

**Act No. 45 of 1977 concerning the Territorial Sea, Exclusive Economic Zone,
Continental Shelf and other Marine Areas,
Act. No. 45 of 17 December 1977**

In the name of the People,

The Chairman of the Presidential Council,

Having examined articles, 3, 16, 91 and 92 of the Constitution; Act No. 8 of 1970 concerning the territorial waters and continental shelf of the Republic, as amended by Act No. 2 of 1972; Act No. 15 of 1972 concerning mines and quarries; Act No. 25 of 1976 on organizing the Oil and Minerals Authority; Act No. 18 of 1970; and Act No.28 of 1977;

Pursuant to the representation by the Chairman of the Council of Ministers as approved by the Council;

Following the concurrence of the Presidential Council;

Issues the following Act:

Section I
Title and Definitions

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Article 1

**This act shall be known as "The Act of 1977 concerning the territorial sea, exclusive economic zone,
continental shelf and other marine areas".**

Article 2

For the purposes of the present Act, the following words and terms shall, except where otherwise indicated, have the meanings assigned to them below:

Republic - The People's Democratic Republic of Yemen;

Prime Minister - The Chairman of the Council of Ministers of the People's Republic of Yemen;

Coast - The continental and island coastlines of the People's Democratic Republic of Yemen facing the Gulf of Aden, the Bab el Mandab Strait, the Red Sea, the Arabian Sea and the Indian Ocean in accordance with the maps officially recognized by the Republic;

Island - A naturally formed area of land, surrounded on all sides by water, which is above the water level at high tide;

Continental Shelf - The sea-bed and subsoil thereof extending beyond the territorial sea throughout the natural prolongation of the Republic's land territory to the outer limit of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend to that distance;

Contiguous zone - An expanse of water beyond the territorial sea of the Republic and adjacent to it as defined in article 11 of the present Act;

Bay - Any indentation or inlet or fjord or creek in the coastline or land protrusion in the sea;

Low-tide elevation - A naturally formed area of land which is surrounded by and above water at low tide but submerged at high tide;

Pollution of the marine environment - The introduction by man, directly or indirectly, of matter or energy into the marine environment resulting in such deleterious effects as harm to living resources, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities;

Nautical mile - One thousand eight hundred and fifty-two (1,852) metres.

Section II

The Territorial Sea and Contiguous Zone

Article 3

The territorial sea, its bed and subsoil thereof as well as the airspace above it are subject to the sovereignty of the Republic.

Article 4

The territorial sea extends beyond the internal waters to a distance of 12 nautical miles seaward, measured from the straight baseline or from the low-water line along the coast as marked on large-scale charts officially recognized by the Republic.

Article 5

_____The baselines from which the territorial sea of the Republic is measured shall be as follows:

_____ (a) Where the coast is wholly open to the sea: lines drawn from the low-water mark along the coast;

_____ (b) In the case of islands situated on atolls or of islands having fringing reefs: lines drawn seaward from the low-water line of the reef;

_____ (c) In the case of a bay facing the sea: lines drawn from one end of the land at the entrance of the bay to the other;

_____ (d) In the case of a port or harbour: lines drawn along the seaward side of the outermost harbour installations or roadsteads and lines also drawn between the tips of these installations;

(e) Where there is a low-tide elevation at a distance not exceeding twelve nautical miles from the coast: lines drawn from the low-water line of those elevations;

(f) In localities where the coastline is deeply indented, curved or cut into, or if there is a fringe of islands along the continental coast: straight baselines joining appropriate points.

Article 6

(a) Foreign ships shall enjoy the right of innocent passage through the territorial sea of the Republic. Such passage is innocent so long as it is not prejudicial to the security, integrity and independence of the Republic.

(b) Passage of a foreign ship or submarine or underwater vehicle shall not be deemed innocent if in the territorial sea it engages in any of the following activities:

- (i) Any threat or use of force against the sovereignty, territorial integrity or independence of the State;
- (ii) Any exercise or practice of any kind;
- (iii) Any act aimed at collecting information to the prejudice of the defence or security of the Republic;
- (iv) The launching, landing or taking on board of any aircraft or military device;
- (v) The embarking or disembarking of any currency, person or commodity contrary to the immigration, security, customs, fiscal or sanitary laws and regulations in force;
- (vi) Any act of wilful and serious pollution prejudicial to human health, living resources or the marine environment;
- (vii) Any act of exploration, exploitation, or drilling for renewable or non-renewable natural resources;
- (viii) Any survey or research activities;
- (ix) Any act aimed at interfering with any systems of communication or any other facilities, installations or equipment;
- (x) Any activity which is not related to passage or is designed as to hamper international navigation.

Article 7

(a) The entry of foreign warships, including submarines and other underwater vehicles, into and their passage through the territorial sea shall be subject to prior authorization from the competent authorities in the Republic.

(b) Submarines and other underwater vehicles are required to navigate on the surface and to show their flag while passing through the territorial sea.

Article 8

Foreign nuclear-powered ships or ships carrying nuclear substances or any other radioactive substances or materials shall give the competent authorities in the Republic prior notification of their entry into and passage through the territorial sea.

Article 9

The competent authorities shall have the right to take all necessary measures in the territorial sea to prevent passage which is not innocent as well as to suspend the admission of all or some foreign ships to specified areas of the territorial sea should the public interest so require, provided that such areas shall be specified in a prior notification.

Article 10

Foreign ships exercising the right of innocent passage in the territorial sea shall comply with the laws and regulations in effect in the Republic, as well as with the rules of international law and, in particular, such laws and regulations relating to transport and navigation.

Article 11

The outer limit of the contiguous zone shall be the line every point of which is at a distance of 24 nautical miles from the nearest point of the baseline referred to in article 4 above.

Article 12

The authorities of the Republic have the right to impose, in the contiguous zone, the control necessary to:

- (a) Prevent any infringement of its security, customs, sanitary and fiscal laws and regulations within its territory or territorial sea;
- (b) Punish infringement of the above laws and regulations whether committed within its territory or within its territorial sea.

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Section III
The Exclusive Economic Zone

Article 13

The Republic shall have an exclusive economic zone the breadth of which extends 200 nautical miles from the baseline used to measure the territorial sea referred to in article 4 of this Act.

Article 14

In the exclusive economic zone, including its seabed and subsoil and the superjacent water column, the Republic has:

- (a) Exclusive sovereign rights for the purpose of conserving, exploring, exploiting and managing its renewable and non-renewable natural resources, including the production of energy from the waters, currents and winds;
- (b) Exclusive rights and jurisdiction with regard to the construction, repair, operation and use of artificial

islands, installations, facilities and other structures necessary for the exploration and exploitation of the exclusive economic zone of the Republic;

(c) Exclusive jurisdiction over the marine environment with regard to its preservation and protection and to the prevention control and abatement of marine pollution, as well as to the authorization, regulation and control of scientific research:

(d) Other rights recognized in international law.

Article 15

Without prejudice to the rights pertaining to it, the Republic guarantees the freedom of navigation, overflight and laying of submarine cables and pipelines in its exclusive economic zone.

Section IV **The Continental Shelf**

Article 16

The authorities of the Republic may, to the exclusion of others, in the continental shelf:

- (a) Explore, exploit, manage and conserve its natural resources;
- (b) Construct, maintain, operate and use artificial islands, installations, facilities and other structures necessary for the exploration and exploitation of the continental shelf of the Republic;
- (c) Regulate, authorize and control scientific research;
- (d) Preserve and protect the marine environment and control and abate marine pollution.

Section V **Marine Boundaries**

Article 17

(a) The demarcation of marine boundaries between the Republic and any State with adjacent or opposite coasts shall be effected, with regard to the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf, by agreement with that State;

(b) Pending agreement on the demarcation of the marine boundaries, the limits of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf between the Republic and any State with coasts adjacent or opposite to it, the coast of the Republic shall not be extended to more than the median or equidistance line every point of which is equal in distance from the nearest points on the baselines from which the breadth of the territorial seas of both the Republic and the other State is measured.

Section VI

The Island Territory

Article 18

Each of the islands of the Republic shall have a territorial sea, contiguous zone, exclusive economic zone and continental shelf of its own, and all provisions of this Act shall be applicable to it.

Section VII

General Provisions

Article 19

In exercising its sovereign rights and jurisdiction over the territorial sea, the exclusive economic zone and the continental shelf, the Republic shall have the right to take all necessary measures aimed at ensuring the implementation of its laws and regulations.

Article 20

Any foreign person, natural or juridical, shall be banned from exploring and exploiting the renewable and non-renewable natural resources of the territorial sea, exclusive economic zone and continental shelf of the Republic, from conducting any prospecting, drilling or search operations, undertaking any scientific research or prospecting drilling, construction or maintenance of any kind of artificial islands, stations (marine installations), devices or structures, or from conducting any operational or maintenance work for any purpose, unless he has entered into a special agreement with the Republic for this purpose or obtained a special permit from its competent authorities.

Article 21

Without prejudice to any more severe penalty laid down in any other law, any person violating the provisions of this Act or the rules and regulations issued under it shall be subject to a penalty of not more than three years imprisonment or a fine of not more than 10,000 dinars. However, the court may also order confiscation.

Article 22

Any person causing any pollution detrimental to human health or to the living resources of the marine environment in the internal waters, territorial sea or the exclusive economic zone of the Republic shall be punished with a prison sentence of not more than one year or with a fine of not more than 5,000 dinars.

Should such pollution result in serious harm, the penalty shall be a prison sentence of not more than three years or a fine not exceeding 10,000 dinars.

Article 23

The Prime Minister shall issue the decisions and regulations implementing and interpreting this Act.

Article 24

For the purposes of the present Act, any text which conflicts with its regulations, especially Act No. 8 of 1970 and Act No. 2 of 1972, shall be rescinded.

Article 25

This Act shall enter into force on 15 January 1978.

Article 26

This Act shall be published in the Official Gazette.

Salem Rubayie Ali
Chairman of the Presidential Council

Done at the Presidential Palace, this eighth day of Muharram 1398 A.H., corresponding to the seventeenth day of December 1977 A.D.