

1986



The Law of the Sea

**National Legislation on the Exclusive Economic Zone,
the Economic Zone and the Exclusive Fishery Zone**

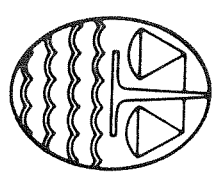
1126

1986

1986

1986

1986



Office of the Special Representative
of the Secretary-General for the Law of the Sea

United Nations
New York, 1986

NIUE

18. Powers to apprehend offenders - (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 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.

19. Obstruction of Fisheries officer and Police Officer - Any Person who -

- (a) Willfully 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 Police 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.

20. Sale of seized fish - 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.

NIUE

21. Discharge of seized fish or security - 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.

22. Reward to informers and others - 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.

23. Boarding of foreign fishing vessels prohibited - Any person not being a Fisheries officer or Police 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.

24. Fishing for research, experimental, and sporting purposes - Notwithstanding section 12 or section 17 of this Act, of 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.

25. Regulations - 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.

26. Repeal - The Territorial Sea and Fishing Zone Act 1977 is hereby repealed.

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.

NORWAY

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.

NORWAY

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, 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 area 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.

OMAN

ROYAL DECREE CONCERNING THE TERRITORIAL SEA, CONTINENTAL SHELF
AND EXCLUSIVE ECONOMIC ZONE OF 10 FEBRUARY 1981

The Exclusive Economic ZoneArticle 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 ProvisionsArticle 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 geodetic data.

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.