

# Current Legal Developments

## Baltic Sea

### New Maritime Boundaries Concluded in the Eastern Baltic Sea Since 1998

The Baltic Sea area has been characterised by a rather unusual development when considered from a maritime boundary delimitation point of view. During the late 1980s, this area was considered to be one of the most developed around the world since it was almost completely covered by maritime boundaries agreed upon between the respective parties at that time. Only the delimitation between Denmark and Poland, south of Bornholm island, remained outstanding, as well as a few tripoints which still had to be filled in. This situation, however, changed drastically in late 1991. After Gorbachev's televised speech on Christmas Eve 1991, in which he resigned as President of the USSR, the Supreme Soviet abolished itself the next day and officially declared that the Soviet Union no longer existed.<sup>1</sup> As a result, a whole set of newly to be delimited maritime boundaries surfaced overnight in areas where no such boundaries had ever existed in the past.<sup>2</sup> At the same time, the more subtle question arose as to the exact juridical nature of the maritime boundary agreements concluded by the

<sup>1</sup> A. Brown, M. Kaser & G. Smith (eds.), *The Cambridge Encyclopedia of Russia and the Former Soviet Union* (Cambridge, University Press, 1993), p. 143.

<sup>2</sup> It concerns maritime boundaries between Estonia, Latvia and Lithuania *inter se*, as well as between Estonia and Lithuania on the one hand, and the Russian Federation on the other. As will be seen below, this general statement does not take into account the short maritime boundaries which had existed in the inter-war period between Estonia and Latvia (Supplementary Convention Between Estonia and Latvia on Frontier Questions, 1 November 1923, 25 *League of Nations Treaty Series* (hereinafter cited as *LNTS*) 345. A protocol of the same day, which did not find its way into the *LNTS*, provided that the Hainash (Ainazi) harbour remained entirely in Latvia and that a boundary line would be drawn parallel with the mole as far as required for the passage of ships. Text kindly received from the Latvian Ministry of Foreign Affairs) as well as between Latvia and Lithuania (see note 34 below and accompanying text).

former Soviet Union in maritime areas over which the Russian Federation today no longer exercises sovereignty or sovereign rights.<sup>3</sup>

The magnitude of the impact of these events on maritime boundary delimitation in the Baltic Sea can best be illustrated by the number of reports submitted to the *International Maritime Boundaries*-project of the American Society of International Law. To the second and third volumes, as they were printed in 1993 and 1998, 13 reports were submitted for the Baltic Sea region concerning the period since World War II.<sup>4</sup> For the fourth volume, which will contain all the delimitation reports directly related to the above-mentioned dissolution of the former Soviet Union and which is planned for publication by the end of 2001, the new entries for the Baltic Sea region will amount to more than half of that number.<sup>5</sup>

The reader of the present journal has been kept updated on these particular developments on a regular basis: the agreements between Estonia and Latvia,<sup>6</sup> and Estonia and Finland<sup>7</sup> were discussed and reproduced in volume 12;<sup>8</sup> the agreements between Estonia, Latvia and Sweden,<sup>9</sup> and Lithuania and Russia<sup>10</sup> found their way into volume 13;<sup>11</sup> and finally the agreement between Estonia and

<sup>3</sup> It concerns those parts of the maritime boundary concluded with Finland, which are today located in front of the Estonian coast, and those parts of the maritime boundary concluded with Sweden, which today are facing the Estonian, Latvian and Lithuanian coasts.

<sup>4</sup> Namely, Reports 10-1 up to 10-12 in the second volume (J. Charney & L. Alexander (eds.), *International Maritime Boundaries* (Dordrecht, Martinus Nijhoff, 1993), vol. 2, pp. 1913-2104), and Report 10-13 in the third volume (*International Maritime Boundaries* (*ibid.*, 1998), vol. 3, pp. 2539-2555). Report 10-14, which was also published in the third volume, contained a regional update (*ibid.*, pp. 2557-2573).

<sup>5</sup> Namely, Reports 10-15 up to 10-21. Moreover, Report 10-18 concerning the Lithuania-Russia maritime boundary in fact consists of two separate reports: one relating to the delimitation of the exclusive economic zone and the continental shelf (10-18(1)), and one relating to the territorial sea (10-18(2)).

<sup>6</sup> Agreement between the Republic of Estonia and the Republic of Latvia on the Maritime Delimitation in the Gulf of Riga, the Strait of Irbe and the Baltic Sea, 12 July 1996. This agreement entered into force on 10 October 1996. Hereinafter cited as Estonia-Latvia Agreement.

<sup>7</sup> Agreement between the Republic of Estonia and the Republic of Finland on the Boundary of the Maritime Zones in the Gulf of Finland and the Northern Baltic Sea, 18 October 1996. This agreement entered into force on 7 January 1997. Hereinafter cited as Estonia-Finland Agreement.

<sup>8</sup> E. Franckx, "Two New Maritime Boundary Delimitation Agreements in the Eastern Baltic Sea", (1997) 12 *International Journal of Marine and Coastal Law*, pp. 365-376. The text of the Estonia-Latvia Agreement, see note 6 above, was reproduced on pp. 372-374, the Estonia-Finland Agreement, see note 7 above, on pp. 375-376.

<sup>9</sup> Agreement between the Government of the Republic of Estonia, the Government of the Republic of Latvia and the Government of the Kingdom of Sweden on the Common Maritime Boundary Point in the Baltic Sea, 30 April 1997. This agreement entered into force on 20 February 1998. Hereinafter cited as Estonia-Latvia-Sweden Agreement.

<sup>10</sup> Treaty between the Republic of Lithuania and the Russian Federation on the Delimitation of the Exclusive Economic Zone and the Continental Shelf in the Baltic Sea, 24 October 1997. This treaty has not yet entered into force. Hereinafter cited as Lithuania-Russia EEZ & CS Treaty.

<sup>11</sup> E. Franckx, "Two More Maritime Boundary Agreements Concluded in the Eastern Baltic Sea in 1997", (1998) 13 *International Journal of Marine and Coastal Law* pp. 274-283. The text of the Estonia-Latvia-Sweden Agreement, see note 9 above, was reproduced on p. 281, the Lithuania-Russia EEZ & CS Treaty, see note 10 above, on pp. 282-283.

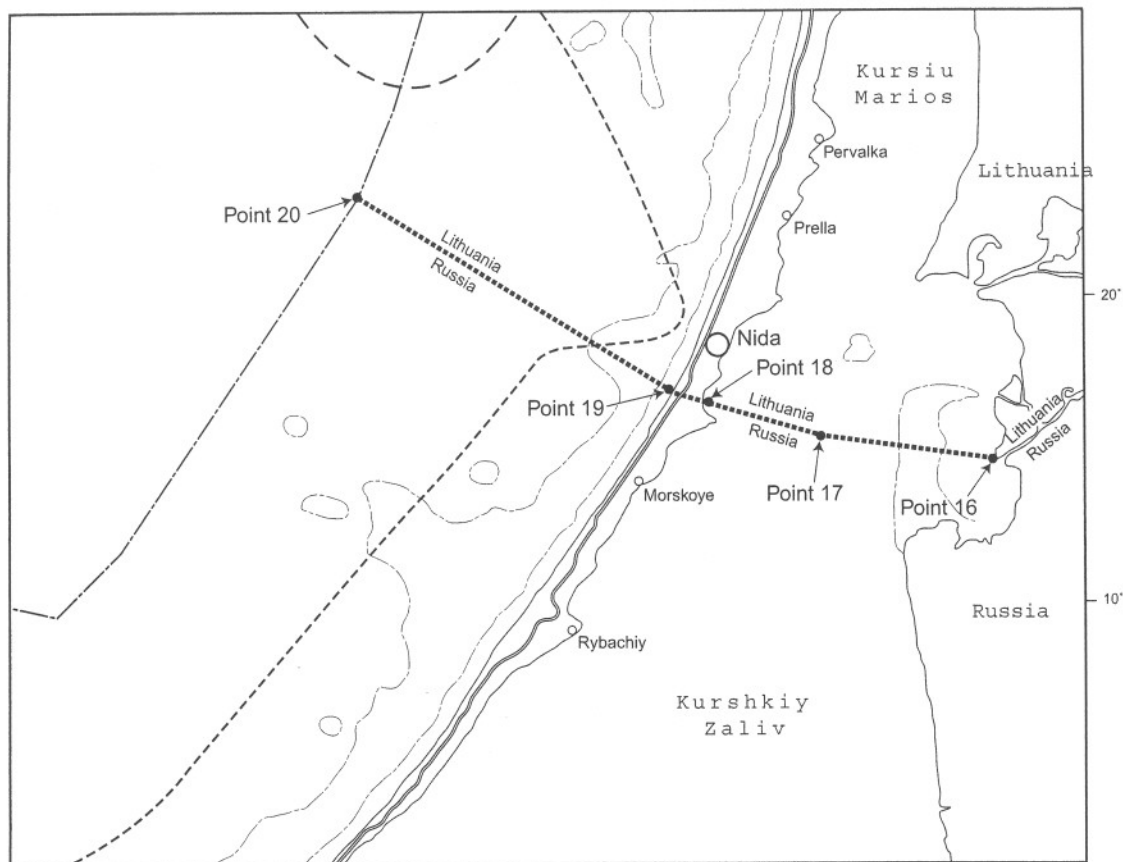


Figure 1 Lithuania-Russia State border © Kluwer Law International, 2001

Sweden<sup>12</sup> was included in the Current Legal Developments section of volume 14.<sup>13</sup>

The present contribution further completes the picture by providing, first of all, an addition to the treaty between Lithuania and Russia concluded in 1997.<sup>14</sup> This agreement only related to the exclusive economic zone and the continental shelf, but left the territorial sea untouched. The latter instead formed part of a second agreement concluded on the same date between the parties, delimiting their state border.<sup>15</sup> In order to fill this gap, that part of the treaty on the state border relating to the off-shore maritime areas up to 12 nautical miles (n.m.) will first be addressed. Secondly, the two latest agreements to be added to this chronological list will be commented upon, namely the agreement between Latvia and Lithuania, concluded in 1999,<sup>16</sup> and the tripoint agreement between Estonia, Finland and Sweden, signed early 2001.<sup>17</sup>

### Lithuania–Russia Territorial Sea Boundary

On the same day Lithuania and Russia agreed on the delimitation of their exclusive economic zone and continental shelf, the parties also concluded a treaty concerning their state border. With respect to its form, the same remarks can be made here as those already made with respect to the former treaty, namely that obtaining an authentic text, as well as an English translation of the treaty, took the necessary time and effort.<sup>18</sup>

<sup>12</sup> Agreement between the Government of the Republic of Estonia and the Government of the Kingdom of Sweden on the Delimitation of the Maritime Zones in the Baltic Sea, 2 November 1998. This agreement entered into force on 26 July 2000. Hereinafter cited as Estonia–Sweden Agreement.

<sup>13</sup> A. Elferink, "Delimitation of Maritime Zones Between Estonia and Sweden", (1999) 14 *International Journal of Marine and Coastal Law*, pp. 299–308. The text of the agreement was reproduced on p. 308. For another analysis of that agreement, focusing on the issue of state succession, see E. Franckx, "The 1998 Estonia–Sweden Maritime Boundary Agreement: Lessons to be Learned in the Area of Continuity and/or Succession of States", (2000) 31 *Ocean Development and International Law*, pp. 269–284, where the text of the agreement is also reproduced on pp. 282–283.

<sup>14</sup> See note 10 above.

<sup>15</sup> Treaty between the Republic of Lithuania and the Russian Federation on the Lithuanian–Russian State Border, 24 October 1997. Hereinafter cited as the Lithuania–Russia State Border Treaty. This treaty has not yet entered into force. A translation can be found in Annex 1. Russian text kindly received from E. Gruzdas, Ambassador at Large, State Border Delimitation and Demarcation Commission of the Ministry of Foreign Affairs of the Republic of Lithuania.

<sup>16</sup> Agreement between the Republic of Latvia and the Republic of Lithuania on the Delimitation of the Territorial Sea, Exclusive Economic Zone and Continental Shelf in the Baltic Sea, 9 July 1999. Hereinafter cited as Latvia–Lithuania Agreement. This agreement has not yet entered into force. The English authentic text can be found in Annex 2. Text kindly received from the Latvian and Lithuanian Ministries of Foreign Affairs.

<sup>17</sup> Agreement between the Government of the Republic of Estonia, the Government of the Republic of Finland and the Government of the Kingdom of Sweden on the Common Maritime Boundary Point in the Baltic Sea, 16 January 2001. Hereinafter cited as Estonia–Finland–Sweden Agreement. This agreement has not yet entered into force. The English authentic text can be found in Annex 3. Text kindly received from the Swedish Ministry of Foreign Affairs.

<sup>18</sup> See E. Franckx, note 11 above, p. 278.

Because the parties had agreed that these treaties would only be made public at the time of ratification, it took some time, just as with respect to the treaty delimiting the exclusive economic zone and continental shelf, before one could lay a hand on the authentic text of the treaty on the state border.<sup>19</sup> But also producing an English translation of the relevant provisions of the treaty proved particularly burdensome, especially when compared with the other maritime boundary agreements concluded in the Baltic Sea after the dissolution of the former Soviet Union, and immediately related to it. Of the three agreements which chronologically preceded this one, the majority not only provided that besides the national languages of the parties involved, also English is considered to be an authentic language, but also that in case of divergence of interpretation, the English text should prevail.<sup>20</sup>

The treaty itself is rather succinct.<sup>21</sup> Also the accompanying description of the actual course of the state border,<sup>22</sup> which, together with the attached maps and chart, form an integral part of the Treaty,<sup>23</sup> only has a few paragraphs on the maritime boundary.<sup>24</sup> It delimits the water areas east as well as west of the Kursiu promontory, i.e. the Kursiu Lagoon on the one hand, and part of the southeastern Baltic Sea on the other. The two turning points on the Kursiu promontory<sup>25</sup> rely heavily on a pre-war treaty concluded between Lithuania and Germany, in which the so-called Border East and Border West were determined.<sup>26</sup> Even though the treaty itself does not clearly distinguish between the segments that delimit territorial sea or internal water areas, the fact that point 20 is described as "the point of intersection of the outer limit of the Parties'

<sup>19</sup> Apart from the text which unexpectedly appeared in the Lithuanian newspaper *Diennastis Respublica* during the month of December 1997 (see on this point E. Franckx & A. Pauwels, "Lithuanian-Russian Boundary Agreement of October 1997: To Be or not To Be?", in V. Götz, P. Selmer & R. Wolfrum (eds.), *Liber Amicorum Günther Jaenicke Zum 85. Geburtstag* (Berlin, Springer, 1998), pp. 63, 90-91), one had to wait until the Lithuanian Seimas ratified the treaty on 19 October 1999. See Law No. VIII-1363 of 19 October 1999, On the Ratification of the Treaty between the Republic of Lithuania and the Russian Federation on the Lithuanian-Russian State Border, (1999) 100 *State News* (Official Lithuanian Gazette) 2885.

<sup>20</sup> See the final paragraphs of the Estonia-Latvia Agreement, note 6 above, and the Estonia-Latvia-Sweden Agreement, note 9 above.

<sup>21</sup> It contains only nine short articles for the determination of the complete state boundary between the two countries.

<sup>22</sup> Description of the Line Demarcating the State Border between the Republic of Lithuania and the Russian Federation. A translation of the relevant parts can be found in Annex 1. Russian text kindly received from E. Gruzdas, Ambassador at Large, State Border Delimitation and Demarcation Commission of the Ministry of Foreign Affairs of the Republic of Lithuania. Hereinafter cited as Description.

<sup>23</sup> Lithuania-Russia State Border Treaty, note 15 above, Art. 2.

<sup>24</sup> Namely, the Description from points 16 to 20. See Annex 1.

<sup>25</sup> Namely, point 18 on the eastern shore, and point 19 on the western shore.

<sup>26</sup> Treaty on Border Matters, 29 January 1928, 89 *LNTS* 97. This treaty entered into force on 4 May 1929. The Description itself only uses the concepts of Border East and Border West without any further explanation. See Description, note 22 above, fourth and fifth last paragraphs.

territorial seas"<sup>27</sup> and is moreover located 12 n.m. from the Kursiu promontory, indicates that the last segment between points 19 and 20 constitutes a territorial sea boundary. As a result, the territorial sea is delimited by means of a single straight line. Given the smooth curving nature of the Kursiu promontory, the parties relied on the principle of equidistance in order to arrive at this delimitation.

Another salient feature of this treaty, when compared with other recently concluded agreements in the area, is that the parties do not follow the contemporary practice of states in the Baltic Sea of relying on the World Geodetic System 1984 (WGS 84) when delimiting maritime areas. Only the Russian Federation seems to refuse to follow this general tendency at present. This normally results in the presence of two sets of coordinates in treaties concluded by this country, according to the different data used by the parties on their respective nautical charts. If this method was still followed by the Lithuania...Russia EEZ & CS Treaty,<sup>28</sup> the territorial sea delimitation goes one step further, since the Description only relies on the Russian system of coordinates.<sup>29</sup>

### **Latvia-Lithuania Territorial Sea, Exclusive Economic Zone and Continental Shelf Boundary**

Contrary to the treaty just discussed, the Latvia-Lithuania Agreement is first of all an overall maritime boundary agreement, including the territorial sea, exclusive economic zone as well as the continental shelf. Secondly, it added English to the languages of the parties as an authentic text of the agreement. The latter is a rather new development in the Baltic Sea, which started to manifest itself after the dissolution of the former Soviet Union with respect to delimitation agreements directly related to this particular phenomenon. Up to the middle of the 1990s maritime delimitation agreements in this region had always been drafted in the respective languages of the parties only, these texts being equally authentic. Not one single exception to this rule existed. Since the middle of the 1990s this is already the fourth agreement which added English as a supplementary authentic text.<sup>30</sup> What all of them, moreover, have in common is that in case problems of interpretation arise among the different authentic languages, the English language text shall prevail.<sup>31</sup> No difficulty therefore arose when reproducing the English text in Annex 2.

<sup>27</sup> Lithuania-Russia State Border Treaty, note 15 above, Art. 2.

<sup>28</sup> Lithuania-Russia EEZ & CS Treaty, note 10 above, Art. 2. One set of coordinates is based on the WGS 84, the other on the so-called Russian system of coordinates of 1942.

<sup>29</sup> Description, note 22 above, last paragraph.

<sup>30</sup> To the agreements listed at note 20 above, one has to add the Estonia-Sweden Agreement, see note 12 above.

<sup>31</sup> As already mentioned at note 20 above and accompanying text. See the final clauses of these four agreements.

On the other hand, what this agreement has in common with the Lithuania–Russia State Border Treaty, is that neither of them touches upon the question of the legal status of previously concluded maritime boundary agreements by the former Soviet Union in the areas to be delimited. Since Latvia and Lithuania strongly believe that they are not successor states of the former Soviet Union, but rather of the pre-World War II states bearing the same names, it is quite understandable that the preamble refers back to the “historical regulations on the delimitation of the territorial sea”.<sup>32</sup> Based on an agreement of 1921,<sup>33</sup> a boundary commission reached the conclusion in 1927 that the land boundary continued into the Baltic Sea dividing the territorial sea of both states, without however specifying the exact length of that line.<sup>34</sup> It is thus important to note that this historical line was established by the parties themselves, and not by the former Soviet Union. It can therefore be concluded that the Latvia...Lithuania Agreement completely fits into the first of the two categories of maritime boundary agreements created by the dissolution of the former Soviet Union, as distinguished above.<sup>35</sup>

This agreement was triggered by the presumed presence of non-living resources in the area to be delimited. Every action undertaken by Latvia in preparation of the exploration or the exploitation of these reserves, was countered by a Lithuanian reaction. This not only involved the sending of letters of protest, but also included recalling the Lithuanian ambassador in Riga for consultations at a particular moment in time.<sup>36</sup> It is therefore understandable that a unity of deposits clause was inserted by the parties.<sup>37</sup> Since the southeastern part is the most promising area of the Baltic Sea in terms of resource potential, such clauses have been the exception rather than the rule in that region as a whole.<sup>38</sup>

<sup>32</sup> Latvia–Lithuania Agreement, note 16 above, Preamble, second *considerans*.

<sup>33</sup> Convention between Latvia and Lithuania Regarding the Delimitation on the Spot of the Frontier Between the Two States, and Also Regarding the Rights of the Citizens in the Frontier Zone, and the Status of Immovable Property Intersected by the Frontier Line, 14 May 1921, 17 *LNTS* 223.

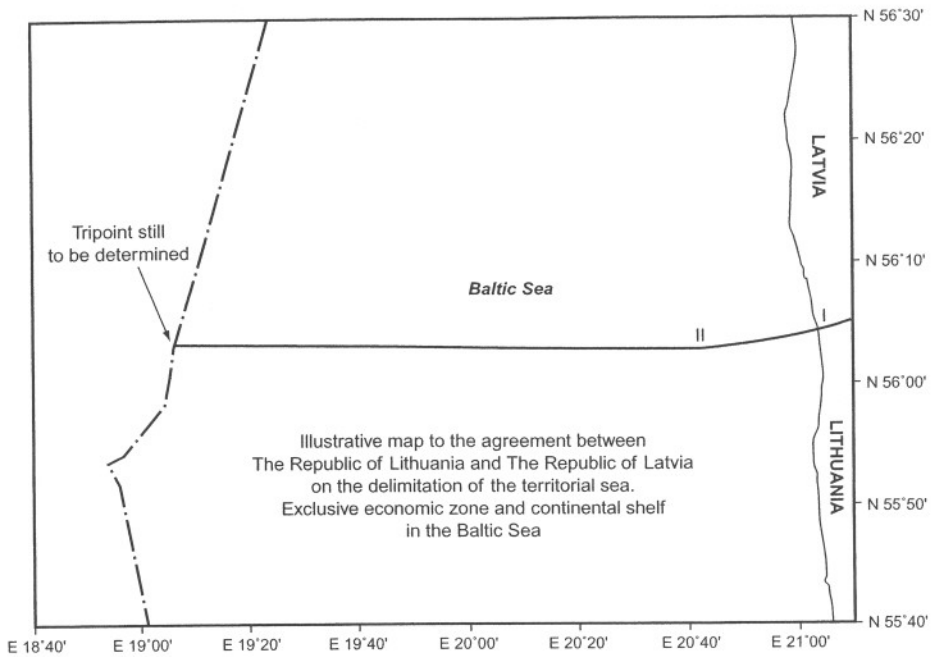
<sup>34</sup> Protocol of 15 October 1927. Original Latvian and Lithuanian text kindly received from the Latvian Ministry of Foreign Affairs.

<sup>35</sup> See notes 2 and 3 above and accompanying text.

<sup>36</sup> For a description of these developments, see E. Franckx, “Maritieme afbakening in de oostelijke Baltische Zee: Internet en het wetenschappelijk onderzoek” (“Maritime Delimitation in the Eastern Baltic Sea: Internet and Scientific Research”) in P. De Meyere, E. Franckx, J. Henkaerts & K. Malfliet (eds.), *Oost-Europa in Europa: Eenheid en verscheidenheid [Huldeboek aangeboden aan Frits Gortlé]* (Brussels, VUBPress, 1996), pp. 275, 280–281 and 285–296, as well as E. Franckx, “Maritime Boundaries in the Baltic” in G. Blake, M. Pratt, C. Schofield & J. Allison (eds.), *Boundaries and Energy: Problems and Prospects* (London, Kluwer Law International, 1998), pp. 275, 283–286.

<sup>37</sup> Latvia–Lithuania Agreement, note 16 above, Art. 4.

<sup>38</sup> The Lithuania–Russia EEZ & CS Treaty (note 10 above), Art. 3 also contains such a provision, be it couched in less mandatory language. In the overall Baltic Sea practice since World War II, only four other agreements contain such a clause. In chronological order, they are: the Agreement between Sweden and Finland concerning the Delimitation of the Continental Shelf



**Figure 2** Latvia–Lithuania Territorial Sea, Exclusive Economic Zone and Continental Shelf Boundary © Kluwer Law International, 2001

The final boundary line arrived at is rather simple in the sense that it consists of only two segments. The first one located between points I and II, delimiting the territorial sea, and the second one starting at point II and following a particular azimuth until it reaches the exclusive economic zone and continental shelf boundary of Sweden. This western terminal point still remains to be settled by means of a trilateral agreement. It appears that if Lithuania gained somewhat on the first segment, Latvia did so on the second segment. The historical boundary of 1927, which was disadvantageous to Lithuania, has not been taken into account. Instead, the delimitation of the territorial sea has been guided by

*cont.*

in the Gulf of Bothnia, the Bothnian Sea, the Åland Sea and the Northernmost Part of the Baltic Sea, 29 September 1972, as reprinted in 2 *International Maritime Boundaries*, note 4 above, pp. 1954–1957, annexed Protocol; the Treaty between the German Democratic Republic and the Kingdom of Sweden on the Delimitation of the Continental Shelf, 22 June 1978, as reprinted *ibid.*, pp. 2036–2038, Art. 3; the Agreement between Sweden and Denmark on the Delimitation of the Continental Shelf and Fishing Zones, 9 November 1984, as reprinted *ibid.*, pp. 1939–1941, Art. 6; and the Treaty between the Kingdom of Denmark and the German Democratic Republic on the Delimitation of the Continental Shelf and the Fishing Zones, 14 September 1988, as reprinted *ibid.*, pp. 2094–2096, Art. 3.

the principle of equidistance. Beyond the territorial sea the line represents a perpendicular to what the parties accepted as representing the general direction of the coast. In doing so, Latvia seems to have secured most of the locations which were the subject of its negotiations with foreign oil companies. Lithuania nevertheless obtained a direct outlet to the middle of the Baltic Sea, a point that was already high on its agenda during its negotiations with Russia.<sup>39</sup>

This agreement is at present still awaiting Latvian ratification. Even though fishery considerations had never been an issue during the negotiations, which lasted from 1993 until 1999, it is the Latvian fishing lobby which has been successful so far in blocking any parliamentary action towards ratification. Latvian fishermen believe that the agreement will transfer the sovereignty of certain maritime areas, which belonged to Latvia prior to the Soviet era, to Lithuania.<sup>40</sup> This places the present agreement in the very restricted group of Baltic Sea delimitation agreements which did not enter into force the year after signature.<sup>41</sup>

### **Estonia–Finland–Sweden tripoint agreement**

This is only the third tripoint agreement concluded so far in the Baltic Sea.<sup>42</sup> The relevant practice in the Baltic Sea so far indicates that parties in their bilateral agreements always leave the tripoint undetermined. These bilateral agreements normally indicate that the tripoint will be determined by means of direct negotiations between all the parties concerned. This same practice moreover indicates that these direct negotiations between the three parties concerned normally take place soon after the entry into force of the last bilateral delimitation agreement concluded between the parties concerned, easily leading to the conclusion of a tripoint agreement soon afterwards. The tripoint between Poland, Sweden and the former USSR, for instance, was signed on the very day that the last bilateral agreement, i.e. the one between Poland and Sweden,

<sup>39</sup> See E. Franckx & A. Pauwels, note 19 above, p. 75.

<sup>40</sup> *The Baltic Times*, 30 November–6 December 2000, p. 3, col. 3.

<sup>41</sup> The only other exceptions are the Protocol to the Agreement between the Kingdom of Denmark and the Federal Republic of Germany Concerning the Delimitation, in Coastal Regions, of the Continental Shelf of the North Sea, 9 June 1965, as reprinted in 2 *International Maritime Boundaries*, note 4 above, p. 1924, which entered into force on 1 July 1977; the Lithuania–Russia EEZ & CS Treaty of 24 October 1997, note 10 above, and the Lithuania–Russia State Border Agreement of the same day, note 15 above, which have not yet entered into force; and the Estonia–Sweden Agreement of 2 November 1998, note 12 above, which entered into force on 26 July 2000.

<sup>42</sup> In chronological order, the two previous tripoint agreements are the Agreement between the Government of the Kingdom of Sweden, the Government of the People's Republic of Poland and the Government of the USSR Concerning the Junction Point of the Maritime Boundaries in the Baltic, 30 June 1989, 2 *International Maritime Boundaries*, note 4 above, pp. 2103–2104 (hereinafter cited as the Poland–Sweden–USSR Agreement) and the Estonia–Latvia–Sweden Agreement, note 9 above.

entered into force.<sup>43</sup> The present agreement between Estonia, Finland and Sweden, as well as the Estonia...Latvia...Sweden Agreement took somewhat longer.<sup>44</sup> Nevertheless, both of them only required one meeting of experts and one meeting of diplomats to arrive at a solution.<sup>45</sup> Finally, it could be added that, like its predecessors, no chart was attached to the present tripoint agreement.

The most important new feature introduced by this agreement in the Baltic Sea delimitation practice, is that the agreement has only been drafted in one single language, namely English. The parties, in other words, did no longer find it necessary to have an authentic version drafted in their own national languages. After a series of agreements concluded since the middle of the 1990s which added an English language version as a supplementary authentic text,<sup>46</sup> and even granted the latter precedence,<sup>47</sup> this is the very first agreement which takes this process one step further by doing away with the respective national language versions of the different participating states. Another novelty is that this is the first instance where the system used to determine the coordinates of the tripoint, i.e. WGS 84,<sup>48</sup> corresponds with those used to determine the different terminal points in the tripoint area by the separate bilateral agreements. As a consequence no conversion will be necessary.

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<sup>43</sup> Agreement on the Delimitation of the Continental Shelf and the Fishery Zones between the Kingdom of Sweden and the Polish People's Republic, 10 February 1989, 2 *International Maritime Boundaries*, note 4 above, pp. 2085–2086. This agreement entered into force on 30 June 1989, i.e. the same day that the Poland–Sweden–USSR Agreement, note 42 above, was signed.

<sup>44</sup> Both agreements were concluded about half a year after the last bilateral delimitation agreement had entered into force.

<sup>45</sup> Information kindly obtained from the Swedish Ministry of Foreign Affairs, on 16 February 1998 with respect to the Estonia–Latvia–Sweden Agreement, note 9 above, and on 12 March 2001 with respect to the Estonia–Finland–Sweden Agreement, note 17 above (both documents on file with the author).

<sup>46</sup> See notes 20 and 30 above, and accompanying text.

<sup>47</sup> See note 31 above and accompanying text.

<sup>48</sup> Estonia–Finland–Sweden Agreement, note 17 above, Art. 1.

## Annex 1

### Treaty between the Republic of Lithuania and the Russian Federation on the Lithuanian–Russian State Border\*

The Republic of Lithuania and the Russian Federation, hereinafter referred to as the Parties,

reaffirming their adherence to the generally recognized principles and norms of international law,

guided by the objectives and principles of the UN Charter and reaffirming their commitment to the obligations they have assumed within the framework of the Organization for Cooperation and Security in Europe,

proceeding from the provisions of the Treaty on the Foundations of Interstate Relations between the Republic of Lithuania and the Russian Soviet Federative Socialist Republic signed on 29 July 1991, and of the Agreement between the Republic of Lithuania and the Russian Soviet Federative Socialist Republic on Cooperation in the Economic and Sociocultural Development of Kaliningrad Oblast of the RSFSR signed on 29 July 1991,

wishing to resolve specific problems related to the demarcation of the state border between the Republic of Lithuania and the Russian Federation over its entire length, have agreed as follows:

#### *Article 1*

In this Treaty, the term “state border” shall be construed as the line, and the vertical surface along this line, that separate territories on the ground and in the waters, subsoil, and airspace of the Republic of Lithuania and the Russian Federation.

#### *Article 2*

The state border between the Republic of Lithuania and the Russian Federation begins at the point of intersection of the borders of the Republic of Lithuania, the Russian Federation, and the Republic of Poland and proceeds, in accordance with the Description of the Line Demarcating the State Border between the Republic of Lithuania and the Russian Federation (hereinafter referred to as the Description) to the point of intersection of the outer limit of the Parties’ territorial seas in the Baltic Sea.

The Parties agreed that the exact location of the aforesaid point of intersection will be determined by an appropriate document.

The Description, topographical maps on the scale of 1:50,000, and a nautical chart on the scale of 1:200,000 in the Lithuanian and Russian languages with the state border plotted on them are appended to this Treaty and constitute an integral part thereof.

In the event of discrepancies between the aforesaid Description and maps in demarcating, the Parties shall be guided by the Description.

#### *Article 3*

Any natural changes in the channels of border rivers, streams, as well as in the shorelines of bodies of water shall not entail changes in the location of the state border line defined in this Treaty, unless otherwise agreed by the Parties.

\* Unofficial translation by the translation division of the US Department of State, Office of Language Services, as adapted by the present author.

*Article 4*

In order to establish and mark the state border on site in accordance with this Treaty and to compile the appropriate demarcation documents, the Parties shall set up a Joint Lithuanian-Russian Demarcation Commission on the basis of parity as quickly as possible.

*Article 5*

The state border regime shall be determined on the basis of a separate agreement between the Parties.

*Article 6*

The state border on bridges, dams, and other structures that traverse rivers, streams, lakes, and other bodies of water shall run along the middle of these structures or along their engineering axis, regardless of the course of the state border on the water.

*Article 7*

Matters relating to the operation of engineering structures, communications, and other infrastructure facilities intersected by the state border or passing along it shall be regulated by separate agreements.

*Article 8*

Matters relating to cooperation between the Parties in conserving and utilizing fish stocks and in protecting the environment of Lake Vistytis (Vishtynetskoe), the Kurski Lagoon, rivers, and other bodies of water on the border, as well as areas of land along the border, shall be regulated by separate agreements.

*Article 9*

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

Done at Moscow on 24 October 1997, in duplicate, each copy in the Lithuanian and Russian languages, both texts being equally authentic.

**Description of the Line demarcating the State Border between the Republic of Lithuania and the Russian Federation\***

...  
From point no. 16 the border runs directly in a western direction along the Kurski Lagoon to point no. 17, which has the coordinates X-6125910; U-4506380.

From point no. 17 the border runs directly along Kurski Lagoon to point no. 18, located on the shore of the Kurski spit 0.9 km east of the geodesic point Border East along a straight line connecting the geodesic points Border West and Border East.

From point no. 18 the border runs directly to point no. 19, located on the Baltic shore of the Kurski spit 0.1 km west of the geodesic point Border West along a straight line connecting Border East and Border West.

From point no. 19 the border runs directly along the Baltic Sea to point no. 20, which

\* Unofficial translation by the translation division of the US Department of State, Office of Language Services, as adapted by the present author.

is the point of intersection of the outer limit of the territorial seas of the Lithuanian Republic and the Russian Federation, and which has the coordinates lat. 5523.053'N. and long. 2039.343'E.

This Description was compiled on the basis of topographical maps on a 1:50,000 scale and a nautical chart on a 1:200,000 scale in the Lithuanian and Russian languages, which constitute an annex to the Treaty between the Republic of Lithuania and the Russian Federation on the Lithuanian . . . Russian State Border. The geographical names reflected in maps issued by the Republic of Lithuania are given in parentheses.

All the directions, distances, and coordinates given in the Description are based on the above-mentioned maps and specified according to maps on the 1:10,000 scale in the 1942 system of coordinates.

## Annex 2

### Agreement between the Republic of Lithuania and the Republic of Latvia on the Delimitation of the Territorial Sea, Exclusive Economic Zone and Continental Shelf in the Baltic Sea\*

The Republic of Lithuania and the Republic of Latvia hereinafter referred to as the Parties;

Desiring to establish the line delimiting the territorial sea, exclusive economic zone and continental shelf of the Republic of Lithuania and those of the Republic of Latvia in the Baltic Sea;

Recalling the Agreement between the Republic of Lithuania and the Republic of Latvia on the re-establishment of the State frontier of 29 June 1993 as well as historical regulations on the delimitation of the territorial sea;

Acknowledging the provisions of the 1982 United Nations Convention on the Law of the Sea and general principles of international law as the basis for this maritime delimitation;

Taking into account of all the existing rules applicable to the delimitation of maritime areas, with view to arriving at an equitable solution;

Have agreed as follows:

#### *Article 1*

The boundary between the territorial sea of the Republic of Lithuania and the territorial sea of the Republic of Latvia shall be a straight line joining the points defined as follows by means of their co-ordinates:

	<i>Latitude North</i>	<i>Longitude East</i>
Point I	50°04'08.90"	21°03'51.47"
Point II	56°02'43.5"	20°42'35.0"

#### *Article 2*

1. The boundary between the exclusive economic zone and continental shelf of the Republic of Lithuania and the exclusive economic zone and continental shelf of the Republic of Latvia shall be a straight line (loxodrome) in the azimuth of 270 (two

\* Text kindly received from the Lithuanian Ministry of Foreign Affairs.

## Food and Agriculture Organization

### **International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing Approved by FAO Committee on Fisheries, 2 March 2001**

#### I. Introduction

1. In the context of the Code of Conduct for Responsible Fisheries and its overall objective of sustainable fisheries, the issue of illegal, unreported and unregulated (IUU) fishing in world fisheries is of serious and increasing concern. IUU fishing undermines efforts to conserve and manage fish stocks in all capture fisheries. When confronted with IUU fishing, national and regional fisheries management organizations can fail to achieve management goals. This situation leads to the loss of both short and long-term social and economic opportunities and to negative effects on food security and environmental protection. IUU fishing can lead to the collapse of a fishery or seriously impair efforts to rebuild stocks that have already been depleted. Existing international instruments addressing IUU fishing have not been effective due to a lack of political will, priority, capacity and resources to ratify or accede to and implement them.

2. The Twenty-third Session of the FAO Committee on Fisheries (COFI) in February 1999 addressed the need to prevent, deter and eliminate IUU fishing. The Committee was concerned about information presented indicating increases in IUU fishing, including fishing vessels flying "flags of convenience". Shortly afterwards, an FAO Ministerial Meeting on Fisheries in March 1999 declared that, without prejudice to the rights and obligations of States under international law, FAO "will develop a global plan of action to deal effectively with all forms of illegal, unregulated and unreported fishing including fishing vessels flying 'flags of convenience' through coordinated efforts by States, FAO, relevant regional fisheries management bodies and other relevant international agencies such as the International Maritime Organization (IMO), as provided in Article IV of the Code of Conduct. The Government of Australia, in cooperation with FAO, organized an Expert Consultation on Illegal, Unreported and Unregulated Fishing in Sydney, Australia, from 15 to 19 May 2000. Subsequently, an FAO Technical Consultation on Illegal, Unreported and Unregulated Fishing was