREIGN SEA-FISHERY OFFICERS (INTERNATIONAL COMMISSION FOR THE NORTHWEST ATLANTIC FISHERIES SCHEME) ORDER 1971⁴

...

2. *Interpretation*

(1) In this Order:

“The Act” means the Sea Fisheries Act 1968;⁵

“The Commission” means the International Commission for the Northwest Atlantic Fisheries established under the Convention;

“The Convention” means the International Convention for the Northwest Atlantic Fisheries signed in Washington on 8th February 1949;⁶

“The Convention area” means the area to which the Convention applies comprising the waters described in Part II of Schedule 1 to this Order;

“The Scheme” means the Scheme of Joint Enforcement of the Commission which is set out in Part 1 of Schedule 1 to this Order, being a Recommendation which has been adopted as a proposal by the Commission and which takes effect as an international arrangement by virtue of the agreement thereto of the member states of the Commission, subject to the Reservations mentioned in the said Part I of Schedule 1;

“Subarea” means an area, being one of the five subareas into which the Convention Area is divided, the boundaries of which are as defined in the Annex to the Convention;

...

¹ 1964, Chapter 72. Reproduced in part in ST/LEG/SER.B/15, pp. 676-679.

² Dated 2 February 1971. *Statutory Instruments* 1971, No. 171. Came into operation on 15 February 1971.

³ The Schedule is not reproduced here.

⁴ Dated 7 July 1971. *Statutory Instruments* 1971, No. 1103. Came into operation on 1 August 1971.

⁵ *Supra* (d).

⁶ United Nations, *Treaty Series*, vol. 157, p. 157. Reproduced in ST/LEG/SER.B/15, pp. 832-838.

3. *Foreign Sea-Fishery Officers*

In relation to the Scheme there are hereby specified as foreign sea fishery officers, entitled to exercise in relation to British fishing boats anywhere within the Convention area outside the fishery limits of the British Islands, the powers referred to in section 9 of the Act, officers of the countries referred to in Schedule 2 to this Order, who are duly appointed by the government of their respective countries as inspectors under the terms of the Scheme and who hold a document of identity in the form approved under the Scheme.

...

SCHEDULE 1

PART I

Scheme of joint enforcement

Recommendation

That, pursuant to paragraph 5 of Article VIII of the Convention, the following arrangements be established, as from 1st July 1971, for international control outside national fishery limits for the purpose of ensuring the application of the Convention and the measures in force thereunder:

(1)-(3), (5)-(9), (11) and (12)

[Identical with (1)-(3), (5)-(9), (11) and (12) of the Scheme of Joint Enforcement of the North-east Atlantic Fisheries Commission,¹ except that the words "Contracting States" read "Contracting Governments" here.]

(4) Subject to the arrangements agreed under paragraph (9), a vessel employed for the time being in fishing for sea fish or in the treatment of sea fish in the Convention area shall stop when given the appropriate signal in the International Code of Signals by a ship carrying an inspector unless actually fishing, shooting or hauling, in which case it shall stop immediately it has finished hauling. The master of the vessel shall permit the inspector, who may be accompanied by a witness, to board it. The master shall enable the inspector to make such examination of catch, nets or other gear and any relevant documents as the inspector deems necessary to verify the observance of the Commission's recommendations in force in relation to the flag state of the vessel concerned and the inspector may ask for any explanations that he deems necessary.

...

(10) (i) Nets shall be inspected in accordance with the regulations in force for the subarea in which the inspection takes place. The number of undersized meshes and the width of each mesh examined shall be entered in the inspector's report, together with the average width of the meshes examined.

(ii) Inspectors shall have authority to inspect all nets.

...

(13) The inspector shall have authority, subject to any limitations imposed by the Commission, to carry out such examination and measurement of the catch as he deems necessary to establish whether the Commission's recommendations are being complied with. He shall report his findings to the authorities of the flag state of the inspected vessel as soon as possible.

¹ Incorporated in Schedule I of the Foreign Sea-Fishery Officers (North-east Atlantic Fisheries Commission Scheme) Order 1969, *supra* (h).

RESERVATIONS

(a) As between the Union of Soviet Socialist Republics and other Contracting Governments the provisions of the Scheme relating to inspection of gear below deck and of catch do not apply;

(b) As between Poland and other Contracting Governments the provisions of the Scheme relating to inspection of gear or catch below deck do not apply; and

(c) As between Romania and other Contracting Governments the provisions of the Scheme relating to inspection of gear below deck and of catch do not apply.

PART II

Convention area

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 south to 39° north latitude; thence due east to 42° west longitude; thence due north to 59° north latitude; thence due west to 44° west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland to 78° 10' north latitude; thence southwards 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; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and 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.

SCHEDULE 2

Foreign Countries which are parties to the Scheme¹

- | | |
|------------|---|
| 1. Denmark | 8. Portugal |
| 2. France | 9. Romania |
| 3. Iceland | 10. Spain |
| 4. Italy | 11. Union of Soviet Socialist Republics |
| 5. Japan | 12. United States of America |
| 6. Norway | |
| 7. Poland | |

(n) FISHING NETS (NORTH-EAST ATLANTIC) ORDER 1971²4. *Areas in relation to which this Order has application*

This order has application in relation to those areas of the Atlantic and Arctic Oceans and seas adjacent to those oceans which lie north of the parallel

¹ The Federal Republic of Germany is subsequently added to the list by Foreign Sea-Fishery Officers (International Commission for the Northwest Atlantic Fisheries Scheme) Variation Order 1972, *Statutory Instruments* 1972, No. 868.

² Dated 19 July 1971. *Ibid.*, 1971, No. 1171. Came into operation on 1 August 1971. By this Order, the Fishing Nets (North-East Atlantic) Order 1969 (*ibid.*, 1969, No. 1823) was revoked.

of 36° north latitude, between the meridians of 42° west longitude and 51° east longitude and north of 59° north latitude between 44° west longitude and 42° west longitude (but excluding the Mediterranean and Baltic Seas and Belts lying to the south and east of lines drawn from Hasenore Head, Denmark, to Griben Point, Denmark, from Korshage, Denmark, to Spodsbjerg, Denmark, and from Gilbjerg Head, Denmark, to Kullen, Sweden).

5. *Sizes of Mesh of Nets*

(1) Except as hereinafter provided there shall not be carried, in any British fishing boat registered in the United Kingdom for the purpose of fishing for sea-fish in any of the waters referred to in the first column of Schedule 1¹ to this Order, any net or part of a net of a type specified in the second column of Schedule 1 opposite the reference to the said waters unless it has in all its parts meshes of such dimensions that when any mesh is stretched diagonally lengthwise of the net a flat gauge 2 millimetres thick, and of a width specified in the third column of Schedule 1 opposite the reference to that type of net, will pass easily through the mesh whether the net is wet or dry.

(2) Except as hereinafter provided, there shall not be carried, by any foreign fishing boat within the fishery limits of the British Islands adjacent to the United Kingdom for the purpose of fishing for sea-fish in any of the waters in relation to which this Order has application, any net or part of a net of a type specified in the first column of Schedule 2 to this Order unless it has in all its parts meshes of such dimensions that when any mesh is stretched diagonally lengthwise of the net a flat gauge 2 millimetres thick, and of a width specified in the second column of Schedule 2 opposite the reference to that type of net, will pass easily through the mesh whether the net is wet or dry.

6. *Obstruction of nets*

(1) Except as hereinafter provided, there shall not be carried in

(a) Any British fishing boat registered in the United Kingdom, or

(b) Any foreign fishing boat in any waters adjacent to the United Kingdom, and within the fishery limits of the British Islands

for the purposes of fishing for sea-fish in any waters to which this Order has application, any net having a covering of canvas or other material attached to it, or in respect of which any artifice may have been employed in such a manner that the mesh in any part of the net is obstructed or otherwise diminished in effect.

(2) Nothing in this Order shall be deemed to prohibit the attachment to the underside of the cod-end of a net of any canvas, netting or other material for the purpose of preventing or reducing wear and tear.

...

¹ Schedule 1 is not reproduced here.

10. *Powers of British Sea-Fishery Officers*

For the purpose of the enforcement of the provisions of this Order there are hereby conferred on every British sea-fishery officer the powers of a British Sea-Fishery Officer under Section 8(2) of the Sea Fisheries Act 1968.¹

...

SCHEDULE 2

<i>Column 1</i>	<i>Column 2</i>
<i>Net</i>	<i>Appropriate width of gauge</i>
(1) Seine net, or such part of any trawl net as is made of single twine and contains no manila or sisal	70 millimetres
(2) Such part of any trawl net as is made of double twine and contains no manila or sisal	75 millimetres
(3) Such part of any trawl net as is made of manila or sisal	80 millimetres

(o) FISHING NETS (NORTHWEST ATLANTIC) ORDER 1971²

...

4. *Waters in relation to which this Order has application*

This Order has application in relation to those waters, except territorial waters, bounded by a line drawn due south from the coast of Rhode Island along 71° 40' west longitude to 39° north latitude; thence due east to 42° west longitude; thence due north to 59° north latitude; thence due west to 44° 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° 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; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and 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; and which waters comprise the subareas 1 to 5 as defined for the purposes of this Order.

5. *Sizes of Mesh of Nets*

(1) Except as hereinafter provided, there shall not be carried in any British fishing boat registered in the United Kingdom any net or part of a net of

¹ *Supra* (d).

² Dated 20 July 1971, *Statutory Instruments* 1971 No. 1172. Came into operation on 1 August 1971. By this Order, the Fishing Nets (Northwest Atlantic) Order 1969 (*ibid.*, 1969 No. 628) was revoked.

a description specified in Column 2 of Schedule 1¹ to this Order for the purpose of fishing in any of the subareas forming part of the waters to which this Order has application and specified in Column 1 of the Schedule for fish of a description specified in relation to that subarea unless it has in all its parts meshes of such a size that when any mesh is stretched diagonally lengthwise of the net a flat gauge 2 mm. thick and of the width specified in Column 3 of the said Schedule 1 opposite to the reference to that description of net and that subarea, will pass easily through the mesh whether the net is wet or dry.

(2) For the purposes of the last foregoing paragraph the reference to fish of a description specified in relation to any subarea shall be construed as a reference to fish of a description specified in relation to that subarea in Schedule 2 to this Order.

6. *Obstruction of Nets*

(1) Except as hereinafter provided, there shall not be carried in any British fishing boat registered in the United Kingdom for the purpose of fishing in any of the subareas forming part of the waters to which this Order has application for fish of any description specified in Schedule 2¹ to this Order in relation to that subarea any net or part of a net having a covering of canvas or any other material attached to it or in respect of which any artifice may have been employed in such manner that the mesh in any part of the net is obstructed or otherwise diminished in effect.

(2) Nothing in this Order shall be deemed to prohibit the attachment to the underside of the cod-end of any net, of canvas, netting or other material for the purpose of preventing or reducing wear and tear.

...

9. *Enforcement*

For the purpose of the enforcement of the provisions of this Order there are hereby conferred on every British sea-fishery officer the powers of a British sea-fishery officer under section 8(2) and (3) of the Sea Fisheries Act 1968.²

...

(p) HERRING (CELTIC SEA) (PROHIBITION OF FISHING METHOD) ORDER
1971³

...

2. *Interpretation*

(1) In this Order

“Specified method” means a method of fishing involving the use of purse seine nets.

(2) The Interpretation Act 1889 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

¹ The Schedules are not reproduced here.

² *Supra* (d).

³ Dated 4 October 1971. *Statutory Instruments* 1971, No. 1623. Came into operation on 15 November 1971.

3. *Prohibition*

The fishing for herring by a specified method within the area of sea specified in the Schedule to this Order (being part of the area to which the North-East Atlantic Fisheries Convention¹ applies) is hereby prohibited.

...

SCHEDULE

AREA TO WHICH THE ORDER RELATES

The area of sea bounded by the parallels of 49°N and 52° 30'N latitude and the meridians of 5°W and 9°W longitude.

(g) SEA FISHERIES (SCOTLAND) BYELAW (NO. 85) 1971²

...

2. *Prohibition of Methods of fishing for herring in Firth of Clyde*

Except as hereinafter provided it shall not be lawful for any person to use for the purpose of catching herring any of the following methods of fishing, namely:

Beam trawling; otter trawling; pair trawling; drift netting; ring netting; trammel netting; purse seining; seining;

within that area of the sea lying inside a line drawn from Corsewall Point in the County of Wigtown to the Mull of Kintyre in the County of Argyll during the whole or any part of the period from 1st January to 31st March in any year occurring within the space of five years from the date of coming into operation of this Byelaw; and where any of the said methods of fishing is used for the purpose of catching sea fish other than herring within the said area during the whole or any part of the said period, any herring taken in such fishing shall be returned to the sea immediately after each haul of the net is completed:

Provided that nothing in this Byelaw shall apply in relation to the use within the said area for the purpose of catching herring of (1) any of the said methods of fishing, by a person in the service of the Secretary of State, or (2) any method of fishing specified in a written authority granted by the Secretary of State, by the person thereby authorised.

¹ United Nations, *Treaty Series*, vol. 486, p. 157. Reproduced in part in ST/LEG/SER.B/15, pp. 853-857.

² *Statutory Instruments* 1971, No. 2072 (S. 219), 1 November 1971. Came into operation on 17 December 1971.

(r) BEAM TRAWL REGULATION ORDER 1972¹

...

2.

(1) In this Order

“Beam trawl” means a net which is constructed to take fish whilst being towed along the sea-bed by a fishing boat, and which has its mouth extended by a beam, bar or other rigid device, and “beam” shall be construed accordingly;

“Effective length of beam” in relation to a beam trawl means the distance between the inner edge of the shoe or skid attached to one end of the beam and the corresponding part of the shoe or skid attached to the other end thereof, the measurement being taken at the most forward part of each shoe or skid which comes into contact with the sea-bed when the trawl is towed;

...

3.

(1) There shall not be carried in any British fishing boat registered in the United Kingdom for the purpose of fishing for sea fish in any waters adjacent to England, Wales or Northern Ireland and within the fishery limits of the British Islands any beam trawl whereof the effective length of beam exceeds 8 metres.

(2) There shall not be carried by any fishing boat registered in a country outside the United Kingdom or not registered in any country, in any waters adjacent to England, Wales or Northern Ireland and within the fishery limits of the British Islands, for the purpose of fishing for sea fish in those waters, any beam trawl whereof the effective length of beam exceeds 8 metres.

(3) Not more than one beam trawl shall be used from any fishing boat at any one time unless the aggregate effective length of beam of the trawls so used simultaneously does not exceed 8 metres.

...

(s) SEA FISHING (NORTH NORFOLK COAST) (PROHIBITION OF TRAWLING) ORDER 1972²

...

2. Interpretation

(1) In this Order “sea fish” does not include salmon or migratory trout.

...

3. Prohibition

During the period 1st May to 15th October, both dates inclusive, in every year commencing with the year 1973 the fishing for sea fish by trawling within the area of sea specified in the Schedule to this Order is hereby prohibited.

¹ Dated 13 January 1972. *Statutory Instruments* 1972; No. 23. Came into operation on 9 February 1972.

² Dated 3 November 1972. *Ibid.*, No. 1662. Came into operation on 1 May 1973.

4.

In accordance with section 5(3) of the Sea Fish (Conservation) Act 1967 it is hereby declared that this Order is not made for the sole purpose of giving effect to such a convention or agreement as is mentioned in section 5(1) of that Act.¹

...

SCHEDULE

The area of sea adjacent to England within the fishery limits of the British Islands but excluding the territorial waters thereof which is bounded on the west by the meridian of 0° 45' east longitude and on the east by the meridian of 1° 06' east longitude.

*BAHAMAS*FISHERIES ACT, 1969,² AS AMENDED IN 1969³

...

2. *Interpretation*

In this Act, unless the context otherwise requires

...

“Exclusive fishing zone” means the territorial waters of the Bahama Islands together with the zone contiguous to the said waters which was proclaimed as a fisheries zone for the Bahama Islands by proclamation made by the Governor and published in the *Gazette* on the 26th day of February, 1969;

...

“Protected area” means an area declared by the Minister to be a protected area under section 5;

...

5. *Power to declare protected areas*

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

(2) Any order made under this section may prohibit the taking within the protected area of marine products, or of any marine products specified in the order, by any person otherwise than under the authority of and in accordance with the terms and conditions of a licence in that behalf granted to that person for the purpose.

(3) Any person who takes any marine product in a protected area in contravention of the provisions of any order made under this section in respect of such area or of any term or condition attached to a licence granted under

¹ *Supra* (b).

² No. 13 of 1969. Assented to on 28 May 1969.

³ Amended by the Fisheries (Amendment) Act, 1969 (No. 15 of 1969). The amendment relates only to Section 11, which is not reproduced here. Text provided by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations in a note verbale of 15 November 1971.

such an order shall be guilty of an offence and liable upon summary conviction, subject to the provisions of section 15, to a fine not exceeding seven hundred and fifty dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

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

6. *Taking, and certain methods of taking, marine products may be prohibited*

(1) The Minister may by order prohibit:

(a) The taking of any species or kind of marine product specified in the order (whether by reference to size or weight or otherwise) absolutely or during such period or periods as may be so specified;

(b) The taking of any marine product by any method specified in the order; and

(c) The use of any engine, dredge, trap or device for the purpose of taking any marine product, anywhere within the exclusive fishing zone and whether within a protected area or otherwise.

(2) Any person who takes any marine product in contravention of the provisions of an order made under this section, and the master or other person in charge of any vessel who suffers or permits the vessel or any person belonging to the vessel to be employed in so taking or to so take any marine product, shall each be guilty of an offence and, subject to the provisions of section 15, liable upon summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment, and the marine product so taken and any vessel used in such taking shall be liable to forfeiture.

...

8. *Foreign fishing boats*

(1) Subject to the provisions of this section and section 17, where any person on board a foreign fishing boat takes any marine product within the exclusive fishing zone then that person and also the master or other person in charge of the boat shall each be guilty of an offence and liable, upon summary conviction, subject to the provisions of section 15, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment, and in addition the boat used in such taking shall be liable to forfeiture.

(2) Where any marine product is found on board any foreign fishing boat within the exclusive fishing zone or where any marine product is landed, or placed in any cawl, from any foreign fishing boat at any creek, island or cay within the Bahama Islands, such marine product shall be deemed, until the contrary be proved, to have been taken within the exclusive fishing zone by a person on board such foreign fishing boat.

(3) Notwithstanding anything to the contrary, a taking by a person on board a foreign fishing boat shall be deemed not to be in contravention of subsection (1) of this section if such taking was made:

(a) For commercial or scientific research purposes under the authority of, and in accordance with the terms and conditions of, a licence in that behalf granted to the person operating the boat; or

(b) For sporting purposes, after the boat has first made entry in respect of the voyage on which it is engaged at a port of entry in the Bahama Islands.

(4) In this section and section 17 "foreign" in relation to a fishing boat means not *bona fide* owned by a British subject resident within the Bahama Islands.

9. Powers of seizure, arrest, etc.

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

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

(3) Any fisheries inspector and any person whom he may call to his assistance may arrest and detain without warrant any person who such inspector has reason to suspect has committed or permitted any offence against this Act.

(4) Any person who resists or obstructs any fisheries inspector in the exercise of any of his powers conferred by this section shall be guilty of an offence and liable upon summary conviction to a fine not exceeding three hundred dollars, and such person may be detained by the fisheries inspector.

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

...

17. Exemption for certain foreign fishing boats

(1) For the purpose of enabling fishing traditionally carried on in any area within the fisheries zone by foreign fishing boats to be continued, the Governor, subject to subsection (2) of this section, may by order designate any country outside the Bahama Islands and the area in which and descriptions of fish for which fishing boats registered in that country may fish.

(2) The Governor may exercise power under subsection (1) of this section in his discretion to such extent as he may think it necessary or expedient to do so for the purpose of the discharge of his responsibilities for any matters for which, under the Constitution, he is responsible in his discretion.

(3) Nothing in section 8 shall prohibit or restrict fishing by or from a foreign fishing boat in an area or for any description of fish designated by an order made under subsection (1) of this section in relation to a country so designated in which such fishing boat is registered.

...

BRITISH INDIAN OCEAN TERRITORY

FISHERY LIMITS ORDINANCE, 1971¹

...

2. *Interpretation*

In this Ordinance, unless the context otherwise requires

“Contiguous zone” means by zone contiguous to the territorial sea of the Territory which was established as a fisheries zone for the Territory by Proclamation No. 1 of 1969;

...

“Fishery limits” means the territorial sea of the Territory together with the contiguous zone;

...

“Foreign”, in relation to a fishing boat, means a fishing boat whose owner or one of whose owners is not resident in the Territory;

...

3. *Fishing from foreign fishing boats controlled in fishery limits*

(1) Subject to the provisions of this section and of section 4, where any person on board a foreign fishing boat takes any fish or marine product within the fishery limits, then that person and the person in charge of the boat and, if he is on board that boat, the owner shall each be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand rupees or to imprisonment for a term not exceeding two years or to both such fine and imprisonment and in addition the boat used in such taking shall be liable to forfeiture.

(2) Where any fish or marine product is found on board a foreign fishing boat within the fishery limits or where any fish or marine product is landed from a foreign fishing boat at any island within the Territory such fish or marine product shall be deemed until the contrary be proved to have been taken within the fishery limits by a person on board such foreign fishing boat.

(3) A taking by a person on board a foreign fishing boat shall be deemed not to be in contravention of subsection (1) of this section if such taking was made for commercial research, scientific research or sporting purposes under the authority and in accordance with the terms and conditions of a licence in that behalf granted by the Commissioner to the person who owns or operates the boat.

4. *Exemption for certain foreign fishing boats*

(1) For the purpose of enabling fishing traditionally carried on in any area within the contiguous zone by foreign fishing boats to be continued,

¹ Ordinance No. 2 of 1971; 17 April 1971. *Official Gazette*, 19 April, pp. 7-10.

the Commissioner may by order designate any country outside the Territory and the area in which and descriptions of fish or marine product for which fishing boats registered in that country may fish.

(2) Nothing in section 3 shall prohibit or restrict fishing by or from a foreign fishing boat in an area or for any description of fish or marine product designated by an order made under subsection (1) of this section in relation to a country so designated in which such fishing boat is registered.

5. *Powers of seizure, arrest and detention*

(1) A fisheries inspector and any person whom he may call to his assistance may at any time stop, go on board and search any fishing boat within the fishery limits, and if the fisheries inspector has reason to suspect that any person on board such boat has contravened any of the provisions of this Ordinance he may without warrant or other process seize the boat and detain any person found on board.

(2) A fisheries inspector and any person whom he may call to his assistance may arrest and detain without warrant any person who such inspector has reason to suspect has committed an offence against this Ordinance.

(3) Any person who assaults, resists or obstructs any fisheries inspector or any person whom he may call to his assistance in the exercise of any of the powers conferred by this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand rupees or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

6. *Trial of offences*

(1) Where an offence against any of the provisions of this Ordinance is committed within the contiguous zone then, for the purposes of the jurisdiction of any court in the Territory or in Seychelles, that offence shall be deemed to have been committed in the Territory.

...

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION NO. 17 OF 1968 TO CONTROL THE CATCHING OF CRAYFISH (SPINY LOBSTERS)¹

...

2.

(1) No person shall in protected waters² catch:

(a) Any female crayfish carrying eggs between or attached to the abdominal swimmerets; or

(b) Any crayfish the total length of the carapace of which, measured from immediately behind the rostral horns to the rear edge of the carapace in the

¹ Dated 14 December 1968. Text provided by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations in a note verbale of 15 November 1971.

² "Protected waters" is defined in Regulation 1, which is not reproduced here, by reference to certain nautical co-ordinates.

mid-line, is less than 2 1/2 inches or of which the total length, measured from immediately behind the rostral horns to the rear edge of the telson, is less than 8 inches.

(2) Without prejudice to the provisions of the immediately preceding subsection of this section no person shall in protected waters catch any crayfish between the 1st day of December of any year and the 28th day of February of the following year.

3.

(1) Any person who acts in contravention of the provisions of the immediately preceding section of this Regulation shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding one hundred pounds or its equivalent in francs at the current rate of exchange.

(2) Any person who knowingly sells or purchases any crayfish caught in contravention of the provisions of the immediately preceding section of this Regulation shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding two hundred pounds or its equivalent in francs at the current rate of exchange.

...

SEYCHELLES

FISHERY LIMITS ORDINANCE, 1971¹

...

2. *Interpretation*

(1) In this Ordinance, unless the context otherwise requires

...

“Contiguous zone” means the zone contiguous to the territorial sea of Seychelles which was established as a fisheries zone for Seychelles by Proclamation No. 6 of 1969;

...

“Fishery limits” means the territorial sea of Seychelles together with the contiguous zone;

“Foreign”, in relation to a fishing boat, means a fishing boat whose owner or one of whose owners is not resident in Seychelles;

...

(2) For the purposes of the definition “foreign” in subsection (1) of this section, a company shall be deemed to be resident in Seychelles if, but only if, it was formed or incorporated under the laws of Seychelles or is registered under the Oversea Corporations Ordinance, 1959.

3. *Fishing from foreign fishing boats controlled in fishery limits*

(1) Subject to the provisions of this section and of section 4, where any person on board a foreign fishing boat takes any fish or marine product within

¹ No. 3 of 1971; 19 March 1971. Assented to by the Governor on 22 March 1971. *Supplement to Seychelles Gazette*, 22 March 1971, pp. 5-8.

the fishery limits, then that person and the person in charge of the boat and, if he is on board that boat, the owner shall each be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand rupees or to imprisonment for a term not exceeding two years or to both such fine and imprisonment and in addition the boat used in such taking shall be liable to forfeiture.

(2) Where any fish or marine product is found on board a foreign fishing boat within the fishery limits or where any fish or marine product is landed from a foreign fishing boat at any island within Seychelles such fish or marine product shall be deemed until the contrary be proved to have been taken within the fishery limits by a person on board such foreign fishing boat.

(3) A taking by a person on board a foreign fishing boat shall be deemed not to be in contravention of subsection (1) of this section if such taking was made for commercial research, scientific research or sporting purposes under the authority and in accordance with the terms and conditions of a licence in that behalf granted by the Minister to the person who owns or operates the boat.

4. Exemption for certain foreign fishing boats

(1) For the purpose of enabling fishing traditionally carried on in any area within the contiguous zone by foreign fishing boats to be continued, the Minister may by order designate any country outside Seychelles and the area in which and descriptions of fish or marine product for which fishing boats registered in that country may fish.

(2) Nothing in section 3 shall prohibit or restrict fishing by or from a foreign fishing boat in an area or for any description of fish or marine product designated by an order made under subsection (1) of this section in relation to a country so designated in which such fishing boat is registered.

5. Powers of seizure, arrest and detention

(1) A fisheries inspector and any person whom he may call to his assistance may at any time stop, go on board and search any fishing boat within the fishery limits, and if the fisheries inspector has reason to suspect that any person on board such boat has contravened any of the provisions of this Ordinance he may without warrant or other process seize the boat and detain any person found on board.

(2) A fisheries inspector and any person whom he may call to his assistance may arrest and detain without warrant any person who such inspector has reason to suspect has committed an offence against this Ordinance.

(3) Any person who assaults, resists or obstructs any fisheries inspector or any person whom he may call to his assistance in the exercise of any of the powers conferred by this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand rupees or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

6. Trial of offences

(1) Where an offence against any of the provisions of this Ordinance is committed within the contiguous zone then, for the purposes of the jurisdiction

of any court in Seychelles, that offence shall be deemed to have been committed at the place in Seychelles where the offender is found or to which he is first brought after the commission of the offence.

...

TRISTAN DA CUNHA

FISHERY LIMITS, (TRISTAN DA CUNHA) ORDINANCE, 1968,¹ AS AMENDED IN 1970²

...

2. *Interpretation*

In this Ordinance

...

“Tristan da Cunha” means the Island of Tristan da Cunha, Gough Island, Nightingale Island and Inaccessible Island.

3. *Tristan da Cunha fishery limits*

For the purposes of the Tristan da Cunha Fish (Export) Ordinance, 1967, and notwithstanding anything contained in that Ordinance, there shall be included within the fishery limits of Tristan da Cunha a zone contiguous to the territorial waters thereof having for its inner boundary the outer limits of those territorial waters and as its seaward boundary a line drawn so that each point on the line is twelve nautical miles from the nearest point on the low-water line of the coast or any other base line from which the territorial waters aforesaid are measured; and, accordingly, the provisions of that Ordinance shall have effect in relation to taking fish within the zone specified as they have effect in relation to taking fish within the territorial waters of Tristan da Cunha.

...

5. *Power of sea fishery officers*

A sea fishery officer or any person authorized by him may exercise the following powers with respect to any fishing boat fishing within the fishery limits of Tristan da Cunha as defined by this Ordinance:

(a) He may go aboard the fishing boat;

(b) He may require the master, the crew or any of them to produce any certificate of registry, licence, official logbook, official paper, article of agreement, and any other document relating to the fishing boat, or to the crew or any member thereof, or to any person on board the fishing boat, which is in their respective possession or control on board the fishing boat;

(c) He may muster the crew of the fishing boat;

(d) He may require the master to appear and to give any explanation concerning the fishing boat and her crew, any person on board the fishing boat and any document mentioned in paragraph (b) of this section;

¹ No. 1 of 1968; 29 January 1968.

² Amended by the Fishery Limits (Tristan da Cunha) (Amendment) Ordinance, 1970 (No. 1 of 1970); 2 September 1970. Text provided by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations in a note verbale of 15 November 1971.

(e) He may make any examination or enquiry which he deems necessary to ascertain whether any provision of the Tristan da Cunha Fish (Export) Ordinance, 1967 as modified by this Ordinance has been committed.

(f) In the case of any person who appears to him to have committed any such contravention, he may, without summons, warrant or other process, take the offender and the fishing boat to which he belongs and the crew thereof to the nearest and most convenient port, and bring him or them before a competent court, and detain him and them and the fishing boat in the port until the alleged contravention has been adjudicated upon.

6. *Protection of, and punishment for obstructing, sea fishery officers*

(2) If any person obstructs a sea fishery officer when acting in the exercise of his powers under this Ordinance, or refuses or neglects to comply with any requisition or direction lawfully made or given by, or to answer any question lawfully asked by, a sea fishery officer in pursuance of this Ordinance, such person shall be guilty of an offence and shall be liable on summary conviction, to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

TURKS AND CAICOS ISLANDS

FISHERY LIMITS (TURKS AND CAICOS ISLANDS) ORDINANCE 1969¹

3. *Turks and Caicos Islands fishery limits*

For the purposes of the Fisheries Protection Ordinance,² there shall be included within the fishery limits of the Turks and Caicos Islands a zone contiguous to the territorial waters thereof having for its inner boundary the outer limits of those territorial waters and as its seaward boundary a line drawn so that each point on the line is twelve nautical miles from the nearest point of the low-water line of the coast or any other base line from which the breadth of those territorial waters is measured; and, accordingly, but subject to section 7 of this Ordinance, the provisions of those Ordinances shall have effect in relation to taking fish within the zone specified in this section as they have effect in relation to taking fish within the territorial waters of the Turks and Caicos Islands.

4. *Enforcement of Ordinances by fishery officers*

(1) The provisions of The Fisheries Protection Ordinance, as modified by this Ordinance, shall be enforced by fishery officers, and for that purpose a fishery officer shall have the powers set out in section 5 of this Ordinance.

¹ Ordinance No. 5 of 1969; 24 July 1969. Text provided by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations in a note verbale of 15 November 1971.

² Cap. 78.

(2) The following persons shall be fishery officers, that is to say, every officer appointed in that behalf by the Administrator and every member of the police force authorised in that behalf by the Administrator.

5. Powers of fishery officers

A fishery officer may exercise the following powers with respect to any fishing boat fishing within the fishery limits of the Turks and Caicos Islands:

- (a) He may go on board the fishing boat;
- (b) He may require the master, the crew or any of them to produce any certificate of registry, licence, official logbook, official paper, article of agreement, and any other document relating to the fishing boat, or to the crew or any member thereof, or to any person on board the fishing boat, which is in their respective possession or control on board the fishing boat;
- (c) He may muster the crew of the fishing boat;
- (d) He may require the master to appear and to give any explanation concerning the fishing boat and her boat and her crew, any person on board the fishing boat, and any document mentioned in paragraph (b) of this section;
- (e) He may make any examination or enquiry which he deems necessary to ascertain whether any provision of the Fisheries Protection Ordinance as modified by this Ordinance has been committed;
- (f) In the case of any person who appears to him to have committed any such contravention, he may, without summons, warrant or other process, take the offender and the fishing boat to which he belongs and the crew thereof to the nearest and most convenient port, and bring him or them before a competent court, and detain him and them and the fishing boat in the port until the alleged contravention has been adjudicated upon.

6. Protection of and punishment for obstructing fishery officers

(1) No action shall lie against a fishery officer in respect of any act done or omitted to be done by him in the exercise of his powers under this Ordinance if there shall have been reasonable cause for such act or omission.

(2) If any person obstructs a fishery officer when acting in the exercise of his powers under this Ordinance, or refuses or neglects to comply with any requisition or direction lawfully made or given by, or to answer any question lawfully asked by a fishery officer in pursuance of any provision of this Ordinance, such person shall be guilty of an offence and shall be liable, on summary conviction, to a fine of \$J 100, or to imprisonment for three months, or to both such fine and imprisonment.

7. Temporary concession

Nothing in section 3 of this Ordinance shall be deemed to prohibit or restrict, during a period of one year from the date of commencement of this Ordinance, taking fish within the zone specified in that section by a fishing boat of any country.

...

25. UNITED STATES OF AMERICA

(a) NORTHWEST ATLANTIC FISHERIES ACT OF 1950, AS AMENDED IN 1968¹

...

Paragraph 981. *Definitions*

When used in this chapter

(a) Convention: The word "convention" means the International Convention for the Northwest Atlantic Fisheries² signed at Washington under date of February 8, 1949, and amendments including the 1961 declaration of understanding and the 1963 protocol, as well as the convention signed at Washington under date of February 8, 1949.

(b) Commission: The word "Commission" means the International Commission for the Northwest Atlantic Fisheries provided for by article II of the convention.

...

Paragraph 988. *Unlawful activities*

(a) It shall be unlawful for any person subject to the jurisdiction of the United States to engage in fishing in violation of any regulation adopted pursuant to this chapter or of any order of a court issued pursuant to section 989 of this title, to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of any such regulations, or order, to fail to make, keep, submit, or furnish any record or report required of him by such regulation, or to refuse to permit any officer authorized to enforce such regulations to inspect such record or report at any reasonable time.

(b) It shall be unlawful for any person or vessel subject to the jurisdiction of the United States to do any act prohibited or fail to do any act required by any regulation adopted pursuant to this chapter.

Paragraph 989. *Penalties*

Any person violating any provision of this chapter or any regulation adopted pursuant to this chapter, upon conviction, shall be fined for a first offence not more than \$500 and for a subsequent offence committed within five years not more than \$1,000 and for such subsequent offence the court may order forfeited, in whole or in part, the fish taken by such person, 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.

Paragraph 990. *Arrests; enforcement officers; warrants and processes; searches and seizures; stay of execution; bond or stipulation*

(a) Any duly authorized enforcement officer or employee of the Fish and Wildlife Service of the Department of the Interior; any Coast Guard officer;

¹ *United States Code*, Title 16, Chapter 17. Amended by Public Law 90-420, 24 July 1968.

² United Nations, *Treaty Series*, vol. 157, p. 157. Reproduced in ST/LEG/SER.B/15, pp. 832-838.

any United States marshal or deputy United States marshal; any customs officer; and any other person authorized to enforce the provisions of the convention, this chapter, and the regulations issued pursuant thereto, shall have power without warrant or other process to arrest any person subject to the jurisdiction of the United States committing in his presence or view a violation of the convention or of this chapter, or of the regulations issued pursuant thereto and to take such person immediately for examination before a justice or judge or any other official designated in section 3041 of Title 18; and shall have power, without warrant or other process, to search any vessel subject to the jurisdiction of the United States when he has reasonable cause to believe that such vessel is engaging in fishing in violation of the provisions of the convention or this chapter, or the regulations issued pursuant thereto. Any person authorized to enforce the provisions of the convention, this chapter, or the regulations issued pursuant thereto 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 vessel, vehicle, person, or place at any time. . . . Any person authorized to enforce the provisions of the convention, this chapter, or the regulations issued pursuant thereto may, except in the case of a first offence, seize, whenever and wherever lawfully found, all fish taken or retained, and all fishing gear involved in fishing, contrary to the provisions of the convention or this chapter or to regulations issued pursuant thereto.

(b) ACT OF 20 MAY 1964 PROHIBITING FOREIGN FISHING VESSELS IN THE TERRITORIAL WATERS OF THE UNITED STATES AND IN CERTAIN OTHER AREAS, AS AMENDED UP TO 1970¹

Paragraph 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 in such waters to engage in activities in support of a foreign fishery fleet or to engage in the taking of any Continental Shelf fishery resource which appertains to the United States except as provided in this Act or as expressly provided by an international agreement to which the United States is a party. . . .

Paragraph 1082. *Violations and penalties; seizure, forfeiture, and condemnation*

(a) Any person violating the provisions of this chapter shall be fined not more than \$100,000 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,

¹ The 1964 Act is reproduced in ST/LEG/SER.B/15, pp. 698-701. The amendments were made by Public Law 90-427, 26 July 1968 and Public Law 91-514, 27 October 1970. *United States Code* (1970 edition), Title 16, Chapter 21.

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. For the purposes of this Act, it shall be a rebuttable presumption that all fish found aboard a vessel seized in connection with such violation of this Act were taken or retained in violation of this Act.

(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 provisions of this chapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this chapter.

Paragraph 1083. *Enforcement responsibility*

(a) Joint responsibility of Secretaries

. . . Enforcement of the provisions of this Act 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, and each such Secretary may, by agreement with any other Federal department or agency, utilize the equipment (including aircraft and vessels) of that department or agency to carry out such enforcement. 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.

. . .

(c) REGULATIONS OF 5 MAY 1970 GOVERNING NORTH PACIFIC SALMON FISHERIES¹

Paragraph 210.1 *Definition*

(a) 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° 30' north latitude, exclusive of waters adjacent to Alaska north and west of the International Boundary at Dixon Entrance which extend 3 miles seaward (1) from the coast, (2) from lines extending from headland to headland across all bays, inlets, straits, passes, sounds, and entrances, and (3) 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.

(b) The exclusive waters adjacent to Alaska shall be those in which salmon net fishing is permitted under State of Alaska regulations. Federal salmon

¹ *Code of Federal Regulations*, Title 50, Chapter II, Part 210; *Federal Register*, vol. 35, 5 May 1970, p. 7070.

net fishing regulations in exclusive waters outside of State waters shall be the same as regulations promulgated by the State of Alaska for its citizens.

...

Paragraph 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° north.

(d) REGULATION OF 21 MAY 1970 PROHIBITING SALMON FISHING¹

PART 241

Salmon fisheries

Paragraph 241.1 *Salmon fishing prohibited*

No person or fishing vessel subject to the jurisdiction of the United States shall fish for or take Atlantic salmon, *Salmo salar* L., outside of the U.S. contiguous fishery zone in the Convention area² as described in Part 240.

(e) GROUND FISHERIES REGULATIONS OF 31 DECEMBER 1970³

Paragraph 240.1 *Meaning of terms*

When used in this part, unless the context otherwise requires, terms shall have the meaning ascribed in this section.

(a) Convention area:⁴

...

(b) Regulatory area: The term "Regulatory area" means and includes the whole of those portions of the convention area which are separately described as follows:

(1) Subarea 1⁵

...

(5) Subarea 5⁵

¹ *Code of Federal Regulations*, Title 50, Chapter II, Part 241; *Federal Register*, vol. 35, 21 May 1970, p. 7801.

² See 240.1 (a) of Groundfish Fisheries Regulations, *infra* (e).

³ *Code of Federal Regulations*, Title 50, Chapter II, Part 240; *Federal Register*, vol. 36, 6 January 1971, pp. 158-164.

⁴ The definition of "Convention area" repeats the one contained in Article 1 of the International Convention for the Northwest Atlantic Fisheries, reproduced in ST/LEG/SER.B/15, p. 832.

⁵ The definition of "Subarea 1" to "Subarea 5" repeats the one contained in the Annex to the International Convention for the Northwest Atlantic Fisheries, reproduced in ST/LEG/SER.B/15, p. 838.

(c) The regulations in this part shall apply to the following species by the subareas they are included in and wherever in the regulations in this part the term regulated species is used it shall apply to those in this list.

(1) In Subarea 1:

- (i) Cod (*Gadus morhua* (L.)).
- (ii) Haddock (*Melanogrammus aeglefinus* (L.)).
- (iii) Ocean perch (redfish) (*Sebastes*).
- (iv) Halibut (*Hippoglossus hippoglossus* (L.)).
- (v) Grey sole (witch) (*Glyptocephalus cynoglossus* (L.)).
- (vi) Dab (American plaice) (*Hippoglossoides platessoides* (Fab.)).
- (vii) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)).

(2) In Subarea 2:

- (i) Cod (*Gadus morhua* (L.)).
- (ii) Haddock (*Melanogrammus aeglefinus* (L.)).
- (iii) Ocean perch (redfish) (*Sebastes*).
- (iv) Halibut (*Hippoglossus hippoglossus* (L.)).
- (v) Grey sole (witch) (*Glyptocephalus cynoglossus* (L.)).
- (vi) Dab (American plaice) (*Hippoglossoides platessoides* (Fab.)).
- (vii) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)).

(3) In Subarea 3:

- (i) Cod (*Gadus morhua* (L.)).
- (ii) Haddock (*Melanogrammus aeglefinus* (L.)).
- (iii) In aggregate: ocean perch (redfish) (*Sebastes*), except in the statistica Division 3N, 3O, and 3P halibut (*Hippoglossus hippoglossus* (L.)), grey sole (witch) (*Glyptocephalus cynoglossus* (L.)), yellowtail flounder (*Limanda ferruginea* (Storer)), dab (American plaice) (*Hippoglossoides platessoides* (Fab.)), Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)), pollock (saithe) (*Pollachius virens* (L.)), white hake (*Urophycis tenuis* (Mitch.)).

(4) In Subarea 4:

- (i) Cod (*Gadus morhua* (L.)).
- (ii) Haddock (*Melanogrammus aeglefinus* (L.)).
- (iii) In aggregate: Flounders: grey sole (witch) (*Glyptocephalus cynoglossus* (L.)), yellowtail flounder (*Limanda ferruginea* (Storer)), black back or lemon sole (winter flounder) (*Pseudopleuronectes americanus* (Walb.)), dab (American plaice) (*Hippoglossoides platessoides* (Fab.)).

(5) In Subarea 5:

- (i) Cod (*Gadus morhua* (L.)).
- (ii) Haddock (*Melanogrammus aeglefinus* (L.)).
- (iii) Yellowtail Flounder (*Limanda ferruginea* (Storer)).

...

(h) Convention: The International Convention for the Northwest Atlantic Fisheries signed at Washington, February 8, 1949.¹

(i) Commission: The International Commission for the Northwest Atlantic Fisheries established pursuant to the Convention.

...

Paragraph 240.2 *Licence*

(a) The licence and the logbook referred to under paragraph 240.10 (b) shall be issued without fee by authorized officers of the Government of the United States.

(b) Unless permitted to do so by paragraph 240.5 no person shall engage in fishing for these species of fish mentioned in paragraph 240.1 (c) within the Convention area, nor shall any person possess, transport or deliver by means of any fishing vessel such species taken within such area except under a licence issued and in force in conformity with the provisions of this part.

(1) The owner or operator of a fishing vessel may obtain without charge a licence by furnishing, on a form to be supplied by the National Marine Fisheries Service, information specifying the names and addresses of the owner and operator of the vessel, the name, official number and home port of the vessel, and the period for which the licence is desired. The form shall be submitted in duplicate to the Regional Director, National Marine Fisheries Service, Gloucester, Mass., who shall grant the licence for the duration specified by the applicant in the form but in no event to extend beyond the end of the calendar year during which the licence is issued. New licences shall similarly be issued to replace expired, lost or mutilated licences. An application for replacement of an expiring licence shall be made in like manner as the original application not later than 10 days prior to the expiration date of the expiring licence.

(2) The licence issued by the National Marine Fisheries Service shall be carried at all times on board the vessel for which it is issued and such licence, the vessel, its gear and equipment shall at all times be subject to inspection for the purposes of this part by officers authorized to enforce the provisions of this part.

...

Paragraph 240.3 *Restrictions on fishing gear*

(a) Minimum mesh sizes:

(1) In Subarea 1, no person shall use or attempt to use from any vessel for which a licence is in force, a trawl net or nets, parts of nets, or netting of manila or of the trade-named twines under the chemical category of polypropylene having a mesh size as defined in this section, of less than 5 1/8 inches (130 mm), or a trawl net or nets, parts of nets, or netting or material other than manila or polypropylene twine unless it shall have a selectivity equivalent to that of a 5 1/8-inch (130 mm) manila trawl net.

(2) In Subareas 2, 3, 4, and 5, no person shall use or attempt to use from any vessel for which a licence is in force a trawl net or nets, parts

¹ Reproduced in ST/LEG/SER.B/15, pp. 832-838.

of nets, or netting of manila or of the trade named twines under the chemical category of polypropylene having a mesh size as defined in this section of less than 4 1/2 inches (114 mm) or a trawl net or nets, or netting of material other than manila or polypropylene twine unless it shall have a selectivity equivalent to that of a 4 1/2 inch (114 mm) manila trawl net. No person shall possess at any time on board a vessel for which a licence is in force a trawl net or nets, parts of nets, or netting having a mesh size less than that specified in this subparagraph for the appropriate fishery.

(3) Except as provided in subparagraph (4) of this paragraph, a minimum mesh size of 4 1/2 inches (114 mm) manila as specified in subparagraph (2) of this paragraph shall apply to persons engaged in the yellowtail flounder fishery.

(4) Beginning April 1, 1971, in Subarea 5 no person engaged in the yellowtail flounder fishery shall use or attempt to use from any vessel for which a licence is in force a cod end of manila or of the trade named twines under the chemical category of polypropylene having a mesh size as defined in this section of less than 5 1/8 inches (130 mm). No person shall possess at any time on board a vessel for which a licence is in force a cod end having a mesh size less than that specified in this subparagraph.

...

Paragraph 240.4 *Temporary suspension of licences*

(a) The owner or operator of any fishing vessel which is proposed to be used in fishing beyond the limits of the regulatory area or is proposed to be used in fishing within such area for species of fish other than those indicated in paragraph 240.1 (c) may obtain a temporary suspension of the licence issued for such vessel for the specified period during which such non-regulated fishing is to be conducted.

...

Paragraph 240.6 *Catch limits*

(a) An annual limitation is placed on the quantity of haddock permitted to be taken from Division 4X of Subarea 4 and Subarea 5 by the fishing vessels of all contracting governments participating in the fishery in each year during 1971 and 1972.

...

(b) An annual limitation of 29,000 metric tons (63,945,000 pounds) is placed on yellowtail flounder taken by fishing vessels of contracting governments in 1971.

...

Paragraph 240.7 *Open season*

(a) The open season for haddock fishing in Division 4X of Subarea 4, and Subarea 5 shall begin annually at 0001 hours of the 1st day of January and terminate at a time and a date to be determined and announced as provided in paragraph 240.8: provided, that the area described in paragraph 240.8 shall be closed to the use of gear capable of catching demersal species including any otter

trawl gear or similar devices, hook and line, or gill net, from 0001 hours, March 1, to 2400 hours April 30, during the years 1971 and 1972.

(b) The open season for yellowtail flounder fishing in Subarea 5 in 1971 shall begin at 0001 hours local time on the first day of January, April, July, and October, and terminate at a time and date to be determined. The Director of the National Marine Fisheries Service shall announce the time and date of each closure as provided in paragraph 240.8 (a) (4).

Paragraph 240.8 *Closed seasons and areas*

(b) It shall be unlawful for any fishing vessel to use, during the period from 0001 hours, March 1 to 2400 hours, April 30 in the years 1971, and 1972 fishing gear capable of catching demersal species, including any otter trawl gear or similar devices, hook and line, or gill net; in the following areas:

(1) Division 4X of Subarea 4. The area that lies between 42° 00' north latitude and 43° 00' north latitude and between 67° 00' west longitude and 64° 30' west longitude.

(2) Subarea 5, two areas bounded by lines connecting the following co-ordinates.

(i) 70° 00' west longitude, 42° 10' north latitude; 69° 10' west longitude, 41° 10' north latitude; 68° 30' west longitude, 41° 35' north latitude; 69° 20' west longitude, 42° 30' north latitude.

(ii) 67° 00' west longitude, 42° 20' north latitude; 67° 00' west longitude, 41° 15' north latitude; 65° 40' west longitude, 41° 15' north latitude; 65° 40' west longitude, 42° 00' north latitude; 66° 00' west longitude, 42° 20' north latitude.

(c) It shall be unlawful for any person to fish for or possess on board any fishing vessel red hake *Urophycis chuss* (Walb.) and silver hake, *Merluccius bilinearis* (Mitch.) during the period January 1 to March 31, 1971, and 1972, in the area bounded by the co-ordinates 69° 00' west longitude and 71° 40' west longitude and 39° 50' north latitude and 40° 20' north latitude: provided, that during this period vessels fishing for other species of fin fish, crustacea, or mollusks may take on each trip during which they fish in the said area red and silver hake in amounts not to exceed 10 percent each of the total catch by weight in the said area on each trip.

(f) WHALING REGULATIONS,¹ AS AMENDED IN 1971²

Paragraph 351.1 *Inspection*

(a) There shall be maintained on each factoryship at least two inspectors of whaling for the purpose of maintaining 24-hour inspection and also such observers as the member countries engaged in pelagic whaling may arrange

¹ *Code of Federal Register*, Title 50, Chapter III, Part 351. These are the regulations adopted by the International Whaling Commission.

² Amended by the Amendments of 3 March 1971 (*Federal Register*, vol. 36, 3 March 1971, p. 3970).

to place on each other's factoryships. These inspectors shall be appointed and paid by the Government having jurisdiction over the factoryship; provided, that inspectors need not be appointed to ships which, apart from the storage of products are used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

(b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station. There shall be maintained such observers as the member countries having jurisdiction over land stations may arrange to place at each other's land stations.

Paragraph 351.2 Killing of gray or right whales prohibited

It is forbidden to take or kill gray whales or right whales, except by aborigines or a Contracting Government¹ on behalf of aborigines and only when the meat products of such whales are to be used exclusively for local consumption by the aborigines.

Paragraph 351.3 Killing of calves or suckling whales prohibited

It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

Paragraph 351.4 General restrictions on taking baleen whales

(a) (1) It is forbidden to kill blue whales in the North Atlantic Ocean for the 3 years ending on February 24, 1973.

(2) It is forbidden to kill or attempt to kill blue whales in the North Pacific Ocean and its dependent waters north of the Equator for 5 years beginning with the 1971 season.

(b) It is forbidden to use a factoryship or whale catcher attached thereto for the purpose of taking or treating baleen whales except minke whales in any of the following areas:

(1) In the waters north of 66° north latitude except that from 150° east longitude eastwards as far as 140° west longitude the taking or killing of baleen whales by a factoryship or whale catcher shall be permitted between 66° north latitude and 72° north latitude;

(2) In the Atlantic Ocean and its dependent waters north of 40° south latitude;

(3) In the Pacific Ocean and its dependent waters east of 150° west longitude between 40° south latitude and 35° north latitude;

(4) In the Pacific Ocean and its dependent waters west of 150° west longitude between 40° south latitude and 20° north latitude;

(5) In the Indian Ocean and its dependent waters north of 40° south latitude.

...

¹ "Contracting Government" means government of the party to the International Convention for the Regulation of Whaling, signed at Washington on December 2, 1946. United Nations, *Treaty Series*, vol. 161, p. 72.

Paragraph 351.6 Limitations on the taking of humpback whales, blue whales, and sperm whales

(a) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean for a period ending on November 8, 1972. Notwithstanding this closed season, the taking of 10 humpback whales per year is permitted in Greenland waters: provided, that whale catchers of less than 50 gross register tonnage are used for this purpose.

(b) It is forbidden to kill or attempt to kill humpback whales in the waters south of the Equator.

(c) It is forbidden to kill or attempt to kill blue whales in the waters south of the Equator.

(d) It is forbidden to kill or attempt to kill humpback whales in the North Pacific Ocean and its dependent waters north of the Equator for 3 years beginning with the 1971 season.

(e) It is forbidden to use a factoryship or whale catcher attached thereto for the purpose of taking or treating sperm whales in the waters between 40° south latitude and 40° north latitude.

Paragraph 351.7 Closed seasons for pelagic whaling for baleen and sperm whales

(a) It is forbidden to use a factoryship or whale catcher attached thereto for the purpose of taking or treating baleen whales (excluding minke whales) in any waters south of 40° south latitude, except during the period from December 12, to April 7, following, both days inclusive.

(b) It is forbidden to use a factoryship or whale catcher attached thereto for the purpose of taking or treating sperm or minke whales, except as permitted by the Contracting Governments in accordance with paragraphs (c), (d), and (e) of this section.

(c) Each Contracting Government shall declare for all factoryships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed 8 months out of any period of 12 months during which the taking or killing of sperm whales by whale catchers may be permitted: provided, that a separate open season may be declared for each factoryship and the whale catchers attached thereto.

(d) Each Contracting Government shall declare for all factoryships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed 6 months out of any period of 12 months during which the taking or killing of minke whales by the whale catchers may be permitted: provided, that:

(1) A separate open season may be declared for each factoryship and the whale catchers attached thereto;

(2) The open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to paragraph (a) of this section.

(e) Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factoryship or land station one continuous open season not to exceed 6 months out of any period of

12 months during which the taking or killing of minke whales by such whale catchers may be permitted. Notwithstanding this section one continuous open season not to exceed 8 months may be implemented so far as Greenland is concerned.

Paragraph 351.8 *Catch quota for baleen whales*

(a) The number of baleen whales taken during the open season caught in waters south of 40° south latitude by factory ships or whale catchers attached thereto under the jurisdiction of the Contracting Governments shall not exceed 2,700 blue whale units in 1969-70.

(b) For the purposes of paragraph (a) of this section, blue whale units shall be calculated on the basis that one blue whale equals:

- (1) Tow fin whales; or
- (2) Two and a half humpback whales; or
- (3) Six sei or Bryde's whales.

(c) Notification shall be given in accordance with the provisions of Article VII of the Convention, within 2 days after the end of each calendar week, of data on the number of blue whale units taken in any waters south of 40° south latitude by all factoryships or whale catchers attached thereto under the jurisdiction of each Contracting Government; provided, that when the number of blue whale units is deemed by the Bureau of International Whaling Statistics to have reached 85 percent of whatever total catch limit is imposed by the Commission, notification shall be given as aforesaid at the end of each day of data on the number of blue whale units taken.

(d) If it appears that the maximum catch of whales permitted by paragraph (a) of this section may be reached before April 7 of any year, the Bureau of International Whaling Statistics shall determine, on the basis of the data, provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify the master of each factoryship and each Contracting Government of that date not less than 4 days in advance thereof. The taking or attempting to take baleen whales by factoryships or whale catchers attached thereto shall be illegal in any waters south of 40° south latitude after midnight of the date so determined.

(e) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factoryship intending to engage in whaling operations in any waters south of 40° south latitude.

(f) The number of fin whales taken in the North Pacific Ocean and dependent waters excluding the catch in the East China Sea shall not exceed 1,308 whales, plus or minus 10 percent (10%) in 1971.

(g) The number of sei and Bryde's whales combined taken in the North Pacific Ocean and dependent waters shall not exceed 4,710 whales plus or minus 10 percent (10%) in 1971. The numbers taken in the succeeding few years shall be further adjusted on the basis of the latest scientific assessment, so that within a few years the catch shall be less than the estimate of the sustainable yield.

(h) The provisions regarding a 10 percent (10%) allowance for fin and sei (including Bryde's) whales in the North Pacific Ocean, and dependent waters shall be applied in such a way that if the catch of one species exceeds

the number given in subparagraph (f) or (g), the catch of the other species shall be less than the appropriate number by an equivalent amount.

Paragraph 351.9 *Minimum size limits*

(a) It is forbidden to take or kill any blue, sei, Bryde's, or humpback whales below the following lengths:

Blue Whales 70 feet (21.3 metres);

Sei and Bryde's whales 40 feet (12.2 metres);

Humpback whales 35 feet (10.7 metres);

except that blue whales of not less than 65 feet (19.8 metres) and sei and Bryde's whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations: provided, that except in the Northeast Pacific area for a period of 3 years starting April 1, the meat of such whales is to be used for local consumption as human or animal food.

(b) It is forbidden to take or kill any fin whales below 57 feet (17.4 metres) in length in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16.8 metres) in the Northern Hemisphere; except that fin whales of not less than 55 feet (16.8 metres) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15.2 metres) may be taken for delivery to land stations in the Northern Hemisphere: provided, that except in the Northeast Pacific area for a period of 3 years starting April 1, 1971, in each case, the meat of such whales is to be used for local consumption as human or animal food.

(c) It is forbidden to take or kill any sperm whales below 38 feet (11.6 metres) in length, except that sperm whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations.

...

Paragraph 351.10 *Closed season for land stations*

(a) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with paragraphs (b), (c), and (d) of this section.

(b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen (excluding minke) whales by the whale catchers shall be permitted. Such open season shall be for a period of not more than 6 consecutive months in any period of 12 months and shall apply to all land stations under the jurisdiction of the Contracting Government: provided, that a separate open season may be declared for any land station used for the taking or treating of baleen (excluding minke) whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same Contracting Government.

(c) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed 8 continuous months in any one period of 12 months, during which the taking or killing of sperm whales by the whale catchers

shall be permitted, such period of 8 months to include the whole of the period of 6 months declared for baleen whales (excluding minke whales) as provided for in paragraph (b) of this section: provided, that a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.

(d) (1) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed 6 continuous months in any period of 12 months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in paragraph (b) of this section): provided, that a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

(2) Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this paragraph shall not cause thereby the period of time covering the open season declared by the same Contracting Government to exceed 9 continuous months of any 12 months.

(e) The prohibitions contained in this section shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factoryships which are subject to the regulations governing the operation of land stations under the provisions of paragraph 351.17.

Paragraph 351.11 Use of factoryships in waters other than south of 40° south latitude

It is forbidden to use a factoryship which has been used during a season in any waters south of 40° south latitude for the purpose of treating baleen whales apart from minke whales, in any other area except the North Pacific Ocean and its dependent waters north of the Equator for the same purpose within a period of 1 year from the termination of that season: provided, that this section shall not apply to a ship which has been used during the season provided that catch limits in the North Pacific Ocean and dependent waters are established as provided in paragraph 351.8 paragraphs (f), (g) and (h) solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

...

(g) WHALING PROVISIONS,¹ AS AMENDED IN 1971²

...

Paragraph 230.10 *Licences required to engage in whaling*

(a) No person shall engage in the taking or processing of any whales without first having obtained an appropriate licence.

(b) No licence shall be issued after December 31, 1971, for any species of whales appearing on the Endangered Species List, Part 17 of this title, Appendix A.

...

*Closed seasons*Paragraph 230.20 *Whale catchers attached to land stations taking baleen whales*

(a) It is forbidden to use a whale catcher attached to a land station for the purpose of taking or killing any baleen whales except during the period April 15 to October 15, both days inclusive: provided, that it is forbidden to kill or attempt to kill blue whales, by any means, in the following areas:

(1) The North Atlantic Ocean for 3 years ending on February 24, 1973.

(2) The North Pacific Ocean and its dependent waters north of the Equator for 5 years beginning with the 1971 season.

(3) In the waters south of the Equator: *Provided further*, That it is forbidden to kill or attempt to kill humpback whales, by any means, in the following areas:

(4) In the North Atlantic Ocean for a period ending on November 8, 1972.

(5) In the North Pacific Ocean and its dependent waters north of the Equator for 3 years beginning with the 1971 season.

Paragraph 230.21 *Whale catchers attached to land stations taking sperm whales*

It is forbidden to use a whale catcher attached to a land station for the purpose of taking or killing sperm whales except during the period April 1, to November 30 following, both days inclusive.

Paragraph 230.22 *Whale catchers attached to factoryships taking sperm whales*

It is forbidden to use a factoryship or whale catcher attached thereto for the purpose of taking or treating sperm whales in the waters between 40° south latitude and 40° north latitude. For all other waters, it is forbidden to use factoryships or whale catchers attached thereto for the purpose of taking or treating sperm whales except during the period April 15 to December 15 following both days inclusive.

...

¹ *Code of Federal Regulations*, Title 50, Chapter II, Part 230.

² Amended by the Amendments of 20 April 1971 (*Federal Register*, vol. 36, 20 April 1971, p. 7431.)

Catch quotas

Paragraph 230.25 *Fin and sei whale quotas for the North Pacific*

Beginning with the 1971 season for taking baleen whales, it is forbidden for persons or vessels under the jurisdiction of the United States to take more than 40 fin whales and 51 sei whales from the waters of the North Pacific Ocean. The fin whale quota may be converted to sei and Bryde's whales combined, or vice versa, in terms of the formula as defined in paragraph 8 (b) of the Schedule of the Convention: provided, that the total catch of one or the other species does not exceed the level which is 10 percent (10%) above the quota for each species as prescribed above.

Paragraph 230.6 *Sperm whale quota for the North Pacific Ocean*

Beginning with the 1971 season for taking sperm whales, it is forbidden for persons or vessels under the jurisdiction of the United States to take more than 75 sperm whales from the waters of the North Pacific Ocean and dependent waters.

...

Records and Reports

Paragraph 230.30 *Records to be maintained on whale catchers*

There shall be maintained on each whale catcher a suitable log book or other record in which shall be recorded the following information, and such record shall be available for inspection by any person authorized by law or by this part to act as an inspector or enforcement officer, who shall be permitted to abstract therefrom such information as may be needed by the U.S. Government:

- (a) The date and hour of the killing or capture of each whale;
- (b) The point in latitude and longitude where each whale was killed or captured;
- (c) The species of each whale killed or captured;
- (d) The time of delivery of each whale to the land station or factoryship;
- (e) Data specified under paragraphs (a), (b), and (c) of this section for each whale killed and later lost, or for some other reason not delivered to a factoryship or land station for processing, with an account of the circumstances surrounding such loss or nondelivery; and
- (f) Any observations on migration of whales and on location of calving grounds.

Paragraph 230.31 *Records to be maintained on factoryships and at land stations*

(a) There shall be maintained in duplicate on board each factoryship and at each land station a detailed record of all whales received and processed as follows:

- (1) Serial number of the whale (begin with number 1 on January 1 of each year).
- (2) Species of the whale.

(3) Date and time killed and date and time received by the factoryship or land station.

(4) Sex of the whale.

(5) Length of the whale. (Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot, that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e.g., 76 feet 6 inches precisely shall be logged at 77 feet.)

(6) Sex of fetus if present.

(7) Length of fetus in feet and inches.

(8) A description of the stomach contents of the whale.

(9) Name of whale catcher which took the whale.

(10) Name of gunner who killed the whale.

(11) The exact location in which the whale was taken, stated in degrees and minutes of latitude and longitude.

(12) Under "Remarks" enter, if the whale is a female, whether lactating or milk-filled as well as abnormalities or peculiarities concerning the whale and the character and quantity of any portion of the whale transferred to a secondary processing plant.

(b) Each sheet of such reports shall be verified or approved by a person authorized by law or by this part to act as inspector or enforcement officer, and the said duplicate reports for each calendar year shall be submitted to the Director, Bureau of Commercial Fisheries, Department of the Interior, . . .

. . .

Salvage of unclaimed whales

Paragraph 230.40 No processing licence required

No licence shall be required for the salvage and processing of any "dauhval" or dead whale found upon a beach or stranded in shallow water, or of any unclaimed dead whale found floating at sea.

Paragraph 230.41 Reporting of salvage of dead whales required

(a) Any person or persons salvaging and/or processing any dead whale of any of the species enumerated in paragraph 230.5 shall submit a report in writing to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C. 20240, no later than within 30 days after the end of the then current calendar year.

(b) Such report shall show the date and exact locality in which such dead whale was found, its species and length, the disposition made of the whale, the firm utilizing or processing it, the products derived therefrom, and any other relevant facts.

...

Molesting or unauthorized interference with whales

Paragraph 230.50 *Molesting of whales prohibited*

The chasing, molesting, exciting, or interfering with, through the use of firearms or by any other manner or means, of any whale of the species listed in paragraph 230.5 or of any other species protected by the provisions of the International Convention for the Regulation of Whaling of 1946, except for the purpose of hunting, killing, taking, towing, holding on to or scouting for whales in accordance with the provisions of the Convention, the regulations of the International Whaling Commission, and the regulations in this part, is prohibited. Persons violating this section shall upon arrest and conviction, be subject to the penalties imposed by the Whaling Convention Act of 1949.

...

(h) REGULATIONS OF 4 MAY 1971 GOVERNING THE EASTERN PACIFIC
YELLOWFIN TUNA FISHERIES¹

Paragraph 280.1 *Definitions*

For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

...

(b) "Convention": The Convention for the Establishment of an Inter-American Tropical Tuna Commission,² signed at Washington, D.C., May 31, 1949, by the United States of America and the Republic of Costa Rica (1 U.S.C. 230).

(c) "Commission": The Inter-American Tropical Tuna Commission established pursuant to the Convention.

(d) "Director of Investigations": The Director of Investigations, Inter-American Tropical Tuna Commission, La Jolla, Calif.

(e) "Service Director": The Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

(f) "Regional Director": The Regional Director, Southwest Region, National Marine Fisheries Service, . . .

(g) "Regulatory area": All waters of the eastern Pacific Ocean bounded by the mainland of the Americas and the following lines: Beginning at a point

¹ *Code of Federal Regulations*, Title 50, Chapter II, Part 280; *Federal Register*, vol. 36, 7 May 1971, pp. 8515-8519.

² United Nations, *Treaty Series*, vol. 80, p. 3.

on the mainland where the parallel of 40° north latitude intersects the coast; thence due west to the meridian of 125° west longitude; thence due south to the parallel of 20° north latitude; thence due east to the meridian of 120° west longitude; thence due south to the parallel of 5° north latitude; thence due east to the meridian of 110° west longitude; thence due south to the parallel of 10° south latitude; thence due east to the meridian of 90° west longitude; thence due south to the parallel of 30° south latitude; thence due east to a point on the mainland where the parallel of 30° south latitude intersects the coast.

...

(m) "Open season": The time during which yellowfin tuna may lawfully be captured and taken on board a fishing vessel in the regulatory area without limitation on the quantity permitted to be retained during each fishing voyage. Unless otherwise specified, whenever time is stated in hours it shall be construed to refer to local time in the area affected.

(n) "Closed season": The time during which yellowfin tuna may not be taken or retained on board a fishing vessel in quantities exceeding the amounts permitted to be taken and retained as an incident to fishing for species with which yellowfin tuna may be mingled as defined in paragraph 280.2 (b) (3).

...

Paragraph 280.3 *Catch limits*

The annual limitation on the quantity of yellowfin tuna permitted to be taken from the regulatory area by the fishing vessels of all nations participating in the fishery will be fixed and determined on the basis of recommendations made by the Commission pursuant to paragraph 5 of Article II of the Convention. Upon approval by the Secretary of State and the Secretary of Commerce of the recommended catch limit, announcement of the catch limit thus established shall be made by the Service Director through publication of a suitable notice in the *Federal Register*. The Service Director, in like manner, shall announce any revision or modification of an approved annual catch limit which may subsequently enter into force.

Paragraph 280.4 *Open season*

The open season for yellowfin tuna fishing shall begin annually at 0001 hours of the 1st day of January and terminate at a time and date to be determined and announced as provided in paragraph 280.5

Paragraph 280.5 *Closed season*

Pursuant to authority granted by the Commission, the Director of Investigations will determine the date on which he deemed that the yellowfin fishing season should close and will promptly notify the service Director of such date. The Service Director shall then announce the season closure date thus established by publication in the *Federal Register*. The closure date so announced shall be final except that if it shall at any time become evident to the Director of Investigations that the closure date initially determined had been affected by changed circumstances, he may substitute another date which shall be announced by the Service Director in like manner as provided for the date originally determined.

Paragraph 280.6 *Restrictions applicable to fishing vessels*

(a) Except as provided in paragraphs (b), (c), and (e) of this section, after the date determined and announced in the manner provided in paragraph 280.5 for the closing of the yellowfin tuna fishing season, it shall be unlawful for any master or other person in charge of a fishing vessel to land yellowfin tuna in any port or place until the yellowfin tuna fishing season reopens on January 1 next following the close of the season.

...

Part II
TREATIES

Division I
**THE TERRITORIAL SEA AND THE CONTIGUOUS
ZONE¹**

Subdivision A. Multilateral Treaties

AGREEMENT ON THE RESCUE OF ASTRONAUTS, THE RETURN OF
ASTRONAUTS AND THE RETURN OF OBJECTS LAUNCHED INTO
OUTER SPACE. DONE AT WASHINGTON, LONDON AND MOSCOW
ON 22 APRIL 1968, articles 1-5²

¹ For the texts touching upon the territorial sea and the contiguous zone in connexion with exploration for and exploitation of the continental shelf, marine pollution, and fishing and conservation of living resources, see *infra* DIVISIONS II, III, and IV, respectively.

² *Infra* DIVISION III, SUBDIVISION A, 1.

Subdivision B. Bilateral Treaties

1. BAHRAIN-SAUDI ARABIA BOUNDARY AGREEMENT, DATED 22 FEBRUARY 1958¹
2. TREATY OF NAVIGATION BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND THE SPANISH STATE. DONE AT SAN SEBASTIAN, on 27 AUGUST 1968²

Article 1

Each Contracting Party shall grant to the other freedom of navigation, in accordance with the provisions of this Treaty.

Article 2

(1) To the extent that relations between the Contracting Parties in respect of navigation are not regulated by virtue of their common membership in international organizations or by multilateral agreements, to which both are parties, they shall be governed by this Treaty.

(2) Each Contracting Party shall apply as liberally as possible the restrictions permitted under the provisions of the agreements or the regulations of the organizations referred to in paragraph (1) and shall endeavour to abolish or relax such restrictions to the extent that its economic, financial and foreign exchange situation allows.

...

Article 6

(1) Each Contracting Party shall accord to ships flying the flag of the other Contracting Party treatment equal to that which it accords to its own ships or to those of any other State in the ports under its sovereignty or jurisdiction in so far as concerns freedom of access to ports and their utilization and the use of the navigational and commercial facilities which each Contracting Party makes available to ships, their cargoes and passengers. Equal treatment as aforesaid shall extend to the provision of services and facilities of all kinds, such as the allocation of berths, the use of loading and unloading equipment, repairs and charges and fees of any kind levied on behalf of or for the account of the State, public authorities, franchise-holders or bodies of any kind.

¹ *Infra* DIVISION II, Subdivision B, 1.

² Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale of 4 November 1971. Translation by the Secretariat of the United Nations.

(2) Ships flying the flag of either Contracting Party may freely embark and disembark passengers and load and unload goods in any of the ports of the other Contracting Party which are open to foreign shipping. Each Contracting Party shall accord to ships flying the flag of the other Contracting Party the same rights as it accords to its own ships in so far as concerns the carriage of passengers and cargo.

Article 7

If a ship flying the flag of one of the Contracting Parties is stranded or wrecked on the coasts of the territory of the other Contracting Party or is forced to take shelter in a port of the other Contracting Party, last-mentioned Contracting Party 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 it would extend to a ship in similar circumstances flying its own flag. Articles salvaged from the ship shall be exempt from import and export duties on condition that they have not been imported or are spoiled and that the relevant fiscal provisions are in all cases complied with. In case of the stranding or wreck of a ship flying the flag of one of the Contracting Parties, the competent consular representative shall be notified immediately.

...

Article 9

Wherever this Treaty accords both national treatment and most-favoured-nation treatment, the more favourable treatment shall be applied.

Article 10

The provisions of this Treaty relating to national treatment and most-favoured-nation treatment as regards navigation shall not apply to:

- (a) The privileges accorded to high-sea sports associations;
- (b) The provision of maritime services in ports and roadsteads or on beaches, including pilotage, towing and salvage;
- (c) The coasting trade and inland navigation;
- (d) Fishing at fishing grounds over which the Contracting Parties exercise sovereign rights;
- (e) The privileges accorded to the products of a country's own maritime fishing and hunting;
- (f) Emigration and the transport of emigrants.

Article 11

This Treaty shall not apply to warships.

Article 12

Each Contracting Party shall accord to the other Contracting Party national treatment as provided for in this Treaty, in consideration of the fact that the other Contracting Party accords national treatment in respect of the same matters.

...

3. AGREEMENT ON SETTLEMENT OF MARITIME BOUNDARY LINES AND SOVEREIGN RIGHTS OVER ISLANDS BETWEEN QATAR AND ABU DHABI. SIGNED ON 30 MARCH 1969¹

Recognizing the cordial and fraternal relations that exist between the two sister Arab States, and desirous of settling maritime boundary lines and sovereign rights over islands on the basis of their mutual interests, the two Contracting Parties have agreed as follows:

- (1) That "Dina" Island is part of the territory of Abu Dhabi;
- (2) That the islands of "Lashat" and "Shraho" are part of the territory of Qatar;
- (3) That both States will have no further national claims against each other in islands and waters beyond the maritime boundary lines herein agreed to.

(4) That the maritime boundary lines referred to in paragraph (3) above are as follows:

(a) A straight line between Point A at:

Lat.	25	31	50
Long.	53	02	05

and point B, "Bir Elbundug", at:

Lat.	25	05	54,79
Long.	52	36	50,98

(b) A straight line between point B (described above), and point C, at:

Lat.	24	48	40
Long.	52	16	20

(c) A straight line from point C (described above) to point D (at Bab Khor Eladid at the territorial sea boundary) at:

Lat.	24	48	40
Long.	52	16	20

(5) That the above points and lines shall as soon as possible be drawn in a small maritime boundary chart in duplicate, each to be signed by both Contracting Parties;

(6) That the Contracting Parties will have equal rights of ownership over "Hagl Elbundug" and agreed to consult each other in all matters concerning its exploitation;

(7) That "Hagl Elbundug" shall be exploited by ADMA (Abu Dhabi Marine Areas Co.) in accordance with the terms of the agreements between the Company and the Ruler of Abu Dhabi. All revenues, profits and benefits derived from such exploitation shall be divided on equal shares by the Governments of Qatar and Abu Dhabi.

¹ Unofficial English translation supplied by the Permanent Representative of State of Qatar to the United Nations in a letter of 27 July 1972.

4. AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF FINLAND AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING RESCUE OPERATIONS IN FINNISH AND SOVIET WATERS. DONE ON 25 AUGUST 1971¹

The Government of the Republic of Finland and the Government of the Union of Soviet Socialist Republics,

Desiring to develop further good-neighbourly relations and to strengthen co-operation between the two countries.

Considering that the swift provision of assistance can be a decisive factor in the successful rescue of a vessel in distress and its cargo,

Have, with a view to providing vessels in distress with the most effective possible assistance in all cases, agreed on the following:

Article 1

If a vessel sailing under the flag of one Contracting Party proceeding or otherwise present in the territorial or inland maritime waters of the other Contracting Party, requires assistance because it has met with an accident or is in distress, the master or owner of the vessel may, at his own discretion, call on a vessel sailing under the flag of either Contracting Party to render assistance and carry out rescue operations.

Where a vessel of one Contracting Party has met with an accident or is in distress outside the limits of the territorial waters of the other Contracting Party and requires immediate assistance, such vessel may be brought into the territorial or inland maritime waters of the other Contracting Party with the aid of any vessel sailing under the same flag, for the purpose of repairing the damage. In such cases, the procedure for entering territorial or inland maritime waters provided for in article 2 of this Agreement shall apply to the vessel rendering assistance.

Vessels present in the territorial or inland maritime waters of the other Contracting Party must comply with its laws and regulations relating to visits of foreign vessels and nationals and to the conduct of rescue and hoisting operations due regard being had to the provisions of this Agreement.

The provisions of this Agreement relating to vessels shall also apply to other floating installations.

Article 2

Free access to the territorial or inland maritime waters of the Contracting Parties, as provided for in article 1, for the purpose of rendering assistance shall be subject to the condition that the competent authorities of the country in whose waters the vessel in distress is present receive, as soon as possible and not later than the time when the rescue vessel or other vessel of one Contracting Party rendering assistance reaches the territorial waters of the other Contracting Party, information on the nature of the distress and on the

¹ United Nations, *Treaty Series*, vol. 801, No. 11406. Entered into force on 24 September 1971 in accordance with article 6. Translation by the Secretariat of the United Nations.

names of the organization (enterprise or institution) and the vessel (or vessels) which are to carry out the rescue operations.

The procedure for communicating the information referred to in the first paragraph of this article shall be determined by means of a special exchange of letters.

Article 3

The assistance referred to in this Agreement shall include any type of rescue, hoisting, towing or other assistance given at sea to a vessel in distress or its cargo.

Article 4

This Agreement shall apply to warships to the extent that such application is in conformity with the laws and regulations in force in the territory of each Contracting Party governing the entry of foreign warships into its waters.

Article 5

This Agreement shall be applicable in Soviet territorial and inland maritime waters in the Baltic Sea, including the Gulf of Finland, with the exception of areas in which navigation or anchoring is prohibited, as announced in "Notices to Mariners".

This Agreement shall be applicable in Finnish territorial and inland maritime waters in the Baltic Sea, the Gulf of Finland and the Gulf of Bothnia, with the exception of areas in which navigation or anchoring is prohibited, as announced in "Notices to Mariners".

The Contracting Parties shall give prompt, favourable consideration to requests for permission to carry out rescue operations in the prohibited areas.

Article 6

This Agreement is concluded for a term of three years and shall enter into force thirty (30) days after the date of its signature.

Unless it is denounced by one of the Contracting Parties at least six months before the expiry of the said term, the Agreement shall remain in force for a further term of one year, and it shall similarly be deemed to be extended for successive terms until such time as it is denounced by one of the Contracting Parties at least six months before the expiry of its current term.

Division II
THE CONTINENTAL SHELF

Subdivision A. Multilateral Treaties

PROTOCOL BETWEEN THE NETHERLANDS, DENMARK AND THE
FEDERAL REPUBLIC OF GERMANY. DONE AT COPENHAGEN ON
28 JANUARY 1971¹

I

(1) The Kingdom of the Netherlands, the Kingdom of Denmark and the Federal Republic of Germany have, on the basis of the Judgement of the International Court of Justice of 20 February 1969, conducted trilateral negotiations concerning the delimitation of the continental shelf under the North Sea. During these negotiations, the following two Treaties, signed this day, were drawn up by agreement:

(a) Treaty between the Kingdom of Denmark and the Federal Republic of Germany concerning the delimitation of the continental shelf under the North Sea;²

(b) Treaty between the Kingdom of the Netherlands and the Federal Republic of Germany concerning the delimitation of the continental shelf under the North Sea.³

These Treaties are, so far as the circumstances allow, identical.

(2) The three signatory States, recognizing that the two Treaties together determine the configuration and extent of the German part of the continental shelf under the North Sea and consequently are closely interrelated, intend to exchange the instruments of ratification of the two Treaties and Bonn on the same date, in order that they may enter into force simultaneously.

¹ Dutch text provided by the Permanent Mission of the Netherlands to the United Nations in a note verbale of 9 November 1971. Translation by the Secretariat of the United Nations.

² *Infra* SUBDIVISION B, 9.

³ *Ibid.*, 8.

II

The Government of the Kingdom of the Netherlands and the Government of the Kingdom of Denmark declare that the Agreement¹ of 31 March 1966 between the Government of the Kingdom of the Netherlands and the Government of the Kingdom of Denmark concerning the delimitation of the continental shelf under the North Sea between the two countries shall cease to have effect as soon as either of the Treaties signed this day, as referred to in section I above, enters into effect.

III

The German part of the continental shelf under the North Sea, boundaries for which are established on the basis of the Judgement of the International Court of Justice through the two Treaties referred to in section I above, is contiguous to the British part of the continental shelf.

(1) The Government of the Federal Republic of Germany consequently intends to establish by treaty with the Government of the United Kingdom of Great Britain and Northern Ireland the common German-British boundary on the continental shelf, which runs from the termination point of the German-Danish continental shelf boundary to the termination point of the German-Netherlands continental shelf boundary.

(2) The Government of the Kingdom of Denmark intends to amend, by agreement² with the United Kingdom Government, the Agreement³ of 3 March 1966 between the Government of the Kingdom of Denmark 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, in so far as amendment thereof has become necessary as a result of the Treaty referred to in section I, paragraph 1 (a), above.

(3) The Government of the Kingdom of the Netherlands intends to amend, by agreement⁴ with the United Kingdom Government, the Agreement⁵ of 6 October 1965 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, in so far as amendment thereof has become necessary as a result of the Treaty referred to in section I, paragraph 1 (b), above.

¹ United Nations, *Treaty Series*, vol. 604, p. 209. Reproduced in ST/LEG/SER.B/15, pp. 782-783.

² See *infra* SUBDIVISION B, 13.

³ United Nations, *Treaty Series*, vol. 592, p. 207. Reproduced in ST/LEG/SER.B/15, pp. 781-782.

⁴ See *infra* SUBDIVISION B, 12.

⁵ United Nations, *Treaty Series*, vol. 595, p. 113. Reproduced in ST/LEG/SER.B/15, pp. 779-780.

Subdivision B. Bilateral Treaties

1. BAHRAIN-SAUDI ARABIA BOUNDARY AGREEMENT. DATED 22 FEBRUARY 1958¹

Whereas the regional waters between the Kingdom of Saudi Arabia and the Government of Bahrain meet together in many places overlooked by their respective coasts,

And in view of the royal proclamation² issued by the Kingdom of Saudi Arabia on the 1st Sha'aban in the year 1368 (corresponding to 28th May 1949) and the ordinance³ issued by the Government of Bahrain on the 5th June 1949 about the exploitation of the sea-bed.

And in view of the necessity for an agreement to define the underwater areas belonging to both countries,

And in view of the spirit of affection and mutual friendship and the desire of H.M. the King of Saudi Arabia to extend every possible assistance to the Government of Bahrain,

the following agreement has been made:

First clause

1. The boundary line between the Kingdom of Saudi Arabia and the Bahrain Government will begin, on the basis of the middle line from point 1, which is situated at the mid-point of the line running between the tip of the Ras al Bar (A) at the southern extremity of Bahrain and Ras Muharra (B) on the coast of the Kingdom of Saudi Arabia.

2. Then the above-mentioned middle line will extend from point 1 to point 2 situated at the mid-point of the line running between Point (A) and the northern tip of the island of Zakhnuniya (C).

3. Then the line will extend from point 2 to point 3 situated at the mid-point of the line running between point A and the tip of Ras Saiya (D).

4. Then the line will extend from point 3 to point 4, which is defined on the attached map⁴ and which is situated at the mid-point of the line running between the two points E and F which are both defined on the map.

5. Then the line will extend from point 4 to point 5, which is defined on the map and which is situated at the point (sic) of the line running between the two points G and H which are defined on the map.

¹ English text provided by the Permanent Representative of Bahrain to the United Nations in a note verbale of 14 September 1972.

² Reproduced in ST/LEG/SER.B/1, p. 22.

³ Reproduced *ibid.*, pp. 24-25.

⁴ The map is not reproduced for technical reasons.

6. Then the line will extend from point 5 to point 6, which is defined on the map and which is situated at the mid-point of the line running between the two points I and J which are defined on the map.

7. Then the line will extend from point 6 to point 7 situated at the mid-point of the line running between the south-western tip of the island of Umm Nasan (K) and Ras Al Kureya (L).

8. Then the line will extend from point 7 to point 8 situated at the western extremity of the island Al Baina As Saghira, leaving the island to the Government of Bahrain.

9. Then the line will extend from point 8 to point 9 situated at the eastern extremity of the island Al Baina Al Kabir, leaving the island to the Kingdom of Saudi Arabia.

10. Then the line will extend from point 9 to point 10 situated at the mid-point of the line running between the north-western tip of Khor Fasht (M) and the southern end of the island of Chaschus (N).

11. Then the line will extend from point 10 to point 11 situated at the mid-point of the line running between point O situated at the western edge of Fasht Al Jarim and point N referred to in subsection 10 above.

12. Then the line will extend from point 11 to point 12 situated at latitude 26 degrees 31 minutes 48 seconds north and longitude 50 degrees 23 minutes 15 seconds east approximately.

13. Then the line will extend from point 12 to point 13 situated at latitude 26 degrees 37 minutes 15 seconds north and longitude 50 degrees 33 minutes 24 seconds east approximately.

14. Then the line will extend from point 13 to point 14 situated at latitude 26 degrees 59 minutes 30 seconds north and longitude 50 degrees 46 minutes 24 seconds east approximately, leaving the Rennie Shoals (known as Najwat Al Riqai and Fasht Al Anawiyah) to the Kingdom of Saudi Arabia.

15. Then the line will extend from point 14 in a north-easterly direction to the extent agreed upon in the royal proclamation issued on the 1st Sha'aban in the year 1368 (corresponding to 28th May, 1949) and in the ordinance issued by the Government of Bahrain on the 5th June, 1949.

16. Everything that is situated to the left of the above-mentioned line in the above subsections belongs to the Kingdom of Saudi Arabia and everything to the right of that line to the Government of Bahrain, with the obligation of the two governments to accept what will subsequently appear in the second clause below.

Second Clause

The area situated within the six defined sides is as follows:

1. A line beginning from a point situated at latitude 27 degrees north and longitude 50 degrees 23 minutes east approximately.

2. From there to a point situated at latitude 26 degrees 31 minutes 48 seconds north and longitude 50 degrees 23 minutes 15 seconds east approximately.

3. From there to a point situated at latitude 26 degrees 37 minutes north and longitude 50 degrees 33 minutes east approximately.

4. From there to a point situated at latitude 26 degrees 59 minutes 30 seconds north and longitude 50 degrees 46 minutes 24 seconds east approximately.

5. From there to a point situated at latitude 26 degrees 59 minutes 30 seconds north and longitude 50 degrees 40 minutes east.

6. From there to a point situated at latitude 27 degrees north and longitude 50 degrees 40 minutes east approximately.

7. From there to the starting point.

This area cited and defined above shall be in the part falling to the Kingdom of Saudi Arabia in accordance with the wish of H.H. the Ruler of Bahrain and the agreement of H.M. the King of Saudi Arabia. The exploitation of the oil resources in this area will be carried out in the way chosen by His Majesty on the condition that he grants to the Government of Bahrain one half of the net revenue accruing to the Government of Saudi Arabia and arising from this exploitation, and on the understanding that this does not infringe the right of sovereignty of the Government of Saudi Arabia nor the right of administration over this above-mentioned area.

Third Clause

Two copies of a map¹ shall be attached to this agreement, making as clear as possible the positions and points referred to in the foregoing subsections, subject to the map being made final by the expert knowledge of the committee defined in the fourth clause below. This map shall become final and an integral part of this agreement after approval and signature by the accredited representatives of the two governments on behalf of the two parties.

Fourth Clause

The two parties shall choose a technical body to undertake the necessary measures to confirm the boundaries in accordance with the provisions of this agreement on the condition that this body shall complete its work two months at the most after the date of execution of this agreement.

Fifth Clause

After the committee referred to in the fourth clause has completed its work and the two parties agree on the final map which it will have prepared, a body of technical delegates from both sides shall undertake the placing of signs and the establishing of the boundaries in accordance with the detailed announcements made clear in the final map.

Sixth Clause

This agreement shall come into effect from the date on which it is signed by the two parties.

¹ The map is not reproduced for technical reasons.

2. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN THE GOVERNMENT OF DENMARK AND THE GOVERNMENT OF NORWAY AMENDING THE AGREEMENT OF 8 DECEMBER 1965¹ CONCERNING THE DELIMITATION OF THE CONTINENTAL SHELF. COPENHAGEN, 24 APRIL 1968²

DANISH NOTE³

Copenhagen, 24 April 1968

Sir,

I have the honour to acknowledge receipt of your note of today's date, which reads as follows:

“The Hydrographic Chart Office of Norway, the Royal Danish Hydrographic Chart Archives and the hydrographic chart bureau of the Royal Shipping Administration of Sweden agreed in February 1968, on the basis of geodetic calculations, that the co-ordinates of the point of intersection of the lines delimiting those parts of the continental shelf which appertain to Norway, Denmark and Sweden are 58° 15' 41.2" N. 10° 01' 48.1" E.

“Having regard to the foregoing and with reference to article 3, second paragraph, of the Agreement of 8 December 1965 between Norway and Denmark relating to the delimitation of the continental shelf, I have the honour to propose on behalf of the Norwegian Government that the position indicated for point 1 in article 2 of the Agreement should be changed from 58° 15.8' N, 10° 02.0' E. to 58° 15.6' N, 10° 02.0' E. (European Datum 58° 15' 41.2" 10° 01' 48.1" corresponds to Norwegian Datum 58° 15.6' 10° 02.0').

“I further propose that this note and your reply should constitute an agreement between the Norwegian and Danish Governments and that the said agreement should enter into force on this date and should be deemed to be a part of the Agreement of 8 December 1965.”

I have the honour to inform you that the Danish Government is in agreement with the contents of the said note and agrees that your note and this reply shall constitute an agreement between our two Governments and that the said agreement shall be deemed to be a part of the Agreement of 8 December 1965 between Denmark and Norway relating to the delimitation of the continental shelf.

Accept, Sir, etc.

Poul HARTLING

Ambassador F. Orvin
Chargé d'affaires a.i.
Royal Norwegian Embassy
Copenhagen

¹ United Nations, *Treaty Series*, vol. 634, p. 72. Reproduced in ST/LEG/SER.B/15, pp. 780-781.

² United Nations, *Treaty Series*, vol. 643, p. 414. Entered into force on 24 December 1968. Translation by the Secretariat of the United Nations.

³ The Norwegian note is not reproduced here since it is contained in this Danish note.

3. AGREEMENT BETWEEN SWEDEN AND NORWAY CONCERNING THE DELIMITATION OF THE CONTINENTAL SHELF. DONE AT STOCKHOLM ON 24 JULY 1968¹

The Government of the Kingdom of Sweden and the Government of the Kingdom of Norway,

Having decided to establish the boundary between the areas of the continental shelf over which Sweden and Norway respectively exercise sovereign rights for the purposes of the exploration and utilization of natural resources,

Have agreed as follows:

Article 1

The boundary between the areas of the continental shelf over which Sweden and Norway respectively exercise sovereign rights for the purposes of the exploration and utilization of natural resources shall in principle be a median line, drawn in such a way that every point on it is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of Sweden and Norway respectively is measured.

Article 2

In accordance with the principle established in article 1 but with certain divergencies in order to arrive at a practical and expedient delineation, the boundary shall be drawn between the following five points:

1. The westernmost point of the outer boundary of Sweden's territorial sea in the direction of Norway. The point has the following co-ordinates:

58° 54' 50.2'' N, 10° 45' 28.1'' E.

2. The point where the boundary line established by the international arbitral award of 23 October 1909 fixing part of the sea frontier between Sweden and Norway intersects the outer boundary of the Norwegian territorial sea as drawn at a distance of one geographical mile (7,420 metres) from the Norwegian baseline 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.*) The point has the following co-ordinates:

58° 53' 34.0'' N, 10° 38' 25.0'' E.

3. The point of intersection between a line drawn at a distance of 12 nautical miles from the aforementioned Norwegian baseline and a line drawn at a distance of 12 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 point has the following co-ordinates:

58° 45' 41.3'' N, 10° 35' 40.0'' E.

4. The point has the following co-ordinates:

58° 30' 41.2'' N, 10° 08' 46.9'' E.

¹ Swedish text provided by the Permanent Representative of Sweden to the United Nations in a note verbale of 31 January 1972. Translation by the Secretariat of the United Nations.

5. The point has the following co-ordinates:

58° 15' 41.2'' N, 10° 01' 48.1'' E.

The positions of the above-mentioned five points are defined in relation to the European datum (First Adjustment, 1950).

The boundary line shall be drawn between points 1, 2 and 3 in the form of straight lines (compass lines) and between points 3, 4 and 5 in the form of arcs of Great Circles.

Article 3

The positions of points 1 to 5 as defined in article 2 are indicated on the annexed chart¹ (Norwegian marine chart No. 305), on which the boundary line specified in the same article is also shown.

Article 4

If natural resources on the sea-bed or in the subsoil thereof extend on both sides of the boundary line defined in article 2 and the natural resources situated in the area of the continental shelf belonging to one State can be exploited wholly or in part from the area belonging to the other State, both States shall at the request of either State endeavour to reach agreement on the most effective means of utilizing such natural resources and on the manner in which the proceeds are to be apportioned.

Article 5

The agreement is to be ratified, and the instruments of ratification exchanged at Oslo. The agreement shall enter into force on the date of the exchange of the instruments of ratification.

4. TREATY BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE POLISH PEOPLE'S REPUBLIC CONCERNING THE BOUNDARY OF THE CONTINENTAL SHELF IN THE GULF OF GDANSK AND THE SOUTH-EASTERN PART OF THE BALTIC SEA. DONE AT WARSAW ON 28 AUGUST 1969²

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics and the Council of State of the Polish People's Republic,

Desiring to intensify and expand the friendly, good-neighbourly relations existing between the Union of Soviet Socialist Republics and the Polish People's Republic,

Desiring to define the boundary of the continental shelf between the Union of Soviet Socialist Republics and the Polish People's Republic in the Gulf of Gdansk and the south-eastern part of the Baltic Sea,

Having regard to the provisions of the Geneva Convention on the Continental Shelf of 29 April 1958,

¹ The chart is not reproduced herein for technical reasons.

² United Nations, *Treaty Series*, vol. 769, no. 10978. Entered into force on 13 May 1970 in accordance with Article 5.

Reaffirming the principles set out in the Declaration on the Continental Shelf in the Baltic Sea¹ signed in Moscow on 23 October 1968, by the Governments of the Union of Soviet Socialist Republics, the Polish People's Republic and the German Democratic Republic,

Have decided to conclude this Treaty . . .

. . .

Article 1

The boundary of the continental shelf between the Union of Soviet Socialist Republics and the Polish People's Republic in the Gulf of Gdansk and the south-eastern part of the Baltic Sea shall, with slight variations, be a line equidistant from the nearest points of the baselines from which the breadth of the territorial waters of each Contracting Party is measured.

The said line shall begin at the point at which the outer limit of Polish territorial waters intersects the line delimiting the territorial waters of the USSR and the Polish People's Republic established in the Protocol of 18 March 1958 between the Government of the Union of Soviet Socialist Republics and the Government of the Polish People's Republic concerning the delimitation of Soviet and Polish territorial waters in the Gulf of Gdansk of the Baltic Sea; it shall follow the line of the boundary of the territorial waters of the USSR to its terminal point and shall then continue in the same direction to point A, whose geographical co-ordinates are 54°40.2' north latitude and 19°18.9' east longitude, thence through the points whose geographical co-ordinates are the following:

B — 54°48.9' north latitude, 19°20.7' east longitude,

C — 55°20.8' north latitude, 19°03.8, east longitude,

D — 55°51.08 north latitude, 18°56.2' east longitude,

and then up to the point of intersection of the boundaries of the continental shelf appertaining to the Union of Soviet Socialist Republics, the Polish People's Republic, and the Kingdom of Sweden.

Article 2

The boundary of the continental shelf between the Union of Soviet Socialist Republics and the Polish People's Republic defined in article 1 is indicated on chart No. 1150, issued in 1966 by the Hydrographical Department of the Ministry of Defence of the USSR, which is annexed to this Treaty and constitutes an integral part thereof.²

All the geographical co-ordinates referred to in this Treaty conform to the system employed in the Chart.

Article 3

The provisions of this Treaty shall in no way affect the legal status of the waters of the high seas superjacent to the continental shelf or that of the airspace above those waters.

¹ Reproduced in ST/LEG/SER.B/15, pp. 772-773.

² The chart is not reproduced here for technical reasons.

Article 4

This Treaty shall be registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations.

Article 5

This Treaty is subject to ratification and shall enter into force on the date of the exchange of the instruments of ratification, which shall take place at Moscow as soon as possible.

5. AGREEMENT CONCERNING THE BOUNDARY LINE DIVIDING THE CONTINENTAL SHELF BETWEEN IRAN AND QATAR. DONE AT DOHA ON 20 SEPTEMBER 1969¹

The Imperial Government of Iran and the Government of Qatar desirous of establishing in a just, equitable and precise manner the boundary line between the respective areas of Continental Shelf over which they have sovereign rights in accordance with international law,
have agreed as follows:

Article 1

The Boundary Line dividing the Continental Shelf lying between the territory of Iran on the one side and that of Qatar on the other side shall consist of geodetic lines between the following points in the sequence given below:

Point (1) is the westernmost point on the westernmost part of the northern boundary line of the continental shelf appertaining to Qatar formed by a line of geodetic azimuth 278 degrees 14 minutes 27 seconds west from Point 2 below.

	<i>Lat. N</i>	<i>Long. E</i>
Point (2)	27° 00' 35''	51° 23' 00''
Point (3)	26° 56' 20''	51° 44' 05''
Point (4)	26° 33' 25''	52° 12' 10''
Point (5)	26° 06' 20''	52° 42' 30''
Point (6)	25° 31' 50''	53° 02' 05''

Article 2

If any single geological petroleum structure or petroleum field, or any single geological structure or field of any other mineral deposit, extends across the Boundary Line set out in Article 1 of this Agreement and the part of such structure or field which is situated on one side of that Boundary Line could be exploited wholly or in part by directional drilling from the other side of the Boundary Line, then:

(a) No well shall be drilled on either side of the Boundary Line as set out in Article 1 so that any producing section thereof is less than 125 metres

¹ United Nations, *Treaty Series*, vol. 787, no. 11197. Entered into force on 10 May 1970, in accordance with Article 5.

from the said Boundary Line, except by mutual agreement between the two Governments;

(b) Both Governments shall endeavour to reach agreement as to the manner in which the operations on both sides of the Boundary Line could be coordinated or unitized.

Article 3

The Boundary Line referred to in Article 1 herein has been illustrated on the British Admiralty Chart No. 2837 which is annexed to this Agreement.

The said Chart has been made in duplicate and signed by the representatives of both Governments each of whom has retained one copy thereof.

Article 4

Nothing in this Agreement shall affect the status of the superadjacent waters or airspace above any part of the Continental Shelf.

Article 5

A. The present agreement will be ratified and the instruments of ratification will be exchanged as quickly as possible in Doha (Qatar).

B. The present agreement will be implemented beginning with the date of the exchange of the instruments of ratification.

6. AGREEMENT BETWEEN THE GOVERNMENT OF MALAYSIA AND THE GOVERNMENT OF INDONESIA ON THE DELIMITATION OF THE CONTINENTAL SHELVES BETWEEN THE TWO COUNTRIES. DONE AT KUALA LUMPUR ON 27 OCTOBER 1969¹

Article 1

(1) The boundaries of the Malaysian and the Indonesian continental shelves in the Straits of Malacca and the South China Sea are the straight lines connecting the points specified in column 1 below whose coordinates are specified opposite those points in columns 2 and 3 below:-

A. *In the Straits of Malacca:*

(1) Point	(2) Longitude E.	(3) Latitude N.
1.	98° 17'.5	05° 27'.0
2.	98° 41'.5	04° 55'.7
3.	99° 43'.6	03° 59'.6
4.	99° 55'.0	03° 47'.4
5.	101° 12'.1	02° 41'.5
6.	101° 46'.5	02° 15'.4
7.	102° 13'.4	01° 55'.2
8.	102° 35'.0	01° 41'.2

¹ Entered into force on 7 November 1969, in accordance with Article VII. Text provided by the Permanent Representative of Malaysia to the United Nations in a note verbale of 14 February 1972.

9.	103° 03'.9	01° 19'.5
10.	103° 22'.8	01° 15'.0

B. In the South China Sea (Western Side—Off the East Coast of West Malaysia):

(1) <i>Point</i>	(2) <i>Longitude E.</i>	(3) <i>Latitude N.</i>
11.	104° 29'.5	01° 23'.9
12.	104° 53'.0	01° 38'.0
13.	105° 05'.2	01° 54'.4
14.	105° 01'.2	02° 22'.5
15.	104° 51'.5	02° 55'.2
16.	104° 46'.5	03° 50'.1
17.	104° 51'.9	04° 03'.0
18.	105° 28'.8	05° 04'.7
19.	105° 47'.1	05° 40'.6
20.	105° 49'.2	06° 05'.8

C. In the South China Sea (Eastern Side—Off the Coast of Sarawak):

(1) <i>Point</i>	(2) <i>Longitude E.</i>	(3) <i>Latitude N.</i>
21.	109° 38'.8	02° 05'.0
22.	109° 54'.5	03° 00'.0
23.	110° 02'.0	04° 40'.0
24.	109° 59'.0	05° 31'.2
25.	109° 38'.6	06° 18'.2

(2) The coordinates of the points specified in Paragraph (1) are geographical coordinates and the straight lines connecting them are indicated on the chart attached as Annexure "A" to this Agreement.¹

(3) The actual location of the abovementioned points at sea shall be determined by a method to be mutually agreed upon by the competent authorities of the two Governments.

(4) For the purposes of paragraph (3) "competent authorities" in relation to Malaysia means the Pengarah, Pemetaan Negara, Malaysia and includes any person authorized by him and in relation to the Republic of Indonesia, the Direktur, Direktorat Hidrografi Angkatan Laut, Republik Indonesia and includes any person authorized by him.

Article II

Each Government hereby undertakes to ensure that all the necessary steps shall be taken at the domestic level to comply with the terms of this Agreement.

Article III

This Agreement shall not in any way affect any future agreement which may be entered into between the two Governments relating to the delimitation of the territorial sea boundaries between the two Countries.

¹ The chart is not reproduced for technical reasons.

Article IV

If any single geological petroleum or natural gas structure extends across the straight lines referred to in Article I and the part of such structure which is situated on one side of the said lines is exploitable, wholly or in part, from the other side of the said lines, the two Governments will seek to reach agreement as to the manner in which the structure shall be most effectively exploited.

Article V

Any dispute between the two Governments arising out of the interpretation or implementation of this Agreement shall be settled peacefully by consultation or negotiation.

Article VI

This Agreement shall be ratified in accordance with the constitutional requirements of the two Countries.

Article VII

This Agreement shall enter into force on the date of the exchange of the instruments of ratification.

7. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN THE GOVERNMENT OF JAPAN AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA REGARDING THE KING AND TANNER CRAB FISHERIES IN THE EASTERN BERING SEA. TOKYO, 11 DECEMBER 1970¹

8. (i) TREATY BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE DELIMITATION OF THE CONTINENTAL SHELF UNDER THE NORTH SEA. DONE AT COPENHAGEN ON 28 JANUARY 1971²

The Kingdom of the Netherlands and the Federal Republic of Germany, purposing to establish the boundary between their respective parts of the continental shelf under the North Sea, in so far as that was not previously achieved through the Treaty³ of 1 December 1964 concerning the lateral delimitation of the continental shelf in the vicinity of the coast,

Desiring to regulate the economic utilization of the continental shelf, in so far as their mutual interests require such regulations,

Taking as their basis the Judgement of the International Court of Justice of 20 February 1969 in the North Sea Continental Shelf Case between the

¹ *Infra* DIVISION IV, SUBDIVISION B, 12.

² Entered into force on 7 December 1972, in accordance with Article 8. Dutch text provided by the Permanent Mission of the Netherlands to the United Nations in a note verbale of 9 November 1971. Translation by the Secretariat of the United Nations.

³ United Nations, *Treaty Series*, vol. 550, p. 128. Reproduced in ST/LEG/SER.B/15, p. 775.

Federal Republic of Germany of the one part and the Kingdom of Denmark and the Kingdom of the Netherlands of the other part,

Having regard to those boundaries on the continental shelf which are not affected by the Judgement of the International Court of Justice,

Have agreed as follows:

Article 1

(1) The boundary between the Netherlands and German parts of the continental shelf under the North Sea shall, in contiguity to the section of boundary established through the Treaty of 1 December 1964, be arcs of great circles between the following points in the sequence given below:

E3 as established in the Treaty of 1 December 1964

E4 54° 11' 12" N 06° 00' 00" E

E5 54° 37' 12" N 05° 00' 00" E

E6 55° 00' 00" N 05° 00' 00" E

E7 55° 20' 00" N 04° 20' 00" E

E8 55° 45' 54" N 03° 22' 13" E

The positions of points E4 to E8 inclusive are defined by latitude and longitude on European Datum (First Adjustment 1950).

(2) The boundary termination point E8 is the point of intersection of the boundaries of the Netherlands, German and British parts of the continental shelf under the North Sea.

(3) The said boundary and the section of boundary established through the Treaty of 1 December 1964 are illustrated on the chart annexed to this treaty.¹

Article 2

(1) If the existence of a mineral deposit in or upon the continental shelf of one of the Contracting Parties is established and the other Contracting Party is of the opinion that the said mineral deposit extends into or onto its continental shelf, the latter Party may notify the former Party accordingly, submitting the data on which it bases its opinion. If the said former Party does not share the opinion of the other Party, the arbitral tribunal referred to in article 5 shall, at the request of either Party, make a ruling on the question.

(2) If the Contracting Parties agree on the question or the arbitral tribunal rules that the mineral deposit extends into or onto the continental shelf of both Parties, the Governments of the Contracting Parties shall, for the purpose of exploitation, adopt regulations which, with due regard to the interest of both Parties, take into account the principle that each Party has title to mineral resources situated in or upon its continental shelf. If any mineral resources have previously been extracted from the deposit extending across the boundary, the regulations shall also include provisions for appropriate compensation.

(3) Regulations as referred to in paragraph (2) above may also, with the consent of the Governments of the Contracting Parties, be adopted wholly

¹ The chart is not reproduced here for technical reasons.

or partly between the entitled parties. An entitled party is any person who has a right to extract the mineral resources in question.

(4) If regulations as referred to in paragraph (2) or (3) above have not been drawn up within a reasonable time, either Contracting Party may bring the matter before the arbitral tribunal referred to in article 5. In such cases, the arbitral tribunal may also make a ruling *ex aequo et bono*. The arbitral tribunal shall be empowered, after hearing the Contracting Parties, to issue interim orders.

Article 3

Without prejudice to the rules of international law relating to the laying of pipelines on the continental shelf, any pipelines laid on the continental shelf in connexion with the extraction of mineral resources shall, with a view to the prevention of marine pollution and other hazards, be subject to the provisions relating to construction and use of pipelines of the Contracting Party across whose continental shelf such pipelines are laid.

Article 4

(1) The enterprises referred to in annex 2¹ to this Treaty shall, upon application, be granted licences under German law to explore for and extract mineral oil and natural gas, and any other substances obtained in the course of the extraction thereof, in the areas specified in the said annex, in so far as such areas form part of the German continental shelf in accordance with article 1 of this Treaty.

(2) Applications for licences as referred to in paragraph (1) above must be submitted to the competent German authority within one year from the date of entry into force of this Treaty.

Article 5

(1) Disputes between the Contracting Parties concerning the interpretation or application of this Treaty or of any regulations adopted pursuant to article 2, paragraph (2), shall so far as possible be settled by negotiation.

(2) Any dispute which is not settled in this manner within a reasonable time shall, at the request of either Contracting Party, be referred to an arbitral tribunal for decision.

(3) The arbitral tribunal shall be constituted on an *ad hoc* basis. Save where the Contracting Parties, in accordance with a simplified procedure, appoint by mutual agreement a single arbitrator to resolve the dispute, an arbitral tribunal composed of three members shall be constituted in the following manner:

Each Contracting Party shall appoint a member, and the two members shall agree on a national of a third State, who shall be appointed chairman by the two Contracting Parties.

The members must be appointed within two months, and the chairman within a further two months, after either Party has requested that the dispute should be resolved by an arbitral tribunal.

¹ Annex 2 is not reproduced here.

(4) If the time-limits referred to in paragraph (3) above are not met, either Contracting Party may request the President of the International Court of Justice to make the necessary appointments. If the President is a national of one of the Contracting Parties or is incapacitated for any other reason, the appointments shall be made by the Vice-President. If the Vice-President also is a national of one of the Contracting Parties or is incapacitated, the appointments shall be made by the next most senior member of the Court who is not a national of one of the Contracting States and is not incapacitated.

(5) The arbitral tribunal shall take its decisions by majority vote. Each Contracting Party shall bear the costs of its member and of its representation in the arbitral proceedings; the costs of the chairman and the remaining costs shall be borne by the Parties equally.

(6) The arbitral tribunal or the single arbitrator shall reach a decision on the basis of the international law applicable between the Contracting Parties. The decision shall be binding.

(7) The arbitral tribunal or the single arbitrator shall determine its or his own procedure, save as otherwise provided in this Treaty or by the Contracting Parties at the time of constitution of the arbitral tribunal or appointment of the single arbitrator.

Article 6

Articles 2 and 3, and article 5 in so far as it relates to the settlement of disputes concerning the interpretation or application of articles 2 and 3, shall apply *mutatis mutandis* to the area of the continental shelf in the vicinity of the coast which was delimited through the Treaty of 1 December 1964.

Article 7

This Treaty shall also apply to *Land Berlin*, provided that the Government of the Federal Republic of Germany has not delivered a contrary declaration to the Government of the Kingdom of the Netherlands within three months from the date of entry into force of the Treaty.

Article 8

(a) This Treaty shall be ratified. The instruments of ratification shall be exchanged at Bonn.

(b) This Treaty shall enter into force one month after the exchange of the instruments of ratification.

(ii) EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN THE GOVERNMENT OF THE NETHERLANDS AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY. COPENHAGEN, 28 JANUARY 1971¹

¹ Entered into force on 28 January 1971. Dutch text provided by the Permanent Mission of the Netherlands to the United Nations in a note verbale of 9 November 1971. Translation by the Secretariat of the United Nations.

I

The Ambassador of the Federal Republic of Germany

Copenhagen, 28 January 1971

Sir,

I have the honour to state, in connexion with the signing this day of the Treaty between the Federal Republic of Germany and the Kingdom of the Netherlands concerning the delimitation of the continental shelf under the North Sea, that our two Governments have agreed that, pending ratification of the Treaty, legal relations in respect of that part of the continental shelf under the North Sea which the Kingdom of the Netherlands has hitherto considered to be Netherlands property but which pursuant to the said Treaty is the property of the Federal Republic of Germany shall, as from today until the date of entry into force of the Treaty, be regulated as follows:

(1) In the case of the areas specified in annex 2¹ to the Treaty, the Government of the Kingdom of the Netherlands will, in accordance with the desire of the Federal Republic of Germany that its rights in those areas should not be abridged:

(a) Refrain from issuing new licences for exploration or extraction of the mineral resources for areas in respect of which a licence is surrendered or revoked;

(b) Refrain from approving, except with the consent of the Government of the Federal Republic of Germany, any exploration or exploitation activities on the continental shelf which under Netherlands law require a licence, unless a legal entitlement to the licence exists;

(c) Notify the Government of the Federal Republic of Germany of any other plans for exploration or exploitation of the continental shelf which may come to the notice of the Government of the Kingdom of the Netherlands.

2. In the case of areas other than those specified in annex 2 to the Treaty, the Government of the Kingdom of the Netherlands will, until the date of entry into force of the Treaty, refrain from issuing licences for exploration or extraction of mineral resources and will take any other measures only with the consent of the Government of the Federal Republic of Germany.

I should be grateful if you would confirm to me that your Government agrees with the foregoing arrangement.

Accept, Sir, etc.

(Signed) Gunther SCHOLL

His Excellency
Mr. Jonkheer H. van Rijckevorsel
Ambassador of the Kingdom of the Netherlands

¹ Annex 2 is not reproduced here.

II

The Ambassador of the Kingdom
of the Netherlands

Copenhagen, 28 January 1971

Sir,

I have the honour to acknowledge receipt of your letter of today's date, the text of which in Dutch reads as follows:

[See note I]

I have the honour to confirm to you that the Netherlands Government agrees with the foregoing arrangement.

Accept, Sir, etc.

(Signed) H. VAN RIJCKEVORSEL

His Excellency
Mr. Günther Scholl
Ambassador of the Federal Republic
of Germany

9. (i) AGREEMENT BETWEEN THE FEDERAL REPUBLIC OF
GERMANY AND THE KINGDOM OF DENMARK CONCERNING
THE DELIMITATION OF THE CONTINENTAL SHELF UNDER
THE NORTH SEA. DONE AT COPENHAGEN ON 28 JANUARY
1971¹

The Kingdom of Denmark and the Federal Republic of Germany

Intending to establish the common boundary of their respective portions of the continental shelf under the North Sea in so far as this has not already been done by means of the Agreement of 9 June 1965 concerning the Delimitation, in Coastal Regions, of the Continental Shelf of the North Sea,²

Being anxious to regulate the economic exploitation of the continental shelf in so far as this is in their common interest,

On the basis of the Judgement of the International Court of Justice of 20 February 1969³ in the disputes over the delimitation of the continental shelf under the North Sea between the Kingdom of Denmark and the Kingdom of the Netherlands on the one hand and the Federal Republic of Germany on the other,

Having regard to the boundary lines of the continental shelf that are not affected by the Judgement of the International Court of Justice,

Have agreed as follows:

¹ Danish text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 5 January 1973. Translation by the Secretariat of the United Nations

² United Nations, *Treaty Series*, vol. 570, p. 96. Reproduced in ST/LEG/SER.B/15, p. 777.

³ *I.C.J. Reports*, 1969, p. 3.

Article 1

(1) The boundary line between the Danish and the German portion of the continental shelf under the North Sea shall, in extension of the partial boundary established by the Agreement of 9 June 1965, be arcs of Great Circles between the following points:

S1 55°10'03.4" N 07°33'09.6" E
 S2 55°30'40.3" N 05°45'00.00" E
 S3 55°15'00.0" N 05°24'12.0" E
 S4 55°15'00.0" N 05°09'00.0" E
 S5 55°24'15.0" N 04°45'00.0" E
 S6 55°46'21.8" N 04°15'00.0" E
 S7 55°55'09.4" N 03°21'00.0" E

The positions of the points are indicated by latitude and longitude according to the European Datum System (1st Adjustment 1950).

(2) The termination point S7 of the boundary line shall be the point of intersection of the boundary lines between the German, Danish and British portions of the continental shelf under the North Sea.

(3) The boundary line and the partial boundary established by the Agreement of 9 June 1965 are shown on the chart attached to this Agreement as Annex 1.¹

Article 2

(1) Should any natural resources be discovered in or on the continental shelf of either Contracting Party and should the other Contracting Party consider that the deposit thus discovered extends to its own continental shelf, that Party may submit its view to the first-mentioned Contracting Party, together with the supporting data. If that Contracting Party does not share this view, the arbitral tribunal provided for in article 5 of the present Agreement shall settle the matter at the request of either Contracting Party.

(2) Should the Contracting Parties agree or should the arbitral tribunal have found that the deposit extends over the continental shelf of both Contracting parties, the Governments of the Contracting Parties shall agree on an arrangement for its exploitation which, while taking into account the interests of both Contracting Parties, is based on the principle that each Contracting Party has a right to the natural resources located in or on its continental shelf. In the event that natural resources have already been extracted from the deposit which crosses the boundary line, the arrangement should also make provision for adequate compensation.

(3) With the approval of the Governments of the Contracting Parties an arrangement pursuant to paragraph 2 of this article may also be concluded wholly or in part between the beneficiaries. A beneficiary shall be any person or persons having a right to extract such natural resources.

(4) Should an arrangement pursuant to paragraph 2 or 3 of this article not be concluded within a reasonable period of time, either Contracting Party may refer the matter to the arbitral tribunal provided for in article 5 of this

¹ Annex 1 is not reproduced for technical reasons.

Agreement. The arbitral tribunal may in such cases also decide *ex aequo et bono*. The arbitral tribunal shall be authorized to make an interim order after hearing the Contracting Parties.

Article 3

Without prejudice to the international regulations concerning the laying of pipelines on the continental shelf, pipelines that are laid on the continental shelf in connexion with the exploitation of natural resources shall, with a view to preventing pollution of the sea and averting other hazards, be subject to the provisions concerning the installation and operation of pipelines in force in the territory of the Contracting Party upon whose continental shelf such pipelines are laid.

Article 4

(1) The enterprises designated in Annex 2¹ to this Agreement shall upon application, be granted permission in accordance with German law to prospect for and extract, in the area designated in the said annex, oil and natural gas and any other substances yielded during such extraction.

(2) Application for the permission referred to in paragraph 1 of this article must be made to the competent German authorities within one year after the entry into force of this Agreement.

Article 5

(1) Disputes between the Contracting Parties concerning the interpretation or application of the present Agreement or of any arrangement made pursuant to article 2, paragraph 2, of the Agreement shall, as far as possible, be settled by negotiation.

(2) If a dispute has not been settled in this manner within a reasonable period of time it may, at the request of either Contracting Party, be submitted to an arbitral tribunal for decision.

(3) The arbitral tribunal shall be constituted for each individual case. If the Contracting Parties do not agree on the simplified procedure of appointing a single arbitrator to decide the dispute, an arbitral tribunal consisting of three members shall be constituted as follows: Each Contracting Party shall appoint one member, and these two members shall agree upon a national of a third State to be appointed as chairman by the two Contracting Parties. The members shall be appointed within two months, and the chairman within a further two months, after the date on which either Contracting Party has requested settlement of the dispute by an arbitral tribunal.

(4) If the time-limits specified in paragraph 3 above have not been observed, either Contracting Party may invite the President of the International Court of Justice to make the necessary appointments. If the President is a national of either Contracting Party or if he is otherwise prevented from discharging the said function, the Vice-President shall make the appointments. If the Vice-President is likewise a national of either Contracting Party, or is likewise prevented from discharging the said function, the member of the

¹ Annex 2 is not reproduced.

Court next in rank, who is not a national of either Contracting Party and is not prevented from doing so, shall make the appointment.

(5) The arbitral tribunal shall decide by a majority vote. Each Contracting Party shall bear the costs of its own member and of its participation in the arbitral proceedings; the costs of the chairman and the other costs shall be borne in equal parts by both Contracting Parties.

(6) The arbitral tribunal or the single arbitrator shall decide on the basis of the rules of international law applicable between the Contracting Parties. The decision shall be binding.

(7) The arbitral tribunal or the single arbitrator shall determine its or his own procedure in so far as no other arrangement is prescribed under the present Agreement or by the Contracting Parties at the time of the appointment of the arbitral tribunal or the single arbitrator.

Article 6

Articles 2 and 3, and article 5, in so far as it affects the settlement of disputes concerning the interpretation or application of articles 2 and 3, shall apply *mutatis mutandis* to the areas of the continental shelf in the coastal regions delimited by the Agreement of 9 June 1965.

Article 7

This Agreement shall also apply to Land Berlin unless the Government of the Federal Republic of Germany makes a declaration to the contrary to the Government of the Kingdom of Denmark within three months after the entry into force of the present Agreement.

Article 8

(1) The present Agreement is subject to ratification. The instruments of ratification shall be exchanged at Bonn.

(2) The Agreement shall enter into force one month after the exchange of the instruments of ratification.

(ii) EXCHANGE OF LETTERS

Ministry of Foreign Affairs

Copenhagen, 28 January 1971

Sir,

I have the honour to acknowledge the receipt of your letter of today's date, reading as follows:

“Sir,

I have the honour, in connexion with the signing today of the Agreement between the Federal Republic of Germany and the Kingdom of Denmark concerning the delimitation of the continental shelf under the North Sea, to confirm the understanding between our two Governments to the effect that, pending ratification of the Agreement, legal matters relating to the area of the continental shelf under the North Sea which was hitherto regarded by the Kingdom of Denmark as belonging to Denmark but which,

pursuant to the Agreement signed today, is the property of the Federal Republic of Germany shall, as of today until the date of entry into force of the Agreement, be regulated as follows:

In the case of this area the Government of the Kingdom of Denmark will, having regard to the wish of the Federal Republic of Germany that its rights in respect of the area should not be infringed,

(a) Refrain from extending concessions which have expired and from granting new concessions,

(b) Refrain from permitting, without the consent of the Government of the Federal Republic of Germany, any activities connected with the exploration and exploitation of the continental shelf for which permission is required under Danish law,

(c) Notify the Government of the Federal Republic of Germany of any other activities connected with the exploration and exploitation of the continental shelf which may come to the notice of the Government of the Kingdom of Denmark.

I should be grateful if you would confirm to me that your Government agrees with the foregoing arrangement.”

I have the honour to confirm that my Government is in agreement with the contents of your letter.

Accept, Sir, etc.

(Signed) Poul HARTLING

His Excellency Mr. Günter Scholl
Ambassador of the Federal Republic
of Germany
Copenhagen

10. AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS RELATING TO FISHING FOR KING AND TANNER CRAB. SIGNED AT WASHINGTON ON 12 FEBRUARY 1971¹
11. AGREEMENT CONCERNING DELIMITATION OF THE CONTINENTAL SHELF BETWEEN BAHRAIN AND IRAN. SIGNED AT BAHRAIN ON 17 JUNE 1971²

The Imperial Government of Iran and the Government of Bahrain desirous of establishing in a just equitable and precise manner the boundary line between the respective areas of the continental shelf over which they have sovereign rights in accordance with international law, have agreed as follows:

¹ *Infra* DIVISION IV, SUBDIVISION B, 19.

² English text provided by the Permanent Representative of Iran to the United Nations in a note verbale of 9 August 1972.

Article 1

The line dividing the continental shelf lying between the territory of Iran on the one side and the territory of Bahrain on the other side shall consist of geodetic lines between the following points in the sequence hereinafter set out:

Point 1. Is the easternmost point on the easternmost part of the Northern boundary line of the continental shelf appertaining to Bahrain as formed by the intersection of a line starting from the point having the latitude of 27 degrees, 00 minutes, 35 seconds North and longitude 51 degrees, 23 minutes, 00 seconds East, and having a geodetic azimuth of 278 degrees, 14 minutes, 27 seconds, with a boundary line dividing the continental shelf appertaining to Bahrain and Qatar, thence:

	Lat. north	Long. East
Point 2.	27 deg. 02 min. 46 sec.	51 deg. 05 min. 54 sec.
Point 3.	27 deg. 06 min. 30 sec.	50 deg. 57 min. 00 sec.
Point 4.	27 deg. 10 min. 00 sec.	50 deg. 54 min. 00 sec.

Article 2

If any single geological petroleum structure or petroleum field, or any single geological structure or any other mineral extends across the boundary line set out in article 1 of this Agreement and the part of such structure or field which is situated on one side of that boundary line could be exploited wholly or in part by directional drilling from the other side of the boundary line then:

(a) No well shall be drilled on either side of the boundary line as set out in article 1 so that any producing section thereof is less than 125 metres from the said boundary line except by mutual agreement between the Imperial Government of Iran and the Government of Bahrain.

(b) If the circumstances considered in this Article shall arise both Parties hereto shall use their best endeavours to reach agreement as to the manner in which the operations on both sides of the boundary line could be co-ordinated or unitized.

Article 3

The boundary line referred to in article 1 hereof has been illustrated on the British Admiralty chart No. 2847 which is annexed hereto and has been thereon marked in red.

Article 4

Nothing in this Agreement shall affect the status of the superjacent waters or airspace above any part of the continental shelf.

Article 5

(a) This Agreement shall be ratified and the instruments of ratification shall be exchanged at Teheran.

(b) This Agreement shall enter into force on the date of the exchange of instruments of ratification.

12. PROTOCOL BETWEEN THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AMENDING THE AGREEMENT OF 6 OCTOBER 1965 RELATING TO THE DELIMITATION OF THE CONTINENTAL SHELF UNDER THE NORTH SEA BETWEEN THE TWO COUNTRIES. DONE AT LONDON ON 25 NOVEMBER 1971¹

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of the Netherlands;

Having regard to the Agreement² concluded between them on 6 October 1965 relating to the Delimitation of the Continental Shelf under the North Sea between their countries (hereinafter referred to as "the Agreement"); and

In view of the dividing line which, by the Agreement of 28 January 1971³ between the Kingdom of the Netherlands and the Federal Republic of Germany, was established between the Netherlands part and the German part of the Continental Shelf under the North Sea;

Have agreed as follows:

Article 1

Point No. 19 mentioned in Article 1, paragraph 1, of the Agreement shall be cancelled and be superseded by a new point No. 19, the co-ordinates of which shall be: 55° 45' 54" N 03° 22' 13" E.

Article 2

Article 2, paragraph 2, of the Agreement shall be amended and shall read as follows:

"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 Federal Republic of Germany."

Article 3

(1) This Protocol shall be ratified. The instruments of ratification shall be exchanged at London.

(2) This Protocol shall enter into force on the thirtieth day after the exchange of instruments of ratification.

¹ Entered into force on 7 December 1972 in accordance with Article 3. Text provided by the Permanent Representative of the United Kingdom to the United Nations in a note verbale of 8 January 1973. Cmnd. 4875.

² United Nations, *Treaty Series*, vol. 595, p. 113. Reproduced in ST/LEG/SER.B/15, pp. 779-780.

³ *Supra* 8 (i).

13. AGREEMENT BETWEEN THE GOVERNMENT OF THE KINGDOM OF DENMARK 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. DONE AT LONDON ON 25 NOVEMBER 1971¹

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Denmark;

Having regard to the Agreement² concluded between them on 3 March 1966 relating to the Delimitation of the Continental Shelf between their two countries;

Having decided to establish their common boundary between the parts of the Continental Shelf over which the Kingdom of Denmark and the United Kingdom of Great Britain and Northern Ireland respectively exercise sovereign rights for the purpose of exploration and exploitation of the natural resources of the Continental Shelf;

Have agreed as follows:

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:

1. 56° 05' 12.0'' N 03° 15' 00.0'' E
2. 55° 55' 09.4'' N 03° 21' 00.0'' 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.

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

¹ Entered into force on 7 December 1972. Text provided by the Ministry of Foreign Affairs of Denmark and the Permanent Representative of the United Kingdom to the United Nations in notes verbales of 5 and 8 January 1973, respectively. Cmnd. 4882.

² United Nations, *Treaty Series*, vol. 592, p. 207. Reproduced in ST/LEG/SER.B/15, pp. 781-782.

United Kingdom of Great Britain and Northern Ireland, the Kingdom of Denmark and the Federal Republic of Germany.

Article 4

If any single geological petroleum structure or petroleum field, or any single geological structure of 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.

Article 5

With the entry into force of this Agreement the Agreement relating to the Delimitation of the Continental Shelf between the two countries signed at London on 3 March 1966 shall cease to have effect.

Article 6

(1) This Agreement shall be ratified. Instruments of ratification shall be exchanged at London.

(2) The Agreement shall enter into force on the thirtieth day after the exchange of instruments of ratification.

Division III
THE HIGH SEAS¹

Subdivision A. Multilateral Treaties

1. AGREEMENT ON THE RESCUE OF ASTRONAUTS, THE RETURN OF ASTRONAUTS AND THE RETURN OF OBJECTS LAUNCHED INTO OUTER SPACE. DONE AT WASHINGTON, LONDON AND MOSCOW ON 22 APRIL 1968²

Article 1

Each Contracting Party which receives information or discovers that the personnel of a spacecraft have suffered accident or are experiencing conditions of distress or have made an emergency or unintended landing in territory under its jurisdiction or on the high seas or in any other place not under the jurisdiction of any State shall immediately:

(a) Notify the launching authority or, if it cannot identify and immediately communicate with the launching authority, immediately make a public announcement by all appropriate means of communication at its disposal;

(b) Notify the Secretary-General of the United Nations, who should disseminate the information without delay by all appropriate means of communication at his disposal.

Article 2

If, owing to accident, distress, emergency or unintended landing, the personnel of a spacecraft land in territory under the jurisdiction of a Contracting Party, it shall immediately take all possible steps to rescue them and render

¹ Some of the texts reproduced under DIVISION II and IV may also cover questions concerning the high seas.

² United Nations, *Treaty Series*, vol. 672, p. 119. Entered into force on 3 December 1968. The Parties as of 1 July 1973 are: Argentina; Austria; Barbados; Botswana; Bulgaria; Byelorussian SSR; Cameroon; Cyprus; Czechoslovakia; Denmark; Ecuador; Egypt; El Salvador; Fiji; Finland; Gabon; Gambia; German Democratic Republic; Germany, Federal Republic of; Guyana; Hungary; Iceland; Iran; Iraq; Ireland; Israel; Korea; Kuwait; Laos; Lebanon; Madagascar; Maldives; Mauritius; Mexico; Mongolia; Morocco; Nepal; New Zealand; Niger; Norway; Poland; Portugal; Romania; San Marino; South Africa; Swaziland; Sweden; Switzerland; Syrian Arab Republic; Thailand; Tonga; Tunisia; Ukrainian SSR; Union of Soviet Socialist Republics; United Kingdom; United States of America; Uruguay and Yugoslavia.

them all necessary assistance. It shall inform the launching authority and also the Secretary-General of the United Nations of the steps it is taking and of their progress. If assistance by the launching authority would help to effect a prompt rescue or would contribute substantially to the effectiveness of search and rescue operations, the launching authority shall co-operate with the Contracting Party with a view to the effective conduct of search and rescue operations. Such operations shall be subject to the direction and control of the Contracting Party, which shall act in close and continuing consultation with the launching authority.

Article 3

If information is received or it is discovered that the personnel of a spacecraft have alighted on the high seas or in any other place not under the jurisdiction of any State, those Contracting Parties which are in a position to do so shall, if necessary, extend assistance in search and rescue operations for such personnel to assure their speedy rescue. They shall inform the launching authority and the Secretary-General of the United Nations of the steps they are taking and of their progress.

Article 4

If, owing to accident, distress, emergency or unintended landing, the personnel of a spacecraft land in territory under the jurisdiction of a Contracting Party or have been found on the high seas or in any other place not under the jurisdiction of any State, they shall be safely and promptly returned to representatives of the launching authority.

Article 5

1. Each Contracting Party which receives information or discovers that a space object or its component parts has returned to Earth in territory under its jurisdiction or on the high seas or in any other place not under the jurisdiction of any State, shall notify the launching authority and the Secretary-General of the United Nations.

2. Each Contracting Party having jurisdiction over the territory on which a space object or its component parts has been discovered shall, upon the request of the launching authority and with assistance from that authority if requested, take such steps as it finds practicable to recover the object or component parts.

3. Upon request of the launching authority, objects launched into outer space or their component parts found beyond the territorial limits of the launching authority shall be returned to or held at the disposal of representatives of the launching authority, which shall, upon request, furnish identifying data prior to their return.

4. Notwithstanding paragraphs 2 and 3 of this article, a Contracting Party which has reason to believe that a space object or its component parts discovered in territory under its jurisdiction, or recovered by it elsewhere, is of a hazardous or deleterious nature may so notify the launching authority, which shall immediately take effective steps, under the direction and control of the said Contracting Party, to eliminate possible danger of harm.

5. Expenses incurred in fulfilling obligations to recover and return a space object or its component parts under paragraphs 2 and 3 of this article shall be borne by the launching authority.

...

2. AGREEMENT FOR CO-OPERATION IN DEALING WITH POLLUTION OF THE NORTH SEA BY OIL. DONE AT BONN ON 9 JUNE 1969¹

The Government of

The Kingdom of Belgium,
 The Kingdom of Denmark,
 The French Republic,
 The Federal Republic of Germany,
 The Kingdom of the Netherlands,
 The Kingdom of Norway,
 The Kingdom of Sweden,
 The United Kingdom of Great Britain and Northern Ireland,

Recognizing that grave pollution of the sea by oil in the North Sea area involves a danger to the coastal states,

Noting that the Council of the Inter-Governmental Maritime Consultative Organization at its third extraordinary session in May 1967, decided to include among the matters requiring study as a matter of urgency, *inter alia*,

“Procedures whereby States, regionally or interregionally where applicable, can co-operate at short notice to provide manpower, supplies, equipment and scientific advice to deal with discharge of oil or other noxious or hazardous substances including consideration of the possibility of patrols to ascertain the extent of the discharge and the manner of treating it both on sea and land”,

Have agreed on the following:

Article 1

This Agreement shall apply whenever the presence or the prospective presence of oil polluting the sea within the North Sea area, as defined in article 2 of this Agreement, presents a grave and imminent danger to the coast or related interests of one or more Contracting Parties.

Article 2

For the purposes of this Agreement the North Sea area means the North Sea proper southwards of latitude 61° N, together with

(a) The Skagerrak, the southern limit of which is determined by a line joining Skagen and Pater Noster Skären;

(b) The English Channel and its approaches eastwards of a line drawn fifty nautical miles to the west of a line joining the Scilly Isles and Ushant.

¹ United Nations, *Treaty Series*, vol. 704, no. 10099. Entered into force on 9 August 1969, in accordance with article 9.

Article 3

The Contracting Parties consider that protection against pollution of the kind referred to in article 1 of this Agreement is a matter which calls for active co-operation between the Contracting Parties.

Article 4

Contracting Parties undertake to inform the other Contracting Parties about

- (a) Their national organization for dealing with oil pollution;
- (b) The competent authority responsible for receiving reports of oil pollution and for dealing with questions concerning measures of mutual assistance between Contracting Parties;
- (c) New ways in which oil pollution may be avoided and about new effective measures to deal with oil pollution.

Article 5

(1) Whenever a Contracting Party is aware of a casualty or the presence of oil slicks in the North Sea area likely to constitute a serious threat to the coast or related interests of any other Contracting Party, it shall inform the other Party without delay through its competent authority.

(2) The Contracting Parties undertake to request the masters of all ships flying their flags and pilots of aircraft registered in their countries to report without delay through the channels which may be most practicable and adequate in the circumstances:

- (a) All casualties causing or likely to cause oil pollution of the sea;
- (b) The presence, nature and extent of oil slicks on the sea likely to constitute a serious threat to the coast or related interests of one or more Contracting Parties.

Article 6

(1) For the sole purposes of this Agreement the North Sea area is divided into the zones described in the annex to this Agreement.

(2) The Contracting Party within whose zone a situation of the kind described in article 1 occurs, shall make the necessary assessments of the nature and extent of any casualty or, as the case may be, of the type and approximate quantity of oil floating on the sea, and the direction and speed of movement of the oil.

(3) The Contracting Party concerned shall immediately inform all the other Contracting Parties through their competent authorities of its assessments and of any action which it has taken to deal with the floating oil and shall keep the oil under observation as long as it is drifting in its zone.

(4) The obligations of the Contracting Parties under the provisions of this article with respect to the zones of joint responsibility shall be the subject of special technical arrangements to be concluded between the Parties concerned. These arrangements shall be communicated to the other Contracting Parties.

(5) In no case shall the division into zones referred to in this article be invoked as a precedent or argument in any matter concerning sovereignty or jurisdiction.

Article 7

A Contracting Party requiring assistance to dispose of oil floating on the sea or polluting its coast may call on the help of the other Contracting Parties, starting with those which also seem likely to be affected by the floating oil. Contracting Parties called upon for help in accordance with this article shall use their best endeavours to bring such assistance as is within their power.

Article 8

Any Contracting Party which has taken action in accordance with article 7 of this Agreement shall submit a report thereon to the other Contracting Parties and to the Inter-Governmental Maritime Consultative Organization.

Article 9

(1) This Agreement shall be open for signature by the Governments mentioned in the preamble from 9 June 1969.

(2) These Governments may become parties to this Agreement either by signature without reservation as to ratification or approval or by signature subject to ratification or approval followed by ratification or approval.

(3) Instruments of ratification or approval shall be deposited with the Government of the Federal Republic of Germany.

(4) This Agreement shall enter into force two months after the date on which six Governments have signed the Agreement without reservation as to ratification or approval or have deposited an instrument of ratification or approval.

(5) For each Government which subsequently signs the Agreement without reservation as to ratification or approval, or ratifies or approves it, it shall enter into force two months after the date of its signature or of the deposit of its instrument of ratification or approval.

Article 10

(1) After this Agreement has been in force for five years it may be denounced by any Contracting Party.

(2) Denunciation shall be effected by a notification in writing addressed to the Government of the Federal Republic of Germany which shall notify all the other Contracting Parties of any denunciation received and of the date of its receipt.

(3) A denunciation shall take effect one year after its receipt by the Government of the Federal Republic of Germany.

ANNEX

DESCRIPTION OF THE ZONES REFERRED TO IN
ARTICLE 6 OF THIS AGREEMENT

The zones with the exception of the zones of joint responsibility are limited by lines joining the following points:

Denmark

55° 03'N 8° 22'E
 55° 10'N 2° 30'E
 55° 10'N 2° 15'E
 57° 00'N 1° 30'E
 57° 00'N 6° 40'E
 58° 10'N 10° 00'E
 57° 48'N 10° 57'E
 57° 44'N 10° 38'E (Skagen)

Germany

53° 34'N 6° 38'E
 54° 00'N 5° 30'E
 54° 00'N 2° 40'E
 55° 10'N 2° 15'E
 55° 10'N 7° 30'E
 55° 03'N 8° 22'E

Netherlands

51° 32'N 3° 18'E
 51° 32'N 2° 06'E
 52° 30'N 3° 10'E
 54° 00'N 2° 40'E
 54° 00'N 5° 30'E
 53° 34'N 6° 38'E

Norway

61° 00'N 4° 30'E
 61° 00'N 2° 00'E
 57° 00'N 1° 30'E
 57° 00'N 6° 40'E
 58° 10'N 10° 00'E
 58° 54,5'N 10° 43'E

To be continued along the
Norwegian-Swedish border.

Sweden

57° 54'N 11° 28'E
 (Pater Noster lighthouse)
 57° 48'N 10° 57'E
 58° 10'N 10° 00'E
 58° 54,5'N 10° 43'E

United Kingdom

61° 00'N 0° 50'W
 61° 00'N 2° 00'E
 57° 00'N 1° 30'E
 52° 30'N 3° 10'E
 51° 32'N 2° 06'E

To be continued along the
Norwegian-Swedish border.

The zones of joint responsibility are as follows:

- (1) Belgium, France and United Kingdom
Sea area between parallels 51° 32'N and 51° 06'N.
- (2) France and United Kingdom

The English Channel south-west of parallel 51° 06'N to a line drawn between the points

49° 52'N 07° 44'W and
 48° 27'N 06° 25'W.

3. INTERNATIONAL CONVENTION RELATING TO INTERVENTION OF THE HIGH SEAS IN CASES OF OIL POLLUTION CASUALTIES. DONE AT BRUSSELS ON 29 NOVEMBER 1969¹

The States Parties to the present Convention,

Conscious of the need to protect the interests of their peoples against the grave consequences of a maritime casualty resulting in danger of oil pollution of sea and coastlines,

Convinced that under these circumstances measures of an exceptional character to protect such interests might be necessary on the high seas and that these measures do not affect the principle of freedom of the high seas,

Have agreed as follows:

Article I

1. Parties to the present Convention may take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution of the sea by oil, following upon a maritime casualty or acts related to such a casualty, which may reasonably be expected to result in major harmful consequences.

2. However, no measures shall be taken under the present Convention against any warship or other ship owned or operated by a State and used, for the time being, only on government non-commercial service.

Article II

For the purposes of the present Convention:

1. "Maritime casualty" means a collision of ships, stranding or other incident of navigation, or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to a ship or cargo;

2. "Ship" means:

(a) Any sea-going vessel of any type whatsoever, and

(b) Any floating craft, with the exception of an installation or device engaged in the exploration and exploitation of the resources of the sea-bed and the ocean floor and the subsoil thereof;

3. "Oil" means crude oil, fuel oil, diesel oil and lubricating oil;

4. "Related interests" means the interests of a coastal State directly affected or threatened by the maritime casualty, such as:

(a) Maritime coastal, port or estuarine activities, including fisheries activities, constituting an essential means of livelihood of the persons concerned;

(b) Tourist attractions of the area concerned;

(c) The health of the coastal population and the well-being of the area concerned, including conservation of living marine resources and of wildlife;

¹ Text provided by the Permanent Mission of the Netherlands to the United Nations in a note verbale of 9 November 1971.

5. "Organization" means the Inter-Governmental Maritime Consultative Organization.

Article III

When a coastal State is exercising the right to take measures in accordance with article I, the following provisions shall apply:

(a) Before taking any measures, a coastal State shall proceed to consultations with other States affected by the maritime casualty, particularly with the flag State or States;

(b) The coastal State shall notify without delay the proposed measures to any persons physical or corporate known to the coastal State, or made known to it during the consultations, to have interests which can reasonably be expected to be affected by those measures. The coastal State shall take into account any views they may submit;

(c) Before any measure is taken, the coastal State may proceed to a consultation with independent experts, whose names shall be chosen from a list maintained by the Organization;

(d) In cases of extreme urgency requiring measures to be taken immediately, the coastal State may take measures rendered necessary by the urgency of the situation, without prior notification or consultation or without continuing consultations already begun;

(e) A coastal State shall, before taking such measures and during their course, use its best endeavours to avoid any risk to human life, and to afford persons in distress any assistance of which they may stand in need, and in appropriate cases to facilitate the repatriation of ships' crews, and to raise no obstacle thereto;

(f) Measures which have been taken in application of article I shall be notified without delay to the States and to the known physical or corporate persons concerned, as well as to the Secretary-General of the Organization.

Article IV

1. Under the supervision of the Organization, there shall be set up and maintained the list of experts contemplated by article III of the present Convention, and the Organization shall make necessary and appropriate regulations in connexion therewith, including the determination of the required qualifications.

2. Nominations to the list may be made by Member States of the Organization and by Parties to this Convention. The experts shall be paid on the basis of services rendered by the States utilizing those services.

Article V

1. Measures taken by the coastal State in accordance with article I shall be proportionate to the damage actual or threatened to it.

2. Such measures shall not go beyond what is reasonably necessary to achieve the end mentioned in article I and shall cease as soon as that end has been achieved; they shall not unnecessarily interfere with the rights and interests of the flag State, third States and of any persons, physical or corporate, concerned.

3. In considering whether the measures are proportionate to the damage, account shall be taken of;

- (a) The extent and probability of imminent damage if those measures are not taken; and
- (b) The likelihood of those measures being effective; and
- (c) The extent of the damage which may be caused by such measures.

Article VI

Any Party which has taken measures in contravention of the provisions of the present Convention causing damage to others, shall be obliged to pay compensation to the extent of the damage caused by measures which exceed those reasonably necessary to achieve the end mentioned in article I.

Article VII

Except as specifically provided, nothing in the present Convention shall prejudice any otherwise applicable right, duty, privilege or immunity or deprive any of the Parties or any interested physical or corporate person of any remedy otherwise applicable.

Article VIII

1. Any controversy between the Parties as to whether measures taken under article I were in contravention of the provisions of the present Convention, to whether compensation is obliged to be paid under article VI, and to the amount of such compensation shall, if settlement by negotiation between the Parties involved or between the Party which took the measures and the physical or corporate claimants has not been possible, and if the Parties do not otherwise agree, be submitted upon request of any of the Parties concerned to conciliation or, if conciliation does not succeed, to arbitration, as set out in the annex to the present Convention.

2. The Party which took the measures shall not be entitled to refuse a request for conciliation or arbitration under provisions of the preceding paragraph solely on the grounds that any remedies under municipal law in its own court have not been exhausted.

Article IX

1. The present Convention shall remain open for signature until 31 December 1970 and shall thereafter remain open for accession.

2. States Members of the United Nations or any of the specialized agencies or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice may become Parties to this Convention by:

- (a) Signature without reservation as to ratification, acceptance or approval;
- (b) Signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or
- (c) Accession.

Article X

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.

2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Convention with respect to all existing Parties or after the completion of all measures required for the entry into force of the amendment with respect to those Parties shall be deemed to apply to the Convention as modified by the amendment.

Article XI

1. The present Convention shall enter into force on the ninetieth day following the date on which Governments of fifteen States have either signed it without reservation as to ratification, acceptance or approval or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization.

2. For each State which subsequently ratifies, accepts, approves or accedes to it the present Convention shall come into force on the ninetieth day after deposit by such State of the appropriate instrument.

Article XII

1. The present Convention may be denounced by any Party at any time after the date on which the Convention comes into force for that State.

2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.

3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

Article XIII

1. The United Nations where it is the administering authority for a territory, or any State Party to the present Convention responsible for the international relations of a territory, shall as soon as possible consult with the appropriate authorities of such territories or take such other measures as may be appropriate, in order to extend the present Convention to that territory and may at any time by notification in writing to the Secretary-General of the Organization declare that the present Convention shall extend to such territory.

2. The present Convention shall, from the date of receipt of the notification or from such other date as may be specified in the notification, extend to the territory named therein.

3. The United Nations, or any Party which has made a declaration under paragraph 1 of this article may at any time after the date on which the Convention has been so extended to any territory declare by notification in writing to the Secretary-General of the Organization that the present Convention shall cease to extend to any such territory named in the notification.

4. 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 Secretary-General of the Organization.

Article XIV

1. A Conference for the purpose of revising or amending the present Convention may be convened by the Organization.

2. The Organization shall convene a Conference of the States Parties to the present Convention for revising or amending the present Convention at the request of not less than one-third of the Parties.

Article XV

1. The present Convention shall be deposited with the Secretary-General of the Organization.

2. The Secretary-General of the Organization shall:

(a) Inform all States which have signed or acceded to the Convention of:

- (i) Each new signature or deposit of instrument together with the date thereof;
- (ii) The deposit of any instrument of denunciation of this Convention together with the date of the deposit;
- (iii) The extension of the present Convention to any territory under paragraph 1 of Article XIII and of the termination of any such extension under the provisions of paragraph 4 of that Article stating in each case the date on which the present Convention has been or will cease to be so extended;

(b) Transmit certified true copies of the present Convention to all Signatory States and to all States which accede to the present Convention.

Article XVI

As soon as the present Convention comes into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article XVII

The present Convention is established in a single copy in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared and deposited with the signed original.

ANNEX

CHAPTER I. CONCILIATION

Article 1

Provided the Parties concerned do not decide otherwise, the procedure for conciliation shall be in accordance with the rules set out in this chapter.

Article 2

1. A Conciliation Commission shall be established upon the request of one Party addressed to another in application of article VIII of the Convention.
2. The request for conciliation submitted by a Party shall consist of a statement of the case together with any supporting documents.
3. If a procedure has been initiated between two Parties, any other Party the nationals or property of which have been affected by the same measures, or which is a coastal State having taken similar measures, may join in the conciliation procedure by giving written notice to the Parties which have originally initiated the procedure unless either of the latter Parties object to such joinder.

Article 3

1. The Conciliation Commission shall be composed of three members: one nominated by the coastal State which took the measures, one nominated by the State the nationals or property of which have been affected by those measures and a third, who shall preside over the Commission and shall be nominated by agreement between the two original members.
2. The Conciliators shall be selected from a list previously drawn up in accordance with the procedure set out in article 4 below.
3. If within a period of 60 days from the date of receipt of the request for conciliation, the Party to which such request is made has not given notice to the other Party to the controversy of the nomination of the Conciliator for whose selection it is responsible, or if, within a period of 30 days from the date of nomination of the second of the members of the Commission to be designated by the Parties, the first two Conciliators have not been able to designate by common agreement the Chairman of the Commission, the Secretary-General of the Organization shall upon request of either Party and within a period of 30 days, proceed to the required nomination. The members of the Commission thus nominated shall be selected from the list prescribed in the preceding paragraph.
4. In no case shall the Chairman of the Commission be or have been a national of one of the original Parties to the procedure, whatever the method of his nomination.

Article 4

1. The list prescribed in article 3 above shall consist of qualified persons designated by the Parties and shall be kept up to date by the Organization. Each Party may designate for inclusion on the list four persons, who shall not necessarily be its nationals. The nominations shall be for periods of six years each and shall be renewable.
2. In the case of the decease or resignation of a person whose name appears on the list, the Party which nominated such person shall be permitted to nominate a replacement for the remainder of the term of office.

Article 5

1. Provided the Parties do not agree otherwise, the Conciliation Commission shall establish its own procedures, which shall in all cases permit a fair hearing. As regards examination, the Commission, unless it unanimously decides otherwise, shall conform with the provisions of chapter III of The Hague Convention for the Peaceful Settlement of International Disputes of 18 October 1907.
2. The Parties shall be represented before the Conciliation Commission by agents whose duty shall be to act as intermediaries between the Parties and the Commission. Each of the Parties may seek also the assistance of advisers and experts nominated by it for this purpose and may request the hearing of all persons whose evidence the Party considers useful.

3. The Commission shall have the right to request explanations from agents, advisers and experts of the Parties as well as from any persons whom, with the consent of their Governments, it may deem useful to call.

Article 6

Provided the Parties do not agree otherwise, decisions of the Conciliation Commission shall be taken by a majority vote and the Commission shall not pronounce on the substance of the controversy unless all its members are present.

Article 7

The Parties shall facilitate the work of the Conciliation Commission and in particular, in accordance with their legislation, and using all means at their disposal:

- (a) Provide the Commission with the necessary documents and information;
- (b) Enable the Commission to enter their territory, to hear witnesses or experts, and to visit the scene.

Article 8

The task of the Conciliation Commission will be to clarify the matters under dispute, to assemble for this purpose all relevant information by means of examination or other means, and to endeavour to reconcile the Parties. After examining the case, the Commission shall communicate to the Parties a recommendation which appears to the Commission to be appropriate to the matter and shall fix a period of not more than 90 days within which the Parties are called upon to state whether or not they accept the recommendation.

Article 9

The recommendation shall be accompanied by a statement of reasons. If the recommendation does not represent in whole or in part the unanimous opinion of the Commission, any Conciliator shall be entitled to deliver a separate opinion.

Article 10

A conciliation shall be deemed unsuccessful if, 90 days after the Parties have been notified of the recommendation, either Party shall not have notified the other Party of its acceptance of the recommendation. Conciliation shall likewise be deemed unsuccessful if the Commission shall not have been established within the period prescribed in the third paragraph of article 3 above, or provided the Parties have not agreed otherwise, if the Commission shall not have issued its recommendation within one year from the date on which the Chairman of the Commission was nominated.

Article 11

1. Each member of the Commission shall receive remuneration for his work, such remuneration to be fixed by agreement between the Parties which shall each contribute an equal proportion.

2. Contributions for miscellaneous expenditure incurred by the work of the Commission shall be apportioned in the same manner.

Article 12

The parties to the controversy may at any time during the conciliation procedure decide in agreement to have recourse to a different procedure for settlement of disputes.

CHAPTER II. ARBITRATION

Article 13

1. Arbitration procedure, unless the Parties decide otherwise, shall be in accordance with the rules set out in this chapter.

2. Where conciliation is unsuccessful, a request for arbitration may only be made within a period of 180 days following the failure of conciliation.

Article 14

The Arbitration Tribunal shall consist of three members: one Arbitrator nominated by the coastal State which took the measures, one Arbitrator nominated by the State the nationals or property of which have been affected by those measures, and another Arbitrator who shall be nominated by agreement between the two first-named, and shall act as its Chairman.

Article 15

1. If, at the end of a period of 60 days from the nomination of the second Arbitrator, the Chairman of the Tribunal shall not have been nominated, the Secretary-General of the Organization upon request of either Party shall within a further period of 60 days proceed to such nomination, selecting from a list of qualified persons previously drawn up in accordance with the provisions of article 4 above. This list shall be separate from the list of experts prescribed in article IV of the Convention and from the list of Conciliators prescribed in article 4 of the present annex; the name of the same person may, however, appear both on the list of Conciliators and on the list of Arbitrators. A person who has acted as Conciliator in a dispute may not, however, be chosen to act as Arbitrator in the same matter.

2. If, within a period of 60 days from the date of the receipt of the request, one of the Parties shall not have nominated the member of the Tribunal for whose designation it is responsible, the other Party may directly inform the Secretary-General of the Organization who shall nominate the Chairman of the Tribunal within a period of 60 days, selecting him from the list prescribed in paragraph 1 of the present article.

3. The Chairman of the Tribunal shall, upon nomination, request the Party which has not provided an Arbitrator, to do so in the same manner and under the same conditions. If the party does not make the required nomination, the Chairman of the Tribunal shall request the Secretary-General of the Organization to make the nomination in the form and conditions prescribed in the preceding paragraph.

4. The Chairman of the Tribunal, if nominated under the provisions of the present article, shall not be or have been a national of one of the Parties concerned, except with the consent of the other Party or Parties.

5. In the case of the decease or default of an Arbitrator for whose nomination one of the Parties is responsible, the said Party shall nominate a replacement within a period of 60 days from the date of decease or default. Should the said Party not make the nomination, the arbitration shall proceed under the remaining Arbitrators. In the case of decease or default of the Chairman of the Tribunal, a replacement shall be nominated in accordance with the provisions of article 14 above, or in the absence of agreement between the members of the Tribunal within a period of 60 days of the decease or default, according to the provisions of the present article.

Article 16

If a procedure has been initiated between two Parties, any other Party, the nationals or property of which have been affected by the same measures or which is a coastal State having taken similar measures, may join in the arbitration procedure by giving

written notice to the Parties which have originally initiated the procedure unless either of the latter Parties object to such joinder.

Article 17

Any Arbitration Tribunal established under the provisions of the present annex, shall decide its own rules of procedure.

Article 18

1. Decisions of the Tribunal both as to its procedure and its place of meeting and as to any controversy laid before it, shall be taken by majority vote of its members; the absence or abstention of one of the members of the Tribunal for whose nomination the Parties were responsible shall not constitute an impediment to the Tribunal reaching a decision. In cases of equal voting, the Chairman shall cast the deciding vote.

2. The Parties shall facilitate the work of the Tribunal and in particular, in accordance with their legislation, and using all means at their disposal:

(a) Provide the Tribunal with the necessary documents and information;

(b) Enable the Tribunal to enter their territory, to hear witnesses or experts, and to visit the scene.

3. Absence or default of one Party shall not constitute an impediment to the procedure.

Article 19

1. The award of the Tribunal shall be accompanied by a statement of reasons. It shall be final and without appeal. The Parties shall immediately comply with the award.

2. Any controversy which may arise between the Parties as regards interpretation and execution of the award may be submitted by either Party for judgement to the Tribunal which made the award, or, if it is not available, to another Tribunal constituted for this purpose in the same manner as the original Tribunal.

4. INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE. DONE AT BRUSSELS ON 29 NOVEMBER 1969¹

The States Parties to the present Convention,

Conscious of the dangers of pollution posed by the world-wide maritime carriage of oil in bulk,

Convinced of the need to ensure that adequate compensation is available to persons who suffer damage caused by pollution resulting from the escape or discharge of oil from ships,

Desiring to adopt uniform international rules and procedures for determining questions of liability and providing adequate compensation in such cases,

Have agreed as follows:

Article I

For the purposes of this Convention:

1. "Ship" means any sea-going vessel and any seaborne craft of any type whatsoever, actually carrying oil in bulk as cargo.

¹ Text provided by the Permanent Mission of the Netherlands to the United Nations in a note verbale of 9 November 1971.

2. "Person" means any individual or partnership or any public or private body, whether corporate or not, including a State or any of its constituent subdivisions.

3. "Owner" means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship. However, in the case of a ship owned by a State and operated by a company which in that State is registered as the ship's operator, "owner" shall mean such company.

4. "State of the ship's registry" means in relation to registered ships the State of registration of the ship, and in relation to unregistered ships the State whose flag the ship is flying.

5. "Oil" means any persistent oil such as crude oil, fuel oil, heavy diesel oil, lubricating oil and whale oil, whether carried on board a ship as cargo or in the bunkers of such a ship.

6. "Pollution damage" means loss or damage caused outside the ship carrying oil by contamination resulting from the escape or discharge of oil from the ship, wherever such escape or discharge may occur, and includes the costs of preventive measures and further loss or damage caused by preventive measures.

7. "Preventive measures" means any reasonable measures taken by any person after an incident has occurred to prevent or minimize pollution damage.

8. "Incident" means any occurrence, or series of occurrences having the same origin, which causes pollution damage.

9. "Organization" means the Inter-Governmental Maritime Consultative Organization.

Article II

This Convention shall apply exclusively to pollution damage caused on the territory including the territorial sea of a Contracting State and to preventive measures taken to prevent or minimize such damage.

Article III

1. Except as provided in paragraphs 2 and 3 of this article, the owner of a ship at the time of an incident, or where the incident consists of a series of occurrences at the time of the first such occurrence, shall be liable for any pollution damage caused by oil which has escaped or been discharged from the ship as a result of the incident.

2. No liability for pollution damage shall attach to the owner if he proves that the damage:

(a) Resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character, or

(b) Was wholly caused by an act or omission done with intent to cause damage by a third party; or

(c) Was wholly caused by the negligence or other wrongful act of any Government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function.

3. If the owner proves that the pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered the damage or from the negligence of that person, the owner may be exonerated wholly or partially from his liability to such person.

4. No claim for compensation for pollution damage shall be made against the owner otherwise than in accordance with this Convention. No claim for pollution damage under this Convention or otherwise may be made against the servants or agents of the owner.

5. Nothing in this Convention shall prejudice any right of recourse of the owner against third parties.

Article IV

When oil has escaped or has been discharged from two or more ships, and pollution damage results therefrom, the owners of all the ships concerned, unless exonerated under article III, shall be jointly and severally liable for all such damage which is not reasonably separable.

Article V

1. The owner of a ship shall be entitled to limit his liability under this Convention in respect of any one incident to an aggregate amount of 2,000 francs for each ton of the ship's tonnage. However, this aggregate amount shall not in any event exceed 210 million francs.

2. If the incident occurred as a result of the actual fault or privity of the owner, he shall not be entitled to avail himself of the limitation provided in paragraph 1 of this article.

3. For the purpose of availing himself of the benefit of limitation provided for in paragraph 1 of this article the owner shall constitute a fund for the total sum representing the limit of his liability with the Court or other competent authority of any one of the Contracting States, in which action is brought under article IX. The fund can be constituted either by depositing the sum or by producing a bank guarantee or other guarantee, acceptable under the legislation of the Contracting State where the fund is constituted, and considered to be adequate by the Court or another competent authority.

4. The fund shall be distributed among the claimants in proportion to the amounts of their established claims.

5. If before the fund is distributed the owner or any of his servants or agents or any person providing him insurance or other financial security has as a result of the incident in question, paid compensation for pollution damage, such person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.

6. The right of subrogation provided for in paragraph 5 of this article may also be exercised by a person other than those mentioned therein in respect of any amount of compensation for pollution damage which he may have paid but only to the extent that such subrogation is permitted under the applicable national law.

7. Where the owner or any other person establishes that he may be compelled to pay at a later date in whole or in part any such amount of compensation,

with regard to which such person would have enjoyed a right of subrogation under paragraphs 5 or 6 of this article, had the compensation been paid before the fund was distributed, the Court or other competent authority of the State where the fund has been constituted may order that a sufficient sum shall be provisionally set aside to enable such person at such later date to enforce his claim against the fund.

8. Claims in respect of expenses reasonably incurred or sacrifices reasonably made by the owner voluntarily to prevent or minimize pollution damage shall rank equally with other claims against the fund.

9. The franc mentioned in this article shall be a unit consisting of 65 1/2 milligrams of gold of millesimal fineness nine hundred. The amount mentioned in paragraph 1 of this article shall be converted into the national currency of the State in which the fund is being constituted on the basis of the value of that currency by reference to the unit defined above on the date of the constitution of the fund.

10. For the purpose of this article the ship's tonnage shall be the net tonnage of the ship with the addition of the amount deducted from the gross tonnage on account of engine room space for the purpose of ascertaining the net tonnage. In the case of a ship which cannot be measured in accordance with the normal rules of tonnage measurement, the ship's tonnage shall be deemed to be 40 per cent of the weight in tons (of 2,240 lbs.) of oil which the ship is capable of carrying.

11. The insurer or other person providing financial security shall be entitled to constitute a fund in accordance with this article on the same conditions and having the same effect as if it were constituted by the owner. Such a fund may be constituted even in the event of the actual fault or privity of the owner but its constitution shall in that case not prejudice the rights of any claimant against the owner.

Article VI

1. Where the owner, after an incident, has constituted a fund in accordance with article V, and is entitled to limit his liability,

(a) No person having a claim for pollution damage arising out of that incident shall be entitled to exercise any right against any other assets of the owner in respect of such claim;

(b) The Court or other competent authority of any Contracting State shall order the release of any ship or other property belonging to the owner which has been arrested in respect of a claim for pollution damage arising out of that incident, and shall similarly release any bail or other security furnished to avoid such arrest.

2. The foregoing shall, however, only apply if the claimant has access to the Court administering the fund and the fund is actually available in respect of his claim.

Article VII

1. The owner of a ship registered in a Contracting State and carrying more than 2,000 tons of oil in bulk as cargo shall be required to maintain insurance or other financial security, such as the guarantee of a bank or a

certificate delivered by an international compensation fund, in the sums fixed by applying the limits of liability prescribed in article V, paragraph 1 to cover his liability for pollution damage under this Convention.

2. A certificate attesting that insurance or other financial security is in force in accordance with the provisions of this Convention shall be issued to each ship. It shall be issued or certified by the appropriate authority of the State of the ship's registry after determining that the requirements of paragraph 1 of this article have been complied with. This certificate shall be in the form of the annexed model and shall contain the following particulars:

- (a) Name of ship and port of registration;
- (b) Name and principal place of business of owner;
- (c) Type of security;
- (d) Name and principal place of business of insurer or other person giving security and, where appropriate, place of business where the insurance or security is established;
- (e) Period of validity of certificate which shall not be longer than the period of validity of the insurance or other security.

3. The certificate shall be in the official language or languages of the issuing State. If the language used is neither English nor French, the text shall include a translation into one of these languages.

4. The certificate shall be carried on board the ship and a copy shall be deposited with the authorities who keep the record of the ship's registry.

5. An insurance or other financial security shall not satisfy the requirements of this article if it can cease, for reasons other than the expiry of the period of validity of the insurance or security specified in the certificate under paragraph 2 of this article, before three months have elapsed from the date on which notice of its termination is given to the authorities referred to in paragraph 4 of this article, unless the certificate has been surrendered to these authorities or a new certificate has been issued within the said period. The foregoing provisions shall similarly apply to any modification which results in the insurance or security no longer satisfying the requirements of this article.

6. The State of registry shall, subject to the provisions of this article, determine the conditions of issue and validity of the certificate.

7. Certificates issued or certified under the authority of a Contracting State shall be accepted by other Contracting States for the purposes of this Convention and shall be regarded by other Contracting States as having the same force as certificates issued or certified by them. A Contracting State may at any time request consultation with the State of a ship's registry should it believe that the insurer or guarantor named in the certificate is not financially capable of meeting the obligations imposed by this Convention.

8. Any claim for compensation for pollution damage may be brought directly against the insurer or other person providing financial security for the owner's liability for pollution damage. In such case the defendant may, irrespective of the actual fault or privity of the owner, avail himself of the limits of liability prescribed in article V, paragraph 1. He may further avail himself of the defences (other than the bankruptcy or winding up of the owner) which the owner himself would have been entitled to invoke. Furthermore,

the defendant may avail himself of the defence that the pollution damage resulted from the wilful misconduct of the owner himself, but the defendant shall not avail himself of any other defence which he might have been entitled to invoke in proceedings brought by the owner against him. The defendant shall in any event have the right to require the owner to be joined in the proceedings.

9. Any sums provided by insurance or by other financial security maintained in accordance with paragraph 1 of this article shall be available exclusively for the satisfaction of claims under this Convention.

10. A contracting State shall not permit a ship under its flag to which this article applies to trade unless a certificate has been issued under paragraph 2 or 12 of this article.

11. Subject to the provisions of this Article, each Contracting State shall ensure, under its national legislation, that insurance or other security to the extent specified in paragraph 1 of this article is in force in respect of any ship, wherever registered, entering or leaving a port in its territory, or arriving at or leaving an off-shore terminal in its territorial sea, if the ship actually carries more than 2,000 tons of oil in bulk as cargo.

12. If insurance or other financial security is not maintained in respect of a ship owned by a Contracting State, the provisions of this article relating thereto shall not be applicable to such ship, but the ship shall carry a certificate issued by the appropriate authorities of the State of the ship's registry stating that the ship is owned by that State and that the ship's liability is covered within the limits prescribed by article V, paragraph 1. Such a certificate shall follow as closely as practicable the model prescribed by paragraph 2 of this article.

Article VIII

Rights of compensation under this Convention shall be extinguished unless an action is brought thereunder within three years from the date when the damage occurred. However, in no case shall an action be brought after six years from the date of the incident which caused the damage. Where this incident consists of a series of occurrences, the six years' period shall run from the date of the first such occurrence.

Article IX

1. Where an incident has caused pollution damage in the territory including the territorial sea of one or more Contracting States, or preventive measures have been taken to prevent or minimize pollution damage in such territory including the territorial sea, actions for compensation may only be brought in the Courts of any such Contracting State or States. Reasonable notice of any such action shall be given to the defendant.

2. Each Contracting State shall ensure that its Courts possess the necessary jurisdiction to entertain such actions for compensation.

3. After the fund has been constituted in accordance with article V the Courts of the State in which the fund is constituted shall be exclusively competent to determine all matters relating to the apportionment and distribution of the fund.

Article X

1. Any judgement given by a Court with jurisdiction in accordance with article IX which is enforceable in the State of origin where it is no longer subject to ordinary forms of review, shall be recognized in any Contracting State, except:

- (a) Where the judgement was obtained by fraud; or
- (b) Where the defendant was not given reasonable notice and a fair opportunity to present his case.

2. A judgement recognized under paragraph 1 of this article shall be enforceable in each Contracting State as soon as the formalities required in that State have been complied with. The formalities shall not permit the merits of the case to be re-opened.

Article XI

1. The provisions of this Convention shall not apply to warships or other ships owned or operated by a State and used, for the time being, only on Government non-commercial service.

2. With respect to ships owned by a Contracting State and used for commercial purposes, each State shall be subject to suit in the jurisdictions set forth in article IX and shall waive all defences based on its status as a sovereign State.

Article XII

This Convention shall supersede any International Conventions in force or open for signature, ratification or accession at the date on which the Convention is opened for signature, but only to the extent that such Conventions would be in conflict with it; however, nothing in this article shall affect the obligations of Contracting States to non-Contracting States arising under such International Conventions.

Article XIII

[Identical with Article IX of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, *supra* 3.]

Article XIV

[Identical with Article X of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, *supra* 3, except that "Parties" in that article is replaced by "Contracting States".]

Article XV

1. The present Convention shall enter into force on the ninetieth day following the date on which Governments of eight States including five States each with not less than 1,000,000 gross tons of tanker tonnage have either signed it without reservation as to ratification, acceptance or approval or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization.

2. For each State which subsequently ratifies, accepts, approves or accedes to it the present Convention shall come into force on the ninetieth day after deposit by such States of the appropriate instrument.

Article XVI

[Identical with Article XII of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, *supra* 3, except that "Party" in that article is replaced by "Contracting State".]

Article XVII

1. The United Nations, where it is the administering authority for a territory, or any Contracting State responsible for the international relations of a territory, shall as soon as possible consult with the appropriate authorities of such territory or take such other measures as may be appropriate, in order to extend the present Convention to that territory and may at any time by notification in writing to the Secretary-General of the Organization declare that the present Convention shall extend to such territory.

[Paragraphs 2-4 identical with paragraphs 2-4 of Article XIII of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, *supra* 3, except that "Party" in that article is replaced by "Contracting State".]

Article XVIII

[Identical with Article XIV of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, *supra* 3, except that "States Parties" and "Parties" in that article are replaced by "Contracting States".]

Article XIX

[Identical with Article XV of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, *supra* 3, except that "Article XIII" in that article is replaced by "Article XVII".]

Articles XVI and XVII

[Identical with Articles XVI and XVII, respectively, of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, *supra* 3.]

5. AGREEMENT BETWEEN DENMARK, FINLAND, NORWAY AND SWEDEN CONCERNING CO-OPERATION IN MEASURES TO DEAL WITH POLLUTION OF THE SEA BY OIL. DONE AT COPENHAGEN ON 16 SEPTEMBER 1971¹

The Governments of Denmark, Finland, Norway and Sweden,

Desiring to co-operate in dealing with any substantial oil pollution of the sea which constitutes a threat to the coast or related interests of a Contracting

¹ United Nations, *Treaty Series*, vol. 822, no. 11793. Entered into force on 16 October 1971 in accordance with Article 12.

State and to co-operate in order to ensure compliance with the Convention for the Prevention of Pollution of the Sea by Oil and with the national regulations adopted in connexion with the Convention,

And having regard to the Agreement of 9 June 1969 for co-operation in Dealing with Pollution of the North Sea by Oil,

Have agreed as follows:

Article 1

One Contracting State shall forthwith, inform another Contracting State, through the competent authority, of the sighting of any heavy concentration of oil on the sea which is likely to drift towards the territory of the other State.

Article 2

A Contracting State threatened by the presence of a substantial oil pollution which is also likely to cause damage to another Contracting State, shall investigate the situation, ascertaining the type of oil, the approximate quantity of oil or extent of the pollution, and the location and direction and speed of movement of the oil. The result of the investigation shall be communicated forthwith to the other State together with information concerning any measures that have been taken or are to be taken.

Article 3

A Contracting State requiring assistance to deal with oil which constitutes a threat to its coast or related interests may call on the help of the other Contracting States. Any such request shall be addressed first to the State which can be expected also to be affected by the Oil. A Contracting State called upon for help in accordance with this article shall do its utmost to provide such assistance.

Article 4

(a) Each of the Contracting States undertakes to set up an emergency service to deal with heavy concentrations of oil on the sea.

(b) To ensure maximum efficiency when the emergency service is used, the establishment and positioning of stocks of oil-treatment materials should take place after consultation with the other Contracting States, to the extent deemed necessary.

(c) A Contracting State shall inform the other Contracting States concerning its national emergency service.

(d) A Contracting State shall inform the other Contracting States concerning its experience with materials and methods for dealing with oil pollution.

Article 5

A Contracting State shall inform the other Contracting States of heavy concentrations of oil on the sea which can oblige it to take anti-pollution action, and concerning the measures taken and the results achieved.

Article 6

One Contracting State shall inform another Contracting State through the competent authority of any offence against the regulations concerning pollution by oil found to have been committed within the territorial or adjacent waters of the Contracting States by a vessel registered in the other State.

Article 7

The Contracting States shall furnish assistance to each other in the investigation of offences against the regulations concerning pollution by oil which are presumed to have been committed within the territorial or adjacent waters of the Contracting States.

Such assistance may include inspection of the oil record book, the ship's official log-book and the engine-room log, the taking of oil samples and so on.

Article 8

The Contracting States shall exchange information concerning:

- (a) The existence and the construction of facilities for the reception of oily residues from ships;
- (b) National regulations and other circumstances which have a bearing on the prevention of oil pollution;
- (c) The authorities of the respective Contracting States to which information in pursuance of this Agreement is to be transmitted.

Article 9

The competent authorities shall co-operate directly in the planning and other measures required of them under this Agreement.

Article 10

If one of the Contracting States desires to denounce the Agreement, written notice to that effect shall be given to the Danish Government, which shall forthwith inform the other Contracting States of the denunciation and of the date of receipt of the notice.

The denunciation shall take effect twelve months after the receipt of notice thereof by the Danish Government or at such later date as may be specified in the denunciation.

Article 11

The Agreement shall be deposited with the Danish Ministry of Foreign Affairs. The Ministry shall transmit certified copies of the Agreement to the Government of each of the Contracting States.

Article 12

The Agreement is open for signature as of 1 September 1971 and shall enter into force one month after the date on which it is signed by Denmark, Finland, Norway and Sweden. At the same time the Agreement of 8 December 1967 between Denmark, Finland, Norway and Sweden concerning Co-operation to ensure Compliance with the Regulations for Preventing the Pollution of the Sea by Oil shall cease to have effect.

6. CONVENTION FOR THE PREVENTION OF MARINE POLLUTION BY DUMPING FROM SHIPS AND AIRCRAFT. SIGNED AT OSLO, ON 15 FEBRUARY 1972¹

The Contracting Parties

Recognizing that the marine environment and the living resources which it supports are of vital importance to all nations;

Mindful that the ecological equilibrium and the legitimate uses of the sea are increasingly threatened by pollution;

Recognizing that concerted action by Governments at national, regional and global levels is essential to prevent and combat marine pollution;

Noting that this pollution has many sources, including dumping from ships and aircraft and discharges through rivers, estuaries, outfalls and pipelines within national jurisdiction, that it is important that states use the best practicable means to prevent such pollution, and that products and processes which will minimize the amount of harmful waste requiring disposal should be developed;

Being convinced that international action to control the pollution of the sea by the dumping of harmful substances from ships and aircraft can and should be taken without delay, but that this action should not preclude discussion of measures to control other sources of marine pollution as soon as possible;

Considering that the states bordering the North-East Atlantic have a particular responsibility to protect the waters of this region;

Have agreed as follows:

Article 1

The Contracting Parties pledge themselves to take all possible steps to prevent the pollution of the sea by substances that are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

Article 2

The area to which this Convention applies shall be the high seas and the territorial sea 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 Griben 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° north 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.

¹ Text provided by the Permanent Representative of the United Kingdom to the United Nations in a note verbale of 8 January 1973. Cmnd. 4984.

Article 3

The Contracting Parties agree to apply the measures which they adopt in such a way as to prevent the diversion of dumping of harmful substances into seas outside the area to which this Convention applies.

Article 4

The Contracting Parties shall harmonize their policies and introduce, individually and in common, measures to prevent the pollution of the sea by dumping by or from ships and aircraft.

Article 5

The dumping of the substances listed in Annex I to this Convention is prohibited.

Article 6

No waste containing such quantities of the substances and materials listed in Annex II to this Convention as the Commission established under the provisions of Article 16, hereinafter referred to as "the Commission", shall define as significant, shall be dumped without a specific permit in each case from the appropriate national authority or authorities. When such permits are issued, the provisions of Annexes II and III to this Convention shall be applied.

Article 7

No substance or material shall be dumped without the approval of the appropriate national authority or authorities. When such approval is granted, the provisions of Annex III to this Convention shall be applied.

Article 8

1. The provisions of Articles 5, 6 and 7 shall not apply in case of force majeure due to stress of weather or any other cause when the safety of human life or of a ship or aircraft is threatened. Such dumping shall immediately be reported to the Commission, together with full details of the circumstances and of the nature and quantities of the substances and materials dumped.

2. The provisions of Article 5 shall not apply where these substances occur as trace contaminants in waste to which they have not been added for the purpose of being dumped. However, such dumping shall remain subject to Articles 6 and 7.

Article 9

If a Contracting Party in an emergency considers that a substance listed in Annex I to this Convention cannot be disposed of on land without unacceptable danger or damage, the Contracting Party concerned shall forthwith consult the Commission. The Commission shall recommend methods of storage or the most satisfactory means of destruction or disposal under the prevailing circumstances. The Contracting Party shall inform the Commission of the steps adopted in pursuance of its recommendation. The Contracting Parties pledge themselves to assist one another in such situations.

Article 10

The composition of the waste shall be ascertained by the appropriate national authority or authorities in accordance with the provisions of Annex III to this Convention before any permit or approval for the dumping of waste at sea is issued.

Article 11

Each Contracting Party shall keep, and transmit to the Commission, according to a standard procedure, records of the nature and the quantities of the substances and materials dumped under permits or approvals issued by that Contracting Party, and of the dates, places and methods of dumping.

Article 12

The Contracting Parties agree to establish complementary or joint programmes of scientific and technical research, including research on alternative methods of disposal of harmful substances, and to transmit to each other the information so obtained. In doing so they will have regard to the work carried out by the appropriate international organizations and agencies.

Article 13

The Contracting Parties agree to institute, in co-operation with appropriate international organizations and agencies, complementary or joint programmes for monitoring the distribution and effects of pollutants in the area to which this Convention applies.

Article 14

The Contracting Parties pledge themselves to promote, within the competent specialized agencies and other international bodies, measures concerning the protection of the marine environment against pollution caused by oil and oily wastes, other noxious or hazardous cargoes, and radioactive materials.

Article 15

1. Each Contracting Party undertakes to ensure compliance with the provisions of this Convention:

- (a) By ships and aircraft registered in its territory;
- (b) By ships and aircraft loading in its territory the substances and materials which are to be dumped;
- (c) By ships and aircraft believed to be engaged in dumping within its territorial sea.

2. Each Contracting Party undertakes to issue instructions to its maritime inspection vessels and aircraft and to other appropriate services to report to its authorities any incidents or conditions on the high seas which give rise to suspicions that dumping in contravention of the provisions of the present Convention has occurred or is about to occur. That Contracting Party shall, if it considers it appropriate, report accordingly to any other Contracting Party concerned.

3. Each Contracting Party shall take in its territory appropriate measures to prevent and punish conduct in contravention of the provisions of this Convention.

4. The Contracting Parties undertake to assist one another as appropriate in dealing with pollution incidents involving dumping at sea, and to exchange information on methods of dealing with such incidents.

5. The Contracting Parties further agree to work together in the development of co-operative procedures for the application of the Convention, particularly on the high seas.

6. Nothing in this Convention shall abridge sovereign immunity to which certain vessels are entitled under international law.

Article 16

A Commission, made up of representatives of each of the Contracting Parties, is hereby established. The Commission shall meet at regular intervals and at any time when, due to special circumstances, it is so decided in accordance with the Rules of Procedure.

Article 17

It shall be the duty of the Commission:

(a) To exercise overall supervision over the implementation of this Convention;

(b) To receive and consider the records of permits and approvals issued and of dumping which has taken place, as provided for in Articles 8, 9 and 11 of this Convention, and to define the standard procedure to be adopted for this purpose;

(c) To review generally the condition of the seas within the area to which this Convention applies, the efficacy of the control measures being adopted, and the need for any additional or different measures;

(d) To keep under review the contents of the Annexes to this Convention, and to recommend such amendments, additions or deletions as may be agreed;

(e) To discharge such other functions as may be appropriate under the terms of this Convention.

Article 18

1. The Commission shall draw up its own Rules of Procedure which shall be adopted by unanimous vote. The Government of Norway shall call the first meeting of the Commission as soon as practicable after the coming into force of this Convention.

2. Recommendations for modification of the Annexes to this Convention in accordance with Article 17 (d) shall be adopted by a unanimous vote in the Commission, and the modifications contained therein shall enter into force after unanimous approval by the Governments of the Contracting Parties.

Article 19

For the purpose of this Convention:

1. "Dumping" means any deliberate disposal of substances and materials into the sea by or from ships or aircraft other than:

(a) Any discharge incidental to or derived from the normal operation of ships and aircraft and their equipment;

(b) The placing of substances and materials for a purpose other than the mere disposal thereof, if not contrary to the aim of this Convention.

2. "Ships and aircraft" means sea-going vessels and air-borne craft of any type whatsoever. This expression includes air-cushion craft, floating craft whether self-propelled or not, and fixed or floating platforms.

Article 20

This Convention shall be open for signature at Oslo until 15th August 1972 by the States invited to participate in the Conference on Marine Pollution, held there from 19th to 22nd October, 1971.

Article 21

This Convention shall be subject to ratification. The instruments of ratification shall be deposited with the Government of Norway.

Article 22

This Convention shall be open for accession by any State referred to in Article 20. The Contracting Parties may unanimously invite other States to accede to the Convention. The instruments of accession shall be deposited with the Government of Norway.

Article 23

1. This Convention shall enter into force on the thirtieth day following the date of deposit of the seventh instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the seventh 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 24

At any time after two years from the date on which this Convention has come into force with respect to a Contracting Party, that Party may withdraw from the Convention by means of a notice in writing addressed to the depositary Government. Any such withdrawal shall take effect twelve months after the date of its receipt.

Article 25

A conference for the purpose of revising or amending this Convention may be convened by the depositary Government at the request of the Commission adopted by a two-thirds majority.

Article 26

The depositary Government shall inform the Contracting Parties and the States referred to in Article 20:

(a) Of signatures to this Convention, of the deposit of instruments of ratification or accession, and of the receipt of a notice of withdrawal, in accordance with Articles 20, 21, 22 and 24;

(b) Of the date on which this Convention will come into force in accordance with Article 23;

(c) Of the receipt of notification of approval relating to modifications of the Annexes to this Convention and of the entry into force of such modifications in accordance with Article 18.

Article 27

The original of this Convention, of which the English and French texts are equally authentic, shall be deposited with the Government of Norway, which shall send certified copies thereof to the Contracting Parties and to the States referred to in Article 20, and which shall transmit a certified copy to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ANNEX I

The following substances are listed for the purposes of Article 5 of the Convention:

1. Organohalogen compounds and compounds which may form such substances in the marine environment, excluding those which are non-toxic, or which are rapidly converted in the sea into substances which are biologically harmless;
2. Organosilicon compounds and compounds which may form such substances in the marine environment, excluding those which are non-toxic, or which are rapidly converted in the sea into substances which are biologically harmless;
3. Substances which have been agreed between the Contracting Parties as likely to be carcinogenic under the conditions of disposal;
4. Mercury and mercury compounds;
5. Cadmium and cadmium compounds;
6. Persistent plastics and other persistent synthetic materials which may float or remain in suspension in the sea, and which may seriously interfere with fishing or navigation, reduce amenities, or interfere with other legitimate uses of the sea.

ANNEX II

1. The following substances and materials requiring special care are listed for the purposes of Article 6:

(a) Arsenic, lead, copper, zinc and their compounds, cyanides and fluorides, and pesticides and their by-products not covered by the provisions of Annex I;

(b) Containers, scrap metal, tar-like substances liable to sink to the sea bottom and other bulky wastes which may present a serious obstacle to fishing or navigation;

(c) Substances which, though of a non-toxic nature, may become harmful due to the quantities in which they are dumped, or which are liable to seriously reduce amenities.

2. The substances and materials listed under paragraph 1 (b) above should always be deposited in deep water.

3. In the issuance of permits or approvals for the dumping of large quantities of acids and alkalis, consideration should be given to the possible presence in such wastes of the substances listed in paragraph 1 above.

4. When, in the application of the provisions of Annexes II and III, it is considered necessary to deposit waste in deep water, this should be done only when the following two conditions are both fulfilled:

- (a) That the depth is not less than 2,000 metres,
- (b) That the distance from the nearest land is not less than 150 nautical miles.

ANNEX III

Provisions governing the issue of permits and approvals for the dumping of wastes at sea.

1. *Characteristics of the waste*

- (a) Amount and composition;
- (b) Amount of substances and materials to be deposited per day, per week, per month);
- (c) Form in which it is presented for dumping, i.e. whether as a solid, sludge or liquid;
- (d) Physical (especially solubility and specific gravity), chemical, biochemical (oxygen demand, nutrient production) and biological properties (presence of viruses, bacteria, yeasts, parasites, etc.);
- (e) Toxicity;
- (f) Persistence;
- (g) Accumulation in biological materials or sediments;
- (h) Chemical and physical changes of the waste after release, including possible formation of new compounds;
- (i) Probability of production of taints reducing marketability of resources (fish, shellfish, etc.).

2. *Characteristics of dumping site and method of deposit*

- (a) Geographical position, depth and distance from coast;
- (b) Location in relation to living resources in adult or juvenile phases;
- (c) Location in relation to amenity areas;
- (d) Methods of packing, if any;
- (e) Initial dilution achieved by proposed method of release;
- (f) Dispersal, horizontal transport and vertical mixing characteristics;
- (g) Existence and effects of current and previous discharges and dumping in the area (including accumulative effects).

3. *General considerations and conditions*

- (a) Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance and other legitimate use of the sea;
- (b) In applying these principles the practical availability of alternative means of disposal or elimination will be taken into consideration.

7. CONVENTION OF THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER. DONE AT LONDON, MEXICO CITY, MOSCOW AND WASHINGTON ON 29 DECEMBER 1972¹

The Contracting Parties to this Convention,

Recognizing that the marine environment and the living organisms which it supports are of vital importance to humanity, and all people have an interest in assuring that it is so managed that its quality and resources are not impaired;

Recognizing that the capacity of the sea to assimilate wastes and render them harmless, and its ability to regenerate natural resources, is not unlimited;

Recognizing that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction;

Recalling resolution 2749 (XXV) of the General Assembly of the United Nations on the principles governing the sea-bed and the ocean floor and the subsoil thereof, beyond the limits of national jurisdiction;

Noting that marine pollution originates in many sources, such as dumping and discharges through the atmosphere, rivers, estuaries, outfalls and pipelines, and that it is important that States use the best practicable means to prevent such pollution and develop products and processes which will reduce the amount of harmful wastes to be disposed of;

Being convinced that international action to control the pollution of the sea by dumping can and must be taken without delay but that this action should not preclude discussion of measures to control other sources of marine pollution as soon as possible; and

Wishing to improve protection of the marine environment by encouraging States with a common interest in particular geographical areas to enter into appropriate agreements supplementary to this Convention;

Have agreed as follows:

Article I

Contracting Parties shall individually and collectively promote the effective control of all sources of pollution of the marine environment, and pledge themselves especially to take all practicable steps to prevent the pollution of the sea by the dumping of waste and other matter that is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

Article II

Contracting Parties shall, as provided for in the following Articles, take effective measures individually, according to their scientific, technical and

¹ Text provided by the United Kingdom delegation to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction for circulation in the Committee in March 1973.

economic capabilities, and collectively, to prevent marine pollution caused by dumping and shall harmonize their policies in this regard.

Article III

For the purposes of this Convention:

- (a) "Dumping" means:
- (i) Any deliberate disposal at sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea;
 - (ii) Any deliberate disposal at sea of vessels, aircraft, platforms or other man-made structures at sea.
- (b) "Dumping" does not include:
- (i) The disposal at sea of wastes or other matter incidental to, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures;
 - (ii) Placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Convention.

(c) The disposal of wastes or other matter directly arising from, or related to the exploration, exploitation and associated off-shore processing of sea-bed mineral resources will not be covered by the provisions of this Convention.

2. "Vessels and aircraft" means waterborne or airborne craft of any type whatsoever. This expression includes air cushioned craft and floating craft, whether self-propelled or not.

3. "Sea" means all marine waters other than the internal waters of States.

4. "Wastes or other matter" means material and substance of any kind, form or description.

5. "Special permit" means permission granted specifically on application in advance and in accordance with Annex II and Annex III.

6. "General permit" means permission granted in advance and in accordance with Annex III.

7. "The Organization" means the Organisation designated by the Contracting Parties in accordance with Article XIV (2).

Article IV

1. In accordance with the provisions of this Convention Contracting Parties shall prohibit the dumping of any wastes or other matter in whatever form or condition except as otherwise specified below:

- (a) The dumping of wastes or other matter listed in Annex I is prohibited;
- (b) The dumping of wastes or other matter listed in Annex II requires a prior special permit;
- (c) The dumping of all other wastes or matter requires a prior general permit.

2. Any permit shall be issued only after careful consideration of all the factors set forth in Annex III, including prior studies of the characteristics of the dumping site as set forth in Sections B and C of that Annex.

3. No provision of this Convention is to be interpreted as preventing a Contracting Party from prohibiting, insofar as that Party is concerned, the dumping of wastes or other matter not mentioned in Annex I. That Party shall notify such measures to the Organisation.

Article V

1. The provisions of Article IV shall not apply when it is necessary to secure the safety of human life or of vessels, aircraft, platforms or other man-made structures at sea in cases of *force majeure* caused by stress of weather, or in any case which constitutes a danger to human life or a real threat to vessels, aircraft, platforms or other man-made structures at sea, if dumping appears to be the only way of averting the threat and if there is every probability that the damage consequent upon such dumping will be less than would otherwise occur. Such dumping shall be so conducted as to minimise the likelihood of damage to human or marine life and shall be reported forthwith to the Organisation.

2. A Contracting Party may issue a special permit as an exception to Article IV 1 (a), in emergencies, posing unacceptable risk relating to human health and admitting no other feasible solution. Before doing so the Party shall consult any other country or countries that are likely to be affected and the Organisation which, after consulting other Parties, and international organisations as appropriate, shall in accordance with Article XIV promptly recommend to the Party the most appropriate procedures to adopt. The Party shall follow these recommendations to the maximum extent feasible consistent with the time within which action must be taken and with the general obligation to avoid damage to the marine environment and shall inform the Organisation of the action it takes. The Parties pledge themselves to assist one another in such situations.

3. Any Contracting Party may waive its rights under paragraph (2) at the time of, or subsequent to ratification of, or accession to this Convention.

Article VI

1. Each Contracting Party shall designate an appropriate authority or authorities to:

(a) Issue special permits which shall be required prior to, and for, the dumping of matter listed in Annex II and in the circumstances provided for in Article V 2;

(b) Issue general permits which shall be required prior to, and for, the dumping of all other matter;

(c) Keep records of the nature and quantities of all matter permitted to be dumped and the location, time and method of dumping;

(d) Monitor individually, or in collaboration with other Parties and competent International Organisations, the condition of the seas for the purposes of this Convention.

2. The appropriate authority or authorities of a Contracting Party shall issue prior special or general permits in accordance with paragraph 1 in respect of matter intended for dumping;

(a) Loaded in its territory;

(b) Loaded by a vessel or aircraft registered in its territory or flying its flag, when the loading occurs in the territory of a State not party to this Convention.

3. In issuing permits under sub-paragraphs 1 (a) and (b) above, the appropriate authority or authorities shall comply with Annex III, together with such additional criteria, measures and requirements as they may consider relevant.

4. Each Contracting Party, directly or through a Secretariat established under a regional agreement, shall report to the Organisation, and where appropriate to other Parties, the information specified in sub-paragraphs (c) and (d) of paragraph 1 above, and the criteria, measures and requirements it adopts in accordance with paragraph 3 above. The procedure to be followed and the nature of such reports shall be agreed by the Parties in consultation.

Article VII

1. Each Contracting Party shall apply the measures required to implement the present Convention to all:

(a) Vessels and aircraft registered in its territory or flying its flag;

(b) Vessels and aircraft loading in its territory or territorial seas matter which is to be dumped;

(c) Vessels and aircraft and fixed or floating platforms under its jurisdiction believed to be engaged in dumping.

2. Each Party shall take in its territory appropriate measures to prevent and punish conduct in contravention of the provisions of this Convention.

3. The Parties agree to co-operate in the development of procedures for the effective application of this Convention particularly on the high seas, including procedures for the reporting of vessels and aircraft observed dumping in contravention of the Convention.

4. This Convention shall not apply to those vessels and aircraft entitled to sovereign immunity under international law. However each Party shall ensure by the adoption of appropriate measures that such vessels and aircraft owned or operated by it act in a manner consistent with the object and purpose of this Convention, and shall inform the Organisation accordingly.

5. Nothing in this Convention shall affect the right of each Party to adopt other measures, in accordance with the principles of international law, to prevent dumping at sea.

Article VIII

In order to further the objectives of this Convention, the Contracting Parties with common interests to protect in the marine environment in a given geographical area shall endeavour, taking into account characteristic regional features, to enter into regional agreements consistent with this Convention for the prevention of pollution, especially by dumping. The Contracting Parties to the present Convention shall endeavour to act consistently with the objectives

and provisions of such regional agreements, which shall be notified to them by the Organisation. Contracting Parties shall seek to co-operate with the Parties to regional agreements in order to develop harmonized procedures to be followed by Contracting Parties to the different conventions concerned. Special attention shall be given to co-operation in the field of monitoring and scientific research.

Article IX

The Contracting Parties shall promote, through collaboration within the Organisation and other international bodies, support for those Parties which request it for:

- (a) The training of scientific and technical personnel;
 - (b) The supply of necessary equipment and facilities for research and monitoring;
 - (c) The disposal and treatment of waste and other measures to prevent or mitigate pollution caused by dumping;
- preferably within the countries concerned, so furthering the aims and purposes of this Convention.

Article X

In accordance with the principles of international law regarding State responsibility for damage to the environment of other States or to any other area of the environment, caused by dumping of wastes and other matter of all kinds, the Contracting Parties undertake to develop procedures for the assessment of liability and the settlement of disputes regarding dumping.

Article XI

The Contracting Parties shall at their first consultative meeting consider procedures for the settlement of disputes concerning the interpretation and application of this Convention.

Article XII

The Contracting Parties pledge themselves to promote, within the competent specialised agencies and other international bodies, measures to protect the marine environment against pollution caused by:

- (a) Hydrocarbons, including oil, and their wastes;
- (b) Other noxious or hazardous matter transported by vessels for purposes other than dumping;
- (c) Wastes generated in the course of operation of vessels, aircraft, platforms and other man-made structures at sea;
- (d) Radio-active pollutants from all sources, including vessels;
- (e) Agents of chemical and biological warfare;
- (f) Wastes or other matter directly arising from, or related to the exploration, exploitation and associated off-shore processing of sea-bed mineral resources.

The Parties will also promote, within the appropriate international organisation, the codification of signals to be used by vessels engaged in dumping.

Article XIII

Nothing in this Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to resolution 2750 C (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction. The Contracting Parties agree to consult at a meeting to be convened by the Organisation after the Law of the Sea Conference, and in any case not later than 1976, with a view to defining the nature and extent of the right and the responsibility of a coastal State to apply the Convention in a zone adjacent to its coast.

Article XIV

1. The Government of the United Kingdom of Great Britain and Northern Ireland as a depositary shall call a meeting of the Contracting Parties not later than three months after the entry into force of this Convention to decide on organisational matters.

2. The Contracting Parties shall designate a competent Organisation existing at the time of that meeting to be responsible for Secretariat duties in relation to this Convention. Any Party to this Convention not being a member of this Organisation shall make an appropriate contribution to the expenses incurred by the Organisation in performing these duties.

3. The Secretariat duties of the Organisation shall include:

(a) The convening of consultative meetings of the Contracting Parties not less frequently than once every two years and of special meetings of the Parties at any time on the request of two-thirds of the Parties;

(b) Preparing and assisting, in consultation with the Contracting Parties and appropriate International Organisations, in the development and implementation of procedures referred to in subparagraph 4 (e) of this Article;

(c) Considering enquiries by, and information from the Contracting Parties, consulting with them and with the appropriate International Organisations, and providing recommendations to the Parties on questions related to, but not specifically covered by the Convention;

(d) Conveying to the Parties concerned all notifications received by the Organisation in accordance with Articles IV 3, V 1 and 2, VI 4, XV, XX and XXI.

Prior to the designation of the Organisation these functions shall, as necessary, be performed by the depositary, who for this purpose shall be the Government of the United Kingdom of Great Britain and Northern Ireland.

4. Consultative or special meetings of the Contracting Parties shall keep under continuing review the implementation of this Convention and may, *inter alia*:

(a) Review and adopt amendments to this Convention and its Annexes in accordance with Article XV;

(b) Invite the appropriate scientific body or bodies to collaborate with and to advise the Parties or the Organisation on any scientific or technical

aspect relevant to this Convention, including particularly the content of the Annexes;

(c) Receive and consider reports made pursuant to Article VI (4);

(d) Promote co-operation with and between regional organisations concerned with the prevention of marine pollution;

(e) Develop or adopt, in consultation with appropriate International Organisations procedures referred to in Article V 2, including basic criteria for determining exceptional and emergency situations, and procedures for consultative advice and the safe disposal of matter in such circumstances, including the designation of appropriate dumping areas, and recommend accordingly;

(f) Consider any additional action that may be required.

5. The Contracting Parties at their first consultative meeting shall establish rules of procedure as necessary.

Article XV

1. (a) At meetings of the Contracting Parties called in accordance with Article XIV amendments to this Convention may be adopted by a two-thirds majority of those present. An amendment shall enter into force for the Parties which have accepted it on the sixtieth day after two-thirds of the Parties shall have deposited an instrument of acceptance of the amendment with the Organisation. Thereafter the amendment shall enter into force for any other Party 30 days after that Party deposits its instrument of acceptance of the amendment.

(b) The Organisation shall inform all Contracting Parties of any request made for a special meeting under Article XIV and of any amendments adopted at meetings of the Parties and of the date on which each such amendment enters into force for each Party.

2. Amendments to the Annexes will be based on scientific or technical considerations. Amendments to the Annexes approved by a two-thirds majority of those present at a meeting called in accordance with Article XIV shall enter into force for each Contracting Party immediately on notification of its acceptance to the Organisation and 100 days after approval by the meeting for all other Parties except for those which before the end of the 100 days make a declaration that they are not able to accept the amendment at that time. Parties should endeavour to signify their acceptance of an amendment to the Organisation as soon as possible after approval at a meeting. A Party may at any time substitute an acceptance for a previous declaration of objection and the amendment previously objected to shall thereupon enter into force for that Party.

3. An acceptance or declaration of objection under this Article shall be made by the deposit of an instrument with the Organisation. The Organisation shall notify all Contracting Parties of the receipt of such instruments.

4. Prior to the designation of the Organisation, the Secretariat functions herein attributed to it, shall be performed temporarily by the Government of the United Kingdom of Great Britain and Northern Ireland, as one of the depositaries of this Convention.

Article XVI

This Convention shall be open for signature by any State at London, Mexico City, Moscow and Washington from 29 December 1972 until 31 December 1973.

Article XVII

This Convention shall be subject to ratification. The instruments of ratification shall be deposited with the Governments of Mexico, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

Article XVIII

After 31 December 1973, this Convention shall be open for accession by any State. The instruments of accession shall be deposited with the Governments of Mexico, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

Article XIX

1. This Convention shall enter into force on the thirtieth day following the date of deposit of the fifteenth instrument of ratification or accession.

2. For each Contracting Party ratifying or acceding to the Convention after the deposit of the fifteenth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such Party of its instrument of ratification or accession.

Article XX

The depositaries shall inform Contracting Parties:

(a) Of signatures to this Convention and of the deposit of instruments of ratification, accession or withdrawal, in accordance with Articles XVI, XVII, XVIII and XXI, and

(b) Of the date on which this Convention will enter into force, in accordance with Article XIX.

Article XXI

Any Contracting Party may withdraw from this Convention by giving six months' notice in writing to a depositary, which shall promptly inform all Parties of such notice.

Article XXII

The original of this Convention of which the English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Governments of Mexico, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America who shall send certified copies thereof to all States.

ANNEX I

1. Organohalogen compounds.
2. Mercury and mercury compounds.
3. Cadmium and cadmium compounds.
4. Persistent plastics and other persistent synthetic materials, for example, netting and ropes, which may float or may remain in suspension in the sea in such a manner as to interfere materially with fishing, navigation or other legitimate uses of the sea.
5. Crude Oil, fuel oil, heavy diesel oil, and lubricating oils, hydraulic fluids, and any mixtures containing any of these, taken on board for the purpose of dumping.
6. High-level radio-active wastes or other high-level radio-active matter, defined on public health, biological or other grounds, by the competent international body in this field, at present the International Atomic Energy Agency, as unsuitable for dumping at sea.
7. Materials in whatever form (e.g. solids, liquids, semi-liquids, gases or in a living state) produced for biological and chemical warfare.
8. The preceding paragraphs of this Annex do not apply to substances which are rapidly rendered harmless by physical, chemical or biological processes in the sea provided they do not:
 - (i) Make edible marine organisms unpalatable, or
 - (ii) Endanger human health or that of domestic animals.

The consultative procedure provided for under Article XIV should be followed by a Party if there is doubt about the harmlessness of the substance.

9. This Annex does not apply to wastes or other materials (e.g. sewage sludges and dredged spoils) containing the matters referred to in paragraphs 1-5 above as trace contaminants. Such wastes shall be subject to the provisions of Annexes II and III as appropriate.

ANNEX II

The following substances and materials requiring special care are listed for the purposes of Article VI 1 (a).

A. Wastes containing significant amounts of the matters listed below:

Arsenic	}	and their compounds
Lead		
Copper		
Zinc		

Organosilicon compounds

Cyanides

Fluorides

Pesticides and their by-products not covered in Annex I.

B. In the issue of permits for the dumping of large quantities of acids and alkalis, consideration shall be given to the possible presence in such wastes of the substances listed in paragraph A and to the following additional substances:

Beryllium	}	and their compounds
Chromium		
Nickel		
Vanadium		

C. Containers, scrap metal and other bulky wastes liable to sink to the sea bottom which may present a serious obstacle to fishing or navigation.

D. Radio-active wastes or other radio-active matter not included in Annex I. In the issue of permits for the dumping of this matter, the Contracting Parties should take full account of the recommendations of the competent international body in this field, at present the International Atomic Energy Agency.

ANNEX III

Provisions to be considered in establishing criteria governing the issue of permits for the dumping of matter at sea, taking into account Article IV 2, include:

A. *Characteristics and composition of the matter*

1. Total amount and average composition of matter dumped (e.g. per year).
2. Form, e.g. solid, sludge, liquid, or gaseous.
3. Properties: physical (e.g. solubility and density), chemical and biochemical (e.g. oxygen demand, nutrients) and biological (e.g. presence of viruses, bacteria, yeasts, parasites).
4. Toxicity.
5. Persistence: physical, chemical and biological.
6. Accumulation and biotransformation in biological materials or sediments.
7. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials.
8. Probability of production of taints or other changes reducing marketability of resources (fish, shellfish, etc.).

B. *Characteristics of dumping site and method of deposit*

1. Location (e.g. co-ordinates of the dumping area, depth and distance from the coast), location in relation to other areas (e.g. amenity areas, spawning, nursery and fishing areas and exploitable resources).
2. Rate of disposal per specific period (e.g. quantity per day, per week, per month).
3. Methods of packaging and containment, if any.
4. Initial dilution achieved by proposed method of release.
5. Dispersal characteristics (e.g. effects of currents, tides and wind on horizontal transport and vertical mixing).
6. Water characteristics (e.g. temperature, pH, salinity, stratification, oxygen indices of pollution - dissolved oxygen (DO), chemical oxygen demand (COD), biochemical oxygen demand (BOD - nitrogen present in organic and mineral form including ammonia, suspended matter, other nutrients and productivity).
7. Bottom characteristics (e.g. topography, geochemical and geological characteristics and biological productivity).
8. Existence and effects of other dumpings which have been made in the dumping area (e.g. heavy metal background reading and organic carbon content).
9. In issuing a permit for dumping, Contracting Parties should consider whether an adequate scientific basis exists for assessing the consequences of such dumping, as outlined in this Annex, taking into account seasonal variations.

C. *General considerations and conditions*

1. Possible effects on amenities (e.g. presence of floating or stranded material, turbidity, objectionable odour, discolouration and foaming).
2. Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, seaweed harvesting and culture.

3. Possible effects on other uses of the sea (e.g. impairment of water quality for industrial use, underwater corrosion of structures, interference with ship operations from floating materials, interference with fishing or navigation through deposit of waste or solid objects on the sea floor and protection of areas of special importance for scientific or conservation purposes).

4. The practical availability of alternative land-based methods of treatment, disposal or elimination, or of treatment to render the matter less harmful for dumping at sea.

Subdivision B. Bilateral Treaties

AGREEMENT BETWEEN THE GOVERNMENT OF THE SPANISH STATE AND THE GOVERNMENT OF THE PORTUGUESE REPUBLIC CONCERNING OCEANOGRAPHIC CO-OPERATION. DONE AT LISBON, ON 27 MAY 1971¹

Article 1

The oceanographic co-operation provided for in this Agreement shall consist primarily of the following:

1. Study of the problems of basic oceanographic research - that is, oceanographic research which is essential to inventory marine resources in the areas of interest of the two countries, in the fields of physics, chemistry, biology and submarine geology and geophysics.

2. The preparation and execution of whatever oceanographic programmes of mutual interest are considered necessary to keep the aforementioned inventories up to date and to promote such research schemes as may be deemed appropriate with a view to ensuring effective utilization and protection of marine resources.

3. The exchange of information and the standardization of methods of processing, computing and analysing basic oceanographic data, in order that the exchange of such data between the two countries and comparison of the results obtained may at all times be effected readily.

4. Study and preparation of synoptic oceanographic charts with a view to the publication of such charts on a simultaneous and continuing basis in the areas for which the two countries are responsible.

5. Exchanges of students, technicians and scientists and their participation in conferences, symposia, seminars, courses and other similar activities.

6. The granting of reciprocal facilities of every kind to enable scientists and technicians of either Party to work on projects of mutual interest in establishments of the other Party.

7. Increased co-ordination of the oceanographic policies of the two countries so that they may utilize each other's results, complement each other's efforts and achieve maximum effectiveness in the utilization and protection of marine resources.

. . .

¹ Text provided by the Permanent Representative of Spain to the United Nations in a note verbale of 4 November 1971. Translation by the Secretariat of the United Nations.

Article 3

The Hispano-Portuguese Oceanographic Commission is hereby established, as a consultative technical organ of the Governments of Spain and Portugal, whose function shall be to promote the implementation of this Agreement.

...

Article 16

This Agreement shall enter into force on the date of its signature and shall remain in force for a period of five years; it shall thereafter be extended for successive periods of one year, unless either Party denounces it not less than six months prior to the current expiring date.

...

Division IV
**FISHING AND CONSERVATION OF THE LIVING
RESOURCES OF THE SEA**

Subdivision A. Multilateral Treaties

1. PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES RELATING TO ENTRY INTO FORCE OF PROPOSALS ADOPTED BY THE COMMISSION. DONE AT WASHINGTON ON 29 NOVEMBER 1965¹

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949², which Convention, as amended, is hereinafter referred to as the Convention, desiring to facilitate the entry into force of proposals adopted by the Commission, agree as follows:

Article I

Paragraphs 7 and 8 of Article VIII of the Convention shall be amended to read as follows:

“7. (a) Each proposal made by the Commission under paragraphs 1 or 5 of this Article shall become effective for all Contracting Governments six months after the date on the notification from the Depositary Government transmitting the proposal to the Contracting Governments, except as otherwise provided herein.

“(b) If any Contracting Government participating in the Panel or Panels for the sub-area or sub-areas to which a proposal applies, or any Contracting Government in the case of a proposal made under paragraph 5 above, presents to the Depositary Government objection to any proposal within six months of the date on the notification of the proposal by the Depositary Government, the proposal shall not become effective for any Government for an additional sixty days. Thereupon any other Contracting

¹ United Nations, *Treaty Series*, vol. 753, A-2053. Entered into force on 19 December 1969 in accordance with Article II. All the parties to the Convention, i.e., Bulgaria, Canada, Denmark, France, Federal Republic of Germany, Iceland, Italy, Japan, Norway, Poland, Portugal, Romania, Spain, Union of Soviet Socialist Republics, United Kingdom and United States of America, have ratified the Protocol.

² *Ibid.*, vol. 157, p. 157. Reproduced in ST/LEG/SER.B/15, pp. 832-838.

Government participating in the Panel or Panels concerned, or any other Contracting Government in the case of a proposal made under paragraph 5 above, may similarly object prior to the expiration of the additional sixty-day period, or within thirty days after receiving notice of an objection by another Contracting Government made within such additional sixty days, whichever date shall be the later. The proposal shall become effective for all Contracting Governments except those Governments which have presented objections, at the end of the extended period or periods for objecting. If, however, objections have been presented by a majority of Contracting Governments participating in the Panel or Panels concerned, or by a majority of all Contracting Governments in the case of a proposal made under paragraph 5, the proposal shall not become effective unless any or all of the Contracting Governments nevertheless agree as among themselves to give effect to it on an agreed date.

“(c) Any Contracting Government which has objected to a proposal may at any time withdraw that objection and the proposal shall become effective with respect to such Government, immediately if the proposal is already in effect, or at such time as it becomes effective under the terms of this Article.

“8. The Depositary Government shall notify each Contracting Government immediately upon receipt of each objection and of each withdrawal of objection, and of the entry into force of any proposal.”

Article II

1. This Protocol shall be open for signature and ratification or approval or for adherence by any Government party to the Convention.

2. This Protocol shall enter into force on the date on which instruments of ratification or approval have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America, from all the Governments parties to the Convention.

3. Any Government becoming a party to the Convention after this Protocol enters into force shall adhere to this Protocol, such adherence to be effective on the same date that such Government becomes a party to the Convention.

4. The Government of the United States of America shall inform all Governments signatory or adhering to the Convention of all ratifications or approvals deposited and adherences received and of the date this Protocol enters into force.

Article III

1. The original of this Protocol shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the Governments signatory or adhering to the Convention.

2. This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence.

2. PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES RELATING TO MEASURES OF CONTROL. DONE AT WASHINGTON ON 29 NOVEMBER 1965¹

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949², which Convention, as amended, is hereinafter referred to as the Convention, desiring to provide for national and international measures of control on the high seas for the purposes of ensuring the application of the Convention and the measures in force thereunder, agree as follows:

Article I

Paragraph 5 of Article VIII of the Convention is amended by adding the following:

“and may also, on its own initiative, make proposals for national and international measures of control on the high seas for the purposes of ensuring the application of the Convention and the measures in force thereunder.”

Article II

Paragraph 8 of Article VIII of the Convention is amended by adding the following:

“or, in the case of proposals made under paragraph 5 above, from all Contracting Governments.”

Article III

1. This Protocol shall be open for signature and ratification or approval or for adherence on behalf of any Government party to the Convention.

2. This Protocol shall enter into force on the date on which instruments of ratification or approval have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America, on behalf of all the Governments parties to the Convention; provided, however, that Article II of this Protocol shall enter into force only if the Protocol Relating to Entry into Force of Proposals adopted by the Commission, done at Washington on November 29, 1965³, has not entered into force and shall, in such case, continue in force only until that Protocol enters into force.

3. and 4. [Identical with paragraphs 3 and 4, respectively, of Article II of the Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Entry into Force of Proposals Adopted by the Commission, *supra* 1.]

¹ United Nations, *Treaty Series*, vol. 756, A-2053. Entered into force on 19 December 1969 in accordance with Article III. All the parties to the Convention, i.e., Bulgaria, Canada, Denmark, France, Federal Republic of Germany, Iceland, Italy, Japan, Norway, Poland, Portugal, Romania, Spain, Union of Soviet Socialist Republics, United Kingdom and United States of America, have ratified the Protocol.

² *Ibid.*, vol. 157, p. 157. Reproduced in ST/LEG/SER.B/15, pp. 832-838.

³ *Supra* 1.

Article IV

[Identical with Article III of the Protocol to the International Convention for the Northwest Atlantic Fisheries Relating to Entry into Force of Proposals Adopted by the Commission, *supra* 1.]

3. AGREEMENT EXTENDING THE INTERIM CONVENTION¹ BETWEEN CANADA, JAPAN, THE UNION OF SOVIET SOCIALIST REPUBLICS, AND THE UNITED STATES OF AMERICA ON CONSERVATION OF NORTH PACIFIC FUR SEALS, SIGNED AT WASHINGTON ON 9 FEBRUARY 1957, AS AMENDED AND EXTENDED BY THE PROTOCOL OF 8 OCTOBER 1963², EFFECTED ON 19 MARCH 1969³

[This Agreement was effected by the receipt of notifications from the United States of America, the Union of Soviet Socialist Republics, Canada and Japan, confirming the United States circular note of 19 March 1969 which stated, *inter alia*, as follows:]

“In view of the recommendation by the North Pacific Fur Seal Commission that studies be continued to determine whether or not pelagic sealing in conjunction with land sealing could be permitted in certain circumstances without adversely affecting achievement of the objectives of the Convention, the Government of the United States agrees with the Chairman of the Commission that it would be in order for the Parties to continue the amended Convention in force for an additional period of time.

“It is the understanding of the Government of the United States that the Parties agree, with reference to Article XIII, paragraph 4, of the amended Convention, that the Convention as amended shall continue in force for eighteen 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 eighteen years, whichever may be earlier, and, with reference to Article XI, that the Parties shall meet for the purposes set forth in that Article at a mutually acceptable time, not later than early in the eighteenth year, after further recommendations have been made by the Commission.”

¹ United Nations, *Treaty Series*, vol. 314, p. 105.

² *Ibid.*, vol. 494, p. 303. The text as amended by the Protocol is reproduced in ST/LEG/SER.B/15, pp. 841-847.

³ Text provided by the Permanent Representative of the United States to the United Nations in a note verbale of 11 November 1971.

4. PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES RELATING TO PANEL MEMBERSHIP AND TO REGULATORY MEASURES. DONE AT WASHINGTON ON 1 OCTOBER 1969¹

The Governments parties to the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of 8 February 1949,² which Convention as amended is hereinafter referred to as the Convention, desiring to establish a more appropriate basis for the determination of representation on the Panels established under the Convention, and desiring to provide for greater flexibility in the types of fisheries regulatory measures which may be proposed by the International Commission for the Northwest Atlantic Fisheries, agree as follows:

Article I

Paragraph 2 of Article IV of the Convention shall be amended to read as follows:

“2. 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 of the stocks of fish in the subarea concerned or 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 a subarea shall have the right of representation on the Panel for the subarea.”

Article II

Paragraph 2 of Article VII of the Convention shall be amended to read as follows:

“2. Each Panel, upon the basis of scientific investigations, and economic and technical considerations, may make recommendations to the Commission for joint action by the Contracting Governments within the scope of paragraph 1 of Article VIII.”

Article III

Paragraph 1 of Article VIII of the Convention shall be amended to read as follows:

“1. The Commission may, on the recommendations of one or more Panels, and on the basis of scientific investigations, and economic and technical considerations, transmit to the Depositary Government appro-

¹ Entered into force on 15 December 1971 in accordance with Article IV. Text provided by the Permanent Representative of the United States of America to the United Nations in a note verbale of 11 November 1971. All the parties to the Convention, i.e., Bulgaria, Canada, Denmark, France, Federal Republic of Germany, Iceland, Italy, Japan, Norway, Poland, Portugal, Romania, Spain, Union of Soviet Socialist Republics, United Kingdom and United States of America, have ratified the Protocol.

² United Nations, *Treaty Series*, vol. 157, p. 157. Reproduced in ST/LEG/SER.B/15, pp. 832-838. For the amendments effected by the Protocols of 29 November 1965, see *supra* 1 and 2.

ropriate proposals, for joint action by the Contracting Governments, designed to achieve the optimum utilization of the stocks of those species of fish which support international fisheries in the Convention Area.”

Article IV

1. This Protocol shall be open for signature and ratification or approval or for adherence on behalf of any Government party to the Convention.
2. This Protocol shall enter into force on the date on which instruments of ratification or approval have been deposited with, or written notifications of adherence have been received by, the Government of the United States of America, on behalf of all the Governments parties to the Convention.
3. Any Government which adheres to the Convention after this Protocol has been opened for signature shall at the same time adhere to this Protocol.
4. The Government of the United States of America shall inform all Governments signatory or adhering to the Convention of all ratifications or approvals deposited and adherences received and of the date this Protocol enters into force.

Article V

1. The original of this Protocol shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the Governments signatory or adhering to the Convention.
2. This Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter, following which period it shall be open for adherence.

5. AGREEMENT BETWEEN JAPAN, THE UNION OF SOVIET SOCIALIST REPUBLICS, AND THE UNITED STATES OF AMERICA ON THE REGULATION OF NORTH PACIFIC WHALING. SIGNED AT TOKYO ON 16 DECEMBER 1970¹

The Governments of Japan, of the Union of Soviet Socialist Republics, and of the United States of America, being parties to the International Convention for the Regulation of Whaling, signed at Washington on December 2nd, 1946² (hereafter referred to as “the Convention”):

Have agreed upon the following:

Article 1

For the purpose of this Agreement, the open season in 1971 for pelagic baleen whaling operations shall be the period from April 15 to October 15 both inclusive.

Article 2

The total catch of baleen whales authorized under the Convention to be taken in the North Pacific Ocean and dependent waters in 1971 shall be

¹ United Nations, *Treaty Series*, vol. 792, no. 11247. Entered into force on 16 December 1970 and expired on 31 December 1971, in accordance with Articles 3 and 4, respectively.

² *Ibid.*, vol. 161, p. 72. Reproduced in ST/LEG/SER.B/15, pp. 827-831.

allocated among the countries of the Signatory Governments in the following manner:

(i) Fin Whales	
Japan	568
Union of Soviet Socialist Republics	700
United States of America	40
(ii) Sei and Bryde's Whales combined	
Japan	3,132
Union of Soviet Socialist Republics	1,527
United States of America	51

Article 3

The fin whale quota may be converted to sei and Bryde's whales combined or vice-versa, in terms of the formula as defined in paragraph 8 (b) of the Schedule to the Convention, provided that the total catch of one or the other species does not exceed the level which is 10 percent above the quota for each species as prescribed above.

Article 4

The present Agreement shall enter into force on the day upon which it is signed by the Governments referred to in the Preamble.

Article 5

The present Agreement shall be operative until December 31, 1971.

6. INTERNATIONAL CONVENTION FOR THE CONSERVATION OF ATLANTIC TUNAS. DONE AT RIO DE JANEIRO ON 14 MAY 1966¹

Preamble

The Governments whose duly authorized representatives have subscribed hereto, considering their mutual interest in the populations of tuna and tuna-like fishes found in the Atlantic Ocean, and desiring to co-operate in maintaining the populations of these fishes at levels which will permit the maximum sustainable catch for food and other purposes, resolve to conclude a Convention for the conservation of the resources of tuna and tuna-like fishes of the Atlantic Ocean, and to that end agree as follows:

Article 1

The area to which this Convention shall apply, hereinafter referred to as the "Convention area", shall be all waters of the Atlantic Ocean, including the adjacent Seas.

¹ United Nations, *Treaty Series*, vol. 673, p. 63. Entered into force on 21 March 1969. The parties as of 1 July 1973 are: Brazil, Canada, France, Ghana, Ivory Coast, Japan, Korea, Morocco, Portugal, Senegal, South Africa, Spain and the United States of America.

Article II

Nothing in this Convention shall be considered as affecting the rights, claims or views of any Contracting Party in regard to the limits of territorial waters or the extent of jurisdiction over fisheries under international law.

Article III

1. The Contracting Parties hereby agree to establish and maintain a Commission to be known as the International Commission for the Conservation of Atlantic Tunas, hereinafter referred to as "the Commission", which shall carry out the objectives set forth in this Convention.

2. Each of the Contracting Parties shall be represented on the Commission by not more than three delegates. Such delegates may be assisted by experts and advisers.

3. Except as may otherwise be provided in this Convention, decisions of the Commission shall be taken by a majority of the Contracting Parties, each Contracting Party having one vote. Two thirds of the Contracting Parties shall constitute a quorum.

4. The Commission shall hold a regular meeting once every two years. A special meeting may be called at any time at the request of a majority of the Contracting Parties or by decision of the Council as constituted in article V.

5. At its first meeting, and thereafter at each regular meeting, the Commission shall elect from among its members a Chairman, a first Vice-Chairman and a second Vice-Chairman who shall not be re-elected for more than one term.

6. The meetings of the Commission and its subsidiary bodies shall be public unless the Commission otherwise decides.

7. The official languages of the Commission shall be English, French and Spanish.

8. The Commission shall have authority to adopt such rules of procedure and financial regulations as are necessary to carry out its functions.

9. The Commission shall submit a report to the Contracting Parties every two years on its work and findings and shall also inform any Contracting Party, whenever requested, on any matter relating to the objectives of the Convention.

Article IV

1. In order to carry out the objectives of this Convention the Commission shall be responsible for the study of the populations of tuna and tuna-like fishes (the Scombriformes with the exception of the families Trichiuridae and Gempylidae and the genus *Scomber*) and such other species of fishes exploited in tuna fishing in the Convention area as are not under investigation by another international fishery organization. Such study shall include research on the abundance, biometry and ecology of the fishes; the oceanography of their environment; and the effects of natural and human factors upon their abundance. The Commission, in carrying out these responsibilities shall, in so far as feasible, utilize the technical and scientific services of, and information

from, official agencies of the Contracting Parties and their political subdivisions and may, when desirable, utilize the available services and information of any public or private institution, organization or individual, and may undertake within the limits of its budget independent research to supplement the research work being done by Governments, national institutions or other international organizations.

2. The carrying out of the provisions in paragraph 1 of this article shall include:

(a) Collecting and analysing statistical information relating to the current conditions and trends of the tuna fishery resources of the Convention area;

(b) Studying and appraising information concerning measures and methods to ensure maintenance of the populations of tuna and tuna-like fishes in the Convention area at levels which will permit the maximum sustainable catch and which will ensure the effective exploitation of these fishes in a manner consistent with this catch;

(c) Recommending studies and investigations to the Contracting Parties;

(d) Publishing and otherwise disseminating reports of its findings and statistical, biological and other scientific information relative to the tuna fisheries of the Convention area.

Article V

1. There is established within the Commission a Council which shall consist of the Chairman and the Vice-Chairmen of the Commission together with the representatives of not less than four and not more than eight Contracting Parties. The Contracting Parties represented on the Council shall be elected at each regular meeting of the Commission. However, if at any time the number of the Contracting Parties exceeds 40, the Commission may elect an additional two Contracting Parties to be represented on the Council. The Contracting Parties of which the Chairman and Vice-Chairmen are nationals shall not be elected to the Council. In elections to the Council the Commission shall give due consideration to the geographic, tuna fishing and tuna processing interests of the Contracting Parties, as well as to the equal right of the Contracting Parties to be represented on the Council.

2. The Council shall perform such functions as are assigned to it by this Convention or are designated by the Commission, and shall meet at least once in the interim between regular meetings of the Commission. Between meetings of the Commission the Council shall make necessary decisions on the duties to be carried out by the staff and shall issue necessary instructions to the Executive Secretary. Decisions of the Council shall be made in accordance with rules to be established by the Commission.

Article VI

To carry out the objectives of this Convention the Commission may establish Panels on the basis of species, group of species, or of geographic areas. Each Panel in such case:

(a) Shall be responsible for keeping under review the species, group of species, or geographic area under its purview, and for collecting scientific and other information relating thereto;

(b) May propose to the Commission, upon the basis of scientific investigations, recommendations for joint action by the Contracting Parties;

(c) May recommend to the Commission studies and investigations necessary for obtaining information relating to its species, group of species, or geographic area, as well as the co-ordination of programmes of investigations by the Contracting Parties.

Article VII

The Commission shall appoint an Executive Secretary who shall serve at the pleasure of the Commission. The Executive Secretary, subject to such rules and procedures as may be determined by the Commission, shall have authority with respect to the selection and administration of the staff of the Commission. He shall also perform, *inter alia*, the following functions as the Commission may prescribe:

(a) Co-ordinating the programmes of investigation by the Contracting Parties;

(b) Preparing budget estimates for review by the Commission;

(c) Authorizing the disbursement of funds in accordance with the Commission's budget;

(d) Accounting for the funds of the Commission;

(e) Arranging for co-operation with the organizations referred to in article XI of this Convention;

(f) Preparing the collection and analysis of data necessary to accomplish the purposes of the Convention particularly those data relating to the current and maximum sustainable catch of tuna stocks;

(g) Preparing for approval by the Commission scientific, administrative and other reports of the Commission and its subsidiary bodies.

Article VIII

1. (a) The Commission may, on the basis of scientific evidence make recommendations designed to maintain the populations of tuna and tuna-like fishes that may be taken in the Convention area at levels which will permit the maximum sustainable catch. These recommendations shall be applicable to the Contracting Parties under the conditions laid down in paragraphs 2 and 3 of this article.

(b) The recommendations referred to above shall be made:

(i) At the initiative of the Commission if an appropriate Panel has not been established or with the approval of at least two thirds of all the Contracting Parties if an appropriate Panel has been established;

(ii) On the proposal of an appropriate Panel if such a Panel has been established;

(iii) On the proposal of the appropriate Panels if the recommendation in question relates to more than one geographic area, species or group of species.

2. Each recommendation made under paragraph 1 of this article shall become effective for all Contracting Parties six months after the date of the

notification from the Commission transmitting the recommendation to the Contracting Parties, except as provided in paragraph 3 of this article.

3. (a) If any Contracting Party in the case of a recommendation made under paragraph 1 (b) (i) above, or any Contracting Party member of a Panel concerned in the case of a recommendation made under paragraph 1 (b) (ii) or (iii) above, presents to the Commission an objection to such recommendation within the six-month period provided for in paragraph 2 above, the recommendation shall not become effective for an additional 60 days.

(b) Thereupon any other Contracting Party may present an objection prior to the expiration of the additional 60-day period, or within 45 days of the date of the notification of an objection made by another Contracting Party within such additional 60 days, whichever date shall be the later.

(c) The recommendation shall become effective at the end of the extended period or periods for objection, except for those Contracting Parties that have presented an objection.

(d) However, if a recommendation has met with an objection presented by only one or less than one fourth of the Contracting Parties, in accordance with subparagraphs (a) and (b) above, the Commission shall immediately notify the Contracting Party or Parties having presented such objection that it is to be considered as having no effect.

(e) In the case referred to in subparagraph (d) above the Contracting Party or Parties concerned shall have an additional period of 60 days from the date of said notification in which to reaffirm their objection. On the expiry of this period the recommendation shall become effective, except with respect to any Contracting Party having presented an objection and reaffirmed it within the delay provided for.

(f) If a recommendation has met with objection from more than one fourth but less than the majority of the Contracting Parties, in accordance with subparagraphs (a) and (b) above, the recommendation shall become effective for the Contracting Parties that have not presented an objection thereto.

(g) If objections have been presented by a majority of the Contracting Parties the recommendation shall not become effective.

4. Any Contracting Party objecting to a recommendation may at any time withdraw that objection, and the recommendation shall become effective with respect to such Contracting Party immediately if the recommendation is already in effect, or at such time as it may become effective under the terms of this article.

5. The Commission shall notify each Contracting Party immediately upon receipt of each objection and of each withdrawal of an objection, and of the entry into force of any recommendation.

Article IX

1. The Contracting Parties agree to take all action necessary to ensure the enforcement of this Convention. Each Contracting Party shall transmit to the Commission, biennially or at such other times as may be required by the Commission, a statement of the action taken by it for these purposes.

2. The Contracting Parties agree:

(a) To furnish, on the request of the Commission, any available statistical, biological and other scientific information the Commission may need for the purposes of this Convention;

(b) When their official agencies are unable to obtain and furnish the said information, to allow the Commission, through the Contracting Parties, to obtain it on a voluntary basis direct from companies and individual fishermen.

3. The Contracting Parties undertake to collaborate with each other with a view to the adoption of suitable effective measures to ensure the application of the provisions of this Convention and in particular to set up a system of international enforcement to be applied to the Convention area except the territorial sea and other waters, if any, in which a State is entitled under international law to exercise jurisdiction over fisheries.

Article X

1. The Commission shall adopt a budget for the joint expenses of the Commission for the biennium following each regular meeting.

2. Each Contracting Party shall contribute annually to the budget of the Commission an amount equal to:

(a) \$US 1,000 (one thousand United States dollars) for Commission membership.

(b) \$US 1,000 (one thousand United States dollars) for each Panel membership.

(c) If the proposed budget for joint expenses for any biennium should exceed the whole amount of contributions to be made by the Contracting Parties under (a) and (b) of this paragraph, one third of the amount of such excess shall be contributed by the Contracting Parties in proportion to their contributions made under (a) and (b) of this paragraph. For the remaining two thirds the Commission shall determine on the basis of the latest available information:

(i) The total of the round weight of catch of Atlantic tuna and tuna-like fishes and the net weight of canned products of such fishes for each Contracting Party;

(ii) The total of (i) for all Contracting Parties.

Each Contracting Party shall contribute its share of the remaining two thirds in the same ratio that its total in (i) bears to the total in (ii). That part of the budget referred to in this subparagraph shall be set by agreement of all the Contracting Parties present and voting.

3. The Council shall review the second half of the biennial budget at its regular meeting between Commission meetings and, on the basis of current and anticipated developments, may authorize reappportionment of amounts in the Commission budget for the second year within the total budget approved by the Commission.

4. The Executive Secretary of the Commission shall notify each Contracting Party of its yearly assessment. The contributions shall be payable on 1 January of the year for which the assessment was levied. Contributions not

received before 1 January of the succeeding year shall be considered as in arrears.

5. Contributions to the biennial budget shall be payable in such currencies as the Commission may decide.

6. At its first meeting the Commission shall approve a budget for the balance of the first year the Commission functions and for the following biennium. It shall immediately transmit to the Contracting Parties copies of these budgets together with notices of the respective assessments for the first annual contribution.

7. Thereafter, within a period not less than 60 days before the regular meeting of the Commission which precedes the biennium, the Executive Secretary shall submit to each Contracting Party a draft biennial budget together with a schedule of proposed assessments.

8. The Commission may suspend the voting rights of any Contracting Party when its arrears of contributions equal or exceed the amount due from it for the two preceding years.

9. The Commission shall establish a Working Capital Fund to finance operations of the Commission prior to receiving annual contributions, and for such other purposes as the Commission may determine. The Commission shall determine the level of the Fund, assess advances necessary for its establishment, and adopt regulations governing the use of the Fund.

10. The Commission shall arrange an annual independent audit of the Commission's accounts. The reports of such audits shall be reviewed and approved by the Commission, or by the Council in years when there is no regular Commission meeting.

11. The Commission may accept contributions, other than provided for in paragraph 2 of this article, for the prosecution of its work.

Article XI

1. The Contracting Parties agree that there should be a working relationship between the Commission and the Food and Agriculture Organization of the United Nations. To this end the Commission shall enter into negotiations with the Food and Agriculture Organization of the United Nations with a view to concluding an agreement pursuant to article XIII of the organization's Constitution. Such agreement should provide, *inter alia*, for the Director-General of the Food and Agriculture Organization of the United Nations to appoint a representative who would participate in all meetings of the Commission and its subsidiary bodies, but without the right to vote.

2. The Contracting Parties agree that there should be co-operation between the Commission and other international fisheries commissions and scientific organizations which might contribute to the work of the Commission. The Commission may enter into agreements with such commissions and organizations.

3. The Commission may invite any appropriate international organization and any Government which is a Member of the United Nations or of any specialized agency of the United Nations and which is not a member of the Commission, to send observers to meetings of the Commission and its subsidiary bodies.

Article XII

1. This Convention shall remain in force for 10 years and thereafter until a majority of Contracting Parties agree to terminate it.

2. At any time after 10 years from the date of entry into force of this Convention, any Contracting Party may withdraw from the Convention on 31 December of any year including the tenth year by written notification of withdrawal given on or before 31 December of the preceding year to the Director-General of the Food and Agriculture Organization of the United Nations.

3. Any other Contracting Party may thereupon withdraw from this Convention with effect from the same 31 December by giving written notification of withdrawal to the Director-General of the Food and Agriculture Organization of the United Nations not later than one month from the date of receipt of information from the Director-General of the Food and Agriculture Organization of the United Nations concerning any withdrawal, but not later than 1 April of that year.

Article XIII

1. Any Contracting Party or the Commission may propose amendments to this Convention. The Director-General of the Food and Agriculture Organization of the United Nations shall transmit a certified copy of the text of any proposed amendment to all the Contracting Parties. Any amendment not involving new obligations shall take effect for all Contracting Parties on the thirtieth day after its acceptance by three fourths of the Contracting Parties. Any amendment involving new obligations shall take effect for each Contracting Party accepting the amendment on the ninetieth day after its acceptance by three fourths of the Contracting Parties and thereafter for each remaining Contracting Party upon acceptance by it. Any amendment considered by one or more Contracting Parties to involve new obligations shall be deemed to involve new obligations and shall take effect accordingly. A Government which becomes a Contracting Party after an amendment to this Convention has been opened for acceptance pursuant to the provisions of this article shall be bound by the Convention as amended when the said amendment comes into force.

2. Proposed amendments shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations. Notifications of acceptance of amendments shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations.

Article XIV

1. This Convention shall be open for signature by any Government which is a Member of the United Nations or of any specialized agency of the United Nations. Any such Government which does not sign this Convention may adhere to it at any time.

2. This Convention shall be subject to ratification or approval by signatory countries in accordance with their constitutions. Instruments of ratification, approval, or adherence shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations.

3. This Convention shall enter into force upon the deposit of instruments of ratification, approval, or adherence by seven Governments and shall enter into force with respect to each Government which subsequently deposits an instrument of ratification, approval or adherence on the date of such deposit.

Subdivision B. Bilateral Treaties

1. AGREEMENT ON CO-OPERATION BETWEEN THE SPANISH STATE AND THE ISLAMIC REPUBLIC OF MAURITANIA IN THE MATTER OF OCEAN FISHING AND PROCESSING OF FISHERIES PRODUCTS. DONE AT NOUAKCHOTT, ON 14 FEBRUARY 1964¹

Article I

The Spanish State undertakes to:

...

(C) Authorize Spanish owners of fishing vessels to sell their catches in Mauritanian ports at prices to be freely negotiated between them and buyers resident in Mauritania.

Spanish vessels fishing in Mauritanian waters shall pay to the Mauritanian State a "fishing licence fee" at the annual rate of \$US 10 per gross registered ton, payable in accordance with the payments arrangements in force between the two countries.

...

(E) Allow Mauritanian nationals to serve, on the same terms and conditions as Spanish nationals, on the crews of Spanish fishing vessels which regularly operate in Mauritanian waters.

...

Article IV

The Mauritanian State undertakes:

(A) To authorize Spanish fishermen to fish in Mauritanian waters on the same terms and conditions as Mauritanian nationals.

...

Article VII

The period of validity of this Agreement shall be 50 years and the Agreement shall enter into force on the date of its signature.

...

¹ Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale of 4 November 1971. Translation by the Secretariat of the United Nations. The French text, which is equally authentic, was not available.

2. AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES ON TRADITIONAL FISHING IN THE EXCLUSIVE FISHERY ZONES CONTIGUOUS TO THE TERRITORIAL SEAS OF BOTH COUNTRIES. EFFECTED BY EXCHANGE OF NOTES SIGNED AT WASHINGTON ON 27 OCTOBER 1967¹

Considering

I. That the Government of the United States of America, pursuant to Public Law 89-658, approved 14 October 1966,² established an exclusive fishery zone contiguous to the territorial sea of the United States in which it will exercise the same exclusive rights in respect to fisheries as it has in its territorial sea, subject to the continuation of traditional fishing by the foreign States within this zone as may be recognized by the Government of the United States;

II. That the Government of Mexico, pursuant to the law of 9 December 1966,³ promulgated by the Mexican Congress, established the exclusive jurisdiction of Mexico, for fishing purposes, in a zone of 12 nautical miles (22,224 metres) in breadth, measured from the base line used to measure the breadth of the territorial sea, and provided that the legal régime for the exploitation of the living resources of the sea within the territorial sea extends to the entire exclusive fishery zone of the nation and that nothing contained in this law modifies in any way the legal provisions which determine the breadth of the territorial sea, and finally that Mexico's Federal Executive will determine the conditions and terms under which nationals of countries which traditionally have exploited the living resources of the sea within the three nautical mile zone beyond the territorial sea may be authorized to continue their activities for a period not to exceed five years, beginning on 1 January 1968;

III. That both Governments consider it necessary and convenient to establish the terms and conditions under which, without any modification of and in total accord with the laws cited in previous paragraphs I and II, fishing vessels of the United States and those of Mexico may, beginning 1 January 1968, continue their activities during five years in the waters within the exclusive fishery zone of the other country in which vessels of the same flag fished in a sustained manner during the five years immediately preceding 1 January 1968; and

IV. That both Governments state that the establishment of said terms and conditions does not imply a change of position or an abandonment of the positions maintained by each Government regarding the breadth of the territorial sea, this matter not being the object of this agreement, nor does it limit their freedom to continue defending them in the international forum or in any of the ways recognized by international law;

¹ United Nations, *Treaty Series*, vol. 693, p. 175. Entered into force on 1 January 1968 in accordance with Paragraph 16.

² Reproduced in ST/LEG/SER.B/15, pp. 701-702.

³ Reproduced *ibid.*, p. 649, with a misquoted date.

The Government of the United States of America and the Government of the United Mexican States

Agree to establish the following terms and conditions under which American and Mexican fishermen will continue to operate in the above-mentioned waters during the established period of five years:

1. Fishing vessels of the United States will be permitted to continue their activities in the exclusive fishery zone of the United Mexican States in the Gulf of Mexico:

(a) In the waters between 9 and 12 nautical miles off the coast of the mainland and around the islands of Mexico, measured from the baseline from which the breadth of the territorial sea is measured, bounded on the north by a line to be constructed by the International Boundary and Water Commission, United States and Mexico, as the maritime boundary between both countries, extended to the 12-nautical-mile limit, and bounded on the south by a straight line connecting the geographic co-ordinates of 21°20'00" north latitude, 86°38'00" west longitude, and 21°20'00" north latitude, 86°35'00" west longitude (north-east of Isla Mujeres), where fishing vessels of the United States have traditionally carried on shrimp fishing, they will be permitted to continue to take shrimp and such species of fish as are taken incidentally;

(b) United States fishing vessels will be permitted to continue to fish for snappers (genera *Lutjanus*, *Rhomboplites*, *Ocyurus*, *Etelis*, *Holocentrus*, and *Pristipomoides*), groupers (genera *Epinephelus* and *Mycteroperca*), and other genera that are captured incidentally, such as *Seriola*, *Calamus*, *Stenotomus*, *Balistes*, *Paralichthys*, *Ancyclopsetta*, and *Cyclopsetta*, in waters between 9 and 12 nautical miles around Cayo Arcas, Arrecifes Triangulos, Cayo Arenas, and Arrecifes Alacran;

(c) The fishing referred to in subparagraphs (a) and (b) above will continue during the five years beginning 1 January 1968, at levels such that the total catch by United States vessels will not exceed the total in the five years immediately preceding that date.

2. In the maritime waters off the Mexican coast in the Pacific Ocean:

(a) In the waters between 9 and 12 nautical miles measured from the baseline from which the breadth of the territorial sea is measured, off the mainland and around the islands of Mexico, bounded on the north by a line to be constructed by the International Boundary and Water Commission, United States and Mexico, as the maritime boundary between both countries, extended to the 12-nautical-mile limit and bounded on the south by a straight line connecting the geographical co-ordinates of 14°32'42" north latitude, 92°27'00" west longitude, and 14°30'36" north latitude, 92°29'18" west longitude, where fishing vessels of the United States have traditionally carried on fishing, they will be permitted to fish for albacore (*Thunnus alalunga*), yellowfin tuna (*Thunnus albacares*), bluefin tuna (*Thunnus thynnus*), skipjack (*Euthynnus (Katsuwonus) pelamis*), bonito (*Sarda chiliensis*), thread herring (*Opisthonema* spp.), white sea bass (*Cynoscion nobilis*), giant sea bass (*Stereolepis gigas*), rockfishes (*Sebastes* spp.), California halibut (*Paralichthys californicus*), yellowtail (*Seriola dorsalis*), barracuda (*Sphyræna argentea*), groupers (*Mycteroperca* spp.), and such other species as are commonly taken incidentally in fishing for the above-mentioned species, and for anchoveta (*Cetengraulis*

mysticetus), northern anchovy (*Engraulis mordax*) and Pacific sardine (*Sardinops caerulea*) exclusively as tuna bait fish;

(b) The fishing referred to in subparagraph (a) above will continue during five years beginning on 1 January 1968, up to a total volume that will not exceed the total catch taken by United States vessels in the five years immediately preceding that date; and

(c) United States fishing vessels will be permitted, during the same term of five years, to continue sport or recreational fishing in the waters indicated.

3. Mexican fishermen will be permitted to continue their activities within the exclusive fishery zone of the United States, in regards to the Gulf of Mexico:

(a) In the waters between 9 and 12 nautical miles measured from the baseline from which the breadth of the territorial sea is measured, off the mainland and around the islands of the United States, from the maritime boundary indicated in paragraph 1 (a) above to a line on the 26th parallel of north latitude connecting points 9 and 12 miles from the said baseline on the West Coast of Florida where fishing vessels of Mexico have carried on fishing traditionally and in a sustained manner, they will be permitted to fish for shrimp and other genera that are captured incidentally, as well as to fish for snappers (genera *Lutjanus*, *Rhomboplites*, *Ocyurus*, *Etelis*, *Holocentrus* and *Pristipomoides*); and

(b) The fishing referred to in subparagraphs (a) above will continue during five years beginning on 1 January 1968, up to a total volume that will not exceed the total catch taken by Mexican vessels in the five years immediately preceding that date.

4. In the maritime waters off the United States coast on the Pacific Ocean:

(a) In the waters between 9 and 12 nautical miles measured from the baseline from which the breadth of the territorial sea is measured, off the mainland and around the islands of the United States, from the maritime boundary indicated in paragraph 2 (a) above, to a western extension of the California-Oregon border (42° north latitude) where fishing vessels of Mexico have carried on fishing traditionally and in a sustained manner, they will be permitted to fish for Pacific mackerel (*Pneumatophorus* spp.), yellowfin tuna (*Thunnus albacares*), bluefin tuna (*Thunnus thynnus*), albacore (*Thunnus alalunga*), yellowtail (*Seriola dorsalis*), hake (*Merluccius* spp.), giant sea bass (*Stereolepis gigas*), rockfishes (*Sebastes* spp.), and such other species as are commonly taken incidentally in fishing for tuna, as well as anchoveta (*Cetengraulis mysticetus*), northern anchovy (*Engraulis mordax*) and Pacific sardine (*Sardinops caerulea*), these last ones exclusively as tuna bait fish; and

(b) The fishing referred to in subparagraph (a) above will continue during five years beginning on 1 January 1968, up to a total volume that will not exceed the total catch taken by Mexican vessels in the five years immediately preceding that date.

5. In the event that the International Boundary and Water Commission, United States and Mexico, is unable to complete the lines referred to in paragraphs 1 (a), 2 (a), 3 (a) and 4 (a) prior to 1 January 1968, it will, prior to that date, for the purposes of this agreement, prepare lines to be used as

provisional boundaries until the two countries are able to agree on permanent boundaries of their exclusive fishery zones.

6. In view of the fact that the catch by United States vessels within the exclusive fishery zone of Mexico and the catch by Mexican vessels within the exclusive fishery zone of the United States have not substantially increased during recent years, both Governments agree that said catches should not increase, and because of this they do not consider it necessary to establish during the five years beginning 1 January 1968 specific control measures, other than the following:

(a) The Government of the United States of America will submit to the Government of Mexico, and the latter will submit to the former, before 1 January 1968, or, at the latest, 30 days after that date, a report designating the areas now included within the exclusive fishery zone of the other country where its fishermen have operated in a sustained manner during the years 1963 to 1966 inclusive, indicating the species caught and the volume of each species, and the two Governments will submit to each other similar reports for the year 1967 no later than 30 June 1968;

(b) The two Governments will report to each other before 1 January 1968, or, at the latest, 30 days after that date, the number of vessels and the types and net tonnage of said vessels as well as the types of fishing gear used during the previous years by their respective nationals;

(c) The two Governments will exchange, no later than 31 January of each year, and at such other times as it may become necessary owing to special circumstances, lists of vessels that will operate under the terms of the present agreement;

(d) Representatives of the two Governments will meet annually on mutually agreeable dates to review the operation of this agreement and to determine the need for any additional arrangements. To facilitate this review, the Government of the United States will submit to the Government of Mexico, and the latter will submit to the former, as soon as practicable after 1 January, but not later than 1 April, each year a report on the fishing activities of its nationals in the exclusive fishery zone of the other country, indicating the volume of catch of each species authorized to be taken and the areas in which such catches were made.

7. The United States and Mexican fishermen may continue to use, within the exclusive fishery zone of the other country, only vessels and fishing gear not prohibited by the laws of the respective country and of the same types as those employed during the five years prior to 1 January 1968, except that technological improvements to existing types of vessels and gear are not precluded, provided they are not inconsistent with the legislation of the respective country.

8. Notwithstanding the limitations on fishing indicated in paragraphs 1, 2, 3, 4, and 7 of this agreement, each Government may establish additional limitations when, in its judgement, they become indispensable in order to protect the living resources of the sea in the exclusive fishery zone under its jurisdiction, or when each Government or both Governments must establish extraordinary restrictions pursuant to resolutions or recommendations of international organizations of which they are members. In any of these eventualities,

the interested Government will consult with the other Government before establishing the new limitations and will notify the other Government 60 days in advance of their application in order to reasonably allow the fishermen of the other country to adjust their activities accordingly.

9. The United States of America and the United Mexican States, in accordance with their respective laws on the exclusive fishery zone, will exercise within their respective zones the same exclusive rights with respect to fisheries as they exercise in their territorial sea. Nevertheless, without renouncing their sovereign powers and in order to respect the traditional fisheries by their respective nationals in the zone of the other country during the period indicated in this agreement, both Governments state that it is their intention neither to impose duties or taxes nor to impose other fiscal obligations, nor to propose to their respective Congresses the establishment of financial burdens upon the fishermen of the other country, who, within the terms of this agreement, will continue to operate in the waters within their respective exclusive fishery zones during the five years beginning 1 January 1968.

10. Notwithstanding the provisions of the previous paragraph, if either of the two Governments, due to circumstances which may arise during the life of this agreement, should deem it necessary or convenient to establish and collect such taxes, duties or fiscal obligations from the fishermen of the other country, it will first grant the other Government the opportunity to express its point of view. If, finally, such taxes, duties or obligations are established, the other Government, in strict reciprocity, will have the right to impose identical or similar fiscal measures, within its exclusive fishery zone, upon the fishermen of the country that first applied them.

11. For purposes of this agreement, the Government of Mexico will permit only vessels flying the flag of the United States of America to continue to operate within its exclusive fishery zone. For purposes of this agreement, only vessels flying the Mexican flag will be permitted to operate within the exclusive fishery zone of the United States of America.

12. Any fishing vessel of either country operating under the present agreement which acts contrary to the provisions of the agreement will not have the protection of the agreement in the particular case and will be subject exclusively to the legal régime, penal and administrative, of the country having jurisdiction over the exclusive fisheries zone.

13. The Government of the United States understands that neither the enactment of the Mexican law on the exclusive fishery zone of the nation nor the provisions of the present agreement imply *ipso facto* and of themselves any change regarding the legal régime on the exploitation of the living resources of the Mexican territorial sea, including the provisions of Mexico's law relating to the imposition of fees and taxes on foreign fishermen who fish within Mexico's territorial sea, since the law on the fishery zone of the nation, in accordance with its article 2 (transitory), only repeals previous provisions contrary to it, and this agreement, as was expressed in the points of initial consideration, is based on said law.

14. The Government of the United States of America will co-operate with the Government of Mexico in the formulation and execution of a programme of scientific research and conservation of the stocks of shrimp and

fish of common concern off the coast of Mexico, consistent with the Convention on Fishing and Conservation of Living Resources of the High Seas, opened for signature at Geneva on 29 April 1958¹ to which both Governments are parties. The two Governments at an appropriate time will meet to make the special arrangements necessary to formulate and execute such a programme.

15. The provisions of this agreement will be enforced by the Government of the United States of America and by the Government of Mexico in their respective exclusive fishing zones.

16. This agreement shall be in effect for a period of five years beginning on 1 January 1968, provided that either Party may denounce the agreement at any time after one year from that date if in its judgement the agreement is not operating satisfactorily. Such denunciation shall have the effect of terminating the agreement six months from the date of the formal notice of denunciation.

3. (i) AGREEMENT ON FISHING BETWEEN BRAZIL AND ARGENTINA. SIGNED AT BUENOS AIRES ON 29 DECEMBER 1967²

The President of the Republic of Brazil and the President of the Argentine Nation,

For the purpose of authorizing, on the basis of reciprocity, the exploitation, in the area covered by this Agreement, of the resources of the sea, in particular those used to feed their peoples,

Have decided to conclude this Agreement on Fishing . . .

. . .

Article 1

Each of the High Contracting Parties shall authorize nationals of the other Party to fish, free of any tax or charge, in waters beyond a limit of six miles from the baselines for measuring the breadth of the respective territorial sea. Such right may be exercised subject only to the lawful use of the flag flown and authorization, in the country of that flag, to engage in fishing.

Sole paragraph. Within a period of 60 days from the entry into force of this Agreement, a Joint Commission shall be set up to study and to recommend to the respective Governments the requisite measures for standardizing the registration requirements for fishing vessels.

Article 2

Pending the entry into force of the Convention provided for in the Agreement on Conservation of the Natural Resources of the South Atlantic, signed

¹ United Nations, *Treaty Series*, vol. 559, p. 285. Reproduced in ST/LEG/SER.B/15, pp. 847-853.

² Portuguese text provided by the Permanent Mission of Brazil to the United Nations in a note verbale of 29 December 1972. Translation by the Secretariat of the United Nations. According to the information provided by the Permanent Mission of Argentina to the United Nations in a note verbale of 30 May 1973, the Foreign Minister of Argentina communicated to the Brazilian Embassy, in a note of 28 December 1972, that "the Argentine Government has decided not to ratify" this Agreement.

between the High Contracting Parties on today's date, fishing vessels of either Party shall comply with the laws of the coastal State concerned in respect of conservation of the natural resources of the area covered by this Agreement. They shall do so especially in respect of the types of fishing gear to be used, the method of use thereof, the authorized fishing seasons and areas, and any other measure designed to protect the fish species or preserve the ecological conditions and biological balance.

Article 3

Each High Contracting Party undertakes to respect the jurisdiction of the other within the limits established in article 1, as the area covered by this Agreement.

No provision of this Agreement shall be interpreted as affecting the rights or claims of the Contracting Parties within the aforementioned limits, including the right to verify compliance with the Agreement.

Article 4

This Agreement shall remain open for accession by any other South American State of the South Atlantic which grants the same fishing facilities as do the signatories.

Article 5

This Agreement shall be ratified and shall enter into force on the date of the exchange of the instruments of ratification, which shall take place as soon as possible in the city of Rio de Janeiro.

Article 6

Each High Contracting Party may at any time denounce this Agreement, which shall cease to have effect six months after notice of such denunciation is given.

(ii) BRAZILIAN NOTES¹

I

Buenos Aires, 29 December 1967

NOTE 412

Sir,

I have the honour to inform you that, wishing to facilitate the implementation of the Agreement on Fishing signed on today's date, the Brazilian Government agrees to assign to the Joint Commission, established under the sole paragraph of article 1, the responsibility for regulating the verification procedure provided for in article 3 of the Agreement.

2. The Brazilian Government further agrees to assign to the Joint Commission the responsibility for recommending to the Governments the requisite measures for standardizing the registration requirements for fishing vessels.

¹ Portuguese texts provided by the Permanent Mission of Brazil to the United Nations in a note verbale of 29 December 1972. Translation by Secretariat of the United Nations.

3. This note and Your Excellency's reply of the same date and content shall constitute an agreement between the two Governments.

Accept, Sir, etc.

M. PIO-CORREA

II

NOTE 413

Buenos Aires, 29 December 1967

Sir,

I have the honour to inform you that, for the purposes of the Agreement on Fishing signed on today's date, the Brazilian Government will consider a vessel which fulfils the following conditions to be a fishing vessel of the High Contracting Parties:

(a) If it is permanently registered in the respective country and has been issued with a certificate of registry in accordance with that country's laws;

(b) If, provided they comply with any greater requirements of the High Contracting Parties, the master, the officers and at least the majority of the remainder of the crew are of the nationality of the respective country and are authorized by the competent authority to carry out their duties; the national language shall be used in the spoken and written commands and working orders of the ship or vessel and in the requisite logbooks and legal documents;

(c) If the owner is an individual, he must be of the nationality of the respective country and have his main domicile and real and effective main place of business in that country;

(d) If it belongs to an association of one or more persons, the association must be constituted in accordance with the law of the country of the ship's or vessel's flag, the majority of the capital must belong to persons who are of the nationality of the same country and the enterprise must have its real and effective main place of business therein;

(e) If it belongs to a joint stock company, the latter must be constituted in accordance with the law of the country of the ship's or vessel's flag and have its main domicile and real and effective main place of business in that country; the chairman of the board of directors, the person acting as manager and the majority of the directors must be of the nationality of the respective country and the majority of the capital must belong to individuals or bodies corporate which are of the nationality of the country in question, have their domicile and seal and effective main place of business in that country;

(f) If the ship or vessel is in the co-ownership of either individuals or joint stock companies, the system of co-ownership must conform to the law of the country of the ship's or vessel's flag; more than half the value of the co-ownership must belong to individuals or bodies corporate of the respective country having their main domicile and real and effective main place of business therein;

(g) In the case of ownership by a joint stock company with capital belonging for the most part to individuals or bodies corporate showing the nationality of both High Contracting Parties, with ships or vessels registered in one of

them, the company must be constituted in accordance with the laws of one of the Contracting Parties and have in one of them its main domicile and seat and effective main place of business, and the chairman of the board of directors, the manager and the majority of the directors must be of the nationality of one of the Parties.

2. The Brazilian Government shall take the necessary steps to ensure that the requirements set out in subparagraphs (e), (f) and (g) are not circumvented by the action of non-Brazilian joint stock companies.

3. This note and your reply of the same content and date shall constitute an agreement between our Governments.

Accept, Sir, etc.

M. PIO-CORREA

4. (i) AGREEMENT BETWEEN JAPAN AND THE UNITED MEXICAN STATES ON FISHING BY JAPANESE VESSELS IN THE WATERS CONTIGUOUS TO THE MEXICAN TERRITORIAL SEA. SIGNED AT TLATELOLCO ON 7 MARCH 1968¹

The Government of Japan and the Government of the United Mexican States, desiring to conclude an Agreement on fishing by Japanese vessels in the waters contiguous to the Mexican territorial sea, have agreed as follows:

Article 1

Japanese vessels shall not fish in the zones contiguous to the Mexican territorial sea which extend up to 12 nautical miles from the baseline from which the breadth of the said territorial sea is measured, except in those areas of the Pacific Ocean indicated below (hereinafter referred to as "areas of operation"), in which Japanese vessels duly authorized by the Government of Japan may fish:

(1) Between 9 and 12 nautical miles from the baseline from which the breadth of the territorial sea is measured around the Mexican islands, with the exception of the Islas Marias, the islands lying off the west coast of the Baja California peninsula north of the parallel 30° north latitude and the islands lying to the west of the meridian 109° 05' west longitude in the Gulf of California.

(2) Between 9 and 12 nautical miles from the baseline from which the breadth of the territorial sea is measured off the coast of the Mexican mainland:

(a) From a line connecting the geographical co-ordinates 14° 32' 42" north latitude - 92° 27' west longitude and 14° 30' 36" north latitude - 92° 29' 18" west longitude, up to the meridian 94° 40' west longitude;

(b) From the meridian 95° 40' west longitude to the meridian 99° 25' west longitude;

(c) From the meridian 102° west longitude to the meridian 106° 10' west longitude;

(d) From the meridian 106° 55' west longitude to the meridian 109° 05' west longitude, and

¹ United Nations, *Treaty Series*, vol. 683, p. 257. Entered into force on 10 June 1968 in accordance with Article 10. Translation by the Secretariat of the United Nations.

(e) Off the west coast of the Baja California peninsula, from the parallel 23° 10' north latitude to the parallel 30° north latitude.

Article 2

In the areas of operation Japanese vessels shall use the longline system which they have been using hitherto.

Article 3

Japanese vessels shall fish in the areas of operation for the following species: bigeye tuna (*Thunnus obesus*, family *Thunnidae*), yellowfin tuna (*Thunnus albacares*, family *Thunnidae*), sailfish (*Istiophorus orientalis*, family *Istiophoridae*), striped marlin (*Tetrapturus audax*, family *Istiophoridae*), swordfish (*Xiphias gladius*, family *Hiphiidae*) and any other species caught incidentally in the course of fishing for the above-mentioned species.

Article 4

The total fish catch by Japanese vessels in the areas of operation during the five-year period ending 31 December 1972 shall not exceed 15,500 metric tons, excluding species caught incidentally. Every possible effort shall be made to ensure that the total fish catch is distributed evenly over the five years of the above-mentioned period.

Article 5

The authorities of Japan shall notify to the authorities of the United Mexican States:

1. Not later than 31 January each year, the types and approximate number of Japanese vessels expected to be engaged in fishing in the areas of operation in the course of that year, and
2. Not later than 1 June each year, the results of the fishing activities of Japanese vessels in the areas of operation in the course of the immediately preceding year, including the fish catch and the approximate areas in which fishing operations were conducted.

Article 6

Representatives of the two Governments shall hold annual meetings to review the implementation of this Agreement. When it is deemed necessary in pursuance of international agreements to which either Government is a party or in compliance with resolutions or recommendations adopted by international organizations of which either Government is a member, and when it appears advisable in the interests of the conservation of the living resources of the sea, the Governments may, at the said meetings, establish regulatory measures applicable to Japanese vessels in the areas of operation, for the purpose of supplementing the execution of this Agreement.

Article 7

Japanese vessels operating in violation of any of the provisions of this Agreement shall be excluded from the benefits deriving from it.

Article 8

When it is deemed necessary, the two Governments shall hold consultations on the planning and execution of co-ordinated scientific research on the species mentioned in article 3 of this Agreement for the purpose of ensuring the rational utilization of those species.

Article 9

None of the provisions of this Agreement may be interpreted in such a way as to prejudice the respective positions of the two Governments with regard to the breadth of the territorial sea or the jurisdiction of States in matters of fisheries.

Article 10

This Agreement shall enter into force on the date on which the Government of the United Mexican States receives from the Government of Japan written notification to the effect that Japan has approved this Agreement in accordance with the procedures established in its domestic laws, and shall remain in force until 31 December 1972.

Article 11

Without prejudice to the provisions of article 10, either Government may give notice to the other of its intention to denounce this Agreement, at any time after one year has elapsed since its entry into force. The denunciation shall take effect six months after the date on which the notice is received by the other Government.

(ii) MEMORANDUM OF AGREEMENT

With reference to the Agreement between Japan and the United Mexican States on fishing by Japanese vessels in the waters contiguous to the Mexican territorial sea, signed on this date, the representative of the Governments of Japan and of the United Mexican States have agreed to place on record the following:

1. The representatives of the United Mexican States appreciate the difficulty of ensuring that no part of the longlines used by Japanese vessels drifts unintentionally and accidentally into waters in which Japanese vessels are prohibited from fishing under the Agreement. Consequently, any such intrusions would not be regarded as an infringement of the Agreement. Similarly, the representatives of Japan acknowledge the advisability of instructing Japanese vessels to exercise sufficient care to prevent such accidental intrusion and, should any such intrusion occur, to notify the Mexican authorities before hauling in the longlines that accidentally drifted into waters in which Japanese vessels are prohibited from fishing under the Agreement.

2. The representatives of Japan stated, with reference to article 4 of the Agreement, that they estimate that the amount of species caught incidentally by Japanese vessels in the areas of operation will not exceed 10 per cent of the total fish catch.

3. The representatives of Japan stated that the Japanese authorities will give the notification mentioned in article 5 paragraph 1 of the Agreement, in respect of the year 1968, not later than 30 days after the date on which the Agreement enters into force and the notification mentioned in article 5, paragraph 2, in respect of the last year in which the Agreement is in effect, not later than 1 June of the following year.

4. The representatives of the United Mexican States stated that their Government does not intend to impose duties, taxes or other fiscal charges on Japanese vessels fishing under the terms of the Agreement. It was understood that the two Governments would consult each other on the question, if the Government of the United Mexican States should wish to impose duties, taxes or other fiscal charges on the above-mentioned Japanese vessels.

5. EXCHANGE OF NOTES CONSTITUTING AN ARRANGEMENT BETWEEN DENMARK AND THE NETHERLANDS CONCERNING FISHING RIGHTS WITHIN DANISH FISHERY AREAS. THE HAGUE, 30 MAY 1968¹

I

Royal Danish Embassy

J.nr. 55 Dan.1.

The Royal Danish Embassy presents its compliments to the Ministry of Foreign Affairs and has the honour, acting upon instructions, to inform the Ministry as follows:

On March 10, 1967, the Danish Government notified the Netherlands Government of the entry into force, as from July 1, 1967, of a 12-mile fishing limit along the Danish coasts in the North Sea, the Skagerrak and the Kattegat in pursuance of Act No. 195 of May 26, 1965 on Salt Water Fishing,² inviting at the same time the Netherlands Government to substantiate such fisheries as had habitually been exercised by Netherlands fishing vessels in the above-mentioned Danish waters in accordance with the principles of the European Fisheries Convention of March 9, 1964³.

In the course of subsequent negotiations on November 23, 1967, it was understood between a Danish and a Netherlands delegation that, pursuant to articles 3 and 4 of the European Fisheries Convention, Netherlands traditional fisheries should be defined as fisheries directed towards plaice and sole in the area between the Danish/German border in the North Sea and the parallel of the latitude through Bovbjerg lighthouse.

It was further understood that, pursuant to article 9, section 1, of the Fisheries Convention, the Netherlands traditional fisheries as described above should be allowed to continue in the belt between 3 and 6 nautical miles from the base lines until July 1, 1968.

¹ United Nations, *Treaty Series*, vol. 645, p. 147. Entered into force on 30 May 1968. Translation by the Secretariat of the United Nations.

² Reproduced in part in ST/LEG/SER.B/15, pp. 623-627.

³ United Nations, *Treaty Series*, vol. 581, p. 57. Reproduced in ST/LEG/SER.B/15, pp. 862-865.

After that date the Netherlands traditional fisheries as described above should be allowed to continue in the belt between 6 and 12 miles from the base lines.

The Danish Government accepts the above understandings.

If the foregoing is also acceptable to the Government of the Netherlands, the Embassy has the honour to propose that the present note and the reply of the Ministry of Foreign Affairs constitute an arrangement between the two Governments in this matter.

The Hague, May 30, 1968

II

Ministry of Foreign Affairs
The Hague

The Ministry of Foreign Affairs presents its compliments to the Royal Danish Embassy and has the honour to acknowledge receipt of the Latter's Note of today's date, J. nr. 55. Dan. 1., which read as follows:

[See note I]

The Ministry has the honour to inform the Embassy that the Netherlands Government accepts the understandings set forth in the above-mentioned Note, so that that Note and the present reply constitute an arrangement between the two Governments in this matter.

The Hague, May 30, 1968

6. (1) AGREEMENT ON FISHERIES BETWEEN THE COMMONWEALTH OF AUSTRALIA AND JAPAN. SIGNED AT CANBERRA ON 27 NOVEMBER 1968¹

The Government of the Commonwealth of Australia and the Government of Japan,

Desiring to conclude an agreement concerning fishing by Japanese vessels in waters contiguous to the territorial seas of Australia, the Territory of Papua and the Trust Territory of New Guinea,

Have agreed as follows:

Article I

1. Except as provided in paragraph 2 of this Article, Japanese vessels will not engage in fishing in the waters which are contiguous to the territorial seas of Australia, the Territory of Papua and the Trust Territory of New Guinea and extend to a limit of 12 nautical miles from the baselines from which those territorial seas are measured.

2. For the periods described hereunder Japanese vessels may engage in tuna long-line fishing in accordance with the provisions of this Agreement in those parts of the waters described in paragraph 1 of this Article that are within the areas designated hereunder:

¹ United Nations, *Treaty Series*, vol. 708, No. 10174. Entered into force on 24 August 1969.

A. Until the twenty-seventh day of November, 1975

(i) *In the Tasman Sea:*

(a) The area to the south, south-east and east of the island of Tasmania bounded on the west by 146° East Longitude and on the north by 41° South Latitude (Adm. 1079);

The area bounded on the west by 148° 20' East Longitude, on the south by 41° South Latitude and on the north by 40° 29' 30'' South Latitude (Adm. 1079);

The area to the east of Cape Barren Island, Vansittart Island and Flinders Island bounded on the south by 40° 29' 30'' South Latitude and on the north by 39° 46' 30'' South Latitude (Adm. 1695a);

The area bounded on the west by 148° East Longitude, on the south by 39° 46' 30'' South Latitude and on the north by 39° South Latitude (Adm. 1695a);

(b) The area bounded on the south by 37° 34' 24'' South Latitude (Adm. 1017) and on the north by 33° 50' 06'' South Latitude (Aus. 75);

(c) The area off the coast of Lord Howe Island; and

(d) The area off the coast of the Territory of Norfolk Island;

(ii) *In the Coral Sea:*

(a) The area bounded on the south by 26° South Latitude and on the north by 25° 47' 30'' South Latitude (Adm. 1068);

The area to the east of Great Sandy (Fraser) Island bounded on the south by 25° 47' 30'' South Latitude and on the north by 24° 42' South Latitude (Adm. 1068);

The area bounded on the west by 152° 40' Longitude, on the south by 24° 42' South Latitude and on the north by 22° 21' 30'' South Latitude (Adm. 346);

The area bounded on the west by the outer edge of the Great Barrier Reef, on the south by 22° 21' 30'' South Latitude and on the north by 12° South Latitude (Adm. 2764); and

(b) The area off the coast of the island known as Pocklington Reef; and

(iii) *In the Indian Ocean:*

(a) The area bounded on the south by 25° South Latitude (Adm. 518) and on the north by 21° South Latitude (Adm. 1055);

(b) The area off the coast of the Territory of Cocos (Keeling) Islands; and

(c) The area off the coast of the Territory of Christmas Island.

B. Until the twenty-seventh day of November, 1971 or such later date as may be agreed in consultation between the two Governments -

The area off the coasts of the Territory of Papua and the Trust Territory of New Guinea, with the exception of

(a) The area off the south coast of the Territory of Papua bounded on the east by 145° East Longitude; and

(b) The area off the south coast of the Territory of Papua that is bounded on the west by 145° East Longitude and on the east by 151° East Longitude, is contiguous to the territorial sea of the Territory of Papua and extends to a limit of six nautical miles from the baseline from which that territorial sea is measured.

The parts of the waters described in paragraph 1 of this Article that are within the areas designated in sub-paragraphs A and B of this paragraph are hereinafter referred to as "the Designated Waters".

Article II

1. The Japanese authorities will provide the Australian authorities with the names, the registration numbers, the names of the managers and the numbers of the fishing crews of any Japanese vessels that are likely to engage in tuna long-line fishing in the Designated Waters.

2. The information referred to in paragraph 1 of this Article will be provided at least 14 days before the day on which it is anticipated that any vessel in relation to which the information is provided will first commence fishing in the Designated Waters in any calendar year, and the information thus provided will relate to that calendar year, except that information provided during December in any year will also relate to the following calendar year.

Article III

1. On receipt of the information referred to in paragraph 1 of Article II of this Agreement in respect of any Japanese vessels, the Government of the Commonwealth of Australia will make necessary administrative arrangements to facilitate the operation of those vessels in the Designated Waters in accordance with the provisions of this Agreement.

2. The vessels referred to in paragraph 1 of this Article will make reasonable payments in relation to the administrative arrangements mentioned in that paragraph.

Article IV

1. The annual level of Japanese tuna long-line operations under this Agreement will not be increased beyond the average annual level of the calendar years 1963 to 1967.

2. The Japanese authorities will provide the Australian authorities not later than the thirtieth day of June in each year with information relating to the total weight of fish taken during each quarter of the preceding calendar year, and with information relating to the weight of each species of tuna taken during the preceding calendar year, by the Japanese vessels from the Designated Waters.

Article V

1. The Japanese authorities will take appropriate measures to ensure that the provisions of this Agreement are observed.

2. The Australian authorities may board Japanese vessels in the waters described in paragraph 1 of Article I of this Agreement, to ascertain that the provisions of the Agreement are being observed.

Article VI

1. Japanese vessels equipped for tuna long-line fishing may, until the twenty-seventh day of November, 1975, enter the Australian ports of Brisbane, Fremantle, Hobart and Sydney for the purpose of securing supplies.

2. Not later than the twenty-seventh day of May, 1975, the two Governments will consult with respect to the continued access after the twenty-seventh day of November, 1975, to Australian ports of Japanese vessels equipped for tuna long-line fishing.

Article VII

Upon the request of either Government, the two Governments will hold consultations regarding the operation of this Agreement.

Article VIII

Nothing in this Agreement shall be deemed to prejudice the position of either Government in regard to the jurisdiction of a coastal state over fisheries.

(ii) AGREED MINUTES

In connexion with the Agreement on Fisheries between the Commonwealth of Australia and Japan signed today, the representatives of the Government of the Commonwealth of Australia and the Government of Japan have agreed to record the following:

“1. It is understood that for the purposes of the Agreement the term ‘Australia’ in the expression ‘the territorial seas of Australia, the Territory of Papua and the Trust Territory of New Guinea’ also refers to the Territory of Norfolk Island, the Territory of Cocos (Keeling) Islands, the Territory of Christmas Island, the Territory of Ashmore and Cartier Islands, the islands in the Coral Sea within the area bounded on the north by 12° South Latitude, on the east by 157° 10’ East Longitude, on the south by 26° South Latitude and on the west by the outer edge of the Great Barrier Reef, and the island known as Pocklington Reef.

“2. It is understood that for the purposes of the Agreement the term ‘Japanese vessels’ means vessels that are registered in Japan but does not include vessels chartered for operations based in Australia, in the Territory of Papua, in the Trust Territory of New Guinea or in any of the islands mentioned in paragraph 1 of these Agreed Minutes.

“3. It is recognized that it might not be possible fully to prevent parts of long-lines from drifting and thereby taking fish in a manner inconsistent with the provisions of the Agreement. These cases, when verified, will not be regarded as infringements of the Agreement.

“4. It is understood that the amount of the payment referred to in paragraph 2 of Article III of the Agreement will in no case exceed an equivalent of one hundred Australian dollars (\$A 100) per vessel for any calendar year.”

(iii) AGREED MINUTES RELATING TO THE TERRITORY OF PAPUA AND THE TRUST TERRITORY OF NEW GUINEA

In connexion with the Agreement on Fisheries between the Commonwealth of Australia and Japan signed today, the representatives of the Government of the Commonwealth of Australia and the Government of Japan have held consultations concerning joint venture fishing enterprises in the Territory of Papua and the Trust Territory of New Guinea and have agreed to record the following:

1. (a) The Government of Japan intends to make every effort to see that joint venture fishing enterprises are established in the Territory of Papua and the Trust Territory of New Guinea.

(b) The Government of the Commonwealth of Australia will consider promptly and sympathetically all proposals submitted to it by Japanese interests for the establishment of such enterprises.

2. The consultations referred to in sub-paragraph B of paragraph 2 of Article 1 of the Agreement will be held not later than the twenty-seventh day of November, 1970, and will be conducted in the light of progress made by that time in establishing joint venture fishing enterprises.

3. The object of the enterprises referred to in paragraph 1 of these Agreed Minutes will be to fish principally for species other than crustaceans and molluscs.

4. The Australian representatives stated that the broad guideline of the policy of their Government is as follows:

Joint venture fishing enterprises are fishing enterprises -

(a) The ownership of which is shared by Japanese interests and by residents either of one of the Territories or of Australia;

(b) Which make a significant contribution to the development of a fishing industry in the Territory of Papua and the Trust Territory of New Guinea;

(c) Which contribute substantially to the economic development of those Territories; and

(d) Which provide substantial employment and technical training for the local residents and, where possible, actively involve the indigenous residents at all levels.

The Japanese representative took note of this Australian statement.

5. Entry into Rabaul by Japanese vessels equipped for tuna long-line fishing could be considered by the Government of the Commonwealth of Australia under special arrangements.

7. AGREEMENT ON FISHING AND CONSERVATION OF LIVING RESOURCES BETWEEN BRAZIL AND URUGUAY. SIGNED AT MONTEVIDEO ON 12 DECEMBER 1968¹

The President of the Federative Republic of Brazil and the President of the Eastern Republic of Uruguay,

¹ Portuguese text provided by the Permanent Mission of Brazil to the United Nations in a note verbale of 29 December 1972. Translation by the Secretariat of the United Nations.

Considering the need to safeguard the living resources both of the sea waters adjacent to their respective countries and of the internal boundary waters against wasteful forms of exploitation which render difficult the renewal of such resources;

Considering that this need is of vital importance for the livelihood of the peoples of the respective countries;

Considering the desirability, in the spirit underlying the friendly relations that exist between Brazil and Uruguay, of promoting the development and expansion of forms of co-operation, both as regards fishing engaged in by nationals of the two countries and as concerns improvement of the techniques and equipment of the respective fishing industries;

Considering that such co-operation could make a substantial contribution to the conservation of the species and the better economic utilization of the fishery resources available to the respective countries;

Have decided to conclude this Agreement on Fishing and Conservation of Living Resources. . .

. . .

Article I

The High Contracting Parties declare that they regard the fishing and conservation of the living resources in the sea adjacent to their coasts and in the internal boundary waters as a matter of special importance and high priority.

Article II

In accordance with the provisions of the preceding article, the High Contracting Parties decide to establish, on a permanent basis, a Joint Brazilian-Uruguayan Commission on Fishing and Conservation of the Living Resources of the Sea and the Internal Boundary Waters.

Article III

The Joint Commission provided for in article II of this Agreement shall study and formulate conclusions with regard to matters of common interest relating to the fishing and conservation of the living resources in the waters of the sea adjacent to the coasts of the two countries and in the internal boundary waters and also draw up, as soon as possible, a Convention designed to promote, by means of appropriate technical regulations, the conservation of the species, so as to ensure an optimum sustainable yield. The said Convention shall prescribe measures for ensuring compliance with existing or future regulations in accordance with its provisions.

Article IV

In drafting the Convention referred to in article III of this Agreement, the High Contracting Parties shall, where possible, take due account of the provisions agreed upon in similar instruments to which they are parties and shall also endeavour to co-ordinate their action with similar action in the area, so as to promote the adoption of uniform multinational solutions.

Article V

The Joint Commission provided for in article II above shall be formally established within a period of 90 (ninety) days from the entry into force of this Agreement and may meet at any time by joint decision of the respective national delegations, transmitted through the Ministries of Foreign Affairs of the High Contracting Parties, or on the initiative of those Ministries.

Article VI

Each of the national delegations to the Joint Commission established under this Agreement shall consist of four representatives; the Chairman of the meetings shall be the representative of the country in whose territory they are held.

Article VII

Nothing in this Agreement shall be construed as affecting the rights and claims of the High Contracting Parties with respect to the sea adjacent to their coasts.

Article VIII

This Agreement shall be ratified and shall enter into force on the date of exchange of the instruments of ratification, which shall take place as soon as possible in the city of Rio de Janeiro.

Article IX

Either of the High Contracting Parties may denounce this Agreement at any time, but the Agreement shall not cease to have effect until six months after notice of denunciation has been given.

8. (i) CONVENTION SUR LA PÊCHE MARITIME ENTRE LE ROYAUME DU MAROC ET L'ESPAGNE SIGNÉE À FÈS LE 4 JANVIER 1969¹

Sa Majesté Hassan II, Roi du Maroc, et

Son Excellence le Chef de l'Etat Espagnol et Généralissime des Armées Nationales, Don Francisco Franco Bahamonde,

Persuadés de l'intérêt commun que pour les deux pays présente l'exploitation rationnelle des importantes ressources vivantes de la mer au long de leurs côtes, tout en assurant leur sauvegarde dans l'avenir,

Et désireux de définir un régime de pêche permanent qui profite aux nationaux de chacun des pays dans les eaux territoriales de l'autre, ont décidé de conclure la présente Convention

Article I

Les deux parties contractantes déclarent vouloir considérer le présent accord comme la charte nouvelle de leurs rapports en ce qui concerne l'exercice

¹ Royaume du Maroc, *Bulletin Officiel*, 28 mai 1969, p. 571 à 574.

du droit de pêche par leurs nationaux dans les eaux territoriales de l'autre Partie contractante.

Article 2

Les nationaux de chacune des parties pourront se livrer à la pêche dans les eaux territoriales de l'autre partie dans les conditions prévues par la présente Convention. A cet effet, les autorités maritimes compétentes délivreront les licences ou autorisations, conformément à leur législation respective, aux capitaines ou patrons de bâtiments qui en formuleront la demande.

Article 3

Pour l'application de la présente Convention, la mer territoriale au point de vue de la pêche comprend la zone adjacente à la côte qui s'étend jusqu'à une ligne parallèle distante de 12 milles de la ligne de base et définie à cet effet dans les articles suivants.

Article 4

La ligne de base retenue pour mesurer l'étendue des eaux territoriales respectives sera, en principe, la laisse de basse mer au long de la côte, telle qu'elle est indiquée sur les cartes à grande échelle officiellement reconnues par l'état riverain.

Article 5

Des lignes de base droites pourront être tirées dans ces endroits de la côte où, en raison de leur configuration spéciale, le Droit international le permettrait. Néanmoins, ces lignes droites ne pourront pas s'écarter en forme appréciable de la direction générale suivie par la côte.

Les points du fond qui émergent en marée basse ne pourront pas servir de référence pour le tracé de ces lignes droites.

Article 6

Si la distance entre les laisses de basse mer des deux points naturels d'entrée d'une baie n'excède pas 24 milles, la ligne droite tirée entre ces deux points pourra être retenue comme ligne de base.

Article 7

Les élargissements des eaux territoriales des parties qui pourraient avoir lieu à l'avenir conformément au Droit international ne modifieront en rien le régime établi par la présente Convention, sauf accord des deux parties contractantes.

Article 8

Pour l'application de la présente Convention, il sera requis:

- a) Que les bâtiments de pêche soient immatriculés sous le pavillon de l'une des parties;
- b) Que leurs propriétaires, armateurs, capitaines, patrons et tout autre personnel d'encadrement soient des nationaux de l'une des parties, ou, si

la législation de l'une des parties le prescrivait ainsi, des nationaux de la partie dont le bâtiment porte le pavillon. Dans le cas où le propriétaire ou l'armateur serait une société, son capital dans un pourcentage supérieur au 50 p. 100 et son contrôle effectif devront en outre revenir à des nationaux de l'une des parties; et

c) Que les équipages soient composés par des matelots nationaux des parties ou, s'il en était ainsi requis par la législation de l'une des parties, des nationaux de la partie dont le bâtiment porte le pavillon. A défaut de ceux-ci, les nationaux des pays tiers résidant en Espagne ou au Maroc pourront être admis comme matelots pourvu que leur nombre ne dépasse pas le cinquième du total de l'équipage.

Article 9

L'exercice de la pêche dans les eaux territoriales de chacune des parties se fera selon les procédés déterminés dans l'annexe I de la présente Convention et les lettres annexes à cette dernière.

Article 10

Les privilèges de pêche reconnus dans le présent accord aux nationaux de l'une ou l'autre des parties contractantes s'exercent dans le cadre et le respect des règlements internes de la pêche de chacune des deux parties.

Les parties contractantes s'engagent cependant à n'édicter aucune réglementation qui serait de nature à créer une discrimination préjudiciable aux nationaux de l'autre partie.

Pour montrer leur désir de maintenir dans ce domaine une étroite collaboration, chacune des deux parties contractantes s'engage à échanger avec l'autre partie toute information nécessaire de police et de contrôle dans ses eaux territoriales.

Article 11

Les parties se consulteront lorsque le progrès scientifique et technique en matière de pêche ou les recommandations des organismes internationaux compétents auront rapport à ce qui est établi dans les articles 9 et 10 et dans l'annexe I de cette convention; les parties pourront alors convenir des mesures appropriées.

Article 12

Si l'une des parties accordait à un Etat tiers un quelconque droit de pêche ou ayant rapport à la pêche non prévu dans la présente convention, la concession sera automatiquement étendue à l'autre partie.

Article 13

Une commission bipartite hispano-marocaine, dont les membres seront désignés par les Gouvernements des deux parties contractantes, se réunira tous les ans ou plus souvent à la demande de l'une des parties. Elle sera chargée d'étudier et de proposer aux Gouvernements de l'Espagne et du Maroc les mesures pertinentes pour faciliter l'application du présent accord et en

particulier la solution des divergences qui pourraient surgir entre les parties au sujet de son interprétation. Il est entendu que la Commission ne sera pas compétente pour juger des infractions individuelles constatées par les autorités de police maritime en matière de pêche.

Article 14

Après l'échéance d'une période de 10 ans à compter de la date d'entrée en vigueur de la présente convention, chacune des parties pourra solliciter de l'autre l'ouverture de négociations pour procéder à la révision éventuelle du régime de pêche en vigueur.

Article 15

Les parties contractantes s'engagent à développer leur coopération en matière de pêche et notamment à encourager la constitution d'organismes mixtes tel que prévu par l'annexe II de la présente convention.

Article 16

Le présent accord abroge les stipulations en matière de pêche contenues dans les conventions en vigueur entre l'Espagne et le Maroc.

Article 17

La présente convention devra être ratifiée par chacune des parties conformément à ses dispositions constitutionnelles et entrera en vigueur dès la date de l'échange des instruments de ratification.

ANNEXE I

Conformément à l'article 9 sont établies les dispositions suivantes :

1° Dispositions relatives aux eaux territoriales du Maroc

A) DANS LA ZONE COMPRISE ENTRE LA LIGNE DE BASE ET LA LIGNE DES 3 MILLES

Est uniquement autorisée la pêche avec des palangres de fond, flottantes et cerco (cette dernière exclusivement pour l'anchois-boqueron et avec les engins qui lui sont propres) pendant une durée de dix ans à partir de la date de l'entrée en vigueur du présent accord.

B) DANS LA ZONE COMPRISE ENTRE LA LIGNE DES 3 MILLES ET LA LIGNE DES 6 MILLES

Est permis l'emploi du chalut et du cerco sous réserve :

a) De respecter la législation du pays sur les eaux territoriales duquel le droit de pêche est exercé;

b) De limiter cette pêche à un tonnage de jauge brute de cinquante mille tonnes. La liste des bateaux autorisés sera fournie annuellement par l'administration espagnole;

c) De limiter l'exercice de ce privilège à 10 ans à compter de la date de l'entrée en vigueur du présent accord.

C) DANS LA ZONE COMPRISE ENTRE LA LIGNE DES 6 MILLES ET LA LIGNE DES 12 MILLES

Est permise la continuation de l'exercice de la pêche, avec l'emploi de toutes sortes d'engins, conformément à ce que le droit international entend par "droits historiques" en cette matière et dans le respect des règles établies par la législation marocaine.

2° *Dispositions relatives aux eaux territoriales de l'Espagne*

A titre de réciprocité l'Espagne consent aux nationaux du Royaume du Maroc l'exercice de la pêche dans les mêmes conditions qui sont accordées ci-dessus aux nationaux espagnols.

ANNEXE II

Coopération hispano-marocaine en matière de pêche conformément à l'article 16, il est prévu:

1. Promotion de sociétés mixtes d'armement à la pêche.

Dans ce cadre, l'industrie navale espagnole pourra contribuer efficacement aussi largement que possible par la fourniture d'unités de pêche à ces sociétés.

Celles-ci exerceront toutes activités de pêche soit dans les eaux territoriales des deux parties, conformément au présent accord, soit en haute mer.

2. Promotion de sociétés mixtes pour la commercialisation des produits de la pêche soit au Maroc ou en Espagne, soit à l'étranger.

3. Promotion d'industries de transformation des produits de la pêche en Espagne et au Maroc.

(ii) ÉCHANGE DE NOTES

I

Fès, le 4 janvier 1969

Excellence,

Me référant à la Convention sur la pêche maritime signée par l'Espagne et le Maroc, ce jour 4 janvier 1969, et particulièrement aux dispositions de son article 9 et de son Annexe I, j'ai l'honneur de vous faire savoir que le Gouvernement marocain, désireux de faire preuve de la considération spéciale qu'il porte à l'exercice séculaire de la pêche par les bateaux espagnols dans ses eaux territoriales, a décidé que dans la zone comprise entre les 3 milles et les 6 milles et pendant la période de 10 années mentionnée à l'Annexe I de ladite Convention les réglementations internes du Maroc relatives à la jauge brute maximum des bâtiments de pêche ne seront pas appliquées aux bâtiments immatriculés sous le pavillon espagnol, à l'exception de la pêche au chalut qui reste soumise à la législation interne marocaine.

Je vous saurais gré, Excellence, de bien vouloir accuser réception de cette lettre au nom de votre Gouvernement.

Je vous prie, etc.

Dr Ahmed LARAKI
Ministre des affaires étrangères

II

Fès, le 4 janvier 1969

Excellence,

J'ai l'honneur d'accuser réception de la lettre de Votre Excellence rédigée dans les termes suivants :

[Voir note I]

J'ai l'honneur de vous confirmer l'accord du Gouvernement espagnol sur ce qui précède.

Je vous prie, etc.

Eduardo IBANEZ Y GARCIA DE VELASCO
Ambassadeur d'Espagne

A. S. E. le Ministre des Affaires Etrangères
du Royaume du Maroc

III

Fès, le 4 janvier 1969

Excellence,

Me référant à la Convention sur la pêche maritime signée par l'Espagne et le Maroc, ce jour 4 janvier 1969, et particulièrement aux dispositions de son article 9 et de son Annexe I, j'ai l'honneur de vous faire savoir que le Gouvernement marocain, désireux de faire preuve de la considération spéciale qu'il porte aux droits de pêche séculairement exercés par les bateaux espagnols dans ses eaux territoriales, a décidé que dans la zone comprise entre les 6 milles et les 12 milles les réglementations internes du Maroc relatives à la jauge brute maximum des bâtiments de pêche ne seront pas appliquées aux bâtiments immatriculés sous le pavillon espagnol.

Je vous saurais gré, Excellence, de bien vouloir accuser réception de cette lettre au nom de votre Gouvernement.

Je vous prie, etc.

Dr Ahmed LARAKI
Ministre des Affaires Etrangères

A S. E. l'Ambassadeur d'Espagne
Rabat

IV

Fès, le 4 janvier 1969

Excellence,

J'ai l'honneur d'accuser réception de la lettre de Votre Excellence rédigée dans les termes suivants :

[Voir note III]

J'ai l'honneur de vous confirmer l'accord du Gouvernement espagnol sur ce qui précède.

Je vous prie, etc.

Eduardo IBANEZ Y GARCIA DE VELASCO
Ambassadeur d'Espagne

A S. E. le Ministre des Affaires Etrangères
du Royaume du Maroc

V

Fès, le 4 janvier 1969

Excellence,

Me référant à la Convention sur la pêche maritime signée par l'Espagne et le Maroc, ce jour 4 janvier 1969, et particulièrement à l'article 9 et à l'Annexe I de cette Convention, j'ai l'honneur de porter à votre connaissance que le Gouvernement espagnol, désireux de contribuer au développement des intérêts marocains relatifs à la pêche, a décidé que dans la zone de ses eaux territoriales comprise entre les 3 milles et les 6 milles et pendant la période de 10 années mentionnée à l'Annexe I de ladite Convention les réglementations internes de l'Espagne relatives à la jauge minimum des bâtiments autorisés à l'exercice de la pêche au chalut ne seront appliquées aux bâtiments immatriculés sous le pavillon marocain, à l'exception de la pêche au chalut qui reste soumise à la législation interne espagnole.

Je vous saurais gré, Monsieur le Ministre, de bien vouloir accuser réception de cette lettre au nom de votre Gouvernement.

Je vous prie, etc.

Eduardo IBANEZ Y GARCIA DE VELASCO
Ambassadeur d'Espagne

A S. E. le Ministre des Affaires Etrangères
du Royaume du Maroc

VI

Fès, le 4 janvier 1969

Excellence,

J'ai l'honneur d'accuser réception de la lettre de Votre Excellence rédigée dans les termes suivants :

[Voir note V]

J'ai l'honneur de vous confirmer l'accord du Gouvernement marocain sur ce qui précède.

Je vous prie, etc.

Dr Ahmed LARAKI
Ministre des Affaires Etrangères

A S. E. l'Ambassadeur d'Espagne
Rabat

VII

Fès, le 4 janvier

Excellence,

Me référant à la Convention sur la pêche maritime signée par l'Espagne et le Maroc, ce jour 4 janvier 1969, et particulièrement à l'article 9 et à l'Annexe I de cette Convention, j'ai l'honneur de porter à votre connaissance

Gouvernement espagnol, désireux de contribuer au développement des intérêts marocains relatifs à la pêche, a décidé que dans la zone de ses eaux territoriales comprise entre les 6 milles et les 12 milles les réglementations internes de l'Espagne relatives à la jauge minimum des bâtiments autorisés à l'exercice de la pêche ne seront pas appliquées aux bâtiments immatriculés sous le pavillon marocain.

Je vous saurais gré, Monsieur le Ministre, de bien vouloir accuser réception de cette lettre au nom de votre Gouvernement.

Je vous prie, etc.

Eduardo IBANEZ Y GARCIA DE VELASCO
Ambassadeur d'Espagne

A S. E. le Ministre des Affaires Etrangères
du Royaume du Maroc

VIII

Fès, le 4 janvier 1969

Excellence,

J'ai l'honneur d'accuser réception de la lettre de Votre Excellence rédigée dans les termes suivants :

[Voir note VII]

J'ai l'honneur de vous confirmer l'accord du Gouvernement marocain sur ce qui précède.

Je vous prie, etc.

Dr Ahmed LARAKI
Ministre des Affaires Etrangères

A S. E. l'Ambassadeur d'Espagne
Rabat

9. AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF FINLAND AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING FISHING AND SEALING. SIGNED AT MOSCOW ON 13 JUNE 1969¹

The Government of the Republic of Finland and the Government of the Union of Soviet Socialist Republics,

Having regard to the favourable development of relations between Finland and the USSR, founded on the 1948 Finnish-Soviet Treaty of Friendship, Co-operation and Mutual Assistance, and considering that the Government of the Soviet Union, in compliance with the wishes of the Government of the Republic of Finland, has expressed its willingness to permit Finnish fishermen to engage in fishing and sealing in Soviet territorial waters in the Gulf of Finland,

¹ United Nations, *Treaty Series*, vol. 739, no. 10606. Entered into force on 24 May 1970 in accordance with Article 14.

Have decided to conclude this Agreement and have appointed their plenipotentiaries, who, having exchanged their full powers, found in good and due form, have agreed as follows:

Article 1

The Government of the Union of Soviet Socialist Republics agrees to permit Finnish nationals to engage in fishing and sealing in Soviet territorial waters in the Gulf of Finland within areas (hereinafter referred to as "treaty areas") which are bounded by lines passing through the following points:

Treaty area A

1. Latitude 60° 15.6' north, longitude 27° 30.7' east—a point on the Finnish-Soviet State frontier in the Gulf of Finland indicated by frontier mark No. 14;
2. Latitude 60° 15.6' north, longitude 27° 50.6' east;
3. Latitude 60° 23.8' north, longitude 27° 50.6' east;
4. Latitude 60° 23.8' north, longitude 27° 44.0' east—turning point of the Finnish-Soviet State frontier, which is indicated by frontier mark No. 10, as shown on Soviet chart No. 403, 1968 edition, annexed to this Agreement (annex 1).

Finnish vessels, in proceeding to the said area for purposes of fishing or sealing and in returning therefrom, may cross the State frontier of the USSR in the section of that frontier extending from frontier mark No. 10 to the point marked by a buoy situated at latitude 60° 22.3' north and longitude 27° 41.4' east.

Treaty area B

1. Latitude 60° 13.7' north, longitude 27° 27.8' east;
2. Latitude 60° 12.3' north, longitude 27° 18.0' east;
3. Latitude 60° 08.8' north, longitude 27° 04.6' east;
4. Latitude 60° 08.8' north, longitude 27° 27.8' east,

as shown on Soviet chart No. 403, 1968 edition, annexed to this Agreement (annex 1).

Finnish vessels, in proceeding to the said area for purposes of fishing or sealing and in returning therefrom, may cross the State frontier of the USSR in the section of that frontier extending from the point situated at latitude 60° 13.7' north and longitude 27° 27.8' east to the point situated at latitude 60° 08.8' north and longitude 27° 04.6' east.

Treaty area C

1. Latitude 60° 05.4' north, longitude 26° 49.5' east;
2. Latitude 60° 08.8' north, longitude 26° 47.9' east;
3. Latitude 60° 06.8' north, longitude 26° 38.4' east;
4. Latitude 60° 06.4' north, longitude 26° 32.6' east;
5. Latitude 60° 02.0' north, longitude 26° 24.8' east;

6. Latitude 60° 02.0' north, longitude 26° 49.5' east, as shown on Soviet chart No. 404, 1968 edition, annexed to this Agreement (annex 2).

Finnish vessels, in proceeding to the said area for purposes of fishing or sealing and in returning therefrom, may cross the State frontier of the USSR in the section of that frontier extending from the point situated at latitude 60° 05.4' north and longitude 26° 49.5' east to the point situated at latitude 60° 02.0' north and longitude 26° 24.8' east.

Article 2

Finnish nationals may engage in fishing and sealing in Soviet territorial waters in the treaty areas from 1 January to 31 December of each year in which the Agreement is in force.

In the period during which the sea is free of ice, the permissible types of fishing shall be net fishing from motor boats and row-boats, fishing by means of trawls and fishing by hook and line.

During the winter season, in treaty area A as defined in article 1, net fishing may be carried on underneath the ice and fishermen's huts may be brought to the fishing sites and used there for dwelling purposes.

Article 3

Finnish vessels engaged in fishing and sealing in the treaty areas shall, having regard to the provisions of this Agreement, be subject to the rules governing fishing and sealing in Soviet territorial waters and to the laws and regulations of the USSR relating to the presence of foreign vessels and foreign nationals in Soviet territorial waters.

Particulars of such laws, regulations and rules and of amendments and additions thereto shall be notified to the Finnish Party through the diplomatic channel.

Article 4

Finnish fishermen shall not exercise the right granted them to engage in fishing and sealing in Soviet territorial waters in the Gulf of Finland in cases where the competent Soviet authorities impose a temporary prohibition on all shipping in the treaty areas.

Article 5

For the guidance of fishermen, the areas of Soviet territorial waters in which Finnish nationals are entitled under this Agreement to engage in fishing and sealing shall be marked off by the Soviet Party with buoys and spar-buoys, the co-ordinates of which shall be indicated in the notices issued for navigators.

The Finnish Party undertakes to reimburse all expenses of the Soviet Party connected with the placing and maintenance of the floating navigational markers designating the treaty areas. The method of payment shall be determined by an agreement between the competent authorities of the two Parties.

Article 6

Finnish nationals engaged in fishing and sealing in the treaty areas shall have with them the following documents, which shall be drawn up in the Finnish and Russian languages:

(a) A fishing pass made out in the name of the owner of the vessel or vehicle (annex 3)¹, which shall indicate the area or areas in which the holder of the pass is entitled to engage in fishing or sealing;

(b) A freedom-of-movement permit (annex 4)¹, which must be in the possession of every person on board the vessel or vehicle;

Every person engaged in transporting a catch of fish or seals from the fishing site shall likewise be required to have a freedom-of-movement permit;

(c) A list of fishing gear and other cargo.

The documents and lists referred to in paragraphs (b) and (c) shall contain the necessary notations indicating the area or areas defined in this Agreement to which they relate.

The documents referred to in paragraphs (a) and (b) of this article shall be issued by the competent Finnish authorities. The said documents shall, together with the list referred to in paragraph (c), be certified by the Finnish frontier authorities.

The fishing pass, the freedom-of-movement permit and the list of fishing gear and other cargo shall be produced to the Soviet authorities upon request.

Article 7

The letter "S" and the fishing-pass number shall be painted in white characters on a black ground, the said characters being at least 15 centimetres high and at least 9 centimetres wide, on both sides of the bow of every vessel used for fishing or sealing in a treaty area. This designation may be replaced by the registration mark for fishing vessels of the Finnish Ministry of Agriculture: Suomi and the registration number. The home port of the vessel shall be shown on the stern.

Article 8

A list, certified by the Finnish frontier authorities, of the persons to whom the documents referred to in article 6 of this Agreement have been issued and a list of the fishing vessels and their numerical markings shall be transmitted by the Finnish frontier authorities to the Soviet frontier authorities, through the frontier commissioners, not later than 15 days before the beginning of each half year.

The frontier authorities of the Republic of Finland shall notify the frontier authorities of the USSR of all Finnish vessels proceeding to the treaty areas for purposes of fishing or sealing.

Article 9

Where necessary in order to ensure the safety of winter fishing and sealing operations and to prevent damage to fishing gear from movements of the ice,

¹Annexes are not reproduced.

the competent Finnish fisheries organization may dispatch to treaty area A, as defined in article 1, its rescue vessel stationed at Huovari Island, the said vessel being subject in all respects to the provisions of this Agreement.

Article 10

In the treaty areas fishing gear shall be considered to be adequately marked if, when drift-nets are being used, one end of the set of nets is attached to the vessel and the other end is marked by two signals. When fishing is carried on with fixed nets, two signals shall be attached to each end of the set of nets. In the case both of drift-net fishing and of fishing with fixed nets, the inner signals of the set of nets shall consist of white flags and the outer signals of red flags. The said flags shall measure 30 x 60 centimetres and shall be attached to floats rising at least two metres above the surface of the water.

Additional signals without flags shall be placed at intervals of 100 metres in the centre of each set of nets.

During the hours of darkness, the nets shall be marked with white signal-lights visible in all directions. The signal-lights shall be placed not less than 70 centimetres above the surface of the water and shall be visible for a distance of one nautical mile.

Article 11

Claims for compensation in respect of material damage caused to the Finnish Party by Soviet nationals in the treaty areas as a result of a violation of the fishing and sealing rules shall be submitted by the Agricultural Administration of Finland to the North-Western Administration of the Central Administration for the Conservation and Reproduction of Fish Stocks and Fisheries Regulation of the Ministry of Fisheries of the USSR (*Sevzaprybvod*).

Claims for compensation in respect of material damage caused to the Soviet Party by Finnish nationals in the treaty areas as a result of a violation of the fishing and sealing rules shall be submitted by the North-Western Administration of the General Administration for the Conservation and Reproduction of Fish Stocks and Fisheries Regulation of the Ministry of Fisheries of the USSR (*Sevzaprybvod*) to the Agricultural Administration of Finland.

Article 12

The Finnish Party shall bring to the attention of Finnish fishermen the fact that in the areas indicated in article 1 of this Agreement mines were laid during the Second World War and that, notwithstanding the fact that the said areas have been swept and opened for navigation, sunken mines may be present on the sea-bed, constituting a hazard to fishing and other vessels when they engage in trawling or cast anchor.

In such cases, the Soviet Party shall not be liable for damage to fishing and other vessels.

Article 13

Finnish nationals who, while fishing or sealing in the treaty areas, contravene the provisions of this Agreement may be deprived by the competent Soviet authorities of the right to engage in fishing or sealing in the said areas.

Article 14

This Agreement shall be ratified. The instruments of ratification shall be exchanged as soon as possible at Helsinki.

The Agreement is concluded for a term of five years and shall enter into force on the expiry of 30 days from the date of the exchange of the instruments of ratification.

If neither Contracting Party denounces the Agreement at least six months before the expiry of the said five-year term, it shall remain in force for successive one-year terms throughout an additional period of five years on condition that either Contracting Party may denounce the Agreement by giving notice to that effect at least six months before the expiry of the current one-year term.

10. AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA ON RECIPROCAL FISHING PRIVILEGES IN CERTAIN AREAS OFF THEIR COASTS. SIGNED AT OTTAWA ON 24 APRIL 1970¹

The Government of the United States of America and the Government of Canada,

Considering that both Governments have established exclusive fishery zones,

Recognizing that fishermen of the two countries have traditionally fished for the same species in certain areas now encompassed within the exclusive fishery zones,

Deeming it desirable to establish the terms and conditions under which nationals and vessels of each of the two countries may conduct, on a reciprocal basis, commercial fishing operations within certain areas off their coasts, and

Having in mind the mutuality of interest on the part of the two countries in the conservation and rational exploitation of certain living marine resources off their coasts,

Have agreed as follows:

1. For the purposes of this agreement,

(a) The reciprocal fishing area of the United States of America shall be the fishing zone established in 1966 south of 63° north latitude;

(b) The reciprocal fishing area of Canada shall be as follows:

(i) In those "Areas" listed in Order-in-Council P.C. 1967-2025 and Order-in-Council P.C. 1969-1109, issued by the Government of Canada on 8 November 1967, and 11 June 1969, respectively, those waters extending 9 miles seaward of the territorial sea of Canada as it existed in 1966;

(ii) In those areas not listed in the Orders-in-Council cited above, those waters south of 63° north latitude which are contiguous to and extend from three to twelve miles from the coast of Canada, with the exception of bays where they cease to exceed 24 miles in breadth.

¹ United Nations, *Treaty Series*, vol. 752, no. 10777. Entered into force on 24 April 1970.

Nothing in this agreement shall affect waters other than those referred to in this paragraph.

2. Nationals and vessels of each country may continue to fish within the reciprocal fishing area of the other country, except that there shall be no such fishing for the following:

(a) Any species of clam, scallop, crab, shrimp, lobster or herring;

(b) Any salmon other than salmon taken by trolling off the Pacific coast northward from a line projected due west from the Cape Disappointment Light (46° 18' N) and southward from a line projected due west from the Cape Scott Light (50° 46.9' N).

Subject to its domestic legislation, each Government will continue to permit transfers of herring between nationals and vessels of the two countries within the reciprocal fishing areas west and north of a line drawn between Cape Sable, Nova Scotia, and Race Point, Massachusetts. The Governments agree that the principal purpose of this provision is to enable the continuation of transfers of herring intended for purposes other than reduction and, further, that they will meet within one year to assess the status of the herring stocks of the Bay of Fundy and the Gulf of Maine to determine whether restrictions on fishing or fish use are necessary.

3. Nationals and vessels of either country will not initiate fisheries within the reciprocal fishing area of the other country for species which are fully utilized by fishermen of the latter country. If fishermen of either country wish to initiate a fishery within any part of the reciprocal fishing area of the other country for species not fully utilized, their Government will first consult with the other Government and reach an understanding concerning conditions for such a fishery.

4. Regulations established by one country pertaining to the taking or possession of fish within its reciprocal fishing area shall apply equally to the nationals and vessels of both countries operating within such area. Such regulations shall be enforced by the Government which issued them. Should either Government consider it necessary to alter such fishery regulations, that Government shall notify the other Government of such proposed changes 60 days in advance of their application. Should such changes in fishery regulations require major changes in fishing gear an adequate period of time, up to one year, will be afforded the nationals and vessels of the other country to adapt to such changes prior to their application.

5. The two Governments recognize the importance of maintaining the fishery resources in their reciprocal fishing areas at appropriate levels. Both Governments agree to continue and expand co-operation in both national and joint research programmes on species of common interest off their coasts. The appropriate agencies of the two Governments will arrange for exchanges and periodic joint reviews of scientific information.

6. Nothing in this agreement shall prejudice the claims or views of either of the parties concerning internal waters, territorial waters, or jurisdiction over fisheries or the resources of the continental shelf; further, nothing in this agreement shall affect either bilateral or multilateral agreements to which either Government is a party.

7. This agreement shall remain in force for a period of two years. Representatives of the two Governments will meet annually or as mutually deemed necessary, but in any event prior to the expiration of the period of validity of this agreement, to review its operation and decide on future arrangements.

The two Governments further agree, in connexion with the provisions of paragraph 2 (b) of this agreement, to consult within one year regarding all matters of mutual concern related to the fisheries for Pacific salmon.

11. AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON CERTAIN FISHERY PROBLEMS ON THE HIGH SEAS IN THE WESTERN AREAS OF THE MIDDLE ATLANTIC OCEAN. SIGNED AT WASHINGTON ON 11 DECEMBER 1970¹

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics,

Considering it desirable that the fisheries in the Western areas of the high seas in the Middle Atlantic Ocean be conducted on a rational basis with due attention to their mutual interest, proceeding from generally recognized principles of international law,

Considering it necessary to conduct the fisheries in the said areas with due consideration of the state of fish stocks, based on the results of scientific investigations, for the purpose of ensuring the maintenance of maximum sustainable yields and the maintenance of the said fisheries,

Taking into account the need for expanding and co-ordinating scientific research in the field of fisheries and the exchange of scientific data,

Have agreed on the following:

1. The Government of the United States of America and the Government of the Union of Soviet Socialist Republics consider it desirable to expand research pertaining to the species of fish of interest to both parties, on a national basis as well as in the form of co-ordinated research according to agreed programmes. The competent agencies of both Governments shall ensure the following, at least on an annual basis:

(a) An exchange of scientific and statistical data, published works and the results of fishery research;

(b) Meetings of scientists and, in appropriate cases, the participation of the scientists of each Government in fishery research conducted on the research vessels of the other Government.

Each Government will take the necessary steps to ensure that its competent agencies conduct the corresponding fishery research and develop the most rational fishing technology in accordance with a co-ordinated programme, which has been developed by the scientists of both countries.

2. The Government of the United States of America and the Government of the Union of Soviet Socialist Republics, for the purpose of reproduction

¹ United Nations, *Treaty Series*, vol. 777, no. 11065. Entered into force on 1 January 1971 in accordance with article 10. See also the Protocol to this Agreement, constituting an integral part thereof, reproduced *infra* 17.

and maintenance of fish stocks, will take appropriate measures to ensure that their citizens and vessels will:

(a) Refrain from fishing during the period from 1 January through 15 April, to ensure access of red hake and silver hake to the spawning grounds and to protect certain winter concentrations of scup and flounders; said abstention will apply to an area of the Mid-Atlantic bounded by straight lines connecting the following co-ordinates in the order listed:

<i>North latitude</i>	<i>West longitude</i>
40° 05'	71° 40'
39° 50'	71° 40'
37° 50'	74° 00'
37° 50'	74° 25'
38° 24'	73° 44'
39° 40'	72° 32'

(b) Refrain from increasing the catch of red hake, silver hake, scup, flounders, and black sea bass above the 1967 levels in the waters situated west and south of Sub-area 5 of the Convention area of the 1949 International Convention for the Northwest Atlantic Fisheries and north of 34° North Latitude;

(c) Refrain, in the waters specified in sub-paragraph (b) of this paragraph, from conducting specialized fisheries for scup and flounders in all instances, and from increasing their incidental catch of these species, that is, the catch taken unintentionally when conducting specialized fisheries for other species;

(d) Refrain, in the waters specified in sub-paragraph (b) of this paragraph, from fishing menhaden during the period from January 1 through April 30;

(e) The provisions of sub-paragraphs (a), (b) and (c) of this paragraph shall not apply to vessels under 110 feet in length, nor to vessels fishing for crustacea or molluscs.

3. Both Governments will take appropriate measures to ensure that their citizens and vessels will, in the waters covered by this Agreement, conduct their fishing with due regard for the conservation of the stocks of fish.

4. Fishing vessels of the Union of Soviet Socialist Republics may conduct loading operations in the waters of the nine-mile fishery zone contiguous to the territorial sea of the United States of America in the following areas bounded by straight lines connecting the coordinates in the order listed:

(a) during the period from November 15 through May 15

<i>North latitude</i>	<i>West longitude</i>
40° 44' 00''	72° 27' 00''
40° 38' 00''	72° 27' 00''
40° 34' 31''	72° 40' 00''
40° 32' 41''	72° 46' 26''
40° 32' 32''	72° 53' 26''
40° 36' 54''	72° 53' 26''
40° 40' 55''	72° 40' 00''

(b) during the period from September 15 through May 15

<i>North latitude</i>	<i>West longitude</i>
39°38'05''	74°02'06''
39°35'06''	73°55'24''
39°32'30''	73°57'18''
39°35'30''	74°04'00''

5. Fishing vessels of the Union of Soviet Socialist Republics may fish during the period from January 1 through March 31, within the nine-mile fishery zone contiguous to the territorial sea of the United States of America, in the waters bounded by straight lines connecting the following coordinates in the order listed:

<i>North latitude</i>	<i>West longitude</i>
40°40'55''	72°40'00''
40°34'31''	72°40'00''
40°32'41''	72°46'26''
40°32'32''	72°53'26''
40°36'54''	72°53'26''

6. Each Government will, within the scope of its domestic laws and regulations, facilitate entry into appropriate ports for fishing and fishery research vessels of the other Government. This shall apply with respect to the procedure for presenting crew lists for the above-mentioned vessels and to the providing of fresh water, fuel and provisions.

7. Under conditions of force majeure, each Government will, within the scope of its domestic laws and regulations, facilitate entry of fishing and fishery research vessels into its respective open ports after appropriate notification has been given.

8. Both Governments consider it useful to arrange, when appropriate, for visits of representatives of fishermen's organizations of the two countries to each other's fishing vessels operating in the western part of the Mid-Atlantic. Such visits may be arranged on mutually agreeable terms determined in each particular case by the Regional Director of the National Marine Fisheries Service in Gloucester, Massachusetts and the chiefs of the joint fleet expeditions of the Main Administrations "ZAPRYBA" or "SEVRYBA" as appropriate.

9. Nothing in this Agreement shall be interpreted as prejudicing the views of either Government with regard to freedom of fishing on the high seas or to traditional fisheries.

10. This Agreement constitutes an extension and modification of the provisions of the Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics signed in Washington on 13 December 1968. The present Agreement shall enter into force on 1 January 1971, and shall remain in force through 31 December 1972. At the request of either Government, representatives of the two Governments will meet at a mutually convenient time with a view to modifying the present Agreement. In any event, representatives of the two Governments will meet at a mutually convenient time prior to the expiration of the period of validity of this Agreement to review the operation of this Agreement and to decide on future arrangements.

12. (i) EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN THE GOVERNMENT OF JAPAN AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA REGARDING THE KING AND TANNER CRAB FISHERIES IN THE EASTERN BERING SEA. TOKYO, 11 DECEMBER 1970¹

THE AMBASSADOR TO THE MINISTER OF FOREIGN
AFFAIRS OF JAPAN²

Tokyo, 11 December 1970

Excellency:

I have the honour to acknowledge receipt of Your Excellency's note of today's date, which reads as follows:

"Excellency:

I have the honour to refer to the consultation between the representatives of the Government of Japan and the Government of the United States of America in regard to the king and tanner crab fisheries in the eastern Bering Sea, held in Tokyo from 10 November to 24 November 1970, and to confirm, on behalf of the Government of Japan, the following understandings which shall replace the previous agreement between the two Governments on the king crab fishery in the eastern Bering Sea contained in the exchange of notes on 25 November 1964, as extended and modified by the exchange of notes on 29 November 1966, and 23 December 1968, respectively:

1. The Government of Japan holds the view that king crabs and tanner crabs are high seas fishery resources, and that nationals and vessels of Japan are entitled to continue fishing for king crabs and tanner crabs in the eastern Bering Sea.

2. The Government of the United States of America is of the view that king crabs and tanner crabs are natural resources of the continental shelf over which the coastal state (in this case the United States of America) has exclusive jurisdiction, control, and rights of exploitation.

3. However, the two Governments, having regard to the fact that nationals and vessels of Japan have over a period of years exploited the crab resources in the eastern Bering Sea, have agreed, without prejudice to their respective positions as described above as follows:

(1) The fisheries for king and tanner crabs by nationals and vessels of Japan in the eastern Bering Sea will continue in and near the water which have been fished historically by Japan; that is, those waters in which migrate the crab stocks exploited in the past by Japan; provided that in order to avoid overfishing of the crab resources in the eastern Bering Sea, the Government of Japan ensures that the annual commercial catch of king crabs by nationals and vessels of Japan for the years 1971 and 1972 shall be equivalent to 37,500 cases respec-

¹ United Nations, *Treaty Series*, vol. 776, No. 11063. Entered into force on 11 December 1970.

² The note from the Minister of Foreign Affairs of Japan to the American Ambassador is not reproduced here since its translation appears in this American note.

tively (one case being equivalent to 48 half-pound cans) and that the annual commercial catch of tanner crabs by nationals and vessels of Japan for the years 1971 and 1972 respectively, shall not exceed 14,600,000 crabs with an allowance of 10 per cent.

- (2) The two Governments shall apply such interim measures as described in the Appendix to this note to their respective nationals and vessels fishing for king and tanner crabs in the eastern Bering Sea.
- (3) The International Commission under the North Pacific Fishery Convention will be asked by the two Governments to continue and intensify the study of the king and tanner crab resources in the eastern Bering Sea and to transmit to the two Governments annually by November 30 the findings of such study, including also, to the extent possible, an estimate of the maximum sustainable yield of the resources.
- (4) For the purpose of carrying out faithfully measures under the provisions of the proviso of sub-paragraph (1) and the provisions of sub-paragraph (2) of this paragraph, the two Governments shall take appropriate and effective measures respectively, and either Government shall, if requested by the other Government, provide opportunity for observation of the conduct of enforcement.
- (5) The two Governments shall meet before December 31, 1972, to review the operation of these arrangements and the condition of the king and tanner crab fisheries of the eastern Bering Sea, and decide on future arrangements, bearing in mind paragraphs 1 and 2, and the introductory part of this paragraph, and the United States President's assurance of May 20, 1964, that full consideration would be given to Japan's long established fishery for king crab.

I have further the honor to propose that this note and Your Excellency's reply confirming the above understandings on behalf of your Government shall be regarded as constituting an agreement between the two Governments.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration."

I have further the honour to confirm the above understandings on behalf of the Government of the United States of America and to agree that Your Excellency's note and this reply shall be regarded as constituting an agreement between the two Governments.

I avail myself etc.

Armin H. MEYER

His Excellency
Kiichi Aichi
Minister of Foreign Affairs
Tokyo

Appendix

A. Female and soft-shelled king and tanner crabs, and small king crabs less than 15.8 cms. in maximum carapace width shall not be retained and used. Any such crabs which might be taken incidentally, any king crabs taken in excess of that number required to attain the 37,500 case quota, and any tanner crabs taken in excess of the agreed quota shall be returned immediately to the sea with a minimum of injury.

B. King crabs and tanner crabs shall not be taken in 1971 or 1972 by means of fishing gear other than pots and tanglenets. The stretched diagonal measure of tanglenet mesh shall be no less than 50 cms.

C. Unless otherwise agreed by the two Governments, only pots may be used to capture king and tanner crabs for commercial purposes in the area lying seaward of the United States territorial sea and within the following described boundaries: a line running from a point on the Bering Sea coast of the Alaska Peninsula due west along 55° 54' North Latitude to its intersection with a line passing between 56° 20' North Latitude, 163° 00' West Longitude and 55° 16' North Latitude, 166° 10' West Longitude, thence south-westerly along the said line to its intersection with a line passing between Cape Navarin and Cape Sarichef at 55° 16' North Latitude and 166° 10' West Longitude, thence south-easterly along the Cape Navarin-Sarichef line to Cape Sarichef.

(ii) AGREED MINUTES

The representatives of the Government of the United States of America and the Government of Japan have agreed to record the following in connexion with the notes exchanged today between Ambassador Meyer and Foreign Minister Aichi concerning the king and tanner crab fisheries in the eastern Bering Sea:

1. It is agreed that the two Governments will improve to the maximum extent possible the implementation of those measures necessary to enforce the provisions of the agreement.

2. It is agreed that the respective Governments would take all possible measures to ensure that their nationals and vessels refrain from engaging in such harmful practices as would result in pollution of the seas and would have deleterious effects upon the health and wellbeing of the living resources thereof.

3. It is recognized to be appropriate that, with respect to cases of gear conflict which may arise between the fisheries of the two countries, prompt consultation be held between the parties concerned as necessary in each case.

For the United States Delegation:
Lester E. EDMOND

For the Japanese Delegation:
Yoshio OKAWARA

13. (i) EXCHANGE OF NOTES CONSTITUTING AGREEMENTS BETWEEN THE GOVERNMENT OF JAPAN AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING CERTAIN FISHERIES OFF THE UNITED STATES COAST AND SALMON FISHERIES. TOKYO, 11 DECEMBER 1970¹

I

THE AMERICAN AMBASSADOR TO THE MINISTER OF FOREIGN AFFAIRS OF JAPAN²

Tokyo, 11 December 1970

Excellency:

I have the honour to acknowledge receipt of Your Excellency's note of today's date, which reads as follows:

“Excellency:

I have the honor to refer to the consultation between the representatives of the Government of Japan and the Government of the United States of America held in Tokyo from November 10 to November 24, 1970, concerning certain fisheries off the coast of the United States of America and to confirm on behalf of my Government the following arrangements which shall replace the previous arrangements contained in the exchange of notes on May 9, 1967, as extended and modified by the exchange of notes on December 23, 1968:

1. The Government of Japan will take necessary measures to ensure that the nationals and vessels of Japan will not engage in fishing except such fishing as listed below in the waters which are contiguous to the territorial sea of the United States of America and extend to a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured.

- (1) Crab fishing in the waters off St. George Island in the Pribilofs.
- (2) Dragnet and longline fishing in the waters off the Bering Sea Coast of the Aleutian Islands:
 - (a) Between 169° and 172° West longitude;
 - (b) West of 176° West longitude;
 - (c) From December 1 to May 31 inclusive, between 165° and 166° 45' West longitude;
 - (d) From February 16 to September 14 inclusive, between 166° 45' West longitude and 169° West longitude;
 - (e) From April 1 to October 31 inclusive, between 172° West longitude and 176° West longitude.

¹ United Nations, *Treaty Series*, Vol. 776, No. 11062. Entered into force on 11 December 1970.

² The note from the Foreign Minister of Japan to the American Ambassador is not reproduced here since its translation appears in this note.

- (3) Dragnet and longline fishing off the Pacific Coast of the Aleutian Islands:
 - (a) Between 169° and 172° West longitude;
 - (b) West of 178° 30' West longitude;
 - (c) From February 16 to September 14 inclusive, between 166° and 169° West longitude;
 - (d) From April 1 to October 31 inclusive, between 172° and 178° 30' West longitude.
- (4) Dragnet and longline fishing off St. George Island in the Pribilofs.
- (5) Tuna fishing in all waters except off the mainland of the continental United States of America (including Alaska), Puerto Rico, the Virgin Islands, Panama Canal Zone, and Hawaii, Maui, Molokai, Oahu, Kauai, Lanai, and Niihau of the Hawaiian Islands.
- (6) Whaling in all waters off the coast of the State of Alaska except off the Pacific coast between 150° and 163° West longitude
 2. In addition to the areas of fishing listed in paragraph 1, the areas for loading operations by nationals and vessels of Japan shall be as follows:
 - (1) Near Destruction Island in the State of Washington in the waters between 47° 36' North latitude, and 47° 45' North latitude.
 - (2) Near Forrester Island in the State of Alaska in the waters bounded on the north by 54° 54' North latitude on the east by 133° 16' West Longitude, and on the south by 54° 44' North latitude.
 - (3) On the east side of Kayak Island in the State of Alaska in the waters between 59° 48' and 59° 56' North latitude west of 143° 53' West longitude and on the west side of Kayak Island in the waters between 59° 52' and 60° 07' North latitude east of 145° West longitude.
 - (4) North of Tonki Cape on Afognak Island in the State of Alaska in the waters bounded on the north by 58° 25' North latitude, on the west by 152° 02' West longitude and on the east by 151° 52' West longitude.
 - (5) Near the Semidi Islands in the State of Alaska in the waters between 56° North latitude and 56° 19' North latitude.
 - (6) On the west side of Sanak Island in the State of Alaska in the waters bounded on the north by 54° 36' North latitude, on the south by 54° 26' North latitude, on the west by 163° 05' West longitude and on the east by 162° 40' West longitude.
 - (7) On the north side of Unalaska Island in the State of Alaska in the waters between 167° 30' West longitude and 167° 35' West longitude.
 - (8) On the north side of St. Matthew Island, Alaska in the Bering Sea in the waters between 172° 29' West longitude and 172° 46' West longitude, and on the south side of St. Matthew Island in the waters between 172° 17' West longitude and 172° 35' West longitude and in the waters between 172° 54' West longitude and 173° 04' West longitude.

3. Nothing in the present arrangements shall be deemed to prejudice the claims of either Government in regard to the jurisdiction of a coastal State over fisheries.

4. The present arrangements shall be effective as of January 1, 1971, and shall continue in effect until December 31, 1972, provided that in regard to the fishing as specified in paragraph 1 (2) (c), the present arrangements shall continue in effect until May 31, 1973. The two Governments shall meet before December 31, 1972, to review the operation of the present arrangements and to decide on future arrangements.

I have further the honor to propose that this note and Your Excellency's reply confirming the above understandings on behalf of the Government of the United States of America shall be regarded as constituting an agreement between the two Governments.

I avail myself etc.''

I have further the honour to confirm the above understandings on behalf of the Government of the United States of America and to agree that Your Excellency's note and this reply shall be regarded as constituting an agreement between the two Governments.

I avail myself etc.

Armin H. MEYER

His Excellency
Kiichi Aichi
Minister of Foreign Affairs, Tokyo

II

THE AMERICAN AMBASSADOR TO THE MINISTER OF FOREIGN AFFAIRS OF JAPAN¹

Tokyo, December 11, 1970

Excellency,

I have the honour to acknowledge receipt of Your Excellency's note of today's date, which reads as follows:

"Excellency:

With reference to the notes exchanged today between Your Excellency and myself concerning certain fisheries off the coast of the United States of America, I have the honor to confirm, on behalf of the Government of Japan, the following understanding reached between the representatives of the two Governments concerning salmon fishing.

With regard to the salmon fishing carried out in the waters which are contiguous to the territorial sea of the United States of America and extend to a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured west of the provisional lines specified in the International Convention for the High Seas Fisheries of the North Pacific Ocean, each Government will pay due regard to the position maintained by the other with respect to the interpretation and implementation of the said Convention.

¹ The note from the Foreign Minister of Japan to the American Ambassador is not reproduced here since its translation appears in this note.

I have further the honor to propose that this note and Your Excellency's reply confirming the above understanding on behalf of the Government of the United States of America shall be regarded as constituting an agreement between the two Governments.

I avail myself etc."

I have further the honour to confirm the above understandings on behalf of the Government of the United States of America and to agree that Your Excellency's note and this reply shall be regarded as constituting an agreement between the two Governments.

I avail myself etc.

Armin H. MEYER

His Excellency
Kiichi Aichi
Minister of Foreign Affairs, Tokyo

III

THE MINISTER OF FOREIGN AFFAIRS OF JAPAN TO THE AMERICAN AMBASSADOR¹

Tokyo, 11 December 1970

Excellency,

I have the honour to refer to the arrangements set forth in the notes exchanged today between us concerning certain fisheries off the coast of the United States of America and to inform Your Excellency of the following:

The Government of Japan will take necessary measures to ensure that, with a view to preventing conflict of fishing gear during periods of high concentration of such gear, nationals and vessels of Japan will not, during the duration of the above-mentioned arrangements, engage in the following fishing in the waters and during the periods specified below respectively:

1. Dragnet and longline fishing from August 20 to April 30 of the following year inclusive:

Off Kodiak Island seaward of a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured in the six areas bounded respectively by straight lines connecting in each of the following groups the coordinates in the order listed:

(i) <i>North latitude</i>	<i>West longitude</i>
57° 15'	154° 51'
56° 57'	154° 34'
56° 21'	155° 40'
56° 26'	155° 55'
57° 15'	154° 51'

¹ Translation by the Government of the United States of America.

(ii)	<i>North latitude</i>	<i>West longitude</i>
	56° 27'	154° 06'
	55° 46'	155° 27'
	55° 40'	155° 17'
	55° 48'	155° 00'
	55° 54'	154° 55'
	56° 03'	154° 36'
	56° 03'	153° 45'
	56° 30'	153° 45'
	56° 30'	153° 49'
	56° 27'	154° 06'
(iii)	<i>North latitude</i>	<i>West longitude</i>
	56° 30'	153° 49'
	56° 30'	153° 00'
	56° 44'	153° 00'
	56° 57'	153° 15'
	56° 45'	153° 45'
	56° 30'	153° 49'
(iv)	<i>North latitude</i>	<i>West longitude</i>
	57° 05'	152° 52'
	56° 54'	152° 52'
	56° 46'	152° 37'
	56° 46'	152° 20'
	57° 19'	152° 20'
	57° 05'	152° 52'
(v)	<i>North latitude</i>	<i>West longitude</i>
	57° 35'	152° 03'
	57° 11'	151° 14'
	57° 19'	150° 57'
	57° 48'	152° 00'
	57° 35'	152° 03'
(vi)	<i>North latitude</i>	<i>West longitude</i>
	58° 00'	152° 00'
	58° 00'	150° 00'
	58° 12'	150° 00'
	58° 19'	151° 29'
	58° 00'	152° 00'

2. Dagnet and longline fishing from September 15 to February 15 of the following year inclusive:

Off Unimak Island seaward of a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured in the area bounded by straight lines connecting the following coordinates in the order listed:

<i>North latitude</i>	<i>West longitude</i>
54° 10'	163° 04'
53° 28'	166° 00'
54° 00'	166° 00'
54° 00'	165° 00'
54° 33'	164° 00'
54° 33'	163° 04'
54° 10'	163° 04'

3. Dragnet and longline fishing during the first 15 consecutive days of the halibut fishing season in the following areas. Information as to the dates of the first 15 consecutive days of the season shall be provided no less than one month in advance to the Government of Japan by the Government of the United States of America:

- (1) The area bounded by straight lines connecting the following coordinates in the order listed:

<i>North latitude</i>	<i>West longitude</i>
59° 28'	150° 00'
59° 28'	147° 41'
58° 30'	148° 30'
58° 42'	150° 20'

- (2) The area bounded by straight lines connecting the following coordinates in the order listed:

<i>North latitude</i>	<i>West longitude</i>
58° 05'	150° 27'
58° 05'	148° 47'
57° 40'	150° 05'

- (3) The area seaward of a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured bounded by straight lines connecting the following coordinates in the order listed:

<i>North latitude</i>	<i>West longitude</i>
56° 24'	156° 30'
56° 18'	155° 48'
55° 31'	156° 04'
55° 30'	156° 31'

4. Dragnet and longline fishing throughout the year in the waters off the coast of the State of Washington between 46° 14' North latitude and 46° 56' North latitude landward of the isobath of 110 metres.

5. Dragnet fishing during the period specified below, or in the event the Government of Japan is informed by the Government of the United States of America no less than one month in advance of a change in the halibut fishing season, the first 6 consecutive days of such season in each of the

following three areas respectively bounded by straight lines connecting the coordinates in the order listed:

<i>North latitude</i>	<i>West longitude</i>
(Polaris Grounds March 22-27 inclusive)	
55° 04'	167° 18'
54° 44'	166° 14'
54° 30'	166° 24'
54° 34'	167° 14'
54° 50'	167° 38'
(Misty Moon Grounds March 22-27 inclusive)	
56° 18'	170° 24'
56° 20'	169° 03'
56° 12'	168° 46'
55° 56'	169° 10'
55° 56'	170° 24'
(Corridor Grounds March 17-22 inclusive)	
58° 32'	175° 52'
58° 40'	174° 20'
57° 02'	173° 00'
56° 52'	173° 44'

I avail myself etc.

Kiichi AICHI
Minister for Foreign Affairs
of Japan

His Excellency
Armin H. Meyer
Ambassador Extraordinary and
Plenipotentiary of the United States
of America

(ii) AGREED MINUTES

The representatives of the Government of the United States of America and the Government of Japan have agreed to record the following in connexion with the notes exchanged today between Ambassador Meyer and Foreign Minister Aichi concerning certain fisheries off the coast of the United States of America and salmon fishing, and the note of Foreign Minister Aichi of today's date concerning certain fisheries off the coast of the United States of America and salmon fishing, and the note of Foreign Minister Aichi of today's date concerning dragnet and longline fishing in certain waters:

1. It is agreed that for the purposes of the arrangements set forth in the above-mentioned notes the term "the United States of America" does not include the Trust Territory of the Pacific Islands.

2. The Japanese representative stated that fishing effort by Japanese nationals and vessels in the waters which are contiguous to the territorial sea of the United States of America and extend to a limit of twelve nautical miles from the baseline from which the United States territorial sea is measured (hereinafter referred to as "the Waters") would not exceed the level of 1966 and that, with respect to dragnet fishing in the Waters, there would be no marked change in the present method of operating the fishing gear.

3. It is recognized to be appropriate that, with respect to cases of gear conflict which may arise between the fisheries of the two countries, prompt consultation be held between the parties concerned as necessary in each case.

4. It is agreed that, with respect to areas of heavy concentration of fishing operations of both countries, each Government will take appropriate measures aimed at prevention of damage to fishing gear of the vessels of both countries, including measures for improvement of the means for marking fixed gear, measures to ensure that fixed gear is set with due regard for the operation of mobile gear and measures to ensure that vessels operating with mobile gear will operate with due regard for fixed gear.

5. It is recognized that it might not be possible to fully prevent parts of longlines used in the tuna fishery from unintentionally and accidentally drifting into that part of the Waters where the Japanese Government agrees to ensure that Japanese nationals and vessels will not engage in the tuna fishery. Such cases as described above, when verified by the circumstances, will not be regarded as infringements of the above-mentioned arrangements.

6. It is agreed that the two Governments will improve to the maximum extent possible the implementation of those measures necessary to enforce the provisions of the agreement.

7. It is agreed that the respective Governments would take all possible measures to ensure that their nationals and vessels refrain from engaging in such harmful practices as would result in pollution of the seas and would have deleterious effects upon the health and well-being of the living resources thereof.

8. The Japanese representative stated that when fishing for tuna in the Waters Japanese tuna fishermen would not attempt to seek out concentrations of billfishes.

9. The Japanese representative stated that salmon fishing operations of nationals and vessels of Japan in the Waters would be conducted paying due regard to the conditions of the runs of salmon of Bristol Bay origin. The two Governments will hold consultations, if necessary on the problem of fishing for salmon of Bristol Bay origin.

10. The Japanese representative took cognizance of the existing bilateral agreements between the US and USSR and Poland with respect to certain species of fish in the Mid-Atlantic area on the high seas off the coast of the United States of America. The said representative stated that the target species of nationals and vessels of Japan operating in the area concerned consisted mainly of such species as butterfish, squid and argentine, species which are not covered by the said agreements, and that they would not harvest those

particular species covered by the agreements to such an extent as to impair the objectives of the said agreements.

For the United States Delegation:

Lester E. EDMOND

For the Japanese Delegation:

Yoshio OKAWARA

14. (i) EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF JAPAN AND THE COMMONWEALTH OF AUSTRALIA CONCERNING THE FISHERY IN THE AREA OFF THE COASTS OF THE TERRITORY OF PAPUA AND THE TRUST TERRITORY OF NEW GUINEA. TOKYO, 25 DECEMBER 1970¹

I

JAPANESE NOTE

Tokyo, 25 December 1970

Excellency,

I have the honour to refer to the consultations between the representatives of the Government of Japan and the Government of the Commonwealth of Australia recently held in Tokyo pursuant to the Agreement² on Fisheries between Japan and the Commonwealth of Australia signed on 27 November 1968 and to the understanding embodied in the Agreed Minutes² relating to the Territory of Papua and the Trust Territory of New Guinea of the same date. In these consultations the representatives of the two Governments reviewed the progress made in establishing joint venture fishing enterprises in the Territory of Papua and the Trust Territory of New Guinea. I have further the honour to confirm on behalf of the Government of Japan the following understanding reached as a result of such consultations:

1. Japanese vessels may engage in tuna long-line fishing in accordance with the provisions of the said Agreement in the waters specified in paragraph 28 of Article I thereof until 27 November 1973 or such later date as may be agreed in consultations between the two Governments.

2. The consultations referred to in paragraph 1 above will be held not later than 27 November 1974, and will be conducted in the light of progress made by that time in establishing joint venture fishing and fish processing enterprises.

¹ Entered into force on 25 December 1970.

² See *supra* 6.

I should be grateful if Your Excellency would confirm the foregoing understanding on behalf of the Government of the Commonwealth of Australia.

I avail myself etc.

(Signed) Kiichi AICHI
Minister for Foreign
Affairs of Japan

His Excellency
Mr. Gordon Freeth
Ambassador Extraordinary and
Plenipotentiary of the
Commonwealth of Australia
to Japan

II

AUSTRALIAN NOTE

25 December 1970

Excellency,

I have the honour to acknowledge receipt of Your Excellency's Note of today's date, which reads as follows:

“*[Japanese Note]*”

I have further the honour to confirm on behalf of the Government of the Commonwealth of Australia the understanding set forth in Your Excellency's Note.

I avail myself etc.

(Signed) Gordon FREETH
Ambassador

His Excellency
Mr. Kiichi Aichi
Minister for Foreign Affairs
Tokyo

(ii) AGREED MINUTES

The representative of the Government of Japan and the Government of the Commonwealth of Australia have agreed to record the following in connexion with the Notes exchanged today between the Minister for Foreign Affairs of Japan and the Ambassador Extraordinary and Plenipotentiary of the Commonwealth of Australia to Japan:

1. The representatives of the Government of Japan confirmed the intention of their Government to make every effort to see that joint venture fishing enterprises are established in the Territory of Papua and the Trust Territory

of New Guinea, particularly in relation to skipjack tuna fishing, and if possible in other fisheries such as coastal fisheries.

2. The representatives of the Government of the Commonwealth of Australia expressed a desire to foster the establishment of large-scale integrated operations in the Territory of Papua and the Trust Territory of New Guinea for the processing of fisheries products, including the manufacture of cans and canning, and fisheries by-products. They stated that their Government would welcome the participation of Japanese interests in establishing the above-mentioned operations, particularly in the Madang area.

3. The representatives of the Government of Japan stated that their Government had the intention to undertake as soon as possible feasibility studies in relation to fishery industry in the Madang area taking into full account the desire expressed by the representatives of the Government of the Commonwealth of Australia in this connexion.

4. The representatives of the Government of the Commonwealth of Australia stated that their Government would continue to consider promptly and sympathetically all proposals submitted to it by Japanese interests for the establishment of joint venture fishing enterprises.

5. It is understood that Japanese fishing vessels equipped for tuna long-line fishing may enter the ports of Rabaul and Madang until 31 December 1973. In the light of progress made in the matters referred to in paragraph 3, above, the Government of the Commonwealth of Australia will consider the extension of this period.

6. The representatives of the two Governments stated that it would be desirable that joint venture companies operate in such a manner as to contribute to the welfare of the people of the Territory of Papua and the Trust Territory of New Guinea.

7. The representatives of the Government of the Commonwealth of Australia stated that their Government had the obligation to give due consideration in the matters dealt with herein to the views expressed by the House of Assembly and the Administrators' Executive Council established by the Papua and New Guinea Act 1949-1968 of the Commonwealth of Australia.

The representatives of the Government of Japan took note of the above statement.

Tokio, 25 December 1970

For the Government of Japan:
(Signed) Kiichi AICHI

For the Government of the Commonwealth
of Australia:
(Signed) Gordon FREETH

15. AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON PROVISIONAL RULES OF NAVIGATION AND FISHERIES SAFETY IN THE NORTHEASTERN PACIFIC OCEAN OFF THE COAST OF CANADA. DONE AT MOSCOW ON 22 JANUARY 1971¹

The Government of Canada and the Government of the Union of Soviet Socialist Republics,

Considering it necessary to ensure the safety of life of fishermen and,
Desiring to establish good order in carrying out fishing operations in the northeastern Pacific Ocean off the coast of Canada,

Have agreed as follows:

Article I

Fishing operations by citizens and vessels of the two Parties shall be carried out in compliance with the Provisional Rules of Navigation and Fisheries Safety in the Northeastern Pacific Ocean off the Coast of Canada, hereinafter referred to as the "Rules", the text of which is attached hereto and forms an integral part of this Agreement.

Article II

In the "Rules", "fishing vessel" or "vessel" means any vessel engaged in the business of catching fish or of fish processing or in any operation connected with supplying or servicing such vessels.

Article III

The "Rules" shall apply eastward of 135 degrees 00 minutes west longitude and between 48 degrees 20 minutes north latitude and 54 degrees 10 minutes north latitude.

Article IV

Nothing in this Agreement shall be deemed to affect the rights, claims or views of either Party in regard to the limits of territorial waters or national fisheries limits, jurisdiction over fisheries, or the conduct of fishing on the high seas.

Article V

This Agreement shall enter into force on April 15, 1971.

The Agreement shall continue in force for a period of two years. If no Contracting Party gives notice six months before the expiration of the Agreement of its intention to terminate or amend the Agreement, then it shall be extended automatically for a further period of two years.

¹ Entered into force on 15 April 1971 in accordance with Article V. Text provided by the Permanent Representative of Canada to the United Nations in a note verbale of 9 June 1972.

PROVISIONAL RULES OF NAVIGATION
AND FISHERIES SAFETY IN THE NORTHEASTERN PACIFIC OCEAN
OFF THE COAST OF CANADA

The "Rules" shall apply eastward of 135 degrees 00 minutes west longitude and between 48 degrees 20 minutes north latitude and 54 degrees 10 minutes north latitude.

1. Identification and marking of fishing vessels

1.1. Each fishing vessel shall carry a national flag in good condition to be shown at the request of the competent authorities, including captains of fishing vessels.

1.2. The nationality of fishing vessels shall not be concealed in any manner whatsoever.

1.3. Fishing vessels of the two countries shall be registered and carry identification marks to ensure their prompt identification at sea.

1.4. 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, name of the port of registration, as well as the name of the owner of the vessel.

1.5. The Parties shall officially inform each other of their practices of marking vessels with registration letters and numbers, and name of the port of registration. Each Party shall immediately inform the other of any changes.

2. Marking of nets, longlines and other fishing gear

...

3. Additional visual and sound signals to be used by fishing vessels

...

4. Conduct of fishing operations

4.1. In addition to complying with the International Regulations for Preventing Collisions at Sea (1960), all vessels shall conduct their operations so as not to interfere with the operations of other fishing vessels or fishing gear.

4.2. Vessels arriving on fishing grounds where fishing vessels are already fishing or have set their gear for that purpose shall ascertain, through the authorized officers of their country or by any other convenient means, the position and extent of fishing 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.

4.3. 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.

...

4.5. The vessels engaged in trawling, as well as all the other vessels with fishing gear in motion, shall take all possible steps to avoid collisions, entanglement of fishing gear and anchor devices of other vessels on the fishing grounds.

4.6. In order to prevent damage of fishing gear all fishing vessels engaged in trawling as well as all other fishing vessels with fishing gear in motion shall be directed by the following:

4.6.1. Not to come up to a vessel which is drifting with fishing gear, shooting or hauling fishing gear, closer than two cables;

4.6.2. When choosing the direction and place for shooting the wires, paying out a purse seine or Danish seine, the navigators shall not interfere with the operations of the other vessels with trawling gear in motion, or drifting, shooting or hauling their fishing gear;

...

4.12. Except in cases of force majeure no vessel shall dump in the sea any articles or substances or remains of synthetic materials and fishing gear which may interfere with fishing or obstruct or cause damage to fish, fishing gear or fishing vessels.

4.13. No vessel shall use or have on board explosives intended for the catching of fish.

5. *Officers authorized to observe and implement the "Rules"*

5.1. To observe whether the present "Rules" are being complied with by the fishing vessels of the two countries, the Parties shall appoint authorized officers. The Parties shall inform each other of the names of these authorized officers, their office addresses (including telecommunications address) or the names and radio call signs of the vessels which carry such officers and the means and schedule of their contact, including the means of emergency contact.

5.2. The authorized officer shall carry a document of identity written in English and Russian which shows his full name and service rank. This document shall be signed in Canada by the Director of Fisheries, Pacific Region, and in the Union of Soviet Socialist Republics by the Chief, Far Eastern Board for Fisheries "DALRYBA", respectively.

5.3. Ships carrying authorized officers shall fly a flag signal consisting of a combination of a figure pennant and a flag of the International Code of Signals "8X".

5.4. The authorized officers may contact vessels and each other from surface ships only.

5.5. If an authorized officer has reason to believe that a vessel of the other Party is not complying with the provisions of the present "Rules" he shall immediately inform an authorized officer of the other Party, in as much detail as possible as to the place of the incident, the main facts and peculiarities of the incident, and his proposals for measures to eliminate infringements of the "Rules" and to reach a mutual solution to the problem.

...

5.7. The authorized officers shall maintain continual contact and notify each other of the places of concentrations of their fishing fleets, and of immovable fishing gear; in every case they shall supplement their information by the data necessary to provide for safety in fisheries.

16. AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON CO-OPERATION IN FISHERIES IN THE NORTH-EASTERN PACIFIC OCEAN OFF THE COAST OF CANADA. DONE AT MOSCOW ON 22 JANUARY 1971¹

The Government of Canada and the Government of the Union of Soviet Socialist Republics,

Being mutually interested in providing for the conduct of fishing operations in the northeastern Pacific Ocean off the coast of Canada with due respect to their interests,

Considering it desirable to create favourable conditions and proper order for conducting fishing operations by citizens and fishing vessels of the two countries in the above area,

Recognizing the need to conduct fishing operations in the above area on a scientific basis with due regard to conservation of fish stocks, and

Taking into consideration the desirability of developing and co-ordinating fisheries investigations and of exchanging scientific and fisheries data between the two countries,

Have agreed as follows:

Article I

Fisheries research in the northeastern part of the Pacific Ocean on species of fish and invertebrates of common interest may be conducted both on a national basis and in the form of co-operative investigations.

The competent agencies of the two Governments will arrange for the exchange of scientific data, fisheries data and results of research on the fisheries, for meetings of scientists and, when appropriate, for participation by scientists of each Government in investigations carried out on board research vessels of the other Government.

Co-operative fisheries investigations off the Pacific coast of Canada will be carried out in accordance with co-ordinated plans. Cruise plans of research vessels engaging in such investigations will be exchanged and confirmed in advance of actual operations, by correspondence between appropriate officials.

Article II

The Government of the Union of Soviet Socialist Republics shall take the necessary steps to ensure that its citizens and vessels abstain from fishing with trawls in the area adjacent to the territorial sea of Canada and bounded by straight lines connecting the following co-ordinates in the order as given below:

¹ Entered into force on 19 February 1971 in accordance with Article IX. Text provided by the Permanent Representative of Canada to the United Nations in a note verbale of 9 June 1972.

<i>North latitude</i>	<i>West longitude</i>
48 degrees 54 minutes	126 degrees 00 minutes
48 degrees 41 minutes	126 degrees 00 minutes
48 degrees 27 minutes	125 degrees 40 minutes
48 degrees 27 minutes	125 degrees 25 minutes
48 degrees 34 minutes	125 degrees 17 minutes

Article III

The Government of Canada will permit fishing vessels of the Union of Soviet Socialist Republics to conduct fishing with trawls in the territorial sea of Canada between 3 and 12 miles from the baseline from which the Canadian territorial sea is measured in the area off the west coast of Moresby Island between 52 degrees 23 minutes north latitude and 52 degrees 56 minutes north latitude.

Each fishing vessel of the Union of Soviet Socialist Republics must notify in advance the Canadian Director of Fisheries, Pacific Region, or the Captain of a Canadian fisheries vessel designated by the Director, of the name of the vessel and date of arrival in the area.

Article IV

The two Governments shall take the necessary steps to ensure that fishing operations by citizens and vessels of the two Parties are conducted in compliance with the Agreement between the Government of Canada and the Government of the Union of Soviet Socialist Republics on provisional rules for navigation and fisheries safety in the northeastern Pacific Ocean off the coast of Canada, signed on January 22, 1971.¹

Article V

The two Governments shall take appropriate steps to ensure, so far as may be practicable, that wastes resulting from fishing operations are not discarded at sea in depths of less than 1000 metres and that no fishing gear or parts thereof are discarded at sea.

Article VI

The Government of Canada will permit supply vessels (tankers, refrigerated and common transports) of the fishing fleet of the Union of Soviet Socialist Republics to call at the ports of Prince Rupert and Vancouver, British Columbia, for the purpose of obtaining water, provisions and other supplies, in accordance with the customs and immigration laws of Canada.

Article VII

The Government of Canada will permit fishing vessels of the Union of Soviet Socialist Republics and their service vessels to conduct loading and unloading operations in Tasu Sound and in the territorial sea of Canada off the west coast of Moresby Island between 52 degrees 23 minutes north latitude and 52 degrees 56 minutes north latitude.

¹ *Supra* 15.

Such vessels will be permitted to enter Tasu Sound through an entrance corridor of Canadian internal waters extending 2 miles to the south and 2 miles to the north of the centre line of the entrance to Tasu Sound.

To ensure safe navigation each fishing or service vessel of the Union of Soviet Socialist Republics must notify the Canadian Director of Fisheries, Pacific Region, through the radio stations at Victoria, Tofino or Bull Harbour, preferably twelve hours but in no case less than two hours in advance of its expected time of arrival at the entrance to Tasu Sound.

Article VIII

Nothing in this Agreement shall be deemed to affect the rights, claims or views of either Party in regard to the limits of territorial waters or national fisheries limits, jurisdiction over fisheries, or the conduct of fishing on the high seas.

Article IX

The present Agreement shall enter into force on February 19, 1971, and remain in force for two years.

Representatives of the two Governments shall meet at a mutually acceptable time before the expiration of the present Agreement in order to review the effectiveness of the Agreement and to consider further measures.

17. PROTOCOL TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON CERTAIN FISHERY PROBLEMS ON THE HIGH SEAS IN THE WESTERN AREAS OF THE MIDDLE ATLANTIC OCEAN. SIGNED AT WASHINGTON ON 2 FEBRUARY 1971¹

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics,

Considering that interim measures are necessary for the conservation and protection of the stocks of river herring,

Considering that a common understanding is desirable on implementation of paragraph 6 of the Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on Certain Fishery Problems on the High Seas in the Western Areas of the Middle Atlantic Ocean,² hereinafter referred to as the Agreement,

Noting the discussions on these matters during the meeting of the two Governments in Washington in December 1970, and

Taking into account the provisions of paragraph 10 of the Agreement, Have agreed to the following:

1. The Government of the Union of Soviet Socialist Republics will take appropriate measures to ensure that its citizens and vessels will limit their

¹ United Nations, *Treaty Series*, Vol. 792, No. A-11065. Entered into force on 7 February 1971 in accordance with article 3.

² *Supra* 11.

catch of river herring so that it will not exceed 4,000 metric tons in each year in the waters specified in subparagraph (b) of paragraph 2 of the Agreement.

2. The Government of the United States of America, in implementation of paragraph 6 of the Agreement, will take appropriate measures to ensure the following:

(a) The provisions of paragraph 6 shall apply to the entry of not more than four Soviet fishing vessels or fishery support vessels each month into each of the ports of Baltimore and Philadelphia. In addition, and without regard to the foregoing, special provisions shall be made as necessary in furtherance of paragraph 6 regarding the entry of Soviet research vessels which are engaged in a mutually agreed research programme in accordance with the terms of paragraph 1 of the Agreement.

(b) The Government of the United States will accept applications for entry into the ports of Baltimore and Philadelphia pursuant to paragraph 6 either at the American Embassy in Moscow or at the Department of State in Washington at least seven days prior to entry. Applications may be made in Washington either by the Soviet Embassy or by a commercial shipping agent designated by the appropriate Soviet authorities.

(c) The Government of the United States at its Embassy in Moscow will accept crew lists in application for visas valid for a period of six months and for multiple entries into United States ports pursuant to the provisions of paragraph 6. Such a crew list shall be submitted at least 21 days prior to the first entry of a vessel into a port of the United States. Submission of an amended (supplemental) crew list subsequent to departure of a vessel from Soviet ports will also be subject to the provisions of this subparagraph, provided that visas issued thereunder shall only be valid for six months from the date of issuance of the original crew list visa. An application for port entry under subparagraph (b) of this paragraph shall specify if shore leave is requested under such a multiple entry visa.

(d) Subject to the provisions of the Agreement and this Protocol, it is understood that the entry of Soviet vessels into any United States port is subject to the applicable laws and regulations of the United States.

(e) Each of the above understandings may be modified by mutual consent at any time.

3. The above provisions shall form an integral part of the Agreement. This Protocol shall enter into force on 7 February 1971, and shall remain in force during the period of validity of the Agreement, subject to the provisions of paragraph 10 thereof.

18. AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS OF CERTAIN FISHERIES PROBLEMS IN THE NORTHEASTERN PART OF THE PACIFIC OCEAN OFF THE COAST OF THE UNITED STATES OF AMERICA. SIGNED AT WASHINGTON ON 12 FEBRUARY 1971¹

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics,

Being mutually interested in having the fisheries in the north-eastern part of the Pacific Ocean off the coast of the United States conducted with due attention to their respective interests, and

Considering it desirable that the fisheries in the said area be conducted with due regard to the conservation of fish stocks, and that measures be taken to prevent damage to the fishing gear used by fishermen of the two countries,

Have agreed on the following:

1. The Government of the United States of America and the Government of the Union of Soviet Socialist Republics consider it desirable to expand research pertaining to the species of fish of interest to both parties, on a national basis as well as in the form of co-ordinated research according to agreed programmes. The competent agencies of both Governments shall ensure the following, at least on an annual basis:

(a) An exchange of scientific and statistical data, published works and the results of fishery research;

(b) Meetings of scientists and, in appropriate cases, the participation of the scientists of each Government in fishery research conducted of each Government in fishery research conducted on the research vessels of the other Government.

Each Government will, within the scope of its domestic laws and regulations, facilitate entry into appropriate ports for research vessels of the other Government engaged in joint research.

2. Fishing vessels of the Soviet Union may fish and conduct loading operations within the nine-mile zone contiguous to the territorial sea of the United States in the following areas:

(a) In the Gulf of Alaska between 140° 30' west longitude and 142° 30' west longitude.

(b) Off the Bering Sea coast of the Aleutian Islands:

(1) Between 169° and 172° west longitude;

(2) West of 176° west longitude;

(3) From 16 February to 14 September inclusive, between 165° and 169° west longitude;

(4) From 1 April to 31 October inclusive, between 172° and 176° west longitude.

¹ United Nations, *Treaty Series*, Vol. 777, No. 11066. Entered into force on 12 February 1971.

(c) Off the Pacific Ocean coast of the Aleutian Islands:

- (1) Between 169° and 172° west longitude;
- (2) West of 178° 30' west longitude;
- (3) From 16 February to 14 September inclusive, between 166° and 169° west longitude;
- (4) From 1 April to 31 October inclusive, between 172° and 178° 30' west longitude.

Fishing effort in these areas will not exceed 1966 levels. In this connexion, statistics on fishing effort and catches by species in these areas will be provided on a regular basis.

3. In addition, fishing vessels of the Soviet Union may conduct loading operations in the following areas within the nine-mile zone contiguous to the territorial sea of the United States:

(a) On the north side of Nunivak Island in the Bering Sea between 166° 39' and 166° 51' west longitude, and on the south side of Nunivak Island between 165° 49' and 166° 01' west longitude.

(b) On the north side of St. Matthew Island in the Bering Sea between 172° 29' and 172° 46' west longitude and on the south side of St. Matthew Island between 172° 17' and 172° 35' west longitude and between 172° 54' and 173° 04' west longitude.

(c) On the north side of Unalaska Island between 167° 30' and 167° 35' west longitude.

(d) On the west side of Sanak Island in the waters bounded on the north by 54° 36' north latitude, on the south by 54° 26' north latitude, on the west by 163° 05' west longitude, and on the east by 162° 40' west longitude.

(e) Near the Semidi Islands in the Gulf of Alaska between 56° and 56° 19' north latitude.

(f) North of Marmot Island in the Gulf of Alaska between 151° 42' and 151° 52' west longitude.

(g) On the east side of Kayak Island in the Gulf of Alaska between 59° 52' and 59° 56' north latitude west of 143° 53' west longitude, and on the west side of Kayak Island between 59° 36' and 60° 00' north latitude.

(h) Near Forrester Island in the waters bounded on the north by 54° 54' north latitude, on the east by 133° 16' west longitude, and on the south by 54° 44' north latitude.

4. The Government of the Soviet Union will adopt the measures necessary to ensure that nationals and vessels of the Soviet Union:

(a) Refrain from fishing in the waters off the Pacific coast of the United States between 46° 14' and 46° 56' north latitude landward of the isobath of 110 metres;

(b) Refrain from concentrating fishing vessels during the period from 15 June to 15 September inclusive, between 47° 54' and 48° 28' north latitude east of 125° 10' west longitude;

(c) During the period 7 May to 21 May inclusive, refrain from fishing in the following areas:

(1) The area enclosed by straight lines connecting the following coordinates in the order listed:

<i>North latitude</i>	<i>West longitude</i>
59° 28'	150° 00'
59° 28'	147° 41'
58° 30'	148° 30'
58° 42'	150° 20'
59° 28'	150° 00'

(2) The area enclosed by straight lines connecting the following coordinates in the order listed:

<i>North latitude</i>	<i>West longitude</i>
58° 05'	150° 27'
58° 05'	148° 47'
57° 40'	150° 05'
58° 05'	150° 27'

(3) The waters seaward of the nine-mile zone contiguous to the territorial sea of the United States in the area enclosed by straight lines connecting the following coordinates in the order listed:

<i>North latitude</i>	<i>West longitude</i>
56° 24'	156° 30'
56° 18'	155° 48'
55° 31'	156° 04'
55° 30'	156° 31'
56° 24'	156° 30'

(d) During the period September 15 to February 15 inclusive, refrain from trawling in the waters seaward of the nine-mile zone contiguous to the territorial sea of the United States in the area enclosed by straight lines connecting the following coordinates in the order listed:

<i>North latitude</i>	<i>West longitude</i>
54° 10'	163° 04'
53° 28'	166° 00'
54° 00'	166° 00'
54° 00'	165° 00'
54° 33'	164° 00'
54° 33'	163° 04'
54° 10'	163° 04'

It is agreed that in the above area west of 164° 45' west longitude trawling may be conducted during the said period of time at depths of 200 metres or greater.

5. Both Governments will take appropriate measures to ensure that their nationals and vessels refrain from:

(a) Conducting bottom trawl fishing along the coast of the United States of America in the northeastern Pacific Ocean between the isobaths of 200 and 600 metres during the period December 15 to April 30 inclusive in the following areas:

- (1) 48° 10' to 47° 35' north latitude
- (2) 47° 00' to 46° 08' north latitude
- (3) 45° 50' to 45° 35' north latitude
- (4) 45° 09' to 44° 41' north latitude
- (5) 44° 10' to 43° 37' north latitude
- (6) 42° 00' to 41° 15' north latitude.

(b) Conducting a specialized fishery for rockfish in the waters off the coast of the United States of America south of 48° 10' north latitude. In this connection, the annual incidental catch of rockfish by nationals and vessels of the two countries in this area shall not exceed the 1969 level, and the masters of fishing vessels will be instructed to avoid conducting fishing operations in areas of rockfish concentrations. For purposes of this Agreement, the term "incidental catch" means a catch taken unintentionally in the course of conducting a specialized fishery for other species.

The provisions of this paragraph shall not apply to vessels under 110 feet in length.

6. The two Governments will take effective measures to prevent the use by their nationals and vessels of liners of such mesh size as to retain immature fish in trawling for bottom fish, and will also take all measures necessary to ensure the use in fishing for hake of bottom trawls with a mesh size in any of the parts no less than 60 to 70 millimetres or 2.4 to 2.8 inches, stretched mesh, including one knot (two bars). It is agreed that there will be no marked change in the manner in which bottom trawl gear is rigged and operated in 1971 and 1972.

7. The two Governments will take appropriate measures to ensure that their nationals and vessels refrain from fishing with mobile gear during the periods specified below at depths between 200 and 1000 metres and, bearing in mind the provisions of paragraph 9 of the Agreement, take additional precautions to avoid gear conflicts during the next seven days in the three areas enclosed by straight lines connecting the following co-ordinates in the order listed:

(a) March 22 to 27 inclusive:

<i>North latitude</i>	<i>West longitude</i>
55° 04'	167° 18'
54° 44'	166° 14'
54° 30'	166° 24'
54° 34'	167° 14'
54° 50'	167° 38'
55° 04'	167° 18'

(b) March 22 to 27 inclusive:

<i>North latitude</i>	<i>West longitude</i>
56° 18'	170° 24'
56° 20'	169° 03'
56° 12'	168° 46'
55° 56'	169° 10'
55° 56'	170° 24'
56° 18'	170° 24'

(c) March 17 to 22 inclusive:

<i>North latitude</i>	<i>West longitude</i>
58° 32'	174° 52'
58° 40'	174° 20'
57° 02'	173° 00'
56° 52'	173° 44'
58° 32'	174° 52'

8. The Government of the United States of America will take appropriate measures to ensure the following:

(a) Special measures will be taken to facilitate the entry of no more than four Soviet fishing vessels or fishery support vessels each month into each of the Ports of Seattle, Washington and Portland, Oregon. The Government of the United States will accept applications for entry into the Ports of Seattle and Portland pursuant to this paragraph either at the Embassy of the United States of America at Moscow or at the Department of State in Washington at least seven days prior to entry. Applications may be made in Washington either by the Embassy of the Union of Soviet Socialist Republics or by a commercial shipping agent designated by the appropriate Soviet authorities.

(b) The Government of the United States at its Embassy in Moscow will accept crew lists in application for visas valid for a period of six months and for multiple entries into United States ports pursuant to the provisions of this paragraph. Such a crew list shall be submitted at least 21 days prior to the first entry of a vessel into a port of the United States. Submission of an amended (supplemental) crew list subsequent to departure of a vessel from Soviet ports will also be subject to the provisions of this subparagraph, provided that visas issued thereunder shall only be valid for six months from the date of issuance of the original crew list visa. Application for port entry under subparagraph (a) of this paragraph shall specify whether shore leave is requested under such a multiple entry visa.

(c) Subject to the provisions of the Agreement, it is understood that the entry of Soviet vessels into any United States port is subject to the applicable laws and regulations of the United States.

(d) Each of the above understandings may be modified by mutual consent at any time.

9. Each Government will take appropriate measures with regard to areas of heavy concentration of fishing operations of both countries directed at prevention of damage to fishing gear, including:

(a) Measures leading to improvement of the means for marking fixed fishing gear and for reciprocal notification of areas in which fixed gear is concentrated;

(b) Measures to ensure that fixed gear is set with due regard for the operation of mobile gear;

(c) Measures to ensure that vessels operating with mobile gear will pass clearly marked fixed gear at a distance of not less than 400 metres from the nearest marker.

10. Both Governments will take appropriate measures to ensure that, to the extent practicable, waste materials are discharged at sea only in waters deeper than 1,000 metres. United States fishery authorities and Soviet fishing fleet commanders will inform each other of the location of items of fishing gear or other materials lost overboard which constitute a danger to fishing operations on common fishing grounds.

11. Both Governments consider it useful to arrange, when appropriate, for visits of representatives of fishermen's organizations of the two countries to each other's fishing vessels operating in the north-eastern part of the Pacific Ocean. Such visits may be arranged on mutually agreed terms determined in each particular case by the Regional Director of the United States National Marine Fisheries Service in Seattle, Washington or Juneau, Alaska, as may be appropriate, and the Chief of the Joint Expedition of the Main Administration of DALRYBA. It is agreed that at least two such visits should be arranged during each fishing season.

12. Should a change in the dates of closure of the areas specified in paragraph 4 (c) or paragraph 7 of the Agreement become necessary, the two Governments will consult through diplomatic channels, at the request of either Government, with a view to an appropriate change in such dates.

13. Nothing in this agreement shall be interpreted as prejudicing the views of either Government with regard to freedom of fishing on the high seas or to traditional fisheries.

14. This Agreement shall replace the Agreement of 13 February 1967 between the two Governments on certain fishery problems in the north-eastern Pacific Ocean, as extended 18 December 1967 and as amended and extended 31 January 1969. This Agreement shall remain in effect for a period of two years. At the request of either Government, representatives of the two Governments will meet at a mutually convenient time with a view to modifying the present Agreement. In any event, representatives of the two Governments will meet at a mutually convenient time prior to the expiration of the period of validity of this Agreement to review its operation and to decide on future arrangements.

19. (i) AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS RELATING TO FISHING FOR KING AND TANNER CRAB. SIGNED AT WASHINGTON ON 12 FEBRUARY 1971¹

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics,

Having considered in a spirit of mutual understanding their problems relating to the king and tanner crab fisheries on the continental shelf in the light of their ratifications of the Convention on the Continental Shelf adopted at Geneva, 1958,²

Taking into account the existing fishery of the Soviet Union for king and tanner crab in the eastern Bering Sea, and

Desiring to adopt the necessary measures for conserving the stocks of king crab and tanner crab in the fisheries areas provided for by the Agreement,

Have agreed as follows:

1. The king crab and tanner crab are natural resources of the continental shelf over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation in accordance with the provisions of Article 2 of the Convention on the Continental Shelf.

2. Nationals and vessels of the Soviet Union may continue to carry out commercial fishing for king and tanner crab on the continental shelf of the United States for a period of two years in that area of the eastern Bering Sea described in the appendix to this Agreement, provided that the annual commercial catch of king crab and tanner crab by Soviet nationals and vessels in such area shall not exceed 23,000 cases and 35,000 cases respectively of 48 half-pound cans each in 1971 and 1972.

3. Each Government will apply the measures specified in paragraphs 2 and 3 of the appendix to this Agreement to its nationals and vessels engaged in the king and tanner crab fisheries in the eastern Bering Sea. Either Government shall, if requested by the other Government, provide opportunity for observation of the conduct of enforcement of the provisions of this Agreement and for that purpose shall permit duly authorized officers of the other Government to board its vessels engaged in the king and tanner crab fisheries in the eastern Bering Sea. These officers will make a report on the results of their observations; the report will be forwarded to the flag Government for appropriate action of such should be necessary.

4. The two Governments will continue and intensify their study of the king and tanner crab resources in the eastern Bering Sea and will exchange annually by 30 November the data resulting from such study including also, to the extent possible, an estimate of the maximum sustainable yield of the resources. The data to be furnished by each Government may be prepared in according with its own methodology and shall include, but not be limited to, the categories of data described in the appendix to this Agreement. The

¹ United Nations, *Treaty Series*, Vol. 781, No. 1113Z. Entered into force on 12 February 1971.

² *Ibid.*, Vol. 499, p. 312. Reproduced in ST/LEG/SER.B/15, pp. 767-770.

two Governments will also provide for the exchange of scientific personnel engaged in the study of the king crab and tanner crab resources.

5. This Agreement shall replace the Agreement of 5 February 1965, between the two Governments relating to fishing for king crab¹, as amended and extended by the Agreements of 13 February 1967 and 31 January 1969. At the request of either Government, representatives of the two Governments will meet at a mutually convenient time with a view to modifying the present Agreement. In any event, representatives of the two Governments will meet at a mutually convenient time prior to the expiration of the period of validity of this Agreement to review the operation of the Agreement and to decide on future arrangements.

(ii) EXCHANGE OF LETTERS

1

12 February 1971

Dear Mr. Ambassador,

In connexion with the signing today of an Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the United States of America relating to fishing for king and tanner crab, I have the honour to confirm the following understandings and to propose that such understandings shall constitute an integral part of the Agreement:

1. The annual commercial catch of king crab by Soviet nationals and vessels in 1971 and 1972 in the area of the eastern Bering Sea described in the Agreement will not exceed 12,800 cases of 48 half-pound cans each. It is understood that in these circumstances the minimum size limit for king crabs taken and retained by Soviet nationals and vessels in 1971 and 1972 shall be 14.5 cms. in maximum carapace width.

2. The use of tangle nets in fishing for king and tanner crab by Soviet nationals and vessels will be reduced in 1971 and will be further reduced in 1972, looking to the subsequent termination of the use of tangle nets and their replacement by pot gear.

3. Scientists of the Soviet Union will conduct sampling observations aboard Soviet vessels at a convenient time to obtain data on the incidental catch of king crabs and tanner crabs in trawling for groundfish.

With respect,

V. KAMENTSEV
Deputy Minister of Fisheries of the Union
of Soviet Socialist Republics

Mr. Donald L. McKernan
Coordinator of Ocean Affairs and
Special Assistant for Fisheries and
Wildlife to the Secretary

¹ United Nations, *Treaty Series*, Vol. 541, p. 97.

II

12 February 1971

Dear Mr. Minister:

I refer to your letter of 12 February 1971 which reads as follows:

[See Letter I above]

I am pleased to inform you that the above understandings are acceptable to the Government of the United States of America as an integral part of the Agreement.

Sincerely yours,

Donald L. MCKERNAN
Coordinator of Ocean Affairs and Special Assistant
for Fisheries and Wildlife to the Secretary.

Mr. V. M. Kamentsev
Deputy Minister of Fisheries of the
Union of Soviet Socialist Republics.

20. AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS RELATING TO FISHING OPERATIONS IN THE NORTHEASTERN PACIFIC OCEAN. SIGNED AT WASHINGTON ON 12 FEBRUARY 1971¹

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics,

Being mutually concerned that fishing operations in the north-eastern Pacific Ocean carried on by the fishermen of the two countries be conducted with due consideration for the interests of both Parties,

Considering it desirable to take measures for the prevention of damage to the fishing gear used by the fishermen of both countries,

Considering it desirable also to provide for appropriate contacts between representatives of both Parties on questions related to the conduct of the fisheries,

Have agreed on the following measures:

1. The Parties will take measures to emphasize to their officials, fishing industry organizations and fishermen the importance of special efforts to protect fishing gear belonging to each side from damage by vessels and fishing gear of the other side, when conducting fishing operations in the north-eastern Pacific Ocean. Each Party will encourage the use by its officials, fishing industry organizations and fishermen of devices, detectable both day and night, to mark the location of fixed fishing gear. The Parties will inform each other of the devices and the manner in which they are used. Each Party will promote the exercise of necessary caution on the part of persons responsible for the operation of vessels and gear so as to aid to the maximum extent practicable

¹ United Nations, *Treaty Series*, Vol. 777, No. 11067. Entered into force on 12 February 1971.

in timely detection of the vessels and gear of the other Party and prevention of damage thereto.

2. In the waters seaward of the nine-mile zone contiguous to the territorial sea of the United States fishing operations using mobile fishing gear will not be conducted during the periods specified below in the six areas off Kodiak Island bounded respectively by straight lines connecting in each of the following groups the co-ordinates in the order listed:

(a) From August 15 to April 30 inclusive:

	<i>North latitude</i>	<i>West longitude</i>
(1)	57° 15'	154° 51'
	56° 57'	154° 34'
	56° 21'	155° 40'
	56° 26'	155° 55'
	57° 15'	154° 51'
(2)	56° 27'	154° 06'
	55° 46'	155° 27'
	55° 40'	155° 17'
	55° 48'	155° 00'
	55° 54'	154° 55'
	56° 03'	154° 36'
	56° 03'	153° 45'
	56° 30'	153° 45'
	56° 30'	153° 49'
	56° 27'	154° 06'
(3)	57° 05'	152° 52'
	56° 54'	152° 52'
	56° 46'	152° 37'
	56° 46'	152° 20'
	57° 19'	152° 20'
	57° 05'	152° 52'

(b) From August 15 to January 15 inclusive:

	<i>North latitude</i>	<i>West longitude</i>
(1)	56° 30'	153° 49'
	56° 30'	153° 00'
	56° 44'	153° 00'
	56° 57'	153° 15'
	56° 45'	153° 45'
	56° 30'	153° 49'
(2)	57° 35'	152° 03'
	57° 11'	151° 14'
	57° 19'	150° 57'
	57° 48'	152° 00'
	57° 35'	152° 03'

	<i>North latitude</i>	<i>West longitude</i>
(3)	58° 00'	152° 00'
	58° 00'	150° 00'
	58° 12'	150° 00'
	58° 19'	151° 29'
	58° 00'	152° 00'

3. The provisions of paragraph 2 shall not apply to small shrimp craft conducting trawling operations in such a way as not to interfere with fixed gear in the above areas, or to United States vessels engaged in scallop fishing operations.

4. It is understood that the right of fishermen of the Soviet Union to fish does not extend to waters within 12 nautical miles seaward from the baseline from which the territorial sea of the United States is measured.

5. It is understood that some vessels are likely to operate fixed gear outside the areas described in paragraph 2. Each Party will take special measures to promote the use by persons operating such vessels of means of marking such gear in addition to those ordinarily used. In order to inform the trawling fleet of the locations of such fixed gear, officials of the Alaska Department of Fish and Game, or of the United States National Marine Fisheries Service, and the Chief of the Joint Expedition of the Main Administration of DALRYBA will, if the necessity arises, transmit timely information to each other on the location of such vessels and fishing gear. Arrangements for such transmissions, including the designation of working frequencies and times of transmission, will be agreed upon between the above-mentioned officials. The persons responsible for the operation of trawlers will be given specific instructions regarding extraordinary precautionary measures to be taken when operating in the vicinity of fixed gear the positions of which have been reported, or other fixed gear which is detected.

6. The United States will carry out further research designed to develop a more effective and practical method for marking the location of fixed gear. Soviet technicians will co-operate with those of the United States in this effort, particularly in connexion with the testing of the effectiveness of new gear markers.

7. Each Party will immediately inform the other of damage to its fishing gear caused by the vessels or gear of the other Party in the north-eastern Pacific Ocean, through the arrangements provided for in paragraph 5 or through diplomatic channels.

8. This Agreement is without prejudice to the views and rights of either Party with respect to the conduct of fishing operations on the high seas.

9. The Parties consider it desirable to expand contacts between government officials, representatives of the fishing industry, and fishery scientific workers of both countries for the discussion of questions of mutual interest and the achievement of greater mutual understanding.

10. This Agreement shall replace the Agreement of 14 December 1964 between the two Governments relating to fishing operations in the north-eastern Pacific Ocean¹, as amended by the Agreement of 31 January 1969. This Agree-

¹ United Nations, *Treaty Series*, Vol. 531, p. 213.

ment shall remain in effect for a period of two years. At the request of either Government, representatives of the two Governments will meet at a mutually convenient time with a view to modifying the present Agreement. In any event, representatives of the two Governments will meet at a mutually convenient time prior to the expiration of the period of validity of this Agreement to review its operation and to decide on future arrangements.

21. REGULATIONS OF THE INTERNATIONAL PACIFIC HALIBUT COMMISSION ADOPTED PURSUANT TO THE PACIFIC HALIBUT FISHERY CONVENTION BETWEEN CANADA AND THE UNITED STATES OF AMERICA, SIGNED ON 2 MARCH 1953¹

22. AGREEMENT BETWEEN THE GOVERNMENT OF THE KINGDOM OF DENMARK AND THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC ON THE MUTUAL GRANTING OF FISHING RIGHTS IN THEIR RESPECTIVE FISHERY ZONES. DONE AT COPENHAGEN ON 1 JUNE 1971²

The Government of the Kingdom of Denmark and the Government of the Polish People's Republic,

Considering that a Polish fishery zone was established with effect from 1 January 1971 by Act of 12 February 1970,

Considering that a Danish fishery zone was established with effect from 1 July 1967 by Act No. 195 of 26 May 1965,³

Having regard to the fact that Polish and Danish fishermen have engaged in fishing in the Danish and Polish fishery zones for many years,

Desiring the further development and strengthening of mutual friendship and co-operation,

Have agreed as follows:

Article 1

1. Polish fishing vessels shall have the right, to the extent indicated below, to fish in the Danish fishery zone in the waters of the Skagerrak bounded in the west by a line running from the Hanstholm light to the Kap Lindesnes light in Norway and in the east by a line running from the Skagen light to the Pater Noster light in Sweden:

(a) Until 1 July 1972, between the 3- and 6- nautical mile limits reckoned from the baseline of the Danish territorial sea.

(b) For an indefinite period of time, between the 6- and 12- nautical mile limits reckoned from the baseline of the Danish territorial sea.

¹ See *supra* PART I, DIVISION IV, 3 (1).

² United Nations, *Treaty Series*, vol. 814, no. 11593. Entered into force on 15 December 1971 with retroactive effect from 1 January 1971 in accordance with Article 5. Translation by the Secretariat of the United Nations.

³ Reproduced in part in ST/LEG/SER.B/15, pp. 623-625.

2. The areas specified in paragraph 1 are indicated on the attached Danish chart No. 92, which constitutes an integral part of this Agreement.

Article 2

1. Danish fishing vessels shall have the right, to the extent indicated in paragraph 2, to fish in the Polish fishery zone, which is adjacent to the Polish territorial sea and extends for a distance of 12 nautical miles reckoned from the baseline of the Polish territorial sea defined by the co-ordinates 54°27'33" N, 19°38'34" E and 54°35'36" N, 18°48'36" E and running westwards along the Polish coast to the point 53°55'45" N, 14°13'41" E.

2. The right referred to in paragraph 1 shall apply, to the extent indicated below, to the portion of the Polish fishery zone lying between its eastern boundary in the Bay of Gdansk and a line running from Stilo (54°47'54" N, 17°43'54" E to the point 54°59'12" N, 17°36'54" E:

(a) Until 1 July 1972, between the 3- and 6- nautical-mile limits reckoned from the baseline of the Polish territorial sea;

(b) For an indefinite period of time, between the 6- and 12- nautical-mile limits reckoned from the baseline of the Polish territorial sea.

3. The areas specified in paragraph 2 are indicated on the attached Polish chart No. 501, which constitutes an integral part of this Agreement.

Article 3

The fishing vessels of one Contracting Party shall not fish within the fishery zone of the other Contracting Party for varieties of fish substantially different from those customarily caught in the past.

Article 4

Regulations issued by each of the Contracting Parties which relate to fishing and the defence of State frontiers shall be published sufficiently early to enable fishermen of the other Contracting Party to comply with them.

Article 5

This Agreement shall be ratified. The instruments of ratification shall be exchanged at Warsaw.

This Agreement shall enter into force on the date of the exchange of the instruments of ratification with effect from 1 January 1971.

Article 6

This Agreement is concluded for an indefinite period of time. However, either Contracting Party may denounce it by giving notice to that effect, in which case it shall cease to have effect upon the expiry of 12 months from the date of denunciation.

23. AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF NORWAY ON SEALING AND THE CONSERVATION OF THE SEAL STOCKS IN THE NORTHWEST ATLANTIC. DONE AT OTTAWA ON 15 JULY 1971¹

The Government of Norway and the Government of Canada:

Desirous of continuing and further developing the close co-operation in solving common problems concerning sealing and the conservation of the seal stocks in the Northwest Atlantic;

Desirous of developing and maintaining the most effective conservation measures in order to secure the best possible protection of the seal stocks in this area and a rational utilization of these resources;

Desirous of extending and co-ordinating their scientific research concerning the seal stocks in this area;

Desirous of ensuring that humane catching methods are used in sealing; and,

Desirous of taking effective steps jointly and separately in attaining these aims;

Have agreed as follows:

Article I

The area to which this agreement applies shall, subject to Article XII, include all waters of the Northwest Atlantic North of 45° North latitude and West of 45° West longitude.

Article II

This Agreement applies to harp seal (*Phoca groenlandica*).

On a proposal by the commission established under Article III the application of this agreement may be extended to hooded seal (*Cystophora cristata*), bearded seal (*Erignatus barbatus*) and walrus (*Odobenus rosmarus*).

Article III

The contracting parties shall establish a commission consisting of three representatives appointed by each country.

The commission shall hold at least one regular annual meeting at such time and place as may be agreed upon. The Chairman of the meeting shall be provided alternatively by Canada and Norway.

The representatives of the contracting parties attending meetings of the commission may be assisted by experts or advisers.

Each contracting party shall have one vote in the commission. Decisions shall be taken by unanimous vote.

¹ Entered into force on 22 December 1971 in accordance with Article XIII. Text provided by the Permanent Representative of Canada to the United Nations in a note verbale of 9 June 1972.

Article IV

The commission is entrusted with the following functions:

(a) On the basis of scientific and practical research to submit proposals to the contracting parties with regard to, inter alia, sealing and the conservation of the seal stocks, national quotas, opening and closing dates, humane hunting methods and the prevention of cruelty or suffering to the animals,

(b) To submit proposals to the contracting parties with regard to the establishment of inspection and control procedures required to ensure the implementation and enforcement of the provisions of this agreement,

(c) To submit proposals to the contracting parties concerning scientific research to be undertaken jointly or separately with respect to sealing and the conservation of the seal stocks, or concerning the co-ordination of such research.

Article V

The contracting parties undertake as far as possible to supply the commission with such information of a statistical, practical and scientific nature as the commission deems necessary for its work.

Article VI

Each contracting party shall bear the costs of its participation in the commission and of its scientific research.

Expenditures incurred in joint research projects and other joint expenditures shall be shared between the parties, as may be agreed in accordance with Article VII, following upon proposals of the commission.

Article VII

The proposals of the commission concerning conservation measures, other measures to regulate sealing activities, scientific research, the sharing of the expenses of joint research or other joint expenditures, and the extension of this agreement to other species, shall be submitted to the contracting parties for their approval and shall be binding upon them following such approval.

Approved proposals of the commission with regard to conservation measures and other measures to regulate sealing shall be put into effect by the parties not later than two months following approval, unless the parties agree otherwise.

Article VIII

Each contracting party undertakes to put into effect and enforce such measures as may be necessary to implement this agreement.

Article IX

Each contracting party shall be entitled, subject to this agreement, notwithstanding national quotas agreed by the contracting parties, to issue permits

to its nationals for the taking of the species covered by this agreement on the high seas or in its own territorial sea, for the following purposes:

- (a) For scientific research
- (b) For the local population
- (c) For expeditions, provided that the catch is used for food, animal feed or similar needs.

The contracting parties shall inform the commission of such permits issued.

Article X

Either contracting party may terminate this agreement by three years' notice in writing. No such notice shall be given by either party before December 31st, 1975.

Upon such notice the contracting parties shall as soon as possible enter into negotiations in good faith on future arrangements concerning conservation and sealing.

Article XI

By agreement of the contracting parties, other states interested in the conservation of the species referred to in this agreement may be invited to accede to Articles I to X of this agreement.

Article XII

Subject to the provisions of this agreement, in view of the fact that the movements of the seal herds are governed by unpredictable weather conditions and consequently that, in certain years, the ice on which the seals are concentrated drifts inside the Canadian territorial sea, Norwegian vessels engaged in sealing operations are allowed, notwithstanding the provisions of the Exchange of Notes between the Government of Canada and the Government of Norway of July 15th, 1971, to take seals

(a) Within the outer nine miles of the territorial sea on the Atlantic coast of Canada between 48°00' North latitude and 55°20' North latitude, and

(b) Up to but not closer than three miles from the nearest land in all the waters of Notre Dame Bay and of the Strait of Belle Isle northeast of a straight line drawn from the lighthouse at Amour Point to the lighthouse on Flowers Island in Flowers Cove, Newfoundland.

Norwegian sealing is not otherwise allowed in the Gulf of St. Lawrence.

Article XIII

This agreement is subject to ratification and shall enter into force on the date of the exchange of the instruments of ratification, which shall take place at Oslo as soon as possible.

24. EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF NORWAY CONSTITUTING AN AGREEMENT WITH RESPECT TO NORWEGIAN FISHING PRACTICES OFF THE ATLANTIC COAST OF CANADA. OTTAWA, 15 JULY 1971¹

I

Ottawa, July 15, 1971

Excellency,

I have the honour to refer to the discussions which have taken place between representatives of our Governments in Ottawa concerning the amendments of June 26, 1970, to the Territorial Sea and Fishing Zones Act of Canada², and the designation, by Order in Council P.C. 1971-366 of February 25, 1971³, of certain areas of the sea adjacent to the coast of Canada as fishing zones of Canada. In accordance with the understanding reached in these discussions, the Canadian Government proposes the following arrangements with respect to Norwegian fishing practices off the Atlantic coast of Canada:

1. Norwegian fishing vessels may continue, until January 1, 1975, to fish by long line for cod within Zone 1 (Gulf of St. Lawrence) of the fishing zones of Canada as described in the schedule to Order in Council P.C. 1971-366 of February 25, 1971, subject to the following conditions:

(a) That the total number of Norwegian fishing vessels permitted to engage in this fishery within Zone 1 in any one season from 15 August to 15 December shall not exceed 20 vessels;

(b) That the Norwegian vessels engaged in this fishery within Zone 1 shall fish no closer than twelve miles to the nearest shore, and no closer than twelve miles to a line joining Cape St. George with Cape Anguille;

(c) That the Norwegian vessels engaged in this fishery shall be subject, without discrimination, to the same regulations as Canadian vessels while operating within Zone 1. The Canadian authorities shall inform the Norwegian authorities of the regulations applicable to this Zone.

2. Norwegian fishing vessels shall no longer fish or conduct sealing operations within the territorial sea or fishing zones of Canada except as provided in sub-paragraph 1 of this paragraph and in Article XII of the Agreement between the Government of Canada and the Government of Norway on Sealing and the Conservation of the Seal Stocks in the Northwest Atlantic, signed at Ottawa on July 15th, 1971.⁴

3. The territorial sea on the Atlantic coast of Canada shall be measured from baselines as determined by the provisions of Annex A⁵ to this Note. The fishing zones of Canada on the Atlantic coast shall be those designated in Order in Council P.C. 1971-366 of February 25, 1971, as set out in Annex B⁵ of this Note.

¹ Entered into force on 15 July 1971. Text provided by the Permanent Representative of Canada to the United Nations in a note verbale of 9 June 1972.

² For the text of the Act and the amendments, see ST/LEG/SER.B/15, pp. 52-54 and *supra* PART I, DIVISION I, SUBDIVISION A, Chapter 1, 3(a).

³ *Supra* PART I, DIVISION IV, 3(k).

⁴ *Supra* 23.

⁵ Annexes are not reproduced here.

If the foregoing proposals are acceptable to your Government, I have the honour to propose that this Note and these Annexes, the English and French versions of which are equally authentic, and Your Excellency's reply, shall constitute an Agreement between the Government of Canada and the Government of Norway which shall enter into force on the date of your reply.

Accept, Excellency, etc.

(Signed) Mitchell SHARP
Secretary of State
for External Affairs

His Excellency Torfinn Oftedal
Ambassador of Norway
Ottawa

II

Royal Norwegian Embassy
Ottawa, July 15, 1971

Sir,

I have the honour to acknowledge receipt of your Note of July 15th, 1971, the text of which, in English, reads as follows:

[See Note I]

In reply I have the honour to inform you that the proposals set forth in your Note are acceptable to the Government of Norway, who agree that your Note of July 15th, 1971, and the Annexes thereto, the English and French versions of which are equally authentic, and this reply, shall constitute an Agreement between our two countries that shall enter into force on the date of this reply.

(Signed) Torfinn OFTEDAL
Ambassador of Norway

The Honourable Mitchell Sharp
Secretary of State for External Affairs
Ottawa

25. EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF DENMARK CONCERNING FISHERIES RELATIONS BETWEEN THE TWO COUNTRIES. OTTAWA, 27 MARCH 1972¹

I

Ottawa, March 25, 1972

Excellency,

I have the honour to refer to the discussions which have taken place between representatives of our Governments in Ottawa concerning the amendments

¹ Entered into force on 27 March 1972. Text provided by the Permanent Representative of Canada to the United Nations in a note verbale of 9 June 1972.

of June 26, 1970, to the Territorial Sea and Fishing Zones Act of Canada,¹ and the designation, by Order in Council P.C. 1971-366 of February 25, 1971,² of certain areas of the sea adjacent to the coast of Canada as fishing zones of Canada. In accordance with the understanding reached in these discussions, the Canadian Government proposes the following arrangements with respect to Danish fishing practices off the Atlantic coast of Canada:

1. Faroese fishing vessels may continue to fish for cod by trawl and by longline until January 1, 1972, in that part of the outer nine miles of the territorial sea of Canada where such vessels have fished during the period of five years immediately preceding December 31, 1970. The territorial sea on the Atlantic coast of Canada is measured from baselines as determined by the provisions of Annex A³ to this Note.

2. Faroese fishing vessels may continue to fish for cod until January 1, 1975, as follows:

- (a) (i) By trawl, east of the meridian of longitude 61° 30' West, and
- (ii) By longline, east of the meridian of longitude 61° 30' West to the south of Anticosti Island, and north of Anticosti Island, east of the meridian of longitude 63° 30' West, in Zone 1 (Gulf of St. Lawrence) of the fishing zones of Canada, as described in the schedule to Order in Council P.C. 1971-366 of February 25 (a copy of which is annexed hereto as Annex B³), outside a distance of 12 miles from the low water line of the coast and 12 miles from a line joining Cape St. George with Cape Anguille;

(b) By trawl, up to a distance of three miles from the low water line of the coast of St. Paul Island northeastward of a line passing through the lighthouse situated on St. Paul Island in a 315°/135° (true compass) direction.

3. Faroese fishing vessels may further continue to fish for cod by trawl until May 15, 1976, and by longline until December 31, 1976, in the areas described in sub-paragraph 2, on the same conditions as before January 1, 1975, save only that such continued fishing thereafter shall be on the basis of a licence or licences to be issued by the Canadian authorities.

4. Faroese fishing vessels may continue to fish for porbeagle shark by longline until January 1, 1975, in that part of Zone 1 (Gulf of St. Lawrence) of the fishing zones of Canada defined in the chart annexed hereto as Annex C, and thereafter for successive periods of two years, on the same conditions as before January 1, 1975, save only that such continued fishing shall be on the basis of a licence or licences to be issued by the Canadian authorities and may be terminated by the Canadian authorities upon not less than one year's notice in writing prior to the conclusion of any two-year period.

5. Faroese fishing vessels may retain other species caught incidentally while fishing for cod in accordance with the foregoing provisions of this Note.

6. Faroese fishing vessels shall be subject, without discrimination, to the same laws and regulations as Canadian fishing vessels while operating within the areas in which they may continue to fish pursuant to this Note. The Canadian

¹ For the text of the Act and the amendments, see ST/LEG/SER.B/15, pp. 52-54 and *supra* PART I, DIVISION I, SUBDIVISION A, Chapter 1, 3(a).

² *Supra* PART I, DIVISION IV, 3(k).

³ Annexes are not reproduced here.

authorities shall inform the Danish authorities of the fisheries regulations applicable to such areas. On transmission from the Canadian authorities, the Danish Government shall make known to the Faroese authorities these laws and regulations with a view to ensuring their strict observance. The Canadian Government shall not, without the agreement of the Danish Government, change the existing fishing laws and regulations previously made known to the Danish Government in a manner which would have the effect of curtailing the areas in which Faroese fishing vessels could, in practice, fish pursuant to this agreement.

7. If at any time before December 31, 1976, the Canadian Government considers that there has been a fundamental change in the intensity, character and pattern of the fishing carried on by Faroese fishing vessels in any of the areas referred to herein, the Canadian Government may raise the matter with the Danish Government and the two Governments shall review the situation.

If the foregoing proposals are acceptable to your Government, I have the honour to propose that this Note and these Annexes, the English and French versions of which are equally authentic, and Your Excellency's reply, shall constitute an agreement between the Government of Canada and the Government of Denmark which shall enter into force on the date of your reply.

Accept, Excellency, etc.

(Original signed) Mitchell SHARP
Secretary of State
for External Affairs

His Excellency Arne BORG ANDERSEN
Ambassador of Denmark
Ottawa.

II

Royal Danish Embassy

Ottawa, March 27, 1972

Sir,

I have the honour to inform you that the arrangements set out in your Note No. FLO-281 of March 27, 1972 regarding certain fishery matters are acceptable to my government and that your Note and my reply shall constitute an agreement between our two governments which shall enter into force on the date of this reply.

Accept, Sir, etc.

(Signed) Bogh ANDERSEN

The Honourable Mitchell Sharp
Secretary of State for External Affairs
Ottawa

26. AGREEMENT BETWEEN CANADA AND FRANCE ON THEIR MUTUAL FISHING RELATIONS. DONE AT OTTAWA ON 27 MARCH 1972¹

The Government of Canada and the Government of France,

Having regard to the fact that the Canadian Government has deemed it necessary, notably with a view to ensuring the protection of Canadian fisheries, to adopt certain measures relating to the delimitation of the territorial sea and the fishing zones of Canada,

Considering it desirable to adapt to present circumstances their mutual relations in fishery matters,

Have agreed as follows:

Article 1

The Government of France renounces the privileges established to its advantage in fishery matters by the Convention signed at London, on April 8, 1904, between the United Kingdom and France. The present agreement supersedes all previous treaty provisions relating to fishing by French nationals off the Atlantic coast of Canada.

Article 2

In return, the Canadian Government undertakes in the event of a modification to the juridical régime relating to the waters situated beyond the present limits of the territorial sea and fishing zones of Canada on the Atlantic coast, to recognize the right of French nationals to fish in these waters subject to possible measures for the conservation of resources, including the establishment of quotas. The French Government undertakes for its part to grant reciprocity to Canadian nationals off the coast of Saint-Pierre and Miquelon.

Article 3

Fishing vessels registered in metropolitan France may continue to fish from January 15 to May 15 each year, up to May 15, 1986, on an equal footing with Canadian vessels, in the Canadian fishing zone within the Gulf of St. Lawrence, east of the meridian of longitude 61 degrees 30 mins west, subject to the provisions of Articles 5 and 6.

Article 4

In view of the special situation of Saint-Pierre and Miquelon and as an arrangement between neighbours:

(a) French coastal fishing boats registered in Saint-Pierre and Miquelon may continue to fish in the areas where they have traditionally fished along the coasts of Newfoundland, and Newfoundland coastal fishing boats shall enjoy the same right along the coasts of Saint-Pierre and Miquelon;

(b) A maximum of ten French trawlers registered in Saint-Pierre and Miquelon, of a maximum length of 50 metres, may continue to fish along

¹ Entered into force on 27 March 1972. Text provided by the Permanent Representative of Canada to the United Nations in a note verbale of 9 June 1972.

the coasts of Newfoundland, of Nova Scotia (with the exception of the Bay of Fundy), and in the Canadian fishing zone within the Gulf of St. Lawrence, on an equal footing with Canadian trawlers; Canadian trawlers registered in the ports on the Atlantic coast of Canada may continue to fish along the coasts of Saint-Pierre and Miquelon on an equal footing with French trawlers.

Article 5

French fishing vessels covered by the provision of Article 3 must not direct their fishing effort to the taking of species other than those which they have traditionally exploited in the five-year period immediately preceding this agreement, nor shall they substantially increase the level of such effort.

Article 6

1. Canadian fishery regulations shall be applied without discrimination in fact or in law to the French fishing vessels covered by Articles 3 and 4, including regulations concerning the dimensions of vessels authorized to fish less than 12 miles from the Atlantic coast of Canada.

2. French fishery regulations shall be applied under the same conditions to the Canadian fishing vessels covered by Article 4.

3. Before promulgating new regulations applicable to these vessels, the authorities of each of the parties shall give three months prior notice to the authorities of the other party.

Article 7

The French patrol vessel which usually accompanies the French fishing fleet may continue to exercise its functions of assistance in the Gulf of St. Lawrence.

Article 8

The line defined in the annex to the present agreement determines, in the area between Newfoundland and the islands of Saint-Pierre and Miquelon, the limit of the territorial waters of Canada and of the zones submitted to the fishery jurisdiction of France.

Article 9

No provision of the present agreement shall be interpreted as prejudicing the views and future claims of either party concerning internal waters, territorial waters or jurisdiction with respect to fisheries or the resources of the continental shelf, or the bilateral or multilateral agreements to which either government is a party.

Article 10

1. The contracting parties shall establish a Commission to consider all disputes concerning the application of this agreement.

2. The Commission shall consist of one national expert nominated by each of the parties for ten years. In addition, the two Governments shall designate by mutual agreement a third expert who shall not be a national of either party.

3. If, in connection with any dispute referred to the Commission by either of the contracting parties, the Commission has not within one month reached a decision acceptable to the contracting parties, reference shall be made to the third expert. The Commission shall then sit as an arbitral tribunal under the chairmanship of the third expert.

4. Decisions of the Commission sitting as an arbitral tribunal shall be taken by a majority, and shall be binding on the contracting parties.

ANNEX¹

The line which determines the limit of the territorial waters of Canada and the zones submitted to the fishery jurisdiction of France extends northward and westward in a series of eight connected straight lines joining the following points:

- Point (1) Equidistant 12 nautical miles from l'Enfant Perdu (France) and Lamaline Shag Rock (Canada). Latitude 46° 38' 46'' N., longitude 55° 54' 12'' W. approximately.
- Point (2) Equidistant from L'Enfant Perdu (France) and Lamaline Shag Rock and Otter Rock (Canada). Latitude 46° 41' 56'' N., longitude 55° 55' 28'' W. approximately.
- Point (3) Equidistant from L'Enfant Perdu (France) and Otter Rock and Enfant Perdu (Canada). Latitude 46° 48' 10'' N., longitude 55° 58' 57'' W. approximately.
- Point (4) The low water mark on the south-westernmost point of Enfant Perdu (Canada). Latitude 46° 51' 20'' N., longitude 56° 05' 30'' W. approximately.
- Point (5) The low water mark on the west point of the south-westernmost island of the Little Green Island group. Latitude 46° 51' 36'' N., longitude 56° 05' 58'' W. approximately.
- Point (6) The intersection of the French mid-channel line of 1907 with a line parallel to, and 3 miles distant from a line joining Green Island to Dantzig Point. Latitude 46° 55' 52'' N., longitude 56° 07' 47'' W. approximately.
- Point (7) The intersection of the French mid-channel line of 1907 with the median line, equidistant from Bout du Nordet (France) and Little Plate Island (Canada). Latitude 47° 06' 02'' N., longitude 56° 06' 18'' W. approximately.
- Point (8) Equidistant from Cap du Nid à l'Aigle (France) and Little Plate Island and the southwest Wolf Rock (Canada). Latitude 47° 18' 19'' N., longitude 56° 15' 18'' W. approximately.
- Point (9) The intersection of the French mid-channel line of 1907 with the outer limit of Canada's 12-mile territorial Sea. Latitude 47° 21' 54'' N., longitude 56° 29' 40'' W. approximately.

¹ The attached map is not reproduced for technical reasons.

27. EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF PORTUGAL CONCERNING FISHERIES RELATIONS BETWEEN THE TWO COUNTRIES. OTTAWA, 27 MARCH 1972²

I

Ottawa, March 27, 1972

Excellency,

I have the honour to refer to the discussions which have taken place between representatives of our Governments in Ottawa concerning the amend-

² Entered into force on 27 March 1972. Text provided by the Permanent Representative of Canada to the United Nations in a note verbale of 9 June 1972.

ments of June 26, 1970, to the Territorial Sea and Fishing Zones Act of Canada¹, and the designation, by Order in Council P.C. 1971-366 of February 25, 1971², of certain areas of the sea of mutual interest adjacent to the coast of Canada as fishing zones of Canada. In accordance with the understanding reached in these discussions, the Canadian Government proposes the following arrangements with respect to Portuguese fishing practices off the Atlantic coast of Canada:

1. Portuguese fishing vessels may continue to fish for cod by trawl and line until July 1, 1978, in those areas of the outer nine miles of the territorial sea of Canada where such vessels have fished during the period of five years immediately preceding December 31, 1970, subject to the provisions of sub-paragraphs 3, 4 and 5. The territorial sea on the Atlantic coast of Canada is measured from the baselines as determined by the provisions of Annex A³ to this Note.

2. Portuguese fishing vessels may continue to fish for cod by trawl in the months of January, February and March each year until April 1, 1976, east of the meridian of longitude 61° 30' west in Zone 1 (Gulf of St. Lawrence) of the fishing zones of Canada, as described in the schedule to Order in Council P.C. 1971-366 of February 25, 1971, a copy of which is attached hereto as Annex B³, and outside a distance of 12 miles from the low-water line of the coast and 12 miles from a line joining Cape St. George with Cape Anguille, subject to the provisions of sub-paragraphs 3 and 5.

3. Portuguese fishing vessels shall be subject, without discrimination in form or fact to the same laws and regulations as Canadian fishing vessels while operating within the outer nine miles of Canada's territorial sea or within Zone 1 (Gulf of St. Lawrence) of the fishing zones of Canada. The Canadian authorities shall inform the Portuguese authorities of the fishing regulations applicable to these areas.

4. The Canadian authorities will give the Portuguese authorities advance notice of particular areas and periods during which concentrations of gear of inshore fishermen may occur in those areas of the outer nine miles of the territorial sea of Canada where Portuguese trawlers have fished during the period of five years immediately preceding December 31, 1970. The Portuguese authorities will transmit any such information to Portuguese trawlers likely to fish in such areas and will request such vessels, before actually fishing, to establish communication, as appropriate, with the Regional Fisheries Office of the Canadian Government in Halifax, Nova Scotia, or St. John's, Newfoundland, to obtain current information about the local situation for the purpose of enabling vessels the better to avoid damage to gear. The Portuguese Government will not object to action by the Canadian authorities in cases of emergency to direct Portuguese fishing vessels clear of gear concentrations, provided that Canadian and other fishing vessels of a similar size and class are subject to the same directions.

5. If at any time before January 1, 1978, the Canadian Government considers that there has been a fundamental change in the intensity, character

¹ For the text of the Act and the amendments, see ST/LEG/SER.B/15, pp. 52-54 and *supra* PART I, DIVISION I, SUBDIVISION A, Chapter 1, 3(a).

² *Supra* PART I, DIVISION IV, 3 (k).

³ Annexes are not reproduced here.

and pattern of the fishing carried on by Portuguese fishing vessels in any of the areas referred to herein, the Canadian Government may raise the matter with the Portuguese Government and the two Governments shall review the situation.

6. The Government of Canada undertakes to review in good faith at the request of the Government of Portugal the provisions of this exchange of Notes prior to the expiration of the periods referred to in subparagraphs 1 and 2 above, including the consideration of a continuance of the Portuguese fishing effort in the areas covered by this agreement on the basis of a licence or licences on such terms as may be determined by the Canadian Government taking into account the nature, extent and socio-economic aspects of the Portuguese fishing effort in the areas concerned, and conservation requirements.

If the foregoing proposals are acceptable to your Government, I have the honour to propose that this Note and these Annexes, the English and French versions of which are equally authentic, and Your Excellency's reply, shall constitute an agreement between the Government of Canada and the Government of Portugal which shall enter into force on the date of your reply.

Accept, Excellency, etc.

(Original signed) Mitchell SHARP
Secretary of State
for External Affairs

His Excellency
Dr. Salvador Sampayo Garrido
Ambassador of Portugal
Ottawa

II

March 27, 1972

Sir,

I have the honour to inform you that the arrangements set out in your Note No. FLO-283 of March 27th, 1972, regarding certain fishery matters, are acceptable to my Government and that your Note and my reply shall constitute an agreement between our two Governments which shall enter into force on the date of this reply.

Accept, Excellency, etc.

Salvador DE SAMPAYO GARRIDO
Ambassador of Portugal

The Honourable Mr. Mitchell William Sharp, P.C., M.P.
Secretary of State for External Affairs
Ottawa

28. EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED KINGDOM CONCERNING FISHERIES RELATIONS BETWEEN THE TWO COUNTRIES. OTTAWA, 27 MARCH 1972¹

I

Ottawa, March 27, 1972

Excellency,

I have the honour to refer to the discussions which have taken place between representatives of our Governments in Ottawa concerning the amendments of June 26, 1970, to the Territorial Sea and Fishing Zones Act of Canada², and the designation, by Order in Council P.C. 1971-366 of February 25, 1971³, of certain areas of the sea adjacent to the coast of Canada as fishing zones of Canada. In accordance with the understanding reached in these discussions, the Canadian Government proposes the following arrangements with respect to British fishing practices off the Atlantic coast of Canada:

(1) British fishing vessels may continue, until January 1, 1978, to fish in that part of the outer nine miles of the territorial sea of Canada which is specified in Annex A⁴ to this Note, subject to the provisions of subparagraphs (3), (4), (5) and (6) of this paragraph. The territorial sea on the Atlantic coast of Canada shall be measured from baselines as determined by the provisions of Annex B⁴ to this Note.

(2) British fishing vessels may continue, until January 1, 1973, to fish in that part of Zone 1 (Gulf of St. Lawrence) of the fishing zones of Canada which is specified in Annex A⁴ to this Note, subject to the provisions of subparagraphs (3), (4) and (5) of this paragraph. The fishing zones on the Atlantic coast of Canada shall be those designated in Order in Council P.C. 1971-366 of February 25, 1971, as set out in Annex C⁴ to this Note.

(3) British fishing vessels may fish for cod and haddock (but may retain other species caught incidentally such as flounder and halibut) in the areas and for the periods as set out in sub-paragraphs (1) and (2) of this paragraph.

(4) If at any time before the 1st day of January, 1978, the Canadian Government considers that there has been a fundamental change in the intensity, character and pattern of the fishing carried on by British fishing vessels in the territorial sea and fishing zones on the Atlantic coast of Canada, as set out in sub-paragraphs (1) and (2) of this paragraph, the Canadian Government may raise the matter with the British Government and the two Governments shall together review the situation.

(5) British fishing vessels shall be subject, without discrimination, to the same laws and regulations as Canadian fishing vessels while operating within the outer nine miles of Canada's territorial sea or within that part of Zone 1

¹ Entered into force on 27 March 1972. Text provided by the Permanent Representative of Canada to the United Nations in a note verbale of 9 June 1972.

² For the text of the Act and the amendments, see ST/LEG/SER.B/15, pp. 52-54 and *supra* PART I, DIVISION I, SUBDIVISION A, Chapter I, 3(a).

³ *Supra* PART I, DIVISION IV, 3(k).

⁴ Annexes are not reproduced here.

of the fishing zones of Canada as set out in sub-paragraph (2) of this paragraph. The Canadian authorities shall inform the British authorities of the fisheries regulations applicable to such areas. On transmission from the Canadian authorities, the British Government shall make known to its nationals these laws and regulations with a view to ensuring their strict observation. Before the expiration of the periods of time referred to in sub-paragraphs (1) and (2) above respectively, the Canadian Government shall not, after the 27th day of March, 1972, without the agreement of the British Government, change the existing laws and regulations previously made known to the British Government in a manner which would have the effect of curtailing the areas in which British fishing vessels could, in practice, fish pursuant to these arrangements.

(6) The Canadian authorities will give the British authorities advance notice of particular areas and periods during which concentrations of gear are probable within the outer nine miles of the territorial sea of Canada:

(a) From Cape Gabarus northward to Cape North (Cape Breton Island, Nova Scotia); and

(b) From Lamaline Shag Rock passing east and north to Gull Island, Newfoundland.

The British authorities will transmit any such information to British vessels likely to fish in the area and will request such vessels, before actually fishing, to establish communication, as appropriate, with the regional fisheries office of the Canadian Government in Halifax, Nova Scotia, or St. John's, Newfoundland, to obtain current information about the local situation for the purpose of enabling vessels the better to avoid damage to gear. The British Government will not object to action by the Canadian authorities in cases of emergency to direct British fishing vessels clear of gear concentrations, provided that Canadian and other fishing vessels of similar class are subject to the same directions, and subject to the rights of the British Government under sub-paragraph (5) of this paragraph if such directions should seriously interfere with the pattern of fishing by British vessels.

(7) Nothing in this agreement shall affect the right of British fishing vessels to innocent passage through Zone 1 of the fishing zones of Canada during the period of this agreement or after its expiry.

If the foregoing proposal is acceptable to the Government of the United Kingdom I have the honour to propose that this Note and its Annexes, which are equally authentic in English and French, and Your Excellency's reply to that effect, shall constitute an agreement in this matter between the Government of Canada and the Government of the United Kingdom which shall enter into force on the date of your reply.

Accept, Excellency, etc.

(Original signed) Mitchell SHARP
Secretary of State
for External Affairs

His Excellency Sir Peter Hayman, K.C.M.G., C.V.O., M.B.E.
British High Commissioner
Ottawa

II

British High Commission
Ottawa
27 March 1972

The Hon. Mr. Mitchell Sharp P.C., M.P.
Secretary of State for External Affairs

Sir,

I have the honour to acknowledge receipt of Your Note No. FLO-282 of March 27, 1972, which reads as follows:

[See Note I]

I have the honour to inform you that the foregoing proposal is acceptable to the Government of the United Kingdom, who therefore agree that Your Note, together with its Annexes, which are equally authentic in English and French, and this reply shall constitute an Agreement between the two Governments which shall enter into force on the date of this reply.

I avail myself etc.

(Original signed) Peter HAYMAN

29. EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF DENMARK AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA ON LIMITATION OF THE SALMON FISHERY. WASHINGTON, 6 JULY 1972¹

I

July 6, 1972

Sir,

I have the honor to refer to the proposal adopted by the International Commission for the Northwest Atlantic Fisheries in Washington, D.C. on June 2nd regarding Conservation of Atlantic Salmon. The proposal which incorporated the substance of the understanding reached at the U.S.-Danish talks on February 5, 1972, implies inter alia that the catch of Atlantic salmon will be regulated in 1972 (and subsequent years). In spite of the efforts of the member states to have the proposal put into effect at an earlier date than provided under article VIII of the International Convention for the Northwest Atlantic Fisheries,² it seems unlikely that the proposal will come into effect in the immediate future.

¹ Entered into force on 6 July 1972. Text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 5 January 1973.

² United Nations, *Treaty Series*, vol. 157, p. 157. Reproduced in ST/LEG/SER.B/15, pp. 832-838. For the protocols of amendment to the Convention, see *supra* SUBDIVISION A, 1 2, and 4.

I have, therefore, been instructed to propose that, pending the coming into effect of the said proposal adopted by ICNAF, our two Governments agree as follows:

A. Denmark will phase out by December 31, 1975 all of their fisheries for Atlantic salmon off Greenland, except those carried out by local fishermen of Greenland. Such a phase out will be accomplished by appropriate measures at the discretion of the Danish Government and designed to limit the round weight of their non-Greenland salmon catch in the Northwest Atlantic in the calendar years of 1972, 1973, 1974, and 1975 to an approximate level of 800, 600, 550 and 500 metric tons respectively.

Failure to achieve these catch objectives in any of the four years will be followed by an adjustment in the following year's catch.

B. The annual salmon catch by local Greenland fishermen will be at the approximate level of the average of the annual catches measured from 1964 through 1971, which is estimated to be 1,100 metric tons.

C. The United States will endeavour to ensure the application of appropriate conservation measures applicable to the 12 mile zone of the United States which would correspond in effect to the measures taken by Denmark (i.e. using the catch levels of 1969 as a base).

If the proposal as set forth above is agreeable to the Government of the United States of America, the Government of Denmark will be pleased to consider this note and your reply concurring therein as constituting an agreement between our two Governments, which shall enter into force on the date of your affirmative reply.

Accept, Sir, etc.

Hans J. CHRISTENSEN
Chargé d'affaires a.i.

The Honorable U. Alexis Johnson
The Acting Secretary of State of the
United States of America
Washington.

II

Department of State
Washington
July 6, 1972

Sir,

I have the honor to acknowledge receipt of your note dated July 6, 1972, which reads as follows:

[See Note I]

I have further the honor to confirm the above understandings on behalf of the Government of the United States of America and to agree that your

note and this reply shall be regarded as constituting an agreement between the two Governments.

Accept, Sir, etc.

For the Acting Secretary of State:
Burdick H. BRITTIN

The Honourable Hans J. Christensen
Chargé d'Affaires ad interim
of Denmark

Annexes

Annexes

DECLARATIONS, RESOLUTIONS AND REPORTS ADOPTED OR CONCLUSIONS REACHED BY INTERNATIONAL ORGA- NIZATIONS, INTERNATIONAL CONFERENCES OR OTHER INTERNATIONAL MEETINGS

A. UNITED NATIONS

DECLARATION OF PRINCIPLES GOVERNING THE SEA-BED AND THE OCEAN FLOOR, AND THE SUBSOIL THEREOF, BEYOND THE LIMITS OF NATIONAL JURISDICTION (GENERAL ASSEMBLY RESOLUTION 2749 (XXV) ADOPTED ON 17 DECEMBER 1970)

The General Assembly,

Recalling its resolutions 2340 (XXII) of 18 December 1967, 2467 (XXIII) of 21 December 1968 and 2574 (XXIV) of 15 December 1969, concerning the area to which the title of the item refers,

Affirming that there is an area of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, the precise limits of which are yet to be determined,

Recognizing that the existing legal régime of the high seas does not provide substantive rules for regulating the exploration of the aforesaid area and the exploitation of its resources,

Convinced that the area shall be reserved exclusively for peaceful purposes and that the exploration of the area and the exploitation of its resources shall be carried out for the benefit of mankind as a whole,

Believing it essential that an international régime applying to the area and its resources and including appropriate international machinery should be established as soon as possible,

Bearing in mind that the development and use of the area and its resources shall be undertaken in such a manner as to foster the healthy development of the world economy and balanced growth of international trade, and to minimize any adverse economic effects caused by the fluctuation of prices of raw materials resulting from such activities,

Solemnly declares that:

1. The sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as the area), as well as the resources of the area, are the common heritage of mankind.

2. The area shall not be subject to appropriation by any means by States or persons, natural or juridical, and no State shall claim or exercise sovereignty or sovereign rights over any part thereof.

3. No State or person, natural or juridical, shall claim, exercise or acquire rights with respect to the area or its resources incompatible with the international régime to be established and the principles of this Declaration.

4. All activities regarding the exploration and exploitation of the resources of the area and other related activities shall be governed by the international régime to be established.

5. The area shall be open to use exclusively for peaceful purposes by all States, whether coastal or land-locked, without discrimination, in accordance with the international régime to be established.

6. States shall act in the area in accordance with the applicable principles and rules of international law, including the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24 October 1970, in the interests of maintaining international peace and security and promoting international co-operation and mutual understanding.

7. The exploration of the area and the exploitation of its resources shall be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, whether land-locked or coastal, and taking into particular consideration the interests and needs of the developing countries.

8. The area shall be reserved exclusively for peaceful purposes, without prejudice to any measures which have been or may be agreed upon in the context of international negotiations undertaken in the field of disarmament and which may be applicable to a broader area. One or more international agreements shall be concluded as soon as possible in order to implement effectively this principle and to constitute a step towards the exclusion of the sea-bed, the ocean floor and the subsoil thereof from the arms race.

9. On the basis of the principles of this Declaration, an international régime applying to the area and its resources and including appropriate international machinery to give effect to its provisions shall be established by an international treaty of a universal character, generally agreed upon. The régime shall, *inter alia*, provide for the orderly and safe development and rational management of the area and its resources and for expanding opportunities in the use thereof, and ensure the equitable sharing by States in the benefits derived therefrom, taking into particular consideration the interests and needs of the developing countries, whether land-locked or coastal.

10. States shall promote international co-operation in scientific research exclusively for peaceful purposes:

(a) By participation in international programmes and by encouraging co-operation in scientific research by personnel of different countries;

(b) Through effective publication of research programmes and dissemination of the results of research through international channels;

(c) By co-operation in measures to strengthen research capabilities of developing countries, including the participation of their nationals in research programmes.

No such activity shall form the legal basis for any claims with respect to any part of the area or its resources.

11. With respect to activities in the area and acting in conformity with the international régime to be established, States shall take appropriate measures for and shall co-operate in the adoption and implementation of international rules, standards and procedures for, *inter alia*:

(a) The prevention of pollution and contamination, and other hazards to the marine environment, including the coastline, and of interference with the ecological balance of the marine environment;

(b) The protection and conservation of the natural resources of the area and the prevention of damage to the flora and fauna of the marine environment.

12. In their activities in the area, including those relating to its resources, States shall pay due regard to the rights and legitimate interests of coastal States in the region of such activities, as well as of all other States, which may be affected by such activities. Consultations shall be maintained with the coastal States concerned with respect to activities relating to the exploration of the area and the exploitation of its resources with a view to avoiding infringement of such rights and interests.

13. Nothing herein shall affect:

(a) The legal status of the waters superjacent to the area or that of the air space above those waters;

(b) The rights of coastal States with respect to measures to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat thereof or from other hazardous occurrences resulting from or caused by any activities in the area, subject to the international régime to be established.

14. Every State shall have the responsibility to ensure that activities in the area, including those relating to its resources, whether undertaken by governmental agencies, or non-governmental entities or persons under its jurisdiction, or acting on its behalf, shall be carried out in conformity with the international régime to be established. The same responsibility applies to international organizations and their members for activities undertaken by such organizations or on their behalf. Damage caused by such activities shall entail liability.

15. The parties to any dispute relating to activities in the area and its resources shall resolve such dispute by the measures mentioned in Article 33 of the Charter of the United Nations and such procedures for settling disputes as may be agreed upon in the international régime to be established.

B. OTHER ORGANIZATIONS, CONFERENCES AND MEETINGS

1. MONTEVIDEO DECLARATION ON THE LAW OF THE SEA, 8 MAY 1970^a

The States represented at the Montevideo Meeting on the Law of the Sea,

Recognizing that there exists a geographic, economic and social link between the sea, the land, and its inhabitant, Man, which confers on the coastal peoples legitimate priority in the utilization of the natural resources provided by their marine environment,

Recognizing likewise that any norms governing the limits of national sovereignty and jurisdiction over the sea, its soil and its subsoil, and the conditions for the exploitation of their resources, must take account of the geographical realities of the coastal States and the special needs and economic and social responsibilities of developing States,

Considering that scientific and technological advances in the exploitation of the natural wealth of the sea have brought in their train the danger of plundering its living resources through injudicious or abusive harvesting practices or through the disturbance of ecological conditions, a fact which supports the right of coastal States to take the necessary measures to protect those resources within areas of jurisdiction more extensive than has traditionally been the case and to regulate within such areas any fishing or aquatic hunting, carried out by vessels operating under the national or a foreign flag, subject to national legislation and to agreements concluded with other States,

That a number of declarations, resolutions and treaties, many of them inter-American, and multilateral declarations and agreements concluded between Latin American States, embody legal principles which justify the right of States to extend their sovereignty and jurisdiction to the extent necessary to conserve, develop and exploit the natural resources of the maritime area adjacent to their coasts, its soil and its subsoil,

That, in accordance with those legal principles the signatory States have, by reason of conditions peculiar to them, extended their sovereignty or exclusive rights of jurisdiction over the maritime area adjacent to their coasts, its soil and its subsoil to a distance of 200 nautical miles from the baseline of the territorial sea,

That the implementation of measures to conserve the resources of the sea, its soil and its subsoil by coastal States in the areas of maritime jurisdiction adjacent to their coasts ultimately benefits mankind, which possesses in the oceans a major source of means for its subsistence and development,

That the sovereign right of States to their natural resources has been recognized and reaffirmed by many resolutions of the General Assembly and other United Nations bodies,

That it is advisable to embody in a joint declaration the principles emanating from the recent movement towards the progressive development of international law, which is receiving ever-increasing support from the international community,

Declare the following to be Basic Principles of the Law of the Sea:

1. The right of coastal States to avail themselves of the natural resources of the sea adjacent to their coasts and of the soil and subsoil thereof in order to promote

^a Presidencia de la República, República Oriental del Uruguay, *América Latina y la extensión del mar territorial: régimen jurídico* (Montevideo, 1971), pp. 147-149. Adopted at the Montevideo Meeting on the Law of the Sea held from 4 to 8 May 1970, with signature by the following States: Argentina, Brazil, Chile, Ecuador, El Salvador, Panama, Peru, Nicaragua and Uruguay. Text also circulated in document A/AC.138/34. Translation by the Secretariat of the United Nations.

the maximum development of their economies and to raise the levels of living of their peoples;

2. The right to establish the limits of their maritime sovereignty and jurisdiction in accordance with their geographical and geological characteristics and with the factors governing the existence of marine resources and the need for their rational utilization;

3. The right to explore, to conserve the living resources of the sea adjacent to their territories, and to establish regulations for fishing and aquatic hunting;

4. The right to explore, conserve and exploit the natural resources of their continental shelves to where the depth of the superjacent waters admits of the exploitation of such resources;

5. The right to explore, conserve and exploit the natural resources of the soil and subsoil of the sea-bed and ocean floor up to the limit within which the State exercises its jurisdiction over the sea;

6. The right to adopt, for the aforementioned purposes, regulatory measures applicable in areas under their maritime sovereignty and jurisdiction, without prejudice to freedom of navigation by ships and overflying by aircraft of any flag.

Furthermore, the signatory States, encouraged by the results of this Meeting, express their intention to co-ordinate their future action with a view to defending effectively the principles embodied in this Declaration.

This Declaration shall be known as the "Montevideo Declaration on the Law of the Sea".

2. DECLARATION AND RESOLUTIONS ADOPTED AT THE LATIN AMERICAN MEETING ON ASPECTS OF THE LAW OF THE SEA, HELD AT LIMA FROM 4 TO 8 AUGUST 1970^a

(a) DECLARATION OF THE LATIN AMERICAN STATES ON THE LAW OF THE SEA OF 8 AUGUST 1970^b

The Latin American Meeting on Aspects of the Law of the Sea,

Considering:

That there is a geographical, economic and social link between the sea, the land, and man who inhabits it, which confers on coastal populations a legitimate priority right to utilize the natural resources of their maritime environment;

That in consequence of that priority relationship, the right has been recognized of coastal States to establish the extent of their maritime sovereignty or jurisdiction in accordance with reasonable criteria, having regard to their geographical, geological and biological situation and their socio-economic needs and responsibilities;

That the dangers and damage resulting from indiscriminate and abusive practices in the extraction of marine resources, among other reasons, have led an important group of coastal States to extend the limits of their sovereignty or jurisdiction over the sea, with due respect for freedom of navigation and flight in transit for ships and aircraft, without distinction as to flag;

That certain forms of utilization of the marine environment have likewise been giving rise to grave dangers of contamination of the waters and disturbance of the ecological balance, to combat which it is necessary that the coastal States should take steps to protect the health and interests of their populations;

^a Ministerio de Relaciones Exteriores del Perú, *Instrumentos nacionales e internacionales sobre derecho del mar* (Lima, 1971), pp. 293-307. Texts also circulated as document A/AC.138/28. Translation by the Secretariat of the United Nations.

^b The States which voted in favour of the Declaration were: Argentina, Brazil, Colombia, Chile, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Uruguay. Bolivia, Paraguay and Venezuela voted against it; Trinidad and Tobago abstained.

That the development of scientific research in the marine environment requires the widest possible co-operation among States, so that all may contribute and share in its benefits, without prejudice to the authorization, supervision and participation of the coastal State when such research is carried out within the limits of its sovereignty or jurisdiction;

That in declarations, resolutions and treaties, especially inter-American instruments, and also in unilateral declarations and in agreements signed between Latin American States legal principles are embodied which justify the aforementioned rights;

That the sovereign right of States over their natural resources has been recognized and reaffirmed in numerous resolutions of the General Assembly and other United Nations bodies;

That in the exercise of these rights the respective rights of other neighbouring coastal States on the same sea must be mutually respected; and

That it is desirable to assemble and reaffirm the foregoing concepts in a joint declaration which will take into account the plurality of existing legal régimes on maritime sovereignty or jurisdiction in Latin American countries.

Declares as common principles of the Law of the Sea:

1. The inherent right of the coastal State to explore, conserve and exploit the natural resources of the sea adjacent to its coasts and the soil and subsoil thereof, likewise of the Continental Shelf and its subsoil, in order to promote the maximum development of its economy and to raise the level of living of its people;

2. The right of the coastal State to establish the limits of its maritime sovereignty or jurisdiction in accordance with reasonable criteria, having regard to its geographical, geological and biological characteristics, and the need to make rational use of its resources;

3. The right of the coastal State to take regulatory measures for the aforementioned purposes, applicable in the areas of its maritime sovereignty or jurisdiction, without prejudice to freedom of navigation and flight in transit of ships and aircraft, without distinction as to flag;

4. The right of the coastal State to prevent contamination of the waters and other dangerous and harmful effects that may result from the use, exploration or exploitation of the area adjacent to its coasts;

5. The right of the coastal State to authorize, supervise and participate in all scientific research activities which may be carried out in the maritime zones subject to its sovereignty or jurisdiction, and to be informed of the findings and the results of such research.

This declaration shall be known as the "Declaration of the Latin American States on the Law of the Sea".

(b) RESOLUTION 1 ON THE SEA-BED AND OCEAN FLOOR BEYOND THE LIMITS OF NATIONAL JURISDICTION

The Latin American Meeting on Aspects of the Law of the Sea,

Considering:

That the Latin American States have declared on various occasions that the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction, including the resources of that zone, should be the common heritage of mankind;

That, in order to ensure that the exploration, conservation and exploitation of the sea-bed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, shall be carried out for the benefit of all mankind, irrespective of the geographical location of States and taking into consideration the special interests of the developing

States, whether coastal or land-locked, it is essential that these activities be carried out under an international régime which shall include suitable machinery for ensuring joint participation in the administration of the zone and in the benefits derived therefrom;

That the United Nations Committee on the Peaceful Uses of the Sea-bed and the Ocean Floor beyond the Limits of National Jurisdiction is at present engaged on the task of drawing up a declaration of principles which should establish the broad lines of the future régime;

That a group of fifteen States, with the participation of Latin American countries, has submitted to the said Committee, in document A/AC.138/SC.1/L.2, dated 23 March 1970, a draft General Assembly resolution containing general principles relating to the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction;

That, to succeed in its task, the said Committee must observe in its work a suitable order of priority corresponding to rational criteria for the formulation of rules of international law; and

That the introduction of proposals for the establishment of an interim régime for the international zone might not only delay the completion of the first essential stage, which is to draw up a declaration of principle and the broad lines of a permanent régime, but might also hamper the said Committee in the proper discharge of its mandate;

Decides to recommend to Governments participating in this Meeting that they take account of the following objectives;

(1) that the United Nations Committee on the Sea-Bed and Ocean Floor should continue to give priority to the task of preparing a declaration of principles which would establish the broad lines of the future permanent régime to be established for that zone;

(2) That the said declaration of principles should serve merely as the basis for the Committee's subsequent work, under the mandate conferred on it by General Assembly resolutions 2467 (XXIII) and 2574 (XXIV);

(3) That it would be premature to establish an interim régime for the international zone and to establish the extra-jurisdictional limits of the sea-bed and ocean floor until the above-mentioned stages have been completed;

(4) That in the light of the reports prepared by the Secretary-General of the United Nations on the various possible types of international machinery for the exploration, conservation and exploitation of the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction, the Latin American Governments shall agree on a common position with regard to determination of the most suitable arrangement for organizing the said machinery and on the question of the desirability of including in it regional or sub-regional systems;

(5) That, without prejudice to any suggestions which they may see fit to make concerning the declaration of principles mentioned under (1), they should at the appropriate time support the broad lines contained in document A/AC.138/SC.1/L.2 of 23 March 1970.

(c) RESOLUTION 2 ON THE CONVENING OF A FURTHER INTERNATIONAL CONFERENCE ON THE LAW OF THE SEA

The Latin American Meeting on Aspects of the Law of the Sea:

Recalling resolutions 798 (VIII) and 1105 (XI) of the United Nations General Assembly;

Having regard to the fact that the problems relating to the high seas, territorial waters, contiguous zones, the continental shelf, the superjacent waters, and the sea-bed and ocean floor beyond the limits of national jurisdiction are closely linked together, so that their consideration should take account of the necessary correlation between the legal régime and the physical environment to which it applies;

Considering that, at the request of the General Assembly in its resolution 574 A (XXIV), the Secretary-General has consulted 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 zone, 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 the limits of national jurisdiction, in the light of the international régime to be established for that area;

Considering also that the convening of a conference or conferences with a limited agenda for the purpose of dealing separately with particular aspects of the law of the sea is undesirable, because it would compromise the success of a general conference; and that it conflicts with the principle, recognized by the International Law Commission and endorsed by the said General Assembly resolutions, concerning the treatment of maritime questions as a whole;

Bearing in mind, furthermore, that the Secretary-General is to report on the results of his consultations to the General Assembly at its twenty-fifth session;

Recommends to the Governments of the States participating in the Meeting:

(a) That, if they have not already done so, they reply to the Secretary-General's request for their views by expressing themselves in favour of convening an international conference on the law of the sea, provided the conference considers the various topics referred to in resolution 2574 A (XXIV), and once the permanent international régime and the administrative machinery applicable to the extra-jurisdictional sea-bed have been defined, and the studies, reports and inquiries made for that purpose have indicated that there are reasonable hopes for the success of the conference;

(b) That they instruct their delegations to the United Nations to support the above-mentioned position when this question is discussed at the twenty-fifth session of the General Assembly;

(c) That they also instruct the said delegations to oppose any proposal to convene a conference or conferences whose agenda would be limited to particular aspects of the law of the sea.

(d) RESOLUTION 3 ON THE PROBLEM OF THE CONTAMINATION OF THE MARINE ENVIRONMENT

The Latin American Meeting on Aspects of the Law of the Sea:

Recognizing that the exploration, exploitation and use of the oceans and the soil and subsoil thereof and other activities carried out in non-marine environments have recently been creating a serious danger of contamination of waters and disturbance of the ecological balance of the marine environment;

Considering, consequently, the urgent need to take appropriate measures to prevent, control, reduce or eliminate contamination and any other dangerous and harmful effects that may result from the said activities;

Considering further that such measures must include not only rules to govern the exploration, exploitation and utilization of the oceans and the soil and subsoil thereof, and other activities which may affect the marine environment, but also rules relating to the system of liability for the resulting damages;

Recalling the progress made in these matters by various governmental bodies and by the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and its Intergovernmental Oceanographic Commission, the Inter-Governmental Maritime Consultative Organization and the International Atomic Energy Agency,

Recalling also resolution 2467 B (XXIII) of the United Nations General Assembly of the United Nations;

Noting with concern that, notwithstanding the repeated protests of many States, nuclear weapons tests continue to be carried out in the marine environment, destroying important living resources, contaminating the waters by their radioactive effects and disturbing the existing biological, chemical and physical processes and balances;

Considering that, for all these reasons, and without prejudice to any international agreements that have been concluded or which may be concluded on these matters, it is necessary to reaffirm the right of coastal States to take any steps and measures that they may deem necessary for the proper protection of the interests of their peoples against the dangers of contamination and other harmful effects that may result from the use, exploration and exploitation of the seas contiguous to their territories, or from other activities carried out in non-marine environments that may affect the said interests;

Recommends to the Governments participating in this Meeting;

(a) That they reaffirm their decision to take such steps and measures as they may deem appropriate to prevent, control and reduce or eliminate contamination and other dangerous and harmful effects resulting from the exploration, exploitation and use of the sea adjacent to their coasts and of the soil and subsoil thereof, and from any other activities carried out in non-marine environments that may affect the interests of their people, in exercise of the right of coastal States to protect its maritime heritage;

(b) That they reaffirm their opposition to the continuance of those nuclear weapons tests, mainly in the marine environment, which produce effects harmful to the resources of the sea, contamination of waters and disturbance of their existing biological, chemical and physical processes and balances;

(c) That they exchange views and information on appropriate measures for the above-mentioned purposes and on draft international agreements relating to these matters;

(d) That they agree on common positions so that when these matters are discussed in international organizations and at international conferences, their respective representatives may take due account of the rights and interests of coastal States.

(e) RESOLUTION 4 ON THE PROHIBITION OF THE EMPLACEMENT OF NUCLEAR AND OTHER WEAPONS ON THE SEA-BED AND THE OCEAN FLOOR AND IN THE SUBSOIL THEREOF

The Latin American Meeting on Aspects of the Law of the Sea:

Taking note of the Draft Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Sea-bed and the Ocean Floor and in the Subsoil thereof, submitted to the Conference of the Committee on Disarmament on 23 April 1970 by the Union of Soviet Socialist Republics and the United States of America (CCD/269/Rev.2).

Considering that at present, general and complete disarmament is an objective of fundamental importance for the international community;

Reaffirming its belief that the sea-bed and ocean floor and the subsoil thereof should be used for exclusively peaceful purposes; and

Considering that the draft should not prejudice the maritime sovereignty and jurisdiction of the Latin American States, or affect the regional agreements on disarmament to which they are parties;

Takes note with interest of the work done so far in this connexion by the Latin American countries represented in the Conference of the Committee on Disarmament in an attempt to ensure that due account is taken of Latin American rights and interests in the instrument to be elaborated; and

Recommends to the Governments of States participating in this Meeting that when the General Assembly of the United Nations considers the Draft treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on

the Sea-bed and the Ocean Floor and in the Subsoil thereof, they endeavour to harmonize their efforts with a view to preventing any infringement of their maritime sovereignty and jurisdiction or of the existing regional régime among the Latin American countries on the subject of disarmament.

(f) RESOLUTION 5 ON THE LEGAL ASPECTS OF SCIENTIFIC OCEANOGRAPHIC RESEARCH

The Latin American Meeting on Aspects of the Law of the Sea:

Recalling the resolutions adopted by the General Assembly of the United Nations at its twenty-fourth session on the legal aspects of scientific oceanographic research;

Considering the desirability of a careful study of resolution VI-13 of the Intergovernmental Oceanographic Commission on the promotion of basic scientific research;

Bearing in mind, in particular, the action at present being taken by the said Intergovernmental Oceanographic Commission with a view to the preparation of a draft Convention on the legal status of systems for the acquisition of oceanographic data (SADO);

Considering the importance from the standpoint of basic legal issues such as the sovereignty and jurisdiction of the coastal States, of any criteria that are adopted on this matter.

Decides:

(1) To recommend that the Governments participating in this Meeting undertake a continuing exchange of views with a view to co-ordinating and harmonizing their positions in the various forums dealing with the legal problems of scientific oceanographic research;

(2) To recommend also that these Governments adopt a common stand on the question of the desirability of those matters being considered jointly in the United Nations, so that the developing States, and particularly the Latin American countries, may participate actively in the formulation of any rules it is desired to adopt.

(3) To reaffirm:

(a) That any scientific research carried out within the maritime jurisdiction of a State shall be subject to prior authorization by that State and shall comply with the conditions laid down by that authority;

(b) That the coastal State has the right to participate in any research that may be carried out within its jurisdiction and to benefit from the results of that research;

(c) That all the samples obtained in research of this kind shall be the property of the State in whose jurisdiction the research is carried out and that they may be appropriated by those conducting the research only with the express consent of that State;

(d) That any scientific research which is authorized as such shall continue to be of a strictly and exclusively scientific character.

3. RESOLUTIONS OF THE THIRD CONFERENCE OF HEADS OF STATE AND GOVERNMENT OF NON-ALIGNED COUNTRIES, HELD AT LUSAKA FROM 8 TO 10 SEPTEMBER 1970^a

...

STATEMENT ON THE SEA-BED

The Conference of Heads of State and Government is aware that developing technology is making the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction accessible and exploitable for scientific, economic, military and other purposes. It is convinced that this area should be used exclusively for peaceful purposes and that the potential wealth of the area and its resources should be developed and used for the benefit of mankind as a whole.

The Conference is convinced that rapid progress in this direction is essential if conflict and tension are to be removed from the area and if its resources are to be used for the benefit of mankind. In this connexion the Conference regrets to note that the United Nations Committee on the Sea-Bed has not yet been able to submit a draft Declaration to the General Assembly and expresses the hope that the General Assembly will still be able to adopt such a Declaration to mark the celebration of the twenty-fifth anniversary of the United Nations. In the view of the Conference of Heads of State and Government, such a Declaration should, *inter alia*, reflect the following basic principles:

(1) The sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction, as well as the resources of the area, are the common heritage of mankind.

(2) The area shall not be subject to national appropriation by any means. No State shall exercise or claim sovereign right over any part of it. Nor shall any State or Person claim, exercise or acquire rights with respect to the area or its resources incompatible with these basic principles and the international régime to be established.

(3) The area shall be used exclusively for peaceful purposes.

(4) The exploration of the area and the exploitation of its resources shall be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, whether land-locked or coastal, and taking into account the special needs and interests of the developing countries.

(5) On the basis of these principles an international régime, including appropriate international machinery to give effect to its provisions, should be established by an international treaty. The régime should provide for the orderly development and rational management of the area and its resources and ensure the equitable sharing by the international community in the benefits derived therefrom. It should also make adequate provisions to minimize fluctuation of prices of land minerals and raw materials that may result from such activities.

The Conference of Heads of State and Government also supports the convening at an early date of a conference on the Law of the Sea, after due preparations have been made for it by a preparatory committee, to review the régimes of the high seas, the continental shelf, the territorial sea and contiguous zone, fishing and conservation

^a *Lusaka Declaration on Peace, Independence, Development, Co-operation and Democratisation of International Relations and Resolutions of the Third Conference of Heads of State or Government of Non-Aligned Countries, Lusaka, Zambia, 8th to 10th September 1970* (Government Printer, Lusaka 1970), pp. 17-18. Text also circulated in document A/AC.138/34. The Conference was attended by the delegates from the following States: Afghanistan, Algeria, Botswana, Burundi, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cuba, Cyprus, Equatorial Guinea, Ethiopia, Ghana, Guinea, Guyana, India, Indonesia, Iraq, Jamaica, Jordan, Kenya, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libya, Malaysia, Mali, Mauritania, Morocco, Nepal, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, South Yemen, Singapore, Sudan, Swaziland, Syria, Tanzania, Trinidad and Tobago, Togo, Tunisia, Uganda, United Arab Republic, Yemen Arab Republic, Yugoslavia and Zambia.

of 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. These questions should be dealt with together in a comprehensive manner rather than piecemeal.

4. REPORT OF THE SUB-COMMITTEE ON THE LAW OF THE SEA OF THE ASIAN-AFRICAN LEGAL CONSULTATIVE COMMITTEE, 1971^a

Chairman: Mr. T.O. Elias (Nigeria)

Mr. D. Ogundere (Nigeria)

Rapporteur: Mr. C.W. Pinto (Ceylon)

I. *Organization of work*

The Sub-Committee first took up the question whether the various issues of the law of the sea ought to be divided among two or more working groups. It was agreed that, at least initially, all issues relating to the law of the sea should be considered by the entire Sub-Committee, and that one or more rapporteurs could be appointed in respect of those issues.

The delegation of Malaysia proposed that in view of the contribution made by Ceylon in the United Nations towards progress on principles governing the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction, a member of the delegation of Ceylon be appointed Rapporteur on that subject. On the proposal of the delegation of Iran, the Sub-Committee agreed that a member of the delegation of Ceylon should act as Rapporteur on all subjects relating to the law of the sea.

The Chairman placed before the Sub-Committee a list of the subjects for discussion and it was agreed that the Sub-Committee should consider them in groups as follows, without prejudice to the order in which any particular subject might be taken up:

1. The extent of the territorial sea, including the matter of rights of coastal States in respect of fisheries, beyond the territorial sea.
2. Exploration and exploitation of the sea-bed:
 - (a) The limits of national jurisdiction over the sea-bed, including a concept of "trusteeship" over the continental margin as proposed by the United States;
 - (b) The type of régime to govern the sea-bed and the ocean floor beyond the limits of national jurisdiction and types of international machinery.
3. International straits.
4. Islands and the archipelago concept.
5. Preservation of the marine environment and other questions.

II. *The extent of the territorial sea, including rights of coastal States in respect of fisheries and zones of economic jurisdiction beyond the territorial sea*

In the course of the discussion some delegations urged that a functional approach be taken to the question of establishing jurisdictional limits. Thus, it was suggested that different limits might be established for different purposes. However, the endeavour should be to arrive at uniform limits for each type of jurisdiction. One delegation was of the view that a coastal State should not have exclusive fishery jurisdiction beyond its territorial sea.

^a Adopted by the Committee at its twelfth session held at Colombo, Sri Lanka, from 18 to 27 January 1971. Asian-African Legal Consultative Committee, *Report of the Twelfth Session*, pp. 201-211. Text also circulated in Document A/AC.138/34.

The Sub-Committee, with the exception of a very few delegations considered that at the present time any State would be entitled under international law, to claim a territorial sea of twelve miles from the appropriate baseline. The majority of delegations indicated that a State had the right to claim certain exclusive rights to economic exploitation of the resources in the waters adjacent to the territorial sea in a zone the maximum breadth of which should be subject to negotiation. Most delegations felt able to accept twelve miles as the breadth of the territorial sea, while supporting, in principle, the right of a coastal State to claim exclusive jurisdiction over an adjacent zone for economic purposes.

A few delegates emphasized that in their view the maximum breadth of the territorial sea could be twelve miles subject to certain conditions, and that it would not be to the interests of all countries in maximum utilization of the living resources of the sea to establish an exclusive jurisdictional zone for economic purposes beyond the twelve miles territorial sea. One of those delegates further indicated that it would have no objection to conferring on developing countries which are coastal States a special status in relation to exploitation of the living resources of their adjacent seas.

One delegation urged that problems of fisheries and fish conservation of living marine resources be approached on a regional or ocean basis, the States in the region or ocean being encouraged to enter into agreements among themselves regulating the rights and obligations of each other in relation to fishing, free of outside interference.

III. *Exploration and exploitation of the sea-bed:*

(a) *The limits of national jurisdiction over the sea-bed, including a concept of "trusteeship" over the continental margin as proposed by the United States*

The Sub-Committee discussed the question whether to consider first the proposed international régime for the sea-bed beyond national jurisdiction, or the limits of national jurisdiction over the sea-bed.

Some delegations suggested that the Sub-Committee should commence its work by considering the extent of a coastal State's jurisdiction over the sea-bed adjacent to its coast, or continental shelf, since in their view the nature of the international régime to be established would depend to a great extent on the limit of national jurisdiction.

Some delegations urged that the question of the limits of national jurisdiction over the continental shelf be taken up only after there had been a discussion of the international régime for the sea-bed beyond national jurisdiction such as was envisaged in the General Assembly's Declaration of 17 December 1970. In their view there was a vital connexion between the character of that régime (including the international machinery) and the question of limits: if agreement could be reached on a strong organization which offered a reasonable prospect of providing real benefits to the developing countries in accordance with a scheme which would fairly take into account the needs of those countries, there might be support for relatively narrow limits of national jurisdiction. On the other hand, if the machinery contemplated were to lack comprehensive powers or were for some other reason unable to discharge such functions acceptably, then it might become necessary to consider recognizing much wider limits of national jurisdiction so as to allow coastal States themselves maximum opportunity for exploitation.

Following a discussion of the relative merits of depth, distance, and a combination of both factors as criteria for measuring the limit of the continental shelf, several members, while expressing a preference for a distance criterion on the ground that a simple depth criterion might be unfair to States with narrow continental shelves, indicated that they would prefer to leave the matter open for the time being until they had been able to gather more scientific data and had studied the full implications of using each particular criterion. Whatever criterion or figure was arrived at, it must be related to the equities of the situation and take account of a variety of factors, including the nature of the proposed international machinery.

A few delegations indicated their clear preference for a depth criterion of, say, 200 metres, which had been accepted and acted upon by many States over the years. Some delegations objected to limiting national jurisdiction to the 200 metre isobath because the Geneva Convention on the Continental Shelf had already admitted a deeper limit beyond that depth and because there are parts of the sea-bed area deeper than the 200 metre isobath but surrounded by areas of lesser depth of one or two States which in their view should be under national jurisdiction, primarily on the ground of propinquity. It was pointed out that some States had in fact authorized exploitation of their adjacent sea-bed areas on the assumption that the depth plus exploitability criterion prescribed in article 1 of the Geneva Convention on the Continental Shelf was settled law, and that it would be unfair and unrealistic to expect States to abandon that criterion altogether, even though its revision in some respects might be necessary.

Some delegations propose that States should abandon the depth plus exploitability criterion for the limits of national jurisdiction and consider recognizing a limit of 200 miles to be measured from the coastal States' baseline as this, in their view, was the most equitable criterion and hence most likely to command the support of the majority of the international community. A number of members were inclined to view the proposal favourably and considered it desirable to study the concept further.

Other delegations pointed out that while they might favour the distance criterion in preference to a depth criterion if very wide limits of national jurisdiction were to be recognized, the remaining area of the sea-bed that may be placed under the control of the international authority would be at such depth as to be impossible to exploit in the near future. This would endanger the financing and viability of any proposed machinery, or permit the creation of only machinery with restricted powers and functions.

The United States proposal for a "trusteeship" area that might extend from the 200 metre isobath to the end of the continental margin was examined at length. It was pointed out that the wide powers and extensive benefits which would be conferred on a "trustee" coastal State under that system, would be incompatible with the status of the area and its resources as the common heritage of mankind. Moreover, it appeared to be inconsistent with the basic principles of trusteeship, as that concept was known in private law systems, in that the trustee and not the beneficiaries appeared to receive the bulk of the benefits of exploitation of the "trusteeship area".

IV. *Exploration and exploitation of the sea-bed:*

(b) *The type of régime to govern the sea-bed and the ocean floor beyond the limits of national jurisdiction and types of international machinery*

The Sub-Committee considered that all the basic principles contained in the Declaration of 17 December 1970, e.g., the common heritage concept, non-appropriability, peaceful uses, benefit-sharing, etc. should be duly defined and incorporated in the Convention on the international régime, thus placing their legally binding force beyond controversy.

The majority of delegations were in broad agreement that the international authority to be set up should have a range of powers along the following lines:

- (i) To explore the international sea-bed area and exploit its resources for peaceful purposes by means of its own facilities, equipment and services, or such as are procured by it for the purpose;
- (ii) To issue licences to Contracting Parties, individually or in groups, or to persons, natural or juridical, under its or their sponsorship with respect to all activities of exploration of the international sea-bed area and the exploitation of its resources for peaceful purposes, and related activities, subject to such terms and conditions, including the payment of appropriate fees and other charges, as the authority may determine;
- (iii) To provide for the equitable sharing by Contracting Parties of raw materials obtained from the international sea-bed area, funds received from the sale

thereof, and all other receipts, as well as scientific information and such other benefits as may be derived from the exploration of the international sea-bed area and the exploitation of its resources;

- (iv) To establish or adopt in consultation, and where appropriate, in collaboration with the competent organ of the United Nations, and with the specialized agencies concerned, measures designed to minimize and eliminate fluctuation of prices of land minerals and raw materials that may result from the exploitation of the resources of the international sea-bed area, and any adverse economic effects caused thereby;
- (v) To encourage and assist research on the development and practical application of scientific techniques for the exploration of the international sea-bed area and the exploitation of its resources, and to perform any operation or service useful in such research;
- (vi) To make provision in accordance with the Convention for services, equipment and facilities to meet the needs of research on the development and practical application of scientific techniques for the exploration of the international sea-bed area and the exploitation of its resources for peaceful purposes;
- (vii) To foster the exchange of scientific and technical information on the peaceful uses of the international sea-bed area and its resources;
- (viii) To promote and encourage the exchange and training of scientists and experts in the field of exploration of the sea-bed and the exploitation of its resources;
- (ix) To establish and administer safeguards designed to ensure that materials, services, equipment, facilities and information made available by the authority or at its request or under its supervision or control are not used in such a way as to further any military purpose;
- (x) To establish and adopt, in consultation and, where appropriate, in collaboration with the competent organ of the United Nations and with the specialized agencies concerned, standards of safety for protection of health and minimization of danger to life and property, and on the protection of the marine environment as a whole, and to provide for the application of these standards to its own operations as well as to all other operations authorized by it or under its control or supervision;
- (xi) To acquire or establish any facilities, plant and equipment useful in the carrying out of its authorized functions, whenever the facilities, plant and equipment otherwise available to it are inadequate or available only on terms it deems unsatisfactory; and
- (xii) To take any other action necessary to give effect to the provisions of the Convention.

Several delegations emphasized that in their view the international machinery to be set up to administer the proposed international régime governing the sea-bed beyond national jurisdiction should have comprehensive powers and functions. The machinery should have the capacity to carry out exploration and exploitation activities on its own, even though in the initial stages of its existence it might not be in a position to exercise that function. A few delegations expressed doubts regarding the advisability of conferring the power of direct exploitation on the international machinery, and expressed reservations regarding some of the functions outlined above.

V. International straits

It was acknowledged by all delegations that if it were generally accepted that each State had the right to establish a territorial sea twelve miles wide, several if not all States were likely to exercise that right without delay. As a result, several straits twenty-four miles or less in width would fall under the exclusive jurisdiction of the riparian States concerned.

Several delegations referred to recent suggestions for safeguarding the right of passage through and over straits used for international navigation which might thus fall within the territorial sea of the riparian States. According to those suggestions, in order to safeguard freedom of passage through "straits 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", the riparian States would be required so to delimit their territorial sea as "always to provide a corridor of high seas suitable for transit by all ships and aircraft".

Several delegations took the view that where a strait or part thereof consisted of the territorial sea of the riparian States, the latter must retain under all circumstances a special authority to control navigation through or above that strait for economic or security purposes or for purposes connected with preservation of the marine environment. For those reasons they would be unable to accept the "corridor of high seas" concept. They were also unable to accept the definition of the term "international strait" implied in those suggestions. They were likewise unable to accept a more recent suggestion whereby "all ships and aircraft in transit shall enjoy the same freedom of navigation and overflight, for the purpose of transit through and over such straits, as they have on the high seas".

While all delegations were in agreement that a strait used for international navigation should in times of peace remain free for the innocent passage of merchant ships of all countries, subject to rules and regulations of the riparian States, many delegations rejected both the "corridor of high seas" and "free transit" concepts. A few delegations expressed themselves in favour of the "free transit" concept.

VI. The Archipelago concept

The delegations of Indonesia and the Philippines requested the Committee to consider the problems of archipelagic countries. They urged that archipelagic countries like Indonesia and the Philippines, which consist of thousands of islands, had a special interest in, and relation to, the waters between and around those islands for historical, geographical, ethnological, political and economic reasons, as well as for reasons of national defence and security. In their view, an archipelagic country of this kind was entitled to measure the breadth of its territorial sea from baselines which would guarantee the unity of the archipelago, viz., from baselines connecting the outermost points of the outermost islands of the archipelago. The right of innocent passage from one part of the high seas to another through the waters of an archipelagic country would be guaranteed by that country subject to any rules and regulations it might enact in that regard.

Several delegations expressed their appreciation to the delegations of Indonesia and the Philippines for their elaboration of the archipelago concept. They agreed that sympathetic consideration should be given to the archipelago concept as outlined by the members from Indonesia and the Philippines.

Some delegations expressed support for the concept.

One delegation indicated that it was not in a position to accept the archipelago concept.

VII. Other questions

Although it was recognized that several other aspects of the law of the sea needed careful study in preparation for the forthcoming international negotiations on those subjects e.g., pollution and other problems connected with preservation of the marine environment, the Sub-Committee was unable to consider them for lack of time.

5. DECLARATION OF SANTO DOMINGO, 9 JUNE 1972^a

The Specialized Conference of the Caribbean Countries on Problems of the Sea

Recalling:

That the International American Conferences held in Bogotá in 1948, and in Caracas in 1954, recognized that the peoples of the Americas depend on the natural resources as a means of subsistence, and proclaimed the right to protect, conserve and develop those resources, as well as the right to ensure their use and utilization.

That the "Principles of Mexico on the Legal Regime of the Sea" which were adopted in 1956 and which were recognized "as the expression of the juridical conscience of the Continent and as applicable, by the American States", established the basis for the evolution of the Law of the Sea which culminated, that year, with the announcement by the Specialized Conference in the Capital of the Dominican Republic of concepts which deserved endorsement by the United Nations Conference on the Law of the Sea, Geneva, 1958.

Considering:

That the General Assembly of the United Nations, in its Resolution 2750 (XXV) decided to convoke in 1973 a Conference on the Law of the Sea, and recognized "the need for early and progressive development of the law of the sea";

That it is desirable to define, through universal norms, the nature and scope of the rights of States, as well as their obligations and responsibilities relating to the various oceanic zones, without prejudice to regional or sub-regional agreements, based on the said norms.

That the Caribbean countries, on account of their peculiar conditions, require special criteria for the application of the Law of the Sea, while at the same time the co-ordination of Latin America is necessary for the purpose of joint action in the future;

That the economic and social development of all the peoples and the assurance of equal opportunities for all human beings are essential conditions for peace;

That the renewable and non-renewable resources of the sea contribute to improve the standard of living of the developing countries and to stimulate and accelerate their progress;

That such resources are not inexhaustible since even the living species may be depleted or extinguished as a consequence of irrational exploitation or pollution;

That the law of the sea should harmonize the needs and interests of States and those of the International Community;

That international co-operation is indispensable to ensure the protection of the marine environment and its better utilization;

That as Santo Domingo is the point of departure of the American civilization, as well as the site of the First Conference of the Law of the Sea in Latin America in 1956, it is historically significant that the new principles to advance the progressive development of the Law of the Sea be proclaimed in this city.

Formulate the following Declaration of Principles:

^a Approved at the Specialized Conference of the Caribbean Countries on Problems of the Sea held at Santo Domingo, Dominican Republic, from 31 May to 9 June 1972. Text provided by the Ministry of Foreign Affairs of the Dominican Republic in a note verbale of 5 July 1972 and circulated as document A/AC.138/80. The States which voted in favour of the Declaration were: Colombia, Costa Rica, Dominican Republic, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Trinidad and Tobago, and Venezuela. None of the participants voted against it, and Barbados, El Salvador, Guyana, Jamaica and Panama abstained.

TERRITORIAL SEA

1. The sovereignty of a State extends, beyond its land territory and its internal waters, to an area of the sea adjacent to its coast, designated as the territorial sea, including the superjacent air space as well as the subjacent sea-bed and subsoil.

2. The breadth of the territorial sea and the manner of its delimitation should be the subject of an international agreement, preferably of a worldwide scope. In the meantime, each State has the right to establish the breadth of its territorial sea up to a limit of 12 nautical miles to be measured from the applicable baseline.

3. Ships of all States, whether coastal or not, should enjoy the right of innocent passage through the territorial sea, in accordance with International Law.

PATRIMONIAL SEA

1. The coastal State has sovereign rights over the renewable and non-renewable natural resources, which are found in the waters, in the sea-bed and in the subsoil of an area adjacent to the territorial sea called the patrimonial sea.

2. The coastal State has the duty to promote and the right to regulate the conduct of scientific research within the patrimonial sea, as well as the right to adopt the necessary measures to prevent marine pollution and to ensure its sovereignty over the resources of the area.

3. The breadth of this zone should be the subject of an international agreement, preferably of a worldwide scope. The whole of the area of both the territorial sea and the patrimonial sea, taking into account geographic circumstances, should not exceed a maximum of 200 nautical miles.

4. The delimitation of this zone between two or more States, should be carried out in accordance with the peaceful procedures stipulated in the Charter of the United Nations.

5. In this zone ships and aircraft of all States, whether coastal or not, should enjoy the right of freedom of navigation and overflight with no restrictions other than those resulting from the exercise by the Coastal State of its rights within the area. Subject only to these limitations, there will also be freedom for the laying of submarine cables and pipelines.

CONTINENTAL SHELF

1. The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.

2. The continental shelf includes 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 the exploitation of the natural resources of the said areas.

3. In addition, the States participating in this Conference consider that the Latin American Delegations in the Committee on the Sea-bed and Ocean Floor of the United Nations should promote a study concerning the advisability and timing for the establishment of precise outer limits of the continental shelf taking into account the outer limits of the continental rise.

4. In that part of the continental shelf covered by the patrimonial sea the legal regime provided for this area shall apply. With respect to the part beyond the patrimonial sea, the regime established for the continental shelf by International Law shall apply.

INTERNATIONAL SEA-BED

1. The sea-bed and its resources, beyond the patrimonial sea and beyond the continental shelf not covered by the former, are the common heritage of mankind, in accordance with the Declaration adopted by the General Assembly of the United Nations in Resolution 2749 (XXV) of December 17, 1970.

2. This area shall be subject to the regime to be established by international agreement, which should create an international authority empowered to undertake all activities in the area, particularly the exploration, exploitation, protection of the marine environment and scientific research, either on its own, or through third parties, in the manner and under the conditions that may be established by common agreement.

HIGH SEAS

The waters situated beyond the outer limits of the patrimonial sea constitute an international area designated as high seas, in which there exists freedom of navigation, of overflight and of laying submarine cables and pipelines. Fishing in this zone should be neither unrestricted nor indiscriminate and should be the subject of adequate international regulation, preferably of worldwide scope and general acceptance.

MARINE POLLUTION

1. Is the duty of every State to refrain from performing acts which may pollute the sea and its sea-bed, either inside or outside its respective jurisdictions ?

2. The international responsibility of physical or juridical persons damaging the marine environment is recognized. With regard to this matter the drawing up of an international agreement, preferably of a worldwide scope, is desirable.

REGIONAL CO-OPERATION

1. Recognizing the need for the countries in the area to unite their efforts and adopt a common policy vis-à-vis the problems peculiar to the Caribbean Sea relating mainly to scientific research, pollution of the marine environment, conservation, exploration, safeguarding and exploitation of the resources of the sea;

2. Decides to hold periodic meetings, if possible once a year, of senior governmental officials, for the purpose of co-ordinating and harmonizing national efforts and policies in all aspects of oceanic space with a view to ensuring maximum utilization of resources by all the peoples of the region.

The first meeting may be convoked by any of the States participating in this Conference.

Finally, the feelings of peace and respect for international law which have always inspired the Latin American countries are hereby reaffirmed. It is within this spirit of harmony and solidarity, and for the strengthening of the norms of the inter-american system, that the principles of this document shall be realized.

The present Declaration shall be called: *Declaration of Santo Domingo*.

Done in Santo Domingo de Guzmán, Dominican Republic, this ninth day of June one thousand nine hundred and seventy-two (1972), in a single copy in the English, French and Spanish languages, each text being equally authentic.

6. CONCLUSIONS IN THE GENERAL REPORT OF THE AFRICAN STATES REGIONAL SEMINAR ON THE LAW OF THE SEA, HELD AT YAOUNDE FROM 20 to 30 JUNE 1972^a

After examining the reports, conclusions and recommendations of the various working groups, which were discussed and amended, the seminar adopted the following recommendations:

^a International Relations Institute of Cameroon, *African States Regional Seminar on the Law of the Sea: General Report* (mimeo.), pp. 9-15. Text also circulated as document A/AC.138/79. The Seminar was organized under the auspices of the International Relations Institute of Cameroon, by the United Republic of Cameroon and the Carnegie Endowment for International Peace, with a university professor from Algeria and government officials from the following States attending: Cameroon, Central African Republic, Dahomey, Egypt, Equatorial Guinea, Ethiopia, Ivory Coast, Kenya, Mauritius, Nigeria, Senegal, Sierra Leone, Tanzania, Togo, Tunisia and Zaire.

I. (a) *On the territorial sea, the contiguous zone and the high seas:*

- (1) The African States have the right to determine the limits of their jurisdiction over the Seas adjacent to their coasts in accordance with reasonable criteria which particularly take into account their own geographical, geological, biological and national security factors.
- (2) The Territorial Sea should not extend beyond a limit of 12 nautical miles.
- (3) The African States have equally the right to establish beyond the Territorial Sea an Economic Zone over which they will have an exclusive jurisdiction for the purpose of control regulation and national exploitation of the living resources of the Sea and their reservation for the primary benefit of their peoples and their respective economies, and for the purpose of the prevention and control of pollution.

The establishment of such a zone shall be without prejudice to the following freedoms: freedom of navigation, freedom of over-flight, freedom to lay submarine cables and pipelines.

- (4) The exploitation of the living resources within the economic zone should be open to all African States both land-locked and near land-locked, provided that the enterprises of these States desiring to exploit these resources are effectively controlled by African capital and personnel.

To be effective, the rights of land-locked States, shall be complemented by the right of transit.

These rights shall be embodied in multilateral or regional or bilateral agreements.

- (5) The limit of the Economic Zone shall be fixed in nautical miles in accordance with regional considerations taking duly into account the resources of the region and the rights and interests of the land-locked and near land-locked States, without prejudice to limits already adopted by some States within the region.
- (6) The limits between two or more States shall be fixed in conformity with the United Nations Charter and that of the Organization of African Unity.
- (7) The African States shall mutually recognize their existing historic rights.

However, certain participants expressed reservations as to a 12 miles limit for the territorial sea and as to fixing a precise limit.

On recommendation No. 5 others thought that the general principles of International Law should be referred to in order to fix maritime limits.

(b) *On "Historic Rights" and "Historic Bays":*

- (1) That the "historic rights" acquired by certain neighbouring African States in a part of the Sea which may fall within the exclusive jurisdiction of another State should be recognized and safeguarded.
- (2) The impossibility for an African State to provide evidence of an uninterrupted claim over a historic bay should not constitute an obstacle to the recognition of the rights of that State over such a bay.

Adopted without reservation.

II. *On the biological resources of the sea, fishing and maritime pollution,*

Recommendations

The Participants:

Recommend to African States to extend their sovereignty over all the resources of the high sea adjacent to their Territorial Sea within an economic zone to be established and which will include at least the continental shelf.

Call upon all African States to uphold the principle of this extension at the next International Conference on the Law of the Sea.

Suggest that African States should promote a new policy of co-operation for the development of fisheries so as to increase their participation in the exploitation of marine resources.

Recommend to African States to take all measures to fight pollution and in particular:

By establishing national laws to protect their countries from pollution;

By advocating in international organizations the conclusion of appropriate agreements on control measures against pollution.

Adopted without reservation.

III. *On the continental shelf and the sea-bed:*

Recommendations

- (1) The Economic Zone embodies all economic resources comprising both living and non-living resources such as oil, natural gas and other mineral resources.
- (2) Political and strategic aspects of the sea-bed were considered. The need to use the sea-bed exclusively for peaceful purposes presupposes the definition of a legal régime to ensure greater security of the sea while guaranteeing the respect of the rights of coastal states.
- (3) The participants considered that natural resources outside the Economic Zone should be managed by the International authority.
- (4) The participants stressed the necessity for the Agency to function democratically and the need for adequate continental representation therein. Representation should not be based on the sole criterion of maritime strength and account should be taken of the existing imbalance between developed and developing countries.
- (5) The Seminar categorically rejected the veto system and considered the system of weighted voting undemocratic.

IV. *Concerning settlement of the conflicts which may arise between Coastal States and the International Community:*

Recommendations

In the light of their discussions the Seminar approves the principle of setting up an international governing body to manage the common heritage outside the limits of national jurisdiction. It considers that this body must conform with the spirit of the resolution which provided for its creation, and for this reason must be structured and operate in such a way that the developing countries should be the primary controllers and beneficiaries.

The Seminar recommends that the international body should carry out its wishes on the sea-bed and subsoil for the benefit of the International Community.

Therefore, it considers that its action will depend on the desire of States to extend their limits of jurisdiction. The Seminar noted that it was important for this body to avoid being a simple administrative apparatus issuing licences and distributing royalties.

It considers that to be efficient the International body must seek the best ways and means to involve the business concerns of developing countries in exploiting the resources available in its zone of using these resources to promote the progress of mankind in the developing countries so as to correct the grave imbalance between the nations.

The Seminar considers that all these objectives can be achieved if the participation of developing countries in the planning, setting up, and operation of this body is assured without restriction.

Adopted unanimously:

The participants expressed the unanimous wish that these recommendations should be notified to all African States and to the OAU.
