

**Part I**  
**NATIONAL LEGISLATION**



**Division I**  
**THE TERRITORIAL SEA AND THE CONTIGUOUS  
ZONE**

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**Subdivision A. The Territorial Sea**

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**Chapter I**

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

**1. ARGENTINA**

[DECREE NO. 5106 OF 29 DECEMBER 1966 CONCERNING FISHING BY FOREIGN  
VESSELS IN THE TERRITORIAL SEA]<sup>1</sup>

**2. BRAZIL**

DECREE LAW NO. 1098 OF 25 MARCH 1970 ALTERING THE LIMITS OF THE  
TERRITORIAL SEA<sup>2</sup>

The President of the Republic, by virtue of the power vested in him by Article 55, Item I, of the Constitution and considering:

That the special interest of a coastal State in the maintenance of the productivity of the live resources of the maritime areas adjacent to its coastline is recognized by international law;

That this interest can only be effectively protected by the exercise of the sovereignty inherent in the concept of territorial waters;

That each State has the competence to fix reasonable limits for the extent of its territorial sea, on the basis of geographical and biological factors, as well as the needs of its population, security and defence, decrees:

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<sup>1</sup> This Decree (*Boletín Oficial*, No. 21107 of 13 January 1967), which is reproduced in ST/LEG/SER.B/15, p. 45, with the date of 4 January 1967 instead of 29 December 1966, was repealed by Decree No. 8802 of 24 November 1967 (*Boletín Oficial*, No. 21321 of 24 November 1967, p. 4). For the Provisional Regulations approved by Decree No. 8802 see ST/LEG/SER.B/15, pp. 569-570.

<sup>2</sup> Entered into force on the day of publication, revoking Decree Law No. 553 of 25 April 1969. Unofficial English translation, provided by the Permanent Mission of Brazil to the United Nations in a note verbale of 29 December 1972.

*Article 1.* The territorial sea of Brazil will cover a band of 200 maritime miles in width, measured from the low-water line of the continental and insular coast of Brazil adopted as reference on Brazilian nautical charts.

*Subparagraph.* For those locations in which the coastline shows deep indentations or extensive promontories, or in which there exist a series of islands along the coast and in its immediate proximity, a system of straight baselines linking appropriate points will be adopted in order to draw the line from which the extent of the territorial sea will be measured.

*Article 2.* The sovereignty of Brazil extends to the air above the territorial sea, as well as to the sea-bed and subsoil beneath these waters.

*Article 3.* It is acknowledged that ships of all nations have the right to innocent passage through the Brazilian territorial sea.

*Paragraph 1.* Innocent passage is considered as simple travel through the territorial sea, as long as no other activities extraneous to navigation are undertaken and no stops are made except those pertinent to navigation.

*Paragraph 2.* While in the territorial sea, all ships must comply with the Brazilian regulations which have been imposed for the purpose of guaranteeing peace, good order and security, as well as avoiding pollution of the waters and damage to the resources of the sea.

*Paragraph 3.* The Brazilian Government will establish all the regulations that, for security reasons, in its judgement, must be observed by foreign war ships or other ships under the flag of foreign States.

*Article 4.* The Brazilian Government will regulate fishing, bearing in mind the best interests of the nation and the preservation of the living resources of the territorial sea, as well as research and exploration activities.

*Paragraph 1.* The regulations can fix zones in which fishing will be reserved exclusively for Brazilian vessels.

*Paragraph 2.* In the zones of the territorial sea that remain open for fishing by foreign vessels, such vessels can operate only when they are duly registered and authorized by the proper authorities and as long as they observe their obligation to respect Brazilian regulations.

*Paragraph 3.* Special systems of fishing, research and exploration may be set up by international agreements, in principle on the basis of reciprocity.

### 3. CANADA

(a) TERRITORIAL SEA AND FISHING ZONE ACT OF 16 JULY 1964, AS AMENDED BY ACT OF 1970<sup>1</sup>

...

#### 3. (1) *Territorial sea*

Subject to any exceptions under section 5, the territorial sea of Canada comprises those areas of the sea having, as their inner limits, the baselines

<sup>1</sup> The 1964 Act (*Statutes of Canada*, 1964, Chapter 22) is reproduced in ST/LEG/SER.B/15, pp. 52-54. The amendments were made by the Act to Amend the Territorial Sea and Fishing Zone Act, *Revised Statutes of Canada*, 1970, Chapter 45 (1st Supp.). Only the amended sections are reproduced here.

described in section 5 and, as their outer limits, lines measured seaward and equidistant from such baselines so that each point of the outer limit line of the territorial sea is distant twelve nautical miles from the nearest point of the baseline.

...  
4. (1) *Fishing zones*

The fishing zones of Canada comprise such areas of the sea adjacent to the coast of Canada as may be prescribed by the Governor in Council pursuant to subsection 5.1 (1).

...  
5. (1) *Powers of Governor in Council*

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

(2) *Baselines where coordinates listed*

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

...  
(4) *Substitution of outer limit lines in certain cases*

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

(5) *Low tide elevations*

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

...  
5.1 (1) *Prescription of fishing zones*

Subject to subsection (2), the Governor in Council may, by order, prescribe as fishing zones of Canada such areas of the sea adjacent to the coast of Canada as are specified in the order and may, as he deems necessary, amend such areas.

(2) *Publication of proposed orders*

A copy of each order that the Governor in Council proposes to make under subsection (1) shall be published in the *Canada Gazette*; and no order

may be made by the Governor in Council under subsection (1) based upon any such proposal except after the expiration of sixty days following publication of the proposal in the *Canada Gazette*.

...

(b) TERRITORIAL SEA AND FISHING ZONES GEOGRAPHICAL COORDINATES  
(AREAS 4, 5 AND 6) ORDER OF 1969<sup>1</sup>

...

2. In this Order,

- (a) "Act" means the *Territorial Sea and Fishing Zones Act*;<sup>2</sup>
- (b) "Area" includes all islands adjacent to the Area;
- (c) "C.H.S. Chart" means Canadian Hydrographic Service Chart; and
- (d) "geographical coordinates of points" means the latitude and longitude of points determined by reference to columns II and III of the Schedule.

3. This Order applies to

- (a) Area 4 being Southeast and South Nova Scotia;
- (b) Area 5 being Southwest Vancouver Island; and
- (c) Area 6 being the West coast of the Queen Charlotte Islands.

4. The list of geographical coordinates of points set out in the Schedule are hereby issued as lists of geographical coordinates of points from which baselines may be determined pursuant to the Act.

5. In respect of the portions of Areas 4, 5 and 6 for which the geographical coordinates of points are set out in the Schedule, the baselines are straight lines joining the points so set out.

SCHEDULE

AREA 4

*Nova Scotia*

<i>Column I Locality</i>	<i>Column II Latitude</i>	<i>Column III Longitude</i>	<i>Column IV C.H.S. Chart</i>
1. Whipple Point .....	44° 14' 12" N.	66° 23' 48" W.	4011
2. Gull Rock .....	44° 12' 31" N.	66° 23' 24" W.	4011
3. Cape St. Mary .....	44° 04' 40" N.	66° 12' 42" W.	4011
4. Chegoggin Point .....	43° 51' 03" N.	66° 10' 17" W.	4011
5. Cape Fourchu .....	43° 47' 58" N.	66° 10' 14" W.	4322
6. Gannet Rock .....	43° 38' 26" N.	66° 08' 59" W.	4011
7. Devils Limb .....	43° 24' 11" N.	66° 02' 20" W.	4011
8. Seal Island .....	43° 23' 34" N.	66° 01' 08" W.	4011
9. Seal Island .....	43° 23' 29" N.	66° 00' 29" W.	4011
10. Cape Sable .....	43° 23' 18" N.	65° 37' 10" W.	4215

<sup>1</sup> P.C. 1969-1109; 29 May 1969. SOR/69-278. *Canada Gazette*, Part II, Vol. 103, No. 11; 11 June 1969.

<sup>2</sup> For the text of the Act see ST/LEG/SER.B/15, pp.52-54 and for the 1970 amendments thereto *supra* (a).

AREA 4—*cont.**Nova Scotia—cont.*

<i>Column I</i> Locality	<i>Column II</i> Latitude	<i>Column III</i> Longitude	<i>Column IV</i> C.H.S. Chart
11. Salvage Islands .....	43° 27' 57" N.	65° 22' 45" W.	4215
12. Potter Ledge .....	43° 40' 28" N.	65° 02' 05" W.	4213
13. Little Hope Island .....	43° 48' 29" N.	64° 47' 22" W.	4213
14. Western Head .....	43° 59' 20" N.	64° 39' 40" W.	4212
15. Black Rock .....	44° 10' 28" N.	64° 19' 32" W.	4211
16. Cross Island .....	44° 18' 40" N.	64° 10' 01" W.	4384
17. Betty Island .....	44° 26' 16" N.	63° 46' 04" W.	4385
18. Pennant Point .....	44° 25' 51" N.	63° 39' 00" W.	4385
19. Shag Rock .....	44° 25' 50" N.	63° 34' 09" W.	4385
20. Black Rock .....	44° 26' 54" N.	63° 32' 10" W.	4385
21. Shut-in Island .....	44° 37' 04" N.	63° 16' 52" W.	4311
22. Old Man .....	44° 39' 33" N.	62° 59' 44" W.	4311
23. Transport Ledges .....	44° 39' 26" N.	62° 51' 58" W.	4311
24. Beaver Island .....	44° 49' 25" N.	62° 20' 13" W.	4317
25. Bowen Ledge .....	44° 52' 10" N.	62° 09' 22" W.	4317
26. Gull Ledge .....	44° 54' 34" N.	62° 01' 47" W.	4317
27. Pollux Rock .....	45° 03' 08" N.	61° 39' 20" W.	4284
28. Country Island .....	45° 05' 53" N.	61° 32' 30" W.	4283
29. Shag Rock .....	45° 10' 08" N.	61° 21' 18" W.	4283
30. White Head Island .....	45° 11' 45" N.	61° 07' 55" W.	4282
31. Millstone Island .....	45° 11' 58" N.	61° 06' 29" W.	4282
32. White Point Ledges .....	45° 14' 36" N.	60° 58' 52" W.	4280
33. Michaud Point .....	45° 34' 13" N.	60° 40' 41" W.	4374
34. Basque Islands .....	45° 34' 28" N.	60° 38' 55" W.	4374
35. St. Esprit Island .....	45° 37' 12" N.	60° 29' 26" W.	4374
36. West Head .....	45° 38' 36" N.	60° 25' 25" W.	4374
37. Fourchu Head .....	45° 42' 58" N.	60° 13' 48" W.	4374
38. Guyon Island .....	45° 45' 54" N.	60° 06' 38" W.	4374
39. Guyon Island .....	45° 46' 06" N.	60° 06' 15" W.	4374
40. Black Rocks .....	45° 48' 14" N.	60° 03' 42" W.	4375
41. White Point .....	45° 52' 23" N.	59° 59' 40" W.	4375
42. Portnova Islands .....	45° 56' 15" N.	59° 47' 28" W.	4375
43. Scatarie Island .....	45° 59' 33" N.	59° 42' 01" W.	4375
44. Cormorandiere Rocks .....	46° 02' 14" N.	59° 39' 42" W.	4375
45. Flint Island .....	46° 10' 51" N.	59° 46' 12" W.	4375
46. David Head .....	46° 14' 58" N.	60° 02' 36" W.	4367
47. David Head .....	46° 15' 11" N.	60° 03' 36" W.	4367
48. Low Point .....	46° 16' 04" N.	60° 07' 36" W.	4367
49. Cape Smokey .....	46° 37' 39" N.	60° 21' 01" W.	4367
50. East Rocks .....	46° 41' 12" N.	60° 19' 48" W.	4363
51. Cape Egmont .....	46° 50' 54" N.	60° 18' 09" W.	4363
52. Money Point .....	47° 01' 46" N.	60° 23' 25" W.	4363

AREA 5  
*Vancouver Island*

<i>Column I</i> Locality	<i>Column II</i> Latitude	<i>Column III</i> Longitude	<i>Column IV</i> C.H.S. Chart
1. Bonilla Point .....	48°35'37"N.	124°43'09"W.	3607
2. Pachena Point .....	48°43'15"N.	125°05'52"W.	3627
3. Mara Rock .....	48°52'30"N.	125°28'40"W.	3627
4. Florencia Islet .....	48°58'35"N.	125°38'43"W.	3627
5. Gowlland Rocks .....	49°04'12"N.	125°51'52"W.	3627
6. Cleland Island .....	49°10'08"N.	126°05'23"W.	3640
7. Estavan Point .....	49°22'35"N.	126°33'00"W.	3640
8. Hesquiat Peninsula .....	49°24'10"N.	126°35'02"W.	3640
9. Bajo Point .....	49°36'56"N.	126°49'57"W.	3662
10. Skuna Bay .....	49°40'32"N.	126°54'30"W.	3662
11. Ferrer Point .....	49°43'52"N.	126°58'02"W.	3662
12. Tatchu Point .....	49°51'30"N.	127°09'26"W.	3662
13. Barrier Islands .....	49°57'19"N.	127°20'13"W.	3667
14. Lookout Island .....	50°00'23"N.	127°30'49"W.	3667
15. Clerke Point .....	50°04'32"N.	127°48'47"W.	3667
16. Brooks Peninsula .....	50°05'30"N.	127°52'37"W.	3667
17. Solander Island .....	50°06'32"N.	127°56'06"W.	3667
18. Solander Island .....	50°06'39"N.	127°56'26"W.	3667
19. Solander Island .....	50°06'52"N.	127°56'34"W.	3667
20. Kwakiutl Point .....	50°20'07"N.	127°59'33"W.	3680
21. Topknot Point .....	50°32'16"N.	128°13'14"W.	3676
22. Cape Palmerston .....	50°36'36"N.	128°18'27"W.	3676
23. Winifred Island .....	50°39'40"N.	128°22'00"W.	3676

AREA 6  
*Queen Charlotte Islands*

<i>Column I</i> Locality	<i>Column II</i> Latitude	<i>Column III</i> Longitude	<i>Column IV</i> C.H.S. Chart
1. Kunghit Island .....	51°56'37"N.	131°01'52"W.	3825
2. Kunghit Island .....	51°57'12"N.	131°02'58"W.	3825
3. Barber Point .....	51°58'14"N.	131°04'38"W.	3825
4. Anthony Island .....	52°05'00"N.	131°14'13"W.	3825
5. McLean Fraser Point ..	52°12'48"N.	131°25'25"W.	3853
6. Wells Cove .....	52°19'32"N.	131°33'35"W.	3853
7. Mike Inlet .....	52°30'39"N.	131°47'00"W.	3853
8. Murray Cove .....	52°34'38"N.	131°53'44"W.	3853
9. Headland west of Mt. De la Touche ....	52°41'34"N.	132°03'45"W.	3853
10. Tasu Sound .....	52°44'50"N.	132°08'32"W.	3853
11. Chads Point .....	52°48'01"N.	132°14'06"W.	3853
12. Bottle Point .....	52°53'41"N.	132°19'33"W.	3854
13. Cape Henry .....	52°55'38"N.	132°22'00"W.	3854
14. Kitgoro Point .....	53°02'48"N.	132°32'05"W.	3854
15. Buck Point .....	53°05'11"N.	132°34'50"W.	3854
16. Marble Rock .....	53°11'45"N.	132°40'12"W.	3869



AREA 6—cont.  
Queen Charlotte Islands—cont.

Column I Locality	Column II Latitude	Column III Longitude	Column IV C.H.S. Chart
17. Hunter Point . . . . .	53° 15' 08" N.	132° 43' 16" W.	3869
18. Kindakun Rock . . . . .	53° 18' 54" N.	132° 47' 35" W.	3869
19. Hippa Island . . . . .	53° 32' 51" N.	133° 01' 05" W.	3869
20. Tina Rock . . . . .	53° 46' 24" N.	133° 07' 23" W.	3868
21. Frederick Island . . . . .	53° 56' 17" N.	133° 12' 02" W.	3868
22. Carew Rock . . . . .	54° 09' 50" N.	133° 07' 38" W.	3868
23. Langara Island . . . . .	54° 14' 45" N.	133° 05' 02" W.	3868
24. Langara Island . . . . .	54° 14' 58" N.	133° 04' 48" W.	3868

#### 4. COSTA RICA

INFORMATION CONCERNING CONSTITUTIONAL PROVISIONS AND DEFINITION BY  
COURTS OF THE BREADTH OF THE TERRITORIAL WATERS<sup>1</sup>

“The Constitution does not expressly establish the breadth of the Republic’s territorial waters but refers to the principles of international law and the provisions of the treaties in force. The Republic’s courts have defined the breadth of Costa Rica’s territorial waters as extending to a distance of three nautical miles from the low-water line. (Judgement of the Court of Cassation, 14 December 1950, *Jones Boden v. Han Daniels*.)<sup>2</sup>

#### 5. EQUATORIAL GUINEA

INFORMATION CONCERNING PRESIDENTIAL DECREE NO. 17/70 OF 24 SEP-  
TEMBER 1970, EXTENDING THE BREADTH OF THE TERRITORIAL WATERS<sup>3</sup>

“[M]y Government maintains in effect its Presidential Decree No. 17/70, signed and promulgated at Santa Isabel . . . on 24 September 1970; that Decree extends the territorial waters of my country to twelve miles in the Bay of Corisco in the southern part of Equatorial Guinea.”

#### 6. FIJI

FISHERIES ORDINANCE OF 1941, AS AMENDED UP TO 1966, section 2<sup>4</sup>

<sup>1</sup> Provided by the Permanent Mission of Costa Rica to the United Nations in a note verbale of 29 July 1971. Translation by the Secretariat of the United Nations.

<sup>2</sup> *Compilation of Judgements*, vol. 2, Second Term, 1950, p. 1220.

<sup>3</sup> Provided by the Permanent Mission of the Republic of Equatorial Guinea to the United Nations in a note verbale of 16 March 1972. Translation by the Secretariat of the United Nations.

<sup>4</sup> *Infra* DIVISION IV, 7.

## 7. GABON

### RENSEIGNEMENTS CONCERNANT L'EXTENSION DE LA LIMITE DES EAUX TERRITORIALES<sup>1</sup>

“[L]e gouvernement gabonais a décidé de porter la limite des eaux territoriales du Gabon à 100 milles à partir du 21 juillet 1972. Cette nouvelle mesure annule l'ordonnance n° 1/72/PR du 5 janvier 1972 qui avait fixé cette limite à 30 milles.”

## 8. GHANA

### INFORMATION CONCERNING THE EXTENSION OF THE TERRITORIAL WATERS<sup>2</sup>

“[O]n 12th September 1972 the National Redemption Council of Ghana decided that the territorial waters of the Republic of Ghana should be extended to thirty miles.”

## 9. IRAN

### ACT OF 12 APRIL 1959 AMENDING THE ACT OF 15 JULY 1934 ON THE TERRITORIAL WATERS AND THE CONTIGUOUS ZONE OF IRAN<sup>3</sup>

*Article 1.* The sovereignty of Iran extends, beyond its land territory and internal waters, to a belt of the sea adjacent to its coast, referred hereto as the “territorial sea”.

*Article 2.* The said sovereignty extends to the air space over the territorial sea as well as to the sea-bed and subsoil thereof.

*Article 3.* The breadth of the territorial sea of Iran is 12 nautical miles from the baseline of the said sea. The baseline will be determined by the Government with due regard to the established rules of public international law.

*Note:* One nautical mile is equal to 1,852 metres.

*Article 4.* Wherever the coast of Iran is adjacent to or opposite the coast of another State, the dividing line between Iran's coastal waters and those of the other State shall be, unless otherwise agreed between the parties, the median line every point of which is equidistant from the nearest point on the baselines of both States.

<sup>1</sup> Transmis au Secrétaire général de l'Organisation des Nations Unies par le représentant permanent de la République gabonaise auprès de l'Organisation des Nations Unies par lettre en date du 28 août 1972.

<sup>2</sup> Provided by the Ministry of Foreign Affairs of Ghana in a note verbale dated 29 November 1972.

<sup>3</sup> English text provided by the Minister for Foreign Affairs of Iran in a note verbale of 16 July 1972. In accordance with the information contained in the note, this English text replaces the French text reproduced in ST/LEG/SER.B/15, pp. 88-89.

*Article 5.* Every island belonging to Iran, situated within or outside the territorial sea of Iran, shall have its own territorial sea determined in accordance with the provisions of the present Act. The islands situated at a distance not exceeding 12 nautical miles from one another, shall be considered as a single island and the limit of their territorial sea shall be determined from the islands remotest from the centre of the archipelago.

*Article 6.* The waters between Iran's coast and baseline, as well as the waters between the islands belonging to Iran situated at a distance not exceeding 12 nautical miles from one another, shall constitute the internal waters of Iran.

*Article 7.* Fishing and other rights of Iran beyond the limits of its territorial sea, shall remain unaffected.

...

## 10. JAMAICA

### TERRITORIAL SEA ACT, 1971<sup>1</sup>

...

#### 2. *Interpretation*

In this Act:

"Breadth", used with reference to the territorial sea, means any measurement, from a baseline therefor, whereby any of the outer limits of the territorial sea may, for the purposes of subsection (1) of section 3, be located in a manner such as described in article 6 of the Convention;

"The Convention" means the Convention on the Territorial Sea and the Contiguous Zone,<sup>2</sup> which was prepared at the International Conference on the Law of the Sea held at Geneva from the 24th February to the 27th April, 1958, to which Jamaica is a party. . . .;

"Laws" includes instruments having the force of law and unwritten rules of law;

"Minister" means the Minister for the time being responsible for External Affairs;

"The territorial sea" means the territorial sea of Jamaica.

#### 3. *Limits of territorial sea and application of laws with reference thereto*

(1) The territorial sea shall comprise the waters of so much of the sea adjacent to the coasts of Jamaica, and shall have such limits, as may be in keeping with the provisions of this Act, and with any regulations made under section 6, in all respects so provided for or prescribed for the time being and, in other respects, with the Convention.

<sup>1</sup> Act 14 of 1971; 29 April 1971. Date of entry into force to be appointed by the Minister by notice published in the *Gazette*. Text provided by the Permanent Representative of Jamaica to the United Nations in a note verbale of 19 July 1972.

<sup>2</sup> United Nations, *Treaty Series*, vol. 516, p. 205. Reproduced in ST/LEG/SER.B/15, pp. 721-728.

(2) The territorial sea shall be twelve miles in breadth or shall have such other breadth as may be prescribed.

(3) The waters, within the limits which are mentioned in subsection (1) shall be the territorial waters of Jamaica and such references to territorial waters of the Island as were expressed (in whatever terms) or implied immediately before the date of commencement of this Act in any laws, being laws continuing in force or brought into operation in Jamaica on or after that date, shall, in relation to any period commencing thereon or thereafter, be construed accordingly except where the context is such that it is inappropriate.

(4) The provisions of paragraph 1 of article 5 and paragraph 4 of article 7 of the Convention as respects waters situated on the landward side of any baseline or enclosed by any closing line shall have effect as part of the law of Jamaica, which (as in force from time to time) shall apply to such waters accordingly, with reference to any prescribed or other line aforesaid limiting the territorial sea but without prejudice to any regulations made under section 6 for the purpose of giving effect to paragraph 2 of article 5 of the Convention.

(5) All laws made or having effect prior to commencement of this Act, and for the construction or application of which any provision is hereinbefore made by this section, shall, subject to repeal or variation by any competent authority, have effect with such adaptations and modifications as may be necessary to bring them into conformity with that provision.

#### 4. *Criminal jurisdiction*

(1) An act:

(a) Committed by a person, whether he is or is not a citizen of Jamaica, on or in the territorial sea; and

(b) Being of such a description as would, if committed on land within a parish in Jamaica, be punishable on indictment according to the law of Jamaica for the time being in force,

is an offence punishable on indictment in like manner, notwithstanding that it may have been committed on board or by means of a vessel the nationality of which is not Jamaican; and the person who is reasonably suspected of having committed such offence may, subject to the provisions of subsection (5), be arrested, and may be tried and otherwise dealt with in reference to any charge against him in connection with that offence, accordingly.

(2) Without prejudice to the provisions of subsection (5), for the purpose of arresting any person charged with an offence declared by subsection (1) to be indictable, the territorial sea shall be deemed to be within the jurisdiction of any person authorized by law for the time being in force in Jamaica to issue warrants for the arrest of persons charged with indictable offences committed within his jurisdiction.

(3) At the commencement of this Act, the Territorial Waters Jurisdiction Act, 1878, in so far as it forms part of the law of Jamaica, shall cease to have effect.

(4) Nothing in this section shall:

(a) Except as provided by subsection (5), restrict or prejudice the exercise of any powers or authority by, for, or on behalf or in the name or service of, Her Majesty in right of Her Government of Jamaica pursuant to international

law or any provisions contained immediately before the commencement of this Act in any law having effect thereafter as part of the law of Jamaica;

(b) Abrogate or abridge any criminal jurisdiction conferred on any court by virtue of any provisions contained as aforesaid;

(c) Preclude any act of piracy (as defined by any such law or provisions as aforesaid) from being tried or otherwise dealt with in like manner as such an act might, until the commencement of this Act, have been dealt with pursuant to any law or custom hitherto applicable in Jamaica, but without prejudice to its being lawful to deal in any other manner hereinbefore authorized by this section with any such act declared to be indictable as aforesaid; and references in this section to provisions contained in any law immediately before the commencement of this Act include references to provisions as construed or having effect under section 3 which were so contained.

(5) No exercise of power or authority in any manner described in paragraph (a) of subsection (4) shall be such as to constitute a breach of article 19 of the Convention.

#### *5. Restriction of execution of civil process*

Nothing shall be lawful to any extent to which it is inconsistent with any provisions of the Convention in so far as they are restrictive of the taking, pursuant to Jamaica's sovereignty over the territorial sea, of measures for the purposes of the execution of civil process or the exercise of civil jurisdiction.

#### *6. Regulations*

(1) The Minister may, by regulations, make such provision as appears to him to be necessary or expedient for the purposes of carrying out the Convention and regulating the use of the territorial sea, or for any such purpose, and (without prejudice to the generality of the foregoing) provision may be so made for all or any of the following matters:

(a) The charts to be officially recognised as indicating baselines limiting the territorial sea, and the admission of any of such charts in evidence or the admission therein of a chart as being certified in the prescribed manner to be a copy of any of them;

(b) Defining any limits of the territorial sea or part thereof, whether by way of such charts as aforesaid or otherwise;

(c) Making it a breach of the regulations to fish without lawful authority in the territorial sea:

(i) By means of a vessel the nationality of which is not Jamaican; and

(ii) In contravention of any law which imposes in case of summary conviction thereof, or conviction on indictment therefor, liability irrespective of the nationality of any vessel involved therein,

and making any such breach of the regulations as aforesaid an offence punishable in like case by a fine of any maximum amount exceeding by not more than five thousand dollars, or by imprisonment for any maximum term exceeding by not more than twelve months, that to which any liability is imposed as mentioned in subparagraph (ii), or by both such fine and imprisonment, as may be prescribed;

(d) Determining the nationality of vessels for the purposes of any provisions of the regulations;

(e) Making with effect from a prescribed date, not earlier than the date of commencement of this Act, such adaptations or modifications in any other laws made or having effect in Jamaica prior to the date of commencement aforesaid as appear to him necessary or expedient in consequence of anything contained in the Convention;

(f) Prescribing anything authorized or required by this Act to be prescribed.

(2) Powers conferred by subsection (1) or any such regulations as aforesaid for any purpose shall be in addition to, and (save as may be otherwise provided under paragraph (e) of subsection (1)) not in derogation of, any powers exercisable for the like purpose in accordance with any other laws, so, however, that in case of any conflict the powers conferred as aforesaid shall prevail.

(3) Any regulations made pursuant to subsection (2) of section 3 shall be subject to negative resolution, and any regulations made under paragraph (e) of subsection (1) for the purpose of adapting or modifying any Act or Law shall be subject to affirmative resolution, of the House of Representatives.

#### 7. *Crown bound.*

This Act binds the Crown.

...

### 11. LIBYAN ARAB REPUBLIC

#### ACT NO. 2 OF 18 FEBRUARY 1959 CONCERNING THE DELIMITATION OF LIBYAN TERRITORIAL WATERS<sup>1</sup>

*Article 1.* The limit of Libyan territorial waters shall be fixed at twelve nautical miles.

...

### 12. MADAGASCAR

#### DÉCRET N° 70.028 DU 10 JANVIER 1970 FIXANT LES LIMITES DES "EAUX INTÉRIEURES MARITIMES", articles 1-4<sup>2</sup>

### 13. MALAYSIA

#### EMERGENCY (ESSENTIAL POWERS) ORDINANCE, NO. 7, 1969, AS AMENDED IN 1969<sup>3</sup>

...

#### 2. *Interpretation*

This Ordinance shall apply throughout Malaysia.

<sup>1</sup> *Official Journal*, 9th Year, No. 7, March 13, 1959, p. 3. Entered into force on 13 March 1959 in accordance with article 2. Translation by the Secretariat of the United Nations.

<sup>2</sup> *Infra* DIVISION IV, 14 (a).

<sup>3</sup> The original Ordinance was promulgated on 2 August 1969. Amendments were made by PU(A) 355/69 and PU(A) 468/69. Text provided by the Permanent Representative of Malaysia to the United Nations in a note verbale of 14 February 1972.

### 3. *Breadth of territorial waters*

(1) The breadth of the territorial waters of Malaysia shall be twelve nautical miles and such breadth shall except in the Straits of Malacca, the Sulu Sea and the Celebes Sea be measured in accordance with Articles 3, 4, 6, 7, 8, 9, 10, 11, 12 and 13 of the Geneva Convention on the Territorial Sea and Contiguous Zone (1958), . . .

(2) In applying the aforesaid Articles, the expression “territorial sea” occurring therein shall be construed as “territorial waters”.

### 4. *Modification of laws*

(1) Except as provided in subsection (2), any reference occurring in any written law to territorial waters shall in so far as such reference affects federal law be construed subject to the provisions of this Ordinance.

(2) For the purposes of the Continental Shelf Act, 1966<sup>2</sup>, the Petroleum Mining Act, 1966,<sup>3</sup> the National Land Code and any written law relating to land in force in Sabah and Sarawak, any reference to territorial waters therein shall in relation to any territory be construed as a reference to such part of the sea adjacent to the coast thereof not exceeding three nautical miles measured from the low-water mark.

### 5. *Publication of large-scale map*

(1) So soon hereafter as may be possible or thereafter from time to time as he may consider necessary the Yang di-Pertuan Agong shall cause to be published a large-scale map indicating the low water marks, the baselines, the outer limits and the areas of the territorial waters of Malaysia.

(2) A copy of such map shall be published in the *Gazette* for general information.

### 6. *Modification of territorial waters*

The Yang di-Pertuan Agong shall, pursuant to any agreement entered into between Malaysia and another coastal State, by order modify the areas of the territorial waters of Malaysia; and any modification so made shall be indicated in a large-scale map and a copy thereof shall be published in the *Gazette* for general information.

### 7. *Evidence*

In any proceedings before any court in Malaysia if a question arises as to whether an act or omission has taken place within or without the territorial waters of Malaysia, a certificate to that effect purported to be signed by or on behalf of the Minister charged with the responsibility for external affairs shall be received in evidence and shall be prima facie proof of the facts stated therein.

. . .

<sup>1</sup> United Nations, *Treaty Series*, vol. 516, p. 205. Reproduced in ST/LEG/SER.B/15, pp. 721-728.

<sup>2</sup> *Infra* DIVISION II, 13 (a).

<sup>3</sup> *Ibid.* 13 (b).

## 14. MALDIVES

### CONSTITUTION OF THE REPUBLIC<sup>1</sup>

*Article 1.* The Territory of the Republic of Maldives is the islands situated between latitudes 07.09½ degrees North, and 0.45¼ degrees South, and longitudes 72.30½ degrees East, and 73.48 degrees East, and the sea and air surrounding and in between the islands.

...

## 15. MALTA

### TERRITORIAL WATERS AND CONTIGUOUS ZONE ACT, 1971<sup>2</sup>

...

#### 3. *Extent of territorial waters*

(1) Save as hereinafter provided, the territorial waters of Malta shall be all parts of the open sea within six nautical miles of the coast of Malta measured from low-water mark on the method of straight baselines joining appropriate points.

(2) For the purposes of the Fish Industry Act, 1953 and of any other law relating to fishing, whether made before or after this Act, the territorial waters of Malta shall extend to all other parts of the open sea within twelve nautical miles from the baselines from which the breadth of the territorial waters is measured, and for the purposes aforesaid jurisdiction shall extend accordingly.

#### 4. *Contiguous Zone*

(1) Without prejudice to the provisions of subsection (2) of section 3 of this Act, in the zone of the open sea contiguous to the territorial waters of Malta as defined in subsection (1) of section 3 of this Act (such zone being in this Act referred to as "the contiguous zone") the State shall have such jurisdictions and powers as are recognised in respect of such zone by international law and in particular may exercise therein the control necessary:

(a) To prevent any contravention of any law relating to customs, fiscal matters, immigration and sanitation, including pollution, and

(b) To punish offences against any such law committed within Malta or in the territorial waters of Malta as defined by subsection (1) or subsection (2) of section 3 of this Act, as the case may require.

(2) The contiguous zone shall extend to twelve nautical miles from the baselines from which the breadth of the territorial waters is measured.

<sup>1</sup> Text provided by the Minister of External Affairs of the Republic of Maldives in his letter of 29 May 1972.

<sup>2</sup> Act No. XXXI of 1971; 7 December 1971. Assented to by the Governor-General on 10 December 1971. Text provided by the Permanent Mission of Malta to the United Nations in a note verbale of 5 July 1972.



### 5. *Saving*

Nothing in this Act shall be construed as affecting any jurisdiction and power exercisable in accordance with international law outside territorial waters.

## 16. MAURITANIA .

### RENSEIGNEMENTS CONCERNANT L'EXTENSION DE LA LIMITE DES EAUX TERRITORIALES<sup>1</sup>

“[L]a République Islamique de Mauritanie par une Loi adoptée le 30 juillet 1972, a décidé d'étendre la limite des eaux territoriales de la République Islamique de Mauritanie jusqu'à une distance de trente milles marins à compter d'une ligne de base droite allant du Cap Blanc au Cap Timiris.

“Cette loi a été publiée par le Gouvernement de la République Islamique de Mauritanie selon la procédure d'urgence le 31 juillet 1972.

“Elle est donc entrée en vigueur à partir de cette date.”

## 17. MEXICO

### DECREE OF 28 AUGUST 1968 DELIMITING THE MEXICAN TERRITORIAL SEA WITHIN THE GULF OF CALIFORNIA<sup>2</sup>

Whereas, in conformity with article 42 (V) of the Constitution of the United Mexican States, as amended by Decree of 6 January 1960,

“The national territory comprises:

... .

“V. The waters of the territorial seas within the areas and the limits established by international law and by domestic maritime law”.

Whereas, the Convention on the Territorial Sea and the Contiguous Zone,<sup>3</sup> opened for signature at Geneva on 29 April 1958 and ratified by Mexico on 17 June 1966, established the current international rules for measuring the breadth of the territorial sea;

Whereas, in conformity with article 4, paragraph 1, of the afore-mentioned Convention, “in localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial sea is

<sup>1</sup> Transmis au Secrétaire général de l'Organisation des Nations Unies par le chargé d'affaires a.i. de la mission permanente de la République islamique de Mauritanie auprès de l'Organisation des Nations Unies par lettre en date du 29 août 1972.

<sup>2</sup> *Diario Oficial*, 30 August 1968, and list of errata of 5 October 1968. Came into force on 30 August 1968. Translation by the Secretariat of the United Nations.

<sup>3</sup> United Nations, *Treaty Series*, vol. 516, p. 205. Reproduced in ST/LEG/SER.B/15, pp. 721-728.

measured", while at the same time, in accordance with article 4, paragraph 2, the drawing of such baselines must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the régime of internal waters;

Whereas, the aforementioned provisions, incorporated into our domestic law through the amendments to article 17 of the General Act on National Property adopted by Decree of the Congress of the Union of 29 December 1967, justify, in the judgement of the Executive, the use of the system of straight baselines for the delimitation of our territorial sea within the Gulf of California, wherever the islands lying along the respective coasts permit the drawing of such lines, without departing to any appreciable extent from the general direction of those coasts—a definition which, as the International Court of Justice has recognized, is not mathematically precise;

Whereas the two sets of baselines drawn from the entrance of the Gulf of California in a general north-westerly direction along the western and eastern shores of the Gulf terminate respectively at the south-western and the north-eastern extremity of San Esteban Island, as a result of which the waters between those baselines and the coasts of Baja California and Sonora become internal waters, in conformity with the provisions of article 5 of the Convention on the Territorial Sea and the Contiguous Zone;

Now therefore I have, without prejudice to the establishment of such other straight baselines as may be deemed proper for the measurement of the breadth of our territorial sea in the Pacific Ocean and the Gulf of Mexico, decided to issue, pursuant to article 89 (I) of the Constitution, the following

#### DECREE

*Sole article.* The Mexican territorial sea within the Gulf of California shall be measured from a baseline drawn as follows:

1. Along the western coast of the Gulf, from the point known as Punta Arena in the Territory of Baja California, in a north-westerly direction along the low-water mark to the point known as Punta Arena de la Ventana; thence along a straight baseline to the point known as Roca Montaña at the southern extremity of Cerralvo Island; thence along the low-water mark of the eastern shore of the said island to the northern extremity of the same; thence along a straight baseline to Las Focas Reef; thence along a straight baseline to the easternmost point of Espíritu Santo Island; thence along the eastern shore of the said island to the northernmost point of the same; thence along a straight baseline to the south-eastern extremity of La Partida Island; thence along the western shore of the said island to the group of islets known as Los Islotes at the northern extremity of La Partida Island; from the northern extremity of the said islets along a straight baseline to the south-eastern extremity of San José Island; thence in a general northerly direction along the low-water mark of the eastern shore to the point at which the shore of the island changes direction towards the north-west; from that point along a straight baseline to the island known as Las Animas; from the northern extremity of the said island along a straight baseline to the north-eastern extremity of Santa Cruz Island; from that point along a straight baseline to the south-eastern extremity

of Santa Catalina Island; thence along the low-water mark of the eastern coast of the said island to the northern extremity of the same; thence along a straight baseline to the place known as Punta Lobos at the north-eastern extremity of Carmen Island; thence along a straight baseline to the north-eastern extremity of Coronados Island; thence along a straight baseline to a point on the coast of the peninsula of Baja California known as Punta Mangles; thence along the low-water mark of the coast to another point on the coast known as Punta Pulpito; thence along a straight baseline to the eastern extremity of San Ildefonso Island; thence along a straight baseline to a point on the coast of the peninsula of California known as Punta Santa Teresa; thence along the low-water mark of the coast of the peninsula to the point known as Punta Concepción; thence along a straight baseline to the eastern extremity of Santa Inés Island; thence along the low-water mark of the eastern shore of the said island to the northern extremity of the same; thence along a straight baseline to the eastern extremity of Tortuga Island; thence along the low-water mark of the northern shore of the said island to the westernmost point of the same; thence along a straight baseline to a point on the peninsula of Baja California known as Punta Baja; thence along the low-water mark of the coast of the Peninsula to the point known as Cabo San Miguel; thence along a straight baseline to the south-western extremity of San Esteban Island.

2. Along the eastern coast of the Gulf of California, from a point known as Punta San Miguel in the State of Sinaloa, along the low-water mark in a general north-westerly direction to another point on the same coast known as Cabo Arco in the State of Sonora; thence along a straight baseline to another point on the same coast known as Puerto San Carlos; thence along the low-water mark of the shore to a point on the same coast known as Punta Doble; thence along a straight baseline to the south-eastern extremity of San Pedro Nolasco Island; thence along the low-water mark of the western shore of the said island to the northern extremity of the same; thence along a straight baseline to a point on the coast known as Punta Lesna; thence along the low-water mark of the eastern coast of the Gulf to a point on the coast of the State of Sonora known as Punta Baja; thence along a straight baseline to the southern extremity of Turners Island; thence along a straight baseline to the north-eastern extremity of San Esteban Island.

...

## 18. NAURU

### PROVISION OF THE INTERPRETATION ACT 1971 DEFINING THE TERRITORIAL WATERS<sup>1</sup>

[‘Nauruan territorial waters’ means:]

That area of water, and the waters and subsoil beneath it, enclosed by a line every part of which is at a distance of twelve miles from the nearest point of the outer edge of the reef surrounding the Island of Nauru which is exposed at low tide and, where there is an opening in the reef, from a straight line across the outer edge of that opening.

...

<sup>1</sup> Excerpt provided by the Secretary for External Affairs of Nauru in his letter of 11 February 1972.

## 19. NIGERIA

### (a) TERRITORIAL WATERS DECREE 1967, AS AMENDED IN 1971<sup>1</sup>

#### 1. *Extension of limits of territorial waters*

(1) The territorial waters of Nigeria shall for all purposes include every part of the open sea within thirty nautical miles of the coast of Nigeria (measured from low-water mark) or of the seaward limits of inland waters.

(2) Without prejudice to the generality of the foregoing subsection, that subsection shall in particular apply for the purposes of any power of the Federal Military Government to make with respect to any matter laws applying to or to any part of the territorial waters of Nigeria.

(3) Accordingly,

(a) In the definition of territorial waters contained in section 18 (1) of the Interpretation Act 1964, for the words "twelve nautical miles" there shall be substituted the words "thirty nautical miles" and

(b) References to territorial waters or to the territorial waters of Nigeria in all other existing Federal enactments (and in particular the Sea Fisheries Decree 1971<sup>2</sup>) shall be construed accordingly.

In this subsection "existing Federal enactment" means any Act of Parliament or Decree passed or made before the commencement of this Decree or of the Territorial Waters (Amendment) Decree 1971<sup>3</sup> (including any instrument made before 1st October 1960 in so far as it has effect as an Act) or any order, rules, regulations, rules of court or byelaws made before the commencement of this Decree or of the Territorial Waters (Amendment) Decree 1971 in exercise of powers conferred by any such Act, Decree or instrument.

(4) Nothing in this section shall be construed as altering the extent of or the area covered by any lease, licence, right or permit granted under any enactment or instrument before the commencement of this Decree or of the Territorial Waters (Amendment) Decree 1971.

...

### (b) TERRITORIAL WATERS (AMENDMENT) DECREE 1971<sup>4</sup>

#### 1. *Extension of the limits of territorial waters of Nigeria to 30 nautical miles*

(1) As from the commencement of this Decree, the territorial waters of Nigeria shall for all purposes extend to thirty nautical miles of the coast of Nigeria (measured from low-water mark) or of the seaward limits of inland waters.

(2) Accordingly, for any reference to the area or extent of the territorial waters of Nigeria in:

<sup>1</sup> The 1967 Decree (No. 5 of 1967; 8 March 1969) is reproduced in part in ST/LEG/SER.B/15, pp. 103-104, 250-251. The amendments were made by the Territorial Waters (Amendment) Decree 1971, reproduced *infra* (b). The amendments cover only Section 1.

<sup>2</sup> *Infra* DIVISION IV, 18.

<sup>3</sup> *Infra* (b).

<sup>4</sup> Decree No. 38; 26 August 1971. Supplement to *Official Gazette*, No. 44, vol. 58; 2 September 1971, part A, p. 177. Entered into force on 26 August 1971.

- (a) The Territorial Waters Decree 1967<sup>1</sup>  
 (b) The Interpretation Act 1964,<sup>2</sup> in so far as section 18 thereof deals with the definition of territorial waters; and  
 (c) Any other enactment,  
 there shall be substituted "thirty nautical miles" instead of "twelve nautical miles".

...

### 3. *Saving*

Nothing in this Decree shall be construed as affecting the extent of or the area covered by any lease, licence, right or permit granted before the commencement of this Decree under any enactment of Federal application and such enactment shall with any necessary modifications be construed subject to this Decree.

...

## 20. NORWAY

### ROYAL DECREE OF 25 SEPTEMBER 1970 CONCERNING THE DELIMITATION OF THE TERRITORIAL WATERS OF PARTS OF SVALBARD<sup>3</sup>

The boundary of Norway's territorial waters in the area of Svalbard, from Verlegenhuken to Halvmaneøya and around Bjørnøya and Nopen shall be drawn (cf. Royal Decree of 22nd February, 1812) four nautical miles outside and parallel with straight base lines drawn between the following points:

Number of the point	Name of the point	Position of the point	
		N. lat.	E. long.
1	Keilhauøya .....	74 20,5	19 04,4
2	Kapp Ruth .....	74 24,8	18 53,2
3	Kapp Hanna .....	74 26,2	18 49,8
4	Utstein .....	74 28,6	18 45,6
5	Drangane .....	74 29,3	18 46,8
6	Snyta .....	74 30,0	18 48,4
7	Flisa .....	74 30,2	18 49,4
8	Emmaholmane .....	74 30,9	18 56,4
9	Nordkapp .....	74 31,3	19 06,5
10	Havhestholmen .....	74 31,2	19 08,4
11	Hakestauren .....	74 30,9	19 10,2
12	Framnes .....	74 28,3	19 17,3
13	Kapp Nordenskjöld .....	74 28,0	19 17,4
14	Kapp Levin .....	74 27,1	19 16,9
15	Brettingdalen headland .....	74 26,4	19 16,5
16	Makeholmen .....	74 21,9	19 12,0
17	Kapp Kolthoff .....	74 20,9	19 07,4

<sup>1</sup> 1967 No. 5. Reproduced in part in ST/LEG/SER.B/15, pp. 103-104, 250-251.

<sup>2</sup> 1964 No. 4.

<sup>3</sup> English text provided by the Permanent Representative of Norway to the United Nations in a note verbale of 17 November 1971.

Number of the point	Name of the point	Position of the point	
		N. lat.	E. long.
18	Kapp Thor	76 27,2	24 55,5
19	Vesterodden	76 27,7	24 53,5
20	Askheimodden	76 30,0	24 56,5
21	N. W. of Killerfjellet	76 34,0	25 06,8
22	W. of Flatsalen	76 42,0	25 25,8
23	Beisaren	76 43,0	25 29,8
24	The easternmost point	76 42,8	25 30,0
25	Skumskjera	76 27,4	24 59,5
26	Verlegenhuken	80 03,7	16 15,6
27	Moffen	80 02,4	14 30,8
28	Velkomstpynten	79 52,8	13 46,3
29	Biskayerhukun	79 50,6	12 24,8
30	Kobbeskjera, N	79 54,5	11 39,9
31	Ørneøya	79 52,3	11 16,7
32	Ytterholmane, N	79 46,2	10 35,0
33	Rock off Hamburgerbukta	79 32,0	10 40,3
34	Rock off Tredjebreen	79 20,6	10 51,7
35	Kapp Mitra, the outermost rock	79 06,7	11 09,8
36	Fuglehukun, Western rock	78 53,6	10 28,6
37	Kapp Sietoe, Northern headland	78 47,2	10 30,7
38	Fidrasteinen	78 42,5	10 37,5
39	Kvervodden, rock	78 27,3	11 04,5
40	Plankeholmane, S	78 12,5	11 57,8
41	Salskjera, S	78 12,1	12 06,8
42	SW Agskjera (Daudmannsodden)	78 11,9	12 59,8
43	Kapp Linmé, Revleodden	78 03,0	13 35,5
44	Islet NW of St. Hansholmane	77 53,4	13 32,8
45	Lagneset, W	77 45,2	13 43,8
46	Dunderholmane	77 29,3	13 54,1
47	Middagsskjera	77 25,1	13 53,2
48	Rock SW of Olsholmane	77 12,7	14 14,2
49	Svartsteinane (SW of Kroghryggen)	77 07,0	14 36,0
50	Dunøyane	77 03,3	14 57,8
51	Utskjeret (S of Suffolkpynten)	76 51,3	15 30,3
52	Brimingen	76 43,1	15 54,5
53	Svartskjeret	76 32,3	16 19,2
54	Bråttholmen	76 28,2	16 31,2
55	Sørkappfallet	76 26,5	16 38,1
56	Flakskjeret, S	76 28,0	16 49,0
57	Tristeinane, SE	76 32,9	17 03,8
58	Dumskolten	76 42,4	17 10,0
59	Davislaguna (near Hedgehogfjellet)	76 58,6	17 19,5
60	Headland between Markhambreen-Crollbreen	77 10,9	17 26,0
61	Kvalvagen, SW	77 25,0	17 36,7
62	Kvalvagen, E	77 29,5	18 13,2
63	Kvalhovden	77 31,5	18 16,2
64	Thomsonbreen, headland to the south	77 37,5	18 20,2
65	Beresnikovbreen, headland to the south	77 48,2	18 26,5
66	Kapp Dufferin	77 57,2	18 29,0
67	SE of Agardhfjellet	78 03,2	18 56,7
68	E of Agardhfjellet	78 05,9	19 02,2
69	Kapp Johannesen	78 13,5	19 04,0
70	Jakimovitsøyane, SW	78 12,0	20 24,2

Number of the point	Name of the point	Position of the point	
		N. lat.	E. long.
71	Kapp Lee, W .....	78 04,8	20 46,8
72	Blankeodden .....	77 58,8	21 12,5
73	Kapp Spörer .....	77 49,5	21 23,7
74	Rock W of Russebukta .....	77 35,1	20 47,4
75	W islet in the fjord .....	77 31,7	20 02,2
76	Kvalpynten .....	77 26,6	20 51,0
77	Kong Ludvigøyane, W .....	77 16,7	21 12,5
78	Utsira (between 77 and 79) .....	77 06,0	21 16,0
79	Haøyane, W .....	76 56,1	21 16,8
80	Haøyane, S .....	76 55,2	21 20,5
81	Braekholmholmane, SE (between 80 and 82) .....	77 03,1	22 12,0
82	Menkeøyane, SE .....	77 08,9	22 50,4
83	Halvmanøya, E .....	77 16,4	23 18,0

## 21. OMAN

### DECREE OF 17 JULY 1972 CONCERNING THE TERRITORIAL SEA, CONTINENTAL SHELF AND EXCLUSIVE FISHING ZONES OF THE SULTANATE OF OMAN<sup>1</sup>

#### PART ONE

##### *Territorial sea*

*Article 1.* The Sultanate of Oman exercises full sovereignty over the territorial sea of the Sultanate and over the airspace above and the seabed and subsoil beneath the Territorial sea of the Sultanate, in harmony with the principle of innocent passage of ships and planes of other states through international straits, and laws and regulations of the Sultanate relating thereto.

*Article 2.* The territorial sea of the Sultanate extends twelve nautical miles (22,224 metres) seaward, measured from the following baselines:

(a) The low-water line of the coast of the mainland or of an island, rock, reef, or shoal more than twelve nautical miles distant from the mainland or another island, rock, reef, or shoal, where the coast faces open sea;

(b) Straight lines, not exceeding twenty-four nautical miles in length, connecting the low-water marks of the entrance points to bays or gulfs.

(c) Straight lines connecting the nearest point on the mainland with the outermost extremities of an island, rock, reef, or shoal, or group of such islands, rocks, reefs, or shoals, less than twelve nautical miles distant from each other, if any part of such island, rock, reef or shoal or group of islands, rocks, reefs, or shoals lies within twelve nautical miles from the mainland;

(d) Straight lines connecting the outermost extremities of islands, rocks, reefs, or shoals, more than twelve nautical miles distant from the mainland, but less than twelve nautical miles distant from each other.

<sup>1</sup> English text provided by the Permanent Representative of Oman to the United Nations in his letter dated 17 July 1972 to the Secretary-General of the United Nations.

## PART TWO

*Continental shelf*

*Article 3.* The Sultanate of Oman exercises sovereign rights over the continental shelf of the Sultanate for the purpose of exploring it and exploiting its natural resources.

*Article 4.* The continental shelf of the Sultanate includes the sea-bed and natural resources upon and beneath the sea-bed adjacent to the coast of the mainland or of an island, rock, reef, or shoal, but outside the territorial sea of the Sultanate, to a depth of 200 metres or to such greater depths as admit of the exploitation of natural resources.

## PART THREE

*Exclusive fishing zone*

*Article 5.* The Sultanate of Oman exercises sovereign rights over the exclusive fishing zone of the Sultanate for the purposes of exploring, developing and exploiting its living resources, including but not limited to fish.

*Article 6.* The exclusive fishing zone of the Sultanate extends thirty-eight nautical miles seaward, measured from the outer limits of the territorial sea of the Sultanate.

## PART FOUR

*Overlapping jurisdictions*

*Article 7.* Where the coast of another State is opposite or adjacent to the coast of the Sultanate of Oman, the outer limits of the territorial sea, continental shelf and exclusive fishing zone of the Sultanate shall not extend beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of the Sultanate and the territorial sea of such other States is measured.

## PART FIVE

*Miscellaneous provisions*

*Article 8.* The precise limits of the territorial sea and exclusive fishing zone, as well as the median line limit of the continental shelf of the Sultanate, shall be determined by the Government of the Sultanate on maps and hydrographic charts recognized by the Sultanate of Oman.

*Article 9.* Official notification of effectiveness of this law shall be given to the Secretariat of the United Nations Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction.

...



## 22. PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN

### TERRITORIAL WATERS AND THE CONTINENTAL SHELF OF THE PEOPLE'S REPUBLIC OF SOUTHERN YEMEN LAW, 1970<sup>1</sup>

...

2. For the purposes of this Law, the following words and expressions shall have the meanings hereunder assigned to them unless the context otherwise requires:

...

(e) "Continental shelf" means the bottom of the sea and the ground beneath it in zones bordering the shore beyond the zone of the territorial sea up to a depth of two hundred metres or to such a farther depth as may allow the exploitation of the natural resources of such zones;

...

(h) "Shore or coast" means the Southern Yemeni coast facing the Gulf of Aden, the Arab Sea, the Indian Ocean and the Red Sea in accordance with the maps recognized by the Republic.

3. The territorial waters of the Republic, the air space over it and the land beneath it from the under-surface shall come under the sovereignty of the State provided that the provisions of the international law in respect of the peaceful passage of ships of other States in the territorial sea be respected.

4. The Republic shall have the right of sovereignty over the bottom of the sea and beneath in the continental shelf beyond the territorial waters of the Republic up to a point where the depth of the water is nine hundred and sixty feet or to a farther depth on the line within the limits of which the natural resources existing at the bottom may be exploited, and the Republic shall also have the right of sovereignty over the similar continental shelf of the Republic islands without affecting the description of the waters which being of the high seas, overlie the said zones or affecting the freedom of navigation in them and of aviation in the air space overlying them.

5. The Republic shall have the sole right to explore, search for and exploit all natural mineral and other inanimate resources and all living beings whether such resources exist at or under the bottom of the sea.

6. No alien whether a natural person or body corporate shall exploit the natural resources set out in section 5 or carry out search or excavation over them or make researches whatsoever in the continental shelves save by a resolution of the Presidential Council.

7. The territorial waters of the Republic shall include the internal waters in the lands and territorial sea of the Republic.

8. The internal waters in the lands of the Republic include

(a) Waters of gulfs existing along the coasts of the Republic;

(b) Waters between the land and any island of the Republic which is not more than twelve nautical miles distant from the lands;

<sup>1</sup> No. 8 of 1970; 9 February 1970. Legal Supplement to the *Official Gazette*, No. 14; 2 April 1970. Prior to 30 November 1970, the official title of the People's Democratic Republic of Yemen was "People's Republic of Southern Yemen".

(c) Waters between the islands of the Republic which are not more than twelve nautical miles distant from each other;

(d) Waters on land from any shoal which is not more than twelve nautical miles distant from the land or from any island of the Republic and waters between such a shoal and the land.

9. The Republic's territorial sea bordering the internal waters of the Republic extends as far as twelve nautical miles seaward measured from the straight baseline or from the low-water mark along the shore as set out on the large-scale maps recognized by the People's Republic of Southern Yemen.

10. The baseline from which the territorial sea of the Republic is measured, is determined as under:

(a) If the entire shore or coast of the island is exposed to sea, the lowest point of water recession from the coast.

(b) In case of existence of a gulf facing the sea, lines to be drawn at either end of the land from the gulf entrance to the other end.

(c) In case of existence of a shoal not more than twelve nautical miles distant from the land or from any island of the Republic, lines to be drawn from the land or island along the outer margin of the shoal.

(d) In case of existence of a wharf or port facing the sea, lines to be drawn along the side facing the sea from installations which are more projective than those of the port or wharf, in addition to the drawing of lines between the ends of such installations.

(e) In case of existence of an island not more than twelve nautical miles distant from the land, lines to be drawn from the land along the outer shores of the island.

(f) In case of existence of a group of islands which may be linked together by lines each length of which being not more than twelve nautical miles and the nearest island being not more than twelve miles distant from the land, lines to be drawn from the land and then on the outer shores of the whole group of islands if such islands are in the form of a chain, or to be drawn along the outer shores which are more projective than the group if the islands are not in the form of a chain.

(g) In case of existence of a group of islands which may be linked together by lines each length of which being not more than twelve nautical miles and the nearest island being more than twelve nautical miles distant from the land, lines to be drawn along the outer shores of the whole group of islands if such islands are in the form of a chain, or to be drawn along the outer shores of the islands which are more projective than the group if the islands are not in the form of a chain.

11. If after the delimitation of the territorial sea in accordance with the provisions of this Law there remains behind a portion of the high seas surrounded by territorial sea from all directions and may not extend twelve nautical miles towards any direction such a zone shall be deemed part of the territorial sea, and there shall be deemed also part of the territorial sea, any cavity clearly distinct from the high sea, which may be circumscribed by one straight line not more than twelve nautical miles in length.

12. In the event of waters of another State overlapping with the internal waters or territorial sea of the Republic the limits shall be determined either by agreement with such a State in accordance with the principles observed by the International Law or by means of an understanding between the States.

13. The Authorities of the Republic shall have the right to take all necessary measures in the territorial sea to protect itself against anything that may be prejudicial to its integrity or interests in accordance with the rules in force and with the provisions of the international law.

14. The Authorities of the Republic shall have the right to take all necessary measures for preventing ships entering the internal waters from violating the conditions to which such ships are subject while entering such waters.

15. Foreign ships having the right of passage in the territorial sea shall observe laws and rules in force in the Republic and the provisions of the international laws, particularly those relating to transportation and navigation.

16. The Authorities of the Republic shall, in such cases as they may determine, have the right to stop innocent passage in such areas of the territorial waters as may be specified by the Authorities, provided that such action be declared in advance.

17. Passage of foreign warships in the territorial sea shall be subject to prior permission and the Authorities of the Republic shall have the right to take all measures they may consider necessary against ships committing contravention, and submarines shall in no way pass submerged in the territorial sea.

18. For the following purposes, the Republic Authorities shall have the right to impose the necessary control over the high seas zone bordering the territorial sea of the Republic to an extent of six miles measured from the end of the territorial sea:

1. Preventing of contravention of its laws and rules relating to security, customs, health and finance whether in its land or in its territorial sea.
2. Punishment to be administered for contravention of the above-mentioned laws whether such contravention is committed in its land or in its territorial sea.

### 23. PERU

(a) SUPREME RESOLUTION NO. 23 OF 12 JANUARY 1955 DETERMINING THE PERUVIAN 200-MILE MARITIME ZONE<sup>1</sup>

*Whereas:*

It is necessary to specify in cartographic and geodesic documents the method for determining the Peruvian 200-mile maritime zone referred to in the Supreme Decree of 1 August 1947<sup>2</sup> and the joint Declaration signed at Santiago on 18 August 1952 by Peru, Chile and Ecuador.

<sup>1</sup> Text taken from *Instrumentos Nacionales e Internacionales sobre Derecho del Mar* (Ministerio de Relaciones Exteriores del Perú, 1971), provided by the Minister of External Relations in a note verbale of 22 August 1972. Translation by the Secretariat of the United Nations.

<sup>2</sup> Reproduced in ST/LEG/SER.B/1, pp. 16-18 and, in part, in ST/LEG/SER.B/6, pp. 38-39.

*It is hereby resolved that:*

1. The said zone shall be bounded at sea by a line parallel to and at a constant distance of 200 nautical miles from the Peruvian coast.

2. In accordance with paragraph IV of the Declaration of Santiago, the said line shall not extend beyond the parallel of latitude drawn from the point at which the frontier of Peru reaches the sea.

(b) LAW NO. 15720 OF 11 NOVEMBER 1965 ON CIVIL AERONAUTICS<sup>1</sup>

...

*Article 2.* The Republic of Peru shall exercise sole sovereignty over the air space above its territory and jurisdictional waters within a distance of 200 miles.

...

(c) LEGISLATIVE DECREE NO. 17752 OF 24 JULY 1969 ON GENERAL WATER LAW<sup>1</sup>

...

*Article 4.* The provisions of this legislative decree shall apply to the maritime, terrestrial and atmospheric waters of the national territory and space, in all their physical states, such as waters being described as, but not limited to:

- (a) The waters of the sea within a distance of 200 miles;
- (b) The waters of the gulfs, bays, inlets and estuaries.

...

## 24. SINGAPORE

[TERRITORIAL WATERS JURISDICTION ACT, 1878]<sup>2</sup>

## 25. SPAIN

COASTS ACT OF 26 APRIL 1969<sup>3</sup>

*Title I. Public maritime property and the use and exploitation thereof*

*Article 1.* The following shall be public property without prejudice to legally acquired rights:

<sup>1</sup>Text taken from *Instrumentos Nacionales e Internacionales sobre Derecho del Mar* (Ministerio de Relaciones Exteriores del Perú, 1971), provided by the Minister of External Relations in a note verbale of 22 August 1972. Translation by the Secretariat of the United Nations.

<sup>2</sup>Reproduced in ST/LEG/SER.B/6, pp. 355-357, under "United Kingdom of Great Britain and Northern Ireland". See especially Section 7, which defines "the territorial waters of Her Majesty's dominions".

<sup>3</sup>Act No. 28/69. *Boletín Oficial del Estado*, No. 101; 28 April 1969, pp. 763-766. Translation by the Secretariat of the United Nations.

...

(2) The land-sea zone, being that part of the coasts or maritime frontiers of Spanish territory which is covered by the sea between flood and ebb where the tides are perceptible and by the largest waves in normal weather where they are not. The said zone also extends along the banks of rivers as far as they are navigable or as far as the tides are perceptible.

(3) The territorial sea along the coasts or frontiers of the national territory, including inlets, roadsteads, bays, coves, harbours and other shelters which can be used for fishing and navigation.

(4) The bed and subsoil of the territorial sea and of the adjacent waters, to where the exploitation of their natural resources is possible.

*Article 2.* Islands which now exist or may be formed in the future in the territorial sea, in inlets or in the mouths of rivers as far as they are navigable or as far as the tides are perceptible shall belong to the State as part of its private domain, except where they are privately owned or derive from the division of a private estate. Their beaches and land-sea zones shall in any event be public property in accordance with the preceding article.

*Article 3.* (1) Public use of the property referred to in article 1 shall conform to the provisions of this Act and of administrative regulations.

(2) Free use of the territorial sea, inlets, roadsteads, bays and coves shall be deemed to include their use for bathing, sailing, fishing, embarking and disembarking, anchoring and similar activities, subject, however, to the applicable laws and police regulations.

(3) The same shall apply to the public use of beaches and of the land-sea zone, over which all persons may pass and on which all persons may bathe, spread nets, fish, beach, careen, repair and construct boats, bathe livestock, gather shells, plants and shellfish and engage in any other similar activities, subject to the applicable laws and police regulations. However, the Administration may impose such restrictions and grant such concessions as the economy, the public interest and the attainment of the purposes of the local corporations affected may require.

...

*Article 5.*

...

3. Land reclaimed from the territorial sea, other than harbours, through works constructed by the State or by provinces, municipalities or duly authorized private persons shall be the property of the person who or entity which carried out the works, without prejudice to servitudes relating to rescue, passage and the coast-guard or to public ownership of the land-sea zone and of the beaches, if any.

## *Title II. Administrative authority over public property*

*Article 8.* The Spanish authorities shall, within their respective fields of competence, exercise over the territorial sea and the zone adjacent thereto such powers as are conferred on them by legislation for the time being in force.

...

## 26. SRI LANKA

### PROCLAMATION BY THE GOVERNOR-GENERAL OF 7 JANUARY 1971 CONCERNING THE EXTENT OF THE TERRITORIAL SEA<sup>1</sup>

*Whereas* by Proclamation dated the nineteenth day of December, 1957, and published in *Gazette Extraordinary* No. 11,222 of December 20, 1957, the territorial waters (hereinafter referred to as the territorial sea) of Ceylon was declared to extend into the sea to a distance of six nautical miles measured from the appropriate baseline:

*And whereas* it has become necessary to declare afresh the extent of the territorial sea of Ceylon:

*Now therefore*, I, William Gopallawa, Governor-General of Ceylon do by this Proclamation declare --

- (i) That the territorial sea of Ceylon shall, notwithstanding any law or practice to the contrary observed in the past in relation to Ceylon, extend into the sea to a distance of twelve nautical miles measured from the appropriate baseline, and
- (ii) That the first-mentioned Proclamation dated the nineteenth day of December, 1957, is hereby revoked.

## 27. SUDAN

### TERRITORIAL WATERS AND CONTINENTAL SHELF ACT, 1970<sup>2</sup>

#### CHAPTER I

#### *Preliminary*

...

#### 2. *Interpretation*

In this Act, unless the context otherwise requires:

...

(b) "Bay" means any extension, inclination, inlet, lagoon, bend, gulf, or other arm of the sea;

...

(e) "Coast" means the coast of the Democratic Republic of the Sudan adjacent to the Red Sea, as marked on charts or Maps officially recognized by the Democratic Republic of the Sudan, and includes the outermost permanent harbour works which form an integral part of the harbour system;

...

(g) "Passage" means navigation through the territorial waters;

<sup>1</sup> *Ceylon Government Gazette, Extraordinary*, No. 14939/15, 8 January 1971. Prior to 22 May 1972 the official title of "Sri Lanka" was "Ceylon".

<sup>2</sup> 1970 Act No. 106. Entered into force on 28 November 1970. Text provided by the Permanent Mission of the Sudan to the United Nations in a note verbale of 28 August 1972.

(h) "Innocent Passage" means the passage of the ship through the territorial waters so long as it is not prejudicial to the peace, good order or security of the Democratic Republic of the Sudan and is in conformity with rules of international law and includes stopping and anchoring but only in so far as the same are incidental to ordinary navigation or are rendered necessary by force majeure or by distress;

(k) "Continental Shelf" means the sea bed and subsoil of the submarine areas but outside the territorial waters of the Democratic Republic of the Sudan, to a depth of two hundred metres or beyond that limit to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas.

## CHAPTER II

### *Internal waters and territorial waters*

#### *4. Internal waters*

For the purposes of this Act the internal waters of the Democratic Republic of the Sudan means the internal waters within the on the landward side boundaries of the Republic of the territorial waters and include the following:

- (a) Ports, wharfs and anchorages;
- (b) Waters of a bay the coasts of which belong to the Democratic Republic of the Sudan;
- (c) Waters on the landward side of any shoal not more than twelve nautical miles from the mainland or from a Sudanese island;
- (d) Waters between the mainland and any Sudanese island not more than twelve nautical miles from the mainland;
- (e) Waters between the Sudanese islands not further apart than twelve nautical miles.

#### *5. Territorial waters*

The Territorial Waters of the Democratic Republic of the Sudan extend seaward to a distance of twelve nautical miles and shall be measured from the straight baseline as marked on large-scale maps recognized by the Democratic Republic of the Sudan.

#### *6. The baseline for measuring the territorial waters*

(1) The baseline for measuring the breadth of the territorial waters of the Democratic Republic of the Sudan shall consist of:

- (a) Where the coast of the mainland or an island is wholly exposed to the open sea, the lowest low-water line as marked on large-scale charts officially recognized by the Democratic Republic of the Sudan.
- (b) Where a bay belongs to the Democratic Republic of the Sudan, a line drawn from headland to headland across the mouth of the bay;
- (c) Where a shoal is situated not more than twelve nautical miles from the mainland or from a Sudanese island, the lowest low water line on that shoal;

(d) Where a port or harbour faces the open sea, a line drawn along the seaward side of the outermost works of the port or harbour and between such works;

(e) Where an island is not more than twelve nautical miles from the mainland, appropriate lines drawn from the mainland and along the outer shores of the island;

(f) Where there is an island group which may be connected by lines not more than twelve nautical miles long, of which the island nearest to the mainland is not more than twelve nautical miles from the mainland, appropriate lines drawn from the mainland and along the outer shores of all the islands of the group if the islands form a chain, or along the outer shores of the outermost islands of the group if the islands do not form a chain;

(g) Where there is an island group which may be connected by lines not more than twelve nautical miles long, of which the island nearest to the mainland is more than twelve nautical miles from the mainland, lines drawn along the outer shores of all the islands of the group of the islands which form a chain, or along the outer shores of the outermost islands of the group if the islands do not form a chain.

(2) If the delimitation of the territorial waters in accordance with the provisions of this Act results in any portion of the high seas being wholly surrounded by territorial waters and such portion does not extend more than twelve nautical miles in any direction, such portion shall form part of the territorial waters.

...

(4) If the internal waters of the Democratic Republic of the Sudan described in section 4, or if the territorial waters delimited in accordance with sections 5 and 6 overlap internal or territorial waters of another State, the delimitation of the internal waters or, as the case may be, the territorial waters of the Democratic Republic of the Sudan and of that State shall, failing agreement between the Democratic Republic of the Sudan and the other State to the contrary, be determined in accordance with the principles of international law.

#### *7. Power to take action in the territorial waters*

The Democratic Republic of the Sudan shall have power to take all necessary action in the territorial waters:

(a) To protect itself against any act prejudicial to security, safety or interests of the Democratic Republic of the Sudan, according to the Sudanese Laws, and rules of international Law;

(b) To prevent a ship proceeding to internal waters from committing any breach of the conditions to which admission of the ship to those waters is subject.

#### *8. Foreign ships*

(1) The ships passing through the territorial waters shall comply with the Sudanese laws in force as well as the provisions of international law and agreements and, in particular of those relating to carriage and navigation.

(2) The Democratic Republic of the Sudan may suspend in specified areas of its territorial waters the passage of foreign ships if such suspension is,



in its opinion, necessary for its security but such suspension shall take effect only after having been duly published.

(3) The passage of military vessels in the territorial waters shall be subject to previous permission, and the Government may take all necessary action against ships committing any breach, and submarines shall navigate on the surface and shall show the flag of the nation to which they belong.

9. *Power to exercise control over area of high seas*

The Government may exercise necessary control over the high seas contiguous to its territorial waters up to a distance of six nautical miles measured from the limits of the territorial waters of the Democratic Republic of the Sudan:

(a) To prevent infringement of its customs, fiscal, immigration, sanitary or security laws within its territory or territorial waters,

(b) To punish infringement of any of the laws aforesaid committed within its territory or territorial waters,

CHAPTER III

*Continental shelf*

10. *Rights of sovereignty, power to erect installations etc. on the continental shelf*

(1) The Democratic Republic of the Sudan shall have the rights of sovereignty over the continental shelf for the purpose of exploring it and exploiting its natural resources and no one shall explore or exploit as aforesaid or make a claim to the continental shelf, without the express approval of the Council of Ministers.

(2) The rights of the Democratic Republic of the Sudan referred to in the preceding subsection or their exercise shall not depend on actual or national occupation or on any express declaration.

11. *Power to erect installations etc. on the continental shelf*

(1) The Democratic Republic of the Sudan shall have the right to construct and maintain or operate on the continental shelf installations and other devices necessary for its exploration and the exploitation of its natural resources and to establish safety zones around the installations and other devices erected and to take in those zones measures necessary for their protection.

(2) The safety zones aforesaid may extend to a distance of 500 metres around the installations and other devices which have been erected, measured from each point of their outer edge.

12. *Status of superjacent waters or air space not affected*

The rights of the Democratic Republic of the Sudan over the continental shelf shall not affect the legal status of the superjacent waters as high seas or that of the air space above those waters.

13. *Natural resources*

The natural resources referred to in this Chapter consist of the mineral and other non-living resources together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the sea-bed or are unable to move except in constant physical contact with the sea-bed or the subsoil.

## 28. THAILAND

### (a) DECLARATION OF THE OFFICE OF THE PRIME MINISTER CONCERNING THE INNER PART OF THE GULF OF THAILAND, 22 SEPTEMBER 1959<sup>1</sup>

The Council of Ministers has seen fit to issue the following declaration confirming the juridical status of the inner part of the Gulf of Thailand; namely, that the inner part of the Gulf of Thailand situated northward of the baseline which starts from the first point on the Bahn Chong Samsarn Peninsula (latitude 12° 35' 45'' north, longitude 100° 57' 45'' east) and, running westward parallel to the latitude, reaches the second point on the opposite sea coast (latitude 12° 35' 45'' north, longitude 99° 57' 30'' east) is a historic bay and that the waters enclosed within the baselines aforesaid form part of the internal waters of Thailand.

The Kingdom of Thailand has constantly maintained the foregoing position from time immemorial.

### (b) PROCLAMATION ESTABLISHING THE BREADTH OF TERRITORIAL WATERS OF THAILAND, 6 OCTOBER 1966<sup>2</sup>

Whereas Thailand always maintains that the sovereignty of Thailand extends, beyond its land territory and its internal waters, to a belt of sea adjacent to the coast, described as the territorial sea, including the air space over the territorial sea as well as its bed and subsoil;

Whereas it is deemed appropriate to establish the breadth of the coastal territorial waters;

It is hereby proclaimed that the breadth of the territorial waters of Thailand is established at twelve nautical miles measured from a baseline used for measuring the breadth of the territorial sea.

## 29. UNION OF SOVIET SOCIALIST REPUBLICS

### (a) REGULATIONS OF 5 AUGUST 1960 FOR THE PROTECTION OF THE STATE FRONTIER OF THE UNION OF SOVIET SOCIALIST REPUBLICS,<sup>3</sup> AS AMENDED IN 1971<sup>4</sup>

...

*Article 3.* Coastal waters extending for 12 nautical miles from the low-water line both on the mainland and around islands, or from the line of the outer limits of the internal sea waters of the Union of Soviet Socialist Republics,

<sup>1</sup> *Official Gazette*, vol. 76, Chapter 91, Special Supplement, 26 September 1959. Unofficial English translation provided by the Foreign Ministry of Thailand in a note verbale of 18 October 1971.

<sup>2</sup> Unofficial English translation provided by the Foreign Ministry of Thailand in a note verbale of 18 October 1971.

<sup>3</sup> Reproduced in part in ST/LEG/SER.B/15, pp. 211-214.

<sup>4</sup> Amended by the Decree of the Presidium of the Supreme Soviet No. 254, dated 10 June 1971. The amendment covers only the first paragraph of article 3. Text provided by the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations in a note verbale of 26 November 1971. Translation by the Secretariat of the United Nations.

or in those places where the coastline is deeply indented and cut into or where there is a fringe of islands along the coast in its immediate vicinity, from straight baselines joining appropriate points, shall constitute the territorial waters of the Union of Soviet Socialist Republics. The geographical coordinates of the points through which the straight baselines are drawn for purposes of calculating the breadth of the territorial waters of the Union of Soviet Socialist Republics shall be approved in a manner to be established by the Council of Ministers of the USSR. In certain cases provided for in agreements between the Union of Soviet Socialist Republics and other States, the breadth of the territorial waters may be different.

...

(b) FUNDAMENTAL PRINCIPLES OF WATER LEGISLATION IN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE UNION REPUBLICS, DATED 10 DECEMBER 1970<sup>1</sup>

...

PART I

*General provisions*

*Article 1. Aims of Soviet water legislation.*

The aims of Soviet water legislation are to regulate water resources relations with a view to ensuring rational water utilization to meet the needs of the population and the national economy, protecting water resources from pollution, obstruction and depletion, preventing and eliminating the harmful effects of water, improving the condition of bodies of water, and protecting the rights of undertakings, organizations, institutions and citizens and strengthening legality in water resources relations.

*Article 2. Water legislation in the Union of Soviet Socialist Republics and the Union Republics.*

Water resources relations in the USSR shall be regulated by these Fundamental Principles and other legislative enactments relating to water in the Union of Soviet Socialist Republics and the water codes and other legislative enactments relating to water in the union republics, which are promulgated in connexion with these Fundamental Principles.

...

*Article 3. State ownership of water resources in the USSR.*

In accordance with the Constitution of the USSR, water resources in the Union of Soviet Socialist Republics are State property that is to say they belong to the whole people.

Water resources in the USSR are the exclusive property of the State and no rights to them other than the right to use the water shall be granted.

<sup>1</sup> Entered into force on 1 September 1971. Text provided by the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations in a note verbale of 26 November 1971. Translation by the Secretariat of the United Nations.

*Article 4. State waters.*

All waters (bodies of water) in the USSR shall comprise the State waters. The State waters shall include:

...

- (3) Inland seas and other internal maritime water of the USSR;
- (4) The territorial waters (territorial sea) of the USSR.

*Article 5. Competence of the Union of Soviet Socialist Republics in the regulation of water resources relations.*

The Union of Soviet Socialist Republics shall have authority in the regulation of the following matters relating to water resources:

- (1) The administration of the State waters within the limits required for the exercise of the authority of the Union of Soviet Socialist Republics in accordance with the Constitution of the USSR;
- (2) The establishment of basic regulations relating to water utilization, the protection of waters from pollution, obstruction and depletion, and the prevention and elimination of the harmful effects of water;
- (3) The establishment of all-union standards governing water utilization, the quality of water and methods of assessing it;

...

- (5) The approval of schemes for integrated water utilization and conservation and water balances having an all-union significance;
- (6) The planning of all-union measures for water utilization and conservation and the prevention and elimination of the harmful effects of water;
- (7) State control over water utilization and conservation and the establishment of a system for the exercise of such control;

...

*Article 10. The placing, planning, construction and bringing into operation of enterprises, installations and other facilities affecting the condition of the water.*

In the placing, planning and construction of new and reconstructed enterprises, installations and other facilities and in bringing them into operation, and in introducing new technological processes affecting the condition of the water, due care must be taken to ensure rational water utilization on conditions which first and foremost meet the needs of the population for drinking water and water for domestic purposes. To this end, measures shall be taken to ensure that accounts are kept of water taken from bodies of water and returned to them, that the waters are protected from pollution, obstruction and depletion, that any harmful effects of water are prevented, that land submersion is reduced to the minimum necessary, that the land is protected from becoming saline, water-logged or arid, and that favourable natural conditions and the landscape are safeguarded.

When new or reconstructed enterprises, installations and other facilities are placed, planned, constructed or brought into operation on fisheries, the necessary measures must also be taken to protect fish, other aquatic animals and plants, and their reproduction.

...

It shall be prohibited to bring the following into operation:

New and reconstructed enterprises, workshops, assembly units, communal and other facilities which are not equipped with devices to prevent the pollution or obstruction of the waters or any harmful effects thereof;

...

Drainage systems before the completion of water intakes and other facilities in accordance with approved plans;

...

Drill holes in the water without equipping them with water regulating devices or, in appropriate cases, establishing health protection zones.

...

*Article 11. Procedure for the execution of work on bodies of water in riparian strips (zones).*

Construction, dredging and blasting work, the extraction of minerals, the taking of aquatic plants, the laying of cables, pipelines and other channels of communication, the felling of timber, and drilling, agricultural and other work on bodies of water or in riparian strips (zones) which affect the condition of the water shall be executed by agreement with the organs responsible for regulating water utilization and conservation, with the executive committees of local Soviets of Working People's Deputies and with other organs in accordance with the legislation of the Union of Soviet Socialist Republics and the Union Republics.

...

## PART II

### *Water use*

...

*Article 26. The utilization of bodies of water for the needs of water transport and logging.*

The rivers, lakes, artificial reservoirs, canals, inland seas and other internal maritime waters of the USSR and the territorial waters (territorial sea) of the USSR shall be public waterways, except in cases where their use for such purposes has been prohibited wholly or in part or where they have been set aside for special use.

The procedure for classifying waterways as navigable waterways or logging routes and the establishment of the rules for the exploitation of waterways shall be determined by the legislation of the Union of Soviet Socialist Republics and the Union Republics.

The floating of logs which are not bound together and the floating of wood in bundles or sacks which are not towed by a boat shall be prohibited:

(1) On navigable waterways;

(2) On those bodies of water which are included in a list approved by the Council of Ministers of the USSR or the Councils of Ministers of the Union Republics, taking into account the special significance of such bodies of water for fishing, water supply or other national economic purposes.

On other bodies of water, the above-mentioned types of logging shall be permitted on the basis of permits issued by the organs responsible for regulating water utilization and conservation after agreement with the organs responsible for the protection of fish stocks.

...  
*Article 27. Utilization of bodies of water for the needs of air transport.*

The procedure for the utilization of bodies of water for the stationing, taking off and landing of aircraft and for other air transport needs shall be established by the legislation of the Union of Soviet Socialist Republics.

*Article 28. Utilization of bodies of water for fishing needs.*

In fisheries, or in specific parts of such bodies of water which are of special significance for the conservation and reproduction of valuable species of fish and other aquatic animals or plants, the rights of water consumers may be restricted in the interests of the fishing industry. A list of such bodies of water or parts thereof and the ways in which water consumption is to be restricted shall be determined by the organs responsible for regulating water utilization and conservation on the basis of suggestions by the organs responsible for the conservation of fish stocks.

In the case of the operation of hydroelectric and other installations on fishery waters, measures must be taken where necessary to ensure the conservation of fish stocks and the conditions for their reproduction.

The procedure for the utilization of bodies of water for fishing needs shall be established by the legislation of the Union of Soviet Socialist Republics and the Union Republics.

*Article 29. Utilization of bodies of water for hunting needs.*

On rivers, lakes and other bodies of water which are inhabited by wild swimming-birds and valuable fur-bearing wild animals (including beaver, muskrat and nutria) the organs responsible for regulating water utilization and conservation may grant preference in respect of water utilization to hunting enterprises and organizations, taking due account of the demands for integrated water utilization.

The procedure for the utilization of bodies of water for hunting needs shall be established by the legislation of the Union of Soviet Socialist Republics and the Union Republics.

...  
*Article 36. Water utilization in the frontier waters of the USSR*

Water utilization in the frontier waters of the USSR shall be governed by international agreements.

Where water utilization in the Soviet part of the frontier waters is not regulated by an international agreement to which the USSR is a party, it shall be governed by the legislation of the Union of Soviet Socialist Republics and the Union Republics.

The procedure for water utilization in the frontier waters of the USSR shall be established by the competent organs in accordance with the requirements of the frontier troops.

## PART III

*Conservation of water and prevention of its harmful effects**Article 37. Conservation of water*

All waters (bodies of water) shall be subject to protection from pollution, obstruction, and depletion that may cause harm to the health of the population, the diminution of fish reserves, the deterioration of water supply conditions, and other unfavourable effects resulting from changes in the physical, chemical, and biological properties of the water, reducing its capacity for natural purification, and upsetting the hydrological and hydro-geological régime.

...

*Article 38. Protection of water from pollution and obstruction.*

The discharge into bodies of water of industrial, everyday, and other forms of wastes shall be prohibited. . . .

The owners of means of water transport, pipelines, floating and other installations on bodies of water, logging organizations, and other enterprises, organizations, and institutions shall be obliged not to permit the pollution and obstruction of water resulting from the loss of oil, wood, chemicals, petroleum, and other products.

Undertakings, organizations, and institutions shall be obliged not to permit the pollution and obstruction of the surface of drainage systems, the ice-cover of bodies of water, and the surface of glaciers by industrial, everyday, or other wastes and discharges, and by oil and chemical products whose contact with water entails a deterioration in the quality of surface and underground water.

The administrations of state water management systems, collective and state farms, and other undertakings, organizations, and institutions shall be obliged to prevent the pollution of water by fertilizers and toxic chemicals.

...

## PART V

*Liability for violation of water legislation**Article 46. Liability for violation of water legislation.*

Any acts which infringe water utilization rights and other transactions which overtly or covertly violate the right of state ownership of the waters shall be invalid.

Persons who are guilty of having entered into such transactions and persons who are guilty of the following acts:

The unauthorized seizure of bodies of water or unauthorized water utilization;

The collection of waters in violation of water utilization plans;

Pollution and obstruction of the waters;

Bringing into operation enterprises and communal and other facilities without installations and devices to prevent the pollution and obstruction of the waters or any harmful effects of the waters;

Wasteful use of water (obtained from or returned to bodies of water);

...

Unauthorized execution of hydrotechnical work;

Damage to water resources installations and devices;

Violation of the rules governing the operation of water resources installations and devices;

shall bear criminal and administrative liability in accordance with the legislation of the Union of Soviet Socialist Republics and the Union Republics.

...

Undertakings, organizations, institutions and citizens shall be obliged to make restitution for any loss caused by violations of water legislation to the extent and in the manner established by the legislation of the Union of Soviet Socialist Republics and the Union Republics. Officials and other workers through whose fault enterprises, organizations and institutions have incurred expenditure in connexion with the payment of restitution for losses shall bear material liability, in accordance with the established procedure.

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**Chapter II**  
**NAVIGATION THROUGH THE TERRITORIAL SEA AND SAFETY**  
**OF SHIPS THERE<sup>1</sup>**

**1. AUSTRALIA**

NAVIGATION ACT 1912-1970, part VII A<sup>2</sup>

**2. BRAZIL**

DECREE LAW NO. 1098 OF 25 MARCH 1970, ALTERING THE LIMITS OF THE  
TERRITORIAL SEA, article 3<sup>3</sup>

**3. CANADA**

- (a) Arctic Waters Pollution Prevention Act, 1970, sections 2, 3, 6-9, 11-20<sup>4</sup>
- (b) Canada Shipping Act of 1970, as amended in 1971, sections 401-403, 485, 542 and 543<sup>5</sup>

**4. MADAGASCAR**

- (a) ARRÊTÉ N° 01174 DU 21 MAI 1962 PORTANT POLICE DE LA NAVIGATION À  
L'INTÉRIEUR DES EAUX TERRITORIALES DE LA RÉPUBLIQUE MALGACHE<sup>6</sup>

*Article 1er.* Tout navire se trouvant dans les eaux territoriales de la République malgache doit être en mesure à tout moment de prouver sa nationalité ainsi que son droit de battre le pavillon qu'il arbore en présentant sur simple demande des autorités administratives les documents officiels qui lui ont été délivrés à cette fin par le Gouvernement de l'Etat dont il réclame la nationalité.

<sup>1</sup> On navigation see also *infra* Chapter IX as well as DIVISION II, where a number of laws and regulations refer to the protection of navigation in connexion with the exploitation of natural resources on the sea-bed and the subsoil thereof.

<sup>2</sup> *Infra* Chapter VII, 1.

<sup>3</sup> *Supra* Chapter 1, 2.

<sup>4</sup> *Infra* DIVISION III, 3 (c).

<sup>5</sup> *Ibid.*, 3(d).

<sup>6</sup> Texte transmis par le représentant permanent de la République malgache auprès de l'Organisation des Nations Unies par note verbale en date du 15 décembre 1971.

*Article 2.* L'entrée et la sortie des ports et rades de la République malgache sont interdites à tout navire ne remplissant pas les conditions édictées à l'article 1<sup>er</sup>.

- (b) DÉCRET N° 70.028 DU 10 JANVIER 1970 FIXANT LES LIMITES DES "EAUX INTÉRIEURES MARITIMES", articles 1-4<sup>1</sup>

## 5. NEW ZEALAND

[HARBOURS ACT]<sup>2</sup>

## 6. NORWAY

- (a) ROYAL DECREE IN COUNCIL OF 9 FEBRUARY 1968 CONCERNING RESTRICTED AREAS IN NORWEGIAN TERRITORIAL WATERS<sup>3</sup>
- (b) REGULATIONS FOR THE ADMITTANCE OF FOREIGN, NON-MILITARY SHIPS INTO NORWEGIAN TERRITORY DURING TIMES OF PEACE, 1968<sup>4</sup>

### *Preliminary provisions*

*Article 1.* These regulations for the admittance to Norwegian territory of foreign, non-military ships are only applicable when both Norway and the country whose flag the ship is flying are in a state of peace.

*Article 2.* By foreign, non-military ship is meant in these regulations any foreign vessel, and Norwegian vessel chartered by a citizen of a foreign power for a non-commercial purpose, not subject to current Norwegian regulations for the admittance of foreign warships and military aircraft into Norwegian territory during times of peace. The latter regulations have been established by Royal Decree of 19th January 1951.<sup>5</sup>

By foreign, non-military ship is meant in these regulations also the equipment (life boats etc.) belonging to the ship.

*Article 3.* In these regulations Norwegian territory stands for all Norwegian land and sea territory.

<sup>1</sup> *Infra* DIVISION IV, 14 (a).

<sup>2</sup> No. 34 of 1950. Subsequently amended—most recently by the Harbours Amendment Act 1970 (No. 68 of 1970; 27 November 1970), without modifying the sections reproduced in ST/LEG/SER.B/6, pp. 211-214.

<sup>3</sup> *Infra* Chapter III, 1 (a).

<sup>4</sup> Royal Decree of 9 February 1968. English text provided by the Permanent Representative of Norway to the United Nations in a note verbale of 17 November 1971.

<sup>5</sup> Reproduced in part in ST/LEG/SER.B/6, pp. 398-401.

*Article 4.* In these regulations Norwegian internal waters means the waters within straight lines drawn through basepoints laid down by Royal Decrees<sup>1</sup> of 12th July 1935, 18th July 1952 and 30th June 1955 respectively.

By territorial sea is meant Norwegian waters outside the borders of the internal waters mentioned above.

*Article 5.* Restricted sea areas on Norwegian territory have been established by Royal Decree of 9th February 1968.<sup>2</sup>

*Article 6.* Masters of all foreign, non-military ships are duty bound to know the contents of these regulations before entering Norwegian territory.

#### *Admittance into Norwegian territory*

*Article 7.* Foreign, non-military ships may undertake innocent passage through the territorial sea.

In this connection passage means navigation through the territorial sea for the purpose either of traversing that sea without entering internal waters, or of proceeding to internal waters, or of making for the high seas from internal waters. Passage also includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by distress or by force majeure.

*Article 8.* (a) Foreign, non-military ships engaged in commercial activities are admitted to Norwegian internal waters for:

- (i) Passage through the leads to and from Norwegian ports in connection with loading, discharging, victualling, fuelling, necessary repairs at Norwegian shipyards, and visits by tourist ships.
- (ii) Passage through the leads in transit whenever necessary and when such passage is natural in connection with the mission of the ship.
- (iii) The purpose of seeking port of distress, see article 12 below.

(b) Stopping or anchoring during the passage in internal waters is only permitted to the extent necessary in connection with the safety of the ship or due to force majeure.

*Article 9.* Foreign, non-military ships without justification as stated in article 8, are only permitted to internal waters after having obtained permission in advance through diplomatic channels, see article 13 below.

*Article 10.* Foreign, non-military ships shall only use those fairways of approach and transit in Norwegian internal waters which are stated in Den Norske Los, in Norwegian charts or as instructed by Norwegian pilot embarked. For permitted fairways in restricted sea areas reference is made to regulations in Royal Decree of 9th February 1968 mentioned above.

*Article 13.* Request for permission as stated in article 9 shall normally reach the Norwegian authority concerned at the latest 14—fourteen—days prior to the visit. The request must contain information regarding the purpose of the visit, number of ships, type of ship and name, the call sign of the

<sup>1</sup> Royal Decrees of 18 July 1952 and 30 June 1955 are reproduced in ST/LEG/SER.B/6, pp. 552-554 and 555-557 respectively.

<sup>2</sup> *Infra* Chapter III, 1(a).

ship's radio station, the route planned on Norwegian territory, the port or ports and places of anchorage which it is desired to visit, the time for the visit(s) and the duration of same and any other information deemed to be of importance.

*During the stay on Norwegian territory*

*Article 15.* Officers and petty officers of Norwegian warships or guard ships and other officers and petty officers of the Royal Norwegian Navy have the right on Norwegian territory to search any non-military ship, her papers, cargo and equipment and persons embarked. The master of the ship being searched shall willingly assist in order to facilitate the search. Upon request he shall render information of interest to the military authorities. He is duty bound to follow directives for the forthcoming voyage and for his further conduct.

The person responsible for the search of the ship shall give the master a written manifest or enter remarks about the search in the ship's log.

*Article 16.* It is prohibited for any person embarked on board a foreign, non-military vessel to make charts or sketches of the ports, waters, airfields, sea-plane bases or any territory of the Kingdom. Other measurements or soundings than those necessary for the safety of the ship must not be taken.

Likewise it is prohibited to make charts, sketches, photographs or descriptions of Norwegian military installations and fortifications.

*Infringements of the regulations*

*Article 19.* Should the master or any other person embarked on foreign, non-military ships fail to comply with the regulations laid down for the stay of the ships on Norwegian territory, the ship may, by the Norwegian authority concerned, be ordered to leave Norwegian territory immediately or at the latest within a further stipulated and reasonable time limit. Furthermore, ships may be ordered to proceed to the nearest police authority for action and prosecution.

*Article 20.* Infringements of these regulations are punishable in accordance with the Penal Code, paragraph 418, second part, with fines or imprisonment up to 3 months.

## 7. PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN

TERRITORIAL WATERS AND THE CONTINENTAL SHELF OF THE PEOPLE'S  
REPUBLIC OF SOUTHERN YEMEN LAW, 1970, articles 14-17<sup>1</sup>

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<sup>1</sup> *Supra* Chapter I, 22.

## 8. SPAIN

ACT NO. 25/64 OF 29 APRIL 1964 CONCERNING NUCLEAR ENERGY<sup>1</sup>

### CHAPTER I

#### *Purpose and definitions*

...

#### *Article 2. Definitions:*

For purposes of this Act:

...

14. "Operator" of a nuclear installation, a radio-active installation or a nuclear ship or aircraft means the individual body corporate possessing the necessary authorization to operate the said installation, ship or aircraft;

15. "Controlled zone" means any area in which, owing to the existence of a source of ionizing radiation, workers may be exposed to doses of radiation exceeding 1.5 rem per year;

...

18. "Nuclear ships and aircraft" means any ship or aircraft equipped to use nuclear fuel;

10. "Warship" means any ship which belongs to the naval forces of a State and bears the external markings characterizing warships of that State, which is under the command of an officer duly authorized by the Government of the said State, which is listed in the Navy Register (*Escalafón de la Marina*) and whose crew is subject to naval discipline.

...

### CHAPTER VII

#### *Civil liability for nuclear damage*

*Article 45.* The operator of a nuclear installation or of any other installation producing or working with radio-active materials or having equipment which may produce ionizing radiation shall be liable for nuclear damage. Liability shall ensue irrespective of intent and shall be limited to the maximum amount of coverage laid down in this Act.

If the operator proves that the person who suffered nuclear damage produced or contributed to producing the damage through fault or negligence, the competent court may release the operator from all or part of his obligation to provide compensation for the damage suffered by the said person.

No liability on the part of the operator shall ensue from nuclear damage caused by a nuclear accident which is the direct result of armed conflict, hostilities, civil war or insurrection, or of a natural catastrophe of an exceptional nature.

...

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<sup>1</sup> *Boletín Oficial del Estado*, 4 May 1964. Entered into force on 15 May 1964 in accordance with Article 96. Translation by the Secretariat of the United Nations.

## CHAPTER VIII.

*Coverage for nuclear risks*

*Article 55.* Any operator of a nuclear installation or of any other installation producing or working with radio-active materials or having equipment which may produce ionizing radiation for use in carrying out any nuclear-type activity shall, in addition to obtaining prior authorization, provide coverage for the risks which may arise in connexion with the liability ensuing from nuclear accidents.

...

## CHAPTER XI.

*Nuclear ships and aircraft*

*Article 69.* The provisions of this chapter shall apply to nuclear ships and aircraft, including warships and military aircraft and those having the same legal status; the latter shall not, however, be subject to the provisions of article 71.

*Article 70.* The passage through territorial waters of nuclear ships and the flight over national territory of nuclear aircraft shall be considered exceptions to the right of "innocent passage".

*Article 71.* The Government of the country in which the nuclear ship or aircraft is registered and by which the operator thereof is licensed shall:

(a) Certify in an appropriate report the safety of the nuclear equipment or installations on board the ship or aircraft.

...

(b) Verify and ensure protection against ionizing radiation for persons on board and for those in the vicinity of the ship or aircraft during its stay in or transit through the territorial waters or the air space of the national territory.

...

(c) Guarantee, in a form deemed sufficient, coverage for any civil liability which may ensue from nuclear damage or nuclear accident. The said guarantee shall include:

- (I) Acceptance by the Government of the country in which the nuclear ship or aircraft is registered of all liability ensuing from nuclear accidents or nuclear damage occurring on board, or produced by, the ship or aircraft;
- (II) Provision of coverage for nuclear risks in an amount not less than that laid down in the international Conventions to which Spain is a party, or a higher amount if so agreed between the Spanish Government and the Government of the country in which the nuclear ship or aircraft is registered;
- (III) The adoption of measures by the country in which the nuclear ship or aircraft is registered to ensure that the insurance compensation or other financial guarantees are effectively available in the territory of that country.

*Article 72.* The liability referred to in the preceding article shall ensue automatically where it is proved that the damage was produced by a nuclear accident involving the nuclear fuel of the ship or aircraft or its radio-active products or wastes. This provision shall apply to cases where nuclear missiles or nuclear fuel are being transported, even if they are not being used to generate motive power.

*Article 73.* Nuclear ships or aircraft may be denied permission to stay in a port or at an airport by the national maritime or aviation authorities if they fail to comply with the regulations of the said authorities for the implementation of the provisions of this chapter or if any other ground for such denial exists.

*Article 74.* The national maritime authorities may inspect nuclear ships within the territorial waters and verify their safety and operating conditions before the ships are authorized to enter port or to pass through the territorial waters.

...

*Article 76.* Nuclear ships or aircraft shall remain in the port or airport areas prescribed by the competent authorities, with the advice of the Nuclear Energy Board; they must, under all circumstances, observe the safety precautions and safety measures laid down in chapter VI of this Act with respect to "controlled zones".

*Article 77.* A ship in distress which puts into port, or an aircraft which makes a forced landing, must submit to designation of the place where it is to remain as long as the circumstances which caused the unscheduled stop continue. The designation shall be made by the competent national authority, which may itself take measures to have the ship or aircraft removed to the appointed place.

Nuclear ships must anchor in calm waters, away from centres of population or industry.

...

The provisions of this article shall also apply to warships or military aircraft which have nuclear generators of motive power or are armed with nuclear weapons.

...

*Article 79.* The operator of a nuclear ship or aircraft shall be deemed to be the operator of a nuclear installation and shall accordingly be subject to the provisions of chapter VII concerning civil liability and, with regard to coverage for nuclear risks, to the provisions of chapter VIII in the case of nuclear ships and aircraft registered in Spain.

However, the provisions of the said chapters shall not apply to salvage money or to general coverage.

*Article 80.* Nuclear ships and aircraft shall in addition be required to comply with the international rules relating respectively to passage through the territorial sea and the contiguous zone and to flight over the national territory of States.

...

**9. SUDAN**

TERRITORIAL WATERS AND CONTINENTAL SHELF ACT, 1970,  
sections 2, 7 and 8<sup>1</sup>

**10. UNION OF SOVIET SOCIALIST REPUBLICS**

FUNDAMENTAL PRINCIPLES OF WATER LEGISLATION IN THE UNION OF  
SOVIET SOCIALIST REPUBLICS AND THE UNION REPUBLICS, DATED  
10 DECEMBER 1970, articles 26 and 27<sup>2</sup>

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<sup>1</sup> *Supra* Chapter I, 27.

<sup>2</sup> *Ibid.*, 29(b).

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### Chapter III

## SECURITY OF THE COASTAL STATE

### 1. NORWAY

(a) ROYAL DECREE IN COUNCIL OF 9 FEBRUARY 1968 CONCERNING RESTRICTED AREAS IN NORWEGIAN TERRITORIAL WATERS<sup>1</sup>

(a) By authority vested in the Defence Secrets Act of 18th August 1914 the territorial waters listed in Enclosure I<sup>2</sup> are laid down as Restricted Areas.

(b) In these Restricted Areas foreign ships and craft of more than 50 gross register tons and which have not been listed military (hereafter non-military) are prohibited to navigate unless they are supervised by a pilot from the State Pilotage Service.

(c) Approaches to and navigation leads through the Restricted Areas by foreign, non-military ships and craft are laid down in Enclosure II.<sup>2</sup> It is prohibited for ships to remain stationary in these areas. Prior to entering a Restricted area foreign, non-military ships are required to embark a pilot from the Pilotage Service in the specified positions in Enclosure III,<sup>2</sup> or, should the weather or sea conditions render such embarkation impossible, to be guided from a pilot vessel until embarkation is possible. On leaving the Restricted Area the foreign ship is required to act similarly.

(d) Compliance with the above stated regulations, requiring embarked pilot and navigation leads specified in the Restricted Areas, is excused a foreign, non-military ship clearly imperilled in heavy weather. The master of this ship is, however, required without delay and in the speediest manner possible to report his arrival on Norwegian territory to Norwegian port or police authorities.

(e) By foreign, non-military ship is in these regulations also meant the equipment (life boats, etc.) belonging to the ship.

(f) The ministry of Defence will regulate exemptions from the regulations listed under letters (b) and (c) above for the ferry services between Scandinavian countries. Should other specific reasons so warrant, the Ministry of Defence may, however, make exemptions from these regulations.

(g) The Restricted Areas laid down by the Commander-in-Chief, Royal Norwegian Navy, prior to this Decree are hereby superseded. This cancellation does not affect the prohibited anchorage for ships off the Royal Norwegian Air Force Station, Andøya, resolved by Royal Decree 20th January 1961.

<sup>1</sup> English text provided by the Permanent Representative of Norway to the United Nations in a note verbale of 17 November 1971.

<sup>2</sup> Enclosures are not reproduced here.

(h) The Ministry of Defence may approve minor changes in the regulations in the Enclosures I, II and III mentioned above.

(i) The Ministry of Defence will decide when the regulations above are to be made effective. From that moment the regulations resolved by Royal Decree of 9th February and 6th April 1962<sup>1</sup> are cancelled.

...

(b) REGULATION FOR THE ADMITTANCE OF FOREIGN, NON-MILITARY SHIPS INTO NORWEGIAN TERRITORY DURING TIMES OF PEACE, 1968, article 16<sup>2</sup>

## 2. PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN

TERRITORIAL WATERS AND THE CONTINENTAL SHELF OF THE PEOPLE'S REPUBLIC OF SOUTHERN YEMEN LAW, 1970, articles 13 and 17<sup>3</sup>

## 3. SUDAN

TERRITORIAL WATERS AND CONTINENTAL SHELF ACT, 1970, sections 7 and 8<sup>4</sup>

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<sup>1</sup> Reproduced in ST/LEG/SER:B/15, pp. 193-198.

<sup>2</sup> *Supra* Chapter II, 6(b).

<sup>3</sup> *Supra* Chapter I, 22.

<sup>4</sup> *Ibid.*, 27.

**Chapter IV**  
**CUSTOMS, FISCAL AND SANITARY MATTERS**

**1. DENMARK**

CUSTOMS ACT OF 28 DECEMBER 1970<sup>1</sup>

CHAPTER I

*Customs area*

*Article 1.* 1. The customs area shall comprise the land areas and internal waters of Denmark, and its territorial sea to a distance of four nautical miles (7,408 m.) from the coastline or from such straight baselines as have been or may be established, and the air space above the aforesaid areas.

2. The customs areas shall not include the Faroe Islands and Greenland.

CHAPTER 8

*Customs control and customs clearance*

*Article 78.* The customs authorities shall collect customs and other duty on goods brought into the customs area and exercise the control necessary for collection of customs and other duty.

...

*Article 80.* 1. Ships and aircraft in the customs area and other means of conveyance operating between the customs area and places abroad and means of conveyance used to transport uncleared goods shall be subject to control by the customs authorities. The customs authorities shall be entitled to conduct such inspection of the aforesaid means of conveyance as is necessary for the exercise of customs control.

...

CHAPTER 10

*Other provisions*

...

*Article 116.* The regulations laid down in this Act or in pursuance thereof concerning customs control and customs clearance may be extended to apply outside the customs area to the extent provided in international agreement. The Minister of Finance shall announce the scope of any such extensions.

<sup>1</sup> Act No. 524 of 1970. Text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 16 November 1971. Translation by the Secretariat of the United Nations.

*Article 117.* 1. Within the framework of this Act the Minister of Finance may enter into agreements with foreign States concerning co-operation in the prevention of smuggling and make the necessary arrangements for the implementation of such agreements.

2. The Minister of Finance may provide that customs security personnel from a foreign State with which an agreement has been concluded concerning joint surveillance for the prevention of unlawful import and export of goods shall, in the exercise of their functions in the parts of the Danish customs area covered by the agreement, have the same powers and enjoy the same legal protection as Danish customs security personnel.

...

*Article 124.* 1. If dutiable goods which are not listed in the cargo documents and have not been properly declared to the customs authorities are found on board a means of conveyance that has entered the customs area, the owner of such goods shall be considered to have attempted to smuggle them into the country unless he can provide convincing evidence to show that no attempt at smuggling was made.

2. Any vessel under 120 net tons which within the customs area is found to be carrying on board heavily dutiable goods, the customs and other duty on which amounts to not less than 500 kroner shall be considered to be attempting to engage in smuggling unless there is strong evidence that the vessel is not being used for such purposes.

...

## 2. NEW ZEALAND

[CUSTOMS ACT 1966]<sup>1</sup>

## 3. SRI LANKA

CUSTOMS ORDINANCE<sup>2</sup>

...

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

...

<sup>1</sup> No. 19 of 1966; 16 September 1966. Amended most recently by the Customs Amendment Act 1970 (No. 44 of 1970; 26 November 1970). The sections reproduced in ST/LEG/SER.B/15, pp. 225-228, however, have not been modified.

<sup>2</sup> *Legislative Enactments of Ceylon*, 1956 Revision, vol. III, Chap. 235. Prior to 22 May 1972, the official title of "Sri Lanka" was "Ceylon".

## Chapter V

### CRIMINAL AND CIVIL JURISDICTION OVER FOREIGN SHIPS IN THE TERRITORIAL SEA<sup>1</sup>

#### 1. CANADA

CRIMINAL CODE, AS AMENDED IN 1968<sup>2</sup>

433. *Offences on territorial sea and waters off the coast*

(1) Where an offence is committed by a person, whether or not he is a Canadian citizen, on the territorial sea of Canada or on internal waters between the territorial sea and the coast of Canada, whether or not it was committed on board or by means of a Canadian ship, the offence is within the competence of and shall be tried by the court having jurisdiction in respect of similar offences in the territorial division nearest to the place where the offence was committed, and shall be tried in the same manner as if the offence had been committed within that territorial division.

(2) No proceedings for an offence to which subsection (1) applies other than an offence for which the accused is punishable on summary conviction shall, where the accused is not a Canadian citizen, be instituted without the consent of the Attorney General of Canada.

#### 2. JAMAICA

TERRITORIAL SEA ACT, 1971, sections 4 and 5<sup>3</sup>

#### 3. NORWAY

REGULATIONS FOR THE ADMITTANCE OF FOREIGN, NON-MILITARY SHIPS INTO  
NORWEGIAN TERRITORY DURING TIMES OF PEACE, 1968, articles 15, 19 and 20<sup>4</sup>

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<sup>1</sup> See also *infra* Chapter VII and DIVISION IV for coastal States jurisdiction in connexion with pollution and fishing, respectively.

<sup>2</sup> *Revised Statutes of Canada*, 1970, Chap. C-34.

<sup>3</sup> *Supra* Chapter I, 10.

<sup>4</sup> *Supra* Chapter II, 6(b).

**4. SINGAPORE**

[TERRITORIAL WATERS JURISDICTION ACT, 1878]<sup>1</sup>

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<sup>1</sup> Reproduced in ST/LEG/SER.B/6, pp. 355-357 under “United Kingdom of Great Britain and Northern Ireland”.

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## Chapter VI

### STATUS OF FOREIGN WARSHIPS IN THE TERRITORIAL SEA

#### 1. BRAZIL

DECREE NO. 56.515 OF 28 JUNE 1965 ESTABLISHING RULES GOVERNING VISITS BY FOREIGN WARSHIPS TO BRAZILIAN PORTS AND TERRITORIAL WATERS IN TIME OF PEACE<sup>1</sup>

1. *Classification of visits.* Visits by foreign warships to ports or the territorial waters of the Republic of the United States of Brazil in time of peace shall be regarded as: *official, non-official* and *operational*.

*Official:* when the visits are formally designated as such by the Government of the foreign country to which the units belong in a communication addressed to the Brazilian Government through the diplomatic channel, or when they are made at the invitation of the Brazilian Government. Such visits shall conform to an official programme in which all matters relating to the entry of the visiting ships into, their stay in and their departure from such waters shall be set out in detail.

*Non-official:* when the visits are formally designated as such by the foreign Government concerned in its communication to the Brazilian Government. The programme for such visits shall involve only the salutes required by maritime ceremonial and protocol visits.

*Operational:* when the foreign Government concerned, in its communication to the Brazilian Government, states that the ship is carrying out a military mission involving the transport of personnel or cargo, logistic support or crew training exercises.

There shall be no programme, the only requirement being such visits to the authorities as may be deemed essential by the Ministry of Marine.

2. *Ships putting in at ports.* A warship putting in at a Brazilian port because of damage, bad weather or other emergency shall not be considered to be visiting unless the accredited diplomatic mission in Brazil of the country to which it belongs declares that it is on a *non-official* or *operational* visit.

3. If a foreign warship which is en route to another country and has on board a foreign chief of State or his representative puts in at a Brazilian port, the Brazilian Government, on being notified of these circumstances through the diplomatic channel, shall arrange for such courtesies to be paid to the visitor as the unexpected nature of the event permits.

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<sup>1</sup> Text provided by the Permanent Mission of Brazil to the United Nations in a note verbale of 29 December 1972. Translation by the Secretariat of the United Nations.

4. *Notice of visit.* Advance notice of any visit shall be given by the Government of the State to which the visiting ship belongs:

(a) In the case of *official* visits, not less than 60 days before the date of arrival at the first Brazilian port;

(b) In the case of *non-official* and *operational* visits, not less than 30 days before the date of arrival at the first Brazilian port.

...

7. *Limitation on number and on length of stay.* Unless special authorization is granted, not more than three warships of the same nationality may be present simultaneously in Brazilian ports or territorial waters. The maximum stay of all or any such ships in the same port or in territorial waters shall be 21 days.

On entering Brazilian territorial waters they shall hoist the flag of the country to which they belong.

8. If warships of any State are compelled by damage or other emergency to enter the same Brazilian port, no limitation shall be placed on their number until the emergency which compelled their entry has ceased. However, the Commanding Officer of the force or the Commanding Officers of the ships so entering shall arrange for the necessary repairs to their ships to be effected immediately and with the greatest possible speed and shall inform the local naval authority of the special circumstances of the case.

9. Except in the case provided for in article 8, if it is desired that more than three warships of the same country should be admitted to the same Brazilian port, the Government of the country to which they belong shall address to the Brazilian Government, through the diplomatic channel, a request for special authorization, giving the information called for in article 5.

10. *Overflights by aircraft carried on board.* Authorization for aircraft carried on board to make flights over the Brazilian land domain and territorial waters, if desired, shall be requested from the competent authority of the Ministry of Aviation, in accordance with the rules of the said Ministry, through the naval authority of the port of call.

11. *Compliance with regulations.* During their stay in Brazilian ports and territorial waters, foreign warships shall be subject to the present rules and shall comply with the regulations of the Brazilian ports and the health authorities.

12. *Violations.* In the event of a violation of the present rules or of the regulations referred to in the preceding articles the most senior naval authority present shall draw the attention of the visiting party to such violation. If this notice is not heeded, he shall immediately submit the facts for a decision to Navy Headquarters, with a report to the Commanding Officer of the naval district concerned and to the authority immediately superior to him.

13. *Warships.* For the purposes of these rules, the term "warship" means:

(a) A combat ship which is an actual unit of the armed forces of the State whose flag it flies;

(b) An auxiliary ship which is intended exclusively for naval service, is a unit of the Navy and is manned by a naval crew;



(c) A merchant marine ship which has been adapted for naval service and is under the command of an officer of the Navy.

14. For a merchant marine ship which has been adapted for naval service to be regarded as a warship by the Brazilian Government, the Government of the State to which it belongs must notify the Brazilian Government, through the diplomatic channel, of the ship's new status and declare that in such status the ship will no longer engage in trading operations and is under the command of an officer of its Navy.

15. *Commercial missions*. Foreign warships may, by way of exception and with the authorization of the Brazilian Government, enter a Brazilian port for the purpose of carrying out a commercial mission, in which case they shall not be entitled to enjoy the privileges and exemptions normally enjoyed by warships and shall be subject to all the obligations to which merchant ships are subject under the relevant regulations.

16. *Submarines*. Except where special authorization is obtained, a foreign submarine may not enter a Brazilian port or Brazilian territorial waters while submerged, nor may it submerge when in such a port or such waters.

17. *Special exercises and activities*. Foreign warships in Brazilian territorial waters shall not be authorized to engage in the following activities unless the foreign Government has requested such authorization in advance from the Brazilian Government, through the diplomatic channel:

- (a) The launching of torpedos or laying of mines;
- (b) Firing with artillery, except in the case of salutes;
- (c) Exercises with armed boats;
- (d) Exercises with electric or other searchlights;
- (e) Embarking troops;
- (f) Topographic or hydrographic surveying and bathymetric or bathythermographic soundings.

18. However, soundings for the exclusive purpose of ensuring the safe navigation of the ship when moving shall be permitted.

19. The visiting ship may carry out underwater operations in Brazilian ports or territorial waters, with or without diving gear, only after obtaining the relevant permit from the naval authority having jurisdiction over the place where the work is to be done.

20. *Shore leave*. The authorities of foreign warships in Brazilian ports shall have exclusive competence to grant shore leave to members of their crews.

...

22. *Salutes*. Salutes given by foreign warships in Brazilian ports to Brazilian flags or to land shall be returned, at the port of Rio de Janeiro, by warships and saluting stations respectively. At other ports salutes shall be exchanged only when a ship of the Brazilian Navy with saluting batteries is anchored at the port.

23. *Radio transmissions*. Foreign warships anchored at Brazilian ports or travelling through Brazilian territorial waters may transmit radio communications only if application has been submitted in advance and authorization has

been granted by Navy Headquarters, except in emergencies when they shall use the frequency of 500 Kc/s (600 metres).

...

28. *Belligerent warships*. The present rules shall not apply to the entry into, stay in and departure from Brazilian ports and territorial waters of belligerent warships which shall be subject to special provisions.

## 2. PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN

TERRITORIAL WATERS AND THE CONTINENTAL SHELF OF THE PEOPLE'S  
REPUBLIC OF SOUTHERN YEMEN LAW, 1970, article 17<sup>1</sup>

## 3. SPAIN

ACT NO. 25/64 OF 29 APRIL 1964 CONCERNING NUCLEAR ENERGY,  
articles 2, 69-77, 79 and 80<sup>2</sup>

## 4. SUDAN

TERRITORIAL WATERS AND CONTINENTAL SHELF ACT, 1970, section 8 (3)<sup>3</sup>

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<sup>1</sup> *Supra* Chapter I, 22.

<sup>2</sup> *Supra* Chapter II, 8.

<sup>3</sup> *Supra* Chapter I, 27.

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**Chapter VII**  
**POLLUTION OF THE TERRITORIAL SEA**

**I. AUSTRALIA**

NAVIGATION ACT 1912-1970<sup>1</sup>

...

PART VIIIA

*Prevention, etc., of pollution by oil of Australian coast, coastal waters and reefs*

329D. (1.) In this Part:

“Australian coastal waters” means Australian territorial waters and the territorial waters of any Territory not forming part of the Commonwealth, and includes any internal waters, being tidal waters, of Australia or such a Territory;

“Australian reef” means a reef in Australian coastal waters or a reef outside Australian coastal waters but forming part of the continental shelf adjacent to the Australian coast;

“Continental shelf” has the same meaning as in the Convention entitled “Convention on the Continental Shelf”<sup>2</sup> and dated the twenty-ninth day of April, One thousand nine hundred and fifty-eight;

“Oil” means oil of any description, and includes:

- (a) Spirit produced from oil;
- (b) Coal tar; and
- (c) Any mixture containing oil, spirit produced from oil or coal tar and water or any other substance;

“Territory” means a Territory of the Commonwealth, other than the Territory of Papua or the Territory of New Guinea;

“The Australian coast” includes the coast of any Territory not forming part of the Commonwealth, the coast of any island forming part of Australia or of such a Territory and the shores of any internal waters, being tidal waters, of Australia, of such a Territory or of such an island;

<sup>1</sup> Act No. 117 of 1970; 11 November 1970. The Navigation Act 1912-1967, as amended by Act No. 62, 1968; No. 1, 1970; and No. 117, 1970. Text provided by the Permanent Representative of Australia to the United Nations in a note verbale of 3 December 1971. The Navigation Acts 1912-1967 and 1912-1953 are reproduced in part in ST/LEG/SER.B/15, pp. 135-142 and ST/LEG/SER.B/6, pp. 59-63, respectively. Only the sections amended in 1968 and 1970 are reproduced here.

<sup>2</sup> United Nations, *Treaty Series*, vol. 499, p. 312. Reproduced in ST/LEG/SER.B/15, pp. 767-770.

“Tidal waters” means a part of the sea, or a part of a river within the ebb and flow of the tide.

(2) Where oil has been, is being or is likely to be, discharged, intentionally or otherwise, from a ship, the discharge or likely discharge of the oil from the ship shall, for the purposes of this Part, be deemed to be an escape or likely escape of oil from the ship.

329E. (1) Where oil is escaping from, or the Minister is satisfied that oil is likely to escape from, a ship, then, for the purpose of preventing, or reducing the extent of, the pollution or likely pollution by the oil of any Australian coastal waters, any part of the Australian coast or any Australian reef, the Minister may, by notice in writing addressed to the owner of the ship and served in accordance with the next succeeding section, do all or any of the following things:

(a) Require such action to be taken in relation to the ship or its cargo, or the ship and its cargo, as is specified in the notice;

(b) Prohibit the removal of the ship from a place specified in the notice except with, and in accordance with, the approval of the Minister; or

(c) Prohibit the removal from the ship of any cargo, or any cargo specified in the notice, except with, and in accordance with, the approval of the Minister.

(2) The Minister shall specify in a notice under the last preceding subsection, in relation to any requirement specified in the notice under paragraph (a) of that subsection, the time by which the requirement is to be complied with.

(3) Without limiting the generality of paragraph (a) of subsection (1) of this section, the action that the Minister may, under that subsection, require to be taken in relation to a ship includes

(a) Action to prevent the escape of oil from the ship;

(b) The removal of oil from the ship, or a specified part of the ship, in such manner, if any, as is specified by the Minister to such place, if any, as is so specified; and

(c) The removal of the ship to a place specified by the Minister.

(4) Nothing in this section shall be construed as preventing the service under subsection (1) of this section of more than one notice in respect of a ship.

...

(6) This section does not apply in relation to a ship not registered in Australia unless the ship is in Australian coastal waters.

(7) In this section, “cargo” includes ballast and ship’s stores and fuel.

...

329G. (1) Where:

(a) A notice under subsection (1) of section 329E of this Act is served in respect of a ship; and

(b) A requirement specified in the notice under paragraph (a) of that subsection is not complied with before the time specified in the notice as the time by which the requirement is to be complied with,

the owner of the ship is guilty of an offence against this Part punishable upon conviction by a fine not exceeding the amount that, under subsection (3) of this section, is the prescribed amount in relation to the ship together with an amount not exceeding the prescribed amount in respect of each period of twenty-four hours included in the period that, under subsection (3) of this section, is the default period in relation to the requirement.

(2) Where:

(a) A notice under subsection (1) of section 329E of this Act is served in respect of a ship; and

(b) A prohibition specified in the notice under paragraph (b) or (c) of that subsection is contravened,

the owner of the ship is guilty of an offence against this Part punishable upon conviction by a fine not exceeding the amount that, under the next succeeding subsection, is the prescribed amount in relation to the ship.

(3) In this section:

“The default period”, in relation to a requirement specified in a notice under subsection (1) of section 329E of this Act served in respect of a ship, being a requirement that is not complied with before the time specified in the notice as the time by which the requirement is to be complied with, means the period commencing at that time and ending at the time when the requirement is complied with or, if the owner of the ship proves that, after a particular time, compliance with the requirement was not possible or compliance with the requirement would not have prevented oil escaping from the ship, that last-mentioned time;

“The prescribed amount”, in relation to a ship, means an amount of two thousand dollars or, if the Court is satisfied that the quantity of oil on board the ship was not less than five thousand tons, an amount ascertained in accordance with the following table:

<i>Quantity of oil on board the ship</i>	<i>Amount</i> \$
5,000 tons or more but less than 50,000 tons	4,000
50,000 tons or more but less than 100,000 tons	6,000
100,000 tons or more	8,000

(4) A reference in the last preceding subsection to the quantity of oil on board a ship shall be read as a reference to the quantity of oil being carried in bulk in the ship as cargo or as ship’s fuel:

(a) At the time when the notice under subsection (1) of section 329E of this Act in respect of the ship was served; or

(b) If oil had escaped from the ship before that time—immediately before oil first escaped from the ship.

(5) It is a defence to a prosecution for an offence against this Part if the person charged with the offence proves:

(a) That his failure to comply with the notice resulted from the need to save life at sea; or

(b) That compliance with the notice was not possible.

...

329J. (1) Where a requirement specified in a notice served under section 329E of this Act in respect of a ship is not complied with, the Minister may, whether or not the owner of the ship has been convicted of an offence against this Part by reason of the requirement not having been complied with, cause such things to be done as he thinks proper for the carrying out of the action required by the notice to be carried out.

(2) Where:

(a) A notice under subsection (1) of section 329E of this Act is served in respect of a ship which is not a ship to which the next succeeding section applies;

(b) A requirement specified in the notice is not complied with or a prohibition specified in the notice is contravened; and

(c) Oil escapes from the ship by reason of the requirement not having been complied with or by reason of the prohibition having been contravened, the Minister may, whether or not the owner of the ship has been convicted of an offence against this Part by reason of the requirement not having been complied with or by reason of the prohibition having been contravened, cause such things to be done as he thinks proper to prevent, or reduce the extent of, the pollution by the oil of any Australian coastal waters, any part of the Australian coast or any Australian reef, or to remove or reduce the effects of the pollution by the oil of any such waters, coast or reef.

(3) Subject to the next succeeding subsection, the amount of any expense or other liability incurred by the Minister in, or by reason of, the exercise of his powers under either of the last two preceding subsections in relation to a ship:

(a) Is a debt due to the Commonwealth by, and may be recovered by the Commonwealth from, the owner of the ship; and

(b) Is a charge upon the ship, which, except where the ship is not registered in Australia and is not in Australian coastal waters, may be detained by a person authorized by the Minister and may be so detained until the amount is paid or security for the payment of the amount is provided to the satisfaction of the Minister.

(4) The last preceding subsection does not apply in relation to the amount of any expense or other liability incurred by the Minister in, or by reason of, the exercise of his powers under subsection (2) of this section in relation to oil that has escaped from a ship where

(a) The failure of the owner of the ship to comply with the notice under subsection (1) of section 329E of this Act resulted from the need to save life at sea; or

(b) Compliance with the notice was not possible.

329K. (1) This section applies to a ship carrying oil in bulk as cargo.

(2) Where oil escapes from a ship to which this section applies (whether in Australian coastal waters or elsewhere), the Minister may (whether or not a notice has been served in respect of the ship under section 329E of this Act and whether or not any notice so served has been complied with) cause such things to be done as he thinks proper to prevent, or reduce the extent of, the pollution by the oil of any Australian coastal waters, any part of the

Australian coast or any Australian reef, or to remove or reduce the effects of the pollution by the oil of any such waters, coast or reef.

(3) Subject to the next succeeding subsection, where the Minister has incurred expenses or other liabilities in the exercise of his powers under the last preceding subsection in relation to any oil that has escaped from a ship, the total amount of those expenses and liabilities, or, where the escape of oil did not occur as a result of the actual fault or privity of the owner, that total amount to the extent that it does not exceed the maximum liability applicable to the ship under subsection (5) of this section in relation to that incident:

(a) Is a debt due to the Commonwealth by, and may be recovered by, the Commonwealth from, the owner of the ship; and

(b) Is a charge upon the ship, which, except where the ship is not registered in Australia and is not in Australian coastal waters, may be detained by a person authorized by the Minister and may be so detained until the amount is paid or security for the payment of the amount is provided to the satisfaction of the Minister.

(4) The last preceding subsection does not apply in relation to a ship, or the owner of a ship, where the owner of the ship proves that the escape of the oil:

(a) Resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character;

(b) Was wholly caused by an act or omission done by a third party with intent to cause damage; or

(c) Was wholly caused by the negligence or other wrongful act of any government, or other authority, responsible for the maintenance of lights or other navigational aids in the exercise of its functions in relation to those lights or aids.

(5) For the purposes of subsection (3) of this section, the maximum liability applicable to a ship in relation to an incident that resulted in the escape of oil from the ship is:

(a) An amount calculated by multiplying the sum of one hundred and twenty dollars by the tonnage factor applicable to the ship; or

(b) The amount of twelve million six hundred thousand dollars, whichever is the less.

(6) Where oil has escaped from two or more ships and it is not reasonably practicable to identify the oil that has escaped from a particular ship, all oil that has escaped from those ships shall, for the purposes of this section, be deemed to have escaped from each of those ships, but the Commonwealth is not, by virtue of this subsection, entitled to recover from the owners of those ships amounts that, in the aggregate, exceed the total amount of the expenses and liabilities incurred by the Minister in the exercise of his powers under subsection (2) of this section in relation to the oil.

## 2. BRAZIL

- (a) ACT NO. 5357 OF 17 NOVEMBER 1967 ESTABLISHING PENALTIES FOR VESSELS AND MARITIME OR RIVER TERMINALS WHICH DISCHARGE WASTE OR OIL INTO BRAZILIAN WATERS<sup>1</sup>

*Article 1.* Vessels or maritime or river terminals of any kind, whether foreign or Brazilian, which discharge waste or oil into the waters situated within a belt of 6 (six) maritime miles from the Brazilian coast, or into rivers, ponds or other bodies of water, shall be liable to the following penalties:

(a) Vessels: to a fine of 2% (two per cent) of the highest minimum monthly wage in force in Brazilian territory per register ton or fraction thereof;

(b) Maritime or river terminals: to a fine of 200 (two hundred) times the highest minimum monthly wage in force in Brazilian territory.

*Sole paragraph.* If a further offence is committed, the fine shall be doubled.

...

- (b) DECREE NO. 50877 OF 29 JUNE 1961, ESTABLISHING REGULATIONS CONCERNING THE DISCHARGE OF TOXIC OR OILY RESIDUES INTO THE INTERNAL OR COASTAL WATERS<sup>2</sup>

*Article 1.* Liquid, solid or gaseous residues of household or industrial origin may be discharged into the water in their natural state or after treatment only where such discharge does not result in the pollution of the water.

*Article 2.* The cleaning of ships' engines and the discharge of the resultant oily residues into the coastal water of Brazil shall be strictly prohibited.

*Article 3.* For the purposes of this Decree, "pollution" means any alteration of the physical, chemical and biological properties of the water which might adversely affect the health, safety and welfare of the population, jeopardize the use of such water for agricultural, industrial, commercial and recreational purposes and, in particular, imperil the normal existence of aquatic fauna.

*Article 4.* Water which fails to comply with the following standards shall be deemed to be polluted:

(a) The coliform index shall not exceed 200 (two hundred) per cm<sup>3</sup> (cubic centimetre) in 5% (five per cent) or more of the samples taken;

(b) The monthly average of dissolved oxygen shall be not less than 4 (four) parts per million and the daily average not less than 3 (three) parts per million;

(c) The monthly average for biochemical oxygen demand shall not exceed 5 (five) parts per million (BOD)—5 (five) days at 20° C;

(d) The pH shall be not less than 5 (five) and not more than 9½ (nine and a half).

<sup>1</sup> Text provided by the Permanent Mission of Brazil to the United Nations in a note verbale of 29 December 1972. Translation by the Secretariat of the United Nations.

<sup>2</sup> To come into force on the day of its publication, in accordance with article 11. Text provided by the Permanent Mission of Brazil to the United Nations in a note verbale of 29 December 1972. Translation by the Secretariat of the United Nations.



*Article 5.* The standards laid down in the preceding article may be adjusted upwards or downwards at the discretion of the Game and Fisheries Service acting in consultation with the health services of the Ministry of Health and the States concerned.

*Article 6.* The discharge of residues referred to in article 1 shall require the express authorization of the Game and Fisheries Service or the authorities of the States acting in agreement with the party concerned.

*Article 7.* Any person who violates the provisions of this Decree shall be liable to the following penalties:

(a) A fine of Cr 5,000 (five thousand cruzeiros), or double in the event of the commission of a further offence, without prejudice to the application of other penalties under the criminal law;

(b) The impounding, for a period not exceeding 5 (five) days, of any vessel which violates the prohibition set forth in article 2, without prejudice to the penalties laid down in the foregoing paragraph.

*Article 8.* Any individual or body corporate discharging pollutant residues into internal waters shall be allowed a period of 180 (one hundred and eighty) days from the date of issue of this Decree to take steps to ensure the containment or treatment of such residues in compliance with the technical and scientific rules applicable to the case.

...  
(c) LEGISLATIVE DECREE NO. 221 OF 28 FEBRUARY 1967 ON FISHING, articles 37 and 38<sup>1</sup>

### 3. CANADA

(a) FISHERIES ACT, 1952, AS AMENDED UP TO 1970, sections 33, 33A-33D<sup>2</sup>

(b) ARCTIC WATERS POLLUTION PREVENTION ACT, 1970, sections 2-25<sup>3</sup>

(c) CANADA SHIPPING ACT OF 1970, AS AMENDED IN 1971, sections 485 (1), 727-736, 752-757, 760 and 761<sup>4</sup>

### 4. DENMARK

(a) ACT NO. 290 OF 7 JUNE 1972 ON MEASURES AGAINST POLLUTION OF THE SEA BY SUBSTANCES OTHER THAN OIL, sections 1-12 and annexes<sup>5</sup>

(b) ACT NO. 289 OF 7 JUNE 1972 AMENDING THE ACT ON MEASURES AGAINST POLLUTION OF THE SEA BY OIL AND OTHER MATERIALS, section 1<sup>6</sup>

(c) NOTICE OF 18 JANUARY 1972 ISSUED BY THE MINISTRY OF POLLUTION CONTROL PROHIBITING THE DUMPING OF CERTAIN MATERIALS FROM SHIPS, articles 1-4 and annexes<sup>7</sup>

<sup>1</sup> *Infra* DIVISION IV, 2(a).

<sup>2</sup> *Ibid.*, 3(a).

<sup>3</sup> *Infra* DIVISION III, 3(c).

<sup>4</sup> *Ibid.*, 3(d).

<sup>5</sup> *Infra* DIVISION III, 4 (a).

<sup>6</sup> *Ibid.*, 4 (b).

<sup>7</sup> *Ibid.*, 4 (c).

## 5. JAPAN

MARINE POLLUTION PREVENTION LAW, 1970, articles 1, 2, 4-6, 8-10, 18, 38-42, 55, 57 and 58<sup>1</sup>

## 6. MALTA

CONTINENTAL SHELF ACT, 1966, section 7<sup>2</sup>

## 7. NETHERLANDS

(a) POLLUTION OF SURFACE WATER ACT, 13 NOVEMBER 1969<sup>3</sup>

### CHAPTER I

#### *General provisions*

*Section 1.* 1. The depositing of waste, pollutants or harmful substances in whatsoever form without a permit in surface water by means of installations for that purpose is prohibited.

2. The prohibition contained in paragraph 1 does not apply to discharge by means of an installation which is linked to another installation, provided that the instructions given by the person in charge of the second installation are observed when discharge takes place.

3. We may lay down by General Administrative Order that it is prohibited to deposit the substances referred to in paragraph 1 in surface waters without a permit in any manner such as may be specified, in the Order, being other than by means of installations for that purpose. In addition we may lay down by General Administrative Order that the depositing of any of the substances referred to in paragraph 1 of such types as may be specified in the Order in whatsoever way in surface waters is prohibited. . . .

4. Without a permit issued by or on behalf of our Minister of Transport, Water Control and Public Works, it is prohibited to deposit any of the substances referred to in paragraph 1, which are conveyed for that purpose from or via the territory of the Netherlands, in the waters of the open sea within a distance from the coast to be laid down by us.

. . .

### CHAPTER V

#### *Powers of enforcement*

. . .

*Section 25.* 1. The State, provinces, water control boards, fenland boards or fenland polders, municipal authorities, boards of bodies possessing legal

<sup>1</sup> *Ibid.*, 6.

<sup>2</sup> *Infra* DIVISION II, 14.

<sup>3</sup> *Staatsblad* 536. English text provided by the Permanent Mission of the Netherlands to the United Nations in a note verbale of 9 November 1971.

personality as referred to in the Joint Organization Act, and the boards of other public bodies shall, insofar as any duties are imposed on them under this Act, designate officials who will be responsible for supervising the observance of the provisions made or orders issued in or by virtue of this Act.

2. The officials referred to in paragraph 1 are authorized to measure the discharge deposited in a body of surface water, and also to take samples of that discharge, insofar as either of these actions is necessary for the fulfilment of their duties. The results of the measurements and of the examination of the samples shall be brought to the notice of those responsible for the discharge concerned as soon as possible.

...

*Section 26.* 1. The officials and persons designated by virtue of section 25, together with their apparatus, shall, for the purposes referred to in that section, have access to parts of businesses and establishments not intended as dwellings, and are also authorized to enter closed premises for those purposes. If necessary they may obtain entry with the help of the police.

*Section 27.* Each and every person is obliged to co-operate fully with the officials designated in pursuance of section 25, and to submit for their inspection any records which the latter may require to see in order to fulfil their duties.

## CHAPTER VI

### *Penalties*

*Section 28.* 1. Acts in contravention of the provisions of or made by virtue of section 1 shall be punishable by a term of imprisonment not exceeding one year or a fine not exceeding twenty-five thousand guilders.

2. When pronouncing sentence for the act referred to in paragraph 1 the judge may require a sum not exceeding fifty thousand guilders to be deposited as a guarantee for a period not exceeding two years.

3. In his judgement the judge shall lay down that, in the event of failure by the convicted person to observe the general condition that he shall not repeat the punishable act referred to in paragraph 1 or to observe special conditions laid down by the judge, the sum deposited shall be forfeit, wholly or in part, to the body charged with responsibility for the quality of the surface water in respect of which the offence was committed. Sections 14b, paras. 2 and 3, 14c, paragraph 3, 14d and 14e of the Penal Code shall apply as appropriate.

4. A measure as referred to in paragraph 2 shall be enforced in a similar manner to a fine with the proviso that a term of imprisonment shall not be substituted for it. If the judge has determined that the sum deposited as a guarantee is forfeit to the body charged with responsibility for the quality of the surface water in respect of which the punishable act has been committed, the Department of Public Prosecutions shall be responsible for seeing that the sum is paid to that body in exchange for a receipt.

5. The act referred to in paragraph 1 is an offence against the law.

...

## CHAPTER VIII

...

*Section 35.* A permit as referred to in this Act is not required to deposit fission material, ores or radio-active substances of other kinds in surface waters or to convey them from or through the territory of the Netherlands and deposit them in the waters of the open sea, insofar as the depositing of these substances in surface waters and in the waters of the open sea is subject to the issue of a permit under section 15 or section 29 of the Nuclear Energy Act, or to compliance with the regulations established under section 21 or section 32 of that Act.

...

(b) PENAL CODE, AS AMENDED IN 1969<sup>1</sup>

...

*Section 173a.* Whoever, without a permit from the competent authority issued in accordance with the Pollution of Surface Water Act, deposits any substance in a body of water knowing that the substance so added will be detrimental to others in connexion with the use customarily made of that water or a body of water connected with it, shall be liable to imprisonment for a period not exceeding six months or a fine not exceeding six hundred guilders.

*Section 173b.* Whoever, without a permit from the competent authority issued in accordance with the Pollution of Surface Water Act is guilty of allowing to be deposited in a body of water any substance through the addition of which detriment is caused to others in connection with the use customarily made of that water or a body of water connected with it, shall be liable to imprisonment or detention for a period not exceeding three months or a fine not exceeding six hundred guilders.

...

(c) POLLUTION OF NATIONAL WATERS IMPLEMENTATION DECREE,  
5 NOVEMBER 1970<sup>2</sup>

## CHAPTER I

*General provisions*

*Section 1.* This Decree applies to:

(a) Surface waters under State control, including territorial waters, together with ports in open communication with these waters which are under the control of bodies other than the State;

(b) The part of the open sea lying within the distance from the coast laid down by us in pursuance of section 1, para. 4 of the Pollution of Surface Water Act;<sup>3</sup>

<sup>1</sup> Penal Code (*Staatsblad* 350) as amended by Section 36 (1) of the Pollution of Surface Water Act, 13 November 1969, *supra* (a).

<sup>2</sup> English text provided by the Permanent Mission of the Netherlands to the United Nations in a note verbale of 9 November 1971.

<sup>3</sup> *Supra* (a).

*Section 2.* For the purposes of this Decree the following definitions shall apply:

(a) Our Minister: our Minister of Transport, Water Control and Public Works;

(b) The Act: the Pollution of Surface Waters Act (*Staatsblad* No. 536, 1969);

...

(e) National waters: the waters and ports specified under (a) in section 1, except in so far as these are designated by or under a general administrative order as specified in section 3, paragraph 2 of the Act;

(f) The open sea: the part of the open sea specified under (b) in section 1;

(g) Director (Chief Engineer): the Director (Chief Engineer) of the Water Control and Public Works Department or of the Zuyder Zee Projects Department within whose area of responsibility the waters are situated;

...

### CHAPTER III

#### *The permit and the declaration of inadequacy*

...

*Section 6.* 1. An application for the granting, amendment or withdrawal of a permit to discharge waste, pollutants or harmful substances into national waters or the open sea shall, except as provided in paragraph 2, be submitted in writing, in quadruplicate, to the Director (Chief Engineer).

2. If, in the case of a port as specified under (a) in section 1, the responsibility for granting, refusing, amending or withdrawing permits has been delegated under section 4, paragraph 2 of the Act to the board of the public body which has control of the port concerned, the application specified in paragraph 1 shall be submitted to that board.

...

### CHAPTER IV

#### *Levies*

##### *Part I. General provisions*

*Section 10.* To meet the cost of measures for the prevention and control of pollution of national waters pollution by oxidizing agents shall be subject to a levy to be called the national waters pollution levy.

*Section 11.* 1. Subject to the provisions of paragraphs 2, 3 and 4, the levy is payable by:

(a) those who, through the medium of an installation intended for this purpose, directly or indirectly deposit waste, pollutants or harmful substances in national waters;

...

3. If waste, pollutants or harmful substances are discharged into national waters from several sources through the medium of an installation which is not under the control of a public body then the levy is payable by each of the establishments responsible.

...

## 8. NEW ZEALAND

(a) OIL IN NAVIGABLE WATERS (RECORDS, TRANSFER, AND ENFORCEMENT OF CONVENTION) REGULATIONS 1971, regulations 2-7<sup>1</sup>

(b) OIL IN NAVIGABLE WATERS (SHIP' EQUIPMENT) REGULATIONS 1971, regulations 3-5<sup>2</sup>

## 9. SINGAPORE

PREVENTION OF POLLUTION OF THE SEA ACT, 1971, sections 2, 4-20, 22-27<sup>3</sup>

## 10. THAILAND

PETROLEUM ACT OF 26 MARCH 1971, section 75<sup>4</sup>

## 11. UNION OF SOVIET SOCIALIST REPUBLICS

FUNDAMENTAL PRINCIPLES OF WATER LEGISLATION IN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE UNION REPUBLICS, DATED 10 DECEMBER 1970, articles 1, 10, 37, 38 and 46<sup>5</sup>

## 12. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

(a) PREVENTION OF OIL POLLUTION ACT 1971, sections 1-6, 8, 10-14, 16-18, 21 and 22<sup>6</sup>

(b) MERCHANT SHIPPING (OIL POLLUTION) ACT 1971, sections 1-4, 10, 12, 14, 15 and 19<sup>7</sup>

<sup>1</sup> *Infra* DIVISION III, 10(a).

<sup>2</sup> *Ibid.*, 10(c).

<sup>3</sup> *Infra* DIVISION III, 12.

<sup>4</sup> *Infra* Chapter IX, 15.

<sup>5</sup> *Supra* Chapter I, 29(b).

<sup>6</sup> *Infra* DIVISION III, 16 (b).

<sup>7</sup> *Ibid.*, 16 (c).

**BAHAMAS**

(a) DISCHARGE OF OIL (PREVENTION) ACT 1967<sup>1</sup>

...

*[Section] 3. Discharge of oil into waters of the Colony prohibited.*

(1) Save as is provided in this section, no oil shall be discharged or permitted to escape from any vessel into any of the territorial waters of the Colony or into the waters of any harbour in the Colony.

...

(3) If any oil is discharged or permitted to escape from any vessel in contravention of the provisions of this section the owner and Master of such vessel shall each be guilty of an offence and shall be liable on summary conviction:

(a) In the case of the owner, to a fine not exceeding Five thousand dollars, and

(b) In the case of the Master, to a fine not exceeding Two thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment:

provided that it shall be a good defence to any charge brought under the provisions of this section to prove that the discharge or escape of such oil was due to or necessitated by reason of the vessel being in collision or of some damage or accident happening to the vessel and, if the charge is in respect of the escape of oil, that all reasonable means were taken by the Master to prevent the escape thereof.

...

(b) PETROLEUM ACT, 1971, sections 29-31<sup>2</sup>

**13. UNITED STATES OF AMERICA**

FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED UP TO 1970<sup>3</sup>

...

CONTROL OF POLLUTION BY OIL

*Section 11. (a) For the purpose of this section, the term:*

...

(9) "Contiguous zone" means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone,<sup>4</sup>

...

<sup>1</sup> Act No. 4 of 1968. Came into operation on 9 January 1968. Text provided by the Permanent Representative of the United Kingdom in a note verbale of 15 November 1971.

<sup>2</sup> *Infra* Chapter IX, 16.

<sup>3</sup> The most recent amendments were made by the Water Quality Improvement Act of 1970 (Public Law 91-224; 3 April 1970), 84 *Stat.* 91.

<sup>4</sup> United Nations, *Treaty Series*, vol. 516, p. 205. Reproduced in ST/LEG/SER.B/15, pp. 721-728.

(b) (1) The Congress hereby declared that it is the policy of the United States that there should be no discharges of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone.

(2) The discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in harmful quantities as determined by the President under paragraph (3) of this subsection, is prohibited, except (A) in the case of such discharges into the waters of the contiguous zone, where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended,<sup>1</sup> and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, determine not to be harmful. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

...

(4) Any person in charge of a vessel or of an onshore facility or an offshore facility shall, as soon as he has knowledge of any discharge of oil from such vessel or facility in violation of paragraph (2) of this subsection, immediately notify the appropriate agency of the United States Government of such discharge. Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than \$10,000, or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

(5) Any owner or operator of any vessel, onshore facility, or offshore facility from which oil is knowingly discharged in violation of paragraph (2) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than \$10,000 for each offence. No penalty shall be assessed unless the owner or operator charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offence. . . .

(c) (1) Whenever any oil is discharged, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, the President is authorized to act to remove or arrange for the removal of such oil at any time, unless he determines such removal will be done properly by the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs.

...

(d) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of

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<sup>1</sup> United Nations, *Treaty Series*, vol. 327, p. 3. Reproduced in ST/LEG/SER.B/15, pp. 787-799.



large quantities of oil from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provision of law governing the employment of personnel or the expenditure of appropriated funds. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil.

...

(f) (1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any vessel from which oil is discharged in violation of subsection (b) (2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed \$100 per gross ton of such vessel or \$14,000,000, whichever is lesser, except that where the United States can show that such discharge was the result of wilful negligence or wilful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs.

...

(2) Except where an owner or operator of an onshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b) (2) of this section shall be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed \$8,000,000, except that where the United States can show that such discharge was the result of wilful negligence or wilful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs.

(3) Except where an owner or operator of an offshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b) (2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed \$8,000,000, except that where the United States can show that such discharge was the result of wilful negligence or wilful misconduct within the privity and knowledge of the owner, such owner

or operator shall be liable to the United States Government for the full amount of such costs.

...

(g) In any case where an owner or operator of a vessel, of an onshore facility, or of an offshore facility, from which oil is discharged in violation of subsection (b) (2) of this section proves that such discharge of oil was caused solely by an act or omission of a third party, or was caused solely by such an act or omission in combination with an act of God, an act of war, or negligence on the part of the United States Government, such third party shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for removal of such oil by the United States Government, except where such third party can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of another party without regard to whether such act or omission was or was not negligent, or any combination of the foregoing clauses. . . .

...

(m) Anyone authorized by the President to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

...

#### CONTROL OF HAZARDOUS POLLUTING SUBSTANCES

*Section 12.* (a) The President shall, in accordance with subsection (b) of this section, develop, promulgate, and revise as may be appropriate, regulations (1) designating as hazardous substances, other than oil as defined in section 11 of this Act, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches; and (2) establishing, if appropriate, recommended methods and means for the removal of such substances.

...

(c) In order to facilitate the removal, if appropriate, of any hazardous substance any person in charge of a vessel or of an onshore or offshore facility of any kind shall, as soon as he has knowledge of any discharge of such substance from such vessel or facility, immediately notify the appropriate agency of the United States of such discharge.

(d) Whenever any hazardous substance is discharged into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, unless removal is immediately undertaken by the owner

or operator of the vessel or onshore or offshore facility from which the discharge occurs or which caused the discharge, pursuant to the regulations promulgated under this section, the President, if appropriate, shall remove or arrange for the removal thereof in accordance with such regulations. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such hazardous substance at any time.

(e) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any hazardous substance or from the removal of any such substance.

...

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**Chapter VIII**  
**BROADCASTS FROM SHIPS IN THE TERRITORIAL SEA<sup>1</sup>**

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<sup>1</sup> No text concerning broadcasts from ships in the territorial sea was received during the period covered by this volume.

## Chapter IX

### EXPLOITATION OF MINERAL RESOURCES AND THE LAYING OF CABLES AND PIPELINES UNDER THE TERRITORIAL SEA<sup>1</sup>

#### 1. AUSTRALIA

##### INCOME TAX ASSESSMENT ACT 1936-1968<sup>2</sup>

...

6AA. (1) For all purposes of this Act related directly or indirectly to:

(a) The exploration of an adjacent area for petroleum or the exploitation of the natural resources, being petroleum, of an adjacent area, whether by the taxpayer concerned or by another person; or

(b) Acts, matters, circumstances and things touching, concerning, arising out of or connected with any such exploration or exploitation,

including purposes in relation to the application of this Act in respect of income or profits derived from any such exploration, exploitation, act, matter, circumstance or thing, or in respect of dividends paid wholly or partly out of any such profits, the provisions of this Act have effect, subject to this section, as if:

(c) The whole of each adjacent area, other than the adjacent areas in relation to the Territory of Papua and the Territory of New Guinea, were, and had at all times been, a part of Australia;

(d) The whole of the adjacent area in relation to the Territory of Papua were, and had at all times been, a part of that Territory; and

(e) The whole of the adjacent area in relation to the Territory of New Guinea were, and had at all times been, a part of that Territory.

(2) Where a company carries on business in an adjacent area, other than the adjacent area in relation to the Territory of Papua or the Territory of New Guinea, and that business consists of exploration or exploitation of a kind referred to in the last preceding subsection, or arises out of or is connected with any such exploration or exploitation (whether by that company or by another person), that company shall, for the purposes of the definition of

<sup>1</sup> See also *infra* DIVISIONS II and III. Some of the texts reproduced there may also be of relevance in relation to mineral resources exploitation and to the laying of cables and pipelines under the territorial sea.

<sup>2</sup> Income Tax Assessment Act (Act No. 27) of 1936, as subsequently amended, most recently by Act No 87 of 1968 (21 November 1968). Text provided by the Permanent Representative of Australia to the United Nations in a note verbale of 3 December 1971.

'resident' or 'resident of Australia' in subsection (1) of the last preceding section, be deemed to be carrying on business in Australia.

...

(4) For the purposes of this section:

(a) "Adjacent area" means an area specified in the Second Schedule to the *Petroleum (Submerged Lands) Act 1967-1968*<sup>1</sup> as being adjacent to a State or Territory of the Commonwealth;

(b) "The adjacent area", in relation to a Territory, means the area specified in that Schedule as being adjacent to that Territory;

(c) The adjacent area in relation to the Territory of Ashmore and Cartier Islands shall be deemed to include the area, whether land or water, within the territorial limits of that Territory; and

(d) A reference in this section to an adjacent area shall be read as including a reference to the land below that adjacent area and the space above that adjacent area.

...

## 2. BRAZIL

DECREE NO. 63.164 OF 24 AUGUST 1968, GOVERNING EXPLORATION AND RESEARCH CARRIED OUT ON THE UNDERWATER SHELF OF BRAZIL OR IN THE WATERS OF THE TERRITORIAL SEA AND INTERNAL AND OTHER WATERS<sup>2</sup>

### CHAPTER I

*Authorization and supervision of exploration and research carried out on the underwater shelf of Brazil or in the waters of the territorial sea and internal waters.*

*Article 1.* Exploration and research carried out on the underwater shelf of Brazil or in the waters of the territorial sea and internal waters, to the extent that they are not prohibited by the Constitution or special legislation, shall be conducted in compliance with the following rules:

(a) When carried out by any public authority, autonomous unit or semi-public agency, or by Brazilian individuals or bodies corporate contracted by such authorities or agencies, they must have the prior approval of the Ministry of Marine in order to ensure compliance with the requirements of navigational safety and of the Marine Police;

(b) When carried out by private agencies or Brazilian individuals or bodies corporate and when, under special legislation, they require the authorization of another Ministry or authority, permission shall be granted only after prior approval has been given by the Ministry of Marine. In cases where there

<sup>1</sup> The *Petroleum (Submerged Lands) Act 1967* is reproduced in part in ST/LEG/SER.B/15, pp. 319-335.

<sup>2</sup> Provided by the Permanent Mission of Brazil to the United Nations in a note verbale of 29 December 1972. Translation by the Secretariat of the United Nations. This decree revoked Decree No. 63837 of 6 June 1968.

is no special legislation, they shall require the authorization of the Ministry of Marine;

(c) When carried out by aliens (individuals or bodies corporate, governmental or private organizations), on their own initiative or under contract, they shall require the authorization of the President of the Republic, the procedure for which shall be initiated and carried out as prescribed in article 6 of this Decree.

*Article 2.* In any of the cases referred to in the previous article, exploration and research activities carried out on the underwater shelf or in the waters of the territorial sea and internal waters shall be subject to the control of the Ministry of Marine in so far as the requirements of the Marine Police and navigational safety are concerned.

*Sole paragraph.* The results of the exploration and research activities referred to in this article shall be reported to the Ministry of Marine for whatever action the latter may deem necessary.

*Article 3.* For the purposes of this Decree, the underwater shelf shall be considered to be the area of national territory included in the property of the Union under article 4, III of the Brazilian Constitution, and in accordance with the international treaties and conventions ratified by Brazil.

*Sole paragraph.* For the purposes of this Decree, the terms "underwater shelf", "continental shelf" and "underwater continental shelf" shall have the same meaning.

*Article 4.* The term "research" shall include all activities carried out on the underwater continental shelf or in waters of the territorial sea or internal waters involving filming and recording for scientific purposes, limnographic, oceanographic investigation or prospecting.

## CHAPTER II

### *Applications for permits*

*Article 5.* Applications for permits or for the prior approval of the Ministry of Marine made by any public authority, autonomous unit, semi-public agency, private body or Brazilian individual or body corporate for the execution of exploration or research on the submarine shelf of Brazil or in the waters of its territorial sea and internal waters shall be transmitted to the Ministry of Marine at least sixty (60) days before the date on which it is intended to begin the programme of work.

*Article 6.* Applications by aliens for permits to carry out exploration or research on the submarine shelf of Brazil or in the waters of its territorial sea and internal waters shall comply with the following procedure:

I. The foreign individual or body corporate responsible for the proposed exploration or research on the Brazilian submarine shelf or in the waters of the territorial sea and internal waters shall transmit the appropriate application to the Brazilian diplomatic mission to the Government of the country concerned at least one hundred and eighty (180) days before the departure of the persons concerned from their countries of origin, as prescribed in article 8 below;

II. The Ministry of Foreign Affairs shall forward the application to the Ministry of Marine together with any information that it may deem appropriate. Having completed its procedures, the Ministry of Marine shall refer the document to the President of the Republic or to any other Ministry, as the case may be;

III. In the case of aliens contracted by a public authority, autonomous unit, semi-public agency, private body, or a Brazilian individual or body corporate the application shall be transmitted to the Ministry of Marine by the contractor at least sixty (60) days before the date on which it is proposed to begin the programme of work;

IV. The Ministry of Marine shall have a period of thirty (30) working days from the date of receipt of the application in which to express its opinion as to whether the proposed exploration or research should be carried out as regards the matters referred to in article 2, and shall transmit this opinion to the President of the Republic or to the appropriate Ministry, as the case may be. Each Ministry concerned shall have thirty (30) days in which to express its views on the application.

*Sole paragraph.* Resident aliens in Brazil who wish to carry out research of the kind referred to in this Decree shall forward their applications to the Ministry of Marine at least sixty (60) days before the date on which it is proposed to begin the programme of work.

*Article 7.* In the case of exploratory or research expeditions consisting of both Brazilians and aliens, the Brazilian participants shall be governed by article 5 and the aliens by article 6 respectively.

*Article 8.* Applications for permits or the prior approval of the Ministry of Marine referred to in articles 5 and 6 shall be required to specify:

...

### CHAPTER III

#### *Supervision*

*Article 10.* Supervision of the exploration and research referred to in this Decree shall be exercised by observers appointed by the Ministry of Marine and other Ministries concerned to accompany the authorized expedition for all or part of its duration. Any marine authority based in Brazilian ports or navigation over the submarine shelf, in internal waters or waters of the territorial sea may take the initiative of exercising such supervision, whenever necessary.

1. At the request of the Ministry of Marine, the National Research Council shall appoint Brazilian scientists or technicians to accompany the expedition in question, the transport costs being payable by the Ministry of Marine.

2. Supervision of exploration and research carried out by aliens shall be exercised from the beginning of such exploratory activities on the Brazilian submarine shelf or in territorial waters. For the supervision of such activities to be effective from the start, the inspector, preferably, embark at the last foreign port or airport visited before the work is begun and shall remain on board until the first port or airport is reached after the work is completed.



3. The observers and inspectors appointed shall submit detailed reports to the Ministry of Marine on the techniques employed and the activities and research carried out.

*Article 11.* For the purpose of ensuring implementation of the provisions of this Decree, the Ministry of Marine shall be responsible for supervising the activities on the submarine shelf of Brazil and in the waters of its territorial sea and its internal waters and shall seize any vessels carrying out explorations or research in the areas referred to above without permission from the competent authority.

1. Any person found carrying out unauthorized research or explorations shall be liable to the penalties prescribed in Brazilian law.

2. Any material connected with unauthorized explorations and research shall be confiscated and placed at the disposal of the Ministry of Marine which shall decide what is to be done with it, after hearing the views of other interested bodies as appropriate.

...

### 3. CANADA

(a) OIL AND GAS PRODUCTION AND CONSERVATION ACT, AS AMENDED IN 1970, sections 2, 3, 12-14, 42-49<sup>1</sup>

(b) ARCTIC WATERS POLLUTION PREVENTION ACT, 1970, sections 2-10, 14-22<sup>2</sup>

(c) CANADA OIL AND GAS LAND REGULATIONS OF 1961<sup>3</sup>, AS AMENDED UP TO 1969<sup>4</sup>

...

#### 2. Interpretation

(1) In these Regulations

...

(d) "Canada lands" means:

- (i) Territorial lands as defined in the *Territorial Lands Act*,<sup>5</sup> and
- (ii) Public lands as defined in the *Public Lands Grants Act*<sup>6</sup> for the sale, lease or other disposition of which there is no provision in the law, and includes land under water;

<sup>1</sup> *Infra* DIVISION II, 3(a).

<sup>2</sup> *Infra* DIVISION III, 3(c).

<sup>3</sup> P.C. 1961-797; 6 June 1961. SOR/61-253, *Canada Gazette*, Part II, Vol. 95, No. 12; 28 June 1961.

<sup>4</sup> The most recent amendment was made by P.C. 1969-1584; 13 August 1969. SOR/69-415, *ibid.*, Vol. 103, No. 16; 27 August 1969.

<sup>5</sup> The Act defines "territorial lands" as "lands in the Northwest Territories or in the Yukon Territory that are vested in the Crown or of which the Government of Canada has power to dispose" (Section 2(g)).

<sup>6</sup> The Act defines "public lands" as "lands belonging to Her Majesty in right of Canada and includes lands of which the Government of Canada has power to dispose" (Section 2(d)).

(e) "Chief" means:

- (i) In respect of Canada lands located in that part of Canada described in Schedule F, the Chief, Oil and Mineral Division, Development Branch of the Department of Indian Affairs and Northern Development, and
- (ii) In respect of Canada lands other than those lands located in that part of Canada described in Schedule F, the Chief, Resource Administration Division of the Department of Energy, Mines and Resources;

...

(g) "Commercial quantity" means the output of oil or gas from a well that in the opinion of the Chief, would warrant the drilling of another well in the same area, and in determining that opinion the Chief may consider the costs of drilling and producing and the volume of production;

...

(k) "Exploratory work" includes test drilling, aerial mapping, surveying, bulldozing, geological, geophysical and geochemical examinations and other investigations relating to the subsurface geology and all work, including the construction and maintenance of those facilities necessarily connected therewith and the building and maintenance of airstrips and roads required for the supply of or access to exploratory operations;

...

(q) "Minister" means,

- (i) In respect of Canada lands located in that part of Canada described in Schedule F, the Minister of Indian Affairs and Northern Development, and
- (ii) In respect of Canada lands other than those lands located in that part of Canada described in Schedule F, the Minister of Energy, Mines and Resources;

...

### 3. *Application*

These Regulations apply only to Canada lands that are under the control, management and administration of the Minister.

...

### 10. *Surveys*

For the purposes of these Regulations, no person other than a Dominion Land Surveyor shall make a legal survey of Canada lands.

...

### 23. *Prohibition*

(1) No person shall, for the purpose of searching for oil or gas, carry out exploratory work on Canada lands except as authorized by these Regulations.

(2) No person shall produce, mine, quarry or extract from Canada lands any oil, gas or other minerals or substances that are produced, mined, quarried

or extracted in association with any oil or gas except as authorized by these Regulations.

...

#### 24. *Exploratory Licences*

(1) Any individual who is twenty-one years of age or over may submit an application for a licence.

(2) Any corporation that is registered with the Registrar of Companies pursuant to the *Companies Ordinance* of the Northwest Territories may submit an application for a licence with respect to Canada lands within the Northwest Territories.

(3) Any corporation that is entitled to carry on business in any province may submit an application for a licence with respect to Canada lands outside the Northwest Territories.

(4) Every person who submits an application for a licence shall forward his application to the Chief or Oil Conservation Engineer, together with the fee set out therefor in Schedule A.

...

### *Permits*

#### 30. *Permit upon Application*

(1) Where the Minister is satisfied that exploratory work will be carried out, he may, upon application, issue an exploratory permit for Canada lands that have not previously been held under permit or lease.

...

#### 32. *Permit upon Tender*

(1) Before a permit may be issued for Canada lands that have been held under a permit or lease which permit or lease has expired, been cancelled or surrendered, the Minister shall call for tenders for the purchase of a permit in the manner provided in this section.

...

34. (1) A permittee must be the holder of a licence before he may carry out exploratory work on Canada lands.

(2) Where a permittee is authorized to carry out exploratory work under these Regulations, that work may be performed by any person employed or hired by the permittee.

...

### *Oil and gas leases*

#### 55. *Oil and Gas Lease upon Application*

(1) Upon application to the Minister, a permittee shall be granted an oil and gas lease.

(2) An oil and gas lease shall not be granted under this section

(a) To a person unless the Minister is satisfied that he is a Canadian citizen over twenty-one years of age, and that he will be the beneficial owner of the interest to be granted;

- (b) To a corporation incorporated outside of Canada; or
- (c) To a corporation unless the Minister is satisfied
  - (i) That at least fifty per cent of the issued shares of the corporation is beneficially owned by persons who are Canadian citizens, or
  - (ii) That the shares of the corporation are listed on a recognized Canadian stock exchange and that Canadians will have an opportunity of participating in the financing and ownership of the corporation, or
  - (iii) That the shares of the corporation are wholly owned by a corporation that meets the qualifications outlined in subparagraph (i) or (ii) of this paragraph.

56. (1) The land to be included in an oil and gas lease granted pursuant to section 55 shall be selected by the permittee from his permit area.

...

#### 59. *Powers of Lessee*

(1) A lessee who is the holder of a licence may

(a) Carry out exploratory work and drill wells in the Canada lands included in his lease; and

(b) Produce, mine, quarry or extract any oil or gas or any minerals or substances that are produced, mined, quarried or extracted in association with any oil or gas from the Canada lands included in his lease.

(2) Where a lessee is authorized to carry out work or operations under these Regulations, that work or those operations may be performed by any person employed or hired by the lessee.

...

#### 62. *Term of Lease*

Subject to subsection (2) of section 35, every oil and gas lease shall be granted for a term of twenty-one years.

...

#### 66. *Obligation to Lease*

The Chief may at any time order that a well within a permit area contains oil or gas in commercial quantity.

...

#### 79. *Rental*

(1) Subject to sections 80 to 85, a lessee shall pay to Her Majesty

(a) For the first year of the oil and gas lease, a rental of fifty cents for each acre of land under lease; and

(b) For each year after the first year of the oil and gas lease a rental of one dollar for each acre of land under lease.

(2) The rental required by subsection (1) shall be paid before the commencement of the year for which the rental is payable.

...

#### 86. *Royalty*

(1) Subject to sections 87 and 88, a permittee or lessee shall pay to Her Majesty

(a) For each month

(i) Prior to the end of the first five years of commercial exploitation, or

(ii) Prior to the end of the first thirty-six months, in aggregate, during which oil or gas is produced,

whichever first occurs, a royalty of five per cent of the market value at the well head or extraction plant (after production thereat) of all oil and gas obtained during that month from the permit or lease area, where

(iii) The permit or lease area is located north of latitude 70°, or

(iv) The whole or greater part of the permit or lease area is, in the opinion of the Chief, covered by seacoast water;

(b) For each month prior to the end of the first three years of commercial exploitation, a royalty of five per cent of the market value at the well head or extraction plant (after production thereat) of all oil and gas obtained during that month from the permit or lease area, where the whole or greater part of the permit or lease area is located south of latitude 70° and is not included in paragraph (a); and

(c) For each month following the period for which a royalty is payable pursuant to paragraph (a) or (b), a royalty of ten per cent of the market value at the well head or extraction plant (after production thereat) of all oil and gas obtained during that month from the permit or lease area.

(2) The royalty shall be paid on or before the twenty-fifth day of the month next following the month for which the royalty is payable.

...

#### 108. *Inspection*

(1) The Minister, or a person authorized by him, may at any time enter upon a permit area or lease area and

(a) Inspect all wells, technical records, plants and equipment;

(b) Take samples and particulars; and

(c) Carry out tests or examinations not detrimental to the operations of the permittee or lessee for determining the production of oil or gas that may be reasonable or proper.

(2) The permittee or lessee shall give the Minister or person authorized by him such assistance as may be necessary.

...

## 4. DENMARK

ACT NO. 166 OF 12 MAY 1965 ON MINERAL RESOURCES IN GREENLAND, AS AMENDED IN 1969, sections 8 and 17<sup>1</sup>

<sup>1</sup> *Infra* DIVISION II, 5(a).

## 5. FIJI

### OIL MINES ORDINANCE OF 28 DECEMBER 1915, AS AMENDED UP TO 1969<sup>1</sup>

...

#### 2. *Interpretation*

In this Ordinance:

...

“Land” includes water and also includes land covered by water within Fiji and land covered by water outside Fiji to the limits of the Continental Shelf appertaining to Fiji;

“The Continental Shelf” has the same meaning as in the Convention entitled “Convention on the Continental Shelf” signed at Geneva on the 29th day of April, 1958;”<sup>2</sup>

...

#### 3. *Mineral oil and gas the property of the Crown*

The entire control of the exploration, prospecting, working and winning of all mineral oils and gas in natural state below any land is subject to the control of the Governor. No person shall explore or prospect for or mine any such mineral oils or gases save in accordance with the provisions of this Ordinance and of regulations made under this Ordinance and in compliance with all conditions prescribed by or under the powers conferred by this Ordinance.

#### 4. *Issue of exploration licences*

The Governor may from time to time by means of an exploration licence grant to any person or persons or company the right to enter upon any lands whether the same shall be lands owned by the Crown or by a private owner or by native owners or lands in respect of which the Crown has rights, and to explore and examine geologically such lands in such manner as the Governor may think proper and subject to regulations made under this Ordinance:

...

#### 5. *Issue of prospecting licences*

The Governor may from time to time by means of a prospecting licence grant to any person or persons or company the right to enter upon lands, whether the same shall be lands owned by the Crown or by a private owner or lands in respect of which the Crown has rights or by native owners, and to mine, bore, quarry, dig, search for, win and work all or any crude oil within any such lands in such manner as the Governor in Council may think proper, and such licence shall, *inter alia*, provide:

<sup>1</sup> The most recent amendment was made by the Oil Mines (Amendment) Ordinance, 1969. Text provided by the Permanent Representative of Fiji to the United Nations in a note verbale of 23 September 1971.

<sup>2</sup> United Nations, *Treaty Series*, vol. 499, p. 312. Reproduced in ST/LEG/SER.B/15, pp.767-770.

(a) For the payment by the licensee or licensees to the Accountant-General of the prescribed royalty in respect of such crude oil so won and worked as aforesaid; and

(b) For the payment by the licensee or licensees to the Accountant-General of compensation for all or any damage or injury done to the property the subject of such licence and the manner in which such payment is to be assessed.

...

#### 7. Mining leases

On the expiration of such prospecting licence as aforesaid the Governor may, if he shall think fit, grant to the licensee or licensees or to any person or persons or company a lease of the crude oil in or under the lands the subject of such prospecting licence (hereinafter called a mining lease), and such mining lease shall, *inter alia*, provide for the reservation of the rents and royalties to be paid by the lessee or lessees to the Accountant-General.

...

## 6. GREECE

### DÉCRET-LOI N° 142/1969 RELATIF À L'EXPLORATION ET À L'EXPLOITATION DES RESSOURCES MINÉRALES SE TROUVANT DANS LE FOND DE LA MER ET DES LACS<sup>1</sup>

1. L'Etat a également le droit exclusif d'explorer et d'exploiter tous les minéraux métallifères, y compris les hydrocarbures à l'état solide, fluide ou gazeux, ainsi que les minéraux de carrière se trouvant :

a) Sur le fond de la mer territoriale hellénique ou dans le sous-sol de ce dernier,

b) Sur le fond de la mer au-delà de la mer territoriale ou dans le sous-sol de ce dernier, attenant ou adjacent aux côtes continentales ou à celles des îles et jusqu'à une profondeur de 200 mètres de la surface de la mer, ou même au-delà de cette profondeur lorsque les eaux surjacentes permettent l'exploration et l'exploitation précitées, c'est-à-dire dans le plateau continental, ainsi que celui-ci est entendu et déterminé par les Conventions internationales approuvées législativement. Dans le cas où le plateau continental ci-dessus est adjacent au territoire de la Grèce et d'un autre Etat, limitrophe ou dont les côtes sont situées en face des côtes helléniques, les règles du droit international seront appliquées pour la détermination des limites de ce plateau continental.

...

<sup>1</sup> *Journal officiel*, fasc. A'48/1969. Texte français fourni par la mission permanente de la Grèce auprès de l'Organisation des Nations Unies par note en date du 15 novembre 1971.

## 7. KHMER REPUBLIC<sup>1</sup>

KRÂM (LOI) N° 380/68-CE DU 16 DÉCEMBRE 1968 PORTANT  
RÉGLEMENTATION MINIÈRE<sup>2</sup>

### TITRE I

*Article premier.* Les mines sont propriété domaniale.

*Article 2.* La recherche et l'exploitation des gîtes naturels de substances minérales ou fossiles dans l'étendue de tout le Royaume et la partie du plateau continental qui lui est adjacente sont régies par les dispositions de la présente Loi.

La définition et la délimitation du plateau continental appartenant au Cambodge sont celles de la Convention internationale de Genève du 29 avril 1958<sup>3</sup>, en ses articles 1 et 6 notamment.

...

*Article 5.* Des Krets pris en Conseil des Ministres peuvent :

1° Désigner pour des motifs d'ordre public des zones déterminées appelées "zones interdites" dans lesquelles, sous réserve des droits acquis, le droit de rechercher et d'exploiter les mines est suspendu;

2° Délimiter les zones appelées "zones réservées", dans lesquelles, sous réserve des droits acquis, le droit de rechercher et d'exploiter toutes ou certaines substances minérales ou fossiles ne peut être obtenu que par voie d'adjudication, ou est réservé à l'Etat ou à des organismes publics qu'il aura créés à cet effet.

...

*Article 7.* Sous réserve des dispositions de l'article 5 ci-dessus mentionné, les travaux de recherches pour découvrir les mines ne peuvent être entrepris qu'en vertu d'un permis de recherches.

Les mines ne peuvent être exploitées qu'en vertu d'une concession.

Le permis de recherches constitue un droit mobilier, indivisible, cessible et transmissible dans les conditions définies dans la présente Loi, et susceptible d'hypothèque.

...

*Article 12.* Les permis de recherches et les concessions ne peuvent être accordés qu'à des personnes physiques ou morales de nationalité cambodgienne.

Les sociétés constituées pour la recherche et l'exploitation des mines, ainsi que celles qui se livrent, même partiellement, à l'une de ces activités doivent être constituées conformément à la législation en vigueur et avoir leur siège social au Cambodge.

<sup>1</sup> Prior to 9 October 1970, the official title of "the Khmer Republic" was "Cambodia".

<sup>2</sup> Cette loi abroge tous les textes antérieurs relatifs à la législation régissant les mines et maintenus en vigueur par le Krâm n° 690-NS du 4 octobre 1951. Texte transmis par le représentant permanent de la République khmère auprès de l'Organisation des Nations Unies par note verbale en date du 1<sup>er</sup> décembre 1971.

<sup>3</sup> Nations Unies, *Recueil des Traités*, vol. 499, p. 312.



Des dérogations aux dispositions définies ci-dessus pourront être accordées par Kret pris en Conseil des Ministres, en faveur de certaines personnes physiques ou morales de nationalité étrangère possédant les capacités techniques et financières pour la recherche et l'exploitation de certaines substances minérales.

Les infractions à ces dispositions peuvent entraîner l'annulation des permis de recherches ou la déchéance des concessions sans avertissement ou mise en demeure préalable.

...

## TITRE II

### *Le permis de recherches*

*Article 17.* Le permis de recherches confère à son titulaire le droit exclusif de recherches minières, dans l'étendue de son périmètre et indéfiniment en profondeur, pour la ou les substances pour lesquelles il est délivré et le droit de priorité d'obtenir une concession minière après la preuve fournie qu'elles ont été découvertes en quantités raisonnables au point de vue commercial et d'exploitation. . .

## TITRE III

### *Les concessions de mines*

*Article 36.* La concession de mines confère à son titulaire le droit exclusif d'exploiter les substances minérales pour lesquelles elle est accordée dans l'étendue de son périmètre et indéfiniment en profondeur.

*Article 37.* La concession de mines peut être obtenue :

Soit par le titulaire d'un permis de recherches en cours de validité, pour les substances du permis et ses limites;

Soit par voie d'adjudication dans les conditions définies par le présent Krâm.

...

*Article 55.* Toute concession doit être maintenue en activité. Si l'exploitation d'une mine est suspendue ou restreinte sans cause reconnue légitime, le concessionnaire est mis en demeure par Prakas du Ministre chargé des mines de reprendre ou d'activer les travaux dans un délai qui ne peut être supérieur à un an.

Faute par le concessionnaire de justifier, dans le délai imparti par le Prakas susvisé, qu'il a repris l'exploitation régulière et qu'il possède les moyens de la poursuite, la déchéance est prononcée par Kret pris en Conseil des Ministres.

*Article 56.* Le concessionnaire est assujéti à taxe annuelle superficière due à partir du 1<sup>er</sup> janvier qui suit l'institution de la concession et payable d'avance.

Les substances minérales extraites des exploitations minières sont soumises à une taxe *ad valorem* appelée redevance proportionnelle qui est liquidée par les soins du Ministre chargé des mines; il est procédé à son recouvrement comme en matière de contribution.

La taxe et les modalités de liquidation de ces taxes sont fixées par Kret pris en Conseil des Ministres.

...

#### TITRE V

##### *De la surveillance administrative des recherches et des exploitations minières*

*Article 71.* La recherche et l'exploitation des mines sont soumises à la surveillance de l'administration pour tout ce qui touche à la sécurité publique, la sécurité et l'hygiène des ouvriers, l'habitat et la formation professionnelle, la conservation de la mine, la meilleure utilisation possible des gisements, la protection des sources, voies publiques et édifices de surface.

La surveillance de l'administration est exercée sous l'autorité du Ministre chargé des mines par le Chef du Service des mines et les fonctionnaires et agents placés sous ses ordres.

Ils concourent à l'application de la législation en vigueur sur le Code de travail et à cet effet disposent pour les entreprises minières des pouvoirs dévolus aux inspecteurs du travail.

#### TITRE VI

##### *Dispositions spéciales aux hydrocarbures*

*Article 80.* Les dispositions spéciales du présent titre sont applicables aux hydrocarbures. En ce qui ne leur est pas contraire, les dispositions générales de la présente Loi leur sont également applicables.

*Article 81.* Le permis de recherches d'hydrocarbures dit "Permis H" est accordé après enquête par Kret pris en Conseil des Ministres pour une durée de cinq ans sur le rapport du Ministre chargé des mines.

...

Si le permissionnaire s'est acquitté de ses obligations pendant la première validité et a souscrit dans la demande de renouvellement à un effort financier proportionnellement au moins égal au précédent, la prolongation peut lui être accordée.

*Article 82.* La concession d'hydrocarbures dite concession "H" est accordée par Kret pris en Conseil des Ministres sur proposition du Ministre chargé des mines aux conditions d'un cahier des charges annexées à l'acte institutif.

La durée de la concession "H" est fixée à quarante ans avec possibilité de renouvellement de 25 ans chaque fois.

La concession doit être entièrement comprise dans le dernier périmètre de recherches auquel elle fait suite. Le cahier des charges fixera une redevance sur la production dont le taux pourrait être progressif.

...

## 8. MADAGASCAR

### CODE PÉTROLIER, 1962<sup>1</sup>

*Article premier.* Sur le territoire de la République malgache et le plateau continental qui lui est adjacent, la prospection, la recherche, l'exploitation et le transport des hydrocarbures liquides ou gazeux, ainsi que le régime fiscal de ces activités, sont soumis aux dispositions du présent code.

Les bitumes et asphaltes restent régis par loi minière.

Le présent code s'applique à toutes sociétés, qu'elles soient malgaches ou étrangères.

#### TITRE PREMIER

##### *De la prospection et de la recherche des gisements d'hydrocarbures*

*Article 2.* Les travaux de prospection et de recherche d'hydrocarbures ne peuvent être entrepris, même par le propriétaire de la surface, qu'en vertu :

Soit d'une autorisation de prospection,

Soit d'un permis exclusif de recherches, dit permis H.

*Article 3.* L'autorisation de prospection confère à son titulaire le droit non exclusif d'exécuter des travaux préliminaires de prospection d'hydrocarbures, notamment par utilisation des méthodes géophysiques, à l'exclusion des forages de recherche. Elle est accordée par arrêté du Ministre chargé des mines, pour une durée d'un an, renouvelable.

Elle ne confère à son titulaire aucun droit à l'obtention d'un titre d'exploitation ou à la disposition des produits extraits en cas de découverte d'hydrocarbures à l'occasion de travaux de prospection.

L'autorisation de prospection ne peut porter sur une surface couverte par un permis H qu'avec l'accord du titulaire du permis.

L'autorisation de prospection ne peut porter sur une surface couverte par un titre d'exploitation.

*Article 4.* Le permis exclusif de recherches d'hydrocarbures, dit permis H, confère à son titulaire, à l'exclusion de toute autre personne, le droit d'exécuter, dans son périmètre, tous travaux de prospection et de recherches d'hydrocarbures. Il comporte de plein droit autorisation de prospection pendant sa durée de validité.

Le permis H confère à son titulaire le droit de disposer librement des hydrocarbures extraits du sol à l'occasion de ses recherches et des essais de production qu'elles peuvent comporter ainsi que des substances connexes, c'est-à-dire les substances qui sont nécessairement extraites en même temps que les hydrocarbures.

<sup>1</sup> Promulgué par l'ordonnance n° 62-105 du 1<sup>er</sup> octobre 1962 portant création du Code pétrolier à Madagascar. Le code abroge en ce qui concerne les hydrocarbures toutes dispositions contraires antérieures. Texte transmis par le représentant permanent de la République malgache auprès de l'Organisation des Nations Unies par note verbale en date du 15 décembre 1971.

Le permis H peut être de forme et de dimensions quelconques. Sa durée initiale ne peut dépasser cinq ans. Il est accordé par décret sur proposition du Ministre chargé des mines.

...

*Article 6.* Nul ne peut obtenir de permis H s'il ne justifie des capacités techniques et financières nécessaires pour mener à bien les recherches et s'il ne souscrit à l'engagement de consacrer aux recherches pendant la durée du permis un effort financier minimum approprié.

*Article 7.* Le titulaire du permis est tenu, après toute découverte d'hydrocarbures permettant de présumer l'existence d'un gisement commercialement exploitable, de poursuivre, avec le maximum de diligence, la délimitation d'un tel gisement.

Dès que l'existence d'un gisement commercialement exploitable est établie, le titulaire du permis est tenu de demander l'octroi d'une concession et de poursuivre les travaux de développement.

En cas de contestation sur l'application du présent article, il est statué par arbitrage dans les conditions prévues à la convention d'établissement.

*Article 8.* La validité du permis H peut, sur la demande du titulaire et sous les mêmes conditions que lors de l'octroi du permis, être prolongée à deux reprises, chaque fois de cinq ans au plus, par décret.

La superficie du permis est réduite du quart de la surface initiale lors du premier renouvellement et de la moitié de la surface restante lors du deuxième renouvellement. Le titulaire choisit les zones qu'il doit abandonner.

Si le titulaire du permis H a satisfait à ses obligations et souscrit, dans sa demande de prolongation, à un effort financier minimum global au moins égal, à une durée de validité égale, à l'effort souscrit pour la période de validité précédente, la prolongation est de droit pour une durée égale à la précédente.

...

## TITRE II

### *De l'exploitation des gisements d'hydrocarbures*

*Article 18.* Les gisements d'hydrocarbures ne peuvent être exploités qu'en vertu :

Soit d'une concession,

Soit d'une autorisation provisoire d'exploiter accordée en application de l'article 19 ci-après.

*Article 19.* Pendant la durée de validité d'un permis H, son titulaire peut, sur sa demande, être autorisé, par arrêté du Ministre chargé des mines, à exploiter à titre provisoire les puits productifs pour une période maximum de deux ans pendant laquelle il sera tenu de poursuivre la délimitation et le développement du gisement, conformément aux dispositions de l'article 7 ci-dessus.

Cette autorisation peut être retirée dans les mêmes formes en cas d'inobservation des dispositions de l'article 7 ainsi que du dernier alinéa du présent article. Elle devient caduque en cas d'expiration du permis pour quelque cause que ce soit, à moins que ne soit déposée une demande de concession.

Le titulaire d'une autorisation provisoire d'exploiter doit satisfaire aux conditions et obligations auxquelles le concessionnaire est soumis en application du présent code et de la convention d'établissement.

*Article 20.* Les gisements d'hydrocarbures sont immeubles. Sont aussi immeubles, outre les bâtiments, les machines, équipements et matériels établis à demeure, utilisés pour l'exploitation des gisements, le stockage et le transport des produits bruts.

L'institution d'une concession crée un droit immobilier distinct de la propriété de la surface, susceptible d'hypothèque.

*Article 21.* Les actions ou intérêts dans une société ou entreprise pour l'exploitation des gisements d'hydrocarbures sont meubles.

Sont meubles aussi les matières extraites, les approvisionnements et autres objets mobiliers.

...

*Article 26.* La durée de la concession est de cinquante ans.

...

*Article 28.* Nul ne peut obtenir une concession s'il ne justifie des capacités techniques et financières nécessaires pour mener à bien les travaux d'exploitation. Ces capacités techniques et financières sont réputées acquises au titulaire du permis H sur le périmètre duquel est situé le gisement faisant l'objet de la demande de concession.

...

*Article 30.* Le concessionnaire est tenu d'appliquer à la délimitation, à la mise en production et à l'exploitation du gisement les méthodes les plus appropriées pour éviter des pertes d'énergie et de produits industriels, assurer la conservation du gisement et porter au maximum le rendement économique en hydrocarbures de ce gisement, notamment par l'emploi des méthodes de récupération secondaires.

...

## TITRE IX

### *De la constatation des infractions et pénalités*

*Article 83.* Sera punie d'un emprisonnement de 15 jours à 3 mois et d'une amende de 50 000 à 1 000 000 de francs, ou de l'une de ces deux peines seulement, toute personne qui, sans être titulaire d'une autorisation de prospection d'un permis exclusif de recherches H, d'une autorisation provisoire d'exploitation ou d'une concession, aura exercé des droits légalement conférés par ces titres.

*Article 84.* Sera punie d'un emprisonnement de 15 jours à 3 mois et d'une amende de 50 000 à 500 000 francs, ou de l'une de ces deux peines seulement, toute personne qui, étant détentrice d'un des titres prévus aux articles 2 ou 18, aura effectué, en des lieux non couverts par ce titre, des travaux visés respectivement aux titres I et II du présent code.

...

## 9. MALTA

### PETROLEUM (PRODUCTION) ACT, 1958<sup>1</sup> AS AMENDED UP TO 1969<sup>2</sup>

...

#### 2. Interpretation

In this Act:

“Licence” means a licence granted pursuant to this Act and includes a petroleum mining concession;

“Malta” means the Island of Malta, the Island of Gozo, the other islands of the Maltese Archipelago and the land underlying territorial waters;

“Minister” means the Prime Minister of Malta and includes such other Minister or Officer as may be authorised by him from time to time for any of the purposes of this Act;

“Petroleum” means all natural hydrocarbons liquid or gaseous including crude oil, natural gas, asphalt, ozokerite and cognate substances and natural gasoline.

#### 3. Vesting of property in petroleum in Maltese Government

(1) The property in any petroleum in its natural condition in strata where-soever existing in Malta is hereby vested in the Maltese Government and the Maltese Government shall have the exclusive right of searching and boring for and getting such petroleum.

(2) Any person who, without a licence granted under this Act, searches or bores for or gets petroleum on, under or from any lands in Malta, shall be guilty by reason merely of having done so and without prejudice to prosecution under any other provision of law, of an offence and shall be liable on conviction to a fine (multa) of not less than two hundred pounds but not exceeding five hundred pounds for each day during which the offence continues, which fine (multa) shall also be applicable for the purposes of subsection (3) of section 389 of the Criminal Code (Chapter 12) and in addition all petroleum so gotten shall be forfeited to the Malta Government. Nothing in this Act, however, shall be construed as imposing any penalty on any person where in the course of lawful boring in search of water or of other lawful operations, petroleum is set free.

...

#### 4. Licences to search for and get petroleum

(1) The Minister shall have the power to grant to such persons as he thinks fit licences to search and bore for and get petroleum on, under or from any lands in Malta including petroleum mining concessions.

(2) Any such licence shall be granted for such consideration (by way of royalty and/or otherwise) as the Minister may determine, and over such

<sup>1</sup> Act No. IV of 1958, passed by the Legislative Assembly on 5 March 1958.

<sup>2</sup> The most recent amendments were made by Act No. XX of 1969. Text of the Act as amended provided by the Permanent Mission of Malta to the United Nations in a note verbale of 5 July 1972.

areas, for such periods and upon such other terms and conditions as the Minister thinks fit.

(3) Without prejudice to the generality of the last preceding subsection, the terms and conditions of any such licence may in particular, if the Minister so determines, include provision for the following matters:

- (i) The rates of royalties to be paid in respect of any petroleum won in the exercise of the rights conferred by the licence, the method of calculation of the amount of such royalties and the manner of payment thereof;
- (ii) The surface rents to be charged in respect of the areas of the licence;
- (iii) The working obligations attaching to the licence;
- (iv) The division between the Government of Malta and the licensee of profits derived from the sale or disposal of petroleum won in the exercise of the rights conferred by the licence;
- (v) The supply from time to time of information by way of returns, reports, notices, records of operations or otherwise.

...

## 10. NEW ZEALAND

[SUBMARINE CABLES AND PIPELINES PROTECTION ORDER 1971]<sup>1</sup>

## 11. NORWAY

- (a) ROYAL DECREE OF 31 JANUARY 1969 ESTABLISHING RULES RELATING TO SCIENTIFIC RESEARCH FOR NATURAL RESOURCES ON THE NORWEGIAN CONTINENTAL SHELF, ETC., sections 1-4, 6, 7, 9-12<sup>2</sup>
- (b) ROYAL DECREE OF 21 JUNE 1970 ESTABLISHING PROVISIONAL RULES CONCERNING EXPLORATION FOR CERTAIN SUBMARINE NATURAL RESOURCES OTHER THAN PETROLEUM ON THE NORWEGIAN CONTINENTAL SHELF, ETC., sections 1-4, 7, 9, 12, 13, and 18<sup>3</sup>

<sup>1</sup> This Order declared two areas within the territorial sea or internal waters of New Zealand to be protected areas for the purposes of the Submarine Cables and Pipelines Protection Act 1966, reproduced in part in ST/LEG/SER.B/15, pp. 505-507.

<sup>2</sup> *Infra* DIVISION II, 16(a).

<sup>3</sup> *Ibid.* 16(b).

## 12. PAKISTAN

PAKISTAN PETROLEUM (PRODUCTION) RULES, 1949<sup>1</sup> AS AMENDED UP TO 1964<sup>2</sup>

### PART I

#### *General*

...

#### 3. *Persons by whom applications may be made*

Any person may apply in accordance with the Rules for:

- (a) An oil exploration licence, as set out in Part I of the Second Schedule;<sup>3</sup>
- (b) An oil prospecting licence, as set out in Part II of the Second Schedule;
- (c) An oil mining lease, as set out in Part III of the Second Schedule.

#### 4. *Manner in which application may be made*

Every application shall be made in writing in the form set out in the First Schedule<sup>3</sup> hereto addressed to the Government of Pakistan in the appropriate Ministry which Ministry shall maintain a register of applications open to inspection upon payment of a fee of Rs. 5 per hour. The register shall be in such form as may be prescribed by the Central Government:

(1) The application shall state:

(a) In the case of an application by an individual, his address, nationality and occupation;

(b) In the case of an application by a company, the nature of and the principal place of business of the company, the authorised, subscribed and paid-up capital of the company, the names and nationality of the Directors thereof and the names and holdings of the principal shareholders.

(2) An application by an alien or a company incorporated outside Pakistan, shall contain, in addition to the matters specified in paragraph (1) of this rule, full particulars of the company to be incorporated in accordance with rule 10 in Pakistan for the purpose of receiving the grant of and working any licence or lease which may be granted in pursuance of the application.

...

(6) The applicant who is not a national of Pakistan shall with his application furnish an undertaking that he will abstain from all political activity whatsoever affecting the sovereignty or security of Pakistan or such as may be tantamount to interference in its internal affairs and that specially he will eschew all espionage.

...

#### 9. *Reciprocity*

A licence or lease shall not be granted to or held by any person who is or becomes controlled directly or indirectly by a national of or by a company

<sup>1</sup> No. M(M)-4(16)48, dated 27 August 1949. Came into force on 1 September 1949 in accordance with Rule 1.

<sup>2</sup> Text as amended provided by the Permanent Mission of Pakistan to the United Nations in a note verbale of 2 February 1972.

<sup>3</sup> Schedules are not reproduced.



incorporated in any country the laws and customs of which do not permit nationals of Pakistan or companies incorporated in Pakistan to acquire, hold and operate petroleum concessions directly or indirectly on conditions which in the opinion of the Government are reasonably comparable with the conditions upon which such rights are granted to nationals of that country.

10. *Application by an alien or a company incorporated outside Pakistan*

Except where the Central Government otherwise orders in writing, in the case of an application for a licence or a lease by an alien or a company incorporated outside Pakistan or in the case of an application by a Licensee or Lessee for the Government's consent to the assignment of a licence or lease to an alien or a company incorporated outside Pakistan such licence or lease shall only be granted or assigned to a company incorporated in Pakistan for the purpose of receiving and working any such licence or lease.

...

PART II

*Oil exploration licences*

15. *Grant of oil exploration licence*

The Government may in its discretion grant an oil exploration licence over the lands specified therein subject to the payment by the licensee of an annual fee at the following rates.

...

PART III

*Oil prospecting licences*

20. *Grant of oil prospecting licence*

The Government may grant an oil prospecting licence over the lands specified therein whether or not the applicant has been the holder of an oil exploration licence. Subject to the right of holder of oil exploration licence on satisfactory observance and performance of the terms and conditions of the licence, the grant of an oil prospecting licence shall be at the discretion of the Government.

...

PART IV

*Oil Mining leases*

29. *Grant of oil mining lease*

The Government shall on being satisfied that the terms and conditions of an oil prospecting licence have been duly observed and performed, grant an oil mining lease in respect of:

(a) An area which has previously been included either in an oil prospecting licence granted to the applicant under these Rules or under Mining Concession Rules previously in force in the Provinces or centrally administered or leased areas or in an oil mining lease granted to him previously under the Mining Concession Rules referred to above; or

(b) An additional area outside the area covered by an oil prospecting licence referred to in clause (a): Provided that the additional area adjoins an area already held by the applicant under an oil mining lease referred to in clause (a) and does not exceed in extent one tenth of the area so already held.

...

41. *Power of President to enter into Agreement*

The President may enter into agreement with any of the oil companies incorporated in Pakistan or outside Pakistan to explore, prospect, mine and refine petroleum in Pakistan, and if any of the terms of such an agreement are in conflict with any of the provisions of the foregoing rules, the terms of the agreement shall prevail.

...

### 13. PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN

TERRITORIAL WATERS AND THE CONTINENTAL SHELF OF THE PEOPLE'S REPUBLIC OF SOUTHERN YEMEN LAW, 1970, sections 5 and 6<sup>1</sup>

### 14. PERU

(a) NORMATIVE LEGISLATIVE DECREE NO. 18225 OF 14 APRIL 1970, CONCERNING THE MINING INDUSTRY<sup>2</sup>

...

*Article 2.* The General Mining Law shall deal with all matters relating to the use of the mineral and fossil substances of the soil and subsoil of the national territory, which shall include the continental shelf and the sea-bed within a distance of 200 miles, with the exception of petroleum and similar hydrocarbons, guano deposits and waters having mineral and medicinal properties. The Law shall also include special provisions relating to the use of radioactive substances and common salt.

...

(b) LEGISLATIVE DECREE NO. 18880 OF 8 JUNE 1971, CONCERNING GENERAL MINING LAW<sup>2</sup>

*Preliminary title*

I. This Legislative Decree shall apply to all matters relating to the use of the mineral substances of the soil and subsoil of the national territory, as well as those of the sea, the continental margin, the sea-bed and subsoils thereof within a distance of 200 nautical miles from the coast, with the exception

<sup>1</sup> *Supra*, Chapter 1, 22.

<sup>2</sup> Text taken from *Instrumentos Nacionales e Internacionales sobre Derecho del Mar* (Ministerio de Relaciones Exteriores del Perú, 1971), provided by the Minister of External Relations in a note verbale of 22 August 1972. Translation by the Secretariat of the United Nations.

of petroleum and similar hydrocarbons, guano deposits and waters having mineral and medicinal properties.

...  
 IV. The State shall grant rights to conduct mining industry operations to Peruvian or foreign national or juridical persons under private law; such rights shall essentially be subject to the régime governing employment protection.

...  
*Article 4.* A permit-holder may not simultaneously hold prospecting permits covering a total area of more than 200,000 hectares.

The maximum duration of a permit shall be three years. This period may be extended for two years in the forest region and in areas presenting difficulties with respect to geography and accessibility, which shall be specified in the Regulations.

The Regulations shall establish the maximum duration with respect to the sea, the continental margin, the sea-bed and the subsoils thereof.

...  
*Article 11.* Concessions in the continental margin, the sea-bed and the subsoils thereof shall be granted for areas of 100 to 10,000 hectares, in accordance with the conditions established in this registrative Decree and specified in the Regulations.

...  
*Article 197.* In the case of mining claims situated in the continental margin, the sea and the sea-bed, the reference point shall be fixed at a prominent spot which can be identified by description alone and is marked on land by a landmark and an indication of its geographical co-ordinates shall be provided. The distance and direction of this point from the low-water line and from the starting point from which the area claimed is measured must also be indicated.

## 15. THAILAND

### PETROLEUM ACT OF 26 MARCH 1971<sup>1</sup>

#### DIVISION I

##### *General provisions*

...  
*Section 4.* In this Act,

“Petroleum operation” means the exploration, production, storage, transport, sale, or disposal of petroleum.

<sup>1</sup> English text provided by the Foreign Ministry of Thailand in a note verbale of 18 October 1971. This Act replaces provisions of all other laws, regulations and rules in so far as they are stipulated in it or are contrary to or inconsistent with its provisions.

“Petroleum” means crude oil, natural gas, natural gas liquid, by-products and other naturally occurring hydrocarbons in a free state, whether solid, semi-solid, liquid or gaseous, and it shall include all heavy hydrocarbons which can be recovered in situ by thermal or chemical processes, but shall not include coal, oil shale or other kinds of rocks from which oil can be extracted by application of heat or chemical process.

...

“To explore” means to undertake standard practices in searching for petroleum by employing geological, geophysical, and other surveys; and it shall also include to undertake drilling for stratigraphic tests in order to determine the existence of petroleum and its extent, to define the boundaries of petroleum reservoirs or to obtain other essential data which are necessary to petroleum production.

“To produce” means to undertake any operation in order to obtain petroleum from its reservoirs; and it shall include to employ any processes other than refining and petrochemical operation in order to render petroleum in salable or disposable forms.

...

“Thailand” includes also the areas of the continental shelf over which the Kingdom of Thailand has jurisdiction under the generally recognized principles of international laws under compacts made with foreign governments.

...

“Competent officers” means those who have been appointed by the Minister to execute this Act.

*Section 5.* This Act shall have effect on any conduct of petroleum operations undertaken anywhere in Thailand.

...

*Section 9.* In the execution of his duties, the competent officer shall have the following powers:

(1) To enter upon the places where petroleum operation is conducted and into the office of the concessionaire during office hours for the purpose of inspecting the petroleum operation and determining whether it is being carried out in compliance with the concession and with the provisions of this Act;

(2) To give a written instruction to the concessionaire to refrain from any performance which may cause damage to persons or to properties of other persons.

(3) To take, in reasonable quantities for tests, samples of the petroleum, rocks, soils, and other substances obtained from petroleum exploration or production.

The concessionaire shall have the right to appeal to the Director-General against the instruction of the competent officer given under subparagraph (2) hereof within seven days from the date of receipt of such instruction; and the decision of the Director-General shall be treated as final.

...

*Section 14.* The Minister of National Development shall have care and charge of this Act and shall have the power to appoint competent officers and to issue the Ministerial Regulations:

(1) Prescribing rules and procedures in conducting petroleum exploration, production, and conservation operations;

(2) Prescribing safety zones and marks in the vicinity of installations and devices which are employed in petroleum exploration and production operations;

(3) Prescribing measures in according care and protection to workers and safety to outsiders;

(4) Prescribing fees not exceeding the rates listed in an appendix of this Act;

(5) Prescribing other matters for the purpose of execution of this Act.

Such Ministerial Regulations shall come into effect upon their publication in the Government Gazette.

...

### DIVISION 3

#### *Petroleum exploration and production*

...

*Section 23.* Petroleum belongs to the State; and no person shall explore for or produce petroleum in any area, whether such area is owned by him or by other persons, except by virtue of a concession.

...

*Section 24.* An eligible applicant shall:

(1) Be a company or companies, and

(2) Command assets, machinery, equipment, tools and specialists to such extent that he is capable to explore for, produce, sell and dispose of petroleum.

In the event that the applicant does not possess all the qualifications under subparagraph (2) hereof, it shall be required to have another company which the Government finds reliable and which possesses all the qualifications under subparagraph (2) hereof and which has relationship in capital or management with the applicant, guarantee that such company shall make available to the applicant assets, machinery, equipment, tools and specialists to such extent that the applicant shall be capable to explore for, produce, sell and dispose of petroleum.

*Section 25.* The petroleum exploration period under any concession shall not exceed eight years from the date of the concession.

If the concessionaire has been complying with all provisions of his concession and submitted an application for a renewal of his petroleum exploration period not less than six months prior to the termination of such period, he shall be entitled to one renewal of his petroleum exploration period of not exceeding four years under expenditure and/or physical work obligations to be agreed upon. However, the concessionaire, who initially has applied for

the petroleum exploration period of not exceeding five years, shall have no right for any renewal of his petroleum exploration period.

*Section 26.* The petroleum production period under any concession shall not exceed thirty years from the day following the date of termination of the petroleum exploration period, notwithstanding any petroleum production undertaken during the petroleum exploration period.

If the concessionaire has been complying with all provisions of his concession and submitted an application for a renewal of his petroleum production period not less than six months prior to the termination of the petroleum production period, he shall be entitled to one renewal of his petroleum production period of not exceeding ten years on terms, obligations and conditions generally prevalent at that time.

...

*Section 28.* In awarding a concession, the Minister shall have the power to award to each applicant not more than four exploration blocks; but in the case that the Minister considers appropriate, the Minister may award to such applicant one more exploration block; provided, however, that the aggregate areas of such exploration blocks shall not exceed 50,000 square kilometres.

The area of an offshore exploration block shall include the areas of those islands located therein, and it shall be in accordance with the delineation made by the Department of Mineral Resources as published in the Government Gazette.

...

*Section 30.* The concessionaire shall perform his obligations in petroleum exploration, both in the amount of expenditure and in the amount of work, as set out in his concession.

*Section 31.* In determining the obligations under Section 30, the term of the petroleum exploration period shall be divided into three following obligation periods:

The first obligation period shall be the first three years of the term of the petroleum exploration period or, in the event that the term of the petroleum exploration period is less than three years, such term of the petroleum exploration period as stipulated in the concession.

The second obligation period shall be the remaining petroleum exploration period after the first obligation period.

The third obligation period, if the petroleum exploration period has been renewed, shall be the period of a renewal of such petroleum exploration period.

...

*Section 32.* At the end of each obligation period under Section 31, or in the event of relinquishment of whole exploration blocks during the first obligation period, if the concessionaire has not fulfilled his obligations in petroleum exploration as set out in his concession for any exploration block, the concessionaire shall pay to the Department of Mineral Resources the unspent residue of his exploration obligations for that obligation period within thirty days from the date of the termination of the said obligation period, or the date of such relinquishment, whichever the case may be.

...

*Section 34.* In conducting petroleum exploration within any exploration block in any obligation period, if the concessionaire has expended or worked in excess of the obligations in petroleum exploration for such exploration block in that obligation period, he shall be entitled to deduct such excess from his obligations in petroleum exploration for that exploration block in the subsequent obligation period.

*Section 35.* In the event of the revocation of the concession in the first obligation period, if the concessionaire has not fulfilled his obligations in petroleum exploration as set out in his concession, the concessionaire shall pay to the Department of Mineral Resources the unspent residue of his exploration obligations for that obligation period within thirty days from the date on which the notice of the revocation becomes effective.

*Section 36.* Subject to Section 45, the concessionaire shall relinquish the area of each of the exploration blocks in accordance with the following rules:

(1) At the end of the fifth year from the date of commencement of the petroleum exploration period, the concessionaire shall be obliged to relinquish fifty per cent of the area of that exploration block;

(2) At the end of the petroleum exploration period and such petroleum exploration period is not renewed, the concessionaire shall be obliged to relinquish the area remaining from subparagraph (1) hereof;

(3) At the end of the petroleum exploration period and such petroleum exploration period shall be renewed, the concessionaire shall relinquish a further twenty-five per cent of the area of that exploration block;

(4) At the end of the petroleum exploration period which has been renewed, the concessionaire shall be obliged to relinquish all the remaining area.

For purpose of calculating the area to be relinquished hereunder, the production areas shall at first be deducted from the area of that exploration block, and any relinquishment required hereunder shall be made in accordance with rules and regulations prescribed by the Department of Mineral Resources.

...

*Section 37.* Subject to Sections 38, 39 and 40 the concessionaire shall be entitled at any time to relinquish the whole or parts of any exploration block.

The relinquishment under paragraph 1 hereof shall be counted towards the relinquishment under Section 36.

...

*Section 41.* During the petroleum exploration period, the concessionaire may produce petroleum.

*Section 42.* Before producing petroleum from any place in an exploration block, the concessionaire shall demonstrate that a commercial well has been found and a production area has been correctly defined; and he may produce petroleum from such production area when concurrence has been given by the Director-General with the approval of the Minister.

...

*Section 44.* At the end of the petroleum exploration period, if the concessionaire is unable to demonstrate that a commercial well has been found in

any exploration block or he fails to define a production area under Section 42, his concession in respect of such exploration block shall be deemed expired.

*Section 45.* At the end of the petroleum exploration period in any exploration block in which the concessionaire has obtained the right to produce petroleum, the concessionaire shall be entitled to reserve areas in that exploration block to an aggregate amount of not exceeding twelve and one half per cent of the initial area of that exploration block till the petroleum production period terminates or till the concessionaire relinquishes such reserved areas prior to the termination of said period; and the concessionaire shall have the right to explore for petroleum in the areas thus reserved.

In reserving the areas under paragraph 1 hereof, the concessionaire shall pay annual reservation fees in advance, and such reservation shall be in accordance with rules, procedures and conditions prescribed in a ministerial regulation.

In the event that the concessionaire discovers petroleum within his reserved areas and desires to produce such petroleum, the provision of Section 42 shall apply.

...

*Section 51.* The Minister shall have the power to revoke the concession when the concessionaire:

- (1) Fails to perform his obligations in petroleum exploration;
- (2) Fails to comply with good petroleum industry practice;
- (3) Fails to pay royalty;
- (4) Fails to pay income tax; or
- (5) Violates or fails to comply with the provisions set out in the concession as the grounds for revocation.

...

#### DIVISION 5

##### *Sale and disposal of petroleum*

*Section 56.* Subject to the provisions of this Division, the concessionaire holds the right to sell and dispose of the petroleum which he produces.

...

*Section 61.* In the case where it is necessary for the purpose of national security, or in order to ensure an adequate supply of petroleum to meet domestic demand, the Minister shall have the power to issue a Ministerial Announcement prohibiting temporarily the export of all or part of the petroleum produced by the concessionaires, or prohibiting temporarily such export to any specific destination.

...

#### DIVISION 6

##### *Benefits, rights and duties of the concessionaire*

...

*Section 64.* The concessionaire shall receive the following guarantees:



(1) Save the deliveries of the concessionaire's properties to the State under the provisions of the concession, the State shall not nationalize the concessionaire's properties and his rights to conduct petroleum operations.

(2) The State shall not restrict the export of petroleum except in the circumstances under Section 61.

*Section 72.* For the purpose of the conservation of petroleum resources or of good petroleum industry practice, in case where concessionaires have their production areas covering the same petroleum reservoir, the Minister shall have the power to require such concessionaires to produce petroleum under the unit operation.

*Section 73.* If historical objects, fossils, economic minerals, or those minerals which are of significant value in geological studies are discovered in the conduct of his petroleum exploration or production operations, the concessionaire shall report such discovery to the Department of Mineral Resources within thirty days from the date of the discovery.

*Section 74.* In conducting petroleum operations in offshore areas, the concessionaire shall not cause any unjustifiable interference with navigation, aviation, the conservation of the living resources of the sea, or scientific researches; and the concessionaire shall not undertake any operation which hinders the laying of submarine cables or pipelines or causes damage to the submarine cables or pipelines.

*Section 75.* In conducting petroleum operations, the concessionaire shall take appropriate measures in accordance with good petroleum industry practice to prevent pollution of any place by oil, mud or any other substance.

In the event that pollution of any place by oil, mud or any other substance results from the concessionaire's petroleum operations, the concessionaire shall take immediate action to combat such pollution.

*Section 80.* In the conduct of petroleum operations, irrespective of whether the petroleum exploration or production rights under the concession have terminated or not, the concessionaire shall execute all operations in accordance with sound technical principles and good petroleum industry practice in respect of the petroleum operations and the conservation of petroleum resources.

*Section 81.* The concessionaire and his agents and employees shall have a duty to accord due facilities to the competent officers in respect of the performance of their duties under this Act.

#### DIVISION 7

##### *Royalty*

*Section 82.* The concessionaire shall pay royalty on petroleum which is sold or disposed of; and the concessionaire shall be exempted from payment of royalty on the following categories of petroleum:

- (1) Petroleum delivered as payment of royalty in kind;
- (2) Petroleum produced and used in Thailand in its natural state for analyses, test, and in the conduct of petroleum exploration, petroleum production, conservation of petroleum resources, storage and transport of petroleum;

(3) Petroleum exported for analyses and tests;

(4) Natural gas transferred without consideration to other concessionaires for the purpose of the conservation of petroleum resources with a prior approval of the Director-General;

(5) Natural gas flared unavoidably in connection with petroleum production operations.

Provided, however, that such exemptions under (2) to (5) inclusive shall be in accordance with rules, procedures and conditions prescribed by the Department of Mineral Resources.

...

#### DIVISION 8

##### *Punishment*

...

*Section 102.* Whoever fails to comply with the Ministerial Regulations issued under subparagraph (1), (2) or (3) of Section 14, shall be punished with a fine of not exceeding fifty thousand Baht.

*Section 103.* Whoever fails to comply with paragraph 1 of Section 23 shall be punished with imprisonment of not exceeding two years, or a fine of not exceeding four hundred thousand Baht, or both.

*Section 104.* Any concessionaire who produces petroleum without the concurrence of the Director-General under paragraph 1 of Section 42, shall be punished with a fine of not exceeding fifty thousand Baht.

*Section 105.* Whoever violates paragraph 1 of Section 61 shall be punished with imprisonment of not exceeding two years and a fine of not exceeding four hundred thousand Baht.

*Section 106.* Any concessionaire who fails to comply with Section 73 shall be punished with imprisonment of not exceeding one year, or a fine of not exceeding ten thousand Baht, or both.

*Section 107.* Any concessionaire who fails to comply with Section 74 . . . shall be punished with a fine of not exceeding ten thousand Baht.

*Section 108.* Any concessionaire who fails to comply with Section 75 shall be punished with a fine of not exceeding one hundred thousand Baht.

*Section 109.* Whoever fails to accord facility to a competent officer under Section 81 shall be punished with a fine of not exceeding five thousand Baht.

*Section 110.* Whoever furnishes false information, makes false statement, gives false answers, produces false records, or does act in order to evade or, in an attempt to evade payment of royalty shall be punished with imprisonment of a period between three months to seven years, and with a fine amounting from two thousand Baht to two hundred thousand Baht.

*Section 111.* The petroleum, equipment, tools, transport vehicles or any machinery which a person has acquired, employed in committing an offence, or employed as means to obtain advantages in committing an offence under Section 103, Section 104, or Section 105, shall all be forfeited, whether any person is executed by judgement, except where the owners of those properties are not conspirators of the offence.

## 16. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

### MINERAL WORKINGS (OFFSHORE INSTALLATIONS) ACT 1971<sup>1</sup>

#### 1. *Application of Act*

(1) This Act shall apply to the underwater exploitation and underwater exploration of mineral resources:

(a) In or under the shore or bed of waters to which this Act applies, other than inland waters; and

(b) In or under the bed of such inland waters as may for the time being be specified for the purposes of this paragraph by Order in Council.

(2) In this Act:

(a) "Waters to which this Act applies" means the waters in or adjacent to the United Kingdom up to the seaward limits of territorial waters, and the waters in any designated area within the meaning of the Continental Shelf Act 1964.<sup>2</sup>

(b) "Inland waters" means waters within the United Kingdom, other than estuaries and tidal rivers.

(3) For purposes of this Act "underwater exploitation" or "underwater exploration" means exploitation or exploration from or by means of any floating or other installation which is maintained in the water, or on the foreshore or other land intermittently covered with water, and is not connected with dry land by a permanent structure providing access at all times and for all purposes; and, subject to the provisions of section 12 of this Act, in this Act:

(a) "Exploration" means exploration with a view to exploitation; and

(b) "Offshore installation" means any installation which is maintained, or is intended to be established, for underwater exploitation or exploration to which this Act applies.

...

#### 2. *Registration of offshore installations*

(1) The Secretary of State may make regulations for the registration of offshore installations.

...

#### 3. *Construction and survey regulations for offshore installations*

(1) The Secretary of State may make regulations:

(a) Requiring offshore installations or parts of offshore installations to be certified by such persons and in such manner as may be provided by the regulations to be in respect of such matters affecting safety as may be so provided, fit for the purpose or purposes specified by the regulations;

(b) Imposing requirements as to the survey, testing and inspection of installations or parts of installations in respect of matters covered or required to be covered by a certificate of fitness;

<sup>1</sup> 1971, Chapter 61; 27 July 1971.

<sup>2</sup> 1964, Chapter 29. Reproduced in part in ST/LEG/SER.B/15, pp. 445-447.

(c) Imposing any prohibition or restriction as respects installations or parts of installations which, in any respect, fail to comply with any provisions of the regulations.

...

(4) It shall be the duty of the owner of the offshore installation, and of the installation manager and of the concession owner, to ensure that the provisions of regulations under this section are complied with, and, if regulations under this section are contravened in any respect in relation to an offshore installation when it is within waters to which this Act applies, the owner of the offshore installation, the installation manager and the concession owner shall each be guilty of an offence under this section, and shall be liable:

(a) On summary conviction to a fine not exceeding £400,

(b) On conviction on indictment to imprisonment for a term not exceeding two years, or to a fine, or both.

#### 4. *Masters of offshore installations*

(1) Every offshore installation, so long as it is in waters to which this Act applies, shall be under the charge of a person appointed to be or act as manager of the installation, and the owner of the installation shall appoint to be installation manager:

(a) A person who, to the best of the knowledge and belief of the owner, has the skills and competence suitable for the appointment; and

(b) Another or others to act where necessary in place of the installation manager,

and shall inform the Secretary of State of any appointment under this subsection by giving notice in the prescribed form and containing the prescribed particulars.

...

(5) It shall be the duty of the owner, in order to ensure that an installation manager appointed under subsection (1) (a) above is on the installation when it is manned, from time to time to place a person so appointed on the installation, and to ensure that he remains there until relieved, or so long as it is manned.

(6) If the owner fails to comply, or to ensure compliance with the provisions of this section, he shall be guilty of an offence under this section, and liable on summary conviction to a fine not exceeding £400.

...

(8) In this Act references to the manager of an offshore installation or to an installation manager are to be taken, except in so far as the context otherwise requires, as references to the person for the time being in charge of the installation and appointed as required by paragraph (a) or (b) of subsection (1) above.

#### 5. *Masters of offshore installations, further provision*

(1) The manager of an offshore installation shall not be absent from the installation at any time when it is manned except in case of sudden sickness or other cause beyond his control, or for other sufficient reason, and a person failing to comply with this subsection shall be guilty of an offence under this section, and liable on summary conviction to a fine not exceeding £400.

(2) Except as otherwise provided by this Act, the manager of an installation shall have in relation to it general responsibility for matters affecting safety, health or welfare or, where connected with safety, health or welfare, the maintenance of order and discipline, and for the discharge of that responsibility shall exercise authority over all persons in or about the installation:

Provided that this subsection shall not extend to any matters for which another person is responsible as master, captain or person in charge of any vessel, aircraft or hovercraft.

(3) If a person subject to the authority of the manager of an offshore installation wilfully disobeys a lawful command given him by the manager in exercise of that authority, he shall be liable on summary conviction to a fine not exceeding £ 50.

(4) The manager of an offshore installation shall not permit the installation to be used in any manner, or permit any operation to be carried out on or from the installation, if the seaworthiness or stability of the installation is likely to be endangered by its use in that manner, or by the carrying out of that operation or by its being carried out in the manner proposed, and it shall be the duty of the owner of the installation to ensure that the provisions of this subsection are complied with by the installation manager.

If an installation manager or owner fails to comply, or ensure compliance, with this subsection he shall be guilty of an offence under this section, and liable:

- (a) On summary conviction, to a fine not exceeding £ 400;
- (b) On conviction on indictment to imprisonment for a term not exceeding two years, or to a fine, or both.

(5) Where at an offshore installation there is an emergency or apprehended emergency endangering the seaworthiness or stability of the installation or otherwise involving a risk of death or serious personal injury, the installation manager may take or require to be taken any such measures as are necessary or expedient to meet or avoid the emergency; and no regulation or condition having effect by virtue of this Act shall apply to prohibit or restrict the taking of any such measures by virtue of this subsection.

(6) If the installation manager has reasonable cause to believe that it is necessary or expedient for the purpose of securing the safety of an offshore installation or persons in or about it, or maintaining order and discipline among those persons, the installation manager may cause any of those persons to be put ashore in the United Kingdom; and where any of those persons has done or is about to do any act endangering or likely to endanger the safety of the installation or persons in or about it or the maintenance of order and discipline among those persons, or the installation manager with reasonable cause suspects him of having done or being about to do any such act, the installation manager may take or cause to be taken such other reasonable measures against him, by restraint of his person or otherwise, as the installation manager thinks necessary or expedient:

Provided that this subsection shall not extend to any matters for which another person is responsible as master, captain or person in charge of any vessel, aircraft or hovercraft.

...

(8) The manager of an offshore installation shall notify the owner as soon as practicable of any event which occurs at the installation and which the owner is by any regulation or condition having effect by virtue of this Act required to notify to the Secretary of State.

If a person fails to comply with the provisions of this subsection he shall be guilty of an offence under this section, and liable on summary conviction to a fine not exceeding £100.

...

#### 6. *Safety regulations*

(1) The Secretary of State may make regulations for the safety, health and welfare of persons on offshore installations in waters to which this Act applies, and generally, and whether or not by way of supplementing the preceding sections of this Act, for the safety of such installations and the prevention of accidents on or near them.

...

#### 8. *Application of existing law to offshore installations in territorial waters and designated areas*

(1) Section 3 of the Continental Shelf Act 1964 (application of criminal and civil law to installations outside territorial waters) shall have effect as if any references in that section to an installation in a designated area included references to any offshore installation either in territorial waters of the United Kingdom or in a designated area.

(2) So far as relates to questions arising out of acts or omissions taking place on, under or above:

(a) An offshore installation in territorial waters of the United Kingdom; or

(b) Territorial waters of the United Kingdom within five hundred metres of an offshore installation,

subsection (2) of the said section 3 (power to confer jurisdiction on courts in any part of the United Kingdom) shall apply as if the words "in a designated area, or in any part of such an area" were omitted.

(3) It is hereby declared that, notwithstanding that the said section 3 may affect individuals or bodies corporate outside the United Kingdom, it applies to any individual whether or not he is a British subject, and to any body corporate whether or not incorporated under the law of any part of the United Kingdom.

(4) So far as relates to any provision of an Order in Council or regulation concerning aircraft on or in the neighbourhood of offshore installations, section 59 of the Civil Aviation Act 1949<sup>1</sup> (extra-territorial effect) shall apply to all aircraft, and not only to British aircraft registered in the United Kingdom and shall apply to the doing of anything in relation to any aircraft by any person, irrespective of nationality or, in the case of a body corporate, of the law under which it was incorporated.

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<sup>1</sup> 1949, Chapter 67.

(5) This section, and the said section 3 of the Continental Shelf Act 1964, shall apply to installations notwithstanding that they are for the time being in transit.

9. *Offences: general provisions*

(1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

In this subsection "director", in relation to a body corporate established by or under any enactment for the purpose of carrying on under public ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

...

(4) Proceedings for any offence under this Act may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

(5) A constable shall on any offshore installation in waters to which this Act applies have all the powers, protection and privileges which he has in the area for which he acts as constable.

...

11. *Civil liability for breach of statutory duty*

(1) This section has effect as respects

(a) A duty imposed on any person by any provision of this Act, or

(b) A duty imposed on any person by any provision of regulations made under this Act which expressly applies the provisions of this section.

(2) Breach of any such duty shall be actionable so far, and only so far, as it causes personal injury, and references in section 1 of the Fatal Accidents Act 1846<sup>1</sup> as it applies in England and Wales, and in Northern Ireland, to a wrongful act, neglect or default shall include references to any breach of a duty which is so actionable.

...

12. *Interpretation*

(1) In this Act, unless the context otherwise requires:

"Concession owner" means the person having the right to exploit or explore the mineral resources in connection with which the offshore installation is, or has been, or is to be used;

"Designated area" has the same meaning as in the Continental Shelf Act, 1964.

...

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<sup>1</sup> 1846, Chapter 93.

(3) References to this Act to an offshore installation do not include an installation which at the relevant time consists exclusively of a pipe-line, whether or not any part of it previously formed part of an offshore installation.

(4) It is hereby declared that, notwithstanding that this Act may affect individuals or bodies corporate outside the United Kingdom, it applies to any individual whether or not he is a British subject, and to any body corporate whether or not incorporated under the law of any part of the United Kingdom.

...

## *BAHAMAS*

### PETROLEUM ACT, 1971<sup>1</sup>

#### PART I

#### *Preliminary*

...

#### 2. *Interpretation*

(1) In this Act, unless the context otherwise requires:

“Submarine area” means land underlying the sea waters surrounding the coast of the Bahama Islands below the high-water mark of the sea at ordinary spring tides, including the sea-bed and subsoil situated beneath the territorial waters and the continental shelf of the Bahama Islands (continental shelf here having the same meaning as in The Continental Shelf Act, 1970<sup>2</sup>);

...

#### PART II

#### *Permits, licences and leases*

#### 5. *Permits, licences and leases*

(1) Subject to the provisions of this Act, no person shall carry out any of the activities mentioned in the definition of permit in this Act or explore or prospect for petroleum or commence petroleum mining in commercial quantities, unless he first obtains from the Minister a permit, licence or lease, as the case may be, as provided for in this Act or the Regulations.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment and, in the case of a continuing offence, to a further fine of one thousand dollars for every day during which the offence continues.

...

#### 11. *Minister's right to appoint a director*

Where a company which holds a lease mines petroleum in commercial quantities, the Minister shall have the right to appoint a public officer as a

<sup>1</sup> Act No. 11 of 1971. Assented to on 10 June 1971. By this Act the previous Petroleum Act was repealed. Text provided by the Permanent Representative of the United Kingdom to the United Nations in a note verbale of 15 November 1971.

<sup>2</sup> *Infra* DIVISION II, 25.



member of the board of directors of such company for so long as petroleum continues to be mined by the company in commercial quantities.

12. *Licensees and lessees to have resident managers*

Every licensee or lessee shall have a manager who is resident in the Bahama Islands.

13. *Permits, licences and leases only granted to companies incorporated in the Bahama Islands or to foreign companies registered in the said Islands*

(1) A permit, licence or lease shall only be granted to a company which has been incorporated and registered in the Bahama Islands under the provisions of The Companies Act or to a company which has been incorporated outside the said Islands which has been duly registered in the said Islands under the provisions of The Foreign Companies Act:

Provided that the provisions of this subsection in relation to the grant of a permit, shall not apply to a scientific search organisation approved by the Minister.

...

17. *Royalties*

(1) Subject to the provisions of this section, every licensee and lessee shall pay a royalty at a rate of not less than twelve and one-half per centum of the selling value at the well-head of the petroleum won and saved from the licensed or leased area.

...

PART IV

*Miscellaneous and general*

...

29. *Pollution*

(1) A licensee or lessee shall adopt all practicable precautions to avoid pollution of the land or waters by petroleum, mud or any other fluid or substance which might contaminate such land or waters or which might cause harm or destruction to marine life, and shall at its own expense remove any petroleum, mud or other fluid or substance causing any such pollution as aforesaid.

(2) A licensee or lessee shall be absolutely liable for any loss, damage or injury which may be caused by the licensee or lessee or by the agents or servants of the licensee or lessee resulting from any such pollution.

(3) Full details of any spill or leakage of petroleum, mud or any other fluid or substance shall be recorded in writing by the licensee or lessee and shall forthwith be reported to the Minister.

(4) Where a licensee or lessee fails to take any step or do any thing which it is required to take or do by subsection (1) or (3) the Minister shall have the right to take that step or do that thing and to recover from the licensee or lessee any costs or expenses reasonably and necessarily incurred by him on that account.

(5) Any person who contravenes or fails to comply with the provisions of subsection (1) or (3) shall be guilty of an offence and liable on summary

conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment and in the case of a continuing offence, to a further fine of one thousand dollars for every day during which the offence continues.

30. *Licensees and lessees to keep Minister indemnified*

The Minister shall ensure that a licensee or lessee shall keep the Minister indemnified at all times against any action, claim or demand of whatever nature which may be brought against the Minister by any third party in relation to any matter arising out of the exercise of the rights granted by the licence or the lease.

31. *Bonding provisions*

The Minister shall require every licensee or lessee to take out and maintain with an insurance company acceptable to the Minister a policy of insurance against liability for personal injury or damage to property to such amount as the Minister may determine or that such holder shall enter into a bond with one or more sufficient sureties for the discharge of any such liability to a like amount.

...

CAYMAN ISLANDS

PETROLEUM (PRODUCTION) LAW,<sup>1</sup> AS AMENDED IN 1969<sup>2</sup>

...

2. (1) The property in petroleum existing in its natural condition in strata in the Islands and on the sea-bed and in the sub-soil beneath the territorial waters thereof and in the continental shelf appertaining thereto is hereby vested in Her Majesty, and, subject to the provisions of this Law, Her Majesty shall have exclusive right of searching and boring for and getting such petroleum.

(2) ...

“Continental shelf” has the same meaning as in the convention entitled “Convention on the Continental Shelf” signed at Geneva on the 29th of April 1958.

...

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<sup>1</sup> Cap. 123.

<sup>2</sup> The amendment was made by the Petroleum (Production) (Amendment) Law, 1969, (Law 16 of 1969), which passed the Assembly on 8 December 1969, and came into operation on 1 January 1970. Text provided by the Permanent Representative of the United Kingdom to the United Nations in a note verbale of 15 November 1971.

## Subdivision B. The Contiguous Zone

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### 1. MALTA

TERRITORIAL WATERS AND CONTIGUOUS ZONE ACT, 1971, section 4<sup>1</sup>

### 2. PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN

TERRITORIAL WATERS AND THE CONTINENTAL SHELF OF THE PEOPLE'S  
REPUBLIC OF SOUTHERN YEMEN LAW, 1970, article 18<sup>2</sup>

### 3. SPAIN

(a) COASTS ACT OF 24 APRIL 1969, article 8<sup>3</sup>

(b) GENERAL CUSTOMS REVENUE ORDINANCES OF 1950, AS AMENDED BY  
DECREE NO. 3281/68 OF 26 DECEMBER 1968<sup>4</sup>

...

*Article 3.* For customs purposes and in order to suppress smuggling, the activities of the tax authorities shall be exercised:

(a) Throughout Spanish territory;

(b) In the waters under Spanish jurisdiction, which shall, for taxation purposes, comprise an area of sea adjacent to the Spanish coasts having a breadth of 12 miles, or 22,222 metres, measured from the low-water line along the coasts under Spanish sovereignty.

The Government may, in respect of localities where it deems such action fitting, authorize the drawing of straight baselines joining appropriate points on the coast, in accordance with the applicable international instruments.

If the distance between the low-water marks of the natural entrance points of or openings into a bay does not exceed 24 miles, the straight line joining them shall be deemed to be a baseline and the waters between that line and the coast shall be regarded as internal waters.

...

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<sup>1</sup> *Supra*, SUBDIVISION A, Chapter 1, 15.

<sup>2</sup> *Ibid.*, 22.

<sup>3</sup> *Ibid.*, 25.

<sup>4</sup> For Decree No. 3281/68, see *Boletín Oficial del Estado*, No. 17, 20 January 1969, p. 130. Only the amended article is reproduced here. Translation by the Secretariat of the United Nations.

**4. SUDAN**

TERRITORIAL WATERS AND CONTINENTAL SHELF ACT, 1970, section 9<sup>1</sup>

**5. UNITED STATES OF AMERICA**

FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED UP TO 1970,  
sections 11 and 12<sup>2</sup>

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<sup>1</sup> *Supra* SUBDIVISION A, Chapter I, 27.

<sup>2</sup> *Ibid.*, Chapter VII, 13.

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