Chapter VI
Contiguous Zone

Juridical Regime

The contiguous zone is an area seaward of the territorial sea in which the coastal State may exercise the control necessary to prevent or punish infringement of its customs, fiscal, immigration, and sanitary laws and regulations that occur within its territory or territorial sea[1] (but not for so-called security purposes[2]). The contiguous zone is comprised of international waters through which ships and aircraft, including warships and military aircraft, of all nations enjoy the high seas freedoms of navigation and overflight.[3]

The maximum permissible breadth of the contiguous zone under international law is 24 miles measured from the baseline from which the territorial sea is measured.[4] Contiguous zones may be proclaimed around both islands and rocks following appropriate baseline principles.[5] Low-tide elevations which are not part of the baseline (i.e., those situated beyond the territorial sea as measured from the mainland or an island) and artificial islands, installations and structures, cannot have contiguous zones in their own right.[6] Such man-made objects include oil drilling rigs, light towers, and off-shore docking and oil pumping facilities.

The United States claims a contiguous zone extending 12 miles from the baselines used to measure its territorial sea,[7] but respects contiguous zones extending up to 24 miles in breadth that are consistent with the LOS Convention. Table 7 lists the 53 states claiming a contiguous zone beyond their territorial sea.

Table 7
States Claiming a Contiguous Zone Beyond the Territorial Sea

	Territorial Sea nm	Contiguous Zone[a] nm
Antigua and Barbuda	12	24
Argentina	12	24
Bahrain	12	24
Bangladesh	12	18
Brazil	12	24
Bulgaria	12	24
Burma	12	24
Cambodia	12	24
Chile	12	24
China	12	24
Denmark	3	4
Djibouti	12	24
Dominica	12	24
Dominican Republic	6	24
Egypt	12	24
Finland	4	6

The opinions shared in this paper are those of the author and do not necessarily reflect the views and opinions of the U.S. Naval War College, the Dept. of the Navy, or Dept. of Defense.

Table 7 (Cont.)

	Territorial Sea	Contiguous Zone[a]
	nm	nm
France	12	24
Gabon	12	24
Gambia, The	12	18
Ghana	12	24
Haiti	12	24
Honduras	12	24
India	12	24
Iran	12	24
Madagascar	12	24
Malta	12	24
Marshall Islands	12	24
Mauritania	12	24
Mexico	12	24
Morocco	12	24
Namibia	12	24
Norway	4	10
Oman	12	24
Pakistan	12	24
Qatar	12	24
Romania	12	24
St. Kitts and Nevis	12	24
Saint Lucia	12	24
St. Vincent & The Grenadines	12	24
Saudi Arabia	12	18
Senegal	12	24
Spain	12	24
Sri Lanka	12	24
Sudan	12	18
Syria	35	41[b]
Trinidad and Tobago	12	24
Tunisia	12	24
Tuvalu	12	24
United Arab Emirates	12	24
Vanuatu	12	24
Venezuela	12	15
Vietnam	12	24
Yemen	12	24
Total of States: 53		

[a]Breadth is measured from territorial sea baseline.
[b]Claim protested by the United States.

Sources: Department of State, Office of Ocean Affairs; U.N. LOS BULL., No. 23, June 1993, at 67-68.

Excessive Claims

There are few instances of claims to a contiguous zone that exceed the rights permitted coastal States under international law. Most involve attempts by coastal States to expand the competence of the contiguous zone to include protection

of national security interests. The United States has protested these excessive claims. (*See* Table 8.) For example, in 1989, the United States protested article 4 of **Haiti** Decree No. 38 of July 12, 1977, as follows:

> The Government of the United States wishes to recall to the Government of Haiti that customary international law, as reflected in the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone, to which Haiti and the United States are party, and in the 1982 United Nations Convention on the Law of the Sea, does not recognize the right of coastal States to assert powers or rights for security purposes in peacetime that would restrict the exercise of the high seas freedoms of navigation and overflight beyond the territorial sea.[8]

In a decree of March 17, 1980, the Government of the **Socialist Republic of Vietnam** claimed that military vessels must have its permission and must also give notice before entering Vietnam's contiguous zone. In a Diplomatic Note, the United States protested these claimed restrictions on high seas freedoms, as follows:

> The Government of the United States of America also wishes to refer to specific provisions of the Decree of March 17, 1980 which assert jurisdiction in a manner which is contrary to international law with respect to the activities of foreign vessels operating in the territorial sea or the contiguous zone of the Socialist Republic of Vietnam, including, inter alia: a claim that submarines in the contiguous zone must navigate on the surface and show their flag; a claim that aircraft may not be launched from or taken aboard ships operating in the contiguous zone; and, a claim that, before entering the contiguous zone or the territorial sea, ships equipped with weapons must take prescribed steps to render such weapons less readily available for use. The Government of the United States of America wishes to remind the Government of the Socialist Republic of Vietnam that international law limits the jurisdiction which a coastal State may exercise in maritime areas. It is the view of the Government of the United States of America that the aforementioned claims made in the decree of March 17, 1980 exceed such limits.[9]

The United States has also protested attempts to establish contiguous and security zones in areas of the high seas more than 24 miles from the baselines from which the territorial sea is measured. For example, the **Syrian** claim to a 6-mile contiguous zone adjacent to its 35-mile territorial sea asserted in Article 13 of its Legislative Decree no. 304, of December 28, 1963, concerning the territorial sea of the Syrian Arab Republic, was protested by the United States in a Diplomatic Note from American Embassy Damascus to the Ministry of Foreign Affairs dated November 21, 1989.[10]

In a Diplomatic Note to the Ministry of Foreign Affairs, the United States expressed its concern over **Namibia**'s claim to establish control within the full extent of its 200-mile exclusive economic zone to prevent infringement of its fiscal, customs, immigration, and health laws. The note read in part:

> As recognized in customary international law and as reflected in articles 33 and 56 of the 1982 United Nations Convention on the Law of the Sea, the right of a coastal State to prevent infringement of its fiscal, customs, immigration, and health laws within its territory or territorial sea does not extend beyond 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.
>
> .... The Government of Namibia may wish to consider establishing a contiguous zone, consistent with international law, in which those powers may lawfully be exercised.[11]

On December 12, 1991, Namibia amended its law to conform with Article 33 of the LOS Convention.[12]

The United States also protested the 50-mile military maritime boundary proclaimed in a North Korean Army Command announcement on August 1, 1977.[13]

Table 8
States Claiming Security as a Contiguous Zone Interest

	Breadth[a]	U.S. Protest	U.S. Assertion of Navigation Rights
Bangladesh	18	1982	
Burma	24	1982	1985[b]
Cambodia	24		1992
China (PRC)	24	1992	
Egypt	24		
Haiti	24	1989	
Iran	24	1994	
Nicaragua	25		1993
Pakistan	24		1986[b]
Saudi Arabia	18		
Sri Lanka	24	1986	
Sudan	18	1989	1979[b]
Syria	41	1989	1981[b]
United Arab Emirates	20		
Venezuela	15	1989	
Vietnam	24	1982	1982[b]
Yemen	24	1982[b]	

[a]Breadth in nautical miles as measured from the territorial sea baseline.
[b]Claim protested or assertion conducted more than once.

Notes

1. Territorial Sea Convention, article 24; LOS Convention, article 33; RESTATEMENT (THIRD) FOREIGN RELATIONS LAW OF THE UNITED STATES §513 Cmt. f, §511 Cmt. k. The term "sanitary," a literal translation from the French "*sanitaire*," refers to "health and quarantine" matters. *See* Lowe, *The*

Development of the Concept of the Contiguous Zone, 52 Brit. Y.B. Int'l L. 109 (1982), and Oda, *The Concept of the Contiguous Zone*, 11 Int'l & Comp. L.Q. 31 (1962).

2. *See infra* n. 8 and accompanying text.

3. U.S. Department of the Navy, *Annotated Supplement to The Commander's Handbook on the Law of Naval Operations*, NWP 9 (Rev. A)/FMFM 1-10), paras. 1.5.1 & 2.4.1 (1989) [hereinafter NWP 9 (Rev. A) ANN. SUPP.].

4. LOS Convention, article 33(2).

5. LOS Convention, article 121(2).

6. LOS Convention, articles 13 & 60(8).

7. State Department Public Notice 358, 37 Fed. Reg. 11,906, June 15, 1972. Legislation was considered during the 102d Congress to establish a 24 mile contiguous zone, H.R. 3842, 102d Cong., 1st Sess. (1991). Although hearings were held on this bill by the House Merchant Marine and Fisheries Committee on February 4, 1992 (Ser. 102-62), the bill failed to pass the House. The 12-mile limit is now also the outer limit of the U.S. territorial sea for international purposes; for U.S. domestic law purposes, the U.S. territorial sea remains at 3 nautical miles. H.R. 3842 would have extended the U.S. territorial sea to 12 miles for the purpose of enumerated Federal statutes.

8. Diplomatic Note of August 1, 1989, from American Embassy Port au Prince; State Department telegram 229980, July 20, 1989; American Embassy Port au Prince telegram 05277, Aug. 7, 1989. Haitian Decree No. 38 of July 12, 1977 (which may be found in SMITH, EXCLUSIVE ECONOMIC ZONE CLAIMS 202). The United States protested similar claims of other States, including **Bangladesh**, regarding section 1(2)(a) of its Territorial Waters and Maritime Zones Act of 1974 (which may be found in U.N. Legislative Series: National Legislation and Treaties Relating to the Law of the Sea, U.N. Doc. ST/LEG/SER.B/19, at 5 [hereinafter U.N. Legislative Series] by Diplomatic Note of September 7, 1982 from American Embassy Dacca, State Department telegram 208007, July 22, 1982, American Embassy Dacca telegram 5873, Sept. 10, 1982 (also protested by the Federal Republic of Germany in April 1986); **Burma**, regarding article 11(a) of its Territorial Sea and Maritime Zones Law, 1977 (which may be found in U.N. Legislative Series B/19, at 9), by Diplomatic Note of August 6, 1982 from American Embassy Rangoon, State Department telegram 196007, July 15, 1982, American Embassy Rangoon telegram 3243, August 9, 1982 (also protested by the United Kingdom in 1993); **Sri Lanka**, regarding section 4(2) of the Maritime Zones Law No. 22 of 1976 (which may be found in U.N. Legislative Series B/19, at 121), by Diplomatic Note on September 12, 1986, from American Embassy Colombo, State Department telegram 246211, Aug. 6, 1986, American Embassy Colombo telegram 06963, Sept. 13, 1986; **Sudan**, regarding paragraph 9(a) of its Territorial Waters and Continental Shelf Act No. 106 of 1970 (which may be found in U.N. Legislative Series B/16, at 33), by Diplomatic Note on June 6, 1989, from American Embassy Khartoum, State Department telegram 174664, June 2, 1989, American Embassy Khartoum telegram 06535, July 7, 1989; **Syria**, regarding article 13 of its Legislative Decree No. 304 of December 28, 1963, concerning the territorial sea of the Syrian Arab Republic (which may be found in Limits in the Seas No. 53, at 6), in a Diplomatic Note from American Embassy Damascus to the Ministry of Foreign Affairs dated Nov. 21, 1989, State Department telegram 337081, Oct. 20, 1989, American Embassy Damascus telegram 03212, May 23, 1990; **Venezuela**, regarding article 3 of its Territorial Waters, Continental Shelf, Conservation of Fisheries and Airspace Law of July 2, 1956 (the 1941 version which may be found in U.N. Legislative Series B/15, at 132), in a *demarche* by American Embassy Caracas on June 22, 1989, State Department telegram 193416, June 18, 1989, American Embassy Caracas 05889, June 23, 1989; **Vietnam**, regarding its statement of May 12, 1977 (which may be found in FBIS Asia & Pacific, May 24, 1977, at K-5, and 8 NEW DIRECTIONS IN THE LAW OF THE SEA 36 (Nordquist et al. eds., 1980), to exercise such control in its 24-mile contiguous zone as it considers necessary for security and other purposes, by *aide memoire* from the U.S. Mission to the United Nations in New York to the SRV mission dated Aug. 24, 1982. State Department telegram 232901, Aug. 19, 1982, U.S. Mission to the United Nations, New York, telegram 03590, Nov. 23, 1982; **Yemen Arab Republic**, regarding Republican Decrees No. 15 and 16 of 1967 establishing a 18-mile security zone (which does not appear to have been published in English), by Diplomatic Note No. 449, dated Oct. 6, 1986, State Department telegram 312052, Oct. 3, 1986, American Embassy Sanaa telegram 06770, Oct. 6, 1986; and the **Peoples Democratic Republic of Yemen**, regarding article 12 of its Act No. 45 of 1977 (which may be found in U.N. Legislative Series B.19, at 24), by Diplomatic Note from the U.S. Mission to the United Nations in New York dated Aug. 2, 1982, State Department telegram 208006, July 27, 1982. On May 22, 1990, these two countries merged to form the Republic of Yemen. U.N. Doc. ST/CS/SER.A/31, *reprinted in* U.N. LOS BULL., No. 16, Dec. 1990, at 67, and 30 I.L.M. 820-23 (1991).

9. *Aide memoire* from the U.S. Mission to the United Nations in New York to the Socialist Republic of Vietnam (SRV) mission dated Aug. 24, 1982. State Department telegram 232901, Aug. 19, 1982, U.S. Mission to the United Nations, New York, telegram 03590, Nov. 23, 1982. The Mar. 17, 1980 decree may be found in FBIS Asia and Pacific, Mar. 19, 1980, at K2-K8. The *aide memoire* also protested the claim in SRV's statement,

on May 12, 1977, to exercise such control in its 24 mile contiguous zone as it considers necessary for security and other purposes.

10. *See supra* n. 8.

11. Diplomatic Note No. 196 dated Dec. 24, 1990, from American Embassy Windhoek. State Department telegram 420846, Dec. 13, 1990, American Embassy Windhoek telegram 00121, Jan. 22, 1991. Germany also protested this claim in Oct. 1990. Section 4(3)(b) of the Territorial Sea and Exclusive Economic Zone of Namibia Act, 1990, appears in the Government Gazette of the Republic of Namibia, No. 28, June 11, 1990, at 3, and is *reprinted in* U.N. LOS BULL., No. 21, Aug. 1992, at 59.

12. Territorial Sea and Exclusive Economic Zone of Namibia Amendment Act, 1991, Government Gazette No. 332, Dec. 30, 1991, at 2, *reprinted in* U.N. LOS BULL., No. 21, Aug. 1992, at 64.

13. The protest is contained in the United States Diplomatic Note to the U.N. Secretary General from the U.S. Mission to the United Nations in New York, Jan. 4, 1990, and was printed in U.N. LOS BULL., No. 15, May 1990, at 8-9. The Government of Japan also rejected this North Korean claim; *See* 28 Japanese Ann. Int' L. 122-23 (1985). The U.S.S.R. protested this claim on January 5, 1978. The North Korean claim may be found in The U.S. Department of Defense publication, Maritime Claims Reference Manual, Vol. I, DOD 2005.1-M (1990) at 2-258 to 259; PARK, EAST ASIA AND THE LAW OF THE SEA 172 (1983); 72 Am. J. Int'l L. 866 (1978). *See supra* Chapter IV, n. 85.