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**CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505**

14 April 1976

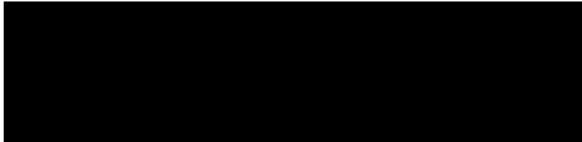
MEMORANDUM

SUBJECT: Law of the Sea Country Studies

1. The attached two LOS country studies are the last in a series done in support of the NSC Interagency Task Force on the Law of the Sea. Below is a complete listing of the studies and supplements that have been prepared since March 1974:

Algeria	Kenya
Argentina	Korea (North)
Australia	Korea (South)
Austria	Malaysia
Bolivia	Morocco
Brazil	New Zealand
Burma	Nigeria
Canada	Norway
Chile	Panama
China (PRC) and Supp.	Peru
Denmark	Philippines
Ecuador	Poland
Egypt	Romania
Fiji	Singapore
Finland	Spain
Germany (West) and Supp.	Sri Lanka
Ghana	Sweden
Greece	Thailand
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Iran	USSR
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JOHN KERRY KING

Director

Geographic and Cartographic Research

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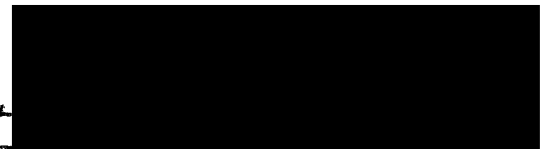
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| - Burma | - Nigeria |
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Law of the Sea Country Study

Poland

Secret

GCR LOS 75-12

June 1975

NATIONAL SECURITY INFORMATION
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FOREWORD

The Law of the Sea Country Studies are prepared to support the NSC Interagency Task Force on the Law of the Sea. The countries to be included in the series are selected on the basis of priorities suggested by the chairman of the Task Force.

Each study has two parts. Part I is an analysis of the primary geographic, economic, and political factors that might influence the country's law of the sea policy, the public and private expressions of that policy, and a brief [REDACTED] Part II provides basic data and information bearing on law of the sea matters.

This study was prepared by the Office of Geographic and Cartographic Research. [REDACTED]

[REDACTED] The study was coordinated within the Directorate of Intelligence and with the Department of State. Comments and questions may be directed to the LOS Country Studies Working Group, Code 143, Extension 2257.

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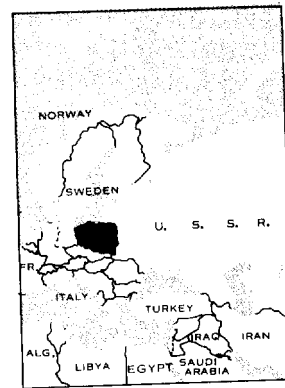
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POLAND

Part I -- Law of the Sea Analysis

A. SUMMARY (U)

Poland has labored in all of the Law of the Sea (LOS) conferences to uphold its interests as a seafaring nation. Subsequent to offering a 1971 proposal concerning the creation of an international organization to govern the exploration and exploitation of the deep seabeds, it has cosponsored draft proposals concerning the territorial sea, the contiguous zone, archipelagos, straits used for international navigation, the economic zone, marine pollution, and marine scientific research. In doing so it has taken explicit positions on the most significant of the LOS issues.



Poland advocates a 12-mile* maximum breadth for the territorial sea; the right of the coastal state to create a contiguous zone, provided it does not extend more than 12 miles from the baselines used to delineate the territorial sea; freedom of navigation for all ships through straits, regardless of their width, that have been traditionally used for international navigation and connect one part of the high seas with another; nonsuspendible innocent passage through straits connecting the high seas and the territorial seas of one or more nations; and freedom of passage through archipelagic straits, when used for international navigation between parts of the high seas.

Poland has repeatedly declared support of an international organization empowered with authority to monitor and direct the exploitation of deep seabed resources -- "the common heritage of mankind." It supports equal access to the international area for the purposes of exploration and exploitation, and the opportunity for all nations to share in the benefits to be derived from seabed mining. Poland opposes exploitation of deep seabed minerals solely by the international organization, thus taking

* Distances and areas throughout this study are in nautical miles unless specified otherwise.

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a stance that places it in opposition to that taken by most of the developing countries. Disputes evolving out of the development of the seabeds, Polish authorities claim, can be settled through existing UN machinery or through a proposed Arbitrational Tribunal.

While endorsing draft articles proposing the creation of economic zones that "shall not extend beyond the limit of 200 miles," Poland has frequently expressed concern over states taking such action unilaterally. Its endorsement of the concept is conditioned, however, by the demand that other basic law of the sea questions be simultaneously solved. At Geneva Poland cosponsored draft articles calling for coastal state consent for research in the territorial sea and for research related to the resources of the economic zone and the continental shelf. Poland also cosponsored draft articles on marine pollution at this session, calling for the establishment of international standards for vessel-source pollution within and beyond the territorial sea, with enforcement to be implemented primarily by flag states.

B. FACTORS INFLUENCING LOS POLICY

Special Geographic Features (U)

Relatively small and shelf-locked, Poland is strategically situated on the Baltic Sea, over which it shares a degree of control with the USSR, Finland, Sweden, Denmark, and East and West Germany; its continental shelf abuts against the continental shelves of Denmark and Sweden less than 100 miles from shore. Distributed along the Polish coast, some 260 miles in length, are ports from which Poland's fleets venture into the world ocean -- via the constricted Danish Straits. Maintaining an uninterrupted flow of maritime traffic through this vital lifeline, parts of which are less than 6 miles wide, is far more important to Poland than is the exploitation of the living resources of the Baltic, a body that has been seriously fouled by industrial waste, sewage, oil, and toxic substances. While the Poles have earnestly sought to contain or to limit such causes of pollution, the major thrust of their LOS effort -- reflecting national economic and geographic positions -- has been directed toward the creation of favorable straits regimes and the retention of fishing rights in the major fishing areas of the world.

Uses of the Sea

Mineral Resources -- Although recognizing the potential of the seabed as a source of mineral fuels and raw materials, and while appreciating the complexity of exploitation technology,

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Poland has not made any sustained effort to perfect the techniques of seabed production. It is of interest to note, nevertheless, that on 28 June 1974, the Polish press announced the start of mining operations to obtain unidentified resources from the floor of the Baltic Sea. This report stated that "one million tons of minerals each year" would be extracted from a mine "operating on the Koszalin coast, near the Slupsk Shoal." Thus Poland would appear to be aware of the advances being made elsewhere to perfect the means of extracting and processing seabed minerals commercially. (U)

Living Resources -- Poland is expanding its high seas fishing fleet, already the largest in Eastern Europe. As of mid-April 1975, this fleet included 274 vessels, of which almost 80 percent were actively engaged in fishing. Most of the ships are modern, two-thirds being less than 10 years of age, and many are among the best equipped in the world. Included in this inventory are a number of large factory trawlers -- ships equipped to process the catch as it is boarded. (C)

Polish fishermen have traditionally fished in the Baltic Sea, but in the period since 1960, they have extended their areas of operation to the North and Norwegian Seas, the northwestern Atlantic, the waters off the west coasts of Africa and North America, and the beds along both coasts of the southernmost third of South America. The marine catch in 1974 is estimated at more than 600 thousand metric tons, thus exceeding the planned 1975 Five-Year goal. As of 1973 more than 70 percent of the total salt water catch was being taken in non-Baltic waters. Cod and herring normally make up some 40-50 percent of the catch, the remainder being comprised primarily of perch, sprat, flounder, and mackerel. (C)

As much of Poland's high-seas fishing is carried out within 200 miles of the coasts of other countries, it is possible that Polish fishing in the future could be considerably curtailed -- given inclusion of a 200-mile economic zone in the forthcoming LOS treaty. In an attempt to cope with this eventuality, Poland is feverishly negotiating and renegotiating its fishing agreements -- with nations large and small. Of particular interest are efforts to develop cooperative agreements, some of which authorize the creation of joint fishing ventures -- particularly, although not exclusively, with developing nations. Polish fishing operations outside the Baltic Sea are also influenced by the adherence of that nation to the International Commission for Southeast Atlantic Fisheries, the Northeast Atlantic Fisheries Commission, and the International Commission for Northwest Atlantic Fisheries. In

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view of the investment already made in the distant-water fishing fleet, it would seem likely that Poland will continue to strive for accommodation in order to guarantee access to the major fishing banks of the world. (C)

Although the Baltic Sea is becoming less significant as a source of fish for Poland, the Poles have nevertheless exerted an effort to increase the sea's carrying capacity and potential by promoting the Gdansk and Helsinki Conventions concerning fisheries, other live resources, and the environment. (U)

Naval and Maritime Activity -- Poland ranks high in East Europe as a maritime nation. In its inventory are 272 military and 283 merchant vessels of various types, operating primarily out of the ports of Szczecin (Stettin), Swinoujscie, Gdynia, and Gdansk. In recent years sightings of Polish merchant and fishing vessels have been commonplace throughout the world. Further enhancing the nation's maritime position is a strong and vigorous shipbuilding industry -- which had as its goal in the 1971-75 planning period the production of 3,400,000 deadweight tons of new ships. (S)

Poland's largest port is Szczecin, situated on the Oder about 37 miles upstream from the river mouth. As the principal outlet of the Upper Silesian industrial region, it handles large quantities of fuel and ore. Serving Szczecin as an outpost is Swinoujscie, which provides an operating base for naval and fishing vessels. Gdynia and Gdansk are well equipped and modern ports serving eastern Poland. Gdynia is the site of the Headquarters of the Polish Navy and the principal operating base of that service. Commercially it is significant for handling ores, fuels, and grain, as is Gdansk. (C)

Scientific Research -- Marine sciences in Poland are not at the top of the research effort. In fact, it has been said that oceanography "appears to be the research arm of the maritime economy rather than a scientific discipline in itself." Nevertheless Polish oceanographers do commendable work in efforts that are directed toward coastal environmental forecasting and marine biological investigations, in which they have been making steady progress. Organizations reported to be carrying out oceanographic research include the Marine Fisheries Institute, subordinated to the Ministry of Transportation, and the Research Center for Oceanography, under the State Institute of Hydrology and Meteorology, both at Gdynia. Operating at Gdansk are the Institute of Hydroengineering and the Maritime Institute. The Marine Station at Sopot is also engaged in research. (S)

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Poland works closely with the USSR and the other countries of East Europe in its research efforts. In 1974, for example, a group of Polish biologists participated in the 17th research voyage of the Akademik Kurtshatov, organized by the Institute of Oceanology of the USSR Academy of Sciences. During this cruise experimental research was completed along the Equator between the Galapagos Islands and Polynesia and in the coastal area of the Peruvian shelf off Lima. During the same year Polish scientists boarded Soviet ships to participate in the Global Atmospheric Research Program in the Atlantic Ocean. (U)

Polish scientists are involved in international scientific activities and Poland is a member of a number of international scientific organizations. Those of particular note in the LOS context include the International Union of Geodesy and Geophysics (IUGG), the International Council for the Exploration of the Sea (ICES), the Intergovernmental Oceanographic Commission (IOC), the Conference of Baltic Oceanographers, and the Conference on Coastal Engineering. (U)

Political and Other Factors

In the wake of three decades of political, social, and economic cooperation with the USSR and with other East European states under Soviet influence, it is not surprising that Soviet and Polish LOS policies display a remarkably high degree of coincidence. This undoubtedly reflects the fact that Polish-Soviet relations "rest on ideological accord, economic ties, membership in the Warsaw Pact, and common interest in formalizing the postwar territorial status quo in Central Europe." At any rate, the proclaimed LOS positions of the two states -- in the Baltic Sea and in the world ocean as a whole -- are practically identical. (C)

Poland, along with East Germany and the USSR, has promoted the creation of a "sea of peace" in the Baltic; this would, if effected, certainly restrict use of the sea by nonlittoral states, and it could result in a closed sea. Poland takes the position that only Baltic countries should have exploration and exploitation rights in that body of water. This stand was well established in the so-called "Moscow Declaration" of 23 October 1968, in which it was claimed that the seabed and the subsoil of the Baltic form a continuous continental shelf, which should be divided among littoral states on the basis of bilateral and multilateral agreements. None of the non-Communist Baltic states have agreed; in fact, they have insisted that the Baltic Sea is "open" and that the warships of all nations have a full right to equal access. (C)

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In October 1973 Poland submitted a proposal to Committee I of the UN General Assembly under the title: Convention on Fishing and Conservation of the Living Resources in the Baltic Sea and the Belts. This proposal, sometimes called the Gdansk Convention, sought to restrict the use of the Baltic Sea while simultaneously proposing the creation of a mechanism to keep the living marine resources under review; to coordinate scientific research in the area; and to prepare and submit recommendations for the consideration of the contracting states. The exclusiveness of the proposal is indicated by paragraph 2 of Article XVII, which states: "This Convention shall be open for accession to any State interested in the preservation and rational exploitation of living resources in the Baltic Sea and the Belts, provided that this State is invited by the Contracting States." It should be noted that all of the contracting states are Baltic powers. (U)

Poland's position relative to LOS matters in other waters aligns it with that group of states whose maritime interests are fairly well developed. While sympathizing with the aspirations of developing states in the Third World -- even to the creation of broad economic zones -- it does so conditionally, the main reservations being the preservation of freedom of navigation in the zone beyond the territorial sea and the assurance of access to the fisheries in the economic zone by vessels of foreign fleets. (U)

C. LAW OF THE SEA POLICY

Territorial Sea and the Contiguous Zone (U)

Although claiming only a 3-mile territorial sea and a 6-mile customs-security zone,* Poland favors the 12-mile territorial sea as an admissible maximum for all coastal states. Its stance on this issue was formalized at Caracas on 29 July 1974, when it joined with a number of other socialist states in submitting draft articles on the territorial sea (see Annex) and on the contiguous zone (see Annex). These actions affirmed Poland's conviction that every coastal state has the right to determine the breadth of its territorial sea, up to a maximum of 12 miles. Furthermore, endorsement of the draft articles aligned Poland with states claiming that coastal state sovereignty in the territorial sea extends to the resources, to the air space above, and to the seabed and subsoil below.

* In the Gulf of Danzig (Gulf of Gdansk) the territorial sea and customs-security zone is measured from a straight baseline that extends westward from the coastline at the USSR-Poland border to the tip of Hel Peninsula (Polish Decree No. 9, 1956).

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Poland believes that ships of all states should enjoy the right of innocent passage through the territorial sea. Passage is considered innocent "so long as it is not prejudicial to the peace, good order or security of the coastal State" and so long as foreign vessels -- merchant, noncommercial governmental, or military -- do not engage in any of a number of proscribed activities. The July 1974 draft articles require submarines to navigate on the surface of the territorial sea and show their flag; nuclear-powered vessels, or ships carrying nuclear substances, are to "observe special precautionary measures and carry papers established for such ships by international agreement," according to the proposal.

Integral to the draft articles are stipulations permitting the coastal state to take necessary steps to prevent noninnocent passage in the territorial sea and to adopt such laws and regulations as may be necessary to effect innocent passage in the same. The coastal state is thereby empowered to enact legislation to control navigation, the exploitation of resources, and scientific exploration; to prevent the destruction of fixed installations and facilities; to preserve the environment and prevent the pollution of coastal waters; and to prevent the infringement of the state's customs, fiscal, immigration, sanitary, and phyto-sanitary regulations.

The governments of Poland and the USSR delimited the boundary between their respective territorial seas in the Gulf of Danzig in an agreement signed on 18 March 1958 and ratified on 29 July 1958, at which time it entered into force.

Straits (U)

Poland deems the establishment of a favorable straits regime to be critically essential to its national interest. As cosponsor of the 17 July 1974 draft articles on straits used for international navigation (see Annex), it has proclaimed support of policies that distinguish between straits that are "used for international navigation between one part of the high seas and another part of the high seas" and straits that are used for international navigation "from the high seas to the territorial sea of one or more foreign States." In the first instance Poland demands "freedom of navigation" for all ships and "freedom of overflight" for all foreign aircraft in transit through or over such straits. In the second instance Poland accepts the principle of "innocent passage" for all ships, provided guarantees are forthcoming that this right "shall not be suspended." Thus far Poland has not publicly addressed the issue of subsurface passage. It is highly probable, however, that on this score, it will follow the lead of the USSR.

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The Polish stand on freedom of navigation through straits connecting parts of the high seas reflects its location on a sea from which the only egress is via waters controlled by other national powers, namely Denmark and Sweden. Dependence on the Danish Straits to reach the trade routes of the world oceans has therefore prompted Poland to demand freedom of passage through these and all other such straits, regardless of their width. In this regard it should be noted that Poland is particularly opposed to Danish proposals that would exclude from a freedom of transit regime straits that are less than 6 miles wide. Poland has also viewed apprehensively plans by the Danes to construct bridges and tunnels in the critical Danish Straits area.

Poland's insistence on unimpeded transit through all straits that connect one part of the high seas with another part of the high seas evolves out of conviction that any other course could lead to disagreement. If the decision to grant or refuse passage were to be based on a still not well defined notion of innocent passage, the Poles assert, "it might lead to discrimination against some States and the limitation of the right of navigation for subjective reasons due to existing alliances, political ties, and [the] particular interests of coastal States."

Archipelagos (U)

Archipelagic states, as defined in draft articles cosponsored by Poland at Caracas on 12 August 1974, consist wholly of one or more archipelagos which form a geographical, historical, political, and economic entity (see Annex). States thus formed, the Poles declare, should be entitled to exercise sovereignty over archipelagic waters,* the airspace over them, the surface and subsoil beneath them, and to all of the associated resources. They proclaim that all ships should enjoy freedom of passage through archipelagic straits, approaches to the same, and in the waters along which lie the shortest routes between parts of the high seas. Foreign vessels would be required to comply with the relevant laws and regulations established by the archipelagic state under the provisions of Article 5 of the August 1974 draft articles. This article calls on foreign ships to pay particular attention to the security, territorial integrity, and political independence of the archipelagic state, which is, in turn, not to interrupt, suspend, or impede

* *In the draft articles cosponsored by Poland, archipelagic waters are defined as those waters enclosed by straight baselines connecting the outermost points of the outermost islands and drying reefs of the archipelago.*

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transit. Warships would be subject to special regulations, under which they would be caused to refrain from participation in any exercises or gunfire, use any form of weapon, launch or take on aircraft, carry out hydrographic surveys, or engage in any similar activity unrelated to passage. In the event of damage, unforeseen stoppage, or of any action made necessary by force majeure, ships would be required to notify the archipelagic state.

Coastal Jurisdiction Beyond the Territorial Sea (U)

Poland, along with Byelorussian SSR, Bulgaria, East Germany, Ukrainian SSR, and the Soviet Union, submitted a set of draft articles on the economic zone to the LOS Conference at Caracas on 5 August 1974 (see Annex). The proposal was offered "on condition that mutually acceptable decisions are also accepted... on the other basic questions of the law of the sea (12-mile breadth of territorial waters, freedom of passage through international straits, freedom of navigation, freedom of scientific research, determination of the outer limits of the continental shelf, the seabed regime and the prevention of the pollution of the sea environment)."

Section I of these articles addresses the rights and obligations of the coastal state and other states in the economic zone, which is not to extend "beyond the limit of 200 nautical miles, calculated from the baselines used to measure the breadth of the territorial waters." Within this zone the coastal state is to enjoy sovereign rights over all living and mineral resources, while honoring the rights of other states -- including the right to freedom of navigation, freedom of overflight, freedom to lay submarine cables and pipelines, and freedom to carry out scientific research unrelated to the exploration and exploitation of the living and mineral resources in the zone. Convention states are admonished not to hinder coastal states from exercising their rights or fulfilling their obligations in the economic zone, and all states are called upon to "insure that all activities... are carried out solely for peaceful purposes."

The USSR-Poland continental shelf boundary agreement was signed on 29 August 1969 and ratified by Poland on 29 December 1969 and by the USSR on 13 May 1970, at which time it came into force.

Fisheries (U)

Section II of the 5 August 1974 draft articles on the economic zone is comprised of proposals dealing with fisheries. It assigns responsibility to the coastal state for the "rational

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exploitation and the maximum use and preservation of such resources..." and calls on the coastal state to exercise its fishing rights in the economic zone in accordance with the recommendations of an international fisheries organization consisting of interested states in the region and other states engaged in fishing in the area.

In addition to determining the catch to be taken by other states, the coastal state is to develop regulatory measures and to devise programs that will conserve and renew the resources. These measures "may not discriminate...against the fishermen of any other State," who are to enjoy an order of priority that sequentially recognizes:

- states that have been instrumental in proving or developing the grounds or have been historically involved in local fishing activity;
- developing countries, landlocked countries, countries with narrow access to the sea or with narrow continental shelves, and countries with very limited living resources; and
- all other states without discrimination.

The draft articles also stipulate that a coastal state in whose waters anadromous species spawn (i.e., a host state) would have sovereign rights over such fish in the economic zone and preferential rights to them outside the zone throughout their migratory range. Fishing for these species is to be authorized by agreements in which the host state and other states establish regulatory and other conditions to govern such activity. States "participating jointly with the coastal States in measures to renew the species of fish...and...States which have traditionally fished for anadromous species in the region concerned" would have priority.

Finally, in an attempt to accommodate fishing fleets that have habitually fished in waters encompassed by the new economic zones, the draft articles propose that these fleets continue to fish within the zone during a transition period of "not less than three years after the entry into force of the convention." In fact, the Polish delegation at Caracas made it quite clear that their support of the concept of the economic zone would largely depend on policies developed to dispose of stocks that the coastal state either does not fish for or does not harvest to the full allowable catch.

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Deep Seabed (U)

Poland proclaims the resources of the seabed and the ocean floor beyond the limits of the continental shelf to be the "common heritage of mankind." Rational exploitation of this heritage and equitable sharing of the benefits derived therefrom, it declares, can be best achieved through the creation of an international authority. To this end Poland submitted a working paper on 28 July 1971 (see Annex). The organization proposed in this working paper was to be founded on the principle of universality, for exclusion of any nations "would endanger orderly exploration and exploitation of mineral resources in the international area, since these States would not be bound by the provisions of the treaty...or by the decisions and other acts of the organization." The proposed apparatus was to comprise an Assembly composed of all member states, a Council composed of 25 states, and a Secretariat. Subsidiary organs of the Council -- to include Technical, Economic, Registration, and Licensing Boards -- were envisioned after the completion of the transitional period.

Polish spokesmen at Caracas stated that the organization should have powers broad enough for it to regulate and control the exploration and exploitation of the resources of the area, secure for all states equal access to the area and its resources, and ensure an equitable sharing among all states of the benefits derived from the exploitation of resources, with particular consideration for the interests and needs of developing countries. They said that the organization should have the right "to impose and collect various fees, royalties, and taxes..." and "...to deal not only with the exploration and exploitation of the resources but also with the economic implications of the production of minerals, the promotion of cooperation in scientific research to strengthen the research capacity of the developing countries, the transfer of marine technology, and the prevention of pollution of the marine environment."

Poland believes that the international area should be open to development by all states and by such entities as these states may designate. It is opposed to the concept of exploitation by the international authority alone, this being, in its view, not consistent with the intent of the Declaration of Principles adopted by the General Assembly in 1970, a document that declares the right of states to have direct access to the area and to directly exploit its resources. It is also of the opinion that limitation of exploitation to the international organization alone might delay development and lead to the misuse of the system and the dictation of terms by those "big international monopolies" with which it might have to deal.

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In the working paper Poland suggested the possible creation of a special Arbitration Tribunal to settle certain unspecified kinds of disputes between states and possible disputes between states and the international organization. It also suggested use of the dispute-settling formula contained in Article 33 of the United Nations Charter.

Poland has expressed concern about the establishment of the territorial scope of international authority, it being of the opinion that the international area should not be deprived of exploitable resources. In the 1971 working paper Poland suggested that the boundary of the international area could be defined by one of the following alternative criteria:

- a uniform criterion of the 200-meter isobath, or
- a combined criteria of the 200-meter isobath and an unspecified distance from the base line, with each coastal state adopting the isobath or the distance criterion, depending on the configuration of the seabed adjacent to its coast.

By endorsement of the draft articles on the economic zone at Caracas, however, Poland signified approval of a distance factor that would be equal to the breadth of the economic zone -- i.e., 200 miles. At the same time Polish delegates voiced concern about the unilateral creation of such zones prior to the conclusion of an LOS agreement and over the possible placement of the entire continental margin under coastal state authority. Whether or not Poland will be willing to condone further coastal state encroachment on the shelf and/or the seabed would appear to be a matter of conjecture at this time.

Scientific Research (U)

Poland's stand on marine scientific research has been stated in draft articles it cosponsored in 1973 and 1975 (see Annex). According to the 1975 draft, research within the territorial sea would be conducted only with the consent of the coastal state and under such conditions as the coastal state may lay down. This draft also stated that research related to exploration and exploitation of living and non-living resources in the economic zone would be carried out "with the consent of the coastal State." Marine scientific research in the economic zone that is unrelated to the exploration and exploitation of living and non-living resources, however, could be conducted "after advance

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notification of the planned research to the coastal State." The draft additionally touched on research relating to the continental shelf and its resources by stating that such activity shall be conducted "mutatis mutandis" in accordance with the same procedures laid down for scientific research in the economic zone. With respect to research on the high seas, including the seabed beyond the limits of the economic zone and the continental shelf as defined in the LOS convention, the draft authorized the participation of all states "on an equal footing and without discrimination."

By endorsement of the 1975 draft Poland also signified concern that marine scientific research be conducted exclusively for peaceful purposes; that cooperation -- international and inter-regional -- prevail; that the interests of landlocked and other geographically disadvantaged states be protected; that provision be made for servicing research vessels; that criteria to regulate research installations be established; and that responsibility for research and liability for damages evolving therefrom be properly allocated.

Pollution (U)

Poland cosponsored draft articles on pollution control at Geneva on 21 March 1975 (see Annex). In doing so it indicated support of proposals to establish -- through "appropriate" and/or "competent" international organizations -- international regulations to prevent, reduce, and control pollution of the marine environment from land-based sources, from sources associated with seabed activities and installations under the control of coastal states, from ships, or by dumping.

According to these proposals the coastal states would be authorized to establish national regulations to control pollution emanating from land-based sources. Furthermore, coastal states would be empowered to establish additional or more stringent regulations concerning pollution associated with seabed exploration and exploitation; to enact national regulations to give effect to international regulations concerning ship-source pollution; and the exclusive right to establish and enforce laws and regulations on dumping within a yet-undesignated part of the waters under their jurisdiction. With respect to this, however, it should be noted that the article on dumping stipulates that "States shall not provide for the authorization of dumping on conditions less stringent than those established under the international regulations...."

SECRET

These draft articles allocate responsibility for the enforcement of ship-source pollution regulations to both flag and port states. The former is charged to "...provide for the effective enforcement of the regulations...irrespective of where any violation may have occurred." The port state is empowered, under certain conditions, to "...take proceedings in respect of the violation, and, if necessary, arrest the ship concerned to carry out such proceedings." Furthermore, coastal states have the right to acquire information of ships believed to have discharged in violation of regulations and to forward it either to the flag state or to other ports of call of the ship concerned.

Poland believes that disputes concerning the interpretation or application of pollution regulations should be settled in accordance with provisions yet to be established by the Convention. It also believes it essential that international law on liability and compensation for damage caused by marine pollution be developed and that states provide a mechanism designed to serve those seeking compensation for loss or damage.

D. KEY POLICY MAKERS, LOS NEGOTIATORS AND ADVISERS (U)

The Polish delegation to the second and third sessions of the Conference on the Law of the Sea, convened sequentially in Caracas and Geneva, included a number of individuals who had not taken part in previous LOS negotiations. Included in this group were Stanislaw Trepczynski, Vice Minister for Foreign Affairs, and Romuald Pietraszek, Deputy Minister for Foreign Trade and Maritime Economy, who acted at Caracas and at Geneva as delegation chairman and vice-chairman, respectively. Attendees distinguished by appearances at nearly all of the Conference and Seabed Committee sessions to date include Wojciech Goralczyk, Andrzej Olszowka, and Jerzy Vonau. Polish attendance at LOS meetings, starting with the 1971 Seabed Committee session, is as follows:

SECRET

LOS Conference Attendees (U)	Seabed Committee Session						Third LOS Conference		
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun-Aug 74	Mar-May 75
	Mr. Przemyslaw ANDERS Deputy Director, Department of Maritime Administration and Fishing Policy								
Prof. Walerian CIEGLEWICZ Sea Fisheries Institute at Gdynia						X			
M. Antoni CZARKOWSKI Deputy Permanent Representative to the UN							X		
Mr. Wladyslaw GALICKI Representative of the Polish Ocean Lines					X				
Mr. Jamusz GASIOROWSKI Head, Department of the Law of the Sea at the Maritime Institute in Gdansk			X						
*Mr. Wojciech GORALCZYK Professor of International Law University of Warsaw	X	X	X	X	X	X		X	X
Dr. Wlodzimierz KACZYNSKI Head of the International Fishing Co-operation Division Sea Fisheries Institute in Gdynia								X	
Mr. Feliks KIERZKOWSKI Senior Adviser, Ministry for Foreign Trade and Maritime Economy									X
Mr. Andrzej KOWALSKI Senior Expert, Ministry for Foreign Affairs									X
H.E. Mr. Eugeniusz KULAGA Vice Minister of Foreign Affairs (1975)			X		X				

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LOS Conference Attendees (U)	Seabed Committee Session						Third LOS Conference		
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun-Aug 74	Mar-May 75
Mr. Zdzislaw LUDWICZAK Counsellor Deputy Permanent Representative to the UN					X				
Mr. Lucjan LUKASIK Senior Legal Counsellor Ministry of Foreign Affairs								X	X
H. Hieronim MAJEK Vice-Consul for Maritime Affairs							X		
Mr. Henryk MIKUCKI First Secretary Permanent Mission to the UN		X							
H.E. Mr. Wlodzimierz NATORF Permanent Representative to the UN, Geneva (1973)	X	X		X		X			
*Mr. Andrzej OLSZOWKA Chief of the Division of Public International Law, Ministry of Foreign Affairs		X	X	X	X	X	X	X	X
Dr. Mieczyslaw PASZKOWSKI Second Secretary Permanent Mission to the UN		X		X		X			X
*Mr. Romuald PIETRASZEK Deputy Minister of Foreign Trade and Maritime Economy								X	X
Mr. Zdzislaw RUSSEK Sea Fisheries Institute in Gdynia									X
Mr. Wladyslaw SLIWKA Head of Division in the Ministry of Foreign Affairs	X								

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LOS Conference Attendees (U)	Seabed Committee Session						Third LOS Conference		
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun-Aug 74	Mar-May 75
Dr. Andrzej STRABURZYNSKI Lecturer of Public International Law University of Gdansk								X	X
Mr. Tadeusz STRULAK First Secretary Permanent Mission to the UN (1972)			X						
Prof. Janusz SYMONIDES Vice-Director of the Polish Institute of International Affairs						X		X	X
H.E. Mr. Zdzislaw SZEWCZYK Ambassador Extraordinary and Plenipotentiary of Poland to Venezuela								X	
Mr. Marian TARCZEWSKI Vice Director of the Legal and Treaties Department Ministry for Foreign Affairs	X			X					
*Mr. Stanislaw TREPCZYNSKI Vice Minister of Foreign Affairs								X	X
Commander Henryk UBA Ministry of National Defense								X	X
*Mr. Jerzy VONAU Director of the Department of Maritime Administration and Fishing Policy, Ministry of Foreign Trade and Maritime Economy	X	X		X	X	X	X	X	X
Mr. Jan WITEK Director of the Legal and Treaties Department Ministry of Foreign Affairs								X	



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LOS Conference Attendees (U)

	Seabed Committee Session						Third LOS Conference		
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	Dec 73	Jun- Aug 74	Mar- May 75
Mr. Eugeniusz WYZNER Permanent Representative to the UN, Geneva (1973)		X				X			
Prof. Remigiusz ZAORSKI Director of the Institute of State Law Gdansk University						X			
M. Bogdan ZEJMO Second Secretary Permanent Mission to the UN							X		

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POLAND

Part II - Background Information*

Geography

World region: Eastern Europe
Category: coastal, shelf-locked
Bordering states: U.S.S.R., Czechoslovakia, East Germany
Bordering bodies of water: Baltic Sea, Pomeranian Bay, Gulf of Danzig
Bordering semienclosed sea: Baltic Sea
Area of continental shelf: 8,300 sq. mi.
Area to edge of continental margin: 8,300 sq. mi.
Coastline: 305 statute mi.
Land: 120,600 sq. statute mi.
Population: 34,022,000

Industry and Trade

GNP: \$69.1 billion in 1974, at 1973 prices; \$2,050 per capita
Major industries: machine building, iron and steel, extractive industries, chemicals, shipbuilding, food processing
Exports: \$8,332 million (f.o.b., 1974); 34% machinery and equipment, 39% fuels, raw materials, and semimanufactures, 13% agricultural and food products, 9% light industrial products
Imports: \$10,471 million (f.o.b., 1974); 42% machinery and equipment, 41% fuels, raw materials, and semimanufactures, 24% agricultural and food products, 5% light industrial products
Major trade partners: 51% with West, 49% with Communist countries
Merchant marine: 283 ships (1,000 GRT or over), totaling 2,359,400 GRT; includes 5 passenger, 177 cargo, 1 roll-on/roll-off cargo, 4 tanker, 93 bulk, 3 specialized carrier (C)

Marine Fisheries

Catch: 630,000 metric tons (1974)
Economic importance: net importer
Ranking: fifth largest fishing fleet in world
Other fishing areas: Canada, U.S., Peru, Ecuador, Argentina
Species: cod, herring, mackerel, sprat
Marine fisheries techniques: distant-water fleet, largely modern, includes factory trawlers and freezer trawlers
Extent of foreign offshore fishing: limited

* Unless otherwise indicated, individual items are Unclassified/For Official Use Only. Classification designations are (C) Confidential and (S) Secret.

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Petroleum Resources

Petroleum: production -- 2.6 million 42-gal. bbl. (.3 million metric tons) onshore; proved recoverable reserves -- 60 million 42-gal. bbl. (8 million metric tons) onshore (1972)
Natural gas: production -- 200 billion cubic feet (5.7 billion cubic meters) onshore; proved recoverable reserves -- 5,000 billion cubic feet (140 billion cubic meters) onshore (1972)

Navy (S)

Ships: 1 guided missile destroyer, 4 submarines, 89 coastal patrol types, 58 river/roadstead patrol types, 49 minesweepers, 40 amphibious types, and 31 auxiliaries

Government Leaders

Premier: Piotr Jaroszewicz
Chairman of Council of State (President): Henryk Jablonski
Foreign Minister: Stefan Olszowski

Membership in Organizations Related to LOS Interests

CEMA Council for Economic Mutual Assistance
GATT General Agreement on Tariffs and Trade
ICAO International Civil Aviation Organization
IHB International Hydrographic Bureau
Seabed Committee United Nations Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor beyond the Limits of National Jurisdiction
UN and all specialized agencies except IMF and IBRD
Indochina Truce Commission
Korea Truce Commission
Warsaw Pact

Multilateral Conventions

Convention on the High Seas, June 29, 1962
Convention on the Continental Shelf, June 29, 1962.
International Convention for the Prevention of Pollution of the Sea by Oil, February 28, 1961.
International Convention for the Safety of Life at Sea, April 29, 1966.

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Multilateral Conventions (Con't)

Regulations for the Prevention of Collisions of Vessels at Sea, March 14, 1963.
Convention on Facilitation of International Maritime Traffic, July 25, 1969.
International Convention on Load Lines, May 28, 1969.
International Convention for the Northwest Atlantic Fisheries, November 21, 1961.
Declaration of Understanding regarding the Convention concerning Mollusks, June 5, 1963.
Protocol to extend the Provisions of the Convention to Harp and Hood Seals, January 5, 1966.
Protocol relating to Entry into Force of Proposals adopted by the Commission, January 7, 1969.
Protocol relating to Measures of Control, January 7, 1969.
Protocol relating to Panel Membership and to Regulatory Measures, November 30, 1971.
Protocol relating to Amendments to the Convention, November 30, 1971.
North-East Atlantic Fisheries Convention, February 22, 1961.
Fisheries Convention, June 7, 1966.
Convention on the Conservation of the Living Resources of the South-East Atlantic, March 2, 1972.
Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space, and Under Water, October 14, 1963.
Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil thereof, November 15, 1971.
Convention of the Inter-Governmental Maritime Consultative Organization, March 16, 1960.
Convention on the International Council for the Exploration of the Sea, November 25, 1966.
German Democratic Republic-Poland-U.S.S.R. Declaration on the Continental Shelf of the Baltic Sea, October 23, 1968.

Bilateral Conventions

Poland-U.S.S.R. Protocol (with annexed maps) concerning the Delimitation of Polish and Soviet Territorial Waters in the Gulf of Gdansk in the Baltic Sea. Signed at Warsaw, March 18, 1958. In force July 29, 1958.
German Democratic Republic-Poland. Agreement on the Delimitation of the Continental Shelf, 1968.
Poland-U.S.S.R. Agreement concerning the Course of the Continental Shelf Boundary in the Gulf of Gdansk and the Southeastern Part of the Baltic Sea. Signed at Warsaw, August 28, 1969. In force May 13, 1970.

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Bilateral Conventions (Con't)

Sweden-Poland Fisheries Agreement, 1970.
Denmark-Poland. Fisheries Agreement. Signed at Warsaw,
February 26, 1971.
Poland-United Kingdom. Exchange of Notes regarding the Rights to
be accorded to Polish Vessels within the British Fishery Limits
to be established on September 30, 1964. Signed at Warsaw,
September 26, 1964. In force September 30, 1964.
Poland-United States. Agreement regarding Fisheries in the
Western Region of the Middle Atlantic Ocean. Signed at
Washington, June 13, 1970. In force June 13, 1970.
Agreement extending the Poland-United States Fisheries Agreement
of June 13, 1970. Signed at Warsaw, October 1, 1971. In force
October 1, 1971. (Terminated)
Agreement extending the Poland-United States Fisheries Agreement of
June 13, 1970. Signed at Warsaw, June 28 and 30, 1972. In
force June 30, 1972.

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<u>Present Ocean Claims*</u>			
<u>Type</u>	<u>Date</u>	<u>Terms</u>	<u>Source, Notes</u>
Territorial Sea	1932	3 mi.	No. 82 of Oct. 27, 1932
	1956	3 + 3 mi.	Decree No. 9 <i>Dziennik Ustaw No. 51 of 1956</i>
	1959	3 + 3 mi.	Decree No. 27 <i>Dziennik Ustaw No. 169 of 1959</i>
Continental Shelf			Continental Shelf Convention (June 29, 1962). No laws 1968
Exclusive Fishing	1932	3 mi.	
	1970	3 + 9 mi.	Act of Feb. 12, 1970 <i>Dziennik Ustaw No. 3, Feb. 17, 1970</i>
Fisheries Conservation	1970	3 + 9 mi.	Act of Feb. 12, 1970
Customs	1932	6 mi.	No. 82 Oct. 27, 1932
	1956	6 mi.	Decree No. 9 <i>Dziennik Ustaw No. 51 of 1956</i>
Security	1932	6 mi.	Decree of Oct. 21, 1932
Sanitary	1956	6 mi.	Decree No. 9 <i>Dziennik Ustaw No. 51 of 1956</i>
Pollution	1956	6 mi.	Decree No. 9 <i>Dziennik Ustaw No. 51 of 1956</i>
Straight Baselines	1956		Decree No. 9 <i>Bay of Gdansk</i>

* Principal Source: Limits of the Seas, National Claims to Maritime Jurisdictions, 2d Revision, State Dept./INR April 1974.

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Actions on Significant UN Resolutions

- Moratorium Resolution
(A/RES/2574 D, XXIV, 12/15/69) Against
Pending establishment of international regime, States and persons are bound to refrain from exploiting resources of or laying claim to any part of the seabed and ocean floor beyond the limits of national jurisdiction.
- LOS Conference
(A/RES/2750 C, XXV, 12/17/70) Against
Convene in 1973 a Conference on Law of the Sea to deal with establishment of international regime for the seabed and ocean floor, and enlarge Seabed Committee by 44 members and instruct it to prepare for the conference draft treaty articles embodying international regime.
- LOS Conference, Timing and Site
(A/RES/3029 A, XXVII, 12/18/72) Adopted w/o vote
- Indian Ocean as a Zone
(A/RES/2992, XXVII, 12/15/72) Against
Called upon littoral and hinterland states of Indian Ocean area, permanent members of the Security Council and other major maritime users of Indian Ocean to support concept that Indian Ocean should be zone of peace.
- Landlocked/Shelf-Locked Study Resolution
(A/RES/3029 B, XXVII, 12/18/72) In favor
Called for study of extent and economic significance in terms of resources, of international area resulting from each proposal of limits of national jurisdiction presented to Seabed Committee.
- Peruvian Coastal State Study Resolution
(A/RES/3029 C, XXVII, 12/18/72) Against
Called for study of potential economic significance for riparian states, in terms of resources, of each of the proposals on limits of national jurisdiction presented to Seabed Committee.
- Permanent Sovereignty over Natural Resources
(A/RES/3016 XXVII, 12/18/72) In favor
Reaffirmed right of states to permanent sovereignty over all their natural resources, wherever found.

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UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/C.1/1035
15 October 1973
ENGLISH
ORIGINAL: ENGLISH/RUSSIAN

Twenty-eighth session
FIRST COMMITTEE
Agenda item 40

RESERVATION EXCLUSIVELY FOR PEACEFUL PURPOSES OF THE SEA-BED
AND THE OCEAN FLOOR, AND THE SUBSOIL THEREOF, UNDERLYING THE
HIGH SEAS BEYOND THE LIMITS OF PRESENT NATIONAL JURISDICTION
AND USE OF THEIR RESOURCES IN THE INTERESTS OF MANKIND, AND
CONVENING OF A CONFERENCE ON THE LAW OF THE SEA

Letter dated 15 October 1973 from the Deputy Minister for Foreign
Affairs of the Polish People's Republic addressed to the Chairman
of the First Committee

The Polish delegation to the twenty-eighth session of the United Nations General Assembly has the honour to transmit herewith the text of the Convention on Fishing and Conservation of the Living Resources in the Baltic Sea and the Belts, done at Gdansk on 13 September 1973.

The Polish delegation wishes to request you to circulate the text of this Convention as an official document of the General Assembly in relation to the agenda item entitled "Reservation exclusively for peaceful purposes of the sea-bed and the ocean floor, and the subsoil thereof, underlying the high seas beyond the limits of present national jurisdiction and use of their resources in the interest of mankind, and convening of a conference on the law of the sea".

Please accept, etc.

(Signed) Stanislaw TREPCZYNSKI
Deputy Minister for Foreign Affairs
Chairman of the Polish delegation to
the twenty-eighth session of the
United Nations General Assembly

73-21007

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CONVENTION ON FISHING AND CONSERVATION OF THE LIVING RESOURCES
IN THE BALTIC SEA AND THE BELTS

The States Parties to this Convention

- bearing in mind that maximum and stable productivity of the living resources of the Baltic Sea and the Belts is of great importance to the States of the Baltic Sea basin,
- recognizing their joint responsibility for the conservation of the living resources and their national exploitation,
- being convinced that the conservation of the living resources of the Baltic Sea and the Belts calls for closer and more expanded co-operation in this region,

have agreed as follows:

ARTICLE I

The Contracting States shall:

- Co-operate closely with a view to preserving and increasing the living resources of the Baltic Sea and the Belts and obtaining the optimum yield, and, in particular to expanding and co-ordinating studies towards these ends,
- Prepare and put into effect organizational and technical projects on conservation and growth of the living resources, including measures of artificial reproduction of valuable fish species and/or contribute financially to such measures, on a just and equitable basis, as well as take other steps towards rational and effective exploitation of the living resources.

ARTICLE II

1. The area to which this Convention applies, hereinafter referred to as "the Convention area", shall be all waters of the Baltic Sea and the Belts, excluding internal waters, bounded in the west by a line as from Hasenore Head to Gniben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to the Kullen.
2. This Convention shall apply to all fish species and other living marine resources in the Convention Area.

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ARTICLE III

Nothing in this Convention shall be deemed to affect the rights, claims or views of any Contracting State in regard to the limits of territorial waters and to the extent of jurisdiction over fisheries, according to international law.

ARTICLE IV

For the purpose of this Convention the term "vessel" means any vessel or boat employed in catching or treating fish or other living marine organisms and which is registered or owned in the territory of, or which flies the flag of, any Contracting State.

ARTICLE V

1. An International Baltic Sea Fishery Commission, hereinafter referred to as "the Commission", is hereby established for the purposes of this Convention.
2. Each Contracting State may appoint not more than two representatives as members of the Commission and such experts and advisers to assist them as that State may determine.
3. The Commission shall elect a Chairman and a Vice-Chairman from amongst its members who shall serve for a period of four years and who shall be eligible for re-election, but not for two consecutive terms of office.

The Chairman and the Vice-Chairman shall be elected from the representatives of different Contracting States.

4. A member of the Commission elected as its Chairman shall forthwith cease to act as a representative of a State and shall not vote. The State concerned shall have the right to appoint another representative to serve in the Chairman's place.

ARTICLE VI

1. The Office of the Commission shall be in Warsaw.
2. The Commission shall appoint its Secretary and as it may require appropriate staff to assist him.
3. The Commission shall adopt its rules of procedure and other provisions which the Commission shall consider necessary for its work.

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ARTICLE VII

1. The Commission shall adopt its financial rules.
2. The Commission shall adopt a two years budget of proposed expenditures and budget estimates for the fiscal period following thereafter.
3. The total amount of the budget including any supplementary budget shall be contributed by the Contracting States in equal parts.
4. Each Contracting State shall pay the expenses related to the participation in the Commission of its representatives, experts and advisers.

ARTICLE VIII

1. Except where the Commission decides otherwise, it shall hold its sessions every two years in Warsaw at such time as it shall deem suitable. Upon the request of a representative of a Contracting State in the Commission, provided it is endorsed by a representative of another Contracting State, the Chairman of the Commission shall, as soon as possible, summon an extraordinary session at such time and place as he determines, however not later than three months from the date of the submission of the request.
2. The first session of the Commission shall be called by the Depositary Government of this Convention and shall take place within a period of ninety days from the date following the entry into force of this Convention.
3. Each Contracting State shall have one vote in the Commission. Decisions and recommendations of the Commission shall be taken by a two-thirds majority of votes of the Contracting States, present and voting at the meeting.
4. English shall be the working language of the Commission. The languages of the Signatory States are the official languages of the Commission. Only recommendations, decisions and resolutions of the Commission shall be made in these languages.

At meetings of the Commission any Contracting State has the right to have all the proceedings translated into its own language. All the costs related to such translations shall be borne by that State.

ARTICLE IX

1. It shall be the duty of the Commission:
 - a) to keep under review the living resources and the fisheries in the Convention area by collecting, aggregating, analysing and disseminating statistical data, for example concerning catch, fishing effort, and other information,

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b) to work out proposals with regard to co-ordination of scientific research in the Convention area,

c) to prepare and submit recommendations based as far as practicable on results of the scientific research and concerning measures referred to in Article X for consideration of the Contracting States.

2. In implementing its functions, the Commission shall, when appropriate, seek the services of the International Council for the Exploration of the Sea (ICES) and of other international technical and scientific organizations and shall make use of information provided by the official bodies of the Contracting States.

3. To perform its functions the Commission may set up working groups or other subsidiary bodies and determine their composition and terms of reference.

ARTICLE X

Measures relating to the purposes of this Convention which the Commission may consider and in regard of which it may make recommendations to the Contracting States are:

a) any measures for the regulation of fishing gear, appliances and catching methods,

b) any measures regulating the size limits of fish that may be retained on board vessels or landed, exposed or offered for sale,

c) any measures establishing closed seasons,

d) any measures establishing closed areas,

e) any measures improving and increasing the living marine resources, including artificial reproduction and transplantation of fish and other organisms,

f) any measures regulating and/or allocating between the Contracting States the amount of total catch or the amount of fishing effort according to objects, kinds, regions and fishing periods,

g) any measures of control over the implementation of recommendations binding on the Contracting States,

h) any other measures related to the conservation and rational exploitation of the living marine resources.

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ARTICLE XI

1. Subject to the provisions of this Article, the Contracting States undertake to give effect to any recommendation made by the Commission under Article X of this Convention from the date determined by the Commission, which shall not be before the period for objection provided for in this Article has elapsed.
2. Any Contracting State may within ninety days from the date of notification of a recommendation object to it and in that event shall not be under obligation to give effect to that recommendation.

A Contracting State may also at any time withdraw its objection and give effect to a recommendation.

In the event of an objection being made within the ninety-days period, any other Contracting State may similarly object at any time within a further period of sixty days.

3. If objections to a recommendation are made by three or more Contracting States, the other Contracting States shall be relieved forthwith of any obligation to give effect to that recommendation.
4. The Commission shall notify each Contracting State immediately upon receipt of each objection or withdrawal.

ARTICLE XII

1. Each Contracting State shall take in regard to its nationals and its vessels appropriate measures to ensure the application of the provisions of this Convention and of the recommendations of the Commission which have become binding for the Contracting State and in case of their infringement shall take appropriate action.
2. Without prejudice to the sovereign rights of the Contracting States in regard to their territorial sea and to the rights in their fishing zones, each Contracting State shall implement recommendations of the Commission binding on that State through its national authorities, within its territorial sea and in the waters under its fisheries jurisdiction.
3. Each Contracting State shall furnish to the Commission at such time and in such form as may be required by the Commission, the available statistical data and information referred to in Article IX paragraph 1 (a), as well as information on all actions taken by it in accordance with paragraphs 1 and 2 of this Article.

ARTICLE XIII

The Commission shall draw the attention of any State which is not a party to this Convention to such fishing operations, undertaken by its nationals or vessels

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in the Convention area, which might affect negatively the activities of the Commission or the implementation of the purposes of this Convention.

ARTICLE XIV

The provisions of this Convention shall not apply to operations conducted solely for the purpose of scientific investigations by vessels authorized by a Contracting State for that purpose, or to fish and other marine organisms taken in the course of such operations. Catch so taken shall not be sold, exposed or offered for sale.

ARTICLE XV

1. The Commission shall co-operate with other international organizations having related objectives.
2. The Commission may extend an invitation to any international organization concerned or to the Government of any State, not a party to this Convention, to participate as an observer in the sessions of the Commission or meetings of its subsidiary bodies.

ARTICLE XVI

1. Each Contracting State may propose amendments to this Convention. Any such proposed amendment shall be submitted to the Depositary Government and communicated by it to all Contracting States, which shall inform the Depositary Government about either their acceptance or rejection of the amendment as soon as possible after the receipt of the communication.

The amendment shall enter into force ninety days after the Depositary Government has received notifications of acceptance of that amendment from all Contracting States.

2. Each State which shall become a party to this Convention after the entry into force of an amendment in accordance with the provisions of paragraph 1 of this Article, is obliged to apply the Convention as amended.

ARTICLE XVII

1. This Convention shall be subject to ratification or approval by the Signatory States. Instruments of ratification or instruments of approval shall be deposited with the Government of the Polish People's Republic which shall perform the functions of the Depositary Government.

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2. This Convention shall be open for accession to any State interested in preservation and rational exploitation of living resources in the Baltic Sea and the Belts, provided that this State is invited by the Contracting States. Instruments of accession shall be deposited with the Depositary Government.

ARTICLE XVIII

1. This Convention shall enter into force on the ninetieth day following the date of the deposit of the fourth instrument of ratification or approval.
2. After entry into force of this Convention in accordance with paragraph 1 of this Article, the Convention shall enter into force for any other State, the Government of which has deposited an instrument of ratification, approval or accession, on the thirtieth day following the date of deposit of such instrument with the Depositary Government.

ARTICLE XIX

At any time after the expiration of five years from the date of entry into force of this Convention any Contracting State may, by giving written notice to the Depositary Government, withdraw from this Convention.

The withdrawal shall take effect for such Contracting State on the thirty-first of December of the year which follows the year in which the Depositary Government was notified of the withdrawal.

ARTICLE XX

1. The Depositary Government shall inform all Signatory and Acceding States:
 - a) of signatures of this Convention and deposit of each instrument of ratification, approval or accession, as well as of submitted declarations,
 - b) of the date of entry into force of this Convention,
 - c) of proposals relating to amendments to the Convention, notifications of acceptance and of the entry into force of such amendments,
 - d) of notifications of withdrawal.
2. The original of this Convention shall be deposited with the Government of the Polish People's Republic, which shall transmit certified copies thereof to the Government of all Signatory States and of all States which accede to this Convention.

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3. The Depositary Government shall register this Convention with the Secretariat of the United Nations.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto, have signed this Convention.

DONE at Gdansk this thirteenth day of September, one thousand nine hundred and seventy three, in a single copy drawn up in the Danish, Finnish, German, Polish, Russian, Swedish and English languages, each text being equally authentic.

For the Kingdom of Denmark

For the Republic of Finland

For the German Democratic Republic

For the Federal Republic of Germany

For the Polish People's Republic

For the Kingdom of Sweden

For the Union of the Soviet Socialist Republics



UNITED NATIONS



**THIRD CONFERENCE
ON THE LAW OF THE SEA**



Distr.
LIMITED

A/CONF.62/C.2/L.27
29 July 1974

ORIGINAL: ENGLISH

SECOND COMMITTEE

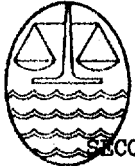
Byelorussian Soviet Socialist Republic, Bulgaria,
Czechoslovakia, German Democratic Republic,
Hungary, Mongolia, Poland and Union of Soviet
Socialist Republics: draft article on the
contiguous zone

1. In a zone of the high seas contiguous to its territorial sea, the coastal State may exercise the control necessary to:
 - (a) Prevent infringement of its customs, fiscal, immigration or sanitary regulations within its territory or territorial sea;
 - (b) Punish infringement of the above regulations committed within its territory or territorial sea.
2. The contiguous zone may not extend beyond 12 miles from the baseline from which the breadth of the territorial sea is measured.
3. Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its contiguous zone beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of the two States is measured.

C-0700



UNITED NATIONS



**THIRD CONFERENCE
ON THE LAW OF THE SEA**

SECOND COMMITTEE

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29 July 1974
ENGLISH
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DRAFT ARTICLES ON THE TERRITORIAL SEA

People's Republic of Bulgaria, German Democratic Republic, Polish
People's Republic, Union of Soviet Socialist Republics

SECTION I

Nature and characteristics of the territorial sea and its breadth

Article 1

1. The sovereignty of a coastal State extends beyond its land territory and its internal waters to a belt of sea adjacent to its coast or to its internal waters and described as the territorial sea.
2. The sovereignty of a coastal State extends also to the air space over the territorial sea as well as to the bed and subsoil thereof. All the resources of the territorial sea are under the sovereignty of the coastal State.
3. The coastal State exercises this sovereignty subject to the provisions of these articles and to other rules of international law.

Article 2

Each State has the right to determine the breadth of its territorial sea within a maximum limit of 12 nautical miles, measured from the baselines determined in accordance with articles ... of this Convention, and subject to the provisions of articles ... concerning straits used for international navigation.

SECTION II

Method of measuring and delimiting the territorial sea

(Articles 3-13)*

* Add here the text of articles 3 to 13 of the Convention on the Territorial Sea and the Contiguous Zone, 1958.

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SECTION III

Right of innocent passage through the territorial sea

Subsection A. Rules applicable to all ships

Article 14

Subject to the provisions of the articles of this section, ships of all States, whether coastal or not, shall enjoy the right of innocent passage through the territorial sea.

Passage of straits used for international navigation is governed by articles ... of this Convention.

Article 15

1. Innocent passage means navigation through the territorial sea for the purpose either of traversing that sea without entering internal waters, or of proceeding to or from internal waters.
2. Innocent passage includes stopping and anchoring provided they are incidental to ordinary navigation or navigating conditions or are rendered necessary by force majeure or by distress.

Article 16

1. Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. Such passage shall take place in conformity with these articles and with other rules of international law.
2. Passage of a foreign ship shall be considered innocent so long as it does not engage in any of the following in the territorial sea:
 - (a) Any threat or use of force either against the territorial integrity or the political independence of the coastal State or in any other way incompatible with the Charter of the United Nations;
 - (b) Any exercises or gunfire, launching of missiles or other use of weapons of any kind;
 - (c) The launching or taking on board of any aircraft;
 - (d) The unloading or loading of any cargo in violation of the laws of the coastal State;
 - (e) The disembarking or embarking of any person in violation of the laws of the coastal State;

/...

(f) Deliberate acts interfering with any system of communication of the coastal State;

(g) Deliberate acts interfering with any other facilities or installations of the coastal State.

The provisions of subparagraphs (c) to (g) of this article shall not apply to any activity carried out with the prior authorization of the coastal State or rendered necessary by force majeure or by distress.

3. Passage of foreign fishing vessels shall not be considered innocent if they do not observe such laws and regulations as the coastal State may make and publish in order to prevent them from fishing in the territorial sea.

4. Submarines and other underwater vehicles are required to navigate on the surface and to show their flag.

Article 17

1. Foreign nuclear-powered ships and ships carrying nuclear substances shall, during passage through territorial waters, observe special precautionary measures and carry papers established for such ships by international agreements.

2. In exercising their right of passage, foreign scientific research, hydrographic survey and other ships may not carry out any marine research or surveys without previous authorization from the coastal State.

Article 18

1. The coastal State shall not hamper innocent passage through the territorial sea or discriminate amongst foreign ships in respect of such passage.

2. The coastal State is required to give appropriate publicity to any navigational hazards of which it has knowledge, within its territorial sea.

Article 19

1. The coastal State may take the necessary steps in its territorial sea to prevent non-innocent passage.

2. In the case of ships proceeding to internal waters, the coastal State shall also have the right to take the necessary steps to prevent any breach of the conditions to which the admission of those ships to those waters is subject.

3. The coastal State may, without discrimination among foreign ships, suspend temporarily and in specified areas of its territorial sea the right of innocent passage of foreign ships if such suspension is essential for the protection of its security. Such suspension shall take effect only after having been given due publicity and on the condition that the other shortest routes for innocent passage have at the same time been designated.

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English

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Article 20

1. The coastal State may adopt laws and regulations in respect of innocent passage through its territorial sea. Such laws and regulations shall comply with the provisions of the present Convention and other rules of international law and may be in respect of the following questions:
 - (a) The safety of navigation and the regulation of sea navigation;
 - (b) The prevention of destruction of, or damage to, installations or aids to navigation;
 - (c) The prevention of destruction of, or damage to, facilities or installations for the exploration and exploitation of the marine resources, including the resources of the sea-bed and subsoil of the territorial sea;
 - (d) Prevention of damage to communication lines and electrical transmissions;
 - (e) The preservation of the environment and prevention of pollution of the coastal waters and shores of the State in accordance with articles ... of the present Convention;
 - (f) Scientific exploration of the marine environment, including water density, the sea-bed and the subsoil of the territorial sea;
 - (g) Prevention of infringement of the customs, fiscal, immigration, sanitary and phyto-sanitary regulations of the coastal State;
 - (h) Prevention of fishing by foreign vessels in the territorial sea.
2. Such laws and regulations shall not relate to questions concerning the construction, manning, equipment or technical gear of foreign ships or impose requirements on such ships which may have the practical effect of denying or seriously prejudicing their right of innocent passage in accordance with the present Convention.
3. The coastal State shall give due publicity to all laws and regulations on innocent passage.
4. Foreign ships exercising the right of innocent passage through the territorial sea shall comply with all such laws and regulations of the coastal State.
5. The coastal State shall ensure that the application of such laws and regulations in respect of foreign ships enjoying the right of innocent passage is in conformity with the provisions of the present Convention. The coastal State shall be answerable to the State whose flag the ship flies for any damage caused to that ship as a result of the application of the laws or regulations of the coastal State in a manner contrary to the provisions of the present Convention.

/...

Article 21

In areas of the territorial sea in which navigation conditions make it so desirable, the coastal State may introduce sea-lanes and traffic separation schemes and shall ensure that these are clearly indicated on the charts and that they are given due publicity.

Article 22

1. No charge may be levied upon foreign ships by reason only of their passage through the territorial sea.
2. Charges may be levied upon a foreign ship passing through the territorial sea only as payment for specific services rendered to the ships. These charges shall be levied without discrimination.

Subsection B. Rules applicable to merchant ships

Article 23

1. Criminal jurisdiction of the coastal State shall not be exercised on board a foreign ship passing through the territorial sea to arrest any person or to conduct an investigation in connexion with a crime committed on board the ship during its passage, save only in the following cases:
 - (a) If the consequences of the crime extend to the coastal State; or
 - (b) If the crime is of a kind to disturb the peace of the country or the good order of the territorial sea; or
 - (c) If the assistance of the local authorities is requested by the captain of the ship or by the consul of the country whose flag the ship flies; or
 - (d) If it is necessary for the suppression of illicit traffic in narcotic drugs.
2. The provisions set forth above do not affect the right of the coastal State, when there is justification, to take any steps authorized by its laws for the purpose of an arrest or investigation on board a foreign ship passing through the territorial sea after leaving internal waters.
3. In the cases provided for in paragraphs 1 and 2 of this article, the coastal State shall, if the captain so requests, advise the consular authority of the flag State before taking any steps, and shall facilitate contact between such authority and the ship's crew. In cases of extreme urgency this notification may be communicated while the measures are being taken.
4. In considering whether or how an arrest should be made, the local authorities shall pay due regard to the interests of navigation.
5. The coastal State may not take any steps on board a foreign ship passing through the territorial sea to arrest any person or to conduct an investigation in connexion

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with a crime committed before the ship entered the territorial sea, if the ship, proceeding from a foreign port, is only passing through the territorial sea without entering the internal waters of the State concerned.

Article 24

1. The coastal State shall not stop or divert a foreign ship passing through the territorial sea for the purpose of exercising civil jurisdiction in relation to a person on board the ship.
2. The coastal State may not levy execution against or arrest the ship for the purpose of any civil proceedings, save only in respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its passage through the waters of the coastal State.
3. The provisions of the previous paragraph are without prejudice to the right of the coastal State, in accordance with its laws, to levy execution against or to arrest, for the purpose of civil proceedings, a foreign ship lying in the territorial sea or passing through the territorial sea after leaving internal waters.
4. Government ships operated for commercial purposes in foreign territorial waters shall enjoy immunity, and therefore the measures referred to in this article may be applied to them only with the consent of the State whose flag the ship flies.

Subsection C. Rules applicable to government
ships operated for non-commercial purposes

Article 25

1. The rules contained in subsection A shall apply to government ships operated for non-commercial purposes.
2. Except in the cases provided for in the provisions referred to in the previous paragraph nothing in these articles affects the immunities which such ships enjoy under these articles or other rules of international law.

Subsection D. Rules applicable to warships

Article 26

The rules contained in subsection A shall apply to foreign warships, but nothing in this Convention shall affect the immunity which warships enjoy in accordance with the generally accepted rules of international law.

Article 27

If any warship does not comply with the regulations of the coastal State relating to passage through the territorial sea and disregards a request for compliance which is made to it, the coastal State may require the warship to leave the territorial sea.



UNITED NATIONS



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Second Committee

PEOPLE'S REPUBLIC OF BULGARIA, CZECHOSLOVAK SOCIALIST REPUBLIC,
GERMAN DEMOCRATIC REPUBLIC, POLISH PEOPLE'S REPUBLIC, UKRAINIAN
SOVIET SOCIALIST REPUBLIC, UNION OF SOVIET SOCIALIST REPUBLICS:
DRAFT ARTICLES ON STRAITS USED FOR INTERNATIONAL NAVIGATION

Article 1

1. In straits used for international navigation between one part of the high seas and another part of the high seas, all ships in transit shall enjoy the equal freedom of navigation for the purpose of transit passage through such straits.

In the case of narrow straits or straits where such provision is necessary to ensure the safety of navigation, coastal States may designate corridors suitable for transit by all ships through such straits. In the case of straits where particular channels of navigation are customarily employed by ships in transit, the corridors shall include such channels. In the case of any change of such corridors, the coastal State shall give notification of this to all other States in advance.

2. The freedom of navigation provided for in this article for the purpose of transit passage through straits shall be exercised in accordance with the following rules:

(a) Ships in transit through the straits shall not cause any threat to the security of the coastal States of the straits, or to their territorial inviolability or political independence. Warships in transit through such straits shall not in the area of the straits engage in any exercises or gunfire, use weapons of any kind, launch or land their aircraft, undertake hydrographical work or engage in other similar acts unrelated to the transit. In the event of any accidents, unforeseen stops in the straits or any acts rendered necessary by force majeure, all ships shall inform the coastal States of the straits;

(b) Ships in transit through the straits shall strictly comply with the international rules concerning the prevention of collisions between ships or other accidents.

In all straits where there is heavy traffic, the coastal State may, on the basis of recommendations by the Inter-Governmental Maritime Consultative Organization, designate a two-way traffic separation governing passage, with a clearly indicated dividing line. All ships shall observe the established order of traffic and the dividing line. They shall also avoid making unnecessary manoeuvres;

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English
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(c) Ships in transit through the straits shall take all precautionary measures to avoid causing pollution of the waters and coasts of the straits, or any other kind of damage to the coastal States of the straits. Supertankers in transit through the straits shall take special precautionary measures to ensure the safety of navigation and to avoid causing pollution;

(d) Liability for any damage which may be caused to the coastal States of the straits, their citizens or juridical persons by the ship in transit, shall rest with the owner of the ship or other person liable for the damage, and in the event that such compensation is not paid by them for such damage, with the flag-State of the ship;

(e) No State shall be entitled to interrupt or suspend the transit of ships through the straits, or engage therein in any acts which interfere with the transit of ships, or require ships in transit to stop or communicate information of any kind;

(f) The coastal State shall not place in the straits any installations which could interfere with or hinder the transit of ships.

3. The provisions of this article:

(a) shall apply to straits lying within the territorial sea of one or more coastal States;

(b) shall not affect the sovereign rights of the coastal States with respect to the surface, the sea-bed and the living and mineral resources of the straits;

(c) shall not affect the legal régime of straits through which transit is regulated by international agreements specifically relating to such straits.

Article 2

In the case of straits leading from the high seas to the territorial sea of one or more foreign States and used for international navigation, the principle of innocent passage for all ships shall apply and this passage shall not be suspended.

Article 3

1. In the case of straits over which the air space is traditionally used for transit flights by foreign aircraft between one part of the high seas and another part of the high seas, all aircraft shall enjoy equal freedom of transit overflight over such straits. Coastal States may designate special air corridors suitable for overflight by aircraft, and special altitudes for aircraft flying in different directions, and may establish particulars for radio-communication with them.

2. The freedom of transit overflight by aircraft over the straits, as provided for in this article, shall be exercised in accordance with the following rules:

(a) Overflying aircraft shall take the necessary steps to keep within the boundaries of the corridors and at the altitude designated by the coastal States for

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English
Page 3

flights over the straits, and to avoid overflying the land territory of a coastal State, unless such overflight is provided for by the delimitation of the corridor designated by the coastal State.

(b) Overflying aircraft shall not cause any threat to the security of the coastal States, their territorial inviolability or political independence; in particular military aircraft shall not in the area of the straits engage in any exercises or gunfire, use weapons of any kind, take aerial photographs, circle or dive down towards ships, take on fuel or engage in other similar acts unrelated to overflight;

(c) Liability for any damage which may be caused to the coastal States of the straits or their citizens or juridical persons by the aircraft overflying the straits shall rest with the owner of the aircraft or other person liable for the damage and in the event that compensation is not paid by them for such damage, with the State in which the aircraft is registered;

(d) No State shall be entitled to interrupt or suspend the transit overflight of aircraft, in accordance with this article, in the air space over the straits,

3. The provisions of this article:

(a) shall apply to transit flights by aircraft over straits lying within the territorial sea of one or more coastal States;

(b) shall not affect the legal régime of straits over which overflight is regulated by international agreements specifically relating to such straits.



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SECOND COMMITTEE

People's Republic of Bulgaria, German Democratic Republic and Polish
People's Republic: amendments to draft articles on archipelagic
States contained in document A/CONF.62/C.2/L.49

On pages 2, 3, 4 and 5 change the texts of articles 1 and 4 and of article 5, paragraphs 8, 9 and 10 as follows:

Article 1

1. These articles apply only to archipelagic States.
2. An archipelagic State is a State consisting wholly of one or several archipelagos forming a geographical, historical, political and economic entity.
3. All waters within the archipelagic State shall be under its sovereignty and shall be designated as archipelagic waters.
4. The sovereignty of the archipelagic State shall also extend to the airspace over the archipelagic waters and to the surface and subsoil of the sea-bed of such waters. All resources of the archipelagic waters shall be under the sovereignty of the archipelagic State.
5. The archipelagic State shall exercise that sovereignty in accordance with the provisions of the present articles and other rules of international law.

Article 4

All ships shall enjoy equal freedom of passage in archipelagic straits, the approaches thereto, and those areas in the archipelagic waters of the archipelagic State along which normally lie the shortest sea lanes used for international navigation between one part and another part of the high seas.

Article 5

8. Foreign ships exercising the right of free passage through the archipelagic waters or the sea lanes designated under the provisions of this article shall comply with the relevant laws and regulations made by the archipelagic State under the provisions of this article.

C-1153

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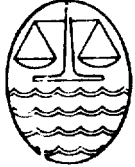
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9. All ships passing through the straits and waters of archipelagic States shall not in any way endanger the security of such States, their territorial integrity or political independence. Warships passing through such straits and waters may not engage in any exercises or gunfire, use any form of weapon, launch or take on aircraft, carry out hydrographic surveys or engage in any similar activity unrelated to their passage. All ships shall inform the archipelagic State of any damage, unforeseen stoppage, or of any action rendered necessary by force majeure.

10. An archipelagic State may not interrupt or suspend the transit of ships through its straits or archipelagic waters, or take any action which may impede their passage.



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ON THE LAW OF THE SEA**



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5 August 1974
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SECOND COMMITTEE

Byelorussian SSR, People's Republic of Bulgaria, German Democratic Republic, Polish People's Republic, Ukrainian SSR, and Union of Soviet Socialist Republics: draft articles on the economic zone

The delegations of the Byelorussian SSR, the People's Republic of Bulgaria, the German Democratic Republic, the Polish People's Republic, the Ukrainian SSR and the Union of Soviet Socialist Republics, noting the understanding reached at the Conference that all questions concerning the law of the sea are interrelated and must be resolved in the form of a "package deal", are prepared to agree to the establishment of an economic zone, as set forth in the present draft articles, on condition that mutually acceptable decisions are also accepted by the Conference on the other basic questions of the law of the sea (12-mile breadth of territorial waters, freedom of passage through international straits, freedom of navigation, freedom of scientific research, determination of the outer limits of the continental shelf, the sea-bed régime and the prevention of pollution of the sea environment).

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English
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SECTION I: GENERAL PROVISIONS

Article 1

The coastal State shall have the right to establish a zone, contiguous to its territorial sea, for the purposes of the preservation, exploration and exploitation of the living and mineral resources therein, to be known as the economic zone.

Article 2

The coastal State shall, within the limits of the economic zone, exercise in accordance with the present Convention sovereign rights over all living and mineral resources in the waters the sea-bed and the subsoil thereof.

Article 3

The economic zone shall not extend beyond the limit of 200 nautical miles, calculated from the baselines used to measure the breadth of the territorial waters.

Article 4

The rights of the coastal State in the economic zone shall be exercised without prejudice to the rights of all other States, whether having access to the sea or land-locked, as recognized in the provisions of the present Convention and in international law, including the right to freedom of navigation, freedom of overflight, and freedom to lay submarine cables and pipelines.

Article 5

Within the limits of the economic zone each State may freely carry out fundamental scientific research unrelated to the exploration and exploitation of the living or mineral resources of the zone. Scientific research in the economic zone related to the living and mineral resources shall be carried out with the consent of the coastal State.

Article 6

The coastal State shall exercise its rights and obligations in the economic zone in accordance with the provisions of the present Convention, with due regard to the legal aspects of the use of the high seas and bearing in mind the need for a rational exploitation of the natural resources of the sea and the preservation of the sea environment.

Article 7

1. Subject to the provisions of paragraphs 2 and 3 of the present article, the coastal State shall have the sovereign right to engage in, decide on and regulate, within the economic zone, the construction, operation and utilization of non-coastal installations and other facilities, set up for purposes of exploration and exploitation of the natural resources of the economic zone.

2. The coastal State shall ensure compliance with the agreed international standards concerning the breadth of the safety zone around non-coastal installations and other facilities and navigation beyond the limits of the safety zone but close to such non-coastal installations and other facilities.

3. None of the installations and other facilities or safety zones around them mentioned in paragraphs 1 and 2 of the present article may be set up in places where they might be a hindrance to the use of the regular sea routes which are of essential importance to international navigation, or of areas which are of special importance to fishing.

Article 8

In exercising their rights under the present Convention States shall not hinder the exercise of the rights or the fulfilment of the obligations of the coastal State in the economic zone.

Article 9

The coastal State and all other States shall ensure that all activities for the preservation, exploration and exploitation of the living and mineral resources in the economic zone are carried out solely for peaceful purposes.

Article 10

No economic zone must be established by any State which has dominion over or controls a foreign territory in waters contiguous to that territory.

SECTION II: FISHERIES

Article 11

1. In the exercise of its rights over the living marine resources in the economic zone, the coastal State shall, through appropriate regulations, ensure the rational exploitation and the maximum use and preservation of such resources for the purpose of increasing the production of food-stuffs derived from such resources.

2. The coastal State shall co-operate with the appropriate regional and international organizations concerned with fishery matters when exercising its rights over living resources in the economic zone and, taking into account their recommendations, shall maintain the maximum allowable catch of fish and other living resources.

Article 12

On the basis of appropriate scientific data and in accordance with the recommendations of the competent international fishery organizations consisting of

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representatives of interested States in the region concerned and other States engaged in fishing in the region, the coastal State shall determine in the economic zone:

- (a) The allowable annual catch of each species of fish or other living marine resources except highly migratory species of fish;
- (b) The proportion of the allowable annual catch of each species of fish or other living marine resources that it reserves for its nationals;
- (c) That part of the allowable annual catch of fish or other living marine resources that may be taken by other States holding licences to fish in the economic zone in accordance with articles 15 and 16 of this Convention;
- (d) Measures to regulate the exploitation of living marine resources;
- (e) Measures to conserve and renew living marine resources;
- (f) Regulations for monitoring the observance of the measures specified in subparagraphs (d) and (e).

Article 13

Measures for the conservation, exploration and exploitation of living marine resources and for the monitoring of their observance may not discriminate in form or content against the fishermen of any other State.

Article 14

The size of the allowable annual catch, and the measures for the conservation, exploration and exploitation of living marine resources in the economic zone shall be established with due regard to appropriate economic factors and to environmental factors and in accordance with internationally agreed rules.

Article 15

1. If a coastal State does not take 100 per cent of the allowable annual catch of any stocks of fish or other living marine resources in the economic zone, fishermen of other States shall be granted licences to fish for the unused part of such catch.

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2. Permission for foreign fishermen to fish in the economic zone of a developed coastal State shall be granted on an equitable basis and in accordance with the provisions of articles 16, 19 and 20 of this Convention.
3. Foreign fishermen may be allowed to fish in the economic zone of a developing coastal State by the grant of a special licence and in accordance with the provisions of articles 16, 17, 18, 19 and 20 of this Convention.

Article 16

When granting foreign vessels permission to fish in the economic zone and in order to ensure an equitable distribution of living resources, a coastal State shall observe, while respecting the priority of the States specified in articles 18 and 19 of this Convention, the following order:

- (a) States which have borne considerable material and other costs of research, discovery, identification and exploitation of living resource stocks, or which have been fishing in the region involved;
- (b) Developing countries, land-locked countries, countries with narrow access to the sea or with narrow continental shelves, and countries with very limited living marine resources;
- (c) All other States without discrimination.

Article 17

Any questions of payment for the grant of licences to foreign fishermen to fish in the economic zone of a developing coastal State shall be settled in accordance with the provisions of this Convention and the recommendations of the competent international fishery organizations and by agreement between the States concerned.

Payment for fishing permits granted to foreign fishermen in the economic zone of a developing coastal State shall be levied on a reasonable basis and may take various forms.

Article 18

Neighbouring developing coastal States may allow each other's nationals the right to fish in a specified area of their economic zones on the basis of long and mutually recognized use. The conditions for the exercise of this right shall be established by agreement between the States concerned, and such right cannot be transferred to a third party.

Article 19

Developing States which are land-locked or which have a narrow outlet to the sea or a narrow continental shelf shall enjoy the privilege of fishing in the economic zone of a neighbouring coastal State on the basis of equality with the nationals of that State. The conditions governing the enjoyment of this privilege shall be worked out by agreement between the parties concerned.

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Article 20

1. Coastal States in whose rivers anadromous species of fish (salmonidae) spawn shall have sovereign rights over such fish and all other living marine resources within the economic zone and preferential rights outside the zone in the migration area of anadromous fish.
2. Fishing by foreign fisheries for anadromous species may be carried on by an agreement between the coastal State and another interested State establishing regulatory and other conditions governing fishing by foreign nationals.
3. Priority in obtaining the right to fish for anadromous species shall be given to States participating jointly with the coastal States in measures to renew that species of fish, particularly in expenditure for that purpose, and to States which have traditionally fished for anadromous species in the region concerned.

Article 21

In order to enable the fishing fleets of other States whose fishermen have habitually fished in the economic zone established pursuant to article 1 of this Convention to change over to working under the new conditions, a coastal State shall continue to grant the fishermen specified in this article the right to fish in the economic zone for a transition period of not less than three years after the entry into force of this Convention.

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COMMITTEE ON THE PEACEFUL USES OF
THE SEA-BED AND THE OCEAN FLOOR
BEYOND THE LIMITS OF NATIONAL JURISDICTION

Dual Distribution

WORKING PAPER CONCERNING AN INTERNATIONAL ORGANIZATION TO BE
ESTABLISHED TO DEAL WITH THE PROBLEMS OF THE EXPLORATION AND
EXPLOITATION OF THE MINERAL RESOURCES OF THE INTERNATIONAL
AREA OF THE SEA-BED AND THE OCEAN FLOOR, AND THE SUBSOIL THEREOF, THE
LIMITS OF WHICH ARE TO BE DETERMINED

Submitted by Poland

INTRODUCTION

1. The purpose of the present document is to set out tentatively some of the general guidelines which could be adopted as a basis for a future international organization concerned with the problems of the exploration and exploitation of the mineral resources of the international area, of the sea-bed and the ocean floor, and the subsoil thereof, the limits of which are to be determined hereinafter referred to as the "international area".
2. This document is not intended to prejudge any final detailed solutions which might be adopted for the implementation of those guidelines. Such solutions should be elaborated during further discussion in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction.
3. Specific suggestions included in this working paper are presented only as a possible basis for discussions in the Committee.

GE.71-17422

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I. GENERAL ISSUES

1. General principles

4. The organization should ensure that the exploration and exploitation of the mineral resources of the international area are conducted for the benefit of mankind as a whole, with particular regard to the interests of the developing countries.

Note. The term "exploration" for the purpose of this working paper means exploration for industrial purposes and does not cover scientific research.

5. The organization should ensure that exploration and exploitation are conducted in conformity with international law and, in particular, with the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States adopted by the General Assembly on 24 October 1970.

6. The organization should promote the broadest possible degree of international co-operation and seek to prevent disputes between States arising from the exploration and exploitation of the international area. With this view in mind, the limits of the international area should be defined precisely and as soon as possible.

2. The basic prerequisite for establishment of the organization

7. The question of the desirability of establishing an international organization and the definition of its powers is closely linked to the definition of the precise territorial scope of its activities.

8. If the tendency to expand the jurisdiction of coastal States continues, there would be a possibility that nearly all mineral resources of the international area that could be exploited in the coming decades would come under the jurisdiction of coastal States. In such a situation the usefulness of establishing any international organization would be questionable.

9. Reasonable criteria for the definition of the international area should therefore be adopted so as to enable the establishment of the organization and its proper functioning for the benefit of mankind as a whole, irrespective of the geographical location of States, whether land-locked or coastal, and taking into particular consideration the interests and needs of the developing countries.

3. Concept of a developing organization

10. The organization to be established, and its nature and powers, should be adapted to growing needs. This means that, initially, before the exploitation of mineral resources of the international area is conducted on a large scale, the organs of the organization should not be over-developed, its secretariat should be small, and the competence of the organization should first and foremost be of a co-ordinating nature. This would be for

the transitional period. The duration of this stage should depend on the progress of exploration and exploitation of the resources of the international area and, consequently, on the emergence and development of the need for institutionalized arrangements for international co-operation.

11. The basic criteria for the conclusion of the transitional period and for the transition to the second stage should be the attainment by the organization of the possibility of being financially self-supporting. This would be achieved when the appropriate level of commercial exploitation of the mineral resources of the international area was reached.

12. It may be envisaged that during the first or transitional stage the proposed international machinery would be financed by contributions from its member States and have a status of a special organ of the United Nations.

13. During the second stage, the budget of the organization would be based on revenues derived from the exploitation of the mineral resources of the international area and the organization would have the status of a specialized agency.

II. SPECIFIC QUESTIONS

1. Fundamental principles of the functioning of the organization

- (a) The organization should pay due regard to the manifold interests of all States. It should not be an instrument for domination of one State, or group of States, over other States. The organization should accordingly seek to achieve a proper balance between divergent legitimate interests and needs of all States.
- (b) The organization should maintain relations with its member States, and not with national public or private enterprises engaged in the exploitation of mineral resources of the international area.

2. Functions and powers

- (a) The organization should promote the development of international co-operation in the field of exploration and exploitation of the mineral resources of the international area. It should, in particular, ensure the observance of the future treaty to be concluded on the peaceful uses of the international area.
- (b) The organization should ensure for all States equal access to the mineral resources of the international area. For this purpose it should provide the necessary technical assistance to States not yet able to participate in the exploration and exploitation of the mineral resources of the sea-bed and ocean floor, and the subsoil thereof.

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- (c) The organization should promote the equitable sharing by States of the benefits derived from the exploitation of the mineral resources of the international area, taking into particular consideration the interests and needs of the developing countries.
- (d) The competence of the organization should also include the question of the effects of the exploration and exploitation of the mineral resources of the international area and, in particular, matters relating to the prevention of pollution which could result from such activities; protection of the environment against such effects; and ensuring that the exploration and exploitation of mineral resources of the international area would not interfere with the recognized uses of the high seas.

Note. The organization would not deal with all other activities conducted in the international area e.g. with the laying of submarine cables or with limitation of armaments or other disarmament measures which either have already been, or will be, agreed upon.

The exclusion of questions relating to the biological resources of the sea-bed and the ocean floor from the competence of the organization is prompted by the desire to retain the homogeneity of its functions. Moreover, it appears that the problem of the living resources of the sea-bed and the ocean floor beyond the limits of the continental shelf is one which is of small, if any, practical importance.

A fortiori, the organization should not deal with any activity conducted on the surface of the seas and oceans nor in the waters thereof, unless such activity constitutes part of an exploratory or exploiting activity with regard to mineral resources of the international area. In particular the organization should not deal with the extraction of minerals from sea water.

- (e) In the first or transitional period the functions of the organization might be limited to co-ordination of the activities of States and the exchange of information. After the transitional period, its functions might comprise certain forms of supervision and regulations of activities concerning the exploration and exploitation of mineral resources of the international area which might include licencing.
- (f) Regulation of exploration and exploitation of the mineral resources of the international area would be implemented through adoption of appropriate international rules, standards and procedures. The aforesaid rules, standards and procedures

should relate, inter alia, to the following matters arising out of the exploration and exploitation of the international area:

- (i) security and protection of human life;
- (ii) protection against pollution and contamination of the seas, and
- (iii) non-interference with other uses of the high seas, e.g. navigation and fishing.

(g) During both stages the organization should be empowered to establish relations with other international organizations, e.g. one may already envisage the need for the co-ordination of its activities with IMCO, FAO or UNESCO.

3. Territorial scope of activities

14. The precise definition of the territorial scope of the activities of the organization, as was stated above, is a prerequisite for its establishment. As the sphere of its activities should be confined to the sea-bed and the ocean floor and the subsoil thereof, beyond the limits of the continental shelf these limits should be strictly defined.

15. In defining the boundary line, one of the following alternative criteria could be adopted:

- (a) the uniform criterion of the 200-metre isobath,
- (b) the combined criteria of both depth and distance from the base-line; according to this solution every coastal state could adopt as the boundary line, depending on the configuration of the sea-bed adjacent to its coast, the isobath of 200 metres or the distance of ... nautical miles.

16. The organization could have a certain degree of competence in respect of verification of the delimitation of the boundaries of the continental shelf made by coastal states as regards their conformity with the provisions of relevant international agreements.

4. Membership

17. The organization should be based on the principle of universality. Consequently, during both stages it should be open to all States.

18. The adoption of the principle of universality is particularly necessary as the exploration and the exploitation of the international area is of concern for all States. The exclusion of some of them from participation in the organization would endanger orderly exploration and exploitation of the mineral resources of the international area, since those States would not be bound by the provisions of the treaty on the peaceful uses of the international area, or by the decisions and other acts of the organization.

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5. Organs and their composition

19. The principal organs should be: (1) an Assembly composed of all member States, (2) a Council composed of 25 States five from each geographical group, and (3) a Secretariat. After the transitional period, as concrete needs would evolve, some subsidiary organs of the Council could be established, such as for example a Technical Board, Economic Board and Registration and Licencing Board. At the same stage, an Arbitration Tribunal might also possibly be established.

20. In the organs a balance should be preserved between the interests of States with different levels of development and with different social and political systems.

6. Voting system

21. The voting system should safeguard the interests of all States and group of States. No group should be placed in a position in which it might be dominated by another group. Various voting procedures should therefore be provided, such as various majorities of votes for different organs and different matters. It might be desirable to take joint decisions in some matters by two organs, one acting on the recommendation of the other.

22. In the Assembly a one State one vote principle could be adopted, while in other organs the feasibility of having group votes might be considered, i.e. for adopting a decision not only a majority of votes of member States would be required, but also a certain number of votes from individual groups of States.

23. Irrespective of the majority voting principle, in the Council and its subsidiary bodies the principle of consensus should be applied as generally as possible.

7. Settlement of disputes

24. Disputes arising between States and resulting from the application of the future treaty on peaceful uses of the international area should be settled by the means referred to in Article 33 of the Charter of the United Nations. The establishment of a special Arbitration Tribunal for the settlement of certain kinds of disputes might also be envisaged (see para. 19 above). The same Tribunal could be empowered to deal with possible disputes arising between States and the organization.

8. Legal nature of the organization and its legal personality

25. The organization should have a limited international legal personality, necessary for the fulfilment of its functions. In particular it should have the right to conclude international agreements with States and other international organizations, and should enjoy appropriate privileges and immunities.

26. The organization should also enjoy in the territory of each of its members the legal capacity necessary for the exercise of its functions and the fulfilment of its purposes.



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Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia,
German Democratic Republic, Hungary, Mongolia, Poland,
Ukrainian Soviet Socialist Republic and Union of Soviet Socialist Republics:
Draft articles on marine scientific research

Article 1

Definition of marine scientific research

Marine scientific research means any study of, or related experimental work in, the marine environment that is designed to increase man's knowledge and is conducted for peaceful purposes.

Article 2

General conditions and principles of conduct
of marine scientific research

1. States shall endeavour to promote and facilitate the development and conduct of marine scientific research not only for their own benefit but also for the benefit of the international community in accordance with the provisions of this Convention.
2. In the conduct of marine scientific research the following general principles shall apply:
 - (a) marine scientific research shall be conducted exclusively for peaceful purposes;
 - (b) marine scientific research activities shall not unduly interfere with other legitimate uses of the sea compatible with the provisions of this Convention and shall be duly respected in the course of such uses;

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(c) such activities shall comply with regulations established in conformity with the provisions of this Convention, for the preservation of the marine environment.

3. Marine scientific research shall not form the legal basis for any claim whatsoever to any part of the marine environment or its resources.
4. Marine scientific research shall be conducted subject to the rights of coastal States as provided for by this Convention.
5. In the conduct of marine scientific research, account shall be taken of the interests and rights of land-locked and other geographically disadvantaged States as provided for in this Convention.
6. Marine scientific research may be conducted, in conformity with this Convention, with the use of appropriate scientific methods and equipment, ships of all categories, mobile and fixed installations, flying craft, and other means both specially designed and converted for the purpose.

Article 3

International and regional co-operation

The co-operation envisaged in this article shall be based on the relevant provisions of this Convention.

1. States shall, in accordance with the principle of respect for sovereignty and on a basis of mutual benefit, promote international co-operation in marine scientific research for peaceful purposes, in particular, co-operation within competent international organizations.
2. States shall co-operate with one another, through the conclusion of bilateral and multilateral agreements, to create favourable conditions for the conduct of scientific research in the marine environment and to integrate the efforts of scientists in studying the essence of, and the interrelations between, phenomena and processes occurring in the marine environment.
3. States shall, both individually and in co-operation with other States and with competent international organizations, actively promote the flow of scientific data and information and the transfer of knowledge resulting from marine scientific research, in particular to developing countries, as well as the strengthening of the autonomous marine research capabilities of developing countries through, inter alia, programmes to provide adequate education and training of their technical and scientific personnel.

4. The availability to every State of information and knowledge resulting from marine scientific research shall be facilitated by effective international communication of proposed major programmes and their objectives, and by publication and dissemination of the results through international channels. States shall promote participation of their country's scientists in the implementation of marine scientific research programmes conducted under the auspices of the Intergovernmental Oceanographic Commission of UNESCO and other competent international organizations.

Article 4

Marine scientific research in Territorial waters and on the continental Shelf

1. Marine scientific research within the territorial sea established in accordance with this Convention may be conducted only with the consent of, and under the conditions laid down by the coastal State. Requests for such consent shall be submitted to the coastal State well in advance and shall be answered without undue delay.
2. Scientific research relating to the continental shelf and its resources shall be conducted mutatis mutandis in accordance with the procedure laid down in Article 6.

Article 5

Freedom of marine scientific research

Without prejudice to the provisions of article 6 below, all States, both coastal and land-locked on an equal footing and without any discrimination, as well as competent international organizations, shall enjoy freedom to conduct marine scientific research on the high seas including the sea-bed beyond the limits of the economic zone and of the continental shelf as defined in this Convention.

Article 6

Scientific research in the economic zone

1. In the economic zone established in accordance with this Convention, marine scientific research related to the exploration and exploitation of the living and non-living resources of the zone shall be conducted with the consent of the coastal State. Requests for such consent shall be submitted well in advance and shall be

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answered without undue delay. The coastal State shall be entitled to determine the conditions for conducting such research, and to participate or be represented in it.

2. In the economic zone established in accordance with this Convention marine scientific research unrelated to the exploration and exploitation of the living and non-living resources of the zone shall be conducted after advance notification of the planned research to the coastal State.

3. The notification of the planned research mentioned in paragraph 2 above shall be transmitted to the coastal State at least two months in advance. The coastal State shall be given:

- (a) a detailed description of the research programme, including objectives, methods and instrumentation, locations and time schedule, and information on the institution conducting the research;
- (b) information on any major changes in the research programme;
- (c) an opportunity to participate directly or indirectly in the research on board vessels at the expense of the State conducting the research but without payment of any remuneration to the scientists of the coastal State;
- (d) access to all data and samples obtained in the course of the research, and in that connexion the coastal State shall, at its request, be provided with such data and samples as can be copied or shared without harm to their scientific value;
- (e) assistance, at its request, in the interpretation of the results of the research.

Article 7

Interests of land-locked and other geographically disadvantaged States

States and competent international organizations conducting marine scientific research in the areas referred to in paragraph 2 of article 4 and in article 6 shall take due account of the legitimate interests and rights of land-locked and other geographically disadvantaged States neighbouring the research area, as they are defined in this Convention, notifying them of the proposed research and providing them, at their request, with the assistance and information specified in paragraphs 3 (a), 3 (b) and 3 (e) of Article 6.

Where research facilities permit, such States shall be offered the opportunity to participate in the research under the conditions set forth in paragraph 3 (c) of Article 6.

Article 8

Assistance to research vessels

In the interests of international co-operation and in order to facilitate the conduct of marine scientific research, coastal States shall adopt measures, including legislative measures, to simplify procedures for access to their ports and inland waters of vessels conducting scientific research in accordance with this Convention.

Article 9

Scientific research installations

1. Scientific research installations, whether fixed or mobile, established in the marine environment or on the sea bed in accordance with the provisions of these articles and other rules of international law shall be subject to the jurisdiction of the State which installed them, unless other provision is made in agreements which may be concluded between the State conducting the research and the coastal State in those cases where, under articles 4 and 6, the consent of the coastal State is required for the conduct of research.
2. The installations referred to in this article shall not have the status of islands or possess their own territorial waters, and their existence shall not affect the delimitation of the territorial sea, continental shelf or economic zone of the coastal State.
3. Safety zones of a width not exceeding 500 metres measured from the outermost points of the installations referred to in this article may be created around the installations. All States shall ensure that such safety zones are respected by their ships.
4. Such installations must not serve as an obstacle on customary international shipping routes.
5. Fixed and mobile installations and floating stations shall have identification markings indicating the State or competent international organization to which they belong and the necessary permanent warning signals to ensure the safety of sea and air navigation.
To the extent that the identification markings and warning signals referred to in this article are regulated by international agreements, they shall comply with the requirements of such agreements.
6. Appropriate notification shall be given of the emplacement and removal of such installations.

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Article 10

Responsibility for scientific research

States shall be responsible for ensuring that marine scientific research, whether conducted by themselves or by their nationals, physical or juridical, is conducted in accordance with the provisions of this Convention and other rules of international law.

States shall be liable for damage, arising out of marine scientific research, caused to other States or to the nationals, juridical or physical, of other States, when such damage is attributable to them. When such damage is attributable to persons under their jurisdiction or control, States undertake to provide recourse to their appropriate organs with a view to ensuring equitable compensation for the victims thereof.



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ORIGINAL: ENGLISH

THIRD COMMITTEE

Belgium, Bulgaria, Denmark, German Democratic Republic,
Germany, Federal Republic of, Greece, Netherlands, Poland
and United Kingdom:

Draft articles on the prevention, reduction and control of marine pollution.

Explanatory note

These draft articles do not necessarily represent the full or final position of any of the sponsors and are without prejudice to declared national positions. In addition, the sponsors maintain their formal and informal proposals already submitted to the Third Committee.

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ARTICLE 1: LAND-BASED SOURCES

1. States, acting in particular through the appropriate international organizations, shall establish international regulations to prevent, reduce and control pollution of the marine environment from land-based sources.
2. States shall establish national regulations to prevent, reduce and control such pollution.
3. Measures taken pursuant to this Article shall take into account available scientific evidence, other relevant factors and the work of competent international bodies.
4. States shall ensure compliance with the regulations established pursuant to this Article.

ARTICLE 2: SEA-BED EXPLORATION AND EXPLOITATION

With respect to marine pollution arising in connection with sea bed activities and installations under the jurisdiction of the coastal State pursuant to Chapter of this Convention:-

1. States, acting in particular through the competent international organizations, shall establish as soon as possible international regulations designed to prevent, reduce and control pollution.
2. Coastal States may also establish additional or more stringent regulations for this purpose and shall endeavour to co-operate through regional arrangements in that regard.
3. Coastal States shall ensure compliance with the regulations established pursuant to this Article.

ARTICLE 3: SHIPS

REGULATIONS

1. States, acting through the competent international organization, shall establish as soon as possible, and to the extent that they are not already in existence, international regulations to prevent, reduce and control pollution from ships.
2. States which have reasonable grounds for believing that a particular area of the sea is an area where, for recognized technical reasons in relation to its oceanographical and ecological conditions, its utilization, and the particular character of its traffic, the adoption of special mandatory methods for the prevention of pollution from ships is required, may apply to the competent international organization for the area to be recognized as a special area. Any such application shall be supported by scientific and technical evidence and shall, where appropriate, include plans for establishing sufficient and suitable land-based reception facilities.

3. States, acting through the competent international organization, shall establish as soon as possible and to the extent that they are not already in existence, international regulations to prevent, reduce and control pollution from ships in any special area recognized as such under paragraph 2 above. Such regulations shall be consistent with any international regulations referred to in paragraph 1 above.

4. States shall enact national regulations to give effect to the international regulations referred to in paragraphs 1 and 3 above.

5. Flag States may enact national regulations additional to or more stringent than the said international regulations for ships registered in their territory or flying their flag.

FLAG STATE ENFORCEMENT

6. Flag States shall provide for the effective enforcement of the regulations referred to in paragraphs 4 and 5 above, irrespective of where any violation may have occurred.

7. A flag State shall, at the documented request of any State, investigate any violation alleged to have been committed by its ships. If satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, the flag State shall cause such proceedings to be taken as soon as possible, in accordance with its law. The flag State shall promptly inform the requesting State of the action taken and of its outcome.

8. The penalties specified under the flag State legislation for its own ships shall be adequate in severity to discourage violations, and shall be equally severe irrespective of where the violations occurred.

PORT STATE INSPECTION

9. A State (hereafter referred to as a "port State") which is a party to the Convention or other instrument containing the international regulations referred to in paragraph 1 or 3 above, where it has reasonable grounds for believing that a ship which is for the time being voluntarily in one of its ports or at one of its offshore terminals has, within the preceding six months, discharged in violation of any of the regulations referred to in paragraph 4 above, may undertake an immediate and thorough investigation of the violation. Where the port State receives information from another State which is a party to the Convention or other instrument containing the said international regulations or from the competent international organization that there are such reasonable grounds as respects such a ship, the port State shall undertake such an investigation.

10. Where a port State has received information of the alleged violation from another State as mentioned in paragraph 9 above or from the competent international organization, it shall promptly notify that State or the organization, as the case may be, and in any case the flag State of the ship concerned, of the results of the investigation.

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PORT STATE ENFORCEMENT

11. A port State which is a party to the Convention or other instrument containing the international regulations referred to in paragraph 1 or 3 above, where it has reasonable grounds for believing that a ship which is for the time being voluntarily in one of its ports or at one of its offshore terminals, has discharged in violation of any of the regulations referred to in paragraph 4 above and that as a result of the violation, damage has been, or is likely to be, caused to the coastline or related interests of that State, may, subject to the following provisions of this Article, take proceedings in respect of the violation and, if necessary, arrest the ship concerned to carry out such proceedings.

12. The powers of a port State under paragraph 11 above may also be exercised by that State in a case where a ship has discharged in violation of the said regulations where -

(a) the port State is requested to exercise the said powers by another State which is a party to the Convention or other instrument containing the international regulations referred to in paragraph 1 or 3 above, and

(b) that other State has notified the port State that there are reasonable grounds for believing that, as a result of the violation, damage has been or is likely to be caused to the coastline or related interests of that other State.

13. Where a port State -

(a) receives a request under paragraph 12 above; or

(b) takes any proceedings, including the arrest of a ship, in pursuance of paragraph 11 or 12 above,

it shall promptly notify the flag State of that fact furnishing all relevant information with respect to the matter.

14. A port State shall not, in pursuance of this Article, take proceedings in respect of any violation other than arresting a ship -

(a) until the expiry of a period of 6 months running from the date on which it gives notice to the flag State in accordance with paragraph 10 or 13 above, whichever is the earlier;

(b) at any time after the expiry of that period if the flag State has previously commenced proceedings in respect of the violation and has not discontinued those proceedings.

Where the flag State decides to take such proceedings within the said period, or decides to discontinue any such proceedings, it shall promptly notify the port State accordingly.

15. Proceedings in respect of any such violation shall not be taken by a port State at any time after the expiry of a period of 3 years from the date on which the violation was committed.

16. Proceedings in respect of the violation shall not be taken by any State, other than the flag State, if proceedings in respect of the same incident have already been taken in pursuance of this Article by a port State.

17. The only penalties which may be imposed by a port State in respect of any such violation shall be monetary.

18. Where a port State arrests a ship in pursuance of this Article it shall promptly release the ship on a bond or other reasonable security, in an amount not exceeding the maximum penalty for the violation, being given by or on behalf of its owner, but such release shall be refused if the ship cannot proceed to sea without presenting an unreasonable threat of harm to the marine environment. The port State may however grant the ship permission to leave the port or offshore terminal for the purpose of proceeding to the nearest appropriate repair yard available.

19. If, following the arrest of a ship at an offshore terminal, the port State decides that it is necessary to detain the ship, it shall be taken to a safe and suitable port or anchorage.

COASTAL STATE RIGHT TO REQUIRE INFORMATION

20. A State (hereafter referred to as a "coastal State") which is a party to the Convention or other instrument containing the international regulations referred to in paragraph 1 or 3 above, where it has reasonable grounds for believing that a ship has discharged in violation of the regulations referred to in paragraph 4 above and that as a result of the violation damage has been, or is likely to be caused to the coastline or related interests of that State, may require the ship to give information by radio or other signalling methods regarding -

- (i) its name and port of registry,
- (ii) its last and next ports of call, and
- (iii) any other information required to be given by the relevant international regulations, being information relevant to establishing whether the suspected violation has been committed.

21. A flag State shall ensure compliance by its ships with any requirement made by a coastal State under paragraph 20 above.

22. Where a coastal State exercises its powers under paragraph 20 above it shall promptly notify the flag State of the alleged violation and of the information which it has obtained, and may give that information to the next port of call, or one of the next ports of call, of the ship concerned.

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ARTICLE 4: DUMPING

1. States, acting through the competent international organization or by general diplomatic conference, shall establish, as soon as possible and to the extent that they are not already in existence, international regulations to prevent, reduce and control pollution of the marine environment by dumping.
2. States shall make provision for ensuring that dumping is not carried out without authorization in accordance with the regulations referred to in paragraph 1 above. States shall not provide for the authorization of dumping on conditions less stringent than those established under the international regulations referred to in paragraph 1 above.
3. Coastal States have, within an area of [] nautical miles beyond the base line from which the territorial sea is measured, the exclusive right to authorize the dumping of wastes and other matter. For this purpose, Coastal States may establish and enforce laws and regulations in respect of dumping, with due regard to the need to avoid unjustified interference with legitimate uses of the marine environment, including navigation.

ARTICLES 5: RESPONSIBILITY AND LIABILITY

1. Every State shall take the necessary legislative measures to provide that if persons subject to its jurisdiction, through pollution of the marine environment, cause damage to persons or property there shall be recourse in its courts in accordance with its legal system against such persons for compensation or other relief in respect of such damage.
2. States undertake to develop international law on liability and compensation for damage caused by marine pollution.

ARTICLE 6: GENERAL PROVISIONS

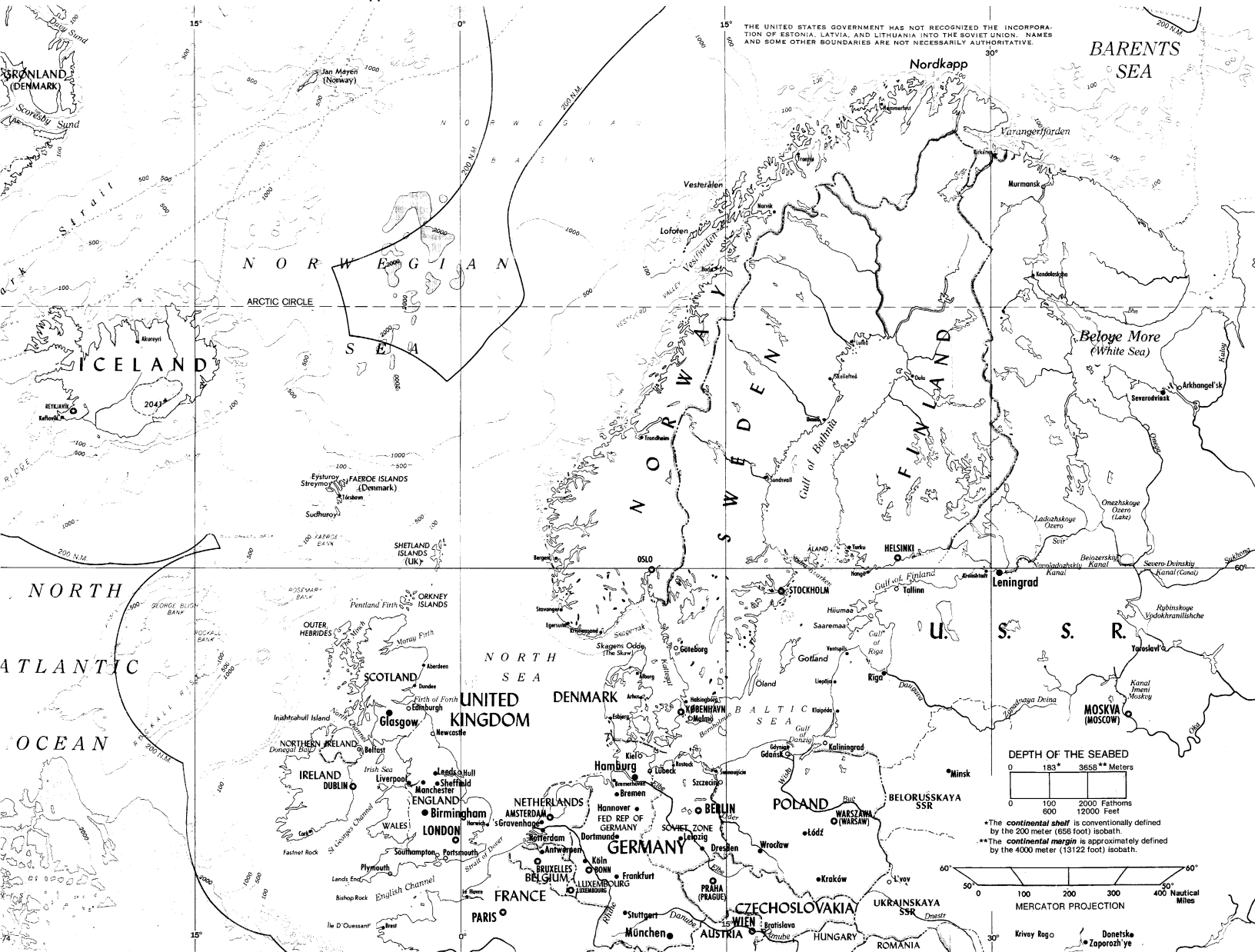
1. The powers of a State under this Chapter may only be exercised in respect of a foreign ship or aircraft by officials or by warships or military aircraft, or other ships or aircraft on Government service, authorized to that effect.
2. Where measures are taken by a State pursuant to this Chapter in respect of a foreign ship, that State shall immediately inform the consul or diplomatic representative of the flag State or State of registry of the measures taken.
3. A State shall be required to pay compensation for damage or loss resulting from inspection or enforcement measures taken under this Chapter exceeding those reasonably necessary in the light of available information and shall provide for recourse in its courts for actions in respect of such damage or loss.
4. In the exercise of its rights and duties under this Chapter, a State shall not discriminate in form or in fact against foreign ships or aircraft.

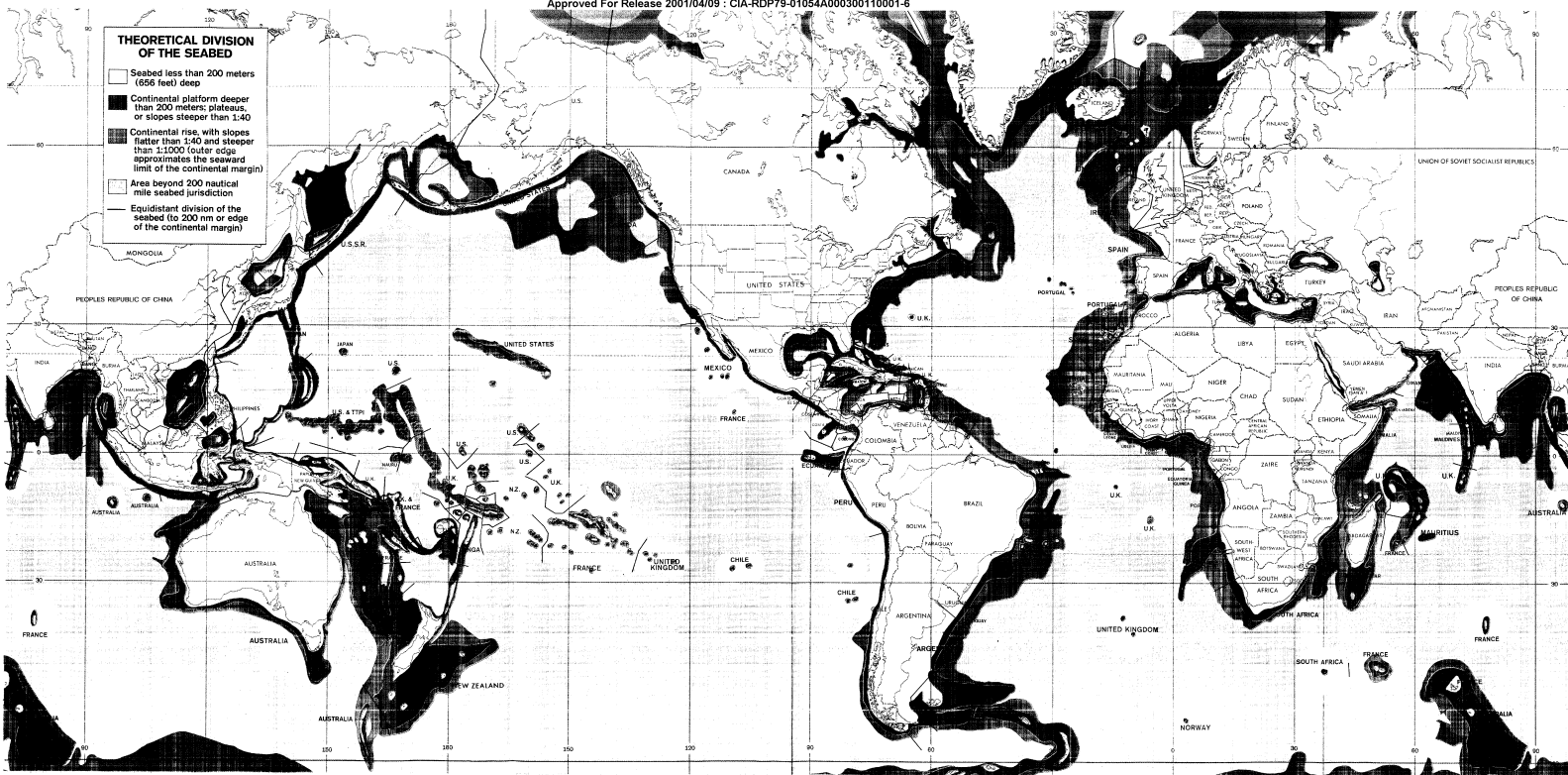
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5. The provisions of this Chapter shall not apply to any warship, naval auxiliary or other ship or aircraft owned or operated by any State and used, for the time being, only on Government non-commercial service. However, each State shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships or aircraft owned or operated by it, that such ships or aircraft act in a manner consistent, so far as is reasonable and practicable, with the said provisions.

ARTICLE 7: SETTLEMENT OF DISPUTES

Any dispute concerning the interpretation or application of this Chapter shall be settled in accordance with the provisions of Chapter of this Convention.





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