

[The main body of the document is completely obscured by dense horizontal black lines, rendering the text illegible.]

NOTE

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

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 validity of the actions and decisions in question.

IF ANY MATERIAL CONTAINED IN THE BULLETIN IS REPRODUCED IN

CONTENTS

	<u>Page</u>
I. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA	1
A. 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 2000	1
2. Chronological lists of ratifications of, accessions and successions to the Convention and the related Agreements, as at 30 November 2000	10
(a) The Convention	10
(b) Agreement relating to the implementation of Part XI of the Convention	11
(c) 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	ON THE LAW OF THE SEA
A. United Nations General Assembly resolutions of interest	1
1. General Assembly resolution 55/7 of 30 October 2000: Oceans and the law of the sea	1
1999	3
2. Denmark: Ordinance Governing the Admission of Foreign Warships and Military Aircraft to Danish Territory in Time of Peace, 16 April 1999	5
3. Netherlands:	
(a) Kingdom Act of 27 May 1999 establishing an exclusive economic zone of the Kingdom (Exclusive Economic Zone (Establishment) Act)	5

CONTENTS

	<u>Page</u>
(d) Decree of 13 March 2000 determining the outer limits of the exclusive economic zone of the Netherlands and effecting the entry into force of the Kingdom Act establishing an exclusive economic zone (Exclusive Economic Zone of the Netherlands (Outer Limits) Decree).....	55
4. United States of America: Oceans Act of 2000.....	58

I. UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

- A. 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

State or entity	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		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 (not yet in force)	
	Signature (☐ - declaration)	Ratification; formal confirmation(fc); accession(a); succession(s); (☐ - declaration)	Signature	Ratification; formal confirmation(fc); accession(a); definitive signature(ds); participation(p); 1/ simplified procedure (sp); 2/	Signature (☐ - declaration or statement)	Ratification; accession(a) ^{3/} (☐ - declaration)
Azerbaijan						

Italicized text indicates non-members of the United Nations;
Shaded row indicates land-locked States

Agreement for the implementation of the provi-

State or entity

**United Nations Convention on
the Law of the Sea**
(in force as from 16 November 1994)

**Agreement relating to the
implementation of Part XI of the
Convention**
(in force as from 28 July 1996)

State or entity	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)	Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)	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 (not yet in force)
<i>Italicized text</i> indicates non-members of the United Nations; Shaded row indicates land-locked States	Ratification; formal confirmation(fc); accession(a); succession(s); (☐ - declaration) Signature (☐ - declaration)	Ratification; formal confirmation(fc); accession(a); definitive signature(ds); participation(p); Signature	1pa/3(e2 048 -119(p))79(:)79(1)JET 22(tio)-6(082(ds))82(:)8S(82(2289 07(i))70147081ref925f9

State or entity

**United Nations Convention on
the Law of the Sea**
(in force as from 16 November 1994)

**Agreement relating to the
implementation of Part XI of the
Convention**
(in force as from 28 July 1996)

**Agreement for the implementation of the provi-
sions of the Convention relating to the conserva-
tion and management of straddling fish stocks and
highly migratory fish stocks** (not yet in force)

State or entity <i>Italicized text indicates non-members of the</i>	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		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 (not yet in force)	
		Ratification; formal confirmation(fc); accession(a); succession(s); (☐ - declaration)	Signature	Ratification; formal confirmation(fc); accession(a); definitive signature(ds); participation(p); 1/ simplified procedure (sp); 2/	Signature (☐ - declaration or statement)	Ratification; accession(a) ^{3/} (☐ - declaration)
	4 November 1994			4 November 1994 (p)		☐25 March 1997(a)
	18 March 1983					
	29 April 1991 (a)			6 September 1995		23 May 1997
	20 March 1996			20 March 1996 (p)		9 June 1999(a)

State or entity	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)		Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)		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 (not yet in force)	
	Signature (☐ - declaration)	Ratification; formal confirmation(fc); accession(a); succession(s); (☐ - declaration)	Signature	Ratification; formal confirmation(fc); accession(a); definitive signature(ds); participation(p); 1/ simplified procedure (sp); 2/	Signature (☐ - declaration or statement)	Ratification; accession(a) ^{3/} (☐ - declaration)
Philippines	☐	☐8 May 1984		23 July 1997		
Poland		13 November 1998		13 November 1998		
Portugal		☐3 November 1997		3 November 1997		
Qatar	☐					

Italicized text indicates non-members of the United Nations;
Shaded row indicates land-locked States

Implementation of the provisions relating to the conservation of straddling fish stocks and highly migratory fish stocks (not yet in force)

Ratification; accession
(□ - declaration)

24 October 1996

31 July 1996

Turkey

State or entity	United Nations Convention on the Law of the Sea (in force as from 16 November 1994)	Agreement relating to the implementation of Part XI of the Convention (in force as from 28 July 1996)	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 (not yet in force)
------------------------	---	---	---

Italicized text indicates

2. Chronological lists of ratifications of, accessions and successions to the Convention and the related Agreements, as at 30 November 2000

(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. Namibia (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. Yugoslavia (5 May 1986)
30. Nigeria (14 August 1986)
31. Guinea-Bissau (25 August 1986)
32. Paraguay (26 September 1986)
33. Yemen (21 July 1987)
34. Cape Verde (10 August 1987)
35. Sao Tome and Principe
(3 November 1987)
36. Cyprus (12 December 1988)
37. Brazil (22 December 1988)
38. Antigua and Barbuda (2 February 1989)
39. Democratic Republic of the Congo
(17 February 1989)
40. Kenya (2 March 1989)
41. Somalia (24 July 1989)
42. Oman (17 August 1989)
43. Botswana (2 May 1990)
44. Uganda (9 November 1990)
45. Angola (5 December 1990)
46. Grenada (25 April 1991)
47. Micronesia (Federated States of)

86. Monaco (20 March 1996)
87. Georgia (21 March 1996)
88. France (11 April 1996)
89. Saudi Arabia (24 April 1996)
90. Slovakia (8 May 1996)
91. Bulgaria (15 May 1996)
92. Myanmar (21 May 1996)
93. China (7 June 1996)
94. Algeria (11 June 1996)
95. Japan (20 June 1996)
96. Czech Republic (21 June 1996)
97. Finland (21 June 1996)
98. Ireland (21 June 1996)
99. Norway (24 June 1996)
100. Sweden (25 June 1996)
101. Netherlands (28 June 1996)
102. Panama (1 July 1996)
103. Mauritania (17 July 1996)
104. New Zealand (19 July 1996)
105. Haiti (31 July 1996)
106. Mongolia (13 August 1996)
107. Palau (30 September 1996)
108. Malaysia (14 October 1996)
109. Brunei Darussalam (5 November 1996)
110. Romania (17 December 1996)
111. Papua New Guinea (14 January 1997)
112. Spain (15 January 1997)
113. Guatemala (11 February 1997)
114. Pakistan (26 February 1997)
115. Russian Federation (12 March 1997)
116. Mozambique (13 March 1997)
117. Solomon Islands (23 June 1997)
118. Equatorial Guinea (21 July 1997)
119. United Kingdom of Great Britain and Northern Ireland (25 July 1997)
120. Chile (25 August 1997)
121. Benin (16 October 1997)
122. Portugal (3 November 1997)
123. South Africa (23 December 1997)
124. Gabon (11 March 1998)
125. European Community (1 April 1998)
126. Lao People's Democratic Republic (5 June 1998)
127. Suriname (9 July 1998)
128. Nepal (2 November 1998)
129. Belgium (13 November 1998)
130. Poland (13 November 1998)
131. Ukraine (26 July 1999)
132. Vanuatu (10 August 1999)
133. Nicaragua (3 May 2000)
134. Maldives (7 September 2000)
135. Luxembourg (5 October 2000)

(b) Agreement relating to the implementation of Part XI of the Convention

1. Kenya (29 July 1994)
2. The former Yugoslav Republic of Macedonia (19 August 1994)
3. Australia (5 October 1994)
4. Germany (14 October 1994)
5. Belize (21 October 1994)
6. Mauritius (4 November 1994)
7. Singapore (17 November 1994)
8. Sierra Leone (19 Tw [(60.9(19 Tw [(6.9(d)-6.911.1(x)11.1(Tw [(60.9(19 Tw)-9.7(1)-11..8(kTJ T* b77-7897)r 4

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

A. United Nations General Assembly resolutions of interest

1. General Assembly resolution 55/7 of 30 October 2000:

Oceans and the law of the sea

The General Assembly,

Recalling its resolutions 49/28 of 6 December 1994, 52/26 of 26 November

Convinced of the need, building on arrangements established in accordance with the Convention, to improve coordination at the national level and cooperation and coordination at both intergovernmental and inter-agency levels, in order to address all aspects of oceans and seas in an integrated manner,

Recognizing the important role that the competent international organizations

implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities,

Reiterating its concern at the degradation of the marine environment as a result of pollution from ships, in particular through the illegal release of oil and other harmful substances, and as a result of pollution by dumping of hazardous waste, including radioactive materials, nuclear waste and dangerous chemicals,

Recalling the importance of marine science in promoting the sustainable management of the oceans and seas, including in the assessment, conservation, management and sustainable use of fish stocks,

Emphasizing the need to ensure access of decision makers to advice and information on marine science and technology, as well as to the transfer of technology and support for the production and diffusion of factual information and knowledge for end-users, as appropriate,

Expressing concern once again at the continuing threat from piracy and armed robbery at sea, and, in this context, noting the letter from the Secretary-General of the International Maritime Organization to the Secretary-General of the United Nations⁶ drawing attention to the increasing number and seriousness of incidents of piracy and armed robbery at sea,

Reaffirming the importance of enhancing the safety of navigation as well as the necessity for cooperation in this regard,

Emphasizing the importance of the protection of the underwater cultural heritage, and recalling in this context the provisions of article 303 of the Convention,¹

Noting the responsibilities of the Secretary-General under the Convention and related resolutions of the General Assembly, in particular resolutions 49/28 and 52/26, and in this context the expected increase in response Secreta

4. *Encourages* States parties to the Convention to deposit with the

the registered pioneer investors in accordance with the Convention, the Agreement and those Regulations;

13. *Appeals* to all States parties to the Convention to pay their assessed contributions to the Authority and the Tribunal in full and on time, and appeals also to all former provisional members of the Authority to pay any outstanding contributions;

14. *Calls upon* States that have not done so to consider ratifying or acceding to the Agreement on the Privileges and Immunities of the Tribunal⁹ and to the Protocol on the Privileges and Immunities of the Authority;¹⁰

15. *Notes* the continuing progress in the work of the Commission, including the successful open meeting on 1 May 2000¹¹ aimed at assisting States in implementing the provisions of the Convention related to the establishment of the outer limits of the continental shelf beyond 200 nautical miles and facilitating the preparation of submissions to the Commission by coastal States regarding the outer limits of their continental shelf;

16. *Notes also* that the Commission has issued a basic flowchart on the preparation of submissions¹² and has adopted, in outline, a five-day training course on the delineation of the outer limits of the continental shelf beyond 200 nautical miles and for the preparation of submissions,¹³ and encourages concerned States and relevant international organizations and institutions to consider further

coastal areas, and its living marine resources against pollution and physical degradation;

26. *Acknowledges* the need to build national capacity for the integrated management of the coastal zone and for the protection of its ecosystem, and invites relevant parts of the United Nations system to promote these aims, including through the provision of the training and institutional support needed to achieve them;

27. *Calls upon* States to prioritize action on marine pollution from land-based sources as part of their national sustainable development strategies and local Agenda 21 programmes, in an integrated and inclusive manner, as a means of enhancing their support for the Global Programme of Action, and calls for their active collaboration to ensure that the 2001 intergovernmental review will enhance the implementation of the Global Programme of Action;

28. *Calls upon* United Nations agencies and programmes identified in General Assembly resolution 51/189 of 16 December 1996 to fulfil their roles in support of the Global Programme of Action and to provide information to Governments for their consideration at the 2001 intergovernmental review of the Global Programme of Action and to the Secretary-General for his annual report on oceans and the law of the sea on their action in this regard and on other steps which could be taken to protect the marine environment;

29. *Invites* the United Nations Environment Programme and the World Bank, as part of the preparations for 2001 review of the Global Programme of Action, to consult with Governments, representatives of the private sector, financial institutions and bilateral and multilateral donor agencies to review their involvement in the implementation of the Global Programme of Action and to consider, inter alia, what international support is needed to help overcome the obstacles to the preparation and implementation of national and local action programmes and how they can participate actively in partnership-building with developing countries for the transfer of the requisite technology in accordance with the Convention and taking into account the relevant parts of Agenda 21, capacity-building and funding for the implementation of the Global Programme of Action;

30. *Emphasizes* the importance of ensuring that adverse impacts on the marine environment are taken into account when assessing and evaluating development programmes and projects;

31. *Urges* States to take all practicable steps, in accordance with the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, to prevent pollution of the marine environment from ships and, in accordance with the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter,¹⁷ to prevent pollution of the marine environment by dumping, and further calls upon States to become parties to and to implement the 1996 Protocol to the 1972 Convention;¹⁸

¹⁷ United Nations, *Treaty Series*, vol. 1046, No. 15749.

¹⁸ IMO/LC.2/Circ.380.

32. *Stresses* the need to consider as a matter of priority the issues of marine science and technology and to focus on how best to implement the many obligations of States and competent international organizations under Parts XIII and XIV of the Convention, and calls upon States to adopt, as appropriate and in accordance with international law, the necessary national laws, regulations, policies and procedures to promote and facilitate marine scientific research and cooperation;

33. *Urges* all States, 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 cooperation, and to investigate or cooperate in the investigation of such incidents wherever they occur and bring the alleged perpetrators to justice in accordance with international law;

34. *Calls upon* States, in this context, to cooperate fully with the International Maritime Organization, including by submitting reports on incidents to the organization and by implementing the International Maritime Organization guidelines on preventing attacks of piracy and armed robbery;

35. *Urges* States to become parties to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocol,¹⁹ and to ensure its effective implementation;

36. *Notes* the continued work of the United Nations Educational, Scientific and Cultural Organization towards a convention for the implementation of the provisions of the Convention, relating to the protection of the underwater cultural heritage, and re-emphasizes the importance of ensuring that the instrument to be

40. *Reaffirms* its decision to undertake an annual review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea, taking into account resolution 54/33 establishing the Consultative Process to facilitate the review of developments in ocean affairs, and requests the Secretary-General to convene the second meeting of the Consultative

which is to be, or has been, brought by or against the State concerned and should

Annex II

level scientific/technical expertise and modern technology. By nature, the costs involved in such data acquisition projects are substantial. In addition to contributing to the Voluntary Fund herein established, the international community should make every effort to facilitate the full implementation of article 76 both financially and in any other possible way or capacity.

7. The initial assessment and the project planning itself will require qualifications in hydrography and geosciences in addition to a full understanding of the relevant provisions of the Convention. The final preparation of a submission to the Commission also requires high-level expertise in geosciences and hydrography.

8. The United Nations has extensive experience in providing assistance to countries for their industrial and economic development. This experience could be extended and utilized to assist States in implementing their rights and obligations under article 76 of the Convention.

2. Objects and purpose of the Trust Fund

9. The Secretary-General, under the Financial Regulations and Rules of the

3. Contributions to the Fund

14. The Secretary-General invites States, intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions as well as natural and juridical persons to make voluntary financial or other contributions to the Fund.

4. Application for financial assistance

15. An application for financial assistance from the Fund may be submitted by any developing State, in particular the least developed countries and small island developing States, who are Members of the United Nations and party to the Convention.

16. The purpose of the financial assistance applied for should be specified. Financial assistance may be sought for the following purposes:

- (a) Training of technical and administrative staff;

(v) A specification of what will be done by the State's own staff, and what will be contracted for;

(vi) An itemized statement of the estimated costs for which assistance is requested.

(c)

21. In considering the application, the Division shall be guided solely by the financial needs of the requesting developing State and availability of funds with priority given to least developed countries and small island developing States taking into account the imminence of pending deadlines.

22. Travel expenses and subsistence allowance are payable to independent experts engaged by the Division to consider applications.

6. Granting of assistance

23. The Secretary-General will provide financial assistance from the Fund on the basis of the evaluation and recommendations of the Division. Payments will be made against receipts evidencing actual expenditures for approved costs.

7. Application of article 5 of annex II to the Convention

24. Nationals of the coastal State making the submission who are members of the Commission and any Commission member who has assisted a coastal State by providing scientific and technical advice with respect to the delineation shall not be a member of the subcommission dealing with that submission but has the right to participate as a member in the proceedings of the Commission concerning the said submission. In an effort to promote transparency and to give full effect to article 5 of annex II to the Convention there should be full disclosure by Commission members, trust fund recipients and training sponsors to the Division of any pre-submission contacts.

8. Reporting requirements for full disclosure

25. Interested Governments, international organizations and institutions who provide any training for which any costs are reimbursed by this Fund are strongly encouraged to provide the complete list of participants to the Division.

26. Commission members who participate in any activities pursuant to this Fund shall disclose this information to the Division.

27. Upon submission to the Commission of its information on the limits of its continental shelf pursuant to article 76 of the Convention, a coastal State that has received assistance from this Fund shall disclose this information, including the involvement of any Commission members.

9. Application of the Financial Regulations and Rules of the United Nations

2. General Assembly resolution 55/8 of 30 October 2000:

Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments

The General Assembly,

Reaffirming its resolutions 46/215 of 20 December 1991, 49/116 and 49/118 of 19 December 1994, 50/25 of 5 December 1995, 51/36 of 9 December 1996, 52/29 of 26 November 1997 and 53/33 of 24 November 1998, as well as other resolutions on large-scale pelagic drift-net fishing, unauthorized fishing in zones of

Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, and noting with concern that neither of these agreements has yet entered into force,

Noting with satisfaction that the Committee on Fisheries of the Food and Agriculture Organization of the United Nations in February 1999 adopted international plans of action for the management of fishing capacity, for reducing the incidental catch of seabirds in longline fisheries and for the conservation and management of sharks,

Taking note with appreciation of the report of the Secretary-General,² and emphasizing the useful role that the report plays in bringing together information relating to the sustainable development of the world's marine living resources provided by States, relevant international organizations, regional and subregional fisheries organizations and non-governmental organizations,

Noting with satisfaction that, while significant work remains to be done, interested parties have made real progress towards sustainable fisheries management,

Noting that while there has been generally a marked decrease in the reporting of large-scale pelagic drift-net fishing activities in most regions of the world's oceans and seas, large-scale pelagic drift-net fishing remains a threat to marine living resources in some areas,³

Expressing its continuing concern that efforts should be made to ensure that the implementation of resolution 46/215 in some parts of the world does not result in the transfer to other parts of the world of drift-nets that contravene the resolution,

Noting with concern that unauthorized fishing in zones of national jurisdiction and on the high seas/illegal, unreported and unregulated fishing remains as one of the most severe problems currently affecting world fisheries and the sustainability of living marine resources, and noting also that unauthorized fishing in zones of national jurisdiction and on the high seas/illegal, unreported and unregulated fishing has a detrimental impact on the food security and the economies of many States, particularly developing States,

Noting the significance of the work being undertaken under the aegis of the Food and Agriculture Organization of the United Nations to develop a comprehensive international plan of action to prevent, deter and eliminate illegal, unreported and unregulated fishing, involving consideration of the range of possibilities for action in accordance with international law, and acknowledging the work done by certain regional fisheries organizations,

Welcoming the efforts in the Food and Agriculture Organization of the United Nations to address the causes of illegal, unreported and unregulated fishing, through a comprehensive and integrated approach, involving all relevant States and regional and subregional fisheries management organizations and arrangements, to

² A/55/386.

³ *Ibid.*, paras. 12-64.

the deterrence of illegal, unreported and unregulated fishing which encourages all States to take, to the greatest extent possible, measures or to cooperate to ensure that their nationals, in accordance with article 117 of the United Nations Convention on the Law of the Sea,⁴ and vessels flying their flag do not support or engage in illegal, unreported and unregulated fishing,

Welcoming also the cooperation being undertaken with the International Labour Organization and other relevant international organizations in the joint Ad Hoc Working Group on combating illegal, unreported and unregulated fishing of the Food and Agriculture Organization of the United Nations and the International Maritime Organization,

Recognizing the need for the International Maritime Organization, the Food and Agriculture Organization of the United Nations and regional and subregional fisheries management organizations and arrangements to address the issue of marine debris derived from land-based and ship-generated sources of pollution, including derelict fishing gear, which can cause mortality and habitat destruction of living marine resources,

Expressing concern at the significant level of by-catch and discards in several of the world's commercial fisheries, and recognizing that the development and use of selective, environmentally safe and cost-effective fishing gear and techniques

management of sharks and for the management of fishing capacity, since the state of progress in the implementation of all three plans will be reported to the Committee on Fisheries of the Food and Agriculture Organization of the United Nations at the twenty-fourth session of the Committee, to be held from 26 February to 2 March 2001;

4. *Takes note with satisfaction* of the activities of the Food and Agriculture Organization of the United Nations aimed at providing assistance to developing countries in upgrading their capabilities in monitoring, control and surveillance, through its Inter-regional Programme of Assistance to Developing Countries for the Implementation of the Code of Conduct for Responsible Fisheries;

5. *Also takes note with satisfaction* of the activities of the Food and Agriculture Organization of the United Nations, in cooperation with relevant United Nations agencies, in particular the United Nations Environment Programme and the Global Environment Facility, aimed at promoting the reduction of by-catch and discards in fisheries activities;

6. *Reiterates* the importance of continued or strengthened efforts by States, directly or, as appropriate, through the relevant regional and subregional

obligations and to ensure that fishing vessels entitled to fly their flag do not fish in areas under the national jurisdiction of other States unless duly authorized by the authorities of the States concerned and in accordance with the conditions set out in the authorization, and that they do not fish on the high seas in contravention of the applicable conservation and management measures;

12. *Urges* States to continue the development of an international plan of action on illegal, unreported and unregulated fishing for the Food and Agriculture Organization of the United Nations, as a matter of priority, so that its Committee on Fisheries can be in a position to adopt elements for inclusion in a comprehensive and effective plan of action at its twenty-fourth session, to be held from 26 February to 2 March 2001;

13. *Appeals* to States and regional fisheries organizations, including regional fisheries management bodies and regional fisheries arrangements, to

will play a key role in implementing applicable international law, including, as appropriate, the United Nations Convention on the Law of the Sea, the Fish Stocks Agreement and the Compliance Agreement, and in promoting the application of the Code of Conduct for Responsible Fisheries;

20. *Calls upon* the Food and Agriculture Organization of the United Nations, the International Maritime Organization, regional and subregional fisheries management organizations and arrangements and other appropriate intergovernmental organizations to take up, as a matter of priority, the issue of marine debris as it relates to fisheries and, where appropriate, to promote better coordination and help States to fully implement relevant international agreements, including annex 5 and the Guidelines of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto;

21. *Invites* all relevant parts of the United Nations system, international financial institutions and multilateral and bilateral donor agencies to take into account the importance of marine science, including the importance of protecting the ecosystem, and the precautionary approach, with the aim of providing support to subregional and regional organizations and arrangements and their member States, for sustainable fisheries management and conservation, and notes that, for developing countries, capacity-building is essential for the sustainable development of living marine resources;

22. *Recommends* that the biennial conference of regional and subregional fisheries management organizations and arrangements with the Food and

organs, organizations and programmes of the United Nations system, regional and subregional organizations and arrangements and other relevant intergovernmental

2. Jurisdiction with regard to:
 - (a) The establishment and use of artificial islands, installations and structures;
 - (b) Marine scientific research;
 - (c) The protection and preservation of the marine environment;
3. Other rights provided for by international law.

Article 5. In exercising its rights in the EEZ, Belgium shall have due regard to the rights and duties of other States, particularly as concerns freedom of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms which are compatible with other provisions of international law.

Chapter III Living resources and fishing

Section I

Article 6. Article 1, paragraph 1, of the Act of 12 April 1957 authorizing the King to stipulate measures for the conservation of the living resources of the sea, amended by the Act of 18 July 1973, is replaced by the following:

“The King shall take the necessary measures to ensure the conservation of living resources in both the high seas and the exclusive economic zone and the territorial sea.”

Article 7. Article 2 of the said Act is replaced by the following:

“*Article 2.1.* Without prejudice to the authority of the criminal investigation service, maritime commissioners and their agents, officials and agents of the Maritime Fisheries Service of the Ministry of Agriculture and the self-employed appointed by the Minister responsible for agriculture, captains of fisheries protection vessels or their crews, commanders of government patrol boats and aircraft or their crews commissioned and non-commissioned naval officers assigned for that purpose, and agents of the Customs and Excise Administration, within the limits of article 168 of the General Customs and Excise Act of 18 July 1977 shall be responsible for ensuring the application of the measures laid down in article 1 and,

When a fishing vessel has been arrested in accordance with this Act, the vessel shall be released immediately in exchange for the deposit by the owner or his agent of a bond or bank guarantee issued by a bank established in Belgium corresponding to an amount determined by the official who reported the offence but which may not exceed the maximum amount of the fine stipulated by this Act, plus a 10 per cent surcharge. The bond or bank guarantee shall be handed over, against a receipt, to the reporting official, who shall deposit it with a legally authorized agency of the Caisse des Dépôts et Consignations.

The fine established by a final court decision, as well as any other charges shall be deducted from the bond. The balance shall be immediately refunded. The interest accrued on the sum deposited shall be added to the bond.

When a foreign fishing vessel is arrested, the flag State shall be notified without delay, through its diplomatic representative, of the measures taken and of the penalties that may subsequently be imposed.

“2. When a violation is discovered, they may, in addition, immediately seize the fishery products, fishing equipment and other means of production. They may have the seized fishery products thrown overboard. They may offer for public sale the seized fishing products, which may be placed on the market in accordance with the European or national regulations in force, provided that this is compatible with public health. The proceeds shall be deposited with the clerk of the competent court until a final decision on the offence has been handed down. This sum shall be considered the equivalent of the seized fishery products for the purposes of both confiscation and any eventual restitution. Seized fishery products which may not be placed on the market in accordance with the European or national regulations in force but which meet public health standards may be donated to a charitable institution or used for some other purpose.

If the seized fishery products do not meet public health standards, they may not be used for human consumption and must be either denatured, processed and used for other purposes, or else destroyed, in either case at the expense of the offender. The fishing equipment and other means of production seized may be returned to the offender against the deposit of a bond or bank guarantee issued by a bank established in Belgium for an amount determined by the official who reported the offence but which may not exceed one fifth of the maximum amount of the fine stipulated hereunder, plus the usual 10 per cent surcharge.

This option may not be used, however, if the fishing equipment or means of production do not conform to the European or national regulations in force.

2. Refuses to allow visits, inspections, checks or sample-taking or to provide information or documents required by the authorities referred to in article 2, paragraph 1;
3. Knowingly provides false information or documents;
4. Refuses to comply with orders given by the authorities referred to in article 2, paragraph 1, pursuant to this Act or its implementing regulations.

An offence mentioned in paragraph 1 committed in the territorial sea shall be punishable by a term of imprisonment of from fifteen days to one year and a fine as stipulated in this article or by one of those penalties only.

If the offence is committed between sunset and sunrise or if it is repeated within three years after conviction for one of the offences referred to paragraphs 1 and 2, the above penalties may be doubled.

The offender shall also be ordered to pay all costs incurred, including the costs resulting from the seizure of fishing equipment and means of production.

The provisions of volume I of the Penal Code, including chapter VII and article 85, are applicable to the offences referred to in this article.”

Article 9. Article 4 of the said Act is replaced by the following:

“*Article 4.* The correctional courts of Antwerp, Bruges, Brussels and Veurne have sole jurisdiction to try offences against this Act and its implementing regulations.”

Section II

Article 10. Article 1 of the Act of 10 October 1978 establishing a Belgian fishing zone is replaced by the following:

“*Article 1.* A national fishing zone shall be established beyond the territorial sea of Belgium and coterminous with the exclusive economic zone.”

Article 11. Article 3, paragraph 2, of the said Act is replaced by the following:

“This prohibition applies subject to the rights of foreign vessels under the Treaty on European Union and the applicable rules of international law.”

Article 12. Article 4 of the said Act, as amended by the Act of 30 June 1983, is replaced by the following:

“*Article 4.1.* Without prejudice to the authority of the criminal investigation service, maritime commissioners and their agents, officials and agents of the Maritime Fisheries Service of the Ministry of Agriculture and the self-employed appointed by the Minister responsible for agriculture, captains of fisheries protection vessels or their crews, commanders of government patrol vessels and aircraft or their crews, commissioned and non-commissioned naval officers assigned for that purpose and agents of the Customs and Excise Administration within the limits of article 168 of the General Customs and Excise Act of 18 July 1977 shall be responsible for ensuring the application of this Act and the regulations issued thereunder and, in particular, for seeking out violations and reporting them in official reports, which shall be regarded as authoritative until proven otherwise.

To that end, they may board fishing vessels at any time, require the presentation of all ship’s documents and documentary evidence and enter any premises and areas on board where fishing equipment or fishery products may be kept. They may seize all documents and documentary evidence for examination.

In a case of *flagrante delicto*, they may, for the purpose of instituting proceedings and with the consent of the Crown Procurator of the court of first instance of Bruges, conduct the fishing vessel, or have it conducted, to a Belgian port at the expense and risk of the owner or operator and, if necessary, arrest the vessel at the expense and risk of the owner or operator.

The fine established by a final court decision as well as any other charges shall be deducted from the bond. The balance shall be immediately refunded. The interest accrued on the sum deposited shall be added to the bond.

When a foreign fishing vessel is arrested, the flag State shall be notified without delay, through its diplomatic representative, of the measures taken and of the penalties that may subsequently be imposed.”

Article 14. Article 6 of the said Act, as amended by the Act of 30 June 1983, is replaced by the following:

“*Article 6.* A fine of from one thousand five hundred francs to one hundred thousand francs shall be levied on any person who:

Article 18.

The fishing equipment and other means of production seized may be returned to the offender, against the deposit of a bond or bank guarantee issued by a bank established in Belgium for an amount determined by the official who reported the offence, but which may not exceed one fifth of the maximum amount of the fine stipulated hereunder, plus the usual 10 per cent surcharge.

This option may not be used, however, if the fishing equipment or means of production do not conform to the European or national regulations in force.

The fishing equipment and other means of production seized shall be impounded by the clerk of the court. The bond or bank guarantee shall be handed over to the official who reported the offence, who shall deposit it with the clerk of the court until a final decision concerning the offence has been handed down. This sum shall be considered the equivalent of the seized fishing equipment and other means of production for the purpose of both confiscation and any eventual restitution.

“3. In the event of conviction, the court may order the confiscation of the fishery products, fishing equipment and other means of production seized.

Confiscation shall be pronounced and destruction ordered in all cases where the fishing equipment and other means of production do not comply with the European or national regulations in force or where the nature of the fishery product warrants such action.

Court-ordered destruction shall be carried out at the expense of the convicted party.”

Article 19. Article 4 of the said Act is abrogated.

Article 20. Article 5 of the said Act is abrogated.

Article 21. Article 6 of the said Act is replaced by the following:

“*Article 6.* A sentence to a term of imprisonment of from fifteen days to one year and a fine of from one thousand five hundred francs to one hundred thousand francs or only one of those penalties shall be imposed on any person who:

1. Violates this Act or the regulations issued pursuant thereto;
2. Refuses to allow visits, inspections, checks, or sample-taking or to provide information or documents required by the authorities referred to in article 3, paragraph 1;
3. Knowingly provides false information or documents;
4. Refuses to comply with orders given by the authorities referred to in article 3, paragraph 1, pursuant to this Act or its implementing regulations.

If the offence is committed after sunset and before sunrise, or if it is repeated within three years after conviction for one of the offences referred to in paragraph 1, the above penalties may be doubled.

The offender shall also be ordered to pay all costs incurred, including the costs resulting from the seizure of fishing equipment and means of production.

The provisions of volume I of the Penal Code, including chapter VII and article 85, are applicable to the offence referred to in this article.”

Article 22. Article 7 of the said Act is abrogated.

Article 23. Article 9 of the said Act is replaced by the following:

“*Article 9.* The correctional courts of Antwerp, Bruges, Brussels and Veurne have sole jurisdiction to try offences against this Act and its implementing regulations.”

Article 24. Article 10 of the said Act is abrogated.

Section IV

Article 25. The Act of 28 March 1975 on trade in agricultural, horticultural and maritime fishery products is also applicable in the EEZ with respect to fishing-related activities.

The prison sentences established thereunder do not apply to violations committed within the EEZ.

Chapter IV
Non-living resources

Article 26. The title of the Act of 13 June 1969 on Belgium's continental shelf is replaced by the following title: "Act on the exploration and exploitation of non-living resources in the territorial sea and the continental shelf".

Article 27. Article 1 of the said Act is replaced by the following:

"*Article 1.* The Kingdom of Belgium shall exercise its sovereignty over the territorial sea and sovereign rights over the continental shelf for the purpose of exploring and exploiting mineral and other non-living resources."

Article 28. Article 2 of the said Act is replaced by the following:

"*Article 2.* Belgium's continental shelf comprises the seabed and subsoil of the submarine areas adjacent to the coasts but beyond the territorial sea, the outer limit of which is a line composed of segments connecting the following points, defined by their coordinates, in the order in which they are listed:

1. 51°16'09"N 02°23'25"E
2. 51°33'28"N 02°14'18"E
3. 51°36'47"N 02°15'12"E
4. 51°48'18"N 02°28'54"E
5. 51°52'34,012"N 02°32'21,599"E
6. 51°33'06"N 03°04'53"E

The positions of the points listed in this article are expressed in latitude and longitude in accordance with the European Geodetic System (regulation 1, 1950)."

Article 29. Article 3 of the said Act is amended as follows:

1. The words "*lits de la mer*" are replaced by the words "*fonds marin*".
2. The following paragraph is added to the article:

"It also determines the procedure to be followed for the partial or complete withdrawal or transfer of the concession."

Article 30. Article 4 of the said Act is replaced by the following:

"*Article 4.* The laying of cables and pipelines which enter the territorial sea or the national territory, or which are constructed or used in connection with the exploration of the continental shelf or exploitation of mineral and other non-living resources, or the operations of artificial islands, installations and structures under Belgian jurisdiction, shall be subject to the obtaining of a permit, which shall be granted or revoked in accordance with procedures established by the King.

Pipeline trajectories must be approved by the King, taking into consideration the exploration of the continental shelf and the exploitation of mineral and other non-living resources.

The King may impose additional measures to prevent, reduce or control pollution from pipelines.”

Article 31. Article 5 of the said Act is amended as follows:

1. In the first paragraph, the words “installations and other structures established on the high seas” are replaced by the words “artificial islands, installations, and other structures”;
2. In the same paragraph, the word “natural” is replaced by the words “mineral and other non-living resources”;
3. In the third paragraph, the word “sea” is replaced by the words “of the sea and of the flora and fauna and their habitats”;

Article 32. Article 6 of the said Act is amended as follows:

1. In the first paragraph, the words “artificial island” are inserted between the words “for each” and “installation or structure”;
2. In the same paragraph, the words “in the territorial sea or” are inserted between the words “situated” and “on the continental shelf”;
3. In the second paragraph, the words “artificial islands” are inserted between the words “of the outer edge of those” and “installations or structures”.

Article 33. Article 7 of the said Act is amended as follows:

1. The words “installations or other structures situated on the high seas” are replaced by the words “artificial islands, installations and other structures”;
2. The words “in the territorial sea or” are inserted between the words “permanently established” and “on the continental shelf”;
3. The words “on those installations or structures” are replaced by the words “on those artificial islands, installations and structures”.

Article 34. In the first paragraph of article 8 of the said Act the words “on an installation or other structure referred to in the previous article” are replaced by the words “on the artificial islands, installations or structures referred to in this Act”.

Article 35. In the first paragraph of article 9 of the said Act, the words “an artificial island or” are inserted between the words “with regard to” and “an installation”.

Article 36. The following new article 10 is inserted in the said Act:

“*Article 10.*

Chapter V

Artificial islands, installations and structures

Article 37. In the EEZ, Belgium shall have exclusive jurisdiction over artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.

In the territorial sea, Belgium shall have sovereignty over artificial islands, installations and structures.

Article 38.

Chapter VII
Protection of the marine environment

Article 46. Belgium shall exercise its jurisdiction in the EEZ in respect of the protection and preservation of the

Chapter IX
Amendments to the Judicial Code

Article 51. The following paragraph is added to article 513 of the Judicial Code as amended by the Act of 6 April 1992:

“Bailiffs having their offices in the judicial circuits of Antwerp, Bruges and Veurne shall be competent to act on the territorial sea referred to in article 1 of the Act of 6 October 1987 establishing the breadth of the territorial sea of Belgium and in the exclusive economic zone referred to in article 2 of the Act of 22 April 1999 concerning the exclusive economic zone of Belgium in the North Sea.”

Article 52.

Article 54. The following paragraph is added to article 633 of the said Code:

“If the claim relates to a seizure effected in the territorial sea referred to in article 1 of the Act of 6 October 1987 establishing the breadth of the territorial sea of Belgium or in the exclusive economic zone referred to in article 2 of the Act of 22 April 1999 concerning the exclusive economic zone of Belgium in the North Sea, the seizures judges of the Antwerp, Bruges and Veurne districts shall be equally competent.”.

Chapter X

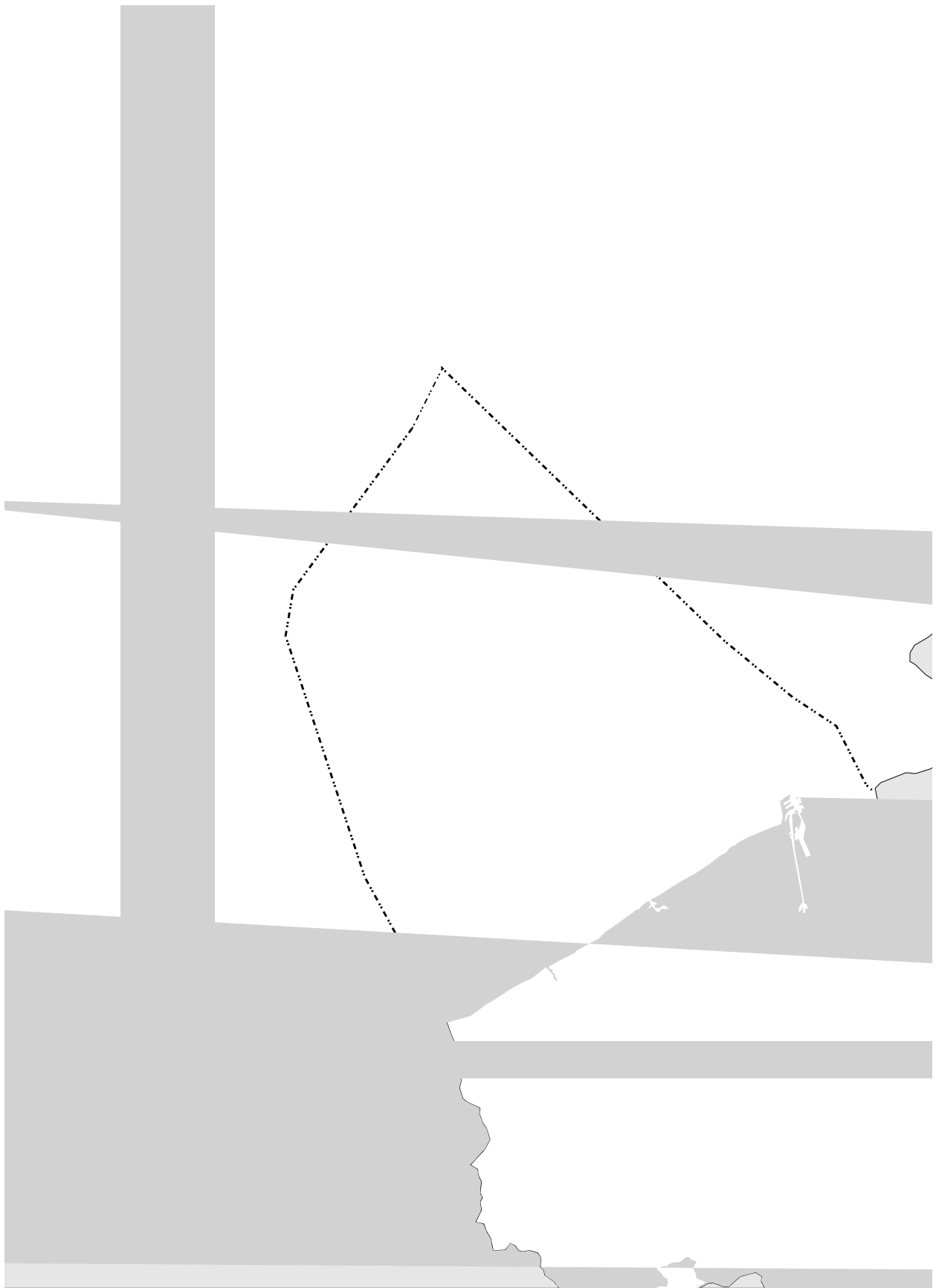
Article 60. The officials and officers referred to in article 59 shall at all times have the right of access to vessels, enterprises, moorings, artificial islands, installations, structures and other places, provided that their presence can reasonably be deemed necessary for the fulfilment of their task, in order to draw up the reports integral thereto. They may be assisted by experts. They may, if necessary, have recourse to the police and the armed forces in order to gain access to those places.

Article 61. All persons competent under these provisions to monitor the application of this Act shall, when carrying out such monitoring, whether in uniform or otherwise, present identification such as may be considered reasonably sufficient to indicate their competence under this Act, the model for such identification to be established by the King.

Article 62. All provisions of Volume 1 of the Penal Code, including chapter VII and article 85, are applicable.

We promulgate this Act and order that it should be sealed with the State seal and published in the *Moniteur belge*.

Issued at Brussels, on 22 April 1999.



2. Denmark²

Ordinance Governing the Admission of Foreign Warships and Military Aircraft to Danish Territory in Time of Peace, 16 April 1999

We, Margrethe the Second, by the Grace of God Queen of Denmark, hereby make known:

PART 1
GENERAL PROVISIONS

1. (1) This Ordinance shall apply to the admission of foreign warships and military aircraft to Danish territory when Denmark, as well as the State by which the vessel or aircraft is owned, are in a state of peace.
(2) Other vessels which are owned or used by a foreign State and which are not employed exclusively for commercial purposes shall be equated with foreign warships in the application of the provisions of this Ordinance.
(3) For the purposes of this Ordinance, the term "passage" means innocent passage within the meaning of international law.
(4) Where prior permission is required following this Ordinance, the application for such permission shall be submitted not less than ten weekdays in advance. Where prior notification of passage is required, such notification shall be given not less than three weekdays in advance of the proposed passage.
(5) The Minister of Defence may take exceptions to the provisions of this Ordinance.
2. (1) For the purpose of this Ordinance the term "Danish territory" means Danish land territory and Danish territorial waters and the airspace above these territories.
(2) Danish territorial waters embrace the territorial sea and internal waters as defined in the relevant provisions in force at any given time.

PART 2
WARSHIPS

3. (1) Foreign warships shall not be allowed to stop or anchor within territorial waters except where prior permission to do so has been obtained through diplomatic channels or where stopping or anchoring is essential for ordinary navigation or is rendered necessary by *force majeure* or by distress.
(2) Simultaneous passage of the Great Belt or the Sound of more than three warships of the same nationality shall be subject to prior notification through diplomatic channels. Notification shall not be required for the vessels referred to in section 1, subsection (2).
4. (1) Warships may pass through or stay in internal waters when prior permission for such passage or stay has been obtained through diplomatic channels.

(2) Passage of Hollaenderdybet/Drogden and passage of the Little Belt and, in connection therewith, the necessary navigation by the shortest route through internal waters between Funen, Endelave and Samsøe shall be allowed, however, subject to advance notification through diplomatic channels.

5. The permissions and notifications referred to in sections 3 and 4 shall not be required for vessels in distress. In case of distress the vessel shall give the international distress signal and notify the Danish naval authority – possibly through a Danish coastal radio station.

6. (1) Warships without special permission may not conduct scientific or military activities within Danish territorial waters.

(2) Submarines are required to navigate on the surface while within Danish territorial waters.

(3) Warships shall show their naval or national flag while within Danish territorial waters. In port, however, flags may be used under traditional regulations governing the display of flags.

PART 3 MILITARY AIRCRAFT

7. (1) Prior permission, through diplomatic channels, is required before flying or landing military aircraft within Danish territory.

(2) Permission to fly or land within Danish territory will be granted only if an ordinary International Civil Aviation Organization (ICAO) flight plan is submitted to the competent Danish air traffic control organization prior to the flight. The flight shall be carried out in accordance with the guidelines set out by ICAO and the provisions relative to these guidelines laid down by Danish aeronautical authorities.

(3) This provision shall not apply to aircraft in distress, or aircraft which, with the approval of Danish authorities, are conducting flights for humanitarian purposes.

8. (1) Military aircraft without special permission may not conduct scientific or military activity within Danish territory.

(2) Military aircraft may carry armament in fixed installations, however, without ammunition. Further, they are allowed to carry photographic devices without film, videotape, discs or any other equipment for the purpose of photographic registration. Electronic equipment other than that required for navigation of the aircraft may not be used by military aircraft over Danish territory.

PART 4 COMING INTO FORCE

9. (1) The Royal Ordinance will come into force on 1 May 1999.

(2) Royal Ordinance No. 73 of 27 February 1976, Governing the Admission of Foreign Warships and Military Aircraft to Danish Territory in Time of Peace, is hereby repealed.

DONE at Amalienborg Palace on 16 April 1999.

Under Our Royal Hand and Seal
Margrethe R.

3. Netherlands

(a) Kingdom Act of 27 May 1999 establishing an exclusive economic zone of the Kingdom (Exclusive Economic Zone (Establishment) Act)³

We, Beatrix, by the grace of God Queen of the Netherlands, Princess of Orange-Nassau, etc., etc., etc.

Greetings to all who shall see or hear these presents! Be it known:

Whereas We have considered that, mainly in order to enhance the protection and preservation of the marine environment, it is desirable to extend the Kingdom's jurisdiction and, to that end, to establish an exclusive economic zone;

We, therefore, having heard the Council of State of the Kingdom, and in consultation with the States-General, taking into account the provisions of the Charter of the Kingdom, have approved and decreed as We hereby approve and decree:

Section 1

1. The Kingdom shall have an exclusive economic zone.
2. The Kingdom's exclusive economic zone shall be the area beyond and adjacent to the Kingdom's territorial

Section 4

This Act shall enter into force on a date to be determined by Royal Decree, which may differ for each of the countries of the Kingdom.

- (a) The outer limits of the Netherlands' territorial sea as referred to in section 1, subsection 1, of the Territorial Sea of the Netherlands (Demarcation) Act; and
- (b) The outer limits of the Netherlands' portion of the continental shelf.

Article 2

1. The Exclusive Economic Zone (Establishment) Act shall enter into force for the Netherlands with effect from the date of the entry into force of this Decree.
2. This Decree shall enter into force with effect from the day after the date of publication of the *Bulletin of Acts and Decrees* containing this Decree.

Article 3

Handwritten scribbles or marks in the bottom right corner of the page.

4. United States of America

Oceans Act of 2000

An Act

To establish a Commission on Ocean Policy, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the “Oceans Act of 2000”.

SECTION. 2. PURPOSE AND OBJECTIVES.

The purpose of this Act is to establish a commission to make recommendations for coordinated and comprehensive national ocean policy that will promote:

- (1) The protection of life and property against natural and manmade hazards;
- (2) Responsible stewardship, including use, of fishery resources and other ocean and coastal resources;
- (3) The protection of the marine environment and prevention of marine pollution;
- (4) The enhancement of marine-related commerce and transportation, the resolution of conflicts among users of the marine environment and the engagement of the private sector in innovative approaches for sustainable use of living marine resources and responsible use of non-living marine resources;

SECTION. 3. COMMISSION ON OCEAN POLICY

(a) **ESTABLISHMENT.** There is hereby established the Commission on Ocean Policy. The Federal Advisory Committee Act (5 U.S.C. App.), except for sections 3, 7, and 12, does not apply to the Commission.

(b) **MEMBERSHIP**

(1) **APPOINTMENT.** The Commission shall be composed of 16 members appointed by the President from among individuals described in paragraph (2) who are knowledgeable in ocean and coastal activities, including individuals representing State and local governments, ocean-related industries, academic and technical institutions, and public interest organizations involved with scientific, regulatory, economic, and environmental ocean and coastal activities. The membership of the Commission shall be balanced by area of expertise and balanced geographically to the extent consistent with maintaining the highest level of expertise on the Commission.

(2) **NOMINATIONS.** The President shall appoint the members of the Commission, within 90 days after the effective date of this Act, including individuals nominated as follows:

(A) 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Majority Leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science and Transportation;

(B) 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Speaker of the House of Representatives in consultation with the Chairmen of the House Committees on Resources, Transportation and Infrastructure, and Science;

(C) 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the Senate in consultation with the ranking member of the Senate Committee on Commerce, Science and Transportation;

(D) 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the House in consultation with the ranking members of the House Committees on Resources, Transportation and Infrastructure, and Science.

(3) **CHAIRMAN.** The Commission shall select a Chairman from among its members. The Chairman of the Commission shall be responsible for:

(A) The assignment of duties and responsibilities among staff personnel and their continuing supervision; and

(B) The use and expenditure of funds available to the Commission.

(4) **VACANCIES.** Any vacancy on the Commission shall be filled in the same manner as the original incumbent was appointed.

(c) **RESOURCES.** In carrying out its functions under this section, the Commission:

(1) Is authorized to secure directly from any Federal agency or department any information it deems necessary to carry out its functions under this Act, and each such agency or department is authorized to

**Regulations on the Customs Control over the Transit of Foreign-going Vessels
through the Customs Border of Ukraine**

1.4. The customs control of foreign-going maritime (or river) craft, goods and other items on board shall be carried out at crossing points of the State boundary of Ukraine.

Sanitary, veterinary and phytosanitary, radiological and ecological controls, controls on the export from the territory of Ukraine of cultural objects, and other controls, shall be carried out at crossing points of the State boundary of Ukraine.

1.5. At crossing points of the State boundary of Ukraine at maritime (or river) ports, customs shall establish customs control areas by agreement with the Frontier Forces of Ukraine.

The regime in the customs control areas shall be established by customs in the interests of creating the necessary conditions for the full implementation of customs procedures. The regime shall regulate the system for the stay and movement in these areas of persons, means of transport, goods and other items, and shall prohibit the access of outsiders to the sites under customgof3,-42(d)-5.a5(s p)-

All persons who are to visit a vessel while the commission is at work must go through a customs control by declaring information (orally or in writing) in accordance with the customs declaration.

2. Customs clearance of foreign-going vessels

The customs shall carry out the control of foreign-going vessels and of goods and other items carried on board in order to ensure that the organs, enterprises, persons and other legal entities of the State carry out the established procedures for the movement across the customs border of Ukraine of goods and other items and the payment of the necessary charges.

Customs clearance on arrival from abroad

2.3. Customs clearance for foreign-going vessels, depending on displacement and function, takes the following times:

	<i>Displacement tonnage</i>		
(a) Clearance on arrival/ departure of foreign-going cargo vessels, industrial fishing vessels, etc.	Up to 5,000 tons — 1.5 hours	Up to 20,000 tons — 2.5 hours	Over 20,000 tons — 3.0 hours
	<i>Passenger-carrying capacity</i>		
(b) Clearance on arrival/ departure of foreign-going passenger vessels	Up to 300 persons — 3.0 hours	Up to 500 persons — 3.5 hours	Over 500 persons — 4.0 hours

The customs clearance of river vessels with a barge train takes up to three hours. That time may not be shortened to the detriment of customs clearance and control procedures. If contraband is discovered or customs regulations have been infringed, customs shall be entitled to extend the clearance time until the circumstances have been clarified.

The time at which the customs officers begin work shall be taken to be the time at which the master hands over all documents in accordance with paragraph 2.2 of these Regulations.

2.4. A representative of the vessel must be present during customs clearance of the vessel's accommodation and non-accommodation spaces, the goods on board and the property and personal effects of members of the crew. The master, through authorized members of the crew, must, at the request of the customs, allow access to all accommodation and other spaces on the vessel.

2.5. During the clearance process, the customs personnel shall verify the accuracy of the data declared in the documents (para. 2.2 of these Regulations). Spaces on board containing goods or other items which are not

The cargo declaration (attachment 2);

The crew list (attachment 3);

The passenger list (attachment 4);

The cargo documents (bills of lading, cargo manifests) (attachment 5);

The crew members' customs declaration (attachment 6, 6a).

In clearing a foreign-going vessel for departure, the universal IMCO ship's document forms, as listed in paragraph 2.2 of these Regulations, shall be used.

2.9. In the customs clearance process on the departure of a foreign-going vessel, the customs personnel shall verify the data given in the documents (paras. 2.2 and 2.8 of these Regulations) and in some respects their correspondence to actual situation on board the vessel.

2.10. Currency and securities contained in the vessel's safes shall be exported in accordance with the currency regulations in force in Ukraine.

Currency and securities exported in a vessel's safes must be declared in writing:

In the certificate signed by the master (for Ukrainian vessels);

In the general customs declaration (currency schedule) of the crew (for foreign vessels).

Currency and securities shall be exported in the safes of vessels in accordance with procedures specified in the legislation in force.

2.11. Provisions required as food for the crew of a vessel and supplied by shipping agents (or ship chandlers) in Ukrainian ports to foreign vessels, and also provisions that are exported on board Ukrainian foreign-going passenger vessels for serving to passengers, are released without a licence on a general basis, subject to completion of a customs cargo declaration and the payment of the appropriate customs charges.

2.12. On the departure of foreign-going ships to another Ukrainian port, the cargo declaration shall be annotated for the benefit of customs in the port of destination concerning the cargo operations that were completed in the port of departure, the cargoes carried on board, customs security measures imposed, and other information necessary for customs control. The cargo declaration certified by customs shall be handed to the master for transmission to customs in the port of destination.

The agreement of customs to the departure of the vessel to another Ukrainian port shall be indicated in the crew list: "*Customs have no objection to the departure of the vessel.*"

The entry shall be certified by the personal numerical stamp of the customs inspector.

2.13. The agreement of customs shall not be required if the vessel leaves port temporarily for reasons of *force majeure* or in order to render assistance to vessels or people.

3. Warships

3.1. Foreign warships flying a naval military flag, and warships flying the flag of the Ukrainian Navy or the flag of maritime units of the Frontier Forces of Ukraine shall not be subject to customs inspection.

The commanders of such warships and Ukrainian naval vessels shall be responsible for compliance by

3.3. Persons present on board foreign warships who are not members of their crews must pass through customs control on coming ashore in ports of Ukraine.

The senior naval officer commanding the military garrison in a Ukrainian port town shall notify the commander of any foreign warship on board which there are persons who are not members of the crew concerning the rules on customs control in Ukrainian ports, and shall also inform the nearest customs office.

3.4. Cargoes and other items unloaded from foreign warships in the customs territory of Ukraine shall be subject to customs control.

4. Customs control of the effects of physical persons being transported by water

5.4. The release of imported goods and other items, either for free circulation in the territory of Ukraine or for subsequent transit to other countries, shall take place on the basis of processed customs cargo declarations.

5.5. The removal of goods and other items from the territory of ports shall take place on the written authorization of customs on the accompanying cargo documents in the form of an entry to the following effect: "*Authorized for removal from the territory of the port.*" The entry shall be certified by the personal numerical stamp of the customs inspector.

On export abroad

5.6. Before the commencement of loading onto a foreign-going vessel of goods and other items, the freight forwarder shall furnish the customs office with an order for each consignment of goods. As a basis for loading, an export (transit) customs goods declaration and the documents accompanying the goods shall also be provided, together with the order. After checking that the data in the orders are in accordance with the customs goods declarations and the bills of lading, the customs officer shall make an entry - "Checked" - which he shall certify with the customs inspector's personal numerical stamp. He shall then return the order to the freight forwarder.

5.7. Orders envisaged for a specific ship and previously marked with a customs visa shall be consolidated into a schedule of goods, as the consignment to be shipped accumulates, and resubmitted to the customs. The schedule of goods, which is an application for loading, shall contain the following data:

Name of the ship;

Port of departure and port of destination;

Name and quantity of the cargo;

Marking of cargo consignments;

Number of the order.

After verification by the customs inspector, an entry - "*Authorized for loading*" - shall be made and shall be certified with the customs inspector's personal numerical stamp. One copy of the schedule of goods shall remain in customs and shall serve as a control document in the process of loading the ship.

5.8. In order to prevent the export of goods not declared to customs, customs shall monitor loading onto a foreign-going vessel as prescribed by the Customs Code of Ukraine.

5.9. After loading is completed, the freight forwarder shall submit the bills of lading and manifests for the release of the goods and other items for shipment abroad. After they have been collated with the schedules of goods and the customs cargo declarations drawn up earlier, the customs inspector shall stamp the manifests "*Under customs control/Export*" and shall also affix his personal numerical stamp indicating that the goods and other items have been released for shipment abroad.

5.10. The port administration shall authorize the departure of a foreign-going vessel from the port after completion of all types of control on the vessel.

C. Treaties

1. United States of America - Mexico

Treaty between the Government of the United States of America and the Government of the United Mexican States on the Delimitation of the Continental Shelf in the Western Gulf of Mexico beyond 200 Nautical Miles⁶

The Government of the United States of America and the Government of the United Mexican States (hereinafter “the Parties”);

Considering that the maritime boundaries between the Parties were determined on the basis of equidistance for a distance between twelve and two hundred nautical miles seaward from the baselines from which the breadth of the territorial sea is measured in the Gulf of Mexico and the Pacific Ocean by the Treaty on Maritime Boundaries between the United States of America and the United Mexican States, signed on May 4, 1978 (the “1978 Treaty on Maritime Boundaries”);

Recalling that the maritime boundaries between the Parties were determined on the basis of equidistance for a distance of twelve nautical miles seaward from the baselines from which the breadth of the territorial sea is measured by the Treaty to Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado River as the International Boundary between the United States of America and the United Mexican States, signed on November 23, 1970;

Desiring to establish, in accordance with international law, the continental shelf boundary between the United States of America and the United Mexican States in the Western Gulf of Mexico beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured;

Taking into account the possibility that there could exist petroleum or natural gas reservoirs that extend across that continental shelf boundary, and the need for cooperation and periodic consultation between the Parties in protecting their respective interests in such circumstances; and

Considering that the practice of good-neighbourliness has strengthened the friendly and cooperative relations between the Parties:

Have agreed as follows:

Article I

The continental shelf boundary between the United States of America and the United Mexican States in the

6.	25°38'13.4"N.	92°07'59.3"W.
7.	25°39'22.3"N.	92°31'40.4"W.
8.	25°39'23.8"N.	92°32'13.7"W.
9.	25°40'03.2"N	92°46'44.8"W.
10.	25°40'27.3"N.	92°55'56.0"W.
11.	25°42'37.2"N.	92°57'16.0"W.

Article IV

Article VI

Upon written request by a Party through diplomatic channels, the Parties shall consult to discuss any issue regarding the interpretation of implementation of this Treaty.

Article VII

The continental shelf boundary established by this Treaty shall not affect or prejudice in any manner the positions of either Party with respect to the extent of internal waters, of the territorial sea, of the high seas or of sovereign rights or jurisdiction for any other purpose.

Article VIII

Any dispute concerning the interpretation or application of this Treaty shall be resolved by negotiation or other peaceful means as may be agreed upon by the Parties.

Article IX

This Treaty shall be subject to ratification and shall enter into force on the date of the exchange of instruments of ratification.

IN WITNESS WHEREOF, the undersigned having been duly authorized by their respective Governments, have signed this Treaty.

DONE at Washington, D.C. this ninth day of June 2000, in duplicate, in the English and Spanish languages, both texts being equally authentic.



D. Recent judgements, orders, and arbitral awards

1. International Tribunal for the Law of the Sea:
Order in the “Southern Bluefin Tuna” cases (Nos. 3 and 4)

On 30 July 1999, Australia and New Zealand filed with the Registry of the International Tribunal for the Law of the Sea Requests for the prescription of provisional measures under article 290, paragraph 5, of the United Nations Convention on the Law of the Sea in the disputes between Australia and Japan and between New Zealand and Japan concerning southern bluefin tuna.

The provisional measures requested included the cessation of Japan’s experimental fishing programme, the restriction of future catches by Japan, a requirement to follow the precautionary principle in further fishing and other Orders which should protect the rights of the parties.

The Tribunal, after deliberations on the applications of both Australia and New Zealand, decided to join the applications. On 27 August 1999, the Tribunal issued an Order by which it found that it had jurisdiction over the dispute.

The Tribunal further prescribed, pending a decision of the arbitral tribunal, the following measures:

(a) Australia, Japan and New Zealand shall each ensure that no action is taken which might aggravate or extend the disputes submitted to the arbitral tribunal;

(b) Australia, Japan and New Zealand shall each ensure that no action is taken which might prejudice the carrying out of any decision on the merits which the arbitral tribunal may render;

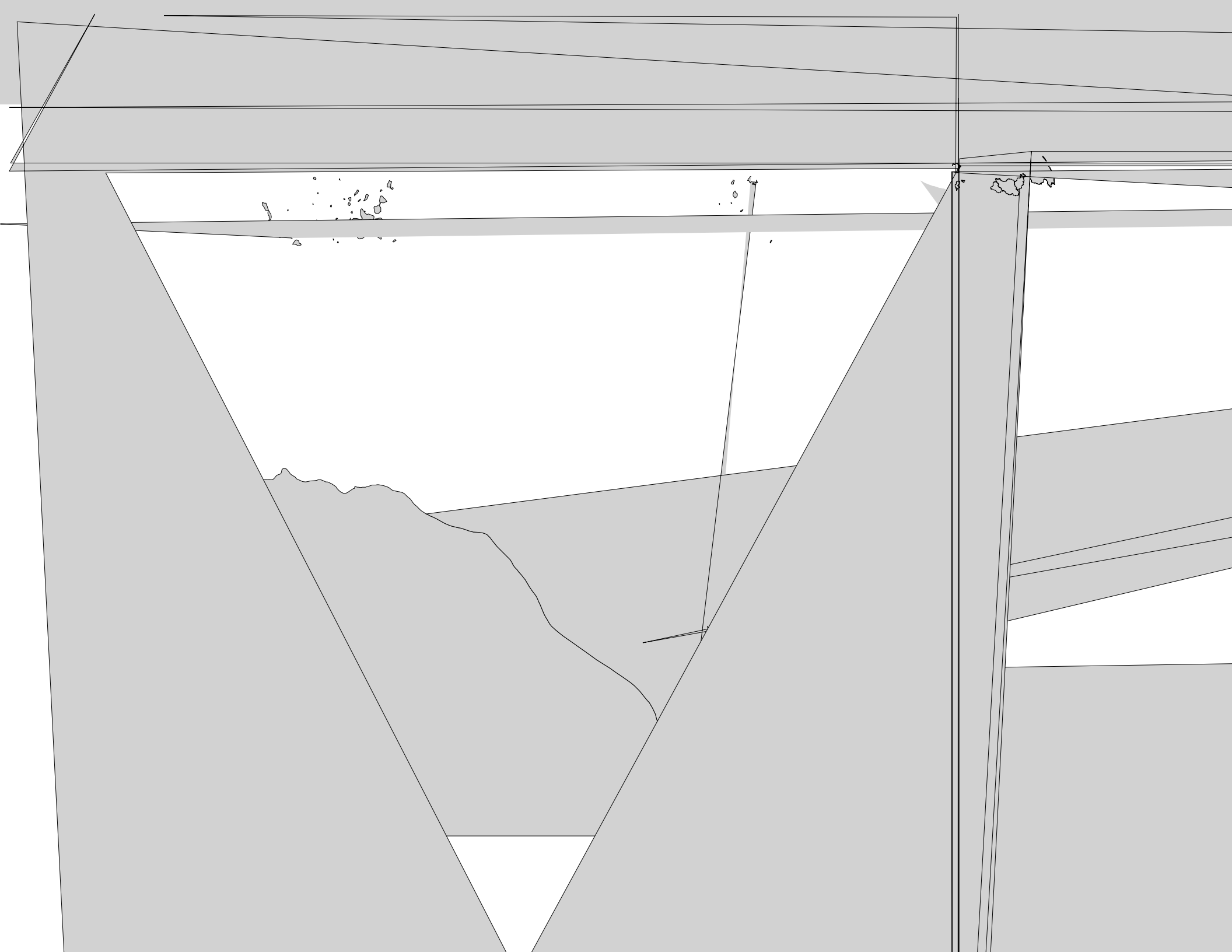
(c) Australia, Japan and New Zealand shall ensure, unless they agree otherwise, that their annual catches do not exceed the annual national allocations at the levels last agreed by the parties of 5,265 tonnes, 6,065 tonnes and 420 tonnes, respectively; in calculating the annual catches for 1999 and 2000, and without prejudice to any decision of the arbitral tribunal, account shall be taken of the catch during 1999 as part of an experimental fishing programme;

(d) Australia, Japan and New Zealand shall each refrain from conducting an experimental fishing programme involving the taking of a catch of southern bluefin tuna, except with the agreement of the other parties or unless the experimental catch is counted against the annual national allocation as prescribed in subparagraph (c);

(e) Australia, Japan and New Zealand should resume negotiations without delay with a view to reaching agreement on measures for the conservation and management of southern bluefin tuna;

(f) Australia, Japan and New Zealand should make further efforts to reach agreement with other States and

Turning Point	Latitude	Longitude
12	14° 15' 23" N	42° 26' 09" E
13	14° 08' 39" N	42° 31' 33" E
14	14° 03' 39" N	42° 28' 39" E
15	13° 39' 30" N	42° 37' 39" E
16	13° 36' 13" N	42° 38' 30" E
17	13° 35' 51" N	42° 38' 14" E
18	13° 33' 38" N	42° 39' 37" E
19	13° 27' 28" N	42° 43' 25" E
20	13° 26' 39" N	42° 48' 21" E
21	13° 24' 01" N	42° 52' 47" E
22	13° 14' 23" N	42° 59' 47" E
23	13° 10' 54" N	43° 03' 03" E
24	13° 06' 57" N	43° 05' 21" E
25	13° 06' 08" N	43° 06' 06" E
26	13° 04' 05" N	43° 08' 42" E
27	13° 00' 27" N	43° 10' 54" E
28	12° 58' 10" N	43° 1J T* [(19).s 7.5210' 54"66.7(54")- T*(5



3. International Tribunal for the Law of the Sea: Judgment in the “Camouco” case

On 17 January 2000, an Application under article 292 of the United Nations Convention on the Law of the Sea was filed with the Registry of the International Tribunal for the Law of the Sea on behalf of Panama against France concerning the prompt release of the *Camouco* and its Master. The dispute concerned the arrest in September 1999 of the fishing vessel *Camouco* by a French frigate allegedly for unlawful fishing in the exclusive economic zone of Crozet (French Southern and Antarctic Territories). The vessel had been flying the Panamanian flag and had been detained together with its master by French authorities on the island of Reunion. On 7 February 2000, the Tribunal ordered that France should promptly release the *Camouco* and its Master upon the posting of a bond. It also determined that the bond should be eight million French francs (FF 8,000,000) to be posted with France, and that the bond should be in the form of a bank guarantee or, if agreed to by the parties, in any other form.

Judges Mensah, Laing, and Ndiaye appended declarations to the judgment of the Tribunal. Vice-President Nelson appended his separate opinion to the judgment of the Tribunal. Judges Anderson, Vukas, Wolfrum, and Treves appended dissenting opinions to the judgment of the Tribunal.

The integral text of the judgment, as well as declarations and separate and dissenting opinions, are available at the United Nations web site: <http://www.un.org/Depts/los>.

4. Arbitral award in the “Southern Bluefin Tuna” case

On 4 August 2000, a five-member international arbitral tribunal rendered its award on jurisdiction and admissibility in the “Southern Bluefin Tuna” case (Australia and New Zealand v. Japan). At the request of the parties and the arbitral tribunal, the International Centre for Settlement of Investment Disputes (ICSID), one of the five organizations that make up the World Bank Group in Washington, administered the proceedings.

One of the main issues before the arbitral tribunal was whether it had jurisdiction over the merits of the dispute. Japan argued that the dispute had arisen solely under the 1993 Convention on the Conservation of Southern Bluefin Tuna (“1993 Convention”) and that therefore it could not be compelled to arbitrate the merits of the dispute under the United Nations Convention on the Law of the Sea (“UNCLOS”). Furthermore, Japan contended that under article 282 of UNCLOS parties could avoid compulsory dispute settlement if another treaty to which they were parties governed the case and excluded it. The arbitral tribunal held that a dispute could arise under more than one treaty and did indeed in the present case, in keeping with article 30(3) of the 1969 Vienna Convention on the Law of Treaties, thus rejecting the claim by Japan that the dispute concerned only the 1993 Convention. Nonetheless, the arbitral tribunal sustained Japan’s contention that a provision in the 1993 Convention excluded compulsory jurisdiction over disputes arising both under it and UNCLOS and held that the parties were involved in a single dispute arising under both Conventions. In that connection, the arbitral tribunal held that the meaning and intent of the dispute settlement provision of the 1993 Convention was to exclude procedures for compulsory settlement under UNCLOS.

III. OTHER INFORMATION

Corrigenda to Bulletin No. 42

Page 28, article 8, second paragraph, should read:

Article 8

...

The Minister may order another manner of navigation for foreign merchant ships on the internal waters if this is required by the interests of the country's defence or the safety of navigation.

Page 29, article 12, second paragraph, should read:

Article 12

...

Detailed regulations concerning the navigation and stay of foreign yachts and foreign boats intended for pleasure, sports and recreation in the internal waters and their stay in the territorial sea of the Republic of Croatia shall be prescribed by the Minister.

Page 31, article 17, should read

