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MARITIME ZONES LAW 2014

FOR THE STATE OF ISRAEL

A Legislation Drafting Project submitted in partial fulfillment of the requirements for the award of the Degree of Master of Laws (LL.M.) in International Maritime Law at the IMO International Maritime Law Institute

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To my family, whose love and support is with me wherever I am.

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Maritime Zones Law-Explanatory Note

1. General- The 1982 United Nations Convention of the Law of the Sea¹

The 1982 United Nations Convention of the Law of the Sea (“UNCLOS”) was adopted on 10 December 1982 and came into force on 16 November 1994.² It reflects the negotiations that took place in the Third UN Conference on the Law of the Sea between the years 1973-1982 (“UNCLOS III”). As of today, it has been ratified (or acceded) by 166 States.³

UNCLOS comprises 320 articles and nine annexes. It defines the recognized maritime zones, namely internal waters, territorial sea, archipelagic waters, contiguous zone exclusive economic zone, continental shelf, the area and the high seas. It further provides for the legal regimes, which govern the various zones.

Apart from the high seas and the area, the above zones are measured from the “baselines”, which also constitutes the outer limit of the internal waters. The method by which the baseline is determined depends on the coastal configuration. It may be by “normal baselines” or by “straight baselines”⁴ for highly complicated coastal configuration.⁵ The Convention sets as well methods of delimitation of the maritime zones, when they exist between States with opposite or adjacent coasts.

UNCLOS further deals, among other things, with international straits, the protection and preservation of the marine environment, marine scientific research, development and transfer of marine technology and settlement of disputes.

¹ United Nations Convention on the Law of the Sea, Montego Bay, 10 December (1982) XXI ILM, p. 1245.

² The official website of the Division of Ocean Affairs and the Law of the Sea, available at: http://www.un.org/depts/los/convention_agreements/convention_overview_convention.htm (18.2.14).

³ Ibid.

⁴ Articles 5, 7; Tanaka, Yoshifumi; *The International Law of the Sea*, Cambridge University Press, United Kingdom, 2012, pp. 44-45.

⁵ Two other types of baselines deal with river mouths and bays and archipelagic baselines.

It is a commonly accepted view, that UNCLOS reflects some well-established international customary rules. Some of the other parts of UNCLOS, which did not form part of customary international law when UNCLOS was adopted, have passed into it over the years.⁶

The relevant maritime zones in the proposed legislation are as follows:

Internal Waters

Internal waters are the waters on the landward side of the baselines.⁷ Thus including parts of the sea along the coast down to the low-water mark, ports and harbours.⁸ A State enjoys full sovereignty over its internal waters⁹.

Territorial Sea

The territorial sea is a belt of sea adjacent to the land territory and internal waters of a State.¹⁰ Its outer limit is the line every point of which is at a distance of 12 nautical miles¹¹ from the nearest point of the baselines.¹² The sovereignty of a State extends to its territorial sea, its bed and subsoil, as well as to the airspace over the territorial sea,¹³ subject to the right of innocent passage granted to ships of all States. UNCLOS defines what constitutes “innocence” and the manner by which a ship exercising this right has to act. Further requirements are set with regards to warships and foreign nuclear-powered vessels and vessels carrying nuclear or other inherently dangerous or noxious substances.¹⁴ The State is entitled to exercise full legislative and enforcement jurisdiction unless international law provides otherwise.¹⁵ In

⁶ Churchil, Robin and Lowe, Vaughan; *The Law of the Sea*, Third Edition, Manchester University Press, Inc.1999, p. 19.

⁷ Article 8(1).

⁸ Tanaka, *op. cit.*, p. 78.

⁹ Article 2(1).

¹⁰ *Ibid.*

¹¹ Article 3.

¹² Article 4.

¹³ Article 2(2).

¹⁴ Articles 17-23.

¹⁵ Article 2(3).

particular, Articles 27-28 of UNCLOS restrict the criminal and the civil jurisdiction of the coastal State on board a foreign ship passing through the territorial sea.¹⁶

Contiguous Zone

The contiguous zone is a marine space that extends up to 24 nautical miles from the baseline. Its inner limit is the outer limit of the territorial sea. The coastal State may exercise in this zone the control necessary to prevent and punish infringements of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea,¹⁷ as well as with regards to archeological and historical objects in the contiguous zone.¹⁸ A coastal State has to claim a contiguous zone in order to exercise the functions it grants. The contiguous zone forms a part of the Exclusive Economic Zone when a State claims it, otherwise - it forms a part of the high seas.

Exclusive Economic Zone

The exclusive economic zone (“EEZ”) is an area beyond and adjacent to the territorial sea, which extends up to 200 nautical miles from the baselines.¹⁹ A coastal State has to claim an EEZ in order to exercise sovereign rights in the EEZ. The outer limits of the EEZ shall be given due publicity in accordance with UNCLOS.²⁰ In the EEZ, the coastal State has sovereign rights “*for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non living, of the water superjacent to the seabed and of the seabed and its subsoil, and with regards to other activities for the economic exploitation of the zone, such as production of energy from the water, currents and winds;*”.²¹ It has further jurisdiction with regards to the establishment of artificial islands, installations and structures, maritime scientific research and the protection and preservation of the marine

¹⁶ Articles 27, 28; Tanaka, *op. cit.*, pp. 84-85.

¹⁷ Article 33.

¹⁸ Article 303(2); Tanaka, *op. cit.*, p. 123.

¹⁹ Articles 55, 57.

²⁰ Article 75.

²¹ Article 56(1)(a).

environment.²² However, the rights regarding the seabed and subsoil are subject to the continental shelf regime.²³ In this zone, all other States enjoy certain freedoms such as the freedom of navigation and overflight and of laying submarine cables and pipelines.²⁴

Continental Shelf

The continental shelf is defined as the seabed and the subsoil of the submarine areas that extend beyond the territorial sea. It comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, subject to the limits and conditions stipulated in UNCLOS, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance.²⁵ The continental shelf exists *ipso facto* and *ab initio*, and the State's rights over it are inherent, they do not depend on occupation or a proclamation.²⁶ The coastal State has exclusive sovereign rights over the continental shelf for the purpose of exploring and exploiting its natural resources.²⁷ These rights include the coastal State's rights to construct and to authorize and regulate the construction operation and the use of artificial islands installation and structure. Thus, enabling the State to explore and exploit its natural resources.²⁸ It has as well an exclusive right to authorize and to regulate drilling on the continental shelf for all purposes.²⁹ However, the coastal State must not unjustifiably interfere with navigation and other freedoms of other States in this zone.³⁰

²² Articles 56(1)(b), 201(2), 220.

²³ Article 56(3).

²⁴ Article 58(1).

²⁵ Articles 76-77. It is worth noting, that the continental shelf may extend beyond 200 nautical miles from the baselines and up to 350 nautical miles from it. That may be the case when the natural prolongation of the land territory to the outer edge of the continental margin extends beyond 200 nautical miles. The establishment of a continental shelf beyond 200 nautical miles from the baselines is not automatic, and UNCLOS provides the mechanism for it.

²⁶ Tanaka, *op. cit.*, p. 143.

²⁷ Article 77 of The Convention. "natural resources" includes sedentary species.

²⁸ Articles 60, 80.

²⁹ Article 81.

³⁰ Article 78(2).

2. The Current Legal Situation in Israel

2.1 Legislation

Israel has not become a party to UNCLOS. However, it is party to the Geneva Convention on the Continental Shelf 1958 (“1958 Convention”).³¹ More importantly, Israel is bound by customary international law, as reflected in UNCLOS, and in particular, to the articles defining the maritime zones, the duties and rights under them.

As for the current legislative situation, Israel has proclaimed a twelve nautical miles territorial water zone under the *Territorial Water Law 1956 (amended 1990)*. This zone is defined under Article 3 of the *Interpretation Law 1981* as “*a stretch of open sea along the coast of the State, measuring twelve nautical miles in width from the low-water mark*”.

With regards to the continental shelf, *The Submarine Areas Law 1953*, in line with the 1958 Convention, provides for Israeli jurisdiction over the continental shelf outside of its territorial sea up to extent of exploitability:

1. (a) The territory of the State of Israel shall include the sea floor and underground of the submarine areas adjacent to the shores of Israel but outside Israel territorial waters, to the extent that the depth of the superjacent water permits the exploitation of the natural resources situate in such areas.

(b) Nothing in subsection (a) shall affect the character of the water superjacent on the said submarine areas, and outside Israel territorial waters, as waters of the high seas.

With regard to its EEZ, Israel has proclaimed an EEZ in the Mediterranean, as will be discussed below in detail. Nevertheless, there are not yet adequate regulations on that regard.

³¹ Convention on the Continental Shelf 1958, Geneva, 29 April 1958 United Nations, *Treaty Series*, vol. 499, p. 311; See Article 311(1) of UNCLOS - since Israel is not a State party, UNCLOS does not prevail over the 1958 Convention. However, Israel is bound by what constitutes customary international law.

On 15 January 2013, the Ministry of Justice has published a legal opinion, which is aimed to clarify some aspects until a maritime zones law is in force, and to guide the Government in its work. According to this opinion, Israel has full jurisdiction over its territory and territorial sea, and partial jurisdiction on the EEZ and over the continental shelf, where legislation relating to oil and gas as well as environmental law applies. That emphasizes as well the need for a clear legislation on that matter.

It is worth noting, that Israel has not yet declared a contiguous zone. The proposed law will provide for establishment and declaration of such zone. Thus, it will allow for effective prevention and law enforcement in the internal water and in the territorial sea, as well as within its contiguous zone with regards to archeological and historical objects.

2.2 Boundaries and Outer Limits of the Maritime Zones

Israel maritime zones are located in the Southeastern Mediterranean and in the northern part of the Red Sea. Given the nature of these areas, Israel's EEZ and continental shelf overlaps the maritime area of other States.

In the Mediterranean, Israel's EEZ and continental shelf overlap the maritime areas of **Egypt** and **Lebanon**, whose coasts are adjacent to Israel's, and **Cyprus**, whose coast is opposite to Israel's.

The only State with which Israel has a delimitation agreement is Cyprus.³² This agreement declares to delimit the EEZ of the two States. However, it is being interpreted as delimiting their respective continental shelf as well.³³ There are no agreed maritime boundaries with

³² Agreement between the Government of the State of Israel and the Government of the Republic of Cyprus on the Delimitation of the Exclusive Economic Zone December 17, 2010 (entry into force: 25 February 2011), published 75 LOS BULL. 27 (2011); UNTS (I-48387) ; The endpoints of the agreement "*could be reviewed and/or modified as necessary in light of a future agreement regarding the delimitation of the Exclusive Economic Zone to be reached by the three States concerned with respect to each of the said points*". (Clause1(e)).

³³ Ibid, in Clause 2.

Egypt, Gaza strip and Lebanon. Israel has unilaterally claimed an EEZ in the north part of its maritime zones at the Mediterranean, adjacent to the Lebanese maritime areas.³⁴

In the Red Sea, Israel has only territorial waters due to the narrow width of that area. Its maritime boundary with **Jordan** was settled in an agreement in 1996.³⁵ No such agreement was achieved with **Egypt**. However, there is a provisional line used by both Israel and Egypt.³⁶

³⁴ Israel has deposited a “List of Geographical Coordinates for the Delimitation of the Northern Limit of the Territorial Sea and the Exclusive Economic Zone of the State of Israel” 12 July 2011. The list is a reflection of a Governmental decision No. 3452 (10 July 2011).

³⁵ Maritime Boundary Agreement between the Government of the State of Israel and the Government of the Hashemite Kingdom of Jordan, 18 January 1996 (entry into force: 17 February 1996; registration #: 35333; registration date: 11 November 1998;

³⁶ H. Srebro; *Israel's Boundaries Today* (author's translation from Hebrew), The Survey of Israel (2012) pp.65-66.

3. The Purpose of the Proposed Legislation

Recent discoveries of natural energy resources in the deep seabed of the southern Mediterranean basin, along with advanced technology had led to rapid progress of exploration and exploitation activities in the maritime zones. Therefore, certain areas shall be explicitly regulated, mainly defining the State's right and responsibilities in the various maritime zones.

The aim of the proposed law is to bring the Israeli law in line with international law of the sea as reflected in UNCLOS and in customary international law. Thus, allowing a measure of certainty with regards to legal, political and commercial altogether. Further consideration will be given to environmental issues related to the accelerating maritime activities, and to artificial island, installations and structures. The proposed law, which is aimed to serve as a clear and binding legal instrument, and will replace a legal opinion of the Ministry of Justice, which is provisional and non-binding in nature.

Israel will further declare its contiguous zone in this law (followed by a decision of the Government and a submission of the relevant coordinates with the Secretary General of the United Nations),³⁷ hence regulating its jurisdiction over it with regards to customs, fiscal, immigration or sanitary laws as well as with regards to archeological and historical objects in the contiguous zone. This will allow Israel to prevent and punish infringement of its laws within its territory and its territorial sea, as well as to prevent and punish infringement of its laws with regards to archeological and historical objects within its contiguous zone.

It is the place to note, that it is recommended to consider the adherence of Israel to UNCLOS. Thus, gaining more certainty regarding the international legal regime of the seas, as well as being subject to international mechanisms of settlements of disputes.

³⁷ In accordance with Article 16.

4. Method of implementation

The proposed legislation will form a new law, namely “The Maritime Zones Law”.

4.1 General

The proposed law will define each maritime zone, and the States’ rights and obligations under it. It will define the nature of the State’s jurisdiction under each zone, and will deal with related issues such as the freedom of navigation, aspects of scientific research, environmental aspects and artificial islands, installations and structures.

The proposed law is rather a frame work law, providing basic principles, which define the scope of jurisdiction in each of the maritime zone. The applicability of other laws and regulations in each zone will be determined by these principles. Therefore, almost no reference to particular authority is made in the proposed law, as it mostly refers to “the State of Israel”. Since many of the matters dealt by the proposed law are already regulated,³⁸ the proposed law will only define their applicability. However, powers to further regulate are granted (mainly) to the Minister of Justice.

4.2 Boundaries

As mentioned above, the only State with which Israel has a delimitation agreement is Cyprus. Therefore, with regards to the other States, the list of coordinates will be set by a decision of the Government, in accordance with international law, until agreements will establish permanent points of delimitation.

Since most of the boundaries have not yet been formed or can still be revised, it is suggested to define a mechanism for publication of the set boundaries by The Survey of Israel.³⁹ Any

³⁸ e.g. The Shipping Law (Violations Against International Vessel Security and Maritime Facilities) 2008.

³⁹ It is the government agency for Mapping, Geodesy, Cadastre and Geoinformatics. The Survey is responsible for the national infrastructure in these areas as well as for a number of official functions.

revision of this annex will be made by a decision of the Government, through the Minister of Foreign affairs and will be subject to due publicity by The Survey of Israel.

In addition, since the proposed law deals with some constitutive factors, as boundaries, it is suggested to consider including these particular aspects in a future basic law that will deal with boundaries (as a part of the constitution).

4.3 Amendments to Other Laws

The Submarine Areas Law 1953 and the *Territorial Water Law 1956 (amended 1990)* will be repealed. The definition of “Territorial Waters” in the Article 3 of the *Interpretation Law 1981* will be substituted by a reference to the definition in the proposed law. Some other law will be amended in order to have a uniform definition of the maritime zones.

With regards to penal and enforcement, the proposed law will stipulate, that the Penal Code will apply to offences committed in the maritime zones, in so far as they prejudice the rights of the State of Israel in accordance with the proposed law. Penal and enforcement would be determined by the relevant law that applies to the particular maritime zone in which the offence has taken place. Most of these law are already in force, either in the Penal Law 1977⁴⁰ or in other law such as the Fisheries Ordinance 1937, or will be legislated in the future in accordance with the proposed law. Since the proposed law defines the scope of jurisdiction on each zone, there is no need for extra-territorial jurisdiction in order to enforce those laws.

4.4 Power and Authority

The Minister of Justice will have the power with regards to this law, including the power to regulate related issues. The Minister of Foreign Affairs will have powers with regards to the coordinates for the outer limits of the maritime zones as well as for the method by which the baselines are determined. He will have the power to regulate related matters.

⁴⁰ For example, piracy is dealt with under Article 169 of the Penal Law 1977 and under the Maritime Law (Offences Against the Safety of International Maritime Navigation and Maritime Installation) 2008.

Further authority will be given to the Minister of Justice, together with the Minister of Defence, to make regulation to require prior consent or authorization for the passage of warships and nuclear-powered vessel through the territorial sea. Although UNCLOS does not prescribe for such notification and authorization, it is a common practice amongst States. Therefore, the authority given to the Minister of Justice, together with the Minister of Defence to make such regulations aims to safeguard the interests of the State of Israel in the future.

The Survey of Israel will be the professional authority in charge of advising the Government, preparing the maps and giving due publicity to charts and coordinates.

4.5 Structure

The proposed law will be structured as follows:

Part I-II will deal with the purpose of the law and definitions.

Each of the **Parts III-VII** will deal each with one of the five relevant maritime zones, defining its limits and the States' rights and jurisdiction under it. **Part VIII** deal with marine scientific research, applicable both to the EEZ and the continental shelf. **Part IX** will be a general part. It will consist of various articles, defining the power and authority under the law, the offences and penalties, the commencement of the law. It will, as well, list the relevant amendments to other laws and the repealed laws.

Maritime Zones Law 2014

Part I- Purpose

- Purpose
1. The purpose of this Law is to define the limits of the maritime zones adjacent to the coast of the State of Israel, and the rights, obligations and scope of its jurisdiction thereof.

Part II- Definitions and Interpretation

- Definitions
2. In this Law:

“internal waters” means the internal waters of the State of Israel in the Mediterranean Sea and in the Red Sea as defined in Article 3;

“territorial sea” means the territorial sea of the State of Israel in the Mediterranean Sea and in the Red Sea as defined in Article 5;

“contiguous zone” means the contiguous zone of the State of Israel as defined in Article 9;

“exclusive economic zone” means the exclusive economic zone of the State of Israel as defined in Article 12;

“continental shelf” means the continental shelf of the State of Israel as defined in Article 18;

"nautical mile" means the international nautical mile of 1,852 meters;

“baselines” shall have the meaning as will be determined by a decision of the Government, upon consultant with the Survey of Israel;

“vessel” shall have the same meaning as ascribed to it in the Israeli Shipping (vessels) Law 1960;

“warship” means a vessel belonging to the armed forces of a State bearing the external marks distinguishing such vessels of its nationality, under the command of an officer duly commissioned by the Government of the State and whose name appears in the appropriate service list or its equivalent, and manned by a crew which is under regular armed forces discipline;

“Minister” means the Minister of Justice;

Part III- Internal Waters

Limits of
the Internal
Waters

3. The internal waters of the State of Israel comprise the waters in the landward side of the baseline of the territorial sea.
4. The territory of the State of Israel includes its internal waters, where it has full sovereignty. Where the establishment of a straight baseline has the effect of enclosing as internal waters areas which had not previously been considered as such, a right of innocent passage as provided in this Law shall exist in those waters.

Part IV- Territorial Sea

Limits of
the
Territorial
Sea

5. The territorial sea of the State of Israel comprises the belt of sea adjacent to its baseline, and having:
 - a) in the Mediterranean Sea, as its seaward limit, the line every point of which is at a distance of twelve nautical miles from the nearest point of the baseline.
 - b) in the Red Sea, as its seaward limit,:
 - 1) the line as was established in the Maritime Boundary Agreement between the Government of the State of Israel and the Government of the Hashemite Kingdom of Jordan, 18 January 1996, and:
 - 2) the line determined by a delimitation agreement between Israel and Egypt, reached on the basis of international law. Pending a delimitation agreement, the line will be determined in accordance with the rules of international law.

Sovereignty
over
the
Territorial
Sea

6. The sovereignty of a State of Israel extends, beyond its land territory and internal waters, to its territorial sea. This sovereignty extends to the air space over the territorial sea as well as to its bed and subsoil.

Criminal
Jurisdiction

7. The State of Israel shall have full jurisdiction over its territorial sea. However:
 - a) The criminal jurisdiction of the State of Israel may be exercised on board a foreign vessel passing through the territorial sea to arrest any person or to conduct any investigation in connection with any crime committed on board the vessel during its passage, only in the following cases:
 - 1) if the consequences of the crime extend to the State of Israel;
 - 2) if the crime is of a kind to disturb the peace of the country or the good order of the territorial sea;
 - 3) if the assistance of the local authorities has been requested by the master of the vessel or by a diplomatic agent or consular officer of the flag State; or
 - 4) if such measures are necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances.
 - b) The State of Israel should not stop or divert a foreign vessel passing through the territorial sea for the purpose of exercising civil jurisdiction in relation to a person on

Civil
Jurisdiction

- board the vessel.
- c) Without prejudice to the right of the State of Israel, in accordance with its laws, to levy execution against or to arrest, for the purpose of any civil proceedings, a foreign vessel lying in the territorial sea, or passing through the territorial sea after leaving internal waters, the State of Israel may not levy execution against or arrest the vessel for the purpose of any civil proceedings, save only in respect of obligations or liabilities assumed or incurred by the vessel itself in the course or for the purpose of its voyage through the waters of the State of Israel.
8. Vessels of all States enjoy the right of innocent passage through the territorial sea.
- a) For the purpose of this article, "passage" means navigation through the territorial sea, for the purposes of:
- 1) traversing that sea without entering the internal waters or calling at a roadstead or port facility outside internal waters; or
 - 2) proceeding to or from the internal waters or a call at such roadstead or port facility.
- b) Passage shall be continuous and expeditious. However, passage includes stopping and anchoring in so far as they are incidental to ordinary navigation or are rendered necessary by *force majeure* or distress or for the purpose of rendering assistance to persons, vessels or aircraft in danger or distress.
- c) Passage of a foreign ship shall be considered to be prejudicial to the peace, good order or security of the State of Israel, if it engages, inter alia, in any of the following activities:
- 1) any threat or use of force against the sovereignty, territorial integrity or political independence of the State of Israel, or in any other manner in violation of the principles of international law
 - 2) any exercise or practice with weapons of any kind;
 - 3) any act aimed at collecting information to the prejudice of the defence or security of the State of Israel;
 - 4) any act of propaganda aimed at affecting the defence or security of the State of Israel;
 - 5) the launching, landing or taking on board of any aircraft;
 - 6) the launching, landing or taking on board of any military device;
 - 7) the loading or unloading of any commodity, currency or person contrary to the customs, fiscal, immigration or sanitary laws and regulations of the State of Israel;
 - 8) any act of wilful and serious pollution;
 - 9) any fishing activities;
 - 10) the carrying out of research or survey activities;
 - 11) any act aimed at interfering with any systems of communication or any other facilities or installations of the State of Israel;
 - 12) any other activity not having a direct bearing on passage.
- d) In the territorial sea, submarines and other underwater vehicles are required to navigate on the surface and to show their flag.
- e) Foreign nuclear-powered vessels and vessels carrying nuclear or other inherently dangerous or noxious substances shall, when exercising the right of innocent passage

through the territorial sea, carry documents and observe special precautionary measures established for such vessels by international agreements. The Minister, together with the Minister of Defence, may, by regulations, require that such passage will be subject to the prior consent of, or prior notification to, such authority as may be specified therein.

- f) The State of Israel may require foreign vessels exercising the right of innocent passage through the territorial sea, in the interest of safety of navigation and the regulation of the passage of vessels, to use designated sea lanes or such traffic separation schemes as may be prescribed.
- g) The State of Israel may exercise its right of protection, and:
 - 1) take any necessary steps in its territorial sea to prevent passage which is not innocent.
 - 2) in the case of vessels proceeding to internal waters or a call at a port facility outside internal waters, to take the necessary steps to prevent any breach of the conditions to which admission of those vessels to internal waters or such a call is subject.
 - 3) suspend temporarily in specified areas of its territorial sea the innocent passage of foreign vessels if such suspension is essential for the protection of its security, including weapons exercises. Such suspension will be by regulation or decree, issued and published in accordance with the Defence (Emergency) Regulation-1945.
- h) Warships
 - 1) The Minister, together with the Minister of Defence, may, by regulations, require that passage of warships through the territorial sea will be subject to the prior consent of, or prior notification to, such authority as may be specified therein.
 - 2) If any warship does not comply with the laws and regulations of the State of Israel concerning passage through the territorial sea and disregards any request for compliance therewith which is made to it, the State of Israel may require it to leave the territorial sea immediately.
 - 3) The flag State shall bear international responsibility for any loss or damage to the State of Israel resulting from the non-compliance by a warship or other Government vessel operated for non-commercial purposes with the laws and regulations of the State of Israel concerning passage through the territorial sea or with other rules of international law.
 - 4) The articles of this Law shall not affect any immunity attached to a foreign vessel of war or other Government vessel operated for non-commercial purposes.

Warships

Part V- Contiguous Zone

- 9. The contiguous zone of the State of Israel comprises, in the Mediterranean Sea, the area adjacent to the territorial sea, having:
 - a) as its landward limit, the outer limit of the territorial sea.
 - b) as its seaward limit, the line every point of which is at a distance of twenty-four nautical miles from the nearest point of the baseline.

Limits of
the
Contiguous
Zone

Rights and
Jurisdiction
in the
Contiguous
Zone

10. In the contiguous zone, the State of Israel may exercise the control necessary to:
- a) prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea;
 - b) punish infringement of the above laws and regulations committed within its territory or territorial sea.

Extension of
Territorial Sea
Jurisdiction
Over
Archaeologica
l Objects

11. The removal of objects of an archaeological and historical nature from the seabed of the contiguous zone without the approval of the State of Israel would result in an infringement of the laws and regulations referred to in this Part within its territory or territorial sea.

Part VI- Exclusive Economic Zone

Limits of
the
Exclusive
Economic
Zone

12. The exclusive economic zone of the State of Israel comprises, in the Mediterranean Sea, the area beyond and adjacent to the territorial sea, having:
- a) as its seaward limit the line every point of which is at a distance of two hundred nautical miles from the nearest point of the baseline, unless provided otherwise, in accordance with sub-articles (b) below :
 - b) If the exclusive economic zone overlaps the exclusive economic zone of a state, whose coast is opposite or adjacent to the coast of State of Israel:
 - 1) The seaward limit of the exclusive economic zone will be determined by a delimitation agreement, reached on the basis of international law.
 - 2) Pending a delimitation agreement, the limits of the exclusive economic zone will be determined in accordance with the rules of international law.

Rights and
Jurisdiction
in the
Exclusive
Economic
Zone

13. In the exclusive economic zone, the State of Israel exclusively has:
- a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;
 - b) exclusive jurisdiction with regard to:
 - 1) the establishment and use of artificial islands, installations and structures;
 - 2) marine scientific research, as provided for in Article 22;
 - 3) the protection and preservation of the marine environment;
 - c) other rights provided by this law and by international law;

Enforcement
in the
Exclusive
Economic
Zone

14. The State of Israel may, in the exercise of its sovereign rights to explore, exploit, conserve and manage the living resources in the exclusive economic zone, take such measures, including boarding, inspection, arrest and judicial proceedings, as may be necessary to ensure compliance with the laws and regulations adopted by it.

Artificial
Islands,
Installations
and
Structures

15. In the exclusive economic zone, the State of Israel shall have the exclusive right to construct and to authorize and regulate the construction, operation and use of:
- a) artificial islands;
 - b) installations and structures for the purposes provided for in Article 13 and other economic purposes;
 - c) installations and structures which may interfere with the exercise of the rights of the State of Israel in the zone.
16. The State of Israel shall have exclusive jurisdiction over such artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.

Safety
Zones

17. The State of Israel may, where necessary, establish reasonable safety zones around such artificial islands, installations and structures in which it may take appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures, in accordance with international law.

Part VII- Continental Shelf

Limits of
the
Continental
Shelf

18. The continental shelf of the State of Israel comprises, in the Mediterranean Sea, the seabed and subsoil of the submarine areas that extend beyond its territorial sea, having:
- a) as its landward limit- the outer limit of the territorial sea.
 - b) as its seaward limit the line every point of which is at a distance of two hundred nautical miles from the nearest point of the baseline, unless provided otherwise, in accordance with sub-articles (c) below :
 - c) If the continental shelf overlaps the continental shelf of another State, whose coast is opposite or adjacent to the coast of State of Israel:
 - 1) The seaward limit of the continental shelf will be determined by a delimitation agreement, reached on the basis of international law.
 - 2) Pending a delimitation agreement, the limits of the continental shelf will be determined in accordance with the rules of international law.

Rights and
Jurisdiction
over the
Continental
Shelf

19. The State of Israel has, over its continental shelf:
- a) sovereign rights for the purpose of exploring it and exploiting its natural resources, which consist of the mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, 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. These rights are exclusive in the sense that if the State of Israel does not explore the continental shelf or exploit its natural resources, no one may undertake these activities without the express consent of the State of Israel;
 - b) exclusive rights to construct, to authorize and to regulate the construction, operation and use of artificial islands, installations and structures on the continental shelf, used for economic purposes and installations and structures which may interfere with the

- exercise of the rights of the State of Israel in the zone;
- c) exclusive jurisdiction over artificial islands, installations and structures;
- d) the right to establish, where necessary, reasonable safety zones around such artificial islands, installations and structures in which it may take appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures, in accordance with international law
- e) exclusive right to authorize and regulate drilling on the continental shelf for all purposes;
- f) the right to prevent, reduce or control pollution from pipelines;
- g) the right to regulate, authorize and conduct marine scientific research as provided for in Article 22;

20. The delineation of the course for the laying submarine cables and pipelines by other States on the continental shelf is subject to the consent of the State of Israel.

21. The rights of the State of Israel over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation.

Part VIII- Marine Scientific Research

22. The State of Israel in the exercise of its jurisdiction has the right to regulate, authorize and conduct marine scientific research in its exclusive economic zone and on the continental shelf.

- a) Marine scientific research in the exclusive economic zone and on the continental shelf shall be conducted by other States or competent international organizations with the consent of the State of Israel.
- b) A consent will be granted when the research is to be carried in accordance with international law, for peaceful purposes and in order to increase scientific knowledge of the marine environment for the benefit of all mankind.
- c) The State of Israel may however in its discretion withhold its consent if that project:
 - 1) is of direct significance for the exploration and exploitation of natural resources, whether living or non-living;
 - 2) involves drilling into the continental shelf, the use of explosives or the introduction of harmful substances into the marine environment;
 - 3) involves the construction, operation or use of artificial islands, installations and structures;
 - 4) contains information communicated pursuant to sub-article (e) regarding the nature and objectives of the project which is inaccurate or if the researching State or competent international organization has outstanding obligations to the State of Israel from a prior research project.
- d) Marine scientific research activities shall not unjustifiably interfere with activities undertaken by the State of Israel in the exercise of its sovereign rights and jurisdiction.
- e) States and competent international organizations which intend to undertake such marine scientific research shall, not less than six months in advance of the expected

- starting date of the marine scientific research project, provide the State of Israel with a full description of:
- 1) the nature and objectives of the project;
 - 2) the method and means to be used, including name, tonnage, type and class of vessels and a description of scientific equipment;
 - 3) the precise geographical areas in which the project is to be conducted;
 - 4) the expected date of first appearance and final departure of the research vessels, or deployment of the equipment and its removal, as appropriate;
 - 5) the name of the sponsoring institution, its director, and the person in charge of the project; and
 - 6) the extent to which it is considered that the State of Israel should be able to participate or to be represented in the project.
- f) States and competent international organizations when undertaking marine scientific research in the exclusive economic zone or on the continental shelf of the State of Israel shall comply with the following conditions:
- 1) ensure the right of the State of Israel, if it so desires, to participate or be represented in the marine scientific research project, especially on board research vessels and other craft or scientific research installations, when practicable, without payment of any remuneration to the scientists of the State of Israel and without obligation to contribute towards the costs of the project;
 - 2) provide the State of Israel, at its request, with preliminary reports, as soon as practicable, and with the final results and conclusions after the completion of the research;
 - 3) undertake to provide access for the State of Israel, at its request, to all data and samples derived from the marine scientific research project and likewise to furnish it with data which may be copied and samples which may be divided without detriment to their scientific value;
 - 4) if requested, provide the State of Israel with an assessment of such data, samples and research results or provide assistance in their assessment or interpretation;
 - 5) ensure that the research results are made internationally available through appropriate national or international channels, as soon as practicable;
 - 6) inform the State of Israel immediately of any major change in the research program;
 - 7) unless otherwise agreed, remove the scientific research installations or equipment once the research is completed.
- g) Communications concerning the marine scientific research projects shall be made through appropriate official channels, unless otherwise agreed.
- h) The State of Israel shall have the right to require the suspension of any marine scientific research activities in progress within its exclusive economic zone or on its continental shelf if:
- 1) the research activities are not being conducted in accordance with the information communicated which the consent of the State of Israel was based; or
 - 2) the State or competent international organization conducting the research activities fails to comply with the rights of the State of Israel with respect to the marine scientific research project.
- i) The State of Israel shall have the right to require the cessation of any marine scientific

research activities in case of any non-compliance with sub-article (e) which amounts to a major change in the research project or the research activities, and if any of the situations contemplated in sub-article (h) above are not rectified within a reasonable period of time.

- j) The Minister shall issue regulations providing for a mechanism of authorization of marine scientific research in the exclusive economic zone.

Part IX- General

Offences and Penalties

- Offences and Penalties
23. Insofar as a law applies to an offence committed in a maritime zone in accordance with the Maritime Zones Law 2014, the offences set therein will be punishable through that law.

Repeal and amendments to Certain Laws

- Repeal of Laws
24. The Submarine Areas Law 1953 and the Territorial Law 1956 (amended 1990) are repealed.

- Amendment to the Interpretation Law 1981
25. In the Interpretation Law 1981:
In Article 3, the following will substitute the definition of “territorial waters”:
“The territorial waters shall have the same meaning as ascribed to it in the Maritime Zones Law 2014”

- Amendment to the Fisheries Ordinance 1937
26. In the Fisheries Ordinance 1937:
In Article 2, the following will substitute the definition of “Israel”:
“ ‘Israel’ Israel, including its territorial waters, shall have the same meaning as ascribed to it in the Maritime Zone Law 2014”.

- Amendments to the Coastal Shipping Law (Permit for foreign vessels) 2005
27. In the Coastal Shipping Law (Permit for foreign vessels) 2005:
a) In Article 1, the following will substitute the definition of “the maritime zone”:
“ ‘the exclusive economic zone’ as defined in the Maritime Zone Law 2014”.
b) Everywhere in the Law, “the maritime zone” will be substituted by “the exclusive economic zone”.

28. In the Shipping Law (Violations Against International Vessel Security and Maritime Facilities) 2008:

In Article 1, the following will substitute the definition of “continental shelf”:

“ ‘continental shelf’ as defined in the Maritime Zones Law 2014”.

29. In the Responsibility for Compensation of Oil Pollution Damages Law 2004:

In Article 1, the following will substitute the definition of “the maritime zone”:

a) In Article 1, the following will substitute the definition of “related zone”:

“ ‘the exclusive economic zone’ as defined in the Maritime Zone Law 2014”.

b) Everywhere in the Law, “the related zone” will be substituted by “the exclusive economic zone”.

Power and Authority

30. Unless otherwise provided in this Law, the Minister may make regulations for the purpose of giving effect to this Law, for:

- a) regulating any activity relating to economic exploration or exploitation of the internal waters, territorial sea, contiguous zone, exclusive economic zone and continental shelf;
- a) regulating the authorization, control and supervision of scientific research in the internal waters, territorial sea, contiguous zone, exclusive economic zone and continental shelf;
- b) regulating the construction, maintenance and removal of artificial islands, installations and structures in the exclusive economic zone and on the continental shelf;
- c) regulating the steps to be taken to inform interested parties of the arrest or detention of any foreign vessel;
- d) regulating the authorization, control and supervision of scientific research in the internal waters, territorial sea, contiguous zone, exclusive economic zone and continental shelf;
- e) the preservation and protection of the marine environment and the prevention and control of marine pollution;
- f) the safety of navigation and regulation of marine traffic;
- g) the conservation of living resources in the internal waters, territorial sea, contiguous zone, exclusive economic zone and continental shelf;
- h) the regulation of the use of the internal waters, territorial sea, contiguous zone, exclusive economic zone and continental shelf;
- i) matters relating to innocent passage through the territorial sea, in respect of all or any of the following:
 - 1) the safety of navigation and the regulation of maritime traffic;

- 2) the protection of navigational aids and facilities and other facilities or installations;
- 3) the protection of cables and pipelines;
- 4) the conservation of the living resources of the sea;
- 5) the prevention of infringement of the fisheries laws and regulations of the State of Israel;
- 6) the preservation of the environment of the State of Israel and the prevention, reduction and control of pollution thereof;
- 7) marine scientific research and hydrographic surveys;
- 8) the prevention of infringement of the customs, fiscal, immigration or sanitary laws and regulations of the State of Israel.

Authority to amend

31. Any change in the limits of the maritime zones or in the depth, position and dimensions of any artificial island, installations or structures shall be made by a Governmental decision, upon a request of the Minister of Foreign Affairs, after consultancy with the Director General of the Survey of Israel

Authority of the Survey of Israel

32. The Survey of Israel will advise the Government and will give due publicity by the in the "Reshumot" Gazette, to:

- a) The methods by which the baseline is determined, and the coordinates ascertaining its position as will be determined by a decision of the Government, upon consultant with the Survey of Israel;
- b) the limits of the maritime zones shall be shown on charts of a scale or scales adequate for ascertaining their position.
- c) to the depth, position and dimensions of any artificial island, installations or structures.
- d) Any change in the above information.

Powers of a Police Officer

33. A police officer may exercise the powers granted to him of by Law, with regards to offences committed in the maritime zones.

Commencement

Commencement

34. The commencement of this Law shall be in the day of its official publication in the "Reshumot" Gazette.