

TERRITORIAL SEA AND MARITIME ZONES LAW

Pyithu Hluttaw Law No. 3 of 1977.

Preamble

WHEREAS the territorial sea of Burma has been declared to extend into the sea to a distance of twelve nautical miles;

WHEREAS it is necessary for the purpose of safeguarding the national interests of Burma to declare the extent of the contiguous zone, the continental shelf and the exclusive economic zone of Burma;

AND WHEREAS it is necessary to provide for matters ancillary thereto;

The Pyithu Hluttaw makes the following Law:-

CHAPTER I

Title and Definitions

1. This Law may be called the Territorial Sea and Maritime Zones Law.

2. The following expressions contained in this Law shall have the following meanings,-

(a) "Burma" means the Socialist Republic of the Union of Burma;

(b) "Council of Ministers" means the Council of Ministers of Burma;

(c) "Baselines" means the baselines specified in the Annex to this Law.

CHAPTER II
Territorial Sea

3. The territorial sea of Burma extends seawards to a distance of twelve nautical miles from the baselines.
4. The sovereignty of Burma extends to the territorial sea, to its bed and subsoil and to the air space over the territorial sea.
5. Subject to the provisions of this Law, ships of all States other than warships shall enjoy the right of innocent passage through the territorial sea. Passage shall be deemed to be innocent so long as it is not prejudicial to the peace, good order or security of Burma.
6. During passage through the territorial sea -
 - (a) a foreign ship shall observe the existing laws and rules of Burma;
 - (b) a foreign fishing vessel shall keep its fishing gear and equipment in a secured position for sea. Such a vessel shall traverse the territorial sea by the shortest way without stopping or anchoring, except by reason of force majeure;
 - (c) no foreign research ship shall undertake any research activity without the prior express permission of the Council of Ministers.
7. Proof of innocence of passage shall be furnished by the foreign ship exercising the right of innocent passage when called for by the competent authorities of Burma.
8. The Council of Ministers may suspend temporarily, in specified areas of the territorial sea, the innocent passage of foreign ships if it considers that such suspension is necessary to safeguard the peace, good order or security of Burma.

9. (a) No foreign warship shall pass through the territorial sea without the prior express permission of the Council of Ministers.
- (b) A foreign warship entering the territorial sea without the prior express permission of the Council of Ministers shall be required to leave the area immediately.
- (c) During passage through the territorial sea, foreign submarines and other underwater vehicles shall navigate on the surface of the sea and show their flag.

CHAPTER III

Contiguous Zone

10. The contiguous zone of Burma is an area beyond and adjacent to the territorial sea and extends to a distance of twenty-four nautical miles from the baselines.

11. In the contiguous zone Burma exercises such control as it may consider necessary to -

- (a) safeguard the security of Burma;
- (b) prevent and punish infringement of its customs, fiscal, immigration or sanitary regulations within its territory or territorial sea.

CHAPTER IV

Continental Shelf

12. The continental shelf of Burma comprises the seabed and subsoil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of two hundred nautical miles from the

baselines where the outer edge of the continental margin does not extend up to that distance.

13. Burma exercises exclusive sovereign rights in respect of its continental shelf.

14. Without prejudice to the generality of the provisions of section 13, Burma has in the continental shelf -

- (a) sovereign rights for the purposes of exploration, exploitation, conservation and management of its natural resources, both living and non-living;
- (b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of its natural resources, both living and non-living, or for the convenience of shipping or for any other purpose;
- (c) exclusive jurisdiction to authorize, regulate and control scientific research;
- (d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and
- (e) such other rights as are recognized from time to time by international law.

15. (a) The natural resources of the continental shelf include vegetable organisms **and** living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

- (b) Where the Council of Ministers considers that a marine organism of any kind is part of the living natural resources of the continental shelf, it may, by notification in the official Gazette, declare that organism to be part of the living natural resources of the continental shelf.

16. No one shall, without the prior express permission of the Council of Ministers, carry out in the continental shelf, any of the following:-

- (a) exploration;
- (b) exploitation of the natural resources, both living and non-living;
- (c) research;
- (d) search, excavation, drilling; or
- (e) construction, maintenance or operation of any artificial island, off-shore terminal, installation or other structure or device.

CHAPTER V

Exclusive Economic Zone

17. The exclusive economic zone of Burma is an area beyond and adjacent to the territorial sea and extends to a distance of two hundred nautical miles from the baselines.

18. Burma has in the exclusive economic zone -

- (a) sovereign rights for the purposes of exploration, exploitation, conservation and management of its natural resources, both living and non-living, as well as for producing energy from water and winds;
- (b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial

islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of its natural resources, both living and non-living, or for the convenience of shipping or for any other purpose;

- (c) exclusive jurisdiction to authorize, regulate and control scientific research;
- (d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and
- (e) such other rights as are recognized from time to time by international law.

19. Subject to the exercise by Burma of its rights -

- (a) ships of all States shall enjoy the right of freedom of navigation within the exclusive economic zone;
- (b) aircraft of all States shall enjoy freedom of overflight within the air space over the zone.

20. No one shall conduct any activity in the exclusive economic zone in relation to exploration, exploitation or research, without the prior express permission of the Council of Ministers:

Provided that, nothing in this section shall apply to fishing in accordance with law by a citizen of Burma.

CHAPTER VI

Offences and Penalties

21. Whoever contravenes or attempts to contravene or abets the contravention of any provision of this Law or of

any rule made thereunder shall be punishable with imprisonment which may extend to ten years, or with fine, or with both:

Provided that, the provisions of this section shall not preclude the right to take action under any other existing law.

22. Any ship other than a warship which is involved in the contravention of any provision of this Law punishable under section 21 shall be liable to confiscation together with its equipment and instruments as well as everything aboard that ship.

23. There shall be no prosecution under this Law without the prior sanction of the Council of Ministers.

CHAPTER VII

Miscellaneous

24. For the purpose of successfully implementing the provisions of this Law, the Council of Ministers may promulgate such regulations, bye-laws, orders, directives and procedures as may be necessary.

25. Nothing in this Law shall affect the right of hot pursuit that may be exercised by Burma against any offender for any offence committed in the territorial sea, the contiguous zone, the continental shelf or the exclusive economic zone.

Sd: Ne Win,
Chairman,
Council of State,

Socialist Republic of the Union of Burma.

Rangoon, dated Waning Day of Tagu in the Year One Thousand
Three Hundred and Thirty-eight of the Burmese Era
(April 1977)

A N N E X

For the purpose of this Law, the low-water lines as marked on large-scale charts officially recognized by Burma shall be the baselines for measuring the breadth of the territorial sea, the contiguous zone, the continental shelf and the exclusive economic zone of Burma:

Provided that, where by reason of the geographical conditions prevailing on the coasts of Burma or of the economic requirements of the coastal regions straight baselines have been drawn between fixed points on the mainland, on islands or rocks, measurement shall be made from such baselines. The fixed points between which such straight baselines shall be drawn are indicated in detail in the following schedule:

S C H E D U L E

1. Arakan Coast

(a) Southern Point of MAYU ISLAND	..	Lat	20° 11' 49" N
		Long	92° 32' 19" E
(b) BORONGA POINT	..	Lat	19° 48' 30" N
		Long	93° 01' 42" E
(c) SOUTH TERRIBLES	..	Lat	19° 22' 56" N
		Long	93° 16' 20" E
(d) Western Point of HENRY ROCKS	..	Lat	18° 51' 48" N
		Long	93° 26' 15" E
(e) Western Point of NERBUDDA ISLAND	..	Lat	18° 20' 50" N
		Long	93° 56' 25" E
(f) ST. JOHN'S or CHURCH ROCKS	..	Lat	17° 27' 39" N
		Long	94° 19' 46" E
(g) NORTH WEST GROUP	..	Lat	16° 55' 28" N
		Long	94° 12' 45" E
(h) KORONGE ISLAND	..	Lat	16° 31' 20" N
		Long	94° 14' 21" E
(i) SOUTH ROCK	..	Lat	16° 18' 55" N
		Long	94° 11' 20" E

(j) BLACK ROCK	..	Lat	16° 11' 50" N
		Long	94° 10' 50" E
(k) ALGUADA REEF	..	Lat	15° 42' 13" N
(PATHEIN LIGHT)		Long	94° 12' 06" E

2. Gulf of Martaban

(a) ALGUADA REEF	..	Lat	15° 42' 13" N
(PATHEIN LIGHT)		Long	94° 12' 06" E
(b) Western Point of	..	Lat	14° 24' 15" N
LONG ISLAND		Long	97° 46' 02" E

3. Tenasserim Coast

(a) Western Point of	..	Lat	14° 24' 15" N
LONG ISLAND		Long	97° 46' 02" E
(b) NORTH ISLAND	..	Lat	14° 09' 00" N
		Long	97° 46' 54" E
(c) WEST CANISTER	..	Lat	12° 41' 30" N
ISLAND		Long	97° 43' 40" E
(d) Northern Point of	..	Lat	12° 30' 30" N
SAURIM ISLAND		Long	97° 47' 42" E
(e) Western Point of	..	Lat	12° 03' 03" N
H. PRINCEP ISLAND		Long	97° 38' 00" E
(f) GREAT WESTERN	..	Lat	11° 47' 15" N
TORRES		Long	97° 26' 15" E
(g) North Western Point of	..	Lat	10° 38' 15" N
NORTH TWIN		Long	97° 41' 45" E
(h) Western Point of	..	Lat	10° 28' 12" N
SOUTH TWIN		Long	97° 40' 45" E
(i) WESTERN ROCKY	..	Lat	09° 51' 24" N
ISLAND		Long	97° 52' 18" E
(j) HAYCOCK ISLAND	..	Lat	09° 40' 45" N
		Long	97° 54' 30" E
(k) Western Point of	..	Lat	09° 35' 54" N
MURRAY ISLAND		Long	97° 58' 12" E