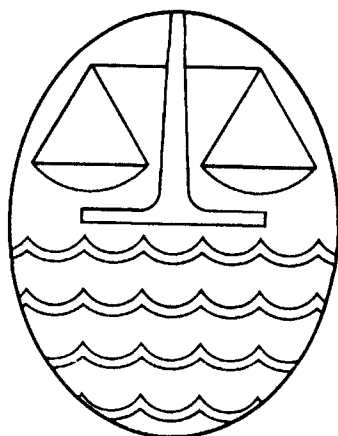
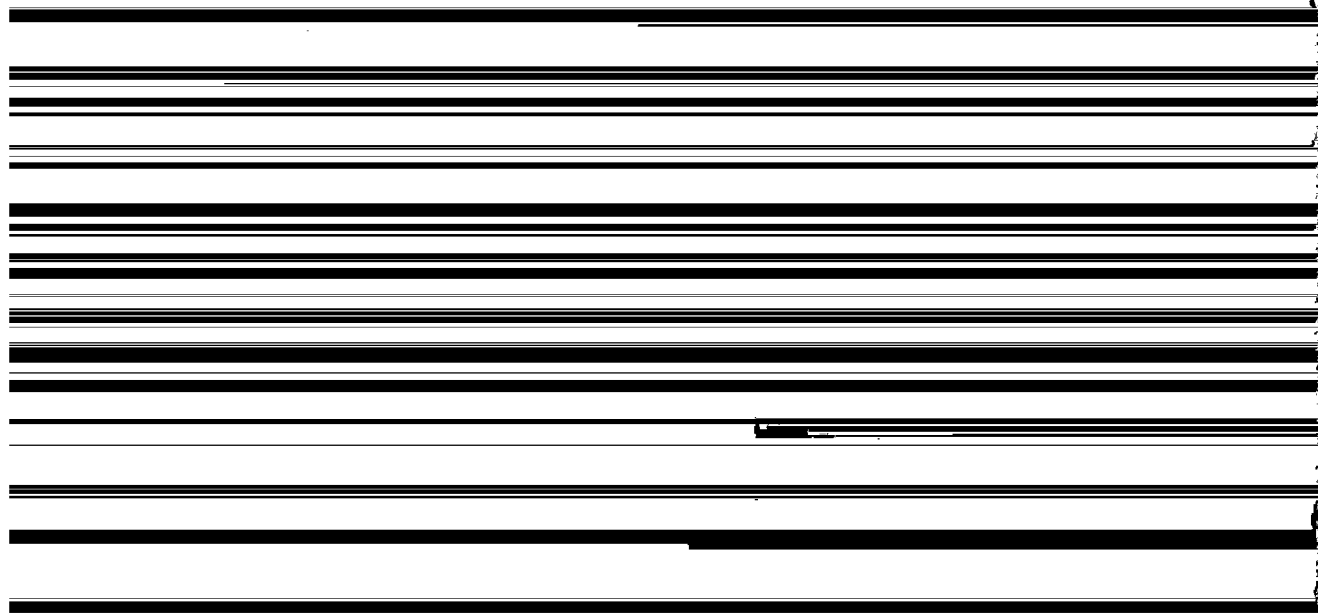


Division for Ocean Affairs and the Law of the Sea
Office of Legal Affairs

Law of the Sea



Bulletin No. 48



NOTE

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever

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
PART OR IN WHOLE, DUE ACKNOWLEDGEMENT SHOULD BE GIVEN.

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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 31 March 2002

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 (in force as from 11 December 2001)	
	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)
TOTALS	157 (35)	138 (51)	79	104	59(5)	31(8)
Afghanistan						
Albania						
Algeria		11 June 1996		11 June 1996 (p)		
Andorra						

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

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 (in force as from 11 December 2001)	
	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)
<i>Azerbaijan</i>						
Bahamas		29 July 1983		28 July 1995		16 January 1997(a)
Bahrain		30 May 1985				
Bangladesh		27 July 2001		27 July 2001 (a)		
Barbados		12 October 1993		28 July 1995 (sp)		22 September 2000(a)

**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 (in force as from 11 December 2001)
<i>Italicized text</i> indicates non-members of the United Nations; Shaded row indicates landlocked States	Ratification; formal confirmation(fc); Signature (declaration)		

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 (in force as from 11 December 2001)	
	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)
<i>Lithuania</i>						
Luxembourg		5 October 2000		5 October 2000		⁵
Madagascar		22 August 2001		22 August 2001 (p)		
Malawi						
Malaysia		14 October 1996		14 October 1996 (p)		
Maldives		7 September 2000		7 September 2000		30 December 1998
Mali		16 July 1985				
Malta		20 May 1993		26 June 1996		11 November 2001(a)
Marshall Islands		9 August 1991 (a)				
Mauritania		17 July 1996		17 July 1996 (p)		

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
(in force as from 11 December 2001)

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 (in force as from 11 December 2001)
<i>Italicized text</i> indicates non-members of the United Nations; Shaded row indicates landlocked States	Ratification; formal confirmation(fc); accession(a); succession(s); Signature (declaration)	Ratification; formal confirmation(fc); accession(a); definitive signature(ds); participation(p); ¹ simplified Signature Signature	

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 (in force as from 11 December 2001)
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Italicized text indicates non-members of the United Nations;
Shaded row indicates landlocked States

Signature

United Republic of
Tanzania

**Agreement relating to the
Implementation of Part XI of the
Convention**

(in force as from 28 July 1996)

Ratification; formal
confirmation(fc);

accession(a); definitive
signature(ds);

participation(p);¹ simplified
procedure (sp);²

**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**
(in force as from 11 December 2001)

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 (in force as from 11 December 2001)	
	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)
<i>Italicized text</i> indicates non-members of the United Nations; Shaded row indicates landlocked States						
TOTALS	157 (35)	138 (51)	79	104	59(5)	31(8)

40. Samoa (14 August 1995)
41. Micronesia (Federated States of)
(6 September 1995)
42. Jordan (27 November 1995)
43. Argentina (1 December 1995)
44. Nauru (23 January 1996)
45. Republic of Korea (29 January 1996)
46. Monaco (20 March 1996)
47. Georgia (21 March 1996)
48. France (11 April 1996)
49. Saudi Arabia (24 April 1996)
50. Slovakia (8 May 1996)
51. Bulgaria (15 May 1996)
52. Myanmar (21 May 1996)
53. China (7 June 1996)
54. Algeria (11 June 1996)
55. Japan (20 June 1996)
56. Czech Republic (21 June 1996)
57. Finland (21 June 1996)
58. Ireland (21 June 1996)
59. Norway (24 June 1996)
60. Sweden (25 June 1996)
61. Malta (26 June 1996)
62. Netherlands (28 June 1996)
63. Panama (1 July 1996)
64. Mauritania (17 July 1996)
65. New Zealand (19 July 1996)
66. Haiti (31 July 1996)
67. Mongolia (13 August 1996)
68. Palau (22 September 1996)

26. Brazil (8 March 2000)
27. Barbados (22 September 2000)
28. New Zealand (18 April 2001)
29. Costa Rica (18 June 2001)
30. Malta (11 November 2001)
31. United Kingdom on behalf of Pitcairn, Henderson, Ducie and Oeno Islands, Falkland Islands, South Georgia and South Sandwich Islands, Bermuda, Turks and Caicos Islands, British Indian Ocean Territory, British Virgin Islands and Anguilla (10 December 2001)

(c) Equatorial Guinea

The Government of the Republic of Equatorial Guinea hereby enters a reservation and declares that, under article 298, paragraph 1, of the United Nations Convention on the Law of the Sea of 1982, it does not recognize as mandatory ipso facto with respect to any other State any of the procedures provided for in part XV, section 2, of the Convention as regards the categories of disputes set forth in article 298, paragraph 1 (a).

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

A. National legislation

Seychelles: Maritime Zones Act, 1999 (Act No. 2 of 1999)¹

AN ACT to repeal the Maritime Zones Act (Cap 122) and to provide for the determination of the Maritime Zones of Seychelles in accordance with the United Nations Law of the Sea Convention and for other matters connected therewith.

ENACTED by the President and the National Assembly.

PART I
PRELIMINARY

1. This Act may be cited as the Maritime Zones Act, 1999 and shall come into operation on such date as the President may, by notice in the Gazette, appoint and the President may appoint different dates for different provisions of the Act.

2. In this Act:

”Archipelagic waters” means the archipelagic waters of Seychelles as defined in section 6;

”Archipelagic sea lanes passage” has the meaning assigned by section 18;

”Authorized officer” means an authorized officer appointed under section 23(5);

”Baselines” means the baselines as determined in accordance with section 3;

”Contiguous zone” means the contiguous zone of Seychelles as defined in section 8;

”Continental shelf” means the continental shelf of Seychelles as defined in section 11;

”Convention” means the United Nations Law of the Sea Convention of 1982;

”Equidistance line” as between Seychelles and a foreign State means the line every point of which is equidistant from the nearest point of the baselines and the corresponding baselines of the foreign State;

”Exclusive economic zone” means the exclusive economic zone of Seychelles, as defined in section 9;

”Foreign State” means a State other than Seychelles;

”Foreign ship” means a ship of or registered in a foreign State;

”Innocent passage” has the meaning assigned by section 17;

”Internal waters” has the meaning assigned by section 5;

”Limit” in relation to archipelagic waters, the territorial sea, the contiguous zone, the continental shelf and the exclusive economic zone means the limit of such waters, sea, shelf or zone with reference to the individual or composite group or groups of islands constituting the territory of Seychelles;

”Low-water line” means the low-water line of the coast of Seychelles at the lowest astronomical tide;

”Operator”, in respect of a ship, means the owner or operator of the ship;

”Nautical mile” means the international nautical mile of 1852 metres;

”Regulations” means the regulations made under section 33;

”Ship” means a vessel, boat or sea-craft of any kind and includes a submarine;

”Submarine” means an underwater vehicle however propelled;

¹ Signed by the President of Seychelles, F.A. René, on 25 March 1999. Source: Supplement to Official Gazette, 5 April 1999.

''Territorial sea'' means the ter

PART III

(2) In subsection (1) (a), “natural resources” means mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to the sedentary species being organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or subsoil.

13. (1) Where the exclusive economic zone or the continental shelf of Seychelles determined in accordance with this Act would extend into the exclusive economic zone or the continental shelf, determined in accordance with the Convention, of an adjacent or opposite State, the exclusive economic zone or the continental shelf of Seychelles shall be determined by agreement between Seychelles and the other State or, in the absence of an agreement, in accordance with international law.

(2) The President may, for the purpose of giving effect to an agreement or other determination under subsection (1), by Order published in the Gazette, specify the limit of the exclusive economic zone or the continental shelf of Seychelles generally or with regard to a particular area of the exclusive economic zone or the continental shelf.

14. (1) Seychelles shall:

(a) Respect submarine cables laid by any foreign State before the coming into operation of this Act and passing through archipelagic waters without making a landfall; and

(b) Permit the maintenance and replacement of any such cables upon receiving notice of their location and the intention to repair or replace them.

(2) Seychelles shall not impede the laying or maintenance by a foreign State of submarine cables and pipelines on the seabed of the exclusive economic zone or the continental shelf.

(3) Nothing in subsection (2) shall operate to prejudice:

(a) The exercise by Seychelles in relation to the exclusive economic zone or continental shelf of any rights or the jurisdiction referred to in section 10 or section 12;

(b) The right of Seychelles to establish conditions for cables and pipelines entering its territory or to exercise its jurisdiction over cables and pipelines constructed or used in connection with the exploration of the exclusive economic zone or the continental shelf or the exploitation of its natural resources, or the operation of artificial islands, installations and structures under its jurisdiction.

PART IV RIGHTS OF PASSAGE

15. Subject to the exercise by Seychelles of its sovereign rights and exclusive jurisdiction within its exclusive economic zone or over its continental shelf, ships and aircraft of foreign States shall, in accordance with the principles, practice and provisions of international law as are provided for under this Act, enjoy in the exclusive economic zone and over the continental shelf:

(a) Freedom of navigation; and

(b) Freedom of overflight.

16. (1) Without prejudice to any other written law, freedom of navigation and overflight shall be enjoyed by (a) ships and aircraft of foreign States in the exclusive economic zone and over the continental shelf;

(4) A nuclear-powered foreign ship or foreign ship carrying any nuclear substance or any other radioactive substances or materials, wishing to exercise the right of innocent passage shall give notice to and obtain the prior authorization of, the Port Authorities of Seychelles before doing so.

(5) The President may, by Order published in the Gazette, suspend the right of innocent passage for such temporary period, and in such parts of the archipelagic waters or the territorial sea, as are specified in the Order, where the President is satisfied that it is essential to do so for the protection of the security of Seychelles, including weapons exercises.

17. (1) Innocent passage means passage that is continuous and expeditious and not prejudicial to the peace, good order or security of Seychelles, for the purpose of:

(a) Traversing the territorial sea or archipelagic waters without entering internal waters or calling at a roadstead or port facility outside internal waters; or

(b) Proceeding to or from internal waters or a call at such a roadstead or port facility.

(2) Subject to subsection (3), the passage of a foreign ship is prejudicial to the peace, good order and security of Seychelles if, without the authority for doing so, the ship engages, within the archipelagic waters or territorial sea, in any of the following activities:

(a) Any threat or use of force against the sovereignty, territorial integrity or political independence of Seychelles or acts in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;

(b) The launching, landing or taking on board of any aircraft or military device;

(c) Any exercise or practice with weapons of any kind;

(d) Any act aimed at collecting information to the prejudice of the defence or security of Seychelles;

(e) Any act by way of propaganda aimed at affecting the defence or security of Seychelles;

(f) The taking on board or off-landing of any person, commodity or currency contrary to the customs, fiscal, immigration or sanitary laws and regulations of Seychelles;

(g) Any fishing activities or extracting of living and non-living resources;

(h) Any act of pollution calculated or likely to cause damage or harm to Seychelles, its people, resources or environment;

(i) The carrying out of research or survey activities;

(j) Any act aimed at interfering with any system of communication or telecommunication or other facilities or installations whether such system, facilities or installations are on land or on the sea or under the sea;

(k) Such other activity not having a direct bearing on passage or designed to hamper international navigation.

(3) The passage of a foreign warship in the territorial sea or archipelagic waters is prejudicial to the peace, good order or security of Seychelles if the warship navigates in the archipelagic waters or the territorial sea without the prior notice and authorization required under section 16(2).

(4) For the purposes of this section:

(a) The passage of a foreign ship does not cease to be continuous and expeditious by reason only of the ship stopping or anchoring, if the stopping or anchoring is:

(i) Incidental to ordinary navigation;

- (ii) Rendered necessary by force majeure or distress; or
- (iii) For the purpose of rendering assistance to persons, ships

(4) In exercising the right of archipelagic sea lanes passage, a foreign aircraft shall:

(a) Observe the Rules of the Air established by the International Civil Aviation Organization as they apply to civil aircraft, and a foreign aircraft shall normally comply with such safety measures, and shall at all times operate with due regard for safety of navigation; and

(b) At all times monitor the radio frequency assigned by the appropriate internationally designated air traffic control authority or the appropriate international distress radio frequency.

(5) Where no sea lanes or air routes through or over archipelagic waters have been designated under section 19, the right of archipelagic sea lanes passage may be exercised through lanes or routes normally used for international navigation.

(6) Navigation by a foreign ship or aircraft through or over archipelagic waters does not cease to be continuous and expeditious by reason only of any activity of the ship or aircraft rendered necessary by force majeure.

(7) In this section, “right of archipelagic sea lanes passage” means the right of navigation and overflight in normal mode for the purpose of continuous, expeditious and unobstructed transit between:

(a) One part of the high seas or the exclusive economic zone; and

(b) Another part of the high seas or the exclusive economic zone.

19. The President may, by Order published in the Gazette:

(a) Designate sea lanes and air routes to be used for or in connection with the exercise of the right of archipelagic sea lanes passage under this Act; and

(b) Prescribe traffic separation schemes.

PART V JURISDICTION, ENFORCEMENT AND OFFENCES

20. (1) Subject to subsection (2) and section 23, Seychelles does not have criminal jurisdiction in respect of an offence committed on board a foreign ship during its passage in the territorial sea and the authorities of Seychelles may not arrest a person or conduct an investigation on board the ship in respect of the offence.

(2) Subsection (1) does not apply:

(a) To an offence under this Act which is committed by a person on board a foreign ship, or under a written law which is made applicable under this Act to a person on board a foreign ship, while the foreign ship is in the territorial waters of Seychelles;

(b) Where the foreign ship is a merchant ship or a ship which belongs to a foreign Government and is being operated for commercial purposes and:

(i) The consequences of the offence extend to Seychelles;

(ii) The offence is of a kind likely to disturb the peace of Seychelles or good order of the territorial sea;

(iii) The assistance of the authorities of Seychelles has been requested by the master of the ship or a diplomatic agent or consular officer of the flag State of the ship;

(iv) The arrest or investigation is necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances; or

(v) The ship is passing through the territorial sea after leaving the internal waters of Seychelles.

(3) The authorities of Seychelles may not:

(a) Arrest a person on board a foreign ship which is proceeding from a foreign port and passing through the territorial sea without entering internal waters of Seychelles in respect of a contravention committed before the ship entered the territorial sea; or

(b) Conduct an investigation on board a foreign ship in respect of the contravention:

Unless the authorities of Seychelles:

(c) Have reasonable ground for believing that as a result of the contravention there has been a substantial discharge causing or threatening significant pollution of the marine environment; or

(d) Have reasonable ground for believing that as a result of the contravention there has been a discharge causing major damage or the threat of major damage to the coastline of Seychelles or any resource of its territorial sea or exclusive economic zone.

(4) Where subsection (3)(c) applies, the authorities of Seychelles may, where the ship refuses to give the authorities information about its identity, port of registry, last and next ports of call and any other information required to establish whether contravention of a kind referred to in subsection (3)(c) has occurred, undertake a physical inspection of the ship.

(5) Where subsection (3)(d) applies, the authorities of Seychelles may, unless the ship has posted reasonable bond or other security, detain the ship until the determination of the case.

21. (1) Subject to this section, a foreign ship passing through the territorial sea may not be stopped or diverted for the purpose of exercising civil jurisdiction in relation to a person on board the ship.

(2) Subject to subsection (3), a person shall not arrest or levy execution against a foreign ship passing through the territorial sea for the purpose of any civil proceedings except where the proceedings are in respect of obligations or liabilities assumed or incurred in relation to the ship in the course, or for the purpose, of its voyage through the territorial sea.

(3) Subsection (2), in so far as it prohibits the arrest of, or levying execution against, a foreign ship, shall not apply in the case of a foreign ship which is lying in or passing through the territorial sea after leaving internal waters.

22. (1) A court in Seychelles has jurisdiction over the territory of Seychelles which includes the internal waters, the archipelagic waters and the territorial sea of Seychelles.

(2) The jurisdiction and power of the courts in Seychelles extend to the exclusive economic zone and the continental shelf of Seychelles for the purposes of giving effect to this Act and any other written law extended to the exclusive economic zone or the continental shelf under section 30.

23. (1) Where an authorized officer has reasonable ground to suspect that a foreign ship has contravened this Act or a written law which is enforceable under this Act or is involved in an activity which is prejudicial to the peace, good order or security of Seychelles in terms of section 17, the authorized officer may, in an area of the sea which falls within the jurisdiction of Seychelles under this Act or where international law confers such jurisdiction, without a warrant:

(a) Stop, board and search the ship for the purpose of investigating the contravention or the activity;

(b) Require to be produced, examine and make copies of any licence or logbook, ship record or other shipping document;

(c) Arrest the ship;

(e) Carry out any economic activity,

except under or in accordance with an agreement with Seychelles under this Act or another written law.

(2) A person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine of R500,000 and imprisonment for 10 years.

26. A person who obstructs or hinders an authorized officer in the exercise of the officer's function, or prevents the officer in carrying out the officer's function, under this Act is guilty of an offence and liable on conviction to a fine of R500,000 and imprisonment for 10 years.

**PART VI
GENERAL**

27.

(d)

B. Other documents

1. Convention on the Protection of the Underwater Cultural Heritage,
UNESCO, Paris, 2 November 2001

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 15 October to 3 November 2001, at its 31st session,

Acknowledging the importance of underwater cultural heritage as an integral part of the cultural heritage of humanity and a particularly important element in the history of peoples, nations, and their relations with each other concerning their common heritage,

Realizing

Having decided at its twenty-ninth session that this question should be made the subject of an international convention,

Adopts this second day of November 2001 this Convention.

Article 1
Definitions

For the purposes of this Convention:

1. (a) “Underwater cultural heritage” means all traces of human existence having a cultural, historical or archaeological character which have been partially or totally under water, periodically or continuously, for at least 100 years, such as:
 - (i) Sites, structures, buildings, artefacts and human remains, together with their archaeological and natural context;
 - (ii) Vessels, aircraft, other vehicles or any part thereof, their cargo or other contents, together with their archaeological and natural context; and
 - (iii) Objects of prehistoric character.
- (b) Pipelines and cables placed on the seabed shall not be considered as underwater cultural heritage.
- (c) Installations other than pipelines and cables, placed on the seabed and still in use, shall not be considered as underwater cultural heritage.
2. (a) “States Parties” means States which have consented to be bound by this Convention and for which this Convention is in force.
 - (b) This Convention applies *mutatis mutandis* to those territories referred to in article 26, paragraph 2(b), which become Parties to this Convention in accordance with the conditions set out in that paragraph, and to that extent “States Parties” refers to those territories.
3. “UNESCO” means the United Nations Educational, Scientific and Cultural Organization.
4. “Director-General” means the Director-General of UNESCO.
5. “Area” means the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction.
6. “Activities directed at underwater cultural heritage” means activities having underwater cultural heritage as their primary object and which may, directly or indirectly, physically disturb or otherwise damage underwater cultural heritage.
7. “Activities incidentally affecting underwater cultural heritage” means activities which, despite not having underwater cultural heritage as their primary object or one of their objects, may physically disturb or otherwise damage underwater cultural heritage.
8. “State vessels and aircraft” means warships, and other vessels or aircraft that were owned or operated by a State and used, at the time of sinking, only for government non-commercial purposes, that are identified as such and that meet the definition of underwater cultural heritage.
9. “Rules” means the Rules concerning activities directed at underwater cultural heritage, as referred to in article 33 of this Convention.

Article 2

Objectives and general principles

1. This Convention aims to ensure and strengthen the protection of underwater cultural heritage.
2. States Parties shall cooperate in the protection of underwater cultural heritage.
3. States Parties shall preserve underwater cultural heritage for the benefit of humanity in conformity with the provisions of this Convention.
4. States Parties shall, individually or jointly as appropriate, take all appropriate measures in conformity with this Convention and with international law that are necessary to protect underwater cultural heritage, using for this

Article 5

Activities incidentally affecting underwater cultural heritage

Each State Party shall use the best practicable means at its disposal to prevent or mitigate any adverse effects that might arise from activities under its jurisdiction incidentally affecting underwater cultural heritage.

Article 6

Bilateral, regional or other multilateral agreements

1. States Parties are encouraged to enter into bilateral, regional or other multilateral agreements or develop existing agreements, for the preservation of underwater cultural heritage. All such agreements shall be in full conformity with the provisions of this Convention and shall not dilute its universal character. States may, in such agreements, adopt rules and regulations which would ensure better protection of underwater cultural heritage than those adopted in this Convention.
2. The parties to such bilateral, regional or other multilateral agreements may invite States with a verifiable link, especially a cultural, historical or archaeological link, to the underwater cultural heritage concerned to join such agreements.
3. This Convention shall not alter the rights and obligations of States Parties regarding the protection of sunken vessels arising from other bilateral, regional or other multilateral agreements concluded before its adoption, and, in particular, those that are in conformity with the purposes of this Convention.

Article 7

Underwater cultural heritage
in internal waters, archipelagic waters and territorial sea

1. States Parties, in the exercise of their sovereignty, have the exclusive right to regulate and authorize activities directed at underwater cultural heritage in their internal waters, archipelagic waters and territorial sea.
2. Without prejudice to other international agreements and rules of international law regarding the protection of underwater cultural heritage, States Parties shall require that the Rules be applied to activities directed at underwater cultural heritage in their internal waters, archipelagic waters and territorial sea.
3. Within their archipelagic waters and territorial sea, in the exercise of their sovereignty and in recognition of general practice among States, States Parties, with a view to cooperating on the best methods of protecting State vessels and aircraft, should inform the flag State Party to this Convention and, if applicable, other States with a verifiable link, especially a cultural, historical or archaeological link, with respect to the discovery of such identifiable State vessels and aircraft.

Article 8

Underwater cultural heritage in the contiguous zone

Without prejudice to and in addition to article 5 and in accordance with article 8303, paragraph 2, of the

Article 9
Reporting and notification
in the exclusive economic zone and on the continental shelf

1. All States Parties have a responsibility to protect underwater cultural heritage in the exclusive economic zone and on the continental shelf in conformity with this Convention.

Accordingly:

(a) A State Party shall require that when its national, or a vessel flying its flag, discovers or intends to engage in activities directed at underwater cultural heritage located in its exclusive economic zone or on its continental shelf, the national or the master of the vessel shall report such discovery or activity to it;

(b) In the exclusive economic zone or on the continental shelf of another State Party:

(i) States Parties shall require the national or the master of the vessel to report such discovery or activity to them and to that other State Party;

(ii) Alternatively, a State Party shall require the national or master of the vessel to report such discovery or activity to it and shall ensure the rapid and effective transmission of such reports to all other States Parties.

2. On depositing its instrument of ratification, acceptance, approval or accession, a State Party shall declare the manner in which reports will be transmitted under paragraph 1(b) of this article.

3. A State Party shall notify the Director-General of discoveries or activities reported to it under paragraph 1 of this article.

4. The Director-General shall promptly make available to all States Parties any information notified to him under paragraph 3 of this article.

5. Any State Party may declare to the State Party in whose exclusive economic zone or on whose continental shelf the underwater cultural heritage is located its interest in being consulted on how to ensure the effective protection of that underwater cultural heritage. Such declaration shall be based on a verifiable link, especially a cultural, historical or archaeological link, to the underwater cultural heritage concerned.

Article 10
Protection of underwater cultural heritage
in the exclusive economic zone and on the continental shelf

1. No authorization shall be granted for an activity directed at underwater cultural heritage located in the exclusive economic zone or on the continental shelf except in conformity with the provisions of this article.

2. A State Party in whose exclusive economic zone or on whose continental shelf underwater cultural heritage is located has the right to prohibit or authorize any activity directed at such heritage to prevent interference with its sovereign rights or jurisdiction as provided for by international law, including the United Nations Convention on the Law of the Sea.

3. Where there is a discovery of underwater cultural heritage or it is intended that activity shall be directed at underwater cultural heritage in a State Party's exclusive economic zone or on its continental shelf, that State Party shall:

(a) Consult all other States Parties which have declared an interest under article 9, paragraph 5, on how best to protect the underwater cultural heritage;

(b) Coordinate such consultations as “Coordinating State”, unless it expressly declares that it does not wish to do so, in which case the States Parties which have declared an interest under article 9, paragraph 5, shall appoint a Coordinating State.

4. Without prejudice to the duty of all States Parties to protect underwater cultural heritage by way of all practicable measures taken in accordance with international law to prevent immediate danger to the underwater cultural heritage, including looting, the Coordinating State may take all practicable measures, and/or issue any necessary authorizations in conformity with this Convention and, if necessary prior to consultations, to prevent any immediate danger to the underwater cultural heritage, whether arising from human activities or any other cause, including looting. In taking such measures assistance may be requested from other States Parties.

5. The Coordinating State:

(a) Shall implement measures of protection which have been agreed by the consulting States, which include the Coordinating State, unless the consulting States, which include the Coordinating State, agree that another State Party shall implement those measures;

(b) Shall issue all necessary authorizations for such agreed measures in conformity with the Rules, unless the consulting States, which include the Coordinating State, agree that another State Party shall issue those authorizations;

(c) May conduct any necessary preliminary research on the underwater cultural heritage and shall issue all necessary authorizations therefor, and shall promptly inform the Director-General of the results, who in turn will make such information promptly available to other States Parties.

6. In coordinating consultations, taking measures, conducting preliminary research and/or issuing authorizations pursuant to this article, the Coordinating State shall act on behalf of the States Parties as a whole and not in its own interest. Any such action shall not in itself constitute a basis for the assertion of any preferential or jurisdictional rights not provided for in international law, including the United Nations Convention on the Law of the Sea.

7. Subject to the provisions of paragraphs 2 and 4 of this article, no activity directed at State vessels and aircraft shall be conducted without the agreement of the flag State and the collaboration of the Coordinating State.

Article 11

Reporting and notification in the Area

1. States Parties have a responsibility to protect underwater cultural heritage in the Area in conformity with this Convention and article 149 of the United Nations Convention on the Law of the Sea. Accordingly when a national, or a vessel flying the flag of a State Party, discovers or intends to engage in activities directed at underwater cultural heritage located in the Area, that State Party shall require its national, or the master of the vessel, to report such discovery or activity to it.

2. States Parties shall notify the Director-General and the Secretary-General of the International Seabed Authority of such discoveries or activities reported to them.

3. The Director-General shall promptly make available to all States Parties any such information supplied by States Parties.

4. Any State Party may declare to the Director-General its interest in being consulted on how to ensure the effective protection of that underwater cultural heritage. Such declaration shall be based on a verifiable link to the underwater cultural heritage concerned, particular regard being paid to the preferential rights of States of cultural, historical or archaeological origin.

Article 12

Protection of underwater cultural heritage in the Area

1. No authorization shall be granted for any activity directed at underwater cultural heritage located in the Area except in conformity with the provisions of this article.
2. The Director-General shall invite all States Parties which have declared an interest under article 11, paragraph 4, to consult on how best to protect the underwater cultural heritage, and to appoint a State Party to coordinate such consultations as the “Coordinating State”. The Director-General shall also invite the International Seabed Authority to participate in such consultations.
3. All States Parties may take all practicable measures in conformity with this Convention, if necessary prior to consultations, to prevent any immediate danger to the underwater cultural heritage, whether arising from human activity or any other cause, including looting.
4. The Coordinating State shall:
 - (a) Implement measures of protection which have been agreed by the consulting States, which include the Coordinating State, unless the consulting States, which include the Coordinating State, agree that another State Party shall implement those measures; and
 - (b) Issue all necessary authorizations for such agreed measures, in conformity with this Convention, unless the consulting States, which include the Coordinating State, agree that another State Party shall issue those authorizations.
5. The Coordinating State may conduct any necessary preliminary research on the underwater cultural heritage and shall issue all necessary authorizations therefor, and shall promptly inform the Director-General of the results, who in turn shall make such information available to other States Parties.
6. In coordinating consultations, taking measures, conducting preliminary research, and/or issuing authorizations pursuant to this article, the Coordinating State shall act for the benefit of humanity as a whole, on behalf of all States Parties. Particular regard shall be paid to the preferential rights of States of cultural, historical or archaeological origin in respect of the underwater cultural heritage concerned.
7. No State Party shall undertake or authorize activities directed at State vessels and aircraft in the Area without the consent of the flag State.

Article 13

Sovereign immunity

Warships and other government ships or military aircraft with sovereign immunity, operated for non-commercial purposes, undertaking their normal mode of operations, and not engaged in activities directed at underwater cultural heritage, shall not be obliged to report discoveries of underwater cultural heritage under articles 9, 10, 11 and 12 of this Convention. However States Parties shall ensure, by the adoption of appropriate measures not impairing the operations or operational capabilities of their warships or other government ships or military aircraft with sovereign immunity operated for non-commercial purposes, that they comply, as far as is reasonable and practicable, with articles 9, 10, 11 and 12 of this Convention.

Article 14

Control of entry into the territory, dealing and possession

States Parties shall take measures to prevent the entry into their territory, the dealing in, or the possession of, underwater cultural heritage illicitly exported and/or recovered, where recovery was contrary to this Convention.

Article 15

Non-use of areas under the jurisdiction of States Parties

States Parties shall take measures to prohibit the use of their territory, including their maritime ports, as well as artificial islands, installations and structures under their exclusive jurisdiction or control, in support of any activity directed at underwater cultural heritage which is not in conformity with this Convention.

Article 16

Measures relating to nationals and vessels

States Parties shall take all practicable measures to ensure that their nationals and vessels flying their flag do not engage in any activity directed at underwater cultural heritage in a manner not in conformity with this Convention.

Article 17

Sanctions

1.

2. To the extent compatible with the purposes of this Convention, each State Party undertakes to share information with other States Parties concerning underwater cultural heritage, including discovery of heritage, location of heritage, heritage excavated or recovered contrary to this Convention or otherwise in violation of international law, pertinent scientific methodology and technology, and legal developments relating to such heritage.
3. Information shared between States Parties, or between UNESCO and States Parties, regarding the discovery or location of underwater cultural heritage shall, to the extent compatible with their national legislation, be kept confidential and reserved to competent authorities of States Parties as long as the disclosure of such information might endanger or otherwise put at risk the preservation of such underwater cultural heritage.
4. Each State Party shall take all practicable measures to disseminate information, including where feasible through appropriate international databases, about underwater cultural heritag

5. The Scientific and Technical Advisory Body shall appropriately assist the Meeting of States Parties in questions of a scientific or technical nature regarding the implementation of the Rules.

Article 24
Secretariat for this Convention

1. The Director-General shall be responsible for the functions of the Secretariat for this Convention.
2. The duties of the Secretariat shall include:
 - (a) Organizing Meetings of States Parties as provided for in article 23, paragraph 1; and
 - (b) Assisting States Parties in implementing the decisions of the Meetings of States Parties.

Article 25
Peaceful settlement of disputes

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention shall be subject to negotiations in good faith or other peaceful means of settlement of their own choice.
2. If those negotiations do not settle the dispute within a reasonable period of time, it may be submitted to UNESCO for mediation, by agreement between the States Parties concerned.
3. If mediation is not undertaken or if there is no settlement by mediation, the provisions relating to the settlement of disputes set out in Part XV of the United Nations Convention on the Law of the Sea apply *mutatis mutandis* to any dispute between States Parties to this Convention concerning the interpretation or application of this Convention, whether or not they are also parties to the United Nations Convention on the Law of the Sea.
4. Any procedure chosen by a State Party to this Convention and to the United Nations Convention on the Law of the Sea pursuant to article 287 of the latter shall apply to the settlement of disputes under this article, unless that State Party, when ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, chooses another procedure pursuant to article 287 for the purpose of the settlement of disputes arising out of this Convention.
5. A State Party to this Convention which is not a party to the United Nations Convention on the Law of the Sea, when ratifying, accepting, approving or acceding to this Convention or at any time thereafter shall be free to choose, by means of a written declaration, one or more of the means set out in article 287, paragraph 1, of the United Nations Convention on the Law of the Sea for the purpose of settlement of disputes under this article. Article 287 shall apply to such a declaration, as well as to any dispute to which such State is party, which is not covered by a declaration in force. For the purpose of conciliation and arbitration, in accordance with annexes V and VII of the United Nations Convention on the Law of the Sea, such State shall be entitled to nominate conciliators and arbitrators to be included in the lists referred to in Annex V, article 2, and Annex VII, article 2, for the settlement of disputes arising out of this Convention.

Article 26
Ratification, acceptance, approval or accession

1. This Convention shall be subject to ratification, acceptance or approval by States members of UNESCO.
2. This Convention shall be subject to accession:

(a) By States that are not members of UNESCO but are Members of the United Nations or of a specialized agency within the United Nations system or of the International Atomic Energy Agency, as well as by States parties to the Statute of the International Court of Justice and any other State invited to accede to this Convention by the General Conference of UNESCO;

(b) By Territories which enjoy full internal self-government, recognized as such by the United Nations, but have not attained full independence in accordance with General Assembly resolution 1514 (XV) of 14 December 1960 and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters.

3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Director-General.

Article 27

Entry into force

This Convention shall enter into force three months after the date of the deposit of the twentieth instrument referred to in article 26, but solely with respect to the twenty States or territories that have so deposited their instruments. It shall enter into force for each other State or territory three months after the date on which that State or territory has deposited its instrument.

Article 28

Declaration as to inland waters

When ratifying, accepting, approving or acceding to this Convention or at any time thereafter, any State or territory may declare that the Rules shall apply to inland waters not of a maritime character.

Article 29

Limitations to geographical scope

At the time of ratifying, accepting, approving or acceding to this Convention, a State or Territory may make a declaration to the depositary that this Convention shall not be applicable to specific parts of its territory, internal waters, archipelagic waters or territorial sea, and shall identify therein the reasons for such declaration. Such State shall, to the extent practicable and as quickly as possible, promote conditions under which this Convention will apply to the area

2. Amendments shall be adopted by a two-thirds majority of States Parties present and voting.
3. Once adopted, amendments to this Convention shall be subject to ratification, acceptance, approval or accession by the States Parties.
4. Amendments shall enter into force, but solely with respect to the States Parties that have ratified, accepted, approved or acceded to them, three months after the deposit of the instruments referred to in paragraph 3 of this article by two thirds of the States Parties. Thereafter, for each State or Territory that ratifies, accepts, approves or accedes to it, the amendment shall enter into force three months after the date of deposit by that Party of its instrument of ratification, acceptance, approval or accession.
5. A State or Territory which becomes a Party to this Convention after the entry into force of amendments in conformity with paragraph 4 of this article shall, failing an expression of different intention by that State or Territory, be considered:
 - (a) As a Party to this Convention as so amended; and
 - (b) As a Party to the unamended Convention in relation to any State Party not bound by the amendment.

Article 32
Denunciation

1. A State Party may, by written notification addressed to the Director-General, denounce this Convention.
2. The denunciation shall take effect twelve months after the date of receipt of the notification, unless the notification specifies a later date.
3. The denunciation shall not in any way affect the duty of any State Party to fulfil any obligation embodied in this Convention to which it would be subject under international law independently of this Convention.

Article 33
The Rules

The Rules annexed to this Convention form an integral part of it and, unless expressly provided otherwise, a reference to this Convention includes a reference to the Rules.

Article 34
Registration with the United Nations

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General.

Article 35
Authoritative texts

This Convention has been drawn up in Arabic, Chinese, English, French, Russian and Spanish, the six texts being equally authoritative.

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ANNEX

RULES CONCERNING ACTIVITIES
DIRECTED AT UNDERWATER CULT

Rule 10. The project design shall include:

- (a) An evaluation of previous or preliminary studies;
- (b) The project statement and objectives;
- (c) The methodology to be used and the techniques to be employed;
- (d) The anticipated funding;
- (e) An expected timetable for completion of the project;
- (f) The composition of the team and the qualifications, responsibilities and experience of each team member;
- (g) Plans for post-fieldwork analysis and other activities;
- (h) A conservation programme for artefacts and the site in close cooperation with the competent authorities;
- (i) A site management and maintenance policy for the whole duration of the project;
- (j) A documentation programme;
- (k) A safety policy;
- (l) An environmental policy;
- (m) Arrangements for collaboration with museums and other institutions, in particular scientific institutions;
- (n) Report preparation;
- (o) Deposition of archives, including underwater cultural heritage removed; and
- (p) A programme for publication.

Rule 11. Activities directed at underwater cultural heritage shall be carried out in accordance with the project design approved by the competent authorities.

Rule 12. Where unexpected discoveries are made or circumstances change, the project design shall be reviewed and amended with the approval of the competent authorities.

Rule 13. In cases of urgency or chance discoveries, activities directed at the underwater cultural heritage, including conservation measures or activities for a period of short duration, in particular site stabilization, may be authorized in the absence of a project design in order to protect the underwater cultural heritage.

III. Preliminary work

Rule 14. The preliminary work referred to in rule 10 (a) shall include an assessment that evaluates the significance and vulnerability of the underwater cultural heritage and the surrounding natural environment to damage by the proposed project, and the potential to obtain data that would meet the project objectives.

Rule 15. The assessment shall also include background studies of available historical and archaeological evidence, the archaeological and environmental characteristics of the site, and the consequences of any potential intrusion for the long-term stability of the underwater cultural heritage affected by the activities.

IV. Project objective, methodology and techniques

Rule 16. The methodology shall comply with the project objectives, and the techniques employed shall be as non-intrusive as possible.

V. Funding

Rule 17. Except in cases of emergency to protect underwater cultural heritage, an adequate funding base shall be

X. Safety

Rule 28. A safety policy shall be prepared that is adequate to ensure the safety and health of the project team and third parties and that is in conformity with any applicable statutory and professional requirements.

XI. Environment

Rule 29. An environmental policy shall be prepared that is adequate to ensure that the seabed and marine life are not unduly disturbed.

XII. Reporting

Rule 30. Interim and final reports shall be made available according to the timetable set out in the project design, and deposited in relevant public records.

Rule 31. Reports shall include:

- (a) An account of the objectives;
- (b) An account of the methods and techniques employed;
- (c) An account of the results achieved;
- (d) Basic graphic and photographic documentation on all phases of the activity;
- (e) Recommendations concerning conservation and curation of the site and of any underwater cultural heritage removed; and
- (f) Recommendations for future activities.

XIII. Curation of project archives

Rule 32. Arrangements for curation of the project archives shall be agreed to before any activity commences, and shall be set out in the project design.

Rule 33. The project archives, including any underwater cultural heritage removed and a copy of all supporting documentation, shall, as far as possible, be kept together and intact as a collection in a manner that is available for professional and public access as well as for the curation of the archives. This should be done as rapidly as possible and in any case not later than ten years from the completion of the project, in so far as may be compatible with conservation of the underwater cultural heritage.

Rule 34. The project archives shall be managed according to international professional standards, and subject to the authorization of the competent authorities.

XIV. Dissemination of underwater cultural heritage 396 0 TD 0.ionaB 6Tj 34.5 0 TD

Rule 33.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization during its thirty-first session, which was held in Paris and declared closed the third day of November 2001.

IN WITNESS WHEREOF we have appended our signatures this 6th day of November 2001.

Certified Copy

Paris,

Legal Adviser

United Nations Educational, Scientific and Cultural Organization

DONE in Paris this 6th day of November 2001 in two authentic copies bearing the signature of the President of the thirty-first session of the General Conference and of the Director-General of the United Nations Educational, Scientific and Cultural Organization, which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization and certified true copies of which shall be delivered to all the States and Territories referred to in article 26 as well as to the United Nations.

2. Convention for Cooperation in the Protection and Sustainable Development of the Marine and Coastal Environment of the Northeast Pacific

The Contracting Parties,

Mindful of the need to protect and preserve the marine and coastal environment of the Northeast Pacific against all kinds and sources of environmental pollution and degradation.

Convinced of the ecological, economic, social and cultural value of the Northeast Pacific as a means of bonding between the countries of the region,

Considering the need to establish a regional cooperation framework

Article 5
General obligations

1. The Contracting Parties shall, unilaterally, bilaterally or multilaterally, adopt appropriate measures pursuant to the provisions of this Convention, to prevent, reduce, control and avoid pollution of the marine and coastal environment of the Northeast Pacific, as well as other forms of deterioration that may affect these, and ensure the sustainable environmental management of the marine and coastal areas and the effective development of their natural resources.
2. The Contracting Parties shall collaborate in the drafting, adoption and implementation of other protocols and Conventions that may establish effective rules, norms, practices and procedures for the implementation of this Convention.
3. Each Contracting Party shall adopt and bring into force the necessary legislative and administrative measures to make this Convention and its protocols effective.
4. The Contracting Parties shall collaborate as necessary at the regional level, directly or in cooperation with competent international organizations, in the drafting, adoption and implementation of rules, norms, practices and procedures for the effective protection and development of the marine and coastal environment of the Northeast Pacific against all types and sources of pollution, and for the sound planning and development of that environment and those areas and their appropriate environmental management, taking into account the special characteristics of the region. Such rules, norms, practices and procedures shall be communicated to the Executive Secretariat of the Convention.
5. The Contracting Parties shall adopt all necessary measures so that activities under their jurisdiction or control shall be carried out in such a way as not to cause detriment through pollution or other forms of environmental deterioration to other Parties or their environment, and so that pollution caused by accidents or activities under their jurisdiction or control may not, as far as possible, extend beyond the areas over which the Contracting Parties exercise sovereignty and jurisdiction. In cases where it is foreseen that such transboundary effects may cause harm, other interested Parties should be informed and consulted in the course of planning the activity.
6. In order to protect the environment and contribute to the sustainable management, protection and conservation of the marine environment of the region, the Contracting Parties shall

(f) Make available to civil society and local authorities information on the status of the marine environment of the region, on the measures adopted or about to be adopted to prevent, control, reduce and remedy adverse effects and the effectiveness of such measures;

(g) Exchange, through the competent authorities, the available data and information on the management of the use of the marine and coastal environment and on the implementation of this Convention.

Article 6

Measures to prevent, reduce, control and remedy pollution and other forms of deterioration of the marine and coastal environment

1. The Contracting Parties shall adopt measures to prevent, reduce, control and remedy pollution and other forms of deterioration of the marine and coastal environment, including:

(a) Discharge of toxic, injurious or harmful substances into the sea and coastal areas, especially those that are persistent, originating from sources or activities including:

(i) Land-based sources;

(ii) Atmospheric, including those effected through the atmosphere, and

(iii) Dumping;

(b) Pollution caused by ships and any other arrangement or installation that operates in the marine environment; in particular, measures to avoid discharges, accidental or not, addressing emergencies in accordance with generally accepted international standards;

(c) Biophysical modifications, including alteration and destruction of habitats.

2. Without prejudice to the foregoing, the Contracting Parties shall adopt measures aimed at:

(a) The planning and environmental management of uses and activities in marine and coastal areas;

(b) Improvement as necessary of the environmental impact assessment of installations and activities that it is thought may affect marine and coastal areas;

(c) The identification of areas to be protected and the rehabilitation of degraded habitats and ecosystems;

(d) The identification and protection of endangered species of flora and fauna, and those that may possibly require protection measures;

(e) The application of prevention and precaution criteria to the uses and development of activities that may affect the marine and coastal resources of the region;

(f) The identification of marine coastal areas that are vulnerable to the action of extreme natural phenomena or events and a rise in sea level;

(g) The identification of marine coastal areas vulnerable to man-made activities.

Article 7

Erosion of coastal areas

The Contracting Parties shall adopt all appropriate measures to prevent, reduce, control and remedy erosion in coastal areas resulting from man-made activities and reduce the vulnerability of coasts to a rise in sea level and to sea-air and climatic interaction phenomena.

Article 8
Cooperation in cases of pollution and other forms
of environmental deterioration resulting from emergency situations

1. The Contracting Parties shall cooperate, bilaterally, regionally or multilaterally, in the prevention, containment, mitigation and restoration of damage resulting from:
 - (a) Pollution and/or environmental deterioration resulting from accidents;
 - (b) Pollution and/or environmental deterioration resulting from natural disasters, and
 - (c) Pollution and/or environmental deterioration resulting from deliberate man-made activities.
2. To this end, the Contracting Parties shall develop, individually or jointly, emergency and/or contingency plans, and shall adopt other measures where appropriate to respond to naturally caused or man-made disasters, including the probable effects of climate change and a rise in sea level.
3. The Contracting Parties shall provide the relevant timely information in cases of risk to coastal communities and infrastructure and of damage to the marine environment originating from pollution derived from man-made activities.
4. The Contracting Parties shall develop, individually or jointly, where appropriate, rehabilitation plans for fisheries that may require such, because of being affected by natural phenomena or pollution, and plans for the restoration of coastal habitats that may have suffered damage or been lost as a result of man-made activities or natural phenomena.
5. The Contracting Parties affected by pollution or other forms of deterioration of the environment resulting from emergency situations shall:
 - (a) Assess the nature, magnitude and scope of the emergency;
 - (b) Adopt appropriate measures to avoid or reduce the effects of pollution and other forms of environmental deterioration;
 - (c) Immediately provide information on the measures adopted or about to be adopted to combat pollution and other forms of environmental deterioration of the marine and coastal environment;
 - (d) Continue to observe the emergency situation while it lasts, and any changes thereto, and, in general, the changes in the pollution or other forms of environmental deterioration of the marine and coastal environment that may provoke emergency situations;
 - (e) Communicate to the other Contracting Parties and the Executive Secretariat of the Convention the information obtained as a result of those observations; and
 - (f) Initiate, once the emergency is over, a review of the effectiveness of the operation of the response mechanism to the crisis situation, as appropriate.
6. The Contracting Parties that may require assistance in combating, controlling, mitigating, diagnosing and forecasting the pollution and other forms of environmental deterioration resulting from emergency situations may request, directly or through the Executive Secretariat, cooperation with the other Contracting Parties, especially those that may be affected by the pollution and other forms of environmental deterioration.
7. Such cooperation may include assessment by experts and the provision of equipment and materials to combat pollution and other forms of environmental deterioration.
8. The Contracting Parties from whom assistance may have been requested shall consider that request as soon as possible, and, in the light of their capabilities, immediately inform the requesting Contracting Party of the form, scope and conditions of the cooperation they might provide.

Article 9

Monitoring of pollution and other forms of environmental deterioration

1. The Contracting Parties shall, directly or in collaboration with the relevant international bodies, establish and implement a regional monitoring programme for pollution in the marine and coastal environment of the Northeast Pacific.
2. To this end, the Contracting Parties shall designate the authorities responsible for the monitoring of pollution and other forms of environmental deterioration in their respective areas of sovereignty and jurisdiction, in conformity with international law.
3. In particular, when transboundary areas are involved, the Contracting Parties shall participate in bilateral and multisectoral projects and missions to assess marine pollution and other forms of environmental deterioration, in conformity with international law.

Article 10

Integrated management and sustainable development of the marine and coastal environment

1. As part of the implementation of their policies and strategies for the integrated management and sustainable development of the marine and coastal environment, the Contracting Parties shall incorporate into their economic development projects in marine and coastal areas those environmental criteria that provide sustainability in the use of resources and in the maintenance of the integrity of ecosystems.
2. Also as part of these policies, the Contracting Parties shall strive to implement integrated management and bring about the sustainable development of the marine and coastal environment. To this end, the Contracting Parties shall endeavour to:
 - (a) Formulate and implement plans and programmes at appropriate levels for the integrated management and sustainable development of the marine and coastal environment;
 - (b) Use environmental assessment and systematic observation as preventative and precautionary measures in the planning and implementation of projects;
 - (c) Encourage the preparation and use of methods of economic assessment of ecosystems and of marine and coastal ecosystems and of environmental goods and services at the national level;
 - (d) Integrate into a national plan and/or programme of integrated management and sustainable development sectoral plans in relation to coastal human settlements, aquaculture, industry, tourism, fisheries and ports that use or affect the coastal area;
 - (e) Adopt the use of an ecosystem approach in fisheries management measures;
 - (f) Promote the use of the best available techniques, including cleaner technologies appropriate to the conditions of the region, taking socio-economic factors into account;
 - (g) Promote the education, sensitization and participation of civil society and also the development of environmental information programmes regarding the marine and coastal environment;
 - (h) Establish protected coastal areas with the objective of maintaining biological integrity and diversity;
 - (i) Identify the habitats of living marine resources that contribute to the food security of coastal people and are of major socio-economic and ecological importance;
 - (j) Establish mechanisms, where appropriate, within their policies, plans and programmes for the integrated management of coastal areas, to review the problems arising from the assignation of uses and access to resources, from the coastal area, or from uses in which proper management is not observed.

3. The Contracting Parties shall endeavour to include an assessment of possible environmental effects when planning any activity that involves the implementation of projects inside their territory that may, especially in coastal areas, cause pollution in the area within the scope of this Convention or cause significant or harmful environmental alterations to it.
4. The Contracting Parties shall, in cooperation with the Executive Secretariat, work out methods for disseminating information on the assessment of the activities mentioned in the previous paragraph of this article.
5. The Contracting Parties shall adopt appropriate measures to protect and preserve rare or vulnerable ecosystems in the area within the scope of this Convention, as well as the habitats of species with low populations or that are threatened or endangered. To this end, the Contracting Parties shall endeavour to establish protected areas. The establishment of such areas shall not affect the rights of the other Contracting Parties or of third-party States. In addition, the Contracting Parties shall exchange information regarding the administration and management of such areas.

Article 11
Information exchange

1. The Contracting Parties commit themselves, subject to their respective national legislation, to exchange with each other and transmit to the Executive Secretariat information regarding:
 - (a) The organization or competent national authorities responsible for the monitoring and control of pollution and other forms of environmental deterioration of the marine and coastal environment;
 - (b) The competent national authorities responsible for receiving information on marine pollution and other forms of environmental deterioration of the marine and coastal environment, and those responsible for carrying out assistance programmes or adopting assistance measures for the benefit of the Contracting Parties;
 - (c) Programmes being developed for research into pollution and other forms of environmental deterioration, with the objective of creating new methods and techniques to avoid, reduce and/or eliminate pollution or the deterioration of the marine and coastal environment, together with the results of such programmes and research;
 - (d) The competent national authorities responsible for planning the uses of marine and coastal areas.
2. The Contracting Parties shall coordinate the use of the available communication media so as to ensure the opportune reception, transmission and diffusion of the information that needs to be exchanged.

Article 12
Scientific and technological information

1. The Contracting Parties shall cooperate among themselves or through the Executive Secretariat or another competent international organization, where appropriate, in the fields of science and technology related to the marine and coastal environment, and shall exchange data and other scientific information relevant to the purposes of this Convention. To this end, the Contracting Parties shall, among themselves or through the Executive Secretariat or another competent international organization, undertake the following activities:
 - (a) Encouraging scientific, technological and educational assistance programmes, and those of any other kind, for the protection and sustainable development of marine and coastal areas, and for the prevention, reduction and control of pollution and other forms of environmental deterioration in such areas. This assistance shall comprise, inter alia:
 - (i) The training of scientific and technical staff;
 - (ii) Participation in relevant international programmes;

(iii) Capacity

(a) Decisions of the Contracting Parties shall be adopted by consensus, except in cases where the rules of procedure for meetings of Contracting Parties establish voting as the form of adopting decisions.

6. The meetings of the Contracting Parties shall have the function of keeping under continuous review the implementation of this Convention and its protocols, and in particular:

(a) The extent to which the Contracting Parties implement the provisions of the Convention, the effectiveness of the measures adopted and the need to undertake any additional action that may be required for the achievement of the purposes of this Convention and its protocols, including their institutional and financial aspects;

(b) To assess periodically the status of the environment in the area of application of the Convention;

(c) To revise and amend this Convention;

(d) To consider, adopt, revise and amend the protocols and their annexes;

(e) To establish such working groups as are deemed necessary to review any question related to this Convention, its protocols and annexes;

(f) The undertaking of any other function that may contribute to the achievement of the purposes of this Convention.

Article 16

Approval and entry into force of protocols

1. The Contracting Parties may adopt by consensus, in a meeting of the Contracting Parties, additional protocols to this Convention, pursuant to paragraph 2 of article 5. Such protocols shall enter into force once the Depositary has received the fourth instrument of ratification or accession.

2. Subsequently, protocols shall enter into force in respect of any of the States or regional integration organizations at the moment when they deposit their respective instruments of ratification or accession with the Depositary.

Article 17

Amendments of the Convention or its protocols

1. Any Contracting Party may propose amendments to this Convention or its protocols. Such amendments shall be adopted at a meeting of the Contracting Parties convened by the Executive Secretariat at the request of a Contracting Party.

2. Amendments to this Convention and its protocols shall be adopted by consensus of the Contracting Parties.

3. Amendments shall be subject to ratification or accession and shall enter into force in the form established for the Convention and its protocols respectively to enter into force.

Article 18

Special exercise of the right to vote by economic integration organizations

In areas of their competence, economic integration organizations that have acceded to this Convention and its protocols shall exercise their right to vote with a number of votes equal to the number of their member States absent, with prior consent of the Contracting Parties to this Convention and its corresponding protocols. Such organizations shall not exercise their right to vote if it is exercised by their member States.

Article 19 Reports
Signed by the Executive Secretariat on 18/03/2015

The Contracting Parties shall transmit reports to the Executive Secretariat about the measures adopted for the implementation of this Convention and its additional protocols, in the form and with the frequency determined in its meetings. The Executive Secretariat shall circulate these reports to the Contracting Parties.

Article 20

Relationship between the Convention and its protocols

1. No State or economic integration organization may be a Contracting Party to a protocol that may be established in the future unless it is, or at the same time becomes, a Contracting Party to this Convention.
2. Protocols to this Convention shall be obligatory only for the Contracting Parties to the protocol in question.
3. Decisions relating to any protocol pursuant to articles 15 and 17 of this Convention may only be adopted by the Contracting Parties to the protocol in question.

Article 21

Signature Convention.

Article 24
Reservations

Reservations to this Convention shall only be allowed in respect of matters concerning the sovereignty and territorial integrity of the Contracting Parties and interpretative statements to the Convention.

Article 25
Settlement of disputes

In the event of a dispute between Contracting Parties concerning the interpretation or application of this Convention, the Contracting Parties concerned shall seek solution by negotiation or any other mechanism for the peaceful settlement of disputes established by international law.

Article 26
Entry into force

This Convention shall enter into force sixty (60) days after the date of deposit of the fourth instrument of ratification, acceptance, approval or accession with the Depositary. Subsequently, this Convention shall enter into force with respect to States or regional integration organizations at the moment when they deposit their respective instruments of ratification, acceptance, approval or accession with the Depositary.

Article 27
Withdrawal

1. At any time after two years from the date on which this Convention has entered into force for a Contracting Party, that Party may withdraw from the Convention.
2. Such withdrawal shall be made by giving written notification to the Executive Secretariat, which shall immediately inform the Contracting Parties thereof.
3. Any such withdrawal shall take effect six (6) months after the date of notification of the Depositary.

Article 28
Depositary

1. The Depositary of this Convention and its protocols shall be the Government of the Republic of Guatemala.
2. The Depositary shall inform the signatories and the Contracting Parties, as well as the Secretariat, of the signature of this Convention and its protocols and the deposit of instruments of ratification, acceptance, approval and accession; the date on which the Convention or a protocol enters into force for each Contracting Party; notification of any withdrawal and the date on which it becomes effective; amendments to the Convention or any protocol, their acceptance by the Contracting Parties and their date of entry into force; all matters relating to new annexes and changes to any annex; notifications by regional economic organizations of the extent of their competence with respect to matters governed by this Convention and relevant protocols, and any modification thereof.
3. The original of this Convention shall be deposited with the Depositary, who shall send certified copies of it to the signatories and the Secretariat.

4.

3. Montreal Declaration on the Protection of the Marine Environment from Land-based Activities

1.

(a) Incorporating the aims, objectives and guidance of the Global Programme of Action into new and existing activities, action programmes, strategies and plans at the local, national, regional and global levels and into sectoral policies within our respective jurisdictions;

(b) Strengthening the capacity of regional seas organizations for multi-stakeholder cooperation and action, including through participation in partnership meetings focused on concrete problem identification and solution;

(c) Supporting the ratification of existing regional seas agreements and the development of additional ones, as appropriate, and promoting collaboration between existing regional seas organizations, including through twinning

(f) Enhancing the state-of-the-oceans reporting to better measure progress towards sustainable development goals, informing decision-making (such as setting management objectives), improving public awareness and helping assess performance;

(g) Improving technology development and transfer, in accordance with the recommendations of the United Nations General Assembly.

10. We commit ourselves to improve and accelerate the implementation of the Global Programme of Action by:

(a) Strengthening the capacity of local and national authorities with relevant financial and other resources to identify and assess needs and alternative solutions to specific land-based sources of pollution; and to formulate, negotiate and implement contracts and other arrangements in partnership with the private sector;

(b) Calling upon international financial institutions and regional development banks and other international financial mechanisms, in particular the World Bank and the Global Environment Facility, consistent with its operational strategy and policies, to facilitate and expeditiously finance activities related to implementation of the Global Programme of Action at regional and national levels;

(c) Giving due consideration to the positive and negative impacts of domestic legislation and policies, including, inter alia, fiscal measures, such as taxation and subsidies, on land-based activities degrading the marine and coastal environment;

(d) Taking appropriate action at the national level, including, inter alia, institutional and financial reforms, greater transparency and accountability, the development of multi-year investment programmes and providing an enabling environment for investment.

11. We welcome the Strategic Action Plan on Municipal Wastewater and urge the United Nations Environment Programme to finalize this document as a tool for implementing the objectives of the Global Programme of Action.

12. We call upon Governments to ratify the Stockholm Convention on Persistent Organic Pollutants, the 1996 Protocol to the London Convention and other relevant agreements, in particular regional conventions, such as the 1999 Aruba Protocol to the Cartagena Convention and protocols dealing with the prevention of pollution of the marine environment, as a means of implementing the Global Programme of Action. We also stress the need for increased international cooperation on chemicals management.

13. We welcome the work done by the Global Programme Coordination Office, commend its 2002-2006 work programme to the Governing Council of the United Nations Environment Programme and encourage it to implement

15. We request the Executive Director of the United Nations Environment Programme to convene the second Intergovernmental Review Meeting in 2006 and seek support for organizing the meeting.

Adopted by the Intergovernmental Review Meeting
on the Implementation of the Global Programme of
Action for the Protection of the Marine Environment
from Land-based Activities at its first meeting on
Friday, 30 November 2001

C. Communications by States

1. Note verbale dated 26 November 2001 from the Ministry of Foreign Affairs of St. Kitts and Nevis
addressed to the Secretary-General of the United Nations

The Ministry of Foreign Affairs of St. Kitts and Nevis ... has the honour to refer to the Venezuelan territory known as “Isla Aves” and to the bilateral Maritime Boundary Delimitation Treaties arising therefrom and made between:

1. The Republic of Venezuela and the Kingdom of the Netherlands, which entered into force on 15 December 1978;
2. The Republic of Venezuela and the United States of America, which entered into force on 24 November 1980;
3. The Republic of Venezuela and the French Republic, which entered into force on 28 January 1983.

The Government of St. Kitts and Nevis wishes to recall that, as recognized in customary international law and as reflected in the 1982 United Nations Convention on the Law of the Sea, rocks which cannot sustain human habitation or an economic life of their own shall have no exclusive economic zone or continental shelf.

The Government of St. Kitts and Nevis wishes further to recall that, as recognized in customary international law and as reflected in the 1982 United Nations Convention on the Law of the Sea, the artificial installation and structure erected adjacent to “Isla Aves” shall not possess the status of an island and shall have no territorial sea of its own and its presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.

The maritime boundary treaties referred to above appear to grant “Isla Aves” full status of territorial sea, exclusive economic zone or continental shelf. The Government of St. Kitts and Nevis has not acquiesced in the maritime boundary treaties referred to above.

The Government of St. Kitts and Nevis protests the status granted to “Isla Aves” in the above-mentioned maritime boundary treaties and kindly requests the United Nations Secretary-General in his capacity as the depositary of the 1982 United Nations Convention on the Law of the Sea to communicate this note to the Parties to the said Convention.

...

Basseterre
26 November 2001

2. Notes verbales dated February 2002 from the Ministry of Foreign Affairs of Guyana addressed to the Ministry of Enterprise Development and Foreign Affairs of Trinidad and Tobago and to the Ministry of External Affairs of Venezuela²

The Ministry of Foreign Affairs of the Cooperative Republic of Guyana presents its compliments to the Ministry of External Affairs ... and has the honour to refer to the Treaty on Delimitation of Marine and Submarine Areas between the Republic of Trinidad and Tobago and the Bolivarian Republic of Venezuela signed at Caracas on 18 April 1990 and entered into force on 23 July 1991.

The Government of Guyana wishes to inform that it has concluded a review of its provisional maritime boundaries and of its potential claims to its extended continental shelf areas. It has emerged from that review that the aforementioned Treaty concluded between the Bolivarian Republic of Venezuela and the Republic of Trinidad and Tobago purports to give to the parties to that Treaty rights over certain maritime areas which are a portion of Guyana's maritime space.

The Government of Guyana wishes to draw attention to article II of the said Treaty, wherein the geographical coordinates of the maritime boundaries between the Republic of Trinidad and Tobago and the Bolivarian Republic of Venezuela as defined in the aforesaid Treaty are set out.

The Government of the Cooperative Republic of Guyana wishes to inform the Government of ... that the encroachment by [Trinidad and Tobago] [Venezuela] into Guyana's maritime space is contrary to international maritime law and practice and does not affect Guyana's sovereignty and its exercise of sovereign rights over its maritime areas which are subject to the encroachment.

The Government of Guyana further wishes to advise that the coordinates that represent an encroachment of Guyana's maritime space are not recognized by the Cooperative Republic of Guyana and cannot be opposable against Guyana.

The Government of the Cooperative Republic of Guyana wishes to bring to the attention of the Government of the Bolivarian Republic of Venezuela that the geographical coordinates forming the boundary lines which encroach upon Guyana's Maritime Space should be reviewed.

...

Georgetown
February 2002

² The two notes of identical content, one addressed to the Ministry of External Affairs of Venezuela and the other to the Ministry of Enterprise Development and Foreign Affairs of Trinidad and Tobago, were communicated to the Division for Ocean Affairs and the Law of the Sea of the United Nations, Office of Legal Affairs, by note verbale No. 31/2002 dated 7 February 2002 from the Permanent Mission of Guyana to the United Nations.

3. Note verbale dated 27 March 2002 from the Ministry of Foreign Affairs of Trinidad and Tobago addressed to the Ministry of Foreign Affairs of Guyana³

The Ministry of Foreign Affairs of the Republic of Trinidad and Tobago presents its compliments to the Ministry of Foreign Affairs of the Cooperative Republic of Guyana and has the honour to refer to the latter's note No. 102/2002 dated 1 February 2002, concerning the Trinidad and Tobago-Venezuela Treaty on the Delimitation of Marine and Submarine Areas which was signed on 18 April 1990 and entered into force on 23 July 1991.

The Ministry of Foreign Affairs wishes to inform the Ministry of Foreign Affairs that the Government of the Republic of Trinidad and Tobago has taken careful note of the timing of note 102/2002, and of its contents.

The Ministry of Foreign Affairs further wishes to advise the Ministry of Foreign Affairs that the Trinidad and Tobago-Venezuela Treaty on the Delimitation of Marine and Submarine Areas was negotiated and concluded in accordance with customary international law and the 1982 United Nations Convention on the Law of the Sea between two sovereign coastal States whose geographical relationship to each other is both that of oppositeness and of adjacency, and which resolved, equitably, their respective overlapping claims to territorial sea, exclusive economic zone and continental shelf jurisdictions in the Caribbean Sea, the Gulf of Paria, in the Serpent's Mouth towards the Atlantic, and in the Atlantic Ocean to a distance of 200 nautical miles, and beyond that to the outer edge of the continental margin.

That Treaty validly concluded between Trinidad and Tobago and Venezuela, and in respect of which the international community has had notice since its registration in 1992 with the United Nations Secretariat in accordance with Article 102 of the Charter of the United Nations, in no way prejudices the rights and interests of Guyana in respect of its maritime jurisdictions.

Further, it is a fundamental tenet of the law of maritime boundary delimitation that maritime boundaries cannot be unilaterally determined by any coastal State as Guyana is purporting to do in its reference to "provisional maritime

North Sea Continental Shelf

The Ministry of Foreign Affairs of the Republic of Trinidad and Tobago avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Cooperative Republic of Guyana the assurances of its highest consideration.

Port of Spain, 27 March 2002

