

- as the case may be within the contiguous zone. The pursuit may only be commenced after a visual or auditory signal to stop has been given at a distance which enables it to be seen or heard by the foreign ship.
- 4 The right of hot pursuit may be exercised only by warships or military aircraft, or other ships or aircraft on government service specially authorised to that effect.
 - 5 Where hot pursuit is effected by an aircraft:
 - (a) The provisions of paras 1 to 3 of this article shall apply *mutatis mutandis*;
 - (b) The aircraft giving the order to stop must itself actively pursue the ship until a ship or aircraft of the coastal state, summoned by the aircraft, arrives to take over the pursuit, unless the aircraft is itself able to arrest the ship. It does not suffice to justify an arrest on the high seas that the ship was merely sighted by the aircraft as an offender or suspected offender, if it was not both ordered to stop and pursued by the aircraft with itself or other aircraft or ships which continue the pursuit without interruption.
 - 6 The release of a ship arrested within the jurisdiction of a state and escorted to a port of that state for the purposes of an inquiry before the competent authorities may not be claimed solely on the ground that the ship, in the course of its voyage, was escorted across a portion of the high seas, if the circumstances rendered this necessary.
 - 7 Where a ship has been stopped or arrested on the high seas in circumstances which do not justify the exercise of the rights or hot pursuit, it shall be compensated for any loss or damage that may have been thereby sustained.

Article 24

Every state shall draw up regulations to prevent pollution of the seas by the discharge of oil from ships or pipelines or resulting from the exploitation and exploration of the sea bed and its subsoil, taking account of existing treaty provisions on the subject.

Article 25

- 1 Every state shall take measures to prevent pollution of the seas from the dumping of radioactive waste, taking into account any standards and regulations which may be formulated by the competent international organisations.
- 2 All states shall co-operate with the competent international organisations in taking measures for the prevention of pollution of the seas or air space above, resulting from any activities with the radioactive materials or other harmful agents.

Article 26

- 1 All states shall be entitled to lay submarine cables and pipelines on the bed of the high seas.
- 2 Subject to its right to take reasonable measures for the exploration of the continental shelf and the exploitation of its natural resources, the coastal state may not impede the laying or maintenance of such cables or pipelines.
- 3 When laying such cables or pipelines the state in question shall pay due regard to cables or pipelines already in position on the sea bed. In particular, possibilities of repairing existing cables or pipelines shall not be prejudiced.

Article 27

Every state shall take the necessary legislative measures to provide that the breaking or injury by a ship flying its flag or by a person subject to its jurisdiction of a submarine cable beneath the high seas done wilfully or through culpable negligence, in such a manner as to be liable to interrupt or obstruct telegraphic or telephonic communications, and similarly the breaking or injury of a submarine pipeline or high-voltage power cable shall be a punishable offence. This provision shall not apply to any break or injury caused by persons who acted merely with the legitimate object of saving their lives or their ships, after having taken all necessary precautions to avoid such break or injury.

Article 28

Every state shall take the necessary legislative measures to provide that, if persons subject to its jurisdiction who are the owners of a cable or pipeline beneath the high seas, in laying or repairing that cable or pipeline, cause a break or injury to another cable or pipeline, they shall bear the cost of the repairs.

Article 29

Every state shall take the necessary legislative measures to ensure that the owners of ships who can prove that they have sacrificed an anchor, a net or any other fishing gear, in order to avoid injuring a submarine cable or pipeline, shall be indemnified by the owner of the cable or pipeline, provided that the owner of the ship has taken all reasonable precautionary measures beforehand.

Article 30

The provisions of this Convention shall not affect conventions or other international agreements already in force, as between States Parties to them.

Article 31

This Convention shall, until 31 October 1958, be open for signature by all States Members of the United Nations or of any of the specialised agencies, and by any other state invited by the General Assembly of the United Nations to become a Party to the Convention.

Article 32

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary General of the United Nations.

Article 33

This Convention shall be open for accession by any states belonging to any of the categories mentioned in Article 31. The instrument of accession shall be deposited with the Secretary General of the United Nations.

Article 34

- 1 This Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary General of the United Nations.
- 2 For each state ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such states of its instrument of ratification or accession.

Article 35

- 1 After the expiration of a period of five years from the date on which this Convention shall enter into force, a request for the revision of this Convention may be made at any time by any Contracting Party by means of a

notification in writing addressed to the Secretary General of the United Nations.

- 2 The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

Article 36

The Secretary General of the United Nations shall inform all States Members of the United Nations and the other states referred to in Article 31:

- (a) Of signatures to this Convention and of the deposit of instruments of ratification or accession, in accordance with Articles 31, 32, and 33;
- (b) Of the date on which this Convention will come into force, in accordance with Article 34;
- (c) Of requests for revision in accordance with Article 35.

Article 37

The original of this Convention, of which the Chinese, English, French, Russian, and Spanish texts are equally authentic, shall be deposited with the Secretary General of the United Nations, who shall send certified copies thereof to all States referred to in Article 31.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorised thereto by their respective governments, have signed this Convention.

DONE AT GENEVA, this twenty-ninth day of April one thousand nine hundred and fifty-eight.

CONVENTION ON FISHING AND CONSERVATION OF THE LIVING RESOURCES OF THE HIGH SEAS

The States Parties to this Convention

Considering that the development of modern techniques for the exploitation of the living resources of the sea, increasing man's ability to meet the need of the world's expanding population for food, has exposed some of these resources to the danger of being over-exploited.

Considering also that the nature of the problems involved in the conservation of the living resources of the high seas is such that there is a clear necessity that they be solved, wherever possible, on the basis of international co-operation through the concerted action of all the states concerned,

Have agreed as follows:

Article 1

- 1 All states have the right for their nationals to engage in fishing on the high seas, subject:
 - (a) to their treaty obligations;
 - (b) to the interests and rights of coastal states as provided for in this Convention;
 - (c) to the provisions contained in the following articles concerning conservation of the living resources of the high seas.

- 2 All states have the duty to adopt, or to co-operate with other states in adopting, such measures for their respective nationals as may be necessary for the conservation of the living resources of the high seas.

Article 2

As employed in this Convention, the expression 'conservation of the living resources of the high seas' means the aggregate of the measures rendering possible the optimum sustainable yield from those resources so as to secure a maximum supply of food and other marine products. Conservation programmes should be formulated with a view to securing in the first place a supply of food for human consumption.

Article 3

A state whose nationals are engaged in fishing any stock or stocks of fish or other living marine resources in any area of the high seas where the nationals of other states are not thus engaged shall adopt, for its own nationals, measures in that area when necessary for the purpose of the conservation of the living resources affected.

Article 4

- 1 If the nationals of two or more states are engaged in fishing the same stock or stocks of fish or other living marine resources in any area of areas of the high seas, these states shall, at the request of any of them, enter into negotiations with a view to prescribing by agreement for their nationals the necessary measures for the conservation of the living resources affected.
- 2 If the states concerned do not reach agreement within 12 months, any of the parties may initiate the procedure contemplated by Article 9.

Article 5

- 1 If, subsequent to the adoption of the measures referred to in Articles 3 and 4, nationals of other states engage in fishing the same stock or stocks of fish or other living marine resources in any area or areas of the high seas, the other states shall apply the measure, which shall not be discriminatory in form or in fact, to their own nationals not later than seven months after the date on which the measures shall have been notified to the Director General of the Food and Agriculture Organisation of the United Nations. The Director General shall notify such measures to any state which so requests and, in any case, to any state specified by the state initiating the measure.
- 2 If these other states do not accept the measures so adopted and if no agreement can be reached within twelve months, any of the interested parties may initiate the procedure contemplated by Article 9. Subject to para 2 of Article 10, the measures adopted shall remain obligatory pending the decision of the special commission.

Article 6

- 1 A coastal state has a special interest in the maintenance of the productivity of the living resources in any area of the high seas adjacent to its territorial sea.
- 2 A coastal state is entitled to take part on an equal footing in any system of research and regulation for purposes of conservation of the living resources of the high seas in that area, even though its nationals do not carry on fishing there.
- 3 A state whose nationals are engaged in fishing in any area of the high seas adjacent to the territorial sea of a state shall, at the request of that coastal state, enter into negotiations with a view to prescribing by agreement the

measures necessary for the conservation of the living resources of the high seas in that area.

- 4 A state whose nationals are engaged in fishing in any area of the high seas adjacent to the territorial sea of a coastal state shall not enforce conservation measures in that area which are opposed to those which have been adopted by the coastal state, but may enter into negotiations with the coastal state with a view to prescribing by agreement the measures necessary for the conservation of the living resources of the high seas in that area.
- 5 If the states concerned do not reach agreement with respect to conservation measures within 12 months, any of the parties may initiate the procedure contemplated by Article 9.

Article 7

- 1 Having regard to the provisions of para 1 of Article 6, any coastal state may, with a view to the maintenance of the productivity of the living resources of the sea, adopt unilateral measures of conservation appropriate to any stock of fish or other marine resources in any area of the high seas adjacent to its territorial sea, provided that negotiations to that effect with the other states concerned have not lead to an agreement within six months.
- 2 The measures which the coastal state adopts under the previous paragraph shall be valid as to other states only if the following requirements are fulfilled:
 - (a) That there is a need for urgent application of conservation measures in the light of the existing knowledge of the fishery;
 - (b) That the measures adopted are based on appropriate scientific findings;
 - (c) That such measures do not discriminate in form or in fact against foreign fisherman.
- 3 These measures shall remain in force pending the settlement, in accordance with the relevant provisions of this Convention, of any disagreement as to their validity.
- 4 If the measures are not accepted by the other states concerned, any of the parties may initiate the procedure contemplated by Article 9. Subject to para 2 of Article 10, the measures adopted shall remain obligatory pending the decision of the special commission.
- 5 The principles of geographical demarcation as defined in Article 12 of the Convention on the Territorial Sea and the Contiguous Zone shall be adopted when coasts of different states are involved.

Article 8

- 1 Any state which, even if its nationals are not engaged in fishing in an area of the high seas not adjacent to its coast, has a special interest in the conservation of the living resources of the high seas in that area, may request the state or states whose nationals are engaged in fishing there to take the necessary measures of conservation under Articles 3 and 4 respectively, at the same time mentioning the scientific reasons which in its opinion make such measures necessary, and indicating its special interest.
- 2 If no agreement is reached within 12 months, such state may initiate the procedure contemplated by Article 9.

Article 9

- 1 Any dispute which may arise between states under Articles 4, 5, 6, 7, and 8 shall, at the request of any of the parties, be submitted for settlement to a

special commission of five members, unless the parties agree to seek a solution by another method of peaceful settlement, as provided for in Article 33 of the Charter of the United Nations.

- 2 The members of the commission, one of whom shall be designated as chairman, shall be named by agreement between the states in dispute within three months of the request for settlement in accordance with the provisions of this Article. Failing agreement they shall, upon the request of any state party, be named by the Secretary General of the United Nations, within a further three month period, in consultation with the States in dispute and with the President of the International Court of Justice and the Director General of the Food and Agriculture Organisation of the United Nations, from amongst well-qualified persons being nationals of States not involved in the dispute and specialising in legal, administrative or scientific questions relating to fisheries, depending upon the nature of the dispute to be settled. Any vacancy arising after the original appointment shall be filled in the same manner as provided for the initial selection.
- 3 Any States Party to proceedings under these articles shall have the right to name one of its nationals to the special commission, with the right to participate fully in the proceedings on the same footing as a member of the commission, but without the right to vote or take part in the writing of the commission's decision.
- 4 The commission shall determine its own procedure, assuring each party to the proceedings a full opportunity to be heard and to present its case. It shall also determine how the costs and expenses shall be divided between the parties to the dispute, failing agreement by the parties on this matter.
- 5 The special commission shall render its decision within a period of five months from the time it is appointed unless it decides, in case of necessity, to extend the time limit for a period not exceeding three months.
- 6 The special commission shall, in reaching its decisions, adhere to these articles and to any special agreements between the disputing parties regarding settlement of the dispute.
- 7 Decisions of the commission shall be by majority vote.

Article 10

- 1 The special commission shall, in disputes arising under Article 7, apply the criteria listed in para 2 of that article. In disputes under Articles 4, 5, 6, and 8, the commission shall apply the following criteria, according to the issues involved in the dispute:
 - (a) Common to the determination of disputes arising under Articles 4, 5 and 6 are the requirements:
 - (i) that scientific findings demonstrate the necessity of conservation measures;
 - (ii) that the specific measures are based on scientific findings and are practicable; and
 - (iii) that the measures do not discriminate in form or in fact, against fishermen of other states;
 - (b) Applicable to the determination of disputes arising under Article 8 is the requirement that scientific findings demonstrate the necessity for conservation measures, or that the conservation programme is adequate, as the case may be.

- 2 The special commission may decide that pending its award the measures in dispute shall not be applied, provided that, in the case of disputes under Article 7, the measures shall only be suspended when it is apparent to the commission on the basis of *prima facie* evidence that the need for the urgent application of such measures does not exist.

Article 11

The decisions of the special commission shall be binding on the states concerned and the provisions of para 2 of Article 94 of the Charter of the United Nations shall be applicable to those decisions. If the decisions are accompanied by any recommendations, they shall receive the greatest possible consideration.

Article 12

- 1 If the factual basis of the award of the special commission is altered by substantial changes in the conditions of the stock or stocks of fish or other living marine resources or in the methods of fishing, any of the states concerned may request the other states to enter into negotiations with a view to prescribing by agreement the necessary modifications in the measures of conservation.
- 2 If no agreement is reached within a reasonable period of time, any of the states concerned may again resort to the procedure contemplated by Article 9 provided that at least two years have elapsed from the original award.

Article 13

- 1 The regulation of fisheries conducted by means of equipment embedded in the floor of the sea in areas of the high seas adjacent to the territorial sea of a state may be undertaken by that state where such fisheries have long been maintained and conducted by its nationals, provided that non-nationals are permitted to participate in such activities on an equal footing with nationals except in areas where such fisheries have by long usage been exclusively enjoyed by such nationals. Such regulations will not, however, affect the general status of the areas as high seas.
- 2 In this article, the expression 'fisheries conducted by means of equipment embedded in the floor of the sea' means those fisheries using gear with supporting members embedded in the sea floor, constructed on a site and left there to operate permanently or, if removed, restored each season on the same site.

Article 14

In Articles 1, 3, 4, 5, 6 and 8, the terms 'nationals' means fishing boats or craft of any size having the nationality of the state concerned according to the law of that state, irrespective of the nationality of the members of the crews.

Article 15

This Convention shall, until 31 October 1958, be open for signature by all States Members of the United Nations or of any of the specialised agencies, and by any other state invited by the General Assembly of the United Nations to become a Party to the Convention.

Article 16

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary General of the United Nations.

Article 17

This Convention shall be open for accession by any states belonging to any of the categories mentioned in Article 15. The instrument of accession shall be deposited with the Secretary General of the United Nations.

Article 18

- 1 This Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary General of the United Nations.
- 2 For each state ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such States of its instrument of ratification or accession.

Article 19

- 1 At the time of signature, ratification or accession, any state may make reservations to articles of the Convention other than to Articles 6, 7, 9, 10, 11 and 12.
- 2 Any contracting state making a reservation in accordance with the preceding paragraph may at any time withdraw the reservation by a communication to that effect addressed to the Secretary General of the United Nations.

Article 20

- 1 After the expiration of a period of five years from the date on which this Convention shall enter into force, a request for the revision of this Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary General of the United Nations.
- 2 The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

Article 21

The Secretary General of the United Nations shall inform all States Members of the United Nations and the other States referred to in Article 15:

- (a) of signatures to this Convention and of the deposit of instruments of ratification or accession, in accordance with Articles 15, 16 and 17;
- (b) of the date on which this Convention will come into force, in accordance with Article 18;
- (c) of requests for revision in accordance with Article 20.
- (d) of reservations to this Convention in accordance with Article 19.

Article 22

The original of this Convention, of which the Chinese, English, French, Russian, and Spanish texts are equally authentic, shall be deposited with the Secretary General of the United Nations, who shall send certified copies thereof to all States referred to in Article 15.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorised thereto by their respective governments, have signed this Convention.

DONE AT GENEVA, this twenty-ninth day of April one thousand nine hundred and fifty-eight.

CONVENTION ON THE CONTINENTAL SHELF

The States Parties to this Convention

Have agreed as follows:

Article 1

For the purpose of these Articles, the term 'continental shelf' is used as referring

- (a) To the sea bed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas;
- (b) To the sea bed and subsoil of similar submarine areas adjacent to the coasts of islands.

Article 2

- 1 The coastal state exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.
- 2 The rights referred to in para 1 of this article are exclusive in the sense that if the coastal state does not explore the continental shelf or exploit its natural resources, no one may undertake these activities, or make a claim to the continental shelf, without the express consent of the coastal state.
- 3 The rights of the coastal state over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation.
- 4 The natural resources referred to in these articles consist of the mineral and other non-living resources of the sea bed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable state, either are immobile on or under the sea bed or are unable to move except in constant physical contact with the sea bed or the subsoil.

Article 3

The rights of the coastal state over the continental shelf do not affect the legal status of the superjacent waters as high seas, or that of the air space above those waters.

Article 4

Subject to its right to take reasonable measures for the exploration of the continental shelf and the exploitation of its natural resources, the coastal state may not impede the laying or maintenance of submarine cables or pipelines on the continental shelf.

Article 5

- 1 The exploration of the continental shelf and the exploitation of its natural resources must not result in any unjustifiable interference with navigation, fishing or the conservation of the living resources of the sea, nor result in any interference with fundamental oceanographic or other scientific research carried out with the intention of open publication.
- 2 Subject to the provisions of paras 1 and 6 of this article, the coastal state is entitled to construct and maintain or operate on the continental shelf installations and other devices necessary for its exploration and the exploitation of its natural resources, and to establish safety zones around such installations and devices and to take in those zones measures necessary for their protection.

- 3 The safety zones referred to in para 2 of this article may extend to a distance of 500 metres around the installations and other devices which have been erected, measured from each point of their outer edge. Ships of all nationalities must respect these safety zones.
- 4 Such installations and devices, though under the jurisdiction of the coastal state, do not possess the status of islands. They have no territorial sea of their own, and their presence does not affect the delimitation of the territorial sea of the coastal state.
- 5 Due notice must be given of the construction of any such installations, and permanent means for giving warning of their presence must be maintained. Any installations which are abandoned or disused must be entirely removed.
- 6 Neither the installations or devices, nor the safety zones around them, may be established where interference may be caused to the use of recognised sea lanes essential to international navigation.
- 7 The coastal state is obliged to undertake, in the safety zones, all appropriate measures for the protection of the living resources of the sea from harmful agents.
- 8 The consent of the coastal state shall be obtained in respect of any research concerning the continental shelf and undertaken there. Nevertheless, the coastal state shall not normally withhold its consent if the request is submitted by a qualified institution with a view to purely scientific research into the physical or biological characteristics of the continental shelf, subject to the proviso that the coastal state shall have the right, if it so desires, to participate or to be represented in the research, and that in any event the results shall be published.

Article 6

- 1 Where the same continental shelf is adjacent to the territories of two or more states whose coasts are opposite each other, the boundary of the continental shelf appertaining to such states shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary is the median line, every point of which is equidistant from the nearest point of the baselines from which the breadth of the territorial sea of each state is measured.
- 2 Where the same continental shelf is adjacent to the territories of two adjacent states, the boundary of the continental shelf shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary shall be determined by application of the principle of equidistance from the nearest point of the baseline from which the breadth of the territorial sea of each state is measured.
- 3 In delimiting the boundaries of the continental shelf, any lines which are drawn in accordance with the principles set out in paras 1 and 2 of this article should be defined with reference to charts and geographical features as they exist at a particular date, and reference should be made to fixed permanent identifiable points on the land.

Article 7

The provisions of these articles shall not prejudice the right of the coastal state to exploit the subsoil by means of tunnelling irrespective of the depth of water above the subsoil.

Article 8

This Convention shall, until 30 October 1958, be open for signature by all States Members of the United Nations or of any of the specialised agencies, and by any other state invited by the General Assembly of the United Nations to become a Party to the Convention.

Article 9

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary General of the United Nations.

Article 10

This Convention shall be open for accession by any states belonging to any of the categories mentioned in Article 8. The instrument of accession shall be deposited with the Secretary General of the United Nations.

Article 11

- 1 This Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary General of the United Nations.
- 2 For each state ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such States of its instrument of ratification or accession.

Article 12

- 1 At the time of signature, ratification or accession, any state may make reservations to articles of the Convention other than to Articles 1 to 3 inclusive.
- 2 Any contracting state making a reservation in accordance with the preceding paragraph may at any time withdraw the reservation by a communication to that effect addressed to the Secretary General of the United Nations.

Article 13

- 1 After the expiration of a period of five years from the date on which this Convention shall enter into force, a request for the revision of this Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary General of the United Nations.
- 2 The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

Article 14

The Secretary General of the United Nations shall inform all States Members of the United Nations and the other States referred to in Article 8:

- (a) of signatures to this Convention and of the deposit of instruments of ratification or accession, in accordance with Articles 8, 9 and 10;
- (b) of the date on which this Convention will come into force, in accordance with Article 11;
- (c) of requests for revision in accordance with Article 13;
- (d) of reservations to this Convention, in accordance with Article 12.

Article 15

The original of this Convention, of which the Chinese, English, French, Russian, and Spanish texts are equally authentic, shall be deposited with the Secretary