

CHAPTER 238

THE TERRITORIAL SEA AND EXCLUSIVE ECONOMIC ZONE ACT

[PRINCIPAL LEGISLATION]

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SCHEDULE

CHAPTER 238

THE TERRITORIAL SEA AND EXCLUSIVE ECONOMIC ZONE ACT

An Act to provide for the implementation of the Law of the Sea Convention, 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, exploitation, conservation and management, of the resources of the sea and for related matters.

[15th October, 1989]

[G.N. No. 335 of 1989]

Act No. 3 of 1989

PART I

PRELIMINARY PROVISIONS (ss 1-2)

[PCh238s1]1. Short title and application

This Act may be cited as the Territorial Sea and Exclusive Economic Zone Act, and shall extend to Tanzania Zanzibar.

[PCh238s2]2. Interpretation

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 whose relevant provisions are attached as a Schedule to this Act, and which provisions this Act seeks to implement;

"a marine authorised officer" means an authorised officer mentioned under section 13;

"Minister" means the Minister responsible for foreign affairs.

PART II

TERRITORIAL SEA (ss 3-6)

[PCh238s3]3. Territorial sea

(1) There is established a marine Zone to be known as the territorial sea.

(2) The breadth of the territorial sea of the United Republic shall comprise of those areas of the sea extending up to 12 nautical miles measured from the coastal low-water line as determined under section 5 of this Act.

[PCh238s4]4. Internal waters

The internal waters of the United Republic include any areas of the sea that are on the landward side of the baseline of the territorial sea of the United Republic.

[PCh238s5]5. Baseline of territorial sea

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 recognised by the Government of the United Republic.

[PCh238s6]6. The seabed and internal waters vested in Government

The seabed and subsoil of submarine areas bounded on the land-ward side by the low-water mark along the coast of Tanzania and on the seaward side by the outer limits of the territorial sea of the United Republic shall be deemed to be and always to have been vested in the Government of the United Republic.

PART III

THE EXCLUSIVE ECONOMIC ZONE OF THE UNITED REPUBLIC (ss 7-12)

[PCh238s7]7. The Exclusive Economic Zone

(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 baseline from which the breadth of the territorial water 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 baseline of the territorial waters, the outer boundary limit of the Zone shall be that fixed by agreement between the United Republic 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 baseline of the territorial waters, on the one hand, and the corresponding baseline of the territorial waters of any adjacent or opposite state as recognised by the Minister, on the other hand.

[PCh238s8]8. Making boundary lines of Zone on charts or maps

(1) The Minister shall cause the boundary lines of the Zone to be marked on a sealed map or chart, and that map or 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 reasonable time inspect that map or chart, or purchase a certified copy thereof.

[PCh238s9]9. Rights in, and jurisdiction over, Zone

There is vested in the Government of the United Republic—

(a) Sovereign rights for the purpose of, exploring and exploiting, conserving Zone 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 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 structure;

(ii) marine scientific research; and

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

(c) Other rights in and jurisdiction over, the Zone recognised under international law.

[PCh238s10]10. Exploitation of resources

(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 commits an offence and is liable, upon conviction to a fine of no less than two hundred and fifty thousand US dollars 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.

[PCh238s11]11. Freedom of navigation, overflight and laying of cables, etc.

The United Republic shall recognise 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 to navigation and communication, such as are recognised under international or embodied in a bilateral agreement.

[PCh238s12]12. Application of certain laws

(1) Any law 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 and Exclusive Economic Zone.

(2) The Minister may, where it is desirous so to do, and with the consultation with the appropriate authority and with the approval of Parliament, extend the application of any legislation to the territorial and Exclusive Economic Zone.

(3) Where the application of any law is extended to the territorial and Exclusive Economic Zone, Parliament may, where necessary, repeal and re-enact that law, amend it, or make such modifications in that law such as are necessary to make that law consistent with its application thereto.

(4) For the purpose of this section "appropriate authority" in relation to a law whose application has been extended to the territorial waters or Exclusive Economic Zone, means the Minister responsible for the administration of that law.

PART IV

AUTHORISED OFFICERS (ss 13-16)

[PCh238s13]13. Authorised officers

For the purposes of this Act, the following persons are designated authorised officers—

- (a) fisheries officers of the Government Ministries responsible for fisheries;
- (b) members of the Defence Forces;
- (c) members of the Police Force;

- (d) officers of the Customs and Sales Tax Department;
 - (e) Kikosi cha Kuzuia Magendo, otherwise commonly known as "KMKM";
- and
- (f) any other person approved by the Minister.

[PCh238s14]14. Powers of authorised officers

(1) An authorised 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 regulations made under this Act.

(2) In the performance of his duties under this section, an authorised 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;
- (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 authorised 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 authorised 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.

[PCh238s15]15. Sale of fish likely to spoil

(1) An authorised 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 such sale of fish under subsection (1) shall be paid into the Consolidated Fund.

(3) An authorised officer who makes a sale of fish under subsection (1) shall give to the person from whom he seizes 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 14, 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 Consolidated Fund.

[PCh238s16]16. Exemption from liability.

No liability shall attach to the United Republic or an authorised officer in respect of acts done by that officer in good faith in the performance of his duties under this Act.

PART V

OFFENCES AND MISCELLANEOUS PROVISIONS (ss 17-20)

[PCh238s17]17. General offences

Any person who—

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

(b) uses indecent, abusive or insulting language to an authorised officer in the execution of his duty;

(c) interferes with or hinders an authorised officer in the execution of his duty;

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

(e) without the authority of an authorised officer parts with any articles seized under section 14;

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

commits an offence and is liable upon conviction to a fine not less than one hundred thousand US dollars 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.

[PCh238s18]18. Return of property seized

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 subsection (3) of section 14.

[PCh238s19]19. Regulations

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 or exploitation of the Zone;
- (b) any activity relating to the economic exploration or exploitation of the Zone;
- (c) the authorisation, 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.

[PCh238s20]20. Repealed

[Repealed by G.N. No. 209 of 1973.]

SCHEDULE

TERRITORIAL SEA AND CONTIGUOUS ZONE

(Section 2)

SECTION 1

GENERAL PROVISIONS

Article 2

Legal status of the Territorial Sea, of the air space over the Territorial Sea and of its bed and subsoil

1. The sovereignty of a coastal State extends beyond its land territory and internal waters and, in the case of an archipelagic State, its archipelagic waters, to an adjacent belt of sea, described as the territorial sea.

2. This sovereignty extends to the air space over the territorial sea as well as to its bed and subsoil.

3. The sovereignty over the territorial sea is exercised subject to this Convention and to other rules of international law.

SECTION 2

LIMITS OF THE TERRITORIAL SEA

Article 3

Breadth of the territorial sea

Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baseline determined in accordance with this Convention.

Article 4

Outer limit of the territorial sea

The outer limit of the territorial sea is the line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea.

Article 5

Normal baseline

Except where otherwise provided in this Convention, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large scale charts officially recognised by the coastal State.

Article 6

Reefs

In the case of islands situated on atolls or of islands having fringing reefs, the baseline for measuring the breadth of the territorial sea is the seaward low-water line of the reef, as shown by the appropriate symbol on charts officially recognised by the coastal State.

Article 7

Straight baselines

1. In localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baseline joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial sea is measured.

2. Where because of the presence of a delta and other natural conditions the coastline is highly unstable, the appropriate points may be selected along the furthest

seaward extent of the low-water line, notwithstanding subsequent regression of the low-water line, the straight baseline shall remain effective until changed by the coastal State in accordance with this Convention.

3. The drawing of straight baseline must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently close to the land domain to be subject to the regime of internal waters.

4. Straight baseline shall not be drawn to and from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them or except in instances where the drawing of baseline to and from such elevations has received general international recognition.

5. Where the method of straight baseline is applicable under paragraph 1, account may be taken, in determining particular baseline, of economic interests peculiar to the region concerned, the reality and the importance of which are clearly evidenced by long usage.

6. The system of straight baseline may not be applied by a State in such a manner as to cut off the territorial sea of another State from the high seas or an Exclusive Economic Zone.

Article 8

Internal waters

1. Except as provided in Part IV, waters on the landward side of the baseline of the territorial sea form part of the internal waters of the State.

2. Where the establishment of a straight baseline in accordance with the method set forth in article 7 has the effect of enclosing as internal waters areas which had not previously been considered as such, a right of innocent passage as provided in this Convention shall exist in those waters.

Article 9

Mouths of rivers

If a river flows directly into the sea, the baseline shall be a straight line across the mouth of the river between points on the low-water line of its banks.

Article 10

Bays

1. This article relates only to bays the coasts of which belong to a single State.

2. For the purposes of this Convention, a bay is a well-marked indentation whose penetration is in such proportion to the width of its mouth as to contain land-locked waters and constitute more than a mere curvature of the coast. An indentation shall not, however, be regarded as a bay unless its area is as large as, or larger than, that of the semicircle whose diameter is a line drawn across the mouth of that indentation.

3. For the purpose of measurement, the area of an indentation is that lying between the low-water mark around the shore of the indentation and a line joining the low-water mark of its natural entrance points. Where, because of the presence of an island, an indentation has more than one mouth, the semicircle shall be drawn on a line as long as the sum total of the lengths of the lines across the different mouths. Islands within an indentation shall be included as if they were part of the water area of the indentation.

4. If the distance between the low-water marks of the natural entrance points of a bay does not exceed 24 nautical miles, a straight baseline of 24 nautical miles, a closing line may be drawn between these two low-water marks, and the waters enclosed thereby shall be considered as internal waters.

5. Where the distance between the low-water marks of the natural entrance points of a bay exceeds 24 nautical miles, a straight baseline of 24 nautical miles shall be drawn within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.

6. The foregoing provisions do not apply to so-called "historic" bays, or in any case where the system of straight baseline provided for in article 7 is applied.

Article 11

Ports

For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of the harbour system are regarded as forming part of the coast. Off-shore installations and artificial islands shall not be considered as permanent harbour works.

Article 12

Roadsteads

Roadsteads which are normally used for the loading, unloading and anchoring of ships, and which would otherwise be situated wholly or partly outside the outer limit of the territorial sea, are included in the territorial sea.

Article 13

Low-tide elevations

1. A low-tide elevation is a naturally formed area of land which is surrounded by and above water at low tide but submerged at high tide. Where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the mainland or an island, the low-water line on that elevation may be used as the baseline for measuring the breadth of the territorial sea.

2. Where a low-tide elevation is wholly situated at a distance exceeding the breadth of the territorial sea from the mainland or an island, it has no territorial sea of its own.

Article 14

Combination of methods for determining baseline

The coastal State may determine baseline in turn by any of the methods provided for in the foregoing articles to suit different conditions.

Article 15

Delimitation of the territorial sea between States with opposite or adjacent coasts

Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baseline from which the breadth of the territorial seas of each of the two states is measured. The above provision does not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance therewith.

Article 16

Charts and lists of geographical co-ordinates

1. The baseline for measuring the breadth of the territorial sea determined in accordance with articles 7,9 and 10 or the limits derived therefrom, and the lines of delimitation drawn in accordance with articles 12 and 15 shall be shown on charts of a scale or scales adequate for ascertaining their position. Alternatively, a list of geographical co-ordinates of points, specifying the geodetic datum, may be substituted.

2. The coastal State shall give due publicity to such charts of 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.

SECTION 3

INNOCENT PASSAGE IN THE TERRITORIAL SEA

SUBSECTION A

RULES APPLICABLE TO ALL SHIPS

Article 17

Right of innocent passage

Subject to this Convention, ships of all states, whether coastal or land-locked, enjoy the right of innocent passage through the territorial sea.

Article 18

Meaning of passage

1. Passage means navigation through the territorial sea for the purpose of—

(a) traversing that sea without entering waters or calling at a roadstead or port facility outside internal waters; or

(b) proceeding to or from internal waters or a call at such roadstead or port facility.

2. Passage shall be continuous and expeditious. However, passage 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 distress or for the purpose of rendering assistance to persons, ships or aircraft in danger of distress.

Article 19

Meaning of innocent passage

1. Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. Such passage shall take place in conformity with this Convention and with other rules of international law.

2. Passage of a foreign ship shall be considered to be prejudicial to the peace, good order or security of the coastal State if in the territorial sea it engages in any of the following activities—

(a) any threat or use of force against the sovereignty, territorial integrity or political independence of the coastal State, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;

(b) any exercise or practice with weapons of any kind;

(c) any act aimed at collecting information to the prejudice of the defence or security of the coastal State;

(d) any act of propaganda aimed at affecting the defence or security of the coastal State;

(e) the launching, landing or taking on board of any aircraft;

(f) the launching, landing or taking on board of any military device;

(g) the loading or unloading of any commodity, currency or person contrary to the customs, fiscal, immigration or sanitary laws and regulations of the coastal State;

(h) any act of wilful and serious pollution contrary to this Convention;

(i) any fishing activities;

(j) the carrying out of research or survey activities;

(k) any act aimed at interfering with any systems of communication or any other facilities or installations of the coastal State;

(l) any other activity not having a direct connection on passage.

Article 20

Submarines and other underwater vehicles

In the territorial sea, submarines and other underwater vehicles are required to navigate on the surface and to show their flag.

Article 21

Laws and regulations of the coastal State relating to innocent passage

1. The coastal State may adopt laws and regulations, in conformity with the provisions of this Convention and other rules of international law, relating to innocent passage through the territorial sea, in respect of all or any of the following—

- (a) the safety of navigation and the regulation of maritime traffic;
- (b) the protection of navigational aids and facilities and other facilities or installation;
- (c) the protection of cables and pipelines;
- (d) the conservation of the living resources of the sea;
- (e) the prevention of infringement of the fisheries law and regulations of the coastal State;
- (f) the preservation of the environment of the coastal State and the prevention, reduction and control of pollution thereof;
- (g) marine scientific research and hydrographic surveys;
- (h) the prevention of infringement of the customs, fiscal, immigration or sanitary laws and regulations of the coastal State.

2. Such laws and regulations shall not apply to the design, construction or manning of equipment of foreign ships unless they are giving effect to generally accepted international rules or standards.

3. The coastal State shall give due publicity to all such laws and regulations.

4. Foreign ships exercising the right of innocent passage through the territorial sea shall comply with all such laws and regulations and all generally accepted international regulations relating to the prevention of collisions at sea.

Article 22

Sea lanes and traffic separation schemes in the territorial sea

1. The coastal State may, where necessary having regard to the safety of navigation, require foreign ships exercising the right of innocent passage through its territorial sea to use such sea lanes and traffic separation schemes as it may designate or prescribe for the regulation of the passage of ships.

2. In particular, tankers, nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances or materials may be required to confine their passage to such sea lanes.

3. In the designation of sea lanes and the prescription of traffic separation schemes under this article, the coastal State shall take into account—

- (a) the recommendations of the competent international organisation;
- (b) any channels customarily used for international navigation;
- (c) the special characteristics of particular ships and channels; and
- (d) the density of traffic.

4. The coastal State shall clearly indicate such sea lanes and traffic separation schemes on charts to which due publicity shall be given.

Article 23

Foreign nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances

Foreign nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances shall, when exercising the right of innocent passage through the territorial sea, carry documents and observe special precautionary measures established for such ships by international agreements.

Article 24

Duties of the coastal State

1. The coastal State shall not hamper the innocent passage of foreign ships through the territorial sea except in accordance with this Convention. In particular, in the application of this Convention or of any laws or regulations adopted in conformity with this Convention, the coastal State shall not—

- (a) impose requirements on foreign ships which have the practical effect of denying or impairing the right of innocent passage; or
- (b) discriminate in form or fact against the ships of any State or against ships carrying cargoes to, from or on behalf of any State.

2. The coastal State shall give appropriate publicity to any danger to navigation, of which it has knowledge, within its territorial sea.

Article 25

Rights of protection of the coastal State

1. The coastal State may take the necessary steps in its territorial sea to prevent passage which is not innocent.

2. In the case of ships proceeding to internal waters or a call at a port facility outside internal waters, the coastal State also has the right to take the necessary steps to prevent any breach of the conditions to which admission of those ships to internal waters or such a call is subject.

3. The coastal State may, without discrimination in form or in fact among foreign ships, suspend temporarily in specified areas of its territorial sea the innocent passage of

foreign ships if such suspension is essential for the protection of its security, including weapons exercises. Such suspension shall take effect only after having been duly published.

Article 26

Charges which may be levied upon foreign ships

1. No charge may be levied upon foreign ships by reason only of their passage through the territorial sea.

2. Charges may be levied upon a foreign ship passing through the territorial sea as payment only for specific services rendered to the ship. These charges shall be levied without discrimination.

SUBSECTION B

RULES APPLICABLE TO MERCHANT SHIPS AND GOVERNMENT SHIPS OPERATED FOR COMMERCIAL PURPOSES

Article 27

Criminal jurisdiction on board a foreign ship

1. The criminal jurisdiction of the coastal State should not be exercised on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connection with any crime committed on board the ship during its passage, save only in the following cases—

- (a) if the consequences of the crime extend to the coastal State;

(b) if the crime is of a kind to disturb the peace of the country or the good order of the territorial sea;

(c) if the assistance of the local authorities has been requested by the master of the ship or by a diplomatic agent or consular officer of the flag State; or

(d) if such measures are necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances.

2. The above provisions do not affect the right of the coastal State to take any steps authorised by its laws for the purpose of an arrest or investigation on board a foreign ship passing through the territorial sea after leaving internal waters.

3. In the cases provided for in paragraphs 1 and 2, the coastal State shall, if the master so requests, notify a diplomatic agent or consular officer of the flag State before taking any steps, and shall facilitate contact between such agent or officer and the ship's crew. In cases of emergency this notification may be communicated while the measures are being taken.

4. In considering whether or in what manner an arrest should be made, the local authorities shall have due regard to the interests of navigation.

5. Except as provided in Part XII or with respect to violations of laws and regulations adopted in accordance with Part V, the coastal State may not take any steps on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connection with any crime committed before the ship entered the territorial sea, if the ship, proceeding from a foreign port, is only passing through the territorial sea without entering internal waters.

Article 28

Civil jurisdiction in relation to foreign ships

1. The coastal State should not stop or divert a foreign ship passing through the territorial sea for the purpose of exercising civil jurisdiction in relation to a person on board the ship.

2. The coastal State may not levy execution against or arrest the ship for the purpose of any civil proceedings, save only in respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its voyage through the waters of the coastal State.

3. Paragraph 2 is without prejudice to the right of the coastal State, in accordance with its laws, to levy execution against or to arrest, for the purpose of any civil proceedings, a foreign ship lying in the territorial sea, or passing through the territorial sea after leaving internal waters.

SUBSECTION C

RULES APPLICABLE TO WARSHIPS AND OTHER GOVERNMENT SHIPS OPERATED FOR NON-COMMERCIAL PURPOSES

Article 29

Definition of warships

For the purposes of this Convention, "warship" means a ship belonging to the armed forces of a State bearing the external marks distinguishing such ships of its nationality, under the command of an officer duly commissioned by the Government of the

State and whose name appears in the appropriate service list or its equivalent, and manned by a crew which is under regular armed forces discipline.

Article 30

Non-compliance by warships with the laws and regulations of the coastal State

If any warship does not comply with the laws and regulations of the coastal State concerning passage through the territorial sea and disregards any request for compliance therewith which is made to it, the coastal State may require it to leave the territorial sea immediately.

Article 31

Responsibility of the flag State for damage caused by a warship or other Government ship operated for non-commercial purposes

The flag State shall bear international responsibility for any loss or damage to the coastal State resulting from the non-compliance by a warship or other government ship operated for non-commercial purposes with the laws and regulations of the coastal State concerning passage through the territorial sea or with the provisions of this Convention or other rules of international law.

Article 32

Immunities of warships and other government ships operated for non-commercial purposes

With such exceptions as are contained in subsection A and in articles 30 and 31, nothing in this Convention affects the immunities of warships and other government ships operated for non-commercial purposes.

SECTION 4

CONTIGUOUS ZONE

Article 33

Contiguous Zone

1. In a Zone contiguous to its territorial sea, described as the contiguous Zone, the coastal State may exercise the control necessary to—

(a) prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea;

(b) punish infringement of the above laws and regulations committed within its territory or territorial sea.

2. The contiguous Zone may not extend beyond 24 nautical miles from the baseline from which the breadth of the territorial sea is measured.

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.

Breadth of the Exclusive Economic Zone

The Exclusive Economic Zone shall not extend beyond 200 nautical miles from the baseline from which the breadth of the territorial sea is measured.

Article 58

Rights and duties of other States in 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 provision 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 authorise 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 organisation. 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 authorised by generally accepted international standards or as recommended by the competent international organisation. 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 island, 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 recognised 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 organisations, whether subregional, regional or global, shall co-operate 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 organisations, 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

Utilisation of the living resources

1. The coastal State shall promote the objective of optimum utilisation 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 minimise 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 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 authorisation 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 capability 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 associated 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 organisations, 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

States and the States fishing for such stocks in the adjacent area shall seek, either directly or through appropriate subregional or regional organisations, 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 I shall co-operate directly or through appropriate international organisations with a view to ensuring conservation and promoting the objective of optimum utilisation of such species throughout the region, both within and beyond the Exclusive Economic Zone. In regions for which no appropriate international organisations exists, the coastal State and other States whose nationals harvest these species in the region shall co-operate to establish such an organisation 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 organisation, as appropriate, to prohibit, limit or regulate the exploitation of marine mammals more strictly than it is 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 organisations 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 paragraph 3 and 4 fishing these stocks, establish total allowable catches for stocks originating in its rivers.

3. (a) Fishing 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 agreement 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 minimising 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 organisation.

Article 67

Catadromous species

1. A coastal State in whose water 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 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 44.

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 populations 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 minimise 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 particular burden for any single coastal State or a part of it;

(d) the nutritional needs of the populations 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 provision 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 minimise 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 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 provision does not preclude the States concerned from obtaining technical or financial assistance from third States or international organisations 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 co-operation, 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.