

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



# **The Law of the Sea**

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**Obligations of States Parties  
under the United Nations  
Convention on the Law of the Sea  
and Complementary Instruments**



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## ABBREVIATIONS

AFS 2001	International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001
ASEAN	Association of South-East Asian Nations
BC Code	IMO Code for Safe Practice for Solid Bulk Cargoes
BCH Code	Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk
Basel Convention	Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, 1989
CITES 1973	Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973
CLC	International Convention on Civil Liability for Oil Pollution Damage, 1969
CMS	Convention on the Conservation of Migratory Species of Wild Animals, 1979
COLREG 1972	Convention on the International Regulations for Preventing Collisions at Sea, 1972
EEZ	Exclusive economic zone
FAL 1965	Convention on Facilitation of International Maritime Traffic, 1965
FAO	Food and Agriculture Organization of the United Nations
FAO Compliance Agreement	Agreement to Promote Compliance with International Conservation and Management Measures on the High Seas
IAEA	International Atomic Energy Agency
IBC Code	International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk
IGC Code	International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk

ICAO	International Civil Aviation Organization
ILO	International Labour Organization
IMO	International Maritime Organization
INF Code	International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, International Plutonium and High-level Radioactive Wastes On Board Ships
INTERVENTION 1969	International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969
INTERVENTION PROT 1973	Protocol Relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil
ITU	International Telecommunication Union
LL 66	International Convention on Load Lines, 1966
LL PROT 1988	Protocol of 1988 Relating to the International Convention on Load Lines, 1966
London Convention	Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972
MARPOL 73/78	International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto
MARPOL PROT 1997	Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto
MSR	Marine scientific research
MODU Code	IMO Code for the Construction and Equipment of Mobile Offshore Drilling Units, 1989
NUCLEAR 1971	Convention relating to Civil Liability in the Field of Maritime Carriage of Nuclear Material, 1971
OPRC 1990	International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990

OPRC PROT 2000	Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances, 2000
SFV 1977	Torremolinos International Convention for the Safety of Fishing Vessels, 1977
SFV PROT 1993	Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977
SOLAS 1974	International Convention for the Safety of Life at Sea, 1974
STCW 1978	International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended
STCW-F 1995	International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995
SUA 1988	Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988
SUA PROT 1988	Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988
TONNAGE 1969	International Convention on Tonnage Measurement of Ships, 1969
UNCED	United Nations Conference on Environment and Development
UNCLOS	United Nations Convention on the Law of the Sea
UNFCCC	United Nations Framework Convention on Climate Change, 1992
United Nations Fish Stocks Agreement, 1995	Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 1995



## INTRODUCTION

1. The United Nations Convention on the Law of the Sea (UNCLOS) is widely recognized as the general legal framework within which all activities in the oceans and seas must be carried out. It also sets forth the rights and obligations of States in carrying out these activities, including those relating to navigation, living and non-living resources, protection and preservation of the marine environment, marine scientific research, and development and transfer of marine technology, in all maritime areas provided for in the Convention.
2. Since the conclusion of the Convention in 1982, and with renewed effort after its entry into force in 1994, States Parties have been engaged in the process of harmonizing their national legislation with the relevant provisions of the Convention. Unfortunately a number of States have not been as diligent in implementing their obligations under the Convention as they have in respect of their rights under it. With particular reference to obligations under UNCLOS, it is important to note that different types of provisions can be found in the Convention. The first type of provisions contains direct obligations of States under the Convention (see part I, sect. A); the second contains obligations that arise for States when exercising an entitlement under the Convention (see part I, sect. B).<sup>1</sup>
3. In addition to direct obligations the Convention, as an “umbrella treaty”, requires States to give effect to international rules and standards contained in complementary international instruments of binding character established through competent international organizations or diplomatic conferences. Such complementary international instruments need to be implemented by States to fulfil their obligations under the Convention (see part II). States in fact are also required to cooperate to conclude new instruments implementing the framework obligations contained in the Convention.
4. Certain non-legally binding instruments should also be taken into account by States, as they have been adopted to facilitate the implementation either of the provisions of UNCLOS or of instruments adopted to develop the provisions of UNCLOS (see annex). In particular, some resolutions adopted by the Assembly, the Maritime Safety Committee and the Marine Environment Protection Committee of the International Maritime Organization (IMO) contain recommendations for the implementation of technical rules and standards in order to implement general provisions of IMO treaties, or as free-standing recommendations intended to further the IMO mandate to promote the safety of navigation and the protection of the marine environment. These resolutions are normally adopted by consensus and thus reflect global agreement by all IMO member States. Parties to UNCLOS are expected to conform to these rules and standards; furthermore, national legislation adopted to implement IMO resolutions can be applied with binding character to foreign ships.<sup>2</sup>

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<sup>1</sup> The obligations and prohibitions listed in this publication are intended as a summary of the relevant provisions contained in the United Nations Convention on the Law of the Sea and should be read in conjunction with the integral text of the Convention.

<sup>2</sup> IMO Circular letter No.2456, 17 February 2003, “Implications of the United Nations Convention on the Law of the Sea for the International Maritime Organization” (LEG/MISC/3/Rev.1).

5. It will be noted that UNCLOS uses varied expressions to qualify the international standards, rules and regulations with which States Parties are under an obligation to comply. In the provisions dealing with international navigation, including safety of navigation, reference is made, inter alia, to “generally accepted international regulations” (arts. 21 (4), 39 (2)(a) and (b), and 41 (3)), “generally accepted international standards” (art. 60 (6)), “generally accepted international standards, rules, regulations or procedures” (art. 94 (2)(a) and (5)) or “applicable international regulations” (arts. 42 (1)(b) and 94 (4)(c)). In the provisions dealing with the conservation and management of marine living resources, reference is made to “generally recommended international minimum standards” (arts. 61 (3) and 119 (1)(a)). Moreover, as regards the protection and preservation of the marine environment, the international minimum requirements are often referred to as “internationally agreed rules, standards and recommended practices and procedures” (arts. 207 (1) and 212 (1)), “international rules, regulations and procedures” (art. 209 (2)), “global rules and standards” (art. 210 (6)), “generally accepted international rules and standards established through the competent international organization or general diplomatic conference” (art. 211 (2)) or “applicable international rules and standards established through competent international organizations or diplomatic conference” (arts. 213, 214, 216 (1) and 222).<sup>3</sup>

6. The lack of uniformity in terminology does not affect the obligation of States Parties to comply with these international standards, regulations, rules, procedures and practices. The source of this obligation is UNCLOS itself, and in implementing the Convention, States Parties are also expected to implement such standards, rules, regulations, procedures and practices, whether or not they are parties to the legal instruments establishing them. Although these norms may not be part of a State Party’s conventional obligations or rules of customary international law, which are inherently binding upon individual States, they seem to form a separate category of law that is mandatory upon States not by its “own” force but solely “through” the application of the cited provisions of UNCLOS.<sup>4</sup>

7. Moreover, the Convention uses a number of terms to indicate the relationship between the national laws and regulations to be adopted by States and the international rules and standards to which it makes specific reference. For instance, in provisions addressing the obligations of coastal States or flag States regarding international navigation, preservation of the marine environment from vessel-source pollution, dumping and seabed source pollution, the Convention uses peremptory language requiring national laws and regulations to have “at least the same effect as” (art. 211 (2)), or to be “no less effective than” international minimum standards and rules (arts. 208 (3), 209 (2) and 210 (6)), and demands that States Parties “comply with” (arts. 21 (4), 39 (2)(a) and (b), and 60 (6)), “give effect to” (arts. 21 (4) and 220 (3)), “observe” (art. 94 (4)(c)), “ensure” (arts. 94 (4)(c), 217 (1) and (3)), “conform to” (arts. 41 (3), 53 (8), 94 (5) and 220 (3)) or otherwise enforce these international

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<sup>3</sup> See generally Bernard H. Oxman, “Complementary Agreements and Compulsory Jurisdiction”, *American Journal of International Law*, vol. 95, No. 2 (2001), p. 277

<sup>4</sup> Kari Hakapaa, “Marine Pollution in International Law, Material Obligations and Jurisdiction with Special Reference to the Third United Nations Conference on the Law of the Sea”, *Annales Academiae Scientiarum Fennica, Dissertationes Humanarum Litterarum* 28, Helsinki (1981), p. 119.

minimum requirements. In other provisions dealing with land-based sources of pollution (art. 207 (7)), pollution from the atmosphere (art. 212), conservation and management of marine living resources (arts. 61 (3) and 119 (1)(a)) and the establishment of safety zones around artificial islands in the exclusive economic zone (art. 60 (3)) and on the continental shelf (art. 80), the Convention merely requests States Parties to "take into account" the international rules, standards and practices (see also arts. 94 (3)(b) and 262). These different phrases indicate the relationship between national laws and the international rules to which UNCLOS makes reference.

8. What is expected from States Parties to UNCLOS is the establishment of national laws and regulations which *comply with, give effect to, ensure, conform to, observe* or *take into account* the international standards, rules, regulations, procedures and practices provided for in the relevant international instruments, allowing States to: (a) ensure the safety of navigation; (b) prevent and protect the marine environment from all sources of pollution; (c) ensure the conservation of marine living resources; and (d) promote scientific research. Some level of flexibility is envisaged in implementation at the national level. For instance, national laws and regulations can be more stringent than the relevant international rules and standards. Moreover, they are not expected to reflect literally the relevant international rules and standards, providing that they prove as effective in their practical application.

9. Identifying the conventions and agreements that establish the minimum international requirements can be a daunting task for States, as those instruments are not specifically mentioned in UNCLOS. In order to incorporate international norms into national legislation, States need to familiarize themselves with the relevant legal instruments which establish these norms, including the modalities for implementing the technical provisions included in the international standards, rules, regulations, procedures and practices.

10. Accordingly, the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs, pursuant to General Assembly resolution 49/28 of 6 December 1994, has prepared a matrix identifying the obligations of States under UNCLOS and other instruments establishing the international standards, rules, regulations, practices and procedures referred to in the Convention, as part of its ongoing efforts to provide assistance to States Parties in fulfilling all their obligations under UNCLOS. An annex listing the voluntary international instruments establishing international minimum requirements is also provided in the present study.

11. The Division would like to express its gratitude to the following specialized agencies for their contribution to the present study: Food and Agriculture Organization of the United Nations, International Atomic Energy Agency, International Civil Aviation Organization, International Labour Organization and International Maritime Organization.

## I. Obligations of States under UNCLOS

### A. Direct obligations

#### 1. Territorial sea

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 8 para. (2)	<p><i>Internal waters</i></p> <ul style="list-style-type: none"> <li>• Obligation of the coastal States to grant innocent passage in waters that became internal waters following the establishment of straight baselines</li> </ul>
Article 11	<p><i>Ports</i></p> <ul style="list-style-type: none"> <li>• Obligation of the coastal States not to consider offshore installations and artificial islands as permanent harbour works in delimitation of the territorial sea</li> </ul>
Article 16 para. (1)  para. (2)	<p><i>Charts and lists of geographical coordinates</i></p> <ul style="list-style-type: none"> <li>• Obligation of the coastal States to show their baselines or the limits derived therefrom or the lines of delimitation on charts or lists of geographical coordinates</li> <li>• Obligation of coastal States to give due publicity to their baselines and to deposit charts or lists of geographical coordinates with the Secretary-General of the United Nations</li> </ul>
Article 18 para. (2)	<p><i>Meaning of passage</i></p> <ul style="list-style-type: none"> <li>• Obligation of flag States to ensure that innocent passage of ships flying their flag is continuous and expeditious. Innocent passage can include stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress</li> </ul>
Article 19 para. (1)	<p><i>Meaning of innocent passage</i></p> <ul style="list-style-type: none"> <li>• Obligation of flag States to ensure that ships flying their flag exercise the right of innocent passage in conformity with the Convention and with other rules of international law (activities that render passage not innocent are listed under art. 19(2))</li> </ul>
Article 20	<p><i>Submarines and other underwater vehicles</i></p> <ul style="list-style-type: none"> <li>• Obligation of flag States to ensure that in the territorial sea submarines and underwater vehicles flying their flag navigate on the surface and show their flag</li> </ul>
Article 21 para. (4)	<p><i>Laws and regulations of the coastal State relating to innocent passage</i></p> <ul style="list-style-type: none"> <li>• Obligation of flag States to ensure that ships flying their flag in innocent passage through the territorial sea of a coastal State comply with laws and regulations adopted by the coastal State relating to innocent passage and all generally accepted international regulations relating to the prevention of collisions at sea (see also Part II and the annex)</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 23	<p><i>Foreign nuclear-powered ships carrying nuclear or other inherently dangerous or noxious substances</i></p> <ul style="list-style-type: none"> <li>• Obligation of flag States to ensure that nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances flying their flag carry documents and observe special precautionary measures established for such ships by international agreements, when exercising the right of innocent passage through the territorial sea</li> </ul>
Article 24 para. (1)  para. (2)	<p><i>Duties of the coastal State</i></p> <ul style="list-style-type: none"> <li>• Obligation of coastal States not to hamper the innocent passage of foreign ships through the territorial sea, except in accordance with the Convention</li> <li>• Obligation of coastal States to give appropriate publicity to any danger to navigation, of which they have knowledge, within their territorial sea</li> </ul>

## 2. Straits used for international navigation

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 38 para. (1)	<p><i>Right of transit passage</i></p> <ul style="list-style-type: none"> <li>• Obligation of States bordering straits not to impede the right of transit passage</li> </ul>
Article 39 para. (1)  para. (2)  para. (3)	<p><i>Duties of ships and aircraft during transit passage</i></p> <ul style="list-style-type: none"> <li>• Obligation of flag States to ensure that ships flying their flag and aircraft of their registration while in transit passage proceed without delay; refrain from any threat or use of force against bordering States; refrain from any activities not incidental to normal modes of continuous and expeditious transit (unless necessary by force majeure or by distress); and comply with other relevant provisions of Part III of UNCLOS governing straits used for international navigation</li> <li>• Obligation of flag States to ensure that ships flying their flag while in transit passage comply with generally accepted international regulations, procedures and practices for: (a) safety at sea; and (b) the prevention, reduction and control of pollution from ships (see Part II and annex)</li> <li>• Obligation of States of registration to ensure that their aircraft while in transit passage observe the Rules of the Air established by the International Civil Aviation Organization; and that at all times they monitor the radio frequency assigned by the competent internationally designated air traffic control authority or the appropriate international distress radio frequency (see also Part II and annex)</li> </ul>
Article 40	<p><i>Research and survey activities</i></p> <ul style="list-style-type: none"> <li>• Obligation of flag State to ensure that, during transit passage, ships, including marine scientific research and hydrographic survey ships, do not carry out any research or survey activities without the prior authorization of the States bordering straits</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 41 para. (7)  See also Part I, Section B	<i>Sea lanes and traffic separation schemes in straits used for international navigation</i> <ul style="list-style-type: none"> <li>• Obligation of flag State to ensure that ships flying their flag while in transit passage respect applicable sea lanes and traffic separation schemes established by the State bordering the strait in accordance with this article</li> </ul>
Article 42 para. (4)  See also Part I, Section B	<i>Laws and regulations of States bordering straits relating to transit passage</i> <ul style="list-style-type: none"> <li>• Obligation of flag States to ensure that ships flying their flag while in transit passage comply with laws and regulations adopted by States bordering straits relating to transit passage, in accordance with the provisions of the article</li> </ul>
Article 44	<i>Duties of States bordering straits</i> <ul style="list-style-type: none"> <li>• Obligation of States bordering straits not to hamper transit passage and to give publicity to any danger to navigation and overflight within or over the strait of which they have knowledge; and obligation not to suspend transit passage</li> </ul>
Article 45 para. (2)	<i>Innocent passage</i> <ul style="list-style-type: none"> <li>• Obligation of States bordering straits not to suspend innocent passage, in straits where it applies</li> </ul>

### 3. Archipelagic States

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 48	<i>Measurement of the breadth of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf</i> <ul style="list-style-type: none"> <li>• Obligation of archipelagic States to measure the breadth of the territorial sea, the contiguous zone, the EEZ and the continental shelf from archipelagic baselines drawn in accordance with article 47</li> </ul>
Article 51 para. (1)  para. (2)	<i>Existing agreements, traditional fishing rights and existing submarine cables</i> <ul style="list-style-type: none"> <li>• Obligation of archipelagic States to respect existing agreements with other States and to recognize traditional fishing rights and other legitimate activities of the immediately adjacent neighbouring States in certain areas falling within archipelagic waters. The terms and conditions for the exercise of such rights are to be regulated by bilateral agreements.</li> <li>• Obligation of archipelagic States to respect existing submarine cables passing through their waters without making a landfall. They are to permit the maintenance and replacement of such cables.</li> </ul>
Article 53 para. (11)  See also Part I, Section B	<i>Right of archipelagic sea lanes passage</i> <ul style="list-style-type: none"> <li>• Obligation of flag States to ensure that ships flying their flag in archipelagic sea lanes passage respect applicable sea lanes and traffic separation schemes</li> </ul>
Article 54	<i>Duties of ships and aircraft during passage, research and survey activities, duties of the archipelagic State and laws and regulations of the archipelagic State relating to archipelagic sea lanes passage</i>

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
	<ul style="list-style-type: none"> <li>• See obligations under articles 39, 40, 42 and 44</li> </ul>

#### 4. Exclusive economic zone

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 56 para. (2)  para. (3)	<i>Rights, jurisdiction and duties of the coastal State in the exclusive economic zone</i> <ul style="list-style-type: none"> <li>• Obligation of coastal States, in exercising their rights and duties in the EEZ, to have due regard to the rights and duties of other States and to act in a manner compatible with the Convention</li> <li>• Obligation of coastal States to exercise their rights in respect of the seabed and subsoil of the EEZ in accordance with Part VI</li> </ul>
Article 57	<i>Breadth of the exclusive economic zone</i> <ul style="list-style-type: none"> <li>• Obligation of coastal States not to extend their EEZ beyond 200 nautical miles from the baselines from which the territorial sea is measured</li> </ul>
Article 58 paras. (1) and (2) para. (3)	<i>Rights and duties of other States in the exclusive economic zone</i> <ul style="list-style-type: none"> <li>• See obligations under articles 87 and 88-115.</li> <li>• Obligation of flag States, in exercising their rights and performing their duties in the EEZ, to have due regard to the rights and duties of the coastal State and to comply with laws and regulations adopted by the coastal State in accordance with UNCLOS and other rules of international law compatible with Part V of UNCLOS</li> </ul>
Article 60 para. (3)  para. (5)  para. (6)	<i>Artificial islands, installations and structures in the exclusive economic zone</i> <ul style="list-style-type: none"> <li>• Obligation of coastal State to: (a) give due notice of construction of artificial islands, installations and structures, and maintain permanent means for giving warning of their presence; (b) remove abandoned or disused installations, taking into account generally accepted international standards (see Part II and annex); (c) give appropriate publicity to the depth, position and dimensions of any installations or structures not entirely removed</li> <li>• Obligation of Coastal States to determine the breadth of the safety zones by taking into account applicable international standards (see Part II and annex). Such zones to be designed to ensure that they are reasonably related to the nature and function of the artificial islands, installations or structures, and not to exceed a distance of 500 metres around them, measured from each point of their outer edge, except as authorized by generally accepted international standards or as recommended by the competent international organization. Due notice to be given of the extent of safety zones</li> <li>• Obligation of flag States to ensure that ships flying their flag respect the safety zones that may be established by the coastal States around artificial islands, installation and structures, and that they comply with generally accepted international standards regarding navigation in the vicinity of artificial island, installations, structures and safety zones (see Part II and annex)</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 61 para. (1) para. (2)  para. (3)  para. (4)  para. (5)	<i>Conservation of the living resources</i> <ul style="list-style-type: none"> <li>• Obligation of coastal States to determine the allowable catch of the living resources of the EEZ</li> <li>• Obligation of coastal States to take conservation and management measures to ensure that the maintenance of the living resources in the EEZ is not endangered by over-exploitation. Obligation of coastal States and competent international organizations - subregional, regional or global - to cooperate as appropriate to this end</li> <li>• Obligation of coastal States to take measures to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield, taking into account the interdependence of stocks and any generally recommended international minimum standards (see Part II and annex)</li> <li>• Obligation of coastal States, in taking such measures, to take into account the effects on species associated with or dependent upon harvested species</li> <li>• Obligation of coastal States and States allowed to fish in their EEZ to contribute and exchange on a regular basis through competent international organizations data relevant to the conservation of fish stocks</li> </ul>
Article 62 para. (1) paras. (2) and (3)  para. (4)  para. (5)	<i>Utilization of the living resources</i> <ul style="list-style-type: none"> <li>• Obligation of coastal States to promote optimum utilization of the living resources in the EEZ</li> <li>• Obligation of coastal States to determine their capacity to harvest the living resources of the EEZ and to give other States access to the surplus of the allowable catch (taking into account all relevant factors)</li> <li>• Obligation of flag States to ensure that their nationals fishing in the EEZ of another coastal State comply with the conservation measures and with the other terms and conditions established in the laws of the coastal State, in accordance with the provisions of this article</li> <li>• Obligation of coastal States to give due notice of conservation and management laws and regulations</li> </ul>
Article 63 para. (1) para. (2)	<i>Stocks occurring within the exclusive economic zones of two or more coastal States or both within the exclusive economic zone and in an area beyond and adjacent to it</i> <ul style="list-style-type: none"> <li>• Where stocks occur within the EEZ of two or more States, obligation of coastal States to seek to agree, directly or through appropriate subregional or regional organizations, upon conservation and development measures</li> <li>• Where stocks occur both within the EEZ and in an area beyond and adjacent to it, obligation of the coastal State and States fishing for such stocks to seek, directly or through appropriate subregional or regional organizations, to agree upon conservation measures</li> </ul>
Articles 64	<i>Highly migratory species</i> <ul style="list-style-type: none"> <li>• Obligation of coastal States and other States fishing in the region to cooperate, directly or through appropriate international organizations (and if no organizations exist, obligation to cooperate to establish them), to ensure conservation and optimum utilization of highly migratory species listed in Annex I of UNCLOS both within and beyond the EEZ</li> </ul>
Articles 65	<i>Marine mammals</i> <ul style="list-style-type: none"> <li>• Obligation of States to cooperate with a view to the conservation of marine mammals and the management, conservation and study of cetaceans, through the appropriate international organizations</li> </ul>
Article 66 para. (1)	<i>Anadromous stocks</i> <ul style="list-style-type: none"> <li>• Obligation of States in whose rivers anadromous stocks originate (States of origin) to have the primary</li> </ul>



Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
para. (2) para. (3)(a) para. (3)(b) para. (3)(c) para. (3)(d) para. (4)	responsibility for them <ul style="list-style-type: none"> <li>• Obligation of States of origin to ensure their conservation by establishing regulatory measures for fishing in waters landward of the outer limits of the EEZ</li> <li>• Obligation of States to fish for anadromous stocks only in waters landward of the outer limit of the EEZ, except if this would create economic dislocation for States other than the State of origin; in such case, obligation of States engaging in fishing beyond the outer limits of the EEZ to maintain consultations with a view to achieving agreements on terms and conditions of such fishing, giving regard to conservation requirements and the needs of the State of origin</li> <li>• Obligation of States of origin to cooperate in minimizing economic dislocation in other States fishing these stocks</li> <li>• Obligation of States of origin to give special consideration in the harvesting of stocks to States participating by agreements with them in measures to renew anadromous stocks</li> <li>• Obligation of States of origin and other States concerned to enforce regulations regarding stocks beyond the EEZ by agreement</li> <li>• Obligation of States in whose EEZ anadromous stocks migrate to cooperate with the State of origin for the conservation and management of such stocks</li> </ul>
Article 67 para. (1) para. (2) para. (3)	<i>Catadromous species</i> <ul style="list-style-type: none"> <li>• Obligation of coastal States in whose waters catadromous species spend the greater part of the life cycle to manage these species and to ensure the ingress and egress of migrating fish</li> <li>• Obligation of States to harvest catadromous species only in waters landward of the outer limits of the EEZ</li> <li>• Obligation of the coastal State referred to in para.1 to conclude an agreement with the coastal State through the EEZ of which catadromous species migrate, to ensure the rational management of the species and take into account the responsibilities of the coastal State in whose waters catadromous species spend the greater part of their life cycle</li> </ul>
Article 69 para. (1) para. (2) para. (3)	<i>Right of landlocked States</i> <ul style="list-style-type: none"> <li>• Obligation of coastal States to grant landlocked States of the same region the right to participate in the exploitation of a part of the surplus of the living resources of their EEZ</li> <li>• Obligation of States concerned to establish the terms and modalities of such participation through bilateral, subregional or regional agreements, taking into account, inter alia: (a) the need to avoid effects detrimental to fishing communities or fishing industries of the coastal State; (b) the extent to which the landlocked State, in accordance with the provisions of this article, is participating or is entitled to participate under existing bilateral, subregional or regional agreements in the exploitation of living resources of the EEZs of other coastal States; (c) the extent to which other landlocked States and geographically disadvantaged States are participating in the exploitation of the living resources of the EEZ of the coastal State and the consequent need to avoid a particular burden for any single coastal State or part of it; (d) the nutritional needs of the populations of the respective States</li> <li>• Obligation of the coastal State and other States concerned to cooperate in the establishment of equitable arrangements on a bilateral, subregional or regional basis to allow for the participation of developing landlocked States of the same subregion or region in the exploitation of the living resources of their EEZ, taking into account</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
	the factors mentioned in para.2, when the harvesting capacity of the coastal State approaches a point which would enable it to harvest the entire allowable catch
<p>Article 70 para. (1)</p> <p>para. (3)</p> <p>para. (4)</p>	<p><i>Right of geographically disadvantaged States</i></p> <ul style="list-style-type: none"> <li>• Obligation of coastal States to grant geographically disadvantaged States of the same subregion or region the right to participate in the exploitation of a part of the surplus of the living resources of their EEZ, in conformity with articles 61 and 62</li> <li>• Obligation of States concerned to establish the terms and modalities of such participation through bilateral, subregional or regional agreements, in conformity with the provisions of this article and of article 71</li> <li>• Obligation of coastal States and other States concerned to cooperate in the establishment of equitable arrangements to allow for participation of developing landlocked States of the same subregion or region in the exploitation of the living resources of their EEZ, when the harvesting capacity of the coastal State approaches a point which would enable it to harvest the entire allowable catch</li> </ul>
<p>Article 72 para. (1)</p>	<p><i>Restrictions on transfer of rights</i></p> <ul style="list-style-type: none"> <li>• Obligation for landlocked States and geographically disadvantaged States to prohibit the direct or indirect transfer of their rights under articles 69 and 70 to third States or their nationals unless otherwise agreed by the States concerned</li> </ul>
<p>Article 74 para. (1)</p> <p>para. (2)</p> <p>para. (3)</p> <p>para. (4)</p>	<p><i>Delimitation of the EEZ between States with opposite or adjacent coasts</i></p> <ul style="list-style-type: none"> <li>• Obligation of States with opposite or adjacent coasts to effect the delimitation of the EEZ by agreement on the basis of international law in order to achieve an equitable solution</li> <li>• Obligation of States concerned to resort to the procedure under Part XV of the Convention, if no agreement can be reached within a reasonable period of time</li> <li>• Obligation of States concerned to make every effort, pending agreement under paragraph 1, to enter into provisional arrangements of a practical nature and not to jeopardize or hamper the reaching of the final agreement</li> <li>• Obligation of States concerned to determine questions relating to the delimitation of the EEZ in accordance with the provisions of any existing agreements in force between them</li> </ul>
<p>Article 75 para. (1)</p> <p>para. (2)</p>	<p><i>Charts and lists of geographical coordinates</i></p> <ul style="list-style-type: none"> <li>• Obligation of coastal States to show on charts the outer limit lines of the EEZ and the lines of delimitation of the EEZ between States, or where appropriate to make a list of geographical coordinates, specifying the geodetic datum</li> <li>• Obligation of coastal States to give due publicity to and deposit charts or lists of geographical coordinates with the Secretary-General of the United Nations</li> </ul>

## 5. The continental shelf

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
<p>Article 76 para. (2)</p> <p>para. (4) (a)</p> <p>para. (4) (b)</p> <p>para. (5)</p> <p>para. (6)</p> <p>para. (7)</p> <p>para. (8)</p> <p>para. (9)</p>	<p><i>Definition of the continental shelf</i></p> <ul style="list-style-type: none"> <li>• Obligation of coastal States not to extend their continental shelf beyond the limits provided for in paragraphs 4 to 6 of this article</li> <li>• Obligation of coastal States to establish the outer edge of the continental margin, wherever the margin extends beyond 200 nautical miles, by either: (a) a line delineated by reference to the outermost fixed points at each of which the thickness of sedimentary rocks is at least 1 per cent of the shortest distance from such point to the foot of the continental slope; or (b) a line delineated by reference to fixed points not more than 60 nautical miles from the foot of the continental slope</li> <li>• Obligation of coastal States to determine the foot of the continental slope as the point of maximum change in the gradient at its base, in the absence of evidence to the contrary</li> <li>• Obligation of coastal States, in delineating the fixed points comprising the line of the outer limits of the continental shelf on the seabed, not to exceed either 350 nautical miles from the baselines from which the breadth of the territorial sea is measured or 100 nautical miles from the 2,500 metre isobath, which is a line connecting the depth of 2,500 metres</li> <li>• Obligation of coastal States in determining the outer limit of the continental shelf, on submarine ridges, not to exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured, notwithstanding the provisions of para.5. This paragraph does not apply to submarine elevations that are natural components of the continental margin, such as its plateaux, rises, caps, banks and spurs.</li> <li>• Obligation of coastal States to delineate the outer limits of their extended continental shelf by straight lines not exceeding 60 nautical miles in length, connecting fixed points, defined by coordinates of latitude and longitude</li> <li>• Obligation of coastal States to submit information on the limits of their extended continental shelf to the Commission on the Limits of the Continental Shelf, which is to make recommendations to the coastal State on matters related to the establishment of the outer limits of their continental shelf. The limits of the shelf established by a coastal State on the basis of these recommendations shall be final and binding.</li> <li>• Obligation of coastal States to deposit charts and relevant information permanently describing the outer limits of their continental shelf with the Secretary-General of the United Nations, who is to give due publicity thereto</li> </ul>
<p>Article 78 para. (2)</p>	<p><i>Legal status of the superjacent waters and airspace and the rights and freedoms of other States</i></p> <ul style="list-style-type: none"> <li>• Obligation of coastal States, in the exercise of rights over the continental shelf, not to infringe or unjustifiably interfere with navigation and other rights and freedoms of other States provided for in the Convention</li> </ul>
<p>Article 79 para. (2)</p>	<p><i>Submarine cables and pipelines on the continental shelf</i></p> <ul style="list-style-type: none"> <li>• Obligation of the coastal State not to impede the laying or maintenance of submarine cables and pipelines, subject to its right to take reasonable measures for the exploration of the continental shelf, the exploitation of its natural resources and the prevention, reduction and control of pollution from pipelines</li> </ul>
<p>See also Part I, Section B</p>	

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 80	<p><i>Artificial islands, installations and structures on the continental shelf</i></p> <ul style="list-style-type: none"> <li>• See obligations under article 60 regarding artificial islands, installations and structures.</li> </ul>
Article 82 paras (1), (2) and (4)	<p><i>Payments and contributions with respect to the exploitation of the continental shelf beyond 200 nautical miles</i></p> <ul style="list-style-type: none"> <li>• Obligation of coastal States to make annual payments and contributions in kind in respect of the exploitation of the non-living resources of the continental shelf beyond 200 nautical miles after the first five years of production at a given site. Payments must be made through the Authority.</li> </ul>
Article 83 para. (1) para. (2) para. (3) para. (4)	<p><i>Delimitation of the continental shelf between States with opposite or adjacent coasts</i></p> <ul style="list-style-type: none"> <li>• Obligation of States with opposite or adjacent coasts to effect the delimitation of the continental shelf by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution</li> <li>• Obligation of States concerned to resort to the procedure under Part XV of the Convention, if no agreement can be reached within a reasonable period of time</li> <li>• Obligation of States concerned to make every effort, pending agreement under paragraph 1, to enter into provisional arrangements of a practical nature and not to jeopardize or hamper the reaching of the final agreement</li> <li>• Obligation of States concerned to determine questions relating to the delimitation of the continental shelf in accordance with the provisions of any existing agreements in force between them</li> </ul>
Article 84 para. (1) para. (2)	<p><i>Charts and lists of geographical coordinates</i></p> <ul style="list-style-type: none"> <li>• Obligation of coastal States to show the outer limits of the continental shelf and the lines of delimitation of the continental shelf on charts or, where appropriate, make a list of geographical coordinates, specifying the geodetic datum</li> <li>• Obligation of coastal States to give due publicity to such charts or lists of geographical coordinates and to deposit a copy of such charts or lists of geographical coordinates with the Secretary-General of the United Nations</li> </ul>

## 6. High seas

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 87 para. (2)	<p><i>Freedom of the high seas</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to exercise the freedoms of the high seas with due regard for the interests of other States in their exercise of the same freedoms and with due regard for the rights under the Convention with respect to activities in the Area</li> </ul>
Article 88	<p><i>Reservation of the high seas for peaceful purposes</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to reserve the high seas for peaceful purposes</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 89	<p><i>Invalidity of claims of sovereignty over the high seas</i></p> <ul style="list-style-type: none"> <li>• Obligation of States not to claim sovereignty over any part of the high seas</li> </ul>
Article 91 para. (1) para. (2)	<p><i>Nationality of ships</i></p> <ul style="list-style-type: none"> <li>• Obligation of flag States to fix the conditions for the grant of their nationality to ships, for the registration of ships in their territories and for the right to fly their flag. There must be a genuine link between the State and the ship</li> <li>• Obligation of flag States to issue to ships to which they have granted the right to fly their flag documents to that effect</li> </ul>
Article 94 para. (1)  paras. (2)(a) and (b)  paras. (3) (4) and (5)   paras. (6)  para. (7)	<p><i>Duties of the flag State</i></p> <ul style="list-style-type: none"> <li>• Obligation of flag States to exercise effectively their jurisdiction and control in administrative, technical and social matters over ships flying their flag</li> <li>• Obligation of flag States to maintain a register of ships flying their flag and to assume jurisdiction under national law over ships flying their flag and their masters, officers and crew in respect of administrative, technical and social matters concerning the ship</li> <li>• Obligation of flag States to take measures for ships flying their flag to ensure safety at sea and to conform and secure the observance of generally accepted international regulations, procedures and practices, with regard to: the construction, equipment and seaworthiness of ships; the manning of ships, labour conditions and training of crews; the use of signals, the maintenance of communications and the prevention of collisions. Such measures shall also ensure: that ships are surveyed by a qualified surveyor before registration and at appropriate intervals and have on board the appropriate equipment and instruments for safe navigation; that ships are in the charge of a master, officers and crew possessing appropriate qualifications; and that the master, officers and crew are fully conversant with and required to observe applicable international regulations (see Part II and annex) concerning the safety of life at sea, the prevention of collisions, the prevention, reduction and control of marine pollution, and the maintenance of communications by radio</li> <li>• Obligation of flag States to investigate matters reported by other States on improper exercise of jurisdiction and control over ships flying their flag and, if appropriate, to take any action necessary to remedy the situation</li> <li>• Obligation of flag States to cause an inquiry to be held into every marine casualty or incident of navigation on the high seas involving ships flying their flag and causing a loss of life or serious injury to nationals of another State, or serious damage to ships or installations of another State or to the marine environment. Obligation of the flag State and the other State to cooperate in the conduct of any inquiry held by that other State into any such marine casualty or incident of navigation</li> </ul>
Article 97 para. (1)   para. (3)	<p><i>Penal jurisdiction in matters of collision or any other incident of navigation</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to refrain from instituting penal or disciplinary proceedings against the master or any other person in the service of a ship, involving their penal or disciplinary responsibility, in the event of a collision or any other incident of navigation concerning such a ship on the high seas, except before the judicial or administrative authorities either of the flag State or of the State of which such person is a national</li> <li>• Obligation of the authorities of a State, other than those of the flag State, to refrain from arresting or detaining a ship on the high seas, even as a measure of investigation</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
<p>Article 98 para. (1) (a) (b) (c)</p> <p>para. (2)</p>	<p><i>Duty to render assistance</i></p> <ul style="list-style-type: none"> <li>• Obligation of a flag State to require the master of a ship flying its flag, in so far as he can do without serious danger to the ship, the crew or the passengers, to render assistance to any person found at sea in danger; to proceed to rescue persons in distress, if informed of their need of assistance and in so far as such action may be reasonably expected of him; to render assistance to the other ship, its crew and its passengers, after a collision and, where possible, to inform the other ship of the name of his own ship, its port of registry and the nearest port at which it will call</li> <li>• Obligation of coastal States to promote the establishment, operation and maintenance of adequate and effective search and rescue services and, where circumstances so require, cooperate with neighbouring States through mutual regional arrangements</li> </ul>
Article 99	<p><i>Prohibition of the transport of slaves</i></p> <ul style="list-style-type: none"> <li>• Obligation of flag States to take effective measures to prevent and punish the transport of slaves in ships authorized to fly their flag and to prevent the unlawful use of their flag for that purpose. Any slave taking refuge on board any ship, whatever its flag, shall ipso facto be free</li> </ul>
Article 100	<p><i>Duty to cooperate in the repression of piracy</i></p> <ul style="list-style-type: none"> <li>• Obligation of all States to cooperate in the repression of piracy on the high seas or in any place outside the jurisdiction of any State</li> </ul>
Article 108	<p><i>Illicit traffic in narcotic drugs or psychotropic substances</i></p> <ul style="list-style-type: none"> <li>• Obligation of all States to cooperate for the suppression of illicit traffic in narcotic drugs and psychotropic substances engaged in by ships on the high seas contrary to international conventions</li> </ul>
Article 109 para. (1)	<p><i>Unauthorized broadcasting from the high seas</i></p> <ul style="list-style-type: none"> <li>• Obligation of all States to cooperate in the suppression of unauthorized broadcasting from the high seas</li> </ul>
Article 112 para. (2)	<p><i>Right to lay submarine cables and pipelines</i></p> <ul style="list-style-type: none"> <li>• See obligation under article 79 (5) on the laying of submarine cables or pipelines.</li> </ul>
Article 113	<p><i>Breaking or injury of a submarine cable or pipeline</i></p> <ul style="list-style-type: none"> <li>• Obligation of every State to adopt laws and regulations to make a punishable offence the breaking or injury by a ship flying its flag or by a person subject to its jurisdiction of a submarine cable, pipeline or high voltage power 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. The obligation also applies to conduct calculated or likely to result in such breaking or injury; it does not apply to any break or injury caused by persons trying to save their lives or their ships, after having taken all necessary precautions to avoid such break or injury</li> </ul>
Article 114	<p><i>Breaking or injury by owners of a submarine cable or pipeline of another submarine cable or pipeline</i></p> <ul style="list-style-type: none"> <li>• Obligation of every State to adopt laws and regulations requiring persons under its jurisdiction who are the owners of a submarine cable or pipeline beneath the high seas and who, when laying or repairing such cable or pipeline, cause a break in or injury to another cable or pipeline, to bear the costs of the repairs</li> </ul>
Article 115	<p><i>Indemnity for loss incurred in avoiding injury to a submarine cable or pipeline</i></p> <ul style="list-style-type: none"> <li>• Obligation of every State to adopt laws and regulations ensuring that the owners of ships who, after having taken</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
	all precautionary measures, have sacrificed an anchor, a net or other fishing gear in order to avoid injuring a submarine cable or pipeline, are indemnified by the owner of the cable or pipeline, provided that the owner of the ship has taken all reasonable precautionary measures beforehand

### 7. Conservation and management of the living resources of the high seas

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 117	<p><i>Duty of States to adopt with respect to their nationals measures for the conservation of the living resources of the high seas</i></p> <ul style="list-style-type: none"> <li>• Obligation of all States to take, or cooperate to take, measures for their nationals necessary for the conservation of the living resources of the high seas</li> </ul>
Article 118	<p><i>Cooperation of States in the conservation and management of the living resources</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to cooperate in the conservation and management of the living resources of the high seas. Obligation of States whose nationals exploit identical living resources, or different resources in the same area, to negotiate with a view to taking measures necessary for the conservation of the living resources concerned and, as appropriate, to cooperate to establish regional or subregional fisheries organizations to this end</li> </ul>
Article 119 paras. (1)(a) and (b)  para. (2)  para. (3)	<p><i>Conservation of the living resources of the high seas</i></p> <ul style="list-style-type: none"> <li>• Obligation of States, in determining the allowable catch and other conservation measures for living resources in the high seas, to: (a) take measures to maintain or restore populations of harvested species at a level which can produce the maximum sustainable yield, taking into account the best scientific evidence, relevant environmental and economic factors and any recommended international minimum standards, whether subregional, regional or global (see Part II and annex); (b) take into consideration the effects on species associated with or dependent upon harvested species with a view to maintaining or restoring populations of such associated or dependent species above levels at which their reproduction may become seriously threatened</li> <li>• Obligation of States to contribute and exchange scientific information and data relevant to the conservation of fish stocks on a regular basis through competent subregional, regional or global organizations</li> <li>• Obligation of States concerned to ensure that conservation measures and their implementation do not discriminate against fishermen of any State</li> </ul>
Article 120	<p><i>Marine mammals</i></p> <ul style="list-style-type: none"> <li>• See obligations under article 65 on the conservation and management of marine mammals.</li> </ul>

## 8. Landlocked and geographically disadvantaged States

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 125 para. (1)  para. (2)	<p><i>Right of access to and from the sea and freedom of transit</i></p> <ul style="list-style-type: none"> <li>• Obligation of transit States to grant landlocked States freedom of transit through their territory by all means of transport, in the exercise of their right of access to and from the sea for the purpose of exercising the rights provided for in the Convention</li> <li>• Obligation of landlocked States and transit States to agree on the terms and modalities for exercising freedom of transit through bilateral, subregional or regional agreements</li> </ul>
Article 127 para. (1)  para. (2)	<p><i>Customs duties, taxes and other charges</i></p> <ul style="list-style-type: none"> <li>• Obligation of transit States to refrain from subjecting traffic in transit to any customs duties, taxes or other charges, except charges levied for specific services rendered in connection with such traffic</li> <li>• Obligation of transit States to refrain from subjecting the means of transport in transit and other facilities provided for and used by landlocked States to taxes or charges higher than those levied for the use of means of transport of the transit State</li> </ul>
Article 130 paras. (1) and (2)	<p><i>Measures to avoid or eliminate delays or other difficulties of a technical nature in traffic in transit</i></p> <ul style="list-style-type: none"> <li>• Obligation of transit States to take all appropriate measures to avoid delays or other technical difficulties for traffic in transit; and to cooperate towards their expeditious elimination, should such delays and difficulties occur</li> </ul>

## 9. The Area

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 137 para. (1)  para. (3)	<p><i>Legal status of the Area and its resources</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to refrain from claiming or exercising sovereignty or sovereign rights over any part of the Area or its resources, and for States or natural or juridical persons to appropriate any part thereof</li> <li>• Obligation of States or natural or juridical persons to refrain from claiming, acquiring or exercising rights with respect to the minerals recovered from the Area, except in accordance with Part XI of UNCLOS</li> </ul>
Article 138	<p><i>General conduct of States in relation to the Area</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to ensure that their general conduct in relation to the Area is in accordance with the provisions of Part XI of UNCLOS, the Charter of the United Nations and other rules of international law in the interests of maintaining peace and security and promoting international cooperation and mutual understanding</li> </ul>
Article 140	<p><i>Benefit of mankind</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to ensure that activities in the Area are carried out for the benefit of mankind as a whole, as provided for under Part XII of UNCLOS</li> </ul>
Article 141	<p><i>Use of the Area exclusively for peaceful purposes</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to use the Area exclusively for peaceful purposes</li> </ul>



Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
<p>Article 142 para. (1)</p> <p>para. (2)</p>	<p><i>Rights and legitimate interests of coastal States</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to ensure that activities with respect to resource deposits in the Area which lie across limits of national jurisdiction are conducted with due regard to the rights and legitimate interests of any coastal State across whose jurisdiction such deposits lie</li> <li>• Obligation of States to maintain consultations with the coastal State concerned, including a system of prior notification, with a view to avoiding infringement of its rights and interests. Obligation to require the prior consent of the coastal State concerned, in cases where activities in the Area may result in the exploitation of resources lying within its national jurisdiction</li> </ul>
<p>Article 143 para. (1)</p> <p>para. (3)</p>	<p><i>Marine scientific research</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to carry out marine scientific research in the Area exclusively for peaceful purposes for the benefit of mankind as a whole, in accordance with Part XIII of the Convention</li> <li>• Obligation of States Parties, in carrying out marine scientific research in the Area, to promote international cooperation by: (a) participating in international programmes and encouraging cooperation in marine scientific research by personnel of different countries and of the Authority; (b) ensuring that programmes are developed through the Authority or other international organizations for the benefit of developing States and technologically less developed States; (c) effectively disseminating the results of research and analysis when available, through the Authority or other international channels when appropriate</li> </ul>
<p>Article 144 para. (2)</p>	<p><i>Transfer of technology</i></p> <ul style="list-style-type: none"> <li>• Obligation of States Parties to cooperate with the Authority in promoting the transfer of technology and scientific knowledge relating to activities in the Area (see also section 5 of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982)</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
<p>Article 147 para. (1)</p> <p>para. (2)</p> <p>para. (3)</p>	<p><i>Accommodation of activities in the Area and in the marine environment</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to ensure that activities in the Area are carried out with reasonable regard for other activities in the marine environment</li> <li>• Obligation of States to subject installations used for carrying out activities in the Area to the following conditions: (a) such installations shall be erected, emplaced and removed solely in accordance with Part XI and subject to the rules, regulations and procedures of the Authority. Due notice must be given of the erection, emplacement and removal of such installations, and permanent means for giving warning of their presence must be maintained; (b) such installations may not be established where interference may be caused to the use of recognized sea lanes essential to international navigation or in areas of intense fishing activity; (c) safety zones shall be established around such installations with appropriate markings to ensure the safety of both navigation and the installations. The configuration and location of such safety zones shall not be such as to form a belt impeding the lawful access of shipping to particular maritime zones or navigation along international sea lanes; (d) such installations shall be used exclusively for peaceful purposes; (e) such installations 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, the exclusive economic zone or the continental shelf.</li> <li>• Obligation of States to ensure that other activities in the marine environment are conducted with reasonable regard for activities in the Area</li> </ul>
Article 148	<p><i>Participation of developing States in activities in the Area</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to promote the participation of developing States in activities in the Area, as provided for in Part XI, having due regard to their special interests and needs, and in particular to the special need of the landlocked and geographically disadvantaged among them to overcome obstacles arising from their disadvantaged location, including remoteness from the Area and difficulty of access to and from it</li> </ul>
Article 149	<p><i>Archaeological and historical objects</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to preserve and dispose of all objects of an archaeological and historical nature found in the Area for the benefit of mankind as a whole, particular regard being paid to the preferential rights of the State or country of origin, or the State of cultural origin, or the State of historical and archaeological origin</li> </ul>
Article 150	<p><i>Policies relating to activities in the Area</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to ensure that activities in the Area, as provided for in Part XI of the Convention, are carried out in such a manner as to foster healthy development of the world economy and balanced growth of international trade, and to promote international cooperation for the overall development of all countries, especially developing States, with a view to ensuring the objectives set out in subparagraphs (a) to (j) of the present article</li> </ul>
Article 157 para. (1)	<p><i>Nature and fundamental principles of the Authority</i></p> <ul style="list-style-type: none"> <li>• Obligation of States Parties to organize and control activities in the Area through the Authority, in accordance with Part XI</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 183 para. (2)  para. (3)	<p><i>Exemption from taxes and customs duties</i></p> <ul style="list-style-type: none"> <li>• Obligation of States Parties to take appropriate measures, to the extent possible, to grant exemption from tax and duties on purchases of goods or services of substantial value for the official activities of the Authority, or to provide for their reimbursement</li> <li>• Obligation of States Parties to refrain from levying taxes on or in respect of salaries and emoluments paid by the Authority to the Secretary-General, staff and experts working for the Authority, who are not their nationals</li> </ul>
Article 188  para. (2) (a)	<p><i>Submission of disputes to a special chamber of the International Tribunal for the Law of the Sea or an ad hoc chamber of the Seabed Disputes Chamber or to binding commercial arbitration</i></p> <ul style="list-style-type: none"> <li>• Obligation of States Parties to submit disputes concerning the interpretation or application of a contract referred to in article 187, subparagraph (c) (i), at the request of any party to the dispute, to binding commercial arbitration, unless the parties otherwise agree. A commercial arbitral tribunal to which the dispute is submitted shall have no jurisdiction to decide any question of interpretation of the Convention. When the dispute also involves a question of interpretation of Part XI and the annexes relating thereto, with respect to activities in the Area, States Parties have the obligation to refer that question to the Seabed Disputes Chamber for a ruling.</li> </ul>

### 10. Protection and preservation of the marine environment

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 192	<p><i>General obligation</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to protect and preserve the marine environment</li> </ul>
Article 194 para. (1)  para. (2)  paras. (3) (a), (b), (c) and (d)  para. (4)  para. (5)	<p><i>Measures to prevent, reduce and control pollution of the marine environment</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to take all measures necessary to prevent, reduce and control pollution of the marine environment from any source and to endeavour to harmonize their policies in this connection</li> <li>• Obligation of States to take all measures necessary to ensure that activities under their jurisdiction or control do not cause damage by pollution to other States and that pollution arising from incidents or activities under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights</li> <li>• Obligation of States to take measures to deal with all sources of pollution, including: land-based sources of pollution; pollution from or through the atmosphere; pollution by dumping; pollution from vessels; pollution from installations and devices used in exploration or exploitation of the natural resources of the seabed and subsoil; pollution from other installations and devices operating in the marine environment</li> <li>• Obligation of States, in taking such measures, to refrain from unjustifiable interference with activities carried out by other States in the exercise of their rights and duties</li> <li>• Obligation of States, in taking such measures, to include those to protect and preserve rare or fragile ecosystems as well as the habitats of depleted, threatened or endangered species and other forms of marine life</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 195	<p><i>Duty not to transfer damage or hazards or transform one type of pollution into another</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to act so as not to transfer directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another</li> </ul>
Article 196 para. (1)	<p><i>Use of technologies or introduction of alien or new species</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to take all measures necessary to prevent, reduce and control pollution of the marine environment resulting from the use of technologies or the intentional or accidental introduction of species, alien or new, to a particular part of the marine environment, which may cause significant and harmful changes thereto</li> </ul>
Article 197	<p><i>Cooperation on a global or regional basis</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to cooperate on a global or regional basis in formulating and elaborating international rules, standards and recommended practices and procedures, taking into account characteristic regional features, for the protection and preservation of the marine environment</li> </ul>
Article 198	<p><i>Notification of imminent or actual damage</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to immediately notify other States of cases in which the marine environment is in imminent danger or has been damaged by pollution</li> </ul>
Article 199	<p><i>Contingency plans against pollution</i></p> <ul style="list-style-type: none"> <li>• Obligation of States, in the event of imminent or actual damage by pollution, to cooperate in eliminating the effects of pollution and preventing and minimizing the damage and to jointly develop and promote contingency plans to this end</li> </ul>
Article 200	<p><i>Studies, research programmes and exchange of information and data</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to cooperate, directly or through international organizations, to promote studies, to undertake scientific research programmes and to encourage exchange of information and data about pollution of the marine environment; and to endeavour to participate actively in regional and global programmes to acquire knowledge for the assessment of the nature and extent of pollution, exposure to it, and its pathways, risks and remedies</li> </ul>
Article 201	<p><i>Scientific criteria for regulations</i></p> <ul style="list-style-type: none"> <li>• Obligation of States, directly or through international organizations, to cooperate in establishing appropriate scientific criteria for the formulation and elaboration of rules, standards and recommended practices and procedures for the prevention, reduction and control of pollution of the marine environment, in the light of the information and data acquired pursuant to article 200</li> </ul>
Article 202 para. (a)  para. (b)	<p><i>Scientific and technical assistance to developing States</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to promote, directly or through international organizations, programmes of scientific, educational, technical and other assistance to developing States for the protection and preservation of the marine environment and the prevention, reduction and control of marine pollution including, inter alia, : (a) training of their scientific and technical personnel; (b) facilitating their participation in relevant international programmes; (c) supplying them with necessary equipment and facilities; (d) enhancing their capacity to manufacture such equipment; (e) advice on and developing facilities for research, monitoring, educational and other programmes</li> <li>• Obligation of States to provide appropriate assistance, especially to developing States, for the minimization of the effects of major incidents which may cause serious pollution of the marine environment</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
para. (c)	<ul style="list-style-type: none"> <li>• Obligation of States to provide assistance, especially to developing States, concerning the preparation for environmental assessments</li> </ul>
<p>Article 204 para. (1)</p> <p>para. (2)</p>	<p><i>Monitoring of the risks or effects of pollution</i></p> <ul style="list-style-type: none"> <li>• Obligation of States, consistent with the rights of other States, to endeavour, as far as practicable, directly or through competent international organizations, to observe, measure, evaluate and analyse, by recognized scientific methods, risks or effects of pollution on the marine environment</li> <li>• Obligation of States to keep under surveillance the effects of any activities which they permit or in which they engage in order to determine whether they are likely to pollute the marine environment</li> </ul>
Article 205	<p><i>Publication of reports</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to publish reports of the results obtained pursuant to article 204 or make such reports available, at appropriate intervals, to the competent international organizations, which should make them available to all States</li> </ul>
Article 206	<p><i>Assessment of potential effects of activities</i></p> <ul style="list-style-type: none"> <li>• Obligation of States, as far as practicable, to assess the potential effects of planned activities under their jurisdiction or control, which they have reasonable grounds to believe may cause substantial pollution of or significant harmful changes to the marine environment and to communicate reports on such assessments, as provided under article 205</li> </ul>
<p>Article 207 para. (1)</p> <p>para. (2)</p> <p>para. (3)</p> <p>para. (4)</p> <p>para. (5)</p>	<p><i>Pollution from land-based sources</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to adopt laws and regulations to prevent, reduce and control pollution from land-based sources, taking into account internationally agreed rules, standards and recommended practices and procedures (see Part II and annex)</li> <li>• Obligation of States to take other measures necessary to prevent, reduce and control such pollution</li> <li>• Obligation of States to endeavour to harmonize their policies at the regional level</li> <li>• Obligation of States, acting especially through competent international organizations or diplomatic conference, to endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent reduce and control pollution from land-based sources, taking into account characteristic regional features and the economic capacity of developing States and their needs for economic development, and to re-examine them from time to time as necessary</li> <li>• Obligation of States to include in such laws, regulations, measures, rules, standards and recommended practices those designed to minimize the release of toxic, harmful or noxious substances, especially those which are persistent, into the marine environment</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
<p>Article 208 para. (1)</p> <p>para. (2)</p> <p>para. (3)</p> <p>para. (4)</p> <p>para. (5)</p>	<p><i>Pollution from seabed activities subject to national jurisdiction</i></p> <ul style="list-style-type: none"> <li>• Obligation of coastal States to adopt laws and regulations to prevent, reduce and control pollution from seabed activities subject to national jurisdiction and from artificial islands, installations and structures under their jurisdiction</li> <li>• Obligation of States to take other measures necessary to prevent, reduce and control such pollution</li> <li>• Obligation of States to ensure that laws, regulations and procedures adopted are no less effective than international rules, standards and recommended practices and procedures (see Part II and annex)</li> <li>• Obligation of States to endeavour to harmonize their policies at the regional level</li> <li>• Obligation of States, acting especially through competent international organizations or diplomatic conference, to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control pollution from seabed activities and to re-examine them from time to time</li> </ul>
<p>Article 209 para. (1)</p> <p>para. (2)</p>	<p><i>Pollution from activities in the Area</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to establish international rules, regulations and procedures to prevent, reduce and control pollution from activities in the Area in accordance with Part XI and to re-examine them from time to time</li> <li>• Obligation of States to adopt laws and regulations to prevent, reduce and control pollution from activities in the Area undertaken by vessels, installations, structures or other devices flying their flag or of their registry or operating under their authority, which are no less effective than international rules, regulations and procedures (see Part II and annex)</li> </ul>
<p>Article 210 paras. (1), (3) and (6)</p> <p>para. (2)</p> <p>para. (4)</p> <p>para. (5)</p>	<p><i>Pollution by dumping</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to adopt laws and regulations to prevent, reduce and control pollution by dumping which ensure that dumping is not carried out without the permission of the competent authorities of States and which are no less effective than the global rules and standards (see Part II and annex)</li> <li>• Obligation of States to take other measures necessary to prevent, reduce and control such pollution</li> <li>• Obligation of States, acting especially through competent international organizations or diplomatic conference, to endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control such pollution and to re-examine them from time to time</li> <li>• Obligation of flag States to ensure that dumping within the territorial sea and the exclusive economic zone or onto the continental shelf is not carried out without the express prior approval of the coastal State</li> </ul>
<p>Article 211 para. (1)</p> <p>para. (2)</p>	<p><i>Pollution from vessels</i></p> <ul style="list-style-type: none"> <li>• Obligation of States, acting especially through competent international organizations or diplomatic conference, to establish international rules and standards to prevent, reduce and control pollution from vessels, which are to be re-examined from time to time, and to promote the adoption of routing systems designed to minimize threats of accidents which might cause pollution of the marine environment and pollution damage to the interests of coastal States</li> <li>• Obligation of States to adopt laws and regulations for the prevention, reduction and control of pollution from vessels flying their flag or of their registry which must have at least the same effect as that of generally accepted international rules and standards (see Part II and annex)</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
para. (3)  See also Part I, Section B	<ul style="list-style-type: none"> <li>Obligation of States to give due publicity and communicate to the competent international organization particular requirements for the prevention, reduction and control of pollution established as a condition for entry into their ports, internal waters and offshore terminals. If the same requirements are established by two or more coastal States participating in a cooperative arrangement: (a) obligation of such States to communicate the list of participating States to the competent international organization; and (b) obligation of flag States to require masters of vessels flying their flag to furnish, while passing through the territorial sea of a participating State and upon its request, information on whether they are proceeding to the ports of a participating State of the same region and on their compliance with the port entry requirements of that State</li> </ul>
Article 212 para. (1)  para. (2) para. (3)	<p><i>Pollution from or through the atmosphere</i></p> <ul style="list-style-type: none"> <li>Obligation of States to adopt laws and regulations to prevent, reduce and control pollution from or through the atmosphere, applicable to their airspace and to vessels flying their flag, taking into account internationally agreed rules, standards and recommended practices and procedures and the safety of air navigation (see Part II and annex)</li> <li>Obligation of States to take other measures necessary to prevent, reduce and control such pollution</li> <li>Obligation of States, acting especially through competent international organizations or diplomatic conference, to endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control such pollution</li> </ul>
Article 213	<p><i>Enforcement with respect to pollution from land-based sources</i></p> <ul style="list-style-type: none"> <li>Obligation of States to enforce their laws and regulations adopted in accordance with article 207 and to adopt laws, regulations and take other measures necessary to implement applicable international rules and standards established through competent international organizations or diplomatic conference to prevent, reduce and control pollution of the marine environment from land-based sources</li> </ul>
Article 214	<p><i>Enforcement with respect to pollution from seabed activities</i></p> <ul style="list-style-type: none"> <li>Obligation of States to enforce their laws and regulations adopted in accordance with article 208 and to adopt laws, regulations and take other measures necessary to implement applicable international rules and standards, established through competent international organizations or diplomatic conference, to prevent, reduce and control pollution from seabed activities and artificial islands, installations and structures subject to their jurisdiction</li> </ul>
Article 216	<p><i>Enforcement with respect to pollution by dumping</i></p> <ul style="list-style-type: none"> <li>Obligation of coastal States, flag States, and port States to enforce their laws and regulations adopted in accordance with the Convention and applicable international rules and standards established through competent international organizations or diplomatic conference for the prevention, reduction and control of pollution of the marine environment by dumping (see Part II and annex)</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
<p>Article 217</p> <p>para. (1)</p> <p>para. (2)</p> <p>para. (3)</p> <p>para. (4)</p> <p>para. (5)</p> <p>paras. (6) and (7)</p> <p>para. (8)</p>	<p><i>Enforcement by flag States</i></p> <ul style="list-style-type: none"> <li>• Obligation of flag States to adopt and implement laws and regulations to ensure compliance by vessels flying their flag with applicable international rules and standards (see Part II and annex) and with their laws and regulations adopted in accordance with the Convention for the prevention, reduction and control of pollution of the marine environment from vessels. Obligation of flag States to provide for the effective enforcement of such rules, standards, laws and regulations, irrespective of where a violation occurs</li> <li>• Obligation of flag States to take measures to ensure that vessels flying their flag or of their registry are prohibited from sailing, unless they comply with the international rules and standards referred to in paragraph 1, including requirements in respect of design, construction, equipment and manning of vessels (see Part II and annex)</li> <li>• Obligation of flag States to ensure that vessels flying their flag or of their registry carry on board certificates required by international rules and standards referred to in paragraph 1 (see Part II and annex) and to ensure periodic inspections of ships flying their flag to verify that such certificates reflect the actual conditions of the vessels. Obligation of other States to accept these certificates as evidence of compliance with international rules and standards, and to regard them as having the same force as certificates issued by them, unless there are clear grounds for believing that the condition of the vessel does not correspond substantially with the particulars of the certificates</li> <li>• Obligation of flag States, without prejudice to articles 218, 220 and 228, to provide for immediate investigation and, where appropriate, institute proceedings in case a vessel commits a violation of international rules and standards, irrespective of where the alleged violation or pollution has occurred or where the pollution caused by such violation has occurred or has been spotted</li> <li>• Obligation of States to endeavour to meet appropriate requests for assistance of flag States conducting an investigation of the violation, should such assistance be requested of any other State whose cooperation could be useful in clarifying the circumstances of the case</li> <li>• Obligation of flag States to investigate any alleged violation by vessels flying their flag at the written request of any other State; to institute proceedings without delay in accordance with their laws, if the available evidence is satisfactory; and to promptly provide the requesting State and the competent international organization with information on the action taken and its outcome, which must be available to all States</li> <li>• Obligation of flag States to provide for penalties adequate in severity to discourage violations wherever they occur</li> </ul>



Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
<p>Article 218 para. (2)</p> <p>paras. (3) and (4)</p>	<p><i>Enforcement by port States</i></p> <ul style="list-style-type: none"> <li>• Obligation of port States not to institute proceedings under this article in respect of a discharge violation in the internal waters, territorial sea or exclusive economic zone of another State, unless requested by that State, the flag State or a State damaged or threatened by the discharge violation, or unless the violation has caused or is likely to cause pollution in the internal waters, territorial sea or exclusive economic zone of the State instituting the proceedings</li> <li>• Obligation of States, when a vessel is voluntarily within their port or offshore terminal, to comply with requests from any other State for investigation of a discharge in violation of applicable international rules and standards (see Part II and annex) believed to have occurred in, caused or threatened damage to the internal waters, territorial sea or EEZ of the requesting State by that vessel, as well as to comply with requests by the flag State for investigation of such a violation, wherever it occurred. Obligation of the port State to transmit, upon request, the records of the investigation to the flag State or to the coastal State</li> </ul>
<p>Article 219</p>	<p><i>Measures relating to seaworthiness of vessels to avoid pollution</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to take administrative measures to prevent a vessel within their ports or offshore terminals from sailing, when they have ascertained that the vessel is in violation of applicable international rules and standards relating to the seaworthiness of vessels (see Part II and annex)</li> </ul>
<p>Article 220 para. (4)</p> <p>See also Part I, Section B</p>	<p><i>Enforcement by coastal States</i></p> <ul style="list-style-type: none"> <li>• Obligation of flag States to adopt laws and regulations and take other measures to ensure that vessels flying their flag comply with requests for information by the coastal State regarding their identity and port of registry, their last and their next port of call and other relevant information required to establish whether a violation has occurred in its EEZ</li> </ul>
<p>Article 222</p>	<p><i>Enforcement with respect to pollution from or through the atmosphere</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to enforce their laws and regulations adopted in accordance with article 212 (1) and to adopt laws and regulations and take other necessary measures to implement applicable international rules and standards on pollution from or through the atmosphere (see Part II and annex)</li> </ul>
<p>Article 223</p>	<p><i>Measures to facilitate proceedings</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to take measures to facilitate proceedings relating to the protection and preservation of the marine environment, by facilitating the hearing of witnesses, the admission of evidence and the attendance of official representatives at the proceedings</li> </ul>
<p>Article 225</p>	<p><i>Duty to avoid adverse consequences in the exercise of the powers of enforcement</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to refrain from endangering the safety of navigation or otherwise create any hazards to vessels, or bring it to an unsafe port or anchorage, or expose the marine environment to an unreasonable risk in the exercise of their powers of enforcement under the Convention</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
<p>Article 226 para. (1)</p> <p>para. (2)</p>	<p><i>Investigation of foreign vessels</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to refrain, during the investigation of foreign vessels under articles 216, 218 and 220, from delaying a vessel longer than is essential. Obligation, in normal circumstances, to limit the physical inspection of a foreign vessel to an examination of certificates, records or other documents required to be carried by international rules and standards (see Part II and annex). Obligation to release the vessel promptly if the investigation indicates that a violation has occurred, subject to reasonable procedures such as bonding or other appropriate financial security; and to promptly notify the flag State if release has been refused or made conditional because it would present an unreasonable threat of damage to the marine environment</li> <li>• Obligation of States to cooperate to develop procedures for the avoidance of unnecessary physical inspection of foreign vessels at sea</li> </ul>
<p>Article 227</p>	<p><i>Non-discrimination with respect to foreign vessels</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to refrain from discriminating in form or in fact against vessels of any other State, in exercising their rights and performing their duties under this Part</li> </ul>
<p>Article 228 para. (1)</p> <p>para. (2)</p>	<p><i>Suspension and restrictions on institution of proceedings</i></p> <ul style="list-style-type: none"> <li>• Obligation of coastal States to suspend proceedings to impose penalties for violations of national laws and regulations or international rules and standards on pollution from vessels (see Part II and annex) committed by a foreign vessel beyond the territorial sea, upon the taking of proceedings to impose penalties by the flag State within six months, unless they relate to a case of major damage to the coastal State or the flag State in question has repeatedly disregarded its obligation to enforce effectively the applicable international rules and standards in respect of violations committed by its vessels. Obligation of the flag State to make available to the State previously instituting proceedings a full dossier of the case and the records of the proceedings whenever the flag State has requested the suspension of proceedings in accordance with this article. Obligation of coastal States to terminate the suspended proceedings when proceedings instituted by the flag State have been brought to a conclusion. Obligation of coastal State to release any bond posted or other financial security provided in connection with the suspended proceedings, upon payment of the costs incurred in respect of such proceedings</li> <li>• Obligation of States not to institute proceedings to impose penalties on foreign vessels after the expiry of three years from the date on which the violation was committed, and in the event of proceedings having been instituted by another State</li> </ul>
<p>Article 231</p>	<p><i>Notification to the flag State and other States concerned</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to promptly notify the flag State and other States concerned of any enforcement measures taken against foreign vessels and to submit to the flag State all official reports concerning such measures; in particular, the information must be communicated to the diplomatic agents or consular officers and, where possible, the maritime authority of the flag State</li> </ul>

### 11. Responsibility and liability

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 235 paras. (2) and (3)	<p><i>Responsibility and liability</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to ensure that recourse for prompt and adequate compensation or other relief is available for damage caused by pollution to the marine environment and to this end to cooperate in the implementation and development of international rules relating to responsibility and liability</li> </ul>

### 12. Sovereign immunity

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 236	<p><i>Sovereign immunity</i></p> <ul style="list-style-type: none"> <li>• Obligation of flag States to adopt appropriate measures to ensure that warships, naval auxiliary and other vessels and aircraft owned or operated by the State act in a manner consistent with the Convention</li> </ul>

### 13. Marine scientific research

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 239	<p><i>Promotion of marine scientific research</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to promote and facilitate the development and conduct of marine scientific research (MSR) in accordance with the Convention</li> </ul>
Article 240	<p><i>General principles for the conduct of marine scientific research</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to carry out MSR exclusively for peaceful purposes; to conduct MSR with appropriate scientific methods and means compatible with the Convention; to avoid unjustified interference with other legitimate uses of the sea compatible with the Convention and to duly respect MSR activities in the course of such uses; to conduct MSR in compliance with all relevant regulations adopted in conformity with the Convention, including those for the protection and preservation of the marine environment</li> </ul>
Article 241	<p><i>Non-recognition of marine scientific research activities as the legal basis for claims</i></p> <ul style="list-style-type: none"> <li>• Obligation of a State to refrain from using MSR activities as the legal basis for any claim to any part of the marine environment or its resources</li> </ul>
Article 242 para. (1) para. (2)	<p><i>Promotion of international cooperation</i></p> <ul style="list-style-type: none"> <li>• Obligation of States, in accordance with the principle of respect for sovereignty and jurisdiction and on the basis of mutual benefit, to promote international cooperation in MSR for peaceful purposes</li> <li>• Obligation of States, in the application of Part XIII regulating MSR, to provide, as appropriate, other States with a reasonable opportunity to obtain information necessary to prevent and control damage to the health and safety of persons and to the marine environment</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 243	<p><i>Creation of favourable conditions</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to cooperate, through bilateral and multilateral agreements with competent international organizations, to create favourable conditions for the conduct of MSR and to integrate the efforts of scientists in this field</li> </ul>
Article 244 para. (1)  para. (2)	<p><i>Publication and dissemination of information and knowledge</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to make available by publication and dissemination through appropriate channels information on MSR programmes and their objectives, as well as knowledge resulting from them</li> <li>• Obligation of States, both individually and in cooperation with other States and with competent international organizations, to actively promote the flow of scientific data and information and transfer of knowledge resulting from MSR, especially to developing States, and the strengthening of autonomous MSR capabilities of developing States</li> </ul>
Article 245	<p><i>Marine scientific research in the territorial sea</i></p> <ul style="list-style-type: none"> <li>• Obligation of States willing to conduct MSR in the territorial sea of another coastal State to obtain the express consent of and fulfil the conditions set forth by that coastal State</li> </ul>
Article 246 para. (2)  para. (3)   para. (6)   para. (8)  See also Part I, Section B	<p><i>Marine scientific research in the exclusive economic zone and on the continental shelf</i></p> <ul style="list-style-type: none"> <li>• Obligation of States willing to conduct marine scientific research in the EEZ and on the continental shelf of another coastal State to obtain the consent of the coastal State</li> <li>• Obligation of coastal States, in normal circumstances, to grant their consent for MSR projects by other States or competent international organizations in their EEZ or on their continental shelf to be carried out in accordance with the Convention exclusively for peaceful purposes and in order to increase scientific knowledge of the marine environment for the benefit of mankind. Obligation of coastal States to establish rules and procedures ensuring that such consent will not be delayed or denied unreasonably</li> <li>• Obligation of coastal States to refrain from exercising their discretion to withhold consent for MSR projects of direct significance for the exploration and exploitation of natural resources to be undertaken in accordance with the provisions of Part XIII on the continental shelf, beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, outside those specific areas they may at any time publicly designate as areas in which exploitation or detailed exploratory operations focused on those areas are occurring or will occur within a reasonable period of time</li> <li>• Obligation of States to ensure that MSR activities referred to in this article do not unjustifiably interfere with activities undertaken by coastal States in the exercise of their sovereign rights and jurisdiction provided for in this Convention</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 247	<p><i>Marine scientific research projects undertaken by or under the auspices of international organizations</i></p> <ul style="list-style-type: none"> <li>• Obligation of a coastal State which is a member of or has a bilateral agreement with an international organization, and in whose EEZ or on whose continental shelf that organization wants to carry out an MSR project, directly or under its auspices, to authorize the project to be carried out in conformity with the agreed specifications if that State approved the detailed project when the decision was made by the organization for undertaking the project, or is willing to participate in it, and has not expressed any objection within four months of notification of the project by the organization to the coastal State</li> </ul>
Article 248	<p><i>Duty to provide information to the coastal State</i></p> <ul style="list-style-type: none"> <li>• Obligation of States intending to carry out MSR in the EEZ or continental shelf of a coastal State to provide, no less than six months in advance of the expected starting date of the project, a full description of the project to the coastal State, in accordance with the provisions of this article</li> </ul>
Article 249 para. (1)	<p><i>Duty to comply with certain conditions</i></p> <ul style="list-style-type: none"> <li>• Obligation of States, when conducting MSR in the EEZ or continental shelf of a coastal State, to comply with the following conditions: (a) obligation to ensure the right of the coastal State to participate or be represented in the MSR; (b) obligation to provide the coastal State, at its request, with preliminary reports, and with the final results and conclusions; (c) obligation to undertake to provide access for the coastal State, at its request, to all data and samples from the MSR; (d) obligation to provide the coastal State, at its request, with assessment of data, samples and research, or to provide assistance in their assessment or interpretation; (e) obligation to ensure that the research results are made internationally available through appropriate national or international channels, without prejudice to the conditions established by the laws and regulations of the coastal State for the exercise of its discretion to grant or withhold consent pursuant to article 246, para.5, including requiring prior agreement for making internationally available the research results of a project of direct significance for the exploration and exploitation of natural resources; (f) obligation to immediately inform the coastal State of any major change in the research programme; (g) obligation to remove, unless otherwise agreed, installations or equipment once MSR is completed</li> </ul>
Article 250	<p><i>Communications concerning marine scientific research projects</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to engage in communications concerning MSR projects through appropriate official channels, unless otherwise agreed</li> </ul>
Article 251	<p><i>General criteria and guidelines</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to seek to promote the establishment of general criteria and guidelines for ascertaining the nature and implications of MSR, through competent international organizations</li> </ul>
Article 253 para. (4)  See also Part I, Section B	<p><i>Suspension or cessation of MSR activities</i></p> <ul style="list-style-type: none"> <li>• Obligation of States authorized by the coastal State to conduct MSR in its EEZ or continental shelf to terminate research activities, following notification by the coastal State of its decision to order suspension or cessation of such activities under this article</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
<p>Article 254 para. (1)</p> <p>para. (2)</p> <p>para. (3)</p> <p>para. (4)</p>	<p><i>Rights of neighbouring landlocked and geographically disadvantaged States</i></p> <ul style="list-style-type: none"> <li>• Obligation of States which have submitted to a coastal State a project to undertake MSR in its EEZ or continental shelf to give notice of the proposed research project to the neighbouring landlocked and geographically disadvantaged States, and to notify the coastal State thereof</li> <li>• Obligation of States undertaking MSR to provide to the neighbouring landlocked and geographically disadvantaged States, at their request and when appropriate, relevant information as specified under articles 248 and 249, para. 1(f), after the consent has been given for the proposed MSR project by the coastal State concerned</li> <li>• Obligation of States undertaking MSR to provide neighbouring landlocked and geographically disadvantaged States, at their request, the opportunity to participate in the proposed marine scientific research through qualified experts appointed by them and not objected to by the coastal State</li> <li>• Obligation of States undertaking MSR referred to in paragraph 1 to provide to neighbouring landlocked and geographically disadvantaged States, at their request, the information and assistance specified in article 249, para. 1(d), subject to the discretion of the coastal State under article 249, para. 2 - requiring prior agreement for making internationally available the research results of a project of direct significance for the exploration and exploitation of its natural resources</li> </ul>
<p>Article 255</p>	<p><i>Measures to facilitate marine scientific research and assist research vessels</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to endeavour to adopt reasonable rules, regulations and procedures to promote and facilitate MSR conducted in accordance with the Convention beyond their territorial sea, to facilitate access to their harbours and to promote assistance for MSR vessels which comply with the relevant provisions of Part XIII</li> </ul>
<p>Article 260</p>	<p><i>Safety zones</i></p> <ul style="list-style-type: none"> <li>• Obligation of all States to ensure that safety zones (not exceeding 500 metres) that may be created around scientific research installations are respected by their vessels</li> </ul>
<p>Article 261</p>	<p><i>Non-interference with shipping routes</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to ensure that the deployment and use of any type of scientific research installations or equipment does not constitute an obstacle to established international shipping routes</li> </ul>
<p>Article 262</p>	<p><i>Identification markings and warning signals</i></p> <ul style="list-style-type: none"> <li>• Obligation of States of registry to ensure that scientific research installations or equipment in the marine environment bear identification markings indicating the State of registry and have adequate internationally agreed warning signals to ensure safety at sea and the safety of air navigation, taking into account rules and standards established by competent international organizations (see Part II and annex)</li> </ul>
<p>Article 263 para. (2)</p>	<p><i>Responsibility and liability</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to provide compensation for damage resulting from measures they take in contravention of the Convention in respect of marine scientific research conducted by other States, their natural or juridical persons or by competent international organizations</li> </ul>
<p>Article 264</p>	<p><i>Settlement of disputes</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to settle their disputes concerning the interpretation and application of the provision of the Convention on MSR in accordance with Part XV, sections 2 and 3</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 265	<p><i>Interim measures</i></p> <ul style="list-style-type: none"> <li>Obligation of States authorized to conduct an MSR project to forbid research activities to commence or continue without the express consent of the coastal State concerned, pending settlement of a dispute in accordance with Part XV, sections 2 and 3</li> </ul>

#### 14. Development and transfer of marine technology

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
<p>Article 266</p> <p>para. (1)</p> <p>para. (2)</p> <p>para. (3)</p>	<p><i>Promotion of the development and transfer of marine technology</i></p> <ul style="list-style-type: none"> <li>Obligation of States, directly or through competent international organizations, to cooperate in accordance with their capabilities to promote actively the development and transfer of marine science and marine technology on fair and reasonable terms and conditions</li> <li>Obligation of States to promote the development of the marine scientific and technological capacity of States which may need and request technical assistance in this field, particularly developing States, with regard to all aspects of marine activities</li> <li>Obligation of States to endeavour to foster favourable economic and legal conditions for the transfer of marine technology for the benefit of all parties concerned on an equitable basis</li> </ul>
Article 267	<p><i>Protection of legitimate interests</i></p> <ul style="list-style-type: none"> <li>Obligation of States, in promoting cooperation under article 266, to have due regard for all legitimate interests including the rights and duties of holders, suppliers and recipients of marine technology</li> </ul>
Article 268 paras. (a), (b), (c), (d) and (e)	<p><i>Basic objectives</i></p> <ul style="list-style-type: none"> <li>Obligation of States, directly or through competent international organizations, to promote: (a) the acquisition, evaluation and dissemination of marine technological knowledge and to facilitate access to such information and data; (b) the development of appropriate marine technology; (c) the development of technological infrastructure to facilitate the transfer of marine technology; (d) the development of human resources; and (e) international cooperation at all levels</li> </ul>
Article 269 paras. (a), (b), (c), (d) and (e)	<p><i>Measures to achieve the basic objectives</i></p> <ul style="list-style-type: none"> <li>Obligation of States, directly or through competent international organizations, to endeavour to: (a) establish programmes of technical cooperation; (b) promote favourable conditions for the conclusion of agreements and contracts and other similar arrangements, under equitable and reasonable conditions; (c) hold conferences, seminars and symposia on scientific and technological subjects; (d) promote the exchange of scientists and experts; and (e) undertake projects and promote joint ventures and other forms of bilateral and multilateral cooperation</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 270	<p><i>Ways and means of international cooperation</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to carry out international cooperation for the development and transfer of marine technology through existing programmes and also through expanded and new programmes in order to facilitate marine scientific research, transfer of marine technology and international funding</li> </ul>
Article 271	<p><i>Guidelines, criteria and standards</i></p> <ul style="list-style-type: none"> <li>• Obligation of States, directly or through competent international organizations, to promote the establishment of generally accepted guidelines, criteria and standards for the transfer of marine technology on a bilateral basis or within the framework of international organizations and other forums, taking into account, in particular, the interests and needs of developing States</li> </ul>
Article 272	<p><i>Coordination of international programmes</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to endeavour to ensure that international organizations coordinate their activities, including regional and global programmes, taking into account the interests and needs of developing countries</li> </ul>
Article 273	<p><i>Cooperation with international organizations and the Authority</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to cooperate with competent international organizations and the Authority to encourage and facilitate the transfer to developing countries of skills and marine technology with regard to activities in the Area (see also article 144)</li> </ul>
Article 275 para. (1) para. (2)	<p><i>Establishment of national centres</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to promote the establishment, particularly in developing States, of national marine scientific and technological research centres and the strengthening of existing national centres</li> <li>• Obligation of States to give adequate support to facilitate the establishment and strengthening of such national centres</li> </ul>
Article 276 para. (1) para. (2)	<p><i>Establishment of regional centres</i></p> <ul style="list-style-type: none"> <li>• Obligation of States, directly or through competent international organizations, to promote the establishment, particularly in developing States, of regional marine scientific and technological research centres</li> <li>• Obligation of all States in a region, directly or through competent international organizations, to cooperate with the regional centres therein to ensure the effective achievement of their objectives</li> </ul>

### 15. Settlement of disputes

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 279	<p><i>Obligation to settle disputes by peaceful means</i></p> <ul style="list-style-type: none"> <li>• Obligation of States Parties to settle any dispute between them concerning the interpretation or application of the Convention by peaceful means in accordance with the Charter of the United Nations</li> </ul>



Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 283 para. (1)  para. (2)	<i>Obligation to exchange views</i> <ul style="list-style-type: none"> <li>• Obligation of the States which are parties to a dispute concerning the interpretation or application of the Convention to proceed expeditiously to an exchange of views regarding its settlement by negotiation or other peaceful means</li> <li>• Obligation of the parties to such dispute to also proceed to an expeditious exchange of views where a procedure has been terminated without a settlement or where consultations are required regarding the implementation of the settlement</li> </ul>
Article 286	<i>Application of procedures under this section</i> <ul style="list-style-type: none"> <li>• Obligation of States, where no settlement has been reached by recourse to the general provisions under Part XV, to submit the dispute at the request of any party to it to the court or tribunal having jurisdiction under the provisions on compulsory procedures entailing binding decisions</li> </ul>
Article 287 para. (2)  para. (3)  para. (8)	<i>Choice of procedure</i> <ul style="list-style-type: none"> <li>• Obligation of States Parties to accept the jurisdiction of the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea, as provided in Part XI, section 5</li> <li>• Obligation of States Parties, which are parties to a dispute not covered by a declaration on their choice of procedure in force, to accept arbitration in accordance with Annex VII</li> <li>• Obligation of States to deposit their declarations and notices on the choice of procedure with Secretary-General of the United Nations</li> </ul>
Article 290 para. (6)	<i>Provisional measures</i> <ul style="list-style-type: none"> <li>• Obligation of States which are parties to a dispute to comply promptly with any provisional measures prescribed under this article</li> </ul>
Article 292 para. (4)	<i>Prompt release of vessels and crews</i> <ul style="list-style-type: none"> <li>• Obligation of the authorities of a detaining State to comply promptly with the decision of the relevant court or tribunal concerning the release of the vessel or its crew, upon the posting of the bond or other financial security determined by the court or tribunal</li> </ul>
Article 296	<i>Finality and binding force of decisions</i> <ul style="list-style-type: none"> <li>• Obligation of States parties to a dispute to treat any decision rendered by a court or tribunal having jurisdiction under this section as final and to comply with such decision</li> </ul>

## 16. General provisions

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 300	<i>Good faith and abuse of rights</i> <ul style="list-style-type: none"> <li>• Obligation of States Parties to fulfil in good faith the obligations assumed under the Convention and to exercise the rights, jurisdiction and freedoms therein recognized in a manner which would not constitute an abuse of rights</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations under UNCLOS
Article 301	<p><i>Peaceful uses of the seas</i></p> <ul style="list-style-type: none"> <li>• Obligation of State Parties, in the exercise of their rights and duties under the Convention, to refrain from any threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the principles of international law embodied in the Charter of the United Nations</li> </ul>
Article 303 para. (1)	<p><i>Archaeological and historical objects found at sea</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to protect objects of an archaeological and historical nature found at sea and to cooperate for this purpose</li> </ul>

## B. Obligations of States arising from the exercise of an entitlement

### 1. Territorial sea

Provisions of UNCLOS establishing obligations	Nature of obligations arising from the exercise of an entitlement under UNCLOS
<p>Article 7 para. (3)</p> <p>para. (4)</p>	<p><i>Straight baselines</i></p> <ul style="list-style-type: none"> <li>• In drawing straight baselines, obligation of States to refrain from departing to any appreciable extent from the general direction of the coast, and obligation to ensure that the sea areas lying within the lines are sufficiently closely linked to the land domain to be subject to the regime of internal waters</li> <li>• Obligation of States to refrain from drawing straight baselines to and from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them or except in instances where the drawing of baselines to and from such elevations has received general international recognition</li> </ul>
<p>Article 21 para. (2)</p> <p>para. (3)</p>	<p><i>Laws and regulations of the coastal State relating to innocent passage</i></p> <ul style="list-style-type: none"> <li>• In adopting laws and regulations relating to innocent passage, obligation of coastal States to refrain from adopting laws and regulations applying to the design, construction, manning or equipment of foreign ships, unless they are giving effect to generally accepted international rules or standards (see Part II and annex)</li> <li>• Obligation of coastal States to give due publicity to laws and regulations adopted in relation to innocent passage</li> </ul>
<p>Article 22 para. (3)</p> <p>para. (4)</p>	<p><i>Sea lanes and traffic separation schemes in the territorial sea</i></p> <ul style="list-style-type: none"> <li>• In the designation of sea lanes and the prescription of traffic separation schemes under this article, obligation of coastal States to take into account: (a) the recommendations of the competent international organization; (b) any channels customarily used for international navigation; (c) the special characteristics of particular ships and channels; and (d) the density of traffic</li> <li>• Obligation of coastal States to clearly indicate sea lanes and traffic separation schemes in the territorial sea on charts to which due publicity is to be given</li> </ul>
<p>Article 27 para. (3)</p> <p>para. (4)</p>	<p><i>Criminal jurisdiction on board a foreign ship</i></p> <ul style="list-style-type: none"> <li>• In the cases in which criminal jurisdiction is exercised under this article, obligation of coastal States, if the master so requests, to notify a diplomatic agent or consular officer of the flag State before taking any steps, and to facilitate contact between such agent or officer and the ship's crew. In cases of emergency this notification may be communicated while the measures are being taken.</li> <li>• In considering whether or in what manner an arrest should be made, obligation of the local authorities of the coastal States to have due regard to the interests of navigation</li> </ul>

## 2. Straits used for international navigation

Provisions of UNCLOS establishing obligations	Nature of obligations arising from the exercise of an entitlement under UNCLOS
<p>Article 41 para. (3)</p> <p>para. (4)</p> <p>para. (5)</p> <p>para. (6)</p>	<p><i>Sea lanes and traffic separation schemes in straits used for international navigation</i></p> <ul style="list-style-type: none"> <li>• Obligation of States bordering straits to conform to generally accepted international regulations (see Part II and annex), if they establish sea lanes and traffic separation schemes in straits used for international navigation</li> <li>• Before designating or substituting sea lanes or prescribing or substituting traffic separation schemes, obligation of States bordering straits to refer proposals to the competent international organization with a view to their adoption. The organization may adopt only such sea lanes and traffic separation schemes as may be agreed with the States bordering the straits, after which the States may designate, prescribe or substitute them.</li> <li>• In respect of a strait where sea lanes or traffic separation schemes through the waters of two or more States bordering the strait are being proposed, obligation of States concerned to cooperate in formulating proposals in consultation with the competent international organization</li> <li>• Obligation of States bordering straits to clearly indicate sea lanes and traffic separation schemes on charts to which due publicity is to be given</li> </ul>
<p>Article 42 para. (2)</p> <p>para. (3)</p>	<p><i>Laws and regulations of States bordering straits relating to transit passage</i></p> <ul style="list-style-type: none"> <li>• Obligation of States bordering straits to ensure that laws and regulations they may adopt relating to transit passage do not discriminate in form or in fact among foreign ships or do not have in their application the practical effect of denying, hampering or impairing the right of transit passage</li> <li>• Obligation of States bordering straits to give due publicity to laws and regulations relating to transit passage</li> </ul>

## 3. Archipelagic States

Provisions of UNCLOS establishing obligations	Nature of obligations arising from the exercise of an entitlement under UNCLOS
<p>Article 47 para. (2)</p> <p>para. (3)</p> <p>para. (4)</p> <p>para. (5)</p> <p>para. (6)</p>	<p><i>Archipelagic baselines</i></p> <ul style="list-style-type: none"> <li>• Obligation of archipelagic States, in drawing straight archipelagic baselines, to refrain from exceeding 100 nautical miles in length, except that up to 3 per cent of the total number of baselines enclosing any archipelago may exceed that length, up to a maximum length of 125 nautical miles</li> <li>• Obligation of archipelagic States, in drawing such baselines, to refrain from departing to any appreciable extent from the general configuration of the archipelago</li> <li>• Obligation of archipelagic States to refrain from drawing such baselines to and from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them or where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the nearest island</li> <li>• Obligation of archipelagic States to refrain from applying the system of such baselines in such a manner as to cut off from the high seas or the exclusive economic zone the territorial sea of another State</li> <li>• If a part of the archipelagic waters of an archipelagic State lies between two parts of an immediately adjacent neighbouring State, obligation of archipelagic States to continue and respect existing rights and all other legitimate</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations arising from the exercise of an entitlement under UNCLOS
para. (8) para. (9)	<p>interests which the neighbouring State has traditionally exercised in such waters and all rights stipulated by agreement between those States</p> <ul style="list-style-type: none"> <li>• Obligation of archipelagic States to show the baselines drawn in accordance with this article on charts or lists of geographical coordinates</li> <li>• Obligation of archipelagic States to give due publicity to and deposit charts or lists of geographical coordinates of archipelagic baselines to the Secretary-General of the United Nations</li> </ul>
Article 53 para. (4)  para. (5)  para. (8) para. (9)  para. (10)	<p><i>Right of archipelagic sea lanes passage</i></p> <ul style="list-style-type: none"> <li>• Obligation of archipelagic States, in designating archipelagic sea lanes and air routes, to draw them so as to traverse the archipelagic waters and the adjacent territorial sea and to include all normal passage routes for international navigation or overflight through or over archipelagic waters and, within such routes, all normal navigational channels</li> <li>• Obligation of archipelagic States to define archipelagic sea lanes and air routes by a series of continuous axis lines from the entry points of passage routes to the exit points. Prohibition for ships and aircraft in archipelagic sea lanes passage to deviate more than 25 nautical miles to either side of such axis lines during passage, provided that such ships and aircraft do not navigate closer to the coasts than 10 per cent of the distance between the nearest points on islands bordering the sea lane</li> <li>• Obligation of archipelagic States to conform to generally accepted international regulations in establishing such sea lanes and traffic separation schemes (see Part II and annex)</li> <li>• Obligation of archipelagic States to refer proposals for designating or substituting sea lanes or traffic separation schemes to the competent international organization with a view to their adoption. The organization may adopt only such sea lanes and traffic separation schemes as may be agreed with the archipelagic State, after which the archipelagic State may designate, prescribe or substitute them.</li> <li>• Obligation of archipelagic States to clearly indicate the axis of sea lanes and traffic separation schemes on charts and to give them due publicity</li> </ul>

#### 4. Exclusive economic zone

Provisions of UNCLOS establishing obligations	Nature of obligations arising from the exercise of an entitlement under UNCLOS
Article 73 para. (2)  para. (4)	<p><i>Enforcement of laws and regulations of the coastal State</i></p> <ul style="list-style-type: none"> <li>• Obligation of coastal States, in case of arrest of a foreign vessel under the provisions of this article, to promptly release arrested vessels and their crews upon the posting of reasonable bond or other security</li> <li>• Obligation of coastal States, in case of arrest or detention of foreign vessels under the provisions of this article, to promptly notify the flag State, through appropriate channels, of the action taken and of any penalties subsequently imposed</li> </ul>

## 5. The continental shelf

Provisions of UNCLOS establishing obligations	Nature of obligations arising from the exercise of an entitlement under UNCLOS
<p>Article 79 para. (2)</p> <p>para. (3)</p> <p>para. (5)</p>	<p><i>Submarine cables and pipelines on the continental shelf</i></p> <ul style="list-style-type: none"> <li>• Obligation of coastal States, subject to the right to take reasonable measures for the exploration of the continental shelf, the exploitation of its natural resources and the prevention, reduction and control of pollution from pipelines, to refrain from impeding the laying or maintenance of cables or pipelines by other States</li> <li>• Obligation of States, in delineating the course for the laying of such pipelines on the continental shelf, to obtain the consent of the coastal State</li> <li>• Obligation of States, in the laying of submarine cables or pipelines, to have due regard to cables or pipelines already in position</li> </ul>

## 6. High seas

Provisions of UNCLOS establishing obligations	Nature of obligations arising from the exercise of an entitlement under UNCLOS
<p>Article 110 para. (2)</p> <p>para. (3)</p>	<p><i>Right of visit</i></p> <ul style="list-style-type: none"> <li>• In the cases specified under this article where a warship exercises its right to board a foreign ship on the high seas, obligation of the flag State to ensure that the boarding is carried out with all possible consideration. A warship is justified to board a foreign vessel on the high seas where it has reasonable ground for suspecting that: (a) the ship is engaged in piracy; (b) the ship is engaged in the slave trade; (c) the ship is engaged in unauthorized broadcasting and the flag State of the warship has jurisdiction under article 109; (d) the ship is without nationality; or (e) though flying a foreign flag or refusing to show its flag, the ship is, in reality, of the same nationality as the warship.</li> </ul> <p style="margin-left: 40px;">4. If the suspicions that led to the boarding prove to be unfounded, and provided that the ship boarded has not committed any act justifying them, obligation of the flag State of the warship to compensate it for any loss or damage that may have been sustained</p>
<p>Article 111 para. (1)</p> <p>para. (8)</p>	<p><i>Right of hot pursuit</i></p> <ul style="list-style-type: none"> <li>• In the exercise of the right of hot pursuit, obligation of pursuing States to commence the hot pursuit when the foreign ship or one of its boats is within their internal waters, archipelagic waters, territorial sea or contiguous zone</li> <li>• Where a ship has been stopped or arrested outside the territorial sea in circumstances which do not justify the exercise of the right of hot pursuit, obligation of the pursuing State to compensate it for any loss or damage that may have been thereby sustained</li> </ul>

## 7. Enclosed and semi-enclosed seas

Provisions of UNCLOS establishing obligations	Nature of obligations arising from the exercise of an entitlement under UNCLOS
Article 123	<p><i>Cooperation of States bordering enclosed and semi-enclosed seas</i></p> <ul style="list-style-type: none"> <li>• States bordering an enclosed or semi-enclosed sea should cooperate with each other in the exercise of their rights and in the performance of their duties under the Convention. To this end, they have an obligation, directly or through an appropriate regional organization: (a) to coordinate the management, conservation, exploration and exploitation of the living resources of the sea; (b) to coordinate the implementation of their rights and duties with respect to the protection and preservation of the marine environment; (c) to coordinate their scientific research policies and undertake, where appropriate, joint programmes of scientific research in the area; and (d) to invite, as appropriate, other interested States or international organizations to cooperate with them in furtherance of the provisions of this article.</li> </ul>

## 8. Protection and preservation of the marine environment

Provisions of UNCLOS establishing obligations	Nature of obligations arising from the exercise of an entitlement under UNCLOS
<p>Article 211 para. (4)</p> <p>para. (6) (a)</p> <p>para. (6) (b)</p> <p>para. (6) (c)</p>	<p><i>Pollution from vessels</i></p> <ul style="list-style-type: none"> <li>• Obligation of coastal States, in adopting laws and regulations for the prevention, reduction and control of marine pollution from foreign vessels, including vessels exercising the right of innocent passage, not to hamper innocent passage of foreign vessels</li> <li>• Obligation of coastal States, when they adopt laws and regulations in consultation with the competent international organization to implement international rules and standards or navigational practices applicable to special areas for the prevention, reduction and control of pollution from vessels, to refrain from applying these laws and regulations to foreign vessels until 15 months after they have communicated to the competent international organization scientific and technical evidence in support and information on necessary reception facilities</li> <li>• Obligation of coastal States to publish the limits of any particular, clearly defined area established under the paragraph above</li> <li>• Obligation for coastal States which intend to adopt additional laws and regulations for the same area for the prevention, reduction and control of pollution from vessels, to notify the competent international organization and to refrain from requiring, through such additional laws and regulations, that foreign vessels observe design, construction, manning or equipment standards other than generally accepted international rules and standards. Obligation for coastal States to apply such additional laws and regulations to foreign vessels 15 months after the submission of the communication to the organization, provided that the organization agrees within 12 months after the submission of the communication</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations arising from the exercise of an entitlement under UNCLOS
Article 220 para. (7)	<p><i>Enforcement by coastal States</i></p> <ul style="list-style-type: none"> <li>• Obligation of coastal States to allow vessels detained as a consequence of a violation in their EEZ of applicable international rules and standards for the prevention, reduction and control of pollution from vessels or laws and regulations of the coastal State conforming and giving effect to such rules and standards, to proceed whenever appropriate procedures have been established whereby compliance with requirements for bonding or other appropriate financial security has been assured</li> </ul>

### 9. Ice-covered areas

Provisions of UNCLOS establishing obligations	Nature of obligations arising from the exercise of an entitlement under UNCLOS
Article 234	<p><i>Ice-covered areas</i></p> <ul style="list-style-type: none"> <li>• Obligation of coastal States, in exercising their right to adopt and enforce non-discriminatory laws and regulations for the prevention, reduction and control of marine pollution from vessels in ice-covered areas within the limits of their EEZ, to have due regard to navigation and the protection and preservation of the marine environment based on best available scientific evidence</li> </ul>

### 10. Marine scientific research

Provisions of UNCLOS establishing obligations	Nature of obligations arising from the exercise of an entitlement under UNCLOS
Article 246 para. (6)	<p><i>Marine scientific research in the EEZ and on the continental shelf</i></p> <ul style="list-style-type: none"> <li>• Obligation of coastal State to give reasonable notice of the designation of areas of the continental shelf beyond 200 nautical miles, which it may at any time designate as areas in which exploitation or detailed exploratory operations are occurring or will occur within a reasonable period of time</li> </ul>
Article 253 para. (5)	<p><i>Suspension or cessation of MSR activities</i></p> <ul style="list-style-type: none"> <li>• Obligation of coastal States to lift an order of suspension and to allow the MSR activities to continue once the researching State or competent international organization has complied with the conditions required under articles 248 and 249</li> </ul>



## 11. Settlement of disputes

Provisions of UNCLOS establishing obligations	Nature of obligations arising from the exercise of an entitlement under UNCLOS
Article 295	<p><i>Exhaustion of local remedies</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to exhaust local remedies, where this is required by international law, before they may submit a dispute concerning the interpretation or application of the Convention to compulsory procedures entailing binding decisions</li> </ul>
Article 298 para. (1) (a) (i)  para. (1) (a) (ii)  para. (3)  para. (6)	<p><i>Optional exceptions to applicability of section 2</i></p> <ul style="list-style-type: none"> <li>• Obligation of States which have made a declaration in writing that they do not accept any one or more of the procedures entailing binding decisions with respect to disputes concerning the interpretation or application of articles 15, 74 and 83 relating to sea boundary delimitations or historic bays or title, to accept submission of the matter to conciliation under Annex V, section 2, at the request of any party to the dispute</li> <li>• Obligation of the parties to the dispute to negotiate an agreement on the basis of the report of the conciliation commission and, if these negotiations do not lead to an agreement, to submit the question, by mutual consent, to one of the procedures entailing binding decision, unless the parties otherwise agree</li> <li>• Obligation of States Parties which have made a declaration under paragraph 1 of this article to refrain from submitting any dispute falling within the excepted category of disputes to any procedure in this Convention as against another State Party, without the consent of that party</li> <li>• Obligation of States Parties to deposit declarations and notices of withdrawal of declarations under this article with the Secretary-General of the United Nations, who is to transmit copies thereof to the States Parties</li> </ul>

## 12. General provisions

Provisions of UNCLOS establishing obligations	Nature of obligations arising from the exercise of an entitlement under UNCLOS
Article 310	<p><i>Declarations and statements</i></p> <ul style="list-style-type: none"> <li>• Obligation of States Parties, when signing, ratifying or acceding to the Convention and making declarations or statements with a view, inter alia, to the harmonization of its laws and regulations with the provisions of the Convention, to refrain from attempting to exclude or to modify the legal effect of the provisions of this Convention in their application to that State</li> </ul>

## II. Complementary international instruments that need to be implemented by states to fulfil their obligations under the United Nations Convention on the Law of the Sea <sup>1</sup>

### 1. Innocent passage in the territorial sea

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 21(2)	<p><i>Laws and regulations of the coastal State relating to innocent passage</i></p> <ul style="list-style-type: none"> <li>• Obligation of the coastal State not to adopt laws and regulations for ships in innocent passage through the territorial sea relating to the design, construction, manning or equipment of foreign ships unless they are giving effect to <u>generally accepted international rules or standards</u></li> </ul>	<ul style="list-style-type: none"> <li>• International Convention for the Safety of Life at Sea (SOLAS 1974), 1974 and Protocols of 1978 and 1988</li> <li>• International Convention on Load Lines, 1966 (LL 66), as amended</li> <li>• Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (SFV 1977 and SFV PROT 1993)</li> <li>• International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW 1978), as amended</li> <li>• International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F 1995)</li> <li>• International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78)</li> <li>• MARPOL 73/78, Annex II, and SOLAS 1974 Chapter VII, Part B, for the mandatory application of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code) and the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code)</li> <li>• International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001 (AFS 2001)</li> </ul>
Article 21(4)	<ul style="list-style-type: none"> <li>• Obligation of foreign ships exercising the right of innocent passage through the territorial sea to comply with all laws and regulations of the coastal State relating to innocent passage and <u>all generally accepted international regulations relating to the prevention of collisions at sea</u></li> </ul>	<ul style="list-style-type: none"> <li>• Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREG 1972)</li> <li>• Agreement concerning Maritime Signals, 1930</li> <li>• Treaty on International Commercial Navigation Law, 1940</li> <li>• Convention on Facilitation of International Maritime Traffic 1965, as amended</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 22 (3)	<p><i>Sea lanes and traffic separation schemes in the territorial sea</i></p> <ul style="list-style-type: none"> <li>In the designation of sea lanes and the prescription of traffic separation schemes under this article, the coastal State shall take into account: <ul style="list-style-type: none"> <li>(a) <u>Recommendations</u> of the competent international organization;</li> <li>(b) Any channels customarily used for international navigation;</li> <li>(c) The special characteristics of particular ships and channels;</li> <li>(d) The density of traffic.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>SOLAS 1974, Chapter VI provides mandatory application of: <ul style="list-style-type: none"> <li>IMO Code for Safe Practice for Solid Bulk Cargoes (BC Code) 1965</li> </ul> </li> <li>SOLAS 1974, Regulation V</li> <li>COLREG 1972</li> <li>IMO resolution A.572 (14) on general provisions on ships' routing</li> </ul>
Article 23	<p><i>Foreign nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances</i></p> <ul style="list-style-type: none"> <li>Foreign nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances shall carry documents and observe special precautionary measures established for such ships by <u>international agreements</u>.</li> </ul>	<ul style="list-style-type: none"> <li>Convention on the Physical Protection of Nuclear Material, 1980</li> <li>SOLAS 1974, Chapters VII and VIII provide mandatory application of: <ul style="list-style-type: none"> <li>International Maritime Dangerous Goods Code (IMDG Code, in force 1 January 2004)</li> <li>IBC Code</li> <li>International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code)</li> <li>International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-level Radioactive Wastes on Board Ships (INF Code)</li> </ul> </li> <li>MARPOL 73/78</li> <li>IAEA Regulations for the Safe Transport of Radioactive Materials, revised version, 1996</li> <li>IMO Code of Safety for Nuclear Merchant Ships</li> <li>IMO/IAEA Safety Recommendations on the Use of Ports by Nuclear Merchant Ships</li> <li>Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, 1989 (Basel Convention)</li> </ul>

## 2. Straits used for international navigation

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 39(2)(a)	<p><i>Duties of ships and aircraft during transit passage</i></p> <ul style="list-style-type: none"> <li>Obligation of the flag State to ensure that ships exercising the right of transit passage comply with <u>generally accepted international regulations, procedures and practices for safety at sea, including the International Regulations for Preventing Collisions at Sea</u></li> </ul>	<ul style="list-style-type: none"> <li>LL 66</li> <li>Protocol of 1988 Relating to the International Convention on Load Lines, 1966 (LL PROT 1988)</li> <li>COLREG 1972</li> <li>SOLAS 1974</li> <li>STCW 1978</li> <li>STCW-F 1995</li> <li>SFV PROT 1993</li> <li>BC Code</li> </ul>
Article 39(2)(b)	<ul style="list-style-type: none"> <li>Obligation of the flag State to ensure that ships exercising the right of transit passage comply with <u>generally accepted international regulations, procedures and practices for the prevention, reduction and control of pollution</u></li> </ul>	<ul style="list-style-type: none"> <li>MARPOL 73/78</li> <li>AFS 2001</li> </ul>
Article 39(3)(a)	<ul style="list-style-type: none"> <li>Obligation of the State of registry to ensure that aircraft in transit passage comply with the <u>Rules of the Air established by the International Civil Aviation Organization as they apply to civil aircraft</u></li> </ul>	<ul style="list-style-type: none"> <li>Convention on International Civil Aviation, 1944</li> </ul>
Article 39(3)(b)	<ul style="list-style-type: none"> <li>Obligation of the State of registry to ensure that aircraft in transit passage monitor the radio frequency assigned by the competent internationally designated air traffic control authority or <u>the appropriate international distress radio frequency</u></li> </ul>	<ul style="list-style-type: none"> <li>Convention on International Civil Aviation, 1944</li> </ul>
Article 41 (3)	<p><i>Sea lanes and traffic separation schemes in straits used for international navigation</i></p> <ul style="list-style-type: none"> <li>Obligation of States bordering straits to ensure that sea lanes and traffic separation schemes they may propose for designation, prescription or substitution conform to <u>generally accepted international regulations</u></li> </ul>	<ul style="list-style-type: none"> <li>SOLAS 1974</li> <li>IMO resolution A.572 (14) on general provisions on ships' routing</li> <li>COLREG 1972</li> </ul>
Article 42 (1) (b)	<p><i>Laws and regulations of States bordering straits relating to transit passage</i></p> <ul style="list-style-type: none"> <li>Obligation of States bordering straits to ensure that laws and regulations they may adopt relating to transit passage through straits, in respect of the prevention, reduction and control of pollution, give effect to <u>applicable international regulations regarding the discharge of oil, oily wastes and other noxious substances in the strait</u></li> </ul>	<ul style="list-style-type: none"> <li>MARPOL 73/78</li> </ul>

### 3. Archipelagic States

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 53(8)	<p><i>Right of archipelagic sea lanes passage</i></p> <ul style="list-style-type: none"> <li>Obligation of the archipelagic State to ensure that sea lanes and traffic separation schemes it may propose for designation, prescription or substitution conform to <u>generally accepted international regulations</u></li> </ul>	<ul style="list-style-type: none"> <li>SOLAS 1974</li> <li>COLREG 1972</li> <li>IMO resolution A.572 (14) on general provisions on ships' routeing</li> <li>IMO resolution A.858 (20) on traffic separation schemes and routeing measures other than traffic separation schemes, including designation and substitution of archipelagic sea lanes, and ship reporting systems</li> </ul>
Article 54	<p><i>Duties of ships and aircraft during their passage, research and survey activities, duties of the archipelagic State and laws and regulations of the archipelagic State relating to archipelagic sea lanes passage</i></p> <ul style="list-style-type: none"> <li>Obligation of the flag State to ensure that ships exercising the right of archipelagic sea lanes passage comply with:               <ol style="list-style-type: none"> <li><u>Generally accepted international regulations, procedures and practices for safety at sea, including the International Regulations for Preventing Collisions at Sea;</u></li> <li><u>Generally accepted international regulations, procedures and practices for the prevention, reduction and control of pollution.</u></li> </ol> </li> <li>Obligation of the State of registry to ensure that aircraft exercising the right of archipelagic sea lanes passage:               <ol style="list-style-type: none"> <li>Comply with <u>the Rules of the Air established by the International Civil Aviation Organization</u> as they apply to civil aircraft;</li> <li>Monitor the radio frequency assigned by the competent internationally designated air traffic control authority or <u>the appropriate international distress radio frequency.</u></li> </ol> </li> <li>Obligation of archipelagic States to ensure that laws and regulations relating to archipelagic sea lanes passage which they may adopt in respect of the prevention, reduction and control of pollution give effect to <u>applicable international regulations regarding the discharge of oil, oily wastes and other noxious substances in the archipelagic waters and the adjacent territorial sea</u></li> </ul>	<ul style="list-style-type: none"> <li>LL 66</li> <li>COLREG 1972</li> <li>SOLAS 1974, Chapter V</li> <li>STCW 1978</li> <li>STCW-F 1995</li> <li>SFV PROT 1993</li> <li>MARPOL 73/78</li> <li>AFS 2001</li> <li>IMO resolution A.706 (17) on the IMO/International Hydrographic Organization World-Wide Navigational Warning Service</li> <li>BC Code</li> <li>Convention on International-Civil Aviation, 1944</li> <li>MARPOL 73/78</li> </ul>

#### 4. Exclusive economic zone

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 60(3)	<p><i>Artificial islands, installations and structures in the exclusive economic zone</i></p> <ul style="list-style-type: none"> <li>Obligation of the coastal State to remove abandoned or disused installations and structures to ensure the safety of navigation, taking into account any <u>generally accepted international standards established in this regard by the competent international organization</u></li> </ul>	<ul style="list-style-type: none"> <li>Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Convention)</li> <li>1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, 1972</li> <li>IMO resolution A.672 (16) on guidelines and standards for the removal of offshore installations and structures on the continental shelf and in the exclusive economic zone</li> </ul>
Article 60(5)	<ul style="list-style-type: none"> <li>Obligation of the coastal State to determine the breadth of the safety zones around artificial islands, installations and structures, taking into account <u>applicable international standards</u>. The breadth of such safety zones shall not exceed a distance of 500 metres, except as authorized by <u>generally accepted international standards or as recommended by the competent international organization</u>.</li> </ul>	<ul style="list-style-type: none"> <li>IMO resolution A.671 (16)</li> <li>IMO resolution A.572 (14) on general provisions on ships' routing</li> </ul>
Article 60(6)	<ul style="list-style-type: none"> <li>Obligation of the flag State to ensure that all ships respect safety zones and comply with <u>generally accepted international standards</u> regarding navigation in the vicinity of artificial islands, installations, structures and safety zones</li> </ul>	<ul style="list-style-type: none"> <li>IMO resolution A.671 (16)</li> </ul>
Article 61(3)	<p><i>Conservation of the living resources</i></p> <ul style="list-style-type: none"> <li>Obligation of the coastal State to design conservation and management measures to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield, as qualified by relevant environmental and economic factors, and, inter alia, taking into account fishing patterns, the interdependence of stocks and <u>any generally recommended international minimum standards, whether subregional, regional or global</u></li> </ul>	<p><u>Global instruments</u></p> <ul style="list-style-type: none"> <li>Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (United Nations Fish Stocks Agreement, 1995)</li> <li>Convention on Biological Diversity, 1992</li> </ul> <p><u>Regional instruments</u><sup>2</sup></p> <p><u>Trans-oceanic</u></p> <ul style="list-style-type: none"> <li>Convention for the Conservation of Southern Bluefin Tuna, 1993 (CCBST)</li> <li>Agreement Establishing the Latin American Organization for Fisheries Development, 1982 (OLDEPESCA)</li> <li>Convention on the Conservation of Antarctic Marine Living Resources, 1980 (CCAMLR)</li> <li>Agreement for the Establishment of the Asia-Pacific Fisheries Commission, 1948, as amended (APFIC)</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 61(3) (cont'd)	<i>Conservation of the living resources (cont'd)</i>	<p><u>Mediterranean Sea and adjacent seas</u></p> <ul style="list-style-type: none"> <li>• Agreement for the Establishment of the General Fisheries Council for the Mediterranean, 1949, as amended (GFCM)</li> </ul> <p><u>Atlantic Ocean, North Sea and adjacent seas</u></p> <ul style="list-style-type: none"> <li>• Convention Establishing the North-East Atlantic Fisheries Commission, 2002 (NEAFC)</li> <li>• Convention on the Conservation and Management of Fisheries Resources in the South-East Atlantic Ocean, 2001 (SEAFO)</li> <li>• Convention on Fisheries Cooperation among African States bordering the Atlantic Ocean, 1991 (AAFC)</li> <li>• Convention for the Conservation of Salmon in the North Atlantic Ocean, 1982 (NASCO)</li> <li>• Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, 1978 (NAFO)</li> <li>• Statute and Rules of Procedure of the Western Central Atlantic Fisheries Commission, 1973, as amended (WECAFC)</li> <li>• Convention on Fishing and Conservation of the Living Resources in the Baltic Sea and the Belts, 1973 (IBSFC)</li> <li>• Statute of the Fishery Committee for the Eastern Central Atlantic, 1967, as amended (CECAF)</li> <li>• International Convention for the Conservation of Atlantic Tuna, 1966, and its Protocols of 1984 and 1992 (ICCAT)</li> </ul> <p><u>Pacific Ocean</u></p> <ul style="list-style-type: none"> <li>• Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, 2000 (MHLCTC)</li> <li>• Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean, 1992 (NPAFC)</li> <li>• Convention for the Conservation, Rational Management and Optimum Production of Pacific Salmon, 1985 (North-East Pacific) (PSC)</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 61(3) (cont'd)	<i>Conservation of the living resources (cont'd)</i>	<ul style="list-style-type: none"> <li>• South Pacific Forum Fisheries Agency Convention, 1979 (FFA)</li> <li>• Convention on the Organization of the Permanent Commission of the Conference on the Use and Conservation of the Maritime Resources of the South Pacific, 1952 (CPPS)</li> <li>• Convention for the Establishment of an Inter-American Tropical Tuna Commission, 1949 (IATTC)</li> <li>• Agreement Establishing the South Pacific Commission, 1947, as amended (SPC)</li> </ul> <p><u>Indian Ocean</u></p> <ul style="list-style-type: none"> <li>• Agreement for the Establishment of the Regional Commission for Fisheries, 1999 (RECOFI)</li> <li>• Agreement for the Establishment of the Indian Ocean Tuna Commission, 1993 (IOTC)</li> </ul>

### 5. The continental shelf

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 80	<p><i>Artificial islands, installations and structures in the continental shelf</i></p> <ul style="list-style-type: none"> <li>• Obligation of the coastal State to: <ul style="list-style-type: none"> <li>(a) Remove abandoned or disused installations and structures to ensure the safety of navigation, taking into account <u>any generally accepted international standards established in this regard by the competent international organization</u>;</li> <li>(b) Determine the breadth of safety zones around artificial islands, installations and structures, taking into account <u>applicable international standards</u>. The breadth of such safety zones shall not exceed a distance of 500 metres, except as authorized by <u>generally accepted international standards or as recommended by the competent international organization</u>.</li> </ul> </li> <li>• Obligation of the flag State to ensure that all ships respect safety zones and comply with <u>generally accepted international standards regarding navigation in the vicinity of artificial islands, installations, structures and safety zones</u>.</li> </ul>	<ul style="list-style-type: none"> <li>• London Convention</li> <li>• IMO resolution A.671 (16)</li> <li>• IMO resolution A.672 (16) on guidelines and standards for the removal of offshore installations and structures on the continental shelf and in the exclusive economic zone</li> <li>• IMO resolution A.572 (14) on general provisions on ships' routing</li> </ul>



## 6. High seas

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 92 (1)	<p><i>Status of ships</i></p> <ul style="list-style-type: none"> <li>Obligation of States to ensure that ships sail under the flag of one State only and, save in exceptional cases expressly provided for in <u>international treaties</u> or in the Convention, are subject to its exclusive jurisdiction on the high seas</li> </ul>	<ul style="list-style-type: none"> <li>International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (INTERVENTION 1969) and Protocol Relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil (INTERVENTION PROT 1973)</li> <li>United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988,</li> <li>United Nations Fish Stocks Agreement, 1995</li> <li>Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA 1988)</li> <li>Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988 (SUA PROT 1988)</li> <li>Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000</li> </ul>
Article 94 (2)(a)	<p><i>Duties of the flag State</i></p> <ul style="list-style-type: none"> <li>Obligation of every State to maintain a register of ships containing the names and particulars of ships flying its flag, except those which are excluded from <u>generally accepted international regulations on account of their small size</u></li> </ul>	<ul style="list-style-type: none"> <li>United Nations Convention on Conditions for Registration of Ships, 1986</li> <li>Agreement to Promote Compliance with International Conservation and Management Measures in the High Seas 1993 (FAO Compliance Agreement)</li> </ul>
Article 94 (3), (4) and (5)	<ul style="list-style-type: none"> <li>Obligation of every State to take and secure the observance of necessary measures for ships flying its flag, which must conform to <u>generally accepted international regulations, procedures and practices</u>, in order to ensure safety at sea with regard to: <ul style="list-style-type: none"> <li>(a) The construction, equipment and seaworthiness of ships;</li> <li>(b) The manning of ships, labour conditions and the training of crews, taking into account the <u>applicable international instruments</u> ;</li> <li>(c) The use of signals, the maintenance of communications and the prevention of collisions.</li> </ul> </li> </ul> <p>Such measures shall include those necessary to ensure that:</p> <ul style="list-style-type: none"> <li>(a) Each ship, before registration and thereafter at appropriate intervals, is surveyed by a qualified surveyor of ships, and has on board such charts, nautical publications and navigational equipment and instruments as are appropriate for the safe navigation of the ship;</li> <li>(b) Each ship is in the charge of a master and officers who possess appropriate qualifications, in particular in seamanship, navigation, communications and</li> </ul>	<ul style="list-style-type: none"> <li>LL 66 and PROT 1988; International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 1969); COLREG 1972</li> <li>MARPOL 73/78</li> <li>SFV 1977 and SFV PROT 1993</li> <li>SOLAS 1974</li> <li>STCW 1978</li> <li>STCW-F 1995</li> <li>ILO Convention No.147 concerning Minimum Standards in Merchant Ships, 1976 and its Protocol of 1996 and other ILO Conventions on labour conditions for seafarers (in particular the Labour Inspection (Seafarers) Convention No.178, 1996)</li> <li>ITU Radio Regulations, 1976, as amended in 1979 and revised by the decisions of the World Radiocommunication Conference of 1995, 1997 and 2000</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
	marine engineering, and that the crew is appropriate in qualification and numbers for the type, size, machinery and equipment of the ship; (c) The master, officers and, to the extent appropriate, the crew are fully conversant with and required to observe the <u>applicable international regulations concerning the safety of life at sea, the prevention of collisions, the prevention, reduction and control of marine pollution, and the maintenance of communications by radio.</u>	Conferences of 1995, 1997 and 2000 <ul style="list-style-type: none"> <li>• IMO resolution A.913 (22) on Revised guidelines on the implementation of the International Safety Management (ISM) Code by Administrations</li> <li>• IMO resolution A.914 (22) on measures to further strengthen flag State implementation</li> </ul>
Article 108(1)	<i>Illicit traffic in narcotic drugs or psychotropic substances</i> <ul style="list-style-type: none"> <li>• Obligation of all States to cooperate in the suppression of illicit traffic in narcotic drugs and psychotropic substances engaged in by ships on the high seas contrary to <u>international conventions</u></li> </ul>	<ul style="list-style-type: none"> <li>• Single Convention on Narcotic Drugs, 1961 and Protocols of 1972 and 1975</li> <li>• United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988</li> <li>• Convention on Facilitation of International Maritime Traffic (FAL 1965)</li> <li>• IMO resolution A.872 (20) on guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on shipping engaged in international maritime traffic</li> </ul>
Article 109 (1) (2)	<i>Unauthorized broadcasting from the high seas</i> <ul style="list-style-type: none"> <li>• Obligation of all States to cooperate in the suppression of “unauthorized broadcasting”, which means the transmission of sound radio or television broadcasts from a ship or installation on the high seas intended for reception by the general public contrary to international regulations, but excluding the transmission of distress calls</li> </ul>	<ul style="list-style-type: none"> <li>• ITU, 1965, Radio Regulations, 1976, as amended in 1979 and revised by the decisions of the World Radiocommunication Conferences of 1995, 1997 and 2000</li> </ul>

### 7. Conservation and management of the living resources of the high seas

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 119(1) (a) and (b)	<i>Conservation of the living resources of the high seas</i> <ul style="list-style-type: none"> <li>• Obligation of States to take into account, inter alia, <u>any generally recommended international minimum standards, whether subregional, regional or global, in determining the allowable catch and establishing other conservation measures for the living resources in the high seas</u></li> </ul>	<ul style="list-style-type: none"> <li>• International Convention for the Regulation of Whaling, 1946</li> <li>• FAO Compliance Agreement, 1993</li> <li>• United Nations Fish Stocks Agreement, 1995</li> <li>• Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES 1973)</li> <li>• Convention on Biological Diversity</li> <li>• Convention on the Conservation of Migratory Species of Wild Animals, 1979 (CMS)</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 119(1) (a) and (b) (cont'd)	<i>Conservation of the living resources of the high seas (cont'd)</i>	<ul style="list-style-type: none"> <li>Wild Animals, 1979 (CMS)</li> <li>• See also list of regional instruments under article 61(3).</li> </ul>

### 8. Protection and preservation of the marine environment

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 207(1)	<p><i>Pollution from land-based sources</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to adopt laws and regulations to prevent, reduce and control pollution of the marine environment from land-based sources, including rivers, estuaries, pipelines and outfall structures, taking into account internationally agreed rules, standards and recommended practices and procedures</li> </ul>	<ul style="list-style-type: none"> <li>• No legally binding global instrument exists in respect of land-based sources of marine pollution</li> <li>• See also relevant regional agreements listed under article 237(2) and table on non-binding instruments</li> </ul>
Article 208(1) and (3)	<p><i>Pollution from seabed activities subject to national jurisdiction</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to adopt laws and regulations to prevent, reduce and control pollution from seabed activities subject to their jurisdiction and from artificial islands, installations and structures under their jurisdiction, pursuant to articles 60 and 80, which shall be no less effective than <u>international rules, standards and recommended practices and procedures</u>.</li> </ul>	<ul style="list-style-type: none"> <li>• No legally binding global instrument exists in respect of prevention of pollution from seabed activities subject to national jurisdiction</li> <li>• Partly covered by MARPOL, Annex I, Regulation 21</li> <li>• IMO Code for the Construction and Equipment of Mobile Offshore Drilling Units, 1989 (MODU Code)</li> <li>• IMO resolutions A.671 (16) and A.672 (16)</li> <li>• See also relevant regional agreements listed under article 237(2)</li> </ul> <p>Response to accidents is covered in:</p> <ul style="list-style-type: none"> <li>• International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 (OPRC 1990)</li> <li>• Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances, 2000 (OPRC PROT 2000)</li> </ul>
Article 209 (2)	<p><i>Pollution from activities in the Area</i></p> <p>Obligation of States to adopt laws and regulations to prevent, reduce and control pollution of the marine environment from activities in the Area undertaken by vessels, installations, structures and other devices flying their flag or of their registry or operating under their authority, as the case may be, which shall be no less effective than <u>the international rules, regulations and procedures</u> established in accordance with Part XI of the Convention</p>	<ul style="list-style-type: none"> <li>• Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area, 2000</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 210 (1) and (6)	<p><i>Pollution by dumping</i></p> <ul style="list-style-type: none"> <li>Obligation of States to adopt laws, regulations and measures to prevent, reduce and control pollution of the marine environment by dumping which shall be no less effective in preventing, reducing and controlling such pollution than the <u>global rules and standards</u></li> </ul>	<ul style="list-style-type: none"> <li>London Convention, 1972 and Amendments</li> <li>1996 Protocol to the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter</li> <li>Convention on International Civil Aviation, 1944</li> </ul>
Article 211(2)	<p><i>Pollution from vessels</i></p> <ul style="list-style-type: none"> <li>Obligation of States to adopt laws and regulations for the prevention, reduction and control of pollution of the marine environment from vessels flying their flag or of their registry which shall at least have the same effect as that of <u>generally accepted international rules and standards</u> established through the competent international organization or general diplomatic conference</li> </ul>	<ul style="list-style-type: none"> <li>MARPOL 73/78</li> <li>SOLAS 1974, Chapter V</li> <li>OPRC 1990</li> <li>OPRC PROT 2000</li> <li>AFS 2001</li> <li>IMO resolution A.572 (14) on general provisions on ships' routeing</li> <li>IMO resolution A.868 (20) on ballast water guidelines</li> <li>IMO resolution A.858 (20) on traffic separation schemes and routeing measures other than traffic separation schemes, including designation and substitution of archipelagic sea lanes, and ship reporting systems</li> </ul>
Article 211(6)(c)	<ul style="list-style-type: none"> <li>Obligation of coastal States which intend to adopt additional laws and regulations for the same area not to require foreign vessels to observe design, construction, manning or equipment standards other than <u>generally accepted international rules and standards</u></li> </ul>	<ul style="list-style-type: none"> <li>SOLAS 1974 and Protocols of 1978 and 1988</li> <li>MARPOL 73/78</li> <li>STCW 1978</li> <li>STCW- F 1995</li> <li>SFV PROT 1993</li> <li>LL 66</li> <li>AFS 2001</li> </ul>
Article 212(1)	<p><i>Pollution from or through the atmosphere</i></p> <ul style="list-style-type: none"> <li>Obligation of States to adopt laws and regulations to prevent, reduce and control pollution of the marine environment from or through the atmosphere, applicable to the airspace under their sovereignty and to vessels flying their flag or vessels or aircraft of their registry, taking into account <u>internationally agreed rules, standards and recommended practices and procedures and the safety of air navigation</u></li> </ul>	<ul style="list-style-type: none"> <li>London Convention, 1972 and Amendments</li> <li>1996 Protocol to the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter</li> <li>Protocol of 1997 to amend MARPOL 73/78 (MARPOL PROT 1997) Annex VI</li> <li>Vienna Convention for the Protection of the Ozone Layer, 1985</li> <li>Montreal Protocol on Substances that Deplete the Ozone Layer, 1987, and Amendments of 1990, 1992, 1997 and 1999</li> <li>United Nations Framework Convention on Climate Change (UNFCCC), 1992</li> <li>Kyoto Protocol to UNFCCC, 1997 (article 2 mandates IMO to deal with emissions of greenhouse gases from marine bunker fuels)</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 212(1) (cont'd)	<i>Pollution from or through the atmosphere (cont'd)</i>	<ul style="list-style-type: none"> <li>bunker fuels)</li> <li>• See also relevant regional agreements listed under article 237(2).</li> </ul>
Article 213	<i>Enforcement with respect to pollution from land-based sources</i> <ul style="list-style-type: none"> <li>• Obligation of States to enforce their laws and regulations in accordance with article 207 and take measures necessary to implement <u>applicable international rules and standards</u> established through competent international organizations or diplomatic conference to prevent, reduce and control pollution of the marine environment from land-based sources</li> </ul>	<ul style="list-style-type: none"> <li>• No legally binding global instrument exists in respect of land-based sources of marine pollution</li> <li>• See relevant regional agreements listed under article 237(2) and table on non-binding instruments.</li> </ul>
Article 214	<i>Enforcement with respect to pollution from seabed activities</i> <ul style="list-style-type: none"> <li>• Obligation of States to enforce their laws and regulations against pollution from seabed activities subject to national jurisdiction and to adopt laws and regulations and take other measures necessary to implement <u>applicable international rules and standards</u> established through competent international organizations or diplomatic conference to prevent, reduce and control pollution of the marine environment arising from or in connection with seabed activities subject to their jurisdiction and from artificial islands, installations and structures under their jurisdiction, pursuant to articles 60 and 80</li> </ul>	<ul style="list-style-type: none"> <li>• No legally binding global instrument exists in respect of prevention of pollution from seabed activities subject to national jurisdiction</li> <li>• Partly covered by MARPOL, Annex I, Regulation 21</li> <li>• See relevant regional agreements listed under article 237(2).</li> </ul> <p>Response to accidents is covered in:</p> <ul style="list-style-type: none"> <li>• OPRC 1990</li> <li>• OPRC PROT 2000</li> <li>• MODU Code</li> <li>• IMO resolutions A.671 (16) and A.672 (16)</li> </ul>
Article 216(1)	<i>Enforcement with respect to pollution by dumping</i> <ul style="list-style-type: none"> <li>• Obligation of coastal State, flag State, and port State to enforce their laws and regulations for the prevention, reduction and control of pollution of the marine environment by dumping in accordance with the Convention and <u>applicable international rules and standards</u> established through competent international organizations or diplomatic conference</li> </ul>	<ul style="list-style-type: none"> <li>• London Convention, 1972 and Amendments</li> <li>• 1996 Protocol to the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter</li> <li>• Convention on International Civil Aviation, 1944</li> <li>• See relevant regional agreements listed under article 237(2).</li> </ul>
Article 217(1)	<i>Enforcement by flag States</i> <ul style="list-style-type: none"> <li>• Obligation of flag States to ensure compliance by vessels flying their flag or of their registry with <u>applicable international rules and standards</u>, established through the competent international organization or general diplomatic conference, and with their laws and regulations adopted in accordance with the Convention for the prevention, reduction and control of pollution of the marine environment from vessels, and to adopt laws and regulations to ensure their implementation and enforcement, irrespective of where a violation occurs</li> </ul>	<ul style="list-style-type: none"> <li>• MARPOL 73/78</li> <li>• AFS 2001</li> </ul>
Article 217(2)	<ul style="list-style-type: none"> <li>• Obligation of States to take appropriate measures in order to ensure that vessels flying their flag or of their registry are prohibited from sailing, until they can proceed to sea in compliance with the requirements of <u>applicable international rules and standards</u> for the prevention, reduction and control of pollution of the</li> </ul>	<ul style="list-style-type: none"> <li>• MARPOL 73/78</li> <li>• SOLAS 1974 as amended and Protocols of 1978 and 1988</li> <li>• LL 66</li> <li>• Protocol of 1988 Relating to the International Convention</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
	marine environment from vessels, including <u>requirements in respect of design, construction, equipment and manning of vessels</u> , established through the competent international organization or general diplomatic conference	<ul style="list-style-type: none"> <li>on Load Lines, 1966 (LL PROT 1988)</li> <li>• STCW 1978</li> <li>• STCW-F 1995</li> <li>• SFV 1977</li> <li>• SFV PROT 1993</li> <li>• AFS 2001</li> </ul>
Article 217(3)	<ul style="list-style-type: none"> <li>• Obligation of States to ensure that vessels flying their flag or of their registry carry on board certificates required by and issued pursuant to <u>applicable international rules and standards</u> for the prevention, reduction and control of pollution of the marine environment from vessels, established through the competent international organization or general diplomatic conference, and that they are periodically inspected in order to verify that such certificates are in conformity with the actual condition of the vessels</li> </ul>	<ul style="list-style-type: none"> <li>• MARPOL 73/78</li> </ul>
Article 217(4)	<ul style="list-style-type: none"> <li>• Obligation of the flag State to provide for immediate investigation and, where appropriate, institute proceedings in respect of a violation of <u>applicable rules and standards</u> established through the competent international organization or general diplomatic conference, irrespective of where the violation occurred or where the pollution caused by such violation has occurred or has been spotted</li> </ul>	<ul style="list-style-type: none"> <li>• MARPOL 73/78</li> </ul>
Article 218 (3)	<p><i>Enforcement by port States</i></p> <ul style="list-style-type: none"> <li>• Obligation of a port State, when a vessel is voluntarily within its port or at an offshore terminal, to comply, as far as practicable, with requests from any State for investigation of a discharge in violation of <u>applicable international rules and standards</u> established through the competent international organization or general diplomatic conference, believed to have occurred in, caused or threatened damage to the internal waters, territorial sea or exclusive economic zone of the requesting State, and to comply likewise, as far as practicable, with requests from the flag State for investigation of such a violation, irrespective of where the violation occurred</li> </ul>	<ul style="list-style-type: none"> <li>• MARPOL 73/78</li> </ul>
Article 219	<p><i>Measures relating to seaworthiness of vessels to avoid pollution</i></p> <ul style="list-style-type: none"> <li>• Obligation of port States, when a vessel within one of their ports or at one of their offshore terminals is in violation of <u>applicable international rules and standards relating to seaworthiness of vessels</u> and thereby threatens damage to the marine environment, to take, subject to section 7 (Safeguards), administrative measures to prevent the vessel from sailing. They may permit the vessel to proceed only to the nearest appropriate repair yard, and upon removal of the causes of the violation, they are obligated to allow the vessel to continue immediately.</li> </ul>	<ul style="list-style-type: none"> <li>• MARPOL 73/78</li> <li>• SOLAS 1974</li> <li>• LL 66</li> <li>• LL PROT 1988</li> <li>• COLREG 1972</li> <li>• SFV 1977</li> <li>• SFV PROT 1993</li> <li>• STCW 1978</li> <li>• STCW-F 1995</li> <li>• ILO Convention No. 147 concerning Minimum Standards in Merchant Ships, 1976, and its Protocol of 1996</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 219 (cont'd)	<i>Measures relating to seaworthiness of vessels to avoid pollution (cont'd)</i>	<ul style="list-style-type: none"> <li>• TONNAGE 1969</li> <li>• IMO resolution A.787 (19) on procedures for port State control</li> </ul>
Article 222	<p><i>Enforcement with respect to pollution from or through the atmosphere</i></p> <ul style="list-style-type: none"> <li>• Obligation of States, within the airspace under their sovereignty or with regard to vessels flying their flag or vessels or aircraft of their registry, to enforce their laws and regulations adopted in accordance with article 212, paragraph 1, and with other provisions of UNCLOS and to adopt laws and regulations and take other measures necessary to implement <u>applicable international rules and standards</u> established through competent international organizations or diplomatic conference to prevent, reduce and control pollution of the marine environment from or through the atmosphere, in conformity with all <u>relevant international rules and standards</u> concerning the safety of air navigation</li> </ul>	<ul style="list-style-type: none"> <li>• Convention on International Civil Aviation, 1944</li> <li>• Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water, 1963</li> <li>• London Convention, 1972 and Amendments, and 1996 Protocol thereto</li> <li>• MARPOL PROT 1997, Annex VI, Prevention of Air Pollution from Ships</li> <li>• Vienna Convention for the Protection of the Ozone Layer, 1985</li> <li>• Montreal Protocol on Substances that Deplete the Ozone Layer, 1987 and Amendments 1990, 1992, 1997 and 1999</li> <li>• Adjustments to the Montreal Protocol on Substances that Deplete the Ozone Layer, 1992</li> </ul>
Article 226(1)(a)	<p><i>Investigation of foreign vessels</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to limit any physical inspection of a foreign vessel to an examination of such certificates, records or other documents as the vessel is required to carry by <u>generally accepted international rules and standards</u> or of any similar documents which it is carrying</li> </ul>	<ul style="list-style-type: none"> <li>• MARPOL 73/78</li> <li>• OPRC 1990</li> <li>• OPRC PROT 2000</li> <li>• INTERVENTION 1969</li> <li>• SOLAS</li> <li>• Convention on the Physical Protection of Nuclear Material</li> <li>• Basel Convention, 1989</li> </ul>
Article 226(1)(b)	<ul style="list-style-type: none"> <li>• Obligation of States to release promptly a foreign vessel subject to reasonable procedures such as bonding or other appropriate financial security if the investigation indicates a violation of <u>applicable laws and regulations or international rules and standards</u> for the protection and preservation of the marine environment</li> </ul>	<ul style="list-style-type: none"> <li>• MARPOL 73/78</li> <li>• AFS 2001</li> <li>• STCW 1978</li> <li>• STCW- F 1995</li> <li>• SFV PROT 1993</li> <li>• LL 66</li> <li>• London Convention, 1972, and Amendments</li> <li>• Protocol to the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1996</li> </ul>
Article 226(1)(c)	<ul style="list-style-type: none"> <li>• Obligation of States to notify promptly the flag State where the release of a foreign vessel has been refused or made conditional due to unreasonable threat of damage to the marine environment, without prejudice to <u>applicable international rules and standards</u> relating to the seaworthiness of vessels</li> </ul>	<ul style="list-style-type: none"> <li>• MARPOL 73/78</li> <li>• SOLAS 1974</li> <li>• LL 66</li> <li>• LL PROT 1988</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 226(c) (cont'd)		<ul style="list-style-type: none"> <li>• COLREG 1972</li> <li>• SFV 1977</li> <li>• SFV PROT 1993</li> <li>• STCW 1978</li> <li>• STCW-F 1995</li> <li>• ILO Convention No. 147 concerning Minimum Standards in Merchant Ships, 1976, and its Protocol of 1996</li> <li>• TONNAGE 1969</li> </ul>
Article 228 (1)	<p><i>Suspension and restrictions on institution of proceedings</i></p> <ul style="list-style-type: none"> <li>• Obligation of the State which institutes proceedings to impose penalties in respect of any violation of <u>applicable laws and regulations or international rules and standards</u> relating to the prevention, reduction and control of pollution from vessels committed by a foreign vessel beyond its territorial sea, to suspend such proceedings upon the taking of proceedings to impose penalties in respect of corresponding charges by the flag State within six months of the date on which proceedings were first instituted, unless those proceedings relate to a case of major damage to the coastal State or the flag State in question has repeatedly disregarded its obligation to enforce effectively the <u>applicable international rules and standards</u> in respect of violations committed by its vessels</li> </ul>	<ul style="list-style-type: none"> <li>• MARPOL 73/78</li> </ul>
Article 230(1)	<p><i>Monetary penalties and the observance of recognized rights of the accused</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to impose only monetary penalties with respect to violations of national laws and regulations or <u>applicable international rules and standards for the prevention, reduction and control of pollution of the marine environment</u>, committed by foreign vessels beyond the territorial sea</li> </ul>	<ul style="list-style-type: none"> <li>• MARPOL 73/78</li> <li>• AFS 2001</li> <li>• London Convention, 1972</li> <li>• Protocol to the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1996</li> </ul>
Article 230(2)	<ul style="list-style-type: none"> <li>• Obligation of States to impose only monetary penalties with respect to violations of national laws and regulations or <u>applicable international rules and standards for the prevention, reduction and control of pollution of the marine environment</u>, committed by foreign vessels in the territorial sea, except in the case of a wilful and serious act of pollution in the territorial sea</li> </ul>	<ul style="list-style-type: none"> <li>• MARPOL 73/78</li> <li>• SOLAS 1974 and Protocols of 1978 and 1988</li> <li>• OPRC 1990</li> </ul>
Article 235(3)	<p><i>Responsibility and liability</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to cooperate in the implementation of <u>existing international law</u> and the further development of international law relating to responsibility and liability for the assessment of and compensation for damage and the settlement of related disputes, as well as, where appropriate, development of criteria and procedures for payment of adequate compensation, such as compulsory insurance or compensation funds, with the objective of assuring prompt and adequate compensation in respect of all damage caused by pollution of the marine environment</li> </ul>	<ul style="list-style-type: none"> <li>• International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC) and Protocol, 1992</li> <li>• International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, and Protocol, 1992</li> <li>• Convention on the Liability of Operators of Nuclear Ships, 1962</li> <li>• Convention relating to Civil Liability in the Field of Maritime Carriage of Nuclear Material (NUCLEAR 1971)</li> </ul>



Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 235(3) (cont'd)	<i>Responsibility and liability (cont'd)</i>	<ul style="list-style-type: none"> <li>• International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996</li> <li>• London Convention (article X) and its 1996 Protocol (article 15)</li> <li>• Convention on Limitation of Liability for Maritime Claims, 1976 and its 1996 Protocol</li> <li>• Convention on the Liability of Operators of Nuclear Ships, 1962</li> <li>• Vienna Convention on Civil Liability for Nuclear Damage, 1963, and Optional Protocol, 1963</li> <li>• Protocol to Amend the Vienna Convention on Civil Liability for Nuclear Damage, 1997</li> <li>• Joint Protocol relating to the Application of the Vienna Convention and the Paris Convention on Civil Liability for Nuclear Damage, 1988</li> <li>• Convention relating to Civil Liability in the Field of Maritime Carriage of Nuclear Material, 1971</li> <li>• Protocol on Liability and Compensation for Damage resulting from the Transboundary Movement of Hazardous Wastes and their Disposal, 1999</li> <li>• International Convention on Civil Liability for Bunker Oil Pollution Damage (Bunkers Convention), 2001</li> </ul>
Article 237(2)	<p><i>Obligations under other conventions on the protection and preservation of the marine environment</i></p> <ul style="list-style-type: none"> <li>• <u>Obligation</u> of States to carry out <u>specific obligations assumed under special conventions</u> and agreements with respect to the protection and preservation of the marine environment in a manner consistent with the general principles and objectives of the Convention</li> </ul>	<p>Global instruments:</p> <ul style="list-style-type: none"> <li>• Refer to all instruments listed above on the protection and preservation of the marine environment.</li> </ul> <p>Regional instruments:</p> <p><u>East Africa</u></p> <ul style="list-style-type: none"> <li>• Convention for the Protection, Management and Development of the Marine and Coastal Environment for the Eastern African Region, 1985</li> </ul> <p>Protocols:</p> <ul style="list-style-type: none"> <li>• Protocol concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region, 1985</li> <li>• Protocol concerning Cooperation in Combating Marine Pollution in Cases of Emergency in the Eastern African Region, 1985</li> </ul> <p><u>Mediterranean Sea and adjacent seas</u></p>

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 237(2) (cont'd)	<i>Obligations under other conventions on the protection and preservation of the marine environment (cont'd)</i>	<ul style="list-style-type: none"> <li>• Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, 1976 (amended in 1995) Protocols: <ul style="list-style-type: none"> <li>• Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, 1976 (revised as Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea, 1995)</li> <li>• Protocol concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency, 1976</li> <li>• Protocol for the Protection of the Mediterranean Sea against Pollution from Land-based Sources, 1980 (amended as the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-based Sources and Activities, 1996)</li> <li>• Protocol concerning Mediterranean Specially Protected Areas, 1982 (revised as the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean, 1995)</li> <li>• Protocol for the Protection of the Mediterranean Sea against Pollution resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil, 1994</li> <li>• Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal, 1996</li> </ul> </li> <li>• Convention on the Protection of the Black Sea against Pollution, 1992 Protocols: <ul style="list-style-type: none"> <li>• Protocol on Protection of the Black Sea Marine Environment against Pollution from Land-based Sources, 1992</li> <li>• Protocol on Cooperation in Combating Pollution of the Black Sea Marine Environment by Oil and other Harmful Substances in Emergency Situations, 1992</li> <li>• Protocol on the Protection of the Black Sea Marine</li> </ul> </li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 237(2) (cont'd)	<i>Obligations under other conventions on the protection and preservation of the marine environment (cont'd)</i>	<p>Environment against Pollution by Dumping, 1992 <u>West and Central Africa</u></p> <ul style="list-style-type: none"> <li>• Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region, 1981, and Protocol concerning cooperation in combating pollution in cases of emergency, 1981</li> </ul> <p><u>Western Asia</u></p> <ul style="list-style-type: none"> <li>• Kuwait Regional Convention for Cooperation on the Protection of the Marine Environment from Pollution, 1978</li> </ul> <p>Protocols:</p> <ul style="list-style-type: none"> <li>• Protocol concerning Regional Cooperation in Combating Pollution by Oil and Other Harmful Substances in Cases of Emergency, 1978</li> <li>• Protocol for the Protection of the Marine Environment against Pollution from Land-based Sources, 1990</li> <li>• Protocol on the Control of Marine Transboundary Movements and Disposal of Hazardous Wastes, 1998</li> <li>• Protocol concerning Marine Pollution resulting from Exploration and Exploitation of the Continental Shelf, 1989</li> </ul> <ul style="list-style-type: none"> <li>• Regional Convention for the Conservation of the Red Sea and the Gulf of Aden Environment, 1982 <ul style="list-style-type: none"> <li>• Protocol concerning Regional Cooperation in Combating Pollution by Oil and Other Harmful Substances in Cases of Emergency, 1982</li> </ul> </li> </ul> <p><u>Asia and South Pacific</u></p> <ul style="list-style-type: none"> <li>• ASEAN Agreement on the Conservation of Nature and Natural Resources, 1985</li> <li>• Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, 1986</li> </ul> <p>Protocols:</p> <ul style="list-style-type: none"> <li>• Protocol for the Prevention of Pollution of the South Pacific Region by Dumping, 1986</li> <li>• Protocol concerning Cooperation in Combating Pollution Emergencies in the South Pacific Region, 1986</li> </ul> <p><u>South-East Pacific</u></p>

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 237(2) (cont'd)	<i>Obligations under other conventions on the protection and preservation of the marine environment (cont'd)</i>	<ul style="list-style-type: none"> <li>• Convention for the Protection of the Marine Environment and Coastal Area of the South-East Pacific, 1981, and its Protocols</li> <li>• Agreement on Regional Cooperation in Combating Pollution of the South-East Pacific by Hydrocarbons or Other Harmful Substances in Case of Emergency, 1981 Protocols: <ul style="list-style-type: none"> <li>• Supplementary Protocol to the Agreement on Regional Cooperation in Combating Pollution of the South-East Pacific by Hydrocarbons or Other Harmful Substances in Cases of Emergency, 1983</li> <li>• Protocol for the Protection of the South-East Pacific against Pollution from Land-based Sources, 1983</li> <li>• Protocol for the Conservation and Management of Protected Marine and Coastal Areas of the South-East Pacific, 1989</li> <li>• Protocol for the Protection of the South-East Pacific against Radioactive Contamination, 1989</li> <li>• Protocol on the Programme for the Regional Study on the El Niño Phenomenon (ERFEN) in the South-East Pacific, 1992</li> </ul> </li> </ul> <p><u>North-East Pacific</u></p> <ul style="list-style-type: none"> <li>• Convention for Cooperation in the Protection and Sustainable Development of the Marine and Coastal Environment of the North-East Pacific, 2002</li> </ul> <p><u>Caribbean region</u></p> <ul style="list-style-type: none"> <li>• Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, 1983 Protocols: <ul style="list-style-type: none"> <li>• Protocol concerning Cooperation in Combating Oil Spills in the Wider Caribbean Region, 1983</li> <li>• Protocol concerning Protected Areas and Wildlife (SPAW), 1990</li> <li>• Protocol on the prevention, reduction and control of land-based sources and activities, 1999</li> </ul> </li> </ul> <p><u>Atlantic Ocean, North Sea and adjacent seas</u></p> <ul style="list-style-type: none"> <li>• Geneva Convention on Long-Range Transboundary Air Pollution, 1979, and its Protocols</li> <li>• Convention on the Environmental Impact Assessment in a</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 237(2) (cont'd)	<i>Obligations under other conventions on the protection and preservation of the marine environment (cont'd)</i>	<p>Transboundary Context, 1991</p> <ul style="list-style-type: none"> <li>• Convention for the Protection of the Marine Environment of the North-East Atlantic, 1992</li> <li>• Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992</li> </ul> <p><u>Antarctica</u></p> <ul style="list-style-type: none"> <li>• Protocol to the Antarctic Treaty on Environmental Protection</li> </ul>

### 9. Marine scientific research

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 262	<p><i>Identification markings and warning signals</i></p> <ul style="list-style-type: none"> <li>• Obligation of States or international organizations to ensure that scientific research installations or equipment in any area of the marine environment bear identification markings indicating the State of registry or the international organization to which they belong and to have <u>adequate internationally agreed warning signals</u> to ensure safety at sea and the safety of air navigation, <u>taking into account rules and standards</u> established by competent international organizations</li> </ul>	<ul style="list-style-type: none"> <li>• Agreement concerning Maritime Signals, 1930</li> <li>• Convention on International Civil Aviation, 1944</li> <li>• IMO resolution A.671 (16)</li> </ul>

### 10. General provisions

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 303 (1), (3) and (4)	<p><i>Archaeological and historical objects found at sea</i></p> <ul style="list-style-type: none"> <li>• Duty of States to protect objects of an archaeological and historical nature found at sea and obligation to cooperate for this purpose. Nothing in this article affects the rights of identifiable owners, the law of salvage or other rules of admiralty, or laws and practices with respect to cultural exchanges, and the article is <u>without prejudice to other international agreements and rules of international law regarding the protection of objects of an archaeological and historical nature.</u></li> </ul>	<ul style="list-style-type: none"> <li>• Convention on the Protection of the Underwater Cultural Heritage, 2001</li> </ul>

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 304	<p><i>Responsibility and liability for damage</i></p> <ul style="list-style-type: none"> <li>The provisions of the Convention regarding responsibility and liability for damage are without prejudice to the application of <u>existing rules and the development of further rules regarding responsibility and liability under international law</u>.</li> </ul>	<ul style="list-style-type: none"> <li>See list under article 235(3).</li> </ul>

<sup>1</sup> Of the instruments included in the tables, the following were not yet in force as of April 2003: Convention on the Liability of Operators of Nuclear Ships, 1962; Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (as well as the 1993 Torremolinos Protocol - SFV PROT 1993); United Nations Convention on Conditions for Registration of Ships, 1986; International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F 1995); Protocol to the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters, 1996; International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996; 1996 Protocol to ILO Convention No.147, 1976; Kyoto Protocol to the United Nations Framework Convention on Climate Change, 1997; Protocol to the Vienna Convention on Civil Liability for Nuclear Damage, 1997; MARPOL PROT 1997, Annex VI, Prevention of Air Pollution from Ships; Convention on Supplementary Compensation for Nuclear Damage, 1997; Protocol on Liability and Compensation for Damage resulting from the Transboundary Movement of Hazardous Wastes and their Disposal, 1999; United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air supplementing the United Nations Convention against Transnational Organized Crime, 2000; Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances, 2000 (OPRC PROT 2000); International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001; International Convention on Civil Liability for Bunker Oil Pollution Damage (Bunkers Convention), 2001; Convention on the Protection of the Underwater Cultural Heritage, 2001. Of the regional instruments mentioned in the tables, the ASEAN Agreement on the Conservation of Nature and Natural Resources, 1985, and the Convention for Cooperation in the Protection and Sustainable Development of the Marine and Coastal Environment of the North-East Pacific, 2002, were not yet in force as of April 2003. The table includes instruments adopted up to July 2002.

<sup>2</sup> The standards that States have to take into account are contained in the recommendations originating from the scientific bodies providing scientific advice to the commissions established by these regional fisheries agreements.

**Annex. Non-legally binding international instruments implementing the obligations of States under the United Nations Convention on the Law of the Sea<sup>a</sup>**

**1. Exclusive economic zone**

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 61(3)	<p><i>Conservation of the living resources</i></p> <ul style="list-style-type: none"> <li>Obligation of the coastal State to design conservation and management measures to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield, as qualified by relevant environmental and economic factors, and, inter alia, take into account fishing patterns, the interdependence of stocks and <u>any generally recommended international minimum standards, whether subregional, regional or global</u></li> </ul>	<ul style="list-style-type: none"> <li>Plan of Implementation of the World Summit on Sustainable Development (Johannesburg, 2002), chap. 4, paras. 30-36</li> <li>FAO Code of Conduct for Responsible Fisheries (1995)</li> <li>Agenda 21 adopted by the United Nations Conference on Environment and Development (UNCED) (Rio de Janeiro, 1992), chap. 17, programme area A</li> <li>General Assembly resolutions 56/13 of 13 December 2001 on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks; and 57/142 of 26 February 2003 on large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas/illegal, unreported and unregulated fishing, fisheries by-catch and discards, and other developments</li> <li>International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries, 1999</li> <li>International Plan of Action for the Conservation and Management of Sharks, 1999</li> <li>International Plan of Action for the Management of Fishing Capacity, 1999</li> <li>International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, 2001</li> </ul>

## 2. High seas

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
<p>Article 94 (3), (4) and (5)</p>	<p><i>Duties of the flag State</i></p> <ul style="list-style-type: none"> <li>• Obligation of every State to take and secure the observance of necessary measures for ships flying its flag, which must conform to <u>generally accepted international regulations, procedures and practices</u>, in order to ensure safety at sea with regard, inter alia, to:               <ol style="list-style-type: none"> <li>(a) The construction, equipment and seaworthiness of ships;</li> <li>(b) The manning of ships, labour conditions and the training of crews, taking into the applicable international instruments;</li> <li>(c) The use of signals, the maintenance of communications and the prevention of collisions.</li> </ol> <p>Such measures shall include those necessary to ensure that:</p> <ol style="list-style-type: none"> <li>(a) Each ship, before registration and thereafter at appropriate intervals, is surveyed by a qualified surveyor of ships, and has on board such charts, nautical publications and navigational equipment and instruments as are appropriate for the safe navigation of the ship;</li> <li>(b) Each ship is in the charge of a master and officers who possess appropriate qualifications, in particular in seamanship, navigation, communications and marine engineering, and that the crew is appropriate in qualification and numbers for the type, size, machinery and equipment of the ship;</li> <li>(c) The master, officers and, to the extent appropriate, the crew are fully conversant with and required to observe the applicable international regulations concerning the safety of life at sea, the prevention of collisions, the prevention, reduction and control of marine pollution, and the maintenance of communications by radio.</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>• IMO resolution A.912 (22) on self-assessment of flag State performance</li> </ul>
<p>Article 108(1)</p>	<p><i>Illicit traffic in narcotic drugs or psychotropic substances</i></p> <ul style="list-style-type: none"> <li>• Obligation of all States to cooperate in the suppression of illicit traffic in narcotic drugs and psychotropic substances engaged in by ships on the high seas contrary to <u>international conventions</u></li> </ul>	<ul style="list-style-type: none"> <li>• IMO resolution A.872 (20) on guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic</li> </ul>



### 3. Conservation and management of the living resources of the high seas

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
<p>Article 119(1)(a)</p>	<p><i>Conservation of the living resources of the high seas</i></p> <ul style="list-style-type: none"> <li>• Obligation of States to take into account, inter alia, <u>any generally recommended international minimum standards, whether subregional, regional or global</u>, in determining the allowable catch and establishing other conservation measures for the living resources in the high seas</li> </ul>	<ul style="list-style-type: none"> <li>• United Nations General Assembly resolutions: 46/215 of 20 December 1991 on large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas; 50/25 of 4 January 1996, 51/36 of 21 January 1997, and 52/29 of 26 January 1998 on large-scale pelagic driftnet fishing and its impact on the living marine resources of the world's oceans and seas; unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas; and fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources; 53/33 of 6 January 1999 on large-scale pelagic drift-net fishing; unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments; 54/32 of 19 January 2000 and 56/13 of 13 December 2001 on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks; and 57/142 of 26 February 2003 on large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas/illegal, unreported and unregulated fishing, fisheries by-catch and discards, and other developments</li> <li>• UNCED Agenda 21, chap.17 programme area C</li> <li>• Plan of Implementation of the World Summit on Sustainable Development, chap. 4, paras. 30-36</li> <li>• FAO Code of Conduct for Responsible Fisheries, 1995</li> <li>• International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries, 1999</li> <li>• International Plan of Action for the Conservation and Management of Sharks, 1999</li> <li>• International Plan of Action for the Management of Fishing Capacity, 1999</li> </ul>

#### 4. Protection and preservation of the marine environment

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 207(1)	<p><i>Pollution from land-based sources</i></p> <ul style="list-style-type: none"> <li>Obligation of States to adopt laws and regulations to prevent, reduce and control pollution of the marine environment from land-based sources, including rivers, estuaries, pipelines and outfall structures, taking into account <u>internationally agreed rules, standards and recommended practices and procedures</u></li> </ul>	<ul style="list-style-type: none"> <li>Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, 1995</li> <li>Washington Declaration on the Protection of the Marine Environment from Land-based Activities, 1995</li> <li>Montreal Declaration on the Protection of the Marine Environment from Land-based Activities, 2001</li> </ul>
Article 211(2)	<p><i>Pollution from vessels</i></p> <ul style="list-style-type: none"> <li>Obligation of States to adopt laws and regulations for the prevention, reduction and control of pollution of the marine environment from vessels flying their flag or of their registry which shall at least have the same effect as that of <u>generally accepted international rules and standards</u> established through the competent international organization or general diplomatic conference</li> </ul>	<ul style="list-style-type: none"> <li>IMO resolution A.928 (22) on the early and effective application of the International Convention on the Control of Harmful Anti-fouling Systems on Ships</li> </ul>
Article 211(6)(c)	<ul style="list-style-type: none"> <li>Obligation of coastal States which intend to adopt additional laws and regulations for the same area not to require foreign vessels to observe design, construction, manning or equipment standards other than <u>generally accepted international rules and standards</u></li> </ul>	<ul style="list-style-type: none"> <li>IMO resolution A.928 (22) on the early and effective application of the International Convention on the Control of Harmful Anti-fouling Systems on Ships</li> </ul>
Article 212(1)	<p><i>Pollution from or through the atmosphere</i></p> <ul style="list-style-type: none"> <li>Obligation of States to adopt laws and regulations to prevent, reduce and control pollution of the marine environment from or through the atmosphere, applicable to the airspace under their sovereignty and to vessels flying their flag or vessels or aircraft of their registry, taking into account <u>internationally agreed rules, standards and recommended practices and procedures and the safety of air navigation</u></li> </ul>	<ul style="list-style-type: none"> <li>IMO resolution A.926 (22) on the availability and use of low-sulphur bunker fuel oils in SO<sub>x</sub> emission control areas designated in accordance with regulation 14 (3) of Annex VI of MARPOL 73/78</li> <li>IMO resolution A.929 (22) on the entry into force of Annex VI of MARPOL 73/78 as soon as possible</li> </ul>

## 5. Marine scientific research

Provisions of UNCLOS establishing obligations	Nature of obligations	Conventions and agreements to be implemented by States to fulfil their obligations under UNCLOS
Article 262	<p><i>Identification markings and warning signals</i></p> <ul style="list-style-type: none"> <li>• Obligation of States or international organizations to ensure that scientific research installations or equipment in any area of the marine environment bear identification markings indicating the State of registry or the international organization to which they belong and to have <u>adequate internationally agreed warning signals</u> to ensure safety at sea and the safety of air navigation, <u>taking into account rules and standards</u> established by competent international organizations</li> </ul>	<ul style="list-style-type: none"> <li>• IMO resolution A.672 (16) on guidelines and standards for the removal of offshore installations and structures on the continental shelf and in the exclusive economic zone</li> </ul>

<sup>a</sup> The table includes instruments adopted up to September 2002.

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