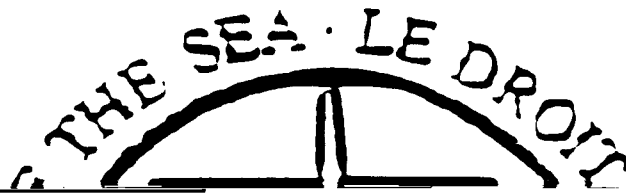


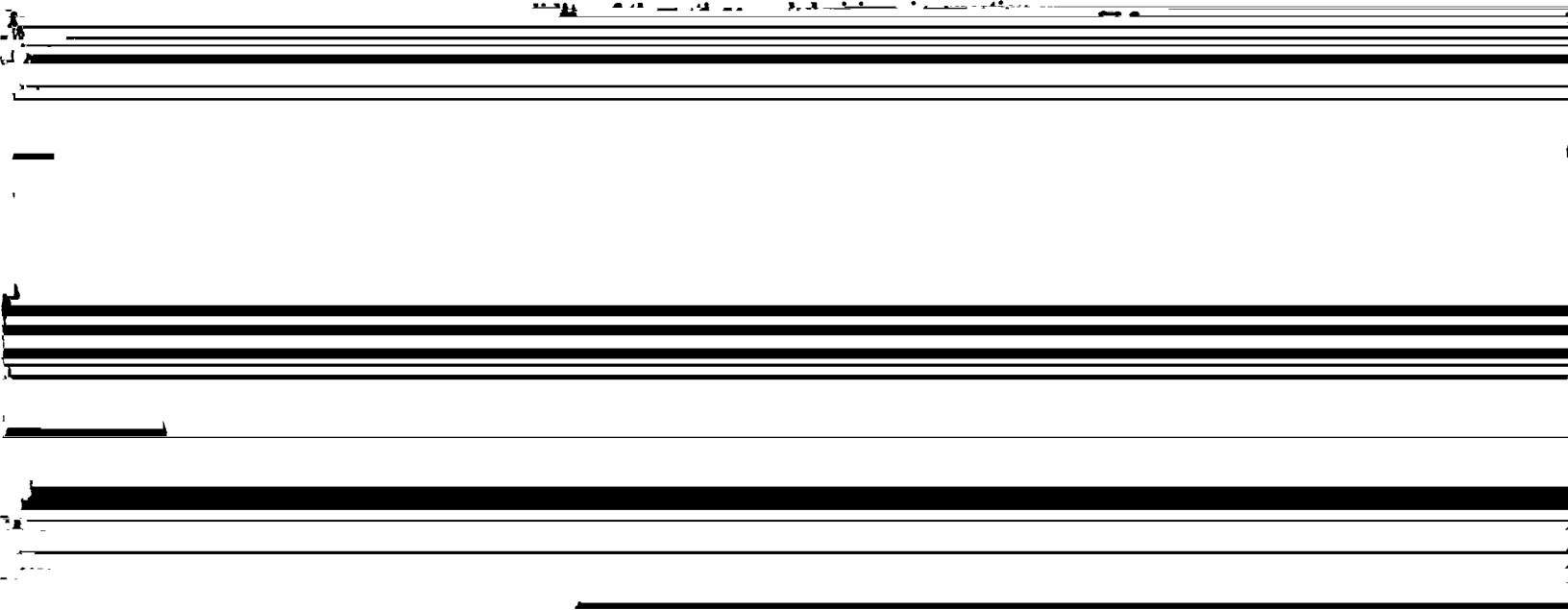
**LAW OF THE SEA
BULLETIN**

No. 24

DECEMBER 1993



**Publication in the Bulletin of information concerning
developments relating to the law of the sea emanating
from actions and decisions taken by States does not
imply recognition by the United Nations of the**



**IF ANY MATERIAL CONTAINED IN THE BULLETIN IS REPRODUCED IN
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I. STATUS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

A. Chronological order of ratifications of, or accessions to, the Convention

Having received the 60th instrument of ratification or accession on 16 November 1993, the Convention, according to article 308, will enter into force on 16 November 1994.

<u>Date</u>	<u>State/Entity</u>	<u>Regional group</u>
1. 10 December 1982	Fiji	Asian
2. 7 March 1983	Zambia	African
3. 18 March 1983	Mexico	Latin Am./Carib.
4. 21 March 1983	Jamaica	Latin Am./Carib.
5. 18 April 1983	Namibia	Africa
6. 7 June 1983	Ghana	African
7. 29 July 1983	Bahamas	Latin Am./Carib.
8. 13 August 1983	Belize	Latin Am./Carib.
9. 26 August 1983	Egypt	African
10. 26 March 1984	Côte d'Ivoire	African
11. 8 May 1984	Philippines	Asian
12. 22 May 1984	Gambia	African
13. 15 August 1984	Cuba	Latin Am./Carib.
14. 25 October 1984	Senegal	African
15. 23 January 1985	Sudan	African
16. 27 March 1985	Saint Lucia	Latin Am./Carib.
17. 16 April 1985	Togo	African
18. 24 April 1985	Tunisia	African
19. 30 May 1985	Bahrain	Asian
20. 21 June 1985	Iceland	W. European/Others

21. 16 July 1985	Mali	African
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23. 6 September 1985	Guinea	African
24. 30 September 1985	United Rep. of Tanzania	African
25. 19 November 1985	Cameroon	African
26. 3 February 1986	Indonesia	Asian
27. 25 April 1986	Trinidad/Tobago	Latin Am./Carib.
28. 2 May 1986	Kuwait	Asian
29. 5 May 1986	Yugoslavia	Eastern European
30. 14 August 1986	Nigeria	African

	<u>Date</u>	<u>State/Entity</u>	<u>Regional group</u>
36.	12 December 1988	Cyprus	Asian
37.	22 December 1988	Brazil	Latin Am./Carib.
38.	2 February 1989	Antigua and Barbuda	Latin Am./Carib.
39.	17 February 1989	Zaire	African
40.	2 March 1989	Kenya	African
41.	24 July 1989	Somalia	African
42.	17 August 1989	Uganda	African
43.	2 May 1990	Botswana	African
44.	9 November 1990	Uganda	African
45.	5 December 1990	Angola	African
46.	25 April 1991	Grenada	Latin Am./Carib.
47.	29 April 1991	Micronesia (Fed. States of) ¹	Asian
48.	9 August 1991	Marshall Islands ¹	Asian
49.	16 September 1991	Seychelles	African
50.	8 October 1991	Djibouti	African
51.	24 October 1991	Dominica	Latin Am./Carib.
52.	21 September 1992	Costa Rica	Latin Am./Carib.
53.	10 December 1992	Uruguay	Latin Am./Carib.
54.	7 January 1993	St. Kitts and Nevis	Latin Am./Carib.

B. Ratifications of, and accessions to, the Convention by regional groups

	<u>Date</u>	<u>State</u>	<u>Regional group</u>
1.	5 December 1990	Angola	African
2.	2 May 1990	Botswana	"
3.	19 November 1985	Cameroon	"
4.	10 August 1987	Cape Verde	"
5.	26 March 1984	Côte d'Ivoire	"
6.	8 October 1991	Djibouti	"
7.	26 August 1983	Egypt	"
8.	22 May 1984	Gambia	"
9.	7 June 1983	Ghana	"
10.	6 September 1985	Guinea	"
11.	25 August 1986	Guinea-Bissau	"
12.	2 March 1989	Kenya	"
13.	16 July 1985	Mali	"
14.	18 April 1983	Namibia	"
15.	14 August 1986	Nigeria	"
16.	3 November 1987	Sao Tome and Principe	"
17.	25 October 1984	Senegal	"
18.	16 September 1991	Seychelles	"
<hr/>			
19.	24 July 1989	Somalia	"
20.	23 January 1985	Sudan	"
21.	16 April 1985	Togo	"
22.	24 April 1985	Tunisia	"
23.	9 November 1990	Uganda	"
24.	30 September 1985	United Republic of Tanzania	"
25.	17 February 1989	Zaire	"
26.	7 March 1983	Zambia	"
27.	24 February 1993	Zimbabwe	"
<hr/>			
1.	30 May 1985	Bahrain	Asian
2.	12 December 1988	Cyprus	"
3.	10 December 1982	Fiji	"
4.	3 February 1986	Indonesia	"
5.	30 July 1985	Iraq	"
6.	2 May 1986	Kuwait	"
7.	29 April 1991	Micronesia (Fed. States of) ¹	"
8.	9 August 1991	Marshall Islands ¹	"
9.	17 August 1989	Oman	"
10.	8 May 1984	Philippines	"
11.	21 July 1987	Yemen	"

^{1/} Accession to the Convention.

	<u>Date</u>	<u>State</u>	<u>Regional group</u>
1.	2 February 1989	Antigua and Barbuda	Latin Am./Carib.
2.	29 July 1983	Bahamas	"
3.	12 October 1993	Barbados	"
5.	22 December 1988	Brazil	"
6.	21 September 1992	Costa Rica	"
7.	15 August 1984	Cuba	"
8.	24 October 1991	Dominica	"
9.	25 April 1991	Grenada	"
10.	16 November 1993	Guyana	"
11.	5 October 1993	Honduras	"
12.	21 March 1983	Jamaica	"
13.	18 March 1983	Mexico	"
14.	26 September 1986	Paraguay	"
15.	7 January 1993	Saint Kitts and Nevis	"
17.	1 October 1993	Saint Vincent and the Grenadines	"
18.	25 April 1986	Trinidad and Tobago	"
19.	10 December 1992	Uruguay	"
1.	21 June 1985	Iceland	Western European and Other States
2.	20 May 1993	Malta	"
1.	5 May 1986	Yugoslavia	Eastern European

II. LEGAL INFORMATION RELEVANT TO THE UNITED NATIONS CONVENTION
ON THE LAW OF THE SEA

A. Recent national legislation and notices received from Governments

1. BAHRAIN ¹

Law No. 8 of 1985 with respect to the territorial sea

and contiguous zone of the State of Bahrain

Whereas the State of Bahrain exercises sovereignty over the territorial sea, and sovereign rights, control and jurisdiction over the seas and the continental shelf adjacent to its shores in accordance with

the rules of international law and within the limits prescribed by that law;

Recognizing that the United Nations Convention on the Law of the Sea of 1982 which was ratified on 30 May 1985 by the State of Bahrain pursuant to the Law by Decree No. 8 of 1985 represents a statement of the rules of contemporary international law which accords with the views of the States

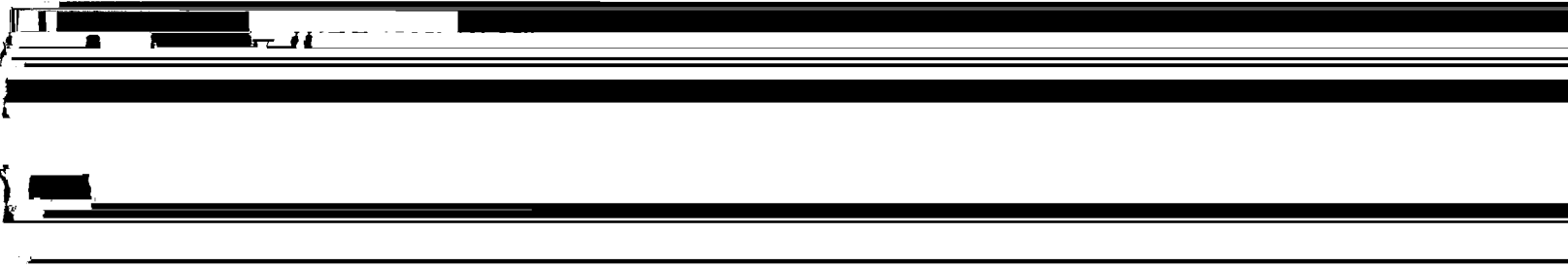
**Geographical coordinates showing baselines for measuring
the breadth of the territorial sea**

The Permanent Mission of the Republic of Cyprus to the United Nations would like to deposit the attached copy of geographical coordinates showing baselines for measuring the breadth of the territorial sea of Cyprus where the above coordinates are drawn.

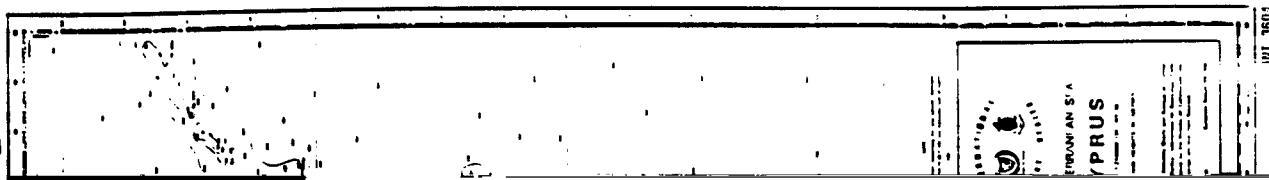
Sequence	Latitude	Longitude
1.	35° 06' 49"	32° 16' 52"
2.	35° 05' 40"	32° 16' 31"
3.	35° 04' 15"	32° 16' 12"
4.	35° 02' 21"	32° 16' 15"

Sequence	Latitude	Longitude
23.	34° 51' 48"	33° 38' 18"
24.	34° 55' 41"	33° 38' 57"
25.	34° 58' 44"	33° 43' 52"
26.	34° 56' 32"	33° 51' 46"
27.	34° 58' 52"	34° 57' 23"
28.	34° 57' 20"	34° 05' 05"
29.	34° 57' 38"	34° 05' 13"
30.	34° 59' 21"	34° 04' 38"
31.	35° 00' 40"	34° 03' 55"
32.	35° 13' 10"	33° 54' 15"
33.	35° 16' 50"	33° 55' 36"
34.	35° 19' 45"	34° 04' 00"
35.	35° 22' 25"	34° 05' 22"
36.	35° 29' 40"	34° 18' 40"
37.	35° 33' 21"	34° 24' 30"
38.	35° 38' 31"	34° 33' 40"
39.	35° 39' 04"	34° 34' 15"
40.	35° 42' 36"	34° 36' 22"
41.	35° 39' 10"	34° 25' 52"

Sequence	Latitude	Longitude
52.	35° 11' 45"	32° 40' 11"
53.	35° 11' 45"	32° 40' 27"



55.	35° 08' 37"	32° 31' 27"
56.	35° 3' 20"	32° 27' 05"
57.	35° 02' 30"	32° 23' 52"



3. IRAN (ISLAMIC REPUBLIC OF) ¹

Act on the Marine Areas of the Islamic Republic of Iran
in the Persian Gulf and the Oman Sea

PART I
Territorial sea

Article 1
Sovereignty

and its islands in the Persian Gulf, the strait of Hormuz and the Oman Sea, to a belt of sea, adjacent to the baseline, described as the territorial sea.

This sovereignty extends to the airspace over the territorial sea as well as to its bed and subsoil.

Article 2
Outer limit

The breadth of the territorial sea is 12 nautical miles, measured from the baseline. Each nautical mile is equal to 1,852 metres.

The islands belonging to Iran, whether situated within or outside its territorial sea, have, in

otherwise agreed between the two parties, the median line every point of which is equidistant from the nearest point on the baseline of both States.

Article 5
Innocent passage

The passage of foreign vessels, except as provided for in article 9, is subject to the principle of innocent passage so long as it is not prejudicial to good order, peace and security of the Islamic Republic of Iran.

Passage, except as in cases of force majeure, shall be continuous and expeditious.

Article 6
Requirements of innocent passage

Passage of foreign vessels, in cases when they are engaged in any of the following activities, shall

- (a) Any threat or use of force against the sovereignty, territorial integrity or political independence of the Islamic Republic of Iran, or in any other manner in violation of the

Article 7
Supplementary laws and regulations

The Government of the Islamic Republic of Iran shall adopt such other laws and regulations

necessary for the protection of its national interests and the proper conduct of innocent passage

Article 8
Suspension of innocent passage

The Government of the Islamic Republic of Iran shall adopt such other laws and regulations

PART II
Contiguous zone

Article 12
Definition

The contiguous zone is an area adjacent to the territorial sea the outer limit of which is 24 nautical miles from the baseline.

Article 13
Civil and criminal jurisdiction

The Government of the Islamic Republic of Iran may adopt measures necessary to prevent the infringement of laws and regulations in the contiguous zone, including security, customs, maritime, fiscal, immigration, sanitary and environmental laws and regulations and investigation and punishment of offenders.

PART III
Exclusive economic zone and continental shelf

Article 14
Sovereign rights and jurisdiction in the exclusive economic zone

Beyond its territorial sea, which is called the exclusive economic zone, the Islamic Republic of Iran



Article 16
Prohibited activities

inconsistent with the rights and interests of the Islamic Republic of Iran in the exclusive economic zone and the continental shelf are prohibited.

Article 17
Scientific activities, exploration and research

The said ministries and organizations shall, within one year after the approval of this Act, prepare the necessary regulations and have them approved by the Council of Ministers.

Pending the adoption of new executive regulations, the existing rules and regulations shall remain in force.

~~All laws and regulations contrary to the present Act, upon its ratification, are hereby abrogated.~~

The above Act, comprising 23 articles, was ratified at the plenary meeting of Tuesday, the thirty-first day of Farvardin, one thousand three hundred and seventy-two (20 April 1993), of the Islamic Consultative Assembly and was approved by the Council of Guardians on Ordibehesht 12, 1372 (2 May 1993).

4. NETHERLANDS ¹

Decree of 6 July 1993 establishing a fishing zone for the Netherlands Antilles

and Aruba (Fishing Zone (Netherlands Antilles and Aruba) Decree)

1. There shall be a fishing zone off the coast of the Netherlands Antilles and Aruba, from the outer limit of the territorial sea.
2. The outer limit of the fishing zone shall be the boundary line agreed with other States.
3. Where no boundary line has been agreed with other States, the outer limit of the fishing zone shall

5. SPAIN ¹

Act No. 27/1992 of 24 November 1992 concerning national ports and

[Original: Spanish]

...

Chapter III
Merchant shipping

Article 6
Merchant shipping

1. For the purposes of this Act, merchant shipping shall comprise:
 - (a) The activity of shipping, except such shipping as is carried out solely between ports or points within a single Autonomous Community having competence in this area, which does not involve ports or points in other territorial areas;
 - (b) The management and inspection of the Spanish civilian fleet;
 - (c) The safety of navigation and life at sea;
 - (d) Maritime safety, including the training of pilots for in-port pilotage and the determination of in-port towage requirements as well as the availability of both services in cases of emergency;
 - (e) Maritime rescue operations, as provided for in article 87;

Article 7
Areas and types of navigation

1. Areas of navigation are those areas, in addition to internal waters, the territorial sea, the contiguous zone and the exclusive economic zone, over which Spain exercises sovereignty, sovereign rights or jurisdiction.

- For the purposes of this Act, "Spanish internal waters" means those waters situated within the baselines of the territorial sea, including rivers, lakes and continental waters.

- "Territorial sea" means the sea extending to a distance of 12 nautical miles from the baselines from which its breadth is measured.

- "Contiguous zone" means the zone extending from the outer limit of the territorial sea up to a distance of 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.

measured.

- "Exclusive economic zone" means the zone extending from the outer limit of the territorial sea to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

2. Depending on the area in which it takes place, navigation shall be internal, coastal, external or

extra-national.

Article 8
Civilian fleet and fixed platforms

- (a) **The national merchant fleet;**
- (b) **The national fishing fleet;**
- (c) **National pleasure boats and sports craft;**

5. Ensuring the availability of any maritime transport services required to meet the needs of the country;
6. Ensuring navigation that serves the public interest.

Chapter II

Shipping operations and the regime of navigation

Section 1.a

Ships and shipping companies

Article 75

Register of Ships and Shipping Companies

1 The Register of Ships and Shipping Companies is a public administrative register in which are

- Ships flying the Spanish flag;
- Spanish shipping companies.

2. For purposes of identification, entries in the Register shall indicate all relevant information about the ship and the modifications effected thereto, as well as the instruments and contracts by virtue of which it is owned or transferred, mortgages are constituted or rights in rem are enforced, and any other particulars required by statute or regulation

4. All conditions to be met before a ship is granted the right to fly the Spanish flag shall be determined in the relevant regulations.

Crews of ships

1. The number of a ship's crew members and the conditions under which they are trained must be adequate to ensure the safety of navigation and of the ship at all times, having regard to its technical and operational characteristics, in accordance with the relevant regulations.

2. The nationality requirements for States' crew members shall likewise be determined in the relevant regulations; however, citizens of the European Economic Community may, from the date of entry into force of this Act, be employed on ships as crew members provided that they do not exercise, even occasionally, public functions, which right shall be reserved for Spanish citizens.

Article 78
Civil liability

Spanish shipping companies shall be required to maintain insurance coverage against any civil liability they may incur while operating their ships under terms to be specified in regulations.

3. Requests for removal from the Register of Ships and Shipping Companies shall be submitted by the registered owner of the ship to the Department of the Merchant Navy and shall be considered granted if a decision is taken within a period of forty five days

4. Exceptionally, when essential maritime communications within the national territory or the provision of supplies and goods cannot be ensured, the Government may establish regulations prescribing the conditions or restrictions that shall apply to the export of merchant ships.

Such measures shall remain in force for as long as the above-mentioned circumstances continue to exist.

5. The provisions of this article shall be without prejudice to the laws and regulations governing foreign trade.

Section 3.a
Internal navigation

Article 80
Regime of internal navigation

1. Internal navigation for commercial purposes may be carried out only by Spanish merchant ships, except as otherwise provided in Community regulations.

Exceptionally, if no suitable Spanish merchant ship is available for a specific activity, and for as long as such a situation exists, Spanish shipping companies may be authorized by the Ministry of Public Works and Transport to hire and utilize foreign merchant ships to engage in internal navigation.

2. The ships referred to in the preceding paragraph may freely engage in internal navigation, subject to relevant maritime safety, navigation and clearance regulations

prospective users and offer services that, by virtue of their regularity, advertising and contracting practices are similar to those of a regular line.

4. The provisions of this article shall not apply to those Autonomous Communities having jurisdiction in the area of maritime transport when such transport takes place between ports or points of the same Community without involving ports or points of other territories.

Section 5.a

External and extra-national navigation

Article 82

External and extra-national navigation

1. When there exists a serious threat to the principles of open competition or free trade...

users.

Such conferences shall be subject to competition from regular non-member services and, in certain cases, from irregular services operating on the same routes. In no case, however, may conference activities

4. The granting of shipping concessions or permits, except when an Autonomous Community has jurisdiction over maritime transport and if such transport takes place between ports or points of the Community without involving ports or points belonging to other territories;

5. Organizing and conducting technical, radio, safety and pollution-control inspections and monitoring in respect of all Spanish civilian ships, ships under construction in Spain and foreign ships,

11. Acting as a sanctioning authority, in accordance with the legislation in force;
12. Any other responsibilities attributed to it by this Act or by any other legislation.

Article 87
Public service: rescues

1. Public service in the form of life saving and pollution control at sea shall be provided by the State

Administration and by the other competent public authorities, in accordance with the principle of coordination as articulated in the relevant plans and programmes. Such plans and programmes shall set out all the actions to be taken by each authority and measures for implementing them independently of its authority, functional role or location.

2. On the proposal of the Ministry of Public Works and Transport, the Government shall adopt the

Section 2.a
Auxiliary Administration

Article 88

Functions

1. Every port registering a significant level of navigation or in which traffic or safety conditions so
t shall have a harbor master's office. Regulations shall be established to determine the necessary

minimum requirements and the procedure for establishing such auxiliary bodies.

Committee, the harbor administration and

TITLE IV

Regime of police

Chapter I
State port and police regulations

Article 106
Service and police regulations

1. The port authorities, with a report from the harbour-master's office, shall formulate port service and police regulations to govern the functioning of the various services and operations. The regulations

shall be sent to State ports for forwarding along with the appropriate report to the Ministry of Public

Works and Transportation for approval.

2. Once regulations referred to in the preceding paragraph have been approved, they shall be published in the Official State Gazette.

Chapter II
Measures to safeguard port activities and navigation

Article 107
Sinking of ships

1. If a ship is in danger of sinking in a port and the shipping interest or consignee fails to leave the port or repair the vessel after being requested to do so, the port authority may, on the basis of a report from the harbour-master's office, move the vessel or scuttle it, at the expense of the shipping interest or consignee, so that it does not obstruct port activities, navigation or fishing. In the case of fishing activities, a report shall be requested from the fisheries administration, which shall be assumed to be favourable if it

Chapter III
Offences

Article 113
Definition and classification

1. The actions and omissions described in and punishable under this Act shall constitute administrative infractions in the sphere of merchant shipping and matters relating to State ports.
2. Offences shall be classified as minor, serious and major, in accordance with the criteria set out in the following articles.

Article 114
Minor offences

Minor offences are actions and omissions which are not considered serious or major by virtue of their scope or the magnitude of the damage caused and fall into one of the following categories:

- (a) Failure to comply with the provisions of the port service and police regulations;
- (b) Failure to comply with ordinances or instructions issued by the port authority with regard to maritime operations in the port area;
- (c) Conducting maritime operations in the port area in a manner that endangers structures, installations, port facilities and other vessels, or without taking the necessary precautions;
- (d) Failure to comply with ordinances or instructions issued by the port authority in respect of stevedoring operations, loading and unloading, storage, delivery and receipt and any other operations related to cargo;
- (e) Unauthorized or inappropriate utilization, or utilization without adequate safety precautions, of port facilities belonging either to the port authority or to individuals;
- (f) Failure to comply with ordinances or instructions issued by the port authority in the exercise of its competence for the regulation of traffic and land operations.

2. Offences relating to activities that are subject to prior authorization or licensing or carried out under contract.

- (a) Failure to comply with the conditions of the relevant administrative sections of the terms of contracts for the indirect provision of port services or of the lists of general conditions governing them, without prejudice to their expiry or revocation;
- (b) Unauthorized advertising on external surfaces in the port area;
- (c) The provision of incorrect or inadequate information to the port authority, voluntarily or upon request;
- (d) Partial or total failure to comply with other obligations set out in this Act and in the provisions that amplify and implement it, and failure to perform any acts that may be

required under them;

- (e) Failure to comply with port service and police regulations, the General Pilotage Regulations and other regulations governing port activities

3. Offences affecting maritime safety.

- (a) The actions of persons on board who, while inebriated or under the influence of psychotropic substances or toxic or narcotic drugs, endanger the safety of the vessel;
- (b) Acts which are contrary to the regulatory provisions or orders issued by the captain or ship's officers and may adversely affect the safety of navigation.

4. Offences affecting the control of maritime traffic.

- (a) Failure by the captain or designated person to present the necessary documentation;

5. **Offences relating to pollution of the marine environment.**

(a) **Failure to comply with the provisions of the police regulations for ports or other waters**

disregard of the prohibitions contained therein;

(b) **Carrying out any repairs, graving or dredging that may cause pollution in violation of the applicable rules.**

Article 115
Serious offences

- (c) **The carrying of weapons or dangerous devices or substances without the prior authorization of the ship's captain;**
- (d) **Actions or omissions by any member of the ship's crew while inebriated or under the influence of psychotropic substances or of toxic or narcotic drugs which may interfere with his ability to perform his duties;**
- (e) **Refusal by the captain to keep a stowaway on board pending delivery to the competent authorities or those designated by them;**
- (f) **Unjustified refusal by the captain, or by the person replacing him, in the event of a collision, to provide information about the name and port of registration of the ship under his command, the port of origin and the destination;**
- (g) **The clandestine boarding of a Spanish ship;**
- (h) **Cases in which captains exceed the limits of the powers vested in them by their professional or recreational certification masters or other seagoing personnel;**
- (i) **Except where justified, failure by the parties concerned to inform the nearest harbour-master's office that the state of distress of a ship or fixed platform which gave rise to their request for help has ceased to exist;**
- (j) **Ignorance on the part of the crew members of a Spanish civilian ship of their official duties and functions in emergencies, as approved by the Administration in accordance with the applicable regulations, or failure to fulfil those duties and functions;**
- (k) **Failure on the part of shipping interests, captains and masters to comply with the rules governing inspections and certificates of the ship and its components:**

(l) **Navigation, except in cases of force majeure, by any type of ship, craft or device designed**

- (e) Failure to carry out the instructions issued by harbour-masters' offices within their spheres of competence with regard to the manoeuvring and navigation of ships in ports, roadsteads and other maritime waters outside ports;
- (f) Failure to comply with the regulations or instructions issued by harbour-masters' offices with regard to the regime and traffic of ships, including pleasure boats and craft used for any purpose, and the use of any device which may pose a risk to navigation or persons;
- (g) Failure to comply with the rules governing the clearance of ships and other craft or the enlistment of crews and the roster system for harbour-masters' and consular offices;
- (h) Engaging in work at sea in violation of the rules governing maritime employment, and failure to possess a certificate or any other document or item required by regulation in

- (i) Violation of the rules governing the registration of ships, boats or fixed platforms in the corresponding lists of the Register of Ships and Shipping Companies and the use of ships in traffic or activities prohibited under the terms of such

registration;

- (j) Violation of the rules governing the use of radio stations and services by ships;
- (k) Failure to comply with the obligation to register companies in the Registry of Ships and Shipping Companies or to report therein any documents, contracts or agreements

- (l) Building a ship, making alterations to it or changing its motor without the requisite State administrative authorization or in violation of the rules regulating such activities, and launching a ship without the appropriate permit;

- (m) Violation of the regulations governing the break-up of ships and the destruction or dismantling of fixed platforms in waters located in areas over which Spain exercises

- (c) Failure to comply with the provisions in force with regard to facilities, installations and documents on board for the prevention and control of operations for the disposal of waste and other substances;
- (d) Failure to inform the nearest harbour-master's office or the Department of the Merchant Navy immediately, in the cases and in the manner provided for in the relevant legislation, of the discharge or disposal of pollutants from vessels or from fixed platforms or other installations in waters located in areas over which Spain exercises sovereignty, sovereign rights or jurisdiction;
- (e) Negligent introduction into the marine environment, directly or indirectly, of substances, materials or energy sources that may be harmful to human health, adversely affect tourist, scenic or biological resources and marine life, limit recreational opportunities or

- (d) **The unwarranted use of distress signals and the unauthorized display of distinguishing marks that would identify the vessel as a hospital ship or invest it with any other characteristic that contravenes the provisions of international law;**
- (e) **Hiring as captain, master or watch officer any person not in possession of the proper certification legally qualifying him for such positions or allowing any such person to perform those functions, or the performance of such functions without the aforementioned certification, except in the case of pleasure boats;**

- (f) **Ignorance on the part of the crew members of Spanish passenger ships of their official duties and functions in emergencies, as approved by the Administration in accordance with the applicable rules, or failure to fulfil those duties and functions;**

- (f) Failure to comply with the orders, prohibitions and conditions referred to in articles 109, 110, 111 and 112 of this Act;
- (g) The provision of marine navigation services without the corresponding administrative concession or authorization where such is required under the provisions of this Act:

(h) Falsification of information that should be furnished to the maritime authorities in accordance with the regulations in force;

(i) Failure to perform public service obligations required of shipping companies operating

regular or non-regular services in internal, coastal, external or extra-national waters;

(j) Failure to fulfil obligations set out in regulations designed to implement the provisions of this Act and relating to the coordination of State ports and the merchant navy with the needs of national defence and public security.

4. Offences relating to pollution of the marine environment from ships or fixed platforms or other

If the events or activities that constitute the offence are not detected because they produce no external signs, the limitation period shall be measured from the time such signs are observed.

3. However, irrespective of the time elapsed since the commission of the offence, all objects shall be returned and restored to their former condition.

4 Construction work or installations shall be considered to have been completed when they can be

used for their intended purpose without any further action. To this end, the date of completion shall be confirmed by the port authority or, alternatively, shall be considered to be the date of licence, permit or

Article 118
Liability

The following individuals and legal entities shall be held liable for:

[REDACTED]

(f) ~~In case of offences committed in the navigation of non-merchant civilian ships or as a~~

result of the installation of fixed platforms or other construction works situated outside the port service area, the individual or legal entity that owns the business involving the ship, platform or construction work or, in the case of ships used exclusively as pleasure craft, the individual or legal entity that owns the vessel or is directly liable for the offence

In such cases, secondary liability shall be borne by the ship's captain or master;

- (b) In the case of offences committed in the navigation of merchant ships, the shipping company engaging in the activity or, failing that, the ship's captain;
- (c) In the case of offences committed by users and, in general, by third parties who, while not covered by the preceding subparagraphs, nevertheless engage in activities that are

Act may in all cases be penalized for offences established thereunder, independently of any other liability they may incur.

3. When an offence may constitute either a crime or a misdemeanour, it shall be referred to the public prosecutor, and penalty proceedings shall be suspended until the judicial authorities render a final judgement or a decision which brings the proceedings to an end.

Criminal penalties shall preclude the imposition of administrative penalties. If no crime or

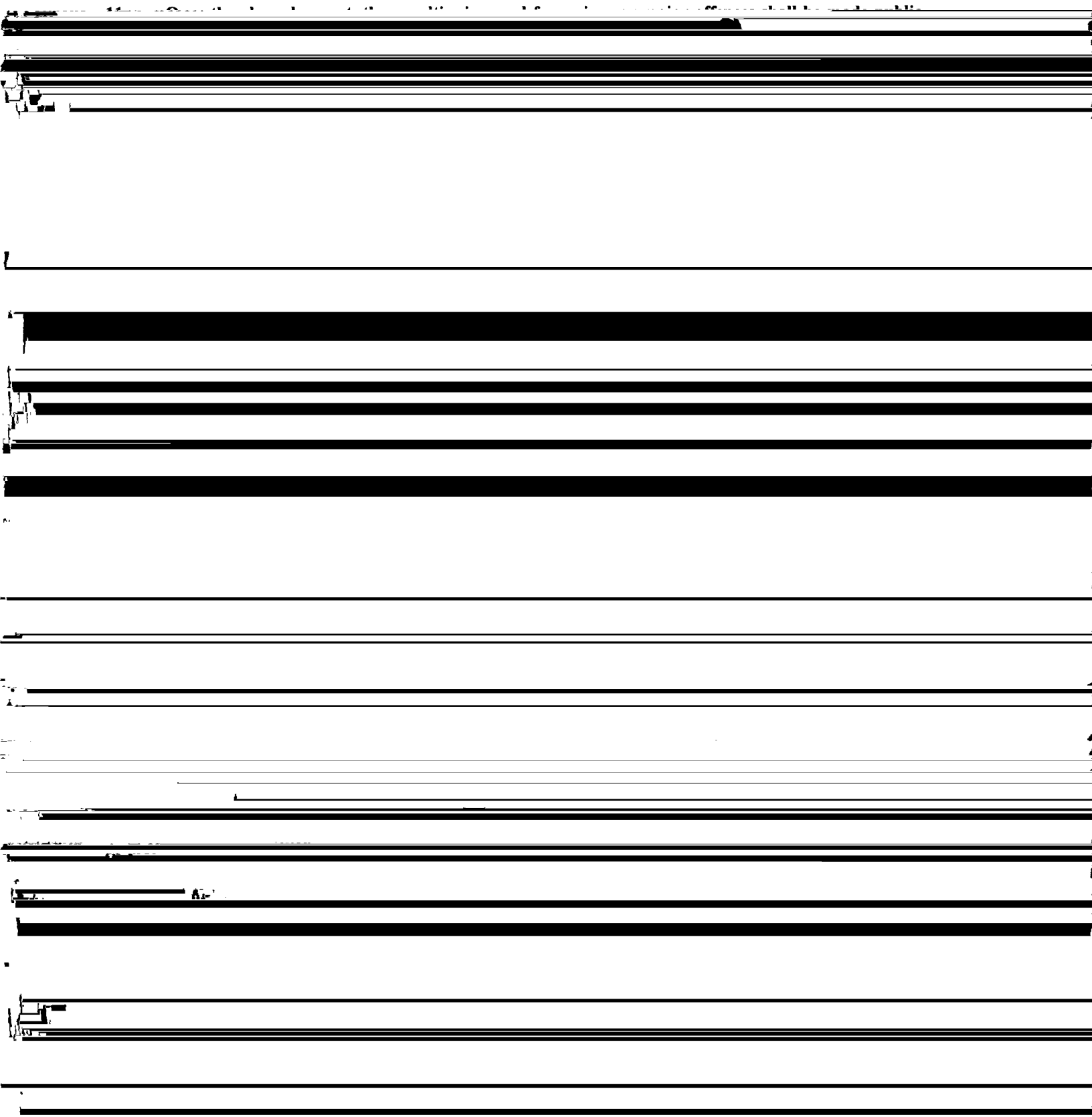
account, as appropriate, the facts established in the decision of the competent judicial body.

In all cases, administrative measures taken in order to safeguard port activities, maritime safety and maritime traffic control and to protect the marine environment from pollution shall be carried out

3. The penalties for major offences shall be as follows:

- (a) For offences involving the use of ports and the exercise of port activities: in the cases provided for in article 116.1 (c), a fine of 50 per cent of the value of the works or

- (a) **Serious offences: suspension not exceeding one year;**
- (b) **Major offences: suspension from one to five years.**



- (b) **Harbour-masters, in cases of minor offences affecting maritime safety and the control of marine traffic or offences involving pollution of the marine environment from ships, fixed platforms or other installations in waters located in zones over which Spain exercises sovereignty, sovereign rights or jurisdiction;**

... in cases of serious offences as described in this

Chapter V

Procedures, methods of execution and precautionary measures

Article 125
Procedures

1. The staff and officials of the maritime or port authority shall be required to bring charges against offenders, institute proceedings when charges are brought and resolve matters within their area of competence through the imposition of the relevant penalties.

and installations under concession or authorization located in the service area of the port or to ships and
platforms flying the Spanish flag or within the port area.

First supplementary provision

Service area

If the delimitation provided for in article 15.1 has not yet been carried out, the service area of ports under State jurisdiction shall be considered to be the entire land area included in the existing service area upon the entry into force of this Act and the water surfaces included in zones I and II delimited by each port for tariff purposes, in accordance with the rules in force.

Second supplementary provision

Contiguous zone

In the contiguous zone defined in article 7.1 of this Act, the Government may take the necessary control measures to:

- (a) Prevent violations of customs, smuggling, taxation, immigration and health laws and regulations in national territory and territorial waters;
- (b) Punish such violations.

...

6. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

(a) Pitcairn, Henderson, Ducie and Oeno Islands

Proclamation No. 1 of 1992

In the Name of Her Majesty Elizabeth II, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith,

By His Excellency David Joseph Moss Esquire, Companion of the Order of Saint Michael and Saint George, Governor of Pitcairn, Henderson, Ducie and Oeno Islands,

Whereas there is a need to establish and to regulate activity in an exclusive economic zone around Pitcairn, Henderson, Ducie and Oeno Islands, in accordance with the rules of international law,

Now Therefore I, David Joseph Moss, acting in pursuance of instructions given by Her Majesty through a Secretary of State, do Hereby Proclaim as follows:

1. (1) There is established for Pitcairn, Henderson, Ducie and Oeno Islands an exclusive economic zone (hereinafter referred to as "the zone") beyond and adjacent to the

-
- (2) The zone has as its outer limits the lines defined in the schedule to this Proclamation.

2. Any rights exercisable over the waters of the zone, its seabed and subsoil

SCHEDULE

The zone is bounded by lines of the type described in Column 2 joining the points defined to the nearest second of arc by coordinates of latitude and longitude on WGS 72 Datum specified in Column 1.

<u>Column 1</u>		<u>Column 2</u>	
<u>Coordinates of latitude and longitude</u>		<u>Line type</u>	
1.	26° 34' 05"	133° 25' 29"	1-2 Loxodrome
2.	25° 40' 40"	132° 59' 32"	2-3 Loxodrome
3.	24° 04' 08"	132° 41' 11"	3-4 Loxodrome
4.	22° 22' 55"	132° 23' 23"	4-5 Loxodrome
5.	21° 03' 05"	132° 08' 37"	5-6 Loxodrome
6.	20° 45' 54"	131° 58' 43"	6-7 a line drawn
7.	26° 34' 05"	133° 25' 29"	clockwise 200 nautical miles from the nearest points on the baseline of the territorial sea of Oeno, Henderson, Ducie

3. In regard to the maritime zone, Her Majesty will exercise jurisdiction in accordance with the rules of international law over the exploration and exploitation and the conservation and management of the

7. UNITED STATES OF AMERICA ¹

The Permanent Mission of the United States of America to the United Nations presents its compliments to the United Nations and has the honour to advise that the Government of the United States

DEPARTMENT OF COMMERCE ²

**National Oceanic and Atmospheric Administration
Deep Seabed Mining; Surrender of Exploration Licence**

Agency: National Oceanic and Atmospheric Administration, Commerce.

Action: Notice of surrender of Deep Seabed Mining Exploration Licence USA 4 from 41-

Summary: Pursuant to Section 115(a) of the Deep Seabed Hard Mineral Resources Act and 15 CFR 971.803(a), which was published at 54 FR 514, 6 January 1989, notice is hereby given that the National

Coordinates for USA-4

The area is encompassed by and extends to geodesics drawn between the coordinates numbered in series below:

(1) North Latitude 14°20' West Longitude 126°00'

(2) North Latitude 14°20' West Longitude 126°15'

(3) North Latitude 13°45' West Longitude 126°15'

(4) North Latitude 13°45' West Longitude 125°20'

(5) North Latitude 12°15' West Longitude 125°20'

(6) North Latitude 12°15' West Longitude 127°00'

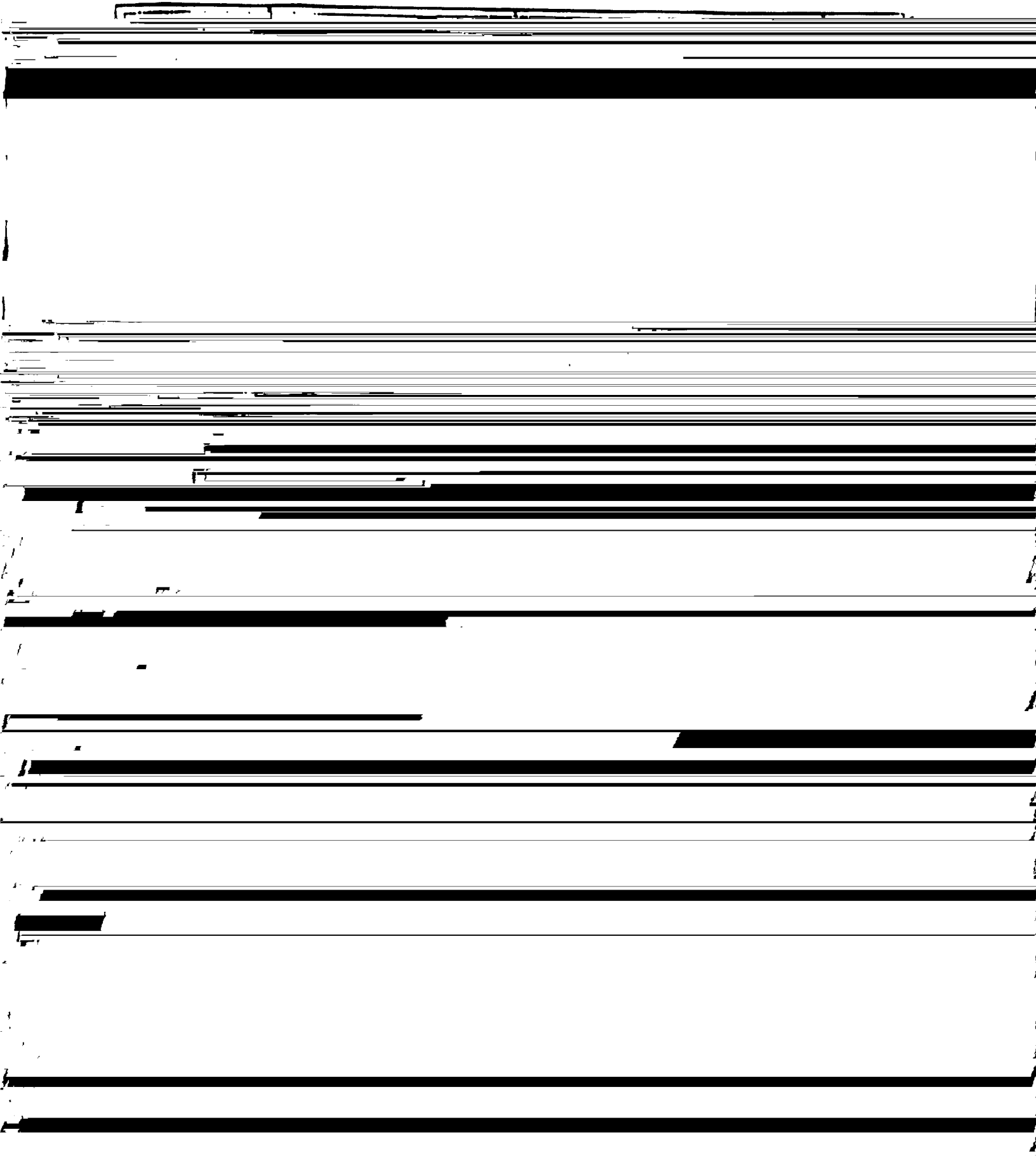
B. STATEMENTS RECEIVED FROM GOVERNMENTS

1. Argentina¹

Letter dated 7 May 1993 from the Chargé d'affaires a i of the

to the Secretary-General

**I have the honour to transmit to you herewith the text of the statement issued by the Government
of the Argentine Republic on 7 May 1993 concerning the unilateral withdrawal of the Argentine Republic**



2. United Kingdom of Great Britain and Northern Ireland ¹

Letter dated 12 May 1993 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

I have the honour to transmit to you the texts of two statements issued by the Government of the United Kingdom of Great Britain and Northern Ireland on 7 May 1993 concerning the extension of the maritime zone around South Georgia and the South Sandwich Islands (see annex I) and the conservation of marine resources in the area in accordance with the Convention on the Conservation of Antarctic Marine Living Resources (see annex II).

I should be grateful if the text of the present letter and its annexes could be circulated as an

particularly in relation to fisheries. We look forward to pursuing this dialogue.

ANNEX II

Text of a further statement issued by the Government of the United Kingdom of Great Britain and Northern Ireland on 7 May 1993 concerning the conservation of marine resources

The Argentine Republic has today reasserted its purported claims in respect of South Georgia and the South Sandwich Islands and the waters surrounding those Islands. In enacting its Law No 23068 in

III. OTHER INFORMATION

A. Succession

On 28 May 1993 ¹ the instrument of succession to the following treaties was received from the Government of Slovakia:

Convention on Transit Trade of Land-locked States, done at New York
on 8 July 1965;

Convention on the Territorial Sea and the Contiguous Zone, done at

Convention on the High Seas, done at Geneva on 20 April 1958.

Convention on the Continental Shelf, done at Geneva on 29 April 1958;

United Nations Convention on the Law of the Sea, concluded at Montego
Bay, Jamaica, on 10 December 1982 (succession to signature):

Convention and Statute on the International Regime of Maritime Ports.

B. International Court of Justice¹

**Maritime Delimitation in the Area between Greenland and Jan Mayen
(Denmark v. Norway)**

Judgment of the Court

The following information is communicated to the press by the Registry of the International Court of Justice:

Today, 14 June 1993, the International Court of Justice delivered its Judgment in the above case. In the Judgment the Court, by fourteen votes to one, fixed a delimitation line for both the continental shelf and the fishery zones of Denmark and of Norway in the area between Greenland and Jan Mayen.

The Court was composed as follows: President Sir Robert Jennings; Vice-President Oda; Judges App. Schwebel, Bedioui, Ni, Evensen, Tarassov, Guillaume, Shahabuddeen, Aguilar Mawdslev.

Weeramantry, Ranjeva, Ajibola; Judge ad hoc Fischer; Registrar Valencia-Ospina.

The full text of the operative paragraph is as follows:

"94. For these reasons,

THE COURT,

By fourteen votes to one,

Decides that, within the limits defined

1. to the north by the intersection of the line of equidistance between the coasts of Eastern Greenland and the western coasts of Jan Mayen with the 200-mile limit calculated as from the said coasts of Greenland, indicated on sketch-map No. 2 as point A, and

2. to the south, by the 200-mile limit around Iceland, as claimed by Iceland, between the

Vice-President Oda, Judges Schwebel, Shahabuddeen, Weeramantry and Ajibola append separate opinions to the Judgment of the Court.

Judge ad hoc Fischer appends a dissenting opinion to the Judgment of the Court.

~~A summary of these declarations and opinions is attached~~

The printed text of the Judgment will become available in due course (orders and inquiries should be addressed to the Distribution and Sales Section, Office of the United Nations, 1211 Geneva 10; Sales Section, United Nations, New York, N.Y. 10017; or any appropriately specialized bookshop).

~~A summary of the Judgment is given below. It has been prepared by the Registrar and is no more~~

involves the responsibility of the Court. It cannot be quoted against the text of the Judgment, of which it does not constitute an interpretation.

Summary of the Judgment

Review of the proceedings and summary of facts (paras. 1-21)

The Court outlines the successive stages of the proceedings as from the date the case was brought

The contention that a delimitation already exists (paras. 22-40)

A principal contention of Norway is that a delimitation has already been established between Jan Mayen and Greenland. The effect of treaties in force between the Parties - a bilateral Agreement of 1965 and the 1958 Geneva Convention on the Continental Shelf - has been, according to Norway, to establish

finds that there are "special circumstances" as contemplated by the Convention, a question to be dealt with later. The Court therefore turns to the arguments which Norway bases upon the conduct of the Parties and of Denmark in particular.

Conduct of the Parties (paras. 33-40)

Norway contends that, up to some ten years ago at least, the Parties by their "conjoint conduct" had long recognized the applicability of a median line delimitation in their mutual relations. The Court observes that it is the conduct of Denmark which has primarily to be examined in this connection.

The Court is not persuaded that a Danish Decree of 7 June 1963 concerning the Exercise of Danish Sovereignty over the Continental Shelf supports the argument which Norway seeks to base on conduct. Nor do a Danish Act of 17 December 1976 or an Executive Order of 14 May 1980, issued pursuant to that Act, commit Denmark to acceptance of a median line boundary in the area. An Agreement of 15 June 1979 between the Parties concerning the delimitation between Norway and the Faroe Islands does not

course of diplomatic contacts and during the Third United Nations Conference on the Law of the Sea had also not prejudiced Denmark's position.

Summing up, the Court concludes that the Agreement entered into between the Parties on 8 December 1965 cannot be interpreted to mean, as contended by Norway, that the Parties have already defined the continental shelf boundary as the median line between Greenland and Jan Mayen. Nor can the Court attribute such an effect to the provision of article 6, paragraph 1, of the 1958 Convention, so as to conclude that by virtue of that Convention the median line is already the continental shelf boundary between Greenland and Jan Mayen. Nor can such a result be deduced from the conduct of the Parties concerning the continental shelf boundary and the fishery zone. In consequence, the Court does not consider that a median line boundary is already "in place", either as the continental shelf boundary, or as that of the fishery zone. The Court therefore proceeds to examine the law applicable at present to the delimitation question still outstanding between the Parties.

statement (in those provisions) of an "equitable solution" as the aim of any delimitation process reflects the requirements of customary law as regards the delimitation both of continental shelf and of exclusive economic zones.

The provisional median line (paras. 49-52)

... If the Court finds that it is appropriate

In the light of the existing case-law the Court comes to the conclusion that the striking difference in length of the relevant coasts in this case (which had been calculated as approximately 9 (for Greenland) to 1 (for Jan Mayen)) constitutes a special circumstance within the meaning of Article 6, paragraph 1, of the 1958 Convention. Similarly, as regards the fishery zones, the Court is of the opinion that the

Population and economy (paras. 79-80)

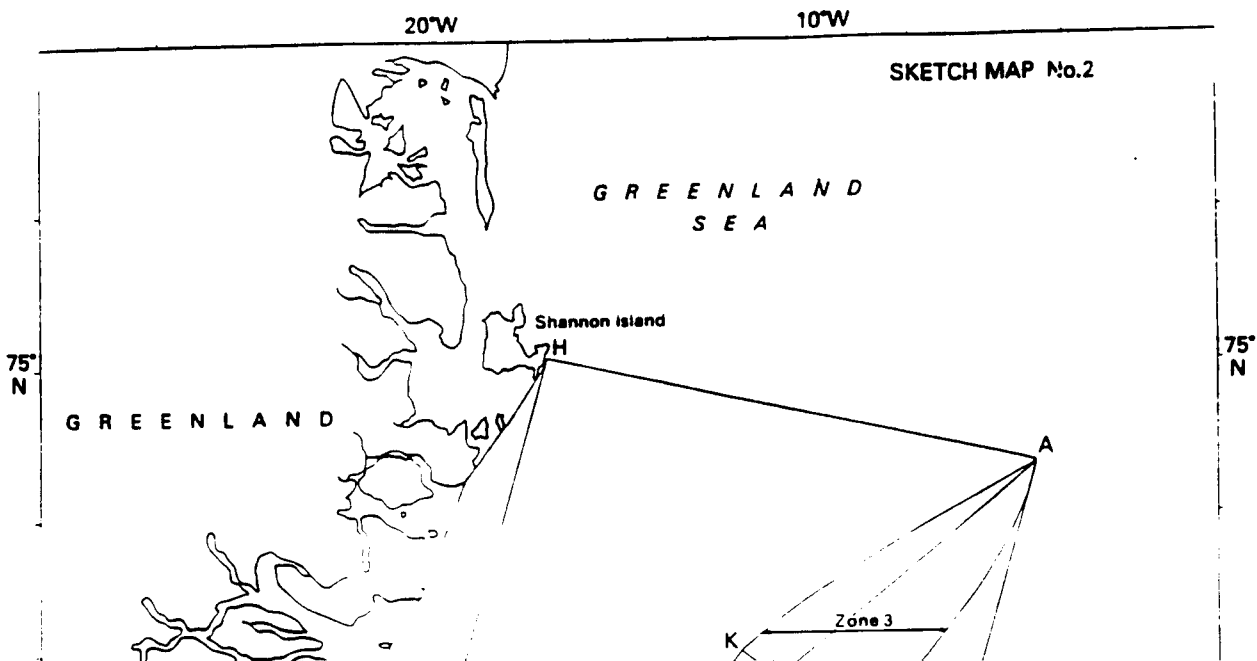
Denmark considers as also relevant to the delimitation the major differences between Greenland and Jan Mayen as regards population and socio-economic factors.

The Court observes that the attribution of maritime areas to the territory of a State, which, by its
indefinite permanence, is a legal process based solely on the possession by the territory

The definition of the delimitation line (paras. 87-93)

Having thus completed its examination of the ...

[The remainder of the page is heavily redacted with thick black horizontal bars.]



the remainder of the area of overlapping claims: a point (O on sketch-map No. 2) is to be determined on the line between I and K such that the distance from L to O is twice the distance from O to M.

On the other hand, in the view of Judge Ranjeva, although the Court - and rightly so - had no need to explore the legal scope of statements made by a State at the Third United Nations Conference on the Law of the Sea, the Court should not, considering the exceptional procedure adopted on that occasion, have taken account of positions which were unofficial only and entirely non-committing.

Separate opinion of Vice-President Oda

It is the view of Judge Oda that the Court can be endowed with the competence

to delimit a maritime boundary only by specific agreement of both parties concerned. Denmark's

request for a declaration ought consequently to have been dismissed. Denmark's submissions furthermore

agreeing with this view and for declining to accept that the conventional formula is to be equated with the customary formula. He is not persuaded that the equation suggested by the 1977 *Amalgam* decision is

He thinks that the concept of natural prolongation, considered in a physical sense, has placed limits on recourse to proportionality. In his view, the movement away from the physical aspect of natural prolongation should be followed by a relaxation of those limits.

Indo-Sri Lanka Arrangement of 1974

Characterizing the Danish submissions as more a claim of entitlement than a call for delimitation,

Mayen is equally justifiable and recognized in international law.

He then examines the equitable principles in maritime boundary delimitation, coming to the conclusion that they are the fundamental principles which now apply to maritime delimitation in

_____ can be expected to _____ its future development

**C. United Nations sales publications prepared by the Division for
Ocean Affairs and the Law of the Sea,
Office of Legal Affairs**

1. **The law of the sea: official documents of the Third United Nations Conference on the Law of the Sea. 1983. 224 p. \$12.95.**
Sales No. E.83.V.5 (Arabic, Chinese, English, French, Russian, Spanish).

the Law of the Sea with annexes and index, Final Act of the Third United Nations Conference on the Law of the Sea - Introductory material on the Convention and the Conference. 1983. 224 p. \$12.95.

Sales No. E.83.V.5 (Arabic, Chinese, English, French, Russian, Spanish).

2. **The law of the sea: a select bibliography - 1985. 91 p. \$12.00.**
(LOS/LIB/1). Sales No. E.85.V.2 (English only).

3. **The law of the sea: status of the United Nations Convention on the Law of the Sea. 1985. 46 p. \$8.00.**

Sales No. E.85.V.5 (Arabic, Chinese, English, French, Russian, Spanish).

4. **The law of the sea: master file containing references to official documents of the Third United Nations Conference on the Law of the Sea. 1985. 176 p. \$19.50.**
Sales No. E.85.V.9 (English, French, Spanish).

5. **The law of the sea: national legislation on the exclusive economic zone, the economic zone and the exclusive fishery zone. 1986. 337 p. \$35.00.**

Sales No. E.86.V.10 (Arabic, Chinese, English, French, Russian, Spanish).

13. **The law of the sea: a select bibliography - 1987. 49 p. \$9.50. (LOS/LIB/3).
Sales No. E.88.V.2 (English only).**
14. **The law of the sea: baselines - an examination of the relevant provisions of the United Nations
Convention on the Law of the Sea. 1989. 70 p. \$8.50.**

15. **The law of the sea: navigation on the high seas - legislative history of Part VII, section I
(articles 87, 89, 90-94, 96-98), of the United Nations Convention on the Law of the Sea.
1989. 91 p. \$12.00.
Sales No. E.89.V.2 (English, French, Spanish).**
16. **The law of the sea: a select bibliography - 1988. 63 p. \$11.00. (LOS/LIB/4).
Sales No. E.89.V.3 (English only).**

26. **The law of the sea: a bibliography on the law of the sea, 1968-1988 - two decades of law-making, State practice and doctrine. 1991. 472 p. \$25.00
Sales No. E/F.91.V.7 (Bilingual: English-French).**
27. **The law of the sea: maritime boundary agreements (1942-1969). 1991. 96 p. Ill., maps. \$25.00.
Sales No. E.91.V.11 (English, French, Spanish).**
28. **The law of the sea: Preparatory Commission for the United Nations Convention on the Law of the Sea.**

1993. 594 p. \$75.00. Annual. Includes index.
Sales No. E.93.V.5 (English only).

41. The law of the sea: national legislation on the exclusive economic zone. 1993. 403 p. \$45.00.
Sales No. E.93.V.10 (English only).
42. The law of the sea: a select bibliography - 1992. 61 p. \$15.00. (LOS/LIB/8).
Sales No. E.93.V.12 (English only).
43. The law of the sea: Preparatory Commission for the International Seabed Authority and for the
International Tribunal for the Law of the Sea. Documents, Volume II (Second session

D. Corrigenda to Bulletin 23 of June 1993

1. **Page 34, line 7, English publication only**

Line 7 should read

44° west longitude and 42° west longitude.

Page 60, English publication only

Table of Claims to maritime zones, "Continental Shelf" column:

Ratification date for Djibouti should be 8/10/91.

3. **Page 68**

Table of Claims to maritime zones, "Continental Shelf" column:

Belgium: replace "up to the median line with opposite and adjacent States" by:

"Delimitation with opposite and adjacent States in conformity with article 103 of the 1982 Convention"