

- 4 Where the method of straight baselines is applicable under the provisions of para 1, account may be taken, in determining particular baselines, of economic interests peculiar to the region concerned, the reality and importance of which are clearly evidenced by a long usage.
- 5 The system of straight baselines may not be applied by a state in such a manner as to cut off from the high seas the territorial sea of another state.
- 6 The coastal state must clearly indicate straight baselines on charts, to which due publicity must be given.

Article 5

- 1 Waters on the landward side of the baseline of the territorial sea form part of the internal waters of the state.
- 2 Where the establishment of a straight baseline in accordance with Article 4 has the effect of enclosing as internal waters areas which previously had been considered as part of the territorial sea or of the high seas, a right of innocent passage, as provided in Articles 14 to 23, shall exist in those waters.

Article 6

The outer limit of the territorial sea is the 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 7

- 1 This article relates only to bays the coasts of which belong to a single state.
- 2 For the purposes of these articles, a bay is a well-marked indentation whose penetration is in such proportion to the width of its mouth as to contain land-locked waters and constitute more than a mere curvature of the coast. An indentation shall not, however, be regarded as a bay unless its area is as large as, or larger than, that of the semi-circle whose diameter is a line drawn across the mouth of that indentation.
- 3 For the purpose of measurement, the area of an indentation is that lying between the low-water mark around the shore of the indentation and a line joining the low-water mark of its natural entrance points. Where, because of the presence of islands, an indentation has more than one mouth, the semi-circle shall be drawn on a line as long as the sum total of the lengths of the lines across the different mouths. Islands within an indentation shall be included as if they were part of the water area of the indentation.
- 4 If the distance between the low-water marks of the natural entrance points of a bay does not exceed twenty-four miles, a closing line may be drawn between these two low-water marks, and the waters enclosed thereby shall be considered as internal waters.
- 5 Where the distance between the low-water marks of the natural entrance points of a bay exceeds 24 miles, a straight baseline of twenty-four miles shall be drawn within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.
- 6 The foregoing shall not apply to so-called 'historic' bays, or in any case where the straight baseline system provided for in Article 4 is applied.

Article 8

For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of the harbour system shall be regarded as forming part of the coast.

Article 9

Roadsteads which are normally used for the loading, unloading, and anchoring of ships, and which would otherwise be situated wholly or partly outside the outer limit of the territorial sea, are included in the territorial sea. The coastal state must clearly demarcate such roadsteads and indicate them on charts together with their boundaries, to which due publicity must be given.

Article 10

- 1 An island is a naturally-formed area of land, surrounded by water which is above water at high tide.
- 2 The territorial sea of an island is measured in accordance with the provisions of these articles.

Article 11

- 1 A low-tide elevation is a naturally-formed area of land which is surrounded by and above water at low-tide but submerged at high tide. Where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the mainland or an island, the low-water line on that elevation may be used as the baseline for measuring the breadth of the territorial sea.
- 2 Where a low-tide elevation is wholly situated at a distance exceeding the breadth of the territorial sea from the mainland or an island, it has no territorial sea of its own .

Article 12

- 1 Where the coasts of two states are opposite or adjacent to each other, neither of the two states is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of each of the two states is measured. The provisions of this paragraph shall not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two states in a way which is at variance with this provision.
- 2 The line of delimitation between the territorial seas of two states lying opposite to each other or adjacent to each other shall be marked on large-scale charts officially recognised by the coastal states.

Article 13

If a river flows directly into the sea, the baseline shall be a straight line across the mouth of the river between points on the low-tide line of its banks.

SECTION III

RIGHT OF INNOCENT PASSAGE

Sub-section A Rules applicable to all ships

Article 14

- 1 Subject to the provisions of these articles, ships of all states, whether coastal or not, shall enjoy the right of innocent passage through the territorial sea.
- 2 Passage means navigation through the territorial sea for the purpose either of traversing that sea without entering internal waters, or of proceeding to internal waters, or of making for the high seas from internal waters.

- 3 Passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by *force majeure* or by distress.
- 4 Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal state. Such passage shall take place in conformity with these articles and with other rules of international law.
- 5 Passage of foreign fishing vessels shall not be considered innocent if they do not observe such laws and regulations as the coastal state may make and publish in order to prevent these vessels from fishing in the territorial sea.
- 6 Submarines are required to navigate on the surface and to show their flag.

Article 15

- 1 The coastal state must not hamper innocent passage through the territorial sea.
- 2 The coastal state is required to give appropriate publicity to any dangers of navigation, of which it has knowledge, within its territorial sea.

Article 16

- 1 The coastal state may take the necessary steps in its territorial sea to prevent passage which is not innocent.
- 2 In the case of ships proceeding to internal waters, the coastal state shall also have the right to take the necessary steps to prevent any breach of the conditions to which admission to those waters is subject.
- 3 Subject to the provisions of para 4, the coastal state may, without discrimination amongst foreign ships, suspend temporarily in specified areas of the territorial sea the innocent passage of foreign ships if such suspensions is essential for the protection of its security. Such suspensions shall take effect only after having been duly publicised.
- 4 There shall be no suspension of the innocent passage of foreign ships through straits which are used for international navigation between one part of the high seas and another part of the high seas or the territorial sea of a foreign state.

Article 17

Foreign ships exercising the right of innocent passage shall comply with the laws and regulations enacted by the coastal state in conformity with these articles and other rules of international law and, in particular, with such laws and regulations relating to transport and navigation.

Sub-section B Rules applicable to merchant ships

Article 18

- 1 No charge may be levied upon foreign ships by reason only of their passage through the territorial sea.
- 2 Charges may be levied upon a foreign ship passing through the territorial sea as payment only for specific services rendered to the ship. These charges shall be levied without discrimination.

Article 19

- 1 The criminal jurisdiction of the coastal state should not be exercised on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connection with any crime on board the ship during its passage, save only in the following cases:

- (a) If the consequences of the crime extend to the coastal state; or
 - (b) If the crime is of a kind to disturb the peace of the country or the good order of the territorial sea; or
 - (c) If the assistance of the local authorities has been requested by the captain of the ship or by the consul of the country whose flag the ship flies; or
 - (d) If it is necessary for the suppression of illicit traffic in narcotic drugs.
- 2 The above provisions do not affect the right of the coastal state to take any steps authorised by its laws for the purpose of an arrest or investigation on board a foreign ship passing through the territorial sea after leaving internal waters.
 - 3 In the cases provided for in paras 1 and 2 of this article, the coastal state shall, if the captain so requests, advise the consular authority of the flag state before taking any steps, and shall facilitate contact between such authority and the ship's crew. In cases of emergency this notification may be communicated while the measures are being taken.
 - 4 In considering whether or how an arrest should be made, the local authorities shall pay due regard to the interests of navigation.
 - 5 The coastal state may not take any steps on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connection with any crime committed before the ship entered the territorial sea, if the ship, proceeding from a foreign port, is only passing through the territorial sea without entering internal waters.

Article 20

- 1 The coastal state should not stop or divert a foreign ship passing through the territorial; sea for the purpose of exercising civil jurisdiction in relation to a person on board the ship.
- 2 The coastal state may not levy execution against or arrest the ship for the purpose of any civil proceedings, save only in respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its voyage through the waters of the coastal state.
- 3 The provisions of the previous paragraph are without prejudice to the right of the coastal state, in accordance with its laws, to levy execution against or to arrest, for the purpose of any civil proceedings, a foreign ship lying in the territorial sea, or passing though the territorial sea after leaving internal waters.

Sub-section C Rules applicable to government ships other than warships

Article 21

The rules contained in sub-ss A and B shall also apply to government ships operated for commercial purposes.

Article 22

- 1 The rules contained in sub-s A and in Article 18 shall apply to government ships operated for non-commercial purposes.
- 2 With such exceptions as are contained in the provisions referred to in the preceding paragraph, nothing in these articles affects the immunities which such ships enjoy under these articles or other rules of international law.

Sub-section D Rule applicable to warships

Article 23

If any warship does not comply with the regulations of the coastal State concerning passage through the territorial sea and disregards any request for compliance which is made to it, the coastal state may require the warship to leave the territorial sea.

PART II
CONTIGUOUS ZONE

Article 24

- 1 In a zone of the high seas contiguous to its territorial sea, the coastal state may exercise the control necessary to:
 - (a) Prevent infringement of its customs, fiscal, immigration or sanitary regulations within its territorial or territorial sea;
 - (b) Punish infringement of the above regulations committed within its territory or territorial sea.
- 2 The contiguous zone may not extend beyond twelve miles from the baseline from which the breadth of the territorial sea is measured.
- 3 Where the coasts of two states are opposite or adjacent to each other, neither of the two states is entitled, failing agreement between them to the contrary, to extend its contiguous zone beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of the two states is measured.

PART III
FINAL ARTICLES

Article 25

The provisions of this Convention shall not affect conventions or other international agreements already in force, as between States Parties to them.

Article 26

This Convention shall, until 31 October 1958, be open for signature by all States Members of the United Nations or of any of the specialised agencies, and by any other state invited by the General Assembly of the United Nations to become a party to the Convention.

Article 27

This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary General of the United Nations.

Article 28

This Convention shall be open for accession by any states belonging to any of the categories mentioned in Article 26. The instrument of accession shall be deposited with the Secretary General of the United Nations.

Article 29

- 1 This Convention shall come into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary General of the United Nations.

- 2 For each state ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such state of its instrument of ratification or accession.

Article 30

- 1 After the expiration of a period of five years from the date on which this Convention shall enter into force, a request for the revision of this Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary General of the United Nations.
- 2 The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

Article 31

The Secretary General of the United Nations shall inform all States Members of the United Nations and the other States referred to in Article 26:

- (a) Of signatures to this Convention and of the deposit of instruments of ratification or accession, in accordance with Articles 26, 27 and 28;
- (b) Of the date on which this Convention will come into force, in accordance with Article 29;
- (c) Of requests for revision in accordance with Article 30.

Article 32

The original of this Convention, of which the Chinese, English, French, Russian, and Spanish texts are equally authentic, shall be deposited with the Secretary General of the United Nations, who shall send certified copies thereof to all States referred to in Article 26.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorised thereto by their respective governments, have signed this Convention.

DONE AT GENEVA, this twenty-ninth day of April one thousand nine hundred and fifty-eight.

CONVENTION ON THE HIGH SEAS

The States Parties to this Convention,

Desiring to codify the rules of international law relating to the high seas,

Recognising that the United Nations Conference on the Law of the Sea, held at Geneva from 24 February to 27 April 1958, adopted the following provisions as generally declaratory of established principles of international law,

Have agreed as follows:

Article 1

The term 'high seas' means all parts of the sea that are not included in the territorial sea or in the internal waters of a state.

Article 2

The high seas being open to all nations, no state may validly purport to subject any part of them to its sovereignty. Freedom of the high seas is exercised under

the conditions laid down by these articles and by the other rules of international law. It comprises, *inter alia*, both for coastal and non-coastal states:

- (a) freedom of navigation;
- (b) freedom of fishing;
- (c) freedom to lay submarine cables and pipelines;
- (d) freedom to fly over the high seas.

These freedoms, and others which are recognised by the general principles of international law, shall be exercised by all states with reasonable regard to the interests of other states in their exercise of the freedom of the high seas.

Article 3

- 1 In order to enjoy the freedom of the seas on equal terms with coastal states, states having no sea-coast should have free access to the sea. To this end states situated between the sea and a state having no sea-coast shall by common agreement with the latter and in conformity with existing international conventions accord:
 - (a) To the state having no sea-coast, on a basis of reciprocity, free transit through their territory; and
 - (b) To ships flying the flag of that state treatment equal to that accorded to their own ships, or to the ships of any other States, as regards access to seaports and the use of such ports.
- 2 States situated between the sea and a state having no sea-coast shall settle, by mutual agreement with the latter, and taking into account the rights of the coastal state having no sea-coast, all matters relating to freedom of transit and equal treatment in ports, in case such states are not already parties to existing international conventions.

Article 4

Every state, whether coastal or not, has the right to sail ships under its flag on the high seas.

Article 5

- 1 Each state shall fix conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. Ships have the nationality of the state whose flag they are entitled to fly. There must exist a genuine link between the state and the ship; in particular, the state must effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag.
- 2 Each state shall issue to ships to which it has granted the right to fly its flag documents to that effect.

Article 6

- 1 Ships shall sail under the flag of one state only and, save in exceptional cases expressly provided for in international treaties or in these articles, shall be subject to its exclusive jurisdiction on the high seas. A ship may not change its flag during a voyage or while in a port of call, save in the case of a real transfer of ownership or change of registry.
- 2 A ship which sails under the flags of two or more states, using them according to convenience, may not claim any of the nationalities in question with respect to any other state, and may be assimilated to a ship without nationality.

Article 7

The provisions of the preceding articles do not prejudice the question of ships employed on the official service of an intergovernmental organisation flying the flag of that organisation.

Article 8

- 1 Warships on the high seas have complete immunity from the jurisdiction of any state other than the flag state.
- 2 For the purposes of these articles, the term 'warship' means a ship belonging to the naval forces of a state and bearing the external marks distinguishing warships of its nationality, under the command of an officer duly commissioned by the government and whose name appears in the Navy List, and manned by a crew who are under regular naval discipline.

Article 9

Ships owned or operated by a state and used only on government non-commercial service shall, on the high seas, have complete immunity from the jurisdiction of any state other than the flag state.

Article 10

- 1 Every state shall take such measures for ships under its flag as are necessary to ensure safety at sea with regard *inter alia* to:
 - (a) The use of signals, the maintenance of communications and the prevention of collisions;
 - (b) The manning of ships and labour conditions for crews taking into account the applicable international labour instruments;
 - (c) The construction, equipment, and seaworthiness of ships.
- 2 In taking such measures each state is required to conform to generally accepted international standards and to take any steps which may be necessary to ensure their observance.

Article 11

- 1 In the event of a collision or of any other incident of navigation concerning a ship on the high seas, involving the penal or disciplinary responsibility of the master or of any other persons in the service of the ship, no penal or disciplinary proceedings may be instituted against such persons except before the judicial or administrative authorities either of the flag state or of the state of which such person is a national.
- 2 In disciplinary matters, the state which has issued a master's certificate or a certificate of competence or licence shall alone be competent, after due legal process, to pronounce the withdrawal of such certificates, even if the holder is not a national of the state which issued them.
- 3 No arrest or detention of the ship, even as a measure of investigation, shall be ordered by any authorities other than those of the flag state.

Article 12

- 1 Every state shall require the master of a ship sailing under its flag, in so far as he can do so without serious danger to the ship, the crew, or the passengers:
 - (a) To render assistance to any person found at sea in danger of being lost;
 - (b) To proceed with all possible speed to the rescue of persons in distress if informed of their need of assistance, in so far as such action may reasonably be expected of him;

- (c) After a collision, to render assistance to the other ship, her crew and her passengers and, where possible, to inform the other ship of the name of his own ship, her port of registry and the nearest port at which she will call.
- 2 Every coastal state shall promote the establishment and maintenance of an adequate and effective search and rescue service regarding safety on and over the sea and – where circumstances so require – by way of mutual regional arrangements co-operate with neighbouring States for this purpose.

Article 13

Every state shall adopt effective measures to prevent and punish the transport of slaves in ships authorised to fly its flag, and to prevent the unlawful use of its flag for that purpose. Any slave taking refuge on board any ship, whatever its flag, shall, *ipso facto*, be free.

Article 14

All states shall co-operate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any state.

Article 15

Piracy consists of any of the following acts:

- 1 Any illegal acts of violence, detention or any act of depredation committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
 - (a) On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
 - (b) Against a ship, aircraft, persons, or property in a place outside the jurisdiction of any state;
- 2 Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
- 3 Any act of inciting or of intentionally facilitating an act described in sub-para 1 or sub-para 2 of this article.

Article 16

The acts of piracy, as defined in Article 15, committed by a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft are assimilated to acts committed by a private ship.

Article 17

A ship or aircraft is considered a pirate ship or aircraft if it is intended by the persons in dominant control to be used for the purpose of committing one of the acts referred to in Article 15. The same applies if the ship or aircraft has been used to commit any such act, so long as it remains under the control of the persons guilty of that act.

Article 18

A ship or aircraft may retain its nationality although it has become a pirate ship or aircraft. The retention or loss of nationality is determined by the law of the state from which such nationality was derived.

Article 19

On the high seas, or in any other place outside the jurisdiction of any state, every state may seize a pirate ship or aircraft, or a ship taken by piracy and under the control of pirates, and arrest the persons and seize the property on board. The courts of the state which carried out the seizure may decide upon the penalties to

be imposed, and may also determine the action to be taken with regard to the ships, aircraft or property, subject to the rights of third parties acting in good faith.

Article 20

Where the seizure of a ship or aircraft on suspicion of piracy has been effected without adequate grounds, the state making the seizure shall be liable to the state the nationality of which is possessed by the ship or aircraft, for any loss or damage caused by the seizure.

Article 21

A seizure on account of piracy may only be carried out by warships or military aircraft, or other ships or aircraft on government service authorised to that effect.

Article 22

- 1 Except where acts of interference derive from powers conferred by treaty, a warship which encounters a foreign merchant ship on the high seas is not justified in boarding her unless there is reasonable ground for suspecting:
 - (a) that the ship is engaged in piracy; or
 - (b) that the ship is engaged in the slave trade; or
 - (c) that, though flying a foreign flag or refusing to show its flag, the ship is, in reality, of the same nationality as the warship.
- 2 In the case provided for in sub-paras (a), (b) and (c) above, the warship may proceed to verify the ship's right to fly its flag. To this end, it may send a boat under the command of an officer to the suspected ship. If suspicion remains after the documents have been checked, it may proceed to a further examination on board the ship, which must be carried out with all possible consideration.
- 3 If the suspicions prove to be unfounded, and provided that the ship boarded has not committed any act justifying them, it shall be compensated for any loss or damage that may have been sustained.

Article 23

- 1 The hot pursuit of a foreign ship may be undertaken when the competent authorities of the coastal state have good reason to believe that the ship has violated the laws and regulations of that state. Such pursuit must be commenced when the foreign ship or one of its boats is within the internal waters or the territorial sea or the contiguous zone of the pursuing state, and may only be continued outside the territorial sea or the contiguous zone if the pursuit has not been interrupted. It is not necessary that, at the time when the foreign ship within the territorial sea or the contiguous zone receives the order to stop, the ship giving the order should likewise be within the territorial sea or the contiguous zone. If the foreign ship is within a contiguous zone, as defined in Article 24 of the Convention on the Territorial Sea and the Contiguous Zone, the pursuit may only be undertaken if there has been a violation of the rights for the protection of which the zone was established.
- 2 The right of hot pursuit ceases as soon as the ship pursued enters the territorial sea of its own country or of a third state.
- 3 Hot pursuit is not deemed to have begun unless the pursuing ship has satisfied itself by such practicable means as may be available that the ship pursued or one of its boats or other craft working as a team and using the ship pursued as a mother ship was within the limits or the territorial sea, or

- as the case may be within the contiguous zone. The pursuit may only be commenced after a visual or auditory signal to stop has been given at a distance which enables it to be seen or heard by the foreign ship.
- 4 The right of hot pursuit may be exercised only by warships or military aircraft, or other ships or aircraft on government service specially authorised to that effect.
 - 5 Where hot pursuit is effected by an aircraft:
 - (a) The provisions of paras 1 to 3 of this article shall apply *mutatis mutandis*;
 - (b) The aircraft giving the order to stop must itself actively pursue the ship until a ship or aircraft of the coastal state, summoned by the aircraft, arrives to take over the pursuit, unless the aircraft is itself able to arrest the ship. It does not suffice to justify an arrest on the high seas that the ship was merely sighted by the aircraft as an offender or suspected offender, if it was not both ordered to stop and pursued by the aircraft with itself or other aircraft or ships which continue the pursuit without interruption.
 - 6 The release of a ship arrested within the jurisdiction of a state and escorted to a port of that state for the purposes of an inquiry before the competent authorities may not be claimed solely on the ground that the ship, in the course of its voyage, was escorted across a portion of the high seas, if the circumstances rendered this necessary.
 - 7 Where a ship has been stopped or arrested on the high seas in circumstances which do not justify the exercise of the rights or hot pursuit, it shall be compensated for any loss or damage that may have been thereby sustained.

Article 24

Every state shall draw up regulations to prevent pollution of the seas by the discharge of oil from ships or pipelines or resulting from the exploitation and exploration of the sea bed and its subsoil, taking account of existing treaty provisions on the subject.

Article 25

- 1 Every state shall take measures to prevent pollution of the seas from the dumping of radioactive waste, taking into account any standards and regulations which may be formulated by the competent international organisations.
- 2 All states shall co-operate with the competent international organisations in taking measures for the prevention of pollution of the seas or air space above, resulting from any activities with the radioactive materials or other harmful agents.

Article 26

- 1 All states shall be entitled to lay submarine cables and pipelines on the bed of the high seas.
- 2 Subject to its right to take reasonable measures for the exploration of the continental shelf and the exploitation of its natural resources, the coastal state may not impede the laying or maintenance of such cables or pipelines.
- 3 When laying such cables or pipelines the state in question shall pay due regard to cables or pipelines already in position on the sea bed. In particular, possibilities of repairing existing cables or pipelines shall not be prejudiced.