

Territorial Waters and Continental Shelf Act, 1970

CHAPTER I PRELIMINARY

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Interpretation

2. In this Act, unless the context otherwise requires:

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

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

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

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

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

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CHAPTER II INTERNAL WATERS AND TERRITORIAL WATERS

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Territorial waters

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

The baseline for measuring the territorial waters

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

(a) Where the coast of the mainland or an island is wholly exposed to the open sea, the lowest low-water line as marked on large-scale charts officially recognized by the Democratic Republic of the Sudan;

(b) Where a bay belongs to the Democratic Republic of the Sudan, a line drawn from headland to headland across the mouth of the bay;

(c) Where a shoal is situated not more than twelve nautical miles from the mainland or from a Sudanese island, the lowest low-water line on that shoal;

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

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

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

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

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

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

Power to take action in the territorial waters

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

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

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

Foreign ships

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

(2) The Democratic Republic of the Sudan may suspend in specified areas of its territorial waters the passage of foreign ships if such suspension is, in its opinion, necessary for its security but such suspension shall take effect only after having been duly published.

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

Power to exercise control over area of high seas

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

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

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

CHAPTER III CONTINENTAL SHELF

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

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

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

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

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

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

12. Status of superjacent waters or air space not affected

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

13. Natural resources

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

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