



# **The Law of the Sea**

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**National Legislation on the  
Exclusive Economic Zone**



**Division for Ocean Affairs and the Law of the Sea  
Office of Legal Affairs  
United Nations**

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Office of Legal Affairs



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National Legislation on the  
Exclusive Economic Zone



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## INTRODUCTION

This compilation contains the national legislation of States on the exclusive economic zone and the economic zone including declarations thereon. This legislation is based on the new concept of the exclusive economic zone introduced into the law of the sea by the Third United Nations Conference on the Law of the Sea.

Since the last publication by the United Nations of national legislation on the exclusive economic zone, the economic zone and the exclusive fishery zone, including declarations thereon, 1/ more than 20 legislative instruments have been received. The present publication has therefore been prepared with a view to updating the previously published compilation.

An examination of this series of national maritime legislation 10 years after the opening for signature of the United Nations Convention on the Law of the Sea (hereinafter referred to as "the Convention") reveals, first of all, that the concept of the exclusive economic zone which was introduced in the law of the sea by the Third United Nations Conference on the Law of the Sea has increasingly been accepted by States. 2/ The sui generis concept reflected a new trend among coastal States to assert further control over increased maritime areas (geographical claim), and to claim greater regulatory powers (functional claim).

Nevertheless, on some aspects, some of these legislations often diverge from the provisions on the exclusive economic zone embodied in the Convention (Part V, articles 55-75). It should be noted that several of these laws were adopted in the 1970s and were based on earlier versions of the text, particularly the informal single negotiating text. 3/ The legislative texts which establish fishing zones are not reflected in the present compilation; they have been published previously. 4/

As of 15 January 1993, 87 States have proclaimed an exclusive economic zone. Fifteen States still claim a fishery zone of 200 miles and four States a fishery zone between 12 and 15 miles.

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1/ See United Nations Publication, Sales No. E.85.V.10, New York, June 1986.

2/ Not all relevant national legislation has been made available to the Secretary-General. The Secretary-General takes this opportunity to request States to provide him with copies of their maritime legislations.

3/ The informal single negotiating text, was prepared in 1975 by the Chairmen of the three main committees at the request of the President of the Conference. It was meant "to serve purely as a procedural device ... and only to provide a basis of negotiation".

4/ See footnote 1.



As can be seen from the nomenclature of their legislation, rather than a fishing zone, States tend more to claim an exclusive economic zone or economic zone, which, along with the claim of a territorial sea, includes the assertion of sovereign rights for all purposes, and particularly, fishing jurisdiction. It is limited only by the obligation to respect the traditional freedoms of communication at sea, i.e., navigation, overflight and laying of submarine cables and pipelines. Therefore, the claim to an exclusive economic zone makes fishery limits unnecessary. Yet some States prefer to enact exclusive fishery zones legislation, thus confining their claims to sovereign rights over the living resources (fish) to be found in the superjacent waters of the exclusive economic zone.

#### The exclusive economic zone -- a brief analysis

The United Nations Convention on the Law of the Sea gives coastal States the right to establish an exclusive economic zone which may extend to 200 nautical miles from the baselines from which the territorial sea is measured. The coastal State has sovereign rights over all the resources to be found in this zone and "with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds." The coastal State also has certain competences under the Convention which go beyond its sovereign rights over resources. These include jurisdiction with regard to the establishment and use of artificial islands, installations and structures; marine scientific research; and the protection and preservation of the marine environment.

Certain important rights have been preserved for other States in the exclusive economic zone -- rights which in fact belong to the international community, in contrast to those which belong to the coastal State. All States enjoy the freedom of navigation and overflight, as well as the freedom to lay submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines.

The exclusive economic zone is subject to a "specific regime". The regime is specific in the sense that the legal regime of the exclusive economic zone is different from both the territorial sea and the high seas. It is a zone which partakes of some of the characteristics of both regimes but belongs to neither.

Though coastal States have sovereign rights over the living resources of the exclusive economic zone, they also have certain duties regarding the conservation and management of these resources, in particular with respect to fisheries. Coastal States must ensure that the maintenance of the living resources in the exclusive economic zone is not endangered by over-exploitation. Towards this end, the coastal State must adopt proper conservation and management measures. Such measures must ensure that the populations of harvested species are maintained or restored at levels which can produce the maximum sustainable yield, as qualified by relevant environmental and economic factors.

The coastal State also has the obligation to promote the objective of optimum utilization of the total allowable catch which would permit a maximum sustainable yield in its zone. To this end it is empowered to determine the allowable catch of the living resources in the exclusive economic zone and to determine its own capacity to harvest those resources.



Where the coastal State does not have the capacity to harvest the entire allowable catch, it must give other States access to the surplus of the allowable catch. Access is not automatic since it is subject to agreements and arrangements. In giving access to other States, the coastal State has to take into account a range of relevant factors, such as the significance of the living resources of the area to the economy of the coastal State, its other national interests, the requirements of developing States in the subregion or region in harvesting part of the surplus and the need to minimize economic dislocation in States whose nationals have habitually fished in the zone or which have made substantial efforts in research and identification of stocks.

Land-locked States and geographically disadvantaged States have the right, under the Convention, to participate on an equitable basis in the exploitation of the surplus subject to arrangements with the coastal State involved. However, developing land-locked and geographically disadvantaged States may be allowed to participate in the exploitation of the living resources of the exclusive economic zones of the neighbouring coastal States of the subregion or region, even when the harvesting capacity of the coastal State approaches a point which would enable it to harvest the entire allowable catch of the living resources in its exclusive economic zone. Such participation will depend upon the establishment of equitable arrangements between the coastal State and other States concerned within a subregion or region.

The Convention provides for States to take special measures for the conservation and management of certain living resources in the exclusive economic zone, particularly with respect to straddling stocks, highly migratory species, marine mammals, anadromous stocks and catadromous species.

Where the same stock or stocks of associated species occur within "the exclusive economic zones of two or more coastal States", States ought to take measures to coordinate and ensure the conservation and development of such stocks. In cases where such stocks occur both within the exclusive economic zone and in an area adjacent to it, (the so-called straddling stocks) provision is made for both the coastal States and the States fishing such stocks to take measures to conserve these stocks in the "adjacent areas". In both situations States may utilize appropriate subregional or regional organizations when seeking to agree upon the measures to be taken.

The coastal State and other States whose nationals fish for highly migratory species both within and beyond the exclusive economic zone are requested to cooperate to ensure conservation and promote the objective of optimum utilization of such species. Such cooperation is to take place either directly or through international organizations. The provisions of the Convention highlight the necessity for international cooperation on the conservation and management of highly migratory species. These provisions, however, are not intended to prejudice the sovereign rights of coastal States over all resources, including highly migratory species such as tuna, which are found within the exclusive economic zone.

Marine mammals enjoy special protection under the Convention. In its exclusive economic zone a coastal State can prohibit, regulate and limit the exploitation of marine mammals more strictly than is provided for in the Convention. In particular, whales are especially singled out among the marine mammals requiring protection and management through appropriate international organizations.



The Convention has also established a special regime for the fishing of anadromous stocks. This regime is centred on the fact that the State of origin of anadromous stocks (i.e., the State in whose rivers anadromous stocks originate) enjoys a preferential status in that it has the primary interest and responsibility for such stocks.

Fishing for anadromous stocks can only be conducted in waters landward of the outer limits of the exclusive economic zone. The State of origin shall establish appropriate regulatory measures for fishing these stocks in waters landward of its exclusive economic zone.

Where the restriction that fishing for anadromous stocks shall be conducted only in waters landward of the outer limits of exclusive economic zones causes economic dislocation to a State other than the State of origin, fishing for such stocks may be conducted beyond the outer limits of the exclusive economic zones. The States concerned must consult in order to reach agreement on the terms and conditions of such fishing, giving due regard to conservation requirements and the needs of the State of origin with respect to these stocks. Enforcement of regulations regarding anadromous stocks beyond the exclusive economic zone shall be by agreement between the State of origin and the other States concerned.

The interest of the State of origin is to a certain extent also protected with respect to anadromous stocks migrating through the waters landward of the outer limits of the exclusive economic zone of a State other than the State of origin. In such cases the third State is under a duty to cooperate with the State of origin for the conservation and management of such stocks.

The Convention also establishes a special regime for the management of catadromous species. There are three main issues concerning this regime. First, the responsibility for the management of catadromous species rests with the coastal State in whose waters these species spend the greater part of their life cycle. Secondly, harvesting of such species shall be conducted only in waters landward of the outer limits of the exclusive economic zone. Thirdly, where such species migrate through the exclusive economic zone of another State, that State and the State which has responsibility for the species shall through agreements ensure the national management and harvesting of the species.

In the exercise of its sovereign rights over the living resources in the exclusive economic zone, the coastal State is empowered to take a wide range of enforcement measures, including boarding, inspection, arrest and judicial proceedings. However, the coastal State is under a duty to release arrested vessels and their crews promptly upon the posting of a reasonable bond or other security, and penalties for violations of fisheries laws and regulations may not include, in the absence of agreement, imprisonment or any other form of corporal punishment. The coastal State is also obliged to notify the flag State of any action taken or penalty imposed in this matter.

The Convention preserves the legal regime of the continental shelf within the exclusive economic zone. The rights of coastal States with respect to the seabed and subsoil of the exclusive economic zone are to be exercised in accordance with the rules governing the continental shelf. There are certain major consequences. Thus, sedentary species whether within the exclusive economic zone or outside it fall under the regime of the continental shelf.



Such species form part of the natural resources of the continental shelf and therefore remain outside the ambit of the elaborate provisions on the management and conservation of living resources in the exclusive economic zone. In particular, there is no duty to give access to these resources.

The regime of the continental shelf also largely governs the laying of submarine cables and pipelines on the seabed and subsoil of the exclusive economic zone. Though States enjoy the freedom of laying submarine cables and pipelines on the seabed and subsoil of the exclusive economic zone, the consent of the coastal State is necessary for the delineation of the course of such pipelines.

#### Settlement of disputes

Certain disputes with regard to the exercise by a coastal State of its sovereign rights or jurisdiction are subject to a binding form of dispute settlement. Such a case arises when it is alleged that a coastal State has contravened the provisions of the Convention in regard to the freedoms and rights of navigation, overflight or the laying of submarine cables and pipelines, or in regard to other internationally lawful uses of the sea specified in article 58 (rights and duties of other States in the exclusive economic zone). Conversely, it would also arise where it is alleged that a State in exercising such freedoms and rights contravenes the Convention or the laws and regulations adopted by the coastal State in conformity with the Convention or other rules of international law not incompatible with it. Disputes arising from the violation by a coastal State of specified international rules and standards for the protection and preservation of the marine environment shall in certain cases be subject to binding dispute settlement.

Disputes with regard to marine scientific research are subject to compulsory dispute settlement, except those which concern the exercise by the coastal State of a right or discretion in accordance with article 246 or a decision by the coastal State to order suspension or cessation of a research project in accordance with article 253. Disputes arising from the allegation of a researching State that the coastal State is not exercising its rights in a manner compatible with the Convention shall be submitted to conciliation.

Disputes concerning the interpretation or application of the provisions of the Convention with regard to fisheries shall be settled by a binding form of dispute settlement. There is, however, an important exception to this general rule. Coastal States are not obliged to submit disputes relating to the exercise of sovereign rights with respect to living resources in the exclusive economic zone to any form of compulsory dispute settlement procedure. The issues which are excepted include the discretionary powers of the coastal State for determining the allowable catch, its harvesting capacity, the allocation of surpluses to other States and the terms and conditions established in its conservation and management laws and regulations.

However, a coastal State would be obliged to submit to conciliation certain specific disputes -- those arising from an allegation that:

- "(i) a coastal State has manifestly failed to comply with its obligations to ensure through proper conservation and management measures that the maintenance of the living resources in the exclusive economic zone is not seriously endangered;



- (ii) a coastal State has arbitrarily refused to determine, at the request of another State, the allowable catch and its capacity to harvest living resources with respect to stocks which that other State is interested in fishing; or
  
- (iii) a coastal State has arbitrarily refused to allocate to any State, under articles 62, 69 and 70 and under the terms and conditions established by the coastal State consistent with this Convention, the whole or part of the surplus it has declared to exist." (art. 297 (b))

The exercise of the coastal State's discretionary power is protected by the fact that the conciliation commission shall not substitute its discretion for that of the coastal State.

States are under an obligation to make provisions in agreements under articles 69 and 70 (which concern the rights of land-locked and geographically disadvantaged States) for the settlement of any disputes concerning the interpretation or application of such agreements.

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I. RELEVANT PROVISIONS OF THE UNITED NATIONS CONVENTION ON THE LAW  
OF THE SEA ON THE EXCLUSIVE ECONOMIC ZONE: ARTICLES 55-75

PART V

EXCLUSIVE ECONOMIC ZONE

Article 55

Specific legal regime of the exclusive economic zone

The exclusive economic zone is an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this Part, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of this Convention.

Article 56

Rights, jurisdiction and duties of the coastal State in the  
exclusive economic zone

1. In the exclusive economic zone, the coastal State has:
  - (a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;
  - (b) jurisdiction as provided for in the relevant provisions of this Convention with regard to:
    - (i) the establishment and use of artificial islands, installations and structures;
    - (ii) marine scientific research;
    - (iii) the protection and preservation of the marine environment;
  - (c) other rights and duties provided for in this Convention.
2. In exercising its rights and performing its duties under this Convention in the exclusive economic zone, the coastal State shall have due regard to the rights and duties of other States and shall act in a manner compatible with the provisions of this Convention.
3. The rights set out in this article with respect to the seabed and subsoil shall be exercised in accordance with Part VI.

Article 57

Breadth of the exclusive economic zone

The exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

Article 58

Rights and duties of other States  
in the exclusive economic zone

1. In the exclusive economic zone, all States, whether coastal or land-locked, enjoy, subject to the relevant provisions of this Convention, the freedoms referred to in article 87 of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines, and compatible with the other provisions of this Convention.
2. Articles 88 to 115 and other pertinent rules of international law apply to the exclusive economic zone in so far as they are not incompatible with this Part.
3. In exercising their rights and performing their duties under this Convention in the exclusive economic zone, States shall have due regard to the rights and duties of the coastal State and shall comply with the laws and regulations adopted by the coastal State in accordance with the provisions of this Convention and other rules of international law in so far as they are not incompatible with this Part.

Article 59

Basis for the resolution of conflicts regarding the  
attribution of rights and jurisdiction in the exclusive  
economic zone

In cases where this Convention does not attribute rights or jurisdiction to the coastal State or to other States within the exclusive economic zone, and a conflict arises between the interests of the coastal State and any other State or States, the conflict should be resolved on the basis of equity and in the light of all the relevant circumstances, taking into account the respective importance of the interests involved to the parties as well as to the international community as a whole.

Article 60

Artificial islands, installations and structures in the  
exclusive economic zone

1. In the exclusive economic zone, the coastal State shall have the exclusive right to construct and to authorize and regulate the construction, operation and use of:
  - (a) artificial islands;



- (b) installations and structures for the purposes provided for in article 56 and other economic purposes;
- (c) installations and structures which may interfere with the exercise of the rights of the coastal State in the zone.

2. The coastal State shall have exclusive jurisdiction over such artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.

3. Due notice must be given of the construction of such artificial islands, installations or structures, and permanent means for giving warning of their presence must be maintained. Any installations or structures which are abandoned or disused shall be removed to ensure safety of navigation, taking into account any generally accepted international standards established in this regard by the competent international organization. Such removal shall also have due regard to fishing, the protection of the marine environment and the rights and duties of other States. Appropriate publicity shall be given to the depth, position and dimensions of any installations or structures not entirely removed.

4. The coastal State may, where necessary, establish reasonable safety zones around such artificial islands, installations and structures in which it may take appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures.

5. The breadth of the safety zones shall be determined by the coastal State, taking into account applicable international standards. Such zones shall be designed to ensure that they are reasonably related to the nature and function of the artificial islands, installations or structures, and shall not exceed a distance of 500 metres around them, measured from each point of their outer edge, except as authorized by generally accepted international standards or as recommended by the competent international organization. Due notice shall be given of the extent of safety zones.

6. All ships must respect these safety zones and shall comply with generally accepted international standards regarding navigation in the vicinity of artificial islands, installations, structures and safety zones.

7. Artificial islands, installations and structures and the safety zones around them may not be established where interference may be caused to the use of recognized sea lanes essential to international navigation.

8. Artificial islands, installations and structures do not possess the status of islands. They have no territorial sea of their own, and their presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.

#### Article 61

##### Conservation of the living resources

1. The coastal State shall determine the allowable catch of the living resources in its exclusive economic zone.

2. The coastal State, taking into account the best scientific evidence available to it, shall ensure through proper conservation and management



measures that the maintenance of the living resources in the exclusive economic zone is not endangered by over-exploitation. As appropriate, the coastal State and competent international organizations, whether subregional, regional or global, shall cooperate to this end.

3. Such measures shall also be designed to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield, as qualified by relevant environmental and economic factors, including the economic needs of coastal fishing communities and the special requirements of developing States, and taking into account fishing patterns, the interdependence of stocks and any generally recommended international minimum standards, whether subregional, regional or global.

4. In taking such measures the coastal State shall take into consideration the effects on species associated with or dependent upon harvested species with a view to maintaining or restoring populations of such associated or dependent species above levels at which their reproduction may become seriously threatened.

5. Available scientific information, catch and fishing effort statistics, and other data relevant to the conservation of fish stocks shall be contributed and exchanged on a regular basis through competent international organizations, whether subregional, regional or global, where appropriate and with participation by all States concerned, including States whose nationals are allowed to fish in the exclusive economic zone.

#### Article 62

##### Utilization of the living resources

1. The coastal State shall promote the objective of optimum utilization of the living resources in the exclusive economic zone without prejudice to article 61.

2. The coastal State shall determine its capacity to harvest the living resources of the exclusive economic zone. Where the coastal State does not have the capacity to harvest the entire allowable catch, it shall, through agreements or other arrangements and pursuant to the terms, conditions, laws and regulations referred to in paragraph 4, give other States access to the surplus of the allowable catch, having particular regard to the provisions of articles 69 and 70, especially in relation to the developing States mentioned therein.

3. In giving access to other States to its exclusive economic zone under this article, the coastal State shall take into account all relevant factors, including inter alia, the significance of the living resources of the area to the economy of the coastal State concerned and its other national interests, the provisions of articles 69 and 70, the requirements of developing States in the subregion or region in harvesting part of the surplus and the need to minimize economic dislocation in States whose nationals have habitually fished in the zone or which have made substantial efforts in research and identification of stocks.

4. Nationals of other States fishing in the exclusive economic zone shall comply with the conservation measures and with the other terms and conditions established in the laws and regulations of the coastal State. These laws and

regulations shall be consistent with this Convention and may relate, inter alia, to the following:

- (a) licensing of fishermen, fishing vessels and equipment, including payment of fees and other forms of remuneration, which, in the case of developing coastal States, may consist of adequate compensation in the field of financing, equipment and technology relating to the fishing industry;
- (b) determining the species which may be caught, and fixing quotas of catch, whether in relation to particular stocks or groups of stocks or catch per vessel over a period of time or to the catch by nationals of any State during a specified period;
- (c) regulating seasons and areas of fishing, the types, sizes and amount of gear, and the types, sizes and number of fishing vessels that may be used;
- (d) fixing the age and size of fish and other species that may be caught;
- (e) specifying information required of fishing vessels, including catch and effort statistics and vessel position reports;
- (f) requiring, under the authorization and control of the coastal State, the conduct of specified fisheries research programmes and regulating the conduct of such research, including the sampling of catches, disposition of samples and reporting of associated scientific data;
- (g) the placing of observers or trainees on board such vessels by the coastal State;
- (h) the landing of all or any part of the catch by such vessels in the ports of the coastal State;
- (i) terms and conditions relating to joint ventures or other co-operative arrangements;
- (j) requirements for the training of personnel and the transfer of fisheries technology, including enhancement of the coastal State's capacity of undertaking fisheries research;
- (k) enforcement procedures.

5. Coastal States shall give due notice of conservation and management laws and regulations.

#### Article 63

##### Stocks occurring within the exclusive economic zones of two or more coastal States or both within the exclusive economic zone and in an area beyond and adjacent to it

1. Where the same stock or stocks of associates species occur within the exclusive economic zones of two or more coastal States, these States shall seek, either directly or through appropriate subregional or regional organizations, to agree upon the measures necessary to co-ordinate and ensure



the conservation and development of such stocks without prejudice to the other provisions of this Part.

2. Where the same stock or stocks of associated species occur both within the exclusive economic zone and in an area beyond and adjacent to the zone, the coastal State and the States fishing for such stocks in the adjacent area shall seek, either directly or through appropriate subregional or regional organizations, to agree upon the measures necessary for the conservation of these stocks in the adjacent area.

#### Article 64

##### Highly migratory species

1. The coastal State and other States whose nationals fish in the region for the highly migratory species listed in Annex 1 shall co-operate directly or through appropriate international organizations with a view to ensuring conservation and promoting the objective of optimum utilization of such species throughout the region, both within and beyond the exclusive economic zone. In regions for which no appropriate international organization exists, the coastal State and other States whose nationals harvest these species in the region shall co-operate to establish such an organization and participate in its work.

2. The provisions of paragraph 1 apply in addition to the other provisions of this Part.

#### Article 65

##### Marine mammals

Nothing in this Part restricts the right of a coastal State or the competence of an international organization, as appropriate, to prohibit, limit or regulate the exploitation of marine mammals more strictly than provided for in this Part. States shall co-operate with a view to the conservation of marine mammals and in the case of cetaceans shall in particular work through the appropriate international organizations for their conservation, management and study.

#### Article 66

##### Anadromous stocks

1. States in whose rivers anadromous stocks originate shall have the primary interest in and responsibility for such stocks.

2. The State of origin of anadromous stocks shall ensure their conservation by the establishment of appropriate regulatory measures for fishing in all waters landward of the outer limits of its exclusive economic zone and for fishing provided for in paragraph 3(b). The State of origin may, after consultations with the other States referred to in paragraphs 3 and 4 fishing these stocks, establish total allowable catches for stocks originating in its rivers.

3. (a) Fisheries for anadromous stocks shall be conducted only in waters landward of the outer limits of exclusive economic zones, except in cases where this provision would result in economic dislocation for a State other than the State of origin. With respect to such fishing beyond the outer limits of the exclusive economic zone, States concerned shall maintain consultations with a view to achieving agreements on terms and conditions of such fishing giving due regard to the conservation requirements and the needs of the State of origin in respect of these stocks.

(b) The State of origin shall co-operate in minimizing economic dislocation in such other States fishing these stocks, taking into account the normal catch and the mode of operations of such States, and all the areas in which such fishing has occurred.

(c) States referred to in subparagraph (b), participating by agreement with the State of origin in measures to renew anadromous stocks, particularly by expenditures for that purpose, shall be given special consideration by the State of origin in the harvesting of stocks originating in its rivers.

(d) Enforcement of regulations regarding anadromous stocks beyond the exclusive economic zone shall be by agreement between the State of origin and the other States concerned.

4. In cases where anadromous stocks migrate into or through the waters landward of the outer limits of the exclusive economic zone of a State other than the State of origin, such State shall co-operate with the State of origin with regard to the conservation and management of such stocks.

5. The State of origin of anadromous stocks and other States fishing these stocks shall make arrangements for the implementation of the provisions of this article, where appropriate, through regional organizations.

#### Article 67

##### Catadromous species

1. A coastal State in whose waters catadromous species spend the greater part of their life cycle shall have responsibility for the management of these species and shall ensure the ingress and egress of migrating fish.

2. Harvesting of catadromous species shall be conducted only in waters landward of the outer limits of exclusive economic zones. When conducted in exclusive economic zones, harvesting shall be subject to this article and the other provisions of this Convention concerning fishing in these zones.

3. In cases where catadromous fish migrate through the exclusive economic zone of another State, whether as juvenile or maturing fish, the management, including harvesting, of such fish shall be regulated by agreement between the State mentioned in paragraph 1 and the other State concerned. Such agreement shall ensure the rational management of the species and take into account the responsibilities of the State mentioned in paragraph 1 for the maintenance of these species.



Article 68

Sedentary species

This Part does not apply to sedentary species as defined in article 77, paragraph 4.

Article 69

Right of land-locked States

1. Land-locked States shall have the right to participate, on an equitable basis, in the exploitation of an appropriate part of the surplus of the living resources of the exclusive economic zones of coastal States of the same subregion or region, taking into account the relevant economic and geographical circumstances of all the States concerned and in conformity with the provisions of this article and of articles 61 and 62.

2. The terms and modalities of such participation shall be established by the States concerned through bilateral, subregional or regional agreements taking into account, inter alia:

- (a) the need to avoid effects detrimental to fishing communities or fishing industries of the coastal State;
- (b) the extent to which the land-locked State, in accordance with the provisions of this article, is participating or is entitled to participate under existing bilateral, subregional or regional agreements in the exploitation of living resources of the exclusive economic zones of other coastal States;
- (c) the extent to which other land-locked States and geographically disadvantaged States are participating in the exploitation of the living resources of the exclusive economic zone of the coastal State and the consequent need to avoid a particular burden for any single coastal State or a part of it;
- (d) the nutritional needs of the population of the respective States.

3. When the harvesting capacity of a coastal State approaches a point which would enable it to harvest the entire allowable catch of the living resources in its exclusive economic zone, the coastal State and other States concerned shall co-operate in the establishment of equitable arrangements on a bilateral, subregional or regional basis to allow for participation of developing land-locked States of the same subregion or region in the exploitation of the living resources of the exclusive economic zones of coastal States of the subregion or region, as may be appropriate in the circumstances and on terms satisfactory to all parties. In the implementation of this provision the factors mentioned in paragraph 2 shall also be taken into account.

4. Developed land-locked States shall, under the provisions of this article, be entitled to participate in the exploitation of living resources only in the exclusive economic zones of developed coastal States of the same subregion or region having regard to the extent to which the coastal State, in giving access to other States to the living resources of its exclusive economic zone, has taken into account the need to minimize detrimental effects on fishing

communities and economic dislocation in States whose nationals have habitually fished in the zone.

5. The above provisions are without prejudice to arrangements agreed upon in subregions or regions where the coastal States may grant to land-locked States of the same subregion or region equal or preferential rights for the exploitation of the living resources in the exclusive economic zones.

#### Article 70

##### Right of geographically disadvantaged States

1. Geographically disadvantaged States shall have the right to participate, on an equitable basis, in the exploitation of an appropriate part of the surplus of the living resources of the exclusive economic zones of coastal States of the same subregion or region, taking into account the relevant economic and geographical circumstances of all the States concerned and in conformity with the provisions of this article and of articles 61 and 62.
2. For the purposes of this Part, "geographically disadvantaged States" means coastal States, including States bordering enclosed or semi-enclosed seas, whose geographical situation makes them dependent upon the exploitation of the living resources of the exclusive economic zones of other States in the subregion or region for adequate supplies of fish for the nutritional purposes of their populations or parts thereof, and coastal States which can claim no exclusive economic zones of their own.
3. The terms and modalities of such participation shall be established by the States concerned through bilateral, subregional or regional agreements taking into account, inter alia:
  - (a) the need to avoid effects detrimental to fishing communities or fishing industries of the coastal State;
  - (b) the extent to which the geographically disadvantaged State, in accordance with the provisions of this article, is participating or is entitled to participate under existing bilateral, subregional or regional agreements in the exploitation of living resources of the exclusive economic zones of other coastal States;
  - (c) the extent to which other geographically disadvantaged States and land-locked States are participating in the exploitation of the living resources of the exclusive economic zone of the coastal State and the consequent need to avoid a particular burden for any single coastal State or a part of it;
  - (d) the nutritional needs of the population of the respective States.
4. When the harvesting capacity of a coastal State approaches a point which would enable it to harvest the entire allowable catch of the living resources in its exclusive economic zone, the coastal State and other States concerned shall co-operate in the establishment of equitable arrangements on a bilateral, subregional or regional basis to allow for participation of developing geographically disadvantaged States of the same subregion or region in the exploitation of the living resources of the exclusive economic zones of



coastal States of the subregion or region, as may be appropriate in the circumstances and on terms satisfactory to all parties. In the implementation of this provision the factors mentioned in paragraph 3 shall also be taken into account.

5. Developed geographically disadvantaged States shall, under the provisions of this article, be entitled to participate in the exploitation of living resources only in the exclusive economic zones of developed coastal States of the same subregion or region having regard to the extent to which the coastal State, in giving access to other States to the living resources of its exclusive economic zone, has taken into account the need to minimize detrimental effects on fishing communities and economic dislocation in States whose nationals have habitually fished in the zone.

6. The above provisions are without prejudice to arrangements agreed upon in subregions or regions where the coastal States may grant to geographically disadvantaged States of the same subregion or region equal or preferential rights for the exploitation of the living resources in the exclusive economic zones.

#### Article 71

##### Non-applicability of articles 69 and 70

The provisions of articles 69 and 70 do not apply in the case of a coastal State whose economy is overwhelmingly dependent on the exploitation of the living resources of its exclusive economic zone.

#### Article 72

##### Restrictions on transfer of rights

1. Rights provided under articles 69 and 70 to exploit living resources shall not be directly or indirectly transferred to third States or their nationals by lease or licence, by establishing joint ventures or in any other manner which has the effect of such transfer unless otherwise agreed by the States concerned.

2. The foregoing provisions does not preclude the States concerned from obtaining technical or financial assistance from third States or international organizations in order to facilitate the exercise of the rights pursuant to articles 69 and 70, provided that it does not have the effect referred to in paragraph 1.

#### Article 73

##### Enforcement of laws and regulations of the coastal State

1. The coastal State may, in the exercise of its sovereign rights to explore, exploit, conserve and manage the living resources in the exclusive economic zone, take such measures, including boarding, inspection, arrest and judicial proceedings, as may be necessary to ensure compliance with the laws and regulations adopted by it in conformity with this Convention.

2. Arrested vessels and their crews shall be promptly released upon the posting of reasonable bond or other security.

3. Coastal State penalties for violations of fisheries laws and regulations in the exclusive economic zone may not include imprisonment, in the absence of agreements to the contrary by the States concerned, or any other form of corporal punishment.

4. In cases of arrest or detention of foreign vessels the coastal State shall promptly notify the flag State, through appropriate channels, of the action taken and of any penalties subsequently imposed.

#### Article 74

##### Delimitation of the exclusive economic zone between States with opposite or adjacent coasts

1. The delimitation of the exclusive economic zone between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.

2. If no agreement can be reached within a reasonable period of time, the States concerned shall resort to the procedures provided for in Part XV.

3. Pending agreement as provided for in paragraph 1, the States concerned, in a spirit of understanding and cooperation, shall make every effort to enter into provisional arrangements of a practical nature and, during this transitional period, not to jeopardize or hamper the reaching of the final agreement. Such arrangements shall be without prejudice to the final delimitation.

4. Where there is an agreement in force between the States concerned, questions relating to the delimitation of the exclusive economic zone shall be determined in accordance with the provisions of that agreement.

#### Article 75

##### Charts and lists of geographical co-ordinates

1. Subject to this Part, the outer limit lines of the exclusive economic zone and the lines of delimitation drawn in accordance with article 74 shall be shown on charts of a scale or scales for ascertaining their position. Where appropriate, lists of geographical co-ordinates of points, specifying the geodetic datum, may be substituted for such outer limit lines or lines of delimitation.

2. The coastal State shall give due publicity to such charts or lists of geographical co-ordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations.



II. NATIONAL LEGISLATION ON THE EXCLUSIVE ECONOMIC ZONE AND THE ECONOMIC ZONE, INCLUDING DECLARATIONS THEREON

1. ANTIGUA AND BARBUDA

Maritime Areas Act, 1982, Act No. 18 of 17 August 1982 1/

An Act to provide for the extension of the limits of the territorial sea of Antigua and Barbuda, to make provision with respect to the continental shelf of Antigua and Barbuda, to provide for the drawing of archipelagic baselines and the enclosing of archipelagic waters in relation to Antigua and Barbuda and to make provisions for contiguous, exclusive economic and fishing zones and for matters connected therewith or incidental thereto.

ENACTED by the Parliament of Antigua and Barbuda as follows:

Short title

1. This Act may be cited as the Maritime Areas Act 1982.

Interpretation

2. In this Act:

...

"exclusive economic zone" means the exclusive economic zone of Antigua and Barbuda as defined in section 7;

"fishery zone" means the fishing zone of Antigua and Barbuda as defined in section 8;

...

Exclusive economic zone

7. The exclusive economic zone comprises those areas of the sea and of the submarine area that are beyond and adjacent to the territorial sea, having as their seaward limit a boundary line which at every point is a distance of two hundred nautical miles or such other lesser distance from the nearest point of the baselines as the Minister by order prescribes.

Fishery Zone

8. The fishery zone comprises those areas of the sea that are beyond and adjacent to the territorial sea, having as their seaward limit a boundary line which at every point is a distance of two hundred nautical miles or such other lesser distance from the nearest point of the baselines as the Minister by order prescribes.

...



Jurisdiction in exclusive economic zone

10. In the exclusive economic zone Antigua and Barbuda shall, subject to international law, exercise:

- (a) sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, both living and non-living, of the exclusive economic zone as well as sovereign rights with regard to producing energy from tides, winds and currents in the exclusive economic zone;
- (b) jurisdiction with regard to:
  - (i) the establishment and use of artificial islands, installations and structures;
  - (ii) marine scientific research; and
  - (iii) the protection and preservation of the marine environment; and
- (c) such other rights and duties for which provision is made by international law.

Jurisdiction in fishery zone

11. In the fishery zone Antigua and Barbuda shall exercise the sovereign right and exclusive authority to explore and exploit, conserve and manage the fishery resources of the fishery zone and the submarine areas thereof in accordance with international law.

...

International activities in exclusive economic zone

12. Antigua and Barbuda recognizes the freedoms of navigation and overflight and of the laying of submarine cables and pipelines and other related activities on or within the continental shelf or the exclusive economic zone in accordance with the principles, practice and provisions of international law.

Negotiating maritime boundaries

13. Where the sea or waters of any foreign State are adjacent or opposite to the territorial sea, the continental shelf or the exclusive economic zone and there is any dispute, difference or disagreement between that foreign State and Government concerning any matter or thing relating to the seaward limits of the territorial sea, the continental shelf or the exclusive economic zone, it shall be lawful for Government to enter into negotiations with that foreign State with a view to resolving or otherwise settling such dispute, difference or disagreement.

...

Charts of maritime areas, etc.

18A. The Minister shall cause to be prepared such charts or lists of geographical co-ordinates as he thinks fit, showing all or any of the following matters:

- (a) the low-water line, closing lines prescribed pursuant to section 2A(2), or the baselines;
- (b) the seaward limits of the territorial sea, the contiguous zone, the continental shelf or the exclusive economic zone;
- ...

Evidence of charts, etc.

18B. A document, purporting to be certified by the Minister to be a true copy of a chart or list of geographical co-ordinates prepared pursuant to section 18A, shall be received in any proceedings as evidence of any matter referred to in that section and shown in the document.

Publicity of charts, etc.

18C. The Minister shall cause:

- (a) due publicity to be given to charts or lists of geographical co-ordinates prepared pursuant to section 18A; and
- (b) a copy of each such chart or list to be deposited with the Secretary-General of the United Nations.

Regulations

19. (1) The Minister may make regulations:

- (a) for the safety of navigation and the regulation of marine traffic;
- (b) for the conservation of the living resources of the sea;
- (c) for the preservation of the marine environment of Antigua and Barbuda of navigation and the prevention and control of pollution thereto;
- (d) generally, for regulating the use of the internal waters, the archipelagic waters and the territorial sea including prescribing the fees to be paid for any activity in relation thereto.
- (e) providing for the forfeiture to the Crown of any ship engaged, or any equipment used, in any of the activities specified in section 15; and
- (f) annexing to the contravention of any regulation made under this section or punishment on summary conviction of a fine of twenty thousand dollars or of imprisonment for a term of 2 years or both.

(2) Regulations made under this section shall be subject to affirmative resolution of the Legislature and shall be judicially noticed.



Arrest on board foreign ship in territorial sea, etc.

20A. ...

(3) Subject to this section where a foreign ship, proceeding from a port outside Antigua and Barbuda, is passing through the territorial sea without having entered internal waters, a prescribed power may be exercised in relation to any offence committed before the ship entered the territorial sea, on board the ship during that passage only if:

- (a) there are clear grounds for believing that the ship has, in the exclusive economic zone, committed a violation of:
  - (i) applicable international rules and standards for the prevention, reduction and control of pollution from ships; or
  - (ii) any provision of the regulations or any enactment conforming to and giving effect to any such rules and standards; and
- (b) there are clear grounds for believing that the violation has resulted in substantial discharge causing or threatening significant pollution of the marine environment; or
- (c) there is clear objective evidence that the violation has resulted in a discharge causing major damage or the threat of major damage to the coastline of Antigua and Barbuda, or to any resources of its territorial sea or exclusive economic zone.

...

(5) The decision to exercise, and the exercise of, a prescribed power in circumstances of the kind referred to in sub-section (1) or (3) shall be made or, as the case maybe, corrected out, with due regard to the interest of navigation.

(6) The prescribed power referred to in subsection (8) (a) shall not be exercised in relation to a ship unless the ship has refused, when lawfully required to do so to give information regarding its identity and part of registry, its last and next port of call and other relevant information required to established whether a violation of the kind referred to in subsection (3) (a) has occurred.

(7) The prescribed power referred to in subsection (8) (b) shall not be exercised in relation to a ship where appropriate procedures, which bind Antigua and Barbuda, have been established, either through the competent international organization or as otherwise agreed, whereby compliance with requirements for landing or other appropriate financial security has been assured in relation to the ship.

(8) For the purpose of this section, "prescribed power" means the power lawfully to arrest any person or to conduct an investigation into any alleged offence, and

- (a) for the purpose of subsection (3) (b), includes a power to undertake a physical inspection of a ship for matters relating to a violation of the kind referred to in subsection (3) (a); and

- (b) for the purposes of subsection (3) (c), includes a power to detain a ship.

Binding of the Crown

21. This Act binds the Crown.

...

Commencement

24. This Act shall come into operation on such day as the Governor-General may by proclamation appoint.



2. ARGENTINA

Act No. 23.968 of 14 August 1991

Article 1

The baselines of the Argentine Republic from which its maritime areas shall be measured, shall be the normal and straight baselines as defined in the list appearing in annex I to this Act and drawn on the charts which are referred to in the Act and contained in annex II. 1/

These baselines shall include the lines joining the headlands which form the mouths of the Gulfs of San Matías, Nuevo and San Jorge, as laid down in article 1 of Act 17.094, and the line marking the outer limit of the Rio de la Plata and the corresponding maritime boundary of 19 November 1973.

The baselines of the Argentine Antarctic Sector, over which the Republic has sovereign rights, shall be established by a subsequent Act.

...

Article 5

The exclusive economic zone of Argentina shall extend beyond the outer limit of its territorial sea to a distance of two hundred (200) nautical miles from the baselines established in article 1 of this Act.

In the exclusive economic zone, Argentina shall have sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds.

National provisions concerning the conservation of resources shall apply beyond the two hundred (200) nautical mile zone in the case of migratory species or species which form part of the food chain of species of the exclusive economic zone of Argentina.

...

Article 7

The outer limits of the maritime areas referred to in article 5 shall be defined by reference to their distance from the baselines established in article 1 of this Act.

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1/ Annex I is available in the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs; annex II is not available.

Article 8

The Naval Hydrography Service shall prepare and update the charts showing the limits established in articles 1 and 5 of this Act, so that they may be duly published following approval by the Ministry of Foreign Affairs and Worship.

Article 9

In the maritime areas defined herein, the Argentine Republic shall retain the exclusive right to construct, authorize and regulate the construction, operation and use of all kinds of installations and structures, over which it shall have exclusive jurisdiction, with respect also to matters relating to its fiscal, customs, sanitary and immigration laws and regulations.

Article 10

Articles 585, 586, 587 and 588 of Act 22.415 (Customs Code) shall be amended as follows:

Article 585 - Products extracted from the territorial sea or exclusive economic zone of Argentina, or from the seabed or subsoil thereof subject to its national sovereignty, or products derived therefrom, and intended for shipment overseas or to a free zone shall be considered as consumer exports from the general customs territory.

Article 586 - Consumer imports into the general or special customs territory of products originating from the territorial sea or exclusive economic zone of Argentina, or from the seabed or subsoil thereof subject to its national sovereignty, shall be exempt from payment of the relevant taxes and from the application of prohibitions of an economic nature.

Article 587 - Consumer exports from the general or special customs territory to the territorial sea or exclusive economic zone of Argentina, or seabed or subsoil thereof subject to its national sovereignty, shall be exempt from payment of the relevant taxes and from the application of prohibitions if such products are intended for use or consumption as part of an activity involving exploration, exploitation, cultivation, processing, mixing or any other type of operation to be carried out in these areas.

Article 588 - With regard to all or part of the territorial sea or exclusive economic zone of Argentina, or the seabed or subsoil thereof subject to its national sovereignty, the Executive may introduce full or partial application of the general procedures, customs governing and prohibitions on the entry of products from overseas or from a free zone.



3. BANGLADESH

I. Territorial Waters and Maritime Zones Act 1974, Act No. XXVI of 1974

An act to provide for the declaration of the territorial waters and maritime zones.

...

Short title

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

...

Economic zone

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

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

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

Conservation zone

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

...

Control of pollution

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

Power to make rules

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

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

- (a) for the regulation of the conduct of any person in or upon the territorial waters, contiguous zone, economic zone, conservation zone and continental shelf;
- (b) for measures to protect, use and exploit the resources of the economic zone;
- (c) for conservation measures to protect the living resources of the sea;

...

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

...

II. Notification No. LT - I/3/74 of the Ministry of Foreign Affairs,  
Dacca, of 13 April 1974

No. LT-1/3/74 - In exercise of the powers conferred by sub-section (1) of section 5 of the Territorial Waters and Maritime Zones Act, 1974 (Act No. XXVI of 1974), the Government is pleased to declare that the Zone of the high seas extending to 200 nautical miles measured from the baselines shall be the economic zone of Bangladesh.



4. BARBADOS

Marine Boundaries and Jurisdiction Act, 1978 - 3, 25 February 1978

An Act to provide for the establishment of Marine Boundaries and Jurisdiction.

Commencement

(By Proclamation)

PART I

PRELIMINARY

Short Title

1. This Act may be cited as the Marine Boundaries and Jurisdiction Act, 1978.

...

Interpretation

2. For the purposes of this Act:

"Barbadian vessel" or "Barbadian structure" means a vessel or structure, as the case may be:

- (a) wholly owned by a citizen of Barbados or by a body corporate whose members or, if that body corporate is a company, whose shareholders, as the case may be, are all citizens of Barbados, or
- (b) certified in writing by the Cabinet as having such substantial economic connections with Barbados in relation to its ownership as to be deemed, for the purposes of this Act, to be a Barbadian vessel or Barbadian structure, as the case may be;

"Exclusive Economic Zone" or "Zone" means the marine zone established by section 3(1);

"fish" includes marine fishes, Crustacea, sea-eggs, whales, porpoises, Mollusca or other marine animals and includes marine plant life;

"fishing" means:

- (a) the catching, taking or harvesting of fish;
- (b) any activity reasonably expected to result in the catching, taking or harvesting of fish; or
- (c) any operation at sea in connection with, or in preparation for, the catching, taking or harvesting of fish or an activity referred to in paragraph (b);

"fishing vessel" means any ship, vessel, boat or other craft used for, or of a type normally used for, fishing or aiding or assisting another vessel at sea in the performance of any activity relating to fishing;

"foreign fishing vessel", "foreign vessel", or "foreign structure" means a fishing vessel, vessel or structure, as the case may be, of a foreign State;

"marine conservation officer" means a person designated a marine conservation officer under section 14;

"ship" includes vessel, boat or other sea-going or ocean-going craft;

"Structure" includes any artificial island, off-shore terminal or off-shore installation.

## PART II

### ECONOMIC ZONE

#### Exclusive Economic Zone

3. (1) There is established, contiguous to the territorial waters, a marine zone to be known as the Exclusive Economic Zone having as its inner limit the boundary line of the seaward limit of the territorial waters and as its outer limit a boundary line which, subject to subsection (3), at every point is a distance of 200 miles from the nearest point of the baselines of the territorial waters or such other distance from the nearest point of those baselines as the Minister responsible for External Affairs, by order, prescribes.

(2) An order made under subsection (1) is subject to affirmative resolution, and shall be judicially noticed.

(3) Notwithstanding subsection (1), where the median line as defined by subsection (4) between Barbados and any adjacent or opposite State is less than 200 miles from the baselines of the territorial waters, the outer boundary limit of the Zone shall be that fixed by agreement between Barbados and that other State, but where there is no such agreement, the outer boundary limit shall be the median line.

(4) The median line is a line every point of which is equidistant from the nearest points of the baselines of the territorial waters, on the one hand, and the corresponding baselines of the territorial waters of any adjacent or opposite State as recognised by the Minister, on the other hand.

(5) An agreement entered into pursuant to subsection (3) shall be laid before Parliament, and shall be judicially noticed.

#### Making of boundary lines of Zone on charts or maps

4. (1) The Minister responsible for External Affairs shall cause the boundary lines of the Zone to be marked on a scaled map or chart, and that map or chart shall be judicially noticed.

(2) The Minister responsible for External Affairs shall make provision for the safe custody of the map or chart referred to in subsection (1), and shall, by notice, specify the place where any person may inspect that map or chart or purchase a certified copy thereof.



Rights in, and jurisdiction over, Zone

5. There is vested in the Government of Barbados -
- (a) all rights in, and jurisdiction over, the Zone in respect of -
    - (i) the exploration, exploitation, conservation, protection or management of the natural living and non-living resources of the seabed, subsoil and superjacent waters;
    - (ii) the construction, maintenance or use of structures or devices relating to the exploration or exploitation of the resources of the Zone, the regulation and safety of shipping, or any other economic purpose;
    - (iii) the authorization, regulation or control of scientific research;
    - (iv) the preservation and protection of the marine environment and the prevention and control of marine pollution;
    - (v) all other activities relating to the economic exploration and exploitation of the Zone; and
  - (b) all other rights in, and jurisdiction over, the Zone recognized by international law.

Exploitation of resources of Zone

6. (1) Subject to this Act, no person shall within the Zone, except under or in accordance with an agreement with the Government of Barbados or a permit granted by the Cabinet -
- (a) explore or exploit any resources thereof;
  - (b) carry out any search or excavation;
  - (c) conduct any research;
  - (d) drill in or construct, maintain or operate any structure or device;  
or
  - (e) carry out any economic activity.
- (2) This section does not apply to fishing by a citizen of Barbados in or from a Barbadian vessel.
- (3) Any person who contravenes this section is guilty of an offence and liable:
- (a) on conviction on indictment, to a fine of \$50,000 or imprisonment for a term of 5 years or both; or
  - (b) on summary conviction, to a fine of \$20,000 or imprisonment for a term of 2 years or both,

and, in addition, the court may order the forfeiture of any vessel, structure, equipment, device or thing in connection with which the offence was committed.

Freedom of navigation, overflight, and laying of cables etc.

7. Subject to sections 8 and 11, ships and aircraft of all states are not, in or over the Zone, as the case may be, restricted in or prohibited from the enjoyment of the freedom of navigation, overflight, the laying of cables and pipelines and the other lawful use of the sea related to navigation and communication recognized by international law.

Application of certain enactments of Zone

8. (1) The Governor-General may, by order, with such exceptions and modifications as may be specified in the order, extend the application of any enactment to the Zone or any part thereof, and an enactment so extended shall have effect in relation to the Zone as if it had been enacted by this Act.

(2) An order made under this section is subject to affirmative resolution, and shall be judicially noticed.

Jurisdiction of courts

9. (1) The jurisdiction and powers of the courts extend to the Zone for the purpose of giving effect to the provisions of this Act and any other enactment extended to the Zone under section 8 as if the Zone were a part of the territory of Barbados.

(2) Where an offence is, by virtue of this Act or any enactment extended to the Zone under section 8, punishable on summary conviction or indictment, it may be enquired into or determined, as the case may be, by a magistrate assigned to any magisterial district, and that magistrate has, in respect of the offence, all the powers, privileges, rights and jurisdiction conferred on him by the Magistrates Jurisdiction and Procedure Act. (Cap. 116)

(3) The quasi-criminal and the civil jurisdiction conferred on a magistrate by the Magistrates Jurisdiction and Procedure Act is, in relation to the Zone, exercisable by a magistrate assigned to any magisterial district.

(4) The jurisdiction and power conferred on the courts under this Act do not affect any jurisdiction or powers conferred on, or exercisable by, those courts under any other law.

Locus of offence, etc

10. (1) In any proceedings in a court in relation to the Zone, the averment that an offence was committed or that an act was done within the limit of the Zone shall, until the contrary is proved, be deemed to be prima facie evidence that the locus in quo was within the Zone.



(2) An incident shall, for the purposes of any law conferring jurisdiction on a court in Barbados, be deemed to have occurred in Barbados if:

- (a) that incident occurs in, on, under, above or in relation to any vessel, structure or device or any waters within 500 yards of that structure or device, in the Zone; or
- (b) that incident, if having occurred in Barbados, would be an offence or give rise to quasi-criminal proceedings or a civil cause of action.

### PART III

#### FISHING IN THE ZONE

##### Permission to fish in the Zone or territorial waters

11. (1) No person shall engage in fishing within the territorial waters unless:

- (a) he is a citizen of Barbados;
- (b) he is the holder of a valid permit granted under subsection (4) or
- (c) there is in existence in relation to him an agreement with the Government of Barbados.

(2) The master or other person in charge of a foreign vessel shall not permit that vessel to be used for the purpose of fishing in the Zone or the territorial waters unless there is on board that vessel a valid permit granted under subsection (4).

(3) The master or other person in charge of a foreign fishing vessel on board of which there is not a valid permit granted under this section in respect of that vessel shall not, except for the purpose of exercising the freedom of navigation referred to in section 7 or granted pursuant to an agreement under section 6, permit or cause that vessel to enter the Zone; and where a vessel enters the Zone in accordance with the terms of that permit or agreement, that master or other person shall not cause or permit the vessel to remain in the Zone after the purpose for which it entered the Zone has been fulfilled or the agreement has expired.

(4) The Cabinet may -

- (a) grant to a person, who is not a citizen of Barbados; or
- (b) grant in respect of a foreign fishing vessel, a permit to engage in fishing within the Zone, the territorial waters, or any designated part thereof.

(5) Any person who contravenes this section or a term or condition of a permit granted under this Act is guilty of an offence and liable on summary conviction to a fine of \$20,000 or imprisonment for a term of 2 years or both, and, in addition, the court may order the forfeiture of any vessel, fish, fishing gear, equipment, device or thing in connection with which the offence was committed.

Form, content of permit

12. (1) A permit granted under section 11 in respect of a foreign vessel may contain -

- (a) the name of the owner or charterer;
- (b) the name of the vessel;
- (c) a description of the vessel;
- (d) a description of the area designated for fishing;
- (e) the periods or times allowed for fishing and the number of voyages authorized;
- (f) the descriptions and quantities of fish permitted to be taken;
- (g) the method of fishing;
- (h) conditions respecting the landing of fish or parts of fish;
- (i) the name of the port or place for the landing of fish caught;
- (j) the permitted use of any fish caught;
- (k) any other term or condition, including fees and charges payable, approved by Cabinet.

Variation, revocation or suspension of permit

13. A permit granted under section 11 may be varied, suspended or revoked, if it appears necessary or expedient to the Cabinet.

PART IV

MARINE CONSERVATION OFFICERS

14. For the purposes of this Act, the following persons are designated marine conservation officers -

- (a) fisheries officers of the Ministry responsible for Fisheries;
- (b) members of the Defence Force of Barbados;
- (c) members of the Police Force;
- (d) officers of Customs;
- (e) officers of the Coast Guard, and
- (f) any other person approved by Cabinet.



15. (1) A marine conservation officer may, in performing his duties, exercise all the powers conferred on him by this Act in respect of -

- (a) a Barbadian vessel or Barbadian structure that is at sea or in port;  
or
- (b) a foreign vessel or foreign structure that he reasonably suspects of being used in connection with fishing or any other activity carried on in contravention of this Act or the regulations.

(2) In the performance of his duties under this section, a marine conservation officer may -

- (a) reasonably call on any person to assist him;
- (b) use such force as is reasonably necessary;
- (c) require any person to do anything that appears reasonably necessary for the purpose of facilitating the performance of those duties;
- (d) order that any vessel or structure be stopped;
- (e) board any vessel or structure;
- (f) search or examine any vessel or structure or any fish, equipment or thing on board thereof;
- (g) require any person on board a vessel or structure to produce any document or thing relating to that vessel or structure or the persons on board thereof.

(3) A marine conservation officer who has reasonable grounds to suspect that an offence has been committed under this Act or the regulations by any person, including any person on board a vessel or structure, may, without warrant or other process -

- (a) seize the vessel or structure together with any fish, fishing gear or other equipment suspected of being used in the commission of the offence; and
- (b) detain the person he suspects.

(4) Where a vessel, structure or thing is seized or a person is detained under subsection (3), a marine conservation officer shall, where possible, take the vessel, structure, thing or person as soon as practicable to a Barbadian port, and within a reasonable time cause the person detained to be brought before a magistrate's court to answer a charge in connection with the offence that gave rise to the seizure or detention.

(5) A court may order that any vessel, structure, fishing gear or other equipment, device or thing seized under subsection (3) be forfeited where the owner thereof is unknown and no claim thereto is made within 1 month of the seizure under that subsection.

Sale of fish likely to spoil

16. (1) A marine conservation officer may, to avoid spoilage or decay of any fish he seizes under section 15, sell that fish in such manner as a fisheries officer of the Ministry responsible for Fisheries directs.

(2) All moneys resulting from a sale of fish under subsection (1) shall be paid into the Consolidated Fund.

(3) A marine conservation officer who makes a sale of fish under subsection (1) shall give to the person from whom he seized the fish a receipt containing -

- (a) the date of the sale;
- (b) the quantity of fish;
- (c) the amount realized by the sale,

and the receipt shall be signed by the officer.

(4) Where a court dismisses a charge against a person brought before it under section 15, it shall, in any case where the fish in the possession of that person was sold, order compensation not exceeding the net amount realized by the sale to be paid to that person.

(5) Compensation payable under subsection (4) shall be charged on, and paid out of, the Consolidated Fund.

Exemption from liability

17. No liability attaches to the Crown, a marine conservation officer or fisheries officer in respect of acts done by that officer in good faith in the performance of his duties under this Act.

PART V

GENERAL

General offences

18. Any person who -

(a) assaults, resists, obstructs or intimidates a marine conservation officer or any person assisting him, in the execution of his duty;

(b) uses indecent, abusive or insulting language to a marine conservation officer in the execution of his duty;

(c) interferes with or hinders a marine conservation officer in the execution of his duty;

(d) by any gratuity, bribe, promise or other inducement, prevents a marine conservation officer from carrying out his duty;

(e) without the authority of a marine conservation officer, removes, alters or interferes with any articles seized under section 15;



(f) contravenes any provision of this Act for which no penalty is provided or the regulations,

is guilty of an offence and liable on summary conviction of a fine of \$5,000 or imprisonment for a term of 2 years or both and, in addition, the court may order the forfeiture of any vessel, structure, equipment, device or thing in connection with which the offence was committed.

#### Return of property siezed

19. Subject to section 16, a court may order that property seized under subsection (3) of section 15 be returned to the person from whom it was taken or to a person named by that person where -

(a) the court dismisses a charge brought against that person under this Act or the regulations, and it is of the opinion that the property can be returned consistently with the interests of justice; or

(b) no charge has been brought against any person within a reasonable time after a seizure has been effected under that subsection.

#### Regulations

20. (1) The Cabinet may make regulations generally for carrying into effect the provisions of this Act, and in particular respecting:

(a) any activity relating to the exploration, exploitation and protection of the resources of the Zone;

(b) any activity relating to the economic exploration or exploitation of the Zone;

(c) the safety and protection of structures or devices in the Zone;

(d) the authorization, control and regulation of scientific research in the Zone;

(e) the customs and other fiscal matters relating to the Zone;

(f) the duties, powers, functions and conditions of service of marine conservation officers; and

(g) the fees to be paid under this Act.

(2) Regulations made under this section are subject to affirmative resolution, and shall be judicially noticed.

#### Directions

21. The Minister responsible for External Affairs may give directions respecting the disposal or release of any vessel, structure, equipment, device or thing that is ordered by a court to be forfeited under this Act or the regulations.

5. BELIZE

An Act to make provision with respect to the Territorial Sea, Internal Waters and the Exclusive Economic Zone of Belize; and for matters connected therewith or incidental thereto of 24 January 1992

PART I  
PRELIMINARY

Short Title and commencement

1. (1) This Act may be cited as the Maritime Areas Act, 1992;
- (2) This Act shall come into operation upon such date as the Minister may by Order published in the Gazette appoint.

Interpretation

2. In this Act:

...

"exclusive economic zone" means the exclusive economic zone of Belize as described in Section 6 and, to the extent that Section 7 applies, as delimited pursuant to Section 7;

"foreign vessel" means a vessel that is not registered as a Belizean ship under the Registration of Merchant Ships Act, 1989 (Belize) (Act. No. 32 of 1989);

...

"maritime areas of Belize" means the internal waters, the territorial sea, and the exclusive economic zone;

...

"resources" includes living and non-living resources;

"the Regulations" means regulations made under this Act.

PART II

MARITIME AREAS OF BELIZE

...

Exclusive economic zone

6. Subject to Section 7, the exclusive economic zone of Belize comprises those areas of the sea that are beyond and adjacent to the territorial sea having, as their outer limits, a line, measured seaward from the baseline of the territorial sea, every point of which is 200 nautical miles distant from the nearest point of that baseline.



Delimitation of exclusive economic zone

7. (1) Wherever the equidistance line between Belize and an adjacent State is less than 200 nautical miles from the nearest point of the baseline of the territorial sea, the delimitation of the exclusive economic zone shall be effected between Belize and the adjacent State on the basis of international law in order to achieve an equitable settlement.

(2) Pending the delimitation of the exclusive economic zone pursuant to sub-section (1) of this Section, the equidistance line between Belize and the adjacent State shall constitute the outer limits of the exclusive economic zone.

(3) Subject to sub-section (4) of this Section, for the purpose of implementing any agreement under subsection (1) of this Section, the National Assembly may, from time to time, by Resolution supported by a two-thirds majority declare that the exclusive economic zone shall not extend to any specified area of the sea, seabed or subsoil that would otherwise be included therein by virtue of Section 6, and such resolution, while it remains in force, shall have effect notwithstanding any other provision of this Act.

(4) Any agreement with the Republic of Guatemala made pursuant to sub-section (1) of this Section which provides that:

- (a) Belize shall claim less than what it is otherwise entitled to claim under international law; or
- (b) the exclusive economic zone of Belize shall not extend to any specified area of the sea, seabed or subsoil that would otherwise be included therein by virtue of Section 6; or
- (c) there shall be joint exploitation or participation within Belize's exclusive economic zone

shall be subject to approval of the electors in a referendum.

PART III

RIGHTS IN RESPECT OF MARITIME AREAS OF BELIZE

...

Rights in respect of exclusive economic zone

9. Belize has and may exercise in respect of the exclusive economic zone:

- (a) sovereign rights
  - (i) for the purpose of fishing, navigation with respect to fishing, the exploration for, and exploitation, conservation and management of resources of the waters superjacent to the seabed and of the seabed and subsoil; and

(ii) for the production of energy from the waters, currents and winds;

(b) jurisdiction with regard to:

(i) the establishment and use of artificial islands, installations and structures;

(ii) Maritime scientific research; and

(iii) the protection and preservation of the marine environment;

(c) the right to construct and to authorize and regulate the construction, operation and use of:

(i) artificial islands;

(ii) installations and structures for the purposes provided for under paragraph (a) of this Section or for any other economic purposes;

(iii) installations and structures which may interfere with the exercise by Belize of rights in respect of the exclusive economic zone.

Prohibited activities

10. (1) No person shall:

(a) within the limits of the exclusive economic zone:

(i) explore for or exploit the resources;

(ii) produce energy from the waters, currents or winds;

(iii) conduct any marine scientific research; or

(iv) construct, operate or use any artificial island, or any installation or structure for the purpose of the exercise of any right or purposes referred to in Section 9 (c) (ii), or which may interfere with the exercise of rights referred to in Section 9 (c) (iii); or

...

(2) Any person who contravenes sub-section (1) of this Section is guilty of an offence and liable on summary conviction to a fine of ten thousand dollars and on conviction on indictment to a fine of fifty thousand dollars.



PART V

CHARTS AND GEOGRAPHICAL COORDINATES

Charts of maritime areas

14. The Minister shall cause to be prepared such charts and/or lists of geographical coordinates as he thinks fit showing all or any of the following matters, namely:

- (a) the maritime areas of Belize or any part thereof;
- (b) the baseline of the territorial sea;
- (c) the outer limits of the exclusive economic zone; or
- (d) sea lanes or traffic separation schemes.

Evidence of charts

15. A document purporting to be certified by the Minister or by a person designated by him for this purpose to be a true copy of a chart or list of geographical coordinates prepared pursuant to Section 14, shall be received in any proceedings as evidence of any matter shown in the document, but without prejudice to the right to adduce evidence in rebuttal.

Publicity with respect to charts

16. The Minister shall cause:

- (a) due publicity to be given to charts or lists of geographical coordinates prepared pursuant to Section 14; and
- (b) a copy of each such chart or list of geographical coordinates to be deposited with the Secretary-General of the United Nations.

PART VI

JURISDICTION OF COURTS AND OTHER LEGAL MATTERS

Jurisdiction

17. (1) Notwithstanding any other law, rule or regulation to the contrary the jurisdiction and powers of the courts of Belize extend to the maritime areas of Belize for the purpose of:

- (a) this Act or any regulation made thereunder; and
- (b) any enactment which applies or is applied pursuant to Section 23 to maritime areas of Belize, or any part thereof.

...

Apprehension of certain offenders

18. (1) Subject to this Section, where an authorized person has reasonable cause to believe and believes that an offence has been committed against Section 10, he may exercise all or any of the following powers, namely:

- (a) within the maritimes areas of Belize, stop, board, inspect and search any vessel, or any installation, which he has reasonable cause to believe is being used for or in connection with the commission of the offence;
- (b) arrest, with or without a warrant, any person on board the vessel, or on the installation, referred to in sub-section (1) (a) of this Section or found elsewhere in Belize, whom he has reasonable cause to believe has committed an offence against that Section;
- (c) detain the vessel, referred to in sub-section (1)(a) of this Section if he has reasonable cause to believe that an offence against that Section has been committed by the owner or master of the vessel; and
- (d) enter, inspect and search any installation whose establishment, construction, operation or use would constitute the offence against that Section and arrest, with or without a warrant, any person on the installation, or found elsewhere in Belize, whom he has reasonable cause to believe has committed the offence.

(3) Subject to this Section, where a foreign vessel proceeding from a port outside Belize is passing through the territorial sea without having entered internal waters, a prescribed power may be exercised, in relation to any offence committed before the ship entered the territorial sea, on board the ship during that passage only if:

- (a) there are grounds for believing that the vessel has, in the exclusive economic zone, committed a violation of:
  - (i) applicable international rules and standards for the prevention, reduction and control of pollution from vessels; or
  - (ii) any provision of the Regulations or any enactment conforming to and giving effect to any such rules and standards; and
- (b) there:
  - (i) are clear grounds for believing that violation has resulted in a substantial discharge causing or threatening significant pollution of the marine environment; or
  - (ii) is clear evidence that that violation has resulted in a discharge causing major damage or the threat of major damage to the coastline or barrier reef of Belize, or to any resources of its territorial sea or exclusive economic zone.

(4) Nothing in this Section shall affect the exercise of any power under Section 18.



(5) The decision to exercise, and the exercise of, a prescribed power in circumstances of the kind referred to in sub-section ... (3) of this Section shall be made or, as the case may be, carried out, with due regard to the interests of navigation.

(6) The prescribed power referred to in sub-section (8) (a) of this Section shall not be exercised in relation to a vessel unless the vessel has refused, when lawfully required to do so, to give information regarding its identity and port of registry, its last and next port of call and other relevant information required to establish whether a violation of the kind referred to in sub-section (3) (a) of this Section has occurred.

(7) The prescribed power referred to in sub-section (8) (a) of this Section shall not be exercised in relation to a vessel whenever appropriate procedures, which bind Belize, have been established, either through the competent international organization or as otherwise agreed, whereby compliance with requirements for landing or other appropriate financial security has been assured in relation to the vessel.

(8) For the purposes of this Section, "prescribed power" means the power lawfully to arrest any person or to conduct an investigation into any alleged offence, and:

- (a) for the purposes of sub-section (3) (b) (i) of this Section, includes a power to undertake a physical inspection of a vessel for matters relating to a violation of the kind referred to in sub-section (3) (a) of this Section; and
- (b) for the purposes of sub-section (3) (b) (i) of this Section, includes a power to detain a vessel.

#### Certificate of Minister

20. Where, in any criminal proceedings, a question of arises whether or not an act or omission occurred within the limits of internal waters, the territorial sea or the exclusive economic zone, a certificate, purporting to be signed by the Minister, to the effect that the act or omission did or did not so occur shall be received as evidence of that fact, but without prejudice to the right to adduce evidence in rebuttal.

#### Civil jurisdiction

21. (1) All questions and disputes of a civil nature concerning or arising out of acts or omissions which occur within the limits of the exclusive economic zone in connection with:

- (a) the exploration for or exploitation of resources;
- (b) the conduct of any research activities;
- (c) the establishment, construction, operation or use of any artificial islands, installation or structure;
- (d) the laying of cables or pipelines; or

(e) the production of energy from the waters, currents or winds, may be dealt with by a court of competent jurisdiction.

(2) Sub-section (1) of this Section shall not affect the validity of any agreement to submit a dispute to arbitration by any person outside Belize.

(3) The jurisdiction conferred by this Section is in addition to and not in derogation of any other jurisdiction exercisable by a court in Belize.

...

#### Application of enactments to maritime area

23. (1) The Minister may, by regulations made under Section 24, extend to the maritime areas of Belize, or any part thereof, the application of any enactment, subject to:

- (a) the limitations (if any); and
- (b) modifications (if any) to facilitate the application or enforcement of the enactment, as may be prescribed in the regulations, and the enactment shall apply accordingly.

(2) The power under sub-section (1) of this Section includes a power to extend the application of an enactment to any artificial island, installation or structure for the purpose of the exercise of any rights or jurisdiction under Section 9.

### PART VII MISCELLANEOUS

#### Regulations

24. (1) The Minister may make regulations for carrying out or giving effect to this Act.

...

(3) Without prejudice to the generality of subsection (1), regulations may be made with respect to the exclusive economic zone for all or any of the following purposes, namely:

- (a) regulating the conduct of scientific research within the exclusive economic zone;
- (b) prescribing measures for the protection and preservation of the marine environment of that zone;
- (c) regulating, for the purposes of Section 9, the construction, operation, and use of artificial islands (whether permanent or temporary), and other installations and structures within that zone, including the establishment of safety zones around but not exceeding 500 metres' distance from, such islands, installations and structures;

- (d) regulating the exploration and exploitation of that zone for economic purposes;
- (e) regulating the exploration and exploitation of that zone for the production of energy from the water, currents, and winds;
- (f) providing for such other matters as are necessary or expedient for giving full effect to the sovereign rights and jurisdiction of Belize in relation to that zone; and
- (g) providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of Part II, III or IV of this Act.

...

Provisions of this Act to apply notwithstanding other laws

25. The provisions of this Act shall have effect notwithstanding anything to the contrary in any other law, rule or regulation.



6. BRAZIL

ACT concerning the Territorial Sea, the Contiguous Zone, the Exclusive Economic Zone and the Continental Shelf of Brazil and other provisions

Act No 8617 of 4 January 1993

...

CHAPTER III  
OF THE EXCLUSIVE ECONOMIC ZONE

Article 6

The exclusive economic zone of Brazil comprises those maritime areas that extend from 12 to 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

Article 7

In the exclusive economic zone, Brazil has sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or not living of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone.

Article 8

In the exclusive economic zone, Brazil, in the exercise of its jurisdiction, has the exclusive rights of regulating marine scientific research, the protection and the preservation of the marine environment, as well as the establishment and use of artificial islands, installations and structures.

The marine scientific research, in the exclusive economic zone, shall be conducted only with the express consent of the Brazilian Government under the conditions set forth by the law in force regarding this matter.

Article 9

In the exclusive economic zone, military exercises or manoeuvres, in particular those that imply the use of weapons or explosives, can only be carried out with the consent of the Brazilian Government.

Article 10

In the exclusive economic zone, all States are entitled to enjoy the freedoms of navigation and overflight, as well as other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships and aircraft.

7. BULGARIA

Act of 8 July 1987 governing ocean space of the  
People's Republic of Bulgaria

[Original: French]

CHAPTER 1

GENERAL PROVISIONS

Article 1  
Purpose

The present Act establishes the legal regime governing the ocean space in the Black Sea over which the People's Republic of Bulgaria exercises sovereignty, sovereign rights, jurisdiction and control in accordance with its internal laws and the international agreements to which it is a party, as well as the universally recognized principles and norms of international law.

Article 2  
Ocean space of the People's Republic of Bulgaria

(1) The ocean space of the People's Republic of Bulgaria includes its internal waters, territorial sea, contiguous zone, continental shelf and exclusive economic zone.

...

(3) The People's Republic of Bulgaria exercises sovereign rights, jurisdiction and control as defined by the present Act over the contiguous zone, the continental shelf and the exclusive economic zone.

Article 3  
Aims

The aims of the present Act are: to protect the rights and legitimate interests of the People's Republic of Bulgaria in the ocean space, as well as its sovereignty and security; to use the Black Sea for peaceful purposes and in the interest of cooperation with coastal and other States; to facilitate maritime communications and guarantee the safety of navigation; to develop scientific research, exploit marine resources, protect the marine environment and maintain the ecological balance.

Article 4  
Monitoring of compliance with the legal regime governing the  
ocean space of the People's Republic of Bulgaria

Monitoring of compliance with the legal regime governing the ocean space of the State shall be organized and carried out by the competent authorities pursuant to the provisions of the present Act and other regulations.

...

CHAPTER 6

EXCLUSIVE ECONOMIC ZONE

Article 46

Scope

The exclusive economic zone of the People's Republic of Bulgaria shall extend beyond the limits of the territorial sea to a distance not greater than 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

Article 47

External limits

The external limits of the exclusive economic zone shall be established by an agreement between States with adjacent or opposite coasts on the basis of international law, in order to achieve an equitable solution.

Article 48

Rights of the People's Republic of Bulgaria

In the exclusive economic zone, the People's Republic of Bulgaria shall exercise:

1. Its sovereign rights for the purpose of exploring, developing, exploiting, protecting and managing the living, mineral and energy resources of the seabed, its subsoil and the waters superjacent to the seabed, and with regard to other activities for the exploration and exploitation of the zone;
2. Its exclusive rights and its jurisdiction with regard to:
  - (a) The construction and use of artificial islands, installations and structures;
  - (b) Marine scientific research;
  - (c) The protection of the marine environment;
3. Other rights which are provided for in the international agreements to which the People's Republic of Bulgaria is a party and derive from universally recognized principles and rules of international law.

Article 49

Rights of other States

In the exclusive economic zone, all States shall enjoy the freedoms of navigation, overflight, the laying of cables and pipelines and other internationally lawful procedures related to the use of the sea for such purposes.



Article 50  
Regime governing fishing

(1) Foreign ships may not engage in commercial fishing in the exclusive economic zone of the People's Republic of Bulgaria, save in the case of an agreement between the People's Republic of Bulgaria and the flag State.

(2) Foreign ships passing through the exclusive economic zone may not maintain their fishing gear in working order.

Article 51  
Measures with respect to violations of the regime governing  
the exclusive economic zone

When it is reported that a foreign non-military ship situated within the limits of the exclusive economic zone has violated or intends to violate the sovereign rights and jurisdiction of the People's Republic of Bulgaria, the relevant provisions of article 45 shall be applicable.

Article 52  
Monitoring of compliance with the regime

Monitoring of compliance with the regime governing the exclusive economic zone shall be carried out in accordance with the conditions and rules established by the Council of Ministers.

CHAPTER 7

MARINE SCIENTIFIC RESEARCH

Article 53  
Scientific research conducted by Bulgarian organizations

Scientific research and exploration in the ocean space of the People's Republic of Bulgaria shall be conducted by Bulgarian organizations on the basis of co-ordinated programmes approved by the competent authorities.

...

Article 55  
Scientific research conducted by foreign nationals and agencies  
on the continental shelf and in the exclusive economic zone

(1) Foreign nationals and agencies may conduct scientific research and exploration on the continental shelf and in the exclusive economic zone with the authorization of the Council of Ministers. Such research shall be authorized provided that it is intended exclusively for peaceful purposes and to increase knowledge of the marine environment. Such research shall be conducted by non-dangerous methods and means, without interfering with the exercise of the sovereign rights and jurisdiction of the People's Republic of Bulgaria.

(2) When requesting such authorization, foreign nationals and agencies shall submit, through official channels, full information concerning the nature, purpose and location of the proposed research, the methods and means to be used and other relevant data.

(3) The Council of Ministers may deny authorization in the following cases:

- (i) When the scientific research relates directly to the exploration and exploitation of the natural wealth of the continental shelf and of the exclusive economic zone;
- (ii) When the scientific research involves drilling into the seabed or the use of explosives or of substances harmful to the marine environment;
- (iii) When the scientific research involves the construction or use of artificial islands, installations and structures;
- (iv) When the information submitted is inaccurate or if obligations arising from previously authorized projects have not been honoured.

#### Article 56

#### Obligations of foreign nationals and agencies during the execution of scientific research activities on the continental shelf and in the exclusive economic zone

During the execution of scientific research activities foreign nationals and agencies shall be bound:

- (i) To ensure the right of Bulgarian organizations to participate in the execution of the scientific research project;
- (ii) To ensure that Bulgarian organizations have access to the preliminary data, final results and conclusions of the research and to samples and other findings derived from the research and to information which concerns them;
- (iii) To inform the Council of Ministers immediately of any major change in the research programme;
- (iv) Unless otherwise agreed, to dismantle and remove within a reasonable period the equipment utilized for the scientific research activities once they are completed.

#### Article 57

#### Suspension or cessation of scientific research activities

The Council of Ministers or a body authorized by it may order the suspension or cessation of scientific research activities carried out by foreign nationals and agencies if such activities do not comply with the conditions set forth in the authorization granted.



CHAPTER 8

PROTECTION OF THE MARINE ENVIRONMENT

Article 58

Prohibition regarding pollution of the marine environment

...

(2) It shall be forbidden to pollute the marine environment in the exclusive economic zone in a way that interferes with the interests of the People's Republic of Bulgaria, or to deposit and discharge the waste and substances referred to in the preceding paragraph in amounts exceeding the international standards recognized by the People's Republic of Bulgaria.

Article 59

Measures with respect to non-military vessels in the event of pollution of ocean space

(1) If there are clear grounds for believing that a non-military vessel navigation through the internal waters, territorial sea and exclusive economic zone has violated the provisions of this Act, or any other regulation or international agreement concerning the prevention of pollution of the marine environment, the relevant sections of the Environmental Protection Committee, the Ministry of Transport and the Committee on the Peaceful Utilization of Atomic Energy may take appropriate steps, including

- (i) Requesting the master of the vessel to provide necessary information for purposes of investigating the incident;
- (ii) Inspecting the vessel, if there is reason to believe that the information was incomplete;
- (iii) Seizing the vessel for purposes of prosecution.

(2) The bodies referred to in the preceding paragraph may, if necessary, request the collaboration of the services of the Ministry of the Interior and the Ministry of Defence.

Article 60

Legal assistance in the event of pollution of the marine environment of another state

(1) In the event of serious pollution of the marine environment in the internal waters, territorial sea or exclusive economic zone of another State, the People's Republic of Bulgaria shall provide legal assistance at the request of that other State by undertaking interrogations and inspecting the documents or technical condition of the vessel responsible for the pollution when it is lying in a port or in the internal waters of that country. Such assistance shall also be provided at the request of the flag State.

(2) The legal assistance referred to in the preceding paragraph shall be provided on the basis of reciprocity.



Article 61  
Measures in the event of maritime casualties

In the event of a breakdown, damage or other maritime casualty in the ocean space of the People's Republic of Bulgaria which presents a danger of pollution of the marine environment or coastline or which might harm related interests, the Ministry of Transport, in collaboration with the organizations concerned, shall take all necessary steps to prevent, reduce or eliminate the danger.

Article 62  
Prohibition of vessels which risk polluting  
the marine environment from sailing

The services of the Ministry of Transport shall prohibit a vessel lying in internal waters, in a port or roadstead from sailing if the vessel's technical condition is such that compliance with the standards for the prevention and reduction of pollution of the marine environment adopted by the People's Republic of Bulgaria cannot be guaranteed.

Article 63  
Monitoring of the prevention of damage and release  
of pollutants

In the course of drilling operations, exploratory work or other activities relating to the development and exploitation of natural resources in the ocean space of the People's Republic of Bulgaria, the Environmental Protection Committee and the Ministry of Transport shall monitor compliance with the measures adopted for the prevention of damage or release of oil or other pollutants and for the immediate elimination of their effects.

Article 64  
Notification in the event of pollution

Where there is a real danger that pollution in the ocean space of the People's Republic of Bulgaria might spread into the waters of another coastal State on the Black Sea, that State shall be informed thereof through the diplomatic channel.

...

CHAPTER 9

SAFETY AT SEA

Article 68  
Guaranteeing safety of navigation during the construction of  
artificial islands and other structures

(1) Artificial islands, installations and structures may be constructed on the continental shelf and in the exclusive economic zone outside sea lanes of essential importance to international navigation. Their location shall be marked by lighted or other signals.

(2) Safety zones shall be established around artificial islands, installations and structures at a distance of no more than 500 metres from their outer edge. These zones shall include the water column between the surface of the sea and the seabed. They may extend further if their dimensions conform to generally accepted international standards.

(3) Installations no longer in use must be dismantled and removed within a reasonable time by the organization which operates them, in such a way as to ensure safety of navigation.

#### Article 69

##### Notification of changes in navigational conditions

Any changes in navigational conditions in internal waters, the territorial sea and the exclusive economic zone in the cases provided for in the preceding article shall be published in the bulletin "Notice to Mariners".

#### Article 70

##### Organization of rescue efforts

In the search and rescue zone for which the People's Republic of Bulgaria is responsible, the Ministry of Transport shall organize efforts to rescue individuals, ships and aircraft in distress.

### CHAPTER 10

#### RIGHT OF HOT PURSUIT

#### Article 71

##### Conditions

A foreign non-military ship may be pursued and arrested if the competent bodies of the People's Republic of Bulgaria consider that there is sufficient reason to take appropriate measures, in the following cases:

...

3. Violation of regulations regarding the protection of the marine environment from pollution and the legal status of the continental shelf and the exclusive economic zone, including safety zones around artificial islands and other structures.

#### Article 72

##### Order to undertake hot pursuit

(1) Hot pursuit may be commenced when a foreign ship or one of its boats is:

within the internal waters or the territorial sea, in the case of the violation referred to in article 71, subparagraph 1; within the contiguous zone, in the case of the violation referred to in article 71, subparagraph 2;

within the exclusive economic zone or above the continental shelf, in the case of the violation referred to in article 71, subparagraph 3.



(2) Hot pursuit shall be commenced when the foreign ship does not obey a signal to stop which has been given to it.

(3) The right of hot pursuit shall be exercised by ships and aircraft of the Ministry of the Interior and the Ministry of National Defence or by other government ships and aircraft authorized to that effect and bearing the appropriate external markings. The pursuit shall continue until the ship pursued enters the territorial sea of its own State or of a third State.

Article 73

Escort into a Bulgarian port

In accordance with the provisions of this chapter, the ship arrested may be escorted into the nearest Bulgarian port for the purposes of an inquiry.

Article 74

Compensation for damage

Where a foreign non-military ship has been arrested without justification outside the territorial sea, it shall be compensated for any damage sustained.

CHAPTER 11

ADMINISTRATIVE AND PENAL PROVISIONS

Article 76

Monetary penalties with respect to pollution and commercial fishing

- (1) A fine of between 500 and 100,000 leva shall be imposed on:
- (i) Anyone committing or permitting a violation of the provisions of article 58, paragraph 2;
  - (ii) The master of a foreign non-military vessel who orders or permits commercial fishing in the exclusive economic zone.

(2) The penalty provided for in the preceding paragraph shall be imposed on the master of a foreign non-military nuclear-powered vessel or of a foreign non-military vessel transporting nuclear or radioactive substances or other hazardous or toxic substances who enters into internal waters without authorization or does not submit to the inspection of documents, to dosimetric inspection or to any other inspection on board the vessel in connection with protection of the environment.

...

Article 77

Monetary penalties for violations committed in internal waters during innocent passage and in the course of marine scientific research

...

(2) The penalty provided for in the preceding paragraph shall be imposed on any person conducting scientific research or activities of exploration in the ocean space of the People's republic of Bulgaria without due authorization or in violation of the authorization granted.



Article 78  
Monetary penalties for other violations

Any violation of other provisions of this Act or of the regulation giving effect to this Act shall be punishable by a fine of between 50 and 5,000 leva, and is subject to a heavier penalty.

Article 79  
Special regulations governing administrative and penal procedure

(1) Violations of the provisions of this chapter shall be recorded in reports drawn up by officials of the ministries and other departments responsible for investigations with respect to the ocean space of the State.

(2) A report thus drawn up shall be issued to the offender, who may, before or after signing it, submit objections to it to the appropriate administrative and penal body within 48 hours after the issuance of the report. The report, together with the written objections and the evidence gathered, shall be transmitted to the administrative and penal body, which must make a decision on the case within 24 hours of the expiry of the time-limit set for entering objections. If the case is factually or legally a complicated one or if further evidence is needed, the administrative and penal body may take more time to make a decision.

(3) Rulings imposing penalties for violations with respect to protection of the marine environment shall be handed down by the Chairman of the Environmental Protection Committee or the Minister of Transport or by officials authorized by them. Penalties for all other violations shall be imposed by the Minister of Transport or by officials authorized by him.

(4) A ruling may provide for monetary compensation covering the entire amount of any damage caused.

(5) The part of the ruling relating to compensation may be appealed by the shipowner. The date on which the ruling is delivered to the master of the vessel shall be considered to be the date it is delivered to the shipowner.

Supplementary provisions

...

(4) For the purposes of this Act, "pollution of the marine environment" means the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which results or is likely to result in deleterious effects on living marine resources and hazards to human health, and which hinders the legitimate use of the sea, including impairment of quality of water and deterioration of conditions for tourism and leisure activities.

8. CAMBODIA

Decree of 13 July 1982 by the Council of State of Cambodia

...

Article 5

The exclusive economic zone of the PRK (Peopole's Republic of Kampuchea) is a maritime zone located beyond its territorial waters and adjacent to the latter. This zone extends to 200 nautical miles measured from the baseline used to measure the width of the territorial waters of the PRK.

The PRK has sovereign rights over the exploration and exploitation and the preservation and managment of all organic or inorganic natural resources of the seabed, of its subsoil and of the waters above it and over other activities leading to the exploration and exploitation of its exclusive economic zone.

In its exclusive economic zone, the PRK has exclusive jurisdiction regarding the setting up and use of installations, devices and artificial islands and marine research; and has jurisdiction over the preservation of the marine environment and the control of pollution.

Without prior authorization or agreement by the PRK, foreign ships are forbidden to fish or exploit any natural resources in any form, or to undertake scientific research in the exclusive economic zone of the PRK. When they have obtained prior authorization or agreement, they must conform with the laws and regulations of the PRK concerning fishing, the exploitation of other natural resources and scientific research, and with other regulations relating to them decreed by the PRK, and must strictly carry out all obligations provided in the licenses of the contracts.

...

Article 9

All provisions contrary to this decree are purely and simply abrogated.

Article 10

The minister of national defense, the minister of interior and the ministers concerned are charged, each in his proper field, with the implementation of this decree.

9. CAPE VERDE

Decree Law No. 126/77 of 31 December 1977

[Original: English]

...

Article 6

The outer limit of the exclusive economic zone of the State of Cape Verde is a line every point of which is at a distance of 200 nautical miles from the nearest point of the baseline from which the breadth of the territorial sea is measured.

Article 7

1. Within the zone defined in the previous article, the State of Cape Verde exercises exclusive jurisdiction in matters of conservation and exploitation of living and non-living natural resources.
2. Except as otherwise specified in this decree-law, foreign vessels are prohibited from fishing in the exclusive economic zone.

Article 8

1. In order to ensure rational exploitation of the living resources of the exclusive economic zone, the State of Cape Verde may, by means of bilateral agreements, authorize access by other States to the surplus of the allowable catch.

...

3. Harvesting of crustaceans in the exclusive economic zone is also reserved for nationals.



10. CHILE

Law No. 18.565 amending the Civil Code with regard to  
maritime space, 13 October 1986

Article 1

The Civil Code is amended as follows:

...

2. Insert the following as article 596:

"Article 596. - The adjacent sea extending up to 200 nautical miles from the baselines from which the breadth of the territorial sea is measured and beyond the latter shall be designated the exclusive economic zone. In that zone, the State shall have sovereign rights for the purpose of exploring, exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed, and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone.

...

"Moreover, the State shall have all other jurisdiction and rights provided for in international law with regard to the exclusive economic zone and the continental shelf."

3. Replace article 611 by the following:

"Article 611. - Marine hunting and fishing shall be governed by the provisions of this Code and, in the first instance, by the special legislation in effect for the purpose."

Article 2

The maritime boundaries referred to in articles 593 and 596 of the Civil Code shall not affect existing maritime limits.

11. COLOMBIA

Act No. 10 of 4 August 1978 establishing rules concerning the  
Territorial Sea, the Exclusive Economic Zone and the  
Continental Shelf and regulating other matters

...

Article 7

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

Article 8

In the zone established by the preceding article, the Colombian nation shall exercise sovereign rights for the purpose of exploring, exploiting, conserving and managing the living and non-living natural resources of the seabed, the subsoil and the superjacent waters; it shall also have exclusive jurisdiction for scientific research and the preservation of the marine environment.

Article 9

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

...

Article 11

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

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

Article 12

Provisions contrary to this Act are hereby superseded.

Article 13

This Act shall enter into force with its promulgation.

12. COMOROS

Law No. 82-005 relating to the delimitation of the maritime zones of  
the Islamic Federal Republic of the Comoros of 6 May 1982

...

SECTION III: LEGAL REGIME OF THE EXCLUSIVE ECONOMIC ZONE OF THE COMOROS

Article 6

Limit of the exclusive economic zone of the Comoros

The exclusive economic zone is delimited on one side, by the outer limit of the territorial sea and, on the other side, by a line every point of which is at a distance of 200 miles from the nearest point on the baseline or equidistant from the baselines of the Comorian coast and those of the coasts of the foreign countries opposite it, save as otherwise specifically agreed.

Article 7

Rights, jurisdiction and duties of the Comoros in  
the exclusive economic zone

In its exclusive economic zone:

(a) The Comoros shall have sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the seabed and its subsoil and of the waters superjacent to the seabed, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds.

(b) The Comoros shall have jurisdiction with regard to:

Marine scientific research;  
Preservation of the marine environment;  
Prevention of marine Pollution.

The conduct of scientific or technical research shall be subject to licensing by the Comorian State.

(c) All Comorians may fish freely in the exclusive economic zone of the Comoros.

Article 8

Rights and duties of other States in the exclusive economic zone  
of the Comoros

(a) In the exclusive economic zone of the Comoros, all States shall enjoy the freedom of navigation and overflight and of the laying of submarine cables and pipelines, provided that such freedoms are compatible with the provisions of the Convention on the Law of the Sea (no threat to the peace).



(b) Third States shall have regard to the rights and duties of the Comoros and comply with the laws and regulations enacted by it in accordance with the rules of international law.

(c) Conflict resolution: where a conflict arises between the interests of the Comoros and any other State or States, the conflict shall be resolved on the basis of equity, taking into account the respective importance of the interests involved to the parties as well as to the international community as a whole.

#### Article 9

##### Conservation of living resources in the exclusive economic zone of the Comoros

(a) The allowable level of exploitation of living and mineral resources in the exclusive economic zone shall be determined by decree.

(b) The Comoros shall ensure through proper conservation and management measures that the maintenance of the living resources in the exclusive economic zone is not endangered by over-exploitation.

As appropriate, the Comoros and the subregional, regional and global organizations concerned (...) is not endangered by over-exploitation.

(c) The Comoros shall determine its capacity to exploit the living and mineral resources of the zone. Where it does not have the capacity to attain the allowable level of exploitation, it shall, through agreements, give other States access.

#### Article 10

Violations of the provisions of this Law and of the provisions of regulations adopted to give it effect shall be punishable by a fine of between 10 million and 80 million CFA Francs and/or temporary seizure of the vessel.

#### Article 11

Law No. 71-1060 of 24 December 1971 relating to the delimitation of French territorial waters is hereby repealed in the Comoros.

Order No. 78-003/DPM of 20 July 1978 specifying the limits of Comorian territorial waters is hereby repealed.

13. COOK ISLANDS

Territorial Sea and Exclusive Economic Zone Act,  
Act No. 16 of 14 November 1977

An Act to make provision with respect to the territorial sea of the Cook Islands; and to establish an exclusive economic zone of the Cook Islands adjacent to the territorial sea, and in the exercise of the sovereign rights of the Cook Islands to make provisions for the exploration and exploitation and conservation and management, of the resources of the sea and for matters connected with those purposes.

Short Title and commencement

1. (1) This Act may be cited as the Territorial Sea and Exclusive Economic Zone Act 1977.
- (2) Section 25 of this Act shall come into force on the passing of this Act.
- (3) Except as provided in subsection (2) of this section, the provisions of this Act shall come into force on a date to be appointed by the High Commissioner by Order in Executive Council.
- (4) For the purposes of subsection (3) of this section, one or more Orders in Executive Council may be made -
  - (a) Bringing different provisions of this Act into force on different dates; and
  - (b) Bringing provision of this Act into force on different dates in respect of specified parts of the Cook Islands.

...

PART II

THE EXCLUSIVE ECONOMIC ZONE OF THE COOK ISLANDS

The exclusive economic zone

...

8. (1) The exclusive economic zone of the Cook Islands comprises those areas of the sea, seabed, and subsoil that are beyond and adjacent to the territorial sea of the Cook Islands, having as their outer limits a line measured seaward from the baseline described in section 5\* of this Act, every point of which line is distant 200 nautical miles from the nearest point of the baseline.
- (2) Notwithstanding subsection (1) of this section, where -
  - (a) Any part of the median line between the Cook Islands and any other country is less than 200 nautical miles from the nearest part of the baseline of the territorial sea of the Cook Islands;

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\*Note: Section 5 - Baseline of territorial sea.



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

...

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

(4) For the purposes of implementing any international agreement, or the arbitral award of any international body, or the judgement of any international court, or for any other purpose in accordance with international law, the High Commissioner may from time to time, by Order in Executive Council, declare that the exclusive economic zone shall not extend to any specified area of the sea, seabed, or subsoil, that would otherwise be included with the exclusive economic zone by virtue of this section.

#### Calculation of total allowable catch

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

#### Calculation of allowable catch by foreign fishing craft

10. (1) The Minister shall from time to time determine, in respect of the total allowable catch for every fishery within the exclusive economic zone, the portion that Cook Islands fishing craft have the capacity to harvest.

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

#### Apportionment of allowable catch for foreign fishing craft

11. (1) The Minister may from time to time apportion, among countries other than the Cook Islands, the allowable catch for foreign fishing craft in respect of any fishery within the exclusive economic zone, as determined under Section 10 of this Act.

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

- (a) Whether, the fishing craft of countries to which the apportionment applies have engaged habitually in fishing within the exclusive economic zone;
- (b) Whether such countries have co-operated with the Cook Islands in fisheries research and in the identification of fish stocks within the zone;
- (c) Whether such countries have co-operated with the Cook Islands in the conservation and management of fisheries resources within the zone, and in the enforcement of Cook Islands law relating to such resources;



- (d) The terms of any relevant international agreement;
- (e) Such other matters as the Minister, after consultation with the Premier, determines to be relevant.

Prohibition of operation of unlicensed foreign fishing craft in zone

12. No foreign fishing craft shall be used for fishing within the exclusive economic zone except in accordance with a licence issued by the Minister under section 13 of this Act in respect of that fishing craft.

Grant of licences

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

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

- (a) The catch that all foreign fishing craft licensed under this section are for the time being authorized to harvest from any fishery within the exclusive economic zone does not exceed the allowable catch for foreign fishing craft for that fishery calculated under section 10 of this Act; and
- (b) The catch that all foreign fishing craft of a particular country licensed under this section are for the time being authorized to harvest from any fishery within the zone does not exceed the apportionment made under section 11 of this Act for that fishery in respect of that country.

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

- (a) The areas within the exclusive economic zone in which fishing is authorized; and
- (b) The reasons, times, and particular voyages during which fishing is authorized;
- (c) The species, size, age, and quantities of fish that may be taken;
- (d) The methods by which fish may be taken;
- (e) The types, size and amount of fishing gear that may be used or carried by a foreign fishing craft, and the modes of storage of that gear when not in use;

- (f) The use, transfer, transshipment, landing, and processing of fish taken;
- (g) Entry by the foreign craft to Cook Islands ports, whether for the inspection of its catch or for other purposes;
- (h) The compensation payable to Cook Islanders residents of the Cook Islands or to the Cook Islands Government in the event of any loss or damage caused by the foreign fishing craft to other fishing craft, or their gear or catch, or to fish stocks, or to other Cook Islands interests;
- (i) Statistical and other information required to be given by the foreign fishing craft to the Ministry of Economic Services and Natural Resources, including statistics relating to catch and effort and reports as to the positions of the craft;
- (j) The conduct by the foreign fishing craft of specified programmes of fisheries research;
- (k) The training of Cook Islands personnel in the methods of fishing employed by the foreign fishing craft and the transfer of the Cook Islands of technology relating to fisheries;
- (l) The display on board the foreign fishing craft of the licence issued in respect of it;
- (m) The marking of the foreign fishing craft, and other means for its identification;
- (n) Directions, instructions and other requirements given or made by Cook Islands Government ships or aircraft to the foreign fishing craft that shall be complied with by the craft;
- (o) The placing of Cook Islands observers on the foreign fishing craft and the reimbursement to the Ministry of Economic Services and Natural Resources by the licensee of the costs of doing so;
- (p) The installations on the foreign fishing craft and maintenance in working order of a transponder or other equipment for the fixing of its positions or its identification, and of adequate navigational equipment to enable it to fix its positions itself;
- (q) The carriage on board the foreign fishing craft of specified nautical charts;
- (r) Such other matters as the Minister considers necessary or expedient for the conservation or management of fisheries resources within the zone.

#### Renewal of licences

14. Subject to section 13 (2) of this Act, the Minister may from time to time renew any licence granted under section 13 of this Act.



Variation of licences

15. (1) The Minister may from time to time, where he is satisfied that it is necessary or expedient for the proper regulations of fishing within the exclusive economic zone to do so, vary the terms and conditions or any licence or licences, or class or classes of licence, granted under section 13 of this Act.

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

Licensing fees

16. There shall be payable by every licensee to the Crown in respect of the granting of a licence under section 13 of this Act, or the renewal of a licence under section 14 of this Act, such fee as may from time to time be prescribed.

Licensing offences

17. (1) Where any foreign fishing craft that is not licensed under section 13 of this Act is used for fishing in contravention of section 12 of this Act, each of them the owner, the master, and every crew member of the craft commits an offence against this Act.

(2) Where any foreign fishing craft is used for fishing within the exclusive economic zone in contravention of any condition of a licence granted in respect of it under section 13 of this Act, each of them the licensee, the owner, the master, and every crew member of the craft commits an offence against this Act.

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

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

(5) Every licensee, owner, or master of a foreign fishing craft who commits an offence specified in subsection (2) of this section is liable on conviction to a fine not exceeding \$25,000.

(6) Every crew member of a foreign fishing craft who commits an offence specified in subsection (2) of this section is liable on conviction to a fine not exceeding \$1,500.

(7) In this section, "crew member" does not include a licensee, owner, or master of a foreign fishing craft.



Suspension and cancellation of licences

18. (1) Where the Minister is satisfied that -
- (a) Any foreign fishing craft in respect of which a licence has been granted under section 13 of this Act is being or has been used for fishing within the exclusive economic zone in contravention of any condition of the licence or of any Cook Islands law that applies to fishing within the zone; or
  - (b) Any licensee, owner, master, or crew member of a foreign fishing craft has been convicted of an offence against this Act, or against any regulations made under section 19 of this Act, or against any other Cook Islands law relating to fishing within the zone -

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

(2) Where the Minister, after consultation with the Premier, determines that it is necessary or expedient for the proper regulation of fishing within the exclusive economic zone to do so, he may suspend any licence or licences for such period as he shall specify, or cancel any licence or licences.

(3) No determination, variation, suspension, cancellation, or other action of the Minister under subsection (2) of this section shall be reviewable by any Court of law.

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

Fisheries regulations

19. (1) The High Commissioner may from time to time, by Order in Executive Council, make regulations for all or any of the following purposes:
- (a) Prescribing the manner of applying for licences under section 13 of this Act, and for the renewal of such licences under section 14 of this Act, and forms of application;
  - (b) Prescribing the terms of duration of licences;
  - (c) Prescribing the forms of licences to be issued by the Minister;
  - (d) Prescribing the fees payable to the Cook Islands Government for the issue of licences and for their renewal;
  - (e) Providing for the production of licences by licensees to specified Cook Islands authorities when required to do so, and the inspection of licence by such authorities ;
  - (f) Providing for such other measures as are necessary or expedient to ensure that foreign fishing craft are used for fishing within the exclusive economic zone only in accordance with the terms and conditions of their licences;

- (g) Prescribing conditions, not inconsistent with this Act, under which fishing may be undertaken within the zone by foreign fishing craft;
- (h) Prescribing measures, not inconsistent with this Act, for the conservation and management of fisheries resources within the zone;
- (i) Specifying particular types of highly migratory species of fish, and regulating, in manner not inconsistent with this Act, fishing for those species within the zone, and also, in the case of Cook Islands fishing craft, beyond the zone;
- (j) Providing that a breach of any such regulation shall be a criminal offence, and imposing penalties by way of fine not exceeding in the case of a licensee, owner, or master of a fishing craft, \$10,000 for any such offences and, in the case of any other crew member, \$1,000 for any such offences;
- (k) Prescribing the form of bonds for the purposes of section 22 of this Act.

(2) Regulations made under this section may make different provisions for different parts of the exclusive economic zone and for different species of fish.

(3) In prescribing fees in regulations made under this section, the High Commissioner in Executive Council may -

- (a) Take into account (inter alia) the costs of implementing the provisions of this Act, including the cost of the conservation and management of fisheries resources, and of fisheries research, and of the administration and enforcement of such enactments; and
- (b) Prescribe different fees for different classes of foreign fishing craft (whether by reference to size, catch, method of fishing, function, or otherwise);

Fishing for research, experimental, and sporting purposes

20. Notwithstanding section 12 of this Act, a foreign fishing craft may be used for fishing within the exclusive economic zone for the purpose of fisheries research, or of experimentation, or sport, subject always to the prior consent in writing of the Minister to such activity and in accordance with such conditions (if any) as the Minister may impose in giving his consent.

Apprehension of offenders

21. (1) Where any officer specified in subsection (11) of this section has reasonable cause to believe that an offence against this Act, or against regulations made under section 19 of this Act, or against any other Cook Islands law relating to fishing within the exclusive economic zone, has been committed in respect of any foreign fishing craft, he may -

- (a) Stop, board, and search the craft; and
- (b) Inspect, seize, and detain all fish on board the craft; and



- (c) Apprehend any person who he has reason to believe has committed any offence specified in subsection (1) of this section; and
  - (d) Where he has reason to believe that any such offence has been committed by the licensee, owner or master of the craft, seize and detain the craft.
- (2) Any officer specified in subsection (11) of this section may exercise the powers conferred on him by subsection (1) of this section with the aid of such assistance as he considers to be necessary for the purpose.
- (3) Where any foreign fishing craft is detained under subsection (1) of this section, it shall be held in the custody of the Crown until -
- (a) A decision is made not to lay any information or charge in respect of the alleged offence for which the craft was detained; or
  - (b) Where such an information or charge is laid, the security required by section 22 of this Act is given in respect of the craft.
- (4) The decision whether or not to lay an information or charge in respect of an alleged offence for which a foreign fishing craft is detained under subsection (1) of this section shall be made as soon as reasonably practicable after the craft is detained.
- (5) The release of a foreign fishing craft from detention shall not affect any subsequent forfeiture of the craft in respect of the conviction of any person for an offence.
- (6) On the conviction of any licensee, owner, or master of a foreign fishing craft for any offence specified in subsection (1) of this section, the craft shall be forfeited to the Crown, and shall be disposed of in such manner as the Minister shall order, in addition to any fine that may be imposed by any Court on the convicted person.
- (7) Where any officer specified in subsection (11) of this section detains any fish under subsection (1) of this section, the fish shall be held in the custody of the Crown until a decision is made not to lay an information or charge in respect of the alleged offence for which it was detained, or where such an information or charge is laid, until the information or charge is determined.
- (8) On the conviction of any person for any offence specified in subsection (1) of this section, the fish shall be forfeited to the Crown and shall be disposed of in such manner as the Minister shall order, in addition to any fine that may be imposed by any Court on the convicted person.
- (9) Where any officer specified in subsection (11) of this section apprehends any person under subsection (1) of this section, the officer shall cause the person to be taken as soon as reasonably practicable before a Court to be dealt with in accordance with law.
- (10) Any person who in any way prevents or hinders any officer specified in subsection (11) of this section, or any assistant of the officer, in exercising the powers conferred by this section commits an offence against this Act, and is liable on conviction to a fine not exceeding \$10,000.



(11) Subsection (1) of this section refers to any of the following officers:

- (a) Any members of the Police Force;
- (b) Any officers and employees of the Ministry of Economic Services and Natural Resources;
- (c) Any other person appointed for this purpose by the Minister.

(12) In this section "foreign fishing craft" includes all equipment on board the craft.

Security for release of foreign fishing craft

22. (1) Where any foreign fishing craft is detained under section 21 of this Act, and an information or charge is laid against the licensee, owner, or master of the craft in respect of the offence for which the craft has been detained, the licensee, owner, or master of the craft may at any time before the determination of the information or charge apply to the Court by which the information or charge will be determined for the release of the craft on the provision of security in accordance with this section.

(2) On hearing the application, the Court shall order release of the foreign fishing craft on the execution by any suitable person or persons approved by the Court for the purpose, of a bond in favour of Her Majesty the Queen, in the prescribed forms and conditions in accordance with subsection (4) of this section, in an amount not less than the aggregate of the value of the craft and the maximum fine to which the defendant will be liable if he is convicted of the offence.

(3) Notwithstanding subsection (2) of this section, the Court may, where it is satisfied that there are special circumstances to justify it in doing so, order that the bond shall be in a specified amount that is less than the amount required by that subsection.

(4) The condition of the bond shall be that if -

- (a) The defendant is found not guilty of the information or charge; or
- (b) The defendant on being convicted of the information or charge pays in full within 14 days after he is convicted the amount of the fine imposed by the Court and the foreign fishing craft is within that time surrendered to the Crown for forfeiture -

then the bond shall be of no effect, but that otherwise the bond shall remain in full force and effect.

(5) The amount specified in the bond shall be recoverable in full as a debt due to Her Majesty the Queen jointly and severally the person or persons by whom the bond is given, unless the person or persons prove the due performance of the condition on which the bond is defeasible.

(6) In this section, "foreign fishing craft" includes all equipment on board the craft.

General regulations in zone

23. (1) Where no other provision is for the time being made by any other enactment for any such purposes the High Commissioner may from time to time, by Order in Executive Council, make regulations not inconsistent with any other enactment for all or any of the following purposes:

- (a) Regulating the conduct of scientific research within the exclusive economic zone;
- (b) Prescribing measures for the protection and preservation of the marine environment of the zone;
- (c) Regulating the construction, operation, and use of artificial islands (whether permanent or temporary), and of other installations and structures within the zone, including the establishment of safety zones around such islands, installations, and structures;
- (d) Regulating the exploration and exploitation of the zone for the production of energy from the water, current and winds, and for any other economic purposes;
- (f) Providing that a breach of any such regulations shall be a criminal offence, and imposing penalties by way of fine not exceeding \$10,000 for any such offences;
- (g) Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Part of this Act (other than matters for which regulations may be made under section 19 of this Act) and for its due administration.

(2) Regulations made under this section may declare that the provisions of any enactment (whether made before or after the passing of this Act) shall apply, with such modifications and exceptions (if any) as may be specified in the regulations, -

- (a) Within the exclusive economic zone; or
- (b) Within any specified part of the zone; or
- (c) To acts and omissions within the zone -

and the provisions of that enactment (with such modifications, and exceptions, if any) shall apply accordingly as if the zone or the specified part of the zone were within the territorial limits of the Cook Islands.

Offences in zone deemed to be committed in the Cook Islands

24. Any offence against this Act that is committed within the exclusive economic zone shall be deemed to have been committed in the Cook Islands.



PART III  
MISCELLANEOUS PROVISIONS

Interim and transitional measures

25. Pending the coming into force of Part II of this Act, the High Commissioner may from time to time, by Order in Executive Council, prescribe interim or transitional measures for the conservation and management of fisheries resources beyond the territorial seas of the Cook Islands but within the 200 nautical miles of the baseline described in section 5 of this Act, and for the limitation of fishing by foreign fishing craft in any areas to which these measures relate.

Modifications to give effect to international agreement

26. The High Commissioner may, from time to time, by Order in Executive Council, limit any provision of this Act relating to the exclusive economic zone so far as it is necessary to do so to give full effect to any convention that is adopted by the Third United Nations Conference on the Law of the Sea.

Official charts

27. (1) For the purpose of this Act, the low-water mark in any specified area shall be the line of low water at moon low-water spring tides as depicted on the largest scale New Zealand Government nautical chart for the time being of that area, or, where no such chart of that area exists, the larger scale British Admiralty chart for the time being of that area.

(2) In any proceedings in any Court, a certificate purporting to be signed by an officer of the New Zealand Naval Forces authorized by the Secretary of Defence of the New Zealand Government or a Deputy Secretary of Defence of that Government that -

- (a) Any specified New Zealand Government nautical chart of any area is the largest scale New Zealand Government nautical chart for the time being of that area; or
- (b) No New Zealand Government nautical chart for any area exists and that any specified British Admiralty chart of that area is the largest scale British Admiralty chart for the time being of that area -

shall be admissible as evidence of the matters stated in the certificate. Every person signing any such certificate shall, in the absence of proof to the contrary, be presumed to be duly authorized to sign it.

Onus of proof in respect of offences

28. In any criminal proceedings under this Act where a defendant is charged with having contravened section 12 of this Act, or with having contravened any other provision in any regulations made under this Act under which a licence or permit, or the consent of any person is required for the doing of any act, the onus shall be on the defendant to prove that at the time to which the charge relates, he held the requisite licence, permit, or consent.



Repeal and savings

29. (1) The Fisheries Protection Act 1976 is hereby repealed.

(2) Except as expressly provided by this Act, the provisions of this Act are in addition to and not in substitution for the provision of every other enactment, and accordingly nothing in this Act shall limit or derogate from the provisions of any other enactment.

14. COSTA RICA

Article 6 of the Constitution as amended by Decree No. 5699  
of 5 June 1975

Sole Article. Article 6 of the Constitution is hereby amended to read as follows:

Article 6. The State exercises ...

...

Furthermore, it exercises special jurisdiction over the seas adjacent to its territory for an extent of 200 miles from the aforesaid line, in order to protect, conserve, and utilize on an exclusive basis all natural resources and riches existing in the waters, soil and sub-soil of those zones, in conformity with the aforesaid principles.



15. COTE D'IVOIRE

Law No. 77-926 delimiting the Maritime Zones placed under the National Jurisdiction of the Republic of Ivory Coast of 17 November 1977

Title II

Two Hundred Nautical Miles Zone Placed Under National Jurisdiction

Article 2

For economic purposes, the Republic of Ivory Coast exercises jurisdiction over a maritime zone extending 200 nautical miles and called the exclusive economic zone.

The breadth of this zone, lying outside the territorial sea and adjacent to it, is measured from the baseline used to measure the territorial sea.

Article 3

Within the zone described in the preceding Article, the Republic of Ivory Coast exercises sovereign and exclusive rights as concerns:

1. The exploration, exploitation, conservation, and management of natural living and non-living resources of the seabed, its subsoil, and superjacent waters;
2. Other activities involving the use of the said zone for economic purposes, including the production of energy from the water, currents, and winds;
3. The construction, establishment, and use of artificial islands, installations, and similar devices used for the purposes provided for by this Article, including related regulations on customs, tax, health, safety, and immigration matters.

These rights shall be exercised in the terms and conditions laid down by Articles 4 and 5 hereof.

Article 4

The pertinent provisions of Law No. 70-489 of August 3, 1970 establishing the Oil Code shall apply to the zone delimited in Article 2 above.

Article 5

Articles 129 and 130 of Law No. 61-349 of November 9, 1961, establishing the Merchant Marine Code to restrict fishing in territorial waters to Ivoirian vessels and, subject to reciprocity, to vessels of other States of equivalent recognized law, shall be applicable to the zone delimited in Article 2 above. Maritime fishing violations committed in such zones shall be punished in accordance with the provisions of the aforesaid Law of November 9, 1961, specifically Articles 126-130 and 212-225. However, only the fines stipulated in the said Articles may be imposed.

Article 6

Throughout the zone delimited in Article 2 above, the Republic of Ivory Coast also reserves the right to take any measures and to undertake any action to prevent, reduce, or control pollution of the marine environment, irrespective of the source.

All scientific research activities conducted in the said zone shall be subject to the prior consent of the State, under the conditions established by decree.

Article 7

The sovereign rights exercised by the Republic of Ivory Coast in the zone delimited in Article 2 above shall not impede the exercise by all coastal or non-coastal States of the freedoms of navigation, overflight, and laying of submarine cable and pipelines, or impede other uses of the sea related to navigation and communications which are recognized as legitimate by international Law.

Title III

Miscellaneous Provisions

Article 8

With respect to adjoining coastal States, the territorial sea and zone referred to in Article 2 of this Law shall be delimited by agreement in conformity with equitable principles and using, if necessary the median line or the equidistance line, taking all pertinent factors into account.

Article 9

As necessary, decrees issued by the Council of Ministers shall specify the terms of application of this Law.

Article 10

All provisions contrary to this Law, particularly Decree No. 67-334 of August 1, 1967, are hereby rescinded.

Article 11

This Law shall be published in the Journal Officiel of the Republic of Ivory Coast and enforced as State law.

16. CUBA

Legislative Decree No. 2 of 24 February 1977 concerning  
the establishment of an Economic Zone

Article 1

The Economic Zone of the Republic of Cuba shall be established in the zone adjacent to its territorial sea extending up to a distance of 200 nautical miles measured from the baseline from which the breadth of the territorial sea is measured. The outer line of this Economic Zone shall be traced on the basis of geographical coordinates.

The Cuban State shall respect the equal rights of contiguous States to their respective economic zones and declares that it is prepared to undertake bilateral negotiations on the conflicts of law that may result from the application of those principles.

Article 2

The Republic shall exercise the following rights in the Economic Zone established by this Legislative Decree:

- I. Sovereign rights for the purpose of exploring, exploiting, conserving and managing the natural resources, whether living or non-living, or the seabed, including its subsoil, and of the superjacent waters.
- II. Exclusive rights and jurisdiction with regard to the establishment and use of artificial islands, installations and structures.
- III. Exclusive jurisdiction with regard to other activities for the economic exploration and exploitation of the zone, including the use of marine currents and anything else that facilitates scientific and technological developments.
- IV. Jurisdiction with regard to:
  - (a) The preservation of the marine environment, including pollution control and abatement;
  - (b) Scientific research.

Article 3

Foreign States shall enjoy in the Economic Zone the freedoms of navigation and overflight and of the laying of submarine cables and pipelines and other internationally lawful uses of the sea related to navigation and communication.



Article 4

In order to promote the optimum utilization of the living resources in the Economic Zone, the Republic of Cuba, through the conclusion of appropriate agreements, shall give other States access to the surplus of the allowable catch of the species concerned, in accordance with the arrangements, conditions and regulations in force.

Article 5

Any legal provisions and regulations at variance with the provisions of the present Legislative Decree, which shall come into force as soon as it is published in the Gaceta Oficial of the Republic, are hereby abrogated.

17. DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Decree by the Central People's Committee establishing the Economic Zone of the People's Democratic Republic of Korea, 21 June 1977

The contents of the Decree by the Central People's Committee establishing the Economic Zone of the People's Democratic Republic of Korea as follows:

The Central People's Committee of the People's Democratic Republic of Korea, seeking to safeguard the country's national maritime interests, hereby establishes an economic zone as follows:

For the purpose of protecting, developing and exploiting the country's maritime resources, the economic zone of the People's Democratic Republic of Korea is hereby established.

The economic zone of the People's Democratic Republic of Korea shall extend 200 nautical miles from the baseline of the territorial sea; in waters that cannot be delimited to 200 nautical miles, it shall be demarcated by a line bisecting the waters.

The people's Democratic Republic of Korea shall exercise sovereignty over all living and non-living resources within its economic maritime zone (waters, seabed and subsoil).

No foreign person, vessel or aircraft may engage in fishing, install facilities, take photographs, investigate, survey, prospect, exploit or engage in any other harmful economic activity in the economic zone of the People's Democratic Republic of Korea without the prior approval of the competent authorities of the People's Democratic Republic of Korea.

All vessels authorized to engage in fishing activities in the economic zone of the People's Democratic Republic of Korea must strictly observe the fishing and maritime order of the People's Democratic Republic of Korea.

Any activity that violates this Decree or the relevant laws and regulations of the People's Democratic Republic of Korea shall be dealt with in accordance with the laws of the People's Democratic Republic of Korea, as the circumstances warrant.

This Decree shall enter into force on 1 August 1977.

18. DJIBOUTI

Law No. 52/AN/78 concerning the Territorial Sea, the Contiguous Zone, the Exclusive Economic Zone, the Maritime Frontiers and Fishing

SECTION I

Titles and definition

Article 1

This law relates to the delimitation of the territorial waters, the contiguous zone, the exclusive economic zone, the maritime frontiers and fishing.

...

SECTION III

Exclusive economic zone

Article 12

The Republic has an exclusive economic zone which extends 200 nautical miles from the baselines of the territorial sea.

Article 13

In the economic zone, including the seabed, its subsoil and the waters superjacent, thereto, the Republic shall have:

(a) Sovereign and exclusive rights for the purposes of conserving, prospecting, exploiting and managing renewable or non-renewable natural resources, and for the purposes of the production of energy from the water, currents and winds;

(b) The sovereign and exclusive right to establish, repair and use artificial islands, installations and other structures necessary for the exploration and exploitation of the resources of the exclusive economic zone of the Republic;

(c) Exclusive jurisdiction over the marine environment with a view to its conservation and protection and the prevention of marine pollution. The Republic shall also have sovereign rights for the purposes of authorizing, organizing and controlling scientific research;

(d) The other rights and obligations provided for in international law.

Article 14

Subject to the above mentioned rights, the Republic guarantees all States freedom of navigation and overflight and freedom to lay submarine cables and pipelines in its exclusive economic zone.



SECTION IV

Maritime frontiers

Article 15

The maritime frontiers of the territorial sea, the contiguous zone and the economic zone between the Republic and a neighbouring State whose coasts are adjacent to or opposite those of the Republic shall be determined by agreement with that State.

Pending the conclusion of an agreement to determine the maritime frontiers, the latter shall not extend beyond a median line between the two States or beyond a line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of the Republic and of the State in question are measured.

The provisions of this Law shall not modify the international rules of navigation in the Straits of Bab El Mandeb.

SECTION V

Fishing

Article 16

Fishing for commercial purposes shall be subject in the territorial waters, the contiguous zone and the economic zone to prior authorization from the Ministry of Agriculture.

Article 17

To the extent that they do not resell their catch, citizens of the Republic, foreign residents and tourists in transit shall be exempt from the requirement of the prior authorization referred to in article 16.

Article 18

Any person fishing for commercial or non-commercial purposes must respect the regulations of the Republic regarding fishing and particularly the prohibitions applying in respect of those zones for the purpose of protecting submarine fauna.

Article 19

Persons contravening the provisions of articles 16 and 17 shall be liable to fines the amounts of which shall be fixed by decree.

Article 20

This Law shall be executed as a law of the State and published in the Official Gazette of the Republic.

19. DOMINICA

Territorial Sea, Contiguous Zone, Exclusive Economic and  
Fishery Zones Act, 1981, Act No. 26 of 25 August 1981

An Act to establish the limits of the territorial sea, the contiguous zone, the exclusive economic and fishery zones of the Commonwealth of Dominica.

Short title

1. This Act may be cited as the Territorial sea, contiguous zone, exclusive economic and fishery zones Act, 1981.
2. In this Act:

...

Interpretation

"exclusive economic zone" means an area beyond and adjacent to the territorial sea, over which the Commonwealth of Dominica may exercise sovereign rights, and jurisdiction subject to the provisions of international law;

"fishery zone" means the areas of superjacent waters which extend to a distance of two hundred nautical miles from the baseline from which the breadth of the territorial sea is drawn;

...

Establishment of exclusive economic zone

5. The exclusive economic zone of the Commonwealth of Dominica comprises those areas of the sea, seabed and sub-soil that are beyond and adjacent to the territorial sea of the Commonwealth of Dominica, having as their outer limits a line measured seaward from the aforesaid baseline, every point of which line is distant two hundred nautical miles from the nearest point of the aforesaid baseline.

Establishment of fishery zone

6. The fishery zone of the Commonwealth of Dominica comprises that area of sea, that is beyond and adjacent to the territorial sea of the Commonwealth of Dominica and having as its seaward boundary a line so drawn that each point upon it is distant two hundred (200) nautical miles from the nearest point of the baseline from which the breadth of the territorial sea is measured.

...

Jurisdiction in exclusive economic zone

8. In the exclusive economic zone the Commonwealth of Dominica shall exercise:

- (a) sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, both living and non-living, of the seabed, sub-soil and superjacent waters and other sovereign rights with regard to producing energy from tides, winds and currents therein;
- (b) jurisdiction with regard to:
  - (i) the establishment and use of artificial islands, installations and structures;
  - (ii) marine scientific research; and
  - (iii) the protection and preservation of the marine environment;
- (c) other rights and duties provided for in international law.

Jurisdiction in fishery zone

9. In the fishery zone the Commonwealth of Dominica shall exercise the sovereign right and exclusive authority to explore and exploit, conserve and manage the fishery resources of the superjacent waters, the seabed and subsoil therein, in accordance with International Law.

...

Acknowledgement of international activities in the exclusive economic zone

10. (2) The Commonwealth of Dominica shall recognize the freedoms of navigation and overflight of aircraft and of the laying of submarine cables and pipelines and other related activities in the exclusive economic zone, in accordance with the principles and provisions of International Law.

Intention to negotiate maritime boundaries

11. Where the boundary lines of the territorial sea and of the exclusive economic zone of the Commonwealth of Dominica poses of delimitation with the territories and States adjacent or opposite, the Government of the Commonwealth of Dominica shall be ready, able and willing, at appropriate times, to enter into negotiations on equitable principles, with the States concerned with a view to reaching amicable agreements.

Future legislation

12. The Government of the Commonwealth of Dominica will pass further legislation in respect of the foregoing provisions and matters related thereto from time to time as it deems expedient.



20. DOMINICAN REPUBLIC

Act No. 186 of 13 September 1967 on the Territorial Sea, Contiguous Zone,  
Exclusive Economic Zone and Continental Shelf as amended by  
Act No. 573 of 1 April 1977

Article 1

The title of Act No. 186 of 13 September 1967 and articles ... 4, 5, 6, ... and 8 shall be amended as follows:

Title: "On the Territorial Sea, Contiguous Zone, Exclusive Economic Zone and Continental Shelf".

...

Article 4

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

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

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

Article 5

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

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

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

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

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

Article 6

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

...

Article 8

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

Article 2

This Act repeals any provision which conflicts with it.

21. EGYPT

Declaration upon the signature of the 1982 United Nations Convention on the Law of the Sea concerning the exercise by Egypt of its rights to the Exclusive Economic Zone

The Arab Republic of Egypt will exercise as from this day the rights attributed to it by the provisions of parts V and VI of the United Nations Convention on the Law of the Sea in the exclusive economic zone situated beyond and adjacent to its territorial sea in the Mediterranean Sea and in the Red Sea.

The Arab Republic of Egypt will also exercise its sovereign rights in this zone for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the seabed and subsoil and the superjacent waters, and with regard to all other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water, currents and winds.

The Arab Republic of Egypt will exercise its jurisdiction over the exclusive economic zone according to the modalities laid down in the Convention with regard to the establishment and use of artificial islands, installations and structures, marine scientific research, the protection and preservation of the marine environment and the other rights and duties provided in the Convention.

The Arab Republic of Egypt proclaims that, in exercising its rights and performing its duties under the Convention in the exclusive economic zone, it will have due regard for the rights and duties of other States and will act in a manner compatible with the provisions of the Convention.

The Arab Republic of Egypt undertakes to establish the outer limits of its exclusive economic zone in accordance with the rules, criteria and modalities laid down in the Convention.

[The Arab Republic of] Egypt declares that it will take the necessary action and make the necessary arrangements to regulate all matters relating to its exclusive economic zone.

---

1/ This declaration was made when Egypt ratified the United Nations Convention on the Law of the Sea (26 August 1983).



22. EQUATORIAL GUINEA

Act No. 15/1984 of 12 November 1984 on  
the Territorial Sea and Exclusive Economic Zone

...

PART II

The exclusive economic zone

Article 10

The exclusive economic zone is an area beyond and adjacent to the territorial sea.

The exclusive economic zone of the Republic of Equatorial Guinea extends from the outer limit of the territorial sea of the Republic of Equatorial Guinea up to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

Article 11

1. Except where otherwise provided in international treaties concluded with States whose coastlines are opposite or adjacent to those of Equatorial Guinea, the outer limit of the exclusive economic zone of Equatorial Guinea shall not extend beyond the equidistant median line.

2. Equidistant line means that line every point of which is at an equal distance from the nearest points on the line of passage drawn from each State in accordance with international law.

Article 12

In the exclusive economic zone, the Republic of Equatorial Guinea has sovereign rights for the purpose of exploiting, exploring, conserving and managing the natural resources, whether living or non-living of the seabed and subsoil and the superjacent waters, and with regard to other activities for the economic exploitation of the zone.

Article 13

In the exclusive economic zone, the Republic of Equatorial Guinea has exclusive jurisdiction with regard to:

- (a) Marine scientific research;
- (b) The establishment and use of artificial islands, installations and structures;
- (c) The protection and preservation of the environment;
- (d) Any other matters which the Government of the Republic of Equatorial Guinea may establish, in accordance with international law.

Article 14

In the exclusive economic zone, fishing shall be reserved for nationals of Equatorial Guinea.

Foreign fishermen shall be able to fish in the exclusive economic zone only when a provision to this effect exists in international treaties concluded by the Republic of Equatorial Guinea with the corresponding States or when the competent authority of Equatorial Guinea grants a special licence outside the framework of an international agreement.

...

Final provisions

1. All legislation conflicting with this Act, in particular Decree-Law No. 17/1970 of 24 September 1970 and Decree-Law No. 28/1976 of 17 October 1976, is hereby revoked.

2. This Act shall enter into force on the date of its publication in the official information media.

23. FIJI

- I. Marine spaces Act, 1977, Act. No. 18 of 15 December 1977,  
as amended by the Marine Spaces (Amendment) Act 1978,  
Act No. 15 of 6 October 1978

PART I - PRELIMINARY

Short title

1. This Act may be cited as the Marine Spaces Act, 1978

...

PART II - MARINE SPACES

Exclusive economic zone

6. (1) Subject to the following provisions of this section, the exclusive economic zone of Fiji comprises all areas of sea having, as their innermost limits the outermost limits of the territorial seas, and, as their outermost limits, a line drawn seaward from the baselines every point of which is at a distance of 200 miles from the nearest point of the appropriate baseline.

(2) The Minister responsible for Foreign Affairs may by order, for the purpose of implementing any international agreement or the award of any international body, or otherwise, declare that the outer limits of the exclusive economic zone of Fiji extend to such line, any point of which may be at a distance of less than 200 miles from the nearest point of the appropriate baseline, as may be specified in such order.

(3) Where the median line, as defined in subsection (4), is less than 200 miles from the nearest baseline, and no other line is for the time being specified under the provisions of subsection (2), the outer limits of the exclusive economic zone of Fiji extend to the median line.

(4) The median line is a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial seas of Fiji and of any opposite or adjacent State or territory are measured.

Continental shelf Act to apply

7. All areas of seabed and the subsoil thereof contained within the exclusive economic zone of Fiji are deemed to form part of the continental shelf of Fiji for the purposes of the Continental Shelf Act, 1970, and to be subject to the provisions of that Act as if they were areas designated under the provisions of subsection (2) of section 3 of that Act.

Charts and publicity

8. (1) The Minister responsible for Foreign Affairs shall cause all closing lines, baselines and other lines drawn under the provisions of this Act for the purpose of determining the limits of the internal waters, territorial seas and exclusive economic zone of Fiji to be clearly indicated on charts of a scale or scales adequate for them to be readily determined and shall give due publicity to such charts by notice in the Gazette and shall cause a copy of each such chart to be deposited with the Secretary-General of the United Nations.



(2) In any proceedings in any court, a certificate purporting to be signed by the Director of Marine that any specified nautical chart of any area is the largest scale nautical chart of that area produced by any authority and for the time being held by the Minister responsible for marine affairs shall be admissible in evidence of the matters stated in the certificate.

Legal character of marine spaces

9. ...

(2) Within the exclusive economic zone Fiji has sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living of the seabed and subsoil and the superjacent waters.

(3) The exercise by Fiji of its sovereignty and sovereign rights under the provisions of this section is subject to the rules of international law.

Rights of other States in marine spaces

10. (1) Subject to the provisions of subsections (2), (3), (4) and (5), ships and aircraft of all States shall, in accordance with the rules of international law, have the right of innocent passage through and over the territorial seas and archipelagic waters.

(2) The Minister responsible for Foreign Affairs may, in accordance with the rules of international law, by order, designate sealanes and air routes, suitable for the continuous and expeditious passage of foreign ships and aircraft, through and over the archipelagic waters and the adjacent territorial seas, and may also prescribe traffic separation schemes for the purpose of ensuring the safe passage of ships through narrow channels in such sealanes.

(3) In such sealanes and air routes all ships and aircraft may, in accordance with the rules of international law, enjoy the right of navigation and overflight, in their normal modes, for the purpose of continuous, expeditious and unobstructed transit through and over the archipelagic waters and the adjacent territorial seas, from one part of the exclusive economic zone to another part of the exclusive economic zone.

(4) Until such time as sealanes or air routes are designated under the provisions of subsection (2) the rights of navigation and overflight referred to in subsection (3) may be exercised through and over all routes normally used for international navigation and overflight.

(5) The rights of navigation and overflight referred to in subsection (3) are subject to all laws of Fiji made in accordance with the rules of international law.

(6) Subject to the provisions of this Act and of any other written law made in accordance with the relevant rules of international law, all States and their nationals shall enjoy, in the exclusive economic zone, the high seas freedoms of navigation and overflight and of the laying of submarine cables and pipelines, and all other internationally lawful uses of the sea related to those freedoms, compatible with the rules of international law.

General regulations in exclusive economic zone

11. Where no other provision is for the time being made in any other written law for any such purpose, the Minister responsible for Foreign Affairs may make regulations, in accordance with the rules of international law, for all or any of the following purposes:

- (a) regulating the conduct of scientific research within the exclusive economic zone;
- (b) regulating the exploration and exploitation of the exclusive economic zone for the production of energy from the waters, currents and winds, and for other economic purposes;
- (c) regulating the construction, operation and use of artificial islands, installations and structures within the exclusive economic zone, including, but not confined to, the establishment of safety zones around islands, installations and structures;
- (d) prescribing measures for the protection and preservation of the marine environment of the exclusive economic zone; and
- (e) providing for such other matters as are necessary or expedient to give effect to Fiji's rights and obligations in relation to the exclusive economic zone or are necessary to give full effect to the provisions of this Act, other than matters in respect of which regulations may be made under the provisions of section 22.

PART III - MANAGEMENT AND CONSERVATION OF FISHERIES

Application of Fisheries Act

12. (1) The archipelagic waters and the waters comprised in the exclusive economic zone shall be part of Fiji fisheries waters as defined in subsection (1) of section 2 of the Fisheries Act and, subject to the provisions of subsection (2), the provisions of that Act shall apply accordingly within the archipelagic waters and the exclusive economic zone.

(2) Notwithstanding any other provision in this section or in the Fisheries Act the provisions of that Act relating to the obtaining of licences to take fish or to the registration of fishing vessels shall not apply to the fishing activities of foreign fishing vessels or their crews in the exclusive economic zone. (Cap. 158)

Calculation and apportionment of allowable catch by foreign fishing vessels

13. (1) The Minister shall from time to time determine on the basis of the best available information -

- (a) the total allowable catch in respect of every fishery within the exclusive economic zone; and
- (b) the portion of that catch which Fiji's fishing vessels have the capacity to harvest.



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

(3) The Minister may from time to time apportion, among countries other than Fiji, the allowable catch for foreign fishing vessels in respect of any fishery within the exclusive economic zone, as determined under subsection (2).

(4) In making an apportionment under subsection (3) the Minister may take into account the following considerations: -

- (a) whether the fishing vessels of countries to which the apportionment applies have engaged habitually in fishing within the exclusive economic zone;
- (b) whether such countries have co-operated with Fiji in fisheries research and in the identification of fish stocks within the exclusive economic zone;
- (c) whether such countries have co-operated with Fiji in the conservation and management of fisheries resources within the exclusive economic zone, and in the enforcement of Fiji law relating to such resources;
- (d) the terms of any relevant international agreement;
- (e) such other matters as the Minister determines to be relevant.

#### Licensing of foreign fishing vessels

14. (1) Subject to the provisions of subsection (2) the Minister may grant and issue licences authorizing foreign fishing vessels to fish in the exclusive economic zone.

(2) In the exercises of his powers under the provisions of this section the Minister shall ensure to the extent of the information available to him that -

- (a) the catch that all foreign fishing vessels licensed under this section are for the time being authorized to harvest from any fishery within the exclusive economic zone does not exceed the allowable catch for foreign fishing vessels for that fishery calculated under subsection (2) of section 13;
- (b) the catch that all foreign fishing vessels of a particular country licensed under this section are for the time being authorized to harvest from any fishery within that exclusive economic zones does not exceed the apportionment made under subsection (3) of section 13 for that fishery in respect of that country.



(3) A licence issued under the provisions of this section shall on payment by the applicant of the prescribed fee, be issued to the owner in respect of a specific boat to be identified by name in the licence and may authorize fishing generally or may confer limited authority by reference to all or any of the following limitations and conditions, namely as to -

- (a) the area within which fishing is authorized;
- (b) the periods, times or particular voyages during which fishing is authorized;
- (c) the description and quantities of fish which may be taken;
- (d) the methods by which fish may be taken;
- (e) the type of fishing gear which may be used and the stowage of that gear when not in use;
- (f) the use, transfer, transshipment, landing and processing of fish taken;
- (g) entry by the vessels into Fiji ports;
- (h) the compensation payable in the event of any loss or damage caused by the vessel to other fishing boats, gear or catches or to any fish stocks or to other Fiji interests;
- (i) statistical and other information required to be given relating to the operations of the vessel including catch and effort statistics and vessel position reports;
- (j) the conduct of fisheries research programmes;
- (k) the training of Fiji personnel in the methods of fishing employed by the vessel and the transfer to Fiji of fisheries technology;
- (l) the production of the licence on demand by any fisheries officer;
- (m) the markings and other means of identification of the vessel;
- (n) the placing of Fiji observers on the vessel;
- (o) the carrying on board the vessel of specified nautical charts;
- (p) the installation and maintenance in working order on the vessel of position fixing or other identification equipment;
- (q) compliance by the vessel with directions and instructions of Fiji ships or aircraft; and
- (r) such other conditions as the Minister considers necessary or expedient for the regulation of fishing or the conservation and management of fisheries.

Suspension and cancellation of licences

15. (1) Where the Minister is satisfied that -

(a) any foreign fishing vessel in respect of which has been granted under section 14 is being or has been used for fishing within the exclusive economic zone in contravention of any conditions of the licence or any Fiji law relating to fishing; or

(b) the master, licensee or any crew member of a foreign fishing vessel has been convicted of an offence against this Act, or against any regulations made under the provisions of this Act, or against any other Fiji law relating to fishing,

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

(2) Where the Minister determines that it is necessary or expedient for the proper regulation of fishing within the exclusive economic zone to do so, he may vary the conditions of or suspend any licence or licences for such period as he shall specify, or he may cancel any licence or licences.

(3) No determination, variation, suspension, cancellation, or other action of the Minister under subsection (2) shall be reviewable by any court of law.

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

Licensing offences

16. (1) If any foreign fishing vessel that is not licensed under the provisions of section 14 is used for the purpose of fishing within the exclusive economic zone, the owner and the master of the vessel are each guilty of an offence and liable on conviction to a fine not exceeding one hundred thousand dollars each. (Cap 158)

(2) If any foreign fishing vessel is used for the purpose of fishing within the exclusive economic zone in contravention of any of the limitations on or conditions of a licence issued under the provisions of section 14, the master and licensee of the vessel are each guilty of an offence and liable on conviction to a fine not exceeding twenty-five thousand dollars each. (Cap. 196)

Fisheries officers

17. (1) The following persons shall be fisheries officers for the purpose of this Act, that is to say -

(a) any fisheries officer appointed under the provisions of the Fisheries Act;

(b) any customs officer appointed under the provisions of the Customs Act;



- (c) any police officer;
- (d) any commissioned officer of the Royal Fiji Military Forces;
- (e) any person in command or charge of any vessel or aircraft operated by or on behalf of the Royal Fiji Military Forces; and
- (f) any other person appointed as a fisheries officer by the Minister responsible for fisheries matters.

(2) For the purpose of enforcing the provisions of this Act a fisheries officer may exercise in relation to any foreign fishing vessel within the limits of Fiji fisheries waters and in relation to any Fiji fishing vessel outside those limits the following powers: -

- (a) he may go on board that vessel, and for that purpose may require the vessel to stop and to do anything else which will facilitate the boarding of the vessel;
- (b) he may require the attendance before him of the master and other persons on board and may make any examination or inquiry which appears to him to be necessary for the purpose of enforcing the provisions of this Act and, in particular -
  - (i) may search the vessel and examine any fish found on board and the equipment of the vessel, including the fishing gear, and require persons on board the vessel to do anything which appears to him to be necessary to facilitate the examination; and
  - (ii) may require any person on board the vessel to produce any documents relating to that vessel or the persons on board which are in his custody or possession and take copies of any such document.

(3) Where any fisheries officer has reasonable cause to believe that an offence against any of the provisions of section 16 or against any other Fiji law relating to fishing in the exclusive economic zone has been committed in respect of any foreign fishing vessel, he may, without warrant -

- (a) arrest any person who he has reason to believe has committed such offence; and
- (b) where he has reason to believe that any such offence has been committed by the master or licensee of the vessel, seize and detain a vessel together with all fish found on board and may take the same and the crew of the vessel to the port which appears to him to be the nearest convenient port.

(4) Any fisheries officer may exercise the powers conferred on him by this section with the aid of such assistants as he considers necessary for the purpose.



(5) Where any fishing vessel is detained under the provisions of subsection (3) of this section it shall be held in the custody of the Crown until a decision is made not to institute proceedings in respect of the alleged offence or, if such proceedings are commenced the security required by the provisions of section 19 is given in respect of the vessel.

(6) All fish detained under the provisions of this section shall be held in the custody of the Crown in respect of the alleged offences for which it was detained, or, if such proceedings are instituted, until the proceedings are determined;

Provided that if adequate facilities are not available for the preservation of such fish pending the completion of the proceedings the Minister may take all steps necessary for the sale of such fish at its reasonable market value, the net proceeds of such sale to be paid into a fund to be held by the court in which such proceedings are taken pending the making of a final order by the court in respect of the forfeiture or otherwise of that fish.

(7) The decision whether or not to institute proceedings in respect of an alleged offence for which a foreign fishing vessel is detained under subsection (3) shall be made as soon as reasonably practicable after the vessel is detained.

(8) The release of a foreign fishing vessel from detention shall not affect any subsequent forfeiture of the vessel in respect of the conviction of any person for an offence.

(9) Where a fisheries officer arrests any person under the provisions of subsection (3) he shall cause that person to be taken as soon as reasonably practicable before a court to be dealt with in accordance with law.

#### Forfeiture of vessels, etc

18. On conviction of the owner, master or licensee of an offence under section 16, the court may also order the forfeiture to the Crown of the fishing vessel and any fish, fishing gear, apparatus, cargo and stores found therein or thereon.

#### Security for release of foreign fishing vessel

19. (1) Where any foreign fishing vessel is detained under section 17, and proceedings are instituted against the master or licensee of the vessel in respect of the offence for which the vessel has been detained, the master or licensee of the vessel or any other person having an interest in the vessel may at any time before the determination of the proceedings apply to the court by which proceedings will be determined for the release of the vessel on the provision of security in accordance with this section.

(2) On hearing the application, the court shall order the release of the foreign fishing vessel on the execution by any suitable person or persons approved by the court for the purpose, of a bond in favour of the Crown, in the prescribed form and conditioned in accordance with subsection (4), in an amount not less than the aggregate of the value of the vessel and the maximum fine to which the defendant will be liable if he is convicted of the offence.

(3) Notwithstanding subsection (2), the court may, where it is satisfied that there are special circumstances to justify it in doing so, order that the bond shall be in a specified amount that is less than the amount required by that subsection.

(4) The condition of the bond shall be that if -

- (a) the defendant is found not guilty of the offence; or
- (b) the defendant on being convicted of the offence pays in full within fourteen days after he is convicted the amount of the fine imposed by the court and the foreign fishing vessel is within that time surrendered to the Crown for forfeiture if so ordered by the court,

then the bond shall be of no effect, but that otherwise the bond shall remain in full force and effect.

(5) The amount specified in the bond shall be recoverable in full as a debt due to the Crown jointly and severally by the person or persons by whom the bond is given, unless the person or persons prove the due performance of the condition on which the bond is defeasible.

(6) In this section, "foreign fishing vessel" includes all equipment on board the vessel.

#### Obstruction etc., of fisheries officer

20. (1) Any person who -

- (a) obstructs or hinders any fisheries officer or any person assisting him in the exercise of any of his powers under this Act; or
- (b) fails to comply with any lawful requirement imposed or to answer any lawful enquiry made by a fisheries officer under this Act; or
- (c) being on board any fishing vessel being pursued or about to be boarded by a fisheries officer, throws overboard or destroys any fish, fishing gear or any other thing whatsoever,

shall be guilty of an offence and liable on conviction to a fine not exceeding five thousand dollars.

(2) If an offence under paragraph (1) takes place on board or alongside a fishing vessel, the master of that fishing vessel shall be guilty of a like offence and liable to a like penalty.

#### Non-liability of fisheries officers

21. No fisheries officer shall be personally liable of any act done or omitted to be done by him in good the execution or purported execution of his powers and duties under this Act.



Regulations

22. (1) The Minister may make regulations for all or any of the following purposes: -

- (a) prescribing the procedure and forms for application for and granting the renewal of licences under the provisions of the Act;
- (b) prescribing the terms and duration of licences;
- (c) prescribing the forms of licence that may be issued;
- (d) prescribing the classes of licences that may be issued which may include different classes of licences, whether by reference to size of vessel, size of catch, method of fishing, species of catch or otherwise;
- (e) prescribing the fees payable for licences which may include different fees for different classes of licences;
- (f) providing for the production of licences for inspection when required by a fisheries inspector or other specified authorities;
- (g) prescribing conditions under which foreign fishing vessels may fish in the exclusive economic zone;
- (h) prescribing measures for the conservation and management of fisheries resources within the exclusive economic zone;
- (i) prescribing measures for ensuring that foreign fishing vessels comply with the limitations and conditions of their licences;
- (j) prescribing the manner in which and times when fishing gear is to be stowed;
- (k) prescribing the form of bonds for the purpose of section 19;
- (l) prescribing measures, not inconsistent with the provisions of this Act, for the regulation of fishing for highly migratory species within Fiji fisheries waters and in the case of Fiji fishing vessels, beyond the limits of those waters; and
- (m) providing for such other matters as appear to him to be necessary for giving full effect to Fiji's sovereignty or sovereign rights over Fiji fisheries waters.

(2) For the purpose of this section the expression "highly migratory species" means species that in the course of their life cycle, migrate over great distances of ocean;

Fishing for research and sporting purposes excluded

23. The provisions of this Part of this Act shall not apply to nor prohibit or restrict fishing by foreign fishing vessels for fisheries research or sporting purposes with the prior consent in writing of the Minister and in accordance with such conditions as the Minister may impose in giving his consent.



PART IV - MISCELLANEOUS

Offences deemed committed in Fiji

24. Any offence against the provisions of this Act that is committed within the exclusive economic zone shall be deemed to have been committed in Fiji.

Interim measures

25. Pending the entry into force of other provisions of this Act, the Minister may by order prescribe interim or transitional measures for the conservation and management of fisheries resources beyond the territorial seas of Fiji, and for the limitation of foreign fishing within an area of two hundred miles from the baselines.

II. Marine spaces (Archipelagic baselines and exclusive economic zone)  
Order, 1981

Short title

1. This Order may be cited as the Marine Spaces (Archipelagic Baseline and Exclusive Economic Zone) Order, 1981, and shall come into force on the 1st day of December 1981.

Baselines for the Fiji Archipelago

2. The points between which straight baselines are to be drawn for the purpose of determining the outermost limits of the archipelagic waters of Fiji and the innermost limits of the territorial sea of the Fiji archipelago are declared to be the geographical co-ordinates, based on the World Geodetic System 1972 (WGS72) datum, specified in the First Schedule, minus 7 seconds of latitude and 14 seconds of longitude in each case.

3. The outer limits of the exclusive economic zone of Fiji are declared to extend to a line drawn between, and joining in numerical sequence, the geographical co-ordinates, based on the World Geodetic System 1972 (WGS72) datum, specified in the Second Schedule.

Baselines for the Exclusive Economic Zone

4. For the purpose of paragraph 3, the baselines from which the exclusive economic zone of Fiji has been determined are -

- (a) in the case of the Fiji archipelago, the straight baselines established in terms of paragraph 2;
- (b) in the case of the Island of Rotuma and its dependencies the straight baselines established by the Marine Spaces (Territorial Seas) (Rotuma and its Dependencies) Order, 1981; and
- (c) in the case of Ceva-i-Ra Island, a line drawn along the seaward low-water line of the reef.

FIRST SCHEDULE

Archipelagic waters

Geographical Co-ordinates

(WGS 72 Geodetic Datum)

No.	Latitude	Longitude
1.	16° - 05' - 30"S.	179° - 08' - 36"W.
2.	16° - 44' - 48"S.	178° - 55' - 54"W.
3.	17° - 05' - 06"S.	178° - 40' - 24"W.
4.	17° - 10' - 00"S.	178° - 37' - 06"W.
5.	17° - 55' - 30"S.	178° - 14' - 00"W.
6.	18° - 18' - 30"S.	178° - 12' - 48"W.
7.	18° - 53' - 00"S.	178° - 21' - 00"W.
8.	18° - 57' - 30"S.	178° - 19' - 45"W.
9.	19° - 14' - 00"S.	178° - 18' - 36"W.
10.	19° - 48' - 00"S.	178° - 13' - 24"W.
11.	19° - 53' - 30"S.	178° - 16' - 18"W.
12.	20° - 39' - 48"S.	178° - 41' - 24"W.
13.	20° - 59' - 54"S.	178° - 44' - 30"W.
14.	21° - 01' - 42"S.	178° - 50' - 48"W.
15.	20° - 44' - 00"S.	178° - 53' - 30"W.
16.	19° - 12' - 18"S.	179° - 44' - 48"E.
17.	19° - 11' - 30"S.	178° - 06' - 00"E.
18.	19° - 10' - 42"S.	178° - 00' - 00"E.
19.	19° - 08' - 42"S.	177° - 57' - 18"E.
20.	19° - 07' - 48"S.	177° - 56' - 54"E.
21.	18° - 36' - 24"S.	177° - 39' - 36"E.
22.	18° - 07' - 00"S.	177° - 19' - 00"E.
23.	17° - 56' - 36"S.	177° - 12' - 24"E.
24.	17° - 38' - 54"S.	176° - 59' - 48"E.
25.	17° - 11' - 54"S.	176° - 52' - 42"E.
26.	17° - 09' - 24"S.	176° - 53' - 30"E.
27.	17° - 06' - 54"S.	176° - 54' - 36"E.
28.	16° - 47' - 00"S.	177° - 17' - 00"E.
29.	16° - 39' - 06"S.	177° - 34' - 24"E.
30.	16° - 26' - 24"S.	178° - 05' - 48"E.
31.	16° - 19' - 24"S.	178° - 27' - 12"E.
32.	16° - 10' - 30"S.	179° - 04' - 00"E.
33.	15° - 42' - 30"S.	179° - 58' - 30"W.
34.	15° - 56' - 54"S.	179° - 23' - 30"W.

SECOND SCHEDULE

Consecutive No.	Latitude	Longitude
1.	25° - 04' - 23"S.	175° - 16' - 32"E.
2.	20° - 01' - 21"S.	172° - 45' - 53"E.
3.	18° - 32' - 36"S.	173° - 33' - 36"E.

Thence along an arc of 200 miles (370,400 metres) radius centred on 17° - 11' - 47"S, 176° - 52' - 28"E, passing through the following positions:

Consecutive No.	Latitude	Longitude
4.	18° - 18' - 49"S.	173° - 34' - 55"E.
5.	18° - 02' - 02"S.	173° - 29' - 43"E.
6.	17° - 44' - 52"S.	173° - 26' - 05"E.
7.	17° - 27' - 29"S.	173° - 24' - 02"E.
8.	17° - 09' - 59"S.	173° - 23' - 34"E.
9.	16° - 52' - 30"S.	173° - 24' - 41"E.
10.	16° - 35' - 11"S.	173° - 27' - 22"E.
11.	16° - 18' - 10"S.	173° - 31' - 36"E.
12.	16° - 01' - 33"S.	173° - 37' - 20"E.
13.	15° - 45' - 29"S.	173° - 44' - 31"E.
14.	15° - 30' - 04"S.	173° - 53' - 06"E.
15.	15° - 15' - 26"S.	174° - 03' - 01"E.
16.	15° - 01' - 41"S.	174° - 14' - 11"E.
17.	14° - 48' - 28"S.	174° - 27' - 14"E.

Thence along an arc of 200 miles (370,400 metres) radius centred on 12° - 29' - 56"S, 176° - 56' - 01"E. passing through the following positions

18.	14° - 40' - 56"S.	174° - 20' - 20"E.
19.	14° - 27' - 07"S.	174° - 09' - 17"E.
20.	14° - 12' - 24"S.	173° - 59' - 33"E.
21.	13° - 56' - 54"S.	173° - 51' - 11"E.
22.	13° - 40' - 45"S.	173° - 44' - 14"E.
23.	13° - 24' - 05"S.	173° - 38' - 47"E.
24.	13° - 07' - 00"S.	173° - 34' - 50"E.
25.	12° - 49' - 38"S.	173° - 32' - 25"E.
26.	12° - 32' - 09"S.	173° - 31' - 33"E.

Thence a line joining 26 and 27. Thence a continued arc of 200 miles (370,400 metres) radius centred on 12° - 29' - 56"S 176° - 56' - 01"E passing through the following positions:

27.	11° - 57' - 16"S.	173° - 34' - 29"E
28.	11° - 40' - 09"S.	173° - 38' - 15"E.
29.	11° - 23' - 25"S.	173° - 43' - 30"E.
30.	11° - 07' - 11"S.	173° - 50' - 11"E.
31.	10° - 51' - 36"S.	173° - 58' - 16"E.
32.	10° - 36' - 45"S.	174° - 07' - 40"E.
33.	10° - 22' - 46"S.	174° - 18' - 20"E.
34.	10° - 09' - 45"S.	174° - 30' - 10"E.
35.	09° - 57' - 47"S.	174° - 43' - 05"E.
36.	09° - 46' - 59"S.	174° - 57' - 00"E.



Thence a line joining:

37.	09° - 49' - 09"S.	175° - 51' - 52"E.
38.	09° - 49' - 19"S.	175° - 56' - 40"E.
39.	09° - 49' - 36"S.	176° - 05' - 12"E.
40.	09° - 49' - 52"S.	176° - 13' - 48"E.
41.	10° - 05' - 17"S.	177° - 06' - 03"E.
42.	10° - 06' - 53"S.	177° - 11' - 10"E.
43.	10° - 16' - 05"S.	177° - 17' - 30"E.
44.	10° - 18' - 18"S.	177° - 19' - 01"E.
45.	11° - 33' - 50"S.	178° - 14' - 47"E.
46.	11° - 38' - 45"S.	178° - 18' - 29"E.
47.	11° - 58' - 58"S.	178° - 33' - 48"E.
48.	12° - 07' - 15"S.	178° - 40' - 08"E.
49.	12° - 12' - 25"S.	178° - 44' - 04"E.
50.	12° - 36' - 34"S.	179° - 02' - 40"E.
51.	13° - 14' - 05"S.	179° - 31' - 48"E.
52.	13° - 19' - 41"S.	179° - 29' - 39"E.
53.	14° - 48' - 18"S.	179° - 14' - 23"W.
54.	15° - 17' - 47"S.	178° - 31' - 00"W.
55.	15° - 56' - 12"S.	177° - 22' - 35"W.
56.	15° - 59' - 08"S.	177° - 22' - 31"W.
57.	16° - 49' - 39"S.	176° - 53' - 48"W.
58.	16° - 50' - 06"S.	176° - 53' - 23"W.
59.	17° - 28' - 28"S.	176° - 16' - 24"W.
60.	17° - 40' - 49"S.	176° - 16' - 40"W.
61.	17° - 59' - 05"S.	176° - 21' - 27"W.
62.	18° - 35' - 17"S.	176° - 27' - 02"W.
63.	18° - 51' - 23"S.	176° - 34' - 46"W.
64.	18° - 54' - 51"S.	176° - 36' - 05"W.
65.	19° - 00' - 45"S.	176° - 37' - 40"W.
66.	19° - 15' - 09"S.	176° - 40' - 10"W.
67.	19° - 20' - 31"S.	176° - 40' - 01"W.
68.	20° - 26' - 07"S.	176° - 53' - 00"W.
69.	20° - 54' - 36"S.	177° - 01' - 27"W.
70.	20° - 57' - 42"S.	177° - 01' - 55"W.
71.	21° - 05' - 34"S.	177° - 07' - 57"W.
72.	21° - 22' - 21"S.	177° - 18' - 03"W.
73.	22° - 21' - 27"S.	177° - 54' - 12"W.
74.	24° - 22' - 08"S.	179° - 04' - 16"W.

Thence along an arc of 200 miles (370,400 metres) radius centred on 21° - 01' - 35"S, 178° - 50' - 34"W passing through the following positions:

75.	24° - 21' - 29"S.	179° - 09' - 39"W.
76.	24° - 19' - 08"S.	179° - 28' - 35"W.
77.	24° - 15' - 16"S.	179° - 47' - 11"W.
78.	24° - 09' - 53"S.	179° - 54' - 12"E.
79.	24° - 03' - 02"S.	179° - 36' - 39"E.
80.	23° - 54' - 47"S.	179° - 19' - 52"E.
81.	23° - 45' - 12"S.	179° - 03' - 58"E.
82.	23° - 34' - 20"S.	178° - 49' - 04"E.

Consecutive No.	Latitude	Longitude
83.	23° - 22' - 19"S.	178° - 35' - 17"E.
84.	23° - 09' - 12"S.	178° - 22' - 44"E.
85.	22° - 55' - 08"S.	178° - 11' - 31"E.
86.	22° - 43' - 23"S.	178° - 03' - 46"E.

Thence along an arc of 200 miles (370,400 metres) radius centred on CEVA-I-RA Island (21° - 44' - 18"S, 174° - 38' - 24"E) passing through the following positions:

Consecutive No.	Latitude	Longitude
87.	22° - 50' - 50"S.	178° - 01' - 52"E.
88.	23° - 07' - 09"S.	177° - 55' - 01"E.
89.	23° - 22' - 50"S.	177° - 46' - 39"E.
90.	23° - 37' - 47"S.	177° - 36' - 47"E.
91.	24° - 04' - 58"S.	177° - 12' - 54"E.
92.	24° - 17' - 01"S.	176° - 59' - 04"E.
93.	24° - 27' - 52"S.	176° - 44' - 05"E.
94.	24° - 37' - 28"S.	176° - 28' - 06"E.
95.	24° - 45' - 44"S.	176° - 11' - 13"E.
96.	24° - 52' - 35"S.	175° - 53' - 35"E.
97.	24° - 57' - 58"S.	175° - 35' - 20"E.
98.	25° - 01' - 51"S.	175° - 16' - 37"E.
99.	25° - 04' - 11"S.	174° - 57' - 35"E.
100.	25° - 04' - 58"S.	174° - 38' - 24"E.
101.	25° - 04' - 11"S.	174° - 19' - 13"E.

Thence a line to join position 1.

These positions have been based on, or approximated to the best WGS 72 data currently available.

#### NOTE

(This Note does not form part of the Order but is published for general information).

The above Order constitutes the formal declaration by Fiji of its archipelagic waters and of its 200 miles exclusive economic zone.

Information on the availability of charts illustrating the limits of the internal waters, archipelagic waters the territorial seas and the exclusive economic zone of Fiji is given in Legal Notice No. 119 of 1981.

24. FRANCE

I. Law No. 76-655 of 16 July 1976 relating to the Economic Zone off the coasts of the territory of the Republic

Article 1

The Republic shall exercise, in the economic zone which may extend up to 188 nautical miles from the outer limit of the territorial sea, sovereign rights for the purpose of exploring and exploiting the natural resources, whether living or non-living, of the seabed and its subsoil and the superjacent waters. These rights shall be exercised under the conditions and according to the terms laid down in the following Articles.

Article 2

The provisions of Law No. 68-1181 of December 30, 1968 relating to the exploration of the Continental Shelf and to the Exploitation of its Natural Resources, shall apply, with the exception of Article 1, to the seabed and subsoil of the economic zone defined in Article 1.

Article 3

The provisions of the Decree of January 9, 1852 on the Exercise of Maritime Fisheries, as amended, and the Law of March 1, 1888 Prohibiting Fishing by Foreign Nationals in Territorial Waters, as amended, shall apply to the economic zone defined in Article 1.

Nevertheless, as far as offences committed in this zone are concerned:-

(1) The penalties laid down in the first paragraph of Article 6 of the Decree of January 9, 1852 shall be replaced by a fine of from F 1,800 to 36,000 and the penalties laid down in the second, third and fifth paragraphs of the same Article by a fine of from F 720 to 14,400;

(2) The penalties laid down in the third paragraph of Article 2 of the Law of March 1, 1888 shall be replaced by a fine of from F 8,000 to 160,000.

In addition, the penalties laid down in Articles 4, 5, 6, 7, 8 and 9 of Law No. 66-400 of June 18, 1966 on the Exercise of Maritime Fisheries and the Exploitation of Marine Products in French Territory in the Southern Hemisphere and Antarctic shall be replaced, for offences committed in the economic zone off this territory, by the following fines:

Article 4: F 4,000 to 20,000;  
Article 5: F 2,000 to 60,000;  
Article 6: F 20,000 to 60,000;  
Article 7: F 2,000 to 60,000;  
Article 8: F 2,000 to 10,000;  
Article 9: double the greatest fine laid down in each of articles 5-8.



Article 4

In the economic zone defined in Article 1, the French authorities shall exercise the jurisdiction recognised by international law relating to the protection of the marine environment.

Article 5

The Conseil d'Etat shall determine by Decree the conditions and dates for the entry into force of the provisions of the present Law relating to the economic zone off the different coasts of the territory of the Republic.

The present Law shall be carried out as a law of the State.

II. Decree No. 77-130 of 11 February 1977 on the establishment, Pursuant to the law of July 16, 1976, of an Economic Zone off the coasts of the territory of the Republic bordering the North Sea, the English Channel and the Atlantic, from the Franco-Belgian border to the Franco-Spanish border

The economic zone defined in Article 1 of the Law of July 16, 1976 shall extend, off the coasts of the territory of the Republic bordering the North Sea, the English Channel and the Atlantic, from the Franco-Belgian border to the Franco-Spanish border, from the outer limit of the territorial sea to 188 nautical miles beyond this limit, subject to delimitation agreements with neighbouring States.

As far as this zone is concerned, the provisions of the above-mentioned Law shall enter into force from the date of the publication of the present Decree.

Article 2

Subject to the provisions of the Treaty establishing the European Economic Community and its implementing legislation, foreign vessels shall, in accordance with the Law of March 1, 1888 as amended, be prohibited from fishing in the above-mentioned economic zone.

However, notwithstanding these provisions, fishing licences may be issued to certain foreign vessels under the conditions laid down by the Treaty establishing the European Economic Community and its implementing legislation, by international agreements and by French municipal law.

Article 3

As regards offences relating to fishing committed in the economic zone referred to in Article 1, a fine of from F 600 to 1,000 shall be substituted for the penalties laid down in Articles 5(6), 6(6), 7(1), 8 and 9 of the Decree of January 9, 1852 and in Article 11(2) of the above-mentioned Law of March 1, 1888.

Article 4

The Minister of Justice, the Minister of the Interior, the Minister of Foreign Affairs, the Minister of Economics and Finance, the Minister of Defence, the Minister of Works, the Minister of Industry and Research, the Minister of the Environment and the Secretary of State for Transport shall be charged, as appropriate, with the execution of the present Decree, which shall be published in the Journal Officiel of the French Republic.

25. GABON

Act No. 9/84 establishing an Exclusive Economic Zone  
of 200 nautical miles

[Original: French]

Article 1

A maritime zone, called the exclusive economic zone, shall be established, situated beyond Gabonese territorial waters and adjacent thereto.

Article 2

The exclusive economic zone shall extend for a distance of 200 nautical miles, calculated from the straight baselines and normal baselines that serve to measure the breadth of the territorial sea.

Article 3

Within its exclusive economic zone, the Gabonese State shall have sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the seabed, its subsoil and superjacent waters.

The sovereignty of the Gabonese State shall be asserted through its right to undertake the economic exploitation and exploration of this zone, for example for the production of energy from the water, currents and winds.

Article 4

In this zone, the Gabonese State shall have the exclusive right to construct, use and exploit and to authorize and regulate the construction, operation and use of artificial islands, installations and structures for the purposes provided for in article 3 above and other economic purposes.

...\*

Article 6

All ships must respect these safety zones and shall comply with generally accepted international standards regarding navigation in the vicinity of artificial islands, installations, structures and safety zones.

Article 7

The Gabonese State shall have exclusive jurisdiction over such artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.

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\* Article 5 was not included in the text of law which was communicated by the Permanent Mission of Gabon to the United Nations.



Article 8

The Gabonese State shall have exclusive competence within its exclusive economic zone with respect to marine scientific research and the preservation of the marine environment.

Article 9

In the exclusive economic zone, priority fishing rights shall be reserved for vessels flying the Gabonese flag or operated by Gabonese nationals or by legal entities under Gabonese law.

Article 10

The Gabonese State shall determine the allowable catch of the living resources in its exclusive economic zone and shall ensure through proper conservation and management measures that its resources are not overexploited.

Article 11

Where the outer limits of the exclusive economic zone as determined in accordance with the provisions of article 2 above encroach on the exclusive economic zone of a bordering or neighbouring State, joint limits shall be established by agreement with the State in question or in accordance with the generally recognized principles of international law on delimitation.

Article 12

Beyond the outer limit of the territorial sea, the establishment of the exclusive economic zone shall not affect the freedoms of navigation, of overflight and of the laying of submarine cables and pipelines, or the use of the sea for other internationally authorized purposes related to the exercise of such freedoms.

Article 13

In exercising the freedoms referred to in article 12 above, foreign States and their nationals shall take into account the sovereign rights of the Gabonese State and respect its laws and regulations in accordance with international law.

Article 14

Any foreign vessel exercising the freedoms referred to in article 12 above shall be prohibited from engaging in the exclusive economic zone in any fishing activity, including the stowage of fishing equipment and gear, research and any pollution or endangerment of the marine environment harmful to the resources of the zone or to the economic interests of the Gabonese State.

...

Article 16

The provisions of this Act shall not be an obstacle to the principles of international cooperation to which the Gabonese State subscribes and which have been embodied in agreements with other States, without prejudice to its sovereign rights and to respect for its legitimate interests.

Article 17

This Act, which supersedes all previous conflicting provisions, shall be registered, issued in accordance with emergency procedures and implemented as a law of the State.

26. GHANA

Maritime zones (Delimitation) Law, 1986

[Original: English]

WHEREAS the United Nations Convention on the Law of the Sea referred to in this Law as "the Convention" was signed by the Government of Ghana on the 10th day of December, 1982 at Montego Bay in Jamaica;

AND WHEREAS the Convention was ratified by the Government of Ghana on the 20th day of March, 1983;

AND WHEREAS it is necessary to give effect to the provisions of the Convention relating to the delimitation of the territorial sea, contiguous zone, exclusive economic zone and the continental shelf in order that these provisions of the Convention shall have the force of law in Ghana;

NOW THEREFORE IN PURSUANCE of the Provisional National Defence Council (Establishment) Proclamation, 1981, this Law is hereby made:

Exclusive Economic Zone

...

5. (1) It is hereby declared that the exclusive economic zone of the Republic is that area beyond and adjacent to the territorial sea which does not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

(2) In the exclusive economic zone the Republic shall, to the extent permitted by international law, have:

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

(b) Jurisdiction in accordance with the provisions of the Convention with regard to:

- (i) the establishment and use of artificial islands, installations and structures;
  - (ii) marine scientific research;
  - (iii) the protection and preservation of the marine environment;
- (c) Such other rights and duties as are provided for in the Convention.

(3) The lines delimiting the outer limits of the exclusive economic zone shall be shown on official charts of a scale adequate for ascertaining their position.



Proof of limits of territorial sea, contiguous zone, exclusive  
economic zone and continental shelf

...

7. The lines of delimitation of the territorial sea, exclusive economic zone and continental shelf as drawn on official charts shall be conclusive evidence of the limits of the territorial sea, exclusive economic zone and continental shelf as specified by sections 1, 5 and 6 of this Law.

Regulations

8. (1) The Provisional National Defence Council may by legislative instrument, make regulations for giving full effect to the provisions of this Law.

(2) Regulations made under this section may prescribe a penalty for an infringement thereof of a fine not exceeding ₺500,000 or a term of imprisonment not exceeding 15 years or both and may also require the forfeiture of anything used in the commission of the offence.

(3) Where an offence under any regulations made under this section is committed by a body of persons:

(a) Where the body of persons is a body corporate every director and officer of the body corporate shall be deemed to be guilty of the offence, and

(b) Where the body corporate is a firm every partner of the firm shall be deemed to be guilty of the offence:...

Provided that a person shall not be deemed to be guilty of an offence by virtue of this subsection if he proves that the act constituting the offence was committed by a person other than himself and without his knowledge or connivance and that he exercised all due diligence to prevent the commission of the offence having regard to all circumstances.

Repeal

9. The Territorial Waters and Continental Shelf Decree, 1973 (N.R.C.D. 165) and the Territorial Waters and Continental Shelf (Amendment) Decree, 1977 (S.M.C.D. 109) are hereby repealed.

27. GRENADA

Marine Boundaries Act, 1978, Act No. 20 of 1 November 1978

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Marine Boundaries Act, 1978

Interpretation

"Exclusive Economic Zone" or "Zone" means the marine zone established by section 3(1) or 3(3) as the case may be:

"fish" includes marine fishes, crustacea, sea-eggs, whales, porpoises, Mollusca or other marine animals and includes marine plant life;

"fishing" means:

- (a) the catching, taking or harvesting of fish;
- (b) any activity reasonably expected to result in the catching, taking or harvesting of fish; or
- (c) any operation at sea in connection with, or in preparation for, the catching, taking or harvesting of fish or an activity referred to in paragraph (b);

"fishing vessel" means any ship, vessel, boat or other craft used for, or of a type normally used for, fishing or aiding or assisting another vessel at sea in the performance of any activity relating to fishing;

...

"ship" includes vessel, boat or other sea-going or ocean-going craft;

"structure" includes any artificial island, offshore terminal or offshore installation; (Act No. 17 of 1978).

...

PART II

ECONOMIC ZONE

Exclusive Economic Zone

3. (1) There is established, contiguous to the territorial waters, a marine zone to be known as the Exclusive Economic Zone having as its inner limit the boundary line of the seaward limit of the territorial waters and as its outer limit a boundary line which, subject to subsection (3), at every point is a distance of 200 miles from the nearest point of the baselines of the territorial waters or such other distance from the nearest point of those baselines as the Minister may, by order, prescribe.

(2) An order made under subsection (1) is subject to affirmative resolutions of the Senate and the House of Representatives.

(3) Notwithstanding subsection (1), where the median line as defined by subsection (4) between Grenada and any adjacent or opposite State is less than 200 miles from the baselines of the territorial waters, the outer boundary limit of the Zone shall be that fixed by agreement between Grenada and that other State, but where there is no such agreement, the outer boundary limit shall be the median line.

(4) The median line is a line every point of which is equidistant from the nearest points of the baselines of the territorial waters, on the one hand, and the corresponding baselines of the territorial waters of any adjacent or opposite State as recognised by the Minister, on the other hand.

(5) An agreement entered into pursuant to subsection (3) shall be laid before Parliament, and shall be judicially noticed.

Marking of boundary lines of Zone on charts or maps

4. (1) The Minister shall cause the boundary lines of the Zone be marked on a sealed map or chart, and that map or chart shall be judicially noticed.

(2) The Minister shall make provision for the safe custody of the map or chart referred to in subsection (1), and shall, by notice, specify the place where any person may inspect that map or chart or purchase a certified copy thereof.

Rights in, and jurisdiction over Zone

5. There is vested in the Government of Grenada -

(a) all rights in, and jurisdiction over, the Zone in respect of-

- (i) the exploration, exploitation, conservation, protection or management of the natural living and non-living resources of the seabed, subsoil and superjacent waters,
- (ii) the construction maintenance or use of structures or devices relating to the exploration or exploitation of the resources of the Zone, the regulation and safety of shipping, or any other economic purpose;



- (iii) the authorisation, regulation or control of scientific research;
- (iv) the preservation and protection of the marine environment and the prevention and control of marine pollution;
- (v) all other activities relating to the economic exploration and exploitation of the Zone; and

(b) all other rights in, and jurisdiction over, the Zone recognised by international law.

#### Exploitation of resources of Zone

6. (1) Subject to this Act, no person shall within the Zone, except under or in accordance with an agreement with the Government of Grenada or a permit granted by the Minister -

- (a) explore or exploit any resources thereof;
- (b) carry out any search or excavation;
- (c) conduct any research;
- (d) drill in or construct, maintain or operate any structure or device;  
or
- (e) carry out any economic activity.

(2) This section does not apply to fishing by a citizen of Grenada in or from a Grenadian vessel.

(3) Any person who contravenes this section is guilty of an offence and liable-

- (a) on conviction on indictment, to a fine not exceeding \$50,000 or imprisonment for a term not exceeding 5 years or both; or
- (b) on summary conviction, to a fine not exceeding \$20,000 or imprisonment for a term not exceeding 2 years or both, and in addition, the court may order the forfeiture of any vessel, structure, equipment, device or thing in connection with which the offence was committed.

#### Freedom of navigation, overflight, and laying of cables etc.

7. Subject to sections 8 and 11, ships and aircraft of all states are not, in or over the Zone, as the case may be, restricted in or prohibited from the enjoyment of the freedom of navigation, overflight, the laying of cables and pipelines and the other lawful use of the sea related to navigation and communication recognised by international law.

#### Application of certain enactments of Zone

8. (1) The Governor-General may, by order, with such exceptions and modifications as may be specified in the order, extend the application of any enactment to the Zone or any part thereof, and on enactment so extended shall have effect in relation to the Zone as if it had been enacted by this Act.

(2) An order made under this section is subject to affirmative resolutions of the Senate and House of Representatives.

#### Jurisdiction of Courts

9. (1) The jurisdiction and powers of the courts extend to the Zone for the purpose of giving effect to the provisions of this Act and any other enactment extended to the Zone under section 8 as if the Zone were a part of the territory of Grenada.

(2) Where an offence is, by virtue of this Act or any enactment extended to the Zone under section 8, punishable on summary conviction or indictment, it may be enquired into or determined, as the case may be, by a magistrate assigned to any magisterial district, and that magistrate has, in respect of the offence, all the powers, privileges, rights and jurisdiction conferred on him by the Magistrates Ordinance. (Cap. 177)

(3) The quasi-criminal and the civil jurisdiction conferred on a magistrate by the Magistrates Ordinance is, in relation to the Zone, exercisable by a magistrate assigned to any magisterial district. (Cap. 177)

(4) The jurisdiction and power conferred on the courts under this Act do not affect any jurisdiction or powers conferred on, or exercisable by, those courts under any other law.

#### Locus of offence

10. (1) In any proceedings in a court in relation to the Zone, the averment that an offence was committed or that an act was done within the limits of the Zone shall, until the contrary is proved, be deemed to be prima facie evidence that the locus in quo was within the Zone.

(2) An incident shall, for the purposes of any law conferring jurisdiction on a court in Grenada, be deemed to have occurred in Grenada if-

(a) that incident occurs in, on, under above or in relation to any vessel, structure or device or any waters within 500 yards of that structure or device, in the Zone; or

(b) that incident, if having occurred in Grenada, would be an offence or give rise to quasi-criminal proceedings or a civil cause of action.

### PART III

#### FISHING IN THE ZONE

##### Permission to fish in the zone or territorial waters

11. (1) No person shall engage in fishing within the Zone or the territorial waters unless-

(a) he is a citizen of Grenada;

(b) he is the holder of a valid permit granted under subsection (4); or



(c) there is in existence in relation to him an agreement with the Government of Grenada.

(2) The master or other person in charge of a foreign vessel shall not permit that vessel to be used for the purpose of fishing in the Zone or the territorial waters unless there is on board that vessel a valid permit granted under subsection (4).

(3) The master or other person in charge of a foreign vessel on board of which there is not a valid permit granted under this section in respect of that vessel shall not, except for the purpose of exercising the freedom of navigation referred to in section 7 or granted pursuant to an agreement under section 6, permit or cause that vessel to enter the Zone; and where a vessel enters the Zone in accordance with the terms of that permit or agreement, that master or other person shall not cause or permit the vessel to remain in the Zone after the purpose for which it entered the Zone has been fulfilled or the agreement has expired.

(4) The Minister may -

(a) grant to a person, who is not a citizen of Grenada; or

(b) grant in respect of a foreign fishing vessel, a permit to engage in fishing within the Zone, the territorial waters, or any designated part thereof.

(5) Any person who contravenes this section or a term or condition of a permit granted under this Act is guilty of an offence and liable on summary conviction to a fine not exceeding \$20,000 or imprisonment for a term not exceeding 2 years or both, and in addition, the court may order the forfeiture of any vessel, fish, fishing gear, equipment, device or thing in connection with which the offence was committed.

#### Content of permit

12. (1) A permit granted under section 11 in respect of a foreign vessel may contain -

(a) the name of the owner or charterer;

(b) the name of the vessel;

(c) a description of the vessel;

(d) a description of the area designated for fishing;

(e) the periods or times allowed for fishing and the number of voyages authorized;

(f) the descriptions and quantities of fish permitted to be taken;

(g) the method of fishing;

(h) conditions respecting the landing of fish or parts of fish;

(i) the name of the port or place for the landing of fish caught;



- (j) the permitted use of any fish caught; and
- (k) any other term or condition, including fees and charges payable, approved by the Minister.

Variation, revocation or suspension of permit

13. A permit granted under section 11 may be varied, suspended or revoked, if it appears necessary or expedient to the Minister.

PART IV

MARINE CONSERVATION OFFICERS

Conservation officers

14. For the purposes of this Act, the following persons are designated marine conservation officers -

- (a) fisheries officers of the Ministry responsible for Fisheries;
- (b) members of the Military Force of Grenada;
- (c) members of the Police Force;
- (d) officers of Customs;
- (e) officers of the Coast Guard; and
- (f) any other person approved by the Minister.

Powers of conservation officers

15. (1) A marine conservation officer may, in performing his duties, exercise all the powers conferred on him by this Act in respect of -

- (a) a Grenadian vessel or Grenadian structure that is at sea or in port; or
- (b) a foreign vessel or foreign structure that he reasonably suspects of being used in connection with fishing or any other activity carried on in contravention of this Act or the regulations.

(2) In the performance of his duties under this section, a marine conservation officer may-

- (a) reasonably call on any person to assist him;
- (b) use such force as is reasonably necessary;
- (c) require any person to do anything that appears reasonably necessary for the purpose of facilitating the performance of those duties;
- (d) order that any vessel or structure be stopped;
- (e) board any vessel or structure;

(f) search or examine any vessel or structure or any fish, equipment or thing on board thereof;

(g) require any person on board a vessel or structure to produce any document or thing relating to that vessel or structure or the persons on board thereof.

(3) A marine conservation officer who has reasonable grounds to suspect that an offence has been committed under this Act or the regulations by any person, including any person on board a vessel or structure, may, without warrant or other process-

(a) seize the vessel or structure together with any fish, fishing gear or other equipment suspected of being used in the commission of the offence; and

(b) detain the person he suspects.

(4) Where a vessel, structure or thing is seized or a person is detained under subsection (3), a marine conservation officer shall, where possible, take the vessel, structure, thing or person as soon as practicable to a port in Grenada and within a reasonable time cause the person detained to be brought before a magistrate's court to answer a charge in connection with the offence that gave rise to the seizure or detention.

(5) A court may order that any vessel, structure, fishing gear or other equipment, device or thing seized under subsection (3) be forfeited where the owner thereof is unknown and no claim thereto is made within 1 month of the seizure under that subsection.

Sale of fish likely to spoil

16. (1) A marine conservation officer may, to avoid spoilage or decay of any fish he seizes under section 15, sell that fish in such manner as a fisheries officer of the Ministry responsible for Fisheries directs.

(2) All moneys resulting from a sale of fish under subsection (1) shall be paid into the Consolidated Fund.

(3) A marine conservation officer who makes a sale of fish under subsection (1) shall give to the person from whom he seized the fish a receipt containing:

(a) the date of the sale;

(b) the quantity of fish;

(c) the amount realised by the sale and the receipt shall be signed by the officer.

(4) Where a court dismisses a charge against a person brought before it under section 15, it shall, in any case where the fish in the possession of that person was sold, order compensation not exceeding the net amount realised by the sale to be paid to that person.

(5) Compensation payable under subsection (4) shall be charged on, and paid out of, the Consolidated Fund.

Exemption from liability

17. No liability attaches to the Crown, a marine conservation officer or fisheries officer in respect of acts done by that officer in good faith in the performance of his duties under this Act.

PART V

GENERAL

General offences

18. Any person who-

(a) assaults, resists, obstructs or intimidates a marine conservation officer or any person assisting him, in the execution of his duty;

(b) uses indecent, abusive or insulting language to a marine conservation officer in the execution of his duty;

(c) interferes with or hinders a marine conservation officer in the execution of his duty;

(d) by any gratuity, bribe, promise or other inducement, prevents a marine conservation officer from carrying out his duty;

(e) without the authority of a marine conservation officer, removes, alters or interferes with any articles seized under section 15;

(f) contravenes any provision of this Act for which no penalty is provided or the regulations,

is guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000 or imprisonment for a term not exceeding 2 years or both and, in addition, the court may order the forfeiture of any vessel, structure, equipment, device or thing in connection with which the offence was committed.

Return of property seized

19. Subject to section 16, a court may order that property seized under subsection (3) of section 15 be returned to the person from whom it was taken or to a person named by that person where -

(a) the court dismisses a charge brought against that person under this Act or the regulations, and it is of the opinion that the property can be returned consistently with the interests of justice; or

(b) no charge has been brought against any person within a reasonable time after a seizure has been effected under that subsection.



Regulations

20. (1) The Minister may make regulations generally for carrying into effect the provisions of this Act, and in particular respecting -

- (a) any activity relating to the exploration, exploitation and protection of the resources of the Zone;
- (b) any activity relating to the economic exploration or exploitation of the Zone;
- (c) the safety and protection of structures or devices in the Zone;
- (d) the authorisation, control and regulation of scientific research in the Zone;
- (e) the customs and other fiscal matters relating to the Zone;
- (f) the duties, powers, functions and conditions of service of marine conservation officers; and
- (g) the fees to be paid under this Act.

(2) Regulations made under this section are subject to affirmative resolutions of the Senate and the House of Representatives.

Directions

21. The Minister may give directions respecting the disposal or release of any vessel, structure, equipment, device or thing that is ordered by a court to be forfeited under this Act or the regulations.

Commencement

22. This Act shall come into operation on such day as the Minister may appoint by notice in the Gazette.

28. GUATEMALA

Legislative Decree No. 20-76 of 9 June 1976 concerning the breadth of the Territorial Sea and the establishment of an Exclusive Economic Zone

...

Article 3

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

- (a) Sovereign rights for the purpose of exploring and of exploiting, conserving and managing the natural resources, both renewable and non-renewable, of the continental shelf (bed and subsoil), the seabed and subsoil and the superjacent waters.
- (b) Exclusive rights and jurisdiction with regard to the establishment and use of artificial islands, installations and similar structures, including the customs, fiscal, sanitary and immigration regulations pertaining thereto;
- (c) Exclusive jurisdiction with regard to:
  - (i) Other activities for the exploration and economic exploitation of the zone, such as the production of energy derived from the water or from tides or winds;
  - (ii) Scientific research;
- (d) Jurisdiction with regard to the preservation of the marine environment, including the control and elimination of pollution.
- (e) Such other rights and obligations as may derive from jurisdiction over the zone.

Article 4

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

Article 5

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

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

Article 6

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

Article 7

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

Article 8

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

Article 9

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



29. GUINEA

National Limits of Jurisdiction - Decree No. 336/PRG of 30 July 1980

Chapter I

General provisions

...

Article 2

The breadth of the exclusive economic zone shall be two hundred (200) nautical miles, measured from the low-water line.

Article 3

In the exclusive economic zone, the Guinean State reserves the exclusive right to explore and exploit, conserve and manage the natural resources, whether living or non-living, of the seabed, its subsoil and the superjacent waters.

Article 4

The limits of the territorial waters and of the exclusive economic zone shall be established as follows:

- In the north, by a line drawn from the intersection point of 10°56'42" north latitude and 15°05'00" west longitude along the thalweg of the Cajet River, thence to the southwest across the Passe des Pilotes as far as the parallel 10°40'00" (at the intersection point of the co-ordinates 10°40'00" north and 15°20'30" west), and thence along that parallel for a distance of 200 nautical miles out to sea;

- In the south, by the parallel 9°03'18" north latitude for a distance of 200 nautical miles out to sea, measured from the low-water line.

Chapter II

Coastal surveillance

Article 5

Merchant Marine officers responsible for the surveillance of territorial waters, Customs Service officials, officers of the National Navy and, in general, all criminal police officers shall be empowered to establish that an offence has been committed, prepare an official report thereon, and conduct the perpetrator or perpetrators and their boat or vessel to the nearest Guinean port.

Within twenty-four hours of disembarkation, they must submit to the responsible Merchant Marine officer or to the Governor of the appropriate administrative region their notes, official reports and all other documents establishing the offences.

Article 6

The officer or official who conducted or had the detained vessel conducted shall hand it over to the Merchant Marine Service, which shall seize the fishing gear. Any catch shall also be seized and sold without delay at a public auction arranged by the responsible Merchant Marine officer, upon authorization by the Governor of the region.

The proceeds of the sale of the catch shall be deposited with the Treasury.

Chapter III

Offences

Article 7

Foreign ships shall be prohibited from fishing in Guinean territorial waters and in the exclusive economic zone.

...

Article 9

The Minister of Transport shall issue an order establishing general regulations for sea fishing in the territorial waters and in the exclusive economic zone.

30. GUINEA-BISSAU

Act No. 3/85 of 17 May 1985 on the Maritime Boundaries

Article 1

The line delimiting the maritime areas appertaining to the Republic of Guinea-Bissau and the Republic of Guinea, respectively:

(a) Begins at the intersection of the Cajet thalweg and the meridian longitude 15° 06' 30" West;

(b) Connects, by means of loxodromes, the following points:

	<u>North Latitude</u>	<u>West Longitude</u>
A	10° 50' 00"	15° 09' 00"
B	10° 40' 00"	15° 20' 30"
C	10° 40' 00"	15° 34' 15"

(c) Follows a loxodrome an a bearing of 236° from Point C above to the outer 200-mile limit.

Article 2

The territorial sea shall extend, within the national maritime frontiers, for a distance of 12 nautical miles measured from the straight baselines established by Act No. 2/85.

Article 3

1. The exclusive economic zone shall extend, within the national maritime frontiers, for a distance of 200 miles measured from the straight baselines established by the above-mentioned Act.

2. The State of Guinea-Bissau shall have the exclusive right to explore and exploit the living and natural resources of the sea and the continental shelf, slopes and seabed within the exclusive economic zone.

Article 4

Fishing within the exclusive economic zone by any foreign vessel or ship not authorized by the Government of the Republic of Guinea-Bissau is expressly prohibited.

Article 5

Violation of the provisions of Article 4 shall be punishable under the terms of the law.

Article 6

Any legislation which is at a variance with this Act shall be revoked.

Article 7

This Act shall enter into force immediately.



31. GUYANA

Maritime Boundaries Act, 1977, Act No. 10 of 30 June 1977

Short title and commencement

AN ACT to provide for certain matters relating to the territorial sea, the internal waters, the continental shelf, the exclusive economic zone and the fishery zone of Guyana. (AD. 1977)

1. (1) This Act may be cited as the Maritime Boundaries Act, 1977.

(2) Part III of this Act shall come into force on a date appointed by order of the Minister.

Intpretation

2. In this Act:

...

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

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

"fishery zone" means the fishery zone of Guyana established by section 23;

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

(a) fishing; or

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

PART III

THE EXCLUSIVE ECONOMIC ZONE

Exclusive economic zone

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

Exclusive and sovereign rights

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

- (a) sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, both living and non-living, as well as for producing energy from tides, winds and currents;
- (b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, offshore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the zone or for the convenience of shipping or for any other purpose;
- (c) exclusive jurisdiction to authorize, regulate and control scientific research;
- (d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution;
- (e) such other rights as are recognized by international law.

Licence or authority to explore or exploit resources

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

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

Declaration of designated areas

18. The President may by order:

- (a) declare any area of the exclusive economic zone to be designated areas; and
- (b) make such provisions as he may deem necessary with respect to -
  - (i) the exploration, exploitation and protection of the resources of such designated area;
  - (ii) other activities for the economic exploitation and exploration of such designated area such as the production of energy from tides, winds, and currents;

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

Order to extend enactment

19. The President may by order -

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

(b) make such provisions as he may consider necessary for facilitating the enforcement of such enactment, and any enactment so extended shall have effect as if the exclusive economic zone or the part thereof to which it has been extended is a part of the territory of Guyana.

Submarine cables and pipelines

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

Navigation and overflight

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

Exclusion or modification of Parts II and IV

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

PART IV

THE FISHERY ZONE

Fishing zone

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



Regulation of conduct of fishing operations

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

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

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

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

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

Access to fishery limits

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

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

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

(b) shall not fish while within the zone.

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

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

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

Fishery officers

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

Powers of fishery officers

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

(2) A fishery officer may go on board the boat, with or without persons assigned to assist him in his duties, and for that purpose may require the boat to stop and do anything else which may facilitate the boarding of the boat.

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

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

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

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

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

(6) Subject to the foregoing provisions of this section, in carrying out the provisions of this Act a fishery officer shall have the same powers, authorities and privileges as are conferred upon an officer of customs by the Customs Act.

(7) The court may order any such boat, net, line, stake, instrument or appliance -

(a) to be disposed of in such manner as the court may think fit in the event of the court convicting any person of any offence in relation to which such boat, net, line, stake, instrument or appliance was seized under subsection (4):

Provided that where the person convicted is not the owner of the boat in relation to which the offence was committed no order shall be made in respect of such boat unless the owner has been given an opportunity of being heard;

(b) to be returned to the owner in the event of no person being prosecuted within a reasonable time or where the person prosecuted is discharged by the court;

(c) to be forfeited to the State where the owner thereof is unknown and no claim is made thereto within one month of its being detained.

#### Fish siezed

28. If there is found as a consequence of any examination referred to in section 27(3) any fish or part thereof appearing to have been obtained or to have been possessed in contravention of this Part the same may be seized and detained and shall be sold in such manner as the Chief Agricultural Officer may think fit and the proceeds of such sale shall be paid into the court of competent jurisdiction and shall-

(a) be forfeited to the State in the event of any person being convicted of any offence under this Part or in the event of such persons being unknown and no claim being made thereto within one month of the payment into the court;

(b) be handed to the person who captures such fish where the person who captured such fish is known and either no person is prosecuted or the person prosecuted is discharged:

Provided that no person shall be subject to any liability on account of his neglect or failure to exercise the powers conferred by this paragraph.

#### Fishery officer to prevent interference of fishing operations

29. If it appears to a fishery officer that a fishing boat of Guyana or a fishing boat belonging to a country which is a party to a convention to which the Government of Guyana is a party is being so navigated or stationed as to interfere or likely to interfere with fishing operations which are being carried on, or about to be carried on, within the fishery zone, he may require the boat to move away or to move in a direction or to a position specified by him.



Fishery officer to exercise powers conferred by applied Act

30. For the purpose of enforcing collision provisions under the Law of Merchant Shipping Act (section 418 of the applied Act Merchant Shipping Act, 1894) so far as they apply to fishing boats, a fishery officer may exercise, in relation to any fishing boat within the fishery zone and in relation to a fishing boat of Guyana anywhere outside the zone, the powers conferred by section 723(1) of the applied Act, whether or not he is mentioned in that subsection, and also the powers conferred by sections 27 and 29 and section 723(2) of the applied Act so far as it relates to the former powers shall apply accordingly.

Protection of persons acting under this Part

31. Any person acting in the execution of his office or duty under this Part is entitled to the protection afforded by the Justices Protection Act.

Offences

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

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

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

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

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

Warrant of distress

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

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

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

PART V

GENERAL

Alteration of seaward limit

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

Maritime boundaries determined by agreement

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

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

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

Charts

36. (1) The Minister responsible for lands and surveys may cause charts to be issued delineating the baseline, referred to in section 7, the territorial sea, the continental shelf, the exclusive economic zone, the fishery zone and the maritime boundaries as settled by agreements under section 35 or any portions thereof as may be delineated consistent with the nature and scale of the charts.

(2) In any proceedings in any court a certificate purporting to be signed by the Minister responsible for lands and surveys or a person authorized by him that the chart is for the time being an authorized and accurate chart shall be admissible as conclusive evidence of the matter stated in the certificate.

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

Application of criminal and civil law

37. (1) In Part II or Part III, any act or omission which -

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



(b) would if taking place in Guyana constitute an offence under the law in force in Guyana, shall be treated for the purposes of that law as taking place in Guyana.

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

(3) Without prejudice to subsection (2) and notwithstanding anything to the contrary in any law a complaint in respect of any offence committed under this Act may be laid and heard before any court of summary jurisdiction.

(4) The averment that the offence was committed or that any act was done within the limits of any port, or in the waters of Guyana, or over Guyana, or where the offence is committed in any port or place in Guyana, the naming of such port or place in any information or complaint, shall be deemed sufficient, unless the defendant in any such case shall prove the contrary.

(5) Any jurisdiction conferred on any court under this section shall be without prejudice to any jurisdiction exercisable apart from this section by that or any court.

#### Penalties

38. Any person who contravenes or fails to comply with any provision in Part II or Part III is liable on summary conviction to a fine of five thousand dollars.

#### Offences by companies

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

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

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



Previous sanction of the Director of Public Prosecutions

40. No prosecution shall be instituted against any person in respect of any offence under this Act without the previous sanction of the Director of Public Prosecutions.

Powers to make regulations

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

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

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

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

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

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

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

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

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

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

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

Power to amend any law to give effect to this Act

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

...

32. HAITI

Declaration by the Haitian Government of 6 April 1977 establishing the boundary of the territorial waters of the Republic of Haiti at 12 nautical miles and that of its Economic Zone at 200 nautical miles

The Government of the Republic of Haiti, exercising its full national sovereignty and the rights and powers conferred upon it by the Constitution and the laws, and desiring to preserve the territorial integrity and to defend the higher interests of the nation in its relations with the other Caribbean States.

Bearing in mind the need to ensure the exclusive exploitation, preservation and management of the natural, living, mineral and other resources of the seabed, the subsoil and the adjacent waters of the Republic of Haiti,

Declares that the administration, management and exploitation of the economic zone are within the exclusive and sovereign competence of the Haitian authorities;

Reaffirms as principles of its international policy its sovereignty and exclusive jurisdiction over the waters washing the coasts of the Republic;

... decides that its exclusive economic zone expands to 200 nautical miles from the baseline from which the territorial sea is measured.

The Republic of Haiti exercises exclusive sovereignty over the air space above its territory and above its jurisdictional waters up to the boundaries established above.

These provisions shall enter into force upon the publication of this Declaration and they shall be notified through the diplomatic channel to the Governments of the States concerned.

The Government of the Republic of Haiti, which has always demonstrated its devotion to the Panamerican ideal and advocated effective hemispheric solidarity, remains ready to enter into bilateral or multilateral negotiations with the Governments of the neighbouring countries concerned.



33. HONDURAS

Decree No. 921 of 13 June 1980 on the utilization  
of Marine Natural Resources

Article 1

Without prejudice to the provisions of the Constitution and of the laws of the Republic concerning the territorial sea and the continental shelf, the State of Honduras shall have, in the exclusive economic zone extending up to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured;

- (a) Sovereign rights for the purpose of exploiting, exploring, conserving and managing all natural resources, whether living or non-living, of the seabed and subsoil and the superjacent waters, and over any economic exploration and exploitation of the zone, such as the production of energy from the water, currents and winds;
- (b) Exclusive rights and jurisdiction with regard to authorization and regulation of the construction, operation and use of artificial islands and of installations and structures of any kind, including jurisdiction with regard to customs, fiscal, health, safety and immigration regulations;
- (c) Jurisdiction and control in all matters relating to the regulation, authorization and conduct of marine scientific research, which shall be conducted only with the prior consent of the State of Honduras and with the participation of a representative of its Government whenever the latter deems it desirable;
- (d) Jurisdiction and control for the purpose of preserving the marine environment and preventing, reducing and controlling pollution from any source;
- (e) Such other rights and obligations as derived from the sovereign rights over the resources of the zone.

Article 2

In the said zone, all States, whether coastal or land-locked, shall enjoy, without prejudice to the provisions of the preceding article, the freedoms of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea directly related to the operation of ships, aircraft and submarine cables and pipelines.

Article 3

The State of Honduras shall, as a matter of sovereign right, determine the allowable catch of living resources in the zone, taking into account the objective of optimum and rational utilization of such resources and giving priority to meeting the nutritional needs of the Honduran people, the requirements of the economy and other national interests.



Without prejudice to such restrictions as may be imposed under the relevant legislation for the benefit of Honduran nationals or of companies constituted or incorporated under Honduran law in respect of concessions, licences or permits to fish in the area of the territorial sea or on the continental shelf of Honduras, the State may issue to foreigners licences or permits to explore or exploit the other resources in the zone, in accordance with existing legislation, in so far as it is applicable, and with such legislation on the subject as may hereafter be issued.

Any question which may arise with the administrative authorities regarding the implementation of this article may be submitted to the Honduran courts.

#### Article 4

The State of Honduras shall, with a view to its economic development, issue such legislation as it deems relevant to regulate, inter alia, the following:

- (a) Licensing of fishermen, fishing vessels and equipment, including payment of fees and other forms of remuneration, which may consist of adequate compensation in the field of financing, equipment and technology relating to the fishing industry;
- (b) Determining the species which may be caught, and fixing quotas of catch, whether in relation to particular stocks or groups of stocks or catch per vessel over a period of time or to the catch by nationals of any State during a specified period;
- (c) Regulating seasons and areas of fishing, the types, sizes and amount of gear, and the numbers, sizes and types of fishing vessels that may be used;
- (d) Fixing the age and size of fish and other species that may be caught;
- (e) Specifying information required of fishing vessels, including catch and effort statistics and vessel position reports;
- (f) Requiring, under the authorization and control of the State of Honduras, the conduct of specified fisheries research programmes and regulating the conduct of such research, including the sampling of catches, disposition of samples and reporting of associated scientific data;
- (g) The placing of observers or trainees on board such vessels by the State;
- (h) The landing of all or any part of the catch by such vessels in the ports of the State;
- (i) Terms and conditions relating to joint ventures or other cooperative arrangements;

- (j) Requirements for training personnel and transfer of fisheries technology, including enhancement of the capability of the State of Honduras to undertake fisheries research;
- (k) Rules and procedures for enforcement of these provisions.

Article 5

The State of Honduras may, in the exercise of its sovereign rights to explore, exploit, conserve and manage the living resources in the zone, take such measures, including boarding, search, inspection, arrest and judicial proceedings, as may be necessary to ensure compliance with the laws and regulations adopted by it in conformity with this Decree.

In case of the arrest or detention of a foreign vessel, the flag State shall be promptly notified, through appropriate channels, of the action taken and the penalties imposed.

Article 6

This Decree shall not abridge similar rights of other States on the basis of reciprocity or negate in any way such obligations as may arise from a future Convention on the Law of the Sea or from treaties to which Honduras is a party and which shall have been concluded on the basis of respect for the territorial sovereignty or sovereign rights over resources, as the case may be, of the Republic of Honduras.

Article 7

The Executive shall issue regulations for the implementation of this Decree.

There shall be established an Interministerial Commission composed of the Secretariats of State of the Departments of Natural Resources; Economic Affairs; Finance; Public Health; Defence and Public Safety; Foreign Affairs, and the National Port Authority, through the Secretariat of State for Economic Affairs.

The Commission shall draw up the relevant regulations and shall serve as a permanent consulting body and recommend specific action for the optimum utilization of the natural resources in the interests of nutrition and standard of living of the Honduran people and of the country's economic development in general.

Article 8

The enforcement of this Law and of the legislation arising from it shall be the direct responsibility of the Secretariat of State of the Department of Natural Resources, assisted by the naval and the air forces of the Republic.

Article 9

This Decree shall enter into force as from the date on which it is published in the official gazette La Gaceta.

34. ICELAND

Law No. 41 of 1 June 1979 concerning the Territorial Sea,  
the Economic Zone and the Continental Shelf

...

II

THE ECONOMIC ZONE

Article 3

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

Article 4

In the economic zone, Iceland has:

- a) sovereign rights for the purpose of exploring, exploiting, conserving and managing the resources, whether living or non-living, of the seabed and subsoil and the superjacent waters, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;
- b) jurisdiction with regard to:
  - (i) the establishment and use of man-made structures;
  - (ii) scientific research;
  - (iii) the preservation of the marine environment;
- c) other rights and duties under international law.

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

...

IV

DELIMITATION OF AREAS BETWEEN STATES

Article 7

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



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

V

MEASURES TO PREVENT POLLUTION

Article 8

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

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

VI

SCIENTIFIC RESEARCH

Article 9

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

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

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

Article 10

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

- a) the nature and objectives of the research project;
- b) the method and means to be used, including name, tonnage, type and class of vessels and a description of scientific equipment;
- c) the precise geographical areas in which the activities are to be conducted;
- d) the commencement and termination of the research period;
- e) the name of the sponsoring institution, its director, and the person in charge of the research project;
- f) the anticipated participation of the Icelandic authorities in the research project.

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

## VII

### GENERAL PROVISIONS

#### Article 11

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

...

#### Article 13

This Law shall enter into force immediately.

35. INDIA

The Territorial Waters, Continental Shelf, Exclusive Economic Zone  
and other Maritime Zones Act, 1976, Act No. 80 of 28 May 1976

Short title and commencement

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

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

...

Definition

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

...

Exclusive economic zone

7. (1) The exclusive economic zone of India (hereinafter referred to as the exclusive economic zone) is an area beyond and adjacent to the territorial waters, and the limit of such zone is two hundred nautical miles from the baseline.

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

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

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

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

---

\* Note. Section 5 - contiguous zone.



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

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

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

(e) such other rights as are recognised by International Law.

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

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

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

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

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

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

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

(iii) the safety and protection of artificial islands, off-shore terminals, installations and other structures and devices in such designated areas;

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

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

#### Explanation

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

(7) The Central Government may, by notification in the official Gazette, -

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

(b) make such provisions as it may consider necessary for facilitating the enforcement of such enactment, and any enactment so extended shall have effect as if the exclusive economic zone or the part thereof to which it has been extended is a part of the territory of India.

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

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

...

Maritime boundaries between India and States having coasts  
opposite or adjacent to those of India

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

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

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

Publication of charts

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



Offences

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

Offences by companies

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

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

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

...

Explanation

For the purposes of this section,- (a) "company" means any body corporate and includes a firm or other associations of individuals; and (b) "director", in relation to a firm, means a partner in the firm.

Place of trial

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

Previous sanction of the Central Government for prosecution

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



Power to make rules

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

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

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

...

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

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

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

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

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

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

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

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

Removal of difficulties

16. (1) If any difficulty arises in giving effect to the provisions of this Act or of any of the enactments extended under this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act or, as the case may be, of such enactment, as may appear to it to be necessary or expedient for removing the difficulty: Provided that no order shall be made under this section -

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

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

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

36. INDONESIA

Act No. 5 of 18 October 1983 on the Indonesian Exclusive Economic Zone

CHAPTER I

GENERAL PROVISION

Article 1

Meant in this act by:

- (a) living natural resources are all species of animals and plants, including their divisions, found on the seabed and in the water area of the Indonesian Exclusive Economic Zone;
- (b) non-living natural resources are natural substances being no living natural resources, found on the seabed and in the subsoil thereof as well as in the water area of the Indonesian Exclusive Economic Zone;
- (c) scientific research is any activity in connection with the research on any maritime aspects on the water surface, in the water area, on the seabed and in the subsoil thereof the sea floor in the Indonesian Exclusive Economic Zone;
- (d) conservation of natural resources are all efforts aimed at protecting and preserving the natural resources in the Indonesian Exclusive Economic Zone;
- (e) marine environmental protection and conservation is any effort aimed at preserving and maintaining the whole of the marine ecosystem within the Indonesian Exclusive Economic Zone.

CHAPTER II

INDONESIA'S EXCLUSIVE ECONOMIC ZONE

Article 2

The Indonesian Exclusive Economic Zone is the outer strip bordering the Indonesian territorial sea as determined by the law applicable to the Indonesian waters, covering the seabed, the subsoil thereof and the water above it with an outermost limit of 200 (two hundred) sea miles, measured from the baseline of the Indonesian territorial sea.

Article 3

1. In the event that the Indonesian Exclusive Economic Zone is overlapping the exclusive economic zone of another State which coastline is opposite or adjacent to that of Indonesia, then, the boundary line between the exclusive economic zone of Indonesia and that of the other State shall be established by agreement between the Republic of Indonesia and the State concerned.



2. So long as such agreement as meant in paragraph 1 does not exist, and no special conditions need to be considered, then the boundary line between the exclusive economic zone of Indonesia and that of the other State shall be the median line or line which is equidistant from the baselines of the Indonesian territorial sea or the outermost points of Indonesia and the baselines of the territorial sea or outermost points of the other State, except if an agreement has been reached with the said State on a provisional arrangement of the boundaries of the Indonesian Exclusive Economic Zone.

### CHAPTER III

#### SOVEREIGN RIGHTS, OTHER RIGHTS, JURISDICTION AND DUTIES

##### Article 4

1. Within the Indonesian Exclusive Economic Zone, the Republic of Indonesia shall have and exercise:
  - (a) its sovereign rights to conduct the exploration, exploitation, management and conservation of the living and non-living resources on the seabed and in the subsoil thereof as well as the water above it, including other activities for the purpose of economic exploration and exploitation of said zone, such as the generation of power by means of water, current and wind;
  - (b) its jurisdiction in connection with:
    - (i) the construction and use of artificial islands, installations and other structures;
    - (ii) marine scientific research;
    - (iii) the protection and conservation of the marine environment;
  - (c) other rights and duties, based on the applicable Convention on the Law of the Sea.
2. As far as it concerns the seabed and the subsoil thereof, the sovereign rights and other rights, jurisdiction and duties of Indonesia as meant in paragraph 1, shall be exercised in accordance with the legislative provisions on the Indonesian Continental Shelf, agreements concluded between the Republic of Indonesian and neighbouring States and the rules of international law in force.
3. Within the Indonesian Exclusive Economic Zone, the freedom of international navigation and overflight as well as the freedom of laying submarine cables and pipelines, shall be respected in accordance with the principles of the international law of the sea.

CHAPTER IV

ACTIVITIES WITHIN THE INDONESIAN EXCLUSIVE ECONOMIC ZONE

Article 5

1. Without prejudice to the provision in article 4, paragraph 2, whoever conducting the exploration and/or exploitation of natural resources or any other activities for the purpose of the economic exploration or exploitation of said natural resources, such as generation of power by means of water, current or wind within the Indonesian Exclusive Economic Zone, may do so based on the permission of the Government of the Republic of Indonesia, or on an international agreement concluded with the Government of the Republic of Indonesia, whereas such activity has to be carried out under the conditions of such permit or such international agreement.

2. Without prejudice to the provision in paragraph 1, any exploration and/or exploitation of the living natural resources, shall abide by the provisions on management and conservation as stipulated by the Government of the Republic of Indonesia.

3. Without prejudice to the provision in article 4, paragraph 2, any exploration and/or exploitation of the living resources in a certain area within the Indonesian Exclusive Economic Zone, conducted by any person, a corporate body or government of a foreign State, may be permitted provided that the catch as allowed by the Government of the Republic of Indonesia of the species in question is in excess of Indonesia's capacity to harvest the allowable catch.

Article 6

Whoever constructing and/or using any artificial island or installations or other structures within the Indonesian Exclusive Economic Zone, may do so based on the permission of the Government of the Republic of Indonesia, whereas such activities have to be carried out under the conditions of such permit.

Article 7

Whoever conducting any scientific research activity in the Indonesian Exclusive Economic Zone has to ensure that such activity shall obtain the prior consent of and be carried out under the conditions as determined by the Government of the Republic of Indonesia.

Article 8

1. Whoever conducting any activity within the Indonesian Exclusive Economic Zone, has the duty to take steps towards preventing, minimizing, controlling and surmounting the pollution of the environment,

2. Discharge of waste in the Indonesian Exclusive Economic Zone may be effected only after having obtained the permission of the Government of the Republic of Indonesia.



CHAPTER V

INDEMNITY

Article 9

Whoever conducting any activity in violation of the provisions of the statutory regulations of the Republic of Indonesia and international law in relation to artificial islands, installations or other structures within the Indonesian Exclusive Economic Zone and causing loss, shall be liable for such loss and, shall pay indemnity to the owner of such artificial islands, installations and/or other structures.

Article 10

Without prejudice to the provision in article 7, whoever conducting any activity within the Indonesian Exclusive Economic Zone being in violation of the provisions of the statutory regulations of the Republic of Indonesia and the rules of international law, as applicable to the field of marine scientific research and causing loss, shall be held responsible for such loss and, shall pay indemnity to the Republic of Indonesia.

Article 11

1. Without prejudice to the provision in article 8 and with due observance to a fixed maximum of indemnity, whoever causing the pollution of the marine environment and/or damage to the natural resources within the Indonesian Exclusive Economic Zone, shall be held fully responsible for such pollution or damage and, shall pay immediately a reasonable amount of rehabilitation costs for the marine environment and/or natural resource.
2. Exempted from the full responsibility as meant in paragraph 1, are those who can prove that such pollution of the marine environment and/or damage to the natural resources, was the result of:
  - (a) a natural calamity, being beyond one's power;
  - (b) a damage which wholly or partly was caused by an act or negligence of a third party.
3. The form, type and size of the loss resulting from the pollution of the marine environment and/or damage to the natural resources, shall be fixed on the basis of the outcome of an ecological investigation.

Article 12

The regulation pertaining to the limit of maximum indemnity, method of ecological investigation and claim for damages, as referred to in article 11, shall be dealt with by statutory regulations as meant in article 20.



CHAPTER VI

LAW ENFORCEMENT

Article 13

In the frame of exercising the sovereign rights and other rights, jurisdiction and duties, as meant in article 4, paragraph 1, the competent law-enforcement apparatus of the Republic of Indonesia may take law-enforcement measures in accordance with Act No. 8 of 1981 on the Code of Criminal Procedure with the following exceptions:

- (a) any of a ship and/or persons, presumed of having committed an offence within the Indonesian Exclusive Economic Zone, shall include the detention of the ship until the handing over of such ship and/or persons at the port, where said case can be further prosecuted;
- (b) the handing over of such ship and/or persons shall take place as soon as possible, not exceeding a period of 7 (seven) days, except in case of a force majeure;
- (c) for the purpose of detention, the criminal act as referred to in article 16 and article 17, shall come under the category of criminal acts as meant in article 21, paragraph 4, letter b, Act No. 8 of 1981, on the Code of Criminal Procedure.

Article 14

1. The law-enforcement apparatus in the field of investigation within the Indonesian Exclusive Economic Zone is a Navy Officer of the Indonesian Armed Forces, so assigned by the Commander-in-Chief of the Armed Forces of the Republic of Indonesia.
2. The plaintiff is the public prosecutor attached to the court of first instance as meant in paragraph 3.
3. The court of justice authorized to try offences of the provisions of this act, is the court of first instance which jurisdiction covers the port where the detention of such ship and/or persons as meant in article 13, letter a, has taken place.

Article 15

1. Any request for the release of such ship and/or persons arrested on the ground of being accused of having committed violation of this act or any legislative provision issued on the basis of this act, may be filed at any time prior to the verdict of the competent court of first instance.
2. Any request for such release as meant in paragraph 1, may be complied with after the claimant and has handed over a reasonable amount of bail as fixed by the competent court of first instance.

CHAPTER VII

PENAL PROVISIONS

Article 16

1. Whoever committing an act violation of the provisions in article 5, paragraph 1, article 6, article 7, shall be punished by a fine to a maximum of Rp 225,000,000 (two hundred and twenty-five million Rupiahs).
2. The judge in its verdict may decide up on the confiscation of the products of activity, the ship and/or the equipment used in committing of the criminal act as meant in paragraph 1.
3. Whoever deliberately commits an act causing damage to the life environment or the pollution of the life environment within the Indonesian Exclusive Economic Zone, shall be threatened with punishment in accordance with the legislative provisions applicable to the field of life environment.

Article 17

Whoever damaging or destroying the evidences used in committing a criminal act as meant in article 16, paragraph 1, with the purpose to avoid the confiscation of said evidences during the investigation, shall be punished by a fine to a maximum of Rp 75,000,000 (seventy-five million rupiahs).

Article 18

The criminal act as meant in article 16 and article 17, shall be regarded as a crime.

CHAPTER VIII

TRANSITIONAL PROVISION

Article 19

Any provisions on the exploration and/or exploitation of the living resources, enacted before the promulgation of this act, shall remain in force until changes are made by virtue of legislative provisions issued on the basis of this act.

CHAPTER IX

CLOSING PROVISIONS

Article 20

1. Implementation of the provisions under this act shall be further arranged in other statutory regulations.
2. The Government Regulation arranging the implementation of the provisions of this act may stipulate a maximum fine of Rp 75,000,000 (seventy-five million rupiahs) against any violation of its provisions.

Article 21

This Act shall come into force as from the date of its promulgation. In order that everybody may have knowledge of it, the promulgation of this Act is hereby ordered through its placing in the State Gazette of the Republic of Indonesia.



37. JAMAICA

Act 33 of 1991 entitled "The Exclusive Economic Zone Act, 1991" 1/

Preliminary

1. This Act may be cited as the Exclusive Economic Zone Act, 1991.

Interpretation

2. In this Act:

"Convention" means the United Nations Convention on the Law of the Sea signed in Montego Bay on the 15th day of December, 1982;

"fish" means any aquatic animal whether piscine or not and includes shellfish, turtle, mollusc, crustacean, coral, sponge, enchinoderms, their young and their eggs;

"living resources" includes fish and all other forms of aquatic life;

"Marine Officer" means any officer employed to the Customs and Excise Department, any game warden approved as such under the Wild Life Protection Act, any member or officer of the Jamaica Constabulary Force, any member or officer of the Jamaica Defence Force or any public officer designated a Fishery Inspector under the Fishing Industry Act and any other public officer designated a Marine Officer by the Minister;

Schedule

"scheduled enactment" means:

- (a) an enactment specified in the Schedule; or
- (b) regulations made under an enactment so specified,

containing provisions regulating an activity which, for the time being having regard to the circumstances of the case, is required to be authorized by licence;

"vessel" includes any canoe, lighter, floating platform, decked boat, carrier vessel, vessel equipped with inboard or outboard motor or any other sea-going vessel, whether surface craft or submarine;

"Zone" means the Exclusive Economic Zone established under section 3.

Establishment of Zone

3. (1) There is established beyond and adjacent to the territorial sea of Jamaica a Zone to be known as the Exclusive Economic Zone.

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1/ The Jamaica Gazette Extraordinary, vol. CXIV, No. 71, Tuesday, 31 December 1991.

(2) The Zone shall have as its inner limit the boundary line of the seaward limit of the territorial sea and, subject to subsection (3), as its outer limit a boundary line which is at every point a distance of two hundred nautical miles from the baselines from which the breadth of the territorial sea is measured.

(3) Where the outer limit referred to in subsection (2) intersects the outer limit of the exclusive economic zone of any other State whose coasts are opposite or adjacent to Jamaica, delimitation of the boundaries of the Zone for Jamaica and that State shall be effected by agreement on the basis of international law as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.

#### Rights in and jurisdiction over Zone

4. In the Zone there is vested in the Crown:

(a) sovereign rights in respect of:

(i) the exploration, exploitation, conservation, protection and management of the natural resources, whether living or non-living, of the waters superjacent to the seabed, and of the seabed and its subsoil;

(ii) all other activities for the economic exploitation and exploration of the Zone, including the production of energy from the water, currents and winds;

(b) exclusive rights and jurisdiction in respect of the authorization and regulation of the construction, operation, maintenance and use of artificial islands, installations and structures;

(c) jurisdiction in respect of:

(i) the authorization, regulation and control of scientific research and the recovery of archaeological or historical objects;

(ii) the preservation and protection of the marine environment and the prevention and control of marine pollution; and

(d) all other rights and jurisdiction as are recognized by the Convention or by international law.

#### Rights and duties of other States in Zone

5. Subject to the provisions of this Act, all States have in the Zone the rights and duties of States as specified in the Convention with respect to the freedoms of navigation and overflight and of the laying of submarine cables and pipelines and other internationally lawful uses of the sea related to such freedoms.

#### Exploration for and exploitation of living resources of the Zone

6. (1) No person shall within the Zone explore for or exploit any living resources thereof except, subject to section 11, under and in accordance with a licence granted pursuant to the relevant scheduled enactment.



(2) No person shall use any vessel to explore for or exploit any living resources of the Zone unless, subject to section 11, there is, in relation to that vessel, a licence granted pursuant to the relevant scheduled enactment.

(3) Any person who contravenes subsection (1) or (2) commits an offence and is liable:

- (a) on summary conviction in a Resident Magistrate's Court to a fine not exceeding fifty thousand dollars; and
- (b) on conviction on indictment in a Circuit Court to a fine not exceeding two hundred and fifty thousand dollars, and in the case of a second or subsequent offence to a fine not exceeding five hundred thousand dollars,

and in addition, either such Court may order the forfeiture of any vessel, equipment or other device used in committing the offence.

Exploration for and exploitation of non-living resources of the Zone

7. (1) No person shall within the Zone, except, subject to section 11, under and in accordance with a licence granted pursuant to the relevant scheduled enactment:

- (a) explore for or exploit any non-living resources thereof;
- (b) carry out any search, excavation or any activity relating to the recovery of archaeological or historical objects;
- (c) conduct any research; or
- (d) carry out any economic activity.

(2) No person shall use any vessel to explore for or exploit any non-living resources of the Zone unless, subject to section 11, there is in relation to that vessel a licence granted pursuant to the relevant scheduled enactment.

(3) Any person who contravenes subsection (1) commits an offence and is liable on conviction on indictment in a Circuit Court:

- (a) in the case of an individual:
  - (i) to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment;
  - (ii) in respect of a second or subsequent offence to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding ten years or to both such fine and imprisonment,



and, where the offence is a continuing one to a further fine of twenty-five thousand dollars per day for each day on which the offence continues after conviction;

(b) in the case of a body corporate:

- (i) to a fine not exceeding five hundred thousand dollars;
- (ii) in respect of a second or subsequent offence to a fine not exceeding one million dollars and, where the offence is a continuing one to a further fine of fifty thousand dollars per day for each day on which the offence continues after conviction,

and, in addition the Court may order the forfeiture of any vessel, equipment or other device used in committing the offence.

(4) Any person who contravenes subsection (2) commits an offence and is liable:

(a) on summary conviction in a Resident Magistrate's Court:

- (i) in the case of an individual to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding three years or to both such fine and imprisonment; and
- (ii) in the case of a body corporate, to a fine not exceeding seventy-five thousand dollars; and

(b) on conviction on indictment in a Circuit Court:

- (i) in the case of an individual to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment; and
- (ii) in the case of a body corporate, to a fine not exceeding five hundred thousand dollars;

and, in addition, either such Court may order the forfeiture of the vessel.

Grant of licence for exploration for or exploitation of living or non-living resources of the Zone

8. (1) Subject to section 11, licences for the exploration for or exploitation of the living or non-living resources of the Zone shall be granted in accordance with provisions relating to the grant of licences contained in the relevant scheduled enactment and for that purpose the jurisdiction of any person or authority under the scheduled enactments shall extend to the Zone in like manner as if:

- (a) the Zone constituted a part of the territorial sea of Jamaica; and
- (b) any reference to Jamaica or this Island or any land in Jamaica included (other than for purpose of delineating the Zone) any artificial island, installation or structure established in the Zone.

(2) The penalties provided in this Act in relation to the exploration for or exploitation of living or non-living resources of the Zone without a licence shall, notwithstanding anything contained in the scheduled enactments, have effect in lieu of any corresponding penalties in those enactments.

(3) Fees prescribed by regulations made under this Act for applications for licence to explore for or exploit any living or non-living resources of the zone shall, notwithstanding anything contained in the scheduled enactments, have effect in lieu of any corresponding fees in those enactments.

#### Application of enactments to Zone

9. (1) The Minister may by order published in the Gazette extend the application of any enactment, with such exceptions and modifications as may be specified in the order, to the Zone or any part thereof; and an enactment so extended shall have effect in relation to the Zone as if that enactment had been enacted in this Act.

(2) An order under subsection (1) shall be subject to negative resolution.

#### Extension of jurisdiction of the Courts and any other authority to Zone

10. For the purpose of giving effect to this Act the jurisdiction and powers of the Courts of Jamaica and officers thereof and of any constable or other person authorized to perform the duties of a constable shall extend to the Zone in like manner as if the Zone constituted a part of the territorial sea of Jamaica.

#### Minister may make order regarding issue or revocation of licence

11. (1) Where the Minister thinks fit he may, by order published in the Gazette, provide that any licence applicable to or within the Zone:

- (a) shall not be issued without his concurrence; and
- (b) shall only be issued or revoked in such circumstances and subject to such conditions as may be specified in the order.

(2) An order under subsection (1) shall make provision for the appointment of an advisory committee to advise the Minister in relation to licences affecting the Zone.

#### Person prejudiced by order of forfeiture may apply to Court for revocation

12. (1) Where under subsection (3) of section 6 or subsection (3) or (4) of section 7 a Court makes an order for the forfeiture of a vessel and any person is prejudiced by the making of that order, that person may make an application to that Court for the revocation of the order and, if the Court is satisfied that it is just so to do, the Court may, upon such terms and conditions, if any, as it thinks fit, revoke the order.



(2) An application under subsection (1) shall be made within three months of the date of the order, so, however, that where the applicant satisfies the Court that, in the special circumstances of the case, it was not reasonably practicable for him to make such application within the period of three months, the time (whether expired or not) for making that application may be extended by the Court as it thinks fit.

Powers and duties of Marine Officers

13. (1) A Marine Officer shall have, in the Zone, power to:
- (a) board any vessel which he has reasonable cause to suspect is engaged in the exploration or exploitation of living or non-living resources and to search such vessel, fish, fishing gear or any other equipment on board thereof;
  - (b) require the master or person in charge of such vessel to produce his licence;
  - (c) require the master or person in charge of such vessel to produce the licence for such vessel;
  - (d) require the master or person in charge of such vessel to give an explanation concerning the activities of such vessel or any person on board such vessel;
  - (e) do all such other acts as he is authorized or required to do by this Act or by any regulations made thereunder.
- (2) A Marine Officer may, within the Zone, with or without a warrant:
- (a) seize any vessel, net, gear, tackle or other equipment which is being used by any person in committing an offence against this Act; or
  - (b) where, in respect of any vessel, he reasonably suspects that an offence has been committed against this Act:
    - (i) seize any cargo on the vessel; and
    - (ii) detain the master or person in charge of the vessel.
- (3) Where a vessel, net, gear, tackle or other equipment is seized or a person detained under subsection (2), a Marine Officer shall, as soon as practicable thereafter, take all reasonable measures to ensure that the vessel, net, gear, tackle or other equipment is taken to the nearest convenient port and that the person detained is brought before a Resident Magistrate to answer a charge in connection with the offence that gave rise to the seizure or detention.
- (4) A Marine Officer shall take all reasonable steps to ensure that any cargo seized is kept in good condition, so, however, that the Marine Officer may, if he thinks it necessary, dispose of any cargo in order to avoid spoilage of that cargo.



(5) Where a Marine Officer seized cargo, which at the time of seizure is spoilt, he shall, as soon as is convenient thereafter, dispose of the spoilt cargo.

(6) Where a Marine Officer disposes of cargo pursuant to subsection (4) or subsection (5) he shall issue a receipt to the master or person in charge of the vessel and the receipt shall state the date of disposal, the quantity and condition of cargo disposed of and the amount, if any, realized.

(7) A Marine Officer shall while on duty in the capacity of a Marine Officer have, exercise and enjoy all the powers, authority, privileges and immunities of a Constable under the Constabulary Force Act.

Procedure consequent on detention or seizure in the Zone

14. (1) Where a vessel is seized or a person detained under subsection (2) of section 13, then:

- (a) in the case of a vessel which is not registered in Jamaica or of a person who is not a citizen of Jamaica, a Resident Magistrate shall determine, pending hearing of the charge, the amount of security (whether by way of bond or otherwise) to be given for the release of the vessel or person and on the giving of such security the vessel or person shall be released;
- (b) in the case of a vessel which is registered in Jamaica or a person who is a citizen of Jamaica, the Court shall determine, pending hearing of the charge, whether the vessel or person ought to be released and, if released, the amount of security to be given for such release.

(2) Where under subsection (2) of section 13 a vessel, net, gear, tackle or other equipment or any cargo is seized, then:

- (a) if the item seized has not been claimed within a period of thirty days of such seizure, a Resident Magistrate may order the forfeiture of that item; and
- (b) upon the conviction of any person who permitted the use of, or is in charge of, any such item, the Court may, upon the application of the prosecution, order the forfeiture of any such item, if the Court is satisfied that:
  - (i) the item was used in the commission of the offence or was otherwise connected with the offence; and
  - (ii) the circumstances of the case are such that it is just so to order.

(3) Where a person is brought before a Resident Magistrate pursuant to subsection (3) of section 13 to answer a charge and is acquitted of the charge:

- (a) any item seized in connection with the alleged offence and not forfeited pursuant to subsection (2) (a) of this section shall be returned to him; and

- (b) if any cargo which was in his possession at the time of detention has been disposed of pursuant to subsection (4) of section 13, the Resident Magistrate may order that he be paid compensation therefor in such amount as the Resident Magistrate considers just.

Diplomatic or consular officer to be informed regarding seizure of vessel

15. (1) Where any vessel which is not registered in Jamaica has been seized within the Zone by a Marine Officer, the Marine Officer making such seizure shall inform the appropriate authority of such seizure; and the appropriate authority shall ensure that a diplomatic or consular representative of the State of registration of the vessel is informed of such seizure and of the penalties, if any, imposed on such vessel and its occupants.

(2) In subsection (1) "appropriate authority" means the Minister responsible for foreign affairs or such other person as he may designate.

Provision regarding proceeds of sale and compensation

16. The proceeds of sale of any cargo disposed of under subsection (4) or subsection (5) of section 13 shall be paid into Court for credit to the Consolidated Fund, and if, in relation thereto, compensation is payable under paragraph (b) of subsection (3) of section 14 payment thereof shall be made by the Accountant-General.

Proceedings against the Crown, Marine Officer or person acting in his aid

17. In any action or other legal proceedings brought against the Crown or any Marine Officer or person acting in his aid in respect of any act done in pursuance or execution or intended execution of this Act or the regulations the plaintiff shall not recover unless he alleges in his pleading and proves at the trial that such act was done either maliciously or without reasonable or probable cause.

Offences committed within the Zone

18. (1) Any person who:
- (a) refuses, neglects or fails to comply with any direction given to him by a Marine Officer for the purposes of this Act;
  - (b) subject to subsection (2), refuses or fails to produce any licence under this Act which he is required by a Marine Officer to produce;
  - (c) refuses, without reasonable cause, to give any explanation which he is required by a Marine Officer to give for the purposes of this Act;
  - (d) assaults or obstructs any Marine Officer in the execution of his duty; or
  - (e) removes, alters or interferes with any article seized under section 13 without the authority of a Marine Officer,



commits an offence and is liable on summary conviction before a Resident Magistrate 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.

(2) Where under subsection (1) (b) a person is unable to produce to a Marine Officer a licence when so required but is able to satisfy the Marine Officer by other means as to his name, address and identity, the Marine Officer may, if otherwise satisfied as to the credentials of that person, permit him to produce such licence in person within five days thereafter at such place as may be specified by the Marine Officer at the time its production was required, and if the licence is so produced that person shall not be convicted of an offence under that subsection.

#### Other indictable offences

19. (1) An act:

(a) committed in the Zone by a person, whether he is or is not a citizen of Jamaica; and

(b) being of such a description as would, if committed on land in Jamaica, be punishable on indictment, is an offence punishable on indictment in Jamaica in like manner, notwithstanding that it may have been committed on board, or by means of, a vessel the nationality or registration of which is not Jamaican, and the person who is reasonably suspected of having committed such offence may be arrested and may be tried or otherwise dealt with in reference to any charge against him in connection with that offence.

(2) For the purposes of this section all offences under the Dangerous Drugs Act, whether or not they are only summary offences, shall be treated as if they are offences punishable on indictment.

(3) For the purposes of arresting any person charged with an offence declared by subsection (1) to be punishable in Jamaica, the Zone shall be deemed to be within the jurisdiction of any person authorized by law for the time being in force in Jamaica to arrest persons acting in breach of the law or to issue warrants for the arrest of any person charged with any offence.

(4) Nothing in this section shall:

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

(b) abrogate or abridge any criminal jurisdiction conferred on any court by virtue of any provision contained in any law in force for the time being in Jamaica;

(c) preclude any act of piracy from being tried or otherwise dealt with pursuant to any law in force for the time being in Jamaica.

(5) No prosecution for an offence punishable under subsection (1) shall be instituted except by or with the consent of the Director of Public Prosecutions:



Provided that this subsection shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remanding in custody or on bail of any person charged with such an offence.

(6) Notwithstanding any provision to the contrary in any other enactment, proceedings against any person for an offence declared under subsection (1) to be punishable in Jamaica may be commenced before a Resident Magistrate having jurisdiction in the parish where that person is for the time being, and, for all incidental and consequential purposes, the offence shall be deemed to have been committed within the boundaries of that parish.

#### Minister may amend Schedule

20. (1) The Minister may from time to time amend the Schedule by order published in the Gazette.

(2) An order under subsection (1) shall be subject to negative resolution.

#### Regulations

21. The Minister may make regulations for the purpose of giving effect to the provisions of this Act, and, in particular, but without prejudice to the generality of the foregoing, may make regulations for:

- (a) charts to be officially recognized as indicating baselines or boundaries of the Zone, and the admission in evidence of such charts or copies thereof certified in the prescribed manner;
- (b) defining the limits of the Zone whether by way of such charts as aforesaid or otherwise;
- (c) regulating the construction, maintenance and removal of artificial islands, installations and structures;
- (d) the establishment of safety zones around artificial islands, installations and structures;
- (e) regulating customs, fiscal, health, safety and immigration matters on artificial islands, installations and structures;
- (f) regulating the steps to be taken to inform interested parties of the arrest or detention of any foreign vessel and the imposition of penalties thereon;
- (g) determining the nationality of vessels for the purposes of any provisions of the regulations;
- (h) regulating any activity relating to the economic exploration or exploitation of the Zone;

- (i) regulating the authorization, control and supervision of scientific research in the Zone and the recovery of archaeological and historical objects;
- (j) the preservation and protection of the marine environment and the prevention and control of marine pollution;
- (k) determining the terms and conditions of joint ventures or other cooperative arrangements to be implemented in the Zone;
- (l) specifying the requirements for training personnel and the transfer of technology;
- (m) determining the allowable catch of living resources of the Zone;
- (n) the proper conservation and management measures to be taken to assure the maintenance of and the optimum utilization of the living and non-living resources of the Zone;
- (o) the fixing and measuring of charges for the taking, storage and maintenance of vessels;
- (p) regulating the sale or disposal of any goods seized or forfeited;
- (q) prescribing the fee to be paid on application for a licence; and
- (r) prescribing anything authorized by this Act to be prescribed.

Modification of laws

22. The enactments specified in the first column of the Appendix are amended as specified in relation to them respectively, in the second column of the Appendix.

SCHEDULE

The Beach Control Act

The Customs Act

The Dangerous Drugs Act

The Fishing Industry Act

The Jamaica National Heritage Trust Act

The Harbours Act

The Marine Board Act

The Minerals (Vesting) Act

The Mining Act

The Petroleum Act

The Public Health Act

The Quarantine Act

The Wildlife Protection Act

The Wreck and Salvage Law



APPENDIX

Enactments

Amendments

The Beach Control Act  
Section 7 (1)

Delete from sub-paragraph (ii) of paragraph (b) the words "or the Pilotage Act" and substitute therefor the words "the Pilotage Act, or the Exclusive Economic Zone Act".

Section 9

(a) in subsection (2) delete the word "The" and substitute therefor the words "Subject to subsection (2A) the".

(b) insert immediately after subsection (2) the following as subsection (2A):

" (2A) Any licence affecting the exclusive economic zone shall be subject to the provisions of the Exclusive Economic Zone Act or any order made under section 11 of that Act".

The Fishing Industry Act

Insert immediately after the Heading "General" the following as section 23A:

"23A - Any licence granted under section 5 or 11 in relation to the exclusive economic zone shall be subject to the provisions of the Exclusive Economic Zone Act or any order made under section 11 of that Act".

The Jamaica National Heritage Trust Act

Section 2

(a) In subsection (1):

(i) delete the numeral "(1)";

(ii) delete from paragraph (a) of the definition of "national monument" the words from "an area" to the word "island" inclusive, and substitute therefor the words "the exclusive economic zone".

(b) Delete subsections (2) and (3).

Section 12 (6)

Delete the words from "any area" to the word "jurisdiction" inclusive, and substitute therefor the words "within the exclusive economic zone".

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The Mining Act  
Section 18

- (a) In subsection (1) delete the word "The" and substitute therefor the words and figure "Subject to subsection (1A) the".
- (b) Insert immediately after subsection (1) the following as subsection (1A):

" (1A) Any licence granted under subsection (1) in respect of mining in the exclusive economic zone shall be subject to the provisions of the Exclusive Economic Zone Act or any order made under section 11 of that Act."

- (c) Delete subsection (5) and substitute therefor the following:

" (5) A prospecting right shall be produced:

- (a) whenever demanded by the owner or occupier of land on which the holder is prospecting, or by a constable; or
- (b) whenever demanded by the Commissioner or by a Marine Officer under the Exclusive Economic Zone Act when the holder thereof is prospecting in the exclusive economic zone."

Section 21 (3)

Delete the words "exceeding eight square miles" and substitute therefor the words "of land exceeding eight square miles or in respect of any part of the exclusive economic zone exceeding twenty-four thousand square miles".

Section 33 (3)

Insert after the word "land" the words "or to the Commissioner in respect of that part of the exclusive economic zone."

Section 35

Renumber the section subsection (1) and insert next thereafter the following as subsection (2) -

" (2) Subject to the provisions of this Act, a mining lessee shall have, in the exclusive economic zone and included in his lease, the right to construct any artificial island, installation or structure and the right to operate, maintain and use such artificial island, installation or structure."

Section 70

- (a) Delete the fullstop appearing at the end of the section and substitute therefor a semi-colon.
- (b) Insert immediately after paragraph (b) the following as paragraph (c):

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"(c) in the case of a mining lease for mining in the exclusive economic zone, to the Permanent Secretary in the Ministry of Foreign Affairs who shall record such lease."

The Petroleum Act  
Section 3

(a) Delete from subsection (1):

(i) the numeral "(1)";

(ii) the words from "any other area" to the word "Jamaica" inclusive, and substitute therefor the words "the exclusive economic zone".

(b) Delete subsections (2) and (3).

Section 4

(a) Delete the word "No" and substitute therefor the words and figure "Subject to subsection (2), no".

(b) Renumber the section as subsection (1).

(c) Insert immediately after subsection (1) the following as subsection (2):

" (2) Any exploration or development of petroleum resources or the acquisition of any right, title, interest or estate in any petroleum in the exclusive economic zone shall be subject to the provisions of the Exclusive Economic Zone Act or any order made under section 11 of that Act."

Section 28

Delete paragraph (b) and substitute therefor the following:

"(b) the exclusive economic zone;"

The Public Health Act  
Section 7(1)

(a) Reletter paragraph "(s)" as paragraph "(t)".

(b) Insert immediately after paragraph (r) the following as paragraph (s) -

"(s) the sanitation and inspection of sanitation facilities on artificial islands, installations and structures within the exclusive economic zone".



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The Quarantine Act  
Section 8 (2)

- (a) Delete the fullstop appearing at the end of the subsection and substitute therefor a semi-colon.
- (b) Insert next after paragraph (e) the following as paragraph (f):
  - "(f) the sanitation of artificial islands, installations and structures in the exclusive economic zone."

The Wildlife Protection Act

Section 8A

Insert next after section 8 the following as section 8A:

"8A. Any person who hunts any animal or bird in or takes any eggs from the exclusive economic zone without a licence issued under this Act shall be guilty of an offence against this Act."

The Wreck and Salvage  
Law

Section 2

Delete -

Section 3

- (a) Delete the definitions of "Commissioner" and "person";
- (b) Insert immediately after the definition of "ship" the following definition:

" 'waters of this Island' means the internal waters, the territorial sea and the exclusive economic zone of Jamaica;"

- (c) Delete from the definition of "wreck" the words "any tidal water" and substitute therefor the words "the waters of this Island".

Section 5

Delete:

- (a) the words "at any place or near the coast of this Island, or any cay or island being a Dependency thereof," and substitute therefor the words "in any part of the waters of this Island";
- (b) the words "within which such place is situated" and substitute therefor the words "nearest to such part";
- (c) the word "place" where it appears for the third time and substitute therefor the word "part".

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Section 12

Delete:

- (a) the words "on the coasts of this Island or of any of the Islands and Cays within the territories thereof," and substitute therefor the words "in the waters of this Island";
- (b) the word "Law" and substitute therefor the word "Act";
- (c) from the margin thereof the word and numerals "Cap. 236".

Section 14

Delete the words "or any of the Islands and Cays aforesaid".

Section 15

Delete and substitute therefor the following:

"15. Section 14 shall apply to wreck found or taken possession of outside the limits of this Island and brought within the limits of this Island as it applies to wreck found or taken in possession of within the limits of this Island."

Section 17

Delete the word "place" where it first appears and substitute therefor the words "part of the waters of this Island".

Section 20

Delete:

- (a) the words "or of any Dependency thereof";
- (b) the words "or by the Commissioner, as the case may be,";
- (c) the words "or the Commissioner".

Section 21

Delete the words-

- (a) "Treasury of this Island" and substitute therefor the words "Consolidated Fund";
- (b) "or the Dependency within which such fees are received, as the case may be, and a separate account thereof shall be kept,";
- (c) "or the Commissioner".

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- Section 22 (a) Delete the words "or of any of the Islands and Cays being Dependencies thereof".
- (b) Delete the words "or any of the Islands and Cays as aforesaid".
- Section 23 Delete the words "Treasury of this Island or of such Dependency as aforesaid" and substitute therefor the words "Consolidated Fund".
- Section 24 Delete the words "territories thereof".
- Section 26 (a) Delete the words "or the Dependencies thereof".
- (b) Delete the words "at or near the place" wherever they appear and substitute therefor, in each case, the words "at a place nearest to that part of the waters of the Island".
- (c) Delete the words "High Court" wherever they appear and substitute therefor, in each case, the words "Supreme Court".
- Section 32 (a) Delete the words "or any of the islands and cays as aforesaid.".
- (b) Delete the words "High Court" and substitute therefor the words "Supreme Court".
- Section 34 (2) Delete the words "High Court" and substitute therefor the words "Supreme Court".
- Section 38 (a) Delete the words "at any place" and substitute therefor the words "in any part of the waters of Jamaica".
- (b) Delete the words "or the Commissioner".
- (c) Delete the words "Treasury of this Island or of the Dependency in which such wreck was found (as the case may be)" and substitute therefor the words "Consolidated Fund".
- (d) Delete the words "or Commissioner".
- Section 39 (a) Delete the words "on or near the coasts" and substitute therefor "in any part of the waters".
- (b) Delete the words "or of any of the cays or islands being Dependencies thereof".



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- (c) Delete the words "on or near such coasts," and substitute therefor the words "in any part of such waters".
  - (d) Delete the words "or of any of the territories thereof".
- Section 41
- (a) Delete the words "or such territories thereof respectively".
  - (b) Delete the words "Collector-General of this Island" and substitute therefor the words "Commissioner of Customs and Excise".
- Section 42
- (a) Delete the words "Collector-General of this Island" and substitute therefor the words "Commissioner of Customs and Excise".
  - (b) Delete the words "such Collector-General is to" and substitute therefor the words "such Commissioner shall".
  - (c) Delete from the marginal note the word "Collector-General" and substitute therefor the words "Commissioner of Customs and Excise".
- Section 43 (1)
- Delete the words "on or near the shore of this Island, or of any of the islands or cays aforesaid," and substitute therefor the words "in any part of the waters of this Island".
- Section 44
- Delete the words "on or near the shore of the sea within the limits of this Island, or of any of the Dependencies thereof" and substitute therefor the words "in any part of the waters of this Island".

MEMORANDUM OF OBJECTS AND REASONS

The concept of an Exclusive Economic Zone evolved as a result of the claims of certain States consequent on rapid technological advances in the mining of offshore mineral resources. This Zone sought to encompass, beyond the existing twelve miles territorial sea, an additional one hundred and eighty-eight miles from the seaward limit of the territorial sea.

Jamaica, as a participant of conferences dealing with the Law of the Sea, has accepted that there is a need to protect the marine environment in such a Zone.

Jamaica, having adopted the Convention on the Law of the Sea, now seeks, in the protection of her marine resources, to enact legislation to give effect to this and also to adhere to the provisions relating to an Exclusive Economic Zone contained in the Convention.

Consequently this Bill seeks to:

- (a) establish an Exclusive Economic Zone;
- (b) make provision for the manner in which exploration of and exploitation for the resources of the Zone may be carried out;
- (c) prescribe penalties for any breaches of the Act;
- (d) permit the making of regulations in relation to activities in the zone; and
- (e) make consequential amendments to other Acts.

David Coore,  
Minister of Foreign Affairs and Foreign Trade

A BILL

Entitled

An Act to Establish beyond the territorial sea a Zone to be known as the Exclusive Economic Zone and to provide for matters incidental thereto or connected therewith.

SECTIONS 7 AND 9 OF THE BEACH CONTROL ACT WHICH IT IS  
PROPOSED TO AMEND

7. (1) Notwithstanding anything to the contrary in this Act, the Minister may, upon the recommendation of the Authority, make an order declaring
- (a) ...
  - (b) such activities as may be specified in the order to be prohibited activities in the area defined in the order, being any or all of the following activities:
    - (i) ...
    - (ii) the use of boats other than boats propelled by wind or oars where such boats are used for purposes other than for the doing of anything which may be lawfully done under the Harbours Act, the Marine Board Act, the Wrecks and Salvage Law, or the Pilotage Act;
- ...  
9. (1) ...
- (2) The Minister may, if he thinks fit, grant to any person applying therefor, in such form and subject to such conditions as he may think fit, a licence to erect, construct or maintain any dock, wharf, pier or jetty or any structure, apparatus or equipment as aforesaid.

SECTIONS 2 AND 12 OF THE JAMAICA NATIONAL HERITAGE  
TRUST ACT WHICH IT IS PROPOSED TO AMEND

2. (1) In this Act unless the context otherwise requires-  
...  
"national monument" means:
- (a) any building, structure, object or other work of man or of nature or any part or remains thereof whether above or below the surface of the land or the floor of the sea within the territorial waters of the Island or within an area declared in an order made under subsection (2) to be within the maritime resource jurisdiction of the Island;
- ...  
(2) Subject to any relevant international Convention to which Jamaica is a party, the Minister may by order declare any area of the sea defined in the order, not being an area included in the territorial sea of Jamaica or its continental shelf, to be within the sovereign jurisdiction of Jamaica for the purposes of this Act.



(3) Nothing in subsection (2) shall be construed as limiting in any way the sovereign rights of Jamaica under general international law including the United Nations Convention on the Law of the Sea.

12. (1) ...

(6) In this section and in sections 19 and 20 "structure" includes any building, structure, object or other work of man or nature whether above or below the surface of the land or the floor of the sea within the territorial waters of the island, or any area declared in any order made under section 2(2) to be within the maritime resource jurisdiction, and any site, cave or excavation.

SECTIONS 18, 21, 33 AND 70 OF THE MINING ACT  
WHICH IT IS PROPOSED TO AMEND

18. (1) The Commissioner may, in his absolute discretion on application in the prescribed form and upon the payment of the prescribed fee, grant to any individual a prospecting right in the prescribed form:

Provided that a prospecting right shall not be granted:

...

(5) A prospecting right shall be produced whenever demanded by the owner or occupier of land on which the holder thereof is prospecting, or by any constable.

21. (1) ...

(3) A licence shall not be granted in respect of any area exceeding eight square miles.

...

33. (1) ...

(3) The Minister may require an applicant for a mining lease to satisfy him that he possesses or commands sufficient working capital to ensure the proper development and carrying on of mining operations on the area applied for, and for the payment of any compensation which may be payable to the owners or occupiers of the land in respect of which the lease is required, and may require any reports on the area made by prospectors or engineer to be submitted for his information; and in the event of the applicant failing so to satisfy the Minister, the Minister may refuse the application but the applicant may make a new application at any time.

...

70. The Commissioner shall forward a copy of every mining lease and water right, and of any instrument transferring, renewing, creating or determining such lease or water right to any interest therein, which is registered in his office and of any order made under section 59 -

(a) in the case of land under the Registration of Titles Act, to the Registrar of Titles who shall register such lease or water right in accordance with the provisions of that Act;

- (b) in the case of land not under that Act to the Deputy Keeper of the Records who shall record such lease or water right.

SECTIONS 3, 4 AND 28 OF THE PETROLEUM ACT WHICH  
IT IS PROPOSED TO AMEND

3. (1) There is hereby vested in the Crown all petroleum existing in its natural state in strata in Jamaica including the bed and subsoil of its territorial sea, its continental shelf and any other area declared under this section to be within the maritime resource jurisdiction of Jamaica.

(2) Subject to any relevant international Convention to which Jamaica is a party, the Minister may by order declare any area of the sea defined in the order, not being an area included in the territorial sea of Jamaica or its continental shelf, to be within the maritime resource jurisdiction of Jamaica for the purposes of this Act.

(3) Every order made under this section shall be subject to affirmative resolution.

4. No person shall, except in accordance with the provisions of this Act and any regulations made thereunder:

- (a) explore or develop petroleum resources; or
- (b) acquire any right, title, interest or estate in any petroleum, which is vested by section 3 in the Crown.

28. The laws of Jamaica extend:

- (a) ...
- (b) to any other area for the time being declared under section 3 to be within the maritime resource jurisdiction of Jamaica; and
- (c) to all artificial islands and other structures built on the areas mentioned in paragraphs (a) and (b), and any vessels stationed over those areas, for the purpose of exploring for or developing petroleum resources or removing or transporting therefrom any petroleum or petroleum product,

to the same extent as if the continental shelf and those areas, islands, structures or vessels (hereinafter referred to as the maritime extensions) were located in Jamaica; and for the purposes of the jurisdiction of any court in Jamaica any such maritime extension shall be treated as if it were located in the parish in which proceedings are brought.



SECTION 8 OF THE QUARANTINE ACT WHICH IT IS PROPOSED TO AMEND

8. (1) ...

(2) Without prejudice to the generality of the powers conferred by subsection (1), rules under that subsection may, for the purpose therein set forth, make provision for all or any of the following matter, that is to say -

(a) regulating the granting or withdrawal of pratique;

...

(e) fixing the charges sanctioned by regulations in force by virtue of section 7 and providing for their incidence.

...

SECTIONS 2 AND 3 OF THE WRECK AND SALVAGE LAW WHICH  
IT IS PROPOSED TO AMEND

2. This Law extends to this Island of Jamaica, the Cayman Island and other the Cays and Islands on this Island depending, but shall not extend or relate to the Turks and Caicos Islands.

3. In this Law-

"Commissioner" means the Commissioner or other officer administering the local Government in any Dependency of Jamaica;

...

"person" includes body corporate;

...

"wreck" includes jetsam, flotsam, lagan and derelict found in or on the shores of the sea or any tidal water.

SECTION 5 OF THE WRECK AND SALVAGE LAW WHICH IT IS PROPOSED TO AMEND

5. When any ship or boat is stranded or in distress at any place on or near the coast of this Island, or of any cay or island being Dependency thereof, the Receiver of the district within which such place is situated shall, upon being made acquainted with such accident, forthwith proceed to such place, and upon his arrival there he shall take the command of all persons present, and assign such duties to each person, and issue such directions, as he may think fit with a view to the preservation of such ship or boat, and the lives of the persons belonging thereto, and the cargo and apparel thereof; and any person who wilfully disobeys such directions he shall forfeit a sum not exceeding fifty pounds; but it shall not be lawful for such Receiver to interfere between the master of such ship or boat and his crew in matters relating to the management thereof, unless he is requested so to do by such master.



SECTION 12 OF THE WRECK AND SALVAGE LAW WHICH  
IT IS PROPOSED TO AMEND

12. Any Receiver, or in his absence any Justice, shall, as soon as conveniently may be, examine upon oath (which oath they are hereby respectively empowered to administer) any person belonging to any ship which may be or may have been in distress on the coasts of this Island or of any of the Islands and Cays within the territories thereof, or any other person who may be able to give any account of such ship or of the cargo or stores thereof, as to the following matters, that is to say-

(a) the name and description of the ship;

...

and such Receiver or Justice shall take the examination down in writing, and shall make two copies of the same, of which he shall send one to the Minister, and the other to the office of the nearest Collector of Customs, and such last mentioned copy shall by such Collector be placed in some conspicuous situation for the inspection of persons desirous of examining same; and, for the purposes of such examination, every such Receiver or Justice as aforesaid shall have all the powers given by the Marine Board Law to Inspectors appointed thereunder.

SECTIONS 14 AND 15 OF THE WRECK AND SALVAGE LAW  
WHICH IT IS PROPOSED TO AMEND

14. The following rules shall be observed by any person finding or taking possession of wreck within this Island or any of the Islands and Cays aforesaid, that is to say:

...

15. The preceding section shall apply to wreck found or taken possession of outside the limits of this Island or any of the Islands or Cays referred to in the said section, and brought within the limits of this Island or any of the said Islands or Cays, as it applies to wreck found or taken possession of within the limits of this Island or any of the said Islands or Cays.

SECTION 17 OF THE WRECK AND SALVAGE LAW WHICH  
IT IS PROPOSED TO AMEND

17. Every Receiver shall within forty-eight hours after taking possession of any wreck cause to be posted up in the Custom House of the port nearest to the place where such wreck was found or seized a description of the same and of any marks by which it is distinguished, and shall also, if the value of such wreck exceeds twenty pounds but not otherwise, transmit a similar description to the Minister, and a copy thereof shall be posted in some conspicuous place for the inspection of all persons desirous of examining the same.

SECTIONS 20, 21, 22, 23 AND 24 OF THE WRECK AND SALVAGE  
LAW WHICH IT IS PROPOSED TO AMEND

20. Whenever any dispute arises in any part of this Island or of any Dependency thereof as to the amount payable to any Receiver in respect of expenses or fees, such dispute shall be determined by the Minister, or by the Commissioner, as the case may be, and the decision of the Minister or the Commissioner shall be final.

21. All fees received by any Receiver appointed under this Law, in respect of any services performed by him as Receiver, shall be paid into the Treasury of this Island or the Dependency within which such fees are received, as the case may be, and a separate account thereof shall be kept, and the moneys arising therefrom shall be applied in defraying any expenses duly incurred in carrying into effect the purposes of this Law, in such manner as the Minister or the Commissioner directs.

22. In the following cases, that is to say:

whenever any ship or boat is stranded or otherwise

in distress on or near the coasts of this Island, or of any of the Islands and Cays being Dependencies thereof, and services are rendered by any person:

- (a) in assisting such ship or boat;
- (b) in saving the lives of the persons belonging to such ship or boat;
- (c) in saving the cargo or apparel of such ship or boat, or any portion thereof;

and whenever any wreck is saved by any person other than a Receiver within this Island or any of the Islands and Cays as aforesaid,

there shall be payable by the owners of such ship or boat, cargo, apparel or wreck, to the person by whom such services or any of them are rendered, or by whom such wreck is saved, a reasonable amount of salvage, together with all expenses properly incurred by him in the performance of such services or the saving of such wreck, the amount of such salvage and expenses (which expenses are hereinafter included under the term salvage) to be determined in case of dispute in manner hereinafter mentioned.

23. Salvage in respect of the preservation of the life or lives of any person or persons belonging to any such ship or boat as aforesaid shall be payable by the owners of the ship or boat in priority to all other claims for salvage, and in cases where such ship or boat is destroyed, or where the value thereof is insufficient, after payment of the actual expenses incurred, to pay the amount of salvage due in respect of any life or lives. The Minister may in his discretion award to the salvours of such life or lives out of the Treasury of this Island or of such Dependency as aforesaid, such sum or sums as he deems fit, in whole or part satisfaction of any amount of salvage so left unpaid in respect of such life or lives.



24. All the provisions in this Law contained in regard to the salvage of life from any ship or boat within the limits of this Island and the territories thereof shall be extended to the salvage of life from any ship registered at and trading with this Island, or from any boat belonging to any such ship, wheresoever the services may have been rendered, and from any foreign ship or boat where the services have been rendered either wholly or in part in the waters of this Island.

SECTION 26 OF THE WRECK AND SALVAGE LAW  
WHICH IT IS PROPOSED TO AMEND

26. Whenever any dispute with respect to salvage arises within this Island or the Dependencies thereof between the owners of any such ship, boat, cargo, apparel or wreck as aforesaid, or between the agent of such owners, and the salvors, as to the amount of salvage, and the parties to the dispute cannot agree as to the settlement thereof by arbitration or otherwise;

then, if the sum claimed does not exceed two hundred pounds, or if the value of the property saved does not exceed one thousand pounds;

such dispute shall be referred to the arbitration of a Resident Magistrate, or of any two Justices resident as follows, that is to say:

in case of wreck, resident at or near the place where such wreck is found;

in case of services rendered to any ship or boat, or to the persons, cargo or apparel belonging thereto, resident at or near the place where such ship or boat is lying, or at or near the first port or place in this Island into which such ship or boat is brought after the occurrence of the accident by reason whereof the claim to salvage arises;

but if the sum claimed exceeds two hundred pounds,

such dispute may, with the consent of the parties, be referred to the arbitration of such Resident Magistrate or Justices as aforesaid, but if they do not consent shall be decided by the high Court; subject to this proviso, that if the claimants in such dispute do not recover in such High Court a greater sum than two hundred pounds they shall not, unless the Court certifies that the case is a fit one to be tried in a superior Court, recover any costs, charges or expenses incurred by them in the prosecution of their claim;

and every dispute with respect to salvage may be heard and adjudicated upon the application either of the salvor or of the owner of the property salvaged, or of their respective agents. It shall be lawful for the Minister from time to time to determine a scale of costs to be awarded in salvage cases by any such Resident Magistrate or Justice as aforesaid.



SECTION 32 OF THE WRECK AND SALVAGE LAW  
WHICH IT IS PROPOSED TO AMEND

32. Whenever the aggregate amount of salvage payable in respect of salvage services rendered in this Island, or any of the islands and cays as aforesaid, has been finally ascertained either by agreement or by the award of such Resident Magistrate or Justices or such umpire, but a dispute arises as to the apportionment thereof amongst several claimants, then, if the amount does not exceed two hundred pounds it shall be lawful for the party liable to pay the amount so due to apply to the Receiver of the district for liberty to pay the amount so ascertained to him, and he shall if he thinks fit receive the same accordingly, and grant a certificate under his hand stating the fact of such payment and the services in respect of which it is made; and such certificate shall be a full discharge and indemnity to the person or persons to whom it is given, and to their ship, boats, cargo, apparel and effects, against the claims of all persons whomsoever in respect of the services therein mentioned; but if the amount exceeds two hundred pounds then the High Court may cause the same to be apportioned amongst the persons entitled thereto in such manner as it thinks just, and may for that purpose if it thinks fit appoint any person to carry such apportionment into effect, and may compel any person in whose hands or under whose control such amount may be to distribute the same, or to bring the same into Court to be there dealt with as the Court may direct, and may for the purposes aforesaid issue such monitions or other processes as it thinks fit.

SECTION 34 OF THE WRECK AND SALVAGE LAW  
WHICH IT IS PROPOSED TO AMEND

34. Whenever any salvage is due to any person under this Law the Receiver shall act as follows, that is to say:

- (1) ...
- (2) if the same is due in respect of the saving of any wreck, and such wreck is not sold as unclaimed in pursuance of the provisions hereinafter contained,

he shall detain such wreck until payment is made, or process has been issued in manner aforesaid;

but it shall be lawful for the Receiver, if at any time previously to the issue of such process security is given to his satisfaction for the amount of salvage due, to release from his custody any ship, boat, cargo, apparel or wreck so detained by him as aforesaid; and in cases where the claim for salvage exceeds two hundred pounds it shall be lawful for the High Court to determine any question that may arise concerning the amount of the security to be given or the sufficiency of the sureties; and in all cases where bond or other security is given to the Receiver for an amount exceeding two hundred pounds it shall be lawful for the salvor or for the owner of the property salvaged, or their respective agents, to institute proceedings in the said Court for the purpose of having the question arising between them adjudicated upon, and the said Court may enforce payment of the said bond or other security in the same manner as if bail had been given in the said Court.

SECTION 38 OF THE WRECK AND SALVAGE LAW  
WHICH IT IS PROPOSED TO AMEND

38. If no owner establishes his claim to wreck found at any place before the expiration of a year from the date at which the same has come into the possession of the Receiver, the Receiver shall forthwith sell the same, and after payment of all expenses attending such sale, and deducting from the proceeds thereof his fees and all expenses (if any) incurred by him, and paying to the salvors such amount of salvage as the Minister or the Commissioner may in each case or by any general rule determine, pay the residue into the Treasury of this Island or of the Dependency in which such wreck was found (as the case may be) in such manner as the Minister or Commissioner may direct, and shall be disposed of under order of the Minister in accordance with the Law for the time being in force regulating the disposal of droits of Admiralty.

SECTION 39 OF THE WRECK AND SALVAGE LAW  
WHICH IT IS PROPOSED TO AMEND

39. Whenever any articles belonging to or forming part of any foreign ship which has been wrecked on or near the coasts of this Island or of any of the cays or islands being Dependencies thereof, or belonging to or forming part of the cargo of any such ship, are found on or near such coasts, or are brought into any port in this Island or of any of the territories thereof, the Consular Officer of the country to which such ship, or in the case of cargo to which the owners of such cargo, may have belonged shall, in the absence of the owner of such ship or articles and of the master or other agent of the owner, be deemed to be the agent of the owner so far as relates to the custody and disposal of such articles.

SECTIONS 41, 42, 43 AND 44 OF THE WRECK AND SALVAGE  
LAW WHICH IT IS PROPOSED TO AMEND

41. All wreck being foreign goods brought or coming into this Island or any of the harbours thereof shall be subject to the same duties as if the same were imported into this Island or such territories thereof respectively, and if any question arises as to the origin of such goods they shall be deemed to be the produce of such country as the Collector-General of this Island may upon investigation determine.

42. The Collector-General of this Island may permit all goods, wares and merchandise saved from any ship stranded or wrecked on its homeward voyage to be forwarded to the port of its original destination or elsewhere, and all goods, wares and merchandise saved from any ship stranded or wrecked on its outward voyage to be returned to their port at which the same were shipped; but such Collector-General is to take security for the due protection of the revenue in respect of such goods, wares and merchandise.



43. Every person who does any of the following acts, that is to say:

- (1) wrongfully carries away or removes any part of any ship or boat stranded or in danger of being stranded or otherwise in distress on or near the shore of this Island, or of any of the islands or cays aforesaid, or any part of the cargo or apparel thereof, or any wreck; or

...

44. If any person takes into any foreign port or place any ship or boat stranded, derelict or otherwise in distress on or near the shore of the sea within the limits of this Island, or of any of the Dependencies thereof, or any part of the cargo or apparel of any such ship or boat, or anything belonging thereto, or any wreck found within such limits as aforesaid, and there sells the same, he shall be guilty of felony, and be subject to imprisonment with hard labour for a term not exceeding four years.



38. KENYA

Presidential Proclamation of 28 February 1979

...

1. That notwithstanding any rule of law or any practice which may hitherto have been observed in relation to Kenya or the waters beyond or adjacent to the territorial Sea of Kenya, the Exclusive Economic Zone of the Republic of Kenya extend across the sea to a distance of two hundred nautical miles measured from the appropriate base line from where the territorial sea is measured as indicated in the Map annexed to this Proclamation. Without prejudice to the foregoing, the Exclusive Economic Zone of Kenya shall:

(a) in respect of its southern territorial waters boundary with the United Republic of Tanzania be an eastern latitude north of Pemba island to start at a point obtained by the northern intersection of two arcs one from the Kenya Lighthouse at Mpunguti ya Juu, and the other from Pemba island Lighthouse at Ras Kigomasha.

(b) in respect of its northern territorial waters boundary with Somali Republic be on eastern latitude South of Diua Damasciaca Island being latitude 1° 38' South.

2. That this Proclamation shall not affect or be in derogation of the vested rights of the Republic of Kenya over the Continental Shelf as defined in the Continental Shelf Act 1973.

3. All States shall, subject to the applicable laws and regulations of Kenya, enjoy in the Exclusive Economic Zone the freedom of navigation and overflight and of the laying of sub-marine cables and pipelines and other internationally lawful recognized uses of the sea related to navigation and communication.

4. That the scope and regime of the Exclusive Economic Zone shall be as defined in the schedule attached to this Proclamation.

Schedule

The scope and régime of Exclusive Economic Zone

1. In and throughout the zone Kenya exercises the following:

(a) Sovereign rights for the purpose of exploring, exploiting, conserving and managing the natural resources, whether renewable or non-renewable of the water column, the seabed, and the subsoil thereof.

(b) Sovereign rights with regard to other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water currents and winds.

(c) (i) Jurisdiction with respect to regulation control and preservation of marine environment including pollution control and abatement.

- (ii) Exclusive jurisdiction with respect to authorization and control of scientific research.
- (iii) Exclusive jurisdiction with respect to the establishment and use of artificial islands, installations, structures and other devices including customs, fiscal, health, public order and immigration regulations pertaining thereto.
- (iv) Other rights and duties compatible with international conventions or protocols to which Kenya is or may become party.

2. Kenya may permit other States or Nationals of such states to fish in the zone on such terms and conditions and subject to compliance with such regulations as it may prescribe. In particular and without prejudice to the generality of the foregoing these may inter alia relate to the following:

(a) Licensing of fishermen, fishing vessels and gear including payment of fees and other forms of remuneration.

(b) Conservation measures to preserve and manage the exploitation of fisheries resources including measures relating to and determining the species which may be caught and fixing quotas per vessel over a period of time or to the catch by nationals of any State during a specified period.

(c) Regulating seasons and areas of fishing, the types, sizes and amount of gear, and the numbers, sizes and types of fishing vessels that may be used in the zone.

(d) Fixing the age and size of fish and other species that may be caught.

(e) Specifying information required of fishing vessels, including catch and effort statistics and vessel position reports.

(f) Requiring, under the authorization and control of Kenya, the conduct of specified fisheries research programmes and regulating the conduct of such research, including the sampling of catches, disposition of samples, and reporting of associated scientific data.

(g) The placing of Kenyan observers or trainees on board such vessels.

(h) The landing of all or any part of the catch by such vessels in the ports of Kenya.

(i) Terms and conditions relating to joint ventures or other cooperative arrangements.

(j) Requirements for training personnel and transfer of fisheries technology including enhancement of Kenya's capability of undertaking fisheries research, management and development of the living resources of the zone.

(k) Measures for the enforcement of Law and regulations in accordance with this Proclamation.



39. KIRIBATI

Marine Zones (Declaration) Act, 1983

An Act to make provision in respect of the Internal Waters,  
the Archipelagic Waters, the Territorial Sea and the  
Exclusive Economic Zone of Kiribati

Commencement: 16th May 1983

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

PART I - PRELIMINARY

Short title and commencement

1. This Act may be cited as the Marine Zones (Declaration) Act 1983.

Interpretation

2. (1) In this Act, unless the context otherwise requires -

"the baseline of Kiribati" means the low-water line of the seaward side of the reef fronting the coast of any part of Kiribati or bounding any lagoon waters adjacent to any part of that coast or where a reef is not present the low-water line of the coast itself:

"conservation and management" includes all rules, regulations, methods and measures that:

- (a) are required to build, restore or maintain, or are useful in building, restoring or maintaining, any fishery resource or the marine environment; or
- (b) are designed to ensure that:
  - (i) a supply of food and other products may be taken, and recreational benefits may be obtained, on a continuing basis; and
  - (ii) irreversible or long-term ill-effects on fishery resources or the marine environment are avoided; and
  - (iii) there will be a multiplicity of options available with respect to uses of those resources;

"fishery resource" means any fishery, stock of fish, species of fish or habitat of fish;



References to rules of international law

3. Where in this Act it is provided that anything shall be done, or any law shall be made in accordance with the rules of international law, the question, whether it was done so or made, is non-justifiable.

...

PART II - THE MARINE ZONES

...

The exclusive economic zone

7. (1) Subject to the succeeding provisions of this section, for the purposes of any law of Kiribati the exclusive economic zone of Kiribati comprises those parts of the sea having as their inner limits the outer limits of the territorial sea and as their outer limits a line drawn 200 nautical miles seaward from the outer limits of the inland waters of Kiribati.

(2) The Minister may, in accordance with the rules of international law declare, by reference to physical features marked on official charts or to lists of geographical co-ordinates specifying the geodetic datums, points between which straight baselines are to be drawn for determining the outer limits of the exclusive economic zone.

(3) Where baselines are drawn in accordance with subsection (2) the breadth of the exclusive economic zone shall be measured from those baselines.

(4) The Minister may, by order, for the purpose of implementing any international agreement or the award of any international body, or otherwise declare that the order limits of the exclusive economic zone of Kiribati extend to such line, being a line to the landward of the outer limits of the exclusive economic zone as defined in accordance with subsection (1) or subsection (3), as the case requires as is specified in the order.

(5) Where the median line is less than 200 nautical miles from the line which the breadth of the territorial sea is to be measured, the outer limits of the exclusive economic zone extend to the median line.

(6) All areas of seabed, and the subsoil under the seabed of the exclusive economic zone shall be treated, for the purposes of any law of Kiribati, as part of the continental shelf of Kiribati.

Legal character of marine zones, etc.

8. ...

(2) Within the exclusive economic zone the Republic of Kiribati has sovereign rights for the purposes of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the seabed and subsoil under the seabed and the waters over the seabed.

(3) The sovereignty and sovereign rights of the Republic of Kiribati under this section shall be exercised in accordance with the rules of international law.

Rights of States in marine zones

9. ...

(6) Subject to this and any other Act and to the rules of international law, all States and their nationals shall enjoy in the exclusive economic zone the high seas freedoms of navigation and overflight and of the laying of submarine cables and pipelines and all other internationally lawful uses of the sea related to those freedoms compatible with the rules of international law.

General regulations as to the exclusive economic zone

10. Where no other provision is made in or under any other Act for the purpose, the Minister may make regulations, in accordance with the rules of international law, for all or any of the following purposes:

(a) regulating the conduct of scientific research within the exclusive economic zone; and

(b) regulating the exploration and exploitation of the exclusive economic zone for the production of energy from waters, currents and winds and for other economic purposes; and

(c) regulating the construction, operation and use of artificial islands, installations and structures within the exclusive economic zone, including requirements of the establishment of safety zones around islands, installations and structures; and

(d) prescribing measures for the protection and preservation of the marine environment of the exclusive economic zone; and

(e) providing for such other matters as are necessary or expedient to give effect to the rights and obligations of the Republic of Kiribati in relation to the exclusive economic zone, or are necessary to give full effect to the provisions of this Act.

Charts, publicity etc.

11. (1) The Minister shall cause all closing lines, baselines and other lines drawn for the purposes of this Act for determining the limits of the internal waters, the archipelagic waters, the territorial seas and the exclusive economic zone of Kiribati to be clearly indicated on charts of a scale or scales adequate for them to be readily determined, and shall give adequate publicity to Gazette and otherwise.

(2) A question, whether publicity given to any matter under subsection (2) is adequate, is non-justifiable.

(3) A copy of each chart referred to in subsection (1) shall be deposited with the Secretary-General of the United Nations and the Secretary-General of the South Pacific Commission.

Evidentiary provision

12. In any proceedings before a court or a person acting judicially, a certificate purporting to be signed by the Marine Superintendent stating that, any specific nautical chart of any area is a chart to which Section 11 applies, that is held by the Minister, is evidence of the matters stated in the certificate, and the chart is evidence of the matters set out in it.



40. MADAGASCAR

Ordinance No. 85-013 of 16 September 1985 determining the limits of the  
Maritime Zones (Territorial Sea, Continental Shelf and Exclusive  
Economic Zone) of the Democratic Republic of Madagascar,  
16 September 1985

(as amended and ratified by Law No. 85-013 of 11 December 1985)

...

Article 4

The exclusive economic zone of the Democratic Republic of Madagascar shall extend to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

Should the distance between the baseline of the Democratic Republic of Madagascar and those of one or several adjacent States be less than 400 nautical miles, the respective exclusive economic zones shall be delimited by agreement with the State or States concerned.

Article 5

The exclusive economic zone shall comprise the seabed and its subsoil and the superjacent waters within the limits defined in article 4.

Within this zone, the Democratic Republic of Madagascar shall exercise:

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

Article 6

No exploration or exploitation of the zone defined in article 4 may be undertaken by nationals of a third State without authorization by the Government of the Democratic Republic of Madagascar.

Article 14

All provisions contrary to those of this Ordinance, and in particular those of Ordinance No. 73-060 of 28 September 1973 determining the limits of the territorial sea and continental shelf of the Malagasy Republic shall be abrogated.

...

Article 15

This ordinance shall be published in the Official Journal of the Republic.

It shall be carried out as a State law.

41. MALAYSIA

Exclusive Economic Zone Act, 1984, Act No. 311

An Act pertaining to the exclusive economic zone and certain aspects of the continental shelf of Malaysia and to provide for the regulations of activities in the zone and on the continental shelf and for matters connected therewith.

...

PART I  
PRELIMINARY

Short title, application and commencement.

1. (1) This Act may be cited as the Exclusive Economic Zone Act 1984 and shall apply to the exclusive economic zone of Malaysia.

...

(3) In the event of any conflict or inconsistency between the provisions of this Act and of any applicable written law, the provisions of this Act shall supersede the conflicting or inconsistent provisions of that applicable written law and the latter shall be construed as so superseded.

(4) The provisions of any applicable written law which are not in conflict or inconsistent with the provisions of this Act shall otherwise continue to apply.

(5) This Act shall come into force on such date as the Yang di-Pertuan Agong may appoint by notification in the Gazette and he may appoint different dates for the coming into force of different provisions of this Act in different areas of the exclusive economic zone and continental shelf.

Interpretation

2. In this Act, unless the context otherwise requires-

"applicable written law" means any written law:

- (a) provided to be applicable in respect of the exclusive economic zone, continental shelf or both, as the case may be, by an order made under section 42 or otherwise specifically provided to be so applicable: or
- (b) applicable in respect of the continental shelf under the provisions of the Continental Shelf Act 1966,

and includes the Continental Shelf Act 1966;



"authorized officer" means any fishery officer as defined in section 2 of the Fisheries Act 1963, any port officer as defined in section 2 of the Merchant Shipping Ordinance 1952, any police officer not below the rank of sergeant as defined in section 2 of the Police Act 1967, any customs officer as defined in section 2 of the Customs Act 1967, any officer of the armed forces as defined in section 2 of the Armed Forces Act 1972, any public officer, irrespective of rank, in command of a vessel belonging to the Government or any other person or class of persons appointed to be an authorized officer or authorized officers under section 39;

"continental shelf" means the continental shelf of Malaysia as defined in section 2 of the Continental Shelf Act 1966;

"Director-General" means the Director-General of Environmental Quality as defined in section 2 of the Environmental Quality Act 1974;

"dumping" means:

- (a) any deliberate disposal of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea; or
- (b) any deliberate disposal of vessels, aircraft or other man-made structures at sea,

but "dumping" does not include:

- (i) the disposal of wastes or other matter incidental to, or derived from, the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures; or
- (ii) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Act, any applicable written law or international law;

"exclusive economic zone" or "zone" means the exclusive economic zone of Malaysia determined in accordance with section 3;

"Government" means the Government of Malaysia and includes any Minister charged with responsibility by an order made under the Ministerial Functions Act 1969 for the matter in relation to which the reference to the Government is made under this Act, and any other Minister exercising temporarily the functions of such Minister;

"Malaysian fisheries waters" means all waters comprising the internal waters, the territorial sea and the exclusive economic zone of Malaysia in which Malaysia exercises sovereign and exclusive rights over fisheries;

"maritime casualty" means a collision of vessels, stranding or other incident of navigation, or other occurrence on board a vessel or external to it resulting in material damage or imminent threat of material damage to a vessel or cargo;

"master", in relation to a vessel, includes every person (except a pilot or port officer as defined in section 2 of the Merchant Shipping Ordinance 1952) having for the time being command or charge of the vessel, or lawfully acting as the master thereof;

"mixture containing oil" means:

- (a) a mixture with an oil content of one hundred parts or more in one million parts of the mixture; or
- (b) a mixture with such oil content as is prescribed by the Minister charged with responsibility for the environment by order in the Gazette to be a mixture containing oil for the purposes of this Act;

"oil" means:

- (a) crude oil, diesel oil, fuel oil or lubricating oil; or
- (b) any other description of oil which is prescribed by the Minister charged with responsibility for the environment by order in the Gazette to be oil for the purposes of this Act;

"owner", in relation to a vessel, means any person or body of persons, whether incorporated or not, by whom the vessel is owned and includes any charterer, sub-charterer, lessee or sub-lessee of the vessel;

"pollutant" means any substance which, if introduced into the sea, is liable to create hazards to human health or to harm living resources in the sea or other marine life, or to damage amenities or interfere with other legitimate uses of the sea and, without limiting the generality of the foregoing, includes any substance that is prescribed by the Minister charged with responsibility for the environment by order in the Gazette to be a pollutant for the purposes of this Act;

"State" shall have the meaning assigned to that expression under international law;

"territorial sea" means the territorial waters of Malaysia determined in accordance with the Emergency (Essential Powers) Ordinance, No. 7/1969;

"this Act" includes regulations and other subsidiary legislation made under this Act and anything done under this Act or under such regulations or other subsidiary legislation;

"vessel" includes every description of ship or floating or submarine craft or structure;

"waste" includes:

- (a) any matter, whether liquid, solid, gaseous or radioactive, which is discharged, emitted, deposited or dumped in the marine environment in such volume, composition or manner as to cause an alteration of the environment; or



- (b) any matter which is prescribed by the Minister charged with responsibility for the environment by order in the Gazette to be waste for the purposes of this Act.

"exclusive economic zone" or "zone", means the exclusive economic zone of Malaysia determined in accordance with section 3.

...

"Malaysian fisheries waters" means all waters comprising the internal waters, the territorial sea and the exclusive economic zone of Malaysia in which Malaysia exercises sovereign and exclusive rights over fisheries:

...

"this Act" includes regulations and other subsidiary legislation made under this Act and anything done under this Act or under such regulations or other subsidiary legislation;

...

## PART II EXCLUSIVE ECONOMIC ZONE

### The exclusive economic zone of Malaysia

3. (1) The exclusive economic zone of Malaysia, as proclaimed by the Yang di-Pertuan Agong vide P.U. (A) 115/80, is an area beyond and adjacent to the territorial sea of Malaysia and, subject to subsections (2) and (4), extends to a distance of two hundred nautical miles from the baselines from which the breadth of the territorial sea is measured.

(2) Where there is an agreement in force on the matter between Malaysia and a State with an opposite or adjacent coast, questions relating to the delimitation of the exclusive economic zone shall be determined in accordance with the provisions of that agreement.

(3) The Yang di-Pertuan Agong may cause the limits of the exclusive economic zone to be published in maps or charts from time to time.

(4) Where, having regard to international law, State practice or an agreement referred to in sub-section (2), the Yang di-Pertuan Agong considers it necessary so to do, he may by order published in the Gazette alter the limits of the exclusive economic zone determined in accordance with subsection (1).

### Sovereign rights in, and jurisdiction over, the exclusive economic zone

4. In the exclusive economic zone Malaysia has

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



- (b) jurisdiction with regard to
  - (i) the establishment and use of artificial islands, installations and structures;
  - (ii) marine scientific research;
  - (iii) the protection and preservation of the marine environment: and
- (c) such other rights and duties as are provided for by international law.

Prohibition of activities in the exclusive economic zone or on the continental shelf except where authorized

5. Except where authorized in accordance with the provisions of this Act or any applicable written law, no person shall in the exclusive economic zone or on the continental shelf:

- (a) explore or exploit any natural resources, whether living or non-living;
- (b) carry out any search, excavation or drilling operations;
- (c) conduct any marine scientific research: or
- (d) construct or authorize and regulate the construction, operation and use of:
  - (i) any artificial island:
  - (ii) any installation or structure for any of the purpose provided for in section 4 or for any other economic purpose; or
  - (iii) any installation or structure which may interfere with the exercise of the rights of Malaysia in the zone or on the continental shelf.

PART III  
FISHERIES

Seas in the zone to be part of Malaysian fisheries waters

6. The seas comprised in the exclusive economic zone shall be part of Malaysian fisheries waters.

Minister responsible for fisheries in the zone

7. The Minister charged with responsibility for fisheries shall also be responsible for fisheries in the exclusive economic zone.

Written law relating to fisheries to be applicable in the zone and on the continental shelf

8. Except as otherwise provided in this Act, any written law relating to fisheries shall be applicable in the exclusive economic zone and on the continental shelf with such necessary modifications or exceptions as may be provided in an order made under section 42.

PART IV  
PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

Sovereign right of Malaysia to exploit her natural resources

9. Malaysia has the sovereign right to exploit her natural resources in the exclusive economic zone pursuant to her environmental policies and in accordance with her duty to protect and preserve the marine environment in the zone.

10. (1) If any oil, mixture containing oil or pollutant is discharged or escapes into the exclusive economic zone from any vessel, land-based source, installation, device or aircraft, from or through the atmosphere or by dumping:

- (a) the owner or master of the vessel, if the discharge or escape is from a vessel;
- (b) the owner or occupier of the place on land, if the discharge or escape is from land;
- (c) the owner or person in charge of the installation or device, if the discharge or escape is from an installation or a device; or
- (d) the owner or pilot of the aircraft, if the discharge or escape is from an aircraft,

shall each be guilty of an offence and shall be liable to a fine not exceeding one million ringgit.

(2) Where the act or omission of a person other than any of the persons mentioned in subsection (1) caused the discharge or escape mentioned in that subsection, then such other person shall also be guilty of an offence and shall be liable to a fine not exceeding one million ringgit.

(3) Subsection (2) shall not operate to absolve or relieve the persons mentioned in subsection (1) from liability for an offence under subsection (1).

(4) Notwithstanding the provisions of this section, dumping of wastes or other matter may be carried out under a licence issued by the Director-General and subject to such conditions as he may impose.

Defence to a charge under section 10

11. Where a person is charged with an offence under section 10, it shall be a defence to prove that the discharge or escape of the substance mentioned in sub-section (1) of that section was caused for the purpose of securing the safety of the vessel, the place on land, the installation, device or aircraft concerned, or for the purpose of saving life but a defence under this section



shall not operate if the court is satisfied that the discharge or escape was not necessary for the alleged purpose or was not a reasonable step to take in the circumstances.

Requirement for discharge or escape of certain substances to be reported.

12. (1) If any oil, mixture containing oil or pollutant is discharged or escapes into the exclusive economic zone from any vessel, land-based source, installation, device or aircraft, the owner or master of the vessel, the owner or occupier of the place on land, the owner or person in charge of the installation or device or the owner or pilot of the aircraft, as the case may be, shall immediately report the occurrence of such discharge or escape to the Director-General.

(2) Any person who fails to comply with this section shall be guilty of an offence and shall be liable to a fine not exceeding ten thousand ringgit.

Measures relating to a maritime casualty

13. (1) The Government may specify measures in relation to the exclusive economic zone which are necessary to protect Malaysia's coastline or any segment or element of the environment or related interests, including fishing, from pollution or threat of pollution following upon a maritime casualty or acts relating to such casualty, which may reasonably be expected to result in major harmful consequences.

(2) The measures referred to in subsection (1) shall be proportionate to the actual or threatened damage to the coastline or segment or element of the environment or related interests, including fishing.

Directions and action to remove, disperse, destroy or mitigate damage

14. (1) Where Malaysia's coastline or any segment or element of the environment or related interests, including fishing in the exclusive economic zone is damaged or threatened to be damaged as a result of any discharge or escape of any substance mentioned in section 10, the Director-General may issue such directions as are, or take such action as is, necessary to remove, disperse, destroy or mitigate the damage or threat of damage.

(2) Any person who fails to comply with any direction given by the Director-General under subsection (1) shall be guilty of an offence and shall be liable to a fine not exceeding ten thousand ringgit.

(3) The owner and the master of the vessel, the owner and the occupier of the place on land, the owner and the person in charge of the installation or device, or the owner and the pilot of the aircraft, as the case may be, from which the substance mentioned in section 10 was discharged or escaped shall be liable jointly and severally for all costs and expenses incurred in carrying out all or any of the work required under subsection (1) to remove, disperse, destroy or mitigate the damage or the damage, and such costs and expenses shall be a first charge on any property or interest held by such person.

(4) Where the Act or omission of a person other than any of the persons mentioned in subsection (3) caused such discharge or escape, then such other person shall also be liable jointly and severally with the persons mentioned in that subsection for all costs and expenses incurred in carrying out all or



any of the work required under subsection (1) to remove, disperse, destroy or mitigate the damage or threat of damage, and such costs and expenses shall be a first charge on any property or interest held by such other person.

Power to detain and sell vessel

15. (1) The Director-General may detain any vessel from which the oil, mixture containing oil or pollutant escaped or was discharged in the circumstances mentioned in subsection (1) of section 14.

(2) The Director-General may release any vessel detained under subsection (1) upon the owner depositing with the Government such sum of money or furnishing such security as, in the opinion of the Director-General, would be adequate to meet all costs and expenses incurred in carrying out the work required to remove, disperse, destroy or mitigate the damage or threat of damage caused by such escape or discharge.

(3) If any vessel which has been detained proceeds to sea without being released under subsection (2), the owner or master of the vessel or any other person who causes the vessel to proceed to sea shall be guilty of an offence and shall be liable to a fine not exceeding one million ringgit.

(4) Where the owner or master of such vessel or any other person found guilty of an offence under this section is unable to pay the fine or the costs and expenses incurred in carrying out the work required under subsection (1) of section 14, the court may, on the application of the Director-General, order the sale of such vessel and the application of the proceeds of the sale towards the payment of the fine and the costs and expenses incurred.

PART V  
MARINE SCIENTIFIC RESEARCH

Government consent required for conduct of marine scientific research

16. (1) No marine scientific research may be conducted in the exclusive economic zone or on the continental shelf without the express consent of and subject to conditions imposed by the Government.

(2) Subject to section 17, the Government shall give its consent where the marine scientific research would be carried out by any State or competent international organization for peaceful purposes and to increase scientific knowledge of the marine environment.

Right to withhold consent

17. The Government may withhold its consent to the conduct of a marine scientific research project by any State or competent international organization in the exclusive economic zone or on the continental shelf if it has reason to believe that the project-

(a) is of direct significance to the exploration and exploitation of natural resources, whether living or non-living;

(b) involves drilling into the continental shelf, the use of explosives or the introduction of pollutants into the marine environment;

(c) involves the construction, operation or use of artificial islands, installations or structures;

(d) contains information communicated pursuant to section 18 regarding the nature and objectives of the project which is inaccurate or if the researching State or competent international organization has outstanding obligations to Malaysia from a prior research project: or

(e) would interfere with activities undertaken by Malaysia in the exercise of its sovereign rights and jurisdiction provided for under this Act, any applicable written law or international law.

Duty to provide information

18. Any State or competent international organization which intends to undertake marine scientific research in the exclusive economic zone or on the continental shelf shall, not less than six months in advance of the expected starting date of the marine scientific research project, provide the Government with a full description of-

(a) the nature and objectives of the project:

(b) the method and means to be used, including name, tonnage, type and class of vessels and a description of scientific equipment;

(c) the precise geographical areas in which the project is to be conducted;

(d) the expected date of first appearance and final departure of the research vessels, or deployment of the equipment and its removal, as appropriate:

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

(f) the extent to which it is considered that Malaysia should be able to participate or to be represented in the project.



Duty to comply with certain conditions

19. (1) Every State or competent international organization undertaking marine scientific research in the exclusive economic zone or on the continental shelf shall comply with the following conditions;

(a) ensure the right of the Government, if it so desires, to participate or be represented in the marine scientific research project, especially on board research vessels and other craft or scientific research installations, when practicable, without payment of any remuneration to the scientists of Malaysia and without obligation to contribute towards the costs of the project;

(b) provide the Government with preliminary reports, as soon as practicable, and with the final results and conclusions after the completion of the research;

(c) undertake to provide access for the Government, at its request, to all data and samples derived from the project and likewise to furnish it with data which may be copied and samples which may be divided without detriment to their scientific value;

(d) if requested, provide the Government with an assessment of such data, samples and research results or provide assistance in their assessment or interpretation;

(e) ensure, unless otherwise specified by the Government, that the research results are made internationally available through appropriate national or international channels, as soon as practicable;

(f) inform the Government immediately of any major change in the research programme;

(g) unless otherwise agreed, remove the scientific research installations or equipment once the research is completed.

(2) This section is without prejudice to the conditions established by the Government for the exercise of its discretion to give or withhold consent pursuant to section 16 or 17, as the case may be, including requiring prior agreement for making internationally available the research results of a project of direct significance for the exploration and exploitation of natural resources.

Suspension or cessation of marine scientific research activities

20. (1) The Government may order the suspension of any marine scientific research activities in progress within the exclusive economic zone or on the continental shelf if-

(a) the research activities are not being conducted in accordance with the information provided under section 18 upon which the consent of the Government was based; or



(b) the State or competent international organization conducting the research activities fails to comply with the provisions of section 19.

(2) The Government may order the cessation of any marine scientific research activities-

(a) which in deviating from the information provided under section 18 have amounted to a major change in the research project or the research activities: or

(b) if any of the situations contemplated in subsection (1) are not rectified within a reasonable period of time, as determined by the Government

(3) Following notification by the Government of the order of suspension or cessation, the State or competent international organization shall immediately terminate all or any of the marine scientific research activities that are the subject of such a notification.

(4) An order of suspension under subsection (1) may be lifted by the Government and the marine scientific research activities allowed to continue if the researching State or competent international organization complies with the conditions required under sections 18 and 19 within a reasonable period of time. as determined by the Government.

PART VI  
ARTIFICIAL ISLANDS, INSTALLATIONS AND STRUCTURES

Prohibition of construction, operation or use of artificial island, etc.  
except with authorization

21. (1) No person shall construct, operate or use any artificial island, installation or structure in the exclusive economic zone or on the continental shelf except with the authorization of the Government and subject to such conditions as it may impose.

(2) The Government shall have exclusive jurisdiction over artificial islands, installations and structures in the zone and on the continental shelf, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws,

(3) The Government may, where necessary, establish reasonable safety zones around such artificial islands, installations and structures in which it may take appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures.

(4) The breadth of the safety zones shall be determined by the Government, taking into account navigation and of the artificial islands, installations and structures applicable international standards, Due notice shall be given of the extent of the safety zones.

(5) All vessels must respect these safety zones and shall comply with any directions which the Government may give in accordance with generally accepted international standards regarding navigation in the vicinity of artificial islands, installations, structures and safety zones.

PART VII  
SUBMARINE CABLES AND PIPELINES

Consent of Government necessary for delineation of course for laying of  
sub-marine cables and pipelines

22. (1) No person shall lay submarine cables or pipelines in the exclusive economic zone or on the continental shelf without the consent of the Government as to the delineation of the course for the laying of such cables and pipelines

(2) Without prejudice to subsection (1), the Government may impose such conditions as it may consider necessary for the laying or maintenance of such cables and pipelines in the exercise of its right to take reasonable measures for the exploration of the continental shelf, the exploitation of natural resources and the prevention, reduction and control of pollution from such cables or pipelines.

Duty of owner of submarine cable or pipeline

23. The owner of any submarine cable or pipeline which has fallen into disuse or is beyond repair shall forthwith inform the Government thereof and shall, if so directed by the Government, remove such cable or pipeline within such period of time as the Government may direct.

PART VIII  
ENFORCEMENT

Powers of authorized officer

24. (1) For the purpose of ensuring compliance with the provisions of this Act or any applicable written law, any authorized officer may, where he has reason to believe that an offence has been committed under this Act or such written law, without a warrant-

(a) stop, board and search any vessel within the exclusive economic zone and inspect any licence, permit, record, certificate or any other document required to be carried on board such vessel under this Act such written law or any generally accepted international rules and standards, and make copies of the same:

(b) make such further enquiries and physical inspection of the vessel, its crew, equipment, gear, furniture, appurtenances stores and cargo as may be necessary to ascertain whether or not a suspected violation of the provisions of this Act or such written law has been committed:

(c) enter and search any place in which he has reason to believe that an offence under this Act or such written law is about to be or has been committed:

(d) arrest any person who he has reason to believe has committed any offence under this Act or such written law;



(e) detain any article which he has reason to believe has been used in the commission of any offence under this Act or such written law:

(f) detain any vessel, including its equipment, gear, furniture, appurtenances, stores and cargo, which he has reason to believe has been used in the commission of any offence or in relation to which any offence has been committed under this Act or such written law.

(2) A written acknowledgement shall be given for any article, vessel or thing detained under subsection (1)

#### Hot Pursuit

25. (1) Where any authorized officer has reason to believe that a foreign vessel has contravened any provision of this Act or any applicable written law, he may undertake the hot pursuit of such vessel with a view to stopping and arresting it and bringing it within the exclusive economic zone in accordance with international law.

(2) The powers conferred on an authorized officer under section 24 shall be exercisable pursuant to this section in respect of such vessel beyond the limits of the exclusive economic zone to the extent allowed by international law.

(3) Except as otherwise provided by any regional or bilateral agreement to which Malaysia is a party, the right of hot pursuit shall cease as soon as the vessel pursued enters the territorial sea or exclusive economic zone of its own State or any third State.

#### How person arrested to be dealt with

26. (1) An authorized officer making an arrest under this Act or any applicable written law shall without unnecessary delay produce the person arrested before a Magistrate.

(2) No authorized officer shall keep in custody a person arrested for a longer period than under all the circumstances of the case is reasonable.

(3) Such period shall not in the absence or after the expiry of a special order of a Magistrate under section 117 of the Criminal Procedure Code exceed twenty-four hours, exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court. F.M.S. Cap. 6

#### How detained vessel to be dealt with

27. Any vessel detained under this Part and the crew thereof shall be taken to the nearest or most convenient port and dealt with in accordance with the provisions of this Act or any applicable written law

#### Obstruction of authorized officer, etc.

28. Any person who

(a) wilfully obstructs any authorized officer in the exercise of any of the powers conferred on him by this Act or any applicable written law



(b) fails to comply with any lawful order or requirement under this Act or such written law; or

(c) fails to comply with any of the provisions of this Act or such written law for which no punishment is provided for failure to comply therewith shall be guilty of an offence.

PART IX  
OFFENCES, PENALTIES, LEGAL PROCEEDINGS AND COMPENSATIONS

General penalty

29. Any person who is guilty of an offence under this Act for which no punishment is provided shall be liable to a fine not exceeding one million ringgit.

30. Where any offence under this Act or any applicable written law has been committed by a company, partnership, firm or business, every director and every officer of the company directly connected with the activity resulting in the commission of the offence, every member of that partnership and every person concerned with the management of that firm or business shall each be guilty of that offence and shall be liable to the punishment provided in section 29.

Master liable for offence committed on his vessel

31. Where an offence under this Act or any applicable written law has been committed by any person on board a vessel, the master of such vessel shall also be guilty of that offence and shall be liable to the punishment provided in section 29.

Detention and forfeiture of vessel, etc.

32. (1) Any article, vessel or thing detained under the provisions of this Act or any applicable written law shall, unless otherwise provided under this Act, be held pending the outcome of any proceedings under this Act or such written law:

Provided, however, that an authorized officer or the court may release the article, vessel or thing so detained upon the furnishing of a bond or other security to the satisfaction of the authorized officer or the court by any person claiming ownership, or acting on behalf of the owner, of the article, vessel or thing to produce the same when required so to do.

(2) Where an article, vessel, or thing is detained under the provisions of this Act or any applicable written law, the authorized officer who detains the article, vessel or thing shall, as soon as may be, cause notice thereof to be given in writing to the owner; and where the owner cannot be found, a notice to that effect shall be published in the Gazette and, if the article, vessel or thing is foreign-owned, the authorized officer shall cause the diplomatic representative in Malaysia of the flag State of the vessel concerned or of the country of which the owner of the article or thing is a national to be informed of such fact through the Ministry responsible for foreign affairs.

(3) If the owner of the article, vessel or thing cannot be found in spite of all courses of action taken under subsection (2) and by reason of the owner not being found proceedings under this Act or any applicable written law cannot be instituted, the article, vessel or thing detained shall be held for a period of one month from the date of the last course of action taken under subsection (2) at the end of which period the article, vessel or thing shall be forfeited to the Government unless a claim is received in respect thereof within the aforesaid period, in which event an enquiry shall be held by a court of competent jurisdiction to determine the validity of the claim and the article, vessel or thing shall be disposed of in such manner as the court may direct.

Power of court to order forfeiture

33. Where any person is found guilty of an offence under this Act or any applicable written law, the court shall, in addition to any other penalty that may be imposed, order that any article, vessel or thing which was the subject-matter of, or was used in the commission of, the offence be forfeited and that any licence or permit issued or consent given under this Act or such written law be suspended for such period of time as the court may think fit or be cancelled or withdrawn, as the case may be.

Disposal of article, vessel or thing ordered to be forfeited

35. Where it is proved to the satisfaction of a court that any article, vessel or thing detained under the provisions of this Act or any applicable written law was the subject matter of, or was used in the commission of, an offence under this Act or such written law, the court may order the forfeiture of such article, vessel or thing notwithstanding that no person may have been found guilty of such offence.

Sessions Court and Court of Magistrate of First Class to have full jurisdiction and powers under Act or applicable written law

36. (1) Notwithstanding any written law to the contrary, any offence committed under this Act or any applicable written law shall be deemed to have been committed in Malaysia for the purpose of conferring jurisdiction on a court to try that offence, and a Sessions Court or a Court of a Magistrate of the First Class shall each have full jurisdiction and powers for all purposes under this Act or such written law.

(2) Subsection (1) shall not be construed as derogating in any way from the jurisdiction and powers of the High Court to try any offence under any written law.

(3) Any proceedings in respect of an offence under this Act or any applicable written law shall be brought before the Sessions Court or the Court of a Magistrate of the First Class which is nearest the place where the offence was committed, or which is located in the most convenient place for trial in the circumstances of the case as determined by the Public Prosecutor.

(4) This section shall be without prejudice to the provisions of the Criminal Procedure Code relating to the transfer of cases.



37. For the purposes of this Act or any applicable written law, the court shall presume that maps, plans or charts purporting to be made by the authority of:

- (a) the Federal Government;
- (b) the Government of a State in Malaysia; or
- (c) the Government of a State as defined in section 2 and approved by the Federal Government or the Government of any State in Malaysia for use,

were so made and are accurate.

Prosecution of offence

38. (1) A prosecution for an offence under this Act or any applicable written law shall not be instituted except by or with the consent of the Public Prosecutor:

Provided that a person who is to be charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed, and any person so arrested may be remanded in custody or released on bail, notwithstanding that the consent of the Public Prosecutor to the institution of a prosecution for the offence has not been obtained, but the case shall not be further prosecuted until that consent has been obtained.

(2) When a person is brought before a court under this section before the Public Prosecutor has consented to the prosecution, the charge shall be read and explained to him but he shall not be called upon to plead thereto, and the provisions of the Criminal Procedure Code shall be modified accordingly.

Yang di-Pertuan Agong may appoint other persons to be authorized officers

39. Without prejudice to the definition of "authorized officer" in section 2, the Yang di-Pertuan Agong may, by order in the Gazette, appoint such other person or class of persons as he may consider necessary to be an authorized officer or authorized officers for the purposes of this Act or any applicable written law.

40. (1) Where, by reason of any act or omission in contravention of this Act or any applicable written law, damage is caused to any person or property in or on, or to any segment or element of the environment or related interests within, the exclusive economic zone or continental shelf, the owner and the master of the vessel, the owner and the occupier of the place on land, the owner and the person in charge of the installation ...



(3) Without prejudice to the generality of subsections (1) and (2) such liability shall extend to the payment of compensation for any damage caused to a person, vessel, gear, facility of structure used in any activity, including fishing and related activities, connected with the exercise of the rights of the Government and Malaysian nationals, and of other persons where such rights are exercised with the consent of the Government, in the exclusive economic zone or on the continental shelf, and compensation shall also be paid for policing and surveillance activities and activities for the protection of the environment and shipping necessitated by the damage referred to in subsection (1)

(4) Any claim for compensation under this section may be brought before any High Court, Sessions Court or Court of a Magistrate of the First Class in Malaysia, as the case may be, according to the value or amount of the claim: and where a claim is so brought, the court concerned shall have full jurisdiction and powers to adjudicate thereon.

PART X  
MISCELLANEOUS

Power to make regulations

41. (1) The Yang di-Pertuan Agong may make regulations for carrying out the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), such regulations may provide for any of the following matters:

(a) regulating the conduct of marine scientific research within the exclusive economic zone and on the continental shelf;

(b) prescribing measures for the protection and preservation of the marine environment of the exclusive economic zone, including conditions to be complied with by foreign vessels before entering any port or the internal waters of Malaysia or calling at any offshore terminal;

(c) regulating the construction, operation and use of artificial islands and of other installations and structures within the exclusive economic zone or on the continental shelf, including the establishment of safety zones around such islands, installations and structures;

(d) regulating the exploration and exploitation of the exclusive economic zone for the production of energy from the water, currents and winds and for other economic purposes:

(e) providing for such other matters as are necessary or expedient for giving full effect to Malaysia's rights in and jurisdiction over the exclusive economic zone and the continental shelf.

Written laws to be applicable in exclusive economic zone or  
on continental shelf or both by order

42. (1) The Yang di-Pertuan Agong may, by order in the Gazette, provide for any written law to be applicable in the exclusive economic zone, on the continental shelf or both,

(2) Any order made by the Yang di-Pertuan Agong under this section may provide for such written law to be applicable with such modifications or exceptions thereto as he considers necessary and where he so does, such written law shall be construed accordingly in its application in the exclusive economic zone, on the continental shelf or both.

(3) The modifications mentioned in subsection (2) may include amendments to such written law which the Yang di-Pertuan Agong may consider necessary-

(a) to make such written law effective in its application in the exclusive economic zone, on the continental shelf or both;

(b) to avoid any conflict or inconsistency between the provisions of such written law and this Act or any other applicable written law; or

(c) to bring the provisions of such written law into accord with the provisions of this Act or any other applicable written law.

(4) Any order made under this section shall be laid before the House of Representatives as soon as may be after it is made and if a motion is moved and carried by that House, within three months of the date on which the order is laid before it, disallowing the order, the order shall thereafter be void but, without prejudice to the validity of anything done under the order or to the making of any new order.

42. MALDIVES

I. Law No. 30/76 relating to the Exclusive Economic Zone  
of the Republic of Maldives of 5 December 1976

1. The area, including the sea as well as the seabed and the subsoil thereof, situated within the line joining the points of which the co-ordinates are given below, shall constitute the Exclusive Economic Zone of the Republic of Maldives.

(1)	7° 57' 27" N	69° 35' 45" E
(2)	7° 57' 27" N	69° 11' 48" E
(3)	4° 02' 20" S	69° 11' 48" E
(4)	4° 02' 20" S	77° 05' 42" E
(5)	3° 27' 15" N	77° 05' 42" E
(6)	4° 47' 04" N	77° 01' 40" E
(7)	4° 52' 15" N	76° 56' 48" E
(8)	5° 05' 35" N	76° 43' 15" E
(9)	5° 13' 56" N	76° 36' 48" E
(10)	6° 28' 14" N	75° 41' 34" E
(11)	6° 33' 21" N	75° 38' 31" E
(12)	6° 51' 06" N	75° 25' 46" E
(13)	7° 15' 27" N	75° 16' 19" E
(14)	7° 24' 00" N	75° 12' 06" E
(15)	7° 25' 19" N	75° 11' 18" E
(16)	7° 51' 30" N	74° 56' 09" E
(17)	7° 48' 30" N	74° 29' 45" E
(18)	7° 41' 50" N	73° 38' 34" E
(19)	7° 39' 02" N	73° 19' 38" E
(20)	7° 40' 52" N	73° 03' 23" E
(21)	7° 42' 19" N	72° 49' 30" E
(22)	7° 42' 54" N	72° 42' 26" E
(23)	7° 49' 05" N	72° 03' 45" E
(24)	8° 05' 38" N	70° 15' 08" E
(25)	7° 57' 27" N	69° 35' 45" E

2. The Republic of Maldives shall have the sovereign rights and exclusive jurisdiction over its Economic Zone for the purpose of exploitation, conservation and management of the natural resources therein, both living and non-living, or for any other economic purpose. Thus the use and exploitation of the products or natural resources found in the said Zone for any economic purpose, or the conduct of scientific researches, or the construction, maintenance or operation of artificial structures and devices for any purpose within the said Zone shall not be executed by non-Maldivians without assent of the Government of the Republic of Maldives.

3. Any person or persons contravening the sovereign rights of the Republic of Maldives over its Economic Zone shall be liable to prosecution and conviction in accordance with Laws and Regulations of the Republic of Maldives.



II. Law No. 32/76 of 5 December 1976 relating to the navigation and passage by foreign ships and aircrafts through the airspace, Territorial Waters and the Economic Zone of the Republic of Maldives

1. Ships of All States shall enjoy the right of innocent passage through the territorial waters and other Exclusive Economic Zone of the Republic of Maldives. Passage shall be considered innocent only if such passage is not prejudicial to the peace good order and security of the Republic of Maldives.

However, no foreign warship shall enter the Territorial Sea of the Republic of Maldives, nor a foreign fishing vessel shall enter its Economic Zone without prior consent of the Government of the Republic of Maldives. While navigating in the Territorial Waters of Maldives foreign warships shall fly their national flag. Submarines shall navigate on the surface and show their flag.

...

4. All ships shall bear responsibility for any damage caused within the Territory or Economic Zone to any other party by the negligence or deliberate action of those ships.

5. Any person or persons who act in contravention of the provisions of this Law shall be guilty of an offence and shall upon conviction be penalised in accordance with the Laws and regulations of the Republic of Maldives.

...

43. MARSHALL ISLANDS

An Act  
To make provision in respect of the Internal Waters, the Archipelagic  
Waters, the Territorial Sea, the Exclusive Economic Zone and the  
Contiguous Zone of the Republic

BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS

PART I. PRELIMINARY

Section 1. Short title

This Act may be cited as the Marine zone (Declaration) Act 1984.

Section 2. Interpretation

(1) In this Act:

...

"conservation and management" includes all rules, regulations, methods and measures that:

(a) are required to build, restore or maintain, or are useful in building, restoring or maintaining, any fishery resources or the marine environment;

(b) are designed to ensure that:

- (i) a supply of food and other products may be taken, and recreational benefit obtained, on a continuing basis; and
- (ii) irreversible or long-term ill-effects on fishery resources or the marine environment are avoided, and
- (iii) there will be a multiplicity of options available with respect to uses of those resources

"fishery resource" means any fishery, stock of fish, species of fish or habitat of fish;

Section 3. Reference to rules of international law.

Where in this Act it is provided that anything shall be done by the Government of the Marshall Islands or by the Cabinet, or any law or order shall be made, or any other thing shall be done, in accordance with the rules of international law, the question, whether it was so done or made, is non-justiciable.

Section 4. Application of this Act

The provisions of this Act shall be read subject to the provisions of any treaty or other international obligation which is finally accepted by or on behalf of the Republic and approved by the Nitijela, by resolution for the purposes of this Act.

PART II. THE MARINE ZONES

...

Section 8. The exclusive economic zone.

(1) Subject to the succeeding provisions of this section, for the purposes of any law of the Republic the exclusive economic zone of the Republic comprises those parts of the sea having as their inner limits the outer limits of the territorial sea and as their outer limits the a line drawn 200 nautical miles seaward from the base-line from which the breadth of the territorial sea is measured.

(2) The Cabinet may, in accordance with the rules of international law, declare, by reference to physical features marked on official charts or to lists of geographical co-ordinates specifying the geodetic datums, points between which straight base-line are to be drawn for determining the outer limits of the exclusive economic zone .

(3) Where base-lines are drawn in accordance with Subsection (2), the breadth of the exclusive economic zone shall be measured from those base-lines

(4) Where the median line is less than 200 nautical miles from which the breadth of the territorial sea is to be measured, the outer limits of the exclusive economic zone extend only to the median line.

(5) The Cabinet may, by Order, for the purpose of implementing any international agreement or the award of any international body, or otherwise, declare that the outer limits of the exclusive economic zone of the Republic are such as are specified in the order.

...

Section 10. Legal character of marine zones, etc

...

(2) Within the exclusive economic zone the Republic has sovereign rights:

(a) for the purpose of exploring and exploiting, conserving and managing the natural resources whether living or non-living, of the seabed and the subsoil under the seabed, and the water over the seabed; and

(b) with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds.



(3) Within the exclusive economic zone the Republic has such other rights as are conferred or recognized by international law.

...

(5) The sovereignty and rights of the Republic under the section shall be exercised in accordance with the rules of international law.

Section 11. Rights of other States in marine zones.

...

(6) Subject to this and any other Act and to the rules of international law, all States and their nationals shall enjoy in the exclusive economic zone the high seas freedoms of navigation and overflight and of the laying of submarine cables and pipelines, and all other internationally lawful uses of the sea related to those freedoms, compatible with the rules of international law .

Section 12. General regulations as to the exclusive economic zone

Where no other provision is made by or under any other Act for the purpose, the Cabinet may make regulations, which shall be in accordance with the rules of international law, for all or any of the following purposes:

- (a) regulating the conduct of scientific research within the exclusive economic zone, and
- (b) regulating the exploration and exploitation of the exclusive economic zone for the production of energy from the waters, currents and winds, and for other economic purposes; and
- (c) regulating the construction, operation and use of artificial islands, installations and structures within the exclusive economic zone, including requirements for the establishment of safety zones around such islands, installations and structures; and
- (d) prescribing measures for the protection and preservation of marine environment of the exclusive economic zone; and
- (e) providing for such other matters as are necessary or expedient to give effect to the rights and obligations of the Republic in relation to the exclusive economic zone, or as are necessary to give full effect to the provisions of this Act.

Section 13. Charts, publicity, etc.

(1) The Minister shall cause closing lines, baselines and other lines drawn for the purposes of this Act, for determining the limits of the internal waters, the archipelagic waters, the territorial sea, the exclusive economic zone and the contiguous zone of the Republic to be clearly indicated on charts of a scale or scales adequate for them to be readily-determined, and shall give adequate publicity to them.

(2) A question, whether adequate publicity has been given to any matter under Subsection (1), is non-justiciable.

(3) A copy of each chart referred to in Subsection (1) shall be deposited with the Secretary-General of the United Nations and the Secretary General of the South Pacific Commission.

Section 14. Evidentiary provisions.

In any proceedings before a court or person acting judicially, a certificate purporting to be signed by the Minister stating that any specific nautical chart of any area is a chart to which Section 13 applies that is held by the Minister is evidence of the matters stated in the certificate and the chart is evidence of the matters set out in it.

PART III. TRANSITIONAL AND EFFECTIVE DATE

Section 15. Savings of U.S authority

Nothing in this Act is intended to affect, any right, power, privilege or authority of the United States or any of its agencies or instrumentalities under the Trusteeship Agreement.

Section 16. Effective date.

This Act becomes effective on the date on which it becomes law.

...

44. MAURITANIA

Ordinance 88-120 of 31 August 1988 establishing the limits and the legal regime of the Territorial Sea, the Contiguous Zone, the Exclusive Economic Zone and the Continental Shelf of the Islamic Republic of Mauritania\*

[Original: French]

THE CHAIRMAN OF THE MILITARY COMMITTEE FOR NATIONAL SALVATION, HEAD OF STATE, PROMULGATES THE ORDINANCE WHICH READS AS FOLLOWS:

...

ARTICLE 3

An exclusive economic zone shall be established, having a breadth of 200 nautical miles measured from the baselines specified in article 1 of this Ordinance.

...

ARTICLE 7

In the exclusive economic zone, the Islamic Republic of Mauritania reserves its sovereign and exclusive rights for the purpose of exploring, exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water, currents and winds, and, in general, with regard to other rights and obligations recognized under international law.

...

ARTICLE 9

All earlier provisions contrary to this Ordinance, and in particular articles 179 to 191 of Act No. 78.043 of 28 February 1978, setting out the Merchant Marine and Maritime Fishery Code, shall be abrogated.

ARTICLE 10

This Ordinance shall be published with all due urgency and shall be carried out as a State law.

Nouakchott, 31 August 1988.

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\* Communicated by the Government of Mauritania.



45. MAURITIUS

I. Maritime Zones Act, 1977, Act No. 13 of 3 June 1977

Short title

1. This Act may be cited as the Maritime Zones Act 1977.

...

Exclusive Economic Zone

6. (1) The exclusive economic zone is the area beyond and adjacent to the territorial waters and which extends to a distance of two hundred nautical miles from the baseline.

(2) Notwithstanding anything contained in subsection (1), where the Prime Minister considers it necessary so to do having regard to International Law and State practice he may subject to subsection (1), by Order published in the Gazette, amend the limit of the exclusive economic zone as specified in subsection (1).

(3) No Order shall be made under subsection (2) unless the draft of the Order has been approved by the Legislative Assembly.

7. (1) Without prejudice to sections 3, 5 and 6\*, but subject to subsections (3) and (6) Mauritius has, in the continental shelf and the exclusive economic zone -

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

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

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

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

(e) such other rights as are recognised by International Law or State practice.

(2) Except in accordance with the terms of any agreement entered into with Mauritius or of a licence granted by or under the authority of the Prime Minister, no person shall, in relation to the continental shelf or the exclusive economic zone -

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\* NOTE: Section 3 - sovereignty over and limits of territorial waters;  
Section 5 - continental shelf.

- (a) explore or exploit any resources;
- (b) carry out any search, excavation or drilling operations;
- (c) conduct and research;
- (d) construct, maintain or operate any artificial island, off-shore terminal, installation or other structure or device.

(3) Subject to subsection (4) and to any measures that may be necessary for protecting the interest of Mauritius, foreign States may lay or maintain cables or pipelines on the continental shelf and the seabed of the exclusive economic zone.

(4) No cables or pipelines shall be laid on the continental shelf or on the seabed of the exclusive economic zone unless the authority of the Prime Minister has been obtained for the delineation of the course of the cables or pipelines.

(5) Nothing in subsection (2) shall apply in relation to fishing by a citizen of Mauritius or a body corporate registered in Mauritius and approved by the Minister of Fisheries.

(6) Ships and aircraft of all States shall, subject to the exercise by Mauritius of its sovereign rights over its continental shelf or within the exclusive economic zone, enjoy the following freedoms -

- (a) freedom of navigation; and
- (b) freedom of overflight.

Designated areas of the continental shelf and exclusive economic zone

9. The Prime Minister may, by Order published in the Gazette -

- (a) declare any area of the continental shelf or the exclusive economic zone to be a designated area; and
- (b) make such provisions as he considers necessary with respect to -
  - (i) the exploration, exploitation and protection of the resources within the designated area;
  - (ii) the safety and protection of artificial islands, off-shore terminals, installations and other structures and devices in the designated area;
  - (iii) the regulation and conduct of scientific research in the designated area;
  - (iv) the protection of the marine environment in the designated area;



- (v) customs and other fiscal matters in relation to the designated area;
- (vi) the regulation of entry into and passage of foreign ships through the designated area;
- (vii) the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interest of Mauritius.

Extension of enactments

10. The Prime Minister may, by Order published in the Gazette -

(a) extend with such restrictions and modifications as he thinks fit, any enactment in force to the continental shelf or the exclusive economic zone, or any part thereof, including any designated area;

(b) make such provisions as he considers necessary for facilitating the enforcement of that enactment.

Publication of charts

11. The Prime Minister may cause the baseline, the limits of the territorial waters, the continental shelf, the exclusive economic zone and the historic waters to be published in charts.

Offences

12. (1) Any person who contravenes any provision of this Act or any regulation or Order made under this Act, shall commit an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand rupees or to penal servitude not exceeding five years.

(2) Any person who commits an offence shall be tried in the Intermediate Court.

Offences by agent or body corporate

13. (1) Where an offence is committed by -

(a) an agent, the person for whom the agent is acting;

(b) a body corporate, every person who, at the time of the commission of the offence, was concerned in the management of the body corporate or was purporting to act in managerial capacity, shall also commit the like offence, unless he proves that the offence was committed without his knowledge or consent and that he took all reasonable steps to prevent the commission of the offence.

(2) Notwithstanding subsection (1), where an offence has been committed by a body corporate and it is proved that the offence has been committed with the consent, whether express or implied, or the connivance of, or is attributable to any neglect on the part of the director, manager, secretary or other officer of the body corporate, such director, manager, secretary or other officer shall commit the like offence.



Application of Act

14. Where any provision of this Act or of any regulation or Order made under this Act is in conflict with the provision of any other enactment in force, such provision of this Act or of such regulation or Order shall prevail.

Regulations

15. (1) The Prime Minister may make such regulations as he considers necessary for carrying out the purposes of this Act.

(2) In particular and without prejudice to the foregoing power, regulations made under subsection (1) may provide for all or any of the following matters -

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

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

(c) the regulation of the construction, maintenance of artificial islands, offshore terminals, installations and other structures and devices;

(d) the preservation and the protection of the marine environment and the prevention and control of marine pollution;

(e) the regulation and conduct of scientific research;

(f) the fees in relation to licences; and

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

Commencement

16. This Act shall come into operation on a day to be fixed by Proclamation.

II. Regulations made by the Prime Minister under Section 15  
of the Maritime Zones Act 1977

Government Notice No. 139 of 1984

1. These regulations may be cited as the Maritime Zones (Exclusive Economic Zones) Regulations 1984.
2. The exclusive economic zones falling within the jurisdiction of Mauritius extend and have always extended from the base lines of the territory of Mauritius within the coordinates specified in the first and Second Schedules.
3. These regulations are without prejudice to the continental shelf of Mauritius as defined in the Maritime Zones Act 1977.

Made at Port Louis by Prime Minister on 27 December 1984.

FIRST SCHEDULE  
(Regulation 2)

Geographical Coordinates adopted to designate the limits of the exclusive economic zones for the Islands of Mauritius, Rodrigues, Cargados Caragos (St Brandon), Agalega and Tromelin.

Latitude (South)	Longitude (East)
08° 58' 00"	54° 28' 04"
08° 48' 55"	55° 56' 00"
08° 40' 21"	57° 15' 09"
08° 33' 29"	58° 20' 19"
08° 26' 13"	59° 23' 13"
09° 36' 54"	59° 57' 30"
10° 28' 42"	60° 04' 44"
11° 20' 30"	59° 59' 06"
12° 08' 42"	59° 38' 00"
12° 57' 15"	58° 58' 00"
12° 57' 48"	60° 11' 12"
13° 41' 30"	61° 48' 36"
14° 35' 00"	62° 38' 43"
15° 25' 12"	62° 57' 54"
16° 18' 48"	63° 09' 44"
16° 25' 48"	64° 18' 36"
16° 56' 36"	65° 30' 12"
18° 16' 17"	66° 41' 43"
19° 59' 19"	67° 02' 02"
20° 51' 12"	66° 50' 27"
22° 06' 37"	66° 00' 00"
22° 42' 42"	65° 12' 44"
23° 10' 02"	63° 20' 40"
23° 03' 03"	62° 24' 41"
22° 10' 28"	60° 47' 34"
23° 22' 24"	59° 26' 36"

FIRST SCHEDULE - continued

Latitude (South)	Longitude (East)
23° 48' 05"	58° 14' 23"
22° 00' 32"	57° 14' 40"
21° 18' 19"	56° 50' 09"
20° 35' 55"	56° 27' 44"
20° 04' 57"	56° 17' 39"
19° 00' 49"	55° 50' 45"
15° 17' 06"	52° 33' 22"
14° 01' 33"	52° 45' 33"
13° 31' 25"	52° 58' 48'
12° 43' 06'	53° 33' 54"
12° 17' 52"	53° 48' 02"
11° 44' 15"	53° 49' 25"
10° 36' 15"	53° 51' 58"
09° 38' 16"	53° 54' 17"

SECOND SCHEDULE  
(regulation 2)

Geographical Coordinates adopted to designate the limits of the exclusive economic zones for Chagos Archipelago.

Latitude (South)	Longitude (East)
01° 37'	71° 48'
01° 37'	73° 07'
02° 04'	74° 23'
02° 58'	75° 20'
04° 03'	75° 55'
05° 15'	76° 06'
06° 28'	75° 54'
07° 45'	75° 58'
08° 53'	75° 38'
09° 54'	74° 55'
10° 39'	73° 40'
10° 53'	72° 18'
10° 34'	70° 55'
09° 52'	69° 52'
08° 43'	69° 04'
07° 26'	68° 46'
06° 20'	68° 15'
05° 08'	68° 08'
03° 08'	68° 24'
02° 37'	69° 13'
01° 52'	70° 21'



46. MEXICO

Federal Act relating to the sea, 9 January 1986

TITLE I  
General provisions

CHAPTER I  
Scope of application of the Act

Article 1

This Act establishes regulations relating to the fourth, fifth, sixth and eighth paragraphs of article 27 of the Political Constitution of the United Mexican States in respect of Mexican maritime zones.

Article 2

This Act is federal in scope; it governs the maritime zones which form part of the national territory and, where applicable, the maritime zones beyond such territory where the Nation exercises sovereign rights, jurisdiction and other rights. Its provisions belong to the public domain, in the framework of the national democratic planning system.

Article 3

The Mexican maritime zones are:

- (a) The territorial sea;
- (b) The internal maritime waters;
- (c) The contiguous zone;
- (d) The exclusive economic zone;
- (e) The continental shelf and island shelves; and
- (f) Any other zone permitted by international law.

Article 4

In the zones listed in the preceding article, the Nation shall exercise the powers, rights, jurisdiction and competence vested in it by this Act, in accordance with the Political Constitution of the United Mexican States and with international law.

Article 5

Foreign States and their nationals, when carrying out activities in the maritime zones listed in article 3, shall respect the provisions established for each zone by this Act, with the attendant rights and obligations.

Article 6

The sovereignty of the Nation and its sovereign rights, jurisdiction and competence within the limits of the relevant maritime zones, in accordance with this Act, shall be exercised pursuant to the provisions of the Political Constitution of the United Mexican States, international law and applicable national legislation, in respect of:

- I. Marine works, artificial islands, installations and structures;
- II. The regime applicable to living marine resources, including their conservation and utilization;
- III. The regime applicable to non-living marine resources, including their conservation and utilization;
- IV. Economic development of the sea, including the utilization of minerals dissolved in its waters, the production of electrical and thermal energy from its waters and from currents and winds, the harnessing of solar energy at sea, the development of the coastal zone, marine aquaculture, the establishment of national marine parks, the promotion of recreation and tourism, and the establishment of fishing communities;
- V. Protection and preservation of the marine environment, including the prevention of pollution; and
- VI. Marine scientific research activities.

Article 7

The Federal Executive Power shall be responsible for applying this Act through the various branches of the Federal Public Administration, which in accordance with its Organic Law and other prevailing legal provisions, are competent national authorities on the basis of the powers conferred upon each of them.

Article 8

The Federal Executive Power may negotiate agreements with neighbouring States on the delimitation, in accordance with international law, of the dividing lines between the Mexican maritime zones and the corresponding adjacent zones under the national maritime jurisdiction of the respective States, in cases where such zones overlap.

Article 9

The Mexican maritime zones 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 a neighbouring State is measured, unless otherwise agreed with that State.

The Federal Executive Power shall not recognize the unilateral extension of the maritime zones of a neighbouring State beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the Mexican territorial sea is measured. In such cases, the Federal Executive Power shall seek negotiation with the neighbouring State in question, with a view to working out a mutually acceptable solution.

Article 10

The enjoyment of the rights which this Act grants to foreign ships shall depend upon reciprocal treatment of national ships by the flag State, subject to the provisions of the Political Constitution of the United Mexican States and international law.

Article 11

The Federal Executive Power shall ensure that maritime relations with other States are based on the principle of international reciprocity, as it applies both to Mexican maritime zones and to those established by such other States, in respect of any activity carried out by them or by their nationals strictly in accordance with international law.

Article 12

The Nation shall recognize acts of delimitation of the maritime zones of other States strictly in accordance with the rules of international law and on the basis of reciprocity.

Article 13

The Federal Executive Power shall ensure that the competent national authorities observe the applicable international rules which recognize the right of land-locked countries to fly a flag.



CHAPTER II

Marine installations

Article 14

Artificial islands, installations and structures shall have no territorial sea of their own, and their presence shall not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.

Article 15

The Nation shall have exclusive jurisdiction over artificial islands, installations and structures in the exclusive economic zone and on the continental shelf and island shelves, including jurisdiction with regard to customs, fiscal, health, safety and immigration regulations.

Article 16

The Nation shall have the exclusive right in the Mexican maritime zones to construct and to authorize and regulate the construction, operation and use of artificial islands, installations and structures, in accordance with this Act, the General National Property Act, the Public Works Act and other applicable provisions in force.

Article 17

The construction, installation, conservation, maintenance, repair and demolition of immovable property used for the exploration, location, drilling, extraction and development of marine resources, or for public service or common use in the Mexican maritime zones, shall be carried out with due regard for the prevailing legal provisions on the subject.

CHAPTER III

Resources and economic development of the sea

Article 18

This Act shall be applied in strict observance of the legislation concerning fishing, the provisions emanating from such legislation and other applicable provisions relating to measures for the conservation and utilization by nationals or foreigners of the living resources in the Mexican maritime zones.

Article 19

The exploration, exploitation, processing, development, refining, transportation, storage, distribution and sale of submarine hydrocarbons and minerals in the Mexican maritime zones shall be governed by the regulatory norms of article 27 of the Constitution, under the category of petroleum and mineral materials and the respective regulations, and by the applicable provisions of this Act.

Article 20

Any activity which involves the exploitation, use and economic development of the Mexican maritime zones, other than those provided for in the two preceding articles of this Title, shall be governed by the regulatory provisions of the fourth, fifth and sixth paragraphs of article 27 of the Political Constitution of the United Mexican States, and by this Act and other applicable laws and regulations.

CHAPTER IV

Protection and preservation of the marine environment  
and marine scientific research

Article 21

In the exercise of the powers, rights, jurisdiction and competence of the Nation within the Mexican maritime zones, the following shall be applied in order to prevent, reduce and control pollution of the marine environment: the Federal Environmental Protection Act, the General Health Act and their respective regulations, the Federal Water Act and other applicable laws and regulations in force or to be adopted, including the present Act, its regulations and the relevant rules of international law.

Article 22

In the conduct of scientific research activities in the Mexican maritime zones, the following principles shall be applied:

- I. They shall be carried out exclusively for peaceful purposes;
- II. They shall be carried out with appropriate scientific methods and means which are compatible with this Act, other applicable provisions and international law;
- III. They shall not interfere unjustifiably with other lawful uses of the sea which are compatible with this Act and with international law;
- IV. All laws and regulations relevant to the protection and preservation of the marine environment shall be respected;
- V. The activities shall not constitute a legal basis for any claim to any part of the marine environment or its resources;
- VI. Where in accordance with this Act foreigners are allowed to carry out such activities, the greatest possible degree of national participation shall be ensured;
- VII. In the case referred to in the preceding subparagraph, the Nation shall ensure that it will receive the results of the research and, if it so requests, the necessary assistance for the interpretation and evaluation thereof.

TITLE II  
Mexican maritime zones

...

CHAPTER IV  
Exclusive economic zone

Article 46

In an exclusive economic zone situated beyond and adjacent to the territorial sea, the Nation shall exercise:

- I. Sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, and whether renewable or non-renewable, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;
- II. Jurisdiction as provided for in the relevant provisions of this Act, its regulations and international law, with regard to:
  1. The establishment and use of artificial islands, installations and structures;
  2. Marine scientific research;
  3. The protection and preservation of the marine environment;
- III. Other rights and duties provided for in this Act, its regulations and international law.

Article 47

In exercising the rights and jurisdiction and performing the duties of the Nation in the exclusive economic zone, the Federal Executive Power shall ensure that Mexico has due regard to the rights and duties of other States and acts in a manner compatible with international law.

Article 48

In the exclusive economic zone the Federal Executive Power shall respect the enjoyment, on the part of foreign States, of the freedoms of navigation, overflight and the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines, and compatible with international law.



Article 49

The Federal Executive Power shall ensure that, in exercising their rights and performing their duties in the Mexican exclusive economic zone, foreign States have due regard to the rights, jurisdiction and duties of the Nation and comply with this Act, its regulations and other national regulations adopted in accordance with the Constitution and applicable rules of international law.

Article 50

The Mexican exclusive economic zone shall extend 200 nautical miles (370,400 metres) from the baselines from which, in accordance with article 26 of this Act, the breadth of the territorial sea is measured.

Article 51

Islands shall have an exclusive economic zone; however, rocks which cannot sustain human habitation or economic life of their own shall not.

Article 52

The inner limit of the exclusive economic zone shall coincide exactly with the outer limit of the territorial sea, as established in accordance with article 26 of this Act and the relevant provisions of its regulations, and as marked on charts officially recognized by the United Mexican States.

Article 53

The outer limit of the Mexican exclusive economic zone shall be the line every point of which is at a distance of 200 nautical miles (370,400 metres) from the nearest point on the baselines of the territorial sea, as established in article 26 of this Act.

Article 54

Accordingly, the outer limit of the exclusive economic zone shall comprise a series of arcs uniting the points whose geographical co-ordinates were published in a decree in the Diario Oficial de la Federación of 7 June 1976, as marked on the charts officially recognized by the United Mexican States.

Article 55

The Federal Executive Power shall ensure, subject to the relevant provisions of this Act, its regulations and international law, respect for the freedoms of navigation and overflight in the Mexican exclusive economic zone on the part of ships and aircraft of all States, whether coastal or land-locked.

Article 56

The Federal Executive Power shall take proper management and conservation measures so that the living resources are not endangered by over-exploitation; it shall determine the allowable catch of living resources in the exclusive economic zone and, without prejudice to the above, shall promote the optimum utilization of such resources. Where the Nation's ships do not have the capacity to harvest the entire allowable catch of a species, the Federal Executive Power shall give foreign ships access to the surplus of the allowable catch, having regard to the national interest and under the terms of Mexican fishing law.

...

TRANSITIONAL PROVISIONS

Article 1

This Act shall enter into force on the date of its publication in the Diario Oficial de la Federación.

Article 2

This Act shall supersede the regulatory provisions of the eighth paragraph of article 27 of the Constitution, concerning the exclusive economic zone, published in the Diario Oficial de la Federación on 13 February 1976.

Article 3

This Act shall supersede all contrary legal provisions now in force. Matters not provided for in this Act which are related to activities in the maritime zones under national jurisdiction shall be governed by the prevailing national legislation where no contrary provisions exist.

Article 4

Violations of the provisions of this Act shall be punished by the competent national authorities in accordance with national ordinances applicable to the various matters.

47. MICRONESIA (FEDERATED STATES OF)

An Act to

amend title 18 of the Code of the Federated States of Micronesia by amending sections 101, 102, 103, 104, 105 and 107 and by adding a new section 108 to establish an Exclusive Economic Zone in the oceans surrounding the Federated States of Micronesia, to expand the size of the Territorial Sea, to make the chapter consistent with the current political status of the Federated States of Micronesia, and for other purposes (16 December 1988)

...

Section 4

Section 104 of title 18 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 104. Exclusive economic zone-Defined

There is hereby established an exclusive economic zone contiguous to the territorial sea. The inner boundary of the exclusive economic zone of each island or atoll is the seaward boundary of the territorial sea, and the outer boundary is a line, every point of which is two hundred nautical miles seaward of the nearest point on the baseline as defined in section 101 of this title."

Section 5

Section 105 of title 18 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 105. Exclusive economic zone -regulations.

Within the exclusive economic zone, the National Government of the Federated States of Micronesia shall have :

(1) Sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploration and exploitation of the zone;

(2) Jurisdiction with regard to the establishment and use of artificial islands, installations, and structures, marine scientific research, and the protection and preservation of the marine environment; and

(3) Other rights and duties provided for in international law."



Section 6

Section 107 of title 18 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 107. Regulations.

The Federated States of Micronesia may issue such regulations as are necessary to establish the boundaries of internal waters, the territorial sea and the exclusive economic zone."

...

Section 8

This Act shall become law upon approval by the president of the Federated States of Micronesia or upon its becoming Law without such approval.

48. MOROCCO

Act No. 1-81 of 18 December 1980, Promulgated by Dahir No. 1-81-179  
of 8 April 1981, establishing a 200-nautical-mile  
Exclusive Economic Zone off the Moroccan coasts

Article 1

There is hereby established an area called the "exclusive economic zone" which is beyond and adjacent to the territorial waters.

This zone shall extend for a distance of 200 nautical miles, measured from the straight or normal baselines used to determine the breadth of the territorial sea.

Article 2

In this zone, the Moroccan State shall exercise sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the seabed and its subsoil and of the waters superjacent to the seabed, and with regard to other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water, currents and winds.

Article 3

The exercise of fishing rights in this zone shall be exclusively reserved to vessels flying the Moroccan flag or operated by Moroccan natural or juridical persons in accordance with the modalities and subject to the penalties set forth in the Dahir concerning Act No. 1-73-255 of 27 Shawwal 1393 (23 November 1973) setting forth regulations on sea fishing.

Article 4

The Moroccan State, without prejudice to other rights recognized by international law, has exclusive competence in this zone with respect to:

1. The establishment and use of artificial islands, installations and structures;
2. Marine scientific research;
3. The preservation of the marine environment.

Article 5

Any scientific or archeological research or exploration undertaken by a foreign State or by nationals of a foreign State in the exclusive economic zone shall be subject to the prior authorization of the Moroccan administration.

Article 6

1. The establishment of the exclusive economic zone shall not affect, beyond the outer limit of the territorial sea, freedom of navigation, or overflight and of the laying of submarine cables and pipelines and other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines;
2. The exercise of the freedoms mentioned in paragraph 1 of this article by foreign States and their nationals shall have due regard to the sovereign rights of the Moroccan State, and shall comply with the laws and regulations adopted by it, in accordance with international law;
3. In exercising freedom of navigation, all foreign vessels shall be prohibited from engaging in this zone in any fishing activity, including the stowing of fishing equipment and gear, research and any act polluting or threatening the marine environment that is prejudicial to the resources of that zone or to the economic security of the Moroccan State.

...

Article 9

In the Dahir concerning Act No. 1-73-255 of 27 Shawwal 1393 (23 November 1973) regulating sea fishing, the term "exclusive economic zone" shall replace the term "exclusive fishing zone" in articles 2, 36 and 37 of the said Dahir.

Article 10

The provisions of Dahir No. 1-58-227 of 4 Muharram 1378 (21 July 1958) concerning the code of research and exploitation of hydrocarbon deposits shall be applicable to the exploration and exploitation of the resources of the soil and subsoil of the exclusive economic zone.

Article 11

Without prejudice to geographical or geomorphological circumstances in which, taking into account all relevant factors, the delimitation must be effected in accordance with the equitable principles laid down by international law, through bilateral agreements between States, the outer limit of the exclusive economic zone shall not extend beyond a median line every point of which shall be equidistant from the nearest points on the baselines of the Moroccan coasts and the coasts of foreign countries opposite to Moroccan coasts or which border them.

Article 12

The provisions of article 3 of Dahir No. 1-58-227 of 4 Muharram 1378 (21 July 1958) concerning the code of research and exploitation of hydrocarbon deposits are hereby supplemented by the following paragraph 4:



"The provisions of paragraphs 2 and 3 above shall be applicable without prejudice to special geographical or geomorphological circumstances in which, taking into account all relevant factors and in accordance with the equitable principles laid down by international law, the delimitation of the sea area shall be effected through bilateral agreements between States."

Article 13

The provisions of this Act shall not be an obstacle to the principles of international cooperation to which Morocco subscribes and to which effect is given through agreements with other States, without prejudice to its rights of sovereignty and with respect for its national interests.

In particular, within the context of African solidarity, Morocco adheres to the principle of privileged cooperation, concerning the living resources, with neighbouring land-locked countries, the modalities of which shall be established through bilateral, regional and subregional agreements.

49. MOZAMBIQUE

Mozambique Council of Ministers  
Decree Law No. 31/76 of 19 August 1976

...

Article 2

In the zone contiguous to the territorial sea, extending to two hundred nautical miles from the baseline, the People's Republic of Mozambique has sovereign powers with respect to exploration and exploitation, conservation and management of the natural resources, living or non-living, of the seabed, subsoil and the superjacent waters.

Article 3

1. Where there is no agreement to the contrary, and where the limits established in the previous articles overlap with those established by States whose coasts are opposite those of the People's Republic of Mozambique, the limits established by the People's Republic of Mozambique will not extend beyond the line equidistant from the nearest points on the baseline from which is measured the breadth of the territorial sea and exclusive economic zone of each of the two States.

2. If the equidistant line referred to in the previous article is situated within the limit of territorial waters and exclusive economic zone established by States whose coasts are opposite those of the People's Republic of Mozambique, the exclusive economic zone fixed in the present document extends as far as that limit.

50. MYANMAR <sup>1/</sup>

Territorial Sea and Maritime Zones Law, 1977,  
Pyithu Hluttaw Law No. 3 of 9 April 1977

CHAPTER I

Title and definitions

1. This Law may be called the Territorial Sea and Maritime Zones Law.

...

CHAPTER V

Exclusive economic zone

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

18. Burma has in the exclusive economic zone -

- (a) sovereign rights for the purposes of exploration, exploitation, conservation and management of its natural resources, both living and non-living, as well as for producing energy from water and winds;
- (b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, offshore terminals, installations and other structures and devices necessary for the exploration and exploitation of its natural resources, both living and non-living, or for the convenience of shipping or for any other purpose;
- (c) exclusive jurisdiction to authorize, regulate and control scientific research;
- (d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and
- (e) such other rights as are recognized from time to time by international law.

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

- (a) ships of all States shall enjoy the right of freedom of navigation within the exclusive economic zone;
- (b) aircraft of all States shall enjoy freedom of overflight within the air space over the zone.

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<sup>1/</sup> Myanmar was formerly known as Burma.



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

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

## CHAPTER VI

### Offences and penalties

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

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

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

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

## CHAPTER VII

### Miscellaneous

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

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

51. NAMIBIA

Territorial Sea and Exclusive Economic Zone of Namibia,  
Act No. 3 of 1990, 30 June 1990 as amended by  
Amendment Act, 1991

[Original: English]

ACT to determine and define the territorial sea, internal waters, contiguous zone, exclusive economic zone and continental shelf of Namibia; and to provide for matters incidental thereto.

Definitions

1. In this Act, unless the context indicate otherwise -

"Convention" means the United Nations Convention on the Law of the Sea, 1982, adopted on 30 April 1982 by the [Third] United Nations Conference on the Law of the Sea;

"low water line" means the line of lowest astronomical tide;

"Namibia" means the Republic of Namibia as defined in article 1 (4) of the Namibian Constitution, and in relation to any right or power, the authority in which the right or power in question or a right or power of the nature in question is vested;

...

Exclusive economic zone of Namibia

4. (1) The sea outside the territorial sea of Namibia but within a distance of two hundred nautical miles from the low water line or any other baseline from which the territorial sea was measured shall constitute the exclusive economic zone of Namibia.

(2) In determining the extent of the exclusive economic zone the provisions of section 2 (2) shall mutatis mutandis apply.

(3) Within the exclusive economic zone -

(a) Any law of Namibia which relates to the exploitation, exploration, conservation or management of the natural resources of the sea, whether living or non-living, shall apply;

(b) Namibia shall have the right to exercise any powers which it may consider necessary to prevent the contravention of any law relating to the natural resources of the sea.

(4) Any law in force in Namibia at the commencement of this Act relating to any fishing zone shall apply within the exclusive economic zone of Namibia, and any reference in any such law to any fishing zone shall be deemed to be a reference to the exclusive economic zone as defined in this Act.

Delimitation of territorial sea or exclusive economic zone

5. If, in determining the extent of the territorial sea or exclusive economic zone of Namibia or after having so determined it, it infringes or overlaps with the territorial sea, exclusive economic zone or any other maritime zone, as the case may be, of any other State, the extent of the territorial sea or exclusive economic zone of Namibia may be determined or altered by agreement with the State concerned, and pending the conclusion of such an agreement or if no such agreement can be reached, the extent of the territorial sea or exclusive economic zone of Namibia, as the case may be, may be determined or altered by Namibia as it deems fit.

...

Short title and commencement

8. This Act shall be called the Territorial Sea and Exclusive Economic Zone of Namibia Act, 1990, and shall come into operation on a date to be determined by the President by proclamation in the Gazette. 1/

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1/ On 30 June 1990, the proclamation was made by the President of Namibia for the Act to come into operation on 10 July 1990.



52. NEW ZEALAND

Territorial Sea and Exclusive Economic Zone Act 1977, Act No. 28 of  
26 September 1977 as amended by Act No. 146 of 1980

Short title and commencement

1. (1) This Act may be cited as the Territorial Sea and Exclusive Economic Zone Act 1977.

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

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

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

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

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

...

PART II  
THE EXCLUSIVE ECONOMIC ZONE OF NEW ZEALAND

The exclusive economic zone

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

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

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

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

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

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\* Note: Section 5 - Baseline of territorial sea;

Section 6 - Baseline of territorial sea adjacent to bay.

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

(4) For the purposes of implementing any international agreement, or the arbitral award of any international body, or the judgement of any international Court, or for any other purpose in accordance with international law, the Governor-General may from time to time, by Order in Council, declare that the exclusive economic zone shall not extend to any specified area of the sea, seabed, or subsoil, that would otherwise be included within the exclusive economic zone by virtue of this section.

#### Seas in zone to be New Zealand fisheries waters

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

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

- (a) The Fisheries Act 1908 (except Part II of that Act);
- (b) The Marine Mammals Protection Act - 1978.

#### Calculation of total allowable catch

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

#### Calculation of allowable catch by foreign fishing craft

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

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

#### Apportionment of allowable catch for foreign fishing craft

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

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



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

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

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

(d) The terms of any relevant international agreement;

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

Prohibition of operation of unauthorized foreign fishing craft in zone

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

Grant of licences

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

Renewal of licences

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

Variation of licences

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

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

Licensing Fees

18. There shall, in respect of any granting or renewal of any licence, the use of any fishing craft, or the taking of any fish, be payable to the Crown in such manner as may from time to time be prescribed such fee or royalty as may be so prescribed.

Licensing offences

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

(2) Where any foreign fishing craft that is not licensed under section 15 of this Act displays within New Zealand fisheries waters any marking or other means of identification that indicates that it is licensed under that section, each of them, the owner, the master and every crew member of the craft, commits an offence against this Act.

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

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

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

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

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



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

Suspension and cancellation of licences

20. (1) Where the Minister is satisfied that -

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

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

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

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

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

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

Review by Courts

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

Fisheries regulations

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

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

(b) Prescribing the terms of duration of licences;

(c) Prescribing the forms of licences to be issued by the Minister;



(d) Prescribing the fees and royalties payable to the Crown and their method of payment, and prescribing such circumstances in which such fee or royalty or any part thereof may be refunded.

(e) Providing for the production of licences by licensees to specified New Zealand authorities when required to do so, and the inspection of licences by such authorities;

(f) Requiring applicants for licences, and licensees, to designate authorized agents in New Zealand in respect of foreign fishing craft;

(g) Providing for such other measures as are necessary or expedient to ensure that foreign fishing craft are used for fishing with the exclusive economic zone only in accordance with the terms and conditions of their licences;

(h) Prescribing conditions, not inconsistent with this Act, under which fishing may be undertaken within the zone by foreign fishing craft;

(i) Prescribing measures, not inconsistent with this Act, for the conservation and management of fisheries resources within the zone;

(j) Specifying particular types of high migratory species of fish, and regulating, in a manner not inconsistent with this Act, fishing for those species within the zone, and also, in the case of New Zealand fishing craft, beyond the zone;

(k) Providing that a breach of any such regulation shall be a criminal offence, and imposing penalties by way of fine not exceeding, in the case of a licensee, owner or master of a fishing craft, \$10,000 for any such offences and, in the case of any other crew member, \$1,000 for any such offences;

(l) Prescribing the form of bonds for the purposes of section 25 of this Act.

(m) Prescribing forms of notices and procedures to be followed for the purposes of section 26 of this Act;

(n) Providing, in respect of notices, summonses, and other documents to be served under this Act or in any civil or criminal proceedings under this Act, that specified methods of service (including service on the authorized agent of a foreign fishing craft or on the diplomatic or consular representative in respect of New Zealand of the country in which the craft is registered) shall be deemed to be service on any licensee, owner, master, or crew member of the craft, and providing that specified methods of proof of service shall be deemed to be sufficient proof of service.

(2) Regulations made under this section may make different provisions for different parts of the exclusive economic zone and for different species of fish.

(3) In prescribing fees in regulations made under this section, the Governor-General in Council may -

(a) Take into account (inter alia) the cost of implementing the provisions of this Act and of the Fisheries Act 1908 with respect to fishing by foreign fishing craft within the exclusive economic zone, including the cost of the conservation and management of fisheries resources, and of fisheries research, and of the administration and enforcement of such enactments; and

(b) Prescribe different fees for different classes of foreign fishing craft (whether by reference to size, catch, method of fishing, function, or otherwise).

Fishing for research, experimental, and sporting purposes

23. Notwithstanding section 14 or section 19 of this Act, a foreign fishing craft may be used for fishing within the exclusive economic zone for the purpose of fisheries research or of experimentation or sport, subject always to the prior consent in writing of the Minister to such activity and in accordance with such conditions (if any) as the Minister may impose in giving his consent.

Apprehension of offenders

24. (1) Any officer specified in subsection (16) of this section may at any time stop, board, inspect, and search any foreign fishing craft in New Zealand fisheries waters, and inspect any fish on board the craft; and where he has reasonable cause to believe that an offence against this Act, or against regulations made under section 22 of this Act, or against any other New Zealand law, relating to fishing within the exclusive economic zone, has been committed in respect of any foreign fishing craft he may -

(a) Seize and detain all fish on board the craft; and

(b) Apprehend any person whom he has reasonable cause to believe has committed any offence specified in this subsection; and

(c) If he has reasonable cause to believe that any such offence has been committed by the licensee, owner, or master of the craft, seize and detain the craft.

(2) Any officer specified in subsection (16) of this section may exercise the powers conferred on him by subsection (1) of this section with the aid of such assistants as he considers to be necessary for the purpose.

(3) Where any foreign fishing craft is detained under subsection (1) of this section, it shall be held in the custody of the Crown until -

(a) A decision is made not to lay any information or charge in respect of the alleged offence for which the craft was detained; or

(b) Where such an information or charge is laid, the security required by section 25 of this Act is given in respect of the craft.

(4) The decision whether or not to lay an information or charge in respect of an alleged offence for which a foreign fishing craft is detained under subsection (1) of this section shall be made as soon as reasonably practicable after the craft is detained.



(5) The release of a foreign fishing craft from detention shall not affect any subsequent forfeiture of the craft in respect of the conviction of any person for an offence.

(6) On the conviction of any licensee, owner, or master of a foreign fishing craft for any offence specified in subsection (1) of this section, the craft shall be forfeited to the Crown, and shall be disposed of in such manner as the Minister shall order, in addition to any fine that may be imposed by any Court on the convicted person.

(7) Where any fish is detained under subsection (1) of this section, it shall be held in the custody of the Crown (either on board the foreign fishing craft from which it was seized or in such other place as the Minister may direct) until -

(a) A decision is made not to lay any information or charge in respect of the alleged offence for which the fish was detained; or

(b) Where such an information or charge is laid, any security required by section 25 of this Act is given in respect of the fish.

(8) The release of any fish from detention shall not affect any subsequent forfeiture of the fish on the conviction of any person for an offence.

(9) The Crown shall not be liable to any person for any deterioration in the quality of any fish detained under subsection (1) of this section, whether such deterioration is caused by the negligence of the Crown or otherwise.

(10) On the conviction of any person for any offence specified in subsection (1) of this section in respect of any fish detained under that subsection, the fish shall be forfeited to the Crown and shall be disposed of in such manner as the Minister shall order, in addition to any fine that may be imposed by any Court on the convicted person.

(11) Where any officer specified in subsection (16) of this section apprehends any person under subsection (1) of this section, the officer shall cause the person to be taken as soon as reasonably practicable before a Court to be dealt with in accordance with law.

(12) Where any foreign fishing craft or fish is held in the custody of the Crown under this section, then on the conviction of any person for any offence specified in subsection (1) of this section in respect of the craft or fish, as the case may be, the costs of the Crown in holding it in custody under this section shall be a debt due to the Crown jointly and severally by each of them the licensee, the owner, and the master of the craft, and shall be recoverable accordingly by the Crown in any Court of competent jurisdiction.

(13) Without limiting any other manner of recovering any debt due to the Crown under subsection (12) of this section, on the conviction of the licensee, owner, or master of any foreign fishing craft for any offence referred to in that subsection, the Court by which he is convicted may make an order that he shall pay to the Crown any costs for which he is liable under that subsection.



(14) Subject to subsection (9) of this section, but notwithstanding any other provision in this section, where any foreign fishing craft or fish has been detained under subsection (1) of this section, then on the acquittal of every person who is charged with any offence for which the craft or fish, as the case may require, shall forthwith be released from the custody of the Crown.

(15) Any person who in any way prevents or hinders any officer specified in subsection (16) of this section, or any assistant of the officer, in exercising the powers conferred by this section commits an offence against this Act, and is liable on summary conviction to a fine not exceeding \$10,000.

(16) Subsection (1) of this section refers to any of the following officers:

(a) The officer in command of any vessel or aircraft of the New Zealand Armed Forces;

(b) Any Inspector of Sea Fishing appointed in accordance with section 4 of the Fisheries Act 1908;

(c) Any constable;

(d) The master of any New Zealand Government ship.

(17) In this section, "foreign fishing craft" includes all equipment on board or used by the craft.

#### Security for release of foreign fishing craft

25. (1) Where any foreign fishing craft is detained under section 24 of this Act, and an information or charge is laid against the licensee, owner, or master of the craft in respect of the offence for which the craft has been detained, the licensee, owner, or master of the craft may at any time before the determination of the information or charge apply to the Court by which the information or charge will be determined for the release of the craft on the provision of security in accordance with this section.

(2) On hearing the application, the Court shall order the release of the foreign fishing craft on the execution by any suitable person or persons approved by the Court for the purpose, of a bond in favour of Her Majesty the Queen, in the prescribed form and conditioned in accordance with subsection (4) of this section, in an amount not less than the aggregate of the value of the craft, the costs that the Crown may recover under section 24 (12) of this Act if the defendant is convicted of the offence, and the maximum fine to which the defendant will be liable if he is convicted of the offence.

(3) Notwithstanding subsection (2) of this section, the Court may, where it is satisfied that there are special circumstances to justify it in doing so, order that the bond shall be in a specified amount that is less than the amount required by that subsection.

(4) The condition of the bond shall be that if -

(a) The defendant is found not guilty of the information or charge; or

(b) The defendant on being convicted of the information or charge pays in full within 14 days after he is convicted the amount of the fine imposed by the Court, and the amount of all costs due by him to the Crown under section 24 (12) of this Act, and the foreign fishing craft is within that time surrendered to the Crown for forfeiture -

then the bond shall be of no effect, but that otherwise the bond shall remain in full force and effect.

(5) The amount specified in the bond shall be recoverable in full, in any Court of competent jurisdiction, as a debt due to her Majesty the Queen jointly and severally by the person or persons by whom the bond is given, unless the person or persons prove the due performance of the condition on which the bond is defeasible.

(6) In this section, "foreign fishing craft" includes all equipment on board or used by the craft, and also includes all fish that has been seized from the craft under section 24 (1) of this Act and is detained on board the craft in the custody of the Crown under that section.

Administrative penalties for minor fisheries offences

26. (1) Where the Minister has reasonable cause to believe that -

(a) An offence against this Act, or against regulations made under section 22 of this Act, or against any other New Zealand law, relating to fishing within the exclusive economic zone, may have been committed by any person in respect of any foreign fishing craft; and

(b) Having regard to all the circumstances relating to the alleged offence it is of a minor nature, and having regard to the previous conduct of the craft and of the person concerned in New Zealand fisheries waters, it would be appropriate to impose a penalty under this section -

he may cause a notice in writing in accordance with subsection (2) of this section, and otherwise in the prescribed form, to be served on that person.

(2) A notice under subsection (1) of this section shall specify -

(a) The date and nature of the offence;

(b) A summary of the facts on which the allegation that an offence has been committed is based (being a sufficient summary to fully and fairly inform the person of the allegation against him); and

(c) Any other matters (not being previous convictions) that the Minister considers relevant to the imposition of a penalty -

and shall be endorsed with a statement setting out the provisions of this section.



(3) Any person on whom a notice under subsection (1) of this section is served may, within 28 days after the notice is served on him, by a notice in writing in the prescribed form served on the Director-General of Agriculture and Fisheries require that any proceedings in respect of the alleged offence, shall be dealt with before a Court, in which case the following provisions shall apply:

(a) No further proceedings shall be taken under this section by the Minister;

(b) Nothing in this section shall be construed to prevent the subsequent laying of any information or charge in respect of the alleged offence, or the conviction of the person of the offence by a Court, or the imposition of any penalty under any enactment or forfeiture under this Act on such a conviction.

(4) Any person on whom a notice under subsection (1) of this section is served, who does not require that any proceedings in respect of the alleged offence shall be dealt with before a Court, may by notice in writing served on the Director-General of Agriculture and Fisheries -

(a) Admit the offence; and

(b) In any case make submissions to the Minister as to the matters he wishes the Minister to take into account in imposing any penalty under this section.

(5) Where a person on whom a notice under subsection (1) of this section is served does not, within 28 days after the notice is served on him, -

(a) Require that any proceedings in respect of the alleged offence shall be dealt with before a Court; or

(b) Admit the offence-

he shall on the expiration of that period be deemed to have admitted the offence.

(6) Where under this section a person admits or is deemed to have admitted an offence, the Minister may, after taking into account any submissions made by that person under subsection (4) of this section, impose a monetary penalty on the person in respect of the offence, not exceeding one-third of the maximum monetary penalty to which the person would be liable if he were convicted of the offence by a Court.

(7) Where the Minister imposes a penalty on a person under this section in respect of an offence, the Minister shall cause a notice in writing in the prescribed form of the particulars of the penalty to be served on the person.

(8) A person on whom a penalty is imposed under this section shall pay the amount of the penalty to the Crown within 28 days after the notice of the penalty is served on him in accordance with subsection (7) of this section.



(9) Without prejudice to the requirements of subsection (8) of this section, or to section 20 (1) of this Act, a penalty that has been imposed under this section shall be recoverable by the Crown, from the person on whom it has been imposed, in the same manner as a fine is recoverable on summary conviction for any offence.

(10) Notwithstanding the provisions of sections 19, 22, 24, and 25 of this Act, or of any other enactment, where any offence has been admitted under this section, no information or charge may be laid in respect of the offence against the person by whom it is admitted.

(11) Nothing in this section shall apply-

(a) In respect of any offence or alleged offence under subsection (1) or subsection (2) of section 19 of this Act; or

(b) In respect of any offence or alleged offence in respect of which any information or charge has been laid.

#### General regulations in zone

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

(a) Regulating the conduct of scientific research within the exclusive economic zone;

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

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

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

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

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

(g) Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Part of this Act (other than matters for which regulations may be made under section 22 of this Act) and for its due administration.

General provisions as to offences in zone

28. (1) Any offence against this Act, or against any regulations made under this Act, that is committed within the exclusive economic zone shall be deemed to have been committed in New Zealand.

(2) Where any licensee, owner, master, or crew member of a foreign fishing craft is charged with any offence specified in section 19 of this Act or in any regulations made under section 22 of this Act, in respect of any activity described in paragraph (b) or paragraph (c) of the definition of the term "fishing" in section 2 (1) of this Act, it shall be a defence to the charge if the defendant proves that such activity related only to fish taken beyond the outer limits of the exclusive economic zone.

(3) Where any power of apprehension of any person, or of stopping, boarding, or searching any fishing craft, or of inspecting, seizing, or detaining any fishing craft or fish, is conferred on any person, under this Part of this Act, that power may be exercised with or without a warrant.

PART III  
MISCELLANEOUS PROVISIONS

Interim and transitional measures

29. (1) Pending the coming into force of Part II of this Act, the Governor-General may from time to time, by Order in Council, make regulations prescribing interim or transitional measures for the conservation and management of fisheries resources beyond the territorial sea of New Zealand but within 200 nautical miles of the baseline described in sections 5 and 6 of this Act, and for the limitation of fishing by foreign fishing craft in any areas to which those measures relate.

(2) Regulations made under this section may provide that a breach of any such regulations shall be a criminal offence, and may impose penalties by way of fine not exceeding \$100,000 for any such offences, and may declare that any such offences shall be deemed to have been committed within New Zealand.

(3) Regulations made under this section may provide that the provisions of sections 24, 25, and 26 of this Act shall apply in respect of offences committed against such regulations.

Modifications to give effect to international agreement

30. The Governor-General may, from time to time, by Order in Council, limit any provision of this Act relating to the exclusive economic zone so far as it is necessary to do so to give full effect to any convention that is adopted by the Third United Nations Conference on the Law of the Sea.

Official charts

31. (1) For the purposes of this Act, in any proceedings in any Court the line of low water for any area depicted on the charts held in the Territorial Limits Chart Folio held by the Royal New Zealand Navy Hydrographic Office shall be sufficient evidence of the line of the low-water mark for that area.



(2) For the purposes of this Act, in any proceedings in any Court, a certificate purporting to be signed by an officer of the New Zealand Naval Forces authorized by the Secretary of Defence or the Deputy Secretary of Defence that any specified chart is a chart referred to in subsection (1) of this section shall be admissible as evidence of the matters stated in the certificate.

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

Onus of proof in respect of offences

32. In any criminal proceedings under this Act where a defendant is charged with having committed an offence specified in section 19 of this Act, or with having contravened any other provision in any regulations made under this Act under which a licence or permit, or the consent of any person is required for the doing of any act, the onus shall be on the defendant to prove that at the time to which the charge relates, the requisite licence, permit, or consent was duly held.

Amendments, repeal, and savings

33. (1) The enactments specified in the Schedule to this Act are hereby amended in the manner indicated in that Schedule.

(2) Unless in any case the context otherwise requires, every reference in any other enactment or in any regulation, rule, order, agreement, deed, instrument, application, notice, licence, or other document whatsoever, in force at the commencement of this section, -

(a) To the territorial sea of New Zealand as defined by section 3 of the Territorial Sea and Fishing Zone Act 1965, or to the fishing zone of New Zealand established by section 8 of that Act, shall hereafter be read as a reference to the territorial sea of New Zealand as defined by section 3 of this Act;

(b) To the internal waters of New Zealand as defined by section 4 of that Act, shall hereafter be read as a reference to the internal waters of New Zealand as defined by section 4 of this Act.

(3) The Territorial Sea and Fishing Zone Act 1965 is hereby repealed.

(4) Except as expressly provided by this Act, the provisions of this Act are in addition to and not in substitution for the provisions of every other enactment, and accordingly nothing in this Act shall limit or derogate from the provisions of any other enactment.

...



53. NIGERIA

Exclusive Economic Zone Decree No. 28 of 5 October 1978

Delimitation of Exclusive Economic Zone of Nigeria

1. (1) Subject to the other provisions of this Decree, there is hereby denominated a zone to be known as the Exclusive Economic Zone of Nigeria (hereinafter referred to as the "Exclusive Zone") which shall be an area extending from the external limits of the territorial waters of Nigeria up to a distance of two hundred nautical miles from the baselines from which the breadth of the territorial waters of Nigeria is measured.

(2) Notwithstanding subsection (1) above but subject to the provisions of any treaty or other written agreement between Nigeria and any neighbouring littoral State, the delimitation of the Exclusive Zone between Nigeria and any such State shall be the median or equidistance line.

...

Exploitation etc., of Exclusive Zone 1967 No. 5, 1969 No. 51, 1971 No. 30

2. (1) Without prejudice to the Territorial Waters Decree 1967, the Petroleum Decree 1969 or the Sea Fisheries Decree 1971, sovereign and exclusive rights with respect to the exploration and exploitation of the natural resources of the seabed, subsoil and superjacent waters of the Exclusive Zone shall vest in the Federal Republic of Nigeria and such rights shall be exercisable by the Federal Military Government or by such Federal Commissioner or agency as that Government may from time to time designate in that behalf either generally or in any special case.

(2) Subsection (1) of this section shall be subject to the provisions of any treaty to which Nigeria is a party with respect to the exploitation of the living resources of the Exclusive Zone.

Power to erect installations, etc. and offences in relation thereto

3. (1) For the purpose of exploring and exploiting, conserving and managing the natural resources and other activities for the economic exploitation and exploration of the Exclusive Zone, the appropriate authority may establish, or permit the establishment, operation and use by any other person subject to such conditions as may be prescribed, in designated areas -

- (a) artificial islands;
- (b) installations and structures.

(2) The appropriate authority may, for the purpose of protecting any installation in a designated area by order published in the Gazette, prohibit ships, subject to any exceptions provided in the order, from entering without its consent such part of that area as may be specified in such order.

(3) If any ship enters any part of a designated area in contravention of an order made under this section, its owner or master shall be liable on conviction to a fine of N5,000 or imprisonment for 12 months or to both unless he proves that the prohibition imposed by the order was not, and would not on reasonable inquiry have become, known to the master.

(4) In this section, "designated area" means any area of the Exclusive Zone so designated by the appropriate authority for the purposes of subsection (1) above.

Applicability of criminal and civil laws, etc.

4. (1) Any act or omission which

(a) takes place on, under or above an installation in a designated area or any waters within 200 metres of such an installation; and

(b) would, if taking place in any part of Nigeria, constitute an offence under the enactment in force in that part, shall be treated for the purposes of that law as taking place in Nigeria.

(2) Offences under subsection (1) above shall be triable by the Federal Revenue Court whether or not such offence would, if actually committed in Nigeria, be triable under the applicable enactment by a court other than the Federal Revenue Court.

(3) The prosecution of any offence under this Decree shall be at the instance of the Attorney-General of the Federation.

(4) In this section, "enactment" means any Act, Decree, Law, Edict relating to criminal or civil law (including torts) and any subsidiary instrument made thereunder including rules of court and, in matters other than criminal matters, rules of law applicable to or adopted in any part of Nigeria.

Offences by bodies corporate

5. (1) Where a body corporate is guilty of an offence under this Decree and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary, or other similar officer of the body corporate or of any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) For the purposes of this section, "director" in relation to a body corporate established for the purpose of carrying on under national 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.

Interpretation

6. In this Decree, unless the context otherwise requires:

...

"the exclusive zone" means the exclusive economic zone of Nigeria as delimited by section 1 of this Decree.

Citation

7. This Decree may be cited as the Exclusive Economic Zone Decree 1978.



54. NIUE

An Act to make provision with respect to the territorial sea of Niue, and to establish an exclusive economic zone of Niue adjacent to the territorial sea, and in the exercise of the sovereign rights of Niue to make provision for the exploration and exploitation, and conservation and management of the resource of the zone, and for matters connected with those purposes.

Short Title

1. (1) This Act may be cited as the Territorial Sea and Exclusive Economic Zone Act 1978.

(2) This Act shall be deemed to have come into force on the 1st day of April 1978.

Interpretation

2. (1) In this Act unless the context otherwise requires:

...

"Exclusive Economic Zone" and "Zone" means the exclusive economic zone of Niue described in section 10 of this Act;

"Fish" means any marine animal; and includes molluses, crustaceans, polyps and all other forms of marine animal life.

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

"Fishing" means taking, hunting, pursuing, catching, killing or possessing any fish, and "to fish" has the same meaning;

...

"Foreign fishing vessel" means any vessel of whatever size and however propelled which is used in fishing or for the processing or storage of fish for the purpose of sale and which is owned or controlled by a person or persons not ordinarily resident in Niue; but does not include any canoe or other vessel of any kind whatsoever used for the transport of fish or fish products as part of its general cargo;

...

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

"Licence" means a licence issued under section 13 of this Act in respect of a foreign fishing vessel;

...

"Master" in relation to a fishing vessel, means the person for the time being having command or charge of the vessel;

...

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

...

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

(2) Subject to the provisions of subsection (i) of this section, expressions defined in the Niue Act 1966 and the Niue Constitution Act 1974 have the meanings so defined.

...

## PART II

### Exclusive Economic Zone

10. (1) The exclusive economic zone of Niue comprises those areas of the sea, seabed, and subsoil that are beyond and adjacent to the territorial sea of Niue, having as their outer limits a line measured seaward from the baseline described in section 6 of this Act, every point of which line is distant 200 nautical miles from the nearest point of the baseline.

(2) Notwithstanding subsection (1) of this section where any part of the median line between Niue and any other country is less than 200 nautical miles from the nearest part of the baseline of the territorial sea of Niue that part of the median line shall be an outer limit of the zone.

### Total allowable catch

11. The Cabinet shall from time to time determine, in respect of every fishery within the exclusive economic zone, the total allowable catch as follows:

- (a) The portion that Niue fishing vessel have the capacity to harvest; and
- (b) The remaining portion shall constitute the allowable catch for that fishery for foreign fishing vessels.

### No fishing by foreign fishing vessels

12. No foreign fishing vessel shall be used in fishing within the exclusive economic zone of Niue except in accordance with a licence issued by the Cabinet under section 13 of this Act in respect of that fishing vessel.

### Grant of licences

13. (1) Cabinet may grant and issue to the owner of any named foreign fishing vessel a licence to fish within the exclusive economic zone.



(2) In granting a licence under this section the Cabinet may attach to the licence such conditions as are provided for in the regulations.

(3) The Cabinet shall exercise the powers conferred on it by this section in such manner as to ensure that the catch that all foreign fishing vessels licenced under this section are for the time being authorised to harvest from any fishery within the exclusive economic zone does not exceed the allowable catch for foreign fishing vessels for that fishery as determined under section 11 of this Act.

#### Renewal of licences

14. The Cabinet may from time to time renew any licence granted under section 13 of this Act.

#### Variation of licences

15. (1) Subject to section 15(2) of this Act the Cabinet may from time to time, where it is satisfied that it is necessary or expedient for the proper regulation of fishing within the exclusive economic zone to do so, vary the terms and conditions of any licence or licences, or class or classes of licence, granted under section 13 of this Act.

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

#### Licensing fees

16. There shall be payable by every licensee to the Crown in respect of the granting of a licence under section 13 of this Act or the renewal of a licence under section 14 of this Act, such fee may from time to time be prescribed.

#### Offence and penalty

17. (1) Where any foreign fishing vessel that is not licensed under section 13 of this Act is fishing or used in fishing in the exclusive economic zone:

(a) That vessel together with its tackle, engines, nets, gear, apparatus, cargo and stores and all fish taken or possessed shall be seized and forfeited to the Government of Niue and all things so forfeited shall be disposed of as Cabinet thinks fit; and

(b) The owner and the master of the vessel and every member of the crew each commits an offence, and is liable -

(i) In the case of an offence committed by the owner or master, to a fine not exceeding \$100,000, or imprisonment for a term not exceeding 10 years, or both; or

(ii) In the case of an offence committed by any member of the crew to a fine not exceeding \$15,000 or imprisonment for a term not exceeding 5 years, or both.

(2) Where any foreign fishing vessel is fishing or used in fishing within the exclusive economic zone in contravention of any condition of a licence issued in respect of it under section 13 of this Act:



- (a) Every licensee or master of that foreign fishing vessel commits an offence and is liable to a fine not exceeding \$25,000; and
- (b) Every crew member of that foreign fishing vessel commits an offence and is liable to a fine not exceeding \$5,000.

Powers to apprehend offenders

18. (1) Any Fisheries officer or Police officer shall have the power under this Part of this Act -

- (a) To pursue, board, seize and take possession of any foreign fishing vessel, (together with its tackle, engines, nets, gear, apparatus, cargo and stores) within the exclusive economic zone of Niue or from which he has reasonable cause to believe that an offence against this Part of this Act is being or has been committed; and
- (b) At any time board any foreign fishing vessel within the exclusive economic zone of Niue and there search, seize and take possession of any fish in respect of which he has reasonable cause to believe that an offence against this Part of this Act has been committed; and
- (c) To arrest with or without a warrant, any person (being the owner, or the master, or a crew member of a foreign fishing vessel) committing an offence or whom he has reasonable cause to believe has committed an offence against this Part of this Act.

(2) All persons if called upon to assist any Police officer or Fisheries officer in the execution of any power vested in him under this Part of this Act, are hereby authorised and required to render such assistance.

Obstruction of Fisheries officer and Police Officer

Any Person who -

- (a) Wilfully obstructs any Fisheries officer or Police officer in the exercise of any of his powers under this Part of this Act; or
- (b) Fails to comply with any lawful requirement imposed or to answer any lawful enquiry made by any Fisheries officer or Policy Officer under this part of this Act; or
- (c) Being on board any vessel being pursued or about to be boarded by any Fisheries officer or Police officer throws over board or destroys any fish, fishing gear or any other thing whatsoever -

shall be guilty of an offence against this Part of this Act, and shall be liable to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 2 years, or both and if the said offence takes place on board or alongside a fishing vessel, the master of the fishing vessel shall be guilty of a like offence and liable to a like penalty.

Sale of seized fish

20. Where no adequate facilities are available to preserve the fish taken or possessed in contravention of this Part of this Act, Cabinet shall take all necessary steps for the sale of such fish, at its reasonable market value,

pending the determination of the Court proceedings in respect of the taking or possession of such fish, and the net proceeds of such sale shall be paid to the Registrar of the High Court pending the making of a final order by the Court in respect of the forfeiture or otherwise of those proceeds.

Discharge of seized fish or security

21. Any fish taken under this part of this Act may be discharged by Cabinet upon receiving suitable and adequate security for the equivalent value of fish by way of bond, guarantee or other stipulations, conditional for payment of such equivalent value in the event that such amount shall be judged by the Court to be forfeited to the Government of Niue.

Reward to informers and others

22. Cabinet may direct the payment, and the Treasurer is hereby empowered to pay, -

- (a) To any person, other than an officer mentioned in section 18 of this Act, who submits to any such officer original information concerning the commission of any offence against this part of this Act, leading to any penalty or forfeiture incurred in respect of such offence; and
- (b) To any person or the dependents of any person who renders assistance to any officer pursuant to subsection (2) of section 18 of this Act, and who in so doing suffers personal injury or death; a reward of not more than \$5,000, and in no case exceeding one half of the amount of such penalty or forfeiture.

Boarding of foreign fishing vessels prohibited

23. Any person not being a Fisheries officer or Policy officer who boards or attempts to board any foreign fishing vessel or who accepts fish from such foreign fishing vessel without any authority to do so shall be guilty of an offence and liable to a fine not exceeding \$100.

Fishing for research, experimental, and sporting purposes

24. Notwithstanding section 12 or section 17 of this Act, a foreign fishing vessel may be used for fishing within the exclusive economic zone for the purpose of fisheries research or of experimentation or sport, subject always to the prior consent in writing of Cabinet to such activity and in accordance with such conditions (if any) as Cabinet may impose in giving its consent.

Regulations

25. Cabinet may from time to time make regulations for any purpose for which regulations are required or contemplated by this Act or are necessary for giving full effect to the provisions of this Act.

Repeal

26. The Territorial Sea and Fishing Zone Act 1977 is hereby repealed.



55. NORWAY

I. Act No. 91 of 17 December 1976 relating to the Economic Zone of Norway

Paragraph 1

An economic zone shall be established in the seas adjacent to the coast of the Kingdom of Norway. The King shall determine the date for the establishment of the economic zone and the waters to which it shall apply.

The outer limit of the economic zone shall be drawn at a distance of 200 nautical miles (1 nautical mile = 1,852 metres) from the applicable baselines, but not beyond the median line in relation to other States.

The establishment of the economic zone shall not entail changes in the provisions regarding the territorial sea of Norway.

Paragraph 2

The establishment of the economic zone shall not affect the right of navigation through or overflight over the waters in question, or the right to lay submarine cables and pipelines.

The establishment of the economic zone shall not affect the contents of, or the field of application of, the Act of 21 June 1963 No. 12 relating to the exploration for and exploitation of submarine natural resources, or of regulations issued pursuant thereto.

Paragraph 3

Persons who are not Norwegian nationals, or placed on an equal footing with Norwegian nationals under the Act of 17 June 1966 No. 19 relating to Norway's fishery limit and prohibition against fishing etc. by aliens inside the fishery limit, may not engage in fishing or hunting within the Norwegian economic zone. The provisions of the said Act shall apply correspondingly in the economic zone.

The provisions in the first paragraph shall apply unless otherwise provided in regulations issued pursuant to paragraphs 4 or 6 of this Act.

Paragraph 4

The King may issue regulations on fishing and hunting in the economic zone, including regulations concerning:

A. Total allowable catch and maximum catch effort, with regard to over-all fisheries as well as with regard to individual species and specific areas,

B. Access for fishermen from other States to fish allotted shares of the allowable catch, and the terms and conditions for such fishing,



C. Measures for assuring the rational and proper conduct of fishing activities, including provisions as to the number and size of vessels, use of gear, restrictions of gear, close periods, trawler-free zones and other areas restrictions,

D. Other measures for the protection, conservation and reproduction of stocks of fish, shellfish and other living resources.

Paragraph 5

Prior to the implementation of the Norwegian economic zone, the King may, for areas referred to in paragraph 1, lay down interim provisions for the protection of fish stock, for the limitation of foreign fishing and for the rational and proper conduct of fishing activities.

Paragraph 6

For the area of the economic zone between 12 and 200 nautical miles from the baselines, the King may, when necessary by reason of agreements with other States or where special considerations so require, make exceptions of the provisions of paragraphs 3, 4 and 5 or from regulations issued pursuant to these provisions. For areas where the Act of 17 June 1966 No. 19 relating to Norway's fishery limit and prohibition against fishing etc. by aliens inside the fishery limit has not been put into effect, such exceptions may also be applied to areas inside 12 nautical miles.

Paragraph 7

Subject to the rules of international law, the King may issue specific regulations in respect of the zone, including regulations concerning:

- A. The protection of the environment,
- B. Scientific research,
- C. Permanent or temporary artificial islands, installations, including artificial port facilities, and other structures,
- D. Cables and pipelines,
- E. The exploration and exploitation of the economic zone for other economic purposes, including the production of energy.

Paragraph 8

Anyone willfully or negligently violating the provisions of this Act or regulations issued pursuant thereto, or aiding and abetting therein, shall be punished by fines. Attempted violations shall be similarly punished.

In the event of any violation of the provisions of this Act, or of regulations issued pursuant thereto, or aiding and abetting therein, shall be punished by fines. Attempted violations shall be similarly punished.

In the event of any violation of the provisions of this Act, or of regulations issued pursuant thereto, the vessel which has been used in such violation, together with the equipment, catch and gear on board, may be seized, irrespective of ownership. In lieu of the property, its value may be confiscated, in whole or in part, from the offender or from the person on whose behalf he has acted, or from the owner himself. It may be decided that any mortgage or other title or lien in the property seized shall be forfeited in whole or in part. The provisions of paragraph 37 C of the penal code shall apply correspondingly.

For an interim period, or pursuant to agreement with another State, the King may limit, in whole or in part, the application of the first and second paragraphs.

Paragraph 9

This Act shall enter into force immediately.

II. Royal Decree of 17 December 1976 relating to the establishment of the Economic Zone of Norway

(1) Pursuant to the Act of 17 December 1976 relating to the economic zone of Norway, the economic zone shall be established in the waters off the Norwegian mainland with effect from 1 January 1977. The outer limit for the economic zone shall be at a distance of 200 nautical miles (1 nautical mile = 1,852 metres) from and parallel to the established baselines. Where the economic zone is adjacent to the area of jurisdiction of another State, the limit shall be drawn according to agreement.

(2) Pursuant to the Act of 17 December 1976 relating to the economic zone of Norway, paragraph 4, subparagraph B, from 1 January 1977 and until further notice, access to fishing and hunting in Norway's economic zone, beyond a distance of 12 nautical miles from the established baselines and on the terms deriving from items (3) and (4) below, shall be accorded to fishermen from states which have entered into an agreement with Norway concerning such access to fishing and hunting, or which are engaged in negotiations with Norway with a view to arriving at such an agreement.

(3) Pursuant to paragraph 4 in the said Act, the Ministry of Fisheries shall be empowered to issue regulations on fishing and hunting in the economic zone, comprising provisions in respect of quotas and other catch limitations, including are limitations, for such foreign fishing operations as may take place according to item (2) above. The Ministry of Fisheries shall likewise be empowered, pursuant to paragraph 6 in the Act, to issue regulations on exceptions to provisions in paragraph 3 of the said Act, first paragraph, second sentence.

(4) With effect from 1 January 1977, foreign vessels engaged in fishing or hunting in Norway's economic zone, in accordance with the provisions in items (2) and (3) above, shall notify the directorate of Fisheries in Bergen as to when such fishing is commenced and discontinued, and shall submit weekly reports on the amount of catch harvested of each separate species of fish and on the catch areas. In cases where quotas for the year 1977 have not yet been determined, the volume of catch taken shall be regarded as an advance to be deducted from such quotas as may be allocated at a later date.

(5) The provisions laid down above do not affect the provisions in the royal decree of 31 January 1975 on the introduction of certain no-trawling zones, of the Act of no-trawling zones of 17 January 1975.



56. OMAN

Royal Decree concerning the Territorial Sea, Continental Shelf and  
Exclusive Economic Zone of 10 February 1981

...

The Exclusive Economic Zone

Article 4

The Sultanate of Oman exercises sovereign rights over the exclusive economic zone for the purposes of exploring, developing and exploiting its natural wealth, whether living or non-living

Article 5

The exclusive economic zone extends 200 nautical miles and is measured from the baseline from which the breadth of the territorial sea is measured.

...

Miscellaneous Provisions

Article 8

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, exclusive economic zone and continental shelf shall be (measured up to) the median line (so that) 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.

Article 9

The precise limits of the territorial sea, exclusive economic zone and the continental shelf shall be determined by the Government of the Sultanate of Oman on maps and hydrographic charts and geodatic datas.

Article 10

The provisions of the Royal Decree dated 20 July 1972 concerning the territorial sea, the continental shelf and exclusive fishing zone and those of the Royal Decree numbering 44/77 of 15 June 1977 and all other provisions which are in contravention to the provisions of the present Decree stand cancelled.

Article 11

This Decree shall be published in the Official Gazette and shall come into force from the date of its issue.

57. PAKISTAN

Territorial Waters and Maritime Zones Act 1976 of 22 December 1976

Short title and commencement

1. (1) This Act may be called the Territorial Waters and Maritime Zones Act, 1976.

(2) It shall come into force at once.

...

Exclusive Economic Zone

6. (1) In Exclusive Economic Zone of Pakistan, hereinafter referred to as the Exclusive Economic Zone, is an area beyond and adjacent to the territorial waters the limit of which is 200 nautical miles from the baseline declared under subsection (3) of section 2.\*

(2) In the Exclusive Economic Zone, its bed and subsoil and the superjacent waters, Pakistan has -

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

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

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

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

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

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

---

\* Note: Section 2 - Territorial Waters



Provided that fishing in the Exclusive Economic Zone shall be regulated by the provisions of the Exclusive Fishery Zone (Regulation of Fishing) Act, 1975 (XXII of 1975).

(4) The Federal Government may, by notification in the official Gazette -

(a) declare any area of the Exclusive Economic zone to be a designated area; and

(b) make such provisions as it may deem necessary with respect to all or any of the following matters, namely -

- (i) the exploration, development, exploitation and protection of the resources of such designated area;
- (ii) other activities for the economic exploitation and exploration of such designated area, such as the production of energy from tides, winds, currents and the sun;
- (iii) the safety and protection of artificial islands, offshore terminals, installation and other structures and devices in such designated area;
- (iv) the protection of marine environment of such designated area;
- (v) customs and other fiscal matters in relation to such designated areas; and
- (vi) the regulation of entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interest of Pakistan.

(5) The Federal Government may, by notification in the official Gazette -

(a) extend to the whole or any part of the Exclusive Economic Zone any law for the time being in force of Pakistan of any part thereof subject to such modifications as may be specified in the notification; and

(b) make such provisions as it may consider necessary for facilitating the enforcement of such law, and any law so extended shall have effect as if the Exclusive Economic Zone or, as the case may be, the part thereof to which it has been extended formed part of the territory of Pakistan.

(6) The provisions of subsection (6) of section 5\* shall apply in relation to the laying or maintenance of submarine cables or pipelines on the seabed of the Exclusive Economic Zone as they apply in relation to the laying or maintenance of submarine cables or pipelines on the seabed of the Continental Shelf.

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\* Note: Section 5 - Continental Shelf



(7) In the Exclusive Economic Zone and the air space over the Zone, ships and aircraft of all States shall, subject to the exercise by Pakistan of its rights within the Zone, enjoy freedom of navigation and overflight.

...

Maritime boundaries between Pakistan and States having coasts opposite or adjacent to those of Pakistan

8. (1) Notwithstanding anything contained in any other provision of this Act -

...

(b) the delimitation of the Contiguous Zone, the Continental Shelf, the Exclusive Economic Zone and other maritime zones between Pakistan and any other State whose coast is opposite or adjacent to that of Pakistan shall be effected by agreement in accordance with equitable principles and taking account of all the relevant circumstances, and pending such agreement or a settlement Pakistan and such State shall make provisional arrangements taking into account the said principles for delimitation of the Contiguous Zone, the Continental Shelf, the Exclusive Economic Zone and other maritime zones.

(2) Every agreement referred to in clauses (a) and (b) of sub-section (1) shall, as soon as may be after it is entered into, be published in the official Gazette.

Publication of charts

9. The Federal Government may cause the baseline referred to in sub-section (3) of section 2\*, the limits of the Territorial Waters, the Contiguous Zone, the Continental Shelf and the Exclusive Economic Zone and the maritime boundaries as settled by agreements referred to in section 8 to be published in charts.

Offences

10. Whoever contravenes any provision of this Act or of any rule or notification made or issued thereunder shall, without prejudice to any other action which may be taken against such person under any other provision of this or of any other law, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

Offences by companies

11. (1) Where an offence punishable under section 10 has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for, the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punishable accordingly:

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\* Note: Section 2 - Territorial Waters.

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

(2) Notwithstanding anything contained in subsection (1), where an offence punishable under section 10 has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. For the purpose of this section -

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

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

Place of trial

12. Any person committing an offence punishable under section 10 or under any of the laws extended under this Act may be tried for the offence in such place or places as the Federal Government may, by general or special order published in the official Gazette, direct in this behalf.

Previous sanction of the Federal Government for prosecution

13. No prosecution shall be instituted against any person in respect of any offence punishable under section 10 or under any of the laws extended under this Act without the previous sanction of the Federal Government or such officer or authority as may be authorized by that Government by order in writing in this behalf.

Power to make rules.

14. (1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

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

(a) regulation of the conduct of any person in the Territorial Waters, the Contiguous Zone, the Continental Shelf, the Exclusive Economic Zone or any other maritime zone of Pakistan;

(b) regulation of the exploration, development, exploitation, conservation and management of the resources of the Continental Shelf;

(c) regulation of the exploration, development, exploitation, conservation and management of the resources of the Exclusive Economic Zone;

(d) regulation of the construction, maintenance and operation of artificial islands, offshore terminals, installations and other structures and devices referred to in section 5 and section 6;

(e) preservation and protection of the marine environment and prevention and control of marine pollution;

(f) authorization, regulation and control of the conduct of scientific research;

(g) fees in relation to licences and letters of authority referred to in subsection (3) of section 5 and subsection (3) of section 6 or for any other purpose; or

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



58. PHILIPPINES

Presidential Decree No. 1599 of 11 June 1978 establishing an Exclusive Economic Zone and for other purposes

Section 1. There is hereby established a zone to be known as the exclusive economic zone of the Philippines. The exclusive economic zone shall extend to a distance of two hundred nautical miles beyond and from the baseline from which the territorial sea is measured; provided, that, where the outer limits of the zone as thus determined overlap the exclusive economic zone of an adjacent or neighboring State, the common boundaries shall be determined by agreement with the State concerned or in accordance with pertinent generally recognized principles of international law on delimitation.

Section 2. Without prejudice to the rights of the Republic of the Philippines over its territorial sea and continental shelf, it shall have and exercise in the exclusive economic zone established herein the following:

- A. Sovereign rights for the purpose of exploration and exploitation, conservation and management of the natural resources whether living or non-living, both renewable and non-renewable, of the seabed, including the subsoil and the superjacent waters, and with regard to other activities for the economic exploitation and exploration of the resources of the zone, such as the production of energy from the water, currents and winds;
- B. Exclusive rights and jurisdiction with respect to the establishment and utilization of artificial islands, off-shore terminals, installations and structures, the preservation of the marine environment, including the prevention and control of pollution, and scientific research;
- C. Such other rights as are recognized by international law or State practice.

Section 3. Except in accordance with the terms of any agreement entered into with the Republic of the Philippines or of any licence granted by it or under authority by the Republic of the Philippines, no person shall, in relations to the exclusive economic zone:

- A. Explore or exploit any resources;
- B. Carry out any research, excavation or drilling operations;
- C. Conduct any research;
- D. Construct, maintain or operate any artificial island, off-shore terminal, installation or other structure or device; or
- E. Perform any act or engage in any activity which is contrary to, or in derogation of, the sovereign rights and jurisdiction herein provided.

Nothing herein shall be deemed a prohibition on a citizen of the Philippines, whether natural or juridical, against the performance of any of the foregoing acts, if allowed under existing laws.

Section 4. Other States shall enjoy in the exclusive economic zone freedoms with respect to navigation and overflight, the laying of submarine cables and pipelines, and other internationally lawful uses of the sea relating to navigation and communications.

Section 5. (a) The President may authorize the appropriate government office/agency to make and promulgate such rules and regulations which may be deemed proper and necessary for carrying out the purposes of this decree.

(b) Any persons who shall violate any provision of this decree or of any rule or regulation promulgated hereunder and approved by the President shall be subject to a fine which shall not be less than two thousand pesos (Pesos 2,000.00) nor be more than one hundred thousand pesos (Pesos 100,000.00) or imprisonment ranging from six (6) months to ten (10) years, or both such fine and imprisonment, in the discretion of the Court. Vessels and other equipment or articles used in connection therewith shall be subject to seizure and forfeiture.

Section 6. This decree shall take effect thirty (30) days after publication in the official Gazette.

59. POLAND

Act concerning the Maritime Zones of the Polish Republic and  
the marine administration, 21 March 1991 1/

PART I  
GENERAL PROVISIONS

Article 1

1. The Act defines the legal situation of the maritime areas of the Polish Republic, the coastal area and the authorities of the marine administration and their scope of jurisdiction.
2. The provisions of the Act shall not be applicable if an international treaty to which the Polish Republic is a party provides otherwise.

Article 2

1. The maritime areas of the Polish Republic are:

- (1) The internal waters;
- (2) The territorial sea;
- (3) The exclusive economic zone,

hereinafter referred to as "Polish maritime areas".

2. The internal waters and the territorial sea are part of the territory of the Polish Republic.
3. The territorial sovereignty of the Polish Republic over the internal waters and the territorial sea shall extend to the waters, to the airspace over such waters and to the seabed and the subsoil of the internal waters and of the territorial sea.

Article 3

1. If the needs of defence or of the security of the State so require:

...

(2) Beyond the internal waters and the territorial sea, zones unsafe for navigation or fishing may be proclaimed [ogaszane].

2. The zones referred to in paragraph 1 shall be established or proclaimed by the Ministry of National Defence, in agreement with the Ministers of Transport and Marine Economy and of the Interior.

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1/ Legislative Gazette of the Polish Republic [Dziennik Ustaw Rzeczypospolitej Polskiej], No. 32, Warsaw, 18 April 1991. Entered into force on 1 July 1991.



...

Section 3  
The exclusive economic zone

Article 14

There is established an exclusive economic zone of the Polish Republic.

Article 15

The exclusive economic zone is situated beyond and adjacent to the territorial sea. It includes the waters, the seabed and its subsoil.

Article 16

1. The boundaries of the exclusive economic zone shall be defined by international treaties.
2. If such international treaties as referred to in paragraph 1 do not exist, the Council of Ministers may, by means of an ordinance, define the boundary of the exclusive economic zone.

Article 17

In the exclusive economic zone, the Polish Republic shall have:

- (1) Sovereign rights to explore, manage and exploit the natural resources, whether living or non-living, of the seabed and its subsoil and the waters superjacent to them and the right to conserve those resources, as well as sovereign rights with respect to other economic undertakings in the zone;
- (2) Jurisdiction with regard to:
  - (a) The establishment and use of artificial islands, installations and other structures;
  - (b) Marine scientific research;
  - (c) The protection and preservation of the marine environment;
- (3) Other rights provided for under international law.

Article 18

Foreign States shall in the exclusive economic zone enjoy freedom of navigation and overflight, and of the laying of submarine cables and pipelines and the right to use other methods of exploiting the sea related to these freedoms and which are consistent with international law, subject to the provisions of the Act.

Article 19

Polish law relating to the protection of the environment shall be in force in the exclusive economic zone.

Article 20

The right to undertake and engage in fishing in the exclusive economic zone shall be held only by ships of Polish nationality, subject to any contrary provisions of the Act.

Article 21

Foreign fishing vessels may undertake and engage in fishing in the exclusive economic zone if an international treaty concluded by the Polish Republic with the State of nationality of the vessel provides for such a possibility or if the vessel is availing itself of a licence.

Article 22

1. In the exclusive economic zone, the Polish Republic shall have the exclusive right to construct, or to authorize and regulate the construction and utilization of, artificial islands, installations and structures of any kind intended for the conduct of scientific research, exploration or exploitation of resources.

2. The artificial islands, installations and structures referred to in paragraph 1 shall be subject to Polish law.

Section 4

Artificial islands, installations and structures,  
submarine cables and pipelines

Article 23

Authorizations for the construction and utilization of artificial islands, installations and structures in the Polish territorial sea and in the exclusive economic zone shall be issued by the Minister of Transport and Marine Economy, after obtaining the opinion of the Minister of Environmental Protection, Natural Resources and Forestry, and in the internal waters such authorizations shall be issued by the director of the marine office.

Article 24

Around the artificial islands, installations and structures, the director of the competent marine office may establish safety zones extending not more than 500 metres measured from each point of their outer edge, unless a different width of the zone is authorized by the generally accepted standards of international law or recommended by the competent international organization.

Article 25

Information relating to the construction of artificial islands, the setting up of installations and structures, the establishment of safety zones around them and the total or partial removal of artificial islands, installations and structures shall be made known to the public in the official publications of the Hydrographic Bureau of the Polish Republic and in the "Notices to mariners" ["Ostrzeżenia Nawigacyjne"].



Article 26

The laying and maintenance of submarine cables and pipelines in the internal waters and the territorial sea shall require an authorization from the director of the competent marine office.

Article 27

1. The laying and maintenance of submarine cables and pipelines in the exclusive economic zone shall be permitted if it does not interfere with the exercise of the rights of the Polish Republic and subject to the condition that the location and methods of maintenance must be coordinated with the Minister of Transport and Marine Economy, who shall render a decision in that sphere, after obtaining the opinion of the Minister of Environmental Protection, Natural Resources and Forestry.

2. The Minister of Transport and Marine Economy may rescind his consent if the conditions for the laying and maintenance of cables and pipelines have not been met.

Section 5  
Scientific research

Article 28

Scientific research in Polish internal waters and the territorial sea may be carried out by foreign States and foreign natural or juridical persons, as well as by competent international organizations, after obtaining the consent of the Minister of Transport and Marine Economy.

Article 29

1. Scientific research in the Polish exclusive economic zone may be carried out by the States, persons and organizations referred to in article 28 after obtaining a consent from the Minister of Transport and Marine Economy. Applications for the issuance of the consent, containing information on the intended research and the programme therefor, must be submitted not later than six months before the expected starting date of the research.

2. The Minister of Transport and Marine Economy, after obtaining the opinion of the Minister of Environmental Protection, Natural Resources and Forestry, shall refuse to issue a licence or shall revoke a licence if the scientific research threatens to pollute the environment. In the same manner, the Minister of Transport and Marine Economy may withhold its consent to the conduct of such research if the said research:

(1) Relates directly to the natural resources of the zone;

(2) Involves drilling into the seabed, the use of explosives or the introduction of harmful substances into the marine environment;

(3) Involves the construction or use of artificial islands, installations and structures.



Article 30

Foreign States and foreign natural and juridical persons, as well as competent international organizations, conducting scientific research in Polish maritime areas shall be required to:

- (1) Ensure the participation of Polish representatives in the research, including their presence on board research vessels and at other installations;
- (2) Inform the Minister of Transport and Marine Economy, at his request, of the results of the research;
- (3) Enable the Minister of Transport and Marine Economy, at his request, to have access to all data and samples derived from the research;
- (4) Inform the Minister of Transport and Marine Economy without delay of any major change in the research programme;
- (5) Remove the scientific research installations and equipment without delay once the research is completed, unless a separate licence to leave them has been obtained.

Article 31

Polish natural or juridical persons may engage in scientific research in Polish maritime areas without a licence. The said persons shall inform the director of the competent marine office concerning the geographical areas and method to be used for the research 14 days before the research is begun and after the research is concluded.

Article 32

The Minister of Transport and Marine Economy shall require the cessation of any research in Polish maritime areas referred to in articles 28 and 29, or to revoke a licence issued on the basis of article 29, if the research is carried out in a manner not consistent with the provisions of the Act, or with special provisions established by the licence, or if the research has harmful consequences for the environment.

Section 6

Exploitation of mineral resources

Article 33

1. The right to the exploration, extraction and utilization of mineral resources in Polish maritime areas shall be held by the State.
2. The exploration, extraction and utilization of mineral resources referred to in paragraph 1 shall require a licence from the Minister of Environmental Protection, Natural Resources and Forestry, issued in agreement with the Minister of Transport and Marine Economy.
3. Foreign natural or juridical persons may participate in the exploration, extraction and utilization of mineral resources which are referred to in paragraph 2 if provision therefor is made by international treaties binding on the Polish Republic or if they are acting on the basis of the licences referred to in paragraph 2.

Article 34

The investigation, prospecting, exploration and extraction of mineral resources shall be subject, *mutatis mutandis*, to the regulations relating to geological research, the extraction and utilization of minerals and the regulations relating to the protection of the marine environment and the safety of navigation and life at sea.

...

PART III  
THE MARINE ADMINISTRATION

Section 1  
Structure of the authorities of the marine administration

Article 38

The authorities of the marine administration are:

- (1) The Minister of Transport and Marine Economy;
- (2) The directors of the marine offices, as the local authorities of the marine administration.

Article 39

1. The director of a marine office shall be subordinate to the Minister of Transport and Marine Economy.
2. The director of a marine office shall be appointed and dismissed by the Minister of Transport and Marine Economy. The deputy directors of a marine office shall be appointed and dismissed by the Minister of Transport and Marine Economy at the request of the director of the marine office.
3. The director of a marine office shall exercise his functions with the assistance of the marine office.
4. The composition of the marine offices shall include, in particular, the marine inspectorate, the harbour-master offices [kapitanaty] of large ports and the boatswain offices [bosmanaty] of small ports.

Article 40

1. Marine offices shall be created and abolished by the Minister of Transport and Marine Economy by means of ordinances.
2. The Minister of Transport and Marine Economy, after obtaining the opinion of the competent provincial governors, shall, by means of ordinances, define the territorial sphere of activity of the directors of marine offices and the headquarters of the offices.
3. The organization of a marine office and the detailed sphere of activity of the director of a marine office shall be defined by a statute issued by the Minister of Transport and Marine Economy.



Article 41

1. Staff members of specified categories employed by the authorities of the marine administration shall wear their service uniforms during the exercise of their functions.

2. The Minister of Transport and Marine Economy shall, by means of an ordinance, define the categories of staff members required to wear uniforms, the manner of their assignment and the pattern of the said uniforms.

Section 2

Extent of jurisdiction and territorial scope of application

Article 42

1. The authorities of the marine administration shall deal with matters in the sphere of governmental administration which are related to the utilization of the sea within the scope governed by this Act and other Acts.

2. In particular, the authorities of the marine administration shall deal with matters relating to:

- (1) The safety of marine navigation;
- (2) The utilization of maritime routes and of large and small seaports;
- (3) The conduct of marine fishing and the exploitation of other living resources of marine waters;
- (4) Safety relating to the investigation, exploration and exploitation of the mineral resources of the seabed;
- (5) The protection of the marine environment against pollution resulting from the utilization of the sea and pollution resulting from the dumping of wastes and other substances;

...

Section 3

Regulations issued by the local authorities  
of the marine administration

Article 47

1. The directors of the marine offices shall issue legal regulations on the basis of the powers conferred upon them in legislative acts.

2. Subject to article 48, the regulations referred to in paragraph 1 shall be issued in the form of orders [zarządzenia].

3. An order issued by the director of a marine office must be proclaimed in the provincial official gazette which is competent from the standpoint of the territorial sphere of application of the said order.

4. An order issued by the director of a marine office shall enter into force after the expiry of 14 days from the date of its proclamation [ogłoszenie], unless it provides for a different period or unless such a period follows from the Act on the basis of which it was issued.



Article 48

1. In any sphere not standardized by regulations, if this is necessary for the protection of life, health or property at sea or for the protection of the marine environment, the director of the marine office may establish ordinary regulations [przepisy porządkowe] containing prohibitions or commands concerning the behaviour referred to.

...

Section 4  
Exercise of supervision

Article 49

Supervision over compliance with the provisions of the Act shall be exercised by the authorities of the local marine administration.

Article 50

1. The marine inspectorate, carrying out in Polish maritime areas the tasks referred to in article 42, shall have the right:

(1) To verify whether ships are entitled to pursue the activities they are engaged in and whether they possess the licences provided for under law;

(2) To verify whether navigation, fishing or any other activity is being carried out in accordance with the provisions of Polish law which are in force and with international treaties;

(3) To discover any pollution of the marine environment caused by activities at sea and to discover the persons responsible therefor.

...

Article 51

While performing his service functions, an inspector of the marine inspectorate, hereinafter referred to as "an inspector", shall be entitled:

(1) To examine the documents granting entitlement to marine fishing or any other activity in Polish maritime areas;

(2) To examine the fishing gear and the fish on the deck, in the processing rooms and in the holds of a ship;

(3) To secure abandoned fish and articles used for fishing;

(4) To demand explanations and to carry out the activities necessary for conducting the examination, and in cases in which there is a well-founded suspicion that the Act or the regulations issued on the basis of the Act are being or have been violated:

(a) To retain the documents referred to in subparagraph 1;

(b) To seize fish and articles used for catching fish and to secure them;

- (c) To examine the compartments on board a vessel from which fishing or any other activity exploiting Polish maritime areas is being or has been carried on.

Article 52

1. If there arises a well-founded suspicion that the provisions of the Act are being or have been violated, the inspector may examine a foreign ship found in Polish maritime areas and compel it to enter a designated port, using all necessary means.
2. If a foreign ship is stopped and brought to a Polish port, the local authority of the marine administration shall notify that fact without delay to the competent authority of the flag State of the ship.
3. Examination in the sphere of protection of the marine environment against pollution from vessels shall be regulated by a separate Act.

Article 53

1. The master of a ship found in Polish maritime areas shall be required, upon a signal given from a water-borne unit of the Frontier Guard Service, to stop the ship and make it possible to conduct inspection activities.
2. An inspector shall have the right to be present on board any ship carrying on any activity in Polish maritime areas.
3. While an inspector is present on board a ship, the commander of the said ship must enable him to carry out his verification of compliance with the regulations in force and his observation of the activities being carried on and must, in particular:
  - (1) Provide any necessary explanations;
  - (2) Present for examination the documents demanded, together with the ship's log;
  - (3) Enable the inspector to view the fish that have been caught and the fishing gear, the equipment used for research and the samples taken in the course of the research and the analyses carried out;
  - (4) Enable the inspector to make entries in the ship's log;
  - (5) Enable the inspector to use means of communication and provide him with assistance in the sending and receiving of messages;
  - (6) Provide all other assistance necessary for carrying out the examination in accordance with regulations;
  - (7) Provide the necessary quarters and food in the event of a prolonged stay on board the ship.

Article 54

While performing his service functions, an inspector shall be required to wear his uniform and inspection insignia.



PART IV  
FINES

Article 55

1. A shipowner from whose ship, during its stay in Polish maritime areas, the following activities are carried out in violation of the provisions of this Act and other Acts and of regulations issued on the basis thereof:

- (1) Exploitation of the mineral resources or living resources of the sea;
- (2) Pollution of the marine environment;
- (3) Scientific research pertaining to the sea and the seabed;
- (4) The construction of artificial islands, installations and structures;
- (5) The laying of submarine cables and pipelines,

shall be punishable by a fine equivalent to not more than \$1 million units of account known as "Special Drawing Rights" (SDR), defined by the International Monetary Fund.

2. A person who violates the regulations relating to the exploitation of artificial islands, structures, installations, submarine cables and pipelines shall be subject to the same penalty.

Article 56

A person who:

- (1) Stops or anchors a ship outside of the location designated therefor;
- (2) Navigates a ship outside of navigation routes or fails to follow the course designated by a competent authority;
- (3) Navigates a vessel into a zone which is closed to navigation and fishing and leaves fishing gear in that zone;
- (4) Navigates a ship out of a port in spite of a received prohibition;
- (5) Loads or unloads goods from a ship at a location not designated therefor;
- (6) Establishes contact with the shore which causes danger to the safety of navigation;
- (7) Leaves a ship in an unauthorized location;
- (8) Takes persons on board a ship or sets persons down from a ship in violation of customs, fiscal, immigration or health regulations;



(9) Violates a regulation issued on the basis of articles 47 and 48;

(10) Does not comply with the commands referred to in article 52, paragraph 1;

(11) Damages coastal fortifications or dunes or protective afforestations or in any other manner violates the principles of behaviour in the technical area;

(12) Damages or removes navigational signs or uses them in a manner not consistent with their purpose;

(13) Sets in motion equipment which impairs the effectiveness of the navigational sign system,

shall be subject to a fine not exceeding ten times the average monthly remuneration in nationalized industry for the preceding year proclaimed by the Chairman of the Central Statistical Office.

#### Article 57

1. The fines referred to in articles 55 and 56 shall be imposed by the director of the marine office in the form of administrative decisions.
2. Appeals against the decisions referred to in paragraph 1 may be lodged with the Minister of Transport and Marine Economy.
3. The decisions referred to in paragraph 1 shall be immediately executable.

#### Article 58

1. No fine may be imposed if five years have elapsed since the date on which the deed in question was committed.
2. A fine which has been imposed shall not be collected after the expiry of five years from the date on which the final decision to impose the fine was taken.

#### Article 59

1. In order to guarantee the levy of the fine, the director of the marine office may require the offender to provide security, and in the event of refusal, he shall apply to an enforcement authority for seizure of the ship or other articles with the aid of which the violation of regulations was committed.
2. Pending the issuance of an order for seizure of the ship, the director of the marine office shall make arrangements for the detention of the ship, but not longer than for 48 hours.
3. The guarantee of the levy of the fine shall consist in the payment of the amount established by the authority conducting the proceedings into that authority's deposit account or in the provision of a bank guarantee by a bank or insurance institution which has its head office in Poland.

4. Fines imposed on the basis of articles 55 and 56 which have not been paid within the designated period shall be subject, together with the interest for the period of the delay, to collection in the manner defined in the regulations for enforcement proceedings in the administration.

#### Article 60

Amounts collected as fines shall remain at the disposal of the Minister of Transport and Marine Economy and shall be devoted to the protection of the marine environment and the living resources of the sea.

### PART V AMENDMENTS TO REGULATIONS CURRENTLY IN FORCE

#### Article 61

In the Act of 21 May 1963 concerning marine fishing (Dziennik Ustaw No. 22, item 115; 1970, No. 3, item 14; and 1977, No. 37, item 163), section 7 is deleted.

#### Article 62

The following amendments are made to the Code of Procedure in Matters concerning Infractions [wykroczenia]:

(1) In the title of part XIII, the words "morskiej i" ["marine and"] are deleted;

(2) In article 43:

(a) In paragraph 1, the words "urzędach morskich i" ["marine offices and"] are deleted;

(b) Paragraph 2 is amended to read as follows:

"Paragraph 2. The authorities acting at first instance shall be the boards [kolegia] of district mining offices and mining offices of equal rank, and the authority acting at second instance shall be the board of the Higher Mining Office.";

(3) In article 144, paragraph 2 is deleted;

(4) In article 145, the words "urzędu morskiego i" ["marine office and"] are deleted;

(5) Article 146 is deleted;

(6) In article 147, paragraph 1 and the designation "Paragraph 2" are deleted;

(7) Article 148 is deleted;

(8) In article 149, the words "administracji morskiej i" ["marine administration and"] are deleted;



(9) In article 150:

(a) In paragraph 1, the words "przy Ministrze Żeglugi oraz" ["with the Minister of Navigation and"] are deleted;

(b) In paragraph 2, the words "odpowiednio Minister Żeglugi oraz" ["respectively, the Minister of Navigation and"] are deleted;

(10) In article 151:

(a) Paragraph 1 is amended to read as follows:

"Paragraph 1. Higher supervision over the activities of the boards of the mining offices shall be exercised by the Chairman of the Higher Mining Office."

(b) In paragraph 2, the words "Minister Żeglugi i" ["Minister of Navigation and"] are deleted, and the word "moga" [may (plural verb)] is replaced by the word "moze" [may (singular verb)].

#### Article 63

In the Act of 20 May 1971 concerning the composition of boards in matters involving infractions (Dziennik Ustaw No. 12, item 118; 1972, No. 49, item 312; 1974, No. 24, item 142; 1975, No. 16, item 91; 1982, No. 45, item 291; 1989, No. 35, item 192; and 1990, No. 43, item 251), in article 2, paragraph 1, subparagraphs (2) and (5) are deleted.

#### Article 64

In the Act of 24 November 1974 - Water Law (Dziennik Ustaw No. 38, item 230; 1980, No. 3, item 6; 1983, No. 44, item 201; 1989, No. 26, item 139, and No. 35, item 192; and 1990, No. 34, item 198, and No. 39, item 232), in article 55, paragraph 2, item 7 is amended to read as follows:

"(7) The accumulation of liquid and solid wastes in the technical area and in seaports - in coordination with the director of the competent marine office,".

#### Article 65

In the Act of 17 December 1977 concerning the Polish marine fishery zone (Dziennik Ustaw No. 37, item 163), article 1, article 2, paragraphs 1 and 2, and articles 3 to 9 are deleted.

### PART VI TRANSITIONAL AND FINAL PROVISIONS

...

#### Article 67

1. The treaties referred to in article 16, paragraph 1, are:

(1) Treaty between the Polish People's Republic and the Union of Soviet Socialist Republics concerning the Delimitation of the Territorial Sea (Territorial Waters), the Economic Zone, the Marine Fishery Zone and the



Continental Shelf in the Baltic Sea, signed at Moscow on 17 July 1985 (Dziennik Ustaw, 1986, No. 16, item 85);

(2) Treaty concerning the Delimitation of the Continental Shelf and the Fishery Zones between the Polish People's Republic and the Kingdom of Sweden, concluded at Warsaw on 10 February 1989 (Dziennik Ustaw No. 54, item 323);

(3) Treaty between the Polish People's Republic and the German Democratic Republic concerning the Delimitation of Marine Areas in the Bay of Pomerania, signed at Berlin on 22 May 1989 (Dziennik Ustaw No. 43, item 233).

2. Pending the conclusion of a treaty on the delimitation of maritime areas between the Polish Republic and the Kingdom of Denmark, article 2, paragraphs 3 and 4, of the Act of 17 December 1977 concerning the Polish marine fishery zone (Dziennik Ustaw No. 37, item 163) shall remain in force, subject to the condition that the term "Polish marine fishery zone" shall be understood to mean the Polish exclusive economic zone.

#### Article 68

The directors of the marine offices shall establish and publish, in the form of notices, in the competent provincial official gazettes, within a period of six months from the date of entry into force of the Act, lists of legal regulations which were issued before the date of entry into force of the Act and are universally binding in the areas of their validity. Regulations not included in a list shall cease to have effect.

#### Article 69

Pending the issuance of the enforcement regulations provided for in the Act, the regulations in force up to the present time shall, unless contrary to it, remain in force.

#### Article 70

The following shall cease to have effect:

(1) The decree of 2 February 1955 concerning the local authorities of the marine administration (Dziennik Ustaw No. 6, item 35; 1961, No. 6, item 42; 1971, No. 12, item 117; and 1989, No. 35, item 192);

(2) The Act of 17 December 1977 concerning the territorial sea of the Polish People's Republic (Dziennik Ustaw No. 37, item 162);

(3) The Act of 17 December 1977 concerning the continental shelf of the Polish People's Republic (Dziennik Ustaw No. 37, item 164, and 1989, No. 35, item 192).

#### Article 71

The Act shall enter into force on 1 July 1991.

60. PORTUGAL

Act No. 33/77 of 28 May 1977 regarding the juridical status of the Portuguese Territorial Sea and the Exclusive Economic Zone

...

Article 2

Exclusive Economic Zone

1. An exclusive economic zone is hereby established, the outer limit of which is a line where each point is at a distance of 200 nautical miles from the point closest to the baseline from which the breadth of the Portuguese territorial sea is measured.
2. Pending the entry into force of the agreements with States whose coasts are opposite or adjacent to those of Portugal, the limits of the zone referred to in paragraph 1 shall not extend beyond the median line, every point of which is equidistant from the nearest point on the baselines from which the breadth of the territorial sea of each State is measured.
3. The provisions of the preceding paragraphs shall not affect the legal status of the Portuguese territorial sea.

Article 3

International Law

Establishment of the exclusive economic zone shall take into account the rules of international law, namely those concerning innocent passage and overflight.

Article 4

Conservation and management of living resources

1. In the zone referred to in article 2, the Portuguese State holds exclusive jurisdiction with regard to conservation and management of living resources.
2. Without prejudice to the exceptions provided for in the present act, foreign vessels are not permitted to fish in the exclusive economic zone.
3. For the purposes of the present act, it is understood that "fishing means the search for, the catch, the harvesting or the utilizations of any living resources in that sea, but also the exercise of activities defined as "preparatory to fishing", in accordance with paragraph 2 of article 2 of Decree Law no. 47947, of 18 September, 1967, and the practice of acts adversely affecting to the execution of such activities by Portuguese citizens or by others with similar legal status for the purposes of fishing, defined as "acts adversely affecting to the exercise of fishing", in accordance with paragraph 3 of article 2 of the decree-law referred to above.



Article 5

Regulation of Fishing in the Exclusive Economic Zone

The Government shall enact and enforce regulation of fishing in the exclusive economic zone, including inter alia:

(a) The total allowable catch and the maximum sustainable yield for the fisheries as a whole, as well as for each individual species or population and for each part of any specific area;

(b) The terms and conditions of fishing of the catch quota allowed to aliens, allocated by country;

(c) The rational and appropriate practice of fishing activities, including the number and size of fishing vessels, use of equipment and fishing gear and their limitation, when required, closed seasons and areas.

(d) Protection, conservation and restoration of the living resources of the exclusive economic zone.

Article 6

International Cooperation

Portugal shall cooperate with the competent sub-regional, regional or global international organizations, in matters of conservation of the living resources of the sea.

Article 7

Special Regulations for the exclusive economic zone

Pursuant to the applicable rules of international law of the sea, the Government may establish special regulations for the exclusive economic zone, namely with regard to:

(a) protection of the environment;

(b) scientific research;

(c) artificial installations permanent or temporary;

(d) submarine pipelines and cables;

(e) survey and exploitation, for economic purposes, including energy production, of living and non-living natural resources of the seabed, sub-soil thereof and superjacent waters.



Article 8

Penalties

1. The Government shall submit to the Assembly of the Republic proposals for legislation establishing civil responsibility and penalties incurred by individual and collective persons, nationals and aliens, who violate the provisions of the present act and its regulations.
2. The legislation referred to in the previous paragraph, shall include, depending on the gravity of the infractions, inter alia, measures for cancelling fishing authorization, arrest of vessels and of their equipment, nets, gear and catch, and their seizure by the State, as well as fines and imprisonment.
3. Pending the entry into force of the legislation referred to in preceding paragraphs, the penalties established in Decree-Law no. 49947 of 18 September, 1967, in regard to "fishing waters under jurisdiction", shall be applied to the zone defined in article 2 of the present law; provisions of paragraphs 2 and 3 of article 5 of the same decree-law shall be applied to infractions committed by foreign vessels in the Portuguese territorial sea.

...

Article 10

Review of the present act

The present act, as well as the additional provisions of the juridical status of maritime space under national sovereignty or jurisdiction shall be reviewed in the light of the achievements of the III United Nations Conference on the Law of the Sea and other developments with implications for the future law of the sea.

Article 11

Conformity with special laws in effect

1. Articles III and V of Law no. 2130 of 22 August, 1966, are hereby revoked.
2. Paragraphs 2, 3 and 4 of article 10 of Decree-Law no. 47771, of 29 June, 1967, are hereby revoked, and the member of phrase "... on the coasts of the provinces of Guiné, Angola and Mozambique" is hereby deleted from the body of that same article.

Article 12

Fishing by foreign vessels

During an interim period, not exceeding twelve months, the Government may permit fishing by foreign vessels in the exclusive economic zone, without complete fulfillment of the conditions established by this act.

61. QATAR

Declaration by the Ministry of Foreign Affairs of 2 June 1974

...

I. The State of Qatar shall have exclusive and absolute sovereign rights over natural and marine resources and fisheries in the areas contiguous to the territorial sea off the coasts of the State and its islands, without prejudice to the freedom of international sea and air navigation, in accordance with the established principles of international law.

The outer limits of these areas shall be in accordance with bilateral agreements which have been, or shall be, concluded. In the absence of any particular agreement, the outer limits of the continental prolongation of the State of Qatar, or the median line in which every point is equidistant from the baseline from which the territorial sea of the State of Qatar and of other States concerned is measured, shall be regarded as the determining factor in accordance with the principles of international law.

II. Within the territorial area specified in the preceding section, the State of Qatar shall have exclusive rights in regard to exploration, prospecting, exploitation, development, fishing and the establishment of installations and zones for the security, control and protection of all marine and natural resources on, under or above the seabed.

III. No non-Qatar individuals or bodies corporate shall be entitled to engage in any fishing activities, to exploit marine or natural resources or to undertake research of any kind in the said area without the prior permission from the Government of the State of Qatar, in accordance with regulations to be laid down in this respect.

IV. The establishment of any rights and the exercise of any of the jurisdictions specified in this Declaration shall not depend on effective or notional possession or on the issue of express declarations or proclamations.

The responsible authorities within the Government shall delineate the outer limits of the areas referred to in this Declaration on the maritime charts of the State of Qatar.



62. ROMANIA

Decree No. 142 of 25 April 1986 of the Council of State concerning  
the establishment of the Exclusive Economic Zone of the  
Socialist Republic of Romania in the Black Sea

With a view to the conservation and optimum utilization of living and non-living natural resources and other resources, and to the defence of other economic interests in the ocean space adjacent to the coast of the Socialist Republic of Romania in the Black Sea, beyond its territorial waters,

In order to establish the sovereign and jurisdictional rights of the Socialist Republic of Romania in that space, and to regulate the conditions for the exercise of those rights.

Taking account of the generally recognized norms of international law and, in particular, the relevant provisions of the Convention on the Law of the Sea, concluded in 1982 under the auspices of the United Nations,

The Council of State of the Socialist Republic of Romania decrees:

Article 1

In the ocean space off the Romanian coast in the Black Sea, beyond and adjacent to the limits of the territorial waters, there shall be established the exclusive economic zone of the Socialist Republic of Romania, in which it shall exercise sovereign rights and jurisdiction over the natural resources of the seabed, its subsoil and the superjacent water column and with regard to the different activities related to their exploration, exploitation, conservation and management.

Article 2

The outer part of the exclusive economic zone shall extend to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured; owing to the narrow dimensions of the Black Sea, the effective extent of the exclusive economic zone of the Socialist Republic of Romania shall be determined by delimiting it within the framework of negotiations with the neighbouring States with coasts opposite or adjacent to the Romanian Black Sea coast. The delimitation shall be carried out with due regard for the legislation of the Socialist Republic of Romania, by means of agreements with those States, through the application, according to the specific circumstances of each area to be delimited, of the delimitation principles and criteria generally recognized in international law and in the practice of States, in order to arrive at equitable solutions.

Article 3

In its exclusive economic zone, the Socialist Republic of Romania shall exercise:

(a) Sovereign rights for the purpose of exploring and exploiting, conserving and managing the living and non-living natural resources and other resources on the seabed, in its subsoil and in the superjacent water column;



(b) Sovereign rights with regard to other activities related to the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;

(c) Jurisdiction with regard to:

The establishment and use of artificial islands, installations and structures;

Marine scientific research;

The protection and conservation of the marine environment;

(d) Other rights provided for in this Decree or in other legislation of the Socialist Republic of Romania and in the generally recognized norms of international law.

The sovereign rights and the jurisdiction provided for in this article shall be exercised in accordance with the legislation of the Socialist Republic of Romania.

#### Article 4

The Socialist Republic of Romania may co-operate in its exclusive economic zone with the other coastal States of the Black Sea so as to ensure the conservation and rational exploration of the living resources and the protection and preservation of the marine environment, particularly in the areas adjacent to that zone, taking account of the specific characteristics of the Black Sea as a semi-enclosed sea with limited biological potential.

#### Article 5

In the exclusive economic zone of the Socialist Republic of Romania, all States, whether coastal or land-locked, shall enjoy the freedoms of navigation and overflight, the freedom to lay submarine cables and pipelines and other internationally lawful ways of using the sea related to these freedoms, provided that respect is shown for the provisions of this Decree and other legislation of the Socialist Republic of Romania and for the generally recognized norms of international law.

#### Article 6

The Socialist Republic of Romania has priority interests with regard to the anadromous stocks which originate in its waters and shall therefore exercise its rights in respect of them.

The competent Romanian organs shall take measures to ensure the conservation of these anadromous stocks, by means of appropriate actions, and to establish rules to regulate fishing for them, including the determination of the total authorized catch, and shall co-operate to this end with the organs of the other interested States, when such stocks migrate landward of the limits of the exclusive economic zone of the Socialist Republic of Romania.

Article 7

The Socialist Republic of Romania shall ensure the optimum utilization of the fish and other living resources in its exclusive economic zone, by taking the measures required for the conservation and management of such resources, taking into account the best scientific evidence and, when it deems it necessary, in co-operation with the international organizations which are competent in this field.

To this end, the competent Romanian organs shall annually determine the total authorized catch for each species of fish and other living resources and shall also prescribe measures to ensure the rational conduct of fishing operations, the conservation and reproduction of the living resources and their protection, including the inspection, boarding and arrest of vessels.

The fishing vessels of other States may have access to the exclusive economic zone of the Socialist Republic of Romania through agreements, under conditions of reciprocity.

Article 8

The Socialist Republic of Romania shall have the exclusive right to construct and to authorize and regulate the construction, operation and use in its economic zone of all types of artificial islands and all types of installations and structures intended for the conduct of scientific research in its economic zone and for the exploration and exploitation of its natural resources.

Article 9

In its economic zone, the Socialist Republic of Romania shall have exclusive jurisdiction over artificial islands, installations and structures, including the right to exercise control in order to prevent infractions and other violations of customs, fiscal, health and immigration regulations and of safety laws and regulations.

Safety zones shall be established around the artificial islands, installations and structures in the exclusive economic zone of the Socialist Republic of Romania and shall extend a maximum distance of 500 metres measured from each point of their outer edge, except where generally recognized international norms provide otherwise. The competent Romanian organs shall specify the measures which are necessary in these zones in order to ensure the safety of both navigation and the artificial islands, installations and structures.

Romanian organizations and foreign individuals and legal entities that have the right to construct, maintain and operate the aforementioned artificial islands, installations and structures shall be obliged to ensure that the permanent means for giving warning of their presence are maintained in working order.

Notification of the construction of artificial islands, installations and structures, the establishment of safety zones around them and the total or partial dismantling of these installations and structures shall be provided through "Notices to Mariners".



Article 10

Marine scientific research in the exclusive economic zone of the Socialist Republic of Romania shall be conducted in compliance with the legislation of the Socialist Republic of Romania; account shall also be taken of the treaties to which the Socialist Republic of Romania is a party.

Scientific research in the exclusive economic zone of the Socialist Republic of Romania, conducted exclusively for peaceful purposes and to increase scientific knowledge of the marine environment, for the benefit of all mankind, may also be carried out by foreign States or by international organizations, but only with the prior agreement of the competent Romanian organs.

When conducting marine scientific research in the exclusive economic zone of the Socialist Republic of Romania, foreign States and international organizations which are competent in this field and have obtained the agreement of the Romanian organs to this end shall be obliged:

- (a) To ensure the participation of Romanian representatives in the marine scientific research work, including work on board research vessels or marine scientific research installations;
- (b) To present to the competent Romanian organs, at their request, preliminary reports and the final results and conclusions after the completion of the research;
- (c) To grant access for the competent Romanian organs, at their request, to all data derived from the marine scientific research;
- (d) Not to prejudice, in any manner whatsoever, by their activities, the sovereign rights and jurisdiction of the Socialist Republic of Romania over its exclusive economic zone, as provided for by this Decree.

Article 11

The prevention, reduction and control of pollution of the marine environment caused by or related to activities in the exclusive economic zone of the Socialist Republic of Romania shall be effected in compliance with Romanian legislation and the treaties to which the Socialist Republic of Romania is a party.

The competent Romanian organs shall establish rules relating to the prevention, reduction and control of pollution of the marine environment and the safety of navigation specifically for the exclusive economic zone of the Socialist Republic of Romania; notification of these rules shall be provided through "Notices to Mariners".

Where there are clear grounds for believing that a vessel which has passed through the exclusive economic zone of the Socialist Republic of Romania has violated the provisions of Romanian legislation or applicable international rules regarding the prevention, reduction and control of pollution of the marine environment, the competent Romanian organs shall have



the right to require the vessel concerned to provide explanations concerning such violation and to inspect that vessel if it has refused to provide such explanations or where the explanations received did not correspond to the facts.

Where there is clear objective evidence that a vessel navigating in the exclusive economic zone of the Socialist Republic of Romania has, in that zone, violated the rules contained in the first and second paragraphs and has disposed of wastes causing major damage or threat of major damage to the Romanian coastline or to the resources of the territorial waters or to the Romanian exclusive economic zone, proceedings, including detention of the vessel, may be instituted in respect of such a violation, in accordance with the legislation of the Socialist Republic of Romania.

If the foreign vessel is within a Romanian port, the competent organs of the Socialist Republic of Romania may institute legal proceedings in respect of any violation committed by that vessel in the exclusive economic zone of the Socialist Republic of Romania.

#### Article 12

Where vessels collide, run aground or suffer any other maritime damage in the exclusive economic zone of the Socialist Republic of Romania, and if the actions related to such damage can have particularly harmful consequences for the exclusive economic zone or for the Romanian coastline, the competent Romanian organs shall have the right to prescribe, in accordance with international law, the necessary measures corresponding to the actual harm or to the threat posed by such damage, in order to protect against pollution or the threat of pollution.

#### Article 13

The following acts, if they are not committed in such circumstances as to be considered offences under criminal law, shall constitute contraventions and shall be punishable by a fine of from 100,000 to 1,200,000 lei, which shall be imposed at the place where the contravention is recorded:

(a) The unlawful exploration and exploitation of the natural resources of the exclusive economic zone of the Socialist Republic of Romania;

(b) Pollution and the act of unlawfully introducing, for purposes of disposal within the exclusive economic zone of the Socialist Republic of Romania, by vessels or aircraft or from artificial islands, installations or structures constructed in the sea, substances which are harmful to human health or to the living resources of the sea or other waste and materials which could cause damage or create obstacles to the lawful use of the sea;

(c) The undertaking of activities in the exclusive economic zone of the Socialist Republic of Romania without the consent of the competent Romanian organs;

(d) Failure to comply with the "Notices to Mariners" and with signals relating to the construction of artificial islands, installations and structures;

(e) The construction of artificial islands, installations and structures in the exclusive economic zone of the Socialist Republic of Romania, without the necessary approval;

(f) Failure to protect the installations and other equipment in the exclusive economic zone of the Socialist Republic of Romania with permanent means for giving warning of their presence and failure to comply with the standards relating to the maintenance of these means in good working order and with the standards relating to the dismantling of installations and equipment the use of which has been permanently prohibited.

Where the aforementioned acts have caused major damage, have had other serious consequences or have been committed repeatedly, the fine shall be from 1 million to 2 million lei.

In particularly serious situations, the competent Romanian organs may take the additional steps of confiscating the vessel, installations, fishing gear, equipment and other objects belonging to the offender, as well as the goods acquired unlawfully.

The penalties may also be imposed on legal entities.

The acts referred to in the first paragraph shall not constitute contraventions if they have been committed in order to guarantee the safety of navigation, to save human lives or to avoid damage to a vessel or its cargo.

#### Article 14

The contravention shall be recorded and the penalty imposed by navigation monitoring and control organs specially empowered to do so by the Ministry of Transport and Telecommunication, by organs of the Ministry for the Food industry and the Acquisition of Agricultural products and by other legally authorized organs.

Objections to the contravention report may be filed with the Sea and River Section of the Civil Court of the town of Constanta, no later than 15 days following the date of the communication.

#### Article 15

The provisions of this Decree shall be supplemented by the provisions of Act No. 32/1968 concerning the establishment and punishment of contraventions, except for articles 25, 26 and 27 of that Act, which shall not be applicable in the case of the contraventions referred to in this Decree.

#### Article 16

The fines levied on foreign individuals or legal entities shall be paid in convertible currency, by converting the fines in lei at the exchange rate for non-commercial transactions.

Article 17

The imposition of fines for contraventions shall not exempt the offender from the obligation of making reparation for the damage caused in the exclusive economic zone of the Socialist Republic of Romania, in compliance with Romanian legislation.

Article 18

Where acts have been committed which, under Romanian law, result in the arrest of the commander or the detention of the foreign vessel, the competent Romanian organs shall immediately inform the flag State of the measures taken.

The detained vessel and its crew shall be released immediately upon the payment of adequate security.



63. RUSSIAN FEDERATION

Decree of the Union of Soviet Socialist Republics on the Economic Zone of  
28 February 1984

1. In maritime areas beyond and adjacent to the territorial waters (territorial sea) of the USSR, including areas surrounding islands belonging to the USSR, there shall be established an economic zone of the USSR, the outer limit of which shall be situated at a distance of 200 nautical miles measured from the same baselines as the territorial waters (territorial sea) of the USSR.

The delimitation of the economic zone between the USSR and States with coasts opposite or adjacent to the coast of the USSR shall be effected, taking into account the legislation of the USSR, by agreement on the basis of international law, in order to achieve an equitable solution.

2. In its economic zone, provided for in article 1 of this Decree, the USSR shall have:

(a) Sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, situated on the seabed, in its subsoil and in the superjacent waters;

(b) sovereign rights with regard to other activities for the economic exploration and exploitation of the zone;

(c) jurisdiction with regard to:

(1) the establishment and use of artificial islands, installations and structures;

(2) marine scientific research; and

(3) the protection and preservation of the marine environment;

(d) other rights provided for in this Decree, in other relevant legislative instruments of the USSR and in the generally recognized norms of international law.

The rights and jurisdiction set out in this article with respect to the seabed of the economic zone and its subsoil shall be exercised in accordance with the legislation of the USSR concerning the continental shelf of the USSR.

3. The USSR shall exercise the rights stemming from its primary interest in and responsibility for anadromous stocks of fish which originate in its rivers.

The competent Soviet authorities shall ensure the conservation of such anadromous stocks by the adoption of appropriate measures and by the establishment of rules regulating their fishing, including the establishment of total allowable catches, both in its economic zone and beyond the limits of the zone.

The USSR shall ensure compliance with the measures and rules pertaining to anadromous stocks beyond the limits of its economic zone on the basis of treaties between the USSR and other interested States.

Fishing by other States of anadromous stocks originating in the rivers of the USSR, beyond the outer limits of the economic zone of the USSR, shall be conducted on the basis of treaties between the USSR and other interested States concerning the terms and conditions of such fishing, giving due regard to the conservation requirements and the needs of the USSR in respect of such stocks.

The terms and conditions of the utilization and conservation of anadromous stocks originating in the rivers of the USSR shall be determined by the Council of Ministers of the USSR.

4. In the economic zone of the USSR, all States, whether coastal or land-locked, shall enjoy, subject to the provisions of this Decree and other relevant legislative instruments of the USSR, as well as the generally recognized norms of international law, the freedoms of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to those freedoms.

5. The USSR shall ensure the optimum utilization of fish and other living resources in its economic zone through proper conservation and management measures, taking into account the best scientific evidence and, where appropriate, in co-operation with the competent international organizations.

To this end, for instance, the competent Soviet authorities shall determine annually the total allowable catch of every species of fish and other living resources and the portion of this catch to which access may be granted to foreign States, and shall take measures to ensure rational conduct of fishing, conservation and reproduction of living resources as well as their protection, including inspection, detention and arrest of ships.

The terms and conditions of the utilization and protection of fish and other living resources of the economic zone of the USSR shall be determined by the Council of Ministers of the USSR.

6. The harvesting of fish and other living resources, as well as research, exploration and other operations connected with such harvesting, hereinafter referred to as "fishing", may be performed by foreign juridical or natural persons in the economic zone of the USSR only on the basis of international treaties or other agreements between the USSR and the foreign States concerned.

Foreign juridical or natural persons engaging in fishing in the economic zone of the USSR in accordance with the first paragraph of this article shall comply with the measures for the conservation of living resources and the other provisions and conditions established by this Decree, by other relevant legislative instruments of the USSR and by the rules adopted on the basis thereof.

7. In the economic zone of the USSR, the USSR shall have the exclusive right to construct and to authorize and regulate the construction, operation and use of any artificial islands and any kind of installations and structures for the purpose of conducting scientific research in its economic zone, as well as for the exploration and exploitation of its natural resources and for other



economic purposes. This right shall also cover the construction, operation and use of installations and structures which may interfere with the exercise of the rights of the USSR in the economic zone.

The USSR shall have exclusive jurisdiction over such artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.

Around such artificial islands, installations and structures, safety zones shall be established wherever necessary, which shall not exceed a distance of 500 metres around them, measured from each point of their outer edge, except as authorized by generally accepted international standards or as recommended by the competent international organization. The competent Soviet authorities shall determine in these zones the appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures.

Soviet organizations, foreign States and their juridical or natural persons responsible for the maintenance and operation of the above mentioned artificial islands, installations and structures shall provide for the maintenance in good working order of permanent means for giving warning of their presence. Any installations, structures and equipment which are abandoned or disused shall be removed as soon as possible and to such an extent as to create no obstacle to navigation and fishing and no danger of polluting the marine environment.

The construction of artificial islands, the erection of installations and structures, the establishment of safety zones around them, as well as the complete or partial liquidation of these installations and structures, shall be announced in "Notices to Mariners".

8. Marine scientific research in the economic zone of the USSR shall be carried out in accordance with the legislation of the USSR and in accordance with the international treaties concluded by the USSR.

Marine scientific research in the economic zone of the USSR may be carried out by foreign States and competent international organizations only with the consent of the competent Soviet authorities. In normal circumstances the competent Soviet authorities shall grant their consent for marine scientific research by foreign States in the economic zone of the USSR on condition that this research is carried out exclusively for peaceful purposes and in order to increase scientific knowledge of the marine environment for the benefit of all mankind.

Such consent may be withheld if the marine scientific research:

- (1) is of direct significance for the exploration and exploitation of the natural resources of the economic zone of the USSR, whether living or non-living;
- (2) involves drilling into the seabed of the economic zone, the use of explosives or the introduction of harmful substances into the marine environment;



- (3) involves the construction, operation or use of artificial islands, installations and structures.

Foreign States and competent international organizations which intend to undertake marine scientific research in the economic zone of the USSR shall, no less than six months in advance of the expected starting date of the research, provide the competent Soviet authorities with complete information about the planned research.

If the information provided in accordance with the fourth paragraph of this article is inaccurate, or if the foreign State and the competent international organization carrying out the research have outstanding obligations towards the USSR stemming from previous marine scientific research, the competent Soviet authorities may withhold consent for such research.

9. Foreign States and competent international organizations shall be obliged, while carrying out marine scientific research in the economic zone of the USSR:

- (1) to ensure the right of Soviet representatives to participate in the marine scientific research, especially on board research vessels and other craft or scientific research installations;
- (2) to provide the competent Soviet authorities, at their request, with preliminary reports, as soon as practicable, and with the final results and conclusions after the completion of the research;
- (3) to provide access for the competent Soviet authorities, at their request, to all data and samples derived from the marine scientific research and likewise to furnish them with data which may be copied and samples which may be divided without detriment to their scientific value;
- (4) if requested, to provide the competent Soviet authorities with an assessment of such data, samples and research results;
- (5) not to obstruct activity carried out in exercise of the sovereign rights and jurisdiction envisaged in articles 2 and 3 of this Decree;
- (6) to inform the competent Soviet authorities immediately of any major change in the research programme;
- (7) unless otherwise agreed, to remove as quickly as possible the scientific research installations or equipment once the research is completed.

10. Marine scientific research in the economic zone of the USSR which is not being conducted in accordance with the information communicated under article 8 of this Decree, or which violates the provisions of article 9 of this Decree, may be suspended by the competent Soviet authorities. Resumption of the research shall be permitted only after the elimination of the violations committed and the receipt of guarantees that such violations will not occur in future.

Marine scientific research in the economic zone of the USSR conducted without the consent of the competent Soviet authorities, or with a deviation from the information communicated under article 8 of this Decree which amounts to a major change in the original research project, shall be liable to immediate termination.

11. The terms and conditions for the carrying out of marine scientific research, for the construction of artificial islands, for the erection, maintenance, operation, protection and removal of installations, structures and safety zones around them, as well as for the issue of permits for the execution of all the aforementioned worked in the economic zone of the USSR, shall be established by the Council of Ministers of the USSR.

12. The prevention, reduction and control of pollution of the marine environment arising out of or connected with activity in the economic zone of the USSR shall be effected in accordance with the legislation of the USSR, as well as with international treaties concluded by the USSR.

13. With regard to particular clearly defined areas of the economic zone of the USSR, where the establishment of special mandatory measures for the prevention of pollution from vessels is required for technical reasons in relation to their oceanographical and ecological conditions, as well as their utilization or the protection of their resources and the particular character of their traffic, such measures, including those relating to navigational practice, may be established by the Council of Ministers of the USSR in areas determined by it. The limits of such special areas shall be published in "Notices to Mariners".

14. The competent Soviet authorities may, in the manner determined by the legislation of the USSR, establish regulations for the prevention, reduction and control of pollution of the marine environment, and also for the safety of navigation, and enforce such regulations in ice-covered areas possessing special natural characteristics, where pollution of the marine environment could cause major harm to or irreversible disturbance of the ecological balance.

15. Where there are clear grounds for believing that a vessel navigating in the territorial waters (territorial sea) of the USSR or in the economic zone of the USSR has, in that zone, committed a violation of the legislation mentioned in articles 12 to 14 of this Decree or of applicable international rules for the prevention, reduction and control of pollution of the marine environment from vessels, the competent Soviet authorities may:

- (1) require the vessel to give the information necessary to establish whether a violation has occurred;
- (2) undertake an inspection of the vessel in connection with the violation, if it has resulted in a substantial discharge of polluting substances causing or threatening significant pollution of the marine environment and if, at the same time, the vessel has refused to give the necessary information or the information is at variance with the evident factual situation.



Where there is clear objective evidence that a vessel navigating in the territorial waters (territorial sea) of the USSR or in the economic zone of the USSR has, in that zone, committed a violation of the laws and regulations mentioned in the first paragraph of this article through a discharge of polluting substances causing major damage or threat of major damage to the coastline of the USSR, to interests relating to that coastline or to any resources of the territorial waters (territorial sea) of the USSR or of the economic zone of the USSR, proceedings may be instituted in respect of this violation, including detention of the vessel in accordance with the laws of the USSR.

When a foreign vessel enters a Soviet port, the competent Soviet authorities may institute proceedings in respect of any violation of the laws or regulations mentioned in the first paragraph of this article committed by the vessel in the economic zone of the USSR.

The procedure for the exercise by the competent Soviet authorities of the rights provided for in this article shall be determined by the Council of Ministers of the USSR.

16. Dumping within the limits of the economic zone of the USSR of wastes or other materials and objects shall be carried out only with the permission and under the control of the competent Soviet authorities. The terms and conditions for dumping and for the issue of such permits shall be determined by the Council of Ministers of the USSR.

17. If a collision of vessels, the stranding of a vessel or other maritime casualty occurring in the economic zone of the USSR or beyond its outer limits, or acts relating to such a casualty may result in major harmful consequences for the coastline of the USSR and related interests, including fishing, the competent Soviet authorities shall be entitled, pursuant to international law, to take the necessary measures proportionate to the actual or threatened damage, with the aim of preventing pollution or threat of pollution.

18. Where there is good reason to believe that a foreign ship has violated the provisions of this Decree or of other relevant legislative instruments of the USSR, and when it attempts to flee, the right to pursue the offender with a view to making an arrest and subsequently establishing liability shall be exercised in the manner established by the competent Soviet authorities. Such pursuit shall commence when the offending ship or one of its boats is within the limits of the economic zone of the USSR, after a signal to stop has been given, and shall cease as soon as the ship pursued enters the territorial waters (territorial sea) of its own country or of any third State.

19. Persons guilty of:

- (1) illegal exploration or exploitation of the natural resources of the economic zone of the USSR;



- (2) illegal removal for the purpose of dumping within the limits of the economic zone of the USSR, from vessels and other floating devices, from aircraft or from artificial islands constructed in the sea, from installations and structures of substances harmful to human health or to the living resources of the sea, or of other wastes, materials and objects which may harm or obstruct lawful forms of utilization of the sea;
- (3) pollution of the marine environment resulting from the illegal discharge in the economic zone of the USSR from vessels and other floating devices, from aircraft or from artificial islands constructed in the sea, from installations and structures of substances harmful to human health or to the living resources of the sea, of compounds containing such substances in amounts exceeding established norms, or of other wastes, materials and objects which may harm recreational zones or prevent other lawful forms of utilization of the sea;
- (4) pollution of the marine environment directly resulting from drilling or other types of work for the exploration or exploitation in the economic zone of the USSR of the mineral resources of the seabed;
- (5) other violations of regulations pertaining to the prevention, reduction and control of pollution of the marine environment in the economic zone of the USSR;
- (6) the conduct in the economic zone of the USSR of marine scientific research without the consent of the competent Soviet authorities;
- (7) the creation of artificial islands, the construction of installations and structures in the economic zone of the USSR, as well as the establishment of safety zones around them, without the required permission;
- (8) failure to provide installations and other structures in the economic zone of the USSR with permanent means for giving warning of their presence, violation of regulations concerning the maintenance of those means in good working order and of regulations concerning the removal of installations and structures, the operation of which has finally ceased, as well as violations of other provisions of this Decree as connected with the performance of obligations stemming from international treaties concluded by the USSR, shall be liable to measures of administrative punishment consisting of a fine of up to 10,000 roubles imposed at the place where the violation was discovered.

If the said violations have caused substantial damage or other major consequences, or if they have been repeated, those guilty shall be liable to a fine of up to 100,000 roubles, imposed by the regional (urban) people's court. In cases of violations provided for in subparagraphs 1, 6 and 7 of the first paragraph of this article, the court may order, as an additional administrative penalty, the confiscation of the vessel, installations, fishing implements, equipment, instruments and other objects which were used by the offender, as well as of everything illegally harvested.

In cases of arrest or detention of foreign vessels, the competent Soviet authorities shall promptly notify the flag State of the action taken and of any penalties subsequently imposed. Detained vessels and their crews shall be promptly released upon the posting of reasonable bond or other security.

20. Persons guilty of violations covered by article 19 of this Decree shall bear administrative liability, unless such violations by their nature entail criminal liability in accordance with the current legislation of the USSR.

21. The adoption of the administrative measures provided for in this Decree shall not absolve offenders from compensating for damage caused by them to living and other resources of the economic zone of the USSR, in accordance with the existing legislation of the USSR.

22. The procedure for the protection of the economic zone of the USSR shall be established by the Council of Ministers of the USSR.

23. This Decree shall enter into force on 1 March 1984.

24. The following are suspended:

Decree dated 10 December 1976 of the Presidium of the Supreme Soviet of the USSR "On provisional measures for the preservation of the living resources and regulation of fishing in maritime areas adjacent to the coast of the USSR" (Gazette of the Supreme Soviet of the USSR, 1976, No. 50, page 728; 1982, No. 15, page 238);

Resolution dated 22 March 1977 of the Presidium of the Supreme Soviet of the USSR on the procedure for the implementation of article 7 of the Decree of the Presidium of the Supreme Soviet of the USSR "On provisional measures for the preservation of the living resources and the regulation of fishing in maritime areas adjacent to the coast of the USSR" (Gazette of the Supreme Soviet of the USSR, 1977, No. 13, page 217).

25. The Council of Ministers of the USSR shall bring the decisions of the Government of the USSR into line with this Decree.



64. SAINT KITTS AND NEVIS

The Maritime Areas Act, 1984  
Act No. 3 of 30 August 1984

AN Act to make provision with respect to the territorial sea and the continental shelf of Saint Kitts and Nevis; to establish a contiguous zone and an exclusive economic zone adjacent to and beyond the territorial sea; and for related purposes.

Commencement

Be it enacted by the Queen's most Excellent Majesty by and with the consent of the National Assembly of Saint Kitts and Nevis and by the authority of the same as follows:

PART I - PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the Maritime Areas Act, 1984.
- (2) This Act shall come into operation upon such date as the Minister may, by notice published in the Gazette appoint.

Definitions

2. In this Act, unless the context otherwise requires:

"baseline of the territorial sea" means the the baseline from which the breadth of the territorial sea is measured as described in section 4;

...

"exclusive economic zone" means the exclusive economic of Saint Kitts and Nevis as described in section 8 and, to the extent that section 9 applies, as delimited pursuant to section 9;

...

"maritime areas of Saint Kitts and Nevis", means the internal waters, the territorial sea, the contiguous zone, the continental shelf and the exclusive economic zone;

"master", in relation to vessel, means the person for the time being having command or charge of the vessel;

...

"resources" includes the living and non living resources;

"the Regulations" means regulations made under this Act.

...



PART II  
MARITIME AREAS OF SAINT KITTS AND NEVIS

...

Exclusive economic zone

8. Subject to section 9, the exclusive economic zone of Saint Kitts and Nevis comprises those areas of the sea that are beyond and adjacent to the territorial sea having, as their outer limit, a line measured seaward from the baseline of the territorial sea, every point of which is 200 nautical miles distant from the nearest point of that baseline.

Delimitation of the Continental shelf or exclusive economic zone  
in certain cases.

9. (1) Wherever the equidistance line between Saint Kitts and Nevis and an adjacent State is less than 200 nautical miles from the nearest point of the baseline of the territorial sea:

...

(b) the delimitation of the exclusive economic zone shall be effected between Saint Kitts and Nevis and the adjacent State on the basis of international law in order to achieve an equitable settlement.

(2) Where, in any case, an agreement of the kind referred to in paragraph (a) or (b) of subsection (1) cannot be reached, Saint Kitts and Nevis shall have the recourse to the procedures provided by international law for the settlement of any dispute.

(3) Pending the delimitation of:

...

(b) the exclusive economic zone pursuant to subsection (1)(b) or (2), the equidistance line between Saint Kitts and Nevis and the adjacent State shall constitute the outer limits of the continental shelf or, as the case may be, the exclusive economic zone, unless Saint Kitts and Nevis and the adjacent State make other provisional arrangements with respect to those limits.

(4) For the purpose of implementing any agreement under subsection (1), any settlement pursuant to subsection (2) or any Provisional arrangements under subsection (3), the Minister may, from time to time, by order published in the Gazette, declare that the continental shelf or the exclusive economic zone shall not extend to any specified area of the sea, seabed or subsoil that would otherwise be included therein by virtue of section 7 or, as the case may be, section 8, and the order, while it remains in force, shall have effect according to its tenor, notwithstanding anything in this Act.

(5) In this section, "equidistance line", as between Saint Kitts and Nevis and an adjacent State, means a line every point of which is equidistant from the nearest point of the baseline of the territorial sea and the corresponding baseline of the adjacent State.

PART III  
RIGHTS IN RESPECT OF MARITIME AREAS OF SAINT CHRISTOPHER AND NEVIS

Rights in respect of exclusive economic zone and continental shelf

...

12. (1) Saint Kitts and Nevis has and may exercise in respect of the exclusive economic zone

(a) sovereign rights:

- (i) for the purpose of the exploration for and the exploitation, conservation and management of resources of the waters superjacent to the seabed and subsoil; and
- (ii) for the production of energy from the waters, currents and winds;

(b) jurisdiction with regard to:

- (i) the establishment and use of artificial islands, installations and structures;
- (ii) marine scientific research; and
- (iii) the protection and preservation of the marine environment;

(c) the exclusive right to construct and to authorize and regulate the construction, operation and use of:

- (i) the artificial islands
- (ii) installations and structures for the purpose provided for under paragraph (a) or any other economic purposes; and
- (iii) installations and structures which may interfere with the exercise by Saint Kitts and Nevis of rights in respect of the exclusive economic zone; and

(d) the exclusive right to regulate, authorize and conduct marine scientific research.

...

(3) In the exercise of jurisdiction and rights under subsection (1) in respect of the exclusive economic zone, Saint Kitts and Nevis shall have due regard to the rights and duties of foreign States and shall act in a manner compatible with international law.

(4) In the exercise of:

(a) rights under subsection (1) (a) (i) in respect of the seabed and subsoil of the exclusive economic zone; or

...



Saint Kitts and Nevis shall not infringe or unjustifiably interfere with rights of navigation or other rights and freedoms of foreign States, under international law.

Rights to lay cables and pipelines

13. (1) Subject to subsection (2), every foreign State may exercise, in accordance with international law, the right to lay cables and pipelines on the continental shelf or in the exclusive economic zone.

(2) The right, under subsection (1), to lay cables or pipelines-

(a) shall not be exercised on any occasion unless there has first been obtained any consent required by or under the Regulations or any enactment in relation to the delineation of the course of the cables or pipelines to be laid on that occasion;

(b) shall be exercised in conformity with the provisions of the Regulations, and any enactment, for or with respect to the prevention, reduction and control, of pollution from pipelines; and

(c) is subject to the exercise of rights or jurisdiction pursuant to section 12 for or with respect to the control or prevention of the laying of cables or pipelines in connection with the exploration for or exploitation of, resources, or the use of artificial islands, installations or structures.

Prohibited activities

14. (1) No person shall:

...

(b) within the limits of the exclusive economic zone -

(i) explore for or exploit the resources;

(ii) produce energy from the waters, currents or winds

(iii) conduct any marine scientific research;

(iv) establish, construct, operate or use any artificial island, or any installation or structure for the purpose of the exercise of any right or purposes referred to in section 12 (i) (c) (ii) or which may interfere with the exercise of rights referred to in section 12 (1) (c) (iii); or

...

(2) Any person who contravenes sub-section (1) is guilty of an offence and liable on conviction to a fine not exceeding one hundred thousand dollars.



(3) Where the owner or master of a vessel which is detained pursuant to section 23 (1) (c) is convicted of an offence against this section, the court may, in addition to any other penalty imposed, order that the vessel, including any equipment on board the vessel used in the commission of the offence, shall be forfeited to the Crown, and in that event the vessel and any such equipment shall be disposed of in such manner as the Minister shall order.

...

PART V  
CHARTS AND CO-ORDINATES

Charts of maritime areas, etc.

19. The Minister shall cause to be prepared such charts or lists of geographical co-ordinates as he thinks fit showing all or any of the following matters, namely:

- (a) the maritime areas of Saint Kitts and Nevis, or any part thereof;
- (b) the baseline of the territorial sea;
- (c) the outer limits of the continental shelf or the exclusive economic zone; or
- (d) sea lanes or traffic separation schemes.

Evidence of charts etc

20. A document, purporting to be certified by the Minister to be a true copy of a chart or list of geographical co-ordinates prepared pursuant to section 19, shall be received in any Proceedings as evidence of any matter shown in the document, but without prejudice to the right to adduce evidence in rebuttal.

Publicity with respect to charts etc.

21. The Minister shall cause:

- (a) due publicity to be given to charts or lists of geographical coordinates prepared pursuant to section 19; and
- (b) a copy of each such chart or list to be deposited with the Secretary-General of the United Nations.

PART VI  
JURISDICTION OF COURTS AND OTHER LEGAL MATTERS

Jurisdiction

22. (1) The jurisdiction and powers of the courts of Saint Kitts and Nevis extend to the maritime areas of Saint Kitts and Nevis for the purpose of:

- (a) this Act, and

(b) any enactment which applies or is applied pursuant to section 28 to maritime areas of Saint Kitts and Nevis, or any part thereof.

(2) For the purposes of the exercise of any jurisdiction and powers pursuant to sub-section (1), a court is a court of competent jurisdiction:

(a) for the purpose of any criminal proceedings, if it would have cognisance of the offence concerned if it had been committed within the limits of its ordinary criminal jurisdiction; and

(b) for the purpose of any proceedings, other than criminal proceedings, if it would have jurisdiction if the act, omission or other matter giving rise to the proceedings had occurred or arisen within the limits of its ordinary jurisdiction.

(3) The Minister, after consultation with the Attorney General, may make rules for carrying out or giving effect to this section.

(4) The jurisdiction and powers conferred by this section are in addition to and not in derogation of any other jurisdiction or powers exercisable by a court of Saint Kitts and Nevis.

#### Apprehension of certain offenders

23. (1) Subject to this section, where an authorized person has reasonable cause to believe and believes that an offence has been committed against section 14, he may exercise all or any of the following powers, namely:

(a) within the maritime areas of Saint Kitts and Nevis, stop, board, inspect and search any vessel, or enter, inspect and search any installation, which he has reasonable cause to believe is being used for or in connection with the commission of the offence;

(b) arrest with or without a warrant, any person on board the vessel, or on the installation, referred to in paragraph (a), or found elsewhere in Saint Kitts and Nevis, whom he has reasonable cause to believe has committed an offence against that section;

(c) detain the vessel, referred to in paragraph (a), if he has reasonable cause to believe that an offence against that section has been committed by the owner or master of the vessel; and

(d) enter, inspect and search any installation whose establishment, construction, operation or use would constitute the offence against that section and arrest, with or without a warrant, any person on the installation, or found elsewhere in Saint Kitts and Nevis, whom he has reasonable cause to believe has committed the offence.

(2) Subject to this section, where an authorized person has reasonable cause to believe and believes that an offence has been committed against section 18, he may, within the territorial sea, exercise all or any of the following powers, namely:

(a) stop, board, inspect and search the foreign vessel which, in contravention of that section, engaged in any prescribed activity;



(b) arrest, with or without a warrant, the master of the vessel;

(c) arrest, with or without a warrant, any other person on board the vessel whom he has reasonable cause to believe has committed an offence against that section; and

(d) detain the vessel.

(3) An authorized person may exercise any of the powers conferred on him by subsection (1) or (2) with the aid of such assistants as he considers necessary for the purpose.

(4) Where a vessel is detained pursuant to subsection (1) (c) or subsection (2) (d), it shall be held in the custody of the Crown until:

(a) a decision is made not to bring a prosecution in respect of the alleged offence in relation to which the vessel was detained; or

(b) where such a decision is made to bring such a prosecution, the security required under subsection (6) is given in respect of the vessel.

(5) The decision whether or not to bring a prosecution in respect of an alleged offence in relation to which a vessel is detained shall be made with all due expedition.

(6) The security required in respect of any vessel for the purposes of subsection (4) shall be in such form and reasonable amount, and shall be given by such person, as the Minister may order.

(7) The release of a vessel from detention shall not affect any subsequent forfeiture of the vessel, pursuant to section 14 (3) or 18 (4).

(8) The power under subsection (1) or (2) shall not be exercised in relation to a vessel that is, or in relation to a person who is entitled to State or other immunity recognized by law.

(9) The powers and rights under this section are in addition to and not in derogation of any other powers and rights which Saint Kitts and Nevis may have under international law or otherwise.

(10) In the exercise under this section of the power of enforcement against a foreign vessel, an authorized person shall not endanger the safety of navigation or otherwise create any hazard to a vessel, or bring it to an unsafe port or anchorage, or expose the marine environment to an unreasonable risk.

(11) In this section:

"authorized person" means a person, or a person belonging to a class or description of persons, designated for the purposes of this section by the Minister by order made under this subsection and published in the Gazette;

"owner", in relation to any vessel, includes any body of persons, whether incorporated or not, by whom the vessel is owned, and any charterer or sub-charterer of the vessel.



Arrest on board foreign vessel in territorial sea etc.

24. (1) Subject to this section, where an offence is committed on board a foreign vessel (being a merchant ship or a government ship operated for commercial purposes) during its passage through the territorial sea, a prescribed power may be exercised in relation to the offence, on board the vessel during that passage, only if:

...

(3) Subject to this section, where a foreign vessel, proceeding from a port outside Saint Kitts and Nevis, is passing through the territorial sea without having entered internal waters, a prescribed power may be exercised, in relation to any offence committed before the ship entered the territorial sea, on board the ship during that passage only if:

(a) there are clear grounds for believing that the vessel has, in the exclusive economic zone, committed a violation of:

- (i) applicable international rules and standards for the prevention, reduction and control of pollution from vessels; or
- (ii) any provision of the Regulations or any enactment conforming to and giving effect to any such rules and standards; and

(b) there:

- (i) are clear grounds for believing that that violation has resulted in a substantial discharge causing or threatening significant pollution of the marine environment; or
- (ii) is clear objective evidence that that violation has resulted in a discharge causing major damage or the threat of major damage to the coastline of Saint Kitts and Nevis, or to any resources of its territorial sea or exclusive economic zone.

(4) Nothing in this section shall affect the exercise of any power under section 23.

(5) The decision to exercise, and the exercise of, a prescribed power in circumstances of the kind referred to in subsection (1) or (3) shall be made or, as the case may be, carried out, with due regard to the interests of navigation.

(6) The prescribed power referred to in subsection (8) (a) shall not be exercised in relation to a vessel unless the vessel has refused, when lawfully required to do so, to give information regarding its identity and port of registry, its last and next port of call and other relevant information required to establish whether a violation of the kind referred to in subsection (3) (a) has occurred.

(7) The prescribed power referred to in subsection 8(b) shall not be exercised in relation to a vessel whenever appropriate procedures, which bind Saint Kitts and Nevis, have been established, either through the competent international organization or as otherwise agreed, whereby compliance with requirements for landing or other appropriate financial security has been assured in relation to the vessel.

(8) For the purposes of this section, "prescribed power" means the power lawfully to arrest any person or to conduct an investigation into any alleged offence, and:

(a) for the purposes of subsection (3) (b) (i), includes a power to undertake a physical inspection of a vessel for matters relating to a violation of the kind referred to in subsection (3) (a); and

(b) for the purposes of subsection (3) (b) (ii), includes a power to detain a vessel.

#### Certificate Attorney General

25. Where, in any criminal proceedings, a question arises whether or not an act or omission occurred within the limits of internal waters, the territorial sea, the contiguous zone, the continental shelf or the exclusive economic zone, a certificate, purporting to be signed by the Attorney General, to the effect that the act or omission did or did not so occur shall be received as evidence of that fact, but without prejudice to the right to adduce evidence in rebuttal.

#### Civil jurisdiction

26. (1) All questions and disputes of a civil nature concerning or arising out of acts or omission which occur within the limits of the continental shelf or the exclusive economic zone in connection with:

(a) the exploration for or exploitation of resources;

(b) the conduct of any research or survey activities;

(c) the establishment, construction, operation or use of any artificial islands, installation or structure;

(d) the laying of cables or pipe-lines; or

(e) the production of energy from the waters, currents or winds, may be dealt with by a court of competent Jurisdiction.

(2) Subsection (1) shall not affect the validity of any agreement to submit a dispute to arbitration by any person outside Saint Kitts and Nevis.

(3) The jurisdiction conferred by this section is in addition to and not in derogation of any other jurisdiction exercisable by a court in Saint Kitts and Nevis.

...



Application of enactments to Maritime areas

28. (1) The Minister may by regulations made under section 29, extend to the maritime areas of Saint Kitts, or any part thereof, the application of any enactment, subject to:

(a) the limitations (if any) modifications (if any) to facilitate the application or enforcement of the enactment, as may be prescribed in the regulations, and the enactment shall apply accordingly.

(2) the power under subsection (1) includes a power to extend the application of an enactment to any artificial island, installation or structure for the purpose of the exercise of any rights or jurisdiction under section 12

PART VII  
REGULATIONS, SAVING AND AMENDMENTS

Regulations

29. (1) The Minister may make regulations for carrying out or giving effect to this Act

...

(3) Regulations may be made with respect to the continental shelf or the exclusive economic zone, or both, for all or any of the following purposes, namely.

(a) regulating the conduct of scientific research within the continental shelf or the exclusive economic zone;

(b) prescribing measures for the protection and preservation of the marine environment of that shelf or zone;

(c) regulating, for the purposes of section 12, the construction, operation, and use of artificial islands (whether permanent or temporary), and other installations and structures within that shelf or zone, including the establishment of safety zones, but not exceeding 500 metres distance from, such islands, installations, and structures;

(d) regulating the exploration and exploitation of that shelf or zone for economic purposes;

(e) providing for such other matters as are necessary or expedient for giving full effect to the sovereign rights and jurisdiction of Saint Kitts and Nevis in relation to that shelf or zone; and

(f) Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of Part II, III, or IV

(4) Regulations may be made with respect to the exclusive economic zone for the exploration and exploitation of that zone for the production of energy from the water, currents and winds.



(5) Regulations may be made with respect to the investigation and institution of proceedings in respect of any discharge from a vessel outside the maritime areas of Saint Kitts and Nevis in violation of applicable international rules and standards established through the competent international organization or general diplomatic conference.

(6) The regulations may provide that a breach of any of the regulations shall be a criminal offence, and may provide for the imposition of a fine not exceeding one hundred thousand dollars for any such offence.

(7) The power under this section to make regulations may be exercised:

(a) either in relation to all of the cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or class or description of cases; and

(b) so as to make, as respects the cases in relation to which it is exercised:

- (i) the same provision for all those cases, or different provision for different cases or classes or description of cases, or different provisions as respects the same case or class or description of cases for different purposes of this Act; or
- (ii) any such provision either unconditionally or subject to any specified condition.

65. SAINT LUCIA

Maritime Areas Act, No. 6 of 18 July 1984

An Act to make provision with respect to the territorial sea and the continental shelf of Saint Lucia; to establish a contiguous zone and an exclusive economic zone adjacent to and beyond the territorial sea; and for related purposes.

PART I  
PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the Maritime Areas Act, 1984.
- (2) This Act shall come into operation upon such date as the Minister may, by notice published in the Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires:

"baseline of the territorial sea" means the baseline from which the breadth of the territorial sea is measured as described in section 4;

"foreign vessel" means a vessel that:

- (a) is registered in a foreign State;
- (b) belongs to an authority or instrumentality of a foreign State; or
- (c) is held by any person on behalf of, or for the benefit of, a foreign State;

...

"exclusive economic zone" means the exclusive economic zone of Saint Lucia as described in section 8 and, to the extent that section 9 applies, as delimited pursuant to section 9;

...

"maritime areas of Saint Lucia" means the internal waters, the territorial sea, the contiguous zone, the continental shelf and the exclusive economic zone;

"master" in relation to vessel means the person for the time being having command or charge of the vessel;

...

"resources" includes living and non-living resources;

...

"the Regulations" means regulations made under this Act.

PART II  
MARITIME AREAS OF SAINT LUCIA

...

Exclusive economic zone

8. Subject to section 9, the exclusive economic zone of Saint Lucia comprises those areas of the sea that are beyond and adjacent to the territorial sea having, as their outer limits, a line, measured seaward from the baseline of the territorial sea every point of which is 200 nautical miles distant from the nearest point of that baseline.

Delimitation of continental shelf or exclusive economic zone  
in certain cases

9. (1) Wherever the equidistance line between Saint Lucia and an adjacent State is less than 200 nautical miles from the nearest point of the baseline of the territorial sea:

...

(b) the delimitation of the exclusive economic zone shall be effected between Saint Lucia and the adjacent State on the basis of international law in order to achieve an equitable settlement.

(2) Where, in any case, an agreement of the kind referred to in paragraph (a) or (b) of subsection (1) cannot be reached, Saint Lucia shall have recourse to the procedures provided by international law for the settlement of any dispute.

(3) Pending the delimitation of-

...

(b) the exclusive economic zone pursuant to subsection (1) (b) or (2), the equidistance line between Saint Lucia and the adjacent State shall constitute the outer limits of the continental shelf or, as the case may be, the exclusive economic zone, unless Saint Lucia and the adjacent State make other provisional arrangements with respect to those limits.

(4) For the purpose of implementing any agreement under subsection (1), any settlement pursuant to subsection (2) or any provisional arrangements under subsection (3), the Minister may, from time to time, by Order published in the Gazette, declare that the continental shelf or the exclusive economic zone shall not extend to any specified area of the sea, seabed or subsoil that would otherwise be included therein by virtue of section 7 or, as the case may be, section 8, and the Order, while it remains in force, shall, subject to section 30, have effect according to its tenor, notwithstanding anything in this Act.



(5) In this section. 'equidistance line', as between Saint Lucia and an adjacent State, means a line every point of which is equidistant from the nearest point of the baseline of the territorial sea and the corresponding baseline of the adjacent State.

PART III  
RIGHTS IN RESPECT OF MARITIME AREAS OF SAINT LUCIA

...

Rights in respect of exclusive economic zone and continental shelf

12. (1) Saint Lucia has and may exercise in respect of the exclusive economic zone

(a) sovereign rights

(i) for the purpose of the exploration for, and the exploitation, conservation and management of, resources of the waters superjacent to the seabed and of the seabed and subsoil; and

(ii) for the production of energy from the waters, currents and winds;

(b) jurisdiction with regard to

(i) the establishment and use of artificial islands, installations and structures:

(ii) marine scientific research; and

(iii) the protection and preservation of the marine environment;

(c) the exclusive right to construct and to authorise and regulate the construction, operation and use of:

(i) artificial islands:

(ii) installations and structures for the purposes provided for under paragraph (a) or any other economic purposes;

(iii) installations and structures which may interfere with the exercise by Saint Lucia of rights in respect of the exclusive economic zone: and

(d) the exclusive right to regulate, authorise and conduct marine scientific research.

...

(3) In the exercise of jurisdiction and rights under subsection (1) in respect of the exclusive economic zone, Saint Lucia shall have due regard to the rights and duties of foreign States and shall act in a manner compatible with international law.

(4) In the exercise of:

(a) rights under subsection (1) (a) (i) in respect of the seabed and subsoil of the exclusive economic zone: or

...

Saint Lucia shall not infringe or unjustifiably interfere with rights of navigation or other rights and freedom of foreign States, under international law.

...

#### Rights to lay cables and pipelines

13. (1) Subject to subsection (2), every foreign State may exercise, in accordance with international law, the right to lay cables and pipelines on the continental shelf or in the exclusive economic zone.

(2) The right, under subsection (1), to lay cables or pipelines

(a) shall not be exercised on any occasion unless there has first been obtained any consent required by or under the Regulations or any enactment in relation to the delineation of the course of the cables or pipelines to be laid on that occasion:

(b) shall be exercised in conformity with the provisions of the Regulations, and any enactment, for or with respect to the prevention, reduction and control of pollution from pipelines: and

(c) is subject to the exercise of rights or jurisdiction pursuant to section 12 for or with respect to the control or prevention of the laying of cables or pipelines in connection with the exploration for or exploitation of, resources, or the use of artificial islands, installations or structures.

#### Prohibited activities

14. (1) No person shall

...

(b) within the limits of the exclusive economic zone

(i) explore for or exploit the resources;

(ii) produce energy from the waters, currents or winds:

(iii) conduct any marine scientific research; or

- (iv) construct, operate or use any artificial island, or any installation or structure for the purpose of the exercise of any right or purposes referred to in section 12 (I) (c) (ii), or which may interfere with the exercise of rights referred to in section 12(1) (c) (iii); or

...

(2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine of twenty thousand dollars.

(3) Where the owner or master of a vessel which is detained pursuant to section 23(1) (c) is convicted of an offence against this section, the court may, in addition to any other penalty imposed, order that the vessel, including any equipment on board the vessel used in the commission of the offence, shall be forfeited to the Crown, and in that event the vessel and any such equipment shall be disposed of in such manner as the Minister shall order.

...

## PART V CHARTS AND GEOGRAPHICAL COORDINATES

### Charts of maritime areas

19. The Minister shall cause to be prepared such charts or lists of geographical co-ordinates as he thinks fit showing all or any of the following matters, namely

- (a) the maritime areas of Saint Lucia or any part thereof
- (b) the baseline of the territorial sea;
- (c) the outer limits of the continental shelf or the exclusive economic zone: or
- (d) sea lanes or traffic separation schemes.

### Evidence of charts

20. A document, purporting to be certified by the Minister to be a true copy of a chart or list of geographical co-ordinates prepared pursuant to section 19 shall be received in any proceedings as evidence of any matter shown in the document, but without prejudice to the right to adduce evidence in rebuttal.

### Publicity with respect to charts

21. The Minister shall cause:

- (a) due publicity to be given to charts or lists of geographical co-ordinates prepared pursuant to section 19: and
- (b) a copy of each such chart list to be deposited with the Secretary-General of the United Nations.



PART VI  
JURISDICTION OF COURTS AND OTHER LEGAL MATTERS

Jurisdiction

22. (1) The jurisdiction and powers of the courts of Saint Lucia extend to the maritime areas of Saint Lucia for the purpose of

(a) this Act: and

(b) any enactment which applies or is applied pursuant to section 28 to maritime areas of Saint Lucia or any part thereof.

(2) For the purposes of the exercise of any jurisdiction and powers pursuant to subsection (1), a court is a court of competent jurisdiction

...

(3) The Minister, after consultation with the Attorney-General may make rules for carrying out or giving effect to this section.

(4) The jurisdiction and powers conferred by this section are in addition to and not in derogation of any other jurisdiction or powers exercisable by a court of Saint Lucia.

Apprehension of certain offenders

23. (1) Subject to this section, where an authorised person has reasonable cause to believe and believes that an offence has been committed against section 14, he may exercise all or any of the following powers, namely

(a) within the maritime areas of Saint Lucia, stop, board, inspect and search any vessel, or enter, inspect and search any installation, which he has reasonable cause to believe is being used for or in connection with the commission of the offence;

(b) arrest, with or without a warrant, any person on board the vessel, or on the installation, referred as to in paragraph (a), or found elsewhere in Saint Lucia, whom he has reasonable cause to believe has committed an offence against that section:

(c) detain the vessel, referred to in paragraph (a), if he has reasonable cause to believe that an offence against that section has been committed by the owner or master of the vessel; and

(d) enter, inspect and search any installation whose establishment, construction, operation or use would constitute the offence against that section and arrest, with or without a warrant, any person on the installation, or found elsewhere in Saint Lucia, whom he has reasonable cause to believe has committed the offence.

(2) Subject to this section, where an authorized person has reasonable cause to believe and believes that an offence has been committed against section 18, he may, within the territorial sea, exercise all or any of the following powers, namely:

(a) stop, board, inspect and search the foreign vessel which, in contravention of that section, engaged in any prescribed activity;

(b) arrest, with or without a warrant, the master of the vessel;

(c) arrest, with or without a warrant, any other person on board the vessel whom he has reasonable cause to believe has committed an offence against that section; and

(d) detain the vessel.

(3) An authorized person may exercise any of the powers conferred on him by subsection (1) or (2) with the aid of such assistants as he considers necessary for the purpose.

(4) Where a vessel is detained pursuant to subsection (1) (c) or subsection (2) (d), it shall be held in the custody of the Crown until:

(a) a decision is made not to bring a prosecution in respect of the alleged offence in relation to which the vessel was detained; or

(b) where such a decision is made to bring such a prosecution, the security required under subsection (6) is given in respect of the vessel.

(5) The decision whether or not to bring a prosecution in respect of an alleged offence in relation to which a vessel is detained shall be made with all due expedition.

(6) The security required in respect of any vessel for the purposes of subsection (4) shall be in such form and reasonable amount, and shall be given by such person, as the Minister may order.

(7) The release of a vessel from detention shall not affect any subsequent forfeiture of the vessel, pursuant to section 14 (3) or 18 (4).

(8) The power under subsection (1) or (2) shall not be exercised in relation to a vessel that is, or in relation to a person who is entitled to State or other immunity recognized by law.

(9) The powers and rights under this section are in addition to and not in derogation of any other powers and rights which Saint Lucia may have under international law or otherwise.

(10) In the exercise under this section of the power of enforcement against a foreign vessel, an authorized person shall not endanger the safety of navigation or otherwise create any hazard to a vessel, or bring it to an unsafe port or anchorage, or expose the marine environment to an unreasonable risk.



(11) In this section:

"authorized person" means a person, or a person belonging to a class or description of persons, designated for the purposes of this section by the Minister by Order made under this subsection and published in the Gazette; "owner", in relation to any vessel, includes any body of persons, whether incorporated or not, by whom the vessel is owned, and any charterer or sub-charterer of the vessel.

Arrest on board foreign vessel in territorial sea

...

(3) Subject to this section, where a foreign vessel, proceeding from a port outside Saint Lucia, is passing through the territorial sea without having entered internal waters, a prescribed power may be exercised, in relation to any offence committed before the ship entered the territorial sea, on board the ship during that passage only if:

(a) there are clear grounds for believing that the vessel has, in the exclusive economic zone, committed a violation of:

- (i) applicable international rules and standards for the prevention, reduction and control of pollution from vessels; or
- (ii) any provision of the Regulations or any enactment conforming to and giving effect to any such rules and standards; and

(b) there:

- (i) are clear grounds for believing that that violation has resulted in a substantial discharge causing or threatening significant pollution of the marine environment; or
- (ii) is clear objective evidence that that violation has resulted in a discharge causing major damage or the threat of major damage to the coastline of Saint Kitts and Nevis, or to any resources of its territorial sea or exclusive economic zone.

(4) Nothing in this section shall affect the exercise of any power under section 23.

(5) The decision to exercise, and the exercise of, a prescribed power in circumstances of the kind referred to in subsection (1) or (3) shall be made or, as the case may be, carried out, with due regard to the interests of navigation.

(6) The prescribed power referred to in subsection (8) (a) shall not be exercised in relation to a vessel unless the vessel has refused, when lawfully required to do so, to give information regarding its identity and port of registry, its last and next port of call and other relevant information required to establish whether a violation of the kind referred to in subsection (3) (a) has occurred.



(7) The prescribed power referred to in subsection 8(b) shall not be exercised in relation to a vessel whenever appropriate procedures, which bind Saint Lucia, have been established, either through the competent international organization or as otherwise agreed, whereby compliance with requirements for landing or other appropriate financial security has been assured in relation to the vessel.

(8) For the purposes of this section, "prescribed power" means the power lawfully to arrest any person or to conduct an investigation into any alleged offence, and:

(a) for the purposes of subsection (3) (b) (i), includes a power to undertake a physical inspection of a vessel for matters relating to a violation of the kind referred to in subsection (3) (a); and

(b) for the purposes of subsection (3) (b) (ii), includes a power to detain a vessel.

#### Certificate of Attorney-General

25. Where, in any criminal proceedings, a question arises whether or not an act or omission occurred within the limits of internal waters, the territorial sea, the contiguous zone, the continental shelf or the exclusive economic zone, a certificate, purporting to be signed by the Attorney-General, to the effect that the act or omission did or did not so occur shall be received as evidence of that fact, but without prejudice to the right to adduce evidence in rebuttal.

...

#### Civil jurisdiction

26. (1) All questions and disputes of a civil nature concerning or arising out of acts or omissions which occur within the limits of the continental shelf or the exclusive economic zone in connection with

(a) the exploration for or exploitation of resources

(b) the conduct of any research or survey activities:

(c) the establishment, construction, operation or use of any artificial islands, installation or structure:

(d) the laying of cables or pipelines: or

(e) the production of energy from the waters, currents or winds, both, may be dealt with by a court of competent jurisdiction.

Subsection (1) shall not affect the validity of any agreement to submit a dispute to arbitration by any person outside Saint Lucia.

(3) The jurisdiction conferred by this section is in addition to and not in derogation of any other jurisdiction exercisable by a court in Saint Lucia.

...

Application of enactments to maritime area

28. (1) The minister may, by regulations made under section 9, extend to the maritime areas of Saint Lucia, or any part thereof, the application of any enactment, subject to:

(a) the limitations (if any); and

(b) modifications (if any) to facilitate the application or enforcement of the enactment, as may be prescribed in the regulations, and the enactment shall apply accordingly,

(2) The power under subsection (1) includes a power to extend the application of an enactment to any artificial island, installation or structure for the purpose of the exercise of any rights or jurisdiction under section 12.

PART VII  
REGULATIONS, SAVING AND AMENDMENTS

Regulations

29. (1) The Minister may make regulations for carrying out or giving effect to this Act.

...

(3) Regulations may be made with respect to the continental shelf or the exclusive economic zone, or both, for all or any of the following purposes, namely

(a) regulating the conduct of scientific research within the continental shelf or the exclusive economic zone;

(b) prescribing measures for the protection and preservation of the marine environment of that shelf or zone;

(c) regulating, for the purposes of section 12, the construction, operation, and use of artificial islands (whether permanent or temporary), and other installations and structures within that shelf or zone, including the establishment of safety zones around, but not exceeding 500 metres distance from, such islands, installations, and structures;

(d) regulating the exploration and exploitation of that shelf or zone for economic purposes;

(e) providing for such other matters as are necessary or expedient for giving full effect to the sovereign rights and jurisdiction of Saint Lucia in relation to that shelf or zone; and

(f) providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of Part II, III, or IV.



(4) Regulations may be made with respect to the exclusive economic zone for the exploration and exploitation of that zone for the production of energy from the water, currents and winds.

(5) Regulations may be made with respect to the investigation and institution of proceedings in respect of any discharge from a vessel outside the maritime areas of Saint Lucia in violation of applicable international rules and standards established through the competent international organization or general diplomatic conference.

(6) The regulations may provide that a breach of any of the regulations shall be a criminal offence, and may provide for the imposition of a penalty not exceeding twenty thousand dollars for any such offence.

(7) The power under this section to make regulations may be exercised

(a) either in relation to all of the cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or class or description of cases; and

(b) so as to make, with respect to the cases in relation to which it is exercised

- (i) the same provision for all those cases, or different provision for different cases or classes or description of cases, or different provisions with respect to the same case or classes or description of cases for different purposes of this Act; or
- (ii) any such provision either unconditionally or subject to any specified condition.

#### Saving of Agreement

30. (1) In this section, "the Agreement" means the Agreement between the Government of Saint Lucia and the Government of the French Republic done in Paris on the 4th day of March, 1981.

(2) Nothing in this Act affects the operation of the Agreement and, while it remains in force, the Agreement shall have effect according to its tenor for the purpose of the delimitation of any of the maritime areas of Saint Lucia affected by its provisions.

(3) A document purporting to be certified by the Minister to be a true copy of the Agreement is admissible in any proceedings as evidence of the contents of the Agreement.

...



66. SAINT VINCENT AND THE GRENADINES

Maritime Areas Act, 1983 <sup>1/</sup>  
Act No. 15 of 19 May 1983

An act to declare the Maritime Areas and for matters incidental thereto and connected therewith.

1. This Act may be cited as the Maritime Areas Act, 1983 and shall come into operation on such date as the Governor General may, by Proclamation, specify.

2. In this Act, unless the context otherwise requires:

"Competent Authority" means the Minister or any person designated by him as the Competent Authority for the purposes of this Act.

...

Minister" means the Minister for Foreign Affairs.

...

7. The exclusive economic zone of Saint Vincent and the Grenadines comprises the waters, seabed and subsoil, contiguous to its territorial sea from its archipelagic baselines seaward to a limit of 200 nautical miles.

...

16. The Minister shall publish charts and lists of coordinates of:

...

(f) the outer limits of the exclusive economic zone of Saint Vincent and the Grenadines;

...

17. (1) Where the rights of Saint Vincent and the Grenadines in relation to:

...

(c) the exclusive economic zone, or

...

overlap with the territorial sea, the contiguous zone, the exclusive economic zone, or the continental shelf of an adjacent State, until such time as a delimitation agreement is reached the seaward limits of the affected offshore areas of Saint Vincent and the Grenadines shall extend to the equidistance line between the archipelagic baselines of Saint Vincent and the Grenadines and the territorial sea baselines of the other State.

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<sup>1/</sup> Entered into force on 8 June 1983.

(2) The temporary offshore boundaries created by subsection (1) shall in no way be interpreted as prejudicing any claims which Saint Vincent and the Grenadines may in the future advance pursuant to the conclusion of maritime boundary delimitation with neighbouring state.

...

18. ...

(2) The Minister may, by notification in the Gazette, make regulations with regard to the customs, fiscal, health, safety and immigration matters over artificial islands, installations and structures in the exclusive economic zone or on the continental shelf of Saint Vincent and the Grenadines beyond the territorial sea.

...

20. The Minister may, by notification in the Gazette, make regulations regarding the exercises of control in the exclusive economic zone with regard to:

- (a) the exploration and exploitation, conservation and management of living and non-living resources of the seabed and subsoil and the superjacent waters;
- (b) other activities for the economic exploitation of the zone;
- (c) the establishment and use of artificial islands, installations and structures;
- (d) marine scientific research;
- (e) the protection and preservation of the marine environment; and
- (f) any other functional area of jurisdiction which may be accorded to coastal States by international law.

22. The Minister may, where necessary, establish reasonable safety zones around such artificial islands, installations and structures to ensure the safety both of navigation and of the artificial islands, installations and structures in the exclusive economic zone or on the continental shelf of Saint Vincent and the Grenadines.

...

67. SAMOA

Exclusive Economic Zone Act No. 3 of 25 August 1977, as amended  
by the Exclusive Economic Zone Amendment Act 1980

...

The exclusive economic zone

3. (1) The exclusive economic zone of Western Samoa comprises those areas of the sea, sea bed, and subsoil that are beyond and adjacent to the territorial sea of Western Samoa, having as their outer limits a line measured seaward from the baseline described in sections 5 and 6 of the Territorial Sea Act 1971, every point of which line is distant 200 nautical miles from the nearest point of the baseline.

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

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

(b) No other outer limit of the exclusive economic zone if for the time being determined by Order made under subsection (3) of this section -

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

(3) For the purposes of implementing an international agreement, or the arbitral award of an international body, or the judgement of an international court, or for any other purpose in accordance with international law, the Head of State, acting on the advice of Cabinet, may from time to time, by Order, declare that a line other than the median line is the outer limit of the exclusive economic zone."

Prohibition of operation of unlicensed foreign fishing craft in zone

4. No foreign fishing craft shall be used for fishing within the exclusive economic zone except in accordance with a licence issued by the Minister under section 5 of this Act in respect of that fishing craft.

Grant of Licences

5. (1) The Minister may grant and issue to the owner of any named foreign fishing craft a licence to fish within the exclusive economic zone.

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

(a) The areas within the exclusive economic zone in which fishing is authorized:



- (b) The seasons, times, and particular voyages during which fishing is authorised:
- (c) The species, size, age, and quantities of fish that may be taken:
- (d) The methods by which fish may be taken:
- (e) The types, size, and amount of fishing gear that may be used or carried by a foreign fishing craft, and the modes of storage of that gear when not in use:
- (f) The use, transfer, transshipment, landing, and processing of fish taken:
- (g) Entry by the foreign fishing craft to Western Samoan ports, whether for the inspection of its catch or for other purposes:
- (h) The compensation payable to Western Samoa citizens or to the Western Samoa Government in the event of any loss or damage caused by the foreign fishing craft to other fishing craft, or their gear or catch, or to fish stocks, or to other Western Samoan interest:
- (i) Statistical and other information required to be given by the foreign fishing craft to the Department of Agriculture, Forests and Fisheries, including statistics relating to catch and effort and reports as to the positions of the craft:
- (j) The conduct by the foreign fishing craft of specified programmes of fisheries research:
- (k) The training of Western Samoan personnel in the methods of fishing employed by the foreign fishing craft and the transfer to Western Samoa of technology relating to fisheries:
- (l) The display on board the foreign fishing craft of the licence issued in respect of it:
- (m) The marking of the foreign fishing craft and other means for its identification:
- (n) Directions, instructions, and other requirements given or made by Western Samoan Government ships or aircraft or by any officer authorised under section 13 of this Act to the foreign fishing craft that shall be complied with by the craft:
- (o) The placing of Western Samoan observers on the foreign fishing craft and the reimbursement to the Department of Agriculture, Forests and Fisheries by the licensee of the costs of doing so:
- (p) The installation on the foreign fishing craft and maintenance in working order of a transponder or other equipment for the fixing of its positions or its identification, and of adequate navigational equipment to enable it to fix its positions itself:

- (g) The carriage on board the foreign fishing craft of specified nautical charts:
- (r) Such other matters as the Minister considers necessary or expedient for the conservation or management of fisheries resources within the zone.

#### Renewal of licences

6. The Minister may from time to time renew any licence granted under section 5 of this Act.

#### Variation of licences

7. (1) The Minister may from time to time, where he is satisfied that it is necessary or expedient for the proper regulation of fishing within the exclusive economic zone to do so, vary the terms and conditions of any licence or licences, or class or classes of licence, granted under section 5 of this Act.

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

#### Licensing fees

8. There shall be payable by every licensee to the Government in respect of the granting of a licence under section 5 of this Act, or the renewal of a licence under section 6 of this Act, such fee as may from time to time be prescribed.

8A. There shall be payable by a licensee to the Government in respect of the taking of fish from the exclusive economic zone by a licensed craft, such fee as may from time to time be prescribed.

#### Licensing offences

9. (1) Where any foreign fishing craft that is not licensed under section 5 of this Act is used for fishing in contravention of section 4 of this Act, each of them the owner, the master, and every crew member of the craft commits an offence against this Act.

(2) Where any foreign fishing craft is used for fishing within the exclusive economic zone in contravention of any condition of a licence granted in respect of it under section 5 of this Act, each of them the licensee, the owner, the master, and every crew member of the craft commits an offence against this Act.

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

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



(5) Every licensee, owner, or master of a foreign fishing craft who commits an offence specified in subsection (2) of this section, is liable on conviction to a fine not exceeding \$25,000.

(6) Every crew member of a foreign fishing craft who commits an offence specified in subsection (2) of this section is liable on conviction to a fine not exceeding \$1,500.

(7) In this section, "crew member" does not include a licensee, owner, or master of a foreign fishing craft.

#### Suspension and cancellation of licences

10. (1) Where the Minister is satisfied that:

- (a) Any foreign fishing craft in respect of which a licence has been granted under section 5 of this Act is being or has been used for fishing within the exclusive economic zone in contravention of any condition of the licence or of any Western Samoan law that applies to fishing within the zone; or
- (b) Any licensee, owner, master, or crew member of a foreign fishing craft has been convicted of an offence against this Act or against any regulations made under section 11 of this Act, or against any other Western Samoan law relating to fishing within the zone -

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

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

(3) No determination, variation, suspension, cancellation, or other action of the Minister under subsection (2) of this section shall be reviewable by any Court of Law.

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

#### Fisheries regulations

11. (1) The Head of State, acting on the advice of Cabinet, may from time to time make regulations for all or any of the following purposes:

- (a) Prescribing the manner of applying for licences under section 5 of this Act and for the renewal of such licences under section 6 of this Act and forms of applications,
- (b) Prescribing the terms of duration of licences,
- (c) Prescribing the forms of licences to be issued by the Minister,



- (d) Prescribing the fees payable to the Western Samoan Government for the issue of licences and for their renewal,
- (da) Prescribing the fees payable to the Western Samoa Government for the taking of fish,
- (e) Providing for the production of licences by licensees to specified Western Samoan authorities when required to do so, and the inspection of licences by such authorities,
- (f) Providing for such other measures as the necessary or expedient to ensure that foreign fishing craft are used for fishing within the exclusive economic zone only in accordance with the terms and conditions of their licences,
- (g) Prescribing conditions, not inconsistent with this Act, under which fishing may be undertaken within the zone by foreign fishing craft,
- (h) Prescribing measures, not inconsistent with this Act, for the conservation and management of fisheries resources within the zone,
- (i) Specifying particular types of highly migratory species of fish, and regulating, in a manner not inconsistent with this Act, fishing for those species within the zone, and also, in the case of Western Samoan fishing craft, beyond the zone,
- (j) Providing that a breach of any such regulation shall be a criminal offence, and imposing penalties by way of fine not exceeding, in the case of a licensee, owner, or master of a fishing craft, \$10,000 for any such offence and, in the case of any other crew member, \$1,000 for any such offence,
- (k) Prescribing the form of bonds for the purposes of section 14 of this Act.

(2) Regulations made under this section may make different provisions for different parts of the exclusive economic zone and for different species of fish.

(3) In prescribing fees in regulations made under this section, the Head of State, acting on the advice of Cabinet, may -

- (a) Take into account (inter-alia) the cost of implementing the provisions of this Act and of the Agriculture, Forests and Fisheries Ordinance 1959 with respect to fishing by foreign fishing craft within the exclusive economic zone, including the cost of the conservation and management of fisheries resources and of fisheries research, and of the administration and enforcement of such enactments; and
- (b) Prescribe different fees for different classes of foreign fishing craft (whether by reference to size, catch, method of fishing, function, or otherwise).

Fishing for research, experimental, and sporting purposes

12. Notwithstanding section 4 of this Act, a foreign fishing craft may be used for fishing within the exclusive economic zone for the purpose of fisheries research or of experimentation or sport, subject always to the prior consent in writing of the Minister to such activity and in accordance with such conditions (if any) as the Minister may impose in giving his consent.

Apprehension of offenders

13. (1) Where any officer specified in subsection (11) of this section has reasonable cause to believe that an offence against this Act, or against regulations made under section 11 of this Act, or against any other Western Samoan law relating to fishing within the exclusive economic zone, has been committed in respect of any foreign fishing craft, he may -

- (a) Stop, board, and search the craft; and
- (b) Inspect, seize, and detain all fish on board the craft; and
- (c) Apprehend any person who he has reason to believe has committed any offence referred to in subsection (1) of this section; and
- (d) Where he has reason to believe that any such offence has been committed by the licensee, owner, or master of the craft, seize and detain any craft.

(2) Any officer specified in subsection (11) of this section may exercise the powers conferred on him by subsection (1) of this section with the aid of such assistants as he considers to be necessary for the purpose.

(3) Where any foreign fishing craft is detained under subsection (1) of this section, it shall be held in the custody of the Government of Western Samoa until -

- (a) A decision is made not to lay any information or charge in respect of the alleged offence for which the craft was detained; or
- (b) Where such an information or charge is laid, the security required by section 14 of this Act is given in respect of the craft.

(4) The decision whether or not to lay an information or charge in respect of an alleged offence for which a foreign fishing craft is detained under subsection (1) of this section shall be made as soon as reasonably practicable after the craft is detained.

(5) The release of a foreign fishing craft from detention shall not affect any subsequent forfeiture of the craft in respect of the conviction of any person for an offence.

(6) On the conviction of any licensee, owner, or master of a foreign fishing craft for any offence referred to in subsection (1) of this section, the craft shall be forfeited to the Government and shall be disposed of in such manner as the Minister shall order, in addition to any fine that may be imposed by any Court on the convicted person.



(7) Where any officer specified in subsection (11) of this section detains any fish under subsection (1) of this section, the fish shall be held in the custody of the Government until a decision is made not to lay an information or charge in respect of the alleged offence for which it was detained, or where such an information or charge is laid, until the information or charge is determined.

(8) On the conviction of any person for any offence referred to in subsection (1) of this section in respect of any fish detained under that subsection, the fish shall be forfeited to the Government and shall be disposed of in such manner as the Minister shall order, in addition to any fine that may be imposed by any Court on the convicted person.

(9) Where any officer specified in subsection (11) of this section apprehends any person under subsection (1) of this section, the officer shall cause the person to be taken as soon as reasonably practicable before a Court to be dealt with in accordance with law.

(10) Any person who in any way prevents or hinders any officer specified in subsection (11) of this section, or any assistant of the officer, in exercising the powers conferred by this section commits an offence against this Act, and is liable on conviction to a fine not exceeding \$10,000.

(11) Subsection (1) of this section refers to -

(a) Any constable; or

(b) Any person authorized in writing under the hand of the Minister, to enforce the provisions of this Act.

(12) In this section, "foreign fishing craft" includes all equipment on board the craft.

#### Security for release of foreign fishing craft

14. Where any foreign fishing craft is detained under section 13 of this Act.

(1) An information or charge is laid against the licensee, owner, or master of one craft in respect of the offence for which the craft has been detained, the licensee, owner or master of the craft may at any time before the determination of the information or charge apply to the Court by which the information or charge will be determined for the release of the craft on the provision of security in accordance with this section.

(2) On hearing the application, the Court shall order the release of the foreign fishing craft on the execution by any suitable person or persons approved by the Court for the purpose of a bond in favour of the Government, in the prescribed form and conditioned in accordance with subsection (4) of this section, in an amount not less than the aggregate of the value of the craft and the maximum fine to which the defendant will be liable if he is convicted of the offence.

(3) Notwithstanding subsection (2) of this section, the Court may, where it is satisfied that there are special circumstances to justify it in doing so, order that the bond shall be in a specified amount that is less than the amount required by that subsection.



(4) The condition of the bond shall be that if:

- (a) The defendant is found not guilty of the information or charge; or
- (b) The defendant on being convicted of the information or charge; or charge pays in full within 14 days after he is convicted the amount of the fine imposed by the Court and the foreign fishing craft is within that time surrendered to the Government for forfeiture -

then the bond shall be of no effect, but that otherwise the bond shall remain in full force and effect.

(5) The amount specified in the bond shall be recoverable in full as a debt due to the Government jointly and severally by the person or persons by whom the bond is given, unless the person or persons prove the due performance of the condition on which the bond is defeasible.

(6) In this section, "foreign fishing craft" includes all equipment on board the craft.

#### General regulations in zone

15. (1) Where no other provision is for the time being made by any other enactment for any such purposes, the Head of State, acting on the advice of Cabinet, may from time to time, make regulations not inconsistent with any other enactment for all or any of the following purposes -

- (a) Regulating the conduct of scientific research within the exclusive economic zone:
- (b) Prescribing measures for the protection and preservation of the marine environment of the zone:
- (c) Regulating the construction, operation, and use of artificial islands (whether permanent or temporary), and of other installations and structures within the zone, including the establishment of safety zones around such islands, installations, and structures:
- (d) Regulating the exploration and exploitation of the zone for the production of energy from the water, currents, and winds, and for any other economic purposes:
- (e) Providing for such other matters as are necessary or expedient for giving full effect to the sovereign rights of Western Samoa in relation to the zone:
- (f) Providing that a breach of any such regulations shall be a criminal offence, and imposing penalties by way of fine not exceeding \$10,000 for any such offence:
- (g) Providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Act (other than matters for which regulations may be made under section 11 of this Act) and for its due administration.

(2) Regulations made under this section may declare that the provisions of any enactment (whether made before or after the passing of this Act) shall apply, with such modifications and exceptions (if any) as may be specified in the regulations:

- (a) Within the exclusive economic zone; or
- (b) Within any specific part of the zone; or
- (c) To acts and omissions within the zone -

and the provisions of that enactment (with such modifications and exceptions, if any) shall apply accordingly as if the zone or the specified part of the zone were within the territorial limits of Western Samoa.

Offences in zone deemed to be committed in Western Samoa

16. Any offence against this Act that is committed within the exclusive economic zone shall be deemed to have been committed in Western Samoa.

Jurisdiction of Court

17. Notwithstanding any provision in any enactment the Supreme Court shall have jurisdiction over any case or controversy arising under the provisions of this Act.

Modifications to give effect to international agreement

18. The Head of State, acting on the advice of Cabinet, may, from time to time, limit any provision of this Act relating to the exclusive economic zone so far as it is necessary to do so to give full effect to any convention that is adopted by the Third United Nations Conference on the Law of the Sea.

Onus of proof in respect of offences

19. In any criminal proceeding under this Act where a defendant is charged with having contravened section 4 of this Act, or with having contravened any other provision in any regulations made under this Act under which a licence or permit, or the consent of any person is required for the doing of any act, the onus shall be on the defendant to prove that, at the time to which the charge relates, he held the requisite licence, permit, or consent.

Amendments and savings

20. (1) The enactments specified in the Schedule to this Act are hereby amended in the manner indicated in that Schedule.

(2) Except as expressly provided by this Act, the provisions of this Act are in addition to and not in substitution of the provisions of every other enactment, and accordingly nothing in this Act shall limit or derogate from the provisions of any other enactment.



68. SAO TOME AND PRINCIPE

Decree-Law No. 15/78 of 16 June 1978

Article 1

The State of the Democratic Republic of Sao Tome and Principe shall establish in the area adjacent to its territorial sea an exclusive economic zone extending from 200 nautical miles from the baseline used to measure the breadth of the territorial sea.

Article 2

The outer line of this exclusive economic zone shall be delimited by geographical co-ordinates.

Article 3

The State of Sao Tome and Principe shall respect the right of neighboring States to their respective economic zones and declares its readiness to engage in bilateral negotiations to resolve any conflicts of sovereignty that may arise from the application of these principles.

Article 4

In the exclusive economic zone established by the present decree-law the Democratic Republic of Sao Tome and Principe shall exercise the following rights:

1. Sovereign rights for the purposes of research and exploiting, conserving and using the natural living and non-living resources of the ocean floor, the subsoil and the superjacent waters.
2. Exclusive rights to and jurisdiction over the establishment and use of artificial islands, installations and structures.
3. Exclusive jurisdiction over other activities relating to research and the economic exploitation of the zone, including the utilization of maritime currents and any other potential benefits that may result from technological and scientific developments.
4. Jurisdiction over:
  - (a) Preservation of the maritime space, and in particular pollution control and elimination;
  - (b) Scientific research.

Article 5

In the exclusive economic zone foreign States shall enjoy freedom of navigation and overflight and of the laying of submarine cables and pipelines, together with other internationally lawful uses of the sea related to navigation and communications.



1. The laying of submarine cables and pipelines shall be effected with the agreement of the State of Sao Tome and Principe.

Article 6

In order to promote the optimum use of the living resources in the exclusive economic zone, the State of the Democratic Republic of Sao Tome and Principe may, through bilateral agreements, authorize other States to harvest the surplus of the allowable catch in a rational manner.

Article 7

All relevant legal provisions that are in conflict with the present decree-law are hereby repealed.

Article 8

The present decree-law shall enter into force immediately.

69. SENEGAL

Act 87-27 of 18 August 1987 establishing the Maritime Fishing Code

PREAMBLE

...

In Order to bring the legislation into line with the new situation resulting, in particular, from the international Convention on the Law of the Sea, it is deemed advisable to replace Act 76-89 of 2 July 1976 which established the Maritime Fishing Code.

...

In addition the definition of vessels and fishing gear, although expanded, have been simplified in order to keep pace with the technological evolution in maritime fishing.

...

The penalties have been substantially increased in order to ensure greater deterrence and to prevent indiscriminate exploitation that might jeopardize fishery development.

The National Assembly, having discussed this subject and adopted a decision at its meeting ...

The President of the Republic now promulgates the following Act:

Article 1

The provisions of this Code shall apply to all persons fishing within the limits of the maritime waters under the jurisdiction of Senegal, and to the equipment and vessels used for such activities, save as otherwise provided in the international conventions now in force.

TITLE 1

Fishing zone under Senegalese jurisdiction

Article 2

The rights to fish in waters under the jurisdiction of Senegal is vested in the State. This right shall be exercised in the territorial sea and in the exclusive economic zone extending to 200 nautical miles from the baselines from the breadth of the territorial sea is measured. The boundaries of the maritime and river waters shall be established by decree.

...

TITLE 3

The right to fish

Article 17

Fishing in waters under Senegalese jurisdiction shall be subject to authorization. Authorizations shall be given, in the form of a license, to fishing vessels by the Minister for Maritime Fishing... .

...

Article 23

Zone within which the right to fish is accorded to licensed vessels shall be determined by decree ... .

Article 24

Vessels of foreign flag States may be authorized to fish in waters under Senegalese jurisdiction pursuant to a convention or agreement concluded between Senegal and the State concerned, or if they are chartered by processing industries established in Senegal.

The terms whereby vessels are authorized to operate in Senegalese waters shall be specified in the convention or agreement. Charter terms shall be determined by decree.

...

Article 69

All provisions inconsistent with this Code, in particular, Act 76-89 of 2 July 1976 establishing the Maritime Fishing Code, are hereby abrogated.

This Act shall be implemented as law of State.

Done at Dakar, 18 August 1987.



70. SEYCHELLES

I. Maritime Zones Act 1977, Act No. 15 of 23 May 1977

Citation and commencement

1. This Act may be cited as the Maritime Zones Act. 1977 and shall come into operation on such date as the President may by order appoint.

...

Exclusive economic zone

6. (1) The exclusive economic zone is the area beyond and adjacent to the territorial waters and which extends to a distance of two hundred nautical miles from the baseline.

(2) Notwithstanding anything contained in subsection (1), where the President considers it necessary so to do having regard to International Law and State practice, he may, subject to subsection (3), by Order published in the Gazette, amend the limit of the exclusive economic zone as specified in subsection (1).

Rights over continental shelf and exclusive economic zone

7. (1) Without prejudice to sections 3, 5 and 6, but subject to subsection (3) and (6) Seychelles has, in the continental shelf and the exclusive economic zone -

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

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

(c) exclusive jurisdiction to authorise, regulate and conduct scientific research;

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

(e) such other rights as are recognised by International Law or State practice.

(2) Except in accordance with the terms of any agreement entered into with Seychelles or of licence granted by or under the authority of the President, no person shall, in relation to the continental shelf or the exclusive economic zone -

(a) explore or exploit any resources;

(b) carry out any search, excavation or drilling operations;

(c) conduct any research;

(d) construct, maintain or operate any artificial island, off-shore terminal, installation or other structure or device.

(3) Subject to subsection (d) and to any measures that may be necessary for protecting the interest of Seychelles, foreign States may lay or maintain cables or pipelines on the continental shelf and the seabed of the exclusive economic zone.

(4) No cables or pipelines shall be laid on the continental shelf or on the seabed of the exclusive economic zone unless the authority of the President has been obtained for the delineation of the course of the cables or pipelines.

(5) Nothing in subsection (2) shall apply in relation to fishing by a citizen of Seychelles or a body corporate registered in Seychelles and approved by the Minister of Fisheries.

(6) Ships and aircraft of all States shall, subject to the exercise by Seychelles of its sovereign rights over its continental shelf or within the exclusive economic zone enjoy the following freedoms -

(a) freedom of navigation; and

(b) freedom of overflight.

...

Designated areas of the continental shelf and the exclusive economic zone

9. The President may, by Order published in the Gazette -

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

(b) make such provisions as he considers necessary with respect to -

- (i) the exploration, exploitation and protection of the resources within the designated area;
- (ii) the safety and protection of artificial islands, off-shore terminals, installations and other structures and devices in the designated area;
- (iii) the regulation and conduct of scientific research in the designated area;
- (iv) the protection of the marine environment in the designated area;
- (v) customs and other fiscal matters in relation to the designated area;
- (vi) the regulation of entry into and passage of foreign ships through the designated area;



(vii) the establishment of fairways, sealanes, traffic separation schemes or any mode of ensuring freedom of navigation which is not prejudicial to the interest of Seychelles.

Extension of enactment

10. The President may, by Order published in the Gazette -

(a) extend with such restriction and modifications as he thinks fit, any enactment in force to the continental shelf or the exclusive economic zone, or any part thereof, including any designated area;

(b) make such provisions as he considers necessary for facilitating the enforcement of that enactment.

Publication of charts

11. The President may cause the baseline, the limits of the territorial waters, the continental shelf, the exclusive economic zone and the historic waters to be published in charts.

Offences

12. (1) Any person who contravenes any provisions of this Act or any regulation or Order made under this Act, shall commit an offence and shall, on conviction be liable to a time not exceeding two hundred thousand rupees or to imprisonment for a term not exceeding five years.

(2) Any person who commits an offence shall be tried in the Supreme Court.

Offences by an agent and body corporate

13. (1) Where an offence is committed by:

(a) an agent, the person for whom the agent is acting;

(b) a body corporate, every person who, at the time of the commission of the offence, was concerned in the management of the body corporate or was purporting to act in a managerial capacity.

Shall also commit the like offence, unless he proves that the offence was committed without his knowledge or consent and that he took all reasonable steps to prevent the commission of the offence.

(2) Notwithstanding subsection (1), where an offence has been committed by a body corporate and it is proved that the offence has been committed with the consent, whether express or implied, or the connivance of, or is attributable to any neglect on the part of the body corporate, such director, manager, secretary or other officer shall commit the like offence.



Application of Act

14. Where any provision of this Act or of any regulation or Order made under this Act is in conflict with the provision of any other enactment in force, such provision of this Act or of such regulation or Order shall prevail.

Regulations

15. (1) The President may make such regulations as considers necessary for carrying out the purposes of this Act.

(2) In particular and without prejudice to the foregoing power, regulations made under subsection (1) may provide for all or any of the following matters -

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

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

(c) the regulation of the construction, maintenance of artificial islands, off-shore terminals, installations and other structures and devices;

(d) the preservation and the protection of the marine environment and the prevention and control of marine pollution;

(e) the regulation and conduct of scientific research;

(f) the fees in relation to licences; and

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

II. Exclusive economic zone (No.2) Order, 1978

In exercise of the powers conferred by section 6(2) of the Maritime Zones Act, 1977, the President, considering it necessary so to do having regard to international law and state practice, hereby makes the following Order -

1. This Order may be cited as the Exclusive Economic Zone (No. 2) Order, 1978.

2. The limit of the exclusive economic zone is delineated by the boundary of Area A as shown on Chart No. ML/ADN/52 filed in the office of the Chief Surveyor and more fully described in the Schedule.

3. The Exclusive Economic Zone Order 1978, is hereby revoked.

SCHEDULE

Description of the limit of the  
Exclusive Economic Zone

The boundary from point 1 through points 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 to 13 is formed by the locus of a point 200 nautical miles from the nearest land mass of the Republic of Seychelles.

From point 13 through points 14, 15, 16, 17 to point 18, the boundary is the medium line equidistant between the Republic of Seychelles and the Territory of Mauritius.

The boundary then follows the locus of a point 200 nautical miles from the nearest landmass of the Republic of Seychelles to point 19.

From point 19 through points 20, 21, 22, 23, 24, 25, 26, 27, 28 to 29 the boundary is formed by the median line equidistant between the Republic of Seychelles and the Malagasy Republic, Isles Glorieuses (France), Mayotte Island, Iles Comores and Mafia Island (Tanzania).

The geographical coordinates of the points referred to above are listed below.

Points	Latitude South of Equator	Longitude East of Greenwich
1	07° 46'	43° 15'
2	06° 04'	46° 41'
3	06° 19'	47° 49'
4	06° 30'	48° 40'
5	05° 41'	49° 57'
6	04° 32'	50° 04'
7	01° 38'	52° 36'
8	00° 29'	56° 03'
9	02° 39'	58° 48'
10	04° 01'	59° 15'
11	05° 34'	59° 09'
12	07° 10'	59° 30'
13	08° 27'	59° 22'
14	08° 33'	58° 23'
15	08° 45'	56° 25'
16	08° 56'	54° 30'
17	09° 39'	53° 53'
18	12° 17'	53° 49'
19	12° 47'	53° 14'
20	11° 31'	50° 29'
21	11° 05'	50° 42'
22	10° 17'	49° 26'
23	11° 01'	48° 30'
24	10° 47'	47° 33'
25	10° 37'	46° 56'
26	11° 12'	45° 47'
27	10° 55'	45° 31'
28	10° 27'	44° 51'
29	08° 05'	43° 10'

71. SOLOMON ISLANDS

- (a) The Delimitation of Marine Waters Act, 1978  
Act No. 32 of 21 December 1978

Citation and commencement

1. This Act may be cited as the Delimitation of Marine Waters Act, 1978 and shall come into force on such date as the Minister may by notice appoint:

Provided that the Minister may specify different dates for the coming into force of different sections of this Act.

...

Exclusive economic zone

6. (1) Subject to the following provisions of this section, the exclusive economic zone of Solomon Islands comprises all areas of sea having, as their innermost limits, the outermost limits of the territorial seas, and, as their outermost limits, a line drawn seaward from the baselines every point of which is at a distance of 200 miles from the nearest point of the appropriate baselines.

(2) The Minister may by order published in the Gazette, for the purpose of implementing any international agreement or the award of any international body, or otherwise, declare that the outer limits of the exclusive economic zone of Solomon Islands extend to such line, any point of which may be at a distance of less than 200 miles from the nearest point of the appropriate baseline, as may be specified in such order.

(3) Where the median line is less than 200 miles from the nearest baselines, and no other line is for the time being specified under the provisions of subsection (2), the outer limits of the exclusive economic zone of Solomon Islands extend to the median line.

...

Charts and publicity

8. (1) The Minister shall cause all closing lines, baselines and other lines drawn under the provisions of this Act for the purpose of determining the limits of the internal waters, territorial seas and exclusive economic zone of Solomon Islands to be clearly indicated on charts of a scale or scales adequate for them to be readily determined and shall give due publicity to such charts by notice in the Gazette and shall cause a copy of each such chart to be deposited with the Secretary-General of the United Nations.

(2) In any proceedings in any court, a certificate purporting to be signed by the Chief Marine Officer that any specified nautical chart of any area is the nautical chart of that area most suited for the purposes of determining the limits of the internal waters, territorial seas or exclusive economic zone of Solomon Islands, as the case may be, and is for the time being held by the Minister responsible for Marine Affairs shall be admissible in evidence of the matters stated in the certificate.



Legal character of marine waters

9. ...

(2) Within the exclusive economic zone, Solomon Islands has sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the seabed and subsoil and the superjacent waters.

(3) The exercise by Solomon Islands of its sovereignty and sovereign rights under the provisions of this section is subject to the customary rules of international law.

Rights of passage

10. ...

(6) Subject to the provisions of this Act and of any other written law made in accordance with the relevant rules of international law all States and their nationals shall enjoy, in the exclusive economic zone, the high seas freedoms of navigation and overflight and of the laying of submarine cables and pipelines, and all other internationally lawful uses of the sea related to those freedoms, compatible with the rules of international law.

Regulations

11. Where no other provision is for the time being made in any other written law for any such purpose, the Minister may make regulations, in accordance with the rules of international law, for all or any of the following purposes:

- (a) regulating the conduct of scientific research within the exclusive economic zone;
- (b) regulating the exploration and exploitation of the exclusive economic zone for the production of energy from the waters, currents and winds, and for other economic uses;
- (c) regulating the construction, operation and use of artificial islands, installations and structures within the exclusive economic zone, including, but not confined to, the establishment of safety zones around islands, installations and structures;
- (d) prescribing measures for the protection and preservation of the marine environment of the exclusive economic zone; and
- (e) providing for such other matters as are necessary or expedient to give effect to Solomon Islands rights and obligations in relation to the exclusive economic zone or are necessary to give full effect to the provisions of this Act.

72. SPAIN

Act No. 15/1978 on the Economic Zone of 20 February 1978

Article 1

1. In a belt of sea to be called the exclusive economic zone, which shall extend from the outer limit of the Spanish territorial sea for a distance of 200 nautical miles from the base lines used to measure the breadth of the territorial sea, the Spanish State shall have sovereign rights for the purposes of exploring and exploiting the natural resources of the seabed, subsoil thereof and its superjacent waters.

In the case of archipelagos, the outer limit of the economic zone shall be measured from straight base lines joining the outermost points of the islands and islets forming the archipelagos, so that the resulting perimeter conforms to the general configuration of each archipelago.

2. In accordance with the provisions of the preceding paragraph, the rights of the Spanish State shall include:

(a) The exclusive right to the natural resources of the Zone;

(b) The authority to enact regulations concerning the preservation of, exploration for and exploitation of such resources with a view to the protection of the protection of the marine environment;

(c) Exclusive jurisdiction to enforce all relevant measures;

(d) Such other rights as may be determined by the Government in accordance with international law.

Article 2

1. Except as provided in international treaties with States whose coasts are opposite or adjacent to Spanish coasts, the outer limit of the economic zone shall be the median or equidistant line.

2. For the purposes of this article, "median or equidistant line" shall mean the line every point of which is equidistant from the nearest points on the base lines drawn in accordance with international law from which the breadth of the territorial sea of each State is measured.

In the case of archipelagos, the median or equidistant line shall be determined on the basis of the archipelagic perimeter drawn in accordance with article 1, paragraph 1.

Article 3

1. Fishing in the economic zone shall be reserved for Spanish nationals, and subject to agreements between the Governments concerned, to nationals of those countries whose fishing vessels have habitually fished in the zone.
2. Foreign fishermen not covered by the preceding paragraph may not fish in the economic zone, except as provided in international treaties to which Spain is a party.

Article 4

The provisions of Law No. 93/1962 of 24 December setting forth penalties for fishing violations committed by foreign vessels shall be applicable in the economic zone.

Article 5

1. The establishment of an economic zone shall not affect the freedom of navigation, the freedom of overflight and the freedom to lay submarine cables.
2. In the exercise of the freedom of navigation, foreign fishing vessels must comply with Spanish laws designed to prevent such vessels from fishing in the economic zone, including the laws concerning the carrying of fishing tackle.

FINAL PROVISIONS

1. The application of the provisions of this law shall be limited to the Atlantic coasts of Spain, both of the mainland and the islands, including the coasts on the Cantabrian Sea; the Government shall have the right to extend these provisions to other coasts of Spain.
2. Law No. 93/1962 of 24 December setting forth penalties for fishing violations committed by foreign vessels, Law No. 20/1967 of 8 April on the extension of the reserved fishing belt and any other laws which are contrary to the provisions of this Law shall be amended as may be necessary for the application of this Law.
3. The Government and the competent official bodies shall adopt the necessary measures for the application of this Law.



73. SRI LANKA

I. Maritime Zones Law No. 22 of 1 September 1976

1. This Law may be cited as the Maritime Zones Law, No. 22 of 1976.

...

5. (1) The President may, by Proclamation published in the Gazette, declare any zone of the sea adjacent to the territorial sea, as well as the seabed and subsoil thereof, to be the exclusive economic zone of Sri Lanka. The limits of such zone shall be specified in the Proclamation.

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

(3) In the exclusive economic zone the Republic has--

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

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

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

(d) other rights recognized by international law.

...

7. (1) The President may, by Proclamation published in the Gazette, declare any zone of the sea adjacent to the territorial sea, and of the seabed and subsoil thereof, to be the pollution prevention zone of Sri Lanka. The limits of such zone shall be specified in the Proclamation.

(2) The relevant Minister shall take such steps as may be necessary to control and prevent the pollution of, and to preserve the ecological balance within, such zone.

...

11. Notwithstanding anything to the contrary in any other written law, every reference in any written law to the expressions "territorial waters", "territorial sea", "coastal waters", "contiguous zone", "exclusive economic zone", "continental shelf" or "pollution prevention zone" shall be read and construed subject to and in accordance with the provisions of this Law.

12. In order to give effect to the principles and provisions of this Law, all written laws in force in Sri Lanka shall be read and construed as though the applicability of such laws, wherever relevant, extends to the limits of the contiguous zone, the exclusive economic zone, the continental shelf, or the pollution prevention zone, as the case may be.

13. (1) The Minister may make regulations for the purpose of giving effect to the provisions of this Law.

(2) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of such publication or upon such later date as may be specified in the regulation.

(3) Every regulation made by the Minister shall, as soon as convenient after its publication in the Gazette, be brought before the National State Assembly for approval. Every regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything previously done thereunder.

14. In any proceedings before any court in Sri Lanka, if a question arises as to whether any act or omission has been done or omitted to be done within or without the territorial sea of Sri Lanka, or in any other zone or jurisdiction declared under this Law, a certificate of the Minister signed by him shall be prima facie proof of the place where such act or omission was done or omitted to be done.

...

II. Presidential Proclamation of 15 January 1977 in pursuance of Maritime Zones Law No. 22 of 1 September 1976

NOW THEREFORE, I, William Gopallawa, President of the Republic of Sri Lanka, do by this Proclamation declare, in pursuance of the powers vested in me by section ... 5 ... of the Maritime Zones Law, No. 22 of 1976 -

...

(4) that the exclusive economic zone of Sri Lanka shall extend to the sea to a distance of 200 nautical miles from the baselines from which the territorial sea is measured;

(5) that the pollution prevention zone shall extend to the sea to a distance of 200 nautical miles from the baselines from which the territorial sea is measured;

(6) that notwithstanding anything in paragraphs (4) and (5), the exclusive economic zone and the pollution prevention zone of Sri Lanka in the Gulf of Manner and the Bay of Bengal shall extend to the sea up to the maritime boundary between Sri Lanka and India as defined in section 8 of the Maritime Zones Law No. 22 of 1976.



74. SURINAME

Law concerning the extension of the Territorial Sea and the establishment of a Contiguous Economic Zone of 11 June 1978

...

Article 3

The belt of sea adjacent to and extending from the outer limit of the territorial sea of the Republic of Suriname to a distance of 200 nautical miles, measured from the line of the low-water mark as defined in article 2 of this law, is considered the economic zone.

Article 4

1. In the economic zone the Republic of Suriname has sovereign rights concerning the exploration, exploitation, conservation and management of natural resources, living as well as non-living, on the seabed and in the subsoil and the superjacent waters.

2. Without prejudice to the above it can be decreed that the provisions of this law and the instructions based thereon shall also apply to:

(a) To erect and use artificial islands, installations and similar structures;

(b) To protect the sea environment; this includes taking measures against pollution;

(c) To conduct scientific research and experiments;

(d) To extract energy from water currents and winds;

(e) To engage in other activities aimed at the economic exploration and exploitation of this zone.

Article 5

In the economic zone described above, all nations, with due observance of the international law, enjoy:

1. Freedom of navigation;

2. Freedom of overflight;

3. Freedom to lay submarine cables and pipelines;

4. Freedom to exercise internationally recognized rights in connection with navigation and communication.

Article 6

1. No one is allowed, without a licence previously issued by Government decree, to engage in activities in the economic zone which constitute an infringement of the rights stated in Article 4.



2. General conditions which a license holder will have to meet may be laid down by Government decree. Moreover, when a license is granted, special conditions may be made in it or obligations attached to it.

3. A license may be revoked at alltimes on account of activities which violate one or more conditions or obligations under which it was granted and, furthermore, at the exclusive discretion of the appropriate authority, on the ground of reasons which derive from the public interest or if the national interest may so require. A similar decision will mention the grounds on which it is based. In special cases this may be omitted.

#### Article 7

1. Intentional violation of the provisions stated in or resulting from this law will be punishable with a prison term of maximum six years and a fine of maximum five hundred thousand guilders.

2. In the case of a prison sentence, the judge may impose a fine as well.

#### Article 8

1. Non-intentional violation of the provisions stated in or resulting from this law will be punishable with a jail term of maximum one year or a fine of maximum one hundred thousand guilders.

2. In the case of a jail sentence the judge may impose a fine as well.

#### Article 9

A person who does not fulfill one or more conditions attached to the licence, as stated in Article 6, or who does not do so on time or in full, or a person who acts in violation of such conditions, will be punished with a fine of maximum one hundred thousand guilders.

#### Article 10

The acts made punishable in Article 7 will be considered as criminal offences and those made punishable in Articles 8 and 9 as misdemeanors.

#### Article 11

The objects used to commit offences as described in Articles 7, 8 and 9, as well as goods obtained from the offence, may be confiscated.

#### Article 12

1. If the offender is unknown or has died before the start of the prosecution, the confiscation may be decided upon by judicial decree, at the request of the public prosecutor.

2. The decree will be made public by the Registrar in the Advertentieblad of the Republic of Suriname and/or in one or more newspapers to be chosen by the judge.

3. The decree will take effect, except if a party concerned files a petition with the Registrar within two months after publication and if it appears in the course of further investigation that no offence was committed regarding the matter in question.

4. During fourteen days the Attorney General has the right to appeal decrees issued in accordance with paragraph 1, to the court. The same applies to decrees issued on account of paragraph 3, resulting from a petition.

#### Article 13

If one of the acts made punishable in Articles 7, 8 and 9 is committed by or through a group or corporation, criminal prosecution will be instituted and the sentence pronounced against the one who ordered the perpetration of the act or who was the actual leader of the unlawful activity or neglect.

#### Article 14

1. The public prosecutor has the authority, in the case of acts made punishable by Articles 7, 8 and 9, to lay down conditions the voluntary fulfillment of which will cancel the right to prosecution.

2. The legal provisions which apply in this matter to misdemeanors, will be applicable in a similar fashion to criminal offences as described in Article 7.

#### Article 15

1. With the investigation of acts made punishable by this law are charged, besides persons assigned by Article 8 of the Penal Code, persons belonging to the armed forces of Suriname and/or other persons, especially assigned by the Minister of Justice and Police.

2. The investigations are at all times authorized to confiscate, or claim for confiscation, all objects which may lead to the discovery of the truth or of which the confiscation or destruction, total or partial, may be ordered.

#### Article 16

1. If the goods confiscated on the ground of Article 15 contain perishables, the Attorney General may grant permission for the sale of these goods or merchandise.

2. The sale will be conducted in public by the investigators, and according to local custom.

3. Proceeds from the sale of goods or merchandise as mentioned above may be confiscated.



75. THAILAND

Royal Proclamation establishing the Exclusive Economic Zone of the  
Kingdom of Thailand, 23 February 1981

By Royal Command of His Majesty the King, it is hereby proclaimed that:

For the purpose of exercising the sovereign rights of the kingdom of Thailand with regard to the exploration and conservation of the natural resources, whether living or non-living, of the sea. It is deemed appropriate to establish the exclusive economic zone of the Kingdom of Thailand as follows:

1. The exclusive economic zone of the Kingdom of Thailand is an area beyond and adjacent to the territorial sea whose breadth extends to two hundred nautical miles measured from the Baselines used for measuring the breadth of the territorial sea.

2. In the exclusive economic zone, the Kingdom of Thailand has:

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

(b) jurisdiction with regard to :

(i) the establishment and use of artificial islands, installations and structures;

(ii) marine scientific research;

(iii) the preservation of the marine environment.

(c) other rights as may exist under international law.

3. In the exclusive economic zone, the freedoms of navigation and overflight and of the laying of submarine cables and pipelines shall be governed by international law.

4. In any case where the exclusive economic zone of the Kingdom of Thailand is adjacent or opposite to the exclusive economic zone of another coastal State, the Government of the Kingdom of Thailand is prepared to enter into negotiations with the coastal State concerned with a view to delimiting their respective exclusive economic zones.

Proclaimed on the 23rd day of February, B.E 2524, being the thirty sixth year of the present Reign.



76. TOGO

Ordinance No. 24 delimiting the Territorial Waters and creating a  
protected Economic Maritime Zone of 16 August 1977

...

Article 2

There shall be established a protected economic maritime zone of 200 nautical miles from the baseline used to determine the territorial sea.

Article 3

In this zone the State shall reserve for itself the right to explore and to exploit living and non-living resources. Its jurisdiction shall extend to all the economic resources situated on the surface of the water, in the submarine area and in the subsoil of its bed.

Article 4

In a spirit of African solidarity, the Togolese State undertakes to allow the neighbouring States of the hinterland to participate in the exploitation of the living resources within the framework of bilateral or regional agreements.

77. TONGA

The Territorial Sea and Exclusive Economic Zone Act,  
Act No. 30 of 23 October 1978

Short title and commencement

1. (1) This Act may be cited as The Territorial Sea and Exclusive Economic Zone Act 1978.

(2) This Act shall come into force on a date to be appointed by the King in Privy Council.

...

PART II  
THE EXCLUSIVE ECONOMIC ZONE OF TONGA

The exclusive economic zone

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

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

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

(b) No other outer limit of the exclusive economic zone is for the time being determined by agreement with a neighbouring country or by an Order-in-Council made under subsection (3) of this section -

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

(3) For the purposes of implementing any international agreement, or the arbitral award of any international body, or the judgement of any international Court, or for any other purpose in accordance with international law, the King may from time to time, by Order-in-Council, declare that the exclusive economic zone shall not extend to any specified area of the sea, seabed, or subsoil, that would otherwise be included within the exclusive economic zone by virtue of this section.

Calculation of total allowable catch

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

Calculation of total allowable catch by foreign fishing craft

11. (1) The Minister shall from time to time determine, in respect of the total allowable catch for every fishery within the exclusive economic zone, the portion that Tongan fishing craft have the capacity to harvest.

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

Apportionment of allowable catch for foreign fishing craft

12. (1) The Minister may from time to time apportion, among countries other than Tonga, the allowable catch for foreign fishing craft in respect of any fishery within the exclusive economic zone, as determined under Section 11 of this Act.

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

- (a) Whether the fishing craft of countries to which the apportionment applies have engaged habitually in fishing within the exclusive economic zone;
- (b) Whether such countries have cooperated with Tonga in fisheries research and in the identification of fish stocks within the zone;
- (c) Whether such countries have cooperated with Tonga in the conservation and management of fisheries resources within the zone, and in the enforcement of Tongan law relating to such resources;
- (d) The terms of any relevant international agreement;
- (e) Such other matters as the Minister, after consultation with the Minister of Foreign Affairs, determines to be relevant.

Prohibition of operation of unauthorized foreign fishing craft in zone

13. No foreign fishing craft shall be used for fishing within the exclusive economic zone except in accordance with a licence issued by the Minister under Section 14 of this Act in respect of that fishing craft.

Grant of licences

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

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

(a) The catch that all foreign fishing craft licensed under this section are for the time being authorised to harvest from any fishery within the exclusive economic zone does not exceed the allowable catch for foreign fishing craft for that fishery as determined under Section 11 of this Act; and

(b) The catch that all foreign fishing craft of a particular country licensed under this section are for the time being authorized to harvest from any fishery within the zone does not exceed the apportionment made under Section 12 of this Act for that fishery in respect of that country.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

(n) Directions, instructions, and other requirements given or made by vessels or aircraft of Tonga. Government ships or aircraft or by any officer authorised under Section 23 of this Act to the foreign fishing craft that shall be complied with by the craft;

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

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

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

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

#### Renewal of licences

15. Subject to Section 14 (2) of this Act, the Minister may from time to time renew any licence granted under Section 14 of this Act.

#### Variation of licences

16. (1) Subject to Section 14 (2) of this Act, the Minister may from time to time, where he is satisfied that it is necessary or expedient for the proper regulation of fishing within the exclusive economic zone to do so, vary the terms and conditions of any licence or licences, or class or classes of licence, granted under Section 14 of this Act.

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

#### Licensing fees

17. There shall be payable by every licensee to the Crown in respect of the granting of a licence under Section 14 of this Act, or the renewal of licence under Section 15 of this Act, such fee as may from time to time be prescribed.

#### Licensing offences

18. (1) Where any foreign fishing craft that is not licenced under Section 14 of this Act is used for fishing in the exclusive economic zone, each of them the owner, the master, and every crew member of the craft commits an offence against this Act.

(2) Where any foreign fishing craft that is not licenced under Section 14 of this Act displays within the exclusive economic zone any marking or other means of identification that indicates that it is licensed under that section, each of them, the owner, the master, and every member of the craft commits an offence against this Act.

(3) Where any foreign fishing craft is used for fishing within the exclusive economic zone in contravention of any condition of a licence issued in respect of it under Section 14 of this Act, each of them the licensee, the master, and every crew member of the craft commits an offence against this Act.

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



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

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

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

(8) In this section, "crew member" does not include a licensee, owner, or master of a foreign fishing craft, or any Tongan personnel or observer on the craft pursuant to a condition attached to a licence under Section 14(3) of this Act.

#### Suspension and cancellation of licenses

19. (1) Where the Minister is satisfied that:

(a) Any foreign fishing craft in respect of which a licence has been granted under Section 14 of this Act is being or has been used for fishing within the exclusive economic zone in contravention of any condition of the licence or of any law of Tonga that applies to fishing within the zone; or

(b) Any licensee, master, or crew member of a foreign fishing craft has been convicted of an offence against this Act, or against any regulations made under Section 21 of this Act, or against any other law of Tonga relating to fishing within the zone; or

(c) Any licensee, master or crew member of a foreign fishing craft has failed to pay to the Crown, within the time limit specified in Section 25(8) of this Act, the amount of any penalty imposed on him under that section by the Minister

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

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

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

#### Review by courts

20. No exercise by the Minister of any power conferred on him by Section 16 or Section 19 (2) of this Act shall be liable to be changed, reviewed, quashed, or called in question in any Court on the ground that the conditions for the exercise of the power by him had not arisen or had ceased.



Fisheries regulations

21. (1) The King may from time to time, by Order-in-Council, make regulations for all or any of the following purposes:

(a) Prescribing the manner or applying for licences under Section 14 of this Act, and for the renewal of such licences under Section 15 of this Act, and forms of applications;

(b) Prescribing the terms of duration of licences;

(c) Prescribing the forms of licences to be issued by the Minister;

(d) Prescribing the fees payable to the Crown for the issue of licences and their renewal;

(e) Providing for the production of licences by licencees to specified Tongan authorities when required to do so, and the inspection of licences by such authorities;

(f) Requiring applicants for licences, and licensees, to designated authorised agents in Tonga in respect of foreign fishing craft;

(g) Providing for such other measures as are necessary or expedient to ensure that foreign fishing craft are used for fishing within the exclusive economic zone only in accordance with the terms and conditions of their licences;

(h) Prescribing conditions, not inconsistent with this Act, under which fishing may be undertaken within the zone by foreign fishing craft;

(i) Prescribing measures, not inconsistent with this Act, for the conservation and management of fisheries resources within the zone;

(j) Specifying particular types of highly migratory species of fish, and regulating, in a manner not inconsistent with this Act, fishing for those species within the zone, and also, in the case of Tongan fishing craft, beyond the zone;

(k) Providing that a breach of any such regulation shall be a criminal offence, and imposing penalties by way of fine not exceeding, in the case of a licensee, owner, or master of a fishing craft, \$10,000 for any such offences and, in the case of any other crew member, \$1,000 for any such offences;

(l) Prescribing the form of bonds for the purposes of Section 24 of this Act.

(m) Prescribing forms of notices and procedures to be followed for the purposes of Section 25 of this Act.

(n) Providing, in respect of notice, summonses, and other documents to be served under this Act or in any civil or criminal proceedings under this Act, that specified methods of service (including service on the authorised agent of a foreign fishing craft or on the diplomatic or consular representative in respect of Tonga of the country in which the craft is registered) shall be deemed to be service on any licensee, owner, master, or crew member of the craft, and providing that specified methods of proof of service shall be deemed to be sufficient proof of service.

(2) Regulations made under this section may make different provisions for different parts of the exclusive economic zone and for different species of fish.

(3) In prescribing fees in regulations made under this section, the King in Council may -

(a) Take into account (inter alia) the cost of implementing the provisions of this Act, including the cost of the conservation and management of fisheries resources, and of fisheries research, and of the administration and enforcement of such enactments; and

(b) Prescribe different fees for different classes of foreign fishing craft (whether by reference to size, catch, method of fishing, function, or otherwise).

#### Fishing for research, experimental, and sporting purposes

22. Notwithstanding Section 13 or Section 18 of a foreign fishing craft may be used for fishing exclusive economic zone for the purpose of fisheries or of experimentation or sport, subject always to consent in writing of the Minister to such activity and in accordance with such conditions (if any) as the Minister may impose in giving his consent.

#### Apprehension of offenders

23. (1) Any officer specified in subsection (16) of this Section may at any time stop, board, inspect, and search any foreign fishing craft in the territorial sea and exclusive economic zone, and inspect any fish on board the craft; and where he has reasonable cause to believe that an offence against this Act, or against regulations made under Section 21 of this Act, or against any other law of Tonga, relating to fishing within the exclusive economic zone, has been committed in respect of any foreign fishing craft he may:

(a) Seize and detain all fish on board the craft; and

(b) Apprehend any person whom he has reasonable cause to believe has committed any offence specified in this subsection; and

(c) If he has reasonable cause to believe that any such offence has been committed by the licensee, owner, or master of the craft, seize and detain the craft.

(2) Any officer specified in subsection (16) of this section may exercise the powers conferred on him by subsection (1) of this section with the aid of such assistance as he considers to be necessary for the purpose.



(3) Where any foreign fishing craft is detained under subsection (1) of this section, it shall be held in the custody of the Crown until -

(a) A decision is made not to lay any information or charge in respect of the alleged offence for which the craft was detained; or

(b) Where such an information or charge is laid, the security required by Section 24 of this Act is given in respect of the craft.

(4) The decision whether or not to lay an information or charge in respect of an alleged offence for which a foreign fishing craft is detained under subsection (1) of this section shall be made as soon as reasonably practicable after the craft is detained.

(5) The release of a foreign fishing craft from detention shall not affect any subsequent forfeiture of the craft in respect of the conviction of any person of an offence.

(6) On the conviction of any licensee, owner, or master of a foreign fishing craft for any offence specified in subsection (1) of this section, the craft shall be forfeited to the Crown, and shall be disposed of in such manner as the Minister shall order, in addition to any fine that may be imposed by any Court on the convicted person.

(7) Where any fish is detained under subsection (1) of this section, it shall be held in the custody of the Crown (either on board the foreign fishing craft from which it was seized or in such other place as the Minister may direct) until:

(a) A decision is made not to lay any information or charge in respect of the alleged offence for which the fish was detained; or

(b) Where such an information or charge is laid, any security required by Section 24 of this Act is given in respect of the fish.

(8) The release of any fish from detention shall not affect any subsequent forfeiture of the fish on the conviction of any person for an offence.

(9) The Crown shall not be liable to any person for any deterioration in the quality of any fish detained under subsection (1) of this section, whether such deterioration is caused by the negligence of the Crown or otherwise.

(10) On the conviction of any person for any offence specified in subsection (1) of this section in respect of any fish detained under that subsection, the fish shall be forfeited to the Crown and shall be disposed of in such manner as the Minister shall order, in addition to any fine that may be imposed by any Court on the convicted person.

(11) Where any officer specified in subsection (16) of this Act is practicable before a Court to be dealt with in accordance with law.



(12) Where any foreign fishing craft or fish is held in the custody of the Crown under this section, then on the conviction of any person for any offence specified in subsection (1) of this section in respect of the craft or fish, as the case may be, the costs of the Crown in holding it in custody under this section shall be a debt due to the Crown jointly and severally by each of them the licensee, the owner, and the master of the craft, and shall be recoverable accordingly by the Crown in any Court of competent jurisdiction.

(13) Without limiting any other manner of recovering any debt due to the Crown under subsection (12) of this section, on the conviction of the licensee, owner, or master of any foreign fishing craft for any offence referred to in that subsection, the Court by which he is convicted may make an order that he shall pay to the Crown any costs for which he is liable under that subsection.

(14) Subject to subsection (9) of this section, but notwithstanding any other provision in this section, where any foreign fishing craft or fish has been detained under subsection (1) of this section, then on the acquittal of every person who is charged with any offence for which the craft or fish, as the case may be, is subject to forfeiture under this section, the craft or fish, as the case may require, shall forthwith be released from the custody of the Crown.

(15) Any person who in any way prevents or hinders any officer specified in subsection (16) of this section, or any assistant of the officer, in exercising the powers conferred by this section commits an offence against this Act, and is liable on conviction to a fine not exceeding \$10,000.

(16) Subsection (1) of this section refers to any of the following officers:

- (a) members of the Police Force;
- (b) commissioned officers of the Tonga Defense Services;
- (c) persons in command or charge of any vessel or aircraft operated by or on behalf of the Tonga Defense Services of the Government;
- (d) any other person appointed for this purpose by the Minister.

Security for release of foreign fishing craft

24. (1) Where any foreign fishing craft is detained under Section 23 of this Act, and an information or charge is laid against the licensee, owner, or master of the craft in respect of the offence for which the craft has been detained, the licensee, owner, or master of the craft may at any time before the determination of the information or charge apply to the Court by which the information or charge will be determined for the release of the craft on the provision of security in accordance with this section.

(2) On hearing the application, the Court shall order the release of the foreign fishing craft on the execution by any suitable person or persons approved by the Court for the purpose, of a bond in favour of the Government, in the prescribed form and conditioned in accordance with sub-section (4) of this section, in an amount not less than the aggregate of the value of the craft, the costs that the Crown may recover under Section 23 (12) of this Act

if the defendant is convicted of the offence, and the maximum fine to which the defendant will be liable if he is convicted of the offence.

(3) Notwithstanding subsection (2) of this section, the Court may, where it is satisfied that there are special circumstances to justify it in doing so, order that the bond shall be in a specified amount that is less than the amount required by that subsection.

(4) The condition of the bond shall be that if -

(a) The defendant is found not guilty of the information or charge; or

(b) The defendant on being convicted of the information or charge pays in full within 14 days after he is convicted the amount of the fine imposed by the court, and the amount of all costs due by him to the Crown under section 23 (12) of this Act, and the foreign fishing craft is within that time surrendered to the Crown for forfeiture -

then the bond shall be of no effect, but that otherwise the bond shall remain in full force and effect.

(5) The amount specified in the bond shall be recoverable in full in any Court of competent jurisdiction, as a debt due to the Government jointly and severally by the person or persons by whom the bond is given, unless the person or persons prove the due performance of the condition on which the bond is defeasible.

(6) In this section, "foreign fishing craft" includes all equipment on board or used by the craft under Section 23 (1) of this Act and is detained on board the craft in the custody of the Crown under that section.

#### Administrative penalties for minor fisheries offences

25. (1) Where the Minister has reasonable cause to believe that:

(a) An offence against this Act, or against regulations made under Section 21 of this Act, or against any other law of Tonga relating to fishing within the exclusive economic zone, may have been committed by any person in respect of any foreign fishing craft; and

(b) Having regard to all the circumstances relating to the alleged offence it is of a minor nature, and having regard to the previous conduct of the craft and of the person concerned in the exclusive economic zone, it would be appropriate to impose a penalty under this section:

he may cause a notice in writing in accordance with subsection (2) of this section, and otherwise in the prescribed form, to be served on that person.

(2) A notice under subsection (1) of this section shall specify:

(a) The date and nature of the offence;

(b) A summary of the facts on which the allegation that an offence has been committed is based (being a sufficient summary to fully and fairly inform the person of the allegation against him); and



(c) Any other matters (not being previous convictions) that the Minister considers relevant to the imposition of a penalty:

and shall be endorsed with a statement setting out the provisions of this section.

(3) Any person on whom a notice under subsection (1) of this section is served may, within 28 days after the notice is served on him, by a notice in writing in the prescribed form served on the Minister require that any proceedings in respect of the alleged offences shall be dealt with before a Court, in which case the following provisions shall apply:

(a) No further proceedings shall be taken under this section by the Minister;

(b) Nothing in this section shall be construed to prevent the subsequent laying of any information or charge in respect of the alleged offence, or the conviction of the person of the offence by a Court, or the imposition of any penalty under any enactment or forfeiture under this Act on such a conviction.

(4) Any person on whom a notice under subsection (1) of this section is served, who does not require that any proceedings in respect of the alleged offence shall be dealt with before a Court, may by notice in writing served on the Minister -

(a) Admit the offence; and

(b) In any case make submissions to the Minister as to the matters he wishes the Minister to take into account in imposing any penalty under this section.

(5) Where a person on whom a notice under subsection (1) of this section is served does not, within 28 days after the notice is served on him, -

(a) Require that any proceedings in respect of the alleged offence shall be dealt with before a Court; or

(b) Admit the offence:

he shall on the expiration of that period be deemed to have admitted the offence.

(6) Where under this section a person admits or is deemed to have admitted an offence, the Minister may, after taking into account any submissions made by the person under subsection (4) of this section, impose a monetary penalty on the persons in respect of the offence, not exceeding one-third of the maximum monetary penalty to which the person would be liable if he were convicted of the offence by a Court.

(7) Where the Minister imposes a penalty on a person under this section in respect of an offence, the Minister shall cause a notice in writing in the prescribed form of the particulars of the penalty to be served on the person.

(8) A person on whom a penalty is imposed under this section shall pay the amount of the penalty to the Crown within 28 days after the notice of the penalty is served on him in accordance with subsection (7) of this section.



(9) Without prejudice to the requirements of subsection (8) of this section, or to Section 19 (1) of this Act, a penalty that has been imposed under this section shall be recoverable by the Crown, from the person on whom it has been imposed, in the same manner as a fine is recoverable on conviction for any offence.

(10) Notwithstanding the provisions of Sections 18, 21, 23 and 24 of this Act, or of any other enactment, where any offence has been admitted under this section, no information or charge may be laid in respect of the offence against the person by whom it is admitted.

(11) Nothing in this section shall apply:

(a) In respect of any offence or alleged offence under subsection (1) or subsection (2) of Section 18 of this Act; or

(b) In respect of any offence or alleged offence in respect of which any information or charge has been laid.

#### General regulations in the zone

26. The King may from time to time, by Order-in-Council, make regulations for all or any of the following purposes:

(a) regulating the conduct of scientific research within the exclusive economic zone;

(b) prescribing measures for the protection and preservation of the marine environment of the zone;

(c) regulating the constructions, operation, and use of artificial islands (whether permanent or temporary), and other installation and structures within the zone, including the establishment of safety zones around such islands, installation, and structures;

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

(e) providing for such other matters as are necessary or expedient for giving full effect to the sovereign rights of Tonga in relation to the zone:

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

(g) providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Part of this Act (other than matters for which regulations may be made under Section 21 of this Act) and for its due administration.

#### General provisions as to offences in the zone

27. (1) Any offence against this Act, or against any regulations made under this Act, that is committed within the exclusive economic zone shall be deemed to have been committed in Tonga.

(2) Where any licensee, owner, master, or crew member of a foreign fishing craft is charged with any offence specified in Section 18 of this Act, or in any regulations made under Section 21 of this Act, in respect of any activity described in paragraph (b) or paragraph (c) of the definition of the term "fishing" in Section 2 (1) of this Act, it shall be a defence to the charge if the defendant proves that such activity related only to fish taken beyond the outer limits of the exclusive economic zone.

(3) Where any power of apprehension of any person, or of stopping, boarding, or searching any fishing craft or fish, is conferred on any person under this Part of this Act, that power may be exercised with or without a warrant.

### PART III

#### MISCELLANEOUS PROVISIONS

##### Modifications to give effect to international agreement

28. The King may from time to time by Order-in-Council, limit any provision of this Act relating to the exclusive economic zone so far as it is necessary to do so to give full effect to any convention that is adopted by the Third United Nations Conference on the Law of the Sea.

##### Official charts

29. (1) For the purposes of this Act, the low-water mark in any specified area shall be the line of low-water at mean low-water spring tides as depicted on the largest scale British Admiralty chart for the time being of that area.

(2) In any proceedings in any Court, a certificate purporting to be signed by the Harbour Master that any specified British Admiralty chart of that area is the largest scale British Admiralty chart for the time being available of that area shall be admissible as evidence of that matter.

##### Onus of proof in respect of offences

30. In any criminal proceedings under this Act where a defendant is charged with having committed an offence specified in Section 18 of this Act, or with having contravened any other provision in any regulations made under this Act under which a licence or permit, or the consent of any person is required for the doing of any act, the onus shall be on the defendant to prove that at the time to which the charge relates, the requisite licence, permit, or consent was duly held.

##### Amendment, repeal, and savings

31. (1) The enactments specified in the Schedule to this Act are hereby amended in the manner indicated in that Schedule.

(2) The Fisheries Protection Act 1973 is hereby repealed.

(3) Except as expressly provided by this Act, the provisions of this Act are in addition to and not in substitution for the provisions of every other enactment, and accordingly nothing in this Act shall limit or derogate from the provisions of any other enactment.



78. TRINIDAD AND TOBAGO

[Original: English]

Archipelagic Waters and Exclusive Economic Zone Act, 1986

Act No. 24 of 1986

An Act to declare the Republic of Trinidad and Tobago an archipelagic State, and to define the new areas of marine space appertaining to Trinidad and Tobago in the exclusive economic zone, and in the archipelagic waters, and the nature and extent of the jurisdiction to be exercised by it in each of these areas and to make provision for matters connected therewith in accordance with the United Nations Convention on the Law of the Sea, done in Montego Bay, Jamaica on 10th December, 1982.

Short title

1. This Act may be cited as the Archipelagic Waters and Exclusive Economic Zone Act, 1986.

PART I

PRELIMINARY

Interpretation

2. In this Act:

"allowable catch" means the amount of living resources determined by the Minister to whom responsibility for fisheries is assigned in accordance with relevant environmental and economic factors;

...

"conservation and management" includes all methods and measures which are:

...

"Convention" means the United Nations Convention on the Law of the Sea, done at Montego Bay, Jamaica, on 10th December, 1982;

"fish" includes oysters, crabs, shrimps, turtles, turtle eggs, coral and any species of other marine fauna;

"fishery" means any one or more stocks of fish, which can be treated as a unit for the purpose of conservation and management, and which are identified on the basis of geographical, scientific, technical, recreational and economical characteristics, and includes any fishing for any such stocks;

"fishing craft" means a vessel, aircraft, hovercraft or other craft or whatever size and however propelled that is capable of being used for fishing and is operated for financial reward or other material gain, scientific research or processing, storage or carriage of fish and includes any vessel used in support of or ancillary to fishing operations, but does not include a vessel transporting fish or fish products as part of its general cargo;



"foreign fishing craft" means a fishing craft flying the flag of a foreign State or registered in a foreign State;

"foreign ship" means a vessel in which less than 51 per cent of the ownership is vested in nationals of Trinidad and Tobago;

"master" means any person having command of a ship;

"Minister" means the Minister to whom responsibility for the subject of External Affairs is assigned;

## PART II

### ARCHIPELAGIC STATE

...

#### Archipelagic State

6. (1) The archipelagic baselines of Trinidad and Tobago shall consist of straight baselines joining the outermost points of the outermost islands and drying reefs of the archipelago.

(2) The baselines drawn in accordance with this section shall be shown on charts of a scale or scales adequate for ascertaining their position, or alternatively lists of geographical coordinates of points specifying the geodetic datum may be substituted.

(3) The Minister shall give due publicity to such charts or lists of geographical coordinates by Notice in the Gazette, and shall cause a copy of each such chart or lists of geographical coordinates to be deposited with the Secretary-General of the United Nations.

#### Measurement of territorial sea, contiguous zone, exclusive economic zone and continental shelf

7. The breadth of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf shall be measured from archipelagic baselines drawn in accordance with section 6.

...

## PART III

### EXCLUSIVE ECONOMIC ZONE

#### Establishment of exclusive economic zone

14. The exclusive economic zone of Trinidad and Tobago (hereinafter referred to as "the exclusive economic zone") comprises all areas of sea, having as their innermost limits the outermost limits of the territorial sea, and as their outermost limits a line drawn seaward from the baseline from which the territorial sea is measured every point of which is at a distance of 200 nautical miles from the nearest point of the baselines from which the breadth of the territorial sea is measured.

Delimitation of exclusive economic zone between States  
with opposite or adjacent coasts

15. Where the distance between Trinidad and Tobago and opposite or adjacent States is less than 400 nautical miles, the boundary of the exclusive economic zone shall be determined by agreement between Trinidad and Tobago and the States concerned on the basis of international law in order to achieve an equitable solution.

Minister may reduce outer limits of exclusive economic zone

16. The Minister may by Order, and for the purpose of implementing an international agreement or the award of an international body declare that the outer limits of the exclusive economic zone extend to such line, any point of which may be at a distance of less than 200 nautical miles from the nearest point of the archipelagic baseline, as specified in such Order.

Outer limits of exclusive economic zone to be shown on charts

17. The Minister:

(a) Shall cause the outer limits of the exclusive economic zone and any lines of delimitation drawn to be shown on charts of a scale or scales adequate for determining them; or

(b) May substitute therefore lists of geographical co-ordinates of points specifying the geodetic datum;

(c) Give due publicity to such charts or lists of geographical co-ordinates by Notice in the Gazette, and

(d) Shall cause a copy of each such chart or lists of geographical co-ordinates to be deposited with the Secretary-General of the United Nations.

Vested rights of Trinidad and Tobago over seabed and submarine areas

18. The establishment of the exclusive economic zone shall not affect the vested rights of Trinidad and Tobago over the seabed and submarine areas of the territorial sea and continental shelf as set out in the Territorial Sea Act and the Continental Shelf Act.

Sovereign rights and jurisdiction of Trinidad and Tobago  
in exclusive economic zone

19. Trinidad and Tobago in the exclusive economic zone has:

(a) Sovereign rights over:

(i) the exploration and exploitation, conservation and management of the living and non-living natural resources of the waters superjacent to the seabed and of the seabed and its subsoil;

(ii) the production of energy from the water, currents and winds; and



(b) Jurisdiction over:

- (i) the establishment and use of artificial islands, installations and structures;
- (ii) marine scientific research; and
- (iii) the protection and preservation of the marine environment.

Other States in the exclusive economic zone

20. Subject to any other law in force every State enjoys in the economic zone, the freedom of:

- (a) Navigation;
- (b) Overflight;
- (c) Laying of submarine cables and pipelines on the continental shelf subject to the jurisdiction of Trinidad and Tobago over such cables and pipelines and the right of Trinidad and Tobago to establish conditions for their laying.

Conservation and management of living resources

21. The Minister to whom responsibility for fisheries is assigned shall ensure, through proper conservation and management, that the living resources in the exclusive economic zone are not endangered by overexploitation, and may from time to time by Notice in the Gazette:

- (a) Determine the allowable catch in respect of every fishery within the exclusive economic zone;
- (b) Determine the proportion of the allowable catch to be harvested by citizens of Trinidad and Tobago in the exclusive economic zone;
- (c) Prescribe on the basis of agreements or other arrangements for the remaining proportion of the allowable catch which other States or the nationals of such States are permitted to harvest in the exclusive economic zone.

Certain activities of a State, etc.  
prohibited without consent

22. No State, international organization, nor person, shall without the consent in writing of the President signified by Notice engage within the exclusive economic zone in any of the following activities:

- (a) The exploration and exploitation, conservation and management of living and non-living natural resources;
- (b) The production of energy from water, currents and winds;
- (c) The establishment and use of artificial islands, installations and structures;



- (d) Marine scientific research;
- (e) The protection and preservation of the marine environment; and
- (f) Any other such activity.

Right of citizen or body corporate to fish  
in exclusive economic zone

23. The provisions of section 22 in relation to the activity of fishing, shall not apply to the right of a citizen of Trinidad and Tobago or a body incorporated in Trinidad and Tobago in which at least 51 per cent of the shares are owned by citizens of Trinidad and Tobago.

President may withhold consent to marine scientific research  
project of a State

24. The President may withhold his consent to the conduct of a marine scientific research project of another State or international organization in the exclusive economic zone where the project proposal:

- (a) Is of direct significance for the exploration and exploitation of living and non-living natural resources;
- (b) Involves drilling into the continental shelf, the use of explosives or the introduction of harmful substances into the marine environment;
- (c) Involves the construction, operation or use of artificial islands, installations and structures;
- (d) Contains information regarding the nature and objectives of the project which is inaccurate;
- (e) Is made by a researching State or competent international organization which has outstanding obligations to Trinidad and Tobago from a prior research project;
- (f) Will result in activities that unjustifiably interfere with activities undertaken by Trinidad and Tobago in accordance with its sovereign rights and jurisdiction.

Trinidad and Tobago to authorize fishing  
by agreement or treaty

25. Trinidad and Tobago may by agreement or treaty, authorize any State, international organization or person to fish within the exclusive economic zone, the territorial sea and the archipelagic waters.

Licences for foreign fishing craft and crew to fish in exclusive  
economic zone, territorial sea, and archipelagic waters

26. (1) No foreign fishing craft nor the master and members of the crew of a foreign fishing craft may engage in fishing in the exclusive economic zone, the territorial sea and the archipelagic waters without a licence issued by the Minister to whom responsibility for fisheries is assigned.

(2) The Minister to whom responsibility for fisheries is assigned may, on payment of the prescribed fees, issue licences in respect of:

- (a) A foreign fishing craft; and
- (b) The master and members of the crew of a foreign fishing craft.

(3) A licence issued in respect of a foreign fishing craft shall state the craft's specifications and operating conditions.

(4) A licence issued in respect of the master and members of the crew of a foreign fishing craft shall state their:

- (a) Names and addresses;
- (b) Ages;
- (c) Fisherman registration numbers;
- (d) Identification numbers; and
- (f) Experience in fishing activities.

Foreign fishing craft not to exceed prescribed allowable catch

27. The Minister to whom responsibility for fisheries is assigned shall ensure that:

(a) The total catch of all foreign fishing craft does not exceed the total allowable catch prescribed for all such craft; and

(b) The total catch by all foreign fishing craft of any one State does not exceed the apportionment prescribed for that State.

Surveillance in the exclusive economic zone, the territorial sea and the archipelagic waters

28. (1) The persons referred to in subsection (2) are empowered in the exercise of their official functions to:

- (a) Stop and board, inspect, seize and detain a foreign fishing craft,
- (b) Seize any fish and equipment found on board the foreign fishing craft, and
- (c) Arrest the master and crew of any foreign fishing craft,

in the exclusive economic zone, the territorial sea and the archipelagic waters, and may also institute such criminal proceedings against them, as may be necessary to ensure compliance with the Act and the Regulations.

(2) The persons to whom subsection (1) applies are:

- (a) Members of the Trinidad and Tobago Coast Guard;
- (b) Members of the Police Service;



- (c) Fisheries Officers of the Ministry responsible for fisheries;
- (d) Customs Officers;
- (e) The Harbour Master; and
- (f) Any other person authorized in writing by the Minister.

#### Exemption

29. (1) The provisions of section 26 shall not apply to a foreign fishing craft or to the master and members of the crew of such craft:

(a) In which at least 51 per cent of the ownership thereof is vested in citizens of Trinidad and Tobago; or

(b) Owned by a company incorporated in Trinidad and Tobago in which at least 51 per cent of the shares is vested in citizens of Trinidad and Tobago.

(2) The Minister to whom responsibility for fisheries is assigned may issue a Certificate of Exemption to every such foreign fishing craft referred to in subsection (1).

(3) The Certificate of Exemption shall be carried out on board the foreign fishing craft, and shall be tendered for inspection at the request of any one or all of the persons referred to in section 28.

#### Offences

30. (1) Any foreign fishing craft and the master and members of the crew of a foreign fishing craft who, in breach of section 26:

(a) Fish in the exclusive economic zone, the territorial sea or the archipelagic waters without a licence;

(b) Fail to comply with the terms of a licence; or

(c) Obstruct a person empowered to undertake surveillance in the exclusive economic zone, the territorial sea or the archipelagic waters in the performance of his duties, is guilty of an offence and liable on summary conviction in the case of an offence in the exclusive economic zone to a fine of fifty thousand dollars and in the case of an offence in the territorial sea and the archipelagic waters to a fine of ten thousand dollars and imprisonment for six months and in addition in all cases to suspension or cancellation of the licence, forfeiture of the craft, equipment and all the fish found on board.

(2) Any foreign ship and the master and members of its crew that pass through the archipelagic waters of Trinidad and Tobago contrary to section 11 or 13 is guilty of an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for six months.

(3) Any offence, under the provisions of this Act or Regulations which is committed within the exclusive economic zone shall be deemed to have been committed in Trinidad and Tobago.



Release of arrested crafts and their crews

31. A foreign fishing craft which is seized and detained and the master and crew of which are arrested under section 28 shall be promptly released upon the posting of the prescribed bond in the sum of one hundred thousand dollars or other surety.

Regulations

32. The President may make Regulations for implementing the provisions of this Act for anything that is required or authorized to be prescribed by or under this Act and in particular for the:

(a) Protection and preservation of the marine environment, and the prevention, reduction and control of pollution of that environment arising from:

- (i) land-based sources including rivers, estuaries, pipelines and outfall structures;
- (ii) seabed activities under the jurisdiction of Trinidad and Tobago and artificial islands, installations and structures under its jurisdiction;
- (iii) dumping;
- (iv) vessels; and
- (v) the atmosphere;

(b) Marine scientific research within the exclusive economic zone;

(c) Construction operation and use of:

- (i) artificial islands;
- (ii) installations and structures for economic purposes;
- (iii) installations and structures which may interfere with the exercise of the rights of Trinidad and Tobago,

within the exclusive economic zone;

(d) Exploration and exploitation of the exclusive economic zone for the production of energy from waters, currents and winds;

(e) Administration of the Act;

(f) Licensing of the master and members of the crew of a foreign fishing craft, fishing craft and equipment;

(g) Payment of licence fees;

(h) Determination of the species of fish which may be caught;

(i) Fixing of quotas of catch of fish, whether in relation to particular stocks or groups of stocks or catch per craft over a period of time or to the catch by foreign States or the citizens of such States during a specified period;

(j) Regulating seasons and areas of fishing;

(k) The types, sizes and amount of gear and the types, sizes and number of fishing crafts that may be used for fishing;

(l) Fixing of the age and size of fish and other species that may be caught;

(m) The specifying of information required of fishing craft, including catch, and effort statistics and craft position reports;

(n) Conduct and regulation under the authorization and control of the Government of specified fisheries research programmes including the sampling of catches, dispositions of samples and reporting of associated scientific data;

(o) The placing of observers or trainees, by the Government, on board crafts involved in fisheries research programmes;

(p) Landing of all or any part of the catch by such craft in the ports of Trinidad and Tobago;

(q) Terms and conditions relating to joint ventures or other mutually agreed arrangements;

(r) Requirements for the training of personnel and the transfer of technology and research methodology related to the conservation and management of the living and non-living marine resources;

(s) The designation of archipelagic sea-lanes passage.

79. TURKEY

Decree by the Council of Ministers, No. 86/11264, dated 17 December 1986

ARTICLE 1

The Turkish exclusive economic zone in the Black Sea established for the purpose of exploring and exploiting, conserving and managing the living and non-living resources of the waters superjacent to the seabed and of the seabed and its subsoil of maritime areas adjacent to the Turkish territorial sea and protecting other economic interests in the Republic of Turkey. Extends to a distance 200 nautical miles from the baseline from which the breadth of the territorial waters of Turkey in this sea is measured.

Taking into account the dimensions of the Black Sea, delimitation agreements shall be effected with States with coasts opposite or adjacent to the coast of Turkey to determine the boundaries of the exclusive economic zone. These agreements shall be effected through negotiations. By taking into account the Turkish Legislation and in accordance with equitable principles in order to achieve equitable solutions. The agreements previously concluded by Turkey concerning the delimitations of maritime areas in the Black Sea shall not be affected.

ARTICLE 2

(1) In its exclusive economic zone in the Black Sea Turkey, among other rights, shall have sovereign rights:

A. For the purpose of exploring, exploiting, conserving and managing the living and non-living natural resources of the waters superjacent to the seabed and of the seabed and its subsoil, and

B. With regard to other activities for the economic exploration and exploitation, including the production of energy from waters, currents and winds.

(2) Turkey shall also have exclusive rights and jurisdiction with regard to:

A. The establishment and use of artificial islands, installations and structures for the economic purposes and for the purposes of marine scientific research and the protection and the preservation of the marine environment as well as exclusive rights to construct and to authorize and regulate their construction, operation and use including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.

B. Conduct, authorize and regulate, marine scientific research,

C. Establish regulations and control procedures necessary to preserve and protect the marine environment and to prevent, reduce and control, marine pollution.



3) The arrangements concerning the exercise of the rights and jurisdiction enumerated above shall be subject to the rules and procedures set out in this decree and relevant Turkish Legislation. Fishing by foreign vessels in the Turkish exclusive economic zone in the Black Sea shall be regulated on the basis of agreements between Turkey and the foreign States concerned.

ARTICLE 3

In the Turkish exclusive economic zone in the Black Sea vessels of other States shall enjoy the freedom of navigation and the aircraft of other States shall enjoy the freedom of overflight. Likewise, other States shall enjoy the freedom of the laying of submarine cables and pipelines in this zone.

However, in the exercise of these freedoms the legislation of Turkey and general practice shall be complied with.

ARTICLE 4

This decree shall enter into force on the date of its publication.

ARTICLE 5

This decree shall be enforced by the Council of Ministers.

80. TUVALU

Marine Zones (Declaration) Ordinance, 1983

An ordinance to make provisions in respect of the internal waters, the archipelagic waters, the territorial sea, the exclusive economic zone and the contiguous zone of Tuvalu.

Short title and commencement

1 This ordinance may be cited as the Marine Zones (Declaration) Ordinance 1983, and shall come into operation on such date as the Minister may, by notice, appoint.

Interpretation

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

...

"conservation and management" includes all rules, regulations, methods and measures that:

(a) are required to build, restore or maintain, or are useful in building, restoring or maintaining, any fishery resource or the marine environment; or

(b) are designed to ensure that:

- (i) a supply of food and other products may be taken, and recreational benefits may be obtained, on a continuing basis; and
- (ii) irreversible or long-term ill-effects on fishery resources or the marine environment are avoided; and
- (iii) there will be a multiplicity of options available with respect to uses of those resources;

"fishery resource" means any fishery, stock of fish, species of fish or habitat of fish;

...

Reference to rules of international law

3. Where in this Ordinance it is provided that anything shall be done, or any law or order shall be made, in accordance with the rules of international law, the question, whether it was so done or made, is non-justifiable.

Application of this Ordinance

4. The provisions of this Ordinance shall be read subject to the provisions of any treaty or other international obligations which is ratified or finally accepted by or on behalf of Tuvalu.

...

The exclusive economic zone

8. (1) Subject to the succeeding provisions of this section, for the purposes of any law of Tuvalu the exclusive economic zone of Tuvalu comprises those parts of the sea having:

- (a) as their inner limits: the outer limits of the territorial sea; and
- (b) as their outer limits: a line drawn 200 nautical miles seaward from the base-lines from which the breadth of the territorial sea is measured.

(2) The Minister may, in accordance with the rules of international law, declare, by reference to:

- (a) physical features marked on official charts; or
- (b) lists of geographical co-ordinates, specifying the geodetic datums.

the points between which straight base-lines are to be drawn for determining the outer limits of the exclusive economic zone.

(3) Where base-lines are drawn in accordance with Subsection (2), the breadth of the exclusive economic zone shall be measured from those base-lines.

(4) The Minister may, by order, for the purpose of implementing any international agreement or the award of any international body, or otherwise, declare that the outer limits of the exclusive economic of Tuvalu are such as are specified in the order.

(5) Where the median line is less than 200 nautical miles from the line from which the breadth of the territorial sea is to be measured, the outer limits of the exclusive economic zone extend only to the median line.

...

Legal Character of marine zones, etc.

10. ...

(2) Within the exclusive economic zone, Tuvalu has sovereign rights:

(a) for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of

- (i) the seabed
- (ii) the subsoil under the seabed; and
- (iii) the waters over the seabed; and

(b) with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the waters, currents and winds.



(3) Within the exclusive economic zone Tuvalu has such other rights as are conferred or recognized by international Law.

...

(5) The sovereignty and rights of Tuvalu under this section shall be exercised in accordance with the rules of international law.

Rights of other States in marine zones, etc.

...

(6) Subject to this and any other Ordinance and to the rules of international law, all States and their nationals shall enjoy in the exclusive economic zone the high seas freedoms of navigation and overflight and of the laying of submarine cables and pipelines, and all other internationally lawful uses of the sea related to those freedoms, compatible with the rules of international law.

...

General regulations as to the exclusive economic zone

12. Where no other provision is made by or under any other Ordinance for the purpose, the Minister may make regulations, which shall be in accordance with the rules of international law, for all or any of the following purposes.

- (a) regulating the conduct of scientific research within the exclusive economic zone; and
- (b) regulating the exploration and exploitation of the exclusive economic zone for the production of energy from waters, currents and winds and for other economic purposes; and
- (c) regulating the construction, operation and use of artificial islands, installations and structures within the exclusive economic zone, including requirements for the establishment of safety zones around any such island, installation or structure; and
- (d) prescribing measures for the protection and preservation of the marine environment of the exclusive economic zone; and
- (e) providing for such other matters as are necessary or expedient to give effect to the rights and obligations of Tuvalu in relation to the exclusive economic zone, or as are necessary to give full effect to the provisions of this Ordinance.

Charts, publicity, etc.

13. (1) The Minister shall cause all closing lines, base-lines and other lines drawn for the purposes of this Ordinance, for determining the limits of the internal waters the archipelagic waters (if any), the territorial sea, the exclusive economic Zone and the contiguous zone of Tuvalu, to be clearly indicated on charts of a scale or scales adequate for them to be readily determined, and shall give adequate publicity to them.

(2) A question, whether adequate publicity has been given under Subsection (1) to any matter, is non-justiciable.

(3) A copy of each chart referred to in Subsection (1) shall be deposited with the Secretary-General of the United Nations and the Secretary General of the South Pacific Commission.

Evidentiary provisions

14. In any proceedings before a court or person acting judicially, a certificate purporting to be signed by the Minister stating that any specific nautical chart of any area is a chart to which Section 13 applies that is held by the Minister is evidence of the matters stated in the certificate, and the chart is evidence of the matters set out in it.

...



81. UNITED ARAB EMIRATES

Declaration of the Ministry of Foreign Affairs concerning the  
Exclusive Economic Zone and its delimitation of 25 July 1980

1. The United Arab Emirates possesses an exclusive economic zone adjacent to its main coasts and to the coasts of its islands in the Gulf and in the Sea of Oman.

2. The economic zone of the United Arab Emirates shall be measured from the baselines from which the territorial sea of the main coasts of the United Arab Emirates and of the coasts of its islands are measured.

3. The outer limit of the economic zone of the United Arab Emirates shall be determined in accordance with the provisions of the agreements concluded by the Emirates members of the Union in connexion with their continental shelf. If the Emirates members of the Union have not concluded such agreements, the outer limit of the economic zone of the United Arab Emirates shall extend to the median line every point of which is equidistant from the nearest points of the baseline.

4. The United Arab Emirates shall exercise full sovereign rights over the natural resources located within its exclusive economic zone for the purpose of the exploration, exploitation, management, development and conservation of such resources. The United Arab Emirates shall also possess full rights of jurisdiction within the said economic zone for the purpose of exercising supervision over scientific research conducted therein and taking the requisite measures for the protection of the marine environment and for the construction of the structures, installations and artificial islands needed for the purposes of the fishing zone.

5. Foreign vessels shall not be allowed to fish in the economic zone of the United Arab Emirates unless they are duly licensed by the competent authorities. Such license shall include, in particular, details regarding the compensation due in return for the license, the species for which fishing is permitted, the fishing methods to be used, the area covered by the license and the permitted quota of catch.

Under no circumstances shall a license be issued except in respect of surplus living resources in the fishing zone of the United Arab Emirates.

6. The rights exercised by the United Arab Emirates over the economic zone shall not prejudice international navigation rights exercised by States in general in accordance with the rules of international law.

7. This declaration shall not affect the status quo between Emirates members of the Union in regard to their respective territorial waters.

8. The Ministry of Agriculture and Fisheries, in collaboration with the ministries concerned, shall prepare official charts delimiting the economic zone in accordance with the provisions of this declaration. The said ministry, in collaboration with the ministries concerned, shall take the necessary action for the publication and dissemination of those charts.



82. UNITED REPUBLIC OF TANZANIA

Territorial Sea and Exclusive Economic Zone Act, 1989\*

[Original: English]

An Act to establish the territorial sea and to establish an exclusive economic zone, of the United Republic adjacent to the territorial sea, and in the exercise of the sovereign rights of the United Republic to make provisions for the exploration and exploitation, conservation and management of the resources of the sea and for matters connected with those purposes

PART I

PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the Territorial Sea and Exclusive Economic Zone Act, 1989, and shall come into operation on such date as the Minister may, by notice in the Gazette, appoint.

(2) This Act shall extend to Zanzibar.

Interpretation

2. In this Act, unless the context otherwise requires:

"Exclusive Economic Zone" means the marine zone described under section 7 of this Act;

"Law of the Sea Convention" means the Law of the Sea Convention of 1982 which is attached as a schedule to this Act, and whose provisions this Act seeks to implement;

"a marine authorized officer" means an authorized officer mentioned under section 13;

"Minister" means the Minister responsible for Foreign Affairs.

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\* Communicated by the Permanent Mission of the United Republic of Tanzania to the United Nations.

PART II

...

Baseline of Territorial Sea

5. The baseline from which the breadth of the Territorial Sea of the United Republic is measured shall be the low-water line along the coast of the United Republic including the coast of all islands, as marked on a large-scale chart or map officially recognized by the Government of the United Republic.

...

PART III

THE EXCLUSIVE ECONOMIC ZONE OF THE UNITED REPUBLIC

The Exclusive Economic Zone

7. (1) There is established contiguous to the territorial waters, a marine zone to be known as the Exclusive Economic Zone.

(2) Subject to subsection (3), the Exclusive Economic Zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the Territorial Sea is measured.

(3) Notwithstanding subsection (1), where the median line as defined by subsection (4) between the United Republic and any adjacent or opposite State is less than 200 miles from the baselines of the territorial waters, the outer boundary limit of the Zone shall be that fixed by agreement between the United Republic and other States, but where there is no such agreement, the outer boundary limit shall be the median line.

(4) The median line is a line every point of which is equidistant from the nearest points of the baseline of the territorial waters, on the one hand, and the corresponding baselines of the territorial waters of any adjacent or opposite State as recognized by the Minister, on the other hand.

Making boundary lines of Zone on charts or maps

8. (1) The Minister shall cause the boundary lines of the Zone to be marked on a sealed map or chart, and that map or that chart shall be judicially noticed.

(2) The Director of Land Surveying in the Ministry responsible for lands shall keep safe custody of the map or chart referred to in subsection (1), and anybody may at any reasonable time inspect that map or chart, or purchase a certified copy thereof.

Rights in, and jurisdiction over, the Zone

9. There is vested in the Government of the United Republic:

(1) Sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and its subsoil, and with regard to other activities for the economic exploration and exploitation of the Zone, such as the production of energy from the water, currents and winds;

(2) Jurisdiction with regard to:

- (i) the establishment and use of artificial islands, installations and structures;
  - (ii) marine scientific research; and
  - (iii) the protection and preservation of the marine environment;
- (3) Other rights and duties provided for under international law.

Exploitation of resources

10. (1) Subject to this Act, no person shall, within the Zone, except under or in accordance with an agreement with the Government of the United Republic:

- (a) Explore or exploit any resources thereof;
  - (b) Carry out any search or excavation;
  - (c) Conduct any research;
  - (d) Drill in or construct, maintain or operate any structure or device;
- or
- (e) Carry out any economic activity.

(2) This section shall not apply to fishing by a citizen of the United Republic in or from a vessel registered in the United Republic.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than U.S. dollars two hundred and fifty thousand or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment; and in addition, the court may order the forfeiture of any vessel, structure, equipment, device or thing in connection with which the offence was committed.

Freedom of navigation, overflight and laying of cables, etc.

11. The United Republic shall recognize within its Exclusive Economic Zone the right of other States, whether coastal or land-locked, to freedom of navigation and overflight, the laying of cables and pipelines and other uses of the sea relating law to navigation and communication, such as are recognized under international law or embodied in a bilateral agreement.



Application of certain laws

12. Any laws enacted by the National Assembly and the House of Representatives relating to fisheries, national environment management, merchant shipping, petroleum and mining shall apply in relation to the exploration of natural resources and the question of marine pollution in the Territorial Sea and the Exclusive Economic Zone.

AUTHORIZED OFFICERS

Authorized officers

13. For the purposes of this Act, the following persons are designated authorized officers:

- (a) Fisheries officers of the Government Ministries responsible for fisheries;
- (b) Members of the Defence Forces;
- (c) Members of the Police Forces;
- (d) Officers of the Customs and Sales Tax Department;
- (e) Kikosi Maalum Cha Kuzuia Magendo, otherwise commonly known as "KMKM";
- (f) Any other person approved by the Minister.

Powers of authorized officers

14. (1) An authorized officer may, in performing his duties, exercise all the powers conferred on him by this Act in respect of:

- (a) A government vessel or structure that is at sea or in port; or
- (b) A foreign vessel or foreign structure that he reasonably suspects of being used in connection with fishing or any other activity carried on in contravention of this Act or the regulations.

(2) In the performance of his duties under this section, an authorized officer may:

- (a) Reasonably call on any person to assist him;
- (b) Use such forces as are reasonably necessary;
- (c) Require any person to do anything that appears reasonably necessary for the purpose of facilitating the performance of those duties;
- (d) Order that any vessel or structure be stopped;
- (e) Board any vessel;
- (f) Search or examine any vessel or structure or any fish equipment or thing on board thereof;

(g) Require any person on board a vessel or structure to produce any document or thing relating to that vessel or structure or the persons on board thereof.

(3) An authorized officer who has reasonable grounds to suspect that an offence has been committed under this Act or the regulations by any person, including any person on board a vessel or structure, may, without warrant or other process:

(a) Seize the vessel or structure together with any fish, fishing gear or other equipment suspected of being used in the commission of the offence; or

(b) Detain the person he suspects.

(4) Where a vessel, structure or thing is seized or a person is detained under subsection (3) an authorized officer shall, where possible, take the vessel, structure, thing or person as soon as practicable to the nearest port and within a reasonable time, cause the person detained to be brought before a Magistrate's court to answer a charge in connection with the offence that gave rise to the seizure and detention.

(5) A court may order that any vessel, structure, fishing gear or other equipment, device or thing seized under subsection (3) be forfeited where the owner thereof is unknown and no claim thereto is made within one month of the seizure under that subsection.

#### Sale of fish likely to spoil

15. (1) An authorized officer may, to avoid spoilage or decay of any fish he seizes under section 14, sell that fish in such manner as a fisheries officer of the Ministry responsible for fisheries directs.

(2) All moneys resulting from a sale of fish under subsection (1) shall be paid into the Consolidated Fund.

(3) An authorized officer who makes a sale of fish under subsection (1) shall give to the person from whom he seized the fish a receipt containing:

(a) The date of the sale;

(b) The quantity of fish;

(c) The amount realized by the sale,

and the receipt shall be signed by the officer.

(4) Where a court dismisses a charge against a person bought before it under section 14, it shall, in any case where the fish in the possession of that person was sold, order compensation not exceeding the net amount realized by the sale to be paid to that person.

(5) Compensation payable under subsection (4) shall be charged on and paid out of the Consolidated Fund.



Exemption from liability

16. No liability shall be borne by an authorized officer of the United Republic in respect of acts done by that officer in good faith in the performance or his duties under this Act.

PART V

OFFENCES AND MISCELLANEOUS PROVISIONS

General offences

17. Any person who:

...

(f) Contravenes any provision of this Act for which no penalty is provided or the regulation,

shall be guilty of an offence and shall, on conviction, be liable to a fine not less than U.S. dollars one hundred thousand or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment and, in addition, the court may order the forfeiture of any vessel, structure, equipment, device or thing in connection with which the offence was committed.

Return of property seized

18. Subject to the provision of section 15, a court may order that property seized under subsection (3) of section 14 be returned to the person from whom it was taken or to a person named by that person where:

(a) The court dismisses a charge brought against that person under this Act or the regulations, and it is of the opinion that the property can be returned consistently with the interest of justice; or

(b) No charge has been brought against any person within a reasonable time after a seizure has been effected under that subsection.

Regulations

19. The Minister may, after consultation with the Minister responsible for the administration of the relevant laws applicable in the Mainland Tanzania and Zanzibar, make regulations generally for carrying into effect the provisions of this Act, and in particular respecting:

(a) Any activity relating to the exploration or exploitation of the Zone;

(b) Any activity relating to the economic exploration or exploitation of the Zone;

(c) The authorization, control and regulation of scientific research in the Zone;

(d) The safety and protection of structures or devices in the Zone;



- (e) The preservation of the marine environment of the United Republic and the prevention and control of pollution thereto;
- (f) The regulation of the conduct of any person in or upon the Zone;
- (g) The conservation measures to protect the living resources of the sea.

Government Notice No. 209 of 1973 Revoked

20. The Proclamation published as Government Notice No. 209 of 1973 is hereby revoked.

83. UNITED STATES OF AMERICA

Proclamation 5030, 10 March 1983, by the President of the  
United States of America

...

Now, Therefore, I, Ronald Reagan, by the authority vested in me as President by the Constitution and laws of the United States of America, do hereby proclaim the sovereign rights and jurisdiction of the United States of America and confirm also the rights and freedoms of all States within an Exclusive Economic Zone, as described herein.

The Exclusive Economic Zone of the United States is a zone contiguous to the territorial sea, including zones contiguous to the territorial sea of the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands (to the extent consistent with the Covenant and the United Nations Trusteeship Agreement), and United States overseas territories and possessions. The Exclusive Economic Zone extends to a distance 200 nautical miles from the baseline from which the breadth of the territorial sea is measured. In cases where the maritime boundary with a neighbouring State remains to be determined, the boundary of the Exclusive Economic Zone shall be determined by the United States and other State concerned in accordance with equitable principles.

Within the Exclusive Economic Zone, the United States has, to the extent permitted by international law, (a) sovereign rights for the purpose of exploring, exploiting, conserving and managing natural resources, both living and non-living, of the seabed and subsoil and the superjacent waters and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds; and (b) jurisdiction with regard to the establishment and use of artificial islands, and installations and structures having economic purposes, and the protection and preservation of the marine environment.

This Proclamation does not change existing United States policies concerning the continental shelf, marine mammals and fisheries, including highly migratory species of tuna which are not subject to United States jurisdiction and require international agreements for effective management.

The United States will exercise these sovereign rights and jurisdiction in accordance with the rules of international law.

Without prejudice to the sovereign rights and jurisdiction of the United States, the Exclusive Economic Zone remains an area beyond the territory and territorial sea of the United States in which all States enjoy the high seas freedoms of navigation, overflight, the laying of submarine cables and pipelines, and other internationally lawful uses of the sea.

84. VANUATU

Maritime Zones Act No. 23 of 1981

...

PART V

THE CONTINENTAL SHELF AND EXCLUSIVE ECONOMIC ZONE

Exclusive Economic Zone

9. (1) The exclusive economic zone comprises those areas of the sea, seabed, and sub-soil that are beyond and adjacent to the territorial sea having as their outermost limits a line measured seaward from the baselines from which the territorial sea is measured, every point of which line is 200 nautical miles from the nearest point of the appropriate baseline.

(2) For the purposes of implementing any international agreement or otherwise, the Minister may by order published in the Gazette declare that the exclusive economic zone shall not extend to any specified area of the sea, seabed, or sub-soil, that would otherwise be included within the exclusive economic zone by virtue of this section.

Vanuatu rights over continental shelf and exclusive economic zone

10. Without prejudice to Sections 3, 7 and 8\* Vanuatu has in the continental shelf and exclusive economic zone -

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

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

(c) exclusive jurisdiction to authorise, regulate and conduct scientific research;

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

(e) such other rights as are recognised by International Law or State practice.

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\* Note: Sections 3- Archipelagic Waters and Territorial Sea  
7- Contiguous Zone  
8- Continental Shelf



PART VI  
RESTRICTED ACTIVITIES

Restricted activities

11. Except in accordance with an agreement entered into with the Government of Vanuatu or under the authority of a licence granted by the responsible Minister no person shall in relation to the continental shelf or exclusive economic zone -

- (a) explore or exploit any resources;
- (b) carry out any search, excavation or drilling operations;
- (c) conduct any research;
- (d) construct, maintain or operate any artificial island, off-shore terminal, installation or other structure or device.

Offences and penalty

12. (1) Any contravention of this Act, or of any order made hereunder, occurring within the archipelagic waters, territorial sea or exclusive economic zone shall be deemed to have occurred in Vanuatu.

(2) Where a contravention of this Act is triable in a Magistrate's Court it may be tried by any Senior Magistrate.

(3) Any person who contravenes this Act or any order made hereunder shall be liable on conviction to a fine not exceeding 1,000,000 VT or to imprisonment for 5 years or both such fine and imprisonment.

Orders

13. Where no other provision is for the time being made by any other law for any such purposes, the Minister may by order -

- (a) amend the Schedule;
- (b) provide for the protection and preservation of the marine environment of the continental shelf archipelagic waters, the territorial sea and the exclusive economic zone;
- (c) regulate the conduct of foreign ships and aircraft in relation to the rights of navigation and overflight provided for in section 6 and 15;
- (d) regulate the conduct of scientific research within the archipelagic waters, the territorial sea and the exclusive economic zone;
- (e) regulate the construction, operation, and use of artificial islands (whether permanent or temporary), and other installations and structures in the archipelagic waters, and the territorial sea and the exclusive economic zone and establish safety zones around such islands, installations, and structures;

(f) regulate the exploration and exploitation of the archipelagic waters, the territorial sea and the exclusive economic zone for the production of energy from the water, currents, and winds, and for any other economic purposes;

(g) provide for such other matters as may be required for giving full effect to the sovereignty of Vanuatu in relation to the archipelagic waters, the territorial sea and the exclusive economic zone;

(h) provide otherwise for the better carrying out of the provisions of this Act for its due administration.

## PART VII

### TRANSITIONAL AND COMMENCEMENT

#### Extend of laws to continental shelf and exclusive economic zone

14. The President may, on the advice of the Prime Minister, by order published in the Gazette -

(a) extend with such restrictions and modifications as may be included in such order any law of Vanuatu to the continental shelf, the exclusive economic zone or any part of them;

(b) make provision for enforcing such law.

#### Interim provisions for sea lanes and air routes

15. Until such time as sea lanes or air routes are designated under the provisions of section 6 (2) or any other law, rights of navigation and overflight may, subject to the provisions of this Act or any other law, be exercised through and over the routes normally used for international navigation and overflight.

#### Commencement

16. This Act shall come into force on such day as the Minister may appoint by Order published in the Gazette and the Minister may appoint different days for different provisions and any reference in any provision to the commencement of this Act shall be construed as a reference to the day appointed under this section for the coming into force of that provision.

85. VENEZUELA

Act establishing an Exclusive Economic Zone along the coasts of the  
Mainland and Islands of 26 July 1978

Article 1

Establishment of an exclusive economic zone

An exclusive economic zone is hereby established beyond and adjacent to the territorial sea, all along the coasts of the mainland and islands of the Republic of Venezuela, which zone shall be subject to the regime established by this Act.

Article 2

Breadth of the exclusive economic zone

The outer limit of the exclusive economic zone shall be a line every point of which is a distance of two hundred (200) nautical miles from the baseline used to measure the breadth of the territorial sea.

Where this provision results in overlapping with the exclusive economic zone of other States, the zones shall be delimited, as necessary, by agreement between the States concerned.

Article 3

Rights of the Republic in the exclusive economic zone

1. In the exclusive economic zone established by this Act, the Republic has:

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

(b) Jurisdiction as provided for in the relevant provisions of this Act and its regulations with regard to:

(i) The establishment and use of artificial islands, installations and structures;

(ii) Marine scientific research;

(iii) The preservation of the marine environment.

2. The rights set out in this article with respect to the seabed and subsoil shall be exercised in accordance with provisions relating to the continental shelf.



Article 4  
Rights of other States in the exclusive economic zone

In the exclusive economic zone of the Republic, other States, whether coastal or land-locked, shall enjoy, subject to the relevant provisions of the present Act, the freedoms of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea associated with navigation and communication.

Article 5  
Conservation of the living resources

1. The National Executive shall periodically determine the allowable catch of the living resources in the exclusive economic zone of the Republic.
2. The National Executive, taking into account the available scientific evidence, shall ensure through proper conservation and management measures that the maintenance of the living resources in the exclusive economic zone is not endangered by over-exploitation. As appropriate, the Republic shall cooperate to that end with relevant subregional, regional and global organizations.
3. Such measures shall also be designed to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield in the light of relevant environmental and economic factors.

Article 6  
Utilization of the living resources

1. The Republic shall promote the optimum use of the living resources of the exclusive economic zone without prejudice to article 5 of this Act.
2. The National Executive shall periodically determine the capacity of the Republic to harvest the living resources of the exclusive economic zone. Where the National Executive determines that the Republic does not have the capacity to harvest the entire allowable catch, it shall, through agreements and other arrangements and pursuant to the terms, conditions and requirements laid down in the regulations giving effect to this Act, give other States access to the surplus of the allowable catch.

Article 7  
Co-ordination with other States in respect of measures  
for the conservation of the living resources

1. The Republic shall seek, either directly or through appropriate subregional or regional organizations, to agree upon the measures necessary to co-ordinate and ensure the conservation and development of the same stock or stocks of associated species occurring within the exclusive economic zone of the Republic and the exclusive economic zone of neighboring States.

2. Where the same stock or stocks of associated species occur both within the exclusive economic zone of the Republic and in an area beyond and adjacent to the zone but not within the exclusive economic zone of any other State, the Republic shall seek, either directly or through appropriate subregional or regional organizations, to agree with States whose nationals harvest these species upon the measures necessary for their conservation.

Article 8  
Artificial islands, installations and structures  
in the exclusive economic zone

1. In the exclusive economic zone, the Republic shall have the exclusive right to construct and to authorize and regulate the construction, operation and use of:

(a) Artificial islands;

(b) Installations and structures for the purposes provided for in article 3 of this Act and other economic purposes;

(c) Installations and structures which may interfere with the exercise of the rights of the Republic in the Zone.

2. The Republic shall have exclusive jurisdiction over such artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration regulations.

3. For the purpose of ensuring the safety of navigation, due notice must be given of the construction of such artificial islands, installations and structures, and permanent means for giving warning of their presence must be maintained. Any installations and structures which are abandoned or disused must be entirely removed.

4. The Republic may, where necessary, establish reasonable safety zones around such artificial islands, installations and structures in which it may take appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures.

5. The breadth of the safety zones shall be determined by the National Executive, taking into account applicable international standards. Such zones shall be designed to ensure that they are reasonably related to the nature and function of the artificial islands, installations and structures and shall not exceed a distance of five hundred (500) metres, measured from each point of their outer edge, except as authorized by generally accepted international standards or as recommended by the appropriate international organizations.

6. All ships must respect these safety zones and shall comply with generally accepted international standards regarding navigation in the vicinity of artificial islands, installations, structures and safety zones. Due notice shall be given of the extent of safety zones.

7. Artificial islands, installations and structures and the safety zones around them may not be established where interference may be caused to the use of recognized sea lanes essential to international navigation.



8. Artificial islands, installations and structures have no territorial sea of their own and their presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.

Article 9  
Scientific research

1. Marine scientific research activities in the exclusive economic zone shall be conducted with the prior consent of the Republic.

2. The Republic will not withhold its consent to the conduct of a marine scientific research project unless that project:

(a) Is directly related to the exploration and exploitation of living and non-living natural resources;

(b) Involves drilling, the use of explosives or the introduction of harmful substances into the marine environment;

(c) Involves the construction, operation or use of artificial islands, installations and devices as referred to in article 15 of this Act;

(d) Unjustifiably interferes with activities undertaken by the Republic in accordance with its jurisdiction and as provided in this Act.



86. VIET NAM

Statement on the Territorial Sea, the Contiguous Zone, the Exclusive  
Economic Zone and the Continental Shelf of 12 May 1977

...

3. The exclusive economic zone of the Socialist Republic of Viet Nam is adjacent to the Vietnamese territorial sea and forms with it a 200-nautical-mile zone from the baseline used to measure the breadth of Viet Nam's territorial sea.

The socialist Republic of Viet Nam has sovereign rights for the purpose of exploring, exploiting, conserving and managing all natural resources, whether living or non-living, of the waters, the seabed and subsoil of the exclusive economic zone of Viet Nam; it has exclusive rights and jurisdiction with regard to the establishment and use of installations and structures, artificial islands; exclusive jurisdiction with regard to other activities for the economic exploration and exploitation of the exclusive economic zone; exclusive jurisdiction with regard to scientific research in the exclusive economic zone of Viet Nam; the Socialist Republic of Viet Nam has jurisdiction with regard to the preservation of the marine environment, and activities for pollution control and abatement in the exclusive economic zone of Viet Nam.

...

5. The islands and archipelagos, forming an integral part of the Vietnamese territory and beyond the Vietnamese territorial sea mentioned in Paragraph 1, have their own territorial seas, contiguous zones, exclusive economic zones and continental shelves, determined in accordance with the provisions of Paragraphs 1, 2, 3, and 4 of this statement\*.

6. Proceeding from the principles of this statement, specific questions relating to the territorial sea, the contiguous zone, the exclusive economic zone, and the continental shelf of the Socialist Republic of Viet Nam will be dealt with in detail in further regulations, in accordance with the principle of defending the sovereignty and interests of the Socialist Republic of Viet Nam, and in keeping with international law and practices.

7. The Government of the Socialist Republic of Viet Nam will settle with the countries concerned, through negotiation on the basis of mutual respect for independence and sovereignty, in accordance with international law and practices, the matters relating to the maritime zones and the continental shelf of each country.

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\* Note: Paragraphs 1- The Territorial Sea  
2- The Contiguous Zone  
4- The Continental Shelf

87. YEMEN

Act of 1977 concerning the Territorial Sea, Exclusive Economic Zone,  
Continental Shelf and other marine areas,  
Act. No. 45 of 17 December 1977 1/

Title and definitions

Article 1

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

...

Section III

The exclusive economic zone

Article 13

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

Article 14

In the exclusive economic zone, including its seabed and subsoil and the superjacent water column, the Republic has:

- (a) Exclusive sovereign rights for the purpose of conserving, exploring, exploiting and managing its renewable and non-renewable natural resources, including the production of energy from the waters, currents and winds;
- (b) Exclusive rights and jurisdiction with regard to the construction, repair, operation and use of artificial islands, installations, facilities and other structures necessary for the exploration and exploitation of the exclusive economic zone of the Republic;
- (c) Exclusive jurisdiction over the marine environment with regard to its preservation and protection and to the prevention control and abatement of marine pollution, as well as to the authorization, regulation and control of scientific research;
- (d) Other rights recognized in international law.

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1/ Act was enacted by the Democratic Yemen which merged with Yemen on 22 May 1990 to form a single State. Since that date they have been represented at the United Nations as one Member with the name "Yemen". Yemen is party to the Convention.

Article 15

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

...

Section V

Marine boundaries

Article 17

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

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

Section VI

The island territory

Article 18

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

Section VII

General provisions

Article 19

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



Article 20

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

Article 21

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

Article 22

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

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

Article 23

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

Article 24

For the purposes of the present Act, any text which conflicts with its regulations, especially Act No. 8 of 1970 and Act No. 2 of 1972, shall be rescinded.

Article 25

This Act shall enter into force on 15 January 1978.

Article 26

This Act shall be published in the Official Gazette.

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