

Territorial Sea and Exclusive Economic Zone Act, 1989

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

ENACTED by the Parliament of the United Republic of Tanzania.

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.

PART II TERRITORIAL SEA

The Territorial Sea

3. (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 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.

Internal Waters

4. The internal waters of the United Republic of Tanzania include any areas of the sea that are on the landward side of the baseline of the Territorial Sea of the United Republic.

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.

The sea-bed and internal waters vested in Government

6. The sea-bed and subsoil of submarine areas bounded on the landward side by the low-water line 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 II

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 sea-bed 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 seizes 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 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 of his duties under this Act.

PART V OFFENCES AND MISCELLANEOUS PROVISIONS

General offences

17. Any person who:

- (a) Assaults, resists, obstructs or intimidates an authorized officer or any person assisting him in the execution of his duty;
- (b) Uses indecent, abusive or insulting language to an authorized officer in the execution of his duty;
- (c) Interferes with or hinders an authorized officer in the execution of his duty;
- (d) By any gratuity, bribe, promise or other inducement, prevents an authorized officer from carrying out his duty;
- (e) Without the authority of an authorized officer, is found in possession of any articles seized under section 14;
- (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.