

Chapter I

**JURIDICAL STATUS, BREADTH AND DELIMITATION
OF THE TERRITORIAL SEA**

Australia

- (a) CUSTOMS ACT, 1901-1954, SECTIONS 59, 73, 185, 228
(*infra*, CHAPTER II, SECTION A, UNDER AUSTRALIA (c))
- (b) NAVIGATION ACT, 1912-1953, SECTION 383
(*infra*, CHAPTER II, SECTION A, UNDER AUSTRALIA (b))
- (c) BEACHES, FISHING GROUNDS AND SEA ROUTES PROTECTION ACT, 1932,
SECTION 5
(*infra*, CHAPTER II, SECTION A, UNDER AUSTRALIA (d))
- (d) TERRITORIAL WATERS JURISDICTION ACT, 1878, SECTION 7 (AN ACT OF
THE PARLIAMENT OF THE UNITED KINGDOM IN FORCE IN AUSTRALIA)
(*infra*, CHAPTER II, SECTION B, UNDER UNITED KINGDOM (a))
- (e) MERCHANT SHIPPING ACT, 1894, SECTION 688 (AN ACT OF THE PAR-
LIAMENT OF THE UNITED KINGDOM IN FORCE IN AUSTRALIA)
(*infra*, CHAPTER II, SECTION A, UNDER UNITED KINGDOM (a)).

States of Australia

FISHERIES ACT, 1928¹ (VICTORIA)

. . .

3. In this Act unless inconsistent with the context or subject-matter —

. . .

“Waters” includes all ports harbors lakes rivers creeks streams water-
courses and lagoons in Victoria whether salt fresh or brackish and also all
reservoirs dams tanks channels or works for water storage or distribution
vested in or under the control of the Crown or any statutory authority and
any part of the sea within a distance of three miles from any part of the
coast of Victoria and any bay estuary or other inlet of the sea, but not
any water or waters the property of any private individual.

. . .

Note. See also: Navigation Act 1901-1954 (New South Wales), section 3
(*infra*, Chapter II, Section A, under States of Australia (a)); Harbors Act,
1936-1953 (South Australia), sections 43 and 66 (*infra*, Chapter II, Section
A, under States of Australia (b)); Oil in Navigable Waters Act, 1927
(New South Wales), section 2 (*infra*, Chapter II, Section A, under States

¹ *The Victorian Statutes*, 1929, vol. II, p. 559.

of Australia (c)); Fisheries Act, 1935 (Tasmania), section 3 (*infra*, Chapter IV, under States of Australia (g)); Fisheries Act, 1905-1951 (Western Australia), section 3 (*infra*, Chapter IV, under States of Australia (h)).

Belgique

- (a) ARRÊTÉ ROYAL DU 22 JANVIER 1929, ARTICLE 2
(*infra*, CHAPITRE II, SECTION A, BELGIQUE (a))
- (b) LOI DU 7 JUIN 1832, ARTICLE 1
(*infra*, CHAPITRE II, SECTION A, BELGIQUE (d))
- (c) LOI DU 19 AOÛT 1891, ARTICLE 1
(*infra*, CHAPITRE IV, BELGIQUE (a))
- (d) ARRÊTÉ ROYAL DU 29 OCTOBRE 1928, ARTICLE 1
(*infra*, CHAPITRE IV, BELGIQUE (d))
- (e) ARRÊTÉ ROYAL DU 30 DÉCEMBRE 1950, *in fine*. NOTE
(*infra*, CHAPITRE IV, BELGIQUE (e))
- (f) DÉCLARATION ET RÈGLES DE NEUTRALITÉ DU 3 SEPTEMBRE 1939,
SECTION 1
(*infra*, CHAPITRE V, BELGIQUE)

Brazil

- (a) NOTE VERBALE DU MINISTÈRE DES AFFAIRES ÉTRANGÈRES À LA LÉ-
GATION DE NORVÈGE À RIO-DE-JANEIRO, EN DATE DU 4 MAI 1950 ¹

4. Quant à la comparaison entre les paragraphes 2 et 3 de l'article 2 du décret-loi n° 794 du 19 octobre 1938 (Code de pêche), le Ministère des affaires étrangères signale à la Légation royale de Norvège que le Brésil continue de maintenir la limite de trois milles pour la mer territoriale proprement dite. L'établissement de la zone côtière de pêche jusqu'à la distance de 12 milles doit être considéré comme une application de la doctrine internationale qui admet au-delà de la mer territoriale la zone dite contiguë.

- (b) CIRCULAR No. 43 OF THE MINISTRY FOR FOREIGN AFFAIRS TO THE
MINISTERS OF THE NAVY AND OF WAR AND TO THE STATE GOVERNORS
REGARDING THE EXTENT OF THE TERRITORIAL WATERS, 25 AUGUST 1914 ²

I have the honor to advise Your Excellency that as long as the proper authorities do not definitely fix the extent of the territorial sea of Brazil for purposes of local jurisdiction, the distance of three maritime miles, which has until now been adopted, in principle, by the Brazilian Government, shall remain unaltered for the purposes of neutrality in the present war which is being waged by various powers.

Note. See also: Regulations concerning port officers annexed to Decree No. 5796 of 11 June 1940, article 17 (*infra*, Chapter II, Section A, under Brazil); and Legislative Decree No. 794 of 19 October 1938, article 2 (*infra*, Chapter IV).

¹ Cour internationale de Justice, *Affaire des pêcheries* (Royaume-Uni c. Norvège), vol. III, p. 661.

² Déak and Jessup, *Neutrality Laws, Regulations and Treaties*, vol. I, p. 115.

Bulgaria

DECREE OF 10 OCTOBER 1951 CONCERNING THE TERRITORIAL AND INLAND
WATERS OF THE PEOPLE'S REPUBLIC OF BULGARIA. SECTIONS 1-6
(*infra*, CHAPTER II, SECTION A, UNDER BULGARIA (a))

Cambodge

NOTE DU 16 DÉCEMBRE 1955 REÇUE DU MINISTÈRE DES AFFAIRES ÉTRANGÈRES
DU ROYAUME DE CAMBODGE

En me référant à votre lettre n° LEG 292/9/01 du 12 août 1955, j'ai l'honneur de vous faire connaître que le Cambodge ne possède pas, en matière de « mer territoriale », de législation propre élaborée depuis son accession au statut d'Etat souverain et indépendant. Il suit actuellement les principes juridiques en vigueur en droit français.

Canada

- (a) CANADA SHIPPING ACT, 1934, SECTIONS 693, 710 (1)
(*infra*, CHAPTER II, SECTION A, UNDER CANADA (a))
- (b) CUSTOMS ACT, SECTION 2, PARAGRAPH 1 AND SCHEDULE
(*infra*, CHAPTER II, SECTION A, UNDER CANADA (b))
- (c) CRIMINAL CODE, 1954, SECTION 420, PARAGRAPH 1
(*infra*, CHAPTER II, SECTION B, UNDER CANADA (a))
- (d) COASTAL FISHERIES PROTECTION ACT, 1953, SECTION 2 (b)
(*infra*, CHAPTER III, UNDER CANADA (b))

Ceylou ¹

- (a) CUSTOMS ORDINANCE, 1 JANUARY 1870, AS AMENDED, SECTION 65
(*infra*, CHAPTER II, SECTION A, UNDER CEYLON (g))
- (b) FISHERIES ORDINANCE No. 24 OF 1940, AS AMENDED, SECTION 27
(*infra*, CHAPTER IV, UNDER CEYLON (a))
- (c) CHANKS ORDINANCE, 30 JUNE 1891, AS AMENDED, SECTION 28 AND SCHEDULE B
(*infra*, CHAPTER IV, UNDER CEYLON (b))
- (d) WHALING ORDINANCE OF 4 JULY 1936, SECTION 11
(*infra*, CHAPTER IV, UNDER CEYLON (c))

¹ In his Note of 5 March 1956, the Permanent Secretary, Ministry of External Affairs, Ceylon, stated: "In all enactments passed before 1948, amendments have been effected resulting from a change of Constitution and such amendments to the above enactments are published in the following Gazette of the Ceylon Government:

- "Gazette Extraordinary No. 9773 dated 24.9.1947
- "Gazette Extraordinary No. 9828 dated 5.2.1948
- "Gazette Extraordinary No. 9836 dated 25.2.1948
- "Gazette Extraordinary No. 9889 dated 28.7.1948."

Chile

(a) CIVIL CODE, 14 DECEMBER 1855 ¹

. . .

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

. . .

Article 611. Any person may freely engage in fishing on the seas, save that only Chileans and aliens domiciled in Chile may fish in the territorial sea.

Any person may also freely engage in fishing in rivers and lakes reserved for public use.

. . .

Article 640. All property seized in wars between nations, whether from enemies, neutrals, allies or nationals, as the case may be, shall vest in the State, which shall dispose of the same in conformity with Admiralty and Prize Ordinances.

. . .

(b) PRESIDENTIAL DECLARATION, 23 JUNE 1947, CONCERNING THE CONTINENTAL SHELF ²

. . .

The President of the Republic hereby declares :

(1) The Government of Chile confirms and proclaims its national sovereignty over all the continental shelf adjacent to the continental and island coasts of its national territory, whatever may be their depth below the sea, and claims by consequence all the natural riches which exist on the said shelf, both in and under it, known or to be discovered.

(2) The Government of Chile confirms and proclaims its national sovereignty over the seas adjacent to its coasts whatever may be their depths, and within those limits necessary in order to reserve, protect, preserve and exploit the natural resources of whatever nature found on, within and below the said seas, placing within the control of the government especially all fisheries and whaling activities with the object of preventing the exploitation of natural riches of this kind to the detriment of the inhabitants of Chile and to prevent the spoiling or destruction of the said riches to the detriment of the country and the American continent.

¹ Text of Code provided by the Permanent Mission of Chile to the United Nations. Translation by the Secretariat of the United Nations.

² *El Mercurio* (Santiago de Chile), 29 June 1947, p. 27. Translation from *International Law Quarterly* (1948), vol. 2, p. 135. For the full text of this Declaration see also: *United Nations Legislative Series, Laws and Regulations on the Régime of the High Seas*, vol. I, p. 6.

(3) The demarcation of the protection zones for whaling and deep sea fishery in the continental and island seas under the control of the Government of Chile will be made in virtue of this declaration of sovereignty at any moment which the Government may consider convenient, such demarcation to be ratified, amplified, or modified in any way to conform with the knowledge, discoveries, studies and interests of Chile as required in the future. Protection and control is hereby declared immediately over all the seas contained within the perimeter formed by the coast and the mathematical parallel projected into the sea at a distance of 200 nautical miles from the coasts of Chilean territory. This demarcation will be calculated to include the Chilean islands, indicating a maritime zone contiguous to the coasts of the said islands, projected parallel to these islands at a distance of 200 nautical miles around their coasts.

(4) The present declaration of sovereignty does not disregard the similar legitimate rights of other States on a basis of reciprocity, nor does it affect the rights of free navigation on the high seas.

China

NOTE OF 9 FEBRUARY 1956 FROM THE PERMANENT MISSION OF CHINA TO THE UNITED NATIONS

“...No legislation dealing with the matter has been enacted in China...”

Note. See Customs Preventive Law of 19 June 1934 (*infra*, Chapter II, Section A, under China (*d*)).

Colombia

(a) LAW NO. 14 AMENDING THE LAW CONCERNING DEPOSITS OF HYDROCARBONS, 31 JANUARY 1923¹

Article 17. For the purposes of Article 38 of Law 120 of 1919, concerning deposits of hydrocarbons, and of Law 96 of 1922, relating to fishing in the seas of the Republic, the term “territorial sea” shall be understood to refer to a zone of twelve marine miles around the coasts of the continental and insular dominions of the Republic.

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

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

Law 96 of 1922 (*Leyes expedidas por el Congreso Nacional en su legislatura de 1922* (segunda edición, 1940), p. 152) authorized the Govern-

¹ *Leyes expedidas por el Congreso Nacional en su Legislatura de 1923*, segunda edición, 1941, p. 47. Text of law provided by the Ministry of Foreign Affairs of Colombia. Translation by the Secretariat of the United Nations.

ment "to organize the renting of fishing in the seas of the Republic, in a manner which it considers as most appropriate from the point of view of national interest".

(b) DECREE No. 389 OF 26 FEBRUARY 1931 DEFINING CERTAIN TERMS USED IN ACTS RELATING TO STATE PROPERTY ¹

THE PRESIDENT OF THE REPUBLIC OF COLOMBIA, by virtue of his legal powers, and

CONSIDERING that the natural and obvious meaning of certain words used in the Acts relating to State property is not sufficiently comprehensive and exact for the correct application of those texts,

DECREES:

Article 1. For purposes of the application of Article 52 of the Fiscal Code, the term "national coastline" shall mean a zone 2 kilometres wide, parallel to the high-water line.

For the purposes of the same article, the term "boundary area" shall mean a zone 2 kilometres wide, parallel to the frontier.

Sub-paragraph. The intermediate plots which, in accordance with the same article of the Fiscal Code (Act No. 110 of 1912), are to be reserved to the State, shall as far as possible be in the form of a rectangle, the base of which, facing the sea or the frontier, shall be 5 kilometres in length and 2 kilometres in width.

Article 2. The term "maritime shore" shall mean the flat or nearly flat area between the low-tide and high-tide marks; the term "river shore" shall mean the flat or nearly flat area between the low-water mark of a river and the normal high-water mark.

Article 3. For purposes of the application of Article 6 of Act No. 85 of 1920, the term "national shores" shall mean those uncultivated lands which are periodically inundated by the sea or by the flooding of rivers.

Note. See also: Customs Law No. 79 of 19 June 1931, articles 363, 367 (*infra*, Chapter II, Section A, under Colombia).

Costa Rica

CONSTITUTION OF THE REPUBLIC OF COSTA RICA OF 7 NOVEMBER 1949 ²

. . .

Article 6. The State exercises complete and exclusive sovereignty over the air space above its territory and over its territorial waters and continental shelf, in accordance with principles of International Law and with treaties in effect.

. . .

Note. See also: Regulation No. 363 of 11 January 1949, article 1 (*infra*, Chapter IV, under Costa Rica (b)).

¹ *Diario Oficial*, No. 21633 of 5 March 1931, p. 454.

² *Constitution of the Republic of Costa Rica*, Law and Treaty Series, No. 35, Pan American Union, Washington, D.C.

Cuba

(a) ORGANIC LAW OF THE ARMY AND NAVY, APPROVED BY DECREE-LAW
No. 7 OF 27 JANUARY 1942 ¹

Article 36. For the purposes of this law, the jurisdictional waters (the territorial sea) shall extend to a distance of three nautical miles from the coasts of the Republic, to be reckoned from the low-water mark on the keys or adjacent islands farthest from the mainland, and running parallel to the contour of the national territory and its keys and islands. The maritime customs zone shall extend to a distance of twelve nautical miles from the coast from the high-water mark, that is to say the distance of four leagues referred to in article 9 of the Customs Ordinances now in force. All places intended to serve for naval purposes shall be regarded as naval bases; they shall include dockyards, arsenals, stores, naval academies, forts, buildings and any area the boundaries of which have previously been fixed by the President of the Republic and in which naval forces are or are to be encamped. During campaigns or manoeuvres, the following shall also be regarded as naval bases: on land, the area of the polygonal zone bounded by the straight lines connecting the extreme limits of the advanced posts; and at sea, when more than two vessels are engaged, the area of the polygonal zone bounded by the straight lines connecting the extreme limits of the waters immediately surrounding the vessels, such limits to be determined by the officer acting as commanding officer in charge of the manoeuvres in question.

(b) DECREE No. 335 OF 10 FEBRUARY 1942 (ORGANIC ACT RELATING TO
THE NAVY. DIVISION OF COASTS AND JURISDICTIONAL WATERS OF
CUBA INTO THREE NAVAL DISTRICTS) ²

Whereas the Organic Act relating to the Navy contained in Decree-Law (*Acuerdo-Ley*) No. 7 of 27 January 1942, published in the special number of the *Gaceta Oficial* of 31 January, provides that the coasts and jurisdictional waters of Cuba shall, for purposes of command and security and for naval and military requirements be divided into a suitable number of districts; and empowers the President of the Republic to delimit the coastal zone constituting each district and to select a part to be the headquarters of each;

Now *therefore*, I (the President), by virtue of the powers vested in me, and on the recommendation of the Chief of Naval Staff, the proposal of the Minister for Defence, and the advice of the Council of Ministers,

DO HEREBY DECREE:

1. In order most suitably to give effect to the provisions of the Organic Law relating to the Navy, the coasts and jurisdictional waters of Cuba shall from the date of the present Decree be divided into three naval districts, the names, boundaries and headquarters of which shall be as follows:

NORTHERN NAVAL DISTRICT: Headquarters in Havana Bay; the northern coastal zone of the island from Cape San Antonio in the province of Pinar del Rio to Point Canado in the province of Camagüey.

¹ *La Jurisprudencia al Día*, 1942, *Legislación*, pp. 133, 210. Translation by the Secretariat of the United Nations. See also: United Nations, *Legislative Series, Laws and Regulations on the Régime of the High Seas*, vol. I, 1951, p. 65.

² *Ibid.*, p. 315. Translation by the Secretariat of the United Nations.

EASTERN NAVAL DISTRICT: Headquarters in Santiago de Cuba Bay; the northern and southern coastal zone of the island from Point Ganado in the province of Camagüey on the north to Point Sevilla in the same province on the south, including Cape Maisi.

SOUTHERN NAVAL DISTRICT: Headquarters in Cienfuegos Bay; the southern coastal zone of the island from Point Sevilla in the province of Camagüey to Cape San Antonio in the province of Pinar del Río, with the coasts of the Isle of Pines.

Each of the said naval districts shall include the inlets, anchorages, bays and rivers in its section of the coast, with the strip of shore comprising the security and salvage zone; that is to say a strip extending the whole length of the coast and measuring twenty metres inland from high-water mark.

(c) **LEGISLATIVE DECREE NO. 1948 OF 25 JANUARY 1955 RELATING TO THE TERRITORIAL SEA**¹

Article 1. The waters situated between the coast of the Island and the adjacent keys are hereby declared internal waters, in so far as neither the distance between the said coast and the keys nor the distance between one key and another exceeds ten miles.

Article 2. The State is hereby empowered to take whatever legislative administrative or technical action is necessary for the protection and conservation of the maritime resources in the zones of the high seas contiguous to the territorial sea of Cuba.

Note. See also: Customs Regulations of 22 June 1901, articles 9, 64, 79, 244 (*infra*, Chapter II, Section A, under Cuba (a)); Legislative Decree No. 1942 of 25 January 1955, article 12 (*infra*, Chapter II, Section A, under Cuba (b)); Code of Social Defense of 4 April 1936, article 7 (*infra*, Chapter II, Section B, under Cuba (a)); Legislative Decree No. 704 of 28 March 1936, articles 4, 5 (*infra*, Chapter IV, under Cuba (a)).

Denmark

(a) **ROYAL ORDER OF 22 FEBRUARY 1812 ON THE EXTENT OF DANISH TERRITORIAL WATERS**²

. . .

It is Our most gracious Will that it shall be established as a rule in all cases where the question is of fixing the limit of Our territorial sovereignty out into the sea, that it shall be calculated until the distance of the ordinary sea league from the extremest island and islet from the land which is not overflowed by the sea; about which all parties concerned are to be instructed by rescript.

. . .

¹ *Gaceta Oficial* No. 22, 27 January 1955. Text of Legislative Decree provided by the Permanent Mission of Cuba to the United Nations. Translation by the Secretariat of the United Nations.

² Christopher B. V. Meyer, *The Extent of Jurisdiction in Coastal Waters*, Leiden, 1937, p. 507, cited by Stefan A. Riesenfeld, *Protection of Coastal Fisheries under International Law*, Washington, D.C., 1942, p. 212.

(b) AVIS N° 497 DU 21 DÉCEMBRE 1923 SUR LA DÉLIMITATION DE LA FRONTIÈRE EN APPLICATION DES DISPOSITIONS DU TRAITÉ DE VERSAILLES¹

La Commission de délimitation des frontières créée conformément aux dispositions de l'article 111 du Traité de Versailles et composée des représentants du Danemark, de l'Allemagne, du Royaume-Uni, de la France, de l'Italie et du Japon, ayant fixé le tracé de la frontière et procédé à sa délimitation, a décidé le 25 novembre 1920 que la nouvelle ligne-frontière deviendrait effective à compter du 1^{er} janvier 1921 à 8 heures du matin, conformément à l'avis publié à cet effet dans le « Statstidende » n° 221 du 24 décembre 1920.

Au cours de la réunion finale de la Commission qui s'est tenue le 3 septembre 1921 à Paris, il a été décidé que les documents préparés par la Commission, examinés et approuvés par les Parties danoise et allemande, à savoir:

1) Description de la frontière,

. . . .

représentent officiellement la nouvelle frontière entre le Danemark et l'Allemagne (Prusse) telle qu'elle a été arrêtée par la Commission . . .

La description de la frontière mentionnée ci-dessus est ainsi libellée²:

Description de la frontière entre l'Allemagne (Prusse) et le Danemark
Frontière maritime. — Mer Baltique

Cette frontière qui est déterminée par 13 éléments de lignes droites:

1° part d'un point situé à 54°49'16",3 de latitude nord et 9°56'38",2 de longitude est de Greenwich, qui en constitue l'extrémité est, et prend la direction du moulin de Dybbøl jusqu'à sa rencontre avec la ligne Kejnaes (Kekenis) — moulin de Westerholz.

2° de là, elle se dirige vers le moulin de Westerholz,

3° emprunte la ligne médiane du secteur de feu de Holnis,

4° puis celle des feux de Skodsbøl et

5° celle des feux de Ringenaes;

6° elle abandonne cette dernière ligne à 200 m. environ, avant d'arriver à la hauteur de la bouée « G » pour rejoindre un point de l'alignement des feux de Laagmaj formant à peu près le milieu de la distance comprise entre la bouée rouge « H » et la bouée noire « 3 »;

7° de là, elle suit l'alignement des feux de Laagmaj jusqu'à sa rencontre avec une ligne déterminée par le feu de Holnis et un point de latitude nord 54°50'00",0 et de longitude est de Greenwich 9°28'00",0;

8° elle emprunte ensuite cette ligne jusqu'au point de coordonnées ci-dessus;

9° de là, elle prend la direction de 315° (à compter du nord vers l'est), jusqu'à 400 m. de la ligne de 3 brasses de la rive nord du fiord, puis

10°, 11°, 12°, 13° rejoint le milieu du pont de Skomagerhus (Schusterkathe) par 4 éléments de lignes droites à peu près parallèles à la rive nord du fiord.

¹ Danemark, *Bulletin des lois A* (Lovtidende A), 1923, section A. 2, p. 2022. Traduction établie par le Secrétariat de l'Organisation des Nations Unies.

² Le texte de cette description se trouve en français dans: *ibid.*, 1923, section A.2, p. 2022.

A partir de l'extrémité est de la frontière, la ligne de séparation des eaux territoriales suit vers le sud-est le prolongement de l'élément de frontière n° 1 en empruntant la médiane du chenal principal de navigation au sud du Breitgrund jusqu'à son intersection avec la ligne Pöhls Huk — phare de Schleimünde, puis, de là jusqu'à la mer libre, une direction perpendiculaire à cette dernière ligne.

Frontière maritime — Mer du Nord

Cette frontière comprend 9 éléments de lignes droites :

1° Elle part de l'extrémité de la frontière terrestre près de Sieltoft, perpendiculairement à la côte, jusqu'en un point situé à égale distance de la côte et de la pointe est de l'île de Sylt dite Nösse et,

2° remonte vers le nord jusqu'à la bouée rouge « C » sur le côté sud du Höjer Dyb;

3°, 4°, 5° de là jusqu'à la bouée « Lister Ley » (qui sera déplacée de 200 m. environ vers l'est), 3 éléments de lignes droites dont les extrémités seront marquées par les bouées « C », « B » (cette dernière sera déplacée de 0.35 milles marins environ vers l'ouest) « A » et « Lister Ley » (qui sera déplacée de 200 m. environ vers l'est).

6°, 7°, 8° A partir de Lister Ley et jusqu'à la bouée lumineuse au nord des feux de List West, 3 lignes droites suivant à peu près la ligne médiane du chenal.

9° De là et dans une direction de 258° (comptée du nord vers l'est), une ligne droite jusqu'à l'intersection avec la ligne reliant l'extrémité ouest du banc de Römö Flak et le cap nord-ouest de l'île de Sylt. Ce point d'intersection marque l'extrémité de la frontière maritime ouest.

A partir de ce point, la ligne de séparation des eaux territoriales suit la même direction jusqu'à son intersection avec une ligne droite obtenue en plaçant le feu de List Ost dans l'alignement du milieu de l'intervalle compris entre les deux feux de List West, puis suit cette dernière ligne jusqu'à la mer libre.

Entre la bouée « C » et la bouée « Lister Ley » la frontière suivra les déplacements naturels du chenal de manière que le libre accès du port de Höjer, par les eaux danoises, soit toujours assuré au Danemark sur une étendue correspondant aux conditions actuelles. Entre la bouée « Lister Ley » et la sortie du Lister Tief, la frontière et la ligne de séparation des eaux territoriales suivront la ligne médiane du chenal dans ses déplacements naturels. Les rectifications résultant de ces déplacements naturels pourront être réglées entre les deux Etats intéressés.

Remarques

Les frontières maritimes séparent les eaux nationales danoises des eaux nationales allemandes; chacune d'elles se continue par une ligne de séparation des eaux territoriales. Les points extrêmes de la frontière se trouvent à l'intersection de celle-ci avec les limites des eaux nationales.

Pour déterminer le point extrême de la frontière maritime ouest, la Commission a considéré comme limite des eaux nationales la ligne joignant l'extrémité ouest du banc de Römö Flak au cap nord-ouest de l'île de Sylt, conformément aux règles générales du droit des gens fixant la limite des

eaux nationales et à l'esprit de la Convention du 6 mai 1882 relative à la police de la pêche dans la mer du Nord.

Note. See also: Customs Act No. 171 of 11 May 1928, article 48 (*infra*, Chapter II, Section A, under Denmark (*d*)); Order No. 356 of 25 July 1951, articles 2, 3 (*infra*, Chapter III, under Denmark (*a*)); Order No. 29 of 27 February 1903, article 1 (*infra*, Chapter IV, under Denmark (*b*)); Order No. 160 of 20 May 1955 (*infra*, Chapter IV, under Denmark (*c*)); Act No. 101 of 27 March 1933 (*infra*, Chapter IV, under Denmark (*e*)); Decree No. 230 of 29 June 1933 (*infra*, Chapter IV, under Denmark (*f*)); Order No. 231 of 29 June 1933 (*infra*, Chapter IV, under Denmark (*g*)); Act No. 277 of 27 May 1950, article 1 (*infra*, Chapter IV under Denmark (*i*)); Notice No. 292 of 11 November 1953, article 1 (*infra*, Chapter IV under Denmark (*k*));

Dominican Republic

(a) CONSTITUTION OF THE DOMINICAN REPUBLIC OF 1947¹ AS AMENDED

SECTION II

The Territory

*Article 5.*² . . . The territorial sea and the continental shelf which correspond to the national territory are also part of the said territory. The extent of the territorial sea and of the continental shelf shall be determined by statute.

(b) ACT NO. 3342 OF 13 JULY 1952 CONCERNING THE EXTENT OF THE TERRITORIAL WATERS OF THE REPUBLIC³

Article 1. Except as hereinafter otherwise provided, a zone of three nautical miles along their coasts, the said zone extending seaward from the mean low-water mark, is hereby established as the extent of the territorial or jurisdictional waters of the Republic and of its islands or islets.

Paragraph. The channels and waters comprised between Cape Beata, Beata Island, Alto Velo Island, Los Frailes Islet and Cape Falso are declared to be territorial waters of the Republic.

Article 2. The bays of Samaná, Ocoa and Neyba are declared to be historical waters or bays and as such to be subject to the full sovereignty of the State, within the following boundaries:

(a) In the case of Samaná Bay: a transverse line plotted between Cape Samaná and Cape San Rafael.

(b) In the case of Ocoa Bay: a transverse line plotted between Salinas Point and Martín García Point.

¹ *Constitution of the Dominican Republic, 1947*, Law and Treaty Series, Pan American Union, Washington, D.C., p. 1.

² The text of this article as amended on 1 December 1955 was provided by the Secretariat of State for External Relations of the Dominican Republic. Translation by the Secretariat of the United Nations.

³ Text of Act provided by the Secretariat of State for External Relations of the Dominican Republic. Translation by the Secretariat of the United Nations.

(c) In the case of Neiba Bay: a transverse line plotted between Martín García Point and Avarena Point.

Paragraph. The transverse lines referred to in sub-paragraphs (a), (b) and (c) serve to demarcate the boundaries of the internal waters and the base line of the territorial waters of the bays aforesaid.

Article 3. The boundaries, extent or legal status of the territorial sea and of the contiguous zone in and in the vicinity of the bay of Manzanillo may be established through a treaty with the neighbouring Republic of Haiti. Pending the conclusion of such a treaty, the Dominican Republic will observe the rules of international law and of equity which it has in the past observed in the said bay and in the waters adjacent thereto.

Article 4. An additional zone adjacent to the territorial sea is hereby established which will be known as the "contiguous zone" and which shall consist of a belt extending outward from the outer limit of the territorial sea to a distance of twelve nautical miles into the high seas.

Paragraph. In the said contiguous zone the Dominican State shall exercise the powers of jurisdiction and control necessary for the purpose of preventing contraventions of Dominican legislation relating to public health, public revenue, customs, fisheries protection and conservation of marine species.

Article 5. The Dominican State reserves the right of ownership in and utilization of the natural resources and wealth which occur or may be discovered in the sea bed or subsoil of the sea in an area, adjacent to Dominican territory, the extent of which shall be determined by the National Administration according to the requirements inherent in the taking possession and exploitation of the said natural resources and wealth and, where appropriate, through international treaties. The Dominican State shall have power to set up or to authorize the setting up of structures or installations necessary for the exploitation of the said resources and to exercise all and any policing measures necessary for their conservation.

Article 6. The following are declared to be national internal waters:

- (a) the waters contained within the indentations of the coast;
- (b) the harbours and maritime areas in which structures for the mooring of vessels in general have been or may be set up;
- (c) roadsteads and anchorages;
- (d) the channels and maritime area comprised within the Siete Hermanos group of islets, and likewise the waters comprised between the said islets and the coast from Manzanillo Point to Luna Point.

. . .

Transitional provision. The dimensions of the territorial sea and of the contiguous zone which are specified in this Act constitute the minimum limit of the aspirations of the Dominican Republic and, accordingly, do not represent an immutable position with respect to any progressive development of positive international law that may hereafter affect the régime of the sea.

Note. See also: Law No. 55 of 27 December 1938, articles 1, 3 (*infra*, Chapter II, Section A, under Dominican Republic (b)).

Ecuador

(a) CIVIL CODE OF 1950 ¹

. . .

*Article 626.*² The adjacent sea to a distance of one marine league, measured from the low-water mark, is part of the territorial sea and its ownership rests in the nation; nevertheless, the right of police, for purposes connected with national security and with the enforcement of the fiscal legislation, extends to a distance of four marine leagues likewise measured from the low-water mark.

. . .

(b) DECREE OF THE CONGRESS OF THE REPUBLIC OF ECUADOR, DATED 21 FEBRUARY 1951, RELATING TO TERRITORIAL WATERS ³

. . .

Article 1. The continental shelf or "zocle" adjacent to the Ecuadorian coasts and all and every natural resource found thereon belong to the State, which will control the exploitation of such resources and the protection of the corresponding fishing areas.

Article 2. The Ecuadorian continental shelf is considered to comprise the submerged land, contiguous to continental territory, which is covered by not more than 200 metres of water.

Article 3. National territorial waters comprise a minimum distance of 12 nautical miles measured from the outermost promontories of the Ecuadorian Pacific coast as well as the inner waters of the gulfs, bays, straits and canals comprised within a line drawn between such promontories.

Also considered as the territorial sea are those waters comprised within a perimeter of 12 nautical miles measured from the outermost promontories of the farthest islands of the Colon Archipelago, the stipulations of Article 1 of this law being applicable in this case.

Article 4. Should, in accordance with the terms of any international conventions or treaties on this subject, such as the Treaty of Mutual Assistance, the maritime areas agreed upon from policing and protection be greater than those laid down in this law, the terms of such treaties will prevail and will be enforced as part of this decree within the extent and range of such treaties.

. . .

(c) WATERS ACT No. 289 OF 17 JULY 1936 ⁴

Article 1. The waters of the territorial sea are for all purposes public and cannot be an object of ownership or possession.

. . .

¹ *Código Civil de la República del Ecuador*, 1950, p. 142. Translation by the Secretariat of the United Nations.

² Article 626 supersedes Article 582 of the Civil Code of 21 November 1857.

³ International Court of Justice, *Fisheries Case* (United Kingdom v. Norway), 1951, vol. IV, p. 587.

⁴ Julio T. Torres, *Compilación de Reformas al Código Civil, Leyes y Reglamentos Conexos* (1942), p. 235. Translation by the Secretariat of the United Nations.

Note. See also: Maritime Police Code, promulgated by Decree No. 765 of 9 August 1944, article 18, 80 (*infra*, Chapter II, Section A, under Ecuador); Decree No. 607 of 29 August 1934, articles 78, 129, 162 (*infra*, Chapter IV, under Ecuador (*a*)); Decree No. 138 of 21 February 1940, as amended, article 2 (*infra*, Chapter IV under Ecuador (*c*)); Décret présidentiel du 22 février 1951 sanctionnant la loi sur la pêche et la chasse maritime, article 2 (*infra*, Chapitre IV, Ecuador (*d*)); Decree No. 995-A of 29 April 1955 concerning fishing, article 3 (*infra*, Chapter IV, under Ecuador (*h*)); Decree No. 1085 of 14 May 1955 concerning fishing, article 1 (*infra*, Chapter IV under Ecuador (*i*)); Circular of the Ministry for Foreign Affairs of 19 November 1914, article 1 (*infra*, Chapter V under Ecuador (*a*)).

El Salvador

POLITICAL CONSTITUTION OF 7 SEPTEMBER 1950¹

. . .

Article 7. The territory of the Republic within its present boundaries is irreducible; it includes the adjacent sea within a distance of two hundred marine miles measured from the line of lowest tide, and it embraces the air space above, the subsoil, and the corresponding continental shelf.

The provisions of the preceding section do not affect freedom of navigation in accordance with principles accepted by International Law.

The Gulf of Fonseca is an historic bay subject to a special régime.

. . .

Note. See also: Navigation and Maritime Act of 27 October 1933, article 2 (*infra*, Chapter II, Section A, under El Salvador (*a*)); and Decree No. 1961 of 25 October 1955, article 2 (*infra*, Chapter IV under El Salvador).

Ethiopia

MARITIME PROCLAMATION NO. 137 OF 1953, SECTION 6 (*infra*, CHAPTER II, SECTION A UNDER ETHIOPIA)

Finland

CUSTOMS REGULATIONS OF 8 SEPTEMBER 1939² AS AMENDED³

Article 1. Customs frontier at sea. (1) In the Baltic Sea, the Gulf of Finland, the Gulf of Bothnia, the customs frontier shall extend along an imaginary line situated at a distance of six nautical miles from the mainland and, where there are islets or skerries, from the outermost islet or skerry pro-

¹ *Constitution of the Republic of El Salvador*, Law and Treaty Series, Pan American Union, 1950, Washington, D.C., p. 1. See also: *United Nations Legislative Series, Laws and Regulations on the Régime of the High Seas*, vol. I, 1951, p. 300.

² *Finlands Förfatningssamling*, 1939, No. 275, p. 685. Translation by the Secretariat of the United Nations.

³ By Decree of 27 January 1950. In his Note of 22 June 1956, the Permanent Representative of Finland to the United Nations stated: "This amendment refers only to the fact that Finland no longer possesses a coast on the Arctic Sea."

jecting above the water surface at low water, but not further than the territorial frontier of a contiguous State. The customs frontier surrounding outer islands and skerries situated in the Baltic Sea and the Gulf of Finland outside the continuous customs frontier zone shall extend beyond each such outer island or skerry to a distance of three nautical miles.

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

France

DÉCRET PRÉSIDENTIEL DU 9 JUILLET 1888, AU SUJET DES LIGNES DE BASE POUR LES BAIES DES CÔTES CORSES ET D'UNE PARTIE DES CÔTES MÉDITERRANÉENNES DU MIDI DE LA FRANCE ¹

Article 1^{er}. Les lignes droites tirées en travers des baies des côtes du cinquième arrondissement maritime de France et de l'île de Corse et à partir desquelles la limite des trois millés marins déterminant la mer territoriale française doit être comptée, conformément à l'article 1^{er} de la loi du 1^{er} mars 1888 ², sont tracées comme suit :

CÔTES DE FRANCE SUR LA MÉDITERRANÉE ³

Golfe d'Aigues-Mortes (carte n° 2474). De l'embouchure du grau de Palavas au phare de l'Espignette: neuf milles cinq.

Golfe des Saintes-Maries (carte n° 2474). Du grau d'Orgon à la balise de Beauduc: huit milles trois.

Golfe de Fos (carte n° 2474). De la pointe de la rive droite de l'embouchure du Rhône au phare du cap Couronne: sept milles.

Golfe de Marseille (carte n° 2681). 1. Du moulin de Carri au phare de Plamier: huit milles cinq; 2. Du phare de Plamier à la pointe ouest de l'île Riou; six milles trois; 3. De la pointe est de l'île Riou au Bec de l'Aigle; neuf milles un.

Baie de la Ciotat, Bandol et Saint-Nazaire (carte n° 2681). Du Bec de l'Aigle au phare du Grand-Rouveau: huit milles cinq.

Baie de l'entrée de Toulon (carte n° 2681). Du sémaphore de Sicié à l'île Longue (presqu'île de Giens): dix milles.

Rade des îles d'Hyères (carte n° 2681). 1. De la pointe Escampobariou au fort du Grand-Langoustier: trois milles trois; 2. Du phare de Porquerolles à la pointe du Vallon (île de Port-Cros): huit milles cinq; 3. De la pointe du Vallon à la pointe Maupertuis (île du Levant): un mille neuf; 4. Du phare du Titan au cap Lardier: huit milles trois.

Anse de Pampelune et golfe de Saint-Tropez (carte n° 2682). Du cap Camarat à la pointe Alissandre: neuf milles.

Golfe de Fréjus et rade d'Agay (carte n° 2682). De la pointe Alissandre à l'île de la Boute: neuf milles deux.

¹ Cour internationale de Justice, *Affaire des pêcheries* (Royaume-Uni c. Norvège); vol. III, p. 685.

² Voir *infra*, Chapitre IV, France (e).

³ Cette délimitation a été établie par le Service hydrographique de Norvège à l'aide de cartes officielles françaises et autres à même échelle.

Golfe de la Napoule (carte n° 2682). De l'île de la Boute à la tourelle des Moines: huit milles deux.

Golfe Juan (carte n° 2682). De la tourelle des Moines au phare de l'Îlette: quatre milles.

Baie des Anges (carte n° 2682). Du bastion nord-est du fort Carré d'Antibes au phare du cap Ferrat (Villefranche): dix milles.

Baie de Saint-Hospice et de Monaco (carte n° 2682). De la pointe de Saint-Hospice au cap Martin: sept milles.

ILE DE CORSE

Golfe de Saint-Florent (carte n° 232). De la pointe des Canelles à la pointe Perallo: sept milles.

Golfe de Calvi (carte n° 232). De la pointe Valetone au phare de Revelata: sept milles cinq.

Golfe de Porto (carte n° 232). De la pointe Rossa au cap Rosso: cinq milles six.

Golfe de Sagone (carte n° 232). De la pointe Cargèse au cap Fenò: neuf milles sept.

Golfe d'Ajaccio (carte n° 232). Du phare des îles Sanguinaires au cap Muro: huit milles sept.

Golfe de Valinco (carte n° 232). Du cap Néro à l'île d'Eccia: huit milles quatre.

Baie Ventilegne et port de Figari (carte n° 232). De la pointe Rocapina au cap Fenò: sept milles sept.

Note. Voir également: décret du 1^{er} octobre 1934, article 2 (*infra*, Chapitre II, Section A, France (a)); décret du 8 décembre 1948, article 44 (*infra*, Chapitre II, Section A, France (c)); arrêté du 1^{er} février 1932, annexe I (*infra*, Chapitre II, Section A, France (d)); décret du 21 mai 1913, article 3 (*infra*, Chapitre III, France (a)); décret du 29 septembre 1929, article 1^{er} (*infra*, Chapitre III, France (b)); règlement du 1^{er} juin 1930, article 1^{er} (*infra*, Chapitre III, France (c)); décret du 10 mai 1862, articles 1^{er}, 2, 3, 6, 7, 8 (*infra*, Chapitre IV, France (d)); loi du 1^{er} mars 1888, article 1^{er} (*infra*, Chapitre IV, France (e)); décret du 1^{er} juin 1938, article 1^{er} (*infra*, Chapitre IV, France (g)); décret du 18 octobre 1912, article 2 (*infra*, Chapitre V, France).

Algérie

DÉCRET PRÉSIDENTIEL DU 9 JUILLET 1888 AU SUJET DES LIGNES DE BASE POUR LES BAIES D'ALGÉRIE ¹

Article 1^{er}. Les lignes droites tirées en travers des baies des côtes de l'Algérie et à partir desquelles la limite des trois milles marins déterminant la mer territoriale française doit être comptée, conformément à l'article 1^{er} de la loi du 1^{er} mars 1888, sont tracées comme suit:

Golfe de Bône (carte n° 3824). — De l'auberge de l'embouchure de l'Oued-Mafrag au phare du fort Génois: dix milles.

¹ *Ibid.*, p. 687.

Baie de Sidi-Merouan (carte n° 3061). — Du phare du cap de Fer au sommet de la pointe Felfela: dix milles.

Baie de Philippeville (carte n° 3061). — Du sommet Cabara au phare de l'île Siigina: huit milles deux.

Baie de Collo (carte n° 3061). — Du raz Bibi au feu de la pointe Djerba: huit milles six.

Baie des monts Tahard (carte n° 3023). — De l'île Lamein à la pointe Tahard-Nord: six milles huit.

Baie de Djidjelli (carte n° 3023). — De l'embouchure de l'Oued-Nil au grand phare de Djidjelli: quatre milles.

Baie de Bougie (carte n° 3029). — Du sommet Aokas au phare du cap Carbon: dix milles.

Baie d'Algérie (carte n° 3043). — Du phare du cap Matifou à la pointe Pescade: dix milles.

Baie de Tipaza (carte n° 3030). — De l'embouchure de l'Oued-Koucha au cap Chenoua: huit milles.

Baie de Sidi-Ferruch (carte n° 3030). — Du raz Acrata à la pointe de Sidi-Ferruch: trois milles cinq.

Baie d'Arzeu (carte n° 3219). — De la pointe ouest de Port-aux-Poules au grand phare d'Arzeu: sept milles cinq.

Baie d'Oran (carte n° 3483). — De la pointe Conastel à la pointe au nord de Mers-el-Kébir: sept milles cinq.

Baie de l'Oued-Ouedi (carte n° 3483). — 1° Du phare du cap Falcon à l'île Plane: quatre milles cinq; 2° de l'île Plane au cap Lindless: trois milles.

Passage entre les îles Habibas et la côte (carte n° 3483). — 1° Du cap Lindless à la pointe nord-est des îles Habibas: huit milles huit; 2° du phare des îles Habibas au cap Figalo: neuf milles deux.

Abords de la Tafna (cartes nos 3436 et 3412). — 1° Du cap Gros au phare de Rachgoun: sept milles sept; 2° du phare de Rachgoun à l'îlot de la pointe El-Harouch: quatre milles cinq.

Nouvelle Calédonie

DÉCRET DU 23 SEPTEMBRE 1911 PORTANT INTERDICTION AUX NAVIRES ÉTRANGERS DE SE LIVRER À LA PÊCHE DANS LES EAUX TERRITORIALES DE LA NOUVELLE-CALÉDONIE, ARTICLE 2 (*infra*, CHAPITRE IV, FRANCE (*Nouvelle-Calédonie*)).

Germany (Federal Republic)

NOTE OF 9 FEBRUARY 1956 RECEIVED FROM THE PERMANENT OBSERVER OF THE FEDERAL REPUBLIC OF GERMANY

“ There are no national laws and regulations in force which define the territorial sea. The practice as regards the territorial sea is determined by the rules of international law, which, according to article 25 of the Basic Law of the Federal Republic of Germany of 23 May 1949, are part of the Federal Law. They overrule national legislation and are immediately binding for everybody on the territory of the Federal Republic of Germany.

“ . . . ”

Note. See also: Customs Act of 20 March 1939, articles 3, 5 (*infra*, Chapter II, Section A, under Germany (West) (b)).

Greece

(a) ACT No. 5017 OF 3/13 JUNE 1931 TO REGULATE CIVIL AVIATION ¹

. . .

Article 2. The State exercises complete and absolute sovereignty over the air space above its territory. The term "Greek territory" as used in this Act or in the regulations made pursuant thereto shall be deemed to include the territorial waters and the air space above those waters.

. . .

(b) DECREE OF 6/18 SEPTEMBER 1931 TO DEFINE THE EXTENT OF THE TERRITORIAL WATERS FOR THE PURPOSES OF AVIATION AND THE CONTROL THEREOF ²

THE GREEK REPUBLIC, having regard to articles 2 and 9 of Act No. 5,017 to regulate civil aviation, published in *Efimeris tis Kiverniseos*, part I, No. 158, of 13 June 1931, and to article 1 of Act No. 2,569 of 19 April 1921 to ratify the International Aviation Convention, published in *Efimeris tis Kiverniseos* No. 68 of 26 April 1921, and upon the recommendation of the Minister of Aviation, has resolved and decreed as follows:

The extent of the territorial waters referred to in article 2 of Act No. 5,017 shall be fixed at ten sea miles from the coast of the State.

The Minister of Aviation shall be responsible for publishing and giving effect to this Decree.

(c) LAW No. 230 OF 17 SEPTEMBER 1936 ³

Article 1. The extent of the territorial sea is fixed at six nautical miles from the coast, without prejudice to provisions in force concerning special matters, with respect to which the territorial zone shall be delimited at a distance either larger or smaller than six miles.

Note. See also: Law No. 4141 of 26 March 1913 concerning the passage and sojourn of merchant vessels along the Greek shores and policing of the ports and harbours in time of war, article 1 (*infra*, Chapter II, Section A, under Greece (a)); Loi n° 1165 du 17 mars/6 avril 1918, article 85 (*infra* Chapitre II, Section A, Grèce (b)).

Guatemala

(a) CIVIL CODE, ACT No. 1932 OF 29 OCTOBER 1947 ⁴

Article 399. The maritime zone abutting on the coasts of the Republic shall be part of the public domain, to the extent and with the effects specified by international law.

¹ Text of Act provided by the Permanent Mission of Greece to the United Nations. Translation by the Secretariat of the United Nations.

² *Efimeris tis Kiverniseos*, 1931, No. 325, p. 2589. Text of Decree provided by the Permanent Mission of Greece to the United Nations. Translation by the Secretariat of the United Nations.

³ *Ibid.*, 13 October 1936, p. 2387. Translation by the Secretariat of the United Nations.

⁴ Text provided by the Permanent Mission of Guatemala to the United Nations. Translation by the Secretariat of the United Nations.

(b) CIVIL AVIATION LAW ENACTED BY ACT No. 563 OF 28 OCTOBER 1948 ¹CHAPTER I. *General Provisions*

Article 1. The Republic of Guatemala exercises full and exclusive sovereignty over the air space situated above its territory and its territorial sea.

. . .

(c) CONSTITUTION OF THE REPUBLIC OF GUATEMALA OF 1 MARCH 1956 ²

TITLE I. THE NATION AND THE STATE

. . .

Article 3. The public domain shall include all Guatemalan territory, soil, subsoil, territorial sea, continental shelf and air space and shall extend to the natural resources and wealth existing therein, without prejudice to free maritime and air navigation in accordance with the law and the provisions of international treaties and conventions.

. . .

TITLE X. ECONOMIC SYSTEM

Article 214. The following are the property of the Nation:

. . .

2. The waters of the maritime zone abutting on the coast of the Republic, to the extent and in the manner laid down by law; lakes and navigable and floatable rivers and their shores; rivers, water courses and streams which serve as boundaries of the territory of the Republic, and waterfalls and springs which may be utilized for industrial purposes, in the form determined by the law; and all such waters as private individuals do not utilize.

. . .

4. The maritime zone of the territory of the Republic, the continental shelf, the air space and the stratosphere, to the extent and in the manner specified by law.

. . .

(d) POLITICAL STATUTE OF THE REPUBLIC OF GUATEMALA
OF 10 AUGUST 1954 ³

. . .

Article 33. The resources of the subsoil and deposits of hydrocarbons are the inalienable and imprescriptible property of the Nation. The law

¹ This law entered into force on 7 April 1949, date of its publication in the *Diario Oficial*. Text provided by the Permanent Mission of Guatemala to the United Nations. Translation by the Secretariat of the United Nations.

² Text provided by the Permanent Mission of Guatemala to the United Nations. Translation by the Secretariat of the United Nations.

³ Text provided by the Permanent Mission of Guatemala to the United Nations. Translation by the Secretariat of the United Nations.

shall determine the conditions under which they shall be exploited. Permits for the exploration, drilling and exploitation of hydrocarbons or minerals shall be duly published and shall only be granted to persons who clearly dispose of the necessary technical skill and financial resources for the purpose, provided always that the national interests are safeguarded. Rights acquired under the permits mentioned in this article may not be assigned, mortgaged or leased except with the prior authority of the Government Junta.

. . . .
 (e) PETROLEUM CODE, ENACTED BY DECREE NO. 345 OF 7 JULY 1955 ¹

TITLE I. GENERAL PROVISIONS AND NATIONAL RESERVE ZONES

Chapter I. General Provisions

Article 1. All of the natural deposits or occurrences of petroleum that are located within the terrestrial or maritime limits of the Republic or within the outer limit of the continental platform belong to the Nation.

Ownership over the same is inalienable and not subject to prescription.

. . . .
Note. See also: Act of 10 June 1934 for the administration and control of the ports of the Republic, article 1 (*infra*, Chapter II, Section A, under Guatemala (a)); Regulations of 21 April 1939 governing the administration and police supervision of the ports of the Republic, article 1 (*infra*, Chapter II, Section A, under Guatemala (b)); and Decree No. 2393 of 17 June 1940, article 1 (*infra*, Chapter III, under Guatemala)).

Honduras

(a) CONGRESSIONAL DECREE NO. 102 OF 7 MARCH 1950 AMENDING THE POLITICAL CONSTITUTION ²

Article 1. The name of the single chapter of title 1, the name of title 2, and articles 4 and 153 of the Political Constitution are amended, and shall read as follows:

. . . .
 (c) *Article 4.* "The limits of Honduras and its territorial division shall be determined by law. The submarine platform or continental and insular shelf, and the waters which cover it, in both the Atlantic and Pacific Oceans, at whatever depth it may be found and whatever its extent may be, forms a part of the national territory."

(d) *Article 153.* "The following belong to the State: Full, inalienable, and imprescriptible dominion of the waters of the territorial seas to the

¹ Text of Code provided by the Permanent Mission of Guatemala to the United Nations.

² Text of Decree provided by the Secretary of State for External Relations of Honduras. See also: *United Nations Legislative Series, Laws and Regulations on the Régime of the High Seas*, 1951, vol. I, p. 11. Translation by the Secretariat of the United Nations.

extent of twelve kilometres measured from the low-water mark, and full, inalienable, and imprescriptible dominion of its beaches, and of its lakes, lagoons, estuaries, rivers, and rivulets which run continuously, with the exception of springs which rise and terminate within private property; also the dominion, likewise full, inalienable, and imprescriptible, over all the resources which exist or may exist in its submarine platform or continental and insular shelf, in its lower strata, and in the area of the sea included within vertical planes constructed on its boundaries.”

(b) CONGRESSIONAL DECREE NO. 103 OF 7 MARCH 1950 AMENDING THE AGRARIAN LAW ¹

Article 1. The first article of the Agrarian Law is amended, and shall read as follows:

“ *Article 1.* The property of the land, in its double aspect of soil and subsoil, as well as the waters included in its territory, belong originally to the State, which has the right to transfer the dominion to individuals, establishing thereby private property.

“ The following belong to Honduras:

“ (1) The land situated on the continent within its territorial limits, and all the islands and keys in the Pacific which have been considered Honduran.

“ (2) The following islands: Cisne (Swan), Viciosas, Misteriosas and Mosquitos; the following keys: Gorda, Vivorillos, Cajones, Becerro, Cocurucuma, Caratazcá, Falso, Gracias a Dios, Los Bayos, Pichones, Palo de Campeche; and other islands, banks and reefs situated in the Atlantic, over which Honduras exercises dominion and sovereignty, in addition to the Islands of Bahía.

“ (3) Its submarine platform or continental and insular shelf and the waters which cover it, in both the Atlantic and Pacific Oceans, at whatever depth it may be found and whatever its extent may be.”

(c) CONGRESSIONAL DECREE NO. 104 OF 7 MARCH 1950 AMENDING THE CIVIL CODE ²

Article 1. Articles 619 and 621 of the Civil Code shall be amended to read as follows:

“ *Article 619.* Ownership of all mines of gold, silver, copper, platinum, mercury, lead, zinc, bismuth, antimony, cobalt, nickel, tin, arsenic, iron, chromium, manganese, molybdenum, vanadium, rhodium, iridium, radium, uranium, plutonium, tungsten, sulphur, petroleum, apatite, mepheline, rock salt and nitrates, precious stones, coal and fossilized

¹ Text of Decree provided by the Secretary of State for External Relations of Honduras. See also: *United Nations Legislative Series, Laws and Regulations on the Régime of the High Seas*, 1951, vol. I, p. 12. Translation by the Secretariat of the United Nations.

² Text of Decree provided by the Secretary of State for External Relations of Honduras. See also: *United Nations Legislative Series, Laws and Regulations on the Régime of the High Seas*, vol. I, p. 301. Translation by the Secretariat of the United Nations.

substances, and any other mines and substances that are defined as national property by the Mineral Code, shall be vested in the State, notwithstanding ownership of the surface of the land in which they may be situated by corporations or individuals. The right, however, shall be granted to individuals to make surveys and excavations on land, by whomsoever owned, for the purpose of prospecting for such mines, and to work and develop them and to dispose of them as owners, subject to the conditions and regulations laid down by the said Code. The development and exploitation of radium, uranium, plutonium, and other radioactive metals, as well as of petroleum resources, shall be governed by special statute.

“Ownership of all natural wealth, existing or that may exist, in its submarine platform or continental and insular shelf, in its lower strata and in the sea space included within the vertical planes rising from its limits, shall also be vested in the State.

“Building and ornamental stone, sand, slate, clay, lime, possolana, peat, loam and other substances shall belong to the owner of the land on which they may be found, subject to the provisions of the Mineral Code.”

“*Article 621.* The adjacent waters, to a distance of 12 kilometers from the low water mark, shall be territorial waters and national property; but the sovereignty of the State shall extend to the submarine platform or continental and insular shelf and the overlying waters, at whatever depth it may be encountered and whatever may be its extent, without prejudice to the right of free navigation in accordance with international law.”

Note. Article 621 of Congressional Decree No. 104 of 7 March 1950 amended article 621 of the Civil Code of 8 February 1906, which provided:

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

(d) CONGRESSIONAL DECREE NO. 25 OF 17 JANUARY 1951 APPROVING
PRESIDENTIAL DECREE NO. 96 OF 28 JANUARY 1950¹

. . . .

SINGLE ARTICLE. Decree No. 96, issued by the President of the Republic in the Council of Ministers on 28 January 1950, is hereby approved in whole and in every part; as follows:

. . . .

“*Article 1.* It is hereby declared that the sovereignty of Honduras extends to the continental shelf of the national territory, both of the mainland and of the islands, and to the waters covering it, at whatever depth it lies and whatever its extent, and that the nation has full, inalien-

¹ Text of Decree provided by the Secretary of State for External Relations of Honduras. See also: *United Nations Legislative Series, Laws and Regulations on the Régime of the High Seas*, vol. I, pp. 302, 303. Translation by the Secretariat of the United Nations.

able and imprescriptible domain over all wealth which exists or may exist in it, in its lower strata or in the area of water bounded by the vertical plane passing through its borders.

“*Article 2.* The zone of protection of hunting, fishing and exploitation of the mainland and island waters falling by virtue of this Decree within the State’s jurisdiction shall be delimited in accordance with this declaration of sovereignty whenever the Government shall see fit, and such delimitation shall be ratified, extended or amended as the national interest may require.

“*Article 3.* The protection and supervision of the State is hereby declared to extend in the Atlantic Ocean over all waters lying within the perimeter formed by the coast of the mainland of Honduras and a mathematical parallel drawn at sea 200 sea miles therefrom. With regard to the islands of Honduras in the Atlantic, such delimitation shall enclose the zone of sea contiguous to their coasts and extending for two hundred sea miles from every point thereon.

“*Article 4.* Subject to reciprocity, this declaration does not deny similar lawful rights of other States, nor affect the freedom of navigation recognized in international law, nor derogate from the rights of sovereignty and domain held by the State of Honduras over its territorial waters.”

Note. See also: Congressional Decree No. 131 of 20 April 1925, article 3 (*infra*, Chapter II, Section A, under Honduras (c)).

Iceland

- (a) ACT No. 33 OF 9 JANUARY 1935 GOVERNING INTOXICATING BEVERAGES, ARTICLE 5 (*infra*, CHAPTER II, SECTION A, UNDER ICELAND)
- (b) REGULATIONS OF 19 MARCH 1952 CONCERNING CONSERVATION OF FISHERIES OFF THE ICELANDIC COASTS, ARTICLE 1 (*infra*, CHAPTER IV, UNDER ICELAND (f))

India

PRESIDENTIAL PROCLAMATION OF 22 MARCH 1956 ¹

Whereas international law has always recognized that the sovereignty of a state extends to a belt of sea adjacent to its coast,

And whereas international practice is not uniform as regards the extent of this sea-belt commonly known as the territorial waters of the State, and consequently it is necessary to make a declaration as to the extent of the territorial waters of India,

I, Rajendra Prasad, President of India, in the Seventh Year of the Republic, do hereby proclaim that, notwithstanding any rule of law or practice to the contrary which may have been observed in the past in relation to India or any part thereof, the territorial waters of India extend into the sea to a distance of six nautical miles measured from the appropriate base line.

Note. See also: Indian Fisheries Act of 1897, section 4 (2) (*infra*, Chapter IV under India).

¹ *The Gazette of India*, No. 81 of 22 March 1956. Text of Proclamation provided by the Permanent Mission of India to the United Nations.

Iran

(a) LOI DU 24 TIR 1313 (19 JUILLET 1934) RELATIVE À LA LIMITE DES EAUX TERRITORIALES ET À LA ZONE DE SUPERVISION ET DE CONTRÔLE ¹

I. — EAUX TERRITORIALES ET ZONE DE SURVEILLANCE

Article 1^{er}. La mer qui baigne les côtes persanes jusqu'à une distance de six milles marins, mesurée des côtes à compter de la limite de la plus basse marée et parallèlement à celle-ci, est déclarée mer territoriale persane et appartient au domaine national ainsi que le sol et le sous-sol au-dessous, l'air au-dessus.

D'autre part et en vue d'assurer l'exécution de certaines lois et conventions concernant la sûreté et la défense du pays et de ses intérêts ou ayant trait à la sécurité de la navigation, une deuxième zone, dite zone de surveillance maritime et sur laquelle l'Etat exerce un droit de surveillance, s'étendra jusqu'à une distance de douze milles marins de la côte, cette distance étant mesurée de la même manière que ci-dessus.

REMARQUE: Un mille marin est égal à 1852 mètres.

Article 2. Pour les baies, l'étendue des eaux territoriales sera mesurée à partir d'une ligne droite tirée en travers de l'ouverture de la baie; si l'ouverture de la baie excède dix milles, cette ligne sera tirée en travers de la baie dans la partie la plus rapprochée de l'entrée, au premier point où l'ouverture n'excédera pas dix milles.

Devant les ports, les eaux territoriales sont mesurées à partir d'une ligne tracée entre les ouvrages fixes les plus avancés du port.

Article 3. Chaque île appartenant à la Perse comporte des eaux territoriales qui lui sont propres, déterminées comme ci-dessus (article 1^{er}, paragraphe 1^{er}).

S'il s'agit d'un archipel, les îles qui le constituent seront considérées comme formant un ensemble et l'étendue de la mer territoriale sera comptée à partir des îles les plus éloignées du centre de l'archipel.

II. — CONDITIONS D'ADMISSION ET RÉGIME DES NAVIRES DE GUERRE ÉTRANGERS DANS LES EAUX PERSANES

Article 4. Le droit de passage inoffensif dans les eaux territoriales persanes est reconnu aux bâtiments de guerre étrangers, y compris les sous-marins naviguant en surface, sauf le cas où ils appartiendraient à des pays en état de guerre, auquel cas les règlements nationaux et internationaux, prévus pour le cas de guerre et le respect de la neutralité, entreraient en vigueur. Un règlement ministériel déterminera notamment, quant au nombre des navires, les conditions du droit de passage inoffensif prévu par le présent article.

Article 5. Les conditions de séjour des bâtiments de guerre étrangers dans les eaux territoriales persanes seront également fixées par le règlement ministériel.

Les bâtiments de guerre doivent, dans les eaux visées dans la présente loi, respecter les lois et règlements persans.

¹ A. de La Pradelle, *Recueil général périodique et critique des décisions, conventions et lois relatives au droit international public et privé*, 1935, VI^e partie, p. 10.

Article 6. Le Gouvernement Impérial se réserve le droit d'interdire, pour des raisons de défense nationale ou autres raisons majeures, le passage ou le séjour des navires de guerre étrangers dans certains ports ou dans certaines parties des eaux territoriales. Ces ports ou ces parties ainsi interdits prendront le nom de « zones fermées ».

Article 7. A condition de réciprocité, les navires de guerre étrangers sont dispensés de la visite douanière et les droits de douane ne sont dus que pour les marchandises débarquées à terre pour y être livrées à la consommation. Ils sont exempts des taxes de port et de tonnage et des taxes assimilables à condition de réciprocité.

Article 8. La connaissance et la poursuite des crimes et délits commis à bord des navires de guerre étrangers échappent à la compétence des autorités persanes.

Aucune condamnation capitale, prononcée par une autorité étrangère, ne peut être exécutée ni dans la zone des eaux territoriales ni dans la zone de surveillance.

(b) LOI DU 19 JUIN, 1955 RELATIVE À L'EXPLORATION ET À L'EXPLOITATION DU « FALAT GHARREH » (PLATEAU CONTINENTAL DE L'IRAN) ¹

Article 1^{er}. Telle qu'elle est employée dans cette loi, l'expression « Falat Gharreh » a le même sens que l'expression « Continental Shelf » en anglais et l'expression « plateau continental » en français.

Article 2. Le lit de la mer et le sous-sol des étendues sous-marines contiguës aux côtes de l'Iran et des îles iraniennes et situées sur le plateau continental ont toujours été et demeurent sous la souveraineté de l'Iran.

Note 1. En ce qui concerne la mer Caspienne, les dispositions du droit international sur les mers fermées sont applicables.

Article 3. Dans le cas où le plateau continental faisant l'objet des articles sus-mentionnés s'étend aux côtes d'un autre Etat ou est voisin du territoire d'un Etat limitrophe de l'Iran, les différends éventuels ayant trait à la délimitation du plateau continental de l'Iran seront réglés d'après le principe de l'équité et le Gouvernement prendra les mesures nécessaires pour le règlement de tels différends éventuels.

Article 4. Cette loi ne porte aucun changement aux dispositions de la loi du 24 Tir 1313 [19 juillet 1934] relative à la limite des eaux territoriales et à la zone de supervision et de contrôle, et ladite loi est toujours en vigueur.

Article 5. Cette loi ne porte pas atteinte au régime des eaux surjacentes quant au droit de la libre navigation et à l'installation de câbles sous-marins.

Le Gouvernement peut construire des installations nécessaires sur le plateau continental pour explorer et exploiter ses ressources naturelles et prendra les mesures nécessaires pour la sécurité de ces installations.

¹ Texte de loi fourni par la Mission permanente de l'Iran auprès de l'Organisation des Nations Unies.

Iraq

NOTE OF 2 FEBRUARY 1956 RECEIVED FROM THE MINISTRY OF FOREIGN AFFAIRS OF IRAQ

The Minister for Foreign Affairs . . . has the honour to state that . . . no legislation exists in Iraq at the time being dealing with the régime of the territorial sea. It is the normal practice to apply in this respect the general rules recognized by public international law . . .

Israel^{1 2}

(a) NOTE OF 13 DECEMBER 1955 RECEIVED FROM THE MINISTRY FOR FOREIGN AFFAIRS OF ISRAEL

. . . On 11 September 1955 the Government of Israel decided that the maritime frontier of the State of Israel is placed at a distance of six nautical miles from the coast measured from the low-water line and that the areas of the sea between the low-water line and the maritime frontier, together with the air space above them, constitute the maritime areas of Israel. As a result of this decision, extending the belt of territorial sea, all legislation in which the three-miles limit still exists will be amended accordingly in due course . . .³

(b) INTERPRETATION ORDINANCE OF 1954⁴

PART I. GENERAL PRINCIPLES

1. In this Ordinance, and in all other enactments now in force or hereafter to be issued, all expressions which are contained in this article shall have the meaning herein stated:

¹ According to the Note of 13 December 1955 received from the Ministry for Foreign Affairs of Israel, all of the legislative texts mentioned under Israel are in force in that country.

² Section 15(a) of the Law and Administration Ordinance No. 1 of 5708-1948 provides: " 'Palestine', wherever appearing in any Law, shall henceforth be read as Israel."

³ When this volume was about to be sent to the printer, the following text of Law was received from the Ministry for Foreign Affairs of Israel:

"TERRITORIAL WATERS LAW, 5717-1956 (Passed by the Knesset on the 18th Cheshvan, 5717 (23rd October, 1956) and published in *Sefer Ha-Chukkim* No. 208 of the 28th Cheshvan, 5717 (2nd November 1956), p. 2; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 275 of 5717, p. 18.)

"1. In the definition of 'territorial waters' in section 1 of the Interpretation Ordinance (*Dinei Yisrael* (Nusach Chadash) No. 1, p. 1), the words 'three nautical miles' shall be replaced by the words 'six nautical miles'.

"2. Wherever it is said in any law that a part of the open sea adjoining the coast of the State is included in the territory of the State or that any law or a power under any law applies to such a part, and the extent of that part is not fixed or is fixed at less than six nautical miles from low water mark or from some other point on the coast, such extent shall be six nautical miles as aforesaid."

⁴ New version, *Dinei Israel*, No. 1, 1 January 1954, p. 3; translation from Hebrew by the Secretariat of the United Nations.

. . .

“Israel” includes the territorial waters of Israel;

. . .

“territorial waters” means any part of the sea along the coasts of Israel within three nautical miles [see Note above, (a)] from the low water mark on the coast;

. . .

(c) PALESTINE ORDER IN COUNCIL OF 1922, ¹ AS AMENDED ²

PART I. PRELIMINARY

1 . . . The limits of this Order are the territories to which the Mandate for Palestine applies, including the territorial waters adjacent thereto hereinafter described as Palestine.

. . .

PART II. EXECUTIVE

. . .

12 . . . (2) All mines and minerals of every kind and description whatsoever being in, under or on any land or water, whether the latter be inland rivers or seas or territorial waters, shall vest in the High Commissioner subject to any right subsisting at the date of this Order of any person to work such mines or minerals by virtue of a valid concession.

. . .

(d) MINING ORDINANCE OF 1 JULY 1925 ³

WHEREAS by virtue of Article 12 (2) of the Palestine Order in Council, 1922, all mines and minerals of every kind and description whatsoever being in, under or on any land or water whether the latter be inland waters or seas or territorial waters, are vested in the High Commissioner, subject to any right subsisting at the date of the said Order under which any person was entitled to work such mines or minerals by virtue of a valid concession; and by virtue of Article 13 of the said Order in Council the High Commissioner is empowered to make grants or leases of any such mines or minerals upon such terms or conditions as he may think fit, subject to the provisions of any Ordinance;

. . .

PART I. PRELIMINARY

2. (1) In this Ordinance, unless the context otherwise requires —

. . .

“land” includes all categories of land comprised in the Ottoman Land Code and also all territorial waters, inland rivers and seas;

. . .

¹ R. H. Drayton, *Laws of Palestine*, 1933, vol. III, p. 2569.

² By the Palestine (Amendment) Order in Council, 1939 (*Government of Palestine, Ordinances, Regulations, Rules, Orders and Notices*, vol. II, 1939, p. 459).

³ R. H. Drayton, *Laws of Palestine*, 1933, vol. II, p. 938.

(e) STATE PROPERTY LAW OF 1951¹

1. In this Law —

. . .

“property of the Palestine authorities” includes —

. . .

(2) all mines and minerals of whatever kind, situate in or on land or in, on or under water, including rivers, lakes, inland seas and coastal waters,

. . .

2. Property of the Palestine authorities, situate in Israel, is property of the State of Israel as from the 6th Iyar, 5708 (15th May, 1948).

. . .

(f) PETROLEUM LAW OF 1952²

PART ONE. PRELIMINARY

Article one. Definitions

1. In this Law —

. . .

“land” includes land intermittently or permanently submerged beneath inland waters or the sea;

. . .

(g) SUBMARINE AREAS LAW OF 1953³

1. (a) The territory of the State of Israel shall include the sea floor and underground of the submarine areas adjacent to the shores of Israel but outside Israel territorial waters, to the extent that the depth of the superjacent water permits the exploitation of the natural resources situate in such areas.

(b) Nothing in subsection (a) shall affect the character of the water superjacent on the said submarine areas, and outside Israel territorial waters, as waters of the high seas.

. . .

¹ Passed by the Knesset on the 30th Shevat, 5711 (6th February, 1951) and published in *Sefer Ha-Chukkim* No. 68 of the 9th Adar Alef 5711 (15th February, 1951); the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 54 of the 2nd Cheshvan, 5711 (13th October, 1950), p. 12; *Laws of the State of Israel*, vol. V, 5711-1950/51, p. 45; text provided by the Ministry of Foreign Affairs of Israel.

² *Laws of the State of Israel*, vol. VI, 5712-1951/52, p. 129; text of law provided by the Ministry of Foreign Affairs of Israel.

³ Passed by the Knesset on the 25th Shevat, 5713 (10th February, 1953) and published in *Sefer Ha-Chukkim* No. 120 of the 5th Adar (20th February, 1953), p. 53; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 133 of the 20th Av, 5712 (11th August, 1952), p. 332; *Laws of the State of Israel*, vol. VII, 5713-1952/53, p. 41; text provided by the Ministry of Foreign Affairs of Israel.

Note. See also: Criminal Code Ordinance of 1936, section 6 (*infra*, Chapter II, Section B, under Israel (b)); Merchant Shipping Act of 1894, section 688 (1) (*infra*, Chapter II, Section B, under Israel (a)); and Fisheries Ordinance of 1937, section 2 (*infra*, Chapter IV under Israel (a)).

Italy

- (a) NAVIGATION CODE OF 30 MARCH 1942, ARTICLES 2, 3
(*infra*, CHAPTER II, SECTION A, UNDER ITALY (a))
- (b) ACT No. 612 OF 16 JUNE 1912 TO ENACT RULES GOVERNING THE PASSAGE AND PRESENCE OF MERCHANT SHIPS THROUGH OR IN ITALIAN COASTAL WATERS, ARTICLE 1
(*infra*, CHAPTER II, SECTION A, UNDER ITALY (b))
- (c) CUSTOMS ACT No. 1424 OF 25 SEPTEMBER 1940, ARTICLE 33
(*infra*, CHAPTER II, SECTION A, UNDER ITALY (f))
- (d) ROYAL DECREE No. 1107 OF 26 SEPTEMBER 1912, ARTICLE 2
(*infra*, CHAPTER IV, UNDER ITALY)
- (e) ROYAL DECREE No. 595 OF 6 JUNE 1940, ARTICLE 2
(*infra*, CHAPTER III, UNDER ITALY (b))

Japan

- (a) NOTE OF 5 MARCH 1956 RECEIVED FROM THE MINISTER FOR FOREIGN AFFAIRS OF JAPAN

“Among the Japanese national legislative texts there is none defining the breadth and delimitation of the territorial sea.

“... It is, however, evident that Japan traditionally maintains that the distance of three miles is the well recognized and firmly established principle of international law as expressed in Article 1 of the Convention between Japan and the United States of America respecting the Regulation of the Liquor Traffic of 1928...” (see the Convention between Japan and the United States of America respecting the Regulation of the Liquor Traffic, signed at Washington, 31 May 1928, *infra*, Second Part, Chapter II. Note to Treaty No. 37).

- (b) REPLIES TO THE QUESTIONNAIRE OF THE COMMITTEE OF EXPERTS FOR THE PROGRESSIVE CODIFICATION OF INTERNATIONAL LAW, 1928¹

(a) Japan has upheld the limit of three nautical miles for territorial waters, as is clear from her declaration of neutrality at the time of the Franco-Prussian War of 1870, from the decisions in the cases of the S.S. “Michael” and S.S. “Russia” at the Sasebo Prize Court in 1894-5, from her declaration of opposition to Russia’s claim for a 12-mile Customs area in 1909 and for a 12-mile fishing-area of a monopolistic character in 1911, and from various other facts.

As a matter of fact, many States have observed the limit of three nautical miles, and moreover the delimitation of territorial waters within such a

¹ Text of Replies provided by the Ministry for Foreign Affairs of Japan.

narrow area renders it possible to broaden the extent of the open sea and to facilitate the use of the seas by various nations. It is advisable, therefore, that the limit of territorial waters should be fixed at three nautical miles.

(b) It is not advisable to entitle any State to claim, in virtue of usage, special geographical configuration or any other ground, a specially extensive breadth for its territorial waters by way of exception to the general rule concerning the limit of territorial waters.

(c) As to the claim of a State to exercise sovereignty outside its territorial waters with respect to particular matters, Japan has never made any such claim.

(d) Japan has never recognized any claim of this description on the part of any other State.

(e) (1) & (2) A uniform breadth (three nautical miles) for territorial waters should be fixed for all States and for all purposes.

(3) It is advisable not to entitle any State to exercise any special rights outside its territorial waters.

Note. See also: Port Regulation Law No. 174 of 15 July 1948, as amended, article 24 (*infra*, Chapter II, Section A, under Japan (f)).

Jordan (Hashemite Kingdom of)

FISHERIES ACT NO. 25 OF 2 DECEMBER 1943, ARTICLE 2
(*infra*, CHAPTER IV, UNDER JORDAN)

Korea

PRESIDENTIAL PROCLAMATION OF SOVEREIGNTY OVER ADJACENT SEAS,
18 JANUARY 1952 ¹

Supported by well-established international precedents and urged by the impelling need of safeguarding, once and for all, the interests of national welfare and defence, the President of the Republic of Korea hereby proclaims:

1. The Government of the Republic of Korea holds and exercises the national sovereignty over the shelf adjacent to the peninsular and insular coasts of the national territory, no matter how deep it may be, protecting, preserving and utilizing, therefore, to the best advantage of national interests, all the natural resources, mineral and marine, that exist over the said shelf, on it and beneath it, now, or which may be discovered in the future.

2. The Government of the Republic of Korea holds and exercises the national sovereignty over the seas adjacent to the coasts of the peninsula and islands of the national territory, no matter what their depths may be, throughout the extension, as here below delineated, deemed necessary to reserve, protect, conserve and utilize the resources and natural wealth of all kinds that may be found on, in or under the said seas, placing under the Government supervision particularly the fishing and marine hunting industries in order to prevent this exhaustible type of resources and natural

¹ Text of Proclamation provided by the Permanent Observer of Korea to the United Nations.

wealth from being exploited to the disadvantage of the inhabitants of Korea, or decreased or destroyed to the detriment of the country.

3. The Government of the Republic of Korea hereby declares and maintains the lines of demarcation, as given below, which shall define and delineate the zone of control and protection of the national resources and wealth on, in, or beneath the said seas placed under the jurisdiction and control of the Republic of Korea and which shall be liable to modification, in accordance with the circumstances arising from new discoveries, studies or interests that may come to light in future. The zone to be placed under the sovereignty and protection of the Republic of Korea shall consist of seas lying between the coasts of the peninsular and insular territories of Korea and the line of demarcation made from the continuity of the following lines:

(a) From the highest peak of U-Am-Ryung, Kyung-Hung-Kun, Ham-Kyong-Pukdo to the point (42°15'N - 130°45'E)

(b) From the point (42°15'N - 130°45'E) to the point (38°00'N - 132°50'E)

(c) From the point (38°00'N - 132°50'E) to the point (35°00'N - 130°00'E)

(d) From the point (35°00'N - 130°00'E) to the point (34°40'N - 129°10'E)

(e) From the point (34°40'N - 129°10'E) to the point (32°00'N - 127°00'E)

(f) From the point (32°00'N - 127°00'E) to the point (32°00'N - 124°00'E)

(g) From the point (32°00'N - 124°00'E) to the point (39°45'N - 124°00'E)

(h) From the point (39°45'N - 124°00'E) to the western point of Ma-An-Do, Sin-Do-Yuldo, Yong-Chun-Kun, Pyungan-Pukdo.

(i) From the western point of Ma-An-Do to the point where a straight line drawn north meets with the western end of the Korean-Manchurian borderline.

4. This declaration of sovereignty over the adjacent seas does not interfere with the rights of free navigation on the high seas.

Note. See also: Fishery Resources Conservation Law No. 298, promulgated 12 December 1954 (*infra*, Chapter IV, under Korea).

Liban ¹

(a) CODE DE DOUANES, ÉDICTÉ PAR L'ARRÊTÉ N° 422 DU 30 JUIN 1954, ARTICLES 69, 72 (*infra*, CHAPITRE II, SECTION A, LIBAN)

(b) CODE PÉNAL, ÉDICTÉ PAR LE DÉCRET LÉGISLATIF N° 340/NI DU 1^{er} MARS 1943, ARTICLE 17, PARAGRAPHE 1 (*infra*, CHAPITRE II, SECTION B, LIBAN)

(c) DÉCRET DU 29 SEPTEMBRE 1929, ARTICLE 1^{er} (*infra*, CHAPITRE III, LIBAN)

¹ Conformément à la note du 19 janvier 1956 reçue du Ministère des affaires étrangères de la République libanaise, les textes législatifs relatifs au Liban inclus dans la présente collection sont en vigueur dans ce pays.

- (d) ARRÊTÉ N° 1104 DU 14 NOVEMBRE 1921, ARTICLE 1^{er} (*infra*, CHAPITRE IV, LIBAN (a))
- (e) ARRÊTÉ N° 3178 DU 18 JUIN 1930, ARTICLE 1^{er} (*infra*, CHAPITRE IV, LIBAN (b))

Libya

NOTE OF 29 NOVEMBER 1955 RECEIVED FROM THE MINISTRY FOR FOREIGN AFFAIRS OF THE UNITED KINGDOM OF LIBYA

“ Under the rule at present applied in Libya, the territorial sea extends six miles from the coast—as was the case before Libya’s independence.

“ For customs control purposes, however, the jurisdiction of the Libyan State extends to a distance of ten miles from the coast.”

Note. See also: Royal Decree No. 1402 of 9 January 1939 concerning fishing in Libyan waters, article 9 (*infra*, Chapter IV under Libya (b)).

Maroc

- (a) RÈGLEMENT DU 31 MARS 1919 SUR LA PÊCHE MARITIME, ARTICLE 2 (*infra*, CHAPITRE IV, MAROC (a))
- (b) DAHIR DU 25 MARS 1922 PORTANT RÈGLEMENT SUR L’EXERCICE DE LA PÊCHE. ARTICLE 1^{er} (*infra*, CHAPITRE IV, MAROC (b))

Monaco

- (a) NOTE DU 8 OCTOBRE 1955 REÇU DU SERVICE DES RELATIONS EXTÉRIEURES DE LA PRINCIPAUTÉ DE MONACO

... hormis l’article 432 du code civil... il n’existe dans la législation monégasque aucun texte législatif relatif à la mer territoriale. Ce sont donc les principes généraux admis en droit international public maritime qui régissent cette matière, principes qui, pour n’être pas « de droit écrit », n’ont pas moins une valeur universellement reconnue...

- (b) ORDONNANCE DU 2 AVRIL 1911 RELATIVE AU DOMAINE PUBLIC ET AU DOMAINE PRIVÉ DU PRINCE ¹

Article 1. — Les articles 432... du Code civil sont remplacés par les dispositions suivantes:

« *Article 432.* — Les rues, places, routes, chemins à la charge de l’Etat, les rivages de la mer, les ports, les havres, le lit des torrents et des cours d’eau, et généralement toutes les portions du territoire de la Principauté qui ne sont pas susceptibles de propriété privée, font partie du domaine public et sont, à ce titre, imprescriptibles et inaliénables. »

. . .

¹ *Lois usuelles de la Principauté de Monaco*, t. II, 1950, p. 39.31. (1).

Netherlands

- (a) ACT OF 7 DECEMBER 1883, TO GIVE EFFECT TO THE INTERNATIONAL CONVENTION FOR REGULATING THE POLICE OF THE NORTH SEA FISHERIES OUTSIDE TERRITORIAL WATERS, SIGNED AT THE HAGUE ON 6 MAY 1882 ^{1 2}

. . .

Article 2. The limits of the North Sea and of the territorial waters referred to in Article 1 shall be those laid down in Articles 2, 3 and 4 of the Convention. ³

. . .

- (b) DECREE OF 3 JUNE 1940 TO PROMULGATE PRIZE REGULATIONS IN RESPECT OF THE KINGDOM OF THE NETHERLANDS ⁴

. . .

Article 13. Except when a statement to the contrary is made by the Government of a non-enemy State regarding the delimitation of its territorial waters, territorial waters for the purpose of the present Regulations shall be deemed to consist of the coastal sea to a distance of 3 nautical miles of which 60 make a degree of latitude, measured from the low-water mark. At bays, the distance of 3 nautical miles shall be measured from a straight line drawn through the mouth of the bay. If the width of the mouth of the bay exceeds 10 nautical miles, the line shall be drawn as near as possible to the entrance at the first point where the width of the bay does not exceed 10 nautical miles.

. . .

- (c) DECREE OF 9 JUNE 1953 TO ENACT REGULATIONS RESPECTING PHOTOGRAPHY FROM AIRCRAFT ⁵

. . .

Chapter I. Definitions of Terms

Article 1. For the purposes of this Decree:

. . .

(b) *the territory* means the territory of the Kingdom in Europe, including the territorial waters;

. . .

¹ *Staatsblad*, 1883, No. 202. Translation by the Secretariat of the United Nations.

² As amended by the Act of 15 April 1886 (*ibid.*, No. 64); the Act of 31 December 1887 (*ibid.*, No. 265); and the Act of 29 June 1925 (*ibid.*, No. 308) putting into effect the new Code of Criminal Procedure.

³ See *infra*, Second Part, Chapter I, Treaty No. 1.

⁴ *Staatsblad*, 1940, No. A2. Translation by the Secretariat of the United Nations.

⁵ *Ibid.*, 1953, No. 309. Translation by the Secretariat of the United Nations.

Note. See also: Act No. 84 of 15 April 1891, article 3 (*infra*, Chapter II, Section A, under Netherlands (*e*)); Royal Decree of 29 April 1931 governing the admission of foreign military aircraft to Netherlands territory, article 1 (*b*) (*infra*, Chapter III, under Netherlands (*b*)); Fisheries Act of 6 October 1908, article 1(2) (*infra*, Chapter IV, under Netherlands (*a*)); Act No. 135 of 26 October 1889 to prohibit fishing by members of the crews of foreign vessels within the territorial waters of the Kingdom, article 1 (*infra*, Chapter IV, under Netherlands (*b*)); Decree of 2 June 1931 containing provisions regarding access to Netherlands territory of foreign warships with stationary aircraft carried on board, article 1 (*infra*, Chapter III, under Netherlands (*c*)); Proclamation of Neutrality in the Russo-Japanese War, 12 February 1904, article VIII (*infra*, Chapter V, under Netherlands (*a*)); Proclamation of Neutrality in the Italo-Turkish War, 3 October 1911, article XVIII (*infra*, Chapter V, under Netherlands (*b*)); Proclamation of Neutrality in the World War, 4 April 1914, article 17 (*infra*, Chapter V, under Netherlands (*c*)); and Proclamation of Neutrality of 3 September 1939, article 1 (*infra*, Chapter V, under Netherlands (*d*)).

Surinam

Note. See: Convention of 21 August 1924 between the United States of America and the Netherlands respecting the Regulation of the Liquor Traffic, article 1 (*infra*, Second Part, Chapter II, Treaty No. 37, *Note*); and Decree of 3 June 1940 to promulgate prize regulations in respect of the Kingdom of the Netherlands, article 13 (*supra*, under Netherlands (*b*)). See also: Resolution no. 1429 of the Governor of Surinam, 21 March 1950, paragraph A(1) (*infra*, Chapter IV, under *Surinam*).

Netherlands Antilles

Note. The Convention of 21 August 1924 and the Decree of 3 June 1940 (both mentioned above under *Surinam*) are also applicable in the Netherlands Antilles.

Netherlands New Guinea

Note. See: Territorial Sea and Maritime Districts Ordinance, 1939, article 1 (*infra*, Chapter II, Section A, under Netherlands New Guinea (*a*)); and Royal Decree of 29 December 1949 to enact provisions concerning a special administration in New Guinea, article 1 (*infra*, Chapter II, Section A, under Netherlands New Guinea (*b*)). See also: General Regulations of 29 April 1927 for the hunting of whales within three nautical miles of the coasts of the Netherlands Indies, article 1, as well as General Regulations governing pearl, mother-of-pearl, trepang and sponge fishing within three English nautical miles of the coasts of the Netherlands Indies, article 1 (*infra*, Chapter IV, under Netherlands New Guinea (*a*) and (*b*)).

New Zealand

- (a) FISHERIES ACT OF 1908, SECTIONS 2, 67 (*infra*, CHAPTER IV, UNDER NEW ZEALAND (*a*)).
- (b) WHALING INDUSTRY ACT OF 1935, SECTION 2 (*infra*, CHAPTER IV, UNDER NEW ZEALAND (*d*)).

Nicaragua

POLITICAL CONSTITUTION OF 1 NOVEMBER 1950 ¹

Article 4. The basis of the national territory is the *uti possidetis juris* of 1821.

Article 5. The national territory extends from the Atlantic to the Pacific Ocean and from the Republic of Honduras to the Republic of Costa Rica. It includes, in addition: the adjacent islands, the subsoil, the territorial waters, the continental shelf, the submerged lands, the air space and the stratosphere.

Norway

(a) ROYAL DECREE OF 22 FEBRUARY 1812 ²

Chancellery memorandum. On the 22nd day of this month His Majesty was pleased to resolve as follows: "It shall be an established rule that in all cases where Our Majesty's territorial frontier at sea falls to be determined, it shall be reckoned according to the customary distance in nautical miles from the outermost island or islet not swept over by the sea."

(b) ROYAL RESOLUTION OF 28 OCTOBER 1932 COVERING THE CUSTOMS LAW OF 22 JUNE 1928 ³

II. Pursuant to section 3 of the above-mentioned law it is decreed that the statutory provisions concerning the customs inspection of vessels and concerning the loading and unloading of goods from or consigned to foreign countries and the dispatch of goods within the realm shall be applicable within a boundary lying ten nautical miles out to sea from the outermost islands and islets that are not continually swept over by the sea.

(c) ROYAL DECREE OF 12 JULY 1935 ⁴

On the basis of well-established national titles of right;

By reason of the geographical conditions prevailing on the Norwegian coasts;

In safeguard of the vital interests of the inhabitants of the northernmost parts of the country;

And in accordance with the Royal Decrees of the 22nd February, 1812, the 16th October, 1869, the 5th January, 1881, and the 9th September, 1889,

Are hereby established lines of delimitation towards the high sea of the

¹ *Constitution of the Republic of Nicaragua, 1950, Division of Law and Treaties, Department of International Law, Pan American Union, Washington, D.C., 1954, p. 1.*

² *Norges Lov 1682-1946, p. 57.* Translation by the Secretariat of the United Nations.

³ *Ibid.*, 2nen Avdeling, 1932, p. 544. Translation by the Secretariat of the United Nations.

⁴ International Court of Justice, *Fisheries Case* (United Kingdom v. Norway), vol. I, p. 14 *et seq.*

Norwegian fisheries zone as regards that part of Norway which is situated northward of 66° 28.8' north latitude.

These lines of delimitation shall run parallel with straight base-lines drawn between fixed points on the mainland, on islands or rocks, starting from the final point of the boundary line of the Realm in the easternmost part of Varangerfjorden and going as far as Træna in the country of Nordland.

The fixed points between which the base-lines shall be drawn are indicated in detail in a schedule annexed to this decree.

Schedule

1. The final point of the boundary line of the Realm, as laid down in the "Additional Protocol to the Protocol on the Demarcation of the Frontier between Norway and Finland of 1925".
2. The most easterly, outermost point on Kibergneset, situated in 70° 17.3' N. lat. and 31° 4.3' E. long. Greenwich.
3. The outermost point on the eastern side of Hornöy, situated in 70° 23.3' N. lat. and 31° 10.5' E. long.
4. Staurneset on Hornöy, situated in 70° 23.4' N. lat. and 31° 10.2' E. long.
5. Kålneset on Reinöy, situated in 70° 23.9' N. lat. and 31° 9.3' E. long.
6. Korsneset, situated in 70° 40.5' N. lat. and 30° 13.4' E. long.
7. Molvikskjeret, situated in 70° 42.3' N. lat. and 30° 6.3' E. long.
8. Kjölneset, situated in 70° 51.2' N. lat. and 29° 14.8' E. long.
9. The rock with an iron pillar, eastward of the one on which Törrbåane beacon stands, situated in 71° 6' N. lat. and 28° 12.3' E. long.
10. The rock outside the one on which Törrbåane beacon stands, situated in 71° 6.1' N. lat. and 28° 11' E. long.
11. The outermost point on Avlöysa near Nordkyn, situated in 71° 8' N. lat. and 27° 39.9' E. long.
12. Knivskjerodden, situated in 71° 11.1' N. lat. and 25° 40.9' E. long.
13. Avlöysinga near the north-western point of Hjelmsöy, situated in 71° 6.9' N. lat. and 24° 43.7' E. long.
14. Stabben, the rock with an iron pillar northward of Ingöy, situated in 71° 6.1' N. lat. and 24° 4.1' E. long.
15. The northernmost Skagholmen, situated in 71° 5.8' N. lat. and 23° 59' E. long.
16. The dry rock situated in 71° 5.8' N. lat. and 23° 58.8' E. long.
17. The dry rock situated in 71° 5.7' N. lat. and 23° 58.6' E. long.
18. The westernmost Skagholmen, situated in 71° 5.7' N. lat. and 23° 58.4' E. long.
19. Rundskjeret (Bondöyskjeret), situated in 70° 51.5' N. lat. and 22° 48.7' E. long.
20. Darupskjeret, near the north-western point of Soroy (Fuglen), situated in 70° 40.5' N. lat. and 21° 59.1' E. long.
21. Vesterfallet in Gåsan, situated in 70° 25.2' N. lat. and 19° 54.9' E. long.
22. Sannifallet, situated in 70° 18.3' N. lat. and 19° 5.3' E. long.

23. Outer Fiskebåen, situated in 70° 12.8' N. lat. and 18° 38.1' E. long.
24. Jubåen, situated in 70° 6.2' N. lat. and 18° 23.6' E. long.
25. Saltbåen, situated in 69° 52.8' N. lat. and 17° 56.4' E. long.
26. The north-western point of Kjølva, situated in 69° 36' N. lat. and 17° 29.4' E. long.
27. Tokkebåen, situated in 69° 29.5' N. lat. and 16° 57.3' E. long.
28. The dry rock N.N.E. of Glimmen, situated in 69° 21.4' N. lat. and 16° 11.4' E. long.
29. The northernmost of Svebåan, situated in 69° 20.3' N. lat. and 16° 2.8' E. long.
30. The westernmost of Skreingan, situated in 69° 15.6' N. lat. and 15° 48' E. long.
31. The northernmost of Flesan, northward of Langeneset, situated in 69° 6.1' N. lat. and 15° 10.1' E. long.
32. The northern point of Flesa in Floholman, outside Skogsøy, situated in 68° 53.4' N. lat. and 14° 41.1' E. long.
33. The northern point of the northernmost of Floholman, outside Åsanfjorden, situated in 68° 44.7' N. lat. and 14° 19.5' E. long.
34. Utflesskjeret, situated in 68° 39.4' N. lat. and 14° 13.3' E. long.
35. Kverna, situated in 68° 19.5' N. lat. and 13° 41' E. long.
36. The northernmost dry rock near Skarvholman, situated in 68° 11' N. lat. and 13° 9.9' E. long.
37. The western point of the westernmost Skarvholman, situated in 68° 10.8' N. lat. and 13° 9.3' E. long.
38. The western point of Strandflesa, situated in 68° 8.7' N. lat. and 13° 4.2' E. long.
39. Nordbøen, situated in 67° 56.5' N. lat. and 12° 47.4' E. long.
40. Flesa, north-west of Værøy, situated in 67° 42.2' N. lat. and 12° 35.4' E. long.
41. Hombøen, northward of Skarvholman near Røst, situated in 67° 32.3' N. lat. and 12° 1.5' E. long.
42. Törrbøen, situated in 67° 31.5' N. lat. and 11° 59.1' E. long.
43. Northern Skjortbaken, situated in 67° 29.1' N. lat. and 11° 52.2' E. long.
44. Havbøen, situated in 67° 25.9' N. lat. and 11° 49.8' E. long.
45. Flesjan, situated in 67° 24.1' N. lat. and 11° 51.1' E. long.
46. The western point of the westernmost Bremholmen, near Mykjen, situated in 66° 46.3' N. lat. and 12° 26.8' E. long.
47. The western point of the westernmost Froholmen, situated in 66° 35.5' N. lat. and 12° 2.3' E. long.
48. The western edge of Bøvarden, situated in 66° 28.8' N. lat. and 11° 56.6' E. long.

Note. See also: Royal Decree of 22 December 1906, section 2 (*infra*, Chapter IV, under Norway (*d*)); Whaling Act of 16 June 1939, article 9 (*infra*, Chapter IV, under Norway (*f*)); Royal Decrees of 18 July and 17 October 1952 (*infra*, Chapter IV, under Norway (*i*)); and Decree of the Crown Prince Regent of 30 June 1955, section III (*infra*, Chapter IV, under Norway (*k*)).

Pakistan

(a) FISHERIES ACT OF 1897¹

4. (1) If any person uses any dynamite or other explosive substance in any water with intent thereby to catch or destroy any of the fish that may be therein, he shall be punishable with imprisonment for a term which may extend to two months, or with fine which may extend to two hundred rupees.

(2) In sub-section (1) the word "water" includes the sea within a distance of one marine league of the sea-coast; and an offence committed under that sub-section in such sea may be tried, punished and in all respects dealt with as if it had been committed on the land abutting on such coast.

(b) DECLARATION BY THE GOVERNOR-GENERAL, 9 MARCH 1950²

I, Khwaja Nazimuddin, Governor-General of Pakistan, hereby declare in pursuance of clause (bb) of sub-section (1) of section 5 of the Government of India Act, 1935, that the sea bed along the coasts of Pakistan extending to the one hundred fathom contour into the open sea shall, with effect from the date of this declaration, be included in the territories of Pakistan.

Note. See also: Territorial Waters Jurisdiction Act of 1878,³ section 7 (*infra*, Chapter II, Section B, under United Kingdom (a)).

Peru

(a) CIVIL CODE OF 30 AUGUST 1936⁴

Article 822. The following shall be State property:

2. The territorial sea and its shores and the adjoining area as defined by statute;

(b) PRESIDENTIAL DECREE NO. 781 OF 1 AUGUST 1947 CONCERNING THE SUBMERGED CONTINENTAL OR INSULAR SHELF⁵

THE PRESIDENT OF THE REPUBLIC,

With the advisory vote of the Cabinet:

¹ Text of Act provided by the Permanent Mission of Pakistan to the United Nations.

² *The Gazette of Pakistan*, Extraordinary, 14 March 1950, p. 123.

³ Act of the Parliament of the United Kingdom in force in Pakistan.

⁴ Text of Code provided by the Ministry for Foreign Affairs of Peru. Translation by the Secretariat of the United Nations.

⁵ *El Peruano: Diario Oficial*; vol. 107, No. 1, 983 (11 August 1947), p. 1. Text of Decree provided by the Ministry for Foreign Affairs of Peru. Translation from *International Law Quarterly*, vol. 2 (1948), p. 137. For the full text of this decree, see also: *United Nations Legislative Series, Laws and Regulations on the Régime of the High Seas*, vol. 1, 1951, p. 16.

DECREES:

1. To declare that national sovereignty and jurisdiction can be extended to the submerged continental or insular shelf adjacent to the continental or insular shores of national territory, whatever the depth and extension of this shelf may be.

2. National sovereignty and jurisdiction are to be extended over the sea adjoining the shores of national territory whatever its depth and in the extension necessary to reserve, protect, maintain and utilize natural resources and wealth of any kind which may be found in or below those waters.

3. As a result of previous declarations the State reserves the right to establish the limits of the zones of control and protection of natural resources in continental or insular seas which are controlled by the Peruvian Government and to modify such limits in accordance with future changes which may originate as a result of further discoveries, studies or national interests which may arise in the future and at the same time declares that it will exercise the same control and protection on the seas adjacent to the Peruvian coast over the area covered between the coast and an imaginary parallel line to it at a distance of 200 (two hundred) nautical miles measured following the line of the geographical parallels. As regards islands pertaining to the Nation, this demarcation will be traced to include the sea area adjacent to the shores of these islands to a distance of 200 (two hundred) nautical miles, measured from all points on the contour of these islands.

4. The present declaration does not affect the right to free navigation of ships of all nations according to international law.

Note. See also: Letter of 8 August 1935 from the Naval General Staff to the Minister of Foreign Affairs (*infra*, Chapter III, under Peru (b)).

Philippines

(a) NOTE OF 12 DECEMBER 1955 RECEIVED FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE PHILIPPINES

The official pronouncement of the Government of the Republic of the Philippines, as contained in its diplomatic notes to various countries, is as follows:

“The position of the Philippine Government in the matter is that all waters around, between and connecting the different islands belonging to the Philippine Archipelago irrespective of their widths or dimensions, are necessary appurtenances of its land territory, forming an integral part of the national or inland waters, subject to the exclusive sovereignty of the Philippines. All other water areas embraced in the imaginary lines described in the Treaty of Paris of December 10, 1898,¹ the treaty concluded at Washington, D.C., between the United States and Spain on November 7, 1900,² and the Agreement of January 2, 1930, between the United States and the United Kingdom,³ and the Convention of

¹ Martens, *Nouveau Recueil général de traités*, 2ème série, tome XXXII, p. 74.

² *Ibid.*, p. 82.

³ *Ibid.*, 3ème série, tome XXVII, p. 58.

July 6, 1932 between the United States and Great Britain, ¹ as reproduced in Section 6 of Act No. 4003 and Article I of the Philippine Constitution, are considered as maritime territorial waters of the Philippines for purposes of protection of our fishing rights, conservation of our fishing resources, enforcement of revenue and anti-smuggling laws, defense and security, etc.

“It is the view of our Government that there is no rule of international law which defines or regulates the extent of the inland waters of a State.”

. . .

- (b) PETROLEUM ACT OF 1949, ENACTED BY REPUBLIC ACT No. 387 OF 18 JUNE 1949 ²

Article 3. State Ownership. All natural deposits or occurrences of petroleum or natural gas in public and/or private lands in the Philippines, whether found in, on or under the surface of dry lands, creeks, rivers, lakes, or other submerged lands within the territorial waters or on the continental shelf, or its analogue in an archipelago, seaward from the shores of the Philippines which are not within the territories of other countries, belong to the State, inalienably and imprescriptibly.

Note. See also: Fisheries Act No. 4003 of 5 December 1932, section 6 (*infra*, Chapter IV under Philippines)

Poland

- (a) ORDER OF THE PRESIDENT OF THE REPUBLIC CONCERNING THE MARITIME BOUNDARY OF THE STATE, 21 OCTOBER 1932 ³

Article 1. The territorial waters of the State shall be bounded by a line drawn at a constant distance of three nautical miles from the coast and the boundary of internal waters . . .

. . .

- (b) ORDER OF THE PRESIDENT OF THE REPUBLIC CONCERNING CUSTOMS LAW, 27 OCTOBER 1933 ⁴

. . .

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

. . .

¹ *Ibid.*, p. 66.

² *Official Gazette*, vol. 45 (1949), p. 3192.

³ *Dziennik Ustaw*, 1932, No. 92, Item 789. Text of Order provided by the Permanent Mission of the Polish People's Republic to the United Nations. Translation by the Secretariat of the United Nations.

⁴ *Dziennik Ustaw*, 1933, No. 84, Item 610. Text of Order provided by the Permanent Mission of the Polish People's Republic to the United Nations. Translation by the Secretariat of the United Nations.

Roumanie

DÉCRET N° 39 DU 28 JANVIER 1956, CONCERNANT LA RÉGLEMENTATION DU RÉGIME DES EAUX TERRITORIALES DE LA RÉPUBLIQUE POPULAIRE ROUMAINE, ARTICLES 1^{er}, 2, 3 (*infra*, CHAPITRE II, SECTION A, ROUMANIE (a))

Sweden

(a) ROYAL ORDER No. 397 OF 21 AUGUST 1924 CONCERNING THE EXTENT OF SWEDISH WATERS IN THE AREA NEAREST TO THE SEA FRONTIER BETWEEN SWEDEN AND NORWAY¹

His Majesty has seen fit to order that the provisions of [article 1, paragraph 2 of the Customs Act of 1 July 1904] relating to the extent of Swedish waters shall, with respect to the area adjoining the sea frontier between Sweden and Norway, be so construed that Swedish waters shall, subject to due observance of the frontier laid down in the judgment of 23 October 1909, of the court of arbitration between Sweden and Norway, extend for one geographical mile from the coast or from those islets and rocks lying furthest out to sea from the coast which are not continually submerged or from the part situated on the Swedish side of the frontier of the straight line, referred to in the judgment of the court of arbitration, joining the most northerly of the rocks known as Stora Drammen with the rock Hejknubb which rises from the sea to the south-east of the island of Heja.

(b) ROYAL NOTICE No. 317 OF 5 JUNE 1953 CONCERNING THE PEACETIME DIVISION OF THE ARMED FORCES AND THE DIVISION OF THE KINGDOM INTO MILITARY DISTRICTS²

. . .

Article 2. For the purposes of the land forces, the Kingdom shall be divided into military areas. The military areas shall be divided into defence areas. Certain defence areas shall be naval districts.

The territorial waters along the coasts of the Kingdom shall be divided for naval purposes into naval districts. The naval districts shall also include such portion of a naval defence area as does not consist of territorial waters.

For the purposes of the air forces, the Kingdom shall be divided into airbase areas.

The military areas, naval districts, airbase areas and defence areas are listed in annex II to this Notice.

. . .

¹ *Svensk Författningssamling*, 1924, No. 397, p. 673. Text of Order provided by the Ministry for Foreign Affairs of Sweden. Translation by the Secretariat of the United Nations.

² *Ibid.*, 1953, No. 317, p. 499. Text of Notice provided by the Ministry for Foreign Affairs of Sweden. Translation by the Secretariat of the United Nations.

ANNEX II. MILITARY AND DEFENCE AREAS, NAVAL DISTRICTS AND AIRBASE AREAS

Naval Districts. Norrland Coast Naval District (MDN)

Headquarters: Härnösand.

Extent of the district: Hemsö Defence Area (Fo 24) and the territorial waters along the coast of the Kingdom¹ from the national frontier at the Torne river to the county boundary between Stockholm and Uppsala counties (from the coast of the mainland at Rångsön to the east shore of Hästen)—the east point of Bredbådan—longitude 18°10' northwards to the outer limit of the territorial waters.

Gustavsvik naval depot, Hemsö coast-artillery defences with coast-artillery unit No. 5.

Note. See also: Royal Order No. 31 of 9 February 1945, article 2 (*infra*, Chapter II, Section A, under Sweden (a)); Customs Decree No. 391 of 7 October 1927, article 1 (*infra*, Chapter II, Section A, under Sweden (b)); Royal Order No. 84 of 29 April 1932 (*infra*, Chapter II, Section A, under Sweden (c)); Act No. 463 of 27 November 1925 (*infra*, Chapter II, Section A, under Sweden (f)); Royal Order No. 65 of 3 April 1934 (*infra*, Chapter II, Section A, under Sweden (h)); Notice No. 13 of 24 January 1936, article 1 (*infra*, Chapter II, Section A, under Sweden (i)); Royal Notice No. 467 of 21 November 1925, article 2 (*infra*, Chapter III, under Sweden (a)); Royal Order No. 21 of 5 May 1871 (*infra*, Chapter IV, under Sweden (a)); Royal Order No. 75 of 4 July 1910 (*infra*, Chapter IV, under Sweden (b)); Royal Order No. 282 of 2 June 1933, articles 1, 2 (*infra*, Chapter IV, under Sweden (c)); Rules of Neutrality of 27 May 1938, article 1, footnote (2) (*infra*, Chapter V, under Sweden).

Turkey

Note. According to the Note received on 16 July 1956 from the Permanent Representative of Turkey to the United Nations, a new law on the Turkish territorial sea is under preparation and will bring important modifications to the previous legislation on this matter.

Union of South Africa

(a) SEA-SHORE ACT No. 21 OF 1935²

1. In this Act, unless inconsistent with the context—
“sea-shore” means the land situated between low-water mark and high-water mark;

¹ For the purposes of this Notice, the term “territorial waters” means:

(a) Harbours, harbour entrances and bays along the coasts of the Kingdom together with other maritime waters inshore of and between the islands, islets and drying rocks lying off the coasts; and

(b) All other maritime waters up to a distance of four nautical miles, or 7,408 metres, from the land domain of the Kingdom or from lines representing the seaward boundary of the waters referred to in (a), but not beyond the limit, as specifically determined, of another country's territorial waters.

² *Statutes of the Union of South Africa*, 1935, p. 136.

“high-water mark” means the highest line reached by the sea during ordinary storms occurring during the most stormy period of the year, excluding exceptional or abnormal floods;

“low-water mark” means the lowest line to which the sea recedes during periods of ordinary spring tides;

“three-mile limit” means the distance of three nautical miles out to sea from low-water mark;

. . .

2. (1) Subject to the provisions of this Act, the Governor-General shall be the owner of the sea-shore, except of those portions thereof of which the ownership has been transferred to or declared to be vested in any person by or pursuant to any law or which are included in the pieces of land described in items 2, 3, 4, and 5 of the Schedule to this Act.

(2) The sea-shore of which the Governor-General is declared by this section to be the owner shall not be capable of being alienated or let except as provided by this Act or by any other law and shall not be capable of being acquired by prescription.

3. Subject to the provisions of this Act, the Governor-General shall be entitled to exercise full control over the sea-shore of which he is declared by section two to be the owner and of the sea and the bed of the sea within the three miles limit.

. . .

5. The Governor-General may, if authorized thereto by resolution of both Houses of Parliament, and on such conditions as may be set forth in such resolution —

. . .

(c) Permit the construction or laying on the bed of the sea within the three miles limit of —

(i) Cables, wharves, piers, breakwaters, sea walls, embankments, jetties, landing-stages or other structures,

(ii) Drainpipes or sewers, or

(iii) Any work of public utility;

(d) Permit the removal for industrial purposes of shells from the bed of the sea within the three miles limit;

. . .

6. The Governor-General may, if authorized thereto by a resolution of both Houses of Parliament and on such conditions as may be set forth in such resolution, authorize the use of the sea-shore of which he is by section two declared to be the owner or the bed of the sea within the three miles limit for the purpose of any Government undertaking or work.

7. . . .

(2) The power conferred by section five of the Public Health Act, 1919, Amendment Act, 1927 (Act No. 36 of 1927) on the Minister of Public Health or the Administrator of a Province or a magistrate or a local authority, as defined in the Public Health Act, 1919 (Act No. 36 of 1919), as amended by the said Act, to delegate to certain persons or to a local authority a function or duty vested in or devolving upon him or it under the said Acts, may be exercised as regards any function or duty which may vest

in or devolve upon him or it under the said Acts as regards any portion of the sea-shore or the sea or the bed of the sea within the three miles limit.

8. For the purposes of any law which is or at any time has been in force in any part of the Union relating to the exploitation of metals, minerals, precious stones, coal or oil, the sea-shore of which the Governor-General is by section two declared to be the owner and the bed of the sea within the three miles limit shall be deemed to be Crown land; and, in the application of any such law, this section shall be deemed to have been in operation as from the commencement of such law.

10. (1) The Governor-General may make regulations, not inconsistent with this Act —

(c) Concerning the removal from the sea-shore or the bed of the sea within the three miles limit of sand, shingle, rock, stone, shells or seaweed;

(d) For the prevention or the regulation of the depositing or the discharging upon the sea-shore or in the sea within the three miles limit of offal, rubbish or anything liable to be a nuisance or danger to health;

(e) Concerning the control, generally, of the sea-shore and of the sea and the bed of the sea within the three miles limit;

(f) Prescribing fees for the doing of any act upon or in or in relation to the sea-shore or the bed of the sea or the sea within the three miles limit;

(3) Any regulation may be expressed to apply to the whole or to any defined portion of the sea-shore (whether it has been alienated or not) or the bed of the sea or the sea within the three miles limit; and whenever any regulation applies to any portion of the sea-shore situate within or adjoining the area of any local authority, or to any portion of the bed of the sea or the sea within the three miles limit adjoining such portion of the sea-shore, the Governor-General may by that regulation (or by any other regulation made under this section) confer powers and impose duties in relation to the administration of such regulation upon such local authority or upon any of the officers; . . .

(4) Any regulation may provide that all fees or fines recovered thereunder or under any other regulations made under this section, in respect of acts done upon or in relation to any portion of the sea-shore situate within or adjoining the area of any local authority, or upon or in or in relation to any portion of the bed of the sea or the sea within the three miles limit adjoining such portion of the sea-shore, shall accrue to that local authority.

(b) ROCK LOBSTER EXPORT ACT No. 9 OF 1940, AS AMENDED BY ACT No. 34 OF 1951 AND ACT No. 16 OF 1953 ¹

1. In this Act, unless inconsistent with the context . . . “the Union” includes the sea within three nautical miles from any part of the shores of the Union.

¹ Text of Act provided by the Permanent Mission of the Union of South Africa to the United Nations.

- (c) INTRODUCTION OF DEAD BODIES INTO THE UNION (PROCLAMATION No. 317 OF 1929 UNDER SECTIONS 76 AND 84 OF THE PUBLIC HEALTH ACT No. 136 OF 1919) (GOVERNMENT NOTICE No. 1302 OF 6 SEPTEMBER 1935)¹

. . .

2. No person shall bury at sea the dead body of any person within a distance of three nautical miles from the low water line on any part of the coast of the Union.

. . .

Note. See also: Customs Act of 1955, section 8 (*infra*, Chapter II, Section A under Union of South Africa (c)); Territorial Waters Jurisdiction Act of 1878, section 7 (*infra*, Chapter II, Section B, under Union of South Africa); Sea Fisheries Regulations—Government Notice No. 1353 of 1 July 1955 (*infra*, Chapter IV, under Union of South Africa (b)); Sea Fisheries Proclamations (*infra*, Chapter IV, under Union of South Africa (c)).

South West Africa

SEALING AND FISHERIES ORDINANCE No. 12 OF 1949, ARTICLE 1 (*infra* CHAPTER IV, UNDER SOUTH WEST AFRICA)

Union of Soviet Socialist Republics

- (a) REGULATIONS OF THE DEFENCE OF THE STATE FRONTIERS OF THE USSR OF 15 JUNE 1927, ARTICLE 9 (*infra*, CHAPTER II, SECTION A, UNDER USSR (a));
- (b) ACT No. 431 OF 20 JULY 1928 CONCERNING THE USE OF RADIO EQUIPMENT ON FOREIGN VESSELS WITHIN THE TERRITORIAL WATERS OF THE UNION, ARTICLE 1 (*infra*, CHAPTER II, SECTION A, UNDER USSR (b));
- (c) MERCHANT SHIPPING CODE OF 14 JUNE 1929, ARTICLE 1 (*infra*, CHAPTER II, SECTION A, UNDER USSR (c));
- (d) NOTICE OF 1941 CONCERNING FORTIFIED ZONES AND RULES FOR NAVIGATION THEREIN (*infra*, CHAPTER II, SECTION A, UNDER USSR (f));
- (e) CIRCULAR CONCERNING THE EXECUTION OF DESCRIPTIVE HYDROGRAPHIC AND HYDROLOGICAL WORK IN SEAS ADJACENT TO THE USSR (*infra*, CHAPTER II, SECTION A, UNDER USSR (i));
- (f) REGULATIONS OF 10 AUGUST 1954 CONCERNING THE CONSERVATION OF FISHERY RESOURCES AND THE REGULATION OF FISHING IN THE WATERS OF THE USSR, ARTICLE 1 (*infra*, CHAPTER IV, UNDER USSR).
- (g) AIR CODE OF 7 AUGUST 1935²

¹ E. H. Cluver, *Medical and Health Legislation in the Union of South Africa*, South Africa, 1949, p. 527 *et seq.*

² Approved by the Central Executive Committee and the Council of People's Commissars of the USSR on 7 August 1945 (*Sobranie Zakonov*, 1935, No. 43, p. 359 *a*), text provided by the Permanent Mission of the Union of Soviet Socialist Republics to the United Nations. Translation by the Secretariat of the United Nations.

CHAPTER I

General Provisions

1. The USSR has complete and exclusive sovereignty over the airspace of the USSR.

The airspace of the USSR shall be understood to be the airspace above the lands and waters comprised within the territory of the USSR and above the coastal maritime zone as defined by the laws of the USSR.

2. The Air Code of the USSR shall apply within the limits of the lands and waters comprised within the territory of the USSR, the coastal maritime zone, as defined by the laws of the USSR, and the airspace of the USSR.

United Kingdom of Great Britain and Northern Ireland

- (a) MERCHANT SHIPPING ACT, 1894, SECTION 688 (*infra*, CHAPTER II, SECTION A, UNDER UNITED KINGDOM (a))
- (b) CUSTOMS AND EXCISE ACT, 1952, SECTIONS 75, 76 (*infra*, CHAPTER II, SECTION A, UNDER UNITED KINGDOM (h))
- (c) TERRITORIAL WATERS JURISDICTION ACT, 1878, SECTION 7 (*infra*, CHAPTER II, SECTION B, UNDER UNITED KINGDOM (a))
- (d) NORTH AMERICAN FISHERIES ACT, 1819, SECTION 2 (*infra*, CHAPTER IV, UNDER UNITED KINGDOM (b))
- (e) SEA FISHERIES ACT, 1868, SECTION 67 (*infra*, CHAPTER IV, UNDER UNITED KINGDOM (d))
- (f) HERRING FISHERY (SCOTLAND) ACT, 1889, SECTIONS 6, 7 and SCHEDULE (*infra*, CHAPTER IV, UNDER UNITED KINGDOM (h))
- (g) SEA FISHERIES REGULATIONS (SCOTLAND) ACT, 1895, SECTION 10 (*infra*, CHAPTER IV, UNDER UNITED KINGDOM (k))
- (h) WHALE FISHERIES (SCOTLAND) ACT, 1907, SECTION 3 (*infra*, CHAPTER IV, UNDER UNITED KINGDOM (l))
- (i) TRAWLING IN PROHIBITED AREAS PREVENTION ACT, 1909, SECTION 5 (*infra*, CHAPTER IV, UNDER UNITED KINGDOM (m))
- (j) SALMON AND FRESHWATER FISHERIES (PROTECTION) (SCOTLAND) ACT, 1951 ¹

PART I. PROHIBITION OF CERTAIN METHODS OF TAKING AND DESTROYING FISH

1. If any person without legal right, or without written permission from a person having such right, fishes for or takes salmon in any waters including any part of the sea within one mile of low water mark, he shall be guilty of an offence and shall be liable on summary conviction to a fine

¹ 14 & 15 *Geo. 6 Ch. 26*. Text of Act provided by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations.

not exceeding ten pounds, and to the forfeiture of any fish illegally taken by him or in his possession at the time of the offence.

(k) WESTERN PACIFIC ORDER IN COUNCIL, 1877¹

BRITISH ORDER IN COUNCIL, for the Regulation of British Jurisdiction in the Western Pacific Islands (Friendly Islands, Navigators' Islands, Union Islands, Phoenix Islands, Ellice Islands, Gilbert Islands, Marshall Islands or Archipelago, Caroline Islands, Solomon Islands, Santa Cruz Islands, Rotumah Island, part of Island of New Guinea, Islands or Archipelago of New Britain and New Ireland, Louisiade Archipelago, etc.) and the water within 3 miles of every island or place above-mentioned.

PART II. EXTENT AND APPLICATION OF ORDER

5. The islands and places in the Western Pacific Ocean to which this Order extends and applies, and which are in this Order collectively referred to as the Western Pacific Islands, are the following, namely:

- (1) The groups of islands known as
 - The Friendly Islands
 - The Navigators' Islands
 - The Union Islands
 - The Phoenix Islands
 - The Ellice Islands
 - The Gilbert Islands
 - The Marshall Islands or Archipelago
 - The Caroline Islands
 - The Solomon Islands
 - The Santa Cruz Islands.
- (2) The Island of Rotumah.
- (3) The part of the Island of New Guinea eastward of the 143rd meridian of longitude.
- (4) The Islands or Archipelago of New Britain and New Ireland.
- (5) The Louisiade Archipelago
- (6) All other islands in the Western Pacific Ocean not being within the limits of the colonies of Fiji, Queensland, or New South Wales, and not being within the jurisdiction of any civilised Power.
- (7) The waters within 3 miles of every island or place aforesaid.

6. This Order applies to:

- (1) All British subjects for the time being within the Western Pacific Islands, whether resident or not.
- (2) All British vessels for the time being within the waters mentioned in Article 5 of this Order.
- (3) Foreigners, in the cases, and according to the conditions in this Order specified, but not otherwise.

¹ *Hertslet's Commercial Treaties*, vol. XIV, p. 871.

Bahamas

BAHAMAS (ALTERATION OF BOUNDARIES) ORDER IN COUNCIL No. 2574 OF 1948¹

. . .

2. The boundaries of the Colony of the Bahamas are hereby extended to include the area of the continental shelf which lies beneath the sea contiguous to the coasts of the Bahamas.

3. Nothing in this Order shall be deemed to affect the character as high seas of any waters above the continental shelf and outside the limits of territorial waters.

Note. Similar provisions are to be found in Sections 2 and 3 of the following Acts relating to the following Colonies:

British Guiana: (Alteration of Boundaries) Order in Council of 1954 (*Statutory Instruments*, 1954, No. 1372, Colonies, Protectorates and Trust Territories); *British Honduras:* (Alteration of Boundaries) Order in Council of 1950 (*Statutory Instruments*, No. 1649); *Brunei:* Sultan's Proclamation of 30 June 1954, sections 1, 2 (*Government Gazette*, Supplement No. 9, 31 July 1954, p. 159); *Jamaica:* (Alteration of Boundaries) Order in Council of 1948 (United Kingdom, *Statutory Instruments*, 1948, vol. I, p. 1664); *North Borneo:* (Alteration of Boundaries) Order in Council of 1954 (*The Laws of North Borneo*, Supplement to the Revised Edition, 1953, vol. VII, p. 637); *Sarawak:* (Alteration of Boundaries) Order in Council of 1954 (*The Sarawak Government Gazette Extraordinary*, Part. II, vol. IX, 30 June 1954, No. 18, p. 200);

Bermuda

BERMUDA INTERPRETATION ACT OF 9 JULY 1951²

. . .

5. In every Act and in every statutory instrument —

. . .

(f) the expression "waters of these Islands" or the expression "territorial waters" (used in relation to these Islands), includes all bays, sounds, anchorages, harbours and creeks, and all waters within a line drawn three nautical miles outside the outer reefs of these Islands.

. . .

British Solomon Islands

Customs Management Regulation of 18 February 1907, sec. 2 (*infra*, Chapter II, section A, under *British Solomon Islands (a)*).

Cyprus

INTERPRETATION LAW OF 20 SEPTEMBER 1935³

. . .

2. In this Law and in every other Law, and in all public instruments, enacted, made, issued, kept or in use, before or after the commencement of this Law, the following words and expressions shall have the meanings

¹ *The Statutory Rules & Orders and Statutory Instruments*, Revised to 31 December 1948, vol. III, 1950, p. 28.

² *The Revised Edition of the Laws of Bermuda*, 1620 to 1952, vol. I, ch. 1, p. 9.

³ *The Statute Laws of Cyprus*, Revised Edition, vol. I, 1950, ch. I, p. 1, 6.

hereby assigned to them respectively, unless there is something in the subject or context inconsistent with such construction or unless it is therein otherwise expressly provided —

. . .

“territorial waters” means any part of the open sea within one marine league of the coast of the Colony, measured from low water mark;

. . .

Falkland Islands

FALKLAND ISLANDS (CONTINENTAL SHELF) ORDER IN COUNCIL OF 1950¹

. . .

(2) The boundaries of the colony of the Falkland Islands are hereby extended to include the area of the continental shelf being the sea bed and its subsoil contiguous to the coasts of the Falkland Islands. The boundary of such area shall be from a position on the 100-fathom line 110 nautical miles 023 degrees true from Jason West Cay (the westernmost of the Jason Islands, latitude 50 degrees 58 minutes south, longitude 61 degrees 27 minutes west approximately), following the 100-fathom line as shown on admiralty chart No. 2202 B round the northern, eastern, southern and western sides of the Falkland Islands to a position 20 nautical miles 278 degrees true from Jason West Cay, thence by a straight line crossing in its narrowest part the area where the depths are less than 100 fathoms, in a 032 degree true direction for 115 nautical miles to the starting point.

(3) Nothing in this order shall be deemed to affect the character as high seas of any waters above the continental shelf and outside the limits of territorial waters.

Note. See also: Customs Ordinance of 6 December 1943, section 2 (*infra*, Chapter II, Section A, under *Falkland Islands*).

Fiji

FISHERIES ORDINANCE OF 1 JANUARY 1942, SECTION 2 (*infra*, CHAPTER IV, UNDER FIJI)

Gilbert and Ellice Islands Colony

FISHERIES ORDINANCE OF 1 APRIL 1946, SECTION 2 (*infra*, CHAPTER IV, UNDER GILBERT AND ELLICE ISLANDS COLONY)

Kenya

INTERPRETATION AND GENERAL CLAUSES ORDINANCE, 18 MAY 1948²

. . .

2. In this Ordinance and in every other Ordinance and in all public documents enacted, made or issued before or after the coming into operation of this Ordinance, the following words and expressions shall have the meanings hereby assigned to them respectively, unless there is some-

¹ International Court of Justice, *Fisheries Case* (United Kingdom v. Norway), vol. IV, p. 598.

² *The Laws of Kenya*, Revised Edition, vol. I, chap. 1, p. 5 *et seq.*

thing in the subject or context inconsistent with such construction or unless it is therein otherwise expressly provided —

“ Colony ” means the Colony of Kenya and “ Protectorate ” means the Protectorate of Kenya; Provided that the expression “ Colony ” shall be taken as including the expression “ Protectorate ” unless the contrary intention is stated;

“ territorial waters ” means any part of the open sea within three nautical miles of the coast of the Colony measured from low water mark, and includes any inland waters of the Colony.

Federation of Malaya

INTERPRETATION AND GENERAL CLAUSES ORDINANCE, 1948 ¹

Definitions

2. In this Ordinance, . . .

(90) “ territorial waters ” means, with reference to any State or Settlement, the inland waters of the State or Settlement and such part of the sea adjacent to the coast of the State or Settlement as is deemed by international law to constitute the territorial waters of the State or Settlement;

Mauritius

DISTRICTS ORDINANCE OF 1 SEPTEMBER 1875 ²

3.

Districts having a sea-coast shall be held to extend seaward to a distance of three miles:

Provided that the Governor may by proclamation extend the seaward limits of Districts to a greater distance than three miles.

Nigeria

INTERPRETATION ORDINANCE OF 9 NOVEMBER 1939 ³

3. *Definitions:*

“ Nigeria ” used without qualification means the Colony and Protectorate of Nigeria together with all the inland and territorial waters thereof;

“ territorial waters ” means any part of the open sea within three nautical miles of the coast of Nigeria, measured from low water mark;

¹ *Malayan Union and Federal Ordinances and State and Settlement Enactments*, 1948, No. 7, p. 31, 41.

² *The Laws of Mauritius*, Revised Edition, vol. III, 1946, chap. 250, p. 372.

³ *The Laws of Nigeria*, Revised Edition, vol. III, chap. 94, p. 381 *et seq.*

North Borneo

SEED PEARLS ORDINANCE OF NORTH BORNEO, 1917 ¹

The following are declared to be Native Reserves:

- Sandakan Bay . . . The whole.
- Labuk District . . . All that area to the west of a straight line drawn from Nioog Point to Samawang Point.
- Marudu Bay . . . The whole.
- Padas Bay All that area to the east of a straight line drawn from Bangalalak (Padas Damit) to Sipitang.
- Darvel Bay All that area west of a straight line drawn from Tanjong Melandong on the south-west point of Darvel peninsula to the north-west point of Bumbum Island together with Trusan Treacher.
- Maruap All that area south-west of a straight line drawn, from Driftwood Point at the mouth of the Kinabatangan River to the south-west point of Tambisan Island.

Sarawak

INTERPRETATION ORDINANCE OF 1953 ²

. . . .

PART I

General Provisions of Interpretation

3. (1)
 "Colony" means the Colony of Sarawak and the territorial waters adjacent thereto;

. . . .

"territorial waters" means the inland waters of the Colony and such part of the sea adjacent to the coast of the Colony as is deemed by international law to constitute the territorial waters of the Colony;

. . . .

Sierra Leone

FORESHORES ORDINANCE, 1 AUGUST 1931 ³

. . . .

3. The Governor may —
- (a) Construct wharves along or out from the foreshore of the Colony or in the sea-bed adjacent thereto;
 - (b) Reclaim any part of the foreshore or sea-bed in the Colony or in any tidal river, creek or channel therein;
 - (c) Erect buildings upon any areas of land reclaimed from the sea;
 - (d) Dredge the sea-bed in the Colony or in any tidal river, creek or channel therein;

¹ International Court of Justice, *Fisheries Case* (United Kingdom v. Norway) vol. III, p. 707.

² Colony of Sarawak, *Government Gazette*, First Supplement, No. 6 of 1953, p. 31, 36.

³ *The Laws of the Colony and Protectorate of Sierra Leone*, Revised Edition, vol. I, 1946, chap. 85, p. 1146.

(e) Alienate, lease or otherwise dispose of any part of any reclaimed area.

4. (1) The Governor may, by proclamation published in the *Gazette*, declare any lands formed by the reclamation of any part of the foreshore of the Colony, or any area of land reclaimed from the sea or in any tidal river, creek or channel to be Crown land, and thereupon such land shall immediately vest in the Crown freed and discharged from all public and private rights which may have existed or been claimed over such foreshore, sea-bed or bed of any tidal river, creek or channel before the same were so reclaimed.

(2) A plan of the said land bearing a certificate of the said declaration under the hand of the Director of Surveys and Lands shall be registered in the office of the Registrar-General.

. . .

10. Where any lease or grant has, prior to the commencement of this Ordinance, been made by the Government of any land being part of the foreshore or sea-bed within the territorial waters of the Colony, and any wharf or other work or building has been erected thereon, such lease or grant shall be deemed to be a valid conveyance and to have conveyed the foreshore or sea-bed, thereby expressed to be demised or granted, free and discharged from all public rights which have existed or been claimed over such foreshore or sea-bed before the making of such grant or lease.

. . .

18. Nothing in this Ordinance shall be deemed to be in derogation of any of the powers or rights of the Crown in respect of the foreshore, territorial or inland tidal waters of the Colony.

. . .

Singapore

STRAITS SETTLEMENTS AND JOHORE TERRITORIAL WATERS (AGREEMENT) ACT, 1928¹

An Act to approve an Agreement concluded between His Majesty and the Sultan of the State and Territory of Johore (1609) (3rd August 1928)

1. *Approval of Agreement.* The approval of Parliament is hereby given to the said Agreement.

NOTE

The said Agreement. This is the Agreement set out in the Schedule to this Act.

. . .

Schedule

. . .

Article 1. The boundary between the territorial waters of the Settlement of Singapore and those of the State and Territory of Johore shall, except as hereafter specified in this Article, be an imaginary line following the centre of the deep-water channel in Johore Strait, between the mainland

¹ *Halsbury's Statutes of England*, Second Edition, vol. 6, p. 608 *et seq.*

of the State and Territory of Johore on the one side and the Northern Shores of the Islands of Singapore, Pulau Ubin, Pulau Tekong Kechil, and Pulau Tekong Besar on the other side. Where, if at all, the channel divides into two portions of equal depth running side by side, the boundary shall run midway between these two portions. At the Western entrance of Johore Strait, the boundary, after passing through the centre of the deep-water channel Eastward of Pulau Merambong, shall proceed seaward, in the general direction of the axis of this channel produced, until it intersects the 3-mile limit drawn from the low water mark of the South Coast of Pulau Merambong. At the Eastern entrance of Johore Strait, the boundary shall be held to pass through the centre of the deep-water channel between the mainland of Johore, Westward of Johore Hill, and Pulau Tekong Besar, next through the centre of the deep-water channel between Johore Shoal and the mainland of Johore, Southward of Johore Hill, and finally turning Southward, to intersect the 3-mile limit drawn from the low water mark of the mainland of Johore in a position bearing 192 degrees from Tanjong Sitapa.

The boundary as so defined is approximately delineated in red on the map annexed hereunto and forming part of this Agreement. Should, however, the map, owing to alterations in the channels, etc., appear at any time to conflict with the text of this Agreement, the text shall in all cases prevail.

Article 2. Subject to the provisions of Article 1 hereof, all those waters ceded by Their Highnesses the Sultan and Tumungong of Johore under Treaty of the 2nd of August, 1824, which are within three nautical miles of the mainland of the State and Territory of Johore measured from low water mark shall be deemed to be within the Territorial waters of the State and Territory of Johore.

Article 3. All islets lying within the Territorial waters of the State and Territory of Johore, as defined in Articles 1 and 2 hereof, which immediately prior to this Agreement formed part of His Britannic Majesty's dominions, are hereby ceded in full sovereignty and property to His Highness the Sultan of the State and Territory of Johore, his heirs and successors for ever.

. . .

Somaliland Protectorate

(a) FISHERIES ORDINANCE, 16 MARCH 1934 ¹

. . .

2. In this Ordinance unless the context otherwise requires —

. . .

“Somaliland Protectorate” includes that part of the sea adjacent to the coasts thereof which is within three nautical miles measured from low water mark.

. . .

¹ *The Laws of the Somaliland Protectorate, Revised Edition, vol. II, 1950, Chap. 121, p. 948.*

(b) CUSTOMS ORDINANCE, 1952¹

2. In this Ordinance and in any other Ordinance relating to the Customs, unless the context otherwise requires —

“waters of the Protectorate” means any waters within a space contained within an imaginary line drawn parallel to the shores or outer reefs of the Protectorate which appear above the surface at low water mark at ordinary spring tides and distant three miles therefrom.

Note. See also the following Regulation relating to the *British Solomon Islands*: Customs Management Regulation of 18 February 1907, section 2 (*infra*, Chapter II, Section A, under *British Solomon Islands (a)*); and the following Ordinance relating to *Trinidad*: Fisheries Ordinance of 11 December 1916, section 2 (*infra*, Chapter IV, under *Trinidad*).

United States of America

SUBMERGED LANDS ACT²

SUBCHAPTER I. GENERAL PROVISIONS

Section 1301. Definitions.

When used in this chapter —

(a) The term “lands beneath navigable waters” means —

(1) All lands within the boundaries of each of the respective States which are covered by nontidal waters that were navigable under the laws of the United States at the time such State became a member of the Union, or acquired sovereignty over such lands and waters thereafter, up to the ordinary high water mark as heretofore or hereafter modified by accretion, erosion, and reliction;

(2) All lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coast line of each such State and to the boundary line of each such State where in any case such boundary as it existed at the time such State became a member of the Union, or as heretofore approved by Congress, extends seaward (or into the Gulf of Mexico) beyond three geographical miles, and

(3) All filled in, made, or reclaimed lands which formerly were lands beneath navigable waters, as hereinabove defined;

(b) The term “boundaries” includes the seaward boundaries of a State or its boundaries in the Gulf of Mexico or any of the Great Lakes as they existed at the time such State became a member of the Union, or as heretofore approved by the Congress, or as extended or confirmed pursuant to section 1303 of this title but in no event shall the term “boundaries” or the

¹ *The Somaliland Protectorate Gazette*, Supplement No. 2, vol. XII, No. 5, 1952, p. 27, 32.

² 67 Stat. 29 (1953), 43 U.S.C. 1301-1343 (Supp. II, 1955).

term "lands beneath navigable waters" be interpreted as extending from the coast line more than three geographical miles into the Atlantic Ocean or the Pacific Ocean, or more than three marine leagues into the Gulf of Mexico.

(c) The term "coast line" means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters;

. . .

(e) The term "natural resources" includes, without limiting the generality thereof, oil, gas, and all other minerals, and fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life but does not include water power, or the use of water for the production of power;

(f) The term "lands beneath navigable waters" does not include the beds of streams in lands now or heretofore constituting a part of the public lands of the United States if such streams were not meandered in connection with the public survey of such lands under the laws of the United States and if the title to the beds of such streams was lawfully patented or conveyed by the United States or any State to any person;

. . .

Section 1302. Resources seaward of the Continental Shelf

Nothing in this chapter shall be deemed to affect in any wise the right of the United States to the natural resources of that portion of the subsoil and seabed of the Continental Shelf lying seaward and outside of the area of lands beneath navigable waters, as defined in section 1301 of this title, all of which natural resources appertain to the United States, and the jurisdiction and control of which by the United States is confirmed.

. . .

SUBCHAPTER II. LANDS BENEATH NAVIGABLE WATERS WITHIN STATE BOUNDARIES

Section 1311. Rights of the States—(a) Confirmation and establishment of title and ownership of lands and resources; management, administration, leasing, development, and use

It is determined and declared to be in the public interest that (1) title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and (2) the right and power to manage, administer, lease, develop, and use the said lands and natural resources all in accordance with applicable State law be, and they are, subject to the provisions hereof, recognized, confirmed, established, and vested in and assigned to the respective States or the persons who were on June 5, 1950, entitled thereto under the law of the respective States in which the land is located, and the respective grantees, lessees, or successors in interest thereof.

. . .

Section 1312. Seaward boundaries of States

The seaward boundary of each original coastal State is approved and confirmed as a line three geographical miles distant from its coast line or,

in the case of the Great Lakes, to the international boundary. Any State admitted subsequent to the formation of the Union which has not already done so may extend its seaward boundaries to a line three geographical miles distant from its coast line, or to the international boundaries of the United States in the Great Lakes or any other body of water traversed by such boundaries. Any claim heretofore or hereafter asserted either by constitutional provision, statute, or otherwise, indicating the intent of a State so to extend its boundaries is approved and confirmed, without prejudice to its claim, if any it has, that its boundaries extend beyond that line. Nothing in this section is to be construed as questioning or in any manner prejudicing the existence of any State's seaward boundary beyond three geographical miles if it was so provided by its constitution or laws prior to or at the time such State became a member of the Union or if it has been heretofore approved by the Congress.

. . .

Note. See also: Tariff Act of 1930, as amended, section 1401 (*m*) (*infra* Chapter II, Section A under USA (*d*)); Anti-Smuggling Act of 1935, as amended, sections 1701, 1709 (*c*) (*infra*, Chapter II, Section A, under USA (*e*)); Offences Against Neutrality, Criminal Code of 1909, as amended section 461 (*infra*, Chapter V, under USA (*e*)).

States of the Union

NOTE OF 29 FEBRUARY 1956 RECEIVED FROM THE SECRETARY OF STATE
OF THE UNITED STATES OF AMERICA

“ . . . So far as concerns the references to the laws of California, Louisiana and Texas, [see below] these provisions cannot be regarded as being determinative at present of the régime of the territorial sea of the United States. The Submerged Lands Act of 1953 limits to three miles the distance to which the boundaries of coastal States of the Union may extend into the Atlantic Ocean or the Pacific Ocean. While the Act does not preclude States of the Union bordering on the Gulf of Mexico from establishing claims to more than three miles into the Gulf of Mexico, there has been no adjudication to date of any such claims . . . ”

California

CONSTITUTION OF THE STATE OF CALIFORNIA ¹

. . .

ARTICLE XXI. BOUNDARY

Boundary of the State of California

SECTION 1. The boundary of the State of California shall be as follows: Commencing at the point of intersection of the forty-second degree of north latitude with the one hundred and twentieth degree of longitude west from Greenwich, and running south on the line of said one hundred and twentieth degree of west longitude until it intersects the thirty-ninth degree of north

¹ *Constitution of the State of California and of the United States and Other Documents*, compiled by Paul Mason, California State Printing Office, 1945, p. 202.

latitude; thence running in a straight line, in a southeasterly direction, to the River Colorado, at a point where it intersects the thirty-fifth degree of north latitude; thence down the middle of the channel of said river to the boundary line between the United States and Mexico, as established by the treaty of May thirtieth, one thousand eight hundred and forty-eight; thence running west and along said boundary line to the Pacific Ocean, and extending therein three English miles; thence running in a north-westerly direction and following the direction of the Pacific Coast to the forty-second degree of north latitude; thence on the line of said forty-second degree of north latitude to the place of beginning. Also, including all the islands, harbors, and bays along and adjacent to the coast. [*Constitution of 1849, Art. XII, Sec. 1, revised 1879*]

Note. For Louisiana and Texas, see respectively: Act No. 55 of 30 June 1938 to declare the sovereignty of Louisiana along its seacoast and to fix its present seacoast boundary and ownership, *Acts Passed by the Legislature of the State of Louisiana*, 1938, p. 169; and Act of 16 May 1941 declaring the sovereignty of Texas along its seacoast, *General and Special Laws of the State of Texas*, 47th Legislature (1941), ch. 286, p. 454. These Acts have been published in the *United Nations Legislative Series*, Laws and Regulations on the Régime of the High Seas, Vol. 1, 1951, pp. 41 and 114.

Yugoslavia

- (a) ACT OF 1 DECEMBER 1948 CONCERNING THE COASTAL WATERS OF THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA, ARTICLES 2, 3, 5, 7 (*infra*, CHAPTER II, SECTION A, UNDER YUGOSLAVIA (a))
- (b) REGULATIONS FOR THE EXECUTION OF THE CUSTOMS ACT, 2 FEBRUARY 1949, ARTICLE 4 (*infra*, CHAPTER II, SECTION A, UNDER YUGOSLAVIA (c))
- (c) GENERAL ACT ON MARITIME FISHING, 23 JANUARY 1950, ARTICLE 4 (*infra*, CHAPTER IV, UNDER YUGOSLAVIA)