

Tankers and coastal state rights

Norway's Parliament is considering new legislation that would extend the country's territorial sea from four to 12 nautical miles and introduce traffic separation zones to ensure laden tankers follow a route that is further away from the Norwegian coastline than those sailing in ballast.

The proposed Act is designed to reduce the threat of environmental pollution from oil spills in the wake of the Prestige incident and as Russian oil companies begin to boost seaborne exports from its northern ports to Europe via Norwegian coastal waters.

Russia is already filling smaller tankers with cargoes from oil fields in Arctic regions east of the Barents Sea and recently a new oil export terminal near Murmansk has been proposed in conjunction with a pipeline connection to oil fields under development in the Russian interior. This latter facility would handle tankers as large as VLCCs and much of the oil would be shipped to the US.

The Act, which is with the National Assembly for approval, is one of the measures being taken by the Norwegian government to prevent a Prestige-type incident in its waters. Norwegian authorities have already reached an agreement with the Russian authorities whereby the Russians must give 2-3 days' notice of any laden tankers heading from northwest Russia along the Norwegian coast.

The new Act would also enable Norway to establish a 24-nautical mile zone for customs purposes. It is hoped that this will make it easier for the Norwegian authorities to intercept suspected immigrant and drug smugglers.

The extension of territorial waters to 12 nautical miles, as proposed by Norway, is permissible under the 1982 UN Law of the Sea Convention (UNCLOS). This is in contrast to post- Prestige measures introduced unilaterally by several other countries. France and Spain, for example, have banned single-hull tankers carrying heavy fuel oil in their Exclusive Economic Zones (EEZs), i.e. in international waters up to 200 miles off their coasts. The Spanish ban, which entered into force on January 1, 2003, covered tankers over 5,000 dwt.

Such unilateral action raises legal questions because, as UNCLOS signatories, France and Spain have agreed in principle to the right of innocent passage of ships through their EEZs.