

# **LAW OF THE SEA BULLETIN**

---

**No. 68**

**2008**

---

DIVISION FOR OCEAN AFFAIRS AND THE LAW OF THE SEA  
OFFICE OF LEGAL AFFAIRS

NOTE

## CONTENTS

	<u>Page</u>
I. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA.....	1
Status of the United Nations Convention on the Law of the Sea, of the Agreement relating to the Implementation of Part XI of the Convention and of the Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.....	1
1. Table recapitulating the status of the Convention and of the related Agreements, as at 30 November 2008.....	1
2. Chronological lists of ratifications of, accessions and successions to the Convention and the related Agreements, as at 30 November 2008 .....	9
(a) The Convention .....	9
(b) Agreement relating to the Implementation of Part XI of the Convention .....	10
(c) Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.....	12
II. LEGAL INFORMATION RELEVANT TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA .....	13
A. National Legislation .....	13
1. Denmark .....	13
(a) Decree on the Coming into Force of the Act on the Delimitation of the Territorial Sea for the Faroe Islands, Decree No. 240 of 30 April 2002 .....	13
(b) Decree to Amend the Decree on the Fishing Territory of the Faroe Islands, Decree No. 241 of 30 April 2002 .....	14
(c) Executive Order on the Delimitation of the Territorial Sea for the Faroe Islands, Executive Order No.306 of 16 May 2002 .....	15
B. Bilateral Treaties.....	17
Indonesia and Singapore: Delimitation of the Territorial Seas of Singapore and Indonesia in the Strait of Singapore, 25 May 1973 .....	17
C. Multilateral Treaties.....	20
CARICOM Maritime and Airspace Security Cooperation Agreement, 4 July 2008 .....	20

D. Communications by States .....	32
Note from the Government of Spain addressed to the Secretary-General of the United Nations, of 10 September 2008, regarding the declaration by Morocco upon ratification of the Convention on the Law of the Sea .....	32
III. OTHER INFORMATION.....	33
1. Resolution 63/2 - Outcome document of the midterm review of the Almaty Programme of Action: Addressing the Special Needs of Landlocked Developing Countries within a New Global Framework for Transit Transport Cooperation for Landlocked and Transit Developing Countries .....	33
2. Resolution 1816 (2008) adopted by the Security Council at its 5902nd meeting on 2 June 2008 .....	44
3. Resolution 1838 (2008) adopted by the Security Council at its 5987th meeting on 7 October 2008.....	48
4. Memorandum of Understanding on the Establishment of a Sub-regional Integrated Coast Guard Network in West and Central Africa, July 2008 .....	51

I. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

Status of the United Nations Convention on the Law of the Sea, of the Agreement relating to the Implementation of Part XI of the Convention and of the Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

1. Table recapitulating the status of the Convention and of the related Agreements, as at 30 November 2008

This consolidated table, prepared by the Division for Ocean Affairs and the Law of the Sea, Office of the Legal Affairs, provides unofficial, quick reference information related to the participation in UNCLOS and the two implementing Agreements. For official information on the status of these treaties, please refer to the publication entitled “*Multilateral Treaties deposited with the Secretary-General*” (<http://untreaty.un.org/>). The symbol “#” indicates that a declaration or statement was made at the time of signature; at the time of ratification/accession or anytime thereafter or declarations confirmed upon succession. A double icon (##) indicates that two declarations were made by the State. The abbreviation (fc) indicates a formal confirmation; (a) an accession; (s) a succession; (ds) a definitive signature; (p) the consent to be bound; (sp) a simplified procedure. Names of States in *italics* indicate non-members of the United Nations; shaded rows indicate landlocked States.

State or entity	UNCLOS	Agreement on Part XI	UN Fish Stocks Agreement
<b>TOTALS</b>			



•

UN Fish Stocks Agreement

Agreement on Part XI

UNCLOS

State or entity

State or entity	UNCLOS	Agreement on Part XI	UN Fish Stocks Agreement
-----------------	--------	----------------------	--------------------------



State or entity	UNCLOS		Agreement on Part XI		UN Fish Stocks Agreement	
		#				#
	#					#
		#				
	#					#
		#				#

State or entity	UNCLOS		Agreement on Part XI		UN Fish Stocks Agreement	
Niue						#
	#					#



State or entity	UNCLOS	Agreement on Part XI	UN Fish Stocks Agreement
	#		
	##		

1. Chronological lists of ratifications of, accessions and successions to the Convention and the related Agreements, as at 30 November 2008

(a) The Convention

1. Fiji (10 December 1982)
2. Zambia (7 March 1983)
3. Mexico (18 March 1983)
4. Jamaica (21 March 1983)
5. Namibia (18 April 1983)
6. Ghana (7 June 1983)
7. Bahamas (29 July 1983)
8. Belize (13 August 1983)
9. Egypt (26 August 1983)
10. Côte d'Ivoire (26 March 1984)
11. Philippines (8 May 1984)
12. Gambia (22 May 1984)
13. Cuba (15 August 1984)
14. Senegal (25 October 1984)
15. Sudan (23 January 1985)
16. Saint Lucia (27 March 1985)
17. Togo (16 April 1985)
18. Tunisia (24 April 1985)
19. Bahrain (30 May 1985)
20. Iceland (21 June 1985)
21. Mali (16 July 1985)
22. Iraq (30 July 1985)
23. Guinea (6 September 1985)
24. United Republic of Tanzania  
(30 September 1985)
25. Cameroon (19 November 1985)
26. Indonesia (3 February 1986)
27. Trinidad and Tobago (25 April 1986)
28. Kuwait (2 May 1986)
29. Nigeria (14 August 1986)
30. Guinea-Bissau (25 August 1986)
31. Paraguay (26 September 1986)
32. Yem-299.4(B)4.4(a)2.8(hrai)4.5(n)5.1( )5.847ria )oa1 T5 Au TD0.40027 Tc6.1( )3T7a.7. Togoit.4(a).0041 35.1(il 19 (1)5.ap.00

88. Saudi Arabia (24 April 1996)
89. Slovakia (8 May 1996)
90. Bulgaria (15 May 1996)
91. Myanmar (21 May 1996)
92. China (7 June 1996)
93. Algeria (11 June 1996)
94. Japan (20 June 1996)
95. Czech Republic (21 June 1996)
96. Finland (21 June 1996)
97. Ireland (21 June 1996)
98. Norway (24 June 1996)
99. Sweden (25 June 1996)
100. Netherlands (28 June 1996)
101. Panama (1 July 1996)
102. Mauritania (17 July 1996)
103. New Zealand (19 July 1996)
104. Haiti (31 July 1996)
105. Mongolia (13 August 1996)
106. Palau (30 September 1996)
107. Malaysia (14 October 1996)
108. Brunei Darussalam (5 November 1996)
109. Romania (17 December 1996)
110. Papua New Guinea (14 January 1997)
111. Spain (15 January 1997)
112. Guatemala (11 February 1997)
113. Pakistan (26 February 1997)
114. Russian Federation (12 March 1997)
115. Mozambique (13 March 1997)
116. Solomon Islands (23 June 1997)
117. Equatorial Guinea (21 July 1997)
118. United Kingdom of Great Britain and Northern Ireland (25 July 1997)
119. Chile (25 August 1997)
120. Benin (16 October 1997)

1214 Tc0.03A z0038(i)(( )-6(g9)4.6(ss)7.7(n)-13( )1.9(1..9( 199ovpt)4.(m)13.(th)ry)4.8( 6( 1)4.4(9)-162(9)4.49(6)5.3(-0.9( )])TJT0-  
a Juin9ch4.9(i987)-4.9( )-4.2( )]TJTD0.0025 Tc-0.001 Tw[(62)5.5S4.38( R)4.5(rr)5( Ocnal)4.29( B)4.8(y)1.(9Julyh 97) 12IF0.0T



(c) Agreement for the Implementation of the Provisions of the United Nations Convention



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

A. National Legislation

1. Denmark

- (a) Decree on the Coming into Force of the Act on the Delimitation of the Territorial Sea for the Faroe Islands  
Decree No. 240 of 30 April 2002<sup>1</sup>

WE MARGRETHE THE SECOND, by the Grace of God Queen of Denmark, do hereby make known:

In pursuance of section 6(1) of Act No. 200 of 7 April 1999 on the Delimitation of the Territorial Sea, it is hereby laid down that the Act shall extend to the Faroe Islands in the following wording:

1(1). Denmark's territorial sea is the external and internal territorial waters.

2(1). The external territorial waters cover those areas of the sea which landward are delimited by the baselines applicable at all times mentioned in section 3 and seaward by lines drawn in such a manner that the distance from every point of these lines to the nearest point of the baselines is 12 nautical miles (22,224m).

(2). In the absence of an agreement to the contrary with foreign States whose coasts lie opposite the coasts of Denmark at a distance not exceeding 24 nautical miles or adjacent to Denmark, the outer limit of the external territorial waters shall not extend beyond the median line every point of which is equidistant from the nearest points of the baselines from which the breadth of territorial seas of each of the two States is measured, unless special circumstances may warrant another delineation.

(3). The Minister for Foreign Affairs shall lay down and shall promulgate the outer limits of the external territorial waters and the baselines on which the measuring of these outer limits shall be based in pursuance of section 1.

(4). In waters where special circumstances prevail, the Minister for Foreign Affairs may resolve that the outer limit of the external territorial waters shall be measured at a distance shorter than 12 nautical miles from the baselines.

3(1). The internal territorial waters cover those areas of the waters, such as ports, harbour entrances, roadsteads, bays, inlets, sounds and belts, which are within the baselines mentioned in section 2(3).

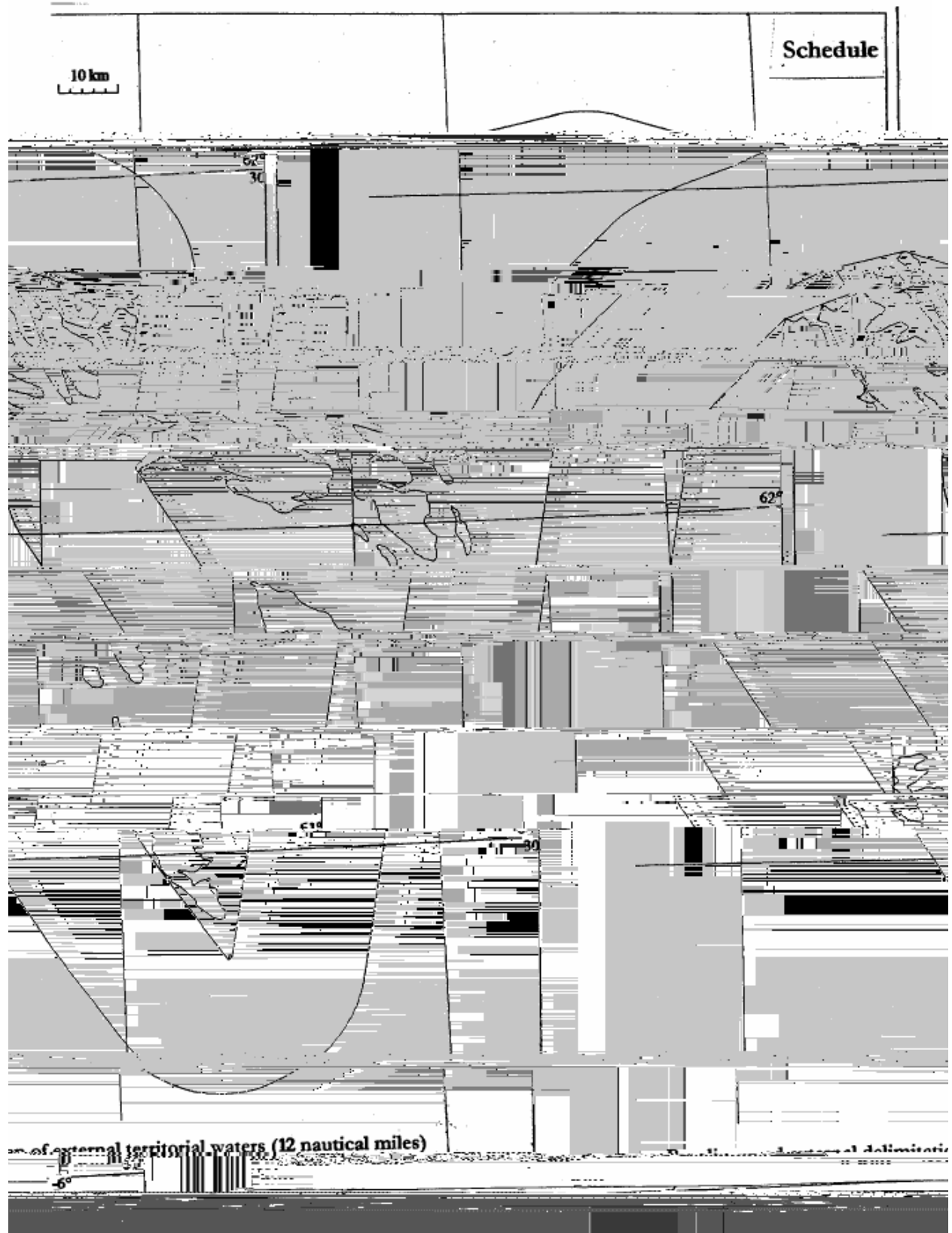
<sup>1</sup> English text provided to the Division for Ocean Affairs and the Law of the Sea by the Permanent Mission of Denmark to the United Nations on 12 August 2008.

4(1). The Decree shall enter into force on 1 June 2002.

(2). On 1 June 2002 Decree No. 599 of 21 December 1976 on the delimitation of the territorial sea of the Faroe Islands shall be repealed.

(c) Executive Order on the Delimitation of the Territorial

---



B. Bilateral Treaties

Indonesia and Singapore

Delimitation of the Territorial Seas of Singapore and Indonesia in the Strait of Singapore, 25 May 1973<sup>1</sup>

Noting that the coasts of the two countries are opposite to each other in the Strait of Singapore,

Desiring to strengthen the bonds of friendship between the two countries,

And desiring to establish the boundaries of the territorial seas of the two countries in the Strait of Singapore.

Having agreed as follows:

Article 1

1. The boundary line of the territorial seas of the Republic of Indonesia and the Republic of Singapore in the Strait of Singapore shall be a line, consisting of straight lines drawn between points, the coordinates of which are as follows:

Points	Latitude North	Longitude East
1	1°10'46".0	103° 40' 14".6
2	1°07'49".3	103°44'26".5
3	1°10'17".2	103°48'18".0
4	1°11'45".5	103°51'35".4
5	1°12'26".1	103°52'50".7
6	1°16'10".2	103°02'00".0

2. The coordinates of the points specified in paragraph 1 are geographical coordinates and the boundary line connecting them is indicated on the chart attached as Annexure "A" to this Treaty.

3. The actual location of the above mentioned points at sea shall be determined by a method to be mutually agreed upon by the competent authorities of the two countries.

4. For the purpose of paragraph 3, "competent authorities" in relation to the Republic of Indonesia means the Ketua Badan Koordinasi Survey dan pemetaan Nasional (Chief of the Coordination Body for National Survey and Mapping) and in relation to the Republic of Singapore means any persons so authorized by the Government of the Republic of Singapore.

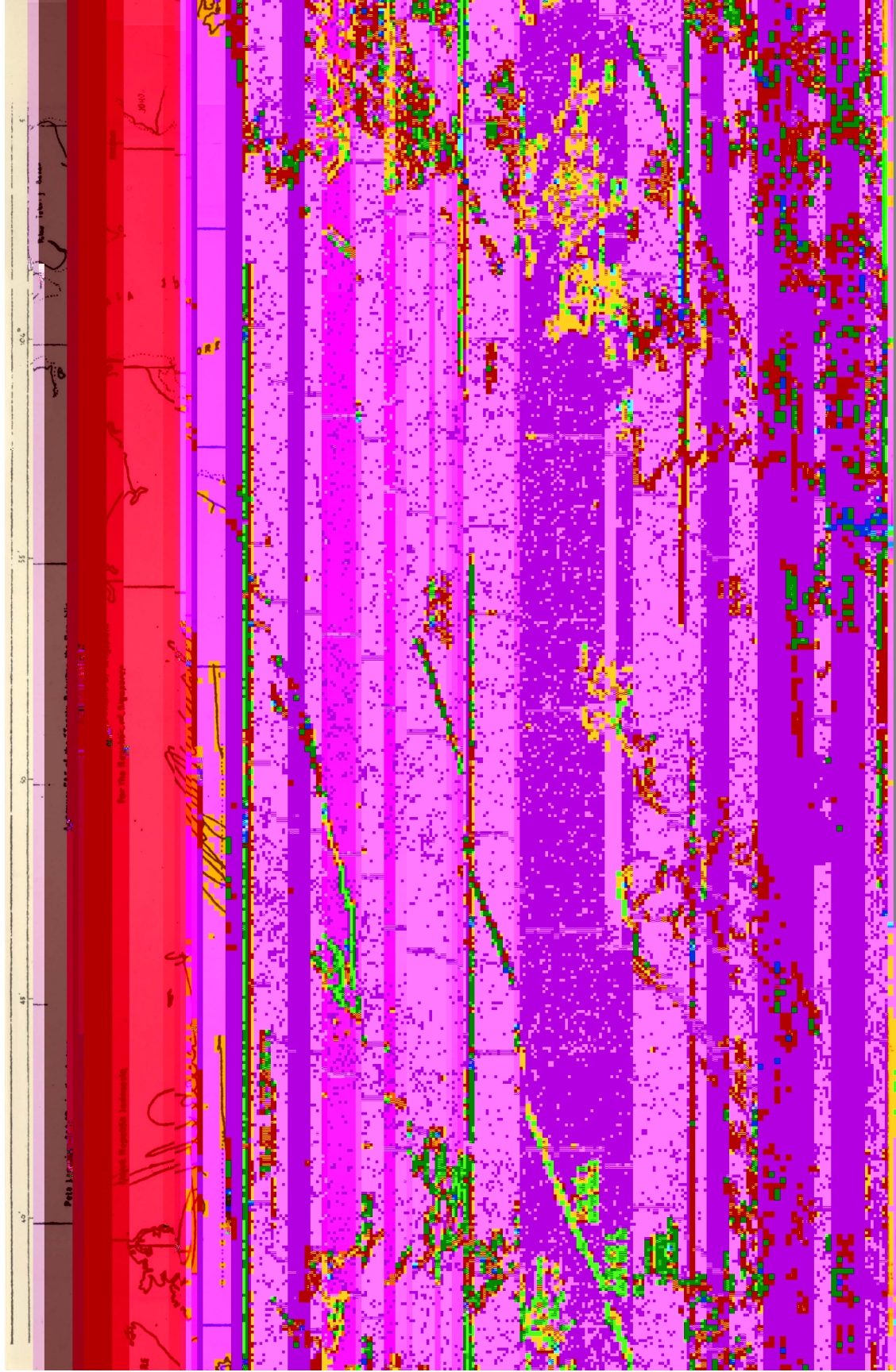
Article 2

Any disputes between the two countries arising out of the interpretation or implementation of this Treaty shall be settled peacefully by consultation or negotiation.

Article 3

Article 4

This Treaty shall enter into force on the date of



C. Multilateral TreatiesCARICOM Maritime and Airspace Security Cooperation Agreement, 4 July 2008<sup>1</sup>

The States Parties,

*Mindful* of the critical importance of eliminating threats and conduct that undermine the security of Member States.

*Recognising* the complexity of security in the Region, heightened by its geographical dispersion and the porosity of shorelines open to an extensive maritime space;

*Conscious that* no single Member State can ensure its own security against the traditional and non-traditional security threats facing the Region;

*Recognising* also that the main challenge in ensuring the security of the Region is capacity and that cooperation across national borders is imperative in ensuring security of the Region;

*Reaffirming* their commitment, through continued mutual cooperation and collaboration, to fight effectively against all forms of activities likely to compromise the security of the Region or of any State Party;

*Aware of* the importance of the Regional Security System in ensuring the stability and well-being of the Region; and

*Desirous of* increasing their cooperation to the fullest extent in the fight against all forms of security threats to the





- (c) The prevention of smuggling;
- (d) Threats to security as a result of natural and other disasters;
- (e) Immigration and pollution control;
- (f) The protection of off-shore installations; and
- (g) The prevention of piracy, hijacking and other serious crime.

### Article 3

#### Scope of Agreement

1. Without prejudice to existing and future arrangements for ensuring the security of the Region, the States Parties shall safeguard the security of the Region and by extension their own security, by ensuring that—
  - (a) Suspect vessels and suspect aircraft are detected, identified, continuously monitored; and
  - (b) Where evidence of involvement in any activity likely to compromise the security of the Region or of any State Party is found, that suspect vessels and suspect aircraft are detained for appropriate law enforcement action by the responsible law enforcement authorities.
2. Law enforcement operations to address any activity likely to compromise the security of the Region or of any State Party pursuant to this Agreement shall be carried out only against suspect vessels and suspect aircraft.
3. Except as expressly provided herein, this Agreement does not—
  - (a) Apply to or limit boardings of vessels, conducted in accordance with international law, by officials of any State Party, whether based, inter alia, on the right of visit, the rendering of assistance to persons, vessels, and property in distress or peril, the consent of the vessel master, or an authorisation from the flag State; or
  - (b) Modify the general international law with respect to the use of force against civil aircraft in flight as reflected in the International Convention on Civil Aviation, adopted at Chicago, 7 December 1944.
4. The States Parties shall carry out their obligations and responsibilities under this Agreement in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.

### Article 4

#### Operations in the Territory, Airspace and Waters of a State Party

Operations in the territory, airspace or waters of a State Party to address any 8TT8 1 Tf617ffairs oor

(f) Any other identifying information.

4. Requests for verification of nationality shall be answered expeditiously and all efforts shall be made to provide such answer as soon as possible, but in any event within two (2) hours after receipt of the request.

5. If the claimed flag State Party refutes the claim of nationality made by the suspect vessel, then the State Party that requested verification may assimilate the suspect vessel to a ship without nationality in accordance with international law.

Article 6

Designation of Security Force Officials

1. Each State Party shall—

(a) Designate Security Force Officials for the purposes of this Agreement; and

Article 7  
Routine Security Patrols

1.

the Region or of any State Party is found, detain the vessel, cargo, and persons on board pending expeditious instructions from the competent authority of the State Party in whose waters the vessel entered or is detected.

4. A State Party shall, without delay, provide prior notice to the competent authority of action to be taken under paragraph 3.

5. Notwithstanding foregoing paragraphs of this article, a State Party reserves the right to refuse the exercise of any power pursuant to paragraph 2.

Article 9  
Operations in International Waters

1. Where the Security Force Officials of a State Party (“the requesting State Party”) encounter a suspect vessel claiming nationality of another State Party (“the requested State Party”) located seaward of any State’s territorial sea, the requesting State party may request the competent authority of the requested State Party to--

- (a) Verify the claim of nationality by the suspect vessel; and
- (b) Where such claim is verified to—
  - (i) Authorise the boarding and search of the suspect vessel, cargo and the persons found on board by Security Force Officials of the requesting State Party; and
  - (ii)

- (a) Documentation or other physical evidence of nationality is located, the foregoing paragraphs of this article apply;
- (b) No documentation or other physical evidence of nationality is available, the other State Party shall not object to the first State Party assimilating the vessel to a ship without nationality in accordance with international law.

8.

5. Where permitted by its laws, waiver of jurisdiction may be granted verbally, but as soon as possible it shall be recorded in a written note from the competent authority and be processed, without prejudice to the immediate exercise of jurisdiction over the suspect vessel by the other State Party.

Article 12

3. Nothing in this Agreement shall impair the exercise of the inherent right of self-defence by Security Force or other officials of a State Party.

#### Article 15

##### Exchange and Knowledge of Law and Policies of States Parties

1. To facilitate implementation of this Agreement, each State Party shall ensure that the other States Parties are fully informed of its applicable laws and policies, particularly those pertaining to the use of force.
2. Each Party shall ensure that all of its Security Force Officials are made aware of the applicable laws and policies in accordance with this Agreement.

#### Article 16

##### Points of Contact

1. In designating the competent authorities and Security Force Officials that exercise responsibilities under this Agreement, each State Party shall identify points of contact for the purposes of, inter alia, disposition and jurisdiction instructions, notifications, and requests.
2. Each State Party shall inform the Secretary General of the points of contact and of any changes thereto.
3. The Secretary General shall promptly inform each State Party of the information received pursuant to paragraph 2.
4. States Parties shall ensure that the points of contact have the capability to receive, process and respond to requests and reports at any time.

#### Article 17

##### Disposition of Seized Property

1. Assets seized pursuant to this Agreement in consequence of operations undertaken on board vessels--
  - (a) Subject to the jurisdiction of a State Party; or
  - (b) In the territory or waters of a State Party,
 shall be disposed of in accordance with the laws of that State Party.
2. Assets seized pursuant to this Agreement seaward of the territorial sea of a State shall be disposed of--
  - (a) In accordance with such formula to be agreed by the States Parties; and
  - (b) In the absence of such formula, in accordance with the laws of the seizing State Party.

#### Article 18

##### Claims

1. Except as otherwise agreed, a State Party shall--
  - (a) not institute any legal proceedings against another State Party or its Security Force Officials or other legal entities acting on its behalf;
  - (b) deal with legal proceedings and claims brought by third Parties against another State Party or its Security Force Officials or other legal entities acting on its behalf, and
  - (c) compensate a State Party conducting operations or its Security Force Officials or other legal entities acting on its behalf.

in respect of death or injury to any such Security Force Official, damage to or loss of equipment or property, or damage to the environment arising within the territory or other area under its jurisdiction or control in the course of the conduct of operations pursuant to this Agreement.

2. If any loss, damage, injury or death is suffered as a result of any—
  - (a) Action taken by the Security Force Officials of a State Party in contravention of this Agreement; or
  - (b) Improper or unreasonable action taken by a State Party pursuant to this Agreement,



the States Parties concerned shall, without prejudice to any other legal rights which may be available, consult at the request of either State Party to resolve the matter and decide any questions relating to compensation or payment.

Article 19  
Tax Exemption

The movement of Security Force vessels and Security Force aircraft of a State Party in the waters or airspace of another State Party, and the payment for the use by them of public ports, harbours and airfields shall not be subject to any local taxes, fees or other charges, provided that reasonable amounts shall be paid for services and materials requested and received in connection with the use of local ports, harbours and airfields.

Article 20  
Effect on Rights, Privileges and Legal Positions

Nothing in this Agreement--

- (a) Is intended to alter the rights and privileges of any individual in any administrative or judicial proceeding;
- (b) Alters the immunities to which vessels and aircraft are entitled under international law; or
- (c) Shall—
  - (i) Prejudice the position of a State Party with regard to international law;
  - (ii) Affect the territorial or maritime boundaries or claims to territory or maritime boundaries of a State Party, as between them or with third States; or
  - (iii)

Article 23  
Disputes and Consultations

1. Where a dispute arises between two or more States Parties from the interpretation, application or implementation of this Agreement, the States Parties shall consult with a view to settling the dispute by peaceful means.

Article 30  
Reservation

1.

D. Communications by States

Note from the Government of Spain addressed to the Secretary-General of the United Nations,  
of 10 September 2008, regarding the declaration by Morocco upon ratification  
of the Convention on the Law of the Sea

“Spain would like to make the following declarations in respect of the declaration made by Morocco on 31 May 2007 upon its ratification of the United Nations Convention on the Law of the Sea:

“(I) The autonomous cities of Ceuta and Melilla, the Peñón de Alhucemas, the Peñón Vélez de la Gomera, and the Chafarinas Islands are an integral part of the Kingdom of Spain, which exercises full and total sovereignty over said territories, as well as their marine areas, in accordance with the United Nations Convention on the Law of the Sea.

“(ii) The Moroccan laws and regulations on marine areas are not opposable to Spain except insofar as they are compatible with the United Nations Convention on the Law of the Sea, nor do they have any effect on the sovereign rights or jurisdiction that Spain exercises, or may exercise, over its own marine areas, as defined in accordance with the Convention and other applicable international provisions.”

III. OTHER INFORMATION

Resolution 63/2

Outcome document of the midterm review of the Almaty Programme of Action: Addressing the Special

between landlocked and transit developing countries and their development partners at the national, bilateral, subregional, regional and global levels,

*Recognizing* that the primary responsibility for establishing effective transit systems rests with the landlocked and transit developing countries, which need to seek to create conditions in which resources can be generated, attracted and effectively mobilized to address their development challenges, but that their efforts need to be given continued international support by the development partners and international and regional organizations in a spirit of shared responsibility, including South-South cooperation and triangular cooperation, and taking into account regional integration agreements,

*Also recognizing* that the private sector is an important stakeholder, whose contribution to the development of infrastructure and productive capacity should be increased, including through public-private partnerships,

*Further recognizing* that cooperation between landlocked and transit developing countries results in better transit transport systems. This cooperation must be promoted on the basis of the mutual interest of both landlocked and transit developing countries,

*Reaffirming* the right of access of landlocked countries to and from the sea and freedom of transit through the territory of transit countries by all means of transport, in accordance with applicable rules of international law,

*Also reaffirming* that transit countries, in the exercise of their full sovereignty over their territory, have the right to take all measures necessary to ensure that the rights and facilities provided for landlocked countries in no way infringe upon their legitimate interests,

*Expressing support* to those landlocked developing countries that are emerging from conflict, with a view to enabling them to rehabilitate and reconstruct, as appropriate, their political, social and economic infrastructure and assisting them in achieving their development priorities in accordance with the goals and targets of the Almaty Programme of Action, as well as the Millennium Development Goals,

*Taking note* of the outcome documents of the Thematic Meeting on Transit Transport Infrastructure Development, held in Ouagadougou from 18 to 20 June 2007,<sup>4</sup> and of the Thematic Meeting on International Trade and Trade Facilitation, held in Ulaanbaatar on 30 and 31 August 2007,<sup>5</sup>

*Also taking note* of the respective outcome documents of the regional review meeting for Asia and Europe, held in Bangkok on 22 and 23 April 2008, the regional review meeting for Africa, held in

Addis Ababa from 18 to 20 June 2008, and the regional review meeting for Latin America, held in Buenos Aires on 30 June 2008,<sup>6</sup>

1. *Reaffirm* the commitment made in the Almaty Programme of Action to address the special needs of the landlocked developing countries, taking into account the challenges confronted by their transit developing neighbours, through measures identified in the five priorities of the Programme of Action;<sup>1</sup>

### **General assessment**

2. *Acknowledge* that despite persisting problems, landlocked developing countries, as a group, have achieved some progress in their overall economic development and growth. They have recorded increased growth rates of gross domestic product and foreign direct investment in the past five years; and exports have surged, particularly for oil and other mineral resources;

3. *Express concern* that the economic growth and social well-being of landlocked developing countries remain very vulnerable to external shocks as well as the multiple challenges the international community faces;

4. *Acknowledge* that landlocked and transit developing countries, with the support of their development partners, have registered some progress in implementing the specific actions agreed upon in the Almaty Programme of Action. Landlocked and transit developing countries in Africa, Asia, Europe and Latin America have strengthened their policy and governance reform efforts. Donor countries, financial and development institutions and international and regional organizations have paid greater attention to the establishment of efficient transit systems;

5. *Recognize* that, although the difficulties of being landlocked permeate every aspect of the development process and poverty eradication, their negative impact on external trade is particularly severe. While some progress, even though uneven, has been made, landlocked developing countries continue to be marginalized from international trade, which prevents them from fully using trade as an instrument for achieving their development goals;

6. *Stress* that the higher cost of moving goods across borders for landlocked developing countries puts their products at a competitive disadvantage and discourages foreign investment, and that landlocked developing countries continue to face challenges in their efforts to establish efficient transit transport systems, such as inadequate transport infrastructure, insufficient carrying capacity at ports, port and customs clearance delays, transit dependence, fees and obstacles owing to cumbersome customs procedures and other regulatory constraints, an underdeveloped logistics sector, weak legal and institutional arrangements, as well as costly bank transactions. Also, in most cases, the transit neighbours of landlocked developing

<sup>6</sup> Available from [www.unohrrls.org/en/lldc/673/](http://www.unohrrls.org/en/lldc/673/).

countries are themselves developing countries, often of broadly similar economic structure and beset by similar scarcities of resources. These challenges need to be urgently addressed through acceleration of the implementation of the specific actions under each of the priorities laid out in the Almaty Programme of Action;

### **Fundamental transit policy issues**

7. *Welcome* the efforts made by many landlocked and transit developing countries to reform their administrative, legal and macroeconomic policies on the basis of an integrated approach to trade and transport. Reform measures have included the liberalization of transit and transport services, accession to relevant international conventions, the establishment of regional intermodal transport corridors and the development of transparent, streamlined and common rules and standards that have strengthened private and public sector dialogue to address the bottlenecks that exist at different segments of transit services. Continued efforts need to be made to ensure the effective implementation of those positive reforms and to ensure that transport strategies and programmes, particularly where they involve the regulation of transport operations or the construction of major new infrastructure, take full account of environmental aspects and development needs to ensure sustainable development at the local and global levels. The international community, including financial and development institutions and donor countries, should provide greater assistance to landlocked and transit developing countries in this regard;

8. *Recognize* the important role of regional cooperation and integration involving landlocked developing countries and their transit neighbours for the effective and integrated solution to cross-border trade and transit transport problems. In this context, we particularly welcome regional initiatives aimed at promoting the development of regional rail and road transit transport networks, such as the agreements on the Asian Highway and Trans-Asian Railway, the New Partnership for Africa's Development Short-term Action Plan on

te for foIegration in



### **Transit transport infrastructure development and maintenance**

10. *Acknowledge* that, in spite of some improvement in the development of the transit transport infrastructure in landlocked developing countries, inadequate and deteriorating physical infrastructure in rail transport, road transport, ports, inland waterways, pipelines, air transport, and information and communications

including the special needs and problems caused by geographical

committees; and a low level of adherence to international conventions on transit transport;

### **International support measures**

22. *Acknowledge* the increase in development assistance and debt relief measures in favour of landlocked developing countries. However, we note that much of the official development assistance

(c) Promote inter-railway cooperation with a view to

26. *Welcome* the proposal to set up in Ulaanbaatar an international think tank to enhance the analytical capability of landlocked developing countries needed to maximize the efficiency of our coordinated efforts for the effective implementation of the internationally agreed provisions, particularly the Almaty Programme

to ensure coordinated follow-up and effective monitoring and reporting on the implementation of the Almaty Programme of Action, in line with General Assembly resolution 57/270 B of 23 June 2003, to step up its advocacy efforts to

d

standards, nor (e) (om) (T) (cat) - 7 (n) (b) 5284 U mod 81

gutil

32. *Invite* the General Assembly to consider, at the appropriate time, undertaking the final review of the implementation of the Almaty Programme of Action, in accordance with paragraph 49 thereof.

*19th plenary meeting  
3 October 2008*

**Resolution 1816 (2008)****Adopted by the Security Council at its 5902nd meeting  
on 2 June 2008**

*The Security Council,*

*Recalling* its previous resolutions and the statements of its President concerning the situation in Somalia,

*Gravely concerned* by the threat that acts of piracy and armed robbery against vessels pose to the prompt, safe and effective delivery of humanitarian aid to Somalia, the safety of commercial maritime routes and to international navigation,

*Expressing* its concerns at the quarterly reports from the International Maritime Organization (IMO) since 2005, which provide evidence of continuing piracy and armed robbery in particular in the waters off the coast of Somalia,

*Affirming* that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 (“the Convention”), sets out the legal framework applicable to combating piracy and armed robbery, as well as other ocean activities,

*Reaffirming* the relevant provisions of international law with respect to the repression of piracy, including the Convention, and *recalling* that they provide guiding principles for cooperation to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any state, including but not limited to boarding, searching, and seizing vessels engaged in or suspected of engaging in acts of piracy, and to apprehending persons engaged in such acts with a view to such persons being prosecuted,

*Reaffirming* its respect for the sovereignty, territorial integrity, poliafp ast of 10.02 1]TJa7(s rendepe

*Reaffirming*



*Taking note of* the Secretary-General's letter of 9 November 2007 to the President of the Security Council reporting that the Transitional Federal Government of Somalia (TFG) needs and would welcome international assistance to address the problem,

*Taking further note of* the letter from the Permanent Representative of the Somali Republic to the United Nations to the President of the Security Council dated 27 February 2008, conveying the consent of the TFG to the Security Council for urgent assistance in securing the territorial and international waters off the coast of Somalia for the safe conduct of shipping and navigation,

*Determining* that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat to international peace and security in the region,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Condemns and deplores* all acts of piracy and armed robbery against vessels in territorial waters and the high seas off the coast of Somalia;
2. *Urges* States whose navacera/s in territori



15. *Expresses* its intention to review the situation and consider, as appropriate, renewing the authority provided in paragraph 7 above for additional periods upon the request of the TFG;

16. *Decides* to remain seized of the matter.

**Resolution 1838 (2008)**

**Adopted by the Security Council  
at its 5987th meeting, on 7 October 2008**

*The Security Council,*

*Recalling* its resolutions 1814 (2008) and 1816 (2008),

*Gravely concerned* by the recent proliferation of acts of piracy and armed robbery at sea against vessels off the coast of Somalia, and by the serious threat it poses to the prompt, safe and effective delivery of



or obligations under the Convention, with respect to any situation, and *underscores* in particular that this resolution shall not be considered as establishing customary international law;

9. *Looks forward* to the report of the Secretary-General requested in paragraph 13 of resolution 1816 (2008) and *expresses* its intention to review the situation with respect to piracy and armed robbery at sea against vessels off the coast of Somalia with a view, in particular, upon the request of the TFG, to renewing the authority provided in paragraph 7 of resolution 1816 (2008) for an additional period;

10. *Decides* to remain seized of the matter.

2. Memorandum of Understanding on the Establishment  
of a Sub-regional Integrated Coast Guard Network in West and Central Africa, July 2008<sup>1</sup>

The Coastal Member States of the Maritime Organization of West and Central Africa (MOWCA) :

1. Angola
2. Benin
3. Cameroon
4. Cape Verde
5. Congo
6. Congo DR
7. Côte d'Ivoire
8. Gabon
9. The Gambia
10. Ghana
11. Guinea
12. Guinea Bissau
13. Equatorial Guinea
14. Liberia
15. Mauritania
16. Nigeria
17. Sao Tome and Principe
18. Senegal
19. Sierra Leone
20. Togo

Landlocked Member States of MOWCA associated to the Memorandum: Burkina Faso, Mali, Niger, Central African Republic, Chad

<sup>1</sup> MOWCA/XIII GA.08/8, Item 6.2.1.1.c of the Agenda, Original : FRENCH. Version : English. Maritime Organisation of West and Central Africa: 13th Session of the General Assembly, Dakar 2008, 29 – 31 July 2008, Dakar, Republic of Senegal

Considering the relevant provisions of United Nations General Assembly resolution 55/2 on the United Nations Millennium Declaration and, in particular, section II on Peace, security and disarmament; section III on Development and poverty eradication; section IV on Protecting our common environment; and section VII on Meeting the special needs of Africa

Considering the United Nations General Assembly resolution A/RES/55/7 on Oceans and the Law of the Sea urging all States, and in particular coastal States, in affected regions to take all necessary and appropriate measures to prevent and combat incidents of piracy and armed robbery at sea, including through regional co-operation, and to investigate or co-operate in the investigation of such incidents wherever they occur and bring the alleged perpetrators to justice in accordance with international law;

Considering the United Nations General Assembly resolution A/RES/59/24 on Oceans and the Law of the Sea also urging all States, in co-operation with the International Maritime Organization, to combat piracy and armed robbery at sea; and to carry on regional co-operation in the prevention and suppression of piracy and armed robbery at sea in some geographical areas, and urging States to give urgent attention to promoting, adopting and implementing co-operation agreements, in particular at the regional level in high-risk areas;

Considering the United Nations General Assembly resolution A/RES/60/30 on Oceans and the Law of the Sea also urging all States, in cooperation with the International Maritime Organization, to combat piracy and armed robbery at sea by adopting measures, including those relating to assistance with capacity-building through training of seafarers, port staff and enforcement personnel in the prevention, reporting and investigation of incidents, bringing the alleged perpetrators to justice, in accordance with international law, and by adopting national legislation, as well as providing enforcement vessels and equipment and guarding against fraudulent ship registration,

Taking into account the Maritime Transport Charter for West and Central African States, adopted in Abidjan on May 7, 1975 and as amended on August 6, 1999;

Taking into account the Convention on the Institutionalisation of the Ministerial Conference of Central African States on Maritime Transport adopted in Accra on February 26, 1977 and as amended in Abidjan on August 06, 1999;

Taking into account the MOWCA resolution n°193/12/03 on maritime safety in West and Central Africa adopted in LUANDA on October 31, 2003, in particular the setting up of an integrated sub-regional network of coastguards;

Recognizing that the history of maritime security and safety as well as marine environmental protection in West and Central African Sub-region is full of incidents and accidents that expose the lack or inadequacy of response capability in the sub-region ;

Appreciating the efforts carried out in these fields, by the United Nations, through the International



Also recognizing that national, regional and international efforts to combat terrorism also enhance the ability to combat organized crime and armed robberies against ships;

Being aware that the fight against piracy and armed robbery against s( pi)3.9(3.9( sbrm)9.6(e)).s3.9( S 6(e)).(3.9( )8.2(rf)8.28  
A61nal e

Recognizing further the need to balance maritime security and facilitation and to minimize any adverse effects on the free flow of commerce to and from ports in West and Central Africa and that enhanced maritime security along the coast of West and Central Africa will promote international trade, economic co-operation and sustainable economic development;

Acknowledging the fact that the enhancement of security in the international maritime transport sector is an indispensable and fundamental condition for the welfare and economic security in West and Central Africa and is in the direct interest of all States;

Further recognizing that the successful implementation and maintenance of compliance with SOLAS 1974 and the International Ship and Port Facility Security Code (the ISPS Code) require, inter alia, the early and efficient collection, assessment and exchange of security-related information;

Also recognizing the need to set, in accordance with SOLAS 1974 regulation XI-2/7 on Threats to ships, security levels and to ensure the provision of security level information to ships operating in our territorial sea or having communicated an intention to enter our territorial sea, and where a risk of an attack has been identified, to provide advice to the ships concerned;

Expressing great concern for the security of passengers and crews on board ships including small craft, both at anchor and underway, in the context of incidents involving terrorism and other unlawful acts against ships, and the associated risks to people on shore or populations in port areas as well as to ports, offshore terminals and the marine environment;

Recognizing that in the absence of a regional integration scheme, these conventions impose costly obligations in each West and Central African State in so far as each State develops its own regulation framework, set up its own shore installations and brings into service its own coastguard network mainly through its Navy or Maritime Administration;

Conscious that the multiplicity of regulations and implementation procedures concerning their marine and coastal zones is not only expensive for the States taken individually, but also does not allow the States to take full advantage of economies of scale in guarding the coast and it also creates barriers and obstacles to shipping and trade ;

Noting that, taking into account the considerable obligations posed by the 1979 SAR Convention, it had not been accepted or ratified by many Coastal states throughout the world including those of West and Central Africa and that the SAR Convention as amended clarifies the responsibilities of Governments and puts greater emphasis on the regional approach and co-ordination between maritime and aeronautical SAR operations ;

Conscious that in the absence of a sub-regional agreement on the right of hot-pursuit across national borders, the sub-region lacks an effective means to pursue and prohibit piracy and armed robbery acts;

Recognizing that although most of MOW-4.5lation

m



- against a ship, aircraft, persons or property in a place outside the jurisdiction of any State ;
- (b) any act of voluntary participation in the operation of

- International Convention on Civil Liability for Oil Pollution Damage (CLC) 1969 as amended by the CLC protocol of 1992;
- International Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988; (SUA 88), as amended;
- Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, 1988,.(SUA Prot 88), as amended ;
- International Convention on the preparation, the fight and the co-operation in case oil pollution (OPRC 90);
- 1979 SAR Convention as amended;
- United Nations Food and Agricultural Program Code of Conduct for Fisheries;
- 1951 Convention relating to the Status of Refugees, and its 1967 Protocol as well as the 1969 OAU Convention governing the specific aspects of refugee problems of Africa.

Article 3  
Rights and Duties

States recognize:

- the sovereignty and responsibilities of other States in respect of their internal waters, territorial seas, and archipelagic waters ;
- the sovereign rights and duties of other States with regard to exclusive economic zones and continental shelves; and
- the rights and responsibilities of other States as provided by UNCLOS, other conventions, treaty obligations and general international law.

SECOND PART: THE INTEGRATED NETWORK OF COASTGUARDS  
TITLE I: AT THE NATIONAL LEVEL

Article 4  
The States Parties take following obligations:

1. to seek the establishment of a system for coordinating agencies with responsibility for national coastguard functions by each coastal Member State of MOWCA to develop and inOtal 88 0 TDgIRw(h)-4.420.0011 wnece.00

4. to institute or improve a national mechanism for intra- and intergovernmental agencies and other relevant stakeholders to co-operate and co-ordinate on a coastguard function;
5. to prosecute, in accordance with relevant domestic laws, perpetrators of all forms of piracy and unlawful acts against seafarers, ships, port facility personnel and port facilities;
6. Set up in each MOWCA member States the maritime Fund.

Article 5  
Organization and operation

The organization and the operation of the national structure come exclusively under the responsibility of each State in accordance with the laws and regulations in force.

TITLE II: AT THE REGIONAL LEVEL

Article 6  
The Parties take following obligations:

1. to seek the establishment of an integrated coastguard function network for West and Central Africa to develop and implement, as necessary:
  - (a) appropriate regional maritime security policies to safeguard maritime trade from all forms of unlawful acts;
  - (b) regional legislation, practices and procedures, which together provide the security necessary for the safe and secure operation of port facilities and ships at all security levels;
2. to consolidate the existing, or seek to establish, as the case may be, a regional maritime information centre through which the States can share and exchange security-related information, for the aim of preventing or combating unlawful acts against seafarers, ships, port facility personnel and port facilities in the area and ensuring prompt response to any distress or security alert received from these ships;
3. to seek ways for engaging States which trade with West and Central Africa and the shipping industry to support and enhance the safety, security and environmental protection in West and Central Africa;
4. to combat piracy, armed robbery against ships, unlawful acts and transnational organized crime at sea by enhancing the regional maritime security strategies and multilateral co-operation in their implementation;
5. to integrate any existing co-operative efforts or arrangements relating to combating unlawful acts against seafarers, ships, port facility personnel and port facilities and trans-national organized maritime crime, including those relating to collection, assessment, sharing and exchanging of security-related information and those relating to the co-operation and co-ordination among the institutions concerned, such as naval units, coastal patrol and law enforcement agencies, shipping companies, seafarers, and port authorities with a view of identifying any areas which may warrant improvements;
6. to improve international and regional co-operation with a view to ensure that pirates and persons committing unlawful acts against seafarers, ships and port facilities and port facility personnel do not evade prosecution;
7. to take into account any existing legislative and administrative arrangements relating to the investigation of alleged piracy or armed robbery incidents and for the prosecution, conviction and punishment of those involved in acts of piracy and armed robbery against ships with a view of identifying any areas which may warrant improvement taking into account the guidelines for the suppression of piracy and armed-robbery against ships<sup>1</sup> developed by the International Maritime Organization;







In each zone, a Coordinator is in charge of operations in his/her zone, according to Principal Coordinator's instructions and orders.

#### Article 13

The Network comprises fixed facilities and mobile facilities.

#### Article 14

Fixed facilities include:

- operational facilities, devoted to gathering of information (such as radar stations) and anagement of operations and, in general, of all the activities of the Network;
- training facilities, devoted to improving the skills of the staff. Training facilities can be shared with another structure or created within the framework of an existing training centre;
- Means, devoted to the maintenance and the operational support of the Network.

#### Article 15

The logistic means of the Network include nautical and aeronautical means, and also terrestrial means. All the logistic means of the Network are subject to the operational rules envisaged by the second part of this memorandum. All the means of the Network have the same colors and distinctive marks adopted by the Council. Similar distinctive characteristics appear in the logo and emblem of the Network.

#### Article 16

Each ship belonging to the Network flies the flag of the State Party where it is assigned. It is used only in its zone except temporarily for joint missions, reinforcements or replacements of other ships. The logistic means of the Network cannot be used for military missions of the flag State, except for peace or evacuation missions

The logistic means are the property of the Network. It supplies them with fuel, makes the maintenance and assigns each one of them to a State Party which has the responsibility to equip and train the crew.

A part of the training of the crew however is organized and supported by the Network. While endorsing the responsibility to equip and train the crew, the Flag State can make arrangements with other States Parties in order to allow nationals to be embarked in the maximum proportion of a third of the officers and half of all the crew.

#### Article 17

However, if the agreement fixing the conditions of equipment and maintenance is

THIRD PART: RULES OF OPERATIONS  
TITLE 1: IN NORMAL TIME

Article 20

At national level

Each State Party organizes at the national level, its surveillance missions in accordance with its laws and regulations in force.

Article 21

Zone cooperation agreement

The States Parties, in addition to the provisions of the memorandum and its appendices, can sign bilateral cooperation agreements without prejudice to the agreement set up and organizing the specific functioning of each zone.

Each time it is necessary, a State Party can benefit, through this agreement, from logistical and humane support of another State Party according to procedures they will have adopted.

The same State Party can sign the same agreement with the other State Parties of the zone.

Article 22

The missions are planned and ordered by the zone Coordinators.

The States Parties via their representatives send to the zone Coordinators, with any useful justification, their requests for presence of the facilities in their sector.

The programmes of missions ordered by the zone Coordinators are sent to the Representatives of the State parties of the zone.

Article 23

The facilities must carry out constabulary missions in accordance with the law of the competent State Party for the given sector, and in accordance with UNCLOS.

SAR missions are carried out according to provisions of SAR Convention and its protocols.

Article 24

On request or with the authorization of a competent agent, a coastguard facility can carry out an act of police in a foreign sector, as if it were a facility of the State Party of this sector and in accordance with the applied laws. If the competent agent is not on board the facility, the authorization can be given by the competent authority for the purpose of carrying out the mission.

The Principal Coordinator concerned implements the action plan envisaged for this purpose and annexed at the present memorandum.

### TITLE III: EMERGENCY PLAN

#### Article 27

The Principal Coordinator works out a sub regional draft of emergency plan to be submitted to the approval of the Council. The Principal Coordinator is in charge of the implementation of the emergency plan thus adopted.

### FOURTH PART: FINANCIAL RESOURCES

#### Article 28

The financial resources of the network include:

- regional maritime funds;
- the normal or extraordinary contributions decided by the Council;
- contributions of organizations or donor countries;
- 50 % of penalties and confiscations resulting from the actions of the Network.

#### Article 29

Each State Party begins to pay its financial contribution to the Network in accordance with the decisions and procedures adopted by the council.

### FIFTH PART: ENGAGEMENTS OF STATE PARTIES

#### Article 30

Each State Party gives effect to the provisions of th

- b) the amendments will be adopted by a majority of two thirds of the Representatives of the States Parties in the Committee;
- c) if the amendment is adopted, it will be communicated by the principal Coordination Centre to the States Parties for acceptance.

Article 34

An amendment is supposed to be accepted, either at the end of a period of six (06) months after adoption by the Representatives of the States Parties in the Committee, or at the end of any other period determined unanimously by the

Article 54

including search and rescue, combating piracy and unlawful acts against safety and security of maritime navigation.

Article 40

## HUMANITARIAN ASSISTANCE

### Article 48

States Parties recognize the benefits of working together on the prevention, mitigation and management of maritime natural disasters, including preparedness and early warning systems, the exchange of information, compilation of data bases, planning, disaster reduction and relief activities, as well as training and education programs.

## SEARCH AND RESCUE

### Article 49

States Parties are invited to promote greater sharing of maritime Search and Rescue (SAR) experience and expertise, as well as facilitate coordination and cooperation in SAR training and procedures.

### Article 50

States Parties consult with regard to the ratification, implementation and participation in relevant conventions and instruments concerning maritime SAR.

## MARITIME SAFETY

### Article 51

States Parties shall promote navigational safety by measures such as:

- the edition of adequate cartography;
- the publication and the diffusion of notices to sailors;
- the use of appropriate navigational aids;
- the notification of recommended shipping routes.

### Article 52

States Parties express support for regional and international efforts to deal with the problem of sub-standard ships, including the establishment of regional systems of port state control.

### Article 53

States Parties consult each other with regard to the ratification, implementation and participation in relevant conventions and instruments concerning maritime safety.

## LAW AND ORDER AT SEA

### Article 54

States Parties recognize the importance of cooperation in the maintenance and enforcement of law and order at sea, including the prevention of piracy, drug smuggling, and other crimes at sea, also recognize the rights of States Parties to enforce their domestic laws at sea to the extent allowed by international law.

### Article 55

States Parties recognize the right of hot pursuit and shall develop an effective mechanism thereof which shall take in consideration the provisions of Article III of this Memorandum.

Article 56

States Parties are invited to institute regular meetings to enhance cooperation and coordination in their maritime enforcement activities.

NAVAL CO-OPERATION

Article 57

States Parties acknowledge the confidence-building benefits of naval cooperation, including increased personnel contacts and voluntary measures to promote naval transparency.

Article 58

States Parties may wish to consider a framework of bilateral or multilateral instruments for the navy concerned in order to avoid the nautical incidents.

MARITIME SURVEILLANCE

Article 59

States Parties recognize that maritime surveillance may be conducted for peaceful purposes as part of the exercise of freedom of navigation and over flight in areas claimed as exclusive economic zone or continental shelf, and on the high seas. This should be conducted with consent and without prejudice to the jurisdictional rights and responsibilities of the coastal State within its exclusive economic zone or over its continental shelf, as provided for under UNCLOS.

Article 60

States Parties shall work towards developing arrangements for the sharing of surveillance information with other States Parties to this Memorandum.

PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

Article 61

States Parties recognize their individual and collective obligation to protect and preserve the marine environment.

Article 62



Article 63

States Parties consult at the bilateral and sub-regional levels in the formulation and harmonization of policies for the conservation, management and sustainable utilization of marine living resources that straddle maritime zones, or which are highly migratory, or occur in the high seas.

Article 64

- i) the exchange of views on maritime issues;
- j) holding conferences, seminars, workshops and symposiums on maritime subjects of common interest; and
- k) fostering cooperation among maritime training institutions and research centres.

States Parties are invited to institute regular meetings to enhance cooperation and coordination in their maritime enforcement activities.

## TITLE II: FINAL PROVISIONS

### Article 69

Any State Party can withdraw from the Memorandum by a written notification to the Committee sixty (60) days before.

### Article 70

The English, French and Portuguese versions of this Memorandum are authentic.

This Memorandum is adopted and open to signature in Dakar,

.....

Hereafter have signed The Representatives of the following States Parties:

1. Angola
2. Benin
3. Cameroon
4. Cape-Verde
5. Congo
6. D.R. Congo
7. Côte d'Ivoire
8. Gabon
9. Gambia
10. Ghana
11. Guinea
12. Guinea-Bissau
13. Equatorial Guinea
14. Liberia
15. Mauritania
16. Nigeria
17. Sao Tomé and Principe
18. Senegal
19. Sierra Leone
20. Togo