

PART II. CONTIGUOUS ZONES

CHAPTER 1. NATIONAL LEGISLATION

1. Argentina [1]

[No change]

2. Belgium [2]

[No change]

3. Bulgaria [3]

[No change]

4. Canada¹ [4]

(a) CUSTOMS ACT, REVISED STATUTES OF CANADA 1952—VOL. 2, CHAPTER 58, P. 2077, AS AMENDED BY STATUTE 1953-54, CHAPTER 3, P. 7, AND STATUTES 1955, CHAPTER 32, P. 163.

...

Section 2. (1) In this Act, or in any other law relating to the Customs,

(a) "Canadian Customs waters" means the waters forming that part of the sea that is adjacent to and extends nine marine miles beyond Canadian waters;

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

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

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

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

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

...

Section 7. (1) Unless the Minister, as he may, in respect of any particular vessel or class or classes of vessel otherwise dispenses, for a time or generally, the master of any vessel arriving in or found within Canadian waters or of any vessel registered in Canada or of any unregistered vessel owned by a person resident or domiciled in Canada or of any other vessel or class of vessels that has been specified or

¹This entry replaces in its entirety the entry relating to Canada at pages 54-57 of the previous volume.

enumerated by proclamation of the Governor in Council under subsection (1) of section 139 arriving in and found within Canadian Customs waters shall, if the cargo of his vessel includes intoxicating liquors, have on board a manifest signed by him under oath as to the truth of the statements therein contained; such manifest shall contain:

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

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

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

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

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

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

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

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

(a) On a statutory holiday other than a Sunday;

(b) After sunset and before sunrise; and

(c) At a place other than a port;

but such unloading shall be done only in the presence of an officer detailed for such service and under such conditions and upon such terms as the Minister may authorize or prescribe.

(3) If after the arrival of the vessel within three leagues of the coast, any alteration is made in the stowage of the cargo so as to facilitate the unlawful unloading of any part thereof, or if any part thereof is fraudulently staved, destroyed or thrown overboard, or any package is opened, it shall be deemed a breaking of bulk.

. . .
Section 139. (1) The provisions of this section extend to vessels hovering in Canadian waters, and in the case of any vessel registered in Canada, or of any unregistered vessel owned by a person resident or domiciled in Canada, or of any other vessels or class of vessels which the Governor in Council may specify or enumerate by proclamation shall also extend to vessels hovering in Canadian Customs waters.

(2) Any vessel that has, in Canadian waters or, subject to the provisions of subsection (1), in Canadian Customs waters,

(a) Hovered;

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

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

(d) Failed to come to a stop in compliance with the provision of subsection (4),

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

(3) If any hovering vessel is found or observed in Canadian waters or, subject to the provisions of subsection (1), in Canadian Customs waters, any officer may go on board such vessel and examine her cargo and may also examine upon oath the master or person in command or any other person on board, touching the vessel, cargo and voyage, and may bring the vessel into port; and any such master or person who refuses to comply with the lawful directions of such officer or does not truly answer such questions as are put to him touching such vessel, cargo or voyage, shall be deemed to have violated a provision of this Act.

(4) Any vessel in Canadian waters or, subject to the provisions of subsection (1), in Canadian Customs waters, shall proceed to come to a stop when required so to do in the Queen's name by any other officer or upon signal made by any vessel in the service of the Government of Canada hoisting the pennant and ensign approved and appointed for the purpose by order of the Governor in Council.

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

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

(7) No person on board any vessel required to proceed to come to a stop, as herein provided, shall throw overboard, stave, or destroy any part of the cargo or any papers or documents relating to the vessel or cargo; any such action renders the vessel and cargo subject to forfeiture.

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

(9) Any officer may at any time go on board any vessel at any place in Canadian waters or, subject to the provisions of subsection (1), in Canadian Customs waters, and examine the manifest and inspect, search and examine the vessel and every part thereof, and any person, trunk, package or cargo on board.

(10) Any vessel that is a hovering vessel within the meaning of subsection (2) may be seized and forfeited, together with all stores and cargo that were upon such vessel at the time of the hovering, but the following goods shall be released, without liability resulting directly or indirectly from such seizure or forfeiture, upon the furnishing of proof satisfactory to the Minister that they are:

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

(b) Effects of an innocent passenger; or

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

(11) The master or person in command and crew of any vessel that is a hovering vessel within the meaning of subsection (2) and all other persons on board at the time of the hovering and all owners or persons beneficially interested in the vessel or cargo shall be deemed to have violated a provision of this Act unless they prove that they had no knowledge or grounds for suspicion that the goods on board were destined to be smuggled into Canada or any other country.

(12) The powers conferred by subsection (3) on an officer, may be exercised, and the provisions of subsections (4) to (11) inclusive are applicable to a hovering vessel, either at the place where the vessel is found or observed to be hovering, or, elsewhere after pursuit, either within or without Canadian waters or Canadian Customs waters as the case may be, or in a Canadian port when such waters subsequently enters a Canadian port.

(b) FISHERIES ACT, REVISED STATUTES OF CANADA 1952, CHAPTER 119.

...

55. (1) Every person is guilty of an offence, and shall incur therefor a penalty of not less than one hundred dollars and not more than two thousand dollars, recoverable with costs upon summary conviction, who at any time, except under licence from the Minister,

(a) With intent to fish or to cause any other person to fish with a vessel that uses an "otter" or other trawl of a similar nature for catching fish in the sea, leaves or departs from any port or place in Canada for the purpose of such fishing; or

(b) Knowingly brings into Canada any fish taken or caught in the sea beyond the territorial waters of Canada with any vessel that uses an "otter" or other trawl of a similar nature or any vessel that uses an "otter" or other trawl of a similar nature for catching fish in the sea beyond the territorial waters of Canada, if the leaving or departure from Canada of such vessel constituted an offence under this section, and the fish or vessel so brought in shall be confiscated to Her Majesty for violation of this Act, in the manner provided by section 64.

(2) No such vessel shall carry on fishing operations from or to any Canadian port or ports, unless such vessel is registered as a British ship in Canada and is owned by a Canadian or by a body corporate incorporated under the laws of Canada or of one of the provinces thereof, and having its principal place of business in Canada.

(3) No such vessel shall carry on fishing operations from or to any Canadian port or ports, unless it restricts its fishing operations to waters that are at least twelve miles distant from the nearest shore on the Atlantic sea coast of Canada; the proof that such fishing operations are so restricted at all times lies on the captain of the vessel; but this subsection does not apply to small draggers operated by inshore fishermen if exempted from the provisions of this subsection by special permit which the Minister is hereby authorized to issue for that purpose; and in the application of this subsection to the coasts of Newfoundland the words "three miles" shall be substituted for the words "twelve miles".

(4) The Minister may determine the number of such vessels that shall be eligible to be licensed.

(5) Regulations may be made under the provisions of section 34:

(a) Prescribing the form of licence;

- (b) Specifying the evidence to be submitted with an application for a licence;
- (c) Fixing the conditions under which a licence shall be issued; and
- (d) Making any other provisions respecting licences.

(6) The burden of proving absence of intent or knowledge, when intent or knowledge is necessary to constitute an offence under this section, lies upon the person accused, and intent or knowledge shall be presumed unless negated by proof. 1932, c. 42, s. 56; 1934, c. 6, s. 1; 1949, c. 6, s. 27.

5. Ceylon [5]

[No change]

6. Chile [6]

(a) CIVIL CODE, 14 DECEMBER 1855

[No change]

- (b) GENERAL REGULATIONS CONCERNING THE POLICE OF THE SEAS, RIVERS AND LAKES, ANNEXED TO DECREE No. 1340 (b) OF THE MINISTRY OF NATIONAL DEFENCE, 14 JUNE 1941

Note. The text of Article 7 appearing in the previous volume is to be replaced by the following:

Article 7. The sea adjacent to our coasts from a distance of fifty kilometres measured from the lowest water mark and the inland waters of gulfs, bays, straits and channels, even in those cases where the distance between their coasts measured more than the said three miles, constitutes the territorial sea and belongs to the national domain. With regard to the exercise of the right of policing in the interests of national security, the distance considered shall be one hundred kilometres measured in the manner stated above.

(c) WATER CODE, ANNEXED TO LAW No. 8,944, 21 JANUARY 1948

[No change]

7. China [7]

[No change]

8. Colombia [8]

[No change]

9. Cuba [9]

[No change]

10. Dominican Republic [10]

[No change]

11. Ecuador [11]

[No change]

12. Egypt [12]

[No change]

13. El Salvador [13]

[No change]

14. Finland [14]

(a) CUSTOMS REGULATIONS, 8 SEPTEMBER 1939. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Note. By an Order to Amend the Customs Duties Act, 26 October 1956, "Finnish Law Series", No. 530/56, Articles 1, 3 and 7 of the Customs Regulations of 1939 as amended, have been amended. Article 1 now reads as follows:

Article 1. Customs frontier at sea (1) In the Baltic Sea, the Gulf of Finland and the Gulf of Bothnia, the customs frontier shall, with the exceptions mentioned in paragraph 2, extend two nautical miles beyond the outer limit of the territorial waters of Finland, but no further than the territorial frontier of a contiguous State.

(2) On the eastern side of the meridian running through the western end of the boundary delimiting the territorial waters of Finland, being the boundary established by the Treaty of Peace signed in Paris on 10 February 1947 and running south of the Aspö archipelago in the direction of the parallel, and also around Bogskären in the northern part of the Baltic Sea, the customs frontier shall be the outer limit of the territorial waters.

(3) If the customs frontier, to a certain extent or for purposes of preventing the unlawful transport of goods, is defined in an agreement with a foreign State otherwise than in paragraphs 1 and 2, the provisions of such agreement shall apply.

Reference should also be made to Act No. 463 of 18 August 1956 concerning the boundaries of the Territorial Waters of Finland, and Order No. 464 concerning the application of this Act of the same date; also to Order No. 466 of the same date amending the Order concerning visits by Foreign Warships, Merchant Vessels and Aircraft to Finnish Territory in time of peace. All these texts can be found in translation in Volume VI of the United Nations Legislative Series, Laws and Regulations on the Regime of the Territorial Sea.

15. France [15]

[No change]

16. Greece [16]

(a) LAW NO. 4141, CONCERNING PASSAGE AND SOJOURN OF MERCHANT VESSELS ALONG THE GREEK SHORES AND POLICING OF THE PORTS AND HARBOURS IN TIME OF WAR, 26 MARCH 1913

[No change]

(b) CIRCULAR NO. 147 OF THE MINISTRY OF MARINE, CONCERNING OBSERVANCE OF NEUTRALITY RULES, 29 JULY 1914

[No change]

(c) LAW NO. 230, 17 SEPTEMBER 1936

[No change]

(d) ACT 376/14/18 DECEMBER 1936, CONCERNING MEASURES FOR THE SECURITY OF FORTIFIED ZONES²

Article 1. Areas in which fortified installations are located or being constructed shall be designated as "defence areas" if they are under the jurisdiction of the Ministry of War or as "naval positions" if they are under the jurisdiction of the Ministry of Marine. The boundaries of the defence areas and of the naval positions shall be determined by Royal Decree, on the proposal of the Minister of War or the Ministry of the Marine.

Article 2. Every defence area or naval position shall include:

(a) A first (inner) zone around the immediate perimeter of the defence works, classified as a "prohibited zone".

²Text provided by the Permanent Delegation of Greece. Translation by the Secretariat of the United Nations.

(b) A second (outer) zone, classified as a "protected zone", the outer boundaries of which shall correspond to the boundaries of the defence area or naval position. The purpose of both zones is the concealment and security of the defence works.

Article 3. The safety measures which have to be taken at the defence areas and naval positions in order to achieve the purpose specified in article 2 shall be determined under the exclusive jurisdiction of military and naval authorities duly designated by the Ministers of War and of Marine.

...

Article 10. The competent military or naval authorities referred to in article 3 may categorically prohibit, in whole or in part and for an indefinite period, any form of traffic through any protected zone. In particular, maritime traffic in the vicinity of naval positions may be prohibited in whole or in part by order of the Ministry of Marine. The prohibition of air traffic over protected zones shall lie within the competence of the Ministry of Aviation, which shall issue the necessary orders at the request of the Minister of War or the Minister of Marine. Protected zones may also be extended beyond the limits specified in article 2.

Any violation of these prohibitions shall be punishable by the penalties laid down in article 7 of the Act, and all offenders, regardless of their identity, shall be triable by naval or military courts.

17. Guatemala [17]

[No change]

18. Honduras [18]

[No change]

19. India

(a) PROCLAMATION REGARDING FISHING IN ADJACENT SEAS, 1957, "GAZETTE OF INDIA", 1957

Whereas the coastal communities of India have from time immemorial been engaged in fishing activities in the high seas adjacent to its territorial waters;

And whereas certain areas of these high seas provide fisheries which contribute to the food and means of livelihood of large sections of the population and consequently India has a special interest in maintaining the productivity of the living resources in all such areas;

Now, therefore, I Rajendra Prasad, President of India, do hereby proclaim and declare in the eighth year of the Republic as follows;

The Government of India may from time to time:

(i) Establish, in accordance with laws enacted for the purpose conservation zones in areas of the high seas adjacent to the territorial waters of India, but within a distance of one hundred nautical miles from the outer limits of those waters;

(ii) Take conservation measures in the zones so established in order to protect fisheries and other living resources of the sea from indiscriminate exploitation, depletion or destruction; and,

(iii) Subject to the provisions of any international agreement or convention to which India is, or may hereafter become, a party, regulate all fishing activities in the said areas in order to enforce the laws and regulations that may be issued from time to time for the purposes aforesaid.

Note. At the United Nations Conference on the Law of the Sea, held in Geneva from Feb.-Apr. 1958, the Indian delegation requested the deletion of a reference to this Proclamation from the column headed "Fishing" under the general head "Limits for Special Purposes" in U.N. Doc. A/Conf.13/C.1/L.11/Rev.1 which gave a Synoptical Table of claims made by States to zones of the sea contiguous to their coasts.

20. Iran [19]

[No change]

21. Italy [20]

[No change]

22. Japan [21]

(a) PORT REGULATIONS, ENACTED BY LAW, NO. 174 OF 1948

[Deleted]³**23. Korea⁴**(a) FISHERY RESOURCES CONSERVATION LAW. LAW NO. 298 PROMULGATED
12 DECEMBER 1954

Article I. The seas lying between the coasts of the peninsular and insular territories of Korea and line of demarcation made from the continuity of the lines mentioned hereunder are hereby defined as the jurisdictional water for the conservation of the fishery resources (hereinafter referred to as the jurisdictional water).

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

(b) Line from the point of 42°15'N-130°45'E to the point of 38°00'N-132°50'E;

(c) Line from the point of 38°00'N-132°50'E to the point of 35°00'N-130°00'E;

(d) Line from the point of 35°00'N-130°00'E to the point of 34°40'N-129°10'E;

(e) Line from the point of 34°40'N-129°10'E to the point of 32°00'N-127°00'E;

(f) Line from the point of 32°00'N-127°00'E to the point of 32°00'N-124°00'E;

(g) Line from the point of 32°00'N-124°00'E to the point of 39°45'N-124°00'E;

(h) Line from the point of 39°45'N-124°00'E to the western point of Ma-An-Do, Sin-Do-Yuldo, Yong-Chung-Kun, Pyung-An-Pukdo;

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

Article II. Any person who desires to engage in fishing in the jurisdictional water is required to obtain a permission from the competent Minister.

Article III. Any person who violated the preceding Article shall be punished by a penal servitude or an imprisonment not exceeding three years, or by a fine not exceeding five hundred thousand Hwan, and any fishing vessel, equipment, catch, and cultured and manufactured product which are owned or possessed by such person shall be confiscated.

Article IV. In the search for the offence provided in the preceding Article, the officers and sailors aboard Naval Vessels, and other officials determined by Presidential Decree may carry out the functions of the judicial police officers.

In conducting the search provided in the preceding paragraph, they may, if necessary, bring home any vessel which violated the provisions of this law.

If a vessel excites suspicion of violating Article II, they may halt, visit, search and make any other necessary disposition of a vessel, even if such vessel is only a vessel in transit.

³ Article 24 of the Port Regulations, Enacted by Law No. 174 of 1948 as Amended by Law No. 98, 24 May 1949, cited at page 83 of the previous volume, does not apply to claims beyond the three-mile limit of the territorial sea. For this reason its deletion has been requested.

⁴ All texts relating to Korea were provided by the Ministry of Foreign Affairs of the Republic of Korea and were transmitted through the Office of the Permanent Observer of the Republic of Korea to the United Nations.

Supplementary Regulations

A permission, license or notice in force on 19 February 1952 shall be regarded as if it were obtained in accordance with this Law.

This Law shall become effective on the day of its promulgation.

(b) REGULATION FOR THE ENFORCEMENT OF THE FISHERY RESOURCES CONSERVATION LAW. PROMULGATED AS PRESIDENTIAL DECREE NO. 861 ON 18 JANUARY 1955.

Article I. The term "fishing" as used in Article II of the Fishery Resources Conservation Law (hereinafter referred to as the Law) means fisheries provided for in Articles VIII, XII of the Fishery Industry Law including fisheries for which licence has been given in accordance with Article XIII of the same Law.

Article II. In granting fishing licences the competent Minister shall give such consideration that these licences may not exceed the number of the permissible cases that had been dealt with up to the date of 19 February 1952 except cases as limited in number by the Fishery Industry Law for the purpose of cultivating and conserving the marine fauna and flora in the jurisdictional water.

Article III. Any person who desires to obtain a permission for fishing shall file application for permission with the competent Minister through the Mayor of the Special City or Provincial Governor in compliance with the provisions of Articles IX and X of the Regulations of the Enforcement of the Fishery Industry Law.

Article IV. The fishery supervisors of the Government pursuant to the provisions of Article LVIII of the Fishery Industry Law and Article LI of the Regulation for its enforcement shall exercise the functions of the judicial police officers provided for in Article IV of the Fishery Resources Conservation Law, providing that they are designated to do so under Article LX of the Fishery Industry Law.

Supplementary Rule

This Regulation shall come into force from the date of the promulgation of the Fishery Resources Conservation Law.

(c) MARINE DEFENCE LAW. LAW NO. 104 PROMULGATED 2 MARCH 1950.

Article 1. The President of the Republic of Korea may, by fixing a boundary, designate some area as the "Sea of Defence" in the case of extraordinary necessity during a time of formal war or civil war.

The designation of such area provided for in the preceding paragraph, as well as the cancellation of such areas thereof shall be publicly announced by the Minister of National Defence.

Article 2. If it is necessary to take urgent measures the Commanding Officer of the Naval Yard or the Commanding Officer of the Guard Station may designate and proclaim the "Sea of Defence" as provided for in the preceding article.

Such proclamation shall be reported without delay to the President for Approval. If the confirmation from the President is not obtained, such proclamation shall lose effect thereafter, and the Minister of National Defence shall announce that fact without delay.

Article 3. Ships other than those of the National Defence Force may not enter into, leave from, or sail in the "Sea of Defence" without the permission of the Commanding Officer of the Naval Yard or of the Guard Station during the Hours of darkness (from sunset until sunrise).

Article 4. In case a zone of Naval Base belongs to the "Sea of Defence," ships other than those of the National Defence Force may not enter into, leave from or sail in the "Sea of Defence" without the permission of the Commanding Officer of the Naval Yard or Guard Station.

Article 5. Ships entering into, leaving from, sailing or anchoring in the "Sea of Defence" shall observe the directives of the Commanding Officer of the Naval Yard or of the Guard Station concerning all their movements.

Article 6. In case it is deemed necessary, the Commanding Officer of the Naval Yard or of the Guard Station may prohibit or place restraint on fishing, extraction of sea weeds and other actions which may serve as obstacles to military operations.

Article 7. The Commanding Officer of the Naval Yard or of the Guard Station may direct the ships that violate the orders issued in accordance with this law to withdraw from the "Sea of Defence" through a specified course designated by the Commanding Officer.

Article 8. The Captain or the Person acting for a Captain of a ship which violated the provisions under articles 3 to 5 shall be punished with penal servitude of not more than three years or a fine of not more than 200,000 won.

Article 9. The person who violates the Provisions of article 6 shall be punished with penal servitude not more than one year or a fine of not more than 100,000 won.

Addendum

This law shall be effective on and after the date of its promulgation.

24. Lebanon [22]

[No change]

25. Mexico [23]

[No change]

26. Norway [24]

[No change]

27. Poland [25]

[No change]

28. Portugal [26]

(a) CUSTOMS REFORM, ENACTED BY DECREE-LAW No. 31,665, 22 NOVEMBER 1941

[No change]

Note. Reference should also be made to the legislation cited under Portugal in Volume VI, United Nations Legislative Series, Laws and Regulations on the Regime of the Territorial Sea.

29. Romania⁵ [27]

(a) DECREE No. 39 CONCERNING THE REGULATION OF THE REGIME OF TERRITORIAL WATERS, 28 JANUARY 1956

...

Article 5. Le port de Mangalia ainsi que la zone comprise entre la côte, les parallèles 43° 45' et 43° 53' et le méridien 28° 45', sont interdits aux navires étrangers.

Seule une décision du Conseil des ministres peut interdire aux navires étrangers d'autres ports ou d'autres zones de la République Populaire Roumaine.

...

⁵This entry replaces in its entirety the entry relating to Romania at page 89 of the previous volume. The Regulations of 7 February 1934 there given were replaced by a decision of the Council of Ministers, No. 731 of 28 April 1956. The text of Decree No. 39 was supplied by the Permanent Mission of Romania to the United Nations.

Article 8. Les navires militaires étrangers ne peuvent traverser, s'arrêter ou jeter l'ancre dans les eaux territoriales de la République Populaire Roumaine de même qu'ils ne peuvent entrer dans les ports de la République Populaire Roumaine qu'après en avoir reçu au préalable l'autorisation du gouvernement de la République Populaire Roumaine, sauf en cas d'avaries ou lorsqu'ils cherchent un refuge contre la tempête.

Il est interdit aux sous-marins étrangers en plongée de naviguer, de s'arrêter ou de jeter l'ancre dans les eaux territoriales de la République Populaire Roumaine.

Les sous-marins étrangers naviguant en plongée dans les eaux territoriales de la République Populaire Roumaine seront pourchassés et détruits sans avertissement.

...

30. Saudi Arabia [28]

(a) DECREE No. 6/4/5/3711 DEFINING THE TERRITORIAL WATERS OF THE KINGDOM, 28 MAY 1949

[Repealed]

(b) DECREE No. 33 DEFINING THE TERRITORIAL WATERS OF THE KINGDOM, 16 FEBRUARY 1958

By Grace of God Almighty; We, Saud Ibn Abdul-Aziz Al-Saud King of the Kingdom of Saudi Arabia, In view of the dictates of public interest, have decreed as follows:

Article 1. For the purposes of this Decree.

(a) The term "nautical mile" is the equivalent of 1852 meters;

(b) The term "bay" includes any inlet, lagoon, or other arm of the sea;

(c) The term "island" includes any islet, reef, rock, bar, or permanent artificial structure not submerged at lowest low tide;

(d) The term "shoal" denotes an area covered by shallow water, a part of which is not submerged at lowest low tide; and

(e) The term "coast" refers to the coasts of the Red Sea, the Gulf of Aqaba, and the Persian Gulf.

Article 2. The territorial sea of the Kingdom of Saudi Arabia, as well as the air space above and the bed and subsoil beneath are under the sovereignty of the Kingdom subject to the established rules of international law.

Article 3. The inland waters of the Kingdom include:

(a) The waters of the bays along the coasts of the Kingdom of Saudi Arabia;

(b) The waters above and landward from any shoal no more than twelve nautical miles from the mainland or from a Saudi Arabian island;

(c) The waters between the mainland and a Saudi Arabian island not more than twelve nautical miles from the mainland;

(d) The waters between Saudi Arabian islands not farther apart than twelve nautical miles.

Article 4. The territorial sea of the Kingdom of Saudi Arabia lies outside the inland waters of the Kingdom and extends seaward for a distance of (twelve) nautical miles.

Article 5. The following are established as the baselines from which the territorial sea of the Kingdom of Saudi Arabia is measured:

(a) Where the shore of the mainland or an island is fully exposed to the open sea, the lowest low water mark on the shore;

(b) Where a bay confronts the open sea, lines 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 Saudi Arabian island, lines drawn from the mainland or the island and along the outer edge of the shoal;

(d) Where a port or harbor confronts the open sea, lines drawn along the seaward side of the outermost works of the port or harbor and between such works;

(e) Where an island is not more than twelve nautical miles from the mainland, lines drawn from the mainland 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, of which the island nearest to the mainland is not more than twelve nautical miles from the mainland, 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; and

(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 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.

Article 6. If the measurement of the territorial sea in accordance with the provisions of this Decree leaves an area of high sea wholly surrounded by the territorial sea and extending not more than twelve nautical miles in any direction, such area shall form part of the territorial sea. The same rule shall apply to a pronounced pocket of high sea which may be wholly enclosed by drawing a single straight line not more than twelve nautical miles long.

Article 7. If the territorial sea measured from the baselines fixed by Article 5 of this Decree be overlapped by the waters of another State, boundaries will be determined by our Government in agreement with that State in accordance with equitable principles.

Article 8. With a view to assuring compliance with the laws of the Kingdom relating to security, navigation, fiscal and sanitary matters, maritime surveillance may be exercised in a contiguous zone outside the territorial sea; extending for a further distance of six nautical miles and measured from the baselines of the territorial sea, according to Article 5 of this Decree.

Article 9. Nothing in this Decree shall affect the rights of the Kingdom with respect to fishing.

Article 10. The Royal Decree No. 6/5/4/3711 promulgated on the 1st day of Sha'aban, 1368, corresponding to the 28th of May, 1949, is hereby revoked.

Article 11. Our Ministers of Foreign Affairs, Interior, Finance, and Public Health are charged respectively with the execution of this Decree.

Article 12. This Decree will come into force as from the date of its publication in the official gazette.

31. Spain

(a) EXTRACTS FROM A MEMORANDUM SUBMITTED BY THE MINISTRY OF MARINE AND TRANSMITTED BY A NOTE DATED 14 AUGUST 1957. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

2. The "contiguous zone", in the sense in which the term is currently understood in international law, is likewise not the subject of legislative provisions enacted by the Spanish State, which does not recognize this zone as a distinct part of the territorial sea. The provisions which fix the breadth of Spain's maritime area at six miles for the purpose of fishing, customs, contraband and protection of national shipping refer to the territorial sea, not to the contiguous zone.

3. The inspection of ships to which the inquiry refers is not, presumably, the technical inspection for the purposes of the International Convention for the Safety of Life at Sea, but the inspection of ships for the purpose of determining their legal status, especially verifying their flags.

As this report relates only to times of peace—the future [codification of the] law of the sea being concerned exclusively with times of peace—it is stated that Spanish law does not contain any provisions authorizing the inspection of foreign vessels on the high seas.

It should be borne in mind that under Spanish law the breadth of the territorial sea is six miles and accordingly, Spanish vessels exercising supervision are empowered, without restriction, to engage in their activities in this area, as is expressly provided in article 33 of the Customs Regulations of 1948 made under the Act concerning contraband and fiscal evasion.

Spanish vessels are also empowered to exercise fiscal control over fishing in the said six-mile belt by virtue of a large number of enactments, including the Royal Ordinance of 29 August 1905, the Ordinance of 9 April 1932 and the Service Regulation of the Fisheries Control Service of 3 January 1933. In addition, article 171 of the Regulation of 13 October 1913, made under the Act of 14 June 1909 to protect Maritime Industries and Communications, provides for the safety of national shipping within the said six-mile zone.

32. Sweden [29]

(a) ACT No. 225, CONCERNING UNLAWFUL DEALING IN ALCOHOLIC BEVERAGES AND WINES, 20 JUNE 1924

Note. s. 8 of the above Act has been amended by Act No. 243, 12 May 1955 to include, among the means of transportation liable to confiscation, aircraft of less than four tons.

(b) ACT No. 463, TO EXTEND THE APPLICATION OF ACT No. 225 OF 20 JUNE 1924 CONCERNING UNLAWFUL DEALING IN ALCOHOLIC BEVERAGES AND WINES, 27 NOVEMBER 1925

Note. This title should be amended by adding the words "as amended by Act No. 189, 12 May 1933".

In the second line of the text of the Act the phrase "250 net tons" should be changed to read "500 net tons".

(c) ROYAL ORDER No. 465, CONTAINING SPECIAL PROVISIONS REGARDING THE EXPORTATION OF INTOXICATING BEVERAGES FROM THE KINGDOM, 27 NOVEMBER 1925

Note. The title should be amended to read as follows: "Royal Order No. 465, containing special provisions regarding the exportation of alcoholic beverages and wine from the Kingdom, 27 November 1925, as amended by Royal Order No. 121 of 26 April 1957".

Where the words "intoxicating beverages" appear in the body of the Act they should now read "alcoholic beverages and wine".

Articles 1, 4 and 5 have been amended by Royal Order No. 121 of 26 April 1957^a to read as follows:

"Article 1. Alcoholic beverages and wines may not be exported to places abroad from customs territory or elsewhere in a vessel (boat, barge) of less than 100 net tons register.

"Notwithstanding the provision of the first paragraph, the General Customs Board may in special circumstances give permission for the export of alcoholic beverages and wines in mechanically-propelled vessels maintaining regular services between Sweden and places abroad. The granting of the said permission may be made subject to such conditions and requirements as are considered necessary in each particular case. A licence shall be issued in proper form.

"Article 4. The quantity, kind and place of destination of alcoholic beverages and wines exported in vessels to which article 1, second paragraph, and article 2 refer shall

^a "Svensk Författningssamling", 1957, p. 223. Translation by the Secretariat of the United Nations.

be entered in a special list, which shall be signed by the master and certified correct by the customs authority in the place of shipment. The list shall be attached under customs seal to the vessel's licence, which shall bear a note thereof.

"Article 5. The vessels to which article 1, second paragraph, and article 2 refer may not, if transporting alcoholic beverages and wines, be cleared by the customs authority for a foreign port, unless:

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

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

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

"This Order shall come into force on 1 July 1957."

(d) to (g)

[No change]

Note. The note appearing under (g) should, however, be changed to read as follows:

"By Act No. 185 of 30 April 1953, this Act is continued in force until 30 June 1958 Svensk Författningssamling, 1953, p. 296."

33. Syria [30]

[No change]

34. Turkey [31]

[No change]

35. United Kingdom [32]

[No change]

36. United States of America [33]

[No change]

37. Union of Soviet Socialist Republics [34]

[No change]

38. Uruguay [35]

[No change]

39. Venezuela [36]

[No change]

Note. Whilst no change in the texts given in Volume I had been requested, the Delegation of Venezuela to the U.N. Conference on the Law of the Sea, held in Geneva from Feb.-Apr. 1958, indicated that, by Article 1 of the Law relating to the Territorial Sea, Continental Shelf, Protection of Fisheries and the Airspace of 27 July 1956, the limit of the Venezuelan territorial sea has been fixed at twelve miles. The texts given in Volume I should, therefore, be read in the light of this information.

40. Yugoslavia [37]

[No change]