

Part I
NATIONAL LEGISLATION

Division I

THE TERRITORIAL SEA AND THE CONTIGUOUS ZONE

Subdivision A. The territorial sea

Chapter I

STATUS, BREADTH AND DELIMITATION OF THE TERRITORIAL SEA

I. ALBANIA

**DECREE No. 4650¹ OF 9 MARCH 1970 ON THE BOUNDARY OF THE
PEOPLE'S REPUBLIC OF ALBANIA, AS AMENDED² IN 1976**

Article 1

The territorial waters of the People's Republic of Albania extend all along her coastline to the width of 15 nautical miles (27,780 km), starting from the straight baseline which goes from the Cape of Rodoni (Muzhi), the Cape of Palla, of Logji (Kala e Turres), Semani, the estuary of the Vjosa river, the western coast of the Sazani Island, the Cape of Gjuha and the Grama Bay, further on between the Albanian coast and the Greek Islands up through the Corfu Strait. The width of the territorial waters from the estuary of the Buna river to the Cape of Rodoni extends up to the Albania-Yugoslavia State boundary line.

Article 4

Internal waters of the People's Republic of Albania are the waters of the Adriatic and Ionian Sea which lie within the straight baseline that goes through the Buna river estuary, the Capes mentioned in the first paragraph of this article and the straight baseline which connects the Cape of Grama Bay, the Cape of Palermo Bay, the Cape of Qefali, the Cape of Saranda as well as the waters off the boundary line of the frontier lakes and rivers.

¹ Only arts. 1 and 4 dealing with the delimitation of territorial and internal waters as amended in 1976 are reproduced here.

² By Decree No. 5384 of 23 February 1976. Entered into force immediately. English text provided by the Permanent Representative of the People's Republic of Albania to the United Nations in a letter dated 26 February 1976.

2. BANGLADESH

TERRITORIAL WATERS AND MARITIME ZONES ACT, 1974¹

Whereas clause (2) of article 143 of the Constitution provides that Parliament may, from time to time, by law provide for the determination of the territorial waters and the continental shelf of Bangladesh;

And whereas it is necessary to provide for the declaration of the territorial waters, continental shelf and other maritime zones and for matter ancillary thereto;

It is hereby enacted as follows:

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

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

(a) "conservation zone" means a conservation zone established under section 6;

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

(c) "continental shelf" means the continental shelf of Bangladesh referred to in section 7;

(d) "economic zone" means the zone of the high seas declared under section 5 to be the economic zone of Bangladesh;

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

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

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

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

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

(3) The Sovereignty of the Republic extends to the territorial waters as well as to the air space over and the bed and subsoil of such waters.

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

¹ Act No. XXVI of 1974. *The Bangladesh Gazette, Extra.*, 14 February 1974, part V, pp. 2334-2337. English text provided by the Permanent Representative of Bangladesh to the United Nations in a note verbale of 26 January 1976.

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

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

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

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

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

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

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

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

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

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

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

(a) the security of the Republic;

(b) the immigration and sanitation; and

(c) customs and other fiscal matters.

5. Economic zone. (1) The Government may, by notification in the official Gazette, declare any zone of the high seas adjacent to the territorial waters to be the economic zone of Bangladesh specifying therein the limits of such zone.

(2) All natural resources within the economic zone, both living and non-living, on or under the sea-bed and subsoil or on the water surface or within the water column shall vest exclusively in the Republic.

(3) Nothing in subsection (2) shall be deemed to affect fishing within the economic zone by a citizen of Bangladesh who uses for the purpose vessels which are not mechanically propelled.

6. Conservation zone. The Government may, with a view to the maintenance of the productivity of the living resources of the sea, by notification in the official Gazette, establish conservation zones in such areas of the sea adjacent to the territorial waters as may be specified in the notification and may take such conservation measures in any zone so established as it may deem appropriate for the purpose including measures to protect the living resources of the sea from indiscriminate exploitation, depletion or destruction.

7. Continental shelf. (1) The continental shelf of Bangladesh comprises—

(a) the sea-bed and subsoil of the submarine areas adjacent to the coast of Bangladesh but beyond the limits of the territorial waters up to the outer limits of the continental margin bordering on the ocean basin or abyssal floor; and

(b) the sea-bed and subsoil of the analogous submarine areas adjacent to the coasts of any island, rock or any composite group thereof constituting part of the territory of Bangladesh.

(2) Subject to subsection (1), the Government may, by notification in the official Gazette, specify the limits thereof.

(3) No person shall, except under and in accordance with the terms of a licence or permission granted by the Government, explore or exploit any resources of the continental shelf or carry out any search or excavation or conduct any research within the limits of the continental shelf:

Provided that no such licence or permission shall be necessary for fishing by a citizen of Bangladesh who uses for the purpose vessels which are not mechanically propelled.

Explanation. Resources of the continental shelf include mineral and other non-living resources together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immovable on or under the sea-bed or are unable to move except in constant physical contact with the sea-bed or the subsoil.

(4) The Government may construct, maintain or operate within the continental shelf installations and other devices necessary for the exploration and exploitation of its resources.

8. Control of pollution. The Government may, with a view to preventing and controlling marine pollution and preserving the quality and ecological balance in the marine environment in the high seas adjacent to the territorial waters, take such measures as it may deem appropriate for the purpose.

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

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

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

(b) for measures to protect, use and exploit the resources of the economic zone;

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

(d) for measures regulating the exploration and exploitation of resources within the continental shelf;

(e) for measures designed to prevent and control of marine pollution of the high seas.

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

3. BENIN

DÉCRET N° 76-92 DU 2 AVRIL 1976 PORTANT EXTENSION DES EAUX TERRITORIALES DE LA RÉPUBLIQUE POPULAIRE DU BÉNIN À 200 MILLES MARINS¹

Le Président de la République, Chef de l'Etat, Chef du Gouvernement,

...

Vu le décret n° 74-PR/MTPTPT du 7 mars 1968, relatif à la délimitation des eaux territoriales de la République du Dahomey²;

Sur proposition du Ministre des transports,

Le Conseil des Ministres entendu,

Décète :

Article premier

Les eaux territoriales de la République populaire du Bénin sont portées à une distance de deux cents (200) milles marins à compter de la laisse de basse mer, et en ce qui concerne les estuaires, à compter du premier obstacle à la navigation maritime, tel qu'il est défini par la réglementation maritime en vigueur.

Article 2

A l'intérieur des eaux territoriales béninoises, la pêche est et demeure réservée aux pêcheurs béninois et est interdite aux ressortissants étrangers qui ne seraient pas titulaires d'autorisations réglementaires béninoises.

¹ Texte communiqué par lettre en date du 12 août 1976 de la Mission permanente de la République populaire du Bénin auprès de l'Organisation des Nations Unies.

² Reproduit dans ST/LEG/SER.B/15, p. 62-63.

Article 3

Le présent décret qui abroge toutes dispositions antérieures sera publié au Journal officiel de la République populaire du Bénin.

4. BURMA

TERRITORIAL SEA AND MARITIME ZONES LAW, 1977¹

Chapter I. Title and definitions

1. This Law may be called the Territorial Sea and Maritime Zones Law.
2. The following expressions contained in this Law shall have the following meanings—
 - (a) "Burma" means the Socialist Republic of the Union of Burma;
 - (b) "Council of Ministers" means the Council of Ministers of Burma;
 - (c) "Baselines" means the baselines specified in the annex to this Law.

Chapter II. Territorial sea

3. The territorial sea of Burma extends seawards to a distance of 12 nautical miles from the baselines.
4. The sovereignty of Burma extends to the territorial sea, to its bed and subsoil and to the air space over the territorial sea.
5. Subject to the provisions of this Law, ships of all States other than warships shall enjoy the right of innocent passage through the territorial sea. Passage shall be deemed to be innocent so long as it is not prejudicial to the peace, good order or security of Burma.
6. During passage through the territorial sea—
 - (a) a foreign ship shall observe the existing laws and rules of Burma;
 - (b) a foreign fishing vessel shall keep its fishing gear and equipment in a secured position for sea. Such a vessel shall traverse the territorial sea by the shortest way without stopping or anchoring, except by reason of *force majeure*;
 - (c) no foreign research ship shall undertake any research activity without the prior express permission of the Council of Ministers.
7. Proof of innocence of passage shall be furnished by the foreign ship exercising the right of innocent passage when called for by the competent authorities of Burma.
8. The Council of Ministers may suspend temporarily, in specified areas of the territorial sea, the innocent passage of foreign ships if it

¹ PYITHU HLUTTAW Law No. 3 of 9 April 1977. English text transmitted by the Permanent Representative of the Socialist Republic of the Union of Burma to the United Nations in a note dated 3 June 1977.

considers that such suspension is necessary to safeguard the peace, good order or security of Burma.

9. (a) No foreign warship shall pass through the territorial sea without the prior express permission of the Council of Ministers.

(b) A foreign warship entering the territorial sea without the prior express permission of the Council of Ministers shall be required to leave the area immediately.

(c) During passage through the territorial sea, foreign submarines and other underwater vehicles shall navigate on the surface of the sea and show their flag.

Chapter III. Contiguous zone

10. The contiguous zone of Burma is an area beyond and adjacent to the territorial sea and extends to a distance of 24 nautical miles from the baselines.

11. In the contiguous zone Burma exercises such control as it may consider necessary to—

(a) safeguard the security of Burma;

(b) prevent and punish infringement of its customs, fiscal, immigration or sanitary regulations within its territory or territorial sea.

Chapter IV. Continental shelf

12. The continental shelf of Burma comprises the sea-bed and sub-soil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines where the outer edge of the continental margin does not extend up to that distance.

13. Burma exercises exclusive sovereign rights in respect of its continental shelf.

14. Without prejudice to the generality of the provisions of section 13, Burma has in the continental shelf—

(a) sovereign rights for the purposes of exploration, exploitation, conservation and management of its natural resources, both living and non-living;

(b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, offshore terminals, installations and other structures and devices necessary for the exploration and exploitation of its natural resources, both living and non-living, or for the convenience of shipping or for any other purpose;

(c) exclusive jurisdiction to authorize, regulate and control scientific research;

(d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and

(e) such other rights as are recognized from time to time by international law.

15. (a) The natural resources of the continental shelf include vegetable organisms and living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the sea-bed or are unable to move except in constant physical contact with the sea-bed or the subsoil.

(b) Where the Council of Ministers considers that a marine organism of any kind is part of the living natural resources of the continental shelf, it may, by notification in the official *Gazette*, declare that organism to be part of the living natural resources of the continental shelf.

16. No one shall, without the prior express permission of the Council of Ministers, carry out in the continental shelf, any of the following:

(a) exploration;

(b) exploitation of the natural resources, both living and non-living;

(c) research;

(d) search, excavation, drilling; or

(e) construction, maintenance or operation of any artificial island, offshore terminal, installation or other structure or device.

Chapter V. Exclusive economic zone

17. The exclusive economic zone of Burma is an area beyond and adjacent to the territorial sea and extends to a distance of 200 nautical miles from the baselines.

18. Burma has in the exclusive economic zone—

(a) sovereign rights for the purposes of exploration, exploitation, conservation and management of its natural resources, both living and non-living, as well as for producing energy from water and winds;

(b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, offshore terminals, installations and other structures and devices necessary for the exploration and exploitation of its natural resources, both living and non-living, or for the convenience of shipping or for any other purpose;

(c) exclusive jurisdiction to authorize, regulate and control scientific research;

(d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and

(e) such other rights as are recognized from time to time by international law.

19. Subject to the exercise by Burma of its rights—

(a) ships of all States shall enjoy the right of freedom of navigation within the exclusive economic zone;

(b) aircraft of all States shall enjoy freedom of overflight within the air space over the zone.

20. No one shall conduct any activity in the exclusive economic zone in relation to exploration, exploitation or research, without the prior express permission of the Council of Ministers:

Provided that, nothing in this section shall apply to fishing in accordance with law by a citizen of Burma.

Chapter VI. Offences and penalties

21. Whoever contravenes or attempts to contravene or abets the contravention of any provision of this Law or of any rule made thereunder shall be punishable with imprisonment which may extend to 10 years, or with fine, or with both:

Provided that, the provisions of this section shall not preclude the right to take action under any other existing law.

22. Any ship other than a warship which is involved in the contravention of any provision of this Law punishable under section 21 shall be liable to confiscation together with its equipment and instruments as well as everything aboard that ship.

23. There shall be no prosecution under this Law without the prior sanction of the Council of Ministers.

Chapter VII. Miscellaneous

24. For the purpose of successfully implementing the provisions of this Law, the Council of Ministers may promulgate such regulations, by-laws, orders, directives and procedures as may be necessary.

25. Nothing in this Law shall affect the right of hot pursuit that may be exercised by Burma against any offender for any offence committed in the territorial sea, the contiguous zone, the continental shelf or the exclusive economic zone.

ANNEX

For the purpose of this Law, the low-water lines as marked on the large-scale charts officially recognized by Burma shall be the baselines for measuring the breadth of the territorial sea, the contiguous zone, the continental shelf and the exclusive economic zone of Burma:

Provided that, where by reason of the geographical conditions prevailing on the coasts of Burma or of the economic requirements of the coastal regions straight baselines have been drawn between fixed points on the mainland, on islands or rocks, measurement shall be made from such baselines. The fixed points between which such straight baselines shall be drawn are indicated in detail in the following schedule:

SCHEDULE

1. *Arakan coast*

(a) Southern Point of MAYU ISLAND	Lat. 20° 11' 49" N
	Long. 92° 32' 19" E

(b) BORONGA POINT	Lat. 19° 48' 30" N Long. 93° 01' 42" E
(c) SOUTH TERRIBLES	Lat. 19° 22' 56" N Long. 93° 16' 20" E
(d) Western Point of HENRY ROCKS	Lat. 18° 51' 48" N Long. 93° 26' 15" E
(e) Western Point of NERBUDDA ISLAND ...	Lat. 18° 20' 50" N Long. 93° 56' 25" E
(f) ST. JOHN'S or CHURCH ROCKS	Lat. 17° 27' 39" N Long. 94° 19' 46" E
(g) NORTH-WEST GROUP	Lat. 16° 55' 28" N Long. 94° 12' 45" E
(h) KORONGE ISLAND	Lat. 16° 31' 20" N Long. 94° 14' 21" E
(i) SOUTH ROCK	Lat. 16° 18' 55" N Long. 94° 11' 20" E
(j) BLACK ROCK	Lat. 16° 11' 50" N Long. 94° 10' 50" E
(k) ALGUADA REEF (PATHEIN LIGHT) ...	Lat. 15° 42' 13" N Long. 94° 12' 06" E
2. <i>Gulf of Martaban</i>	
(a) ALGUADA REEF (PATHEIN LIGHT) ...	Lat. 15° 42' 13" N Long. 94° 12' 06" E
(b) Western Point of LONG ISLAND	Lat. 14° 24' 15" N Long. 97° 46' 02" E
3. <i>Tenasserim coast</i>	
(a) Western Point of LONG ISLAND	Lat. 14° 24' 15" N Long. 97° 46' 02" E
(b) NORTH ISLAND	Lat. 14° 09' 00" N Long. 97° 46' 54" E
(c) WEST CANISTER ISLAND	Lat. 12° 41' 30" N Long. 97° 43' 40" E
(d) Northern Point of SAURIM ISLAND	Lat. 12° 30' 30" N Long. 97° 47' 42" E
(e) Western Point of H. PRINCEP ISLAND	Lat. 12° 03' 03" N Long. 97° 38' 00" E
(f) GREAT WESTERN TORRES	Lat. 11° 47' 15" N Long. 97° 26' 15" E
(g) North-western Point of NORTH TWIN	Lat. 10° 38' 15" N Long. 97° 41' 45" E
(h) Western Point of SOUTH TWIN	Lat. 10° 28' 12" N Long. 97° 40' 45" E
(i) WESTERN ROCKY ISLAND	Lat. 09° 51' 24" N Long. 97° 52' 18" E

(j) HAYCOCK ISLAND	Lat. 09° 40' 45" N
	Long. 97° 54' 30" E
(k) Western Point of MURRAY ISLAND	Lat. 09° 35' 54" N
	Long. 97° 58' 12" E

5. CAPE VERDE

DECREE NO. 14/75 OF 1 OCTOBER 1975 CONCERNING THE TERRITORIAL SEA¹

Article 1. The territorial sea of the Republic of Cape Verde extends for one hundred nautical miles (100 miles) measured from the principal baselines defined by the following points:

Origin—Lat. 14° 53' 8" N Long. 23° 31' 1" W—S of Fogo Island—S of Brava Island; from SW of Brava Island—W of Santo Antão; from N of Santo Antão Island—N of Sal Island; from NE of Sal Island—E of Boa Vista Island—SW of Maio Island; from S of Maio Island—S of Santiago Island.

Sole paragraph. All maritime space lying inside the baselines defined by this article shall be internal waters of the Republic of Cape Verde.

Article 2. Innocent passage in peacetime in the territorial waters and internal waters shall be permitted for the purpose of international navigation.

Article 3. The Republic of Cape Verde reserves the right to establish its own exclusive economic zone, taking due account of the generally accepted principles of international maritime law.

Article 4. Fishing in the internal waters and territorial waters of the Republic of Cape Verde by any foreign vessel shall be expressly prohibited unless authorized by an agreement concluded between our State and the flag country of the vessel concerned.

Article 5. Any violation of the provisions of article 4 shall be punishable by a fine of 250,000 (two hundred and fifty thousand) escudos.

For a repeated offence the fine shall be twice that amount.

Article 6. The agent of the authority which discovers the violation shall conduct the offending vessel and its crew to the nearest national port, where he shall immediately report the occurrence to the competent maritime authorities with a view to the institution of proceedings.

Article 7. By decision of the maritime authorities the fish, if any, shall be sold and the proceeds of such sale shall, in the event of conviction, accrue to the State treasury.

Article 8. In addition to sentencing to the payment of the fine specified in article 5, the court which rules on the violation shall order the seizure of the fishing gear used in the violation.

¹ *Official Gazette of the Republic of Cape Verde* No. 24, 13 December 1975, p. 200. Portuguese text provided by the Minister of Foreign Affairs of the Republic of Cape Verde in a letter dated 30 December 1975. Translation by the Secretariat of the United Nations.

6. COLOMBIA

ACT No. 10 OF 1978¹

Establishing rules concerning the territorial sea, the exclusive economic zone and the continental shelf, and regulating other matters.

Article 1. The territorial sea of the Colombian nation, over which the latter exercises full sovereignty, shall extend beyond its mainland and island territory and internal waters to a distance of 12 nautical miles or 22 kilometres, 224 metres.

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

Article 2. Ships of all States shall enjoy the right of innocent passage through the territorial sea, in accordance with the rules of international law.

Article 3. The outer limit of the territorial sea shall be constituted by a line every point of which is 12 nautical miles from the nearest point of the baseline referred to in the next article.

Article 4. The normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast. In localities where the coastline is deeply indented or cut into, or if there is a fringe of islands along the coast in its immediate vicinity, measurements shall be made from straight baselines joining appropriate points. Waters on the landward side of the baselines shall be considered as internal waters.

Article 5. In the case of gulfs and bays whose natural entrance points are separated by no more than 24 miles, the territorial sea shall be measured from a line of demarcation joining the natural entrance points. The waters enclosed thereby shall be considered as internal waters.

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

Article 6. In the case of rivers which flow directly into the sea, the baseline shall be a straight line across the mouth of the river between points on the low-tide line of its banks.

Article 7. An exclusive economic zone shall be established adjacent to the territorial sea; the zone shall extend to an outer limit of 200 nautical miles measured from the baselines from which the breadth of the territorial sea is measured.

Article 8. In the zone established by the preceding article, the Colombian nation shall exercise sovereign rights for the purpose of exploring, exploiting, conserving and managing the living and non-living natural re-

¹ Enacted by the Congress of Colombia on 25 July 1978. Entered into force with its promulgation pursuant to article 13. Spanish text provided by the Chargé d'Affaires a.i. of the Permanent Mission of Colombia to the United Nations in a letter of 3 October 1978. Translation by the Secretariat of the United Nations.

sources of the sea-bed, the subsoil and the superjacent waters; it shall also have exclusive jurisdiction for scientific research and the preservation of the marine environment.

Article 9. In pursuance of this Act, the Government shall identify the lines referred to in the preceding articles relating to its continental territory, the archipelago of San Andrés and Providencia, and other island territories; the said lines shall be published in the official maritime charts in accordance with the relevant international rules.

Article 10. National sovereignty shall extend to the continental shelf for the purposes of exploring and exploiting its natural resources.

Article 11. The national Government shall be empowered for a period of 12 months from the promulgation of this Act to adopt measures, to reorganize national administrative agencies and units or to establish such new agencies and units as may be deemed necessary, in order to ensure the policing and defence of Colombian maritime areas and to make appropriate use of the living and non-living natural resources of such areas with a view to meeting the needs of the Colombian people and the country's economic development.

The national Government shall likewise be empowered to contract such loans and make such budgetary appropriations and transfers as it deems appropriate.

Article 12. Provisions contrary to this Act are hereby superseded.

...

7. COMOROS

ORDONNANCE N° 76-038/CE DU 15 JUIN 1976 PRÉCISANT LES LIMITES DES EAUX TERRITORIALES COMORIENNES ET ÉTABLISSANT UNE ZONE ÉCONOMIQUE EXCLUSIVE¹

Le Chef de l'Etat,

Vu la Déclaration de la Chambre des députés du 6 juillet 1975 proclamant les Comores indépendantes,

Vu la Déclaration constitutionnelle du 31 décembre 1975 relative à l'exécutif,

Vu les revendications exprimées par les pays du tiers monde au cours des conférences internationales sur le droit de la mer réunies sous l'égide des Nations Unies à Caracas, Genève et New York,

Vu la nécessité,

Ordonne :

Article premier. La limite des "eaux territoriales" comorienne est fixée à douze (12) milles marins.

¹ Texte transmis par le Ministre des affaires étrangères de l'Etat comorien par lettre en date du 18 mars 1977.

La souveraineté de l'Etat comorien s'étend, en conséquence, à l'espace aérien au-dessus, au lit et au sous-sol de la mer comprise dans les eaux territoriales.

Article 2. La limite de la "zone économique exclusive" est fixée à deux cents (200) milles marins.

Toutes les ressources naturelles, vivantes et non vivantes, de la "zone économique" appartiennent exclusivement à l'Etat comorien, qu'elles se trouvent au fond, au sous-sol, à la surface ou dans le lit de la mer ainsi délimitée.

Article 3. Sauf convention particulière, la largeur de la "zone économique exclusive" ne s'étend pas au-delà d'une ligne médiane dont tous les points sont équidistants des lignes de base des côtes comoriennes et des côtes des pays étrangers qui leur font face.

Article 4. La présente ordonnance sera enregistrée, publiée au Journal officiel de l'Etat comorien et communiquée partout où besoin sera.

8. CUBA

ACT OF 24 FEBRUARY 1977 CONCERNING THE BREADTH OF THE TERRITORIAL SEA OF THE REPUBLIC OF CUBA¹

Fidel Castro Ruz, President of the Council of State of the Republic of Cuba

Proclaims: That the Council of State has agreed as follows:

Whereas: Article 10 of the Constitution of the Republic provides that the limits of the territorial sea shall be established by law.

Whereas: To give effect to the foregoing, the baseline from which the breadth of the territorial sea is measured should be determined at the appropriate time, in accordance with the historical antecedents and geographical, geological, economic and political characteristics and on the basis of geographical co-ordinates.

Therefore: In exercise of the powers conferred upon it by article 88, paragraph (c), of the Constitution, the Council of State decides to issue the following

Legislative Decree No. 1

Article 1. The territorial sea of the Republic of Cuba shall have a breadth of 12 nautical miles measured from the baseline determined in the present Legislative Decree, and its outer limit shall consist of a line every point of which is at an equal distance of 12 nautical miles from the closest point of the baseline.

¹ Decree No. 1, *Gaceta Oficial* of the Republic of Cuba, No. 6, 26 February 1977, pp. 15-17. Translation by the Secretariat of the United Nations.

Article 2. The baseline from which the breadth of the territorial sea of the Republic of Cuba is measured shall consist of the straight lines joining the outermost points of the coast, islands, islets, keys and drying reefs surrounding it, and determined on the basis of the following geographical co-ordinates:

<i>Latitude</i>	<i>Longitude</i>	
1. 21° 52', 0 N	84° 57', 2 W	Cabo San Antonio
2. 21° 52', 4 N	84° 56', 6 W	
3. 21° 53', 9 N	84° 55', 7 W	
4. 21° 54', 1 N	84° 55', 3 W	Punta Cajón
5. 22° 09', 6 N	84° 45', 0 W	Banco Sancho Pardo
6. 22° 16', 5 N	84° 41', 9 W	
7. 22° 18', 3 N	84° 40', 0 W	
8. 22° 20', 0 N	84° 38', 4 W	
9. 22° 25', 1 N	84° 33', 1 W	
10. 22° 28', 4 N	84° 28', 4 W	
11. 22° 31', 0 N	84° 24', 5 W	
12. 22° 35', 1 N	84° 16', 1 W	
13. 22° 38', 4 N	84° 11', 3 W	
14. 22° 40', 3 N	84° 08', 5 W	
15. 22° 42', 9 N	84° 01', 4 W	Cayo Jufías
16. 22° 53', 54 N	83° 36', 36 W	
17. 22° 59', 6 N	83° 12', 9 W	Punta Gobernadora
18. 23° 08', 7 N	82° 23', 6 W	Punta Brava
19. 23° 09', 0 N	82° 21', 4 W	Punta Barlovento
20. 23° 09', 1 N	82° 20', 9 W	
21. 23° 10', 0 N	82° 19', 5 W	
22. 23° 10', 2 N	82° 18', 2 W	Punta Campanilla
23. 23° 10', 5 N	82° 16', 2 W	Punta Guayacancs
24. 23° 10', 8 N	82° 14', 8 W	
25. 23° 10', 8 N	82° 12', 6 W	
26. 23° 11', 2 N	82° 01', 6 W	
27. 23° 11', 0 N	82° 00', 0 W	Punta Tijeras
28. 23° 16', 0 N	81° 05', 2 W	Cayo Mono
29. 23° 16', 9 N	80° 54', 9 W	Faro Cruz del Padre
30. 23° 13', 6 N	80° 19', 6 W	
31. 22° 56', 8 N	79° 45', 4 W	Cayo La Vela
32. 22° 41', 4 N	78° 53', 4 W	
33. 22° 37', 6 N	78° 38', 8 W	Cayos Guillermitos
34. 22° 32', 9 N	78° 22', 8 W	
35. 22° 28', 9 N	78° 10', 0 W	Cayo Paredón Grande
36. 22° 21', 1 N	77° 51', 7 W	Bajo Tributarios de Minerva
37. 22° 11', 5 N	77° 39', 8 W	Cayo Confites
38. 21° 39', 8 N	77° 08', 4 W	Punta Maternillos
39. 21° 16', 1 N	76° 21', 4 W	

	<i>Latitude</i>		<i>Longitude</i>	
40.	21° 07', 6 N	.....	75° 43', 0 W	
41.	21° 06', 9 N	.....	75° 41', 7 W	
42.	21° 04', 3 N	.....	75° 37', 2 W	Punta Lucrecia
43.	20° 41', 9 N	.....	74° 49', 9 W	Cayo Moa
44.	20° 37', 1 N	.....	74° 43', 8 W	Punta Guarico
45.	20° 19', 0 N	.....	74° 13', 8 W	Punta Fraile
46.	20° 18', 1 N	.....	74° 11', 8 W	Punta Azules
47.	20° 15', 5 N	.....	74° 09', 0 W	Quebrado del Mangle
48.	20° 15', 2 N	.....	74° 08', 7 W	
49.	20° 14', 8 N	.....	74° 08', 5 W	Punta Maisí
50.	20° 13', 6 N	.....	74° 08', 1 W	
51.	20° 13', 1 N	.....	74° 07', 9 W	
52.	20° 12', 7 N	.....	74° 07', 8 W	Punta Quemado
53.	20° 11', 7 N	.....	74° 08', 1 W	
54.	20° 10', 9 N	.....	74° 08', 6 W	
55.	20° 04', 8 N	.....	74° 14', 6 W	
56.	20° 04', 4 N	.....	74° 15', 4 W	
57.	20° 04', 1 N	.....	74° 16', 2 W	
58.	20° 04', 6 N	.....	74° 17', 8 W	Punta Caleta
59.	19° 55', 0 N	.....	74° 59', 0 W	
60.	19° 54', 3 N	.....	75° 01', 3 W	
61.	19° 53', 9 N	.....	75° 04', 9 W	
62.	19° 53', 4 N	.....	75° 09', 4 W	
63.	19° 52', 9 N	.....	75° 18', 2 W	
64.	19° 52', 6 N	.....	75° 21', 4 W	
65.	19° 52', 9 N	.....	75° 29', 6 W	
66.	19° 52', 9 N	.....	75° 32', 3 W	
67.	19° 53', 4 N	.....	75° 35', 2 W	
68.	19° 53', 6 N	.....	75° 36', 4 W	
69.	19° 57', 8 N	.....	75° 52', 6 W	Punta Morrillo
70.	19° 57', 3 N	.....	75° 57', 9 W	Punta Cabrera
71.	19° 57', 3 N	.....	76° 00', 4 W	
72.	19° 57', 7 N	.....	76° 04', 3 W	
73.	19° 57', 9 N	.....	76° 05', 9 W	
74.	19° 58', 8 N	.....	76° 11', 1 W	
75.	19° 58', 0 N	.....	76° 19', 2 W	
76.	19° 57', 3 N	.....	76° 21', 3 W	Punta Tabacal
77.	19° 56', 9 N	.....	76° 31', 2 W	Punta Bayamita
78.	19° 56', 8 N	.....	76° 34', 8 W	
79.	19° 56', 8 N	.....	76° 42', 6 W	
80.	19° 56', 0 N	.....	76° 47', 2 W	Punta Turquino
81.	19° 53', 3 N	.....	76° 58', 7 W	
82.	19° 53', 2 N	.....	76° 59', 4 W	

	<i>Latitude</i>		<i>Longitude</i>	
83.	19° 53', 2 N	.....	77° 00', 8 W	
84.	19° 53', 2 N	.....	77° 04', 4 W	
85.	19° 53', 6 N	.....	77° 07', 8 W	
86.	19° 51', 2 N	.....	77° 21', 0 W	
87.	19° 50', 8 N	.....	77° 23', 8 W	
88.	19° 50', 8 N	.....	77° 25', 2 W	Punta Monje
89.	19° 50', 6 N	.....	77° 30', 2 W	Punta Escalereta
90.	19° 50', 6 N	.....	77° 32', 2 W	Punta Pesquero de La Alegria
91.	19° 49', 6 N	.....	77° 40', 4 W	
92.	19° 50', 2 N	.....	77° 44', 9 W	
93.	20° 31', 1 N	.....	78° 19', 8 W	Punta Cabeza del Este
94.	20° 32', 2 N	.....	78° 23', 0 W	Punta Macao
95.	20° 47', 6 N	.....	78° 56', 7 W	Cayo Anclitas
96.	20° 52', 2 N	.....	79° 03', 3 W	Punta Escondido
97.	21° 03', 2 N	.....	79° 20', 4 W	Cayo Cinco Balas
98.	21° 06', 4 N	.....	79° 26', 6 W	Cayo Bretón
99.	21° 10', 5 N	.....	79° 31', 0 W	
100.	21° 13', 1 N	.....	79° 33', 3 W	
101.	21° 36', 6 N	.....	79° 50', 5 W	Cayo Puga
102.	21° 37', 7 N	.....	81° 04', 8 W	Cayo Trabuco
103.	21° 35', 6 N	.....	81° 30', 7 W	
104.	21° 34', 7 N	.....	81° 38', 3 W	
105.	21° 33', 6 N	.....	81° 45', 8 W	Cabezo de la Estopa
106.	21° 28', 4 N	.....	82° 12', 8 W	Cabezo Sambo
107.	21° 26', 5 N	.....	82° 50', 3 W	
108.	21° 26', 2 N	.....	82° 53', 0 W	
109.	21° 26', 3 N	.....	82° 53', 8 W	Caleta de Agustín Jol
110.	21° 28', 0 N	.....	83° 04', 2 W	Cabo Pepe
111.	21° 54', 4 N	.....	84° 02', 2 W	Cabo Francés
112.	21° 45', 9 N	.....	84° 26', 7 W	
113.	21° 45', 8 N	.....	84° 27', 3 W	Punta Leones
114.	21° 45', 2 N	.....	84° 30', 2 W	
115.	21° 45', 1 N	.....	84° 30', 6 W	
116.	21° 48', 6 N	.....	84° 48', 1 W	Punta del Holandés
117.	21° 48', 6 N	.....	84° 48', 6 W	
118.	21° 49', 6 N	.....	84° 55', 0 W	
119.	21° 49', 7 N	.....	84° 55', 2 W	
120.	21° 50', 1 N	.....	84° 55', 9 W	Punta Perpetua
121.	21° 50', 2 N	.....	84° 56', 1 W	
122.	21° 50', 6 N	.....	84° 56', 6 W	
123.	21° 51', 4 N	.....	84° 57', 1 W	
124.	21° 51', 7 N	.....	84° 57', 2 W	

Article 3. Waters on the landward side of the baseline are internal waters of the Republic of Cuba.

Article 4. The sovereignty which the socialist Cuban State exercises over the entire national territory, consisting of the Island of Cuba, the Isle of Pines, the other adjacent islands and keys, the internal waters, the territorial sea and the air space over them and the subsoil of the land areas shall extend to the bed and subsoil of the aquatic territory consisting of the internal waters and the territorial sea and to all the natural resources, whether living or non-living, in all the aforementioned areas, subject to the sovereignty of the Cuban State.

Article 5. The Republic of Cuba, without prejudice to the provisions of the preceding articles and in accordance with the principles of international law, shall respect the freedoms of navigation and overflight as regards straits or channels used for international navigation.

Article 6. Article 7, paragraph D, of the Code of Social Defence shall be amended to read as follows:

“D. For the purposes of this Code, the sea surrounding the coasts of the Republic up to a distance of twelve nautical miles, measured from the baseline consisting of the straight lines joining the outermost points of the coast, islands, islets, keys and drying reefs surrounding it, and whose geographical co-ordinates are determined by law, shall be considered territorial.”

Article 7. Act No. 1292, of 26 April 1975, and all other legal provisions and regulations at variance with the provisions of the present Legislative Decree, which shall come into force as soon as it is published in the *Gaceta Oficial* of the Republic, are hereby abrogated.

9. DEMOCRATIC KAMPUCHEA

DÉCLARATION DU PORTE-PAROLE DU MINISTÈRE DES AFFAIRES ÉTRANGÈRES DU KAMPUCHEA DÉMOCRATIQUE DU 15 JANVIER 1978¹

Le Ministère des affaires étrangères du Kampuchea démocratique réaffirme la position du Kampuchea démocratique concernant la mer territoriale, la zone contiguë, la zone économique exclusive et le plateau continental du Kampuchea démocratique, position plusieurs fois précisée par le Gouvernement du Kampuchea démocratique.

1. Le Kampuchea démocratique exerce sa pleine et entière souveraineté sur sa mer territoriale dont la largeur s'étend sur 12 milles marins, mesurée à partir des lignes de base. Le Kampuchea démocratique exerce également cette souveraineté sur l'espace aérien au-dessus de sa mer territoriale ainsi que sur le fond et le sous-sol de sa mer territoriale.

2. Le Kampuchea démocratique exerce entièrement le droit de contrôle sur sa zone contiguë qui s'étend sur 12 milles marins à partir de la limite extérieure de sa mer territoriale.

¹ Traduction française transmise par le Ministère des affaires étrangères du Kampuchea démocratique par une note en date du 20 janvier 1978.

3. Le Kampuchea démocratique a des droits souverains exclusifs aux fins de l'exploration et de l'exploitation, de la conservation et de la gestion de toutes les ressources naturelles des eaux susjacentes du fond de la mer et de son sous-sol de sa zone économique exclusive située au-delà de sa mer territoriale et s'étendant jusqu'à 200 milles marins à partir des lignes de base.

Le Kampuchea démocratique exerce des droits souverains exclusifs sur son plateau continental comprenant le fond de la mer et le sous-sol des zones sous-marines qui s'étendent au-delà de sa mer territoriale sur toute l'étendue du prolongement naturel de son territoire terrestre. Le Kampuchea démocratique exerce ces droits souverains sur son plateau continental aux fins de l'exploration, de l'exploitation, de la conservation et de la gestion de toutes les ressources naturelles du fond de la mer et de son sous-sol.

4. Toutes les îles du Kampuchea démocratique possèdent leurs mers territoriales, leurs zones contiguës, leurs zones économiques exclusives et leurs plateaux continentaux.

5. Le Gouvernement du Kampuchea démocratique prend des mesures appropriées pour sauvegarder entièrement la souveraineté, les droits et les intérêts du Kampuchea démocratique dans sa mer territoriale, sa zone contiguë, sa zone économique exclusive et son plateau continental.

6. Le Gouvernement du Kampuchea démocratique réglera avec les parties concernées par les zones maritimes ci-dessus suivant la situation concrète.

10. DEMOCRATIC YEMEN

ACT No. 45 OF 1977 CONCERNING THE TERRITORIAL SEA, EXCLUSIVE ECONOMIC ZONE, CONTINENTAL SHELF AND OTHER MARINE AREAS¹

SECTION I

Title and definitions

Article 1. This act shall be known as "The Act of 1977 concerning the territorial sea, exclusive economic zone, continental shelf and other marine areas".

Article 2. For the purposes of the present Act, the following words and terms shall, except where otherwise indicated, have the meanings assigned to them below:

Republic—The People's Democratic Republic of Yemen;

Prime Minister—The Chairman of the Council of Ministers of the People's Democratic Republic of Yemen;

¹ Entered into force on 15 January 1978 pursuant to art. 25. Arabic text provided by the Permanent Representative of the People's Democratic Republic of Yemen in a note verbale of 6 January 1978. Translation by the Secretariat of the United Nations.

Coast—The continental and island coastlines of the People's Democratic Republic of Yemen facing the Gulf of Aden, the Bab El Mandab Strait, the Red Sea, the Arabian Sea and the Indian Ocean in accordance with the maps officially recognized by the Republic;

Island—A naturally formed area of land, surrounded on all sides by water, which is above the water level at high tide;

Internal waters—The waters on the side of baselines from which the territorial sea is measured extending towards both the continental and the island land territory of the Republic;

Continental shelf—The sea-bed and subsoil thereof extending beyond the territorial sea throughout the natural prolongation of the Republic's land territory to the outer limit of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend to that distance;

Contiguous zone—An expanse of water beyond the territorial sea of the Republic and adjacent to it as defined in article 11 of the present Act;

Bay—Any indentation or inlet or fjord or creek in the coastline or land protrusion in the sea;

Low tide elevation—A naturally-formed area of land which is surrounded by and above water at low tide but submerged at high tide;

Pollution of the marine environment—The introduction by man, directly or indirectly, of substances or energy into the marine environment resulting in such deleterious effects as harm to living resources, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities;

Nautical mile—One thousand eight hundred and fifty-two (1,852) metres.

SECTION II

The territorial sea and contiguous zone

Article 3. The territorial sea, its bed and subsoil thereof as well as the air space above it are subject to the sovereignty of the Republic.

Article 4. The territorial sea extends beyond the internal waters to a distance of 12 nautical miles seaward, measured from the straight baseline or from the low-water line along the coast as marked on large-scale charts officially recognized by the Republic.

Article 5. The baselines from which the territorial sea of the Republic is measured shall be as follows:

(a) Where the coast is wholly open to the sea: lines drawn from the low-water mark along the coast;

(b) In the case of islands situated on atolls or of islands having fringing reefs: lines drawn seaward from the low-water line of the reef;

(c) In the case of a bay facing the sea: lines drawn from one end of the land at the entrance of the bay to the other;

(d) In the case of a port or harbour: lines drawn along the seaward side of outermost harbour installations or roadsteads and lines also drawn between the tips of these installations;

(e) Where there is a low-tide elevation at a distance not exceeding 12 nautical miles from the coast: lines drawn from the low-water line on such elevations;

(f) In localities where the coastline is deeply indented, curved or cut into, or if there is a fringe of islands along the continental coast: straight baselines joining appropriate points.

Article 6. (a) Foreign ships shall enjoy the right of innocent passage through the territorial sea of the Republic. Such passage is innocent so long as it is not prejudicial to the security, integrity and independence of the Republic.

(b) Passage of a foreign ship or submarine or underwater vehicle shall not be deemed innocent if in the territorial sea it engages in any of the following activities:

1. Any threat or use of force against the sovereignty, territorial integrity or independence of the State;
2. Any exercise or practice of any kind;
3. Any act aimed at collecting information to the prejudice of the defence or security of the Republic;
4. The launching, landing or taking on board of any aircraft or military device;
5. The embarking or disembarking of any currency, person or commodity contrary to the immigration, security, customs, fiscal or sanitary laws and regulations in force;
6. Any act of wilful and serious pollution prejudicial to human health, living resources or the marine environment;
7. Any act of exploration, exploitation, or drilling for renewable or non-renewable natural resources;
8. Any survey or research activities;
9. Any act aimed at interfering with any systems of communication or any other facilities, installations or equipment;
10. Any activity which is not related to passage or is designed as to hamper international navigation.

Article 7. (a) The entry of foreign warships, including submarines and other underwater vehicles into and their passage through the territorial sea shall be subject to prior authorization from the competent authorities in the Republic.

(b) Submarines and other underwater vehicles are required to navigate on the surface and to show their flag while passing through the territorial sea.

Article 8. Foreign nuclear-powered ships or ships carrying nuclear substances or any other radio-active substances or materials shall give the competent authorities in the Republic prior notification of their entry into and passage through the territorial sea.

Article 9. The competent authorities shall have the right to take all necessary measures in the territorial sea to prevent passage which is not innocent as well as to suspend the admission of all or some foreign ships to specified areas of the territorial sea should the public interest so require, provided that such areas shall be specified in a prior notification.

Article 10. Foreign ships exercising the right of innocent passage in the territorial sea shall comply with the laws and regulations in effect in the Republic, as well as with the rules of international law and, in particular, such laws and regulations relating to transport and navigation.

Article 11. The outer limit of the contiguous zone shall be the line every point of which is at a distance of 24 nautical miles from the nearest point of the baseline referred to in article 4 above.

Article 12. The authorities of the Republic have the right to impose, in the contiguous zone, the control necessary to:

(a) Prevent any infringement of its security, customs, sanitary and fiscal laws and regulations within its territory or territorial sea;

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

SECTION III

The exclusive economic zone

Article 13. The Republic shall have an exclusive economic zone the breadth of which extends 200 nautical miles from the baseline used to measure the territorial sea referred to in article 4 of this Act.

Article 14. In the exclusive economic zone, including its sea-bed and subsoil and the superjacent water column, the Republic has:

(a) Exclusive sovereign rights for the purpose of conserving, exploring, exploiting and managing its renewable and non-renewable natural resources, including the production of energy from the waters, currents and winds;

(b) Exclusive rights and jurisdiction with regard to the construction, repair, operation and use of artificial islands, installations, facilities and other structures necessary for the exploration and exploitation of the exclusive economic zone of the Republic;

(c) Exclusive jurisdiction over the marine environment with regard to its preservation and protection and to the prevention, control and abatement of marine pollution, as well as to the authorization, regulation and control of scientific research;

(d) Other rights recognized in international law.

Article 15. Without prejudice to the rights pertaining to it, the Republic guarantees the freedom of navigation, overflight and laying of submarine cables and pipelines in its exclusive economic zone.

SECTION IV

The continental shelf

Article 16. The authorities of the Republic may, to the exclusion of others, in the continental shelf:

- (a) Explore, exploit, manage and conserve its natural resources;
- (b) Construct, maintain, operate and use artificial islands, installations, facilities and other structures necessary for the exploration and exploitation of the continental shelf of the Republic;
- (c) Regulate, authorize and control scientific research;
- (d) Preserve and protect the marine environment and control and abate marine pollution.

SECTION V

Marine boundaries

Article 17. (a) The demarcation of marine boundaries between the Republic and any State with adjacent or opposite coasts shall be effected, with regard to the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf, by agreement with that State;

(b) Pending agreement on the demarcation of the marine boundaries, the limits of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf between the Republic and any State with coasts adjacent or opposite to it, the coast of the Republic shall not be extended to more than the median or equidistance line every point of which is equal in distance from the nearest points on the baselines from which the breadth of the territorial seas of both the Republic and the other State is measured.

SECTION VI

The island territory

Article 18. Each of the islands of the Republic shall have a territorial sea, contiguous zone, exclusive economic zone and continental shelf of its own, and all provisions of this Act shall be applicable to it.

SECTION VII

General provisions

Article 19. In exercising its sovereign rights and jurisdiction over the territorial sea, the exclusive economic zone and the continental shelf, the Republic shall have the right to take all necessary measures aimed at ensuring the implementation of its laws and regulations.

Article 20. Any foreign person, natural or juridical, shall be banned from exploring and exploiting the renewable and non-renewable natural resources of the territorial sea, exclusive economic zone and continental shelf of the Republic, from conducting any prospecting, drilling or search operations, undertaking any scientific research or prospecting drilling, construction or maintenance of any kind of artificial islands, stations (marine installations), devices or structures, or from conducting any operational or maintenance work for any purpose, unless he has entered into a special agreement with the Republic for this purpose or obtained a special permit from its competent authorities.

Article 21. Without prejudice to any more severe penalty laid down in any other law, any persons violating the provisions of this Act or the rules and regulations issued under it shall be subject to a penalty of not more than three years imprisonment or a fine of not more than 10,000 dinars. However, the court may also order confiscation.

Article 22. Any person causing any pollution detrimental to human health or to the living resources of the marine environment in the internal waters, territorial sea or the exclusive economic zone of the Republic shall be punished with a prison sentence of not more than one year or with a fine of not more than 5,000 dinars.

Should such pollution result in serious harm, the penalty shall be a prison sentence of not more than three years or a fine not exceeding 10,000 dinars.

Article 23. The Prime Minister shall issue the decisions and regulations implementing and interpreting this Act.

Article 24. For the purposes of the present Act, any text which conflicts with its regulations, especially Act No. 8 of 1970¹ and Act No. 2 of 1972, shall be rescinded.

11. DOMINICAN REPUBLIC

ACT No. 186 OF 13 SEPTEMBER 1967 ON THE TERRITORIAL SEA, CONTIGUOUS ZONE, EXCLUSIVE ECONOMIC ZONE AND CONTINENTAL SHELF,² AS AMENDED³ IN 1977

Article 3: There shall be established a contiguous zone supplementary to the territorial sea, known as the "Contiguous Zone" and consisting of a belt of sea adjoining the outer limit of the territorial sea and extending

¹ Reproduced partially in ST/LEG/SER.B/16, p. 25.

² The original title of this Act was: "Act No. 186 of 13 September 1967 on the Territorial Sea, the Contiguous Zone and the Continental Shelf". For the original text of this Act, see ST/LEG/SER.B/15, p. 76. (Erroneously referred to as Act No. 186 of 6 September 1977.)

³ By Act No. 573 of 1 April 1977 amending the title and arts. 3 to 8 of Act No. 186 of 13 September 1967. This Act also repeals any provision which conflicts with it. Spanish text provided by the Permanent Representative of the Dominican Republic to the United Nations in a letter dated 5 May 1977. Translation by the Secretariat of the United Nations.

24 nautical miles from the baselines from which the breadth of the territorial sea is measured.

(1) The Dominican State shall exercise in the "Contiguous Zone" the control measures necessary to:

(a) Prevent any breaches of its customs, fiscal, immigration and sanitary laws which might be committed in its territory or in its territorial sea;

(b) Punish any breaches of such laws committed in its territory or in its territorial sea.

Article 4: There shall be established a zone situated outside the territorial sea and adjacent to it known as the "Exclusive Economic Zone".

(1) The "Exclusive Economic Zone" shall extend in the direction of the high seas up to 200 nautical miles measured from the baselines from which the breadth of the territorial sea is measured. The limits of the zone shall be established by a broken line beginning at the first boundary mark on our frontier with the neighbouring Republic of Haiti, at the mouth of the River Masacre or Dajabón and passing through points whose geographical positions are as follows:

- (a) River Masacre boundary.
- | | | |
|------------------------|-------|---------------------|
| (b) Lat. 19° 50' 30" N | ..... | Long. 72° 02" W |
| (c) Lat. 20° 33' 33" N | ..... | Long. 72° 08' 20" W |
| (d) Lat. 20° 36' N | ..... | Long. 71° 38' W |
| (e) Lat. 20° 33' N | ..... | Long. 71° 27' W |
| (f) Lat. 20° 34' 30" N | ..... | Long. 71° 08' 30" W |
| (g) Lat. 20° 44' 30" N | ..... | Long. 70° 23' 30" W |
| (h) Lat. 21° 11' 30" N | ..... | Long. 69° 29' W |
| (i) Lat. 22° 23' 30" N | ..... | Long. 67° 45' W |
| (j) Lat. 21° 49' N | ..... | Long. 67° 24' W |
| (k) Lat. 18° 33' 20" N | ..... | Long. 67° 44' W |
| (l) Lat. 18° 29' 30" N | ..... | Long. 67° 47' 30" W |
| (m) Lat. 18° 21' 40" N | ..... | Long. 68° 07' W |
| (n) Lat. 18° 06' N | ..... | Long. 68° 15' 30" W |
| (ñ) Lat. 16° 08' 30" N | ..... | Long. 58° 21" W |
| (o) Lat. 15° 18' N | ..... | Long. 69° 29' 30" W |
| (p) Lat. 15° 02' N | ..... | Long. 73° 27' 30" W |
| (q) Lat. 16° 50" N | ..... | Long. 72° 49' W |
| (r) Lat. 17° 49" N | ..... | Long. 72° 05' 30" W |
- (s) Last boundary mark on border with Haiti, at Pedernales to meet with the last boundary mark on the border with Haiti at the mouth of the River Pedernales.

Article 5: The Dominican State shall exercise sovereign rights in this zone for the purposes of exploration and exploitation, conservation and administration of natural resources, both living and non-living, of the seabed and subsoil and superjacent waters.

(1) It shall also exercise exclusive rights and jurisdiction with respect to the establishment and utilization of artificial islands, installations and structures within the zone.

(2) The Dominican State shall exercise exclusive jurisdiction with respect to other activities with a view to the exploration and economic exploitation of this zone, such as the production of energy derived from water, currents and winds.

(3) The Dominican State shall exercise jurisdiction with respect to the preservation of the marine environment, including control and reduction of pollution.

(4) The Dominican State shall regulate the investigation, exploration and exploitation of resources within this zone.

Article 6: The establishment of this exclusive economic zone shall not affect the right to freedom of navigation and overflight and the right to lay cables and submarine pipelines or other legitimate and reasonable international uses of the sea, without prejudice to compliance with the laws and regulations laid down by the Dominican State in accordance with this Act and with the norms of international law.

Article 7: The Dominican State shall exercise sovereign rights over the continental shelf for purposes of its exploration and the exploitation of its natural resources.

(1) For the purposes of this article, the term "Continental Shelf" includes the sea-bed and subsoil of the submarine areas stretching beyond the territorial sea and all along the natural extension of its land territory up to the outer edge of the continental terrace, or up to a distance of 200 nautical miles from the baselines from which the territorial sea is measured in cases where the outer edge of the continental terrace does not extend to that distance.

(2) The rights referred to in this article are exclusive in the sense that, if the State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities without its express consent.

(3) The natural resources to which these provisions refer are the mineral and other non-living resources of the sea-bed and the subsoil thereof, as well as living organisms belonging to sedentary species, that is, those which during the period of exploitation are immobile in the sea-bed or the subsoil thereof or which can only move in constant physical contact with the sea-bed or the subsoil thereof.

Article 8: The provisions of this Act shall be applied in harmony with the relevant norms of international law and conventions in force on the subject, which shall apply to the exclusive economic zone, in so far as they are not incompatible.

12. ECUADOR

CIVIL CODE¹

Article 628. The territorial sea under national jurisdiction shall comprise the adjacent sea to a distance of 200 nautical miles measured from the outermost points of the coast of the Ecuadorian mainland and the outermost points of the outermost islands of the Colón Archipelago and from the low-water mark, using a baseline to be defined by Executive Decree.

The adjacent sea included between the baseline referred to in the preceding paragraph and the low-water line constitutes internal waters under national jurisdiction.

If, under the terms of international treaties dealing with this matter, zones are designed for maritime policing and protection which are broader than those laid down in the foregoing paragraphs, the provisions of such treaties shall prevail.

Zones other than the territorial sea which are to be subject to the régime of freedom of navigation or to innocent passage by foreign vessels shall be defined by Executive Decree.

The sea-bed of the adjacent sea and the subsoil thereof are also national property.

13. GERMANY, FEDERAL REPUBLIC OF

INFORMATION CONCERNING THE ESTABLISHMENT OF STRAIGHT BASELINES IN THE BALTIC SEA²

Effective 8 May 1978 the Federal Republic of Germany has established straight baselines in the Baltic Sea. Baselines for the determination of the outer limit of the territorial sea are the coast line (low-water line) and the lines connecting the following points:

- (a) in Flensburg Bay:
 1. 54° 49' 13" N 9° 56' 30" E and
 2. 54° 47' 53" N 9° 54' 37"
- (b) in Eckernförde Bay:
 3. 54° 33' 08" N 10° 01' 44" E and
 4. 54° 29' 08" N 10° 08' 09" E

¹The Ecuadorian Civil Code, Book II, Title III: "National Property". Promulgated in the *Registro Oficial*, No. 446 of 4 June 1970, substituting for the former Art. 633, reproduced in ST/LEG/SER.B/15, p. 78. Spanish text provided by the Permanent Representative of Ecuador to the United Nations in a note verbale dated 28 June 1977. Translation by the Secretariat of the United Nations.

²Published in Issue No. 32 of the *Official Gazette of the German Hydrographic Institute*, "Information for Mariners", under entry No. 3240 and entered into navigational charts. English text provided by the Permanent Representative of the Federal Republic of Germany to the United Nations in a letter of 21 February 1979. At the same time respective navigational charts were deposited with the United Nations which are available for perusal at the Law of the Sea Library in the Secretariat Building at United Nations Headquarters in New York.

- (c) in Kiel Bay:
5. 54° 27' 25" N 10° 11' 59" E and
 6. 54° 26' 11" N 10° 19' 54" E
- (d) in Hohwacht Bay:
7. 54° 21' 46" N 10° 36' 11" E and
 8. 54° 21' 53" N 10° 53' 19" E
- (e) in Fehmarnsound, Westside:
9. 54° 22' 57" N 10° 55' 54" E and
 10. 54° 27' 00" N 11° 00' 21" E
- (f) in Fehmarnsound, Eastside:
11. 54° 24' 10" N 11° 18' 48" E and
 12. 54° 11' 52" N 11° 05' 38" E

Specification: The outer limit of the territorial sea of the Federal Republic of Germany is formed by a line each point of which is at a distance of 3 nautical miles from the nearest point of the baseline.

14. GUATEMALA

LEGISLATIVE DECREE NO. 20-76 OF 9 JUNE 1976 CONCERNING THE BREADTH OF THE TERRITORIAL SEA AND THE ESTABLISHMENT OF AN EXCLUSIVE ECONOMIC ZONE¹

The Congress of the Republic of Guatemala,

Considering that the marine resources off the coast of the Guatemalan nation constitute a heritage of its inhabitants which must be safeguarded for the benefit of present and future generations;

Considering that such resources have been the object of exploitation of every kind by foreign fishing fleets, to the detriment of the conservation thereof;

Considering that there is a majority consensus in the international community on the extent of the territorial sea and on the necessity of exploiting other sea areas to the benefit of the coastal State;

Considering that there also exists international agreement in principle on the exploration and exploitation of the submarine shelf and the sea-bed, likewise to the benefit of the coastal State, without prejudice to the rights of mankind;

Considering that, in accordance with article 3 of the Constitution of the Republic, Guatemala exercises full sovereignty and dominion over its territory, which includes the sea-bed and subsoil, continental shelf, territorial waters and superjacent airspace and extends to the natural resources and wealth existing therein, without prejudice to free maritime and aerial

¹ Spanish text provided by the Permanent Representative of Guatemala in a note verbale of 4 January 1977. Translated by the Secretariat of the United Nations.

navigation in accordance with the law and with the provisions of international treaties and conventions;

Considering that since 1939, as confirmed by Legislative Decree of the Legislative Assembly No. 2535, of 21 April 1941,¹ Guatemala has declared that its territorial sea extends 12 maritime miles from the low-water line;

Considering that the international community has succeeded in identifying principles of the law of the sea which harmonize the divergent views of States;

Considering that, in accordance with article 129, paragraph 4, of the Constitution of the Republic, the tidal zone, the continental shelf and the airspace, to such extent and in such form as shall be determined by the law or by duly ratified international agreements, are the property of the nation and that, consequently, it is for the Congress of the Republic to delimit the extension of the maritime space over which its rights, jurisdiction and sovereignty shall be exercised;

Acting in exercise of the powers assigned it by article 170, paragraph 1, of the Constitution of the Republic;

Decrees as follows:

Article 1. Guatemala reiterates its sovereignty, beyond its land territory and its internal waters, to a belt of sea adjacent to its coast, described as the territorial sea, which extends 12 nautical miles from the relevant baselines. Such sovereignty extends to the airspace over the territorial sea as well as to its bed and subsoil.

Article 2. Ships of all States, whether coastal or not, shall enjoy the right of innocent passage through the territorial sea in accordance with international law.

Article 3. The Republic of Guatemala establishes an exclusive economic zone which shall extend 200 nautical miles from the baseline from which the breadth of the territorial sea is measured. This zone shall include:

(a) Sovereign rights for the purpose of exploring and of exploiting, conserving and managing the natural resources, both renewable and non-renewable, of the continental shelf (bed and subsoil), the sea-bed and subsoil and the superjacent waters;

(b) Exclusive rights and jurisdiction with regard to the establishment and use of artificial islands, installations and similar structures, including the customs, fiscal, sanitary and immigration regulations pertaining thereto;

(c) Exclusive jurisdiction with regard to:

(i) Other activities for the exploration and economic exploitation of the zone, such as the production of energy derived from the water or from tides or winds;

(ii) Scientific research;

¹ Reproduced in ST/LEG/SER.B/1, p. 79.

(d) Jurisdiction with regard to the preservation of the marine environment, including the control and elimination of pollution.

(e) Such other rights and obligations as may derive from jurisdiction over the zone.

Article 4. Guatemala recognizes within its exclusive economic zone the right of other States, whether coastal or land-locked, to freedom of navigation and overflight, the laying of cables and pipelines and, subject to the participation of a representative of the Government, other internationally lawful uses of the sea relating to navigation and communications.

Article 5. The appropriate organs shall enact the laws and regulations relating to fishing, conservation of species, marine pollution and other relevant activities in the territorial sea, in the exclusive economic zone, on the continental shelf (bed and subsoil) and on the sea-bed.

Until such time as the appropriate laws and regulations are enacted, the laws and regulations relating to the territorial sea shall apply in the exclusive economic zone, to the extent that they are applicable to the nature of the said zone.

Article 6. The Executive shall conclude the relevant agreements with adjoining coastal States; it shall issue licences for fishing or any other activity relating to the exploration and exploitation of the territorial sea and of the exclusive economic zone and shall enforce the legislation on the subject.

Article 7. A qualified officer of the Navy shall participate, as a delegate, in the delegations of Guatemala to conferences relating to maritime questions.

Article 8. The Guatemalan Army shall be responsible for ensuring respect for the rights of the Republic over its territorial sea and over the exclusive economic zone.

Article 9. This Decree shall enter into force on the date of its publication in the *Diario Oficial*.

15. GUINEA

DÉCRET N° 224/PRG DU 3 JUIN 1964 PORTANT LIMITATION DES EAUX TERRITORIALES DE LA RÉPUBLIQUE DE GUINÉE¹ MODIFIÉ EN 1965²

Le Président de la République de Guinée,

...

Décrète :

¹ L'article premier de ce décret est reproduit dans ST/LEG/SER.B/15, p. 87.

² Modifié par le décret n° 426/PRG du 31 décembre 1965. Texte transmis par le représentant permanent de la République de Guinée auprès de l'Organisation des Nations Unies par note en date du 25 août 1977.

L'article premier du décret n° 224/PRG du 3 juin 1964 fixant les limites des eaux territoriales de la République de Guinée est modifié comme suit :

Article premier. Les limites des eaux territoriales de la République de Guinée sont fixées ainsi qu'il suit :

— Au nord, par le parallèle de latitude 10° 56' 42" nord, et

— Au sud, par le parallèle de latitude 9° 03' 18" nord, sur une distance vers le large de deux cents (200) milles marins, à compter d'une droite passant au S.O. de l'île Sène du groupe TRISTATO, et au sud par la pointe S.O. de l'île TAMARA, à la laisse des basses mers.

16. GUYANA

MARITIME BOUNDARIES ACT, 1977¹

...

2. In this Act—

“continental shelf” means the continental shelf of Guyana;

“exclusive economic zone” means the exclusive economic zone of Guyana as designated under section 15;

“fish” includes all or any of the varieties of marine, estuarine or fresh water fishes, crustacea, whales, porpoises, manatees, mollusca or other marine animal and plant life or fresh water animal and plant life;

“fishery zone” means the fishery zone of Guyana established by section 23;

“fishing” means—

(a) the catching, taking or harvesting of fish;

(b) the attempted catching, taking or harvesting of fish;

(c) any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish;

(d) any operations at sea in support of, or in preparation for, any activity described in paragraphs (a), (b) and (c),

but does not include any scientific research activity which is conducted by a scientific research vessel;

“fishing boat” means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for—

(a) fishing; or

¹ Act No. 10 of 1977, passed by the National Assembly on 3 June 1977, entered into force on 30 June 1977. Text provided by the Permanent Representative of Guyana to the United Nations in a note verbale dated 15 November 1977. Pursuant to Sect. 44 of this Act, the Territorial Waters Jurisdiction Act 1878 of the United Kingdom (partially reproduced in ST/LEG/SER.B/6, p. 355), in so far as it forms part of the law of Guyana ceased to have effect.

(b) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation or processing;

“fishing boat of Guyana” means a fishing boat which is registered in Guyana;

“foreign fishing boat” means a fishing boat which is not registered in Guyana;

“miles” means international nautical miles of 1,852 metres each;

“territorial sea” means the territorial sea of Guyana.

PART I

The territorial sea

3. (1) Subject to section 34, the territorial sea comprises those areas of the sea having as their inner limits the baseline referred to in section 7 and as their outer limits the line every point on which is 12 miles from the nearest point of the baseline.

(2) References to the territorial sea in any law shall, in relation to any period after the commencement of the Act, be construed in accordance with subsection (1).

4. The internal waters of Guyana include any areas of the sea that are on the landward side of the baseline of the territorial sea.

5. The sovereignty of Guyana extends and has always extended to the territorial sea and to the sea-bed and subsoil underlying, and the airspace over such sea.

6. (1) Without prejudice to any other written law for the time being in force, all foreign ships (other than warships including submarines and other underwater vehicles) shall enjoy the right of innocent passage.

(2) For the purposes of this section, passage is innocent so long as it is not prejudicial to the peace, good order or security of Guyana.

(3) Foreign warships including submarines and other underwater vehicles may enter or pass through the territorial sea after giving prior notice to the Government of Guyana;

Provided that submarines and other underwater vehicles shall navigate on the surface and show their flag while passing through such sea.

(4) The Minister may exercise such powers and take such measures in or in relation to the territorial sea as he may consider necessary in the interest of the peace, good order or security of Guyana or any part thereof, and such measures may include the suspension, whether absolutely or subject to such exceptions and qualifications as he thinks fit, of the entry of all or any class of foreign ships into such area of the territorial sea.

7. (1) The baseline from which the territorial sea shall be measured shall be the low-water line along the coast and, where the coast line is broken by a river, a straight line joining the two points where the low-water line on the coast ends on either side of the river.

(2) The Minister responsible for lands and surveys may by order prescribe geographical co-ordinates of points from which straight lines may be drawn for the purpose of subsection (1).

8. (1) For the purposes of section 7, the low-water line in any specified area shall be the line of the mean low-water springs as depicted on the largest scale Guyana Government nautical chart on record at the Ministry responsible for lands and surveys for the time being of that area or, where no such chart of that area exists, the largest scale British Admiralty chart for the time being of that area.

(2) In any proceedings in any court, a certificate purporting to be signed by the Minister responsible for lands and surveys or a person authorized by him that—

(a) any specified Guyana Government nautical chart of any area is the largest scale chart for the time being of that area; or

(b) no Guyana Government nautical chart for any area exists and that any specified British Admiralty chart of that area is the largest scale British Admiralty chart for the time being of that area,

shall be admissible as evidence of the matter stated in the certificate.

(3) Every person signing any such certificate shall, in the absence of proof to the contrary, be presumed to be duly authorized to sign it.

PART II

The continental shelf

9. Subject to section 34, the continental shelf (which by virtue of the applied law, that is to say, the British Guiana (Alteration of Boundaries) Order in Council, 1954, was included in the boundaries of Guyana) comprises the sea-bed and subsoil of the submarine areas that extend beyond the limit of the territorial sea throughout the natural prolongation of the land territory of Guyana to the outer edge of the continental margin or to a distance of 200 miles from the baseline referred to in section 7, where the outer edge of the continental margin does not extend up to that distance.

10. (1) Guyana has, and always had, full and exclusive sovereign rights in respect of the continental shelf.

(2) Without prejudice to the generality of the provisions of subsection (1) Guyana has in the continental shelf—

(a) sovereign rights for the purposes of exploration, exploitation, conservation and management of all resources;

(b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, offshore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the continental shelf or for the convenience of shipping or for any other purpose;

(c) exclusive jurisdiction to authorize, regulate and control scientific research; and

(d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution.

11. No person (including a foreign Government) shall, except under and in accordance with the terms of a licence or a letter of authority granted by the Minister responsible for natural resources, explore the continental shelf or exploit its resources or carry out any search or excavation or conduct any research within the continental shelf or drill therein or construct, maintain or operate any artificial island, offshore terminal, installation or other structure or device therein for any purpose whatsoever.

12. The President may by order—

(a) declare any area of the continental shelf and its superjacent waters to be a designated area; and

(b) make such provisions as he may deem necessary with respect to—

(i) the exploration, exploitation and protection of the resources of the continental shelf within such designated area;

(ii) the safety and protection of artificial islands, offshore terminals, installations, and other structures and devices in such designated area;

(iii) the protection of the marine environment of such designated area;

(iv) customs and other fiscal matters in relation to such designated area; or

(v) the entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interests of Guyana.

13. The President may by order—

(a) extend with such restrictions and modifications as he thinks fit any enactment for the time being in force in Guyana or any part thereof to the continental shelf or any part (including any area declared to be a designated area under sect. 12) thereof; and

(b) make such provisions as he may consider necessary for facilitating the enforcement of such an enactment,

and any enactment so extended shall have effect as if the continental shelf or the part (including, as the case may be, any area declared to be a designated area under sect. 12) thereof to which it has been extended is a part of the territory of Guyana.

14. Without prejudice to the provisions of section 10 (1) and subject to any measures that may be necessary for protecting the interests of Guyana, the Government of Guyana may not impede the laying or maintenance of submarine cables or pipelines on the continental shelf by

other States; provided, however, that the consent of the Government shall be necessary for the delineation of the course for the laying of such cables or pipelines.

PART III

The exclusive economic zone

15. The President may, if he considers it necessary or expedient having regard to international law and State practice, by order designate an area beyond and adjacent to the territorial sea an exclusive economic zone.

16. In the exclusive economic zone, Guyana shall have—

(a) sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, both living and non-living, as well as for producing energy from tides, winds and currents;

(b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, offshore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the zone or for the convenience of shipping or for any other purpose;

(c) exclusive jurisdiction to authorize, regulate and control scientific research;

(d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution;

(e) such other rights as are recognized by international law.

17. No person (including a foreign Government) shall, except under and in accordance with the terms of any agreement with the Government of Guyana or of a licence or a letter of authority granted by the Minister responsible for natural resources, explore or exploit any resources of the exclusive economic zone or carry out any search or excavation or conduct any research within the exclusive economic zone or drill therein or construct, maintain or operate any artificial island, offshore terminal, installation or other structure or device therein for any purpose whatsoever:

Provided that nothing in this section shall apply in relation to fishing by a citizen of Guyana.

18. The President may by order—

(a) declare any area of the exclusive economic zone to be a designated area; and

(b) make such provisions as he may deem necessary with respect to—

(i) the exploration, exploitation and protection of the resources of such designated area;

(ii) other activities for the economic exploitation and exploration of such designated area such as the production of energy from tides, winds and currents;

- (iii) the safety and protection of artificial islands, offshore terminals, installations and other structures and devices in such designated area;
- (iv) the protection of the marine environment of such designated area;
- (v) customs and other fiscal matters in relation to such designated area; or
- (vi) entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interests of Guyana.

19. The President may by order—

(a) extend, with such restrictions and modifications as he thinks fit, any enactment for the time being in force in Guyana or any part thereof to the exclusive economic zone or any part thereof; and

(b) make such provisions as he may consider necessary for facilitating the enforcement of such enactment,

and any enactment so extended shall have effect as if the exclusive economic zone or the part thereof to which it has been extended is a part of the territory of Guyana.

20. The provisions of section 14 shall apply in relation to the laying or maintenance of submarine cables or pipelines on the sea-bed of the exclusive economic zone as they apply in relation to the laying or maintenance of submarine cables or pipelines on the sea-bed of the continental shelf.

21. In the exclusive economic zone and the air space over the zone, ships and aircraft of all States shall, subject to the exercise by Guyana of its rights within the zone, enjoy freedom of navigation and overflight.

22. Any order made under section 15 may provide for the exclusion or modification in relation to the exclusive economic zone of the provisions of part II and part IV.

PART IV

The fishery zone

23. There is hereby established a fishery zone beyond and adjacent to the territorial sea and bounded on its seaward side by the line every point on which is 200 miles from the nearest point of the baseline of the territorial sea.

24. (1) The Minister responsible for fisheries may wherever it appears to him necessary or convenient by order make provision for regulating the conduct of, and safeguarding, fishing operations and operations ancillary thereto, including provisions with respect to the identification and marking of fishing boats and fishing gear.

(2) An order made under subsection (1) applies—

(a) to all fishing boats of Guyana, and things done by such boats and their crews wherever they may be; and

(b) to all foreign fishing boats and things done by such boats and their crews, in waters within the fishery zone.

(3) Where an order made under this section is not complied with in the case of a fishing boat or its crew the master, the owner, and the charterer, if any, are liable on summary conviction in the case of a first conviction under this section to a fine of \$1,000 and in the case of a second or subsequent conviction to a fine of \$2,000.

25. (1) The Minister responsible for fisheries may by order designate any country outside Guyana, and in relation to it, areas within the fishery zone in which, and the descriptions and quantities of fish for which, fishing boats registered in that country may fish.

(2) A foreign fishing boat not registered in a country for the time being designated under subsection (1) shall not enter the fishery zone except for a purpose recognized by international law or by any convention for the time being in force between the Government of Guyana and the Government of the country to which the boat belongs and any such boat which enters the zone for such a purpose—

(a) shall return outside the zone as soon as the purpose has been fulfilled; and

(b) shall not fish while within the zone.

(3) A foreign fishing boat registered in a country designated under subsection (1) shall not fish within the fishery zone except in an area and for the descriptions and quantities of fish for the time being designated in relation to that country.

(4) If this section is contravened in the case of any fishing boat the master of the boat is liable on summary conviction to a fine of \$200,000 and the court may, on convicting him for an offence under this section, order a forfeiture of any fishing gear found in the boat or taken or used by any person from the boat.

(5) This section shall extend to prohibit or restrict fishing by fishing boats registered in a country outside Guyana in any area except with respect to which special provision is made by any arrangement between the Government of Guyana and the Government of that country for fishing by such boats for the purpose of scientific research.

26. The persons appointed fishery officers under the Fisheries Act are fishery officers for the purposes of this Act.

27. (1) For the purpose of enforcing the provisions of this Part or of any orders or regulations made under it a fishery officer may exercise in relation to any fishing boat within the fishery zone and in relation to any fishing boat of Guyana anywhere outside the zone the powers conferred by subsections (2) to (4).

(2) A fishery officer may go on board the boat, with or without persons assigned to assist him in his duties, and for that purpose may

require the boat to stop and do anything else which may facilitate the boarding of the boat.

(3) A fishery officer may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to him to be necessary for the purpose mentioned in subsection (2) and, in particular, may—

(a) examine any fish on the boat and the equipment of the boat, including the fishing gear, and require persons on board the boat to do anything which appears to him to be necessary for facilitating the examination; and

(b) require any person on board the boat to produce any documents relating to the boat or the persons on board which are in his custody or possession and may take copies of any such document.

(4) Where it appears to a fishery officer that an offence has been committed under this Act by any person on board any boat he may without any warrant or other process seize the boat together with any net, line, stake, instrument or appliance suspected to have been used in the commission of the offence and detain any person found on board.

(5) Where any vessel or thing is seized or any person is detained under this section the fishery officer shall take such vessel, thing or person as soon as may be to the port which appears to him to be the nearest convenient place, and as soon as practicable thereafter the fishery officer shall lay a complaint in respect of the alleged offence and cause any person detained to be brought before a court of summary jurisdiction.

...

32. (1) Any person who on any fishing boat within the fishery zone or on a fishing boat of Guyana anywhere outside the zone—

(a) fails to comply with any requirement imposed, or to answer any question asked, by a fishery officer under this Act;

(b) prevents, or attempts to prevent, any other person from complying with any such requirement or answering any such question; or

(c) assaults any fishery officer while exercising any of the functions conferred on him by virtue of this Act or obstructs any such officer in the exercise of any of those functions,

is guilty of an offence.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine of \$2,000.

33. Where a fine is imposed by a magistrate's court on the master, owner or charterer or a member of the crew of a fishing boat who is convicted by the court of an offence under this Act the court may—

(a) issue a warrant of distress against the boat and its gear and catch and any property of the person convicted for the purpose of levying the amount of the fine; and

(b) if the boat is a foreign fishing boat, order it to be detained for a period of three months from the date of the conviction or until the fine is paid or the amount of the fine is levied in pursuance of any such warrant whichever occurs first.

PART V

General

34. The President may, whenever he considers it necessary or expedient so to do having regard to international law and State practice, by order alter the seaward limit of the territorial sea, the continental shelf, the exclusive economic zone and the fishery zone.

35. (1) The maritime boundaries between Guyana and any State whose coast is adjacent to that of Guyana in regard to their respective territorial seas, continental shelves, exclusive economic zones, fishery and other maritime zones shall be determined by agreement between Guyana and such States and pending such agreement shall not extend beyond the line every point of which is equidistant from the nearest point on the baseline from which the breadth of the territorial sea of Guyana and such State is measured.

(2) Every agreement entered into pursuant to subsection (1) shall, as soon as may be after it is entered into, be published in the Gazette.

(3) The provisions of subsection (1) shall have effect notwithstanding anything contained in any other provision of this Act.

...

37. (1) In part II or part III, any act or omission which—

(a) takes place on, under or above an offshore terminal, installation or structure or upon an artificial island in a designated area or any waters within 500 yards of such terminal, installation, structure or island; and

(b) would if taking place in Guyana constitute an offence under the law in force in Guyana,

shall be treated for the purposes of that law as taking place in Guyana.

(2) The Minister responsible for justice may by order make provision for the determination, in accordance with the law in force in Guyana as may be specified in the order, of questions arising out of acts or omissions taking place in a designated area or in any part of such an area, in connexion with the exploration of the sea-bed or subsoil or the exploitation of the natural resources, and for conferring jurisdiction with respect to such questions on courts in any part of Guyana.

...

38. Any person who contravenes or fails to comply with any provision in part II or part III is liable on summary conviction to a fine of \$5,000.

39. (1) Where an offence under this Act or any law made thereunder has been committed by a company, every person who at the time

the offence was committed was in charge of, and was responsible to the company for, the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this subsection shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

...

41. (1) The President may make regulations for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters namely—

(a) regulation of the conduct of any person in the territorial sea, the continental shelf, the exclusive economic zone or the fishery zone;

(b) regulation of the exploration and exploitation, conservation and management of the resources of the continental shelf;

(c) regulation of the exploration, exploitation, conservation and management of the resources of the exclusive economic zone;

(d) regulation of the construction, maintenance and operation of artificial islands, offshore terminals, installations and other structures and devices referred to in part II and part III;

(e) preservation and protection of the marine environment and prevention and control of marine pollution for the purposes of this Act;

(f) authorization, regulation and control of the conduct of scientific research for the purposes of this Act;

(g) fees in relation to licences and letters of authority referred to in part II and part III or for any other purposes; or

(h) any matter incidental to any of the matters specified in paragraphs (a) to (g).

(3) In making any regulation under this section, the President may provide that a contravention thereof shall be punishable with a fine of \$10,000 and imprisonment for six months.

42. (1) If any difficulty arises in giving effect to the provisions of this Act or of any of the enactments extended under this Act, the President may by order amend any law as appears to him to be necessary or expedient for removing the difficulty.

...

17. HAITI

DÉCLARATION PRÉSIDENTIELLE DU 6 AVRIL 1977 RELATIVE À L'EXTENSION DES EAUX TERRITORIALES ET DE LA ZONE ÉCONOMIQUE EXCLUSIVE¹

Le Gouvernement de la République d'Haïti, agissant dans la plénitude de la souveraineté nationale et en vertu des droits et pouvoirs que lui confèrent la Constitution et les lois, soucieux de préserver l'intégrité territoriale et de défendre les intérêts supérieurs de la nation dans ses rapports avec les autres Etats de la Caraïbe,

Tenant compte de la nécessité d'assurer l'exploitation, la préservation et la gestion, en toute exclusivité, des ressources naturelles, biologiques, minérales et autres du lit de la mer, du sous-sol et des eaux adjacentes de la République d'Haïti;

Déclare que l'administration, la gestion et l'exploitation de la zone économique relèvent de la compétence exclusive et souveraine des autorités haïtiennes;

Réaffirme comme normes de sa politique internationale la souveraineté et la juridiction exclusive sur les mers qui baignent les côtes de la République;

Rappelle que la mer territoriale d'Haïti s'étend sur une distance de 12 milles marins à partir des îles adjacentes de la République et décide de porter sa zone économique exclusive à 200 milles marins à partir de la ligne de base d'où est mesurée la mer territoriale.

La République d'Haïti exerce sa souveraineté exclusive sur l'espace aérien de son territoire et de ses eaux juridictionnelles jusqu'aux limites ci-dessus fixées.

Ces dispositions entreront en vigueur dès la publication de la présente et seront notifiées par voie diplomatique aux gouvernements des Etats concernés.

Le Gouvernement de la République d'Haïti, qui a toujours manifesté son attachement à l'idéal panaméricain et prôné une effective solidarité hémisphérique, reste disposé à entrer en négociations bilatérales ou multilatérales avec les gouvernements des pays voisins concernés.

18. ICELAND

LAW NO. 41 OF 1 JUNE 1979 CONCERNING THE TERRITORIAL SEA, THE ECONOMIC ZONE AND THE CONTINENTAL SHELF²

I

The territorial sea

Article 1. The territorial sea of Iceland shall be delimited by a line

¹ Texte transmis par le représentant permanent d'Haïti auprès de l'Organisation des Nations Unies par note en date du 3 mai 1977.

² Entered into force immediately pursuant to article 13. English text provided by the Chargé d'Affaires a.i. of the Permanent Mission of Iceland to the United Nations in a letter of 31 July 1979.

every point of which is 12 nautical miles from a baseline drawn between the following points:

1. Horn	66° 27'4 N	22° 24'3 W
2. Asbúðharrið	66° 08'1 N	22° 11'0 W
3. Siglunes	66° 11'9 N	18° 49'9 W
4. Flatey	66° 10'3 N	17° 50'3 W
5. Lágey	66° 17'8 N	17° 06'8 W
6. Raudhinúpur	66° 30'7 N	16° 32'4 W
7. Rifstangi	66° 32'3 N	16° 11'8 W
8. Hraunhafnartangi	66° 32'2 N	16° 01'5 W
9. Langanes	66° 22'7 N	14° 31'9 W
10. Glettinganes	65° 30'5 N	13° 36'3 W
11. Nordhfjardharhorn	65° 10'0 N	13° 30'8 W
12. Gerpír	65° 04'7 N	13° 29'6 W
13. Hólmur	64° 58'9 N	13° 30'6 W
14. Setusker	64° 57'7 N	13° 31'5 W
15. Thursaker	64° 54'1 N	13° 36'8 W
16. Ystibodhi	64° 35'2 N	14° 01'5 W
17. Selsker	64° 32'8 N	14° 07'0 W
18. Hvítningar	64° 23'9 N	14° 28'0 W
19. Stokksnes	64° 14'1 N	14° 58'4 W
20. Hrollaugseyjar	64° 01'7 N	15° 58'7 W
21. Tvísker	63° 55'7 N	16° 11'3 W
22. Ingólfshöfði	63° 47'8 N	16° 38'5 W
23. Hvalsíki	63° 44'1 N	17° 33'5 W
24. Medhallandssandur I	63° 32'4 N	17° 55'6 W
25. Medhallandssandur II	63° 30'6 N	17° 59'9 W
26. Mýrnatangi	63° 27'4 N	18° 11'8 W
27. Kötlutangi	63° 23'4 N	18° 42'8 W
28. Lundadrangur	63° 23'5 N	19° 07'5 W
29. Surtsey	63° 17'7 N	20° 36'2 W
30. Eldeyjarðrangur	63° 43'8 N	22° 59'4 W
31. Geirfugladrangur	63° 40'7 N	23° 17'1 W
32. Skálasnagi	64° 51'3 N	24° 02'5 W
33. Bjargtangar	65° 30'2 N	24° 32'1 W
34. Kópanes	65° 48'4 N	24° 06'0 W
35. Bardhi	66° 03'7 N	23° 47'4 W
36. Straumnes	66° 25'7 N	23° 08'4 W
37. Kögur	66° 28'3 N	22° 55'5 W
38. Horn	66° 27'9 N	22° 28'2 W

The territorial sea shall moreover be delimited by a line every point of which is 12 nautical miles from the low-water line of Kolbeinsey (67° 08'9 N 18° 41'3 W), Hvalbakur (64° 35'8 N 13° 16'6 W) and the outermost points and rocks of Grímsey.

Each nautical mile shall be equal to 1852 meters.

Article 2. The sovereignty of Iceland extends to the territorial sea, the bed of the territorial sea and the superjacent air space.

This sovereignty is exercised in accordance with Icelandic law and the rules of international law.

II

The economic zone

Article 3. The economic zone of Iceland is an area beyond the territorial sea delimited by a line every point of which is 200 nautical miles from the baselines from which the breadth of territorial sea is measured, subject, however, to the provisions of article 7.

Article 4. In the economic zone, Iceland has:

(a) sovereign rights for the purpose of exploring, exploiting, conserving and managing the resources, whether living or non-living, of the sea-bed and subsoil and the superjacent waters, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;

(b) jurisdiction with regard to:

(i) the establishment and use of man-made structures;

(ii) scientific research;

(iii) the preservation of the marine environment;

(c) other rights and duties under international law.

The exercise of rights and the performance of duties in the economic zone shall be in accordance with special legislation and in conformity with international agreements to which Iceland is a party.

III

The continental shelf

Article 5. The continental shelf of Iceland comprises the sea-bed and subsoil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of the land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance, subject, however, to the provisions of article 7.

Article 6. Iceland exercises over the continental shelf sovereign rights for the purpose of exploring and exploiting the non-living resources thereof, together with living organisms which, at the harvestable stage, either are immobile on or under the sea-bed or are unable to move except in physical contact with the sea-bed.

The authorities concerned shall issue regulations concerning the exploration and exploitation of the resources of the continental shelf.

IV

Delimitation of areas between States

Article 7. The delimitation of the economic zone and the continental shelf between Iceland and other States shall, where appropriate, be effected by agreement with the States concerned. Such agreements shall be subject to approval by the Althing.

Until otherwise decided, the economic zone and the continental shelf of Iceland shall be 200 nautical miles from the baselines from which the territorial sea is measured, provided, however, that where the distance is less than 400 nautical miles between the baselines of the Faroe Islands and Greenland on the one hand and of Iceland on the other hand, the economic zone and the continental shelf of Iceland shall be delimited by the equidistant line.

V

Measures to prevent pollution

Article 8. Any measures which might pollute or otherwise damage the marine environment shall be avoided.

The Icelandic authorities concerned shall, by special legislation and in conformity with international agreements to which Iceland is a party, take measures to protect the marine environment against pollution and other harmful effects.

VI

Scientific research

Article 9. Scientific research in the territorial sea, the economic zone and the continental shelf shall be subject to the consent of the Icelandic authorities concerned.

In normal circumstances such consent shall be granted for research projects within the economic zone or on the continental shelf if the application emanates from another State or a competent international organization and the research project is to be carried out for peaceful purposes and in order to increase knowledge of the marine environment. Consent may, *inter alia*, be withheld if the application:

- (a) is of direct significance for the exploration and exploitation of resources, whether living or non-living;
- (b) involves drilling into the continental shelf or the use of explosives or substances harmful to the environment;
- (c) involves the construction, operation or use of man-made structures.

Article 10. An application for a research permit in accordance with article 9 shall be submitted not less than six months in advance of the expected starting date of the project and shall be accompanied by full particulars concerning:

- (a) the nature and objectives of the research project;
- (b) the method and means to be used, including name, tonnage, type and class of vessels and a description of scientific equipment;
- (c) the precise geographical areas in which the activities are to be conducted;
- (d) the commencement and termination of the research period;

(e) the name of the sponsoring institution, its director, and the person in charge of the research project;

(f) the anticipated participation of the Icelandic authorities in the research project.

The Icelandic authorities shall communicate their decision on an application within four months if consent is to be withheld.

VII

General provisions

Article 11. Violations of the provisions of this Law shall be subject to penalties prescribed in prevailing legislation.

Article 12. Law No. 17 of 1 April 1969 concerning the continental shelf of Iceland hereby ceases to be in force. Furthermore, such provisions of law as are incompatible with this Law also cease to be in force.

19. INDIA

TERRITORIAL WATERS, CONTINENTAL SHELF, EXCLUSIVE ECONOMIC ZONE AND OTHER MARITIME ZONES ACT, 1976¹

1. (1) This Act may be called the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976.

(2) Sections 5 and 7 shall come into force on such date or on such different dates as the Central Government may, by notification in the *Official Gazette*, appoint; and the remaining provisions of this Act shall come into force at once.

2. In this Act, "limit", in relation to the territorial waters, the continental shelf, the exclusive economic zone or any other maritime zone of India, means the limit of such waters, shelf or zone with reference to the mainland of India as well as the individual or composite group or groups of islands constituting part of the territory of India.

3. (1) The sovereignty of India extends and has always extended to the territorial waters of India (hereinafter referred to as the territorial waters) and to the sea-bed and subsoil underlying, and the air space over, such waters.

(2) The limit of the territorial waters is the line every point of which is at a distance of 12 nautical miles from the nearest point of the appropriate baseline.

(3) Notwithstanding anything contained in subsection (2), the Central Government may, whenever it considers necessary so to do having regard to International Law and State practice, alter, by notification in the *Official Gazette*, the limit of the territorial waters.

¹*The Gazette of India Extraordinary*, part II, sect. 2, of 28 May 1976, pp. 971-979.

(4) No notification shall be issued under subsection (3) unless resolutions approving the issue of such notification are passed by both Houses of Parliament.

4. (1) Without prejudice to the provisions of any other law for the time being in force, all foreign ships (other than warships including submarines and other underwater vehicles) shall enjoy the right of innocent passage through the territorial waters.

Explanation. For the purposes of this section, passage is innocent so long as it is not prejudicial to the peace, good order or security of India.

(2) Foreign warships including submarines and other underwater vehicles may enter or pass through the territorial waters after giving prior notice to the Central Government:

Provided that submarines and other underwater vehicles shall navigate on the surface and show their flag while passing through such waters.

(3) The Central Government may, if satisfied that it is necessary so to do in the interests of the peace, good order or security of India or any part thereof, suspend, by notification in the *Official Gazette*, whether absolutely or subject to such exceptions and qualifications as may be specified in the notification, the entry of all or any class of foreign ships into such area of the territorial waters as may be specified in the notification.

5. (1) The contiguous zone of India (hereinafter referred to as the contiguous zone) is an area beyond and adjacent to the territorial waters and the limit of the contiguous zone is the line every point of which is at a distance of 24 nautical miles from the nearest point of the baseline referred to in subsection (2) of section 3.

(2) Notwithstanding anything contained in subsection (1), the Central Government may, whenever it considers necessary so to do having regard to International Law and State practice, alter, by notification in the *Official Gazette*, the limit of the contiguous zone.

(3) No notification shall be issued under subsection (2) unless resolutions approving the issue of such notification are passed by both Houses of Parliament.

(4) The Central Government may exercise such powers and take such measures in or in relation to the contiguous zone as it may consider necessary with respect to:

- (a) the security of India, and
- (b) immigration, sanitation, customs and other fiscal matters.

(5) The Central Government may, by notification in the *Official Gazette*—

(a) extend with such restrictions and modifications as it thinks fit, any enactment, relating to any matter referred to in clause (a) or clause (b) of subsection (4), for the time being in force in India or any part thereof, to the contiguous zone, and

(b) make such provisions as it may consider necessary in such notification for facilitating the enforcement of such enactment, and any enactment so extended shall have effect as if the contiguous zone is a part of the territory of India.

6. (1) The continental shelf of India (hereinafter referred to as the continental shelf) comprises the sea-bed and subsoil of the submarine areas that extend beyond the limit of its territorial waters throughout the natural prolongation of its land territory to the outer edge of the continental margin or to a distance of 200 nautical miles from the baseline referred to in subsection (2) of section 3 where the outer edge of the continental margin does not extend up to that distance.

(2) India has, and always had, full and exclusive sovereign rights in respect of its continental shelf.

(3) Without prejudice to the generality of the provisions of subsection (2), the Union has in the continental shelf—

(a) sovereign rights for the purposes of exploration, exploitation, conservation and management of all resources;

(b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, offshore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the continental shelf or for the convenience of shipping or for any other purpose;

(c) exclusive jurisdiction to authorize, regulate and control scientific research; and

(d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution.

(4) No person (including a foreign Government) shall, except under, and in accordance with, the terms of a licence or a letter of authority granted by the Central Government, explore the continental shelf or exploit its resources or carry out any search or excavation or conduct any research within the continental shelf or drill therein or construct, maintain or operate any artificial island, offshore terminal, installation or other structure or device therein for any purpose whatsoever.

(5) The Central Government may, by notification in the *Official Gazette*—

(a) declare any area of the continental shelf and its superjacent waters to be a designated area; and

(b) make such provisions as it may deem necessary with respect to—

(i) the exploration, exploitation and protection of the resources of the continental shelf within such designated area; or

(ii) the safety and protection of artificial islands, offshore terminals, installations and other structures and devices in such designated area; or

- (iii) the protection of marine environment of such designated area; or
- (iv) customs and other fiscal matters in relation to such designated area.

Explanation. A notification issued under this subsection may provide for the regulation of entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interests of India.

(6) The Central Government may, by notification in the *Official Gazette*—

(a) extend with such restrictions and modifications as it thinks fit, any enactment for the time being in force in India or any part thereof to the continental shelf or any part [including any designated area under subsection (5)] thereof; and

(b) make such provisions as it may consider necessary for facilitating the enforcement of such enactment,

and any enactment so extended shall have effect as if the continental shelf or the part [including, as the case may be, any designated area under subsection (5)] thereof to which it has been extended is a part of the territory of India.

(7) Without prejudice to the provisions of subsection (2) and subject to any measures that may be necessary for protecting the interests of India, the Central Government may not impede the laying or maintenance of submarine cables or pipelines on the continental shelf by foreign States:

Provided that the consent of the Central Government shall be necessary for the delineation of the course for the laying of such cables or pipelines.

7. (1) The exclusive economic zone of India (hereinafter referred to as the exclusive economic zone) is an area beyond and adjacent to the territorial waters, and the limit of such zone is 200 nautical miles from the baseline referred to in subsection (2) of section 3.

(2) Notwithstanding anything contained in subsection (1), the Central Government may, whenever it considers necessary so to do having regard to International law and State practice, alter, by notification in the *Official Gazette*, the limit of the exclusive economic zone.

(3) No notification shall be issued under subsection (2) unless resolutions approving the issue of such notification are passed by both Houses of Parliament.

(4) In the exclusive economic zone, the Union has—

(a) sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, both living and non-living as well as for producing energy from tides, winds and currents;

(b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, offshore terminals, installations and other

structures and devices necessary for the exploration and exploitation of the resources of the zone or for the convenience of shipping or for any other purpose;

(c) exclusive jurisdiction to authorize, regulate and control scientific research;

(d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and

(e) such other rights as are recognized by International law.

(5) No person (including a foreign Government) shall, except under, and in accordance with, the terms of any agreement with the Central Government or of a licence or a letter of authority granted by the Central Government, explore or exploit any resources of the exclusive economic zone or carry out any search or excavation or conduct any research within the exclusive economic zone or drill therein or construct, maintain or operate any artificial island, offshore terminal, installation or other structure or device therein for any purpose whatsoever:

Provided that nothing in this subsection shall apply in relation to fishing by a citizen of India.

(6) The Central Government may, by notification in the *Official Gazette*—

(a) declare any area of the exclusive economic zone to be a designated area; and

(b) make such provisions as it may deem necessary with respect to—

(i) the exploration, exploitation and protection of the resources of such designated area; or

(ii) other activities for the economic exploitation and exploration of such designated area such as the production of energy from tides, winds and currents; or

(iii) the safety and protection of artificial islands, offshore terminals, installations and other structures and devices in such designated area; or

(iv) the protection of marine environment of such designated area; or

(v) customs and other fiscal matters in relation to such designated area.

Explanation. A notification issued under this subsection may provide for the regulation of entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interests of India.

(7) The Central Government may, by notification in the *Official Gazette*—

(a) extend, with such restrictions and modifications as it thinks fit, any enactment for the time being in force in India or any part thereof to the exclusive economic zone or any part thereof; and

(b) make such provisions as it may consider necessary for facilitating the enforcement of such enactment,

and any enactment so extended shall have effect as if the exclusive economic zone or the part thereof to which it has been extended is a part of the territory of India.

(8) The provisions of subsection (7) of section 6 shall apply in relation to the laying or maintenance of submarine cables or pipelines on the sea-bed of the exclusive economic zone as they apply in relation to the laying or maintenance of submarine cables or pipelines on the sea-bed of the continental shelf.

(9) In the exclusive economic zone and the air space over the zone, ships and aircraft of all States shall, subject to the exercise by India of its rights within the zone, enjoy freedom of navigation and overflight.

(8) (1) The Central Government may, by notification in the *Official Gazette*, specify the limits of such waters adjacent to its land territory as are the historic waters of India.

(2) The sovereignty of India extends, and has always extended, to the historic waters of India and to the sea-bed and subsoil underlying, and the air space over, such waters.

9. (1) The maritime boundaries between India and any State whose coast is opposite or adjacent to that of India in regard to their respective territorial waters, contiguous zones, continental shelves, exclusive economic zones and other maritime zones shall be as determined by agreement (whether entered into before or after the commencement of this section) between India and such State and pending such agreement between India and any such State, and unless any other provisional arrangements are agreed to between them, the maritime boundaries between India and such State shall not extend beyond the line every point of which is equidistant from the nearest point from which the breadth of the territorial waters of India and of such State are measured.

(2) Every agreement referred to in subsection (1) shall, as soon as may be after it is entered into, be published in the *Official Gazette*.

(3) The provisions of subsection (1) shall have effect notwithstanding anything contained in any other provision of this Act.

10. The Central Government may cause the baseline referred to in subsection (2) of section 3, the limits of the territorial waters, the contiguous zone, the continental shelf, the exclusive economic zone and the historic waters of India and the maritime boundaries as settled by agreements referred to in section 9 to be published in charts.

11. Whoever contravenes any provision of this Act or of any notification thereunder shall (without prejudice to any other action which may be taken against such person under any other provision of this or of any other enactment) be punishable with imprisonment which may extend to three years, or with fine, or with both.

12. (1) Where an offence under this Act or the rules made thereunder has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this subsection shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in subsection (1) where an offence under this Act or the rules made thereunder has been committed by a company and it is proved that the offence has been committed with the consent or the connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. For the purposes of this section—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

13. Any person committing an offence under this Act or any rules made thereunder or under any of the enactments extended under this Act or under the rules made thereunder may be tried for the offence in any place in which he may be found or in such other place as the Central Government may, by general or special order, published in the *Official Gazette*, direct in this behalf.

14. No prosecution shall be instituted against any person in respect of any offence under this Act or the rules made thereunder without the previous sanction of the Central Government or such officer or authority as may be authorized by that Government by order in writing in this behalf.

15. (1) The Central Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) regulation of the conduct of any person in the territorial waters, the contiguous zone, the continental shelf, the exclusive economic zone or any other maritime zone of India;

(b) regulation of the exploration and exploitation, conservation and management of the resources of the continental shelf;

(c) regulation of the exploration, exploitation, conservation and management of the resources of the exclusive economic zone;

(d) regulation of the construction, maintenance and operation of artificial islands, offshore terminals, installations and other structures and devices referred to in sections 6 and 7;

(e) preservation and protection of the marine environment and prevention and control of marine pollution for the purposes of this Act;

(f) authorization, regulation and control of the conduct of scientific research for the purposes of this Act;

(g) fees in relation to licences and letters of authority referred to in subsection (4) of section 6 and subsection (5) of section 7 or for any other purpose; or

(h) any matter incidental to any of the matters specified in clauses (a) to (g).

(3) In making any rule under this section, the Central Government may provide that a contravention thereof shall be punishable with imprisonment which may extend to three years, or with fine which may extend to any amount, or with both.

(4) Every rule made under this Act and every notification issued under subsection (5) of section 6 or subsection (6) of section 7 shall be laid, as soon as may be after it is made or issued, before each House of Parliament while it is in session for a total period of 30 days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule or the notification or both Houses agree that the rule or notification should not be issued, the rule or notification shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

16. (1) If any difficulty arises in giving effect to the provisions of this Act or of any of the enactments extended under this Act, the Central Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act or, as the case may be, such enactment, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section—

(a) in the case of any difficulty arising in giving effect to any provision of this Act, after the expiry of three years from the commencement of such provision;

(b) in the case of any difficulty arising in giving effect to the provisions of any enactment extended under this Act, after the expiry of three years from the extension of such enactment.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

20. IRAN

DÉCRET-LOI, 1973¹

I

La ligne de base, prévue par la loi du 22 Farvardine 1338 (12 avril 1959) portant modification de la loi du 24 Tir 1313 (15 juillet 1934) relative aux limites des eaux territoriales et de la zone contiguë de l'Iran, est déterminée comme suit :

A. — Des lignes droites qui réunissent les points suivants :

1) *Point 1*, situé au point d'intersection du Thalweg du Chatt-El Arab avec la ligne droite reliant les deux rives de l'embouchure du Chatt-El Arab à la laisse de basse mer.

2) *Point 2*, situé à l'embouchure du Behregân, et dont les coordonnées géographiques sont : 49° 33' 55" de longitude est, et 29° 59' 50" de latitude.

3) *Point 3*, situé au sud de l'île de Kharg, et dont les coordonnées géographiques sont : 50° 18' 40" de longitude est, et 29° 12' 29" de latitude.

4) *Point 4*, situé au sud de l'île de Nakhilu, et dont les coordonnées géographiques sont : 51° 27' 15" de longitude est, et 27° 50' 40" de latitude.

5) *Point 5*, situé à l'île de Lavan, et dont les coordonnées géographiques sont : 53° 13' 00" de longitude est, et 26° 47' 25" de latitude.

6) *Point 6*, situé au sud-ouest de l'île de Kish, et dont les coordonnées géographiques sont : 53° 55' 10" de longitude est, et 26° 30' 55" de latitude.

7) *Point 7*, situé au sud-est de l'île de Kish, et dont les coordonnées géographiques sont : 53° 59' 20" de longitude est, et 26° 30' 10" de latitude.

8) *Point 8*, situé à Rass-o-Shenas, et dont les coordonnées géographiques sont : 54° 47' 20" de longitude est, et 26° 29' 35" de latitude.

9) *Point 9*, situé au sud-ouest de l'île de Qeshm, et dont les coordonnées géographiques sont : 55° 16' 55" de longitude est, et 26° 32' 25" de latitude.

10) *Point 10*, situé au sud de l'île de Hengam, et dont les coordonnées géographiques sont : 55° 51' 50" de longitude est, et 26° 36' 40" de latitude.

11) *Point 11*, situé au sud de l'île de Larak, et dont les coordonnées géographiques sont : 56° 21' 50" de longitude est, et 26° 49' 30" de latitude.

12) *Point 12*, situé à l'est de l'île de Larak, et dont les coordonnées géographiques sont : 56° 24' 05" de longitude est, et 26° 51' 15" de latitude.

13) *Point 13*, situé à l'est de l'île d'Hormoz, et dont les coordonnées géographiques sont : 56° 29' 40" de longitude est, et 27° 02' 30" de latitude.

14) *Point 14*, dont les coordonnées géographiques sont : 56° 35' 40" de longitude est, et 27° 08' 30" de latitude.

¹ Approuvé par le Conseil des Ministres le 21 juillet 1973. Texte français transmis par la mission permanente de l'Iran auprès de l'Organisation des Nations Unies par une note verbale en date du 28 décembre 1978.

15) *Point 15*, dont les coordonnées géographiques sont : 57° 19' 55" de longitude est, et 25° 47' 10" de latitude.

16) *Point 16*, dont les coordonnées géographiques sont : 57° 45' 30" de longitude est, et 25° 38' 10" de latitude.

17) *Point 17*, dont les coordonnées géographiques sont : 58° 05' 20" de longitude est, et 25° 33' 20" de latitude.

18) *Point 18*, dont les coordonnées géographiques sont : 59° 05' 40" de longitude est, et 25° 24' 05" de latitude.

19) *Point 19*, dont les coordonnées géographiques sont : 59° 35' 00" de longitude est, et 25° 23' 45" de latitude.

20) *Point 20*, dont les coordonnées géographiques sont : 60° 12' 10" de longitude est, et 25° 19' 20" de latitude.

21) *Point 21*, dont les coordonnées géographiques sont : 60° 24' 50" de longitude est, et 25° 17' 25" de latitude.

22) *Point 22*, dont les coordonnées géographiques sont : 60° 27' 30" de longitude est, et 25° 16' 36" de latitude.

23) *Point 23*, dont les coordonnées géographiques sont : 60° 36' 40" de longitude est, et 25° 16' 20" de latitude.

24) *Point 24*, dont les coordonnées géographiques sont : 61° 25' 00" de longitude est, et 25° 03' 30" de latitude.

25) *Point 25*, situé au point d'intersection du méridien de longitude est 61° 37' 03" et de la ligne droite reliant les rives d'entrée du Golfe de Gwatar à la laisse de basse mer.

B. — Entre les points 6 et 7, situés sur l'île de Kish, les points 11 et 12, situés sur l'île de Larak, et les points 14 et 15, situés dans le détroit d'Ormuz, la ligne de base sera constituée par la laisse de basse mer.

II

La ligne de base servant à mesurer la largeur de la mer territoriale de l'Iran a été reportée sur la Carte du Golfe Persique publiée en première édition en Shahrivar 1349 (septembre 1970) par l'Organisation Géographique Nationale de l'Iran, à l'échelle de 1/1 500 000^e et jointe au présent décret. L'original du décret est conservé à la Présidence du Conseil des Ministres.

21. JAPAN

(a) LAW NO. 30 OF 2 MAY 1977 ON THE TERRITORIAL SEA¹

(Extent of the territorial sea)

Article 1. 1. The territorial sea of Japan comprises the areas of the sea extending from the baseline to the line 12 nautical miles seaward

¹ Entered into force on 1 July 1977 by Cabinet Order No. 209 of 17 June 1977. Unofficial English text provided by the Permanent Representative of Japan to the United Nations in a note verbale dated 27 June 1977.

thereof. Provided that, where any part of that line as measured from the baseline lies beyond the median line, the median line (or the line which may be agreed upon between Japan and a foreign country as a substitute for the median line) shall be substituted for that part of the line.

2. The median line referred to in the preceding paragraph shall be the line every point of which is equidistant from the nearest point on the baseline and the nearest point on the baseline from which the breadth of the territorial sea pertaining to the foreign coast which is opposite the coast of Japan is measured.

(Baseline)

Article 2. 1. The baseline shall be the low-water line and the straight line drawn across the mouth of or within a bay, or across the mouth of a river. Provided that, with respect to the Seto Naikai, which is internal waters, the baseline shall be the lines prescribed by Cabinet Order as the boundaries with other areas of the sea adjacent thereto.

2. The criteria to be used when employing as the baseline the lines provided for in the main part of the preceding paragraph and any other matters necessary for the drawing of the baseline shall be prescribed by Cabinet Order.¹

Supplementary provisions

...
(Extent of the territorial sea pertaining to the designated areas)

2. For the time being, the provisions of article 1 shall not apply to the Soya Strait, the Tsugaru Strait, the eastern channel of the Tsushima Strait, the western channel of the Tsushima Strait and the Osumi Strait (including areas of the sea which are adjacent to these waters and which are recognized as forming respectively integral parts thereof from the point of view of the course normally used for navigation by vessels; hereinafter referred to as "designated areas"). The territorial sea pertaining to the designated areas shall be respectively the areas of the sea extending from the baseline to the line three nautical miles seaward thereof and to the line drawn connecting with the said line.

3. The limits of the designated areas and the lines referred to in the preceding paragraph shall be prescribed by Cabinet Order.

(b) ENFORCEMENT ORDER² OF 17 JUNE 1977 OF LAW No. 30 OF 2 MAY 1977 ON THE TERRITORIAL SEA³

(Boundaries of the Seto Naikai with other areas of the sea)

Article 1. The lines prescribed by Cabinet Order provided for in the proviso to article 2, paragraph 1, of the Law on the Territorial Sea (hereinafter referred to as "the Law") shall be the following:

¹ See *infra* (b).

² Cabinet Order No. 210 of 17 June 1977, issued in accordance with the provisions of article 2 of the Law on the Territorial Sea (see *supra* (a)) and para. 3 of the Supplementary Provisions of the same law. Pursuant to its supplementary provisions the Cabinet Order entered into force on 1 July 1977. Unofficial English text provided by the Permanent Representative of Japan to the United Nations in a note verbale dated 24 August 1977.

³ *Supra* (a).

(1) The line drawn from the Kii Hi-no-Misaki Lighthouse (33° 52' 42" North Latitude, 135° 3'50" East Longitude) to the Kamoda Misaki Lighthouse (33° 49' 50" North Latitude, 134° 45' 8" East Longitude);

(2) The line drawn from the Sada Misaki Lighthouse (33° 20' 24" North Latitude, 132° 1' East Longitude) to the Seki Saki Lighthouse (33° 15' 48" North Latitude, 131° 54' 20" East Longitude);

(3) The line drawn from Daiba Hana (33° 56' 50" North Latitude, 130° 52' 27" East Longitude) on Takenoko Sima to the Wakamatu Dokai Wan Entrance Breakwater Lighthouse (33° 56' 17" North Latitude, 130° 51' 11" East Longitude).

(Baseline)

Article 2. Excluding the Seto Naikai, which is internal waters, the baseline shall be the low-water line along the coast (or, if a river flows directly into the sea, a straight line across the mouth of the river between points on the low-tide line of its banks; the same shall apply hereinafter). Provided that, with respect to bays, referred to in each of the following subparagraphs, low-water line along the coast which is within the straight line (or lines) prescribed in the subparagraphs shall not be used as the baseline, the straight line (or lines) prescribed in the relevant subparagraphs being the baseline.

(1) Bays in which the distance between the low-water marks at the natural entrance points (where, because of the presence of islands, there is more than one natural entrance point, the sum total of the distances between the low-water marks at each natural entrance point; the same shall apply in the following subparagraph) does not exceed 24 nautical miles: the straight line joining the low-water marks at the natural entrance points.

(2) Bays in which the distance between the low-water marks at the natural entrance points exceeds 24 nautical miles: the straight line 24 nautical miles in length joining two points on the low-water line along the coast within the bay which, with the low-water line along the shore, will enclose the maximum area of water.

2. The low-water line on a low-tide elevation which, when the lines laid down in the subparagraphs of the preceding article and in the preceding paragraph are used as the baseline, is situated wholly or partly within the area of water which is included in the territorial sea shall be the baseline.

3. By bays and islands, in paragraph 1, and low-tide elevations, in the preceding paragraph, are meant bays, islands, and low-tide elevations as defined in, respectively, article 7, paragraph 2, article 10, paragraph 1, and article 11, paragraph 1, of the Convention on the Territorial Sea and the Contiguous Zone.

4. The low-water line along the coast referred to in paragraph 1 and the low-water line of a low-tide elevation referred to in paragraph 2, shall be the lines marked on large-scale charts published by the Maritime Safety Agency.

(Limits on the designated areas)

Article 3. The limits of the designated areas prescribed in paragraph 2 of the Supplementary Provisions of the Law shall be the limits of the areas of the sea (the territorial sea of a foreign country being excluded therefrom) prescribed in the B sections of the annexed schedule.

(Outer limit of the territorial sea pertaining to the designated areas)

Article 4. The lines referred to in paragraph 2 of the Supplementary Provisions of the Law shall be the lines prescribed in the C sections of the annexed schedule.

ANNEXED SCHEDULE (WITH REFERENCE TO ARTICLE 3 AND ARTICLE 4)

A

Designated area pertaining to the Soya Strait

B

The area of the sea enclosed by the following lines:

- (1) The line drawn at an angle of 105 degrees from the Sōya Misaki Lighthouse (45° 31' 9" North Latitude, 141° 56' 25" East Longitude);
- (2) The line drawn at an angle of 15 degrees from the first intersection of the line referred to in the preceding subparagraph with the line which is twelve nautical miles seaward of the baseline (hereinafter referred to as "the twelve-nautical mile line");
- (3) The line drawn at an angle of 285 degrees from the Sōya Misaki Lighthouse;
- (4) The line drawn at an angle of 15 degrees from the first intersection of the line referred to in the preceding subparagraph with the twelve-nautical mile line;
- (5) The line drawn at an angle of 105 degrees from a point on the line referred to in the preceding subparagraph so as to be at a tangent to the twelve-nautical mile line.

C

The line within the designated area drawn at a distance of three nautical miles seaward of the baseline (hereinafter referred to as "the three-nautical mile line"), and the lines pertaining to the designated area referred to in subparagraph (1) and subparagraph (3) above (but limited to those parts between a point of intersection with the three-nautical mile line and a point of intersection with the twelve-nautical mile line).

A

Designated area pertaining to the Tsugary Strait

B

The area of the sea enclosed by the following lines and the coast:

- (1) The line drawn at an angle of 90 degrees from the Oma Saki Lighthouse (41° 33' 7" North Latitude, 140° 54' 55" East Longitude);

- (2) The line drawn at an angle of 0 degrees from the intersection of the line referred to in the preceding subparagraph with the twelve-nautical mile line;
- (3) The line drawn at an angle of 175 degrees from the Oma Saki Lighthouse to the Simokita Peninsula;
- (4) The line drawn at an angle of 67.5 degrees from the Tappi Saki Lighthouse (41° 15' 21" North Latitude, 140° 20' 45" East Longitude) to the Simokita Peninsula;
- (5) The line drawn at an angle of 235 degrees from the Tappi Saki Lighthouse;
- (6) The line drawn at an angle of 235 degrees from the Sirakami Misaki Lighthouse (41° 23' 44" North Latitude, 140° 12' 3" East Longitude);
- (7) The line drawn at an angle of 145 degrees from the intersection of the line referred to in the preceding subparagraph with the twelve-nautical mile line;
- (8) The line drawn from the Kattosi Misaki Lighthouse (41° 44' 22" North Latitude, 140° 36' 11" East Longitude) to the southernmost point of Obana Saki;
- (9) The line drawn at an angle of 90 degrees from the Siokubi Misaki Lighthouse (41° 42' 31" North Latitude, 140° 58' 4" East Longitude).

C

The three-nautical mile line within the designated area, and the lines pertaining to the designated area referred to in subparagraph (1), subparagraph (5), subparagraph (6), and subparagraph (9) above (but limited to those parts between a point of intersection with the three-nautical mile line and a point of intersection with the twelve-nautical mile line).

A

Designated area pertaining to the western channel of the Tsushima Strait

B

The area of the sea enclosed by the following lines and the coast:

- (1) The line drawn at an angle of 53 degrees from the Mitu Sima Lighthouse (34° 43' 15" North Latitude, 129° 26' 48" East Longitude);
- (2) The line drawn at an angle of 323 degrees from the first intersection of the line referred to in the preceding subparagraph with the twelve-nautical mile line;
- (3) The line drawn at an angle of 233 degrees from a point on the line referred to in the preceding subparagraph so as to be at a tangent to the twelve-nautical mile line;
- (4) The line drawn from the Mitu Sima Lighthouse to the northernmost point of Kunosita Saki;
- (5) The line drawn from the westernmost point of Komatu Saki to the Kō Saki Lighthouse (34° 19' 41" North Latitude, 129° 12' 25" East Longitude);
- (6) The line drawn at an angle of 229 degrees from the Kō Saki Lighthouse;

- (7) The line drawn at an angle of 287 degrees from the intersection of the line referred to in the preceding subparagraph with the twelve-nautical mile line;
- (8) The line drawn at an angle of 17 degrees from a point on the line referred to in the preceding subparagraph so as to be at a tangent to the twelve-nautical mile line.

C

The three-nautical mile line within the designated area, and the line pertaining to the designated area referred to in subparagraph (1) above (but limited to that part between a point of intersection with the three-nautical mile line and a point of intersection with the twelve-nautical mile line).

A

Designated area pertaining to the eastern channel of the Tsushima Strait

B

The area of the sea enclosed by the following lines:

- (1) The line drawn at an angle of 49 degrees from the Wakamiya Lighthouse (33° 51' 57" North Latitude, 129° 41' 20" East Longitude);
- (2) The line drawn at an angle of 229 degrees from the Wakamiya Lighthouse;
- (3) The line drawn at an angle of 49 degrees from the Kō Saki Lighthouse (34° 4' 52" North Latitude, 129° 12' 58" East Longitude);
- (4) The line drawn at an angle of 229 degrees from the Kō Saki Lighthouse;
- (5) The line drawn from the first intersection of the line referred to in subparagraph (1) with the twelve-nautical mile line to the first intersection of the line referred to in subparagraph (3) with the twelve-nautical mile line;
- (6) The line drawn from the first intersection of the line referred to in subparagraph (2) with the twelve-nautical mile line to the intersection of the line referred to in subparagraph (4) with the twelve-nautical mile line.

C

The three-nautical mile line within the designated area, and the lines pertaining to the designated area referred to in subparagraph (1), subparagraph (2), and subparagraph (3) above (but limited to those parts between a point of intersection with the three-nautical mile line and a point of intersection with the twelve-nautical mile line).

A

Designated area pertaining to the Osumi Strait

B

The area of the sea enclosed by the following lines and the coast:

- (1) The line drawn at an angle of 60 degrees from the Kisika Saki Lighthouse (30° 49' 55" North Latitude, 131° 3' 30" East Longitude);

- (2) The line drawn from the Kisika Saki Lighthouse to the Mage Sima Lighthouse (30° 45' 44" North Latitude, 130° 51' 30" East Longitude);
- (3) The line drawn from the southwesternmost point of Mage Sima to the southeasternmost point of Kuti-no-Erabu Sima;
- (4) The line drawn at an angle of 240 degrees from the westernmost point of Kuti-no-Erabu Sima;
- (5) The line drawn at an angle of 330 degrees from the intersection of the line referred to in the preceding subparagraph with the twelve-nautical mile line;
- (6) The line drawn at an angle of 240 degrees from the southernmost point of Yu Se (30° 44' 40" North Latitude, 130° 6' 24" East Longitude);
- (7) The line drawn from the southernmost point of Yu Se to the southernmost point of Yakuro Se (30° 43' 16" North Latitude, 130° 19' 14" East Longitude);
- (8) The line drawn from the southernmost point of Yakuro Se to the southeasternmost point of Take Sima;
- (9) The line drawn from the southeasternmost point of Take Sima to the Sata Misaki Lighthouse (30° 59' 19" North Latitude, 130° 39' 42" East Longitude);
- (10) The line drawn from the Hi Saki Lighthouse (31° 16' 39" North Latitude, 131° 8' 2" East Longitude) to the Toi Misaki Lighthouse (31° 21' 49" North Latitude, 131° 20' 53" East Longitude);
- (11) The line drawn at an angle of 60 degrees from the Toi Misaki Lighthouse;
- (12) The line drawn at an angle of 150 degrees from the first intersection of the line referred to in the preceding subparagraph with the twelve-nautical mile line.

C

The three-nautical mile line within the designated area, and the lines pertaining to the designated area referred to in subparagraph (1), subparagraph (2), subparagraph (3), subparagraph (4), subparagraph (6), subparagraph (7), subparagraph (8), subparagraph (9), and subparagraph (11) above (but limited to those parts between a point of intersection with the three-nautical mile line and a point of intersection with the twelve-nautical mile line or another point of intersection with the three-nautical mile line).

22. MALTA

(a) TERRITORIAL WATERS AND CONTIGUOUS ZONE (AMENDMENT) ACT, 1975¹

1. This Act may be cited as the Territorial Waters and Contiguous Zone (Amendment) Act, 19zz 123456 7890\$ 123456 7890\$. . 123456 789

¹ No. XLVI of 1975; 21 October 1975. Assented to by the President on 24 October 1975. Text provided by the Acting Permanent Representative of Malta to the United Nations in his letter of 10 November 1975.

with the Territorial Waters and Contiguous Zone Act, 1971¹ hereinafter referred to as "the principal Act".

2. For the words "twelve nautical miles" wherever they occur in subsection (2) of section 3 and in subsection (2) of section 4 of the principal Act there shall be substituted in each case the words "twenty nautical miles".

(b) TERRITORIAL WATERS AND CONTIGUOUS ZONE (AMENDMENT) ACT, 1978²

1. This Act may be cited as the Territorial Waters and Contiguous Zone (Amendment) Act, 1978, and shall be read and construed as one with the Territorial Waters and Contiguous Zone Act, 1971¹, hereinafter referred to as "the principal Act".

2. Section 3 of the principal Act shall be amended as follows:

(a) in subsection (1) thereof for the words "six nautical miles" there shall be substituted the words "twelve nautical miles"; and

(b) in subsection (2) thereof for the words "twenty nautical miles" there shall be substituted the words, "twenty-five nautical miles".

3. In subsection (2) of section 4 of the principal Act for the words "twenty nautical miles" there shall be substituted the words "twenty-four nautical miles".

23. NEW ZEALAND

(a) TOKELAU (TERRITORIAL SEA AND FISHING ZONE) ACT, 1976³

...

2. *Interpretation.* In this Act, unless the context otherwise requires—

"Court" means the High Court of Niue;

"Fish" means any marine animal of any kind whatsoever; and includes shellfish, crustaceans, sponge, holothurian (*bêche-de-mer*), and turtle; and also includes the young and eggs of any fish as herein defined;

"Fishing" means taking, hunting, pursuing, catching, killing, or possessing any fish, or attempting to do any of these things;

"Foreign fishing boat" means any vessel of whatever size and however propelled which is used in fishing or for the processing or storage of fish for the purposes of sale and which is owned or controlled by a person or

¹ Reproduced in ST/LEG/SER.B/16, p. 16.

² No. XXIV of 1978; 18 July 1978. Assented to by the President on 21 July 1978. Text provided by the Acting Permanent Representative of Malta to the United Nations in his letter of 1 September 1978.

³ 1976. No. 140, deemed part of the Tokelau Act 1948, enacted by the General Assembly of New Zealand on 10 December 1976. Text transmitted by the Permanent Representative of New Zealand to the United Nations in a note verbale of 29 June 1977.

persons not ordinarily resident in Tokelau; but does not include any canoe or other vessel of any kind whatsoever used for the transport of fish or fish products as part of its general cargo;

“Foreshore” means all land lying between the high-water line at mean high-water spring tides and the low-water line at mean low-water spring tides;

“Low-water line” means the line of low-water at mean low-water spring tides;

“Nautical mile” means the international nautical mile.

3. *Internal waters.* The internal waters of Tokelau include any areas of the sea that are on the landward side of the baseline of the territorial sea of Tokelau.

4. *The territorial sea.* The territorial sea of Tokelau comprises those areas of the sea having, as their inner limits, the baseline described in section 5 of this Act and, as their outer limits, a line measured seaward from that baseline, every point of which is distant three nautical miles from the nearest point of that baseline.

5. *Baseline of the territorial sea.* The baseline from which the breadth of the territorial sea of Tokelau is measured shall be the low-water line along the seaward edge of the reef, except that where there is a break or passage through or over the reef, the baseline shall be a straight line joining the entrance points of that break or passage.

6. *Foreshore, bed of internal waters, and of territorial sea vested in the Crown.* (1) The sea-bed and subsoil of the submarine areas of the internal waters of Tokelau shall be deemed to be and always to have been vested in the Crown. (2) The foreshore of Tokelau and the sea-bed and subsoil of the territorial sea as defined in section 4 of this Act shall be deemed to be and always to have been vested in the Crown.

7. *Fishing zone.* The fishing zone of Tokelau comprises those areas of the sea contiguous to the territorial sea of Tokelau and having, as their inner limits, the outer limits of the territorial sea, and, as their outer limits, a line measured seaward from those inner limits every point of which is distant nine nautical miles from the nearest point of the inner limit line.

8. *Foreign fishing boats not to engage in fishing within territorial sea or fishing zone.* (1) No foreign fishing boat shall engage in fishing in the territorial sea or fishing zone of Tokelau. (2) If any foreign fishing boat is used in breach of subsection (1) of this section, the owner, the charterer (if any), the master, and every member of its crew each commits an offence, and is liable—

(a) In the case of an offence committed by the owner, charterer, or master, to a fine not exceeding \$5,000;

(b) In the case of an offence committed by any member of the crew, to a fine not exceeding \$500.

(3) The Court, on the conviction of the owner, the charterer (if any), the master, or any member of the crew of a foreign fishing boat of an offence under this section, may also order—

(a) The detention (for a specified period) of the foreign fishing boat and of any fish, tackle, engines, nets, gear, apparatus, cargo, and stores thereon or forming part of its equipment, pending the payment of the fine or fines imposed, and the forfeiture to the Crown of that fishing boat, and of any such fish, tackle, engines, nets, gear, apparatus, cargo, and stores, or any one of them, if the fine or fines imposed are not paid within that specified period; or

(b) The immediate forfeiture to the Crown of the foreign fishing boat and of any fish and tackle, engines, nets, gear, apparatus, cargo, and stores, or any one of them

...

(b) TERRITORIAL SEA AND EXCLUSIVE ECONOMIC ZONE ACT, 1977¹

1. *Short title and commencement*—(1) This Act may be cited as the Territorial Sea and Exclusive Economic Zone Act 1977.

(2) Section 29 of this Act shall come into force on the passing of this Act.

(3) Except as provided in subsection (2) of this section, the provisions of this Act shall come into force on a date to be appointed by the Governor-General by Order in Council.

(4) For the purposes of subsection (3) of this section, one or more Orders in Council may be made—

(a) Bringing different provisions of this Act into force on different dates; and

(b) Bringing provisions of this Act into force on different dates in respect of specified parts of New Zealand.

2. *Interpretation*—(1) In this Act, unless the context otherwise requires—

“Bay” means an indentation of the coast such that its area is not less than that of the semi-circle whose diameter is a line drawn across the mouth of the indentation (for the purposes of which definition—

(a) The area of an indentation shall be taken to be the area bounded by low-water mark around the shore of the indentation and the straight line joining the low-water marks of its natural entrance points; and

(b) Where, because of the presence of islands, an indentation has more than one mouth, the length of the diameter of the semi-circle referred to shall be the sum of the lengths of the straight lines drawn across each of the mouths; and

¹ Of 26 September 1977. Text provided by the Permanent Representative of New Zealand to the United Nations in a note verbale of 18 December 1978.

(c) In calculating the area of an indentation, the area of any islands lying within it shall be treated as part of the area of the indentation):

“Exclusive economic zone” and “zone” mean the exclusive economic zone of New Zealand described in section 9 of this Act;

“Fish” means every description of fish and shellfish and their young or fry or spawn, except sedentary species as described in paragraph (b) of the definition of the term “natural resources” in section 2 of the Continental Shelf Act 1964;¹

“Fishery” means one or more stocks of fish that can be treated as a unit for the purposes of conservation and management;

“Fishing” means—

(a) Taking any fish; or

(b) Engaging in any activity relating to the taking of any fish, including (*inter alia*) any activity involving the preparation, supply, storage, refrigeration, transportation, or processing of any fish; or

(c) Engaging in any activity relating to the provision of any services to any fishing craft to enable or assist that craft to engage in fishing;

“Fishing craft” means any vessel, aircraft, hovercraft, submersible craft, or other craft, of whatever size, that is capable of being used for fishing;

“Foreign fishing craft” means any fishing craft that is not a New Zealand fishing craft;

“Highly migratory species” means species that, in the course of their life cycle, migrate over great distances of ocean;

“International agreement” means any bilateral or multilateral treaty, convention, or agreement, to which New Zealand is a party, and any understanding concluded by the Government of New Zealand and the government of any other country;

“Island” means a naturally formed area of land that is surrounded by and above water at mean high-water spring tides;

“Licence” means a licence issued under section 15 of this Act in respect of a foreign fishing craft; and “licensed” has a corresponding meaning;

“Licensee” means the person to whom a licence is issued;

“Low-tide elevation” means a naturally formed area of land that is surrounded by and above water at mean low-water spring tides but is submerged at mean high-water spring tides;

“Master”, in relation to a fishing craft, means the person for the time being having command or charge of the craft;

“Median line”, as between New Zealand and any other country, means a line every point of which is equidistant from the nearest points of the

¹ Reproduced in ST/LEG/SER.B/15, p. 389.

baseline of the territorial sea of New Zealand and the corresponding baseline of that other country;

“Minister” means the Minister of Fisheries;

“Nautical mile” means the international nautical mile of 1,852 metres;

“New Zealand” (except for the purposes of Part II of this Act and section 29 of this Act) includes the Ross Dependency;

“New Zealand fisheries waters” has the same meaning as it has in section 2 (1) of the Fisheries Act 1908;

“New Zealand fishing craft” means a fishing craft—

(a) That is a New Zealand ship within the meaning of section 2 (1) of the Shipping and Seamen Act 1952; or

(b) That is an aircraft registered in New Zealand under the Civil Aviation Act 1964; or

(c) In which no person who is not a New Zealand citizen has any legal or equitable interest (except by way of security only for any advance made by him to the owner);

“New Zealand Government ship” has the same meaning as it has in section 2 (1) of the Shipping and Seamen Act 1952;

“Owner”, in relation to a fishing craft, includes any body of persons, whether incorporated or not, by whom the craft is owned, and any charterer, sub-charterer, lessee, or sub-lessee of the craft;

“Prescribed” means prescribed by regulations made under this Act;

“Shellfish” includes every description of molluscs, crustaceans, and echinoderms found in New Zealand fisheries waters, and their young or spawn, but does not include oysters;

“Take” includes—

(a) To take, catch, kill, attract, or pursue by any means or device; and

(b) To attempt to do any act specified in paragraph (a) of this definition;

“Total allowable catch”, with respect to the yield from any fishery, means the amount of fish that will produce from that fishery the maximum sustainable yield, as qualified by any relevant economic or environmental factors, fishing patterns, the interdependence of stocks of fish, and any generally recommended subregional, regional or global standards.

(2) For the purposes of this Act, permanent harbour works that form an integral part of a harbour system shall be treated as forming part of the coast.

PART I

The territorial sea of New Zealand

3. *The territorial sea*—The territorial sea of New Zealand comprises those areas of the sea having, as their inner limits, the baseline described

in sections 5 and 6 of this Act and, as their outer limits, a line measured seaward from that baseline, every point of which line is distant 12 nautical miles from the nearest point of the baseline.

4. *Internal waters*—The internal waters of New Zealand include any areas of the sea that are on the landward side of the baseline of the territorial sea of New Zealand.

5. *Baseline of territorial sea*—(1) Except as otherwise provided in section 6 of this Act, the baseline from which the breadth of the territorial sea of New Zealand is measured shall be the low-water mark along the coast of New Zealand, including the coast of all islands.

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

6. *Baseline of territorial sea adjacent to bay*—In the case of the sea adjacent to a bay, the baseline from which the breadth of the territorial sea is measured—

(a) Where the bay has only one mouth and the distance between the low-water marks of the natural entrance points of the bay does not exceed 24 nautical miles, shall be a straight line joining those low-water marks; and

(b) Where, because of the presence of islands, the bay has more than one mouth and the distances between the low-water marks of the natural entrance points of each mouth added together do not exceed 24 nautical miles, shall be a series of straight lines across each of the mouths so as to join those low-water marks; and

(c) Where neither paragraph (a) nor paragraph (b) of this section applies, shall be a straight line 24 nautical miles in length drawn from low-water mark to low-water mark within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.

7. *Bed of territorial sea and internal waters vested in Crown*—Subject to the grant of any estate or interest therein (whether by or pursuant to the provisions of any enactment or otherwise, and whether made before or after the commencement of this Act), the sea-bed and subsoil of submarine areas bounded on the landward side by the low-water mark along the coast of New Zealand (including the coast of all islands) and on the seaward side by the outer limits of the territorial sea of New Zealand shall be deemed to be and always to have been vested in the Crown.

8. *Regulations in territorial sea*—Where no other provision is for the time being made by any other enactment for any such purposes, the Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) Regulating the conduct of scientific research within the territorial sea;

(b) Prescribing measures for the protection and preservation of the marine environment of the territorial sea;

(c) Regulating the construction, operation, and use of artificial islands (whether permanent or temporary), and other installations and structures in the territorial sea, including the establishment of safety zones around such islands, installations, and structures;

(d) Regulating the exploration and exploitation of the territorial sea for the production of energy from the water, currents, and winds, and for any other economic purposes;

(e) Providing for such other matters as are necessary or expedient for giving full effect to the sovereignty of New Zealand in relation to the territorial sea;

(f) Providing that a breach of any such regulations shall be a criminal offence, and imposing penalties by way of fine not exceeding \$10,000 for any such offences;

(g) Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Part of this Act and for its due administration.

PART II

The exclusive economic zone of New Zealand

9. *The exclusive economic zone*—(1) The exclusive economic zone of New Zealand comprises those areas of the sea, sea-bed, and subsoil that are beyond and adjacent to the territorial sea of New Zealand, having as their outer limits a line measured seaward from the baseline described in sections 5 and 6 of this Act, every point of which line is distant 200 nautical miles from the nearest point of the baseline.

(2) Notwithstanding subsection (1) of this section, where—

(a) Any part of the median line between New Zealand and any other country is less than 200 nautical miles from the nearest part of the baseline of the territorial sea of New Zealand; and

(b) No other outer limit of the exclusive economic zone is for the time being determined by an Order in Council made under subsection (3) or subsection (4) of this section—

that part of the median line shall be an outer limit of the zone.

(3) The Governor-General may from time to time, by Order in Council, declare that any specified provisions of this Part of this Act, and any other specified provisions in this Act relating to the exclusive economic zone, shall apply to the Ross Dependency, with such modifications and exceptions (if any) as he may specify in the order.

(4) For the purposes of implementing any international agreement, or the arbitral award of any international body, or the judgement of any international Court, or for any other purpose in accordance with international law, the Governor-General may from time to time, by Order in

Council, declare that the exclusive economic zone shall not extend to any specified area of the sea, sea-bed, or subsoil, that would otherwise be included within the exclusive economic zone by virtue of this section.

10. *Seas in zone to be New Zealand fisheries waters*—(1) The seas comprised in the exclusive economic zone shall be part of New Zealand fisheries waters.

(2) The following enactments shall apply accordingly (subject to any provisions to the contrary in those enactments) within the exclusive economic zone:

(a) The Fisheries Act 1908 (except Part II of that Act);¹

(b) The Whaling Industry Act 1935.²

11. *Calculation of total allowable catch*—The Minister shall from time to time determine, in respect of every fishery within the exclusive economic zone, the total allowable catch.

12. *Calculation of allowable catch by foreign fishing craft*—(1) The Minister shall from time to time determine, in respect of the total allowable catch for every fishery within the exclusive economic zone, the portion that New Zealand fishing craft have the capacity to harvest.

(2) Where the Minister has determined, in respect of the total allowable catch for a fishery within the exclusive economic zone, the portion that New Zealand fishing craft have the capacity to harvest, the remaining portion shall constitute the allowable catch for that fishery for foreign fishing craft.

13. *Apportionment of allowable catch for foreign fishing craft*—(1) The Minister may from time to time apportion, among countries other than New Zealand, the allowable catch for foreign fishing craft in respect of any fishery within the exclusive economic zone, as determined under section 12 of this Act.

(2) In making an apportionment under subsection (1) of this section, the Minister may take into account (*inter alia*) the following considerations:

(a) Whether the fishing craft of countries to which the apportionment applies have engaged habitually in fishing within the exclusive economic zone;

(b) Whether such countries have co-operated with New Zealand in fisheries research and in the identification of fish stocks within the zone;

(c) Whether such countries have co-operated with New Zealand in the conservation and management of fisheries resources within the zone, and in the enforcement of New Zealand law relating to such resources;

(d) The terms of any relevant international agreement;

(e) Such other matters as the Minister, after consultation with the Minister of Foreign Affairs, determines to be relevant.

¹ Partially reproduced in ST/LEG/SER.B/6, p. 540; ST/LEG/SER.B/15, p. 649; and ST/LEG/SER.B/16, p. 309.

² Partially reproduced in ST/LEG/SER.B/6, p. 543.

14. *Prohibition of operation of unauthorised foreign fishing craft in zone*—No foreign fishing craft shall be used for fishing within the exclusive economic zone except in accordance with a licence issued by the Minister under section 15 of this Act in respect of that fishing craft.

15. *Grant of licences*—(1) Subject to subsection (2) of this section, the Minister may grant and issue to the owner of any named foreign fishing craft a licence to fish within the exclusive economic zone.

(2) The Minister shall exercise the powers conferred on him by this section in such a manner as to ensure that—

(a) The catch that all foreign fishing craft licensed under this section are for the time being authorised to harvest from any fishery within the exclusive economic zone does not exceed the allowable catch for foreign fishing craft for that fishery as determined under section 12 of this Act; and

(b) The catch that all foreign fishing craft of a particular country licensed under this section are for the time being authorised to harvest from any fishery within the zone does not exceed the apportionment made under section 13 of this Act for that fishery in respect of that country.

(3) In granting a licence under this section, the Minister may attach to the licence conditions relating (*inter alia*) to all or any of the following matters;

(a) The areas within the exclusive economic zone in which fishing is authorised; and

(b) The seasons, times, and particular voyages during which fishing is authorised;

(c) The species, size, age, and quantities of fish that may be taken;

(d) The methods by which fish may be taken;

(e) The types, size, and amount of fishing gear that may be used or carried by a foreign fishing craft, and the modes of storage of that gear when not in use;

(f) The use, transfer, transhipment, landing, and processing of fish taken;

(g) Entry by the foreign fishing craft to New Zealand ports, whether for the inspection of its catch or for other purposes;

(h) The compensation payable to New Zealand citizens or to the Crown in the event of any loss or damage caused by the foreign fishing craft to other fishing craft, or their gear or catch, or to fish stocks, or to pipelines or cables, or to other New Zealand interests;

(i) Statistical and other information required to be given by the foreign fishing craft to the Ministry of Agriculture and Fisheries, including statistics relating to catch and effort and reports as to the positions of the craft;

(j) The conduct by the foreign fishing craft of specified programmes of fisheries research;

(k) The training of New Zealand personnel in the methods of fishing employed by the foreign fishing craft and the transfer to New Zealand of technology relating to fisheries;

(l) The display on board the foreign fishing craft of the licence issued in respect of it;

(m) The marking of the foreign fishing craft, and other means for its identification;

(n) Directions, instructions, and other requirements given or made by vessels or aircraft of the New Zealand Armed Forces or other New Zealand Government ships or aircraft to the foreign fishing craft that shall be complied with by the craft;

(o) The placing of New Zealand observers on the foreign fishing craft and the reimbursement to the Ministry of Agriculture and Fisheries by the licensee of the costs of doing so;

(p) The installation on the foreign fishing craft and maintenance in working order of a transponder or other equipment for the identification and location of the craft, and of adequate navigational equipment to enable its position to be fixed from the craft;

(q) The carriage on board the foreign fishing craft of specified nautical charts, nautical publications, and nautical instruments;

(r) Such other matters as the Minister considers necessary or expedient for the conservation or management of fisheries resources within the zone.

16. *Renewal of licences*—Subject to section 15 (2) of this Act, the Minister may from time to time renew any licence granted under section 15 of this Act.

17. *Variation of licences*—(1) Subject to section 15 (2) of this Act, the Minister may from time to time, where he is satisfied that it is necessary or expedient for the proper regulation of fishing within the exclusive economic zone to do so, vary the terms and conditions of any licence or licences, or class or classes of licence, granted under section 15 of this Act.

(2) Notice of every variation of any licence under this section shall be given as soon as practicable to the licensee.

18. *Licensing fees*—There shall be payable by every licensee to the Crown in respect of the granting of a licence under section 15 of this Act, or the renewal of a licence under section 16 of this Act, such fee as may from time to time be prescribed.

19. *Licensing offences*—(1) Where any foreign fishing craft that is not licensed under section 15 of this Act is used for fishing in the exclusive economic zone, each of them, the owner, the master and every crew member of the craft, commits an offence against this Act.

(2) Where any foreign fishing craft that is not licensed under section 15 of this Act displays within New Zealand fisheries waters any marking or other means of identification that indicates that it is licensed

under that section, each of them, the owner, the master and every crew member of the craft, commits an offence against this Act.

(3) Where any foreign fishing craft is used for fishing within the exclusive economic zone in contravention of any condition of a licence issued in respect of it under section 15 of this Act, each of them, the licensee, the master and every crew member of the craft, commits an offence against this Act.

(4) Every owner or master of a foreign fishing craft who commits an offence specified in subsection (1) or subsection (2) of this section is liable on summary conviction to a fine not exceeding \$100,000.

(5) Every crew member of a foreign fishing craft who commits an offence specified in subsection (1) or subsection (2) of this section is liable on summary conviction to a fine not exceeding \$5,000.

(6) Every licensee or master of a foreign fishing craft who commits an offence specified in subsection (3) of this section is liable on summary conviction to a fine not exceeding \$25,000.

(7) Every crew member of a foreign fishing craft who commits an offence specified in subsection (3) of this section is liable on summary conviction to a fine not exceeding \$1,500.

(8) In this section, "crew member" does not include a licensee, owner, or master of a foreign fishing craft, or any New Zealand personnel or New Zealand observer on the craft pursuant to a condition attached to a licence under section 15 (3) of this Act.

20. *Suspension and cancellation of licences*—(1) Where the Minister is satisfied that—

(a) Any foreign fishing craft in respect of which a licence has been granted under section 15 of this Act is being or has been used for fishing within the exclusive economic zone in contravention of any condition of the licence or of any New Zealand law that applies to fishing within the zone; or

(b) Any licensee, master, or crew member of a foreign fishing craft has been convicted of an offence against this Act, or against any regulations made under section 22 of this Act, or against any other New Zealand law relating to fishing within the zone; or

(c) Any licensee, master, or crew member of a foreign fishing craft has failed to pay to the Crown, within the time limit specified in section 26 (8) of this Act, the amount of any penalty imposed on him under that section by the Minister—

he may suspend the licence of the craft for such period as he shall specify, or cancel the licence.

(2) Where the Minister, after consultation with the Minister of Foreign Affairs, determines that it is necessary or expedient for the proper regulation of fishing within the exclusive economic zone to do so, he may suspend any licence or licences or class or classes of licence for such

period as he shall specify, or cancel any licence or licences or class or classes of licence.

(3) While a licence is suspended under this section, it shall have no effect.

21. *Review by Courts*—No exercise by the Minister of any power conferred on him by section 17 or section 20 (2) of this Act shall be liable to be challenged, reviewed, quashed, or called into question in any Court on the ground that the conditions for the exercise of the power by him had not arisen or had ceased.

22. *Fisheries regulations*—(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) Prescribing the manner of applying for licences under section 15 of this Act, and for the renewal of such licences under section 16 of this Act, and forms of applications;

(b) Prescribing the terms of duration of licences;

(c) Prescribing the forms of licences to be issued by the Minister;

(d) Prescribing the fees payable to the Crown for the issue of licences and for their renewal;

(e) Providing for the production of licences by licensees to specified New Zealand authorities when required to do so, and the inspection of licences by such authorities;

(f) Requiring applicants for licences, and licensees, to designate authorised agents in New Zealand in respect of foreign fishing craft;

(g) Providing for such other measures as are necessary or expedient to ensure that foreign fishing craft are used for fishing within the exclusive economic zone only in accordance with the terms and conditions of their licences;

(h) Prescribing conditions, not inconsistent with this Act, under which fishing may be undertaken within the zone by foreign fishing craft;

(i) Prescribing measures, not inconsistent with this Act, for the conservation and management of fisheries resources within the zone;

(j) Specifying particular types of high migratory species of fish, and regulating, in a manner not inconsistent with this Act, fishing for those species within the zone, and also, in the case of New Zealand fishing craft, beyond the zone;

(k) Providing that a breach of any such regulation shall be a criminal offence, and imposing penalties by way of fine not exceeding, in the case of a licensee, owner or master of a fishing craft, \$10,000 for any such offences and, in the case of any other crew member, \$1,000 for any such offences;

(l) Prescribing the form of bonds for the purposes of section 25 of this Act;

(m) Prescribing forms of notices and procedures to be followed for the purposes of section 26 of this Act;

(n) Providing, in respect of notices, summonses, and other documents to be served under this Act or in any civil or criminal proceedings under this Act, that specified methods of service (including service on the authorised agent of a foreign fishing craft or on the diplomatic or consular representative in respect of New Zealand of the country in which the craft is registered) shall be deemed to be service on any licensee, owner, master, or crew member of the craft, and providing that specified methods of proof of service shall be deemed to be sufficient proof of service.

(2) Regulations made under this section may make different provisions for different parts of the exclusive economic zone and for different species of fish.

(3) In prescribing fees in regulations made under this section, the Governor-General in Council may—

(a) Take into account (inter alia) the cost of implementing the provisions of this Act and of the Fisheries Act 1908¹ with respect to fishing by foreign fishing craft within the exclusive economic zone, including the cost of the conservation and management of fisheries resources, and of fisheries research, and of the administration and enforcement of such enactments; and

(b) Prescribe different fees for different classes of foreign fishing craft (whether by reference to size, catch, method of fishing, function, or otherwise).

23. *Fishing for research, experimental, and sporting purposes*—Notwithstanding section 14 or section 19 of this Act, a foreign fishing craft may be used for fishing within the exclusive economic zone for the purpose of fisheries research or of experimentation or sport, subject always to the prior consent in writing of the Minister to such activity and in accordance with such conditions (if any) as the Minister may impose in giving his consent.

24. *Apprehension of offenders*—(1) Any officer specified in subsection (16) of this section may at any time stop, board, inspect, and search any foreign fishing craft in New Zealand fisheries waters, and inspect any fish on board the craft; and where he has reasonable cause to believe that an offence against this Act, or against regulations made under section 22 of this Act, or against any other New Zealand law, relating to fishing within the exclusive economic zone, has been committed in respect of any foreign fishing craft he may—

(a) Seize and detain all fish on board the craft; and

(b) Apprehend any person whom he has reasonable cause to believe has committed any offence specified in this subsection; and

¹ Partially reproduced in ST/LEG/SER.B/6, p. 540; ST/LEG/SER.B/15, p. 649; and ST/LEG/SER.B/16, p. 309.

(c) If he has reasonable cause to believe that any such offence has been committed by the licensee, owner, or master of the craft, seize and detain the craft.

(2) Any officer specified in subsection (16) of this section may exercise the powers conferred on him by subsection (1) of this section with the aid of such assistants as he considers to be necessary for the purpose.

(3) Where any foreign fishing craft is detained under subsection (1) of this section, it shall be held in the custody of the Crown until—

(a) A decision is made not to lay any information or charge in respect of the alleged offence for which the craft was detained; or

(b) Where such an information or charge is laid, the security required by section 25 of this Act is given in respect of the craft.

(4) The decision whether or not to lay an information or charge in respect of an alleged offence for which a foreign fishing craft is detained under subsection (1) of this section shall be made as soon as reasonably practicable after the craft is detained.

(5) The release of a foreign fishing craft from detention shall not affect any subsequent forfeiture of the craft in respect of the conviction of any person for an offence.

(6) On the conviction of any licensee, owner, or master of a foreign fishing craft for any offence specified in subsection (1) of this section, the craft shall be forfeited to the Crown, and shall be disposed of in such manner as the Minister shall order, in addition to any fine that may be imposed by any Court on the convicted person.

(7) Where any fish is detained under subsection (1) of this section, it shall be held in the custody of the Crown (either on board the foreign fishing craft from which it was seized or in such other place as the Minister may direct) until—

(a) A decision is made not to lay any information or charge in respect of the alleged offence for which the fish was detained; or

(b) Where such an information or charge is laid, any security required by section 25 of this Act is given in respect of the fish.

(8) The release of any fish from detention shall not affect any subsequent forfeiture of the fish on the conviction of any person for an offence.

(9) The Crown shall not be liable to any person for any deterioration in the quality of any fish detained under subsection (1) of this section, whether such deterioration is caused by the negligence of the Crown or otherwise.

(10) On the conviction of any person for any offence specified in subsection (1) of this section in respect of any fish detained under that subsection, the fish shall be forfeited to the Crown and shall be disposed

of in such manner as the Minister shall order, in addition to any fine that may be imposed by any Court on the convicted person.

(11) Where any officer specified in subsection (16) of this section apprehends any person under subsection (1) of this section, the officer shall cause the person to be taken as soon as reasonably practicable before a Court to be dealt with in accordance with law.

(12) Where any foreign fishing craft or fish is held in the custody of the Crown under this section, then on the conviction of any person for any offence specified in subsection (1) of this section in respect of the craft or fish, as the case may be, the costs of the Crown in holding it in custody under this section shall be a debt due to the Crown jointly and severally by each of them the licensee, the owner, and the master of the craft, and shall be recoverable accordingly by the Crown in any Court of competent jurisdiction.

(13) Without limiting any other manner of recovering any debt due to the Crown under subsection (12) of this section, on the conviction of the licensee, owner, or master of any foreign fishing craft for any offence referred to in that subsection, the Court by which he is convicted may make an order that he shall pay to the Crown any costs for which he is liable under that subsection.

(14) Subject to subsection (9) of this section, but notwithstanding any other provision in this section, where any foreign fishing craft or fish has been detained under subsection (1) of this section, then on the acquittal of every person who is charged with any offence for which the craft or fish, as the case may be, is subject to forfeiture under this section, the craft or fish, as the case may require, shall forthwith be released from the custody of the Crown.

(15) Any person who in any way prevents or hinders any officer specified in subsection (16) of this section, or any assistant of the officer, in exercising the powers conferred by this section commits an offence against this Act, and is liable on summary conviction to a fine not exceeding \$10,000.

(16) Subsection (1) of this section refers to any of the following officers:

(a) The officer in command of any vessel or aircraft of the New Zealand Armed Forces;

(b) Any Inspector of Sea Fishing appointed in accordance with section 4 of the Fisheries Act 1908;

(c) Any constable;

(d) The master of any New Zealand Government ship.

(17) In this section, "foreign fishing craft" includes all equipment on board or used by the craft.

25. *Security for release of foreign fishing craft*—(1) Where any foreign fishing craft is detained under section 24 of this Act, and an in-

formation or charge is laid against the licensee, owner, or master of the craft in respect of the offence for which the craft has been detained, the licensee, owner, or master of the craft may at any time before the determination of the information or charge apply to the Court by which the information or charge will be determined for the release of the craft on the provision of security in accordance with this section.

(2) On hearing the application, the Court shall order the release of the foreign fishing craft on the execution by any suitable person or persons approved by the Court for the purpose, of a bond in favour of Her Majesty the Queen, in the prescribed form and conditioned in accordance with subsection (4) of this section, in an amount not less than the aggregate of the value of the craft, the costs that the Crown may recover under section 24 (12) of this Act if the defendant is convicted of the offence, and the maximum fine to which the defendant will be liable if he is convicted of the offence.

(3) Notwithstanding subsection (2) of this section, the Court may, where it is satisfied that there are special circumstances to justify it in doing so, order that the bond shall be in a specified amount that is less than the amount required by that subsection.

(4) The condition of the bond shall be that if—

(a) The defendant is found not guilty of the information or charge;

or

(b) The defendant on being convicted of the information or charge pays in full within 14 days after he is convicted the amount of the fine imposed by the Court, and the amount of all costs due by him to the Crown under section 24 (12) of this Act, and the foreign fishing craft is within that time surrendered to the Crown for forfeiture—

then the bond shall be of no effect, but that otherwise the bond shall remain in full force and effect.

(5) The amount specified in the bond shall be recoverable in full, in any Court of competent jurisdiction, as a debt due to Her Majesty the Queen jointly and severally by the person or persons by whom the bond is given, unless the person or persons prove the due performance of the condition on which the bond is defeasible.

(6) In this section, "foreign fishing craft" includes all equipment on board or used by the craft, and also includes all fish that has been seized from the craft under section 24 (1) of this Act and is detained on board the craft in the custody of the Crown under that section.

26. *Administrative penalties for minor fisheries offences—*

(1) Where the Minister has reasonable cause to believe that—

(a) An offence against this Act, or against regulations made under section 22 of this Act, or against any other New Zealand law, relating to fishing within the exclusive economic zone, may have been committed by any person in respect of any foreign fishing craft; and

(b) Having regard to all the circumstances relating to the alleged offence it is of a minor nature, and having regard to the previous conduct of the craft and of the person concerned in New Zealand fisheries waters, it would be appropriate to impose a penalty under this section—

he may cause a notice in writing in accordance with subsection (2) of this section, and otherwise in the prescribed form, to be served on that person.

(2) A notice under subsection (1) of this section shall specify—

(a) The date and nature of the offence;

(b) A summary of the facts on which the allegation that an offence has been committed is based (being a sufficient summary to fully and fairly inform the person of the allegation against him); and

(c) Any other matters (not being previous convictions) that the Minister considers relevant to the imposition of a penalty—

and shall be endorsed with a statement setting out the provisions of this section.

(3) Any person on whom a notice under subsection (1) of this section is served may, within 28 days after the notice is served on him, by a notice in writing in the prescribed form served on the Director-General of Agriculture and Fisheries require that any proceedings in respect of the alleged offence shall be dealt with before a Court, in which case the following provisions shall apply:

(a) No further proceedings shall be taken under this section by the Minister;

(b) Nothing in this section shall be construed to prevent the subsequent laying of any information or charge in respect of the alleged offence, or the conviction of the person of the offence by a Court, or the imposition of any penalty under any enactment or forfeiture under this Act on such a conviction.

(4) Any person on whom a notice under subsection (1) of this section is served, who does not require that any proceedings in respect of the alleged offence shall be dealt with before a Court, may by notice in writing served on the Director-General of Agriculture and Fisheries—

(a) Admit the offence; and

(b) In any case make submissions to the Minister as to the matters he wishes the Minister to take into account in imposing any penalty under this section.

(5) Where a person on whom a notice under subsection (1) of this section is served does not, within 28 days after the notice is served on him,—

(a) Require that any proceedings in respect of the alleged offence shall be dealt with before a Court; or

(b) Admit the offence—

he shall on the expiration of that period be deemed to have admitted the offence.

(6) Where under this section a person admits or is deemed to have admitted an offence, the Minister may, after taking into account any submissions made by that person under subsection (4) of this section, impose a monetary penalty on the person in respect of the offence, not exceeding one-third of the maximum monetary penalty to which the person would be liable if he were convicted of the offence by a Court.

(7) Where the Minister imposes a penalty on a person under this section in respect of an offence, the Minister shall cause a notice in writing in the prescribed form of the particulars of the penalty to be served on the person.

(8) A person on whom a penalty is imposed under this section shall pay the amount of the penalty to the Crown within 28 days after the notice of the penalty is served on him in accordance with subsection (7) of this section.

(9) Without prejudice to the requirements of subsection (8) of this section, or to section 20 (1) of this Act, a penalty that has been imposed under this section shall be recoverable by the Crown, from the person on whom it has been imposed, in the same manner as a fine is recoverable on summary conviction for any offence.

(10) Notwithstanding the provisions of sections 19, 22, 24, and 25 of this Act, or of any other enactment, where any offence has been admitted under this section, no information or charge may be laid in respect of the offence against the person by whom it is admitted.

(11) Nothing in this section shall apply—

(a) In respect of any offence or alleged offence under subsection (1) or subsection (2) of section 19 of this Act; or

(b) In respect of any offence or alleged offence in respect of which any information or charge has been laid.

27. *General regulations in zone*—Where no other provision is for the time being made by any other enactment for any such purposes, the Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) Regulating the conduct of scientific research within the exclusive economic zone;

(b) Prescribing measures for the protection and preservation of the marine environment of the zone;

(c) Regulating the construction, operation, and use of artificial islands (whether permanent or temporary), and other installations and structures within the zone, including the establishment of safety zones around such islands, installations, and structures;

(d) Regulating the exploration and exploitation of the zone for the production of energy from the water, currents, and winds, and for any other economic purposes;

(e) Providing for such other matters as are necessary or expedient for giving full effect to the sovereign rights of New Zealand in relation to the zone;

(f) Providing that a breach of any such regulations shall be a criminal offence, and imposing penalties by way of fine not exceeding \$10,000 for any such offences;

(g) Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Part of this Act (other than matters for which regulations may be made under section 22 of this Act) and for its due administration.

28. *General provisions as to offences in zone*—(1) Any offence against this Act, or against any regulations made under this Act, that is committed within the exclusive economic zone shall be deemed to have been committed in New Zealand.

(2) Where any licensee, owner, master, or crew member of a foreign fishing craft is charged with any offence specified in section 19 of this Act or in any regulations made under section 22 of this Act, in respect of any activity described in paragraph (b) or paragraph (c) of the definition of the term “fishing” in section 2 (1) of this Act, it shall be a defence to the charge if the defendant proves that such activity related only to fish taken beyond the outer limits of the exclusive economic zone.

(3) Where any power of apprehension of any person, or of stopping, boarding, or searching any fishing craft, or of inspecting, seizing, or detaining any fishing craft or fish, is conferred on any person under this Part of this Act, that power may be exercised with or without a warrant.

PART III

Miscellaneous Provisions

29. *Interim and transitional measures*—(1) Pending the coming into force of Part II of this Act, the Governor-General may from time to time, by Order in Council, make regulations prescribing interim or transitional measures for the conservation and management of fisheries resources beyond the territorial sea of New Zealand but within 200 nautical miles of the baseline described in sections 5 and 6 of this Act, and for the limitation of fishing by foreign fishing craft in any areas to which those measures relate.

(2) Regulations made under this section may provide that a breach of any such regulations shall be a criminal offence, and may impose penalties by way of fine not exceeding \$100,000 for any such offences, and may declare that any such offences shall be deemed to have been committed within New Zealand.

(3) Regulations made under this section may provide that the provisions of sections 24, 25, and 26 of this Act shall apply in respect of offences committed against such regulations.

30. *Modifications to give effect to international agreement*—The Governor-General may, from time to time, by Order in Council, limit any provision of this Act relating to the exclusive economic zone so far as it is necessary to do so to give full effect to any convention that is adopted by the Third United Nations Conference on the Law of the Sea.

31. *Official charts*—(1) For the purposes of this Act, in any proceedings in any Court the line of low water for any area depicted on the charts held in the Territorial Limits Chart Folio held by the Royal New Zealand Navy Hydrographic Office shall be sufficient evidence of the line of the low-water mark for that area.

(2) For the purposes of this Act, in any proceedings in any Court, a certificate purporting to be signed by an officer of the New Zealand Naval Forces authorized by the Secretary of Defence or the Deputy Secretary of Defence that any specified chart is a chart referred to in subsection (1) of this section shall be admissible as evidence of the matters stated in the certificate.

(3) Every person signing any such certificate shall, in the absence of proof to the contrary, be presumed to be duly authorised to sign it.

32. *Onus of proof in respect of offences*—In any criminal proceedings under this Act where a defendant is charged with having committed an offence specified in section 19 of this Act, or with having contravened any other provision in any regulations made under this Act under which a licence or permit, or the consent of any person is required for the doing of any act, the onus shall be on the defendant to prove that at the time to which the charge relates, the requisite licence, permit, or consent was duly held.

33. *Amendments, repeal, and savings*—(1) The enactments specified in the Schedule to this Act are hereby amended in the manner indicated in that Schedule.

(2) Unless in any case the context otherwise requires, every reference in any other enactment or in any regulation, rule, order, agreement, deed, instrument, application, notice, licence, or other document whatsoever, in force at the commencement of this section,—

(a) To the territorial sea of New Zealand as defined by section 3 of the Territorial Sea and Fishing Zone Act 1965,¹ or to the fishing zone of New Zealand established by section 8 of that Act, shall hereafter be read as a reference to the territorial sea of New Zealand as defined by section 3 of this Act:

(b) To the internal waters of New Zealand as defined by section 4 of that Act, shall hereafter be read as a reference to the internal waters of New Zealand as defined by section 4 of this Act.

(3) The Territorial Sea and Fishing Zone Act 1965 is hereby repealed.¹

(4) Except as expressly provided by this Act, the provisions of this Act are in addition to and not in substitution for the provisions of every other enactment, and accordingly nothing in this Act shall limit or derogate from the provisions of any other enactment.

¹ Reproduced in ST/LEG/SER.B/15, p. 102.

SCHEDULE

Enactments Amended

Enactment Amended
1908, No. 65—The Fisheries Act 1908 (Reprinted 1966, Vol. 3, p. 2321)¹

Amendment

By inserting after section 1, but before the heading "Part I—Sea Fisheries", the following section:

"1A. *Application of Act to exclusive economic zone*—(1) Nothing in this Act shall be construed—

"(a) To require the licensing or registration or obtaining of a permit or of any consent by a foreign fishing craft for the purpose of fishing within the exclusive economic zone of New Zealand; or

"(b) To authorise the making of any regulations in derogation of the provisions of the Territorial Sea and Exclusive Economic Zone Act 1977, or of any regulations made under that Act, relating to fishing within the exclusive economic zone; or

"(c) To authorise the boarding, search, seizure, taking of possession, detention, or forfeiture under this Act of any such foreign fishing craft, or of any equipment or fish on board the craft, or the arrest of any crew member of such craft, in respect of any offence relating to fishing within the exclusive economic zone; or

"(d) To authorise the imposition of a term of imprisonment on any crew member of any such foreign fishing craft in respect of any such offence.

"(2) Nothing in Part III of this Act or in section 12A of the Fisheries Amendment Act 1963 shall apply to fishing by foreign fishing craft within the exclusive economic zone.

"(3) Where, but for the provisions of subsection (1) of this section, a person would be liable to suffer imprisonment for the commission of any offence, he shall instead of such imprisonment be liable on summary conviction to a fine not exceeding in the case of any licensee, owner, or master of the foreign fishing craft \$10,000, and not exceeding in the case of any other crew member of the foreign fishing craft \$1,000.

"(4) Any offence against this Act that is committed within the exclusive economic zone

¹ Partially reproduced in ST/LEG/SER.B/6, p. 540; ST/LEG/SER.B/15, p. 649; and ST/LEG/SER.B/16, p. 309.

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of New Zealand shall be deemed to have been committed in New Zealand.

“(5) In this section, the terms ‘exclusive economic zone’, ‘fish’, ‘fishing’, and ‘foreign fishing craft’ have the meanings assigned to them by section 2 (1) of the Territorial Sea and Exclusive Economic Zone Act 1977.”

By omitting the definition of the term “New Zealand fisheries waters” in section 2 (1) (as inserted by section 11 of the Territorial Sea and Fishing Zone Act 1965), and substituting the following definition:

“‘New Zealand fisheries waters’ means—

“(a) All waters in the exclusive economic zone of New Zealand (as described in section 9 of the Territorial Sea and Exclusive Economic Zone Act 1977);

“(b) All waters of the territorial sea of New Zealand (as defined by section 3 of that Act);

“(c) All internal waters of New Zealand (as defined by section 4 of that Act); and

“(d) The waters of every lake, river and stream where fish indigenous to New Zealand are found”.

By repealing section 67 (1) (as inserted by section 11 of the Territorial Sea and Fishing Zone Act 1965).

1950, No. 34—The Harbours Act 1950¹ (Reprinted 1966, Vol. 3, p. 2395)

By omitting from section 2 (2) (as inserted by section 11 of the Territorial Sea and Fishing Zone Act 1965) the words “Fishing Zone Act 1965”, and substituting the words “Exclusive Economic Zone Act 1977”.

1961, No. 43—The Crimes Act 1961²

By omitting from the definition of the term “New Zealand” in section 2 (1) (as inserted by section 11 of the Territorial Sea and Fishing Zone Act 1965) the words “and Fishing Zone Act 1965”, and substituting the words “and Exclusive Economic Zone Act 1977”.

1964, No. 28—The Continental Shelf Act 1964³

By omitting from section 2 the definition of the term “continental shelf”, and substituting the following definition:

“‘Continental shelf’ means the seabed and subsoil of those submarine areas that extend beyond the territorial limits of New Zealand, throughout the natural prolongation of the land

¹ Section 2 (2) reproduced in ST/LEG/SER.B/15, p. 168.

² Section 2 (1) reproduced in ST/LEG/SER.B/15, p. 498.

³ Reproduced in ST/LEG/SER.B/15, p. 389.

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territory of New Zealand, to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured (as described in sections 5 and 6 of the Territorial Sea and Exclusive Economic Zone Act 1977) where the outer edge of the continental margin does not extend to that distance.”

By inserting in section 2, after the definition of the term ‘continental shelf’, the following definition:

“ ‘Mineral’ includes coal.”

By renumbering section 2 as subsection (1) of that section, and adding the following subsection:

“(2) For the purposes of implementing any international agreement, or for any other purpose in accordance with international law, the Governor-General may from time to time, by Order in Council, delineate the actual boundaries of the continental shelf.”

1966, No. 5—The Submarine Cables and Pipelines Protection Act 1966¹

By omitting from the definition of the term “low-water mark”, in section 2, the words “Fishing Zone Act 1965”, and substituting the words “Exclusive Economic Zone Act 1977”.

By omitting from section 7 (2) the words “fishing zone of New Zealand”, and substituting the words “exclusive economic zone of New Zealand (as described in section 9 of the Territorial Sea and Exclusive Economic Zone Act 1977)”.

24. PAKISTAN

TERRITORIAL WATERS AND MARITIME ZONES ACT, 1976²

1. *Short title and commencement.*

(1) This Act may be called the Territorial Waters and Maritime Zones Act, 1976.

(2) It shall come into force at once.

2. *Territorial waters.*

(1) The sovereignty of Pakistan extends and has always extended to the territorial waters of Pakistan, hereinafter referred to as the territorial

¹ Section 2 reproduced in ST/LEG/SER.B/15, p. 505.

² Passed by Parliament on 22 December 1976. Assented to by the President on 31 December 1976. Text provided by the Permanent Representative of Pakistan to the United Nations in a note dated 3 June 1977.

waters, as well as to the air space over, and the bed and subsoil of such waters.

(2) The limit of the territorial waters is 12 nautical miles beyond the land territory and internal waters of Pakistan measured from the baseline.

(3) The baseline from which such limit shall be measured and the waters on the landward side of which shall form part of the internal waters of Pakistan shall be specified by the Federal Government by notification in the official *Gazette*.

(4) Where a single island, rock or a composite group thereof constituting a part of the territory of Pakistan is situated off the main coast, the baseline referred to in subsection (3) shall be drawn along the outer seaward limits of such island, rock or composite group.

3. *Use of territorial waters by foreign ships.*

(1) Without prejudice to the provisions of any other law for the time being in force and subject to the provisions of subsection (2) and subsection (3), all foreign ships shall enjoy the right of innocent passage through the territorial waters.

Explanation. For the purposes of this section, passage is innocent so long as it is not prejudicial to the peace, good order or security of Pakistan.

(2) Foreign warships, including submarines and other underwater vehicles and foreign military aircraft may enter or pass through the territorial waters and the air space over such waters with the prior permission of the Federal Government:

Provided that submarines and other underwater vehicles shall navigate on the surface and show their flag while passing through such waters.

(3) Foreign super-tankers, nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances or materials may enter or pass through the territorial waters after giving prior notice to the Federal Government.

(4) The Federal Government may, if satisfied that it is necessary so to do in the interest of the peace, good order or security of Pakistan or any part thereof, suspend, by notification in the official *Gazette*, subject to such exceptions and qualifications, if any, as may be specified in the notification, the entry of all or any class of foreign ships into such area of the territorial waters as may be specified in the notification.

4. *Contiguous Zone.*

(1) The Contiguous Zone of Pakistan, hereinafter referred to as the Contiguous Zone, is an area adjacent to and beyond the territorial waters and extending seawards to a line 24 nautical miles measured from the baseline declared under subsection (3) of section 2.

(2) The Federal Government may exercise such powers and take such measures in or in respect of the Contiguous Zone as it may consider

necessary to prevent and punish the contravention of, and an attempt to contravene, any law in force in Pakistan relating to—

- (a) the security of Pakistan;
- (b) immigration and sanitation; and
- (c) customs and other fiscal matters.

(3) The Federal Government may, by notification in the official *Gazette*—

(a) extend to the Contiguous Zone any law relating to any matter referred to in clause (a) or clause (b) or clause (c) of subsection (2), for the time being in force in Pakistan or any part thereof, with such modifications, if any, as may be specified in the notification; and

(b) make such provisions as it may consider necessary for facilitating the enforcement of such law and any law so extended shall have effect as if the Contiguous Zone formed part of the territory of Pakistan.

5. *Continental Shelf.*

(1) The Continental Shelf of Pakistan, hereinafter referred to as the Continental Shelf, shall comprise the sea-bed and subsoil of the submarine areas that extend beyond the limit of the territorial waters of Pakistan throughout the natural prolongation of the land territory of Pakistan to the outer edge of the continental margin or, where the outer edge of the continental margin does not extend up to a distance of 200 nautical miles from the baseline declared under subsection (3) of section 2, up to that distance.

(2) Pakistan has, and always had, full and exclusive sovereign rights in respect of its Continental Shelf, including—

(a) exclusive sovereign rights for the purpose of exploration, development, exploitation, conservation and management of all resources, both living and non-living;

(b) exclusive rights and jurisdiction to authorize, regulate and control scientific research;

(c) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, offshore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the Continental Shelf, for the convenience of shipping or for any other purpose; and

(d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution.

(3) No person, including a foreign Government, shall, except under, and in accordance with the terms of, any agreement with the Federal Government or a licence or letter of authority granted by the Federal Government, explore the Continental Shelf or exploit its resources or carry out any search or excavation or conduct any research within the Continental Shelf or drill therein or construct, maintain or operate therein for any

purpose whatsoever any artificial islands, offshore terminal, installation or other structure or device.

(4) The Federal Government may, by notification in the official *Gazette*—

(a) declare any area of the Continental Shelf and its superjacent waters to be a designated area; and

(b) make such provisions as it may deem necessary with respect to all or any of the following matters, namely—

- (i) the exploration, development, exploitation and protection of the resources of the Continental Shelf within such designated area;
- (ii) the safety and protection of artificial islands, offshore terminals, installations and other structures and devices in such designated area;
- (iii) the protection of marine environment of such designated area;
- (iv) customs and other fiscal matters in relation to such designated area; and
- (v) the regulation of entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interests of Pakistan.

(5) The Federal Government may, by notification in the official *Gazette*—

(a) extend to the whole or any part of the Continental Shelf any law for the time being in force in Pakistan or any part thereof, with such modifications, if any, as may be specified in the notification; and

(b) make such provisions as it may consider necessary for facilitating the enforcement of such law;

and any law so extended shall have effect as if the Continental Shelf or, as the case may be, the part thereof to which it has been extended formed part of the territory of Pakistan.

(6) Subject to any measures that may be necessary for protecting the interests of Pakistan, and without prejudice to the provisions of subsection (2), the Federal Government may not impede the laying or maintenance of submarine cables or pipelines on the sea-bed of the Continental Shelf by foreign States:

Provided that the consent of the Federal Government shall be necessary for the delineation of the course for the laying of such cables or pipelines.

6. *Exclusive Economic Zone.*

(1) The Exclusive Economic Zone of Pakistan, hereinafter referred to as the Exclusive Economic Zone, is an area beyond and adjacent to the territorial waters the limit of which is 200 nautical miles from the baseline declared under subsection (3) of section 2.

(2) In the Exclusive Economic Zone, its bed and subsoil and the superjacent waters, Pakistan has—

(a) exclusive sovereign rights for the purpose of exploration, development, exploitation, conservation and management of all resources, both living and non-living, as well as for producing energy from tides, winds, currents and the sun;

(b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, offshore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the Zone or for the convenience of shipping or for any other purpose;

(c) exclusive rights and jurisdiction to authorize, regulate and control scientific research;

(d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and

(e) such other rights as are recognized by international law.

(3) No person, including a foreign Government, shall, except under, and in accordance with the terms of, any agreement with the Federal Government or a licence or letter of authority granted by the Federal Government, explore or exploit any resources of the Exclusive Economic Zone or carry out any search or excavation or conduct any research within the Exclusive Economic Zone or drill therein or construct, maintain or operate therein for any purpose whatsoever any artificial island, offshore terminal, installation or other structure or device:

Provided that fishing in the Exclusive Economic Zone shall be regulated by the provisions of the Exclusive Fishery Zone (Regulation of Fishing) Act, 1975 (XXII of 1975).¹

(4) The Federal Government may, by notification in the official *Gazette*—

(a) declare any area of the Exclusive Economic Zone to be a designated area; and

(b) make such provisions as it may deem necessary with respect to all or any of the following matters, namely—

(i) the exploration, development, exploitation and protection of the resources of such designated area;

(ii) other activities for the economic exploitation and exploration of such designated area, such as the production of energy from tides, winds, currents and the sun;

(iii) the safety and protection of artificial islands, offshore terminals, installations and other structures and devices in such designated area;

(iv) the protection of marine environment of such designated area;

¹ See *infra*, division V, No. 27 (a).

- (v) customs and other fiscal matters in relation to such designated area; and
- (vi) the regulation of entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interest of Pakistan.

(5) The Federal Government may, by notification in the official *Gazette*—

(a) extend to the whole or any part of the Exclusive Economic Zone any law for the time being in force in Pakistan or any part thereof subject to such modifications as may be specified in the notification; and

(b) make such provisions as it may consider necessary for facilitating the enforcement of such law, and any law so extended shall have effect as if the Exclusive Economic Zone or, as the case may be, the part thereof to which it has been extended formed part of the territory of Pakistan.

(6) The provisions of subsection (6) of section 5 shall apply in relation to the laying or maintenance of submarine cables or pipelines on the sea-bed of the Exclusive Economic Zone as they apply in relation to the laying or maintenance of submarine cables or pipelines on the sea-bed of the Continental Shelf.

(7) In the Exclusive Economic Zone and the air space over the Zone, ships and aircraft of all States shall, subject to the exercise by Pakistan of its rights within the Zone, enjoy freedom of navigation and overflight.

7. *Historic waters.*

(1) The Federal Government may, by notification in the official *Gazette*, specify the limits of such waters adjacent to its land territory as are the historic waters of Pakistan.

(2) The sovereignty of Pakistan extends, and has always extended, to the historic waters of Pakistan and to the sea-bed and subsoil underlying, and the air space over, such waters.

8. *Maritime boundaries between Pakistan and States having coasts opposite or adjacent to those of Pakistan.*

(1) Notwithstanding anything contained in any other provision of this Act—

(a) the delimitation of the territorial waters between Pakistan and any other State whose coast is opposite or adjacent to that of Pakistan shall be determined by agreement between Pakistan and such State and pending such agreement and unless any other provisional arrangements are agreed to between them, the boundary with regard to the territorial waters between Pakistan and such State shall not extend beyond the line every point of which is equidistant from the baseline from which the breadth of the territorial waters of Pakistan and of such State is measured; and

(b) the delimitation of the Contiguous Zone, the Continental Shelf, the Exclusive Economic Zone and other maritime zones between Pakistan

and any other State whose coast is opposite or adjacent to that of Pakistan shall be effected by agreement in accordance with equitable principles and taking account of all the relevant circumstances, and pending such agreement or a settlement Pakistan and such State shall make provisional arrangements taking into account the said principles for delimitation of the Contiguous Zone, the Continental Shelf, the Exclusive Economic Zone and other maritime zones.

(2) Every agreement referred to in clauses (a) and (b) of subsection (1) shall, as soon as may be after it is entered into, be published in the official *Gazette*.

9. *Publication of charts.*

The Federal Government may cause the baseline referred to in subsection (3) of section 2, the limits of the Territorial Waters, the Contiguous Zone, the Continental Shelf and the Exclusive Economic Zone and the maritime boundaries as settled by agreements referred to in section 8 to be published in charts.

10. *Offences.*

Whoever contravenes any provision of this Act or of any rule or notification made or issued thereunder shall, without prejudice to any other action which may be taken against such person under any other provision of this or of any other law, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

11. *Offences by companies.*

(1) Where an offence punishable under section 10 has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for, the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punishable accordingly:

Provided that nothing contained in this subsection shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in subsection (1), where an offence punishable under section 10 has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. For the purpose of this section—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

12. *Place of trial.*

Any person committing an offence punishable under section 10 or under any of the laws extended under this Act may be tried for the offence in such place or places as the Federal Government may, by general or special order published in the official *Gazette*, direct in this behalf.

13. *Previous sanction of the Federal Government for prosecution.*

No prosecution shall be instituted against any person in respect of any offence punishable under section 10 or under any of the laws extended under this Act without the previous sanction of the Federal Government or such officer or authority as may be authorized by that Government by order in writing in this behalf.

14. *Power to make rules.*

(1) The Federal Government may, by notification in the official *Gazette*, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) regulation of the conduct of any person in the Territorial Waters, the Contiguous Zone, the Continental Shelf, the Exclusive Economic Zone or any other maritime zone of Pakistan;

(b) regulation of the exploration, development, exploitation, conservation and management of the resources of the Continental Shelf;

(c) regulation of the exploration, development, exploitation, conservation and management of the resources of the Exclusive Economic Zone;

(d) regulation of the construction, maintenance and operation of artificial islands, offshore terminals, installations and other structures and devices referred to in section 5 and section 6;

(e) preservation and protection of the marine environment and prevention and control of marine pollution;

(f) authorization, regulation and control of the conduct of scientific research;

(g) fees in relation to licences and letters of authority referred to in subsection (3) of section 5 and subsection (3) of section 6 or for any other purpose; or

(h) any matter incidental to any of the matters specified in clauses (a) to (g).

25. PORTUGAL

ACT No. 33/77 OF 28 MAY 1977¹

Article 1. Portuguese territorial sea

1. The breadth of the Portuguese territorial sea is 12 nautical miles.
2. The outer limits of the Portuguese territorial sea are those established by Portuguese law, in accordance with international law.

Article 2. Exclusive economic zone

1. An exclusive economic zone is hereby established, the outer limit of which is a line where each point is at a distance of 200 nautical miles from the point closest to the baseline from which the breadth of the Portuguese territorial sea is measured.
2. Pending the entry into force of the agreements with States whose coasts are opposite or adjacent to those of Portugal, the limits of the zone referred to in paragraph 1 shall not extend beyond the median line, every point of which is equidistant from the nearest point on the baselines from which the breadth of the territorial sea of each State is measured.
3. The provisions of the preceding paragraphs shall not affect the legal status of the Portuguese territorial sea.

Article 3. International law

Establishment of the exclusive economic zone shall take into account the rules of international law, namely those concerning passage and overflight.

Article 4. Conservation and management of living resources

1. In the zone referred to in article 2, the Portuguese State holds exclusive jurisdiction with regard to conservation and management of living resources.
2. Without prejudice to the exceptions provided for in the present act, foreign vessels are not permitted to fish in the exclusive economic zone.
3. For the purposes of the present act, it is understood that "fishing" means the search for, the catch, the harvesting or the utilization of any living resources in that sea, but also the exercise of activities defined as "preparatory to fishing", in accordance with paragraph 2 of article 2 of Decree Law No. 47947, of 18 September 1967, and the practice of acts adversely affecting to the execution of such activities by Portuguese citizens or by others with similar legal status for the purposes of fishing, defined as "acts adversely affecting to the exercise of fishing", in accordance with paragraph 3 of article 2 of the decree-law referred to above.

¹ Approved on 1 April 1977 by the President of the Assembly of the Republic. Promulgated on 12 May 1977. Unofficial English translation of the Act provided by the Permanent Representative of Portugal to the United Nations in a note verbale dated 19 July 1977.

Article 5. Regulation of fishing in the exclusive economic zone

The Government shall enact and enforce regulation of fishing in the exclusive economic zone, including *inter alia*:

- (a) The total allowable catch and the maximum sustainable yield for the fisheries as a whole, as well as for each individual species or population and for each part of any specific area;
- (b) The terms and conditions of fishing of the catch quota allowed to aliens, allocated by country;
- (c) The rational and appropriate practice of fishing activities, including the number and size of fishing vessels, use of equipment and fishing gear and their limitation, when required, closed seasons and areas;
- (d) Protection, conservation and restoration of the living resources of the exclusive economic zone.

Article 6. International co-operation

Portugal shall co-operate with the competent subregional, regional or global international organizations, in matters of conservation of the living resources of the sea.

Article 7. Special regulations for the exclusive economic zone

Pursuant to the applicable rules of international law of the sea, the Government may establish special regulations for the exclusive economic zone, namely with regard to:

- (a) protection of the environment;
- (b) scientific research;
- (c) artificial installations, permanent or temporary;
- (d) submarine pipelines and cables;
- (e) survey and exploitation, for economic purposes, including energy production, or living and non-living natural resources of the sea-bed, subsoil thereof and superjacent waters.

Article 8. Penalties

1. The Government shall submit to the Assembly of the Republic proposals for legislation establishing civil responsibility and penalties incurred by individual and collective persons, nationals and aliens, who violate the provisions of the present act and its regulations.

2. The legislation referred to in the previous paragraph shall include, depending on the gravity of the infractions, *inter alia*, measures for cancelling fishing authorization, arrest of vessels and of their equipment, nets, gear and catch, and their seizure by the State, as well as fines and imprisonment.

3. Pending the entry into force of the legislation referred to in preceding paragraphs, the penalties established in Decree-Law No. 49947 of 18 September 1967, in regard to "fishing waters under jurisdiction", shall be applied to the zone defined in article 2 of the present law; provisions

of paragraphs 2 and 3 of article 5 of the same decree-law shall be applied to infractions committed by foreign vessels in the Portuguese territorial sea.

Article 9. Living resources of the continental shelf

The present act does not affect the sovereign rights of the Portuguese State over sedentary species on its continental shelf.

Article 10. Review of the present act

The present act, as well as the additional provisions of the juridical status of maritime space under national sovereignty or jurisdiction shall be reviewed in the light of the achievements of the Third United Nations Conference on the Law of the Sea and other developments with implications for the future law of the sea.

Article 11. Conformity with special laws in effect

1. Articles III and V of Law No. 2130 of 22 August 1966, are hereby revoked.

2. Paragraphs 2, 3 and 4 of article 10 of Decree-Law No. 47771, of 29 June 1967, are hereby revoked, and the phrase "...and on the coasts of the provinces of Guiné, Angola and Moçambique" is hereby deleted from the body of that same article.

Article 12. Fishing by foreign vessels

During an interim period, not exceeding 12 months, the Government may permit fishing by foreign vessels in the exclusive economic zone, without complete fulfilment of the conditions established by this act.

26. REPUBLIC OF KOREA

(a) TERRITORIAL SEA LAW, 1977¹

Article 1. Breadth of the territorial sea

The territorial sea of the Republic of Korea shall be the area of the waters up to the outer limit of twelve nautical miles measured from the baseline. However, the breadth of the territorial sea in the specified area may be determined otherwise within the limit of twelve nautical miles in accordance with the Presidential Decree.

Article 2. Baseline

1. The normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the Republic of Korea.

2. In the area of the waters where geographically special circumstances

¹ Law No. 3037, entered into force as from 30 April 1978, pursuant to its Supplementary Provision and article 1 of the Regulation concerning the date of entry into force of the Territorial Sea Law and Related Matters. (Presidential Decree No. 8994, which entered into force on 29 April 1979). Unofficial English translation provided by the Permanent Observer of the Republic of Korea to the United Nations in a note verbale dated 10 August 1978.

exist, the straight line joining the points as provided for in the Presidential Decree may be employed as the baseline.

Article 3. Internal waters

The area of waters on the landward side of the baseline for measuring the breadth of the territorial sea shall be the internal waters.

Article 4. Boundary with the adjacent or opposite state

The boundary between the territorial sea of the Republic of Korea and that of an adjacent or opposite state, unless otherwise agreed between the States concerned, shall be the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two states is measured.

Article 5. Passage of foreign ships

1. Foreign ships enjoy the right of innocent passage through the territorial sea of the Republic of Korea so long as the passage is not prejudicial to the peace, good order or security of the Republic of Korea. When a foreign warship or government ship operated for non-commercial purposes intends to pass through the territorial sea, it shall give a prior notice to the authorities concerned in accordance with the Presidential Decree.

2. Passage of a foreign ship shall be considered to be prejudicial to the peace, good order or security of the Republic of Korea, if in the territorial sea it engages in any of the following activities, except, however, when the activities set out in Subparagraphs (2), (3), (4), (5), (11), and (13) have been authorized, approved or assented by the authorities concerned.

(1) Any threat or use of force against the sovereignty, territorial integrity or independence of the Republic of Korea, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;

(2) Any exercise or practice with weapons of any kind;

(3) The launching, landing or taking on board of any aircraft;

(4) The launching, landing or taking on board of any military device;

(5) Submerged navigation;

(6) Any act aimed at collecting information to the prejudice of the security of the Republic of Korea;

(7) Any act of propaganda or instigation to the prejudice of the security of the Republic of Korea;

(8) The embarking or disembarking of any commodity, currency or person contrary to the customs, fiscal, immigration or hygienic, sanitary regulations of the Republic of Korea;

(9) The discharge of the pollutant exceeding the standard as provided for in the Presidential Decree;

- (10) Any fishing activities;
- (11) The carrying out of research or survey activities;
- (12) Any act aimed at interfering with any systems of communication or the damage of the facilities or installations of the Republic of Korea;
- (13) Any other activities not having a direct bearing on passage as provided for in the Presidential Decree.

3. The innocent passage of foreign ships may be suspended temporarily in specified area of the territorial sea in accordance with the Presidential Decree if such suspension is considered to be essential to the security of the Republic of Korea.

Article 6. Stopping of a foreign ship

If a foreign ship (Excluding foreign warships and government ships operated for non-commercial purposes. The same shall apply hereinafter.) is suspected of having violated the provisions of Article 5, the authorities concerned may issue necessary orders or take other necessary measures such as stopping, searching or seizure.

Article 7. Punishment

1. Crew or other passengers on board of a foreign ship who have violated the provisions of Article 5, paragraph 2 or 3 shall be punishable with penal servitude for not more than five years or with a fine not exceeding twenty million Won, and when the circumstances are considered serious such ship, its equipment, its catches and other articles may be confiscated.

2. Crew or other passengers on board of a foreign ship who have disobeyed, hindered or evaded the order issued or the measure taken in accordance with Article 6 shall be punishable with penal servitude for not more than two years or with a fine not exceeding ten million Won.

3. In case of the violation occurred under paragraph 1 or 2 of this Article the punishment of penal servitude and fine may be imposed concurrently.

4. In the application of this Article if the act referred to in this Article concurrently constitutes a crime under another law the heavier punishment prescribed in the respective laws shall be applied.

Article 8. Exception in the cases of a foreign warship and government ship operated for non-commercial purposes

If a foreign warship or government ship operated for non-commercial purposes or its crew or passengers on board violate this law or other relevant laws and regulations, such ship may be required to remedy the violation or to leave the territorial sea.

(b) ENFORCEMENT DECREE OF THE TERRITORIAL SEA LAW, 1978¹

Article 1. Purpose

The purpose of this Decree is to regulate matters entrusted by the Territorial Sea Law² (hereinafter referred to as "the Law") and those necessary for its enforcement.

Article 2. Basepoints of Straight Baselines

In measuring the breadth of the territorial sea, each area of the waters where straight lines are employed as baselines and the basepoints thereof in accordance with the provisions of paragraph 2 of Article 2 of the Law shall be prescribed in Schedule 1 annexed hereto.

Article 3. Breadth of the Territorial Sea in the Korea Strait

In accordance with the provisions of Article 1 of the Law, the territorial sea in the waters forming the Korea Strait used for international navigation shall be the area of the waters on the landward side of the line connecting the lines as prescribed in Schedule 2 annexed hereto.

Article 4. Passage of Foreign Warships or Other Government Ships

If a foreign warship or other government ship operated for non-commercial purposes intends to navigate through the territorial sea, it shall notify the following particulars to the Minister of Foreign Affairs not later than three (3) days (excluding official holidays) prior to its passage in accordance with the latter part of paragraph 1 of Article 5 of the Law, except in cases where the area of the waters through which the aforementioned ship navigates form a strait used for international navigation in which no high seas route exists.

- (1) Name, type and official number of the ship
- (2) Purpose of the passage
- (3) Passage route and schedule

Article 5. Activities of Foreign Ships in the Territorial Sea

1. If a foreign ship intends to conduct any of the activities stipulated in subparagraphs (2) to (5), (11) or (13) of paragraph 2 of Article 5 of the Law, it shall submit an application specifying the following particulars to the Minister of Foreign Affairs and shall obtain authorization, approval or consent from the authorities concerned.

- (1) Name, type and official number of the ship
- (2) Purpose of the activity
- (3) Area of the waters of the activity, passage route and schedule

¹ Presidential Decree No. 9162, entered into force as from 20 September 1978, pursuant to Supplementary Provision No. 1. Unofficial English translation provided by the Permanent Observer of the Republic of Korea to the United Nations in a note verbale of 26 October 1978.

² *Supra* (a).

2. Any authorization, approval or consent obtained from the authorities concerned with respect to the activities stipulated in subparagraphs (2) to (5) or (11) of paragraph 2 of Article 5 of the Law in accordance with other laws and regulations shall be regarded as authorization, approval or consent obtained under this Decree.

Article 6. Standards for Control of Discharge of Pollutants

The provisions of Article 5 and paragraphs 1 and 2 of Article 10 of the Marine Pollution Prevention Law shall be applied with respect to standards for control of discharge of pollutants as stipulated in subparagraph 9, paragraph 2 of Article 5 of the Law.

Article 7. Temporary Suspension of the Innocent Passage

1. The temporary suspension of the innocent passage of a foreign ship in the specified area of the territorial sea in accordance with paragraph 3 of Article 5 of the Law shall be effected by the Minister of National Defense, subject to, in advance, deliberation by the State Council and approval of the President.

2. Upon approval of the President in accordance with the provisions of paragraph 1, the Minister of National Defense shall, without delay, give publicity to the area of the waters in which the innocent passage is suspended temporarily, the duration of suspension, and the reasons therefor.

SCHEDULE 1

Areas of the Waters where Straight Lines are employed as Baselines and the Basepoints thereof

<i>Area of the waters</i>	<i>Basepoint</i>	<i>Geographical Designation</i>	<i>Co-ordinates</i>
Yeongil Man ¹ ..	1	Dalman Gab ²	36° 06' 05" North Latitude 129° 26' 06" East Longitude
	2	Janggi Gab	36° 05' 19" North Latitude 129° 33' 36" East Longitude
Ulsan Man	3	Hwaam Chu ³	35° 28' 13" North Latitude 129° 24' 39" East Longitude
	4	Beomueol Gab	35° 25' 45" North Latitude 129° 22' 16" East Longitude
South Sea	5	1.5 Meter Am ⁴	35° 09' 59" North Latitude 129° 13' 12" East Longitude
	6	Saeng Do ⁵ (south end)	35° 02' 01" North Latitude 129° 05' 43" East Longitude
	7	Hong Do	34° 31' 52" North Latitude 128° 44' 11" East Longitude
	8	Ganyeo Am	34° 17' 04" North Latitude 127° 51' 25" East Longitude
	9	Sangbaeg Do	34° 01' 38" North Latitude 127° 36' 48" East Longitude
	10	Geomun Do	34° 00' 07" North Latitude 127° 19' 35" East Longitude

<i>Area of the waters</i>	<i>Basepoint</i>	<i>Geographical Designation</i>	<i>Co-ordinates</i>
	11	Yeoseo Do	33° 57' 56" North Latitude 126° 55' 39" East Longitude
	12	Jangsu Do	33° 54' 55" North Latitude 126° 38' 25" East Longitude
	13	Jeolmyeong Seo ⁶	33° 51' 54" North Latitude 126° 18' 54" East Longitude
	14	Soheugsan Do	34° 02' 40" North Latitude 125° 07' 34" East Longitude
West Sea	15	Sogugheul Do (northwest of Soheugsan Do)	34° 06' 51" North Latitude 125° 04' 42" East Longitude
	16	Hong Do	34° 40' 18" North Latitude 125° 10' 25" East Longitude
	17	Go Seo (northwest of Hong Do)	34° 43' 03" North Latitude 125° 11' 25" East Longitude
	18	Hoeng Do	35° 20' 03" North Latitude 125° 59' 14" East Longitude
	19	Sangwangdeung Do	35° 39' 30" North Latitude 126° 06' 16" East Longitude
	20	Jig Do	35° 53' 10" North Latitude 126° 04' 15" East Longitude
	21	Eocheong Do	36° 07' 05" North Latitude 125° 58' 11" East Longitude
	22	Seogyogyeolbi Do	36° 36' 36" North Latitude 125° 32' 30" East Longitude
	23	Soryong Do	36° 58' 38" North Latitude 125° 45' 02" East Longitude

¹ "Man" means bay.

² "Gab" means promontory.

³ "Chu" means lagoon.

⁴ "Am" means rock.

⁵ "Do" means island.

⁶ "Seo" means islet.

SCHEDULE 2

Outer Limit of the Territorial Sea in the Korea Strait

1. The outer line at a distance of three nautical miles measured from the straight baselines joining, in order, Basepoint 5 (1.5 Meter Am), Basepoint 6 (Saeng Do) and Basepoint 7 (Hong Do).

2. The line drawn at 93 degrees, from the point where the line drawn at 127 degrees from Basepoint 5 (1.5 Meter Am) intersects the line mentioned in paragraph 1, to the point where the said line intersects the outer line at a distance of twelve nautical miles measured from the baseline.

3. The line drawn at 172 degrees, from the point where the line drawn at 120 degrees from Basepoint 7 (Hong Do) intersects the line mentioned in

paragraph 1, to the point where the said line intersects the outer line at a distance of twelve nautical miles measured from the baseline.

27. SAO TOME AND PRINCIPE

DÉCRET-LOI N° 14/78 DU 16 JUIN¹

Vu les dispositions du paragraphe 2 de l'article 4 de la Constitution :

Considérant la nécessité de délimiter l'étendue de la mer territoriale de la République démocratique de Sao Tomé-et-Principe;

Compte tenu de ce que pour ce faire il y a lieu de déterminer, conformément aux antécédents historiques, aux particularités géographiques, géologiques, économiques et politiques et au moyen de coordonnées géographiques; la ligne de base à partir de laquelle en mesurer la largeur;

En vertu des pouvoirs qui leur sont conférés au paragraphe 1^{er} de l'article 26 de la Constitution, le Gouvernement de la République de Sao Tomé-et-Principe adopte et le Président de la République promulgue le décret-loi ci-après :

Art. 1^{er}. La mer territoriale de la République démocratique de Sao Tomé-et-Principe a une étendue de douze milles marins mesurés à partir de la ligne de base déterminée par le présent décret-loi, et dont la limite extérieure est constituée par une ligne dont chaque point se trouve à une distance égale à douze milles marins du point le plus proche de la ligne de base.

Art. 2. La ligne de base à partir de laquelle est mesurée l'étendue de la mer territoriale de la République démocratique de Sao Tomé-et-Principe est constituée par des lignes droites reliant successivement les points extrêmes des deux îles principales, des îlots et des récifs découverts qui les entourent; elle est déterminée par les coordonnées géographiques suivantes :

1—Ilhéu das Rolas (E.)	0° 03' 18" S.	6° 31' 47" E.
2—Ilhéu das Rolas (S.)	0° 03' 13" S.	6° 31' 24" E.
3—Ilhéu das Rolas (S.O.)	0° 03' 32" S.	6° 31' 01" E.
4—Ilhéu Gabado	0° 07' 54" N.	6° 29' 08" E.
5—Ilhéu Côco	0° 12' 02" N.	6° 27' 58" E.
6—Ponta Furada	0° 14' 39" N.	6° 27' 57" E.
7—Ponta Diogo Vae	0° 19' 10" N.	6° 29' 56" E.
8—Pedra Galé	1° 43' 41" N.	7° 22' 56" E.
9—Ilhéus Mosteiros	1° 41' 12" N.	7° 28' 18" E.
10—Ponta da Graça	1° 37' 54" N.	7° 27' 47" E.
11—Ilhéu Carçoço	1° 30' 54" N.	7° 25' 56" E.
12—Ilhéu Santana	0° 14' 31" N.	6° 45' 56" E.

Art. 3. Les eaux situées à l'intérieur de la ligne de base sont les eaux archipélagiques de la République démocratique de Sao Tomé-et-Principe.

¹ Entré en vigueur à partir de la date de sa publication selon l'article 7. Texte français transmis par le représentant permanent de Sao Tomé-et-Principe auprès de l'Organisation des Nations Unies dans une note verbale datée du 6 mars 1979.

Art. 4. La souveraineté que l'Etat de Sao Tomé-et-Principe exerce sur tout le territoire national, lequel est composé des îles Sao Tomé, Principe, Pedras, Tinhosas, Ilhéu das Cabras, Ilhéu das Rolas et d'autres îlots adjacents, les eaux archipélagiques, la mer territoriale, l'espace aérien susjacent, ainsi que le sous-sol de l'espace terrestre, s'étend au fond des océans et au sous-sol du territoire aquatique formé par les eaux archipélagiques et la mer territoriale, ainsi qu'à toutes les ressources naturelles, biologiques et non biologiques, qui se trouvent dans tous les espaces susmentionnés, sur lesquels l'Etat de Sao Tomé-et-Principe exerce sa souveraineté.

Art. 5. La République démocratique de Sao Tomé-et-Principe, sans préjudice des dispositions des articles précédents, et en conformité avec les principes du droit international, respecte la liberté de navigation et de survol des détroits ou des couloirs utilisés pour la navigation internationale.

Art. 6. Toutes les dispositions légales en la matière qui seraient en contradiction avec le présent décret-loi sont révoquées.

28. SEYCHELLES

MARITIME ZONES ACT, 1977¹

2. In this Act—

“baseline” means the baseline as determined in accordance with the straight baseline system;

“continental shelf” means the continental shelf of Seychelles;

“designated area” means an area declared as such under section 9;

“exclusive economic zone” means the exclusive economic zone of Seychelles;

“historic waters” means the historic waters of Seychelles;

“limit”, in relation to the territorial waters, the continental shelf, the exclusive economic zone or the historic waters of Seychelles, means the limit of such waters, shelf, exclusive economic zone or historic waters with reference to the individual or composite group or groups of islands constituting the territory of Seychelles;

“resources” includes living and non-living resources as well as resources for the production of energy from tides, winds and currents;

“submarines” includes underwater vehicles however propelled;

“territorial waters” means the territorial waters of Seychelles.

3. (1) The sovereignty of Seychelles extends and has always extended to the territorial waters of Seychelles and to the sea-bed and subsoil underlying, and the air space over, such waters.

¹ Act No. 15 of 1977. Supplement to *Official Gazette*, 23 May 1977, pp. 143-149. Entered into force on 1 August 1977. Text and information provided by the Permanent Representative of the Republic of Seychelles to the United Nations in a note verbale of 8 August 1977.

(2) The limit of the territorial waters is the line every point of which is at a distance of 12 nautical miles from the nearest point of the baseline.

(3) Notwithstanding anything contained in subsection (2), where the President considers it necessary so to do having regard to International law and State practice, he may, subject to subsection (4), by Order published in the *Gazette*, amend the limit of the territorial waters.

4. (1) Without prejudice to any other enactment in force but subject to subsections (2), (3) and (4), all foreign ships (other than warships, including submarines) shall enjoy the right of innocent passage through the territorial waters.

(2) Foreign warships, including submarines, may enter or pass through the territorial waters after giving notice to the President's Office.

(3) Submarines shall, while passing through the territorial waters, navigate on the surface and show their flag.

(4) Where the President is satisfied that it is necessary so to do—

(a) in the interest of public safety, public order, defence or security of Seychelles or any part thereof; or

(b) in pursuance of any treaty to which Seychelles is a party, he may, by Order published in the *Gazette*, suspend, whether absolutely or subject to such exceptions and qualifications as may be specified in the Order, the entry of any class of foreign ships into such area of the territorial waters as may be specified in the Order.

5. (1) The continental shelf comprises the sea-bed and subsoil of the submarine areas that extend beyond the limit of the territorial waters throughout the natural prolongation of the land territory of Seychelles—

(a) to the outer edge of the continental margin; or

(b) to a distance of 200 nautical miles from the baseline where the outer edge of the continental shelf does not extend up to that distance.

(2) Seychelles has, and always had, full and exclusive sovereign rights in respect of the continental shelf.

6. (1) The exclusive economic zone is the area beyond and adjacent to the territorial waters and which extends to a distance of 200 nautical miles from the baseline.

(2) Notwithstanding anything contained in subsection (1), where the President considers it necessary so to do having regard to International law and State practice, he may, subject to subsection (3), by Order published in the *Gazette*, amend the limit of the exclusive economic zone as specified in subsection (1).

7. (1) Without prejudice to sections 3, 5 and 6, but subject to subsections (3) and (6), Seychelles has, in the continental shelf and the exclusive economic zone—

(a) sovereign rights for the purposes of exploration, exploitation, conservation and management of all resources;

(b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, offshore terminals, installations and other structures and devices necessary for the exploration and exploitation of resources or for the convenience of shipping or for any other purpose;

(c) exclusive jurisdiction to authorize, regulate and conduct scientific research;

(d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and

(e) such other rights as are recognized by International law or State practice.

(2) Except in accordance with the terms of any agreement entered into with Seychelles or of licence granted by or under the authority of the President, no person shall, in relation to the continental shelf or the exclusive economic zone—

(a) explore or exploit any resources;

(b) carry out any search, excavation or drilling operations;

(c) conduct any research;

(d) construct, maintain or operate any artificial island, offshore terminal, installation or other structure or device.

(3) Subject to subsection (d) and to any measures that may be necessary for protecting the interest of Seychelles, foreign States may lay or maintain cables or pipelines on the continental shelf and the sea-bed of the exclusive economic zone.

(4) No cables or pipelines shall be laid on the continental shelf or on the sea-bed of the exclusive economic zone unless the authority of the President has been obtained for the delineation of the course of the cables or pipelines.

(5) Nothing in subsection (2) shall apply in relation to fishing by a citizen of Seychelles or a body corporate registered in Seychelles and approved by the Minister of Fisheries.

(6) Ships and aircraft of all States shall, subject to the exercise by Seychelles of its sovereign rights over its continental shelf or within the exclusive economic zone enjoy the following freedoms—

(a) freedom of navigation; and

(b) freedom of overflight.

8. (1) The President may, by Order published in the *Gazette*, specify the limits of the historic waters.

(2) The sovereign rights of Seychelles extends, and has always extended, to the historic waters and to the sea-bed and subsoil underlying, and the air space over, the historic waters.

9. The President may, by Order published in the *Gazette*—

(a) declare any area of the continental shelf or the exclusive economic zone to be a designated area; and

- (b) make such provisions as he considers necessary with respect to—
- (i) the exploration, exploitation and protection of the resources within the designated area;
 - (ii) the safety and protection of artificial islands, offshore terminals, installations and other structures and devices in the designated area;
 - (iii) the regulation and conduct of scientific research in the designated area;
 - (iv) the protection of the marine environment in the designated area;
 - (v) customs and other fiscal matters in relation to the designated area;
 - (vi) the regulation of entry into and passage of foreign ships through the designated area;
 - (vii) the establishment of fairways, sealanes, traffic separation schemes or any mode of ensuring freedom of navigation which is not prejudicial to the interest of Seychelles.

10. The President may, by Order published in the *Gazette*—

(a) extend with such restrictions and modifications as he thinks fit, any enactment in force to the continental shelf or the exclusive economic zone, or any part thereof, including any designated area;

(b) make such provisions as he considers necessary for facilitating the enforcement of that enactment.

11. The President may cause the baseline, the limits of the territorial waters, the continental shelf, the exclusive economic zone and the historic waters to be published in charts.

12. (1) Any person who contravenes any provisions of this Act or any regulation or Order made under this Act, shall commit an offence and shall, on conviction, be liable to a fine not exceeding 200,000 rupees or to imprisonment for a term not exceeding five years.

(2) Any person who commits an offence shall be tried in the Supreme Court.

13. (1) Where an offence is committed by—

(a) an agent, the person for whom the agent is acting;

(b) a body corporate, every person who, at the time of the commission of the offence, was concerned in the management of the body corporate or was purporting to act in a managerial capacity,

shall also commit the like offence, unless he proves that the offence was committed without his knowledge or consent and that he took all reasonable steps to prevent the commission of the offence.

(2) Notwithstanding subsection (1), where an offence has been committed by a body corporate and it is proved that the offence has been committed with the consent, whether express or implied, or the connivance

of, or is attributable to any neglect on the part of the director, manager, secretary, or other officer of the body corporate, such director, manager, secretary or other officer shall commit the like offence.

14. Where any provision of this Act or of any regulation or Order made under this Act is in conflict with the provision of any other enactment in force, such provision of this Act or of such regulation or Order shall prevail.

15. (1) The President may make such regulations as he considers necessary for carrying out the purposes of this Act.

(2) In particular and without prejudice to the foregoing power, regulations made under subsection (1) may provide for all or any of the following matters—

(a) the regulation of the conduct of any person in the territorial waters, the continental shelf, the exclusive economic zone or the historical waters;

(b) the regulation of the exploration and exploitation, conservation and management of the resources of the continental shelf and the exclusive economic zone;

(c) the regulation of the construction, maintenance of artificial islands, offshore terminals, installations and other structures and devices;

(d) the preservation and the protection of the marine environment and the prevention and control of marine pollution;

(e) the regulation and conduct of scientific research;

(f) the fees in relation to licences; and

(g) any matter incidental to any of the matters specified in paragraphs (a) to (f).

29. SOLOMON ISLANDS

(a) DECLARATION OF ARCHIPELAGOS OF SOLOMON ISLANDS, 1979¹

In exercise of the powers conferred by section 2 (1) of the Delimitation of Marine Waters Act,² the Prime Minister hereby declares the following groups of islands to be archipelagos for the purposes of the Act—

Main Group Archipelago

Shortland Islands, Treasury Islands, Choiseul Islands, New Georgia Islands, Santa Isabel Islands, Dai Island, Russell Islands, Florida Islands, Malaita Island, Guadalcanal Island, Makira Island, Santa Ana Island, Santa Catalina Island, Ulawa Island.

¹ Declaration made on 20 April 1979. English text provided by the Department of Foreign Affairs, Office of the Prime Minister of the Solomon Islands, in a letter of 14 September 1979.

² No. 32 of 1978.

The Rennell, Bellona and Indispensable Reef Atoll Archipelago

Rennell Island, Bellona Island, Indispensable Reef Atoll.

The Ontong Java Group Archipelago

Ontong Java Atoll.

The Santa Cruz Islands Archipelago

Santa Cruz Islands.

The Duff Islands Archipelago

Duff Islands.

(b) DECLARATION OF ARCHIPELAGIC BASELINES, 1979¹

In exercise of the powers conferred by section 4 (2) of the Delimitation of Marine Waters Act, 1978, the Prime Minister hereby declares that the points between which straight baselines are to be drawn for the purpose of determining the outermost limits of the archipelagic waters and the innermost limits of the territorial sea of the archipelagos of Solomon Islands shall be those geographical co-ordinates specified below—

Point	Co-ordinates		On B.A. Chart
	South	East	
THE MAIN GROUP ARCHIPELAGO			
1. On the reef	06° 59' . 2	155° 31' .75	3419
2. On West Coast of Mono I.	07° 23' .85	155° 31' . 2	3419
3. At Laifa Point	07° 25' . 1	155° 31' . 6	3419
4. On West Coast of Stirling I.	07° 27' . 2	155° 33' . 1	3419
5. At Cape Satisfaction	08° 18' . 4	156° 31' . 1	3419
6. On Rendova I.	08° 43' .15	157° 20' . 0	3416
7. On Rendova I.	08° 44' .25	157° 23' . 0	3416
8. On Tetipari I.	08° 47' .78	157° 37' .75	3416
9. Off South I.	08° 48' . 7	157° 45' . 9	3416
10. Off East I.	08° 48' . 5	157° 49' . 0	3416
11. At Masaubaga Point	09° 42' . 6	159° 42' . 4	1469
12. Off Cape Hunter	09° 47' . 7	159° 49' . 1	1469
13. Off Koliula Point	09° 49' . 7	160° 03' . 1	1469 & 3404
14. On San Cristobal I.	10° 35' . 3	161° 30' . 7	3412
15. At Cape Howu	10° 40' . 1	161° 37' . 1	3412
16. Off Cape Sydney	10° 45' . 9	161° 46' . 8	3412
17. On the reef	10° 47' .25	161° 51' . 0	3412
18. On Sta. Catalina I.	10° 54' . 2	162° 27' . 0	3412
19. At S.E. Point of Sta. Catalina I.	10° 54' . 0	162° 28' . 0	3412
20. On Sta. Ana I.	10° 50' . 0	162° 28' . 5	3412
21. On Ulawa I.	09° 43' . 4	161° 59' . 5	3412
22. At Ngora Ngora Point	09° 42' . 5	161° 58' . 9	3412
23. At Cape Arsacides	08° 37' .55	161° 00' . 7	3404

¹ Declaration made on 20 August 1979. English text provided by the Department of Foreign Affairs, Office of the Prime Minister of the Solomon Islands, in a letter of 14 September 1979.

<i>Point</i>	<i>Co-ordinates</i>		<i>On B.A. Chart</i>
	<i>South</i>	<i>East</i>	
24. Off Nadi I.	07° 52' . 4	160° 38' . 2	3403
25. Off Nadi I.	07° 52' . 1	160° 37' .15	3403
26. Off Cape Megapode	07° 45' . 2	158° 57' .45	3403
27. Off Papatura Ito. I.	07° 34' .75	158° 47' . 2	3402
28. Off Omona I.	07° 29' . 5	158° 40' . 4	3402
29. Off North Gijunabeana	07° 28' . 6	158° 38' . 8	3402
30. Off Suki I.	07° 18' . 4	158° 04' . 7	3402
31. Off Malaengari	06° 38' .15	156° 39' .25	3419
32. Off Cape Alexander	06° 35' . 5	156° 31' . 9	3419
33. Off Pomba Inlet	06° 34' . 7	156° 27' .75	3419
34. On Ooma Atoll	06° 37' . 8	156° 06' . 0	3419
35. On Ovau I.	06° 46' . 8	155° 59' . 3	3419
36. On Maifu I.	06° 54' .45	155° 49' .75	3419
37. On the reef	06° 58' . 9	155° 31' .85	3419
Thence to Point 1 above			
38. Off Bellona I.	11° 16' . 1	159° 44' . 9	208
39. On North Reef	12° 19' . 0	160° 03' . 1	208
40. On Middle Reef	12° 39' . 8	160° 17' . 0	208
41. On South Reef	13° 00' . 0	160° 33' . 0	208
42. On South Reef	13° 02' . 5	160° 36' . 0	208
43. On South Reef	13° 00' . 1	160° 38' . 5	208
44. On Rennell I.	11° 51' . 2	160° 39' . 1	208
45. On Rennell I.	11° 42' . 8	160° 29' . 7	208
46. On Bellona I.	11° 17' . 1	159° 48' . 8	208
47. On Bellona I.	11° 16' . 3	159° 46' . 7	208
Thence to Point 38 above			
ONTONG JAVA GROUP ARCHIPELAGO			
48. Off Kengo I.	05° 24' . 7	159° 12' .05	214
49. Off Kiloma I.	05° 28' .65	159° 16' . 8	214
50. Off Alunga I.	05° 31' . 6	159° 33' . 8	214
51. Off Ngikolo I.	05° 32' .35	159° 38' . 9	214
52. Off Akoo I.	05° 31' .55	159° 40' . 5	214
53. Off Luaniuua I.	05° 28' .95	159° 43' . 0	214
54. On Nuika I.	05° 23' . 1	159° 42' . 5	214
55. On the reef	05° 02' . 1	159° 23' . 1	214
56. On the reef	05° 00' . 7	159° 18' . 6	214
57. On the reef	05° 02' . 0	159° 16' . 0	214
58. On the reef	05° 07' .65	159° 12' . 9	214
59. On the reef	05° 21' . 5	159° 10' .85	214
60. Off Nguhakai I.	05° 23' . 4	159° 11' . 0	214
Thence to Point 48 above			
61. At Cape Boscawon	10° 49' .85	165° 46' . 1	17
62. On Astrolabe Reefs	11° 43' . 9	166° 49' . 9	17
63. On Astrolabe Reefs	11° 44' . 5	166° 51' .15	17
64. On Astrolabe Reefs	11° 45' .05	166° 54' . 3	17
65. On Boussole Reef	11° 43' . 8	166° 59' . 4	17
66. Off Astrolabe Point	11° 42' .45	167° 01' . 7	17
67. Off North East Passage	11° 36' .05	167° 01' . 2	17
68. On Temoa I.	10° 15' . 8	166° 22' .65	17
69. Off Nufiloli I.	10° 10' .55	166° 17' . 8	17

Point	Co-ordinates		On B.A. Chart
	South	East	
70. Off Nukapu I.	10° 04' . 1	166° 02' .75	17
71. Off Nupani I.	10° 01' . 9	165° 42' . 9	17
72. Off Nupani I.	10° 02' . 2	165° 42' . 3	17
73. Off Nupani I.	10° 05' .65	165° 41' .65	17
74. Off Nemba	10° 46' .95	165° 44' . 8	17
75. Off Nemba	10° 47' . 9	165° 45' . 0	17
Thence to Point 61 above			
THE DUFF ISLANDS ARCHIPELAGO			
76. On Tuleki I.	09° 45' .35	167° 03' . 6	17
77. On Papa I.	09° 48' . 6	167° 05' . 8	17
78. Off Taumako I.	09° 53' . 6	167° 10' . 5	17
79. On Loteva I.	09° 55' . 8	167° 14' . 8	17
80. On the Islet	09° 55' .05	167° 14' . 8	17
81. On Taumako I.	09° 52' .05	167° 11' .55	17
82. On the Islet	09° 46' . 5	167° 05' . 3	17
83. On Tuleki I.	09° 45' .55	167° 04' . 1	17
Thence to Point 76 above.			

30. SPAIN

(a) ACT NO. 10/1977 OF 4 JANUARY CONCERNING THE TERRITORIAL SEA¹

There is in Spanish law no provision defining precisely what constitutes the Spanish territorial sea. The varied provisions relating to the exercise of State jurisdiction in respect of specific matters within the maritime belt surrounding our coasts use a number of different terms, such as "jurisdictional waters", "Spanish maritime zone", "Spanish waters", "national coastal sca", and also "territorial sea". Moreover, the provisions which use these terms, particularly "jurisdictional waters", apply them to the specific subject area of the provision in question (fishing, taxation, health, etc.).

Accordingly, it is urgently necessary to put an end to this situation by establishing a general definition of the territorial sea, in accordance with prevailing international law and specifically with the Geneva Convention of 29 April 1958,² to which Spain acceded on 25 February 1971.

In producing this definition, it was necessary to specify clearly and definitively the breadth of the belt in question, which was set at 12 nautical miles, that being the limit now established by most States and considered to be in accordance with prevailing international law.

For the purposes of both fishing (Act No. 20/1967, of 8 April)³ and

¹ *Gaceta de Madrid* No. 7 of 8 January 1977. Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale dated 17 June 1977. Translation by the Secretariat of the United Nations.

² United Nations, *Treaty Series*, vol. 516, p. 205; also in ST/LEG/SER.B/15, pp. 721-728.

³ Reproduced in ST/LEG/SER.B/15, pp. 668, 669.

taxation (Decree No. 3281/1968, of 26 December), this had already been established as the limit for the exercise of Spanish jurisdiction.

A general provision legally defining the Spanish territorial sea and determining its breadth cannot be confined to those two questions but must also settle, to the extent that a State can do so unilaterally, the question of the delimitation, both inner (landward) and outer (towards the high seas or the territorial seas of other States), of the belt.

In view not only of the technical advantages which the system of straight baselines and bay closing lines presents for the purpose of determining the outer limit of the territorial sea in the case of an irregular coastline like that of Spain, but also of its importance for the purpose of drawing the equidistance lines to delimit maritime spaces in relation to those of other States, the Act opts for the application of that system and, as regards the outer delimitation of the territorial sea, contains the only provision which can be adopted unilaterally, namely, that our waters shall not, failing agreement between the States concerned, extend beyond the median line between the respective baselines, provided that the latter are in accordance with international law.

The Act, which respects the rights of States whose nationals are at present entitled to fish in our waters under the provisions of the European Fisheries Convention of 9 March 1964¹ or under bilateral agreements, includes as a final provision the text of the declaration concerning Gibraltar made by Spain upon its accession to the Geneva Conventions of 29 April 1958.

In virtue whereof, and in accordance with the Act approved by the Spanish Cortes, I hereby confirm the following:

Article 1. The sovereignty of the Spanish State shall extend, beyond its land territory and its internal waters, to the territorial sea adjacent to its coast, delimited in accordance with the provisions of the following articles.

Such sovereignty shall be exercised, in accordance with international law, over the water column, sea-bed, subsoil and resources of the territorial sea, and over the superjacent airspace.

Article 2. The inner limit of the territorial sea shall be determined by the low-water line and by such straight baselines as may be established by the Government.

Article 3. The outer limit of the territorial sea shall be determined by a line drawn in such a way that the points constituting it are at a distance of 12 nautical miles from the nearest points of the baselines referred to in the preceding article.

Article 4. Failing agreement to the contrary, the territorial sea shall not, in relation to neighbouring countries and countries whose coasts are opposite to those of Spain, extend beyond the median line every point of

¹ United Nations, *Treaty Series*, vol. 581, p. 57; see also ST/LEG/SER.B/15, pp. 862-865.

which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two countries is measured, such baselines being drawn in accordance with international law.

Article 5. This Act shall not affect the fishing rights recognized or established for foreign vessels under international agreements.

First final provision

This legal enactment is not to be interpreted as recognition of any rights or situations in connexion with the waters of Gibraltar other than those referred to in article 10 of the Treaty of Utrecht, of 13 July 1713,¹ between the Crowns of Spain and Great Britain.

Second final provision

The Government is hereby authorized to adjust legislation to the provisions of this Act.

Transitional provision

The straight baselines established by the Decree in implementation of Act No. 20/1967, of 8 April,² shall constitute the inner limit of the territorial sea, in accordance with article 2 of this Act, until such time as the Government exercises the powers conferred on it by that article.

(b) DECREE NO. 205/1969 OF 25 SEPTEMBER 1969 REGULATING UNDER-WATER ACTIVITIES³

...

Article 18. The following shall be prohibited:

1. Fishing or the taking of shellfish of any kind by means of the diving techniques regulated by this Decree.
2. The preparation of plans or charts of the sea-bed without prior express authorization of the local naval authority, which may refuse such authorization for security or other reasons.
3. The use of explosives, except for duly authorized professional work.
4. Diving under the influence of drugs or alcohol or in violation of such rules concerning personal safety as may be established.

Article 19. The extraction of seaweed, sargasso, etc., by means of the said diving techniques shall be subject to compliance with the provisions regulating such activities.

Article 20. Without prejudice to the rights laid down in the Civil Code, any diver who finds submerged objects of apparent artistic, archaeological, scientific or material value shall be required to inform the

¹ *Documentos sobre Gibraltar Presentados a las Cortes Españolas por el Ministro de Asuntos Exteriores*, Madrid, 1975, pp. 144-145; see also *British and Foreign State Papers*, v. 1, p. 673.

² Reproduced in ST/LEG/SER.B/15, pp. 668-669.

³ Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale of 17 June 1977. Translation by the Secretariat of the United Nations.

local naval authority, which shall, in the case of artistic or archaeological objects, immediately notify the Provincial Office of the Ministry of Education and Science of the discovery and deliver the objects to it for appropriate action. The military or civil authorities, according to their respective fields of competence, shall be similarly notified when the discovery occurs as a result of underwater activities in an inland reservoir, river or watercourse.

Article 21. The naval authorities for the coastal sea, the offices of military and civilian governors, water-supply districts and water boards may, according to their respective fields of competence, establish areas where diving is temporarily or permanently prohibited.

In the absence of provisions to the contrary, all areas adjoining military naval installations, seaward of the installations for a distance to be specified, shall be deemed to be prohibited areas. Berthed or anchored naval vessels, and merchant ships, shall be deemed to be military installations for these purposes.

Article 22. In addition to any penalties which may be applicable under Act No. 163/1961 of 23 December concerning penalties for infringements of the laws, regulations and general navigation rules of the maritime and port industries not covered by the Merchant Marine Penal Law, violations of this Decree may result in suspension of the corresponding permit for a period appropriate to the gravity of the violation, or even to cancellation of the permit.

Article 23. The Ministry of Marine shall be responsible for:

1. Establishing maritime areas in which underwater activities are prohibited or restricted by reason of their implications for national defence.
2. Granting authorizations for underwater research, exploration, underwater works and the removal of underwater debris, in accordance with the provisions of Act No. 60/1962 of 24 December.

(c) ROYAL DECREE No. 2510/1977 OF 5 AUGUST 1977¹

Act No. 20/1967, of 8 April,² extended Spanish jurisdictional waters to 12 miles for purposes of fishing. By virtue of the provisions of its article 2, the baseline from which the width of the zone is measured was defined by the lowest low-water line along all coasts under Spanish sovereignty, but the same article authorized the Government to decide the drawing of straight baselines joining the appropriate points on the coast, in accordance with the applicable international rules, for such places as it considered desirable. It was also established in the same article that if the distance between the low-water lines of the natural points of entrance or

¹ *Gaceta de Madrid* No. 234 of 30 September 1977. By virtue of article 2 of this decree, Decree No. 627/1976 of 5 March 1976 concerning the drawing of straight baselines is rescinded. Spanish text transmitted by the Permanent Representative of Spain to the United Nations in a note verbale of 11 January 1978: Translation by the Secretariat of the United Nations.

² Reproduced in ST/LEG/SER.B/15, pp. 668-669.

opening of a bay does not exceed 24 miles, the straight line joining them shall be considered the baseline and the waters between this line and the coast shall be internal waters.

Article 1. The straight baselines for the delimitation of Spanish jurisdictional waters, referred to in article two of Act No. 20/1967, of 8 April, shall be the following:

<i>Map number</i>		<i>North latitude</i>	<i>West longitude</i>
	ATLANTIC OCEAN		
	<i>North and north-west coast of Spain</i>		
128	From Islote Amuítz (Cabo Higuier) to Guetaria (Isla San Antón N.)	43° 23,76 43° 18,68	01° 47,60 02° 12,19
	From Guetaria to Cabo Machichaco (Peñón)	43° 27,44	02° 45,25
	From Cabo Machichaco to Islote Villano (Cabo Villano)	43° 26,45	02° 56,10
	From Islote Villano to Punta Pescador	43° 27,90	03° 26,20
127	From Cabo Ajo to Cabo de Lata	43° 30,83 43° 29,65	03° 35,30 03° 48,70
	From Cabo Lata to Islote La Perla (Punta Somocueva)	43° 28,38	03° 56,71
	From Islote La Perla to Cabo Oriambre	43° 24,34	04° 20,60
	From Cabo Oriambre to Cabo de Mar	43° 27,75	04° 55,60
	From Cabo de Mar to Lastres	43° 32,10	05° 17,78
	From Cabo Lastres to Punta del Olivo	43° 33,28	05° 24,75
	From Punta del Olivo to Islote La Gavieta (Cabo Peñas)	43° 39,65	05° 50,50
	From Islote La Gavieta to Islote Las Monistas (Cabo Peñas)	43° 39,87	05° 52,02
126 a	From Islote Las Monistas (Cabo Peñas) to Islote Chouzano (Cabo Vidio)	43° 35,78	06° 14,65
	From Islote Chouzano to Islote Romanellas	43° 34,55	06° 37,65
	From Islote Romanellas to Islote Orrio de Tapia	43° 34,58	06° 56,95
	From Islote Orrio de Tapia to Islote El Pie (Los Farallones)	43° 43,15	07° 26,22
	From Islote El Pie to Islote El Estaquín (Pta. de la E. de Bares)	43° 47,52	07° 41,45

<i>Map number</i>		<i>North latitude</i>	<i>West longitude</i>
125 A	From Islote El Estaquín to Islote Caballo Juan (Cabo Ortegal)	43° 46,83	07° 52,05
	From Islote Caballo Juan to Punta del Limo	43° 46,10	07° 54,28
	From Punta del Limo to Punta Candelaria (Islote)	43° 42,85	08° 02,85
	From Punta Candelaria to Cabo Prior	43° 34,12	08° 18,92
	From Cabo Prior to Isla Sisarga (Grande)	43° 21,75	08° 50,93
	From Isla Sisarga to Punta del Boy	43° 11,35	09° 10,42
	From Punta del Boy to Cabo Villano	43° 09,85	09° 12,88
	From Cabo Villano to Cabo Toriñana	43° 03,39	09° 17,95
124	From Punta Insua (Islote) to Berrón de la Nave (Cabo la Nave)	43° 02,90 42° 55,25	09° 18,06 09° 17,95
	From Berrón de la Nave to Centolo de Finisterre	42° 53,38	09° 17,36
	From Centolo de Finisterre to Cabo Corrubedo	42° 34,48	09° 05,50
	From Cabo Corrubedo to Islote del Faro (Isla Cies)	42° 12,80	08° 55,12
	From Islote del Faro to Cabo Sillero (Islote Carral)	42° 06,91	08° 54,03
	<i>South-west coast of Spain</i>		
115	From southern point of Isla Canela to Punta Umbría	37° 10,25 37° 10,30	07° 22,40 06° 56,90
	From Punta Umbría to Torre del Oro (Ruins)	37° 05,38	06° 43,70
	From Torre del Oro to Bajo Salmedina (Torre Baliza) (Chipiona)	36° 44,00	06° 28,50
	From Bajo Salmedina (Torre Baliza) to Castillo de San Sebastián	36° 31,77	06° 18,86
	From Castillo de San Sebastián to Castillo de Sancti Petri	36° 22,85	06° 13,15
	From Castillo de Sancti Petri to Cabo Trafalgar	36° 11,03	06° 02,03
	From Cabo Trafalgar to Tarifa (Isla)	36° 00,15	05° 36,50
	From Tarifa (Isla) to Punta del Acebuche	36° 03,06	05° 27,85

<i>Map number</i>		<i>North latitude</i>	<i>West longitude</i>
	MEDITERRANEAN SEA		
	<i>South and east coast of Spain</i>		
116	From Punta Carbonera to Punta de Baños	36° 14,70 36° 27,61	05° 18,00 05° 00,35
	From Punta de Baños to Torre de Calahonda	36° 29,32	04° 42,60
	From Torre de Calahonda to Punta de Calaburras	36° 30,50	04° 38,30
	From Punta de Calaburras to Punta de Vélez-Málaga	36° 43,60	04° 06,20
	From Punta de Vélez-Málaga to Punta de Torrox	36° 43,66	03° 57,36
	From Punta de Torrox to Cabo Sacratif	36° 41,70	03° 28,05
	From Cabo Sacratif to Punta de Llano	36° 41,73	03° 25,05
	From Punta de Llano to Punta Negra	36° 44,78	03° 12,58
	From Punta Negra to Punta de las Entinas	36° 40,89	02° 46,22
	From Punta de las Entinas to Punta del Sabinal	36° 41,02	02° 42,03
	From Punta del Sabinal to Punta Baja (Cabo Gata)	36° 43,20	02° 11,00
	From Punta Baja (Cabo Gata) to Punta Negra (Cabo Gata)	36° 43,35	02° 09,95
119	From Punta Negra (Cabo Gata) to Morro Genovés	36° 44,30	02° 06,83
	From Morro Genovés to Punta de Loma Pelada	36° 46,75	02° 03,53
	From Punta de Loma Pelada to Punta de Media Naranja	36° 58,33	01° 54,15
	From Punta de Media Naranja to Garrucha (Green light)	37° 10,97	01° 48,91
	From Garrucha (Green light) to Monte Cope	37° 25,40	01° 29,40
117	From Monte Cope to Cabo Tiñoso	37° 32,15	01° 06,40
	From Cabo Tiñoso to Cabo del Agua	37° 33,32	00° 55,05
	From Cabo del Agua to Punta de la Espada	37° 36,50	00° 43,00

<i>Map number</i>		<i>North latitude</i>	<i>West longitude</i>	
117	From Punta de la Espada to Islas Hormigas	37° 39,39	00° 38,88	
	From Islas Hormigas to Cabo Cervera	37° 59,92	00° 38,70	
	From Cabo Cervera to Isla de Tabarca	38° 09,60	00° 27,95	
	From Isla de Tabarca to Cabo de las Huertas	38° 21,06	00° 24,20	
	From Cabo de las Huertas to Punta de la Escaleta	38° 31,45	00° 05,35	
			<i>East longitude</i>	
119	From Punta de la Escaleta to Punta de Ifach	38° 37,78	00° 05,03	
	From Punta de Ifach to Cabo de la Nao	38° 43,84	00° 14,20	
	From Cabo de la Nao to Isla del Portichol	38° 45,50	00° 13,98	
	From Isla del Portichol to Cabo de S. Antonio	38° 48,17	00° 11,83	
	From Cabo de S. Antonio to Puerto de Denia (Green light)	38° 50,80	00° 07,43	
				<i>West longitude</i>
	From Puerto de Denia (Green light) to Cabo Cullera	39° 11,14	00° 12,93	
	From Cabo Cullera to Puerto de Sagunto (Pier end)	39° 38,54	00° 12,42	
				<i>East longitude</i>
		From Puerto de Sagunto to Peñíscola	40° 21,45	00° 24,50
	From Peñíscola to Punta de la Baña	40° 34,50	00° 41,85	
	From Punta de la Baña to Cabo Tortosa	40° 43,16	00° 53,20	
	From Cabo Tortosa to Cabo de Salou	41° 03,23	01° 10,24	
120	From Barcelona (Light) to Arenys de Mar (Breakwater end)	41° 20,11 41° 34,30	02° 10,22 02° 33,30	
	From Cabo Bagur to Isla Maza de Oro (Cabo Creus)	41° 56,90 42° 19,05	03° 13,96 03° 19,90	
	From Isla Maza de Oro to the frontier	42° 26,00	03° 10,40	

<i>Map number</i>		<i>North latitude</i>	<i>East longitude</i>
	<i>Balearic Islands</i>		
	<i>Islands of Mallorca and Cabrera</i>		
119	From Cabo Formentor to Cabo del Freu	39° 57,70 39° 44,90	03° 12,80 03° 27,65
	From Punta de Amer to Punta Galera	39° 34,60 39° 21,65	03° 23,80 03° 13,80
	From Punta Galera to Islote Imperial	39° 07,55	02° 57,60
	From Punta Anciola to Cabo Llebeix (Dragonera)	39° 07,70 39° 34,10	02° 55,12 02° 18,20
	<i>Island of Minorca</i>		
119	From Cabo Nati to Islote Nitge	40° 03,10 40° 05,52	03° 49,50 04° 04,50
	From Cabo Caballería to Punta d'es Murté	40° 05,30 40° 04,10	04° 05,50 04° 08,40
	From Punta Damtinat to Cabo Favaritx	40° 03,60 39° 59,70	04° 10,30 04° 16,20
	From Cabo Favaritx to Cabo Espero	39° 52,50	04° 19,70
	From Cabo Espero to Isla del Aire (E)	39° 47,95	04° 17,80
	From Isla del Aire (W) to Cabo Dartuch	39° 47,90 39° 55,30	04° 17,05 03° 49,26
	From Cabo Dartuch to Cabo Binicous	39° 59,90	03° 47,60
	<i>Islands of Ibiza and Formentera</i>		
119	From Punta Jonch to Isla Tagomago	39° 05,32 39° 01,90	01° 36,25 01° 39,15
	From Isla Tagomago to Faro de Formentera	38° 39,70	01° 35,00
	From Punta Rotja to Cabo Berbería	38° 38,90 38° 38,40	01° 34,15 01° 23,10
	From Cabo Berbería to Islote Vedra	38° 51,75	01° 11,20
	From Islote Vedra to Islote Bleda Plana	38° 58,70	01° 09,50
	From Islote Bleda Plana to Cabo Eubarca	39° 04,42	01° 21,62
	ATLANTIC OCEAN		
	<i>Canary Islands</i>		
	<i>Island of Gran Canaria</i>		
207	From El Roque (La Isleta) to Roque de Melenera	28° 09,80 27° 59,45	15° 23,85 15° 21,77

<i>Map number</i>		<i>North latitude</i>	<i>West longitude</i>
207	From Roque de Melenera to Peninsula de Gando	27° 55,78	15° 21,39
	From Peninsula de Gando to Roque Arinaga	27° 51,58	15° 22,78
	From Roque Arinaga to Punta Tenefe	27° 48,30	15° 25,41
	From Punta Tenefe to Playa Maspalomas (E)	27° 44,05	15° 34,41
	From Playa Maspalomas (W) to Punta Taozo	27° 43,95 27° 44,85	15° 35,83 15° 40,38
	From Isla de la Aldea to Punta Sardina	28° 00,72 28° 09,83	15° 49,30 15° 42,45
	From Punta Sardina to Punta Ortiz	28° 10,10	15° 41,05
	From Punta Ortiz to Punta Guanarteme	28° 10,25	15° 38,19
	From Punta Guanarteme to Punta de la Isleta	28° 10,73	15° 25,10
	<i>Island of Tenerife</i>		
207	From Punta Antequera to Punta del Socorro	28° 31,88 28° 18,20	16° 07,39 16° 21,60
	From Punta de Buenavista to Punta del Viento	28° 23,55 28° 30,95	16° 49,65 16° 25,18
	From Punta Hidalgo to Roques de Anaga (N)	28° 34,65 28° 33,20	16° 19,10 16° 09,20
	From Roques de Anaga (N) to Roque Bermejo	28° 34,75	16° 07,80
	<i>Island of Hierro</i>		
520	From Punta Caleta to Punta del Miradero	27° 47,91 27° 38,80	17° 53,00 17° 58,10
	From Punta de la Restinga to Punta de Orchilla	27° 38,22 27° 42,21	17° 59,35 18° 08,78
	From Punta de la Sal to Punta y Roques de Salmor	27° 46,22 27° 49,42	18° 07,85 17° 59,63
	From Punta y Roques de Salmor to Punta del Negro	27° 50,30	17° 57,74
	<i>Island of La Palma</i>		
519	From Punta Juan Adalid to Punta del Corcho	28° 51,38 28° 50,57	17° 54,55 17° 47,18
	From Punta Llana to Punta de Arenas Blancas	28° 44,24 28° 34,12	17° 43,35 17° 45,46
	<i>Islands of Lanzarote, Fuerteventura Alegranza, Graciosa, Montaña Clara and Lobos</i>		

<i>Map number</i>		<i>North latitude</i>	<i>West longitude</i>
204,			
206	From Punta Delgada (Alegranza) to Roque del Este	29° 24,10 29° 16,50	13° 29,00 13° 20,00
	From Roque del Este to Cabo Ancones	29° 01,10	13° 27,80
	From Punta Lima to Punta del Tarajalillo	28° 55,80 28° 35,45	13° 36,87 13° 49,25
	From Punta de la Entallada to Punta del Matorral	28° 13,65 28° 02,60	13° 56,55 14° 19,80
	From Punta del Matorral to Punta Jandia	28° 03,72	14° 30,35
	From Punta Pesebre to Risco Blanco	28° 06,52 28° 19,90	14° 29,35 14° 11,88
	From Risco Blanco to Punta de Tostón	28° 42,90	14° 00,80
	From Punta de Tostón to Punta de la Ensenada	29° 01,85	13° 48,90
	From Punta de la Ensenada to Punta Grieta (Alegranza)	29° 42,50	13° 31,35

The geographical co-ordinates have been taken from the Spanish nautical maps listed below:

<i>Number</i>	<i>Edition</i>	<i>Date</i>
128	First	December 1952
127	First	March 1953
126 a	Second	June 1952
125 A	Second	October 1952
124	First	January 1966
116	Second	September 1963
117	Second	June 1966
119	First	September 1956
120	First	April 1954
207	Second	September 1968
520	First	September 1974
519	Second	September 1974
204	Second	February 1975
206	First	January 1972
115	First	July 1967

- (d) [CIRCULAR DATED 30 OCTOBER 1970 CONCERNING RULES APPLICABLE TO THE CONDUCT OF OCEANOGRAPHIC RESEARCH IN MARITIME AREAS SUBJECT TO SPANISH JURISDICTION]¹

31. SRI LANKA

(a) MARITIME ZONES LAW NO. 22 OF 1976²

...

2. (1) The President of the Republic of Sri Lanka may, by Proclamation³ published in the *Gazette*, declare the limits of the sea beyond the land territory and internal waters of Sri Lanka which shall be the territorial sea of Sri Lanka, specifying in such Proclamation the base lines from which such limits shall be measured. The waters on the landward side of such base-lines shall form part of the internal waters of Sri Lanka.

(2) Where an island or rock, or a group of islands and rocks, or a group of islands or a group of rocks, constituting part of the territory of Sri Lanka is situated seaward from the main coast or base-line, the territorial sea shall extend to the limits declared by the Proclamation under subsection (1) measured from the low-water mark of ordinary spring tides along the seaward edge of such island or rock, or group of islands and rocks, or group of islands or group of rocks.

(3) The sovereignty of the Republic extends to the territorial sea and to the air space over the territorial sea as well as to its bed and sub-soil.

3. (1) Ships of all States shall enjoy the right of innocent passage through the territorial sea. Passage is innocent only so long as such passage is not prejudicial to the peace, good order or security of the Republic:

Provided that no foreign warship shall enter or pass through the territorial sea except with the prior consent of, and subject to such conditions as may be specified by, the Minister.

(2) No foreign aircraft shall enter or pass through the air space above the territorial sea, except in accordance with the written laws in force in Sri Lanka:

Provided that no foreign military aircraft shall enter or pass through the air space above the territorial sea except with the prior consent of, and subject to such conditions as may be specified by, the Minister.

(3) A foreign ship or foreign aircraft which acts in contravention of the provisions of this section is liable to confiscation.

(4) The Minister may, by Order published in the *Gazette*, suspend, in a specified area or areas of the territorial sea the right of innocent

¹ *Infra*, division III, 20 (d).

² Of 1 September 1976. Text transmitted by the Permanent Representative of Sri Lanka to the United Nations in a note verbale dated 26 May 1977.

³ See *infra* (b).

passage of any ship, if, in his opinion, such suspension is necessary in order to safeguard the peace, good order or security of the Republic.

4. (1) The President may, by Proclamation¹ published in the *Gazette*, declare the limits of a zone contiguous to the territorial sea and extending seawards from the outer limits of the territorial sea which shall be the contiguous zone of Sri Lanka.

(2) Where there is a reasonable apprehension of the contravention of any written laws of Sri Lanka in relation to—

- (a) the security of the Republic;
- (b) immigration, health and sanitation; or
- (c) customs and other revenue matters,

the relevant Minister shall take such measures as may be necessary in respect of the contiguous zone in order to secure the enforcement of, or to prevent the contravention of, such laws.

5. (1) The President may, by Proclamation¹ published in the *Gazette*, declare any zone of the sea adjacent to the territorial sea, as well as the sea-bed and sub-soil thereof, to be the exclusive economic zone of Sri Lanka. The limits of such zone shall be specified in the Proclamation.

(2) All the natural resources, both living and non-living, within the exclusive economic zone, on and under the sea-bed and in the sub-soil and on the water surface and within the water column shall vest in the Republic.

(3) In the exclusive economic zone the Republic has—

(a) sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, both living and non-living, as well as for the production of energy from tides, winds and currents, and for other economic uses;

(b) exclusive rights and jurisdiction to authorize, regulate and control scientific research;

(c) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the zone, for the convenience of shipping or for any other purpose; and

(d) other rights recognized by international law.

6. (1) The continental shelf of Sri Lanka shall comprise—

(a) the sea-bed and sub-soil of the submarine areas that extend beyond the territorial sea of Sri Lanka throughout the natural prolongation of the land territory of Sri Lanka to the outer edge of the continental margin or to a distance of two hundred nautical miles from the base line from which the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance; and

¹ See *infra* (b).

(b) the sea-bed and sub-soil of the analogous submarine areas adjacent to the coast of any island or rock, or group of islands and rocks, or group of islands or group of rocks, constituting part of the territory of Sri Lanka.

(2) All the natural resources, both living and non-living, on and under the sea-bed and in the sub-soil of the continental shelf shall vest in the Republic.

(3) In respect of the continental shelf the Republic has—

(a) sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, both living and non-living;

(b) exclusive rights and jurisdiction to authorize, regulate and control scientific research;

(c) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the continental shelf, for the convenience of shipping or for any other purpose; and

(d) other rights recognized by international law.

7. (1) The President may, by Proclamation¹ published in the *Gazette*, declare any zone of the sea adjacent to the territorial sea, and of the sea-bed and sub-soil thereof, to be the pollution prevention zone of Sri Lanka. The limits of such zone shall be specified in the Proclamation.

(2) The relevant Minister shall take such steps as may be necessary to control and prevent the pollution of, and to preserve the ecological balance within, such zone.

8. Notwithstanding the provisions of this Law or any other written law—

(a) the boundary between Sri Lanka and India in the waters from Palk Strait to Adam's Bridge shall be the arcs of Great Circles between the following positions in the sequence given hereunder defined by latitude and longitude:

Position 1: 10° 05' North, 80° 03' East

Position 2: 09° 57' North, 79° 35' East

Position 3: 09° 40.15' North, 79° 22.60' East

Position 4: 09° 21.80' North, 79° 30.70' East

Position 5: 09° 13' North, 79° 32' East

Position 6: 09° 06' North, 79° 32' East;

(b) the boundary between Sri Lanka and India in the Gulf of Mannar shall be the arcs of Great Circles between the following positions in the sequence given hereunder defined by latitude and longitude:

¹ See *infra* (b).

Position 1m: 09° 06.0' North, 79° 32.0' East
 Position 2m: 09° 00.0' North, 79° 31.3' East
 Position 3m: 08° 53.8' North, 79° 29.3' East
 Position 4m: 08° 40.0' North, 79° 18.2' East
 Position 5m: 08° 37.2' North, 79° 13.0' East
 Position 6m: 08° 31.2' North, 79° 04.7' East
 Position 7m: 08° 22.2' North, 78° 55.4' East
 Position 8m: 08° 12.2' North, 78° 53.7' East
 Position 9m: 07° 35.3' North, 78° 45.7' East
 Position 10m: 07° 21.0' North, 78° 38.8' East
 Position 11m: 06° 30.8' North, 78° 12.2' East
 Position 12m: 05° 53.9' North, 77° 50.7' East
 Position 13m: 05° 00.0' North, 77° 10.6' East;

(c) the boundary between Sri Lanka and India in the Bay of Bengal shall be the arcs of Great Circles between the following positions in the sequence given hereunder defined by latitude and longitude:

Position 1 b: 10° 05.0' North, 80° 03.0' East
 Position 1 ba: 10° 05.8' North, 80° 05.0' East
 Position 1 bb: 10° 08.4' North, 80° 09.5' East
 Position 2 b: 10° 33.0' North, 80° 46.0' East
 Position 3 b: 10° 41.7' North, 81° 02.5' East
 Position 4 b: 11° 02.7' North, 81° 56.0' East
 Position 5 b: 11° 16.0' North, 82° 24.4' East
 Position 6 b: 11° 26.6' North, 83° 22.0' East.

9. (1) The President may by Proclamation¹ published in the *Gazette* declare the limits of the historic waters of Sri Lanka.

(2) The Republic of Sri Lanka shall exercise sovereignty, exclusive jurisdiction and control in and over the historic waters, as well as in and over the islands and the continental shelf and the sea-bed and sub-soil thereof within such historic waters.

10. As soon as may be convenient after the coming into operation of this Law, and thereafter whenever necessary, the Minister may require the Surveyor-General to publish or cause to be published a map indicating the low-water mark of ordinary spring tides, the base-lines for measurement of the territorial sea, and the outer limits of the territorial sea and other maritime zones and jurisdiction of Sri Lanka declared in accordance with the provisions of this Law.

11. Notwithstanding anything to the contrary in any other written law, every reference in any written law to the expressions "territorial waters", "territorial sea", "coastal waters", "contiguous zone", "exclusive

¹ See *infra* (b).

economic zone", "continental shelf" or "pollution prevention zone" shall be read and construed subject to and in accordance with the provisions of this Law.

12. In order to give effect to the principles and provisions of this Law, all written laws in force in Sri Lanka shall be read and construed as though the applicability of such laws, wherever relevant, extends to the limits of the contiguous zone, the exclusive economic zone, the continental shelf, or the pollution prevention zone, as the case may be.

13. (1) The Minister may make regulations for the purpose of giving effect to the provisions of this Law.

(2) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of such publication or upon such later date as may be specified in the regulation.

(3) Every regulation made by the Minister shall, as soon as convenient after its publication in the *Gazette*, be brought before the National State Assembly for approval. Every regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything previously done thereunder.

14. In any proceedings before any court in Sri Lanka, if a question arises as to whether any act or omission has been done or omitted to be done within or without the territorial sea of Sri Lanka, or in any other zone or jurisdiction declared under this Law, a certificate of the Minister signed by him shall be *prima facie* proof of the place where such act or omission was done or omitted to be done.

15. In this Law, unless the context otherwise requires—

"foreign aircraft" shall have the same meaning as in the Air Navigation Act;

"military aircraft" means an aircraft which, by reason of the equipment contained therein, could be used for any warlike purpose;

"ship" means any description of ship or vessel or boat, or any other description of vessel used in navigation on or below the waters and not exclusively propelled by oars, paddles or poles, and includes all equipment, apparel and appurtenances (excluding supplies for maintenance) which are necessary for navigation and conduct of the business of the ship; and

"warship" means a ship which, by reason of the equipment contained therein, could be used for any warlike purpose.

(b) PROCLAMATION BY THE PRESIDENT OF THE REPUBLIC OF SRI LANKA OF 15 JANUARY 1977¹ IN PURSUANCE OF MARITIME ZONES LAW No. 22 OF 1976²

Whereas the National State Assembly has enacted the Maritime Zones Law, No. 22 of 1976,² which provides for the declaration of the territorial

¹ The *Gazette* Extraordinary of the Republic of Sri Lanka No. 248/1 of 15 January 1977. Text provided by the Permanent Representative of Sri Lanka to the United Nations in a note verbale of 26 March 1977.

² See *supra* (a).

sea and other maritime zones of Sri Lanka and all other matters connected therewith or incidental thereto:

And whereas it has become necessary to declare in accordance with the provisions of the said Maritime Zones Law the extents, respectively, of the territorial sea, the contiguous zone, the exclusive economic zone, the pollution prevention zone and the historic waters:

Now therefore, I, William Gopallawa, President of the Republic of Sri Lanka, do by this Proclamation declare, in pursuance of the powers vested in me by sections 2, 4, 5, 7 and 9 respectively of the Maritime Zones Law, No. 22 of 1976¹—

(1) that the territorial sea of Sri Lanka shall, notwithstanding anything in any prior proclamation declaring the territorial sea of Sri Lanka, and except as provided in paragraph 7 (iii) hereof, extend to the sea to a distance of 12 nautical miles measured from the baselines described in paragraph (2);

(2) that the breadth of the territorial sea shall be measured from the low water mark of ordinary spring tides along the coast of the mainland and along the seaward edge of islands:

Provided that for the purpose of determining the baselines for delimiting the territorial sea:

- (i) a low tide elevation which lies wholly or partly within the breadth of sea which would be territorial sea if all low tide elevations were disregarded for the purpose of the measurement of the breadth thereof shall be treated as islands,
- (ii) permanent installations further out to sea which form an integral part of a port system shall be considered as part of the coast of the mainland,
- (iii) the method of straight baselines may be employed in drawing the baselines where there are deep bays and inlets in the coast or where there is a fringe of islands immediately adjacent to the coast, provided that such baselines shall not depart appreciably from the general direction of the coast and the areas of the sea lying landward from these lines shall be sufficiently closely linked to the land domain to be subject to the régime of internal waters;

Provided further that baseline from which the breadth of the territorial sea shall be measured in the sea north of Point Pedro shall be the arc of Great Circle between the following positions defined by latitude and longitude in the Palk Strait—

- (i) 09° 49' 8" North, 80° 15' 2" East,
 - (ii) 10° 05' 0" North, 80° 03' 0" East;
- (3) that the contiguous zone of Sri Lanka shall extend 24 nautical miles seaward from the baselines from which the territorial sea is measured;

¹ See *supra* (a).

(4) that the exclusive economic zone of Sri Lanka shall extend to the sea to a distance of 200 nautical miles from the baselines from which the territorial sea is measured;

(5) that the pollution prevention zone shall extend to the sea to a distance of 200 nautical miles from the baselines from which the territorial sea is measured;

(6) that notwithstanding anything in paragraphs (4) and (5), the exclusive economic zone and the pollution prevention zone of Sri Lanka in the Gulf of Mannar and the Bay of Bengal shall extend to the sea up to the maritime boundary between Sri Lanka and India as defined in section 8 of the Maritime Zones Law No. 22 of 1976;¹

(7) (i) that the historic waters of Sri Lanka shall comprise the areas of sea in the Palk Strait, Palk Bay and the Gulf of Mannar bounded by:

(a) the coast of the mainland of Sri Lanka;

(b) the maritime boundary between Sri Lanka and India as defined in Section 8 of the Maritime Zones Law, No. 22 of 1976;¹

(c) the arc of Great Circle between the following positions defined by latitude and longitude in the Gulf of Mannar:

(i) 08° 15' 0" North, 79° 44' 0" East,

(ii) 08° 22' 2" North, 78° 55' 4" East; and

(d) the arc of Great Circle between the following positions defined by latitude and longitude in the Palk Strait:

(i) 09° 49' 8" North, 80° 15' 2" East,

(ii) 10° 05' 0" North, 80° 03' 0" East;

(ii) the historic waters in the Palk Bay and Palk Strait shall form part of the internal waters of Sri Lanka;

(iii) the historic waters in the Gulf of Mannar shall form part of the territorial sea of Sri Lanka.

¹ See *supra* (a).

32. SURINAME

LAW CONTAINING THE EXTENSION OF THE TERRITORIAL SEA OF THE REPUBLIC OF SURINAME AND THE ESTABLISHMENT OF A CONTIGUOUS ECONOMIC ZONE, 1978¹

Article 1

1. The sovereignty of the Republic of Suriname extends beyond the land territory and the internal waters to:

- A. A belt of sea adjacent to its coast and described as the territorial sea;
- B. The air space above the territorial sea and
- C. The sea-bed and the subsoil of the territorial sea.

The Republic of Suriname exercises this sovereignty with due observance of the rules of international law.

Article 2

The outer limit of the territorial sea is determined by a line, each point of which is situated at a distance of 12 nautical miles from the nearest point on the line of the low-water mark along the shore, the so-called baseline.

Article 3

The belt of sea adjacent to and extending from the outer limit of the territorial sea of the Republic of Suriname to a distance of 200 nautical miles, measured from the line of the low-water mark as defined in article 2 of this law, is considered the economic zone.

Article 4

1. In the economic zone the Republic of Suriname has sovereign rights concerning the exploration, exploitation, conservation and management of natural resources, living as well as non-living, on the sea-bed and in the subsoil and the superjacent waters.

2. Without prejudice to the above it can be decreed that the provisions of this law and the instructions based thereon shall also apply to:

- A. To erect and use artificial islands, installations and similar structures;
- B. To protect the sea environment; this includes taking measures against pollution;
- C. To conduct scientific research and experiments;
- D. To extract energy from water currents and winds;

¹ Entered into force on 11 June 1978, the day following its proclamation, pursuant to article 18. Information and unofficial English translation provided by the Permanent Representative of Suriname to the United Nations in a letter of 2 June 1978.

E. To engage in other activities aimed at the economic exploration and exploitation of this zone.

Article 5

In the economic zone described above, all nations, with due observance of the international law, enjoy:

1. Freedom of navigation;
2. Freedom of overflight;
3. Freedom to lay submarine cables and pipelines;
4. Freedom to exercise internationally recognized rights in connection with navigation and communication.

Article 6

1. No one is allowed, without a license previously issued by government decree, to engage in activities in the economic zone which constitute an infringement of the rights stated in Article 4.

2. General conditions which a license holder will have to meet may be laid down by Government decree. Moreover, when a license is granted, special conditions may be made in it or obligations attached to it.

3. A license may be revoked at all times on account of activities which violate one or more conditions or obligations under which it was granted and, furthermore, at the exclusive discretion of the appropriate authority, on the ground of reasons which derive from the public interest or if the national interest may so require. A similar decision will mention the grounds on which it is based. In special cases this may be omitted.

Article 7

1. Intentional violation of the provisions stated in or resulting from this law will be punishable with a prison term of maximum six years and a fine of maximum five hundred thousand guilders.

2. In the case of a prison sentence, the judge may impose a fine as well.

Article 8

1. Non-intentional violation of the provisions stated in or resulting from this law will be punishable with a jail term of maximum one year or a fine of maximum one hundred thousand guilders.

2. In the case of a jail sentence the judge may impose a fine as well.

Article 9

A person who does not fulfill one or more conditions attached to the license, as stated in Article 6, or who does not do so on time or in full, or a person who acts in violation of such conditions, will be punished with a fine of maximum one hundred thousand guilders.

Article 10

The acts made punishable in Article 7 will be considered as criminal offenses and those made punishable in Articles 8 and 9 as misdemeanors.

Article 11

The objects used to commit offenses as described in Articles 7, 8 and 9, as well as goods obtained from the offense, may be confiscated.

Article 12

1. If the offender is unknown or has died before the start of the prosecution, the confiscation may be decided upon by judicial decree, at the request of the public prosecutor.

2. The decree will be made public by the Registrar in the *Advertentieblad* of the Republic of Suriname and/or in one or more newspapers to be chosen by the judge.

3. The decree will take effect, except if a party concerned files a petition with the Registrar within two months after publication and if it appears in the course of further investigation that no offence was committed regarding the matter in question.

4. During fourteen days the Attorney General has the right to appeal decrees issued in accordance with paragraph 1, to the Court. The same applies to decrees issued on account of paragraph 3, resulting from a petition.

Article 13

If one of the acts made punishable in Articles 7, 8 and 9 is committed by or through a group or corporation, criminal prosecution will be instituted and the sentence pronounced against the one who ordered the perpetration of the act or who was the actual leader of the unlawful activity or neglect.

Article 14

1. The public prosecutor has the authority, in the case of acts made punishable by Articles 7, 8 and 9, to lay down conditions the voluntary fulfilment of which will cancel the right to prosecution.

2. The legal provisions which apply in this matter to misdemeanors, will be applicable in a similar fashion to criminal offenses as described in Article 7.

Article 15

1. With the investigation of acts made punishable by this law are charged, besides persons assigned by Article 8 of the Penal Code, persons belonging to the armed forces of Suriname and/or other persons, especially assigned by the Minister of Justice and Police.

2. The investigators are at all times authorized to confiscate, or claim for confiscation, all objects which may lead to the discovery of the truth or of which the confiscation or destruction, total or partial, may be ordered.

Article 16

1. If the goods confiscated on the ground of Article 15 contain perishables, the Attorney General may grant permission for the sale of these goods or merchandise.

2. The sale will be conducted in public by the investigators, and according to local custom.

3. Proceeds from the sale of goods or merchandise as mentioned above may be confiscated.

33. TOGO

ORDONNANCE N° 24 DU 16 AOÛT 1977 PORTANT DÉLIMITATION DES EAUX TERRITORIALES ET CRÉATION D'UNE ZONE MARITIME ÉCONOMIQUE PROTÉGÉE¹

Article premier

Les eaux territoriales sont fixées à une distance de 30 milles marins à compter de la laisse de la plus basse mer.

Article 2

Il est créé une zone maritime économique protégée de 200 milles marins à partir de la ligne de base servant à déterminer la mer territoriale.

Article 3

Dans cette zone l'Etat se réserve l'exploration et l'exploitation des ressources naturelles biologiques et non biologiques. L'étendue de sa juridiction portera sur l'ensemble des ressources économiques situées à la surface de l'eau, dans l'espace marin sous-jacent et dans son sous-sol.

Article 4

Dans un esprit de solidarité interafricaine l'Etat togolais s'engage à faire participer à l'exploitation des ressources biologiques les Etats voisins de l'hinterland dans le cadre d'accords bilatéraux ou régionaux.

34. UNITED REPUBLIC OF CAMEROON

a) LOI N° 74/16 DU 5 DÉCEMBRE 1974 FIXANT LA LIMITE DES EAUX TERRITORIALES DE LA RÉPUBLIQUE-UNIE DU CAMEROUN¹

Article premier

L'article 5 de l'ordonnance n° 62/DF/30 du 31 mars 1962 portant code de la marine marchande et la loi n° 67/LF/25 du 3 novembre 1967² sont abrogés et remplacés par les dispositions ci-après :

Article 5 (nouveau)

La limite des eaux territoriales de la République-Unie du Cameroun est fixée à 50 milles marins à partir de la laisse de la plus basse mer.

¹ Texte transmis par le représentant permanent de la République togolaise auprès de l'Organisation des Nations Unies par note en date du 3 novembre 1977.

² Promulguée par le Président de la République le 5 décembre 1974. Texte transmis par le représentant permanent de la République-Unie du Cameroun auprès de l'Organisation des Nations Unies par une note verbale en date du 25 novembre 1977.

³ Reproduit dans ST/LEG/SER.B/15, p. 51.

Pour les golfes, baies et rades, des décrets fixent les lignes de base à partir desquelles cette distance est comptée.

Des décrets fixent également la limite de la "zone contiguë" dans laquelle la pêche et l'exploitation du sel sous-marin peuvent être réservées aux navires et sociétés camerounais.

b) DÉCRET N° 71/DF/416 DU 26 AOÛT 1971¹

Article premier

Le décret n° 62/DF/216 du 25 juin 1962 susvisé est modifié comme suit :

Article premier (nouveau)

Dans les golfes, baies et rades du Cameroun, les lignes à partir desquelles les 18 milles marins formant la limite des eaux territoriales en application de l'article 5 modifié du Code de la marine marchande sont du nord au sud définies comme suit :

1. *Rade formée par la rivière Akwafe.* Ligne tirée de la pointe Bakasi à la pointe Hanley; ensuite de cette pointe jusqu'à la pointe Sandy et de la pointe Sandy à la pointe de l'Est.

2. *Rade formée par l'embouchure du Rio del Rey.* Ligne tirée depuis le Cap Bakasi jusqu'à la pointe Betika.

3. *Baie de Bibundi.* Ligne tirée depuis la pointe Madale jusqu'au Cap Debundscha.

4. *Baie Ambas.* Ligne tirée depuis le Cap Limboh jusqu'à la pointe sud de l'île Ambas et ensuite de cette pointe jusqu'au Cap Nachtigal.

5. *Baie du Navire de guerre.* Ligne tirée depuis le Cap Nachtigal jusqu'au Cap Bimbia.

6. *Rade formée par l'embouchure de la rivière Bimbia.* Ligne tirée depuis le Cap Bimbia jusqu'au point d'intersection de la côte avec le méridien international 9° 21' 40" Est.

7. *Rade formée par l'embouchure de la rivière Wouri.* Ligne tirée depuis le point défini ci-dessus jusqu'à la pointe Suellaba.

¹ Modifiant le décret n° 62/DF/216 du 25 juin 1962 définissant les lignes à partir desquelles dans les golfes, baies et rades sont comptées les eaux territoriales camerounaises. Texte transmis par le représentant permanent de la République-Unie du Cameroun par note en date du 25 novembre 1977.

Chapter II

NAVIGATION THROUGH THE TERRITORIAL SEA AND SAFETY OF SHIPS THERE

1. BANGLADESH

[TERRITORIAL WATERS AND MARITIME ZONES ACT, 1974,
Section 3 (4)-(8)]¹

2. BURMA

[TERRITORIAL SEA AND MARITIME ZONES LAW, 1977, Sections 5-9]²

3. CAPE VERDE

[DECREE NO. 14/75 OF 1 OCTOBER 1975 CONCERNING THE TERRITORIAL SEA,
Article 2]³

4. COLOMBIA

[ACT NO. 10 OF 1978, Article 2]⁴

5. CUBA

[ACT OF 24 FEBRUARY 1977 CONCERNING THE BREADTH OF THE TERRITORIAL
SEA OF THE REPUBLIC OF CUBA, Article 5]⁵

6. DEMOCRATIC YEMEN

[ACT NO. 45 OF 1977 CONCERNING THE TERRITORIAL SEA, EXCLUSIVE ECO-
NOMIC ZONE, CONTINENTAL SHELF AND OTHER MARINE AREAS, Ar-
ticles 6-10]⁶

¹ *Supra*, chap. I, 2.

² *Ibid.*, 4.

³ *Ibid.*, 5.

⁴ *Ibid.*, 6.

⁵ *Ibid.*, 8.

⁶ *Ibid.*, 10.

7. DENMARK

[ORDINANCE OF 27 FEBRUARY 1976 GOVERNING THE ADMISSION OF FOREIGN WARSHIPS AND MILITARY AIRCRAFT TO DANISH TERRITORY IN TIME OF PEACE, Section 3]¹

8. ECUADOR

[CIVIL CODE, Article 628]²

9. GERMANY, FEDERAL REPUBLIC OF

(a) ACT OF 8 JULY 1975 CONCERNING THE PARIS AND BRUSSELS ATOMIC LIABILITY CONVENTIONS³

...

Article 2

In order to facilitate the movement of nuclear ships, the Federal Government may make orders bringing into force international agreements which regulate the use of foreign waters and harbours by nuclear ships authorized to fly the flag of the Federal Republic of Germany, or the use of waters and harbours of the Federal Republic of Germany by nuclear ships flying a foreign flag, where such agreements fulfil the following conditions:

1. The provisions concerning technical safety must correspond in substance to the version for the time being in force of the regulations in chapter VIII of the International Convention for the Safety of Life at Sea, 1960,⁴ and with the recommendations in annex C to the Final Act of the International Conference on Safety of Life at Sea, 1960 (*Bundesgesetzblatt* 1965, II, pp. 465 and 480).

2. The provisions concerning legal liability must correspond in substance to article I (4) to (8), article II, article III, paragraph 2, article IV, article V, paragraph 1, first sentence, and paragraphs 2 to 4, article VIII, article X, paragraphs 1 and 2, and article XI, paragraph 4, of the Brussels Convention on the Liability of Operators of Nuclear Ships and must pro-

¹ *Infra*, chap. VI, 3.

² *Supra*, chap. I, 12.

³ *Bundesgesetzblatt* 1975, part II, p. 957. Full title: Act concerning the Convention of 29 July 1960 on third party liability in the field of nuclear energy and supplementary agreements, the Convention of 25 May 1962 on the liability of operators of nuclear ships and additional protocol and the Convention of 17 December 1971 relating to civil liability in the field of maritime carriage of nuclear material. By this law, the Lower House of Parliament (Bundestag) of the Federal Republic of Germany consented to the above-named Conventions. Text provided by the Permanent Representative of the Federal Republic of Germany in a note verbale of 2 August 1977. Translation by the Secretariat of the United Nations.

⁴ United Nations, *Treaty Series*, vol. 536, p. 27.

vide, in the case of any one nuclear incident, for maximum liability of at least the amount indicated in article III, paragraphs 1 and 4, of that Convention and not exceeding DM 1 billion.

3. The provisions of national or international law concerning the limitation of shipowners' liability to that established by contract shall not apply.

...

(b) [ACT CONCERNING THE PEACEFUL USE OF NUCLEAR ENERGY AND PROTECTION AGAINST ITS DANGERS (ATOMIC ACT) AS AMENDED ON 31 October 1976]¹

10. GUATEMALA

[LEGISLATIVE DECREE NO. 20-76 OF 9 JUNE 1976 CONCERNING THE BREADTH OF THE TERRITORIAL SEA AND THE ESTABLISHMENT OF AN EXCLUSIVE ECONOMIC ZONE, Article 2]²

11. GUYANA

[MARITIME BOUNDARIES ACT, 1977, Section 6]³

12. INDIA

[TERRITORIAL WATERS, CONTINENTAL SHELF, EXCLUSIVE ECONOMIC ZONE AND OTHER MARITIME ZONES ACT, 1976, Section 4]⁴

13. MALDIVES

LAW NO. 32/76 OF 5 DECEMBER 1976 RELATING TO THE NAVIGATION AND PASSAGE BY FOREIGN SHIPS AND AIRCRAFTS THROUGH THE AIRSPACE, TERRITORIAL WATERS AND THE ECONOMIC ZONE OF THE REPUBLIC OF MALDIVES⁵

1. Ships of all States shall enjoy the right of innocent passage through the territorial waters and other exclusive economic zone of the Republic of Maldives. Passage shall be considered innocent only if such passage is not prejudicial to the peace, good order and security of the Republic of Maldives.

¹ *Infra*, division IV, 3 (a).

² *Supra*, chap. I, 14.

³ *Ibid.*, 16.

⁴ *Ibid.*, 19.

⁵ Text transmitted by the Deputy to the Head of the Department of External Affairs of the Republic of Maldives in a note dated 16 January 1977.

However, no foreign warship shall enter the territorial sea of the Republic of Maldives, nor a foreign fishing vessel shall enter its economic zone without prior consent of the Government of the Republic of Maldives. While navigating in the territorial waters of Maldives foreign warships shall fly their national flag. Submarines shall navigate on the surface and show their flag.

2. No foreign aircraft shall enter or pass through the air space of the territory of the Republic of Maldives except in conformity with the international norms and in accordance with the laws and regulations in force in the Republic of Maldives. Foreign military aircraft shall not enter or pass through the air space of the territory of the Republic of Maldives without prior consent of the Government of the Republic of Maldives.

Salvage and rescue operations of foreign ships within the territorial waters of the Republic of Maldives shall be carried out in accordance with the regulations and practices in effect in the Republic of Maldives.

3. Any foreign ship which runs aground on an island, a reef or a sandbank within the territory of the Republic of Maldives, if abandoned, without notifying the incident to the Government of the Republic of Maldives, shall be property of the Government.

4. All ships shall bear responsibility for any damage caused within the territory or economic zone to any other party by the negligence or deliberate action of those ships.

5. Any person or persons who act in contravention of the provisions of this law shall be guilty of an offence and shall upon conviction be penalized in accordance with the laws and regulations of the Republic of Maldives.

6. In this law unless the context otherwise requires—

“Ship” means any description of ship or vessel or boat or craft or any other description of vessel used in navigation on or below the waters.

“Warship” means a ship belonging to the armed forces of a State, or a ship which by reason of the equipment contained therein could be used for any warlike purpose.

“Military aircraft” means an aircraft belonging to the armed forces of a State or an aircraft which by reason of the equipment contained therein could be used for any warlike purpose.

14. NEW ZEALAND

[MARINE POLLUTION ACT, 1974, Section 18]¹

¹ *Infra*, division IV, 6 (a).

15. PAKISTAN

[TERRITORIAL WATERS AND MARITIME ZONES ACT, 1976, Sections 3 and 9-14]¹

16. REPUBLIC OF KOREA

- (a) [TERRITORIAL SEA LAW, 1977, Articles 5-8]²
 (b) [ENFORCEMENT DECREE OF THE TERRITORIAL SEA LAW, 1978, Articles 5 and 7]³

17. SEYCHELLES

[MARITIME ZONES ACT, 1977, Section 4]⁴

18. SPAIN

ORDER OF 24 FEBRUARY 1977 CONCERNING CLEARANCE FOR DEPARTURE AND PASSAGE OF SHIPS CARRYING OIL IN BULK AS CARGO⁵

1. Any Spanish ship carrying more than 2,000 tons of oil in bulk as cargo shall be prohibited from sailing unless it has on board a certificate issued by the Directorate of Insurance of the Ministry of Finance attesting that the insurance or financial security referred to in the Order of this Ministry of 4 March 1976 is fully in force.

Harbour-masters shall not grant clearance for departure to any Spanish ship to which the prohibition applies and shall immediately report to the Directorate of Shipping, for appropriate action, any arrival in violation thereof; the ship in question shall forthwith be immobilized at such place as is deemed most appropriate to prevent any escape of oil, and any other measures judged necessary for that purpose shall be applied and strictly enforced.

2. The passage through the territorial sea or internal waters of Spain of any foreign ship carrying more than 2,000 tons of oil in bulk as cargo shall be prohibited unless it has on board a valid certificate of insurance or other financial security within the limit prescribed by article V, paragraph 1, of the International Convention on Civil Liability for Oil Pol-

¹ *Supra*, chap. I, 24.

² *Ibid.*, 26 (a).

³ *Ibid.*, 26 (b).

⁴ *Supra*, chap. I, 28.

⁵ Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale dated 17 June 1977. Translation by the Secretariat of the United Nations. This Order is issued in order to implement article VII, paragraphs 10 and 11, of the International Convention on Civil Liability for Oil Pollution Damage, done at Brussels on 29 November 1969, reproduced in ST/LEG/SER.B/16, p. 447.

lution Damage, done at Brussels on 29 November 1969, issued or endorsed by the appropriate authorities of the State of the ship's registry. For the purpose of granting clearance for arrival or departure to such ships, harbour-masters shall require the production of such a certificate and shall take due note thereof.

Warships or other ships owned or operated by a State and used, for the time being, only on government non-commercial service shall be exempt from the aforementioned requirements. Similarly, such requirements shall not apply to ships owned by a Contracting State to the Convention and used for commercial purposes, provided that they produce a certificate issued by the appropriate authority of the State of the ship's registry stating that the ship is owned by that State and that civil liability for damage is covered by that State within the limits prescribed by article V, paragraph 1, of the Convention.

3. Without prejudice to any other penalty or liability which may be incurred or, in the case of a foreign merchant ship, to an immediate demand to leave the Spanish territorial sea as soon as a violation is established, violations of the above provisions shall be punishable, where appropriate, by the naval commanders of the province in which the violation was committed or discovered, in accordance with the provisions of Act No. 168/1961 of 23 December concerning penalties for offences under the Merchant Marine and Fisheries Act, Regulations and Ordinances.

19. SRI LANKA

[MARITIME ZONES LAW NO. 22 OF 1976, Section 3]¹

¹ *Supra*, chap. I, 31 (a).

Chapter III

SECURITY OF THE COASTAL STATE

1. DEMOCRATIC YEMEN

[ACT No. 45 OF 1977 CONCERNING THE TERRITORIAL SEA, EXCLUSIVE ECONOMIC ZONE, CONTINENTAL SHELF AND OTHER MARINE AREAS, Articles 6, 9 and 12]¹

2. GUATEMALA

[LEGISLATIVE DECREE No. 20-76 OF 9 JUNE 1976 CONCERNING THE BREADTH OF THE TERRITORIAL SEA AND THE ESTABLISHMENT OF AN EXCLUSIVE ECONOMIC ZONE, Article 8]²

3. GUYANA

[MARITIME BOUNDARIES ACT, 1977, Section 6 (4)]³

4. PAKISTAN

[TERRITORIAL WATERS AND MARITIME ZONES ACT, 1976, Section 3 (4)]⁴

5. REPUBLIC OF KOREA

- (a) [TERRITORIAL SEA LAW, 1977, Articles 5, 6 and 7]⁵
- (b) ENFORCEMENT DECREE OF THE TERRITORIAL SEA LAW, 1978, Article 1]⁶

6. SPAIN

[DECREE No. 205/1969 OF 25 SEPTEMBER 1969 REGULATING UNDERWATER ACTIVITIES, Articles 18 (2), (3), 21 and 23]⁷

¹ *Supra*, subdivision A, chap I, 10.

² *Ibid.*, 14.

³ *Ibid.*, 16.

⁴ *Ibid.*, 24.

⁵ *Ibid.*, 26 (a).

⁶ *Ibid.*, 26 (b).

⁷ *Ibid.*, 30 (b).

7. SRI LANKA

[MARITIME ZONES LAW NO. 22 OF 1976, Section 4 (2)]¹

¹ *Ibid.*, 31 (a).

Chapter IV

CUSTOMS, FISCAL AND SANITARY MATTERS

1. DEMOCRATIC YEMEN

[ACT No. 45 OF 1977 CONCERNING THE TERRITORIAL SEA, EXCLUSIVE ECONOMIC ZONE, CONTINENTAL SHELF AND OTHER MARINE AREAS, Article 12]¹

2. REPUBLIC OF KOREA

[TERRITORIAL SEA LAW, 1977, Article 5 (8)]²

¹ *Supra*, division I, subdivision A, chap. I, 10.

² *Ibid.*, 26 (a).

Chapter V

**CRIMINAL AND CIVIL JURISDICTION OVER FOREIGN
SHIPS IN THE TERRITORIAL SEA**

SRI LANKA

[MARITIME ZONES LAW NO. 22 OF 1976, Section 14]¹

¹ *Ibid.*, 31 (a).

Chapter VI

STATUS OF FOREIGN WARSHIPS IN THE TERRITORIAL SEA

1. BURMA

[TERRITORIAL SEA AND MARITIME ZONES LAW, 1977, Section 9]¹

2. DEMOCRATIC YEMEN

[ACT No. 45 OF 1977 CONCERNING THE TERRITORIAL SEA, EXCLUSIVE ECONOMIC ZONE, CONTINENTAL SHELF AND OTHER MARINE AREAS, Article 7]²

3. DENMARK

ORDINANCE OF 27 FEBRUARY 1976 GOVERNING THE ADMISSION OF FOREIGN WARSHIPS AND MILITARY AIRCRAFT TO DANISH TERRITORY IN TIME OF PEACE³

Part 1. General provisions

1. (1) This Ordinance shall apply to the admission of foreign warships and military aircraft to Danish territory when Denmark as well as the State by which the vessel or aircraft is owned are in a state of peace.

(2) Other vessels and aircraft which are owned or used by a foreign State and which are not employed exclusively for commercial purposes shall be equated with foreign warships and military aircraft in the application of the provisions of this Ordinance.

(3) For the purposes of this Ordinance the term "passage" means innocent passage within the meaning of international law.

(4) Where advance permission is required pursuant to this Ordinance, the application for such permission shall be submitted not less than eight days in advance. Where advance notification of passage is required, such notification shall be given not less than three days in advance of the proposed passage.

¹ *Ibid.*, 4.

² *Ibid.*, 10.

³ English text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977.

(5) The Minister of Defence may make exceptions to the provisions of this Ordinance.

2. (1) For the purpose of this Ordinance the term "Danish territory" means Danish land territory and Danish territorial waters and the air space over these territories.

(2) Danish territorial waters embrace the territorial sea and internal waters as defined in the relevant provisions in force at any given time.

Part 2. Warships

3. (1) Foreign warships shall enjoy the right of passage through the territorial sea subject to advance notification being given through diplomatic channels; cf., however, subsection (4) below. For the vessels referred to in section 1, subsection (2), notification of passage shall not, however, be required.

(2) Where navigation within the territorial sea takes place in connexion with passage of the Great Belt, Samsøe Belt or the Sound, notification shall not be required, of, however, subsection (4) below.

(3) Foreign warships shall not be allowed during passage to stop or anchor in the territorial sea except where advance permission to do so has been obtained through diplomatic channels or where stopping or anchoring are incidental to ordinary navigation or are rendered necessary by *force majeure* or by distress.

(4) For simultaneous passage of the territorial sea of more than three warships of the same nationality advance permission, obtained through diplomatic channels, is required. Passage of the Great Belt, Samsøe Belt or the Sound shall be allowed, however, subject to advance notification through diplomatic channels. Permission or notification, as the case may be, shall not be required for the vessels referred to in section 1, subsection (2).

4. (1) Warships may pass through or stay in internal waters where advance permission for such passage or stay has been obtained through diplomatic channels.

(2) Passage of Hollaenderdybet/Drogden and passage of the Little Belt and, in connexion therewith, the necessary navigation by the shortest route through internal waters between Funen, Endelave and Samsøe shall be allowed, however, subject to advance notification through diplomatic channels.

5. The permissions and notifications referred to in sections 3 and 4 shall not be required for vessels in distress. In the event of distress the vessel shall give international distress signal and notify Danish naval authority—possibly through a Danish coastal radio station.

6. (1) Warships may not without special permission conduct scientific or military activity within Danish territorial waters.

(2) Submarines are required to navigate on the surface while within Danish territorial waters.

(3) Warships shall show their naval or national flag while within Danish territorial waters. In port flags may, however, be used under traditional regulations governing the display of flags.

Part 3. Military aircraft

7. (1) For flights over or landing in Danish territory of military aircraft advance permission, obtained through diplomatic channels, is required. This provision shall not apply to aircraft in distress and aircraft which, with the approval of Danish authorities, are conducting flights for humanitarian purposes.

(2) Permission to overfly or land in Danish territory will be granted only if an ordinary ICAO (International Civil Aviation Organization) flight schedule is submitted prior to the flight to the competent Danish air traffic service organ and if the flight is otherwise carried out in accordance with the guidelines set out by ICAO and the provisions relative to these guidelines laid down by Danish aeronautical authorities.

8. (1) Military aircraft may not without special permission conduct scientific or military activity within Danish territory.

(2) Military aircraft may carry permanent installation of weapons without ammunition and cameras without films or plates. Electronic equipment other than such as is required for navigation of the aircraft may not be used by military aircraft over Danish territory.

Part 4. Repeal

9. Royal Ordinance No. 356 of July 25, 1951,¹ governing the Admittance of Foreign Men-of-War and Service Aircraft to Danish Territory in Time of Peace is hereby repealed.

4. GUYANA

[MARITIME BOUNDARIES ACT, 1977, Section 6 (3)]²

5. INDIA

[TERRITORIAL WATERS, CONTINENTAL SHELF, EXCLUSIVE ECONOMIC ZONE AND OTHER MARITIME ZONES ACT, 1976, Section 4 (2)]³

6. MALDIVES

[LAW NO. 32/76 OF 5 DECEMBER 1976 RELATING TO THE NAVIGATION AND PASSAGE BY FOREIGN SHIPS AND AIRCRAFTS THROUGH THE AIRSPACE, TERRITORIAL WATERS AND THE ECONOMIC ZONE OF THE REPUBLIC OF MALDIVES, Sections 1 and 6]⁴

¹ Reproduced in ST/LEG/SER.B/6, p. 369.

² *Supra*, division I, subdivision A, chap. I, 16.

³ *Ibid.*, 19.

⁴ *Supra*, division I, subdivision A, chap. II, 13.

7. PAKISTAN

[TERRITORIAL WATERS AND MARITIME ZONES ACT, 1976,
Section 3 (2) and (4)]¹

8. REPUBLIC OF KOREA

- (a) TERRITORIAL SEA LAW, 1977, Articles 5 and 8]²
- (b) [ENFORCEMENT DECREE OF THE TERRITORIAL SEA LAW, 1978,
Article 4]³

9. SEYCHELLES

[MARITIME ZONES ACT, 1977, Section 4 (2)-(4)]⁴

10. SPAIN

- (a) ORDER OF 27 MARCH 1958 ON VISITS BY FOREIGN WARSHIPS TO
SPANISH PORTS AND TRANSIT THROUGH WATERS UNDER SPANISH
JURISDICTION⁵

Pursuant to the provisions of article 11 of the Royal Decree of 4 January 1928, and as authorized by the Ministry of Foreign Affairs, the rules which shall govern visits by foreign warships to Spanish ports and their transit through waters under Spanish jurisdiction in time of peace are set out hereunder; they shall enter into force on the date of their publication in the *Diario Oficial del Ministerio de Marina*.

Any provisions which are contrary to those laid down in the said rules are hereby repealed.

Rules

These rules are intended to serve as a guide to the embassies of countries whose vessels need or desire to visit Spanish ports in time of peace. They specify the various conditions governing such visits, give the necessary information and any details which may be useful and thereby facilitate the work of the embassies and of the Spanish Ministries of Foreign Affairs and the Navy.

These rules do not stipulate any conditions not already in general use in the naval protocol of virtually every country; they merely collate long-

¹ *Supra*, division I, subdivision A, chap. I, 24.

² *Ibid.*, 26 (c).

³ *Ibid.*, 26 (b).

⁴ *Supra*, division I, subdivision A, chap. I, 28.

⁵ Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale dated 17 June 1977, Translation by the Secretariat of the United Nations.

established guidelines of our maritime legislation, which has always followed international practice, and bring the existing provisions up to date.

1. *Definition of warships.* For the purposes of transit through Spanish waters and visits to Spanish ports, the following shall be considered to be foreign warships:

(a) Combat and auxiliary ships belonging to the navies of the respective countries, in the service of an officially recognized Government and under the command of an officer of the navy or an officer of the naval reserve on active duty.

(b) Privately owned ships chartered by Governments to transport troops or military supplies, under the command of an officer of the navy or an officer of the naval reserve on active duty.

(c) Ships of any kind carrying a head of State and his suite, to the exclusion of all other passengers.

(d) Exceptionally, and on express instructions, merchant marine training ships owned by the Government concerned and under the command of an officer of the navy or an officer of the naval reserve on active duty, provided that the said ships do not engage in trade.

2. *Classification of visits.* Visits shall fall into one of two categories: official or courtesy visits and unofficial visits.

(a) Official visits. Visits made by foreign warships to our ports at the invitation of the Spanish Government shall be considered official visits, as shall those declared official at the request of a foreign Government.

For official visits a programme shall be drawn up which, in addition to the protocol visits and salutes provided for by international naval ceremonial, shall specify what other events, acts of hospitality or ceremonies are to be organized in honour of the visitors.

(b) Unofficial visits. These shall be visits made for operational or logistical reasons, such as intermediate stops on a longer voyage, the taking on of supplies, repairs, or visits which are requested for purposes other than the specific purposes listed and are not granted official status by the Government concerned nor made in response to an invitation from the Spanish Government.

The salutes and protocol visits for which provision is made in international naval ceremonial shall take place on the occasion of such visits. No programme of events shall be drawn up, but this shall in no way prevent the local population or authorities from extending hospitality to the visitors on a private or friendly basis.

(c) Ships in distress. The entry into a Spanish port of any foreign warship in distress because of damage, bad weather or other similar unforeseen circumstances shall not be considered a visit.

In such cases, the warship shall be provided with whatever assistance it may require, as local facilities permit, and the provisions of naval

ceremonial concerning the exchange of visits and salutes shall be observed at all times.

However, should a foreign warship which enters a port in distress be carrying a head of State or other person of high rank on board, the Spanish Government, having received urgent notification of the fact through the diplomatic channel, shall consider the entry of the ship an official visit and shall determine what events and honours may be possible in the light of the fact that the visit was unforeseen.

3. *Notification of visits.* Requests for visits by foreign warships shall be submitted through the embassy of the country concerned to the Spanish Ministry of Foreign Affairs, which shall inform the Ministry of the Navy accordingly. Prior notice of at least 30 days shall be given for official visits and 15 days for unofficial visits.

Notification of visits shall include the following details:

- (a) Category of visit (official or unofficial).
- (b) Ports to be visited, with details of the duration of stay in each, the date and, if possible, the expected time of arrival. Such notification shall take account of the provisions of section 6, item (8), of these rules.
- (c) Names and types of the visiting vessels, with specification of their principal characteristics and whether or not they are equipped to fire a cannon salute.
- (d) Names and ranks of their officers, the ensigns they are flying and a numbered list of their crews.
- (e) Whether or not there is any intention to disembark unarmed patrols to police the conduct of crews while on shore.
- (f) The authorization of a visit implies permission for the disembarkation of crew members on shore leave, provided that they are in uniform, except in the case of officers, who may wear either uniform or civilian dress; however, should such personnel wish to travel for the purposes of tourism or recreation to any locality other than the one at which their ships are berthed, that fact shall be mentioned in the notification, in order that the appropriate Spanish governmental authorities may be informed accordingly.
- (g) The notification shall also indicate whether it is desired to disembark any motor vehicle, describing the characteristics of any such vehicle, which must on no condition be armed.

4. *Exemptions and privileges.* The following exemptions shall apply to foreign warships on official or unofficial visits or entering Spanish ports in distress provided that exemptions of a similar nature are granted on a reciprocal basis to Spanish warships in the ports of the visiting ship's country:

- (a) Port dues. Total exemption from all charges for the right to stay in port. For special services (cranes, sheds, refuse collection, etc.) the applicable tariffs or contract terms shall be those stipulated for foreign warships by the port authority.

(b) Pilotage, tug and anchorage services. When such services (for ships) are provided by pilots, craft and equipment from an arsenal or naval base, there shall be no charge. In other cases, the applicable tariffs shall be those stipulated in the current Pilots' Regulations, on the understanding that the use of the pilot shall be optional.

However, in the Bilbao estuary, the river Guadalquivir and other navigable rivers in which the use of the pilot is compulsory for merchant ships, it shall likewise be compulsory for warships, and in all cases it shall be compulsory to berth in the place where the pilotage service is established.

(c) Water supply. In the case of installations which form part of an arsenal or naval base, the water supply shall be free of charge. In commercial ports the tariffs applicable shall be those stipulated by the port authority.

5. *Cannon salutes.* Warships equipped to fire this type of salute shall do so on arrival in Spanish ports which have a salute battery, prior to making their entry into the port and between 0800 hours and sunset, as provided for in naval ceremonial, the reply being fired by the batteries at the fortress. The warship shall subsequently fire salutes in honor of any more senior naval ensigns that may be in port.

Cannon salutes to individuals shall be fired after the vessel has berthed or has entered the port, where this is not forbidden by local port regulations.

6. *Restrictions with which visiting vessels must comply.*

(a) It shall be the responsibility of the senior naval authority in each port to assign berths to foreign warships or to transfer such ships from one berth to another when necessary.

For that purpose, upon the entry of a foreign warship into a Spanish port, it shall immediately be boarded by a naval officer sent by the above-mentioned authority, who shall present his compliments to the commanding officer and indicate to him the berth assigned to his ship. Where no prior notification has been given because the ship has entered the port in distress, the said officer shall obtain information concerning the duration of the ship's stay, the name of the commanding officer and other related data.

Should the above-mentioned officer arrive on board after the foreign warship has already berthed, he shall confine himself to saluting, collecting the required data in the case of an entry in distress and confirming the location of the berth or assigning another one if necessary.

(b) Foreign warships which enter a Spanish port shall be required to comply with the legal provisions in force with regard to taxation and health and the port regulations applicable to Spanish warships, precise details of which shall be supplied to the commanding officer by the naval authority.

(c) A special permit, to be granted by the Ministry of the Navy, shall be required for the entry of foreign warships into State arsenals.

A similar permit shall be required before individual crew members of the said vessels may visit the industrial zones of such establishments.

Foreign warships in Spanish ports shall also refrain from;

- (1) Making drawings or plans of the port or of any land area;
- (2) Submerging in the case of submarines;
- (3) Carrying out the death penalty;
- (4) Disembarking armed naval personnel or troops, or any type of military equipment, unless a special permit has been obtained in each case;
- (5) Taking soundings or engaging in any other kind of submarine work, whether or not it requires the use of divers;
- (6) Small craft operating in the port shall not carry any arms;
- (7) Ships which carry aircraft or helicopters shall neither fly them nor off-load them. However, should it prove necessary to transfer some of them to land for overhaul, repairs, tests or the like, the competent authorities shall be informed in order that the required permit may be issued if appropriate.

7. *Use of radio in port.* A special permit from the Ministry of the Navy shall be required for the use of radio communications in Spanish ports by visiting foreign warships. The Ministry shall grant such a permit provided that there is no interference with Spanish stations and that similar facilities are granted on a reciprocal basis by the visiting ship's country to Spanish warships when they visit that country. To that end, the notification of visits shall state whether it is desired to use radio communications and shall indicate the frequencies to be used.

8. *Transit through and stays in waters under Spanish jurisdiction.* In accordance with the customary norms of international maritime law, no special permit shall be required for transit through waters under Spanish jurisdiction. Warships sailing in such waters must display their national flag in a clearly visible manner, and submarines must remain on the surface while in transit.

No aircraft or helicopters shall be flown from ships in such waters without a special permit requested at least 15 days prior to any transit, preparation of charts, plans and the like, or transfers or supply operations of any kind.

An appropriate permit from the Spanish Government shall be required for berthing in waters under its jurisdiction and for carrying out any exercise or any other operation apart from simple transit; the permit must be requested through the diplomatic channel at least 15 days in advance.

9. *Application of these rules.* These rules refer solely to visits by foreign warships under normal circumstances and in time of peace, and their application shall be without prejudice to any existing or future provisions contained in international conventions or to any provisions made

in the light of special circumstances which may make it advisable to suspend these rules temporarily or partially.

ANNEX

*Spanish ports with facilities for cannon salutes*¹

- (b) [ORDER OF 24 FEBRUARY 1977 CONCERNING CLEARANCE FOR DEPARTURE AND PASSAGE OF SHIPS CARRYING OIL IN BULK AS CARGO, Section 2]²

11. SRI LANKA

[MARITIME ZONES LAW No. 22 OF 1976, Section 3]³

¹ Not reproduced.

² *Supra*, chap. II, 18.

³ *Supra*, chap. I, 31 (a).

Chapter VII

POLLUTION OF THE TERRITORIAL SEA

1. DEMOCRATIC YEMEN

[ACT No. 45 OF 1977 CONCERNING THE TERRITORIAL SEA, EXCLUSIVE ECONOMIC ZONE, CONTINENTAL SHELF AND OTHER MARINE AREAS, Article 22]¹

2. DENMARK

[ACT ON THE PROTECTION OF THE MARINE ENVIRONMENT OF THE BALTIC SEA AREA, 1975]²

3. GERMANY, FEDERAL REPUBLIC OF

- (a) ACT OF 13 SEPTEMBER 1976 PERTAINING TO CHARGES LEVIED FOR DISCHARGING WASTE WATER INTO WATERS (WASTE WATER CHARGES ACT)³

GENERAL REGULATIONS

Article 1. Principle

A charge shall be paid for discharging waste water into waters within the meaning of Article 1, para. 1 of the Federal Water Act passed on 27 July 1957 (Federal Law Gazette I p. 1110)⁴ last amended by the Fourth Amendment to the Federal Water Act, passed on 26 April 1976 (Federal Law Gazette I p. 1109), such charge to be referred to as the Waste Water Charge. The charge shall be levied by the federal states (Länder).

Article 2. Definitions

(1) Within the meaning of this Act, waste water shall be deemed to be water changed in its properties by domestic, commercial, agricultural or other use and the water running off in conjunction therewith in dry

¹ *Supra*, chap. I, 10.

² *Infra*, division IV, 2 (a).

³ *Bundesgesetzblatt* 1976, part I, p. 2721. In force as of 1 January 1978 pursuant to art. 18. English text provided by the Permanent Representative of the Federal Republic of Germany to the United Nations in a note verbale dated 2 August 1977.

⁴ Reproduced partially in ST/LEG/SER.B/18, p. 59, as amended up to 1970.

weather (polluted water), as well as water running off from built-up or paved surfaces following precipitation (hereinafter referred to as rain water).

(2) Within the meaning of this Act discharging shall be deemed to be the immediate and direct conveyance of waste water into a water body; conveyance into the subsoil shall be regarded as discharging into a water, with the exception of conveyance into the ground within the framework of agricultural soil treatment.

(3) Within the meaning of this Act a waste water treatment plant shall be deemed to be a facility used to reduce or eliminate the noxiousness of waste water. Facilities serving to prevent the generation of waste water either in full or in part shall also be regarded as waste water treatment plant.

Article 3. System of Assessment

(1) The amount of the waste water charge shall depend upon the noxiousness of the waste water, which shall be determined on the basis of the volume of waste water, the settleable solids contained therein, the oxidizable substances and the toxicity of the waste water, expressed in units of noxiousness in accordance with the Annex to this Act.

...

(3) The Länder shall be free to determine that the noxiousness of waste water shall be left out of account to the extent that it is eliminated in secondary settling ponds directly connected with a waste water treatment plant.

(4) The Länder shall be free to have the noxiousness of settleable solids determined by the weight of such solids on request of the parties liable to pay the waste water charge, provided the number of cubic metres of such solids generated annually is more than five times larger than the number of tons of dry substance generated annually.

(5) The Federal Government shall be authorized to adapt to the respective state of science and technology, by statutory ordinance with the consent of the Bundesrat, the regulations pertaining to procedures for the determination of noxiousness, as set forth in Part B of the Annex, in order to refine such procedures or to reduce the personal or material effort and expenditure required for the determination of noxiousness, provided that this does not cause any substantial change in the assessment of noxiousness.

SECTION TWO. DETERMINATION OF NOXIOUSNESS

Article 4. Determination on the Basis of an Official Notice

(1) With the exception of rain water (Art. 7)¹ and small waste water discharges (Art. 8),¹ the values to be applied for determining the number of units of noxiousness shall be taken from the official notice licensing the waste water discharge. Such official notice shall at least provide data on the maximum amount of polluted water permitted annually, the

¹ Not reproduced.

settleable solids, the oxidizable substances and the degree of toxicity as set forth in Article 3, para. 1, such data to be distinguished according to the mean values to be maintained (standard values) and the values which may not be exceeded under any circumstances whatsoever (maximum values). The standard values or, respectively, at least 50 per cent of the maximum values, shall be applied as a basis for determining the number of units of noxiousness (reference values). Should there be no reason to expect the presence of settleable solids, oxidizable substances or a degree of toxicity as defined under Article 3, para. 1, in the waste water, or should the amount of mercury to be expected in the waste water be less than one kilogram and the amount of cadmium less than 10 kilograms annually, the requirement to fix definite values in the official notice may be waived. Should such official notice nevertheless specify mercury or cadmium values, such values shall be left out of account in determining the degree of noxiousness.

...

Article 5. Determination on the Basis of Measurements

(1) Should a party liable to pay waste water charges show by submitting values obtained on the basis of a measuring programme approved by the responsible authority, that the weighted mean of measuring results obtained in the preceding period of assessment deviates from the standard value specified under Article 4, para. 1 by more than 25 per cent, such weighted mean of the measuring values, but at least 50 per cent of the highest value measured, shall be applied in determining the number of units of noxiousness. The measuring programme must comprise at least one daily sample taken at different times of the day in addition to the continual volume measurement.

...

SECTION THREE. LIABILITY TO PAY CHARGES

Article 9. Liability to Pay Charges Rates

(1) Whoever shall discharge waste water (discharger) shall be liable to pay waste water charges.

(2) The Länder may determine that public corporations shall be liable to pay waste water charges in lieu of dischargers. Public corporations to be designated by the Länder shall be liable to pay waste water charges in lieu of dischargers who discharge, on an annual average, less than eight cubic metres of sewage per day from domestic households or similar sources. The Länder shall determine how waste water charges levied in this way may be passed on to the originators.

...

(4) Liability to pay waste water charges shall not become effective prior to 31 December 1980. The annual rate levied per unit of noxiousness shall be

DM 12.—	as of 1 January 1981
DM 18.—	as of 1 January 1982

DM 24.—	as of 1 January 1983
DM 30.—	as of 1 January 1984
DM 36.—	as of 1 January 1985
DM 40.—	as of 1 January 1986

...

(6) In order to avert any significantly detrimental economic developments, the Federal Government shall be authorized to exempt, by statutory ordinance with the consent of the Bundesrat, the parties liable to pay waste water charges or regional or sectoral groups of such parties carrying out, or causing to be carried out, measures for reducing the noxiousness of waste water, from such liability, the exemption not to remain in force, either in full or in part, until later than 31 December 1989.

Article 10.—Exemption from Liability to Pay Charges

(1) The following exemptions from liability to pay waste water charges shall be granted:

1. for the discharge of water already polluted when extracted from a water resource prior to use and not showing any further noxiousness within the meaning of this after use,

2. for the discharge of polluted water into a surface water created during the extraction of mineral raw materials, provided that such water is only used for washing the product obtained at such location and does not contain any noxious substances other than those extracted, and as far as it is guaranteed that noxious substances will not reach other waters,

3. for the discharge of sewage from watercraft where it is generated,

4. for the discharge of rain water if a public sewerage system is not used for this purpose.

...

SECTION FOUR. ESTABLISHMENT, LEVY AND USE OF WASTE WATER CHARGES

Article 11. Period of Assessment, Obligation of Disclosure

(1) The calendar year shall be deemed to be the period of assessment.

...

(3) The Länder may determine that the liable party shall calculate the number of units of noxiousness of the waste water also in other cases, that such party shall provide the data required for an estimate, and submit the associated documents to the responsible authority.

Para. 2, sentence 2 shall apply accordingly.

Article 12. Infringement of the Obligation of Disclosure

(1) Should the liable party fail to comply with its obligations as set forth under Article 11, para. 2, sentence 1 and the supplementary regulations issued by the Länder, the responsible authority shall be free to estimate the number of units of noxiousness.

...

Article 13. Use of Charges Levied

(1) The revenue accruing from waste water charges shall only be used for specific purposes connected with measures for maintaining or improving water quality. The Länder may determine that the administrative expenditure associated with the enforcement of this Act and of their own supplementary regulations shall be paid for out of the revenue accruing from waste water charges.

(2) Particularly, the following shall be deemed to be measures as provided in para. 1 above:

1. The construction of waste water treatment plant.
2. The construction of rain retention basins and facilities for the purification of rain water.
3. The construction of ring-shaped and holding canals at and along dams, lake and sea shores and of main connecting sewers permitting the erection of jointly operated sewage treatment facilities.
4. The construction of plant for the disposal of sewage sludge.
5. Measures taken in and at water bodies for observing and improving water quality (such as raising the level of low-water flow or providing for oxygen enrichment) and for maintaining such water bodies.
6. Research on and development of suitable plant or techniques for improving water quality.
7. Basic and further training of operating staff for water treatment plant and other facilities designed to maintain and improve water quality.

SECTION FIVE. COMMON AND FINAL REGULATIONS

Article 14. Application of Regulations on Fines and Penalties under the Fiscal Code

The penal clauses set forth in Article 370, paras. 1, 2 and 4 and in Article 371 of the Fiscal Code (Abgabenordnung—AO 1977) shall apply accordingly to any act of evasion involving waste water charges; the penalty provision set forth in Article 378 of the Fiscal Code (AO 1977) shall apply accordingly to any unlawful reduction of the waste water charges payable.

Article 15. Breaches of Regulations

- (1) Whoever intentionally or negligently
1. contrary to Article 5, para. 1, sentence 1, submits measuring values not conforming to the measuring programme,
 2. contrary to Article 11, para. 2, sentence 1, fails to submit the calculations or documents or does not submit them in an accurate or complete condition,
 3. contrary to Article 11, para. 2, sentence 2, fails to provide or does not provide the liable party with the requisite data or documents in an

accurate or complete condition, shall be deemed to commit a breach of regulations.

(2) A penalty not exceeding five thousand Deutschmarks may be imposed for any such breach of regulations.

...

Article 17. Berlin Clause

Under the terms of Article 13, para. 1 of the Third Transitional Act (Drittes Überleitungsgesetz) passed on January 4, 1952 (Federal Law Gazette 1 p. 1), the present Act shall also be applicable in the Land of Berlin. Statutory ordinances issued by virtue of the present Act shall apply in the Land of Berlin in accordance with Article 14 of the Third Transitional Act.

...

ANNEX TO ARTICLE 3

A

(1) In determining the noxiousness of waste water, 0.1 millilitres per litre of waste water shall be deducted in advance from the settleable solids, and 15 milligrams per litre of waste water from the oxidizable substances. Should the figures obtained in this way be below zero, they shall remain unconsidered. The number of units of noxiousness may be inferred from the following table:

<i>Pollutants and groups of pollutants assessed</i>	<i>Number of units of noxiousness for each full measuring unit</i>	
	<i>Unit of noxiousness</i>	<i>Measuring unit(s)</i>
1. Settleable solids containing at least 10 per cent organic matter	1	Annual volume in cubic metres or, respectively, in tons should Article 3, para. 4 be applicable
2. Settleable solids containing less than 10 per cent organic matter	0.1	Annual volume in cubic metres or, respectively, in tons should Article 3, para. 4 be applicable
3. Oxidizable substances expressed as Chemical Oxygen Demand (COD)	2.2	Annual volume of 100 kilograms
4. Mercury and its compounds ..	5	Annual volume of 100 grams of mercury
5. Cadmium and its compounds ..	1	Annual volume of 100 grams of cadmium
6. Toxicity for fish	0.3 GF†	Annual waste water volume of 1,000 cubic metres

† GF represents the dilution factor at which waste water loses its toxic effect on fish. When GF=2, the figure applied shall be 0.

(2) Should waste water be discharged into coastal waters, the toxic effect of such waste water on fish shall remain unconsidered to the extent that it is

due to the content of such salts as are similar to the principal components of sea water. The same shall apply to the discharge of waste water into the estuaries of surface waters leading into the sea, provided such estuaries have a natural salt content similar to that of coastal waters.

B

(1) The volume of settleable solids shall be determined after a two-hour settling period.

(2) The chemical oxygen demand shall be determined in accordance with the dichromate procedure, silver sulphate being applied as a catalyst.

(3) Mercury and cadmium shall be determined by way of atomic absorption spectrometry.

(4) The toxic effect in fish tests is determined by using the species orfe (*Leuciscus idus melanotus*) as a test fish and applying various degrees of waste water dilution.

(b) [ACT CONCERNING THE PEACEFUL USE OF NUCLEAR ENERGY AND PROTECTION AGAINST ITS DANGERS (ATOMIC ACT), AS AMENDED ON 31 OCTOBER 1976]¹

4. ICELAND

[LAW NO. 41 OF 1 JUNE 1979 CONCERNING THE TERRITORIAL SEA, THE ECONOMIC ZONE AND THE CONTINENTAL SHELF, Article 8]²

5. MALTA

[MARINE POLLUTION (PREVENTION AND CONTROL) ACT, 1977, Section 4]³

6. NEW ZEALAND

[MARINE POLLUTION ACT, 1974, Section 3]⁴

7. REPUBLIC OF KOREA

(a) [TERRITORIAL SEA LAW, 1977, Article 5 (9)]⁵

(b) [ENFORCEMENT DECREE OF THE TERRITORIAL SEA LAW, 1978, Article 6]⁶

¹ *Infra*, division IV, 3 (a).

² *Supra*, division I, subdivision A, chap. I, 18.

³ *Infra*, division IV, 5.

⁴ *Ibid.*, 6 (a).

⁵ *Ibid.*, 26 (a).

⁶ *Ibid.*, 26 (b).

8. SPAIN

- (a) ACT No. 21/1977 OF 1 APRIL 1977 CONCERNING THE IMPOSITION OF PENALTIES IN CASES OF MARINE POLLUTION BY DUMPING FROM SHIPS OR AIRCRAFT¹

Article 1. For the purposes of this Act:

1. "Marine pollution" means the introduction by man, directly or indirectly, into the marine environment, including estuaries, of substances, materials or forms of energy that are liable to create hazards to human health, to harm touristic, scenic or living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

2. "Dumping" means any deliberate disposal of substances, materials or any form of energy into the sea by or from ships or aircraft other than:

(a) Any discharge incidental to or derived from the normal operation of ships or aircraft and their equipment;

(b) The placing of substances and materials for a purpose other than the mere disposal thereof, if not contrary to the aim of this Act.

3. "Ships and aircraft" means waterborne or airborne craft of any type whatsoever. For the purposes of this Act, this expression includes air-cushion craft, floating craft, whether self-propelled or not, and fixed or floating platforms or other structures at sea, from which dumping can be carried out.

4. "Person responsible" means the owner of the ship or aircraft or his legal representatives.

Article 2. The dumping at sea of the substances listed in annex I to this Act is prohibited.

The person responsible for such dumping shall be liable to a fine of not less than 1 million pesetas and not more than 10 million pesetas.

Article 3. The dumping at sea of the substances listed in annex II to this Act is prohibited, unless a prior permit is obtained in each case from the competent authorities.

Where such dumping is carried out without approval or otherwise than in the approved manner, the person responsible shall be liable to a fine of not less than 50,000 pesetas and not more than 1 million pesetas.

Article 4. The dumping at sea of other substances not listed in annexes I and II to this Act shall require the approval of the competent authorities.

¹ This Act was enacted in order to implement certain provisions of the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft, Oslo, 15 February 1972 (ST/LEG/SER.B/16, p. 457) and Convention for the Prevention of Marine Pollution by Dumping of Wastes and Other Matters, London, 29 December 1972 (ST/LEG/SER.B/16, p. 464). Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale of 17 June 1977. Translation by the Secretariat of the United Nations.

Where such dumping is carried out without approval or otherwise than in the approved manner, the person responsible shall be liable to a fine of not more than 50,000 pesetas.

Article 5. The Government may issue a special permit as an exception to article 2, in emergencies posing unacceptable risk relating to human health and admitting no other feasible solution.

Article 6. The penalties provided by this Act shall not apply to dumping in cases of *force majeure*, when the safety of human life or of a ship or aircraft is threatened.

In such cases, the person in charge of the ship or aircraft shall report the dumping immediately to the maritime authority which is nearest or with which it is easiest to communicate, together with full details of the circumstances and of the nature and quantities of the substances dumped.

The maritime authority shall in turn notify the Merchant Marine Department of the Ministry of Commerce, which shall inform the Inter-ministerial Commission on the Environment.

Any person in charge of a ship or aircraft who fails to report as specified above shall be liable to a fine of not more than 50,000 pesetas.

Article 7. The rules laid down in this Act shall apply:

- (a) To all Spanish ships and aircraft;
- (b) To foreign ships and aircraft in any maritime zone which is subject to Spanish sovereignty and jurisdiction.

Article 8. Nothing in this Act shall effect the immunity to which certain ships and aircraft are entitled under international law.

Article 9. Without prejudice to the provisions of this Act, the Administration shall, in accordance with international law, adopt any other measures that may be required to prevent dumping at sea.

ANNEX I

The following substances are listed for the purposes of this Act:

1. Organohalogen compounds and compounds which may form such substances in the marine environment, excluding those which are non-toxic, or which are rapidly converted in the sea into substances which are biologically harmless.
2. Organosilicon compounds and compounds which may form such substances in the marine environment, excluding those which are non-toxic, or which are rapidly converted in the sea into substances which are biologically harmless.
3. Substances which, within the framework of the Oslo and London Conventions, are defined as carcinogenic under the conditions of disposal.
4. Mercury and mercury compounds.
5. Cadmium and cadmium compounds.
6. Persistent plastics and other persistent synthetic materials which may float or remain in suspension in the sea, and which may seriously interfere with

fishing or navigation, reduce amenities, or interfere with other legitimate uses of the sea.

7. Crude oil, fuel oil, heavy diesel oil, and lubricating oils, hydraulic fluids, and any mixtures containing any of these, taken on board for the purpose of dumping.

8. High-level radio-active wastes or other high-level radio-active matter, defined on public health biological or other grounds, by the competent international body in this field, at present the International Atomic Energy Agency, as unsuitable for dumping at sea.

9. Materials in whatever form (e.g. solids, liquids, semi-liquids, gases or in a living state) produced for biological and chemical warfare.

This prohibition shall not apply to substances which are rapidly rendered harmless by physical, chemical or biological processes in the sea provided they do not:

- (a) Make edible marine organisms unpalatable, or
- (b) Endanger human health or that of domestic animals.

10. This annex shall not apply to wastes or other materials (e.g. sewage sludges and dredged spoils) containing the matters referred to in paragraphs 1-7 of this annex as trace contaminants. Such wastes shall be subject to the provisions of annex II to this Act.

ANNEX II

1. The following substances are listed for the purposes of this Act:

- (a) Wastes containing significant amounts of the matters listed below:

Arsenic, Lead, Copper, Zinc, Cyanides, Fluorides, Pesticides and their by-products not covered in annex I.

All compounds of the substances listed above.

- (b) Containers, scrap metal, tar-like substances liable to sink to the sea bottom and other bulky wastes which may present a serious obstacle to fishing or navigation.

- (c) Radio-active wastes or other radio-active matter not included in annex I. In the issue of permits for the dumping of this matter, due account shall be taken of the recommendations of the competent international body in this field, at present the International Atomic Energy Agency.

- (d) Substances which, though of a non-toxic nature, may become harmful due to the quantities in which they are dumped, or which are liable to seriously reduce amenities.

2. In addition, the following rules shall be taken into account for the purposes of article 3 of this Act:

- (a) The substances and materials listed under paragraph 1 (b) above shall always be deposited in deep waters.

- (b) In the issue of permits for the dumping of large quantities of acids and alkalis, consideration shall be given to the possible presence in such wastes of the substances listed in paragraph 1 and of the following additional substances:

Beryllium, Chromium, Nickel, Vanadium.

All compounds of the substances listed above.

3. When, in the application of the provisions of annex II to this Act, it is considered necessary to deposit waste in deep water, this shall be done only when the following two conditions are both fulfilled:

- (a) That the depth is not less than 2,000 metres;
- (b) That the distance from the nearest land is not less than 200 nautical miles.

(b) ORDER OF 26 MAY 1976 CONCERNING THE PREVENTION OF MARINE POLLUTION BY DUMPING FROM SHIPS AND AIRCRAFT¹

Article 1. For the purposes of this Order:

1. "Marine pollution" means the introduction by man, directly or indirectly, into the marine environment (including estuaries) of substances or forms of energy that are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

2. "Dumping" means any deliberate disposal of substances or materials into the sea by or from ships or aircraft other than:

(a) Any discharge incidental to or derived from the normal operation of ships or aircraft and their equipment;

(b) The placing of substances and materials for a purpose other than the mere disposal thereof, if not contrary to the aim of this Order.

3. "Ships and aircraft" means sea-going vessels or airborne craft of any type whatsoever. This expression includes air-cushion craft, floating craft, whether self-propelled or not, and fixed on floating platforms or other structures at sea.

Article 2. The dumping at sea of the substances listed in annex I to this Order is prohibited.

Article 3. The dumping at sea of the substances listed in annex II to this Order is prohibited, unless a prior permit is obtained in each case from the competent authorities.

Article 4. The dumping at sea of other substances not listed in annexes I and II to this Order shall require the approval of the competent authorities.

Article 5. 1. Without prejudice to the provisions of paragraph 2 of this article, the Ministry of Commerce (Merchant Marine Department) shall be competent to grant permits or approval as provided for in articles 3 and 4 of this Order on the basis of reports, where appropriate, from Ministries liable to be affected as a result of the dumping.

¹ This Order was issued with the aim to implement certain provisions of the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft, Oslo, 15 February 1972 (ST/LEG/SER.B/16, p. 457) and the Convention for the Prevention of Marine Pollution by Dumping of Wastes and Other Matters, London, 29 December 1972 (ST/LEG/SER.B/16, p. 464). Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale of 17 June 1977. Translation by the Secretariat of the United Nations.

2. In the cases referred to in the preceding paragraph, the Ministry of Marine shall be competent to grant permits or approval for dumping from military ships or aircraft.

3. The Ministry of Public Works shall be competent to grant approval as provided for in article 4 of this Order in respect of dredged spoils, within its field of competence, on the basis of a favourable report from the Ministry of Commerce (Merchant Marine Department) and, where appropriate, on the basis of reports from Ministries liable to be affected as a result of the dumping. The Ministry of Public Works shall report any such approval, and the quantities dumped, to the Ministry of Commerce (Merchant Marine Department).

4. Any permit or approval shall be granted only after careful consideration of the factors set forth in annex III to this Order, for which purpose a prior report shall be required from the Spanish Oceanographic Institute.

The granting of a permit for the dumping of radio-active wastes or substances shall require a report from the Ministry of the Interior and a favourable report from the Ministry of Industry on the basis of an opinion by the Nuclear Energy Council.

In the case of dumping of substances or materials arising from industrial activities, a favourable report shall be required from the competent Ministries.

Article 6. The rules laid down in articles 2, 3 and 4 of this Order shall apply:

(a) To all Spanish ships and aircraft;

(b) To foreign ships and aircraft in any maritime zone which is subject to Spanish sovereignty or jurisdiction.

Article 7. Nothing in this Order shall affect the immunity to which certain ships and aircraft are entitled under international law.

ANNEX I

The following substances are listed for the purposes of article 2 of the Order:

1. Organohalogen compounds and compounds which may form such substances in the marine environment, excluding those which are non-toxic, or which are rapidly converted in the sea into substances which are biologically harmless.

2. Organosilicon compounds and compounds which may form such substances in the marine environment, excluding those which are non-toxic, or which are rapidly converted in the sea into substances which are biologically harmless.

3. Substances which, within the framework of the Oslo and London Conventions, are defined as carcinogenic under the conditions of disposal.

4. Mercury and mercury compounds.

5. Cadmium and cadmium compounds.

6. Persistent plastics and other persistent synthetic materials which may float or remain in suspension in the sea, and which may seriously interfere with

fishing or navigation, reduce amenities, or interfere with other legitimate uses of the sea.

7. Crude oil, fuel oil, heavy diesel oil, and lubricating oils, hydraulic fluids, and any mixtures containing any of these, taken on board for the purpose of dumping.

8. High-level radio-active wastes or other high-level radio-active matter, defined on public health, biological or other grounds, by the competent international body in this field, at present the International Atomic Energy Agency, as unsuitable for dumping at sea.

9. Materials in whatever form (e.g. solids, liquids, semi-liquids, gases or in a living state) produced for biological and chemical warfare.

This prohibition shall not apply to substances which are rapidly rendered harmless by physical, chemical or biological processes in the sea provided they do not:

- (a) Make edible marine organisms unpalatable, or
- (b) Endanger human health or that of domestic animals.

10. This annex shall not apply to wastes or other materials (e.g. sewage sludges and dredged spoils) containing the matters referred to in paragraphs 1-7 of this annex as trace contaminants. Such wastes shall be subject to the provisions of annexes II and III as appropriate.

ANNEX II

1. The following substances are listed for the purposes of article 3 of the Order:

(a) Wastes containing significant amounts of the matters listed below:

<p>Arsenic Lead Copper Zinc Cyanides Fluorides Pesticides and their by-products* not covered in annex I.</p>	}	and their compounds
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(b) Containers, scrap metal, tar-like substances liable to sink to the sea bottom and other bulky wastes which may present a serious obstacle to fishing or navigation.

(c) Radio-active wastes or other radio-active matter not included in annex I. In the issue of permits for the dumping of this matter, due account shall be taken of the recommendations of the competent international body in this field, at present the International Atomic Energy Agency.

(d) Substances which, though of a non-toxic nature, may become harmful due to the quantities in which they are dumped, or which are liable to seriously reduce amenities.

2. In addition, the following rules shall be taken into account for the purposes of article 3 of the Order:

(a) The substances and materials listed under paragraph 1 (b) above shall always be deposited in deep water.

(b) In the issue of permits for the dumping of large quantities of acids and alkalis, consideration shall be given to the possible presence in such wastes of the substances listed in paragraph 1 and of the following additional substances:

Beryllium	}	and their compounds
Chromium		
Nickel		
Vanadium		

3. When, in the application of the provisions of annexes II and III to the Order, it is considered necessary to deposit waste in deep water, this shall be done only when the following two conditions are both fulfilled:

- (a) That the depth is not less than 2,000 metres;
- (b) That the distance from the nearest land is not less than 150 nautical miles.

ANNEX III

Factors to be considered in establishing criteria governing the issue of permits for the dumping of matter at sea, taking into account article 5, paragraph 3, of the Order, include:

A. *Characteristics and composition of the matter*

1. Total amount and average composition of matter dumped (e.g. per year).
2. Form, e.g. solid, sludge, liquid, or gaseous.
3. Properties: physical (e.g. solubility and density), chemical and biochemical (e.g. oxygen demand, nutrients) and biological (e.g. presence of viruses, bacteria, yeasts, parasites).
4. Toxicity.
5. Persistence: physical, chemical and biological.
6. Accumulation and biotransformation in biological materials or sediments.
7. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials.
8. Probability of production of taints or other changes reducing marketability of resources (fish, shellfish, etc.).

B. *Characteristics of dumping site and method of deposit*

1. Location (e.g. co-ordinates of the dumping area, depth and distance from the coast), location in relation to other areas (e.g. amenity areas, spawning, nursery and fishing areas and exploitable resources).
2. Rate of disposal per specific period (e.g. quantity per day, per week, per month).
3. Methods of packaging and containment, if any.
4. Initial dilution achieved by proposed method of release.
5. Dispersal characteristics (e.g. effects of currents, tides and wind on horizontal transport and vertical mixing).
6. Water characteristics (e.g. temperature, pH, salinity, stratification, oxygen indices of pollution—dissolved oxygen (DO), chemical oxygen demand (COD),

biochemical oxygen demand (BOD)—nitrogen present in organic and mineral form including ammonia, suspended matter, other nutrients and productivity).

7. Bottom characteristics (e.g. topography, geochemical and geological characteristics and biological productivity).

8. Existence and effects of other dumpings which have been made in the dumping area (e.g. heavy metal background reading and organic carbon content).

9. In the issue of a permit for dumping, consideration shall be given to whether an adequate scientific basis exists for assessing the consequences of such dumping as outlined in this annex, taking into account seasonal variations.

C. General considerations and conditions

1. Possible effects on amenities (e.g. presence of floating or stranded material, turbidity, objectionable odour, discolouration and foaming).

2. Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, seaweed harvesting and culture.

3. Possible effects on other uses of the sea (e.g. impairment of water quality for industrial use, underwater corrosion of structures, interference with ship operations from floating materials, interference with fishing or navigation through deposit of waste or solid objects on the sea floor and protection of areas of special importance for scientific or conservation purposes).

4. The practical availability of alternative land-based methods of treatment, disposal or elimination, or of treatment to render the matter less harmful for dumping at sea.

(c) [DECREE NO. 2862/76 OF 30 JULY 1976 CONTAINING THE REGULATION GIVING EFFECT TO ACT NO. 21/74 OF 27 JUNE 1974, Articles 28 (1.12), (1.17); 35 (1.1), (1.9), (1.10), (1.11), (1.14), (1.17), (1.21), (1.43); 39 (1); 66 (2.3)]¹

¹ *Infra*, chap. IX, 2 (c).

Chapter VIII
BROADCASTS FROM SHIPS IN THE TERRITORIAL SEA¹

¹ No text concerning broadcasts from ships in the territorial sea was received during the period covered by this volume.

Chapter IX

EXPLOITATION OF MINERAL RESOURCES AND THE LAYING OF CABLES AND PIPELINES UNDER THE TERRITORIAL SEA

1. DEMOCRATIC YEMEN

[ACT No. 45 OF 1977 CONCERNING THE TERRITORIAL SEA, EXCLUSIVE ECONOMIC ZONE, CONTINENTAL SHELF AND OTHER MARINE AREAS, Article 6 (7)]¹

2. SPAIN

(a) MINING ACT 22/1973 OF 21 JULY 1973²

TITLE I. SCOPE OF APPLICATION OF THE ACT AND CLASSIFICATION OF RESOURCES

Article 1. 1. The purpose of this Act is to establish the legal régime for the investigation and exploitation of mineral deposits and other geological resources irrespective of their origin or physical state.

2. Liquid and gaseous hydrocarbons shall be excluded from the scope of the Act and shall be regulated by the provisions applicable to them.

3. The investigation and exploitation of radio-active minerals shall be governed by this Act in so far as they are not specifically governed by the Nuclear Energy Regulation Act of 29 April 1964 and supplementary provisions.

Article 2. 1. All deposits of natural origin and other geological resources existing in the national territory, the territorial sea and the continental shelf are public property, and their investigation and exploitation may be carried out directly by the State or ceded by it in the manner and under the conditions established in this Act and the other provisions applicable in each case.

2. Dominion over waters shall be governed by the provisions of the Civil Code and special Acts, without prejudice to any provisions of this Act in respect of their investigation and exploitation.

...

¹ *Supra*, chap. I, 10.

² Text provided by the Permanent Representative of Spain to the United Nations in a note verbale of 17 June 1977. Translation by the Secretariat of the United Nations.

Chapter II. Zones reserved to the State

Article 7. The State may reserve to itself zones of any size in the national territory, the territorial sea or the continental shelf in which the exploitation of one or more mineral deposits or other geological resources may be of particular importance for economic and social development or for national defence.

...

Article 11. 1. Exploration, investigation and exploitation operations may be carried out in the reserved zones in accordance with the degree of existing knowledge of such zones.

2. The exploration phase shall be authorized by order of the Ministry of Industry, on the basis of a report from the Ministry of Finance, and shall be carried out directly by the State or through its autonomous organs, or by contract with national or private enterprises.

3. When investigation work is made possible or advisable by the existing knowledge of the zone, such work shall be authorized by the Government, after consultation with the Trade-Union Organization, where such work is carried out:

- (a) Directly by the State or through its autonomous organs;
- (b) Through public competition between Spanish and foreign enterprises;
- (c) By a consortium between the State and the entities referred to above.

4. For each of the modalities indicated above, the right of exploitation of the reserved resources shall be granted simultaneously with the right of investigation.

...

Article 13. 1. In addition to the mines it is currently exploiting, the Government may, on the proposal of the Ministry of Finance and the Ministry of Industry, authorize by decree the direct exploitation of mineral deposits and other geological resources it discovers as a result of its investigations in reserved zones.

2. When authorized by the Government, the régime of direct exploitation by the State shall be regulated by decree on the proposal of the Ministry of Industry, on the basis of a report from the Ministry of Finance and after consultation with the Trade-Union Organization.

3. When the Government decides not to take upon itself the exploitation of resources which have been investigated directly by the State and consents by decree to cede the right of exploitation, the concession shall be decided by public competition between Spanish and foreign enterprises.

Article 14. 1. The reservation of zones to the State may at any time be completely or partially annulled, or its conditions amended, by the authority which established it, subject to the consent of the concession holders, if any.

2. The relevant provisions shall be published in the *Boletín Oficial del Estado*, such publication serving as the starting date for the calculation of time periods, and in the *Boletín Oficial* of the province or provinces concerned.

(b) ACT No. 21/74 OF 27 JUNE 1974 CONCERNING THE LEGAL RÉGIME GOVERNING THE EXPLORATION, INVESTIGATION AND EXPLOITATION OF HYDROCARBONS¹

Chapter I. General provisions

Article 1. 1. The purpose of this Act is to establish the legal régime governing the exploration, investigation and exploitation of deposits of liquid and gaseous hydrocarbons and activities relating to the transport, storage, purification and refining of the hydrocarbons obtained, provided that such activities are carried out by the investigators or exploiters themselves by means of installations connected to the production installations.

2. Deposits situated in the national territory and in the subsoil of the territorial sea and of the ocean floor subject to national sovereignty—pursuant to Spanish law and existing international conventions that Spain has ratified—for purposes of investigation, exploration and exploitation shall be the inalienable and imprescriptible heritage of the nation. The said deposits shall belong to the public domain; their investigation, exploration and exploitation may be undertaken directly by the State or ceded by it in the manner and on the terms established by law.

Article 2. For the purposes of this Act, the following three zones shall be considered:

Zone A: Peninsular Spain and its islands and Spanish territories in North Africa;

Zone B: Territory of the Sahara;

Zone C: The subsoil of the territorial sea and other parts of the sea-bed; this zone is subdivided into the following subzones:

(a) The Mediterranean coast;

(b) The Atlantic coast, excluding subzones (c) and (d);

(c) The Canary Islands;

(d) The Sahara.

Article 3. 1. Persons holding the authorizations, permits and concessions referred to in this Act shall, for the purposes of engaging in the activities regulated by this Act, enjoy the benefit of forced expropriation or temporary occupation of such property and rights as may be required for the location of the work, installations and services necessary for the performance of the activity, and of the right of way, where necessary, for access roads, transport routes, energy distribution lines and pipelines for liquids and gases.

¹Text provided by the Permanent Representative of Spain to the United Nations in a note verbale of 17 June 1977. Translation by the Secretariat of the United Nations.

2. To that end, the investigation, exploitation, transport, storage, purification and refining of natural hydrocarbons, as well as the necessary installations and services, are declared to be matters of public utility.

3. The granting of exploration authorizations, investigation permits, exploitation concessions and authorizations for transport, storage, purification and refining activities shall imply a declaration of public utility. Similarly, approval of the projects and plans referred to in articles 23 and 30, paragraph 3, of this Act shall imply a declaration of the need to occupy the land, provided that the conditions laid down in article 17, item 2, of the Act on Forced Expropriation are complied with.

4. In the event of any extension, the right to temporary occupation of the land needed for the work and services shall be extended automatically, without prejudice to any additional compensation that might be due because of the longer occupation.

5. Permission to occupy the land shall be granted by the appropriate Provincial Delegation of the Ministry of Industry.

Article 4. 1. The State may itself carry out the activities referred to in article 1; those activities shall, in every case, be carried out subject to the provisions of this Act, by the organ and in the manner and according to the conditions decided upon by the Government in a decree on the proposal of the Ministry of Industry.

...

3. Public or private bodies corporate carrying on any of the activities referred to in this Act shall do so, upon receipt of authorizations, permits or concessions, in the manner and according to the conditions established in this Act and in the Regulations relating to it.

Article 5. 1. The holder of an exploration permit may explore the area covered by that permit according to the conditions established in this Act.

2. The granting of an exploitation concession shall entitle the holder to carry on exploitation activities in the area covered by the concession and to continue investigation activities in that area, as well as to obtain authorizations for the transport, storage, purification and refining of the products obtained; such authorizations shall be granted, and the relevant operations carried out, in the manner and according to the conditions laid down in this Act.

3. Investigation permits and exploitation concessions shall be granted individually or jointly, only to public bodies corporate or to limited-liability companies which, in addition to meeting the conditions laid down in article 6, demonstrate to the satisfaction of the Administration that they are able, technically and financially, to carry out the investigation activities and, if necessary, to exploit the areas applied for.

...

Chapter II. Exploration and investigation

Article 12. 1. Land-surface exploration of a purely geological nature

may be undertaken freely throughout the national territory without administrative authorization.

2. Upon receipt of an application with background statement indicating the technical criteria that will guide the exploration activities, the Ministry of Industry may authorize exploration activities of a geophysical or other nature in free areas, provided that such activities do not involve deep drilling according to the definition of that term given in the Regulations and provided that such authorization does not seem contrary to the public interest.

Article 13. 1. The granting of such authorizations shall not relieve the holder of the obligation to secure such permits or concessions from other Departments or public entities as may be required because of the site where the exploration is to be undertaken.

2. Exploration authorizations shall be handled in the order in which the applications are submitted.

3. In no case shall such explorations be authorized on an exclusive basis, nor shall they create any rights.

...

Article 14.

...

3. Investigation permits for zone C shall confer an exclusive right to investigate specified areas for a period of eight years divided as follows: and initial period of two years, at the end of which the original area shall be reduced by 30 per cent, followed by a period of six years. The latter period may be extended, at the request of the person involved, for three years, in which case the area shall again be reduced by 20 per cent of the original area covered by the permit.

...

5. Extensions shall be requested from the Ministry of Industry and shall be granted only if the holder of the permit has complied with the provisions of this Act and of the Regulations relating to its implementation. The Regulations shall determine the minimum investment per hectare that must be made by those to whom permits are granted until such time as the permit expires or is renounced and shall establish gradual increases for each year that the original permit or extension of the permit is held.

Article 17. 1. The granting of an investigation permit shall entitle the holder to obtain exploitation concessions covering the area applied for, subject to the following restrictions:

In zones A and C the number of concessions associated with any permit, shall not exceed the number obtained by adding one unit to the integral part of the quotient obtained by dividing the number of hectares covered by the permit by 10,000.

...

2. In no case shall the total surface area of the exploitation concessions associated with a permit exceed 50 per cent of the original surface area covered by the permit, except as provided in article 34.

3. An application for an exploitation concession may be submitted by the holder of an investigation permit at any time prior to the expiration of the permit; the application must be accompanied by proof of the existence of hydrocarbons in exploitable quantities.

Article 18. Once the existence of hydrocarbons in conditions conducive to exploitation within the area covered by an investigation permit has been proved, the Government may, for reasons of national interest and on the proposal of the Ministry of Industry, declare by decree that the deposit must be exploited as a matter of urgency. Such a declaration shall oblige the holder of the permit to apply for an exploitation concession for the zone within a time-limit to be specified, which shall in no case be less than six months. If he fails to do so, the permit shall expire in so far as that part of the area delimited by the Administration is concerned, and the Administration shall compensate him for the expenses incurred in investigating that area.

Article 19. 1. No body corporate shall directly or indirectly be granted investigation permits in the same zone or subzone, as defined in article 2 of this Act, if it already holds:

50 permits in zone A;

16 permits in zone B;

30 permits or permits covering an area of 3 million hectares in any one of the subzones into which zone C is divided; the total area covered by permits granted to a company in zone C may not exceed 6 million hectares.

2. The limits set forth in paragraph 1 above may be exceeded in exceptional cases of national interest by authorization from the Council of Ministers after it has received a report from the Council of State.

3. The above limits shall not apply to bodies corporate in which the Spanish State is the sole or majority shareholder; on the other hand, they shall apply to each of the other partners according to the rules set forth in the following paragraphs.

...

Article 28. 1. The holder of an investigation permit shall be required in every case to draw up a minimum programme of work, surveys and investments which shall be specified in the Decree granting the permit, in accordance with the general rules established in the Regulations, within the time-limits stated in that Decree.

2. In exceptional cases, the Ministry of Industry may amend the time-limits in zone C should it appear desirable to do so by reason of well-founded expectations of immediate technological development.

...

Chapter III. Exploitation

Article 29. Exploitation concessions shall entitle the holders to the exclusive exploitation of hydrocarbon deposits in the areas covered by the

concessions for a period of 30 years, which may be extended for two successive 10-year periods.

Article 30. 1. The holder of an investigation permit shall apply for an exploitation concession from the General Directorate of Energy of the Ministry of Industry one or more times; the following documents shall be attached to the application in addition to other documents specified in the Regulations:

(a) A memorandum stating the location and extent of the concession requested, giving proof of the existence of hydrocarbons and estimating the recoverable reserves;

(b) A general map showing the area covered by the investigation permit or permits;

(c) A map of the area or areas for which the right of exploitation is being applied for;

(d) A general plan of exploitation; and

(e) The investment programme, together with an economic study of how the investment is to be financed and guarantees of its viability.

2. The Administration shall decide whether to grant the exploitation concession within three months after the submission of the application; the decision shall be published in a Decree and shall become effective on the day following its publication.

...

Article 71. 1. Owing to the special characteristics of zone C, activities in that zone shall be regulated by this Act, by the existing legislation concerning coasts and by the agreements contained in Spain's instruments of accession to international Conventions on the territorial sea and the continental shelf.

(c) DECREE NO. 2862/76 OF 30 JULY 1976 CONTAINING THE REGULATION GIVING EFFECT TO ACT NO. 21/74 OF 27 JUNE 1974¹

Chapter 1. General provisions

Article 1. 1.1. The purpose of the present Regulation is the implementation of Act 21/1974 of 27 June establishing the legal régime governing exploration and prospecting for an exploitation of deposits of liquid and gaseous hydrocarbons and the activities of transport, storage, purification and refining of the hydrocarbons obtained, when carried out by prospectors or operators themselves in installations connected with those used for production.

1.2. For the purposes of the Act and of the present Regulation, liquid and gaseous hydrocarbons shall mean any natural concentration or mixture of hydrocarbons in those physical states, including substances of any other kind found with them in combination, suspension, mixture or solution.

¹ Spanish text provided by the Representative of Spain to the United Nations in a note verbale dated 17 June 1977. Translation by the Secretariat of the United Nations. Act No. 21/74 of 27 June 1974 is reproduced in part under (b) *supra*.

1.3. Deposits of natural solid hydrocarbons, such as asphaltic rocks, natural waxes, sands, schists or bituminous shales and any other kind of rocks which are similar to them shall continue to be subject to mining legislation.

...

Article 2. 1.1. The geographic area of application of the Act and of this Regulation is divided into the following zones:

Zone A. Peninsular and insular territory and Spanish territories in North Africa;

Zone C. Subsoil of the territorial sea and other parts of the sea-bed, which is subdivided into the following subzones:

- (a) Mediterranean coasts;
- (b) Atlantic coasts, except subzone C;
- (c) Canary Islands.

1.2. By way of exception, islands whose land area is not large enough to enable them to be the subject of a land permit may be included, for the purposes of this Regulation, under the appropriate maritime permits for Zone C or may be included in whole or in part under permits for underwater areas adjacent to their coasts.

...

Article 28.

...

1.12. The holder of a prospecting permit shall be free to organize and develop his prospecting plans with no restrictions other than the obligation to abide by the plan proposed for each year, to conform to the appropriate rules of safety of persons and property, to observe measures to prevent pollution of the environment and to conform to any directives which the General Directorate of Energy may give him. He shall likewise give preference to the use of Spanish equipment, materials, services and contractors.

...

1.17. In the drilling of a test borehole all safety regulations shall be observed and all measures which are necessary to prevent discharges or spills of brine, hydrocarbons or other substances capable of polluting the environment shall be taken. In particular the requirements set forth in article 35, paragraphs 1.9 to 1.17, and article 81 shall be observed.

...

Chapter III. Exploitation

...

Article 35. 1.1. In carrying out their activities concessionaires shall comply with the following conditions and technical requirements:

...

1.9. Concessionaires shall take every precaution to prevent damage or risks which as a consequence of their operations might affect the safety of human life, property, natural reserves, coasts, places of touristic interest and public installations.

1.10. The machinery, equipment and materials used in the operations shall be such as to meet the conditions of safety and efficiency recognized by the petroleum industry and those set forth in the Regulation concerning the Mining and Metallurgy Police and any other such conditions which may be applicable.

1.11. During drilling operations the concessionaire shall:

(a) Install in the well the equipment and material necessary to prevent blow-outs;

(b) Protect all strata containing potable water by means of casing pipes and cement;

(c) Protect strata containing petroleum or gas by means of casing pipes and cement. However, in the case of production derived from dense and fractured rock the respective portion of the well may be left without the protective casing pipe;

(d) Undertake to collect appropriate geological samples from the well being drilled;

(e) Make all the appropriate identifications, by such means as electrical, radio-active and sonic recorders, and any other form of diagraph which may be needed for proper knowledge of the formations encountered.

...

1.14. When a new well is abandoned, either for technical reasons or because petroleum has not been found in quantities sufficient to make exploitation profitable, the concessionaire shall take the necessary precautions to ensure that it is not abandoned until after it has been plugged, in accordance with the principles accepted in the industry.

...

1.17. In all wells which are in production or are being used for injection or observation, the concessionaire shall install the appropriate equipment on the surface and at the bottom of the well to enable him to carry out the following operations:

(a) Duly control production and the injection of liquids;

(b) Measure pressure at the bottom of the well;

(c) Prevent unplanned mixing of liquids from other deposits;

(d) Maintain the safety of the deposit, of persons and of property and prevent pollution of the environment. In the case of underwater wells the safety equipment at the bottom of the well shall be such as to ensure the plugging of the borehole in the event of damage to the surface equipment.

...

1.21. In the event of a blow-out the concessionaire shall immediately notify the appropriate unit of the General Directorate of Energy and at the same time the appropriate provincial delegation of the Ministry of Industry. As soon as possible he shall submit to the Ministry, through that unit, a written report indicating the causes of the blow-out and the measures taken to control it, also giving an estimate of the petroleum and gas which have been lost or destroyed or have been allowed to escape. The concessionaire shall submit a final report of the accident as soon as possible after the well has been brought under control.

...

1.43. The concessionaire shall take the necessary precautions to prevent the spilling of petroleum on the surface. The petroleum produced in production tests made during the drilling and fitting out of the well which cannot be recovered, and any other petroleum residue, shall be burned in the appropriate burners or in holes dug for the purpose, or eliminated by any other procedure. The concessionaire shall take the necessary measures to prevent pollution of the water, land and air, in accordance with the provisions of article 81.

...

Chapter IV. Transport, storage, purifying and refining

...

Article 39. 1. When a concessionaire wishes to transport, store, purify or refine hydrocarbons extracted or processed, he shall submit his application in triplicate in accordance with the relevant provisions of this Regulation. The application shall be accompanied by an additional copy for each of the provinces affected by the installations in question.

2. The said installations, their operation and the relevant safety provisions shall be governed by specific regulations, by the legislation on annoying, unhealthful, harmful and dangerous activities and by the legislation governing protection and conservation of the environment.

...

Article 66.

2.3. In cases of emergency involving danger to persons or to public or private property or serious pollution of the environment the provincial delegations of the Ministry of Industry may order the temporary suspension of the activities giving rise to such risk.

...

Subdivision B. The contiguous zone

1. BANGLADESH

[TERRITORIAL WATERS AND MARITIME ZONES ACT, 1974, Section 4]¹

2. BURMA

[TERRITORIAL SEA AND MARITIME ZONES LAW, 1977,
Sections 10 and 11]²

3. DEMOCRATIC KAMPUCHEA

[DÉCLARATION DU PORTE-PAROLE DU MINISTÈRE DES AFFAIRES ÉTRANGÈRES
DU KAMPUCHEA DÉMOCRATIQUE DU 15 JANVIER 1978, Sections 2 et 4-6]³

4. DEMOCRATIC YEMEN

[ACT No. 45 OF 1977 CONCERNING THE TERRITORIAL SEA, EXCLUSIVE
ECONOMIC ZONE, CONTINENTAL SHELF AND OTHER MARINE AREAS,
Articles 11-12 and 17-18]⁴

5. DOMINICAN REPUBLIC

[ACT No. 186 OF 13 SEPTEMBER 1967 ON THE TERRITORIAL SEA, CONTIGUOUS
ZONE, EXCLUSIVE ECONOMIC ZONE AND CONTINENTAL SHELF, AS
AMENDED IN 1977, Article 3]⁵

6. INDIA

[TERRITORIAL WATERS, CONTINENTAL SHELF, EXCLUSIVE ECONOMIC ZONE
AND OTHER MARITIME ZONES ACT, 1976, Sections 5 and 9-16]⁶

¹ *Supra*, division I, subdivision A, chap. I, 2.

² *Ibid.*, 4.

³ *Ibid.*, 9.

⁴ *Ibid.*, 10.

⁵ *Ibid.*, 11.

⁶ *Ibid.*, 19.

7. IRAN

[DÉCRET-LOI, 1973]¹

8. MALTA

- (a) [TERRITORIAL WATERS AND CONTIGUOUS ZONE (AMENDMENT ACT, 1975, Sections 1 and 2)]²
- (b) [TERRITORIAL WATERS AND CONTIGUOUS ZONE (AMENDMENT ACT, 1978, Sections 1-3)]³

9. PAKISTAN

[TERRITORIAL WATERS AND MARITIME ZONES ACT, 1976, Sections 4 and 8-14]⁴

10. SRI LANKA

- (a) [MARITIME ZONES LAW NO. 22 OF 1976, Section 4]⁵
- (b) [PROCLAMATION BY THE PRESIDENT OF THE REPUBLIC OF SRI LANKA OF 15 JANUARY 1977 IN PURSUANCE OF MARITIME ZONES LAW NO. 22 OF 1976, Section 3]⁶

11. UNITED REPUBLIC OF CAMEROON

[LOI N° 74/16 DU 5 DÉCEMBRE 1974 FIXANT LA LIMITE DES EAUX TERRITORIALES DE LA RÉPUBLIQUE-UNIE DU CAMEROUN, Article 5]⁷

¹ *Ibid.*, 20.

² *Supra*, division I, subdivision A, chap. I, 22 (a).

³ *Ibid.*, 22 (b).

⁴ *Ibid.*, 24.

⁵ *Ibid.*, 31 (a).

⁶ *Ibid.*, 31 (b).

⁷ *Ibid.*, 34 (a).