

Legislation on the territorial sea, 25 June 1992

One of the issues facing a State upon (re)gaining independence is the definition of its boundaries and the regime applicable to its boundaries. Lithuania is one of the former Soviet Republics that has adopted legislation on its boundaries. The Lithuanian Law on the State Boundary contains a number of provisions concerning Lithuania's territorial sea.

At sea the Lithuanian State boundary is defined as passing along the line which limits its territorial sea, giving expression to the general rule that the sovereignty of the coastal State extends to the territorial sea. The breadth of the territorial sea of Lithuania is set at 12 n.m. The limits of the territorial area are measured from a straight baseline "connecting the two outermost points of the coast". At first sight the Lithuanian coast does not seem to be such that it would warrant the drawing of straight baselines. It is smooth and only very slightly concave, and there are no islands fringing the mainland coast. The waters on the landward side of the territorial sea form part of the internal waters of Lithuania. A different limit of the territorial sea can be established by an international agreement of Lithuania.

The Law on the State Boundary provides the general rules on the regime of navigation applicable to the Lithuanian territorial sea. To designate passage through the territorial sea the law uses the term "peaceful navigation" instead of the generally used "innocent passage". This diverging terminology does not seem to result in a regime of passage that differs considerably from that of innocent passage. Peaceful navigation applies both to ships passing the territorial sea without entering internal waters and to ships entering the internal waters of Lithuania. The law does not define the meaning of peaceful navigation, except that it includes stopping or anchoring if necessary for ordinary navigation or for rendering assistance to persons, ships or aircraft in distress.

Ships that enter the territorial sea are to comply with the procedure established by the Law on the State Boundary and other laws and international agreements of Lithuania and rules established by its competent State institutions. As regards the passage of warships, the law establishes a right based on reciprocity. Peaceful navigation exists for warships of States that have granted this same right to the warships of foreign States. This right does not seem to be accorded to ships carrying nuclear or other weapons of mass destruction, as the law provides that it is prohibited to carry such weapons "across the State boundary of the Republic of Lithuania by any means".

For ships carrying dangerous cargoes, tankers and ships with nuclear engines, sea lanes may be designated. Authorized State institutions are to provide sea charts with clearly marked sea lanes. Special rules of navigation for such ships will be established. Foreign submarines and other submarine vessels are required to navigate on the surface and must show their flag. Article 11 of the Law on the State Boundary establishes the procedures for entry of foreign ships into the internal waters and the ports of Lithuania.

Foreign ships which violate the established rules of entry upon entering the territorial sea or internal waters of Lithuania shall be pursued and arrested. Proceedings shall be instituted against the persons having violated the Law on the State Boundary.

The Law on the State Boundary provides that international agreements of Lithuania establishing other norms and rules than those provided for in that law shall be applied, and not the norms of the law.

Appendix 1
