

[*P.S.* INTRODUCED IN THE NATIONAL ASSEMBLY]

A

Bill

*to consolidate and amend the law relating to territorial sea and maritime zones
of Pakistan*

WHEREAS it is expedient further to consolidate and amend the law relating to the territorial sea and maritime zones of Pakistan and for matters connected therewith and ancillary thereto and to give effect to the provisions of the United Nations Convention on the Law of the Sea 1982, which Pakistan has ratified on the 26th February, 1997;

It is hereby enacted as follows:-

1. Short title and commencement.-(1) This Act may be called the Pakistan Maritime Zones Act, 2021.

(2) It shall come into force at once.

2. Definitions.-(1) Unless the subject or context provides otherwise,-

- (a) "baseline" means the low water line or where applicable the system of straight lines, as notified from time to time in the official Gazette from which breadth of the territorial sea is measured;
- (b) "convention" means the United Nations Convention on the Law of the Sea (UNCLOS), 1982;
- (c) "Government" or "Federal government" means the Federal Government of the Islamic Republic of Pakistan;
- (d) "maritime zones" means the internal waters, territorial sea, contiguous zone, exclusive economic zone, continental shelf and high seas;
- (e) "nautical mile" or "NM" means a unit for measuring distance at sea, equal to 1852 meters;
- (f) "prescribed" means prescribed by rules made under this Act;

(2) The words and expressions used but not defined in these rules shall have the same meanings as assigned thereto in the convention.

3. Territorial sea.-(1) The sovereignty of Pakistan extends to its territorial sea, as well as to the air space, over its bed and subsoil.

(2) The breadth of the territorial sea is twelve nautical miles measured from the baseline.

(3) The baseline from which limits of the territorial sea, contiguous zone, exclusive economic zone and continental shelf are to be measured shall be as notified by the Federal Government in the official Gazette.

(4) Where a single island, rock or a composite group thereof constituting a part of the territory of Pakistan situated off the main coast, the baseline referred to in sub-section (3) shall be drawn along the outer seaward limits of such island, rock or composite group.

4. **Internal waters.**- The internal waters of Pakistan shall comprise all waters that are on the landward side of the baseline.

5. **Historic waters.**- (1) The Federal Government may, by notification in the official Gazette, specify the limits of such waters adjacent to its land territory as the historic waters and bays of Pakistan.

(2) The sovereignty of Pakistan extends, and has always extended, to the historic waters of Pakistan, to their seabed, subsoil and the airspace over such waters and bays.

6. **Right of innocent passage.**- (1) Without prejudice to the provisions of any other law for the time being in force and subject to the provisions of sub-section (5) and sub-section (6), all foreign ships shall enjoy the right of innocent passage through the territorial sea.

(2) Passage of a foreign ship shall be considered innocent so long as it is not prejudicial to the peace, good order or security of Pakistan and such passage shall not be considered innocent if the foreign ship, while in the territorial sea, engages in any of the following activities, namely:-

- (a) any threat or use of force against the sovereignty, territorial integrity or political independence of Pakistan or in any other manner in violation

of the principles of international law embodied in the charter of the United Nations;

- (b) any exercise or practice with weapons of any kind;
 - (c) any act aimed at collecting information to the prejudice of the defence or security of Pakistan;
 - (d) any act of propaganda aimed at affecting the defence or security of Pakistan;
 - (e) the launching, landing or taking onboard of any aircraft or military device;
 - (f) the loading or unloading of any person, commodity, currency or person contrary to the customs, fiscal, immigration or sanitary laws and regulations of Pakistan;
 - (g) any willful act of pollution from vessels, release of toxic or noxious substances or dumping of wastes causing or likely to cause, damage or harm to Pakistan or its resources or its marine environment;
 - (h) any fishing activities;
 - (i) the carrying out of research or survey activities;
 - (j) any act aimed at interfering with any system of communication or any other facilities or installations of Pakistan; and
 - (k) any other activity not having a direct bearing on passage.
- (3) In exercising the right of innocent passage, a foreign ship shall comply with-
- (a) generally accepted international regulations, procedures and practices for safety at sea which have effects on the territorial sea or any part thereof;
 - (b) the provisions of the regulations and any enactment, order or direction, which have effect in the territorial sea or any part thereof, for or with respect to -
 - (i) the safety of navigation and the regulation of maritime traffic,

including use of sea lanes and the operation of traffic separation schemes;

- (ii) the protection of navigational aids and facilities and other facilities or installations including research installations;
- (iii) the protection of cables and pipelines;
- (iv) the conservation of resources of sea;
- (v) fishing and fisheries;
- (vi) the preservation of the marine environment and the prevention, reduction and control of pollution thereof;
- (vii) marine scientific research and hydrographic surveys; and
- (viii) control or prohibition in relation to customs, excise, immigration or sanitation.

(4) Passage shall be continuous and expeditious, stopping or anchoring shall be permitted only in so far as the same are incidental to ordinary navigation or rendered necessary by *force majeure* or distress or for the purpose of rendering assistance to persons and ships or aircraft in danger or distress.

(5) Foreign warships including submarines and other under water vehicles may enter or pass through the territorial sea with the prior permission of the Federal Government. Submarines and other under water vehicles shall navigate on the surface and show their flag while passing through such sea.

(6) Foreign super tankers, nuclear powered ships and ships carrying nuclear or other inherently dangerous or noxious substances or materials may enter or pass through the territorial sea after giving prior notice to the Federal Government, or any authority or person authorized by it in this behalf by the Federal Government, and shall carry documents and observe special precautionary measures internationally recognized for such ships.

(7) The Federal Government, or any authority or person duly authorized in this behalf by the Federal Government, may in the interest of safety, peace, good order or security of Pakistan or any part thereof, suspend, by notification subject to such exceptions and

qualifications, if any, as may be specified in the notification, the entry of all or any class of foreign ships into such areas of the territorial sea as may be specified in the notification.

(8) The Federal Government, or any authority or person duly authorized in this behalf by the Federal Government, shall have the right to order an immediate eviction of a foreign warship or other foreign government ship operated for non-commercial purposes, that violates the laws or regulations of Pakistan while passing through the territorial sea of Pakistan. The flag state of such a ship shall bear responsibility for any loss or damage to Pakistan resulting from the non-compliance by such ship with the laws and regulations of Pakistan concerning passage through the territorial sea or other generally accepted rules of international law.

7. **Contiguous zone.**- (1) The contiguous zone of Pakistan, hereinafter referred to as the contiguous zone, is an area adjacent to and beyond the territorial sea, the limit of which is twenty-four nautical miles measured from the baseline.

(2) The Federal Government, or any authority or person duly authorized in this behalf by the Federal Government, may exercise such powers and take such measures in or in respect of the contiguous zone as it may consider necessary to prevent and punish the contravention of and an attempt to contravene any law, for the time being in force, relating to-

- (a) the security of Pakistan;
- (b) immigration and sanitation;
- (c) customs and other fiscal matters; or
- (d) archaeological and historical objects.

(3) The Federal Government may, by notification in the official Gazette, -

- (a) extend to the contiguous zone any relevant law for the time being in force in Pakistan, or any provision thereof, relating to any matter referred to in sub-section (2); and
- (b) make such provisions, as it may consider necessary, for facilitating the enforcement of such law in the contiguous zone.