

The Myanmar Territorial Sea and Maritime Zones Law
(The Pyidaungsu Hluttaw Law No.14, 2017)
The 9th Waning of Waso, 1379 M.E.
(17th July 2017)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Title and Definition

1. This Law shall be called the **Myanmar Territorial Sea and Maritime Zones Law**.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **State** means the Republic of the Union of Myanmar;
 - (b) **Government** means the Union Government of the Republic of the Union of Myanmar;
 - (c) **The Relevant Ministry** means a Union Ministry assigned by the Union Government;
 - (d) **Maritime Zones** means maritime zones of the State including territorial sea, contiguous zone, exclusive economic zone and continental shelf;
 - (e) **Baselines** means the baselines specified in the Annexe (A) of this Law;
 - (f) **Internal waters** means territorial water on the landward side of the baseline of the territorial sea;
 - (g) **Foreigner** means a person who is not a citizen, associate citizen or naturalized citizen;
 - (h) **Vessel** means any motorized or non-motorized vessel that can travel on-water or underwater;
 - (i) **Foreign ship** means a ship which is registered in a foreign country, not in Myanmar and a ship owned by a foreigner which is not registered in any country;
 - (j) **Natural resources** means living and non-living resources of the seabed, the seabed and its subsoil and the waters superjacent to the seabed and the

- water level. In this expression, natural resources promulgated in the gazette by the government, from time to time are also included;
- (k) **Nautical mile** means international nautical mile.

Chapter II

Objectives

3. The objectives of this Law are as follows:
- (a) to have security, good order and tranquility for the interests of the State in the territorial sea, contiguous zone, exclusive economic zone and continental shelf;
 - (b) to protect and conserve, and excavate natural resources systematically for long term in the territorial sea and maritime zones of the State and to do marine scientific researches;
 - (c) to protect and conserve from the pollutions on the sea, airspace and impact on marine environment through the territorial sea and maritime zone of the State.

Chapter III

Territorial Sea

4. The territorial sea of the State extends seawards to a distance of twelve nautical miles from the baselines.
5. The sovereignty of the State extends to the territorial sea, to its seabed, subsoil and to the airspace over the territorial sea.
6. (a) Unless it is contrary to the provisions of this Law, vessels of all States other than foreign warships shall enjoy the right of innocent passage through the territorial sea. This passage shall be deemed to be innocent passage so long as it is not prejudicial to the peace, good order and tranquillity or security of the State;
- (b) A foreign warship may pass innocent passage through the territorial sea only if prior permission of the government is obtained;

(c) The relevant government department and government organization has the right to direct foreign warship entering without getting prior permission of the government to leave immediately from the area where they arrive through the territorial sea.

7. During the passage through the territorial sea:

- (a) any foreign ship shall observe the existing laws of the State;
- (b) any foreign ship shall traverse the territorial sea by the shortest way without stopping or anchoring except by reason of natural disaster or force majeure;
- (c) a foreign fishing ship shall keep systematically its fishing gear and equipment in a secured position for sea;
- (d) foreign research ship shall do research only if prior permission of the Government is obtained;
- (e) foreign submarines and other underwater vessels shall navigate on the surface of the sea and show their flag.

8. If a foreign ship engages in any of the following activities while innocent passage through the territorial sea, it shall be considered to be prejudicial to the peace, good order and stability or security of the State:

- (a) any threat, use of force or any other act against the sovereignty, territorial integrity or political independence of the State 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 or use with weapons of any kind;
- (c) collecting information to the prejudice of the security or defence of the State;
- (d) act of propaganda that affects the security or defence of the State;
- (e) launching, landing or taking on board of any aircraft;
- (f) launching, landing or taking on board of any military device;
- (g) loading and unloading of any commodity, currency, person or animal which are not permitted under the existing customs, fiscal, immigration or sanitary laws;
- (h) act to pollute and affect the sea, airspace and impact on marine environment;

- (i) catching aquatic animals including fishes, by any way, fishing, supporting and preparing for these businesses, and making to damage the natural resources;
 - (j) carrying out of research or survey activities;
 - (k) carrying out any act aimed at interfering with any systems of communication, any other facilities or installations or structures of the State;
 - (l) carrying out any other activity not having a direct bearing on innocent passage.
9. The Foreign ship shall observe the relevant existing laws and international rules for protection of collision on the sea in the innocent passage through the territorial sea.
10. (a) Oil tankers, nuclear-powered ships and the ships carrying other dangerous or noxious substances by nuclear or by nature shall pass waterway, controlled and designated by the State.
- (b) The relevant ship shall, when passing under sub-section (a), carry necessary documents and observe precautionary measures established for such ships under international agreements.
11. The relevant ministry shall take into account the following facts in the designation of sea lanes and the prescription of traffic separation schemes on charts and shall promulgate it to know the public:
- (a) the recommendations of competent international organization for this purpose;
 - (b) any channels customarily used for international navigation;
 - (c) the special characteristics of particular ships and channels;
 - (d) the density of traffic.
12. The Government:
- (a) may take the necessary steps in its territorial sea to prevent passage which is not innocent;
 - (b) may take the necessary steps to prevent any breach of conditions relating to ships proceeding to internal waters or a call at a port facility outside internal waters;
 - (c) may suspend temporarily the innocent passage of foreign ships in the territorial sea if such suspension is necessary for the protection of the security

of the State. Such suspension shall take effect after having been duly published.

13. No charge shall be levied upon foreign ships by reason only of their passage through the territorial sea. However, the State may levy on specific services rendered to the ship.
14. The relevant government departments and government organizations may, in accordance with the law, stop, investigate, search, arrest and prosecute the vessel relating to the following offences and matters which occur on board foreign ships passing through the territorial sea:
 - (a) being the consequences of the crime which extends to the State;
 - (b) being the crime which disturbs the peace, the good order, and tranquillity of the State;
 - (c) being the request for assistance of the State by the master of the ship or by a diplomatic agent or consular officer of the flag State;
 - (d) being necessary measures for the suppression of illegal traffic in narcotic drugs or psychotropic substances;
 - (e) being necessary measures for the suppression of the act of violence, trafficking in persons, smuggling in persons or arms trafficking or piracy directly or indirectly.
15. The relevant government departments and government organizations may, after the foreign ships violates any existing laws in the internal waters of the State, take any steps according to the provisions of section 14 while passing through the territorial sea after leaving internal waters.
16. The State may exercise civil jurisdiction in the following matters relating to the innocent passage of foreign ship through the territorial sea:
 - (a) failure of obligations or liabilities assumed or incurred by the foreign ship in the course or for the purpose of its voyage through the internal waters and territorial sea of the State;
 - (b) imposition of any liability by a foreign ship for the purpose of civil proceedings in the internal waters.

Chapter IV

Contiguous Zone

17. The contiguous zone of the State is an area beyond and adjacent to the territorial sea and extends to a distance of 24 nautical miles from the baselines.
18. In the contiguous zone, the State has the right to exercise necessary control relating to the following matters:
 - (a) to safeguard the security of the State; and
 - (b) to prevent infringement of the customs, fiscal, immigration or sanitary laws of the State and to punish the persons who violate them in accordance with the laws.

Chapter V

Exclusive Economic Zone

19. The exclusive economic zone of the State is an area beyond and adjacent to the territorial sea. Such exclusive economic zone extends to a distance of 200 nautical miles from the baselines.
20. The State has the following rights and jurisdiction to exercise within exclusive economic zone:
 - (a) sovereign rights and authority for exploring, exploiting, conserving and managing the natural resources on the seabed, the seabed and its subsoil, the waters superjacent to the seabed and the water level in the exclusive economic zone, and other activities for the economic exploration, exploitation, and breeding including the production of energy from the water, currents and winds;
 - (b) exclusive rights and jurisdiction for the establishment, maintenance and use of artificial islands, off-shore terminals, installations and structures, and jurisdiction which can specify the security area for such places;
 - (c) exclusive jurisdiction to authorize, regulate and control marine scientific research;
 - (d) rights and jurisdiction to protect and preserve the marine environment sustainability and to prevent and control marine pollution;

(e) other rights provided for in the United Nations Convention on the Law of the Sea, 1982.

21. In the exclusive economic zone, all States may enjoy the right of freedom of navigation, over flight within the airspace over the zone and laying of submarine cable, pipelines and its related facilities in accordance with the law. In doing so, it shall not affect the rights and jurisdiction of the State.
22. The relevant government departments and government organizations may, in accordance with the existing laws, search, inquiry, arrest and prosecute any ship for exploring, exploiting, conserving and managing the natural resources in the exclusive economic zone.

Chapter VI

Continental Shelf

23. The continental shelf of the State comprises the seabed and subsoil of the submarine areas that extends beyond the territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin.
24. The natural resources of the continental shelf consist of:
 - (a) the mineral and living and non-living resources. Living and non-living resources include living organisms belonging to sedentary species and 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) natural resources notified by the government from time to time.
25. The State has the right to exercise the following rights and jurisdiction in the continental shelf:
 - (a) exploration, exploitation, conservation and management of the natural resources;
 - (b) establishment, maintenance and use of artificial islands, off-shore terminals, installations and structures;
 - (c) jurisdiction to authorize, regulate and control marine scientific research;

- (d) preservation and protection of marine environment, and reduction, prevention and control of marine pollution due to submarine cables, pipelines and its related facilities;
- (e) drilling underground tunnel;
- (f) prescribing other rights provided from time to time by the international law.

Chapter VII

The Right of Hot Pursuit

26. The State may, in accordance with the stipulations, exercise the right of hot pursuit of a foreign ship which violates or is believed that it has violated this Law and other existing laws. Such right of hot pursuit ceases if a foreign ship pursued enters its territorial sea or the territorial sea of a third State.

Chapter VIII

Demarcation of sea boundary with neighbouring countries

27. The sea boundary line of Myanmar – Bangladesh is demarcated by the order of the International Tribunal on the Law of the Sea issued on 14 March, 2012. The coordinates of sea boundary line of Myanmar–Bangladesh is as mentioned in Annex (B) and the nautical chart of boundary line is as mentioned in Annex (C).
28. The sea boundary line of Myanmar–India is demarcated by the bilateral agreement concluded in 1986. The coordinates of sea boundary line of Myanmar–India is as mentioned in Annex (B) and the nautical chart of boundary line is as mentioned in Annex (C).
29. The sea boundary line of Myanmar – Thailand is demarcated by the bilateral agreement concluded in 1980. The coordinates of sea boundary line of Myanmar–Thailand is as mentioned in Annex (B) and the nautical chart of boundary line is as mentioned in Annex (C).

Chapter IX

Prohibitions

30. No one shall move any objects, including ancient objects and historic objects at the seabed of the continental shelf without the prior permission of the Government.
31. No one shall act any of the followings in the exclusive economic zone without the prior permission of the Government:
 - (a) exploring;
 - (b) exploiting natural resources;
 - (c) doing research;
 - (d) excavating or drilling for any purpose;
 - (e) establishing, maintaining or using artificial island, off-shore terminal, installations and structures.
32. No one shall act any of the followings in the continental shelf without the prior permission of the Government:
 - (a) exploring;
 - (b) exploiting natural resources;
 - (c) doing research;
 - (d) searching, excavating or drilling for any purpose;
 - (e) establishing, maintaining or using artificial island, off-shore terminal, installations and structures;
 - (f) extending or maintaining submarine cables and pipelines.

Chapter X

Offences and Penalties

33. Whoever violates any prohibitions contained in sections 30, 31 or 32 or any rules issued under this Law shall, on conviction, be punished with imprisonment not exceeding seven years or with a fine or with both. If an offender is a foreigner or a person who relates to the interests of a foreign country, he shall pay a fine determined by the court with foreign currency in accordance with prescribed currency exchange rate.

34. Whoever abets in violation of any prohibitions of sections 30, 31 or 32 or any rules issued under this Law shall, on conviction, be punished with a fine as prescribed in original offence. If an offender is a foreigner or a person who relates to the interests of foreign country, he shall pay a fine determined by the court with foreign currency in accordance with prescribed currency exchange rate.
35. Whoever attempts to violate any prohibitions of sections 30, 31 or 32 or any rules issued under this Law shall, on conviction, be punished with imprisonment not exceeding three years or with a fine or with both. If an offender is a foreigner or a person who relates to the interests of a foreign country, he shall pay a fine determined by the court with foreign currency in accordance with prescribed foreign currency exchange rate.
36. Whoever violates or attempts or abets to violate any prohibitions of sections 7, 8 or 10 shall have action taken under relevant existing laws.
37. The relevant court may confiscate any ship other than warships out of ships which are involved in any offence mentioned in sections 33, 34 and 35. Equipment installed on any part of the ship and instruments on board of that ship may be confiscated.

Chapter VI

Miscellaneous

38. The State may take action against any offenders for the preservation and protection of marine environment.
39. An action taken against any offenders under this Law shall not preclude the right to take action under any other existing laws.
40. The actions taken against any offenders under section 36 shall not affect the matters relating to civil jurisdiction contained in section 16.
41. There shall be no prosecution under this Law without the prior sanction of the Government.
42. In implementing the provisions of this Law:
 - (a) the relevant Ministry may issue rules, regulations and bye-laws with the approval of the Union Government;

(b) the relevant Ministry may issue notifications, orders, directives and procedures.

43. The Territorial Sea and Maritime Zone Law (The Pyithu Hluttaw Law No.3, 1977) is hereby repealed by this Law.

I hereby sign under the Constitution of the Republic of the Union of Myanmar.

(Sd.)

Htin Kyaw

President

The Republic of the Union of Myanmar