



ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟ
ΤΗΣ ΕΠΙΣΗΜΗΣ ΕΦΗΜΕΡΙΔΑΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ
Αρ. 2314 της 31ης ΜΑΡΤΙΟΥ 1988
ΝΟΜΟΘΕΣΙΑ

Ο περί της Συμβάσεως περί Ανοικτής Θαλάσσης του 1985 (Κυρωτικός) Νόμος του 1988 εκδίδεται με δημοσίευση στην επίσημη εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 35 του 1988

**ΝΟΜΟΣ ΚΥΡΩΝ ΤΗΝ ΣΥΜΒΑΣΙΝ ΠΕΡΙ
ΑΝΟΙΚΤΗΣ ΘΑΛΑΣΣΗΣ ΤΟΥ 1958**

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

1. Ο παρών Νόμος θα αναφέρεται ως ο περί της Συμβάσεως περί Ανοικτής Θαλάσσης του 1985 (Κυρωτικός) Νόμος του 1988. Συνοπτικός τίτλος.
2. Εις τον παρόντα Νόμον — Ερμηνεία.
«Σύμβασις» σημαίνει την Σύμβασιν περί Ανοικτής Θαλάσσης την γενομένην εν Γενεύη την 29ην Απριλίου 1958, της οποίας το πρωτότυπον κείμενον εις την αγγλικήν εκτίθεται εις το Μέρος Ι του συνημμένου Πίνακος, η δε ελληνική μετάφρασις αυτού εις το Μέρος ΙΙ του ιδίου Πίνακος: Πίναξ
Μέρος Ι
Μέρος ΙΙ.
Νοείται ότι εν περιπτώσει αντιφάσεως μεταξύ των εν λόγω δύο κειμένων θα υπερισχύη το εις το Μέρος Ι του Πίνακος εκτιθέμενον κείμενον.
3. Διά του παρόντος Νόμου κυρούται η Σύμβασις, εις την οποίαν η προσχώρησις της Κυπριακής Δημοκρατίας απεφασίσθη διά της υπ' αρ. 29.292 και ημερομηνίαν 9ην Νοεμβρίου, 1987 Αποφάσεως του Υπουργικού Συμβουλίου. Κύρωσις
της Συμβά-
σεως.

ΠΙΝΑΞ
(Ἀρθρὸν 2)
Μέρος Ι.

CONVENTION¹ ON THE HIGH SEAS. DONE AT GENEVA,
ON 29 APRIL 1958

The States Parties to this Convention,

Desiring to codify the rules of international law relating to the high seas,

Recognizing that the United Nations Conference on the Law of the Sea, held at Geneva from 24 February to 27 April 1958, adopted the following provisions as generally declaratory of established principles of international law,

Have agreed as follows :

Article 1

The term "high seas" means all parts of the sea that are not included in the territorial sea or in the internal waters of a State.

Article 2

The high seas being open to all nations, no State may validly purport to subject any part of them to its sovereignty. Freedom of the high seas is ex-

¹ In accordance with article 34, the Convention came into force on 30 September 1962, the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession. Following is a list of States on behalf of which the instruments of ratification or accession (a) were deposited with the Secretary-General of the United Nations, showing the respective dates of deposit :

Afghanistan	28 April	1959	*Nigeria	26 June	1961
United Kingdom of			Indonesia	10 August	1961
Great Britain and			Venezuela	15 August	1961
Northern Ireland	14 March	1960	Czechoslovakia	31 August	1961
Cambodia	18 March	1960 (a)	Israel	6 September	1961
Haiti	29 March	1960	Guatemala	27 November	1961
Union of Soviet			Hungary	6 December	1961
Socialist Republics	22 November	1960	Romania	12 December	1961
Federation of Malaya	21 December	1960 (a)	*Sierra Leone	13 March	1962
Ukrainian Soviet So-			Poland	29 June	1962
cialist Republic	12 January	1961	Madagascar	31 July	1962 (a)
Byelorussian Soviet			Bulgaria	31 August	1962
Socialist Republic	27 February	1961	Central African Re-		
United States of			public	15 October	1962 (a)
America	12 April	1961	Nepal	28 December	1962
Sénegal	25 April	1961 (a)	Portugal	8 January	1963

For declarations and reservations made upon signature, see list of signatures and for those made upon ratification, as well as for objections to certain declarations and reservations, see pp. 162 to 167.

* By communications received on 26 June 1961 and 13 March 1962, respectively, the Governments of Nigeria and Sierra Leone have informed the Secretary-General that they consider themselves bound by the ratification by the Government of the United Kingdom of Great Britain and Northern Ireland of the Convention of the High Seas, done at Geneva on 29 April 1958, which was effective for their territories prior to the attainment of independence.

exercised under the conditions laid down by these articles and by the other rules of international law. It comprises, *inter alia*, both for coastal and non-coastal States :

- (1) Freedom of navigation;
- (2) Freedom of fishing;
- (3) Freedom to lay submarine cables and pipelines;
- (4) Freedom to fly over the high seas.

These freedoms, and others which are recognized by the general principles of international law, shall be exercised by all States with reasonable regard to the interests of other States in their exercise of the freedom of the high seas.

Article 3

1. In order to enjoy the freedom of the seas on equal terms with coastal States, States having no sea-coast should have free access to the sea. To this end States situated between the sea and a State having no sea-coast shall by common agreement with the latter, and in conformity with existing international conventions, accord :

(a) To the State having no sea-coast, on a basis of reciprocity, free transit through their territory; and

(b) To ships flying the flag of that State treatment equal to that accorded to their own ships, or to the ships of any other States, as regards access to sea-ports and the use of such ports.

2. States situated between the sea and a State having no sea-coast shall settle, by mutual agreement with the latter, and taking into account the rights of the coastal State or State of transit and the special conditions of the State having no sea-coast, all matters relating to freedom of transit and equal treatment in ports, in case such States are not already parties to existing international conventions.

Article 4

Every State, whether coastal or not, has the right to sail ships under its flag on the high seas.

Article 5

1. Each State shall fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. Ships have the nationality of the State whose flag they are entitled to fly. There must exist a genuine link between the State and the ship; in particular, the State must effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag.

2. Each State shall issue to ships to which it has granted the right to fly its flag documents to that effect:

Article 6

1. Ships shall sail under the flag of one State only and, save in exceptional cases expressly provided for in international treaties or in these articles, shall be subject to its exclusive jurisdiction on the high seas. A ship may not change its flag during a voyage or while in a port of call, save in the case of a real transfer of ownership or change of registry.

2. A ship which sails under the flags of two or more States, using them according to convenience, may not claim any of the nationalities in question with respect to any other State, and may be assimilated to a ship without nationality.

Article 7

The provisions of the preceding articles do not prejudice the question of ships employed on the official service of an inter-governmental organization flying the flag of the organization.

Article 8

1. Warships on the high seas have complete immunity from the jurisdiction of any State other than the flag State.

2. For the purposes of these articles, the term "warship" means a ship belonging to the naval forces of a State and bearing the external marks distinguishing warships of its nationality, under the command of an officer duly commissioned by the government and whose name appears in the Navy List, and manned by a crew who are under regular naval discipline.

Article 9

Ships owned or operated by a State and used only on government non-commercial service shall, on the high seas, have complete immunity from the jurisdiction of any State other than the flag State.

Article 10

1. Every State shall take such measures for ships under its flag as are necessary to ensure safety at sea with regard *inter alia* to :

(a) The use of signals, the maintenance of communications and the prevention of collisions;

(b) The manning of ships and labour conditions for crews taking into account the applicable international labour instruments;

(c) The construction, equipment and seaworthiness of ships.

2. In taking such measures each State is required to conform to generally accepted international standards and to take any steps which may be necessary to ensure their observance.

Article 11

1. In the event of a collision or of any other incident of navigation concerning a ship on the high seas, involving the penal or disciplinary responsibility of the master or of any other person in the service of the ship, no penal or disciplinary proceedings may be instituted against such persons except before the judicial or administrative authorities either of the flag State or of the State of which such person is a national.

2. In disciplinary matters, the State which has issued a master's certificate or a certificate of competence or licence shall alone be competent, after due legal process, to pronounce the withdrawal of such certificates, even if the holder is not a national of the State which issued them.

3. No arrest or detention of the ship, even as a measure of investigation, shall be ordered by any authorities other than those of the flag State.

Article 12

1. Every State shall require the master of a ship sailing under its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers,

(a) To render assistance to any person found at sea in danger of being lost;

(b) To proceed with all possible speed to the rescue of persons in distress if informed of their need of assistance, in so far as such action may reasonably be expected of him;

(c) After a collision, to render assistance to the other ship, her crew and her passengers and, where possible, to inform the other ship of the name of his own ship, her port of registry and the nearest port at which she will call.

2. Every coastal State shall promote the establishment and maintenance of an adequate and effective search and rescue service regarding safety on and over the sea and—where circumstances so require—by way of mutual regional arrangements co-operate with neighbouring States for this purpose.