

Law No. 28 (1)

The President of the Republic,
Pursuant to the provisions of the Constitution and the decision of the People's Assembly taken at its session held on 13 Ramadan 1424 A.H., corresponding to 8 November 2003 A.D.,
Promulgates the following:

Chapter I
Definitions

Article 1. For the purposes of the present Law, the following expressions shall have the meanings indicated below:

- (a) Sea: the Mediterranean Sea;
- (b) Coast: the coast of the Syrian Arab Republic facing the sea, as delimited on approved maps in use in the Syrian Arab Republic;
- (c) Bay: a recess penetrating into the land, containing enclosed waters and constituting more than a curvature of the coast, whose area is as large as, or larger than, that of the semi-circle whose diameter is a line drawn across the mouth of that recess-the bay;
- (d) Island: land which is surrounded on all sides by the waters of the sea and is always, under normal conditions, above the high-water level;
- (e) Shoal: any area within the territorial sea which is covered with shallow water and part of which remains unsubmerged at the lowest level reached by the tide;
- (f) Roadstead: area used for the anchoring, loading and unloading of ships;
- (g) Port: for the purpose of delimiting the territorial sea, a part of the coast prepared for the receiving, anchoring or mooring of ships that is created or designated by a decision of the Council of Ministers based on a proposal by the Minister of Transport;
- (h) Oil terminal: a part of the coast prepared for the receiving, anchoring or mooring of oil tankers that is created and designated by a decision of the competent authorities;
- (i) Nautical mile: a minute of arc measured on a great circle of the globe, being equal to 1852 metres;
- (j) Baselines: the set of connected imaginary lines, either normal or straight, joining the furthest seaward points situated on the low-water line, which separate the internal waters from the territorial sea and from which the breadth of the territorial sea is measured;
- (k) High seas: all parts of the sea that are not considered as part of the internal waters, the territorial sea or the exclusive economic zone of a State or the archipelagic waters of an archipelagic State;
- (l) Marine natural resources: all resources of the sea, including both living and non-living resources, whose existence is essential to human beings;
- (m) Living resources: all plant or animal species that live all or part of their lives in marine waters or on the seabed;
- (n) Non-living resources: all solid, liquid or gaseous mineral resources located at or beneath the seabed;
- (o) Government ship: a ship owned or chartered by a State and operated or used for non-commercial purposes;
- (p) Warship: a ship belonging to the armed forces of a State, bearing its distinctive external insignia, placed under the command of an officer appointed by the Government of that State and operated by a crew subject to the rules of military discipline of that State.

Chapter II Internal waters

Article 2. The internal waters of the Syrian Arab Republic include the following:

- (a) The waters of bays situated along the coast of the Syrian Arab Republic and delimited between the coastline and the straight line joining the low-water mark of their natural entrance points;
- (b) Any shoal not more than 12 miles from the land or from any island of the Syrian Arab Republic, the waters being delimited between the coastline and the line reaching from the shoal on the outside;
- (c) Waters situated between the land and any island of the Syrian Arab Republic that is not more than 12 nautical miles from the land, its outermost line being reckoned at low water;
- (d) Waters between islands of the Syrian Arab Republic none of which is more than 12 nautical miles from the next at low water.

Article 3. Entry to internal waters shall take place solely via the lanes designated for that purpose.

Chapter III The territorial sea

Article 4. The territorial sea of the Syrian Arab Republic extends seaward 12 nautical miles, measured from the baseline defined in this Law.

Article 5. Syrian sovereignty extends to the territorial sea of the Syrian Arab Republic, the airspace above it, the seabed and the subsoil thereof, subject to the provisions of international law governing innocent passage.

Article 6.

- (a) Innocent passage means navigation through the territorial sea which does not threaten the peace and security of the Syrian Arab Republic or order therein and is carried out in accordance with the provisions of international law.
- (b) Innocent passage shall be expeditious and continuous and shall not include any stopping or anchoring except insofar as they are incidental to ordinary navigation or are rendered necessary by force majeure or grave danger or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

Article 7. The passage of a foreign ship through the territorial sea shall be considered a threat to peace, security or order in the Syrian Arab Republic if the ship, while in the territorial sea, engages in any of the following activities:

- (a) Any threat or use of force against the sovereignty, political independence or territorial integrity of the Syrian Arab Republic;
- (b) Any exercise or practice with weapons of any kind;
- (c) Propaganda affecting the defence capacity or security of the Syrian Arab Republic;
- (d) The loading of any aircraft or the enabling of any aircraft to take off from or land on the ship;
- (e) The launching, landing or taking on board of any military device;

- (f) The gathering of any information prejudicial to the defence or security of the Syrian Arab Republic;
- (g) The loading or unloading of any person, currency or commodity in violation of the customs, fiscal, immigration or sanitary laws and regulations of the Syrian Arab Republic;
- (h) Marine fishing in violation of Syrian laws and regulations;
- (i) Any research or survey activity;
- (j) Any act or acts of wilful pollution of the marine environment;
- (k) Interference with the operation of any communications network or other installation of the Syrian Arab Republic;
- (l) Roaming or circling about;
- (m) Any other activity not having a direct bearing on passage.

Article 8. Vessels of all States recognized by the Syrian Arab Republic shall enjoy the right of innocent passage in times of peace.

Article 9.

- (a) Foreign warships, ships of a dangerous nature, submarines and other diving vessels shall enjoy the right of innocent passage only upon obtaining the approval of the Ministry of Defence and provided that they satisfy all the conditions, standards and reservations in force internationally.
- (b) All submarines and other diving vessels shall, when passing through the territorial sea, float on the surface of the water and raise their flags.
- (c) "Ships of a dangerous nature", referred to in paragraph (a) above, means nuclear-powered ships or ships carrying materials dangerous for the environment or prejudicial to national security.

Article 10. Foreign vessels exercising the right of passage in the territorial sea must abide by the laws and regulations in force in the Syrian Arab Republic and the provisions of international law, in particular those pertaining to transport and navigation.

Article 11. The entry of ships into, and their departure from, the territorial sea shall take place in accordance with the rules defined by the competent Syrian authorities.

Article 12. The competent authorities in the Syrian Arab Republic shall have the right to take the necessary steps in the territorial sea to prevent any passage which is not innocent.

Article 13. The authorities of the Syrian Arab Republic may, in cases in which they have the power of discretion, suspend the exercise of the right of innocent passage in accordance with the dictates of the public interest within areas in the territorial sea defined by those authorities, an announcement to that effect being made in advance.

Article 14.

- (a) No charge shall be levied in respect of innocent passage.
- (b) Charges shall be levied on foreign ships for specific services provided to them, such as rescue, salvage, piloting, etc., in accordance with the laws and regulations in force.

Article 15. In the following cases only, the competent authorities in the Syrian Arab Republic shall exercise

criminal jurisdiction aboard a ship passing through the territorial sea for the arrest of persons and the conduct of investigations in respect of any crime committed aboard the ship during its passage:

- (a) If the consequences of the crime extend to the Syrian Arab Republic;
- (b) If the intervention of the Syrian authorities has been requested by the master of the ship or by a diplomatic agent or consular officer of the flag State;
- (c) If the crime is of a kind prejudicial to the peace or security of the Syrian Arab Republic or to order in the territorial sea;
- (d) If such measures are necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances or any other illicit traffic.

Article 16. The competent Syrian authorities may request a foreign warship passing through the territorial sea to comply with Syrian laws and regulations, on pain of adoption of appropriate measures in respect of the ship.

Article 17. The flag State of a foreign warship or other government ship shall bear the full responsibility incurred as a result of non-compliance with Syrian laws and regulations concerning territorial waters.

Article 18. Subject to the provisions of articles 16 and 17 above, foreign warships or other foreign government ships shall enjoy the immunities recognized as international rights on condition of reciprocity.

Chapter IV The contiguous zone

Article 19. The contiguous zone, which lies beyond and is contiguous to the territorial sea, extends in the direction of the high seas for a distance of not more than 24 nautical miles, measured from the baselines.

Article 20. In the contiguous zone, the authorities of the Syrian Arab Republic shall exercise the powers necessary to:

- (a) Prevent infringement of its sanitary, fiscal, security, customs, immigration and environmental laws and regulations within its territory or territorial sea;
- (b) Enforce the penalties for infringement of the above laws and regulations committed within its territory or territorial sea.

Chapter V The exclusive economic zone

Article 21. The exclusive economic zone lies beyond the territorial sea and includes the entire contiguous zone, extending in the direction of the high seas for a distance of not more than 200 nautical miles measured from the baselines, subject to the provisions of international law.

Article 22. In its exclusive economic zone, the Syrian Arab Republic has:

- (a) Sovereign rights for the purpose of exploring and exploiting, conserving and managing marine natural resources, whether living or non-living, of the seabed, the subsoil thereof and the superjacent waters or for carrying out other activities for the economic exploration and exploitation of that zone, such as the production of energy from the water, currents and winds;
- (b) Jurisdiction with regard to the establishment and use of artificial islands, installations and structures, the conduct of marine scientific research and the adoption of measures for the protection and preservation of the marine environment.

Article 23.

- (a) No ships or aircraft other than those of the Syrian Arab Republic shall have the right to carry on exploration and exploitation of living or non-living resources in the economic zone except with the approval of the authorities concerned, in accordance with the laws and regulations in force.
- (b) The competent Syrian authorities shall have the right to inspect, search, arrest and initiate legal action against foreign ships in case of violation of Syrian laws and regulations relating to the economic zone.
- (c) The Ministry of Defence, in coordination with the authorities concerned, shall determine the rules and practices which must be followed for the exercise of the rights laid down in the preceding paragraph in accordance with the rules and principles of international law.

Article 24.

- (a) The Council of Ministers shall, on the basis of a proposal by the authorities concerned in the Syrian Arab Republic, define the conditions for the laying of cables and pipelines through Syria's internal waters, territorial sea or exclusive economic zone.
- (b) The laying, by any foreign State or agency, of submerged cables and pipelines which are to pass through the exclusive economic zone shall be subject to the prior obtainment of a permit from the authorities concerned in the Syrian Arab Republic.
- (c) The foreign State or agency shall be required, when laying submerged cables or pipelines, to take account of and not to damage previously laid cables and pipelines. Approval of the laying of cables or pipes shall not relieve such State or agency of liability for damage caused by it.

Article 25.

- (a) The establishment and use by any authority or agency of artificial islands, installations and structures in the exclusive economic zone shall require the prior obtainment of the approval of the Council of Ministers for the grant of a permit based on a proposal by the authorities concerned.
- (b) The Ministry of Transport shall take the following steps regarding the artificial islands, installations and structures referred to in paragraph (a) above:
 - (i) Notice thereof to all international authorities concerned;
 - (ii) Establishment of special systems provided with navigational warning means, on condition that safety zones having a breadth not exceeding 500 metres are established around them;
 - (iii) Whatever is required to ensure their safety and the safety of maritime navigation.
- (c) The Syrian Arab Republic shall have jurisdiction over the artificial islands, installations and structures referred to in paragraph (a) above as well as jurisdiction with regard to fiscal, immigration, safety, customs, health and environmental laws and regulations.

Chapter VI The continental shelf

Article 26. The continental shelf comprises the natural prolongation of Syrian maritime territory beneath the surface of the sea to the outer edge of the continental margin.

Article 27. The Syrian Arab Republic exercises sovereign rights over the continental shelf for the purpose of exploring it and exploiting its natural resources, both living and non-living.

Article 28. The rights of the Syrian Arab Republic over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation.

Article 29. The provisions of article 26 of the present Law shall apply mutatis mutandis to artificial islands, installations and structures on the continental shelf and all ships must respect the safety zones referred to in article 25, paragraph (b), and apply international standards regarding navigation in the vicinity of artificial islands, installations, structures and safety zones.

Chapter VII Marine scientific research

Article 30.

- (a) No foreign natural or artificial person shall have the right to carry on scientific research work in the territorial sea or the exclusive economic zone or on the continental shelf except by permit granted upon the approval of the Council of Ministers on the basis of a proposal by the authorities concerned.
- (b) Applicants for permits must provide the Syrian authorities with detailed information on the research project.
- (c) Grantees of permits shall undertake to carry out the marine scientific research in compliance with the Syrian laws and regulations applicable in the zones where the scientific research is being done and in keeping with the rules and principles of international law.
- (d) The grantee of a permit shall undertake to ensure the participation of Syrian experts designated by the competent Syrian authorities and to deliver to the Syrian authorities concerned an original copy of the results obtained by him at the end of the research.

Article 31.

- (a) Marine scientific research work may be suspended in either of the following cases:
 - (i) When the research work conducted does not conform to the data which were provided to the competent Syrian authorities and served as a basis for the grant of the permit to carry out that research;
 - (ii) If the grantee of the research permit fails to comply with the terms specified in the permit granted to him.
- (b) A grantee of a permit must, upon receiving notice of an order of suspension or discontinuance, finish the

research work which is the object of that notice.

(c) A suspension order issued pursuant to paragraph (b) above shall be lifted, and permission to continue the marine scientific research work granted, immediately upon compliance, by the grantee of the permit, with the required conditions.

(d) Orders for the suspension or discontinuance of marine scientific research and for the lifting thereof shall be issued by decision of the Council of Ministers on the basis of a proposal by the authorities concerned.

Article 32. Removal of scientific research installations and equipment:

(a) Unless otherwise agreed, grantees of permits shall be required to remove marine scientific research installations and equipment immediately upon the termination of the related work;

(b) If the grantee of the permit does not remove the research installations and equipment, the Syrian authorities shall have the right to remove them at his expense.

Chapter VIII The high seas

Article 33. The Syrian Arab Republic enjoys the rights provided for in the rules of international law relating to the high seas.

Chapter IX Activities prohibited in the sea

Article 34.

(a) The transport of slaves on ships flying the flag of the Syrian Arab Republic and the use of such ships for that purpose are prohibited.

(b) Any slave taking refuge on board a ship flying the flag of the Syrian Arab Republic shall be free.

Article 35. Acts of piracy are prohibited on ships flying the flag of the Syrian Arab Republic. The following are considered acts of piracy:

(a) Any illegal act of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft in the territorial sea or the exclusive economic zone or on the high seas and directed against another ship or aircraft or against persons or property;

(b) Any act of voluntary participation in the operation of a ship or aircraft with knowledge of facts making it a pirate ship or aircraft;

(c) Any act of incitement to or intervention in the perpetration of any act described in paragraph (a) or (b) above.

Article 36. A ship or aircraft is considered a pirate ship or aircraft if it is intended by the persons in dominant control to be used for the purpose of committing one of the acts referred to in the preceding article or if the ship or aircraft has been used to commit any such act, so long as it remains under the control of the persons who committed the crime.

Article 37. A Syrian ship or aircraft may retain its nationality, although it has become a pirate ship or aircraft, so long as the competent authorities have not decided otherwise.

Article 38. The authorities of the Syrian Arab Republic may seize a pirate ship or aircraft, or a ship or aircraft taken by piracy and under the control of pirates, and arrest the persons and seize the property on board. The Syrian courts shall be competent to impose penalties on the perpetrators.

Article 39.

- (a) The competent authorities in the Syrian Arab Republic shall cooperate with other States in repressing:
 - (i) Illicit traffic in narcotic drugs or psychotropic substances on the high seas;
 - (ii) Unauthorized broadcasting on the high seas.
- (b) The criminal courts of the Syrian Arab Republic shall be competent to try persons who engage in unauthorized broadcasting on the high seas in the following cases:
 - (i) If the broadcasting vessel is flying the flag of the Syrian Arab Republic;
 - (ii) If the broadcasting vessel is registered in the Syrian Arab Republic;
 - (iii) If the person engaged in such broadcasting is a national of the Syrian Arab Republic;
 - (iv) If the broadcast can be received in the territory of the Syrian Arab Republic, causes interference in its communications of any nature or affects its national security.

Article 40.

- (a) The hot pursuit of any foreign ship may be undertaken by the competent Syrian authorities when they have good reason to believe that the ship has violated Syrian laws and regulations. Such pursuit must be commenced when the foreign ship or one of its boats or skiffs is within the internal waters, the territorial sea or the contiguous zone of the Syrian Arab Republic and may be continued outside the territorial sea or the contiguous zone if the pursuit has not been interrupted. It is not necessary that, at the time when the foreign ship within the territorial sea or the contiguous zone receives the order to stop, the ship giving the order should likewise be within the territorial sea or the contiguous zone. The pursuit may be undertaken starting from the contiguous zone if there has been a violation of the rights for the protection of which the zone was established.
- (b) The right of hot pursuit shall apply to violations, in the exclusive economic zone or on the continental shelf, of the Syrian laws and regulations in force in respect of those areas;
- (c) The right of hot pursuit ceases as soon as the ship pursued enters the territorial sea of its own State or of a third State.

Chapter X Penalties

Article 41. The perpetration of any act of piracy, as defined in the present Law, shall be punishable by detention for a term of 5 to 15 years.

Article 42. Violations of article 34, paragraph (a), shall be punishable by detention for a term of 3 to 10 years.

Article 43. Unauthorized broadcasting in the territorial sea shall be punishable by imprisonment for a period of six months to one year.

Chapter XI
Final provisions

Article 44. Legislative decree No. 304 of 1963 and Law No. 37 of 1981 is no longer in force.

Article 45. The present Law shall be published in the Official Gazette.
Damascus, 19 November 2003.

Bashar Al-Asad
President of the Republic

Endnotes

1 (Note - Note)

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