MULTILATERAL INTERNATIONAL TREATY

ON MARITIME COOPERATION AND THE PROTECTION OF THE BLUE PACIFIC CONTINENT

'Oceania is a marine continent'

TREATY OF THE CHARTER OF FREE OCEANIC NATIONS

Organisation of the Charter of Free Oceanic Nations (OCNOL)

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FUNDAMENTAL DECLARATION – THE BLUE PACIFIC CONTINENT, THE MARINE CONTINENT OF OCEANIA

The States Parties recognise that, for the purposes of this Treaty, Oceania constitutes a marine continent: a regional unit based not on the continuity of landmasses, but on the continuity of oceanic spaces, ecological interdependencies, maritime routes, resources, natural hazards, communications, rescue operations and communities that depend on the sea for their livelihoods.

This characterisation, established by this Treaty, which ensures the legal and institutional continuity of the regional acquis of the 'Blue Pacific Continent', does not entail any modification of borders, baselines, territorial titles, maritime zones or sovereign rights recognised under international law. It constitutes a principle of functional, legal and institutional unity designed to enable the States Parties to jointly manage realities which, by their very nature, extend beyond the boundaries of each of their territories.

This Treaty gives priority to the protection of human life, the safeguarding of oceanic populations and the protection of indigenous peoples. It recognises their effective participation in decisions affecting their territories, resources, cultures, knowledge and living conditions, in accordance with applicable international instruments.

OFFICIAL COMMENTARY – SCOPE OF THE DECLARATION

The concept of a marine continent is not proposed as a new universal geographical category, nor as a territorial claim. It constitutes the political and legal characterisation by which the States Parties affirm the existence of a continuity of interests and responsibilities within a maritime space that is legally fragmented between several sovereignties. It provides a basis for permanent cooperation without transforming the Organisation into a supranational authority.

PREAMBLE

THE STATES PARTIES TO THIS TREATY,

I. THE BASIS OF THE TREATY

Recalling the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982, which constitutes the legal framework within which all activities carried out in the seas and oceans shall take place;

Affirming that this Treaty constitutes a regional cooperation agreement concluded for the purpose of implementing that Convention and that none of its provisions derogates from it;

Reaffirming the sovereign rights recognised by the Convention as belonging to the coastal State for the purposes of the exploration, exploitation, conservation and management of the natural resources of its exclusive economic zone, as well as the exclusive jurisdiction reserved for it under the Convention;

Recalling that the right of hot pursuit is governed by Article 111 of the Convention and may be exercised only by warships, military aircraft or other ships or aircraft clearly marked and identifiable as being on government service and authorised to that effect, and that this Treaty does not extend the benefit of that right to any other category;

Recalling also the immunity accorded by the Convention to warships and to ships owned or operated by a State and used only on government non-commercial service;

Bearing in mind the Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, done at New York on 4 December 1995;

II. FINDINGS

Considering that the Pacific island States and territories administer approximately one-fifth of the world's exclusive economic zones, and there is a structural imbalance between the extent of these areas and the resources available to the authorities responsible for them;

Considering that this disparity stems not from any lack of will, but from a geography that none of these States has chosen;

Noting that the region has forty-eight shared maritime boundaries, of which only thirty-six have been settled by treaty, and that several States have not yet declared their boundaries with the high seas;

Noting that illegal, unreported and unregulated fishing takes from the region's fishery resources volumes that escape all management, depletes stocks and deprives coastal States of revenue to which they are entitled;

Noting that trafficking in drugs, arms and human beings, deliberate pollution and infringements of marine protected areas follow the same routes and exploit the same blind spots;

Noting that a ship pursued in one maritime area usually evades pursuit by entering a neighbouring area, and that this discontinuity constitutes the main guarantee of impunity enjoyed by the perpetrators of such acts;

Noting that neighbouring States do not readily share their maritime intelligence, and that this reluctance, whatever the reasons, benefits none other than those whom it is precisely sought to suppress;

Aware of the particular vulnerability of small island developing States, which have vast maritime jurisdictions and limited resources;

Aware also that rising sea levels, ocean acidification and the displacement of fish stocks are exacerbating the dependence of the peoples of Oceania on resources whose surveillance is becoming all the more necessary;

Considering that the vulnerability of island States to climatic, seismic and environmental risks requires a more rapid response than traditional diplomatic procedures;

Aware that the legal continuity of the marine continent must apply not only to the suppression of offences, but also to the protection of lives and ecosystems in the face of natural disasters and major accidents;

III. REGIONAL ACQUIS

Recalling the Nauru Agreement Concerning Cooperation in the Management of Fisheries of Common Interest, signed in Nauru on 11 February 1982 and which entered into force on 4 December 1982;

Recalling the Niue Treaty on Cooperation in Fisheries Surveillance and Law Enforcement in the South Pacific Region, signed in Honiara on 9 July 1992 and which entered into force on 20 May 1993, which was the first to allow a Party, with the consent of another, to extend its surveillance and policing activities into the territorial sea and archipelagic waters of that Party, as well as the Agreement on Strengthening the Implementation of that Treaty, adopted in 2012;

Recalling the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, opened for signature in Honolulu on 5 September 2000 and which entered into force on 19 June 2004;

Recalling the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, adopted in Rome on 22 November 2009;

Recalling the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, done at Nouméa in 1986 and which entered into force in 1990, together with its protocols;

Recognising that the regional vision of the 'Blue Pacific Continent' and 'One Blue Pacific Continent' reflects a continuity of interests, responsibilities, peoples, cultures, ecosystems and oceanic spaces, and that the purpose of this Treaty is to provide this continuity with a permanent institutional framework, without any transfer of sovereignty;

Recalling the 2050 Strategy for the Blue Pacific Continent, endorsed by the leaders of the Pacific Islands Forum in Suva on 14 July 2022, and recognising the Forum's role in articulating the regional vision, coordinating the positions of States in the region and steering the regional architecture;

Recognising the role of the Pacific Islands Forum Fisheries Agency and regional fisheries management organisations, whose competences and mandates this Treaty does not seek to alter;

Referring to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, done at Vienna on 20 December 1988, in particular Article 17 thereof, to the United Nations Convention against Transnational Organized Crime, done at Palermo on 15 November 2000, and to its Protocol against the Smuggling of Migrants by Land, Sea and Air;

Referring to the International Convention for the Prevention of Pollution from Ships and its protocols, as well as to the international conventions on the safety of life at sea and on maritime search and rescue;

Affirming that this Treaty builds upon this body of law without replacing it, and that its sole purpose is to supplement it where experience has shown it to be incomplete: the establishment of admissible evidence, the permanence of judicial decision-making, the continuity of pursuit and the automatic coordination of rescue operations;

IV. GUIDING PRINCIPLES

Recognising that Oceania constitutes a marine continent comprising sovereign nations, whose landmasses form the anchor points of the sovereignty of the States comprising it, and whose preservation is a matter of common interest to

the States of the region, without this recognition having any bearing on the extent and status of maritime areas as determined by the Convention, nor on the scope of application of this Treaty as set out in Articles 7 and 8;

Convinced that the pooling of observation, evidence and judicial cooperation does not entail any relinquishment of sovereignty but, on the contrary, constitutes the effective exercise thereof;

Convinced that a report alone is insufficient, and that a judicial decision may be based only on evidence established in accordance with rules that are known, verifiable and capable of being relied upon against any party;

Convinced that the value of a third party responsible for gathering and disseminating intelligence lies exclusively in the prohibitions it imposes upon itself and in the ability of each State to verify compliance with them;

Considering that law enforcement remains a sovereign function and no organ established by this Treaty may exercise it;

Considering that cooperation is of value only if each State retains control over the scope of what it shares and may restrict it at any time;

Considering that the use of new technical means does not dispense with any guarantees but, on the contrary, calls for new ones;

Convinced that the protection of human life and ecosystems in the face of natural disasters justifies automatic warning and assistance mechanisms, which overcome administrative cumbersomeness without undermining the fundamental sovereignty of States;

V. THE LIMITS IMPOSED BY THE PARTIES

Resolved that no organ established by this Treaty shall acquire or operate an armed ship, nor recruit personnel vested with the power to use coercion;

Resolved that no coercive measure shall be taken without prior judicial authorisation, except in cases where the Convention permits such measures independently of this Treaty;

Resolved that any power conferred shall be limited in time, circumscribed in space, reasoned in writing and subject to remedies;

Resolved that compliance with the obligations undertaken shall be monitored by an independent authority and made public;

VI. THE PURPOSE

Anxious to guarantee the fundamental rights of those on board, who are for the most part seafarers and fishermen from the region, and not to make those who make their living from the sea bear the brunt of repressive measures designed to target those who plunder it;

Recalling that the obligation to assist persons in distress at sea takes precedence over all other considerations;

Affirming that the purpose of this Treaty is the sustainable conservation of Oceania's marine resources and the protection of the peoples who depend on them for their livelihoods, and that each of its provisions shall be interpreted in the light of this dual purpose of security and solidarity;

HAVE AGREED AS FOLLOWS:

PART ONE – THE INSTRUMENT AND THE ORGANISATION

TITLE I – PURPOSE, DEFINITIONS AND SCOPE

ARTICLE 1 – PURPOSE OF THE TREATY

1. This Treaty establishes permanent cooperation amongst the States Parties in the fields of maritime observation, scientific and environmental monitoring, early warning, assistance, search and rescue, the establishment and preservation of evidence, and judicial cooperation.

2. It establishes the Organisation of the Charter of Free Oceanic Nations, hereinafter referred to as OCNOL, an intergovernmental organisation for regional cooperation, in accordance with Article 9.

3. It organises the transmission and recognition of national judicial acts necessary for the measures provided for in the Treaty. Such acts shall continue to be issued by the judicial authorities of each State in accordance with its own law.

4. Its purpose is the protection of human life, indigenous peoples and oceanic populations, the sustainable conservation of marine resources and the reduction of major risks affecting the Blue Pacific Continent.

5. It does not alter the sovereignty, sovereign rights or jurisdiction that States Parties hold under international law. It does not entail any transfer of competence to OCNOL beyond what it expressly provides for.

6. It complements existing universal, regional, sub-regional and bilateral instruments without replacing them.

7. In matters not relating to the establishment and preservation of evidence, in particular the seat, branch offices, privileges and immunities, staff, internal organisation and relations with host States, the Organisation shall comply with the rules and practice generally followed by intergovernmental organisations. These rules and this practice shall guide the application of this Treaty without taking precedence over its express provisions.

8. The States Parties recognise the Organisation as a regional technical expert in all areas covered by this Treaty, in particular the establishment and preservation of evidence, observation and monitoring, early warning of natural, climatic, environmental and humanitarian risks, the identification and search for persons in distress or missing, support for rescue operations, and the continuity of coordination within the Oceanian Emergency Committee. Their authorities and courts shall receive the Organisation's findings, evidence and alerts as emanating from a recognised expert. Its agents may be heard as technical witnesses or appointed as experts in accordance with the law of the forum State. The Organisation exercises no powers of policing, prosecution or adjudication. Jurisdiction, procedure, the legal characterisation of the facts and penalties are matters for each State.

9. The cooperation organised by this Treaty is permanent. It applies automatically between the States Parties in all areas covered by this Treaty, in particular early warning, search and rescue, coordination of relief efforts, pollution control, the establishment of evidence and judicial cooperation, including within exclusive economic zones. Its purpose is to ensure that no exposed population remains without warning, that no person in distress remains without assistance, and that no offence goes unpunished. In judicial matters, each State Party retains its sovereignty: it may refuse mutual legal assistance, on a case-by-case basis, by means of an express and reasoned notification, solely on the grounds provided for in this Treaty. It may also refuse in advance any pursuit within its exclusive economic zone. In such a case, it retains the obligation to board or inspect itself, within its waters, the ship subject to a maritime warrant, whilst complying with that warrant. Until such refusal is notified, the rule of cooperation applies. The transmission of alerts and information necessary for rescue operations may not be refused under any circumstances. Access by foreign assets to the areas of a State remains governed by Article 41.

10. The Organisation shall transmit its alerts without delay to the competent authorities of the States Parties concerned. The alert does not impose any obligation on them: each State shall decide sovereignly on the

measures to protect persons and property. Where an alert has not been followed by action, the Secretary-General shall submit an official and confidential report to the government concerned on behalf of the Organisation. This report sets out the risks reported, as well as the loss of life and damage to property that could have been avoided. It is filed as a confidential document in the Organisation's archives.

ARTICLE 2 – DEFINITIONS RELATING TO INSTITUTIONS

1. For the purposes of this Treaty and its annexes:

   a) 'Organisation' means the Organisation of the Charter of Free Oceanic Nations (OCNOL), established by Article 9, together with its organs listed in Article 31;

   b) 'Conference' means the Conference of States Parties established by Article 32;

   c) 'Secretariat' means the organ established by Article 48, and 'Secretary-General' means the person who heads it;

   d) 'OMIFC' means the department established by Article 99, responsible for observation, monitoring and investigation, together with its Agents, facilities and systems;

   e) 'OEC' means the Oceanian Emergency Committee established by Article 41;

   f) 'Independent Supervisor' means the authority established by Article 97;

   g) 'Charter' means the charter of the OMIFC Department adopted by the Conference pursuant to Article 102;

   h) 'Organ' means any entity listed in Article 31; the register provided for in Article 133 is not an organ;

   i) 'Agent' means any person employed by the Organisation or made available to it, excluding judicial officers listed in the register provided for in Article 133 and representatives of States Parties.

ARTICLE 3 – DEFINITIONS RELATING TO AREAS AND SHIPS

1. For the purposes of this Treaty and its annexes:

   a) 'Convention' means the United Nations Convention on the Law of the Sea of 10 December 1982, together with the agreements concluded for its implementation to which the relevant States Parties are parties;

   b) 'Maritime areas' means, for each State Party, its internal waters, its archipelagic waters where it is an archipelagic State, its territorial sea, its contiguous zone and its exclusive economic zone, as defined and delimited in accordance with the Convention;

   c) 'Area of Indeterminacy' means a maritime area claimed by two or more States Parties and not yet delimited between them by an agreement in force or by a binding decision, as well as the area for which a State Party has not declared its boundaries with the high seas;

   d) 'Ship' means any seagoing craft, irrespective of its mode of propulsion, including floating craft and mobile platforms, but excluding warships and ships owned or operated by a State and used exclusively for non-commercial public service;

   e) 'Ship without nationality' means a ship which has no nationality, a ship which sails under the flags of several States, using them as it sees fit, and a ship whose claimed flag State denies its nationality;

   f) 'Master' means the person who is in actual command of the ship, whatever his or her title;

   g) 'Operator' means the owner, shipowner, charterer or any person who actually exercises control over the commercial operation of the ship;

h) ‘Safe port’ means a port included on the list drawn up pursuant to Title XXIII, where a ship may be taken without danger to itself, its cargo or the persons on board, and where the guarantees provided for in Title IX are effectively available;

i) ‘OCNOL autonomous asset’ means a maritime surface drone, an autonomous buoy, an autonomous or remotely operated underwater device, or an unarmed aerial drone associated with such an asset, used exclusively for the purposes of observation, measurement, location, transmission, alerting and technical assistance.

ARTICLE 4 – DEFINITIONS RELATING TO STATES AND PROCEDURES

1. For the purposes of this Treaty and its annexes:

a) ‘State Party’ means a State in respect of which this Treaty is in force;

b) ‘Injured State’ means the State Party in whose maritime areas the act was ascertained; Title XVIII governs the case of Areas of Indeterminacy;

c) ‘Exposed State’ means a State Party as defined in Article 111, paragraph 1;

d) ‘Flag State’ means the State whose flag a ship is authorised to fly in accordance with the Convention;

e) ‘Executing State’ means the State Party which implements a measure authorised by a maritime warrant;

f) ‘Receiving State’ means the State Party in whose maritime areas a pursuit is continued, or into whose port a ship is brought;

g) ‘National Contact Point’ means the authority designated by a State Party, which alone is authorised to bind it under this Treaty;

h) ‘On-Call Judge’ means the judicial authority or judicial officer listed in the register provided for in Article 133, ruling on behalf of the State Party which has listed it therein and in accordance with the law of that State;

i) ‘National maritime warrant’ means the act issued by the competent judicial authority of a State Party in accordance with its law and recognised under the conditions set out in Titles XX and XXV;

j) ‘Coercive measure’ means any measure carried out without the consent of the master and entailing a restriction on the ship’s freedom of navigation, on the disposal of its cargo or on the freedom of movement of persons on board;

k) ‘Boarding’ means the stopping of a ship, together with the boarding and inspection carried out pursuant to Title XXI;

l) ‘Serious offence’ means an act listed in Annex II which, under the law of the Injured State, is of such a serious nature as to justify a coercive measure;

m) ‘Judicial officer’ means a judge or a member of the public prosecution service of a State Party, as determined by the law of that State;

n) ‘Assets’ means ships, aircraft, drones, vehicles and other physical platforms made available or used for an operation;

o) ‘Means’, when used without further qualification, designates the technical, human and material capacities available for an operation, including assets.

ARTICLE 5 – DEFINITIONS RELATING TO EVIDENCE AND DATA

1. For the purposes of this Treaty and its annexes:

   a) 'Evidence' means any data, image, recording, reading, official record or document established in accordance with Title XIV;

   b) 'Admissible item of evidence' means an item established, preserved and delivered in accordance with the provisions of Titles XIII and XIV and Annex IV, accompanied by its chain of custody and a statement of its limits of reliability;

   c) 'Chain of custody' means the tamper-proof record tracing, from the time an item was obtained, every access and every operation to which it has been subjected, including the identity of the person involved, the nature of the operation and the corresponding time stamp;

   d) 'Source data' means data as received or captured, prior to any processing;

   e) 'Automated processing' means any operation carried out on data by means of an algorithmic process, including those based on machine learning, resulting in a characterisation, classification, score or alert;

   f) 'Personal data' means any information relating to an identified or identifiable natural person, directly or indirectly, in particular by reference to an identifier, location data or one or more factors specific to their identity;

   g) 'Neutral Area' means the mechanism for the consensual pooling of maritime intelligence established under Title XVI.

ARTICLE 6 – RULES OF INTERPRETATION

1. Terms used in this Treaty which are not defined in Articles 2 to 5 shall have the meaning given to them in the Convention. Terms not defined therein shall have the ordinary meaning to be attributed to them in their context and in the light of the object and purpose of this Treaty.

2. No definition shall prejudice the position of a State Party on any question of delimitation, baseline, territorial title or the status of a maritime area, and no definition may be invoked in proceedings concerning such questions.

3. The definitions apply without prejudice to the provisions of the domestic law of States Parties and of international instruments to which they are parties, where such provisions extend the guarantees of Title IX or the rights recognised to individuals.

4. Provisions conferring a coercive power shall be interpreted strictly. Provisions setting out a guarantee shall be interpreted in the manner most favourable to the person they protect.

5. References to a Title, an Article or an Annex refer to the text in force on the date of the act in question.

6. Time limits expressed in hours run continuously, including public holidays. Time limits expressed in days are calendar days, excluding the day on which the act triggering the time limit takes place. The time stamp on the acknowledgement of receipt via the secure channel shall be conclusive evidence, subject to Article 116(2).

7. Terms used in the masculine form shall also be understood to include the feminine form; the singular shall include the plural where the context so requires.

8. The headings of the parts, titles and articles have no normative value and may not be used for the purposes of interpretation.

9. Unless otherwise stated, references to a title, article or paragraph refer to the main text of the Treaty. Provisions of an annex are always referred to by the number of that annex.

10. Where a reference mentions an article followed by one or more paragraphs, each paragraph relates exclusively to the article immediately mentioned. Lists of several articles are separated by semicolons.

11. Where a reference contains an obvious error in numbering but leaves no ambiguity as to the provision referred to, it shall be corrected in accordance with the procedure laid down in Article 188. Until the correction takes effect, it shall be interpreted in accordance with its purpose, context and the provision to which it materially corresponds, without creating any new obligation.

12. In the event of any discrepancy between the main text of this Treaty and an annex, the main text of the Treaty shall prevail and any provision in the annex that is contrary to it shall be deemed not to have been written. The acts of the Conference, including the Charter of the OMIFC Department, are subordinate to the Treaty and its annexes.

ARTICLE 7 – MATERIAL AND PERSONAL SCOPE OF APPLICATION

1. Titles XVIII to XXV, relating to judicial jurisdiction, judicial on-call service, maritime warrants, boarding and the use of force, pursuit, the transfer of the ship, mutual legal assistance and the enforcement of decisions, shall apply solely to the acts listed in Part II of Annex II which, under the law of the Injured State, are of such seriousness as to warrant coercive measures. They shall not apply to any other acts, regardless of their seriousness, unless their scope is extended by an additional protocol. The other titles apply to all areas covered by Article 1, as listed in Part I of Annex II, without limitation to the acts set out in Part II thereof, in particular: observation, monitoring and early warning of natural, climatic, environmental and humanitarian risks, including climate, cyclone, tsunami, seismic and volcanic monitoring (Title XII, Annexes V and XIII); search and rescue, the coordination of relief efforts and automatic assistance (Title XVII, Annexes XI, XII, XVIII and XX); the prevention, detection and combating of pollution (Titles XII and XVII); the establishment and preservation of evidence (Titles XIV and XV).

2. This Treaty applies to ships, their masters, their operators and persons on board, irrespective of their nationality or the flag of the ship.

3. This Treaty shall not apply to warships, nor to ships owned or operated by a State and used exclusively for non-commercial public service, nor to State aircraft, which shall enjoy the immunities recognised by the Convention. However, this exclusion shall not preclude the use of such ships or aircraft by a State Party for the purpose of carrying out the measures provided for in Title XXI, in which case the provisions relating to boarding and the use of force shall apply to them in full.

4. This Treaty shall not apply and may not be invoked: in relation to the delimitation of maritime areas, baselines, territorial titles or the legal status of a maritime area; in relation to military activities, except where military assets are engaged in search and rescue or civil cooperation operations in accordance with Title XVII and Annex XIX; in disputes between States Parties concerning the allocation of fishery resources, access rights and licensing regimes; in respect of marine scientific research authorised by the coastal State; in respect of innocent passage through the territorial sea and transit passage; in relation to the private-law regime governing salvage of ships and property at sea, including salvage contracts and remuneration, without prejudice to the provisions relating to the alerting, search and rescue of persons and the coordination of rescue operations set out in Title XVII.

5. This Treaty shall apply only to acts committed after its entry into force in respect of the Injured State. None of its provisions shall have retroactive effect.

6. This Treaty creates neither obligations nor rights for a State that is not a Party and may not be invoked against or by such a State. The exercise by a State Party of the jurisdiction conferred upon it by the Convention in respect of a ship flying the flag of a State that is not a Party derives from that Convention and not from this Treaty.

ARTICLE 8 – SPATIAL SCOPE AND RELATIONSHIP WITH OTHER INSTRUMENTS

1. This Treaty shall apply in the maritime areas of the States Parties from the date on which it enters into force for them.

2. It shall apply on the high seas only in the following cases: against a ship without nationality; with the express authorisation of the flag State and within the limits it sets; where a pursuit commenced in accordance with Article 111 of the Convention continues there. Apart from these cases, no coercive measures may be taken on the high seas on the basis of this Treaty.

3. This Treaty shall be interpreted and applied without prejudice to the rights, jurisdictions and obligations arising from the United Nations Convention on the Law of the Sea for States which are Parties thereto. It shall not be interpreted as modifying, suspending or setting aside any provision of that Convention, except under the conditions expressly permitted by it. International agreements that are consistent with the Convention and do not affect the rights of other States Parties or the fulfilment of their obligations shall remain applicable.

4. It does not affect the competences or mandates of regional fisheries management organisations, nor those of the Pacific Islands Forum Fisheries Agency.

5. It shall not preclude the conclusion of subsequent agreements between States Parties, provided that such agreements do not infringe the guarantees set out in Title IX, the prohibitions in Article 102, or a State's ownership of its evidence.

6. In relations between States Parties that are also bound by a prior regional agreement, that agreement shall apply only to the extent that its provisions are compatible with those of this Treaty, in accordance with Article 30(3) of the Vienna Convention on the Law of Treaties. It shall, however, remain applicable where it grants the coastal State more extensive rights or provides individuals with higher standards of protection, provided that it does not affect the rights of other States Parties or the fulfilment of their obligations under this Treaty. In relations between a State Party and a State bound by such an agreement but not a Party to this Treaty, the regional agreement alone shall govern their reciprocal rights and obligations, in accordance with Article 30(4) of the same Convention. Incompatibility shall be determined by mutual agreement between the States Parties concerned and, failing that, in accordance with Title XXVI. Neither the Organisation nor its organs shall determine such incompatibility.

7. No provision authorises a State Party or the Organisation to exercise, on the territory or in the maritime areas of another State, any jurisdiction which the domestic law of that State reserves for its own authorities, nor to intervene in matters essentially within its domestic jurisdiction, unless that State has given its express consent, in particular through a prior authorisation in force under Title XVII, through consent in principle given pursuant to Article 154 and not set aside by a declaration of objection provided for in Article 155, or through an extension of jurisdiction expressly consented to in accordance with Article 156.

8. A State Party which is prevented by an express provision of its constitution from fulfilling an obligation under this Treaty shall so state in a declaration deposited together with its instrument of consent to be bound. The declaration shall identify the constitutional provision and the obligation concerned. It shall be subject to the rules on reservations set out in Article 182 and may not relate to the provisions listed therein.

TITLE II – ESTABLISHMENT AND STATUS OF THE ORGANISATION

ARTICLE 9 – INTERNATIONAL RECOGNITION AND LEGAL CONTINUITY OF THE ORGANISATION

1. The States Parties take note of the prior existence of the entity known as the Organisation of the Charter of Free Oceanic Nations (OCNOL), a company limited by guarantee incorporated in England and Wales on 7 July 2026 and entered in the register of companies under number 17324528, prior to the entry into force of this Treaty.

2. From the entry into force of this Treaty, the intergovernmental organisation OCNOL shall possess an international legal personality distinct from that of the pre-existing entity and of the States Parties.

3. The Organisation shall consist of the States Parties. Membership shall be acquired by ratification, acceptance, approval or accession and shall be terminated by withdrawal in accordance with the provisions of Title XXVII.

4. The programmes, archives, systems, rights and assets of the pre-existing entity shall be transferred only by virtue of separate legal acts, following an inventory, audit and approval by the Conference.

5. No liabilities, obligations, contracts or disputes of the pre-existing entity shall be automatically transferred to the Organisation. Any transfer shall be subject to an express decision by the Conference.

6. The Organisation is established for an indefinite period and may only be dissolved in accordance with the provisions of Article 22.

7. The States Parties acknowledge that the sole purpose of the pre-existing entity is to guarantee the independence of the drafters of this Treaty during its preparation and until the Organisation is legally and formally recognised in Oceania. Such recognition shall be deemed to have been granted when the following two cumulative conditions are met: (a) the entry into force of this Treaty; (b) the entry into force of the headquarters agreement provided for in Article 24.

8. Neither of these conditions is sufficient on its own. The mandate of the pre-existing entity shall cease on the date on which the second condition is fulfilled, and its dissolution shall be initiated in accordance with the law governing it, following the transfers decided upon pursuant to paragraph 4.

ARTICLE 10 – PURPOSE AND FUNCTIONS

1. The Organisation shall contribute to the protection, security, continuity and resilience of the Blue Pacific Continent.

2. It shall exercise only those functions expressly set out in this Treaty.

3. It detects, measures, technically characterises and documents facts falling within its mandate, within the limits of the consent of States and applicable law.

4. It establishes, preserves, authenticates and transmits evidence in accordance with Titles XIV and XV. It characterises facts but does not legally qualify any offence: it is for the competent court to decide, in accordance with its law, whether such facts constitute an offence. It does not decide on any prosecution.

5. It monitors seismic, volcanic, tsunami, cyclonic, meteorological, environmental and humanitarian risks and transmits alerts to the competent authorities.

6. It provides technical support to national search and rescue centres and to the authorities responsible for emergency response, without acting in their place.

7. It receives, correlates and analyses lawfully available information relating to ships, aircraft, ocean conditions, risks and events affecting regional security.

8. It ensures the preservation, authentication, transmission and traceability of data useful to national authorities.

9. It contributes to the protection of indigenous peoples and affected populations, within the limits of this Treaty.

10. It provides secretariat services, communications and technical support to the Oceanian Emergency Committee.

11. It may establish non-binding technical guidelines, procedures and training programmes, unless incorporated by a State into its domestic law.

12. It shall not command any national assets nor exercise any sovereign functions.

ARTICLE 11 – NATURE AND LIMITS OF THE ORGANISATION'S OWN MEANS

1. OCNOL's own means consist exclusively of unarmed technical means intended for observation, measurement, localisation, transmission, alerting and technical assistance.
2. The Organisation does not own, operate or charter any warship, police unit, armed asset or device intended for boarding or the use of force.
3. Its own maritime assets include, in particular, maritime surface drones, autonomous buoys and autonomous or remotely operated underwater devices.
4. Unarmed aerial drones may be used in conjunction with these assets, subject to the authorisations required under the law of the State concerned.
5. No asset of its own may stop, immobilise, board, pursue or compel a ship or a person.
6. Any physical rescue, policing or coercive intervention is the exclusive responsibility of the national authorities or of the bodies legally authorised by them.
7. The detection of a situation requiring physical intervention shall result in the immediate transmission of the information to the competent authority or coordination centre.
8. The technical participation of an OCNOL asset in an operation does not confer any command authority on the Organisation.
9. A national asset made temporarily available remains under the command and responsibility of the State providing it.

ARTICLE 12 – PRINCIPLE OF SPECIALITY AND EXCLUSION OF IMPLICIT POWERS

1. The Organisation shall have only those powers expressly conferred upon it by this Treaty. It shall exercise them solely within the limits and for the purposes set out therein.
2. These powers are to be interpreted strictly.
3. No competence may be inferred from the purpose set out in Article 10, from the Organisation's practice, from the silence of this Treaty, from the alleged need to ensure the effectiveness (effet utile) of a provision, or from the prolonged exercise of an activity without objection by a State Party.
4. Any extension of the Organisation's powers may result only from an amendment adopted in accordance with Title XXVII; where such an extension falls within the scope of Article 185, paragraph 4, it shall be subject to the conditions laid down therein. No additional protocol may provide for such an extension.
5. Any organ that exceeds the Organisation's powers commits an act that is null and void. Any State Party may rely on this, and the Independent Supervisor may so find of its own motion.
6. This Article shall prevail over any contrary provision in rules of procedure, a headquarters agreement, a cooperation arrangement or a contract concluded by the Organisation.

ARTICLE 13 – EXCLUSION OF SOVEREIGN FUNCTIONS

1. The Organisation shall not exercise any sovereign functions. The making of law, the imposition of sanctions, interception, boarding, pursuit, the use of force and any coercive measure shall remain within the exclusive competence of the States Parties.
2. OCNOL does not command any ship, aircraft, military asset, police unit or rescue team belonging to a State.
3. OCNOL does not enact any binding standards for States. Its recommendations and guidelines only become binding through incorporation into national law or by an amendment to the Treaty.
4. It exercises neither hierarchical authority nor the power to act in place of States, their authorities, their agents or their assets.

5. It informs, alerts, coordinates information and provides technical assistance. The competent State decides and acts.
6. It does not conduct any criminal investigations, carry out any compulsory hearings or detain any persons.
7. The coordination carried out by the OEC is an inter-State coordination of information, requests and offers of assistance. It confers no physical command over national units.
8. Any interpretation to the contrary is precluded by the principle of speciality set out in Article 12.

ARTICLE 14 – PROHIBITION ON DELEGATION

1. The Organisation shall not delegate any of the functions listed in Article 10, in whole or in part, to a State, an organisation or a private entity.
2. The use of service providers is limited to material tasks involving no assessment of the facts, under the exclusive responsibility of the Organisation and without any transfer of control over the data.
3. The analysis, characterisation and establishment of evidence may under no circumstances be entrusted to a third party.
4. No contract may confer upon the service provider a right of access to the Organisation's analyses, a right of scrutiny over the observed areas, a right to secondary use of the data, or any intellectual property right that would prevent the communication provided for in Title XIII.
5. Contracts shall be made available to the Independent Supervisor, against whom business secrecy may not be invoked, and to any State Party which so requests, subject to any particulars protected under Article 26.
6. Any contract concluded in breach of this Article shall be null and void and shall be terminated without compensation for such termination.

ARTICLE 15 – EQUAL TREATMENT OF STATES PARTIES

1. The Organisation shall ensure the same rigour, diligence and confidentiality for each State Party.
2. Such treatment shall be independent of the State's financial contribution, the extent of its maritime areas, its economic or political influence, and its participation in the Neutral Area.
3. No operational priority may be granted in return for a voluntary contribution, a benefit in kind or a service rendered to the Organisation.
4. Where resources are insufficient to meet all requests, the Conference shall establish prioritisation criteria, which shall be published and applied uniformly. These shall be based on the presumed seriousness of the facts and the urgency of the situation, to the exclusion of any other factor.
5. The maximum protection of human life is the Organisation's primary objective. In the situations referred to in Article 121, paragraph 1, resources shall be allocated first and foremost to those requests which contribute most effectively to the preservation of human life, irrespective of the State concerned and its contribution. No operation conducted pursuant to this Treaty shall endanger the lives of persons on board or of those being rescued.
6. The Independent Supervisor shall verify the implementation of this Article annually and report thereon.

ARTICLE 16 – INTERNATIONAL LEGAL PERSONALITY

1. The Organisation shall have international legal personality from the date of entry into force of this Treaty.

2. This legal personality is distinct from that of the States Parties and may be invoked against them; it may be invoked against non-Party States only to the extent that they recognise it.

3. The Organisation may conclude international agreements within the limits set out in Article 12, lodge an international claim and respond to such a claim.

4. The depositary shall register this Treaty with the Secretariat of the United Nations immediately upon its entry into force.

5. States Parties shall, through their bilateral relations, promote the recognition of the Organisation's legal personality by non-Party States whose cooperation is necessary for the fulfilment of its purpose.

ARTICLE 17 – INTERNATIONAL STATUS, PRIVILEGES, IMMUNITIES AND INVIOLABILITY OF THE ORGANISATION

1. OCNOL is an international intergovernmental organisation established by the States Parties under this Treaty and endowed with international legal personality distinct from that of its members.

2. In each State Party, the Organisation shall enjoy the privileges, immunities, inviolability and facilities necessary for the independent exercise of its functions and the fulfilment of its purpose.

3. The property, assets, funds, archives, documents, communications, information systems, technical infrastructure, data and autonomous assets assigned to the official functions of the Organisation shall be protected against any measure incompatible with the independent exercise of those functions.

4. The Organisation's premises, missions, technical facilities and infrastructure shall enjoy the inviolability necessary for the exercise of its functions, subject to agreements concluded with the State concerned and the provisions of this Treaty.

5. The representatives of States Parties to the Organisation, the members of its organs, its officials, experts and duly authorised persons shall, in the exercise of their official functions, enjoy the privileges and immunities necessary for their independence, under the conditions laid down in this Treaty and its annexes.

6. The privileges and immunities granted to the Organisation and its representatives do not constitute personal privileges. They are granted solely to ensure the independent performance of the functions entrusted to the Organisation by the States Parties.

7. No privilege or immunity shall be construed as authorising the Organisation to exercise any jurisdiction not expressly conferred upon it by this Treaty.

8. The Organisation shall waive an immunity in accordance with Article 68(3) where such immunity would impede the course of justice and where such waiver does not prejudice its independence or any essential function of the Organisation. The refusal shall be reasoned and subject to review by the Independent Supervisor.

9. The detailed rules applicable to claims, reparation for damage and third-party liability insurance are set out in Annex XXII.

ARTICLE 18 – INTERNAL LEGAL CAPACITY

1. The Organisation shall enjoy, within the territory of each State Party, the legal capacity necessary for the performance of its functions, including the capacity to enter into contracts, to acquire and dispose of movable and immovable property, to open bank accounts, to recruit staff and to bring or defend legal proceedings.

2. Each State Party shall take the necessary measures under its domestic law to give effect to this Article and shall inform the Secretariat thereof at the time of depositing its instrument.

3. The Organisation shall be represented by the Secretary-General, who may delegate his or her authority to sign by means of a written and published decision specifying the purpose and limits of the delegation.

4. It may conclude international agreements subject to the approval of the Conference. The Conference may delegate to the Secretary-General the conclusion of technical agreements not exceeding a budgetary threshold which it shall set and make public; the list of agreements thus concluded shall be submitted to it at each session. The agreements provided for in Article 24 shall be concluded by the Secretary-General in accordance with the terms of that Article.

5. The Organisation's establishments on the territory of a State Party shall be governed by Articles 23 and 24. The agreements governing them shall confer no coercive powers and shall remain subject to Articles 13, 14 and 19.

ARTICLE 19 – LIMITS ON THE ORGANISATION'S CAPACITY

1. The Organisation's legal capacity shall in no circumstances extend to the acquisition, chartering or operation of an armed ship, the possession of firearms or instruments of coercion, or the recruitment of personnel vested with powers of coercion.

2. It may not hold a shareholding in any undertaking, nor may it carry on any commercial activity or pursue a profit-making objective.

3. Notwithstanding the preceding paragraph, and solely under the conditions set out in Annex X, the Organisation may accredit private entities for the purpose of operating services or technical infrastructure contributing to the functions of observation, monitoring, alerting and coordination of rescue operations set out in Article 10. Accreditation is an act of authorisation; it confers upon the Organisation neither a share in the capital, nor a right to profits, nor any liability towards the contracting parties of the accredited entity. The accredited entity shall carry out only material tasks within the meaning of Article 14, paragraphs 2 to 4. It shall not assess the facts, nor shall it analyse, characterise or establish evidence, nor shall it issue any alerts in its own name. The data collected shall remain under the exclusive control of the Organisation.

4. It may not grant any security over the assets referred to in Article 27, paragraph 3.

5. Any act carried out in breach of this Article shall be null and void; such a breach falls under Title XI.

6. The Independent Supervisor shall verify compliance with this Article annually, including in relation to the Organisation's service providers.

ARTICLE 20 – LIABILITY OF THE ORGANISATION

1. OCNOL shall be liable, in accordance with this Treaty and applicable international law, for damage directly attributable to its organs, agents or autonomous assets when they act in the exercise of official functions and the conditions for liability set out in this Treaty are met.

2. OCNOL's liability is distinct from that of the States Parties. The fact that a State Party has provided information, infrastructure, assets or support to OCNOL does not, in itself, entail a transfer of liability to that State.

3. The regime governing claims, compensation, insurance and remedies is set out in this Treaty and detailed in Annex XXII.

4. In search and rescue operations, given the inherent uncertainties involved, OCNOL is under no obligation to guarantee a result and shall only be held liable in the event of gross negligence or wilful misconduct.

ARTICLE 21 – THIRD-PARTY LIABILITY INSURANCE

1. Throughout the term of this Treaty, the Organisation shall maintain third-party liability insurance, or an equivalent arrangement, designed to cover damage directly attributable to the performance of its official functions, in accordance with the terms of this Treaty.

2. The cover shall include, in particular, personal injury and property damage caused to third parties by autonomous assets, maritime drones, aerial drones, buoys, technical systems and equipment operated or

deployed by OCNOL in the performance of its official functions. Consequential non-material damage is covered where provided for in the policy or equivalent arrangement.

3. The Conference shall set the minimum levels of cover applicable to the various categories of assets and operations. These amounts shall be reviewed periodically in the light of changes in risks, technical capabilities and conditions in the insurance market.

4. The insurance is taken out with a legally authorised insurer possessing sufficient financial capacity. The contracts may provide for co-insurance or reinsurance. Third parties shall, subject to the terms of the policy and applicable law, have a right of direct action against the insurer.

5. Compensation due pursuant to a final decision or an award made under Title XXVI shall be claimed by the creditor from the insurer, to the extent provided for in the policy and by the law applicable to it. The procedures for claims, compensation, recourse and continuity of cover are set out in Annex XXII. Provisional advances, excesses and uninsurable risks are financed by the compensation guarantee sub-fund of the Fund provided for in Annex IX.

6. No exclusion, excess, contractual limit or interruption of cover may be interpreted as removing or reducing OCNOL's international obligations arising from Articles 20 and 21. The Organisation shall take the necessary measures to ensure the continuity of cover.

ARTICLE 22 – DISSOLUTION

1. The Organisation may only be dissolved by a decision of the Conference taken by consensus.

2. The decision shall provide for the devolution of assets, appoint a liquidator, determine the duration of the liquidation and set out the measures for the preservation of judicial archives and climate monitoring data.

3. Prior to any other action and with priority over any creditor, the data and evidence belonging to each State Party shall be returned to it, in accordance with the conditions set out in Title XV, and certificates of erasure countersigned by the Independent Supervisor shall be issued.

4. Dissolution shall have no effect on confidentiality obligations, which shall continue indefinitely, nor on the acquired rights of third parties.

5. Maritime warrants issued prior to dissolution shall remain valid until their expiry; the judicial on-call service shall be maintained until the expiry of the last such warrant. Current alert protocols shall remain active until they are naturally resolved.

TITLE III – SEAT, BRANCH OFFICES, INVIOLABILITY AND DATA LOCALISATION

ARTICLE 23 – SEAT AND BRANCH OFFICES

1. The seat of the Organisation shall be established on the territory of a State Party, on the basis of a headquarters agreement whose content is in accordance with the practice of intergovernmental organisations.

2. The first session of the Conference shall be held at the venue specified in the Final Act of the diplomatic conference. The Secretary-General shall determine the seat in accordance with the operating rules set out in Article 31, paragraph 7, and shall conclude the headquarters agreement in accordance with Article 24.

3. The determination of the seat shall be reasoned in the light of the Organisation's operational needs. It shall be notified to the States Parties and takes effect upon the entry into force of the headquarters agreement. The Conference takes note of this at its next session. Such acknowledgement does not entail either approval or a vote.

4. The seat shall host the General Secretariat and, unless the Conference decides otherwise, its ordinary sessions. The Organisation may establish branch offices on the territory of States Parties which consent thereto, on the basis of an agreement relating to the branch office.

5. Branch offices form the Organisation's land-based network. In accordance with the agreement governing it, a branch office shall perform all or part of the following functions: (a) hosting the ground stations necessary for the continuity of the autonomous communications network linking the Organisation's autonomous assets; (b) hosting Data Centre sites, redundant servers or backups, in accordance with Articles 28 and 77; (c) relaying information between the Organisation, national authorities and local actors, who may transmit information to it relating to the Organisation's purpose.

6. A branch office forms an integral part of the Organisation and has no separate legal personality. It shall not take any decisions falling within the remit of the State of location nor shall it assess the facts. Information transmitted by local actors shall be treated as reports: it does not in itself constitute evidence. The Secretary-General shall allocate functions between the seat and the branch offices.

7. Until the entry into force of the headquarters agreement, the Secretariat shall carry out its functions in provisional premises situated on the territory of a State Party which has concluded a provisional arrangement with the Organisation. Such an arrangement shall not constitute a choice of seat and shall not confer on that State any priority in the determination provided for in paragraph 2. Articles 25 to 30 shall apply to the provisional premises upon the entry into force of this Treaty. Until the appointment of the Secretary-General, the provisional arrangement shall be concluded by the depositary or by the authority designated in the Final Act of the diplomatic conference.

8. For the purposes of this Treaty, the host State is the State Party on whose territory the seat or, on a transitional basis, the provisional premises are established. The State of location is the State Party on whose territory a branch office or the continuity facility provided for in Article 29 is established. Articles 25 to 28 apply to the Organisation's premises situated in the State of location. The agreement relating to the branch office shall specify the facilities provided for in Articles 30 and 65.

9. The voluntary transfer of the seat or a branch office falls within the Organisation's internal governance. It shall be decided in accordance with the operating rules set out in Article 31, paragraph 7, with a view to the purpose defined in Articles 1 and 2.

10. The decision shall be reasoned and notified to the States Parties. It shall not be subject to the approval of either the Conference or any State other than the one which agrees to host the new seat or branch office. Its budgetary implications shall be presented to the Conference at the time of the adoption of the budget provided for in Article 58. The Organisation and the State concerned shall organise the relocation in accordance with the terms of the agreement between them. The new seat shall be determined in accordance with paragraphs 2 and 3.

10. The transfer shall take place automatically where the host State or the State of location ceases to be a Party to this Treaty, denounces the agreement binding it to the Organisation, or persistently fails to fulfil the obligations arising therefrom, such failure having been established by the Secretary-General by means of a reasoned decision notified to the State concerned. It shall take place within twelve months. The Secretary-General shall adopt the necessary protective measures to safeguard the data and shall put in place provisional premises in accordance with paragraph 7.

11. A change in the status of the territory in which the seat, a branch office or the continuity facility is established shall not, in itself, entail their closure. Their continued operation is subject to the agreement of the competent authority, which the Secretary-General shall seek without delay, in accordance with the practice of intergovernmental organisations. In the meantime, paragraph 10 shall apply to protective measures.

ARTICLE 24 – HEADQUARTERS AGREEMENT, AGREEMENT RELATING TO A BRANCH OFFICE AND PROVISIONAL ARRANGEMENT

1. The Secretary-General shall, on behalf of the Organisation, conclude the headquarters agreement, the agreement relating to a branch office and the provisional arrangement with the host State or the State of location concerned. These agreements are not subject to the approval provided for in Article 18, paragraph 4.

2. Each agreement shall set out the conditions of establishment, the applicable tax regime, the procedures for the exercise of privileges and immunities, and the conditions of access to the premises.

3. The draft shall be communicated to the States Parties sixty days prior to its signature. It shall be published, and any amendment shall follow the same procedure.

4. The headquarters agreement, the agreement relating to a branch office and the provisional arrangement may not derogate from this Treaty. In the event of any conflict, the Treaty shall prevail, and any provision to the contrary shall be deemed not to have been written.

5. Any dispute relating to the headquarters agreement, an agreement relating to a branch office or the provisional arrangement shall be settled in accordance with Title XXVI.

6. No exchange, declaration or undertaking made prior to the signature referred to in paragraph 1 shall be binding on the Organisation or confer any right on a State.

ARTICLE 25 – INVIOLABILITY OF PREMISES

1. The premises of the Organisation shall be inviolable.

2. No official of the host State may enter them without the consent of the Secretary-General. Such consent shall be deemed to have been given in the event of a fire, a natural disaster or any situation requiring immediate measures to protect persons and property.

3. The host State shall ensure the protection of the premises and shall take the necessary measures to prevent them from being invaded or damaged.

4. The premises may not be used as a refuge for any person sought by the authorities of a State Party; the Secretary-General shall cooperate in identifying such a person.

ARTICLE 26 – INVIOLABILITY OF ARCHIVES AND DATA

1. The Organisation's archives, documents and data shall be inviolable wherever they are located, whatever their medium and whoever holds them.

2. They shall not be subject to any search, seizure, requisition, confiscation or any protective or enforcement measure.

3. No authority, including that of the host State, may access data held by the Organisation or demand its disclosure without the written consent of the Secretary-General and, in the case of data belonging to a State Party, without the consent of that State, subject to Articles 111 and 112, paragraph 6.

4. Any request for disclosure, production or access made by an authority of a State, whether based on extraterritorial jurisdiction or on any other grounds, shall be notified without delay to the Independent Supervisor and to each State Party whose data is concerned.

5. The Organisation shall assert inviolability and shall comply with a request only after the written agreement of the States concerned. A refusal to comply may not be held against it nor give rise to any sanction. This paragraph shall apply subject to Article 112, paragraphs 6 and 7.

6. The Organisation shall, in respect of its official communications, enjoy treatment no less favourable than that accorded to diplomatic missions; its correspondence shall be inviolable and it may employ any method of encryption, without any State being entitled to demand the surrender of the keys.

7. This inviolability shall not preclude the rights recognised to individuals under Title IX, nor the supervision exercised under Title XI, nor the mutual legal assistance governed by Title XXIV. Where a competent authority of

a State Party makes a request for mutual legal assistance concerning data belonging to another State Party, the Organisation shall forward it without delay to that State or, in the case of joint ownership within the meaning of Article 110, paragraph 4, to each of the States concerned. Data shall be disclosed only with their explicit written consent, in accordance with the conditions set out in Title XXIV. Except in the case provided for in Article 112, paragraphs 6 and 7, no disclosure shall take place without such consent. The inviolability of data may not be invoked to evade an obligation under this Treaty or to frustrate a right recognised to a person.

8. The owner State alone assesses the grounds for its refusal, in particular those relating to its sovereignty, security or public policy within the meaning of Article 166, paragraph 2. OCNOL does not take the place of that State in this assessment. The statement of reasons provided for in Article 166, paragraph 3, may be limited to an indication of the ground invoked. Where the request falls within the scope of Article 112, paragraph 6, the refusal may be based only on one of the grounds listed in Article 112, paragraph 7.

9. The refusal takes effect upon notification to the Secretary-General. OCNOL shall refrain from any transmission or communication prevented by such refusal and shall not be required to search for, reconstruct or transmit by other means the data to which it applies.

10. Where the refusal has the effect of significantly affecting a rescue operation, the protection of persons, the prevention of or response to pollution, maritime safety, the continuity of judicial proceedings or cooperation between States Parties, the Secretary-General may, on behalf of the Organisation, submit an official and confidential report on the consequences.

11. The report shall be addressed exclusively to the government of the State that has notified the refusal. It shall set out, in a factual manner, the observed or foreseeable operational, judicial, environmental or human consequences, as well as, where relevant, the measures implemented by OCNOL to ensure continuity or mitigate the consequences. It shall contain no assessment of the merits of the grounds invoked or of the sovereign decision of the State concerned.

12. The report provided for in paragraph 10 shall not constitute a challenge to the refusal, a review of its merits, or a request for the withdrawal or amendment of the decision of the State concerned. Where such a refusal affects judicial cooperation between several States Parties, the judicial officers concerned may be convened in an extraordinary session of the Assembly provided for in Article 138 in order to examine the difficulties in cooperation and to facilitate an arrangement between the States concerned that is consistent with this Treaty and applicable international law.

13. The report shall be recorded as confidential in the Organisation's archives, in accordance with Article 56, paragraph 6.

ARTICLE 27 – IMMUNITY FROM SEIZURE AND ENFORCEMENT

1. The property and assets of the Organisation shall be exempt from search, requisition, confiscation and expropriation.

2. They shall not be subject to any enforcement measures until a final decision has been rendered in accordance with Title XXVI.

3. The means necessary for the judicial on-call service, the preservation of evidence and emergency alert systems, as well as the operational continuity sub-fund of the Fund provided for in Annex IX, shall be exempt from seizure in all circumstances and may not be subject to any waiver of immunity from enforcement.

4. The exemption from attachment provided for in paragraph 3 may not be invoked against a creditor holding a claim arising under Article 20: such a creditor shall be satisfied from the civil liability insurance provided for in Article 21, which shall remain available for that purpose.

5. The Organisation may not invoke this Article to evade the enforcement of an award made pursuant to Title XXVI.

ARTICLE 28 – DATA LOCALISATION

1. Data and evidence entrusted by States Parties shall be stored only within the territory of States Parties.
2. The location of each facility, the identity of its operator and the legal regime applicable to it shall be communicated to all States Parties.
3. Any proposed change shall be notified at least sixty days before its implementation; a State Party may, within that period, object to the transfer of data belonging to it.
4. A State Party may, by means of a confidential declaration addressed to the Secretary-General, object to data belonging to it being hosted on the territory of a State Party which it designates. The Organisation shall give effect to this without the declaration being brought to the attention of the designated State.
5. No data may transit through the territory of a non-Party State, unless it is subject to end-to-end encryption, the keys for which remain under the exclusive control of the Organisation.
6. The Independent Supervisor shall verify compliance with this Article annually and may order the immediate repatriation of data held in breach of this Article.

ARTICLE 29 – CONTINUITY

1. The Organisation shall maintain, within the territory of a State Party other than the host State, a continuity facility enabling the uninterrupted performance of the establishment of evidence, support for the judicial on-call service and emergency alert functions. This facility may be established at a branch office.
2. The continuity plan shall be approved by the Conference, tested at least once a year, and a report thereon communicated to the States Parties.
3. The judicial on-call service and alert systems may under no circumstances be interrupted for reasons relating to the seat, without prejudice to the recovery objectives and admissible data-loss limits set out in Annex XXI, which are binding.
4. In the event of the seat becoming unavailable, the Secretary-General shall activate the continuity facility and shall immediately inform the States Parties, the Independent Supervisor, the judicial officers listed in the register and the Oceanian Emergency Committee.
5. Data stored at the continuity facility shall enjoy the inviolability provided for in Article 26 and the protection provided for in Article 28.

ARTICLE 30 – ACCESS AND RESPECT FOR THE LAW OF THE HOST STATE

1. The host State shall grant facilities for entry, residence and movement to representatives of the States Parties, judicial officers listed in the register, the Independent Supervisor, members of the Oceanian Emergency Committee, the experts they engage and the staff of the Organisation, irrespective of their nationality.
2. It shall not in any way impede access to the facilities or the holding of sessions of the Conference.
3. Without prejudice to the privileges and immunities accorded to them, the Organisation and its Agents shall comply with the laws of the host State and shall refrain from any interference in its internal affairs.
4. The publication of reports provided for in this Treaty, including where they refer to the host State, shall not constitute interference and shall not give rise to any action against the Organisation or its Agents.
5. The Organisation shall at all times cooperate with the competent authorities of the host State with a view to facilitating the proper administration of justice and preventing any abuse of privileges and immunities.

TITLE IV – ORGANS AND GOVERNANCE

ARTICLE 31 – ORGANS OF THE ORGANISATION

1. The organs of the Organisation are: the Conference of States Parties, the decision-making organ; the Secretariat, the permanent administrative organ; the OMIFC Department, the organ responsible for observation, monitoring and the establishment of evidence; the Oceanian Emergency Committee (OEC), the crisis coordination organ; and the Independent Supervisor, the supervisory organ.

2. Each organ shall exercise only the powers conferred upon it by this Treaty and shall not encroach upon the powers of any other organ.

3. The functions of observation and establishment of evidence, administration, emergency coordination and supervision are carried out by separate organs. No single Agent may belong simultaneously to the OMIFC Department, the operational Oceanian Emergency Committee and the Independent Supervisor.

4. The register provided for in Article 133 is not an organ of the Organisation. The judicial officers listed therein remain members of the judiciary of the State which has registered them, adjudicate in its name and in accordance with its law, receive no instructions from any organ and are not Agents of the Organisation. Their acts shall not be attributable to the Organisation nor engage its responsibility.

5. The composition of each organ, the identity of its heads and any vacancies shall be communicated to the States Parties and made public.

6. Each organ shall adopt its own rules of procedure, which shall be submitted to the Conference for approval and published. The rules of procedure may not derogate from this Treaty.

7. The Organisation shall establish, organise and abolish the departments and services necessary for the performance of its functions, in particular in the fields of security, information systems and human rights. With the exception of the OMIFC Department, which is an organ within the meaning of paragraph 1, these departments and services shall not be organs. They shall exercise only those powers which this Treaty confers on the organs to which they report and shall respect the separation of functions provided for in paragraph 3. Their establishment, organisation and the internal governance of the Organisation shall be governed by the operating rules laid down by the Secretary-General, in accordance with Article 1, paragraph 7. These rules shall be published. They may not amend any approved rules of procedure or confer any powers not conferred by this Treaty, and are not subject to the approval of the Conference provided for in paragraph 6.

ARTICLE 32 – CONFERENCE OF STATES PARTIES – COMPOSITION AND SESSIONS

1. The Conference shall consist of one representative from each State Party, assisted by such alternates and advisers as he or she may designate. Associate members admitted pursuant to Article 180, paragraph 5, shall participate without the right to vote.

2. The credentials of representatives shall be submitted to the Secretariat at least thirty days before the opening of the session; the Conference shall rule on their validity at the beginning of each session.

3. It shall meet in ordinary session once a year, at the seat or at any other place it may determine.

4. It shall meet in extraordinary session at the request of one-third of the States Parties, the Secretary-General or the Chair of the Oceanian Emergency Committee, within sixty days of the request.

5. The first session shall be convened by the depositary within twelve months of the entry into force of this Treaty. It shall adopt the rules of procedure and approve the first budget.

6. The Conference shall elect a Chairperson and two Vice-Chairpersons for a term of one year, on a rotational basis ensuring balanced representation of the States Parties. The Chairperson may not be a national of the host State for two consecutive terms.

7. Sessions shall be open to the public. The Conference may meet in camera to consider matters relating to the security of systems, the location of facilities, the protection of persons or ongoing rescue operations. Debates concerning the report of the Independent Supervisor shall be open to the public.

ARTICLE 33 – CONFERENCE – DECISION-MAKING PROCEDURES

1. A quorum shall consist of a majority of the States Parties.
2. Each State Party shall have one vote, irrespective of its financial contribution or the extent of its maritime areas.
3. Decisions shall be taken by consensus. For the purposes of this Treaty, consensus means the absence of any formal objection raised in the meeting by a representative present; abstentions and silence shall not preclude consensus.
4. The decisions listed in Article 34 shall be taken only by consensus. In the absence of consensus, other decisions shall be taken by the majorities provided for in Article 35, with abstentions not being counted as votes cast.
5. Voting shall be by a show of hands, or by secret ballot where the vote concerns an appointment or removal, or at the request of a State Party.
6. Between sessions, a decision falling within the scope of Article 35 may be adopted by written procedure: the draft shall be deemed adopted if no objection is raised within forty-five days. Any State Party may, without giving reasons, request that the matter be referred to a session. Decisions falling within the scope of Article 34 may not be adopted in this manner.

ARTICLE 34 – DECISIONS REQUIRING CONSENSUS

1. The following require the consensus of the Conference: (a) amendments to Annexes I, II, III, VI, VII, VIII, XIX, XX, XXII and XXIII; (b) any amendment to the Charter of the OMIFC Department; (c) the admission of a State not bordering a maritime area of Oceania; (d) the dissolution of the Organisation; (e) the authorisation of a new category of technical means; (f) any decision involving the disclosure of data to a non-Party State; (g) the general rules on prior consent to foreign relief.
2. Consensus is understood to mean the absence of any formal objection from a State Party present. Where a decision alters a State's sovereign obligation, its express written acceptance is required.
3. The minutes shall record the consensus and reproduce any interpretative statements.

ARTICLE 35 – DECISIONS REQUIRING A QUALIFIED MAJORITY

1. The following require a two-thirds majority of the States Parties present and voting: (a) the adoption of the budget and the scale of contributions; (b) the appointment and removal of the Secretary-General and the Independent Supervisor; (c) the amendment of Annexes IV, V, IX to XVIII and XXI, subject to Article 185; (d) the establishment and dissolution of subsidiary organs; (e) the approval of international agreements and cooperation arrangements; (f) the criteria for prioritising resources; (g) the approval of the OEC's activity reports.
2. Any amendment to an annex that affects the sovereignty, national competences, fundamental rights, grounds for coercion or financial obligations of States shall be subject to the same procedure as that applicable to the main text of the Treaty.
3. Other decisions shall be taken by a simple majority of the States present and voting.

ARTICLE 36 – VOTING RIGHTS AND ARREARS

1. A State Party in arrears with contributions equal to or exceeding the amount of its contributions due for two years shall not take part in the vote.

2. The Conference may, however, authorise it to vote if it finds that the failure to pay is due to circumstances beyond its control, in particular a natural disaster or a major economic crisis.

3. The deprivation of the right to vote shall not affect any other rights arising from this Treaty, in particular the right of ownership over its evidence, the right to withdraw its consent, the right to restitution, the right to refer a matter to the judicial on-call service and the right to receive assistance from the Oceanian Emergency Committee.

4. The deprivation of the right to vote entails the deprivation of the right to block consensus. The State concerned shall be deemed to have abstained; its abstention shall not prevent the establishment of consensus. This paragraph shall apply without prejudice to Article 34, paragraph 2.

5. The Secretariat shall inform the State concerned six months before the deprivation takes effect, and shall propose a payment schedule to it.

ARTICLE 37 – POWERS OF THE CONFERENCE

1. The Conference shall:

   a) Adopt its rules of procedure and approve those of the other organs;

   b) Adopt the budget, the scale of contributions and the thresholds provided for in this Treaty;

   c) Appoint and remove the Secretary-General and the Independent Supervisor;

   d) Examine the annual report of the Independent Supervisor and decide on the action to be taken in response to any breaches found;

   e) Consider the Secretary-General's activity report, the report of the Oceanian Emergency Committee and the external audit report;

   f) Approve international agreements and cooperation arrangements;

   g) Establish subsidiary organs and determine their terms of reference;

   h) Adopt amendments to the annexes and transmit to the States Parties proposals for amendments to the main text of the Treaty;

   i) Determine the level of civil liability insurance and the terms and conditions of the Fund provided for in Annex IX;

   j) Record the effective establishment of the register provided for in Article 133;

   k) Lay down the prioritisation criteria provided for in Article 15 and the confidence level scale provided for in Title XIV;

   l) Define, on the proposal of the OMIFC Department, the thresholds for activating the Oceanian Emergency Committee;

   m) Exercise such other powers as are expressly conferred upon it by this Treaty.

ARTICLE 38 – LIMITS ON THE POWERS OF THE CONFERENCE

1. The Conference shall not exercise any judicial functions.

2. It does not hear any individual cases and may not vary, set aside or review a decision of an On-Call Judge.

3. It may not issue any instructions relating to a specific measure, a specific ship, a specific person or an ongoing rescue operation, the management of which falls exclusively to the States concerned, the Oceanian Emergency Committee exercising only a coordinating and liaising role.

4. It shall have no access to data provided by States Parties under Title XVI, nor to evidence established under Title XIV. Documents submitted to it shall be anonymised and aggregated, except for crisis reports drawn up with the

agreement of the affected States, which may contain operational data necessary for understanding the situation.

5. It may not impose any obligation on a State Party. Its decisions are binding only in cases where this Treaty expressly provides for such binding effect.

6. Any decision taken in breach of this Article shall be null and void; any State Party may invoke such nullity, and the Independent Supervisor may raise the matter of its own motion.

ARTICLE 39 – STATEMENT OF REASONS AND PUBLICATION OF DECISIONS

1. Decisions of the Conference shall state the reasons on which they are based where they relate to an appointment, a removal, a refusal of approval, the application of Article 36 or the consequences of a breach found to have occurred.

2. They shall be notified to the States Parties within thirty days and published, subject to any sessions held in camera.

3. The Secretariat shall maintain a compendium of the Conference's decisions, accessible to States Parties, judicial officers listed in the register, the Oceanian Emergency Committee and the Independent Supervisor.

4. Any decision shall enter into force on the date specified therein or, where no such date is specified, thirty days after its notification.

ARTICLE 40 – SUBSIDIARY ORGANS

1. The Conference may establish such subsidiary organs as are necessary for the performance of the functions set out in Article 10.

2. The instrument establishing such an organ shall specify its terms of reference, composition, duration, operating procedures and budget.

3. No subsidiary organ may be assigned powers exceeding those of the organ to which it reports, nor may it be assigned the powers of the Organisation as defined in Article 12.

4. The term of office of a subsidiary organ shall not exceed four years. It may be renewed only after the Conference has reviewed its usefulness and its results.

5. In the absence of an express decision to renew its mandate, the subsidiary organ shall be dissolved automatically and its records shall be transferred to the Secretariat.

6. The subsidiary organs shall report to the Conference at each ordinary session.

ARTICLE 41 – OCEANIAN EMERGENCY COMMITTEE

1. An Oceanian Emergency Committee, hereinafter referred to as the OEC, is hereby established as a permanent organ for the assessment, provision of information and inter-State coordination of emergencies.

2. The OEC shall comprise one principal representative and at least one alternate from each State Party, who may be contacted via the secure channel and via an out-of-band channel.

3. The chairmanship shall be exercised in accordance with Article 123. A crisis affecting several States shall result in a collegial chairmanship.

4. The OEC draws up a joint assessment, identifies needs, collects offers of assistance and facilitates their channelling to the relevant national authorities.

5. In the event of population displacement following a disaster, the OEC identifies the reception capacities of the States Parties, negotiates their mobilisation and submits a distribution plan within the timeframe set by the Conference of States Parties. This plan is binding on a State only with its consent.

6. Where resources are insufficient, the proposed allocation thereof shall follow Annex XXIII and give priority to the immediate safeguarding of lives, the isolation of populations, the extent of damage to or destruction of essential national capacities, the time required for access, and the absence of alternative solutions.

7. The OEC may not authorise access to the territory, waters, ports or aerodromes of a State. Such access requires the State's express consent or a prior authorisation in force.

8. The Secretary-General may recommend pre-positioning outside areas subject to the sovereignty of the affected State. He may not give consent on its behalf.

9. The OEC shall not designate any operational command without the express consent of the affected State. Resources shall remain under their national chain of command.

10. A legally competent sectoral institution, in particular an MRCC, RCC or national disaster management authority, retains operational primacy within its remit. OCNOL records and reports any differences in analysis without substituting itself for that institution.

11. The OEC shall report within thirty days of each activation.

ARTICLE 42 – PREVENTION OF CONFLICTS OF INTEREST

1. Persons holding a position within an organ shall declare any interest, direct or indirect, in any fishing, marine resource exploitation, maritime transport or marine insurance activity operating in the areas covered by this Treaty, as well as any connection with a person engaged in such an activity.

2. The declaration shall also cover interests held by the spouse, partner and dependent children.

3. The declaration is a condition of taking up office. It shall be renewed annually and whenever there is a change in circumstances.

4. It shall be made available to the Independent Supervisor. The declarations of the Secretary-General, the Independent Supervisor and the members of the Oceanian Emergency Committee shall be published.

5. The person concerned shall refrain from taking part in any deliberation, decision or operation in which their interest is at stake, and shall record this in the minutes.

6. Failure to make a declaration or participation despite a declared interest constitutes a breach within the meaning of Title XI and may result in removal from office.

7. No person may, within two years of ceasing to hold office, undertake any paid work with an undertaking referred to in paragraph 1 or with a service provider of the Organisation.

ARTICLE 43 – OBSERVERS

1. The Conference may admit as observers any non-Party State, any intergovernmental organisation, the Pacific Islands Forum Fisheries Agency, any regional fisheries management organisation, recognised international humanitarian organisations and any research institution.

2. An observer may attend public sessions and submit written comments. In the event of a crisis, the Oceanian Emergency Committee may invite technical observers (meteorologists, seismologists, humanitarian experts) to participate in its work without the right to vote.

3. They shall have no right to vote, no right to block consensus, and no access to data entrusted by the States Parties, unless expressly authorised in the context of a relief mission.

4. Observer status may be revoked at any time by the Conference, without giving reasons.

5. The list of observers is public.

ARTICLE 44 – EXTERNAL RELATIONS OF THE ORGANISATION

1. The Organisation may conclude non-binding cooperation arrangements with the entities referred to in Article 43.
2. Such arrangements shall be approved by the Conference and published.
3. No arrangement may entail the disclosure of data in contravention of Title XV or Title XVI, confer on the Organisation any competence not derived from this Treaty, or create any obligation on a State Party that has not approved it.
4. Any arrangement may be terminated by the Organisation at any time and as of right in the event of a breach by the other party.
5. The Organisation shall be represented by the Secretary-General in its external relations.

ARTICLE 45 – COOPERATION AND INSTITUTIONAL DECONFLICTION

1. OCNOL acts in a complementary manner with the Pacific Islands Forum, CROP, the FFA, the Pacific Community, SPREP, PacSAR, the MRCCs, the RCCs and other relevant institutions.
2. The legally competent sectoral authority retains operational primacy. OCNOL ensures continuity, authentication, interoperability, traceability and transmission.
3. Arrangements set out responsibilities, formats, classification levels, confidentiality rules and deconfliction procedures.
4. In the event of divergent analyses, OCNOL transmits both analyses, identifies their origin and limitations, and refers the matter to the competent national authority. It does not rule on any matter falling within the remit of an external sectoral mandate.
5. No data belonging to a State is disclosed without its consent or a prior authorisation in force.
6. The Conference assesses institutional complementarity every three years and may discontinue any activity that duplicates existing efforts.

ARTICLE 46 – TRANSPARENCY AND PUBLICATION

1. The Organisation shall publish its budget, accounts, audit reports, the Independent Supervisor's report, the decisions of the Conference and the list of institutional agreements.
2. It shall publish an annual register of voluntary contributions and donations, specifying the donor, the amount, the date, the authorised use and the outcome of the integrity check, subject to small anonymous donations authorised by the Financial Regulations.
3. It publishes anonymised statistics on warrants, measures, incidents, OEC activations, claims and compensation.
4. No publication shall contain personal data, classified information or any element that could be used to reconstruct a sensitive national capability.
5. Publications are produced in the official languages and retained for at least ten years.
6. In a crisis situation, public communication is the responsibility of the affected States. The Organisation shall comment only on the technical findings it has itself established, after informing the States concerned, in accordance with Article 26 and paragraph 4 of this Article, and without legally qualifying the facts. It shall publicly correct any erroneous information concerning it.

ARTICLE 47 – REGISTERS MAINTAINED BY THE ORGANISATION

1. The Secretariat shall maintain registers of consents, points of contact, judicial authorities, warrants transmitted, incidents, processing operations, Areas of Indeterminacy, safe ports, OEC activations and training courses.

2. It shall also maintain: a) national continuity certificates; b) prior authorisations for relief; c) confidential matrices of foreign military assets; d) offers and authorisations for deployment;

   e) donations and integrity checks; f) claims and compensation.

3. Operational and confidential registers are kept separate. Access to them is restricted to authorised personnel and is logged.

4. Any entry relating to an Area of Indeterminacy is purely informative and has no bearing on a claim.

TITLE V – SECRETARIAT, STAFF AND PROCUREMENT

ARTICLE 48 – THE SECRETARIAT

1. The Secretariat is the permanent administrative organ of the Organisation. It is headed by a Secretary-General, assisted by the necessary staff.

2. It is responsible for the safekeeping of documents, the maintenance of the registers provided for in Article 47, the circulation of information between national contact points, the provision of logistical support to the judicial on-call service, the translation of documents and the compilation of statistics.

3. It provides secretarial services for the Conference, the Oceanian Emergency Committee and subsidiary organs, draws up the minutes and maintains the compendium of decisions.

4. It shall not intervene in any way in the decisions of the On-Call Judges and shall have no knowledge of their deliberations.

5. In accordance with Article 56(2) and Annex IV, it retains documents relating to cases referred to the judicial on-call service, in particular referral documents, warrants, orders, official records and the record of their transmission. It does not retain the deliberations of the On-Call Judges or any other data relating to these cases beyond what is necessary for these documents and for maintaining the anonymised compendium.

6. In the event of a crisis, it shall provide ongoing logistical and technical support to the Oceanian Emergency Committee.

ARTICLE 49 – THE SECRETARY-GENERAL

1. The Secretary-General is appointed by the Conference for a four-year term, renewable once. Should the post become vacant before the end of the term, the vacancy shall be filled for the remainder of the term.

2. No person may be appointed if, within the preceding three years, they have held a senior management position in an undertaking referred to in Article 42, paragraph 1, or with a service provider of the Organisation.

3. The Secretary-General is the highest-ranking official of the Organisation. The Secretary-General represents the Organisation, directs the staff, implements the budget, prepares the sessions of the Conference and carries out its decisions. The Secretary-General determines the seat of the Organisation, establishes branch offices, allocates their functions, implements their voluntary transfer in accordance with Article 23 and concludes the agreements provided for in Article 24.

4. Each year, the Secretary-General shall submit to the Conference a report on activities and a statement on the implementation of the budget.

5. The Secretary-General shall inform the Conference and the Independent Supervisor without delay of any matter likely to compromise the performance of the Organisation's functions, in particular any security incident or any failure of the warning systems.

6. The Secretary-General may be removed from office only by the Conference, for serious breach of his or her duties or permanent incapacity. The decision shall state the reasons and the person concerned shall be heard beforehand.

7. In the event of a vacancy or incapacity, the interim duties shall be performed by the most senior official in the highest grade, for a period not exceeding twelve months.

ARTICLE 50 – INDEPENDENCE OF STAFF

1. The Secretary-General and the staff shall neither seek nor accept instructions from any government or from any authority outside the Organisation.
2. They shall refrain from any act incompatible with their status as international civil servants and may not engage in any other remunerated professional activity without authorisation.
3. Each State Party undertakes to respect this exclusively international character and not to seek to influence them in the performance of their duties.
4. Any attempt to exert influence shall be reported to the Independent Supervisor and mentioned in the Independent Supervisor's annual report, without naming the State concerned if the person making the report so requests.

ARTICLE 51 – STAFF REGULATIONS

1. The Staff Regulations, adopted by the Conference, set out the conditions of recruitment and employment, ethical obligations, the disciplinary regime and internal appeal procedures.
2. Recruitment shall be based on the requirements of competence, integrity and independence, taking into account the need for equitable geographical distribution amongst the States Parties and the need for experts in crisis management.
3. The Staff Regulations provide for a right of appeal to an independent international administrative tribunal, either within the Organisation or one whose jurisdiction the Organisation accepts, against any adverse individual decision, as well as the procedures for enforcing its decisions.
4. It sets out the confidentiality obligations incumbent on Agents, including after the termination of their service.
5. It sets out the conditions under which an Agent may be seconded by a State Party, as well as the safeguards ensuring that such secondment does not affect their independence.

ARTICLE 52 – PROTECTION OF WHISTLEBLOWERS

1. The Staff Regulations shall contain provisions protecting Agents who, in good faith, report a breach of this Treaty or the Charter.
2. No adverse action may be taken against them on account of their report, whether in the form of dismissal, disciplinary action, transfer, refusal of promotion or any change to their working conditions.
3. The burden of proof that any measure affecting the Agent is unrelated to the report lies with the Organisation.
4. The identity of the whistleblower shall not be disclosed without their written consent, unless there is a legal obligation from which no derogation is permitted; in such cases, they shall be informed in advance.
5. Protection extends to Agents who have facilitated the report and to those who have been heard as part of the investigation.
6. The report may be submitted directly to the Independent Supervisor, without going through the chain of command.

ARTICLE 53 – TRAINING OF THE ORGANISATION'S STAFF

1. Before taking up their duties, every Agent receives training on the provisions of this Treaty, in particular Titles IX, X and XIV, and on the emergency procedures of the Oceanian Emergency Committee.

2. This training is repeated every two years and whenever there is a significant change in technical means or crisis protocols.

3. A training register shall be maintained and provided to the Independent Supervisor.

4. No Agent may take part in the establishment of an item of evidence or the management of a crisis without having received this training, as evidenced in their file.

ARTICLE 54 – PROCUREMENT AND SERVICE PROVIDERS

1. Procurement contracts concluded by the Organisation shall comply with rules on competitive tendering, publicity, the prevention of conflicts of interest and remedies, as adopted by the Conference and published.

2. No contract may be awarded to an undertaking referred to in Article 42, paragraph 1, nor to any person linked to it by way of control, financing or management.

3. The tenderer shall declare the composition of its shareholding, the identity of its beneficial owners and any links to the maritime sector. A false declaration shall result in exclusion and termination without compensation.

4. Contracts shall include a clause providing for immediate termination in the event of a breach of Articles 13 and 26.

5. Contracts shall be made available to the Independent Supervisor, against whom business secrecy may not be invoked, and to any State Party which so requests.

6. The identity of the service providers and the subject matter of the contracts shall be published.

ARTICLE 55 – SUBCONTRACTING AND STAFF OF SERVICE PROVIDERS

1. Subcontracting is subject to the prior written authorisation of the Organisation, which shall verify that the subcontractor meets the requirements of Article 54.

2. The staff of service providers working on the Organisation's premises shall be subject to the same confidentiality obligations as its Agents.

3. They shall have access to data only to the extent strictly necessary for the performance of their duties, under the supervision of an Agent of the Organisation, and shall not carry out any analysis or characterisation.

4. Any access by a service provider's staff member is logged by name.

5. The Organisation remains solely responsible for the actions of its service providers vis-à-vis the States Parties and third parties.

ARTICLE 56 – ARCHIVES

1. The Organisation shall establish and maintain archives comprising the records of its organs, registers, contracts, reports and documents relating to evidence and managed crises.

2. Judicial archives, namely referrals, warrants, orders, official records and the record of their transmission, shall be kept separately and in accordance with the provisions of Annex IV. The deliberations of On-Call Judges are not included in these records: they are governed exclusively by the law of the State to which the judge belongs.

3. Retention periods are set by the Conference, published and differentiated according to the nature of the documents.

4. The archives shall be accessible to the Independent Supervisor without restriction, and to the States Parties under the conditions laid down by the Conference.

5. In the event of dissolution, the judicial archives and crisis data shall be transferred in accordance with the procedures laid down in Article 22, following the return of items belonging to the States Parties.

6. Any document produced by the Organisation, in particular its reports, findings, alerts, referrals and notifications, shall be archived. Upon registration, it shall be assigned a level of confidentiality appropriate to its nature and the circumstances, in accordance with the classification established by the Conference. This level shall be reviewed once the circumstances that justified it have ceased to exist.

ARTICLE 57 – ADMINISTRATIVE CONTINUITY

1. The Secretariat shall draw up and maintain an administrative continuity plan, separate from the technical plan provided for in Article 29.
2. The plan identifies the functions for which any interruption shall not exceed twenty-four hours, foremost among which are support for the judicial on-call service and support for the Oceanian Emergency Committee.
3. It shall be approved by the Conference, tested annually, and a report thereon communicated to the States Parties.
4. In the event of a crisis, the Secretary-General shall immediately inform the national contact points, the Independent Supervisor, the Oceanian Emergency Committee and the judicial officers listed in the register of the functions affected and the expected duration.

TITLE VI – RESOURCES, ACCOUNTS AND FINANCIAL RESPONSIBILITY

ARTICLE 58 – FINANCIAL YEAR AND BUDGET

1. The Organisation's financial year shall be annual.
2. The budget, prepared by the Secretary-General and adopted by the Conference, shall distinguish between the operating budget, the budget of the Independent Supervisor, the budget of the Oceanian Emergency Committee and the allocations to each of the sub-funds of the Fund provided for in Annex IX.
3. The draft budget shall be communicated to the States Parties sixty days before the session.
4. The budget for the Independent Supervisor and that allocated to the emergency operations of the Oceanian Emergency Committee shall be entered separately and may not be amended by the Secretary-General; any reduction from one financial year to the next shall be justified to the Conference.
5. Where the budget has not been adopted before the start of the financial year, expenditure shall be incurred on a monthly basis up to a limit of one twelfth of the previous budget.

ARTICLE 59 – CONTRIBUTIONS BY STATES PARTIES

1. Resources shall derive from the compulsory contributions of States Parties, voluntary contributions and resources derived from services rendered.
2. The scale of compulsory contributions shall take account of the capacity of each State Party to contribute, assessed in accordance with objective criteria laid down by the Conference and reviewed every three years.
3. Contributions shall be due on the first day of the financial year and shall be paid within six months.
4. No decision of the Conference, no operational priority and no access to the Organisation's services, including assistance from the Oceanian Emergency Committee, shall be made conditional upon a State's contribution.
5. The Conference may agree on a payment schedule with a State Party that so requests.

ARTICLE 60 – SOURCE, INTEGRITY AND NEUTRALITY OF RESOURCES

1. The Organisation may receive compulsory or voluntary contributions from States, inter-State donations, and grants from the United Nations, international organisations, public financial institutions, foundations, natural persons and private entities.

2. No resources may confer a right to vote, operational priority, access to data, influence over an analysis, the selection of an area or a decision on relief operations.

3. Resources shall be refused if they originate from a sanctioned person, an unlawful activity, a donor whose identity or beneficial owner may not be established, or an entity with a direct conflict of interest with the purpose being funded.

4. Donations from actors in the industrial fishing, marine mining, maritime transport, armaments or surveillance sectors, or in the technologies used by OCNOL, are prohibited where they create a real or apparent conflict of interest. The Independent Supervisor may impose a refusal or segregation measures.

5. Any contribution exceeding the threshold set by the Conference is subject to checks relating to sanctions, anti-money laundering, beneficial ownership, the source of funds and conflicts of interest.

6. A contribution may be allocated to a general category, such as relief, resilience, data or compensation. It may not be allocated to an operation targeting a specific State, ship or individual.

7. Any tax benefit associated with a donation depends exclusively on the law of the donor's jurisdiction. OCNOL does not guarantee any tax deduction and does not present itself as a non-governmental organisation.

8. A foundation or affiliated charitable organisation may be established separately to receive donations that may be eligible for tax relief. It is not involved in OCNOL's governance, operations or data. Any transfer to OCNOL takes the form of a monitored and publicly disclosed grant.

9. Funding agreements concluded with the UN or an international organisation specify the expected outcomes, audit and reporting rules, without derogating from the sovereignty of States or the independence of OCNOL.

10. Any irregular funds are refused or returned. Any breach is reported to the Independent Supervisor.

ARTICLE 61 – ACCOUNTS AND AUDIT

1. The accounts are kept in accordance with internationally recognised accounting standards.

2. They are subject to an annual independent external audit, the auditor for which is appointed by the Conference for a non-renewable term of three years.

3. The audit report is communicated unaltered to all States Parties and published. The Secretary-General's observations are annexed to it and shall not delay its publication.

4. The auditor shall have access to all documents, including the contracts referred to in Article 54.

5. Any reservations expressed by the auditor shall automatically be included on the agenda of the next session.

ARTICLE 62 – FINANCIAL CONTINUITY

1. The operational continuity sub-fund of the Fund provided for in Annex IX shall ensure the continuity of the judicial on-call service, the preservation of evidence and the emergency operations of the Oceanian Emergency Committee for at least twelve months in the event of a shortfall in revenue.

2. This sub-fund is exempt from attachment. Its resources may not be transferred to another sub-fund where such a transfer would reduce it below the minimum level specified in Article 4 of Annex IX.

3. It is funded by a share of the net result of each financial year, as determined by the Conference, until the required level is reached.

4. Any withdrawal from this sub-fund shall be justified, notified to the States Parties and mentioned in the audit report.

ARTICLE 63 – FINANCIAL GUARANTEE AND THIRD-PARTY CLAIMS

1. The civil liability insurance provided for in Article 21 shall be taken out with an institution established in the territory of a State Party or a State recognising the Organisation's legal personality.

2. A creditor holding a final decision or an award rendered pursuant to Title XXVI shall claim payment from the insurer to the extent provided for by the policy and by the law applicable to it. The uncovered portion shall be dealt with in accordance with Article 21, paragraphs 5 and 6.

3. Should the Independent Supervisor find that the cover is insufficient, this shall automatically be placed on the agenda of the Conference, which shall decide on corrective measures within thirty days.

4. The Organisation may not reduce the level of cover during the financial year.

5. This Article shall not preclude the taking out of supplementary insurance.

ARTICLE 64 – RECOVERY AND USE OF FUNDS

1. The resources derived from services rendered shall be used exclusively for the fulfilment of the Organisation's objectives and shall not give rise to any distribution.

2. Sums due to the Organisation under the ship custody and transfer costs sub-fund of the Fund provided for in Annex IX shall be recovered by the Secretariat and accounted for separately.

3. No variable remuneration linked to the number of findings, warrants, convictions or crises managed may be paid to an Agent or a service provider.

4. Paragraph 3 shall also apply to contracts concluded with suppliers of technical means.

5. Funds recovered in respect of compensation for environmental or humanitarian damage shall be allocated as a matter of priority to the restoration of marine ecosystems or to the compensation of victims, in accordance with the decisions of the affected States and the competent courts.

ARTICLE 65 – TAX AND CUSTOMS IMMUNITIES

1. The Organisation, its assets, income and operations shall be exempt from all direct taxes and customs duties on goods imported for its official use, subject to the conditions specified in the headquarters agreement.

2. It shall not be exempt from taxes corresponding to remuneration for services actually rendered.

3. It may hold funds and foreign currency of any kind, transfer them freely and shall not be subject to any exchange controls that would impede the performance of its functions, particularly in the event of a humanitarian emergency.

4. Goods imported duty-free may be disposed of within the territory of the host State only on terms agreed with the host State.

ARTICLE 66 – FINANCIAL ACCOUNTABILITY

1. The Secretary-General shall report on the implementation of the budget to the Conference at each ordinary session.

2. The Secretary-General shall bring to the attention of the Conference any overspend exceeding five per cent of a budget line and any new multi-year commitment.

3. Transfers between budget lines are subject to the rules laid down by the Conference and are detailed in the implementation report.

4. The Conference shall grant or refuse discharge in the light of the audit report; any refusal to grant discharge shall be reasoned and published.

ARTICLE 67 – LANGUAGES

1. The official languages of the Organisation are French and English.

2. The Conference may add others, taking into account the working languages of the States Parties and the needs of the judicial on-call service and relief operations.

3. Texts drawn up in the official languages shall be equally authentic.

4. The Secretariat shall ensure that the documents required for the judicial on-call service and the operations of the Oceanian Emergency Committee are translated as soon as possible; translation shall not affect the validity of a document or the running of time limits in life-threatening emergencies.

5. Persons affected by a measure or a rescue operation are entitled to interpretation in accordance with the provisions of Title IX, regardless of the language used.

TITLE VII – PRIVILEGES, IMMUNITIES AND COOPERATION WITH STATES

ARTICLE 68 – IMMUNITY FROM JURISDICTION AND ENFORCEMENT

1. The Organisation, its property and assets shall enjoy the immunity necessary for the independent exercise of their functions.

2. Immunity may not be invoked before the claims mechanism provided for in Annex XXII, nor to prevent the enforcement of a final decision relating to civil liability insurance.

3. The Secretary-General shall waive immunity where such immunity would impede the course of justice and where such waiver does not compromise an essential function of the Organisation. The refusal shall be reasoned and subject to review by the Independent Supervisor.

4. Waiver of immunity from jurisdiction shall not entail waiver of immunity from enforcement unless such waiver is expressly stated.

5. Property necessary for emergency response, the preservation of evidence and continuity shall remain exempt from seizure.

ARTICLE 69 – IMMUNITIES OF REPRESENTATIVES, JUDICIAL OFFICERS AND EXPERTS

1. Representatives of States Parties shall, in the performance of their duties and whilst travelling to and from the venue of the meeting, enjoy personal inviolability, immunity from jurisdiction for acts performed in that capacity and the inviolability of their documents.

2. The Independent Supervisor and the experts whom he or she engages shall enjoy the privileges and immunities necessary for the independent performance of their duties.

3. Independent experts called upon to take part in proceedings initiated under this Treaty, other than those referred to in paragraph 2, shall enjoy immunity from jurisdiction solely in respect of acts performed in the course of their duties. The enjoyment of this immunity is subject to the declaration of interests provided for in Article 42; it shall be waived in accordance with the conditions set out in Article 71.

4. Judicial Officers listed in the register, when performing a function under this Treaty, shall, in relation to States Parties other than the one which listed them, enjoy immunity from jurisdiction in respect of acts performed in that capacity.

5. Members of the Oceanian Emergency Committee, whilst on a crisis coordination mission, shall enjoy the same immunities as representatives of States Parties in respect of acts performed in the exercise of their functions.

6. Immunity shall continue after the termination of duties in respect of acts performed whilst in office.

7. The immunity granted to a judicial officer shall not preclude the remedies available against his or her decisions under Title XIX.

ARTICLE 70 – IMMUNITIES OF STAFF

1. The staff of the Organisation shall enjoy immunity from jurisdiction in respect of acts performed in the exercise of their duties, exemption from tax on salaries paid by the Organisation, and the repatriation facilities accorded to staff of international organisations.
2. The Organisation shall issue its Agents with a laissez-passer, which the States Parties shall recognise and accept as a valid travel document, in particular for emergency missions.
3. Agents shall not enjoy any immunity in respect of offences unrelated to the performance of their duties, in particular in relation to road traffic.

ARTICLE 71 – WAIVER OF IMMUNITIES

1. Immunities are granted in the interests of the Organisation and not for the personal benefit of the persons concerned.
2. The Secretary-General shall waive immunity whenever it would impede the course of justice and provided that such waiver does not prejudice the interests of the Organisation. Any refusal to waive immunity shall be reasoned and communicated to the Independent Supervisor.
3. The immunity of the Secretary-General and that of the Independent Supervisor shall be waived by the Conference.
4. The immunity of a judicial officer listed in the register shall be waived by the State which has listed him or her, in accordance with its domestic law.
5. The Organisation shall cooperate at all times with the competent authorities of the States Parties with a view to facilitating the proper administration of justice and preventing any abuse of privileges and immunities.

ARTICLE 72 – NAME, EMBLEM AND UNLAWFUL ASSUMPTION OF CAPACITY

1. The name and emblem of the Organisation may not be used without its written authorisation.
2. No person may claim to be an Agent of the Organisation, a member of the Oceanian Emergency Committee or to hold a mandate from the Organisation without having been authorised to do so in accordance with this Treaty.
3. Each State Party shall, in accordance with its domestic law, punish the unlawful assumption of such a capacity and the unauthorised use of the name or emblem.
4. The Organisation shall publish the distinctive signs of its Agents, its assets and the emergency vehicles coordinated by the Oceanian Emergency Committee, so as to enable their verification.

ARTICLE 73 – GENERAL OBLIGATION OF STATES PARTIES TO COOPERATE WITH THE ORGANISATION

1. States Parties shall cooperate in good faith with the Organisation and facilitate the performance of its functions.
2. They shall provide the Organisation with the information necessary for the fulfilment of its objectives, within the limits they set.
3. They shall refrain from any measure likely to impede its operation, in particular any measure affecting access to its facilities or the free movement of its staff, especially during rescue operations.
4. The right to refuse to provide information on grounds of security, essential interests or the confidentiality of an investigation is governed by Article 114.

ARTICLE 74 – MEASURES UNDER DOMESTIC LAW

1. Each State Party shall adopt the legislative, regulatory and administrative measures necessary for the implementation of this Treaty.

2. It shall inform the Secretariat thereof upon deposit of its instrument, and subsequently whenever there are any changes.

3. These measures shall relate, in particular, to the legal capacity of the Organisation, the designation of the national contact point, the inclusion of authorities or judicial officers in the register provided for in Article 133, the procedures by which the On-Call Judge receives the referral provided for in Article 135, either directly or through the service responsible for submitting it to the judge, the recognition of the maritime warrant, the punishment of the acts listed in Annex II, the punishment of the unlawful assumption of capacity, and the implementation of the prior authorisations and relief facilities provided for in Title XVII.

4. The absence of these measures may not be invoked by a State Party to justify its failure to fulfil its obligations.

5. The Secretariat shall publish a comparative statement of the measures taken, without making any assessment.

ARTICLE 75 – ASSISTANCE TO STATES PARTIES

1. The Organisation shall, upon request, provide technical and legal assistance to States Parties in the development of the measures provided for in Article 74.

2. It shall take into account the particular needs of small island developing States.

3. Assistance shall be provided without consideration and shall not create any dependency or make access to the Organisation's services, including emergency assistance, conditional.

4. The model legislation and guidelines drawn up by the Organisation shall not be binding.

PART TWO – THE GUARANTEES

TITLE VIII – OCNOL INFORMATION SYSTEM, DATA CENTRE AND LEGAL MEMORY

ARTICLE 76 – PRINCIPLE AND PURPOSE

1. The Organisation shall have an autonomous institutional information system intended exclusively for the fulfilment of its purpose and the tasks defined by this Treaty.
2. This system ensures, within the limits of this Treaty, the receipt, storage, security, correlation, technical processing, transmission and, where legally required, the deletion of information relevant to maritime surveillance, the prevention of natural hazards, assistance and rescue, the protection of populations, the conservation of ocean resources and judicial cooperation.
3. The existence of the information system does not confer upon the Organisation any general powers of policing, domestic intelligence, prosecution or adjudication.
4. All data is processed in accordance with the principles of purpose limitation, proportionality, traceability and data minimisation.

ARTICLE 77 – OCNOL INTERNATIONAL DATA CENTRE

1. The Organisation shall establish, own and operate an International Data Centre, hereinafter referred to as the 'OCNOL Data Centre', which shall be placed under its institutional authority.
2. The Data Centre constitutes a permanent infrastructure of the Organisation. It may comprise a main site, one or more continuity sites and redundant technical facilities located within the territory of States Parties.
3. The facilities of the Data Centre are subject to the guarantees of inviolability, continuity, security and control provided for in this Treaty.
4. The Data Centre may not be used for commercial or military purposes, or for purposes unrelated to the Organisation's objectives.
5. The Organisation retains technical and institutional control over its systems, cryptographic keys and access policies, subject to the rights recognised for States Parties in respect of the data they have transmitted to it.

ARTICLE 78 – RIGHT OF ACCESS TO NATIONAL INFORMATION

1. Each State Party shall designate one or more competent authorities authorised to transmit to the Organisation information falling within the Organisation's mandate.
2. States Parties recognise the Organisation's right, conferred by this Treaty, to obtain the information necessary for the fulfilment of its tasks, subject to the limitations set out in this Treaty.
3. This right does not constitute a right to intrude into national computer systems. Access shall be provided by transmission, secure interface, authorised request or any other mechanism agreed with the competent national authority.
4. The State retains control over its infrastructure, systems, classifications and source data.
5. In the event of a serious and imminent danger to human life, the State Party shall, to the extent permitted by its domestic law, implement an emergency procedure allowing for the immediate transmission of information strictly necessary for rescue or for the prevention of the danger.
6. The technical arrangements are set out in Annex I.

ARTICLE 79 – SOVEREIGNTY AND OWNERSHIP OF DATA

1. The transmission or storage of data by the Organisation shall not entail any transfer of sovereignty, ownership or jurisdiction.
2. The data shall remain linked to its source and to the authority bearing legal responsibility for it, unless otherwise expressly provided for in this Treaty.
3. The Organisation may not disclose to a non-Party State, an external organisation or a third party any data belonging to a State Party without the authorisation of that State, unless expressly provided for in this Treaty or in the event of a duly established life-threatening emergency.
4. Any restrictions on the use, dissemination and retention of data lawfully imposed by the transmitting State shall be recorded and complied with.
5. The protection of sovereignty shall not preclude the temporary retention of data where a competent judicial authority has ordered its preservation.

ARTICLE 80 – OCNOL FILE

1. Where an event falls within the Organisation's mandate, an OCNOL file may be opened under a unique and permanent identifier.
2. The file may aggregate information from several States Parties, satellite systems, maritime sensors, surveillance systems, emergency response systems, environmental data and authorised sources.
3. The file shall at all times distinguish between source data, technical findings, analysis, hypotheses and decisions by a competent authority.
4. The Organisation documents coverage limitations, uncertainties and contradictions between sources.
5. The opening of an OCNOL file does not constitute the initiation of criminal proceedings or an acknowledgement of the guilt of any person.

ARTICLE 81 – PRESERVATION AND INTEGRITY

1. Any data likely to be useful in judicial proceedings is preserved in accordance with a complete chain of custody from the moment of its receipt or capture.
2. The Organisation stores the source data separately from any derived or processed data.
3. Every operation involving access, copying, transformation, transmission or deletion is logged.
4. Digital integrity, time-stamping, provenance and metadata are preserved in accordance with Annex IV.
5. Any data whose integrity or provenance may not be established shall be presented as such and may not be artificially reclassified as conclusive evidence.

ARTICLE 82 – TRANSMISSION TO THE COMPETENT AUTHORITY

1. The Organisation shall, without delay, transmit to the competent national authority any information at its disposal where such information is relevant to proceedings falling within the jurisdiction of a State Party.
2. The Organisation characterises facts. It does not legally qualify them, does not decide on the appropriateness of prosecution and does not act in place of the national courts. It is for the competent authority to decide, in accordance with its own law, whether these facts constitute an offence.
3. The file transmitted shall include, where necessary, the metadata, the chain of custody, the limits of reliability and any exculpatory evidence available to the Organisation.
4. The national authority remains free to assess the probative value of the evidence in accordance with its own law.

5. The procedures for secure transmission and interoperability are set out in Annex I and, in relation to evidence, in Annex IV.

ARTICLE 83 – CLOSURE, RETURN, DELETION AND ANONYMISATION

1. Where the national proceedings are definitively closed, the competent State shall notify the Organisation of the closure, the reference of the final decision, the outcome of the proceedings and the disposition of the evidence transmitted by the Organisation. The outcome shall be classified as one of the following categories: conviction, acquittal, dismissal of the case (non-lieu), discontinuance (classement), lifting of the measure (mainlevée), or annulment of the warrant. The evidence shall be indicated as having been admitted, excluded or not examined; where it has been excluded, the State shall indicate whether its reliability or the identification of the ship or person has been called into question. The notification shall not include the grounds for the decision or any details of the deliberations.
2. Subject to any legal or judicial obligation to retain data, operational data that is no longer required shall be returned to its owner, deleted or anonymised in accordance with the rules set out in Annex I.
3. Deletion is irreversible in operational systems and is subject to verifiable certification.
4. No deletion may take place where a competent court has ordered retention, where an appeal is pending, or where another retention obligation provided for in this Treaty remains in force.
5. The temporary retention of data after closure shall be limited to the duration and purpose justifying it.

ARTICLE 84 – INSTITUTIONAL LEGAL MEMORY

1. Upon the closure of a case, the Organisation shall retain a minimal institutional record which, on its own, does not permit the reconstruction of the deleted operational data.
2. This record shall include: the case identifier, the date and location of the event, its category, the competent State, the judicial authority to which the matter was referred, the reference of the final decision, the outcome of the proceedings, the disposition of the evidence transmitted by the Organisation and the closure status, as notified in accordance with Article 83, paragraph 1.
3. Where permitted by applicable law, the record includes a reference to the public decision or to the official register of the competent court. The Organisation retains the full text of a decision only where it is public.
4. Each year, the Secretariat compiles, on the basis of these records, anonymised reliability statistics detailing the number of alerts, warrants requested and issued, the outcomes of proceedings, the evidence admitted or excluded, warrants annulled and ships returned. These statistics are published alongside the Independent Supervisor's report. They relate to the Organisation's activities and do not constitute an assessment or ranking of States, jurisdictions or judicial officers. No data is broken down by jurisdiction where the number of cases concerned falls below the anonymity threshold set by the Conference of States Parties.
5. The institutional memory does not constitute a permanent intelligence file on individuals. It contains no details of the judges' deliberations.

ARTICLE 85 – SECURITY, COMPARTMENTALISATION AND LOGGING

1. The Organisation's systems are compartmentalised according to the nature, sensitivity and purpose of the data.
2. Access is attributed to named individuals, authenticated, restricted to a need-to-know basis and logged.
3. Access logs are protected against tampering and retained for a period at least equal to that of the data they document, unless more protective provisions apply.
4. Any incident likely to compromise the confidentiality, integrity or availability of data shall be reported without delay to the relevant owner State and to the Independent Supervisor.

5. Continuity facilities are subject to the same requirements as the main site.

ARTICLE 86 – EMERGENCY RETENTION

1. At the request of a State Party, a competent judicial authority or in the circumstances expressly provided for in this Treaty, the Organisation may carry out the immediate retention of data for the period strictly necessary to determine its recipient, its purpose or the applicable procedure.
2. Emergency retention does not permit any secondary use of the data.
3. Any emergency retention shall be recorded, specifying its origin, justification, duration and outcome.
4. Unless the necessity for retention is confirmed within the applicable time limit, the data shall be returned, deleted or anonymised in accordance with Annex I.

ARTICLE 87 – SUPERVISION, REMEDIES AND SAFEGUARDS

1. The Independent Supervisor shall monitor the compliance of the Organisation's information system with this Treaty and Annex I.
2. He or she may verify access logs, retention and deletion procedures, security measures and data transfers.
3. Any State Party may request an audit of the data belonging to it.
4. Any person whose rights are affected by data processing may exercise the remedies provided for in this Treaty and applicable law.
5. The findings of the Independent Supervisor shall be communicated to the State concerned and, where they are of a systemic nature, to the Conference.
6. Nothing in this Title shall be construed as conferring on the Organisation a general power of surveillance over the population.

TITLE IX – PROTECTION OF FUNDAMENTAL RIGHTS

ARTICLE 88 – SCOPE OF GUARANTEES

1. The guarantees set out in this Title shall apply to any measure taken pursuant to this Treaty, whatever its basis, whatever State implements it and wherever it is implemented, including on the high seas and during rescue operations.
2. No provision of this Treaty or of any additional protocol may be interpreted as derogating from these guarantees.
3. They are in addition to the guarantees recognised by the domestic law of each State Party and by the international instruments to which it is a party, without in any way restricting them.
4. They shall apply irrespective of the nationality of the persons concerned, the flag of the ship, the nature of the alleged offences or the existence of an emergency.
5. No exceptional circumstances, state of emergency, natural disaster or security considerations may be invoked to derogate from them.
6. Any failure by an organ of the Organisation to comply with this Title falls within the scope of Title XI; where committed by a State Party, it engages that State's responsibility and constitutes grounds for refusal to comply as provided for in Title XXV.

ARTICLE 89 – TREATMENT OF PERSONS

1. Any person on board or rescued at sea shall be treated humanely and with respect for their dignity.
2. Torture and cruel, inhuman or degrading treatment or punishment are prohibited in all circumstances.
3. Account shall be taken of the particular vulnerability of minors, pregnant women, the sick, the injured and survivors of disasters, who shall be provided with appropriate care and accommodation.
4. Persons detained or rescued shall be provided with food, shelter and the care required by their condition, at the expense of the Executing State or, in the event of a rescue, in accordance with the procedures laid down by the Oceanian Emergency Committee.
5. Men, women and minors shall be kept separate where practical conditions permit.
6. No measure may be taken with the aim of compelling a person to make a statement or to waive a right.
7. No person may be detained on board or ashore for longer than is strictly necessary for the purposes of making findings concerning them or for their medical evacuation. Any person detained with a view to criminal proceedings shall be brought before a judge of the Executing State as soon as possible, and at the latest upon arrival ashore, in accordance with Article 9(3) of the International Covenant on Civil and Political Rights. The duration of transit shall be limited to the time required for transport to the nearest safe port designated in accordance with Article 159.

ARTICLE 90 – INFORMATION, ASSISTANCE AND INTERPRETATION

1. Every person shall be informed without delay, in a language they understand, of the reason for the measure or the nature of the assistance provided, the authority which ordered or coordinated it, its expected duration and the available remedies.
2. They shall be entitled to the assistance of a legal adviser of their choice or, failing that, one appointed by the court, as well as to a free interpreter.
3. They have the right to notify their family and the consular authorities of their country of nationality without delay, and to communicate with them.
4. The master shall be informed of the reference number of the warrant, its scope and its duration, and shall receive a copy thereof.
5. The exercise of these rights shall be recorded in the official record; any refusal or practical impossibility of exercising them shall be reasoned and brought to the attention of the On-Call Judge or the coordinator of the Oceanian Emergency Committee.

ARTICLE 91 – EFFECTIVE REMEDY

1. Any person shall have an effective remedy before a court against any measure taken in respect of them pursuant to this Treaty.
2. The remedy may be exercised from the ship, by any means leaving a written record. The Executing State shall provide the material means for its exercise, including access to a means of communication.
3. It shall be examined as soon as possible. Failure to reach a decision within a reasonable time shall give rise to a right to reparation.
4. Any obstruction of the exercise of the remedy constitutes a breach of this Treaty and, where attributable to the Organisation, falls within the scope of Title XI.
5. No person shall suffer any prejudice as a result of exercising a remedy.

ARTICLE 92 – REPARATION DUE TO PERSONS

1. Any person who has suffered harm as a result of an unjustified measure, a fault in the processing of data or gross negligence in the organisation of rescue operations may claim reparation.
2. The responsibility of the issuing State, the Executing State and OCNOL shall be determined in accordance with their respective acts and Article 20.
3. The claim may be submitted to the complaints mechanism set out in Annex XXII without prejudice to national remedies.
4. Reparation covers directly established personal injury, property damage, economic loss and non-pecuniary damage.
5. An advance payment may be granted where serious bodily injury and the link to the operation are evident.
6. Compensation payable to individuals takes precedence over claims by States and other expenditure of the Fund provided for in Annex IX.
7. The privileges and immunities provided for in Article 17 shall not preclude the examination of a claim or the implementation of the reparation mechanism established by Articles 20 and 21 and by Annex XXII. They may not be invoked to exempt the Organisation from the reparation mechanism provided for in this Treaty where the conditions for its liability are met.
8. In respect of a person who has suffered loss as a result of the enforcement of a maritime warrant, the Executing State is the primary obligor for reparation. It shall have a full right of recourse against the issuing State where the damage arises from the basis, legality, scope or duration of the warrant, and against the Organisation in accordance with the conditions set out in Article 20 and Annex XXII. This paragraph does not affect the allocation of responsibility provided for in paragraph 2 and in Article 142, paragraph 6.

ARTICLE 93 – NON-REFOULEMENT AND SAFEGUARDING OF HUMAN LIFE

1. No person shall be returned to a State where they would face a real risk of torture, inhuman or degrading treatment, persecution or a serious threat to their life or liberty.
2. The obligations to assist persons in distress at sea take precedence over any measure taken pursuant to this Treaty. No law enforcement operation may be conducted or continued to the detriment of rescue operations.
3. Any person expressing a need for international protection shall be referred without delay to the relevant procedure of the Receiving State and shall not be returned to the State which they identify as the source of the risk.
4. The existence of the risk shall be assessed on a case-by-case basis, having regard to the personal circumstances of the person concerned.
5. Crew members who are victims of trafficking, forced labour or abandonment shall benefit from the assistance and protection measures provided for under the law of the Receiving State, and shall not be prosecuted for their unauthorised entry into its territory or for acts they were compelled to commit.
6. The evacuation of populations to a State Party following a disaster does not constitute unauthorised entry. The State of first reception shall, without delay, provide shelter, care and subsistence for the evacuees, in accordance with its national reception declaration set out in Annex XXIII.
7. The activation of the OEC in response to a disaster resulting in population displacement triggers the principle of shared solidarity. Every evacuee is entitled to a place of reception and care, which the States Parties shall provide jointly.
8. Each State Party shall contribute to this solidarity, as it sees fit, by providing reception, resources or a financial contribution. The financing, allocation and capping of costs are governed by Article 11 of Annex IX.

ARTICLE 94 – CONTINUITY OF THE STATE AND PERMANENT DISPLACEMENT

1. The States Parties recognise that the submergence, destruction or uninhabitability of all or part of the territory of a State Party, or the inability of that State to effectively exercise its governmental functions within its borders, resulting from a natural or accidental event, in particular an earthquake, rising sea levels or the impact of a celestial body, does not affect its status as a State, its sovereignty, its maritime zones established and notified in accordance with international law, or the rights and obligations arising therefrom.
2. The State concerned shall continue to exercise its rights under this Treaty through the authorities designated in its certificate of continuity provided for in Article 123 and Annex XXIII, wherever they may be located. These authorities shall succeed one another in accordance with the order of subsidiarity set out in the certificate, down to the public official of the lowest rank authorised to represent that State.
3. At the request of the State concerned, OCNOL shall preserve, in a time-stamped and tamper-proof form, in accordance with Article 110, paragraph 5, and Annex IV, the coordinates of its baselines and maritime zones, its civil status and nationality registers, its land registry, its public archives and any other items it designates. These items remain the exclusive property of that State and shall be disclosed only with its consent.
4. The permanent relocation of populations is governed exclusively by agreements concluded between States. At the request of the State concerned, the OEC identifies States willing to conclude such agreements and facilitates contact between them. It is not a party to any of these agreements.
5. Permanent displacement does not in itself entail either the loss of nationality of the State of origin or statelessness.
6. This article does not apply to situations where governance is impossible as a result of a change of government, an armed conflict or internal unrest. In accordance with the principle of non-intervention in the internal affairs of States, neither OCNOL nor any of its organs shall take a position on the legitimacy of a State's authorities, in accordance with Article 123, paragraph 7.

TITLE X – PERSONAL DATA

ARTICLE 95 – PRINCIPLES AND LIMITS OF PROCESSING

1. The Organisation shall not maintain any file on persons. It shall not carry out any biometric recognition or systematic matching of identities, except strictly within the context of a rescue operation to identify victims or missing persons.
2. Personal data shall be processed only where necessary to establish specific evidence, in the context of an open case, for the management of a humanitarian crisis, and for the duration of that case or crisis.
3. It is neither cross-referenced for other purposes, nor used for profiling, nor retained beyond this period.
4. Processing is limited to data that is strictly necessary. Data relating to persons unrelated to the facts or the crisis is excluded as soon as they are identified as such, and their exclusion is recorded.
5. Such data is disclosed only to the Injured State, the flag State or the relevant emergency services. No transfer to a non-Party State or to a private entity is permitted, on whatever grounds, unless explicitly agreed upon in the context of a humanitarian operation.
6. Each processing operation is recorded in a register made available to the Independent Supervisor, specifying the purpose, the categories of data, the recipients and the retention period.

ARTICLE 96 – RIGHTS OF DATA SUBJECTS AND INCIDENTS

1. Any data subject shall have the rights of access, rectification, erasure and restriction, which may be exercised by applying to the Independent Supervisor, who shall rule on the matter within thirty days.
2. Any refusal shall be in writing and state the reasons, and is subject to the remedy provided for in Article 91.

3. The exercise of these rights may be deferred, by a reasoned decision of the Independent Supervisor, where it would jeopardise ongoing proceedings or an ongoing emergency operation; the deferral shall not exceed six months and the data subject shall be informed upon its expiry.

4. Any personal data breach shall be notified to the Independent Supervisor within twenty-four hours and, where it is likely to result in a high risk, to the data subjects.

5. The Organisation shall keep a register of breaches, which shall be communicated to the Conference in aggregated form.

TITLE XI – INDEPENDENT SUPERVISION AND FORMAL FINDING OF BREACHES

ARTICLE 97 – THE INDEPENDENT SUPERVISOR

1. The Conference shall appoint an Independent Supervisor for a non-renewable term of five years, chosen from among individuals offering guarantees of independence and recognised expertise in judicial matters, data protection, auditing or humanitarian crisis management.

2. He or she shall not be a national of the host State nor have held any post within the Organisation in the five years preceding his or her appointment, and shall not engage in any other paid professional activity during his or her term of office. This condition is assessed at the date of appointment. Any subsequent relocation of the seat shall have no effect on the current term of office.

3. The Independent Supervisor may be removed from office only by the Conference acting by a two-thirds majority, for serious breach of his or her duties or permanent incapacity, after being given the opportunity to be heard.

4. The Independent Supervisor shall have unrestricted access, without prior notice, to the Organisation's premises, systems, logs, registers, contracts and staff, as well as to the operations of the Oceanian Emergency Committee. No secret may be invoked against the Independent Supervisor.

5. The Independent Supervisor shall receive instructions neither from the Secretary-General nor from any State Party, and shall have a separate budget as provided for in Article 58.

6. The Independent Supervisor may carry out verifications of his or her own motion, hear any Agent, order the provisional suspension of a processing operation in the event of a serious and immediate risk, and refer the matter to the Conference at any time.

7. The Independent Supervisor shall draw up a public annual report on compliance with Titles VIII to XIV, the status of the adaptation provided for in Article 113, the existence and adequacy of the civil liability insurance, the effectiveness of the operations of the Oceanian Emergency Committee, and the action taken in response to previous observations.

8. The report shall be communicated to each State Party at least thirty days before the session and published without amendment. The Secretary-General may attach his or her observations to the report, but may not delay its publication or alter its content.

9. Before taking up his or her duties, the Independent Supervisor shall make a solemn undertaking before the Conference to exercise his or her functions with complete independence and impartiality, solely in the interests of the States Parties and the persons concerned, not to seek or accept instructions from any government, any organ of the Organisation or any other authority, and to maintain the confidentiality of information coming to his or her knowledge by virtue of his or her office. The text of the undertaking is set out in the rules of

procedure adopted pursuant to Article 32, paragraph 5. The same undertaking shall be given, before the Independent Supervisor, by the experts whom he or she engages.

ARTICLE 98 – FORMAL FINDING AND CORRECTION OF A BREACH

1. A finding of a breach of this Treaty or of the Charter may be requested by any State Party, by any Agent of the Organisation, who shall suffer no detriment on account of doing so, and by any person showing an interest.
2. The request shall be in writing, setting out the alleged facts and the evidence on which it is based; the independent inspector shall acknowledge receipt within five days.
3. The Independent Supervisor may not refuse to examine an admissible request, and may join several requests relating to the same facts.
4. The Independent Supervisor shall issue a written and reasoned decision within forty-five days of the acknowledgement of receipt, setting out either the corrective measures adopted and their timetable, or the reasons why no breach has been established. This time limit may be extended once by thirty days by a reasoned decision.
5. The decision shall be notified to the applicant, the Secretary-General and all States Parties.
6. A refusal to investigate or a failure to respond within the time limit shall in itself constitute a breach, which shall be referred to the Conference as of right at its next session.
7. Where a breach is established, the Conference may order the suspension of the processing or activity in question, the destruction of data collected unlawfully, the rectification of the information provided and, in the event of a repeated breach, the suspension of the Secretary-General or the restructuring of the Oceanian Emergency Committee.
8. The Independent Supervisor shall verify the implementation of the corrective measures and report on this in the annual report. Failure to implement such measures shall constitute a new breach.
9. The procedure set out in this Title is without prejudice to the remedies available to individuals under Article 91 and to the dispute settlement procedure provided for in Title XXVI.

PART THREE – OBSERVATION, MONITORING AND EVIDENCE

TITLE XII – THE OMIFC DEPARTMENT (OBSERVATION, MONITORING AND INVESTIGATION)

ARTICLE 99 – ESTABLISHMENT AND CONSENT OF STATES

1. An OMIFC Department is hereby established within the Organisation, responsible for maritime observation, environmental and climate monitoring, and the technical establishment of evidence.
2. OMIFC shall not carry out any targeted observation in the maritime areas of a State for law enforcement purposes without that State's written consent.
3. Consent may be general or limited by area, duration, category of facts, technical means or notification conditions. It shall be recorded in a register accessible to the State concerned.
4. The withdrawal of consent takes effect upon notification and need not be reasoned. It has no retroactive effect on evidence lawfully established.
5. The use of drones, autonomous assets or sensors in the territorial sea, archipelagic waters, internal waters, ports or the territory of a State requires authorisation as provided for by that State's law.
6. Monitoring of transboundary natural phenomena may be carried out without consent where it is based on open data, partner scientific networks or sensors lawfully located outside areas subject to the State's sovereignty.
7. Detailed observation of a State's territory, infrastructure or population for humanitarian purposes requires its authorisation, except in the case of incidental collection strictly necessary for the immediate safeguarding of human life.
8. Data obtained under paragraphs 6 and 7 may not be used for law enforcement purposes without a separate legal basis.
9. Failure to be entered in the register shall be deemed to constitute a lack of consent for observation for law enforcement purposes.
10. Any irregular observation shall be suspended. The data resulting therefrom shall be isolated and then destroyed under the supervision of the Independent Supervisor, unless their retention is essential for the defence of a person.

ARTICLE 100 – DUTIES OF THE DEPARTMENT

1. In respect of observation and evidence, the Department detects and characterises navigation behaviour likely to constitute a serious offence; establishes evidence in accordance with Title XIV; makes available the Neutral Area provided for in Title XVI; provides technical assistance to national authorities at their request; and contributes to the training provided for in Article 118.
2. In the context of monitoring and early warning, it ensures the continuous monitoring of natural hazards, in particular seismic, volcanic, tsunami and climatic hazards, including cyclones and tropical storms; environmental hazards, in particular large-scale pollution and illegal tank-cleaning discharges; and humanitarian risks at sea.
3. The department's reports, findings and alerts are drawn up by Agents who have received the training provided for in Article 53 and in accordance with the provisions of Titles XIII and XIV. They may be submitted to the national authorities and are assessed in accordance with the law of the competent State.

They are not binding on the court either as regards the legal characterisation of the facts or as regards the intent of the perpetrators. Each State Party shall, pursuant to Article 74, take the necessary measures to ensure that these reports may be submitted to its courts and assessed therein.

4. The alert issued by the department shall, depending on the nature of the facts ascertained, have one of the following effects: (a) where it relates to serious indications of a serious offence, it shall be forwarded without delay, via the secure channel, to the On-Call Judge of the Injured State in accordance with Article 135, together with the department's report, which constitutes the technical basis for the referral, and it shall be notified simultaneously, for information, to the national contact point of that State;

   (b) where it relates to physical parameters indicating an imminent risk, in particular a major cyclone or an ongoing industrial accident, it shall constitute a recommendation to activate the Oceanian Emergency Committee and shall refer the matter to that Committee as of right.

5. Notwithstanding paragraph 4(b), a tsunami warning confirmed by at least two independent seismic or tide gauge sensors shall automatically trigger the activation of the Oceanian Emergency Committee and the initiation of emergency procedures, without prior validation.

6. The department shall carry out these tasks objectively and in a well-documented manner. It shall bring to the attention of the Injured State, the court seised and the Oceanian Emergency Committee any exculpatory evidence at its disposal, under the same conditions and with the same diligence as in the case of incriminating evidence.

7. In the event of a crisis or judicial proceedings, it shall, upon request, provide risk models, dispersion maps and the status of the means available.

8. The department shall not conduct any criminal investigations, carry out any compulsory hearings, detain any persons or issue any operational orders to the forces of a State Party or to rescue teams. Its role is limited to observation, recording, expert assessment and alerting.

ARTICLE 101 – LIMITS OF THE DEPARTMENT

1. OMIFC makes no assessment of the policy, management or administration of a State Party, nor of the appropriateness of prosecutions.

2. It shall not carry out any observation directed at the land territory, persons on land or the installations of a State, except for port facilities strictly necessary for establishing the fact of disembarkation or transhipment, or except for disaster-stricken areas for the purposes of damage assessment.

3. It shall not carry out any observation of a warship or of a ship owned or operated by a State and used exclusively for non-commercial public service. Any data inadvertently collected on such a ship shall be destroyed without delay and the destruction recorded.

4. It shall not carry out any targeted surveillance of a ship solely on the basis of the nationality of its crew, the flag it flies or the origin of its operator.

5. It does not conduct any criminal investigations, does not carry out any compulsory hearings and does not detain any persons.

ARTICLE 102 – DEPARTMENTAL CHARTER AND PROHIBITIONS

1. The Charter of the OMIFC Department is adopted by the Conference by consensus. It sets out the procedures for the application of this Title. It may neither derogate from this Treaty nor confer upon OMIFC any powers not expressly granted to it by this Treaty. In the event of any discrepancy, this Treaty shall prevail. Until the Charter is adopted, this Treaty shall apply alone. Any amendment to it shall be governed by Article 185, paragraph 8.

2. OMIFC shall refrain, in all circumstances, from: representing a State, a power or a private interest, or acting on behalf of one against another; assigning or communicating the data of a State Party without its explicit consent,

subject only to Article 110, paragraph 2, and Article 112, paragraph 6; exercising a sovereign function; serving a political, partisan or ideological agenda; and ranking States Parties.

3. OMIFC shall not carry out any boarding, pursuit or coercive measures. It shall not direct, command or initiate any law enforcement operations, regardless of the seriousness of what it observes. It shall not command rescue operations, but shall provide decision-support data to the Oceanian Emergency Committee.

4. These prohibitions relate to the conduct of OMIFC and do not prejudge the use that States Parties make of the information they receive.

5. Any State Party may invoke any of these prohibitions against the Organisation. A breach of this Article constitutes the most serious breach that this Treaty may establish and automatically triggers the procedure set out in Article 98.

TITLE XIII – TECHNICAL MEANS

ARTICLE 103 – TECHNICAL MEANS OF THE ORGANISATION

1. OCNOL's own means consist exclusively of maritime surface drones, autonomous buoys, autonomous or remotely operated underwater devices, unarmed aerial drones associated with these platforms, environmental sensors, tracking and transmission systems, and lawful access to satellite or terrestrial infrastructure.

2. These means do not include any weapons, coercive devices or capabilities intended for boarding.

3. Their use in the territorial sea, archipelagic waters, internal waters, ports or national airspace is subject to authorisation by the relevant State.

4. Acoustic observation is exclusively passive. No devices for intercepting private communications are used.

5. Actual performance is tested and documented. Any relevant discrepancies are noted in the items produced.

6. The technical standards are set out in Annexes V and XVII. A new category of means requires the consensus of the Conference.

ARTICLE 104 – LOCATION OF SURVIVAL EQUIPMENT

1. The Organisation may develop and propose a voluntary regional system for the location of lifeboats, life rafts and other survival equipment.

2. The system is based on autonomous beacons compatible with the applicable international rules.

3. OCNOL means may receive and correlate their signals in order to estimate a position, a course and a drift.

4. The information is transmitted without delay to the relevant search and rescue coordination centre.

5. The system complements international distress procedures and does not replace them.

6. The radio characteristics are set out in Annex XVIII and comply with the Radio Regulations.

7. The sole purpose of the system is to reduce the search area and duration following a maritime incident.

ARTICLE 105 – AUTOMATED PROCESSING

1. Automated processing shall not produce any conclusion that may be relied upon without prior human validation by an identified Agent, whose identity is recorded in the file.

2. No coercive measure may be based solely on the result of an automated processing operation. However, a natural hazard alert may be issued automatically on the basis of such processing to save time, subject to immediate human confirmation.

3. The method, the source of the training data, the observed error rates and the reliability limits of each processing operation shall be documented and made available to the State Party concerned, the Independent

Supervisor and any court to which the matter is referred. The supplier's business secrecy may not be invoked against such communication.

4. Any new processing operation shall, prior to its use, be subject to an impact assessment covering reliability and the rights of individuals, which shall be forwarded to the Independent Supervisor.

5. The Independent Supervisor may suspend its use until any identified shortcomings have been rectified.

6. Processing operations shall be reassessed every two years and whenever a substantial change is made.

TITLE XIV – PRINCIPLES AND ESTABLISHMENT OF EVIDENCE

ARTICLE 106 – PRINCIPLES OF EVIDENCE

1. OMIFC distinguishes at all times between the ascertained fact, the proposed interpretation thereof and the hypothesis that remains to be verified. These three levels are never presented in a way that would cause them to be confused.

2. No finding is presented as established when it is merely probable. The degree of confidence is expressed according to a single scale, determined by the Conference and published.

3. Every finding is supported by at least two independent sources where the extent of coverage permits. Where it is based on a single source, this fact and the associated reservation are clearly stated.

4. OMIFC documents the areas and periods it does not observe in the same way as those it does observe; the extent of the gaps is included with every item produced.

5. The absence of transmission from a mandatory identification system is treated as a factor for assessment rather than as an established fact; possible technical causes are mentioned.

6. Any finding that is subsequently refuted by further evidence is the subject of a written correction, which is communicated to the same recipients as the initial finding and added to the file.

7. An identification signal whose kinematic consistency, continuity or origin may not be corroborated by an independent source is treated as a factor for assessment and noted as such. OMIFC documents any signs of falsification that it identifies.

ARTICLE 107 – MATERIAL ESTABLISHMENT OF ITEMS OF EVIDENCE

1. Each item of evidence is established as soon as the data is obtained, dated, time-stamped, linked to its sources and accompanied by details of how it was obtained.

2. The Agent who made the findings is identifiable in the file and may be heard by the On-Call Judge or by the court hearing the case, without the immunity provided for in Title VII preventing this.

3. No Agent may establish an item of evidence without having received the training provided for in Article 53, as certified in the file.

4. Official records drawn up by OMIFC shall specify any reservations regarding reliability, the number of sources and the degree of confidence assigned.

5. The technical requirements are set out in Annex IV and are binding on both the Organisation and the national authorities where they constitute material intended for circulation between States Parties.

TITLE XV – PRESERVATION, OWNERSHIP AND CIRCULATION OF EVIDENCE

ARTICLE 108 – CHAIN OF CUSTODY

1. Every item of evidence is accompanied by a chain of custody detailing, from the moment it was obtained, every instance of access and every operation to which it has been subjected, including the identity of the person involved, the nature of the operation and the corresponding time stamp.
2. The chain is established upon acquisition and may not be reconstructed retrospectively. Any item lacking a complete chain is presented as such, and the judge draws the appropriate conclusions.
3. It is delivered at the same time as the item it documents and forms an integral part of it.
4. Any break in the chain is recorded, together with its causes and possible consequences for reliability, and brought to the attention of the court hearing the case.

ARTICLE 109 – INTEGRITY

1. The source data is retained in its original state, separately from the processed data, and remains distinguishable at all times.
2. Any transformation is documented in terms of the method and parameters used, logged and reversible.
3. Each item is accompanied by a digital fingerprint (hash) enabling it to be established that it has not been altered since its acquisition, calculated in accordance with a published procedure.
4. The Organisation guarantees the integrity of what it has received; it does not guarantee the accuracy of what has been issued by a third party.
5. The access log is tamper-proof and may be disclosed to the Independent Supervisor and to any court hearing the matter, without immunity or business secrecy being able to prevent this.
6. The time stamp is derived from a reliable and documented time source, the reference for which is included in the file.
7. The Organisation shall establish, publish and maintain a cryptographic agility framework setting out the permitted fingerprinting and signature methods, the conditions for their replacement and the timetable for migration to quantum-resistant methods or to any other subsequently standardised method. The framework shall be submitted to the Independent Supervisor for review and revised at least every three years.
8. Before a method ceases to be permitted, a new fingerprint is calculated for the retained items using a permitted method. The previous fingerprint is retained alongside the current fingerprint, together with the date of the operation, the method used and the identification of its author. The replacement of a method does not interrupt the chain of custody and may not, in itself, be invoked against items previously established. The procedures are set out in Annex IV.

ARTICLE 110 – OWNERSHIP OF EVIDENCE

1. Evidence established in the maritime areas of a State Party remains the property of that State. The Organisation acts as its technical custodian and does not at any time acquire the right to dispose of it.
2. It shall not transfer, disclose or utilise it for any other purpose, including statistical, scientific or system development purposes, without the express consent of the owning State, subject to Article 112, paragraph 6. In the event of a life-threatening emergency, data strictly necessary to save lives may be shared with the competent emergency services; the owning State shall be informed without delay and the data thus shared may not be used as evidence without its consent. The notification and record provided for in Articles 83 and 84, as well as the resulting reliability statistics, do not constitute the use of the evidence within the meaning of this paragraph.
3. This undertaking is subject to no exceptions other than those provided for in Article 111 and Article 112, paragraph

6. It shall survive the withdrawal of a State Party, the dissolution of the Organisation and the cessation of the functions of the persons concerned.

4. In an Area of Indeterminacy, the item shall be deemed to be the joint property of the States Parties claiming the area; its disclosure to a third party requires the consent of each of them.

5. The owning State may at any time demand the return or deletion of items relating to it, subject to those duly submitted to ongoing judicial proceedings. The deletion of an item held in the tamper-proof register provided for in Annex IV is effected by the destruction of the encryption keys for its content; its digital fingerprint shall remain solely for the purposes of proving its integrity.

6. Failure to comply with this Article constitutes a breach within the meaning of Article 98 and gives rise to the Organisation's liability.

ARTICLE 111 – PROOF OF A FACT WITH CROSS-BORDER EFFECTS

1. Where an incident falling within the scope of Annex II, in particular a discharge resulting from damage or a deliberate discharge of oil or tank residues, observed in the maritime areas of a State Party, causes or threatens to cause effects in the maritime areas of one or more other States Parties, each of those States shall be deemed an 'Exposed State'.

2. The evidence shall remain the property of the Injured State within the meaning of Article 110, paragraph 1. By virtue of this Treaty, and without the need for a request for mutual legal assistance, each Exposed State shall have a right of access to and use of such evidence solely for the following purposes: (a) pollution response and remediation;

   (b) any judicial or administrative proceedings relating to the same incident, including compensation.

3. Access shall be granted upon notification to the Injured State. The Exposed State shall transmit to the Secretariat the technical evidence establishing the link between the incident and the observed or foreseeable effects within its areas; OCNOL shall notify the Injured State thereof without delay. This notification shall take precedence over any other provision of this Treaty and its annexes, subject only to paragraph 4.

4. The Injured State may withhold access to a specific item where disclosure would prejudice its national security. It may not refuse access to the entire file.

5. The Exposed State may not disclose the item to a third party, to a State not a Party to this Treaty, or for any other purpose without the consent of the Injured State. The traceability and digital fingerprint of the item shall be preserved in accordance with Annex IV.

6. Where the Injured State and an Exposed State each bring proceedings in respect of the same act, they shall consult each other without delay in order to coordinate their proceedings and to ensure that the same person is not prosecuted or punished twice for the same act.

ARTICLE 112 – COMMUNICATION BETWEEN STATES

1. The disclosure of an item to another State Party is subject to the consent of the owning State, without prejudice to Articles 111 and 112, paragraph 6, and shall be carried out through the national contact points, with logging.

2. Consent may be given in advance, for a category of offences or for a specific State, by means of a declaration notified to the Secretariat and revocable at any time.

3. The recipient State may not transmit the item to a third party, nor use it for any purpose other than that for which it was communicated, without the consent of the owning State.

4. The communication shall be accompanied by the chain of custody, a statement of the limits of reliability and any restrictions on use imposed by the owning State.

5. The Secretariat shall maintain a log of communications, accessible to the owning State and the Independent Supervisor.

6. Where data is necessary for the execution of a national warrant duly issued and recognised under this Treaty, the requirement for prior consent from the data owner shall not prevent its transmission where such transmission is legally required by the mutual legal assistance or enforcement mechanism provided for in this Treaty, subject to the grounds for refusal expressly provided for therein.

7. In the case provided for in paragraph 6, transmission may be refused only if it would undermine the security, sovereignty or public policy of the owning State, the fundamental rights guaranteed by Title IX or a secret protected by this Treaty. A refusal may not result from a discretionary veto by the data owner. It shall be in writing, state the reasons and be notified in accordance with Article 166, paragraphs 3 and 4.

ARTICLE 113 – ADMISSIBILITY AND ADAPTATION TO NATIONAL LAWS

1. The Organisation shall work with each State Party to adapt its protocols to that State's law, so that the evidence produced therein is admissible.

2. It undertakes to make a documented effort towards such adaptation, rather than to achieve a specific result, as admissibility is a matter for the legislature and the courts of each State Party.

3. Each State Party shall notify the Organisation of the requirements of its law regarding evidence and shall inform it of any developments.

4. The status of this adaptation, State by State, is set out in the Independent Supervisor's annual report, which identifies the points on which admissibility remains uncertain.

5. The inadmissibility of an item of evidence under the law of one State Party shall have no effect on its admissibility before the courts of another State Party.

PART FOUR – COOPERATION, EMERGENCY AND COERCION

TITLE XVI – COOPERATION BETWEEN STATES PARTIES

ARTICLE 114 – GENERAL OBLIGATION TO COOPERATE

1. States Parties shall cooperate in good faith in the prevention, detection and suppression of acts covered by the Treaty and in the protection against major risks.
2. Such cooperation shall respect the sovereignty of each State Party. No State shall be required to commit resources, open its territory or provide information beyond what it has expressly agreed to. This provision shall not be interpreted as precluding any specific obligation of recognition, mutual assistance or enforcement arising from Articles 142, 143 bis, 165 and the relevant provisions of Annex VII.
3. Prior authorisations deposited in accordance with Title XVII constitute express consent within their limits and remain revocable.
4. A State may refuse to disclose information that would prejudice its security, its essential interests, the protection of individuals or the confidentiality of an investigation. The grounds for refusal shall be stated to the extent compatible with those interests.
5. States shall assist one another through training, exercises, the exchange of best practice and the consensual provision of resources.

ARTICLE 115 – NATIONAL CONTACT POINTS

1. Each State Party shall designate, no later than the date on which this Treaty enters into force for it, a national contact point that can be reached at all times.
2. The identity, contact details, working languages and exact scope of its powers shall be notified to the Secretariat and kept up to date. Any act performed by an authority not so designated shall not be binding on the State Party.
3. The national contact point shall be solely authorised to request or grant the authorisations provided for in Title XXII, to transmit and receive evidence, subject to Article 135, to make requests for mutual legal assistance and to represent the State within the Oceanian Emergency Committee.
4. The Secretariat shall keep the list up to date and communicate it to all States Parties; any amendment shall take effect upon notification.

ARTICLE 116 – SECURE CHANNEL AND COORDINATION

1. Communications between contact points shall take place via a secure channel provided by the Organisation, with logging and a time-stamped acknowledgement of receipt. The time stamp on the acknowledgement of receipt shall be conclusive for the calculation of time limits.
2. Should the secure channel be unavailable, communications may be conducted by any means leaving a written record, subject to confirmation via the secure channel within twenty-four hours. In such cases, the time stamp applied by the sender shall be conclusive for the calculation of time limits, subject to such confirmation. Such confirmation shall not restart any time limit.
3. The Secretariat shall provide a permanent liaison and transmission service between points of contact.
4. This function does not entail any authority to command the resources of the States Parties, nor any power to initiate, direct or interrupt an operation, except within the framework of the emergency procedures of the Oceanian Emergency Committee.

5. Any form of operational coordination going beyond the scope of this Article shall be governed by an additional protocol or by a prior authorisation in force of the State concerned.

ARTICLE 117 – PROVISION OF ASSETS AND EMBARKED OFFICIALS

1. Any State may make assets available to another State through a bilateral or multilateral arrangement notified to the Secretariat.
2. The assets shall remain under the command and responsibility of the State providing them, unless expressly agreed otherwise with the recipient State.
3. The arrangement shall specify the status of the officials, the applicable rules, responsibility, the competent jurisdiction, the duration and the conditions for withdrawal.
4. In a rescue operation, foreign assets shall coordinate their actions with the operational authority designated by the affected State, without leaving their national chain of command.
5. An official from one State may be embarked on board a unit of another State for the purposes of ascertaining facts or providing assistance. He or she shall exercise only those powers recognised by the applicable law and the arrangement.

ARTICLE 118 – EXERCISES, TRAINING AND INTEROPERABILITY

1. States Parties shall organise at least one joint exercise per year, the procedures for which are set out in Annex VI and a report on which shall be submitted to the Conference. These exercises shall include a major crisis simulation component (tsunami, pollution, mass rescue) coordinated by the Oceanian Emergency Committee.
2. The Organisation shall provide training for officials of the States Parties on the requirements set out in Titles VIII, XIII and XIV, as well as on the emergency response protocols of the Oceanian Emergency Committee. No official shall take part in any measure implemented under this Treaty without having received such training, which shall be certified and included in the response file.
3. The training shall cover, in particular, the establishment and preservation of evidence, the graduated use of force, the rights of persons on board, the identification of victims of trafficking and forced labour, and techniques for rescue at sea and disaster management.
4. States Parties shall adopt the standard reporting formats and radio procedures set out in Annex VI, and shall ensure the interoperability of their means of communication and command systems.
5. The Organisation shall maintain a register of trained officials, accessible to national contact points and the Independent Supervisor.

ARTICLE 119 – NEUTRAL AREA FOR POOLING

1. The Organisation shall make available to States a Neutral Area for the consensual sharing of maritime intelligence and monitoring data.
2. No State is obliged to share information. Participation does not affect any other rights arising from the Treaty.
3. Each State shall define the scope, recipients, purpose and duration of what it shares and may withdraw its consent at any time.
4. In an emergency, data may only be disclosed without consent if the State has deposited a prior authorisation covering that category of data and that purpose.
5. The Organisation acts as custodian of the Neutral Area and may not exploit the data for its own benefit.
6. No data shall be transferred or disclosed to a third party without the written consent of the State that provided it.
7. All access is logged in a tamper-proof register accessible to the owning State and the Independent Supervisor.

8. Any security incident shall be reported within twenty-four hours. The State concerned may immediately suspend the processing.

ARTICLE 120 – CONFIDENTIALITY

1. Information exchanged under this Treaty is covered by professional secrecy and may not be used for any purpose other than that for which it was transmitted.
2. It may not be disclosed to a non-Party State or to a third party without the written consent of the State which transmitted it. Such consent may be based on a prior authorisation in force under Title XVII.
3. The State transmitting information may restrict its dissemination, use or retention period; such restrictions shall be binding on the recipient State and the Organisation.
4. This obligation shall survive, without any time limit, the withdrawal of a State Party, the dissolution of the Organisation and the cessation of the functions of the persons concerned.

TITLE XVII – EMERGENCY MANAGEMENT AND AUTOMATIC ASSISTANCE (OCEANIAN EMERGENCY COMMITTEE)

ARTICLE 121 – CONTINUITY OF THE STATE, REPRESENTATION AND COORDINATION

1. In the event of a natural disaster, a major environmental accident or a humanitarian crisis, the Treaty guarantees the continuity of alerts, information, the representation of the affected State and regional coordination.
2. The affected State retains at all times political and legal control over the response, as well as command of operations falling within its jurisdiction.
3. OCNOL and the OEC support the national authorities. They constitute neither a substitute government nor a supranational chain of command.
4. Borders do not prevent the immediate transmission of alerts and offers of assistance. The entry and deployment of foreign assets remain subject to the consent of the affected State.
5. The aim is to reduce the time between the detection of the risk, the national decision and the arrival of authorised relief.

ARTICLE 122 – COORDINATION AND LINKING OF ASSETS

1. Upon an alert from OMIFC or a request from a State, the OEC identifies the needs and the assets declared available.
2. It forwards the offers to the competent authority of the affected State and facilitates authorisations, movement plans and interoperability.
3. No foreign asset shall enter the territorial sea, archipelagic waters, internal waters, ports, aerodromes or territory of a State without its express authorisation or a prior authorisation in force.
4. Pre-positioning outside these areas may be recommended. It remains the decision of, and is funded by, the State providing the asset.
5. Operational command rests with the competent national authority of the affected State or with the body designated by it.

6. States shall submit a list of pre-identified assets and the conditions for their mobilisation, as well as the prior relief authorisations provided for in Annex XXIII, the content of which they are free to determine. The submission shall take place no later than the date of operational entry into force provided for in Article 192.

ARTICLE 123 – CHAIRMANSHIP OF THE COMMITTEE AND CONTINUITY OF REPRESENTATION OF THE AFFECTED STATE

1. Where an event affects a State, the chairmanship of the OEC shall automatically pass to its official representation or to the person designated by its constitutionally competent authority.
2. Where several States are affected, the representatives of each State shall participate in the collegial chairmanship and the representatives shall appoint a session coordinator, without any transfer of competence or command between States.
3. Each State shall submit a confidential certificate of continuity in accordance with Annex XXIII. This certificate shall specify the order of priority of the authorities, their powers, the duration of their powers and the means of online and offline authentication. The order of priority extends, by subsidiarity, down to the lowest-ranking public official authorised by that State to ensure the continuity of the State.
4. The certificate shall be signed or sealed by the constitutionally competent authority, tested annually and replaced upon any amendment.
5. In the event of conflicting instructions, the Secretariat shall apply the order set out in the certificate and immediately refer the matter to the national supervisory authority designated therein.
6. In the absence or unavailability of the authorised representative, the chairmanship shall automatically pass, by way of subsidiarity, to the next authority in the order set out in the certificate of continuity, and so on down to the lowest-ranking public official authorised to ensure the continuity of the affected State.
7. Until such time as an authority of the affected State has been authenticated and is available, the Secretary-General shall provide the sole technical secretariat for the OEC: ensuring the continuity of alerts, information and the collection of offers of assistance. The Secretary-General has no power to give consent on behalf of the affected State, to authorise access to its sovereign areas, to recognise a government, to take a political decision, to command a national asset or to incur financial obligations on behalf of the affected State.
8. The Secretary-General shall, without delay, in accordance with the order set out in the certificate of continuity and the law of the State concerned, identify the first available authority in that order. Once that authority has been authenticated, the chairmanship and corresponding functions shall pass to it.
9. In the event of a contested government, a coup d'état, an invasion or a plurality of authorities claiming representation, OCNOL does not determine governmental legitimacy. It follows the notifications from the depositary and the common positions of the States Parties, and limits its actions to life-saving alerts, information, location and the collection of offers of assistance.
10. In the event of the Secretary-General's unavailability, the order of succession shall follow the published order of the Secretariat.
11. No mechanism under this Article transfers the sovereignty, international representation or national command of the affected State, nor does any alter its constitutional order.
12. The chairmanship shall be returned immediately to any duly authorised authority of the affected State as soon as it becomes available.

ARTICLE 124 – FACILITATION OF RESCUE OPERATIONS

1. Each State shall adopt expedited procedures for the entry of teams, equipment and assets which it has authorised.

2. Customs, health, tax, immigration, aviation, port and administrative facilities shall be granted in accordance with its law and its prior declarations.

3. The affected State shall determine the points of entry, corridors, areas of operation, security conditions and restrictions relating to weapons, sensors, frequencies and data.

4. Foreign military and civil defence assets are governed by Annex XIX. None of these assets shall be granted automatic authorisation on the grounds of their nationality or the urgency of the situation.

5. Mass rescue operations and the search for a place of safety are governed by Annex XX and the applicable international instruments.

6. OCNOL does not command, control or inspect any asset deployed. It merely verifies the completeness of the information and ensures technical deconfliction.

7. The status, responsibility and immunities of foreign teams are determined by the affected State and the applicable arrangements. No immunity deprives an injured person of his or her right to reparation or of an effective remedy before the courts of the affected State or of the sending State.

8. The affected State may amend or withdraw its authorisation at any time. The asset concerned shall cease its mission and withdraw in accordance with the security instructions received.

ARTICLE 125 – END OF MISSION AND RETURN TO NORMALITY

1. The affected State shall decide on the end of the state of emergency falling within its jurisdiction and shall inform the OEC thereof.

2. The OEC shall terminate its activation when requested to do so by the affected States or when no further regional functions are required.

3. Foreign assets shall withdraw on the agreed date or immediately at the request of the affected State, subject to the safety of navigation and persons.

4. Data, equipment, weapons, waste and temporary installations are removed, returned or disposed of in accordance with the mission agreement.

5. A post-crisis report shall identify the results, incidents, costs, data retained, claims and necessary corrective measures.

6. The report shall not alter any responsibility nor disclose any protected information.

TITLE XVIII – JURISDICTION

ARTICLE 126 – PRINCIPLE – JURISDICTION OF THE INJURED STATE

1. The Injured State shall exercise its jurisdiction in respect of serious offences ascertained within its maritime areas in accordance with its law and within the limits recognised by the Convention: in its internal waters, its archipelagic waters and its territorial sea, in accordance with Articles 27 and 28 of the Convention; in its contiguous zone and its exclusive economic zone, solely within the limits set out in Articles 33 and 56 of the Convention.

2. This Treaty does not establish any international criminal jurisdiction, does not create any offences and does not prescribe any penalties.

3. It does not confer upon the Organisation any right to prosecute, to determine the legal characterisation of the acts, or to assess the appropriateness of prosecution.

4. Each State Party shall, within the limits of paragraph 1, establish its jurisdiction over the acts listed in Annex II committed within its maritime areas and shall adopt the necessary measures under domestic law.

5. This Treaty shall not preclude the exercise of any criminal jurisdiction that a State Party derives from any other rule of international law.

ARTICLE 127 – JURISDICTION OF THE FLAG STATE

1. The flag State retains its jurisdiction in accordance with the Convention; this Treaty does not restrict either its rights or its obligations.
2. The Injured State shall notify the flag State without delay of any measures taken against a ship flying its flag, together with the judicial follow-up.
3. The flag State may request to exercise jurisdiction; the request shall be considered in accordance with Article 129.
4. Where the ship is without nationality, no notification is required and jurisdiction lies with the Injured State.

ARTICLE 128 – AREAS OF INDETERMINACY

1. Where an act is ascertained in an Area of Indeterminacy, each of the States Parties claiming that area shall have the status of Injured State, and Article 129 shall apply.
2. The exercise of jurisdiction by any one of them, the implementation of a measure, the issue of a maritime warrant and any decision rendered pursuant to this Treaty shall have no effect on the delimitation. The States Parties undertake not to invoke such acts as evidence, acquiescence, renunciation, effectiveness or practice in any present or future delimitation proceedings before any court or arbitral tribunal.
3. The States Parties concerned may conclude a provisional arrangement of a practical nature, within the meaning of Articles 74 and 83 of the Convention, designating which of them shall exercise jurisdiction. Such an arrangement shall be notified to the Secretariat; it may be revoked at any time and shall be without prejudice to the final delimitation.
4. In the absence of such an arrangement, no coercive measure may be carried out without the prior consent of all States Parties claiming the area, except in cases where the Convention authorises such measures independently of this Treaty.
5. Consent shall be sought by the national contact point of the State contemplating the measure and shall be given in writing; it may be given in advance for a category of cases and shall remain revocable.
6. The Secretariat shall maintain the register provided for in Article 47. Entry in the register is purely for information purposes and does not imply any recognition of a claim.
7. Each entry in the register shall be accompanied, at the Secretariat's initiative and without any action being required on the part of the States concerned, by an express statement that the measure entered has no effect on the delimitation under the conditions set out in paragraph 2. Any State Party claiming the area in question may attach a declaration of its own making to the entry; the absence of such a declaration shall not be construed as acquiescence, renunciation or recognition.
8. States Parties undertake not to produce the register and the documents relating thereto before any court or arbitral tribunal seized of a matter of delimitation, unless all States Parties claiming the area in question have expressly agreed otherwise. The Secretariat shall reject any request to the contrary and shall inform those States accordingly.
9. This Article shall apply equally where a State Party has not declared the boundaries of its maritime areas in relation to the high seas. Beyond 200 nautical miles from the baselines, the area is governed by Article 8, paragraph 2, and Article 148, paragraph 6. No State Party may claim the status of an Injured State in that area on the basis of this Article.

ARTICLE 129 – CONFLICTS OF JURISDICTION

1. Where two or more States Parties claim jurisdiction over the same facts, they shall consult without delay to determine which is best placed to exercise jurisdiction.

2. Such consultation shall take into account the place where the facts were ascertained, the nationality of the persons concerned, the flag of the ship, the location of the evidence, the availability of witnesses, the stage reached in the proceedings and the proper administration of justice.

3. If no agreement is reached within thirty days, jurisdiction shall lie with the State whose On-Call Judge issued the maritime warrant or, in the absence of such a warrant, with the State in whose maritime areas the act was ascertained. In an Area of Indeterminacy, it lies with the State designated by the arrangement provided for in Article 128. The Receiving State of an extended pursuit does not acquire jurisdiction by that fact alone: it shall ensure the custody of the ship and the persons on board until the judge who issued the warrant has ruled, in accordance with Article 154, paragraph 7.

7. Where the Receiving State has raised an objection pursuant to Article 155, no other State shall act within its area: the Receiving State shall itself execute the warrant there.

4. The State exercising jurisdiction shall inform the Secretariat thereof. Any protective measures already taken shall remain valid and their effects shall continue to the benefit of that State. The consultation provided for in this Article shall not suspend either the validity or the execution of the maritime warrant.

5. Where no State Party claims jurisdiction, the Conference may invite one of them to exercise jurisdiction, but may not compel it to do so; failing that, the measures shall cease and the ship shall be released.

6. Where a ship is immobilised, the time limit referred to in paragraph 3 shall be reduced to seventy-two hours.

ARTICLE 130 – WAIVER AND TRANSFER OF PROCEEDINGS

1. Any State Party may waive its jurisdiction in favour of another State Party which accepts it; the waiver shall be in writing, shall state the reasons therefor and shall be notified to the Secretariat.

2. The transfer shall entail the transmission of the complete file, including the chain of custody, in accordance with the procedures laid down in Article 112.

3. It shall have no effect on the rights of the persons implicated, who shall be informed thereof without delay and in a language they understand.

4. Acts duly performed prior to the transfer shall retain their validity before the authorities of the State to which the proceedings are transferred, subject to their compliance with that State's law.

ARTICLE 131 – NE BIS IN IDEM AND STATUTE OF LIMITATIONS

1. No person may be prosecuted or punished by a State Party for acts in respect of which they have already been finally acquitted or convicted by another State Party, provided that, in the event of conviction, the sentence has been served, is currently being served or can no longer be served.

2. The Secretariat shall be notified of any final decision to enable the States Parties to verify the application of this article.

3. The statute of limitations shall be governed by the law of the State Party exercising jurisdiction.

4. Acts carried out pursuant to this Treaty by another State Party or by an On-Call Judge shall interrupt the limitation period under the same conditions as acts by the authorities of the State exercising jurisdiction.

TITLE XIX – JUDICIAL ON-CALL SERVICE

ARTICLE 132 – NETWORK OF NATIONAL ON-CALL JUDICIAL AUTHORITIES

1. Each State Party shall, in accordance with its law, organise a judicial on-call service for the judicial authority competent to take the measures provided for in this Treaty.

2. This Treaty does not establish any international judges nor does it transfer any judicial jurisdiction to the Organisation.

3. The Secretariat shall maintain a secure register of national on-call authorities and judicial officers, facilitate communication between them, provide translations and keep a record of transmissions.

4. It shall provide the secure channel and keep a record of the referrals provided for in Article 135, without interposing itself between the OMIFC Department and the judge or the service responsible for submitting the referral to that judge. It shall not intervene in either the legal assessment or the decision.

5. Each State shall ensure that an authorised authority can be contacted within timeframes consistent with its law and operational requirements.

ARTICLE 133 – REGISTER OF NATIONAL AUTHORITIES AND JUDICIAL OFFICERS

1. Each State shall enter in the register one or more judicial authorities or judicial officers competent under its law. The on-call periods of the authorities listed shall cover the entire year without interruption. Each State shall designate, in accordance with its law, a substitute for each listed authority.

2. The entry shall specify the court, jurisdiction, working languages, secure contact details and periods of availability. It shall indicate whether the judge receives the referral provided for in Article 135 directly or via a service responsible for submitting it to the judge, as well as the secure contact details of that service.

3. Registered persons receive training on the Treaty, fundamental rights, digital evidence and cross-border cooperation.

4. The State may amend or withdraw a registration at any time. Withdrawal has no effect on decisions already made.

5. Failure to register prevents the State from using the Treaty's on-call channel to issue a warrant, without limiting the other measures it may take under its own law or the other rights derived from the Treaty.

6. The Secretariat tests the contact system through active simulation exercises, conducted on several occasions during the first year following the operational entry into force provided for in Article 192. Each exercise verifies that the registered authorities and their deputies can actually be contacted. The frequency of subsequent exercises is determined in the light of their results. Any failure identified gives rise to a new exercise once the issue has been rectified.

7. Each State shall keep up to date and communicate to the Secretariat a list of the names of its on-call staff, their on-call periods and the order of substitution established in accordance with its law. This information shall be recorded in the certificate of continuity provided for in Annex XXIII. It shall be confidential and accessible only to authorised persons. Where the on-call authority fails to acknowledge receipt within one hour, the referral is sent to the next authority in the order of substitution.

8. The Secretariat shall make available to the States Parties an interactive and secure on-call rota. Each State shall promptly update the rota to reflect any changes to its entries, its on-call staff and their on-call periods. The rota shall alert the State concerned and the Secretariat to any uncovered periods.

ARTICLE 134 – JURISDICTION OF THE NATIONAL JUDICIAL AUTHORITY

1. The authority to which the matter is referred shall rule on behalf of its State, within the limits of its jurisdiction and in accordance with its national law.

2. It may issue, refuse, extend, amend or lift a national maritime warrant and take the protective measures provided for under its law.

3. The Treaty does not confer upon it any powers which it does not already possess under its national law.

4. It shall not rule on behalf of another State and shall not receive instructions from any organ of OCNOL.

5. National rules relating to impartiality, recusal, appeals and liability remain applicable.

ARTICLE 135 – REFERRAL

1. The OMIFC Department shall refer the matter to the On-Call Judge of the Injured State via the secure channel provided for in Article 116, at any time. The referral shall be addressed to the judge personally or, where the law of that State so provides, to the service responsible for presenting it to the judge, in particular a public prosecutor's office or a court registry. It shall be notified simultaneously, for information purposes, to the national contact point of the Injured State. It shall not preclude referrals provided for by the law of that State.

2. The referral shall be in writing. It shall include the identification of the ship and its flag, the recorded position, course and speed, the characterised facts and the item of Annex II to which they relate, the evidence established and the report from the OMIFC Department. It shall not contain any legal characterisation. The On-Call Judge has sole discretion to decide whether or not to issue the maritime warrant. He or she legally qualifies the facts in accordance with his or her own law and, where appropriate, determines the authorised measure, its scope and its duration, having regard to the conditions set out in Article 140.

3. It shall expressly mention any reservations regarding reliability, the potentially sole nature of the source, the existence of gaps in coverage and the performance discrepancy referred to in Article 103. The omission of these details deprives the warrant of recognition and enforcement under this Treaty.

4. It shall state whether the measure would be carried out in an Area of Indeterminacy and, where applicable, shall set out the agreement or arrangement provided for in Article 128.

5. It shall set out the exculpatory evidence gathered pursuant to Article 100.

6. The judge may order any further information to be provided. A request for further information shall suspend the time limit laid down in Article 136 until the reply is received, subject to a maximum of six hours.

7. The judge shall assess the validity of the referral in accordance with national law. An invalid referral may be resubmitted once it has been brought into compliance.

8. The service responsible for submitting the referral shall forward it to the On-Call Judge without delay, in the manner required by its law, together with all the evidence received. Where that law requires the referral document to include a legal characterisation, that service shall indicate this for that purpose alone; it shall not be binding on the judge. That service may not withhold, filter or delay the referral, nor may it assess its appropriateness or attach an opinion to it. No body, whether national or of the Organisation, may prevent the On-Call Judge from being referred to and ruling. That judge alone shall decide, in accordance with his or her law. The time limit provided for in Article 136 shall run from the date of acknowledgement of receipt of the referral by this service.

ARTICLE 136 – TIME LIMIT FOR RULING AND OBLIGATIONS OF STATES PARTIES

1. Each State Party shall take the necessary measures to ensure that the decision of its On-Call Judge is delivered within six hours of the acknowledgement of receipt of the referral. To this end, it shall organise a continuous judicial on-call service. This obligation is reciprocal between the States Parties.

2. Where a final decision may not be delivered within that time limit, the State Party shall take the necessary measures to ensure that a reasoned provisional decision is delivered. It shall have effect under this Treaty for a maximum of twelve hours, without renewal.

3. Under this Treaty, a provisional decision shall authorise only strictly protective measures, to the exclusion of the boarding and transfer of the ship.

4. On the expiry of these time limits, the measure ceases to have effect under this Treaty and the other States Parties are no longer obliged to enforce it.

5. The Secretariat shall notify the judge hearing the case, the OMIFC Department and the national contact point of the imminent expiry of the time limit, two hours before it expires.

6. OCNOL dates and logs the evidence gathered after the expiry of these time limits and transmits it with this mention. Its admissibility is a matter for the judge hearing the case, in accordance with that State's national law.

7. Each State Party shall ensure that the decision of the On-Call Judge is notified to the Organisation via the secure channel. Where the subsequent judgment on the facts is public under the law of that State, a copy shall be sent to the Organisation, which shall archive it in accordance with Article 56 and use it for statistical purposes.

ARTICLE 137 – REMEDIES

1. The decision of the On-Call Judge may be appealed to the competent court of the State on whose behalf it was made, in accordance with the law of that State.

2. The appeal shall not have suspensive effect, unless the court hearing the appeal decides otherwise; that court shall rule as soon as possible.

3. The master, the operator, any person on board and the flag State are entitled to bring such an appeal.

4. Each State Party shall ensure that the decision specifies the competent court, the time limit for lodging an appeal and the practical arrangements for doing so from the ship.

5. The appeal may be lodged by any means leaving a written record, including from the ship, in accordance with the conditions set out in Article 91.

6. The Secretariat shall maintain an anonymised compendium of decisions, accessible to States Parties, judicial officers listed in the register and the Independent Supervisor. This compendium shall not contain any personal data.

7. Decisions handed down on appeal and the grounds for them shall be brought to the attention of all registered judicial officers, for the purposes of harmonising practices.

ARTICLE 138 – ASSEMBLY OF JUDICIAL OFFICERS AND MARITIME JUDICIAL COOPERATION

1. An Assembly of Judicial Officers and Maritime Judicial Cooperation shall be established within OCNOL, bringing together annually the judicial officers designated by the States Parties to perform the judicial functions provided for in this Treaty.

2. The Assembly shall serve as a forum for cooperation, the exchange of experiences and the improvement of the judicial and operational mechanisms provided for in this Treaty. It shall also contribute to the harmonisation of practices and to mutual understanding of the legal systems of the States Parties.

3. The Assembly shall meet at least once per calendar year. It may be convened in extraordinary session where developments in a maritime situation, the emergence of a significant legal difficulty, the need for consultation between several States Parties, or a request from at least three States Parties so warrants.

4. An extraordinary session shall be convened by the Secretary-General as soon as practicable. The notice convening the session shall specify its purpose and the matters to be discussed.

5. The Assembly may, in particular, consider: (a) difficulties encountered in the issue, recognition, transmission and enforcement of maritime warrants; (b) discrepancies between the domestic laws of the States Parties which may affect the implementation of this Treaty; (c) the conditions for the establishment, authentication, preservation and transmission of evidence; (d) the mechanisms for maritime judicial vigilance and early warning provided for in this Treaty; (e) difficulties in cooperation between judicial authorities, maritime authorities and government authorities; (f) matters relating to maritime areas subject to competing claims or where

delimitation has not been completed; (g) ways of promoting practical provisional arrangements between the States Parties concerned; (h) any matter the consideration of which may enhance legal certainty, maritime cooperation and the effectiveness of this Treaty.

6. The Assembly may, where the agenda so warrants, invite representatives of the governments, maritime administrations, foreign affairs authorities, scientific authorities or any other competent institution of the States Parties.

7. The participation of non-judicial representatives in the work of the Assembly shall not prejudice the independence of the judicial officers or the constitutional or jurisdictional powers of the States Parties.

8. When considering a maritime zone subject to competing claims or a zone whose delimitation has not been finalised, the Assembly shall not decide any question of sovereignty, maritime title or delimitation.

9. Discussions relating to such areas shall be concerned exclusively with cooperation, the prevention of incidents, maritime safety, judicial coordination, the exchange of information and, where the States concerned so wish, the development of practical provisional arrangements in accordance with Article 128.

10. No debate, opinion, recommendation or arrangement considered by the Assembly may be interpreted as a recognition, acquiescence, waiver, transfer of title or item of evidence relating to any existing or future maritime delimitation.

11. The Assembly may establish temporary working groups to study a specific issue and to present their conclusions at the annual or extraordinary session.

12. The work of the Assembly shall be the subject of an annual report submitted to the Conference of States Parties and to the Secretary-General.

13. The Assembly of Judicial Officers and Maritime Judicial Cooperation is not an organ of the Organisation. It constitutes a permanent forum for exchange, study and work amongst judicial officers appointed by the States Parties. It has no jurisdictional, decision-making, investigative or coercive powers in respect of any State, court or judicial officer. Its work, opinions and recommendations are not attributable to the Organisation. The judicial officers participating in it remain members of the judiciary of their respective States and exercise their judicial functions exclusively in accordance with their national law.

ARTICLE 139 – COMPARATIVE STUDIES AND RECOMMENDATIONS ON JUDICIAL HARMONISATION

1. The Assembly shall carry out, or commission, comparative studies of the legislation, regulations, judicial practices and operational mechanisms of the States Parties in the fields covered by this Treaty. The purpose of these studies is to propose to the States Parties, on a non-binding basis, legislative, regulatory or procedural solutions enabling them to better defend their rights and sovereignty in the fields covered by this Treaty.

2. Where the same issue is dealt with differently by several States Parties, the Assembly shall compare the existing solutions, taking into account, in particular, their legal certainty, effectiveness, speed, protection of fundamental rights and compatibility with applicable international law.

3. Where a common issue is addressed in one or more States Parties by a legal, judicial or procedural response that is particularly comprehensive, the Assembly may identify that solution for the purposes of comparison and examine the principles relevant to other States Parties, without designating a national system as a benchmark jurisdiction or establishing a ranking amongst States or jurisdictions.

4. The Assembly may submit specific recommendations to the governments of the States Parties concerning the amendment of a law, a regulation, a judicial procedure or an administrative mechanism.

5. Where a discrepancy in domestic law directly undermines the effectiveness of a provision of this Treaty, the Assembly may adopt a strengthened recommendation, setting out the difficulty identified, the available comparative solutions and the proposed adjustments.

6. Recommendations remain advisory in nature. They do not have the effect of substituting for the legislature, the regulatory authority or the national courts.

7. The Assembly may not examine the merits of an individual case, vary or set aside a judicial decision, issue instructions to a judicial officer or intervene in pending judicial proceedings.

8. Studies may relate to specific cases, to court decisions that have been made public, and to the applicable legislative, regulatory or procedural texts. They may mention the court concerned, the references of the decision, the legal characterisations adopted, the rules of procedure and evidence, the penalties imposed, measures of confiscation, restitution or reparation, as well as the arrangements for enforcement and recovery, subject to the rules on publicity, confidentiality and the protection of individuals applicable in the State concerned. The studies do not constitute a ranking of States or courts.

9. On the basis of a case that has been finally decided and a decision that is accessible under the applicable law, the Assembly may, for the purposes of a comparative law study, draw up an analysis setting out the treatment likely to be accorded to comparable facts in one or more other jurisdictions of the States Parties, in particular with regard to jurisdiction, legal characterisation, procedure, evidence, sanctions, confiscation, reparation and recovery. Such a comparison shall not constitute an appeal, a review or a challenge to the decision rendered and shall have no effect on its authority or enforcement. It shall not involve any assessment of the decision rendered or of the court that rendered it.

10. The Assembly shall base its studies and recommendations, as far as possible, on the reliability statistics provided for in Article 84, paragraph 4. It shall examine annually the action taken on previous recommendations, assess their impact in the light of these statistics, and draw up a report thereon.

11. Recommendations concerning Areas of Indeterminacy or maritime areas subject to competing claims shall in all circumstances comply with Article 128 and shall not prejudge the final delimitation.

12. Recommendations addressed to a State shall not be published or communicated to a third party without that State's written consent.

TITLE XX – THE MARITIME WARRANT

ARTICLE 140 – NATIONAL MARITIME WARRANT AND CONDITIONS FOR RECOGNITION

1. A maritime warrant is an act issued by the competent judicial authority of a State in accordance with its law to authorise a specific measure against an identified ship.

2. It is neither created, issued, signed nor validated by OCNOL.

3. It is recognised by the other States Parties under the conditions set out in this Title, without any change to its legal nature and without the need for exequatur on an operation-by-operation basis.

4. Its recognition under the Treaty requires: (a) a competent issuing authority; (b) serious indications relating to an act covered by Annex II; (c) a necessary and proportionate measure; (d) a defined scope and duration; (e) respect for immunities and fundamental rights; (f) identification of the State responsible for execution; (g) the required territorial consents. No separate territorial consent is required where the warrant is executed by the authorities of the State in whose areas the ship is situated: that State's obligation arises from this Treaty, in accordance with Article 143 bis.

5. The warrant does not authorise any measures beyond its purpose, scope and duration.

6. No warrant may target a warship or a ship owned or operated by a State and used exclusively for non-commercial public service.

7. The result of automated processing alone shall not suffice for its issue.

8. The regime governing the warrant is structured as follows: Articles 126 to 131 (jurisdiction); Article 135 (referral); Titles XIV and XV (evidence); this Article (national warrant); Article 142 (recognition and enforcement); Article 143 (vigilance and location following initial failure); Article 143 bis (cross-border continuity and the obligation of the State in which the ship is located); Article 144 (duration and limits set by the issuing judge); Article 165 (mutual legal assistance); Article 166 (exceptional and reasoned refusal); Article 172 (exhaustive grounds for refusal of enforcement); Annex VII (recognition, transmission and enforcement).

ARTICLE 141 – INFORMATION REQUIRED FOR RECOGNITION

1. To be recognised under the Treaty, the warrant shall identify: (a) the issuing authority and State; (b) the date and time; (c) the ship concerned; (d) the facts and the item in Annex II; (e) the authorised measure; (f) the scope and duration; (g) the enforcing authority; (h) the remedies available or the authority from which they may be obtained.
2. These requirements relate to the recognition provided for in this Treaty and do not determine the internal validity of the instrument in the issuing State.
3. The form, title, medium, signature and statement of reasons shall continue to be governed by the law of the issuing State, subject to the minimum guarantees set out in the Treaty.
4. Reservations as to reliability, single sources, gaps in coverage and exculpatory evidence are included in the file where relevant.
5. Annexes VII and VIII govern the transmission and freedom of form of national warrants.

ARTICLE 142 – MUTUAL RECOGNITION OF NATIONAL WARRANTS

1. States Parties shall mutually recognise national maritime warrants falling within the scope of the Treaty.
2. Such recognition does not entitle the issuing State to exercise police powers directly in areas falling within the jurisdiction of another State.
3. The material execution is the responsibility of the competent authorities of the State in whose areas the measure is taken.
4. Where a ship or person subject to a recognised warrant subsequently comes under the jurisdiction or authority of another State Party, enforcement shall be the responsibility of the competent authorities of that State in accordance with Article 143 bis.
5. Recognition of the warrant does not entail any transfer of territorial or jurisdictional authority to the issuing State.
6. The issuing State shall be responsible for the grounds, legality, scope and duration of its warrant. The Executing State shall be responsible for its practical implementation.
7. A State may not refuse to execute a warrant solely on the grounds that its form, title or procedure differ from its own law.
8. A refusal is permitted only on the grounds exhaustively set out in Articles 166 and 172. It shall be in writing, state the reasons and be transmitted without delay.
9. OCNOL is responsible solely for secure transmission, formal authentication of the issuing authority, technical translation and traceability.
10. In the event of doubt as to authenticity, the Executing State shall seek confirmation before taking any action, unless there is an immediate need to preserve human life.
11. This Article constitutes the prior undertaking of recognition entered into by the States Parties under this Treaty, subject to the peremptory rules of international law.

ARTICLE 143 – MARITIME JUDICIAL VIGILANCE AND THE PRINCIPLE OF RECIPROCITY

1. Any maritime warrant issued and recognised under this Treaty shall be notified without delay to OCNOL by the issuing judicial authority, for the purposes of maritime judicial vigilance. This notification forms part of the States Parties' obligation to cooperate. Each State Party shall, in accordance with its law, take the necessary measures to ensure that its judicial authorities carry this out.

2. Where the warrant could not be physically executed against the ship concerned, OCNOL shall ensure enhanced maritime judicial vigilance of the ship or of the area designated by the issuing judicial authority, in order to ensure its re-identification, location and the alerting of the competent authorities.

3. Failure to give notice, or any delay in doing so, shall engage the responsibility of the State Party concerned under this Treaty. It shall have no effect on the validity, scope or execution of the warrant.

4. The notification shall be transmitted to the Secretariat via the secure channel provided for in this Treaty. It shall specify the warrant reference number, the identification of the ship where known, the area concerned where the vigilance relates to an area, the limits of the warrant, its duration, the authorities to be notified and any specific conditions laid down by the judicial authority.

5. Upon receipt of a notification in the required form, OCNOL shall enter the ship or the area concerned in the confidential register of maritime judicial vigilance and shall ensure the enhanced vigilance requested for the duration and within the limits set by the issuing judicial authority.

6. Entry in the register does not entail the creation of a new warrant, nor does it extend the territorial or jurisdictional competence of the issuing State, nor does it confer on OCNOL the power to board, pursue or compel compliance.

7. OCNOL shall, within the limits of its powers and the authorisations at its disposal, carry out the technical monitoring necessary to re-identify or locate the ship concerned and, where the request relates to a specific area, to detect its reappearance or any relevant contact within that area.

8. As soon as contact is established and a consistent set of technical data enables the ship in question to be identified or re-identified, OCNOL shall without delay inform the judicial authority or the national contact point of the State that issued the warrant, the flag State where identified, the State in whose maritime areas or under whose jurisdiction the ship has reappeared, and any other authority expressly designated in the warrant.

9. Identification may be established by the correlation of several lawfully available elements, including positioning data, automatic ship identification, navigational characteristics, visual observations, passive acoustic signatures or any other technical data admissible under this Treaty.

10. No isolated technical item shall in itself constitute a judicial determination of the ship's identity or authorisation to use coercive measures. The transmission made by OCNOL constitutes an authenticated operational alert and does not prejudge the decision of the competent authority.

11. The State Party in which the ship is identified or reappears shall receive the information on the same terms as the other recipient States referred to in paragraph 8, subject to the powers conferred upon it by this Treaty and applicable international law.

12. This mechanism is based on reciprocity. Any State Party shall, under the same conditions, benefit from the vigilance and alerts provided by OCNOL at the request of its judicial authorities.

13. The vigilance shall end when the issuing judicial authority notifies the execution, withdrawal, annulment, lapse or amendment of the warrant that gave rise to the notification, in accordance with the conditions laid down by the law of the issuing State.

14. OCNOL shall use the information gathered under this Article solely for the purposes of vigilance, identification, alerting and transmission to the competent authorities as provided for in this Treaty.

15. Where the monitoring provided for in this Article establishes that the ship covered by the warrant falls within the areas or jurisdiction of another State Party, OCNOL shall immediately forward the information to the competent authority of that State and apply Article 143 bis.

ARTICLE 143 BIS – CROSS-BORDER CONTINUITY OF EXECUTION AND RECIPROCITY

1. Where a national maritime warrant duly issued and recognised under this Treaty could not be physically executed within the areas of the issuing State and the ship, person or property concerned subsequently falls within the jurisdiction or competence of another State Party, such movement shall not interrupt the validity, recognition or effects of the warrant under this Treaty during its period of validity.
2. The State Party in whose areas the ship, person or property covered by the warrant is located shall, in respect of measures falling within its jurisdiction, be the Executing State. It shall execute the warrant through its own competent authorities, in accordance with this Treaty and its applicable law.
3. The Executing State may not refuse to execute the warrant solely on the grounds that it was issued by a judicial authority of another State Party or that the ship has entered its own waters, ports or areas under its jurisdiction.
4. Where the direct execution of a specific measure is not possible under the law of the Executing State, the latter shall, as soon as practicable, take the judicial or administrative measures falling within its jurisdiction necessary to ensure the continuity of the proceedings, subject to the grounds for refusal provided for in this Treaty.
5. Any enforcement measure shall be carried out exclusively by the competent authorities of the Executing State. This Article does not transfer any territorial, jurisdictional or police powers to the issuing State, nor does it confer any coercive powers on OCNOL.
6. Any refusal to execute a request shall be reasoned in writing and may be based only on the grounds provided for in this Treaty. Where the difficulty is likely to be remedied, the Executing State shall consult the issuing State without delay to enable the request to be brought into compliance.
7. This Article applies reciprocally to all States Parties, without distinction based on the flag, the nationality of the ship, the power or the contribution of the State concerned.

ARTICLE 144 – DURATION, AMENDMENT AND TERMINATION OF THE WARRANT

1. The period of validity of a maritime warrant shall be determined exclusively by the competent judicial authority of the State which issued it, in accordance with the law of that State.
2. This Treaty does not prescribe any minimum or maximum duration applicable to national maritime warrants and does not limit the power of the issuing judicial authority to determine that duration.
3. Any extension, renewal, amendment, suspension or reduction of the duration of the warrant falls exclusively within the remit of the competent judicial authority of the issuing State, in accordance with the conditions laid down by its national law.
4. The duration, and any subsequent amendment thereto, shall be brought to the attention of the Secretariat via the secure channel provided for in this Treaty where such information is necessary for the recognition, transmission, execution or continuation of the judicial vigilance provided for in Article 143.
5. The expiry, revocation, withdrawal, annulment or execution of the warrant shall terminate its effects in accordance with the conditions determined by the issuing judicial authority and by the applicable law.
6. OCNOL may not, on its own initiative, extend, reduce or amend the duration or scope of a national maritime warrant.
7. A change in the State in which the ship is located shall not affect the duration or limits of the warrant, in accordance with Article 143 bis, paragraph 1.

ARTICLE 145 – CHALLENGES AND EFFECTS OF ANNULMENT

1. The annulment of the warrant entails the immediate lifting of the measures taken on the basis thereof and the return of the ship, its cargo and the seized items.
2. It gives rise to a right to reparation in accordance with Article 92, without the claimant having to prove fault.
3. Evidence gathered on the basis of an annulled warrant may not be used in any proceedings, except as exculpatory evidence; it shall be removed from the file and its removal shall be recorded.
4. The annulment shall be notified to the Secretariat, which shall inform the States Parties concerned and the Independent Supervisor.
5. Where the annulment results from insufficient evidence provided by the Organisation, the matter shall be referred to the Independent Supervisor as of right under Article 98.

TITLE XXI – BOARDING AND USE OF FORCE

ARTICLE 146 – COMPETENT AUTHORITY

1. Boarding shall be carried out exclusively by warships, military aircraft or State ships and aircraft bearing external markings clearly indicating that they are assigned to a public service and authorised for that purpose.
2. No Agent of the Organisation may take part in the material execution of a boarding. An OMIFC Agent may be present on board for the sole purpose of providing technical assistance in the preservation of evidence, without exercising any coercive powers, upon written request from the Executing State, under the authority of that State and with the express authorisation of the On-Call Judge.
3. Their presence, the exact nature of their assistance and the times of their embarkation and disembarkation shall be recorded in the official record.
4. The OMIFC Agent shall not conduct any hearings, take part in any searches or retain any items in his or her possession. Any items he or she helps to preserve shall be handed over immediately to the executing authority.
5. Officers of the Executing State shall provide evidence of having undergone the training provided for in Article 118 and of having been informed of the rules of engagement.

ARTICLE 147 – PRELIMINARY CONDITIONS

1. Boarding may only take place pursuant to a valid maritime warrant.
2. This Article shall not preclude measures authorised by the Convention independently of this Treaty, in particular in cases of piracy, the transport of slaves, unauthorised transmissions from ships without nationality, or fisheries control in the exclusive economic zone pursuant to Article 73 of the Convention; such measures do not fall within the scope of this Treaty and derive no authorisation from it.
3. The Executing State shall, prior to any intervention, verify the validity, scope and duration of the warrant, as well as the identity of the ship.
4. It shall postpone the intervention where sea conditions, the condition of the ship or the presence of vulnerable persons would render it dangerous, and shall inform the On-Call Judge accordingly.

ARTICLE 148 – NOTIFICATION TO THE FLAG STATE

1. The Executing State shall notify the flag State of the boarding as soon as possible and no later than six hours thereafter.

2. The notification shall specify the position, date and time, the grounds, the reference number of the warrant, the authority carrying out the operation, and the number and condition of the persons on board.

3. The flag State may appoint a representative to monitor the operations; the time taken for the flag State to respond shall not suspend enforcement. The failure of the flag State to respond shall have no effect on the nationality of the ship.

4. The Executing State shall also inform the flag State of the completion of the measure, its outcome and the fate of the ship and the persons on board.

5. Within the exclusive economic zone of the Executing State, the absence of a reply from the flag State within six hours shall not prevent boarding in respect of matters falling within the sovereign rights and jurisdiction recognised by the Convention as belonging to the coastal State in that zone. The guarantees provided for in this Treaty in respect of persons and property shall apply. Any dispute shall be subject to the jurisdiction of the coastal State, without prejudice to Article 162, paragraph 5, and Part XV of the Convention.

6. On the high seas, no coercive measures shall be taken without the express authorisation of the flag State, except in the cases provided for in Article 8, paragraph 2. Silence on the part of the flag State shall be deemed a refusal of authorisation.

7. Within the exclusive economic zone, paragraph 6 applies to matters not falling within the sovereign rights and jurisdiction recognised by the Convention as belonging to the coastal State in that zone.

ARTICLE 149 – PROCEDURE

1. Boarding shall be carried out in accordance with the procedure set out in Annex III.

2. Officers shall identify themselves by their name or service number and the authority to which they belong, state the grounds for their intervention and provide the master with a copy of the warrant in a language that he or she understands.

3. An inventory shall be drawn up in the presence of the master or his or her representative, who may make comments thereon. The items seized shall be placed under numbered seals bearing the identity of the officer affixing them.

4. The operation shall be recorded by any available technical means; the recording shall be added to the file and retained in accordance with Annex IV. The absence of a recording shall be reasoned in the official record.

5. The boarding shall be carried out with the minimum possible disruption to navigation and to the persons on board, and within the shortest possible time.

6. No body searches shall be carried out except in the cases provided for by the law of the Executing State and in the presence of an officer of the same sex.

7. The boarding and any coercive measures shall be carried out in such a way as not to endanger the lives of those on board or the safety of the ship. Where their pursuit exposes the crew to a danger to their survival, the Executing State shall suspend or defer them. It shall resume them as soon as circumstances permit, in accordance with the Convention and international law as applied by the International Tribunal for the Law of the Sea. The suspension and the grounds for it shall be recorded in the official record.

8. The decision to commence, suspend or resume the operation is a sovereign act of the Executing State. Its assessment is a matter for the national court. The Organisation does not intervene in this decision; it ensures that it is dated and traceable.

ARTICLE 150 – USE OF FORCE

1. The use of force is permitted only where strictly necessary, to the extent strictly required by the circumstances and in a graduated manner.

2. Wherever circumstances permit, it shall be preceded by a clear warning and a reasonable period of time to comply.

3. Where the purpose of the intervention is to put an end to the seizure of control of the ship within the meaning of item C-7 of Annex II and there are serious grounds for believing that persons are being held on board against their will, the prior warning provided for in the preceding paragraph may be omitted where giving such a warning would increase the danger to those persons. The omission shall be reasoned without delay in the report provided for in Article 151, which sets out the grounds on which this assessment was based.

4. Means of coercion, including the possible use of warning shots, shall be authorised by the On-Call Judge in the maritime warrant. Such authorisation is at the judge's sole discretion. The judge shall issue it in accordance with the law, whilst complying with international law, in particular the Convention, and the conventions to which the judge's State is a party. Officers executing the warrant may not exceed either this authorisation or the law of the State to which they belong. Warning shots shall not be directed at the ship or at persons. The use of firearms against a ship or against persons is prohibited, except in self-defence or in defence of others in the face of a present danger of death or serious injury; this exception requires no prior authorisation.

5. The use of force shall cease as soon as its purpose has been achieved. Force may not be used as a punitive measure or after the ship has been immobilised.

6. Any injured person shall receive, without delay, the medical care required by their condition; their evacuation shall take precedence over the continuation of operations.

7. The common rules of engagement are set out in Annex VI; no officer shall take part in a boarding without having been informed of them, and such notification shall be duly recorded in the file.

ARTICLE 151 – REPORT AND INVESTIGATION

1. Any use of force shall be the subject of a detailed report forwarded within twenty-four hours to the On-Call Judge, the national contact point, the flag State and the Independent Supervisor.

2. The report shall set out the circumstances, the graduated approach followed, the warnings given, the means employed and their effects.

3. Each State Party shall investigate any use of force resulting in death or serious injury, and shall communicate the findings of the investigation to the flag State and the Secretariat.

4. The investigation shall be conducted by an authority independent of the one that carried out the measure.

5. The Secretariat shall compile an annual anonymised statistical report on the use of force, to be published together with the Independent Supervisor's report.

ARTICLE 152 – OFFICIAL RECORD

1. An official record shall be drawn up for every boarding operation.

2. The official record shall state the date, time and position; the identity or service number of the officers and the authority to which they are attached; the reference number of the warrant; the course of events; the findings; the items seized and their seals; any use of force; the exercise of their rights by the persons on board; and the master's observations.

3. It shall be signed by the officers and by the master. Any refusal to sign shall be noted and shall not affect its validity.

4. A copy shall be provided to the master in a language that he or she understands and forwarded, within six hours, to the On-Call Judge, the national contact point and the flag State.

5. The evidence provided by the Organisation and the official record shall be subject to the free assessment of the national judge, in accordance with the law of the State Party exercising jurisdiction and in accordance with Article 113. The Organisation and its Agents may be heard or appointed as experts in accordance with the law of the forum State.

TITLE XXII – HOT PURSUIT AND EXTENSION BY CONSENT

ARTICLE 153 – CONTINUITY OF HOT PURSUIT

1. Hot pursuit lawfully commenced in accordance with Article 111 of the Convention may be continued within the exclusive economic zone of another State Party, subject solely to the conditions set out in this Title. Beyond what is permitted under Article 111 of the Convention, such extension constitutes a measure of cooperation granted by the Receiving State. It does not constitute the exercise of the right of hot pursuit nor does it extend the conditions thereof.
2. This Title does not extend to any category of ships or aircraft the right of hot pursuit reserved by the Convention, nor does it alter the conditions for commencing pursuit, the conditions for its termination, or the requirements for a prior signal.
3. Extension does not confer any new rights in respect of the ship being pursued and does not exempt it from any of the guarantees set out in Title IX.
4. The extension shall not take place in the territorial sea, in archipelagic waters—except under the conditions set out in Article 156—or in an Area of Indeterminacy.
5. This Title governs acts carried out under this Treaty. Navigation and observation not accompanied by any act of coercion are governed by Article 58 of the Convention.

ARTICLE 154 – CONSENT IN PRINCIPLE AND RESPONSIBILITY OF THE RECEIVING STATE

1. In the context of reciprocal cooperation, each State Party, by expressing its consent to be bound by this Treaty, consents to a pursuit lawfully initiated continuing into its exclusive economic zone, unless a declaration of objection is made in accordance with Article 155.
2. The pursuing State shall without delay notify the national contact point of the Receiving State of the extension. The notification shall specify the identification of the ship being pursued, the alleged act, its position, course and speed, the pursuing unit and the time at which the pursuit commenced. It shall be time-stamped and placed on file.
3. The extended pursuit shall be limited to tracking the ship and maintaining contact. It shall not involve any order to stop, boarding, inspection, immobilisation, seizure or use of force.
4. Boarding and the measures following it are the responsibility of the Receiving State, which acts by its own means in execution of the maritime warrant, subject to Article 148(7).
5. The Receiving State may request the pursuing State to board the ship on its behalf. The request shall be made in writing or by any means leaving a record, and shall be included in the case file. The pursuing State shall then act in accordance with the law and instructions of the Receiving State, and shall hand over the ship and the persons on board to its authorities as soon as possible.
6. The Receiving State may at any time impose conditions on the extension, in particular the boarding of one of its officers, a restriction on the area or duration, or the handover of the ship to its authorities.
7. The On-Call Judge who issued the warrant shall, pursuant to Article 158, designate the safe port nearest to the place of boarding situated in the Receiving State. That State shall ensure the custody of the ship and the persons on board until such time as that judge has ruled in accordance with its law. Article 148(5) and Article 162 shall continue to apply.

ARTICLE 155 – DECLARATION OF OBJECTION

1. Any State Party may, when expressing its consent to be bound or at any time thereafter, declare that it objects to the extension of the pursuit within its exclusive economic zone, in whole or in part. The declaration shall be addressed to the depositary. The State which has made the declaration shall itself board or inspect, within its zone, the ship subject to a maritime warrant, in accordance with that warrant.
2. The declaration may relate to specific States Parties, specific categories of acts, specific areas or specific periods. It need not state reasons and takes effect on the date of its receipt by the depositary.
3. The Receiving State may also, at any time, object to a specific pursuit. The objection takes effect immediately and the pursuing State shall comply with it without delay.
4. The withdrawal of a declaration takes effect upon notification. A declaration or objection has no effect on measures lawfully carried out before it took effect.
5. The list of declarations shall be kept up to date and made available to the national contact points.

ARTICLE 156 – EXTENSION GRANTED TO TERRITORIAL SEA AND ARCHIPELAGIC WATERS

1. A State Party may, by a declaration addressed to the depositary or by bilateral arrangement, permit another State Party to extend its surveillance and policing activities into its territorial sea and archipelagic waters, subject to the conditions and limitations it specifies.
2. The conditions and procedures for stopping, inspection, immobilisation and seizure shall be governed by the law of the State in whose waters the activity is carried out, and not by that of the State taking the action.
3. The seized ship and the persons on board shall be handed over as soon as possible to the authorities of that State, which shall exercise jurisdiction.
4. The declaration or arrangement shall specify the categories of acts concerned, the authorised units, the applicable rules of engagement and the duration.
5. Withdrawal is as of right and takes effect upon notification; it has no retroactive effect on measures lawfully initiated.
6. The officers of the State taking action shall comply with the instructions of the authorities of the Receiving State and shall cease all activities at their request.
7. This Article does not in any way derogate from the sovereignty of the coastal State over its territorial sea and its archipelagic waters, nor does it create any right of passage or any servitude.

ARTICLE 157 – OBLIGATIONS AND TERMINATION

1. The pursuing State shall keep the Receiving State continuously informed of the position and conduct of the pursuit.
2. It shall comply with the conditions laid down and shall cease the pursuit without delay in the event of objection by the Receiving State.
3. It shall be liable for any damage caused in the maritime areas of the Receiving State in accordance with the provisions of Article 92.
4. The pursuit shall cease as soon as the ship being pursued enters the territorial sea of its flag State or of a third State, subject to Article 156, and in the event of objection by the Receiving State.
5. The cessation, its time and the grounds for it shall be recorded and notified to the On-Call Judge and the Secretariat.
6. The Secretariat shall compile an annual anonymised statistical report on prolonged pursuits, boarding requests made by the Receiving State and objections.

TITLE XXIII – TRANSFER AND DISPOSITION OF THE SHIP

ARTICLE 158 – DECISION ON TRANSFER

1. The transfer of a boarded ship to a safe port shall be ordered by the On-Call Judge, at the request of the national contact point of the Injured State.
2. It shall be ordered only if it is necessary for the preservation of evidence, the safety of persons or the exercise of judicial jurisdiction, and provided that no less restrictive measure is available.
3. The decision shall specify the port of destination, the time allowed for the voyage, the conditions of the escort and the expected duration of the immobilisation.
4. It shall be notified to the master, the flag State, the Receiving State and the Secretariat.
5. The transfer may not be ordered where it would expose the ship or the persons on board to danger, nor where the Receiving State has issued the refusal provided for in Article 159.

ARTICLE 159 – SAFE PORTS

1. Each State Party shall provide the Secretariat with a list of the ports it designates as safe ports, specifying the permissible draught, mooring and security facilities, the availability of medical services and the means for exercising the rights provided for in Title IX.
2. This list shall be made public and kept up to date; any amendment shall take effect thirty days after its notification.
3. The On-Call Judge shall designate the nearest safe port enabling the effective exercise of the guarantees set out in Title IX.
4. No State Party is obliged to admit a ship to a port which it has not designated.
5. The Receiving State shall be notified at least six hours before arrival; it may raise a reasoned refusal on grounds of security, reception capacity or public health, in which case the judge shall designate another port.
6. The inclusion of a port on the list does not entail any obligation to accommodate a specific ship.

ARTICLE 160 – OPERATION OF THE SHIP AND CARGO

1. The ship shall be operated by its own crew where this is possible without danger, under escort by the Executing State; where such operation is impossible, the Executing State shall ensure this by providing a qualified emergency crew.
2. The condition of the ship, its fittings and its cargo shall be recorded on departure and on arrival, in the presence of the master or his or her representative, who may make comments thereon.
3. Perishable cargo may be sold or destroyed with the authorisation of the On-Call Judge, following a finding made in the presence of the master and a valuation by an independent expert; the proceeds of the sale shall be deposited until a final decision is reached and shall be returned in the event of dismissal of the case or acquittal.
4. Illegal fish catches shall be dealt with in accordance with the law of the Injured State; where their release back into the sea is possible and beneficial to the stock, this shall be carried out and a record of the release shall be drawn up.
5. Crew members' personal effects may only be seized if they constitute evidence, and shall be returned as soon as it is no longer necessary to retain them.

ARTICLE 161 – TRANSFER AND CUSTODY COSTS

1. The costs of transfer, mooring, custody, maintenance and security shall be advanced by the Executing State.
2. They are ultimately borne by the convicted person. In the event of dismissal of the case or acquittal, they are borne by the Injured State.
3. The Fund's sub-fund for the costs of custody and transfer of ships, as provided for in Annex IX, shall advance these costs at the request of the Executing State or the Receiving State.
4. This sub-fund is financed by a share of the proceeds of fines and confiscations, in the proportion determined by the Conference, by reimbursements of costs advanced and by voluntary contributions. It may not be financed by the resources prohibited under Article 60.
5. Salaries and personal effects due to crew members may not be withheld as part of the costs referred to in this Article.
6. This sub-fund shall be managed separately from the operating budget and its use shall be set out in the audit report provided for in Article 61.

ARTICLE 162 – RESTITUTION AND PROMPT RELEASE

1. In the event of dismissal of the case, acquittal or lifting of the measure, the ship shall be returned in the condition in which it was seized. The return shall take place without delay and without any sum being payable by the master or the operator in this respect.
2. Any damage occurring during the detention shall be repaired or compensated for by the Executing State, in accordance with the conditions set out in Article 92.
3. Crew members against whom no proceedings are brought shall be accommodated ashore where it is not necessary to keep them on board, and shall be repatriated in accordance with Article 168.
4. The detained ship and its crew shall be promptly released upon the posting of a reasonable bond or other financial security in the cases provided for in Articles 73(2), 220(7) and 226(1)(b) of the Convention. Between States that are Parties to the Convention, Article 292 of the Convention applies to any request for prompt release.

PART FIVE – ENFORCEMENT, DISPUTES AND FINAL PROVISIONS

TITLE XXIV – CRIMINAL JURISDICTION AND MUTUAL LEGAL ASSISTANCE

ARTICLE 163 – OFFENCES AND PENALTIES

1. The acts listed in Annex II shall be prosecuted in accordance with the offences defined under the domestic law of the State Party exercising jurisdiction.
2. Penalties shall be determined and imposed by the competent court of that State, in accordance with its domestic law, whether written or customary.
3. Legal persons may be held liable under the conditions laid down by that domestic law, without prejudice to the liability of natural persons.
4. This Treaty does not authorise any State Party to derogate from its international obligations regarding prosecution and penalties. Where the act constitutes pollution of the marine environment by a foreign ship, the State Party exercising jurisdiction shall comply with Articles 228 to 230 of the Convention to which it is bound. The penalties provided for infringements of the laws and regulations relating to fishing in the exclusive economic zone shall not include imprisonment, in the absence of an agreement to the contrary between the States concerned, nor any other form of corporal punishment, in accordance with Article 73(3) of the Convention.
5. This Treaty does not create any offences nor does it prescribe any penalties. OCNOL, through the OMIFC Department, provides evidence of the facts; it does not rule on their legal characterisation or on the penalty.

ARTICLE 164 – APPLICABLE LAW AND INFORMATION

1. The proceedings shall be governed by the law of the State Party exercising jurisdiction.
2. The guarantees set out in Title IX shall apply in all circumstances and at all stages, including where they exceed the requirements of that law.
3. The competent State Party shall inform the Secretariat of the commencement of proceedings, their outcome and any decision to discontinue proceedings, together with the reasons therefor.
4. This information shall be forwarded to the Injured State, the flag State and the State of nationality of the persons prosecuted.
5. The Secretariat shall compile anonymised annual statistics on this, which shall be published alongside the Independent Supervisor's report. These statistics shall not contain any personal data.

ARTICLE 165 – MUTUAL LEGAL ASSISTANCE

1. The States Parties shall afford one another the widest possible mutual legal assistance for the purposes of proceedings relating to serious offences.
2. Mutual legal assistance shall include, in particular, the taking of testimony, the production of documents, the tracing and identification of persons and property, expert reports and the service of documents.
3. It shall be carried out through the national contact points and, in urgent cases, by any means leaving a written record, confirmed without delay.
4. The requested State shall execute the request in accordance with the formalities specified by the requesting State, provided that they are not incompatible with its law.
5. Information obtained through mutual legal assistance may not be used for purposes other than those specified in the request without the consent of the requested State.

6. The mutual legal assistance provided for in this Article shall include, where necessary for the execution of a recognised maritime warrant, the measures required for its location, identification, notification, execution and the preservation of evidence, within the limits of the warrant and the powers of the requested State.

7. The cross-border execution of warrants is further governed by Article 143 bis.

ARTICLE 166 – REFUSAL OF MUTUAL ASSISTANCE

1. Mutual assistance may not be refused on the sole ground that the act also constitutes a tax or customs offence, nor on the sole ground that it is attributed to a legal person.

2. It may be refused where it would infringe upon the sovereignty, security or public policy of the requested State, or where it would be contrary to Title IX.

3. Any refusal shall be in writing, shall state the reasons therefor and shall be notified to the Secretariat.

4. The requested State shall give the requesting State the opportunity to supplement or amend its request before any decision to refuse is taken.

5. The grounds for refusal set out in this Article may not be invoked in a general manner to prevent the continuation of proceedings or the execution of a recognised warrant where a measure compatible with the law of the requested State enables the request to be met.

ARTICLE 167 – EXTRADITION

1. Serious offences shall be deemed to be included amongst the offences giving rise to extradition in any extradition treaty in force between States Parties.

2. The States Parties undertake to include them in any extradition treaty they may subsequently conclude amongst themselves.

3. Nothing in this Treaty shall oblige a State Party to extradite its own nationals. A State which refuses on this ground shall refer the case to its competent authorities for the purposes of prosecution.

4. Extradition shall be refused where it would expose the person to treatment contrary to Article 89, or where the request appears to be motivated by considerations unrelated to the prosecution of the offence.

5. It shall remain subject to the other conditions laid down by the law of the requested State.

ARTICLE 168 – TREATMENT OF PERSONS NOT SUBJECT TO PROSECUTION

1. Persons on board who are not subject to prosecution shall be repatriated without delay, at the operator's expense or, where the operator fails to provide for this, in accordance with the conditions laid down by the Conference.

2. Officers trained in accordance with Article 118 shall, upon boarding, identify any signs of trafficking and forced labour, and record these in the official record.

3. Repatriated persons shall be provided with a copy of the documents relating to them and shall be informed of the remedies available to them.

4. No repatriation measure may be carried out in contravention of Article 93.

TITLE XXV – ENFORCEMENT OF DECISIONS

ARTICLE 169 – RECOGNITION

1. Final decisions handed down by the courts of a State Party pursuant to this Treaty shall be recognised by the other States Parties.

2. Recognition does not entail review of the merits of the case.

3. Recognition shall be refused in the cases exhaustively listed in Article 172.

ARTICLE 170 – FINES AND CONFISCATIONS

1. Fines and confiscations ordered shall be enforced in the territory of the other States Parties in accordance with their domestic law.
2. The request for enforcement shall be transmitted by the national contact points, accompanied by a certified copy of the decision and, where the requested State so requires, a translation thereof.
3. The proceeds shall accrue to the Executing State, after deduction of costs, subject to the portion allocated to the ship detention and transfer costs sub-fund of the Fund provided for in Annex IX, in accordance with Article 161, paragraph 4, and any bilateral sharing agreements.
4. Sums recovered in respect of reparation due to persons shall take precedence over those due to the Executing State.
5. The State which issued the decision shall be informed of its enforcement or of the impossibility of enforcing it.

ARTICLE 171 – DISPOSITION OF THE CONFISCATED SHIP

1. The confiscated ship shall be sold, assigned to a public service or destroyed, as decided by the State which ordered the confiscation.
2. It may not be used for fishing activities, nor may it be transferred to an operator in the sector in which the offence was committed, or to any person linked to that operator through control, financing or management.
3. The State conducting the sale shall ensure that the purchaser does not appear on any list of ships or operators engaged in illegal fishing maintained by a regional fisheries management organisation, and shall obtain from the purchaser a written undertaking not to resell the ship.
4. After deduction of the share provided for in Article 161, paragraph 4, the proceeds of the sale may be allocated to strengthening the surveillance capabilities of the Injured State or to the emergency relief sub-fund of the Fund provided for in Annex IX.

ARTICLE 172 – GROUNDS FOR REFUSAL OF EXECUTION

1. The enforcement of a decision or warrant may be refused only if: (a) it would be contrary to public policy in the requested State or to a fundamental principle of its constitutional order; (b) the person concerned has already been finally judged for the same acts, in accordance with Article 131; (c) the decision or measure was issued or taken in breach of the guarantees set out in Title IX; (d) the acts are not punishable under the law of the requested State; (e) enforcement is time-barred under the law of the requested State; (f) the warrant on the basis of which the measure was taken has been annulled or has lapsed; (g) enforcement would exceed the limits of the warrant or relate to a ship or person not specified therein.
2. The refusal shall be in writing, shall state the reasons therefor, and shall be notified to the requesting State, to the judge who issued the warrant where the request is based on a warrant, and to the Secretariat.
3. Before refusing, the requested State shall consult the requesting State where it appears that the difficulty may be resolved.
4. A refusal based on subparagraph (c) shall be communicated to the Independent Supervisor.
5. The mere fact that the ship, person or property in question is subject to the jurisdiction of the requested State shall not, in itself, constitute grounds for refusal. Any refusal shall remain subject to the grounds exhaustively set out in this Treaty, in particular in Article 143 bis.

TITLE XXVI – SETTLEMENT OF DISPUTES

ARTICLE 173 – CONSULTATION

1. Any dispute concerning the interpretation or application of this Treaty shall first be referred to consultation between the parties concerned, at the request of one of them.
2. Consultations shall commence within thirty days of the request and shall be conducted in good faith.
3. The Secretariat shall be informed thereof and may, upon a joint request, facilitate the conduct of the consultations.

ARTICLE 174 – MEDIATION

1. If the dispute is not resolved within six months, it may be submitted for mediation to the Secretary-General or to a mediator appointed by mutual agreement.
2. Where the Organisation is a party to the dispute, the mediator shall be appointed by the Chairperson of the Conference.
3. Mediation shall be confidential; the mediator's proposals shall not be binding on the parties and may not be relied upon in any subsequent proceedings.

ARTICLE 175 – ARBITRATION

1. Where a dispute has not been settled within twelve months, it shall, at the request of either party, be referred to an arbitral tribunal consisting of three members. Each party shall appoint an arbitrator within thirty days of the request for arbitration; the two arbitrators shall appoint the President of the tribunal within thirty days of the second appointment. Where the two arbitrators do not agree on the President, the President shall be appointed, at the request of either party, by the Secretary-General of the Permanent Court of Arbitration. The tribunal shall determine its own procedure in accordance with the principles of adversarial proceedings, impartiality and equality of the parties.
2. The award shall be final and binding and shall be carried out in good faith.
3. Disputes between a State Party and the Organisation shall be governed by this Article, the Organisation being deemed a party for the purposes of the proceedings.
4. The Organisation may not invoke its immunity to avoid compliance with the award.
5. The costs of the arbitration shall be borne by the parties in the proportions determined by the tribunal.

ARTICLE 176 – PROCEDURES UNDER THE CONVENTION

1. Disputes relating to the interpretation or application of the Convention, including those arising in connection with the application of this Treaty, shall be governed by Part XV of the Convention. Title XXVI does not constitute a procedure within the meaning of Article 282 of the Convention and does not deprive any State Party of the right to bring a case before the International Tribunal for the Law of the Sea, in particular under Article 292 of the Convention.
2. Where a ship or persons are detained pursuant to this Treaty, the courts of the State exercising jurisdiction shall rule in the first instance. International proceedings may be initiated only after domestic remedies have been exhausted, in accordance with Article 295 of the Convention, except for the proceedings for prompt release provided for in Article 292 of the Convention.

TITLE XXVII – SIGNATURE, RATIFICATION, AMENDMENTS AND FINAL PROVISIONS

ARTICLE 177 – SIGNATURE

1. This Treaty shall be adopted by a diplomatic conference of the participating States.

2. The Final Act of the diplomatic conference shall designate the depositary, specify the place and date of opening for signature, and record the authentic texts.

3. The Treaty may not be opened for signature until the Final Act has been adopted and the certification of conformity provided for in Article 188, paragraph 4, has been issued.

4. It shall remain open for signature during the period specified in the Final Act, and thereafter at the seat of the depositary until it enters into force.

ARTICLE 178 – RATIFICATION

1. This Treaty is subject to ratification, acceptance or approval in accordance with the constitutional procedures of each signatory State.

2. The instruments shall be deposited with the depositary, who shall acknowledge receipt thereof and notify the other signatories.

3. Any State which ratifies this Treaty shall notify the depositary of the status of the domestic legal measures taken pursuant to Article 74.

ARTICLE 179 – ENTRY INTO FORCE

1. The Treaty shall enter into force on the thirtieth day following the deposit of the fifth instrument of ratification, acceptance or approval.

2. For each State which subsequently ratifies, accepts, approves or accedes to the Treaty, it shall enter into force on the thirtieth day following the deposit of its instrument.

3. Titles XVIII to XXV shall become applicable between those States which have notified their national implementing measures and their on-call judicial authority.

4. Title XVII shall become operational on the date specified in the notification to the depositary made in accordance with Article 192, paragraph 4.

5. Prior to that date, States shall conduct exercises, deposit their certificates, test the channels and establish the financial resources, without an operational decision by the OEC.

ARTICLE 180 – ACCESSION

1. Upon its entry into force, this Treaty shall be open for accession by any State bordering a maritime area of Oceania.

2. For the purposes of this Treaty, the maritime areas of Oceania are those areas of the Pacific Ocean which, on the date of adoption of this Treaty, fall, in accordance with international law, under the sovereignty or jurisdiction of the States and territories then members of the Pacific Community, as well as the areas of the high seas enclosed therein. This perimeter shall remain fixed regardless of any subsequent changes in the sovereignty, status or composition of the Pacific Community. This definition shall have no effect on claims, delimitations and disputes relating to these maritime areas.

3. Any State whose sovereignty or jurisdiction extends over all or part of this perimeter is a State bordering a maritime area of Oceania, including a State newly established or having attained independence within this perimeter. During the process of the creation of a State or the attainment of independence, this Treaty shall continue to apply to the areas concerned in accordance with the regime of the State or territory to which they belong. A State whose capacity to conclude treaties is recognised, including a State linked to another State by a free association agreement, shall accede in its own name. This paragraph shall apply without prejudice to the rules of international law relating to the succession of States in respect of treaties.

4. A State which conducts the international relations of a territory situated in Oceania may, at the time of signature, ratification, accession or at any later time, extend the application of this Treaty to that territory by

means of a declaration addressed to the depositary, in accordance with Article 29 of the Vienna Convention on the Law of Treaties. The declaration shall be made after consultation with the authorities of the territory in accordance with its status. It shall take effect ninety days after its receipt by the depositary and may be withdrawn in the same manner.

5. Where the status of the territory confers upon it powers in matters governed by this Treaty, the State shall designate the authorities of the territory responsible for exercising those powers and may request their participation in the Conference as associate members, without the right to vote. The State shall remain solely responsible for the implementation of this Treaty in relation to the other States Parties.

6. This article shall not affect the status of a territory, the exercise of the right of peoples to self-determination, the obligations arising from Chapter XI of the Charter of the United Nations, or the internal allocation of powers between the State and the territory.

7. The Conference may, by consensus, admit as a member any other State whose participation would further its purpose.

8. The instrument of accession or the declaration of extension shall be deposited with the depositary, who shall notify all States Parties thereof.

ARTICLE 181 – PROGRESSIVE ACCESSION

1. A State may temporarily limit its commitment to Titles I to XVII, to the exclusion of Titles XVIII to XXV relating to criminal jurisdiction, warrants, coercive measures, prosecution, transfer and the enforcement of decisions.

2. The declaration shall specify the provisions that are suspended and shall be published by the depositary.

3. The State shall remain bound by Article 1, paragraphs 9 and 10, and by the fundamental rights, data protection, confidentiality, independent supervision and rescue obligations it has accepted. The transmission of alerts and information necessary for rescue operations may not be suspended.

4. It may lift this limitation at any time. The application of the suspended provisions shall take effect ninety days after notification and following confirmation of the necessary national measures.

5. The limitation shall not affect the full application of the Treaty between the other States Parties.

6. Any limitation shall expire five years after the entry into force of the Treaty for the State concerned, unless extended by consensus.

ARTICLE 182 – RESERVATIONS AND DECLARATIONS

1. No reservations shall be permitted in respect of Titles VIII, IX, X, XI and XVI, Article 1, paragraphs 1, 5, 6, 8, 9 and 10, Article 8, paragraphs 3, 7 and 8, Articles 12, 13, 14, 19, 26, 28, 38, 89, 97, 101, 113, 115 and 131, Article 163, paragraph 5, or Article 185, paragraphs 2 and 4.

2. Other reservations are permitted provided they are compatible with the object and purpose of the Treaty. They shall be formulated in writing at the time of signature, ratification, acceptance, approval or accession.

3. A State may object to a reservation within twelve months of its notification.

4. A reservation may be withdrawn at any time.

5. Declarations of consent, prior authorisation, progressive accession, objection to the extension of pursuit and designation of authorities do not constitute reservations. They may be amended or revoked in accordance with the provisions governing them.

ARTICLE 183 – WITHDRAWAL

1. Any State Party may withdraw from this Treaty by written notification addressed to the depositary, without having to state a reason.

2. Withdrawal shall take effect twelve months after receipt of the notification; the depositary shall notify all States Parties within thirty days.

3. A State that withdraws may revoke its notification before it takes effect.

4. Withdrawal shall not affect the validity of warrants issued or decisions made prior to its taking effect, nor shall it affect ongoing rescue obligations coordinated by the Oceanian Emergency Committee.

ARTICLE 184 – EFFECTS OF WITHDRAWAL AND RESTITUTION

1. Withdrawal does not relieve the State concerned of obligations arising prior to its taking effect, nor does it interrupt ongoing proceedings.

2. Within ninety days of the withdrawal taking effect, the Organisation shall return to the withdrawing State all data entrusted to it and all evidence established within its maritime areas, in an open, usable and documented format, accompanied by their chain of custody.

3. Once the return has been completed, the Organisation shall delete such data and issue a certificate of deletion countersigned by the Independent Supervisor.

4. Exceptions are made for data whose retention is required by ongoing judicial proceedings or by applicable law; the nature, basis and duration of such retention shall be notified, and the data shall be deleted as soon as the grounds for retention cease to exist.

5. The time limit may be extended once, by ninety days, in the case of exceptional volumes and subject to the written consent of the State concerned.

6. The obligations set out in Articles 110 and 120 shall survive without limit of time.

ARTICLE 185 – AMENDMENTS

1. Any State Party may propose an amendment. The depositary shall circulate the text and the explanatory memorandum within thirty days.

2. The depositary shall carry out a provisional characterisation of the adoption procedure. Any proposal that may fall within the scope of paragraph 4, or to which a State Party raises a reasoned objection within sixty days, shall be subject to the procedure set out in paragraph 4. It may not be recharacterised under a less demanding procedure except by the unanimous written consent of all States Parties.

3. The proposal shall be considered at least six months after its communication.

4. Amendments shall require the unanimous written consent of all States Parties if they: (a) confer sovereign or coercive powers on OCNOL; (b) curtail the sovereignty of a State or fundamental rights; (c) alter the ownership of data or evidence; (d) remove or reduce the consent required for access to territory or areas under sovereignty; (e) amend this paragraph, paragraph 2 or the characterisation rule they establish.

5. Other amendments to Articles 1 to 192 shall be adopted by consensus and then submitted for ratification, acceptance or approval. They shall enter into force, for those States that have accepted them, upon the deposit of instruments by two-thirds of the States Parties.

6. Annexes I, II, III, VI, VII, VIII, XIX, XX, XXII and XXIII shall be amended by consensus. Annexes IV, V, IX to XVIII and XXI shall be amended by a two-thirds majority, unless the amendment affects a national competence, a fundamental right, a financial obligation or a condition for coercion.

7. A State which objects to a technical amendment adopted by a majority shall not be bound by it. The objection shall be notified within one hundred and twenty days.

8. The Charter of the OMIFC Department shall be amended by consensus. An amendment falling within the scope of paragraph 4 shall be subject to the provisions of that paragraph.

9. No amendment shall have retroactive effect.

10. No protocol, agreement, regulation, contract, funding, accreditation or decision may circumvent this Article. Any act contrary to this provision shall be null and void.

ARTICLE 186 – REVIEW CONFERENCE

1. Five years after the entry into force, and thereafter every five years, the Conference shall review the operation of the Treaty.

2. It shall make its findings on the basis of the reports of the Independent Supervisor, the audit reports, the statistics provided for in Articles 46, 84, 137, 151, 157 and 164, and the review of the OEC's activations.

3. In particular, it shall examine complementarity with regional organisations, the effectiveness of national judicial authorities, the recognition of warrants, the adaptation of evidence to national laws, and the effectiveness of assistance.

4. It assesses the need to retain, amend or abolish any function that would duplicate that of an existing regional institution.

5. Its conclusions are published.

ARTICLE 187 – ADDITIONAL PROTOCOLS

1. States Parties may conclude additional protocols to this Treaty.

2. A protocol shall be binding only on those States which have ratified it. Failure to ratify it shall not affect either the status of State Party or the rights attached to the main text of the Treaty.

3. In particular, a protocol may cover forms of operational coordination going beyond Article 116 and the extension to acts not listed in Annex II. No protocol may confer upon OCNOL a function precluded by Articles 12, 13, 14 and 19.

4. No protocol may derogate from: (a) Titles VIII, IX, X, XI and XVI; (b) Article 1, paragraphs 1, 5, 6, 8, 9 and 10; (c) Article 8, paragraphs 3, 7 and 8; (d) Articles 12, 13, 14, 19, 89, 97, 113, 115 and 131; nor may a protocol produce any of the effects listed in Article 185, paragraph 4.

5. The draft protocol shall be communicated to the States Parties at least six months before its adoption.

ARTICLE 188 – DEPOSITARY, AUTHENTIC TEXTS AND INSTITUTIONAL TRANSITION

1. The depositary shall be the State, the international organisation or the highest administrative official designated in the Final Act of the diplomatic conference, adopted prior to the opening of the Treaty for signature.

2. The depositary shall notify the States Parties of signatures, ratifications, accessions, reservations, declarations, objections, withdrawals, amendments and corrections. Where the conditions for the application of Article 102 of the Charter of the United Nations are met and where it is authorised for that purpose, it shall carry out or facilitate, on behalf of the States Parties concerned, the formalities necessary for the registration of this Treaty with the Secretariat of the United Nations.

3. The existence, legal personality, organisation, powers and entry into force of this Treaty in respect of its States Parties derive exclusively from this Treaty and the rules set out therein. No notification, communication, transmission, publication or registration procedure with an international organisation shall constitute a condition for the existence of OCNOL. The notification, communication, deposit, registration or publication of this Treaty with an international organisation shall not constitute any affiliation, organic link or relationship of subordination between OCNOL and that organisation, nor shall it entail any transfer of competence to that organisation in respect of OCNOL. The international obligations specific to each State Party shall continue to be governed by the international instruments to which that State is bound. Any formalities that may be required of

a State Party under those instruments shall not affect the existence, institutional autonomy or specific powers of OCNOL.

4. The Treaty may not be opened for signature until the English text has been finalised and the concordance between the two authentic texts has been certified, article by article and annex by annex.

5. No assets, liabilities, contracts, data, archives, staff or disputes of the pre-existing OCNOL entity in the United Kingdom shall be automatically transferred to the intergovernmental organisation.

6. The transition is preceded by a legal, financial, cyber, documentary and social audit, an inventory of rights and obligations, and a verification of title and the possibility of transfer.

7. The Conference accepts each category of assets and liabilities separately. Any liabilities not expressly accepted remain the responsibility of the pre-existing entity.

8. The transfer is effected by a separate instrument approved by the Conference and overseen by the Independent Supervisor. The migration of data is subject to verification of integrity, sovereignty and security.

9. The registration number, status, accounts and powers of the pre-existing entity are verified against official registers prior to any external disclosure.

10. The pre-existing entity may not bind the intergovernmental organisation or speak on its behalf until the transfer has been completed.

11. Annexes I to XXIII form an integral part of the Treaty.

12. Where a material error is found in an authentic text or in a certified copy, the depositary shall notify all signatories and States Parties of the proposed correction.

13. In the absence of any objection within ninety days, the depositary shall draw up and circulate a procès-verbal of rectification. The rectification shall take effect on the date of that procès-verbal.

14. In the event of an objection, the depositary shall refer the matter to the signatories and States Parties. A correction which affects the meaning, scope or balance of an obligation shall follow the amendment procedure set out in Article 185.

15. Any rectification shall be entered on the original, communicated to the States and notified to the authority responsible for international registration.

16. This procedure shall be interpreted in accordance with Article 79 of the Vienna Convention on the Law of Treaties.

TITLE XXVIII – TRANSITIONAL PROVISIONS AND OPERATIONAL ENTRY INTO FORCE

ARTICLE 189 – INITIAL OPERATING PERIOD

1. A twelve-month initial operating period following entry into force is established to test the OMIFC Department's alert systems and the responsiveness of the Oceanian Emergency Committee through simulated exercises.

2. During this period, no penalties may be imposed for any delay in fulfilling rescue obligations, except in cases of gross negligence.

ARTICLE 190 – FIRST BUDGET

1. The Organisation's first budget, including the initial allocation to each sub-fund of the Fund as set out in Annex IX, shall be adopted at the first session of the Conference.

2. States Parties shall pay their first contribution within thirty days of such adoption.

ARTICLE 191 – APPOINTMENT OF THE FIRST JUDICIAL OFFICERS

1. Each State Party shall make the first entries in the register provided for in Article 133 within six months of the entry into force of this Treaty in respect of that State.

2. The first joint training session for judicial officers shall be organised by the Secretariat within nine months of the entry into force of this Treaty.

ARTICLE 192 – CONDITIONS FOR THE OPERATIONAL ENTRY INTO FORCE OF THE OEC

1. The Secretary-General shall prepare a report on operational readiness following the completion of the exercises and the establishment of the capabilities provided for in this Article.

2. The report shall confirm: (a) the functioning of the secure channel and the out-of-band channel; (b) the appointment of representatives and alternates; (c) the order of succession within the Secretariat; (d) the national continuity certificates, including the order of succession for on-call judicial authorities, and the prior relief authorisations; (e) the testing of alerts; (f) national contacts; (g) the establishment of the sub-funds of the Fund provided for in Annex IX and the insurance provided for in Article 21; (h) the adoption and testing of the procedures set out in Annexes XIX to XXIII.

3. The Independent Supervisor verifies the report. Following a favourable opinion, the Secretary-General forwards it to the depositary together with the exercise records, the funding certificates and the list of critical corrections that have been resolved.

4. Within fifteen days of receiving a complete dossier, the depositary shall notify the States Parties of the date of the OEC's operational entry into force. This date shall be the thirtieth day following the notification.

5. Prior to this notification, at least five exercises shall be conducted: a multi-State tsunami exercise, a loss-of-channel exercise, the reception of a foreign military asset, the recognition of a national warrant, and a mass rescue exercise.

6. Each exercise produces a corrective action plan. Any critical measure shall be completed and verified before being submitted to the depositary.

7. A full-scale test is then carried out annually. Any critical failure triggers the continuity plan and a controlled corrective action.

FINAL CLAUSE

IN WITNESS WHEREOF the undersigned, duly authorised by their respective governments, have signed this Treaty.

DONE at the place and on the date specified in the Final Act of the diplomatic conference, in a single original copy in the French and English texts, the concordance of which has been certified in accordance with Articles 177 and 188.

The depositary shall transmit a certified copy to each signatory State.

ANNEX I – PROTOCOL ON THE OCNOL INFORMATION SYSTEM AND DATA CENTRE

ARTICLE 1 – PURPOSE AND SCOPE

1. This Annex sets out the technical and procedural arrangements for the implementation of Title VIII.
2. It sets out the operation of the OCNOL Data Centre, exchanges with national authorities, the retention, return, erasure, anonymisation and institutional memory of data.
3. It does not create any powers not provided for in the Treaty.

ARTICLE 2 – INSTITUTIONAL ARCHITECTURE

1. The OCNOL Data Centre is placed under the authority of the Organisation.
2. It comprises a main site, one or more continuity facilities and, where necessary, cryptographically protected backup capabilities.
3. Critical functions are provided with redundancy so as to prevent a single failure from compromising the Organisation's continuity.
4. Data entrusted by a State Party may only be hosted in accordance with the conditions set out in Article 28 of the Treaty.

ARTICLE 3 – NATIONAL NODES AND TRANSMISSION

1. Each State Party shall designate one or more contact points authorised to transmit and receive data.
2. Exchanges shall take place via secure, authenticated and logged interfaces.
3. The Organisation shall not have direct access to a State Party's internal systems, except where a separate technical agreement, consistent with the Treaty and domestic law, expressly provides for this.
4. Any request for data shall specify its purpose, its level of urgency, its basis in this Treaty and, where it relates to judicial proceedings, the competent authority.

ARTICLE 4 – CATEGORIES OF DATA

The following, in particular, may be received and retained:

a) Maritime surveillance data, AIS, radar, acoustic and satellite data;

b) Meteorological and oceanographic data;

c) Seismic, volcanic and tsunami data;

d) Data relating to alerts, distress signals, accidents, shipwrecks, collisions and rescue operations;

e) Data relating to aircraft in distress, where such data is lawfully transmitted;

f) Data necessary for the establishment of an evidence file;

g) Technical metadata and logs necessary for integrity and traceability;

h) References to final judicial and administrative decisions.

ARTICLE 5 – PROVENANCE AND RESPONSIBILITY

1. Each piece of data received is linked to its source, the issuing authority and the date and time of transmission.
2. The Organisation guarantees the integrity of the data it holds, but does not guarantee the intrinsic accuracy of information issued by a third party.
3. Any modification, transformation or aggregation is documented.

4. Personal data is processed in accordance with Title X of the Treaty.

ARTICLE 6 – SOVEREIGNTY OF THE STATES PARTIES

1. The transmission of data does not transfer either its legal title or the jurisdiction of the State that produced it.
2. The State that owns the data may impose restrictions, consistent with the Treaty, on its use, dissemination and retention period.
3. The Organisation may not unilaterally lift a restriction that has been lawfully imposed.
4. Restrictions are binding on any Agent, service provider or organ of the Organisation.

ARTICLE 7 – OCNOL FILE AND UNIQUE IDENTIFIER

1. Any event subject to structured preservation shall be assigned a unique identifier.
2. The file shall specify, as a minimum, the date, location, nature of the event, the competent authority and the procedural status.
3. Sources are kept separate from analyses and conclusions.
4. Contradictory information and exculpatory evidence are retained and noted.

ARTICLE 8 – PREVENTIVE RETENTION

1. Where data may reasonably be required for a judicial proceeding or an emergency operation, it shall be retained for the period strictly necessary to determine its disposition.
2. Preventive retention does not permit any use other than that specified for the stated purpose.
3. On expiry of this period, the data shall be returned, deleted or anonymised.

ARTICLE 9 – JUDICIAL RETENTION

1. Where a competent national court orders the retention of data, the Organisation shall place it under judicial retention.
2. Judicial retention ceases upon notification that the case justifying it has been concluded.
3. The Organisation may retain a technical copy necessary for verifying the integrity of the data, subject to the property rights of the State concerned and confidentiality rules.
4. All judicial retention shall be recorded in the data processing register.

ARTICLE 10 – TRANSMISSION TO NATIONAL JUDICIAL AUTHORITIES

1. The file transmitted to a court comprises the relevant data, its metadata, its digital fingerprint, its chain of custody and its reliability limits.
2. The Organisation shall also transmit any evidence that may establish the absence of an offence or cast doubt on an initial interpretation.
3. The national court retains sole jurisdiction to assess admissibility, probative value and legal characterisation.
4. No technical report from the Organisation constitutes, in itself, a finding of guilt.

ARTICLE 11 – CLOSURE AND DELETION

1. Upon the final closure of proceedings, the competent authority shall provide the Organisation with the reference of the decision and the status of the proceedings.

2. Operational data shall then be returned to the owning State, deleted or anonymised depending on their status.
3. Deletion gives rise to an attestation that is cryptographically verifiable and subject to checking by the Independent Supervisor.
4. Data whose retention is still required by law is set aside and given a review date.

ARTICLE 12 – INSTITUTIONAL MEMORY

1. Following the erasure of operational data, the Organisation retains a minimal event record, drawn up in accordance with Article 84 of the Treaty.
2. This record may not contain any personal or technical data that would enable the deleted file to be reconstructed, unless otherwise required by law.
3. Where possible, it includes a reference to the public decision of the competent authority.
4. The institutional memory is intended for historical purposes, statistics, the improvement of prevention measures and the evaluation of the Organisation's activities. The records are retained indefinitely.

ARTICLE 13 – SECURITY

1. The systems are subject to physical and logical segmentation appropriate to their sensitivity levels.
2. Critical administrative access is subject to enhanced authentication and dual validation.
3. Backups are encrypted and tested regularly.
4. Critical cryptographic keys are under the exclusive control of the Organisation.
5. Any major incident is reported to the Independent Supervisor and the owning State.

ARTICLE 14 – AUDIT AND SUPERVISION

1. The Independent Supervisor may carry out any audit necessary to verify this Annex.
2. He or she may order corrective measures where the retention, transmission or erasure of data is irregular.
3. Any urgent corrective measure shall be notified immediately to the State concerned.
4. Audits shall be the subject of public reports in a form that does not disclose any personal data or sensitive operational capabilities.

ARTICLE 15 – INTEROPERABILITY AND REVISION

1. Technical formats shall, as far as possible, be based on open and interoperable standards.
2. Technical specifications may be updated by the Conference without altering the substantive rights and obligations of the Treaty.
3. Any technical development shall comply with the principles of sovereignty, purpose, proportionality, traceability and data minimisation.
4. Any developments likely to substantially affect the rights of States Parties or individuals shall be subject to an amendment in accordance with the Treaty.

ANNEX II – AREAS OF ACTION OF THE ORGANISATION AND CONDUCT FALLING WITHIN THE SCOPE OF THE TREATY

Part I – Areas of Action of the Organisation

1. This Part sets out the Organisation's areas of action, pursuant to Article 1 and Article 7, paragraph 1, of this Treaty. In each of these areas, the Organisation observes, records and characterises the facts, issues alerts, transmits information, preserves evidence and provides its technical expertise. It does not legally qualify any fact and does not exercise any powers of policing, prosecution or adjudication, in accordance with Article 1, paragraph 8.

2. These areas are not limited to the matters listed in Part Two. Cooperation in these areas is permanent and applies as of right, in accordance with Article 1, paragraph 9. The transmission of alerts and information necessary for rescue operations may not be refused under any circumstances.

3. The Organisation's areas of action are as follows:

Area 1 – Maritime observation: observation of maritime areas using the Organisation's means and sensors, and characterisation of the facts observed (Titles XII and XIII, Annexes V and XVII).

Area 2 – Scientific and environmental monitoring: monitoring of climate, cyclones, tsunamis, seismic activity and volcanic activity, and monitoring of flooding and other major natural hazards (Title XII, Annexes V and XIII).

Area 3 – Alert: alerts regarding natural, climatic, environmental and humanitarian risks, transmitted without delay to the competent authorities, and an official and confidential report by the Secretary-General where an alert has not been followed by action (Article 1, paragraph 10, Annexes V and XIII).

Area 4 – Search and Rescue (SAR): identification, location and search for persons in distress or missing; support for rescue operations; location of survival equipment; mass rescue and place of safety (Title XVII, Annexes XI, XVIII and XX).

Area 5 – Emergency Coordination: coordination of information and technical assistance in the event of a maritime or aeronautical emergency, automatic assistance, contribution of military and civil defence assets to rescue operations, national preparedness and continuity of coordination within the Oceanian Emergency Committee (Title XVII, Annexes XII, XIX and XXIII).

Area 6 – Pollution: prevention, detection and monitoring of pollution, and support for combating it (Titles XII and XVII).

Area 7 – Incursions and external threats: monitoring of incursions and external threats, and notification of the competent authorities (Annex XIV).

Area 8 – Evidence: the establishment, preservation, circulation and return of evidence, digital integrity and the chain of custody (Titles XIV and XV, Annexes IV and XV).

Area 9 – Technical expertise: expertise for the authorities and courts of the States Parties; the Organisation and its Agents may be heard as technical witnesses or appointed as experts in accordance with the law of the forum State (Article 1, paragraph 8).

Area 10 – Judicial cooperation: transmission of referrals, transmission and recognition of national warrants, judicial on-call service and maritime judicial vigilance, solely in respect of the acts listed in Part Two (Titles XVIII to XXV, Annexes III, VI, VII and VIII).

Area 11 – Continuity: operational permanence, cyber continuity and operation in degraded mode (Annex XXI).

Part Two – Acts falling within Titles XVIII to XXV

Preliminary provisions

1. This Part sets out an exhaustive list of the acts to which Titles XVIII to XXV of this Treaty apply, pursuant to Article 7, paragraph 1, thereof. It does not create any offence, prescribe any penalty or prejudge any characterisation adopted under the domestic law of a State Party.
2. Each act is identified by an item, consisting of the letter of the heading and a serial number. The item is the reference required by Article 135, paragraph 2, and by Article 141, paragraph 1.
3. An act falls within Titles XVIII to XXV only if, under the law of the Injured State, it is of the serious nature referred to in Article 4(l). This Part does not set any threshold; the assessment of seriousness is a matter for the Injured State and is not subject to any review by the Organisation.
4. In assessing this seriousness, the Injured State may, in particular, take into account the scale of the quantities involved, whether the acts were organised or repeated, whether they were committed in a marine protected area or a recovery zone, the use of violence or threats, the endangerment of human life, harm to a protected species, and the damage caused to communities that depend on the resource for their livelihood. This list is indicative and is not binding.
5. A single course of conduct may fall under several items; the referral and the warrant shall mention all of them.
6. The acts listed under heading F fall within Titles XVIII to XXV only where they relate to an act listed under headings A to E. They do not, on their own, constitute grounds for a referral or a warrant.
7. This part shall not apply under any circumstances:
    a) To persons carried on board as migrants, who may not be regarded as perpetrators of the acts listed under item C-1; to crew members who are victims of trafficking, forced labour or abandonment, in accordance with Article 93, paragraph 5;
    b) To subsistence fishing and customary fishing carried out in accordance with the law of the coastal State;
    c) To acts performed in a state of necessity, distress or force majeure, nor to discharges and manoeuvres necessitated by the preservation of human life or the safety of the ship;
    d) To the exercise of the freedoms and rights of navigation, overflight and passage recognised by the Convention.
8. Any amendment to this Annex requires consensus, in accordance with Article 34, paragraph 1(a), and Article 185, paragraph 6. The extension of Titles XVIII to XXV to cover acts not listed in this Part shall be the subject of an additional protocol, in accordance with Article 187, paragraph 3.

HEADING A – LIVING MARINE RESOURCES

A-1 Fishing carried out without a valid licence, authorisation or permit issued by the coastal State, or in breach of the conditions attached thereto.

A-2 Fishing carried out in an area, during a period or using gear prohibited by the law of the coastal State or by an applicable conservation and management measure.

A-3 Catching, retaining on board, transhipping or landing species for which fishing is prohibited, specimens of prohibited size, or quantities exceeding the authorised limits.

A-4 Failure to report, or the submission of inaccurate or late reports on catches, transhipments or fishing activities, where required by applicable law.

A-5 Unauthorised transhipment at sea, or transhipment carried out for the benefit of a ship included on a list of ships engaged in illegal, unreported and unregulated fishing drawn up by a regional fisheries management organisation.

A-6 Removal of shark fins on board and discarding of the carcass, where this practice is prohibited by applicable law.

A-7 The capture, possession or trade in protected marine species, in particular marine mammals, turtles, seabirds and corals, as well as the destruction of their habitat.

A-8 The use, on board or from the ship, of toxic substances, explosives or electrical methods for the capture of biological resources.

A-9 Assistance provided at sea to a ship committing any of the above acts, in particular through victualling, bunkering, crew transfer or the supply of means.

HEADING B – TRAFFICKING

B-1 The unlawful transport, possession with intent to transport, transhipment or landing of narcotic drugs or psychotropic substances.

B-2 The unlawful transport, transhipment or landing of arms, ammunition, explosives or their components.

B-3 The unlawful transport, transhipment or landing of specimens of wild species, their parts or their products, subject to an international protection regime.

B-4 Illegal transport or landing of hazardous waste whose transboundary movement is subject to authorisation.

HEADING C – OFFENCES AGAINST THE HUMAN PERSON AT SEA

C-1 Transporting persons with a view to their irregular entry into the territory of a State, for the purpose of obtaining a financial or material benefit.

C-2 Transport, transfer, harbouring or receiving of persons for the purpose of exploitation, through the use of threats, force, coercion, abduction, fraud, deception or abuse of a situation of vulnerability.

C-3 Subjecting crew members to forced labour, servitude, or living or working conditions on board that seriously undermine their dignity, health or safety.

C-4 Abandonment of the crew, characterised by the severing of ties with the operator, failure to repatriate them, or a prolonged failure to pay wages and provide provisions.

C-5 Deliberately endangering the lives of those on board, in particular by overloading the ship, by putting it to sea in an unseaworthy condition, or by forcing people to abandon ship.

C-6 Deliberate refusal to render assistance to any person found in distress at sea, when the master could have done so without serious danger to the ship, the crew or the persons on board, in breach of the duty to render assistance laid down in Article 98 of the Convention and Regulation 33 of Chapter V of the SOLAS Convention.

C-7 Theft, plunder, taking of control or attempted taking of control of a ship by means of violence, the threat of violence or any act of intimidation, committed in the territorial sea, archipelagic waters or the contiguous zone of a State Party, within the meaning of the International Maritime Organization's Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery against Ships (Resolution A.1025(26)). This provision does not apply to acts constituting piracy within the meaning of Article 101 of the Convention, which remain governed by Article 147 of this Treaty and fall outside its scope.

HEADING D – HARM TO THE MARINE ENVIRONMENT

D-1 The deliberate discharge into the sea of oil, harmful liquid substances, sewage or refuse, in contravention of the applicable rules.

D-2 Dumping of waste or other materials without a permit, or in breach of the conditions of the permit.

D-3 Tampering with, altering or circumventing discharge control devices, and falsifying the relevant records.

D-4 Discharge or spill intended to conceal another act covered by this Part.

D-5 Entering, anchoring, or carrying out extractive or fishing activities within a marine protected area, in breach of the regulations applicable to it.

D-6 Destruction or damage to a protected marine habitat, in particular a coral reef, seagrass bed or seamount, caused by anchoring, trawling or any other activity carried out by a ship.

D-7 The introduction of invasive alien species via ballast water or the hull, in breach of the applicable rules.

HEADING E – NON-BIOLOGICAL RESOURCES, INSTALLATIONS AND HERITAGE

E-1 Exploration for or exploitation of mineral resources on the seabed or in the subsoil without a licence issued by the coastal State, or in breach of the conditions of such a licence.

E-2 Extraction of sand, aggregates or other materials from the seabed without authorisation.

E-3 Prospecting, removal, displacement or trade in elements of the underwater cultural heritage without authorisation from the coastal State.

E-4 Breaking or damaging a submarine cable or pipeline, committed wilfully or through culpable negligence within the meaning of Article 113 of the Convention, as well as the concealment of the incident.

HEADING F – ACTS CONNECTED WITH ASCERTAINMENT AND REPRESSION

F-1 Sailing under a flag to which the ship is not entitled, flying multiple flags, or sailing without nationality for the purpose of evading control.

F-2 Concealment, alteration or erasure of the name, registration number, IMO number or any other identifying mark of the ship.

F-3 Deactivation, tampering with, jamming or spoofing of the automatic identification system, the satellite tracking system or any other mandatory tracking device, except where permitted by applicable law for the safety of the ship or persons.

F-4 Drawing up, possession or production of falsified or knowingly inaccurate ship's documents, licences, fishing logs or declarations.

F-5 Refusal to stop, evasive manoeuvres, fleeing, or any manoeuvre endangering the ship implementing the measure or the persons on board, following a duly issued order.

F-6 Destruction, alteration, disposal at sea or concealment of items likely to constitute evidence, before or during the boarding.

F-7 Violence, threats or obstruction directed at officers carrying out a measure taken pursuant to this Treaty.

ANNEX III – BOARDING PROCEDURE

CHAPTER I – GENERAL PROVISIONS

ARTICLE 1 – PURPOSE AND SCOPE

1. This Annex sets out the procedure for boarding in accordance with Article 149 of the Treaty.
2. It confers no powers other than those arising from the Treaty and the maritime warrant. It does not create any power of coercion, nor does it alter the conditions for the issue of the warrant, its scope or its duration.
3. The guarantees set out in Title IX apply to each of the stages described herein. In the event of any conflict between this Annex and a provision of the Treaty, the Treaty shall prevail and the conflicting provision of the Annex shall be deemed not to have been written.
4. Any failure to comply with this Annex shall be recorded in the official record and brought to the attention of the On-Call Judge, who shall draw the necessary conclusions regarding the validity of the acts and the reliability of the evidence established.

ARTICLE 2 – DEFINITIONS

For the purposes of this Annex:

a) 'Executing Unit' means a warship, military aircraft or State ship or aircraft meeting the conditions set out in Article 146(1) of the Treaty, which carries out the measure;

b) 'Head of Mission' means the officer expressly designated by the Executing State who leads the boarding party, decides on the transition from one level of engagement to another and signs the official record;

c) 'Boarding party' means all the officers boarding the ship in question;

d) 'Operations log' means the time-stamped, continuous record kept on board the executing unit from the first attempt to make contact until the end of the operation;

e) 'End of the operation' means, as the case may be, the release of the ship or its handover to the authority responsible for the transfer.

ARTICLE 3 – IDENTIFICATION OF THE EXECUTING UNIT

1. Throughout the duration of the operation, the executing unit shall bear external markings clearly indicating that it is assigned to a public service and authorised for that purpose, as well as the flag of its State.
2. These markings shall be visible and unaltered. Concealing them deprives the measure of its legal basis.
3. Aircraft taking part in the operation shall comply with the same requirement.

ARTICLE 4 – PRELIMINARY CHECKS

1. Before any attempt at interception, the head of mission shall verify and record in the operations log:

a) The existence and reference number of the maritime warrant;

b) Its period of validity and the time of its expiry, expressed in Coordinated Universal Time;

c) Its geographical scope and the estimated position of the targeted ship within that scope;

d) The identification of the targeted ship, by cross-checking at least two of the following: name, IMO number, call sign, flag and identification transmissions;

e) The authorised measure, its exact scope and any express exclusions;

f) The specific conditions laid down by the On-Call Judge;

g) The grounds justifying the omission of prior warning under the conditions set out in Article 150, paragraph 3, of the Treaty.

2. The verification shall be dated, time-stamped and signed by the head of mission. Its absence shall be recorded in the official record.

3. Where any of the elements referred to in paragraph 1 is missing or appears uncertain, the head of mission shall consult the national contact point before implementing the measure.

ARTICLE 5 – POSTPONEMENT AND INTERRUPTION OF THE OPERATION

1. The operation shall be postponed where sea conditions, the condition of the ship in question, congestion on the waterway or the presence of vulnerable persons would render it dangerous for any of the units or for the persons on board.

2. The postponement, the reason for it and its expected duration shall be recorded and brought to the attention of the On-Call Judge and the national contact point without delay.

3. The operation shall be interrupted as soon as the continuation of operations exposes persons to a danger that is disproportionate to the alleged act. The interruption shall be recorded and reasoned.

4. A postponement or interruption shall not extend the duration of the warrant.

CHAPTER II – APPROACH, ORDER TO STOP AND NOTIFICATION

ARTICLE 6 – APPROACH AND ESTABLISHING CONTACT

1. The executing unit shall identify itself by its flag and external markings and shall make contact by radio on the international distress and calling channel, then on a working channel.

2. Contact shall be established using the standard phraseology of the International Maritime Organization and, where possible, in a language understood by the master. Where the ship does not respond, visual and audible signals from the International Code of Signals shall be used.

3. No standards, procedures or codes specific to a military alliance shall be used in operations conducted under the Treaty.

4. The times of the first attempt at contact and of each subsequent attempt shall be recorded.

ARTICLE 7 – ORDER TO STOP

1. The order to stop shall state the identity of the executing unit, the State on whose behalf it is acting, the reference number of the maritime warrant, the instruction given to the ship, the reasonable time limit allowed for compliance and the consequences of refusal.

2. It shall be repeated at least once before any interdiction measures are taken, except where the conditions of Article 150, paragraph 3, of the Treaty are met.

3. Every order is recorded or, where recording is not possible, entered in the operations log along with the time and details of the order.

ARTICLE 8 – REFUSAL TO COMPLY

1. In the event of a refusal to comply, the head of mission shall inform the national contact point and the On-Call Judge, and shall record the manoeuvres of the ship in question.

2. Non-dangerous interdiction manoeuvres may be employed within the limits of Level 3 as defined in Annex VI.

3. The use of force remains governed exclusively by Article 150 of the Treaty. No provision of this Annex authorises the use of a firearm against a ship or against persons, except in cases of self-defence or defence of others in the face of a present danger of death or serious injury.

4. The pursuit of a ship evading the measure is governed by Title XXII of the Treaty and does not confer any new powers.

ARTICLE 9 – NOTIFICATION TO THE FLAG STATE

1. The Executing State shall notify the flag State of the boarding as soon as possible and no later than six hours thereafter, in accordance with Article 148 of the Treaty.

2. The notification, transmitted via the secure channel, shall include the position, the date and time in Coordinated Universal Time, the grounds, the reference number of the warrant, the acting authority, the number and condition of the persons on board, and the contact details of the national contact point of the Executing State.

3. The acknowledgement of receipt shall be time-stamped and filed. The absence of a reply from the flag State within six hours shall be recorded.

CHAPTER III – BOARDING AND INSPECTION

ARTICLE 10 – COMPOSITION OF THE BOARDING PARTY

1. The boarding party shall be under the authority of a named head of mission.

2. Its size shall be proportionate to the size of the ship, the number of persons on board and the purpose of the measure. It shall not exceed what is necessary.

3. It shall comprise at least one officer who has received training in the establishment and preservation of evidence as provided for in Article 118 of the Treaty and, where women or minors are on board and circumstances permit, at least one officer of the same sex.

4. One officer shall be responsible for recording and maintaining the log of operations.

5. No Agent of the Organisation shall take part in the material execution of the boarding. The presence of an OMIFC Agent is governed by Article 146, paragraphs 2 to 4, of the Treaty.

6. No officer shall take part in an operation without providing evidence in the file of having undergone the training provided for in Article 118 of the Treaty and of having been briefed on the rules of engagement set out in Annex VI.

ARTICLE 11 – BOARDING

1. Boarding shall be carried out using the safest means available and in accordance with the safety rules applicable to the transfer of personnel at sea.

2. It shall be postponed if it would expose officers or persons on board to serious danger.

3. The times at which each officer boards and disembarks shall be recorded.

ARTICLE 12 – IDENTIFICATION AND INFORMATION OF THE MASTER

1. Upon boarding, officers shall identify themselves by their name or service number and the authority to which they are attached, and shall state the basis for their intervention.

2. A copy of the maritime warrant shall be provided to the master in a language that he or she understands. The master shall be informed of the warrant's reference number, its scope, its duration, the authorised measure and any express exclusions.

3. The master shall be informed of the expected duration of the operation, the authority that ordered it, the remedies and time limits, and the practical arrangements for exercising these rights from the ship.

4. This information and the time at which it was provided shall be recorded in the official record.

ARTICLE 13 – RIGHTS OF PERSONS ON BOARD

1. Every person on board shall be informed without delay, in a language they understand, of the reason for the measure, the authority that ordered it, its expected duration and the remedies available.

2. They shall be guaranteed the assistance of a legal adviser of their choice or one appointed by the court, a free interpreter, the right to notify their family and the consular authorities of their State of nationality, and to communicate with them.

3. The Executing State shall provide the material means necessary for the exercise of the remedy, including access to a means of communication that leaves a written record.

4. The exercise of these rights, as well as any refusal or practical impossibility to do so and the reasons therefor, shall be recorded in the official record and brought to the attention of the On-Call Judge.

5. No measures shall be taken with the aim of compelling a person to make a statement or to waive a right. No compulsory hearing shall take place.

ARTICLE 14 – SCOPE OF THE INSPECTION

1. The inspection shall cover the accessible areas of the ship and the documents necessary to ascertain the alleged act.

2. The following, in particular, shall be examined, where they exist: the ship's nationality documents and certificates, the crew list, employment contracts, the logbook and bridge log, the engine room log, the fishing log, licences and authorisations, manifests and cargo documents, oil and waste records, as well as data from identification and tracking devices that are required to be carried.

3. Access to premises designated for the private use of persons on board shall only be granted if the warrant expressly provides for it and within the limits set out therein.

4. The inspection shall be carried out with the minimum disruption to navigation and to persons, and within the shortest possible time.

5. Private property shall not be infringed upon beyond what is strictly necessary for the purpose of the measure. Any damage caused shall be recorded and assessed in the presence of the persons concerned, who may make comments thereon.

ARTICLE 15 – BODY SEARCHES

1. No body search shall be carried out except in the cases provided for by the law of the Executing State.

2. It shall be carried out by an officer of the same sex as the person concerned, out of sight of third parties, and with due regard for that person's dignity.

3. The search shall be reasoned and recorded in the official record, together with the time, the grounds and the identity or service number of the officer who carried it out.

4. A body search may only be carried out on a minor in the presence of an adult of their choice or, where no adult of their choice is present, an independent witness.

ARTICLE 16 – VULNERABLE PERSONS AND INDICATIONS OF TRAFFICKING OR FORCED LABOUR

1. As soon as they board the ship, trained officers shall look for indications of human trafficking, forced labour and abandonment of crew members and shall record these in the official record, in accordance with Article 168, paragraph 2, of the Treaty.
2. Indications include, in particular: the withholding of identity documents or seafarers' professional books; the prolonged non-payment or irregular payment of wages; indebtedness to the operator or a recruiter; restriction of freedom of movement on board or ashore; deprivation of food, water, rest or medical care; inability to communicate freely; the presence of minors; fear expressed towards the ship's command crew; and the absence of a written contract or its being incomprehensible to the person concerned.
3. The observation of one or more of these indicators does not in itself entail any legal characterisation. It shall be recorded in factual terms and forwarded with the official record.
4. The persons concerned shall be treated in accordance with Articles 89, 90 and 93 of the Treaty. They may not be regarded as perpetrators of the acts on the basis of their presence on board.
5. Due regard shall be given to the particular vulnerability of minors, pregnant women, the sick and the injured, who shall be provided with appropriate care and accommodation.

ARTICLE 17 – RECORDING OF THE INTERVENTION

1. The inspection is recorded by any available technical means, continuously from the time the inspection team boards the ship until the boarding party disembarks.
2. The recording shall be time-stamped and accompanied by a digital fingerprint in accordance with the conditions set out in Annex IV; it shall be included in the file and retained in accordance with the requirements of that Annex.
3. Any absence, suspension or interruption of the recording shall be reasoned in the official record, stating the time and the cause.
4. The recording shall be provided, upon request, to the On-Call Judge, the court hearing the case and the person subject to a measure, subject to the redaction of any elements whose disclosure would jeopardise the safety of the officers.

CHAPTER IV – FINDINGS, SEIZURES AND SEALS

ARTICLE 18 – INVENTORY DRAWN UP IN THE PRESENCE OF THE MASTER

1. An inventory shall be drawn up in the presence of the master or his or her representative, who may make comments, which shall be recorded in his or her own words.
2. The inventory shall cover the items seized, the documents taken into custody, the samples taken and the apparent condition of the ship, its fittings and its cargo.
3. Any refusal by the master to attend or to cooperate shall be noted and shall not affect the validity of the inventory, which shall then be drawn up in the presence of a second officer.

ARTICLE 19 – SEALS

1. The items seized shall be placed under numbered seals bearing the reference number of the warrant, the date and time, the serial number and the identity or service number of the officer affixing them.
2. Each seal is photographed in situ, before and after it is affixed.
3. A seal may only be broken with the authorisation of the On-Call Judge or the court hearing the case, in the presence of two officers, and shall be the subject of a separate official record detailing the condition of the seal prior to breaking.

4. The register of seals accompanies the item it documents and forms an integral part of the chain of custody.

ARTICLE 20 – DIGITAL ITEMS

1. Data contained on a digital medium shall be collected by means of a full copy, without altering the original medium.
2. A digital fingerprint is calculated for both the copy and the original, in accordance with the conditions set out in Annex IV, and recorded in the official record.
3. The original medium is placed under seal where its seizure is necessary, and returned as soon as it is no longer required.
4. No analysis shall be carried out on board beyond what is necessary for the purposes of ascertaining and preserving the evidence.

ARTICLE 21 – CATCHES, SAMPLES AND PERISHABLE MATERIALS

1. Catches on board shall be counted or weighed, and their nature determined by species where possible.
2. Samples shall be taken in duplicate, one sealed for analysis, the other retained for counter-analysis and made available to the person implicated.
3. The release of catches back into the sea, where possible and beneficial to the stock, shall be carried out in accordance with Article 160, paragraph 4, of the Treaty and shall be the subject of a record drawn up before the operation.
4. The sale or destruction of a perishable cargo may only take place with the authorisation of the On-Call Judge, following a finding made in the presence of the master and a valuation by an independent expert.

ARTICLE 22 – OFFICIAL RECORD

1. An official record shall be drawn up for every boarding operation, in accordance with Article 152 of the Treaty.
2. In addition to the details listed in that article, the official record shall specify: the preliminary checks provided for in Article 4 of this Annex; the time of each attempt to make contact and of each order to stop; the level of engagement reached and the reasons for each transition from one level to another; whether recording was in progress, suspended or absent; the exercise by the persons on board of their rights; the indications noted pursuant to Article 16; and the master's observations reproduced in his or her own words.
3. It shall be signed by the head of mission, a second officer and the master. Any refusal to sign shall be noted and shall not affect its validity.
4. A copy shall be provided to the master in a language that he or she understands, and forwarded within six hours to the On-Call Judge, the national contact point and the flag State.
5. The probative value of the official record shall be assessed by the national judge in accordance with the law of the State Party exercising jurisdiction, in accordance with Article 152, paragraph 5.

CHAPTER V – TERMINATION OF THE OPERATION

ARTICLE 23 – RELEASE OF THE SHIP

1. The ship shall be released without delay as soon as the purpose of the measure has been achieved, the warrant has lapsed or the measure has been lifted.
2. Seized items which no longer need to be retained shall be returned against a receipt.
3. The time of release, the position and the condition of the ship at that time shall be recorded and notified to the On-Call Judge, the national contact point and the flag State.

ARTICLE 24 – TRANSFER TO A SAFE PORT

1. Where a transfer is ordered, the head of mission shall provide the master with a copy of the decision and inform him or her of the port of destination, the time allowed for the voyage and the conditions of the escort.
2. The condition of the ship, its equipment and its cargo shall be recorded on departure and on arrival in the presence of the master or his or her representative.
3. The transfer shall be carried out in accordance with Title XXIII of the Treaty.

ARTICLE 25 – REPORT IN THE EVENT OF THE USE OF FORCE

1. Any use of force shall be the subject of the detailed report provided for in Article 151 of the Treaty, which shall be forwarded within twenty-four hours to the On-Call Judge, the national contact point, the flag State and the Independent Supervisor.
2. The report shall set out the circumstances, the graduated approach observed against the degrees defined in Annex VI, the warnings given, the means employed, their effects and the medical care provided.
3. It shall be drawn up even in the absence of personal injury or material damage.

ARTICLE 26 – OPERATIONS LOG AND RETENTION

1. The operations log shall be closed at the end of the operation, signed by the head of mission and placed on file.
2. It shall be retained in accordance with the provisions of Annex IV and may be made available to the court hearing the case, the Independent Supervisor and, subject to the conditions set out in Title X, the person concerned.

ARTICLE 27 – RELATIONSHIP TO THE TREATY AND REVISION

1. This Annex shall be interpreted and applied in accordance with the Treaty, and in particular Titles IX, XX and XXI.
2. It shall be amended by consensus, in accordance with Article 34(1) and Article 185(6) of the Treaty.

ANNEX IV – TECHNICAL STANDARDS FOR THE ESTABLISHMENT AND PRESERVATION OF EVIDENCE

ARTICLE 1 – PURPOSE AND SCOPE

1. This Annex sets out the technical requirements governing the establishment, preservation, circulation and return of evidence, pursuant to Titles XIV and XV of the Treaty.
2. It is binding on the Organisation. It is also binding on national authorities when they establish evidence intended to be circulated between States Parties, in accordance with Article 107(5) of the Treaty.
3. It does not govern the admissibility of the evidence, which is governed by the law of the State Party before whose courts it is produced.
4. Any failure to comply with a requirement set out in this Annex shall be recorded, brought to the attention of the court before which the evidence is presented, and noted in the statement of limits of reliability accompanying the evidence.

ARTICLE 2 – FORMATS

1. Source data and items of evidence shall be stored in open, publicly documented formats that are free from any restriction of use that may be invoked against a State Party.
2. The Secretariat shall publish and maintain an up-to-date list of accepted formats by data category, after obtaining the opinion of the Independent Supervisor.
3. Where capture requires a proprietary format, conversion to an accepted format shall be carried out without delay; the original shall be retained, the conversion method and parameters shall be recorded, and the operation shall be logged.
4. No data shall be retained in a format that can only be read using software for which the Organisation does not hold a permanent right of use that is transferable to States Parties.

ARTICLE 3 – SOURCE DATA

1. The source data is retained in its original state, in read-only form, separately from the processed data, and remains distinguishable from it at all times.
2. This separation is both logical and physical, on distinct storage media.
3. Any transformation is carried out on a copy. The method, parameters, version of the software used and the identity of the Agent are documented and logged. The transformation is reversible. Where this is not possible, the data prior to the transformation is retained.

ARTICLE 4 – DIGITAL FINGERPRINT

1. Each item is accompanied by a digital fingerprint enabling it to be established that it has not been modified since it was obtained.
2. The permitted fingerprinting and signature methods are those listed in the cryptographic agility framework established, published and maintained by the Organisation pursuant to Article 109(7) of the Treaty. This Annex does not specify any particular method.
3. A method may only be included in the framework if it cumulatively satisfies the following conditions:
   a) Its specification is published and freely accessible;
   b) It is recognised by at least one international standardisation body or by a national information systems security authority of a State Party;
   c) No publicly documented attack compromises its resistance to collisions or to second preimage attacks;

d) Its implementation does not depend on any intellectual property rights that would prevent its use by a State Party.

4. The framework indicates, for each method, the date of its admission, the date on which it ceases to be admitted for new items and the date on which it ceases to be admitted for retained items.

5. Until the first publication of the framework, methods of the SHA-2 family with a fingerprint length of at least 256 bits, as well as methods of the SHA-3 family of equivalent length, are permitted.

6. Tamper-proof register. The digital fingerprint and time stamp of each item are recorded in a tamper-proof, distributed register. The content of the item is stored outside this register, in encrypted form. The deletion provided for in Article 110, paragraph 5, is effected by the destruction of the encryption keys; the fingerprint remains solely for the purposes of proving integrity.

ARTICLE 5 – REPLACEMENT OF A METHOD AND RE-FINGERPRINTING

1. Before a method ceases to be accepted for the items held, those items are given a new fingerprint calculated using a permitted method.

2. The previous fingerprint is retained alongside the current fingerprint, together with the date of the operation, the method used, the software version and the identity of its author.

3. The operation is logged item by item. It does not interrupt the chain of custody and may not, on its own, be invoked against items previously established.

4. The re-fingerprinting schedule is set by the framework. It allows for a period of at least twelve months between the publication of the decision to withdraw a method and its coming into effect for the preserved items.

5. The progress of the re-fingerprinting is set out in the Independent Supervisor's annual report.

ARTICLE 6 – TIME STAMPING AND TIME REFERENCE

1. Every item is time-stamped in Coordinated Universal Time.

2. The time stamp is derived from a time source traceable to a recognised realisation of Coordinated Universal Time. The source reference, the synchronisation method and the maximum permissible deviation are recorded in the file.

3. The deviation observed between the system clock and the time source is measured periodically and recorded. Any deviation exceeding the permitted threshold is noted within the reliability limits of any element created during the period in question.

4. Where a time stamp cannot be linked to a traceable source, this fact shall be clearly stated on the item.

ARTICLE 7 – LOGGING

1. Any access to an item of evidence, as well as any operation carried out on it, shall be logged.

2. The log shall specify the identity of the person involved, the nature of the operation, the date and time in Coordinated Universal Time (UTC), the workstation or system used, and the basis for access.

3. The log shall be tamper-proof. It shall be stored on a write-once medium, or in a register in which each entry is linked to the previous one by a hash, so that no modification can be made without being detectable.

4. The log may be communicated to the Independent Supervisor, to the State owning the item and to any court seised, without immunity or business secrecy being able to prevent this.

5. The retention period for the log shall not be less than that of the item it documents, plus five years.

ARTICLE 8 – CHAIN OF CUSTODY

1. The chain of custody is established as soon as the item is obtained and may not be reconstructed retrospectively.
2. For each stage, it comprises: the item's unique identifier, the identity of the person involved and the authority to which they are attached, the nature of the operation, the date and time in Coordinated Universal Time, the digital fingerprint before and after the operation, and the place of storage.
3. It is provided at the same time as the item it documents and forms an integral part of it.
4. Any break is recorded, along with its cause, its duration, the identity of the person who noted it and its possible consequences for reliability. It is brought to the attention of the Independent Supervisor, the owning State and the competent court without delay.
5. The Secretariat shall publish the template for the chain of custody record, drawn up in the official languages.

ARTICLE 9 – METADATA

1. Each item shall be accompanied by, at a minimum, the following metadata:
   a) A unique and permanent identifier;
   b) The nature and identification of the sensor or source, including its hardware and software version;
   c) The date and time of acquisition in Coordinated Universal Time;
   d) The position, expressed in the WGS 84 global geodetic system, and the stated location uncertainty;
   e) The method of acquisition and the acquisition parameters;
   f) The identity of the Agent responsible for the establishment of the item;
   g) The confidence level applied, in accordance with the scale adopted by the Conference;
   h) The number and nature of the sources contributing to the finding, and an explicit statement as to whether the source is unique, where this is the case;
   i) The extent of any unobserved areas and periods, where relevant.
2. The metadata are inseparable from the item and are covered by its digital fingerprint.
3. Any absence or incompleteness of the metadata is clearly stated and taken into account in the statement of reliability limitations.

ARTICLE 10 – TRACEABILITY OF AUTOMATED PROCESSING

1. Any automated processing that has contributed to the establishment of an item shall be identified by its name, version and the date of its most recent assessment.
2. The following shall be documented and made available in accordance with the provisions of Article 105 of the Treaty: the method used, the source of the training data, the observed error rates, the reliability limits and the results of the most recent impact assessment. The observed error rates shall take into account the reliability statistics provided for in Article 84(4) of the Treaty.
3. The prior human validation required by Article 105 of the Treaty shall be logged, together with the identity of the validating Agent and the time of validation.

ARTICLE 11 – RETENTION PERIODS

1. The Conference shall determine, publish and revise the retention periods by category of data and items.

2. Until the Conference has taken a decision, the following retention periods shall apply:

   a) Source data not added to an open file: twelve months;

   b) Items added to an open file: until the final decision is made, plus five years;

   c) Referrals, warrants, orders, official records and records of their transmission: thirty years;

   d) Access logs: subject to the conditions set out in Article 7, paragraph 5;

   e) Records of interventions: until the final decision is made, plus three years.

3. Upon expiry of the applicable period, erasure is carried out, logged and recorded. A certificate of erasure is issued to the owning State.

4. Retention beyond the applicable period is lawful only if required by ongoing judicial proceedings; its nature, basis and duration shall be notified to the owning State.

5. The Organisation shall neither receive nor retain the deliberations of the On-Call Judges.

ARTICLE 12 – SECURITY AND COMPARTMENTALISATION

1. Data is encrypted at rest and in transit in accordance with the methods listed in the framework referred to in Article 4.

2. The keys remain under the exclusive control of the Organisation. No State, service provider or supplier holds a copy of them.

3. The data entrusted by each State Party is compartmentalised in such a way that unauthorised access to one State's data may not extend to that of another.

4. Access is granted on a case-by-case basis, for a fixed period, on the basis of a documented reason, and is withdrawn as soon as that reason ceases to apply.

5. The provisions of this article are tested at least once a year, including through a test conducted by an independent third party, the report of which is forwarded to the Independent Supervisor.

ARTICLE 13 – INCIDENTS

1. Any security incident affecting an element or data shall be reported within twenty-four hours to the Independent Supervisor and to the owning State.

2. The notification shall specify the nature of the incident, the date and time of its occurrence and detection, the categories and volume of data concerned, the possible consequences for integrity and confidentiality, and the measures taken.

3. The owning State may require the immediate suspension of processing. The suspension shall take effect upon receipt of the request.

4. A final report shall be sent to it within thirty days.

ARTICLE 14 – EVIDENCE PACKAGE AND INTEROPERABILITY

1. The item communicated to a State Party shall be provided in the form of a single, self-contained set comprising: the source data, the processed data, the metadata, the chain of custody, the register of seals where items have been sealed, the digital fingerprints, the statement of reliability limits, a statement of any restrictions on use imposed by the owning State, and the attestation of compliance with this Annex.

2. The structure of this set, published by the Secretariat, is identical for all States Parties and readable without proprietary software.

3. The submission is logged. The acknowledgement of receipt is time-stamped and entered into the communications log maintained pursuant to Article 112 of the Treaty.

ARTICLE 15 – RETURN AND DELETION

1. The return of data provided for in Article 184 of the Treaty shall be carried out in accordance with the structure defined in Article 14 of this Annex.
2. It shall be accompanied by documentation enabling the recipient State to process the data independently, including the format specifications and the metadata dictionary.
3. The subsequent erasure shall be carried out on all media, including backups, logged item by item, and certified by a statement countersigned by the Independent Supervisor.

ARTICLE 16 – MONITORING

1. The Independent Supervisor shall verify compliance with this Annex annually and report on it.
2. He or she may carry out checks without prior notice, order the suspension of processing in the event of a serious and immediate risk, and require the repatriation of data held unlawfully.
3. States Parties may request verification of compliance with the requirements applicable to items of which they are the owners.

ARTICLE 17 – REVISION

1. This Annex shall be reviewed at least every three years, and whenever there is a significant development in technical capabilities.
2. The reference framework referred to in Article 4 shall be revised in accordance with its own schedule, without the need for an amendment to this Annex.

ANNEX V – STANDARDS FOR OBSERVATION, MONITORING AND ALERTING

ARTICLE 1 – PURPOSE AND SCOPE

1. This Annex sets out the technical standards applicable to the observation means and sensors used by the OMIFC Department pursuant to Titles XII and XIII of the Treaty.
2. It applies to the establishment of evidence and the issuing of alerts. It does not alter either the exhaustive list of means set out in Article 103 of the Treaty or the conditions for consent laid down in Article 99.
3. It does not set any performance thresholds, the failure to meet which would in itself render evidence inadmissible. The probative value of evidence is assessed in accordance with the principles of evidence set out in Title XIV of the Treaty.

ARTICLE 2 – PRINCIPLE OF ADEQUACY

1. The suitability of a means is assessed in relation to the finding sought, and not in absolute terms.
2. No means shall be set aside solely on the grounds of its resolution, its revisit frequency or its mode of acquisition. No means shall be deemed sufficient merely because it meets a nominal characteristic.
3. Each item shall state the finding it supports, the means employed and the suitability of the one for the other.

ARTICLE 3 – LEVELS OF FINDING

1. Three levels of finding are distinguished:
   a) Detection, which establishes the presence of an object at a specific location and at a specific time;
   b) Characterisation, which establishes the nature of the activity being carried out;
   c) Identification, which establishes the individual identity of the ship by its name, IMO number, call sign or registration number.
2. Detection may be established by a single source, provided that this is expressly stated.
3. Characterisation may only be established by means of at least two independent sources, or by a single source accompanied by a clear statement of the associated reservation and a correspondingly reduced degree of confidence.
4. Identification may under no circumstances be established on the basis of a single source. It is based on the concordance of at least two independent items.
5. The level achieved is stated on each item produced.

ARTICLE 4 – OPTICAL SATELLITE OBSERVATION

1. The following shall be recorded and attached to each item: the date and time of acquisition in Coordinated Universal Time, the identification of the satellite and sensor, the native spatial resolution, the processing level, the angle of view, cloud cover, the geodetic reference system and the stated geolocation error.
2. No enhancement, resampling or improvement processing may be applied to an image produced as evidence unless the method, parameters and software version are documented and the original image is retained.
3. The actual native resolution obtained shall be stated. Where this does not permit the claimed level of finding, the item shall clearly state this.

ARTICLE 5 – RADAR OBSERVATION

1. The following shall be recorded: the acquisition mode, the frequency band, the polarisation, the range and azimuth resolution, the angle of incidence, the footprint, and the date and time in Coordinated Universal Time.

2. An estimate shall be attached, based on the observed or modelled sea conditions at the time of acquisition, of the probability of detecting an object of the size class in question and of the false alarm rate used.

3. The absence of radar detection does not constitute a finding of absence. It shall be treated as a gap in coverage within the meaning of Article 106, paragraph 4, of the Treaty.

ARTICLE 6 – IDENTIFICATION AND TRACKING SYSTEMS

1. Data from automatic identification systems and satellite-based ship tracking systems shall be collected together with their original time stamp, source and the identification of any provider of the reception service.

2. The correlation between a detection and an identification transmission shall specify the method used, the temporal and spatial window selected, and the probability of association.

3. The absence of a transmission from a system whose carriage is mandatory is treated as a factor for assessment and not as an established fact, in accordance with Article 106(5) of the Treaty. Possible technical causes, including failure, insufficient coverage, channel saturation and retransmission latency, are noted.

4. Spoofing or alteration of identity may only be established on the basis of a documented inconsistency between at least two independent sources.

ARTICLE 7 – UNMANNED AIRCRAFT

1. No unmanned aircraft employed under the Treaty shall carry weapons or coercive devices.

2. A log shall be kept for each flight, specifying the aircraft, the payload, the area overflown, the start and end times in Coordinated Universal Time, the authorisation under which it is conducted and the Agent responsible.

3. Operations within the territorial sea, archipelagic waters, internal waters, ports or national airspace are subject to authorisation by the State concerned, in accordance with Article 103, paragraph 3, of the Treaty.

4. Data collected outside the authorised area shall be destroyed without delay and the destruction recorded.

ARTICLE 8 – ACOUSTIC LISTENING

1. Acoustic listening shall be exclusively passive.

2. No device for intercepting private communications shall be used, regardless of the medium. Any incidental recording of a private communication shall be destroyed without delay and the destruction recorded.

3. The following shall be recorded: the sensor's position and immersion depth, its bandwidth, its sensitivity, its calibration date and the propagation conditions used.

ARTICLE 9 – ENVIRONMENTAL SENSORS

1. Seismic, tide gauge, meteorological, oceanographic and chemical sensors used for monitoring purposes shall, as far as possible, be connected to existing international observation networks and contribute to their data feed.

2. Each sensor shall be calibrated periodically by a laboratory whose competence is certified in accordance with a recognised international standard for testing and calibration. The interval between calibrations shall not exceed six months for chemical sensors and twelve months for others, unless the manufacturer specifies a stricter requirement.

3. The following details are recorded for each sensor: its identification number, its location, its date of commissioning, the date and results of the last calibration, the measurement uncertainty and the name of the laboratory.

4. A sensor whose calibration has expired may only trigger an alert if this circumstance is expressly stated.

ARTICLE 10 – ALERT THRESHOLDS

1. The thresholds for activating the Oceanian Emergency Committee are defined by the Conference on the proposal of the OMIFC Department, pursuant to Article 37(l) of the Treaty. They are documented, published and reviewed at least every three years.
2. Each threshold specifies the physical parameter measured, the trigger value, the number and type of sensors required to confirm it, and the maximum time limit for confirmation.
3. A tsunami warning shall only automatically trigger activation if it is confirmed by at least two independent seismic or tide gauge sensors, in accordance with Article 100(5) of the Treaty. 'Independence' means sensors belonging to separate networks or situated in such a way that the failure of one does not affect the other.
4. The crossing of a threshold, the time of its detection, the sensors involved and the decision taken shall be logged and entered in the register maintained pursuant to Article 47 of the Treaty.

ARTICLE 11 – VERIFICATION BY A SECOND SOURCE

1. No alert transmitted pursuant to Article 100(4)(a) of the Treaty shall be issued on the basis of a single source without a clearly visible mention of that fact.
2. No referral to the On-Call Judge may be based on an automatic alert that has not been verified by a second independent source and validated by a human operator in accordance with Article 105 of the Treaty.
3. In the event of a life-threatening emergency, the life-saving alert may be issued without awaiting verification, subject to immediate human confirmation and prompt rectification should the verification prove it to be incorrect.

ARTICLE 12 – ACTUAL PERFORMANCE AND TESTING

1. Each means is tested periodically under conditions representative of its intended use. The actual performance recorded is documented.
2. The discrepancy between the declared performance and the actual performance shall be stated in any evidence produced using the device concerned, in accordance with Article 103, paragraph 5, of the Treaty.
3. The test report shall be communicated annually to the Independent Supervisor and, upon request, to any State Party in respect of the means employed in its maritime areas.

ARTICLE 13 – GREY AREAS

1. The OMIFC Department draws up and maintains a map of unobserved areas and periods, by means and by State Party.
2. This mapping is attached to all relevant material and communicated annually to each State Party in respect of its own situation.
3. It may not be disclosed to any third party, nor published in a form that would allow the monitoring capacity of a State Party to be reconstructed.

ARTICLE 14 – SUPPLIERS AND TECHNICAL INDEPENDENCE

1. No means shall be acquired, developed or operated where the supplier retains a right of access to data, a right to monitor the observed areas or a right to secondary use of the information produced. Contracts shall stipulate the provision of the specifications necessary for independent performance verification and the documentation required by this Annex, and shall provide for the independent verifier to have access to them without being subject to claims of trade secrecy.

2. No dependence on a single supplier shall be created for any function whose interruption would compromise monitoring or early warning. The Secretariat shall report annually to the Conference on the status of this requirement.

ARTICLE 15 – REVISION

This Annex shall be reviewed at least every three years, and whenever there is a significant development in the technical capabilities or international standards to which it refers.

ANNEX VI – EXERCISES, INTEROPERABILITY AND RULES OF ENGAGEMENT

CHAPTER I – JOINT EXERCISES

ARTICLE 1 – PURPOSE

This Annex sets out the arrangements for the joint exercises provided for in Article 118 of the Treaty, the interoperability standards applicable to operations conducted under the Treaty, and the common rules of engagement referred to in Article 150, paragraph 7, of the Treaty.

ARTICLE 2 – ANNUAL EXERCISE

1. The States Parties shall organise at least one joint exercise per year.
2. Each exercise shall comprise a component devoted to the ascertainment of the acts listed in Part Two of Annex II and to the implementation of national warrants, and a component devoted to the management of an emergency coordinated by the Oceanian Emergency Committee.
3. It shall include at least one scenario relating to the establishment and preservation of evidence, one scenario relating to the exercise of their rights by persons on board, and one scenario relating to the identification of indications of trafficking and forced labour.
4. Hosting of the exercise shall be rotated amongst States Parties, taking into account the specific needs of small island developing States.

ARTICLE 3 – BIENNIAL MAJOR EXERCISE

1. A major exercise, known as ‘Blue Oceania’, open to all States Parties, shall be held every two years, in addition to the annual exercise.
2. The major exercise alternates, from one edition to the next, between a main scenario involving illegal, unreported and unregulated fishing and a main scenario involving a natural disaster or large-scale pollution.
3. It includes a test of the judicial on-call service, covering the referral of a case, the time limit for ruling and the transmission of the warrant, conducted using fictitious documents and without legal effect.

ARTICLE 4 – PLANNING AND MANAGEMENT

1. The multi-annual programme of exercises is adopted by the Conference on the proposal of the Secretariat.
2. Each exercise is directed by the State that hosts it. The Secretariat is responsible for its coordination and support.
3. Observers admitted pursuant to Article 43 of the Treaty may attend under the conditions laid down by the State hosting the exercise.
4. No exercise shall include a simulation directed against a specific State, nor a scenario that specifically names a State, a flag or a nationality.

ARTICLE 5 – REPORT

1. A report shall be drawn up within sixty days of the end of the exercise, in accordance with the format published by the Secretariat.
2. It shall set out the course of the exercise, any interoperability difficulties encountered, any deviations from the provisions of the Treaty and its annexes, and the proposed corrective measures.

3. It shall be forwarded to the Conference, the Independent Supervisor and all States Parties. The lessons learnt shall be incorporated into the training programme provided for in Article 118 of the Treaty.

CHAPTER II – INTEROPERABILITY

ARTICLE 6 – COMMUNICATIONS

1. Communications between units shall take place on the frequencies and channels of the Global Maritime Distress and Safety System and in accordance with the Radio Regulations of the International Telecommunication Union.
2. The phraseology used shall be that of the standard expressions of the International Maritime Organization for maritime communications. Search and rescue operations shall follow the procedures of the International Aeronautical and Maritime Search and Rescue Manual.
3. No standards, procedures, codes or frequencies specific to a military alliance are used in operations conducted under the Treaty, nor are they prescribed by any document adopted on the basis of the Treaty.
4. The Organisation's official languages are the working languages for communications between units. The use of another language understood by the parties involved is permitted and recorded.

ARTICLE 7 – COMMON FORMATS

1. The Secretariat shall publish and maintain, in the official languages, the following common formats: intervention report, boarding official record, chain of custody record sheet, report on the use of force, notification to the flag State, notification of extension of pursuit consented to under Title XXII of the Treaty, declaration of objection provided for under the same Title, and exercise report.
2. These formats are mandatory for communications between States Parties conducted pursuant to the Treaty. They do not affect the formalities prescribed by domestic law for national procedures.
3. Any amendment to a format shall be notified to the national contact points and shall take effect ninety days after such notification.

ARTICLE 8 – IDENTIFICATION OF UNITS AND OFFICERS

1. Each State Party shall provide the Secretariat with a list of the units authorised to carry out measures under the Treaty, together with their name, hull or registration number, call sign and external markings.
2. The list shall be kept up to date and communicated to the national contact points. It shall not be published.
3. Officers shall wear a visible distinguishing mark and a service number enabling their subsequent identification without disclosing their civilian identity.

ARTICLE 9 – DATA EXCHANGES

1. Operational exchanges shall take place via the secure channel provided for in Article 116 of the Treaty, with logging and a time-stamped acknowledgement of receipt.
2. Should the channel be unavailable, any means leaving a written record may be used, subject to confirmation via the secure channel within twenty-four hours.
3. Exercises shall include at least one sequence conducted in degraded mode, in accordance with paragraph 2.

CHAPTER III – COMMON RULES OF ENGAGEMENT

ARTICLE 10 – PRINCIPLE

1. The rules of engagement set out in this chapter apply to any operation conducted pursuant to the Treaty.

2. They are subject to Article 150 of the Treaty. They may not authorise anything prohibited by the Treaty, nor may they extend the circumstances in which the Treaty permits the use of force.

3. They do not supersede national rules of engagement where the latter are more restrictive. The officer shall, in all circumstances, apply the most restrictive rule.

4. The use of force is permitted only where strictly necessary, to the extent strictly required by the circumstances and in a graduated manner. It ceases as soon as its purpose has been achieved.

ARTICLE 11 – LEVELS OF ENGAGEMENT

1. Five levels are distinguished:

   a) Level 1 – presence, observation and monitoring, without interaction with the ship;

   b) Level 2 – establishing contact, hailing by radiotelephone, by visual and sound signals and by approach manoeuvre, and ordering it to stop in accordance with the conditions set out in Annex III;

   c) Level 3 – non-dangerous interdiction manoeuvres, in particular flanking, cutting off the ship's route, forming a blockade and the use of means aimed at reducing the ship's speed without endangering those on board, excluding any use of a firearm;

   d) Level 4 – the use of non-lethal means of coercion against persons offering physical resistance to the measure, to the strict extent necessary;

   e) Level 5 – the use of a firearm, exclusively in cases of self-defence or the defence of others in the face of a present danger of death or serious injury, in accordance with Article 150, paragraph 4, of the Treaty.

2. The decision to move from one level to the next is taken by the head of mission. It shall be reasoned, time-stamped and recorded in the operations log and the official record.

3. No level may be escalated without the previous level having been implemented, except where its use would increase the danger to persons and where this assessment is reasoned without delay.

ARTICLE 12 – ABSOLUTE PROHIBITIONS

1. A warning shot is permitted only if expressly authorised by the maritime warrant, in accordance with Article 150, paragraph 4, of the Treaty. It shall be preceded by the warning provided for in Article 13, shall not be directed at the ship or at persons, and shall be recorded in the operations log and the official record.

2. The following are prohibited under all circumstances: the use of force for punitive purposes; the use of force after the ship has been immobilised; firing at the waterline, living quarters or premises likely to be occupied; the use of means likely to cause the ship to sink or catch fire; the deliberate endangerment of persons on board for the purpose of coercing the master.

3. No measure may be taken with a view to compelling a person to make a statement or to waive a right.

ARTICLE 13 – PRIOR WARNING

1. Any escalation to levels 3, 4 or 5 shall be preceded, whenever circumstances permit, by a clear warning and a reasonable period of time to comply.

2. The warning may be omitted only in the case provided for in Article 150, paragraph 3, of the Treaty. The omission shall be reasoned without delay in the report provided for in Article 151 of the Treaty, which shall specify the facts on which the assessment was based.

3. The omission of the warning does not dispense with any of the other requirements of this chapter.

ARTICLE 14 – VULNERABLE PERSONS

1. The presence on board of minors, pregnant women, sick or injured persons, or persons in distress shall preclude the application of levels 4 and 5, unless there is a present danger of death or serious injury.
2. It entails an obligation to consider first the interruption of the measure and to inform the On-Call Judge without delay.

ARTICLE 15 – MEDICAL CARE AND EVACUATION

1. Any injured person shall receive, without delay, the medical care required by their condition. Their evacuation takes precedence over the continuation of operations.
2. The medical resources available on board the executing units shall be deployed regardless of the person's nationality or capacity.
3. The treatment provided, the time at which it was administered and any evacuation shall be recorded.

ARTICLE 16 – REPORT AND INVESTIGATION

1. Any use of force, regardless of its degree and even in the absence of injury, shall be the subject of the report provided for in Article 151 of the Treaty.
2. Any use of force resulting in death or serious injury shall give rise to the investigation provided for in the same article, conducted by an authority independent of the one that carried out the measure.
3. The Secretariat shall compile annual anonymised statistics on the use of force, by degree, to be published alongside the Independent Supervisor's report.

ARTICLE 17 – COMMUNICATION AND TRAINING

1. No officer shall take part in an operation conducted pursuant to the Treaty without having been briefed on this chapter and without such briefing being recorded in the file.
2. This briefing shall be repeated whenever the rules of engagement are amended and at least every two years.
3. The register of officers who have received this briefing is maintained by the Organisation and is accessible to national contact points and the Independent Supervisor.

ARTICLE 18 – RESCUE MISSIONS

1. In rescue missions coordinated by the Oceanian Emergency Committee, the rules of engagement set out in this chapter are suspended in favour of the applicable rescue procedures.
2. This suspension shall not extend to the absolute prohibitions set out in Article 12 or to the guarantees in Title IX of the Treaty.
3. The resumption of the rules of engagement, where a rescue operation is followed by a measure taken pursuant to the Treaty, shall be decided by the head of mission, with reasons given and recorded.

ANNEX VII – RECOGNITION, TRANSMISSION AND EXECUTION OF NATIONAL WARRANTS

ARTICLE 1 – NATURE OF THE ANNEX

1. This Annex does not constitute a mandatory form and does not create any OCNOL maritime warrants.
2. Each warrant shall be drawn up exclusively by the competent judicial authority of the State issuing it, in accordance with its domestic law.

ARTICLE 2 – RECOGNITION PROVIDED FOR BY THIS TREATY

1. The States Parties shall recognise as of right national warrants duly issued by other States Parties where they relate to the acts listed in Part Two of Annex II.
2. Such recognition shall be general, reciprocal and permanent. It shall arise directly from the entry into force of this Treaty between the States concerned.
3. No new agreement, no homologation and no exequatur are required for each operation.

ARTICLE 3 – SCOPE WITHIN THE AREA OF APPLICATION OF THIS TREATY

1. Recognition applies throughout the area of application of this Treaty.
2. It does not transform the warrant into a title of sovereignty and does not permit the issuing State to exercise police powers directly on the territory or in the maritime areas of another State.
3. The measure shall be carried out in practice by the competent authorities of the State in the area where it takes place, in accordance with this Treaty.

ARTICLE 4 – NOTIFICATION TO OCNOL FOR THE PURPOSES OF JUDICIAL VIGILANCE

1. Any recognised warrant shall be notified to OCNOL by the issuing judicial authority in accordance with Article 143 of the Treaty. Where the warrant could not be executed, OCNOL shall ensure enhanced maritime judicial vigilance of the ship concerned or of the area designated by that authority.
2. The notification shall specify the details necessary for vigilance, in particular the ship where it has been identified, the warrant's reference details, the area concerned where it has been designated, the duration of the warrant and the authorities to be notified.
3. OCNOL carries out vigilance, identification, transmission and alerting in accordance with Article 143 of the Treaty, without creating or amending the national warrant.
4. Where re-establishment of contact with the ship is confirmed by a consistent set of technical data, OCNOL shall immediately notify the designated authorities in accordance with the mandate and the Treaty.
5. The notification and related updates shall be kept in the confidential register provided for in this Treaty.

ARTICLE 5 – ISSUING STATE

The issuing State shall ensure that the warrant identifies its authority, its legal basis, the ship or person concerned where required by law, the acts concerned, the authorised measures, the scope and the duration.

ARTICLE 6 – EXECUTING STATE

1. The Executing State shall act exclusively through its own competent authorities, which shall ensure the implementation of the warrant.
2. It shall apply its procedural and security rules to the extent that these are compatible with the obligation of recognition arising from this Treaty.
3. Any difficulty in execution shall be reported immediately and shall not give rise to a general refusal of the recognition mechanism.

4. Where the ship, person or property covered by the warrant subsequently falls within the jurisdiction of another State Party, the rules on cross-border continuity set out in Article 143 bis shall apply.

ARTICLE 7 – ROLE OF OCNOL

1. OCNOL may receive, formally authenticate, technically translate, transmit and retain records of warrants communicated by national contact points.
2. OCNOL shall not issue any warrants, shall not sign any national warrants and shall not decide on any coercive measure.
3. OCNOL's autonomous assets may not be used to stop, immobilise, board or compel a ship or a person.
4. Where OCNOL is seised by the issuing judicial authority in accordance with Article 143 of the Treaty, it shall carry out the vigilance and alerting provided for in that Article within the limits of the warrant and applicable law.

ARTICLE 8 – AUTHENTICITY AND TRANSMISSION

1. Each State shall designate the authorities empowered to issue and receive warrants.
2. Transmission shall take place via secure channels recognised by the States Parties and may be relayed by OCNOL.
3. In the event of serious doubt as to authenticity, the recipient State shall seek confirmation from the issuing authority via the national contact point.

ARTICLE 9 – LIMITS

Recognition shall not extend to acts incompatible with a peremptory norm of international law, an immunity recognised by international law or an express provision of this Treaty.

ARTICLE 10 – LEGAL EFFECT

This Annex constitutes the common framework for the recognition and interoperability of national warrants. It does not prescribe any single documentary form. The validity of the act remains that conferred upon it by the law of the issuing State, subject to the minimum details necessary for its identification and execution.

ARTICLE 11 – RELATIONSHIP WITH THE TREATY

1. This Annex shall apply in the following order: Articles 126 to 131 of the Treaty concerning jurisdiction; Article 135 concerning referral; Titles XIV and XV concerning evidence; Article 140 concerning the national warrant; Article 142 concerning recognition and enforcement; Article 143 concerning vigilance and location following initial failure; Article 143 bis for cross-border continuity and the obligation of the State in which the ship is located; Article 144 for the duration and limits set by the issuing judge; Article 165 for mutual legal assistance; Article 166 for exceptional and reasoned refusal; Article 172 for the exhaustive grounds for refusal of enforcement.
2. The warrant is circulated amongst the States Parties through the mechanism of this Treaty. The substantive powers of execution remain exclusively those of the State in whose areas the ship, person or property concerned is situated. No State Party shall execute a warrant through its own agents or by its own means in the areas of another State Party without the latter's express consent, subject to the conditions set out in Titles XXI and XXII.

ANNEX VIII – FREEDOM OF FORM AND RECOGNITION OF NATIONAL WARRANTS

ARTICLE 1 – PRINCIPLE OF NATIONAL FORM

Each State Party shall retain its own warrant, order or any equivalent instrument provided for under its domestic law. This Treaty does not impose any uniform model, form, heading or format.

ARTICLE 2 – CONDITIONS FOR RECOGNITION

Recognition under this Treaty is based on the competence of the issuing authority, the authenticity of the instrument and the presence of the information necessary for its identification and enforcement. Differences in form, terminology or national procedure shall not, in themselves, justify a refusal.

ARTICLE 3 – NO OCNOL WARRANT

OCNOL does not create, issue, sign or validate any warrant. It ensures solely the secure transmission, formal authentication of the issuing authority, technical translation and traceability provided for in the Treaty.

ANNEX IX – FUND FOR SUPPORT, COVER AND FINANCIAL SOLIDARITY

ARTICLE 1 – SUB-FUNDS OF THE FUND

1. The Fund is the Organisation's sole fund. It comprises four legally and accountably separate sub-funds: (a) emergency relief; (b) operational continuity, as provided for in Article 62 of the Treaty; (c) compensation guarantee, which finances provisional advances, insurance excesses, uninsurable risks and the expenditure necessary for the settlement of claims as provided for in Annex XXII; (d) costs of the custody and transfer of ships, as provided for in Article 161 of the Treaty.
2. Resources from one sub-fund may only be transferred to another by a decision of the Conference taken by a two-thirds majority. No transfer may cause the operational continuity sub-fund to fall below its minimum level or reduce the guarantee owed to victims.
3. No other fund may be established outside the scope of this Annex.

ARTICLE 2 – PUBLIC AND INTER-STATE RESOURCES

1. The Fund receives compulsory contributions, inter-State donations, grants from the UN and its funds and programmes, contributions from international organisations, funding from public institutions and the recovery of claims.
2. Funding agreements shall respect the independence of OCNOL, the sovereignty of States and the audit rules of the Treaty.
3. Resources allocated by the Treaty to a specific sub-fund, in particular under Articles 62 and 161, are paid directly into that sub-fund.

ARTICLE 3 – PHILANTHROPIC AND PRIVATE DONATIONS

1. The Fund may receive donations from foundations, natural persons and private entities following the verification provided for in Article 60 of the Treaty.
2. No donor shall acquire any governance rights, priority, data or operational influence.
3. Large donations are registered in the donor's name and published. Small anonymous donations are permitted within the limits set by the financial regulations and subject to verification of the means of payment.
4. OCNOL does not promise any tax benefits. A separate charitable organisation may issue a receipt only if permitted to do so under the law of its jurisdiction.
5. Upon activation of the OEC, the Secretariat may launch an international public appeal for solidarity donations. Donations received are paid into the emergency relief sub-fund and allocated exclusively to the ongoing disaster. Any remaining balance remains vested in that sub-fund. Paragraphs 1 to 3 apply.

ARTICLE 4 – MINIMUM LEVEL

1. Prior to the activation of the OEC, the emergency relief sub-fund shall cover, as a minimum, the modelled cash flow requirements for two simultaneous major regional emergencies.
2. The continuity sub-fund covers twelve months of critical functions. The compensation guarantee complies with Article 21 of the Treaty. The ship custody and transfer costs sub-fund covers foreseeable advances in accordance with the level set by the Conference.
3. An independent actuarial study reviews these levels every two years and following any major event.

ARTICLE 5 – STATE CONTRIBUTIONS

1. The Conference adopts a scale combining equal shares, contributory capacity and adjustments to protect vulnerable small island States.

2. No State shall lose any humanitarian right as a result of arrears. The voting rules shall remain those set out in the Treaty.

ARTICLE 6 – DISBURSEMENT AND PRIORITY

1. Payments are prioritised as follows: human life and medical care, essential needs, prevention of imminent environmental damage, continuity of alerts and evidence, followed by other eligible expenses.
2. The Secretary-General may authorise an advance within the annual limit. Any advance shall be notified within twenty-four hours and settled within fifteen days.
3. Multi-State allocations shall be in accordance with Annex XXIII.

ARTICLE 7 – INSURANCE, LIQUIDITY, RECOURSE AND REPLENISHMENT

1. The Fund shall take out the insurance provided for in paragraph 2. It may make use of reinsurance, other risk transfer instruments, a liquidity facility and capped extraordinary calls.
2. The Organisation shall take out and maintain catastrophic event insurance covering the emergency relief sub-fund and the costs provided for in Article 11. This insurance may be parametric: in such cases, compensation shall be paid as soon as measured physical thresholds are exceeded, without prior assessment of the damage. The Conference shall determine, no later than at its second ordinary session and on the basis of the actuarial study provided for in Article 4, paragraph 3, the risks covered, the level of cover and the trigger thresholds. The insurance shall be taken out within twelve months of this decision, either directly or through a regional or international risk-sharing mechanism, with a legally authorised insurer possessing sufficient financial capacity.
3. The triggering of parametric cover shall be determined by a calculation agent independent of the Organisation, designated in the contract. OCNOL data shall serve as supporting evidence and for cross-checking purposes. They shall not, on their own, constitute the triggering data.
4. The liquidity facility pre-finances the costs pending the payment of insurance compensation, donations and contributions. Its outstanding balance is capped by the Conference and repaid as a priority from these resources.
5. Upon payment, the Fund may obtain from the beneficiary, in writing, subrogation to the beneficiary's rights against those responsible for the damage and their insurers, particularly in the event of pollution, or the assignment of those rights, subject to the conditions of the law applicable to the claim. It may also provide assistance without recourse. Claims are brought before the competent national courts or under the applicable international compensation schemes. OCNOL does not assess liability; it provides evidence established in accordance with this Treaty. In any proceedings in which the Fund brings a claim, the Organisation shall be appointed as an approved technical expert before the court seised of the case, in its capacity as an expert recognised by Article 1, paragraph 8, of the Treaty and in accordance with the procedures for appointment laid down by the law of the forum State, as to the establishment, preservation and anchoring of items of evidence. It may also be heard as a technical witness, at the request of the judge or a party. The integrity of such evidence may be verified by any other expert appointed by the judge, to whom the Organisation shall grant access to the digital fingerprints, time stamps and calibration certificates. The sums recovered shall be credited to the sub-fund that bore the cost, subject to Article 11, paragraph 6.
6. A fall below the minimum level triggers a replenishment plan within fifteen days.
7. The exhaustion of the Fund does not confer any power of command nor does it suspend any national responsibility.
8. Calls made upon States Parties in the event of population displacement within the meaning of Article 93, paragraph 7, of the Treaty shall be governed by Article 11.

ARTICLE 8 – INTEGRITY AND CONFLICTS

1. The Management Committee shall verify sanctions, beneficial owners, the origin of funds, conflicts of interest and any conditions attached.

2. Any irregular funds shall be rejected, set aside or returned and reported to the Independent Supervisor.

ARTICLE 9 – GOVERNANCE AND AUDIT

1. The Fund is administered by a committee of representatives of the States. The Secretariat carries out its duties without voting rights. The Independent Supervisor sits as an observer.

2. Each sub-fund is subject to an annual audit. The accounts, donations, disbursements, receivables and costs are published, subject to the protection of confidential information.

ARTICLE 10 – NO DISTRIBUTION

No profits are distributed. Surpluses are added to the reserves and are used exclusively to fund the purposes of the Treaty.

ARTICLE 11 – SHARED SOLIDARITY IN THE EVENT OF POPULATION DISPLACEMENT

1. The costs incurred under Article 93, paragraphs 7 and 8, of the Treaty shall be covered in the following order: (a) the advance from the emergency relief sub-fund; (b) the compensation from the catastrophic events insurance provided for in Article 7, paragraph 2; (c) solidarity donations earmarked for the disaster and voluntary contributions from the States Parties; (d) a call for the balance from the States Parties, in proportion to the scale adopted by the Conference pursuant to Article 5.

2. Any contribution not provided in the form of hosting or resources shall be payable in cash. Voluntary contributions, direct contributions and resources provided by a State Party shall be set off against its share. Until the allocation plan is accepted, the costs incurred by the State of first reception shall be covered in full by solidarity.

3. Each State Party's share of the call for the balance shall be payable in no more than five equal annual instalments. Upon notification of the call, each State Party shall choose whether the first instalment is due during the Organisation's current financial year or on the first day of its next national financial year, and shall be paid within six months of becoming due. Subsequent instalments shall be due each year on the same date.

4. Instalments not yet due do not constitute either a contribution due or arrears within the meaning of Article 36 of the Treaty. No default on payment shall be deemed to have occurred by reason of the payment schedule. An instalment that is due and unpaid shall be dealt with in accordance with Article 36 and Article 59(5) of the Treaty.

5. The Conference shall, no later than at its first session, determine the threshold above which the balance is called up, the deadline for submitting the allocation plan, the valuation of contributions, the annual ceiling on instalments and the overall ceiling on instalments remaining due by each State Party in respect of all calls. Until the threshold is adopted, the balance shall be called up for any activation of the OEC. Until the ceilings are adopted, the instalments due from a State Party in any one financial year shall not exceed the amount of its annual contribution to the Organisation's budget, and the total of the instalments remaining due shall not exceed five times that amount. Any requirement exceeding the overall ceiling shall be met by the liquidity facility provided for in Article 7, paragraph 4, and by the replenishment plan provided for in Article 7, paragraph 6.

6. Insurance indemnities paid after the balance has been called up and sums recovered pursuant to Article 7(5) in respect of costs covered by this Article shall first be used to repay the liquidity facility, shall then be deducted from the outstanding annual instalments in proportion to the shares, and shall finally be used to replenish the emergency relief sub-fund.

7. The Receiving State shall substantiate the costs incurred. OCNOL shall ensure their traceability.

ANNEX X – ACCREDITATION OF PRIVATE ENTITIES AND OPERATING LICENCES

ARTICLE 1 – PURPOSE

This Annex sets out the conditions under which the Organisation may accredit a private entity for the purpose of operating technical infrastructure or services contributing to the performance of the observation, monitoring, warning and rescue coordination functions set out in Article 10, paragraphs 3 to 5, of the Treaty, regardless of the nature of the technology employed – including, but not limited to, telecommunications networks, satellite constellations, environmental or oceanographic sensor networks, or any other technical system fulfilling the same function. The Commission established under Article 3 shall assess, for each application, whether such a functional link exists; any application that does not demonstrate such a link shall be rejected as falling outside the scope of the Organisation.

ARTICLE 2 – NATURE OF ACCREDITATION

Accreditation is an act of authorisation, not a commercial transaction. It does not entail, for the benefit of the Organisation, any share in the capital of the accredited entity, any share of its profits, any guarantee of its obligations towards its contracting parties, or any joint and several liability in respect of its activities.

ARTICLE 3 – INTER-STATE ACCREDITATION COMMISSION

(a) An Inter-State Accreditation Commission shall be established, comprising one representative from each State Party that has notified its intention to sit on the Commission. (b) The Commission shall decide by a two-thirds majority of its members present or represented on any application for accreditation, renewal, suspension or withdrawal. (c) It shall draw up and publish a compliance framework, covering in particular the applicant's financial soundness, the security and technical resilience of the proposed infrastructure, and the entity's compliance with its obligations under the law of the States in whose territory it operates, including with regard to access to data by the competent judicial authorities, the protection of personal data in accordance with Title X of the Treaty, and the cybersecurity of the infrastructure. (d) It may, at any time, suspend or withdraw an accreditation in the event of a breach of the compliance framework, after the entity concerned has been given the opportunity to submit its observations, except in cases of clear urgency justifying an immediate protective suspension.

ARTICLE 4 – SUBSTANTIVE CONDITIONS FOR ACCREDITATION

(a) The applicant entity shall be duly incorporated under the law of a State Party or a third State recognised by the Commission. (b) It shall undertake in writing to comply with the compliance framework and with any decision of the Commission. (c) The service offered falls within the scope of the Organisation's purpose as defined in Article 10 of the Treaty; the Commission shall reject any application that falls outside this scope. (d) Accreditation is granted for a fixed, renewable term and is not exclusive, unless a reasoned decision otherwise is taken owing to an objective technical constraint (e.g. limited spectrum resources). (e) Accreditation is limited to the material tasks of operation, transmission, hosting and maintenance as defined in Article 14, paragraph 2, of the Treaty. The accredited entity shall not carry out any assessment of the facts, nor any analysis, characterisation or establishment of evidence, and shall not issue any alerts in its own name; the data shall be transmitted to the Organisation without any interpretative processing. (f) Any breach of point (e) of this Article shall result in the immediate protective suspension of the accreditation, followed by its withdrawal in accordance with Article 3(d).

ARTICLE 5 – FEES

The Organisation may levy, in return for accreditation, a fee intended exclusively to cover the Commission's costs of investigation, monitoring and control. This fee constitutes a resource derived from services rendered within the meaning of Article 59, paragraph 1, of the Treaty, and is included in the operating budget provided for in Article 58 of the Treaty; it may not be allocated to any sub-fund of the Fund provided for in Annex IX. Its amount is capped at the

actual cost, which is published annually and subject to the audit provided for in Article 61 of the Treaty. It does not constitute a profit within the meaning of Article 19(2) of the Treaty.

ARTICLE 6 – LIABILITY

The accredited entity shall be solely liable, out of its own assets, for any damage caused in the course of its activities. Accreditation does not constitute a guarantee, endorsement or surety on the part of the Organisation.

ARTICLE 7 – PUBLIC REGISTER

The Secretariat shall maintain a public register of accredited entities, authorised services, the duration of accreditation and any suspension or withdrawal.

ARTICLE 8 – AMENDMENT

This Annex may be amended by a two-thirds majority of the States Parties, in accordance with Article 35(1)(c) and Article 185(6) of the Treaty.

ANNEX XI – COOPERATION IN SEARCH AND RESCUE (SAR)

ARTICLE 1 – PURPOSE

This Annex sets out the technical support provided by OCNOL for the detection and relay of maritime and aeronautical distress signals, in support of the competent national authorities and coordination centres.

ARTICLE 2 – COMPLEMENTARY NATURE

This cooperation complements national and international systems, in particular the MRCCs, the RCCs, the GMDSS and Cospas-Sarsat. It does not confer upon OCNOL any direction of operations, any obligation as to result, or any priority over official means.

ARTICLE 3 – AUTHORISED TECHNICAL FUNCTIONS

OCNOL may carry out passive listening on authorised frequencies, confirm and time-stamp a position, correlate drift data and relay information to the relevant centre. Any transmission on a regulated frequency remains subject to the applicable authorisations.

ARTICLE 4 – PROHIBITIONS

OCNOL does not act in place of search and rescue authorities, does not initiate any physical operations, does not command any national assets, and does not broadcast any messages that could be mistaken for an official rescue order.

ARTICLE 5 – TRANSMISSION

Any information relating to a distress situation shall be transmitted without delay and as a matter of priority to the relevant centre, in an interoperable format. The transmission, its time stamp and any acknowledgement of receipt shall be retained.

ARTICLE 6 – MARITIME AND AERONAUTICAL COORDINATION

The Secretariat shall conclude technical arrangements with the maritime and aeronautical authorities and SAR centres, setting out contact details, formats, verification procedures and joint exercises.

ARTICLE 7 – TRACEABILITY AND EVIDENCE

Information may be retained in accordance with Annexes IV and XV. Its probative value shall be assessed in accordance with the law of the competent State.

ARTICLE 8 – LIABILITY

The Organisation shall be liable in accordance with Article 20(4). Accredited operators shall be liable for their own acts in accordance with applicable law.

ARTICLE 9 – AMENDMENT

This Annex shall be amended in accordance with Articles 35 and 185. Any amendment affecting a national competence or a financial obligation shall be subject to the rules applicable to the main text of the Treaty.

ANNEX XII – COORDINATION OF INFORMATION AND TECHNICAL ASSISTANCE IN THE EVENT OF A MARITIME OR AERONAUTICAL EMERGENCY

ARTICLE 1 – PURPOSE AND RELATIONSHIP WITH TITLE XVII

1. This Annex implements Articles 10, 100 and 121 to 125 of the Treaty. It organises the detection, transmission, correlation, localisation and technical monitoring of maritime or aeronautical emergencies, in particular where these involve a natural disaster, a major environmental accident, a casualty, a shipwreck, an aircraft in distress, a missing person or a humanitarian crisis at sea.
2. It supplements Annex XI on search and rescue (SAR) and Annex XVIII on SLOM-OCNOL. It does not replace any national or international distress, alert or search and rescue system.
3. It does not confer upon OCNOL any powers of policing, coercion, boarding, physical command or operational direction of national assets.

ARTICLE 2 – PRINCIPLE OF CONTINUITY OF ALERT AND INFORMATION

1. Any credible alert received or detected by OCNOL shall be forwarded without delay to the national contact point and, where identifiable, to the competent coordination centre.
2. Transmission may not be delayed on account of a maritime boundary, a difference in jurisdiction or initial uncertainty regarding the competent State.
3. The alert message shall include, as far as possible, the nature of the event, the reference date and time, the last known or estimated position, the source, the degree of confidence, the available drift data and the immediate risks identified.

ARTICLE 3 – DETECTION AND LOCATION USING OCNOL MEANS

1. OCNOL's maritime drones, autonomous buoys, underwater assets and unarmed aerial drones may be used to detect, locate, observe and technically monitor an emergency situation, within the limits of the applicable authorisations.
2. These assets may collect distress signals, positioning data, meteorological or oceanographic observations, imagery, environmental measurements and any other data technically necessary for locating or assessing the situation.
3. OCNOL assets shall not carry out any physical intervention on persons, ships or aircraft in distress, except for strictly technical actions necessary for their own safety or for the maintenance of their sensors.

ARTICLE 4 – OCEANIAN EMERGENCY COMMITTEE

1. Where an alert falls under Title XVII, the Oceanian Emergency Committee shall be notified in accordance with the Treaty.
2. The Committee shall identify the rescue means declared available, facilitate their linking with the competent authority of the affected State and ensure the continuity of information between the States Parties.
3. The Committee does not act in place of the competent national authority in the conduct of rescue operations. It does not command any ship, aircraft, medical team, military unit, police unit or other national assets.
4. Any cross-border coordination shall be carried out within the limits of the consent and powers recognised by the Treaty and by applicable international law.

ARTICLE 5 – PRE-POSITIONING AND MOBILISATION OF NATIONAL ASSETS

1. Where a serious and imminent risk is identified, OCNOL may issue a technical recommendation on pre-positioning to the States Parties concerned.

2. The decision to pre-position or mobilise an asset rests exclusively with the State that has it at its disposal and with the competent authority of the affected State, in accordance with the rules set out in Title XVII.

3. No foreign national asset shall enter the territorial sea, archipelagic waters, ports or land areas of another State except under the conditions set out in Article 41 of the Treaty and in accordance with applicable international law.

ARTICLE 6 – TECHNICAL ASSISTANCE IN THE EVENT OF DAMAGE, SHIPWRECK OR DISAPPEARANCE

1. OCNOL may maintain a watch over a distress area, estimate the drift of a ship or of survival equipment, correlate multiple location sources and transmit updates to the authorities responsible for rescue operations.

2. When a SLOM-OCNOL signal is detected, the procedures set out in Annex XVIII shall be applied as a matter of priority.

3. Information relating to a missing ship or aircraft may be cross-referenced with available meteorological, oceanographic, current, swell and drift data in order to narrow down the search area.

ARTICLE 7 – AERONAUTICAL ACCIDENT AT SEA

1. In the event of the detection or reporting of an aircraft in distress or an aeronautical accident at sea, OCNOL shall immediately forward the available information to the competent aeronautical authorities and search and rescue centres.

2. Unmanned aerial drones associated with OCNOL assets may, where legally authorised and technically available, assist in locating and monitoring the area without replacing aeronautical SAR resources.

3. The data collected shall be stored and transmitted in accordance with Title VIII and Annexes IV and XV.

ARTICLE 8 – NATURAL DISASTERS AND MAJOR ENVIRONMENTAL INCIDENTS

1. In the event of a tsunami, earthquake, volcanic eruption, cyclone, tropical storm, flooding, large-scale pollution or other major incident, the alert and monitoring functions set out in Annex XIII shall be activated in addition to the procedures laid down in Title XVII.

2. OCNOL ensures the continuity of information flow between scientific sources, national contact points and the Oceanian Emergency Committee, without superseding the national authorities responsible for alerting the public.

ARTICLE 9 – TRANSMISSION, AUTHENTICITY AND TRACEABILITY

1. Any substantial transmission carried out under this Annex shall be time-stamped and logged.

2. Where the data is intended for use in judicial or administrative proceedings, the rules of Annex IV relating to integrity and the chain of custody shall apply.

3. Data originating from a State Party shall remain subject to the rules on confidentiality, sovereignty and use set out in Title VIII.

ARTICLE 10 – PROTECTION OF PERSONS AND DATA

1. Information relating to persons in distress shall be processed exclusively to the extent necessary for the safeguarding of life, search and rescue, crisis management and, where permitted by applicable law, for documentation or evidence.

2. Any personal data not necessary for these purposes shall be excluded or deleted in accordance with the rules of the Treaty.

ARTICLE 11 – END OF MISSION

1. Once the critical emergency has ended, OCNOL reduces or suspends specific monitoring of the area in accordance with the instructions of the Committee and the competent authorities.
2. Data required for the post-crisis report, for maritime or aeronautical safety, or for judicial proceedings shall be retained in accordance with the applicable rules.

ARTICLE 12 – LIABILITY AND NO GUARANTEE OF RESULTS

1. The functions carried out under this Annex constitute technical and informational assistance.
2. Detection, localisation, transmission or the failure to detect, localise or transmit does not constitute a guarantee of rescue.
3. Responsibility for physical rescue operations remains with the authorities and operators carrying them out in accordance with applicable law.

ARTICLE 13 – TECHNICAL COOPERATION

The Secretariat may conclude technical arrangements with the maritime, aviation, meteorological, scientific and SAR authorities of the States Parties, designed to ensure interoperability, the rapid transmission of alerts and the continuity of communications.

ARTICLE 14 – REVIEW

This Annex shall be subject to periodic review in order to take account of developments in distress, location, search and rescue systems, without altering the division of sovereign powers established by the Treaty.

ANNEX XIII – TSUNAMI, SEISMIC, VOLCANIC AND CLIMATE MONITORING

ARTICLE 1 – PURPOSE AND PRINCIPLES

1. This Annex organises regional monitoring of tsunamis, earthquakes, volcanic phenomena, cyclones, storms, flooding and other major natural hazards.
2. It complements national and international systems and shall in no circumstances replace the national authority responsible for issuing warnings to the public.

ARTICLE 2 – SOURCES AND NETWORKS

1. Data is sourced from lawfully operated sensors, national authorities and partner scientific networks.
2. Each source is identified together with the person responsible for it, its time stamp, calibration status, availability and limits.

ARTICLE 3 – CONTENT OF ALERTS

1. Every alert specifies the phenomenon, the area, the time, the confidence level, the corroborating sources and the uncertainties.
2. Technical alert thresholds are defined in consultation with national authorities and the relevant networks and reviewed at least every two years. They are distinct from the activation thresholds of the Oceanian Emergency Committee, which are reviewed every three years in accordance with Article 10 of Annex V.

ARTICLE 4 – TRANSMISSION CHAIN

1. The alert is transmitted simultaneously to the national contact point and to the relevant technical centre.
2. Acknowledgement of receipt is tracked. In the absence of such acknowledgement, the out-of-band channel is used and the attempt is logged.

ARTICLE 5 – NATIONAL PRIMACY

1. Dissemination to the public is the sole responsibility of the competent national authority.
2. OCNOL shall not amend, delay or withdraw any national alert. Any scientific discrepancy shall be reported, stating the reasons and sources.
3. Where an alert has not been followed by action, Article 1, paragraph 10, of the Treaty shall apply.

ARTICLE 6 – DEGRADED MODE

1. The service has a continuity site, offline reference data and a sealed list of contacts.
2. Messages sent in degraded mode are reconciled and logged after restoration.

ARTICLE 7 – EXERCISES AND SUPERVISION

1. A multi-State tsunami exercise and a cyclone exercise are conducted at least every two years.
2. The Independent Supervisor verifies response times, transmission failures, false alarms and corrective measures.

ARTICLE 8 – FEEDBACK AND REVIEW

Each major event gives rise to a technical report shared with the States concerned. This Annex is revised at least every three years.

ANNEX XIV – OBSERVATION OF INCURSIONS AND EXTERNAL THREATS

ARTICLE 1 – PURPOSE

This Annex sets out the framework for the technical observation and notification of maritime or aerial movements that may pose an external threat to a State Party.

ARTICLE 2 – CONSENT AND SCOPE

1. No targeted observation shall be carried out in areas under the sovereignty or jurisdiction of a State without its consent.
2. Lawful military activities, the freedoms of navigation and overflight, and the immunities recognised under international law shall be respected.

ARTICLE 3 – AUTHORISED SOURCES

Information shall be derived from unarmed OCNOL assets, lawful open-source or commercial data, and data provided by States. Any national restrictions shall be recorded.

ARTICLE 4 – LEVELS OF ANALYSIS

1. The file distinguishes between detection, technical identification, observed behaviour, hypothesis and national assessment.
2. OCNOL does not characterise any State as a threat and does not produce any independent political or military assessment.

ARTICLE 5 – NOTIFICATION

Any relevant observation is forwarded confidentially to the State concerned, together with the sources, uncertainties, limits and contradictory elements.

ARTICLE 6 – PROHIBITIONS

OCNOL shall not pursue, intercept, jam, designate targets, recommend the use of force or share information with a third power without the consent of the owning State.

ARTICLE 7 – SENSITIVE DATA

1. Data revealing national capabilities shall be classified and compartmentalised.
2. The period for which such data is retained is determined by the State concerned and may not be extended unilaterally.

ARTICLE 8 – INCIDENT AND CHALLENGE

A State may request the immediate suspension of an observation, the correction of an analysis and an audit of access. The Independent Supervisor shall rule on the matter as a matter of urgency.

ARTICLE 9 – REVIEW

The Conference shall review the necessity, proportionality and neutrality of this function every two years. It may suspend or reduce it.

ANNEX XV – DIGITAL INTEGRITY, CHAIN OF CUSTODY AND DELIVERY OF DATA

ARTICLE 1 – PURPOSE

This Annex sets out the guarantees regarding integrity, time-stamping, traceability and delivery applicable to operational data which do not yet constitute evidence within the meaning of Annex IV.

ARTICLE 2 – SOURCE DATA

Source data is stored in read-only form. Any copy, standardisation, correction or aggregation is identified as a derivative.

ARTICLE 3 – MINIMUM METADATA

Each data item includes an identifier, its source, the UTC time, the position and its uncertainty, the method of acquisition, the person responsible and any restrictions on use.

ARTICLE 4 – DIGITAL FINGERPRINT AND SIGNATURE

A digital fingerprint is calculated upon receipt. Critical transmissions are signed or sealed in accordance with the cryptographic framework.

ARTICLE 5 – LOG AND CHAIN OF CUSTODY

All access, export, transformation and deletion are logged. Any break is reported, together with its possible effect on reliability.

ARTICLE 6 – ACCESS AUTHORISATIONS

Access is granted on an individual basis, is time-limited and is based on a need-to-know principle. Shared accounts are prohibited.

ARTICLE 7 – DELIVERY PACKAGE

The delivery comprises the source data, derivatives, metadata, digital fingerprints, log, reliability limits and restrictions imposed by the owning State.

ARTICLE 8 – INCIDENTS AND RESTITUTION

Any incident shall be reported within twenty-four hours. The owning State may order the suspension, repatriation or controlled deletion of the data.

ARTICLE 9 – AUDIT AND REVIEW

The Independent Supervisor shall verify a sample of chain-of-custody records annually. This Annex shall be harmonised with Annex IV at the time of each revision.

ANNEX XVI – NECESSITY, PROPORTIONALITY AND COORDINATION WITH NATIONAL AUTHORITIES

ARTICLE 1 – NECESSITY TEST

Any OCNOL activity shall identify the objective of this Treaty being pursued, the national competence concerned and the reasons why the activity is necessary.

ARTICLE 2 – PROPORTIONALITY TEST

The intensity, duration, geographical scope, data collected and persons affected shall not exceed what is required to achieve the objective.

ARTICLE 3 – LEAST INTRUSIVE MEASURE

Where a comparable result can be achieved by less intrusive means, those means shall be adopted and the choice shall be recorded.

ARTICLE 4 – NATIONAL AUTHORISATION

Any activity in an area or system subject to national jurisdiction shall specify the authority that authorised it, the conditions under which it was authorised and its duration.

ARTICLE 5 – RE-EVALUATION

The necessity and proportionality shall be reassessed following any significant development and at least every twenty-four hours during a crisis.

ARTICLE 6 – SUSPENSION

The State concerned, the Independent Supervisor or the operational manager may suspend an activity in the event of serious doubt or disproportionate risk.

ARTICLE 7 – STATEMENT OF REASONS AND TRACEABILITY

The decision, the alternatives considered, the risks and the mitigation measures shall be recorded in the file.

ARTICLE 8 – SUPERVISION AND REMEDIES

The Independent Supervisor shall audit the implementation of the tests. Any affected person or State may challenge the necessity or proportionality in accordance with the procedures of the Treaty.

ANNEX XVII – OCNOL AUTONOMOUS TECHNICAL MEANS AND INTEROPERABILITY

ARTICLE 1 – INVENTORY OF ASSETS

The Secretariat shall maintain an inventory of autonomous assets, specifying the owner, operator, function, sensors, software, autonomy, area of operation and authorisation status.

ARTICLE 2 – PRIOR CERTIFICATION

No asset shall be deployed prior to testing for safety, performance, cybersecurity, emergency shutdown and recovery. Certification shall be renewed following any major modification.

ARTICLE 3 – AUTHORISATION AND GEOFENCING

The authorised geographical and temporal limits are loaded prior to the mission. Unauthorised crossing of these limits triggers an alert and, where possible, a safe return or shutdown.

ARTICLE 4 – COMMUNICATIONS AND IDENTIFICATION

Each asset has a verifiable identifier, a mission log and communication systems compatible with national authorities.

ARTICLE 5 – SAFETY OF NAVIGATION AND AVIATION

Routes, altitudes, depths and failure modes are coordinated with the relevant authorities to avoid any danger to people and other users.

ARTICLE 6 – CYBERSECURITY

Commands are authenticated and encrypted. Keys, updates, vulnerabilities and supplier access are subject to Annex XXI.

ARTICLE 7 – DATA

Data collection is limited to necessary data. Incidental or out-of-scope data is isolated and then destroyed under supervision.

ARTICLE 8 – PROHIBITIONS

No asset may carry a weapon, coerce, pursue, board, jam, intercept private communications or present itself as a national unit.

ARTICLE 9 – INCIDENTS, AUDITS AND WITHDRAWAL

Any incident shall be reported to the State concerned. The Independent Supervisor may suspend a type of asset. The Conference shall withdraw any certification where safety or necessity is no longer demonstrated.

ANNEX XVIII – REGIONAL SYSTEM FOR LOCATING SURVIVAL EQUIPMENT (SLOM-OCNOL)

ARTICLE 1 – PURPOSE

1. This Annex sets out the technical framework for the SLOM-OCNOL system, which is designed to improve the location of lifeboats, life rafts and other survival equipment following the abandonment of a ship.
2. It complements internationally recognised distress and location systems and shall not be interpreted as replacing them.

ARTICLE 2 – SURVIVAL BEACON

1. The beacon is a self-contained, watertight device, either floating or integrated into the survival equipment, with an independent power source and a unique identifier.
2. It may be activated manually or automatically in accordance with the specifications approved by the competent authority and the requirements applicable to the survival equipment.
3. Its transmission is limited to the information necessary for the identification and location of the survival equipment.

ARTICLE 3 – RECEPTION AND TRIANGULATION

1. OCNOL maritime drones, autonomous buoys and aerial drones may receive signals transmitted by the beacons.
2. Where several receivers have compatible information, OCNOL may calculate a position estimate by triangulation, multilateration, time comparison or any other technically validated method.
3. The location file specifies the method used, the number of receivers, the position uncertainty and the time of the last reception.
4. An estimate may not be presented as an exact position where material uncertainty remains; the uncertainty is relayed to the SAR centre.

ARTICLE 4 – TRANSMISSION TO RESCUE AUTHORITIES

1. Any detection of a survival beacon shall be transmitted as a matter of priority to the relevant search and rescue coordination centre.
2. The transmission shall include, as a minimum, the beacon's identifier, the estimated position, the time, the uncertainty and, where available, the direction and speed of drift.
3. OCNOL keeps a record of the transmission and its acknowledgement of receipt, where available.

ARTICLE 5 – RADIO COMPATIBILITY

1. No specific frequency is fixed by this Treaty.
2. The protocol and frequencies used shall be authorised and compatible with international spectrum allocations and the rules applicable to distress and safety communications.
3. Any technological development may be incorporated by means of a technical update approved in accordance with the procedures of this Treaty, without altering the purpose of the system.

ARTICLE 6 – DEPLOYMENT

1. The system is offered to merchant, fishing and recreational ships on a voluntary basis, without prejudice to any national or international regulations requiring comparable equipment.
2. OCNOL may enter into technical arrangements with manufacturers of survival equipment, shipowners, insurers, maritime authorities and standardisation bodies.

3. No OCNOL certification may be presented as an international regulatory certification unless it is recognised as such under an applicable instrument.

ARTICLE 7 – DATA AND PRIVACY

1. Location data collected in the context of a distress situation shall be processed exclusively for the purposes of safeguarding human life, search and rescue, documenting the event and, where permitted by law, establishing evidence.
2. Personal data is processed in accordance with Titles VIII to X of the Treaty.

ARTICLE 8 – LIABILITY

1. The system is a means of technical assistance. Detection or the absence of detection does not constitute a guarantee of rescue.
2. Liability is assessed in accordance with applicable law and the contracts or regulations governing the ship, the survival equipment, the beacon and the infrastructure used.

ARTICLE 9 – TECHNICAL REVIEW

The technical specifications of SLOM-OCNOL are reviewed periodically to ensure they remain compatible with international standards for radiocommunications, maritime safety and search and rescue.

ANNEX XIX – FOREIGN MILITARY AND CIVIL DEFENCE ASSETS

ARTICLE 1 – PRINCIPLES

1. A foreign military or civil defence asset shall intervene only at the request or with the express consent of the affected State.
2. Its use shall be subsidiary, temporary, humanitarian and limited to capabilities that may not be made available in time by civilian means.
3. OCNOL and the OEC shall never give consent on behalf of the affected State and shall not command any asset.

ARTICLE 2 – CLASSIFICATION

Levels 1 to 5 are determined according to the capabilities, armaments, sensors, personnel, data, access requested and possible effects, and never on the basis of nationality alone.

ARTICLE 3 – LEVELS

1. Level 1: transport, cargo, medical support, evacuation, light engineering and unarmed SAR.
2. Level 2: heavy transport, helicopters, logistics ships, field hospitals and heavy engineering.
3. Level 3: warships, amphibious ships, ISR assets, military cyber capabilities and sensitive sensors.
4. Level 4: submarines, nuclear propulsion, armed protection forces, armed drones and strategic capabilities.
5. Level 5: combat, offensive weapons, policing, infrastructure control or intelligence not directly related to rescue operations. Level 5 is excluded from the OCNOL framework.

ARTICLE 4 – NATIONAL MATRIX

Each State shall submit a confidential matrix setting out partners, pre-authorised categories, entry points, restricted areas, weapons, sensors, frequencies, personnel, duration, data, and the authorities responsible for approval and withdrawal.

ARTICLE 5 – OFFER SHEET

Every offer shall specify the asset, chain of command, mission, personnel, armaments, sensors, communications, data, legal status, duration, access requested, support required, medical rules and withdrawal plan.

ARTICLE 6 – AUTHORISATION PROCEDURE

1. The disaster response authority assesses the need. The diplomatic and defence authorities assess the level and conditions.
2. Authorisation shall be in writing, time-stamped, limited in scope and communicated to the commander of the asset and the OEC. An incomplete offer shall remain on hold.

ARTICLE 7 – MISSION PLAN

The plan specifies the area, tasks, chain of command, national liaison, rules of approach, frequencies, support, duration, data, public communication, incidents, withdrawal and return.

ARTICLE 8 – WEAPONS AND SENSORS

The affected State may require the declaration, sealing or non-unloading of weapons, the deactivation of sensors, geofencing, a ban on intelligence gathering and agreed inspections.

ARTICLE 9 – DATA AND COMMUNICATIONS

No data unrelated to the mission shall be collected. Recipients, retention periods, deletion procedures and transmission arrangements shall be defined prior to entry. Humanitarian data shall not be used for strategic purposes.

ARTICLE 10 – STATUS AND RESPONSIBILITY

The contributing State retains command and is responsible for its assets. The status of personnel, immunities, damage, investigations and claims are governed by the authorisation and applicable law.

ARTICLE 11 – DECONFLICTION

Where multiple forces are present, the affected State shall determine zones, corridors, timetables, frequencies, rules of approach and data separation. Any mutual surveillance or unnecessary manoeuvres are prohibited.

ARTICLE 12 – LACK OF CONSENT, WITHDRAWAL AND AUDIT

1. Without consent, Levels 2 to 4 shall remain outside the sovereign areas, subject to immediate assistance required by applicable law.
2. The State may withdraw authorisation at any time. A final report shall detail activities, data, incidents, costs and withdrawal. A civil-military exercise shall be conducted at least every two years.

ANNEX XX – MASS RESCUE AND PLACE OF SAFETY

ARTICLE 1 – ACTIVATION

This Annex applies when a distress situation exceeds the ordinary capabilities of a SAR centre, a port, a medical system or a State. The competent centre declares the mass rescue level.

ARTICLE 2 – AUTHORITY AND COORDINATION

The competent MRCC or RCC shall direct search and rescue operations. OCNOL shall provide communications, data, drift calculations, translation and traceability without exercising command.

ARTICLE 3 – COMMON OPERATIONAL PICTURE

The common operational picture distinguishes located persons, means deployed, search areas, risks, ports, medical capabilities and uncertainties. Each source remains identifiable.

ARTICLE 4 – ON-SCENE COORDINATION

The SAR authority appoints the on-scene coordinator and defines sectors, frequencies, search priorities, recovery procedures and reporting requirements.

ARTICLE 5 – PLACE OF SAFETY

A place of safety is assessed in terms of security, medical care, essential needs, protection, reception capacity, family unity and applicable international law. The OEC may not impose a port.

ARTICLE 6 – CONSULTATION ON DISEMBARKATION

The States concerned shall designate decision-making points that can be contacted at all times. Consultation shall commence as soon as the need for disembarkation becomes foreseeable and shall be recorded.

ARTICLE 7 – TRIAGE AND EVACUATION

Medical priorities shall be determined by qualified personnel. Evacuations shall take into account the severity of the condition, the time required, vulnerability and available capacity.

ARTICLE 8 – PROTECTION OF PERSONS

Minors, pregnant women, people with disabilities, victims of trafficking and people seeking international protection shall be afforded appropriate guarantees. No family separation shall take place without documented necessity.

ARTICLE 9 – MISSING AND DECEASED PERSONS

The identification, traceability and dignified preservation of remains, as well as the provision of information to families, shall comply with applicable standards and national competence.

ARTICLE 10 – DATA

Personal data is limited to rescue, care, identification, family reunification and legal obligations. Access to and transmission of data are logged.

ARTICLE 11 – FUNDING AND ALLOCATION

The emergency relief sub-fund of the Fund provided for in Annex IX may advance urgent expenditure. Its final allocation shall follow the scale set out in Article 5 of Annex IX and, in the event of population displacement, Article 93, paragraphs 7 and 8, of the Treaty and Article 11 of Annex IX. It shall not delay either relief operations or disembarkation.

ARTICLE 12 – PLAN, DRILLS AND REVIEW

Each State shall maintain a mass rescue plan. A drill simulating the saturation of a port and a hospital shall be conducted at least every two years and followed by a corrective action plan.

ANNEX XXI – CYBER CONTINUITY AND DEGRADED MODE

ARTICLE 1 – CYBER GOVERNANCE

The Conference shall adopt a cyber policy. The Secretary-General shall appoint a security officer and a crisis manager with the necessary authority.

ARTICLE 2 – CRITICAL SERVICES

Services are classified. Alerts and vital communications have a maximum recovery objective of one hour and a maximum admissible data loss of fifteen minutes.

ARTICLE 3 – OUT-OF-BAND CHANNEL

An independent channel links contact points, representatives, SAR centres and judicial authorities. It is tested monthly and shares no single point of failure with the main channel.

ARTICLE 4 – IDENTITIES AND ACCESS

Identities are individual, multi-factor and subject to review. Elevated privileges are temporary, require two-person approval and are logged.

ARTICLE 5 – COMPROMISE

Any suspicious channel, key or identity is isolated. Access is revoked, keys are renewed and read-only mode is activated until trust is restored.

ARTICLE 6 – DEGRADED MODES

Functions have offline, read-only and minimal transmission modes. Decisions made in degraded modes are authenticated, retained and reconciled after restoration.

ARTICLE 7 – BACKUPS AND CONTINUITY

Backups are encrypted, isolated, tested and kept on at least two sites. Critical offline copies are sealed and inventoried.

ARTICLE 8 – INCIDENT LEVELS

Incidents are classified according to their impact on confidentiality, integrity, availability, States and persons. Each level triggers an escalation chain and specific timeframes.

ARTICLE 9 – NOTIFICATION

Affected States and the Independent Supervisor are notified without delay of critical incidents, their scope, the data concerned, the measures taken and verification instructions.

ARTICLE 10 – RESTORATION

Restoration to service requires independent validation of integrity, root cause analysis, rotation of secrets, log reconciliation and notification of States.

ARTICLE 11 – SUPPLIERS

Contracts shall require notification of vulnerabilities, auditing, reversibility, localisation, the absence of a supplier master key, and certified return or erasure.

ARTICLE 12 – EXERCISES, AUDITS AND PUBLICATION

An annual exercise simulates the compromise of the main site, identities and the communication channel. An independent audit verifies the objectives. A public summary protects sensitive details.

ANNEX XXII – THIRD-PARTY LIABILITY INSURANCE, CLAIMS AND COMPENSATION OF THIRD PARTIES

ARTICLE 1 – PURPOSE

This Annex implements Articles 17, 20 and 21 of the Treaty. It establishes the OCNOL civil liability insurance scheme provided for in this Treaty, as well as the procedures for handling claims and compensating third parties, without constituting the basis for the Organisation's international status, privileges or immunities.

ARTICLE 2 – CONTINUING OBLIGATION TO MAINTAIN INSURANCE

Throughout the duration of the Treaty, OCNOL shall maintain insurance cover or an equivalent arrangement to cover damage attributable to the performance of its official functions, within the limits and subject to the conditions set out in this Treaty.

ARTICLE 3 – RISKS COVERED

The cover shall include, in particular, bodily injury and property damage caused to third parties by autonomous assets, maritime drones, aerial drones, buoys, technical systems and equipment operated or deployed by OCNOL in the performance of its official functions. Consequential non-material damage shall be covered where provided for in the policy.

ARTICLE 4 – MINIMUM COVERAGE AMOUNTS

The Conference shall, on the proposal of the Secretary-General, set the minimum levels of cover applicable to the various categories of assets and operations. These amounts shall be reviewed periodically to take account of changes in risks, technical capabilities and conditions in the insurance market.

ARTICLE 5 – INSURERS

Contracts shall be concluded with insurers legally authorised to cover the risks in question and possessing sufficient financial capacity. OCNOL may use several insurers, co-insurance or reinsurance to ensure continuity of cover.

ARTICLE 6 – CLAIMS BY THIRD PARTIES

Any natural or legal person who considers that they have suffered damage directly attributable to an official activity of OCNOL may lodge a claim in accordance with the procedure established by the Secretariat. The procedure guarantees the registration, adversarial investigation and reasoned decision on any admissible claim.

ARTICLE 7 – CLAIMS COMMISSION

A Claims Commission shall be established at the Secretariat. It shall examine claims that may not be settled through the amicable procedure and shall issue a reasoned decision or a settlement proposal in accordance with this Treaty and the rules adopted by the Conference.

ARTICLE 8 – PROVISIONAL COMPENSATION

Where circumstances so require, in particular in the event of death, serious injury or property damage requiring immediate action, OCNOL may pay a provisional advance on compensation, without such payment constituting a definitive admission of liability.

ARTICLE 9 – DIRECT ACTION AGAINST THE INSURER

To the extent provided for in the insurance policy and by the law applicable thereto, injured third parties may bring a direct action against the insurer. Such an action shall not affect OCNOL's privileges and immunities.

ARTICLE 10 – RECOURSE

Rights of recourse between OCNOL, its insurer(s) and any State Party concerned shall be determined by this Treaty, the applicable insurance contracts and the law applicable to them. The fact that a State has received information, a warning or a recommendation from OCNOL does not, in itself, entail a transfer to OCNOL of liability for damage caused by a national asset.

ARTICLE 11 – EXCLUSIONS AND LIMITS

Exclusions, excesses, limits and other restrictions on insurance cover are determined by the insurance contracts, subject to the minimum amounts and minimum guarantees required by this Treaty and decisions taken pursuant to it. No contractual exclusion may be interpreted as altering the international obligations of OCNOL or the States Parties.

ARTICLE 12 – CONTINUITY OF COVER

OCNOL shall ensure that no interruption in cover arises from the renewal of a contract, the replacement of an insurer or changes in market conditions. Any foreseeable interruption shall be subject to a replacement arrangement approved by the Conference.

ARTICLE 13 – SUPPLEMENTARY FUNDING

Provisional advances, insurance excesses, uninsurable risks and any expenditure necessary for the settlement of claims shall be financed from the compensation guarantee sub-fund of the Fund provided for in Annex IX. This sub-fund does not constitute a bank guarantee on first demand.

ARTICLE 14 – IMMUNITY AND REPARATION

The insurance and compensation mechanism established by this Annex does not constitute a general waiver of OCNOL's privileges and immunities. Any waiver is governed exclusively by Article 17 and by the relevant provisions of this Treaty.

ARTICLE 15 – NO TRANSFER OF COMPETENCE

Nothing in this Annex shall be construed as conferring additional competence on OCNOL or as transferring to the Organisation the responsibility of a State Party, its agents or its national assets.

ARTICLE 16 – REPORTS

The Secretary-General shall periodically submit a report to the Conference on the status of insurance cover, reported incidents, claims received, compensation paid and identified risks, in accordance with the applicable rules on confidentiality and data protection.

ANNEX XXIII – NATIONAL PREPAREDNESS AND PRIORITISATION OF MEANS

ARTICLE 1 – NATIONAL FILES

Each State shall submit six up-to-date files: certificate of continuity, prior relief authorisations, judicial authorities and warrant certificate, sectoral contact points, matrix of foreign military assets, and national reception declaration.

ARTICLE 2 – CERTIFICATE OF CONTINUITY

The certificate shall specify the order of authorities, competences, duration, specimen signatures or seals, offline authentication, deputies and the authority responsible for resolving discrepancies.

ARTICLE 3 – MULTILINGUAL WARRANT CERTIFICATE

The certificate summarises the authority, ship, acts, measure, scope, duration, remedies, restrictions and verification details. It never replaces the national warrant.

ARTICLE 4 – PRIOR AUTHORISATIONS

Each authorisation specifies the purpose, means, partners, areas, duration, conditions, data, points of entry and the authority responsible for withdrawal. Silence shall never be deemed to constitute authorisation unless expressly stated.

ARTICLE 5 – MILITARY MATRIX

The matrix follows Annex XIX and identifies levels, partners, authorities, conditions and exclusions. It is confidential, reviewed annually and revocable immediately.

ARTICLE 6 – PRIORITY CRITERIA

The OEC shall consider, in turn: lives under immediate threat; inability to provide self-assistance; isolation; the degree of degradation or destruction of essential national capabilities; time required for access; vulnerability; lack of alternatives; and proportionality.

ARTICLE 7 – DECISION-MAKING PROCESS

Each requirement is time-stamped, sourced and assigned a confidence level. The OEC gives reasons for its recommendation. The supplying State decides on the commitment and the affected State on acceptance.

ARTICLE 8 – DISAGREEMENT AND CONFLICT OF INTEREST

In the absence of consensus, the positions are recorded and the technical recommendation remains non-binding. An interested representative shall declare their interest and may not withhold relevant information.

ARTICLE 9 – REGISTER AND RE-EVALUATION

The situation and priorities are reassessed at least every six hours during the acute phase. Changes, allocations and refusals are recorded.

ARTICLE 10 – CERTIFICATION OF PREPARATION

The Secretariat verifies the existence, authenticity and date of each file. An incomplete file is flagged and may not serve as the basis for a prior authorisation.

ARTICLE 11 – EXERCISES

Certificates, authorisations, matrices and criteria are tested in the exercises provided for in Article 192. Any critical anomaly suspends the mechanism concerned until it is rectified.

ARTICLE 12 – SUPERVISION AND REVISION

Following each crisis, the Independent Supervisor shall audit the implementation of priorities and the protection of files. This Annex shall be revised at least every three years.

ARTICLE 13 – NATIONAL RECEPTION DECLARATION

The declaration sets out the arrangements for the shelter, care and subsistence of persons evacuated under Article 93, paragraph 6, the reception capacities that the State is prepared to offer, and the temporary protection regime it grants. It commits the State only to this baseline and may be revised at any time.