

United States Department of State  
*Bureau of Oceans and International  
Environmental and Scientific Affairs*

# Limits in the Seas

No. 132

Seychelles:

Archipelagic and other Maritime Claims and Boundaries



# **LIMITS IN THE SEAS**

**No. 132**

## **SEYCHELLES**

### **ARCHIPELAGIC AND OTHER MARITIME CLAIMS AND BOUNDARIES**

**February 14, 2014**

**Office of Ocean and Polar Affairs  
Bureau of Oceans and International Environmental and Scientific Affairs  
U.S. Department of State**

This study is one of a series issued by the Office of Ocean and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs in the Department of State. The purpose of the series is to examine a coastal State's maritime claims and/or boundaries and assess their consistency with international law. This study represents the views of the United States Government only on the specific matters discussed therein and does not necessarily reflect an acceptance of the limits claimed.

This study, and earlier studies in this series, may be downloaded from <http://www.state.gov/e/oes/ocns/opa/c16065.htm>. Comments and questions should be emailed to [LimitsInTheSeas@state.gov](mailto:LimitsInTheSeas@state.gov). Principal analysts for this study are Brian Melchior and Kevin Baumert.

## Introduction

This study analyzes the maritime claims and maritime boundaries of the Republic of Seychelles, including its archipelagic baseline claim. Seychelles' Maritime Zones (Baselines) Order, 2008 (Annex 1 to this study) took effect on November 6, 2008, and established the coordinates of Seychelles' normal and archipelagic baselines.<sup>1</sup> The archipelagic baselines are shown on Map 1 to this study. This Order was made in exercise of the powers conferred by section 3 of the Maritime Zones Act, 1999 (Act No. 2), as amended by the Maritime Zones Act, 2009 (Act No. 5 of 2009) (Annex 2 to this study). The 1999 Act established a 12-nautical mile (nm) territorial sea, 24-nm contiguous zone and 200-nm exclusive economic zone (EEZ).<sup>2</sup> Seychelles ratified the 1982 United Nations Convention on the Law of the Sea (LOS Convention) on September 16, 1991 and ratified the 1994 Agreement Relating to the Implementation of Part XI of the Convention on December 15, 1994.<sup>3</sup>

## Basis for Analysis

The LOS Convention contains certain provisions related to archipelagic States. Article 46 provides that an "archipelagic State" means "a State constituted wholly by one or more archipelagos and may include other islands." An "archipelago" is defined as "a group of islands, including parts of islands, interconnecting waters and other natural features which are so closely interrelated that such islands, waters and other natural features form an intrinsic geographical, economic and political entity, or which historically have been regarded as such."

Only an "archipelagic State" may draw archipelagic baselines. Article 47 sets out geographic criteria to which archipelagic States must adhere when establishing archipelagic baselines (Annex 3 to this study).

Under Article 47.1, an archipelagic State may draw straight archipelagic baselines joining the outermost points of the outermost islands and drying reefs of the archipelago, provided that within such baselines are included the main islands and an area in which the ratio of the area of the water to the area of the land, including atolls, is between 1 to 1 and 9 to 1. For the purpose of computing this ratio, "land areas may include waters lying within the fringing reefs of islands and atolls, including that part of a steep-sided oceanic plateau which is enclosed or nearly enclosed by a chain of limestone islands and drying reefs lying on the perimeter of the plateau" (Article 47.7). In addition, the length of any baseline segment shall not exceed 100 nm except

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<sup>1</sup> The list of geographic coordinates contained in the Order (S.I. 88 of 2008) was deposited with the UN Secretary General on March 20, 2009. An amendment (S.I. 35 of 2009), with minor adjustment, was later deposited with the UN on May 5, 2009. The Orders are available from the UN Division for Ocean Affairs and the Law of the Sea (DOALOS), at: <http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATEFILES/SYC.htm>.

<sup>2</sup> Text of Act No. 2 is available from the UN Division for Ocean Affairs and the Law of the Sea (DOALOS), at: [http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/SYC\\_1999\\_Act2.pdf](http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/SYC_1999_Act2.pdf) and at <http://www.seyllii.org/sc/legislation/consolidated-act/122>. Act No. 2 was amended by the Maritime Zones (Amendment) Act, 2009 (Act No. 5 of 2009), *Law of the Sea Bulletin* No. 70, at 29 (2009). The act may be further amended to implement the two continental shelf treaties with Mauritius. See *infra* note 16.

<sup>3</sup> United Nations Convention on the Law of the Sea, Montego Bay, opened for signature Dec. 10, 1982, entered into force Nov. 10, 1994, 1833 UNTS 397, available from DOALOS, at: [http://www.un.org/Depts/los/convention\\_agreements/texts/unclos/closindx.htm](http://www.un.org/Depts/los/convention_agreements/texts/unclos/closindx.htm).

that up to 3 percent of the total number of baselines may have a length up to 125 nm (Article 47.2).

Additional provisions of Article 47 state that such baselines shall not depart to any appreciable extent from the general configuration of the archipelago, that such baselines shall not be drawn, with noted exceptions, using low-tide elevations, and that the system of such baselines shall not be applied in such a manner as to cut off from the high seas or exclusive economic zone (EEZ) the territorial sea of another State (Article 47.3 - 47.5).

The LOS Convention further reflects the specific rights and duties given to archipelagic States over their land and water territory. Article 53 allows the archipelagic State to “designate sea lanes . . . suitable for the continuous and expeditious passage of foreign ships . . . through . . . its archipelagic waters and the adjacent territorial sea.” Also, Article 53.12 provides that “[i]f an archipelagic State does not designate sea lanes . . . , the right of archipelagic sea lanes passage may be exercised through the routes normally used for international navigation.”

### **Analysis<sup>4</sup>**

Seychelles is an archipelagic State located in the Indian Ocean to the east of Tanzania, to the northeast of Comoros, and to the north of the Glorioso Islands (France), Madagascar, and Mauritius. Seychelles consists of approximately 115 islands, and many smaller features and underwater banks. These islands and other features are not all in close proximity to one another.

Because of its geography, Seychelles’ Baselines Order establishes archipelagic baselines around four separate groups of islands. The four archipelagic baseline systems of Seychelles are composed of 157 line segments, ranging in length from 0.1 nm to 7.6 nm, with a total length of 398 nm. To be consistent with the LOS Convention, each archipelagic baseline system must encompass an “archipelago,” as defined in Article 46 of the LOS Convention, and also satisfy the criteria set forth in Article 47.<sup>5</sup>

One of the four groups of archipelagic baseline systems of Seychelles meets the water-to-land area ratio set forth in Article 47.1:

#### **Group 1: Mahé and other islands**

Total Area = 2,848 square kilometers  
 Water Area = 2,602 square kilometers  
 Land Area = 246 square kilometers  
 Water-to-land area ratio = 10.58 to 1

#### **Group 2: Farquhar and Providence Atolls**

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<sup>4</sup> Calculations for this analysis were conducted in ESRI ArcMap 10, using the Universal Transverse Mercator, Zone 38 (Cosmoledo and Aldabra), 39 (Farquhar), and 40 (Mahé) South projections and are based on the World Geodetic System 1984 (WGS84) datum.

<sup>5</sup> See *II United Nations Convention on the Law of the Sea, 1982: A Commentary* 430-431 para. 47.9(c)-(d), Martinus Nijhoff Publishers, 1993.

Total Area = 3,373 square kilometers  
 Water Area = 3,359 square kilometers  
 Land Area = 14 square kilometers  
 Water-to-land area ratio = 239.93 to 1

### **Group 3: Cosmoledo Atoll and Astove Island**

Total Area = 546 square kilometers  
 Water Area = 534 square kilometers  
 Land Area = 12 square kilometers  
 Water-to-land area ratio = 44.5 to 1

### **Group 4: Aldabra Atoll and Assomption Island**

Total Area = 972 square kilometers  
 Water Area = 814 square kilometers  
 Land Area = 158 square kilometers  
 Water-to-land area ratio = 5.15 to 1

Group 4 meets the water-to-land area ratio set forth in Article 47.1. The water-to-land area ratios calculated above for Groups 1, 2, and 3 exceed what is permissible under Article 47.1. Mahé and the other islands within Group 1 are located above an underwater feature, known as Seychelles Bank. The islands within Groups 2 and 3 are also located above underwater banks. If these banks are considered a “part of a steep-sided oceanic plateau which is enclosed or nearly enclosed by a chain of limestone islands and drying reefs lying on the perimeter of the plateau,” as provided for in Article 47.7 of the LOS Convention, these three Groups could meet the water-to-land area ratio criterion in Article 47.1. With respect to Group 1, however, it does not appear as though Seychelles Bank is “enclosed or nearly enclosed by a chain of limestone islands and drying reefs lying on the perimeter of the plateau” as described in Article 47.7.<sup>6</sup> The banks in Groups 2 and 3, on the other hand, are largely enclosed by islands and drying reefs on their perimeter.

In accordance with Article 47.2 of the LOS Convention, none of the baseline segments exceed 100 nm in length. Annex 4 to this study lists the lengths of each segment.

The configuration of the archipelagic baseline systems do not appear to depart to any appreciable extent from the general configuration of the archipelago (Article 47.3). However, it should be noted that Frégate (east of Recif) and Île du Nord (north of Silhouette) were not used to draw the baselines around Group 1, and thus are not within the claimed archipelagic waters of Seychelles.

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<sup>6</sup> For background on Article 47(7), see e.g., DOALOS, *The Law of the Sea: Archipelagic States – Legislative History of Part IV of the United Nations Convention on the Law of the Sea*, 1990; Official Records of the Third United Nations Conference on the Law of the Sea, Vol. II, at 260-73; II *United Nations Convention on the Law of the Sea, 1982: A Commentary* 399-432, Martinus Nijhoff Publishers, 1993. See also, *Limits in the Seas* No. 128, “The Bahamas: Archipelagic and other Maritime Claims and Boundaries,” Jan. 31, 2014, footnote 4.

The baselines are not drawn in a way that would cut off from the high seas or EEZ the territorial sea of another State (Article 47.5).

None of the baselines appear to be drawn using low tide elevations (Article 47.4). However, there are baseline points that seem to be placed on the open water, where there do not appear to be any islands, drying reefs, or low tide elevations. This is not permitted by Article 47. The lengths of the line segments between these open water points are mostly evenly spaced. This appears to be the case in all four baseline systems. In Group 1, baseline points 7-9, 11-13, 23-24, 29-33, 42, and 45 are not located on any islands, drying reefs, or low tide elevations, so are not appropriate baseline points. For the same reason, points 46-48, 63-69, 77-79, and 89-93 in Group 2, points 103-106 and 119-121 in Group 3, and points 124-125 and 134-137 in Group 4 are not appropriate baseline points. It is not apparent why Seychelles included extraneous points that are not in conformity with the criteria set forth in the LOS Convention. If Seychelles were to remove these points, the archipelagic baseline systems could still conform with the requirement in Article 47.2 that none of the baseline segments exceed 100 nm in length.

In summary, Group 1 does not appear to meet the water-to-land area ratio set forth in Article 47.1; because it is not enclosed or nearly enclosed by islands and drying reefs lying on the perimeter of Seychelles Bank, it cannot benefit from the use of Article 47.7. Further, all four Groups appear to contain baseline points in open water and thus do not conform to Article 47.4.

### **Territorial Sea, Contiguous Zone, Exclusive Economic Zone and Continental Shelf**

By Act No. 2 of 1999, as amended in 2009, the archipelagic waters of Seychelles comprise those waters enclosed by the archipelagic baselines. Seychelles has declared a territorial sea (section 4), a contiguous zone (section 8), and an EEZ (section 9) of 12, 24, and 200 nm, respectively. The breadth of each of these zones is measured from the archipelagic baselines. The outer limits of Seychelles' EEZ and continental shelf are set out in the Maritime Zones (Exclusive Economic Zone and Continental Shelf) Order, 2008 (S.I. 89 of 2008),<sup>7</sup> amending the Maritime Zones (Exclusive Economic Zone and Continental Shelf) Order, 2002 (S.I. 27 of 2002).<sup>8</sup>

Section 11 of the Act describes the continental shelf of Seychelles, including continental shelf extending beyond 200 nm. With respect to its continental shelf beyond 200 nm, Seychelles has made several submissions to the Commission on the Limits of the Continental Shelf (CLCS).<sup>9</sup> On December 1, 2008, Seychelles and Mauritius made a joint submission with respect to the continental shelf in the region of the Mascarene Plateau. On May 7, 2009, Seychelles made a submission concerning its continental shelf in the Northern Plateau Region. On May 9, 2009, Seychelles submitted preliminary information on its continental shelf limits in the Aldabra Island Region. The CLCS made its recommendations on March 30, 2011 with respect to the joint submission with Mauritius of December 1, 2008 concerning the outer limits of the continental shelf beyond 200 nm in the Mascarene Plateau region.<sup>10</sup> Seychelles and Mauritius have accepted

<sup>7</sup> *Law of the Sea Bulletin* No. 70, at 26-28 (2009).

<sup>8</sup> *Law of the Sea Bulletin* No. 52, at 17-19 (2003).

<sup>9</sup> Submissions are available from DOALOS, at: <http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATEFILES/SYC.htm>.

<sup>10</sup> See Joint submission by the Republic of Mauritius and the Republic of Seychelles in respect of the region of the Mascarene Plateau, dated December 1, 2008. On March 30, 2011 the Commission on the Limits of the Continental

these recommendations (see below, Maritime Boundaries).<sup>11</sup> The continental shelf beyond 200 nm of Seychelles and Mauritius in the Mascarene Plateau region is shown in Map 2.<sup>12</sup>

### **Exclusive Economic Zone and Continental Shelf Jurisdiction**

Part III (sections 9-14) of Act No. 2, pertaining to the EEZ and continental shelf, contains a number of provisions that mirror those contained in the LOS Convention regarding coastal State jurisdiction. However, sections 10(d)-(e) and 12(b) provide that Seychelles has, in its EEZ and on its continental shelf “Exclusive jurisdiction over artificial islands, installations and structures... [and] [e]xclusive jurisdiction to regulate, authorize and control marine scientific research.” Whereas Seychelles claims “exclusive jurisdiction” over these matters, Article 56 of the LOS Convention provides merely for “coastal State . . . jurisdiction *as provided for in the relevant provisions of this Convention*” (emphasis added).

### **Navigation**

Part IV (sections 15-19) of Act No. 2 recognizes certain navigational rights within the maritime zones of Seychelles, including the right of archipelagic sea lanes passage through archipelagic waters and the right of innocent passage through archipelagic waters and the territorial sea. In section 19, Seychelles has declared the right to designate sea lanes and air routes for the passage of foreign ships and aircraft through or over the archipelagic waters. Similarly, it also declares the right to prescribe traffic separation schemes.

An archipelagic State may designate such sea lanes, and also traffic separation schemes, provided that “an archipelagic State shall refer [such] proposals to the competent international organization with a view to their adoption” (Article 53, paragraphs 1 and 9). As the competent international organization, the International Maritime Organization (IMO) may “adopt only such sea lanes and traffic separation schemes as may be agreed with the archipelagic State, after which the archipelagic State may designate, prescribe, or substitute them” (Article 53.9). As of February 2014, Seychelles’ government had not formally designated any archipelagic sea lanes or prescribed traffic separation schemes, nor had it presented proposals to this effect to the IMO. Consistent with Article 53.12 of the LOS Convention, section 18(5) of Act No. 2 states that “[w]here no sea lanes or air routes through or over archipelagic waters have been designated under section 19, the right of archipelagic sea lanes passage may be exercised through lanes or routes normally used for international navigation.”

Act No. 2 limits certain navigational rights within the maritime zones of Seychelles. Sections 16(2) and (4) require foreign warships, nuclear-powered ships and ships carrying any nuclear substance or radioactive substance or materials to give notice to and obtain the prior authorization from the government of Seychelles before transiting the territorial sea or archipelagic waters. Section 17(3) further states that “passage of a foreign warship in the

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Shelf transmitted its recommendations to the States and the UN Secretary-General. CLCS/70, para. 16. Both are available from DOALOS at: [http://www.un.org/Depts/los/clcs\\_new/commission\\_submissions.htm](http://www.un.org/Depts/los/clcs_new/commission_submissions.htm).

<sup>11</sup> Joint letter from Mauritius and the Seychelles to the UN Secretary-General dated June 18, 2012, note verbale dated July 9, 2012, *Law of the Sea Bulletin* No. 79, at 25 (2013).

<sup>12</sup> See *infra*, note 17.

territorial sea or archipelagic waters is prejudicial to the peace, good order or security of Seychelles . . . without the prior notice and authorizations.” Under Article 17 of the LOS Convention, “ships of all States, whether coastal or land-locked, enjoy the right of innocent passage through the territorial sea.” This right of innocent passage also applies in archipelagic waters (Article 52). Sections 16 and 17 of Act No. 2 impermissibly restrict the right of innocent passage and are not in conformity with the LOS Convention. In 2000, the United States delivered a diplomatic note protesting these, as well certain other, sections of Seychelles’ legislation.<sup>13</sup> The United States continues to not recognize such navigational restrictions that are not in conformity with international law, as reflected in the LOS Convention.

## **Maritime Boundaries**

Seychelles has established its maritime boundaries with France (Glorioso Islands), Tanzania, and Mauritius, and has concluded a maritime boundary agreement with the Comoros that is not yet in force. Seychelles has an undelimited maritime boundary with Madagascar. The maritime boundaries are shown on Map 2 to this study.

Seychelles’ maritime boundary agreement with France (Glorioso Islands), concluded in 2001, established a maritime boundary that separates their respective EEZs and continental shelves.<sup>14</sup> The boundary is approximately 170 nm in length, consisting of two geodesic lines that connect three points.

Seychelles’ maritime boundary agreement with Tanzania, concluded in 2002, established a maritime boundary that separates the EEZs and continental shelves of Tanzania (Mafia Island) and Seychelles (Aldabra Atoll-Picard Island).<sup>15</sup> The boundary is approximately 17 nm in length, consisting of nine geodesic lines that connect ten points.

Seychelles’ maritime boundary agreement with Mauritius, concluded in 2008, establishes a maritime boundary that separates the EEZs of Mauritius (Island of Agalega) and Seychelles (Islands of Coëtivy, St. François, Providence and Farquhar).<sup>16</sup> The boundary is approximately 208 nm in length and is defined by 33 points.

Seychelles and Comoros concluded a maritime boundary agreement in 2012. Around the same time, Seychelles, Comoros, and Tanzania appear to have concluded an agreement on a tri-point

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<sup>13</sup> Note delivered June 28, 2000, *Digest of U.S. Practice in International Law* 2000, at 707-709 (2001), available at: <http://www.state.gov/documents/organization/6844.doc>.

<sup>14</sup> Agreement between the Government of the French Republic and the Government of the Republic of Seychelles Concerning the Delimitation of the Maritime Boundary of the Exclusive Economic Zone and the Continental Shelf of France and Seychelles, Victoria, Feb. 19, 2001, entered into force Feb. 19, 2001, 2162 UNTS 282, *Law of the Sea Bulletin* No. 47, at 42-44 (2001), V *International Maritime Boundaries* 3784-3794 (2005).

<sup>15</sup> Agreement between the Government of the United Republic of Tanzania and the Government of the Republic of Seychelles on the Delimitation of the Maritime Boundary in the Exclusive Economic Zone and the Continental Shelf, Victoria, Jan. 23, 2002, entered into force Jan. 23, 2002, 2196 UNTS 14, *Law of the Sea Bulletin* No. 49, at 56-59 (2002), V *International Maritime Boundaries* 3795-3804.

<sup>16</sup> Agreement between the Government of the Republic of Mauritius and the Government of the Republic of Seychelles on the Delimitation of the Exclusive Economic Zone between the two States, Port Louis, July 29, 2008, entered into force Nov. 19, 2008, *Law of the Sea Bulletin* No. 69, at 106-109 (2009), VI *International Maritime Boundaries* 4391-4402 (2011).

where their three boundaries come together. As of February 2014, it appears as though these agreements are not yet in force.

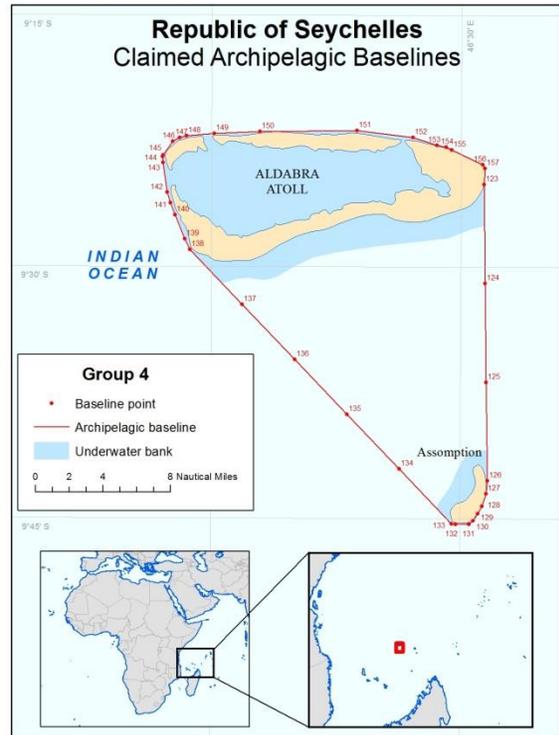
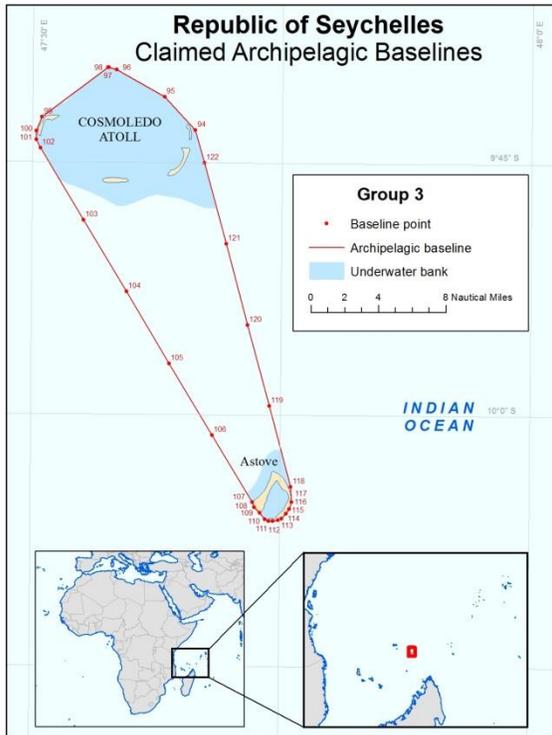
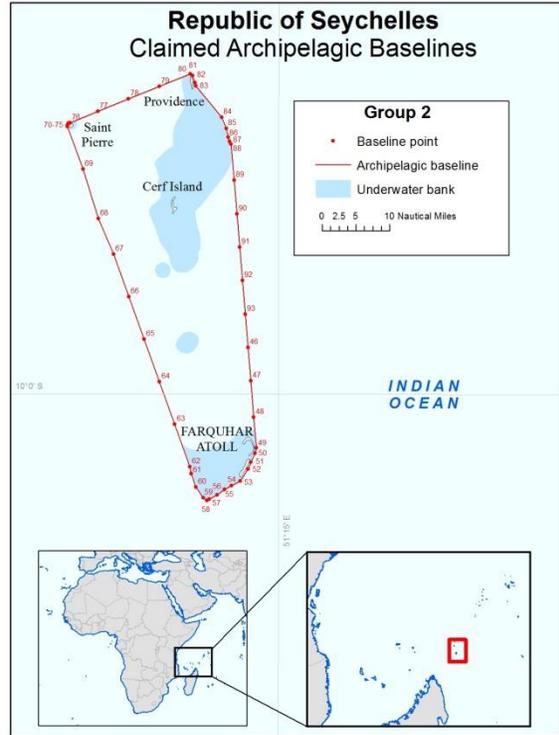
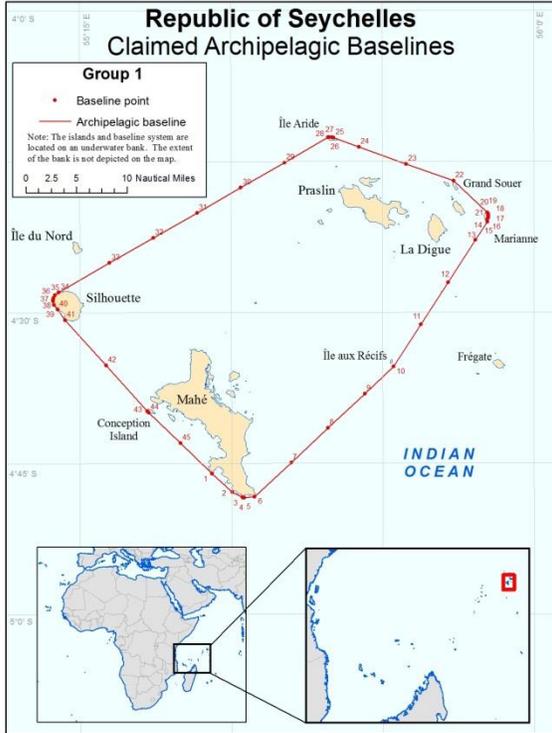
Seychelles' boundaries with France (Glorioso Islands) and Tanzania separate the continental shelves, but no turning point extends beyond 200 miles from the nearest islands. The Mauritius-Seychelles agreement does not delimit their continental shelves, which extend beyond 200 nm. Seychelles and Mauritius have entered into two treaties for the joint exercise and management of their sovereign rights beyond 200 nm in that region.<sup>17</sup> See Map 2.

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<sup>17</sup> Treaty Concerning the Joint Exercise of Sovereign Rights over the Continental Shelf in the Mascarene Plateau Region between the Government of the Republic of Seychelles and the Government of the Republic of Mauritius, Vacoas, Mar. 13, 2012, entered into force June 18, 2012, UNTS registration # I-49782, registration date July 11, 2012, *Law of the Sea Bulletin* No. 79, at 26-40; and Treaty Concerning the Joint Management of the Continental Shelf in the Mascarene Plateau Region between the Government of the Republic of Seychelles and the Government of the Republic of Mauritius, Vacoas, Mar. 13, 2012, entered into force June 18, 2012, UN registration # I-49783, registration date July 11, 2012, *Law of the Sea Bulletin* No. 79, at 41-52.

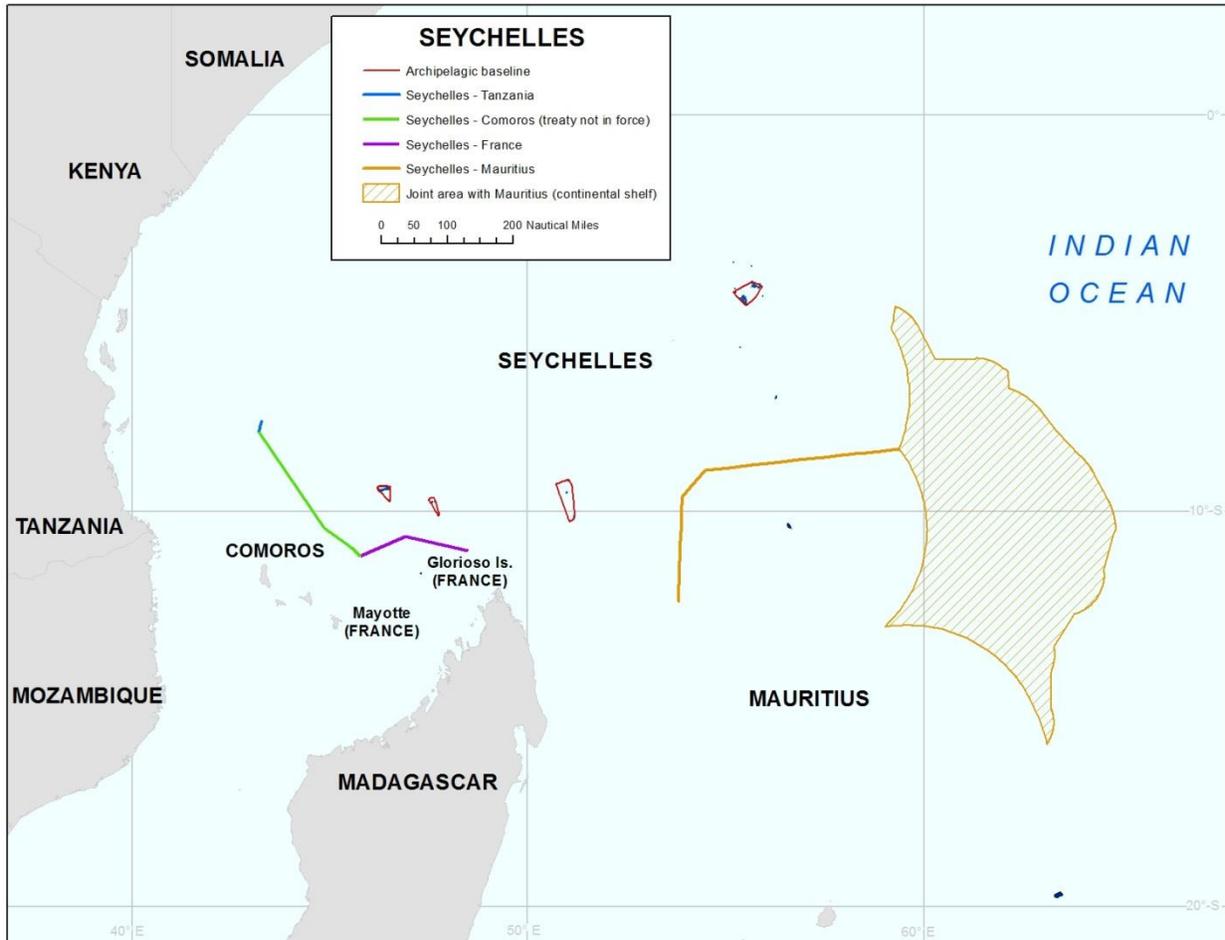
### Map 1

## Illustrative Map of the Archipelagic Baselines of Seychelles



### Map 2

## Illustrative Map of Seychelles' Maritime Boundaries and Joint Management Area with Mauritius (Continental Shelf beyond 200 nm)



**Annex 1**

**MARITIME ZONES (BASELINES) ORDER, 2008**  
**(S.I. 88 of 2008)**  
**AS AMENDED BY MARITIME ZONES (BASELINES) AMENDMENT REGULATION,**  
**2009, FEBRUARY 16, 2009**  
**(S.I. 35 of 2009)**

In exercise of the powers conferred by Section 3 of the Maritime Zones Act 1999, the President makes the following Order —

1. This Order may be cited as the Maritime Zones (Baselines) Order, 2008.
2. In terms of Section 3(1) (b) of the Act, the archipelagic baselines are prescribed.
3. For the purposes of Section 3(3) (b) of the Act, the archipelagic baselines referred to in Order 2 are identified together with the geographical co-ordinates of the points of those archipelagic baselines as more fully described in Schedule 1.
4. For the purposes of Section 3 of the Act, the normal baselines are identified together with the geographical co-ordinates of the points of those normal baselines as more fully described in Schedule 2.

**SCHEDULE 1****BASEPOINTS AND BASELINES****1.0 MAHE ARCHIPELAGO – ARCHIPELAGIC BASELINES**

- Reference spheroid World Geodetic System 84 (WGS84)  
Semi major axis a = 6378 137.000 m  
Semi minor axis b = 6356 752.3142 m  
f = 1/298.257223563
- Latitude (South) in degrees minutes and decimal seconds
- Longitude (East) in degrees minutes and decimal seconds

<b>POINT</b>	<b>LATITUDE SOUTH</b>	<b>LONGITUDE EAST</b>
<b>Mahé Archipelago</b>		
<b>Mahé</b>		
MSJ	04 46 00.61	55 28 03.39
MSH	04 47 50.88	55 30 04.65
MSG2	04 48 22.21	55 31 02.67
MSG1	04 48 24.86	55 31 06.70
MSG	04 48 24.65	55 31 15.37
MS ISLAND	04 48 20.16	55 32 15.59
MR1	04 44 55.06	55 35 54.71
MR2	04 41 29.96	55 39 33.83
MR3	04 38 04.86	55 43 12.95
<b>Ile aux Recifs</b>		
Recif	04 35 24.70	55 46 04.08

Rm1	04 31 12.69	55 48 46.63
Rm2	04 27 00.68	55 51 29.18
Rm3	04 22 48.67	55 54 11.73
<b>Marianne</b>		
D6	04 21 00.32	55 55 21.92
D5	04 20 43.72	55 55 24.14
D4	04 20 35.37	55 55 27.29
D3	04 20 30.90	55 55 28.76
D2	04 20 22.00	55 55 29.64
C3	04 20 18.20	55 55 28.53
C2	04 20 08.44	55 55 24.78
C	04 20 05.31	55 55 21.90
<b>Grande Soeur</b>		
GSB	04 16 56.85	55 52 03.36
GSBA1	04 15 14.71	55 47 21.21
GSBA2	04 13 32.57	55 42 39.06
<b>Ile Aride</b>		
Ar(iv)	04 12 38.47	55 40 09.93
Ar(v)	04 12 35.62	55 39 57.10
Ar(vi)	04 12 35.24	55 39 41.91
Ar(vii)	04 12 35.93	55 39 37.46
ARSQ1	04 15 05.47	55 35 17.32
ARSQ2	04 17 35.01	55 30 57.18
ARSQ3	04 20 04.55	55 26 36.97
ARSQ4	04 22 34.09	55 22 16.83
ARSQ5	04 25 03.63	55 17 56.71
<b>Silhouette</b>		
SQ4	04 27 57.50	55 12 54.25
SQ3	04 28 14.69	55 12 29.98
SQ2	04 28 30.73	55 12 22.67
SQ1	04 28 41.16	55 12 19.25
SQ	04 28 51.45	55 12 19.74
SP	04 29 13.49	55 12 24.58
SN1	04 29 40.22	55 12 47.13
SN	04 30 43.54	55 13 31.74
SCON	04 35 15.34	55 17 34.83
<b>Conception</b>		
M	04 39 47.14	55 21 37.91
L	04 39 55.75	55 21 46.64
CON MAHE	04 42 58.38	55 24 55.21

**2.0 FARQUHAR, PROVIDENCE, ST PIERRE ARCHIPELAGO**

<b>POINT</b>	<b>LATITUDE SOUTH</b>	<b>LONGITUDE EAST</b>
W7	09 53 02.90	51 10 22.40
W8	09 58 01.90	51 10 47.70
W9	10 03 25.80	51 11 14.60
<b>Farquhar Atoll</b>		
Far (iv)	10 07 59.90	51 11 39.90
Far (v)	10 08 50.20	51 11 26.70
Far (vii)	10 10 10.60	51 10 50.30
Far (viii)	10 11 12.20	51 10 23.00
Y	10 13 00.10	51 09 13.30
P76	10 13 41.30	51 07 51.10
P77	10 14 14.40	51 06 51.30
Y1	10 15 01.10	51 05 42.30
Z	10 15 40.80	51 04 33.60
Far(ix)	10 15 51.90	51 04 10.70
Far(x)	10 15 29.30	51 03 37.00
Far(xii)	10 13 50.40	51 02 33.10
Farx(iii)	10 11 51.00	51 01 49.80
Aa	10 10 49.90	51 01 39.20
Aa5	10 04 29.47	50 59 21.21
Aa6	09 58 09.04	50 57 03.22
Aa7	09 51 48.61	50 54 45.23
Aa8	09 45 28.18	50 52 27.24
Aa9	09 39 07.75	50 50 09.25
Aa10	09 33 47.32	50 47 51.26
Aa11	09 26 26.89	50 45 33.27
<b>St Pierre</b>		
Ba(n)	09 20 06.57	50 43 15.26
Ba1	09 19 58.03	50 43 14.00
Ba2	09 19 54 .60	50 43 14.28
Pie(i)	09 19 38.90	50 43 21.0
Pie(ii)	09 19 35.80	50 43 25.52
Pie(iii)	09 19 33.29	50 43 29.66
(S)	09 19 31.49	50 43 37.13
S1	09 17 51.06	50 47 46 .61
S2	09 15 58.90	50 52 24.88
S3	09 14 06.74	50 57 03.15
<b>Providence Atoll</b>		
PO52	09 12 14.60	51 01 41.40

(T)	09 12 31.30	51 02 03.40
P49	09 13 34.50	51 02 22.40
P50	09 14 01.50	51 02 32.30
P42	09 18 45.40	51 06 25.10
P41	09 20 22.00	51 07 03.90
(V)	09 21 42.20	51 07 21.10
P39	09 22 18.60	51 07 33.50
(W)	09 22 43.40	51 07 48.50
W2	09 28 07.90	51 08 15.90
W3	09 33 06.90	51 08 41.20
W4	09 38 05.90	51 09 06.50
W5	09 43 04.90	51 09 31.80
W6	09 48 03.90	51 09 57.10

### 3.0 COSMOLEDO, ASTOVE ARCHIPELAGO

<b>POINT</b>	<b>LATITUDE SOUTH</b>	<b>LONGITUDE EAST</b>
<b>Cosmoledo Atoll</b>		
Ca	09 43 03.44	47 39 45.36
Ca1	09 41 04.98	47 37 54.33
Cos-1	09 39 29.24	47 35 00.00
Cos(i)	09 39 21.38	47 34 32.16
Ha	09 39 21.64	47 34 28.21
(Ga) Ca8	09 42 20.16	47 30 31.86
Ca7	09 43 10.06	47 30 11.29
Ca6	09 43 40.07	47 30 11.38
Ca5	09 44 11.12	47 30 26.76
Cos A5	09 48 26.91	47 33 03.62
Cos A6	09 52 42.70	47 35 40.48
Cos A7	09 56 58.49	47 38 17.10
Cos A8	10 01 14.28	47 40 54.20
<b>Astove</b>		
Ast (vii)	10 05 12.00	47 43 20.00
Ast(vi)	10 05 30.00	47 43 28.00
Ast(v)	10 05 50.00	47 43 47.00
Ast(iv)	10 06 12.50	47 44 07.00
Ast(iii)	10 06 20.00	47 44 20.00
Ast(ii)	10 06 19.00	47 44 34.40
Ast(i)	10 06 15.00	47 44 54.00
Ast(viii)	10 06 10.00	47 45 07.00
Ast(ix)	10 05 52.00	47 45 22.00

Ast(x)	10 05 36.00	47 45 35.00
Ast(xi)	10 05 10.00	47 45 43.00
Ast(xii)	10 04 17.00	47 45 39.00
Cos A1	09 59 27.80	47 44 19.02
Cos A2	09 54 38.60	47 42 59.04
Cos A3	09 49 49.40	47 41 39.06
Cos A4	09 45 00.20	47 40 19.08

#### 4.0 ALDABRA, ASSOMPTION ARCHIPELAGO

<b>POINT</b>	<b>LATITUDE SOUTH</b>	<b>LONGITUDE EAST</b>
<b>Aldabra Atoll</b>		
Ja1	09 25 04.24	46 31 22.56
Ja2	09 30 57.99	46 31 27.80
Ja3	09 36 51.33	46 31 33.05
<b>Assomption</b>		
Ka	09 42 44.67	46 31 38.30
Ka1	09 43 30.84	46 31 34.84
Ka2	09 44 15.31	46 31 18.87
Ka3	09 44 41.77	46 31 04.12
Ass(i)	09 45 07.10	46 30 47.17
Ass(ii)	09 45 20.07	46 30 32.20
Ass(iii)	09 45 20.68	46 29 44.21
Ass(v)	09 45 18.47	46 29 29.26
Ma4	09 42 02.82	46 26 20.25
Ma3	09 38 47.15	46 23 11.22
Ma2	09 35 31.48	46 20 02.19
Ma1	09 32 15.81	46 16 52.16
<b>Aldabra Atoll</b>		
Ma	09 29 00.14	46 13 43.13
Ald(v)	09 28 21.00	46 13 24.57
Ald(vi)	09 26 55.00	46 12 48.00
Ald(vii)	09 26 13.00	46 12 32.50
Na	09 25 34.22	46 12 20.71
Pa	09 23 49.86	46 12 04.73
Ald(viii)	09 23 28.28	46 12 03.66
Ald(ix)	09 23 23.06	46 12 04.07
Ald(ii)	09 22 33.11	46 12 39.70
Ald(iii)	09 22 19.87	46 13 04.75
Qa	09 22 12.84	46 13 29.50
Ra	09 22 04.23	46 15 09.95

Sa	09 21 57.57	46 17 54.41
Ta	09 21 51.66	46 23 43.88
Ua	09 22 15.80	46 27 06.06
Ald(xi)	09 22 43.44	46 28 31.72
Ald(xii)	09 22 50.27	46 29 04.57
Ald(xiii)	09 22 59.96	46 29 26.13
Ald(xiv)	09 23 52.45	46 31 16.90
Ald(xv)	09 24 06.00	46 31 25.12

**SCHEDULE 2**  
**BASEPOINTS AND BASELINES OF OTHER ISLANDS**  
**[Not Included in this Annex]**

MADE this 6th day of November, 2008.

J. A. MICHEL  
PRESIDENT

## Annex 2

### MARITIME ZONES ACT, 1999 (Act No. 2 of 1999) AS AMENDED BY MARITIME ZONES (AMENDMENT) ACT, 2009 (Act No. 5 of 2009)

#### PART I PRELIMINARY

1. This Act may be cited as the Maritime Zones Act, 1999 and shall come into operation on such date as the President may, by notice in the Gazette, appoint and the President may appoint different dates for different provisions of the Act.

2. In this Act:

“archipelagic State” means a State constituted wholly by one or more archipelagos and may include other islands;

“Archipelagic waters” means the archipelagic waters of Seychelles as defined in section 6;

“Archipelagic sea lanes passage” has the meaning assigned by section 18;

“Authorized officer” means an authorized officer appointed under section 23(5);

“Baselines” means the baselines as determined in accordance with section 3;

“Contiguous zone” means the contiguous zone of Seychelles as defined in section 8;

“Continental shelf” means the continental shelf of Seychelles as defined in section 11;

“Convention” means the United Nations Law of the Sea Convention of 1982;

“Equidistance line” as between Seychelles and a foreign State means the line every point of which is equidistant from the nearest point of the baselines and the corresponding baselines of the foreign State;

“Exclusive economic zone” means the exclusive economic zone of Seychelles, as defined in section 9;

“Foreign State” means a State other than Seychelles;

“Foreign ship” means a ship of or registered in a foreign State;

“Innocent passage” has the meaning assigned by section 17;

“Internal waters” has the meaning assigned by section 5;

“Limit” in relation to archipelagic waters, the territorial sea, the contiguous zone, the continental shelf and the exclusive economic zone means the limit of such waters, sea, shelf or zone with reference to the individual or composite group or groups of islands constituting the territory of Seychelles;

“Low-water line” means the low-water line of the coast or reefs of Seychelles at the lowest astronomical tide;

“Operator”, in respect of a ship, means the owner or operator of the ship;

“Nautical mile” means the international nautical mile of 1852 metres;

“Regulations” means the regulations made under section 33;

“Ship” means a vessel, boat or sea-craft of any kind and includes a submarine;

“Submarine” means an underwater vehicle however propelled;

“Territorial sea” means the territorial sea of Seychelles as defined in section 4.

#### PART II TERRITORIAL SEA, INTERNAL WATERS, ARCHIPELAGIC WATERS AND CONTIGUOUS ZONE

3. (1) Seychelles is an archipelago is State and has defined the baselines for the purpose of delimiting its maritime zones as follows:

(a) The low-water line; or

(b) Where the President has prescribed archipelagic baselines under subsection (2).

(2) The President may, by Order published in the Gazette, prescribe, subject to such limitation and exception as the President may specify in the Order, archipelagic baselines as baselines.

(3) The President shall, in the Order published under subsection (2), identify the baselines:

(a) By reference to charts of a scale which is adequate to ascertain the position of the baselines; or

(b) By listing the geographical coordinates of points of the baselines, specifying the geodetic datum.

4. The limit of the territorial sea is the line every point of which is at a distance of twelve nautical miles from the nearest point on the baselines.
5. (1) The internal waters of Seychelles comprise the areas of the sea that are on the landward side:
- (a) Of the low-water line; or
  - (b) Where the President has, by Order published in the Gazette, prescribed closing lines under subsection (2), of the closing lines.
- (2) The President may, by Order published in the Gazette, prescribe closing lines for the purpose of delimiting any of the internal waters of Seychelles.
6. The archipelagic waters of Seychelles comprise the areas of the sea on the landward side of any straight archipelagic baselines, established as provided under section 3, up to the seaward limit of the internal waters.
7. The sovereign jurisdiction of Seychelles extends and has always extended to the internal waters, territorial sea and archipelagic waters of Seychelles and the seabed and subsoil underlying, and the air space over, such sea and waters.
8. (1) Subject to subsection (2), the contiguous zone of Seychelles comprises the areas of the sea that are beyond and adjacent to the territorial sea having, as their seaward limit, a line measured seaward from the baselines every point of which is twenty-four nautical miles distant from the nearest point on the baselines.
- (2) The contiguous zone shall not extend into any part of the territorial sea of a foreign State, determined in accordance with the Convention, and, where appropriate, subsection (1) shall operate as though it were modified to the extent necessary to meet the requirement of this subsection in any particular case.
- (3) Seychelles has and may exercise in respect of the contiguous zone such powers and authorities as may be necessary to prevent or punish the infringement within Seychelles, including the territorial sea and archipelagic waters, of any written law with respect to customs, fiscal, immigration or sanitation.

### **PART III EXCLUSIVE ECONOMIC ZONE AND CONTINENTAL SHELF**

9. Subject to any Order made under section 13(2) with respect to the delimitation of the exclusive economic zone, the exclusive economic zone of Seychelles comprises the areas beyond and adjacent to the territorial sea, having, as their seaward limit, a line measured seaward every point of which is at a distance of 200 nautical miles from the nearest point on the baselines.
10. Subject to this Act, Seychelles has, and has always had, in relation to the exclusive economic zone:
- (a) Sovereign rights for the purpose of the exploration, exploitation, conservation and management of the natural resources, whether living or non-living, of the seabed of the zone and the subsoil of and superjacent waters to the seabed as well as for producing energy from tides, winds and currents;
  - (b) Exclusive rights to construct and to authorize and regulate the construction, operation and use of:
    - (i) Artificial islands;
    - (ii) Installations and structures, for the purposes provided for under paragraph (a) or any other economic purposes;
  - (c) Exclusive rights to authorize and to regulate the construction, operation and use of, and jurisdiction over installations and structures which may interfere with the exercise by Seychelles of rights in respect of the exclusive economic zone;
  - (d) Exclusive jurisdiction over artificial islands, installations and structures referred to in paragraph (b);
  - (e) Exclusive jurisdiction to regulate, authorize and control marine scientific research;
  - (f) Jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and
  - (g) Such other rights and jurisdiction as are recognized by international law.
11. (1) Subject to an Order made under section 13(2) with respect to the continental shelf, the continental shelf of Seychelles comprises the seabed and subsoil of the submarine areas that extend beyond the limit of the territorial sea throughout the natural prolongation of the land territory of Seychelles:
- (a) To the outer edge of the continental margin; or
  - (b) To a distance of two hundred nautical miles from the baseline where the outer edge of the continental margin does not extend up to that distance.

(2) For the purposes of subsection (1), wherever the continental margin extends beyond 200 nautical miles from the nearest point on the baselines, the outer limits of the continental shelf shall be established and delineated with due regard to the requirements and limitations of international law.

(3) For the purposes of this section, the continental margin comprises the submerged prolongation of the land mass of Seychelles consisting of the seabed and subsoil of the shelf, the slope and the rise, but does not include the deep ocean floor with its oceanic ridges or the subsoil thereof.

12. (1) Subject to this Act, Seychelles has, and has always had, on or over the continental shelf:

- (a) Exclusive sovereign rights for the purpose of the exploration and exploitation of natural resources;
- (b) Rights and jurisdictions as are referred to in section 10(b) to (g) and for this purpose a reference to the exclusive economic zone in section 10(b) to (g) shall be deemed to be a reference to the continental shelf.

(2) In subsection (1) (a), “natural resources” means mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to the sedentary species being 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 subsoil.

13. (1) Where the exclusive economic zone or the continental shelf of Seychelles determined in accordance with this Act would extend into the exclusive economic zone or the continental shelf, determined in accordance with the Convention, of an adjacent or opposite State, the exclusive economic zone or the continental shelf of Seychelles shall be determined by agreement between Seychelles and the other State or, in the absence of an agreement, in accordance with international law.

(2) The President may, for the purpose of giving effect to an agreement or other determination under subsection (1), by Order published in the Gazette, specify the limit of the exclusive economic zone or the continental shelf of Seychelles generally or with regard to a particular area of the exclusive economic zone or the continental shelf.

14. (1) Seychelles shall:

- (a) Respect submarine cables laid by any foreign State before the coming into operation of this Act and passing through archipelagic waters without making a landfall; and
- (b) Permit the maintenance and replacement of any such cables upon receiving notice of their location and the intention to repair or replace them.

(2) Seychelles shall not impede the laying or maintenance by a foreign State of submarine cables and pipelines on the seabed of the exclusive economic zone or the continental shelf.

(3) Nothing in subsection (2) shall operate to prejudice:

- (a) The exercise by Seychelles in relation to the exclusive economic zone or continental shelf of any rights or the jurisdiction referred to in section 10 or section 12;
- (b) The right of Seychelles to establish conditions for cables and pipelines entering its territory or to exercise its jurisdiction over cables and pipelines constructed or used in connection with the exploration of the exclusive economic zone or the continental shelf or the exploitation of its natural resources, or the operation of artificial islands, installations and structures under its jurisdiction.

#### **PART IV RIGHTS OF PASSAGE**

15. Subject to the exercise by Seychelles of its sovereign rights and exclusive jurisdiction within its exclusive economic zone or over its continental shelf, ships and aircraft of foreign States shall, in accordance with the principles, practice and provisions of international law as are provided for under this Act, enjoy in the exclusive economic zone and over the continental shelf:

- (a) Freedom of navigation; and
- (b) Freedom of overflight.

16. (1) Without prejudice to any other written law but subject to subsections (2), (3) and (4), foreign ships shall enjoy the right of innocent passage through the territorial sea and archipelagic waters.

(2) Foreign warships may only enter or pass through the territorial sea or archipelagic waters after giving notice to, and obtaining prior authorization of, the Port Authorities of Seychelles.

(3) Submarines shall, while passing through the archipelagic waters or territorial sea navigate on the surface and show their flag.

(4) A nuclear-powered foreign ship or foreign ship carrying any nuclear substance or any other radioactive substances or materials, wishing to exercise the right of innocent passage shall give notice to and obtain the prior authorization of, the Port Authorities of Seychelles before doing so.

(5) The President may, by Order published in the Gazette, suspend the right of innocent passage for such temporary period, and in such parts of the archipelagic waters or the territorial sea, as are specified in the Order, where the President is satisfied that it is essential to do so for the protection of the security of Seychelles, including weapons exercises.

17. (1) Innocent passage means passage that is continuous and expeditious and not prejudicial to the peace, good order or security of Seychelles, for the purpose of:

- (a) Traversing the territorial sea or archipelagic waters without entering internal waters or calling at a roadstead or port facility outside internal waters; or
- (b) Proceeding to or from internal waters or a call at such a roadstead or port facility.

(2) Subject to subsection (3), the passage of a foreign ship is prejudicial to the peace, good order and security of Seychelles if, without the authority for doing so, the ship engages, within the archipelagic waters or territorial sea in any of the following activities:

- (a) Any threat or use of force against the sovereignty, territorial integrity or political independence of Seychelles or acts in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;
- (b) The launching, landing or taking on board of any aircraft or military device;
- (c) Any exercise or practice with weapons of any kind;
- (d) Any act aimed at collecting information to the prejudice of the defence or security of Seychelles;
- (e) Any act by way of propaganda aimed at affecting the defence or security of Seychelles;
- (f) The taking on board or off-landing of any person, commodity or currency contrary to the customs, fiscal, immigration or sanitary laws and regulations of Seychelles;
- (g) Any fishing activities or extracting of living and non-living resources;
- (h) Any act of pollution calculated or likely to cause damage or harm to Seychelles, its people, resources or environment;
- (i) The carrying out of research or survey activities;
- (j) Any act aimed at interfering with any system of communication or telecommunication or other facilities or installations whether such system, facilities or installations are on land or on the sea or under the sea;
- (k) Such other activity not having a direct bearing on passage or is designed to hamper international navigation.

(3) The passage of a foreign warship in the territorial sea or archipelagic waters is prejudicial to the peace, good order or security of Seychelles if the warship navigates in the archipelagic waters or the territorial sea without the prior notice and authorization required under section 16(2).

(4) For the purposes of this section:

- (a) The passage of a foreign ship does not cease to be continuous and expeditious by reason only of the ship stopping or anchoring, if the stopping or anchoring is:
  - (i) Incidental to ordinary navigation;
  - (ii) Rendered necessary by force majeure or distress; or
  - (iii) For the purpose of rendering assistance to persons, ships or aircraft in danger or distress; and
- (b) A foreign ship has authority to engage in an activity of the kind referred to in subsection (2) if it does so with:
  - (i) The prior permission of the Port Authorities of Seychelles; or
  - (ii) Under the authority of a written law, or of a licence, lease or other authority lawfully given or issued under a written law of Seychelles.

(5) In exercising the right of innocent passage, a foreign ship shall comply with:

- (a) The laws of Seychelles, order, direction, licence or any other authority relating to the exercise of innocent passage through the archipelagic waters or territorial sea with respect to:
  - (i) The safety of navigation and the regulation of maritime traffic;
  - (ii) The protection of navigational aids and facilities and other facilities or installations;
  - (iii) The protection of cables and pipelines;
  - (iv) The conservation of the living resources of the sea;
  - (v) The prevention of the infringement of fisheries laws and regulations of Seychelles;

- (vi) The prevention of the infringement of customs, fiscal, immigration or sanitary laws and regulations of Seychelles;
  - (vii) Marine scientific research and hydrographic surveys;
  - (viii) The preservation of the environment of Seychelles and the prevention, reduction and control of pollution;
- (b) All generally accepted international regulations relating to the prevention of collision at sea.

18. (1) Every foreign ship or aircraft may, subject to and in accordance with this Act and international law, exercise the right of archipelagic sea lanes passage.

(2) Subject to subsection (5), the right of archipelagic sea lanes passage shall be exercised only through sea lanes or air routes designated pursuant to section 19.

(3) In exercising the right of archipelagic sea lanes passage, a foreign ship shall observe:

- (a) Generally accepted international regulations, procedures and practices for safety at sea, or for the prevention, reduction and control of pollution from ships which have effect in the archipelagic waters;
- (b) The provisions of any written law, order, direction, licence and any other authority which have effect in the archipelagic waters for or with respect to:
  - (i) The safety of navigation, the regulation of maritime traffic or the use of sea lanes, or traffic separation schemes;
  - (ii) Fishing vessels and the prevention of fishing, including the stowage of fishing gear;
  - (iii) Customs, excise, fiscal, immigration or sanitary laws and regulations in relation to the loading or unloading of any commodity, currency or person; and
  - (iv) The prevention, reduction and control of pollution, which give effect to international regulations regarding the discharge of oil, oily wastes and other noxious substances in the archipelagic waters.

(4) In exercising the right of archipelagic sea lanes passage, a foreign aircraft shall:

- (a) Observe the Rules of the Air established by the International Civil Aviation Organization as they apply to civil aircraft, and a foreign aircraft shall normally comply with such safety measures, and shall at all times operate with due regard for safety of navigation; and
- (b) At all times monitor the radio frequency assigned by the appropriate internationally designated air traffic control authority or the appropriate international distress radio frequency.

(5) Where no sea lanes or air routes through or over archipelagic waters have been designated under section 19, the right of archipelagic sea lanes passage may be exercised through lanes or routes normally used for international navigation.

(6) Navigation by a foreign ship or aircraft through or over archipelagic waters does not cease to be continuous and expeditious by reason only of any activity of the ship or aircraft rendered necessary by force majeure.

(7) In this section, "right of archipelagic sea lanes passage" means the right of navigation and overflight in normal mode for the purpose of continuous, expeditious and unobstructed transit between:

- (a) One part of the high seas or the exclusive economic zone; and
- (b) Another part of the high seas or the exclusive economic zone.

19. The President may, by Order published in the Gazette:

- (a) Designate sea lanes and air routes to be used for or in connection with the exercise of the right of archipelagic sea lanes passage under this Act; and
- (b) Prescribe traffic separation schemes.

## **PART V JURISDICTION, ENFORCEMENT AND OFFENCES**

20. (1) Subject to subsection (2) and section 23, Seychelles does not have criminal jurisdiction in respect of an offence committed on board a foreign ship during its passage in the territorial sea and the authorities of Seychelles may not arrest a person or conduct an investigation on board the ship in respect of the offence.

(2) Subsection (1) does not apply:

- (a) To an offence under this Act which is committed by a person on board a foreign ship, or under a written law which is made applicable under this Act to a person on board a foreign ship, while the foreign ship is in the territorial waters of Seychelles;
- (b) Where the foreign ship is a merchant ship or a ship which belongs to a foreign Government and is being operated for commercial purposes and:

- (i) The consequences of the offence extend to Seychelles;
- (ii) The offence is of a kind likely to disturb the peace of Seychelles or good order of the territorial sea;
- (iii) The assistance of the authorities of Seychelles has been requested by the master of the ship or a diplomatic agent or consular officer of the flag State of the ship;
- (iv) The arrest or investigation is necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances; or
- (v) The ship is passing through the territorial sea after leaving the internal waters of Seychelles.

(3) The authorities of Seychelles may not:

- (a) Arrest a person on board a foreign ship which is proceeding from a foreign port and passing through the territorial sea without entering internal waters of Seychelles in respect of a contravention committed before the ship entered the territorial sea; or
- (b) Conduct an investigation on board a foreign ship in respect of the contravention:

Unless the authorities of Seychelles:

- (c) Have reasonable ground for believing that as a result of the contravention there has been a substantial discharge causing or threatening significant pollution of the marine environment; or
- (d) Have reasonable ground for believing that as a result of the contravention there has been a discharge causing major damage or the threat of major damage to the coastline of Seychelles or any resource of its territorial sea or exclusive economic zone.

(4) Where subsection (3)(c) applies, the authorities of Seychelles may, where the ship refuses to give the authorities information about its identity, port of registry, last and next ports of call and any other information required to establish whether contravention of a kind referred to in subsection (3)(c) has occurred, undertake a physical inspection of the ship.

(5) Where subsection (3)(d) applies, the authorities of Seychelles may, unless the ship has posted reasonable bond or other security, detain the ship until the determination of the case.

21. (1) Subject to this section, a foreign ship passing through the territorial sea may not be stopped or diverted for the purpose of exercising civil jurisdiction in relation to a person on board the ship.

(2) Subject to subsection (3), a person shall not arrest or levy execution against a foreign ship passing through the territorial sea for the purpose of any civil proceedings except where the proceedings are in respect of obligations or liabilities assumed or incurred in relation to the ship in the course, or for the purpose, of its voyage through the territorial sea.

(3) Subsection (2), in so far as it prohibits the arrest of, or levying execution against, a foreign ship, shall not apply in the case of a foreign ship which is lying in or passing through the territorial sea after leaving internal waters.

22. (1) A court in Seychelles has jurisdiction over the territory of Seychelles which includes the internal waters, the archipelagic waters and the territorial sea of Seychelles.

(2) The jurisdiction and power of the courts in Seychelles extend to the exclusive economic zone and the continental shelf of Seychelles for the purposes of giving effect to this Act and any other written law extended to the exclusive economic zone or the continental shelf under section 30.

23. (1) Where an authorized officer has reasonable ground to suspect that a foreign ship has contravened this Act or a written law which is enforceable under this Act or is involved in an activity which is prejudicial to the peace, good order or security of Seychelles in terms of section 17, the authorized officer may, in an area of the sea which falls within the jurisdiction of Seychelles under this Act or where international law confers such jurisdiction, without a warrant:

- (a) Stop, board and search the ship for the purpose of investigating the contravention or the activity;
- (b) Require to be produced, examine and make copies of any licence or log book, ship record or other shipping document;
- (c) Arrest the ship;
- (d) Arrest the captain or person in charge of the ship or any other person on the ship or who participated in the contravention or activity referred to in this subsection.

(2) Where a ship has been arrested, the ship and its crew shall be taken into port and delivered into the custody of the court and be dealt with in accordance with this Act.

(3) Where a ship is brought before the court under subsection (2), the court may:

- (a) Order that the ship be detained until the investigation in relation to the ship has been completed;

- (b) Order that the ship be released upon the posting of reasonable bond or security;
- (c) Order the release of the captain or any other person referred to in subsection (1)(d) upon the posting of reasonable bond or security;
- (d) Where any bond or security cannot be posted under paragraph (b) or paragraph (c), order the detention of the ship, captain or other person, as the case may be.

(4) In the exercise of the functions under this section, an authorized officer shall take care not to endanger the safety of navigation or otherwise create any hazard to the ship or shall not bring the ship to an unsafe port or anchorage or expose the marine environment to any unreasonable risks.

(5) The President may, for the purpose of this Act, appoint any person as an authorized officer.

24. (1) Subject to subsection (2), where a foreign ship has contravened this Act or a written law which is enforceable under this Act or is involved in an activity which is prejudicial to the peace, good order or security of Seychelles in terms of section 17, each of the operator, captain, person in charge of the ship and members of the crew of the ship who participated in the contravention or activity is guilty of an offence and liable on conviction to a fine of R500,000 and imprisonment for 10 years.

(2) Unless an agreement to which the Republic of Seychelles and the foreign State where the ship is registered so provides, a court shall not, under subsection (1), impose a term of imprisonment on the operator, captain, person in charge or members of the crew of a ship in respect of an offence relating to the contravention of the fisheries laws of Seychelles.

(3) Notwithstanding any other written law, the court may, in addition to any sentence passed under subsection (1), order a person who has been convicted of an offence under the subsection to refund any expenses incurred by the authorities of Seychelles in connection with the pursuit, arrest and bringing into port of the ship and to make good any damage caused by or by the use of the ship or by a person on board the ship.

(4) An amount ordered to be paid under subsection (3) if unpaid is a civil debt in favour of the Republic of Seychelles and may be enforced as such.

(5) On a prosecution for an offence under subsection (1) it is a sufficient defence if the accused proves that the ship had, under section 17(4)(b), authority under this Act to do or engage in the act or activity which is the subject of the offence.

25. (1) Subject to this Act, a person shall not within the exclusive economic zone or on the continental shelf:

- (a) Explore or exploit any resources of the exclusive economic zone or the continental shelf;
- (b) Carry out any search or excavation;
- (c) Conduct any research;
- (d) Drill on or construct, maintain or operate any artificial island, offshore terminal, installation or other structure or device; or
- (e) Carry out any economic activity, except under or in accordance with an agreement with Seychelles under this Act or another written law.

(2) A person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine of R500,000 and imprisonment for 10 years.

26. A person who obstructs or hinders an authorized officer in the exercise of the officer's function, or prevents the officer in carrying out the officer's function, under this Act is guilty of an offence and liable on conviction to a fine of R 500,000 and imprisonment for 10 years.

## **PART VI GENERAL**

27. The President shall cause to be prepared charts or lists of geographical coordinates specifying the geodetic datum, as the President thinks fits, showing all or any of the following matters:

- (a) The baselines, low-water lines and any closing lines prescribed pursuant to section 5 (2);
- (b) The seaward limits of the territorial sea, the continental shelf, or the exclusive economic zone;
- (c) The axis of sea lanes, air routes or traffic separation schemes designated pursuant to section 19.

28. A document purporting to be certified by the President to be a true copy of a chart or list of geographical coordinates prepared pursuant to section 27 shall be received in any proceedings as conclusive evidence of any matter referred to in that section and shown in the document.

29. The President shall cause:

- (a) Publicity to be given, in such manner as the President thinks appropriate, to charts or lists of geographical coordinates prepared pursuant to section 27; and
- (b) A copy of each such chart or list to be deposited with the Secretary-General of the United Nations.

30. (1) The President may, by Order published in the Gazette, extend, with such exceptions and modifications as may be specified in the Order, the application of any written law to the exclusive economic zone or the continental shelf or any part thereof, and an enactment so extended shall have effect in relation to the exclusive economic zone or the continental shelf as the case may be.

(2) An Order made under subsection (1) shall be consistent with the international obligations of Seychelles.

31. Where a provision of this Act is in conflict with the provision of any other written law, the provision of this Act shall prevail.

32. (1) A reference in a written law:

- (a) To “territorial waters” shall, in relation to any period after the commencement of this Act, be deemed to be a reference to the territorial sea construed in accordance with section 4;
- (b) To a maritime zone shall, in relation to any such period, be construed in accordance with the provision of this Act relating to that zone.

(2) In subsection (1)(b), “maritime zone” means:

- (a) The internal waters;
- (b) The archipelagic waters;
- (c) The territorial sea;
- (d) The contiguous zone;
- (e) The exclusive economic zone; or
- (f) The continental shelf.

33. (1) The President may make such regulations as the President considers necessary for carrying out the purposes of this Act and without prejudice to the foregoing, the President may make regulations for all or any of the following matters:

- (a) The regulation of the conduct of any person in the archipelagic waters or territorial sea, in the exclusive economic zone or on the continental shelf;
- (b) Regulating, in relation to the exclusive economic zone:
  - (i) The exploration for, and exploitation, conservation and management of, natural resources (other than sedentary species) whether living or non-living, of the seabed, sub-soil and superjacent waters;
  - (ii) Other activities for the economic exploitation of the exclusive economic zone;
  - (iii) The protection and preservation of the marine environment and the prevention and control of marine pollution;
  - (iv) The construction, operation and use of artificial islands, installations and structures; and
  - (v) The authorization and control of marine scientific research;
- (c) Regulating, in relation to the continental shelf:
  - (i) The exploration for, and exploitation and management of, natural resources;
  - (ii) The preservation of the marine environment and the prevention and control of marine pollution;
  - (iii) The construction, operation and use of artificial islands, installations and structures; and
  - (iv) The authorization and control of marine scientific research;
- (d) Providing for such other matters as are necessary or expedient for giving full effect to the rights and jurisdiction of Seychelles in relation to the exclusive economic zone or the continental shelf;
- (e) Regulating, generally, the use of the internal waters, archipelagic waters or the territorial sea;
- (f) Providing for the exercise of powers and authorities in relation to the contiguous zone for the purposes of section 8(3);
- (g) Prescribing fees to be paid under this Act whether in connection with any activity or otherwise; and
- (h) Providing as punishment for the contravention of regulations made under this Act for a fine not exceeding R100,000 or imprisonment not exceeding 5 years or for both such fine and imprisonment.

34. (1) The Maritime Zones Act, 1977 is repealed.

(2) Notwithstanding the repeal of the Maritime Zones Act, 1977 by this Act, a statutory instrument made under the repealed Act and in force immediately before the commencement of this Act, shall continue in force as if made under this Act, until it is amended or repealed under this Act.

**Annex 3****United Nations Convention on the Law of the Sea*****Article 47******Archipelagic Baselines***

1. An archipelagic State may draw straight archipelagic baselines joining the outermost points of the outermost islands and drying reefs of the archipelago provided that within such baselines are included the main islands and an area in which the ratio of the area of the water to the area of the land, including atolls, is between 1 to 1 and 9 to 1.
2. The length of such baselines shall not exceed 100 nautical miles, except that up to 3 per cent of the total number of baselines enclosing any archipelago may exceed that length, up to a maximum length of 125 nautical miles.
3. The drawing of such baselines shall not depart to any appreciable extent from the general configuration of the archipelago.
4. Such baselines shall not be drawn to and from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them or where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the nearest island.
5. The system of such baselines shall not be applied by an archipelagic State in such a manner as to cut off from the high seas or the exclusive economic zone the territorial sea of another State.
6. If a part of the archipelagic waters of an archipelagic State lies between two parts of an immediately adjacent neighbouring State, existing rights and all other legitimate interests which the latter State has traditionally exercised in such waters and all rights stipulated by agreement between those States shall continue and be respected.
7. For the purpose of computing the ratio of water to land under paragraph 1, land areas may include waters lying within the fringing reefs of islands and atolls, including that part of a steep-sided oceanic plateau which is enclosed or nearly enclosed by a chain of limestone islands and drying reefs lying on the perimeter of the plateau.
8. The baselines drawn in accordance with this article shall be shown on charts of a scale or scales adequate for ascertaining their position. Alternatively, lists of geographical coordinates of points, specifying the geodetic datum, may be substituted.
9. The archipelagic State shall give due publicity to such charts or lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations.

## Annex 4

## Archipelagic Baseline Segments

Baseline Segment	Length (nm)		Baseline Segment	Length (nm)		Baseline Segment	Length (nm)
<b>Group 1</b>							
1-2	2.7		16-17	0.1		31-32	5.0
2-3	1.1		17-18	0.1		32-33	5.0
3-4	0.1		18-19	0.1		33-34	5.8
4-5	0.1		19-20	0.2		34-35	0.5
5-6	1.0		20-21	0.1		35-36	0.3
6-7	5.0		21-22	4.5		36-37	0.2
7-8	5.0		22-23	5.0		37-38	0.2
8-9	5.0		23-24	5.0		38-39	0.4
9-10	3.9		24-25	2.6		39-40	0.6
10-11	5.0		25-26	0.2		40-41	1.3
11-12	5.0		26-27	0.3		41-42	6.1
12-13	5.0		27-28	0.1		42-43	6.1
13-14	2.1		28-29	5.0		43-44	0.2
14-15	0.3		29-30	5.0		44-45	4.4
15-16	0.1		30-31	5.0		45-1	4.3
<b>Group 2</b>							
46-47	5.0		62-63	6.7		78-79	4.9
47-48	5.4		63-64	6.7		79-80	4.9
48-49	4.6		64-65	6.7		80-81	0.5
49-50	0.9		65-66	6.7		81-82	1.1
50-51	1.5		66-67	6.7		82-83	0.5
51-52	1.1		67-68	5.8		83-84	6.1
52-53	2.1		68-69	7.6		84-85	1.7
53-54	1.5		69-70	6.7		85-86	1.4
54-55	1.1		70-71	0.1		86-87	0.6
55-56	1.4		71-72	0.1		87-88	0.5
56-57	1.3		72-73	0.3		88-89	5.4
57-58	0.4		73-74	0.1		89-90	5.0
58-59	0.7		74-75	0.1		90-91	5.0
59-60	1.9		75-76	0.1		91-91	5.0

<b>Baseline Segment</b>	<b>Length (nm)</b>		<b>Baseline Segment</b>	<b>Length (nm)</b>		<b>Baseline Segment</b>	<b>Length (nm)</b>
60-61	2.1		76-77	4.4		92-93	5.0
61-62	1.0		77-78	5.0		93-46	5.0
<b>Group 3</b>							
94-95	2.7		104-105	5.0		114-115	0.4
95-96	3.3		105-106	5.0		115-116	0.3
96-97	0.5		106-107	4.6		116-117	0.5
97-98	0.1		107-108	0.3		117-118	0.9
98-99	4.9		108-109	0.5		118-119	5.0
99-100	0.9		109-110	0.5		119-120	5.0
100-101	0.5		110-111	0.2		120-121	5.0
101-102	0.6		111-112	0.2		121-122	5.0
102-103	5.0		112-113	0.3		122-94	2.0
103-104	5.0		113-114	0.2			
<b>Group 4</b>							
123-124	5.9		135-136	4.5		147-148	0.4
124-125	5.9		136-137	4.5		148-149	1.7
125-126	5.9		137-138	4.5		149-150	2.7
126-127	0.8		138-139	0.7		150-151	5.8
127-128	0.8		139-140	1.5		151-152	3.4
128-129	0.5		140-141	0.7		152-153	1.5
129-130	0.5		141-142	0.7		153-154	0.6
130-131	0.3		142-143	1.7		154-155	0.4
131-132	0.8		143-144	0.4		155-156	2.0
132-133	0.2		144-145	0.1		156-157	0.3
133-134	4.5		145-146	1.0		157-123	1.0
134-135	4.5		146-147	0.5			