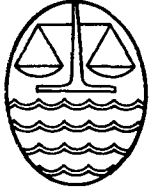




UNITED NATIONS



SECOND CONFERENCE ON THE LAW OF THE SEA

Distr.
GENERAL

A/CONF.19/5/Add.2
8 April 1960

Original: ENGLISH

Addendum to the Supplement
to
Laws and Regulations on the
Regime of the Territorial Sea
(United Nations Legislative Series)

NETHERLANDS

Netherlands New Guinea

Ordinance of 17 February 1959, amending the
Territorial Sea and Maritime Districts Ordinance 1939

Note by the Secretary-General

Documents A/CONF.19/5 and Add.1 reproduce the texts of laws and regulations received up to 4 April 1960 from Governments in response to the request addressed to them by the Secretary-General on 13 March 1959,^{1/} in connexion with the preparation of the revised edition of the Synoptical Table Concerning the Breadth and Juridical Status of the Territorial Sea and Adjacent Zones (A/CONF.19/4). This addendum contains the text of the Netherlands New Guinea Ordinance of 17 February 1959, amending the Territorial Sea and Maritime Districts Ordinance 1939 supplied by the Government of Netherlands New Guinea. The texts included in A/CONF.19/5 and Add.1 and 2 supplement the volume of the United Nations Legislative Series relating to Laws and Regulations on the Regime of the Territorial Sea (S/LEG/SER.B/6).^{2/}

^{1/} See document A/CONF.19/4, Note by the Secretary-General, paragraph 2.

^{2/} United Nations Publication, Sales No.: 1957.V.2

NETHERLANDS

Netherlands New Guinea

ORDINANCE OF 17 FEBRUARY 1959,^{1/} AMENDING THE
TERRITORIAL SEA AND MARITIME DISTRICTS ORDINANCE 1939^{2/}

By the Queen!

The Governor of Netherlands New Guinea,

Having considered:

that, in order to prevent and punish contraventions of the legal regulations in force in Netherlands New Guinea concerning the importation, exportation, transit and transport by sea, excise duties, taxes, immigration and public health, it is desirable to lay down a zone contiguous to the territorial sea of Netherlands New Guinea, and to adapt some of the legal regulations to be amended in this connection to the new circumstances, as referred to in Transitional provision No.1 of the Decree for the Regulation of the Administration of New Guinea;

Having consulted the Council of Heads of Departments,
Has laid down the following Ordinance:

Article 1

The Territorial Sea and Maritime Districts Ordinance 1939 (Ind. Staatsblad 1939 No.442), as amended, shall be further amended as follows:

- A. In sections A, C and D of sub-paragraph 1 I and under 3 of paragraph (1) of Article 1, as also in paragraph (7) of Article 12, paragraph (2) of Article 17 and under d of Article 18 "Netherlands New Guinea" shall be substituted for "Indonesia".
- B. In the first line of sub-paragraph 1 of paragraph (1) of Article 1, in sub-paragraph 1 I (first section) and in 2 through 5 of the same Article, in paragraph (1) a. of Article 9, paragraph (2) of Article 10, paragraph (1) h. of Article 12, Article 16, paragraph (2) of Article 17, the opening lines and in b. through e. of article 18, Article 20 and Article 21 "Netherlands New Guinea" shall be substituted for "Indonesien".

1/ Gouvernementsblad van Nederlands Nieuw-Guineau, 1959, No.5;
the Ordinance entered into force on 21 February 1959.

2/ United Nations Legislative Series, Laws and Regulations on the Regime of the Territorial Sea (ST/LEG/SER.L/6), pp.193-201.

- C. In paragraph (1) 5 of Article 1 "Governor" shall be substituted for "Governor-General".
- D. In paragraph (1) of Article 1 a new point 6 shall be inserted reading as follows:
 - "6. Netherlands New Guinea contiguous zone: the sea area extending to seaward of the Netherlands New Guinea territorial sea to a distance of twelve nautical miles from the line from which the distance of three miles referred to in sub-paragraph 1 I of this paragraph is measured; subject to the following proviso:
 - a. where the territorial sea of Netherlands New Guinea borders on the territorial sea of an adjacent foreign state,
 - b. where the distance between this line and the baseline from which, according to the same principles, the breadth of the territorial sea of an opposite foreign state is measured, is less than twenty-four nautical miles, the contiguous zone shall extend to the median line every point of which is equidistant from the nearest points on the first-mentioned line and the baseline of the foreign state".
- E. In paragraph (3) of Article 2, paragraph (3) of Article 4, the first section and the opening lines of the second section of paragraph (1) of Article 5, paragraph (4) of Article 5, paragraph (1) of Article 6, paragraph (2) of Article 7, paragraph (1) of Article 8, the opening lines of paragraph (1), paragraph (2) and paragraph (4) of Article 9, paragraph (3) of Article 10 and paragraph (2) of Article 11, the words "in Netherlands New Guinea" shall be inserted after "Naval Commander".
- F. In paragraph (2) of Article 8 and in paragraph (4) of Article 10 Javasche Courant shall be substituted by "Officieel Nieuwsblad".
- G.
- H. The first paragraph of Article 13 shall read as follows: "The Commanders of Naval Bases in Netherlands New Guinea, the commanders of Her Majesty's warships, naval air force stations, naval air force squadrons and naval aircraft, the masters of government vessels designated for that purpose, persons placed under the command of, and duly commissioned by, these commanders

and masters, harbour-masters and officials acting as harbour-masters, pilots and such other persons as are designated by the Naval Commander in Netherland New Guinea and the Director of Transport and Power shall be responsible for implementing and enforcing the provisions of this Ordinance".

I. Article 14 shall read as follows:

"In addition to persons generally responsible for inquiring into punishable acts, the persons who under the provisions of the preceding article are responsible for implementing and enforcing the provisions of this Ordinance shall be authorized to inquire into acts declared punishable by, or in provisions enacted pursuant to, this Ordinance and into offences against the legal regulations in force in Netherlands New Guinea and relating to the import, export, transit and sea transport, excise duties, taxes, immigration and public health; and into the punishable acts specified in Articles 167 and 168 (in so far as they refer to the illegal entry of pilot station ships, light ships and lighthouse installations), 196 to 199 inclusive, 324 to 326 inclusive, 438 to 443 inclusive, 447 to 451 inclusive, 473, 474 and 564 to 566 inclusive of the Penal Code."

J. In the first paragraph of Article 15 the second sentence shall be deleted.

K. A new Article 16 a shall be inserted, reading as follows:

"For the purpose of implementing the legal regulations in force in Netherland New Guinea and relating to the import, export, transit and sea transport, excise duties, taxes, immigration and public health, the persons responsible for inquiring into the punishable acts referred to in Article 14 shall also be authorized to stop and search ships and vessels in the contiguous zone of Netherlands New Guinea, and to demand to see the ship's papers".

L. 1. The first paragraph of Article 17 shall read as follows:

"(1) The stopping or search of ships which do not fly the Netherlands flag must be effected in Netherlands New Guinea waters, except as otherwise provided in Article 16 a. and paragraphs (2) and (3) of the present Article".

2. In the second paragraph of Article 17 the words "or one of its boats" shall be inserted after "the vessel in question".

3. In Article 17 a new paragraph (3) shall be inserted, reading as follows:

"(3) The provisions of the second paragraph of this Article shall similarly apply if a vessel of foreign nationality or one of its boats was in the contiguous zone of Netherlands New Guinea at the moment the pursuit of the vessel or the boat in connection with a contravention of the legal regulations referred to in Article 16 a. committed within the territory of Netherlands New Guinea, is commenced".

The present paragraph (3) will be paragraph (4).

4. The new paragraph (4) of Article 17 shall be amended to read as follows:

(a) In the opening lines "or paragraph (3)" shall be inserted after "paragraph (2)".

(b) Sub-paragraph 1 shall read as follows:

"Irrespective of the position of the investigating official, it must be proved, by the taking of bearing, or otherwise, that the offending ship, or one of its boats, by means or with the assistance of which the punishable act was committed, or another vessel co-operating with the ship and using it as mother ship, is within Netherlands New Guinea territorial waters or within the Netherlands New Guinea contiguous zone".

M. After Article 18 has been amended as mentioned under B, the full stop after e. shall be replaced by a semi-colon, and a new sub-section f. shall be inserted, reading as follows:

"f. If a ship which is in the contiguous zone of Netherlands New Guinea or was there when the pursuit as referred to in the third paragraph of Article 17 was commenced, has been found guilty of a contravention of the legal regulations referred to in Article 16 a."

N. In the articles 19 to 21 inclusive the words "Government order" shall be replaced by "Decree containing general measures".