

In the Name of Allah, the Gracious, the Merciful
The Marine Zones and Continental Shelf Act, 2018

Chapter I

Preliminary Provisions

Title and commencement

1. This Act may be cited as the, "Marine Zones and Continental Shelf Act, 2018", and shall come into force, as of the date of signature.

Repeal and saving

2. The Sudanese Territorial Waters and Continental Shelf Act, 1970, shall be repealed; provided that all regulations, orders and proceedings taken thereunder, shall be valid, until revoked or amended, in accordance with the provisions of this Act.

Interpretation

3. In this Act, unless the context otherwise requires,:-
"Bay", means 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;
"Coast", means the coast of the Red Sea, as marked on maps officially validated by the competent bodies, and includes the permanent external installations of the port, which form an integral part thereof;

- "Commission"**, means the National Boundary Commission, established under the provisions of the National boundary Commission Act, 2018;
- "Competent Minister"**, means the Minister specified by the President of the Republic.
- "Contiguous zone"**, means the area beyond and adjacent to the territorial's sea and extends to twelve nautical mile;
- "Continental Shelf"**, means the seabed and subsoil of the sea, which extends beyond the territorial sea throughout the natural prolongation of the land region, to the outer edge of the continental margin, or to a distance of 200 nautical miles from the straight baselines, from which the breadth of the territorial sea is measured;
- "Dumping"**, means any deliberate disposal of wastes or other matters from vessels, aircraft, plat forms or other man-kind structures at sea; and does not include the dumping incidental to, or derived, from the normal operations of vessels, aircraft, platforms, or other man-kind structures at sea and their equipment, other than waste or other matter transported by or to vessels, aircraft, platforms or other man-kind structures at sea, operating for the purpose of such, matter and derived from the treatment of such wastes or other matter on such vessels, aircrafts, platforms or structures;

- "Exclusive economic zone",** means the area beyond and adjacent thereto and extend to a distance of two hundred nautical kilometers from the straight baseline;
- "Flag state",** means the State to which the foreign ships belongs thereto or registered therein and hold its nationality and flies its flag;
- "Foreign ships",** means every civilian ship belonging to a State and holds its nationality and flies it flag, or any warship belonging to the Armed Forces of the State, bearing the external marks distinguishing such ships of its nationality, and includes, submarines, boats, ships and all marine vessels;
- "High seas",** mean all part of the sea that are not included in the exclusive economic zone, territorial sea, internal water or contiguous area;
- "Innocent passage",** means the passage of ship through territorial sea without being connected with any acts as may prejudice good order, peace and safety of the State, or contravention of the rule of the international law, and includes stopping and anchoring in the territorial sea, in the case of necessity, danger or situations required by ordinary navigation;

- "Internal water",** mean the water on the landward side of the straight baseline of the territorial sea;
- "Island",** means an area of land naturally formed, surround by water, which is above water at high tide;
- "Marine areas",** mean territorial sea, internal water, contiguous zone and the exclusive economic zone;
- Marine environment",** means the introduction by man, directly or indirectly, of substances, or energy into the marine environment, which result, or is likely to result in such deleterious effects as harm to living resources and marine life, hazard to human health, hindrance to marine activities, including fishing, and other legitimate uses of the sea, reduction the quality and usability of sea water;
- " Nautical mile",** means 1852 meters;
- "Roadstead",** means the place used for anchoring, loading and unloading of the ship;
- "Pollution of the**
- "Port",** means the place specialized for anchoring, loading and unloading therefrom, and provide the marine services needed in navigation;
- "Shoal",** means every area covered by shallow water, a part of which is not submerged at lowest low tide;

"Straight baselines", means the baselines where the breadth of the territorial sea is measured, and which connects the coast with the islands apposite thereto, as shown in the lists of geographical coordinates attached hereto;

"Territorial sea", means the water that extend to a distance of twelve nautical kilometers from the straight baselines and located behind and adjacent to the inland waters;

"Transit passage", means the transit passage provided for in Sections 36 and 37;

Chapter II

Territorial sea and inland water

Breadth of the territorial sea

4. The breadth of the territorial sea extends, to the distance to twelve nautical miles towards the sea, measured from the straight baselines.

Lists of geographical coordinates

5. The Commission shall:-
 - (a) prepare the lists of the geographical coordinates of points specifying the straight baselines;
 - (b) announce the lists of geographical coordinates, provided for in paragraph (a), and deposit a copy thereof, with the United Nations Secretary General.

**The right of innocent passage of foreign
ships in the territorial sea**

- 6.(1) The foreign ships shall enjoy the right of innocent passage for any of the purposes, either:-
- (a) traversing the territorial sea without entering internal waters, or calling at a roadstead or port facility outside internal waters;
 - (b) or, proceeding to the internal waters, entering therein or exiting therefrom, or calling at any roadstead or port, or leaving thereof, in accordance with the provisions having connection.
- (2) The foreign ships, that pass through the territorial sea, shall comply with the valid laws, provisions of the International Law, and international agreements, including such relating to maritime transport and navigation.

Foreign ships prevented from innocent passage

- 7.(1) The Commission may prevent foreign ships from innocent passage in specific areas of the territorial sea, whenever the same deem necessary, for protection of the national security and safety.
- (2) The Commission shall pre-announce the foreign ships, upon exercising the prevention provided for in Sub-section (1).

Foreign ships suspended from innocent passage

- 8.(1) The Commission may temporary suspend foreign ship, from innocent passage in specified areas of the territorial sea, where such suspension deem necessary for protection of the national security and safety, or for any other reasons, as it may deem fit, and it may, for this purpose, carry out weapons maneuvering .

- (2) The Commission shall pre-announce the foreign ships, upon taking the measures pertaining to temporary suspension, provided for in Sub-section (1).

Foreign warships passage

- 9.(1) Save after taking prior permission of the Commission, the foreign warship shall not pass through the territorial sea.
- (2) The Commission shall take all the necessary measures against foreign warship, in contravention of the provisions of Sub-section (1).
- (3) Submarines shall navigate on the surface of the territorial sea, and fly the flag of its state.

Harmful passage

10. There shall be deemed to be harmful to national security or safety, the passage of any warship, in case of such warship carrying out, during its existence in the territorial sea, any of the following acts:-
 - (a) threat or use of force against the sovereignty, territorial integrity or political independence, or in any other manner as may constitute violation of the principles of International Law, embodied in the Charter of the United States;
 - (b) maneuvering or training by weapons of any kind;
 - (c) hostile work aimed to collect information, as may affect security and safety of the State;
 - (d) launching, landing or loading any aircraft or military device;
 - (e) loading or unloading of any commodity, currency or person in contravention of the provisions of the laws organizing the same;
 - (f) an act, as may cause, dangerously, the dumping or pollution of environmental marine;

- (g) practicing the activities of fishing and marine life, or damage the same;
- (h) carrying out research or survey activities;
- (i) interfering in any of the transportation, communication, facilities or installations systems of the State;
- (j) causing damage or messed up, to coral reefs or natural reserves, in the territorial or coastal sea;
- (k) contravening the provisions of Section 7.

**Foreign nuclear-powered ships and ships
carrying nuclear or other inherently dangerous
or noxious substances**

11. Foreign nuclear-powered ships and such carrying nuclear or other inherently dangerous or noxious substances, shall during exercising its right of innocent passage, shall abide by the following:-
- (a) carry the instrument that shows and clarify, the contents of its load;
 - (b) notify the Commission and the other competent bodies in advance, before entering the territorial sea and passing there through;
 - (c) consider the precautionary measures, approved by the international agreements, with respect to such ships;
 - (d) nor-contravening the provisions of Section 7.

**Protection of Territorial water
and internal waters**

12. The Commission, in order to protect the territorial water and internal waters, may take the necessary proceeding to prevent any:-
- (a) harmful passage, in accordance with the provisions of Section 10;

- (b) contravening the specified terms, with respect to innocent passage, including the entering of foreign ships into the internal waters or calling in ports or roadsteads, outside the internal waters.

Taking criminal procedures on board foreign ships

13.(1) The Commission may take criminal procedures on board any foreign ships during its passage by the territorial sea, to arrest any person or to conduct any investigation in connection with an offence committed on board the ship, where either:-

- (a) the consequences of the offence extends inside the Sudan;
- (b) or, the offence was in breach of peace or good order of the territorial sea;
- (c) or, the shipmaster, diplomatic representative or consular officer of the flag State, requests the assistance of the ports authorities;
- (d) or, such procedures was necessary, to combat illegal traffic in narcotic drugs; psychotropic substances, or Trafficking in Human beings.

(2) Notwithstanding the Provisions of Sub-section (1), the Commission may take any other legal procedures, to arrest or investigate on board, any foreign ship passing through the territorial sea after leaving internal waters.

- (3)(a) the Commission shall notify the diplomatic representative, or the consular office of the flag State, before taking any of the procedures provided for in Sub-sections (1) and (2), to facilitate contact between them;
- (b) the Commission, in case of state of emergency, may send the notification provided for in paragraph (a), during taking the procedures provided for in Sub-sections (1) and (2).

- (4) The Commission, shall have due regard, to the interests of navigation, upon taking any procedure, under the provisions of Sub-section (2).

Civil procedure on board foreign ships

14. The Commission may take civil procedure against any foreign ship anchored in the territorial sea or passing thereby, including:-
- (a) file a civil suit against the foreign ship;
 - (b) seizure thereof, after leaving internal waters, in case of breaching any of the due obligations and liabilities thereof, during the voyage or for the purpose of such voyage.

Non-commitment by foreign ship with innocent passage

- 15 The Commission, upon non-commitment with the provisions of innocent passage, provided for in this Act, may request from any foreign ship, to leave immediately, the territorial sea.

Hot pursuit

- 16.(1) The Commission, may pursue any foreign ship, a hot pursuit, where they have reasonable causes, that such ship does not abide by the provisions of this Act and the laws in connection.
- (2) The pursue provided for in Sub-section (2), shall commence when the foreign ship or one of its boats, is within the internal waters, territorial sea, contiguous zone or the exclusive economic zone.
- (3) The pursue provided for in Sub-section (2), shall not commence, save after sending light or audio signal, from a

distance, as may enable the foreign ship to see such signal or hear the same.

- (4) The right of hot pursuit provided for in Sub-section (1), shall be exercised by warships or military aircrafts, as may be, by other ships or aircrafts, holding clearly marks and identifiable as being on government service and authorized so to do such right, after having the necessary permission of the Commission.
- (5) The right of hot pursuit ceases, as soon as the ship pursued enters the territorial sea of its own State or of another State.

Liability of the flag state of damage caused by foreign ship

17. The flag state shall bare liability of any loss or damage as may incur the state as a result of non-commitment of foreign ships to the provisions of innocent passage through territorial sea, or the provisions of this Act or laws having connection, or the rules of the International Law.

Chapter III

Contiguous zone and Exclusive economic zone

18. The commission, in order to protect the Contiguous zone, shall carry out any of the following:-
 - (a) prevent any contravention to the provisions of the Customs, Tax Acts, or related to immigration, health, environment, or any other laws having connection in the territory of Sudan or territorial sea, and take the necessary measures in case of contravention;
 - (b) take any necessary proceeding, as may deems fit, to protect the contiguous zone.

Rights and Jurisdiction of the state in the

Exclusive economic zone

19. The state, in the exclusive economic zone, shall have the following rights:-
- (a) explore, exploit, preserve and manage, the living and non-living natural resources;
 - (b) economic exploration and exploitation of the zone, and includes production of energy from the water, currents and winds;
 - (c) establish and use of artificial islands, installations and structures;
 - (d) conduct marine scientific research;
 - (e) protection and preservation of the marine environment.

Breadth of the exclusive economic zone and delimitation of its boundary

- 20.(1) The exclusive economic zone, extends to the distance of 200 nautical miles of the straight baseline, from which the breadth of the territorial sea is measured.
- (2) Notwithstanding the provisions of Sub-section (1), there shall be an agreement with the opposite coastal States on the boundary of the breadth of the exclusive economic zone.

Lists of geographical coordinates

21. The outer limit lines of the exclusive economic zone and the lines of delimitation drawn, in accordance with the provisions of Section 20, shall be shown on the list of geographical coordinates of the points, specifying the geodetic datum.

Artificial islands, installations and structures in the exclusive economic zone

22.(1) The Commission, in the exclusive economic zone, shall be competent with the following:-

(a) construct, organizes, operate and use:-

(i) artificial islands;

(ii) marine installations and structures used upon exercising the rights provided for in the provisions of Section 19, and such as may facilitate the exercising of such rights;

(2) There shall be applied the provisions of the taxes, customs, health, environment, safety and immigration laws, on the artificial island, marine installations and structures, provided for in Sub-section (1).

(3) The Commission shall:-

(a) maintain permanent means, for giving warning of the presence of artificial islands, marine installation and structures;

(b) remove any marine installation and structures, the use thereof has been suspended, to ensure safety of navigation, subject to the following:-

(i) any accepted international standards, laid down by the competent international organization, with this respect thereto;

(ii) fishing, protection of the marine environment, and the rights and duties of other states.

(c) Publicity shall be given to the location, depth and dimensions of any marine installations or structures still exist.

Safety zones constructed

23. The Commission, when necessary requires the same, may construct safety zones around the artificial islands, and

marine installations and structures, and may take the necessary measures to guarantee the its safety, and the safety of navigation, and not hindering the use of sea lanes.

Safety zones, its terms and warning thereof

24. The commission shall delimitate the breadth of safety zones and the term thereof, on light of the accepted international standards pertaining thereto; provided that:-
- (a) the construction of such zones, shall be to guarantee, that there are reasonable relation therein and between the nature and the function of the artificial islands, and marine installations and structures;
 - (b) not to exceed 500 meters around the artificial island, and the marine installations and structures, and such distance shall be measured from each point of its outer edge, unless where such was approved by the acceptable international standards, or as recommended by the competent international organization.
- (2) The Commission shall give due notice of the existence of safety zones, the extent, its boundary and warning thereof.

The foreign ships duties

25. All foreign ships shall apply the provisions of the valid laws and the in force international standards, with respect to navigation near the artificial islands, marine installations and structures, and safety zones.

Conservation of the living resources in the exclusive economic zone

- 26.(1) The Commission, for conserving of the living resources, in the exclusive economic zone, and in coordination with the competent bodies shall carry out the following:-**
- (a) determine the allowable catch of the living resources in the exclusive economic zone;**
 - (b) take the necessary measures to conserve:-**
 - (i) living resources in the exclusive economic zone, and manage the same, to guarantee that they are not endangered by over-exploitation;**
 - (ii) stock of harvested species or renew at levels which can produce the maximum sustainable yield;**
 - (c) determine fishing patterns, the interdependence of fish breeds and any recommended minimum international standards;**
 - (d) placement of observers or trainees on foreign ships;**
 - (e) bind foreign ships to land all or part of the catch in the Sudanese ports;**
 - (f) allowing specific researches programmes on the living resources.**
- (2) The Commission, upon conducting any of the measures provided for in Sub-section (1), shall give due regard to the effects on such measures on species associated with, or dependent upon harvested species with intention to maintain, restore populations of such associated or dependent species above levels at which their reproduction may become seriously threatened.**

Exchange of information

- 27. For the purposes of preserving the living resources, provided for in the provisions of Section 26, there shall provide and**

exchange, regularly what may be available of the scientific information and statistics of the catch and fishing effort, and other data related to the preservation of living resources through the specialized international organization, whether international or national or others; as the case may requires and with the participation of all the States concerned, including States whose national are allowed to fish in the exclusive economic zone.

Utilization of the living resources

28.(1) The Commission, for utilization of the living resources in the exclusive economic zone, shall strive on achieving the following:-

- (a) encourage the object of optimum utilization of the living resources in the exclusive economic zone, without prejudice to the provisions of Section 26;**
- (b) estimate the quantity of the living resources to be harvested.**

(2) Subject to the provisions of Sub-section (1), where the Commission does not have the capacity to harvest the entire allowable catch, may allow other states access to the surplus of the allowable catch, through concluding any agreements or arrangement, considering thereby, the national interest and living resources and preserve the same.

(3) Every State which has been agreed thereby, under the provisions of Sub-section (2), shall abide by the measures and terms set forth in this Act, and other laws having connection.

Measures and proceedings taken by the Commission in the exclusive economic zone

- 29.(1) The Commission, in the exclusive economic zone, may take any legal measures or proceeding, including inspection of foreign ships, searching and attachment thereof and filing a suit, in case of contravention of the provisions of this Act, and other laws.
- (2) The Commission may promptly release the foreign ship which has been attached, in accordance with the provisions of Sub-section (1).
- (3) The Commission, in case of attaching any foreign ship, in accordance with the provision of Sub-section (1), shall notify the flag State, with any measures or proceedings being taken against such ship and the penalties being imposed thereon.

Chapter IV

Continental Shelf

Delimitation of the Continental Shelf boundaries

30. The continental shelf boundary between the coastal States, shall be delimited by an agreement on the basis of the International Law.

Rights of the States over the continental shelf

- 31.(1) The State shall exercise sovereign rights, over the continental shelf, for the purposes of exploring, or exploring its natural resources and prevention of pollution.
- (2) There shall not exercise any activities to explore the continental shelf or exploit the natural resources thereof, save after a written approval of the Commission.
- (3) The sovereign rights, over the continental shelf, in case of non-exploitation thereof, shall not be derogated, and the same does not require any explicit announcement of such rights.

Natural resources on the continental shelf

- 32.(1) The natural resources on the continental shelf include, the mineral resources and other non-living resources on the seabed and subsoil, including organisms belonging to the sedentary species.**
- (2) For the purposes of Sub-section (1), living beings mean belonging to the sedentary species of organisms which at the harvestable stage are either immobile on, or under the seabed, or unable to move, except in constant physical contact with the seabed or the subsoil.**

Submarine cables and pipelines on the continental shelf

- 33.(1) The Commission, in coordination with the competent bodies shall:-**
- (a) lay submarine cables and pipelines on the continental shelf, for the purpose of exploring the natural resources thereof, or for any other purposes;**
 - (b) delineation the course for laying submarine cables and pipeline of the other States on the continental shelf;**
 - (c) specify terms for laying submarine cables and pipelines in the continental shelf;**
 - (d) impose jurisdiction on marine cables and pipelines laid or used for the purpose of exploring continental shelf or exploiting the resources thereof;**
 - (e) prevent pollution of pipelines, preserve and control the same.**
- (2) The States, when laying submarine cables and pipelines, shall have due regard to cables or pipelines already existing on the continental shelf, and shall not prejudice the possibility of repairing and maintaining the same.**

Artificial islands, marine installations and structures

and zones on the continental shelf

34. The Commission shall have, on the artificial island, marine installation and structures constructed on the continental shelf, the same rights, functions and powers provided for in Sections 22, 23, and 24.

Drilling on the continental shelf

- 35.(1) The Commission, in coordination with the bodies having connection, shall have the right in exploitation the seabed on the continental shelf by tunnelling, irrespective of the depth of water above the subsoil.
- (2) The Commission shall grant permission for drilling on the continental shelf for all purposes, so as may not contradict with safe navigation.

Chapter V

Transit Passage

Application

36. The provisions of this Chapter, shall be applied on international navigation between any part of the high seas or the exclusive economic zone.

Right of transit passage

- 37.(1) All foreign ships and aircraft shall enjoy the right of transit passage in the zones provided for in provisions of Section 36, and shall exercise the following:-
- (a) freedom of navigation and over flight for the purpose of continuous and expeditious transit between any part of the high seas or the exclusive economic zone;
 - (b) entering in or leaving any coastal State, subject to the laws of such States;
- (2) Any state shall not impede the transit passage.

Duties of foreign ships and aircraft during transit passage

38.(1) Foreign ships and aircrafts, during exercising the right of transit shall:-

- (a) pass without delay through the exclusive economic zone or any part of high seas;**
- (b) refrain from:-**
 - (i) threat or use of force against the sovereignty, territorial integrity, political independence of the State, or by any other manner, as may be a violation of the principles of International Law;**
 - (ii) illegal activities, unless the necessary requires so to do, by reason of force majeure;**
 - (iii) activities of exploring, exploiting, research and survey, save after obtaining the necessary permission of the commission.**

(2) The foreign ships and aircrafts provided for in the provisions of Sub-section (1), shall abide by the provisions of this Act, and the laws having connection, the systems, the procedures the and accepted safety practices on the exclusive economic zone, or any part of the high seas, including the international systems for prevention of collisions in the sea, and to prevent, reduce and control of pollution from ships.

Chapter VI

High seas

Freedom of high seas

39. (1) The high seas shall be opened for all coastal or landlocked States, and there shall exercise, by the States under the terms set forth in the rules of the International Law, the following freedoms:-

- (a) navigation;**
- (b) over flight;**

- (c) lay submarine cables and pipelines;
 - (d) construct artificial islands and other marine installations and structures;
 - (e) fishing;
 - (f) scientific research.
- (2) The State, upon exercising the freedoms set forth in Sub-section (1), shall give due regard to the interests of others States.

Combating trafficking in human being

40. The State shall strive to combat trafficking in human beings on ships authorized to fly its flag on high seas, and take all measures to prevent the illegal use of its flag.

Piracy

41. For the purposes of this Section, piracy means any of the following act:-
- (a) violence, detention or depredation, committed by the crew or the passengers of a private ship or aircraft; been committed:-
 - (i) on high seas, against foreign ship or another aircraft, or against any persons or property on board such ship, or aircraft;
 - (ii) against foreign ship, aircraft, persons or property, in a place outside the jurisdiction of any State;
 - (b) participate in operating any foreign ship or aircraft exercising acts, as may be characterized as piracy;
 - (c) abetment or assisting in committing any of the acts set forth in paragraph (a) and (b).

Piracy by a war or government ship, or government

aircraft, the crew has mutinied

42. Where a war or government ship, or government aircraft, committed any of the acts provided for in the provisions of Section 41, and its crew mutinied and taken control of the ship or aircraft, such ship or aircraft shall be considered as private one.

Piracy ship or aircraft

43. A ship or aircraft shall be considered as a piracy ship or aircraft, where it commits any of the acts, provided for in the provisions of Section 41, and was under the control of persons who committed any of such acts.

Seizure of a piracy ship or aircraft

44. The Commission on the high seas, or in any other place, out the Jurisdiction of the State, may take any of the following procedures:-
- (a) seize any piracy ship or aircraft, or any ship or aircraft taken by piracy and under control of pirates;
 - (b) arrest persons who committed the piracy actions and seize the property on board;
 - (c) take the legal procedures against such ship, aircrafts or persons who committed piracy actions, subject to the rights of bona fide third parties.

**Execution of the operations of seizure on
piracy ships and aircraft**

45. The operations of seizing piracy ships and aircrafts shall be executed by warships and military aircrafts or other ships or aircrafts, clearly marked identifiable, as being on government service and authorized so to do, by the Commission.

Illegal traffic in narcotic drugs or psychotropic substances

46. The Commission, in coordination with the competent bodies, or in cooperation with any other State, may take the necessary procedures against any ship, flying its flag on high seas, where it has reasonable grounds, that such ship is trafficking in narcotic drugs and psychotropic substances.

Unauthorized broadcasting from the high seas

- 47.(1) The Commission, in coordination with the competent bodies, shall strive to prevent authorized broadcasting from the high seas.
- (2) For the purposes of this Section, "unauthorized broadcasting" means the transmission of radio or television broadcasts from a ship or facility on the high seas with the intention of receiving thereby the general public, as may contravene the international regulations.
- (3) There shall be exempted from the provision of Sub-section (2), the transmission of distress call.
- (4) Every person who engaged in unauthorized broadcasting, shall be tried before the Court of either:-
- (a) flag State;
 - (b) or , of registry State of the installation;
 - (c) or, State of which the person is a national;
 - (d) or any State where the transmission can be received;
 - (e) or any State where such radio transmission may interfere with the authorized wireless telecommunication.

Chapter VII

General Provision

Cooperation of the Red Sea States

48. The State may coordinate and cooperate with the Red Sea States in the following matters:-
- (a) manage, preserve, explore and exploit the living resources;
 - (b) protect and maintain marine environment;
 - (c) scientific research.

Penalties

49. Without prejudice to any severe penalty, provided for in any other law, whoever contravene the provision of this Act, shall be punished with imprisonment, or with fine, to be fix by the Court, as may sentence compensation for damage,

Power to make regulations, rule and orders

- 50 The Commission, with the approval of the competent Minister, may make such regulation, rules and orders as may be necessary for the implementation of this Act.