

Ordinance No. 76-038/CE.

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THE ISLAMIC FEDERAL REPUBLIC OF THE COMOROS

Unity-Justice-Progress

FEDERAL ASSEMBLY

LAW No. 82-005 relating to the delimitation of the maritime zones of the Islamic Federal Republic of the Comoros

The Federal Assembly of the Comoros

Deliberating in accordance with the Constitution, adopted at its meeting of 6 May 1982 the following Law:

SECTION I:

THE LEGAL STATUS OF THE ARCHIPELAGIC WATERS OF THE COMOROS, OF THE AIRSPACE OVER THE ARCHIPELAGIC WATERS AND OF THEIR BED AND SUBSOIL

Article 1

The sovereignty of the 'Comorian' State extends to the waters enclosed by the baselines, described as archipelagic waters, regardless of their depth or distance from the coast.

The 'Comorian' State extends its sovereignty to the airspace over the archipelagic waters, as well as to their bed and subsoil, and the resources contained therein.

Article 2

The right of innocent passage through the archipelagic waters of the Comoros must be respected. The Comoros may, however, suspend temporarily in its waters the right of innocent passage if such suspension is essential for the protection of its security.

SECTION II:

THE LEGAL STATUS OF THE TERRITORIAL SEA OF THE COMOROS

Article 3

Limit of the territorial sea of the Comoros

The Comoros limits its territorial sea to 12 nautical miles measured from baselines. The inner limit of the territorial sea is a 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 4

Rights, jurisdiction and duties of the Comoros in the territorial sea

The sovereignty of the Comoros extends, beyond its land territory and internal or archipelagic waters, to an adjacent belt of sea, described as the territorial sea.

This sovereignty extends to the airspace over the territorial sea as well as to its bed and subsoil.

Article 5

Right of innocent passage in the territorial sea

Ships of all States, whether coastal or land-locked, shall enjoy the right of innocent passage through the territorial sea of the Comoros, which means that passage shall be continuous and expeditious and not prejudicial to the peace and good order or the security of the Comoros. The right of innocent passage may be regulated or suspended by decree in accordance with international law. In the territorial waters of the Comoros, submarines must remain on the surface and show their flag.

SECTION III:

LEGAL REGIME OF THE EXCLUSIVE ECONOMIC ZONE OF THE COMOROS

Article 6

Limit of the exclusive economic zone of the Comoros

The exclusive economic zone is delimited on one side, by the outer limit of the territorial sea and, on the other side, by a line every point of which is at a distance of 200 miles from the nearest point on the baseline or equidistant from the baselines of the Comorian coast and those of the coasts of the foreign countries opposite it, save as otherwise specifically agreed.

Article 7

Rights, jurisdiction and duties of the Comoros in the exclusive economic zone

In its exclusive economic zone:

- (a) The Comoros shall have sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the sea-bed and its subsoil and of the waters superjacent to the sea-bed, 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) The Comoros shall have jurisdiction with regard to:
 - Marine scientific research;
 - Preservation of the marine environment;
 - Prevention of marine pollution.

The conduct of scientific or technical research shall be subject to licensing by the Comorian State.

- (c) All Comorians may fish freely in the exclusive economic zone of the Comoros.

Article 8

Rights and duties of other States in the exclusive economic zone of the Comoros

- (a) In the exclusive economic zone of the Comoros, all States shall enjoy the freedom of navigation and overflight and of the laying of submarine cables and pipelines, provided that such freedoms are compatible with the provisions of the Convention on the Law of the Sea (no threat to the peace).
- (b) Third States shall have regard to the rights and duties of the Comoros and comply with the laws

and regulations enacted by it in accordance with the rules of international law.

- (c) Conflict resolution: where a conflict arises between the interests of the Comoros and any other State or States, the conflict shall be resolved on the basis of equity, taking into account the respective importance of the interests involved to the parties as well as to the international community as a whole.

Article 9

Conservation of living resources in the exclusive economic zone of the Comoros

- (a) The allowable level of exploitation of living and mineral resources in the exclusive economic zone shall be determined by decree.
- (b) The Comoros 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 Comoros and the subregional, regional and global organizations concerned [...] is not endangered by over-exploitation.

- (c) The Comoros shall determine its capacity to exploit the living and mineral resources of the zone. Where it does not have the capacity to attain the allowable level of exploitation, it shall, through agreements, give other States access.

Article 10

Violations of the provisions of this Law and of the provisions of regulations adopted to give it effect shall be punishable by a fine of between 10 million and 80 million CFA Francs and/or temporary seizure of the vessel.

Article 11

Law No. 71-1060 of 24 December 1971 relating to the delimitation of French territorial waters is hereby repealed in the Comoros.

Order No. 78-003/DPM of 20 July 1978 specifying the limits of Comorian territorial waters is hereby repealed.

This Law shall be applied as the Law of the State.

Moroni, 6 May 1982

Secretaries

(Signed) Mohamed Ali Mroivili

(Signed) Attoumani Said

President of the Federal Assembly

(Signed) Abdourahman Ben Cheikh Achiraf