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Decree: The Congress of the United Mexican States Decrees Federal Act Relating to the Sea

Congress of the United Mexican States

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DECREE

The Congress of the United Mexican States decrees:
FEDERAL ACT RELATING TO THE SEA¹

TITLE

General Provisions

CHAPTER I

Scope of application of the Act

Article 1

This Act establishes regulations relating to the fourth, fifth, sixth and eighth paragraphs of article 27 of the Political Constitution of the United Mexican States in respect of Mexican maritime zones.

Article 2

This Act is federal in scope; it governs the maritime zones which form part of the national territory and, where applicable, the maritime zones beyond such territory where the Nation exercises sovereign rights, jurisdiction and other rights. Its provisions belong to the public domain, in the framework of the national democratic planning system.

Article 3

The Mexican maritime zones are:

- (a) The territorial sea;
- (b) The internal marine waters;
- (c) The contiguous zone;
- (d) The exclusive economic zone;
- (e) The continental shelf and island shelves; and
- (f) Any other zone permitted by international law.

Article 4

In the zones listed in the preceding article, the Nation shall exercise the powers, rights, jurisdiction and competence vested in it by this Act, in accordance with the Political Constitution of the United Mexican States and with international law.

Article 5

Foreign States and their nationals, when carrying out activities in the maritime zones listed in article 3, shall respect the provisions established for each zone by this Act, with the attendant rights and obligations.

1. The Federal Act relating to the Sea contains the list of errata published in the *Diario Oficial de la Federacion* of Mexico on 9 January 1986.

Article 6

The sovereignty of the Nation and its sovereign rights, jurisdiction and competence within the limits of the relevant maritime zones, in accordance with this Act, shall be exercised pursuant to the provisions of the Political Constitution of the United Mexican States, international law and applicable national legislation, in respect of:

- I. Marine works, artificial islands, installations and structures;
- II. The regime applicable to living marine resources, including their conservation and utilization;
- III. The regime applicable to non-living marine resources, including their conservation and utilization;
- IV. Economic development of the sea, including the utilization of minerals dissolved in its waters, the production of electrical and thermal energy from its waters and from currents and winds, the harnessing of solar energy at sea, the development of the coastal zone, marine aquaculture, the establishment of national marine parks, the promotion of recreation and tourism, and the establishment of fishing communities;
- V. Protection and preservation of the marine environment, including the prevention of pollution; and
- VI. Marine scientific research activities.

Article 7

The Federal Executive Power shall be responsible for applying this Act through the various branches of the Federal Public Administration which, in accordance with its Organic Law and other prevailing legal provisions, are competent national authorities on the basis of the powers conferred upon each of them.

Article 8

The Federal Executive Power may negotiate agreements with neighbouring States on the delimitation, in accordance with international law, of the dividing lines between the Mexican maritime zones and the corresponding adjacent zones under the national maritime jurisdiction of the respective States, in cases where such zones overlap.

Article 9

The Mexican maritime zones shall not extend beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of a neighbouring State is measured, unless otherwise agreed with that State.

The Federal Executive Power shall not recognize the unilateral exten-

sion of the maritime zones of a neighbouring State beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the Mexican territorial sea is measured. In such cases, the Federal Executive Power shall seek negotiation with the neighbouring State in question, with a view to working out a mutually acceptable solution.

Article 10

The enjoyment of the rights which this Act grants to foreign ships shall depend upon reciprocal treatment of national ships by the flag State, subject to the provisions of the Political Constitution of the United Mexican States and international law.

Article 11

The Federal Executive Power shall ensure that maritime relations with other States are based on the principle of international reciprocity, as it applies both to Mexican maritime zones and to those established by such other States, in respect of any activity carried out by them or by their nationals strictly in accordance with international law.

Article 12

The Nation shall recognize acts of delimitation of the maritime zones of other States strictly in accordance with the rules of international law and on the basis of reciprocity.

Article 13

The Federal Executive Power shall ensure that the competent national authorities observe the applicable international rules which recognize the right of land-locked countries to fly a flag.

CHAPTER II

Maritime installations

Article 14

Artificial islands, installations and structures shall have no territorial sea of their own, and their presence shall not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.

Article 15

The Nation shall have exclusive jurisdiction over artificial islands, installations and structures in the exclusive economic zone and on the

continental shelf and island shelves, including jurisdiction with regard to customs, fiscal, health, safety and immigration regulations.

Article 16

The Nation shall have the exclusive right in the Mexican maritime zones to construct and to authorize and regulate the construction, operation and use of artificial islands, installations and structures, in accordance with this Act, the General National Property Act, the Public Works Act, and other applicable provisions in force.

Article 17

The construction, installation, conservation, maintenance, repair and demolition of immovable property used for the exploration, location, drilling, extraction and development of maritime resources, or for public service or common use in the Mexican maritime zones, shall be carried out with due regard for the prevailing legal provisions on the subject.

CHAPTER III

Resources and economic development of the sea

Article 18

This Act shall be applied in strict observance of the legislation concerning fishing, the provisions emanating from such legislation and other applicable provisions relating to measures for the conservation and utilization by nationals or foreigners of the living resources in the Mexican maritime zones.

Article 19

The exploration, exploitation, processing, development, refining, transportation, storage, distribution and sale of submarine hydrocarbons and minerals in the Mexican maritime zones shall be governed by the regulatory norms of article 27 of the Constitution, under the category of petroleum and mineral materials and the respective regulations, and by the applicable provisions of this Act.

Article 20

Any activity which involves the exploitation, use and economic development of the Mexican maritime zones, other than those provided for in the two preceding articles of this Title, shall be governed by the regulatory provisions of the fourth, fifth and sixth paragraphs of article 27 of the Political Constitution of the United Mexican States, and by this Act and other applicable laws and regulations.

CHAPTER IV

*Protection and preservation of the marine environment
and marine scientific research**Article 21*

In the exercise of the powers, rights, jurisdiction and competence of the Nation within the Mexican maritime zones, the following shall be applied in order to prevent, reduce and control pollution of the marine environment: the Federal Environmental Protection Act, the General Health Act and their respective regulations, the Federal Water Act and other applicable laws and regulations in force or to be adopted, including the present Act, its regulations and the relevant rules of international law.

Article 22

In the conduct of scientific research activities in the Mexican maritime zones, the following principles shall be applied:

I. They shall be carried out exclusively for peaceful purposes;

II. They shall be carried out with appropriate scientific methods and means which are compatible with this Act, other applicable provisions and international law;

III. They shall not interfere unjustifiably with other lawful uses of the sea which are compatible with this Act and with international law;

IV. All laws and regulations relevant to the protection and preservation of the marine environment shall be respected;

V. The activities shall not constitute a legal basis for any claim to any part of the marine environment or its resources;

VI. Where in accordance with this Act foreigners are allowed to carry out such activities, possible degree of national participation shall be ensured;

VII. In the case referred to in the preceding paragraph, the Nation shall ensure that it will receive the results of the research and, if it so requests, the necessary assistance for the interpretation and evaluation thereof.

TITLE II

Mexican maritime zones

CHAPTER I

*Territorial sea**Article 23*

The Nation shall exercise sovereignty over a belt of sea, described as the territorial sea, adjacent both to the coasts of the Nation's mainland and islands, and to the internal marine waters.

Article 24

The Nation's sovereignty shall extend to the airspace over the territorial sea as well as to its bed and subsoil.

Article 25

The breadth of the Mexican territorial sea shall be 12 nautical miles (22,224 metres), measured in accordance with the provisions of this Act and its regulations.

Article 26

The limit of the territorial sea shall be measured from baselines, either normal or straight, or a combination of the two, established in accordance with the provisions of the regulations of this Act.

Article 27

The outer limit of the territorial sea shall be the line every point of which is at a distance of 12 nautical miles (22,224 metres) from the nearest point of the lines which constitute its inner limit, determined in accordance with article 26 of this Act and with the relevant provisions of its regulations.

Article 28

Any slave who enters the territorial sea in a foreign vessel shall, by this act alone, gain his freedom and enjoy the protection afforded by the laws, under the terms of article 2 of the Political Constitution of the United Mexican States.

Article 29

Ships of all States, whether coastal or land-locked, shall enjoy the right of innocent passage through the Mexican territorial sea.

Article 30

If a foreign vessel does not comply with the provisions of this Act, its regulations and other national legal provisions concerning passage through the territorial sea, and disregards any request for compliance therewith which is made to it, it may be required to leave the Mexican territorial sea immediately.

Article 31

The Federal Executive Power shall hold the flag State responsible for any loss or damage to the Nation resulting from the non-compliance by

a warship, or other government ship operated for non-commercial purposes, with the national laws and regulations concerning passage through the territorial sea or with the provisions of this Act, its regulations and other applicable rules of international law.

Article 32

With such exceptions as are contained in the provisions of this Title, nothing in this Act shall affect the immunities of foreign warships and other government ships operated for non-commercial purposes, inasmuch as they are granted on the basis of reciprocity, of government ships operated for commercial purposes.

Article 33

Overflight of foreign aircraft over the territorial sea shall be subject to national legislation, in accordance with the international obligations of the United Mexican States in that regard, and their inspection, monitoring and control shall remain under the exclusive jurisdiction and competence of the Federal Executive Power according to the terms of the General Communications Act and other prevailing legal provisions.

CHAPTER II

Internal marine waters

Article 34

The Nation shall exercise sovereignty in the areas of the sea known as internal marine waters, extending from the coasts of the Nation's mainland and islands to the Mexican territorial sea.

Article 35

The sovereignty of the Nation shall extend to the airspace over the internal marine waters, as well as to the bed and subsoil thereof.

Article 36

Internal marine waters are considered to be those enclosed between the coast and the baselines, normal or straight, from which the territorial sea is measured, in accordance with the relevant provisions of the regulations of this Act; they include:

- I. The northern part of the Gulf of California;
- II. The waters of internal bays;
- III. The waters of ports;
- IV. The internal waters of reefs; and
- V. The waters of the mouths or deltas of rivers, lagoons and estuaries permanently or intermittently connected with the sea.

Article 37

The inner limit of the internal marine waters shall coincide with the low-water line along the coast, where this line is not taken as a basis for measuring the territorial sea in accordance with the provisions of the regulations of this Act, as marked on large-scale charts officially recognized by the United Mexican States.

Article 38

For the purposes of the inner limit of the internal marine waters, the low-water line shall be the line of greatest ebb and flow reached by the marine waters at a given time along the coasts of the Nation's mainland and islands.

Article 39

The outer limits of the internal marine waters shall coincide exactly with the baselines from which the territorial sea is measured, as marked on large-scale charts officially recognized by the United Mexican States.

Article 40

The delimitation of internal marine waters in zones adjacent to maritime zones under the national jurisdiction of neighbouring States shall be considered to be included in the established or agreed delimitation for the dividing line between the Mexican territorial sea and the territorial sea or other maritime zones under the national jurisdiction of such neighbouring States, in accordance with articles 8 and 9 of this Act and the relevant provisions of its regulation.

Article 41

Foreign ships navigating in the internal marine waters shall be required, *ipso facto*, to comply with this Act, its regulations and other applicable legal provisions of the Republic.

CHAPTER III

*Contiguous zone**Article 42*

The Nation shall have, in a zone contiguous to its territorial sea, described as the contiguous zone, competence to exercise the control necessary to:

I. Prevent infringement of the applicable rules of this Act, its regulations and the customs, fiscal, immigration or sanitary laws and regulations within the territory, internal marine waters or territorial sea of Mexico; and

II. Punish infringement of the said applicable rules of this Act, its regulations and the said laws and regulations committed within the territory, internal marine waters or territorial sea of Mexico.

Article 43

The contiguous zone of Mexico shall extend 24 nautical miles (44,448 metres) from the baselines from which, in accordance with article 26 of this Act and the relevant provisions of its regulations, the breadth of the Mexican territorial sea is measured.

Article 44

The inner limit of the contiguous zone shall coincide exactly with the outer limit of the territorial sea, as established in accordance with article 27 of this Act and the relevant provisions of its regulations, and as marked on charts officially recognized by the United Mexican States.

Article 45

The outer limit of the Mexican contiguous zone shall be the line every point of which is at a distance of 24 nautical miles (44,448 metres) from the nearest point on the baselines of the territorial sea, as established in article 26 of this Act.

CHAPTER IV

Exclusive economic zone

Article 46

In an exclusive economic zone situated beyond and adjacent to the territorial sea, the Nation shall exercise:

I. Sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, and whether renewable or non-renewable, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;

II. Jurisdiction as provided for in the relevant provisions of this Act, its regulations and international law, with regard to:

1. The establishment and use of artificial islands, installations and structures;

2. Marine scientific research;

3. The protection and preservation of the marine environment;

III. Other rights and duties provided for in this Act, its regulations and international law.

Article 47

In exercising the rights and jurisdiction and performing the duties of the Nation in the exclusive economic zone, the Federal Executive Power shall ensure that Mexico has due regard to the rights and duties of other States and acts in a manner compatible with international law.

Article 48

In the exclusive economic zone the Federal Executive Power shall respect the enjoyment, on the part of foreign States, of the freedoms of navigation, overflight and the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines, and compatible with international law.

Article 49

The Federal Executive Power shall ensure that, in exercising their rights and performing their duties in the Mexican exclusive economic zone, foreign States have due regard to the rights, jurisdiction and duties of the Nation and comply with this Act, its regulations and other national regulations adopted in accordance with the Constitution and applicable rules of international law.

Article 50

The Mexican exclusive economic zone shall extend 200 nautical miles (370,400 metres) from the baselines from which, in accordance with article 26 of this Act, the breadth of the territorial sea is measured.

Article 51

Islands shall have an exclusive economic zone; however, rocks which cannot sustain human habitation or economic life of their own shall not.

Article 52

The inner limit of the exclusive economic zone shall coincide exactly with the outer limit of the territorial sea, as established in accordance with article 26 of this Act and the relevant provisions of its regulations, and as marked on charts officially recognized by the United Mexican States.

Article 53

The outer limit of the Mexican exclusive economic zone shall be the line every point of which is at a distance of 200 nautical miles (370,400

metres) from the nearest point on the baselines of the territorial sea, as established in article 26 of this Act.

Article 54

Accordingly, the outer limit of the exclusive economic zone shall comprise a series of arcs uniting the points whose geographical coordinates were published in a decree in the *Diario Oficial de la Federación* of 7 June 1976, as marked on the charts officially recognized by the United Mexican States.

Article 55

The Federal Executive Power shall ensure, subject to the relevant provisions of this Act, its regulations and international law, respect for the freedoms of navigation and overflight in the Mexican exclusive economic zone on the part of ships and aircraft of all States, whether coastal or land-locked.

Article 56

The Federal Executive Power shall take proper management and conservation measures so that the living resources are not endangered by over-exploitation; it shall determine the allowable catch of living resources in the exclusive economic zone and, without prejudice to the above, shall promote the optimum utilization of such resources. Where the Nation's ships do not have the capacity to harvest the entire allowable catch of a species, the Federal Executive Power shall give foreign ships access to the surplus of the allowable catch, having regard to the national interest and under the terms of Mexican fishing law.

CHAPTER V

The continental shelf or island shelves

Article 57

The Nation shall exercise over the continental shelf and island shelves sovereign rights for the purpose of exploring them and exploiting their natural resources.

Article 58

The Nation's sovereign rights referred to in the preceding article shall be exclusive in the sense that if Mexico does not explore the continental shelf and island shelves or exploit their natural resources, no one may undertake these activities without the express consent of the competent national authorities.

Article 59

The sovereign rights of the Nation referred to in article 57 shall not depend on occupation, effective or notional, of the continental shelf and island shelves.

Article 60

The rights of the Nation over the continental shelf and island shelves shall not affect the legal status of the superjacent waters or of the airspace above those waters.

Article 61

The exercise of the rights of the Nation over the continental shelf and island shelves must not infringe or result in any unjustifiable interference with navigation and other rights and freedoms of other States as provided for in this Act, its regulations and international law.

Article 62

The Mexican continental shelf and island shelves shall comprise the seabed and subsoil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of national territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance, in accordance with the provisions of international law. The preceding definition includes the shelf of islands, keys and reefs which form part of national territory.

Article 63

Islands shall have an island shelf; however, rocks which cannot sustain human habitation or economic life of their own shall not.

Article 64

The inner limit of the Mexican continental shelf and island shelves shall coincide exactly with the outer limit of the subsoil of the territorial sea, as established in accordance with article 26 of this Act and the relevant provisions of its regulations, and as marked on charts officially recognized by the United Mexican States.

Article 65

In places where the outer edge of the continental margin of the continental shelf and island shelves does not extend 200 nautical miles from the baselines from which the territorial sea is measured, the outer limit of these shelves shall coincide exactly with the outer limit of the subsoil of the exclusive economic zone, as established in accordance with the provisions of articles 53 and 54 of this Act, and as marked on charts officially recognized by the United Mexican States.

TRANSITIONAL PROVISIONS

Article 1

This Act shall enter into force on the date of its publication in the *Diario Oficial de la Federacion*.

Article 2

This Act shall supersede the regulatory provisions of the eighth paragraph of article 27 of the Constitution, concerning the exclusive economic zone, published in the *Diario Oficial de la Federacion* on 13 February 1976.

Article 3

This Act shall supersede all contrary legal provisions now in force. Matters not provided for in this Act which are related to activities in the maritime zones under national jurisdiction shall be governed by the prevailing national legislation where no contrary provisions exist.

Article 4

Violations of the provisions of this Act shall be punished by the competent national authorities in accordance with national ordinances applicable to the various matters.

Mexico, D.F., 18 December 1985.

Senator Socorro Diaz Palacios, Chairwoman;

Representative Fernando Ortiz Arana, Chairman;

Senator Guillermo Mercado Romero, Secretary;

Representative Reyes Rodolfo Flores Z., Secretary. [Signatures]

In compliance with the provisions of paragraph I of article 89 of the Political Constitution of the United Mexican States, and for its due publication and observance, I promulgate this Decree at the seat of the Federal Executive Power, at Mexico City, Federal District, on 20 December 1985.

- [Signed] Miguel de la Madrid H;
[Signed] Manuel Bartlett D., Minister of the Interior;
[Signed] Bernardo Sepúlveda Amor, Minister for Foreign Affairs;
[Signed] Miguel Angel Gomez Ortega, Minister of the Navy;
[Signed] Daniel Diaz Diaz, Minister of Communications and Transport;
[Signed] Antonio Enriquez Savignac, Minister of Tourism;
[Signed] Pedro Ojeda Paullada, Minister of Fisheries.