

## **THE BOARDERS OF THE COASTAL STATE IN ACCORDANCE WITH THE INTERNATIONAL LEGISLATIONS**

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### **ABSTRACT**

States have always had access to seas and the governments of these states always had important interests, that grew throughout history, to be achieved in the coastal areas close to these states, such as the growth of the world trade, and the need to guard these waters against smuggling that deprives the states from revenues, and also to control and implement regulations on health, migration, exclusive rights of fishing, mining and natural resources, using touristic sights, and organizing the fleets defending the state. And it's one of the most critical factors affecting the use of the commercial, as well as military and technological power of the state.

The research problem is the competition for the control over coastal seas, and allegations of marine areas and international waters. Taking into consideration recent international changes and amendments of the international rules and especially the study of coastal state authorities, as well as maritime law and the authorities given to the state in accordance with the international rules and regulations to recognize its own sovereignty over coastal waters, in addition to the sovereign rights and duties along the coast line on innocent passage.

The aim of this research is to review the concept of sea expansion and measure all maritime areas which allow a coastal state to extend its mandate, and utilizing it efficiently economically and strategically in accordance with international the maritime law and its provisions. This research adopts the analytical approach in general, and the historical and realistic narrative approach in brief by explaining and analysing all the international conventions and treaties, laws, rules, as well as comparisons resulting from experience and recent studies in that content.

**KEYWORDS:** The Boarders of he Coastal State

### **INTRODUCTION**

The seas represent such a significant importance in human life; it is the communication tool between nations since ancient times and a civilization link among them. This was clearly explained through precious Quran verses regarding the sea and its extreme importance to human beings and urging humans to have the optimal exploitation of resources and extracting the resources of the soil.

The seas and oceans have an impact on national characteristics of peoples, decide their national policies, and configure their commercial fortunes, allowing them to manage their fleets and help in exploring and acquiring colonies. Consequently it was normal for the states to head to them for economic, strategic, legal and scientific reasons; therefore the competition for the control over the seas has become during the current stage equal to the control of colonies. Initially, the states' interests have been focused on the waters near their coasts to recognise its sovereignty on them and on other areas and put them under its jurisdiction and control.

One of the most valuable natural resources of the sea are oil and natural gas, followed by pearl and coral, it also connects states together, making the movement of people and goods, the exchange of trade and general interest among the countries at a balanced and comfortable economic flow.

Three-fifths of the world's commodities is transported by sea, and exchange of goods by large quantities which is difficult to transport using any other means, maritime transport is considered to be the cheapest means of transport and exchange benefits, it opens broad prospects for substantial employment opportunities that assist in ensuring security and development opportunities that increase the standard of living.

Besides being such an important means of transport and a way of travelling between countries, it has become as important as food sources, because the agricultural products will not provide our needs of food in the future, the seas are considered to be a low-price food depots, and they meet the rapid-growing need for food, because they are rich with of large crowds of all kinds of fish and creatures that help in filling the need for the human need for food, and they reduce the universal malnutrition because they are a major source of animal protein, along with marine seed industry which blocks the malfunctioning of marine fisheries. Also, seas include food ingredients necessary for the growth of microscopic plants and other floating and pendant plants, and all other creatures inside of them.

The seas in fact represent about 70% of the total area of the earth, and through this large capacity sea captures more than 70% of the solar energy that reaches the earth, producing a roughly 2% of the calories consumed by humans, and assists in producing and extracting of salt (sodium chloride) from tides marine which are the primary source for it, also at sea there is a diluted proportion of all kinds of useful chemicals for humans.

Strategically, seas protect the state from external aggressions through its maritime fleet, and give it the political and strategic influence according to the state naval force represented by its location, length, the nature of its coast line, population and the national feature.

In addition to the touristic and recreational importance in accordance with the coastal nature such as diving sites, marine parks, coral reefs, rare shells, and nature reserves to cover human recreational and tourism needs, this is used for developing the state's national income, therefore all the international efforts must be combined and cooperated in order to increase the capacity and devotion of all available possibilities for the intact exploitation of the sea, and for better usage to avoid maritime disasters, and maintain all the multiple benefits of the sea which are helpful for human beings.

All indications state that seas are the hope and the promise which the human kind is heading to, and day-after-day states are more concerned with, the large usage, attention and the best utilization of the sea has led to the increase of the ships number sailing in it and the high rates and intensity of maritime traffic significantly, raising the professional level of support, modernization and diversification in increasing their size, speed, load capacity and goods handling speed.

Also, ports has been developed along with its all mechanism components, means of operation, docks and various cranes, thereby safety risk of the environment and the shipping industry in general at the global has increased on the regional and local level, because the activities of the shipping industry are global activities, which prompted the whole world to devote all efforts to use more precise and powerful ways, with the continuous updates for the protection of the important, useful marine environment, the extreme care of the maritime safety and secure sailing in clean water.

Through its competent bodies and establishments led by the international maritime organization, all the interest and serious attention has been given continuously to gain complete control of the situation, by holding conventions,

legislation, and international and domestic laws to provide a secure discipline mechanism to insure maritime safety, lives and property, safe sailing, and preservation of the marine environment.

## THE INTERNATIONAL MARITIME LAW

Navigation is the subject of maritime law in accordance with communication and interaction between members of the international community, and it raised many problems like any other human interaction, it is certainly in need of legal regulation governs relations arising there from, navigation in general is the very existence of maritime law, and the ship is the tool of navigation and its risks, therefore people engaged in marine affairs organized legal norms compatible with the marine environment and the difficulties facing the people, facilities and properties, gave their interest to protect the economic activity, vessels, coasts and seas and to insure safe & clean seas and fair competition.

Maritime law distinguishes itself as it has appeared customary since ancient times, and it has a certain personality to make it unique among the branches of other laws with rules and special assets, essentially the source of maritime law is the customary legislation and habits of marine and commercial or civil general rules that are followed, and of justice and jurisprudence as interpretative sources of maritime law till the appearance of the international conventions, which were the most important tools in the consolidation of maritime law, it was necessary to standardize the rules of maritime law, this unification was not difficult, and this international unification may be complicated in some images, if some of the conflicted parties belong to a contracting state and a non-contracting states.

Conventions play a prominent role in today's international relations after the ties got closer between states, and have become important legislative conferences feature of the era, and commend the important role of the convention as more evidence law in the formulation of the legal base and the fastest in the pursuit of events, it also provide the international community with the necessary rules to keep pace with the evolving requirements and needs.

Known as 1969 Vienna convention, it enacted provisions of the treaties that the conventions are " international accord governed by international law and concluded between states in written form either contained one or more document whatever significance", and treaties are agreements between states for the purpose of organizing an international legal relationship, and the rules commit the treaties validly concluded by all whatever the application of the general rule that restricts the contractor contract, every state has to respect the promises made and commitments entered into, and the states that have made such pledges or decided their interests demand respect and implementation agreed.

United nations has recognized the convention on the law of the sea in 1982 that the coastal state has the right to exercise its sovereignty over its internal waters and territorial waters, and to adopt laws and regulations to prevent marine pollution of foreign vessels including vessels exercising the right of innocent passage, also the convention authorized to the coastal state to do some actions in the contiguous zone, the coastal state has the right to control maritime areas within waters under its control, to protect their interests and public interests internationally, and the coastal state has the right to authorize laws and regulations with regard to its exclusive economic regions for the prevention of pollution of ships and to control it, to achieve benefits under the umbrella of the international rules and standards, which leads to the intended purpose of maintaining safety and the marine environment, the convention has united the regional water agreement for the state, this importance is estimated by maintaining fish resources and health significance of a secure contour that prevents ships from countries having a particular rampant endemic, the maritime law is considered to be a group of legal rules governing marine navigation.

## THE AUTHORITIES OF THE COASTAL STATE IN MARINE FIELDS

We discuss the coastal state authorities regarding the protection of the marine environment and safety in the various maritime areas according to the provisions of public international law in accordance with the United Nations convention on the law of the sea in 1982 based on the following division:-

The authorities of the coastal state in the internal waters, the authorities of the coastal state in the territorial sea, the coastal state authorities in the adjacent area, the authorities of the coastal state in the economic zone, the coastal state authorities on the continental shelf, and common exploitation of the high seas.

### Coastal State Authorities over the Inland Waters

The internal waters are those waters confined between the land on one hand and between the territorial sea of the measurement line on the other hand, it can be also defined as a maximum range of water and the lowest tide of it, and inland waters or the national ones are located within the territory of the entire state, and has their own administrative oversight, legislative and judicial control of them, with the quest for the conduct of international communications and global trade to the extent permitted by the use of foreign vessels, including the following places:

- Ports, harbours and marinas are typically frequented by sea ships in general, which are intended for international foreign trade service, and it's not allowed for the state to close their ports for trade, except for health measures or the requirements of public order, ports are considered to be an integral part of the port system, mainly in the territorial sea and its beginning.
- Waters of the bays along the coast, which represent a clearly defined dent their incursion is measured relatively to the portal, as it contains water confined to land, and it specifies the size or offset or exceed half circle line via an entrance that dents, and they are of three types, national bays which are located in the territory of one state and their maximum aperture attached to the sea shouldn't exceed 24 nautical miles, and international bays where their aperture attached to the sea exceed 24 nautical miles, exceeding the gulf bordering state and they aren't considered inland waters, historical bays which are based on historical considerations continue to be under the rule of the coastal state and its competence without any objection by other states.
- Enclosed and semi-enclosed seas, the enclosed seas do not have contact with the seas, and separated from the waters of lakes by its salinity characteristics and subject to the provisions of the convention among states that share a closed sea, and semi-enclosed seas are linked to the sea by a passage or strait and strait should not exceed twice the breadth of the territorial sea.
- Waters of an island outcrop and waters that lie between the islands, which are waters not far from shore or any island belonging to the state by more than twelve nautical miles, and these waters are part of the territory of the state and are subjected to its full ownership, and it exercises its own sovereignty and jurisdiction without any restriction.

And article viii of (UNCLOS) has shown that the waters that lie on a measurement line of territorial waters are part of the internal waters of the coastal state, and they are subject to the full sovereignty of the coastal state along with the seabed, subsoil and the overlying sky. It consists of ports, marinas, lakes, canals, bays, and estuaries. And it has been classified as an integral part of the coast of the state, and it has the right to implement its laws against all ships and on board through

internal waters. By the entry of ships through inland waters, they are subject to criminal, civil and administrative jurisdiction of the coastal state.

Sovereignty of the coastal state in inland waters is not limited to the obligation for granting the right of innocent passage of foreign ships. In the absence of any convention or bilateral agreement with the coastal state, the right of innocent passage or other foreign ships in inland waters does not exist. With the sovereignty of the coastal state and the absence of any right of innocent passage in it, there is no right for the foreign ships to enter the ports of the state or other internal waters, but due to developments in international trade, states are strongly seeking for developing trade by welcoming the foreign vessels entering their ports. And states have the right to name or designate their ports which are open to international trade, and can also close their ports to protect their vital interests, and have the right to impose conditions for entry into their ports.

The state has the right to refuse the entry of any foreign ship through their ports for the fear of contamination. As a port, the maritime administration has the authority to ensure that ships visiting their ports are committed to the norms and standards of the international law and relevant conventions which is a party. And when it allows the ship to enter port or other internal waters, they would be under the territorial sovereignty of a coastline, and implicitly the right to allow access to the port and inland water contains the right to allow departure as well.

In the case of foreign vessels, the coastal state or the port state has limited power, the ship should comply with the laws of the coastal state with regard to navigation and health, but the authority of the captain and the authority of the flag state comes before the power coastal state, and the maritime administration of the coastal state cannot board or conduct any work on board without the consent of the captain or the maritime administration of the flag state.

And in cases of protection and preservation of the marine environment, article 211 (3) has given the right to the coastal state to impose certain conditions regarding the entry of any foreign ship through its ports, inland waters or the use of its near-shore marine plants to prevent, reduce and control marine pollution, article 219 (UNCLOS) gave the right to states to ensure that a ship in one of its ports or stations near the coast that have violated international rules and standards relating to the validity of the ship to sail, which may be harmful to the marine environment, and gave them the right to take what is practically feasible to prevent the ship from sailing, and not to allow the ship to leave only to the nearest repair dock, or allow it to continue operation immediately after the removal of the causes of the violation.

### **The Authorities of the Coastal State in Territorial Waters**

The meaning of territorial waters is sea surface waters adjacent to the coast of the state and extending beyond the land territory, internal waters and extending between two points or two lines, the start line is called the baseline from which the territorial waters begin, or the measurement of territorial waters, but the finish line is the outer limit of the territorial waters, not exceeding the breadth of the territorial sea of 12 nautical miles, from the security point of view the importance of territorial waters as an area in which the coastal state must maintain the integrity of their territory from external aggression through sea, and economically maintain and exploit fisheries and natural resources living or non-living without the participation of others, health significance appears clearly as a safety belt, which can prevent vessels of countries where a pandemic is to enter the ports of the coastal state, or at least sort of pathological cases and exclude them from entering, and are a safety valve against any threat to the interests of the coastal state against the risks affected by its commercial interests, financial and economic, political and military, health interests and the right to ensure the innocent passage of

foreign ships, and this is the constraint that shows the difference of the territorial waters of the state jurisdiction over its internal waters.

The United Nations convention on the law of the sea of 1982, in accordance with article 18 have stated the right of sailing for the foreign merchant ships in the territorial waters of the state in the scope of the right of innocent passage, the entry and the passage of foreign warships including submarines and other underwater navigation vessels through territorial waters is subjected to the prior authorization of the competent authorities in the state, and they must sail floating and carrying their flag while passing through the territorial waters of the state, and foreign vessels managed by nuclear energy or those that carry nuclear material and other radioactive substances and products or dangerous, notify the competent authorities of the state in advance of their entry or passing through territorial waters.

Merchant ships of all states, coastal or land-locked, enjoy the right of innocent passage through territorial waters, that means navigation through the territorial sea for the purpose of passing this sea without entering internal waters or stopping in one of these marinas or harbours and leaving it, innocent passage must not be detrimental to the coast of the coastal state or its or their security, this passage is according to the rules of the law of the sea and the rules of the law of other states, and the passage of a foreign ship is considered to be not innocent when the ship while in the territorial waters of any of the following activities:

- Threat of force or by any use of it against the sovereignty of the coastal state, territorial integrity or political independence, or in any other manner in violation of the principles of international law which is documented in the charter of the United Nations, or any exercise or training with weapons of any kind, or any hostile act aimed at collecting information to harm or affect the defence or security of the coastal state.
- Launch any military device, load or install it, or load or unloaded any aircraft, download or upload any good or person contrary to the laws and regulations of the coastal state, tax, immigration or health.
- Any act of intentional contamination, fishing activities, research or survey activities or any act aimed at interfering in the work of any transportation or other facilities or installations of the coastal state, or any other activity not directly related to traffic, such as submarines sailing and other underwater vehicles diving in the underwater depth when in regional waters.

Territorial sea is part of the sea adjacent to the shores of the state extends beyond the land territory, internal waters, archipelagic waters or if an archipelagic state, i.e. an area enclosed internal waters or inshore, on one hand, and the contiguous zone and the exclusive economic zone or the high seas, on the other. The territorial sea of the coastal state which includes the air space above it, the seabed and its subsoil is subject to the sovereignty of the coastal state, and that does not detract from the right of foreign states in innocent passage of vessels.

Territorial sea of the coastal state achieves real advantages such as to protect national security, navigation, economic interests, and public health. The United Nations has aimed in its convention on the territorial sea and the adjacent waters of the subject area of this sea at a compromise between territorial control and sovereignty over its territory, to protect the economic and strategic interests and protect its security on one hand, taking into account the interest of the international community and international communication through navigation of all ships on the other hand. (Dahak, Idris, 1987, p. 140)

The United Nations convention on the law of the sea in its article iii gave the right of the coastal state to specify the width of the territorial sea to a distance not exceeding 12 miles, measured from the baseline, and the state in the territorial sea shall have the right to adopt laws and regulations relating to innocent passage so as not to apply these laws and regulations on design of foreign ships, constructing or equipment crew configuration only if the purpose is implementing rules or generally accepted international standards.

And the coastal state shall not hamper the innocent passage of foreign ships through its territorial sea, and can take action to prevent the passage of an innocent third party. Article 19 (2) of the (UNCLOS) clarified the meaning of innocent passage by a list of actions and activities that make an innocent passage, and the content of the patent of traffic based on three elements: not to harm peace-and not to harm good order – and not to harm the security of the coastal state, if foreign vessel are linked in any of the activities mentioned in the previous article, the passage is considered to be harmful to the peace, good order and the security of the coastal state, and the coastal state is entitled to impose full sovereignty over foreign vessel, and can take action to stop the ship and seize it if there is clear evidence found, therefore it can practice the right of criminal and civil authority on the deck.

To protect and preserve the marine environment, as set out in part xii of the (UNCLOS), the coastal state in the exercise of its sovereignty in its territorial sea to adopt laws and regulations for the prevention of marine pollution of foreign vessels, reduction and control it including ships exercising the right of innocent passage. (Article 220 (1), (2) of UNCLOS)

If a violation of the foreign vessel to the laws and regulations adopted within the territorial sea or the exclusive economic zone, and the ship is voluntarily within a port or at an offshore terminals near the coast, it may to inspect the vessel in a physical way regarding the violation, and may, where warranted evidence-to assess in accordance with its laws, evaluate an invitation including the detention of the ship. (Article 211 of UNCLOS)

### **The Laws and Regulations of the Coastal State Regarding Innocent Passage**

The coastal state has the right to formulate laws and regulations to regulate the innocent passage through the territorial sea, in accordance with the provisions of the United Nations convention on the law of the sea and other rules of international law.

These laws and regulations are covering several topics summarized as follows: the safety of navigation, the regulation of maritime traffic, the protection of navigational and navigational facilities and other protection facilities or installations, protection of cables and pipelines, conservation of the living resources of the sea, the prevention of breaches of laws and regulations of the coastal state on the fisheries, conservation of the environment of the coastal state and the prevention of pollution, marine scientific research and hydrographical survey.

The coastal state shall declare these laws and regulations, and comply with the foreign ships exercising the right of innocent passage through territorial waters of all such laws and regulations and all the generally accepted international regulations for preventing collisions at sea, the coastal state must not hamper the innocent passage of foreign ships through its territorial waters in accordance with the law of the sea convention, and must not impose special requirements when applying that convention, practise discrimination in form or in fact on foreign ships carrying goods to any state and have the practical effect of denying the right of innocent passage of vessels or its breach, the coastal state must declare any dangers to navigation that occur within territorial waters.

The coastal state to take the necessary steps in its territorial sea to prevent non-innocent passage, they also have the right to take the necessary steps to prevent any breach of the conditions governing such vessels. The coastal state has the right to suspend temporarily the innocent passage of foreign ships without discrimination in form or in fact among them, in specific sectors of the territorial sea, if such suspension is necessary to protect the security of that state, including military manoeuvres, and to start implementing this suspension only after the appropriate declaration for it.

### **Powers of the Coastal State over the Adjacent Area**

The adjacent area is part of the economic zone, which is adjacent to the territorial sea of a state, but in other areas, the state is entitled to exercise the necessary control without specifying the means of control of the legislative and administrative authorities, and punitive, to compel others to respect both the seizure or arrest and sanction on the contrary by fines or other sanctions, especially in case of violation by fishing vessels by means of article 73 of the United Nations convention on the law of the sea.

Including inspect, search, detention and the proceedings against them, taking into account the specific guarantee, and the release of the ships and its crew when providing guarantee and assurances that are acceptable and may not span adjacent area beyond 24 nautical miles from the baselines from which the breadth of the sea, which is different from the far regions of the impartiality of military operations such as the Suez canal, the panama canal and the black sea.

Article 24 of the Geneva convention of 1958 described the adjacent area as "the area of high seas adjacent to the territorial sea of a coastal state ". According to article 33 of the United Nations convention on the 1982 the contiguous zone is "the area adjacent to the territorial sea of a coastal state". And may not extend beyond 24 nautical miles from the baseline from which the breadth of the territorial sea is measured. According to article 55 of the same convention, the exclusive economic zone is defined as "an area beyond the territorial sea and the contiguous to it."

The rights of the state in the contiguous zone are functional and protective measures, in accordance with article (33) of the (UNCLOS); the coastal state can exercise supervision to prevent the violation of the customs laws and regulations, tax, immigration or health laws within its territory or territorial sea. Therefore, the objective of this area reports some rights for the coastal state for the protection of national interests of financial interests (tax and customs), health, and security (infiltration of foreign criminals, and migration of foreign third party organization). Where the rights of the coastal state are specific in its waters and above, which exercise functional competencies and specialized powers. (Alhobani, Ali Kaed, 2004, p. 92)

### **Authorities of the Coastal State over Exclusive Economic Zones**

One of the most important features of the United Nations convention on the law of the sea 1982, where a new zone of sea has been defined is the exclusive economic zone. Known as "an area beyond the territorial sea and contiguous to it" not more than 200 nautical miles from the baseline from which the breadth of the territorial sea. Until the moment of the entry into force of the convention, the exclusive economic zone was under the concept of customary international law unit. Article 55 of the (UNCLOS)

In the exclusive economic zone (EEZ), the state of the coast has sovereign rights for specific purposes, but has no sovereignty more than those enjoyed in the internal waters or territorial sea. These sovereign rights are for the purpose of exploration and exploitation of natural resources, whether living or non-living waters above the seabed and subsoil, the conservation and management, and also have the mandate to the economic area regarding:



- The establishment and use of artificial islands, installations and structures.
- Marine scientific research.
- The protection and preservation of the marine environment.

By the exercise of the rights of the coastal state, and the discharge of its duties in this region of the sea, it has the duty to respect the rights of other states, whether coastal or land-locked, which is the right of navigation, over flying, submarine cables and pipelines on the exclusive economic zone, provided that they respect the rights and duties of the coastal state in accordance with international norms and laws.

The United Nations convention on the law of the sea 1982 gave the right to state in its EEZ to adopt laws and regulations for the protection and preservation of the marine environment from marine pollution, provided that they are not inconsistent with the generally accepted international rules and standards established through the competent international organization or a diplomatic conference. (Article 211 (5), of the (UNCLOS)

If a ship committed in the exclusive economic zone a violation of international rules and standards or laws and regulations of that state for the prevention, reduction and control of marine pollution, this state may physically inspect the vessel in matters related to the breach, and when the physical evidence of the violation appears, it may establish in accordance with the laws, an invitation including the detention of the ship. (Article 220 (5), (6) of UNCLOS)

The figure shows (2-1) the internal waters, the territorial sea, the contiguous zone, the exclusive economic zone in accordance with the Geneva convention on the high seas, 1958, and the United Nations convention on the law of the sea 1982

Explanation of the internal waters, the territorial sea, the contiguous zone and the exclusive economic zone in accordance with the Geneva convention on the high seas, 1958, and the United Nations convention on the law of the sea 1982

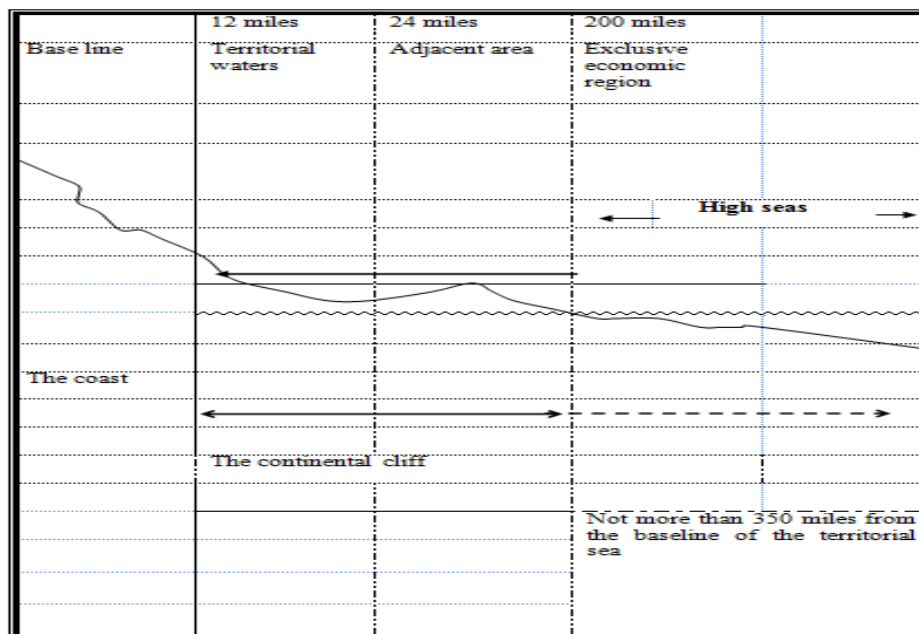


Figure 1

The exclusive economic zone is the area beyond the territorial sea and adjacent to it, and extends to 200 nautical miles from the baselines from which the breadth of the territorial sea is measured and shall not extend more than this, the economic zone is one of the areas developed by the 1982 convention, the economic zone, is where the coastal state shall issue permits for fishing and in return for having access to appropriate technical assistance, coastal state has the jurisdiction in both biological and mineral resources in the economic area, selecting a geographic region to a maximum of 200-mile economic zone does not necessarily lead to that each coastal state has only a 200-mile economic zone, we mean that geographical conditions may govern and lead to decrease this limit less than 200 miles, this is handled through the agreement on the basis of the international law, the coastal state shall have the rights and duties in the exclusive economic zone and article 65 of the law differentiated between sovereign and state rights.

### **Sovereign Rights**

The coastal state has sovereign rights in accordance with the preceding article for the purpose of exploring and exploiting the natural resources, whether living or non-living water above the bottom of the sea and the seabed and subsoil and the conservation and management as well as with regard to other activities for the economic exploitation and exploration of the region such as the production of energy from water currents, wind, and the right of a sovereign state, and this is evident when examining freedom of fishing when you allow another state to fish in the exclusive economic zone, the coastal state can inspect, search and detain ships and lawsuits against it as necessary consistent with the provisions of the convention on the international law of the sea.

### **State Rights**

The coastal state has the jurisdictional rights as sovereign rights, the right of supervision and control, both in the case of the activities mentioned under this heading or activities made by a licensed person, and these activities are: the establishment and use of artificial islands, installations and structures for marine scientific research and the protection and preservation of the marine environment.

### **Other Rights and Duties**

Paragraph (c) of article 56 (law of the sea) referred to other rights and obligations that are different from the state rights but by the foreign vessels passage in accordance with the rules of the convention through free passage, as the coastal state can lay undersea pipelines, the coastal state rights and duties towards such activities are organized in accordance with the agreement, under the United Nations convention on the law of the sea in article 61 to 73 on regulating the conservation and harvesting of living resources of different types, the coastal state shall establish the capacity to harvest the living resources of the exclusive economic zone, where the coastal state doesn't have the ability to reap total allowable whole catch, state allows access to surplus for others, then the entire economic area can keep the coastal state the right to catch them, it is also possible to select specific areas to keep their nationals fishing in, it shouldn't be mixed between these areas and the adjacent ones, because those recent are digitally defined from the twelve miles of territorial sea unlike fishing areas that can interfere or increase over it, but within the economic zone which is located in the middle between the provisions of the territorial sea and the high seas, because it is a central region that lies geographically between the two despite the different legal nature of each, but the economic area is closer to the international waters than the international waters, with regards to the following:

First, article **58** of the agreement that prevents all coastal and non-coastal economic zone recognized fundamental freedoms which can be enjoyed in international waters, including navigation, over flights, submarine cables, pipelines and other international legitimate uses.

Second: the applicability of articles **88** to **115** and other rules of the United Nations convention on the law of the sea for the economic area, and articles on international waters, whether for peaceful use or right of navigation and management of ship, flag state duties in case of clashes and assistance in addition to slave transfer ban and the cooperation in the suppression of piracy and illicit drugs or prevention of unauthorized broadcasting.

In addition to visiting rights, the right of hot pursuit, and installing submarine cables and pipelines and its consequent fracture or injury, as for the case of approaching only between the economic zone and territorial sea it is the arrangement of some of the sovereign rights of the coastal state in some areas, jurisdictional rights in others, the sovereignty of the state over its territorial sea and some of the state's sovereign rights over its exclusive economic zone is the common denominator between the economic zone and the territorial sea, which is considered to be a little thing between the two, which makes us decide that the economic zone is part of the international waters, and the coastal state has been allowed with greater competences for approaching it.

#### **State Authorities on the Continental Cliff and Extension**

In accordance with article **76** of the **1982** convention on the law of the sea, the continental cliff of a coastal state includes seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its maritime territory to external parties of the continental margin, a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured if the outer edge of the continental margin does not extend till this distance.

The outer limits of the continental cliff cannot exceed more than 350 nautical miles from the baselines from which the breadth of the territorial sea is measured, in accordance with article **77** of the same convention the state exercises over the continental cliff or extension sovereign rights for the purpose of exploring and exploiting its natural resources, whether its citizens are taking advantage of the resources of the continental cliff or not and the coastal state is allowed to take all necessary precautions to prevent pollution of the marine environment in this region.

Resources of the continental shelf are known as the mineral substances, non-living materials, and organisms belonging to species resident known as static objects, or are unable to move except in direct contact with the continental cliff fishing stage, as long as the rights of the coastal state are not affecting the rights of other states in the water or the space above those waters, taking into account the right of coastal states to take reasonable measures for the exploration and exploitation of the continental cliff, not to hinder or impede the installation of submarine cables to other countries while preserving the right of freedom of navigation for other citizens, hunting and searching in the waters above the continental cliff.

#### **INTERNATIONAL WATERS**

We must take into account the international waters beyond the limits of national sovereignty, which still occupies the surface area of the earth larger than the total area of the national territory and territorial seas, although international waters are on decrease while other areas subject to maritime legislation has been on the rise, they have two areas, the first

area is the international waters and the second one is seabed beneath those waters, international waters have properties which distinguish them from the other maritime areas, contained in article ii of the convention on the high seas, and provides that a state may not seek to subject any part of the waters of international sovereignty, used for peaceful purposes and open to all countries, including landlocked countries, not harmful to the marine environment, and does not preclude other uses of international waters in an unjustified way.

International waters are used for commercial shipping, fishing, and exploration and exploitation of minerals by density less than other maritime areas near the coast, the land-locked states in international waters have the same rights and opportunities to coastal states, a situation that does not apply in other marine areas, and these properties can promote genuine and growing international cooperation.

### **The Legal Status of Private Vessels**

Special vessels means those owned by private individuals or bodies, and operated for commercial purposes, and they will be including also state-owned ships, used for commercial purposes and the legal status of these vessels in foreign ports gives the right to enter foreign ports freely. Not for the state to close its ports for foreign commercial vessels only if in case of exceptional circumstances related to public order, security or health, for example, this alert must be applied to all ships including national vessels, the private vessels must respect the port state legislation concerning security, customs and health with the exception of vessels which are forced to enter the port due to compelling circumstance.

According to jurisdiction, the coastal authorities do not exercise jurisdiction over what happens aboard vessels moored in the harbour only to the extent that affect or threaten the interests of the coastal authorities.

To illustrate that we must differentiate the civil jurisdiction from criminal jurisdiction, in the civil jurisdiction foreign vessels are subject to a port state civil jurisdiction if the dispute concerns a person from outside the ship's crew, except that the jurisdiction is for the flag state, and consul of the state ship port state's envoy may handle this, criminal jurisdiction has various applications of states in this regard, if a crime was committed on board a foreign ship is in the territorial waters of another state, it is subject to the law of the flag state of a ship, but assuming that the ship tried to wriggle out of this jurisdiction and sought to escape from the sea even away from the grip of the state, the United Nations convention on the law of the sea has encountered this situation dealt with in article 111 which is the right of hot pursuit and tracking.

### **The Right of Hot Pursuit and Tracking**

The right of states to keep track of foreign ships and hunting have stabilized by custom, and helped some to configure this custom has remained indisputable, and the right of hot pursuit is the application of a state's right to defend their interests, in order to exercise this right of certain conditions which are:

- Availability of a strong presumption that the chased ship has committed while in national or regional water an illegality, and it is not sufficient suspicion in this regard.
- The offence attributed to the ship is related to the jurisdiction of the coastal state.
- The state to order the ship to stop, which facilitates access now because the ships are equipped with wireless devices.

- The ship, one of its pieces (as her boat for example) existing national or regional state water upon issuance of this order.
- The ship is to be given the order to stop and refuse to stop, the coastal state have to hunt and track it, and the pursuit must be continuous and uninterrupted, if the pursuit stop for any reason (even if due to force majeure) it becomes illegal pursuit and it must be captured before it enters the territorial waters of its state or of another state, and of course the pursuit can be completed in the international waters.

### **Criminal and Civil Jurisdiction over Foreign Vessels**

The coastal state should not exercise criminal jurisdiction on board a foreign ship passing through the territorial sea to stop any person or any investigation in connection with any offence committed on board a ship during its passage unless the results of the crime has spread to the coastal state, and the crime was a breach of the peace or good order of the territorial sea, if the captain of a ship or a diplomatic representative or consular officer of the flag state asked for a help from local authorities before taking any measures, it must facilitate communication between this representative or employee and the crew of the ship, and shall in the event of an emergency send such notice when taking measures, these measures were needed to combat the illicit trade. And the rights mentioned above does not affect the coastal state to take any steps authorized by law to make a stop or an investigation on board a foreign ship passing through the territorial sea after leaving internal waters, as the coastal state should not stop a foreign ship passing through the territorial sea, or divert it for the purpose of exercising its mandate regarding a person on board the ship, the coastal state may not sign execution proceedings against the ship or withheld it for the purpose of any civil proceedings, except for the obligations or responsibilities during its journey through the coastal waters of the state or for the purpose of that journey, the preceding paragraph shall not affect the right of the coastal state in accordance with its laws on the implementation procedures for the purpose of any civil proceedings against any foreign ship anchored in its territorial sea or passing through the territorial sea, and detain it after leaving the internal waters.

### **CONCLUSIONS**

From the former view to the coastal state authorities it is clear that the authorities of the coastal state when we move towards the sea and far from the baseline are decreasing, these powers also extend to the territorial sea and the contiguous zone of the territorial sea up to 24 nautical miles for the state to protect its national economy, the coastal state has the right to trace and pursuit violating vessels in the waters of the territorial state, the authorities of the coastal state extend even further to protect the resources of nature, therefore, the coastal state must protect its wealth and prevent any attack or damage towards it.

Under the protection of the environment and the role of the state in controlling foreign vessels the meaning of wealth protection must be expanded, to include work on the application of the international conventions on safety and the marine environment, and exercise an effective role of the state and actively implemented, forcing ships without distinction between nationality, to reach the desired goal of this convention and the laws that help economic development in developed and developing countries with coasts suitable for the establishment and success of the international transport industry through insurance and protective role of coasts, through insurance and protective role of coasts and the geographical areas specified in law and supplementing the supervisory role of the ships and all other maritime activities within the shipping industry which is considered to be a global competitive industry, having an effective impact on all

economic aspects and national economic security component and one of the symbols of national sovereignty.

Given the importance of the sea for what it presents in the process of communication and transportation, mutual benefits, and also because of its importance as a food source, and represents the importance for states to exploit their own resources, and extracting the subsoil of natural wealth, in addition to coasts and beaches and their touristic and economic importance to the possibility of all touristic activities, including beach tourism and various sea sports, ecotourism, cultural tourism, etc., all those great benefits, which can be the most important sources of income for the coastal country, regarding this importance, the world has devoted all its efforts to enact legislation for the protection of the marine environment from pollution, and also the interest of maritime safety, sail safely in clean water.

The shipping industry is considered to be of a great importance for the economy of the states, to represent the industry in international trade, which is nearly 90 percent of the international trade by sea, and those states should be able to provide the industry with services, therefore, states must be able to provide the industry with services that will help the growth and development of the international trade process, as well as prudent economic management for marine affairs, which will be of great benefit to the navy state, the maritime administration of the states play a big and important role in maritime activities, and facilitate their international trade.

The coastal state has the right to impose its hegemony over its territorial waters and the censorship of foreign vessels working permanently within territorial waters such as oil rigs, offshore supply vessels and inspect them to make sure that they meet international standards and requirements, and some local standards that the coastal state should be available on foreign vessels that operate continuously within its territorial waters.

## REFERENCES

1. Shawarby, Talal: (1995) "collision and its provisions", Arabic academy for science, technology and maritime transport, Alexandria.
2. International maritime organization: (1999) "decisions of the twenty-first session of the assembly resolutions 874-901, 15-26 November 1999.
3. Prescott, j. R. P: (1985) "the political geography of the oceans first edition" translation of dr. Ali Mohamed al Aouar, the national office for scientific research, Tripoli.
4. University of oceanography: (2001) "periodicals publication no. 112, the identification and protection of marine resources and reserves" port Sudan, Sudan.
5. Hamdi, Mohamed Kamal: (2000) "maritime law", second edition-enterprise knowledge in Alexandria.
6. Shamis Saed al Canady: (1999) "the legal regulation of the authorities of the coastal state on ships and their applications in U.A.E.," introduction to master Arabic academy for science, technology and maritime transport 1999-Alexandria, unpublished letter.
7. Abdul Moneim, Dawood: (1999) "the international maritime law and marine Arabic problems", first edition, enterprise knowledge in Alexandria.
8. Ozcayir, Z. Oya (2001). Port state control, informal professional publishing group. London.
9. United Nations (1982). United Nations convention on the law of sea 1982, New York.