



# **The Law of the Sea**

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**National Legislation on the Territorial Sea,  
the Right of Innocent Passage and  
the Contiguous Zone**



Division for Ocean Affairs and the Law of the Sea  
Office of Legal Affairs  
**United Nations**

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NOTE

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## FOREWORD

1. The United Nations Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, has prepared the present compilation to complete the series of publications dealing with the practice of States in relation to subject-matters covered by the Convention. <sup>1/</sup>

2. This compilation contains the national legislation of States on the territorial sea, the right of innocent passage in the territorial sea and the contiguous zone. This legislation is based on concepts enshrined in customary law, codified in the Convention on the Territorial Sea and the Contiguous Zone, done at Geneva on 29 April 1958 (hereinafter referred to as "the 1958 Convention") and redefined by the United Nations Convention on the Law of the Sea, done at Montego Bay, Jamaica, on 10 December 1982 (hereinafter referred to as "the Convention").

3. The United Nations has in the past prepared comprehensive compilations on the national legislation of States relating to these subjects (United Nations Legislative Series references ST/LEG/SER.B/6, ST/LEG/SER.B/15, ST/LEG/SER.B/16, ST/LEG/SER.B/18, ST/LEG/SER.B/19). The last compilation prepared is previous to the adoption of the Convention. It was thus necessary to publish a new compilation in order to reflect the degree of acceptance by States through their national laws of the legal regime established by the Convention.

4. Although the concept of "baseline" is defined in Part II of the Convention ("Territorial sea and contiguous zone", articles 5 to 14), a survey of State practice as regards baselines has already been published. <sup>2/</sup> Consequently, legislation on baselines is not included in the present compilation. The reason for the separate treatment of the legislation on baselines stems from the fact that from the baselines not only the breadth of the territorial sea (article 3 of the Convention) and of the contiguous zone (article 33, paragraph 2, of the Convention) are measured, but also the breadth of other areas defined in the Convention, such as the exclusive economic zone (article 57) and the continental shelf (article 76).

5. An examination of this series of national maritime legislation 12 years after the opening for signature of the Convention and at the time of its entry into force on 16 November 1994 shows a widespread acceptance of the rights and obligations contained therein.

6. As of December 1994, out of 151 coastal States, 117 have established a 12-mile territorial sea, and 11 more States have set their outer limits to less than 12 miles. Thus, 128 States have adopted limits in conformity with the Convention.

7. As regards the contiguous zone, 46 States have established a contiguous zone of a breadth of 24 miles, and 8 more States have claimed a contiguous zone of less than 24 miles. All but one of the 53 States that have established a contiguous zone have done so in conformity with the Convention. The 1958 Convention has been in force since 10 September 1964; 49 States are parties to it. The relationship between both legal regimes is established by article 311,

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<sup>1/</sup> The list of publications of the Division can be obtained from the Division for Ocean Affairs and the Law of the Sea, room DC2-0450, New York, NY 10017, USA. Telephone (212) 963-3976, fax (212) 963-5847.

Publications should be ordered directly from United Nations Publications, room DC2-0853, New York, NY 10017, USA. Telephone (212) 963-8302 and (800) 253-9646, fax (212) 963-3489.

<sup>2/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10).

paragraph 1, of the Convention: "This Convention shall prevail, as between States Parties, over the Geneva Conventions on the Law of the Sea of 29 April 1958." States that are parties to both Conventions shall apply the regime of the 1982 Convention. Thus the 1958 Convention shall remain applicable for the States which are parties to it but not yet parties to the 1982 Convention.

8. It must be stressed that the widespread acceptance by the international community of most of the rules relating to the territorial sea and the contiguous zone as defined by the Convention has contributed to the establishment of rules of customary international law in relation to the regime applicable to these marine areas.

## I. THE TERRITORIAL SEA

The territorial sea is a marine space over which coastal States exercise sovereignty. This sovereignty extends to an adjacent belt of sea described as the territorial sea, to the airspace over the territorial sea as well as to its bed and subsoil. However, the need of international navigation has placed some limits on the power of the coastal States.

### A. Establishment of the limits

10. Whereas the 1958 Convention and other previous attempts failed to establish a limit to the breadth of the territorial sea (article 6 of the 1958 Convention), the 1982 Convention succeeded in establishing a 12-mile limit to this breadth, this being indeed a significant contribution of the Convention to the international law of the sea. Article 3 of the Convention gives coastal States the right to establish a territorial sea the breadth of which may extend up to a line not exceeding 12 nautical miles from the baselines determined in accordance with the Convention.

11. Articles 5 to 14 set out the conditions for drawing baselines and the publicity to be given to them.<sup>3/</sup> These rules follow the provisions of the 1958 Convention with some exceptions, dealing with specific geographical features such as the presence of a delta (article 7, paragraph 3).

12. The rule for the delimitation of the territorial sea between States with opposite or adjacent coasts is contained in article 15. This provision is almost identical to article 12 of the 1958 Convention. The solution of the median line, except when otherwise agreed or if there is a historic title or other special circumstance, is at variance with the solution offered by the Convention in the case of the delimitation of the exclusive economic zone (article 74, paragraph 1) and of the continental shelf (article 83, paragraph 1).

13. Article 16 imposes on coastal States the obligation to show on charts or, alternatively, by lists of geographical coordinates, the straight baselines and the lines of delimitation drawn by the State. The State shall give due publicity to such charts and lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations. This provision encompasses a new set of responsibilities given to the Secretary-General.

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<sup>3/</sup> For an analysis of these rules, please refer to Baselines: An Examination of the Relevant Provisions of the United Nations Convention on the Law of the Sea, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.88.V.5).

## B. Rules regulating the right of innocent passage for all ships

14. The coastal State exercises sovereignty over its territorial sea; however, the right of innocent passage has been granted to preserve navigational rights through the territorial sea. The Convention provides for a regime where the rights of both the coastal State and the flag States whose ships navigate in the territorial sea have been balanced.

15. The ship must exercise its right of innocent passage in accordance with the rules contained in articles 18 and 19 of the Convention. Unlike the 1958 Convention, the Convention contains in article 19, paragraph 2, a list of activities that are considered to be prejudicial to the peace, good order or security of the coastal State.

16. Article 20 requires submarines and other underwater vehicles to navigate on the surface and to show their flag to consider their passage innocent.

17. Innocent passage must also conform to the laws and regulations adopted by the coastal State in conformity with the Convention. This regulatory power is limited: the Convention provides for a closed list of subjects on which the coastal State can impose laws and regulations (article 21).

18. Article 22, which has no parallel in the 1958 Convention, allows the coastal State to establish sea lanes and traffic separation schemes where necessary having regard to the safety of navigation, particularly with reference to the passage of tankers, nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances or materials. Article 23 determines that these categories of ships shall, when exercising the right of innocent passage, carry documents and observe special precautionary measures established by international agreements.

19. The coastal State can take the necessary steps in its territorial sea to prevent passage which is not innocent (article 25). It is authorized to suspend temporarily all form of innocent passage under certain conditions.

20. The duties of the coastal State as regards innocent passage are established in articles 24 and 26 of the Convention. The coastal State has the duty not to hamper the innocent passage, in particular by means of imposing excessive requirements on ships or discriminating against certain ships. It has the duty to preserve the security of navigation by giving appropriate publicity to any danger of navigation of which it has knowledge. The coastal State may not levy any charge by reason of the innocent passage, except if specific services have been rendered to the ship.

21. With regard to the exercise of jurisdiction over ships which are in the territorial sea, the Convention makes a distinction between merchant ships and warships and other Government ships operated for non-commercial purposes. Government ships operated for commercial purposes are assimilated to merchant ships. This distinction can already be found in the 1958 Convention.

## C. Rules applicable to merchant ships

22. The provisions applicable to merchant ships and Government ships operated for commercial purposes contain the rules on the exercise of criminal jurisdiction and civil jurisdiction. These rules preserve again a balance between the interests of the coastal State and the navigational rights guaranteed by the innocent passage.

23. The criteria established by article 27 to allow the exercise of criminal jurisdiction are based on where the crime is committed, the consequences the crime has on the coastal State and whether a request for assistance has been made by the master of the ship.

24. With respect to the exercise by the coastal State of its civil jurisdiction against ships passing through the territorial sea, the criteria are that, as a general rule, coastal States should not stop or divert these ships; they may levy execution against or arrest these ships only in respect of obligations or liabilities assumed or incurred by the ship itself that have taken place during the course of the passage of the ship through the territorial sea, or in the internal waters the ship has left, or while the ship is in the territorial sea.

D. Rules applicable to warships and other Government ships operated for non-commercial purposes

25. Article 29 of the Convention contains a definition of "warship" and article 30, which closely follows similar provisions of the 1958 Convention, sets forth the regime to be applied in case of non-compliance by warships with the laws and regulations of the coastal State. Articles 31 and 32 contain long-established rules of international law bearing on the responsibility of the flag State for damage caused by warships and other Government ships operated for non-commercial purposes and on the immunities of these ships, limited by the provisions of the Convention relating to innocent passage.

## II. THE CONTIGUOUS ZONE

26. The regime that governs the contiguous zone which may not extend beyond 24 miles from the baselines from which the territorial sea is measured is established in Section 4 of Part II, in article 33. The freedom of navigation applies to it.

27. As had already been stipulated in the 1958 Convention, the contiguous zone admits a limited function to the coastal State: article 33 refers exclusively to the prevention and punishment of the infringement of its customs, fiscal, immigration or sanitary laws. The State can only exercise its control when such infringements have been committed within its territory or territorial sea. The jurisdiction of the State does not apply directly to infringements committed in the zone.

28. One very specific extension of the coastal State's jurisdiction in the contiguous zone relates to the control of archaeological and historical objects removed from the seabed of the contiguous zone (article 303).

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I. RELEVANT PROVISIONS OF THE UNITED NATIONS CONVENTION ON THE  
LAW OF THE SEA ON THE TERRITORIAL SEA, THE RIGHT  
OF INNOCENT PASSAGE THROUGH THE TERRITORIAL SEA  
AND THE CONTIGUOUS ZONE: ARTICLES 2 TO 33

PART II

TERRITORIAL SEA AND CONTIGUOUS ZONE

SECTION 1. GENERAL PROVISIONS

Article 2

Legal status of the territorial sea, of the airspace over  
the territorial sea and of its bed and subsoil

1. The sovereignty of a coastal State extends, beyond its land territory and internal waters and, in the case of an archipelagic State, its archipelagic waters, to an adjacent belt of sea, described as the territorial sea.
2. This sovereignty extends to the airspace over the territorial sea as well as to its bed and subsoil.
3. The sovereignty over the territorial sea is exercised subject to this Convention and to other rules of international law.

SECTION 2. LIMITS OF THE TERRITORIAL SEA

Article 3

Breadth of the territorial sea

Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention.

Article 4

Outer limit of the territorial sea

The outer limit of the territorial sea is the line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea.

Article 5

Normal baseline

Except where otherwise provided in this Convention, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State.

Article 6

Reefs

In the case of islands situated on atolls or of islands having fringing reefs, the baseline for measuring the breadth of the territorial sea is the seaward low-water line of the reef, as shown by the appropriate symbol on charts officially recognized by the coastal State.

Article 7

Straight baselines

1. In localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial sea is measured.

2. Where because of the presence of a delta and other natural conditions the coastline is highly unstable, the appropriate points may be selected along the furthest seaward extent of the low-water line and, notwithstanding subsequent regression of the low-water line, the straight baselines shall remain effective until changed by the coastal State in accordance with this Convention.

3. The drawing of straight baselines must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the regime of internal waters.

4. Straight baselines shall not be drawn to and from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them or except in instances where the drawing of baselines to and from such elevations has received general international recognition.

5. Where the method of straight baselines is applicable under paragraph 1, account may be taken, in determining particular baselines, of economic interests peculiar to the region concerned, the reality and the importance of which are clearly evidenced by long usage.

6. The system of straight baselines may not be applied by a State in such a manner as to cut off the territorial sea of another State from the high seas or an exclusive economic zone.

Article 8  
Internal waters

1. Except as provided in Part IV, waters on the landward side of the baseline of the territorial sea form part of the internal waters of the State.

2. Where the establishment of a straight baseline in accordance with the method set forth in article 7 has the effect of enclosing as internal waters areas which had not previously been considered as such, a right of innocent passage as provided in this Convention shall exist in those waters.

Article 9  
Mouths of rivers

If a river flows directly into the sea, the baseline shall be a straight line across the mouth of the river between points on the low-water line of its banks.

Article 10  
Bays

1. This article relates only to bays the coasts of which belong to a single State.

2. For the purposes of this Convention, a bay is a well-marked indentation whose penetration is in such proportion to the width of its mouth as to contain land-locked waters and constitute more than a mere curvature of the coast. An indentation shall not, however, be regarded as a bay unless its area is as large as, or larger than, that of the semi-circle whose diameter is a line drawn across the mouth of that indentation.

3. For the purpose of measurement, the area of an indentation is that lying between the low-water mark around the shore of the indentation and a line joining the low-water mark of its natural entrance points. Where, because of the

presence of islands, an indentation has more than one mouth, the semi-circle shall be drawn on a line as long as the sum total of the lengths of the lines across the different mouths. Islands within an indentation shall be included as if they were part of the water area of the indentation.

4. If the distance between the low-water marks of the natural entrance points of a bay does not exceed 24 nautical miles, a closing line may be drawn between these two low-water marks, and the waters enclosed thereby shall be considered as internal waters.

5. Where the distance between the low-water marks of the natural entrance points of a bay exceeds 24 nautical miles, a straight baseline of 24 nautical miles shall be drawn within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.

6. The foregoing provisions do not apply to so-called "historic" bays, or in any case where the system of straight baselines provided for in article 7 is applied.

Article 11  
Ports

For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of the harbour system are regarded as forming part of the coast. Off-shore installations and artificial islands shall not be considered as permanent harbour works.

Article 12  
Roadsteads

Roadsteads which are normally used for the loading, unloading and anchoring of ships, and which would otherwise be situated wholly or partly outside the outer limit of the territorial sea, are included in the territorial sea.

Article 13  
Low-tide elevations

1. A low-tide elevation is a naturally formed area of land which is surrounded by and above water at low tide but submerged at high tide. Where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the mainland or an island, the low-water line on that elevation may be used as the baseline for measuring the breadth of the territorial sea.

2. Where a low-tide elevation is wholly situated at a distance exceeding the breadth of the territorial sea from the mainland or an island, it has no territorial sea of its own.

Article 14  
Combination of methods for determining baselines

The coastal State may determine baselines in turn by any of the methods provided for in the foregoing articles to suit different conditions.

Article 15  
Delimitation of the territorial sea between States with opposite or adjacent coasts

Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the

breadth of the territorial seas of each of the two States is measured. The above provision does not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance therewith.

Article 16  
Charts and lists of geographical coordinates

1. The baselines for measuring the breadth of the territorial sea determined in accordance with articles 7, 9 and 10, or the limits derived therefrom, and the lines of delimitation drawn in accordance with articles 12 and 15 shall be shown on charts of a scale or scales adequate for ascertaining their position. Alternatively, a list of geographical coordinates of points, specifying the geodetic datum, may be substituted.

2. The coastal State shall give due publicity to such charts or lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations.

SECTION 3. INNOCENT PASSAGE IN THE TERRITORIAL SEA

SUBSECTION A. RULES APPLICABLE TO ALL SHIPS

Article 17  
Right of innocent passage

Subject to this Convention, ships of all States, whether coastal or land-locked, enjoy the right of innocent passage through the territorial sea.

Article 18  
Meaning of passage

1. Passage means navigation through the territorial sea for the purpose of:

(a) traversing that sea without entering internal waters or calling at a roadstead or port facility outside internal waters; or

(b) proceeding to or from internal waters or a call at such roadstead or port facility.

2. Passage shall be continuous and expeditious. However, passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

Article 19  
Meaning of innocent passage

1. Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. Such passage shall take place in conformity with this Convention and with other rules of international law.

2. Passage of a foreign ship shall be considered to be prejudicial to the peace, good order or security of the coastal State if in the territorial sea it engages in any of the following activities:

(a) any threat or use of force against the sovereignty, territorial integrity or political independence of the coastal State, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;

- (b) any exercise or practice with weapons of any kind;
- (c) any act aimed at collecting information to the prejudice of the defence or security of the coastal State;
- (d) any act of propaganda aimed at affecting the defence or security of the coastal State;
- (e) the launching, landing or taking on board of any aircraft;
- (f) the launching, landing or taking on board of any military device;
- (g) the loading or unloading of any commodity, currency or person contrary to the customs, fiscal, immigration or sanitary laws and regulations of the coastal State;
- (h) any act of wilful and serious pollution contrary to this Convention;
- (i) any fishing activities;
- (j) the carrying out of research or survey activities;
- (k) any act aimed at interfering with any systems of communication or any other facilities or installations of the coastal State;
- (l) any other activity not having a direct bearing on passage.

Article 20  
Submarines and other underwater vehicles

In the territorial sea, submarines and other underwater vehicles are required to navigate on the surface and to show their flag.

Article 21  
Laws and regulations of the coastal State relating to  
innocent passage

1. The coastal State may adopt laws and regulations, in conformity with the provisions of this Convention and other rules of international law, relating to innocent passage through the territorial sea, in respect of all or any of the following:

- (a) the safety of navigation and the regulation of maritime traffic;
- (b) the protection of navigational aids and facilities and other facilities or installations;
- (c) the protection of cables and pipelines;
- (d) the conservation of the living resources of the sea;
- (e) the prevention of infringement of the fisheries laws and regulations of the coastal State;
- (f) the preservation of the environment of the coastal State and the prevention, reduction and control of pollution thereof;
- (g) marine scientific research and hydrographic surveys;
- (h) the prevention of infringement of the customs, fiscal, immigration or sanitary laws and regulations of the coastal State.



2. Such laws and regulations shall not apply to the design, construction, manning or equipment of foreign ships unless they are giving effect to generally accepted international rules or standards.

3. The coastal State shall give due publicity to all such laws and regulations.

4. Foreign ships exercising the right of innocent passage through the territorial sea shall comply with all such laws and regulations and all generally accepted international regulations relating to the prevention of collisions at sea.

Article 22  
Sea lanes and traffic separation schemes  
in the territorial sea

1. The coastal State may, where necessary having regard to the safety of navigation, require foreign ships exercising the right of innocent passage through its territorial sea to use such sea lanes and traffic separation schemes as it may designate or prescribe for the regulation of the passage of ships.

2. In particular, tankers, nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances or materials may be required to confine their passage to such sea lanes.

3. In the designation of sea lanes and the prescription of traffic separation schemes under this article, the coastal State shall take into account:

- (a) the recommendations of the competent international organization;
- (b) any channels customarily used for international navigation;
- (c) the special characteristics of particular ships and channels; and
- (d) the density of traffic.

4. The coastal State shall clearly indicate such sea lanes and traffic separation schemes on charts to which due publicity shall be given.

Article 23  
Foreign nuclear-powered ships and ships carrying nuclear or  
other inherently dangerous or noxious substances

Foreign nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances shall, when exercising the right of innocent passage through the territorial sea, carry documents and observe special precautionary measures established for such ships by international agreements.

Article 24  
Duties of the coastal State

1. The coastal State shall not hamper the innocent passage of foreign ships through the territorial sea except in accordance with this Convention. In particular, in the application of this Convention or of any laws or regulations adopted in conformity with this Convention, the coastal State shall not:

- (a) impose requirements on foreign ships which have the practical effect of denying or impairing the right of innocent passage; or
- (b) discriminate in form or in fact against the ships of any State or against ships carrying cargoes to, from or on behalf of any State.

2. The coastal State shall give appropriate publicity to any danger to navigation, of which it has knowledge, within its territorial sea.

Article 25  
Rights of protection of the coastal State

1. The coastal State may take the necessary steps in its territorial sea to prevent passage which is not innocent.

2. In the case of ships proceeding to internal waters or a call at a port facility outside internal waters, the coastal State also has the right to take the necessary steps to prevent any breach of the conditions to which admission of those ships to internal waters or such a call is subject.

3. The coastal State may, without discrimination in form or in fact among foreign ships, suspend temporarily in specified areas of its territorial sea the innocent passage of foreign ships if such suspension is essential for the protection of its security, including weapons exercises. Such suspension shall take effect only after having been duly published.

Article 26  
Charges which may be levied upon foreign ships

1. No charge may be levied upon foreign ships by reason only of their passage through the territorial sea.

2. Charges may be levied upon a foreign ship passing through the territorial sea as payment only for specific services rendered to the ship. These charges shall be levied without discrimination.

SUBSECTION B. RULES APPLICABLE TO MERCHANT SHIPS AND GOVERNMENT SHIPS  
OPERATED FOR COMMERCIAL PURPOSES

Article 27  
Criminal jurisdiction on board a foreign ship

1. The criminal jurisdiction of the coastal State should not be exercised on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connection with any crime committed on board the ship during its passage, save only in the following cases:

(a) if the consequences of the crime extend to the coastal State;

(b) if the crime is of a kind to disturb the peace of the country or the good order of the territorial sea;

(c) if the assistance of the local authorities has been requested by the master of the ship or by a diplomatic agent or consular officer of the flag State; or

(d) if such measures are necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances.

2. The above provisions do not affect the right of the coastal State to take any steps authorized by its laws for the purpose of an arrest or investigation on board a foreign ship passing through the territorial sea after leaving internal waters.

3. In the cases provided for in paragraphs 1 and 2, the coastal State shall, if the master so requests, notify a diplomatic agent or consular officer of the flag State before taking any steps, and shall facilitate contact between such agent or officer and the ship's crew. In cases of emergency this notification may be communicated while the measures are being taken.

4. In considering whether or in what manner an arrest should be made, the local authorities shall have due regard to the interests of navigation.

5. Except as provided in Part XII or with respect to violations of laws and regulations adopted in accordance with Part V, the coastal State may not take any steps on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connection with any crime committed before the ship entered the territorial sea, if the ship, proceeding from a foreign port, is only passing through the territorial sea without entering internal waters.

#### Article 28

#### Civil jurisdiction in relation to foreign ships

1. The coastal State should not stop or divert a foreign ship passing through the territorial sea for the purpose of exercising civil jurisdiction in relation to a person on board the ship.

2. The coastal State may not levy execution against or arrest the ship for the purpose of any civil proceedings, save only in respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its voyage through the waters of the coastal State.

3. Paragraph 2 is without prejudice to the right of the coastal State, in accordance with its laws, to levy execution against or to arrest, for the purpose of any civil proceedings, a foreign ship lying in the territorial sea, or passing through the territorial sea after leaving internal waters.

#### SUBSECTION C. RULES APPLICABLE TO WARSHIPS AND OTHER GOVERNMENT SHIPS OPERATED FOR NON-COMMERCIAL PURPOSES

#### Article 29

#### Definition of warships

For the purposes of this Convention, "warship" means a ship belonging to the armed forces of a State bearing the external marks distinguishing such ships of its nationality, under the command of an officer duly commissioned by the Government of the State and whose name appears in the appropriate service list or its equivalent, and manned by a crew which is under regular armed forces discipline.

#### Article 30

#### Non-compliance by warships with the laws and regulations of the coastal State

If any warship does not comply with the laws and regulations of the coastal State concerning passage through the territorial sea and disregards any request for compliance therewith which is made to it, the coastal State may require it to leave the territorial sea immediately.

Article 31  
Responsibility of the flag State for damage caused by a  
warship or other government ship operated  
for non-commercial purposes

The flag State shall bear international responsibility for any loss or damage to the coastal State resulting from the non-compliance by a warship or other government ship operated for non-commercial purposes with the laws and regulations of the coastal State concerning passage through the territorial sea or with the provisions of this Convention or other rules of international law.

Article 32  
Immunities of warships and other government ships operated  
for non-commercial purposes

With such exceptions as are contained in subsection A and in articles 30 and 31, nothing in this Convention affects the immunities of warships and other government ships operated for non-commercial purposes.

SECTION 4. CONTIGUOUS ZONE

Article 33  
Contiguous zone

1. In a zone contiguous to its territorial sea, described as the contiguous zone, the coastal State may exercise the control necessary to:

(a) prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea;

(b) punish infringement of the above laws and regulations committed within its territory or territorial sea.

2. The contiguous zone may not extend beyond 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.

II. NATIONAL LEGISLATION ON THE TERRITORIAL SEA, THE RIGHT OF INNOCENT PASSAGE THROUGH THE TERRITORIAL SEA AND THE CONTIGUOUS ZONE

1. ALBANIA

Decree No. 4650, as amended by Decree No. 7366, dated 9 March 1990, on the State Border of the People's Socialist Republic of Albania<sup>4/ 5/</sup>

Article 1

The first paragraph, article 4, of Decree No. 4650, dated 9 March 1970, should be modified as follows:

"The territorial waters of the People's Socialist Republic of Albania are extended along the entire coastline over a width of 12 nautical miles (22,224 m), beginning with the basic straight line running from Rodon Cape (Muzhli), Palla Cape, Lagji Cape (Turra Castle), Seman Cape, the Josa river estuary, the north-eastern shore of Sazan Island, Gjuheza and Grama Gulf Cape, then between the Albanian shore and the Greek islands up to the middle of the Corfu Channel. The width of the territorial waters from the Buna river estuary to the Rodon Cape is extended up to the Albanian-Yugoslav border line."

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<sup>4/</sup> Law of the Sea Bulletin No. 16 (Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations), p. 2.

<sup>5/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 1.

2. ALGERIA

1. Decree No. 63-403 of 12 October 1963 establishing the Breadth of the Territorial Waters <sup>6/ 7/</sup>

Article 1

The breadth of the Algerian territorial waters is 12 nautical miles.

Article 2

Foreign warships shall not enter the territorial waters specified in the preceding article without the consent of the Government.

Fishing shall be reserved for Algerian citizens, except in cases where authorization has been given to foreign fishermen.

The competent authorities shall monitor, in conformity with international practice, any vessel which is in Algerian territorial waters.

Article 3

The Vice-President of the Council, Minister of National Defence, the Minister of Justice, Keeper of the Seals, the Minister of the Interior, the Minister of National Economy, the Minister of Social Affairs,, the Minister for Foreign Affairs and the Minister of Reconstruction, Public works and Transport shall be responsible, each within his area of competence, for the implementation of this decree, which shall be published in the Journal officiel of the People's Democratic Republic of Algeria.

2. Decree No. 72-194 of 5 October 1972 for the Peacetime Regulation of the Passage of Foreign Warships through the Territorial Waters and of their Calls <sup>8/</sup>

...

TITLE I  
GENERAL PROVISIONS

Article 1

Entry and innocent passage of foreign warships in territorial waters, their entry in internal waters and calls at an Algerian port shall be subject to prior authorization by the competent Algerian authorities in accordance with the procedures established by this decree.

Article 2

In the territorial waters, internal waters and ports of Algeria, foreign warships shall abstain from acts contrary to national sovereignty and from charting, submerging or sounding.

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<sup>6/</sup> Journal officiel de la République algérienne, octobre 1963. Communicated by the Permanent Mission of Algeria to the United Nations.

<sup>7/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publications, Sales No. E.89.V.10) p. 3.

<sup>8/</sup> Journal officiel de la République algérienne, 27 octobre 1972. Communicated by the Permanent Mission of Algeria to the United Nations.

They shall be prohibited from undertaking any military exercise except with special authorization from the competent Algerian authority.

Article 3

In the territorial waters, internal waters and ports of Algeria, foreign warships shall respect national regulations, particularly on fiscal, health and customs matters.

Article 4

Port regulations, particularly in regard to pilotage, shall apply to foreign warships on their entry in Algerian ports.

TITLE II  
DEFINITIONS

Article 5

The provisions of articles 1 to 4 above shall apply exclusively and in peacetime to warships.

Article 6

The expression "warship" means warships, auxiliary ships, training ships, laboratory ships, submarines and other vessels for military use.

The expression "innocent passage" means navigation in territorial waters for the purpose of traversing them without entering internal waters, or for the purpose of entering internal waters, or while proceeding to sea from internal waters.

The expression "call" means the temporary stay of a foreign warship which has stopped or anchored in the territorial or internal waters, or at an Algerian port.

TITLE III  
INNOCENT PASSAGE AND CALLS

CHAPTER I  
INNOCENT PASSAGE

Article 7

Passage is innocent so long as it is not prejudicial to the peace, security or public order of the Algerian State.

Article 8

Passage includes the possibility of stopping and anchoring but only in so far as the stop or anchorage is incidental to ordinary navigation or is rendered necessary in the case of warships by force majeure or distress.

In such a case, the commander of the warship shall inform the Algerian naval authorities without delay.

The diplomatic or consular representatives of the country whose flag is shown by the warship shall be informed.

Article 9

Once the circumstances which necessitated the stop or anchorage have disappeared, the foreign warship shall immediately put to sea again after the Algerian naval authorities have been so informed.

In any event, unless special authorization is granted, the duration of the stop or anchorage shall not exceed 24 hours.

Article 10

In conformity with the provisions of article 1 et seq. of this decree, the passage of a warship shall be subject to prior authorization by the Algerian authorities. Such authorization shall be requested by the foreign naval authorities from the Ministry of Foreign Affairs at least 15 days before the date of entry into Algerian territorial waters.

CHAPTER II  
CALLS

Article 11

The call of a foreign warship in Algerian territorial waters or an Algerian port may be:

- An official call,
- A unofficial call,
- A routine call,
- A forced call.

Article 12

During a call, visits may be exchanged. They shall be either official or courtesy.

SECTION 1  
OFFICIAL CALLS

Article 13

A call shall be official:

- When it is in response to an official invitation of the competent Algerian authority, or
- When the Government of the country whose flag the visiting warship shows has expressed the wish that it should have such character. In such a case, the call shall be subject to the rules stipulated in article 14 below.

Article 14

The official call of a foreign warship shall require authorization by the Algerian authorities. For that purpose, the foreign authorities shall address a request through the diplomatic channel to the Ministry of Foreign Affairs at least 45 days before the planned arrival date of the warship in Algerian territorial waters or an Algerian port.

Article 15

The naval or military attaché of the country whose warship has been authorized to make an official call and the Algerian naval authority shall, by



mutual agreement, draw up the official programme for the call in conformity with international customs and practices.

Article 16

A foreign warship on an official visit shall, upon arrival in Algerian territorial waters or an Algerian port, comply with international customs and national regulations on the issue of gun salutes.

Article 17

Except when, otherwise expressly provided, gun salutes shall not exceed 21 rounds.

Article 18

One or more liaison officers from the national navy shall be placed at the disposal of the commander of the foreign warship.

SECTION 2  
UNOFFICIAL CALLS

Article 19

A call shall be termed unofficial when the two parties agree not to attach any special ceremony to it.

Article 20

Except when otherwise provided by the competent Algerian authorities, calls of the following shall be considered unofficial:

- Foreign training ships;
- Warships accompanying the ships specified above during their journey.

Article 21

The unofficial call of a foreign warship shall require authorization by the Algerian naval authorities.

The foreign naval authorities shall address a request to the Ministry of Foreign Affairs at least 30 days before the planned date of arrival of the visiting foreign warship.

Article 22

The unofficial call of a foreign warship may be the occasion for gun salutes. For such a purpose, the commanders of visiting warships shall, through their accredited representatives to the Algerian Government, request the consent of the Algerian naval authorities at the port of call.

Article 23

During unofficial calls, a courtesy visit may be paid to the naval or military authority of the host port by the commander of the warship.

Article 24

Unless authorized by the naval authority of the host port, no courtesy visit shall be paid to the civil authorities of the town during an unofficial call.

Article 25

The naval or military attaché representing the country whose warship has been authorized to make an unofficial call and the Algerian authorities shall draw up the programme for the call of the visiting warship by mutual agreement.

Article 26

One or more liaison officers of the national navy shall be placed at the disposal of the commander of the warship.

SECTION 3  
ROUTINE CALLS

Article 27

A call shall be termed routine:

1. When its purpose is the transportation of equipment, personnel or fuel;
2. When its purpose is to carry out research, assistance or salvage operations;
3. When its purpose is to allow warships to repair minor damage;
4. When its purpose is to provision or revictual the warship.

Article 28

Authorization for a foreign warship to make a routine call shall be requested in conformity with the procedure established for unofficial calls. However, the request shall be submitted to the competent Algerian authorities at least 15 days before the scheduled arrival date of the visiting warship.

Nevertheless in cases covered by article 27, subparagraph 2, above, such request may be made without notice being required.

Article 29

A routine call shall not be an occasion for gun salutes.

Article 30

The routine call of a foreign warship shall not be the occasion for any visit. Nevertheless if the commander of the visiting warship expresses a wish to do so, he may make a personal visit to the naval or military authority of the host port.

Article 31

The duration of a routine call by a foreign warship shall be established by the Algerian authorities according to the cases specified in article 27 above and circumstances. In no case shall such duration exceed five days.

Article 32

A liaison officer may, in the case specified in section 3 of this decree, be seconded by the naval authority of the host port to the commander of the visiting warship in order to facilitate revictualing, provisioning or repair operations.

SECTION 4  
FORCED CALLS

Article 33

A call shall be termed forced when a foreign warship is compelled to seek refuge in the territorial waters, in the internal waters or in an Algerian port as a consequence of serious damage, heavy weather or other cases of force majeure.

Article 34

In the cases specified in article 33 above, the commander of the warship shall, before entering Algerian territorial waters, promptly inform the naval authority of the host port or, in his absence, the local military authority.

The diplomatic or consular representatives of its country accredited to the Algerian Government shall be informed.

Article 35

Once the circumstances which gave rise to the forced call have disappeared, the foreign warship shall put to sea again after the Algerian naval authority has been informed.

Article 36

The provisions of articles 30 and 32 above shall apply to the foreign warship during a forced call.

TITLE IV  
SPECIAL PROVISIONS

Article 37

When substantial changes are made in the number and types of warship and the places and dates of the call, the foreign naval authorities shall so inform the Algerian naval authority in conformity with the procedure established for the request for call.

When the change occurs during passage or if it is minor, the authority responsible for the change shall inform the highest Algerian naval authority by message.

Article 38

Except in cases of forced call, the competent Algerian authorities shall only consider requests transmitted through the diplomatic channel and submitted within the minimum period established for each type of call.

Article 39

A warship may not arrive in an Algerian port on Saturdays, Sundays or holidays.

The time fixed for the arrival of warships at any port of call shall be 8 a.m. local time.

Except in the case of a forced call, there shall be no derogation from the first and second subparagraphs of this article without the consent of the competent Algerian authorities.

Article 40

In addition to the name of the commander of the naval force and the commanders of the warships, the request for call shall include:

- The number of officers, petty officers and sailors on board, including general staff members;
- The principal characteristics of the vessel;
- The number and type of aircraft on board, if any;
- Specification of the radio frequencies which the foreign naval authority wishes to use in the port of call together with the maximum broadcasting power;
- Details on revictualling or provisioning operations to be carried out in the port of call;
- Details on such material assistance as may be considered necessary.

Article 41

Except where a special exception is made, no more than three foreign warships flying the same flag shall be permitted to make a call at the same time.

Furthermore, submarines may not enter Algerian territorial waters except on the surface. They shall be prohibited from submerging during their entire stay.

Article 42

According to the type of call, the number, importance and character of the receptions and visits shall be fixed by mutual agreement between the Algerian naval authority and the foreign naval authorities or their accredited representatives to the Algerian Government.

Article 43

The commander of the foreign warship shall not make a press statement except with the consent of the competent Algerian authorities.

Article 44

Foreign warships flying the same flag shall not, without special authorization, stay beyond the permitted period.

Article 45

The provisions of this decree shall not apply to military aircraft except those carried or towed by warships.

Such aircraft shall not leave the vessel which carries or tows them without the authorization of the competent Algerian authorities.

Article 46

The provisions of article 41, first paragraph, and article 44 of this decree shall not apply to the following foreign warships:

- (a) Warships carrying on board the sovereigns of a reigning dynasty or foreign Heads of State;

(b) Warships forced into port by reason of serious damage, heavy weather or other cases of force majeure.

Article 47

The number of persons on shore leave as well as their times of landing and re-embarkation shall be fixed by agreement between the local naval or military authority and the commander of the warship or naval force.

Crew members while on land shall be prohibited from carrying arms. However, officers and petty officers shall be permitted to carry armes blanches which are part of their regulation uniforms.

If it becomes necessary for a funeral service to be performed on land by a party bearing arms, the commander of the foreign warship shall address a prior request for authorization to the local naval or military authorities.

Article 48

In no case shall arms be placed on board a foreign warship's boats if the boats are to be used.

Article 49

A sentence of death shall not be carried out on board a warship admitted to the ports and territorial waters of Algeria.

Article 50

The provisions of this decree shall not apply to warships belonging to belligerent States, when Algeria is neutral.

Article 51

In the event that a warship fails to comply with the provisions of this decree, the competent Algerian authorities shall, without prejudice to the application of article 41, second paragraph, above, draw the attention of the commander of the vessel or of the naval force to the infringement which has taken place and shall invite him to respect or to ensure respect for such provisions.

...

3. ANGOLA

Statement by the Foreign Minister regarding Decree 159/75,  
from a press conference delivered on 28 January 1977 <sup>2/</sup> <sup>10/</sup>

Here is a statement on fishing rights in the territorial and jurisdictional waters of the People's Republic of Angola. Articles 3, 4, 5 and 6 of Decree No. 159/75 unequivocally state the following:

1. That our territorial waters extend to a distance 20 miles from our shoreline;

2. That the Angolan State enjoys powers vested in it by international law regarding confiscation to prevent and stop infringements and to guarantee its legitimate defence in emergency cases on the high seas close to its territorial waters [words indistinct] 200 miles from the shoreline;

...

4. That the Angolan State extends to all States the right for their vessels to sail peacefully through its territorial waters in accordance with the principles enshrined in international law.

...

---

<sup>2/</sup> Communicated by the Permanent Mission of Angola to the United Nations.

<sup>10/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 10.

4. ANTIGUA AND BARBUDA

Maritime Areas Act, 1982, Act No. 18 of 17 August 1982,  
reprinted in 1986 <sup>11/</sup> <sup>12/</sup>

Short title

1. This Act may be cited as the Maritime Areas Act 1982.

Interpretation

2. In this Act:

...

"Competent Authority" means the Minister or any person designated by him as the Competent Authority for the purposes of this Act;

...

"foreign ship" means the ship of a foreign State;

"foreign State" means a State other than Antigua and Barbuda;

"innocent passage" means passage which is not deemed to be prejudicial to the peace, good order or security of Antigua and Barbuda;

"internal waters" means the internal waters of Antigua and Barbuda as defined in section 2A;

"low-water line" means the low-water line of the coasts of Antigua and Barbuda at lowest astronomical tide;

"Minister" means the Minister responsible for External Affairs;

"nautical mile" means the International Nautical Mile of 1852 metres;

"passage" means the navigation of a ship in archipelagic waters or territorial sea without stopping or hovering, but includes stopping, hovering and anchoring in so far as the same are rendered necessary by force majeure or by reason of distress or for the purpose of affording assistance to persons, ships or aircraft in danger or distress;

"ship" includes vessel, boat, or sea-craft of any kind;

"submarine areas" includes the seabed and subsoil thereof;

"territorial sea" means the territorial sea of Antigua and Barbuda as defined in section 3.

...

---

<sup>11/</sup> Communicated by the Permanent Mission of Antigua and Barbuda to the United Nations.

<sup>12/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 13.

Limits of territorial sea

3. (1) Subject to subsection (2), the territorial sea of Antigua and Barbuda comprises those areas of the sea having, as their landward limit, the baseline and, as their seaward limit, a line measured seaward from the baselines, every point of which is twelve nautical miles distant from the nearest point of the baselines.

(2) Where the equidistance line between Antigua and Barbuda and a foreign State is less than 12 nautical miles from the nearest point of the baselines, the delimitation of the territorial sea shall, if practical be effected by agreement between Antigua and Barbuda and the foreign State; but to the extent that no such agreement is effected, the equidistance line shall constitute the seaward limit of the territorial sea.

(3) In this section, "equidistance line" as between Antigua and Barbuda and a foreign State, means a line every point of which is equidistant from the nearest point of the baselines and the corresponding baselines of the foreign State.

Baselines of the territorial sea

4. The baselines, for the purpose of measuring the breadth of the territorial sea, shall be straight archipelagic baselines drawn in relation to Antigua and Barbuda.

Contiguous zone

5. (1) Subject to subsection (2), the contiguous zone of Antigua and Barbuda comprises those areas of the sea that are beyond and adjacent to the territorial sea having, as their seaward limit, a line, measured seaward from the baselines, every point of which is twenty-four nautical miles distant from the nearest point of the baselines.

(2) The contiguous zone shall not extend into any part of the territorial sea of a foreign State and, where appropriate, subsection (1) shall operate as though it were modified to the extent necessary to meet the requirement of this subsection in any particular case.

(3) Antigua and Barbuda has and may exercise in respect of the contiguous zone such sovereign rights as Antigua and Barbuda deems necessary to prevent or punish the infringement within Antigua and Barbuda

...

Jurisdiction in internal and archipelagic waters  
and territorial sea

9. Antigua and Barbuda exercises sovereignty over:

- (a) The internal waters, archipelagic waters and territorial sea; and
- (b) The airspace over and the bed and subsoil of the internal waters, archipelagic waters and territorial sea.

...

Negotiating maritime boundaries

13. Where the sea or waters of any foreign State are adjacent or opposite to the territorial sea, the continental shelf or the exclusive economic zone and there is any dispute, difference or disagreement between that foreign State and



Government concerning any matter or thing relating to the seaward limits of the territorial sea, the continental shelf or the exclusive economic zone, it shall be lawful for Government to enter into negotiations with that foreign State with a view to resolving or otherwise settling such dispute, difference or disagreement.

Entitlement to right of innocent passage

14. (1) Subject to subsection (2) and section 15 (1A) and 15 (1B), a foreign ship shall be entitled to enjoy the right of innocent passage in Antigua and Barbuda.

(2) A foreign ship of war shall not navigate in archipelagic waters and territorial sea without prior permission of the Competent Authority obtained by the State to which the ship belongs.

Non-innocent passage

15. (1) Subject to subsection (2), the passage of a foreign ship shall be deemed to be prejudicial to the peace, good order or security of Antigua and Barbuda if, without the prior permission of the Competent Authority obtained by the captain or person in charge of the ship, the ship while in archipelagic waters or territorial sea engages in any of the following activities:

- (a) Any threat or use of force against the sovereignty, territorial integrity or political independence of Antigua and Barbuda, or acts in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;
- (b) Any exercise or practice with weapons of any kind;
- (c) Any act aimed at collecting information to the prejudice of the defence or security of Antigua and Barbuda;
- (d) The launching, landing or taking on board of any aircraft or military device;
- (e) The loading or unloading of any person, commodity or currency contrary to the customs, fiscal, immigration or sanitary laws;
- (f) Any wilful act of pollution calculated or likely to cause damage or harm to Antigua and Barbuda, its resources or its marine environment;
- (g) Any fishing activities;
- (h) The carrying out of research or survey activities;
- (i) Any act aimed at interfering with any systems of communication or any other facilities or installations of Antigua and Barbuda; or
- (j) Such other activity as may be prescribed.

(1A) In the archipelagic waters or the territorial sea, any submarine or other underwater vehicles is, for the purpose of exercising the right of innocent passage, required to navigate on the surface and to show its flag.

(1B) The Minister may, by Order published in the Gazette, suspend the right of innocent passage for such and in such of the archipelagic waters or the territorial sea as specified in the Order, when he is satisfied that it is essential to do so for the protection of the security of Antigua and Barbuda, including weapon exercises.

(2) The passage of a foreign ship in the archipelagic waters or the territorial sea shall be deemed to be prejudicial to the peace, good order or security of Antigua and Barbuda if the ship navigates in the archipelagic waters or the territorial sea without the permission required by section 14 (2).

...

#### Power of police and authorized persons

16. (1) Where a foreign ship engages in any of the activities specified in section 15 (1) or where a submarine or other underwater vehicle fails to comply with section 15 (1A) or where a member of the Police Force or person authorized by the Minister in writing suspects upon reasonable grounds that a foreign ship is engaged in any such activities, such member of the Police Force or authorized person may:

- (a) Stop and board the offending ship for the purpose of carrying out enquiries and investigations;
- (b) Without a warrant arrest the offending ship and bring it to a port in Antigua and Barbuda;
- (c) Without a warrant arrest the captain and any person on board the ship participating in the activity of the ship which is deemed to be prejudicial to the peace, good order or security of Antigua and Barbuda.

(2) Where the passage of a foreign ship is deemed to be prejudicial to the peace, good order or security of Antigua and Barbuda, the captain or other person in charge of such ship and any person participating in the activities of the ship which is deemed to be so prejudicial, is guilty of an offence under this Act.

(3) In the exercise under this section of the power of enforcement against a foreign ship a member of the Police Force or a person authorized by the Minister shall not endanger the safety of navigation or otherwise create a hazard to the ship or bring the ship to an unsafe port or anchorage, or expose the marine environment to an unreasonable risk.

#### Immunity

17. (1) Where the passage of a foreign ship is deemed to be prejudicial to the peace, good order or security of Antigua and Barbuda and the ship or any person on board thereof who participates in the activity which is deemed to be prejudicial is entitled to State or other immunity recognized by law, the State of such ship and the State of nationality of such person shall be deemed to bear international responsibility for the activity of the ship.

(2) Where the flag State of a ship or the State of nationality of a person is deemed to bear international responsibility under this section, the Minister shall take all steps possible to obtain redress under international law.

#### Jurisdiction

18. (1) For the purpose of the exercise of the jurisdiction of the courts of Antigua and Barbuda, the territory of Antigua and Barbuda shall include the internal waters, the archipelagic waters and the territorial sea.

(2) Where any offence punishable on summary conviction is committed or suspected to have been committed within or in relation to the internal waters, the archipelagic waters or the territorial sea, the offence may be dealt with and determined by a magistrate appointed to any magisterial District, and such

magistrate shall have and exercise all the powers, privileges, rights and jurisdiction as are conferred on him by the Magistrate's Code of Procedure Act.

(3) The quasi-criminal and the civil jurisdiction conferred on a magistrate by the Magistrate's Code of Procedure Act shall in relation to the internal waters, archipelagic waters and the territorial sea be exercised by a magistrate appointed to any magisterial District.

(4) The jurisdiction conferred on any court under this Act shall be without prejudice to any jurisdiction conferred on or exercisable by such court apart from this Act.

#### Charts of maritime areas, etc.

18A. The Minister shall cause to be prepared such charts or lists of geographical coordinates as he thinks fit, showing all or any of the following matters:

...

- (b) The seaward limits of the territorial sea, the contiguous zone, the continental shelf or the exclusive economic zone;
- (c) The axis of sea lanes or traffic separation schemes designated or prescribed pursuant to section 20C.

#### Evidence of charts

18B. A document, purporting to be certified by the Minister to be a true copy of a chart or list of geographical coordinates prepared pursuant to section 18A, shall be received in any proceedings as evidence of any matter referred to in that section and shown in the document.

#### Publicity of charts

18C. The Minister shall cause:

- (a) Due publicity to be given to charts or lists of geographical coordinates prepared pursuant to section 18A; and
- (b) A copy of each such chart or list to be deposited with the Secretary-General of the United Nations.

#### Regulations

19. (1) The Minister may make regulations:

- (a) For the safety of navigation and the regulation of marine traffic;
- (b) For the conservation of the living resources of the sea;
- (c) For the preservation of the marine environment of Antigua and Barbuda and the prevention and control of pollution thereto;
- (d) Generally, for regulating the use of the internal waters, the archipelagic waters and the territorial sea including prescribing the fees to be paid for any activity in relation thereto;
- (e) Providing for the forfeiture to the Crown of any ship engaged, or any equipment used, in any of the activities specified in section 15; and

(f) Annexing to the contravention of any regulation made under this section a punishment on summary conviction of a fine of twenty thousand dollars or of imprisonment for a term of two years or both.

(2) Regulations made under this section shall be subject to affirmative resolution of the Legislature and shall be judicially noticed.

Offence

20. (1) A person who assaults or obstructs a person acting under the authority of this Act or the regulations is guilty of an offence under this Act.

(2) A person who is guilty of an offence under subsection (1) or section 16 (2) is liable:

(a) On conviction or indictment to a fine of one hundred thousand dollars or imprisonment for a term of 5 years or both; or

(b) On summary conviction to a fine of twenty thousand dollars or imprisonment for a term of 2 years or both.

(3) The court may in addition to any penalty which it may impose under this section for an offence under section 16 (2), order the forfeiture to the Crown of any ship engaged, or equipment used, in any activity which is the subject of the offence.

Arrest on board foreign ship in territorial sea, etc.

20A. (1) Subject to this section, where an offence is committed on board a foreign ship (being a merchant ship or a government ship operated for commercial purposes) during its passage through the territorial sea, a prescribed power may be exercised, in relation to the offence, on board the ship during that passage, only if:

(a) The consequences of the offence extend to Antigua and Barbuda;

(b) The offence is of a kind likely to disturb the peace of Antigua and Barbuda or the good order of the territorial sea;

(c) The assistance of the Government or any public officer has been requested by the master of the foreign ship or by a diplomatic agent or consular officer [illegible];

(d) It is necessary to exercise a prescribed power for the purpose of suppressing any illicit traffic in narcotic drugs or psychotropic substances.

(2) The limitations in subsection (1) shall not apply in any case where a foreign ship is passing through the territorial sea after leaving internal waters.

(3) Subject to this section where a foreign ship, proceeding from a port outside Antigua and Barbuda, is passing through the territorial sea without having entered internal waters, a prescribed power may be exercised in relation to any offence committed before the ship entered the territorial sea, on board the ship during that passage, only if:

(a) There are clear grounds for believing that the ship has, in the exclusive economic zone, committed a violation of:

(i) Applicable international rules and standards for the prevention, reduction and control of pollution from ships; or

- (ii) Any provision of the regulations or any enactment conforming to and giving effect to any such rules and standards; and
  - (b) There are clear grounds for believing that the violation has resulted in substantial discharge causing or threatening significant pollution of the marine environment; or
  - (c) There is clear objective evidence that the violation has resulted in a discharge causing major damage or the threat of major damage to the coastline of Antigua and Barbuda, or to any resources of its territorial sea or exclusive economic zone.
- (4) Nothing in this section shall affect the exercise of any power under section 16.
- (5) The decision to exercise, and the exercise of, a prescribed power in circumstances of the kind referred to in subsection (1) or (3) shall be made or, as the case may be, [illegible].
- (6) The prescribed power referred to in subsection (8)(a) shall not be exercised in relation to a ship unless the ship has refused, when lawfully required to do so, to give information regarding its identity and port of registry, its last and next port of call and other relevant information required to establish whether a violation of the kind referred to in subsection (3)(a) has occurred.
- (7) The prescribed power referred to in subsection (8)(b) shall not be exercised in relation to a ship where appropriate procedures, which bind Antigua and Barbuda, have been established, either through the competent international organization or as otherwise agreed, whereby compliance with requirements for landing or other appropriate financial security has been assured in relation to the ship.
- (8) For the purpose of this section, "prescribed power" means the power lawfully to arrest any person or to conduct an investigation into any alleged offence, and:
- (a) For the purpose of subsection (3)(b), includes a power to undertake a physical inspection of a ship for matters relating to a violation of the kind referred to in subsection (3)(a); and
  - (b) For the purposes of subsection (3)(c), includes a power to detain a ship.

Civil jurisdiction in relation to foreign ships  
in territorial sea

- 20B. (1) No foreign ship passing through the territorial sea shall be stopped or diverted for the purposes only of the exercise of any civil jurisdiction in relation to a person on board a ship.
- (2) Subject to subsection (3), no person shall arrest or levy execution against a foreign ship for passing through the territorial waters for the purpose of any civil proceedings, except where the proceedings are in respect of obligations or liabilities assumed or incurred in relation to the ship in the course or for the purpose of its voyage through the territorial sea.
- (3) Subsection (2), in so far as it prohibits the arrest of, or levying of execution against, a foreign ship, shall not apply in the case of a foreign ship which is lying in or passing through the territorial sea after leaving internal waters.

Sea lanes, etc.

20C. The Minister may, by order:

(a) Designate sea lanes or air routes to be used for or in connection with the exercise of and right of innocent transit or archipelagic sea lanes passage under this Act; and

(b) Prescribe traffic separation schemes [illegible].

Binding of the Crown

21. This Act binds the Crown.

Application of laws

22. (1) Any reference in any enactment or law having effect as part of the law of Antigua and Barbuda prior to the commencement of this Act, to coastal waters, archipelagic waters and territorial sea waters of Antigua and Barbuda and Redonda or any analagous expression in whatever terms used, shall be construed as a reference to internal waters, archipelagic waters and territorial sea.

(2) Any reference in any enactment or law having effect as part of the law of Antigua and Barbuda prior to the commencement of this Act to a distance of three miles or a longer or shorter distance in relation to coastal waters, territorial waters, waters of Antigua and Barbuda and Redonda or any analagous expression in whatever terms used, shall be construed as a reference to a distance of twelve nautical miles or the equidistance line under section (3)(2).

...

5. ARGENTINA

Act No. 23.968 of 14 August 1991 <sup>13/</sup> <sup>14/</sup>

Article 1

The baselines of the Argentine Republic from which its maritime areas shall be measured, shall be the normal and straight baselines as defined in the list appearing in annex I to this Act and drawn on the charts which are referred to in the Act and contained in annex II. <sup>15/</sup>

These baselines shall include the lines joining the headlands which form the mouths of the Gulfs of San Matias, Nuevo and San Jorge, as laid down in article 1 of Act 17.094, and the line marking the outer limit of the Rio de la Plata and the corresponding maritime boundary of 19 November 1973.

The baselines of the Argentine Antarctic Sector, over which the Republic has sovereign rights, shall be established by a subsequent Act.

...

Article 3

The territorial sea of Argentina shall extend to a distance of twelve (12) nautical miles from the baselines established in article 1 of this Act.

Argentina shall enjoy and exercise full sovereignty over the territorial sea as well as over its airspace, the seabed and the subsoil.

Ships of third States shall enjoy the right of innocent passage through the territorial sea, provided that such passage complies with the provisions of international law and the laws and regulations adopted by the Argentine Republic in its capacity as the coastal State.

Article 4

The contiguous zone of Argentina shall extend beyond the outer limit of the territorial sea to a distance of twenty-four (24) nautical miles from the baselines established in article 1 of this Act.

In exercising its jurisdiction over this zone, Argentina may prevent and punish infringements of its fiscal, sanitary, customs and immigration laws or regulations within its territory or territorial sea.

...

Article 7

The outer limits of the maritime areas referred to in articles 3, 4 and 5 shall be defined by reference to their distance from the baselines established in article 1 of this Act.

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<sup>13/</sup> Law of the Sea Bulletin No. 20 (Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations), p. 20.

<sup>14/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 16.

<sup>15/</sup> Annex I is available in the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs; annex II is not available.

"Nautical mile" means the international nautical mile, which is equivalent to one thousand eight hundred and fifty-two (1,852) metres.

Article 8

The Naval Hydrography Service shall prepare and update the charts showing the limits established in articles 1, 3, 4 and 5 of this Act, so that they may be duly published following approval by the Ministry of Foreign Affairs and Worship.

Article 9

In the maritime areas defined herein, the Argentine Republic shall retain the exclusive right to construct, authorize and regulate the construction, operation and use of all kinds of installations and structures, over which it shall have exclusive jurisdiction, with respect also to matters relating to its fiscal, customs, sanitary and immigration laws and regulations.

Article 10

Articles 585, 586, 587 and 588 of Act 22.415 (Customs Code) shall be amended as follows:

Article 585 - Products extracted from the territorial sea or exclusive economic zone of Argentina, or from the seabed or subsoil thereof subject to its national sovereignty, or products derived therefrom, and intended for shipment overseas or to a free zone shall be considered as consumer exports from the general customs territory.

Article 586 - Consumer imports into the general or special customs territory of products originating from the territorial sea or exclusive economic zone of Argentina, or from the seabed or subsoil thereof subject to its national sovereignty, shall be exempt from payment of the relevant taxes and from the application of prohibitions of an economic nature.

Article 587 - Consumer exports from the general or special customs territory to the territorial sea or exclusive economic zone of Argentina, or seabed or subsoil thereof subject to its national sovereignty, shall be exempt from payment of the relevant taxes and from the application of prohibitions if such products are intended for use or consumption as part of an activity involving exploration, exploitation, cultivation, processing, mixing or any other type of operation to be carried out in these areas.

Article 588 - With regard to all or part of the territorial sea or exclusive economic zone of Argentina, or the seabed or subsoil thereof subject to its national sovereignty, the Executive may introduce full or partial application of the general procedures, customs governing and prohibitions on the entry of products from overseas or from a free zone.

...



6. AUSTRALIA

1. Proclamation to establish Australia's Territorial Sea,  
of 3 November 1990 <sup>16/ 17/</sup>

(Text of a news release from the Minister for Foreign Affairs and Trade and the Attorney-General)

The Minister for Foreign Affairs and Trade, ... announced today that the Government had agreed to extend Australia's territorial sea from 3 nautical miles to 12 nautical miles.

...

"A proclamation extending Australia's territorial sea to 12 nautical miles will be issued under the Seas and Submerged Lands Act, with effect from 20 November 1990", the Ministers said.

...

2. Seas and Submerged Lands Act 1973, as amended by  
Maritime Legislation Amendment Act 1994 <sup>18/</sup>

...

Interpretation

3. (1) In this Act, unless the contrary intention appears, "Australia" includes the Territories to which this Act extends;

...

'territorial sea' has the same meaning as in Articles 33 of the Convention;

'the Convention' means the United Nations Convention on the Law of the Sea done at Montego Bay on 10 December 1982 (Parts II, V and VI of which are set out in the Schedule)."

...

"(3A) In this Act, including section 13A, a reference to the contiguous zone of Australia is a reference to that zone so far as it extends from time to time;

...

"(5A) If a Proclamation is in force under section 3B, the contiguous zone of Australia is taken, for all purposes of this Act, to extend to the limits declared by that Proclamation."

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<sup>16/</sup> Text transmitted by the Permanent Mission of Australia to the United Nations in a note verbale dated 29 November 1990.

<sup>17/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 19.

<sup>18/</sup> Communicated by the Permanent Mission of Australia to the United Nations. This law took effect on 1 August 1994.

Extension to Territories

4. This Act extends to all the Territories.

PART II  
SOVEREIGNTY, SOVEREIGN RIGHTS AND RIGHTS OF CONTROL

Division 1  
The Territorial sea

Interpretation

5. In this Division, "the territorial sea" means the territorial sea of Australia.

Sovereignty in respect of territorial sea

6. It is by this Act declared and enacted that the sovereignty in respect of the territorial sea, and in respect of the airspace over it and in respect of its bed and subsoil, is vested in and exercisable by the Crown in right of the Commonwealth.

Limits of territorial sea

7. (1) The Governor-General may, from time to time, by Proclamation, declare, not inconsistently with Section I of Part II of the Convention, the limits of the whole or of any part of the territorial sea.

(2) For the purposes of such a Proclamation, the Governor-General may, in particular, determine either or both of the following:

- (a) The breadth of the territorial sea;
- (b) The baseline from which the breadth of the territorial sea, or of any part of the territorial sea, is to be measured.

Declaration of historic bays and historic waters

8. Where the Governor-General is satisfied:

- (a) That a bay is an historic bay, he may, by Proclamation, declare that bay to be an historic bay and shall, by the same or another Proclamation, define the seaward limits of that bay; or
- (b) That waters are historic waters, he may, by Proclamation, declare those waters to be historic waters and shall, by the same or another Proclamation, define the limits of those waters.

Charts of limits of territorial sea

9. (1) The Minister may cause to be prepared and issued such charts as he thinks fit showing any matter relating to the limits of the territorial sea.

(2) In particular, the Minister may cause to be prepared and issued large-scale charts showing the low-water line along the coast and may cause to be shown on such a chart any other matter referred to in subsection (1).

(3) The mere production of a copy of a paper purporting to be certified by the Minister to be a true copy of a chart prepared under this section is prima facie evidence of any matter shown on the chart relating to the limits of the territorial sea.

...

Division 2A  
The Contiguous Zone

Rights of control in respect of contiguous zone

13A. It is declared and enacted that Australia has a contiguous zone.

Note: The rights of control that Australia, as a coastal State, has in respect of the contiguous zone of Australia are exercisable in accordance with applicable Commonwealth, State and Territory laws.

13B. The Governor-General may, from time to time, by Proclamation declare, not inconsistently with:

(a) Section 4 of Part II of the Convention; or

(b) Any relevant international agreement to which Australia is a party, the limits of the whole or of any part of the contiguous zone of Australia.

Charts of limits of contiguous zone

13C. (1) The Minister may cause to be prepared such charts as he or she thinks fit showing any matter relating to the limits of the contiguous zone of Australia.

(2) The mere production of a copy of a paper purporting to be certified by the Minister to be a true copy of such a chart is prima facie evidence of any matter shown on the chart relating to the limits of the contiguous zone of Australia.

Division 3  
Savings

Part II does not affect waters, etc., within State limits

14. Nothing in this Part affects sovereignty or sovereign rights in respect of any waters of the sea that are waters of or within any bay, gulf, estuary, river, creek, inlet, port or harbour and:

(a) Were, on 1 January 1901, within the limits of a State; and

(b) Remain within the limits of the State,

or in respect of the airspace over, or in respect of the seabed or subsoil beneath any such waters.

Certain property not vested in Commonwealth

15. Nothing in this Part shall be taken to vest in the Crown in right of the Commonwealth any wharf, jetty, pier, breakwater, building, platform, pipeline, lighthouse, beacon, navigational aid, buoy, cable or other structure or works.

Saving of other laws

16. (1) The preceding provisions of this Part:

(a) Do not limit or exclude the operation of any law of the Commonwealth or of a Territory other than the Northern Territory, in force at the date of commencement of this Act or coming into force after that date; and

(b) Do not limit or exclude the operation of any law of a State or of the Northern Territory in force at the date of commencement of this

Act or coming into force after that date, except in so far as the law is expressed to vest or make exercisable any sovereignty or sovereign rights otherwise than as provided by the preceding provisions of this Part.

(2) A law of a State or of the Northern Territory shall not be taken to be within the words of exception in paragraph (b) of subsection (1):

- (a) By reason that the law makes provision with respect to, or touching or concerning, any seabed or subsoil that is declared by Division 1 to be within the sovereignty of the Crown in right or the Commonwealth, or the living or non-living resources of any such seabed or subsoil, if proprietary rights in respect of that seabed or subsoil have become vested in the Crown in right of the State or of the Northern Territory, as the case may be, by or under a law of the Commonwealth; or
- (b) By reason that the law makes provision with respect to, or touching or concerning, any seabed or subsoil referred to in Division 1 or Division 2 but in respect of which paragraph (a) does not apply, or the living or non-living resources of any such seabed or subsoil, if the law is otherwise within powers with respect to particular matters that are conferred on the legislature of the State or of the Northern Territory, as the case may be, by the *Coastal Waters (State Powers) Act 1980* or the *Coastal Waters (Northern Territory Powers) Act 1980*.

...

7. BAHAMAS

United Kingdom, Territorial Waters Jurisdiction Act, 1878 <sup>19/</sup>

...

Amendment of law as to jurisdiction of the Admiral

2. An offence committed by a person, whether he is or is not a subject of Her Majesty, on the open sea within the territorial waters of Her Majesty's dominions, is an offence within the jurisdiction of the Admiral, although it may have been committed on board or by means of a foreign ship, and the person who committed such offence may be arrested, tried and punished accordingly.

Restriction on institution of proceedings  
for punishment of offence

3. Proceedings for the trial and punishment of a person who is not a subject of Her Majesty, and who is charged with any such offence as is declared by this Act to be within the jurisdiction of the Admiral, shall not be instituted in any court of the United Kingdom, except with the consent of one of Her Majesty's Principal Secretaries of State, and on his certificate that the institution of such proceedings is in his opinion expedient, and shall not be instituted in any of the dominions of Her Majesty out of the United Kingdom, except with the leave of the Governor of the part of the dominions in which such proceedings are proposed to be instituted, and on his certificate that it is expedient that such proceedings should be instituted.

Provisions as to procedure

4. On the trial of any person who is not a subject of Her Majesty for an offence declared by this Act to be within the jurisdiction of the Admiral, it shall not be necessary to aver in any indictment or information on such trial that such consent or certificate of the Secretary of State or Governor as is required by this Act has been given, and the fact of the same having been given shall be presumed unless disputed by the defendant at the trial; and the production of a document purporting to be signed by one of Her Majesty's Principal Secretaries of State as respects the United Kingdom, and by the Governor as respects any other part of Her Majesty's dominions, and containing such consent and certificate, shall be sufficient evidence for all the purposes of this Act of the consent and certificate required by this Act.

Proceedings before a justice of the peace or other magistrate previous to the committal of an offender for trial or to the determination of the justice or magistrate that the offender is to be put upon his trial shall not be deemed proceedings for the trial of the offence committed by such offender for the purposes of the said consent and certificate under this Act.

Saving as to jurisdiction

5. Nothing in this Act contained shall be construed to be in derogation of any rightful jurisdiction of Her Majesty, her heirs or successors, under the law of nations, or to affect or prejudice any jurisdiction conferred by Act of Parliament or now by law existing in relation to foreign ships or in relation to persons on board such ships.

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<sup>19/</sup> United Nations, Legislative Series, ST/LEG/SER.B/6, p. 355.

Saving as to piracy

6. This Act shall not prejudice or affect the trial in manner heretofore in use of any act of piracy as defined by the law of nations, or affect or prejudice any law relating thereto; and where any act of piracy as defined by the law of nations is also any such offence as is declared by this Act to be within the jurisdiction of the Admiral, such offence may be tried in pursuance of this Act, or in pursuance of any other Act of Parliament, law or custom relating thereto.

Interpretation

7. In this Act, unless there is something inconsistent in the context, the following expressions shall respectively have the meanings hereinafter assigned to them: (that is to say,)

"the jurisdiction of the Admiral", as used in this Act, includes the jurisdiction of the Admiralty of England and Ireland, or either of such jurisdictions as used in any Act of Parliament; and for the purpose of arresting any person charged with an offence declared by this Act to be within the jurisdiction of the Admiral, the territorial waters adjacent to the United Kingdom, or any other part of Her Majesty's dominions, shall be deemed to be within the jurisdiction of any judge, magistrate or officer having power within such United Kingdom, or other part of Her Majesty's dominions, to issue warrants for arresting or to arrest persons charged with offences committed within the jurisdiction of such judge, magistrate or officer;

"United Kingdom" includes the Isle of Man, the Channel Islands and other adjacent islands;

"the territorial waters of Her Majesty's dominions", <sup>20/</sup> in reference to the sea, means such part of the sea adjacent to the coast of the United Kingdom, or the coast of some other part of Her Majesty's dominions, as is deemed by international law to be within the territorial sovereignty of Her Majesty; and for the purpose of any offence declared by this Act to be within the jurisdiction of the Admiral, any part of the open sea within one marine league of the coast measured from the low-water mark shall be deemed to be open sea within the territorial waters of Her Majesty's dominions;

"Governor", as respects India, means the Governor General ...; (and as respects a British possession which) consists of several constituent colonies, means the Governor General of the whole possession or the Governor of any of the constituent colonies; and as respects any other British possession, means the officer for the time being administering the government of such possession; also any person acting for or in the capacity of Governor shall be included under the term "Governor";

"offence" as used in this Act means an act of neglect or default of such a description as would, if committed within the body of a county in England, be punishable on indictment according to the law of England for the time being in force;

"ship" includes every description of ship, boat or other floating craft;

"foreign ship" means any ship which is not a British ship.

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<sup>20/</sup> Repealed in the United Kingdom by Schedule 2, section 3, of the Territorial Sea Act 1987 (see below, p. 404).

8. BAHRAIN

Decree Law No. 8 of 20 April 1993 <sup>21/</sup>

Article 1

The breadth of the territorial sea of the State of Bahrain shall be twelve nautical miles, measured from baselines drawn in accordance with the United Nations Convention on the Law of the Sea, 1982.

Article 2

The breadth of the contiguous zone shall be twenty-four nautical miles, measured from the baselines referred to in article 1 of this Law.

Article 3

All Ministers, each within his competence, shall implement the provisions of this Law, which shall have effect as from the date of its publication in the Official Gazette.

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<sup>21/</sup> Law of the Sea Bulletin No. 24 (Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations), p. 5. Text communicated by the Permanent Mission of Bahrain to the United Nations in a note verbale dated 13 October 1993.

9. BANGLADESH

1. Declaration No. LT-13/3/74 of 13 April 1974 <sup>22/ 23/</sup>

1. In exercise of the powers conferred by subsection (1) of section 3 of the Territorial Waters and Maritime Zones Act, 1974 (Act No. XXVI of 1974), and in supersession of any previous declaration on the subject, the Government is pleased to declare that the limits of the sea specified in paragraph 2 beyond the land territory and internal waters of Bangladesh shall be the territorial waters of Bangladesh.

2. The limits of the sea referred to in paragraph 1 shall be twelve nautical miles measured seaward and the baselines set out in paragraph 3 so that each point of the outer limit of the sea to the nearest point inward on the baselines is twelve nautical miles.

...

2. Territorial Waters and Maritime Zones Act, 1974 <sup>24/</sup>

...

Short title

1. This Act may be called the Territorial Waters and Maritime Zones Act, 1974.

Definitions

2. In this Act, unless there is anything repugnant to the subject or context,

...

(b) "contiguous zone" means the zone of the high seas declared by section 4 to be the contiguous zone of Bangladesh;

...

(e) "territorial waters" means the limits of sea declared under section 3 to be the territorial waters of Bangladesh.

Territorial waters

3. (1) The Government may, by notification in the official Gazette, declare the limits of the sea beyond the land territory and internal waters of Bangladesh which shall be the territorial waters of Bangladesh, specifying in the notification:

(a) The baseline from which such limits shall be measured; and

(b) The waters on the landward side of which shall form part of the internal waters of Bangladesh.

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<sup>22/</sup> Ministry of Foreign Affairs. Text communicated by the Permanent Mission of Bangladesh to the United Nations.

<sup>23/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 62.

<sup>24/</sup> United Nations, Legislative Series, ST/LEG/SER.B/19, p. 4.



(2) Where a single island, rock or a composite group thereof constituting the part of the territory of Bangladesh is situated seaward from the main coast or baseline, the territorial waters shall extend to the limits declared by notification under subsection (1) measured from the low-water line along the coast of such island, rock or composite group.

(3) The sovereignty of the Republic extends to the territorial waters as well as to the airspace over and the bed and subsoil of such waters.

(4) No foreign ship shall, unless it enjoys the right of innocent passage, pass through the territorial waters.

(5) Foreign ships having the right of innocent passage through the territorial waters shall, while exercising such right, observe the laws and rules in force in Bangladesh.

(6) The Government may, by notification in the official Gazette, suspend, in the specified areas of the territorial waters, the innocent passage of any ship if it is of opinion that such suspension is necessary for the security of the Republic.

(7) No foreign warship shall pass through the territorial waters except with the previous permission of the Government.

(8) The Government may take such steps as may be necessary:

(a) To prevent the passage through the territorial waters of any foreign ship having no right of innocent passage;

(b) To prevent and punish the contravention of any law or rule in force in Bangladesh by any foreign ship exercising the right of innocent passage;

(c) To prevent the passage of any foreign warship without previous permission of Government; and

(d) To prevent and punish any activity which is prejudicial to the security or interest of the Republic.

Explanation. In this section "warship" includes any surface or sub-surface vessel or craft which is or may be used for the purpose of naval warfare.

#### Contiguous zone

4. (1) The zone of the high seas contiguous to the territorial waters and extending seaward to a line six nautical miles measured from the outer limits of the territorial waters is hereby declared to be the contiguous zone of Bangladesh.

(2) The Government may exercise such powers and take such measures in or in respect of the contiguous zone as it may consider necessary to prevent and punish the contravention of, and attempt to contravene, any law or regulation in force in Bangladesh relating to:

(a) The security of the Republic;

(b) Immigration and sanitation; and

(c) Customs and other fiscal matters.

...

Power to make rules

9. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide:

(a) For the regulation of the conduct of any person in or upon the territorial waters, contiguous zone, economic zone, conservation zone and continental shelf;

...

(c) For conservation measures to protect the living resources of the sea;

...

(3) In making any rule under this section the Government may provide that a contravention of the rule shall be punishable with imprisonment which may extend to one year or with fine which may extend to five thousand takas.

10. **BARBADOS**

Territorial Waters Act, No. 1977-26 <sup>25/</sup>

Short title

1. This Act may be cited as the Barbados Territorial Waters Act, 1977.

Interpretation

2. For the purposes of this Act:

"Competent Authority" means the Minister or any person designated by him as the Competent Authority for the purposes of this Act;

"foreign ship" means the ship of a foreign State;

"foreign State" means a State other than Barbados;

"innocent passage" means passage which is not deemed to be prejudicial to the peace, good order or security of Barbados;

"internal waters" means the internal waters of Barbados as defined in section 5;

"low-water line" means the low-water line of the coast of Barbados at mean low-water spring tide;

"Minister" means the Minister responsible for External Affairs;

"nautical mile" means the international nautical mile;

"passage" means the navigation of a ship in territorial waters without stopping or hovering, but includes stopping, hovering and anchoring in so far as the same are rendered necessary by force majeure or by reason of distress or for the purpose of affording assistance to persons, ships or aircraft in danger or distress;

"ship" includes vessel, boat or sea-craft of any kind;

"submarine areas" includes the seabed and subsoil thereof;

"territorial waters" means the territorial waters of Barbados as defined in section 3.

Limits of the territorial waters

3. (1) The territorial waters of Barbados comprise those areas of the sea, having as their landward limit the baselines specified by section 4 or prescribed under that section, as the case may be, and as their seaward limit a boundary line which at every point is a distance of 12 nautical miles or such other distance from the nearest point of those baselines as the Minister by order prescribes.

- (2) The territorial waters, including the submarines areas thereof, form part of the territory of Barbados.

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<sup>25/</sup> Text communicated by the Permanent Mission of Barbados to the United Nations.

(3) An order made under subsection (1) shall be subject to affirmative resolution and shall be judicially noticed.

Baselines of territorial waters

4. (1) Subject to subsection (2) the low-water line along the coast of Barbados shall be the baselines of the territorial waters.

(2) The Minister may in the place of the baselines referred to in subsection (1) by order prescribe other baselines making use of a mixture of straight lines drawn from points on the coast of Barbados and the low-water line.

(3) Where baselines are prescribed under subsection (2) the Minister shall cause the baselines together with the seaward boundary line of the territorial waters to be marked on a scaled map or chart and such map or chart shall be judicially noticed for all purposes of the law as indicating the baselines from which the territorial waters shall be measured and the boundaries, breadth and limit of the territorial waters.

(4) The Minister shall make provision for the safe custody of the map or chart referred to in subsection (3) and shall by notice specify the place where it may be open to inspection by the public and the place where certified copies thereof may be obtained.

(5) For the purposes of this Act, permanent harbour works which form a part of the harbour, dock or port system and the island commonly known as Culpepper situated off the coast of the parish of Saint Philip shall be treated as forming part of the coast of Barbados.

...

Entitlement to right of innocent passage

6. (1) Subject to subsection (2) and section 7 (1), a foreign ship shall be entitled to enjoy the right of innocent passage in territorial waters.

(2) A foreign ship of war shall not navigate in territorial waters without the prior permission of the Competent Authority obtained by the State to which the ship belongs.

Non-innocent passage

7. (1) Subject to subsection (2), the passage of a foreign ship shall be deemed to be prejudicial to the peace, good order or security of Barbados if, without the prior permission of the Competent Authority obtained by the captain or person in charge of the ship, the ship while in territorial waters, engages in any of the following activities:

- (a) Exercises or practices with weaponry of any kind;
- (b) Any act aimed at collecting information relating to the defence, security or economic or social conditions and circumstances of Barbados;
- (c) The taking on board or off-loading of any person, commodity or currency in breach of any law relating to exchange control, customs, immigration, health or drugs and therapeutic substances;
- (d) Any act of pollution calculated to or likely to cause damage or harm to Barbados, its resources or its marine environment;
- (e) Fishing or extracting living or non-living resources;

- (f) The carrying out of research of whatever kind or survey activities;
- (g) Any act aimed at interfering with any system of communication or telecommunication whether such system is on land, on the sea or under it;
- (h) Being a submarine or other underwater ship, underwater navigation;
- (i) Such other activity as may be prescribed.

(2) The passage of a foreign ship of war in territorial waters shall be deemed to be prejudicial to the peace, good order or security of Barbados if the ship navigates in territorial waters without the permission required by section 6 (2).

#### Power of police and authorized persons

8. (1) Where a foreign ship engages in any of the activities specified in paragraphs (a) to (h) of section 7 (1) or prescribed under paragraph (i) of that section, as the case may be, or where a member of the Police Force or person authorized by the Minister in writing suspects upon reasonable grounds that a foreign ship is engaged in any such activity, such member of the Police Force or authorized person may:

- (a) Stop and board the offending ship for the purpose of carrying out enquiries and investigations;
- (b) Without a warrant arrest the offending ship and bring it into a port in Barbados;
- (c) Without a warrant arrest the captain and any person on board the ship participating in the activity of the ship which is deemed to be prejudicial to the peace, good order or security of Barbados.

(2) Where the passage of a foreign ship is deemed to be prejudicial to the peace, good order or security of Barbados, the captain or other person in charge of such ship and any person participating in the activity of the ship which is deemed to be so prejudicial, is guilty of an offence under this Act.

#### Immunity

9. (1) Where the passage of a foreign ship is deemed to be prejudicial to the peace, good order or security of Barbados and the ship or any person on board thereof who participates in the activity which is deemed to be prejudicial is entitled to State or other immunity recognized by law, the flag State of such ship and the State of nationality of such person shall be deemed to bear international responsibility for the activity of the ship.

(2) Where the flag State of a ship or the State of nationality of a person is deemed to bear international responsibility under this section, the Minister shall take all steps possible to obtain redress under international law.

#### Jurisdiction

10. (1) For the purposes of the exercise of the jurisdiction of the courts of Barbados, the territory of Barbados shall include the internal waters and the territorial waters.

(2) Where any offence punishable on summary conviction is committed or suspected to have been committed within or in relation to the internal waters or the territorial waters, the offence may be dealt with and determined by a magistrate assigned to any magisterial District, and such magistrates shall have

and exercise all the powers, privileges, rights and jurisdiction as are conferred on him by the Magistrates Jurisdiction and Procedure Act.

(3) The quasi-criminal and the civil jurisdiction conferred on a magistrate by the Magistrates Jurisdiction and Procedure Act shall in relation to the internal waters and the territorial waters be exercised by a magistrate assigned to any magisterial District.

(4) The jurisdiction conferred on any court under this Act shall be without prejudice to any jurisdiction conferred on or exercisable by such court apart from this Act.

#### Regulations

11. (1) The Minister may make regulations:
- (a) For the safety of navigation and the regulation of marine traffic;
  - (b) For the conservation of the living resources of the sea;
  - (c) For the preservation of the marine environment of Barbados and the prevention and control of pollution thereto;
  - (d) For the regulation of fishing;
  - (e) Relating to the grant of permits and the conditions to be attached thereto for fishing by nationals of foreign States and by means of foreign ships;
  - (f) For the inspection and admission in evidence before the courts of the chart or map to which section 4 refers or any part thereof;
  - (g) Prescribing the fees to be paid for permits granted in accordance with regulations made under subparagraph (e);
  - (h) Generally, for regulating the use of the internal waters and the territorial waters including prescribing the fees to be paid for any activity in relation thereto;
  - (i) Providing for the forfeiture to the Crown of any ship engaged, or any equipment used, in any of the activities specified in subparagraphs (a) to (h) of section 7 or prescribed under paragraph (i) of that section, as the case may be; and
  - (j) Annexing to the contravention of any regulation made under this section a punishment on summary conviction of a fine of \$5,000 or of imprisonment for a term of 2 years or both.
- (2) Regulations made under this section shall be subject to affirmative resolution and shall be judicially noticed.

#### Offences

12. (1) A person who assaults or obstructs a person acting under the authority of this Act or the regulations is guilty of an offence under this Act.
- (2) A person who is guilty of an offence under subsection (1) or section 8(2) is liable:
- (a) On conviction or indictment to a fine of \$10,000 or imprisonment for a term of 5 years or both; or

(b) On summary conviction to a fine of \$5,000 or imprisonment for a term of 2 years or both.

(3) The court may, in addition to any penalty which it may impose under this section for an offence under section 8 (2), order the forfeiture to the Crown of any ship engaged, or equipment used, in any activity which is the subject of the offence.

Binding of the Crown

13. This Act binds the Crown.

Application of laws

14. (1) Any reference in any enactment or law having effect as a part of the law of Barbados prior to the commencement of this Act, to coastal waters, territorial waters, waters of the Island or any analagous expression in whatever terms used, shall be construed as a reference to internal waters and territorial waters.

(2) Any reference in any enactment or law having effect as a part of the law of Barbados prior to the commencement of this Act to a distance of 3 miles or a longer or shorter distance in relation to coastal waters, territorial waters, waters of the Island or any analagous expression in whatever terms used shall be construed as a reference to a distance of 12 nautical miles or such other distance as may be prescribed under section 3.

...

11. BELGIUM

1. Act establishing the Breadth of the Territorial Sea  
of Belgium of 6 October 1987 <sup>26/</sup>

Article 1

The breadth of the territorial sea of Belgium shall be established at 12 marine miles, or twenty-two thousand two hundred and twenty-four metres, measured from the coastal low-water mark, or from low-tide elevations on condition that they lie less than 12 marine miles from the low-water mark, or from the outer ends of permanent harbour works extending beyond the said low-water mark, as shown on the large-scale official Belgian charts.

Article 2

Any reference in Belgian legislation or regulations to the territorial sea of Belgium shall be taken to refer to a territorial sea whose breadth is in conformity with that established by the present Act.

2. Note verbale of 7 December 1979 from the Permanent Representative  
of Belgium to the United Nations to the Secretary-General  
of the United Nations

...

Belgium is a party to the 1958 Convention on the Territorial Sea, and it is thus this Convention which establishes the legal status of the territorial sea of this country.

...



12. BELIZE

An Act to make provision with respect to the Territorial Sea, Internal Waters and the Exclusive Economic Zone of Belize; and for matters connected therewith or incidental thereto, of 24 January 1992 <sup>21/</sup>

PART I  
PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the Maritime Areas Act, 1992;
- (2) This Act shall come into operation upon such date as the Minister may by Order published in the Gazette appoint.

Interpretation

2. In this Act:

"baseline" means the baseline from which the breadth of the territorial sea is measured as described in Section 4;

"equidistance line", as between Belize and an adjacent State, means a line every point of which is equidistant from the nearest point of the baseline of the territorial sea and the corresponding baseline of the adjacent State;

...

"foreign vessel" means a vessel that is not registered as a Belizean ship under the Registration of Merchant Ships Act, 1989 (Belize);

"foreign State" means a State other than Belize;

"fringing reefs" means reefs attached directly to, or located in the immediate vicinity of, the coast or any coastal lagoon;

...

"island" means a naturally formed area of land surrounded by water which is above water at mean high-water spring tides;

"low-tide elevation" means a naturally formed area of drying land surrounded by water which is below water at mean high-water spring tides;

"maritime areas of Belize" means the internal waters, the territorial sea, and the exclusive economic zone;

"master", in relation to vessel, means the person for the time being having command or charge of the vessel;

"Minister" means the Minister responsible for foreign affairs;

"nautical mile" means the international nautical mile of 1852 metres;

"resources" includes living and non-living resources;

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<sup>21/</sup> Law of the Sea Bulletin No. 21 (Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations), p. 3.

"territorial sea" means the territorial sea of Belize as described in Section 3;

"the Regulations" means regulations made under this Act.

PART II  
MARITIME AREAS OF BELIZE

Territorial sea

3. (1) Subject to subsections (2) and (3) of this Section, the territorial sea of Belize comprises those areas of the sea having, as their inner limits, the baseline of the territorial sea and, as their outer limits, a line measured seaward from that baseline, every point of which is 12 nautical miles from the nearest point of that baseline.

(2) Subject to subsection (3) below, the territorial sea of Belize from the mouth of Sarstoon River to Ranguana Caye comprises those areas of the sea having as their inner limits the baseline of the territorial sea as measured from the features listed in the Schedule to this Act, and as their outer limits, a line measured seaward from that baseline every point of which is 3 nautical miles from the nearest point of that baseline.

(3) (a) For the avoidance of doubt it is hereby declared that the purpose of the limitation of the territorial sea from the mouth of Sarstoon River to Ranguana Caye as described in subsection (2) above is to provide a framework for the negotiation of a definitive agreement on territorial differences with the Republic of Guatemala.

(b) Any such agreement as is referred to in (a) above shall be put to a referendum by the electors for their approval or otherwise, and if approved by a majority vote, shall form the basis for the final delimitation of the territorial sea in the area of the sea from the mouth of Sarstoon River to Ranguana Caye.

(c) In the event any such agreement fails to receive approval by a majority vote in the referendum, the delimitation of the territorial sea in the said area shall be effected on the basis of international law.

(4) Except as is otherwise provided in subsections (2) and (3) above, wherever the equidistance line between Belize and an adjacent State is less than 12 nautical miles from the nearest point of the baseline of the territorial sea, the delimitation of the territorial sea shall, if possible, be effected by agreement between Belize and the adjacent State; but to the extent that if no such agreement is effected, that equidistance line shall constitute the outer limits of the territorial sea.

Baseline of territorial sea

4. (1) Except as otherwise provided in subsections (2), (3) and (4) of this Section, the baseline from which the breadth of the territorial sea adjacent to Belize is measured shall be the low-water line along the coast of the mainland of Belize as well as the coasts of all islands and cayes that form part of Belize.

(2) For the purposes of this Section a low-tide elevation which lies wholly or partly within the breadth of sea which would be territorial sea if all low-tide elevations were disregarded for the purpose of the measurement of the breadth thereof shall be treated as an island.

(3) (a) The baseline from which the breadth of the territorial sea is measured between Ambergris Caye - SE and Sarstoon River shall consist of the

series of loxodromes drawn so as to join successively, in the order in which they are there set out, points situated on the low-water line on or adjacent to the features listed in the Schedule to this Act.

(b) The provisions of subsection (3) (a) of this Section shall be without prejudice to the operation of paragraphs (1) and (2) of this Section in relation to any island or low-tide elevation which for the purposes of those sub-sections is treated as if it were an island, being an island or low-tide elevation which lies to seaward of the baseline specified in sub-section (3) (a) of this Section.

(4) (a) In the case of the sea adjacent to a coast off which there are fringing reefs, the baseline from which the breadth of the territorial sea is measured shall be the seaward limit of the low-water line of the fringing reefs.

(b) Where there is a break or passage through the fringing reefs referred to in subsection (4) (a) of this Section, the baseline from which the breadth of the territorial sea is measured shall be a straight line joining the seaward entrance points of that break or passage.

(5) For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of any harbour system shall be treated as forming part of the coast, but for that purpose offshore installations and artificial islands shall not be considered as permanent harbour works.

...

PART III  
RIGHTS IN RESPECT OF MARITIME AREAS OF BELIZE

Sovereignty in respect of territorial sea

8. The sovereignty in respect of:

- (a) The territorial sea;
- (b) The airspace over, and the seabed under, that sea; and
- (c) The subsoil of that seabed,

is vested in Belize, and subject to international law, is exercisable by Belize.

...

Prohibited activities

10. (1) No person shall:

- (a) Within the limits of the exclusive economic zone:
  - (i) Explore for or exploit the resources;
  - (ii) Produce energy from the waters, currents or winds;
  - (iii) Conduct any marine scientific research; or
  - (iv) Construct, operate or use any artificial island, or any installation or structure for the purpose of the exercise of any right or purposes referred to in Section 9 (c) (ii), or which may interfere with the exercise of rights referred to in Section 9 (c) (iii); or

(b) Within the limits of the territorial sea engage in any of the activities referred to in subsection (1) (a) of this Section, except when authorized by, under or pursuant to this Act or any other enactment, or in any other lawful manner, to engage in the activity, and in accordance with the authorization.

(2) Any person who contravenes subsection (1) of this Section is guilty of an offence and liable on summary conviction to a fine of ten thousand dollars and on conviction on indictment to a fine of fifty thousand dollars.

PART IV  
INNOCENT PASSAGE

Interpretation

11. (1) In this Part, unless the context otherwise requires:

"competent authority", in relation to any provision in this Part, means the Minister, and any person, or person belonging to any class or description of persons, designated pursuant to sub-section (2) of this Section for the purposes of that provision;

"designated area of internal waters" means any area of internal waters for the time being designated under subsection (3) of this Section;

"prescribed activity" means:

- (a) Any threat or use of force against the sovereignty, territorial integrity or political independence of Belize, or acts in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;
- (b) Any exercise or practice with weapons of any kind;
- (c) Any act aimed at collecting information to the prejudice of the defence or security of Belize;
- (d) Any act of propaganda aimed at affecting the defence or security of Belize;
- (e) The launching, landing or taking on board of any aircraft or military device;
- (f) The loading or unloading of any person, commodity or currency contrary to the customs, fiscal, immigration or sanitary laws;
- (g) Any wilful act of pollution calculated or likely to cause damage or harm to Belize, its resources or its marine environment;
- (h) Any fishing activities;
- (i) The carrying out of research or survey activities;
- (j) Any act aimed at interfering with any system of communication or any other facilities or installations of Belize; or
- (k) Such other activity as may be prescribed.

(2) The Minister may, by Regulation, designate any person, or class or description of persons, for the purposes of any provision of this Part; and the Minister may, in like manner, revoke any such designation.

(3) Where the Minister is satisfied that an area of internal waters enclosed by the baseline enacted in Section 4 (3) (a) was not considered to be internal waters prior to the commencement of this Act, he may so designate those waters by Regulation and the Minister, if he ceases to be so satisfied, may, in like manner, revoke the designation of those waters.

(4) Every Regulation made by the Minister under subsection (3) above shall be laid before the National Assembly as soon as may be after the making thereof and shall be subject to negative resolution.

Innocent passage

12. (1) Every foreign vessel may, subject to and in accordance with this Section and international law, exercise the right under international law of innocent passage, that is to say, the right of passage by navigating through the territorial sea for the purpose of:

- (a) Traversing the territorial sea without entering internal waters or calling at a roadstead or port facility outside internal waters;
- (b) Proceeding to or from internal waters or a call at any such roadstead or port facility, where the passage is innocent; or
- (c) Traversing internal waters, to or from the territorial sea, which had not previously been considered as such, where the passage is innocent.

(2) The passage of a foreign vessel:

- (a) Is innocent so long as it is not prejudicial to the peace, good order or security of Belize; and
- (b) Is deemed to be prejudicial to the peace, good order or security of Belize if the vessel, in the territorial sea, engages in any proscribed activity.

(3) In exercising the right of innocent passage, a vessel shall comply with:

- (a) Generally accepted international regulations, procedures and practices for safety at sea which have effect in the territorial sea, or any part thereof; and
- (b) The provisions of the Regulations, and any enactment, order or direction, which have effect in the territorial sea, or any part thereof, for or with respect to:
  - (i) The safety of navigation and the regulation of maritime traffic, including the use of sea lanes and the operation of traffic separation scheme;
  - (ii) The protection of navigational aids and facilities, and other facilities or installations;
  - (iii) The protection of cables and pipelines;
  - (iv) The conservation of resources;
  - (v) Fishing and fisheries;
  - (vi) The preservation of the environment and the prevention, reduction and control of pollution;

- (vii) Marine scientific research and hydrographic surveying;
- (viii) Controls or prohibitions in relation to customs, excise, immigration or sanitation.

(4) The Minister may, where he is satisfied that it is essential to do so for the protection of the security of Belize, including weapons exercises, by Regulation, suspend, for such period as is specified in the Regulation, the right of innocent passage through the territorial sea, or through any part of the territorial sea identified in the Regulation.

Engaging in proscribed activities prohibited

13. (1) No foreign vessel shall, while in the territorial sea, without the permission of a competent authority given to the master of the vessel, engage in any proscribed activity.

(2) Where a foreign vessel, in contravention of sub-section (1) of this Section, engages in any proscribed activity, the master of the vessel and any other person on board the vessel participating in that activity are each guilty of an offence and liable on summary conviction to a fine of ten thousand dollars and on conviction on indictment to a fine of fifty thousand dollars.

(3) No prosecution for an offence against this Section shall be brought against a person who is entitled to State or other immunity recognized by law.

PART V  
CHARTS AND GEOGRAPHICAL COORDINATES

Charts of maritime areas

14. The Minister shall cause to be prepared such charts and/or lists of geographical coordinates as he thinks fit showing all or any of the following matters, namely:

- (a) The maritime areas of Belize or any part thereof;
- (b) The baseline of the territorial sea;
- (c) The outer limits of the exclusive economic zone; or
- (d) Sea lanes or traffic separation schemes.

Evidence of charts

15. A document purporting to be certified by the Minister or by a person designated by him for this purpose to be a true copy of a chart or list of geographical coordinates prepared pursuant to Section 14, shall be received in any proceedings as evidence of any matter shown in the document, but without prejudice to the right to adduce evidence in rebuttal.

Publicity with respect to charts

16. The Minister shall cause:

- (a) Due publicity to be given to charts or lists of geographical coordinates prepared pursuant to Section 14; and
- (b) A copy of each such chart or list of geographical coordinates to be deposited with the Secretary-General of the United Nations.

PART VI  
JURISDICTION OF COURTS AND OTHER LEGAL MATTERS

Jurisdiction

17. (1) Notwithstanding any other law, rule or regulation to the contrary the jurisdiction and powers of the courts of Belize extend to the maritime areas of Belize for the purpose of:

- (a) This Act or any regulation made thereunder; and
- (b) Any enactment which applies or is applied pursuant to Section 23 to maritime areas of Belize, or any part thereof.

(2) For the purposes of the exercise of any jurisdiction and powers pursuant to subsection (1) of this Section, a court is a court of competent jurisdiction:

- (a) For the purpose of any criminal proceedings, if it would have cognisance of the offence concerned if it had been committed within the limits of its ordinary criminal jurisdiction; and
- (b) For the purposes of any proceedings, other than criminal proceedings, if it would have jurisdiction if the act, omission or other matter giving rise to the proceedings had occurred or arisen within the limits of its ordinary jurisdiction.

(3) The Minister, after consultation with the Attorney-General, may make rules for carrying out or giving effect to this Section.

(4) The jurisdiction and powers conferred by this Section are in addition to and not in derogation of any other jurisdiction or powers exercisable by a Court of Belize.

Apprehension of certain offenders

18. (1) Subject to this Section, where an authorized person has reasonable cause to believe and believes that an offence has been committed against Section 10, he may exercise all or any of the following powers, namely:

- (a) Within the maritime areas of Belize, stop, board, inspect and search any vessel, or enter, inspect and search any installation, which he has reasonable cause to believe is being used for or in connection with the commission of the offence;
- (b) Arrest, with or without a warrant, any person on board the vessel, or on the installation, referred to in sub-section (1) (a) of this Section or found elsewhere in Belize, whom he has reasonable cause to believe has committed an offence against that Section;
- (c) Detain the vessel, referred to in subsection (1) (a) of this Section if he has reasonable cause to believe that an offence against that Section has been committed by the owner or master of the vessel; and
- (d) Enter, inspect and search any installation whose establishment, construction, operation or use would constitute the offence against that Section and arrest, with or without a warrant, any person on the installation, or found elsewhere in Belize, whom he has reasonable cause to believe has committed the offence.

(2) Subject to this Section, where an authorized person has reasonable cause to believe and believes that an offence has been committed against Section 13, he may, within the territorial sea, exercise all or any of the following powers, namely:

- (a) Stop, board, inspect and search the foreign vessel which, in contravention of that Section, engages in any proscribed activity;
- (b) Arrest, with or without a warrant, the master of the vessel;
- (c) Arrest, with or without a warrant, any other person on board the vessel whom he has reasonable cause to believe has committed an offence against that Section; and
- (d) Detain the vessel.

(3) An authorized person may exercise any of the powers conferred on him by subsections (1) and (2) of this Section with the aid of such assistants as he considers necessary for the purpose.

(4) Where a vessel is detained pursuant to subsection (1) (c) or subsection (2) (d) of this Section, it shall be held in the custody of the Government until:

- (a) A decision is made not to bring a prosecution in respect of the alleged offence in relation to which the vessel was detained; or
- (b) Where a decision is made to bring such a prosecution, the security required under subsection (6) of this Section is given in respect of the vessel.

(5) The decision whether or not to bring a prosecution in respect of an alleged offence in relation to which a vessel is detained shall be made with all due expedition.

(6) The security required in respect of any vessel for the purposes of subsection (4) of this Section shall be in such form and reasonable amount, and shall be given by such person, as the Minister may order.

(7) The power under subsection (1) or (2) of this Section shall not be exercised in relation to a vessel that is, or in relation to a person who is, entitled to State or other immunity recognized by law.

(8) The powers and rights under this Section are in addition to and not in derogation of any other powers and rights which Belize may have under international law or otherwise.

(9) In the exercise under this Section of the power of enforcement against a foreign vessel, an authorized person shall not endanger the safety of navigation or otherwise create any hazard to a vessel, or bring it to an unsafe port or anchorage, or expose the marine environment to an unreasonable risk.

(10) In this Section:

"authorized person" means a person, or person belonging to a class or description of persons, designated for the purposes of this Section by the Minister by Regulation made under this Section and published in the Gazette;

"owner", in relation to any vessel, includes any body of persons, whether incorporated or not, by whom the vessel is owned, and any charterer or sub-charterer of the vessel.



Arrest on board foreign vessel in territorial sea

19. (1) Subject to this Section, where an offence is committed on board a foreign vessel (being a merchant ship or government ship operated for commercial purposes) during its passage through the territorial sea, a prescribed power may be exercised, in relation to the offence, on board the vessel during that passage, only if:

- (a) The consequences of the offence extend to Belize;
- (b) The offence is of a kind likely to disturb the peace of Belize or the good order of the territorial sea;
- (c) The assistance of the Government or any public officer has been requested by the master of the foreign vessel or by a diplomatic agent or consular officer of the relevant foreign State; or
- (d) It is necessary to exercise a prescribed power for the purpose of suppressing any illicit traffic in narcotic drugs or psychotropic substances, or weapons.

(2) The limitations in sub-section (1) of this Section shall not apply in any case where a foreign vessel is passing through the territorial sea after leaving internal waters.

(3) Subject to this Section, where a foreign vessel proceeding from a port outside Belize is passing through the territorial sea without having entered internal waters, a prescribed power may be exercised, in relation to any offence committed before the ship entered the territorial sea, on board the ship during that passage only if:

- (a) There are grounds for believing that the vessel has, in the exclusive economic zone, committed a violation of:
  - (i) Applicable international rules and standards for the prevention, reduction and control of pollution from vessels; or
  - (ii) Any provision of the Regulations or any enactment conforming to and giving effect to any such rules and standards; and
- (b) There:
  - (i) Are clear grounds for believing that violation has resulted in a substantial discharge causing or threatening significant pollution of the marine environment; or
  - (ii) Is clear evidence that that violation has resulted in a discharge causing major damage or the threat of major damage to the coastline or barrier reef of Belize, or to any resources of its territorial sea or exclusive economic zone.

(4) Nothing in this Section shall affect the exercise of any power under Section 18.

(5) The decision to exercise, and the exercise of, a prescribed power in circumstances of the kind referred to in sub-sections (1) or (3) of this Section shall be made or, as the case may be, carried out, with due regard to the interests of navigation.

(6) The prescribed power referred to in subsection (8) (a) of this Section shall not be exercised in relation to a vessel unless the vessel has

refused, when lawfully required to do so, to give information regarding its identity and port of registry, its last and next port of call and other relevant information required to establish whether a violation of the kind referred to in subsection (3) (a) of this Section has occurred.

(7) The prescribed power referred to in subsection (8) (a) of this Section shall not be exercised in relation to a vessel whenever appropriate procedures, which bind Belize, have been established, either through the competent international organization or as otherwise agreed, whereby compliance with requirements for landing or other appropriate financial security has been assured in relation to the vessel.

(8) For the purposes of this Section, "prescribed power" means the power lawfully to arrest any person or to conduct an investigation into any alleged offence, and:

- (a) For the purposes of subsection (3) (b) (i) of this Section, includes a power to undertake a physical inspection of a vessel for matters relating to a violation of the kind referred to in sub-section (3) (a) of this Section; and
- (b) For the purposes of subsection (3) (b) (i) of this Section, includes a power to detain a vessel.

#### Certificate of Minister

20. Where, in any criminal proceedings, a question of arises whether or not an act or omission occurred within the limits of internal waters, the territorial sea or the exclusive economic zone, a certificate, purporting to be signed by the Minister, to the effect that the act or omission did or did not so occur shall be received as evidence of that fact, but without prejudice to the right to adduce evidence in rebuttal.

...

#### Civil jurisdiction in relation to foreign vessels in territorial sea

22. (1) No foreign vessel passing through the territorial sea shall be stopped or diverted for the purpose only of the exercise of any civil jurisdiction in relation to a person on board the vessel.

(2) Subject to subsection (3) of this Section, no person shall arrest or levy execution against a foreign vessel passing through the territorial sea for the purpose of any civil proceedings, except where the proceedings are in respect of obligations or liabilities assumed or incurred in relation to the vessel in the course or for the purpose of its voyage through the territorial sea.

(3) Subsection (2) of this Section, in so far as it prohibits the arrest of, or levying of execution against, a foreign vessel, shall not apply in the case of a foreign vessel which is lying in or passing through the territorial sea after leaving internal waters.

#### Application of enactments to maritime area

23. (1) The Minister may, by regulations made under Section 24, extend to the maritime areas of Belize, or any part thereof, the application of any enactment, subject to:

- (a) The limitations (if any); and
- (b) Modifications (if any) to facilitate the application or enforcement of the enactment, as may be prescribed in the regulations, and the enactment shall apply accordingly.

(2) The power under subsection (1) of this Section includes a power to extend the application of an enactment to any artificial island, installation or structure for the purpose of the exercise of any rights or jurisdiction under Section 9.

PART VII  
MISCELLANEOUS

Regulations

24. (1) The Minister may make regulations for carrying out or giving effect to this Act.

(2) Without prejudice to the generality of the foregoing, regulations may be made with respect to the territorial sea for all or any of the following purposes, namely:

- (a) Regulating the conduct of scientific research and hydrographic surveying within the territorial sea;
- (b) Prescribing measures for the protection and preservation of the marine environment of the territorial sea;
- (c) Regulating, for the purposes of Section 9, the construction, operation, and use of artificial islands (whether permanent or temporary), and other installations and structures in the territorial sea, including the establishment of safety zones around such islands, installations, and structures;
- (d) Regulating the exploration and exploitation of the territorial sea for the production of energy from the water, current, and winds, and for any other economic purposes;
- (e) Providing for such other matters as are necessary or expedient for giving full effect to the sovereignty of Belize in relation to the territorial sea; and
- (f) Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of Part II, III or IV of this Act.

(3) Without prejudice to the generality of subsection (1), regulations may be made with respect to the exclusive economic zone for all or any of the following purposes, namely:

- (a) Regulating the conduct of scientific research within the exclusive economic zone;
- (b) Prescribing measures for the protection and preservation of the marine environment of that zone;
- (c) Regulating, for the purposes of Section 9, the construction, operation, and use of artificial islands (whether permanent or temporary), and other installations and structures within that zone, including the establishment of safety zones around but not exceeding 500 metres' distance from, such islands, installations and structures;

- (d) regulating the exploration and exploitation of that zone for economic purposes;
- (e) Regulating the exploration and exploitation of that zone for the production of energy from the water, currents, and winds;
- (f) Providing for such other matters as are necessary or expedient for giving full effect to the sovereign rights and jurisdiction of Belize in relation to that zone; and
- (g) Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of Part II, III or IV of this Act.

(4) Regulations may be made with respect to the investigation and institution of proceedings in respect of any discharge from a vessel outside the maritime areas of Belize in violation of applicable international rules and standards established through the competent international organization or general diplomatic conference.

(5) The regulations may provide that a breach of any of the regulations shall be a criminal offence, and may provide for the imposition of a penalty (not exceeding twenty thousand dollars) for any such offence.

(6) The power under this Section to make regulations may be exercised:

(a) Either in relation to all of the cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or class or description of cases; and

(b) So as to make, with respect to all cases in relation to which it is exercised:

(i) The same provision for all those cases, or different provisions for different cases or classes or description of cases, or different provisions with respect to the same case or class or description of cases for different purposes of this Act; or

(ii) Any such provision either unconditionally or subject to any specified condition.

(7) Any regulation made pursuant to this Section shall be laid before the National Assembly as soon as may be after the making thereof and shall be subject to negative resolution.

Provisions of this Act to apply notwithstanding other laws

25. The provisions of this Act shall have effect notwithstanding anything to the contrary in any other law, rule or regulation.

...

13. BENIN

Decree No. 76-92 extending the territorial waters of the People's Republic of Benin to 200 nautical miles, 1976 <sup>28/</sup>

Article 1

The territorial waters of the People's Republic of Benin shall be extended to a distance of two hundred (200) nautical miles from the low-water mark and, with respect to estuaries, from the first obstacle to maritime navigation as defined by the maritime regulations in force.

Article 2

Within the territorial waters of Benin, fishing is and shall remain restricted to Beninese fishermen and shall be prohibited to foreign nationals unless they have been granted authorizations under Beninese regulations.

Article 3

This decree, which abrogates all earlier provisions, shall be published in the Journal officiel de la République populaire du Bénin.

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<sup>28/</sup> Text transmitted by the Permanent Mission of Benin to the United Nations in a note verbale dated 12 August 1976.

14. BRAZIL

Law No. 8617, of 4 January 1993, on the Territorial Sea, the Contiguous Zone, the Exclusive Economic Zone and the Continental Shelf <sup>29/</sup>

CHAPTER I  
TERRITORIAL SEA

Article 1

The Brazilian territorial sea is a belt of sea twelve nautical miles in breadth, measured from the low-water line along the Brazilian coast as marked on large-scale charts officially recognized by Brazil.

Sole paragraph. In localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines, joining appropriate points, will be employed in drawing the baseline from which the breadth of the territorial sea is measured.

Article 2

The sovereignty of Brazil extends to the territorial sea, to the airspace over the territorial sea, as well as to its bed and subsoil.

Article 3

Ships of all States enjoy the right of innocent passage through the Brazilian territorial sea.

Paragraph 1. Passage is innocent as long as it is not prejudicial to peace, good order or the security of Brazil and shall be continuous and expeditious.

Paragraph 2. Innocent passage includes stopping and anchoring, but only in as far as the same are incidental to ordinary navigation or are rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircrafts in danger or distress.

Paragraph 3. In the Brazilian territorial sea, foreign ships are subject to the regulations established by the Brazilian Government.

CHAPTER II  
CONTIGUOUS ZONE

Article 4

The Brazilian contiguous zone is a belt of sea which extends from twelve to twenty-four nautical miles from the baselines from which the breadth of the territorial sea is measured.

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<sup>29/</sup> Law of the Sea Bulletin No. 23 (Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations) p. 17. Text accompanied by an unofficial translation transmitted by the Permanent Mission of Brazil to the United Nations in a note verbale dated 18 February 1993. Published in the Federative Republic of Brazil Diario Oficial (Official Gazette), No. 2, Tuesday, 5 January 1993.

Article 5

In the contiguous zone, Brazil may exercise the control necessary to:

I. Prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea;

II. Punish infringement of the laws and regulations committed within its territory or territorial sea.

...

Article 14

...

Paragraph 2. The Brazilian Government may establish conditions for the laying of cables or pipelines entering its territory or territorial sea.

...

15. BRUNEI DARUSSALAM

The Territorial Waters of Brunei Enactment, 1982 <sup>30/</sup>

Citation

1. This Enactment may be cited as the Territorial Waters of Brunei Enactment, 1982.

Breadth of territorial waters

2. (1) It is hereby declared that the breadth of the territorial waters of Brunei shall be twelve nautical miles.  
(2) Such breadth shall be measured in accordance with international law.

Publication of map

3. (1) So soon as may be possible or thereafter from time to time as he may consider necessary His Highness the Sultan and Yang Di-Pertuan shall cause to be published a large-scale map indicating the low-water marks, the baselines, the outer limit and the areas of the territorial waters of Brunei.  
(2) A copy of such map shall be published in the Government Gazette for general information.

Evidence

4. (1) In any proceedings before any court in Brunei if question arises as to whether an act or omission has taken place within or without the territorial waters of Brunei, a certificate to that effect purported to be signed by or on behalf of the Mentri Besar shall be received in evidence and shall be prima facie proof of the facts stated therein.  
(2) Any reference to the territorial waters of Brunei in any written law shall be construed subject to the provisions of this Enactment.



16. BULGARIA

Act of 8 July 1987 governing the ocean space of the  
People's Republic of Bulgaria <sup>31/</sup>

CHAPTER 1  
GENERAL PROVISIONS

PURPOSE

Article 1

The present Act establishes the legal regime governing the ocean space in the Black Sea over which the People's Republic of Bulgaria exercises sovereignty, sovereign rights, jurisdiction and control in accordance with its internal laws and the international agreements to which it is a party, as well as the universally recognized principles and norms of international law.

OCEAN SPACE OF THE PEOPLE'S REPUBLIC OF BULGARIA

Article 2

1. The ocean space of the People's Republic of Bulgaria includes its internal waters, territorial sea, contiguous zone, continental shelf and exclusive economic zone.
2. The internal waters, territorial sea and the airspace over them, the seabed and the subsoil are part of the territory of the People's Republic of Bulgaria over which it exercises sovereignty.
3. The People's Republic of Bulgaria exercises sovereign rights, jurisdiction and control as defined by the present Act over the contiguous zone, the continental shelf and the exclusive economic zone.

AIMS

Article 3

The aims of the present Act are: to protect the rights and legitimate interests of the People's Republic of Bulgaria in the ocean space, as well as its sovereignty and security; to use the Black Sea for peaceful purposes and in the interest of cooperation with coastal and other States; to facilitate maritime communications and guarantee the safety of navigation; to develop scientific research, exploit marine resources, protect the marine environment and maintain the ecological balance.

MONITORING OF COMPLIANCE WITH THE LEGAL REGIME GOVERNING  
THE OCEAN SPACE OF THE PEOPLE'S REPUBLIC OF BULGARIA

Article 4

Monitoring of compliance with the legal regime governing the ocean space of the State shall be organized and carried out by the competent authorities pursuant to the provisions of the present Act and other regulations.

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<sup>31/</sup> Text transmitted by the Permanent Mission of Bulgaria to the United Nations in a letter dated 12 January 1989.

CHAPTER 3  
TERRITORIAL SEA

SCOPE

Article 16

1. The territorial sea of the People's Republic of Bulgaria includes the zone contiguous to the coast and internal waters having a breadth of 12 nautical miles, measured from the baselines.
2. The baselines shall be: the low-water line along the coast or the straight baselines joining the outermost points of the bays and spaces referred to in article 5.

DELIMITATION OF THE TERRITORIAL SEA OF BORDERING STATES

Article 17

The territorial sea of the People's Republic of Bulgaria shall be delimited from the territorial sea of bordering States by the parallel passing through the point where the land frontier meets the sea coast.

NATIONAL MARITIME FRONTIER

Article 18

The external and lateral limits of the territorial sea shall constitute the national frontier of the People's Republic of Bulgaria.

RIGHT OF INNOCENT PASSAGE

Article 19

1. Ships of all States shall enjoy the right of innocent passage through the territorial sea in accordance with the provisions of the Act and international law.
2. Ships of all States shall enjoy the right of innocent passage in order to traverse the territorial sea without calling in internal waters, to enter internal waters or to proceed therefrom. The ship must traverse without interruption the zones open to navigation at a speed not less than the normal speed for the type of ship in question and must use established sea lanes, traffic separation schemes, navigable channels and recommended sea lanes without disturbing the peace or good order or breaching the security of the People's Republic of Bulgaria.
3. Stopping or anchoring in the course of innocent passage shall not be authorized, save in the interest of navigation, in case of damage, casualty, force majeure or for the purpose of rendering assistance to persons, vessels or aircraft.

VIOLATION OF THE PROVISIONS REGARDING INNOCENT PASSAGE

Article 20

Passage of a foreign ship through the territorial sea shall be prejudicial to the peace, good order and security of the People's Republic of Bulgaria when the ship engages in any of the following activities:

1. Any threat or use of force against the sovereignty, territorial integrity or political independence of the People's Republic of Bulgaria, or any other

action in violation of the principles of international law embodied in the Charter of the United Nations;

2. Any practice or exercise involving the use of weapons of any kind;
3. Any act aimed at collecting information to the prejudice of the defence or security of the People's Republic of Bulgaria;
4. Any act of propaganda aimed at affecting the defence or security of the People's Republic of Bulgaria;
5. The launching, landing or taking on board of any aircraft;
6. The launching, landing or taking on board of any military device;
7. The loading or unloading of any commodity, currency or persons contrary to customs, fiscal, sanitary or immigration regulations;
8. Any act of wilful and serious pollution of the marine environment;
9. Any fishing activities;
10. Any exploratory or survey activities;
11. Any activity that might interfere with any systems of communication or any other radio equipment or installations of the People's Republic of Bulgaria;
12. Any other activity not having a direct bearing on passage of the ship.

#### EXEMPTION FROM CHARGES RELATING TO PASSAGE

##### Article 21

Foreign ships shall be exempt from any charges relating to their passage through the territorial sea save in the case of payment for services rendered to the ship.

#### SUSPENSION OF INNOCENT PASSAGE

##### Article 22

In the interest of the security of the People's Republic of Bulgaria, including weapons exercises, the Ministry of National Defence, in coordination with the Ministry of Transport and the Ministry of the Interior, may temporarily suspend innocent passage in certain areas of the territorial sea and prohibit navigation in areas of the internal waters. These measures shall be duly published in the bulletin Notice to Mariners.

#### OBLIGATIONS OF FOREIGN SHIPS

##### Article 23

1. Foreign ships exercising the right of innocent passage through the territorial sea and stopped in internal waters, ports and roadsteads shall be required to respect the rules of navigation as well as immigration, customs, financial, health, phytosanitary, veterinary and port regulations and any regulations relating to protection of the environment.
2. While exercising their right of innocent passage through the territorial sea and while stopping in internal waters, foreign ships shall be required to show their State flag; ships other than warships shall also show the flag of the People's Republic of Bulgaria.

3. In the territorial sea and in internal waters, foreign ships may not:
- (a) Use their boats, save in the event of a casualty, for research and for the rescuing of persons;
  - (b) Carry out underwater operations;
  - (c) Maintain their fishing gear in working order;
  - (d) Transmit sound or light signals, other than those established under international regulations for the prevention of collisions at sea;
  - (e) Take photographs, samples or measurements in coastal zones and ports;
  - (f) Be run aground or scuttled deliberately;
  - (g) Carry out activities capable of breaking or injuring cables and pipelines that have been laid or other installations and equipment related to navigation and the exploitation of marine resources.

OBLIGATIONS OF FOREIGN NUCLEAR-POWERED SHIPS AND  
SHIPS CARRYING DANGEROUS SUBSTANCES

Article 24

Foreign nuclear-powered ships and ships carrying nuclear, radioactive, toxic or other dangerous substances shall, when passing through the territorial sea, carry the necessary documents and observe precautionary measures established for such ships by international agreements.

OBLIGATIONS OF FOREIGN SUBMARINES

Article 25

1. In the territorial sea and internal waters, foreign submarines shall be required to navigate on the surface.
2. Foreign submarines navigating under water shall be invited to surface. Should a submarine be prevented from doing so because of damage, it shall be required to communicate this by all possible means.

USE OF RADIO EQUIPMENT

Article 26

Foreign ships passing through the territorial sea shall use radio equipment solely to maintain contact with Bulgarian coastal stations and shall use radio navigational, hydro-acoustical, optical, electronic and other equipment solely for navigational purposes.

UNDERWATER ACTIVITIES

Article 27

All underwater activity in internal waters and the territorial sea shall be regulated by the Ministry of National Defence, the Ministry of the Interior and the Ministry of Transport.

NOTIFICATION IN THE EVENT OF DISTRESS OR FORCE MAJEURE

Article 28

Foreign ships obliged to stop or anchor in the event of distress or force majeure shall be required to report the matter, immediately and by every possible means, to the harbour-master of the nearest port.

PROTECTION OF THE NATIONAL MARITIME FRONTIER

Article 29

1. Protection of the national maritime frontier and the monitoring of compliance with the regime governing the frontier in the territorial sea and internal waters shall be carried out by the services of the Ministry of the Interior.

2. The regime governing navigation in internal waters and the territorial sea shall be consistent with the rules relating to the security of the People's Republic of Bulgaria.

MEASURES WITH RESPECT TO FOREIGN NON-MILITARY SHIPS

Article 30

1. To the extent that they are competent to do so, the services of the Ministry of the Interior, the Ministry of National Defence and the Ministry of Transport may, in respect of a foreign non-military ship within the limits of the internal waters or the territorial sea:

- (a) Require it to show its flag;
- (b) Request appropriate information if there is reason to suspect that the ship has breached the rules of innocent passage;
- (c) Propose an alternate route if the ship is travelling towards a zone closed to navigation;
- (d) Stop the ship and inspect it or arrest it if the ship fails to respond to the request and violates the provisions of article 19, paragraph 2, and articles 20, 22, 23 and 24, or if provision is made for such measures in an international agreement to which the People's Republic of Bulgaria is a party;
- (e) Stop the ship and arrest it in the cases specified in article 31, paragraphs 3 and 4;
- (f) Remove the perpetrators of the crimes specified in article 32 from the ship, arrest them and hand them over to the investigating authorities, with notification given to the public prosecutor within 24 hours.

2. If the foreign non-military ship refuses to stop, resists arrest or resorts to the use of force, the services of the Ministry of the Interior and the Ministry of National Defence may take coercive measures, including the use of force.

CIVIL JURISDICTION

Article 31

1. In the case of damage caused by an act of quasi delicti occurring in internal waters or in the territorial sea as well as in the case of damage resulting from a violation of the rights and jurisdiction of the People's Republic of Bulgaria in the contiguous zone, on the continental shelf or in the exclusive economic zone, national jurisdiction shall be applicable and the Bulgarian courts shall be competent in matters of litigation.

2. A foreign non-military ship passing through the territorial sea may not be stopped or diverted for the purpose of exercising civil jurisdiction in relation to a person on board the ship.

3. Execution may be levied or the ship arrested in the case of a foreign non-military ship lying in internal waters, at anchor or passing through the territorial sea after leaving internal waters.

4. Execution may be levied against a foreign non-military ship passing through the territorial sea or such ship arrested only in respect of obligations incurred by the ship in the course of its voyage through the territorial sea, as well as in respect of the damage specified in paragraph 1.

CRIMINAL JURISDICTION

Article 32

1. The criminal jurisdiction of the People's Republic of Bulgaria shall not extend to crimes committed on board foreign non-military ships passing through the territorial sea, save in the case of:

- (a) Crimes committed by Bulgarian nationals;
- (b) Crimes which disturb the peace of the People's Republic of Bulgaria or the good order of the territorial sea;
- (c) Crimes of ordinary law which are prejudicial to the interests of the People's Republic of Bulgaria or its nationals;
- (d) Illicit trafficking in narcotic drugs or psychotropic or radioactive substances;
- (e) Unlawful detention;
- (f) Crimes against peace and mankind.

2. The criminal jurisdiction of the People's Republic of Bulgaria shall extend to any crime committed on board a foreign non-military ship lying in a Bulgarian port or in internal waters. This jurisdiction shall extend to the ship even after it leaves internal waters and enters the territorial sea.

PROCEDURES WITH RESPECT TO OTHER CRIMES IN THE TERRITORIAL SEA

Article 33

The competent Bulgarian authorities may, at the request of the master of the ship, a diplomatic agent or consular officer of the flag State, conduct a preliminary investigation and take coercive measures in connection with crimes other than those set out in article 32, paragraph 1, committed on board a foreign non-military ship passing through the territorial sea.

NOTIFICATION OF A DIPLOMATIC AGENT

Article 34

The competent services of the People's Republic of Bulgaria shall notify a diplomatic agent or consular officer of the flag State, if the master so requests, of the initiation of criminal proceedings under the circumstances set out in article 2, paragraph 1, as well as when the investigation is opened under the terms of the preceding article at the request of the master of the ship.

MEASURES WITH RESPECT TO WARSHIPS OR OTHER GOVERNMENT SHIPS  
OPERATED FOR NON-COMMERCIAL PURPOSES

Article 35

Foreign warships or other government ships operated for non-commercial purposes which, lying in the internal waters or in the territorial sea, violate this Act or another normative instrument and disregard all other established rules, shall be required to leave the internal waters and the territorial sea immediately.

COMPENSATION FOR DAMAGE

Article 36

The flag State shall bear responsibility for damage caused by one of its warships or government ships operated for non-commercial purposes passing through the territorial sea or lying in internal waters.

CHAPTER 4  
CONTIGUOUS ZONE

SCOPE

Article 37

The contiguous zone of the People's Republic of Bulgaria shall comprise the marine area adjacent to the territorial sea and extending a distance of 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.

RIGHTS OF THE PEOPLE'S REPUBLIC OF BULGARIA IN THE  
CONTIGUOUS ZONE

Article 38

In the contiguous zone, the People's Republic of Bulgaria shall exercise the control necessary to prevent infringement of its laws and its customs, financial, sanitary and immigration regulations within its borders, including in its territorial sea, and shall also exercise its criminal jurisdiction with a view to prosecuting the perpetrators of violations of such regulations.

MEASURES WITH RESPECT TO VIOLATIONS IN THE CONTIGUOUS ZONE

Article 39

When it is reported that a foreign non-military ship lying in the contiguous zone has violated or intends to violate the provisions of the preceding article, the services of the Ministry of the Interior and the Ministry of National Defence shall have the right to stop the ship, conduct the necessary inspection and take the necessary steps to prevent the violation or arrest the ship with a view to prosecuting the perpetrators of the violation.

...

CHAPTER 7  
MARINE SCIENTIFIC RESEARCH

SCIENTIFIC RESEARCH CONDUCTED BY BULGARIAN ORGANIZATIONS

Article 53

Scientific research and exploration in the ocean space of the People's Republic of Bulgaria shall be conducted by Bulgarian organizations on the basis of coordinated programmes approved by the competent authorities.

SCIENTIFIC RESEARCH CONDUCTED BY FOREIGN NATIONALS AND AGENCIES  
IN INTERNAL WATERS AND THE TERRITORIAL SEA

Article 54

Foreign nationals and agencies may conduct scientific research and exploration only with the authorization of the Council of Ministers, in accordance with the conditions decided on by the Council.

...

SUSPENSION OR CESSATION OF SCIENTIFIC RESEARCH ACTIVITIES

Article 57

The Council of Ministers or a body authorized by it may order the suspension or cessation of scientific research activities carried out by foreign nationals and agencies if such activities do not comply with the conditions set forth in the authorization granted.

CHAPTER 8  
PROTECTION OF THE MARINE ENVIRONMENT. PROHIBITION REGARDING  
POLLUTION OF THE MARINE ENVIRONMENT

Article 58

1. The discharge, introduction and dumping of any kind of solid or liquid waste and of substances harmful to human health or to the living resources of the sea by vessels, aircraft, platforms or other artificial structures, or from land-based sources, shall be forbidden, as shall any other pollution of the marine environment in the internal waters and the territorial sea.

...

MEASURES WITH RESPECT TO NON-MILITARY VESSELS IN THE  
EVENT OF POLLUTION OF OCEAN SPACE

Article 59

1. If there are clear grounds for believing that a non-military vessel navigating through the internal waters, territorial sea and exclusive economic zone has violated the provisions of this Act, or any other regulation or international agreement concerning the prevention of pollution of the marine environment, the relevant sections of the Environmental Protection Committee, the Ministry of Transport and the Committee on the Peaceful Utilization of Atomic Energy may take appropriate steps, including:

- (a) Requesting the master of the vessel to provide necessary information for purposes of investigating the incident;



- (b) Inspecting the vessel, if there is reason to believe that the information was incomplete;
- (c) Seizing the vessel for purposes of prosecution.

2. The bodies referred to in the preceding paragraph may, if necessary, request the collaboration of the services of the Ministry of the Interior and the Ministry of Defence.

...

#### MEASURES IN THE EVENT OF MARITIME CASUALTIES

##### Article 61

In the event of a breakdown, damage or other maritime casualty in the ocean space of the People's Republic of Bulgaria which presents a danger of pollution of the marine environment or coastline or which might harm related interests, the Ministry of Transport, in collaboration with the organizations concerned, shall take all necessary steps to prevent, reduce or eliminate the danger.

...

#### MONITORING OF THE PREVENTION OF DAMAGE AND RELEASE OF POLLUTANTS

##### Article 63

In the course of drilling operations, exploratory work or other activities relating to the development and exploitation of natural resources in the ocean space of the People's Republic of Bulgaria, the Environmental Protection Committee and the Ministry of Transport shall monitor compliance with the measures adopted for the prevention of damage or release of oil or other pollutants and for the immediate elimination of their effects.

...

#### CHAPTER 9 SAFETY AT SEA

#### SEA LANES AND TRAFFIC SEPARATION SCHEMES

##### Article 65

In the interest of safety of navigation and in accordance with national security regulations and generally accepted international regulations, the Council of Ministers shall establish the regime governing the designation, substitution or cancellation of traffic separation schemes, recommended navigational lanes, navigable channels and navigation lanes established in the territorial sea for transit passage and for calling at open ports, which shall be mandatory for ships and shall be published in the bulletin Notice to Mariners.

#### SAFETY OF NAVIGATION

##### Article 66

1. Safety of navigation shall be ensured by the Ministry of National Defence in internal waters and the territorial sea and by the Ministry of Transport in ports and canals.

2. The Ministry of National Defence and the Ministry of Transport may authorize other departments to build water-supply or navigational facilities.

#### DISPOSAL OF LOADS OF EARTH AND OF SEDIMENT

##### Article 67

The disposal of loads of earth and of sediment in ocean space shall be authorized solely in places designated by the Ministry of National Defence in coordination with the Ministry of Transport and the Environmental Protection Committee.

#### GUARANTEEING SAFETY OF NAVIGATION DURING THE CONSTRUCTION OF ARTIFICIAL ISLANDS AND OTHER STRUCTURES

##### Article 68

1. Artificial islands, installations and structures may be constructed on the continental shelf and in the exclusive economic zone outside sea lanes of essential importance to international navigation. Their location shall be marked by lighted or other signals.

2. Safety zones shall be established around artificial islands, installations and structures at a distance of no more than 500 metres from their outer edge. These zones shall include the water column between the surface of the sea and the seabed. They may extend further if their dimensions conform to generally accepted international standards.

3. Installations no longer in use must be dismantled and removed within a reasonable time by the organization which operates them, in such a way as to ensure safety of navigation.

#### NOTIFICATION OF CHANGES IN NAVIGATIONAL CONDITIONS

##### Article 69

Any changes in navigational conditions in internal waters, the territorial sea and the exclusive economic zone in the cases provided for in the preceding article shall be published in the bulletin Notice to Mariners.

#### ORGANIZATION OF RESCUE EFFORTS

##### Article 70

In the search-and-rescue zone for which the People's Republic of Bulgaria is responsible, the Ministry of Transport shall organize efforts to rescue individuals, ships and aircraft in distress.

#### CHAPTER 10 RIGHT OF HOT PURSUIT

##### CONDITIONS

##### Article 71

A foreign non-military ship may be pursued and arrested if the competent bodies of the People's Republic of Bulgaria consider that there is sufficient reason to take appropriate measures, in the following cases:

1. Violation of national laws while a ship is lying in the internal waters or territorial sea of the People's Republic of Bulgaria;

2. Violation or attempt to violate financial, customs, health and immigration regulations in the contiguous zone;
3. Violation of regulations regarding the protection of the marine environment from pollution and the legal status of the continental shelf and the exclusive economic zone, including safety zones around artificial islands and other structures.

ORDER TO UNDERTAKE HOT PURSUIT

Article 72

1. Hot pursuit may be commenced when a foreign ship or one of its boats is: within the internal waters or the territorial sea, in the case of the violation referred to in article 71, subparagraph 1; within the contiguous zone, in the case of the violation referred to in article 71, subparagraph 2; within the exclusive economic zone or above the continental shelf, in the case of the violation referred to in article 71, subparagraph 3.
2. Hot pursuit shall be commenced when the foreign ship does not obey a signal to stop which has been given to it.
3. The right of hot pursuit shall be exercised by ships and aircraft of the Ministry of the Interior and the Ministry of National Defence or by other government ships and aircraft authorized to that effect and bearing the appropriate external markings. The pursuit shall continue until the ship pursued enters the territorial sea of its own State or of a third State.

ESCORT INTO A BULGARIAN PORT

Article 73

In accordance with the provisions of this chapter, the ship arrested may be escorted into the nearest Bulgarian port for the purposes of an inquiry.

...

CHAPTER 11  
ADMINISTRATIVE AND PENAL PROVISIONS; MONETARY PENALTIES WITH  
RESPECT TO THE SCUTTling OR ABANDONMENT OF VESSELS

Article 75

1. The master of a foreign non-military vessel who scuttles or abandons a vessel in the territorial sea or in internal waters shall be fined between 20,000 and 1,000,000 leva.
2. The same penalty shall apply to a shipowner who orders or permits the scuttling of such a vessel or its abandonment on shore.

...

MONETARY PENALTIES FOR VIOLATIONS COMMITTED IN INTERNAL  
WATERS DURING INNOCENT PASSAGE AND IN THE COURSE OF  
MARINE SCIENTIFIC RESEARCH

Article 77

1. A fine of between 200 and 50,000 leva shall be imposed on the master of a foreign non-military vessel who:
  - (a) Enters into a closed port or roadstead;

- (b) Keeps a submarine submerged in internal waters or the territorial sea;
- (c) Orders or permits a violation of the provisions of article 13 and article 20, subparagraphs 5, 6 and 11;
- (d) Commits a violation of the provisions of article 19, paragraph 2, article 23, paragraph 3, subparagraphs 1 to 5 and 7, article 24 and article 26;

2. The penalty provided for in the preceding paragraph shall be imposed on any person conducting scientific research or activities of exploration in the ocean space of the People's Republic of Bulgaria without due authorization or in violation of the authorization granted.

#### MONETARY PENALTIES FOR OTHER VIOLATIONS

##### Article 78

Any violation of other provisions of this Act or of the regulation giving effect to this Act shall be punishable by a fine of between 50 and 5,000 leva, and is subject to a heavier penalty.

#### SPECIAL REGULATIONS GOVERNING ADMINISTRATIVE AND PENAL PROCEDURE

##### Article 79

1. Violations of the provisions of this chapter shall be recorded in reports drawn up by officials of the ministries and other departments responsible for investigations with respect to the ocean space of the State.

2. A report thus drawn up shall be issued to the offender, who may, before or after signing it, submit objections to it to the appropriate administrative and penal body within 48 hours after the issuance of the report. The report, together with the written objections and the evidence gathered, shall be transmitted to the administrative and penal body, which must make a decision on the case within 24 hours of the expiry of the time-limit set for entering objections. If the case is factually or legally a complicated one or if further evidence is needed, the administrative and penal body may take more time to make a decision.

3. Rulings imposing penalties for violations with respect to protection of the marine environment shall be handed down by the Chairman of the Environmental Protection Committee or the Minister of Transport or by officials authorized by them. Penalties for all other violations shall be imposed by the Minister of Transport or by officials authorized by him.

4. A ruling may provide for monetary compensation covering the entire amount of any damage caused.

5. The part of the ruling relating to compensation may be appealed by the shipowner. The date on which the ruling is delivered to the master of the vessel shall be considered to be the date it is delivered to the shipowner.

6. A ruling imposing an administrative penalty consisting of a fine or of compensation exceeding 20,000 leva may be appealed before the appropriate departmental tribunal. In such a case, the decision of the departmental tribunal is, in turn, subject to appeal before the Supreme Court within a time-limit of one year from the date on which it was handed down. The Supreme Court shall also rule on any proposal to review the case.

APPLICATION OF GENERAL LEGISLATION

Article 80

The official recording of violations, the handing down of rulings, the apportionment of monetary compensation for damage caused, the appeal of rulings and their enforcement shall be regulated by the Administrative Violations and Penalties Act, unless otherwise provided in the present Act.

INTERIM PRECAUTIONARY MEASURES

Article 81

1. A foreign non-military vessel, regardless of its legal ownership, may be arrested at the time an official report is drawn up regarding a violation committed, in order to guarantee recovery of the fine or compensation provided for in this chapter.

2. A foreign non-military vessel may be arrested also in order to guarantee recovery of the sum due by reason of an act of quasi delicti under article 31, paragraph 1. The arrest shall be made by the National Navigation Inspection Service and shall end within 72 hours unless, upon expiry of that period, the competent tribunal at the place where the vessel is being held takes interim precautionary measures.

3. In the cases referred to in the preceding paragraphs, a vessel shall be released after having deposited with a Bulgarian bank a monetary or bank guarantee equivalent to the amount determined by the ruling and corresponding to the claim giving rise to the interim precautionary measures.

SUPPLEMENTARY PROVISIONS

1. The provisions of article 9, paragraphs 2 to 5, article 23, paragraph 3, subparagraphs 4 to 7, and articles 24, 26, 28, 30, 39, 58, 59, 62 and 65 shall apply also to Bulgarian vessels.

2. For the purposes of the Act:

- (a) "Warship" means a ship belonging to the armed forces of a State bearing the external marks distinguishing its nationality, under the command of an officer duly commissioned by the Government of the State and whose name appears in the appropriate service list or its equivalent, and manned by a crew which is under regular armed forces discipline;
- (b) "Government ship operated for non-commercial purposes" means a ship belonging to the State whose flag it flies and intended for activities of exploration or other non-economic activities;
- (c) "Non-military ship" means any ship other than those referred to in subparagraphs (a) and (b);
- (d) "Submarine" means a ship intended to navigate under water;
- (e) "Nuclear-powered ship" means a ship as referred to in subparagraphs (b), (c) and (d) which is equipped with nuclear-powered devices;
- (f) "Nuclear-powered warship" means a ship as referred to in subparagraph (a) which is equipped with nuclear-powered devices or nuclear weapons.

3. For the purposes of this Act:

- (a) "Port" means a coastal zone with a contiguous area of water, equipped with facilities for berthing ships and for loading and unloading operations and with other structures; a port is operated by a port authority;
- (b) "Roadstead" means a given area of ocean space situated outside a port, in which ships can lie at anchor;
- (c) "Maritime base" means a guarded area of the sea coast with the contiguous area of water, equipped with facilities and structures where ships can anchor and be protected;
- (d) "Underwater dive" means each penetration by man under water involving the use of respiratory equipment and lasting longer than one held respiration;
- (e) "Sedentary species" means organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil;

4. For the purposes of this Act, "pollution of the marine environment" means the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which results or is likely to result in deleterious effects on living marine resources and hazards to human health, and which hinders the legitimate use of the sea, including impairment of quality of water and deterioration of conditions for tourism and leisure activities.

5. For the purposes of this Act, a nautical mile equals 1,852 metres.

...

17. CAMBODIA

Decree of the Council of State of Kampuchea of 13 July 1982 <sup>32/</sup> <sup>33/</sup>

Article 1

The full and entire sovereignty of the People's Republic of Kampuchea extends beyond its territorial and internal waters to a maritime zone adjacent to its coasts and its internal waters, designated by the name of the territorial waters of the People's Republic of Kampuchea.

This sovereignty also extends to the airspace above the territorial waters of the People's Republic of Kampuchea as well as to the seabed and subsoil of these waters.

Article 2

The width of the territorial waters of the People's Republic of Kampuchea is 12 nautical miles (1 nautical mile equalling 1,852 metres) measured from straight baselines, linking the points of the coast and the furthest points of Kampuchea's furthest islands; these baselines are traced along the low-water mark.

These straight baselines are concretely defined in annex I of this decree.

The internal waters of the People's Republic of Kampuchea are the waters located between the baseline of the territorial waters and the coasts of Kampuchea.

Article 3

The outer limit of the territorial waters of the People's Republic of Kampuchea is a line each point of which is at a distance equal to the width of the territorial waters from the closest point of the baseline.

In the maritime zone between Kach Kut Island and the terminus of the land border between Kampuchea and Thailand, the limit of the territorial water of the People's Republic of Kampuchea follows the dividing line of the maritime waters determined by the historic border stipulated in the Franco-Siamese treaty of 23 March 1907.

Article 4

The contiguous zone of the People's Republic of Kampuchea is a maritime zone located beyond and adjacent to its territorial waters, with a width of 12 nautical miles measured from the outer limit of the territorial waters of the People's Republic of Kampuchea.

In its contiguous zone, the People's Republic of Kampuchea exercises necessary control in order to oversee its security and to prevent and check violations of its customs, fiscal, health and emigration and immigration laws.

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<sup>32/</sup> Maritime Claims, Reference Manual, United States Department of Defense, 2005 1-M, vol. I, June 1987.

<sup>33/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 119.

Article 7

The People's Republic of Kampuchea will settle, by means of negotiations with interested States, all problems concerning the maritime zones and continental shelf in a fair and logical manner on the basis of the mutual respect for sovereignty, independence and territorial integrity.

Article 8

The People's Republic of Kampuchea will negotiate and agree with the Socialist Republic of Viet Nam on the maritime border in the historic waters zone of the two countries fixed in the agreement on the historic waters of the two countries signed on 7 July 1982 in line with the spirit and letter of the Treaty of Peace, Friendship and Cooperation between the two States signed on 18 February 1979.

...



18. CAMEROON

Act No. 74/16 of 5 December 1974 fixing the Limit of the Territorial Waters of the United Republic of Cameroon <sup>34/</sup> <sup>35/</sup>

Article 5 of Ordinance No.62/DF/30 of 31 March 1962 introducing the Cameroon Merchant Shipping Code and Law No.67/LF/25 of 3 November 1967 are hereby repealed and replaced by the following provisions.

Article 5 (revised)

The limit of the territorial waters of the United Republic of Cameroon shall be fixed at a distance of fifty nautical miles from the low-water mark.

In the case of gulfs, bays and roadsteads, decrees shall be made fixing the lines from which that limit shall be reckoned.

Decrees shall also be made fixing the limits of the "contiguous zone" within which fishing and the exploitation of the undersea soil may be reserved for Cameroonian vessels and corporations.

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<sup>34/</sup> United Nations, Legislative Series, ST/LEG/SER.B/19, p. 130 (in French).

<sup>35/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 67.

19. CANADA

Territorial Sea and Fishing Zones Act, 1964,  
as amended in 1970 <sup>36/ 37/ 38/</sup>

Short title

1. This Act may be cited as the Territorial Sea and Fishing Zones Act.

Applies to Acts of Parliament, regulations, etc.

2. Every provision of this Act extends and applies to every Act of the Parliament of Canada, now or thereafter passed, and to every order, rule or regulation thereunder, except in so far as any such provision is inconsistent with the intent or object of such Act, order, rule or regulation, or would give to any word, expression or clause thereof an interpretation repugnant to the subject-matter or the context or is, in any such Act, order, rule or regulation, declared not applicable thereto.

Territorial sea

3. (1)\* Subject to any exceptions under section 5, the territorial sea of Canada comprises those areas of the sea having, as their inner limits, the baselines described in section 5 and, as their outer limits, lines measured seaward and equidistant from such baselines so that each point of the outer limit line of the territorial sea is distant twelve nautical miles from the nearest point of the baseline.

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Lists of geographical coordinates

5. (1)\* The Governor in Council may, by order in council, issue one or more lists of geographical coordinates of points from which baselines may be determined and may, as he deems necessary, amend such lists.

Baselines where coordinates listed

(2)\* In respect of any area for which geographical coordinates of points have been listed in a list issued pursuant to subsection (1) and subject to any exceptions in the list for the use of the low-water line along the coast as the baseline between given points and the use of the low-water lines of low tide elevations situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the coast, baselines are straight lines joining the consecutive geographical coordinates of points so listed.

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<sup>36/</sup> This text is a consolidation of the 1964 Act with certain provisions as amended by the 1970 Act, prepared by the Division for Ocean Affairs and the Law of the Sea. Provisions of the 1964 Act that have been newly written by the 1970 Act are indicated by an asterisk (\*).

<sup>37/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989, (United Nations publication, Sales No. E.89.V.10), p. 69.

<sup>38/</sup> Communicated by the Permanent Mission of Canada to the United Nations.

Baselines in other areas

(3) In respect of any other area and until such time as geographical coordinates of points have, for such other area, been listed in a list issued pursuant to subsection (1), baselines remain those applicable immediately before the 23rd day of July 1964.

Substitution of outer limits in certain cases

(4)\* Where, in his opinion, a portion of the territorial sea of Canada determined in accordance with subsection 3(1) would conflict with the territorial sea or the fishing zones of a country other than Canada or would be unreasonably close to the coast of a country other than Canada, the Governor in Council may, by order, issue a list of geographical coordinates of points from which, in respect of the portion of the territorial sea of Canada designated in the list, an outer limit line may be determined in substitution for the territorial sea outer limit line described in subsection 3(1) and such outer limit shall thereupon be substituted.

Low-tide elevations

(5)\* For the purposes of this section, low-tide elevations are naturally formed areas of land that are surrounded by and above water at low tide but submerged at high tide.

Issue of charts

6. The Minister of Energy, Mines and Resources may cause charts to be issued delineating the territorial sea of Canada and the fishing zones of Canada or of any portions thereof as may be delineated consistent with the nature and scale of the chart.

20. CAPE VERDE

Law No. 60/IV/92 delimiting the maritime areas of the Republic of Cape Verde, 10 December 1992 <sup>39/</sup>

...

CHAPTER III  
Territorial sea

Article 7

The territorial sea of Cape Verde shall have a breadth of 12 nautical miles, measured from the baselines defined in article 24.

Article 8

In the territorial sea, the Republic of Cape Verde shall exercise sovereignty over:

- (a) The mass of water;
- (b) The superjacent airspace;
- (c) The corresponding bed, soil and subsoil;
- (d) The living and non-living resources.

Article 9

Foreign ships shall enjoy the right of innocent passage through the territorial sea under the terms of, and in compliance with, the pertinent regulations.

CHAPTER IV  
Contiguous zone

Article 10

The Republic of Cape Verde shall establish a zone contiguous to the territorial sea whose external limit shall be 24 nautical miles measured from the baselines referred to in article 24.

Article 11

In its contiguous zone the Republic of Cape Verde shall exercise the control necessary to prevent and punish infringements committed in its territory, internal waters, archipelagic waters and territorial sea, to its customs, fiscal, health and emigration laws and regulations.

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<sup>39/</sup> Text transmitted by the Permanent Mission of Cape Verde to the United Nations in a note verbale dated 20 May 1994.

CHAPTER VII  
General provisions

Article 21

The laying, maintenance or repair of submarine pipelines or cables by third States in the maritime areas defined in article 1 may be carried out only with the prior authorization of the Republic of Cape Verde.

Article 22

In application of this Law, the Government shall prepare special regulations with regard to:

- (a) Protection of the marine environment;
- (b) Artificial installations;
- (c) Submarine pipelines and cables;
- (d) Archaeological and historical objects;
- (e) Scientific marine research;
- (f) Sea lanes in the archipelagic waters;
- (g) Drilling on the continental shelf;
- (h) Contiguous zones;
- (i) Exercise of the right of innocent passage by foreign ships in the archipelagic waters and in the territorial sea.

Article 23

The competent national authorities shall make provision for the conservation and sound management of the biological resources of the maritime areas under the jurisdiction of the Republic of Cape Verde.

Article 24

The baseline from which the breadth of the archipelagic waters, the territorial sea, the contiguous zone, the exclusive economic zone and the continental platform are measured shall be made up of straight lines which join the outermost points of the islands and islets, determined by the following coordinates:

Point	Latitude N	Longitude W	Observ.
A-	14° 48' 43.17"	24° 43' 48.85"	I. Brava
C-P1 a Rainha	14° 49' 59.10"	24° 45' 33.11"	I. Brava
C-P1 a Fajã	14° 51' 52.19"	24° 45' 09.19"	I. Brava
D-P1 Vermelharía	16° 29' 10.25"	24° 19' 55.87"	S. Nicolau
E-	16° 36' 37.32"	24° 36' 13.93"	Ilheu Raso
F-P1 a da Peça	16° 54' 25.10"	25° 18' 11.00"	Santo Antao
F-	16° 54' 40.00"	25° 18' 32.00"	Santo Antao
G-P1 a Camarim	16° 55' 32.98"	25° 19' 10.76"	Santo Antao
H-P1 a Preta	17° 02' 28.66"	25° 21' 51.67"	Santo Antao
I-P1 a Mangrade	17° 03' 21.06"	25° 21' 54.44"	Santo Antao
J-P1 a Portinha	17° 05' 33.10"	25° 20' 29.91"	Santo Antao
K-P1 a de Sol	17° 12' 25.21"	25° 05' 56.15"	Santo Antao
L-P1 a Sinagoga	17° 10' 41.58"	25° 01' 38.24"	Santo Antao
M-Pta Espechim	16° 40' 51.64"	24° 20' 38.79"	S. Nicolau
N-Pta Norte	16° 51' 21.13"	22° 55' 40.74"	Sal
O-Pta Casaca	16° 50' 01.69"	22° 53' 50.14"	Sal
P-Ilheu Cascalho	16° 11' 31.04"	22° 40' 52.44"	I. Boavista
P1-Ilheu Baluarte	16° 09' 05.00"	22° 39' 45.00"	I. Boavista
Q-Pta do Roque	16° 05' 09.83"	22° 40' 26.05"	I. Boavista
R-Pta Flamengas	15° 10' 03.89"	23° 05' 47.90"	I. Maio
S-	15° 09' 02.21"	23° 06' 24.98"	I. Maio
T-	14° 54' 10.78"	23° 29' 36.09"	Santiago
U-D. Maria Pia	14° 53' 50.00"	23° 30' 54.50"	Santiago
V-Pta Pesqueiro	14° 48' 52.32"	24° 22' 43.30"	I. do Fogo
X-Pta Nho Martinho	14° 48' 25.59"	24° 42' 34.92"	I. Brava
Y=A	14° 48' 43.17"	24° 43' 48.85"	I. Brava

Article 25

Marine scientific research by foreign entities in the maritime areas of the Republic of Cape Verde shall be permitted under the terms and conditions defined in the law and regulations on the subject.

Article 26

Without prejudice to the provisions of this Law, all the activities by foreign entities or ships in the maritime areas subject to the sovereignty or jurisdiction of the Republic of Cape Verde shall respect the principle of the peaceful uses of the oceans.

Article 27

Any activities which cause pollution or harm the marine environment, or are prejudicial to the resources in the national maritime areas or to the economic interests of the Republic of Cape Verde, shall be prohibited.

Article 28

Without prejudice to the rights of identifiable owners and the norms of salvage or other norms of maritime law, and to practices in the field of intercultural exchanges, the location, exploration and recovery of any object of an archaeological and historical character, as well as treasures existing in the maritime areas of the Republic of Cape Verde as defined in article 1, by any entity, whether national or foreign, shall require the express authorization of the competent national authorities.

21. CHILE

Law No. 18,565 amending the Civil Code with regard  
to maritime space, 13 October 1986 <sup>40/</sup> <sup>41/</sup>

Article 1

The Civil Code is amended as follows:

1. Article 593 is replaced by the following:

"Article 593. - The adjacent sea up to a distance of 12 nautical miles measured from the respective baselines shall constitute the territorial sea and property of the nation. For purposes relating to the prevention and punishment of violations of its customs, tax, immigration and health laws and regulations, however, the State shall have jurisdiction over the maritime space referred to as the contiguous zone, which shall extend up to a distance of 24 nautical miles, measured in the same manner.

"The waters situated within the baselines of the territorial sea shall be part of the State's internal waters."

2. Insert the following as article 596:

"Article 596. - The adjacent sea extending up to 200 nautical miles from the baselines from which the breadth of the territorial sea is measured and beyond the latter shall be designated the exclusive economic zone. In that zone, the State shall have sovereign rights for the purpose of exploring, exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed, and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone.

"The State shall have exclusive sovereign rights over the continental shelf for the purpose of conserving, exploring and exploiting its natural resources.

"Moreover, the State shall have all other jurisdiction and rights provided for in international law with regard to the exclusive economic zone and the continental shelf."

3. Replace article 611 by the following:

"Article 611. - Marine hunting and fishing shall be governed by the provisions of this Code and, in the first instance, by the special legislation in effect for the purpose."

Article 2

The maritime boundaries referred to in articles 593 and 596 of the Civil Code shall not affect existing maritime limits.

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<sup>40/</sup> Law of the Sea Bulletin No. 9 (Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations), p. 1.

<sup>41/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 101.



22. CHINA

Law on the Territorial Sea, Contiguous Zone  
of 25 February 1992 <sup>42/ 43/</sup>

Article 1

This law is formulated in order to enable the People's Republic of China to exercise its sovereignty over its territorial sea and its rights to exercise control over its contiguous zone, and to safeguard State security as well as its maritime rights and interests.

Article 2

The territorial sea of the People's Republic of China refers to the waters adjacent to its territorial land.

The territorial land of the People's Republic of China includes the mainland, and its offshore islands, Taiwan, Province of China, and the various affiliated islands, including Diaoyu Island, Penghu Islands, Xisha Islands, Nansha (Spratly) Islands, and other islands that belong to the People's Republic of China.

The internal waters of the People's Republic of China refer to the waters along the baseline of the territorial sea facing the land.

Article 3

The extent of the territorial sea of the People's Republic of China measures 12 nautical miles from the baseline of the territorial sea. The baseline of the territorial sea of the People's Republic of China is designated with the method of straight baselines, formed by joining the various base points with straight lines.

The outer limit of the territorial sea of the People's Republic of China refers to the line, every point is at a distance of 12 nautical miles from the nearest point of the baseline of the territorial sea.

Article 4

The contiguous zone of the People's Republic of China refers to the waters that are outside of, but adjacent to, its territorial sea. The extent of the contiguous zone has a width of 12 nautical miles.

The outer limit of the contiguous zone of the People's Republic of China is a line, every point of which has a nearest distance of 24 nautical miles from the baseline from which the territorial sea is measured.

Article 5

The People's Republic of China exercises sovereignty over its territorial sea and the airspace over the territorial sea, as well as its seabed and subsoil.

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<sup>42/</sup> International Affairs, FBIS-CHI-92-040, 28 February 1992.

<sup>43/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 104.

Article 6

Non-military foreign ships enjoy the right of innocent passage through the territorial sea of the People's Republic of China according to law.

To enter the territorial sea of the People's Republic of China, foreign military ships must obtain permission from the Government of the People's Republic of China.

Article 7

While passing through the territorial sea of the People's Republic of China, foreign submarines and other underwater vehicles shall navigate on the surface of the sea and show their flags.

Article 8

While passing through the territorial sea of the People's Republic of China, foreign ships shall abide by the laws and regulations of the People's Republic of China and shall not cause prejudice to the peace, security and good order of the People's Republic of China.

Foreign nuclear-powered ships and other ships carrying nuclear, toxic or other dangerous substances must carry certain documents and observe special precautionary measures when they pass through the territorial sea of the People's Republic of China.

The Government of the People's Republic of China has the right to adopt all necessary measures to prevent and stop the passage of a ship which is not innocent through its territorial sea.

Foreign ships which violate the laws and regulations of the People's Republic of China shall be dealt with according to law by relevant departments of the People's Republic of China.

Article 9

To ensure the safety of navigation and satisfy other requirements, the Government of the People's Republic of China may require foreign ships passing through its territorial sea to use the designated lane or prescribed traffic separation scheme. Concrete methods should be issued by the Government of the People's Republic of China or its relevant responsible departments.

Article 10

The relevant responsible organs of the People's Republic of China shall have the right to order an immediate eviction of foreign military ships or ships owned by foreign Governments and operated for non-commercial purposes that violate the laws or regulations of the People's Republic of China while passing through the territorial sea of the People's Republic of China. Losses or damage caused shall be borne by the nation whose flag is being flown by the ship in question.

Article 11

Any international, foreign organization, or individual who intends to conduct activities connected with scientific research or marine survey shall first seek the consent of the People's Republic of China or its relevant responsible departments and abide by the laws and regulations of the People's Republic of China.

Whoever is found illegally entering the territorial sea of the People's Republic of China to conduct activities connected with scientific research or marine survey in violation of the preceding provisions shall be handled by the relevant organs of the People's Republic of China according to law.

Article 12

Foreign aircraft may not enter the air above the territorial sea of the People's Republic of China unless they do so in accordance with agreements or accords which the Governments of their countries have signed with the Government of the People's Republic of China, or they have been approved or accepted by the Government of the People's Republic of China or organs it has authorized.

Article 13

The People's Republic of China has the authority to exercise powers within its contiguous zone for the purpose of preventing or punishing infringement of its security, customs, fiscal sanitary laws and regulations or entry-exit control within its land territories, internal waters, or territorial sea.

Article 14

When competent authorities of the People's Republic of China have good reason to believe that a foreign ship has violated the laws and regulations of the People's Republic of China, they may exercise the right of hot pursuit.

The hot pursuit commences when the foreign ship, or one of its small boats or other craft working as a team and using the ship pursued as a mother ship is within the limits of the internal waters, territorial sea or contiguous zone of the People's Republic of China.

If the foreign ships are in the contiguous zone of the People's Republic of China, the hot pursuit may proceed only when the rights of the relevant laws and regulations set forth in article 13 above have been violated.

As long as the hot pursuit is not interrupted, it may continue outside the territorial sea of the People's Republic of China or the contiguous zone. The hot pursuit ceases as soon as the ship pursued enters the territorial sea of its own country or of a third country.

The right of hot pursuit in this article is exercised by warships or military aircraft of the People's Republic of China, or by ships or aircraft authorized by the Government of the People's Republic of China to that effect.

Article 15

The baseline of the territorial sea of the People's Republic of China shall be established by the Government of the People's Republic of China.

...

23. COLOMBIA

Act No. 10 of 1978, of 25 July 1978 <sup>44/</sup> <sup>45/</sup>

...

Article 1

The territorial sea of the Colombian nation, over which the latter exercises full sovereignty, shall extend beyond its mainland and island territory and internal waters to a distance of 12 nautical miles or 22 kilometres, 224 metres.

National sovereignty shall also extend to the space over the territorial sea as well as to its bed and subsoil.

Article 2

Ships of all States shall enjoy the right of innocent passage through the territorial sea, in accordance with the rules of international law.

Article 3

The outer limit of the territorial sea shall be constituted by a line every point of which is 12 nautical miles from the nearest point of the baseline referred to in the next article.

Article 4

The normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast. In localities where the coast is deeply indented or cut into, or if there is a fringe of islands along the coast in its immediate vicinity, measurements shall be made from straight baselines joining appropriate points. Waters on the landward side of the baselines shall be considered as internal waters.

Article 5

In the case of gulfs and bays whose natural entrance points are separated by no more than 24 miles, the territorial sea shall be measured from a line of demarcation joining the natural entrance points. The waters enclosed thereby shall be considered as internal waters.

If the mouth of the gulf or bay exceeds 24 miles in width, a straight baseline of that length may be drawn within it in such a manner as to enclose the maximum area of water possible.

Article 6

In the case of rivers which flow directly into the sea, the baseline shall be a straight line across the mouth of the river between points on the low-tide line of its banks.

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<sup>44/</sup> United Nations, Legislative Series, ST/LEG/SER.B/19, p. 14.

<sup>45/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication Sales No. E.89.V.10), p. 107.

24. COMOROS

Law No. 82-005 of 6 May 1982 <sup>46/</sup>

SECTION I

THE LEGAL STATUS OF THE ARCHIPELAGIC WATERS OF THE COMOROS,  
OF THE AIRSPACE OVER THE ARCHIPELAGIC WATERS  
AND OF THEIR BED AND SUBSOIL

Article 1

The sovereignty of the Comorian State extends to the waters enclosed by the baselines, described as archipelagic waters, regardless of their depth or distance from the coast.

The Comorian State extends its sovereignty to the airspace over the archipelagic waters, as well as to their bed and subsoil, and the resources contained therein.

Article 2

The right of innocent passage through the archipelagic waters of the Comoros must be respected. The Comoros may, however, suspend temporarily in its waters the right of innocent passage if such suspension is essential for the protection of its security.

SECTION II

THE LEGAL STATUS OF THE TERRITORIAL SEA OF THE COMOROS

Article 3

Limit of the territorial sea of the Comoros

The Comoros limits its territorial sea to 12 nautical miles measured from baselines. The inner limit of the territorial sea is a line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea.

Article 4

Rights, jurisdiction and duties of the Comoros  
in the territorial sea

The sovereignty of the Comoros extends, beyond its land territory and internal or archipelagic waters, to an adjacent belt of sea, described as the territorial sea.

This sovereignty extends to the airspace over the territorial sea as well as to its bed and subsoil.

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<sup>46/</sup> Text transmitted by the Permanent Mission of the Comoros to the United Nations in a note verbale dated 23 November 1984.

Article 5

Right of innocent passage in the territorial sea

Ships of all States, whether coastal or land-locked, shall enjoy the right of innocent passage through the territorial sea of the Comoros, which means that passage shall be continuous and expeditious and not prejudicial to the peace and good order or the security of the Comoros. The right of innocent passage may be regulated or suspended by decree in accordance with international law. In the territorial waters of the Comoros, submarines must remain on the surface and show their flag.

...

Article 10

Violations of the provisions of this Law and of the provisions of regulations to give it effect shall be punishable by a fine of between 10 million and 80 million CFA francs and/or temporary seizure of the vessel.

...

25. CONGO

Ordinance No. 049/77 of 20 December amending article 2 of  
Ordinance 26/71 of 18 October 1971<sup>47/</sup>

Article 1

The present Ordinance amends article 2 of Ordinance No. 26/71 of 18 October 1971 on the territorial sea, marine pollution, the exercise of maritime fisheries and the exploitation of the products of the sea.

Article 2

The sovereignty of the People's Republic of the Congo extends beyond its territory to a distance of two hundred nautical miles measured from the low-water line along the coast.

This sovereignty extends to the airspace above the territorial sea as well as to the seabed and subsoil of that sea.

...

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<sup>47/</sup> British Institute of International and Comparative Law, New Directions in the Law of the Sea, vol. VII (Dobbs Ferry, N.Y., Oceana Publications, 1980), p. 21.

26. COOK ISLANDS

Act No. 16 of 1977, of 14 November 1977 <sup>48/</sup>

Short title and commencement

1. (1) This Act may be cited as the Territorial Sea and Exclusive Economic Zone Act 1977.

(2) Section 25 of this Act shall come into force on the passing of this Act.

(3) Except as provided in subsection (2) of this section, the provisions of this Act shall come into force on a date to be appointed by the High Commissioner by Order in Executive Council.

(4) For the purposes of subsection (3) of this section one or more Orders in Executive Council may be made:

(a) Bringing different provisions of this Act into force on different dates; and

(b) Bringing provisions of this Act into force on different dates in respect of specified parts of the Cook Islands.

Interpretation

2. (1) In this Act, unless the context otherwise requires:

...

"island" means a naturally formed area of land that is surrounded by and above water at mean high-water spring tides;

...

"low-water mark" has the meaning assigned to that expression by section 27 of this Act;

"low-tide elevation" means a naturally formed area of land that is surrounded by and above water at mean low-water spring tides but is submerged at mean high-water spring tides;

...

"median line" as between the Cook Islands and any other country means a line every point of which is equidistant from the nearest points of the baselines of the territorial sea of the Cook Islands and the corresponding baseline of that other country;

"Minister" means the Minister responsible for Fisheries;

"nautical mile" means the international nautical mile;

...

"prescribed" means prescribed by regulations made under this Act;

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<sup>48/</sup> British Institute of International and Comparative Law, New Directions in the Law of the Sea, vol. VII (Dobbs Ferry, N.Y., Oceana Publications, 1980), p. 21.



...

(2) For the purposes of this Act, permanent harbour works that form an integral part of a harbour system shall be treated as forming part of the coast.

PART I  
THE TERRITORIAL SEA OF THE COOK ISLANDS

The territorial sea

3. The territorial sea of the Cook Islands comprises those areas of the sea having, as their inner limits, the baseline described in section 5 of this Act and, as their outer limits, a line measured seaward from that baseline, every point of which is distant 12 nautical miles from the nearest point in the baseline.

...

Baseline of territorial sea

5. The baseline from which the breadth of the territorial sea of the Cook Islands is measured shall be:

- (a) In the case where there is a coral reef surrounding any island or any part of any island, the mean low-water mark along the outer edge of the coral reef;
- (b) In the case where the island or any part of the island is not surrounded by a coral reef, the mean low-water mark along the coast of the island;
- (c) In the case of the sea adjacent to any harbour, a straight line joining the low-water marks of the natural entrance points of the harbour.

Bed of territorial sea and internal waters vested in Crown

6. Subject to the grant of any estate or interest therein (whether by or pursuant to the provisions of any enactment or otherwise, and whether made before or after the commencement of this Act), the seabed and subsoil of submarine areas bounded on the landward side by the low-water mark along the coast of all islands of the Cook Islands and on the seaward side by the outer limits of the territorial sea of the Cook Islands shall be deemed to be and always to have been vested in the Crown.

Regulations in territorial sea

7. Where no other provision is for the time being made by any other enactment for any such purposes, the High Commissioner may from time to time, by Order in Executive Council, make regulations not inconsistent with any other enactment for all or any of the following purposes:

- (a) Regulating the conduct of scientific research within the territorial sea;
- (b) Prescribing measures for the protection and preservation of the marine environment of the territorial sea;
- (c) Regulating the construction, operation and use of artificial islands (whether permanent or temporary), and other installations and structures in the territorial sea, including the establishment of safety zones around such islands, installations and structures;

- (d) Regulating the exploration and exploitation of the territorial sea for the production of energy from the water, current and winds, and for any other economic purposes;
- (e) Providing for such other matters as are necessary or expedient for giving full effect to the sovereignty exercised by the Cook Islands in relation to the territorial sea;
- (f) Providing that a breach of any such regulations shall be a criminal offence, and imposing penalties by way of fines not exceeding \$10,000 for any such offences;
- (g) Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Part of this Act and for its due administration.

...

PART III  
MISCELLANEOUS PROVISIONS

...

Official charts

27. (1) For the purposes of this Act, the low-water mark in any specified area shall be the line of low water at mean low-water spring tides as depicted on the largest-scale New Zealand Government nautical chart for the time being of that area, or, where no such chart of that area exists, the largest-scale British Admiralty chart for the time being of that area.

(2) In any proceedings in any Court, a certificate purporting to be signed by an officer of the New Zealand Naval Forces authorized by the Secretary of Defence of the New Zealand Government or a Deputy Secretary of Defence of that Government that:

- (a) Any specified New Zealand Government nautical chart of any area is the largest-scale New Zealand Government nautical chart for the time being of that area; or
- (b) No New Zealand Government nautical chart for any area exists and that any specific British Admiralty chart of that area is the largest-scale British Admiralty chart for the time being of that area,

shall be admissible as evidence of the matters stated in the certificate. Every person signing any such certificate shall, in the absence of proof to the contrary, be presumed to be duly authorized to sign it.

...

27. COSTA RICA

1. Decree No. 5699 of 20 May 1975, which amends article 6 of the Constitution <sup>49/</sup>

Sole Article

Article 6 of the Constitution is hereby amended to read as follows:

Article 6. The State exercises complete and exclusive sovereignty over the airspace above its territory, its territorial waters for a distance of 12 miles from the low-water line along its coasts, its continental shelf and its insular sill, in accordance with the principles of international law.

Furthermore, it exercises special jurisdiction over the seas adjacent to its territory for an extent of 200 miles from the aforesaid line, in order to protect, conserve and utilize on an exclusive basis all natural resources and riches existing in the waters, soil and subsoil of those zones, in conformity with the aforesaid principles.

2. Decree No. 2303 of 10 February 1972 <sup>50/</sup>

...

Article 3

This Declaration does not affect the right of innocent passage for vessels of all nations in accordance with the rules of international law.

...

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<sup>49/</sup> British Institute of International and Comparative Law, New Directions in the Law of the Sea, vol. VII (Dobbs Ferry, N.Y. Oceana Publications, 1980), p. 374.

<sup>50/</sup> A. Szekely, Latin America and the Development of the Law of the Sea, (Dobbs Ferry, N.Y., Oceana Publications, 1986), vol. II, p. 27.

28. COTE D'IVOIRE

1. Law No. 77-926 of 17 November 1977 delimiting the maritime zones placed under the national jurisdiction of the Republic of Ivory Coast <sup>51/</sup>

TITLE I  
THE TERRITORIAL SEA

Article 1

The outer limit of the territorial sea of the Republic of Ivory Coast is established at a distance of 12 nautical miles from the lowest water mark.

As concerns gulfs, bays, roadsteads, estuaries and in general all cases in which the coast is deeply indented, decrees shall determine the straight baselines from which that breadth is measured.

...

Article 5

Articles 129 and 130 of Law No. 61-349 of 9 November 1961, establishing the Merchant Marine Code to restrict fishing in territorial waters to Ivoirian vessels and, subject to reciprocity, to vessels of other States of equivalent recognized law, shall be applicable to the zone delimited in article 2 above. *[Exclusive Economic Zone of 200 miles.]*

Maritime fishing violations committed in such zone shall be punished in accordance with the provisions of the aforesaid Law of 9 November 1961, specifically articles 126-130 and 212-225. However, only the fines stipulated in the said articles may be imposed.

...

TITLE III  
MISCELLANEOUS PROVISIONS

Article 8

With respect to adjoining coastal States, the territorial sea and zone referred to in article 2 of this Law shall be delimited by agreement in conformity with equitable principles and using, if necessary, the median line or the equidistance line, taking all pertinent factors into account.

...

2. Law No. 61-349 of 9 November 1961 <sup>52/</sup>

Article 129

Within the territorial waters, fishing is reserved to the nationals of the Ivory Coast and, subject to reciprocity, to the vessels of other States which grant the same rights.

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<sup>51/</sup> British Institute of International and Comparative Law, New Directions in the Law of the Sea, vol. VIII (Dobbs Ferry, N.Y., Oceana Publications, 1980), p. 409.

<sup>52/</sup> Regional Compendium of Fisheries Legislation - West Africa (CECAF Region) (Rome, Food and Agriculture Organization of the United Nations, 1983), p. 111.

...

Article 130

The aforementioned provisions will not hamper the freedom of navigation of foreign fishing vessels sailing or anchoring in the reserved fishing zone of the Ivory Coast territorial waters.

A Decree from the Minister will determine the special rules of police to which, whenever the case arises, the fishing vessels will have to abide.

29. CUBA

Decree-Law No. 1 of 24 February 1977 concerning the breadth  
of the territorial sea of the Republic of Cuba <sup>53/</sup>

Article 1

The territorial sea of the Republic of Cuba shall have a breadth of 12 nautical miles measured from the baseline determined in the present Legislative Decree, and its outer limit shall consist of a line every point of which is at an equal distance of 12 nautical miles from the closest point of the baseline.

Article 2

The baseline from which the breadth of the territorial sea of the Republic of Cuba is measured shall consist of the straight lines joining the outermost points of the coast, islands, islets, keys and drying reefs surrounding it, and determined on the basis of the following geographical coordinates: ... <sup>54/</sup>

...

Article 4

The sovereignty which the socialist Cuban State exercises over the entire national territory, consisting of the Island of Cuba, the Isle of Pines, the other adjacent islands and keys, the internal waters, the territorial sea and the airspace over them and the subsoil of the land areas shall extend to the bed and subsoil of the aquatic territory consisting of the internal waters and the territorial sea and to all the natural resources whether living or non-living, in all the aforementioned areas, subject to the sovereignty of the Cuban State.

Article 5

The Republic of Cuba, without prejudice to the provisions of the preceding articles and in accordance with the principles of international law, shall respect the freedoms of navigation and overflight as regards straits or channels used for international navigation.

Article 6

Article 7, paragraph D, of the Code of Social Defence shall be amended to read as follows:

"D. For the purposes of this Code, the sea surrounding the coasts of the Republic up to a distance of twelve nautical miles, measured from the baseline consisting of the straight lines joining the outermost points of the coast, islands, islets, keys and drying reefs surrounding it, and whose geographical coordinates are determined by law, shall be considered territorial".

...

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<sup>53/</sup> United Nations, Legislative Series, ST/LEG/SER.B/19, p.16.

<sup>54/</sup> New coordinates, issued in a certification of 6 November 1985, can be found in: The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 112. Text transmitted by the Permanent Mission of Cuba to the United Nations in a note verbale dated 13 November 1985.

30. CYPRUS

The Territorial Sea Law, No. 5 of 1964 <sup>55/</sup>

...

Interpretation

2. In this Law, unless the context otherwise requires:

"territorial sea" means such part of the sea touching upon the shore of the Republic as is considered part of its territory as is subject to the sovereignty of the Republic.

Breadth of the territorial sea

3. Notwithstanding the provisions of any other Law, the territorial sea of the Republic extends to a distance of twelve miles from the shore of the Republic measured from the low-water mark.

...

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<sup>55/</sup> United Nations, Legislative Series, ST/LEG/SER.B/15, p. 62.

31. DENMARK

1. Order No. 191 of 27 May 1963 on the Delimitation of the Territorial Sea of Greenland <sup>56/</sup>

Article 1

(1) The territorial waters of Greenland shall consist of the internal waters and the territorial sea.

(2) The territorial sea shall comprise those areas of the sea which to landward are bounded by the lines specified in article 2 and to seaward by lines drawn in such a manner that the distance from every point on these lines to the nearest point on the inner boundary line is 3 nautical miles (5,556 metres).

...

Article 2

The lines which, in accordance with article 1, are taken as a basis for the delimitation of the territorial sea and the inland waters shall consist of the coastline (low-water mark at mean spring tide) or of straight lines between the following points: <sup>57/</sup>

...

2. Order No. 437 of 21 December 1966 on the Delimitation of the Territorial Sea <sup>58/</sup>

The delimitation of the territorial waters which consist of the territorial sea and the internal waters shall be governed by the following rules:

Article 1

(1) The territorial sea comprises those areas of the sea which, on the inner side, are delimited by the lines referred to in article 4 and which, on the outer side, are delimited by lines drawn in such a manner that the distance from every point on these lines to the nearest point on the inner borderline shall be 3 nautical miles (5,556 metres).

(2) The outer delimitation of the Danish Customs area and the Danish fishing territory is governed by special rules laid down by law.

(3) As far as the waters bordering upon Sweden and Germany are concerned, the outer limit of the territorial sea shall not go beyond the lines delimiting the internal waters and the territorial sea established by Declaration of 30 January 1932 between Denmark and Sweden concerning the delimitation of the Sound, cf. Executive Order No. 41 of 22 February 1932 concerning the frontier between Denmark and Germany.

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<sup>56/</sup> "Baselines: National Legislation with Illustrative Maps" (United Nations publication, Sales No. E.89.V.10), p. 134.

<sup>57/</sup> For coordinates, see footnote 58.

<sup>58/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, (United Nations publication, Sales No. E.89.V.10), p. 122. Co-ordinates of points No. 8, 9, 10, 12, 13, 37, 38 and 39 have been modified by Law of 19 April 1978.



Article 2

The internal waters comprise those areas of the sea, such as harbours, harbour entrances, roadsteads, bays, fiords, sounds and belts, which are situated outside the lines referred to in article 4.

Article 3

The provisions of article 2, cf. article 4, shall involve no restrictions in the existing right of passage for foreign vessels through those parts of the internal waters in the Samsø Belt, the Little Belt, the Great Belt and the Sound, which are normally used for such passage.

Article 4

The lines to be used for delimitation of the territorial sea in pursuance of article 1 shall be those specified below and in the appended map of the coastline (low-water mark at mean spring tide) or straight lines between the following points: ... <sup>59/</sup>

3. Ordinance No. 599 of 21 December 1976 on the Delimitation of the Territorial Sea around the Faroe Islands <sup>60/</sup>

Article 1

(1) The territorial sea of the Faroe Islands shall consist of external and internal territorial waters.

(2) The breadth of the external territorial sea shall extend from the parts of the sea which are limited internally by the baselines set out in section 2 and externally by a line every point of which is at a distance of 3 nautical miles from the respective baselines.

(3) The internal territorial sea shall consist of waters areas such as harbours, harbour entrances, roadsteads, bays, fjords, sounds and belts which are situated within the baselines set out in section 2.

Article 2

The straight baselines from which, pursuant to section 1, the breadth of the external territorial sea shall be determined shall be drawn between the following points (low-water mark at mean spring tide) in the sequence stated below: <sup>61/</sup>

...

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<sup>59/</sup> For coordinates, see footnote 56.

<sup>60/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, (United Nations publication, Sales No. E.89.V.10), p. 131.

<sup>61/</sup> For coordinates, see footnote 58.

4. Customs Act No. 519 of 13 December 1972 <sup>62/</sup>

CHAPTER I  
THE CUSTOMS TERRITORY

Article 1

1. The Customs territory shall comprise the land area of Denmark, the inner territorial waters and the outer territorial sea within a distance of four nautical miles (7,408 metres) from the coastline or from such straight baselines as are or may be established, as well as the airspace over the territory thus defined.

2. The Customs territory shall not include the Faroe Islands or Greenland.

...

CHAPTER VIII  
CUSTOMS INSPECTION AND CUSTOMS CLEARANCE

Article 71

1. Ships and aircraft within the Customs territory and other means of transport operating between the Customs territory and points abroad, as well as means of transport carrying uncleared goods, shall be subject to inspection by the Customs. The Customs shall have the right to undertake everywhere in the said means of transport such searches as are necessary for carrying out the inspection.

2. Ships under way shall stop at the request of the Customs.

3. Aircraft arriving in or departing from the Customs territory may land [at] and take off from only those airports which are approved by the Customs (Customs airports). The Minister of Finance may dispense specific categories of aircraft from this requirement in accordance with conditions laid down in detail.

4. The operators of means of transport shall be obliged to provide orally and in writing such information concerning the means of transport, the crew, the passengers, the cargo, etc., as may be necessary for carrying out the inspection and to show and open or uncover all means of access to the cargo, hold and store-rooms.

5. Operators of means of transport shall report to the Customs upon arrival in and before departure from the Customs territory. The Minister of Finance may exempt operators of certain categories of means of transport from this reporting requirement in accordance with conditions laid down in detail.

6. Goods may be unloaded or loaded and passengers disembarked or taken on board only at ports approved by the Customs. The Customs, may, however, when special circumstances so require, allow unloading and loading to take place elsewhere.

7. The Customs shall specify where passengers entering the Customs territory may be disembarked.

...

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<sup>62/</sup> Durante and Rodino, Western Europe and the Development of the Law of the Sea, vol. I (Dobbs Ferry, N.Y., Oceana Publications, 1980), p. 115.

5. Royal Ordinance of 27 February 1976 governing the admission of foreign warships and military aircraft to Danish territory in time of peace <sup>61/</sup>

PART I  
GENERAL PROVISIONS

1. (1) This Ordinance shall apply to the admission of foreign warships and military aircraft to Danish territory when Denmark as well as the State by which the vessel or aircraft is owned are in a state of peace.

(2) Other vessels and aircraft which are owned or used by a foreign State and which are not employed exclusively for commercial purposes shall be equated with foreign warships and military aircraft in the application of the provisions of this Ordinance.

(3) For the purposes of this Ordinance the term "passage" means innocent passage within the meaning of international law.

(4) Where advance permission is required pursuant to this Ordinance, the application for such permission shall be submitted not less than eight days in advance. Where advance notification of passage is required, such notification shall be given not less than three days in advance of the proposed passage.

(5) The Minister of Defence may make exceptions to the provisions of this Ordinance.

2. (1) For the purpose of this Ordinance the term "Danish territory" means Danish land territory and Danish territorial waters and the airspace over these territories.

(2) Danish territorial waters embrace the territorial sea and internal waters as defined in the relevant provisions in force at any given time.

PART II  
WARSHIPS

3. (1) Foreign warships shall enjoy the right of passage through the territorial sea subject to advance notification being given through diplomatic channels; cf., however, subsection (4) below. For the vessels referred to in section 1, subsection (2), notification of passage shall not, however, be required.

(2) Where navigation within the territorial sea takes place in connection with passage of the Great Belt, Samsøe Belt or the Sound, notification shall not be required; cf., however, subsection (4) below.

(3) Foreign warships shall not be allowed during passage to stop or anchor in the territorial sea except where advance permission to do so has been obtained through diplomatic channels or where stopping or anchoring are incidental to ordinary navigation or are rendered necessary by force majeure or by distress.

(4) For simultaneous passage of the territorial sea of more than three warships of the same nationality advance permission, obtained through diplomatic channels, is required. Passage of the Great Belt, Samsøe Belt or the Sound shall

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<sup>61/</sup> Text transmitted by the Ministry of Foreign Affairs of Denmark in a note verbale dated 11 October 1977.

be allowed, however, subject to advance notification through diplomatic channels. Permission or notification, as the case may be, shall not be required for the vessels referred to in section 1, subsection (2).

4. (1) Warships may pass through or stay in internal waters where advance permission for such passage or stay has been obtained through diplomatic channels.

(2) Passage of Hollaenderdybet/Drodgen and passage of the Little Belt and, in connection therewith, the necessary navigation by the shortest route through internal waters between Funen, Endelave and Samsøe shall be allowed, however, subject to advance notification through diplomatic channels.

5. The permissions and notifications referred to in sections 3 and 4 shall not be required for vessels in distress. In the event of distress the vessel shall give international distress signal and notify Danish naval authority - possibly through a Danish coastal radio station.

6. (1) Warships may not without special permission conduct scientific or military activity within Danish territorial waters.

(2) Submarines are required to navigate on the surface while within Danish territorial waters.

(3) Warships shall show their naval or national flag while within Danish territorial waters. In port flags may, however, be used under traditional regulations governing the display of flags.

#### PART 3 MILITARY AIRCRAFT

7. (1) For flights over or landing in Danish territory of military aircraft advance permission, obtained through diplomatic channels, is required. This provision shall not apply to aircraft in distress and aircraft which, with the approval of Danish authorities, are conducting flights for humanitarian purposes.

(2) Permission to overfly or land in Danish territory will be granted only if an ordinary International Civil Aviation Organization (ICAO) flight schedule is submitted prior to the flight to the competent Danish air traffic service organ and if the flight is otherwise carried out in accordance with the guidelines set out by ICAO and the provisions relative to these guidelines laid down by Danish aeronautical authorities.

8. (1) Military aircraft may not without special permission conduct scientific or military activity within Danish territory.

(2) Military aircraft may carry permanent installations of weapons without ammunition and cameras without film or plates. Electronic equipment other than such as is required for navigation of the aircraft may not be used by military aircraft over Danish territory.

32. DJIBOUTI

Law No. 52/AN/78 of 9 January 1979 concerning the territorial sea, contiguous zone, exclusive economic zone, the maritime frontiers and fishing <sup>64/</sup>

Article 1

The present law relates to the delimitation of the territorial waters, the contiguous zone, the exclusive economic zone, the maritime frontiers and fishing.

...

Article 3

The Republic shall exercise its sovereignty over the territorial sea as well as the subjacent seabed, its subsoil and the superjacent airspace.

Article 4

The territorial sea extends 12 nautical miles from the baselines. The baselines used to measure the breadth of the territorial sea are the low-water line as well as the straight baselines and the closing lines of bays.

The closing lines of bays used to determine the baselines from which the breadth of the territorial waters adjacent to the territory of the Republic are measured are, for the Gulf of Tadjourah, the lines joining points A and B and points B and C, defined as follows:

Point A: Point north of the mouth of Oued Dalley (latitude 11°50'40" N, longitude 43°05'10" E);

Point B: Lighthouse of Musha Island (latitude 11°43'90" N, longitude 43°12'80" E);

Point C: Point south of the Oued Aatar (latitude 11°30'20" N, longitude 43°15'50" E).

Article 5

Foreign ships shall enjoy the right of innocent passage through the waters of the territorial sea of the Republic. Passage shall be considered innocent when it is not prejudicial to the security, territorial integrity or independence of the Republic. Passage shall be continuous and expeditious.

Article 6

While in territorial waters, submarines and other underwater vehicles are required to navigate on the surface and to show their flag. Aircraft movements associated with ships as well as exercises involving the firing of weapons are prohibited.

Article 7

Foreign nuclear-powered ships or ships carrying nuclear materials or other radioactive substances shall notify the competent authorities of the Republic prior to their entry into and passage through territorial waters.

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<sup>64/</sup> National Gazette, 9 January 1979.

Article 8

Foreign ships, when exercising the right of innocent passage through the territorial sea, shall comply with all the laws and regulations in force in the Republic, as well as all international regulations relating to maritime transport and navigation.

Article 9

The Republic reserves the right to suspend the right of innocent passage through its territorial sea in certain circumstances and under certain conditions.

Article 10

The outer limit of the contiguous zone shall be determined by points situated 24 nautical miles from the point closest to the baselines mentioned in article 4 of this Law.

Article 11

The authorities of the Republic shall have the right to exercise in the contiguous zone the necessary control in order to:

- (a) Prevent infringements of the fiscal and immigration laws and regulations in the territory of the Republic or in the territorial sea;
- (b) Punish infringements of those laws or regulations committed in the territory of the Republic or in its territorial sea.

...

33. DOMINICA

Territorial Sea, Contiguous Zone, Exclusive Economic  
and Fishery Zones Act, 1981<sup>65/</sup>

Short title

1. This Act may be cited as the Territorial Sea, Contiguous Zone, Exclusive Economic and Fishery Zones Act, 1981.

Interpretation

2. In this Act,

"baseline" means the line from which the breadth of the territorial sea is drawn as determined in accordance with the straight baseline system;

"contiguous zone" means that area of sea contiguous to the territorial sea over which the Commonwealth of Dominica may exercise sovereign rights necessary to prevent infringement of its customs, fiscal, immigration or sanitary regulations within its territory or territorial sea;

...

"innocent passage" means passage of a ship or aircraft which is not prejudicial to the peace, good order and security of the Commonwealth of Dominica;

"passage" means navigation through the territorial sea and the airspace thereof for purposes provided in international law;

"territorial sea" means that area of sea over which the Commonwealth of Dominica exercises sovereignty.

Establishment of the territorial sea

3. The territorial sea of the Commonwealth of Dominica comprises those areas of sea having as their inner limits, the baseline as defined and as their outer limits, a line measured seaward from the baseline, every point of which line extends to a distance of twelve (12) nautical miles from the nearest point of the baseline.

Establishment of the contiguous zone

4. The contiguous zone to the territorial sea of the Commonwealth of Dominica comprises that area of sea which is contiguous to its territorial sea and shall extend twenty-four (24) miles from the baseline from which the breadth of the territorial sea is measured.

...

Jurisdiction in territorial sea

7. In the territorial sea and internal waters the Commonwealth of Dominica shall exercise sovereignty and such sovereignty shall extend to the seabed and sub-soil thereof and to the airspace over such sea.

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<sup>65/</sup> Text communicated by the Permanent Mission of Dominica to the United Nations in a note verbale dated 9 November 1981.

...

Recognition of innocent passage

10. (1) The Commonwealth of Dominica recognizes the right of innocent passage of foreign ships and warships in the territorial sea and the overflight of aircraft in the airspace thereof subject to the principles and provisions of international law.

...

Intention to negotiate maritime boundaries

11. Where the boundary lines of the territorial sea and of the exclusive economic zone of the Commonwealth of Dominica poses of delimitation with the territories and States adjacent or opposite, the Government of the Commonwealth of Dominica shall be ready, able and willing, at appropriate times, to enter into negotiations, on equitable principles, with the States concerned with a view to reaching amicable agreements.

...



34. DOMINICAN REPUBLIC

Act No. 186 of 6 September 1967 on the Territorial Sea, the Contiguous Zone and the Continental Shelf, as amended by Act No. 573 of 1 April 1977, on the Territorial Sea, Contiguous Zone, Exclusive Economic Zone and Continental Shelf <sup>66/ 67/ 68/</sup>

Article 1

The territorial sea of the Dominican Republic shall comprise the sea area adjacent to its coasts, and to the coasts of the islands over which the Dominican Republic exercises sovereignty, and extending from the low-water line or from the straight baselines, as the case may be, to a distance of six miles seawards.

Article 2

The bays of Manzanillo, comprising the coastal area lying between the median line of the mouth of the River Massacre or Dajabón and Punta Manzanillo; Rincón, between Cabo Cabrón and Cabo Samaná; Samaná, between Cabo Samaná and Cabo San Rafael; Yuma, between Punta Espada and Punta Aljibe; Andrés, between Punta Magdalena and Cabo Caucedo; Ocoa, between Punta Salinas and Punta Martín García; Neiba, between Punta Martín García and Punta Averena; and Aguilas, between Cabo Falso and Cabo Rojo, are bays according to the traditional geographical definition of the term, hence the waters lying within the straight lines joining the points which delimit them are internal waters and as such under the full sovereignty of the State.

Paragraph 1. The bay of Santo Domingo, comprising the coastal area between Punto Palenque and Cabo Caucedo, and the bay of Escocesa, between Cabo Francés Viejo and Cabo Cabrón, are declared to be historic bays. Accordingly, the waters lying within the straight baselines passing through the points which delimit them are internal waters and under the full sovereignty of the State.

Paragraph 2. The territorial waters adjacent to the bays of Santo Domingo and Escocesa and other bays and portions of internal waters shall be measured seaward from the straight baselines joining the points which delimit them.

Article 3 \*

There shall be established a contiguous zone supplementary to the territorial sea, known as the "Contiguous Zone" and consisting of a belt of sea adjoining the outer limit of the territorial sea and extending 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.

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<sup>66/</sup> This text is a consolidation of the 1967 Act with certain provisions as amended by the 1977 Act, prepared by the Division for Ocean Affairs and the Law of the Sea. Provisions of the 1967 Act that have been newly written by the 1977 Act are indicated by an asterisk (\*).

<sup>67/</sup> Act No. 186 of 1967: United Nations, Legislative Series, ST/LEG/SER.B/15, p. 76; Act No. 573 of 1977. Text communicated by the Permanent Mission of the Dominican Republic to the United Nations in a note verbale dated 5 May 1977.

<sup>68/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 152.

(1) The Dominican State shall exercise in the Contiguous Zone the control measures necessary to:

(a) Prevent any breaches of its customs, fiscal, immigration and sanitary laws which might be committed in its territory or in its territorial sea;

(b) Punish any breaches of such laws committed in its territory or in its territorial sea.

...

Article 8 \*

The provisions of this Act shall be applied in harmony with the relevant norms of international law and conventions in force on the subject, which shall apply to the exclusive economic zone, in so far as they are not incompatible.

35. ECUADOR

1. Civil Code as amended by Decree No. 256-CLP of 27 February 1970 <sup>69/ 70/</sup>

Article 628

The territorial sea under national jurisdiction shall comprise the adjacent sea to a distance of 200 nautical miles measured from the outermost points of the coast of the Ecuadorian mainland and the outermost points of the outermost islands of the Colón Archipelago and from the low-water mark, using a baseline to be defined by Executive Decree.

The adjacent sea included between the baseline referred to in the preceding paragraph and the low-water line constitutes internal waters under national jurisdiction.

If, under the terms of international treaties dealing with this matter, zones are designed for maritime policing and protection which are broader than those laid down in the foregoing paragraphs, the provisions of such treaties shall prevail.

Zones other than the territorial sea which are to be subject to the regime of freedom of navigation or to innocent passage by foreign vessels shall be defined by Executive Decree.

The seabed of the adjacent sea and the subsoil thereof are also national property.

Article 629

The airspace corresponding to the territory of the State, including the territorial sea as defined in the preceding article, shall also be part of the national domain.

Regulations governing the free air transit zone above the territorial sea shall be made by the Executive.

2. Regulations of 17 February 1973 for the granting of permits to foreign vessels to visit the territorial sea of Ecuador, its coasts or islands for the purpose of tourism or scientific research <sup>71/</sup>

Article 1

Any foreign vessel intending to visit the territorial sea, its coasts or islands for the purpose of tourism or scientific research must obtain the appropriate written authorization from the Ministry of National Defence.

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<sup>69/</sup> United Nations, Legislative Series, ST/LEG/SER.B/19, p. 29.

<sup>70/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 154.

<sup>71/</sup> United Nations, Legislative Series, ST/LEG/SER.B/18, p. 36.

Article 2

In order to obtain the authorization referred to in article 1, the operators, owners or captains of the vessel shall submit a written application, not less than 60 days before the date set for the expedition, either directly to the Ministry of National Defence or through an Ecuadorian embassy abroad, attaching thereto the data, requisite information and documents referred to in the articles below.

Article 3

When the expedition is being undertaken solely for the purpose of tourism, the application referred to in the preceding article shall be accompanied by the following documents and data:

1. Characteristics of the vessel;
2. Itineraries and description of activities to be carried out;
3. Names of national and foreign sponsors of the voyage, with their postal addresses, duly authenticated;
4. Place and date of embarkation and disembarkation;
5. An undertaking that if the Ministry deems necessary, an Ecuadorian tourist guide, to be paid by the Company, will be taken on board at a specified Ecuadorian port;
6. An express undertaking to observe the rules for the preservation of national parks and protected natural species, and to compensate for any damages caused thereto.

Article 4

When the purpose of the expedition is to carry out scientific research, the application shall be accompanied by the following documents and requisite information, in addition to those listed in article 3:

1. A list of the names of the scientific personnel participating;
2. The names of representatives or authorized agents in Ecuador, with their postal addresses, duly authenticated;
3. Details of the research to be carried out in the following fields: oceanography, physics, chemistry, biology, geophysics, meteorology and hydrology;
4. An undertaking to put in at the first Ecuadorian port and to take on board there, at the expense of the expedition, an official or functionary of the Naval Institute of Oceanography;
5. The use to be made of the results of the research;
6. An undertaking to make available through diplomatic channels, the complete results and conclusions of the studies carried out, indicating the date on which the undertaking is to be put into effect;
7. An undertaking to collaborate with Ecuadorian technical personnel in scientific work of interest to the Naval Institute of Oceanography;
8. In specific cases where the vessel is to carry out geophysical research involving underwater seismographic exploration, the granting of

concessions of carboniferous materials shall be the responsibility of the Ministry of National Resources and Tourism, in accordance with the Supreme Decree published in Registro Oficial No. 400 of 31 May 1970. The General Naval Command, through the said Ministry, shall require natural or juridical persons to furnish the following information within six months from the completion of the survey works:

- Method of seismographic exploration used;
- Number of sheet-pilings and sheets;
- Shot recording method used;
- Filter system from initiation to final reproduction of the recordings;
- "Deconvolution" procedure used and manner in which it was carried out, specifying whether it was done before or after "backing up";
- A base map showing the location of shot points;
- Copies of the cross-sections and longitudinal sections of the seismic recordings - showing density or variable, galvanometric or combined areas - duly corrected and processed at appropriate vertical and horizontal scales;
- A copy of the bathymetric chart.

#### Article 5

Following receipt of the application by the Ministry, and subject to the favourable opinion of the General Naval Command and verification that the application contains all the requisite information referred to in article 4, the Ministry shall issue the resolution granting or refusing the authorization.

#### Article 6

If the resolution authorizes the expedition, it shall stipulate the express conditions under which the authorization is granted; if it refuses the authorization, it shall indicate the reasons or the grounds for such refusal.

...

#### Article 8

If the Ministry or the General Naval Command considers, upon examination of the relevant documents, that the expedition is inadvisable or inconsistent with the national interests, the authorization may be postponed or refused without there being any obligation to explain the reasons for such action.

#### Article 9

After the authorization has been granted, if supervening circumstances so necessitate, or if the recipient fails to comply with one or more of the requirements or conditions stipulated for the expedition in the relevant resolution, the Ministry may, by means of a new resolution, cancel the authorization, allowing the captain of the vessel a reasonable period in which to leave the territorial waters.

Article 10

Although an application for the authorization of the expedition may have been submitted through the proper channels, no vessel may enter the territorial waters of Ecuador before the appropriate permit has been obtained.

Article 11

On the commencement of the expedition within Ecuadorian territorial waters, the captain of the vessel shall deliver the authorizing Ministerial Resolution to the official or agent responsible for tourism and shall be provided in return with:

- (a) The orders and provisions of the General Naval Command;
- (b) The provisions of the Naval Institute of Oceanography concerning the tasks to be carried out and verified.

Article 12

Upon completion of the expedition, the captain shall receive the appropriate authorization to sail from the competent Harbour Master.

...

36. EGYPT

Decree concerning the Territorial Waters of the Arab Republic of Egypt of 15 January 1951, as amended by Presidential Decree of 17 February 1958 <sup>72/</sup>

Article 1

For the purposes of this Decree:

- (a) "Nautical mile" means one thousand eight hundred and fifty-two (1852) metres;
- (b) "Bay" means any cove, creek, inlet or arm of the sea;
- (c) "Island" means any isle, reef, rock, bar or a permanent man-made structure not submerged by water at low tide;
- (d) "Shoal/low-tide elevation" means any area of land submerged by shallow water, part of which remains unsubmerged at low tide;
- (e) "Coast" means the coasts of the Mediterranean, the Red Sea, the Gulf of Suez and the Gulf of Aqaba.

Article 2

With due regard to the provisions of international law concerning peaceful passage in the coastal sea of the vessels of other States, the territorial waters of the Arab Republic of Egypt, the airspace above them and the seabed and subsoil thereof shall be subject to the sovereignty of the State.

Article 3

The territorial waters of the Arab Republic of Egypt shall include the inland waters (internal waters) of the Republic and its coastal sea (territorial sea).

...

Article 5

The territorial sea of the Republic extends beyond the internal waters of the Republic to a distance of 12 nautical miles seaward.

Article 6

The baselines from which the territorial sea of the Republic is measured shall be as follows:

- (a) Where the coast or the island shore is entirely open to the sea: lines drawn from the low-water mark along the coast;
- (b) In the case of a bay facing the sea: lines drawn from one end of the land at the entrance of the bay to the other;

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<sup>72/</sup> Text transmitted by the Permanent Mission of the Arab Republic of Egypt to the United Nations in a note verbale dated 6 February 1980.

- (c) Where there is a low-tide elevation at a distance not exceeding 12 nautical miles from the coast or an Egyptian island: lines drawn from the coast or the island along the outer edge of the low-tide elevation;
- (d) In the case of a port or harbour facing the sea: lines drawn along the seaward side of the outermost part installations or roadsteads and lines also drawn between the tips of these installations;
- (e) Where there is an island at a distance not exceeding 12 nautical miles from the coast: lines drawn from the coast on the external shores of the island;
- (f) Where there is a series of islands that can be connected with each other by lines, each of which does not exceed 12 nautical miles in length, and whose nearest island is at a distance not exceeding 12 nautical miles from the coast: lines drawn from the coast along the shore fringes of all islands of the series should these islands assume a range configuration; otherwise the lines will be drawn along the outermost shores of the series;
- (g) Where here is a series of islands that can be connected with each other by lines not exceeding 12 nautical miles each, and whose nearest island is situated at a distance exceeding 12 nautical miles from the coast: lines drawn along the shore fringes of all islands of the series should these islands assume a range configuration; otherwise the lines are drawn along the shore fringes of the furthest seaward islands of the series.

#### Article 7

Where, in measuring the breadth of territorial waters pursuant to the provisions of the present Decree, a space is left which is regarded as part of the high seas, and is surrounded on all sides by the territorial waters, and which may not be extended in any direction to 12 nautical miles, such space shall constitute part of the territorial sea. The same rule shall apply to any clearly distinct pocket of the high sea that can be encompassed by drawing one straight line not exceeding in length 12 nautical miles.

#### Article 8

In the event that the waters of another State intermingle with the internal waters of the Arab Republic of Egypt or with the territorial sea, the boundaries shall be established in agreement with the State concerned and in accordance with the relevant rules of international law or any understanding reached between the two States.

#### Article 9

For the purposes of enforcing security, navigation and other financial and health laws and regulations, the marine jurisdiction shall cover a zone beyond and contiguous to the territorial sea, extending six miles to be added to the 12 miles established from the territorial sea baselines. This rule shall not be applicable to the fishing rights of the Arab Republic of Egypt.

...



37. EL SALVADOR

Political Constitution of 7 September 1950 <sup>23/</sup>

...

Article 7

The territory of the Republic within its present boundaries is irreducible: it includes the adjacent sea within a distance of two hundred marine miles measured from the line of lowest tide, and it embraces the airspace above, the subsoil and the corresponding continental shelf.

The provisions of the preceding section do not affect freedom of navigation in accordance with principles accepted by international law.

The Gulf of Fonseca is an historic bay subject to a special regime.

...

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<sup>23/</sup> United Nations, Legislative Series, ST/LEG/SER.B/6, p. 14.

38. EQUATORIAL GUINEA

Act No. 15/1984 of 12 November 1984 on the Territorial  
Sea and Exclusive Economic Zone of the  
Republic of Equatorial Guinea <sup>24/</sup>

PART I  
The territorial sea

Article 1

The sovereignty of the Republic of Equatorial Guinea extends to the entire national territory consisting, in accordance with the boundaries inherited from the colonial era, of the mainland area of Río Muni and the islands of Bioko, Annobón, Corisco, Elobey Grande, Elobey Chico and adjacent islets, internal waters and the adjacent belt of sea described as the territorial sea.

This sovereignty is exercised, in accordance with international law, over the water column, the seabed and subsoil, the resources of this sea and the superjacent airspace.

Article 2

The breadth of the territorial sea shall be 12 nautical miles measured from the baselines.

Article 3

The baseline for measuring the breadth of the territorial sea is the low-water line along the coast.

Where there are river mouths, bays, ports, islands and other indentations, however, the baselines for measuring the territorial sea shall be the straight baselines set, in accordance with international law, by the Technical Commission established by this Act.

...

Article 5

With regard to coastal States the coastline of which is adjacent to or opposite the coastline of the Republic of Equatorial Guinea, the territorial sea shall not extend beyond a median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of each of the two States, drawn in accordance with international law, is measured.

Article 6

Ships of all States, whether coastal or land-locked, enjoy the right of innocent passage through the territorial sea of the Republic of Equatorial Guinea.

Article 7

Passage is innocent so long as it is not prejudicial to the peace, good order or security of Equatorial Guinea.

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<sup>24/</sup> Law of the Sea Bulletin No. 6 (Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations), p. 19.

Passage of a foreign ship shall be considered to be prejudicial to the peace, good order or security of Equatorial Guinea if in the territorial sea it engages in any of the following activities:

(a) Any threat or use of force against the sovereignty, territorial integrity or political independence of Equatorial Guinea, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;

(b) Any exercise or practice with weapons of any kind;

(c) Any act of propoganda or any act aimed at collecting information to the prejudice of the defence or security of Equatorial Guinea;

(d) The launching, landing or taking on board of any aircraft or military device;

(e) The loading or unloading of any commodity, currency or person contrary to the customs, fiscal, immigration or sanitary laws and regulations of Equatorial Guinea;

(f) Any act of serious international pollution contrary to international law;

(g) The carrying out of any fishing activities, research activities or hydrographic surveys without the corresponding authorization or licence;

(h) Any act aimed at interfering with any systems of communication or any other facilities or installations of Equatorial Guinea;

(i) Any other activity not having a direct bearing on passage.

#### Article 8

In the territorial sea, submarines and any other foreign underwater vehicles are required to navigate on the surface and to show their flag.

#### Article 9

Notwithstanding the provisions of article 6 of this Act, foreign ships, by the mere fact of exercising the right of innocent passage through the territorial sea, shall have to comply with any laws and regulations relating to innocent passage enacted by Equatorial Guinea in respect of all or any of the following:

(a) The safety of navigation and the regulation of maritime traffic;

(b) The protection of navigational aids and other facilities or installations;

(c) The protection of cables and pipelines;

(d) The conservation of the living resources of the sea;

(e) The prevention of infringement of fisheries laws and regulations;

(f) The preservation of the environment and the prevention, reduction and control of pollution thereof;

(g) Marine scientific research and hydrographic surveys;

(h) The prevention of infringement of customs, fiscal, immigration and sanitary laws and regulations.

...

Additional provisions

1. There is hereby established a Technical Commission consisting of representatives of the Ministries of Foreign Affairs and Cooperation; Water, Woods and Reforestation; National Defence; Justice and Worship; Mines and Hydrocarbons; and Public Works, Housing and Urban Development, which shall be responsible for preparing, for submission to the Council of Ministers, charts of an adequate scale showing the baselines used to measure the breadth of the territorial sea, and the limits derived therefrom, in accordance with the provisions of this Act.

2. Such charts shall be accompanied by lists of geographical coordinates of points, each of which shall specify the geodetic datum. These charts shall form part of this Act.

3. The above-mentioned Ministries shall designate their respective representatives to the Technical Commission within one month from the date of publication of this Act in the official information media.

4. Any matter not covered by this Act shall be covered by the provisions of the United Nations Convention on the Law of the Sea of 30 April 1982.

39. **ERITREA** <sup>75/</sup>

Maritime Proclamation No. 137 of 1953 <sup>76/</sup>

...  
A. JURISDICTIONAL PROVISIONS

I. PUBLIC NECESSITY - JURISDICTION

2. Jurisdiction, administration and control of and over the territorial waters, maritime domain and defence areas of Our Empire, and of and over Ethiopian ships and vessels on the high seas and elsewhere, and of and over the marine industries and enterprises established or to be established within Our Empire, are hereby declared and determined to be of public necessity and of primary concern to the national defence and to the regulation of foreign and inter-state commerce and of external and inter-state communications, including ports. The said jurisdiction, administration and control shall be vested exclusively in the Imperial Ethiopian Government except in so far as specified portions of the maritime domain and defence areas may be declared by imperial Decrees to be not subject to exclusive jurisdiction and control of the said Government.

3. The establishment of defence areas along or in the vicinity of Our coasts and elsewhere within Our Empire is declared to be of public necessity and of primary concern to the national defence. Such defence areas may include ports.

Imperial Decrees shall determine and establish such defence areas and the rights, jurisdiction, legislation, regulations and controls that may be exercised therein.

4. Our Ministry of National Defence shall have general and exclusive supervision of the territorial waters, the marine domain and the defence areas of Our Empire, of all Ethiopian merchant ships and vessels and of the crews of the same, and of all marine industries and enterprises within Our Empire. It shall also be charged with the direction of Our Coast Guard and, except as otherwise ordered by Us, with the direction of all activities on behalf of Our Government within the territorial waters and the maritime domain of Our Empire. It shall issue all such regulations as may be necessary and appropriate, in conformity with the provisions of the present Proclamation, in the exercise of the said supervision and in the direction of the said activities.

...  
B. MERCANTILE MARINE PROVISIONS

I. DEFINITIONS

6. For the purposes of this Proclamation and the regulations and instructions to be issued therewith,

...  
(f) The territorial waters of Our Empire are defined as extending from the extremity of seaboard at maximum annual high tide of the Ethiopian continental coast and of the coasts of Ethiopian islands, in parallel line on the

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<sup>75/</sup> Eritrea, which was previously part of Ethiopia, became a Member of the United Nations on 28 May 1993. Ethiopia is no longer a coastal State.

<sup>76/</sup> United Nations, Legislative Series, ST/LEG/SER.B/6, p. 128.

entire seaboard and to an outward distance of twelve nautical miles, except that in the case of the Dahlac archipelago the seaward limit of the territorial waters shall be that defined in Our Federal Revenue Proclamation No. 126 of 1952, and that in the case of pearl and other sedentary fisheries the seaward limit of the territorial waters shall extend to the limits of the said fisheries. The Imperial Ethiopian Government has full dominion over the said waters and exclusive control over the natural resources within and beneath the said waters. Fishing of all sorts, including pearl fishing, within the said territorial waters shall be reserved exclusively to nationals of Our Empire except as provided in article (9) of this Proclamation.

...

#### IV. PROTECTIVE MEASURES

9. The right to transport persons or goods, for profit, from one point to another on Our coasts and the right to engage in fishing, towing or salvage within the territorial waters of Our Empire are reserved to Ethiopian merchant ships and vessels and, with the exemption of pearl fishing, to such foreign ships and vessels as may be accorded these rights for limited periods within three years from the date of this Proclamation, by Our Ministry of National Defence, upon the application of marine industries and enterprises duly registered under the regulations of the said Ministry.

...

11. Whenever it is ascertained by Our Ministry of National Defence that any foreign country is according to its own merchant ships or vessels special privileges in derogation of the principle of freedom of the seas and to the detriment of Ethiopian merchant ships or vessels, Our Ministry of National Defence, with the approval of Our Ministries of Foreign Affairs, Finance, and Commerce and Industry, may adopt such countermeasures as may be deemed appropriate.

...

#### VI. INTERNATIONAL CONVENTIONS

13. The regulations to be issued by Our Ministry of National Defence with respect to any matter which is governed by the provisions of generally accepted international law or of any international treaty or convention to which We are a party shall be in conformity with the said provisions.

14. The regulations that may be issued by Our Ministry of National Defence to assure the maintenance of sanitary conditions in Our ports and on board Ethiopian ships and vessels shall be in general conformity with the International Sanitary Conventions of 1938 and 1944.

15. All Ethiopian ships and vessels as well as foreign ships and vessels within the territorial waters of Our Empire must comply with the international signalling regulations and the regulations governing the international code of signals, placed into force in 1934 in conformity with the decisions of the International Congress of Telecommunications of Washington 1927.

...

40. ESTONIA

1. Law on the Boundaries of the Maritime Areas of the Republic of Estonia, of 10 March 1993 <sup>21/</sup>

Article 1

In the present law, the maritime areas shall be determined to be the part of the sea which is bordered by the mainland and falls under the jurisdiction of the Republic of Estonia.

Article 2

The basis of the determination of the maritime areas shall be the provisions of the Convention on the Territorial Sea and the Contiguous Zone, 1958, concluded at Geneva and the United Nations Convention on the Law of the Sea, 1982.

Article 3

The normal baseline of the territorial sea is an imaginary line which at low tide joins the points farthest from the shoreline of the mainland, islands, islets, rocks and single boulders. The coordinates of the normal baseline of the territorial sea are established in appendix 1.

Article 4

The internal sea is a maritime area which lies between the normal baseline of the territorial sea and the shoreline.

Article 5

The territorial sea is a maritime area adjacent to the internal sea whose external boundary shall be determined by the present law. The coordinates of the boundary of the territorial sea are established in appendix 2.

Article 6

The breadth of the territorial sea shall be twelve nautical miles. Exceptions shall be made in the breadth of the territorial sea due to international conventions and agreements made with neighbouring States.

...

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<sup>21/</sup> Text communicated by the Permanent Mission of the Republic of Estonia to the United Nations. Unofficial translation. Appendices 1 and 2 are not reproduced in this publication.

2. Decision of the Government of the Estonian Republic on Navigation of Ships through the Territorial Sea and the Internal Waters of the Estonian Republic<sup>78/</sup>

RULES OF NAVIGATION OF SHIPS THROUGH THE TERRITORIAL SEA AND THE INTERNAL WATERS OF THE ESTONIAN REPUBLIC

1. Innocent passage through the territorial sea of Estonia shall be permitted to all ships. In so doing the regulations of the present Rules have to be observed.

2. The passage through the territorial sea of a warship, border guard vessels, police, customs, escort, scientific research, hydrographic, training vessels and a ship carrying out other Government tasks has to be communicated through diplomatic channels to the Government of the Estonian Republic not later than 48 hours before passage. In the communication shall be indicated the name of the ship and (or) its registration number, type and other characteristics, the time of beginning and ending and place of the passage.

The indicated requirement does not concern ice-breakers during the winter period.

3. The passage of a submarine of a foreign State through the territorial sea of Estonia has to be carried out on the surface.

4. For the passage through the territorial sea of Estonia the weapons of a ship have to be stowed fore-and-aft and covered, fishing gear and other implements of catch stowed in depository and placed in secured position.

5. For the passage of nuclear-powered ships through the territorial sea of Estonia the operator of the nuclear-powered ship has to submit an application to the Government of the Estonian Republic, making use of diplomatic channels, not later than 30 days before the planned passage. The Government of the Estonian Republic communicates its decision not later than 14 days before the planned passage.

6. Through the territorial sea of Estonia, where sea lanes and traffic separation schemes are designated, a ship of a foreign State has to pass along the given sea lanes and use during passage the given schemes. Deviations from this regulation are possible, if a deviation is well founded and does not contradict the principles of innocent passage, and if the captain of the ship immediately informs the Department of the border guard of the Estonian Republic about this through the radio station "Tallinn Radio".

...

14. A pleasure craft - a ship, which is not used for the receipt of revenue and which is not a warship, border guard vessel, police, customs, escort, scientific research, hydrographic, training vessel or a ship carrying out other Government tasks - shall be permitted innocent passage through the territorial sea of Estonia in accordance with paragraphs 1, 3, 5 and 6 of the present Rules.

...

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<sup>78/</sup> International Journal of Marine and Coastal Law, vol. 8, No. 3, August 1993, p. 422.



41. FIJI

Marine Spaces Act, 1977, as amended by the  
Marine Spaces (Amendment) Act, 1978 <sup>79/ 80/ 81/</sup>

PART I  
PRELIMINARY

Short title

1. This Act may be cited as the Marine Spaces Act, 1977, and shall come into force on a date to be notified in the Gazette by the Minister responsible for Foreign Affairs:

Provided that the Minister responsible for Foreign Affairs may specify different dates for the coming into force of different sections of this Act.

Interpretation

2. (1) In this Act, unless the context otherwise requires:

...

"baseline" means the line from which the width of the territorial sea is measured;

...

"Fiji archipelago" means all islands forming part of Fiji, other than the Island of Rotuma and its Dependencies and the island of Ceva-i-Ra;

...

"island" means a naturally formed area of land which is surrounded by and above water at mean high-water spring tides;

...

"low-water line" means the line of low water at mean low-water spring tides as depicted on the largest scale nautical chart of the area produced by any authority and for the time being held and used by the Minister responsible for Marine Affairs;

...

"mile" means the international nautical mile of one thousand eight hundred and fifty-two metres, as depicted on official charts;\*

"Minister" means the Minister responsible for fisheries matters;

...

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<sup>79/</sup> This text is a consolidation of the 1977 Act with certain provisions as amended by the 1978 Act, prepared by the Division for Ocean Affairs and the Law of the Sea. Provisions of the 1977 Act that have been newly written by the 1978 Act are indicated by an asterisk (\*).

<sup>80/</sup> Text communicated by the Permanent Mission of Fiji to the United Nations.

<sup>81/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 157.

"Rotuma archipelago" means the island of Rotuma and its dependencies;\*

"territorial seas" means the territorial seas of Fiji as defined in section 5;

...

(2) For the purposes of this Act, permanent harbour works that form an integral part of a harbour system shall be treated as forming part of the coast.

## PART II MARINE SPACES

### Internal waters

3. (1) Except where closing lines are drawn under the provisions of subsection (2) the outer limits of the internal waters of Fiji shall be a line drawn along the low-water line of the coast of each island, provided nevertheless that in the case of islands situated on atolls or islands having fringing reefs the line shall be drawn along the seaward low-water line of the reef.

(2) The Minister responsible for Foreign Affairs may, in accordance with rules of international law, declare, by reference to physical features marked on official charts or to lists of geographical coordinates specifying the geodetic datum, the points between which closing lines are to be drawn for the purpose of determining the outer limits of the internal waters of Fiji in the case of mouths of rivers, bays and permanent harbour works.

...

### Archipelagic waters

4. ...

(2)\* The Minister responsible for Foreign Affairs, in accordance with the rules of international law, may by order declare, by reference to physical features marked on official charts or to lists of geographical coordinates specifying the geodetic datum, the points between which straight baselines are to be drawn for the purpose of determining the outermost limits of the archipelagic waters of Fiji and the innermost limits of the territorial seas of the Fiji archipelago and the Rotuma archipelago.

### Territorial seas

5. (1) The territorial seas of Fiji comprise all areas of sea having as their innermost limits the baselines established under the provisions of this section and as their outermost limits a line measured seaward from those baselines every point of which is at a distance of twelve miles from the nearest point of the baselines.

(2)\* Where archipelagic baselines are drawn under the provisions of section 4, those baselines shall be the baselines from which the breadth of the territorial seas of the Fiji archipelago and the Rotuma archipelago shall be measured.

(3) In all other cases the baseline from which the breadth of the territorial sea is measured is the line determining the outer limits of the internal waters of Fiji drawn under the provisions of section 3.

...

Charts and publicity

8. (1) The Minister responsible for Foreign Affairs shall cause all closing lines, baselines and other lines drawn under the provisions of this Act for the purpose of determining the limits of the internal waters, territorial seas and exclusive economic zone of Fiji to be clearly indicated on charts of a scale or scales adequate for them to be readily determined and shall give due publicity to such charts by notice in the Gazette and shall cause copy of each such chart to be deposited with the Secretary General of the United Nations.

(2) In any proceedings in any court, a certificate purporting to be signed by the Director of Marine that any specified nautical chart of any area is the largest-scale nautical chart of that area produced by any authority and for the time being held by the Minister responsible for Marine Affairs shall be admissible in evidence of the matters stated in the certificate.

Legal character of marine spaces

9. (1) The sovereignty of Fiji extends beyond its land territory and internal waters, over its archipelagic waters and territorial seas and to the airspace thereover as well as to the seabed and subsoil thereunder.

(3) The exercise by Fiji of its sovereignty and sovereign rights under the provisions of this section is subject to the rules of international law.

Rights of other States in marine spaces \*

9A.\* (1) Subject to the provisions of subsections (2), (3), (4) and (5), ships and aircraft of all States shall, in accordance with the rules of international law, have the right of innocent passage through and over the territorial seas and archipelagic waters.

(2) The Minister responsible for Foreign Affairs may, in accordance with the rules of international law, by order, designate sea lanes and air routes, suitable for the continuous and expeditious passage of foreign ships and aircraft, through and over the archipelagic waters and the adjacent territorial seas, and may also prescribe traffic separation schemes for the purpose of ensuring the safe passage of ships through narrow channels in such sea lanes.

(3) In such sea lanes and air routes all ships and aircraft may, in accordance with the rules of international law, enjoy the right of navigation and overflight, in their normal modes, for the purpose of continuous, expeditious and unobstructed transit through and over the archipelagic waters and the adjacent territorial seas, from one part of the exclusive economic zone to another part of the exclusive economic zone.

(4) Until such time as sea lanes or air routes are designated under the provisions of subsection (2) the rights of navigation and overflight referred to in subsection (3) may be exercised through and over all routes normally used for international navigation and overflight.

(5) The rights of navigation and overflight referred to in subsection (3) are subject to all laws of Fiji made in accordance with the rules of international law.

42. FINLAND

1. Act on the Delimitation of the Territorial Waters of Finland,  
No. 463 of 18 August 1956 (as amended) <sup>82/</sup> <sup>83/</sup>

Paragraph 1

The territorial waters of Finland shall comprise the part of the sea immediately adjacent to the land territory of the State which is limited in the east towards the Soviet Union in the archipelago of Virolahti in the Gulf of Finland by the sea boundary of the State established in the Paris Treaty of Peace with Finland (690-691/47), signed on 10 February 1947, and in the archipelago of Haapasaari by the sea boundary established in the Agreement between the Government of the Republic of Finland and the Government of the Union of Soviet Socialist Republics on the Delimitation of the Sea Territories and the Continental shelf in the Gulf of Finland, concluded on 20 May 1965, and in the west towards Sweden in the archipelago of Tornio in the Gulf of Bothnia by the sea boundary of the State established through the boundary lines review of 1956 to 1957 made in accordance with the Topographic Description of Boundaries signed after the Peace of Hamina in Tornio on 19 January 1811. To the north and the south of Market Rock in the Aland Sea the boundary with Sweden shall be the sea boundary established in the above Description of Boundaries of 1811, such as it was included in the Convention relating to the Non-fortification and Neutralization of the Aland Islands which was signed on 20 October 1921 (64/22). Subject to the exceptions mentioned in paragraph 7, the territorial waters shall extend as far out as the international boundary of the territorial waters.

A single island, rock or low-water elevation or a group of them situated far out in the sea can have separate territorial waters.

Paragraph 2

The territorial waters shall be divided into internal waters and external waters or the territorial sea.

Paragraph 3

The internal waters shall refer to the part of the territorial waters which extends from the shoreline and the mouths of rivers on the side of the mainland to the line on the side of the open sea the baseline points of which are located on the outermost landmarks, either on the mainland, on islands, rocks or low-water elevations.

Paragraph 4

The baseline points referred to in paragraph 3 above shall be selected in such a manner that

(1) They are located above the average water level calculated on the basis of water level measurements made during the 10-year period immediately preceding the year of entry into force of this Act, with the exception that a

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<sup>82/</sup> Text transmitted by the Permanent Mission of Finland to the United Nations in a note verbale dated 22 August 1984.

<sup>83/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 162.

point which is below the said level and at least periodically in sight can be selected as a baseline point, provided a lighthouse or other installations permanently above the sealevel have been built on it;

(2) Their distance from one another does not exceed twice the breadth of the territorial sea;

(3) The internal waters become as wide as possible.

The baseline points shall be reviewed in every thirty years.

#### Paragraph 5

The territorial sea consists of a zone immediately adjacent to the internal waters the outer boundary line of which or the international boundary of territorial waters shall lie at four nautical miles, or 7,408 metres, from the outer boundary of the internal waters, unless otherwise stipulated in this Act.

#### Paragraph 6

If an island, a rock or a low-tide elevation or a group of them is situated so far out in the sea that it remains outside the outer boundary of the internal waters established in accordance with paragraphs 3 and 4, it shall have separate territorial waters, in such a manner however that the breadth of the territorial sea equals three nautical miles, or 5,556 metres.

#### Paragraph 7

The outer boundary of the territorial sea shall run in a straight line to the west of the westernmost point of the eastern sea boundary of the State up to the easternmost point of the boundary of the territorial sea of Finland, as established in the Paris Treaty of Peace signed on 10 February 1947, at which point it shall join the said boundary of the territorial sea.

The outer boundary line of the territorial sea shall run vertically from the westernmost point of the boundary of the territorial sea of Finland referred to in sub-paragraph 1 above up to the outer boundary established in accordance with paragraph 5, until it joins this boundary.

To the southwest of the island of Flötjan in the Aland Sea the territorial sea established in accordance with Paragraph 5 shall be limited by the boundary established in the Topographic Description of Boundaries signed after the Peace of Hamina in Tornio on 19 January 1811, such as it was included in the Convention Relating to the Non-fortification and Neutralisation of the Aland Islands signed on 20 October 1921 (64/22).

The last baseline point in the archipelago of Tornio in the Gulf of Bothnia on the Finnish side shall be followed by a baseline point on the Swedish side.

...

## 2. Customs Act, No. 573 of 14 July 1978 <sup>84/</sup>

#### Paragraph 1

The Finnish Customs zone shall consist of the land territory, territorial waters and airspace of the State. The boundary of the Customs Zone shall however extend two nautical miles beyond the outer boundary of the territorial sea, unless otherwise agreed internationally.

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<sup>84/</sup> Text transmitted by the Permanent Mission of Finland to the United Nations in a note verbale dated 8 February 1984.

43. FRANCE

1. Law No. 71-1060 of 14 December 1971 regarding the delimitation of French territorial waters <sup>85/</sup> ~~86/~~

Article 1

The territorial waters of France extend up to a limit of 12 nautical miles from the baselines.

The baselines are the low-water mark as well as straight baselines and closing lines of bays as determined by decree.

The sovereignty of the French State extends to the airspace as well as to the seabed and subsoil thereof within the limits of its territorial waters.

Article 2

Except where otherwise provided, the breadth of the territorial sea shall not extend beyond a median line every point of which is equidistant from the nearest points on the baselines of the French coasts and the coasts of the foreign countries opposite or adjacent to the French coasts.

Article 3

Where the distance between the baselines of the French coast and those of the coast of a foreign State opposite to the French coast is equal to or less than 24 miles or where such distance no longer permits the existence of an area in the high seas that is sufficiently large for the purpose of navigation, arrangements may be made to ensure unimpeded maritime and aerial navigation, in compliance with international agreements and, where necessary, by agreement between the States concerned.

Article 4

The provisions of this Act shall be without prejudice to the exercise of fishing rights granted to certain foreign ships under international agreements and French law.

Article 5

This Act shall be applicable in the overseas territories of France.

2. Decree No. 85/185 of 6 February 1985 regulating the Passage of Foreign Ships through French Territorial Waters <sup>87/</sup>

Article 1

Foreign ships shall enjoy the right of passage through French territorial waters according to the rules of innocent passage as defined by this Decree.

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<sup>85/</sup> , Journal officiel, 30 December 1971.

<sup>86/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 168.

<sup>87/</sup> Law of the Sea Bulletin No. 6 (Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations), p. 14.

Article 2

"Passage" means navigation through the territorial waters for the purpose of:

(a) Traversing them without entering internal waters or calling at a roadstead or port facility outside internal waters;

(b) Proceeding to or from internal waters or to and from a call at such roadstead or port facility.

Passage shall be continuous and expeditious. However, passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

Article 3

Passage is innocent so long as it is not prejudicial to the peace, good order or security of the State.

Passage of a foreign ship shall be considered to be prejudicial to the peace, good order or security of the State if in the territorial waters it engages in any activity not having a direct bearing on passage, including:

1. Any threat or use of force against the sovereignty, territorial integrity or political independence of the State, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;

2. Any exercise or practice with weapons of any kind;

3. Any act aimed at collecting information to the prejudice of the defence or security of the State;

4. Any act of propaganda aimed at affecting the defence or security of the State;

5. The launching, landing or taking on board of any aircraft;

6. The launching, landing or taking on board of any military device;

7. The loading or unloading of any commodity, currency or person contrary to the laws and regulations in force;

8. Any act of wilful and serious pollution;

9. Any fishing activities;

10. The carrying out of research or survey activities;

11. Any act aimed at interfering with any systems of communication or any other facilities or installations located in French territory or in French territorial waters.

Article 4

In the territorial waters, submarines and other underwater vehicles are required to navigate on the surface and to show their flag.

Article 5

The maritime prefect in mainland France and the representative of the Government in the overseas departments, overseas territories and the territorial community of Mayotte may take the necessary steps in their territorial waters to prevent or interrupt any passage which is not innocent.

In the case of foreign ships proceeding to internal waters or a call at a port facility outside internal waters, the above-mentioned authorities may also take the necessary steps to prevent any breach of the conditions to which admission of those ships to internal waters or such a call is subject.

Article 6

The authorities referred to in article 5 above may, where necessary having regard to the safety of navigation, require foreign ships exercising the right of innocent passage through French territorial waters to use such sea lanes and traffic separation schemes as they may designate or prescribe, particularly in the case of tankers, nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances or materials. The sea lanes and traffic separation schemes shall be indicated on sea charts to which due publicity shall be given.

These same authorities may, without discrimination in form or in fact among foreign ships, suspend temporarily in specified areas of the territorial waters the exercise of the right of innocent passage of foreign ships if such suspension is essential for the protection of the State's security, including weapons exercises. Such suspension shall take effect only after having been duly published.

Article 7

The provisions of this Decree are applicable to the overseas territories and to the territorial community of Mayotte.

Article 8

The Garde des Sceaux and Minister of Justice, the Minister for Foreign Affairs, the Minister of Defence, the Minister of the Interior and Decentralization, the Minister of Urbanization, Housing and Transport, the Secretary of State to the Minister of the Interior and Decentralization responsible for overseas departments and territories, and the Secretary of State to the Minister of Urbanization, Housing and Transport responsible for maritime affairs, shall be responsible, each in his own area, for the execution of this Decree, which shall be published in the Official Gazette of the French Republic.

3. Act of 31 December 1987 concerning the campaign against drug trafficking and amending certain provisions of the Penal Code<sup>88/</sup>

...

Article 9

After article 44 of the Customs Code, insert article 44 bis, to read as follows:

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<sup>88/</sup> Law of the Sea Bulletin No. 12 (Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations), p. 13; Journal officiel, 5 January 1988, p. 159.



"Article 44 bis. In a contiguous zone lying between 12 and 24 nautical miles measured from the baselines of the territorial sea and subject to delimitation agreements with neighbouring States, the Customs Service may exercise the control necessary to:

"(a) Prevent infringement of the laws and regulations which the customs authorities are responsible for enforcing in their sphere of operations;

"(b) Punish infringement of these laws and regulations committed in their sphere of operations."<sup>89/</sup>

#### Article 10

After article 60 of the Customs Code, insert article 60 bis, to read as follows:

"Article 60 bis. When there is good reason to believe that a person crossing a frontier is transporting narcotic drugs concealed within his body, customs agents may require him to undergo medical examination after first obtaining his express consent thereto.

"In the event of refusal, the customs agents shall make application for a court order to the president of the court of first instance having jurisdiction in the area (tribunal de grande instance) or to a judge designated by him. Such application may be made to the judge by any means.

"The judge may authorize the customs agents to proceed with the medical examination. He shall then appoint a physician to perform the examination as quickly as possible.

"The results of the examination reported by the physician, the comments of the person concerned and an account of the proceedings must be included in a report submitted to the judge.

"Any person who refuses to undergo a medical examination ordered by the judge shall be given a sentence of imprisonment for between one month and one year and a fine of from 500 to 15,000 francs."<sup>90/</sup>

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<sup>89/</sup> Customs Code, article 44:

"1. The sphere of operations of the customs authorities shall comprise a maritime zone and land zone.

"2. The maritime zone shall consist of the area situated between the coast and a seaward limit situated 12 nautical miles from the baseline of the territorial sea, as determined by a decree (...)."

<sup>90/</sup> Customs Code, article 60:

"For purposes of enforcing this Code, and with a view to detecting smuggling, customs agents may carry out inspections of goods and vehicles and of persons."

Article 11

Article 62 of the Customs Code shall be reworded as follows:

"Article 62. Customs agents may search any vessel under 1,000 gross register tons situated in the maritime zone within the sphere of operations of the customs authorities and in the zone provided for in article 44 bis under the terms of that article." <sup>91/</sup>

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<sup>91/</sup> Former article 62:

"Customs agents may search any vessel under 100 net register tons or 500 gross register tons situated in the maritime zone within the sphere of operations of the customs authorities".

44. GAMBIA

Territorial Sea and Contiguous Zone Act, 1968, as  
amended by the Territorial Sea and Contiguous  
Zone (Amendment) Act, 1969 <sup>92/</sup>

...

Territorial sea

2. Gambia shall extend for a distance of twelve nautical miles from the low-water mark and any reference to "The Gambia" whatsoever or wheresoever made shall be deemed in the absence of a contrary intention to include the territorial sea of The Gambia.

Contiguous zone

3. It is hereby declared that Her Majesty in right of Her Government of The Gambia may in the zone of the high seas contiguous to the territorial sea of The Gambia and extending seaward to a line 18 nautical miles from low-water mark exercise control necessary to prevent and punish the infringement of any law or right of The Gambia.

"Territorial waters" considered as "territorial sea"

4. Any reference in any law in force in The Gambia to "territorial waters" shall be construed as if it were a reference to "territorial sea".

...

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<sup>92/</sup> United Nations, Legislative Series, ST/LEG/SER.B/15, p. 85.

45. GERMANY

Announcement of the Proclamation by the Government of the  
Federal Republic of Germany concerning the extension  
of the breadth of the German territorial sea of  
11 November 1994 <sup>93/</sup> <sup>94/</sup> <sup>95/</sup>

The Proclamation concerning the extension of the breadth of the German territorial sea, adopted by the Government of the Federal Republic of Germany on 19 October 1994, is hereby announced:

The outer limit of the territorial sea of the Federal Republic of Germany shall be determined in accordance with the specifications given hereunder. All earlier announcements concerning the delimitation of the German territorial sea shall hereby cease to apply.

(1) North Sea

The outer limit of the territorial sea of the Federal Republic of Germany in the North Sea shall be a line running at a distance of 12 nautical miles, measured from the low-water line and the straight baselines, as appropriate.

The existing deep-water anchorage shall remain part of the territorial sea, its limits being a line connecting the following points:

(1)	54°08'11"N	7°24'36"E;
(2)	54°08'19"N	7°26'59"E;
(3)	54°01'39"N	7°33'04"E;
(4)	54°00'27"N	7°24'36"E.

The geographical coordinates of the above points shall be determined by reference to European Datum (ED 50).

The delimitation of the German territorial sea in the North Sea is indicated in Maritime Boundaries Chart 2920.

At an appropriate later time, the Government of the Federal Republic of Germany will decide on the lateral delimitation of the territorial sea of the Federal Republic of Germany towards, respectively, the Kingdom of the Netherlands and the Kingdom of Denmark. The regulation in Section 1 of Annex B of the Treaty of 8 April 1960 between the Federal Republic of Germany and the Kingdom of the Netherlands governing cooperation in the area of the Ems Estuary ("the Ems-Dollart Treaty") (Federal Law Gazette 1963 II, p. 602) shall remain unaffected.

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<sup>93/</sup> Text communicated by the Permanent Mission of Germany to the United Nations by a note verbale dated 31 January 1995, with maps.

<sup>94/</sup> The Proclamation entered into force on 1 January 1995.

<sup>95/</sup> Baselines: for the baselines in the North Sea and the Baltic Sea, see The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 176.

(2) Baltic Sea

The outer limit of the territorial sea of the Federal Republic of Germany in the Baltic Sea shall be a line connecting the following points:

(1)	54°44'17"N	10°10'14"E;
(2)	54°41'46"N	10°13'12"E;
(3)	54°39'27"N	10°15'34"E;
(4)	54°36'45"N	10°18'36"E;
(5)	54°35'35"N	10°20'24"E;
(6)	54°34'08"N	10°25'47"E;
(7)	54°32'51"N	10°30'24"E;
(8)	54°31'14"N	10°35'36"E;
(9)	54°30'39"N	10°39'12"E;
(10)	54°30'51"N	10°54'21"E;
(11)	54°32'50"N	10°49'16"E;
(12)	54°33'21"N	10°58'51"E;
(13)	54°34'10"N	11°00'07"E;
(14)	54°34'37"N	11°08'33"E;
(15)	54°33'31"N	11°12'23"E;
(16)	54°31'46"N	11°18'44"E;
(17)	54°30'46"N	11°19'23"E;
(18)	54°30'18"N	11°21'03"E;
(19)	54°28'26"N	11°24'13"E;
(20)	54°26'23"N	11°28'34"E;
(21)	54°24'27"N	11°32'22"E;
(22)	54°22'25"N	11°35'23"E;
(23)	54°19'53"N	11°38'44"E;
(24)	54°20'01"N	11°57'10"E;
(25)	54°23'07"N	12°09'13"E;
(26)	54°23'07"N	12°09'59"E;
(27)	54°27'04"N	12°15'35"E;
(28)	54°30'42"N	12°18'05"E;
(29)	54°31'05"N	12°17'36"E;
(30)	54°34'40"N	12°19'24"E;
(31)	54°44'38"N	12°45'00"E.

From point (31), the limit shall continue running at a distance of 12 nautical miles, measured from the low-water line and the straight baselines, as appropriate, until reaching point (32), as follows:

(32)	54°26'30,3"N	14°04'45,9"E.
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From this point, the outer limit shall be a line connecting the following points:

(33)	54°16'14,8"N	14°04'14,7"E;
(34)	54°14'22,0"N	14°10'08,9"E;
(35)	54°07'36,4"N	14°12'09,1"E;
(36)	53°59'18,1"N	14°14'35,9"E;
(37)	53°55'42,1"N	14°13'37,8"E.

The geographical coordinates of the above points shall be determined by reference to European Datum (ED 50).

The delimitation of the German territorial sea in the Baltic Sea is indicated in Maritime Boundaries Chart 2921.

At an appropriate later time, the Government of the Federal Republic of Germany will decide on the lateral delimitation of the territorial sea of the Federal Republic of Germany towards the Kingdom of Denmark.

The lateral delimitation of the territorial sea of the Federal Republic of Germany towards the Republic of Poland shall be as provided for in the Treaty of 14 November 1990 between the Federal Republic of Germany and the Republic of Poland concerning the confirmation of their mutual border (Federal Law Gazette 1991 II, p. 1328).

In some areas of the Baltic Sea, the breadth of the territorial sea as extended by virtue of the present Proclamation is less than the 12 nautical miles permitted under international law. This shall not be construed as meaning a renunciation of the Federal Republic of Germany's legal claim to the full breadth of the territorial sea.

The above coordinates are given on the proviso that they are subject to a more precise calculation by the Federal Ministry of Transport (if and where appropriate) using the latest methods. Any such calculation shall be announced through official channels, and shall be incorporated in the official Maritime Boundaries Charts.

46. GHANA

Maritime Zones (Delimitation) Law, 1986 <sup>96/</sup>

...

1. (1) It is hereby declared that the breadth of the territorial sea of the Republic shall not exceed twelve nautical miles measured from the low-water line along the coast of the Republic as marked on large-scale official charts.

(2) The outer limit of the territorial sea shall be the line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea.

2. (1) The Republic shall exercise sovereignty over the territorial sea subject to the provisions of the Convention and other rules of international law.

(2) The sovereignty of the Republic shall extend beyond its land territory and internal waters and to the airspace over the territorial sea as well as to its bed and subsoil.

...

4. (1) It is hereby declared that the contiguous zone of the Republic shall be that zone contiguous to the territorial sea which may not extend beyond twenty-four nautical miles from the baselines from which the breadth of the territorial sea is measured.

(2) In the contiguous zone the Government may exercise the control necessary to:

(a) prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations;

(b) punish infringement of such laws and regulations if the infringement is committed within the territories of Ghana or the territorial sea.

...

7. The lines of delimitation of the territorial sea, exclusive economic zone and continental shelf as drawn on official charts shall be conclusive evidence of the limits of the territorial sea, exclusive economic zone and continental shelf as specified by sections 1, 5 and 6 of this Law.

8. (1) The Provisional National Defence Council may by legislative instrument, make regulations for giving full effect to the provisions of this Law.

(2) Regulations made under this section may prescribe a penalty for an infringement thereof of a fine not exceeding 500,000 cedis or a term of imprisonment not exceeding fifteen years or both and may also require the forfeiture of anything used in the commission of the offence.

(3) Where an offence under any regulations made under this section is committed by a body of persons:

(a) where the body of persons is a body corporate, every director and officer of the body corporate shall be deemed to be guilty of the offence; and

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<sup>96/</sup> Law of the Sea Bulletin No. 8 (Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations), p. 14.

(b) where the body corporate is a firm, every partner of the firm shall be deemed to be guilty of the offence:

Provided that a person shall not be deemed to be guilty of an offence by virtue of this subsection if he proves that the act constituting the offence was committed by a person other than himself and without his knowledge or connivance and that he exercised all due diligence to prevent the commission of the offence having regard to all the circumstances.

...



47. GREECE

1. Decree of 6/18 September 1931 to define the extent of the territorial waters for the purposes of aviation and the control thereof <sup>27/</sup>

The Greek Republic, having regard to articles 2 and 9 of Act No. 5,017 to regulate civil aviation, published in Efimeris tis Kiverniseos, part I, No. 158, of 13 June 1931, and to article 1 of Act No. 2,569 of 19 April 1921 to ratify the International Aviation Convention, published in Efimeris tis Kiverniseos No. 68 of 26 April 1921, and upon the recommendation of the Minister of Aviation, has resolved and decreed as follows:

The extent of the territorial waters referred to in article 2 of Act No. 5,017 shall be fixed at ten nautical miles from the coast of the State. The Minister of Aviation shall be responsible for publishing and giving effect to this Decree.

2. Law No. 230 of 17 September 1936 <sup>28/</sup>

Article 1

The extent of the territorial sea is fixed at six nautical miles from the coast, without prejudice to provisions in force concerning special matters, with respect to which the territorial zone shall be delimited at a distance either larger or smaller than six miles.

...

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<sup>27/</sup> United Nations, Legislative Series, ST/LEG/SER.B/6, p. 18. Efimeris tis Kiverniseos (Official Gazette), 1931, No. 325, p. 2589.

<sup>28/</sup> United Nations, Legislative Series, ST/LEG/SER.B/6, p. 18. Efimeris tis Kiverniseos (Official Gazette), 13 October 1936, p. 2387.

48. GRENADA

Grenada Territorial Waters Act, No. 17 of 1978 <sup>99/</sup>

Short title and commencement

1. This Act may be cited as the  
GRENADA TERRITORIAL WATERS ACT, 1978,  
and shall come into force on such day as the Minister may appoint by notice in the Gazette.

Interpretation

2. For the purposes of this Act:  
"Competent Authority" means the Minister or any person designated by him as the Competent Authority for the purposes of this Act;  
"foreign ship" means the ship of a foreign State;  
"foreign State" means a State other than Grenada;  
"innocent passage" means passage which is not deemed to be prejudicial to the peace, good order or security of Grenada;  
...  
"low-water line" means the low-water line of the coast of Grenada at mean low-water spring tide;  
"Minister" means the Minister responsible for External Affairs;  
"nautical mile" means the international nautical mile;  
"passage" means navigation of a ship in territorial waters without stopping or hovering, but includes stopping, hovering and anchoring in so far as the same are rendered necessary by force majeure or by reason of distress or for the purpose of affording assistance to persons, ships or aircraft in danger or distress;  
"ship" includes vessel, boat or sea-craft of any kind;  
"submarine areas" includes the seabed and subsoil thereof;  
"territorial waters" means the territorial waters of Grenada as defined in section 3.

Limits of territorial waters

3. (1) The territorial waters of Grenada comprise those areas of the sea, having as their landward limit the baselines specified by section 4 or prescribed under that section, as the case may be, and as their seaward limit a boundary line which at every point is a distance of 12 nautical miles or such other distance from the nearest point of those baselines as the Minister may by order prescribe.

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<sup>99/</sup> Official Gazette of Grenada, St. George's, 1978, pp. 111-119.

(2) The territorial waters, including the submarine areas thereof, form part of the territory of Grenada.

(3) An order made under subsection (1) shall be subject to affirmative resolutions of the Senate and the House of Representatives.

(4) References to the territorial waters in any law shall, in relation to any period after the commencement of this Act, be construed in accordance with subsection (1).

#### Baseline of territorial waters

4. (1) Subject to subsection (2) the baselines from which the territorial waters shall be measured shall be the low-water line along the coast of Grenada.

(2) The Minister may in place of the baselines referred to in subsection (1) by order:

- (a) Prescribe other baselines making use of a mixture of straight lines drawn from points of the coast of Grenada and the low-water line; or
- (b) Prescribe geographical coordinates of points on the coast of Grenada from which straight lines may be drawn for the purpose of subsection (1).

(3) Where baselines are prescribed under subsection (2) the Minister shall cause the baselines together with the seaward boundary line of the territorial waters to be marked on a scaled map or chart and such map or chart shall be judicially noticed for all purposes of the law as indicating the baselines from which the territorial waters shall be measured and the boundaries, breadth and limit of the territorial waters.

(4) The Minister shall make provision for the safe custody of the map or chart referred to in subsection (3) and shall by notice specify the place where it may be open to inspection by the public and the place where certified copies thereof may be obtained.

(5) For the purposes of this Act the offshore islands and islands which are dependencies of Grenada shall be treated as forming part of the coast of Grenada.

...

#### Entitlement to right of innocent passage

6. (1) Subject to subsection (2) and section 7 (1), a foreign ship shall be entitled to enjoy the right of innocent passage in territorial waters.

(2) A foreign ship of war shall not navigate in territorial waters without the prior permission of the Competent Authority obtained by the State to which the ship belongs.

#### Non-innocent passage

7. (1) Subject to subsection (2), the passage of a foreign ship shall be deemed to be prejudicial to the peace, good order or security of Grenada if, without the prior permission of the Competent Authority obtained by the captain or person in charge of the ship, the ship while in territorial waters, engages in any of the following activities:

- (a) Exercises or practises with weaponry of any kind;
  - (b) Any act aimed at collecting information relating to the defence, security or economic or social conditions and circumstances of Grenada;
  - (c) The taking on board or offloading of any person, commodity or currency in breach of any law relating to exchange control, customs, immigration, health or drugs and therapeutic substances;
  - (d) Any act of pollution calculated to or likely to cause damage or harm to Grenada, its resources or its marine environment;
  - (e) Fishing or extracting living or non-living resources;
  - (f) The carrying out of research of whatever kind or survey activities;
  - (g) Any act aimed at interfering with any system of communication or telecommunication whether such system is on land, on the sea or under it;
  - (h) Being a submarine or other underwater ship, underwater navigation;
  - (i) Such other activity as may be prescribed.
- (2) The passage of a foreign ship of war in territorial waters shall be deemed to be prejudicial to the peace, good order or security of Grenada if the ship navigates in territorial waters without the permission required by section 6 (2).

#### Power of police and authorized persons

8. (1) Where a foreign ship engages in any of the activities specified in paragraphs (a) to (h) of section 7 (1) or prescribed under paragraph (i) of that section, as the case may be, or where a member of the Police Force or person authorized by the Minister in writing suspects upon reasonable grounds that a foreign ship is engaged in any such activity, such member of the Police Force or authorized person may:

- (a) Stop and board the offending ship for the purpose of carrying out enquiries and investigations;
- (b) Without a warrant arrest the offending ship and bring it into a port in Grenada;
- (c) Without a warrant arrest the captain and any person on board the ship participating in the activity of the ship which is deemed to be prejudicial to the peace, good order or security of Grenada.

(2) Where the passage of a foreign ship is deemed to be prejudicial to the peace, good order or security of Grenada, the captain or other person in charge of such ship and any person participating in the activity of the ship which is deemed to be so prejudicial, is guilty of an offence under this Act.

#### Immunity

9. (1) Where the passage of a foreign ship is deemed to be prejudicial to the peace, good order or security of Grenada and the ship or any person on board thereof who participates in the activity which is deemed to be prejudicial is entitled to State or other immunity recognized by law, the flag State of such ship and the State of nationality of such person shall be deemed to bear international responsibility for the activity of the ship.

(2) Where the flag State of a ship or the State of nationality of a person is deemed to bear international responsibility under this section, the Minister shall take all steps possible to obtain redress under international law.

#### Jurisdiction

10. (1) For the purposes of the exercise of the jurisdiction of the courts of Grenada, the territory of Grenada shall include the internal waters and the territorial waters.

(2) Where any offence punishable on summary conviction is committed or suspected to have been committed within or in relation to the internal waters or the territorial waters, the offence may be dealt with and determined by a magistrate assigned to any magisterial district, and such magistrate shall have and exercise all the powers, privileges, rights and jurisdiction as are conferred on him by the Magistrates Ordinance.

(3) The quasi-criminal and the civil jurisdiction conferred on a magistrate by the Magistrates Ordinance shall in relation to the internal waters and the territorial waters be exercised by a magistrate assigned to any magisterial District.

(4) The jurisdiction conferred on any court under this Act shall be without prejudice to any jurisdiction conferred on or exercisable by such court apart from this Act.

#### Regulations

11. (1) The Minister may make regulations:
- (a) For the safety of navigation and the regulation of marine traffic;
  - (b) For the conservation of the living resources of the sea;
  - (c) For the preservation of the marine environment of Grenada and the prevention and control of pollution thereto;
  - (d) For the regulation of fishing;
  - (e) Relating to the grant of permits and the conditions to be attached thereto for fishing by nationals of foreign States and by means of foreign ships;
  - (f) For the inspection and admission in evidence before the courts of the chart or map to which section 4 refers or any part thereof;
  - (g) Prescribing the fees to be paid for permits granted in accordance with regulations made under paragraph (e);
  - (h) Generally, for regulating the use of the internal waters and the territorial waters including prescribing the fees to be paid for any activity in relation thereto;
  - (i) Providing for the forfeiture to the Crown of any ship engaged, or any equipment used, in any of the activities specified in paragraphs (a) to (h) or section 7 or prescribed under paragraph (i) of that section, as the case may be; and
  - (j) Annexing to the contravention of any regulation made under this section a punishment on summary conviction of a fine not exceeding \$5,000 or of imprisonment for a term to exceeding 2 years or both.

(2) Regulations made under this section shall be subject to affirmative resolutions of the Senate and House of Representatives.

Offences

12. (1) A person who assaults or obstructs a person acting under the authority of this Act or the regulations is guilty of an offence under this Act.

(2) A person who is guilty of an offence under subsection (1) or section 8(2) is liable:

(a) On conviction or indictment to a fine not exceeding \$10,000 or imprisonment for a term not exceeding 5 years or both; or

(b) On summary conviction to a fine not exceeding \$5,000 or imprisonment for a term not exceeding 2 years or both.

(3) The court may in addition to any penalty which it may impose under this section for an offence under section 8(2), order the forfeiture to the Crown of any ship engaged, or equipment used, in any activity which is the subject of the offence.

...

49. GUATEMALA

Legislative Decree No. 20-76 of 9 June 1976 concerning the  
breadth of the territorial sea and the establishment  
of an exclusive economic zone <sup>100/</sup>

...

Article 1

Guatemala reiterates its sovereignty, beyond its land territory and its internal waters, to a belt of sea adjacent to its coast, described as the territorial sea, which extends 12 nautical miles from the relevant baselines. Such sovereignty extends to the airspace over the territorial sea as well as to its bed and subsoil.

Article 2

Ships of all States, whether coastal or not, shall enjoy the right of innocent passage through the territorial sea in accordance with international law.

...

Article 5

The appropriate organs shall enact the laws and regulations relating to fishing, conservation of species, marine pollution and other relevant activities in the territorial sea, in the exclusive economic zone, on the continental shelf (bed and subsoil) and on the seabed.

Until such time as the appropriate laws and regulations are enacted, the laws and regulations relating to the territorial sea shall apply in the exclusive economic zone, to the extent that they are applicable to the nature of the said zone.

Article 6

The Executive shall conclude the relevant agreements with adjoining coastal States; it shall issue licences for fishing or any other activity relating to the exploration and exploitation of the territorial sea and of the exclusive economic zone and shall enforce the legislation on the subject.

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<sup>100/</sup> United Nations, Legislative Series, ST/LEG/SER.B/19, p. 30.

50. GUINEA-BISSAU

Act No. 3/85 of 17 May 1985 <sup>101/</sup> <sup>102/</sup>

Considering that the Award made by the Arbitral Tribunal in The Hague on 14 February 1985 delimited the maritime boundary between the Republic of Guinea-Bissau and the Republic of Guinea;

Considering that the decision made by this high court of arbitration brought an end, through the peaceful settlement adopted, to the maritime boundary dispute between the two neighbouring countries;

Considering further that the two fraternal peoples thereby achieved a historic result, which is important in the development of the good and close relations of friendship and cooperation which have always existed between their two countries;

At the proposal of the Council of Ministers and in exercise of the functions and powers conferred on it under article 56, item 8, of the Constitution, the People's National Assembly approves, and I promulgate the following Act:

Article 1

The line delimiting the maritime areas appertaining to the Republic of Guinea-Bissau and the Republic of Guinea, respectively:

(a) Begins at the intersection of the Cajet thalweg and the meridian longitude 15° 06' 30" West;

(b) Connects, by means of loxodromes, the following points:

<u>Point</u>	<u>North latitude</u>	<u>West longitude</u>
A	10° 50' 00"	15° 09' 00"
B	10° 40' 00"	15° 20' 30"
C	10° 40' 00"	15° 34' 15"

(c) Follows a loxodrome on a bearing of 236° from point C above to the outer 200-mile limit.

...

Article 2

The territorial sea shall extend, within the national maritime frontiers, for a distance of 12 nautical miles measured from the straight baselines established by Act No. 2/85.

...

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<sup>101/</sup> Law of the Sea Bulletin No. 7 (Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations), p. 23.

<sup>102/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 180.



51. GUYANA

Maritime Boundaries Act, No. 10 of 1977 <sup>103/</sup>

Short title and commencement

1. (1) This Act may be cited as the Maritime Boundaries Act, 1977.

...

Interpretation

2. In this Act:

...

"miles" means international nautical miles of 1,852 metres each;

"territorial sea" means the territorial sea of Guyana.

PART I  
THE TERRITORIAL SEA

Territorial sea

3. (1) Subject to section 34, the territorial sea comprises those areas of the sea having as their inner limits the baselines referred to in section 7 and as their outer limits the line every point of which is twelve miles from the nearest point of the baseline.

(2) References to the territorial sea in any law shall, in relation to any period after the commencement of the Act, be construed in accordance with subsection (1).

...

Sovereignty of Guyana

5. The sovereignty of Guyana extends and has always extended to the territorial sea and to the seabed and subsoil underlying, and the airspace over such sea.

Use of territorial sea by foreign ships

6. (1) Without prejudice to any other written law for the time being in force, all foreign ships (other than warships including submarines and other underwater vehicles) shall enjoy the right of innocent passage.

(2) For the purposes of this section, passage is innocent so long as it is not prejudicial to the peace, good order or security of Guyana.

(3) Foreign warships including submarines and other underwater vehicles may enter or pass through the territorial sea after giving prior notice to the Government of Guyana:

Provided that submarines and other underwater vehicles shall navigate on the surface and show their flag while passing through such sea.

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<sup>103/</sup> British Institute of International and Comparative Law, New Directions in the Law of the Sea, vol. VII (Dobbs Ferry, N.Y., Oceana Publications, 1980), p. 112.

(4) The Minister may exercise such powers and take such measures in or in relation to the territorial sea as he may consider necessary in the interest of the peace, good order or security of Guyana or any part thereof, and such measures may include the suspension whether absolutely or subject to such exceptions and qualifications as he thinks fit, or the entry of all or any class of foreign ships into such area of the territorial sea.

#### Baseline

7. (1) The baseline from which the territorial sea shall be measured shall be the low-water line along the coast and, where the coastline is broken by a river, a straight line joining the two points where the low-water line on the coast ends on either side of the river.

(2) The Minister responsible for lands and surveys may by order prescribe geographical coordinates of points from which straight lines may be drawn for the purpose of subsection (1).

#### Low-water line

8. (1) For the purposes of section 7, the low-water line in any specified area shall be the line of the mean low-water springs as depicted on the largest-scale Guyana Government nautical chart on record at the Ministry responsible for lands and surveys for the time being of that area or, where no such chart of that area exists, the largest-scale British Admiralty chart for the time being of that area.

(2) In any proceedings in any court, a certificate purporting to be signed by the Minister responsible for lands and surveys or a person authorized by him that:

- (a) Any specified Guyana Government nautical chart of any area is the largest scale chart for the time being of that area; or
- (b) No Guyana Government nautical chart for any area exists and that any specified British Admiralty chart of that area is the largest scale British Admiralty chart for the time being of that area,

shall be admissible as evidence of the matter stated in the certificate.

(3) Every person signing any such certificate shall, in the absence of proof to the contrary, be presumed to be duly authorized to sign it.

...

### PART V GENERAL

#### Alteration of seaward limit

34. The President may, whenever he considers it necessary or expedient so to do having regard to international law and State practice, by order alter the seaward limit of the territorial sea, the continental shelf, the exclusive economic zone and the fishery zone.

#### Maritime boundaries determined by agreement

35. (1) The maritime boundaries between Guyana and any State whose coast is adjacent to that of Guyana in regard to their respective territorial seas, continental shelves, exclusive economic zones, fishery and other maritime zones shall be determined by agreement between Guyana and such States and pending such

agreement shall not extend beyond the line every point of which is equidistant from the nearest point on the baseline from which the breadth of the territorial sea of Guyana is measured.

(2) Every agreement entered into pursuant to subsection (1) shall, as soon as may be after it is entered into, be published in the Gazette.

(3) The provisions of subsection (1) shall have effect notwithstanding anything contained in any other provision of this Act.

#### Charts

36. (1) The Minister responsible for lands and surveys may cause charts to be issued delineating the baseline, referred to in section 7, the territorial sea, the continental shelf, the exclusive economic zone, the fishery zone and the maritime boundaries as settled by agreements under section 35 or any portions thereof as may be delineated consistent with the nature and scale of the charts.

(2) In any proceedings in any court a certificate purporting to be signed by the Minister responsible for lands and surveys or a person authorized by him that the chart is for the time being an authorized and accurate chart shall be admissible as conclusive evidence of the matter stated in the certificate.

(3) Every person signing any such certificate shall, in the absence of proof to the contrary, be presumed to be duly authorized to sign it.

#### Application of criminal and civil law

37. ...

(2) The Minister responsible for justice may by order make provision for the determination, in accordance with the law in force in Guyana as may be specified in the order, of questions arising out of acts or omissions taking place in a designated area or in any part of such an area, in connection with the exploration of the seabed or subsoil or the exploitation of the natural resources, and for conferring jurisdiction with respect to such questions on courts in any part of Guyana.

(3) Without prejudice to subsection (2) and notwithstanding anything to the contrary in any law, a complaint in respect of any offence committed under this Act may be laid and heard before any court of summary jurisdiction.

(4) The averment that the offence was committed or that any act was done within the limits of any port or in the waters of Guyana, or over Guyana, or where the offence was committed in any port or place in Guyana, the naming of such port or place in any information or complaint, shall be deemed sufficient, unless the defendant in any such case shall prove the contrary.

(5) Any jurisdiction conferred on any court under this section shall be without prejudice to any jurisdiction exercisable apart from this section by that or any court.

...

#### Offences by companies

39. (1) Where an offence under this Act or any law made thereunder has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this subsection shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in subsection (1) where an offence under this Act or any law made thereunder has been committed by a company and it is proved that the offence has been committed with the consent or the connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Previous sanction of the Director of Public Prosecutions

40. No prosecution shall be instituted against any person in respect of any offence under this Act without the previous sanction of the Director of Public Prosecutions.

Power to make regulations

41. (1) The President may make regulations for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:

- (a) Regulation of the conduct of any person in the territorial sea, the continental shelf, the exclusive economic zone or the fishery zone;  
...
- (e) Preservation and protection of the marine environment and prevention and control of marine pollution for the purposes of this Act;
- (f) Authorization, regulation and control of the conduct of scientific research for the purposes of this Act;  
...
- (h) Any matter incidental to any of the matters specified in paragraphs (a) to (g).

(3) In making any regulation under this section, the President may provide that a contravention thereof shall be punishable with a fine of ten thousand dollars and imprisonment for six months.

Power to amend any law to give effect to this Act

42. (1) If any difficulty arises in giving effect to the provisions of this Act or of any of the enactments extended under this Act, the President may, by order, amend any law as appears to him to be necessary or expedient for removing the difficulty.

...

52. HAITI

1. Declaration of the Haitian Government, of 6 April 1977 <sup>104/</sup>

The Government of the Republic of Haiti, exercising its full national sovereignty and the rights and powers conferred upon it by the Constitution and the laws, and desiring to preserve the territorial integrity and to defend the higher interests of the nation in its relations with the other Caribbean States.

...

- Reaffirms as principles of its international policy its sovereignty and exclusive jurisdiction over the waters washing the coasts of the Republic;

- Recalls that the territorial sea of Haiti extends for a distance of 12 nautical miles from the islands adjacent to the Republic and decides that its exclusive economic zone expands to 200 nautical miles from the baseline from which the territorial sea is measured.

The Republic of Haiti exercises exclusive sovereignty over the airspace above its territory and above its jurisdictional waters up to the boundaries established above.

...

2. Decree No. 38 of 8 April 1977 <sup>105/ 106/</sup>

Article 1

The limit of the Haitian territorial waters is fixed at 12 nautical miles from the low-water line.

Article 2

Waters situated on that side of the baseline of the territorial sea facing towards the land are part of the interior waters of the Republic of Haiti.

Article 3

Permanent installations which are part of the port system and which extend into the open sea are considered part of the coast of the Republic of Haiti.

Article 4

The State of Haiti exercises full sovereignty over the seabed and land under the seabed within the limit of its territorial waters, as well as over the airspace above such waters.

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<sup>104/</sup> United Nations, Legislative Series, ST/LEG/SER.B/19, p.43.

<sup>105/</sup> Text communicated by the Permanent Mission of Haiti to the United Nations.

<sup>106/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 182.

Article 5

A zone of 3 nautical miles contiguous to the territorial sea is established over which the State of Haiti extends its exclusive jurisdiction for purposes of fishing.

Article 6

The State of Haiti will regulate fishing in the territorial sea and in the zone contiguous to it taking into consideration the rational use and conservation of its living resources.

Article 7

The State of Haiti exercises over the contiguous zone all control that it judges necessary for:

- (a) Assuring the security of navigation and preventing infractions of its sanitary, fiscal, customs and immigration laws;
- (b) Preventing pollution, contamination and other risks which might endanger the ecological equilibrium of the aquatic environment.

53. HONDURAS

Constitution of the Republic of Honduras 1982  
(Decree No. 131 of 11 January 1982) <sup>107/</sup>

...

Article 11

The following also belong to the State of Honduras.

1. The territorial sea to a distance of twelve nautical miles, measured from the baseline of the lowest tide along the entire coast;

2. The zone contiguous to its territorial sea, which extends up to twenty-four nautical miles, measured from the baseline from which the breadth of the territorial sea is measured;

...

5. Concerning the Pacific Ocean, the previous measures shall be taken from the line of the closure of the mouth of the Gulf of Fonseca, out to the high seas.

Article 12

The State exercises sovereignty and jurisdiction over the airspace, and the subsoil of its continental and insular territory, its territorial sea, its contiguous zone, its exclusive economic zone and its continental shelf.

This declaration of sovereignty does not ignore similar legitimate rights of other States on a basis of reciprocity, and it neither affects the rights of free navigation of all nations, in accordance with international law, nor compliance with those treaties or conventions ratified by the Republic.

...

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<sup>107/</sup> Constitutions of the Countries of the World, (Dobbs Ferry, N.Y., Oceana Publications, 1982).

54. ICELAND

Law No. 41 of 1 June 1979 concerning the Territorial Sea,  
the Economic Zone and the Continental Shelf <sup>108/</sup>

I. THE TERRITORIAL SEA

Article 1

The territorial sea of Iceland shall be delimited by a line every point of which is 12 nautical miles from a baseline drawn between the following points:  
... <sup>109/</sup>

Each nautical mile shall be equal to 1,852 metres.

Article 2

The sovereignty of Iceland extends to the territorial sea, the bed of the territorial sea and the superjacent airspace.

This sovereignty is exercised in accordance with Icelandic law and the rules of international law.

...

V. MEASURES TO PREVENT POLLUTION

Article 8

Any measures which might pollute or otherwise damage the marine environment shall be avoided.

The Icelandic authorities concerned shall, by special legislation and in conformity with international agreements to which Iceland is a party, take measures to protect the marine environment against pollution and other harmful effects.

VI. SCIENTIFIC RESEARCH

Article 9

Scientific research in the territorial sea, the economic zone and the continental shelf shall be subject to the consent of the Icelandic authorities concerned.

In normal circumstances such consent shall be granted for research projects within the economic zone or on the continental shelf if the application emanates from another State or a competent international organization and the research project is to be carried out for peaceful purposes and in order to increase knowledge of the marine environment. Consent may, inter alia, be withheld if the application:

- (a) Is of direct significance for the exploration and exploitation of resources, whether living or non-living;

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<sup>108/</sup> Text transmitted by the Permanent Mission of Iceland to the United Nations in a note verbale dated 29 November 1979.

<sup>109/</sup> For coordinates of points see The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publications, Sales No. E.89.V.10), p. 184.



- (b) Involves drilling into the continental shelf or the use of explosives or substances harmful to the environment;
- (c) Involves the construction, operation or use of man-made structures;

Article 10

An application for a research permit in accordance with article 9 shall be submitted not less than six months in advance of the expected starting date of the project and shall be accompanied by full particulars concerning:

- (a) The nature and objectives of the research project;
- (b) The method and means to be used, including name, tonnage, type and class of vessels and a description of scientific equipment;
- (c) The precise geographical areas in which the activities are to be conducted;
- (d) The commencement and termination of the research period;
- (e) The name of the sponsoring institution, its director and the person in charge of the research project;
- (f) The anticipated participation of the Icelandic authorities in the research project.

The Icelandic authorities shall communicate their decision on an application within four months if consent is to be withheld.

VII. GENERAL PROVISIONS

Article 11

Violations of the provisions of this Law shall be subject to penalties prescribed in prevailing legislation.

...

55. INDIA

The Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976 <sup>110/</sup>

Short title and commencement

1. (1) This Act may be called the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976.

(2) Sections 5 and 7 shall come into force on such date or on such different dates as the Central Government may, by notification in the Official Gazette, appoint; and the remaining provisions of this Act shall come into force at once.

Definition

2. In this Act, "limit", in relation to the territorial waters, the continental shelf, the exclusive economic zone or any other maritime zone of India, means the limit of such waters, shelf or zone with reference to the mainland of India as well as the individual or composite group or group of islands constituting part of the territory of India.

Sovereignty over, and limits of territorial waters

3. (1) The sovereignty of India extends and has always extended to the territorial waters of India (hereinafter referred to as the territorial waters) and to the seabed and subsoil underlying, and the airspace over, such waters.

(2) The limit of the territorial waters is the line every point of which is at a distance of twelve nautical miles from the nearest point of the appropriate baseline.

(3) Notwithstanding anything contained in subsection (2), the Central Government may, whenever it considers necessary so to do having regard to international law and State practice, alter, by notification in the Official Gazette, the limit of the territorial waters.

(4) No notification shall be issued under subsection (3) unless resolutions approving the issue of such notification are passed by both Houses of Parliament.

Use of territorial waters by foreign ships

4. (1) Without prejudice to the provisions of any other law for the time being in force, all foreign ships (other than warships including submarines and other underwater vehicles) shall enjoy the right of innocent passage through the territorial waters.

Explanation - For the purposes of this section, passage is innocent so long as it is not prejudicial to the peace, good order or security of India.

(2) Foreign warships including submarines and other underwater vehicles may enter or pass through the territorial waters after giving prior notice to the Central Government:

Provided that submarines and other underwater vehicles shall navigate on the surface and show their flag while passing through such waters.

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<sup>110/</sup> Official Gazette of India, 28 May 1976.

(3) The Central Government may, if satisfied that it is necessary so to do in the interests of the peace, good order or security of India or any part thereof, suspend, by notification in the Official Gazette, whether absolutely or subject to such exceptions and qualifications as may be specified in the notification, the entry of all or any class of foreign ships into such area of the territorial waters as may be specified in the notification.

#### Contiguous zone of India

5. (1) The contiguous zone of India (hereinafter referred to as the contiguous zone) is an area beyond and adjacent to the territorial waters, and the limit of the contiguous zone is the line every point of which is at a distance of twenty-four nautical miles from the nearest point of the baseline referred to in subsection (2) of section 3.

(2) Notwithstanding anything contained in subsection (1), the Central Government may, whenever it considers necessary so to do having regard to international law and State practice, alter, by notification in the Official Gazette, the limit of the contiguous zone.

(3) No notification shall be issued under subsection (2) unless resolutions approving the issue of such notification are passed by both Houses of Parliament.

(4) The Central Government may exercise such powers and take such measures in or in relation to the contiguous zone as it may consider necessary with respect to, :

(a) The security of India, and

(b) Immigration, sanitation, customs and other fiscal matters.

(5) The Central Government may, by notification in the Official Gazette:

(a) Extend with such restrictions and modifications as it thinks fit, any enactment, relating to any matter referred to in clause (a) or clause (b) of subsection (4), for the time being in force in India or any part thereof, to the contiguous zone, and

(b) Make such provisions as it may consider necessary in such notification for facilitating the enforcement of such enactment,

and any enactment so extended shall have effect as if the contiguous zone is a part of the territory of India.

...

#### Historic waters

8. (1) The Central Government may, by notification in the Official Gazette, specify the limits of such waters adjacent to its land territory as are the historic waters of India.

(2) The sovereignty of India extends, and has always extended, to the historic waters of India and to the seabed and subsoil underlying, and the airspace over, such waters.

Maritime boundaries between India and States having coasts  
opposite or adjacent to those of India

9. (1) The maritime boundaries between India and any State whose coast is opposite or adjacent to that of India in regard to their respective territorial waters, contiguous zones, continental shelves, exclusive economic zones and other maritime zones shall be as determined by agreement (whether entered into before or after the commencement of this section) between India and such State and pending such agreement between India and any such State, and unless any other provisional arrangements are agreed to between them, the maritime boundaries between India and such State shall not extend beyond the line every point of which is equidistant from the nearest point from which the breadth of the territorial waters of India and of such State are measured.

(2) Every agreement referred to in subsection (1) shall, as soon as may be after it is entered into, be published in the Official Gazette.

(3) The provisions of subsection (1) shall have effect notwithstanding anything contained in any other provision of this Act.

Publication of charts

10. The Central Government may cause the baseline referred to in subsection (2) of section 3, the limits of the territorial waters, the contiguous zone, the continental shelf, the exclusive economic zone and the historic waters of India and the maritime boundaries as settled by agreements referred to in section 9 to be published in charts.

Offences

11. Whoever contravenes any provision of this Act or of any notification thereunder shall (without prejudice to any other action which may be taken against such person under any other provision of this or of any other enactment) be punishable with imprisonment which may extend to three years, or with fine, or with both.

Offences by companies

12. (1) Where an offence under this Act or the rules made thereunder has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this subsection shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercise all due diligence to prevent the commission of such offences.

(2) Notwithstanding anything contained in subsection (1), where an offence under this Act or the rules made thereunder has been committed by a company and it is proved that the offence has been committed with the consent or the connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section:

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.

Place of trial

13. Any person committing an offence under this Act or any rules made thereunder or under any of the enactments extended under this Act or under the rules made thereunder may be tried for the offence in any place in which he may be found or in such other place as the Central Government may, by general or special order, published in the Official Gazette, direct in this behalf.

Previous sanction of the Central Government for prosecution

14. No prosecution shall be instituted against any person in respect of any offence under this Act or the rules made thereunder without the previous sanction of the Central Government of such officer authority as may be authorized by that Government by order in writing in this behalf.

Power to make rules

15. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

- (a) Regulation of the conduct of any person in the territorial waters, the contiguous zone, the continental shelf, the exclusive economic zone or any other maritime zone of India;
- ...
- (e) Preservation and protection of the marine environment and prevention and control of marine pollution for the purposes of this Act;
- (f) Authorization, regulation and control of the conduct of scientific research for the purposes of this Act;
- ...
- (h) Any matter incidental to any of the matters specified in clauses (a) to (g).

(3) In making any rule under this section, the Central Government may provide that a contravention thereof shall be punishable with imprisonment which may extend to three years, or with fine which may extend to any amount, or with both.

(4) Every rule made under this Act ... shall be laid, as soon as may be after it is made or issued, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule or the notification or both Houses agree that the rule or notification should not be issued, the rule or notification shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or

annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

Removal of difficulties

16. (1) If any difficulty arises in giving effect to the provisions of this Act or of any of the enactments extended under this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act or, as the case may be, such enactment, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section:

- (a) In the case of any difficulty arising in giving effect to any provision of this Act, after the expiry of three years from the commencement of such provision;
  - (b) In the case of any difficulty arising in giving effect to the provisions of any enactment extended under this Act, after the expiry of three years from the extension of such enactment.
- (2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

56. INDONESIA

Act No. 4 of 18 February 1960 <sup>111/</sup> <sup>112/</sup>

...

Article 1

(1) The Indonesian waters consist of the territorial sea and the internal waters of Indonesia.

(2) The Indonesian territorial sea is a maritime belt of a width of 12 nautical miles, the outer limit of which is measured perpendicular to the baselines or points on the baselines which consist of straight lines connecting of the outermost points on the low-water mark of the outermost islands or part of such islands comprising Indonesian territory with the provision that in case of straits of a width of not more than 24 nautical miles and Indonesia is not the only coastal state the outer limit of the Indonesian territorial sea shall be drawn at the middle of the strait.

(3) The Indonesian internal waters are all waters lying within the baselines mentioned in paragraph (2).

(4) One nautical mile is one sixtieth of a meridian.

Article 2

On the map annexed to this Act is indicated the position of the points and baselines mentioned in article 1, paragraph (2). <sup>113/</sup>

Article 3

(1) Innocent passage through the internal waters of Indonesia is open to foreign vessels.

(2) The innocent passage is mentioned in paragraph 1 shall be regulated by Government Ordinance.

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<sup>111/</sup> "International Boundary Studies, Series A, Limits in the Seas", Office of the Geographer, Bureau of Intelligence and Research of the United States Department of State, No. 35, 20 July 1971.

<sup>112/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 187.

<sup>113/</sup> For coordinates of points, see The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publications, Sales No. E.89.V.10), p. 187.

57. IRAN (ISLAMIC REPUBLIC OF)

Act on the Marine Areas of the Islamic Republic of Iran  
in the Persian Gulf and the Oman Sea, 1993 <sup>114/</sup> <sup>115/</sup>

PART I  
TERRITORIAL SEA

Article 1  
Sovereignty

The sovereignty of the Islamic Republic of Iran extends, beyond its land territory, internal waters and its islands in the Persian Gulf, the strait of Hormuz and the Oman Sea, to a belt of sea, adjacent to the baseline, described as the territorial sea.

This sovereignty extends to the airspace over the territorial sea as well as to its bed and subsoil.

Article 2  
Outer limit

The breadth of the territorial sea is 12 nautical miles, measured from the baseline. Each nautical mile is equal to 1,852 metres.

The islands belonging to the Islamic Republic of Iran, whether situated within or outside its territorial sea, have, in accordance with this Act, their own territorial sea.

Article 3  
Baseline

In the Persian Gulf and the Oman Sea, the baseline from which the breadth of the territorial sea is measured is that one determined in Decree No. 2/250-67 dated 31 Tir 1352 (22 July 1973) of the Council of Ministers (annexed to this Act); <sup>116/</sup> in other areas and islands, the low-water line along the coast constitutes the baseline.

Waters on the landward side of the baseline of the territorial sea, and waters between islands belonging to the Islamic Republic of Iran, where the distance of such islands does not exceed 24 nautical miles, form part of the internal waters and are under the sovereignty of the Islamic Republic of Iran.

Article 4  
Delimitation

Wherever the territorial sea of the Islamic Republic of Iran overlaps the territorial seas of the states with opposite or adjacent coasts, the dividing line between the territorial seas of the Islamic Republic of Iran and those

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<sup>114/</sup> Text transmitted by the Permanent Mission of the Islamic Republic of Iran to the United Nations in a note verbale dated 6 July 1993.

<sup>115/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 194.

<sup>116/</sup> The text of Decree No. 2/250-67 dated 31 Tir 1352 (22 July 1973) is not annexed to this Act, it has already been reproduced in: United Nations, Legislative Series, ST/LEG/SER.B/19, p. 55.



States shall be, unless otherwise agreed between the two parties, the median line every point of which is equidistant from the nearest point on the baseline of both States.

Article 5  
Innocent passage

The passage of foreign vessels, except as provided for in article 9, is subject to the principle of innocent passage so long as it is not prejudicial to the good order, peace and security of the Islamic Republic of Iran.

Passage, except as in cases of force majeure, shall be continuous and expeditious.

Article 6  
Requirements of innocent passage

Passage of foreign vessels, in cases when they are engaged in any of the following activities, shall not be considered innocent and shall be subject to relevant civil and criminal laws and regulations:

- (a) Any threat or use of force against the sovereignty, territorial integrity or political independence of the Islamic Republic of Iran, or in any other manner in violation of the principles of international law;
- (b) Any exercise or practice with weapons of any kind;
- (c) Any act aimed at collecting information prejudicial to the national security, defence or economic interests of the Islamic Republic of Iran;
- (d) Any act of propaganda aimed at affecting the national security, defence or economic interests of the Islamic Republic of Iran;
- (e) The launching, landing or transferring on board of any aircraft or helicopter, or any military devices or personnel to another vessel or to the coast;
- (f) The loading or unloading of any commodity, currency or person contrary to the laws and regulations of the Islamic Republic of Iran;
- (g) Any act of pollution of the marine environment contrary to the rules and regulations of the Islamic Republic of Iran;
- (h) Any act of fishing or exploitation of the marine resources;
- (i) The carrying out of any scientific research and cartographic and seismic surveys or sampling activities;
- (j) Interfering with any systems of communication or any other facilities or installations of the Islamic Republic of Iran;
- (k) Any other activity not having a direct bearing on passage.

Article 7  
Supplementary laws and regulations

The Government of the Islamic Republic of Iran shall adopt such other regulations as are necessary for the protection of its national interests and the proper conduct of innocent passage.

Article 8  
Suspension of innocent passage

The Government of the Islamic Republic of Iran, inspired by its high national interests and to defend its security, may suspend innocent passage in parts of its territorial sea.

Article 9  
Exceptions to innocent passage

Passage of warships, submarines, nuclear-powered ships and vessels or any other floating objects or vessels carrying nuclear or other dangerous or noxious substances harmful to the environment, through the territorial sea is subject to the prior authorization of the relevant authorities of the Islamic Republic of Iran. Submarines are required to navigate on the surface and to show their flag.

Article 10  
Criminal jurisdiction

In the following cases, the investigation, prosecution and punishment in connection with any crimes committed on board the ships passing through the territorial sea is within the jurisdiction of the judicial authorities of the Islamic Republic of Iran:

- (a) If the consequences of the crime extend to the Islamic Republic of Iran;
- (b) If the crime is of a kind to disturb the peace and order of the country or the public order of the territorial sea;
- (c) If the master of the ship or a diplomatic agent or consular officer of the flag State asks for the assistance and investigation;
- (d) If such investigation and prosecution is essential for the suppression of illicit traffic in narcotic drugs or psychotropic substances.

Article 11  
Civil jurisdiction

The competent authorities of the Islamic Republic of Iran may stop, divert or detain a ship and its crew for the enforcement of attachment orders or court judgements if:

- (a) The ship is passing through the territorial sea after leaving the internal waters of the Islamic Republic of Iran;
- (b) The ship is lying in the territorial sea of the Islamic Republic of Iran;
- (c) The ship is passing through the territorial sea, provided that the origin of the attachment order or court judgement rests in the obligations or requirements arising from the civil liability of the ship itself.

PART II  
CONTIGUOUS ZONE

Article 12  
Definition

The contiguous zone is an area adjacent to the territorial sea the outer limit of which is 24 nautical miles from the baseline.

Article 13  
Civil and criminal jurisdiction

The Government of the Islamic Republic of Iran may adopt measures necessary to prevent the infringement of laws and regulations in the contiguous zone, including security, customs, maritime, fiscal, immigration, sanitary and environmental laws and regulations and investigation and punishment of offenders.

PART III  
EXCLUSIVE ECONOMIC ZONE AND CONTINENTAL SHELF

...

Article 21  
Right of hot pursuit

The Government of the Islamic Republic of Iran reserves its right of hot pursuit against offenders of laws and regulations relating to its internal waters, territorial sea, contiguous zone, exclusive economic zone and the continental shelf, in such areas and the high seas.

PART IV  
FINAL PROVISIONS

Article 22  
Executive regulations

The Council of Ministers shall specify the mandates and responsibilities [powers and duties] of different ministries and organizations charged with the enforcement of this Act.

The said ministries and organizations shall, within one year after the approval of this Act, prepare the necessary regulations and have them approved by the Council of Ministers.

Pending the adoption of new executive regulations, the existing rules and regulations shall remain in force.

...

58. IRAQ

Law No. 71 of 1958 delimiting the Iraqi territorial waters <sup>117/</sup>

Article 1

The Iraqi territorial sea, its bed and subsoil and the airspace about it shall be under the sovereignty of the Iraqi Republic, subject to the rules recognized by international law pertaining to the innocent passage of the ships of other countries through the said sea.

Article 2

The Iraqi territorial sea extends twelve nautical miles (a nautical mile is equivalent to 1,852 metres) in the direction of the high sea, measured from the low-water mark following the sinuosities of the Iraqi coast.

Article 3

In case the territorial sea of another State interlaps with the Iraqi territorial sea, the limits between the two territorial seas shall be determined by agreement with the State concerned in accordance with the recognized rules of international law or with such understanding as may be reached between the two States.

Article 4

No provisions in this Law shall infringe Iraq's other internationally recognized rights in the two maritime belts known as the contiguous zone and the continental shelf following the Iraqi territorial sea in the direction of the high sea. Nor shall any provisions in this Law infringe the official proclamations issued by the Iraqi Government in this respect.

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<sup>117/</sup> United Nations, Legislative Series, ST/LEG/SER.B/15, p.90. Official Gazette No. 82, 25 November 1968.

59. IRELAND

Maritime Jurisdiction Acts, 1959 to 1988 <sup>118/</sup> <sup>119/</sup> <sup>120/</sup>

Interpretation

1. In this Act:

...

"internal waters" has the meaning given to it by section 5;

"island" means a naturally formed area of land surrounded by water which is above water at high water;

"low-tide elevation" means a naturally formed area of land which is surrounded by and above water at low water but submerged at high water;

"nautical mile" means the length of one minute of an arc of a meridian of longitude;

...

The territorial seas

2. For the purpose of this Act, the territorial seas of the State shall be that portion of the sea which lies between the baseline and the outer limit of the territorial seas.

Outer limit of the territorial seas

3.\* For the purposes of this Act, the outer limit of the territorial seas is the line every point of which is at a distance of 12 nautical miles from the nearest point of the baseline.

The baseline

4.\* (1) Save as otherwise provided, the baseline is low-water mark:

(a) on the coast of the mainland or of any island, or

(b) on any low-tide elevation situated wholly or partly at a distance not exceeding 12 nautical miles from the mainland or an island.

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<sup>118/</sup> Maritime Jurisdiction Acts 1959 and 1964: United Nations, Legislative Series, ST/LEG/SER.B/15, p. 90.

Maritime Jurisdiction (Amendment) Act 1988: Law of the Sea Bulletin No. 12 (Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations), p. 15.

<sup>119/</sup> This text is a consolidation of the 1959 to 1964 Act with certain provisions as amended by the 1988 Act, prepared by the Division for Ocean Affairs and the Law of the Sea. Provisions of the 1959 to 1964 Act that have been newly written by the 1988 Act are indicated by an asterisk (\*).

<sup>120/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 197.

(2) The Government may by order prescribe straight baselines in relation to any part of the national territory and the closing line of any bay or mouth of a river, and any line so prescribed shall be taken as the baseline.

(3) The Government may by order revoke or amend an order under subsection (2).

...

#### Place of commission of offence

9. For the purpose of giving jurisdiction under this Act, every offence shall be deemed to have been committed and every cause of complaint to have arisen either where it actually was committed or arose or wherever the offender or person complained against may be.

#### Jurisdiction in case of offences

10. (1) Every offence committed within the territorial seas or internal waters is an offence within the jurisdiction of the State and may be dealt with by a court of competent jurisdiction although committed on board or by means of a foreign ship and a person who commits such offence may be arrested, tried and punished accordingly.

(2) For the purpose of arresting any person charged with an offence declared by this section to be within the jurisdiction of the State, the territorial seas and internal waters shall be deemed to be within the jurisdiction of any court, judge, justice or peace commissioner having power within the State to issue warrants for the arrest of persons charged with offences committed within the jurisdiction of such court, judge, justice or peace commissioner.

#### Prosecution of an alien for offence on foreign ship

11. (1) Proceedings (other than the taking of depositions) for the prosecution of an alien for an offence alleged to have been committed in the territorial seas on board or by means of a foreign ship shall not be instituted without the certificate of the Minister for External Affairs that the institution of the proceedings is in his opinion expedient.

(2) This section does not apply to an offence against Part XIII of the Fisheries (Consolidation) Act, 1959, or an offence under section 7.

#### Saving as to jurisdiction

12. Nothing in this Act shall be construed to be in derogation of any jurisdiction of the State under international law or to affect or prejudice any jurisdiction conferred by any other enactment or now by law existing.

...

#### Adaption of enactments

14. (1)\* References in any enactment to sea areas and waters within three miles, three nautical miles or one league of the coast or shore and cognate expressions shall be construed as references to sea areas and waters lying within the outer limit of the territorial seas.

(2) For the purposes of any other enactment the territorial seas shall be taken to comprise the sea area to which section 2 applies.

60. ISRAEL

1. Territorial Waters Law, 5717/1956, as amended by the Territorial Waters (Amendment) Law, 5750-1990, of 5 February 1990 <sup>121/ 122/</sup>

Definition of "territorial waters"

1.\* (a) In section 3 of the Interpretation Law, 5741-1981, in the definition of "territorial waters", the words "six miles" shall be replaced by the words "twelve nautical miles".

(b) Notwithstanding the provisions of section 1 of the Interpretation Law, 5741-1981, the definition of "territorial waters" as enacted according to subsection (a) shall apply also to enactments and administrative directions issued before the coming into force of the said Law."

2.\* Wherever it is said in any law that a part of the open sea adjoining the coast of the State is included in the territory of the State or that any law or a power under any law applies to such a part, and the extent of that part is not fixed or is fixed at less than twelve nautical miles from the low-water mark or from some other point on the coast, such extent shall be twelve nautical miles as aforesaid.

2. Interpretation Law No. 5741/1981

...

Meanings of words and expressions

3. ...

"territorial waters" means a stretch of open sea along the coast of the State, measuring twelve <sup>123/</sup> nautical miles in width from the low-water mark;

...

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<sup>121/</sup> Territorial Waters Law 5717/1956: United Nations, Legislative Series, ST/LEG/SER.B/6, p. 26, footnote 3;

Territorial Waters (Amendment) Law 1990: Law of the Sea Bulletin No. 16 (Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations), p. 17.

<sup>122/</sup> This text is a consolidation of the 1956 Law as amended by the 1990 Law, prepared by the Division for Ocean Affairs and the Law of the Sea. Provisions of the 1956 Law that have been newly written by the 1990 Law are indicated by an asterisk (\*).

<sup>123/</sup> As modified by the Territorial Waters (Amendment) Law, 5750-1990.

61. ITALY

Navigation Code of 30 March 1942, as amended by  
Law No. 359 of 14 August 1974 <sup>124/</sup> <sup>125/</sup>

Territorial sea

2. Any gulf, inlet or bay the coasts of which form part of the territory of the Republic shall be subject to the sovereignty of the State if the distance between the outermost points of the opening of the gulf, inlet or bay in question does not exceed twenty-four nautical miles. If such distance exceeds twenty-four nautical miles, then the portion of the gulf, inlet or bay enclosed within a straight line drawn between the two points lying furthest to seaward which are separated by a distance of twenty-four nautical miles shall be subject to the sovereignty of the State.

In addition, a zone of the sea extending twelve nautical miles from the coasts of the mainland and of the islands of the Republic, and from the straight lines joining the outermost points referred to in the preceding paragraph, shall be subject to the sovereignty of the State. The said twelve-mile distance shall be measured from the coastline constituted by the low-water mark.

The foregoing provisions shall not affect any provisions laid down for specific purposes by statute, regulations or international conventions.

Airspace subject to the sovereignty of the State

3. The airspace over the territory and territorial sea of the Kingdom shall be subject to the sovereignty of the State.

...

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<sup>124/</sup> A. Giuffrè, Italian Legislation on the Law of the Sea, 1981, p. 1.

<sup>125/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 201.



62. JAMAICA

Territorial Sea Act, No. 14 of 29 April 1971 <sup>126/</sup>

Interpretation

2. In this Act:

"breadth", used with reference to the territorial sea, means any measurement, from a baseline therefor, whereby any of the outer limits of the territorial sea may, for the purposes of subsection (1) of section 3, be located in a manner such as described in article 6 of the Convention;

"the Convention" means the Convention on the Territorial Sea and the Contiguous Zone, which was prepared at the International Conference on the Law of the Sea held at Geneva from 24 February to 27 April 1958, to which Jamaica is a party ...;

"laws" includes instruments having the force of law and unwritten rules of law;

"Minister" means the Minister for the time being responsible for External Affairs;

"the territorial sea" means the territorial sea of Jamaica.

Limits of the territorial sea and application  
of laws with reference thereto

3. (1) The territorial sea shall comprise the waters of so much of the sea adjacent to the coasts of Jamaica, and shall have such limits, as may be in keeping with the provisions of this Act, and with any regulations made under section 6, in all respects so provided for or prescribed for the time being and, in other respects, with the Convention.

(2) The territorial sea shall be twelve miles in breadth or shall have such other breadth as may be prescribed.

(3) The waters, within the limits which are mentioned in subsection (1), shall be the territorial waters of Jamaica and such references to territorial waters of the Island as were expressed (in whatever terms) or implied immediately before the date of commencement of this Act in any laws, being laws continuing in force or brought into operation in Jamaica on or after that date, shall, in relation to any period commencing thereon or thereafter, be construed accordingly except where the context is such that it is inappropriate.

(4) The provisions of paragraph 1 of article 5 and paragraph 4 of article 7 of the Convention as respects waters situated on the landward side of any baseline or enclosed by any closing line shall have effect as part of the law of Jamaica, which (as in force from time to time) shall apply to such waters accordingly, with reference to any prescribed or other line aforesaid limiting the territorial sea but without prejudice to any regulations made under section 6 for the purpose of giving effect to paragraph 2 of article 5 of the Convention.

(5) All laws made or having effect prior to commencement of this Act, and for the construction or application of which any provision is hereinbefore made

by this section, shall, subject to repeal or variation by any competent authority, have effect with such adaptations and modifications as may be necessary to bring them into conformity with that provision.

Criminal jurisdiction

4. (1) An Act:

(a) Committed by a person, whether he is or is not a citizen of Jamaica, on or in the territorial sea; and

(b) Being of such a description as would, if committed on land within a parish in Jamaica, be punishable on indictment according to the law of Jamaica for the time being in force,

is an offence punishable on indictment in like manner, notwithstanding that it may have been committed on board or by means of a vessel the nationality of which is not Jamaican; and the person who is reasonably suspected of having committed such offence may, subject to the provisions of subsection (5), be arrested, and may be tried and otherwise dealt with in reference to any charge against him in connection with that offence, accordingly.

(2) Without prejudice to the provisions of subsection (5), for the purpose of arresting any person charged with an offence declared by subsection (1) to be indictable, the territorial sea shall be deemed to be within the jurisdiction of any person authorized by law for the time being in force in Jamaica to issue warrants for the arrest of persons charged with indictable offences committed within his jurisdiction.

(3) At the commencement of this Act, the Territorial Waters Jurisdiction Act, 1878, in so far as it forms part of the law of Jamaica, shall cease to have effect.

(4) Nothing in this section shall:

(a) Except as provided by subsection (5), restrict or prejudice the exercise of any powers or authority by, for, or on behalf of or in the name or service of, Her Majesty in right of Her Government of Jamaica pursuant to international law or any provisions contained immediately before the commencement of this Act in any law having effect thereafter as part of the law of Jamaica;

(b) Abrogate or abridge any criminal jurisdiction conferred on any court by virtue of any provisions contained as aforesaid;

(c) Preclude any act of piracy (as defined by any such law or provisions as aforesaid) from being tried or otherwise dealt with in like manner as such an act might, until the commencement of this Act, have been dealt with pursuant to any law or custom hitherto applicable in Jamaica, but without prejudice to its being lawful to deal in any other manner hereinbefore authorized by this section with any such act declared to be indictable as aforesaid;

and references in this section to provisions contained in any law immediately before the commencement of this Act include references to provisions as construed or having effect under section 3 which were so contained.

(5) No exercise of power or authority in any manner described in paragraph (a) of subsection (4) shall be such as to constitute a breach of article 19 of the Convention.

Restriction of execution of civil process

5. Nothing shall be lawful to any extent to which it is inconsistent with any

provisions of the Convention in so far as they are restrictive of the taking, pursuant to Jamaica's sovereignty over the territorial sea, of measures for the purposes of the execution of civil process or the exercise of civil jurisdiction.

#### Regulations

6. (1) The Minister may, by regulations, make such provision as appears to him to be necessary or expedient for the purposes of carrying out the Convention and regulating the use of the territorial sea, or for any such purpose, and (without prejudice to the generality of the foregoing) provision may be so made for all or any of the following matters:

(a) The charts to be officially recognised as indicating baselines limiting the territorial sea, and the admission of any of such charts in evidence of the admission therein of a chart as being certified in the prescribed manner to be a copy of any of them;

(b) Defining any limits of the territorial sea or part thereof, whether by way of such charts as aforesaid or otherwise;

(c) Making it a breach of the regulations to fish without lawful authority in the territorial sea:

(i) By means of a vessel the nationality of which is not Jamaican; and

(ii) In contravention of any law which imposes in case of summary conviction thereof, or conviction on indictment therefor, liability irrespective of the nationality of any vessel involved therein,

and making any such breach of the regulations as aforesaid an offence punishable in like case by a fine of any maximum amount exceeding by not more than five thousand dollars, or by imprisonment for any maximum term exceeding by not more than twelve months, that to which any liability is imposed as mentioned in subparagraph (ii), or by both such fine and imprisonment, as may be prescribed;

(d) Determining the nationality of vessels for the purposes of any provisions of the regulations;

(e) Making with effect from a prescribed date, not earlier than the date of commencement of this Act, such adaptations or modifications in any other laws made for having effect in Jamaica prior to the date of commencement aforesaid as appear to him necessary or expedient in consequence of anything contained in the Convention;

(f) Prescribing anything authorized or required by this Act to be prescribed.

(2) Powers conferred by subsection (1) or any such regulations as aforesaid for any purpose shall be in addition to, and (save as may be otherwise provided under paragraph (e) of subsection (1)) not in derogation of, any powers exercisable for the like purpose in accordance with any other laws, so, however, that in case of any conflict the powers conferred as aforesaid shall prevail.

(3) Any regulations made pursuant to subsection (2) of section 3 shall be subject to negative resolution, and any regulations made under paragraph (e) of subsection (1) for the purpose of adapting or modifying any Act or Law shall be subject to affirmative resolution, or the House of Representatives.

#### Crown bound

7. This Act binds the Crown.

...

63. JAPAN

1. Law on the Territorial Sea, No. 30 of 2 May 1977 <sup>127/</sup> <sup>128/</sup>

Extent of the territorial sea  
Article 1

1. The territorial sea of Japan comprises the areas of the sea extending from the baseline to the line twelve nautical miles seaward thereof. Provided that, where any part of that line as measured from the baseline lies beyond the median line, the median line (or the line which may be agreed upon between Japan and a foreign country as a substitute for the median line) shall be substituted for that part of the line.

2. The median line referred to in the preceding paragraph shall be the line every point of which is equidistant from the nearest point on the baseline and the nearest point on the baseline from which the breadth of the territorial sea pertaining to the foreign coast which is opposite the coast of Japan is measured.

Baseline  
Article 2

1. The baseline shall be the low-water line and the straight line drawn across the mouth of or within a bay, or across the mouth of a river. Provided that, with respect to the Seto Naikai, which is internal waters, the baseline shall be the lines prescribed by Cabinet Order as the boundaries with other areas of the sea adjacent thereto. <sup>129/</sup>

2. The criteria to be used when employing as the baseline the lines provided for in the main part of the preceding paragraph and any other matters necessary for the drawing of the baseline shall be prescribed by Cabinet Order. <sup>130/</sup>

Supplementary provisions

...

Extent of the territorial sea  
pertaining to the designated areas

2. For the time being, the provisions of Article 1 shall not apply to the Soya Strait, the Tsugaru Strait, the eastern channel of the Tsushima Strait, the western channel of the Tsushima Strait and the Osumi Strait (including areas of the sea which are adjacent to these waters and which are recognized as forming respectively integral parts thereof from the point of view of the course normally

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<sup>127/</sup> United Nations, Legislative Series, ST/LEG/SER.B/19, p.56.

<sup>128/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10,) p. 207.

<sup>129/</sup> See article 1 (Boundaries of the Seto Naikai with other areas of the sea) of Cabinet Order No. 210 of 17 June 1977, reproduced in The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publications, Sales No. E.89.V.10), p. 207.

<sup>130/</sup> See article 2 of Cabinet Order 210/77, reproduced below.

used for navigation by vessels; hereinafter referred to as "designated areas"). The territorial sea pertaining to the designated areas shall be respectively the areas of the sea extending from the baseline to the line three nautical miles seaward thereof and to the line drawn connecting with the said line.

3. The limits of the designated areas and the lines referred to in the preceding paragraph shall be prescribed by Cabinet Order.

2. Enforcement Order of the Law on the Territorial Sea  
(Cabinet Order No. 210 of 17 June 1977) <sup>131/</sup>

Article 2

1. Excluding the Seto Naikai, which is internal waters, the baseline shall be the low-water line along the coast (or, if a river flows directly into the sea, a straight line across the mouth of the river between points on the low-tide line of its banks; the same shall apply hereinafter). Provided that, with respect to bays, referred to in each of the following subparagraphs, the low-water line along the coast which is within the straight line (or lines) prescribed in the subparagraphs shall not be used as the baseline, the straight line (or lines) prescribed in the relevant subparagraphs being the baseline.

(1) Bays in which the distance between the low-water marks at the natural entrance points (where, because of the presence of islands, there is more than one natural entrance point, the sum total of the distances between the low-water marks at each natural entrance point; the same shall apply in the following subparagraph) does not exceed 24 nautical miles: the straight line joining the low-water marks at the natural entrance points.

(2) Bays in which the distance between the low-water marks at the natural entrance points exceeds 24 nautical miles: the straight line 24 nautical miles in length joining two points on the low-water line along the coast within the bay which, with the low-water line along the shore, will enclose the maximum area of water.

2. The low-water line on a low-tide elevation which, when the lines laid down in the subparagraphs of the preceding article and in the preceding paragraph are used as the baseline, is situated wholly or partly within the area of water which is included in the territorial sea shall be the baseline.

3. By bays and islands, in paragraph 1, and low-tide elevations, in the preceding paragraph, are meant bays, islands and low-tide elevations as defined in, respectively, article 7, paragraph 2, article 10, paragraph 1, and article 11, paragraph 1, of the Convention on the Territorial Sea and the Contiguous Zone.

4. The low-water line along the coast referred to in paragraph 1 and the low-water line of a low-tide elevation referred to in paragraph 2 shall be the lines marked on large-scale charts published by the Maritime Safety Agency.

Article 3

The limits of the designated areas prescribed in paragraph 2 of the Supplementary Provisions of the Law shall be the limits of the areas of the sea (the territorial sea of a foreign country being excluded therefrom) prescribed in the B sections of the Annexed Schedule.

Article 4

The lines referred to in paragraph 2 of the Supplementary Provisions of the Law shall be the lines prescribed in the C sections of the Annexed Schedule.

...

ANNEXED SCHEDULE

(With reference to article 3 and article 4)

I. Designated area pertaining to the Soya Strait

"B" SECTIONS

The area of the sea enclosed by the following lines:

- (1) The line drawn at an angle of 105 degrees from the Soya Misaki Lighthouse (45° 31' 9" North Latitude, 141° 56' 25" East Longitude);
- (2) The line drawn at an angle of 15 degrees from the first intersection of the line referred to in the preceding subparagraph with the line which is twelve nautical miles seaward of the baseline (hereinafter referred to as "the twelve-nautical-mile line");
- (3) The line drawn at an angle of 285 degrees from the Soya Misaki Lighthouse;
- (4) The line drawn at an angle of 15 degrees from the first intersection of the line referred to in the preceding subparagraph with the twelve-nautical-mile line;
- (5) The line drawn at an angle of 105 degrees from a point on the line referred to in the preceding subparagraph so as to be at a tangent to the twelve-nautical-mile line.

"C" SECTIONS

The line within the designated area drawn at a distance of three nautical miles seaward of the baseline (hereinafter referred to as "the three-nautical mile line"), and the lines pertaining to the designated area referred to in subparagraph (1) and subparagraph (3) above (but limited to those parts between a point of intersection with the three-nautical-mile line and a point of intersection with the twelve-nautical-mile line).

II. Designated area pertaining to the Tsugaru Strait

"B" SECTIONS

The area of the sea enclosed by the following lines and the coast:

- (1) The line drawn at an angle of 90 degrees from the Oma Saki Lighthouse (41°33'7" North Latitude, 140°54'55" East Longitude);
- (2) The line drawn at an angle of 0 degrees from the intersection of the line referred to in the preceding subparagraph with the twelve-nautical mile line;
- (3) The line drawn at an angle of 175 degrees from the Oma Saki Lighthouse to the Simokita Peninsula;
- (4) The line drawn at an angle of 67.5 degrees from the Tappi Saki Lighthouse (41°15'21" North Latitude, 140°20'45" East Longitude) to the Simokita Peninsula;

(5) The line drawn at an angle of 235 degrees from the Tappi Saki Lighthouse;

(6) The line drawn at an angle of 235 degrees from the Sirakami Misaki Lighthouse (41° 23' 44" North Latitude, 140° 12' 3" East Longitude);

(7) The line drawn at an angle of 145 degrees from the intersection of the line referred to in the preceding subparagraph with the twelve-nautical mile line;

(8) The line drawn from the Kattosi Misaki Lighthouse (41°44'22" North Latitude, 140°36'11" East Longitude) to the southernmost point of Obana Saki;

(9) The line drawn at an angle of 90 degrees from the Siokubi Misaki Lighthouse (41 42'31" North Latitude, 140°58'4" East Longitude).

"C" SECTIONS

The three-nautical-mile line within the designated area, and the lines pertaining to the designated area referred to in subparagraph (1), subparagraph (5), subparagraph (6) and subparagraph (9) above (but limited to those parts between a point of intersection with the three-nautical-mile line and a point of intersection with the twelve-nautical-mile line).

III. Designated area pertaining to the Western Channel of the Tsushima Strait

"B" SECTIONS

The area of the sea enclosed by the following lines and the coast:

(1) The line drawn at an angle of 53 degrees from the Mitu Sima Lighthouse (34° 43' 15" North Latitude, 129° 26' 48" East Longitude);

(2) The line drawn at an angle of 323 degrees from the first intersection of the line referred to in the preceding subparagraph with the twelve-nautical-mile line;

(3) The line drawn at an angle of 233 degrees from a point on the line referred to in the preceding subparagraph so as to be at a tangent of the twelve-nautical-mile line;

(4) The line drawn from the Mitu Sima Lighthouse to the northernmost point of Kunosita Saki;

(5) The line drawn from the easternmost point of Komatu Saki to the Go Saki Lighthouse (34° 19' 41" North Latitude, 129° 12' 25" East Longitude);

(6) The line drawn at an angle of 229 degrees from the Ko Saki Lighthouse;

(7) The line drawn at an angle of 287 degrees from the intersection of the line referred to in the preceding subparagraph with the twelve-nautical-mile line;

(8) The line drawn at an angle of 17 degrees from a point on the line referred to in the preceding subparagraph so as to be at a tangent to the twelve-nautical-mile line.

"C" SECTIONS

The three-nautical-mile line within the designated area, and the line pertaining to the designated area referred to in subparagraph (1) above (but limited to that part between a point of intersection with the three-nautical-mile line and a point of intersection with the twelve-nautical mile line).

IV. Designated area pertaining to the Eastern Channel of the Tsushima Strait

"B" SECTIONS

The area of the sea enclosed by the following lines:

- (1) The line drawn at an angle of 49 degrees from the Wakamiya Lighthouse (33°51'57" North Latitude, 129°41'20" East Longitude);
- (2) The line drawn at an angle of 229 degrees from the Wakamiya Lighthouse;
- (3) The line drawn at an angle of 49 degrees from the Ko Saki Lighthouse (34°4'52" North Latitude, 129°12'58" East Longitude);
- (4) The line drawn at an angle of 229 degrees from the Ko Saki Lighthouse;
- (5) The line drawn from the first intersection of the line referred to in subparagraph (1) with the twelve-nautical-mile line to the first intersection of the line referred to in subparagraph (3) with the twelve-nautical-mile line.
- (6) The line drawn from the first intersection of the line referred to in subparagraph (2) with the twelve-nautical-mile line to the intersection of the line referred to in subparagraph (4) with the twelve-nautical-mile line.

"C" SECTIONS

The three-nautical-mile line within the designated area, and the lines pertaining to the designated area referred to in subparagraph (1), subparagraph (2) and subparagraph (3) above (but limited to those parts between a point of intersection with the three-nautical-mile line and a point of intersection with the twelve-nautical-mile line).

V. Designated area pertaining to the Osumi Strait

The area of the sea, enclosed by the following lines and the coast:

- (1) The line drawn at an angle of 60 degrees from the Kisika Saki Lighthouse (30°49'55" North Latitude, 131°3'30" East Longitude);
- (2) The line drawn from the Kisika Saki Lighthouse to the Mage Sima Lighthouse (30°45'44" North Latitude, 130°51'30" East Longitude);
- (3) The line drawn from the southwesternmost point of Mage Sima to the southeasternmost point of Kuti-no-Erabu Sima;
- (4) The line drawn at an angle of 240 degrees from the westernmost point of Kuti-no-Erabu Sima;
- (5) The line drawn at an angle of 330 degrees from the intersection of the line referred to in the preceding subparagraph with the twelve-nautical-mile line;



(6) The line drawn at an angle of 240 degrees from the southernmost point of Yu Se (30°44'40" North Latitude, 130°6'24" East Longitude);

(7) The line drawn from the southernmost point of Yu Se to the southernmost point of Yakuro Se (30°43'16" North Latitude, 130°19'14" East Longitude);

(8) The line drawn from the southernmost point of Yakuro Se to the southeasternmost point of Take Sima;

(9) The line drawn from the southeasternmost point of Take Sima to the Sata Misaki Lighthouse (30°59'19" North Latitude, 130° 39' 42" East Longitude);

(10) The line drawn from the Hi Saki Lighthouse (31°16'39" North Latitude, 131° 8' 2" East Longitude) to the Toi Misaki Lighthouse (31° 21' 49" North Latitude, 131° 20' 53" East Longitude);

(11) The line drawn at an angle of 60 degrees from the Toi Misaki Lighthouse;

(12) The line drawn at an angle of 150 degrees from the first intersection of the line referred to in the preceding subparagraph with the twelve-nautical-mile line.

"C" SECTIONS

The three-nautical-mile line within the designated area, and the lines pertaining to the designated area referred to in subparagraph (1), subparagraph (2), subparagraph (3), subparagraph (4), subparagraph (6), subparagraph (7), subparagraph (8), subparagraph (9), and subparagraph (11) above (but limited to those parts between a point of intersection with the three-nautical-mile line and a point of intersection with the twelve-nautical-mile line or another point of intersection with the three-nautical-mile line).

64. JORDAN

Fisheries Act No. 25 of 2 December 1943 <sup>132/</sup>

...

Article 2

In this Act, unless the context otherwise requires:

...

"Transjordan" includes that part of the sea which is contiguous to the coast of Transjordan and lies within a distance of three nautical miles from the low-water line.

...

Article 4

No one shall be permitted to engage in fishing unless he has obtained a fishing licence. A fee of 100 mills shall be charged for the issue of such licence in respect of each financial year.

...

Article 8

Any judicial, police or customs officer, and any other officer empowered thereto by the Prime Minister may, for the purpose of enforcing the provisions of this Act:

...

(b) Go on board and search any vessel or boat believed to be engaged in fishing and examine any fish or fishing implements therein;

(c) Where there are reasonable grounds for suspecting that an offence has been committed, take the alleged offender, the vessels or boat, the fishing implements and the catch without summons or warrant, to the most convenient police station or port, detain such vessels or boat and such fishing implements pending trial, sell the catch and impound the proceeds of the sale.

...

65. KENYA

Territorial Waters Act of 16 May 1972, revised in 1977 <sup>133/</sup> <sup>134/</sup>

Short title

1. This Act may be cited as the Territorial Waters Act.

Breadth of the territorial waters

2. (1) Except as provided in subsection (4) of this section the breadth of the territorial waters of the Republic of Kenya shall be twelve nautical miles.

(2) The breadth of such territorial sea shall be measured in the manner set out in the Schedule to this Act calculated with the provisions of the Convention on the Territorial Sea and the Contiguous Zone done at Geneva on 29 April 1958.

(3) For the purposes of article 7 of the aforesaid Convention Ungwana Bay (sometime known as Formosa Bay) shall be deemed to be and always to have been an historic bay.

(4) On the coastline adjacent to neighbouring States the breadth of the territorial sea shall extend to a median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial waters of each of the respective States is measured.

Evidence

3. If, in any proceedings before any court in Kenya, a question arises as to whether an act or omission takes place within or without the territorial waters of Kenya, a certificate to that effect signed by or on behalf of the Minister for the time being responsible for Foreign Affairs shall be received in evidence and be deemed to be so signed without further proof, and any such certificate shall constitute prima facie proof of the facts certified therein.

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<sup>133/</sup> Communicated by the Permanent Mission of Kenya to the United Nations.

<sup>134/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 210.

66. KIRIBATI

Marine Zones (Declaration) Act 1983, No. 7 of 16 May 1983 <sup>135/</sup>

PART I  
PRELIMINARY

Short title and commencement

1. This Act may be cited as the Marine Zones (Declaration) Act 1983.

Interpretation

2. (1) In this Act, unless the context otherwise requires:

"the baseline of Kiribati" means the low-water line of the seaward side of the reef fronting the coast of any part of Kiribati or bounding any lagoon waters adjacent to any part of that coast, or where a reef is not present the low-water line of the coast itself;

...

"low-tide elevation" means a naturally formed area of land that is surrounded by and is above water at mean low-water spring tides but is submerged at mean high-water spring tides;

"low-water line", in relation to any area, means the line of low water at mean low-water spring tides as depicted on the largest-scale nautical chart of the area held by the Minister responsible for Marine Affairs;

"the median line" means a line every point of which is equidistant from the nearest point of:

- (a) the baselines from which the territorial sea of Kiribati is measured; and  
(b) the corresponding baselines of any other country;

"nautical mile" means an international nautical mile of 1,852 metres.

- (2) For the purpose of this Act, permanent harbour works that form an integral part of a harbour system shall be regarded as forming part of the coast.

References to rules of international law

3. Where in this Act it is provided that anything shall be done, or any law or order shall be made, in accordance with the rules of international law, the question, whether it was so done or made, is non-justiciable.

...

The territorial sea

6. (1) Subject to subsection (2), for the purposes of any law of Kiribati the territorial sea of Kiribati is those parts of the sea within 12 nautical miles from the outer limits of the internal waters of Kiribati.

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<sup>135/</sup> Regional Compendium of Fisheries Legislation (Western Pacific Region), vol. I (Rome, Food and Agriculture Organization of the United Nations, 1984), p. 315.

(2) Where archipelagic baselines are drawn under section 5(2), the breadth of the territorial sea shall be measured from those baselines to the extent to which they are outside the outer limits of the internal waters of Kiribati.

...

Legal character of marine zones, etc.

8. (1) The sovereignty of the Republic of Kiribati extends beyond its land territory and internal waters over the territorial sea, and to the airspace over them and the seabed and subsoil under them.

...

(3) The sovereignty and sovereign rights of the Republic of Kiribati under this section shall be exercised in accordance with the rules of international law.

Rights of States in marine zones

9. (1) Subject to the succeeding provisions of this section, ships and aircraft of all States have, in accordance with the rules of international law, the right of free passage through and over the territorial seas and the archipelagic waters of Kiribati.

(2) The Minister may, in accordance with the rules of international law, by order designate sea lanes and air routes suitable for the continuous and expeditious passage of foreign ships and aircraft, through and over the archipelagic waters and the adjacent territorial seas, and may also prescribe traffic separation schemes for the purpose of ensuring the safe passage of ships through narrow channels in any such sea lanes.

(3) In sea lanes and air routes designated under subsection (2) all ships and aircraft may, in accordance with the rules of international law, enjoy the right of navigation and overflight, in their normal modes, for the purpose of continuous, expeditious and unobstructed transit through and over the archipelagic waters and the adjacent territorial seas, from one part of the exclusive economic zone to another part of it.

(4) Until sea lanes and air routes are prescribed under subsection (2), the rights of navigation and overflight referred to in subsection (3) may be exercised through and over all routes normally used for international navigation and overflight.

(5) The rights of navigation and overflight referred to in subsections (3) and (4) are subject to all laws of Kiribati made in accordance with the rules of international law.

...

Charts, publicity, etc.

11. (1) The Minister shall cause all closing lines, baselines and other lines drawn for the purposes of this Act, for determining the limits of the internal waters, the archipelagic waters, the territorial seas and the exclusive economic zone of Kiribati to be clearly indicated on charts of a scale or scales adequate for them to be readily determined, and shall give adequate publicity to Gazette and otherwise.

(2) A question, whether adequate publicity has been given under subsection (2) is adequate, is non-justiciable.

(3) A copy of each chart referred to in subsection (1) shall be deposited with the Secretary-General of the United Nations and the Secretary-General of the South Pacific Commission.

Evidentiary provisions

12. In any judiciary proceedings before a court or person acting judicially, a certificate purporting to be signed by the Marine Superintendent stating that any specific nautical chart of any area is a chart to which section 11 applies that is held by the Minister is evidence of the matters stated in the certificate, and the chart is evidence of the matters set out in it.

67. KUWAIT

Decree regarding the Delimitation of the Breadth of the Territorial Sea  
of the State of Kuwait, of 17 December 1967 <sup>136/</sup>

...

Article 1

The territorial sea of the State of Kuwait extends seaward for a distance of twelve nautical miles from the baselines of the mainland and of Kuwaiti islands as hereinafter defined in article 2 of this Decree.

Article 2

The baselines from which the territorial sea of the State of Kuwait is measured are established as follows:

(a) Where the shore of the mainland or of a Kuwaiti island is fully exposed to the open sea, the low-water line along the coast is the baseline;

(b) Where there is a port or harbour, the outermost permanent harbour works which form an integral part of the harbour system are considered as forming part of the coast;

(c) Where there is a low-tide elevation situated not more than twelve miles from the mainland or from a Kuwaiti island, the outer edge of the said low-tide elevation constitutes the baseline for measuring the territorial sea of the mainland or, as the case may be, of the island off which the elevation is situated;

(d) In the case of Kuwait Bay, the waters of which are internal waters, the baseline is the closing line across the entrance to the Bay established in Annex III to Law No. 12 of 1964 regarding Prevention of the Pollution of Navigable Waters by Oil.

Article 3

In this Decree, the expression "island" means a naturally formed area of land surrounded by water, which is above water at mean high water tides.

The expression "lowtide elevation" means a naturally formed area of land which is surrounded by and above water at low tide but submerged at high tide.

Article 4

If the territorial sea of Kuwait measured in accordance with the provisions of this Decree overlaps the territorial sea of another State or of the Zone partitioned by the Agreement relating to the Partition of the Neutral Zone dated 7 July 1965, the boundary shall be determined in conformity with the provisions of article 12 of the Geneva Convention on the Territorial Sea and the Contiguous Zone, referred to in the Preamble of this Decree.

Article 5

The enforcement of the provisions of this Decree shall not be understood as affecting in any way any rights of the interested parties in the submerged area to seaward of the Zone partitioned under the Partition Agreement of the Neutral Zone hereinabove mentioned.

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<sup>136/</sup> United Nations, Legislative Series, ST/LEG/SER.B/15, p. 96.

Nor shall it be understood to detract in any way from any rights provided for in existing Concession Agreements between the Government of Kuwait and the oil companies operating in the territory of Kuwait, in the Partitioned Zone or in the seabed areas appertaining to each, particularly as regards the acreage of concession area as defined in the said agreements.

Article 6

Nothing in the provisions of this Decree shall prejudice the rights of the State of Kuwait to an area contiguous to its territorial sea to be delimited later on, or to the exploitation of fish resources.

...



68. LATVIA

Law of the Republic of Latvia on the Border of the  
Republic of Latvia of 10 December 1990 <sup>137/</sup>

CHAPTER I  
GENERAL CONDITIONS

The boundary of the Republic of Latvia

1. The boundary of the Republic of Latvia is the line and the vertical surface coincident with this line, which divides the territory of the Republic of Latvia on dry land and on the waters, the underground and airspace of this land from the neighbouring countries and from the neutral waters in the Baltic Sea.

The determination of the boundary of the Republic of Latvia,  
and its guarding and security

2. The state boundary of the Republic of Latvia is determined by the international treaties the Republic of Latvia entered into and ratified by 16 June 1940, and later by the bilateral treaties entered into with neighbouring countries on the renewal of the boundary.

The Government of the Republic of Latvia, within its legal powers, shall take steps to guard and secure the State borders and territories.

The marking of the border of the Republic of Latvia

3. The state border of the Republic of Latvia, if other provisions have not been made in the international treaties entered into by the Republic of Latvia, shall be marked:

...

(2) In the Baltic sea - along the outer edge of the territorial waters of the Republic of Latvia;

(3) In the Irbe Strait and in the Gulf of Riga - in accordance with bilateral agreements with the Republic of Estonia.

...

The state border of the Republic of Latvia which goes along a river, stream, lake or other body of water shall not be moved if there is a change in the configuration of the coastline or in the river or stream bed.

...

The territorial waters of the Republic of Latvia

4. Among the territorial waters of the Republic of Latvia shall be regarded the waters of the Baltic Sea to the width of 12 sea miles, counting from the maximum low tide line from the Latvian coast.

...

CHAPTER II  
THE REGIME OF THE STATE BORDER OF THE  
REPUBLIC OF LATVIA AND ITS BORDER AREAS

The regime of the State border of the Republic of Latvia

6. The regime of the State border of the Republic of Latvia determines how the

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<sup>137/</sup> Text communicated by the Department of State of the United States of America.

border will be maintained, how its security will be maintained and also the procedure for crossing the border, the procedure for entering, staying and working in the border area, in the Latvian part on the boundary rivers, boundary lakes and other bodies of water; it also provides for the necessary control, to ensure that this procedure will be observed. The regime of the State border of the Republic of Latvia is to be regulated by this law, by other legislation of the Republic of Latvia and by international treaties.

#### The State border area of the Republic of Latvia

7. In order to ensure the necessary order on the State border of the Republic of Latvia, along the border shall be fixed a border area. The border area is part of the State border, and the regime of the State border of the Republic of Latvia shall apply to it as well. The border area, in accordance with international treaties, shall be defined by the Government of the Republic of Latvia.

#### The Border Zone

8. In the interests of security of the Republic of Latvia and its State border, the Government of the Republic of Latvia will fix a border zone in the counties in the border area which is not to be narrower than 15 kilometres along the State border and the coastline of the Baltic Sea.

#### The regime in the Border Zone

9. The regime in the Border Zone determines the procedure for entering, staying and working in the Border Zone of the State border of the Republic of Latvia, and on its territorial and those inland waters, which are contiguous to the border.

The regime of the Border Zone is set by this law, by other legislation of the Republic of Latvia as well as by international treaties.

#### Crossing the State border of the Republic of Latvia

10. Railroad, automobile, sea, river, air and other traffic across the border of the Republic of Latvia shall take place at the border-crossing points determined by the Government of the Republic of Latvia - in accordance with the laws of the Republic of Latvia and the international treaties entered into by the Republic of Latvia. At the border-crossing points there shall be installed border-guard control points.

Sea and river ships, warships and other floating objects shall cross the State border of the Republic of Latvia in accordance with this law and other legislative acts and regulations of the Republic of Latvia, which are to be published according to specified procedure.

Airplanes and other aircraft engaged in air traffic shall cross the state border of the Republic of Latvia along air traffic corridors specified for border crossings in accordance with legislative acts and regulations of the Republic of Latvia, which are to be published according to specified procedure.

...

Procedure, according to which foreign ships and other floating objects shall arrive in the territorial waters, and the inland waters and harbours of the Republic of Latvia

12. Foreign ships and other floating objects shall arrive and remain in the territorial waters of the Republic of Latvia according to the procedure specified in acts of legislation of the Republic of Latvia and international treaties recognized by the Republic of Latvia.

Foreign warships shall arrive in the territorial waters of the Republic of Latvia according to the procedure specified by the Government of the Republic of Latvia.

Foreign submarines may remain in the territorial waters of the Republic of Latvia only above water, and with raised flag that shows the country to which they belong.

...

Foreign ships and other floating objects, if they are compelled to enter the territorial and inland waters of the Republic of Latvia without having observed procedures specified by the Republic of Latvia, must notify of the situation the nearest harbour administration of the Republic of Latvia.

Controls for crossing the State border of the Republic of Latvia

13. Persons, as well as traffic vehicles, cargoes and other goods which cross the State border of the Republic of Latvia are to be subject to border and customs controls in accordance with this law as well as other relevant legislation.

If it should prove to be necessary, they shall be subject to quarantine, veterinary and phytosanitary control, as well as control of export of objects of cultural value, and also other controls.

The border is to be crossed, and the border-crossing control shall be organized and applied according to the procedure which has been specified in legislative acts of the Republic of Latvia.

...

Violators of the State border of the Republic of Latvia

16. The violators of the State border of the Republic of Latvia are the following:

(1) Persons who have crossed or tried to cross the State border of the Republic of Latvia in any way outside of the places designated for this purpose, or ignoring the required procedure;

(2) Foreign ships and other floating objects, which have entered the territorial waters of the Republic of Latvia or the inland waters along border zones, or the Latvian side of border rivers, lakes or other bodies of water, or which remain therein, in violation of existing regulations;

(3) Airplanes and other aircraft engaged in air traffic, which have crossed the State border of the Republic of Latvia without the proper permits, or which have otherwise violated regulations concerning flying across the State border of the Republic of Latvia.

Accredited representatives of the State border of the  
Republic of Latvia

17. In order to solve problems which are tied to the maintaining of the regime of the State border the Republic of Latvia, as well as to deal with border incidents, the Government of the Republic of Latvia shall select accredited State border representatives.

The questions which have not been dealt with by the accredited State border representatives shall be solved through diplomatic negotiations.

Responsibility for violations of border legislation of the  
Republic of Latvia

18. Persons who have violated, or have tried to violate the regime of the State border or its border areas, are to be called to account in accordance with legislation then in force.

CHAPTER III  
THE GUARDING AND SECURING OF THE STATE BORDER OF THE  
REPUBLIC OF LATVIA

The duties and functions of guarding and securing the border

19. For the purpose of guarding and securing the territory of the Republic of Latvia, and to strengthen the regime of the State border and its customs control, there shall be organized a system for guarding the State border of the Republic of Latvia on land, water and in the air.

The border guard

20. The guarding of the State border of the Republic of Latvia is the province of the department of the Border Guard created for this purpose, and its subordinate units, thus making up the system of the Border Guard Service.

The regulation of the duties of the border guard

21. The duties of the Border Guard Service are regulated by this law, other legislative acts of the Republic of Latvia, and international treaties, as well as normative acts issued by the competent institutions of the Republic of Latvia.

The main duties of the border guard

22. The main duties of the border guard of the Republic of Latvia are:

(1) To guard the border, the boundary markers which have been placed there and other border structures, to foil any and all illegal attempts to change the placement of the State border of the Republic of Latvia;

(2) To prevent persons, or vehicles, cargoes and other goods from crossing the State border of the Republic of Latvia outside of the (designated) border-crossing points or in any other illegal manner, (and) to discover and to detain those violating the State border of the Republic of Latvia;

(3) To maintain specified order at the border-crossing points, to organize the work at the border crossing points, and allow to cross the State border of the Republic of Latvia persons, as well as vehicles, cargoes and other goods, if the documents necessary for crossing the border have been obtained and are in order;

(4) In accordance with proper procedure, independently or together with the customs services and consulting specialists, to prevent the illegal transfer

of explosives, radioactive and narcotic materials, weapons, ammunition and other prohibited objects and contraband across the State border of the Republic of Latvia;

(5) Together with the police (militia) to ensure that the (prescribed) regime of the border areas is observed;

(6) To ensure that the international treaties which the Republic of Latvia has entered into having to do with the State border are fulfilled;

(7) To control that ships and other floating objects observe the specified procedure as to movement and staying within the territorial waters and the inland waters of the Republic of Latvia in border areas, as well as in the Latvian part of border rivers, lakes and other bodies of water;

(8) To provide to specially accredited institutions of the Republic of Latvia all necessary help to ensure that regulations for the preservation of natural resources, and for the regulation of economic activity, for the protection of the environment against pollution, for the fighting of fires, and for the liquidation of the consequences of natural disasters in the border areas are being observed.

#### The basic rights of the border guard

23. Fulfilling the functions of the State border guard of the Republic of Latvia, the employees of the border guard along the State border, in the territory of the border zone, in the territorial and inland waters of the Republic of Latvia which are contiguous to the border, and in the Latvian part of border rivers, lakes and other bodies of water have the following rights:

(1) To place border-guard posts; fulfilling official duties, to move along all areas of the border zone; to check documents; to examine vehicles and their cargoes, and in case of necessity to escort vehicles;

(2) To make inquiries in matters of violations of the State border of the Republic of Latvia; to make the necessary relevant investigations, examinations, searches and interrogations in accordance with the legislation on criminal procedures of the Republic of Latvia then in effect, and to detain the violators until such time when the inquiry materials shall have been taken over by investigatory agencies, but no longer than 24 hours, notifying of it the (nearest) city (or regional) prosecutor. These guidelines apply also to citizens of other countries and to stateless persons;

(3) To make use of State communications equipment and vehicles, as well as those belonging to social organizations, corporations, enterprises and physical persons, in order to be able to follow and detain border violators;

(4) In fulfilling official duties, to carry a service weapon, and to use it in accordance with procedures prescribed by law;

(5) The rights of the employees of the border guard in relation to floating objects - foreign, and those of the Republic of Latvia - are regulated by a separate law.

#### The participation of the State agencies, social organizations and the citizens of the Republic of Latvia in the guarding of the State border of the Republic of Latvia

24. The duty of State agencies, social organizations and their functionaries is to provide maximum assistance to the border guard for the guarding of the State border of the Republic of Latvia.

...

69. LEBANON

Legislative Decree No. 138 concerning territorial waters  
and sea areas, of 7 September 1983 <sup>138/</sup>

...

Article 1

Subject to compliance with the provisions of international conventions to which Lebanon is a party or a signatory, the width of (Lebanon's) territorial waters is hereby fixed at 12 nautical miles from the seashore, starting from the lowest level of ebb tide.

Article 2

The creation within territorial waters of areas that are out of bounds to ships and the specification of navigation routes may be effected by virtue of a Council of Ministers decree issued on the recommendation of the Minister of Public Works and Transport and the Ministers of Finance and National Defence.

The above-mentioned decree shall specify the types of vessels affected by the provisions of this Legislative Decree.

Article 3

Every infringement of the provisions of article 2 above is punishable by a fine ranging from five thousand to twenty thousand Lebanese pounds. Subject to a decision by the Minister of Public Works and Transport, the offender may also be disreputed and the ship banned entry into Lebanese ports.

The collection of fines shall be effected in accordance with laws and regulations in force.

In the event of other laws and regulations in force being violated, the application of the penalty provided for in this Legislative Decree shall not prevent the imposition of the penalty provided for in those laws and regulations.

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<sup>138/</sup> Text communicated by the Department of State of the United States of America; Official Gazette No. 45, 10 November 1983.

70. LIBERIA

1. Act to establish and delimit the territorial sea and contiguous zone of the Republic of Liberia, approved 24 June 1968 <sup>139/</sup>

Section 1

Definition of terms. As used in this Act:

"Territorial sea" means the water contained in the zone of belt adjacent to the Republic of Liberia which is under its jurisdiction as regarded as part of its territory.

"Contiguous zone" means that belt or zone of water on the high seas adjacent the territorial waters of the Republic of Liberia over which the Republic may exercise control necessary to prevent and punish the infringement within its territory and territorial waters of its customs, immigration, fiscal or sanitary regulations.

...

Section 3

The baseline of the Liberian coast in each case shall be determined by using the low-water line along the coast as marked on large-scale charts officially recognized by the Republic of Liberia.

Section 4

The sovereignty of the Republic of Liberia extends to the airspace over the territorial sea as well as to its bed and subsoil.

Section 5

The contiguous zone to the territorial sea of the Republic of Liberia shall extend to a distance of 12 nautical miles.

...

2. Act to approve the Executive Order issued by the President of Liberia on 24 December 1976, approved 16 February 1977 <sup>140/</sup>

1. ...

Whereas, an Act to establish and delimit the territorial sea and contiguous zone of the Republic of Liberia was passed by the Legislature of Liberia and approved 24 June 1968; and

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<sup>139/</sup> Regional Compendium of Fisheries Legislation - West Africa (CECAF Region) (Rome, Food and Agriculture Organization of the United Nations, 1984), p. 246.

<sup>140/</sup> Source: Regional Compendium of Fisheries Legislation - West Africa (CECAF Region) (Rome, Food and Agriculture Organization of the United Nations, 1984), p. 246.

Whereas, by that Act, the territorial area of the Republic of Liberia was extended to a distance of 12 nautical miles from the baseline of the Republic of Liberia;

Whereas, it has now become necessary to provide for adequate protection of the line of the Republic of Liberia and preserve the interest of the Liberian people over an extended area of the sea adjacent to the Republic of Liberia;

... the territorial sea of the Republic of Liberia shall extend to a distance of two hundred (200) nautical miles from the baseline of the Republic of Liberia.

...



71. LIBYAN ARAB JAMAHIRIYA

1. Act No. 2 of 18 February 1959 concerning the delimitation of Libyan territorial waters <sup>141/</sup>

Article 1

The limit of Libyan territorial waters shall be fixed at twelve nautical miles.

...

2. Information concerning the jurisdiction of the Gulf of Surt <sup>142/</sup>

The Libyan Arab Republic makes the following announcement:

The Gulf of Surt located within the territory of the Libyan Arab Republic and surrounded by land boundaries on its east, south and west side, and extending north offshore to latitude 32 degrees and 30 minutes, constitutes an integral part of the territory of the Libyan Arab Republic and is under its complete sovereignty.

As the Gulf penetrates Libyan territory and forms a part thereof, it constitutes internal waters, beyond which the territorial waters of the Libyan Arab Republic start.

Through history and without any dispute, the Libyan Arab Republic has exercised its sovereignty over the Gulf. Because of the Gulf's geographical location commanding a view of the southern part of the country, it is therefore crucial to the security of the Libyan Arab Republic. Consequently, complete surveillance over its area is necessary to ensure the security and safety of the State.

In view of the aforementioned facts, the Libyan Arab Republic declares that the Gulf of Surt, defined within the borders stated above, is under its complete national sovereignty and jurisdiction in regard to legislative, judicial, administrative and other aspects related to ships and persons that may be present within its limits.

Private and public foreign ships are not allowed to enter the Gulf without prior permission from the authorities of the Libyan Arab Republic and in accordance with the regulations established by it in this regard.

The Libyan Arab Republic reserves the sovereign rights over the Gulf for its nationals. In general, the Libyan Arab Republic exercises complete rights of sovereignty over the Gulf of Surt as it does over any part of the territory of the State.

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<sup>141/</sup> United Nations, Legislative Series, ST/LEG/SER.B/16, p. 14.

<sup>142/</sup> United Nations, Legislative Series, ST/LEG/SER.B/18, p. 26.

72. LITHUANIA

Law of the Republic of Lithuania on the State Boundary  
of the Republic of Lithuania, of 25 June 1992 <sup>143/</sup>

I. GENERAL PROVISIONS

Article 1

The State boundary of the Republic of Lithuania

The State boundary of the Republic of Lithuania is the line and the vertical surface lying along this line, defining the limits of the territory of the Republic of Lithuania - land, waters, subsoil and airspace.

The State boundary of the Republic of Lithuania is inviolable.

The State boundary of the Republic of Lithuania may be realigned only by an international agreement of the Republic of Lithuania.

...

Article 3

The line of the State boundary of the Republic of Lithuania

The State boundary of the Republic of Lithuania shall pass:

...

2. At sea - along a line limiting the territorial sea;

...

Article 4

The territorial sea of the Republic of Lithuania

The territorial sea of the Republic of Lithuania comprises the coastal waters of Lithuania 12 miles in breadth. The limits of the territorial sea shall be established by measuring from the straight line connecting the two outermost points of the coast. The geographical coordinates of these points shall be confirmed by the Government of the Republic of Lithuania.

An international agreement of the Republic of Lithuania may establish different limits of the territorial sea of the Republic of Lithuania.

...

II. THE STATE BOUNDARY REGIME OF THE REPUBLIC OF LITHUANIA

Article 6

The State boundary Regime of the Republic of Lithuania

The State boundary regime of the Republic of Lithuania consists of:

...

3. The procedure for navigation and sojourn of Lithuanian and foreign ships in the territorial sea and in the Lithuanian part of waters of frontier rivers, lakes, bays or other bodies of water and for the entry and sojourn of foreign ships in the internal waters and ports of Lithuania;

...

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<sup>143/</sup> International Journal of Marine and Coastal Law, vol. 8, No. 2, May 1993, p. 294.

The State boundary regime of the Republic of Lithuania specified in this Law shall be established by this Law and other laws and regulatory acts of the Republic of Lithuania, and international agreements of Lithuania.

Article 7  
Crossing points of the State boundary of the  
Republic of Lithuania

The crossing points of the State boundary of the Republic of Lithuania shall be established by an international agreement of the Republic of Lithuania, or by the Government of the Republic of Lithuania.

Boundary check posts and customs posts shall be established at the crossing points of the State boundary of the Republic of Lithuania, and at international sea or river ports and airports.

Article 8  
Procedure for crossing the State boundary of the Republic of  
Lithuania for persons and for carrying freight and  
other goods across it

The State boundary of the Republic of Lithuania may be crossed only at the established points.

Persons crossing the State boundary of the Republic of Lithuania must present a passport or other documents conforming to international requirements for passport control.

Foreign citizens crossing the State boundary of the Republic of Lithuania must have a visa of the Republic of Lithuania. The Government of the Republic of Lithuania, provided that the Supreme Council has no objections, may establish a simplified procedure for foreign citizens for crossing the State boundary of the Republic of Lithuania.

The admission of persons, means of transport and freight shall be effected after customs inspection.

Article 9  
Procedure for crossing the boundary by aircraft

Aircraft shall cross the State boundary of the Republic of Lithuania on special air corridors in accordance with the rules established by this Law and other laws of the Republic of Lithuania, international agreements of the Republic of Lithuania and competent State institutions. An aircraft may cross the State boundary of the Republic of Lithuania outside the air corridors only upon obtaining prior permission from an institution authorized by the Government of the Republic of Lithuania.

Upon entering the airspace of the Republic of Lithuania, aircraft may land or take off for departure only at international airports (from airfields).

Article 10  
Peaceful navigation in the territorial sea  
of the Republic of Lithuania

Navigation in the territorial sea of the Republic of Lithuania shall be considered peaceful when it is not foreseen to enter the internal waters of the Republic of Lithuania or when it is foreseen to enter or leave the internal waters or ports of the Republic of Lithuania.

During peaceful navigation, a ship may stop or anchor if it is necessary for ordinary navigation or for rendering assistance to persons, ships or aircraft in distress.

Ships or river boats shall cross the State boundary of the Republic of Lithuania in accordance with the procedure established by this and other laws of the Republic of Lithuania, international agreements of the Republic of Lithuania and rules established by the competent State institutions.

In relation to States which have established a right of permission of peaceful navigation of foreign warships, the right of permission of peaceful navigation for warships of those States in the territorial sea of the Republic of Lithuania shall be established in accordance with a regulatory act of the Republic of Lithuania.

The Government of the Republic of Lithuania may designate sea lanes for ships carrying dangerous cargo, tankers and ships with nuclear engines.

Authorized State institutions shall establish special rules for the navigation of such ships, and provide sea charts with clearly marked sea lanes.

While crossing the State boundary of the Republic of Lithuania and during navigation in the territorial sea of the Republic of Lithuania, foreign submarines and other submarine transport must navigate on the surface and must show the national flag of their State.

...

#### Article 12

#### Prohibition of carrying nuclear or other weapons of mass destruction across the State boundary of the Republic of Lithuania

It shall be prohibited to carry nuclear or other weapons of mass destruction across the State boundary of the Republic of Lithuania by any means.

#### Article 13

#### Military transit across the State boundary of the Republic of Lithuania

Army contingents of a foreign State and military freight may be carried in transit across the State boundary of Lithuania only in accordance with the procedure established by an international agreement of the Republic of Lithuania.

#### Article 14

#### Temporary restrictions or closure of communications across the State boundary of the Republic of Lithuania in connection with the spreading of infectious diseases

In the event of a threat of the spreading of particularly dangerous infectious diseases on the territory of the Republic of Lithuania or a foreign State, the Government of the Republic of Lithuania may:

1. Temporarily restrict or close communication across the boundary of the Republic of Lithuania;
2. Enforce quarantine on persons, cattle, birds, animals and all plant or animal products and other freight crossing the State boundary of the Republic of Lithuania.

Article 15  
Violators of the State boundary of the Republic of Lithuania

Violators of the State boundary of the Republic of Lithuania shall be:  
...

2. Foreign ships, which upon entering into the territorial sea or the internal waters of the State boundary of the Republic of Lithuania, as well as the Lithuanian part of waters of frontier rivers, lakes or other water bodies violated the established rules of entry;

3. Aircraft, having crossed the State boundary of the Republic of Lithuania without permission or otherwise having committed another violation of the rules for crossing the State boundary of the Republic of Lithuania;

...

Article 16  
Institution of proceedings against  
violators of the State boundary

Violators of the State boundary of the Republic of Lithuania shall be pursued and arrested in accordance with the laws of the Republic of Lithuania. Against persons having violated the Law on the State Boundary of the Republic of Lithuania proceedings shall be instituted in accordance with legislation of the Republic of Lithuania. Foreign citizens having violated the Law on the State boundary may be extradited from the territory of the Republic of Lithuania.

III. FINAL PROVISIONS

Article 17  
Procedure for the publication of documents regulating the regime  
of the State boundary of the Republic of Lithuania

Documents regulating the crossing of the State boundary of the Republic of Lithuania shall be published in accordance with the general procedure for the publication of regulatory acts and also in special information bulletins.

Article 18  
Effect of international agreements establishing other norms

In case an international agreement of the Republic of Lithuania establishes other norms or rules than provided for in this Law, the norms and rules of the international agreement of the Republic of Lithuania shall be applied.

73. MADAGASCAR

Ordinance No. 85-013 determining the limits of the maritime zones (territorial sea, continental shelf and exclusive economic zone) of the Democratic Republic of Madagascar, 16 September 1985 (as amended and ratified by Law No. 85-013 of 11 December 1985) <sup>144/</sup>

Article 1

The territorial sea of the Democratic Republic of Madagascar in which the State shall exercise its sovereignty shall extend to a limit of 12 nautical miles measured from the baselines.

Article 2

The baseline from which the breadth of the territorial sea is measured shall be determined by decree.

Article 3

The Democratic Republic of Madagascar establishes a contiguous zone of 24 nautical miles measured from the baselines and can take within this limit all necessary measures to prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations, and punish infringement of such laws and regulations.

...

Article 8

The internal maritime waters of the Democratic Republic of Madagascar where the State shall exercise its sovereignty shall be comprised between the following limits:

On the seaward side, the straight baseline used to calculate the breadth of the territorial sea as defined by Decree No. 63-131 of 27 February 1963. <sup>145/</sup>

On land, the high-water mark.

...

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<sup>144/</sup> Law of the Sea Bulletin No. 7 (Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations), p. 42.

<sup>145/</sup> Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, (United Nations publication, Sales No. E.89.V.10), p. 213.

74. MALAYSIA

Emergency (Essential Powers) Ordinance, No. 7, 1969,  
as amended in 1969 <sup>146/</sup>

...

Interpretation

2. This Ordinance shall apply throughout Malaysia.

Breadth of territorial waters

3. (1) The breadth of the territorial waters of Malaysia shall be twelve nautical miles and such breadth shall except in the Straits of Malacca, the Sulu Sea and the Celebes Sea be measured in accordance with articles 3, 4, 6, 7, 8, 9, 10, 11, 12 and 13 of the Geneva Convention on the Territorial Sea and the Contiguous Zone (1958)...

(2) In applying the aforesaid articles, the expression "territorial sea" occurring therein shall be construed as "territorial waters".

Modification of laws

4. (1) Except as provided in subsection (2), any reference occurring in any written law to territorial waters shall in so far as such reference affects federal law be construed subject to the provisions of this Ordinance.

(2) For the purposes of the Continental Shelf Act, 1966, the Petroleum Mining Act, 1966, the National Land Code and any written law relating to land in force in Sabah and Sarawak, any reference to territorial waters therein shall in relation to any territory be construed as a reference to such part of the sea adjacent to the coast thereof not exceeding three nautical miles measured from the low-water mark.

Publication of large-scale map

5. (1) So soon hereafter as may be possible or thereafter from time to time as he may consider necessary the Yang di-Pertuan Agong shall cause to be published a large-scale map indicating the low-water marks, the baselines, the outer limits and the areas of the territorial waters of Malaysia.

(2) A copy of such map shall be published in the Gazette for general information.

Modification of territorial waters

6. The Yang di-Pertuan Agong shall, pursuant to any agreement entered into between Malaysia and another coastal State, by order modify the areas of the territorial waters of Malaysia; and any modification so made shall be indicated in a large-scale map and a copy thereof shall be published in the Gazette for general information.

Evidence

7. In any proceedings before any court in Malaysia if a question arises as to whether an act or omission has taken place within or without the territorial

waters of Malaysia, a certificate to that effect purported to be signed by or on behalf of the Minister charged with the responsibility for External Affairs shall be received in evidence and shall be prima facie proof of the facts stated therein.

...



75. MALDIVES

1. Amendment of 15 April 1975 of article 1 of the Constitution <sup>147/</sup>

...

The political territory of Maldives extends over the islands situated within 12 miles of the territorial waters measured from the outside reef adjoining the ocean in every atoll in Maldives, and over the seas, air and everywhere connected with these islands.

2. Law No. 32/76 of 5 December 1976 relating to the navigation and passage by foreign ships and aircraft through the airspace, territorial waters and the economic zone of the Republic of Maldives <sup>148/</sup>

1. Ships of all States shall enjoy the right of innocent passage through the territorial waters and other exclusive economic zone of the Republic of Maldives. Passage shall be considered innocent only if such passage is not prejudicial to the peace, good order and security of the Republic of Maldives.

However, no foreign warship shall enter the territorial sea of the Republic of Maldives, nor shall a foreign fishing vessel enter its economic zone without prior consent of the Government of the Republic of the Maldives. While navigating in the territorial waters of Maldives foreign warships shall fly their national flag. Submarines shall navigate on the surface and show their flag.

2. No foreign aircraft shall enter or pass through the airspace of the territory of the Republic of Maldives except in conformity with the international norms and in accordance with the laws and regulations in force in the Republic of Maldives without prior consent of the Government of the Republic of Maldives.

Salvage and rescue operations of foreign ships within the territorial waters of the Republic of Maldives shall be carried out in accordance with the regulations and practices in effect in the Republic of Maldives.

3. Any foreign ship which runs aground on an island, a reef or a sandbank within the territory of the Republic of Maldives, if abandoned, without notifying the incident to the Government of the Republic of Maldives, shall be property of the Government.

4. All ships shall bear responsibility for any damage caused within the territory or economic zone to any other party by the negligence or deliberate action of those ships.

5. Any person or persons who act in contravention of the provisions of this law shall be guilty of an offence and shall upon conviction be penalized in accordance with the laws and regulations of the Republic of Maldives.

6. In this law, unless the context otherwise requires:

"Ship" means any description of ship or vessel or boat or craft of any other description of vessel used in navigation on or below the waters.

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<sup>147/</sup> Text transmitted by the Department of External Affairs of the Republic of Maldives by a note verbale dated 31 August 1975.

<sup>148/</sup> United Nations, Legislative Series, ST/LEG/SER.B/19, p.134.

"Warship" means a ship belonging to the armed forces of a State, or a ship which by reason of the equipment contained therein could be used for any warlike purpose.

"Military aircraft" means an aircraft belonging to the armed forces of a State or an aircraft which by reason of the equipment contained therein could be used for any warlike purpose.

76. MALTA

Territorial Waters and Contiguous Zone Act, No. XXXII of 1971, as amended by the Territorial Waters and Contiguous Zone (Amendment) Act 1975, the Territorial Waters and Contiguous Zone (Amendment) Act 1978 and the Territorial Waters and Contiguous Zone (Amendment) Act 1981 <sup>149/ 150/ 151/</sup>

...

Extent of territorial waters

3. (1)\*\* Save as hereinafter provided, the territorial waters of Malta shall be all parts of the open sea within twelve nautical miles of the coast of Malta measured from low-water mark on the method of straight baselines joining appropriate points.

(2)\*,\*\* For the purposes of the Fish Industry Act, 1953 and of any other law relating to fishing, whether made before or after this Act, the territorial waters of Malta shall extend to all other parts of the open sea within twenty-five miles from the baselines from which the breadth of the territorial sea is measured, and for the purposes aforesaid jurisdiction shall extend accordingly.

Contiguous zone

4. (1) Without prejudice to the provisions of subsection (2) of section 3 of this Act, in the zone of the open sea contiguous to the territorial waters of Malta as defined in subsection (1) of section 3 of this Act (such zone being in this Act referred to as "the contiguous zone") the State shall have such jurisdictions and powers as are recognized in respect of such zone by international law and in particular may exercise therein the control necessary:

- (a) To prevent any contravention of any law relating to customs, fiscal matters, immigration and sanitation, including pollution; and
- (b) To punish offences against any such law committed within Malta or in the territorial waters of Malta as defined by subsection (1) or subsection (2) of section 3 of this Act, as the case may require.

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<sup>149/</sup> This text is a consolidation of the 1971 Act ("the Principal Act") with certain provisions as amended by the 1975, 1978 and 1981 Amendment Acts, prepared by the Division for Ocean Affairs and the Law of the Sea. Provisions of the 1971 Act that have been newly written:

- by the 1975 Amendment Act are indicated by a single asterisk (\*);
- by the 1978 Amendment Act are indicated by a double asterisk (\*\*);
- by the 1981 Amendment Act are indicated by a triple asterisk (\*\*\*) .

<sup>150/</sup> Act 1971: United Nations, Legislative Series, ST/LEG/SER.B/16, p. 16.  
-Amendment Act 1975: United Nations, Legislative Series, ST/LEG/SER.B/19, p.62.  
-Amendment Act 1978: United Nations, Legislative Series, ST/LEG/SER.B/19, p.63.  
-Amendment Act 1981: Text transmitted by the Permanent Mission of Malta to the United Nations by a note verbale dated 21 August 1981.

<sup>151/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 217.

(2)\*,\*\* The contiguous zone shall extend to twenty-four nautical miles from the baselines from which the breadth of the territorial waters is measured.

Powers to regulate the passage of ships  
through territorial waters

5.\*\*\* (1) The Prime Minister may make regulations to control and regulate the passage of ships through the territorial waters of Malta, and, without prejudice to the generality of the foregoing, may by such regulations make provision with respect to all or any one or more of the following matters:

- (a) The safety of navigation and the regulation of marine traffic, including the designation or establishment of sea lanes and traffic separation schemes to be used or observed for the passage of ships;
- (b) The protection of navigational aids and facilities and other facilities or installations;
- (c) The protection of cables and pipelines;
- (d) The conservation of the living resources of the sea;
- (e) The prevention of infringement of any law or regulation relating to fisheries;
- (f) The preservation of the environment and the prevention, reduction and control of pollution thereof;
- (g) Marine scientific research and hydrographic surveys;
- (h) The prevention of infringement of any customs, fiscal, immigration or sanitary laws or regulations;
- (i) The arrest, detention and seizure of ships to ensure compliance with any law, rule, regulation or order and such other power as may be necessary for securing such compliance;
- (j) The punishments, whether by way of fine (*multa* or *ammenda*) or of imprisonment, to be applied in respect of any contravention or non-observance of any regulation made under this section.

(2) In the application of any regulation made under subsection (1) of this section to warships or to nuclear powered ships or to ships carrying nuclear or other inherently dangerous or noxious substances, their passage through territorial waters may, by any such regulation, be made subject to the prior consent of, or prior notification to, such authority as may be specified therein.

...

77. MARSHALL ISLANDS

Marine Zones (Declaration) Act 1984 <sup>152/</sup>

PART I  
PRELIMINARY

Short title

1. This Act may be cited as the Marine Zones (Declaration) Act 1984.

Interpretation

2. (1) In this Act:

"the baseline of the Marshall Islands" means the low-water line of the seaward side of the reef fringing the coast of any part of the Marshall Islands or bounding any lagoon waters adjacent to any part of that coast, or where a reef is not present the low-water line of the coast itself;  
...

"low-tide elevation" means a naturally formed area of land that is surrounded by and is above water at mean low-water spring tides, but is submerged at mean high-water spring tides;

"the low-water line", in relation to any area, means the line of low water at mean low-water spring tides as depicted on the largest-scale nautical chart of the area held by the Minister;

"the median line" means a line every point of which is equidistant from the nearest points of:

- (a) the baselines from which the territorial sea of the Republic is measured; and
- (b) the corresponding baselines of any other country;

"nautical mile" means an international nautical mile of 1,852 metres.

(2) For the purposes of this Act, permanent harbour works that form an integral part of a harbour system shall be regarded as forming part of the coast, but this subsection does not apply to offshore installations or artificial islands.

References to rules of international law

3. Where in this Act it is provided that anything shall be done by the Government of the Marshall Islands or by the Cabinet, or any law or order shall be made, or any other thing shall be done, in accordance with the rules of international law, the question, whether it was so done or made, is non-justiciable.

Application of this Act

4. The provisions of this Act shall be read subject to the provisions of any treaty or other international obligation which is finally accepted by or on behalf of the Republic and approved by the Nitijela, by resolution for the purposes of this Act.

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<sup>152/</sup> Text communicated by the United States Mission to the United Nations.

PART II  
THE MARINE ZONES

...

The territorial sea

7. (1) Subject to subsection (2), for the purposes of any law of the Republic the territorial sea of the Republic is those parts of the sea within 12 nautical miles from the baseline of the Marshall Islands.

(2) Where archipelagic baselines are drawn under section 6(2), the breadth of the territorial sea shall be measured from those baselines to the extent to which they are outside the outer limits of the internal waters of the Republic.

...

The contiguous zone

9. For the purposes of any law of the Republic the contiguous zone of the Republic comprises those parts of the sea within 24 nautical miles seaward from the baseline from which the breadth of the territorial sea is measured.

Legal character of marine zones, etc.

10. (1) The sovereignty of the Republic extends beyond its land territory and internal waters, and its archipelagic waters (if any), over its territorial sea and to the airspace over them and the waters and subsoil under them, and the resources contained therein.

...

(4) Within the contiguous zone, the Republic has all rights necessary:

(a) To prevent infringement of its customs, fiscal immigration and sanitary laws and regulations within the territory or the territorial sea of the Republic; and

(b) To punish any such infringement,

and all relevant laws of the Republic extend to the contiguous zone accordingly.

(5) The sovereignty and rights of the Republic under this section shall be exercised in accordance with the rules of international law.

Rights of other States in marine zones

11. (1) Subject to the succeeding provisions of this section, ships and aircraft of all States have, in accordance with the rules of international law, the right of free passage through and over the territorial sea and the archipelagic waters (if any) of the Republic.

(2) The Cabinet may, in accordance with the rules of international law, by order:

(a) Designate sea lanes and air routes, suitable for the continuous and expeditious passage of foreign ships and aircraft, through and over the archipelagic waters and the adjacent territorial sea; and

(b) Prescribe traffic separation schemes for the purpose of ensuring the safe passage of ships through narrow channels in such sea lanes.

(3) In sea lanes and air routes designated under subsection (2) all ships and aircraft may, in accordance with the rules of international law, enjoy the right of navigation and overflight, in their normal modes, for the purpose of continuous, expeditious and unobstructed transit through and over the archipelagic waters and the adjacent territorial sea, from one part of the exclusive economic zone to another part of it.

(4) Until sea lanes and air routes are prescribed under subsection (2), the rights of navigation and overflight referred to in subsection (3) may be exercised through and over all routes normally used for international navigation and overflight.

(5) The rights of navigation and overflight referred to in subsection (3) and (4) are subject to all laws of the Republic made in accordance with the rules of international law.

...

#### Charts, publicity, etc.

13. (1) The Minister shall cause all closing lines, baselines and other lines drawn for the purposes of this Act, for determining the limits of the internal waters, the archipelagic waters, the territorial sea, the exclusive economic zone and the contiguous zone of the Republic to be clearly indicated on charts of a scale or scales adequate for them to be readily determined, and shall give adequate publicity to them.

(2) A question, whether adequate publicity has been given to any matter under subsection (1), is non-justiciable.

(3) A copy of each chart referred to in subsection (1) shall be deposited with the Secretary-General of the United Nations and the Secretary-General of the South Pacific Commission.

#### Evidentiary provisions

14. In any proceedings before a court or person acting judicially, a certificate purporting to be signed by the Minister stating that any specific nautical chart of any area is a chart to which section 13 applies that is held by the Minister is evidence of the matters stated in the certificate and the chart is evidence of the matters set out in it.

...

78. MAURITANIA

Ordinance 88-120 of 31 August 1988 establishing the limits and the legal regime of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of the Islamic Republic of Mauritania <sup>153/</sup> <sup>154/</sup>

...

Article 1

The territorial sea of the Islamic Republic of Mauritania extends to a breadth of 12 nautical miles measured from the following baselines:

- (a) A straight baseline drawn between Cap Blanc and Cap Timiris; and
- (b) The low-water line everywhere else.

The waters located on the landward side of the baseline form part of the internal waters of the State.

Article 2

A zone shall be established contiguous to the territorial sea, having a breadth of 24 nautical miles measured from the baselines specified in article 1 of this Ordinance.

...

Article 5

The Islamic Republic of Mauritania shall exercise its sovereignty beyond its territory and internal waters, over the full breadth of its territorial sea, including the seabed and subsoil thereof, without prejudice to the right of innocent passage enjoyed by all foreign ships in accordance with international law.

Article 6

In the contiguous zone, the Islamic Republic of Mauritania may exercise the control necessary to:

- (a) Prevent infringement of its customs, fiscal, sanitary or immigration laws and regulations within its territory or territorial sea;
- (b) Punish infringement of the above laws and regulations committed within its territory or territorial sea.

...

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<sup>153/</sup> Law of the Sea Bulletin No. 13, (Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations), p. 36.

<sup>154/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 219.



79. MAURITIUS

Maritime Zones Act 1977 <sup>155/</sup>

Short title

1. This Act may be cited as the Maritime Zones Act 1977

Interpretation

2. In this Act:

"baseline" means the baseline as determined in accordance with the straight baseline system;

...

"historic waters" means the historic waters of Mauritius and includes such places or areas as may be designated by the Minister by notice published in the Gazette, rights over which are, or may become exercisable by, the State of Mauritius;

"limit", in relation to the territorial waters, the continental shelf, the exclusive economic zone or the historic waters of Mauritius, means the limit of such waters, shelf, exclusive economic zone or historic waters with reference to the individual or composite group or groups of islands constituting the territory of Mauritius;

...

"submarines" includes underwater vehicles however propelled;

"territorial waters" means the territorial waters of Mauritius.

Sovereignty over and limits of territorial waters

3. (1) The sovereignty of Mauritius extends and has always extended to the territorial waters and to the seabed and subsoil underlying, and the airspace over, such waters.

(2) The limit of the territorial waters is the line every point of which is at a distance of twelve nautical miles from the nearest point of the baseline.

(3) Notwithstanding anything contained in subsection (2), where the Prime Minister considers it necessary so to do having regard to international law and State practice, he may, subject to subsection (4), by Order published in the Gazette, amend the limit of the territorial waters.

Use of territorial waters by foreign ships

4. (1) Without prejudice to any other enactment in force, but subject to subsections (2), (3) and (4), all foreign ships (other than warships, including submarines) shall enjoy the right of innocent passage through the territorial waters.

(2) Foreign warships, including submarines, may enter or pass through the territorial waters after giving notice to the Permanent Secretary, Prime Minister's Office.

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<sup>155/</sup> Text communicated by the Permanent Mission of Mauritius to the United Nations.

(3) Submarines shall, while passing through the territorial waters, navigate on the surface and show their flag.

(4) Where the Prime Minister is satisfied that it is necessary so to do:

(a) In the interest of public safety, public order, defence or security of Mauritius or any part thereof; or

(b) In pursuance of any treaty to which Mauritius is a party,

he may, by Order published in the Gazette, suspend, whether absolutely or subject to such exceptions and qualifications as may be specified in the Order, the entry of any class of foreign ships into such area of the territorial waters as may be specified in the Order.

...

#### Historic waters

8. (1) The Prime Minister may, by Order published in the Gazette, specify the limits of the historic waters.

(2) The sovereign right of Mauritius extends, and has always extended, to the historic waters and to the seabed and subsoil underlying, and the airspace over, the historic waters.

...

#### Publication of charts

11. The Prime Minister may cause the baseline, the limits of the territorial waters, the continental shelf, the exclusive economic zone and the historic waters to be published in charts.

#### Offences

12. (1) Any person who contravenes any provision of this Act or any regulation or Order made under this Act, shall commit an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand rupees or to penal servitude not exceeding five years.

(2) Any person who commits an offence shall be tried in the Intermediate Court.

#### Offences by agent and body corporate

13. (1) Where an offence is committed by:

(a) An agent, the person for whom the agent is acting;

(b) A body corporate, every person who, at the time of the commission of the offence, was concerned in the management of the body corporate or was purporting to act in a managerial capacity,

shall also commit the like offence, unless he proves that the offence was committed without his knowledge or consent and that he took all reasonable steps to prevent the commission of the offence.

(2) Notwithstanding subsection (1), where an offence has been committed by a body corporate and it is proved that the offence has been committed with the consent, whether express or implied, or the connivance of, or is attributable to any neglect on the part of the director, manager, secretary or other officer of

the body corporate, such director, manager, secretary or other officer shall commit the like offence.

Application of Act

14. Where any provision of this Act or of any regulation or Order made under this Act is in conflict with the provision of any other enactment in force, such provision of this Act or of such regulation or Order shall prevail.

Regulations

15. (1) The Prime Minister may make such regulations as he considers necessary for carrying out the purposes of this Act.

(2) In particular and without prejudice to the foregoing power, regulations made under subsection (1) may provide for all or any of the following matters:

(a) The regulation of the conduct of any person in the territorial waters, the continental shelf, the exclusive economic zone or the historic waters;

...

(d) The preservation and the protection of the marine environment and the prevention and control of marine pollution;

(e) The regulation and conduct of scientific research;

(f) The fees in relation to licences; and

(g) Any matter incidental to any of the matters specified in paragraphs (a) to (f).

...

80. MEXICO

Federal Act relating to the Sea, 8 January 1986 <sup>156/</sup> <sup>157/</sup>

TITLE I  
GENERAL PROVISIONS

CHAPTER I  
SCOPE OF APPLICATION OF THE ACT

Article 1

This Act establishes regulations relating to the fourth, fifth, sixth and eighth paragraphs of article 27 of the Political Constitution of the United Mexican States in respect of Mexican maritime zones.

Article 2

This Act is federal in scope; it governs the maritime zones which form part of the national territory and, where applicable, the maritime zones beyond such territory where the Nation exercises sovereign rights, jurisdiction and other rights. Its provisions belong to the public domain, in the framework of the national democratic planning system.

Article 3

The Mexican maritime zones are:

- (a) The territorial sea;
- (b) The internal maritime waters;
- (c) The contiguous zone;
- (d) The exclusive economic zone;
- (e) The continental shelf and island shelves;
- (f) Any other zone permitted by international law.

Article 4

In the zones listed in the preceding article, the Nation shall exercise the powers, rights, jurisdiction and competence vested in it by this Act, in accordance with the Political Constitution of the United Mexican States and with international law.

Article 5

Foreign States and their nationals, when carrying out activities in the maritime zones listed in article 3, shall respect the provisions established for each zone by this Act, with the attendant rights and obligations.

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<sup>156/</sup> Law of the Sea Bulletin No. 7 (Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations), p. 53.

<sup>157/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 221.

Article 6

The sovereignty of the Nation and its sovereign rights, jurisdiction and competence within the limits of the relevant maritime zones, in accordance with this Act, shall be exercised pursuant to the provisions of the Political Constitution of the United Mexican States, international law and applicable national legislation, in respect of:

- I. Marine works, artificial islands, installations and structures;
- II. The regime applicable to living marine resources, including their conservation and utilization;
- III. The regime applicable to non-living marine resources, including their conservation and utilization;
- IV. Economic development of the sea, including the utilization of minerals dissolved in its waters, the production of electrical and thermal energy from its waters and from currents and winds, the harnessing of solar energy at sea, the development of the coastal zone, marine aquaculture, the establishment of national marine parks, the promotion of recreation and tourism and the establishment of fishing communities;
- V. Protection and preservation of the marine environment, including the prevention of pollution;
- VI. Marine scientific research activities.

Article 7

The Federal Executive Power shall be responsible for applying this Act through the various branches of the Federal Public Administration, which, in accordance with its Organic Law and other prevailing legal provisions, are competent national authorities on the basis of the powers conferred upon each of them.

Article 8

The Federal Executive Power may negotiate agreements with neighbouring States on the delimitation, in accordance with international law, of the dividing lines between the Mexican maritime zones and the corresponding adjacent zones under the national maritime jurisdiction of the respective States, in cases where such zones overlap.

Article 9

The Mexican maritime zones shall not extend beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of a neighbouring State is measured, unless otherwise agreed with that State.

The Federal Executive Power shall not recognize the unilateral extension of the maritime zones of a neighbouring State beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the Mexican territorial sea is measured. In such cases, the Federal Executive Power shall seek negotiation with the neighbouring State in question, with a view to working out a mutually acceptable solution.

Article 10

The enjoyment of the rights that this Act grants to foreign ships shall depend upon reciprocal treatment of national ships by the flag State, subject to the provisions of the Political Constitution of the United Mexican States and international law.

Article 11

The Federal Executive Power shall ensure that maritime relations with other States are based on the principle of international reciprocity, as it applies both to Mexican maritime zones and to those established by such other States, in respect of any activity carried out by them or by their nationals strictly in accordance with international law.

Article 12

The Nation shall recognize acts of delimitation of the maritime zones of other States strictly in accordance with the rules of international law and on the basis of reciprocity.

Article 13

The Federal Executive Power shall ensure that the competent national authorities observe the applicable international rules that recognize the right of land-locked countries to fly a flag.

CHAPTER II  
MARINE INSTALLATIONS

Article 14

Artificial islands, installations and structures shall have no territorial sea of their own, and their presence shall not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.

Article 15

The Nation shall have exclusive jurisdiction over artificial islands, installations and structures in the exclusive economic zone and on the continental shelf and island shelves, including jurisdiction with regard to customs, fiscal, health, safety and immigration regulations.

Article 16

The Nation shall have the exclusive right in the Mexican maritime zones to construct and to authorize and regulate the construction, operation and use of artificial islands, installations and structures, in accordance with this Act, the General National Property Act, the Public Works Act and other applicable provisions in force.

Article 17

The construction, installation, conservation, maintenance, repair and demolition of immovable property used for the exploration, location, drilling, extraction and development of marine resources, or for public service or common use in the Mexican maritime zones, shall be carried out with due regard for the prevailing legal provisions on the subject.

CHAPTER III  
RESOURCES AND ECONOMIC DEVELOPMENT OF THE SEA

Article 18

This Act shall be applied in strict observance of the legislation concerning fishing, the provisions emanating from such legislation and other applicable provisions relating to measures for the conservation and utilization by nationals or foreigners of the living resources in the Mexican maritime zones.

Article 19

The exploration, exploitation, processing, development, refining, transportation, storage, distribution and sale of submarine hydrocarbons and minerals in the Mexican maritime zones shall be governed by the regulatory norms of article 27 of the Constitution, under the category of petroleum and mineral materials and the respective regulations, and by the applicable provisions of this Act.

Article 20

Any activity that involves the exploitation, use and economic development of the Mexican maritime zones, other than those provided for in the two preceding articles of this title, shall be governed by the regulatory provisions of the fourth, fifth and sixth paragraphs of article 27 of the Political Constitution of the United Mexican States, and by this Act and other applicable laws and regulations.

CHAPTER IV  
Protection and preservation of the marine environment  
and marine scientific research

Article 21

In the exercise of the powers, rights, jurisdiction and competence of the Nation within the Mexican maritime zones, the following shall be applied in order to prevent, reduce and control pollution of the marine environment: the Federal Environmental Protection Act, the General Health Act and their respective regulations, the Federal Water Act and other applicable laws and regulations in force or to be adopted, including the present Act, its regulations and the relevant rules of international law.

Article 22

In the conduct of scientific research activities in the Mexican maritime zones, the following principles shall be applied:

- I. They shall be carried out exclusively for peaceful purposes;
- II. They shall be carried out with appropriate scientific methods and means which are compatible with this Act, other applicable provisions and international law;
- III. They shall not interfere unjustifiably with other lawful uses of the sea that are compatible with this Act and with international law;
- IV. All laws and regulations relevant to the protection and preservation of the marine environment shall be respected;
- V. The activities shall not constitute a legal basis for any claim to any part of the marine environment or its resources;

- VI. Where in accordance with this Act foreigners are allowed to carry out such activities, the greatest possible degree of national participation shall be ensured;
- VII. In the case referred to in the preceding subparagraph, the Nation shall ensure that it receives the results of the research and, if it so requests, the necessary assistance for the interpretation and evaluation thereof.

TITLE II  
MEXICAN MARITIME ZONES

CHAPTER I  
TERRITORIAL SEA

Article 23

The Nation shall exercise sovereignty over a belt of sea, described as the territorial sea, adjacent both to the coasts of the Nation's mainland and islands, and to the internal maritime waters.

Article 24

The Nation's sovereignty shall extend to the airspace over the territorial sea as well as to its bed and subsoil.

Article 25

The breadth of the Mexican territorial sea shall be 12 nautical miles (22,224 metres), measured in accordance with the provisions of this Act and its regulations.

Article 26

The limits of the territorial sea shall be measured from baselines, either normal or straight, or a combination of the two, established in accordance with the provisions of the regulations of this Act.

Article 27

The outer limit of the territorial sea shall be the line every point of which is at a distance of 12 nautical miles (22,224 metres) from the nearest point of the lines that constitute its inner limit, determined in accordance with article 26 of this Act and with the relevant provisions of its regulations.

Article 28

Any slave who enters the territorial sea in a foreign vessel shall, by this act alone, gain his freedom and enjoy the protection afforded by the laws, under the terms of article 2 of the Political Constitution of the United Mexican States.

Article 29

Ships of all States, whether coastal or land-locked, shall enjoy the right of innocent passage through the Mexican territorial sea.



Article 30

If a foreign warship does not comply with the provisions of this Act, its regulations and other national legal provisions concerning passage through the territorial sea, and disregards any request for compliance therewith that is made to it, it may be required to leave the Mexican territorial sea immediately.

Article 31

The Federal Executive Power shall hold the flag State responsible for any loss or damage to the Nation resulting from the non-compliance by a warship, or other Government ship operated for non-commercial purposes, with the national laws and regulations concerning passage through the territorial sea or with the provisions of this Act, its regulations and other applicable rules of international law.

Article 32

With such exceptions as are contained in the provisions of this title, nothing in this Act shall affect the immunities of foreign warships and other Government ships operated for non-commercial purposes, inasmuch as they are subject to the jurisdiction of the flag State alone, or affect the immunities, granted on the basis of reciprocity, of Government ships operated for commercial purposes.

Article 33

Overflight of foreign aircraft over the territorial sea shall be subject to national legislation, in accordance with the international obligations of the United Mexican States in that regard, and their inspection, monitoring and control shall remain under the exclusive jurisdiction and competence of the Federal Executive Power according to the terms of the General Communications Act and other prevailing legal provisions.

...

CHAPTER III  
CONTIGUOUS ZONE

Article 42

The Nation shall have, in a zone contiguous to its territorial sea, described as the contiguous zone, competence to exercise the control necessary:

- I. To prevent infringement of the applicable rules of this Act, its regulations and the customs, fiscal, immigration or sanitary laws and regulations within the territory, internal maritime waters or territorial sea of Mexico; and
- II. To punish infringement of the said applicable rules of this Act, its regulations and the said laws and regulations committed within the territory, internal maritime waters or territorial sea of Mexico.

Article 43

The contiguous zone of Mexico shall extend 24 nautical miles (44,448 metres) from the baselines from which, in accordance with article 26 of this Act and the relevant provisions of its regulations, the breadth of the Mexican territorial sea is measured.

Article 44

The inner limit of the contiguous zone shall coincide exactly with the outer limit of the territorial sea, as established in accordance with article 27 of this Act and the relevant provisions of its regulations, and as marked on charts officially recognized by the United Mexican States.

Article 45

The outer limit of the Mexican contiguous zone shall be the line every point of which is at a distance of 24 nautical miles (44,448 metres) from the nearest point on the baselines of the territorial sea, as established in article 26 of this Act.

...

81. MICRONESIA (FEDERATED STATES OF)

Act of 1988 to amend title 18 of the Code of the  
Federated States of Micronesia <sup>158/</sup>

Section 1

Section 101 of title 18 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 101. Baseline system defined. A baseline is a continuous line which encircles an island or atoll. The baseline from which the zones designated in this chapter are to be measured is as follows:

"(1) The baseline of an island or portion of an island lacking a barrier reef, fringing reef or other reef system is the low-water line of the island as marked on large-scale charts officially recognized by the Government of the Federated States of Micronesia.

"(2) The baseline of an atoll or island or portion of an island having a barrier reef, fringing reef or other reef system is a line following the contour of the seaward edge of the reef system, which line connects those outermost elevations of the reef which are above water at low tide, and which line exists as marked on large-scale charts officially recognized by the Government of the Federated States of Micronesia".

Section 2

Section 102 of title 18 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 102. Territorial Sea and internal waters - Defined.

"(1) There is hereby established a Territorial Sea of twelve nautical miles' breadth. The inner boundary of the Territorial Sea of each island or atoll is the baseline ... The outer boundary is a line, every point of which is twelve nautical miles seaward of the nearest point of the baseline.

"..."

Section 3

Section 103 of title 18 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 103. Territorial Sea and internal waters - Sovereignty.

"The sovereignty of the Federated States of Micronesia extends to its internal waters and Territorial Sea, including sovereign rights over the living and non-living resources in the Territorial Sea and internal waters and in the airspace above the Territorial Sea and internal waters as well as its bed and subsoil".

...

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<sup>158/</sup> Text communicated by the Department of State of the United States of America.

Section 6

Section 107 of title 18 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 107. Regulations.

"The President of the Federated States of Micronesia may issue such regulations as are necessary to establish the boundaries of internal waters, the Territorial Sea and the exclusive economic zone.

"..."

82. MONACO

Sovereign Ordinance No. 5094 delimiting the Territorial Waters  
of Monaco, of 14 February 1973 <sup>159/</sup>

...

The territorial waters of Monaco shall extend up to a limit established at 12 nautical miles from the baseline formed by the low-water line along the coast.

...

---

<sup>159/</sup> United Nations, Legislative Series, ST/LEG/SER.B/18, p. 29.

83. MOROCCO

1. Act No. 1.73.211 establishing the Limits of the Territorial Waters and the Exclusive Fishing Zone of Morocco, of 2 March 1973 <sup>160/ 161/</sup>

Article 1

The territorial waters of Morocco shall extend to a limit established at 12 nautical miles from the baselines. The baselines shall be the low-water line together with the straight baselines and the closing lines of bays which shall be determined by decree.

The sovereignty of the Moroccan State shall extend to the airspace over the territorial waters as well as to their bed and subsoil.

Article 2

In the absence of a specific agreement on the subject, the breadth of the territorial waters shall not extend beyond a median line every point of which is equidistant from the nearest points on the baselines of the Moroccan or adjacent coasts.

Article 3

Where the distance between the baselines of the Moroccan coasts and those of the opposite coasts of another State does not exceed 24 nautical miles or forms a strip of the high seas that is too narrow to allow unimpeded passage by ships or aircraft, the right of transit passage through and over Moroccan territorial waters shall be granted in accordance with the conditions laid down in the international conventions to which Morocco is a party and in conformity with the principle of "innocent passage" as recognized and defined by international law.

2. Law No. 1-81 of 18 December 1980, promulgated by Dahir No. 1-81-179 of 8 April 1981, instituting a 200-nautical-mile exclusive economic zone off Moroccan coasts (and a contiguous zone) <sup>162/</sup>

...

Article 7

In a zone, described as the contiguous zone, which is beyond and adjacent to the territorial sea and extends up to 24 nautical miles measured from the straight or normal baselines used to determine the breadth of the territorial sea, the Moroccan State shall exercise the control necessary to:

Prevent infringement of its customs, fiscal, sanitary or immigration laws within its territory or territorial sea;

Punish infringements of the above laws committed in its territory or territorial sea.

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<sup>160/</sup> United Nations, Legislative Series, ST/LEG/SER.B/18, p.29.

<sup>161/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 224.

<sup>162/</sup> Official Gazette, 6 May 1981.

In order to permit the prevention and punishment of the infringements mentioned above, article 25 of the Customs and Indirect Taxes Code, concerning the administration of customs and indirect taxes, approved by Dahir No. 1-77-339 of 25 Shawwal 1397 (9 October 1977), is hereby amended as follows:

"Article 25:

1. The customs area includes a maritime zone and a land zone.
2. The maritime zone of the customs area corresponds to the Moroccan territorial waters and the contiguous zone.
3. The land zone extends to:"

(The rest remains unchanged.)

...

84. MOZAMBIQUE

Decree-Law No. 31/76 of 19 August 1976 <sup>163/</sup> <sup>164/</sup>

...

Article 1

1. The breadth of the territorial sea of the People's Republic of Mozambique is twelve nautical miles from the baselines.

2. The normal baseline from which is measured the breadth of the territorial sea is defined by the low-water line along the coast as shown on maritime charts officially recognized for this purpose by the People's Republic of Mozambique.

3. The normal baseline is supplemented by closing lines and straight baselines, to be drawn by the People's Republic of Mozambique, in accordance with international law, between points on its coast, that will be defined in a decree issued jointly by the Ministers of Development and Economic Planning and of Transport and Communications.

...

Article 3

1. Where there is no agreement to the contrary, and where the limits established in the previous articles overlap with those established by States whose coasts are opposite those of the People's Republic of Mozambique, the limits established by the People's Republic of Mozambique will not extend beyond the line equidistant from the nearest points of the baselines from which is measured the breadth of the territorial sea and exclusive economic zone of each of the two States.

...

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<sup>163/</sup> British Institute of International and Comparative Law, New Directions in the Law of the Sea, vol. VII (Dobbs Ferry, N.Y., Oceana Publications, 1980), p. 427.

<sup>164/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 230.



85. MYANMAR

Territorial Sea and Maritime Zones Law, 1977 <sup>165/</sup> <sup>166/</sup>

CHAPTER I  
TITLE AND DEFINITIONS

1. This law may be called the Territorial Sea and Maritime Zones Law.

...

CHAPTER II  
TERRITORIAL SEA

3. The territorial sea of Burma extends seaward to a distance of 12 nautical miles from the baselines.

4. The sovereignty of Burma extends to the territorial sea, to its bed and subsoil and to the airspace over the territorial sea.

5. Subject to the provisions of this Law, ships of all States other than warships shall enjoy the right of innocent passage through the territorial sea. Passage shall be deemed to be innocent so long as it is not prejudicial to the peace, good order or security of Burma.

6. During passage through the territorial sea:

- (a) A foreign ship shall observe the existing laws and rules of Burma;
- (b) A foreign fishing vessel shall keep its fishing gear and equipment in a secured position for sea. Such a vessel shall traverse the territorial sea by the shortest way without stopping or anchoring, except by reason of force majeure;
- (c) No foreign research ship shall undertake any research activity without the prior express permission of the Council of Ministers.

7. Proof of innocence of passage shall be furnished by the foreign ship exercising the right of innocent passage when called for by the competent authorities of Burma.

8. The Council of Ministers may suspend temporarily, in specified areas of the territorial sea, the innocent passage of foreign ships if it considers that such suspension is necessary to safeguard the peace, good order or security of Burma.

9. (a) No foreign warship shall pass through the territorial sea without the prior express permission of the Council of Ministers.

(b) A foreign warship entering the territorial sea without the prior express permission of the Council of Ministers shall be required to leave the area immediately.

(c) During passage through the territorial sea, foreign submarines and other underwater vehicles shall navigate on the surface of the sea and show their flag.

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<sup>155/</sup> United Nations, Legislative Series, ST/LEG/SER.B/19, p. 8.

<sup>166/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 64.

CHAPTER III  
CONTIGUOUS ZONE

10. The contiguous zone of Burma is an area beyond and adjacent to the territorial sea and extends to a distance of 24 nautical miles from the baselines.

11. In the contiguous zone Burma exercises such control as it may consider necessary to:

- (a) Safeguard the security of Burma;
- (b) Prevent and punish infringement of its customs, fiscal, immigration or sanitary regulations within its territory or territorial sea.

...

CHAPTER VI  
OFFENCES AND PENALTIES

21. Whoever contravenes or attempts to contravene or abets the contravention of any provision of this Law or of any rule made thereunder shall be punishable with imprisonment which may extend to 10 years, or with fine, or with both:

Provided that, the provisions of this section shall not preclude the right to take action under any other existing law.

22. Any ship other than a warship which is involved in the contravention of any provision of this Law punishable under section 21 shall be liable to confiscation together with its equipment and instruments as well as everything aboard that ship.

23. There shall be no prosecution under this Law without the prior sanction of the Council of Ministers.

...

86. **NAMIBIA**

Territorial Sea and Exclusive Economic Zone of Namibia  
Act No. 3 of 1990, 30 June 1990, <sup>167/</sup> as amended by the  
Territorial Sea and Exclusive Economic Zone  
of Namibia Amendment Act, 1991 <sup>168/</sup> <sup>169/</sup>

...

Definitions

1. In this Act, unless the context indicate otherwise:

"Convention" means the United Nations Convention on the Law of the Sea, 1982, adopted on 30 April 1982 by the [Third] United Nations Conference on the Law of the Sea;

"low-water line" means the line of lowest astronomical tide;

"Namibia" means the Republic of Namibia as defined in article 1 (4) of the Namibian Constitution, and in relation to any right or power, the authority in which the right or power in question or a right or power of the nature in question is vested;

"nautical mile" means the international nautical mile of 1,852 metres.

Territorial sea of Namibia

2. (1) The sea within a distance of 12 nautical miles measured from the low-water line shall be the territorial sea of Namibia.

(2) (a) In determining the extent of the territorial sea of Namibia due regard shall be had to the rules embodied in the Convention, or as it may from time to time be embodied in any international convention binding on Namibia, and, with due regard to the said international rules, baselines other than the low-water line from which the 12 nautical miles contemplated in subsection (1) are to be measured, may be recognized by Namibia;

(b) Any baseline referred to in this section may be marked or indicated by appropriate symbols on scale charts officially recognized by Namibia;

(c) In any proceedings before a court of law any chart referred to in paragraph (b) shall be prima facie evidence of the matters referred to therein.

(3) Any law in force in Namibia at the commencement of this Act relating to territorial waters or to the sea within a specified distance but less than 12 nautical miles from the low-water mark shall apply within the territorial sea of Namibia, and any reference in any such law to the territorial waters or low-water mark shall be deemed to be a reference to the territorial sea or low-water line as defined in this Act, respectively.

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<sup>167/</sup> Law of the Sea Bulletin No. 16 (Division for Ocean Affairs and the Law of the Sea, United Nations), p. 18.

<sup>168/</sup> Law of the Sea Bulletin No. 21 (Division for Ocean Affairs and the Law of the Sea, United Nations), p. 64.

<sup>169/</sup> This text is a consolidation of the 1990 Act with certain provisions as amended by the 1991 Amendment Act, prepared by the Division for Ocean Affairs and the Law of the Sea. Provisions of the 1990 Act that have been newly written by the 1991 Act are indicated by an asterisk (\*).

...

Contiguous zone of Namibia \*

3A. (1) The sea outside the territorial sea of Namibia but within a distance of 24 nautical miles from the low water line or any other baseline from which the territorial sea was measured shall constitute the contiguous zone of Namibia.

(2) In determining the extent of the contiguous zone of Namibia the provisions of section 2(2) shall mutatis mutandis apply.

(3) Within the contiguous zone of Namibia, Namibia shall have the right to exercise any powers which it may consider necessary to prevent the contravention of any fiscal law or any law relating to customs, immigration or health."

...

Delimitation of territorial sea or exclusive economic zone

5. If, in determining the extent of the territorial sea or exclusive economic zone of Namibia or after having so determined it, it infringes or overlaps with the territorial sea, exclusive economic zone or any other maritime zone, as the case may be, of any other State, the extent of the territorial sea or exclusive economic zone of Namibia may be determined or altered by agreement with the State concerned, and pending the conclusion of such an agreement or if no such agreement can be reached, the extent of the territorial sea or exclusive economic zone of Namibia, as the case may be, may be determined or altered by Namibia as it deems fit.

...

Short title and commencement

8. This Act shall be called the Territorial Sea and Exclusive Economic Zone of Namibia Act, 1990, and shall come into operation on a date to be determined by the President by proclamation in the Gazette ...

87. NAURU

Provision of the Interpretation Act 1971  
defining the territorial waters <sup>170/</sup>

...

"Nauruan territorial waters" means:

That area of water, and the waters and subsoil beneath it, enclosed by a line every part of which is at a distance of twelve miles from the nearest point of the outer edge of the reef surrounding the Island of Nauru which is exposed at low tide and, where there is an opening in the reef, from a straight line across the outer edge of that opening.

...

88. NETHERLANDS

1. Netherlands Territorial Sea (Demarcation) Act  
of 9 January 1985 <sup>171/</sup> <sup>172/</sup>

Section 1

1. The territorial sea of the Netherlands shall extend to a line, each point of which lies twelve international nautical miles, or twenty-two kilometres two hundred and twenty-four metres, seawards of the nearest point on the low-water line along the coast, with the proviso that, where a naturally formed elevation of the seabed which is covered at high tide but dry at low tide lies within this distance from the low-water line, the territorial sea shall be measured from the closest point on the low-water line of such an elevation.

2. The low-water line shall be defined as the line indicating the depth of 0 metres on the large-scale Dutch sea charts issued upon the instructions of the Minister of Defence.

...

Section 3

1. The lateral demarcation of the territorial sea shall be determined by agreement with the States whose territorial sea borders on that of the Netherlands.

...

2. Territorial Sea of the Kingdom in the Netherlands Antilles  
(Extension) Act (Rijkswet), 9 January 1985 <sup>173/</sup>

Section 1

The territorial sea of the Kingdom in the Netherlands Antilles shall be extended to twelve nautical miles, in accordance with rules to be laid down by general administrative order.

...

3. Decree of 23 October 1985 governing the implementation of section 1  
of the Territorial Sea of the Kingdom in the  
Netherlands Antilles (Extension) Act <sup>174/</sup>

Article 1

1. The territorial sea of the Kingdom in the Netherlands Antilles shall extend

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<sup>171/</sup> Law of the Sea Bulletin No. 6 (Division for Ocean Affairs and the Law of the Sea, United Nations), p. 16.

<sup>172/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication), Sales No. E.89.V.10), p. 232.

<sup>173/</sup> Law of the Sea Bulletin No. 7 (Division for Ocean Affairs and the Law of the Sea, United Nations), p. 67.

<sup>174/</sup> Ibid.

to the line every point of which is at a distance of twelve international nautical miles, being twenty-two kilometres and two hundred and twenty-four metres, measured seaward from the nearest point of the low-water line along the coast or from the baselines or closing lines referred to in articles 3 and 4, with the proviso that where naturally formed low-tide elevations that are surrounded by water at high tide are situated within this distance, the measurement shall be made from the nearest point of the low-water line on that elevation.

2. The low-water line shall be the contour line at 0 metres or, where this does not exist, the coastline or edge of low-tide reefs, as marked on large-scale Dutch charts.

#### Article 2

The low-water line along the coast, together with the baselines referred to in articles 3 and 4 in so far as they are situated seaward of the low-water line, shall form the boundary between the internal waters and the territorial sea of the Kingdom in the Netherlands Antilles.

...

#### Article 5

1. Where a boundary between two States has been agreed that lies within twelve nautical miles of the baseline from which the territorial sea is measured, this boundary shall mark the outer limit of the territorial sea.

2. Where a boundary between two States has not yet been agreed, the limit of the territorial sea shall lie along the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured.

89. NEW ZEALAND

1. Territorial Sea and Exclusive Economic Zone Act, 1977 <sup>175/</sup>

Short title and commencement

1. (1) This Act may be cited as the Territorial Sea and Exclusive Economic Zone Act 1977.

(2) Section 29 of this Act shall come into force on the passing of this Act.

(3) Except as provided in subsection (2) of this section, the provisions of this Act shall come into force on a date to be appointed by the Governor-General by Order in Council.

(4) For the purposes of subsection (3) of this section, one or more Orders in Council may be made:

(a) Bringing different provisions of this Act into force on different dates;

(b) Bringing provisions of this Act into force on different dates in respect of specified parts of New Zealand.

Interpretation

2. (1) In this Act, unless the context otherwise requires:

"Bay" means an indentation of the coast such that its area is not less than that of the semicircle whose diameter is a line drawn across the mouth of the indentation (for the purposes of which definition:

(a) The area of an indentation shall be taken to be the area bounded by low-water mark around the shore of the indentation and the straight line joining the low-water marks of its natural entrance points; and

(b) Where, because of the presence of islands, an indentation has more than one mouth, the length of the diameter of the semi-circle referred to shall be the sum of the lengths of the straight lines drawn across each of the mouths; and

(c) In calculating the area of an indentation, the area of any islands lying within it shall be treated as part of the area of the indentation);

...

"International agreement" means any bilateral or multilateral treaty, convention or agreement, to which New Zealand is a party, and any understanding concluded by the Government of New Zealand and the Government of any other country;

"Island" means a naturally formed area of land that is surrounded by and above water at mean high-water spring tides;

...

"Low-tide elevation" means a naturally formed area of land that is surrounded by and above water at mean low-water spring tides but is submerged at mean high-water spring tides;

...

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<sup>175/</sup> Text communicated by the Permanent Mission of New Zealand to the United Nations.



"Median line", as between New Zealand and any other country, means a line every point of which is equidistant from the nearest points of the baseline of the territorial sea of New Zealand and the corresponding baseline of that other country;

"Minister" means the Minister of Fisheries;

"Nautical mile" means the international nautical mile of 1,852 metres;

"New Zealand" (except for the purposes of Part II of this Act and section 29 of this Act) includes the Ross Dependency;

...

"Prescribed" means prescribed by regulations made under this Act;

...

(2) For the purposes of this Act, permanent harbour works that form an integral part of a harbour system shall be treated as forming part of the coast.

#### PART I THE TERRITORIAL SEA OF NEW ZEALAND

##### The territorial sea

3. The territorial sea of New Zealand comprises those areas of the sea having, as their inner limits, the baseline described in sections 5 and 6 of this Act and, as their outer limits, a line measured seaward from that baseline, every point of which is distant 12 nautical miles from the nearest point of the baseline.

...

##### Baseline of territorial sea

5. (1) Except as otherwise provided in section 6 of this Act, the baseline from which the breadth of the territorial sea of New Zealand is measured shall be the low-water mark along the coast of New Zealand, including the coast of all islands.

(2) For the purposes of this section, a low-tide elevation that lies wholly or partly within the breadth of sea that would be territorial sea if all low-tide elevations were disregarded for the purpose of the measurement of the breadth of the territorial sea shall be treated as an island.

##### Baseline of territorial sea adjacent to bay

6. In the case of the sea adjacent to a bay, the baseline from which the breadth of the territorial sea is measured:

- (a) Where the bay has only one mouth and the distance between the low-water marks of the natural entrance points of the bay does not exceed 24 nautical miles, shall be a straight line joining those low-water marks; and
- (b) Where, because of the presence of islands, the bay has more than one mouth and the distance between the low-water marks of the natural entrance points of each mouth added together do not exceed 24 nautical miles, shall be a series of straight lines across each of the mouths so as to join those low-water marks; and

- (c) Where neither paragraph (a) nor paragraph (b) of this section applies, shall be a straight line 24 nautical miles in length drawn from low-water mark to low-water mark within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.

Bed of territorial sea and internal waters vested in Crown

7. Subject to the grant of any estate or interest therein (whether by or pursuant to the provisions of any enactment or otherwise, and whether made before or after the commencement of this Act), the seabed and subsoil of submarine areas bounded on the landward side by the low-water mark along the coast of New Zealand (including the coast of all islands) and on the seaward side by the outer limits of the territorial sea of New Zealand shall be deemed to be and always to have been vested in the Crown.

Regulations in territorial sea

8. Where no other provision is for the time being made by any other enactment for any such purposes, the Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Regulating the conduct of scientific research within the territorial sea;
- (b) Prescribing measures for the protection and preservation of the marine environment of the territorial sea;
- (c) Regulating the construction, operation and use of artificial islands (whether permanent or temporary), and other installations and structures in the territorial sea, including the establishment of safety zones around such islands, installations and structures;
- (d) Regulating the exploration and exploitation of the territorial sea for the production of energy from the water, currents and winds, and for any other economic purposes;
- (e) Providing for such other matters as are necessary or expedient for giving full effect to the sovereignty of New Zealand in relation to the territorial sea;
- (f) Providing that a breach of any such regulations shall be a criminal offence, and imposing penalties by way of fine not exceeding \$10,000 for any such offences;
- (g) Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Part of this Act and for its due administration.

...

PART III  
MISCELLANEOUS PROVISIONS

...

Official charts

31. (1) For the purposes of this Act, in any proceedings in any Court the line of low water for any area depicted on the charts held in the Territorial Limits Chart Folio held by the Royal New Zealand Navy Hydrographic Office shall be sufficient evidence of the line of the low-water mark for that area.

(2) For the purposes of this Act, in any proceedings in any Court, a certificate purporting to be signed by an office of the New Zealand Naval Forces authorized by the Secretary of Defence or the Deputy Secretary of Defence that any specified chart is a chart referred to in subsection (1) of this section shall be admissible as evidence of the matters stated in the certificate.

(3) Every person signing any such certificate shall, in the absence of proof to the contrary, be presumed to be duly authorized to sign it.

...

## 2. Tokelau (Territorial Sea and Exclusive Economic Zone) Act 1977

### Short title and commencement

1. (1) This Act may be cited as the Tokelau (Territorial Sea and Exclusive Economic Zone) Act 1977, and shall be read together with and deemed part of the Tokelau Act 1948.

(2) This Act shall come into force on a date appointed by the Governor-General by Order in Council.

(3) For the purposes of subsection (2) of this section, one or more Orders in Council may be made:

- (a) Bringing different provisions of this Act into force on different dates; and
- (b) Bringing provisions of this Act into force on different dates in respect of specified parts of Tokelau.

### Interpretation

2. In this Act, unless the context otherwise requires:

"Court" means the High Court of Niue;

...

"Fish" means every kind of marine animal and its young, fry, eggs or spawn; and includes shellfish, crustaceans, sponge, holothurian (bêche-de-mer) and turtle;

"Fishing" means:

- (a) Taking any fish; or
- (b) Engaging in any activity relating to the taking of any fish, including (*inter alia*) any activity involving the preparation, supply, storage, refrigeration, transportation, or processing of any fish; or
- (c) Engaging in any activity relating to the provision of any services to any fishing craft to enable or assist that craft to engage in fishing;

"Fishing craft" means any vessel, aircraft, hovercraft, submersible craft or other craft, of whatever size, that is capable of being used for fishing;

...

"Master", in relation to a fishing craft, means the person for the time being having command or charge of the craft;

"Median line", as between Tokelau and any country, means a line every point of which is equidistant from the nearest points of the baseline of the

territorial sea of Tokelau and the corresponding baseline of that country;

"Nautical mile" means the international nautical mile of 1,852 metres;

"Owner", in relation to a fishing craft, includes any body of persons, whether incorporated or not, by whom the craft is owned, and any charterer, sub-charterer, lessee, or sublessee of the craft;

...

"Territorial sea" means the territorial sea of Tokelau defined by section 3 of this Act;

...

#### THE TERRITORIAL SEA OF TOKELAU

##### The territorial sea

3. The territorial sea of Tokelau comprises those areas of the sea having, as their inner limits, the baseline described in section 5 of this Act and, as their outer limits, a line measured seaward from that baseline, every point of which is distant 12 nautical miles from the nearest point of that baseline.

...

##### Baseline of the territorial sea

5. The baseline from which the breadth of the territorial sea is measured shall be the low-water line along the seaward edge of the reef, except that where there is a break or passage through or over the reef, the baseline shall be a straight line joining the entrance points of that break or passage.

##### Prohibition of foreign fishing in territorial sea

6. (1) No foreign fishing craft shall be used for fishing within the territorial sea.

(2) Where any foreign fishing craft is used in contravention of subsection (1) of this section, each of them the owner, the master and every crew member of the craft commits an offence against this Act and is liable on conviction:

(a) In the case of the owner or master, to a fine not exceeding \$100,000; and

(b) In the case of any other crew member, to a fine not exceeding \$5,000.

(3) The Court, on the conviction of any person of an offence under this section, may order in addition to any penalty that it may impose:

(a) The immediate forfeiture to the Crown of the foreign fishing craft in respect of which the offence was committed, and of any equipment on board or used by the craft, and of any fish on board the craft; or

(b) The detention for a specified period of the foreign fishing craft and of any such equipment and fish, and the forfeiture to the Crown of the craft, equipment and fish if any fine or fines imposed in respect of the offence are not paid within that specified period.

...

GENERAL PROVISIONS

Foreshore, bed and subsoil vested in the Crown

10. The foreshore of Tokelau, and the seabed and subsoil of the submarine areas of its internal waters, territorial sea and exclusive economic zone, shall be deemed to be and always to have been vested in the Crown.

General regulations

11. Where no other provision is for the time being made by any other enactment for any such purposes, the Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Regulating the conduct of scientific research within the territorial sea and the exclusive economic zone;
- (b) Prescribing measures for the protection and preservation of the marine environment of the territorial sea and the zone;
- (c) Regulating the construction, operation and uses of artificial islands (whether permanent or temporary), and other installations and structures within the territorial sea or the exclusive economic zone, including the establishment of safety zones around such islands, installations and structures;
- (d) Regulating the exploration and exploitation of the territorial sea and the exclusive economic zone for the production of energy from the water, currents and winds, and for any other economic purposes;
- (e) Providing for the designation or appointment of authorized officers for the purposes of this Act;
- (f) Providing for the conservation and management of fisheries resources within the territorial sea and the zone;
- (g) Providing for such other matters as are necessary or expedient for giving full effect to sovereignty in respect of Tokelau in relation to the territorial sea, and to the sovereign rights of Tokelau in relation to the zone;
- (h) Providing that a breach of any regulations made under this section shall be a criminal offence, and imposing penalties by way of fine not exceeding \$10,000 for any such offences;
- (i) Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration.

General provisions as to enforcement

12. (1) Any constable or authorized officer may at any time (with or without a warrant) stop, board, inspect and search any foreign fishing craft within the internal waters, territorial sea or exclusive economic zone of Tokelau and any equipment on board or used by the craft, and any fish on board the craft.

(2) Where any constable or authorized officer has reasonable cause to believe that any offence against this Act, or against any regulations made under this Act, or against any other law relating to fishing within the internal waters, territorial sea or exclusive economic zone of Tokelau, has been committed in respect of any foreign fishing craft, he may (with or without a warrant):

- (a) Seize and detain all fish on board the craft; and
- (b) Apprehend and detain any person whom he has reasonable cause to believe has committed any such offence; and
- (c) If he has reasonable cause to believe that any such offence has been committed by the licensee, owner or master of the craft, seize and detain the craft, and any equipment on board or used by the craft,

to be dealt with in accordance with law.

(3) Any constable or authorized officer may exercise the powers conferred on him by subsections (1) and (2) of this section with the aid of such assistants as he considers to be necessary for the purpose.

(4) Where any foreign fishing craft, equipment or fish is ordered to be forfeited to the Crown pursuant to this Act or to any regulations made under this Act, that craft, equipment or fish shall be deemed to be forfeited accordingly, and shall be disposed of in such manner as the Administrator of Tokelau thinks fit.

90. NICARAGUA

Act No. 205 of 19 December 1979 on the Continental Shelf and  
Adjacent Sea <sup>176/</sup>

...

Article 2

The sovereignty and jurisdiction of Nicaragua extends over the sea adjacent to its seacoasts for 200 nautical miles.

Article 3

The sovereignty and national jurisdiction over the continental shelf and adjacent sea also embraces and extends over the airspace as well as all islands, keys, shoals, reefs and other geographic irregularities existing within the defined limits of the preceding articles, be they exposed or submerged, adherent to or emergent from the continental shelf.

Article 4

The adjacent sea of 200 nautical miles is open to the innocent passage of merchant vessels from other nations, in keeping with the manner and conditions which determine Nicaraguan domestic law and international treaties and agreements.

Article 5

All of the wealth and all natural resources comprised within these zones of sovereignty and jurisdiction are the patrimony of the Nicaraguan nation and independent of the real or fictitious occupation of Nicaragua in the previously defined zones.

The exploration, exploitation, utilization and administration of such natural resources are the exclusive right of Nicaragua without prejudice to the rights and obligations contracted through international treaties and agreements.

...

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<sup>176/</sup>

La Gaceta, Diario Oficial (Official Journal), 20 December 1979.

91. NIGERIA

Territorial Waters Decree 1967, as amended in 1971 <sup>177/</sup>

Extension of limits of territorial waters

1. (1) The territorial waters of Nigeria shall for all purposes include every part of the open sea within thirty nautical miles of the coast of Nigeria (measured from the low-water mark) or of the seaward limits of inland waters.

(2) Without prejudice to the generality of the foregoing subsection, that subsection shall in particular apply for the purposes of any power of the Federal Military Government to make with respect to any matter laws applying to or to any part of the territorial waters of Nigeria.

(3) Accordingly,

(a) In the definition of territorial waters contained in section 18(1) of the Interpretation Act 1964, for the words "twelve nautical miles" there shall be substituted the words "thirty nautical miles" and

(b) References to territorial waters or to the territorial waters of Nigeria in all other existing Federal enactments (and in particular the Sea Fisheries Decree 1971) shall be construed accordingly.

In this subsection "existing Federal enactment" means any Act of Parliament or Decree passed or made before the commencement of this Decree or of the Territorial Waters (Amendment) Decree 1971 (including any instrument made before 1 October 1960 in so far as it has effect as an Act) or any order, rules, regulations, rules of court or by-laws made before the commencement of this Decree or of the Territorial Waters (Amendment) Decree 1971 in exercise of powers conferred by any such Act, Decree or instrument.

(4) Nothing in this section shall be construed as altering the extent of or the area covered by any lease, licence, right or permit granted under any enactment or instrument before the commencement of this Decree or of the Territorial Waters (Amendment) Decree 1971.

...



92. NIUE

Territorial Sea and Exclusive Economic Zone Act 1978, Act No. 38  
of 30 March 1978, reprinted as on 31 December 1987 <sup>178/</sup>

Short title and commencement

1. (1) This Act may be cited as the Territorial Sea and Exclusive Economic Zone Act 1978.

(2) This Act shall be deemed to have come into force on the 1st day of April 1978.

Interpretation

2. (1) In this Act, unless the context otherwise requires:

"Cabinet" means the Cabinet of Ministers of Niue established by article 2 of the Niue Constitution Act 1974;

...

"Foreshore" means all land lying between the high-water line at mean high-water spring tides and the low-water line at mean low-water spring tides;

...

"Low-water mark" has the meaning assigned thereto by section 8 of this Act;

...

"Median line", as between Niue and any other country, means a line every point of which is equidistant from the nearest points of the baseline of the territorial sea of Niue and the corresponding baseline of that other country;

"Nautical mile" means the international nautical mile;

...

"Prescribed" means prescribed by regulations made under this Act;

"Territorial sea" means that area of the sea defined in section 4 of this Act;

...

(2) Subject to the provisions of subsection (1) of this section, expressions defined in the Niue Act 1966 and the Niue Constitution Act 1974 have the meanings so defined.

[Note: (i) Definitions in square brackets marked by \* were inserted by section 2 of the Territorial Sea and Exclusive Economic Zone Amendment Act 1987, No. 123.

(ii) Definitions in square brackets marked by \*\* were inserted by section 2 of the Territorial Sea and Exclusive Economic Zone Amendment Act 1984, No. 90; repealing and substituting the definition of "Fishing".]

Administration

3. The Administration of this Act shall be under the control and direction of Cabinet, which may delegate, either generally or particularly, all or any of the powers conferred on it under this Act.

PART I  
TERRITORIAL SEA

Territorial sea

4. The territorial Sea of Niue comprises those areas of sea having, as their inner limits, the baseline described in section 6 of this Act and, as their outer limits, a line measured seaward from that baseline, every point of which is distant 12 nautical miles from the nearest point of the baseline.

...

Baseline of territorial sea

6. The baseline from which the breadth of the territorial sea of Niue is measured shall be the low-water mark along the coast of Niue, or, where there is a coral reef along any part of the coast of Niue, the low-water mark along the outer edge of the coral reef.

Foreshore, bed of internal waters and  
territorial sea vested in Crown

7. (1) The seabed and subsoil of the submarine areas of the internal waters of Niue shall be deemed to be and always to have been vested in the Crown.

(2) The foreshore of Niue and the seabed and subsoil of the territorial sea shall be deemed to be and always to have been vested in the Crown.

Official Chart

8. (1) For the purposes of this Act, the low-water mark in any specified area shall be the line of low water at mean low-water spring tides as depicted on the largest scale British Admiralty chart for the time being of that area.

(2) In any proceedings in any court, a certificate purporting to be signed by an officer of the New Zealand Naval Forces authorized by the Secretary of Defence or a Deputy Secretary of Defence, that any specified British Admiralty chart for the time being of that area shall be admissible as evidence of the matters stated in the certificate.

Permanent harbour works

9. For the purposes of this Act, permanent harbour works which form an integral part of a harbour system shall be treated as forming part of the coast.

PART II  
EXCLUSIVE ECONOMIC ZONE OF NIUE

...

Total allowable catch

11. [The Cabinet shall from time to time determine, in respect of such fisheries as it considers necessary within the exclusive economic zone or the territorial sea or both] the total allowable catch as follows:

- (a) The portion that Niue fishing vessels have the capacity to harvest; and
- (b) The remaining portion shall constitute the allowable catch for that fishery for foreign fishing vessels.

[Note: Words in square brackets were substituted by section 3 of the Territorial Sea and Exclusive Economic Zone Amendment Act 1984.]

[PART III]  
[FISHING BY FOREIGN FISHING VESSELS]

No fishing by foreign fishing vessels

12. No foreign fishing vessel shall be used for fishing within the territorial sea or the exclusive economic zone except in accordance with:

- (a) A licence issued by the Cabinet under section 13 of this Act in respect of that fishing vessel; or
- (b) The requirements of an agreement to which section 16A applies.

Grant of licences

13. (1) Cabinet may grant a licence to the owner of any named foreign fishing vessel to fish within the territorial sea or the exclusive economic zone, or both, as may be specified in the licence.

(2) A licence granted under this section in respect of any foreign fishing vessels shall be subject to:

- (a) Such conditions as Cabinet may attach to the specific licence when granting the licence; and
- (b) Such conditions, if any, as may from time to time be prescribed as attaching to licences generally.

(3) The Cabinet shall exercise the powers conferred on it by this section in such manner as to ensure that the fishery resources of Niue are properly maintained and controlled and that the catch that all foreign fishing vessels licensed under this section are for the time being authorized to harvest from any fishery does not exceed the total allowable catch for foreign fishing vessels for that fishery as determined under section 11 of this Act.

Renewal of licences

14. The Cabinet may from time to time renew any licence granted under section 13 of this Act.

Variation of licences

15. (1) Subject to section 15(2) of this Act Cabinet may from time to time, where it is satisfied that it is necessary or expedient for the proper regulation of fishing within the territorial sea or the exclusive economic zone, vary the terms and conditions of any licence or licences, or class or classes of licence, granted under section 13 of this Act.

(2) Notice of every variation of any licence under this section shall be given as soon as practicable to the licensee.

Licensing fees

16. There shall be payable by every licensee to the Crown in respect of the granting of a licence under section 13 of this Act, or the renewal of a licence under section 14 of this Act, such fee or fees as may from time to time be prescribed and such royalties and other charges as Cabinet may from time to time determine.

[Note: Sections 12 to 16 inclusive were repealed and substituted by section 4 of the Territorial Sea and Exclusive Economic Zone Amendment Act 1984, which also inserted a new "Part III" and heading after section 11.]

Agreements for fishing by foreign fishing vessels

16A. [(1) Cabinet may enter into agreements with the Governments of Pacific Islands States authorizing the Director of a regional fisheries agency or any other body or person designated by such agreement to issue regional fishing licences pursuant to a regional fisheries treaty.]

[(1A) For the purpose of giving effect to any agreement that Cabinet may enter pursuant to subsection (1) of this section Cabinet may make regulations to exempt any foreign fishing vessel holding a valid regional fishing licence issued pursuant to a regional fisheries treaty from the requirements of any of sections 12 to 16 inclusive, or from any other provisions of this Act as may be necessary in order to facilitate the operation of a regional fisheries treaty or to avoid repugnancy with any such treaty.]

(2) Any regulation made under subsection [1(A)] of this section shall set out the general terms of the Agreement to which it relates.

(3) Repealed.

[(3)] Notwithstanding the provisions of any agreement to which this section applies Cabinet may from time to time prescribe conditions applicable to foreign fishing vessels fishing under that agreement.

[Note: (1) Section 16A was inserted by section 4 of the Territorial Sea and Exclusive Economic Zone Amendment Act 1984.

(2) Section 3 of the Territorial Sea and Exclusive Economic Zone Amendment Act 1987 instituted the following amendments:

- (i) Repealed and substituted subsection (1);
- (ii) Inserted a new subsection (1A);
- (iii) Amended the part in square brackets in subsection (2);
- (iv) Repealed subsection (3) and changed the reference to subsection "4" to read subsection "3".

[ Observers

16B.(1) Cabinet may enter into agreements providing for an observer programme pursuant to a regional fisheries treaty.

(2) For the purpose of giving effect to any agreement described in subsection (1) of this section, any duly authorized observer not a national of Niue, shall be accorded national treatment for the purpose of performing his or her duties and responsibilities pursuant to such agreement and enforcing his or her rights pursuant to a regional fisheries treaty.

(3) For the purposes of this section, "duly authorized observer" means any observer authorized by the Administrator or Cabinet to perform duties pursuant to an observer programme.]

[Note: Section 16B was inserted by section 4 of the Territorial Sea and Exclusive Economic Zone Amendment Act 1987.]

#### Offences

17. (1) Where any foreign fishing vessel that is not licensed under section 13 of this Act, or that is not authorized under an agreement to which section 16A applies, is fishing or used in fishing in the territorial sea or in the exclusive economic zone:

- (a) That vessel together with its tackle, engines, nets, gear, apparatus, cargo and stores and all fish taken or possessed shall be seized and forfeited to the Government of Niue and all things so forfeited shall be disposed of as Cabinet thinks fit; and
- (b) The owner [charterer] and the master of the vessel and every member of the crew each commits an offence, and is liable:
  - (i) In the case of an offence committed by the owner [charterer] or master to a fine not exceeding [US\$ 450,000]; or
  - (ii) In the case of an offence committed by any member of the crew to a fine not exceeding [US\$ 50,000].

(2) Where any foreign fishing vessel is fishing or used in fishing within the territorial sea or the exclusive economic zone in contravention of any condition of a licence issued in respect of it under section 13 of this Act or in contravention of any conditions applying to that vessel prescribed by regulations; or in contravention of the terms of an agreement to which section 16A applies, or in contravention of any conditions prescribed under section [16A (3)] of this Act:

- (a) Every licensee [owner, charterer] or master of that foreign fishing vessel commits an offence and is liable to a fine not exceeding [US\$ 250,000]; and
- (b) Every crew member of that foreign fishing vessel commits an offence and is liable to a fine not exceeding [US\$ 25,000].

[(3) On conviction of the licensee, owner, charterer or master of a vessel for a breach pursuant to subsection (2) of this section, the court may also order the forfeiture to the Government of Niue of the fishing vessel and any fish, fishing gear, apparatus, cargo and stores found therein or thereon.]

[Note: (1) Section 17 was repealed and substituted by section 4 of the Territorial Sea and Exclusive Economic Zone Amendment Act 1984.

(2) All references in square brackets were inserted and/or amended by section 5 of the Territorial Sea and Exclusive Economic Zone Amendment Act 1987.]

#### [PART IV] [MISCELLANEOUS PROVISIONS]

[Note: New part and heading inserted by section 5 of the Territorial Sea and Exclusive Economic Zone Amendment Act 1984.]

Powers to apprehend offenders

18. (1) Any Fisheries Officer or Police Officer shall have the power under this Part of this Act:

(a) To pursue, board, seize and take possession of any foreign fishing vessel (together with its tackle, engines, nets, gear, apparatus, cargo and stores) [within the territorial sea or the exclusive economic zone] of Niue or from which he has reasonable cause to believe that an offence against this Part of this Act is being or has been committed; and

(b) At any time board any foreign fishing vessel [within the territorial sea or the exclusive economic zone] of Niue and there search, seize and take possession of any fish in respect of which he has reasonable cause to believe that an offence against this Part of this Act has been committed; and

[Note: Phrase in square brackets amended by section 6 of the Territorial Sea and Exclusive Economic Zone Amendment Act 1984.]

(c) To arrest with or without a warrant, any person (being the owner, or the master, or a crew member of a foreign fishing vessel) committing an offence or whom he has reasonable cause to believe has committed an offence against this Part of this Act.

(2) All persons if called upon to assist any Police Officer or Fisheries Officer in the execution of any power vested in him under this Part of this Act, are hereby authorized and required to render such assistance.

[(3) Without limiting the powers of officers empowered under this section to apprehend offenders, where a regional fisheries treaty so requires, fishing vessels and crews arrested for breach of the treaty shall be promptly released in accordance with the terms of the treaty.]

[Note: Subsection (3) inserted by section 6 of the Territorial Sea and Exclusive Economic Zone Amendment Act 1987.]

Obstruction of Fisheries Officer and Police Officer

19. Any person who:

(a) Wilfully obstructs any Fisheries Officer or Police Officer in the exercise of any of his powers under this Part of this Act; or

(b) Fails to comply with any lawful requirement imposed or to answer any lawful enquiry made by any Fisheries Officer or Police Officer under this Part of this Act; or

(c) Being on board any vessel being pursued or about to be boarded by any Fisheries Officer or Police Officer throws overboard or destroys any fish, fishing gear or any other thing whatsoever,

shall be guilty of an offence against this Part of this Act, and shall be liable to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 2 years and if the said offence takes place on board or alongside a fishing vessel, the master of the fishing vessel shall be guilty of a like offence and liable to a like penalty.

Sale of seized fish

20. Where no adequate facilities are available to preserve the fish taken or possessed in contravention of this Part of this Act, Cabinet shall take all necessary steps for the sale of such fish, at its reasonable market value,

pending the determination of the Court proceedings in respect of the taking or possession of such fish, and the net proceeds of such sale shall be paid to the Registrar of the High Court pending the making of a final order by the Court in respect of the forfeiture or otherwise of those proceeds.

Discharge of seized fish on security

21. Any fish taken under this Part of this Act may be discharged by Cabinet upon receiving suitable and adequate security for the equivalent value of fish by way of bond, guarantee or other stipulations, conditional for payment of such equivalent value in the event that such amount shall be judged by the Court to be forfeited to the Government of Niue.

Reward to informers and others

22. Cabinet may direct the payment, and the Treasurer is hereby empowered to pay:

(a) To any person, other than an officer mentioned in section 18 of this Act, who submits to any such officer original information concerning the commission of any offence against this Part of this Act, leading to any penalty or forfeiture incurred in respect of such offence; and

(b) To any person or the dependants of any person who renders assistance to any officer pursuant to subsection (2) of section 18 of this Act, and who in so doing suffers personal injury or death;

a reward of not more than \$5,000 and in no case exceeding one half of the amount of such penalty or forfeiture.

Boarding of foreign fishing vessels prohibited

23. Any person not being a Fisheries Officer or Police Officer who boards or attempts to board any foreign fishing vessel or who accepts fish from such foreign fishing vessel without any authority to do so shall be guilty of an offence and liable to a fine not exceeding \$100.

[Onus of proof in respect of offences

23A. In any proceedings under this Act where a defendant is charged with having committed an offence specified in section 17 of this Act, or with having contravened any other provision in any regulations made under this Act, or in any Agreement to which section 16A of this Act applies, the onus shall be on the defendant to prove that at the time to which the charge relates, the requisite licence or consent was held, or that the defendant was not acting in contravention of this Act or of any licence conditions, regulations or agreement.]

[Note: This section was inserted by section 7 of the Territorial Sea and Exclusive Economic Zone Amendment Act 1984.]

93. NORWAY

1. Royal Decree of 22 February 1812 <sup>179/</sup> <sup>180/</sup>

It shall be an established rule that in all cases where Our Majesty's territorial frontier at sea falls to be determined, it shall be reckoned according to the customary distance in nautical miles from the outermost island or islet not swept over by the sea.

2. Royal Resolution of 28 October 1932 covering the  
Customs Law of 22 June 1928 <sup>181/</sup>

...

II. Pursuant to section 3 of the above-mentioned law it is decreed that the statutory provisions concerning the customs inspection of vessels and concerning the loading and unloading of goods from or consigned to foreign countries and the dispatch of goods within the realm shall be applicable within a boundary lying ten nautical miles out to sea from the outermost islands and islets that are not continually swept over by the sea.

3. Judgment of the International Court of Justice of  
18 December 1951, in the Fisheries Case  
(United Kingdom v. Norway) <sup>182/</sup>

"... The propositions formulated by the Agent of the United Kingdom Government at the end of his first speech and revised by him at the end of his oral reply under the heading of 'Conclusions' are more complex in character and must be dealt with in detail.

Points 1 and 2 of these Conclusions refer to the extent of Norway's territorial sea. This question is not the subject of the present dispute. In fact, the 4-mile limit claimed by Norway was acknowledged by the United Kingdom in the course of the proceedings..."

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<sup>179/</sup> United Nations, Legislative Series, ST/LEG/SER.B/6, p.35.

<sup>180/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication), Sales No. E.89.V.10), p. 235.

<sup>181/</sup> United Nations, Legislative Series, ST/LEG/SER.B/6, p.35.

<sup>182/</sup> I.C.J. Reports 1951, p.125.



94. OMAN

1. Royal Decree 15/81 concerning the Territorial Sea, Continental Shelf and Exclusive Economic Zone, of 10 February 1981 <sup>183/</sup> <sup>184/</sup>

THE TERRITORIAL SEA

Article 1

The Sultanate of Oman exercises full sovereignty over the territorial sea of the Sultanate and over the airspace, and the seabed and the subsoil beneath the territorial sea of the Sultanate, in harmony with the principle of innocent passage of ships and planes of other States through international straits, and laws and regulations of the Sultanate relating thereto.

Article 2

The territorial sea of the Sultanate extends twelve nautical miles (22,224 metres) seaward, measured according to the following standards and regulations set forth:

(a) The outer limit of the territorial sea is the line every point of which is at a distance of 12 nautical miles from the nearest point of the baseline;

(b) Except as otherwise provided in this Decree, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast of the mainland or of islands and rocks;

(c) The Government of the Sultanate of Oman will be issuing a directive in which the application of the system of straight baselines will be set forth and which will, in accordance thereof, determine the baselines for any part of the coast of the Sultanate of Oman, so also the lines relating to the closed waters lying within gulfs and bays or in between islands and the mainland coast. Any line described therein will be regarded as the baseline. Provided it is so required the Government of the Sultanate of Oman may amend or revoke any provisions which will be promulgated under this clause.

...

Article 8

Where the coast of another State is opposite or adjacent to the coast of the Sultanate of Oman, the outer limits of the territorial sea, exclusive economic zone and continental shelf shall be (measured up to) the median line (so that) every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of the Sultanate and the territorial sea of such other States is measured.

Article 9

The precise limits of the territorial sea, exclusive economic zone and the continental shelf shall be determined by the Government of the Sultanate of Oman on maps and hydrographic charts and geodetic datums.

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<sup>183/</sup> Law of the Sea Bulletin No. 1 (Division for Ocean Affairs and the Law of the Sea, United Nations), p. 33.

<sup>184/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 247.

...  
2. Declarations by the Sultanate of Oman at the time of its ratification of the Convention on the Law of the Sea <sup>185/</sup>  
...

Declaration No. 2, on the passage of warships through Omani territorial waters

Innocent passage is guaranteed to warships through Omani territorial waters, subject to prior permission. This also applies to submarines, on condition that they navigate on the surface and fly the flag of their home State.

Declaration No. 3, on the passage of nuclear-powered ships and the like through Omani territorial waters

With regard to foreign nuclear-powered ships and ships carrying nuclear or other substances that are inherently dangerous or harmful to health or the environment, the right of innocent passage, subject to prior permission, is guaranteed to the types of vessel, whether or not warships, to which the descriptions apply. This right is also guaranteed to submarines to which the descriptions apply, on condition that they navigate on the surface and fly the flag of their home State.

Declaration No. 4 on the contiguous zone

The contiguous zone extends for a distance of 12 nautical miles measured from the outer limit of the territorial waters, and the Sultanate of Oman exercises the same prerogatives over it as are established by the Convention.

...

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<sup>185/</sup> Text communicated by the Permanent Mission of Oman to the United Nations.

95. PAKISTAN

Territorial Waters and Maritime Zones Act, 1976 <sup>186/</sup>

Short title and commencement

1. (1) This Act may be called the Territorial Waters and Maritime Zones Act, 1976.
- (2) It shall come into force at once.

Territorial waters

2. (1) The sovereignty of Pakistan extends and has always extended to the territorial waters of Pakistan, hereinafter referred to as the territorial waters, as well as to the airspace over, and the bed and subsoil of such waters.
- (2) The limit of the territorial waters is 12 nautical miles beyond the land territory and internal waters of Pakistan measured from the baseline.
- (3) The baseline from which such limit shall be measured and the waters on the landward side of which shall form part of the internal waters of Pakistan shall be specified by the Federal Government by notification in the official Gazette.
- (4) Where a single island, rock or a composite group thereof constituting a part of the territory of Pakistan is situated off the main coast, the baseline referred to in subsection (3) shall be drawn along the outer seaward limits of such island, rock or composite group.

Use of territorial waters by foreign ships

3. (1) Without prejudice to the provisions of any other law for the time being in force and subject to the provisions of subsection (2) and subsection (3), all foreign ships shall enjoy the right of innocent passage through the territorial waters.

Explanation. For the purposes of this section, passage is innocent so long as it is not prejudicial to the peace, good order or security of Pakistan.

- (2) Foreign warships, including submarines and other underwater vehicles and foreign military aircraft may enter or pass through the territorial waters and the airspace over such waters with the prior permission of the Federal Government;

Provided that submarines and other underwater vehicles shall navigate on the surface and show their flag while passing through such waters.

- (3) Foreign supertankers, nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances or materials may enter or pass through the territorial waters after giving prior notice to the Federal Government.

- (4) The Federal Government may, if satisfied that it is necessary so to do in the interest of the peace, good order or security of Pakistan or any part thereof, suspend, by notification in the official Gazette, subject to such exceptions and qualifications, if any, as may be specified in the notification, the entry of all or any class of foreign ships into such area of the territorial waters as may be specified in the notification.

Contiguous zone

4. (1) The contiguous zone of Pakistan, hereinafter referred to as the contiguous zone, is an area adjacent to and beyond the territorial waters and extending seaward to a line 24 nautical miles measured from the baseline declared under subsection (3) of section 2.

(2) The Federal Government may exercise such powers and take such measures in or in respect of the contiguous zone as it may consider necessary to prevent and punish the contravention of, and an attempt to contravene, any law in force in Pakistan relating to:

- (a) The security of Pakistan;
- (b) Immigration and sanitation; and
- (c) Customs and other fiscal matters.

(3) The Federal Government may, by notification in the official Gazette:

- (a) Extend to the contiguous zone any law relating to any matter referred to in clause (a) or clause (b) or clause (c) of subsection (2), for the time being in force in Pakistan or any part thereof, with such modifications, if any, as may be specified in the notification; and
- (b) Make such provisions as it may consider necessary for facilitating the enforcement of such law and any law so extended shall have effect as if the contiguous zone formed part of the territory of Pakistan.

...

Historic waters

7. (1) The Federal Government may, by notification in the official Gazette, specify the limits of such waters adjacent to its land territory as are the historic waters of Pakistan.

(2) The sovereignty of Pakistan extends, and has always extended, to the historic waters of Pakistan and to the seabed and subsoil underlying, and the airspace over, such waters.

Maritime boundaries between Pakistan and States having  
coasts opposite or adjacent to those of Pakistan

8. (1) Notwithstanding anything contained in any other provision of this Act:

- (a) The delimitation of the territorial waters between Pakistan and any other State whose coast is opposite or adjacent to that of Pakistan shall be determined by agreement between Pakistan and such State and pending such agreement and, unless any other provisional arrangements are agreed to between them, the boundary with regard to the territorial waters between Pakistan and such State shall not extend beyond the line every point of which is equidistant from the baseline from which the breadth of the territorial waters of Pakistan and of such State is measured; and
- (b) The delimitation of the contiguous zone, the continental shelf, the exclusive economic zone and other maritime zones between Pakistan and any other State whose coast is opposite or adjacent to that of Pakistan shall be effected by agreement in accordance with equitable principles and taking account of all the relevant circumstances, and pending such agreement or a settlement Pakistan and such State shall make provisional

arrangements taking into account the said principles for delimitation of the contiguous zone the continental shelf, the exclusive economic zone and other maritime zones.

(2) Every agreement referred to in clauses (a) and (b) of subsection (1) shall, as soon as may be after it is entered into, be published in the official Gazette.

#### Publication of charts

9. The Federal Government may cause the baseline referred to in subsection (3) of section 2, the limits of the territorial waters, the contiguous zone, the continental shelf and the exclusive economic zone and the maritime boundaries as settled by agreements referred to in section 8 to be published in charts.

#### Offences

10. Whoever contravenes any provision of this Act or of any rule or notification made or issued thereunder shall, without prejudice to any other action which may be taken against such person under any other provision of this or of any other law, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

#### Offences by companies

11. (1) Where an offence punishable under section 10 has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for, the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punishable accordingly;

Provided that nothing contained in this subsection shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in subsection (1), where an offence punishable under section 10 has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. For the purpose of this section:

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.

#### Place of trial

12. Any person committing an offence punishable under section 10 or under any of the laws extended under this Act may be tried for the offence in such place or places as the Federal Government may, by general or special order published in the official Gazette, direct in this behalf.

#### Previous sanction of the Federal Government for prosecution

13. No prosecution shall be instituted against any person in respect of any offence punishable under section 10 or under any of the laws extended under this

Act without the previous sanction of the Federal Government or such officer or authority as may be authorized by that Government by order in writing in this behalf.

Power to make rules

14 (1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) Regulation of the conduct of any person in the territorial waters, the contiguous zone, the continental shelf, the exclusive economic zone or any other maritime zone of Pakistan;

...

(e) Preservation and protection of the marine environment and prevention and control of marine pollution;

(f) Authorization, regulation and control of the conduct of scientific research;

...

(h) Any matter incidental to any of the matters specified in clauses (a) to (g).

96. PANAMA

Act No. 31 of 2 February 1967 <sup>187/</sup> <sup>188/</sup>

...

Article 1

The sovereignty of the Republic of Panama is extended beyond its continental and insular territory and its inland waters to a zone of territorial sea two hundred (200) nautical miles in breadth, the bed and subsoil of the said zone and the superjacent airspace.

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<sup>187/</sup> Amending and supplementing Act No. 58 of 18 December 1958.

<sup>188/</sup> United Nations, Legislative Series, ST/LEG/SER.B/15, p.105.

97. PAPUA NEW GUINEA

1. National Seas Act 1977, Act No. 7 of 7 February 1977 <sup>189/</sup>

...

PART I  
PRELIMINARY

Interpretation

1. (1) In this act, unless the contrary interpretation appears:

"baseline" means territorial sea baseline;

"low-water elevation" means a naturally formed area of land surrounded by and above water at mean low-water springs but submerged at high water;

"low-water line" means the low-water line at mean low-water springs;

"miles" means international nautical miles.

(2) For the purposes of this Act:

(a) the eastern part of the island of New Guinea; and

(b) each island under the sovereignty of the State,

shall be deemed to have a separate continuous baseline.

PART II  
TERRITORIAL SEA

Description of territorial sea

2. The territorial sea of the State comprises all the waters, being waters forming part of the offshore seas, contained between the baselines and the outer-limit lines except for any such waters proclaimed under this section by the Head of State, acting on advice, not to form part of the territorial sea.

Location of limits of territorial waters

3. (1) For the purposes of Section 2:

(a) The location of a baseline or a part of a baseline may be determined by the Head of State, acting on advice, by notice published in the National Gazette; and

(b) An outer-limit line is the line every point of which is a limit point.

(2) In this section "limit point" means a point which is 12 miles seaward from the nearest point on a baseline.

Baselines where no determination made

4. Where no determination has been made under section 3 in relation to any part of the coast, then to that extent the location of the baseline shall be ascertained in accordance with schedule 1.

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<sup>189/</sup> Text transmitted by the Department of Foreign Relations of Papua New Guinea in a note verbale dated 24 July 1978.



PART VI  
MISCELLANEOUS

Location of lines in cases of doubt

8. (1) In any case where there is doubt as to the location of a baseline or any other line delimited under this Act the Minister may, by notice published in the National Gazette, declare the location of the baseline or other line by whatever method appears to him to be appropriate.

(2) A reference in subsection (1) to a baseline or other line includes a reference to part of a baseline or other line.

SCHEDULE 1  
PRINCIPLES FOR ASCERTAINING BASELINES

Interpretation of schedule 1

1. (1) In this schedule "bay" means an indentation in the coastline the area of which is at least as great as that of a semicircle with a diameter equal to the distance across the mouth of the indentation.

(2) For the purposes of this schedule the outermost permanent harbour works which form an integral part of the harbour system shall be deemed to form part of the coast.

General principle

2. Subject to this schedule, in respect of each part of the coast the baseline follows the low-water line.

Bays

3. Where the distance between the low-water line on each natural entrance point of a bay:

- (a) Does not exceed 24 miles, the baseline follows a straight line between those two points; or
- (b) Exceeds 24 miles, the baseline follows a straight line of 24 miles' length within the bay positioned so as to enclose the maximum area of water.

Low-water elevations

4. (1) Where a low-water elevation is situated wholly or partly within 12 miles of the coast the baseline follows the low-water line of the elevation.

(2) A low-water elevation does not become part of the coast by virtue of subsection (1).

Rivers

5. In respect of the mouth or each mouth of a river which flows into the sea the baseline follows a straight line across the river mouth between the points on the low-water line of each bank.

2. Offshore Seas Proclamation 1978 <sup>190/</sup>

Being a Proclamation:

- (a) To delimit the offshore seas of the State; and
- (b) To provide that certain waters do not form part of the territorial sea of the State,

...

Certain waters not included in territorial sea

5. For the purposes of section 2 of the National Seas Act 1977, so much of the waters of the sea in the area described in schedule 6 as are contained between the baselines and the 12-mile outer-limit line that are more than three miles seaward from the nearest point on the baselines do not form part of the territorial sea.

...

SCHEDULE 6

Area for purposes of section 5

The area bounded by a line commencing at the intersection of the parallel 9°21'30" south latitude with the meridian 142°33'15" east longitude; thence along the geodesic to the intersection of the parallel 9°08'15" south latitude with the meridian 143°52'00" east longitude; thence south along that meridian of longitude to the parallel 9°40'00" south latitude; thence west along that parallel of latitude to the meridian 142°03'30" east longitude; thence north along that meridian of longitude to its point of intersection with the southern coastline of the island of New Guinea at mean low-water springs; thence in a generally easterly direction along the coastline to its intersection with the meridian 142°33'15" east longitude; and thence south along that meridian to the point of commencement.

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<sup>190/</sup> Text transmitted by the Department of Foreign Relations of Papua New Guinea in a note verbale dated 24 July 1978.

98. PERU

Political Constitution of Peru, promulgated on 29 December 1993 <sup>191/</sup>

...

Article 54

The territory of the Republic is inalienable and inviolable. It includes the soil, the subsoil, the maritime dominion and the superjacent airspace.

The maritime dominion of the State includes the sea adjacent to its coasts, as well as the bed and subsoil thereof, up to the distance of two hundred nautical miles measured from the baselines determined by the law.

In its maritime dominion, Peru exercises sovereignty and jurisdiction, without prejudice to the freedoms of international communication, in accordance with the law and the treaties ratified by the State.

The State exercises sovereignty and jurisdiction on the airspace over its territory and its adjacent sea up to the limit of two hundred miles, without prejudice to the freedoms of international communication, in conformity with the law and the treaties ratified by the State.

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<sup>191/</sup> Text communicated by the Permanent Mission of Peru to the United Nations by facsimile of 13 January 1994.

99. PHILIPPINES

Constitution of the Republic, in force since 17 January 1973 <sup>192/</sup> <sup>193/</sup>

Article 1

1. The national territory comprises the Philippine archipelago, with all the islands and waters embraced therein, and all the other territories belonging to the Philippines by historic right or legal title, including the territorial sea, the airspace, the subsoil, the seabed, the insular shelves and the other submarine areas over which the Philippines has sovereignty or jurisdiction. The waters around, between and connecting the islands of the archipelago, irrespective of their breadth and dimensions, form part of the internal waters of the Philippines.

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<sup>192/</sup> United Nations, Legislative Series, ST/LEG/SER.B/18, p.30.

<sup>193/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 250.

100. POLAND

Act concerning the maritime areas of the Polish Republic and  
the marine administration, 21 March 1991 <sup>194/</sup>

PART I  
GENERAL PROVISIONS

Article 1

1. The Act defines the legal situation of the maritime areas of the Polish Republic, the coastal area and the authorities of the marine administration and their scope of jurisdiction.
2. The provisions of the Act shall not be applicable if an international treaty to which the Polish Republic is a party provides otherwise.

Article 2

1. The maritime areas of the Polish Republic are:
  - (1) The internal waters;
  - (2) The territorial sea;
  - (3) The exclusive economic zone,

hereinafter referred to as "Polish maritime areas".

2. The internal waters and the territorial sea are part of the territory of the Polish Republic.
3. The territorial sovereignty of the Polish Republic over the internal waters and the territorial sea shall extend to the waters, to the airspace over such waters and to the seabed and the subsoil of the internal waters and of the territorial sea.

Article 3

1. If the needs of defence or of the security of the State so require:
  - (1) Zones closed to navigation and fishing may be established in the internal waters and in the territorial sea;
  - (2) Beyond the internal waters and the territorial sea, zones unsafe for navigation or fishing may be proclaimed [ogaszane].
2. The zones referred to in paragraph 1 shall be established or proclaimed by the Ministry of National Defence, in agreement with the Ministers of Transport and Marine Economy and of the Interior.

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<sup>194/</sup> Law of the Sea Bulletin No. 21 (Division for Ocean Affairs and the Law of the Sea, United Nations), p. 66.

PART II  
POLISH MARITIME AREAS

...  
Section 2  
The territorial sea

Article 5

1. The territorial sea of the Polish Republic consists of a marine area 12 nautical miles (22,224 metres) wide, measured from the baseline of that sea.
2. The baseline of the territorial sea is constituted by the low-water line along the coast or the outer limit of the internal waters.
3. The outer limit of the territorial sea is constituted by a line every point of which is at a distance of 12 nautical miles from the nearest point of the baseline, subject to paragraph 4.
4. Roadsteads which are normally used for the loading, unloading and anchoring of ships and which are situated wholly or partly outside the outer limit of the areas defined in accordance with paragraphs 1 and 3, are included in the territorial sea.
5. The boundaries of the roadsteads referred to in paragraph 4 shall be determined by the Council of Ministers by means of an ordinance [rozporządzenie].

Article 6

1. Foreign ships shall, subject to the provisions of paragraph 3, enjoy the right of innocent passage through the territorial sea of the Polish Republic.
2. Innocent passage means navigation through the territorial sea for the purpose of:
  - (1) Traversing that sea without entering the internal waters or calling at any part of the harbour system or any roadstead facilities which are situated beyond the internal waters;
  - (2) Entering or leaving the internal waters;
  - (3) Entering or leaving the part of the harbour system or roadstead facilities referred to in subparagraph (1).
3. The Minister of National Defence shall, by means of an ordinance, define the passage of warships of foreign States through the Polish territorial sea and the conditions for their entry into Polish internal waters.

Article 7

The passage shall be continuous and expeditious. Stopping or anchoring shall be permitted only in so far as they are incidental to ordinary navigation or are rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons and ships or aircraft in danger. Foreign fishing vessels shall, during their passage, be required to remove fishing gear from their decks or to store it in a manner which precludes its use.

Article 8

Passage shall be considered to be innocent so long as it is not prejudicial to the peace, good order or security of the Polish Republic.

Article 9

Passage shall be considered to be prejudicial to the peace, good order or security of the Polish Republic if the foreign ship or warship, while in the territorial sea, engages in any of the following activities:

(1) Any threat or use of force against the sovereignty, territorial integrity or political independence of the Polish Republic or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;

(2) Any exercise or practice with weapons of any kind;

(3) Any act aimed at collecting information to the prejudice of the defence or security of the Polish Republic;

(4) Any act of propaganda aimed at affecting the defence or security of the Polish Republic;

(5) The launching, landing or taking on board of any aircraft;

(6) The launching, landing or taking on board of any military device;

(7) The loading or unloading of any commodity, foreign currency or person contrary to the customs, fiscal, immigration or sanitary regulations of the Polish Republic;

(8) Any act of wilful pollution;

(9) Any fishing activities;

(10) The carrying out of research or survey activities;

(11) Any act aimed at interfering with the system of communications or any other facilities or installations of the Polish Republic;

(12) Any other activities not having a direct bearing on the passage.

Article 10

1. Where necessary having regard to the safety of navigation, the Ministry of Transport and Marine Economy, in agreement with the Minister of National Defence, may, by means of an ordinance, designate in the territorial sea, sea lanes and prescribe traffic separation schemes as well as a notification system of ships' position and also define ways for the use of such sea lanes and traffic separation schemes for the regulation of the passage of ships.

2. The sea lanes and the traffic separation schemes shall be shown on marine charts.

Article 11

Foreign ships exercising the right of innocent passage through the territorial sea shall be required to comply with Polish law and international regulations relating to the prevention of collisions at sea and to the protection of the marine environment.

Article 12

1. Polish criminal jurisdiction shall not be applicable to offences committed on board foreign ships during their passage through the territorial sea, unless:

(1) The consequences of the offence extend to the territory of the Polish Republic;

(2) The offence violates the peace or the good order of the territorial sea;

(3) The assistance of the competent Polish authorities has been requested by the master of the ship or by the diplomatic agent or consular officer of the flag State of the ship;

(4) Such jurisdiction is necessary for the purpose of combating the illicit traffic in narcotic drugs or psychotropic substances.

2. The provisions of paragraph 1 shall not restrict the application of Polish criminal jurisdiction if the foreign ship is passing through the territorial sea after leaving Polish internal waters.

3. No action in respect of a foreign ship passing through the territorial sea shall be taken in connection with an offence committed before the ship entered the Polish territorial sea, if the ship, proceeding from a foreign port, is only passing through that territorial sea without entering internal waters.

4. The provisions of paragraph 3 shall not apply in case of violation of the rights of the Polish Republic as defined in article 17 or in the case of the prosecution of persons causing pollution of the marine environment.

5. The authorities taking action in the sphere of criminal jurisdiction shall, if the master of a ship so requests, notify a diplomatic mission or the competent consular office of the flag State.

#### Article 13

1. A foreign ship passing through the Polish territorial sea may not be stopped for the purpose of exercising civil jurisdiction in relation to a natural person on board the ship.

2. No execution against or arrest of a foreign ship passing through the Polish territorial sea may be carried out in connection with any civil proceeding, save only in respect of obligations or liabilities assumed or incurred by the ship in the course or for the purpose of its voyage through the Polish internal waters or the Polish territorial sea.

3. The provisions of paragraph 2 shall not be applicable if the foreign ship has stopped in the Polish territorial sea or is passing through that sea after leaving Polish internal waters.

...

#### Section 4 Artificial islands, installations and structures, submarine cables and pipelines

#### Article 23

Authorizations for the construction and utilization of artificial islands, installations and structures in the Polish territorial sea and in the exclusive economic zone shall be issued by the Minister of Transport and Marine Economy, after obtaining the opinion of the Minister of Environmental Protection, Natural Resources and Forestry, and in the internal waters such authorizations shall be issued by the director of the marine office.



Article 24

Around the artificial islands, installations and structures, the director of the competent marine office may establish safety zones extending not more than 500 metres measured from each point of their outer edge, unless a different width of the zone is authorized by the generally accepted standards of international law or recommended by the competent international organization.

Article 25

Information relating to the construction of artificial islands, the setting up of installations and structures, the establishment of safety zones around them and the total or partial removal of artificial islands, installations and structures shall be made known to the public in the official publications of the Hydrographic Bureau of the Polish Republic and in the "Notices to mariners" ["Ostrzeżenia Nawigacyjne"].

Article 26

The laying and maintenance of submarine cables and pipelines in the internal waters and the territorial sea shall require an authorization from the director of the competent marine office.

Article 27

1. The laying and maintenance of submarine cables and pipelines in the exclusive economic zone shall be permitted if it does not interfere with the exercise of the rights of the Polish Republic and subject to the condition that the location and methods of maintenance must be coordinated with the Minister of Transport and Marine Economy, who shall render a decision in that sphere, after obtaining the opinion of the Minister of Environmental Protection, Natural Resources and Forestry.

2. The Minister of Transport and Marine Economy may rescind his consent if the conditions for the laying and maintenance of cables and pipelines have not been met.

Section 5  
Scientific research

Article 28

Scientific research in Polish internal waters and the territorial sea may be carried out by foreign States and foreign natural or juridical persons, as well as by competent international organizations, after obtaining the consent of the Minister of Transport and Marine Economy.

...

Article 30

Foreign States and foreign natural and juridical persons, as well as competent international organizations, conducting scientific research in Polish maritime areas shall be required to:

- (1) Ensure the participation of Polish representatives in the research, including their presence on board research vessels and at other installations;
- (2) Inform the Minister of Transport and Marine Economy, at his request, of the results of the research;

(3) Enable the Minister of Transport and Marine Economy, at his request, to have access to all data and samples derived from the research;

(4) Inform the Minister of Transport and Marine Economy without delay of any major change in the research programme;

(5) Remove the scientific research installations and equipment without delay once the research is completed, unless a separate licence to leave them has been obtained.

#### Article 31

Polish natural or juridical persons may engage in scientific research in Polish maritime areas without a licence. The said persons shall inform the director of the competent marine office concerning the geographical areas and method to be used for the research 14 days before the research is begun and after the research is concluded.

#### Article 32

The Minister of Transport and Marine Economy shall require the cessation of any research in Polish maritime areas referred to in articles 28 ... , if the research is carried out in a manner not consistent with the provisions of the Act, or with special provisions established by the licence, or if the research has harmful consequences for the environment.

### Section 6 Exploitation of mineral resources

#### Article 33

1. The right to the exploration, extraction and utilization of mineral resources in Polish maritime areas shall be held by the State.

2. The exploration, extraction and utilization of mineral resources referred to in paragraph 1 shall require a licence from the Minister of Environmental Protection, Natural Resources and Forestry, issued in agreement with the Minister of Transport and Marine Economy.

3. Foreign natural or juridical persons may participate in the exploration, extraction and utilization of mineral resources which are referred to in paragraph 2 if provision therefor is made by international treaties binding on the Polish Republic or if they are acting on the basis of the licences referred to in paragraph 2.

#### Article 34

The investigation, prospecting, exploration and extraction of mineral resources shall be subject, mutatis mutandis, to the regulations relating to geological research, the extraction and utilization of minerals and the regulations relating to the protection of the marine environment and the safety of navigation and life at sea.

### Section 7 Tourism and water sports

#### Article 35

The exercise of tourism and water sports in Polish maritime areas may take place under such conditions and in such a manner as are consistent with the provisions of Polish law.

...

PART III  
THE MARINE ADMINISTRATION

Section 1  
Structure of the authorities of the marine administration

Article 38

The authorities of the marine administration are:

- (1) The Minister of Transport and Marine Economy;
- (2) The directors of the marine offices, as the local authorities of the marine administration.

Article 39

1. The director of a marine office shall be subordinate to the Minister of Transport and Marine Economy.
2. The director of a marine office shall be appointed and dismissed by the Minister of Transport and Marine Economy. The deputy directors of a marine office shall be appointed and dismissed by the Minister of Transport and Marine Economy at the request of the director of the marine office.
3. The director of a marine office shall exercise his functions with the assistance of the marine office.
4. The composition of the marine offices shall include, in particular, the marine inspectorate, the harbour-master offices [kapitanaty] of large ports and the boatswain offices [bosmanaty] of small ports.

Article 40

1. Marine offices shall be created and abolished by the Minister of Transport and Marine Economy by means of ordinances.
2. The Minister of Transport and Marine Economy, after obtaining the opinion of the competent provincial governors, shall, by means of ordinances, define the territorial sphere of activity of the directors of marine offices and the headquarters of the offices.
3. The organization of a marine office and the detailed sphere of activity of the director of a marine office shall be defined by a statute issued by the Minister of Transport and Marine Economy.

Article 41

1. Staff members of specified categories employed by the authorities of the marine administration shall wear their service uniforms during the exercise of their functions.
2. The Minister of Transport and Marine Economy shall, by means of an ordinance, define the categories of staff members required to wear uniforms, the manner of their assignment and the pattern of the said uniforms.

Section 2  
Extent of jurisdiction and territorial scope of application

Article 42

1. The authorities of the marine administration shall deal with matters in the sphere of governmental administration which are related to the utilization of the sea within the scope governed by this Act and other Acts.

2. In particular, the authorities of the marine administration shall deal with matters relating to:

- (1) The safety of marine navigation;
- (2) The utilization of maritime routes and of large and small seaports;
- (3) The conduct of marine fishing and the exploitation of other living resources of marine waters;
- (4) Safety relating to the investigation, exploration and exploitation of the mineral resources of the seabed;
- (5) The protection of the marine environment against pollution resulting from the utilization of the sea and pollution resulting from the dumping of wastes and other substances;
- (6) The saving of lives, the conduct of underwater work and the extraction of resources from the sea;
- (7) Technical supervision by specialists;
- (8) Technical and construction surveillance;
- (9) The protection of large and small seaports against fire;
- (10) The coordination of decisions in matters involving the issuance of authorizations under water law and the issuance of construction authorizations in the technical area, large and small seaports, the internal waters and the territorial sea, as well as all other decisions relating to the economic use of the said area, unless otherwise provided by a separate regulation;
- (11) The construction, preservation and protection of coastal fortifications, dunes and protective afforestations in the technical area.

3. The authorities of the marine administration shall also carry out assignments in the field of international cooperation in the sphere of the matters referred to in paragraphs 1 and 2.

4. The rendering of decisions in the matters referred to in paragraph 2, subparagraphs (10) and (11), shall take place after the opinion of the competent authority of the territorial autonomous government has been obtained.

Article 43

In matters which relate to the jurisdiction of authorities of the marine administration and which are decided in the course of an administrative proceeding, the decision at first instance shall be rendered by the directors of the marine offices, unless by virtue of a special regulation the competent organ at first instance is the Ministry of Transport and Marine Economy.

Article 44

1. The authorities of the marine administration shall act in Polish maritime areas, in large and small seaports and in the technical area, unless otherwise provided by a special regulation.
2. The authorities of the marine administration shall also be competent to perform on the open sea tasks defined by international treaties and by Polish law.

Article 45

1. Subject to the provisions of article 5, paragraph 4, the boundaries of seaports on the sea side and those of their roadsteads, with the exception of military ports, shall be defined by the Minister of Transport and Marine Economy, in agreement with the ministers concerned. The boundaries of ports on the land side shall be defined by the Minister of Transport and Marine Economy, after obtaining the opinion of the competent community councils.
2. The directors of the marine offices, after obtaining the opinion of the competent community councils and the authorities responsible for the defence of the State frontier, shall define the boundaries of small seaports.
3. The Minister of National Defence, in coordination with the Minister of Transport and Marine Economy, shall define the boundaries of military ports.

Article 46

The Minister of Transport and Marine Economy, in agreement with the Ministers of National Defence and of the Interior, shall define the cooperation of marine offices with the Navy and the Frontier Guard Service in the sphere referred to in article 42.

Section 3

Regulations issued by the local authorities  
of the marine administration

Article 47

1. The directors of the marine offices shall issue legal regulations on the basis of the powers conferred upon them in legislative acts.
2. Subject to article 48, the regulations referred to in paragraph 1 shall be issued in the form of orders [zarządzenia].
3. An order issued by the director of a marine office must be proclaimed in the provincial official gazette which is competent from the standpoint of the territorial sphere of application of the said order.
4. An order issued by the director of a marine office shall enter into force after the expiry of 14 days from the date of its proclamation [ogłoszenie], unless it provides for a different period or unless such a period follows from the Act on the basis of which it was issued.

Article 48

1. In any sphere not standardized by regulations, if this is necessary for the protection of life, health or property at sea or for the protection of the marine environment, the director of the marine office may establish ordinary regulations [przepisy porządkowe] containing prohibitions or commands concerning the behaviour referred to.

2. The ordinary regulations referred to in paragraph 1 shall be formulated in the form of an ordinary order [zarządzenie porządkowe].
3. The scope of application of an ordinary order shall be stated therein.
4. An ordinary order shall enter into force on the date defined therein, but not later than the date of its proclamation, in the manner defined in paragraph 5 or 6.
5. An ordinary order shall be subject to proclamation in the provincial official gazette competent with respect to the territorial scope of application of the said order.
6. Where it becomes necessary that an ordinary order should enter into force immediately, it may be published [publikowane] by means of notices at its places of enforcement, by means of radio broadcasts or in any customary manner commonly accepted in marine navigation or in the locality concerned. The date on which an ordinary order is so published shall be deemed to be the date of its proclamation.
7. An ordinary order proclaimed in the manner defined in paragraph 6 shall thereafter be published [podane do wiadomości] in the competent provincial official gazette.

Section 4  
Exercise of supervision

Article 49

Supervision over compliance with the provisions of the Act shall be exercised by the authorities of the local marine administration.

Article 50

1. The marine inspectorate, carrying out in Polish maritime areas the tasks referred to in article 42, shall have the right:

- (1) To verify whether ships are entitled to pursue the activities they are engaged in and whether they possess the licences provided for under law;
- (2) To verify whether navigation, fishing or any other activity is being carried out in accordance with the provisions of Polish law which are in force and with international treaties;
- (3) To discover any pollution of the marine environment caused by activities at sea and to discover the persons responsible therefor.

2. The marine inspectorate shall exercise the rights referred to in paragraph 1 in collaboration with the Frontier Guard Service, making use of its forces and means.

3. If there is no inspector of the marine inspectorate present on board a water-borne unit of the Frontier Guard Service, the said Service may of its own accord exercise the rights referred to in paragraph 1 on behalf of the local authority of the marine administration.

4. The transfer to the Frontier Guard Service of means owned by the marine offices for the exercise of the rights referred to in paragraph 1 shall take place by agreement between the Ministers of Transport and Marine Economy and of the Interior.

5. In the cases referred to in paragraph 3, the rights of the inspector of the marine inspectorate which are referred to in article 51 and in article 52, paragraph 1, shall be held, mutatis mutandis, by the commanders of the water-borne units of the Frontier Guard Service.

#### Article 51

While performing his service functions, an inspector of the marine inspectorate, hereinafter referred to as "an inspector", shall be entitled:

- (1) To examine the documents granting entitlement to marine fishing or any other activity in Polish maritime areas;
- (2) To examine the fishing gear and the fish on the deck, in the processing rooms and in the holds of a ship;
- (3) To secure abandoned fish and articles used for fishing;
- (4) To demand explanations and to carry out the activities necessary for conducting the examination, and in cases in which there is a well-founded suspicion that the Act or the regulations issued on the basis of the Act are being or have been violated:
  - (a) To retain the documents referred to in subparagraph 1;
  - (b) To seize fish and articles used for catching fish and to secure them;
  - (c) To examine the compartments on board a vessel from which fishing or any other activity exploiting Polish maritime areas is being or has been carried on.

#### Article 52

1. If there arises a well-founded suspicion that the provisions of the Act are being or have been violated, the inspector may examine a foreign ship found in Polish maritime areas and compel it to enter a designated port, using all necessary means.

2. If a foreign ship is stopped and brought to a Polish port, the local authority of the marine administration shall notify that fact without delay to the competent authority of the flag State of the ship.

3. Examination in the sphere of protection of the marine environment against pollution from vessels shall be regulated by a separate Act.

#### Article 53

1. The master of a ship found in Polish maritime areas shall be required, upon a signal given from a water-borne unit of the Frontier Guard Service, to stop the ship and make it possible to conduct inspection activities.

2. An inspector shall have the right to be present on board any ship carrying on any activity in Polish maritime areas.

3. While an inspector is present on board a ship, the commander of the said ship must enable him to carry out his verification of compliance with the regulations in force and his observation of the activities being carried on and must, in particular:

- (1) Provide any necessary explanations;

(2) Present for examination the documents demanded, together with the ship's log;

(3) Enable the inspector to view the fish that have been caught and the fishing gear, the equipment used for research and the samples taken in the course of the research and the analyses carried out;

(4) Enable the inspector to make entries in the ship's log;

(5) Enable the inspector to use means of communication and provide him with assistance in the sending and receiving of messages;

(6) Provide all other assistance necessary for carrying out the examination in accordance with regulations;

(7) Provide the necessary quarters and food in the event of a prolonged stay on board the ship.

#### Article 54

While performing his service functions, an inspector shall be required to wear his uniform and inspection insignia.

#### PART IV FINES

#### Article 55

1. A shipowner from whose ship, during its stay in Polish maritime areas, the following activities are carried out in violation of the provisions of this Act and other Acts and of regulations issued on the basis thereof:

(1) Exploitation of the mineral resources or living resources of the sea;

(2) Pollution of the marine environment;

(3) Scientific research pertaining to the sea and the seabed;

(4) The construction of artificial islands, installations and structures;

(5) The laying of submarine cables and pipelines,

shall be punishable by a fine equivalent to not more than \$1 million units of account known as "Special Drawing Rights" (SDR), defined by the International Monetary Fund.

2. A person who violates the regulations relating to the exploitation of artificial islands, structures, installations, submarine cables and pipelines shall be subject to the same penalty.

#### Article 56

A person who:

(1) Stops or anchors a ship outside of the location designated therefor;

(2) Navigates a ship outside of navigation routes or fails to follow the course designated by a competent authority;

(3) Navigates a vessel into a zone which is closed to navigation and fishing and leaves fishing gear in that zone;



- (4) Navigates a ship out of a port in spite of a received prohibition;
- (5) Loads or unloads goods from a ship at a location not designated therefor;
- (6) Establishes contact with the shore which causes danger to the safety of navigation;
- (7) Leaves a ship in an unauthorized location;
- (8) Takes persons on board a ship or sets persons down from a ship in violation of customs, fiscal, immigration or health regulations;
- (9) Violates a regulation issued on the basis of articles 47 and 48;
- (10) Does not comply with the commands referred to in article 52, paragraph 1;
- (11) Damages coastal fortifications or dunes or protective afforestations or in any other manner violates the principles of behaviour in the technical area;
- (12) Damages or removes navigational signs or uses them in a manner not consistent with their purpose;
- (13) Sets in motion equipment which impairs the effectiveness of the navigational sign system,

shall be subject to a fine not exceeding ten times the average monthly remuneration in nationalized industry for the preceding year proclaimed by the Chairman of the Central Statistical Office.

#### Article 57

1. The fines referred to in articles 55 and 56 shall be imposed by the director of the marine office in the form of administrative decisions.
2. Appeals against the decisions referred to in paragraph 1 may be lodged with the Minister of Transport and Marine Economy.
3. The decisions referred to in paragraph 1 shall be immediately executable.

#### Article 58

1. No fine may be imposed if five years have elapsed since the date on which the deed in question was committed.
2. A fine which has been imposed shall not be collected after the expiry of five years from the date on which the final decision to impose the fine was taken.

#### Article 59

1. In order to guarantee the levy of the fine, the director of the marine office may require the offender to provide security, and in the event of refusal, he shall apply to an enforcement authority for seizure of the ship or other articles with the aid of which the violation of regulations was committed.
2. Pending the issuance of an order for seizure of the ship, the director of the marine office shall make arrangements for the detention of the ship, but not longer than for 48 hours.

3. The guarantee of the levy of the fine shall consist in the payment of the amount established by the authority conducting the proceedings into that authority's deposit account or in the provision of a bank guarantee by a bank or insurance institution which has its head office in Poland.

4. Fines imposed on the basis of articles 55 and 56 which have not been paid within the designated period shall be subject, together with the interest for the period of the delay, to collection in the manner defined in the regulations for enforcement proceedings in the administration.

Article 60

Amounts collected as fines shall remain at the disposal of the Minister of Transport and Marine Economy and shall be devoted to the protection of the marine environment and the living resources of the sea.

...

101. PORTUGAL

Law No. 33/77 of 28 May 1977 <sup>195/</sup> <sup>196/</sup>

...

Article 1  
Portuguese territorial sea

1. The breadth of the Portuguese territorial sea is 12 nautical miles.
2. The outer limits of the Portuguese territorial sea are those established by Portuguese law, in accordance with international law.

...

Article 6  
International cooperation

Portugal shall cooperate with the competent subregional, regional or global international organizations, in matters of conservation of the living resources of the sea.

...

Article 8  
Penalties

1. The Government shall submit to the Assembly of the Republic proposals for legislation establishing civil responsibility and penalties incurred by individual and collective persons, nationals and aliens, who violate the provisions of the present act and its regulations.
2. The legislation referred to in the previous paragraph shall include, depending on the gravity of the infractions, inter alia, measures for concealing fishing authorization, arrest of vessels and of their equipment, nets, gear and catch, and their seizure by the State, as well as fines and imprisonment.
3. Pending the entry into force of the legislation referred to in the preceding paragraphs, the penalties established in Decree-Law No. 49,947 of 18 September, 1967, in regard to "fishing waters under jurisdiction", shall be applied to the zone defined in article 2 of the present law; provisions of paragraphs 2 and 3 of article 5 of the same decree-law shall be applied to infractions committed by foreign vessels in the Portuguese territorial sea.

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<sup>195/</sup> United Nations, Legislative Series, ST/LEG/SER.B/19, p.93.

<sup>196/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 260.

102. QATAR

Decree No. 40 of 1992 defining the Breadth of the Territorial Sea and Contiguous Zone of the State of Qatar, 16 April 1992<sup>197/</sup>

...

Article 1

The breadth of the territorial sea of the State of Qatar is twelve nautical miles measured from the baselines determined in accordance with the rules of international law.

Article 2

The State of Qatar exercises sovereignty over its territorial sea, the airspace, seabed and subsoil thereof in accordance with international law and the laws and regulations of the State of Qatar in conformity with the right of innocent passage by ships and aircraft of other countries.

Article 3

The State of Qatar has a contiguous zone with a breadth of twelve nautical miles measured from the outer limit of the territorial sea, over which the State exercises all rights and powers provided for in international law.

Article 4

The Cabinet shall issue the decisions necessary for the implementation of this Decree.

Article 5

All concerned authorities shall carry out this Decree in their respective fields. It shall come into force on the date of issue and shall be published in the Official Gazette.

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<sup>197/</sup> Law of the Sea Bulletin No. 23 (Division for Ocean Affairs and the Law of the Sea, United Nations), p. 22.

103. REPUBLIC OF KOREA

1. Territorial Seas Act, promulgated by Law No. 3037,  
31 December 1977 <sup>198/</sup> <sup>199/</sup>

Article 1  
Extent of the Territorial Seas

The territorial seas of the Republic of Korea shall be the area of the seas up to an outer limit of twelve nautical miles measured from the baseline. However, the extent of the territorial seas in the specified area may be determined differently within the limit of twelve nautical miles in accordance with the Presidential Decree.

Article 2  
Baseline

(1) The normal baseline for measuring the extent of the territorial seas is the low-water line along the coast as marked on large-scale charts officially recognized by the Republic of Korea.

(2) In the area of the seas where special geographical circumstances exist, the straight line joining the points as provided for in the Presidential Decree may be employed as the baseline.

...

Article 4  
Boundary with the adjacent or opposite State

The boundary between the territorial seas of the Republic of Korea and that of an adjacent or opposite State, unless otherwise agreed between the States concerned, shall be the median line every point of which is equidistant from the nearest points on the baselines from which the extent of the territorial seas of each of the two States is measured.

Article 5  
Passage of foreign ships

(1) Foreign ships enjoy the right of innocent passage through the territorial seas of the Republic of Korea so long as the passage is not prejudicial to the peace, public order or security of the Republic of Korea. When a foreign warship or Government ship for non-commercial purposes intends to pass through the territorial seas, it shall give a prior notice to the authorities concerned in accordance with the Presidential Decree.

(2) A foreign ship shall be considered to be prejudicial to the peace, public order or security of the Republic of Korea, if it engages in any of the following activities in the territorial sea, except, however, when the activities set out in subparagraphs 2 to 5, 11 and 13 have been authorized, approved or given consent by the authorities concerned:

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<sup>198/</sup> Text communicated by the Permanent Mission of the Republic of Korea to the United Nations.

<sup>199/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 267.

1. Any threat or use of force against the sovereignty, territorial integrity or independence of the Republic of Korea, or any other manner in violation of the principles of international law embodied in the Charter of the United Nations;
2. Any exercise or practice with weapons of any kind;
3. The launching, landing or loading of any aircraft;
4. The launching, landing or loading of any military device;
5. Submerged navigation;
6. Any act aimed at collecting information to the prejudice of the security of the Republic of Korea;
7. Any act of propaganda or instigation to the prejudice of the security of the Republic of Korea;
8. The embarking or disembarking of any commodity, currency or person contrary to the customs, fiscal, immigration or hygienic regulations of the Republic of Korea;
9. The discharge of pollutants exceeding the standards as provided for in the Presidential Decree;
10. Any fishing activities;
11. The carrying out of any research or survey activities;
12. Any act aimed at interfering with any systems of communication, or damaging the facilities or installations of the Republic of Korea;
13. Any other activities which have no correlation with passage as provided for in the Presidential Decree;

(3) The innocent passage of foreign ships may be suspended temporarily in specified areas of the territorial seas in accordance with the Presidential Decree if such suspension is considered to be essential to the security of the Republic of Korea.

Article 6  
Stopping of foreign ship

If a foreign ship (excluding foreign warships and Government ships operated for non-commercial purposes; the same shall apply hereinafter) is suspected of having violated the provisions of article 5, the authorities concerned may issue necessary orders or take other necessary measures such as stopping, searching or seizure.

Article 7  
Punishment

(1) Crew or other passengers on board a foreign ship who have violated the provisions of article 5(2) or (3) shall be punished with penal servitude for a period not to exceed five years or with a fine not to exceed twenty million won, and when the circumstances are considered serious, such ship, its equipment, its catches and other articles may be confiscated.

(2) Crew or other passengers on board a foreign ship who have disobeyed, hindered or evaded the order issued or the measure taken in accordance with article 6 shall be punished with penal servitude for a period not to exceed two years or with a fine not to exceed ten million won.

(3) In case of the violation occurred under paragraph (1) or (2) of this article, the punishment of penal servitude and fine may be imposed concurrently.

(4) In the application of this article, if the act referred to in this article concurrently constitutes a crime under another law, the heavier punishment prescribed in the respective laws shall be applied.

#### Article 8

#### Exception in the case of a foreign warship and Government ship operated for non-commercial purposes

If a foreign warship or Government ship operated for non-commercial purposes or its crew or passengers on board violate this Act or other relevant laws or regulations, such ship may be required to remedy the violation or to leave the territorial seas.

...

2. Enforcement Decree of the Territorial Seas Act, promulgated by Presidential Decree No. 1962, 20 September 1978 <sup>200/</sup>

#### Article 1

#### Purpose

The purpose of this Decree is to regulate matters entrusted by the Territorial Seas Act (hereinafter referred to as "the Act") and those necessary for its enforcement.

#### Article 2

#### Basepoints of straight baselines

In measuring the extent of the territorial seas, each area of the seas where straight lines are employed as baselines and the basepoints thereof in accordance with the provision of article 2(2) of the Act shall be prescribed in attached table 1 annexed hereto.

#### Article 3

#### Extent of the territorial seas in the Korea Strait

In accordance with the provisions of article 1 of the Act, the territorial seas in the seas forming the Korea Strait used for international navigation shall be the area of the seas on the landward side of the line connecting the lines as prescribed in attached table 2 annexed hereto.

#### Article 4

#### Passage of foreign warships or other Government ships

If a foreign warship or other Government ship operated for non-commercial purposes intends to navigate through the territorial seas, it shall notify the following particulars to the Minister of Foreign Affairs not later than three days (excluding public holidays) prior to its passage in accordance with the latter part of article 5(1) of the Act, except in cases where the area of the seas through which the aforementioned ship navigates forms a strait used for

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<sup>200/</sup> Text transmitted by the Permanent Mission of the Republic of Korea to the United Nations in a note verbale dated 26 October 1978.

international navigation in which no high seas route exists.

1. Name, type and official number of the ship;
2. Purpose of the passage;
3. Passage route and schedule.

Article 5  
Activities of foreign ships in the territorial seas

(1) If a foreign ship intends to conduct any of the activities provided for in subparagraphs 2 to 5, 11 or 13 of article 5(2) of the Act, it shall submit an application specifying the following particulars to the Minister for Foreign Affairs and shall obtain authorization, approval or consent from the authorities concerned:

1. Name, type and official number of the ship;
2. Purpose of the activity;
3. Area of the seas of the activity, passage route and schedule.

(2) Any authorization, approval or consent obtained from the authorities concerned with respect to the activities provided for in subparagraphs 2 to 5 or 11 of article 5(2) of the Act in accordance with other laws and regulations shall be regarded as authorization, approval or consent obtained under this Decree.

Article 6  
Standards for control of discharge of pollutants

The provisions of article 5 and article 10(1) and (2) of the Marine Pollution Prevention Act shall be applied with respect to standards for control of discharge of pollutants as provided for in subparagraph 9 of article 5(2) of the Act.

Article 7  
Temporary suspension of innocent passage

(1) The temporary suspension of the innocent passage of a foreign ship in the specified area of the territorial seas in accordance with article 5(3) of the Act shall be effected by the Minister of National Defence, subject to, in advance, deliberation by the State Council and approval of the President.

(2) Upon approval of the President in accordance with the provisions of paragraph (1), the Minister of National Defense shall, without delay, give publicity to the area of the seas in which the innocent passage is suspended temporarily, the duration of suspension and the reasons therefor.

...



104. ROMANIA

Act concerning the Legal Regime of the Internal Waters,  
the Territorial Sea and the Contiguous Zone of Romania,  
of 7 August 1990 <sup>201/</sup>

CHAPTER I

The territorial sea and the internal waters of Romania

Article 1

The territorial sea of Romania includes the zone of the sea adjacent to the coast or, where applicable, the internal waters, having a width of 12 nautical miles (22,224 metres) measured from the baselines.

The baselines are the lines of low tide along the coast or, where applicable, the straight lines which join the most advanced points of the coast, including the coasts of islands, mooring places, hydrotechnical works and other permanent harbour installations.

The geographical coordinates of the points between which the straight baselines are drawn are listed in the annex.

The outer limit of the territorial sea is the line every point of which is at a distance of 12 nautical miles measured from the nearest point of the baselines.

Article 2

The territorial sea of Romania shall be delimited from the territorial sea of neighbouring States through agreements concluded with each of the said States, in conformity with the principles and norms of international law.

Article 3

The outer and lateral limits of the territorial sea, established in accordance with the provisions of articles 1 and 2, shall constitute the marine State frontier of Romania.

...

Article 5

The internal waters, the territorial sea and the soil and subsoil thereof, together with the airspace above them, shall be part of the territory of Romania.

In the said spaces Romania shall exercise sovereignty in conformity with its national laws and with the provisions of the international conventions to which it is a party, having due regard for the principles and norms of international law.

CHAPTER II

The contiguous zone of Romania

Article 6

The contiguous zone of Romania is the zone of the sea adjacent to the territorial sea and extending along the seacoast to a distance of 24 nautical miles measured from the baselines established in article 1.

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<sup>201/</sup> Law of the Sea Bulletin No. 19 (Division for Ocean Affairs and the Law of the Sea, United Nations), p. 9.

Article 7

In its contiguous zone Romania shall exercise control to prevent and punish infractions of its customs, fiscal and sanitary laws and regulations and infractions relating to the crossing of the State frontier.

CHAPTER III

Innocent passage through the territorial sea

SECTION A

Rules applicable to all foreign ships

Article 8

Innocent passage of foreign ships through the territorial sea of Romania shall take place under the conditions established in this Act and in other regulations in force, subject to observance of the norms of international law.

The term "passage" means navigation through the territorial sea for the purpose of:

- (a) Traversing that sea without entering internal waters or calling at a roadstead or port facility outside internal waters; or
- (b) Proceeding to or from internal waters or a call at such roadstead or port facility.

The passage shall be continuous and expeditious. The ships shall follow the recommended maritime routes, channels and passes specified on marine charts and in navigational documents.

During its innocent passage a ship shall not be permitted to stop or anchor except in cases when that is necessitated by the needs of navigation or as the result of a case of force majeure or distress for the purpose of saving persons or rendering assistance to ships or aircraft in danger or distress.

Article 9

The passage of a foreign ship through the territorial sea is innocent as long as it is not prejudicial to peace, good order or national security.

Passage shall be considered to be prejudicial to peace, good order or national security if in the territorial sea or the internal waters the said ship engages in one of the following activities:

- (a) The threat or use of force against the sovereignty, territorial integrity or political independence of Romania or in any other manner in violation of the principles of international law;
- (b) Practice or exercise with weapons of any kind;
- (c) Any act aimed at collecting information to the prejudice of national defence or security;
- (d) Any act of propaganda aimed at affecting the national defence or security;
- (e) The launching from the ship, the landing on the ship's deck or the taking on board the ship of flying apparatus of any kind;
- (f) The launching, landing or taking on board of any military device,

divers, submarines, other underwater vehicles or any other installations capable of carrying on underwater research;

- (g) The loading or unloading of any commodity, currency or persons contrary to the laws and regulations in force;
- (h) Wilful and serious pollution, of any kind, of the water and the atmosphere;
- (i) Any fishing activities;
- (j) Any scientific or archaeological research or hydrographic survey;
- (k) Any activity carried out in violation of international regulations in the field of radio communications aimed at interfering with any system of communications or any other facilities or installations;
- (l) Any other activity not having a direct bearing on the passage or carried out in violation of the conditions established in this Act.

#### Article 10

No ship may enter the territorial sea, the internal waters or port facility of Romania if it has on board any nuclear weapons or chemical or other weapons of mass destruction, or if it transports such weapons or ammunition for them or any other merchandise or products prohibited by the laws of Romania.

#### Article 11

Foreign nuclear-powered ships may enter roadsteads or port facilities only with prior approval from the competent Romanian authorities, which must be requested at least 30 days before the date of entry.

#### Article 12

Foreign nuclear-powered ships and foreign ships which transport radioactive substances or other dangerous substances shall, when exercising the right of innocent passage through the territorial sea, carry documents established by international agreements for such ships and the cargo they are transporting and observe special precautionary measures established by the said agreements.

#### Article 13

Inspection of the safety documents of nuclear-powered ships and of ships which transport radioactive substances or other dangerous substances, dosimetric inspections and all other inspections related to the protection of the environment shall be carried out by the competent Romanian authorities, at the places established therefor. During such time as the ships are stopped in port facilities or roadsteads, additional inspections may be carried out.

If as a result of the inspection it is found that the presence of a ship may lead to dangerous consequences, the competent Romanian authorities may order the ship concerned to leave the territorial sea within a prescribed period of time.

#### Article 14

Foreign ships exercising the right of innocent passage through the territorial sea or which are stopped in port facilities or roadsteads may use radio navigation equipment, hydro-acoustic apparatus and radio communication apparatus, electronic and optical observation systems only for the needs of safety of navigation and of lying at anchor and for communicating with the port facility authorities and carrying on radio traffic, in clear or using codes, with Romanian

land stations, following the rules and procedures prescribed in the Radio Regulations annexed to the International Telecommunication Convention.

Article 15

The competent Romanian authorities shall take the necessary measures to prevent any violation of the conditions established by the regulations in force in connection with the admittance of foreign ships into the internal waters or port facilities and shall use all legal means, including coercive measures, to prevent the passage of any foreign ship through the internal waters or the territorial sea when such passage is not innocent.

Article 16

The competent Romanian authorities may, in specified zones of the territorial sea, temporarily suspend the innocent passage of foreign ships if such suspension is required in order to ensure the security of the country or is necessary for the execution of military exercises.

The measures for the suspension of innocent passage provided for in the preceding paragraph shall be published in the "notices to mariners" issued by the competent Romanian authorities.

SECTION B

Rules applicable to foreign ships used for commercial purposes

Article 17

The criminal jurisdiction of Romania shall be applicable with respect to any infraction committed in Romanian territory by persons embarked on board foreign ships used for commercial purposes and shall also be applicable in respect of any infraction committed on board such a ship during the time when it is in Romanian harbours or in the internal waters.

The criminal jurisdiction of Romania shall not be exercised on board a foreign ship used for commercial purposes which is in passage through the territorial sea, with respect to an infraction committed on board that ship, with the exception of those cases in which:

- (a) The infraction has been committed by a Romanian national or by a stateless person domiciled in the territory of Romania;
- (b) The infraction is directed against the interests of Romania or against a Romanian national or a person resident in the territory of Romania;
- (c) The infraction is of such a nature as to disturb the good order and peace of the country or order in the territorial sea;
- (d) The exercise of Romanian jurisdiction is necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances;
- (e) The assistance of the Romanian authorities has been requested, in writing, by the master of the ship or by a diplomatic agent or consular officer of the flag State.

Article 18

The criminal jurisdiction of Romania shall also be applicable in the case of violations of Romanian legislation in force with regard to the exclusive economic zone of Romania in the Black Sea by persons embarked on board foreign ships used for commercial purposes if the acts in question are committed under such conditions that they are considered infractions under the criminal law.

Article 19

Criminal jurisdiction on board a ship flying the flag of a State with which Romania has concluded a consular convention or other similar agreement shall be exercised with due regard for the provisions of the said convention or agreement.

Article 20

In the exercise of Romania's jurisdiction, the competent Romanian authorities may, in conformity with the legal provisions in force, order the detention or arrest of a foreign ship used for commercial purposes and levy execution against such a ship which is in the territorial sea or in the internal waters of Romania, in order to ensure the performance of contractual obligations or other obligations assumed by the ship in question during or in connection with its passage through the territorial sea of Romania, as well as for other claims resulting from navigational incidents which have resulted in damage to the ship or its cargo or have taken place as a result of boarding, assistance or salvage and for compensation, charges and the like.

SECTION C

Rules applicable to warships, submarines and other submersible vehicles and to other Government ships operated for non-commercial purposes

Article 21

Foreign warships, submarines and other submersible vehicles and other Government ships operated for non-commercial purposes may enter the territorial sea, harbours and roadsteads only with prior approval from the Romanian Government, except in cases in which they have suffered damage or are taking refuge from storms.

Approval must be requested at least 30 days before the scheduled date of the passage through the territorial sea or the call at harbours or roadsteads, except where otherwise agreed between Romania and the flag State.

Article 22

Foreign submarines and other foreign submersible vehicles passing through the territorial sea shall be required to navigate on the surface and to show their national flag. Those which are submerged shall be required to surface. In those cases in which, as a result of damage, they cannot reach the surface, they shall be required to signal their situation by every possible means.

Article 23

If a foreign warship does not comply with the laws and regulations of Romania in internal waters or in the territorial sea and disregards any request for compliance, it shall be required to leave the territorial sea of Romania immediately.

Article 24

Flag States shall bear international responsibility for any loss or damage caused by a foreign warship or by any other Government ship operated for non-commercial purposes, as well as by any persons who are members of the crews of such ships, when the ship in question has been in the harbours, the internal waters and the territorial sea of Romania.

Article 25

Subject to the exceptions specified in section A and the conditions established in articles 21 to 24, foreign warships and other Government ships operated for non-commercial purposes shall enjoy sovereign immunity during the time when they are in the harbours, the internal waters and the territorial sea of Romania.

...

CHAPTER V

Scientific research in the territorial sea of Romania

Article 28

Scientific research activity, as well as activity relating to prospecting and the regulation of maritime traffic in the territorial sea of Romania, shall be carried out by the specialized Romanian institutions in accordance with approved programmes and with the advice of the competent Romanian authorities.

Article 29

Foreign individuals and bodies corporate may carry on scientific research in the territorial sea of Romania only with the express consent of the competent Romanian authorities and in accordance with the conditions prescribed by the said authorities.

CHAPTER VI

Protection of the marine environment

Article 30

The competent Romanian authorities shall establish regulations concerning the prevention, reduction and control of pollution of the marine environment and shall ensure compliance thereof in the port facility, the internal waters and the territorial sea of Romania.

Article 31

In accordance with the legislation in force, it shall be prohibited to pollute the internal waters and the territorial sea, or the atmosphere above them, by the disposal, dumping or discharge from a ship or other floating or fixed installation, from flying apparatuses or from land-based sources, of any toxic substances or residues of toxic substances, radioactive substances, hydrocarbons or other substances which are harmful or dangerous to human health or to marine life, or other residues or materials capable of causing damage to the Romanian coastline or of creating obstacles to the legitimate uses of the sea.

Article 32

When there are reasonable grounds for believing that a ship used for commercial purposes which is in the internal waters or the territorial sea has violated Romanian law or international rules relating to the prevention, reduction and control of pollution of the marine environment, the competent Romanian

authorities shall have the right to ask the ship in question to give information regarding its actions and to undertake physical inspection of that ship if the ship refuses to give information or if the information supplied is at variance with the evident factual situation.

#### Article 33

When there is clear objective evidence that a ship used for commercial purposes which is in the internal waters or the territorial sea has in those waters or in the exclusive economic zone of Romania committed a violation referred to in articles 30 and 31 resulting in a discharge of radioactive substances, hydrocarbons or other substances and residues which have caused major damage or threat of major damage to the Romanian coastline or to any resources of the internal waters and the territorial sea, the competent Romanian authorities may detain the ship and institute legal proceedings with respect to that violation, in accordance with Romanian legislation.

#### Article 34

In case of collision or stranding or any other maritime damage to a ship taking place in the internal waters or the territorial sea and when such an event may have consequences harmful to the internal waters and the territorial sea or to the Romanian coastline, the competent Romanian authorities shall have the right to take all necessary measures, proportionate to the actual damage or the threat it represents, in order to provide protection against the pollution or the threat of pollution.

### CHAPTER VII

#### Penalties

#### Article 35

The following acts, if they are not committed in such circumstances as to be considered offences under criminal law, shall constitute infractions:

- (a) Violation of the prohibition referred to in article 10;
- (b) Violation of the prohibition referred to in article 31, as well as the illegal introduction, for purposes of the disposal, dumping or discharge into the internal waters or into the territorial sea of Romania, or the discharge into the atmosphere above them, from ships or other floating or fixed installations, from flying apparatuses or from submersible vehicles, of toxic substances or residues of toxic substances, radioactive substances, hydrocarbons or other substances which are harmful or dangerous to human health or to marine life, or other residues or materials capable of causing damage to the Romanian coastline or creating obstacles to the legitimate uses of the sea;
- (c) Industrial fishing or any other activity involving illegal exploitation of the natural resources of the internal waters or the territorial sea, including the seabed and the subsoil of that zone;
- (d) Scuttling a ship in the internal waters or in the territorial sea or running a ship ashore on the coast;
- (e) The entry of nuclear-powered ships into Romanian harbours without approval from the competent Romanian authorities;

- (f) Failure to produce the documents provided for by international agreements for ships transporting radioactive or toxic substances or other dangerous substances and failure to take the precautionary measures provided for by those agreements;
- (g) The carrying on, without authorization from the competent Romanian authorities or in violation of the conditions established in such authorization, of scientific research activities, prospecting or other activities in the internal waters or the territorial sea of Romania;
- (h) The embarking or disembarking of persons or goods outside of harbours or places in which such operations are authorized;
- (i) The unauthorized entry of a ship into a harbour which has been declared closed or into a zone of the territorial sea in which innocent passage has been temporarily suspended;
- (j) Violation of the restrictions referred to in article 14;
- (k) Violation of the prohibitions referred to in article 9 (e), (f) and (k);
- (l) Failure to observe the rules established by the competent Romanian authorities with regard to the safety of navigation and the protection of telecommunication cables and submarine pipelines in the internal waters or the territorial sea.

The infractions referred to in items (a) to (g) shall be punishable by a fine of between 100,000 and 2,000,000 lei, and those referred to in items (h) to (l) shall be punishable by a fine of between 10,000 and 500,000 lei, the penalties being applied at the place where the infractions have been spotted.

#### Article 36

If the acts referred to in article 35 (a) to (g) have caused serious damage or have caused other grave consequences or have been committed repeatedly, the fine shall be from 1,000,000 to 2,000,000 lei.

For the acts referred to in article 35 (b) and (c), the penalty may, depending on the seriousness of the consequences and the extent of the damage, be a fine of between 2,000,000 and 10,000,000 lei.

In particularly serious situations, the competent Romanian authorities may order, as additional measures, the confiscation of the ship, the installations, the fishing gear, the apparatus and the other objects belonging to the person who used them to commit the infraction.

. The goods acquired unlawfully shall be confiscated.

#### Article 37

The acts referred to in article 35 (d), (h), (i) and (j) shall not constitute infractions if they have been committed in order to guarantee the safety of a ship, to save human lives or to avoid damage to a ship or its cargo.

#### Article 38

The infractions shall be ascertained and the penalties shall be imposed, in conformity with the regulations in force, by the navigation monitoring and



control authorities of the Ministry of Public Works, Transport and Territorial Administration and by the authorities specially empowered by the Ministry of National Defence, the Ministry of the Environment, the Ministry of the Interior, the Ministry of Agriculture and Food and the Ministry of Health, as well as by other legally authorized authorities.

Any objection to the infraction report may be filed, within a period of 15 days following the date of its communication, with the Sea and River Section of the Court of the Town of Constanta.

#### Article 39

The fines levied for infractions shall not exempt the violator from the obligation to furnish compensation for the damage caused on land, in the internal waters and in the territorial sea of Romania, in accordance with Romanian law.

#### Article 40

The fines levied on foreign individuals or legal entities shall be paid in convertible currency, by converting the fines in lei at the official rate of exchange in force on the day on which the infraction was committed.

#### Article 41

The provisions of Act No. 32/1968 relating to the establishment and punishment of infractions, with the exception of articles 25, 26 and 27 of that Act, shall be applicable to the infractions referred to in article 35.

#### Article 42

When acts have been committed which under Romanian law result in the arrest of the master of the foreign ship or the detention of the ship, the competent Romanian authorities shall immediately inform the diplomatic agents or consular officers of the flag State of the measures taken.

A detained ship and its crew shall be released immediately upon the payment of proper adequate security, in accordance with the legal provisions in force. The security shall be fixed in lei and shall be paid in convertible currency, by converting the sum in lei at the official rate of exchange in force on the day on which the infraction was committed.

#### Article 43

The authorities of the Ministry of National Defence shall ensure the application of the provisions of articles 21 to 23 and articles 26 and 27 and shall render assistance to other competent State authorities in the application of coercive measures against foreign ships in the territorial sea which are taken in accordance with the provisions of this Act.

### CHAPTER VIII Final provisions

#### Article 44

The term "territorial sea", as defined in article 1, shall replace the term "territorial waters" used in legal provisions prior to this Act.

...

105. RUSSIAN FEDERATION

Law on the State Frontier of the USSR, of 24 November 1982 <sup>202/</sup> <sup>203/</sup>

...

I. GENERAL PROVISIONS

Article 1

State boundary of the USSR

The State boundary of the USSR shall be the line and perpendicular surface passing along this line which determines the limits of the territory of the USSR: land, waters, subsoil and airspace.

Article 2

Determining the State boundary of the USSR and  
ensuring the protection thereof

The State boundary of the USSR shall be determined by decisions of the USSR Supreme Soviet, the Presidium of the USSR Supreme Soviet, and also by international treaties of the USSR.

The USSR Council of Ministers shall, within the limits of its powers, take measures to ensure the protection of the State boundary of the USSR and the territory of the USSR.

Article 3

Establishment of the State boundary of the USSR

The State boundary of the USSR, unless otherwise established by international treaties of the USSR, shall be established:

...

(2) At sea: along the outer limits of the territorial waters (territorial sea) of the USSR;

...

Article 5

Territorial waters (territorial sea) of the USSR

Coastal sea waters 12 nautical miles in breadth, computed from the lowest ebb-tide line both on the mainland and on islands which belong to the USSR, from straight baselines joining appropriate points, shall be relegated to the territorial waters (territorial sea) of the USSR. The geographic coordinates of these points shall be confirmed in the procedure established by the USSR Council of Ministers.

In individual instances another breadth of the territorial waters (territorial sea) of the USSR may be established by international treaties of the USSR, and in the absence of treaties, in accordance with generally recognized principles and norms of international law.

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<sup>202/</sup> International Legal Materials, vol.22 (1983) p. 1055.

<sup>203/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 315.

## II. REGIME OF THE STATE BOUNDARY OF THE USSR

### Article 8

#### Determining regime of the State boundary of the USSR

The regime of the State boundary of the USSR - the procedure for crossing the USSR State boundary, the navigation and sojourn of Soviet and foreign nonmilitary vessels and warships in the territorial waters (territorial sea) of the USSR and in the Soviet sector of frontier river waters, lakes, and other waters, the putting in of foreign non-military vessels and warships into the internal waters and ports of the USSR and sojourn therein, maintenance of the USSR State boundary, carrying on various work, trade or other activity on the USSR State boundary- shall be determined by the present Law, other acts of USSR legislation and international treaties of the USSR.

### Article 9

#### Crossing the USSR State boundary

Railway, motor vehicle, sea, river, air and other communication across the State boundary of the USSR shall be effectuated at admission points established by the USSR Council of Ministers in accordance with USSR legislation and international treaties of the USSR. Control/admission points of the border guard and customs institutions shall be created at admission points across the State boundary of the USSR.

Sea and river non-military vessels and warships shall cross the State boundary of the USSR in accordance with the present Law, other acts of legislation of the USSR and also rules promulgated by competent Soviet agencies and published in *Notices to Mariners*.

...

### Article 11

#### Control when crossing the State boundary of the USSR

Persons, means of transport, freight and other property moving across the State boundary of the USSR shall be subject to frontier and customs control. In appropriate instances, sanitary-quarantine, veterinary, and phytosanitary control, control over the export of cultural valuables from the USSR and other control also shall be effectuated.

Competent Soviet agencies shall organize and effectuate control in the procedure established by USSR legislation.

### Article 12

#### Admission of persons, means of transport, freight and other property across the USSR State boundary

The admission of persons moving across the USSR State boundary shall be effectuated by the border guard on the basis of valid documents for the right of entry into the USSR or exit from the USSR.

The admission of means of transport, freight and other property across the USSR State boundary shall be in accordance with USSR legislation and international treaties of the USSR.

In accordance with international treaties of the USSR, a simplified procedure for the admission of persons, means of transport, freight and other property across the USSR State boundary may be established.

Article 13  
Innocent passage through territorial  
waters (territorial sea) of the USSR

Innocent passage through the territorial waters (territorial sea) of the USSR shall be effectuated for the purpose of traversing them without putting in to the internal waters of the USSR, or for the purpose of passage into the internal waters and ports of the USSR, or departing from them to the high seas.

Foreign non-military vessels shall enjoy the right of innocent passage through the territorial waters (territorial sea) of the USSR in accordance with USSR legislation and international treaties of the USSR.

Foreign non-military vessels should, in effectuating innocent passage, follow the ordinary navigational course or the course recommended by competent Soviet agencies, and also sea corridors or in accordance with traffic separation schemes.

The master of a foreign non-military vessel which has violated the rules of innocent passage shall bear responsibility in accordance with Soviet legislation.

Foreign warships, and also submarine means of transport, shall effectuate innocent passage through the territorial waters (territorial sea) of the USSR in the procedure established by the USSR Council of Ministers. In so doing, submarines and other submarine means of transport should navigate on the surface and under their own flag.

...

Article 15  
Duty of foreign non-military vessels and warships to observe  
navigational and other rules in waters of the USSR

Foreign non-military vessels and warships shall, during their navigation and sojourn in the territorial waters (territorial sea) of the USSR, internal waters of the USSR and the Soviet sector of frontier river waters, lakes and other waters, be obliged to observe the rules for radio communications and navigational, port, customs, sanitary and other rules.

Foreign non-military vessels and warships shall, in instances of forced entry into the territorial waters (territorial sea) of the USSR, internal waters of the USSR, the Soviet sector of frontier river waters, lakes and other waters, or in the event of the forced failure to observe the rules for navigation and sojourn in these waters, be obliged to immediately notify the administration of the nearest Soviet port thereof.

Article 16  
Prohibition of trade, research and survey activity of foreign  
non-military vessels and warships in waters of the USSR

Trade, research, and survey activity of foreign non-military vessels and warships in the territorial waters (territorial sea) of the USSR, internal waters of the USSR, and in the Soviet sector of frontier river waters, lakes, and other waters shall be prohibited, except for instances when such activity is effectuated with the authorization of competent Soviet agencies or on the basis of international treaties of the USSR.

Article 17  
Prohibition of Navigation and Sojourn of Nonmilitary Vessels  
and Warships in Individual Areas of Waters of USSR

Areas in which the navigation and sojourn of Soviet and foreign nonmilitary vessels and warships is prohibited may be established in the territorial waters (territorial sea) of the USSR and internal waters of the USSR by decision of the competent Soviet agencies. The establishment of such areas shall be announced in *Notices to Mariners*.

Article 18  
Procedure for effectuating economic activity on  
the State boundary of the USSR

Navigation, the use of water objects for timber-rafting needs and other types of water use, the layout of various hydro-installations, the performance of other work in the Soviet sector of frontier river waters, lakes and other waters, the use of land, forests and the animal world, mining, geological surveys and other economic activity on the State boundary of the USSR shall be carried out in accordance with Soviet legislation and international treaties of the USSR and so effectuated that proper order on the USSR State boundary is ensured.

The procedure for effectuating all types of economic activity on the USSR State boundary shall be established by competent Soviet agencies by agreement with the border guard, taking into account local conditions.

Article 19  
Temporary termination of communication across the USSR State  
boundary in event of threat of dissemination of  
contagious diseases. Quarantine

In the event of a threat of the dissemination of especially dangerous contagious diseases on the territory of the USSR or a foreign State, communication across the USSR State boundary in threatened sectors may by decision of the USSR Council of Ministers be temporarily restricted or terminated or a quarantine established for people, livestock, freight, seed or plant materials, and other products of animal or plant origin which cross the USSR State boundary.

Article 20  
Violators of the USSR State boundary

Violators of the USSR State boundary shall be:

...

(3) Foreign non-military vessels and warships which have put in to the territorial waters (territorial sea) of the USSR or internal waters of the USSR, and also in to the Soviet sector of frontier river waters, lakes and other waters in violation of the established rules for putting in to such waters. Foreign submarines and other submarine means of transport shall be violators of the State boundary of the USSR also in those instances when they cross the State boundary of the USSR while submerged or are submerged while navigating or sojourning in the waters of the USSR;

(4) Aircraft and other flying apparatus which have crossed the State boundary of the USSR without the appropriate authorization of competent Soviet agencies or have committed other violations of the rules for flying across the State boundary of the USSR.

There also shall be a violation of the State boundary of the USSR the crossing thereof by any other technical or other means without proper authorization therefor or in violation of the established procedure.

Article 21  
Frontier representatives of the USSR

In order to resolve questions connected with the maintenance of the regime of the State boundary of the USSR, and also to settle frontier incidents, at specified sectors of the State boundary of the USSR frontier representatives of the USSR (frontier commissars, frontier plenipotentiaries and their deputies) shall be appointed in the established procedure from among officers of the border guard.

Frontier representatives of the USSR shall be guided by USSR legislation, international treaties of the USSR and also by acts promulgated by competent Soviet agencies.

Questions not settled by frontier representatives shall be resolved in a diplomatic procedure.

III. FRONTIER REGIME

Article 22  
Frontier zone and frontier belt

With a view to ensuring proper order on the State boundary of the USSR, the USSR Council of Ministers shall establish a frontier zone and a frontier belt.

... Comprising part of the frontier zone, where such is established, shall also be the territorial waters (territorial sea) of the USSR, the Soviet sector of frontier river waters, lakes and other waters, and islands situated in such waters.

A frontier belt shall be established directly along the State boundary of the USSR on its navigable sectors or along the shores of frontier rivers, lakes and other waters.

Article 23  
Frontier regime

The frontier regime which regulates in accordance with the present Law and other acts of USSR legislation the rules for entry, temporary stay, residence and movement of Soviet citizens and other persons, the performance of work, the registration and maintenance of piers, moorings, and basing points of self-propelled and non-self-propelled vessels and means for movement in ice, for navigating them and for movement in the territorial waters (territorial sea) of the USSR, internal waters of the USSR and the Soviet sector of frontier river waters, lakes and other waters shall be established in the frontier zone and frontier belt in the procedure determined by the USSR Council of Ministers.

The procedure provided for by paragraph one of the present article for the registration and maintenance of self-propelled and non-self-propelled vessels and means for movement in ice at piers, moorings and basing points, for navigating them and for movement in the territorial waters (territorial sea) of the USSR, internal waters of the USSR, the Soviet sector of frontier river waters, lakes and other waters shall extend also to the territory of the district, city, settlement and rural soviet adjacent to the State boundary of the USSR, or to seacoast protected by the border guard where a frontier zone has not been established.

It shall be prohibited to maintain self-propelled and non-self-propelled vessels and means for movement in ice outside established piers, moorings and basing points, or at them but in violation of the rules for maintaining them, and also to put out to sea or to moor to shore outside the piers, moorings and basing points.

Article 24  
Entry into frontier zone and frontier belt  
Performance of work

The entry of persons into a frontier zone who do not permanently reside therein, without the authorization of internal affairs agencies, shall be prohibited unless a different procedure has been established.

Authorization for entry, temporary stay, residence and performance of work in a frontier zone shall be given by the border guard. When necessary, it may introduce supplementary provisional regime restrictions upon entry and the performance of work in a frontier belt.

IV. PROTECTION OF USSR BOUNDARY

Article 27  
Protection of USSR State boundary by border guard and  
Anti-Aircraft Defence Forces

The protection of the USSR State boundary on land, sea, rivers, lakes and other waters shall be entrusted to the border guard, and in airspace, to the Anti-Aircraft Defence Forces.

The border guard and Anti-Aircraft Defense Forces shall, when fulfilling the tasks relating to protection of the State boundary of the USSR, be guided by the present Law, other acts of USSR legislation, international treaties of the USSR, and also by acts promulgated by competent Soviet agencies.

Article 28  
Basic duties of border guard

In protecting the State boundary of the USSR, the border guard shall be obliged to:

- (1) Suppress any attempts to illegally change the course of the USSR State boundary on site;
- (2) Repel armed intrusions on the territory of the USSR by groups of forces and bands, suppress armed and other provocations on the State boundary of the USSR, defend the populace, socialist ownership and the personal ownership of citizens against the said criminal infringements;
- (3) Warn against and not allow the crossing of the State boundary of the USSR by persons and means of transport outside admission points or by illegal means; uncover and detain violators of the State boundary of the USSR;
- (4) Effectuate at the established points when there are properly formalized documents admission across the State boundary of the USSR of persons, means of transport, freight and other property;
- (5) Suppress in the established procedure, independently or jointly with customs institutions, the transference across the State boundary of the USSR of explosives, poisonous, radioactive or narcotic substances, weapons, ammunition and other articles prohibited for import into the USSR or export from the USSR, and also articles of contraband;
- (6) Suppress the carriage across the USSR State boundary of printed or line-block works, manuscripts, documents, video and sound recording materials, photographic cinema materials and other printed and figurative products

containing information which might cause harm to the political and economic interests of the country, State security, public order and the health and morals of the populace;

(7) Ensure the fulfilment of obligations arising from international treaties of the USSR relating to questions of the regime of the USSR State boundary;

(8) Control the observance of the frontier regime independently or jointly with internal affairs agencies;

(9) Control, independently or jointly with internal affairs agencies, the administration of airports (or airfields) open for international flights, frontier railway stations, sea and river ports and services for international motor vehicle carriage and the fulfilment of the regime established at admission points across the USSR State boundary;

(10) Effectuate control over the observance by Soviet and foreign non-military vessels and warships of the established regime for navigation and sojourn in the territorial waters (territorial sea) of the USSR, internal waters of the USSR, in the Soviet sector of frontier river waters, lakes and other waters;

(11) Render necessary assistance to specially empowered Soviet State agencies in areas for performance of service in their activity relating to control over the preservation of natural resources, observance of the rules for trade activity and protection of the natural environment against pollution.

#### Article 29

#### Basic rights of border guard

Within the limits of a frontier zone, frontier belt, admission point across the USSR State boundary, and also on territory where a frontier zone has not been established by actions that are effectuated by the border guard relative to protection of the USSR State boundary -- the territory of a district, city, settlement or rural soviet adjacent to the State boundary of the USSR or to seacoast protected by the border guard, territorial waters (territorial sea) of the USSR, internal waters of the USSR, the Soviet sector of frontier river waters, lakes and other waters -- the border guard shall have the right to:

(1) Station duty details, move about any sectors of the locality when performing official duties, verify documents, inspect means of transport and freight carried thereon and other property and escort means of transport with border details;

(2) Conduct an inquiry with regard to cases concerning violations of the State boundary of the USSR - undertake necessary operational-search measures, perform detentions, views, searches, interrogations and other necessary investigative actions in accordance with criminal procedure legislation of the USSR and Union republics;

(3) Effectuate the administrative detention of persons who have violated the frontier regime or regime at admission points across the State boundary of the USSR for a term of up to three hours in order to draw up a protocol and, when necessary, in order to establish the identity and elucidate the circumstances of the violation of law; up to three days, notifying the procurator thereof in writing within twenty-four hours from the moment of the detention; or for a term of up to ten days with the sanction of the procurator if the offender has no documents certifying his identity; to subject detained persons to personal search, and also to examine and, when necessary, seize articles found with them;

(4) Effectuate for the terms provided for by point 3 of the present article the administrative detention of foreign citizens and stateless persons who have violated the State boundary of the USSR in the absence of sufficient grounds to



initiate criminal cases against them, but if with respect to such persons a decision has been adopted in the established procedure to transfer them to the frontier authorities of a neighbouring State, to detain such persons with the sanction of the procurator for the time necessary to transfer them;

(5) Keep persons subjected to administrative detention in cells for detained persons or in other premises specially equipped for these purposes. A protocol shall be drawn up concerning every instance of an administrative detention, the personal search of a detained person and the examination and seizure of articles with him;

(6) Invite persons to border guard subdivisions in order to elucidate circumstances of the violation of the State boundary of the USSR, its regime, the frontier regime or the regime at admission points across the State boundary of the USSR. When necessary, the elucidation of circumstances of the said violations may also be effectuated in other places;

(7) Verify the documents of persons crossing the State boundary of the USSR for the right of entry into the USSR or exit from the USSR, make appropriate notations therein, and, when necessary, temporarily seize them; not admit across the State boundary of the USSR persons who do not have valid documents for the right of entry into the USSR or exit from the USSR until the documents for the right of crossing the State boundary of the USSR are properly formalized or until the circumstances of the loss of the documents by Soviet citizens during sojourn abroad are clarified and their identity is established;

(8) Effectuate in the established procedure, independently or jointly with customs institutions, the examination of freight and other property of persons crossing the State boundary of the USSR;

(9) Verify printed or line-block works, manuscripts, documents, video and sound recording materials, photographic cinema materials and other printed and figurative products which persons crossing the State boundary of the USSR are carrying; when necessary, detain the enumerated materials for verification and seize those which according to prevailing rules are not subject to import into the USSR or export from the USSR;

(10) Seize in the established procedure articles being carried across the State boundary of the USSR which are prohibited for import into the USSR or export from the USSR, and also articles of contraband;

(11) Decide, taking into account the gravity and circumstances of a violation permitted, the question of admission to the USSR or from the USSR of persons who have attempted to carry across the State boundary of the USSR materials, articles and documents prohibited for import into the USSR or export from the USSR, and also articles of contraband;

(12) Make an examination in the established procedure of foreign and Soviet means of transport crossing the State boundary of the USSR and of freight being carried thereon; escort means of transport with border details;

(13) Determine jointly with interested enterprises, institutions and organizations the places and duration of stops (or anchorages) for means of transport travelling abroad at admission points across the State boundary of the USSR;

(14) Prohibit the disembarkation on shore and sojourn on shore of crew members of foreign non-military vessels and other persons on them who have permitted violations of law while navigating and sojourning in the territorial waters (territorial sea) of the USSR, internal waters of the USSR, and also during the anchorage of vessels in ports of the USSR;

(15) Restrict, in instances called for by the situation, the performance of various work in the frontier belt except for work on construction sites being carried on in accordance with international treaties of the USSR, on construction sites of all-Union and defence significance, and measures being carried on which are connected with natural disasters and especially dangerous contagious diseases;

(16) Use means of electrical communication of ministries, State committees, and departments, means of transport of enterprises, institutions, organizations, and collective farms when repelling intrusions on the territory of the USSR, when suppressing various provocations on the State boundary of the USSR, during the search for and detention of violators of the State boundary of the USSR and also in other necessary instances called for by the situation under conditions agreed in the established procedure;

(17) Effectuate other activities relating to protection of the State boundary of the USSR in accordance with USSR and Union republic legislation, international treaties of the USSR, and also generally recognized principles and norms of international law.

When necessary, in connection with the search for and detention of violators of the State boundary of the USSR, the border guards may effectuate on Soviet territory the rights granted to them beyond the limits of the districts, cities, settlements and rural soviets, waters, frontier zone, frontier belt, and admission points across the State boundary of the USSR specified in the present article.

...

Article 30  
Basic rights of border guard with respect to foreign  
and Soviet non-military vessels

In the territorial waters (territorial sea) of the USSR, internal waters of the USSR, the Soviet sector of frontier river waters, lakes and other waters, the border guard, with respect to foreign and Soviet non-military vessels, shall have the right when fulfilling tasks relating to the protection of the State boundary of the USSR to:

(1) Propose that a vessel show the national flag if it is not flying; inquire about the purposes of a vessel putting in to waters of the USSR;

(2) Propose that a vessel change course if it leads to an area closed for navigation;

(3) Stop and inspect a vessel if it does not respond to signals of inquiry, is in an area closed for navigation, violates other rules for putting in to waters of the USSR, navigation and sojourn therein, and also is engaged in trade and other activity in violation of USSR and Union republic legislation, international treaties of the USSR, or generally recognized principles and norms of international law.

The inspection of a vessel shall include a verification of ship's and navigation documents, the documents of crew members and passengers, cargo documents, and, when necessary, also the premises of the vessel.

After inspection of a vessel it may be authorized to continue to navigate in the waters of the USSR with observance of the established rules, or be asked to leave the waters of the USSR, or it may be detained in accordance with article 31 of the present Law;

(4) Place a border detail on the vessel, when necessary, to accompany the vessel into port or from port up to the State boundary of the USSR;

(5) Remove from the vessel and detain persons who have committed a crime and are subject to criminal responsibility according to USSR and Union republic legislation, transfer such persons to agencies of inquiry and investigation, unless otherwise provided by international treaties of the USSR;

(6) Pursue and detain on the high seas a vessel which is a violator of the State boundary of the USSR or a vessel which has violated Soviet laws or rules for navigation and sojourn in waters of the USSR until that vessel puts in to the territorial waters (territorial sea) of its own country or a third State if such pursuit was begun in the territorial waters (territorial sea) of the USSR or internal waters of the USSR and was carried on without interruption.

Article 31  
Grounds for detention by border guard of foreign  
and Soviet non-military vessels

A foreign nonmilitary vessel in the territorial waters (territorial sea) of the USSR, internal waters of the USSR, the Soviet sector of frontier river waters, lakes and other waters shall be detained by the border guard and be convoyed to the nearest port or other appropriate point if:

(1) The vessel is engaging to the prejudice of the security of the USSR, in the collection of information or commits any other act hostile to the USSR;

(2) The vessel is in an area closed for navigation announced in *Notices to Mariners*;

(3) The vessel embarks or lands people or freight in places not established for this purpose, or in established places but without the authorization of competent Soviet agencies;

(4) The vessel illegally is engaging in trade, research or survey activity, the discharge of substances harmful to the health of people or to the living resources of the sea, or other wastes and materials;

(5) The vessel effectuates without the authorization of the competent Soviet authorities the launching or landing on board of flying apparatus;

(6) Crew members or other persons on a vessel damage boundary markers, navigation barriers, communications cables and other submerged or floating objects which belong to the USSR;

(7) The master of a vessel has not submitted necessary ship's and cargo documents;

(8) The vessel is in the territorial waters (territorial sea) of the USSR, internal waters of the USSR, the Soviet sector of frontier river waters, lakes and other waters in violation of the rules established by the present Law, international treaties of the USSR or generally recognized principles and norms of international law.

A decision concerning the detention of a foreign non-military vessel shall be adopted by the border guard after the inspection thereof. In so doing, the vessel which has permitted the violations specified in paragraphs 2-8 of the present article shall be detained by the border guard when the premeditation of the violation permitted is established or if the vessel prejudices the security or other interests of the USSR.

The border guard also shall have the right to detain a Soviet nonmilitary vessel which has permitted the violations provided for by paragraphs 2-8 of the present article and convoy it to the nearest port or other appropriate point.

Article 32  
Protocol of inspection or detention of non-military vessel

A protocol shall be drawn up concerning the inspection or detention of a non-military vessel, which shall be signed by the representative of the border guard and the master of the inspected or detained vessel. The protocol shall be drawn up in the Russian language.

In the event a vessel is detained, the ship's and freight documents shall be taken from the master and attached to the protocol. If the master of an inspected or detained vessel considers the actions of the border guard to be incorrect or does not agree with the content of the protocol, he may make a reservation in any language on the protocol itself or in a separate document attached to the protocol. If the master refuses to sign the protocol, an appropriate notation shall be made thereon.

Article 33  
Consequences of detention of foreign non-military vessels

Detained foreign non-military vessels shall be transferred in the established procedure to plenipotentiary representatives of the respective foreign States, or shall be expelled beyond the limits of the territorial waters (territorial sea) of the USSR and the Soviet sector of frontier river waters, lakes and other waters, or in the instances provided for by USSR and Union republic legislation, shall be confiscated by decision of a court.

Article 34  
Rules applicable to foreign warships violating the procedure for navigation and sojourn in the waters of the USSR

Special rules shall operate with respect to foreign warships which violate Soviet laws or rules for navigation and sojourn in the territorial waters (territorial sea) of the USSR, internal waters of the USSR, and the Soviet sector of frontier river waters, lakes and other waters.

Article 35  
Duties and rights of the Anti-Aircraft Defence Forces

The duties and rights of Anti-Aircraft Defence Forces relating to the protection of the State boundary of the USSR shall be determined by the present Law and other acts of USSR legislation, and also by acts promulgated by competent Soviet agencies.

Article 36  
Use of weapons and combat equipment when protecting the USSR State boundary

The border guard and Anti-Aircraft Defence Forces shall, in effectuating the protection of the USSR State boundary, use weapons and combat equipment in order to repel an armed attack or intrusion on the territory of the USSR, suppress armed provocations on the State boundary of the USSR, prevent the hijacking of Soviet aircraft without passengers on board, as well as against violators of the USSR State boundary on land, water and in the air in response to the use of force by them or in instances when the cessation of the violation or detention of the offenders can not be effectuated by other means. When necessary, weapons and combat equipment of other branches of the USSR Armed Forces may be used when protecting the State boundary of the USSR.

The procedure for the use of weapons and combat equipment when protecting the State boundary of the USSR shall be established by the USSR Council of Ministers.

...

VI. RESPONSIBILITY FOR VIOLATION OF LEGISLATION  
ON THE USSR STATE BOUNDARY

Article 40

Responsibility for violation of legislation  
on the USSR State boundary

Persons who are guilty of violating or attempting to violate the State boundary of the USSR, its regime, the frontier regime or the regime at admission points across the USSR State boundary, of illegally transferring or attempting to transfer across the USSR State boundary freight, materials, documents and other articles, and also of other violations of legislation on the State boundary of the USSR, shall bear criminal, administrative or other responsibility in accordance with USSR and Union republic legislation.

106. SAINT KITTS AND NEVIS

The Maritime Areas Act, 1984 <sup>204/</sup>

...

PART I  
PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the Maritime Areas Act, 1984.
- (2) This Act shall come into operation upon such date as the Minister may, by notice published in the Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires:
  - "baseline of the territorial sea" means the baseline from which the breadth of the territorial sea is measured as described in section 4;
  - "contiguous zone" means the contiguous zone of Saint Christopher and Nevis as described in section 6;
  - ...
  - "foreign vessel" means a vessel that:
    - (a) is registered in a foreign State;
    - (b) belongs to an authority or instrumentality of a foreign State; or
    - (c) is held by any person on behalf of, or for the benefit of, a foreign State;
  - "foreign State" means a State other than Saint Christopher and Nevis;
  - "internal waters" means the internal waters of Saint Christopher and Nevis as described in section 5;
  - "maritime areas of Saint Christopher and Nevis" means the internal waters, the territorial sea, the contiguous zone, the continental shelf and the exclusive economic zone;
  - "Master", in relation to vessel, means the person for the time being having command or charge of the vessel;
  - "Minister" means the Minister for Foreign Affairs;
  - "nautical mile" means the international nautical mile of 1,852 metres;
  - "resources" includes living and non-living resources;
  - "territorial sea" means the territorial sea of Saint Christopher and Nevis as described in section 3;
  - "the Regulations" means regulations made under this Act.

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<sup>204/</sup> Text communicated by the Permanent Mission of Saint Christopher and Nevis to the United Nations.

PART II  
MARITIME AREAS OF SAINT CHRISTOPHER AND NEVIS

Territorial sea

3. (1) Subject to subsection (2), the territorial sea of Saint Christopher and Nevis comprises those areas of the sea having, as their inner limits, the baseline of the territorial sea and, as their outer limits, a line measured seaward from that baseline, every point of which is 12 nautical miles distant from the nearest point of that baseline.

(2) Whenever the equidistance line between Saint Christopher and Nevis and an adjacent State is less than 12 nautical miles from the nearest point of the baseline of the territorial sea, the delimitation of the territorial sea shall, if possible, be effected by agreement between Saint Christopher and Nevis and the adjacent State; but to the extent that no such agreement is effected, that equidistance line shall constitute the outer limits of the territorial sea.

(3) In this section, equidistance line as between Saint Christopher and Nevis and an adjacent State, means a line every point of which is equidistant from the nearest point of the baseline of the territorial sea and the corresponding baseline of the adjacent State.

Baseline of territorial sea

4. (1) Except as otherwise provided in this section, the baseline from which the breadth of the territorial sea is measured shall be the low-water mark along the coast of Saint Christopher and Nevis, including the coast of all islands.

(2) In the case of the sea adjacent to a bay, the baseline from which the breadth of the territorial sea is measured:

- (a) Where the bay has only one mouth, shall be a straight line joining the low-water marks of the natural entrance points;
- (b) Where, because of the presence of islands, the bay has more than one mouth, shall be a series of straight lines across each of the mouths so as to join those low-water-marks' points.

(3) For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of any harbour system shall be treated as forming part of the coast, but for that purpose offshore installations and artificial islands shall not be considered as permanent harbour works.

(4) The Minister may, whenever he considers it necessary to do so having regard to international law and practice, by order published in the Gazette, direct that, to the extent set out, the baseline from which the breadth of the territorial sea is measured shall be as prescribed in, or determined by or in accordance with, the order.

(5) In this section, "bay" means an indentation of the coast such that its area is not less than that of the semicircle whose diameter is a line drawn across the mouth of the indentation.

(6) For the purpose of the definition of "bay" in subsection (5):

- (a) The area of an indentation shall be taken to be the area bounded by the low-water mark around the shore of the indentation and the straight line joining the low-water marks of its natural entrance points;
- (b) Where, because of the presence of islands, an indentation has more than one mouth, the length of the diameter of the semicircle referred to shall

be the sum of the lengths of the straight lines drawn across each of the mouths; and

- (c) In calculating the area of an indentation, the area of any islands lying within it shall be treated as part of the area of the indentation.

...

Contiguous zone

6. (1) The contiguous zone of Saint Christopher and Nevis comprises those areas of the sea that are beyond and adjacent to the territorial sea having, as their outer limits, a line, measured seaward from the baseline of the territorial sea, every point of which is 24 nautical miles distant from the nearest point of that baseline.

(2) The contiguous zone shall not extend into any part of the territorial sea of a foreign State and, where appropriate, the operation of subsection (1) shall be modified to the extent necessary to meet the requirement of this subsection.

...

PART III  
RIGHTS IN RESPECT OF MARITIME AREAS OF  
SAINT CHRISTOPHER AND NEVIS

Sovereignty in respect of the territorial sea

10. The sovereignty in respect of:

- (a) The territorial sea;
- (b) The airspace over, and the seabed under, that sea; and
- (c) The subsoil of that seabed,

is, and shall be deemed always to have been, vested in Saint Christopher and Nevis, and, subject to international law, is exercisable by Saint Christopher and Nevis.

Rights in respect of contiguous zone

11. Saint Christopher and Nevis has and may exercise in respect of the contiguous zone such rights as may be necessary to prevent, or punish, the infringement, within Saint Christopher and Nevis (including the territorial sea), of any enactment providing controls or prohibitions for or with respect to customs, excise immigration or sanitation.

...

14. (1) No person shall:

...

(b) Within the limits of the exclusive economic zone:

- (i) Explore for or exploit the resources;
- (ii) Produce energy from the waters, currents or winds;
- (iii) Conduct any marine scientific research;
- (iv) Establish, construct, operate or use any artificial island, or any installation or structure for the purpose of the exercise of any



right or purposes referred to in section 12(1)(c)(ii) or which may interfere with the exercise of rights referred to in section 12(1)(c)(iii) or

- (c) Within the limits of the territorial sea engage in any of the activities referred to in paragraph (b),

except when authorized by, under or pursuant to this Act or any other enactment, or in any other lawful manner, to engage in the activity, and in accordance with the authorization.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding one hundred thousand dollars.

(3) Where the owner or master of a vessel which is detained pursuant to section 23(1)(c) is convicted of an offence against this section, the court may, in addition to any other penalty imposed, order that the vessel, including any equipment on board the vessel used in the commission of the offence, shall be forfeited to the Crown, and in that event the vessel and any such equipment shall be disposed of in such manner as the Minister shall order.

PART IV  
INNOCENT PASSAGE AND TRANSIT PASSAGE

Interpretation

15. (1) In this Part, unless the context otherwise requires, "competent authority", in relation to any provision in this Part, means the Minister, and any person, or person belonging to class or description of persons, designated pursuant to subsection (2) for the purposes of that provision:

"Prescribed activity" means:

- (a) Any threat or use of force against the sovereignty, territorial integrity or political independence of Saint Christopher and Nevis, or acts in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;
- (b) Any exercise or practice with weapons of any kind;
- (c) Any act aimed at collecting information to the prejudice of the defence or security of Saint Christopher and Nevis;
- (d) Any act of propaganda aimed at affecting the defence or security of Saint Christopher and Nevis;
- (e) The launching, landing or taking on board of any aircraft or military device;
- (f) The loading or unloading of any person, commodity or currency contrary to the customs, fiscal, immigration or sanitary laws;
- (g) Any wilful act of pollution calculated or likely to cause damage or harm to Saint Christopher and Nevis, its resources or its marine environment;
- (h) Any fishing activities;
- (i) The carrying out of research or survey activities;
- (j) Any act aimed at interfering with any systems of communication or any other facilities or installations of Saint Christopher and Nevis; or

(k) Such other activity as may be prescribed.

(2) The Minister may, by notice published in the Gazette, designate any person, or class or description of persons, for the purposes of any provision of this Part; and the Minister may, in like manner, revoke any such designation.

...

Innocent passage

16. (1) Every foreign vessel may, subject to and in accordance with this section and international law, exercise the right under international law of innocent passage, that is to say, the right of passage by navigating through the territorial sea for the purpose of:

- (a) Traversing the territorial sea without entering internal waters or calling at a roadstead or port facility outside internal waters; or
- (b) Proceeding to or from internal waters or a call at any such roadstead or port facility,

where the passage is innocent.

(2) The passage of a foreign vessel:

(a) Is innocent so long as it is not prejudicial to the peace, good order or security of Saint Christopher and Nevis; and

(b) Is deemed to be prejudicial to the peace, good order or security of Saint Christopher and Nevis if the vessel, in the territorial sea, engages in any prescribed activity.

(3) In exercising the right of innocent passage, a vessel shall comply with:

(a) Generally accepted international regulations, procedures and practices for safety at sea which have effect in the territorial sea, or any part thereof;

(b) The provisions of the Regulations, and any enactment, order or direction, which have effect in the territorial sea, or any part thereof, for or with respect to:

- (i) The safety of navigation and the regulation of maritime traffic, including the use of sea lanes and the operation of traffic separation schemes;
- (ii) The protection of navigational aids and facilities, and other facilities or installations;
- (iii) The protection of cables and pipelines;
- (iv) The conservation of resources;
- (v) Fishing and fisheries;
- (vi) The preservation of the environment and the prevention, reduction and control of pollution;
- (vii) Marine scientific research and hydrographic surveys; and
- (viii) Controls or prohibitions in relation to customs, excise, immigration or sanitation.

(4) The Minister may, where he is satisfied that it is essential to do so for the protection of the security of Saint Christopher and Nevis, including weapons exercises, by order published in the Gazette, suspend, for such period as is specified in the order, the right of innocent passage through the territorial sea, or through any part of the territorial sea identified in the order.

...

Engaging in prescribed activities prohibited

18. (1) No foreign vessel shall, while in the territorial sea, without the permission of a competent authority given to the master of the vessel, engage in any prescribed activity.

(2) Where a foreign vessel, in contravention of subsection (1), engages in any prescribed activity, the master of the vessel and any other person on board the vessel participating in that activity are each guilty of an offence and liable on conviction to a fine not exceeding one hundred thousand dollars.

(3) No prosecution for an offence against this section:

- (a) Shall be brought against a person who is entitled to State or other immunity recognized by law; or
- (b) Shall be commenced without the consent in writing of the Attorney General.

(4) Where the master of a foreign vessel which is detained pursuant to section 23(2)(d) is convicted of an offence against this section, the court may, in addition to any other penalty imposed, order that the vessel shall be forfeited to the Crown, and in that event the vessel shall be disposed of in such manner as the Minister shall order.

(5) This section has effect notwithstanding that the area of the territorial sea, in which a vessel engages in any prescribed activity, is within a designated strait.

PART V  
CHARTS AND GEOGRAPHICAL COORDINATES

Charts of maritime areas, etc.

19. The Minister shall cause to be prepared such charts or lists of geographical coordinates as he thinks fit showing all or any of the following matters, namely:

- (a) The maritime areas of Saint Christopher and Nevis, or any part thereof;
- (b) The baseline of the territorial sea;
- (c) The outer limits of the continental shelf or the exclusive economic zone; or
- (d) Sea lanes or traffic separation schemes.

Evidence of charts, etc.

20. A document, purporting to be certified by the Minister to be a true copy of a chart or list of geographical coordinates prepared pursuant to section 19, shall be received in any proceedings as evidence of any matter shown in the document, but without prejudice to the right to adduce evidence in rebuttal.

Publicity with respect to charts, etc.

21. The Minister shall cause:
- (a) Due publicity to be given to any charts or lists of geographical coordinates prepared pursuant to section 19; and
  - (b) A copy of each such chart or list to be deposited with the Secretary-General of the United Nations.

PART VI  
JURISDICTION OF COURTS AND OTHER LEGAL MATTERS

Jurisdiction

22. (1) The jurisdiction and powers of the courts of Saint Christopher and Nevis extend to the maritime areas of Saint Christopher and Nevis for the purpose of:

- (a) This Act, and
  - (b) Any enactment which applies or is applied pursuant to section 28 to maritime areas of Saint Christopher and Nevis, or any part thereof.
- (2) For the purposes of the exercise of any jurisdiction and powers pursuant to subsection (1), a court is a court of competent jurisdiction:
- (a) For the purpose of any criminal proceedings, if it would have cognizance of the offence concerned if it had been committed within the limits of its ordinary criminal jurisdiction; and
  - (b) For the purpose of any proceedings, other than criminal proceedings, if it would have jurisdiction if the act, omission or other matter giving rise to the proceedings had occurred or arisen within the limits of its ordinary jurisdiction.
- (3) The Minister, after consultation with the Attorney General, may make rules for carrying out or giving effect to this section.
- (4) The jurisdiction and powers conferred by this section are in addition to and not in derogation of any other jurisdiction or powers exercisable by a court of Saint Christopher and Nevis.

Apprehension of certain offenders

23. (1) Subject to this section, where an authorized person has reasonable cause to believe and believes that an offence has been committed against section 14, he may exercise all or any of the following powers, namely:

- (a) Within the maritime areas of Saint Christopher and Nevis, stop, board, inspect and search any vessel, or enter, inspect and search any installation, which he has reasonable cause to believe is being used for or in connection with the commission of the offence;
- (b) Arrest, with or without a warrant, any person on board the vessel, or on the installation, referred to in paragraph (a), or found elsewhere in Saint Christopher and Nevis, whom he has reasonable cause to believe has committed an offence against that section;
- (c) Detain the vessel, referred to in paragraph (a), if he has reasonable cause to believe that an offence against that section has been committed by the owner or the master of the vessel; and

(d) Enter, inspect and search any installation whose establishment, construction, operation or use would constitute the offence against that section and arrest, with or without a warrant, any person on the installation, or found elsewhere in Saint Christopher and Nevis, whom he has reasonable cause to believe has committed the offence.

(2) Subject to this section, where an authorized person has reasonable cause to believe and believes that an offence has been committed against section 18, he may, within the territorial sea, exercise all or any of the following powers, namely:

- (a) Stop, board, inspect and search the foreign vessel which, in contravention of that section, engaged in any prescribed activity;
- (b) Arrest, with or without a warrant, the master of the vessel;
- (c) Arrest, with or without a warrant, any other person on board the vessel whom he has reasonable cause to believe has committed an offence against that section; and
- (d) Detain the vessel.

(3) An authorized person may exercise any of the powers conferred on him by subsection (1) or (2) with the aid of such assistants as he considers necessary for the purpose.

(4) Where a vessel is detained pursuant to subsection (1)(c) or subsection (2)(d), it shall be held in the custody of the Crown until:

- (a) A decision is made not to bring a prosecution in respect of the alleged offence in relation to which the vessel was detained;
- (b) Where such a decision is made to bring such a prosecution, the security required under subsection (6) is given in respect of the vessel.

(5) The decision whether or not to bring a prosecution in respect of an alleged offence in relation to which a vessel is detained shall be made with all due expedition.

(6) The security required in respect of any vessel for the purposes of subsection (4) shall be in such form and reasonable amount, and shall be given by such person, as the Minister may order.

(7) The release of any vessel from detention shall not affect any subsequent forfeiture of the vessel, pursuant to section 14(3) or 18(4).

(8) The power under subsection (1) or (2) shall not be exercised in relation to a vessel that is, or in relation to a person who is, entitled to State or other immunity recognized by law.

(9) The powers and rights under this section are in addition to and not in derogation of any other powers and rights which Saint Christopher and Nevis may have under international law or otherwise.

(10) In the exercise under this section of the power of enforcement against a foreign vessel, an authorized person shall not endanger the safety of navigation or otherwise create any hazard to a vessel, or bring it to an unsafe port or anchorage, or expose the marine environment to an unreasonable risk.

(11) In this section:

"authorized person" means a person, or a person belonging to a class or

description of persons, designated for the purposes of this section by the Minister by order made under this subsection and published in the Gazette;

"owner", in relation to any vessel, includes any body of persons, whether incorporated or not, by whom the vessel is owned, and any charterer or sub-charterer of the vessel.

Arrest on board foreign vessel in territorial sea, etc.

24. (1) Subject to this section, where an offence is committed on board a foreign vessel (being a merchant ship or a Government ship operated for commercial purposes) during its passage through the territorial sea, a prescribed power may be exercised in relation to the offence, on board the vessel during that passage, only if:

- (a) The consequences of the offence extend to Saint Christopher and Nevis;
- (b) The offence is of a kind likely to disturb the peace of Saint Christopher and Nevis or the good order of the territorial sea;
- (c) The assistance of the Government or any public officer has been requested by the master of the foreign vessel or by a diplomatic agent or consular officer of the relevant foreign State; or
- (d) It is necessary to exercise a prescribed power for the purpose of suppressing any illicit traffic in narcotic drugs or psychotropic substances.

(2) The limitations in subsection (1) shall not apply in any case where a foreign vessel is passing through the territorial sea after leaving internal waters.

(3) Subject to this section, where a foreign vessel, proceeding from a port outside Saint Christopher and Nevis, is passing through the territorial sea without having entered internal waters, a prescribed power may be exercised, in relation to any offence committed before the ship entered the territorial sea, on board the ship during that passage only if:

- (a) There are clear grounds for believing that the vessel has, in the exclusive economic zone, committed a violation of:
  - (i) Applicable international rules and standards for the prevention, reduction and control of pollution from vessels; or
  - (ii) Any provision of the Regulations or any enactment conforming to and giving effect to any such rules and standards; and
- (b) There:
  - (i) Are clear grounds for believing that that violation has resulted in a substantial discharge causing or threatening significant pollution of the marine environment; or
  - (ii) Is clear objective evidence that that violation has resulted in a discharge causing major damage or the threat of major damage to the coastline of Saint Christopher and Nevis, or to any resources of its territorial sea or exclusive economic zone.

(4) Nothing in this section shall affect the exercise of any power under section 23.

(5) The decision to exercise, and the exercise of, a prescribed power in circumstances of the kind referred to in subsection (1) or (3) shall be made or, as the case may be, carried out, with due regard to the interests of navigation.

(6) The prescribed power referred to in subsection (8)(a) shall not be exercised in relation to a vessel unless the vessel has refused, when lawfully required to do so, to give information regarding its identity and port of call and other relevant information required to establish whether a violation of the kind referred to in subsection (3)(a) has occurred.

(7) The prescribed power referred to in subsection (8)(b) shall not be exercised in relation to a vessel whenever appropriate procedures, which bind Saint Christopher and Nevis, have been established, either through the competent international organization or as otherwise agreed, whereby compliance with requirements for landing or other appropriate financial security has been assured in relation to the vessel.

(8) For the purposes of this section, "prescribed power" means the power lawfully to arrest any person or to conduct an investigation into any alleged offence, and:

- (a) For the purposes of subsection (3)(b)(i), includes a power to undertake a physical inspection of a vessel for matters relating to a violation of the kind referred to in subsection (3)(a); and
- (b) For the purposes of subsection (3)(b)(ii), includes a power to detain a vessel.

#### Certificate of Attorney General

25. Where, in any criminal proceedings, a question arises whether or not an act or omission occurred within the limits of internal waters, the territorial sea, the contiguous zone, the continental shelf or the exclusive economic zone, a certificate, purporting to be signed by the Attorney General, to the effect that the act or omission did or did not so occur shall be received as evidence of that fact, but without prejudice to the right to adduce evidence in rebuttal.

#### Civil jurisdiction

26. (1) All questions and disputes of a civil nature concerning or arising out of acts or omissions which occur within the limits of the continental shelf or the exclusive economic zone in connection with:

- (a) The exploration for or exploitation of resources;
- (b) The conduct of any research or survey activities;
- (c) The establishment, construction, operation or use of any artificial islands, installation or structure;
- (d) The laying of cables or pipelines; or
- (e) The production of energy from the waters, currents or winds,

may be dealt with by a court of competent jurisdiction.

(2) Subsection (1) shall not affect the validity of any agreement to submit a dispute to arbitration by any person outside Saint Christopher and Nevis.

(3) The jurisdiction conferred by this section is in addition to and not in derogation of any other jurisdiction exercisable by a court in Saint Christopher and Nevis.

Civil jurisdiction in relation to foreign vessels  
in the territorial sea

27. (1) No foreign vessel passing through the territorial sea shall be stopped or diverted for the purpose only of the exercise of any civil jurisdiction in relation to a person on board the vessel.

(2) Subject to subsection (3), no person shall arrest or levy execution against a foreign vessel passing through the territorial sea for the purpose of any civil proceedings, except where the proceedings are in respect of obligations or liabilities assumed or incurred in relation to the vessel in the course or for the purpose of its voyage through the territorial sea.

(3) Subsection (2), in so far as it prohibits the arrest of, or levying of execution against, a foreign vessel, shall not apply in the case of a foreign vessel which is lying in or passing through the territorial sea after leaving internal waters.

Application of enactments to maritime areas

28. (1) The Minister may, by regulations made under section 29, extend to the maritime areas of Saint Christopher and Nevis, or any part thereof, the application of any enactment, subject to:

- (a) The limitations (if any), and
- (b) Modifications (if any) to facilitate the application or enforcement of the enactment,

as may be prescribed in the regulations, and the enactment shall apply accordingly.

(2) The power under subsection (1) includes a power to extend the application of an enactment to any artificial island, installation or structure for the purpose of the exercise of any rights or jurisdiction under section 12.

...



107. SAINT LUCIA

The Maritime Areas Act, 1984 <sup>205/</sup>

...

PART I  
PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the Maritime Areas Act, 1984.
- (2) This Act shall come into operation upon such date as the Minister may, by notice published in the Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires:
  - "baseline of the territorial sea" means the baseline from which the breadth of the territorial sea is measured as described in section 4;
  - "contiguous zone" means the contiguous zone of Saint Lucia as described in section 6;
  - ...
  - "foreign vessel" means a vessel that:
    - (a) is registered in a foreign State;
    - (b) belongs to an authority or instrumentality of a foreign State; or
    - (c) is held by any person on behalf of, or for the benefit of, a foreign State;
  - "foreign State" means a State other than Saint Lucia;
  - "internal waters" means the internal waters of Saint Lucia as described in section 5;
  - "maritime areas of Saint Lucia" means the internal waters, the territorial sea, the contiguous zone, the continental shelf and the exclusive economic zone;
  - "Master", in relation to a vessel, means the person for the time being having command or charge of the vessel;
  - "Minister" means the Minister for Foreign Affairs;
  - "nautical mile" means the international nautical mile of 1,852 metres;
  - "resources" includes living and non-living resources;
  - "territorial sea" means the territorial sea of Saint Lucia as described in section 3;
  - "the Regulations" means regulations made under this Act.

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<sup>205/</sup> Robert W. Smith, Exclusive Economic Zone Claims (Dordrecht, The Netherlands, Martinus Nijhoff Publishers, 1986), p. 383.

PART II  
MARITIME AREAS OF SAINT LUCIA

Territorial sea

3. (1) Subject to subsection (2), the territorial sea of Saint Lucia comprises those areas of the sea having, as their inner limits, the baseline of the territorial sea and, as their outer limits, a line measured seaward from that baseline, every point of which is 12 nautical miles distant from the nearest point of that baseline.

(2) Whenever the equidistance line between Saint Lucia and an adjacent State is less than 12 nautical miles from the nearest point of the baseline of the territorial sea, the delimitation of the territorial sea shall, if possible, be effected by agreement between Saint Lucia and the adjacent State; but to the extent that no such agreement is effected, that equidistance line shall constitute the outer limits of the territorial sea.

(3) In this section, equidistance line as between Saint Lucia and an adjacent State means a line every point of which is equidistant from the nearest point of the baseline of the territorial sea and the corresponding baseline of the adjacent State.

Baseline of territorial sea

4. (1) Except as otherwise provided in this section, the baseline from which the breadth of the territorial sea is measured shall be the low-water mark along the coast of Saint Lucia, including the coast of all islands.

(2) In the case of the sea adjacent to a bay, the baseline from which the breadth of the territorial sea is measured:

- (a) Where the bay has only one mouth, shall be a straight line joining the low-water marks of the natural entrance points; and
- (b) Where, because of the presence of islands, the bay has more than one mouth, shall be a series of straight lines across each of the mouths so as to join those low-water marks'points.

(3) For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of any harbour system shall be treated as forming part of the coast, but for that purpose offshore installations and artificial islands shall not be considered as permanent harbour works.

(4) The Minister may, whenever he considers it necessary to do so having regard to international law and practice, by order published in the Gazette, direct that, to the extent set out, the baseline from which the breadth of the territorial sea is measured shall be as prescribed in, or determined by or in accordance with, the order.

(5) In this section, "bay" means an indentation of the coast such that its area is not less than that of the semicircle whose diameter is a line drawn across the mouth of the indentation.

(6) For the purpose of the definition of "bay" in subsection (5):

- (a) The area of an indentation shall be taken to be the area bounded by the low-water mark around the shore of the indentation and the straight line joining the low-water marks of its natural entrance points;
- (b) Where, because of the presence of islands, an indentation has more than one mouth, the length of the diameter of the semicircle referred to shall

be the sum of the lengths of the straight lines drawn across each of the mouths; and

- (c) In calculating the area of an indentation, the area of any islands lying within it shall be treated as part of the area of the indentation.

...

Contiguous zone

6. (1) Subject of subsection (2), the contiguous zone of Saint Lucia comprises those areas of the sea that are beyond and adjacent to the territorial sea having, as their outer limits, a line measured seaward from the baseline of the territorial sea, every point of which is 24 nautical miles distant from the nearest point of that baseline.

(2) The contiguous zone shall not extend into any part of the territorial sea of a foreign State and, where appropriate, the operation of subsection (1) shall be modified to the extent necessary to meet the requirement of this subsection.

...

PART III  
RIGHTS IN RESPECT OF MARITIME AREAS OF  
SAINT LUCIA

Sovereignty in respect of the territorial sea

10. The sovereignty in respect of:

- (a) The territorial sea;
- (b) The airspace over, and the seabed under, that sea; and
- (c) The subsoil of that seabed,

is, and shall be deemed always to have been, vested in Saint Lucia, and, subject to international law, is exercisable by Saint Lucia.

Rights in respect of contiguous zone

11. Saint Lucia has and may exercise in respect of the contiguous zone such rights as may be necessary to prevent, or punish, the infringement, within Saint Lucia (including the territorial sea) of any enactment providing controls or prohibitions for or with respect to customs, excise immigration or sanitation.

...

14. (1) No person shall:

...

- (b) Within the limits of the exclusive economic zone:
  - (i) Explore for or exploit the resources;
  - (ii) Produce energy from the waters, currents or winds;
  - (iii) Conduct any marine scientific research;
  - (iv) Establish, construct, operate or use any artificial island, or any installation or structure for the purpose of the exercise of any right or

purposes referred to in section 12(1)(c)(ii) or which may interfere with the exercise of rights referred to in section 12(1)(c)(iii) or

- (c) Within the limits of the territorial sea engage in any of the activities referred to in paragraph (b),

except when authorized by, under or pursuant to this Act or any other enactment, or in any other lawful manner, to engage in the activity, and in accordance with the authorization.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding one hundred thousand dollars.

(3) Where the owner or master of a vessel which is detained pursuant to section 23(1)(c) is convicted of an offence against this section, the court may, in addition to any other penalty imposed, order that the vessel, including any equipment on board the vessel used in the commission of the offence, shall be forfeited to the Crown, and in that event the vessel and any such equipment shall be disposed of in such manner as the Minister shall order.

PART IV  
INNOCENT PASSAGE AND TRANSIT PASSAGE

Interpretation

15. (1) In this Part, unless the context otherwise requires "competent authority", in relation to any provision in this Part, means the Minister, and any person, or person belonging to any class or description of persons, designated pursuant to subsection (2) for the purposes of that provision;

...

"Prescribed activity" means:

- (a) Any threat or use of force against the sovereignty, territorial integrity or political independence of Saint Lucia, or acts in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;
- (b) Any exercise or practice with weapons of any kind;
- (c) Any act aimed at collecting information to the prejudice of the defence or security of Saint Lucia;
- (d) Any act of propaganda aimed at affecting the defence or security of Saint Lucia;
- (e) The launching, landing or taking on board of any aircraft or military device;
- (f) The loading or unloading of any person, commodity or currency contrary to the customs, fiscal, immigration or sanitary laws;
- (g) Any wilful act of pollution calculated or likely to cause damage or harm to Saint Lucia, its resources or its marine environment;
- (h) Any fishing activities;
- (i) The carrying out of research or survey activities;
- (j) Any act aimed at interfering with any systems of communication or any other facilities or installations of Saint Lucia; or

(k) Such other activity as may be prescribed.

(2) The Minister may, by notice published in the Gazette, designate any person, or class or description of persons, for the purposes of any provision of this Part; and the Minister may, in like manner, revoke any such designation.

...

Innocent passage

16. (1) Every foreign vessel may, subject to and in accordance with this section and international law, exercise the right under international law of innocent passage, that is to say, the right of passage by navigating through the territorial sea for the purpose of:

- (a) Traversing the territorial sea without entering internal waters or calling at a roadstead or port facility outside internal waters; or
- (b) Proceeding to or from internal waters or a call at any such roadstead or port facility,

where the passage is innocent.

(2) The passage of a foreign vessel:

- (a) Is innocent so long as it is not prejudicial to the peace, good order or security of Saint Lucia; and
- (b) Is deemed to be prejudicial to the peace, good order or security of Saint Lucia if the vessel, in the territorial sea, engages in any prescribed activity.

(3) In exercising the right of innocent passage, a vessel shall comply with:

- (a) Generally accepted international regulations, procedures and practices for safety at sea which have effect in the territorial sea, or any part thereof;
- (b) The provisions of the Regulations, and any enactment, order or direction, which have effect in the territorial sea, or any part thereof, for or with respect to:
  - (i) The safety of navigation and the regulation of maritime traffic, including the use of sea lanes and the operation of traffic separation schemes;
  - (ii) The protection of navigational aids and facilities, and other facilities or installations;
  - (iii) The protection of cables and pipelines;
  - (iv) The conservation of resources;
  - (v) Fishing and fisheries;
  - (vi) The preservation of the environment and the prevention, reduction and control of pollution;
  - (vii) Marine scientific research and hydrographic surveys; and
  - (viii) Controls or prohibitions in relation to customs, excise, immigration or sanitation.

(4) The Minister may, where he is satisfied that it is essential to do so for the protection of the security of Saint Lucia, including weapons exercises, by order published in the Gazette, suspend, for such period as is specified in the order, the right of innocent passage through the territorial sea, or through any part of the territorial sea identified in the order.

...

...

Engaging in prescribed activities prohibited

18. (1) No foreign vessel shall, while in the territorial sea, without the permission of a competent authority given to the master of the vessel, engage in any prescribed activity.

(2) Where a foreign vessel, in contravention of subsection (1), engages in any prescribed activity, the master of the vessel and any other person on board the vessel participating in that activity are each guilty of an offence and liable on conviction to a fine not exceeding one hundred thousand dollars.

(3) No prosecution for an offence against this section:

(a) Shall be brought against a person who is entitled to State or other immunity recognized by law; or

(b) Shall be commenced without the consent in writing of the Attorney General.

(4) Where the master of a foreign vessel which is detained pursuant to section 23(2)(d) is convicted of an offence against this section, the court may, in addition to any other penalty imposed, order that the vessel shall be forfeited to the Crown, and in that event the vessel shall be disposed of in such manner as the Minister shall order.

(5) This section has effect notwithstanding that the area of the territorial sea in which a vessel engages in any prescribed activity is within a designated strait.

PART V  
CHARTS AND GEOGRAPHICAL COORDINATES

Charts of maritime areas, etc.

19. The Minister shall cause to be prepared such charts or lists of geographical coordinates as he thinks fit showing all or any of the following matters, namely:

(a) The maritime areas of Saint Lucia, or any part thereof;

(b) The baseline of the territorial sea;

(c) The outer limits of the continental shelf or the exclusive economic zone;  
or

(d) Sea lanes or traffic separation schemes.

Evidence of charts, etc.

20. A document, purporting to be certified by the Minister to be a true copy of a chart or list of geographical coordinates prepared pursuant to section 19, shall be received in any proceedings as evidence of any matter shown in the document, but without prejudice to the right to adduce evidence in rebuttal.

Publicity with respect to charts, etc.

21. The Minister shall cause:

- (a) Due publicity to be given to any charts or lists of geographical coordinates prepared pursuant to section 19; and
- (b) A copy of each such chart or list to be deposited with the Secretary-General of the United Nations.

PART VI  
JURISDICTION OF COURTS AND OTHER LEGAL MATTERS

Jurisdiction

22. (1) The jurisdiction and powers of the courts of Saint Lucia extend to the maritime areas of Saint Lucia for the purpose of:

- (a) This Act, and
  - (b) Any enactment which applies or is applied pursuant to section 28 to maritime areas of Saint Lucia, or any part thereof.
- (2) For the purposes of the exercise of any jurisdiction and powers pursuant to subsection (1), a court is a court of competent jurisdiction:
- (a) For the purpose of any criminal proceedings, if it would have cognizance of the offence concerned if it had been committed within the limits of its ordinary criminal jurisdiction; and
  - (b) For the purpose of any proceedings, other than criminal proceedings, if it would have jurisdiction if the act, omission or other matter giving rise to the proceedings had occurred or arisen within the limits of its ordinary jurisdiction.
- (3) The Minister, after consultation with the Attorney General, may make rules for carrying out or giving effect to this section.
- (4) The jurisdiction and powers conferred by this section are in addition to and not in derogation of any other jurisdiction or powers exercisable by a court of Saint Lucia.

Apprehension of certain offenders

23. (1) Subject to this section, where an authorized person has reasonable cause to believe and believes that an offence has been committed against section 14, he may exercise all or any of the following powers, namely:

- (a) Within the maritime areas of Saint Lucia, stop, board, inspect and search any vessel, or enter, inspect and search any installation, which he has reasonable cause to believe is being used for or in connection with the commission of the offence;
- (b) Arrest, with or without a warrant, any person on board the vessel, or on the installation, referred to in paragraph (a), or found elsewhere in

Saint Lucia, who he has reasonable cause to believe has committed an offence against that section;

- (c) Detain the vessel, referred to in paragraph (a), if he has reasonable cause to believe that an offence against that section has been committed by the owner or the master of the vessel; and
- (d) Enter, inspect and search any installation whose establishment, construction, operation or use would constitute the offence against that section and arrest, with or without a warrant, any person on the installation, or found elsewhere in Saint Lucia, whom he has reasonable cause to believe has committed the offence.

(2) Subject to this section, where an authorized person has reasonable cause to believe and believes that an offence has been committed against section 18, he may, within the territorial sea, exercise all or any of the following powers, namely:

- (a) Stop, board, inspect and search the foreign vessel which, in contravention of that section, engaged in any prescribed activity;
- (b) Arrest, with or without a warrant, the master of the vessel;
- (c) Arrest, with or without a warrant, any other person on board the vessel who he has reasonable cause to believe has committed an offence against that section; and
- (d) Detain the vessel.

(3) An authorized person may exercise any of the powers conferred on him by subsection (1) or (2) with the aid of such assistants as he considers necessary for the purpose.

(4) Where a vessel is detained pursuant to subsection (1)(c) or subsection (2)(d), it shall be held in the custody of the Crown until:

- (a) A decision is made not to bring a prosecution in respect of the alleged offence in relation to which the vessel was detained;
- (b) Where such a decision is made to bring such a prosecution, the security required under subsection (6) is given in respect of the vessel.

(5) The decision whether or not to bring a prosecution in respect of an alleged offence in relation to which a vessel is detained shall be made with all due expedition.

(6) The security required in respect of any vessel for the purposes of subsection (4) shall be in such form and reasonable amount, and shall be given by such person, as the Minister may order.

(7) The release of any vessel from detention shall not affect any subsequent forfeiture of the vessel, pursuant to section 14(3) or 18(4).

(8) The power under subsection (1) or (2) shall not be exercised in relation to a vessel that is, or in relation to a person who is, entitled to State or other immunity recognized by law.

(9) The powers and rights under this section are in addition to and not in derogation of any other powers and rights which Saint Lucia may have under international law or otherwise.

(10) In the exercise under this section of the power of enforcement against a



foreign vessel, an authorized person shall not endanger the safety of navigation or otherwise create any hazard to a vessel, or bring it to an unsafe port or anchorage, or expose the marine environment to an unreasonable risk.

(11) In this section:

"authorized person" means a person, or a person belonging to a class or description of persons, designated for the purposes of this section by the Minister by order made under this subsection and published in the Gazette;

"owner", in relation to any vessel, includes any body of persons, whether incorporated or not, by whom the vessel is owned, and any charterer or sub-charterer of the vessel.

Arrest on board foreign vessel in territorial sea, etc.

24. (1) Subject to this section, where an offence is committed on board a foreign vessel (being a merchant ship or a Government ship operated for commercial purposes) during its passage through the territorial sea, a prescribed power may be exercised in relation to the offence, on board the vessel during that passage, only if:

- (a) The consequences of the offence extend to Saint Lucia;
- (b) The offence is of a kind likely to disturb the peace of Saint Lucia or the good order of the territorial sea;
- (c) The assistance of the Government or any public officer has been requested by the master of the foreign vessel or by a diplomatic agent or consular officer of the relevant foreign State; or
- (d) It is necessary to exercise a prescribed power for the purpose of suppressing any illicit traffic in narcotic drugs or psychotropic substances.

(2) The limitations in subsection (1) shall not apply in any case where a foreign vessel is passing through the territorial sea after leaving internal waters.

(3) Subject to this section, where a foreign vessel, proceeding from a port outside Saint Lucia, is passing through the territorial sea without having entered internal waters, a prescribed power may be exercised, in relation to any offence committed before the ship entered the territorial sea, on board the ship during that passage only if:

- (a) There are clear grounds for believing that the vessel has, in the exclusive economic zone, committed a violation of:
  - (i) Applicable international rules and standards for the prevention, reduction and control of pollution from vessels; or
  - (ii) Any provision of the Regulations or any enactment conforming to and giving effect to any such rules and standards; and
- (b) There:
  - (i) Are clear grounds for believing that that violation has resulted in a substantial discharge causing or threatening significant pollution of the marine environment; or
  - (ii) Is clear objective evidence that that violation has resulted in a discharge causing major damage or the threat of major damage to the

coastline of Saint Lucia, or to any resources of its territorial sea or exclusive economic zone.

(4) Nothing in this section shall affect the exercise of any power under section 23.

(5) The decision to exercise, and the exercise of, a prescribed power in circumstances of the kind referred to in subsection (1) or (3) shall be made or, as the case may be, carried out, with due regard to the interests of navigation.

(6) The prescribed power referred to in subsection (8)(a) shall not be exercised in relation to a vessel unless the vessel has refused, when lawfully required to do so, to give information regarding its identity and port of call and other relevant information required to establish whether a violation of the kind referred to in subsection (3)(a) has occurred.

(7) The prescribed power referred to in subsection (8)(b) shall not be exercised in relation to a vessel whenever appropriate procedures, which bind Saint Lucia, have been established, either through the competent international organization or as otherwise agreed, whereby compliance with requirements for landing or other appropriate financial security has been assured in relation to the vessel.

(8) For the purposes of this section, "prescribed power" means the power lawfully to arrest any person or to conduct an investigation into any alleged offence, and:

- (a) For the purposes of subsection (3)(b)(i), includes a power to undertake a physical inspection of a vessel for matters relating to a violation of the kind referred to in subsection (3)(a); and
- (b) For the purposes of subsection (3)(b)(ii), includes a power to detain a vessel.

#### Certificate of Attorney General

25. Where, in any criminal proceedings, a question arises whether or not an act or omission occurred within the limits of internal waters, the territorial sea, the contiguous zone, the continental shelf or the exclusive economic zone, a certificate, purporting to be signed by the Attorney General, to the effect that the act or omission did or did not so occur shall be received as evidence of that fact, but without prejudice to the right to adduce evidence in rebuttal.

#### Civil jurisdiction

26. (1) All questions and disputes of a civil nature concerning or arising out of acts or omissions which occur within the limits of the continental shelf or the exclusive economic zone in connection with:

- (a) The exploration for or exploitation of resources;
- (b) The conduct of any research or survey activities;
- (c) The establishment, construction, operation or use of any artificial islands, installation or structure;
- (d) The laying of cables or pipelines; or
- (e) The production of energy from the waters, currents or winds,

may be dealt with by a court of competent jurisdiction.

(2) Subsection (1) shall not affect the validity of any agreement to submit a dispute to arbitration by any person outside Saint Lucia.

(3) The jurisdiction conferred by this section is in addition to and not in derogation of any other jurisdiction exercisable by a court in Saint Lucia.

Civil jurisdiction in relation to foreign vessels  
in the territorial sea

27. (1) No foreign vessel passing through the territorial sea shall be stopped or diverted for the purpose only of the exercise of any civil jurisdiction in relation to a person on board the vessel.

(2) Subject to subsection (3), no person shall arrest or levy execution against a foreign vessel passing through the territorial sea for the purpose of any civil proceedings, except where the proceedings are in respect of obligations or liabilities assumed or incurred in relation to the vessel in the course or for the purpose of its voyage through the territorial sea.

(3) Subsection (2), in so far as it prohibits the arrest of, or levying of execution against, a foreign vessel, shall not apply in the case of a foreign vessel which is lying in or passing through the territorial sea after leaving internal waters.

Application of enactments to maritime areas

28. (1) The Minister may, by regulations made under section 29, extend to the maritime areas of Saint Lucia, or any part thereof, the application of any enactment, subject to:

- (a) The limitations (if any), and
- (b) Modifications (if any) to facilitate the application or enforcement of the enactment,

as may be prescribed in the regulations, and the enactment shall apply accordingly.

(2) The power under subsection (1) includes a power to extend the application of an enactment to any artificial island, installation or structure for the purpose of the exercise of any rights or jurisdiction under section 12.

...

108. SAINT VINCENT AND THE GRENADINES

Maritime Areas Act, 1983 (Act No. 15) <sup>206/</sup>

...

Section 1

1. This Act may be cited as the Maritime Areas Act, 1983, and shall come into operation on such date as the Governor General may, by Proclamation specify.

Section 2

2. In this Act, unless the context otherwise requires:

...

"Competent Authority" means the Minister or any person designated by him as the Competent Authority for the purposes of this Act;

"innocent passage" means sea or air passage through the waters of Saint Vincent and the Grenadines which is not prejudicial to peace, good order or security;

"Minister" means the Minister for Foreign Affairs;

"warship" means a ship belonging to the armed forces of a State bearing the external marks distinguishing such ships, of its nationality, under the command of an officer duly commissioned by the Government of the State and whose name appears in the appropriate service list or its equivalent and manned by a crew which is under regular armed forces discipline;

"waters of Saint Vincent and the Grenadines" means the internal waters, archipelagic waters and territorial sea of Saint Vincent and the Grenadines.

...

Section 5

5. The territorial sea of Saint Vincent and the Grenadines comprises the waters from its archipelagic baseline seaward to a limit of 12 nautical miles.

Section 6

6. The contiguous zone of Saint Vincent and the Grenadines comprises the waters contiguous to its territorial sea from its archipelagic baselines seaward to a limit of 24 nautical miles.

...

Section 9

9. The waters of Saint Vincent and the Grenadines, including the airspace above and the bed and subsoil thereof, form part of the territory of Saint Vincent and the Grenadines.

Section 10

10. (1) Subject to subsections (2) and (4) and section 14, a foreign ship is

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<sup>206/</sup> Robert W. Smith, Exclusive Economic Zone Claims (Dordrecht, The Netherlands, Martinus Nijhoff Publishers, 1986), p. 399.

entitled to enjoy the right of innocent passage through the waters of Saint Vincent and the Grenadines.

(2) A foreign warship shall not navigate in the waters of Saint Vincent and the Grenadines without the prior permission of the Competent Authority obtained by the State to which the ship belongs.

(3) The Minister may, by notification in the Gazette, make regulations relating to the innocent passage of foreign vessels through the waters of Saint Vincent and the Grenadines in respect of any or all of the following:

- (a) The safety of navigation and regulation of maritime traffic;
- (b) The protection of navigation aids and facilities and other facilities or installations;
- (c) The protection of cables and pipelines;
- (d) The conservation of the living resources of the sea;
- (e) The prevention of infringement of the laws and regulations of Saint Vincent and the Grenadines governing marine living resources;
- (f) The prevention of the environment of Saint Vincent and the Grenadines and the prevention, reduction and control of pollution thereof;
- (g) Marine scientific research and hydrographic surveys; and
- (h) The prevention of infringement of the customs, fiscal, immigration or sanitary laws and regulations of Saint Vincent and the Grenadines.

(4) The Minister may, by order published in the Gazette, suspend temporarily in specified areas of the waters of Saint Vincent and the Grenadines the innocent passage of foreign ships if such suspension is essential for the protection of the security of Saint Vincent and the Grenadines.

#### Section 11

11. (1) The passage of a foreign ship is prejudicial to the peace, good order or security of Saint Vincent and the Grenadines where, without the prior permission of the Competent Authority obtained by the State to which the ship belongs or the captain or the person in charge of the ship, the ship while in the waters of Saint Vincent and the Grenadines engages in any of the following activities:

- (a) Any threat or use of force against the sovereignty, territorial integrity or political independence of Saint Vincent and the Grenadines, or acts in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;
- (b) Any exercise of practice with weapons of any kind;
- (c) Any act aimed at collecting information relating to the defence or security, economic condition or social condition of Saint Vincent and the Grenadines;
- (d) Any act by way of propaganda or otherwise aimed at affecting the defence or security of Saint Vincent and the Grenadines;
- (e) The launching, landing or taking on board of any aircraft;
- (f) The launching, landing or taking on board of devices;

- (g) The taking on board or offloading of any person, fiscal, immigration or sanitary laws or regulations of Saint Vincent and the Grenadines;
- (h) Any act of pollution calculated to or likely to cause damage or harm to Saint Vincent and the Grenadines, its resources or its marine environment;
- (i) Any fishing activities;
- (j) The carrying out of research or survey activities;
- (k) any act aimed at interfering with any systems of communication or any other facilities or installation of Saint Vincent and the Grenadines;
- (l) Such other activity as may be prescribed.

(2) The passage of a foreign warship in the waters of Saint Vincent and the Grenadines is prejudicial to the peace, good order or security of Saint Vincent and the Grenadines where the warship navigates such waters without the permission required in subsection (2) of section 10.

...

#### Section 15

15. In designating or substituting sea lanes or prescribing or substituting traffic separation schemes, the Minister shall refer proposals to the International Maritime Organization, or its successors, with a view to their adoption.

#### Section 16

16. The Minister shall publish charts and lists of coordinates of:

...

- (d) the outer limits of the territorial sea of Saint Vincent and the Grenadines;
  - (e) the outer limits of the contiguous zone of Saint Vincent and the Grenadines;
- ...
- (i) any traffic separation scheme in the waters of Saint Vincent and the Grenadines;

and give due publicity to the charts and lists and deposit a copy of each chart or list with the Secretary-General of the United Nations.

#### Section 17

17. (1) Where the rights of Saint Vincent and the Grenadines in relation to:

- (a) The territorial sea,
- (b) The contiguous zone,

...

overlap with the territorial sea, the contiguous zone, the exclusive economic zone or the continental shelf of an adjacent State, until such time as a delimitation agreement is reached the seaward limits of the affected offshore areas of Saint Vincent and the Grenadines shall extend to the equidistance line between the archipelagic baselines of Saint Vincent and the Grenadines and the territorial sea baselines of the other State.

(2) The temporary offshore boundaries created by subsection (1) shall in no way be interpreted as prejudicing any claims which Saint Vincent and the Grenadines may in the future advance pursuant to the conclusion of maritime boundary delimitation with neighbouring States.

#### Section 18

18. (1) The criminal jurisdiction of Saint Vincent and the Grenadines shall not be exercised on board a foreign ship passing through the territorial sea or archipelagic waters of Saint Vincent and the Grenadines nor shall any investigation in connection with any crime committed, save only in cases where:

- (a) The consequences of the crime extend to Saint Vincent and the Grenadines; or
- (b) The crime is of a kind to disturb the peace of Saint Vincent and the Grenadines or the good order of the territorial seas;
- (c) The assistance of the local authorities has been requested by the ship or by a diplomatic agent or consular officer of the flag State; or
- (d) Such measures are necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances.

(2) The Minister may, by notification in the Gazette, make regulations with regard to the customs, fiscal, health, safety and immigration matters over artificial islands, installations and structures in the exclusive economic zone or on the continental shelf of Saint Vincent and the Grenadines beyond the territorial sea.

#### Section 19

19. The Minister may, by notification in the Gazette, make regulations relating to the exercise of control in the contiguous zone:

- (a) To prevent infringement of the customs, fiscal, immigration or sanitary regulations in force on the territory or territorial sea of Saint Vincent and the Grenadines; and
- (b) To punish breach of the said regulations committed within the territory or territorial sea of Saint Vincent and the Grenadines.

...

109. SAMOA

Territorial Sea Act 1971, Act No. 3 of 15 July 1971 <sup>207/</sup>

...

Interpretation

2. In this Act, unless the context otherwise requires:

"bay" means an indentation of the coast such that its area is not less than that of the semicircle whose diameter is a line drawn across the mouth of the indentation; and for the purposes of this definition the area of an indentation shall be taken to be the area bounded by the low-water mark around the shore of the indentation and the straight line joining the low-water marks of its natural entrance points; and where, because of the presence of islands, an indentation has more than one mouth the length of the diameter of the semicircle referred to shall be the sum of the lengths of the straight lines drawn across each of the mouths; and in calculating the area of an indentation the area of any islands lying within it shall be treated as part of the area of the indentation;

"island" means a naturally formed area of land which is surrounded by and is above water at mean high-water spring tides;

"Government" means the Government of Western Samoa;

"low-water mark" has the meaning assigned thereto by section 8 of this Act;

"low-tide elevation" means a naturally formed area of land which is surrounded by and is above water at mean low-water spring tides but is submerged at mean high-water spring tides;

"nautical mile" means the international nautical mile of 6,080 feet;

"Western Samoa" means the Independent State of Western Samoa.

The territorial sea

3. The territorial sea of Western Samoa comprises those areas of the sea having, as their inner limits, the baseline described in section 5 and 6 of this Act and, as their outer limits, a line measured seaward from that baseline, every point of which is distant twelve nautical miles from the nearest point of the baseline.

...

Baseline of the territorial sea

5. (1) Except as otherwise provided in section 6 of this Act, the baseline from which the breadth of the territorial sea of Western Samoa is measured shall be the low-water mark along the coast of Western Samoa, including the coast of all islands.

(2) For the purposes of this section, a low-tide elevation which lies wholly or partly within the breadth of sea which would be territorial sea if all low-tide elevations were disregarded for the purpose of the measurement of the breadth thereof shall be treated as an island.



Baseline of the territorial sea adjacent to a bay

6. In the case of the sea adjacent to a bay, the baseline from which the breadth of the territorial sea is measured shall:

(a) If the bay has only one mouth and the distance between the low-water marks of the natural entrance points of the bay does not exceed twenty-four nautical miles, be a straight line joining the said low-water marks;

(b) If, because of the presence of islands, the bay has more than one mouth and the distances between the low-water marks of the natural entrance points of each mouth added together do not exceed twenty-four nautical miles, be a series of straight lines across each of the mouths so as to join the said low-water marks;

(c) If neither paragraph (a) nor paragraph (b) of this section applies, be a straight line twenty-four nautical miles in length drawn from low-water mark to low-water mark within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.

Bed of territorial sea and internal waters  
vested in Western Samoa

7. (1) For the purposes of this section, the term "high-water mark" means the line of median high tide between the spring and neap tides.

(2) Subject to the grant of any estate or interest therein (whether by or pursuant to the provisions of any enactment or otherwise, and whether made before or after the commencement of this Act), the seabed and subsoil of submarine areas bounded on the landward side by the high-water mark along the coast of Western Samoa including the coast of all islands, and on the seaward side by the outer limits of the territorial sea of Western Samoa shall be deemed to be and always to have been public land vested in Western Samoa.

Official charts

8. (1) For the purposes of this Act, the low-water mark in any specified area shall be the line of low water at mean low-water spring tides as depicted on the largest-scale nautical chart of that area produced by any authority and for the time being held and used by the Government.

(2) In any proceedings in any Court, a certificate purporting to be signed by the Director of Lands or by a Harbour-master of the Marine Department that any specified nautical chart or any area is the largest scale nautical chart of that area produced by any authority and for the time being held and used by the Government shall be admissible as evidence of the matters stated in the certificate.

(3) Every person signing any such certificate shall, in the absence of proof to the contrary, be presumed to be duly authorized to sign it.

Permanent harbour works

9. For the purposes of this Act, permanent harbour works which form an integral part or a harbour system shall be treated as forming part of the coast.

...

110. SAO TOME AND PRINCIPE

Decree-Law No. 14/78 of 16 June 1978 <sup>208/</sup> <sup>209/</sup>

...

Article 1

The territorial sea of the Democratic Republic of Sao Tome and Principe extends for 12 nautical miles measured from the baseline determined in this decree-law, its outer limit being the line every point of which is at a distance equal to 12 nautical miles from the nearest point of the baseline.

...

Article 4

The sovereignty which the State of Sao Tome and Principe exercises over all of the national territory, composed of the Island of Sao Tome, the Island of Principe, Pedras Tinhosas, Cabras Islet, Rolas Islet, other adjacent islets, archipelagic waters, the territorial sea, the airspace above them and the subsoil of the land area, also extends to the bed and subsoil of the aquatic territory formed by the archipelagic waters and the territorial sea in addition to all living and non-living natural resources found in all of the aforementioned spaces under the sovereignty of the State of Sao Tome and Principe.

Article 5

The Democratic Republic of Sao Tome and Principe, without prejudice to the provisions of the previous articles and in conformity with the principles of international law, respects the freedoms of navigation and overflight through the straits and channels used for international navigation.

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<sup>208/</sup> British Institute of International and Comparative Law, New Directions in the Law of the Sea, vol. VII (Dobbs Ferry, N.Y., Oceana Publications, 1980), p. 50.

<sup>209/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 271.

111. SAUDI ARABIA

Royal Decree No. 33 of 16 February 1958 <sup>210/</sup>

...

Article 1

For the purposes of this Decree,

- (a) The term "nautical mile" is the equivalent of 1,852 metres;
- (b) The term "bay" includes any inlet, lagoon or other arm of the sea;
- (c) The term "island" includes any islet, reef, rock or permanent artificial structure not submerged at lowest low tide;
- (d) The term "shoal" denotes an area covered by shallow water, a part of which is not submerged at lowest low tide;
- (e) The term "coast" refers to the coasts of the Red Sea, the Gulf of Aqaba and the Persian Gulf.

Article 2

The territorial sea of the Kingdom of Saudi Arabia, as well as the airspace above and the territorial seabed and the subsoil beneath are under the sovereignty of the Kingdom, subject to the established rules of international law.

...

Article 4

The territorial sea of the Kingdom of Saudi Arabia lies outside the inland waters of the Kingdom and extends seaward for a distance of twelve nautical miles.

Article 5

The following are the baselines from which the territorial sea of the Kingdom of Saudi Arabia is measured:

- (a) Where the mainland or the shore of an island is fully exposed to the open sea, the lowest low-water mark on the shore;
- (b) Where a bay confronts the open sea, lines drawn from headland to headland across the mouth of the bay;
- (c) Where a shoal is situated not more than twelve nautical miles from the mainland or from a Saudi Arabian island, lines drawn from the mainland or the island and along the outer edge of the shoal;
- (d) Where a port or harbour confronts the open sea, lines drawn along the seaward side of the outermost works of the port or harbour and between such works;
- (e) Where an island is not more than twelve nautical miles from the mainland,

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<sup>210/</sup> "International Boundary Study, Series A, Limits in the Seas; Straight Baselines: Saudi Arabia", No. 20, 8 June 1970, Bureau of Intelligence and Research, Department of State of the United States of America.

lines drawn from the mainland and along the outer shores of the island;

- (f) Where there is an island group which may be connected by lines not more than twelve nautical mile long, of which the island nearest to the mainland is not more than twelve nautical miles from the mainland, lines drawn from the mainland and along the outer shores of all the islands of the group if the islands form a chain, or along the outer shores of the outermost islands of the group if the islands do not form a chain;
- (g) Where there is an island group which may be connected by lines not more than twelve nautical miles long, lines drawn along the shore of all the islands of the group if the islands form a chain, or along the outer shores of the outermost islands of the group if the islands do not form a chain.

Article 6

If the measurement of the territorial sea in accordance with the provisions of this decree leaves an area of high sea wholly surrounded by the territorial sea and extending not more than twelve nautical miles in any direction, such area shall form part of the territorial sea. The same rule shall apply to a pronounced pocket of high sea which may be wholly enclosed by drawing a single straight line not more than twelve nautical miles long.

Article 7

If the territorial sea measured from the baselines fixed by article 5 of the decree be overlapped by the waters of another State, boundaries will be determined by our Government in agreement with that State in accordance with equitable principles.

Article 8

To assure compliance with the laws of the Kingdom relating to security, navigation, fiscal and sanitary matters, maritime surveillance covers a contiguous zone outside the territorial sea, extending for a distance of six nautical miles in addition to the twelve nautical miles measured form the baselines of the territorial sea, in accordance with article 5 of this decree.

Article 9

The provisions of this decree shall not affect the rights of the Kingdom with respect to fishing.

...

112. SENEGAL

Act No. 85-14 delimiting the territorial sea, the contiguous zone and the continental shelf, 25 February 1985 <sup>211/</sup> <sup>212/</sup>

Article 1

The breadth of the territorial sea is twelve (12) nautical miles, measured from baselines whose reference points are established by decree.

Article 2

A contiguous zone of twelve (12) nautical miles, measured from the outer limit of the territorial sea, is established.

Article 3

Senegal exercises sovereignty over the entire area of its territorial sea.

Article 4

In the contiguous zone, Senegal has the necessary authority to prevent violations of its customs, tax, health and immigration laws and regulations on its territory or in its territorial sea and to punish violations of those laws and regulations committed on its territory or in its territorial sea.

Article 5

The above provisions concerning the territorial sea shall be without prejudice to the right of innocent passage granted to all foreign ships in accordance with the United Nations Convention on the Law of the Sea, signed by Senegal on 10 December 1982 at Montego Bay, Jamaica.

...

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<sup>211/</sup> Law of the Sea Bulletin No. 7 (Division for Ocean Affairs and the Law of the Sea, United Nations), p. 72.

<sup>212/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations Sales No. E.89.V.10), p. 274.

113. SEYCHELLES

Maritime Zones Act 1977, No. 15 of 23 May 1977 <sup>213/</sup>

Article 1

1. This Act may be cited as the Maritime Zones Act 1977, and shall come into operation on such date as the President may, by order, appoint.

Article 2

2. In this Act:

"baseline" means the baseline as determined in accordance with the straight baseline system;

...

"historic waters" means the historic waters of Seychelles;

"limit", in relation to the territorial waters, the continental shelf, the exclusive economic zone or the historic waters of Seychelles, means the limit of such waters, shelf, exclusive economic zone or historic waters with reference to the individual or composite group or groups of islands constituting the territory of Seychelles;

...

"submarines" includes underwater vehicles however propelled;

"territorial waters" means the territorial waters of Seychelles.

Article 3

3. (1) The sovereignty of Seychelles extends and has always extended to the territorial waters of Seychelles and to the seabed and subsoil underlying, and the airspace over, such waters.

(2) The limit of the territorial waters is the line every point of which is at a distance of 12 nautical miles from the nearest point of the baseline.

(3) Notwithstanding anything contained in subsection (2), where the President considers it necessary so to do having regard to international law and State practice, he may, subject to subsection (4), by Order published in the Gazette, amend the limit of the territorial waters.

Article 4

4. (1) Without prejudice to any other enactment in force but subject to subsections (2), (3) and (4), all foreign ships (other than warships, including submarines) shall enjoy the right of innocent passage through the territorial waters.

(2) Foreign warships, including submarines, may enter or pass through the territorial waters after giving notice to the President's Office.

(3) Submarines shall, while passing through the territorial waters, navigate on the surface and show their flag.

(4) Where the President is satisfied that it is necessary so to do:

- (a) In the interest of public safety, public order, defence or security of Seychelles or any part thereof; or
- (b) In pursuance of any treaty to which Seychelles is a party,

he may, by Order published in the Gazette, suspend, whether absolutely or subject to such exceptions and qualifications as may be specified in the Order, the entry of any class of foreign ships into such area of the territorial waters as may be specified in the Order.

...

#### Article 8

8. (1) The President may, by Order published in the Gazette, specify the limit of the historic waters.

(2) The sovereign rights of Seychelles extends, and has always extended, to the historic waters and to the seabed and subsoil underlying, and the airspace over, the historic waters.

...

#### Article 11

11. The President may cause the baseline, the limits of the territorial waters, the continental shelf, the exclusive economic zone and the historic waters to be published in charts.

#### Article 12

12. (1) Any person who contravenes any provisions of this Act or any regulation or Order made under this Act, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200,000 rupees or to imprisonment for a term not exceeding five years.

(2) Any person who commits an offence shall be tried in the Supreme Court.

#### Article 13

13. (1) Where an offence is committed by:

- (a) An agent, the person from whom the agent is acting;
- (b) A body corporate, every person who, at the time of the commission of the offence, was concerned in the management of the body corporate or was purporting to act in a managerial capacity,

shall also commit the like offence, unless he proves that the offence was committed without his knowledge or consent and that he took all reasonable steps to prevent the commission of the offence.

(2) Notwithstanding subsection (1), where an offence has been committed by a body corporate and it is proved that the offence has been committed with the consent, whether express or implied, or the connivance of, or is attributable to any neglect on the part of the director, manager, secretary or other officer of the body corporate, such director, manager, secretary or other officer shall commit the like offence.

Article 14

14. Where any provision of this Act or of any regulation or Order made under this Act is in conflict with the provision of any other enactment in force, such provision of this Act or of such regulation or Order shall prevail.

Article 15

15. (1) The President may make such regulations as he considers necessary for carrying out the purposes of this Act.

(2) In particular and without prejudice to the foregoing power, regulations made under subsection (1) may provide for all or any of the following matters:

(a) The regulation of the conduct of any person in the territorial waters, the continental shelf, the exclusive economic zone or the historic waters;

...

(c) The regulation of the construction, maintenance of artificial islands, offshore terminals, installations and other structures and devices;

(d) The preservation and the protection of the marine environment and the prevention and control of marine pollution;

(e) The regulation and conduct of scientific research;

(f) The fees in relation to licences; and

(g) Any matter incidental to any of the matters specified in paragraphs (a) to (f).



114. SIERRA LEONE

Interpretation Act of 19 April 1971 <sup>214/</sup>

...

"Territorial sea" means any parts of the open sea within two hundred nautical miles of the coast of Sierra Leone measured from the low-water mark.

...

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<sup>214/</sup> "Regional Compendium of Fisheries Legislation - West Africa (CECAF Region)" (Rome, Food and Agriculture Organization of the United Nations, 1983), p.372.

115. SINGAPORE

United Kingdom - Territorial Waters Jurisdiction Act, 1878 <sup>215/</sup>

...

Amendment of law as to jurisdiction of the Admiral

2. An offence committed by a person, whether he is or is not a subject of Her Majesty, on the open sea within the territorial waters of Her Majesty's dominions, is an offence within the jurisdiction of the Admiral, although it may have been committed on board or by means of a foreign ship, and the person who committed such offence may be arrested, tried and punished accordingly.

Restriction on institution of proceedings  
for punishment of offence

3. Proceedings for the trial and punishment of a person who is not a subject of Her Majesty, and who is charged with any such offence as is declared by this Act to be within the jurisdiction of the Admiral, shall not be instituted in any court of the United Kingdom, except with the consent of one of Her Majesty's Principal Secretaries of State, and on his certificate that the institution of such proceedings is in his opinion expedient, and shall not be instituted in any of the dominions of Her Majesty out of the United Kingdom, except with the leave of the Governor of the part of the dominions in which such proceedings are proposed to be instituted, and on his certificate that it is expedient that such proceedings should be instituted.

Provisions as to procedure

4. On the trial of any person who is not a subject of Her Majesty for an offence declared by this Act to be within the jurisdiction of the Admiral, it shall not be necessary to aver in any indictment or information on such trial that such consent or certificate of the Secretary of State or Governor as is required by this Act has been given, and the fact of the same having been given shall be presumed unless disputed by the defendant at the trial; and the production of a document purporting to be signed by one of Her Majesty's Principal Secretaries of State as respects the United Kingdom, and by the Governor as respects any other part of Her Majesty's dominions, and containing such consent and certificate, shall be sufficient evidence for all the purposes of this Act of the consent and certificate required by this Act.

Proceedings before a justice of the peace or other magistrate previous to the committal of an offender for trial or to the determination of the justice or magistrate that the offender is to be put upon his trial shall not be deemed proceedings for the trial of the offence committed by such offender for the purposes of the said consent and certificate under this Act.

Saving as to jurisdiction

5. Nothing in this Act contained shall be construed to be in derogation of any rightful jurisdiction of Her Majesty, her heirs or successors, under the law of nations, or to affect or prejudice any jurisdiction conferred by Act of Parliament or now by law existing in relation to foreign ships or in relation to persons on board such ships.

Saving as to piracy

6. This Act shall not prejudice or affect the trial in manner heretofore in

use of any act of piracy as defined by the law of nations, or affect or prejudice any law relating thereto; and where any act of piracy as defined by the law of nations is also any such offence as is declared by this Act to be within the jurisdiction of the Admiral, such offence may be tried in pursuance of this Act, or in pursuance of any other Act of Parliament, law or custom relating thereto.

#### Interpretation

7. In this Act, unless there is something inconsistent in the context, the following expressions shall respectively have the meanings hereinafter assigned to them: (that is to say,)

"the jurisdiction of the Admiral", as used in this Act, includes the jurisdiction of the Admiralty of England and Ireland, or either of such jurisdictions as used in any Act of Parliament; and for the purpose of arresting any person charged with an offence declared by this Act to be within the jurisdiction of the Admiral, the territorial waters adjacent to the United Kingdom, or any other part of Her Majesty's dominions, shall be deemed to be within the jurisdiction of any judge, magistrate or officer having power within such United Kingdom, or other part of Her Majesty's dominions, to issue warrants for arresting or to arrest persons charged with offences committed within the jurisdiction of such judge, magistrate or officer;

"United Kingdom" includes the Isle of Man, the Channel Islands and other adjacent islands;

"the territorial waters of Her Majesty's dominions", <sup>216/</sup> in reference to the sea, means such part of the sea adjacent to the coast of the United Kingdom, or the coast of some other part of Her Majesty's dominions, as is deemed by international law to be within the territorial sovereignty of Her Majesty; and for the purpose of any offence declared by this Act to be within the jurisdiction of the Admiral, any part of the open sea within one marine league of the coast measured from the low-water mark shall be deemed to be open sea within the territorial waters of Her Majesty's dominions;

"Governor", as respects India, means the Governor General ...; (and as respects a British possession which) consists of several constituent colonies, means the Governor General of the whole possession or the Governor of any of the constituent colonies; and as respects any other British possession, means the office: for the time being administering the government of such possession; also any person acting for or in the capacity of Governor shall be included under the term "Governor";

"offence" as used in this Act means an act neglect or default of such a description as would, if committed within the body of a county in England, be punishable on indictment according to the law of England for the time being in force;

"ship" includes every description of ship, boat or other floating craft;

"foreign ship" means any ship which is not a British ship.

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<sup>216/</sup> Repealed in the United Kingdom by schedule 2, section 3, of the Territorial Sea Act 1987 (see below, p. 404).

116. SOLOMON ISLANDS

Delimitation of Marine Waters Act, 1978 <sup>217/</sup> <sup>218/</sup>

Citation and commencement

1. This Act may be cited as the Delimitation of Marine Waters Act, 1978, and shall come into force on such date as the Minister may by notice appoint:

Provided that the Minister may specify different dates for the coming into force of different sections of this Act.

Interpretation

2. (1) In this Act, unless the context otherwise requires:

"archipelago" means a group of islands, including parts of islands, inter-connecting waters and other natural features which are so closely inter-related that such islands, waters and other natural features form an intrinsic geographical entity, and which has been declared by the Minister by Order published in the Gazette to be an archipelago;

"archipelagic baselines" means the baselines drawn under the provisions of subsection (2) of section 4;

"island" means a naturally formed area of land which is surrounded by and above water at mean high-water spring tides;

"low-water line" means the line of low-water at mean low-water spring tides as depicted on the largest-scale nautical chart of the area produced by any authority and for the time being held and used by the Minister responsible for Marine Affairs;

"median line" means a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial seas of Solomon Islands and of any opposite or adjacent State or territory are measured;

"mile" means the international nautical mile;

"Minister" means the Minister responsible for Foreign Affairs;

"territorial seas" means the territorial seas of Solomon Islands as defined in section 5.

(2) For the purposes of this Act, permanent harbour works that form an integral part of a harbour system shall be treated as forming part of the coast.

...

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<sup>217/</sup> Text communicated by the Permanent Mission of the Solomon Islands to the United Nations.

<sup>218/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 277.

Territorial waters

5. (1) The territorial seas of Solomon Islands comprise all areas of sea having as their innermost limits the baselines established under the provisions of this section and as their outermost limits a line measured seaward from those baselines every point of which is at a distance of twelve miles from the nearest point of the baselines:

Provided that where the median line between Solomon Islands and the sovereign State of Papua New Guinea is less than twelve miles from the baselines from which the breadth of the territorial seas of Solomon Islands and Papua New Guinea are respectively measured, the outermost limits of the territorial waters of Solomon Islands shall be those declared by the Minister by order published in the Gazette.

(2) Where archipelagic baselines are drawn ..., those baselines shall be the baselines from which the breadth of the territorial sea of any archipelago in Solomon Islands shall be measured.

(3) In all other cases the baselines from which the breadth of the territorial sea is measured is the low-water line along the coast of each island except that in the case of islands situated on atolls or islands having fringing reefs the baseline is the seaward low-water line of the reef.

...

Charts and publicity

8. (1) The Minister shall cause all closing lines, baselines and other lines drawn under the provisions of this Act for the purpose of determining the limits of the internal waters, territorial seas and exclusive economic zone of Solomon Islands to be clearly indicated on charts of a scale or scales adequate for them to be readily determined and shall give due publicity to such charts by notice in the Gazette and shall cause a copy of each such chart to be deposited with the Secretary-General of the United Nations.

(2) In any proceedings in any court, a certificate purporting to be signed by the Chief Marine Officer that any specified nautical chart of any area is the nautical chart of that area most suited for the purposes of determining the limits of the internal waters, territorial seas or exclusive economic zone of Solomon Islands, as the case may be, and is for the time being held by the Minister responsible for Marine Affairs, shall be admissible in evidence of the matters stated in the certificate.

Legal character of marine waters

9. (1) The sovereignty of Solomon Islands extends beyond its land territory and internal waters over its archipelagic waters and territorial seas and to the airspace thereover as well as to the seabed and subsoil thereunder.

...

(3) The exercise by Solomon Islands of its sovereignty and sovereign rights under the provisions of this section is subject to the customary rules of international law.

Rights of passage

10. (1) Subject to the provisions of subsections (2), (3), (4) and (5), ships and aircraft of all States shall, in accordance with the rules of international law, have the right of innocent passage through and over the territorial seas and archipelagic waters.

117. SOMALIA

Law No. 37 on the Territorial Sea and Ports,  
of 10 September 1972 <sup>219/</sup>

Article 1  
The territorial sea

1. The Somali territorial sea includes the portion of the sea to the extent of 200 nautical miles within the continental and insular coasts, delimited according to the provisions of articles 2 and 3 of this Law.

2. The Somali Territorial Sea is under the sovereignty of the Somali Democratic Republic. Offences committed within the limits of the territorial sea on board a vessel relating to penal health and public security shall be governed by Somali law.

Article 2  
Measurement of the territorial sea

1. The normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast.

2. In localities where the coastline is deeply indented or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial sea is measured.

Article 3  
Territorial sea for islands and archipelagos

1. Where an island is situated within the 200-mile limit the belt of waters around it will constitute territorial waters. This belt will be 200 miles wide and will be measured from the low-water mark following the sinuosities of the island.

2. A group of islands forming part of an archipelago shall be considered as a unit and its territorial waters shall be measured from the centre of the archipelago.

Article 5  
Fishing and coastal navigation

1. Fishing in the territorial sea and regular transportation of persons and goods between Somali ports are reserved for vessels flying the Somali flag, and other authorized vessels.

2. Any infringement of the above provision shall be punished with a fine from 5,000/- to 10,000/- Somali shillings, and in case of repetition of the infringement by the vessel or the operator, the punishment may be doubled and the captain shall be liable for offences prescribed by the Somali penal laws and the vessel may be confiscated.

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<sup>219/</sup> British Institute of International and Comparative Law, New Directions in the Law of the Sea, vol. VII (Dobbs Ferry, N.Y., Oceana Publications, 1980), p. 56.

3. Any contract of transportation made in violation of paragraph 1 above is void and without effect and the vessel executing or intending to execute the contract shall be subject to a fine equal to 5 times the freight or the fare stipulated or fixed by the usage for similar operation.

Article 6  
Innocent passage through the territorial sea

Subject to the provisions of the Law merchant ships of all nationalities are allowed to the right of innocent passage through the territorial sea within the limits laid down by this Law and the general principles of the international law of the sea.

Article 7  
Meaning of innocent passage

1. Passage means navigation through the territorial sea for the purpose of either traversing that sea without entering internal waters or of proceeding to internal waters or of making for the high sea from internal waters.

2. Passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by force majeure or by distress, but not for loading or unloading goods or passengers.

Article 8  
Limits of innocent passage

Passage is innocent so long as it is not prejudicial to the peace, good order, health or security of the Republic. Such passage shall take place in conformity with the provisions of this Law, and with the general rules and principles of international law.

Article 9  
Prohibited passage

1. Passage in the territorial sea and internal waters is not allowed to vessels having the nationality of States not recognized by the Somali Democratic Republic.

2. In case of violation of the above paragraph the Somali authorities may take any measures necessary to ensure its.

Article 10  
Warships

1. Foreign warships are not allowed to pass through the territorial sea unless they are authorized by the Somali Government.

Article 11  
Respect of Somali laws in the territorial sea

1. All Ships exercising the right of innocent passage shall comply with Somali Laws and regulations.

2. Each vessel while passing through the territorial sea shall hoist its national flag and comply with the orders made according Somali laws by the competent Authorities.

3. In case of infringement of any of the two above paragraphs the vessel shall be punished with a fine from 1,000/- to 100,000/- Somali shillings unless the fact or the omission constitutes a more grave crime.

Article 12  
Entering into internal waters

1. All Ships proceeding to internal waters or ports shall comply with the provisions set by the Maritime Code for this purpose.
2. Subject to the limitation laid down by article 5 of this Law all merchant ships except those mentioned in article 9, paragraph 1, above are granted the rights to enter in Somali ports for any commercial operation, especially to load, unload, unload cargoes embark or disembark passengers.

Article 13  
Defence zones

The Somali competent authorities may take the necessary measures to suspend temporarily innocent passage of all foreign ships, in specified areas of the territorial sea, if this becomes necessary for the protection of the security of the State.

Article 14  
Charges for services rendered

Charges levied on ships in internal waters are also levied upon foreign ships passing through the territorial sea for services rendered or measures taken regarding the vessels for their security and the implementation of rules of the navigation police.

Article 15  
Criminal jurisdiction on foreign ships

1. The criminal jurisdiction of the Republic shall be exercised on board foreign ships passing through the territorial sea or anchoring in the ports with respect to the arrest of any person or conduct of any investigation in connection with any crime committed on board the ship during its passage. Criminal jurisdiction is confined to the following cases:
  - (a) If the consequences of the crime extend to the territory of the Republic;
  - (b) If the crime is of a kind to disturb the peace of the country or the order of the territorial sea of the port;
  - (c) If the assistance of the local authorities has been requested by the captain of the ship or by the counsul of the country whose flag the ship flies;
  - (d) If it is necessary for the suspension of illicit traffic in narcotic drugs.
2. The authorities may take any step authorized by the Somali laws and regulations for the purpose of any arrest or investigation on board a foreign ship while it is passing through the territorial sea after leaving the internal waters or the port.
3. In the cases provided for in paragraphs 1 and 2 of this article the authorities shall, if the captain so requests, advise the consular authority of the flag State before taking any steps, and shall facilitate contact between such authorities and the ship's crew. In cases of emergency this notification may be communicated while the measures are being taken.



4. Local authorities shall not take any steps on board a ship passing through the territorial sea to arrest any person or conduct any investigation in connection with any crime committed before the ship enters into the territorial sea and it is only passing through the territorial sea without entering internal waters.

Article 16  
Civil jurisdiction of foreign ships

The authorities may not levy execution against, or arrest, the ship for the purpose of any civil proceeding, save only:

- (a) In respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its voyage through the territorial sea or internal waters;
- (b) In the cases provided for by the maritime Code.

Article 17  
Government ships

1. The rules provided for in the preceding article shall apply also to foreign Government ships operated for commercial purposes.

2. The above rules do not affect the immunities which Government ships operated for non-commercial purposes enjoy.

Article 18  
Arrest of vessels by authorities

In case where a punishment is prescribed for infringement committed by a foreign vessel the Somali authorities may arrest the vessel until the said punishment is fulfilled or a sufficient security for this purpose is furnished.

...

118. SOUTH AFRICA

Territorial Waters Act No. 87 of 1963, as amended by the  
Territorial Waters Amendment Act, No. 98 of 1977 <sup>220/</sup>

...

Definition of terms

1. In this Act, unless the context otherwise indicates:

"fish" means the living resources of the sea;

"low-water mark" means the lowest line to which the water of the sea recedes during periods of ordinary spring tides;

"nautical mile" means the international nautical mile of 1,852 metres;

(Definition of "nautical mile" inserted by s.1 (a) of Act No. 98 of 1977)

"Republic" ...

(Definition of Republic deleted by s.1 (b) of Act No. 98 of 1977)

"sea" means the water and the bed of the sea.

Territorial waters of the Republic

2. The sea within a distance of twelve nautical miles from the low-water mark shall be the territorial waters of the Republic.

(S.2 substituted by s.2 of Act No. 98 of 1977)

...

Application of laws relating to the territorial waters, etc.

5. Any law relating to the territorial waters of the Republic or to the sea within a distance of three miles or three nautical miles from the low-water mark, shall apply:

(a) In respect of the territorial waters of the Republic as defined in section two; or

...

Determination of territorial waters and  
fishing zone in special cases

6. (1) In the determination of the extent of the territorial waters of the Republic referred to in section two, the rules contained in the Convention on the Territorial Sea and the Contiguous Zone signed at Geneva on the twenty-ninth day of April 1958, shall apply.

...

...

Short title

9. This Act shall be called the Territorial Waters Act, 1963.

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<sup>220/</sup> Text communicated by the Permanent Mission of South Africa to the United Nations.

119. SPAIN

Act No. 10/1977 of 4 January 1977 <sup>221/</sup> <sup>222/</sup>

...

Article 1

The sovereignty of the Spanish State shall extend, beyond its land territory and its internal waters, to the territorial sea adjacent to its coast, delimited in accordance with the provisions of the following articles.

Such sovereignty shall be exercised, in accordance with international law, over the water column, seabed, subsoil and resources of the territorial sea, and over the superjacent airspace.

Article 2

The inner limit of the territorial sea shall be determined by the low-water line and by such straight baselines as may be established by the Government.

Article 3

The outer limit of the territorial sea shall be determined by a line drawn in such a way that the points constituting it are at a distance of 12 nautical miles from the nearest points of the baselines referred to in the preceding article.

Article 4

Failing agreement to the contrary, the territorial sea shall not, in relation to neighbouring countries and countries whose coasts are opposite to those of Spain, extend beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two countries is measured, such baselines being drawn in accordance with international law.

Article 5

This Act shall not affect the fishing rights recognized or established for foreign vessels under international agreements.

FIRST FINAL PROVISION

This legal enactment is not to be interpreted as recognition of any rights or situations in connection with the waters of Gibraltar other than those referred to in article 10 of the Treaty of Utrecht, of 13 July 1713, between the Crowns of Spain and Great Britain.

...

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<sup>221/</sup> Communicated by the Permanent Mission of Spain to the United Nations.

<sup>222/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 281.

120. SRI LANKA

1. Maritime Zones Law, No. 22 of 1976 <sup>223/</sup> <sup>224/</sup>

Section 1

1. This Law may be cited as the Maritime Zones Law, No. 22 of 1976.

Section 2

2. (1) The President of the Republic of Sri Lanka may, by Proclamation published in the Gazette, declare the limits of the sea beyond the land territory and internal waters of Sri Lanka which shall be the territorial sea of Sri Lanka, specifying in such Proclamation the baselines from which such limits shall be measured. ...

(2) Where an island or rock, or a group of islands and rocks, or a group of islands or a group of rocks, constituting part of the territory of Sri Lanka is situated seaward from the main coast or baseline, the territorial sea shall extend to the limits declared by the Proclamation under subsection (1) measured from the low-water mark of ordinary spring tides along the seaward edge of such island or rock, or group of islands and rocks, or group of islands or group of rocks.

(3) The sovereignty of the Republic extends to the territorial sea and to the airspace over the territorial sea as well as to its bed and subsoil.

Section 3

3. (1) Ships of all States shall enjoy the right of innocent passage through the territorial sea. Passage is innocent only so long as such passage is not prejudicial to the peace, good order or security of the Republic;

Provided that no foreign warship shall enter or pass through the territorial sea except with the prior consent of, and subject to such conditions as may be specified by, the Minister.

(2) No foreign aircraft shall enter or pass through the airspace above the territorial sea, except in accordance with the written laws in force in Sri Lanka;

Provided that no foreign military aircraft shall enter or pass through the airspace above the territorial sea except with the prior consent of, and subject to such conditions as may be specified by, the Minister.

(3) A foreign ship or foreign aircraft which acts in contravention of the provisions of this section is liable to confiscation.

(4) The Minister may, by Order published in the Gazette, suspend, in a specified area or areas of the territorial sea the right of innocent passage of any ship, if, in his opinion, such suspension is necessary in order to safeguard the peace, good order or security of the Republic.

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<sup>223/</sup> United Nations, Legislative Series, ST/LEG/SER.B/19, p. 120.

<sup>224/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 294.

Section 4

4. (1) The President may, by Proclamation published in the Gazette, declare the limits of a zone contiguous to the territorial sea and extending seaward from the outer limits of the territorial sea which shall be the contiguous zone of Sri Lanka.

(2) Where there is a reasonable apprehension of the contravention of any written laws of Sri Lanka in relation to:

- (a) The security of the Republic;
- (b) Immigration, health and sanitation;
- (c) Customs and other revenue matters,

the relevant Minister shall take such measures as may be necessary in respect of the contiguous zone in order to secure the enforcement of, or to prevent the contravention of, such laws.

...

Section 9

9. (1) The President may by Proclamation published in the Gazette declare the limits of the historic waters of Sri Lanka.

(2) The Republic of Sri Lanka shall exercise sovereignty, exclusive jurisdiction and control in and over the historic waters, as well as in and over the islands and the continental shelf and the seabed and subsoil thereof within such historic waters.

Section 10

10. As soon as may be convenient after the coming into operation of this Law, and thereafter whenever necessary the Minister may require the Surveyor-General to publish or cause to be published a map indicating the low-water mark of ordinary spring tides, the baselines for measurement of the territorial sea and the outer limits of the territorial sea and other maritime zones and jurisdiction of Sri Lanka declared in accordance with the provisions of this Law.

Section 11

11. Notwithstanding anything to the contrary in any other written law, every reference in any written law to the expressions "territorial waters", "territorial sea", "coastal waters", "contiguous zone", ... shall be read and construed subject to and in accordance with the provisions of this Law.

Section 12

12. In order to give effect to the principles and provisions of this Law, all written laws in force in Sri Lanka shall be read and construed as though the applicability of such laws, wherever relevant, extends to the limits of the contiguous zone, ...

Section 13

13. (1) The Minister may make regulations for the purpose of giving effect to the provisions of this Law.

(2) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of such publication or upon such later date as may be specified in the regulation.

(3) Every regulation made by the Minister shall, as soon as convenient after its publication in the Gazette, be brought before the National State Assembly for approval. Every regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything previously done thereunder.

#### Section 14

14. In any proceedings before any court in Sri Lanka, if a question arises as to whether any act or omission has been done or omitted to be done within or without the territorial sea of Sri Lanka, or in any other zone of jurisdiction declared under this Law, a certificate of the Minister signed by him shall be prima facie proof of the place where such act or omission was done or omitted to be done.

#### Section 15

15. In this Law, unless the context otherwise requires:

"foreign aircraft" shall have the same meaning as in the Air Navigation Act;

"military aircraft" means an aircraft which, by reason of the equipment contained therein, could be used for any warlike purpose;

"ship" means any description of ship or vessel or boat, or any other description of vessel used in navigation on or below the waters and not exclusively propelled by oars, paddles or poles, and includes all equipment, apparel and appurtenances (excluding supplies for maintenance) which are necessary for the navigation and conduct of the business of the ship; and

"warship" means a ship which, by reason of the equipment contained therein, could be used for any warlike purpose.

#### 2. Presidential Proclamation of 15 January 1977 <sup>225/</sup>

...

Now therefore, I, William Gopallawa, President of the Republic of Sri Lanka, do by this Proclamation declare, in pursuance of the powers vested in me by sections 2, 4, 5, 7 and 9 respectively of the Maritime Zones Law, No. 22 of 1976:

(1) That the territorial sea of Sri Lanka shall, notwithstanding anything in any prior proclamation declaring the territorial sea of Sri Lanka, and except as provided in paragraph 7 (iii) hereof, extend to the sea to a distance of 12 nautical miles measured from the baselines described in paragraph (2);

(2) That the breadth of the territorial sea shall be measured from the low-water mark of ordinary spring tides along the coast of the mainland and along the seaward edge of islands;

Provided that for the purpose of determining the baselines for delimiting the territorial sea:

- (i) A low-tide elevation which lies wholly or partly within the breadth of sea which would be territorial sea if all low-tide elevations were disregarded for the purpose of the measurement of the breadth thereof shall be treated as islands;

- (ii) Permanent installations further out to sea which form an integral part of a port system shall be considered as part of the coast of the mainland;
- (iii) The method of straight baselines may be employed in drawing the baselines where there are deep bays and inlets in the coast or where there is a fringe of islands immediately adjacent to the coast, provided that such baselines shall not depart appreciably from the general direction of the coast and the areas of the sea lying landward from these lines shall be sufficiently closely linked to the land domain to be subject to the regime of internal waters;

...

(3) That the contiguous zone of Sri Lanka shall extend 24 nautical miles seaward from the baselines from which the territorial sea is measured;

...

- (7) (i) That the historic waters of Sri Lanka shall comprise the areas of sea in the Palk Strait, Palk Bay and the Gulf of Mannar bounded by:
  - (a) The coast of the mainland of Sri Lanka;
  - (b) The maritime boundary between Sri Lanka and India as defined in Section 8 of the Maritime Zones Law, No. 22 of 1976;
  - (c) The arc of Great Circle between the following positions defined by latitude and longitude in the Gulf of Mannar:
    - (i) 08° 15' 0" North, 79° 44' 0" East
    - (ii) 08° 22' 2" North, 78° 55' 4" East; and
  - (d) The arc of Great Circle between the following positions defined by latitude and longitude in the Palk Strait:
    - (i) 09° 49' 8" North, 80° 15' 2" East,
    - (ii) 10° 05' 0" North, 80° 03' 0" East;
  - (ii) The historic waters in the Palk Bay and Palk Strait shall form part of the internal waters of Sri Lanka;
- (iii) The historic waters in the Gulf of Manmar shall form part of the territorial sea of Sri Lanka.

121. SUDAN

Territorial Waters and Continental Shelf Act, 1970 <sup>226/</sup>

CHAPTER I  
PRELIMINARY

Interpretation

2. In this Act, unless the context otherwise requires:

- (b) "bay" means any extension, inclination, inlet, lagoon, bend, gulf or other arm of the sea;
- (c) "coast" means the coast of the Democratic Republic of the Sudan adjacent to the Red Sea, as marked on charts or maps officially recognized by the Democratic Republic of the Sudan, and includes the outermost permanent harbour works which form an integral part of the harbour system;
- (g) "passage" means navigation through the territorial waters;
- (h) "innocent passage" means the passage of the ship through the territorial waters so long as it is not prejudicial to the peace, good order or security of the Democratic Republic of the Sudan and is in conformity with rules of international law and includes stopping and anchoring but only in so far as the same are incidental to ordinary navigation or are rendered necessary by force majeure or by distress;

CHAPTER II  
INTERNAL WATERS AND TERRITORIAL WATERS

Territorial waters

5. The territorial waters of the Democratic Republic of the Sudan extend seaward to a distance of twelve nautical miles and shall be measured from the straight baseline as marked on large-scale maps recognized by the Democratic Republic of the Sudan.

The baseline for measuring the territorial waters

6. (1) The baseline for measuring the breadth of the territorial waters of the Democratic Republic of Sudan shall consist of:

- (a) Where the coast of the mainland or an island is wholly exposed to the open sea, the lowest low-water line as marked on large-scale charts officially recognized by the Democratic Republic of the Sudan;
- (b) Where a bay belongs to the Democratic Republic of the Sudan, a line drawn from headland to headland across the mouth of the bay;
- (c) Where a shoal is situated not more than twelve nautical miles from the mainland or from a Sudanese island, the lowest low-water line on that shoal;
- (d) Where a port or harbour faces the open sea, a line drawn along the seaward side of the outermost works of the port or harbour and between such works;



(e) Where an island is not more than twelve nautical miles from the mainland, appropriate lines drawn from the mainland and along the outer shores of the island;

(f) Where there is an island group which may be connected by lines not more than twelve nautical miles long, of which the island nearest to the mainland is not more than twelve nautical miles from the mainland, appropriate lines drawn from the mainland and along the outer shores of all the islands of the group if the islands form a chain, or along the outer shores of the outermost islands of the group if the islands do not form a chain;

(g) Where there is an island group which may be connected by lines not more than twelve nautical miles long, of which the island nearest to the mainland is more than twelve nautical miles from the mainland, lines drawn along the outer shores of all the islands of the group of the islands which form a chain, or along the outer shores of the outermost islands of the group if the islands do not form a chain.

(2) If the delimitation of the territorial waters in accordance with the provisions of this Act results in any portion of the high seas being wholly surrounded by territorial waters and such portion does not extend more than twelve nautical miles in any direction, such portion shall form part of the territorial waters.

...

(4) If the internal waters of the Democratic Republic of the Sudan described in section 4, or if the territorial waters delimited in accordance with sections 5 and 6 overlap internal or territorial waters of another State, the delimitation of the internal waters or, as the case may be, the territorial waters of the Democratic Republic of the Sudan and of that State shall, failing agreement between the Democratic Republic of the Sudan and the other State to the contrary, be determined in accordance with the principles of international law.

#### Power to take action in the territorial waters

7. The Democratic Republic of the Sudan shall have power to take all necessary action in the territorial waters:

- (a) To protect itself against any act prejudicial to the security, safety or interests of the Democratic Republic of the Sudan, according to the Sudanese laws, and rules of international law;
- (b) To prevent a ship proceeding to internal waters from committing any breach of the conditions to which admission of the ship to those waters is subject.

#### Foreign ships

8. (1) The ships passing through the territorial waters shall comply with the Sudanese laws in force as well as the provisions of international law and agreements and, in particular, of those relating to carriage and navigation.

(2) The Democratic Republic of the Sudan may suspend in specified areas of its territorial waters the passage of foreign ships if such suspension is, in its opinion, necessary for its security but such suspension shall take effect only after having been duly published.

(3) The passage of military vessels in the territorial waters shall be subject to previous permission, and the Government may take all necessary action against ships committing any breach, and submarines shall navigate on the surface and shall show the flag of the nation to which they belong.

Power to exercise control over area of high seas

9. The Government may exercise necessary control over the high seas contiguous to its territorial waters up to a distance of six nautical miles measured from the limits of the territorial waters of the Democratic Republic of the Sudan:

- (a) To prevent infringement of its customs, fiscal, immigration, sanitary or security laws within its territory or territorial waters;
- (b) To punish infringement of any of the laws aforesaid committed within its territory or territorial waters.

...

122. SURINAME

Law concerning the Extension of the Territorial Sea and the Establishment of a Contiguous Economic Zone, of 11 June 1978 <sup>227/</sup>

...

Article 1

The sovereignty of the Republic of Suriname extends beyond the land territory and the internal waters to:

- (a) A belt of sea adjacent to its coast and described as the territorial sea;
- (b) The airspace above the territorial sea; and
- (c) The seabed and the subsoil of the territorial sea.

The Republic of Suriname exercises this sovereignty with due observance of the rules of international law.

Article 2

The outer limit of the territorial sea is determined by a line, each point of which is situated at a distance of 12 nautical miles from the nearest point on the line of the low-water mark along the shore, the so-called baseline.

...

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<sup>227/</sup> Text transmitted by the Permanent Mission of Suriname to the United Nations in a note verbale dated 2 June 1978.

123. SWEDEN

1. Act concerning the Territorial Waters of Sweden, of 3 June 1966,  
with Amendments of Sections 2 and 3 enacted  
on 20 December 1979 <sup>228/</sup> <sup>229/</sup>

Section 1

The territorial waters of Sweden comprise internal waters and the territorial sea. The territorial waters are delimited to the high seas or the territories of other States by the territorial limit.

...

Section 3

The territorial sea consists of the waters outside Sweden's land areas and internal water areas to a breadth of twelve nautical miles or 22,224 metres from the baselines specified in section 4.

However, the territorial sea extends in:

- (a) The Skagerrak, not beyond the established frontier with Norway nor beyond a straight line (compass line) between the point 58°53'34.0" N, 10°38'25.0" E and point 58°45'41.3" N, 10°35'40.0" E;
- (b) The Skagerrak and the Kattegat, not beyond straight lines between the point 57°59.0'N, 10°59.8'E, the point 57°50.1'N, 11°09.0'E, the point 57°40.5'N, 11°12.3'E, the point 57°27.2'N, 11°31.4'E, the point 57°23.0'N, 11°35.3'E, the point 57°10.4'N, 11°41.2'E, the point 56°58.4'N, 12°00.5'E, the point 56°38.2'N, 12°18.0'E, the point 56°23.0'N, 12°07.2'E and the point 56°18.1'N, 12°19.7'E nor beyond a line which runs four nautical miles from the baseline between the point 56°18.1'N, 12°19.7'E and the point 56°14.4'N, 12°23.6'E;
- (c) The Oresund, not beyond the line along its length specified in the Swedish-Danish Declaration of 30 January 1932 concerning certain boundaries in the Oresund, nor beyond the northern limit of the Oresund towards the Kattegat west of the point 56°14.4'N, 12°23.6'E and in the south towards the Baltic Sea west of the point 55°20.87'N, 12°41.32'E according to the demarcation lines specified in the Declaration;
- (d) The southern Baltic Sea, not beyond a line running four nautical miles from the baseline that passes between the point 55°20.87'N, 12°41.32'E and the point 55°17.70'N, 12°43.32'E nor beyond a straight line between the latter point and the point 55°08.9'N, 12°55.7'E;
- (e) The Bornholmshavet, not beyond a straight line between the point 55°10.6'N, 14°10.2'E and the point 55°36.4'N, 14°42.3'E;
- (f) The Gulf of Bothnia, the Bothnian Sea, the Sea of Aland and the northernmost part of the Baltic Sea, not beyond the established frontier to Finland and in those areas where there is no such frontier, not beyond

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<sup>228/</sup> Text communicated by the Permanent Mission of Sweden to the United Nations.

<sup>229/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 299.

any of the boundaries of the continental shelf or of the Swedish fishing zone which have been agreed with Finland, nor beyond the median line between the Swedish and Finnish baselines.

#### Section 4

In the case of land areas, the baseline from which the territorial sea is measured is the low-water line along the coast. The territorial sea, however, is measured from skerries which rise above sea level at low-water level but not at mean water level, only if the skerries are not more than twelve nautical miles from the land areas belonging to Sweden which are visible above water surface at mean water level.

As regards internal waters along the coast, the territorial sea is measured from the outer boundaries of these water areas (straight baselines) unless such measurement is to be done in some other way because a land area is situated outside a straight baseline.

...

2. Proclamation of 3 June 1966 concerning the admission to Swedish territory of foreign naval vessels and military aircraft <sup>230/</sup>

#### Article 1

For the purpose of this Proclamation, Swedish territory shall mean the land territories and territorial waters as well as the airspace above.

#### Article 2

The provisions of the Proclamation concerning naval vessels shall also apply to other vessels and hovercraft owned or used by a foreign Power and employed for a non-commercial purpose. The provisions concerning military aircraft shall equally apply to other aircraft for a non-commercial purpose.

#### Article 3

If Sweden should be at war the Proclamation shall be void.

Articles 15 to 29 shall enter into force when the King in Council so ordains. When these articles are in force, articles 4, 5 and 7 to 14 shall not apply to naval vessels and military aircraft of a belligerent Power.

#### GENERAL PROVISIONS APPLYING TO NAVAL VESSELS AND MILITARY AIRCRAFT OF A FOREIGN POWER

#### Article 4

A naval vessel of a foreign Power shall be admitted to pass through the territorial sea after notification through diplomatic channels. No such notification, however, is required for a passage through the territorial sea in the Oresund (the Sound) between the lines Kullen-Gilbjerghoven and Falsterbo Udde (Falsterbo Point)-the Stevn Lighthouse.

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<sup>230/</sup> Gunnar Alexandersson, International Straits of the World: The Baltic Straits (Dordrecht, The Netherlands, Martinus Nijhoff Publishers, 1982), p. 109.

Admittance to Swedish territory for naval vessels in a case other than that referred to in the first paragraph requires permission. No permission, however, is required for a naval vessel in distress or when used by the Head of State of a foreign Power when visiting Sweden.

Article 5

A military aircraft of a foreign Power shall be admitted to pass through the airspace above the territorial sea in the Oresund (the Sound) between the lines Kullen-Gilbjerghoved and Falsterbo Udde (Falsterbo Point) - the Stevn Lighthouse.

Admittance to Swedish territory of aircraft in a case other than that referred to in the first paragraph requires permission. No permission is, however, required for an aircraft in distress or when used by the Head of State of a foreign Power when visiting Sweden.

Article 6

For naval vessels and military aircraft of a foreign Power, the Swedish regulations, where relevant, in respect of health pilotage, customs, traffic, port, airport and public order as well as the regulations regarding the use of a wireless station shall apply within Swedish territory. Instructions given by a Swedish authority shall be followed.

Article 7

A naval vessel of a foreign Power shall not stop or anchor or otherwise interrupt its voyage within Swedish territory without permission unless this is necessary for the safety of the vessel. Should a naval vessel have to interrupt its voyage or should it, because of distress, enter internal waters, the vessel shall, if possible, make an international signal and notify a Swedish authority of the circumstances.

Article 8

A naval vessel of a foreign Power shall have its national flag hoisted when proceeding through the territorial waters. Submarines must keep to the surface. In internal waters a naval vessel shall proceed in pilotage waters, utilizing the services of a competent Swedish pilot.

Article 9

Military aircraft of a foreign Power shall within Swedish territory be navigated within controlled airspace and in accordance with the regulations applying to civil air navigation unless in a special case the King in Council decides otherwise. Should an aircraft enter the territory because of distress, it shall, if possible, make an international signal and notify a Swedish authority of the circumstances.

Article 10

Maps shall not be drawn or measuring carried out or sounding taken from a naval vessel or a military aircraft of a foreign Power unless this is necessary for the safety of the vessel or the aircraft. Air photography is forbidden.

Article 11

A naval vessel or a military aircraft of a foreign Power shall not without permission hold artillery exercises or such exercises as cannot in their entirety be carried out on board the vessel or the aircraft itself. Nor shall any manoeuvring connected with warlike exercises take place.

Article 12

On board a military aircraft of a foreign Power guns or cameras, other than those which are mounted on board the aircraft, as well as ammunition, explosives, photographic slides or films shall not be carried without special permission.

Article 13

Personnel of a naval vessel or a military aircraft of a foreign Power shall not be disembarked at any place other than that for which visiting permission has been granted. Disembarked personnel shall not be regarded as having entered the realm. Disembarked personnel shall not carry arms without permission. An officer or a warrant officer may nevertheless carry a blank weapon forming part of the uniform. ...

Article 14

The King in Council grants permission referred to in articles 4, 5, 7 and 11 to 13. The National Civil Aviation Administration, after consultation with the Supreme Commander of the Swedish Forces, may admit a military aircraft of a foreign Power to enter Swedish territory, if the aircraft is unarmed and is used for transportation on behalf of the United Nations or for such transportation as corresponds to civil aviation transportation. Permissions which are granted by the King in Council shall be obtained through diplomatic channels.

SPECIAL PROVISIONS APPLYING TO NAVAL VESSELS AND  
MILITARY AIRCRAFT OF A BELLIGERENT POWER

Article 15

Naval vessels and military aircraft of a belligerent Power shall respect Swedish neutrality. No act of war - including the arrest, capture or searching of a vessel or an aircraft - shall be undertaken within Swedish territory nor shall it be undertaken against any object or person within that territory. Swedish territory shall not be used as a base for war operations. Intelligence activities or operational control must not be carried out.

Article 16

A naval vessel of a belligerent Power shall be admitted to pass through the territorial sea for a maximum period of 24 consecutive hours. A submarine or a hovercraft, however, is only admitted to pass through the territorial sea in the Oresund (the Sound) between the lines Kullen-Gilbjerghoved and Falsterbo Udde (Falsterbo Point) - the Stevn Lighthouse. A naval vessel which has left the territorial sea may not return until at least 48 hours have elapsed.

Admission to Swedish territory in any other case than that referred to in the first paragraph is permitted only for a naval vessel in severe distress at sea and for a military hospital vessel or for such naval vessels as are fitted out and used exclusively for humanitarian purposes pursuant to a decision by the Commander-in-Chief of the Military Area after consultation with the Commissioner of the Civil (Defence) Area.

Article 17

Not more than three naval vessels of the same belligerent Power, or of allied belligerent Powers, may be within Swedish territory at the same time.

Article 18

A military aircraft of a belligerent Power may, without undue deviations from its course, enter the airspace above the territorial sea in the Oresund (the

Sound) between the lines Kullen-Gilfjerhoved and Falsterbo Udde (Falsterbo Point) - the Stevn Lighthouse.

Admission to Swedish territory in any case other than that referred to in the first paragraph is permitted only for an aircraft in distress or for an ambulance aircraft pursuant to a decision by the Supreme Commander of the Swedish Armed Forces.

...

#### Article 20

A naval vessel of a belligerent Power shall not stop or anchor or otherwise interrupt its voyage within Swedish territory unless this is necessary for the safety of the vessel. Should a naval vessel have to interrupt its voyage or should it enter a prohibited area of the territory because of distress at sea, or should it not be able to leave the territory within the prescribed time-limit, the vessel shall, if possible, make an international signal and notify a Swedish authority of the circumstances.

Should a naval vessel enter a prohibited area of the territory because of severe distress at sea or should the vessel not be able to leave the territory within the prescribed time limit, the Commander-in-Chief of the Military Area shall determine a reasonable respite within which the vessel shall leave the territory. It shall also rest with the Commander-in-Chief of the Military Area to decide to what extent repairs may be carried out. In this respect it must be observed that no respite shall be allowed if it is obvious that the vessel cannot be made seaworthy within a reasonable period of time, that damage ensuing from an act of war must not be repaired, and that other repairs may be executed only to the extent which is necessary for the seaworthiness of the vessel. Should the limit of the respite which has been fixed be exceeded, the vessel shall be retained through the offices of the Commander-in-Chief of the Military Area.

#### Article 21

A naval vessel of a belligerent Power shall always have its national flag hoisted when within Swedish territory. Submarines must keep to the surface. In internal waters a naval vessel shall proceed only in pilotage waters, utilizing the services of a competent Swedish pilot. In the territorial sea the services of a pilot may be utilized only in severe distress at sea.

#### Article 22

A naval vessel of a belligerent Power may replenish its supplies pursuant to a decision by the Commander-in-Chief of the Military Area if, when articles 15 to 29 enter into force, the vessel is in internal waters, or in the event of a respite having been granted the vessel by virtue of article 20. In this connection it should be observed that replenishing shall take place only to the extent needed to enable the vessel to reach the nearest port within its own territory.

Replenishing of supplies in any case other than that referred to in the first paragraph is permitted, pursuant to a decision by the Commander-in-Chief of the Military Area after consultation with the Commissioner of the Civil (Defence) Area for a military hospital vessel or if such naval vessels as are fitted out and used exclusively for humanitarian purposes ...

#### Article 23

A military aircraft of a belligerent Power which, because of distress, enters Swedish territory shall, if possible, make an international signal. Should a military aircraft have landed or alighted on water within the territory, the



aircraft shall be retained through the offices or the Commander-in-Chief of the Military Area. An ambulance aircraft, however, shall not be retained.

Article 24

Maps shall not be drawn or measuring carried out or sounding taken from a naval vessel or a military aircraft of a belligerent Power unless this is necessary for the safety of the vessel or the aircraft. Air photography is forbidden. Naval vessels or military aircraft shall not carry out exercises.

Article 25

A wireless installation on board a naval vessel or military aircraft of a belligerent Power shall not be used for transmission of wireless communications in cases other than those of distress or for communication with a Swedish authority via a Swedish radio station.

Article 26

Personnel of a naval vessel or military aircraft of a belligerent Power shall not be disembarked unless the Commander-in-Chief of the Military Area decides otherwise. Disembarked personnel shall not be regarded as having entered the realm.

SPECIAL PROVISIONS APPLYING TO A SHIP  
WHICH HAS BEEN CAPTURED, ETC.

Article 27

A foreign vessel which has been captured by a belligerent Power shall be admitted to pass through the territorial sea in the Oresund (the Sound) between the lines Kullen-Gilbjerghoved and Falsterbo Udde (Falsterbo Point) - the Stevn Lighthouse.

Admission to Swedish territory in any case other than that referred to in the first paragraph is permitted only for a captured vessel which is in severe distress at sea.

The provisions of articles 6, 15, 20, 21 and 24 to 26 shall apply to a captured vessel which is within the territory. A captured vessel shall not be allowed to replenish its supplies within the territory.

Article 28

A Swedish ship, captured by a belligerent Power, and which enters Swedish territory shall not leave the territory without permission by the King in Council.

Article 29

The provisions of article 27 shall, in applicable parts, govern the transportation of prisoners of war.

APPLICATION OF PROVISIONS

Article 30

Detailed provisions and instructions as to the application of this Proclamation are issued by the King in Council or, after authorization by the King in Council, by the Supreme Commander of the Swedish Armed Forces. In addition to the provisions of the Proclamation, such special regulations relative to admittance to Swedish territory apply as the King in Council may determine.

124. SYRIAN ARAB REPUBLIC

1. Law 37 of 16 August 1981 <sup>231/</sup>

...

Article 1

The Syrian waters, being extended to 35 nautical miles towards open sea. Starting from the baseline applicable for measurement of territorial waters, or from lowest tidal water level's line along the Syrian coast, as shown on large-scaled nautical maps recognized in the Syrian Arab Republic.

Article 2

To be published in the Official Gazette, all opposite and previous statements to be changed in accordance with this law's articles.

2. Legislative Decree No. 304 of 28 December 1963 <sup>232/</sup>

...

PART ONE  
DEFINITIONS

Article 1

Are meant by the terms appearing in this Legislative Decree, the following:

- (a) "The nautical mile": is the arc minute measured on the equator and equal to 1,852 metres;
- (b) "The bay": is the pronounced curve which has a depth in relation to the width of its mouth so as to encompass water surrounded by land. The curve is not considered a curve unless its area should be equal or more than half a circle circumscribed within the mouth of that curve;
- (c) "The island": is the land completely surrounded by water and is always in ordinary circumstances above the level of the high tide;
- (d) "The shoal": is every region within the territorial sea, covered with shallow water, part of which remains uncovered with water at the lowest level reached by the low tide;
- (e) "The seashore": is the Syrian Arab seashore facing the Mediterranean Sea, according to the official maps of the Syrian Arab Republic;
- (f) "The basins": are the regions that are usually used for the loading, unloading and anchoring of ships;
- (g) "The crossing": is the navigation across the territorial sea in view of crossing these waters without reaching the internal waters or entering them, or the exit to the high seas from the internal waters;
- (h) "The innocent passage": is the crossing necessitated by the normal course of the ship within the territorial sea without any contravention of the

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<sup>231/</sup> Law of the Sea Bulletin No. 1 (Division for Ocean Affairs and the Law of the Sea, United Nations), p. 61.

<sup>232/</sup> Limits in the Seas, No. 53, "Straight Baselines: Syria", Department of State of the United States of America.

navigation regulations or any action contrary to the security of the Syrian Arab Republic, or contrary to the navigation rules or other international rules. The passage includes the stopping or anchoring as a result of normal navigation or as a result of circumstances of force majeure;

...

- (k) "The baseline": is the imaginary line connecting two points on the land and used to measure the depth of the territorial sea;
- (l) "The harbour": is the region of the coast used for the anchorage of ships and the farthest parts of the installations of the harbour are considered as part of the coast.

...

PART TWO  
THE INTERNAL WATERS AND THE TERRITORIAL SEA

...

CHAPTER TWO  
THE TERRITORIAL SEA

Article 3

The territorial sea of the Syrian Arab Republic, the space above it, and the sea bottom and the subsoil under it are considered under the sovereignty of the Republic, with due consideration of the international law relating to the land passage of the ships of other nations.

Article 4

The territorial sea of the Syrian Arab Republic extends to a distance of twelve miles, in the direction of the sea, to be measured from the straight baseline, or from the lowest level of the circumscribed islands extending along the sea coast, as shown on the large-scale map, and approved by the Syrian Arab Republic.

CHAPTER THREE  
DETERMINATION OF THE BASELINE OF THE MEASUREMENT OF  
THE TERRITORIAL SEA

Article 5

The determination of the baseline for the measurement of the territorial sea in the Syrian Arab Republic shall be made according to the following:

- (a) If the sea coast or the coast of the island is open in its totality to the sea: Starting from the lowest tide at ebb;
- (b) In case of the presence of a bay facing the sea: Lines to be drawn at one point of the land from the entry of the bay to the other part;
- (c) In case of the presence of a shoal not farther than twelve nautical miles from the land: Lines to be drawn from the land all along the external edge of the shoal;

- (d) In case of the presence of a harbour or a port facing the sea: Lines to be drawn on all the sides facing the sea from the most prominent installations, and lines to be drawn also between the limits of these installations;
- (e) In case of the presence of an island not farther than twelve nautical miles from the sea: Lines to be drawn from the land all along the external shores of the island;
- (f) In case of the presence of a group of islands that can be connected with each other by lines not exceeding 12 nautical miles each, and the farthest island is not more than 12 nautical miles away: Lines to be drawn from the land, then along all the external shores of the group of islands if they are in the form of a range or lines to be drawn on the prominent shores of the islands if they do not form a range;
- (g) In case of the presence of a group of islands that can be connected with each other by lines not exceeding 12 nautical miles each, and the nearest island is not more than 12 nautical miles away from the seashore: Lines to be drawn all along the external shores of the islands if they form a range or along the external shores of the more prominent islands if they are not in the form of a range;
- (h) In every circumstance requiring a special system for measurement due to the depth of the seashore or the presence of islands along this shore: The line of measurement will be independent from the line of the island waters circumscribed and in these cases the system of straight convergent lines at suitable points and these lines are drawn in a way not to depart from the general direction of the seashore.

#### Article 6

In case the measurement of the territorial sea according to the provisions of this Legislative Decree leaves behind a region of high seas surrounded by the territorial sea from all sides and cannot be extended in any direction for a distance of 12 nautical miles: this region is considered as part of the territorial sea as well as any pocket that becomes prominent from the high seas and should be surrounded by a drawing of one straight line not exceeding 12 nautical miles in length.

#### Article 7

In case the waters of a State overlap the internal waters or the territorial sea of the Syrian Arab Republic, then the boundary should be fixed in agreement with that State in accordance with the principles applied in international law.

### PART THREE GENERAL PROVISIONS

#### Article 8

The authorities of the Syrian Arab Republic have the right to adopt all the necessary measures in the territorial sea to defend itself against any action harmful to its safety or interests, in accordance with the regulations in force and the provisions of international law.

#### Article 9

The authorities of the Syrian Arab Republic have the right to adopt all the necessary measures to prevent the ships entering the internal waters from contravening the conditions to which is subjected the entry of these ships to these waters.

Article 10

The foreign ships which exercise the right of passage in the territorial sea have to adhere to the laws and regulations in force in the Syrian Arab Republic as well as the provisions of the international laws, and especially those relating to transport and navigation.

Article 11

The authorities of the Syrian Arab Republic in cases where it is found necessary have the right to stop the land passage within areas to be fixed provided this is published beforehand.

Article 12

The passage of military ships in the territorial waters is subject to a previous permission and the authorities of the Syrian Arab Republic have the right to adopt all the necessary measures against contravening ships. It is not allowed for submarines to pass underwater in the territorial sea.

Article 13

The authorities of the Syrian Arab Republic have the right to impose the necessary supervision on the region of the high seas adjacent to the territorial sea for a distance of 6 miles from that sea, in view of the following:

- (a) Prevention of any contravention relating to laws and security, customs, hygiene, finance, either on the land or in the territorial sea;
- (b) The penalty arising from the contravention of the said laws will apply whether the contravention occurs on the land or on the territorial sea.

...

125. THAILAND

1. Proclamation establishing the Breadth of the Territorial Waters, of 6 October 1966 <sup>233/ 234/</sup>

Whereas Thailand always maintains that the sovereignty of Thailand extends, beyond its land territory and its internal waters, to a belt of sea adjacent to the coast, described as the territorial sea, including the airspace over the territorial seas as well as its bed and subsoil;

Whereas it is deemed appropriate to establish the breadth of the coastal territorial waters;

It is hereby proclaimed that the breadth of the territorial waters of Thailand is established at twelve nautical miles measured from a baseline used for measuring the breadth of the territorial sea.

2. Statement of the Ministry of Foreign Affairs of Thailand regarding the position of the Royal Thai Government on the right of innocent passage in the territorial seas, etc. <sup>235/</sup>

It has been brought to the attention of the Ministry of Foreign Affairs that several States have now enacted laws and regulations, the effect of which is to restrict the rights of passage and the freedom of navigation of foreign ships in their maritime zones. The Ministry of Foreign Affairs wishes to make known the position of the Royal Thai Government on this matter as follows:

1. According to the well-established rules of customary international law and State practice as recognized and codified by the 1982 United Nations Convention on the Law of the Sea, ships of all States have the right of innocent passage in the territorial sea, the right of transit passage in the strait used for international navigation and the freedom of navigation in the exclusive economic zone of another State.

2. All foreign ships, including warships, merchant ships and fishing vessels, can exercise such rights and freedom without having to give prior notification to, or obtain prior permission, approval or consent from, the coastal State concerned regarding their intended passage.

3. Therefore, any laws and regulations which tend to restrict the aforesaid rights and freedom are contrary to the rules of customary international law and are, moreover, incompatible with the obligations assumed by the States concerned when they signed the 1982 Convention.

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<sup>233/</sup> United Nations, Legislative Series, ST/LEG/SER.B/16, p. 34.

<sup>234/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 306.

<sup>235/</sup> Text transmitted by the Permanent Mission of Thailand to the United Nations in a note verbale dated 18 February 1993.

4. For these reasons, the Royal Thai Government feels obliged to declare that Thailand does not consider itself bound by the laws and regulations in question. In the meantime, it is hoped that States which have enacted such laws and regulations will not actually carry out any measure to impede or interfere in any way with the legitimate exercise by foreign ships of the right of innocent passage in their territorial seas, the right of transit passage in their straits used for international navigation or the freedom of navigation in their exclusive economic zone.

126. TOGO

Ordinance No. 24 of 16 August 1977 delimiting the territorial waters and creating a protected economic maritime zone <sup>236/</sup>

Article 1

The territorial waters shall extend for a distance of 30 nautical miles from the low-water line.

...

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<sup>236/</sup> United Nations, Legislative Series, ST/LEG/SER.B/19, p.130.



127. TONGA

The Territorial Sea and Exclusive Economic Zone Act,  
No. 30 of 1978, as amended by Act No. 19 of 1989 <sup>237</sup>

...

Short title and commencement

1. (1) This Act may be cited as the Territorial Sea and Exclusive Economic Zone Act, 1978 (Amendment) Act, 1989.

...

(3) This Act shall come into force on the day that the principal Act comes into force.

Interpretation

2. (1) In this Act, unless the context otherwise requires,

"Bay" means an indentation of the coast such that its area is not less than that of the semicircle whose diameter is a line drawn across the mouth of the indentation (for the purposes of which definition:

- (a) The area of an indentation shall be taken to be the area bounded by the low-water mark around the shore of the indentation and the straight line joining the low-water marks of its natural entrance points; and
- (b) Where, because of the presence of islands, an indentation has more than one mouth, the length of the diameter of the semicircle referred to shall be the sum of the lengths of the straight lines drawn across each of the mouths; and
- (c) In calculating the area of an indentation, the area of any islands lying within it shall be treated as part of the area of the indentation);

...

"International agreement" means any bilateral or multilateral treaty, convention or agreement, to which Tonga is a party, and concluded by the Government of Tonga and the Government of any other country;

"Island" means a naturally formed area of land that is surrounded by and above water at mean high-water spring tides;

...

"Low-tide elevation" means a naturally formed area of land that is surrounded by and above water at mean low-water spring tides but is submerged at mean high-water spring tides;

"Median line", as between Tonga and any other country, means a line every point of which is equidistant from the nearest points of the baseline of the territorial sea of Tonga and the corresponding baseline of that other country;

"Nautical mile" means the international nautical mile of 1,852 metres;

...

"Prescribed" means prescribed by regulations under this Act;

...

(2) For the purposes of this Act, permanent harbour works that form an integral part of a harbour system shall be treated as forming part of the coast.

PART I  
THE TERRITORIAL SEA OF TONGA

The territorial sea

3. The territorial sea of Tonga comprises those areas of the sea having, as their inner limits, the baseline described in sections 5 and 6 of this Act and, as their outer limits, a line measured seaward from that baseline, every point of which line is distant 12 nautical miles from the nearest point of the baseline.

...

Baseline of territorial sea

5. (1) Except as otherwise provided in section 6 of this Act, the baseline from which the breadth of the territorial sea of Tonga is measured shall be:

- (a) In the case of islands situated on atolls or of islands having fringing reefs, the low-water mark along the seaward edge of the reef;
- (b) In the case of islands not situated on atolls or of islands not having fringing reefs, the low-water mark along the coast of those islands.

(2) For the purposes of this section, a low-tide elevation that lies wholly or partly within the breadth of sea that would be territorial sea if all low-tide elevations were disregarded for the purpose of the measurement of the breadth of the territorial sea shall be treated as an island.

Baseline of territorial sea adjacent to a bay

6. In the case of the sea adjacent to a bay, the baseline from which the breadth of the territorial sea is measured:

- (a) Where the bay has only one mouth and the distance between the low-water marks of the natural entrance points of the bay does not exceed 24 nautical miles, shall be a straight line joining those low-water marks; and
- (b) Where, because of the presence of islands, the bay has more than one mouth and the distances between the low-water marks of the natural entrance points of each mouth added together do not exceed 24 nautical miles, shall be a series of straight lines across each of the mouths so as to join those low-water marks; and
- (c) Where neither paragraph (a) nor paragraph (b) of this section applies, shall be a straight line 24 nautical miles in length drawn from low-water mark to low-water mark within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.

Bed of territorial sea and internal waters vested in Crown

7. Subject to the grant of any estate or interest therein (whether by or pursuant to the provisions of any enactment or otherwise, and whether made before

or after the commencement of this Act), the seabed and subsoil of submarine areas bounded on the landward side by the low-water mark along the coast of all islands of Tonga and on the seaward side by the outer limits of the territorial sea of Tonga shall be deemed to be and always to have been vested in the Crown.

Regulations for territorial sea

8. The King in Council may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Regulating the conduct of scientific research within the territorial sea;
- (b) Prescribing measures for the protection and preservation of the marine environment of the territorial sea;
- (c) Regulating the construction, operation and use of artificial islands (whether permanent or temporary) and other installations and structures in the territorial sea, including the establishment of safety zones around such islands, installations, and structures;
- (d) Regulating the exploration and exploitation of the territorial sea for the production of energy from the water, currents and winds, and for any other economic purposes;
- (e) Providing for such other matters as are necessary or expedient for giving full effect to the sovereignty of Tonga in relation to the territorial sea;
- (f) Providing that a breach of any such regulations shall be a criminal offence, and imposing penalties by way of fine not exceeding \$10,000 for any such offences;
- (g) Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Part of this Act and for its due administration.

...

PART III  
MISCELLANEOUS PROVISIONS

...

Official charts

13. (1) For the purposes of this Act, the low-water mark in any specified area shall be the line of low water at mean low-water spring tides as depicted on the largest-scale British Admiralty chart for the time being of that area.

(2) In any proceedings in any Court, a certificate purporting to be signed by the Harbour Master that any specified British Admiralty chart of that area is the largest-scale British Admiralty chart for the time being available of that area shall be admissible as evidence of that matter.

Onus of proof in respect of offences

14. In any criminal proceedings under this Act where a defendant is charged with having committed an offence, or with having contravened any other provision in any regulations made under this Act under which a licence or permit or the consent of any person is required for the doing of any act, the onus shall be on the defendant to prove that at the time to which the charge relates, the requisite licence, permit or consent was duly held.

128. TRINIDAD AND TOBAGO

1. Territorial Sea Act 1969, No. 38 of 6 December 1969 <sup>238/</sup>

...  
Short title and commencement

1. (1) This Act may be cited as the Territorial Sea Act, 1969.

(2) This Act shall come into force on such day as the Governor-General may appoint by Proclamation published in the Gazette.

Interpretation

2. In this Act:

"island" means a naturally formed area of land which is surrounded by and above water at mean high-water spring tides;

"low-water line" has the meaning assigned thereto by section 7;

"low-tide elevation" means a naturally formed area of land which is surrounded by, and above water at mean low-water spring tides but is submerged at mean high-water spring tides;

"nautical mile" means the international nautical mile.

Territorial sea

3. The territorial sea of Trinidad and Tobago comprises those areas of the sea having as their inner limits the baselines defined in section 5 and as their outer limits a line measured seaward from that baseline, every point of which is distant twelve nautical miles from the nearest point of the baseline so, however, that where the outer limits of the territorial sea of Trinidad and Tobago intersect foreign territorial waters the outer limits thereof shall be resolved through agreements or other means recognized by international law.

...  
Baseline of territorial sea

5. (1) The baselines from which the territorial sea shall be measured shall be:

(a) The low-water line along the coasts of the island of Trinidad and of the island of Tobago as well as the coast of all other islands that form part of Trinidad and Tobago; and

(b) The straight baselines drawn from points shown on a large-scale Government map of Trinidad and Tobago in localities where the coastline is deeply indented and cut into or if there is a fringe of islands in its immediate vicinity.

(2) For the purposes of subsection (1) (a), a low-tide elevation that lies wholly or partly within the breadth of the sea which would be territorial sea if all low-tide elevations were disregarded for the purpose of the measurement of the breadth thereof, shall be treated as an island.

Bed of territorial sea and internal waters vested  
in Her Majesty

6. The seabed or submarine areas bounded on the landward side by the baselines referred to in section 5 and on the seaward side by the outer limits of the territorial sea shall be deemed to be and always to have been vested in Her Majesty in right of Her Government of Trinidad and Tobago.

Official charts

7. (1) For the purposes of this Act, the low-water line in any specified area shall be the line of low water at mean low-water spring tides as depicted on the largest-scale Trinidad and Tobago Government nautical chart for the time being of that area or, where no such chart of that area exists, the largest scale British Admiralty Chart for the time being of that area.

(2) In any proceedings in any Court a certificate purporting to be signed by the Minister of Home Affairs or a person authorized by him that:

- (a) Any specified Trinidad and Tobago Government nautical chart of any area is the largest-scale Trinidad and Tobago Government nautical chart for the time being of that area; or
- (b) No Trinidad and Tobago Government nautical chart for any area exists and that any specified British Admiralty chart of that area is the largest-scale British Admiralty Chart for the time being of that area,

shall be admissible as evidence of the matter stated in the certificate.

(3) Every person signing any such certificate shall, in the absence of proof to the contrary, be presumed to be duly authorized to sign it.

Permanent harbour works

8. For the purposes of this Act, permanent harbour works which form an integral part of a harbour system shall be treated as forming part of the coast.

Act binds the Crown

9. This Act binds the Crown.

...

- 2. Archipelagic Waters and Exclusive Economic Zone Act, 1986,  
No. 24 of 11 November 1986 <sup>239/</sup>

...

Short title

1. This Act may be cited as the Archipelagic Waters and Exclusive Economic Zone Act, 1986.

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<sup>239/</sup> Legal Supplement, Part A, to the Trinidad and Tobago Gazette, vol. 25, No. 311, of 17 November 1986.

PART I  
PRELIMINARY

Interpretation

2. In this Act:

"allowable catch" means the amount of living resources determined by the Minister to whom responsibility for fisheries is assigned in accordance with relevant environmental and economic factors;

...

"contiguous zone" means that area contiguous to the territorial sea which does not extend beyond twenty-four nautical miles from the archipelagic baselines from which the breadth of the territorial sea is measured;

...

"fish" includes oysters, crabs, shrimps, turtles, turtle eggs, coral and any species of other marine fauna;

"fishery" means any one or more stocks of fish, which can be treated as a unit for the purpose of conservation and management, and which are identified on the basis of geographical, scientific, technical, recreational and economical characteristics, and includes any fishing for any such stocks;

"fishing craft" means a vessel, aircraft, hovercraft or other craft of whatever size and however propelled that is capable of being used for fishing and is operated for financial reward or other material gain, scientific research or processing, storage or carriage of fish and includes any vessel used in support of or ancillary to fishing operations, but does not include a vessel transporting fish or fish products as part of its general cargo;

"foreign fishing craft" means a fishing craft flying the flag of a foreign State or registered in a foreign State;

"foreign ship" means a vessel in which less than fifty-one per cent of the ownership is vested in nationals of Trinidad and Tobago;

"master" means any person having command of a ship;

"Minister" means the Minister to whom responsibility for the subject of External Affairs is assigned;

"nautical mile" means 1,852 metres;

"territorial sea" shall have the meaning assigned to it in the Territorial Sea Act.

...

PART III  
EXCLUSIVE ECONOMIC ZONE

...

Vested rights of Trinidad and Tobago over seabed and submarine areas continued

18. The establishment of the exclusive economic zone shall not affect the vested rights of Trinidad and Tobago over the seabed and submarine areas of the territorial sea and continental shelf as set out in the Territorial Sea Act and the Continental Shelf Act.

...

Trinidad and Tobago to authorize fishing by agreement or treaty

25. Trinidad and Tobago may, by agreement or treaty, authorize any State, international organization or person to fish within the exclusive economic zone, the territorial sea and the archipelagic waters.

Licences for foreign fishing craft and crew to fish  
in exclusive economic zone, territorial sea  
and the archipelagic waters

26. (1) No foreign fishing craft or the master and members of the crew of a foreign fishing craft may engage in fishing in the exclusive economic zone, the territorial sea and the archipelagic waters without a licence issued by the Minister to whom responsibility for fisheries is assigned.

(2) The Minister to whom responsibility for fisheries is assigned may, on payment of the prescribed fees, issue licences in respect of:

- (a) A foreign fishing craft; and
- (b) The master and members of the crew of a foreign fishing craft.

(3) A licence issued in respect of a foreign fishing craft shall state the craft's specifications and operating conditions.

(4) A licence issued in respect of the master and members of the crew of a foreign fishing craft shall state their:

- (a) Names and addresses;
- (b) Ages;
- (c) Fisherman registration numbers;
- (d) Identification numbers; and
- (e) Experience in fishing activities.

Foreign fishing craft not to exceed prescribed allowable catch

27. The Minister to whom responsibility for fisheries is assigned shall ensure that:

- (a) The total catch of all foreign fishing craft does not exceed the total allowable catch prescribed for all such craft; and
- (b) The total catch by all foreign fishing craft of any one State does not exceed the apportionment prescribed for that State.

Surveillance in the exclusive economic zone, the  
territorial sea and the archipelagic waters

28. (1) The persons referred to in subsection (2) are empowered in the exercise of their official functions to:

- (a) Stop and board, inspect, seize and detain a foreign fishing craft;
- (b) Seize any fish and equipment found on board the foreign fishing craft; and
- (c) Arrest the master and crew of any foreign fishing craft,

in the exclusive economic zone, the territorial sea and the archipelagic waters, and may also institute such criminal proceedings against them, as may be necessary to ensure compliance with the Act and the Regulations.

- (2) The persons to whom subsection (1) applies are:
- (a) Members of the Trinidad and Tobago Coast Guard;
  - (b) Members of the Police Service;
  - (c) Fisheries Officers of the Ministry responsible for fisheries;
  - (d) Customs Officers;
  - (e) The Harbour Master; and
  - (f) Any other person authorized in writing by the Minister.

#### Exemption

29. (1) The provisions of section 26 shall not apply to a foreign fishing craft or to the master and members of the crew of such craft:

- (a) In which at least fifty-one per cent of the ownership thereof is vested in citizens of Trinidad and Tobago; or
- (b) Owned by a company incorporated in Trinidad and Tobago in which at least fifty-one per cent of the shares is vested in citizens of Trinidad and Tobago.

(2) The Minister to whom responsibility for fisheries is assigned may issue a Certificate of Exemption to every such foreign fishing craft referred to in subsection (1).

(3) The Certificate of Exemption shall be carried on board the foreign fishing craft, and shall be tendered for inspection at the request of any one or all of the persons referred to in section 28.

#### Offences

30. (1) Any foreign fishing craft and the master and members of the crew of a foreign fishing craft who, in breach of section 26:

- (a) Fish in the exclusive economic zone, the territorial sea or the archipelagic waters without a licence;
- (b) Fail to comply with the terms of a licence; or
- (c) Obstruct a person empowered to undertake surveillance in the exclusive economic zone, the territorial sea or the archipelagic waters in the performance of his duties,

is guilty of an offence and liable on summary conviction in the case of an offence in the exclusive economic zone to a fine of fifty thousand dollars and in the case of an offence in the territorial sea and the archipelagic waters to a fine of ten thousand dollars and imprisonment for six months and in addition in all cases to suspension or cancellation of the licence, forfeiture of the craft, equipment and all the fish found on board.

...



Release of arrested craft and their crews

31. A Foreign fishing craft which is seized and detained and the master and crew of which are arrested under section 28 shall be promptly released upon the posting of the prescribed bond in the sum of one hundred thousand dollars or other surety.

Regulations

32. The President may make regulations for implementing the provisions of this Act for anything that is required or authorized to be prescribed by or under this Act, and in particular for the:

- (a) Protection and preservation of the marine environment, and the prevention, reduction and control of pollution of that environment arising from:
  - (i) Land-based sources including rivers, estuaries, pipelines and outfall structures;
  - (ii) Seabed activities under the jurisdiction of Trinidad and Tobago and artificial islands, installations and structures under its jurisdiction;
  - (iii) Dumping;
  - (iv) Vessels; and
  - (v) The atmosphere;
- ...
- (e) Administration of the Act;
- (f) Licensing of the master and members of the crew of a foreign fishing craft, fishing craft and equipment;
- (g) Payment of licence fees;
- (h) Determination of the species of fish which may be caught;
- (i) Fixing of quotas of catch of fish, whether in relation to particular stocks or groups of stocks or catch per craft over a period of time or to the catch by foreign States or the citizens of such States during a specified period;
- (j) Regulating seasons and areas of fishing;
- (k) The types, sizes and amount of gear and the types, sizes and number of fishing craft that may be used for fishing;
- (l) Fixing of the age and size of fish and other species that may be caught;
- (m) The specifying of information required of fishing craft, including catch, and effort statistics and craft position reports;
- (n) Conduct and regulation under the authorization and control of the Government of specified fisheries research programmes including the sampling of catches, disposition of samples and reporting of associated scientific data;

- (o) The placing of observers or trainees, by the Government, on board craft involved in fisheries research programmes;
- (p) Landing of all or any part of the catch by such craft in the ports of Trinidad and Tobago;
- (q) Terms and conditions relating to joint ventures or other mutually agreed arrangements;
- (r) Requirements for the training of personnel and the transfer of technology and research methodology related to the conservation and management of the living and non-living marine resources;
- (s) The designation of archipelagic sea lanes passage.

129. TUNISIA

Act No. 73-49 delimiting the territorial waters,  
of 2 August 1973 <sup>240/</sup> <sup>241/</sup>

Article 1

The Tunisian territorial sea shall extend, from the Tunisian-Algerian frontier to the Tunisian-Libyan frontier and around the islands, the elevations of Chebba and the Kerkennah Islands where permanent fisheries are installed and the low-tide elevations of El Bibane and shall comprise a belt of sea of an established limit of 12 nautical miles from the baselines.

Baselines shall follow the low-water mark, the straight baselines drawn towards the low-tide elevations of Chebba and the Kerkennah Islands, enclosing the permanent fishing grounds, and the straight closing lines of the gulfs of Tunis and Gabes.

These baselines will be specified in a Decree.

...

Article 3

"Innocent passage", as defined and provided for by international law, is authorized within the waters of the Channel of la Galite.

Article 4

The sovereignty of the Tunisian State shall extend to the airspace over the territorial sea as well as to the its bed and subsoil.

...

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<sup>240/</sup> Official Gazette of Tunisia, 31 July - 3-7 August 1973.

<sup>241/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 310.

130. TURKEY

1. Act No. 2674 of 20 May 1982, on the Territorial Sea of the Republic of Turkey <sup>242/</sup> <sup>243/</sup>

Article I

The sovereignty of the Republic of Turkey extends beyond its land territory to its territorial sea.

The breadth of the territorial sea shall be of six nautical miles.

The Council of Ministers has the right to establish the breadth of the territorial sea, in certain seas, up to a limit exceeding six nautical miles, under reservation to take into account all special circumstances and relevant situations therein, and in conformity with the equity principle.

Article II

The delimitation of the territorial sea between Turkey and other opposite or adjacent States shall be effected by agreement.

The said agreement shall be concluded on the basis of the equity principle and taking into account all special circumstances and situations in the region.

Article III

The Council of Ministers shall determine the baselines from which the breadth of the territorial sea is measured.

Article IV

The waters on the land side of the baselines and the waters of the bays shall be internal waters of the Republic of Turkey. The permanent harbour works are regarded as forming part of the coast and the waters on the land side of those outermost offshore installations shall be internal waters.

Article V

The baselines from which the breadth of the territorial sea is measured, and delimiting the outer limit of internal waters, shall be marked on official large-scale maps.

Article VI

Act number 476 of 15 May 1964 and the provisions of other acts conflicting with the present act are repealed.

...

Article VIII

This act will be implemented by the Council of Ministers.

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<sup>242/</sup> Text transmitted by the Permanent Mission of Turkey to the United Nations in a note verbale dated 1 September 1992.

<sup>243/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 313.

2. Decree by the Council of Ministers No. 8/4742 <sup>244/</sup>

In exercise of the authority provided by law No. 2674, dated 20 May 1982, and upon the communication MIGM-MIGM-III-L365-9L7 dated 26 May 1982 received from the Ministry of Foreign Affairs, it is hereby decided that, in view of the characteristics of the seas surrounding Turkey and the principle of equity, the situation prevailing in the Black Sea and in the Mediterranean before the entry into force of the aforementioned law with regard to the breadth of the territorial sea will be maintained.

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<sup>244/</sup> Text transmitted by the Permanent Mission of Turkey to the United Nations in a note verbale dated 1 September 1992.

131. TUVALU

Marine Zones (Declaration) Act 1983 <sup>245/</sup>

[Commencement: 1 January 1984]

Short title

1. This Act may be cited as the Marine Zones (Declaration) Act 1983.

Interpretation

2. (1) In this Ordinance, unless the context otherwise requires:

"the baseline of Tuvalu" means the low-water line of the seaward side of the reef fringing the coast of any part of Tuvalu or bounding any lagoon waters adjacent to any part of that coast, or where a reef is not present the low-water line of the coast itself;

...

"low-tide elevation" means a naturally formed area of land that is surrounded by and is above water at mean low-water spring tides but is submerged at mean high-water spring tides;

"low-water line", in relation to any area, means the line of low-water at mean low-water spring tides as depicted on the largest-scale nautical chart of the area held by the Minister;

"nautical mile" means an international nautical mile of 1,852 metres.

- (2) For the purpose of this Act, permanent harbour works that form an integral part of a harbour system shall be regarded as forming part of the coast, installations or artificial islands.

References to rules of international law

3. Where in this Act it is provided that anything shall be done, or any law or order shall be made, in accordance with the rules of international law, the question, whether it was so done or made, is non-justiciable.

Application of this Act

4. The provisions of this Ordinance shall be read subject to the provisions of any treaty or other international obligation which is ratified or finally accepted by or on behalf of Tuvalu.

...

The territorial sea

7. (1) Subject to subsection (2), for the purposes of any law of Tuvalu the territorial sea of Tuvalu is those parts of the sea within 12 nautical miles from the baseline of Tuvalu.

(2) Where archipelagic baselines are drawn ..., the breadth of the territorial sea shall be measured from those baselines to the extent to which they are outside the outer limits of the internal waters of Tuvalu.

...

The contiguous zone

9. For the purposes of any law of Tuvalu, the contiguous zone of Tuvalu is those parts of the sea within 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.

Legal character of marine zones, etc.

10. (1) The sovereignty of Tuvalu extends beyond its land territory and internal waters, and its archipelagic waters (if any), over its territorial sea, and to the airspace over them and the seabed and subsoil under them, and the resources contained in them.

...

(4) Within the contiguous zone, Tuvalu has all rights necessary:

(a) To prevent infringement of its customs, fiscal, immigration and sanitary laws and regulations within the territory, and territorial sea or the archipelagic waters (if any) of Tuvalu; and

(b) To punish any such infringement,

and all relevant laws of Tuvalu extend to the contiguous zone accordingly.

(5) The sovereignty and rights of Tuvalu under this section shall be exercised in accordance with the rules of international law.

Rights of other States in marine zones, etc.

11. (1) Subject to the succeeding provisions of this section, ships and aircraft of all States have, in accordance with the rules of international law, the right of free passage through and over the territorial sea and the archipelagic waters (if any) of Tuvalu.

(2) The Minister, may, by order:

(a) Designate, in accordance with the rules of international law, sea lanes and air routes suitable for the continuous and expeditious passage of foreign ships and aircraft through and over the archipelagic waters and the adjacent territorial sea; and

(b) Prescribe traffic separation schemes for the purpose of ensuring the safe passage of ships through narrow channels in any such sea lanes.

(3) In sea lanes and air routes designated under subsection (2) all ships and aircraft may, in accordance with the rules of international law, enjoy the right of navigation and overflight, in their normal modes, for the purpose of continuous, expeditious and unobstructed transit through and over the archipelagic waters and the adjacent territorial sea, from one part of the exclusive economic zone to another part of it.

(4) Until sea lanes and air routes are designated under subsection (2), the rights of navigation and overflight referred to in subsection (3) may be exercised through and over all routes normally used for international navigation and overflight.

(5) The rights of navigation and overflight referred to in subsections (3) and (4) are subject to all laws of Tuvalu made in accordance with the rules of international law.

Charts, publicity, etc.

13. (1) The Minister shall cause all closing lines, baselines and other lines drawn for the purposes of this Ordinance, for determining the limits of the internal waters, the archipelagic waters (if any), the territorial sea, the exclusive economic zone and the contiguous zone of Tuvalu, to be clearly indicated on charts of a scale or scales adequate for them to be readily determined, and shall give adequate publicity to them.

(2) A question, whether adequate publicity has been given under subsection (1) to any matter, is non-justiciable.

(3) A copy of each chart referred to in subsection (1) shall be deposited with the Secretary-General of the United Nations and the Secretary-General of the South Pacific Commission.

Evidentiary provisions

14. In any proceedings before a court or person acting judicially, a certificate purporting to be signed by the Minister stating that any specific nautical chart of any area is a chart to which section 13 applies that is held by the Minister is evidence of the matters stated in the certificate, and the chart is evidence of the matters set out in it.



132. UKRAINE

Statute of Ukraine concerning the State Frontier,  
of 4 November 1991 <sup>246/</sup>

I. GENERAL PROVISIONS

The State frontier of Ukraine

1. The State frontier of Ukraine is a line and the vertical surface passing through that line which determine the limits of the territory of Ukraine - land, water, mineral resources and airspace.

Determination of the State frontier of Ukraine and  
arrangements for its protection

2. The State frontier of Ukraine is determined by the decisions of the Supreme Soviet of Ukraine and also by the international treaties entered into by Ukraine. The Cabinet of Ministers of Ukraine shall, within the limits of its powers, take steps to ensure the protection and defence of the State frontier and the territory of Ukraine.

Establishment of the State frontier of Ukraine

3. Except as otherwise provided by the international treaties concluded by Ukraine, the State frontier of Ukraine shall be established:

...

(2) At sea: along the outer limit of the territorial sea of Ukraine;

...

The territorial sea of Ukraine

5. The territorial sea of Ukraine includes the coastal marine waters having a width of 12 nautical miles measured from the line of minimum low tide both on the mainland and on islands belonging to Ukraine, or from the straight baselines joining the corresponding points. The geographical coordinates of the said points shall be confirmed by a procedure established by the Cabinet of Ministers of Ukraine. In individual cases, a different width of the territorial sea of Ukraine may be established by the international treaties concluded by Ukraine, and if there are no such treaties, then in accordance with the generally recognized principles and norms of international law.

...

Reciprocal relations with contiguous States  
with regard to frontier questions

7. Frontier questions with contiguous States shall be resolved by Ukraine on the basis of reciprocity and good-neighbourliness, in accordance with this Statute, with other acts forming part of the legislation of Ukraine and with the international treaties concluded by Ukraine.

II. REGIME OF THE STATE FRONTIER OF UKRAINE

Determination of the regime of the State frontier of Ukraine

8. The regime of the State frontier of Ukraine - the procedure for crossing the State frontier of Ukraine, navigation by Ukrainian and foreign non-military

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<sup>246/</sup> Official Gazette of the Supreme Soviet of Ukraine, 14 January 1992.

vessels and warships in the territorial sea and the internal waters of Ukraine and their stay therein, visits by foreign non-military vessels and warships to the internal waters and the ports of Ukraine and their stay therein, the maintenance of the State frontier of Ukraine, the performance of work of various kinds, the carrying on of industrial and other activity on the State frontier of Ukraine - shall be determined by this Statute, by other acts forming part of the legislation of Ukraine and by the international treaties concluded by Ukraine.

#### Crossing of the State frontier of Ukraine

9. Railway, motor-vehicle, marine, river, air and other transport across the State frontier of Ukraine shall be carried on at points of admission established by the Cabinet of Ministers of Ukraine, in accordance with the legislation of Ukraine and the international treaties concluded by Ukraine. Admission checkpoints of the Frontier Forces, customs offices and other offices engaged in monitoring the State frontier shall be established at the points of admission across the State frontier of Ukraine.

Marine and river non-military vessels and warships shall cross the State frontier of Ukraine in accordance with this Statute, with other acts forming part of the legislation of Ukraine and with the rules issued by the competent authorities of Ukraine and published in the established manner. Aircraft shall cross the State frontier of Ukraine within specially designated air flight corridors in accordance with this Statute, with other acts forming part of the legislation of Ukraine and with the rules issued by the competent authorities of Ukraine and published in the established manner.

Flight across the State frontier of Ukraine outside the air flight corridors shall be permitted only with the consent of the competent authorities of Ukraine.

#### Take-off and landing of aircraft

10. The take-off of Ukrainian and foreign aircraft from the territory of Ukraine and the landing of such aircraft after flying into the territory of Ukraine shall be carried out at airfields (aerodromes) which are open to international flights and at which there are admission checkpoints of the Frontier Forces of Ukraine and customs offices. Any other procedure for the take-off and landing of aircraft shall be permitted only with the consent of the competent authorities of Ukraine.

#### Inspection at the time of crossing the State frontier of Ukraine

11. Persons, means of transport, freight and other property crossing the State frontier of Ukraine shall be subject to frontier and customs inspection. In appropriate cases health and quarantine inspections, veterinary and plant-health inspections, inspections to monitor the export of objects of cultural value from the territory of Ukraine and other inspections shall be carried out. The inspections shall be organized and carried out in a manner established by acts forming part of the legislation of Ukraine.

#### Permission of the passage of persons, means of transport, freight and other property across the State frontier of Ukraine

12. The passage of persons crossing the State frontier of Ukraine shall be permitted by the Frontier Forces of Ukraine on the basis of valid documents conferring the right to enter the territory of Ukraine or to leave Ukraine. The passage of means of transport, freight and other property across the State frontier of Ukraine shall be permitted in accordance with the legislation of Ukraine and with the international treaties concluded by Ukraine. In accordance with the international treaties concluded by Ukraine, simplified procedures may be established by the Cabinet of Ministers of Ukraine for the passage of persons,

means of transport, freight and other property across the State frontier of Ukraine.

Innocent passage through the territorial sea of Ukraine

13. Innocent passage through the territorial sea of Ukraine shall be engaged in for the purpose of crossing it without entering the internal waters of Ukraine or for the purpose of passing through it into the internal waters and the ports of Ukraine, or else for the purpose of leaving them and entering the open sea. Passage shall be deemed to be innocent if the peace of Ukraine and the law and order or security of Ukraine are not violated thereby.

Foreign non-military vessels and warships may exercise the right of innocent passage through the territorial sea of Ukraine in accordance with the legislation of Ukraine and with the international treaties concluded by Ukraine.

Foreign non-military vessels engaged in innocent passage must follow the usual navigation route or a route recommended by the competent authorities of Ukraine and must also follow marine corridors or traffic-separation schemes. Marine corridors and traffic-separation schemes shall be indicated on marine charts published in the established manner. The master of a foreign non-military vessel which has violated the rules of innocent passage shall bear responsibility in accordance with the legislation of Ukraine.

Foreign warships and underwater means of transport shall engage in innocent passage through the territorial sea of Ukraine in the manner established by the Cabinet of Ministers of Ukraine. Submarines and other underwater means of transport must navigate on the surface and fly their flag. In the event of failure to comply with the legislation of Ukraine relating to the passage of a foreign non-military vessel or warship (submarine, other underwater means of transport) through the territorial sea of Ukraine and of disregard of a notification that it must comply with the said demands, the competent authorities of Ukraine shall have the right to demand that the vessel (warship) should immediately quit the territorial sea of Ukraine.

Procedure for the entry of foreign non-military vessels and warships into the internal waters and the ports of Ukraine

14. Foreign non-military vessels may enter those roadsteads and ports of Ukraine which are open for the entry of such vessels. A list of the roadsteads and ports open for the entry of foreign non-military vessels and the procedure for entry into them and stay in them, for the carrying on of cargo and passenger operations, for communication between ships and shore, for the disembarkation of the members of a vessel's crew and for visits to vessels by persons who are not members of the vessels' crews and other rules relating to the entry of foreign non-military vessels into the internal waters and the ports of Ukraine or into any part of the waters of frontier rivers, lakes and other bodies of water belonging to Ukraine and relating to stay in such waters shall be established by the legislation of Ukraine and by the rules published in the established manner.

Except as otherwise provided, foreign warships shall enter the internal waters and the ports of Ukraine in accordance with the rules governing their visits, published in the established manner.

Obligation of foreign non-military vessels and warships to comply with the rules of navigation and other rules while in the waters of Ukraine

15. Foreign non-military vessels and warships shall, while navigating and staying in the territorial sea and the internal waters of Ukraine, be required to comply with the rules governing radio communication and with navigational, port, customs, health and other rules. Foreign non-military vessels and warships

shall, in the event of a forced entry into the territorial sea or the internal waters of Ukraine or in the event of a forced failure to comply with the rules governing navigation and stay in such waters, be required to communicate the fact without delay to the administration of the nearest port of Ukraine.

Prohibition of industrial, research and prospecting activities  
by foreign non-military vessels and warships  
in the waters of Ukraine

16. Industrial, research and prospecting activity of any kind by foreign non-military vessels and warships in the territorial sea and the internal waters of Ukraine is prohibited, with the exception of cases in which such activity is carried on with the permission of the competent authorities of Ukraine or on the basis of international treaties concluded by Ukraine.

Prohibition of navigation by non-military vessels and warships  
in individual areas of the waters of Ukraine  
and of their stay therein

17. In the territorial sea of Ukraine and the internal waters of Ukraine, areas in which navigation by Ukrainian and foreign non-military vessels and warships or the stay of such non-military vessels and warships is temporarily prohibited may be established by a decision of the competent authorities of Ukraine.

Notice of the establishment of such areas shall be given in the established manner.

Procedure for the conduct of economic activities on the State  
frontier of Ukraine

18. Navigation, utilization of water installations for the needs of timber-rafting and other forms of water utilization, the construction of various hydraulic structures, the performance of other work in the internal waters of Ukraine, the utilization of fields, forests and fauna, the pursuit of mining, geological prospecting and other economic activities on the State frontier of Ukraine shall be carried on in accordance with the legislation of Ukraine and the international treaties concluded by Ukraine and in such a way as to ensure that proper order is maintained on the State frontier of Ukraine. The competent authorities of Ukraine may, by agreement with the Frontier Forces of Ukraine, due regard being given to local conditions, establish a procedure for the carrying on of all forms of economic activity on the State frontier of Ukraine.

Temporary halting of travel across the State frontier of Ukraine in the event  
of the threat of the spread of infectious diseases. Quarantine

19. In the event of the threat of the spread of particularly dangerous infectious diseases in the territory of Ukraine or of a foreign State, travel across the State frontier of Ukraine on the threatened sectors may, by a decision of the Cabinet of Ministers of Ukraine, be temporarily restricted or halted, or a quarantine may be established for persons, animals, loads or cargoes, seeds or planting material and other products of animal or plant origin crossing the State frontier of Ukraine.

Violators of the State frontier of Ukraine

20. The following shall be deemed to be violators of the State frontier of Ukraine:

(1) Persons who have crossed or who attempt to cross the State frontier of Ukraine in any manner at a place other than the points of admission across the

State frontier of Ukraine, or at points of admission across the State frontier of Ukraine but in violation of the regulations governing its crossing;

(2) Persons who have come on board or who attempt to come on board Ukrainian or foreign means of transport engaged in foreign traffic for the purpose of unlawfully leaving the territory of Ukraine;

(3) Foreign non-military vessels and warships which have entered the territorial sea or the internal waters of Ukraine in violation of the established rules governing entry into those waters. Foreign submarines and other underwater means of transport shall also be deemed to be violators of the State frontier of Ukraine in those cases in which they cross the international frontier of Ukraine in the underwater position or are in that position during their navigation and stay in the waters of Ukraine;

(4) Aircraft and other flying vehicles which have crossed the State frontier of Ukraine without appropriate permission from the competent authorities of Ukraine or which have committed other violations of the rules governing flight across the State frontier of Ukraine. Crossing of the State frontier of Ukraine by any other technical or non-technical means without permission appropriate thereto or in violation of the established procedure shall also be deemed to be a violation of the State frontier of Ukraine.

#### Frontier representatives of Ukraine

21. Frontier representatives of Ukraine shall, in a manner prescribed by the Cabinet of Ministers of Ukraine, be appointed from among the officers of the Frontier Forces of Ukraine for the purpose of resolving problems connected with the maintenance of the regime of the State frontier of Ukraine and also for the settlement of frontier incidents on a specific sector of the State frontier of Ukraine. The frontier representatives of Ukraine shall act in accordance with the legislation of Ukraine and with the international treaties concluded by Ukraine. When crossing the State frontier (on foot or by any means of transport), the frontier representatives shall do so on the basis of special powers granted by the State Committee for Matters relating to the Protection of the State Frontier of Ukraine.

Matters not settled by the frontier representatives shall be resolved through the diplomatic channel.

...

#### IV. PROTECTION OF THE STATE FRONTIER OF UKRAINE

##### Protection of the State frontier of Ukraine by the Frontier Forces and the Air Defence Forces of Ukraine

27. The protection of the State frontier of Ukraine on land, sea, rivers, lakes and other bodies of water shall be the responsibility of the Frontier Forces of Ukraine, and in airspace the responsibility of the Air Defence Forces of Ukraine. The Frontier Forces and the Air Defence Forces of Ukraine shall, in the performance of their tasks for the defence of the State frontier of Ukraine, act in accordance with this Statute, with the Statute of Ukraine "On the Frontier Forces of Ukraine", with other acts forming part of the legislation of Ukraine, with the international treaties concluded by Ukraine and also with acts issued by the competent authorities of Ukraine. The obligations and rights of the Frontier Forces and the Air Defence Forces of Ukraine with regard to the protection of the State frontier of Ukraine shall be determined by this Statute, by the Statute of Ukraine "Concerning the Frontier Forces of Ukraine" and by other acts forming part of the legislation of Ukraine and also by acts issued by the competent authorities of Ukraine.

The rights of the Frontier Forces of Ukraine with regard to foreign and Ukrainian non-military vessels

28. In the territorial sea and the internal waters of Ukraine the Frontier Forces of Ukraine shall, in the performance of their tasks with regard to foreign and Ukrainian non-military vessels, have the right:

(1) To call upon the vessel to show its national flag if the flag is not being flown and to conduct an interrogation concerning the purposes of the vessel's entry into the waters of Ukraine;

(2) To call upon the vessel to change its course if that course leads to an area closed to navigation;

(3) To halt the vessel and carry out an inspection thereof if it does not respond to an interrogation signal, if it is in an area closed to navigation, if it is violating other rules governing entry into the waters of Ukraine or navigation and stay in them, and also if it engages in industrial and other activity in violation of the legislation of Ukraine or of the international treaties concluded by Ukraine. The inspection of the vessel shall include an examination of the ship's documents and the navigational documents, of the documents of members of the crew and passengers, of the documents relating to the cargo and, where necessary, of the compartments of the vessel. After the vessel has been inspected, it may be given permission to continue its navigation in the waters of Ukraine, subject to compliance with the established rules, may be called upon to leave the waters of Ukraine or may be detained in accordance with the legislation in force;

(4) To place a frontier detachment on board the vessel, where necessary, in order to accompany the vessel into a port or from a port to the State frontier of Ukraine;

(5) To remove from the vessel and detain persons who have committed offences and who are subject to prosecution under the criminal law of Ukraine and to deliver such persons to the investigative and prosecutorial authorities, save as otherwise provided by the international treaties concluded by Ukraine;

(6) To pursue and detain on the high seas a vessel which is a violator of the State frontier of Ukraine or a vessel which has violated the statutes or the rules governing navigation and stay in the waters of Ukraine, until it enters the territorial sea of its own country or of a third State if the pursuit was begun in the territorial sea or the internal waters of Ukraine and has been carried on without interruption.

Grounds for the detention of foreign and Ukrainian non-military vessels by the Frontier Forces of Ukraine

29. A foreign non-military vessel staying in the territorial sea and the internal waters of Ukraine shall be detained by the Frontier Forces of Ukraine and convoyed to the nearest port or other appropriate point in the following cases:

(1) If the vessel, to the detriment of the security of Ukraine, is engaged in the collection of information or is carrying on any other action harmful to Ukraine;

(2) If the vessel is in an area which has been declared by the competent authorities of Ukraine in the established manner to be temporarily closed to navigation;

(3) If the vessel is unlawfully engaging in any industrial, research or prospecting activity or in the dumping and burial of substances harmful to the

health of persons or of the living resources of the waters, or other wastes and materials;

(4) If the vessel is engaged in disembarking or embarking persons or unloading or loading freight at places not established therefor, or at established places but without permission from the competent authorities of Ukraine;

(5) If the vessel is, without permission from the competent authorities of Ukraine, engaged in launching or taking on board any flying vehicles;

(6) If the members of the crew or other persons on board the vessel are damaging frontier markers, navigational barriers, communications cables or other underwater or above-water installations belonging to Ukraine;

(7) If the master of the vessel has failed to exhibit the necessary ship's documents and cargo documents;

(8) If the vessel does not obey the instructions of the representatives of the Frontier Forces of Ukraine or other competent authorities of Ukraine;

(9) If the vessel is in the territorial sea of Ukraine or the internal waters of Ukraine in violation of the rules established by this Statute, by the international treaties concluded by Ukraine or by the generally recognized principles and norms of international law.

A decision to detain a foreign non-military vessel shall be taken by the Frontier Forces of Ukraine after inspection of the vessel. A vessel which has committed the violations referred to in paragraphs (2) to (9) of this article shall be detained by the Frontier Forces of Ukraine while they determine whether the violation committed was premeditated, or if the vessel is causing harm to the security or other interests of Ukraine. The Frontier Forces of Ukraine shall also have the right to detain a Ukrainian non-military vessel which has committed the violations referred to in paragraphs (2) to (9) of this article and to convoy it to the nearest port or other appropriate point.

#### Record of inspection or detention of a non-military vessel

30. The inspection or detention of a non-military vessel shall be noted in a record which shall be signed by the representative of the Frontier Forces of Ukraine and by the master of the inspected or detained vessel. The record shall be drawn up in the Ukrainian and English languages. In the event of the detention of a vessel, the ship's documents and cargo documents shall be taken from the master of the vessel and attached to the record. If the master of the inspected or detained vessel considers the actions of the Frontier Forces of Ukraine to be unjustified or inconsistent with the content of the record, he may express a reservation in any language in the record itself or in a separate document attached to the record. If the master refuses to sign the record, an appropriate notation to that effect shall be made.

#### Consequences of the detention of foreign non-military vessels

31. Foreign non-military vessels which have been detained shall be delivered in the established manner to the authorized representatives of the appropriate foreign States or shall be expelled beyond the limits of the territorial sea and the internal waters of Ukraine or, in the cases provided for by the legislation of Ukraine, shall be confiscated in accordance with the decision of a court.

Rules applicable to foreign warships violating the provisions governing navigation and stay in the waters of Ukraine

32. Special rules shall apply to foreign warships violating the statutes of Ukraine or the rules relating to navigation and stay in the territorial sea and the internal waters of Ukraine.

V. PARTICIPATION BY STATE AUTHORITIES, PUBLIC ORGANIZATIONS AND CITIZENS  
IN THE PROTECTION OF THE STATE FRONTIER OF UKRAINE

Participation by State authorities, public organizations and citizens of Ukraine in the protection of the State frontier of Ukraine

33. State authorities, public organizations and officials shall be required to provide assistance of every kind to the Frontier Forces of Ukraine in the protection of the State frontier of Ukraine. The protection of the State frontier of Ukraine shall be carried out with the active participation of the citizens of Ukraine. State authorities and public organizations shall assist the Frontier Forces of Ukraine in enlisting the cooperation of the citizens of Ukraine for the protection of the State frontier of Ukraine on a volunteer basis.

Obligations of State authorities, public organizations, officials and citizens in connection with providing protection for the State frontier of Ukraine

34. State authorities, public organizations, officials and citizens shall be required to comply with the regime of the State frontier of Ukraine and to fulfil the requirements of the frontier regime and the regime at the points of admission across the State frontier of Ukraine.

VI. LIABILITY FOR VIOLATION OF THE LEGISLATION CONCERNING  
THE STATE FRONTIER OF UKRAINE

Liability for violation of the legislation concerning the State frontier of Ukraine

35. Persons guilty of violating or attempting to violate the State frontier of Ukraine, its regime, the frontier regime or the regime at points of admission across the State frontier of Ukraine, of unlawfully transporting or attempting to transport unlawfully across the State frontier of Ukraine any freight, materials, documents and other articles or of committing other violations of legislation concerning the State frontier of Ukraine shall be subject to criminal, administrative or other proceedings in accordance with the legislation of Ukraine.

...



133. UNITED ARAB EMIRATES

Federal Law No. 19 for 1993, regarding definition of the  
marine areas of the United Arab Emirates <sup>247/</sup>

...

Definitions  
Article 1

In implementing the provisions hereof, the following terms and expressions shall bear the meanings specified before each thereof:

- State: United Arab Emirates;
- Baseline: The line from which measurement of the territorial waters (sea) begins;
- Island: A natural tract of land surrounded by water from all sides provided it is not submerged in water through tidal movement;
- Archipelago: A formation of two or more islands forming with an expanse of water among them or the waters that link them to one another geographically and economically one integrated entity;
- Insular Protrusion: A natural tract of land surrounded by water from all sides atop of which a protrusion appears during ebb movements but remains submerged in water through tidal movements;
- Gulf: A sharp decline extending into the land at a depth proportionate with its aperture size in such a manner that the decline engulfs waters contained therewithin and is sharper than the limited curving of the shoreline;
- Coast: Arabian Gulf coast and Gulf of Oman coast;
- Nautical mile: One thousand eight hundred fifty two metres.

...

Chapter two - Territorial waters

Article 4

The State's sovereignty extends, beyond its land territories and internal waters, to its territorial waters, the airspace thereabove, the bed of these waters and the underbed thereof. It is a stipulation in this Law and in international law that the State's sovereignty does extend to cover its territorial waters.

The State's territorial waters are interpreted as a belt of marine waters followed by its land territories and internal waters adjacently extending offshore alongside its coasts at a width of twelve (12) nautical miles from the baseline.

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<sup>247/</sup> Official Gazette; translated from Arabic by the Ministry of Justice of the United Arab Emirates.

Article 5

1. Foreign merchant marine vessels may navigate across the State's territorial waters within the right of simple access as per the provisions of this right which is acknowledged by international law.
2. The access and passage of foreign battleships, including submarines and other naval submerged vessels, across the territorial waters is subject to prior permission from the State's competent authorities.
3. Submarines and other naval submerged vessels are expected to navigate afloat with other banners at full mast during passage across the State's territorial waters.
4. Foreign vessels which are nuclear-power-driven or those carrying nuclear or other radioactive material or products of a dangerous or hazardous nature are expected to notify the State's competent authorities prior to their access into and passage across the territorial waters.

Article 6

The territorial waters of the State are measured by the following stipulations:

1. Starting from the water reflux maximum level from the main coast or from a shore openly facing seaward. As for places where the coastline is interrupted or runs into sharp zigzags, the rule of straight baselines connecting together appropriate landmarks specified by the State's competent authorities shall be adopted.
2. Straight lines no longer than twenty-four (24) nautical miles connecting two water reflux points at the gulfs apertures. However, if the gulf aperture's width exceeds this distance the straight line shall be drawn across the gulf between any two water reflux points on both its sides that are nearest to its apertures provided that the distance between these two points is not farther than twenty-four (24) nautical miles.
3. As for the archipelago, it is measured in straight lines connecting the farthest external points of the farthest islands forming the said archipelago.
4. As for the harbour or seaport, it is measured in straight lines drawn alongside the seaward-facing extremity of the most conspicuous installations of the harbour or seaport and lines are drawn between the extremities of these installations provided that such installations form an integral and an inseparable part of the harbour or seaport complex.
5. If the insular protrusion extends in full or in part over a distance not longer than the width of the territorial waters from the mainland or from any of the islands, such insular protrusion may be used as a baseline from which the territorial width may be measured.

Article 7

If measuring the territorial waters as per the provisions hereof necessitates leaving a space extends from the free economic zone surrounded by the territorial waters from all sides, and such space extends no longer than twelve (12) nautical miles in any direction, such space shall be considered a part of the State's territorial waters and the same provision shall apply on any space of the free economic zone which may be surrounded by drawing one straight line no longer than twelve (12) nautical miles.

Article 8

The external border of the territorial waters shall be a line on which every point thereof is located at a distance to the nearest points on the baseline which is equivalent to the width of the territorial waters.

Article 9

Fishing in the State's territorial waters is a right exclusively enjoyed by its citizens.

Article 10

The State exercises its control and supervision over the area adjacent to its territorial waters for achieving the following purposes:

1. Preventing breaches of the State's legislations in the fields of security, customs, finance, health or immigration whether such breach was committed inside the State's land territories, internal waters or territorial waters;
2. Punishing violators of the legislations provided for in the clause above if the breach or violation was committed inside the State's land territories, internal waters or territorial waters.

Article 11

The width of the adjacent area provided for in article 10 hereinabove shall be twelve (12) nautical miles which is measured from the external borders of the State's territorial waters.

...

Chapter five - General provisions

...

Article 23

1. In cases where the State's territorial waters extend adjacently or alongside the territorial waters of another State, the external borders of the State's territorial waters shall be defined by the median line.
2. Unless an agreement was made between the State and any other State adjacent or parallel thereto, the external borders of the adjacent area, continental shelf and the free economic zone shall be defined by the median line in which each point thereof is located at equal distances from the nearest points on the baselines.

Article 24

The State shall publish official charts defining accurately therein the borders of the adjacent area, continental shelf and the free economic zone.

Article 25

(A) The implementation of this Law shall not impeach any prior contracts and concessions made and granted for the exploration and exploitation of the live and inanimate resources in the offshore areas. Furthermore, the application of the provisions hereof does not entail the infringement of the constitutional rights and the acquired rights of the Emirates in exploiting the live and inanimate resources in the offshore areas or the rights that they might acquire by virtue of agreements or contracts entered into by and between them regarding such areas.

(B) The application of the provisions hereof shall not impeach the validity of the agreements entered into among the Emirates prior to the issuance hereof, and the Emirates are entitled to enter into agreements among them for organizing the marine borders among them.

Article 26

Subject to the provisions and rules of international law and without prejudice to any more stringent punishment provided for in another law, or without prejudice to compensation:

1. The party violating the provisions of article 5 hereof shall be punished by imprisonment of not less than three years up to a maximum sentence of seven years in addition to a fine of not less than Dh 100,000/- (UAE DIRHAMS ONE HUNDRED THOUSAND ONLY) up to a maximum of Dh 2,000,000/- (UAE DIRHAMS TWO MILLION ONLY), or either punishment.

...

3. The party violating the provisions of articles 9 and 15 hereof shall be punished by imprisonment of not less than one year up to a maximum sentence of three years in addition to a fine of not less than Dh 25,000/- (UAE DIRHAMS TWENTY FIVE THOUSAND ONLY) up to a maximum of Dh 1,000,000/- (UAE DIRHAMS ONE MILLION ONLY), or either punishment.

...

134. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

1. Territorial Waters Jurisdiction Act, 1878 <sup>248/</sup>

...

Amendment of law as to jurisdiction of the Admiral

2. An offence committed by a person, whether he is or is not a subject of Her Majesty, on the open sea within the territorial waters of Her Majesty's dominions, is an offence within the jurisdiction of the Admiral, although it may have been committed on board or by means of a foreign ship, and the person who committed such offence may be arrested, tried and punished accordingly.

Restriction on institution of proceedings  
for punishment of offence

3. Proceedings for the trial and punishment of a person who is not a subject of Her Majesty, and who is charged with any such offence as is declared by this Act to be within the jurisdiction of the Admiral, shall not be instituted in any court of the United Kingdom, except with the consent of one of Her Majesty's Principal Secretaries of State, and on his certificate that the institution of such proceedings is in his opinion expedient, and shall not be instituted in any of the dominions of Her Majesty out of the United Kingdom, except with the leave of the Governor of the part of the dominions in which such proceedings are proposed to be instituted, and on his certificate that it is expedient that such proceedings should be instituted.

Provisions as to procedure

4. On the trial of any person who is not a subject of Her Majesty for an offence declared by this Act to be within the jurisdiction of the Admiral, it shall not be necessary to aver in any indictment or information on such trial that such consent or certificate of the Secretary of State or Governor as is required by this Act has been given, and the fact of the same having been given shall be presumed unless disputed by the defendant at the trial; and the production of a document purporting to be signed by one of Her Majesty's Principal Secretaries of State as respects the United Kingdom, and by the Governor as respects any other part of Her Majesty's dominions, and containing such consent and certificate, shall be sufficient evidence for all the purposes of this Act of the consent and certificate required by this Act.

Proceedings before a justice of the peace or other magistrate previous to the committal of an offender for trial or to the determination of the justice or magistrate that the offender is to be put upon his trial shall not be deemed proceedings for the trial of the offence committed by such offender for the purposes of the said consent and certificate under this Act.

Saving as to jurisdiction

5. Nothing in this Act contained shall be construed to be in derogation of any rightful jurisdiction of Her Majesty, her heirs or successors, under the law of nations, or to affect or prejudice any jurisdiction conferred by Act of Parliament or now by law existing in relation to foreign ships or in relation to persons on board such ships.

Saving as to piracy

6. This Act shall not prejudice or affect the trial in manner heretofore in use of any act of piracy as defined by the law of nations, or affect or prejudice any law relating thereto; and where any act of piracy as defined by the law of nations is also any such offence as is declared by this Act to be within the jurisdiction of the Admiral, such offence may be tried in pursuance of this Act, or in pursuance of any other Act of Parliament, law or custom relating thereto.

Interpretation

7. In this Act, unless there is something inconsistent in the context, the following expressions shall respectively have the meanings hereinafter assigned to them; (that is to say,)

"The jurisdiction of the Admiral", as used in this Act, includes the jurisdiction of the Admiralty of England and Ireland, or either of such jurisdictions as used in any Act of Parliament; and for the purpose of arresting any person charged with an offence declared by this Act to be within the jurisdiction of the Admiral, the territorial waters adjacent to the United Kingdom, or any other part of Her Majesty's dominions, shall be deemed to be within the jurisdiction of any judge, magistrate or officer having power within such United Kingdom, or other part of Her Majesty's dominions, to issue warrants for arresting or to arrest persons charged with offences committed within the jurisdiction of such judge, magistrate or officer;

"United Kingdom" includes the Isle of Man, the Channel Islands and other adjacent islands;

"The territorial waters of Her Majesty's dominions", <sup>249/</sup> in reference to the sea, means such part of the sea adjacent to the coast of the United Kingdom, or the coast of some other part of Her Majesty's dominions, as is deemed by international law to be within the territorial sovereignty of Her Majesty; and for the purpose of any offence declared by this Act to be within the jurisdiction of the Admiral, any part of the open sea within one marine league of the coast measured from the low-water mark shall be deemed to be open sea within the territorial waters of Her Majesty's dominions;

"Governor", as respects India, means the Governor General ...; (and as respects a British possession which) consists of several constituent colonies, means the Governor General of the whole possession or the Governor of any of the constituent colonies; and as respects any other British possession, means the officer for the time being administering the government of such possession; also any person acting for or in the capacity of Governor shall be included under the term "Governor";

"Offence" as used in this Act means an act neglect or default of such a description as would, if committed within the body of a county in England, be punishable on indictment according to the law of England for the time being in force;

"Ship" includes every description of ship, boat or other floating craft;

"Foreign ship" means any ship which is not a British ship.

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<sup>249/</sup> Repealed in the United Kingdom by schedule 2, section 3, of the Territorial Sea Act 1987 (see p. 404).

2. Territorial Sea Act 1987 <sup>250/</sup> <sup>251/</sup>

...

Extension of territorial sea

1. (1) Subject to the provisions of this Act:
  - (a) The breadth of the territorial sea adjacent to the United Kingdom shall for all purposes be 12 nautical miles; and
  - (b) The baselines from which the breadth of that territorial sea is to be measured shall for all purposes be those established by Her Majesty by Order in Council.
- (2) Her Majesty may, for the purpose of implementing any international agreement or otherwise, by Order in Council provide that any part of the territorial sea adjacent to the United Kingdom shall extend to such line other than that provided for by subsection (1) above as may be specified in the Order.
- (3) In any legal proceedings a certificate issued by or under the authority of the Secretary of State stating the location of any baseline established under subsection (1) above shall be conclusive of what is stated in the certificate.
- (4) As from the coming into force of this section the Territorial Waters Order in Council 1964 and the Territorial Waters (Amendment) Order in Council 1979 shall have effect for all purposes as if they were Orders in Council made by virtue of subsection (1) (b) above; and subsection (5) below shall apply to those Orders as it applies to any other instrument.
- (5) Subject to the provisions of this Act, any enactment or instrument which (whether passed or made before or after the coming into force of this section) contains a reference (however worded) to the territorial sea adjacent to, or to any part of, the United Kingdom shall be construed in accordance with this section and with any provision made, or having effect as if made, under this section.
- (6) Without prejudice to the operation of subsection (5) above in relation to a reference to the baselines from which the breadth of the territorial sea adjacent to the United Kingdom is measured, nothing in that subsection shall require any reference in any enactment or instrument to a specified distance to be construed as a reference to a distance equal to the breadth of that territorial sea.
- (7) In this section "nautical miles" means international nautical miles of 1,852 metres.

...

Short title, commencement and extent

4. (1) This Act may be cited as the Territorial Sea Act 1987.

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<sup>250/</sup> Law of the Sea Bulletin No. 10 (Division for Ocean Affairs and the Law of the Sea, United Nations), p. 12.

<sup>251/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 371.

(2) This Act shall come into force on such day as Her Majesty may by Order in Council appoint, and different days may be so appointed for different provisions and for different purposes.

(3) This Act extends to Northern Ireland.

(4) Her Majesty may by Order in Council direct that any of the provisions of this Act shall extend, with such exceptions, adaptations and modifications (if any) as may be specified in the Order, to any of the Channel Islands or to the Isle of Man.

...

3. The Territorial Sea (Limits) Order 1989 <sup>252/</sup>

...

1. This Order may be cited as the Territorial Sea (Limits) Order 1989 and shall come into force on 6 April 1989.

2. The seaward limit of the territorial sea adjacent to the United Kingdom between Point 1 and Point 6 indicated in the Schedule to this Order shall consist of a series of straight lines joining, in the sequence given, Points 1 to 6 indicated in the Schedule to this Order.

3. The seaward limit of the territorial sea adjacent to the United Kingdom shall be the median line where the baselines from which the breadth of the territorial sea adjacent to the United Kingdom is measured are less than 24 nautical miles from the baselines from which the breadth of the territorial sea adjacent to the Isle of Man is measured.

4. In this Order:

- (a) "straight line" means a loxodromic line;
- (b) all positions given by means of coordinates are defined on European Datum (1st Adjustment 1950);
- (c) "median line" is a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea adjacent to the United Kingdom and the Isle of Man respectively is measured.

...

SCHEDULE

List of points

<u>Point</u>	<u>Position of points</u>			
1	50° 49' 30" 95 N	01° 15' 53" 43 E		
2	50° 53' 47" 00 N	01° 16' 58" 00 E		
3	50° 57' 00" 00 N	01° 21' 25" 00 E		
4	51° 02' 19" 00 N	01° 32' 53" 00 E		
5	51° 05' 58" 00 N	01° 43' 31" 00 E		
6	51° 12' 00" 72 N	01° 53' 20" 07 E		

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<sup>252/</sup> Law of the Sea Bulletin No. 14 (Division for Ocean Affairs and the Law of the Sea, United Nations), p. 10.



EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the seaward limit of the territorial sea adjacent to the United Kingdom in the Straits of Dover and in the vicinity of the Isle of Man. The limit in the Straits of Dover is constituted by straight lines joining the points indicated in the Schedule and follows the line defined in the Agreement of 2 November 1988 between the Government of the United Kingdom and the Government of the French Republic (Cm.557) relating to the Delimitation of the Territorial Sea in the Straits of Dover. The limit in the vicinity of the Isle of Man is the median line.

135. UNITED REPUBLIC OF TANZANIA

Territorial Sea and Exclusive Economic Zone Act, 1989 <sup>253/</sup>

...

PART I  
PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the Territorial Sea and Exclusive Economic Zone Act, 1989, and shall come into operation on such date as the Minister may, by notice in the Gazette, appoint.
- (2) This Act shall extend to Zanzibar.

Interpretation

2. In this Act, unless the context otherwise requires:

...

"Law of the Sea Convention" means the Law of the Sea Convention of 1982 which is attached as a schedule to this Act, and whose provisions this Act seeks to implement;

"a marine authorized officer" means an authorized officer mentioned under section 13;

"Minister" means the Minister responsible for Foreign Affairs.

PART II  
TERRITORIAL SEA

The Territorial Sea

3. (1) There is established a marine zone to be known as the Territorial Sea.
- (2) The breadth of the Territorial Sea of the United Republic shall comprise those areas of the sea extending up to 12 nautical miles measured from the coastal low-water line as determined under section 5 of this Act.

...

Baseline of Territorial Sea

5. The baseline from which the breadth of the Territorial Sea of the United Republic is measured shall be the low-water line along the coast of the United Republic including the coast of all islands, as marked on a large-scale chart or map officially recognized by the Government of the United Republic.

The seabed and internal waters vested in Government

6. The seabed and subsoil of submarine areas bounded on the landward side by the low-water line along the coast of Tanzania and on the seaward side by the outer limits of the Territorial Sea of the United Republic shall be deemed to be and always to have been vested in the Government of the United Republic.

...

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<sup>253/</sup> Law of the Sea Bulletin No. 13 (Division for Ocean Affairs and the Law of the Sea, United Nations), p. 38.

AUTHORIZED OFFICERS

Authorized officers

13. For the purposes of this Act, the following persons are designated authorized officers:

- (a) Fisheries officers of the Government Ministries responsible for fisheries;
- (b) Members of the Defence Forces;
- (c) Members of the Police Forces;
- (d) Officers of the Customs and Sales Tax Department;
- (e) Kikosi Maalum Cha Kuzuia Magendo, otherwise commonly known as "KMKM";
- (f) Any other person approved by the Minister.

Powers of authorized officers

14. (1) An authorized officer may, in performing his duties, exercise all the powers conferred on him by this Act in respect of:

- (a) A Government vessel or structure that is at sea or in port; or
- (b) A foreign vessel or foreign structure that he reasonably suspects of being used in connection with fishing or any other activity carried on in contravention of this Act or the regulations.

(2) In the performance of his duties under this section, an authorized officer may:

- (a) Reasonably call on any person to assist him;
- (b) Use such forces as are reasonably necessary;
- (c) Require any person to do anything that appears reasonably necessary for the purpose of facilitating the performance of those duties;
- (d) Order that any vessel or structure be stopped;
- (e) Board any vessel;
- (f) Search or examine any vessel or structure or any fish equipment or thing on board thereof;
- (g) Require any person on board a vessel or structure to produce any document or thing relating to that vessel or structure or the persons on board thereof.

(3) An authorized officer who has reasonable grounds to suspect that an offence has been committed under this Act or the regulations by any person, including any person on board a vessel or structure, may, without warrant or other process:

- (a) Seize the vessel or structure together with any fish, fishing gear or other equipment suspected of being used in the commission of the offence; or
- (b) Detain the person he suspects.

(4) Where a vessel, structure or thing is seized or a person is detained under subsection (3) an authorized officer shall, where possible, take the vessel, structure, thing or person as soon as practicable to the nearest port and, within a reasonable time, cause the person detained to be brought before a Magistrate's court to answer a charge in connection with the offence that gave rise to the seizure and detention.

(5) A court may order that any vessel, structure, fishing gear or other equipment, device or thing seized under subsection (3) be forfeited where the owner thereof is unknown and no claim thereto is made within one month of the seizure under that subsection.

#### Sale of fish likely to spoil

15. (1) An authorized officer may, to avoid spoilage or decay of any fish he seizes under section 14, sell that fish in such manner as a fisheries officer of the Ministry responsible for fisheries directs.

(2) All moneys resulting from a sale of fish under subsection (1) shall be paid into the Consolidated Fund.

(3) An authorized officer who makes a sale of fish under subsection (1) shall give to the person from whom he seizes the fish a receipt containing:

- (a) The date of the sale;
- (b) The quantity of fish;
- (c) The amount realized by the sale,

and the receipt shall be signed by the officer.

(4) Where a court dismisses a charge against a person brought before it under section 14, it shall, in any case where the fish in the possession of that person was sold, order compensation not exceeding the net amount realized by the sale to be paid to that person.

(5) Compensation payable under subsection (4) shall be charged on and paid out of the Consolidated Fund.

#### Exemption from liability

16. No liability shall be borne by an authorized officer of the United Republic in respect of acts done by that officer in good faith in the performance of his duties under this Act.

### PART V OFFENCES AND MISCELLANEOUS PROVISIONS

#### General offences

17. Any person who:

- (a) Assaults, resists, obstructs or intimidates an authorized officer or any person assisting him in the execution of his duty;
- (b) Uses indecent, abusive or insulting language to an authorized officer in the execution of his duty;
- (c) Interferes with or hinders an authorized officer in the execution of his duty;

- (d) By any gratuity, bribe, promise or other inducement, prevents an authorized officer from carrying out his duty;
- (e) Without the authority of an authorized officer, is found in possession of any articles seized under section 14;
- (f) Contravenes any provision of this Act for which no penalty is provided or the regulation,

shall be guilty of an offence and shall, on conviction, be liable to a fine not less than United States dollars one hundred thousand or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment and, in addition, the court may order the forfeiture of any vessel, structure, equipment, device or thing in connection with which the offence was committed.

#### Return of property seized

18. Subject to the provision of section 15, a court may order that property seized under subsection (3) of section 14 be returned to the person from whom it was taken or to a person named by that person where:

- (a) The court dismisses a charge brought against that person under this Act or the regulations, and it is of the opinion that the property can be returned consistently with the interest of justice; or
- (b) No charge has been brought against any person within a reasonable time after a seizure has been effected under that subsection.

#### Regulations

19. The Minister may, after consultation with the Minister responsible for the administration of the relevant laws applicable in Mainland Tanzania and Zanzibar, make regulations generally for carrying into effect the provisions of this Act, and in particular respecting:

...

- (e) The preservation of the marine environment of the United Republic and the prevention and control of pollution thereto;

...

- (g) The conservation measures to protect the living resources of the sea.

...

136. UNITED STATES OF AMERICA

Proclamation on the territorial sea of the United States of America by the President, 27 December 1988 <sup>254/</sup>

International law recognizes that coastal nations may exercise sovereignty and jurisdiction over their territorial seas.

The territorial sea of the United States is a maritime zone extending beyond the land territory and internal waters of the United States over which the United States exercises sovereignty and jurisdiction, a sovereignty and jurisdiction that extend to the airspace over the territorial sea, as well as to its bed and subsoil.

Extension of the territorial sea by the United States to the limits permitted by international law will advance the national security and other significant interests of the United States.

NOW, THEREFORE, I, RONALD REAGAN, by the authority vested in me as President by the Constitution of the United States of America, and in accordance with international law, do hereby proclaim the extension of the territorial sea of the United States of America, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession over which the United States exercises sovereignty.

The territorial sea of the United States henceforth extends to 12 nautical miles from the baselines of the United States determined in accordance with international law.

In accordance with international law, as reflected in the applicable provisions of the 1982 Convention on the Law of the Sea, within the territorial sea of the United States, the ships of all countries enjoy the right of innocent passage and the ships and aircraft of all countries enjoy the right of transit passage through international straits.

Nothing in this Proclamation:

(a) Extends or otherwise alters existing federal or state law or any jurisdiction, rights, legal interests or obligations derived therefrom, or

(b) Impairs the determination, in accordance with international law, of any maritime boundary of the United States with a foreign jurisdiction.

...

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<sup>254/</sup> Law of the Sea Bulletin No. 12 (Division for Ocean Affairs and the Law of the Sea, United Nations), p. 18.

137. URUGUAY

Decree by the Executive [D.604/969] extending national sovereignty to a territorial sea of 200 nautical miles, of 3 December 1969 <sup>255/</sup>

...

Article 1

The sovereignty of the Eastern Republic of Uruguay shall extend beyond its continental and island territory and its internal waters, to a territorial sea of 200 nautical miles, measured from the baselines.

Article 2

The sovereignty of the Republic shall also extend to the airspace over the territorial sea as well as to its bed and subsoil.

...

Article 4

Without prejudice to the provisions of the previous articles, ships of all States enjoy the right of innocent passage through the territorial sea of Uruguay in a 12-mile zone, measured from the baselines.

Beyond that 12-mile zone, the provisions of this Decree shall not affect the freedoms of navigation and overflight.

Article 5

Commercial and sports fishing in the territorial sea in a 12-mile zone measured from the baselines shall be engaged in exclusively by duly authorized ships of Uruguayan registry, without prejudice to the provisions of international agreements concluded by the Republic on a basis of reciprocity.

Article 6

Beyond the 12-mile zone referred to in the preceding article, fishing vessels of foreign registry may exploit the living resources between the 12-nautical-mile zone and the 200-nautical-mile limit only if they have received authorization from the Executive, which authorization shall comply with the relevant regulations or the provisions of international agreements concluded by the Republic.

The aforementioned vessels must in all cases comply with conservation measures regarding living resources which might be adopted in the area and with the controls which might be established.

...

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<sup>255/</sup> "América Latina y la extensión del mar territorial - Régimen jurídico", República Oriental del Uruguay, Presidencia de la República, Montevideo, 1971.

138. VANUATU

The Maritime Zones Act, No. 23 of 1981 <sup>256/</sup> <sup>257/</sup>

PART 1  
INTERPRETATION

Interpretation

1. In this Act, unless the context otherwise requires:

"bay" means an indentation of the coast with an area of not less than that of the semicircle the diameter of which is a line drawn across the mouth of the indentation;

"island" means a naturally formed area of land, surrounded by water, which is above water at high tide;

"low-water line" means the relevant low-water datum line shown on the latest relevant British Admiralty charts or where there is no such datum the lowest astronomical tide line. In any case where there is doubt as to which is the latest relevant British Admiralty chart for the purposes of this definition the Minister may establish which is such chart by declaration published in the Gazette;

"nautical mile" means an international nautical mile of 1,852 metres.

...

PART 3  
ARCHIPELAGIC WATERS AND TERRITORIAL SEA

Sovereignty of Vanuatu

3. The sovereignty of Vanuatu extends beyond the land and internal waters of its islands to the archipelagic waters and territorial sea and to the airspace thereover as well as to the seabed and subsoil thereunder.

...

Territorial sea

5. (1) The territorial sea comprises all areas of sea having as their innermost limits the baselines described in subsection (2) and as their outermost limits, a line measured seaward from those baselines, every point of which is 12 nautical miles from the nearest point of the appropriate baseline.

(2) The baselines from which the territorial sea is measured shall be the archipelagic baseline and the low-water line of the coast of Matthew Island and Hunter Island.

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<sup>256/</sup> Law of the Sea Bulletin No. 1 (Division for Ocean Affairs and the Law of the Sea, United Nations), p. 64.

<sup>257/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 376.



Rights of passage

6. (1) Subject to the provisions of this Act, all foreign ships may enjoy the right of innocent passage through the archipelagic waters and territorial sea.

(2) The Minister may, after consultation with the Minister responsible for Transport and Communications, by order published in the Gazette, designate sea lanes and air routes, suitable for the continuous and expeditious passage of foreign ships and aircraft through or over the archipelagic waters and territorial sea and may also prescribe traffic separation schemes for the purpose of ensuring the safe passage of ships through narrow channels in such sea lanes.

PART 4  
CONTIGUOUS ZONE

Contiguous zone

7. (1) The contiguous zone is an area beyond and adjacent to the territorial sea having as its outermost limits a line measured seaward from the baselines from which the territorial sea is measured, every point of which is 24 nautical miles from the nearest point of the appropriate baseline.

(2) Vanuatu may exercise such powers and take such measures in relation to the contiguous zone as may be necessary in order to prevent or punish infringements of its customs, fiscal, immigration or sanitary laws.

...  
PART 6  
MISCELLANEOUS  
...

Offences and penalties

12. (1) Any contravention of this Act, or of any order made hereunder, occurring within the archipelagic waters, territorial sea or exclusive economic zone shall be deemed to have occurred in Vanuatu.

(2) Where a contravention of this Act is triable in a Magistrate's Court it may be tried by any Senior Magistrate.

(3) Any person who contravenes this Act or any order made hereunder shall be liable on conviction to a fine not exceeding 1,000,000 vatu or to imprisonment for 5 years or both such fine and imprisonment.

Orders

13. Where no other provision is for the time being made by any other law for any such purposes, the Minister may by order:

- (a) Amend the Schedule;
- (b) Provide for the protection and preservation of the marine environment of the continental shelf, archipelagic waters, the territorial sea and the exclusive economic zone;
- (c) Regulate the conduct of foreign ships and aircraft in relation to the rights of navigation and overflight provided for in sections 6 and 15;
- (d) Regulate the conduct of scientific research within the archipelagic waters, the territorial sea and the exclusive economic zone;

- (e) Regulate the construction, operation and use of artificial islands (whether permanent or temporary), and other installations and structures in the archipelagic waters, and the territorial sea and the exclusive economic zone and establish safety zones around such islands, installations and structures;
- (f) Regulate the exploration and exploitation of the archipelagic waters, the territorial sea and the exclusive economic zone for the production of energy from the water, currents and winds, and for any other economic purposes;
- (g) Provide for such other matters as may be required for giving full effect to the sovereignty of Vanuatu in relation to the archipelagic waters, the territorial sea and the exclusive economic zone;
- (h) Provide otherwise for the better carrying out of the provisions of this Act and for its due administration.

...

139. VENEZUELA

Act of 27 July 1956 concerning the Territorial Sea, Continental Shelf,  
Fishery Protection and Air space <sup>258/</sup> <sup>259/</sup>

TITLE I  
TERRITORIAL SEA AND CONTIGUOUS ZONE

Article 1

The territorial sea of the Republic of Venezuela shall extend along the continental and island coasts of the Republic to a breadth of 22,224 kilometres, being the equivalent of twelve nautical miles, measured from the baselines referred to in article 2 of this Act.

National sovereignty over the territorial sea shall extend to the waters, the seabed and the subsoil and to all resources in the waters, the seabed and the subsoil.

In the event that the limit established by this article coincides with the territorial sea of another State, the matter shall be resolved by means of agreements or other methods recognized by international law.

Article 2

The breadth of the territorial sea shall normally be measured from the low-water line. Where circumstances necessitate a special regime because of the configuration of the coast or the exercise of islands in the immediate vicinity of the coast or because of interests peculiar to a particular area, the measurement shall be made from straight baselines.

The waters included within the straight baselines shall be internal waters and form part of the national territory.

The National Executive shall establish the straight baselines, which shall be shown in the official geographical maps.

Article 3

For the purposes of maritime supervision and policing, national security and the safeguarding of the national interests, a zone of 5,556 kilometres, being the equivalent of three nautical miles, shall be established contiguous to the territorial sea.

...

TITLE IV  
AIRSPACE

Article 9

The airspace over the territory of the Republic of Venezuela shall be subject to Venezuelan sovereignty as far as the outer limit of the territorial sea.

...

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<sup>258/</sup> United Nations document A/CONF.19/5, p.34.

<sup>259/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 381.

140. VIET NAM

Statement by the Government of the Socialist Republic of Viet Nam on the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of Viet Nam, 12 May 1977 <sup>260/</sup> <sup>261/</sup>

The Government of the Socialist Republic of Viet Nam,

After approval by the Standing Committee of the National Assembly of the Socialist Republic of Viet Nam,

Declares that it has defined the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of the Socialist Republic of Viet Nam as follows:

1. The territorial sea of the Socialist Republic of Viet Nam has a breadth of 12 nautical miles measured from a baseline which links the furthest seaward points of the coast and the outermost points of Vietnamese offshore islands, and which is the low-water line along the coast.

The waters on the landward side of the baseline constitute internal waters of the Socialist Republic of Viet Nam.

The Socialist Republic of Viet Nam exercises full and complete sovereignty over its territorial sea as well as the superjacent airspace and the bed and subsoil of the territorial sea.

2. The contiguous zone of the Socialist Republic of Viet Nam is a 12-nautical-mile maritime zone adjacent to and beyond the Vietnamese territorial sea, with which it forms a zone of 24 nautical miles from the baseline used to measure the breadth of the territorial sea.

The Government of the Socialist Republic of Viet Nam exercises the necessary control in its contiguous zone in order to see to its security and customs and fiscal interests and to ensure respect for its sanitary, emigration and immigration regulations within the Vietnamese territory or territorial sea.

...

5. The islands and archipelagos, forming an integral part of the Vietnamese territory and beyond the Vietnamese territorial sea mentioned in paragraph 1, have their own territorial seas, contiguous zones, exclusive economic zones and continental shelves, determined in accordance with the provisions of paragraph 1, 2, 3 and 4 of this Statement.

6. Proceeding from the principles of this Statement, specific questions relating to the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of the Socialist Republic of Viet Nam will be dealt with in detail in further regulations, in accordance with the principle of defending the sovereignty and interests of the Socialist Republic of Viet Nam, and in keeping with international law and practices.

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<sup>260/</sup> Text communicated by the Permanent Mission of Viet Nam to the United Nations.

<sup>261/</sup> The Law of the Sea - Baselines: National Legislation with Illustrative Maps, Division for Ocean Affairs and the Law of the Sea, 1989 (United Nations publication, Sales No. E.89.V.10), p. 384.

7. The Government of the Socialist Republic of Viet Nam will settle with the countries concerned, through negotiations on the basis of mutual respect for independence and sovereignty, in accordance with international law and practices, the matters relating to the maritime zones and the continental shelf of each country.

141. **YEMEN**

Act No. 45 of 1977 concerning the Territorial Sea, Exclusive Economic Zone,  
Continental Shelf and Other Marine Areas <sup>262/ 263/</sup>

...

SECTION I  
TITLE AND DEFINITIONS

Article 1

This Act shall be known as "The Act of 1977 concerning the territorial sea, exclusive economic zone, continental shelf and other marine areas".

Article 2

For the purposes of the present Act, the following words and terms shall, except where otherwise indicated, have the meanings assigned to them below:

...

"Coast": the continental and island coastlines of the People's Democratic Republic of Yemen facing the Gulf of Aden, the Bab el Mandab Strait, the Red Sea, the Arabian Sea and the Indian Ocean in accordance with the maps officially recognized by the Republic;

"Island": a naturally formed area of land, surrounded on all sides by water, which is above the water level at high tide;

...

"Contiguous zone": an expanse of water beyond the territorial sea of the Republic and adjacent to it as defined in article 11 of the present Act;

...

"Low-tide elevation": a naturally formed area of land which is surrounded by and above water at low tide but submerged at high tide;

"Pollution of the marine environment": the introduction by man, directly or indirectly, of matter or energy into the marine environment resulting in such deleterious effects as harm to living resources, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities;

"Nautical mile": one thousand eight hundred and fifty-two (1,852) metres.

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<sup>262/</sup> Text communicated by the Permanent Mission of Yemen to the United Nations.

<sup>263/</sup> This Act was adopted by the People's Democratic Republic of Yemen, which merged on 22 May 1990 with the Yemen Arab Republic, to constitute the Republic of Yemen. Regarding legislation on marine areas, the Yemen Arab Republic had only a Presidential Resolution (No. 17 of 30 April 1967) establishing the breadth of the territorial sea to twelve miles.

SECTION II  
THE TERRITORIAL SEA AND CONTIGUOUS ZONE

Article 3

The territorial sea, its bed and subsoil thereof as well as the airspace above it are subject to the sovereignty of the Republic.

Article 4

The territorial sea extends beyond the internal waters to a distance of 12 nautical miles seaward, measured from the straight baseline or from the low-water line along the coast as marked on large-scale charts officially recognized by the Republic.

...

Article 6

(a) Foreign ships shall enjoy the right of innocent passage through the territorial sea of the Republic. Such passage is innocent so long as it is not prejudicial to the security, integrity and independence of the Republic.

(b) Passage of a foreign ship or submarine or underwater vehicle shall not be deemed innocent if in the territorial sea it engages in any of the following activities:

- (i) Any threat or use of force against the sovereignty, territorial integrity or independence of the State;
- (ii) Any exercise or practice of any kind;
- (iii) Any act aimed at collecting information to the prejudice of the defence or security of the Republic;
- (iv) The launching, landing or taking on board of any aircraft or military device;
- (v) The embarking or disembarking of any currency, person or commodity contrary to the immigration, security, customs, fiscal or sanitary laws and regulations in force;
- (vi) Any act of wilful and serious pollution prejudicial to human health, living resources or the marine environment;
- (vii) Any act of exploration, exploitation, or drilling for renewable or non-renewable natural resources;
- (viii) Any survey or research activities;
- (ix) Any act aimed at interfering with any systems of communication or any other facilities, installations or equipment;
- (x) Any activity which is not related to passage or is designed as to hamper international navigation.

Article 7

(a) The entry of foreign warships, including submarines and other underwater vehicles, into and their passage through the territorial sea shall be subject to prior authorization from the competent authorities in the Republic.

(b) Submarines and other underwater vehicles are required to navigate on the surface and to show their flag while passing through the territorial sea.

Article 8

Foreign nuclear-powered ships or ships carrying nuclear substances or any other radioactive substances or materials shall give the competent authorities in the Republic prior notification of their entry into and passage through the territorial sea.

Article 9

The competent authorities shall have the right to take all necessary measures in the territorial sea to prevent passage which is not innocent as well as to suspend the admission of all or some foreign ships to specified areas of the territorial sea should the public interest so require, provided that such areas shall be specified in a prior notification.

Article 10

Foreign ships exercising the right of innocent passage in the territorial sea shall comply with the laws and regulations in effect in the Republic, as well as with the rules of international law and, in particular, such laws and regulations relating to transport and navigation.

Article 11

The outer limit of the contiguous zone shall be the line every point of which is at a distance of 24 nautical miles from the nearest point of the baseline referred to in article 4 above.

Article 12

The authorities of the Republic have the right to impose, in the contiguous zone, the control necessary to:

- (a) Prevent any infringement of its security, customs, sanitary and fiscal laws and regulations within its territory or territorial sea;
- (b) Punish infringement of the above laws and regulations whether committed within its territory or within its territorial sea.

...

SECTION V  
MARINE BOUNDARIES

Article 17

(a) The demarcation of marine boundaries between the Republic and any State with adjacent or opposite coasts shall be effected, with regard to the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf, by agreement with that State.

(b) Pending agreement on the demarcation of the marine boundaries, the limits of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf between the Republic and any State with coasts adjacent or opposite to it, the coast of the Republic shall not be extended to more than the median or equidistance line every point of which is equal in distance from the nearest points on the baselines from which the breadth of the territorial seas of both the Republic and the other State is measured.



SECTION VI  
THE ISLAND TERRITORY

Article 18

Each of the islands of the Republic shall have a territorial sea, contiguous zone, exclusive economic zone and continental shelf of its own, and all provisions of this Act shall be applicable to it.

SECTION VII  
GENERAL PROVISIONS

Article 19

In exercising its sovereign rights and jurisdiction over the territorial sea, the exclusive economic zone and the continental shelf, the Republic shall have the right to take all necessary measures aimed at ensuring the implementation of its laws and regulations.

Article 20

Any foreign person, natural or juridical, shall be banned from exploring and exploiting the renewable and non-renewable natural resources of the territorial sea, exclusive economic zone and continental shelf of the Republic, from conducting any prospecting, drilling or search operations, undertaking any scientific research or prospecting, drilling, construction or maintenance of any kind of artificial islands, stations (marine installations), devices or structures, or from conducting any operational or maintenance work for any purpose, unless he has entered into a special agreement with the Republic for this purpose or obtained a special permit from its competent authorities.

Article 21

Without prejudice to any more severe penalty laid down in any other law, any person violating the provisions of this Act or the rules and regulations issued under it shall be subject to a penalty of not more than three years' imprisonment or a fine of not more than 10,000 dinars. However, the court may also order confiscation.

Article 22

Any person causing any pollution detrimental to human health or to the living resources of the marine environment in the internal waters, territorial sea or the exclusive economic zone of the Republic shall be punished with a prison sentence of not more than one year or with a fine of not more than 5,000 dinars.

Should such pollution result in serious harm, the penalty shall be a prison sentence of not more than three years or a fine not exceeding 10,000 dinars.

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