

CHAPTER 1. NATIONAL LEGISLATION

1. Argentina

(a) CIVIL CODE, 29 SEPTEMBER 1869 (1 JANUARY 1871). TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 2340. The following are the public property of the general State [of the Republic] or of the individual States:

1. The seas adjacent to the territory of the Republic, up to a distance of one marine league, measured from the low-water mark; but the right of policing with respect to matters concerning the security of the country and the observance of fiscal laws extends up to the distance of four marine leagues measured in the same manner.

2. Interior seas, bays, inlets, ports and anchorages.

(b) FISHING REGULATIONS, ENACTED BY DECREE NO. 148,119, 19 APRIL 1943. "ANALES DE LEGISLACIÓN ARGENTINA", VOL. 3 (1943), P. 142. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 4. As fishing in fresh water shall be considered fishing conducted in rivers, streams, lakes and lagoons. Maritime fishing is divided into coastal and on high seas (*mayor*). As coastal fishing shall be considered fishing conducted within the limits of a line running parallel to the coast at a distance of twelve maritime miles, to be reckoned from the low-water mark. As high seas fishing (*pesca mayor*) shall be considered fishing conducted beyond that limit, as well as fishing at the mouth of the Plate River if it concerns maritime and/or anadromous migratory species.

Note. A Presidential Decree concerning fishing and hunting, of 18 September 1907 (*Registro Nacional*, 1907, tercer trimestre, c. 984, p. 188) contained the following provisions concerning fisheries protection:

"*Article 1.* For fishing purposes, 'territorial sea' shall mean a zone extending ten miles (18,250 metres), to be counted from the line of other waters around all the land territory. In those regions of the coast where streams, rivers or lagoons flow into the sea, the Executive Power shall indicate by ordinary lines the division between the territorial sea and the fluvial zones ...

"*Article 4.* Fishing shall be free, but its exercise shall be subject to the following provisions:

"(a) Trawl-nets towed by sailboats may not be used except at a distance of three miles from the land, and the size of the mesh of these nets, once they have been dyed and moistened, shall not be smaller than a square the side of which is 40 millimetres long;

"(b) Trawl-nets towed by steamboats may not be used within the first five miles of the territorial sea;

"(c) These distances shall be five and ten miles, respectively, where the sailboats or steamboats fish around a point in which fishermen are established, or shall be established, who use other methods of fishing ..."

Article 3 of the Regulations of 4 July 1909, issued by the Ministry of Agriculture with respect to fishing concessions along the maritime shore between the mouths of Rio de la Plata and of Rio Negro, provided similarly that "the concessionaires may only employ trawl-nets towed by steamboats in a zone at least twelve (12) miles distant from the low-water mark." *Ministerio de Agricultura, Leyes, decretos, etc., sobre pesca, caza marítima e industrialización* (1944), p. 29. A three-mile limit was established, however, for coastal fishing and trawling by articles 2 and 16 of the Fishing Regulations of 26 December 1914. *Ministerio de Marino, Digesto marítimo y fluvial* (1938), p. 194.

2. Belgium

- (a) LAW ESTABLISHING A SINGLE CUSTOMS ZONE, 7 JUNE 1832. "PASINOMIE: COLLECTION DES LOIS, DÉCRETS, ETC.", VOL. 13 (1831-1832), p. 356. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Considering articles 162 and 177 of General Act No. 38 of 26 August 1822, and the Order of 22 November 1822, relating to the course of the two customs lines introduced by that Act;

By common agreement with the Chambers, we have decreed and do order as follows:

Article 1. A single zone shall be substituted for the double zone established by Act No. 38 of 26 August 1822.

The executive authority shall, before 25 June next, determine the course of the line defining this new customs zone, at a distance of not more than one myriametre (10,000 metres) from the outermost land frontier and of 5,000 metres from the coast.

Supervision as provided in the two following articles shall be carried out to a distance of one myriametre (10,000 metres) seawards from the coast.

Article 2. Customs officers may search vessels of less than fifty tons burthen anchored or hovering within the said distance of one myriametre (10,000 metres) from the coast, except in case of *force majeure*, and may require the bills of lading and other ship's papers relating to the cargo to be produced.

Article 3. Vessels or boats of not more than thirty tons burthen, anchored, coasting or hovering within 2,500 metres of the coast, which carry prohibited goods or articles subject to excise duties in Belgium, shall be seized and confiscated, together with the portion of the cargo which occasioned the seizure.

Article 4. All the provisions of the afore-mentioned General Act concerning the territory referred to in article 177 shall apply to the zone to be determined in accordance with article 1 hereof.

Furthermore, when pursuing a vessel engaged in illicit traffic, customs officers may effect seizure even outside the limits of the zone, provided that they have pursued the vessel without interruption.

3. Bulgaria

- (a) DECREE-LAW CONCERNING TERRITORIAL WATERS, 25 AUGUST 1935. "DRJAVEN VESTNIK", VOL. 57, NO. 243 (28 OCTOBER 1935), P. 3729; FRENCH TRANSLATION IN "BULLETIN DE L'INSTITUT JURIDIQUE INTERNATIONAL", VOL. 34 (1936), P. 329. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Chapter I. Limit of territorial waters

Article 1. The territorial waters of the Kingdom extend to a distance of six miles from the water-line on the coast, or from the furthestmost points or port installations jutting into the open sea.

The territorial waters are bounded to the north by the perpendicular line drawn from the shore, from the point where the land frontier joins the waterline and to the south by the line separating Bulgarian waters from Turkish waters in Rezovo Bay.

The Varna and Bourgas Bays are intersected by a straight line drawn: in the case of Varna Bay, from Cape Saint Constantine to Cape Galata; in the case of Bourgas Bay, from Cape Emine to the Cape of Olives.

The extent of the territorial waters is measured from these lines to the open sea, the sea between the said lines and the coast forming part of the internal waters of the Kingdom.

Note. For the purposes of this Legislative Decree, a nautical mile is equal to 1,852 metres.

Articles 2. The air space above the territorial waters, as well as the subsoil and the bed of the sea, are included in the territory of the Kingdom.

The sovereignty of the State in the zones laid down in articles 1 and 2 shall be exercised in accordance with the provisions of the Legislative Decree and in accordance with the rules of international law and of treaties and conventions concluded with other States.

Chapter II. Right of passage

Article 4. Passage through the territorial waters of the Kingdom shall be free to all vessels, if such passage is innocent, that is to say, if it is not prejudicial to the security, public policy, or sanitary or fiscal interests of the State.

The right of passage also includes the right to stop or to anchor, but in so far only as stopping or anchoring is incidental to ordinary navigation, or is rendered necessary to the vessel by a forced mooring or by distress.

Submarines shall pass through the territorial waters on the surface.

Article 5. The respective organs of the State have the right to take any measures in the territorial waters to prevent the violation of provisions laid down for the maintenance of security, public policy and the sanitary and fiscal interests of the State.

Article 6. Foreign vessels and foreign aircraft passing through the territorial waters of the Kingdom shall be required to comply with the

provisions laid down by the competent authorities of the State with regard to:

1. Safety of traffic;
2. Protection of waters against pollution;
3. Protection of the products of the sea;
4. Observation of rules concerning fishing, hunting, etc., in the territorial waters.

Article 7. No charge shall be levied upon foreign vessels which are merely passing through the territorial waters of the Kingdom, except for specific services rendered.

Chapter III. Warships

Article 8. The passage of foreign warships through the territorial waters of the Kingdom is permitted. The conditions under which such passage shall be effected shall be prescribed by regulations.

War submarines shall pass through the territorial waters of the Kingdom on the surface.

Article 9. If a foreign warship passing through the territorial waters of the Kingdom should fail to comply with and violate the established regulations, after having been requested to comply therewith, it shall leave Bulgarian territorial waters as soon as it is requested to do so.

4. Canada

- (a) CUSTOMS ACT OF 13 JULY 1906, AS AMENDED. "REVISED STATUTES OF CANADA, 1927", VOL. 2, C. 42, P. 1131; "STATUTES, 1936", C. 30, P. 175

Section 2. In this Act, or in any other law relating to the customs, unless the context otherwise requires, ...

(u) "Canadian waters" shall mean all territorial waters of Canada and all waters forming part of the territory of Canada, including the marginal sea within three marine miles of the base lines on the coast of Canada, determined in accordance with international law and practice; subject, however, to the following specific provisions:

(i) Canadian waters shall not extend beyond the limits of exclusion recommended in the North Atlantic Fisheries Award, answer to question V, as set forth in the Schedule to this Act;

(ii) The extent of Canadian waters shall conform with the provisions of any other Act of the Parliament of Canada;

(iii) The Governor in Council may from time to time by proclamation temporarily restrict, for customs purposes, the extent of Canadian waters and such proclamation shall not be construed as foregoing any Canadian rights in respect of waters thus restricted;

(iv) The plotting of base lines and of the limits of Canadian waters on a map or chart issued under the authority of and approved by the Governor in Council shall be conclusive evidence of the due determination of such base lines and of the extent of Canadian waters or of Canadian waters temporarily restricted, pursuant to the provisions of the preceding paragraph (iii).

(v) "Canadian customs waters" shall mean the waters forming that part of the sea which is adjacent to and extends nine marine miles beyond Canadian waters.

. . .

Section 7a. (1) Unless the Minister shall, as he may, in respect of any particular vessel or class or classes of vessels otherwise dispense, for a time or generally, the master of any vessel arriving in or found within Canadian waters or of any vessel registered in Canada or of any unregistered vessel owned by a person resident or domiciled in Canada or of any other vessel or class of vessels which has been specified or enumerated by proclamation of the Governor in Council under subsection one of section one hundred and fifty-one of this Act arriving in and found within Canadian customs waters shall, if the cargo of his vessel includes intoxicating liquors, have on board a manifest signed by him under oath as to the truth of the statements therein contained. Such manifest shall contain:

(a) The names of the ports and description of the places at which the goods comprising the cargo of the said vessel were taken on board, and the ports of entry of Canada for which the same are destined, particularly describing the goods destined for each such port;

(b) The name, description, and build of the vessel, the tonnage and port of registry of the vessel, the domicile of the owners thereof and the name of the master;

(c) A detailed account of all goods on board such vessel, with the marks and numbers of each package and parcel, and the number and description of the packages and parcels according to their usual name or denomination, such as barrel, keg, hogshead, case or bag;

(d) The names of the persons to whom such packages or parcels are respectively consigned in accordance with the bills of lading issued therefor, except that when such goods are consigned to order the manifest shall so state;

(e) An account of what surplus stores remain on board.

(2) This section shall not apply to any vessel employed in the transport of duty paid intoxicating liquor from one port or place to another port or place within the limits of Canada.

Section 8. (1) No goods shall be unladen from any vessel arriving at any port or place in Canada, from any place out of Canada, or from any vessel having dutiable goods on board brought coastwise, nor shall bulk be broken within three leagues of the coast, until due entry has been made of such goods, and warrant granted for the unlading of the same.

(2) No goods shall be so unladen, unless for the purpose of lightening the vessel in crossing over or getting free from a shoal, rock, bar or sand bank, except between sunrise and sunset, and on some day not being a Sunday or statutory holiday, and at some hour and place at which an officer is appointed to attend the unlading of goods, or at some place for which a sufferance has been granted by the collector or other proper officer, for the unlading of such goods.

(3) If after the arrival of the vessel within three leagues of the coast, any alteration is made in the stowage of the cargo so as to facilitate the unlawful unlading of any part thereof, or if any part thereof is

fraudulently staved, destroyed or thrown overboard, or any package is opened, it shall be deemed a breaking of bulk.

Section 151. (1) The provisions of this section shall extend to vessels hovering in Canadian waters, and in the case of any vessel registered in Canada, or of any unregistered vessel owned by a person resident or domiciled in Canada, or of any other vessels or class of vessels which the Governor in Council may specify or enumerate by proclamation shall also extend to vessels hovering in Canadian customs waters.

(2) Any vessel which has, in Canadian waters or, subject to the provisions of subsection one of this section, in Canadian customs waters:

(a) Hovered;

(b) Unladen any dutiable or prohibited goods, or transhipped the same to some other vessel without the authorization of an officer;

(c) Navigated without lights, in breach of any law or regulation to which such vessel was subject;

(d) Failed to come to a stop in compliance with the provisions of subsection four of this section, shall be presumed to be a hovering vessel and to have hovered, provided that such presumption may, save in cases provided for by paragraph (d) of this subsection, be rebutted by evidence establishing that the vessel was engaged in a legitimate occupation not connected, directly or indirectly, with the smuggling into Canada of dutiable or prohibited goods, or the breach of any laws or regulations in force in Canada.

(3) If any hovering vessel is found or observed in Canadian waters or, subject to the provisions of subsection one of this section, in Canadian customs waters, any officer may go on board such vessel and examine her cargo and may also examine upon oath the master or person in command or any other person on board, touching the vessel, cargo and voyage, and may bring the vessel into port; and any such master or person who refuses to comply with the lawful directions of such officer or does not truly answer such questions as are put to him touching such vessel, cargo or voyage, shall be deemed to have violated a provision of this Act.

(4) Any vessel in Canadian waters, or subject to the provisions of subsection one of this section, in Canadian customs waters, shall proceed to come to a stop when required so to do in the King's name by any officer or upon signal made by any vessel in the service of the Government of Canada hoisting the pennant and ensign approved and appointed for the purpose by order of the Governor in Council.

(5) On any such vessel failing to proceed to come to a stop when required, the captain or master or other person in charge of any vessel in the service of the Government of Canada may, after first causing a gun to be fired as a signal, fire at or into such vessel.

(6) Such captain, master or other person, as well as any person acting in his aid or by his direction, is hereby indemnified and discharged from any indictment, penalty, action or other proceeding for so doing, and His Majesty shall not be liable in any claim for damage to life or property by reason of such act.

(7) No person on board any vessel required to proceed to come to a stop, as therein provided, shall throw overboard, stave, or destroy any

part of the cargo or any papers or documents relating to the vessel or cargo. Any such action shall render the vessel and cargo subject to forfeiture.

(8) The evidence of such captain, master or other person that the vessel was within Canadian waters or Canadian customs waters shall be *prima facie* evidence of the fact.

(9) Any officer may at any time go on board any vessel at any place in Canadian waters or, subject to the provisions of subsection one of this section, in Canadian customs waters, and examine the manifest and inspect, search and examine the vessel and every part thereof, and any person, trunk, package or cargo on board.

(10) Any vessel which is a hovering vessel within the meaning of subsection two of this section may be seized and forfeited, together with all stores and cargo which were upon such vessel at the time of the hovering, provided however that the following goods shall be released, without liability resulting directly or indirectly from such seizure or forfeiture, upon the furnishing of proof satisfactory to the Minister that they are:

(a) Goods respecting which there has not been any violation of any of the provisions of this Act and which are in the hands of a person in Canada who acquired the same for value and in good faith; or

(b) Effects of an innocent passenger; or

(c) Goods respecting which there has not been any violation of any of the provisions of this Act and in respect to which neither the consignor, nor the consignee, nor the owner, nor any of their agents, had any knowledge or grounds for suspicion that the goods were destined to be smuggled into Canada or into any other country.

(11) The master or person in command and crew of any vessel which is a hovering vessel within the meaning of subsection two of this section and all other persons on board at the time of the hovering and all owners or persons beneficially interested in the vessel or cargo shall be deemed to have violated a provision of this Act unless they prove that they had no knowledge or grounds for suspicion that the goods on board were destined to be smuggled into Canada or any other country.

(12) The powers conferred by subsection three of this section on an officer may be exercised, and the provisions of subsections four to eleven inclusive, of this section, shall be applicable to a hovering vessel, either at the place where the vessel is found or observed to be hovering, or, elsewhere after pursuit, either within or without Canadian waters or Canadian customs waters as the case may be, or in a Canadian port when such vessel subsequently enters a Canadian port.

(b) FISHERY REGULATIONS FOR THE PROVINCE OF PRINCE EDWARD ISLAND, ADOPTED BY ORDER IN COUNCIL (P.C. 837), 11 MAY 1927. "STATUTES OF CANADA, 1928", PREFIX, P. XXVII

Section 19. Trawlers prohibited. 1. The use or operation of vessels known as trawlers, operating "beam", "otter", or other trawls of a similar nature for the purpose of catching fish, is prohibited within the territorial waters of Canada.

2. The master of every steam trawler, at any port on the Atlantic seaboard of Canada, shall, before departure, come before the collector

of customs or other proper officer and deliver to him a report outwards under his hand of the destination of such vessel, stating her name, country and tonnage, the port of registry, the name of the master, the country of the owners and the number of the crew, and such other particulars as are demanded by such officer.

The report outwards shall also contain a declaration to the effect that the master of the steam trawler in consideration of the clearance granted by the officer of customs, undertakes and agrees, for one year after clearance *(a)* to restrict all fishing operations by such steam trawler to waters which are at least twelve miles distant from the nearest shore on the Atlantic seaboard of Canada, between the first day of May and the thirty-first day of December; *(b)* and also to refrain from all fishing operations by such trawler in waters of Chedabucto and St. Peter's Bay within a line drawn from Cranberry Island light to Green Island light during the month of January.

The penalties and procedure prescribed for contravention of customs regulations made by the Governor in Council shall apply in respect of such steam trawler and the master thereof, for non-compliance with the undertaking prescribed by this regulation.

Note. Identical provisions are contained in section 24 of the Fishery Regulations for the Province of New Brunswick, adopted by Order in Council (P.C. 837), 11 May 1927. *Statutes of Canada*, 1928, Prefix, p. xxxiii.

5. Ceylon

- (a) CUSTOMS ORDINANCE, 1 JANUARY 1870 (AS AMENDED, 1871-1938). "LEGISLATIVE ENACTMENTS OF CEYLON" (REVISED EDITION, 1938), VOL. 4, C. 185, P. 517.

Article 65. It shall be lawful for the officers of the customs to go on board any ship before and after clearance outwards within the limits of any port in this Island or within two leagues of the coast thereof, and to demand the certificate of clearance and the victualling bill, and if there be any goods on board subject to duty and not duly entered outwards, such goods shall be re-landed and forfeited; and if any goods contained in such clearance or victualling bill be not on board, the master shall forfeit a sum not exceeding two hundred rupees for every package or parcel of goods contained in such clearance or victualling bill and not on board.

- (b) CHANKS ORDINANCE, 30 JUNE 1891, AS AMENDED BY ORDINANCE NO. 2 OF 1929. "LEGISLATIVE ENACTMENTS OF CEYLON" (REVISED EDITION, 1938), VOL. 4, C. 168, P. 295.

Article 8. (1) It shall not be lawful for any person to fish for, dive for, or collect chanks, bêche-de-mer, coral, or shells in the seas within the limits defined in schedule B except in accordance with rules for the regulation, supervision, protection, or control of such operations which may be made by the Governor and published in the *Gazette* and every person who shall fish for, dive for, or collect, or who shall use or employ any boat, canoe, raft, or vessel in the collection of chanks, bêche-de-mer,

coral, or shells in the said seas, except in accordance with such rules shall be guilty of an offence punishable with simple or rigorous imprisonment for a period not exceeding six months, or with fine not exceeding one hundred rupees, or with both; and every boat, canoe, raft, or vessel so employed as aforesaid, together with all chanks, bêche-de-mer, coral or shells unlawfully collected, shall be forfeited;

Provided that:

(a) Nothing in this section contained shall prevent any person from collecting coral or shells from any portion of the said seas in which the water is of the depth of one fathom or less;

(b) It shall be lawful for the Governor from time to time or at any time, by notification in the *Gazette*, to alter the limits defined in schedule B, or exempt any portion or portions of the seas within the said limits from the operation of this Ordinance;

(c) Rules made under this section shall not be construed so as to permit any person to fish for, dive for, or collect chanks, bêche-de-mer, coral, or shells within the area specified in part I of the first schedule to the Pearl Fisheries Ordinance.

(2) All rules made under this Ordinance shall be laid, as soon as conveniently may be, on the table of the State Council at two successive meetings of the Council, and shall be brought before the Council at the next subsequent meeting held thereafter by a motion that the said rules shall not be disapproved, and if upon the introduction of any such motion, or upon any adjournment thereof, the said rules are disapproved by the Council, such rules shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything already done thereunder; and such rules, if not so disapproved, shall continue to be of full force and effect. Every such disapproval shall be published in the *Gazette*.

Article 9. (1) Any chanks, bêche-de-mer, coral, shell, boat, canoe, raft, vessel, dredge, or apparatus liable to forfeiture under this Ordinance may be seized by any officer of the customs or police, or by any headman, or by any person appointed for that purpose in writing by the government agent of the province or the assistant government agent of the district within which such seizure is made, and when seized shall be conveyed to the custom house nearest to the place of seizure and there detained until the court having jurisdiction in the matter has determined whether the same shall or shall not be forfeited.

Schedule B

Eastward of a straight line drawn from a point six miles westward of Talaimannar to a point six miles westward from the shore two miles south of Talaivilla.

(c) PEARL FISHERIES ORDINANCE, 12 FEBRUARY 1925. "LEGISLATIVE ENACTMENTS OF CEYLON" (REVISED EDITION, 1938), VOL. 4, C. 169, P. 300

Article 2. In this Ordinance, unless the context otherwise requires:

“Pearl bank” means the areas from time to time specified in the first schedule and includes the bed of any pearl bank. The said schedule may from time to time be altered by regulation;

. . .

Article 4. (1) No person shall fish, or dive for, or collect, pearl oysters on, or from any pearl bank, or use a vessel for any such purpose, unless he holds a licence (in this Ordinance referred to as a pearl fishery licence) authorizing him so to do.

. . .

Article 8. If any pearls or pearl oysters are found in the possession, power, or control of any person on a pearl bank, or proceeding from a pearl bank to the shore, or disembarking or immediately after having disembarked, on coming from a pearl bank, and there appears to the magistrate to be *prima facie* evidence that the pearls or pearl oysters were obtained in contravention of the provisions of this Ordinance, then such pearls or pearl oysters shall be forfeited to the Government unless satisfactory evidence is given that they were lawfully obtained, and that person shall be guilty of an offence unless satisfactory evidence is given that he was not personally concerned in the unlawful obtaining thereof and that they were not dishonestly retained in his possession, power, or control with the knowledge that they had been unlawfully obtained.

Article 9. (1) If any vessel is found on a pearl bank anchoring or hovering and not proceeding to her proper destination as wind and weather permit, or is found on or near a pearl bank in circumstances giving rise to reasonable suspicion that she is being or has been used for the unlawful collection of pearl oysters, any pearl fishery guard specially authorized by a government agent, assistant government agent, or the inspector of pearl banks to act for the purposes of this section may enter, seize, and search such vessel, and convey the same to some convenient place in the Island for adjudication.

(2) As soon as may be after the arrival of a vessel seized under this section proceedings shall be commenced before a magistrate against the person appearing to be in charge of the vessel and the owner thereof, if known and in the Island, alleging that the vessel has been used for the unlawful collection of pearl oysters, and in such proceedings, unless satisfactory evidence is given that the vessel had not been used for the unlawful collection of pearl oysters, the magistrate may declare that the vessel and her gear shall be forfeited to the Crown, unless a fine not exceeding one thousand rupees is paid within a time to be specified in the order, and shall also declare all appliances found in the vessel and appearing to be intended for the collection of pearl oysters and any pearl oysters or pearls found in the vessel to be forfeited to the Crown.

(3) If such proceedings are not commenced within one month from the arrival of the vessel, then, unless the delay is accounted for to the satisfaction of the magistrate, the magistrate shall, on the application of the owner of the vessel or of the person in charge, order the vessel to be released.

Article 10. If any person contravenes or attempts to contravene or abets the contravention of any provision of this part or any regulation

made thereunder, he shall be guilty of an offence against this Ordinance, and shall, on conviction by a magistrate, be liable to a fine not exceeding two hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Note. The first part of the first schedule to the Ordinance delineates as a pearl bank an area between the three and five fathom lines, on one hand, and the 100 fathom line, on the other hand, from Mutual Island to the group of islets known as Adam's Bridge. The 100 fathom line runs at a distance of from four to sixteen miles from the mainland and islands of Ceylon. The second part of the first schedule delimits the pearl banks in Tampalakamam Bay.

6. Chile

- (a) CIVIL CODE, 14 DECEMBER, 1855. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 593. The adjacent sea, up to a distance of one marine league, measured from the low-water mark, constitutes the territorial sea and belongs to the national domain; but the right of policing, with respect to matters concerning the security of the country and the observance of fiscal laws, extends up to a distance of four marine leagues, measured in the same manner.

- (b) GENERAL REGULATIONS CONCERNING THE POLICE OF THE SEAS, RIVERS AND LAKES, ANNEXED TO DECREE NO. 1340 (B) OF THE MINISTRY OF NATIONAL DEFENCE, 14 JUNE 1941. "DIARIO OFICIAL", VOL. 64, NO. 19,047 (27 AUGUST 1941), P. 2746. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 7. The sea adjacent to our coasts for a distance of three nautical miles measured from the lowest water mark and from the inland waters of gulfs, bays, straits and channels, even in those cases where the distance between their coasts measures more than the said three miles, shall be considered as territorial sea and as belonging to the public domain. With regard to the exercise of the right of supervision in the interests of national security, the distance shall be twelve miles (four nautical leagues), measured in the manner stated above.

Note. Article 1 of the General Regulations concerning maritime police, approved by Supreme Decree No. 211, of 29 February 1924, provided similarly for the exercise of police control up to a distance of twelve miles from the coast, in the interest of national security and for the enforcement of fiscal legislation. C. B. V. Meyer, *The Extent of Jurisdiction in Coastal Waters* (Leiden, 1937), p. 443.

- (c) WATER CODE, ANNEXED TO LAW NO. 8,944, 21 JANUARY 1948. "DIARIO OFICIAL", VOL. 71, NO. 20,975 (11 FEBRUARY 1948), P. 258. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 3. The adjacent sea, up to a distance of fifty kilometres, measured from the low-water mark, constitutes the territorial sea and belongs to the national domain; but the right of policing, with respect to matters concerning the security of the country and the observance of fiscal laws, extends up to a distance of 100 kilometres measured in the same manner.

7. China

- (a) CUSTOMS PREVENTIVE LAW, 19 JUNE 1934. TRANSLATION BY THE CHINESE INSPECTORATE GENERAL OF CUSTOMS. CHINA, THE MARITIME CUSTOMS, III. MISCELLANEOUS SERIES, No. 44; "CODE OF CUSTOMS REGULATIONS AND PROCEDURE", 2ND EDITION, SHANGHAI, 1935, p. 286.

Article 10. Should any vessel, within the limit of twelve marine miles from the coast of China, refuse to heave to when called upon to do so by a customs preventive vessel through the firing of a rifle or gun as signal, such vessel may be fired upon by the customs vessel.

The master of a vessel refusing to heave to under the above circumstances shall be fined a sum not exceeding \$ 2,000, and the vessel shall be liable to confiscation.

Article 11. Should any vessel, within or pursued from within the limit of twelve marine miles from the coast of China, be found to have any part of her cargo, or any of her documents relating to the vessel or cargo, either destroyed or thrown overboard in order to prevent seizure, the offender shall be fined a sum not exceeding \$ 2,000, and the vessel shall be liable to confiscation.

Article 12. Should the master of any vessel bound for China from a foreign port allow any merchandise or ship's stores to be discharged within the limit of twelve marine miles from the coast of China before arrival at the proper place of discharge and before receipt of a permit to discharge, he shall be fined a sum not less than the value and not exceeding twice the value of the goods or stores thus discharged, and the merchandise or stores concerned and/or the vessel shall be liable to confiscation.

The aforesaid penalties shall be likewise applicable to any vessel unauthorizedly used for transshipping, placing, or receiving on board such merchandise or stores, or for assisting in the loading and discharge thereof.

Note. Section 6 of chapter XXXII of the Chinese *Code of Customs Regulations and Procedure*, 2nd edition, Shanghai, 1935, contains the following statement (p. 282):

"For the protection of the revenue the Chinese Government claims the right of exercising preventive measures at sea within a limit of 12 marine miles measured at low-water mark from China's coastline, which includes dependent islands and banks. Should a vessel, or some one on board her, while within this 12-mile limit commit an infraction of China's revenue laws—such as refusing to heave to, after due warning, for Customs search—such vessel may be pursued into the open seas and there arrested. (Circulars 4139 and 4241)."

8. Colombia

- (a) LAW NO. 14, AMENDING THE LAW CONCERNING DEPOSITS OF HYDROCARBONS, 31 JANUARY 1923. "LEYES EXPEDIDAS POR EL CONGRESO NACIONAL EN SU LEGISLATURA DE 1923" (SEGUNDA EDICIÓN, 1941), p. 47. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 17. For the purposes of article 38 of Law 120 of 1919, concerning deposits of hydrocarbons, and of Law 96 of 1922, relating to fishing

in the seas of the Republic, the term "territorial sea" shall be understood to refer to a zone of twelve marine miles around the coasts of the continental and insular dominions of the Republic.

Note. Article 38 of Law 120 of 1919 (*Leyes expedidas por el Congreso Nacional en su legislatura de 1919* [segunda edición, 1940], p. 415) contained the following provision:

"The Nation reserves the right to exploit deposits which are situated under the waters of the territorial sea, of the lakes and navigable rivers. In order to enable the verification of the exploitation of these deposits, it is necessary that all contracts authorizing such an exploitation be confirmed by the Congress."

Law 96 of 1922 (*Leyes expedidas por el Congreso Nacional en su legislatura de 1922* [segunda edición, 1940], p. 152) authorized the Government "to organize the renting of fishing in the seas of the Republic, in a manner which it considers as most appropriate from the point of view of national interest".

(b) CUSTOMS LAW, 19 JUNE 1931 (LAW No. 79 of 1931). "LEYES EXPEDIDAS POR EL CONGRESO NACIONAL EN SU LEGISLATURA DE 1931, SESIONES EXTRAORDINARIAS" (2ND EDITION, 1945), PP. 449-451.
TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 363. Customs or coastguard officials and persons thereunto authorized by the Director-General of Customs or for this purpose appointed in writing by any customs administrator, may, at any time, board any vessel, vehicle or aircraft present in the territory of the Republic or in its territorial waters up to a distance of twenty kilometres from the coast, whether inside or outside the districts of the said officials, for the purpose of examining the manifest and carrying out a careful search and inspection of the vessel, vehicle or aircraft, and each and every part thereof, as well as of the persons, baggage or packages on board. For this purpose they may order the vessel, vehicle or aircraft to be stopped, if it is in motion, and may use such force as may be necessary to secure compliance with the order. If it should appear that the laws of the Republic have been violated in some way which renders the vessel, vehicle or aircraft or all or part of the goods on board liable to confiscation, it shall be the duty of the said officials to carry out such confiscation and to arrest, or, in case of flight or attempted flight, to pursue and arrest, any person liable for the violation.

. . .

Article 367. If, in the case of a vessel or aircraft coming from a foreign port or place, the master of the vessel or person in command of the aircraft permits goods to be unloaded from his vessel or aircraft after it has reached a point twenty kilometres from the Colombian coast and before he has received permission, in conformity with law, to unload such goods, or if the master of a vessel or person in command of an aircraft takes on board, without being thereunto authorized, goods subject to export duties, then such master or person in command shall be liable to a fine amounting to twice the value of the goods, though not less than 1,000 pesos (\$ 1,000) in any case, the goods being liable to confiscation. Nevertheless, if part of the cargo of a vessel or aircraft is unloaded, jettisoned or transhipped as the result of an accident, storm

or other fortuitous circumstances, the master of the vessel or the person in command of the aircraft shall as soon as possible inform the administrator of the first customs district reached, and shall submit evidence to show that the goods were discharged, jettisoned or transhipped as the result of an accident, storm or fortuitous circumstance; in these circumstances, provided the administrator is satisfied that the evidence submitted shows good and proper cause, the aforesaid fines shall not be applicable.

9. Cuba

- (a) CUSTOMS REGULATIONS, 22 JUNE 1901. "COLECCIÓN LEGISLATIVA, 1901", VOL. 2, P. 91; J. F. VIZCAINO Y ORTIZ, "ORDENANZAS DE ADUANAS" (HABANA, 1947), PP. 36, 127, 176, 719. TRANSLATION FROM "HEADQUARTERS DEPARTMENT OF CUBA, CIVIL ORDERS AND CIRCULARS, 1901" ("CIVIL REPORT OF MILITARY GOVERNOR", VOL. 2), P. 317.

Article 9. Customs officers are authorized to board vessels bound for the Island of Cuba, whether in port or within four leagues of the coast; to demand manifests or make search and examine any or all parts of the vessel; to seal and take account of any packages found separated from the residue of the cargo; but in the case of foreign vessels protected by treaty, notice of an intended search must be given to the proper foreign consul.

Article 64. In order to secure the collection of the legal duties the customhouses shall exercise surveillance over the coast, beginning with the moment when a vessel enters the jurisdictional waters of the Island of Cuba and concluding when the merchandise imported therein has been legally passed through the custom houses, except that in case of justifiable suspicion of fraud said merchandise may be followed in its transportation by coasting vessels, by railroad or by any other means or in any other way by land or water, from one point of the Island to another, in which case a new examination shall be made and proof required of the payment of the proper duties at the custom house of arrival.

The jurisdictional waters of Cuba extend to four leagues from the coasts of the Island or from the keys belonging to it.

Article 79. The master of every vessel bound to a port of Cuba must, on arrival within four leagues of the coast or within the limits of any collection district in which the cargo or any part thereof is intended to be unladen, produce the manifest for inspection to any officer of the customs who may first come on board the vessel, and deliver to him a copy thereof subscribed by him.

The officer, after the requisite examination and comparison of the original and copy, shall certify on the original to its production, and on the copy to the fact of its agreement with the original, and shall forthwith transmit such copy or copies to the collector of the district to which the merchandise may be consigned.

Article 244. It shall be the duty of officers of revenue vessels, whenever possible, to board vessels arriving within the waters of the Island of Cuba or within four leagues of the coast thereof if bound for Cuba, to search and examine the same, to demand, receive, and certify the manifests required of them by law, to seal the hatches and other communications with the cargo, and where necessary, to place an officer on board to remain until arrival at the port of destination.

- (b) GENERAL LAW ON FISHERIES, ENACTED BY DECREE LAW No. 704, 28 MARCH 1936. "REVISTA CUBANA DE DERECHO, SECCIÓN DE LEGISLACIÓN", VOL. 8 (1936), PP. 193, 200; J. SUÁREZ BLANCO, "PRONTUARIO LEGAL DE LA VIDA MARÍTIMA" (HABANA, 1943), PP. 120, 128. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 46. The masters of ships shall in no case allow ashes, rubbish, fluid flushed from oil, molasses or petroleum tanks or waste matter of any kind to be discharged within the confines of bays and harbours.

Such ashes, rubbish, fluid flushed from oil, molasses and petroleum tanks and other substances shall be discharged into the sea offshore at a distance of not less than five miles from the coast.

. . .

Article 84. The following shall be liable to terms of imprisonment of not less than thirty-one or more than 180 days or fines of not less than 100 or more than 500 pesos:

1. Persons making use of dynamite, gunpowder, explosives, carbide, sulphur, lime or chemical salts of any kind for fishing.

2. Persons discharging into the sea, rivers, rivulets, streams or lakes or allowing to run or filter or otherwise causing to drain into the aforesaid must, sugar-scum, sugar mill molasses, acids, industrial or mineral waste, waste from the manufacture of ropes or cordage, tan-yards, tanneries, laundries, distilleries and stills, and persons flushing the tanks of steam vessels or oil, molasses and petroleum tankers, or persons discharging ashes or rubbish within the confines of bays, harbours, etc., or in places less than five miles from the coast...

- (c) ORGANIC LAW OF THE ARMY AND NAVY, APPROVED BY DECREE-LAW No. 7, 27 JANUARY 1942. "LA JURISPRUDENCIA AL DÍA, 1942, LEGISLACIÓN", PP. 133, 210. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Part Two. The Organization of the Navy

. . .

Article 36. For the purposes of this law, the jurisdictional waters (the territorial sea) shall extend to a distance of three nautical miles from the coasts of the Republic, to be reckoned from the low-water mark on the keys or adjacent islands farthest from the mainland, and running parallel to the contour of the national territory and its keys and islands. The maritime customs zone shall extend to a distance of twelve nautical miles from the coast from the high-water mark, that is to say the distance of four leagues referred to in article 9 of the Customs Ordinances now in

force. All places intended to serve for naval purposes shall be regarded as naval bases; they shall include dockyards, arsenals, stores, naval academies, forts, buildings and any area the boundaries of which have previously been fixed by the President of the Republic and in which naval forces are or are to be encamped. During campaigns or manoeuvres, the following shall also be regarded as naval bases: on land, the area of the polygonal zone bounded by the straight lines connecting the extreme limits of the advanced posts; and at sea, when more than two vessels are engaged, the area of the polygonal zone bounded by the straight lines connecting the extreme limits of the waters immediately surrounding the vessels, such limits to be determined by the officer acting as commanding officer in charge of the manoeuvres in question.

Note. Previously, the Organic Decree respecting the Cuban Navy, approved by Presidential Decree No. 403, of 29 March 1915, provided similarly in article 26 that "For the purposes of this law, jurisdiction shall extend to a distance of three miles over the territorial waters and to a distance of twelve miles over the maritime customs zone fixed by article 9 of the Customs Ordinances in force." *Colección legislativa*, vol. 47 (1915), pp. 617, 626.

A similar provision was contained also in the Decree-Law No. 108, concerning the functions and the reorganization of the Navy, 8 January 1934 (*Gaceta Oficial*, 9 January 1934, p. 307; *La Jurisprudencia al Día*, 1934, *Legislación*, p. 28). Article 6 of that Decree-Law read as follows:

"The territorial waters or maritime boundaries of Cuba extend up to six miles from the coast or from the lines of keys which surround her."

"The waters situated between islands, islets or keys and the coast of the Republic are interior waters and their use for purposes of navigation, fishing and appropriation shall be determined in accordance with laws and regulations in force or to be issued in the future."

For comment on the Cuban legislation in this field, see A. S. de Bustamante y Sirven, *El mar territorial cubano*, *Revista de derecho internacional*, vol. 44 (1943), pp. 199-209.

10. Dominican Republic

- (a) LAW NO. 55, DECLARING LAS CALDERAS BAY TO BE A NAVAL AND AIR STATION, 27 DECEMBER 1938, "GACETA OFICIAL", No. 5260, 30 DECEMBER 1938; "COLECCIÓN DE LEYES, DECRETOS Y RESOLUCIONES, 1938", VOL. 1, P. 648. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. Las Calderas Bay, situated on the southern coast of the territory of the Republic, between Calderas and Matasola headlands, at lat. 18° 13' 23" N. and long. 70° 31' 32" W., is declared to be a naval and air station and is destined for use as a base for units of the Dominican Navy and for military aircraft.

Article 2. The naval and air station is an Army organization provided with the necessary staff, under the immediate command of a commanding officer, and the services shall be organized in accordance with the military system and regulations.

A naval officer, under the immediate orders of the officer commanding the naval and air station, shall be responsible for all matters concerning the naval service and military air service. The Chief of the General

Staff shall arrange for the construction of barracks, workshops, stores, arsenals, depots, fortified works and any other installations for the accommodation of the forces attached to the station and for the emplacement of coastal artillery.

Article 3. The whole area of the bay between the points mentioned, together with the territorial waters over an area extending three leagues out to sea from the outermost coastal point or from the low-water mark at that point, is declared a military area; consequently, with the exceptions stated below, national or foreign sailing or power-driven merchant ships and aircraft as well as foreign warships and military aircraft, may not enter these territorial waters without authorization from the Chief of the General Staff.

A law shall be issued to delimit the military area upon land.

Article 4. Nevertheless, national and foreign merchant ships shall not be prevented from entering or passing through the territorial waters, nor stopped for inspection if it is evident from their course, distance from land and other indications that they are making for a port in the Republic.

Nevertheless, the right of search shall be exercised within the territorial waters when information has been received that a vessel that has been sighted is similar in appearance to a vessel the particulars of which are known and concerning which orders have been received to watch or inspect it.

11. Ecuador

- (a) CIVIL CODE, 21 NOVEMBER 1857. "CÓDIGO CIVIL DE LA REPÚBLICA DEL ECUADOR", CUARTA EDICIÓN (ACADEMIA DE ABOGADOS DE QUITO, 1930), P. 155. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 582. The adjacent sea, up to a distance of one marine league, measured from low-water mark, constitutes the territorial sea and belongs to the national domain; but the right of policing, with respect to matters concerning the security of the nation and the observance of fiscal laws, extends up to a distance of four marine leagues, measured in the same manner.

- (b) CIRCULAR OF THE MINISTRY OF FOREIGN AFFAIRS CONCERNING OBSERVANCE OF NEUTRALITY RULES, 19 NOVEMBER 1914. TRANSLATION FROM "BRITISH AND FOREIGN STATE PAPERS", VOL. 108, P. 818

1. Every vessel that enters Equatorial ports, or is found sailing in territorial waters, is subject to inspection of papers by the Equatorial authorities, who reserve the right (as the following rules will show) to make an inspection of the vessel, passengers, cargo and documents. The respective authorities are therefore unable to clear any vessel, whatever may be her cargo and destination, before the ship's manifest has been produced in proper form. Territorial waters are to be understood as determined by article 582 of our Civil Code; as much as four naval leagues, each league measuring 5,555 metres.

- (c) REGULATIONS CONCERNING MARITIME FISHING AND HUNTING, ENACTED BY DECREE NO. 607, 29 AUGUST 1934. "REGISTRO OFICIAL", 31 AUGUST 1934, NO. 257, PP. 9, 15; JULIO T. TORRES, "COMPILACIÓN DE REFORMAS AL CÓDIGO CIVIL, LEYES Y REGLAMENTOS CONEXOS" (QUITO, 1942), PP. 280, 294. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Territorial waters

Article 78. As territorial waters for fishing purposes shall be considered the waters contained within fifteen miles measured from the low-water mark, at the most salient points of the Islands [of the Colón Archipelago].

Fishing on the high seas

Article 129. Fishing is in general free during the whole year, with respect to fish, molluscs and crustaceans, by any means whatsoever, provided that it is exercised outside territorial waters, more than six miles from the coasts, measured from the low-water mark; and subject to the prohibitions with respect to close seasons which are contained in these regulations.

- (d) FISHING REGULATIONS, ENACTED BY PRESIDENTIAL DECREE NO. 80, 2 FEBRUARY 1938. "REGISTRO OFICIAL", 11 FEBRUARY 1938, P. 2754; JULIO T. TORRES, "COMPILACIÓN DE REFORMAS AL CÓDIGO CIVIL, LEYES Y REGLAMENTOS CONEXOS" (QUITO, 1942), P. 254. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 2. As the territorial sea of the Republic for fishing purposes is considered the sea included within fifteen miles, measured from the low-water mark, at the most salient points of the outermost islands which form the contour of the Colón Archipelago, and the seas contained within fifteen miles measured from low-water mark of the most salient points of our coast and the adjacent islands.

Note. A similar provision is contained in article 2 of the Regulations concerning tuna fisheries, issued by Decree No. 138 of 21 February 1940. *Registro Oficial*, 27 April 1940, p. 2159; Julio T. Torres, *Compilación de Reformas al Código Civil. Leyes y Reglamentos Conexos* (Quito, 1942), p. 321, note.

- (e) PRESIDENTIAL DECREE NO. 53, ESTABLISHING THE LIMITS OF THE MARITIME ZONE OF SECURITY, 7 OCTOBER 1939. "REGISTRO OFICIAL", 1939, NO. 287 (16 NOVEMBER), P. 1419. TRANSLATION FROM F. DEÁK AND P. C. JESSUP, "A COLLECTION OF NEUTRALITY LAWS" (WASHINGTON, 1939-40), SUPPLEMENT, P. 559 [2].

Aurelio Mosquera Narvaez, Constitutional President of the Republic, considering:

1. That the Consultative Meeting of Foreign Ministers of the American Republics has approved the "Declaration of Panama", which proclaims the indisputable right of the countries of this continent, to keep the waters adjacent to the continent—which they regard as being of prime

importance and direct utility for their relations—exempt from every hostile act on the part of any non-American belligerent; and

2. That the aforesaid Declaration fixed the limits of the maritime zone of security adjacent to American territory, limits which comprise approximately a region of two hundred and fifty to three hundred miles, lying to the west of our Archipelago of Columbus,

Decrees :

Article 1. The following is considered as a maritime zone of security adjacent to Ecuadorean territory: the zone included between two imaginary lines drawn from the north and south extremities of the Ecuadorean coast to the degrees of longitude west of Greenwich which correspond respectively to article 1 of the Declaration of Panama, in such a way that within this space there are included, also, all the islands of the Archipelago of Columbus, and the waters adjacent thereto.

12. Egypt

- (a) CUSTOMS REGULATIONS, 2 APRIL 1884. "BRITISH AND FOREIGN STATE PAPERS", VOL. 75, P. 557. TRANSLATION FROM MALLOY, "TREATIES, CONVENTIONS, ETC., BETWEEN THE UNITED STATES OF AMERICA AND OTHER POWERS", VOL. 1, P. 446

Article 2. Zone of surveillance. The warehousing and transportation of goods which have crossed the customs line shall be subject to the surveillance of the custom-house officers to a distance of two kilometres from the land frontier or from the sea shore, and likewise from both banks of the Suez Canal and of the lakes through which that canal passes.

Outside of these limits, the transportation of goods may take place freely; nevertheless, goods removed fraudulently, and kept in sight by agents of the public force, may be seized even after they have been conveyed beyond the zone of surveillance.

The following goods may likewise be seized throughout the extent of the Egyptian territory: prohibited goods, those whose sale is monopolized by the State, and tobacco or tombac not accompanied by a *raftieh* for circulation in the interior.

For vessels, the zone of surveillance shall extend to a distance of ten kilometres from the shore. Caravans crossing the desert, and suspected of carrying on illicit trade, shall be subjected to examination and search by the customhouse officers.

. . .

Article 32. Surveillance at sea. Custom-house officers may, within a radius of ten kilometres from the shore, board vessels of less than 200 tons' burden, and demand the presentation of the manifest and other papers relating to the cargo.

If a vessel bound to an Egyptian port has no manifest or shows any indications of fraudulent practices, the officers must accompany her to the nearest custom house, drawing up a report of their proceedings.

If any vessel of less than 200 tons' burden, bound to a foreign port, is found within the aforesaid radius without a manifest, or with a mani-

fest that does not contain the customary statements, the custom-house officers may escort her outside of the radius of surveillance, or, if there is any indication of fraud, they may compel her to accompany them to the nearest or most convenient custom house, drawing up a report of their action.

The custom-house officers, the officers of the vessels engaged in the Egyptian postal service, and the officers of national vessels may board any sailing or steam vessel of less than 200 tons' burden that has cast anchor or that is found tacking within ten kilometres from the shore, without being able to furnish evidence of *vis major*.

If they find any goods on board whose importation or exportation is prohibited, they shall summarily confiscate the same, drawing up a report stating that the vessel has been found within the limits of the radius of surveillance, at anchor without any necessity thereof, or sailing in such a manner as was justified neither by its destination nor by a case of *vis major*.

If the officers of the custom house, those of the vessels engaged in the Egyptian postal service or those of national vessels give chase to a vessel of less than 200 tons' burden, and if the latter refuses to allow them to board her, they shall hoist the flag and pennant of their vessel, and warn the refractory vessel by means of a blank shot. If she does not yet stop, a cannon ball shall be fired among her sails. After this double warning, the pursuing vessel shall make serious use of the arms which she has on board. The pursuit may be continued, and the vessel may be seized outside of the radius of ten kilometres.

For vessels of more than 200 tons' burden, the surveillance shall be confined to observation of their movements along the shore; in case of an attempt to set goods ashore, or to put them in boats, or to tranship them, the aforesaid officers may compel the vessel to accompany them to the nearest or most convenient custom house, drawing up a report of the infraction committed by it.

The aforesaid officers shall search no vessel of any kind that belongs to a foreign Power; they shall confine themselves to watching its movements, and in case there is any indication of smuggling, they shall report what they have seen to the Director of Customs.

In the cases above provided for, the reports of the searches must be communicated to the consular officer under whose jurisdiction the offender is, if that officer shall so request.

Note. These Regulations were first enacted in pursuance to the Convention relative to commerce and customs between Egypt and Greece, 3 March 1884 (*British and Foreign State Papers*, vol. 75, pp. 14, 557). Their sphere of application was extended to nationals and vessels of other States by agreements concluded by Egypt with: United Kingdom, 3 March 1884 (*idem*, vol. 75, p. 13); United States, 16 November 1884 (*idem*, vol. 75, p. 666); Italy, 23 November 1884 (*idem*, vol. 75, p. 667); Portugal, 24 May 1885 (*idem*, vol. 76, p. 571); Netherlands, 16 November 1885 and 17 April 1886 (*idem*, vol. 76, p. 1091 and vol. 77, p. 819); Sweden and Norway, 3 June 1886 and 12 February 1890 (*idem*, vol. 77, p. 1070 and vol. 82, p. 770); and Belgium, 25 September 1889, with slight modifications (*idem*, vol. 81, p. 260).

The revised Egyptian Customs Regulations of 22 July 1890 made no changes in articles 2 and 32 (*idem*, vol. 82, p. 1088). They were made applicable to nationals and vessels of Austria-Hungary, by protocol of

15 August 1890 (*ibid*). These Regulations were also annexed to commercial conventions concluded by Egypt with: Germany, 19 July 1892 (*idem*, vol. 84, p. 181); Greece, 9/21 March 1895 and 4 June 1906 (*idem*, vol. 87, p. 425 and vol. 99, p. 1044); France, 26 November 1902 (*idem*, vol. 97, p. 909); Italy, 14 July 1906 (*idem*, vol. 100, p. 884); and Russia, 13 March 1909 (*idem*, vol. 102, p. 992).

The Regulations of 16 February 1909, which were annexed to the Commercial Convention with Italy of 14 July 1906 at the time of its ratification, are still in force. Egypte, *Recueil des documents officiels*, 1909, p. 116; *Répertoire permanent de législation égyptienne* (Alexandria, 1934-1949), *Douanes*, p. 2.

- (b) ORDER NO. 2 OF THE MILITARY GOVERNOR OF THE CANAL ZONE, 14 SEPTEMBER 1939. "JOURNAL OFFICIEL", VOL. 66, NO. 102 (21 SEPTEMBER 1939), p. 5

1. The ports of Port Said and Suez are hereby declared to be defended ports, and an examination service for shipping entering these ports has been instituted.

2. The ports and anchorages are closed between sunset and sunrise, between which times ships must not approach within twenty miles of the northern end of the west breakwater at Port Said or within ten miles of the south Newport Rock light buoy at Suez.

3. Vessels approaching these ports must keep a sharp lookout for the examination steamers, which carry a square blue flag with a white and red horizontal centre or one or more green lights by night.

4. All signals and instructions from these examination steamers must be obeyed at once.

5. Navigational lights are liable to be moved and extinguished.

13. El Salvador

- (a) CIVIL CODE, 1860, DUTRIZ HERMANOS, "CÓDIGO CIVIL DE LA REPUBLICA DE EL SALVADOR" (5TH EDITION, SAN SALVADOR, 1912), p. 138. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 574. The adjacent sea, up to a distance of one marine league, measured from low-water mark, constitutes the territorial sea and belongs to the national domain; but the right of policing, with respect to matters concerning the security of the country and the observance of fiscal laws, extends up to a distance of four marine leagues measured in the same manner.

- (b) LAW OF NAVIGATION AND MARINE, 23 OCTOBER 1933. "DIARIO OFICIAL", NO. 254, 16 NOVEMBER 1933, p. 2373. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. El Salvador recognizes that the high seas are not susceptible of dominion.

Article 2. National dominion shall extend over salt lakes, coves and bays as well as over the adjacent open sea, up to a distance of one marine league measured from the low-water mark; but the right of police, in matters related to the security of the country and to the observance of

fiscal laws, extends up to a distance of four marine leagues measured in the same manner.

Article 13. The territorial sea of the Republic shall be divided into five maritime departments...

Article 16. Each commandant and port captain shall make effective the right of police which belongs to the nation with respect to the four marine leagues mentioned in article 2, within the limits marked by prolongations of lines which delimit their respective departments.

Note. A provision analogous to article 2 was contained in article 3 of the Marine Regulations of 11 April 1902 (*Anuario de Legislación de la República de El Salvador*, 1902, p. 38), which were replaced by this Law.

14. Finland

- (a) CUSTOMS REGULATIONS, 8 SEPTEMBER 1939. "FINLANDS FÖRFATTNINGSSAMLING", 1939, NO. 275, P. 685. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. Customs frontier at sea. (1) In the Baltic Sea, the Gulf of Finland, the Gulf of Bothnia and the Arctic Ocean, the customs frontier shall extend along an imaginary line situated at a distance of six nautical miles from the mainland and, where there are islets or skerries, from the outermost islet or skerry projecting above the water surface at low water, but not further than the territorial frontier of a contiguous State. The customs frontier surrounding outer islands and skerries situated in the Baltic Sea and the Gulf of Finland outside the continuous customs frontier zone shall extend beyond each such outer island or skerry to a distance of three nautical miles.

(2) If the customs frontier, to a certain extent or for purposes of preventing the unlawful transport of goods, is defined in an agreement with a foreign State otherwise than in the first paragraph hereof, the provisions of such agreement shall apply.

Note. This provision replaces a similar provision in § 60 of the Decree No. 156, concerning customs administration, of 30 May 1927 (*Finlands Författningsamling*, 1927, no. 156, p. 384).

15. France

- (a) DECREE PRESCRIBING CERTAIN RULES OF NEUTRALITY IN MARITIME WARFARE, 18 OCTOBER 1912. "JOURNAL OFFICIEL", 20/21 OCTOBER 1912, P. 8976. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 2. For the application of the rules of the XIIIth Hague Convention of 18 October 1907:

French territorial waters extend to a distance of six marine miles (11,111 metres) from the low-water mark along all the coasts and uncovered banks off the coasts, and around the fixed buoys which mark the

position of covered banks. For the bays, the distance of eleven (11) kilometres is measured from a straight line drawn across the bay, in the part nearest to the entrance, at the first point at which the opening does not exceed ten (10) miles. If the distance from the French coast or banks to the nearest point of the coast or banks of a foreign State is less than twenty-two (22) kilometres, French territorial waters extend to a point half-way between these coasts or banks.

- (b) REGULATIONS CONCERNING CONDITIONS OF ACCESS TO, AND SOJOURN IN, ANCHORAGES AND PORTS OF THE COAST OF FRANCE AND OF COUNTRIES UNDER PROTECTORATE OR MANDATE, BY FOREIGN WARSHIPS IN TIME OF PEACE, 29 SEPTEMBER 1929. "JOURNAL OFFICIEL", VOL. 61, NO. 230 (30 SEPTEMBER—1 OCTOBER 1929), P. 11123. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. Subject to the provisions of this decree, warships of foreign Powers which are at peace with France are permanently authorized to anchor in ports included in the maritime sectors enumerated below, as well as in territorial waters at a distance smaller than six miles from low-water mark:

- (a) Coast of France: The English Channel sector...; the Atlantic Ocean sector...; the Mediterranean sector...;
- (b) The sector of North Africa...;
- (c) The sector of Levant States...

In the same sector, the number of foreign warships flying the same flag cannot exceed three, except in case of a special authorization.

Note. This Decree replaces the Decree of 21 May 1913 concerning visits of foreign warships in time of peace (*Journal officiel*, 13 and 14 June 1913, pp. 5066 and 5099), which also contain a six-miles clause. The relevant provisions of the 1929 Decree were reproduced in the Decree of 1 June 1930, which applied to nine sectors of French colonial possessions (*Journal officiel*, 6 June 1930, p. 6280).

By a Decree of 20 April 1926, flights by airplanes and aerial photography were prohibited over certain ports and territorial waters adjacent thereto (*Journal officiel*, 23 April 1926, p. 4736). By a Decree of 1 February 1932 these prohibited zones were extended around several ports to a distance of six miles (*Journal officiel*, 11 February 1932, p. 1567). Previously, the establishment of a prohibited zone, 10-kilometres wide, was provided for by the Decree of 24 October 1913 (*Journal officiel*, 25 October 1913; *Bulletin des lois*, 1913, p. 2851).

- (c) REGULATIONS CONCERNING THE CONDITIONS OF ACCESS TO, AND SOJOURN IN, THE ANCHORAGES AND PORTS OF THE COAST OF FRANCE, OF COLONIES, AND OF OTHER REGIONS THE DEFENCE OF WHICH IS IN CHARGE OF FRANCE, BY SHIPS OTHER THAN FRENCH WARSHIPS IN TIME OF WAR, 1 OCTOBER 1934. "JOURNAL OFFICIEL", VOL. 66, NO. 257 (1 NOVEMBER 1934), P. 10972. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 2. In territorial waters of France and of colonies, protectorates and territories under mandate the defence of which is in charge of France, no French merchant ships and no foreign ships, whether naval

or merchant, may come less than three miles off the coast without risk of being destroyed, except when authorized in advance.

This prohibited zone shall extend to the distance of six miles from the coast before the military ports of Cherbourg, Brest, Toulon and Bizerte...

Note. This Decree abrogated a Decree of 5 October 1927, which also established a prohibited zone of six miles before the four ports mentioned in the 1934 Decree (League of Nations document C.74.M.39.1929.V, p. 159). Similar provisions were also contained in a Decree of 26 May 1913 (Martens, *Nouveau Recueil Général de Traités*, 3d series, vol. 8, p. 335).

- (d) CUSTOMS CODE, ANNEXED TO DECREE NO. 45-1985 OF THE MINISTRY OF FINANCE AND ECONOMIC AFFAIRS, 8 DECEMBER 1948. "JOURNAL OFFICIEL", 1 JANUARY 1949, P. 28. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 44. 1. The customs area shall comprise a maritime zone and a land zone.

2. The maritime zone shall extend from the coast to an external boundary situated twenty kilometres out to sea from the coast.

3. The land zone shall extend:

(a) On the maritime frontiers, from the shore to a line drawn twenty kilometres inland from the coast, and twenty kilometres inland on either side from the banks of rivers, streams and canals flowing into the sea as far as the last customs office upstream, and within a radius of twenty kilometres around that office;

(b) On the land frontiers, between the boundary of the customs territory and a line drawn twenty kilometres inland.

4. To facilitate the suppression and punishment of illicit traffic, the depth of the land zone may be extended by varying distances up to a limit of sixty kilometres by order of the Minister of Finance.

5. Distances shall be calculated as the crow flies, without regard to bends in the roads.

. . .

Article 62. Customs officers may visit all vessels of under 100 tons net tonnage within the maritime zone of the customs area.

. . .

Article 69. The master of a vessel arriving in the maritime zone of the customs area must, upon first request:

(a) Present the original copy of his manifest for a *ne varietur* endorsement by the customs officials boarding the vessel;

(b) Provide them with a copy of the manifest.

Note. The laws of France have provided since 1794 for customs enforcement within four leagues (twelve miles) or two myriametres (twenty kilometres) from the coast. For early texts, see Crocker, *The Extent of the Marginal Sea* (Washington, 1919), pp. 522-3; *American Journal of International Law*, vol. 23 (1929), Special Supplement, pp. 346-7. Provisions, similar to but not identical with those of the Customs Code of 1939, were contained also in the Customs Codes of 28 December 1926 (article 478) and 26 December 1934 (articles 477-8). *Journal officiel*, vol. 58, No. 304 (31 December 1926), p. 13747; *idem*, vol. 66, No. 304 (26-27 December 1934), p. 12772.

(e) INDO-CHINA

- (i) *Presidential Decree determining the extent of the territorial waters of Indo-China for the purposes of fishing, 22 September 1936. "Journal officiel", vol. 68, no. 226 (26 September 1936), p. 10192*

Article 1. For the purpose of fishing, the territorial waters of French Indo-China extend twenty kilometres from the shore at low-water mark. In the case of bays, the radius of twenty kilometres shall be measured from a straight line drawn across the bay, in the part nearest to the entrance, at the first point where the opening does not exceed ten miles.

Article 2. Foreign steam vessels and other foreign vessels, even if equipped with an auxiliary engine only, may not engage in fishing in the twenty-kilometres zone referred to in the preceding article.

This provision shall apply to any vessel, sampan and rowing or sailing boat engaging in fishing on behalf of or merely with the help of a foreign steam or motor vessel which is cruising or anchored outside the said zone.

Article 3. Should the master or crew of a foreign steam or motor vessel (even if equipped with a mere auxiliary engine) be found fishing in any manner whatsoever within the twenty-kilometre zone referred to in article 1, the master shall be liable to a fine of 100 to 1,000 francs increased by the additional charges provided for by penal law.

In addition, the master shall be liable to the payment of damages to the colony, in an amount of not less than four Indo-Chinese piastres and not more than twenty Indo-Chinese piastres per ton of his vessel.

The vessel, fishing tackle and catch shall be seized and held as security for the payment of the fine, damages and costs.

Article 4. In the event of a repetition of the offence, the maximum fine and damages shall be imposed, and the fishing tackle and catch shall be confiscated compulsorily and sold under the conditions provided for in article 6 of the present Decree.

A repetition of the offence shall be deemed to have occurred when the offender has been found guilty of an offence against this Decree within the preceding two years.

Article 5. The officers and petty officers in command of government vessels, the officers of the judicial police, the French customs and excise officials, the port captains, port lieutenants and harbour masters, the French officials of the flotilla service (deck officers), the chief engineers, engineers and assistant engineers serving in naval districts, the French officials of the Oceanographic Institute of Indo-China, or the official for the time being in charge of the service in the Pulo-Condore Islands shall take note of the particulars of and prepare a report concerning any such offence and shall escort the offender and the vessel, or cause them to be escorted, to the Indo-Chinese port nearest the place of seizure where there is a customs collector competent to receive their reports, records and all the other evidence relating to the offence. They shall deliver the documents concerned to the collector, who shall transmit them to the judicial authority exercising jurisdiction over the port to which they have escorted the vessel or caused it to be escorted.

The Governor-General shall designate the customs offices, the collectors of which are competent to receive documents serving as evidence of offences.

Article 6. The officer or official who escorted the vessel, or caused it to be escorted, to an Indo-Chinese port shall hand it over to the collector of customs and excise who shall seize the fishing tackle and the catch found on board, whoever may be the owner thereof. The catch shall promptly be sold by public auction in the port to which the vessel was escorted, through the agency of the customs collector, on submission of the report by the officer or official who took note of the particulars of the offence. The customs collector shall have custody of the proceeds of the sale until judgment is delivered.

In addition to the fine provided for in articles 3 and 4, the court shall order the destruction of tackle prohibited by local regulations and, where applicable, the confiscation of tackle not so prohibited as well as of the catch seized on the vessel or of the cost thereof; tackle which, not being prohibited, has been ordered to be confiscated shall be sold by the customs collector.

In cases where tackle not prohibited as aforesaid and the catch have been confiscated, the proceeds of the sale and the amount of the fines shall in the first place be applied to the payment of the customs duties and miscellaneous dues on the articles sold for local consumption. The surplus, if any, shall be appropriated in equal shares to the general budget of Indo-China and to the separate budget of the Oceanographic Institute of Indo-China. The damages shall be appropriated exclusively to the general budget.

Article 7. The proceedings shall be instituted at the suit of the public legal department. If they are not instituted within three months after the offence was committed, public proceedings shall be barred by time limitation.

Article 8. The proceedings shall be instituted in the correctional tribunal exercising jurisdiction in the port to which the offenders were escorted. The tribunal shall pronounce judgment within the shortest possible time.

If the offenders are escorted to Pulo-Condore, then, notwithstanding the provisions of article 73 of the Decree of 16 February 1921, the correctional tribunal of Saigon shall be competent to adjudicate in the case.

Article 9. Should the offender fail to pay the fine, damages and costs, then, in such circumstances, and if they have not been ordered to be confiscated, neither the fishing tackle nor the cost of the catch shall be restored to him; the vessel may not be detained for more than six months in the case of a first offence, and not for more than a year in the case of a repetition of the offence. If the person convicted lodges an appeal or applies for an injunction, he may petition the tribunal for the restoration of the vessel and the fishing tackle, on depositing the total fine, the damages and all the costs.

Article 10. This Decree shall be without prejudice to the right of free movement of foreign fishing vessels navigating or anchored within the twenty-kilometre zone which constitutes the territorial waters of Indo-China for the purposes of fishing.

Article 11. The provisions of international conventions or of instruments relating to them shall remain in force unimpaired.

Note. This decree was accompanied by the following explanatory note from the Minister for the Colonies:

"In view of the special circumstances of the distribution of shoals of fish on the coast and since these shoals have to be protected against uncontrolled fishing, the Governor-General of Indo-China considers it advisable to determine as territorial waters a twenty-kilometre zone measured from the shore at low-water mark and to make it unlawful for foreign steam or motor vessels (even if equipped with a mere auxiliary engine) to engage in fishing in this zone."

(f) MOROCCO

- (i) *Dahir relating to maritime fishing, 31 March 1919. P.-L. Rivière, "Traité, Codes et Lois du Maroc" (Paris, 1925), vol. III, p. 896. Translation by the Secretariat of the United Nations*

Article 1. The term "maritime fishing" means any fishing carried on at sea, off the coast, in salt-pans and salt lakes, and in rivers, streams or canals communicating directly or indirectly with the sea, up to a point to be determined by decree issued by Our Grand Vizier.

Article 2. As regards the French zone of Our Empire, the territorial waters extend, for the purposes of fishing, six nautical miles from the shore at low-water mark.

In the case of bays, the radius of six miles shall be measured from a straight line drawn across the bay, in the part nearest to the entrance, at the first point where the opening does not exceed twelve miles. In the case of the French zone of the Sherifian Empire, the line from which the extent of the territorial waters is to be reckoned shall be determined by decrees issued by Our Grand Vizier.

- (ii) *Dahir to regulate fishing by fishing fleets in the territorial waters of Morocco, 25 March 1922. P.-L. Rivière, "Traité, Codes et Lois du Maroc" (Paris 1925), vol. III, p. 901. Translation by the Secretariat of the United Nations*

Article 1. For the purposes of fishing, the territorial waters of the French zone of the Sherifian Empire extend six nautical miles from the shore at low-water mark.

The exercise of the right to fish in these waters shall be subject only to payment of the charge in respect of a permit.

Article 2. The officers in command of French government vessels and the captains of customs, public works and fishery-protection vessels shall be responsible for securing observance of the fishing regulations and for reporting on any contraventions thereof within the limits of the territorial waters.

The commission of a contravention may be determined by long-distance observation, either from a vessel at sea or from the land.

(g) TUNISIA

- (i) *Decree concerning customs regulations, 3 October 1884, as amended by Decree of 20 May 1899. P. Zeys, "Code annoté de la Tunisie" (Nancy), 1901, p. 248. Translation by the Secretariat of the United Nations*

Article 14. The masters of all trading vessels arriving within two myriamètres (20,000 metres) of the coast shall, on demand, present the original copy of their manifest to the customs officials for endorsement and shall provide them with a certified signed copy thereof, under penalty of a fine of 1,000 francs and of a sum equal to the value of the cargo.

Customs, navigation and fisheries officials may search all trading vessels of less than 100 tons burthen anchored or hovering within two myriamètres (20,000 metres) of the coast, except in case of *force majeure*. Where such vessel contains on board, whether or not entered in the manifest, goods which it is unlawful to import into or export from Tunisia, it shall be confiscated together with the cargo, and a fine of 100 francs shall be imposed upon the master.

Customs officials may, either before or after the declaration, board any trading vessel entering or leaving the ports or roadsteads or sailing up or down the rivers, remain on board until the cargo is discharged or until the vessel leaves, and require the hatches, cabins, cupboards, crates, bales, barrels and other containers to be opened for the purpose of carrying out the necessary search to prevent illicit traffic. If the master of a vessel should refuse to open the cabins, cupboards and so forth, the customs officials shall summon to their assistance an officer of the judicial police or a municipal officer to have the opening effected in his presence and a record of the proceedings shall be drawn up at the expense of the master, who shall himself be sentenced, for his refusal, to a fine of 500 francs. Where it proves difficult to effect the search on board the vessel, the customs officers may have the packages suspected of containing prohibited or undeclared goods transferred during the day to the customs offices for examination.

16. Greece

- (a) LAW NO. 4141, CONCERNING PASSAGE AND SOJOURN OF MERCHANT VESSELS ALONG THE GREEK SHORES AND POLICING OF THE PORTS AND HARBOURS IN TIME OF WAR, 26 MARCH 1913, "EPHEMERIS TES KYBERNESEOS", 11 APRIL 1913, NO. 68, P. 204. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. The passage and sojourn of merchant vessels, Greek or foreign, may be prohibited at any time and in any area of Greek seas, whether closed or open, whenever the interests of national defence require such prohibition.

Especially in connexion with the application of this law, "Greek sea" means the maritime belt comprised from the shore to a distance of ten nautical miles. With regard to gulfs and bays, the entrance of which does not exceed in width twenty miles, the ten nautical miles belt shall be measures from a straight line drawn across the seaward limit of the gulf or bay.

Article 2. The areas in which passage and sojourn of merchant vessels are prohibited shall be determined by Royal Decrees always issued upon the advice of the Council of Ministers; under urgent circumstances, the areas shall be determined by Orders of the Minister (of Marine), which shall always be issued upon the advice of the Council of Ministers and shall be published in the *Official Journal*.

The above-mentioned Decrees and Orders of the Minister shall be posted in all the port offices and shall be communicated to the consuls of foreign States in the maritime towns.

- (b) CIRCULAR NO. 147 OF THE MINISTRY OF MARINE, CONCERNING OBSERVANCE OF NEUTRALITY RULES, 29 JULY 1914. FRENCH TRANSLATION IN F. DEÁK AND P. C. JESSUP, "A COLLECTION OF NEUTRALITY LAWS" (WASHINGTON, 1939), VOL. 1, P. 674. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 14. By the terms "territorial waters" or "neutral sea" or "coastal sea" is meant a zone of the sea extending up to a distance of six miles from the coast.

- (c) LAW NO. 230, 17 SEPTEMBER 1936. "EPHĒMERIS TĒS KEYBRNĒSĒS", 13 OCTOBER, 1936, p. 2387. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

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.

17. Guatemala

- (a) REGULATIONS CONCERNING THE ADMINISTRATION AND THE POLICE OF THE PORTS OF THE REPUBLIC, 21 APRIL 1939. "RECOPILACIÓN DE LAS LEYES", VOL. 58 (1939-40), p. 369. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Title II. Chapter I. Article 1. In each legally qualified port there shall be a commandant or captain of the port, whose jurisdiction shall extend over the territory of the municipality; and if the port is maritime or fluvial he shall have jurisdiction over merchant and special vessels, of whatever nationality they may be, which are anchored in the territorial waters extending for twelve miles at low water from the most salient point on the coast.

Note. A similar provision was contained in article 1 of the regulations concerning the administration of ports of 10 June 1934. *Recopilación de las Leyes*, vol. 53 (1934-1935), p. 549.

- (b) PRESIDENTIAL DECREE NO. 2393 OF 17 JUNE 1940, APPROVED BY LEGISLATIVE DECREE NO. 2535, 21 APRIL 1941. "RECOPILACIÓN DE LAS LEYES," VOL. 60 (1941-1942), P. 28. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. The submarines of the belligerents shall not be admitted to, or be permitted to stay in, the territorial waters of the Republic.

The territorial waters extend twelve maritime miles reckoned from the low-water mark. The waters of the historical bay of Amatique form part of territorial waters.

18. Honduras

- (a) CIVIL CODE, 8 FEBRUARY 1906. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 621. The adjacent sea, to the distance of one marine league, measured from the low-water mark, is to be considered as the territorial sea and as a part of the national domain; but the right of police, with respect to matters relating to the security of the country and the observance of the fiscal laws, extends to the distance of four marine leagues, measured in the same manner.

Note. A similar provision was contained in article 671 of the Civil Code of 27 August 1880.

- (b) CONSTITUTION OF 28 MARCH 1936. "DECRETOS DE LA ASAMBLEA NACIONAL CONSTITUYENTE", 1936, P. 39. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 153. The State has full dominion, inalienable and imprescriptible, over the waters of the territorial seas to a distance of twelve kilometres measured from the low-water mark...

Note. This article of the Constitution was amended by Congressional Decree No. 102, of 7 March 1950, which supplemented the provision with respect to a zone of twelve kilometres by a provision relating to the continental shelf. The text of that Decree is reproduced under no. 5a of chapter 1 of part I, above.

- (c) PRESIDENTIAL DECREE NO. 38, CONCERNING NEUTRALITY, 13 NOVEMBER 1939, APPROVED BY CONGRESSIONAL DECREE NO. 31, 2 JANUARY 1940. "LA GACETA", VOL. 65, NO. 10,996 (8 JANUARY 1940), P. 1; "BOLETÍN DEL CONGRESO NACIONAL LEGISLATIVO, 1940", SERIES 1, NO. 7 (30 JANUARY 1940), P. 1. TRANSLATION FROM F. DEÁK AND P. C. JESSUP, "A COLLECTION OF NEUTRALITY LAWS" (WASHINGTON, 1939-40), SUPPLEMENT, P. 699 [1]

Article 3. Within the territory of Honduras, including its internal and territorial waters, with their respective fluvial, lacustrine, and marine bodies, and including, also, the corresponding aerial spaces, no act whatsoever on the part of belligerents shall be tolerated that might be regarded as opposed to Honduran neutrality. The expression "territorial waters of the Republic", is understood as referring to those waters which are defined by article 153 of the Constitution, that is to say, the waters of the territorial seas, extending outward for twelve kilometres from the point of lowest tide, and the waters of the Honduran lakes, lagoons, estuaries, rivers and rivulets which have a continual flow.

19. Iran

- (a) ACT RELATING TO THE BREADTH OF THE TERRITORIAL WATERS AND TO THE ZONE OF SUPERVISION, 19 JULY 1934. "RECUEIL GÉNÉRAL PÉRIODIQUE ET CRITIQUE DES DÉCISIONS, CONVENTIONS ET LOIS RELATIVES AU DROIT INTERNATIONAL", 1935, VI, p. 10. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. The waters adjoining the Persian coast to a distance of six nautical miles from and parallel to the shore at low-water mark, are hereby declared Persian territorial waters and form part of the national property together with the sea bed and subsoil thereunder and the air above.

Furthermore, with a view to ensuring the operation of certain laws and conventions concerning the security and protection of the country and its interests or the safety of navigation, a second zone known as the zone of marine supervision, over which the State exercises a right of supervision, shall extend to a distance of twelve nautical miles from the shore measured in the same manner as aforesaid.

Observation. One nautical mile equals 1,852 metres.

Article 2. The breadth of the territorial waters outside a bay shall be measured from a straight line drawn across the opening of the bay; where the opening of a bay exceeds ten miles, such line shall be drawn across the bay, in the part nearest to the entrance, at the first point where the opening does not exceed ten miles.

Outside a port the territorial waters shall be measured from a line drawn between the fixed installations of the port furthest to seaward.

Article 3. Every island belonging to Persia has territorial waters of its own determined in the manner described in article 1, paragraph 1, hereof.

The islands comprising an archipelago shall be deemed to form a single island and the breadth of the territorial waters shall be measured from the islands remotest from the centre of the archipelago.

20. Italy

- (a) LAW NO. 612, RELATING TO THE PASSAGE AND STAY OF MERCHANT VESSELS, 16 JUNE 1912. "GAZZETTA UFFICIALE", 27 JUNE 1912, NO. 151, p. 3788. TRANSLATION FROM H. G. CROCKER, "THE EXTENT OF THE MARGINAL SEA" (WASHINGTON, 1919), p. 603

Article 1. The passage and sojourn of national or foreign merchantmen may be prohibited, at any time whatever and in any determined place whatever, within or without the seas of the State, when it is recognized as necessary in the interest of the national defence.

For the particular purposes of the present law, the seas of the State are understood to be the zone of the sea included within ten marine miles of the shore. As respects gulfs and bays, the zone of ten miles is measured from a straight line drawn across the bend in the part farthest outside where the opening has a breadth not exceeding twenty miles.

Note. Italian law contains also provisions with respect to the anchorage of foreign warships in "the territorial waters within the distance of six miles from the low-water mark." The Royal Decree No. 2423 of 24 August 1933 (*Gazzetta Ufficiale*, 22 May 1934, no. 120) superseded the Royal Decree No. 860, of 28 May 1922, as amended by the Royal Decrees of 29 March 1923 (No. 899), 10 July 1924 (No. 1256), and 18 February 1926 (No. 474). During the Second World War the sojourn of national merchant ships as well as foreign warships and merchant ships in Italian territorial waters was prohibited within a danger-zone of twelve miles by the Royal Decree No. 595, of 6 June 1940 (*Gazzetta Ufficiale*, 20 June 1940, No. 144), which abrogated the Royal Decree No. 1279 of 15 November 1914. See also A. Brunetti and A. Giannini, *Codice della navigazione marittima* (Padova, 1943), pp. 748-758.

- (b) CUSTOMS LAW (No. 1424), 25 SEPTEMBER 1940. "GAZZETTA UFFICIALE", 25 OCTOBER 1940, NO. 250; A. BRUNETTI AND A. GIANNINI, "CODICE DELLA NAVIGAZIONE MARITTIMA" (PADOVA, 1943), P. 1238. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 33. Zone of maritime customs supervision. The zone of the sea which is subject to customs supervision under this law shall extend twelve marine miles from the coast.

- (c) NAVIGATION CODE, APPROVED BY ROYAL DECREE NO. 327, 30 MARCH 1942. "RACCOLTA UFFICIALE DELLE LEGGI E DECRETI", 1942, VOL. I-TER, P. 389. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 2. Territorial sea. The gulfs, inlets and bays which form part of the territory of the Kingdom are subject to the sovereignty of the State when the distance between the extreme points of the entrance to the gulf, inlet or bay does not exceed twenty marine miles. If that distance exceeds twenty marine miles, that part of the gulf, inlet or bay is subject to the sovereignty of the State which is enclosed within a straight line drawn between two most exterior points which are twenty marine miles apart.

In addition, a zone of the sea is subject to the sovereignty of the State which extends six marine miles along the coasts of the mainland and of the islands of the Kingdom and along the straight lines joining the extreme points indicated in the preceding paragraph. The distance shall be measured from the coastal line indicated by the low-water mark.

There are excepted, however, various provisions enacted for special purposes by laws or regulations as well as by international conventions.

Note. This Navigation Code replaces the Code for merchant marine, approved by Royal Decree No. 4146, of 24 October 1877, which contained no provisions as to the limits of territorial waters.

Article 1 of Royal Decree No. 798, of 6 August 1914, provided that "For the purposes of articles 246 to 251 of the mercantile marine code and of the international Agreements acceded to by Italy with regard to the rights and duties of the neutral Powers in the case of naval warfare, the term 'territorial waters' comprises the water zone extending from the sea edge, commencing from the shore to the limit of six marine miles (11,111 metres) seaward from the shore." *Raccolta ufficiale delle leggi e decreti*, 1914, vol. 3, p. 2796; F. Deák and P. C. Jessup, *A Collection of Neutrality Laws* (Washington, 1939), vol. 1, p. 722.

21. Japan

- (a) PORT REGULATIONS, ENACTED BY LAW NO. 174 OF 1948, AS AMENDED BY LAW NO. 98, 24 MAY 1949. "OFFICIAL GAZETTE" (ENGLISH EDITION), EXTRA NO. 47 (24 MAY 1949), P. 2

Article 24. 1. Any person shall not throw or discharge ballast, waste oil, cinder, ashes, dirt and other refuse matters, without permission, into the waters in a port or within 10,000 metres from the boundaries of a port...

22. Lebanon

- (a) ORDER NO. 1104, WITH RESPECT TO THE POLICING OF MARITIME FISHERIES, 14 NOVEMBER 1921. "RECUEIL DES ACTES ADMINISTRATIFS DU HAUT-COMMISSARIAT", VOL. 2 (1921), P. 412. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. In the coastal zone of Syria and Lebanon under French mandate, the territorial sea extends, for the purpose of fisheries, to a distance of six marine miles from the coast or islands.

- (b) CODE OF CUSTOMS REGULATIONS, ADOPTED BY ORDER NO. 137/LR, 15 JUNE 1935. "BULLETIN OFFICIEL DES ACTES ADMINISTRATIFS DU HAUT-COMMISSARIAT", VOL. 14 (1935), P. 200. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 60. Customs officers may search vessels of all flags of less than 150 tons burthen anchored or hovering within twenty kilometres of the coast of the territories under French mandate, except in cases where *force majeure* is proved.

. . .

Article 62. Customs officers may board vessels of all flags of more than 150 tons burthen within twenty kilometres off the coast, but in such cases shall confine themselves to requesting a copy of the manifest and countersigning the original. They are authorized to search such vessels only when contraband goods have been specifically reported to them.

. . .

Article 291. The customs zone is that portion of the territory of the Levant States under French mandate which is bounded, on the one hand, by the coasts or land frontiers, and, on the other hand, by a line which normally runs twenty kilometres from the shore or inland from the outermost customs posts or offices on the land frontiers; this distance may be increased, however, in certain parts of the zone where this is required for purposes of supervision. The course of this line is determined by decisions of the Secretary-General published in the *Bulletin officiel*.

Within this zone the customs administration shall take special steps to supervise the movement and storage of goods, in accordance with such administrative regulations as it shall itself determine, and subject to the provisions hereinafter set forth.

. . .

Article 301. Any person caught in the act of smuggling shall be brought before the local chief customs officer who shall decide whether or not such person shall be placed under arrest.

The conditions of such incarceration are laid down in article 320.

For the purposes of this article the following acts shall be deemed to constitute smuggling:

(1) The importation or attempted importation, without written or oral declaration, of monopoly goods, goods which are prohibited or of which the importation or distribution is restricted, or goods subject to heavy duties, as determined by decisions of the Secretary-General published in the *Bulletin officiel*;

(2) The export or attempted export, under the same conditions, of goods which it is unlawful to export or of which the distribution or export is restricted;

(3) The transport, by vessels of all flags of less than 150 tons, anchored or hovering within twenty kilometres of the coast, except where *force majeure* is proved, of monopoly goods or goods which it is unlawful to import or export, whether or not such goods are entered in a manifest;

(4) The re-export, anchoring or movement within the maritime zone, except where *force majeure* is proved, of vessels of less than 150 tons burthen carrying goods subject to heavy duties, as determined by decisions of the Secretary-General published in the *Bulletin officiel*.

23. Mexico

- (a) FISHERIES REGULATIONS, 5 MARCH 1927. "DIARIO OFICIAL", VOL. 41, NO. 13 (15 MARCH 1927), SECTION 2, P. 1. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 2. National fish resources shall include all products of aquatic life which have their origin or live in the interior waters of the country, and all those which can be exploited in the maritime waters along the Mexican coasts to the extent provided for in treaties and laws on this subject; in absence of express rules or provisions this extent shall not be smaller than twenty kilometres as provided in article 5 of the Law of 18 December 1902.

- (b) REGULATIONS FOR THE OCCUPATION OF, AND CONSTRUCTION OF WORKS IN, TERRITORIAL SEA, NAVIGABLE WATERWAYS, BEACHES AND FEDERAL ZONES, 30 JANUARY 1940. "DIARIO OFICIAL", VOL. 122, NO. 49 (30 OCTOBER 1940), P. 10. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. In accordance with the provisions of article 15 of the Act relating to secretariats and departments of state of 30 December 1939, it shall be a matter for the Department of the National Marine:

I. To authorize the occupation of, and construction of works in, territorial waters, rivers and lakes which constitute general means of communication, river and lake beds under federal jurisdiction, provided that they are navigable or navigable for rafts, and beaches and federal zones;

II. To establish the scales for the levying of fees for the inspection of works constructed and for the rental of zones occupied.

Article 2. The zones to which the preceding article refers are, in accordance with the Act relating to Federal Real Property and Waters under National Ownership, as follows:

I. The territorial waters up to a distance of nine sea miles from the lowest low-water mark on the mainland or on islands forming part of the national territory;

II. The beach, or part of the land which is covered and uncovered by tidal waters, to the limit of the lowest annual ebb tide;

III. The maritime land zone, consisting of the twenty-metre strip of land not covered by the tide, contiguous to sea beaches or to the banks of rivers from their outlet to the sea to the point upstream reached by the lowest annual ebb tide;

IV. The beds of streams, rivers and estuaries throughout their extent, provided that they are navigable or navigable for rafts, the bed being understood to be the channel required to discharge the water during the greatest normal floods; nevertheless, in streams or in parts of the same which are subject to flooding, the bed shall, until such time as canalization or regulation works are constructed, be deemed to be the natural channel cut by the water or formed by a system of protective works;

V. The federal zone consisting of a ten-metre strip contiguous to the bed of streams or the bed of bodies of water under national ownership. The zone shall be reduced to five metres in the case of beds five metres or less in width;

IV. The beds of lakes, pools or estuaries, namely, the bed required to contain the water during the greatest normal floods;

VII. The banks and sides of rivers, estuaries, lakes and pools mentioned in the foregoing sub-paragraphs;

VIII. Ports, bays, roads and coves.

(c) GENERAL ACT ON NATIONAL PROPERTY, 31 DECEMBER 1941. "DIARIO OFICIAL", VOL. 133, NO. 3 (3 JULY 1942), PART I, P. 1, AND VOL. 145, NO. 49 (26 AUGUST 1944), PART I, P. 2; M. ANDRADE, "CONSTITUCIÓN POLITICA MEXICANA", 5TH EDITION (MEXICO, 1945), P. 213. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 17. Property subject to public use consists of:

I. The national air space;

II. The territorial sea, which comprises:

1. Coastal waters to a distance of nine nautical miles (16,668 metres), measured from low-water mark on the coast of the mainland, on the shore of islands forming part of the national territory, in estuaries connected permanently or intermittently with the sea, and in rivers flowing into the sea.

2. Inland waters, from the boundary of the coastal waters to dry land. In waters adjacent to the territorial sea the Federation may take, up to a distance established by special laws, such police or defence measures as it may consider necessary.

III. Sea beaches: that is to say land covered and uncovered by the tide, from the lowest neap mark to the highest spring mark of the year,

IV. The sea-land zone: that is to say a belt of passable land twenty metres in width, adjoining the sea beach or the banks of a river from its mouth to the point upstream reached by the highest spring tide of the year.

V. The beds of rivers, lakes, lagoons and estuaries that are national property.

VI. The banks and federal zones of rivers.

VII. Ports, bays, roads and creeks.

. . .

Note. This Act replaced, in part, the following provisions of the Legislative Decree No. 16,859 of 18 December 1902, enumerating and classifying the immovable property of the Federation (M. Dublan and J. M. Lozano, *Legislación Mexicana*, 1902, vol. 34, p. 267):

"Article 4. The following are public property or property for public use, appertaining to the Federation:

"I. The territorial waters for a distance of three nautical miles reckoned from the line of low-water mark on the coasts of the mainland or on the shores of the islands forming part of national territory.

"II. The seashores, which shall be taken to mean those areas of land which, by the action of the sea, are covered and uncovered by water, as far as the limits of the maximum ebb-tide during the year.

"III. The maritime land zone, that is, the belt of mainland twenty metres in width contiguous to the seashores or to the banks of the rivers from their mouths in the sea to the point upstream reached by the maximum ebb-tide during the year.

"IV. The ports, bays, roadsteads and inlets.

". . .

"Article 5. The use of the territorial waters for navigation, embarkation and disembarkation of passengers and goods, fishing, pearl-diving or for any other purpose is subject to the legal provisions and administrative regulations of the Federal Government, whatever the nationality of the persons, associations or corporations which lay claim to the use of the said waters.

"The supervision and jurisdiction of the federal authorities may be extended in the sea for fiscal purposes for a distance of twenty kilometres reckoned from the line of low-water mark on the coasts of the Republic."

Section I of article 4 of this Decree was amended by the Presidential Decree of 29 August 1935 (*Diario Oficial*, vol. 91, no. 54, 31 August 1935, p. 1055) as follows:

"I. The territorial sea, up to a distance of nine nautical miles (16,668 metres), measured from low-water mark on the coast of the mainland or the shore of the islands forming part of the national territory."

The preamble to the latter decree gave the following reasons for this change:

"That article 27 of the General Constitution of the Republic lays down that the waters of the territorial seas to the extent and in the manner fixed by international law are the property of the nation;

"That the principles of public international law can only be established either by international juridical custom or by treaties, whether collective or bilateral;

"That the International Conference for the Codification of International Law held at The Hague in 1930 found that there was no uniform standard or practice amongst States with regard to the extent of territorial waters,

for which reason it may be stated that there is no international juridical custom in this matter;

"That as Mexico has entered into no collective treaty respecting territorial waters, regard must be had to bilateral treaties and to the precedents supplied by our own country, which show that a distance of nine miles has generally been accepted as the limit of the Mexican maritime zone; this distance has even been increased in some treaties, but has in no case been reduced. Accordingly, since article 4, section I of the Act of 18 December 1902 provides that the sea shall be regarded as territorial only to a distance of three nautical miles, thus contravening Mexican precedents and having been in conflict since 1917 with article 27 of the Constitution, which lays down that the extent of territorial waters shall be fixed in conformity with the principles of international law, and since, as already stated, these principles establish a greater distance for Mexico, it is undoubtedly necessary to amend this provision."

24. Norway

- (a) ROYAL RESOLUTION OF 28 OCTOBER 1932 CONCERNING THE CUSTOMS LAW OF 22 JUNE 1928. "NORSK LOVTIDENDE", 1932, 2NEN AVDELING, 1932, p. 544. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

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.

Note. Similar provisions were previously embodied in section 1 of the Norwegian Customs Law of 30 September 1921 (*Norsk Lovtidende*, 2nen avdeling, 1921, p. 481) and in section 1 of the Customs Law of 14 July 1922 (*idem*, 1922, p. 350).

25. Poland

- (a) PRESIDENTIAL DECREE CONCERNING THE SEA BOUNDARY OF THE STATE, 21 OCTOBER 1932. "DZIENNIK USTAW", 1932, NO. 92, p. 1868. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 3. The boundary of the waters of the contiguous zone, in which the State is entitled to exercise sovereign rights for the purpose of shore defence, shall run at the distance of six miles from the line of the shore and parallel thereto up to the point situated at 54° 30' north latitude and 18° 45' east longitude from Greenwich, as shown on the map annexed to this decree *.

Article 4. The coastal waters of the Polish customs area are bounded by a line drawn at a distance of six miles, from the line of the shore and the boundary of internal waters, except where farther reaching rights are conferred by international agreements.

* Map omitted.

Article 5. Such sovereign rights as are exercised by the State in its territorial waters, in the contiguous zone and in the coastal waters of the Polish customs territory, may also be exercised to the same degree over the air space above these waters and over the area under them.

Note. A decree of the Polish Minister for Military Affairs of 25 October 1934, concerning the sojourn of foreign warships in Polish waters, prohibits the laying of mines and trawling by foreign warships not only in interior and territorial waters but also in the contiguous zone defined in the Decree of 21 October 1932. *Dziennik Ustaw*, 1935, no. 99, c. 904, p. 2131.

(b) CUSTOMS LAW, ENACTED BY DECREE-LAW NO. 610, 27 OCTOBER 1933. "DZIENNIK USTAW", 1933, NO. 84, PP. 1584, 1597. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 5. The area of the sea extending six nautical miles from the customs boundary constitutes the maritime customs zone.

. . .

Article 89. 1. All ships in the maritime customs zone (article 5) are subject to customs control.

2. In the maritime customs zone it is prohibited, without permission of customs authorities:

- (a) To unload or take on board any merchandise;
- (b) To lay by another vessel or to put in at an unauthorized place;
- (c) To leave the vessel or to come on board.

3. In case of a violation of the provisions contained in paragraph 2, or where there is a suspicion of smuggling, the customs officers have the right:

- (a) To stop the ship;
- (b) To go on board of the vessel and to require the presentation of any documents relating to the ship, the cargo, etc.;
- (c) To search the vessel;
- (d) To bring the vessel, by force if necessary, to the nearest customs office.

26. Portugal

(a) CUSTOMS REFORM, ENACTED BY DECREE-LAW NO. 31, 665, 22 NOVEMBER 1941. "REPÚBLICA PORTUGUESA, REFORMA ADUANEIRA" (LISBON, 1942), P. 42. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 46. The customs offices, or their authorized representatives, shall normally or continuously exercise jurisdiction over:

- 1. Ports, harbours, rivers and anchorages;
- 2. Territorial waters, which are deemed to extend out to sea to a distance of six miles;
- 3. A zone of ten kilometres on the landward side of the coast;
- 4. A zone of forty kilometres inward from the frontier, including the rivers which mark the boundary of that zone;
- 5. The entire area occupied by railway lines, including the railway stations and offices, and a two kilometres belt on either side of the permanent way;

6. Aerodromes and airports and a two kilometres belt around them.

Sole paragraph. The zones within which the customs offices exercise continuous jurisdiction within the meaning of this article shall be known as "fiscal zones".

Note. The customs laws of Portugal were revised previously in 1832, 1864, 1885, 1887 and 1894. Extensive amendments were also made in 1911 and 1918. A "maritime zone of respect", six miles wide, may be found also in the Customs Decree of 27 May 1911 (article 211).

27. Romania

- (a) REGULATIONS CONCERNING ADMISSION OF FOREIGN WARSHIPS, APPROVED BY ROYAL DECREE NO. 296, 7 FEBRUARY 1934. "MONITORUL OFICIAL", 1934, PART I-A, NO. 49 (28 FEBRUARY), P. 1285. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. In time of peace foreign warships are authorized normally to visit Romanian ports and to anchor in territorial waters at a distance of less than six miles from the territorial coastline of the Kingdom of Romania, on condition that notice is given through the diplomatic channel and provided further that the number of vessels belonging to the State in question, which are making the visit or which find themselves at that time on a visit in the port in territorial waters, does not exceed three.

28. Saudi Arabia

- (a) DECREE NO. 6/4/5/3711, DEFINING THE TERRITORIAL WATERS OF THE KINGDOM, 28 MAY 1949. "UMM AL QURA" (MECCA), 29 MAY 1949, SUPPLEMENT NO. 1263. TRANSLATION FROM "AMERICAN JOURNAL OF INTERNATIONAL LAW", VOL. 43 (1949), SUPPLEMENT, P. 155

Article 5. The coastal sea of Saudi Arabia lies outside the inland waters of the Kingdom and extends seaward for a distance of six nautical miles.

Article 9. With a view to assuring compliance with the laws of the Kingdom relating to security, navigation, and fiscal matters, maritime surveillance may be exercised in a contiguous zone outside the coastal sea, extending for a further distance of six nautical miles and measured from the base-lines of the coastal sea, provided, however, that nothing in this article shall be deemed to apply to the rights of the Kingdom with respect to fishing.

Note. Previously, article 2 of the Customs Law of 29 June 1930 has established a boundary zone extending "at the sea coast to a distance of four miles into the sea". For a German translation of that law, see *Deutsches Handels-Archiv*, 1932, p. 40.

29. Sweden

- (a) ACT NO. 225, CONCERNING UNLAWFUL DEALING IN ALCOHOLIC BEVERAGES AND WINES, 20 JUNE 1924. "SVERIGES RIKES LAG", 1950, P. B 626. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Chapter 1. Unlawful importation of alcoholic beverages and wines, and unlawful dealing in illegally-imported alcoholic beverages and wines

Unlawful importation into the Kingdom

Article 1. (1) Any person importing an alcoholic beverage or wine into the Kingdom without due customs declaration shall be punished for unlawful importation of goods by a fine of not less than fifteen or more than twenty-five kronor for each litre of beverage unlawfully imported but not less than fifty kronor, or by imprisonment not exceeding one year.

If under the foregoing scale the maximum fine in any case is less than 500 kronor, the fine may be increased to that amount.

If the unlawful importation was on a large scale or for gain, a sentence of hard labour for a term not exceeding one year may be imposed.

(2) The provisions of article 1, paragraph 2, of the Act of 8 June 1923 (no. 147) regarding penalties for the unlawful importation of goods shall apply where appropriate to the offence referred to in paragraph 1 above.

(3) An attempt to commit the offence referred to in paragraph 1 shall be deemed to constitute an offence.

Where two or more persons together commit the offence set forth in paragraph 1, the provisions of chapter 3 of the Penal Code shall apply.

(4) If alcoholic beverages or wines are unlawfully imported by a person against whom a previous sentence has been enforced for the same offence or for the offence referred to in article 5, or for the unlawful importation of goods other than alcoholic beverages and wines, he shall be punished by fine as provided in paragraph 1 or by imprisonment and may, if the unlawful importation was on a large scale or for gain, be sentenced to hard labour for a term not exceeding two years. If the previous offence was one established by this Act, a fine may not be imposed unless the importation was trivial and not committed with the intention of selling the beverages, and other special mitigating circumstances were present.

(5) If a person who has committed an offence referred to in this article again commits the same offence, he shall on lawful conviction, for each occasion on which a summons was issued and served, for that offence, be sentenced to the penalty prescribed therefor; provided, that the total term of imprisonment may not exceed two years.

Unlawful importation into Swedish territorial waters

Article 2. (1) Alcoholic beverages and wines may not be imported into Swedish territorial waters from international or foreign waters in vessels of less than 500 net tons.

In special circumstances the King may likewise prohibit such importation into a specified area of Swedish territorial waters in vessels of a net tonnage greater than that laid down in this article.

(2) The prohibition set forth in paragraph 1 shall not prevent the importation into Swedish territorial waters of alcoholic beverages and wines:

(a) If the beverages are part of the stores of the vessel in which they are transported, or the property of passengers in the vessel or persons employed therein, and are shown not to exceed the amount required for the voyage, or may lawfully be introduced by a passenger into the Kingdom for his personal use in accordance with regulations in force; and

(b) In passage without unnecessary stops through the Sound between Falsterbo Reef and Kullen Light from international or foreign waters to other such waters, if the circumstances clearly show no intention to import beverages illegally into the Kingdom; unless passage is made through waters within one half kilometre of the shore of Sweden.

(3) The General Customs Board may in special cases waive the prohibition referred to in this article.

Article 3. (1) Persons violating the prohibition referred to in article 2 shall incur the penalties prescribed for unlawful importation into the Kingdom.

If the circumstances clearly show no intention to import the beverages unlawfully into the Kingdom, only a fine not exceeding 500 kronor may be imposed.

If it is shown that the vessel in which the beverages were transported was compelled by an actual peril of the sea to enter and remain in Swedish territorial waters in order to save the ship, cargo or human life, the defendant shall be acquitted.

(2) Prosecutions for the offence referred to in paragraph 1 may not be instituted except with the leave of the General Customs Board.

Article 4. (1) Customs officers may, when so required in the course of their duty, carry out such inspection of a vessel as may be necessary to ascertain whether alcoholic beverages or wines are being transported in the vessel in violation of the prohibition referred to in article 2.

(2) If a chief customs or coastguard officer finds it necessary, because of suspected unlawful importation of alcoholic beverages or wines, to place a special customs guard on a vessel of under 500 net tons arriving from or sailing to a foreign port, he may, if beverages carried on board the vessel during the voyage are seized in accordance with this Act, order that the cost of such guard shall be borne by the owner of the vessel.

The cost of the guard shall be payable at the rates laid down for additional customs services and by the relevant procedure for remunerating such services.

Unlawful dealing in unlawfully imported alcoholic beverages
and wines, etc.

Article 5. (1) Any person who, though not guilty of the offence referred to in article 1, acquires, transports, conceals or keeps an alcoholic beverage or wine on his own behalf or on behalf of another, shall, if it

is evident that the beverage was unlawfully imported, be punished by a fine of not less than ten or more than twenty kronor for each litre of beverage in which he has so dealt unlawfully, but not less than thirty or more than 5,000 kronor, or to imprisonment not exceeding one year. The provisions of article 1, paragraph 1, second sub-paragraph, shall apply with regard to increase of the fine in certain cases.

If the defendant can show that at the time of the act he did not know, or had no reason to suspect, that the beverage was illegally imported, he shall be acquitted.

If the offence referred to in this paragraph is committed by a person against whom a previous sentence has been enforced for the same offence or the offence referred to in article 1, he shall be punished according to the relevant provisions of article 1, paragraph 4.

(2) An attempt to commit the offence referred in paragraph 1 shall be deemed to constitute an offence.

Where two or more persons together commit the offence set forth in paragraph 1, the provisions of chapter 3 of the Penal Code shall apply.

(3) If a person against whom proceedings are pending for the offence referred to in this paragraph, again commits the same offence, the relevant provisions of article 1, paragraph 5 shall apply.

Article 6. (1) If alcoholic beverages or wines are found concealed or hidden in a vessel or train in such manner as to show an obvious intention to import them unlawfully into the Kingdom, the person in charge of the vessel or train shall, if not liable to more severe penalties in accordance with other provisions of this Act, be punished by a fine of not more than eight kronor for each litre of beverage but not less than thirty kronor, for failing to exercise due supervision over the vessel or train. The aforesaid penalty may not be imposed if the alcoholic beverages or wines were found concealed or hidden in a passenger vessel or train in a place open to the use of passengers or if the person in charge took all due steps to prevent the unlawful importation of the beverages.

If there are reasonable grounds to believe that the person in charge of the vessel or train was aware of the acts referred to in the first sub-paragraph hereof, he shall be punished for unlawfully importing the beverages.

(2) If alcoholic beverages or wines, obviously unlawfully imported into the Kingdom, are found in a vessel engaged in the inland or coastal trade in such circumstances that their unlawful transportation must be presumed to have been intended or to have taken place, and it is found that the person in charge should reasonably have apprehended such act, the person in charge shall, if he has negligently failed to take all due steps to prevent or to stop the carriage of the beverages in the vessel, be punished by a fine of not more than eight kronor for each litre of beverage but not less than thirty kronor, for failing to exercise due supervision over the vessel.

If there are good grounds to believe that the person in charge had knowledge of the offence referred to in the first paragraph, he shall, if not liable to a more severe penalty under other provisions of this Act, be punished for unlawful transportation of the beverages.

(3) The provisions of paragraph 1, second sub-paragraph and paragraph 2, second sub-paragraph regarding the liability in certain cases

of the person in charge of the vessel shall also apply to other persons employed in the vessel in a supervisory capacity.

Confiscation, etc.

Article 7. If alcoholic beverages or wines which have obviously been unlawfully imported are found, they shall be confiscated, whether or not any person is convicted of unlawful dealing therewith; unless the circumstances clearly indicate that beverages introduced into Swedish territorial waters were not intended to be unlawfully imported into the Kingdom.

If beverages are confiscated in accordance with the foregoing provisions, the receptacles and wrappings in which they were contained shall also be confiscated.

Article 8. (1) If, in the unlawful importation of alcoholic beverages or wines in cases other than those referred to in article 3, paragraph 1, second and third sub-paragraphs, or in their unlawful transportation referred to in article 5, use was made of a vessel of less than 500 net tons or of a beast of burden or vehicle or other means of transport, the means of transport shall, whether or not any person is convicted of the offence, be confiscated if the goods transported consisted substantially of unlawfully imported alcoholic beverages or wines or if the journey for which the means of transport was used must otherwise be presumed to have taken place principally for the purpose of the unlawful importation or transportation of alcoholic beverages or wines.

The penalty of confiscation referred to in this article shall not be enforced:

(a) If it is shown that neither the owner, user or driver of the means of transport knew, or had reason to suspect, that the means of transport was being used for the unlawful importation or transportation of alcoholic beverages or wines; or

(b) If ownership of the means of transport is transferred, after its use for unlawful importation or transportation but before seizure, to a third party and it is shown that the new owner did not, at the time of assuming ownership, know or have reason to suspect the unlawful use made of the means of transport; or

(c) If confiscation of the means of transport clearly appears unreasonable, having regard to special circumstances, such as inability of the owner or of the person having control of the means of transport in place of the owner, to prevent its use for unlawful purposes.

(2) Craft of less than forty net tons, plying between the shore and a vessel lying off shore shall, if the vessel's voyage obviously took place for the purpose of committing or abetting the unlawful importation of alcoholic beverages or wines and the craft can reasonably be presumed to have so plied in pursuance of such purpose, be confiscated, even if the owner, user or person in charge of the craft cannot be convicted of the unlawful importation or transportation of the said beverages; the provisions of paragraph 1, second sub-paragraph, regarding exemption from the penalty of confiscation shall apply where appropriate.

(3) Deleted by Act of 18 June 1949.

(4) When, in accordance with the provisions of paragraphs 1 or 2, the means of transport is confiscated, stores and articles of

equipment belonging to and situated in the means of transport, and gear and weapons found in the means of transport and obviously used in, or intended to be used in, the unlawful importation or transportation of alcoholic beverages or wines or in unlawfully plying between the vessel and the shore, shall also be confiscated; and the provisions of this Act regarding the confiscation of means of transport shall apply also to such property as appropriate.

Article 9. The provisions of article 1, paragraph 10, and of articles 4, 5, 8 and 11-14 of the Act regarding penalties for the unlawful importation of goods shall apply where appropriate to the offence referred to in this chapter and to property liable to confiscation in accordance with the provisions of this chapter.

Note. While this Act applied originally only to acts committed in Swedish territorial waters, it has been extended to an additional zone outside these waters by Act No. 463 of 27 November 1925. It has been also extended to exportation of alcoholic beverages to certain States by Royal Order No. 465 of 27 November 1925 and by Royal Order No. 290 of 19 September 1929. Supplementary provisions are included in Act No. 234 of 31 May 1935. These Acts and Orders are reproduced below.

Similar provisions are contained in conventions concluded by Sweden with Denmark (28 October 1935) and Finland (3 April 1934), and in the Royal Orders enacted under these Conventions; for their texts, see part II, chapter 2, section B, nos. 3 and 10, below.

- (b) ACT NO. 463, TO EXTEND THE APPLICATION OF ACT NO. 225 OF 20 JUNE 1924 CONCERNING UNLAWFUL DEALING IN ALCOHOLIC BEVERAGES AND WINES, 27 NOVEMBER 1925. "SVENSK FÖRFATTNINGSSAMLING", 1925, p. 1115. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

If alcoholic beverages have been introduced in a vessel of less than 250 net tons register into waters situated outside Swedish territorial waters but within twelve nautical miles of the Swedish coast or of the outermost islands lying off the coast, and the circumstances clearly indicate that the vessel is in the said waters for the purpose of committing or abetting the unlawful importation of such beverages into the Kingdom, the offence of unlawful importation into Swedish territorial waters within the meaning of the Act containing special provisions concerning unlawful dealing in alcoholic beverages and wine shall be deemed to have been committed.

In frontier waters less than twenty-four nautical miles wide the boundary of the waters referred to in the first paragraph shall be deemed to coincide with the mid-line or with the frontier established by agreement, custom or otherwise.

The provisions of this Act shall not apply to vessels of a foreign nationality, unless the King orders that the Act shall apply to vessels of that nationality.

This Act shall enter into force on a date to be determined by the King and shall remain in force until and including 30 June 1926.

If an offence under this Act is committed or a seizure in pursuance thereof has been carried out during the period of operation of this Act,

the provisions thereof shall continue to apply to such offence or seizure after such period has expired.

- (c) ROYAL ORDER No. 465, CONTAINING SPECIAL PROVISIONS REGARDING THE EXPORTATION OF INTOXICATING BEVERAGES FROM THE KINGDOM, 27 NOVEMBER 1925. "SVENSK FÖRFATTNINGSSAMLING", 1925, P. 1116. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. Intoxicating beverages (alcoholic beverages and wines) may not be exported to places abroad from customs territory or elsewhere in a vessel (boat, barge) of less than 100 net tons register. This prohibition shall not apply to exportation in mechanically-propelled vessels maintaining regular services between Sweden and places abroad.

Article 2. Intoxicating beverages may not be exported to places abroad from customs territory or elsewhere in a vessel of between 100 and 500 net tons register inclusive, except by permission of the competent authority in the vessel's country of origin; but this provision shall not apply to a vessel of foreign nationality save as the King may so order.

Article 3. The permission to which article 2 refers shall be given, in respect of Swedish vessels, by the General Customs Board after hearing the shipping association or chamber of commerce concerned, for periods of three years. A licence shall be issued in proper form.

Permission may not be granted unless the owner of the vessel or his agent is a trustworthy and honest person. If the conditions for the granting of permission appear to be no longer satisfied, the permission shall be withdrawn. If the vessel is transferred to a new owner, the permission shall be deemed to have expired.

Article 4. The quantity, kind and place of destination of intoxicating beverages exported in vessels to which article 2 refers shall be entered in a special list, which shall be signed by the master, certified correct by the customs authority in the place of shipment, and attached under customs seal to the vessel's licence, which shall bear a note thereof.

Article 5. The vessels to which article 2 refers may not, if transporting intoxicating beverages, be cleared by the customs authority for a foreign port, unless:

(a) The customs authority is satisfied that there is no intention to commit or abet the unlawful importation of intoxicating beverages;

(b) A written declaration is furnished by the consignor to the effect that the intoxicating beverages are being exported for a lawful purpose, and by the master to the effect that they will be duly transported to the place of destination; and

(c) If the list shows that intoxicating beverages have previously been transported in the vessel the master furnishes a certificate issued by the customs or other public authority in the place of destination, or other satisfactory evidence, that the intoxicating beverages entered in the list were duly delivered and discharged or that there was a lawful impediment thereto.

Article 6. Any person contravening the prohibition laid down in articles 1 or 2 shall be punished by a fine of not less than 100 or more than 5,000 kronor.

An attempt to commit the offence shall be deemed to constitute the offence.

Article 7. Any person knowingly furnishing false information in the declaration to which article 5 (*b*) refers shall be punished by a fine of not less than fifty or more than 1,000 kronor.

Article 8. Fines imposed under this Order shall accrue to the Crown. A fine not paid in full shall be commuted in accordance with the general Penal Code.

Article 9. The relevant provisions of the Act of 20 June 1924 (no. 225) containing special provisions concerning unlawful dealing in alcoholic beverages and wines shall apply to the initiation of prosecutions and the determination of jurisdiction.

Article 10. This Order shall not apply to intoxicating beverages forming part of the ship's stores of the vessel in which they are carried, or the property of passengers in the vessel or persons employed therein, not exceeding the amount required for the voyage and duly declared to the customs.

This Order shall enter into force on 24 December 1925 and shall apply, in respect of exportation in vessels of foreign nationality of between 100 and 500 net tons register, only to vessels of Finnish and Norwegian nationality.

(*d*) CUSTOMS DECREE No. 391, 7 OCTOBER 1927. "SVENSK FÖRFATTNINGSSAMLING", 1927, p. 865. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. The customs territory of Sweden, by which is meant Swedish territory in which the customs services are to exercise their functions, includes:

- (*a*) The land areas of the Kingdom;
- (*b*) Lakes rivers and canals in the Kingdom;
- (*c*) Ports, entrances to ports and bays on the coasts of the Kingdom as well as other maritime waters situated landwards from, or between, islands, islets and reefs alongside the coasts which are not constantly submerged; and
- (*d*) Maritime waters which extend for a distance of four nautical miles, or 7,408 metres, from the land areas of the Kingdom or from the lines delimiting the seaward boundaries of the waters mentioned under (*c*) above.

The customs territory extends in the Sund to the middle of the strait, and, at the maritime boundary between the Kingdom and Norway, to a distance of four nautical miles from that part of a straight line uniting the northernmost of the reefs known as Stora Drammen and the rock named Hejeknubb situated southeast of the island of Heja, which is on the Swedish side of that boundary.

Note. For a detailed delimitation of the customs boundary in the Sund, see Order No. 84 of 29 April 1932. *Svensk Författningssamling*, 1932, p. 130.

- (e) ROYAL ORDER NO. 290, RESPECTING THE APPLICATION TO VESSELS OF LITHUANIAN AND SOVIET NATIONALITY OF THE ACT OF 27 NOVEMBER 1925, EXTENDING THE APPLICATION OF THE ACT OF 20 JUNE 1924 CONCERNING UNLAWFUL DEALING IN ACOHOLIC BEVERAGES AND WINES, 19 SEPTEMBER 1929. "SVENSK FÖRFATTNINGSSAMLING", 1929, P. 599. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

His Majesty has been pleased to order that the Act of 27 November 1925 extending the application of the Act of 20 June 1924 containing special provisions concerning unlawful dealing in alcoholic beverages and wines, and the Order of 27 November 1925 (no. 465) containing special provisions regarding the exportation of intoxicating beverages from the Kingdom, shall, in so far as foreign vessels are concerned, apply to vessels of Lithuanian nationality, as well as to vessels of Danish, Danzig, Estonian, Finnish, Latvian, Norwegian, Polish and German nationality, from the day following the date of the publication of this Order in the Swedish Statutes Series, as indicated therein; and to vessels of Soviet nationality, from 10 October 1929. The Order first mentioned shall apply in respect of exportation in vessels of more than 100 and less than 500 net tons register.

- (f) ACT NO. 53, EMPOWERING THE KING TO MAKE ORDERS PLACING FOREIGN SURVEILLANCE STAFF ON THE SAME FOOTING AS SWEDISH CUSTOMS OFFICERS IN CERTAIN CASES, 23 MARCH 1934. "SVENSK FÖRFATTNINGSSAMLING", 1934, P. 74. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

The Crown may by agreement with a foreign State prescribe that in specified zones of the sea off the coast of Sweden surveillance staff of that foreign State shall, in preventing the illicit importation of alcoholic liquors and wines into Sweden, and in so far as may be prescribed by the Crown, have the same powers and enjoy the same protection and right to share in the value of goods seized or similar advantages as Swedish customs officers.

- (g) ACT NO. 234, TO SUPPLEMENT THE EXISTING REGULATIONS CONCERNING THE IMPORTATION OF ALCOHOLIC BEVERAGES AND WINES INTO SWEDISH TERRITORIAL WATERS, 31 MAY 1935. "SVENSK FÖRFATTNINGSSAMLING", 1935, P. 456. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

The provisions of article 2, paragraph 2 (b), article 3, paragraph 1, article 7 and article 8, paragraph 1, of Act No. 225 of 20 June 1924, containing special rules concerning unlawful dealing in alcoholic beverages and wines with regard to cases of importation of alcoholic beverages or wines into Swedish territorial waters in which the circumstances clearly show no intention to import the beverages unlawfully into the Kingdom shall, to the extent that the King may so order, not apply to importation into territorial waters covered by an agreement with a foreign State for common supervision in order to prevent the smuggling of alcoholic liquors unless circumstances also clearly show no intention

to import the beverages unlawfully into the State with which the agreement is concluded.

Note. By Act No. 203, of 30 April 1948, this Act was continued in force until 30 June 1953. *Svensk Författningssamling*, 1948, p. 330.

30. Syria

Note. The provisions of the Fisheries Order of 14 November 1921 and of the Customs Code of 15 June 1935, issued for both Lebanon and Syria, are reproduced under Lebanon, No. 22, above. They provide, respectively, for a fishing zone of six miles and for a customs zone of twenty kilometres.

31. Turkey

- (a) CUSTOMS LAW, 11 APRIL 1918, AS AMENDED BY LAW No. 906 OF 7 JUNE 1926. "OFFICIAL GAZETTE", 30 JUNE 1926, NO. 408; J. A. RIZZO, "LA LÉCISLATION TURQUE", VOL. 4 (1925-1926), P. 564. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. The customs border is formed by the sea coast, the banks of the frontier rivers and the frontiers which separate Turkey from the territories of the neighbouring States.

Article 2. In the case of land frontiers, the customs zone shall be deemed to mean the area extending from the customs border to a distance of ten kilometres inland, and, in the case of the coast, the area extending from the shore to a distance of four miles out to sea.

In the case of frontier rivers, the customs zone shall include the part of the river which constitutes territorial waters. Nevertheless, depending on local requirements, and especially in regions where rivers flow near the frontier, the area may extend further than ten kilometres on the land side or four miles out to sea.

Article 118. If a vessel weighing under 200 tons is met with in the territorial waters and if its master continues on his course without allowing the customs guards to approach, the boat carrying the guards shall hoist its colours and flags and shall fire a blank shot; if the vessel does not stop, gunfire shall be directed at the superstructure. If the master fails to comply with this order and continues on his course, force must be used to make him obey. Such vessels may be pursued even outside territorial waters if they attempt to flee.

32. United Kingdom

- (a) CUSTOMS CONSOLIDATION ACT, 24 JULY 1876. 39 & 40 VICT. c. 36; GREAT BRITAIN, "STATUTES" (2ND EDITION, 1889), VOL. 14, PP. 60, 97-99

Section 53. The master of every ship arriving from parts beyond the seas shall at the time of making report answer all such questions relating to the ship, cargo, crew, and voyage as shall be put to him by the col-

lector or other proper officer; and if he refuses to answer or does not answer truly, or if after the arrival within four leagues of the coast of the United Kingdom bulk shall be broken, or any alteration made in the stowage of the cargo of such ship so as to facilitate the unloading of any part of such cargo before report of such ship and cargo, or if any part be staved, destroyed, or thrown overboard, or any package be opened, unless cause be shown to the satisfaction of the Commissioners of Customs, in every such case the master shall forfeit the sum of 100 pounds.

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Section 179. If any ship or boat shall be found or discovered to have been within any port, bay, harbour, river or creek of the United Kingdom or the Channel Islands, or within three leagues of the coast thereof if belonging wholly or in part to British subjects, or having half the persons on board subjects of Her Majesty, or within one league if not British, having false bulkheads, false bows, double sides or bottom, or any secret or disguised place adapted for concealing goods, or any hole, tube, pipe, or device adapted for running goods, or having on board or in any manner attached thereto, or conveying or having conveyed in any manner any spirits, tobacco, or snuff, in packages of any size and character in which they are prohibited to be imported into the United Kingdom or the Channel Islands, or any spirits or tobacco or snuff imported contrary to the Customs Acts, or any tobacco stalks, tobacco stalk flour, or snuff work, or which shall be found or discovered to have been within three leagues of any part of the coast of the United Kingdom from which any part of the lading of such ship or boat shall be or have been thrown overboard, or on board which any goods shall be or have been staved or destroyed to prevent seizure, every such ship or boat, together with any such spirits, tobacco, or snuff, tobacco stalks, tobacco stalk flour, or snuff work, and all packages, casks, or other vessels containing the same, and everything packed therein, and also any cordage, or other articles adapted and prepared for slinging or sinking small casks, or any casks or other vessels whatsoever of less size or content than twenty gallons of the description used for the smuggling of spirits found on board, shall be forfeited; and every person who shall be found or discovered to have been on board any ship or boat liable to forfeiture as aforesaid, within three leagues of the coast if a British subject, or within one league if a foreigner, or on board any vessel in Her Majesty's service, or on board any foreign post office packet employed in carrying mails between any foreign country and the United Kingdom having on board any spirits or tobacco in such packages as aforesaid, or any tobacco stalks, tobacco stalk flour or snuff work, shall forfeit a sum not exceeding 100 pounds, and every such person may be detained and taken before any justice, to be dealt with as hereinafter directed; provided that no person shall be detained whilst actually on board any vessel in the service of a foreign State or country.

Note. The following words were added to this section by the Amendment Act of 1887 (50 & 51 Vict. c. 7): "And provided also, that no person shall be liable to conviction under this section unless there shall be reasonable cause to believe that such person was concerned in, or privy to, the illegal act or thing proved to have been committed."

The provisions of this section with respect to forfeiture of ships were modified by the Amendment Act of 18 August 1890 (53 & 54 Vict. c. 56), as follows:

"1. No ship or boat shall be liable to forfeiture under the said section for having or having had on board, or in any manner attached thereto, or conveying or having conveyed, any goods as therein specified, or for any unloading, throwing overboard, or destruction of goods, unless such ship or boat shall be under 250 tons burden.

"2. With regard to any ship or boat of or exceeding 250 tons burden which but for this Act would be liable to forfeiture as aforesaid, the following provisions shall apply:

"(a) It shall be lawful for the Commissioners of Customs, hereinafter called 'the Commissioners', subject to appeal to *the Lords Commissioners of * the Treasury*, to have power to fine any such ship or boat in any sum not exceeding fifty pounds in any case where in their opinion a responsible officer (as hereinafter defined) of such ship or boat is implicated either actually or by neglect:

"(b) For the purpose of enforcing such fine the Commissioners shall have power to require the deposit in the hands of the Collector of Customs at the port where such ship or boat shall be of such sum, not exceeding fifty pounds, as they may think right, pending their ultimate decision, and in default of payment of such deposit the Commissioners shall have power to detain the said ship or boat:

"(c) If in any case the Commissioners shall consider that the fine of fifty pounds aforesaid will not be an adequate penalty against any such ship or boat for the offence committed thereon it shall be lawful for them to take proceedings before the justices of the peace for condemnation of the said ship or boat in a sum not exceeding 500 pounds at the discretion of such justices, or such proceedings may be taken by the Commissioners before the Courts and in manner prescribed by the Customs Consolidation Act, 1876 and the Acts amending the same. And for this purpose the Commissioners may as to any ship or boat referred to in this section require the deposit in the hands of the collector as aforesaid of a sum not exceeding five hundred pounds to abide the decision of the Court, and in default of payment of such deposit the Commissioners may detain such ship or boat:

"(d) No claim shall be made against the Commissioners for damages in respect of the payment of any deposit or the detention of any ship or boat under this section.

"3. The expression 'responsible officer' in this Act shall mean and include the master, mates, and engineers of any ship, and in the case of a ship carrying a passenger certificate the purser or chief steward and where the ship is manned by Asiatic seamen the serang or other leading Asiatic officer. The expression 'neglect' in this Act shall include cases where goods unowned by any of the crew are discovered in a place or places in which they could not reasonably have been put if the responsible officer of officers having supervision of such place or places had exercised proper care at the time of the loading of the ship or subsequently; and the expression 'burden' in this Act shall mean the same as it does in the Customs Consolidation Act, 1876, that is to say, 'registered tonnage.'

"4. For the purpose of the forfeiture under the said one hundred and seventy-ninth section of goods, packages, casks, and the like, and the detaining and dealing with persons found or discovered to have been on board any ship or boat liable to forfeiture by the said section (as amended by the Customs Consolidation Act, 1876, Amendment Act, 1887), ships or boats of or exceeding 250 tons burden shall still be deemed, but for such purposes only, to be ships or boats liable to forfeiture by the said section."

* The words in italics were repealed by 8 Edw. 7 c. 49.

Section 180. If any ship or boat belonging wholly or in part to Her Majesty's subjects, or having one half of the persons on board subjects of Her Majesty, shall not bring to upon signal made by any vessel or boat in Her Majesty's service or in the service of the Revenue, by hoisting the proper pendant and ensign, whereupon chase shall be given, and any person on board such ship or boat shall, during chase or before such ship or boat shall bring to, throw overboard any part of her lading, or shall stave or destroy any part thereof, to prevent seizure, such ship or boat shall be forfeited; and all persons escaping from any such ship or boat during chase shall be deemed subjects of Her Majesty, unless the contrary be proved.

Section 181. If any ship or boat liable to seizure or examination under the Customs Act shall not bring to when required so to do, the master of such ship or boat shall forfeit the sum of twenty pounds; and on such ship or boat being chased by any vessel or boat in Her Majesty's navy, having the proper pendant and ensign of Her Majesty's ships hoisted, or by any vessel or boat duly employed for the prevention of smuggling, having a proper pendant and ensign hoisted, it shall be lawful for the captain, master, or other person having the charge or command of such vessel or boat in Her Majesty's navy, or employed as aforesaid (first causing a gun to be fired as a signal!), to fire at or into such ship or boat, and such captain, master, or other person acting in his aid or by his direction shall be and is hereby indemnified and discharged from any indictment, penalty, action, or other proceeding for so doing.

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Note. In its letter of 6 December 1928 to the Preparatory Committee for Conference for the Codification of International Law, the British Government declared that "no claim is made by His Majesty's Government in Great Britain to exercise rights over the high seas outside the belt of territorial waters". League of Nations publ. 1929. V. 2, p. 162. With respect to the British practice prior to the Customs Act of 1876 and under that Act, see W. E. Masterson, *Jurisdiction in Marginal Seas* (New York, 1929), pp. 1-162.

33. United States of America

(a) TARIFF ACT, 17 JUNE 1930, AS AMENDED. "U.S. CODE" (1946 EDITION), TITLE 19 (CUSTOMS DUTIES), SECTIONS 1581-1587

Section 1581. Boarding vessels

(a) Any officer of the customs may at any time go on board of any vessel at any place in the United States or within the customs waters or, as he may be authorized, within a customs-enforcement area established under sections 1701-1711 of this title, or at any other authorized place, without as well as within his district, and examine the manifest and other documents and papers and examine, inspect, and search the vessel or vehicle and every part thereof and any person, trunk, package, or cargo on board, and to this end may hail and stop such vessel or vehicle, and use all necessary force to compel compliance.

(b) Officers of the Department of the Treasury and other persons authorized by such department may go on board of any vessel at any

place in the United States or within the customs waters and hail, stop, and board such vessel in the enforcement of the navigation laws and arrest or, in case of escape or attempted escape, pursue and arrest any person engaged in the breach or violation of the navigation laws.

(c) Any master of a vessel being examined as herein provided, who presents any forged, altered, or false document or paper to the examining officer, knowing the same to be forged, altered, or false and without revealing the fact shall, in addition to any forfeiture to which in consequence the vessel may be subject, be liable to a fine of not more than \$ 5,000 nor less than \$ 500.

(d) Any vessel or vehicle which, at any authorized place, is required to come to a stop by any officer of the customs, or is required to come to a stop by signal made by any vessel employed in the service of the customs displaying the ensign and pennant prescribed for such vessel by the President, shall come to a stop, and upon failure to comply, a vessel so required to come to a stop shall become subject to pursuit and the master thereof shall be liable to a fine of not more than \$ 5,000 nor less than \$ 1,000. It shall be the duty of the several officers of the customs to pursue any vessel which may become subject to pursuit, and to board and examine the same, and to examine any person or merchandise on board, without as well as within their respective districts and at any place upon the high seas or, if permitted by the appropriate foreign authority, elsewhere where the vessel may be pursued as well as at any other authorized place.

(e) If upon the examination of any vessel or vehicle it shall appear that a breach of the laws of the United States is being or has been committed so as to render such vessel or vehicle, or the merchandise, or any part thereof, on board of, or brought into the United States by, such vessel or vehicle, liable to forfeiture or to secure any fine or penalty, the same shall be seized and any person who has engaged in such breach shall be arrested.

(f) It shall be the duty of the several officers of the customs to seize and secure any vessel, vehicle, or merchandise which shall become liable to seizure, and to arrest any person who shall become liable to arrest, by virtue of any law respecting the revenue, as well without as within their respective districts, and to use all necessary force to seize or arrest the same.

(g) Any vessel, within or without the customs waters, from which any merchandise is being, or has been, unlawfully introduced into the United States by means of any boat belonging to, or owned, controlled, or managed in common with, said vessel, shall be deemed to be employed within the United States and, as such, subject to the provisions of this section.

(h) The provisions of this section shall not be construed to authorize or require any officer of the United States to enforce any law of the United States upon the high seas upon a foreign vessel in contravention of any treaty with a foreign government enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon said vessel upon the high seas the laws of the United States except as such authorities are or may otherwise be enabled or permitted under special arrangement with such foreign government. (June 17, 1930, ch. 497, title IV, section 581, 46 Stat. 747; Aug. 5, 1935,

ch. 438, title II, section 203, 49 Stat. 521; 1946 Reorg. Plan No. 3, sections 101-104, eff. July 16, 1946, 11 F. R. 7875, 60 Stat. 1097).

Section 1582. Search of persons and baggage: regulations

The Secretary of the Treasury may prescribe regulations for the search of persons and baggage and he is authorized to employ female inspectors for the examination and search of persons of their own sex; and all persons coming into the United States from foreign countries shall be liable to detention and search by authorities or agents of the Government under such regulations. (June 17, 1930, Ch. 947, title IV, section 582, 46 Stat. 748.)

Section 1583. Certification of manifest

The master of every vessel and the person in charge of every vehicle bound to a port or place in the United States shall deliver to the officer of the customs or coast guard who shall first demand it of him, the original and one copy of the manifest of such vessel or vehicle, and such officer shall certify on the back of the original manifest to the inspection thereof and return the same to the master or other person in charge. (June 17, 1930, ch. 497, title IV, section 583, 46 Stat. 748.)

Section 1584. Falsity or lack of manifest; penalties

Any master of any vessel and any person in charge of any vehicle bound to the United States who does not produce the manifest to the officer demanding the same shall be liable to a penalty of \$ 500, and if any merchandise, including sea stores, is found on board of or after having been unladen from such vessel or vehicle which is not included or described in said manifest or does not agree therewith, the master of such vessel or the person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty equal to the value of the merchandise so found or unladen, and any such merchandise belonging or consigned to the master or other officer or to any of the crew of such vessel, or to the owner or person in charge of such vehicle, shall be subject to forfeiture, and if any merchandise described in such manifest is not found on board the vessel or vehicle the master or other person in charge or the owner of such vessel or vehicle shall be subject to a penalty of \$ 500: *Provided*, That if the collector shall be satisfied that the manifest was lost or mislaid without intentional fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake and that no part of the merchandise not found on board was unshipped or discharged except as specified in the report of the master, said penalties shall not be incurred.

If any of such merchandise so found consists of heroin, morphine, cocaine, isonipecaine, or opiate, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of \$ 50 for each ounce thereof so found. If any of such merchandise so found consists of smoking opium, opium prepared for smoking, or marihuana, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of \$ 25 for each ounce thereof so found. If any of such merchandise so found consists of crude opium, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle

shall be liable to a penalty of \$ 10 for each ounce thereof so found. Such penalties shall, notwithstanding the proviso in section 1594 of this title (relating to the immunity of vessels or vehicles used as common carriers), constitute a lien upon such vessel which may be enforced by a libel *in rem*; except that the master or owner of a vessel used by any person as a common carrier in the transaction of business as such common carrier shall not be liable to such penalties and the vessel shall not be held subject to the lien, if it appears to the satisfaction of the court that neither the master nor any of the officers (including licensed and unlicensed officers and petty officers) nor the owner of the vessel, knew, and could not, by the exercise of the highest degree of care and diligence, have known that such narcotic drugs were on board. Clearance of any such vessel may be withheld until such penalties are paid or until a bond, satisfactory to the collector, is given for the payment thereof. The provisions of this paragraph shall not prevent the forfeiture of any such vessel or vehicle under any other provision of law. The words isonipécaine, opiate, and marihuana as used in this paragraph shall have the same meaning as defined in sections 3228 (e), 3228 (f) and 3228 (b), respectively, of title 26.

If any of such merchandise (sea stores excepted), the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors for the importation of which into the United States a certificate is required under section 1707 of this title and the required certificate be not shown, be so found upon any vessel not exceeding 500 net tons, the vessel shall, in addition to any other penalties herein or by law provided, be seized and forfeited, and, if any manifested merchandise (sea stores excepted) consisting of any such spirits, wines, or other alcoholic liquors be found upon any such vessel and the required certificate be not shown, the master of the vessel shall be liable to the penalty herein provided in the case of merchandise not duly manifested: *Provided*, That if the collector shall be satisfied that the certificate required for the importation of any spirits, wines, or other alcoholic liquors was issued and was lost or mislaid without intentional fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake, said penalties shall not be incurred. (June 17, 1930, ch. 497, title IV, Section 584, 46 Stat. 748; Aug. 5, 1935, ch. 438, title II, Section 204, 49 Stat. 523; July 1, 1944, ch. 377, Section 10, 58 Stat. 722; Mar. 8, 1946, ch. 81, Section 9, 60 Stat. 39.)

Section 1585. Departure before report or entry

If any vessel or vehicle from a foreign port or place arrives within the limits of any collection district and departs or attempts to depart, except from stress of weather or other necessity, without making a report or entry under the provisions of this chapter, or if any merchandise is unladen therefrom before such report or entry, the master of such vessel shall be liable to a penalty of \$ 5,000, and the person in charge of such vehicle shall be liable to a penalty of \$ 500, and any such vessel or vehicle shall be forfeited, and any officer of the customs may cause such vessel or vehicle to be arrested and brought back to the most convenient port of the United States. (June 17, 1930, ch. 497, title IV, section 585, 46 Stat. 749; Aug. 5, 1935, ch. 438, title III, section 303, 49 Stat. 527.)

Section 1586. Unlawful unloading or transshipment

(a) The master of any vessel from a foreign port or place who allows any merchandise (including sea stores) to be unladen from such vessel at any time after its arrival within the customs waters and before such vessel has come to the proper place for the discharge of such merchandise, and before he has received a permit to unlade, shall be liable to a penalty equal to twice the value of the merchandise but not less than \$ 1,000, and such vessel and its cargo and the merchandise so unladen shall be seized and forfeited.

(b) The master of any vessel from a foreign port or place who allows any merchandise (including sea stores), the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors, to be unladen from his vessel at any place upon the high seas adjacent to the customs waters of the United States to be transhipped to or placed in or received on any vessel of any description, with knowledge, or under circumstances indicating the purpose to render it possible, that such merchandise, or any part thereof, may be introduced, or attempted to be introduced, into the United States in violation of law, shall be liable to a penalty equal to twice the value of the merchandise but not less than \$ 1,000, and the vessel from which the merchandise is so unladen, and its cargo and such merchandise, shall be seized and forfeited.

(c) The master of any vessel from a foreign port or place who allows any merchandise (including sea stores) destined to the United States, the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors, to be unladen, without permit to unlade, at any place upon the high seas adjacent to the customs waters of the United States, to be transhipped to or placed in or received on any vessel of the United States or any other vessel which is owned by any person a citizen of, or domiciled in the United States, or any corporation incorporated in the United States, shall be liable to a penalty equal to twice the value of the merchandise but not less than \$ 1,000, and the vessel from which the merchandise is so unladen, and its cargo and such merchandise, shall be seized and forfeited.

(d) If any merchandise (including sea stores) unladen in violation of the provisions of this section is transhipped to or placed in or received on any other vessel, the master of the vessel on which such merchandise is placed, and any person aiding or assisting therein, shall be liable to a penalty equal to twice the value of the merchandise, but not less than \$ 1,000 and such vessel, and its cargo and such merchandise, shall be seized and forfeited.

(e) Whoever, at any place, if a citizen of the United States, or at any place in the United States or within one league of the coast of the United States, if a foreign national, shall engage or aid or assist in any unloading or transshipment of any merchandise in consequence of which any vessel becomes subject to forfeiture under the provisions of this section shall, in addition to any other penalties provided by law, be liable to imprisonment for not more than two years.

(f) Whenever any part of the cargo or stores of a vessel has been unladen or transhipped because of accident, stress of weather, or other necessity, the master of such vessel and the master of any vessel to which

such cargo or stores has been transhipped shall, as soon as possible thereafter, notify the collector of the district within which such unloading or transhipping has occurred, or the collector within the district at which such vessel shall first arrive thereafter, and shall furnish proof that such unloading or transhipment was made necessary by accident, stress of weather, or other unavoidable cause, and if the collector is satisfied that the unloading or transhipment was in fact due to accident, stress of weather, or other necessity, the penalties described in this section shall not be incurred. (June 17, 1930, ch. 497, title IV, section 586, 46 Stat. 749; Aug. 5, 1935, ch. 438, title II, section 205, 49 Stat. 524.)

Section 1587. Examination of hovering vessels

(a) Any hovering vessel, or any vessel which fails (except for unavoidable cause), at any place within the customs waters or within a customs-enforcement area established under sections 1701-1711 of this title, to display lights as required by law, or which has become subject to pursuit as provided in section 1581 of this title, or which, being a foreign vessel to which subsection (h) of said section 1581 applies, is permitted by special arrangement with a foreign government to be so examined without the customs waters of the United States, may at any time be boarded and examined by any officer of the customs, and the provisions of said section 1581 shall apply thereto, as well without as within his district, and in examining the same, any such officer may also examine the master upon oath respecting the cargo and voyage of the vessel, and may also bring the vessel into the most convenient port of the United States to examine the cargo, and if the master of said vessel refuses to comply with the lawful directions of such officer or does not truly answer such questions as put to him respecting the vessel, its cargo, or voyage, he shall be liable to a penalty of not more than \$ 5,000 nor less than \$ 500. If, upon the examination of any such vessel or its cargo by any officer of the customs, any dutiable merchandise destined to the United States is found, or discovered to have been, on board thereof, the vessel and its cargo shall be seized and forfeited. It shall be presumed that any merchandise (sea stores excepted), the importation of which into the United States is prohibited, or which consists of any spirits, wines, or other alcoholic liquors, so found, or discovered to have been, on board thereof, is destined to the United States.

(b) If any vessel laden with cargo be found at any place in the United States or within the customs waters or within a customs-enforcement area established under sections 1701-1711 of this title and such vessel afterwards is found light or in ballast or having discharged its cargo or any part thereof, and the master is unable to give a due account of the port or place at which the cargo, or any part thereof, consisting of any merchandise the importation of which into the United States is prohibited or any spirits, wines, or other alcoholic liquors, was lawfully discharged, the vessel shall be seized and forfeited.

(c) Nothing contained in this section shall be construed to render any vessel liable to forfeiture which is *bona fide* bound from one foreign port to another foreign port, and which is pursuing her course, wind and weather permitting. (June 17, 1930, ch. 497, title IV, section 587, 46 Stat. 749; Aug. 5, 1935, ch. 438, title II, section 206, 49 Stat. 525.)

(b) ANTI-SMUGGLING ACT, 5 AUGUST 1935, AS AMENDED. "U.S. CODE" (1946 EDITION), TITLE 19, §§ 1701-1709

Section 1701. Customs-enforcement area: (a) Establishment; extent and duration; enforcement of laws applicable to waters adjacent to customs waters

Whenever the President finds and declares that at any place or within any area on the high seas adjacent to but outside customs waters any vessel or vessels hover or are being kept off the coast of the United States and that, by virtue of the presence of any such vessel or vessels at such place or within such area, the unlawful introduction or removal into or from the United States of any merchandise or person is being or may be occasioned, promoted, or threatened, the place or area so found and declared shall constitute a customs-enforcement area for the purposes of this chapter. Only such waters on the high seas shall be within a customs-enforcement area as the President finds and declares are in such proximity to such vessel or vessels that such unlawful introduction or removal of merchandise or persons may be carried on by or to or from such vessel or vessels. No customs-enforcement area shall include any waters more than 100 nautical miles from the place or immediate area where the President declares such vessel or vessels are hovering or are being kept and, notwithstanding the foregoing provision, shall not include any waters more than fifty nautical miles outwards from the outer limit of customs waters. Whenever the President finds that, within any customs-enforcement area, the circumstances no longer exist which gave rise to the declaration of such area as a customs-enforcement area, he shall so declare, and thereafter, and until a further finding and declaration is made under this subsection with respect to waters within such area, no waters within such area shall constitute a part of such customs-enforcement area. The provisions of law applying to the high seas adjacent to customs waters of the United States shall be enforced in a customs-enforcement area upon any vessel, merchandise, or person found therein.

(b) Boarding vessels; arrest and seizure; compliance with treaty provisions; authority of Secretary of Commerce unaffected

At any place within a customs-enforcement area the several officers of the customs may go on board of any vessel and examine the vessel and any merchandise or person on board, and bring the same into port, and, subject to regulations of the Secretary of the Treasury, it shall be their duty to pursue and seize or arrest and otherwise enforce upon such vessel, merchandise, or person, the provisions of law which are made effective thereto in pursuance of subsection (a) of this section in the same manner as such officers are or may be authorized or required to do in like case at any place in the United States by virtue of any law respecting the revenue: *Provided*, That nothing contained in this section or in any other provision of law respecting the revenue shall be construed to authorize or to require any officer of the United States to enforce any law thereof upon the high seas upon a foreign vessel in contravention of any treaty with a foreign government enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon such vessel upon the high seas the laws of the United States except as such authorities are or may otherwise be enabled or permitted under special arrangement with such foreign government:

Provided further, That none of the provisions of this chapter shall be construed to relieve the Secretary of Commerce of any authority, responsibility, or jurisdiction now vested in or imposed on that officer. (Aug. 5, 1935, ch. 438, title I, section 1, 49 Stat. 517.)

Section 1702. Smuggling into territory of foreign government: (a) Allowing vessel owned or controlled to engage in smuggling; persons aiding or assisting vessel; penalty

Any person owning in whole or in part any vessel of the United States who employs, or participates in, or allows the employment of, such vessel for the purpose of smuggling, or attempting to smuggle, or assisting in smuggling, any merchandise into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for violation of the laws of the United States respecting the customs revenue, and any citizen of, or person domiciled in, or any corporation incorporated in, the United States, controlling or substantially participating in the control of any such vessel, directly or indirectly, whether through ownership of corporate shares or otherwise, and allowing the employment of said vessel for any such purpose, and any person found, or discovered to have been, on board of any such vessel so employed and participating or assisting in any such purpose, shall be liable to a fine of not more than \$ 5,000 or to imprisonment for not more than two years, or to both such fine and imprisonment.

(b) Lessor or charterer of vessel with knowledge of purpose to smuggle as within section

It shall constitute an offence under this section to hire out or charter a vessel if the lessor or charterer has knowledge that, or if such vessel is leased or chartered under circumstances which would give rise to a reasonable belief that, the lessee or person chartering the vessel intends to employ such vessel for any of the purposes described in subsection (a) and if such vessel is, during the time such lease or charter is in effect, employed for any such purpose. (Aug. 5, 1935, ch. 438, title I, section 2, 49 Stat. 518.)

Section 1703. Seizure and forfeiture of vessels: (a) Vessels subject to seizure and forfeiture

Whenever any vessel which shall have been built, purchased, fitted out in whole or in part, or held, in the United States or elsewhere, for the purpose of being employed to defraud the revenue or to smuggle any merchandise into the United States, or to smuggle any merchandise into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for violation of the laws of the United States respecting the customs revenue, or whenever any vessel which shall be found, or discovered to have been, employed, or attempted to be employed, within the United States for any such purpose, or in anywise in assistance thereof, or whenever any vessel of the United States which shall be found, or discovered to have been, employed, or attempted to be employed at any place, for any such purpose, or in anywise in assistance thereof, if not subsequently forfeited to the United States or to a foreign govern-

ment, is found at any place at which any such vessel may be examined by an officer of the customs in the enforcement of any law respecting the revenue, the said vessel and its cargo shall be seized and forfeited.

(b) "*Vessels of the United States*"

Every vessel which is documented, owned, or controlled in the United States, and every vessel of foreign registry which is, directly or indirectly, substantially owned or controlled by any citizen of or corporation incorporated, owned, or controlled in, the United States, shall, for the purposes of this section, be deemed a vessel of the United States.

(c) *Acts constituting prima facie evidence vessel engaged in smuggling*

For the purpose of this section, the fact that a vessel has become subject to pursuit as provided in section 1581 of this title, or is a hovering vessel, or that a vessel fails, at any place within the customs waters of the United States or within a customs-enforcement area, to display lights as required by law, shall be *prima facie* evidence that such vessel is being, or has been, or is attempted to be employed to defraud the revenue of the United States. (Aug. 5, 1935, ch. 438, title I, section 3, 49 Stat. 518.)

Section 1704. Refusal or revocation of registry, enrollment, license or number on evidence that vessel engaging in smuggling; appeal; immunity from liability

Subject to appeal to the Secretary of the Treasury and under such regulations as he may prescribe, whenever either the collector of customs of the district in which any vessel is, or is sought to be, registered, enrolled, or licensed, or the Commandant of the Coast Guard in the case of any vessel which is, or is sought to be numbered, is shown upon evidence which he deems sufficient that such vessel is being, or is intended to be, employed to smuggle, transport, or otherwise assist in the unlawful introduction or importation into the United States of any merchandise or person, or to smuggle any merchandise into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for violation of the laws of the United States respecting the customs revenue, or whenever, from the design or fittings of any vessel or the nature of any repairs made thereon, it is apparent to such collector or Commandant that such vessel has been built or adapted for the purpose of smuggling merchandise, the said collector or Commandant shall revoke the registry, enrollment, license, or number of said vessel or refuse the same if application be made therefor, as the case may be. Such collector or Commandant and all persons acting by or under his direction shall be indemnified from any penalties or actions for damages for carrying out the provisions of this section. (Aug. 5, 1935, ch. 438, title I, section 4, 49 Stat. 519; 1946 Reorg. Plan No. 3, eff. July 16, 1946, sections 101-104, 11 F.R. 7875, 60 Stat. 1097.)

Section 1705. Destruction of forfeited vessel

Any vessel or vehicle forfeited to the United States, whether summarily or by a decree of any court, for violation of any law respecting the revenue, may, in the discretion of the Secretary of the Treasury, if he

deems it necessary to protect the revenue of the United States, be destroyed in lieu of the sale thereof under existing law. (Aug. 5, 1935, ch. 438, title I, section 5, 49 Stat. 519.)

Section 1706. Importation in vessels under thirty tons and aircraft; licenses; labels as prima facie evidence of foreign origin of merchandise

Except into the districts adjoining to the Dominion of Canada, or into the districts adjacent to Mexico, no merchandise of foreign growth or manufacture subject to the payment of duties shall be brought into the United States from any foreign port or place, or from any hovering vessel, in any vessel of less than thirty net tons burden without special license granted by the Secretary of the Treasury under such conditions as he may prescribe, nor in any other manner than by sea, except by aircraft duly licensed in accordance with law, or landed or unladen at any other port than is directed by law, under the penalty of seizure and forfeiture of all such unlicensed vessels or aircraft and of the merchandise imported therein, landed or unladen in any manner. Marks, labels, brands, or stamps, indicative of foreign origin, upon or accompanying merchandise or containers of merchandise found upon any such vessel or aircraft, shall be *prima facie* evidence of the foreign origin of such merchandise. (Aug. 5, 1935, ch. 438, title I, section 6, 49 Stat. 519.)

Section 1707. Certificate for importation of alcoholic liquors in small vessels; bond where liquor destined to foreign port; penalty for failure to carry; lost, defaced, or incorrect certificate as relieving from penalty

In addition to any other requirement of law, every vessel, not exceeding 500 net tons, from a foreign port or place, or which has visited a hovering vessel, shall carry a certificate for the importation into the United States of any spirits, wines, or other alcoholic liquors on board thereof (sea stores excepted), destined to the United States, said certificate to be issued by a consular officer of the United States or other authorized person pursuant to such regulations as the Secretary of State and the Secretary of the Treasury may jointly prescribe. Any spirits, wines, or other alcoholic liquors (sea stores excepted), found, or discovered to have been, upon any such vessel at any place in the United States, or within the customs waters, without said certificate on board, which are not shown to have a *bona fide* destination without the United States, shall be seized and forfeited and, in the case of any such merchandise so destined to a foreign port or place, a bond shall be required in double the amount of the duties to which such merchandise would be subject if imported into the United States, conditioned upon the delivery of said merchandise at such foreign port or place as may be certified by a consular officer of the United States or otherwise as provided in said regulations: *Provided*, That if the collector shall be satisfied that the certificate required for the importation of any spirits, wines, or other alcoholic liquors was issued and was lost or mislaid without fraud, or was defaced by accident, or is incorrect by reason of clerical error or other mistake, said penalties shall not be incurred nor shall such bond be required. This section shall take effect on the sixtieth day following Aug. 5, 1935. (Aug. 5, 1935, ch. 438, title I, section 7, 49 Stat. 520.)

*Section 1708. Lading vessel in foreign port with liquor for importation—
 (a) Allowing lading without certificate for importation; liability
 of master*

If the master of any vessel of the United States not exceeding 500 net tons, allows such vessel to be laden at any foreign port or other place without the United States with any merchandise destined to the United States and consisting of any spirits, wines, or other alcoholic liquors (sea stores excepted), which facts may be evidenced by the testimony or depositions of foreign administrative officials or certified copies of their records or by other sufficient evidence, without certificate issued for the importation of such merchandise into the United States as required by section 1707 of this title, the master of such vessel shall, in addition to any other penalties provided by law, be liable to a penalty equal to the value of the said merchandise but not less than \$ 1,000 and such vessel and such merchandise shall be seized and forfeited.

(b) Procuring lading with intent to defraud revenue laws; liability of citizen, master, and members of crew of United States vessel

Whoever, being a citizen of the United States or a master or a member of the crew of a vessel of the United States, if such vessel does not exceed 500 net tons, shall, with intent to defraud the revenue of the United States, procure, or aid or assist in procuring, any merchandise destined to the United States and consisting of any spirits, wines, or other alcoholic liquors, without certificate issued for the importation thereof into the United States as required by section 1707 of this title, to be laden upon such vessel at any foreign port or other place without the United States, which facts may be evidenced by the testimony or depositions of foreign administrative officials or certified copies of their records or by other sufficient evidence, shall, in addition to any other penalties provided by law, be liable to a fine of not more than \$ 1,000 or to imprisonment for not more than two years, or to both such fine and imprisonment. (Aug. 5, 1935, ch. 438, title I, section 8, 49 Stat. 520.)

Section 1709. Definitions

When used in this act:

. . .

(c) The term "customs waters" means, in the case of a foreign vessel subject to a treaty or other arrangement between a foreign government and the United States enabling or permitting the authorities of the United States to board, examine, search, seize, or otherwise to enforce upon such vessel upon the high seas the laws of the United States, the waters within such distance of the coast of the United States as the said authorities are or may be so enabled or permitted by such treaty or arrangement and, in the case of every other vessel, the waters within four leagues of the coast of the United States.

(d) The term "hovering vessel" means any vessel which is found or kept off the coast of the United States within or without the customs waters, if, from the history, conduct, character, or location of the vessel, it is reasonable to believe that such vessel is being used or may be used to introduce or promote or facilitate the introduction or attempted introduction of merchandise into the United States in violation of the laws

respecting the revenue. (Aug. 5, 1935, ch. 438, title IV, section 401, 49 Stat. 529; June 25, 1938, ch. 679, section 2, 52 Stat. 1077.)

Note. With respect to the development of American laws concerning smuggling, see W. E. Masterson, *Jurisdiction in Marginal Seas* (New York, 1929), pp. 175-252. Concerning the Anti-Smuggling Act of 1935, see H. W. Briggs, *Les Etats-Unis et la loi de 1935 sur le contrebande*, *Revue de droit international et de législation comparée*, 3rd series, vol. 20 (1939), pp. 217-55. P. C. Jessup, The Anti-Smuggling Act of 1935, *American Journal of International Law*, vol. 31, (1937), pp. 101-6.

(c) PRESIDENTIAL PROCLAMATION NO. 2668, CONCERNING THE POLICY OF THE UNITED STATES WITH RESPECT TO COASTAL FISHERIES IN CERTAIN AREAS OF THE HIGH SEAS, 28 SEPTEMBER 1945. "STATUTES AT LARGE" VOL. 59 (1945), P. 885; "FEDERAL REGISTER" VOL. 10 (1945), P. 12304; "DEPARTMENT OF STATE BULLETIN", VOL. 13 (1945), P. 486

Whereas for some years the Government of the United States of America has viewed with concern the inadequacy of present arrangements for the protection and perpetuation of the fishery resources contiguous to its coasts, and in view of the potentially disturbing effect of this situation, has carefully studied the possibility of improving the jurisdictional basis for conservation measures and international co-operation in this field; and

Whereas such fishery resources have a special importance to coastal communities as a source of livelihood and to the nation as a food and industrial resource; and

Whereas the progressive development of new methods and techniques contributes to intensified fishing over wide sea areas and in certain cases seriously threatens fisheries with depletion; and

Whereas there is an urgent need to protect coastal fishery resources from destructive exploitation, having due regard to conditions peculiar to each region and situation and to the special rights and equities of the coastal State and of any other State which may have established a legitimate interest therein;

Now, therefore, I, Harry S. Truman, President of the United States of America, do hereby proclaim the following policy of the United States of America with respect to coastal fisheries in certain areas of the high seas:

In view of the pressing need for conservation and protection of fishery resources, the Government of the United States regards it as proper to establish conservation zones in those areas of the high seas contiguous to the coasts of the United States wherein fishing activities have been or in the future may be developed and maintained on a substantial scale. Where such activities have been or shall hereafter be developed and maintained by its nationals alone, the United States regards it as proper to establish explicitly bounded conservation zones in which fishing activities shall be subject to the regulation and control of the United States. Where such activities have been or shall hereafter be legitimately developed and maintained jointly by nationals of the United States and nationals of other States, explicitly bounded conservation zones may be established under agreements between the United States and such other States; and all fishing activities in such zones shall be subject to regulation

and control as provided in such agreements. The right of any State to establish conservation zones off its shores in accordance with the above principles is conceded, provided that corresponding recognition is given to any fishing interests of nationals of the United States which may exist in such areas. The character as high seas of the areas in which such conservation zones are established and the right to their free and unimpeded navigation are in no way thus affected.

Note. The purpose of this Proclamation has been explained as follows in an accompanying press release:

"Until the present the only high-seas fisheries in the regulation of which the United States has participated, under treaties or conventions, are those for whales, Pacific halibut, and fur seals.

"In areas where fisheries have been or shall hereafter be developed and maintained by nationals of the United States alone, explicitly bounded zones will be set up in which the United States may regulate and control all fishing activities.

"In other areas where the nationals of other countries as well as our own have developed or shall hereafter legitimately develop fisheries, zones may be established by agreements between the United States and such other states, and joint regulations and control will be put into effect.

"The United States will recognize the rights of other countries to establish conservation zones off their own coasts where the interests of nationals of the United States are recognized in the same manner that we recognize the interests of the nationals of the other countries.

"The assertion of this policy has long been advocated by conservationists, including a substantial section of the fishing industry of the United States, since regulation of a fishery resource within territorial waters cannot control the misuse or prevent the depletion of that resource through uncontrolled fishery activities conducted outside of the commonly accepted limits of territorial jurisdiction.

"As a result of the establishment of this new policy, the United States will be able to protect effectively, for instance, its most valuable fishery, that for the Alaska salmon. Through painstaking conservation efforts and scientific management the United States has made excellent progress in maintaining the salmon at high levels. However, since the salmon spends a considerable portion of its life in the open sea, uncontrolled fishery activities on the high seas, by nationals of either the United States or other countries, have constituted an ever-present menace to the salmon fishery." *Department of State Bulletin*, vol. 13 (1945), p. 484.

(d) EXECUTIVE ORDER NO. 9634, PROVIDING FOR THE ESTABLISHMENT OF FISHERY CONSERVATION ZONES, 28 SEPTEMBER 1945. "FEDERAL REGISTER" VOL. 10 (1945), P. 12305; "DEPARTMENT OF STATE BULLETIN", VOL. 13 (1945), P. 487

By virtue of and pursuant to the authority vested in me as President of the United States, it is hereby ordered that the Secretary of State and the Secretary of the Interior shall from time to time jointly recommend the establishment by Executive orders of fishery conservation zones in areas of the high seas contiguous to the coasts of the United States, pursuant to the proclamation entitled "Policy of the United States With Respect to Coastal Fisheries in Certain Areas of the High Seas", this day signed by me, and said Secretaries shall in each case recommend provisions to be incorporated in such orders relating to the administration, regulation and control of the fishery resources of and fishing activities in such zones, pursuant to authority of law heretofore or hereafter provided.

(e) LOUISIANA

- (i) *Act No. 55, to declare the sovereignty of Louisiana along its seacoast and to fix its present seacoast boundary and ownership, 30 June 1938. "Acts passed by the Legislature of the State of Louisiana", 1938, p. 169*

Whereas dominion, with its consequent use, ownership and jurisdiction, over its marginal waters by a State has found support because it is the duty of a State to protect its citizens whose livelihood depends on fishing, or taking from said marginal waters the natural products they are capable of yielding; also, has found support in that sufficient security must exist for the lives and property of the citizens of the State;

Whereas, according to the ancient principles of international law it was generally recognized by the nations of the world that the boundary of each sovereign State along the seacoast was located three marine miles distant in the sea, from low-water mark along its coast on the open sea;

Whereas, the seaward boundary of each sovereign State as so fixed is generally known as the three-mile limit of such State;

Whereas, the said three-mile limit was so recognized as the seaward boundary of each sovereign State, because at the time it became so fixed, three marine miles was the distance of a cannon shot and was considered the distance at which a State could make its authority effective on the sea by the use of artillery located on the shore;

Whereas, since the said three-mile limit was so established as the seaward boundary of each sovereign State, modern cannon have been improved to such an extent that now many cannon shoot twenty-seven marine miles and more and by the use of artillery located on its shore a State can now make its authority at least twenty-seven marine miles out to sea from low-water mark;

Whereas, by the Act of Congress of February 20th, 1811, by which the State of Louisiana was admitted to the United States as a State, the southern boundary of Louisiana was fixed as follows: "thence bounded by the said gulf to the place of beginning, including all islands within three leagues of the coast;"

Whereas, therefore, the gulfward boundary of Louisiana is already located in the Gulf of Mexico three leagues distant from the shore, a width of marginal area made greater, by the above Act and agreement, than the well-accepted and inherent three-mile limit;

Whereas, a State can define its limits on the sea;

Whereas, the State of Louisiana owns the waters of the sea and the waters of the arms of the sea and the bed of the sea, the bed of the arms of the sea, and the scashore and the shores of all arms of the sea as far inland as the high-water mark within the territory of the State of Louisiana; and

Whereas, the State of Louisiana, including all parts thereof and all territory that may be added thereto, forms a part of the United States of America, over which the said United States is authorized to exercise and exercises such powers and jurisdiction as the said United States is authorized by the Constitution of the United States to exercise thereover;

Section 1. Be it enacted by the Legislature of Louisiana, That the gulfward boundary of the State of Louisiana, is hereby fixed and declared to be a line located in the Gulf of Mexico parallel to the three-mile limit

as determined according to said ancient principles of international law, which gulfward boundary is located twenty-four marine miles further out in the Gulf of Mexico than the said three-mile limit.

Section 2. That, subject to the right of the government of the United States to regulate foreign and interstate commerce under section 8 of article 1 of the Constitution of the United States, and to the power of the Government of the United States over cases of admiralty and maritime jurisdiction under section 2 of article 3 of the Constitution of the United States, the State of Louisiana has full sovereignty over all of the waters of the Gulf of Mexico and of the arms of the Gulf of Mexico within the boundaries of Louisiana, as herein fixed, and over the beds and shores of the Gulf of Mexico and all arms of the said Gulf within the boundaries of Louisiana, as herein fixed.

Section 3. That the State of Louisiana owns in full and complete ownership the waters of the Gulf of Mexico and of the arms of the said Gulf and the beds and shores of the Gulf of Mexico and the arms of the Gulf of Mexico, including all lands that are covered by the waters of the said Gulf and its arms either at low tide or high tide, within the boundaries of Louisiana, as herein fixed.

Section 4. That this Act shall never be construed as containing a relinquishment by the State of Louisiana of any dominion, sovereignty, territory, property or rights that the State of Louisiana already had before the passage of this Act.

Note. In a suit by the United States against the State of Louisiana, the United States Government alleged that the United States was and is "the owner in fee simple of, or possessed of paramount rights in, and full dominion and power over, the lands, minerals, and other things underlying the Gulf of Mexico, lying seaward of the ordinary low-water mark on the coast of Louisiana and outside of the inland waters, extending seaward twenty-seven marine miles and bounded on the east and west, respectively, by the eastern and western boundaries of the State of Louisiana." The Supreme Court of the United States applied in this case its decision in *United States v. California* (332 U.S. 19); it pointed out that "There is one difference, however, between Louisiana's claim and California's. The latter claimed rights in the three-mile belt. Louisiana claims rights twenty-four miles seaward of the three-mile belt. We need note only briefly this difference. We intimate no opinion on the power of a State to extend, define, or establish its external territorial limits or on the consequences of any such extension *vis-à-vis* persons other than the United States or those acting on behalf of or pursuant to its authority. The matter of state boundaries has no bearing on the present problem. If, as we held in California's case, the three-mile belt is in the domain of the nation rather than that of the separate States, it follows *a fortiori* that the ocean beyond that limit also is. The ocean seaward of the marginal belt is perhaps even more directly related to the national defense, the conduct of foreign affairs, and world commerce than is the marginal sea. Certainly it is not less so. So far as the issues presented here are concerned, Louisiana's enlargement of her boundary emphasizes the strength of the claim of the United States to this part of the ocean and the resources of the soil under that area, including oil". U.S. Supreme Court, 5 June 1950, *Official Reports of the Supreme Court*, vol. 339, pp. 699, 701, 705.

34. Union of Soviet Socialist Republics

- (a) DECREE CONCERNING THE PROTECTION OF FISHERIES AND GAME RESERVES IN THE ARCTIC OCEAN AND THE WHITE SEA, 24 MAY 1921. RSFSR, "SOBRANIE UZAKONYENII I RASPORYAZHENII", 1921, c. 259, p. 351. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

1. The RSFSR shall have the exclusive right to utilize fisheries and game areas within the following boundaries:

In the White Sea, south of a straight line connecting Cape Svyatoy Nos and Cape Kanin Nos; in the Chesskaya Bay, to the south of a line drawn from Cape Mikulin to Cape Svyatoy Nos; and in the Arctic Ocean, along the whole shore from the national frontier with Finland to the northern extremity of Novaya Zemlya—to a distance of twelve sea miles seaward from the low-water mark along both continental and insular shores.

2. In the said sea area, the right to engage in commercial fishing and hunting may be granted only Russian citizens by special written permission of the local authorities of the Central Department for Fishing and the Fishing Industry (*Glavryba*).

3. The People's Commissariat of Food shall have the right, by agreement with the People's Commissariat of Maritime Affairs and where appropriate with the People's Commissariat of Foreign Affairs, to issue instructions under this decree and lay down regulations and procedure for commercial fishing and hunting in the area described in article 1, including the right to prohibit the same in specified places, at specified times or for specified periods, or by means of specified implements or methods.

4. Persons guilty of violating this decree or the instructions or regulations issued in application of it by the People's Commissariat for Food shall be committed to the People's Court for the imposition of penalties, which may include the confiscation of the vessels and other implements with which the occupation was carried on, together with all equipment and cargo on board.

5. The fisheries and game areas within the boundaries described in article 1 of this decree shall be protected by the Navy and the frontier defence service of the RSFSR.

- (b) REGULATIONS FOR THE DEFENCE OF THE STATE FRONTIERS OF THE USSR, 15 June 1927. "SOBRANIE ZAKONOV I RASPORYAZHENII SSR", 1927, no. 62, c. 625, p. 1218. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

I. General

. . . .

II. Frontier Zones

9. For the defence of the State frontier of the USSR, the following zones shall be established:

- (a) Along land frontiers: 4-metre, 500-metre, 7½-kilometre and 22-kilometre frontier zones measured inward from the line of the State frontier;

(b) Along coastal frontiers: 7½-kilometre and 22-kilometre coastal frontier zones, measured inland from the line of the highest flood-tide;

(c) Along coastal frontiers: a maritime zone extending seaward from the line of the lowest ebb-tide on the mainland and on islands to a distance of twelve miles, except where otherwise provided by international agreements concluded with the USSR.

Note 1. In areas where cordons are stationed at a considerable distance from the State frontier of the USSR and where defence cannot be ensured along the actual line of the state frontier of the USSR, the 7½-kilometre and the 22-kilometre frontier zones shall be measured inward from the line along which the cordons are stationed. In such cases the local population shall be admitted to the territory between the cordons and the frontier according to regulations to be drawn up by the competent authorities of the Unified State Political Department by agreement with the local provincial and area (and corresponding) executive committees.

Note 2. Frontier zones along frontiers following the course of rivers, lakes and artificial waterways shall be measured from the shore line.

10. The 4-metre zone shall be marked by special signs on the ground. Other frontier zones and the twelve mile maritime zone shall be marked on large-scale maps.

. . .

III. *Frontier Defence*

A. *On land*

. . .

B. *On water*

23. Along the whole extent of the State water frontiers of the USSR, and in the maritime zone (article 9, paragraph (c)) of the open seas surrounding the coasts of the USSR, all civilian vessels without distinction of flag shall be subject to control by the frontier defence service of the Unified State Political Department.

Note. This article applies also to civilian flying and aeronautical machines.

24. Control of military vessels by the frontier defence service shall be carried out without distinction of flag according to special regulations.

25. Civilian vessels in the area under the control of the frontier defence service of the Unified State Political Department may without distinction of flag be stopped and searched by the frontier defence service. The captain of a vessel subjected to search shall be obliged to present all the documents in his possession relating to the vessel and cargo.

Note. The signal to stop shall be given by vessels of the frontier defence service of the Unified State Political Department as follows: in the daytime, by hoisting the international signal agreed on for this purpose; at night, by displaying on the mast (above the masthead light) two vertically-arranged green lights. A vessel to which such signal is given shall be obliged to stop and may go ahead only after receiving permission to do so from the vessel which has stopped it.

26. Civilian vessels may be arrested without distinction of flag in the following circumstances:

(a) When the captain does not present all the relevant documents relating to the vessel and cargo;

(b) When in the maritime zone (article 9, paragraph (c)), or at any point on the shore not mentioned in article 7, the vessel proceeds to load or unload cargo or to embark or disembark persons without the proper permission;

(c) When, within the boundaries of the maritime zone (article 9, paragraph (c)), the vessel engages in fishing or hunting or in any other maritime occupation in a prohibited area, or in a free area without proper documents or by unlawful means.

27. The pursuit of a vessel which has failed to comply with the demands of the frontier defence service within the maritime zone (article 9, paragraph (c)) may be continued beyond that zone into the open sea, but must in all circumstances be discontinued on the entry of the pursued vessel into the waters of a foreign State, and the pursuit of a vessel flying a foreign flag must be finally relinquished on the entry of the vessel into a foreign port.

28. If on a civilian vessel, under whatever flag it is sailing, persons are found who have boarded it with the purpose of travelling beyond the boundaries of the USSR without proper permission or have committed offences and are liable to arrest under the law of the USSR or a Union republic, only such persons and not the vessel shall be liable to arrest.

Persons discovered on board a vessel who are there for the purpose of being set ashore on the territory of the USSR without proper permission shall not be taken from the vessel but shall remain on board in the charge of the captain and shall not be allowed ashore.

Note. If in the circumstances mentioned in the first part of this article an unlawful act is committed in respect of a vessel flying the flag of the USSR, the vessel may be arrested.

29. If a vessel is subjected to search or arrest, a special report shall be drawn up and signed by the competent commanding officer of the frontier defence service and by the captain of the vessel subjected to search or arrest.

If the search discloses no violation of an act or regulation, it shall not be necessary to make a report unless the captain of the vessel subjected to search so requests.

The report shall be written in Russian and signed by both parties. If the captain of the vessel subjected to arrest or search requests a copy of the report at the time of signature, he shall forthwith be given a copy in Russian. If, however, the circumstances prevent his being given a copy of the report, forthwith, it shall be sent to the address indicated by him.

30. When a vessel is arrested, all the ship's papers and freight documents shall be taken from the captain and a general list of them shall be drawn up by him. The documents shall be sewn and tied together, sealed with the seals of the competent commanding officer of the frontier defence service and the captain of the vessel, and attached to the report.

31. If the captain of a stopped or arrested vessel considers the action of the frontier defence service to be irregular or does not agree with the contents of the report, he may make a reservation to that effect

in any language on the report itself or as a separate document to be attached thereto.

32. The frontier defence service shall ensure that no fires are lit on the shore which might be taken for guide lights or distinguishing signs.

33. In case of need vessels of the frontier defence service of the Unified State Political Department may navigate at night without regulation lights within the maritime zone (article 9, paragraph (c)).

34. In case of need the frontier defence service may request assistance from the nearest naval vessels of the USSR in accordance with regulations to be laid down by the Unified State Political Department in agreement with the People's Commissariat for Military and Naval Affairs.

IV. *Use of weapons*

35. The frontier defence service shall use weapons in the following circumstances:

- (a) To repel armed attacks and put down armed resistance;
- (b) To repel an attack or suppress resistance which, though not armed, is conducted by several persons, or by one person in such a way as to expose members of the frontier defence service to evident danger;
- (c) When persons under arrest attempt to escape and cannot be prevented from doing so by any other means;
- (d) When persons subject to arrest within the 22-kilometre zone or on a frontier river, lake or artificial water-way do not stop after the challenge "Stop!" has been uttered twice and a preliminary warning shot has been fired into the air, and there is no other means of arresting them;
- (e) When, after warning by one blank round and two shotted rounds (across bow and stern), a vessel fails to obey the command to stop or discontinue the loading or unloading of cargo or the embarkation or disembarkation of persons;
- (f) When flying or aeronautical machines fly over the frontier of the USSR at an unauthorized point or in violation of the regulations.

36. It is prohibited to fire so that a projectile may fall on the territory of an adjacent State.

37. Members of the frontier defence service using weapons unlawfully shall be liable to disciplinary or criminal proceedings according to the nature of the offence.

Note. The Russian law concerning the extension of the maritime customs area, of 10/23 December 1909 (*Papers relating to the Foreign Relations of the United States*, 1912, p. 1288), has provided similarly that:

"The surface of the water for twelve marine miles from extreme low-water mark from the seacoasts of the Russian Empire, whether mainland or islands, is recognized as the Marine Customs Area, within the limits of which every vessel, whether Russian or foreign, is subject to supervision by those Russian authorities in whose charge is the guarding of the frontiers of the Empire."

- (c) ACT No. 221, CONCERNING PROPERTY SUNKEN AT SEA, 17 APRIL 1928.
 "SOBRANIE ZAKONOV I RASPORYAZHENII", 1928, NO. 25, P. 501.
 TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

The Council of People's Commissars of the USSR resolves as follows:

1. The owner of property (a ship, portions of a ship, articles of ship's equipment, cargo, etc.) sunken within the boundaries of the coastal area mentioned in article 9, paragraph c, of the Order of 15 June 1927 regarding the defence of the national frontiers of the USSR (*Sobranie Zakonov Soiuz SSSR*, USSR Statutes Series, 1927 no. 62, p. 625), or in inland waters of the USSR, shall be entitled to salvage such property within a period of two years from the date on which it sank.

2. When the property is sunken in a harbour or fairway, or near the boundaries of a commercial port, and is obstructing navigation or harbour works, the authorities of the commercial port may fix a time-limit for the completion of the salvage work shorter than that mentioned in article 1 but sufficient in the circumstances, and may also fix a special time-limit for notification by the owner of his intention to salvage the property. If the owner of the sunken property is unknown, the port authorities shall insert in the *Izvestiye TsIK Soiuz SSSR i VTsIK* ("News of the Central Executive Committee of the USSR and the All-Russian Central Executive Committee") a single notice inviting the owner to notify his intention of salvaging the property and to carry out the work of salvage within time-limits specified by them.

If the flag but not the owner of a sunken foreign vessel is known, then in addition to the fixing of time-limits the matter shall be reported to the People's Commissariat for Foreign Affairs.

3. If the owner of the sunken property desires to exercise his right to salvage it and is not a State institution or undertaking of the USSR, he must obtain permission to carry out the work from the appropriate authority of the frontier defence service of the USSR; and if the owner of the property is a State institution or undertaking of the USSR or an allied Republic, it must inform such authority concerning the proposed operations.

If in the former case the authority of the frontier defence service of the USSR refuses to grant permission for the work to be carried out by the owner of the sunken property or by another person on his behalf, the owner may arrange for the salvage work to be done by the State salvage authorities of the USSR.

For the salvaging of property sunken within the boundaries of a naval base or a fortified area it shall be necessary, besides obtaining permission from and, where necessary, notifying the authorities of the frontier defence service of the USSR, also to obtain permission from the competent authorities of the People's Commissariat for Military and Naval Affairs.

4. If the owner of sunken property as referred to in article 2 fails to notify the port authorities of his intention of salvaging the property, or to salvage it, within the time-limit, the port authorities shall take steps to salvage the property or, where necessary, to destroy or remove it by other means,

5. The owner of the sunken property shall forfeit his rights therein:

(a) Where a special time-limit has been fixed for notification of intention to salvage the sunken property, from the moment when he waives his right to raise the property or, if he makes no express waiver, from the moment of the expiry of such time-limit;

(b) In all other cases, on the expiry of the time-limit for the raising of the sunken property.

Note: In cases falling under the provisions of the Statute of the Commission for the Establishment of a Special Fund for financing Non-Ferrous Metallurgy (*Komsvyetfond*), sunken vessels that have become Treasury property shall be disposed of by the Commission.

6. If it is necessary immediately to remove the sunken property because it directly endangers navigation, the port authorities may take the steps described in article 4 without setting the owner of the property the time-limits mentioned in article 2; but if the owner is known they shall inform him of the steps that have been taken, and if he is not known they shall insert a suitable notice in the *Izvestiye TsIK Soinza SSR i VTsIK* ("News of the Central Executive Committee of the USSR and the All-Russian Central Executive Committee").

7. Property salvaged by port authorities in accordance with article 6 or, if to keep it would be impossible or inadvisable, the proceeds of its sale shall be delivered to its owner if he presents himself not later than two years from the date on which the property sank. On the expiry of this time-limit the consequences mentioned in article 5 shall take place.

8. The authorities of the commercial port shall be reimbursed out of the value of the property for the expenses incurred by them in salvaging the property in accordance with articles 4 and 6.

9. If sunken property is salvaged accidentally, the salvager shall be obliged to surrender it to the port authorities concerned but shall be entitled to a reward equal to one-third of its value.

10. Except for article 9, the provisions of this Order shall apply to property sunken before this Order was issued.

Note: Owners of foreign vessels sunken during the ten years preceding the issue of this Order shall be entitled within a period of six months from the moment of its issue to notify their intention of salvaging the said vessels within one year of such notification, or their claims to sunken vessels salvaged before this Order was issued.

(d) ACT No. 431, CONCERNING THE USE OF RADIO EQUIPMENT ON FOREIGN VESSELS WITHIN THE TERRITORIAL WATERS OF THE UNION, 24 JULY 1928. "SOBRANIE ZAKONOV I RASPORYAZHENII", 1928, NO. 48, P. 900. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

The Council of People's Commissars of the USSR decrees:

I

1. Foreign military and non-military vessels in the marginal seas or inland waters of the USSR at a distance of ten miles from the shore may use their radio equipment only in accordance with the provisions of this Order.

2. Non-military vessels within the transmission area of radio stations on the shore may not exchange radio telegrams except in the cases mentioned in article 7 of this Order.

3. Foreign non-military vessels in ports more than ten miles in a direct line from the nearest shore radio station, and foreign non-military vessels in the Sea of Azov, may use their radio equipment only by special written permission of the master of the commercial port, specifying a time-limit or issued on each separate occasion on which the vessel visits the port or inland waters of the USSR.

If the nearest shore radio station belonging to the People's Commissariat for Military and Naval Affairs or to some other public authority is situated not more than ten miles in a direct line from a commercial port, foreign vessels as aforesaid may receive permission from the master of such commercial port to exchange radio messages only by agreement with the local representatives of the competent authorities.

4. The local naval authorities shall be entitled to restrict the exchange of radio messages by foreign military vessels within the ten-mile limit in respect of time, the areas in which conversations may be conducted, and wave-length.

5. The master of the nearest commercial port shall be responsible for securing compliance with the provisions of article 2 of this Order.

He shall close and seal the radio equipment of foreign non-military vessels for the whole duration of the stay of such vessels in the port or within the ten-mile limit mentioned in article 1 of this Order.

6. Foreign vessels anchored in quarantine and requiring to communicate by radio with the local shore radio station may in emergency use their chief transmitter at minimum power or their lowest-powered set at the days and hours notified to them by the said station.

7. The restrictions on the use of the ship's radio equipment laid down in articles 2 to 6 of this Order shall not apply:

- (a) To vessels in danger or transmitting messages to avert an accident;
- (b) To vessels assisting other vessels in distress; and
- (c) In convoying vessels through ice.

On entering ports with shore radio stations, foreign vessels may on especially important occasions conclude a radio conversation commenced with the port, but only if they transfer to minimum power or to their lowest-powered set.

8. Whenever ship's radio equipment is used in accordance with this Order, foreign military and non-military vessels shall comply with the applicable regulations for international radio communication adopted by the USSR and also with the regulations relating to internal radio communications within the USSR. On their arrival in ports of the USSR, foreign vessels shall be informed by the competent local military and naval authorities or by the port authorities of unpublished regulations relating to internal radio communication.

9. Radio messages transmitted by foreign military and non-military vessels must be in clear and must not contain any symbol or code, except conventional signals under the official international rules for radio communication and the international code of signals.

10. The commander or captain of a foreign vessel shall be the person empowered to negotiate with the authorities on all questions arising out of this Order.

11. The provisions of this Order shall have effect only if the USSR is not at war and only in respect of vessels flying the flag of a non-belligerent State.

12. Persons who violate the regulations set forth in this Order shall be liable under the criminal law of the Union Republic concerned.

13. Instructions for giving effect to this Order shall be issued by the People's Commissariat of Communications by agreement with the People's Commissariat for Military and Naval Affairs, the Unified State Political Department (OGPU), the People's Commissariat for Foreign Affairs and the People's Commissariat for Posts and Telegraphs.

II

14. The regulations relating to the use of wireless telegraphy by foreign vessels on the coasts or in inland waters of the RSFSR and the Soviet Union Republics, confirmed on 16 January 1923 by the Council of People's Commissars of the RSFSR (*Sobranie Uzakoneniye RSFSR*, 1923, no. 6, p. 93), are hereby repealed.

(e) DECREE OF THE CENTRAL EXECUTIVE COMMITTEE AND THE COUNCIL OF PEOPLE'S COMMISSARS, CONCERNING THE WATERS IN THE GULF OF FINLAND TO WHICH THE JURISDICTION OF THE USSR AND RSFSR AUTHORITIES EXTENDS, 3 AUGUST 1930. "SOBRANIE ZAKONOV I RAS-PORYAZHENII", 1930, NO. 44, C. 450, P. 822. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

The Central Executive Committee and the Council of People's Commissars hereby decree:

1. In the Gulf of Finland the jurisdiction of the authorities of the Union of Soviet Socialist Republics and the Russian Soviet Federative Socialist Republic extends to the waters which lie between the coast of the Union of Soviet Socialist Republics and a line drawn as follows:

From the point at which the land frontier between the Union of Soviet Socialist Republics and Finland emerges on the Gulf of Finland, following the parallel westwards until its intersection with a line running at a distance of $1\frac{1}{2}$ nautical miles from the coast of Finland;

Thence, along the said line to the meridian of the Stirsudensky light-house in latitude $60^{\circ} 08' 9''$ following a straight line connecting that point with a point situated south of the Island of Seiskari at latitude $59^{\circ} 58' 8''$ and longitude $28^{\circ} 24' 5''$;

Thence following a straight line to a point situated in latitude $59^{\circ} 58' 0''$ and longitude $27^{\circ} 55' 0''$;

Thence, in a straight line to the Bigrund tower to the point at which the line so drawn intersects a line running four nautical miles from the coast of the Union of Soviet Socialist Republics;

Thence, southwards along a line running four nautical miles from the coast of the Union of Soviet Socialist Republics up to its intersection with a line representing a continuation of the land frontier between the Union of Soviet Socialist Republics and Estonia.

2. In addition, the authorities of the Union of Soviet Socialist Republics and the Russian Soviet Federative Socialist Republic shall exercise customs control and combat smuggling in the parts of the Gulf of Finland which lie between the waters specified in article 1 and lines drawn as follows:

(a) From a point four miles from the coast of Finland and situated on a straight line connecting a point on the meridian of the Stirsudensky lighthouse in a latitude $60^{\circ} 08' 9''$ and a point in latitude $59^{\circ} 58' 8''$ and longitude $28^{\circ} 24' 5''$, in a straight line westwards to a point situated in latitude $60^{\circ} 07' 2''$ and longitude $28^{\circ} 51' 7''$;

Thence, northwards along a line running six nautical miles from the coast of Finland to a point situated in latitude $60^{\circ} 09' 7''$ and longitude $28^{\circ} 48' 7''$;

Thence, westwards following a straight line to a point situated in latitude $60^{\circ} 04' 4''$ and longitude $28^{\circ} 28' 6''$;

Thence, southwards following a line running three nautical miles from the coast of the Island of Seiskari to a point situated in latitude $60^{\circ} 00' 5''$ and longitude $28^{\circ} 31' 4''$;

(b) From a point situated in latitude $59^{\circ} 54' 6''$ and longitude $27^{\circ} 52' 2''$ westwards along a line running three nautical miles from the coast of the Island of Lavansaari to a point situated in latitude $59^{\circ} 54' 9''$ and longitude $27^{\circ} 48' 2''$;

Thence, southwards along a line running six nautical miles from the coast of the Union of Soviet Socialist Republics to a point situated in latitude $59^{\circ} 49' 0''$ and longitude $27^{\circ} 46' 8''$;

Thence, eastwards along parallel $59^{\circ} 40' 0''$ to a point situated four nautical miles from the coast of the Union of Soviet Socialist Republics.

Note to articles 1 and 2. The distances "from the coast" referred to in articles 1 and 2 shall be taken to mean, in places where there are skerries, the distances from the islands and rocks, furthest from the coast, which rise above the surface of the water.

The longitudes referred to in articles 1 and 2 shall be taken to mean longitudes from Greenwich.

(f) ORDER OF THE COUNCIL OF PEOPLE'S COMMISSARS, NO. 2157, FOR THE REGULATION OF FISHING AND THE CONSERVATION OF FISHERIES RESOURCES, 25 SEPTEMBER 1935. "SOBRANIE ZAKONOV I RASPORYAZHENII SSSR", 1935, NO. 50, C. 420, P. 741. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

For the purpose of regulating and improving the management of fisheries and of conserving and increasing their resources, the Council of People's Commissars of the USSR orders as follows:

1. All waters used for the catching of fish, water mammals, crustaceans and other water animals and products shall be regarded as fishing waters.

2. Fishing waters are divided into: (1) riverine and lacustrine, and (2) marine.

Riverine and lacustrine fishing waters embrace all rivers, lakes and ponds, including their frontier waters.

Marine fishing waters embrace all inland maritime waters of the USSR and a maritime coastal zone twelve sea miles in breadth.

Note. In the Gulf of Finland the fishing waters shall cover the maritime zone described in article 1 of the Order of the Central Executive Committee and the Council of People's Commissars of the USSR of 3 August 1930 on the water area of the Gulf of Finland under USSR and RSFSR authorities (*Sobranie Zakonov SSSR*, 1930, no. 44, c. 450).

3. Riverine, lacustrine and marine fishing waters are divided into industrial and non-industrial fisheries. The latter consist of fisheries generally used only by the local population to supply their own needs.

4. Industrial fisheries are subdivided into Union, republican and local fisheries.

A list of Union fisheries and a list of other fisheries to which Union fisheries' regulations apply are appended hereto (see schedules 1 and 2).

Lists of republican fisheries shall be drawn up by councils of people's commissars of Union republics.

Lists of local industrial fisheries shall be drawn up by people's commissariats for local industry of Union republics.

5. The People's Commissariat for the Food Industry (Central Department for the Protection and Regulation of Fishing, Pisciculture and Fisheries Improvement—*Glavrybvod*) shall manage Union fisheries, regulate fishing therein, supervise them and apply measures to maintain and protect their resources.

The People's Commissariat for the Food Industry, through the *Glavrybvod*, shall also regulate and supervise fishing in the fisheries enumerated in schedule 2, and apply measures to maintain and protect the resources thereof. Such fisheries shall be managed by the people's commissariats for local industry of the Union republics (fisheries departments).

The people's commissariats for local industry of the Union republics (fisheries departments) shall manage other fisheries, regulate fishing therein, supervise them and apply measures to maintain and protect their resources.

6. Fisheries authorities shall divide commercial fisheries into separate fishing lots and give to each lot a name and number.

7. To meet the requirements of fishing industries an area of land shall be allocated sufficient to accommodate fisheries' equipment and buildings, which shall be of a nature and type befitting the requirements of the industry in each lot and the length of time during which the lot is to be used. On lots situated within the boundaries of a town such equipment and buildings may be erected only by agreement with the town Soviet.

The procedure for allocating areas of land shall be determined by the law of the Union republic concerned.

8. [Fishing lots in Union fresh water fisheries].

9. Fishing lots in salt water fisheries shall be leased to the State fishery trusts, collective fishery undertakings, co-operatives and others for periods of from one to five years. State fishery trusts and collective fishery undertakings may take part in the auction of fishing-lot leases even though they hold other fishing lots leased to them without auction.

10. Fishing and other aquatic industries employing special fishing vessels shall be carried on in salt water fisheries and in Union lakes (cf. schedule 1) by licence of authorities of the *Glavrybvod* and in accordance with the fisheries regulations laid down by that body.

11. Fishing and other aquatic industries may be carried on in the open sea from vessels flying the flag of the USSR and licensed by authorities of the *Glavrybvod* to carry on a particular industry, subject to observance of the regulations relating to the protection of fish, sea animals and other sea products laid down by the *Glavrybvod* and in international treaties concluded by the USSR.

12. Foreign nationals and foreign legal persons may not carry on fishing or any other aquatic industry in any USSR fishery, except as provided for by an international treaty concluded by the USSR or under a concession granted by the Government of the USSR.

Note. The procedure to be followed in allocating and utilizing areas of land attached to fishing lots in the cases provided for by this article shall be laid down by the Council of People's Commissars of the USSR.

13. Fishing to supply personal requirements shall be allowed to all workers in all fisheries except in prohibited areas, fish nurseries and fishpond farms in accordance with the regulations laid down by the fisheries authorities.

14. Fishing and other aquatic industries and fishing to supply personal requirements in frontier waters of the USSR must be carried on in accordance with the law and with the regulations made by the frontier defence authorities of the People's Commissariat of Internal Affairs relating to the frontier régime and the prevention of piracy by foreign vessels.

15. Separate fishing regulations shall be issued for each fishing area and shall specify:

- (a) Areas permanently or temporarily closed to fishing;
- (b) Close seasons for fishing;
- (c) Size of mesh in fishing equipment and restrictions on the use of particular fishing equipment or instruments;
- (d) The minimum size of fish and sea animals which may be caught;
- (e) The maximum quantities of each kind of fish, sea animal and other marine product that may be caught.

16. It is forbidden:

- (a) To use for fishing any explosive, toxic or narcotic substance;
- (b) To cover more than two-thirds of the width of a river or channel with fixed or floating fishing equipment, or to infringe the regulations for navigation and floatage or for the use of various types of hydraulic construction;
- (c) To embank for agricultural purposes plots of land which are spawning grounds, or to restore embankments on plots formerly embanked, without the consent of the fisheries authorities;
- (d) To erect obstructions or obstacles on channels connecting estuaries, marshes, lakes and residual floodwaters with main fisheries and with each other, or to drain water from them (except for sanitary water-works carried out by land authorities under a plan by agreement with fisheries authorities);
- (e) In floating timber, to litter rivers used for spawning or paths leading to them.

17. In respect of Union fisheries and the fisheries mentioned in schedule 2, the People's Commissariat for the Food Industry through the *Glavrybvod*, and in respect of other fisheries, the fisheries departments of the people's commissariats for local industry shall:

(a) By agreement with land authorities, issue and enforce regulations governing the use of fisheries for agricultural purposes;

(b) Draw up and carry out plans for improvements and piscicultural works to maintain and extend fisheries resources;

(c) Approve and supervise the execution of improvement plans and of plans for works to protect fry and increase stocks of fish carried out by fisheries organizations to which fishing lots have been allocated (and in particular leased) for use.

18. Fisheries authorities shall mark on the spot by means of conspicuous signs (e.g., beacons, posts, boundary marks or buoys) the boundaries of areas closed to fishing and of spawning grounds in rivers, and shall maintain such signs at all times in good condition.

On all navigable fisheries the procedure for setting up distinguishing signs and the form thereof shall be determined by agreement with the local authorities of the People's Commissariat for Water Transport.

19. Fishing vessels may not stop within prohibited fishing areas except at permanent settlements and in acute emergency (e.g. storm, fog or damage).

20. Organizations and persons granted the use (particularly under lease) of fishing lots shall:

(a) Take steps to keep fishing grounds, delta waters, channels and springs clean and prevent their pollution;

(b) Admit breeding fish into spawning grounds;

(c) Under contract, supply hatcheries with breeding fish and share in the expense of fish breeding;

(d) Carry out the most simple breeding operations and improvements under the instructions and control of the fisheries authorities, or share in the expense of such work under contract;

(e) Take steps to rescue fry of commercially valuable fish from lakes and marshes shut off from rivers, under the instructions and control of the fisheries authorities;

(f) At the end of the fishing season, clear fishing lots of all gear fouling the bottom or littering the water;

(g) Not carry out on fishing lots without special permission from the fisheries authorities work altering the natural conditions therein.

21. A fishing log shall be kept for each fishing lot and vessel in respect of which a fishing licence has been issued and presented on request to the authority supervising commercial fishing.

22. In planning hydraulic power and irrigation works and in constructing plants which would discharge effluents harmful to fish, planning and constructing organizations shall provide in their plans and estimates for special measures to protect fish reserves (and in particular to allow the passage of fish), and for the use of newly-formed reservoirs by the fishing industry, and shall agree to such measures with the People's Commissariat for the Food Industry or with people's commissariats for local industry of Union republics, as the case may be (article 5).

23. To enforce the regulations for fishing and conserve fisheries and other aquatic resources, a fisheries control service shall be organized.

. . .

24. If fishing or any other aquatic industry is carried on in Union or republican fisheries, or in the local fisheries described in schedule 2,

by any person whatsoever without the proper permission or during the close season or in prohibited areas or with prohibited implements, means or methods, the fisheries control authorities shall arrest the offenders and seize the unlawfully taken catch and the fishing implements, and shall refer the case to the court for the trial of the offenders. The seized catch shall be sold at the established prices to fish-products factories (or, where there is no fish-products factory, to trade organizations), and the fishing implements shall be held until the sentence of the court is pronounced.

In the event of commission of an offence described in this article (whatever the nature of the fishery) or of systematic breach of contract or of failure to use a fishing lot by the organization or person to whom its use has been granted (or in particular leased), the contract may be rescinded by process of law, and its effect may be suspended by the fisheries authorities pending the judgment of the court. In the event of the commission of an offence described in this article, the licence to carry on commercial fishing from vessels may be withdrawn by the fisheries authorities.

25. In the event of violation of fisheries regulations other than those mentioned in the first part of article 24, head officers and senior inspectors of the fisheries control service may impose on the offenders a fine not exceeding 300 roubles, and area inspectors a fine not exceeding 100 roubles and may seize the unlawful catch and sell it to fish-products factories (or, where there is no fish-products factory, to trade organizations) at the established prices.

Note. Payment of a fine shall not exempt from payment of any penalty due for breach of contract.

26. Amendments to the legislation of the USSR consequential on the present Order shall be presented by the People's Commissariat for the Food Industry within twenty days for approval by the Council of People's Commissars of the USSR.

Schedule 1. List of Union fisheries

<i>Name</i>	<i>Extent and boundaries</i>
1. Caspian Sea	Within the frontiers of the USSR
2. River Volga	
3. River Ural	
4. River Terek	
5. River Samur	
6. River Sulak	
7. River Kura	
8. Sea of Azov	The whole area, together with all bays, river mouths and estuaries.
9. River Kuban	
10. Black Sea	The waters described in article 2 of the Order on the regulation of fishing and the conservation of fishery resources.
11. River Don	
12. River Dnieper	
13. Southern Bug River	

<i>Name</i>	<i>Extent and boundaries</i>
14. Gulf of Finland	The waters mentioned in article 1 of the Order of the Central Executive Committee and the Council of People's Commissars of the USSR of 3 August 1930 on the water area of the Gulf of Finland under USSR and RSFSR authorities (<i>Sobraniye Zakonov SSSR</i> , 1930, no. 44, c. 450).
15. Lakes Ladoga, Chudskoye, Tioploye and Pskovskoye	
16. Arctic Ocean	The waters described in article 2 of the present Order.
17. River Tuloma	
18. White Sea	The whole area to the south of a line joining Cape Svyatoy Nos and Cape Kanin.
19. Rivers Ponoy, Varzuga and Uмба	
20. River Onega	
21. River Pechora	
22. Gulf of Ob	The whole area.
23. River Ob	
24. Bering Sea, Sea of Okhotsk and Sea of Japan, Tatarskie Straits and other waters of the Pacific Ocean	The waters described in article 2 of the Order on the regulation of fishing and the conservation of fisheries resources, together with the rivers flowing into those fisheries within the territory of the USSR and providing spawning grounds for fish of the salmon type.
25. Amur Estuary	Within the following boundaries: to the north, a line joining Cape Petrovski and Cape Vitovtov; and to the south, a line joining Cape Lazarev and Cape Pogibi.
26. River Amur	
27. Lake Khanka	
28. Lakes: Kizi, Kadi, Udył, Aki, Orel, Chlya, Tyoploye and Bolon	
29. Sea of Aral	The whole area.
30. River Syr-Darya	
31. River Amu-Darya	
32. Lake Balkhash	The whole area.

Schedule 2. List of local fisheries.

[35 rivers and lakes.]

Note. Less detailed provisions were contained in the Russian rules for sea fishing industries in the Maritime Governor-Generalship, annexed to Law No. 1066 of 29 May/11 June 1911 (*Papers relating to the Foreign Relations of the United States, 1912*, p. 1303), which read as follows:

"1. Where the extent of the seashore radius is not defined by special international enactment or treaties, the present rules cover the coastal sea to a distance of three geographical miles (= 12.02 marine miles = 20.87 versts), counting from the line of the lowest ebb-tide, or from the extremity of the coastal standing ice.

"The present rules do not cover the Amur estuary from a line connecting Cape Lazareff on the mainland to Cape Pogobi on the island of Saghalin, to a line connecting Cape Perovski on the mainland with the northern tributaries to the Baikal Gulf on the island of Saghalin.

"2. The carrying on of sea-fishing industries is permitted (that is, the catching of fish and their preparation) on sites defined for this purpose, which constitutes special governmental quit-rent locations, and also from trading-vessels.

"The trading sites, consisting of a defined area, shall be leased either: (1) for the catching and preparation of fish, with the right of fishing in the waters adjacent to the shore over a surface of the width of one marine mile; or (2) only for the preparation of fish, without the right of fishing.

"Outside the limits of one marine mile from the shore the fishing shall be carried on from vessels with an arrangement of special permits.

"The Chief Manager of Land Works and Agriculture, in agreement with the Maritime Governor-General, has the right to declare, for a definite time, separate rayons of the coastal waters as closed altogether to fishing, or to separate phases of fishing (catching fish or their preparation), and also to establish periods when fishing is not allowed."

35. Uruguay

- (a) PRESIDENTIAL DECREE ESTABLISHING RULES OF NEUTRALITY TO BE OBSERVED IN THE PORTS, ROADSTADS AND TERRITORIAL WATERS OF URUGUAY, 7 AUGUST 1914. "REGISTRO NACIONAL DE LEYES", 1914, P. 393. TRANSLATION FROM U.S. NAVAL WAR COLLEGE, "INTERNATIONAL LAW TOPICS", 1916, P. 106

Article 1. In case of war between two or more countries, the Republic remaining neutral, the following rules will be applied with respect to the ports, roadsteads, and territorial waters of the same.

Article 2. In accordance with the principle established by the treaty of Montevideo in 1889 (Penal Law, article 12), and with the principles generally accepted in these matters, the waters will be considered as territorial waters to a distance of five miles from the coast of the mainland and islands, from the visible outlying shoals, and the fixed marks which determine the limit of the banks not visible. With regard to bays, the distance of five miles will be measured along a straight line run across the bay at the point nearest its entrance. In addition to the bays or roadsteads established as such by law and custom, those places on the coast will be considered as such which possess their characteristic form and also have an opening of not more than ten miles. For the other boundary waters the rule will be according to each case, the middle line, the *thalweg* (channel) or the common jurisdiction as determined by the various treaties and situations.

36. Venezuela

- (a) PRESIDENTIAL DECREE CONCERNING THE EXTENT OF TERRITORIAL WATERS FOR NEUTRALITY PURPOSES, 15 SEPTEMBER 1939. "GACETA OFICIAL", VOL. 67, NO. 19,981, P. 124,325. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Eleazar Lopez Contreras, President of the United States of Venezuela, in view of the state of neutrality of Venezuela, declared in the Executive Decree of 4 September 1939,

Decrees :

Article 1. For the purposes of the international conventions relating to the rights and duties of neutral States, and of the Laws, Decrees, and Resolutions concerning the neutrality of Venezuela, the phrase "territorial waters of the Republic" is understood as referring to those waters which extend from low-water mark, for a distance of five kilometres and 556 metres (three nautical miles) toward the sea, along the coasts of the continental and insular territory of Venezuela.

Article 2. In the case of bays, gulfs, and inlets subject to the exclusive jurisdiction of the Republic, "territorial waters" are those of the maritime region which extends for five kilometres and 556 metres (three nautical miles) toward the sea, as measured from a straight line drawn across the opening.

Article 3. In the waters adjacent to the territorial sea, the necessary measures with respect to security and customs and sanitation police may be taken within a region extending for sixteen kilometres and 668 metres (nine nautical miles), reckoned from the outer boundary of the territorial sea.

Article 4. The provisions of the present Decree shall not affect the situations created either by international conventions or in accordance with the principles of international law.

(b) NAVIGATION LAW, 9 AUGUST 1944. "GACETA OFICIAL", VOL. 72, NO. 21,479 (9 AUGUST 1944), P. 144,022. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 2. As territorial waters shall be considered the waters of the sea extending to a distance of five kilometres and 556 metres (three nautical miles), measured from the low-water mark toward the sea, along the continental and insular coasts of the Republic.

Section 1. For the purposes of maritime vigilance, to guard the security of the nation and to protect its interests, the distance of five kilometres and 556 metres may be extended over the contiguous waters up to sixteen kilometres and 668 metres (nine nautical miles) measured from the exterior limit of the territorial sea.

Section 2. As the limit between the territorial waters and the internal waters of the bays, gulfs, lakes and rivers shall be considered the straight line which unites, at the level of the lowest tide, the corresponding points on both sides of the entrance.

37. Yugoslavia

(a) CUSTOMS ACT, 12 OCTOBER 1948. "SLUŽBENI LIST", VOL. 4, NO. 90 (20 OCTOBER 1948), C. 773, P. 1405. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 2. The customs area is bounded by the customs border which is the State frontier on land, on sea and on the frontier lakes.

Article 3. The frontier customs zone on land is the customs area adjacent to the customs border; the width of this zone and the measures

for the exercise of customs supervision shall be determined by the Minister of Foreign Trade.

The frontier customs zone at sea and on frontier lakes and rivers, aerodromes and air routes shall be fixed by the Minister of Foreign Trade as being located at the boundaries of the territorial waters or frontiers of the Federal People's Republic of Yugoslavia.

Article 11. Navigation in Yugoslav coastal waters, on the Yugoslav sector of the Danube, on the Naretva from Metkovic to where it enters the sea and on the Yugoslav sectors of frontier lakes shall be subject to customs supervision.

Vessels plying in Yugoslav coastal waters, on the Yugoslav sectors of frontier lakes and international navigable rivers and aircraft engaged in international traffic, with or without cargo, must carry a manifest. The conditions under which Yugoslav vessels may be exempted from this requirement shall be determined by the Minister of Foreign Trade in agreement with the Minister of Marine.

The master of the vessel or captain of the aircraft shall be responsible for the accuracy of the manifest.

Deviations not exceeding 8 per cent in the weight of goods as shown on the manifest shall be allowed, depending on the nature and quality of the goods.

Article 12. Yugoslav naval vessels and foreign warships which have permission to sojourn shall not be subject to customs supervision.

If such vessels transport goods or passengers, the goods and passengers and any communication between such vessels and the shore shall be subject to customs supervision on shore.

- (b) ACT CONCERNING THE COASTAL WATERS OF THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA, 1 DECEMBER 1948. "SLUŽBENI LIST", VOL. 4, NO. 106 (8 DECEMBER 1948), C. 876, P. 1739. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

I. General Provisions

Article 1. With a view to ensuring undisturbed maritime and commercial relations with foreign countries and for the exercise of the sovereign rights of the Federal People's Republic of Yugoslavia the present Act lays down regulations concerning the coastal waters of the Federal People's Republic of Yugoslavia.

Article 2. The coastal waters of the Federal People's Republic of Yugoslavia shall comprise the inland waters and the territorial sea.

Article 3. The inland waters of the Federal People's Republic of Yugoslavia shall include:

- (1) The Bay of Budva from a line drawn joining Cape Skoci Devojka—Cape Piatamon;
- (2) The Bay of Traste, from a line drawn joining Cape Zukovace—Cape Vesla;
- (3) Boka Kotorska, from a line drawn joining Cape Vesla—Cape Ostri;

(4) The sea waters in the area between the mainland and the following lines: Cape Zarubac—southern shore of the island of Mirkan—southern shore of the island of Kolocep—Cape Kuk (southwest cape of the island of Lopud)—Cape Gruj (eastern cape of the island of Mljet)—southern shore of the island of Mljet—the lighthouse on the island of Glavat—southern shore of the Lastovski cliffs, the island of Lastovo and the island of Kopiste—Cape Velo Dance (southwest cape of the island of Korcula)—Cape Proizd (northwest cape of the island of Korcula)—the island of Lukavec—the southern shore of the Paklen islands—the island of Vodnjak (western island of the Paklen islands)—Cape Pelegrin—southern cape of the Sanj ridge on the island of Solta—the island of Stipanska—Cape Rat (western cape of the island of Drvenik Mali)—Cape Ploca—the island of Mulo—the island of Mazirin—southern shore of the island of Zirje—southwestern shore of the Kornat islands—the islands of Sestrice Tejerske—southwestern shore of Dugi island—Veli Rat—southwestern shore of the island of Skarda and Premuda—Tovarnjak—Cape Krivica on the island Losinj—the island of Srakana Mala—Cape Vnetak (the island Unije)—the islet of Galiola—Cape Kamenjak;

(5) The Bay of Pulj from Cape Kompare—Cape Peneda to the island of Brioni Veliki—the western shore of the Brioni islet to Cape Barbariga;

(6) All other bays and estuaries the width of which, measured from the shortest point of junction to the opposite shore in the direction of the mainland shore does not exceed twelve nautical miles;

(7) Ports and anchorages not included under paragraphs 1-6 of this article.

Article 4. All the decrees of the Federal People's Republic of Yugoslavia shall be valid and applicable in the zone of the inland waters.

Article 5. The territorial waters of the Federal People's Republic of Yugoslavia shall comprise the strip of sea extending six miles towards the open sea, measured from the boundary of the inland waters or from the lowest ebb-tide shore line of the mainland or of an island situated outside the inland waters of the Federal People's Republic of Yugoslavia.

Article 6. Vessels under foreign flags may travel through the territorial waters of the Federal People's Republic of Yugoslavia on peaceful passage.

The passage of a foreign vessel is not peaceful if it uses the territorial waters of the Federal People's Republic of Yugoslavia for engaging in any actions which threaten the safety and public order of the Federal People's Republic of Yugoslavia or its material or public health interests or the safety of navigation in such maritime zone.

The stopping and anchoring of vessels for navigational or nautical causes consequent upon an accident at sea or *force majeure* shall, for such time as the cause exists, also be regarded as passage through the territorial waters of the Federal People's Republic of Yugoslavia. The termination of such cause shall be confirmed by the competent authority of the Federal People's Republic of Yugoslavia.

Article 7. Special zones may be designated within the boundaries of the territorial waters of the Federal People's Republic of Yugoslavia as military areas.

The boundaries of such zones and the conditions for navigation therein shall be laid down by the Government of the Federal People's Republic

of Yugoslavia by decree published in the *Oglas za pomorce* (Seamen's Gazette).

Article 8. In order to safeguard the customs interests and the coastal security of the Federal People's Republic of Yugoslavia, the competent authorities of the Federal People's Republic of Yugoslavia may, in cases where suspicion is justifiable, inspect ship's papers and, if necessary, search vessels under foreign flags even in a maritime zone four nautical miles wide reckoning from the outer edge of the territorial waters of the Federal People's Republic of Yugoslavia in the direction of the open sea.

The competent authorities of the Federal People's Republic of Yugoslavia may exercise control and take such restrictive measures as are deemed necessary for the protection of the riches of the sea in such area.

Further regulations for the exercise of such supervision shall be issued by decree of the Government of the Federal People's Republic of Yugoslavia.

II. *Special Provisions*

Article 9. The Federal People's Republic of Yugoslavia shall regulate coastwise shipping and the exploitation of marine and subsoil resources in its coastal waters.

Ships under foreign flags may undertake the salvage of sunken vessels, their appurtenances or cargo in the coastal waters of the Federal People's Republic of Yugoslavia only by special authorization of the competent authority of the Federal People's Republic of Yugoslavia.

Article 10. The use of radio-telegraph and radio-telephone transmitters in the coastal waters of the Federal People's Republic of Yugoslavia shall be regulated by decree of the Government of the Federal People's Republic of Yugoslavia.

Article 11. Foreign civil aircraft may fly over the coastal waters of the Federal People's Republic of Yugoslavia, always provided that they observe the regulations of the Federal People's Republic of Yugoslavia governing flights over its territory.

Article 12. Vessels under foreign flags shall be liable for breaches of the provisions of this Act and the regulations issued on the basis thereof, in accordance with the generally recognized rules and usage of international law and the statutes of the Federal People's Republic of Yugoslavia.

The pursuit of a vessel under a foreign flag for contravention of this Act or of other statutes of the Federal People's Republic of Yugoslavia, if begun in the coastal waters of the Federal People's Republic of Yugoslavia, shall be continued beyond the boundaries of Yugoslav coastal waters provided that such pursuit is uninterrupted. The pursuit shall cease if the vessel pursued enters the coastal waters of another country.

If such a vessel is captured, the Government of the Federal People's Republic of Yugoslavia shall notify, through the diplomatic channel, the government under whose flag the captured vessel is plying.

III. *Final Provisions*

Article 13. The provisions of this Act shall not apply to naval vessels flying foreign flags nor to other vessels flying foreign flags assimilated to naval vessels. The entrance, movements and stay of foreign naval vessels

in the coastal waters of the Federal People's Republic of Yugoslavia shall be regulated by a special decree of the Government of the Federal People's Republic of Yugoslavia.

The provisions of this Act shall not apply to a military conflict in which the Federal People's Republic of Yugoslavia is a belligerent.

The Government of the Federal People's Republic of Yugoslavia shall be empowered to enact regulations concerning coastal waters in the event of a military conflict in which the Federal People's Republic of Yugoslavia is neutral.

Article 14. Further regulations for the execution of this Act shall be issued by the Government of the Federal People's Republic of Yugoslavia.

Note. New fishing regulations, which deal also with fishing in Yugoslav territorial waters, were enacted on 23 January 1950. *Službeni List*, vol. 6, no. 12 (18 February 1950), c. 114, p. 285.

- (c) REGULATIONS FOR THE EXECUTION OF THE CUSTOMS ACT, 2 FEBRUARY 1949. "SLUŽBENI LIST", VOL. 5, NO. 12 (9 FEBRUARY 1949), C. 100, P. 157. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 4. The frontier customs zone on land is the area of Yugoslav territory which extends for fifteen miles inland from the customs border.

The frontier customs zone on frontier rivers and lakes is constituted by the sections of such rivers and lakes belonging to the Federal People's Republic of Yugoslavia.

The frontier customs zone at customs airports is the area at an airport required for the performance of customs services.

The frontier customs zone on customs air routes is the area extending from the customs border to the customs airport between the points fixed in agreements on air traffic.

The inland waters of the Federal People's Republic of Yugoslavia are defined in article 3 of the Act concerning Coastal Waters, and all the decrees of the Federal People's Republic of Yugoslavia shall apply in them.

The frontier customs zone at sea is the sea area extending for six nautical miles in the direction of the open sea measured from the boundary of the inland waters or from the lowest ebb-tide shore line of the mainland or of an island situated outside the inner seas of the Federal People's Republic of Yugoslavia.

The inland waters and the frontier customs zone at sea form the coastal waters of the Federal People's Republic of Yugoslavia.

. . .

Article 8. Provided they are open to international traffic, international water routes by sea, on frontier rivers and frontier lakes as well as ports and harbours, are customs waterways.

. . .

Article 19. Vessels plying in the waters of the Federal People's Republic of Yugoslavia and in the frontier customs zone on frontier rivers and lakes, with the exception of vessels in specially authorized service (article 77 of these regulations) are subject to customs inspection.

Customs inspection comprises: moving, stopping, inspection, search and all loading, unloading and transshipping of goods and passengers.

Article 20. Vessels plying in the coastal waters of the Federal People's Republic of Yugoslavia and in the frontier customs zone on frontier lakes and rivers, with the exception of those in specially authorized service (article 77 of these regulations), must be provided with a manifest in addition to the other ship's papers. A foreign manifest will be accepted in the case of ships arriving from abroad.

Particulars of the cargo are entered in the manifest on the basis of customs documents or freight lists.

. . . .

Article 22. The inspection of a vessel consists in checking the cargo with the ship's manifest. Such inspection is carried out under the terms of these regulations by customs control officials. For this purpose they may also engage experts and, where necessary, if the vessel is under way, may direct it to the nearest port (harbour) for inspection.

If there are well-founded suspicions, a vessel may be searched in order to discover concealed merchandise. If such merchandise is found the vessel may, if necessary, be escorted to the nearest customhouse.

The master of the vessel will, upon his request, be given a certificate concerning the results of the inspection or search.

Note. Provisions with respect to customs zones were previously contained in article 213 of the Customs Ordinance of 23 January 1899, as amended by article 229 of the Finance Law of 31 March 1924 and article 115 of the Finance Law of 28 March 1928 (*Službeni Novine*, 1 April 1924 and 29 March 1928; *Deutsches Handels-Archiv*, 1924, p. 1233, and 1928, p. 2118). This article read as follows: "A 10-kilometre wide strip of territory along the whole frontier of the State forms the customs zone. Where the frontier is formed by the seacoast, the customs zone shall extend into the sea for a distance of 11 kilometres and 100 metres. In straits, in which only one coast belongs to Yugoslavia, the frontier zone shall in no case extend beyond the middle of the strait."