

United Nations Conference on the Law of the Sea

Geneva, Switzerland
24 February to 27 April 1958

Documents:

A/CONF.13/C.1/L.159-L.168

Annexes

Extract from the *Official Records of the United Nations Conference on the Law of The Sea, Volume III (First Committee (Territorial Sea and Contiguous Zone))*

DOCUMENT A/CONF.13/C.1/L.159**United States of America: proposal**

[Original text : English]
[15 April 1958]

Article 3

The article to read as follows :

“ Article 3

“ 1. The maximum breadth of territorial sea that may be claimed by any State is six miles. Subject to such bilateral or multilateral arrangements as may exist or be entered into, as respects the parties thereto, the coastal State shall, in a zone having a maximum breadth of twelve miles as measured from the applicable baseline as provided in these rules, have the same rights to regulate fishing and the exploitation of the living resources of the sea as it has in its territorial sea ; provided, that nationals of any State whose nationals have fished in that zone regularly for a period of ten years immediately preceding the signature of this

convention shall have the right to fish in that portion of the zone lying beyond the outer limit of the territorial sea of such coastal State. Such nationals of other States fishing in that portion of the zone shall be bound therein to observe such conservation regulations as are consistent with the rules of fisheries adopted by this Conference and other rules of international law.

“ 2. For the purpose of this convention the term ‘ mile ’ means a nautical mile (which is 1,852 metres), reckoned at sixty to one degree of latitude.

“ 3. Any disagreement with respect to fisheries or the exploitation of the living resources of the sea arising between States under this article shall, at the request of any of them, be submitted to the arbitral procedures contemplated by articles 57, 58 and 59, unless the parties agree to another method of peaceful solution.”

DOCUMENT A/CONF.13/C.1/L.159/Rev.1**United States of America: revised proposal**

[Original text : English]
[17 April 1958]

Article 3

The article to read as follows :

“ Article 3

“ 1. The maximum breadth of the territorial sea of any State shall be six miles.

“ 2. As respects the parties thereto, the provisions of this article shall be subject to such bilateral or multilateral arrangements, if any, as may exist or be entered into.

“ 3. The coastal State shall in a zone having a maximum breadth of twelve miles, measured from the applicable baseline, determined as provided in these rules, have the same rights in respect of fishing and the exploitation of the living resources of the sea as it has in its territorial sea ; provided that such rights shall be subject to the right of the vessels of any State whose vessels have fished regularly in that portion of the zone having a continuous baseline and located in the same major body of water for the period of five years immediately preceding the signature

of this convention, to fish in the outer six miles of that zone, under obligation to observe therein such conservation regulations as are consistent with the rules on fisheries adopted by this Conference and other rules of international law.

“ 4. Any dispute with respect to the interpretation or application of this article shall, at the request of any party to the dispute, be submitted to arbitration unless the parties agree to another method of peaceful solution.

“ 5. For the purposes of this convention the term ‘ mile ’ means a nautical mile (which is 1,852 metres), reckoned at sixty to one degree of latitude.”

Note. — It is proposed that this article be entered into with the express understanding that each party to the convention undertakes to consider sympathetically the request of another party to consult on the question of whether the rights granted by the article are being exercised in such manner as to work an inequity upon one or more of the other parties and, if so, what measures should and can be taken to remedy the situation.

DOCUMENT A/CONF.13/C.1/L.159/Rev.2**United States of America: revised proposal**

[Original text : English]
[19 April 1958]

Article 3

The article to read as follows :

“ Article 3

“ 1. The maximum breadth of the territorial sea of any State shall be six miles.

“ 2. The coastal State shall in a zone having a maximum breadth of twelve miles, measured from the applicable

baseline, determined as provided in these rules, have the same rights in respect of fishing and the exploitation of the living resources of the sea as it has in its territorial sea , provided that such rights shall be subject to the right of the vessels of any State whose vessels have fished regularly in that portion of the zone having a continuous baseline and located in the same major body of water for the period of five years immediately preceding the signature of this convention, to fish in the outer six miles of that portion of the zone, under obligation to observe therein

such conservation regulations as are consistent with the rules on fisheries adopted by this conference and other rules of international law.

"3. Any dispute with respect to the interpretation or application of this article shall, at the request of any party to the dispute, be submitted to arbitration unless the parties agree to another method of peaceful solution.

"4. For the purposes of this convention the term 'mile' means a nautical mile (which is 1,852 metres), reckoned at sixty to one degree of latitude.

"5. As respects the parties thereto, the provisions of

paragraph 2 of this article shall be subject to such bilateral or multilateral arrangements, if any, as may exist or be entered into "

Note. — It is proposed that this article be entered into with the express understanding that each party to the convention undertakes to consider sympathetically the request of another party to consult on the question of whether the rights granted by the article are being exercised in such manner as to work an inequity upon one or more of the other parties and, if so, what measures should and can be taken to remedy the situation.

DOCUMENT A/CONF.13/C.1/L.160

Thailand: amendment to document A/CONF.13/C.1/L.77/Rev.2

[Original text : English]
[17 April 1958]

At the end of paragraph 1, delete the words "the breadth so fixed is the breadth of its territorial sea up to but not exceeding twelve nautical miles similarly measured" and substitute "it shall endeavour, within a reasonable time, to conform to this rule."

DOCUMENT A/CONF.13/C.1/L.167*

Report by the Secretariat on the work of the Drafting Committee of the First Committee

[Original text : English]
[24 April 1958]

INTRODUCTION

1. At its 42nd meeting, the First Committee established a Drafting Committee with the following members:

Mr. Ba Han (Burma)
Mr. Dean (United States of America)
Sir Gerald Fitzmaurice (United Kingdom)
Mr. García Robles (Mexico)
Mr. Gasiorowski (Poland)
Mr. Gutiérrez Olivós (Chile)
Mr. Hsueh (China)
Mr. Loutfi (United Arab Republic)
Mr. Nikolaev (Union of Soviet Socialist Republics)
Mr. Ruedel (France)
Mr. Sorensen (Denmark)

2. The Chairman was also designated to sit *ex officio* on the Drafting Committee.

3. The Drafting Committee was charged with the task of reviewing, as to matters of form, all articles before the First Committee, and of making recommendations for the textual co-ordination of proposals expressly referred to it.

4. The Committee held seven meetings and reviewed all articles referred to the First Committee.

HEADING OF PART I (A/CONF.13/C.1/L.69)

The Drafting Committee was not unanimous as to the proposal by Bulgaria (A/CONF.13/C.1/L.69) to replace the term "territorial sea" by the term "territorial waters"

* Incorporating A/CONF.13/C.1/L.167/Corr.1. Changes proposed by the Drafting Committee which refer only to the French or Spanish texts have not been reproduced in the present document.

throughout the text of the articles. A substantial majority of the Drafting Committee favoured the retention of the term "territorial sea" for the reasons given by the International Law Commission in paragraph 2 of the commentary on article 1.

ARTICLE 1 (A/CONF.13/C.1/L.165)

Paragraph 2

All texts: For "this convention" read "these articles". Throughout the articles, the Drafting Committee also favours altering "these rules" to "these articles".

ARTICLE 2 (A/CONF.13/C.1/L.165)

All texts. Delete "also" after the word "extends".

ARTICLE 3 (A/CONF.13/C.1/L.77/Rev.3, paragraph 2)
No change.

ARTICLE 4

The First Committee has not yet adopted this article, pending receipt of this report. As suggested in committee, technical experts were consulted on a number of amendments which had been tabled. As it appeared that "isobath zero" (A/CONF.13/C.1/L.6: France) was not a term of art in English and might even have a different meaning as between some countries, it was decided that "low water-line" should be retained, as representing the most common phraseology for a line readily ascertainable on charts and known to mariners and officials.

As not only article 5 and 7 but now articles 10 and 13 as well have references to baselines, the Drafting Committee recommends that article 4 should read:

"Except where otherwise provided in these articles, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on

large-scale charts officially recognized by the coastal State.” This also eliminates the redrafting proposed by Spain (A/CONF.13/C.1/L.90).

ARTICLE 5 (A/CONF.13/C.1/L.163 and Corr.1)

Paragraph 1

French and Spanish texts should conform to the English “deeply indented and cut into,” not “or”. “Endroits” in French seems more restricted than “localities”; “régions” might serve.

Paragraph 3

All texts: The language should be adjusted to that decided by the First Committee for article 11, thus substituting “low-tide elevations” for “drying rocks, shoals or other elevations which are above water at low tide only”.

NEW ARTICLE 5 A

The Committee had adopted the proposal of a number of delegations to add a provision:

“Waters within the baseline of the territorial sea are considered as internal waters.”

The Drafting Committee was favourably disposed toward the Yugoslav proposal (A/CONF.13/C.1/L.58) to place this provision after article 5 and not in article 4. This created an element of overlap with paragraph 6 of article 5 as adopted by the First Committee, also relating to internal waters. The Drafting Committee therefore recommends the insertion after article 5 of the following new article, paragraph 1 of which incorporates the above-mentioned proposal, while paragraph 2 contains paragraph 6 of article 5 adopted by the First Committee:

“INTERNAL WATERS

“1. Waters on the landward side of the baseline of the territorial sea form part of the internal waters of the State.

“2. Where the establishment of a straight baseline in accordance with article 5 has the effect of enclosing as internal waters areas which previously had been considered as part of the territorial sea or of the high seas, a right of innocent passage, as provided in articles 15 to 25, shall exist in those waters.”

ARTICLE 6

The proposal to combine articles 4 and 6 (A/CONF.13/C.1/L.90: Spain) did not seem to the Drafting Committee to be a good one.

ARTICLE 7

Paragraph 2 (International Law Commission, paragraph 1)

English text should be conformed to the French and Spanish: After “semi-circle” delete “draw on” and insert “whose diameter is a line drawn across”.

The Drafting Committee reports in favour of the redrafting contained in the new paragraphs 3, 4 and 6 of the United Kingdom proposal (A/CONF.13/C.1/L.62). Taking account of the votes already taken by the Committee on parts of the article, its full text would then read:

“BAYS

“1. This article relates only to bays the coasts of which belong to a single State.

“2. For the purposes of these articles, a bay is a well-marked indentation whose penetration is in such proportion to the width of its mouth as to contain landlocked waters and constitute more than a mere curvature of the coast. An indentation shall not, however, be regarded as a bay unless its area is as large as, or larger than, that of the semi-circle whose diameter is a line drawn across the mouth of that indentation. If a bay has more than one mouth, this semi-circle shall be drawn on a line as long as the sum total of the length of the different mouths. Islands within a bay shall be included as if they were part of the water area of the bay.

“3. For the purpose of measurement, the area of an indentation is that lying between the low-water mark around the shore of the indentation and a line joining the low-water marks of its natural entrance points. Where, because of the presence of islands, an indentation has more than one mouth, the semi-circle shall be drawn on a line as long as the sum total of the lengths of the lines across the different mouths. Islands within an indentation shall be included as if they were part of the water area of the indentation.

“4. If the distance between the low-water marks of the natural entrance points of a bay does not exceed 24 miles, a closing line may be drawn between these two low-water marks, and the waters enclosed thereby shall be considered as internal waters.

“5. Where the distance between the low-water marks of the natural entrance points of a bay exceeds 24 miles, a straight baseline of 24 miles shall be drawn within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.

“6. The foregoing provisions shall not apply to so-called ‘historic’ bays, or in any cases where the straight baseline system provided for in article 5 is applied.”

ARTICLE 8 (A/CONF.13/C.1/L.162)

No change.

ARTICLE 9 (A/CONF.13/C.1/L.162)

The Drafting Committee felt that it had insufficient time to consider the rephrasing of the Spanish text submitted by Spain (A/CONF.13/C.1/L.111).

Paragraph 2

English text: Replace “demark” by “demarcate”.

ARTICLE 10 (A/CONF.13/C.1/L.162)¹

The Drafting Committee recommends the following redrafting:

“ISLANDS

“1. An island is a naturally-formed area of land, surrounded by water, which is above water at high-tide.

“2. Where an island has a territorial sea of its own, that territorial sea is measured in accordance with the provisions of these articles.”

¹ The text of article 10 adopted by the First Committee (A/CONF.13/C.1/L.162) was as follows:

“1. An island is a naturally-formed area of land, surrounded by water, which is above water at high-tide. The low-tide line on an island may be used as the baseline of its territorial sea.

“2. The provisions of articles 4 and 5 also apply to islands.”

ARTICLE 11

The Drafting Committee recommends the following redrafting:

"LOW-TIDE ELEVATIONS"

"1. A low-tide elevation is a naturally-formed area of land which is surrounded by and above water at low-tide but submerged at high tide. Where a low-tide elevation is wholly or partly at a distance, from the mainland or an island, not exceeding the breadth of the territorial sea, the low-water line on that elevation may be used as the baseline for measuring the territorial sea.

"2. Where a low-tide elevation is situated wholly at a distance, from the mainland or an island, exceeding the breadth of the territorial sea, it has no territorial sea of its own."

ARTICLE 12 (A/CONF.13/C.1/L.166)

Paragraph 1

English text: Delete "whose demarcation is determined in such a way that every point of the line" and substitute "every point of which". Read "breadth... is".

Paragraph 2

English text: For "demarcation" substitute "delimitation".

All texts. At the end of the sentence substitute, to conform with article 4 above "...marked on large-scale charts officially recognized by the coastal States" for "...marked on the officially recognized large-scale charts."

ARTICLE 13

The Drafting Committee was not unanimous on either paragraph of the text adopted for this article by the International Law Commission. The majority opinion, however, was in favour of adopting, for paragraph 1, the United States amendment (A/CONF.13/C.1/L.125). Some members of the committee were of the opinion that paragraph 1 of the article does not cover all the cases of rivers with which international law is concerned. They thought accordingly that the United States proposal to delete paragraph 2 of the article involved a question of substance. Other members of the committee were of the contrary opinion. The Drafting Committee being divided in opinion on this matter, the article is referred for consideration by the First Committee in a form which contains both paragraphs, as follows:

"1. If a river flows directly into the sea, the baseline shall be a straight line across the mouth of the river between points on the low-tide line on the banks.

"2. If the river flows into an estuary the coasts of which belong to a single State, article 7 shall apply."

ARTICLE 15

The Drafting Committee recommends the adoption of paragraphs 1 and 2 of the International Law Commission text. In the one case enumeration creates dangers from possible omission, in the other the reference to "sea lanes" through internal waters is now inconsistent with decisions of the Committee.

Paragraph 3

Delete "the" before "security".

Paragraph 4

Retention of the International Law Commission text was not opposed. Reverse the order of paragraphs 3 and 4. The paragraph on fishing vessels should then be paragraph 5 and that on submarines paragraph 6.

Paragraph 6

After "to navigate on the surface" the added phrase should be "and to show her flag".

ARTICLE 16 (A/CONF.13/C.1/L.154)

Paragraph 2

All texts: Document A/CONF.13/C.1/L.37, paragraph 2 (United Kingdom) was referred to the Drafting Committee at the 38th meeting. For the reasons given by the sponsor in the 26th meeting of the First Committee, the Drafting Committee recommends the replacement of "due publicity" by "appropriate publicity".

ARTICLE 17 (A/CONF.13/C.1/L.150)

All texts: The Drafting Committee reviewed the text of the article as adopted. It considers the final portion of paragraph 2 awkwardly worded in its present form ("...conditions to which the admission of those ships to those waters is subject") and recommends that it read "conditions applicable to the admission of those ships to those waters."

ARTICLE 18 (A/CONF.13/C.1/L.150)

The International Law Commission text was adopted by the First Committee but the alternative phraseology proposed in document A/CONF.13/C.1/L.92 (India) was referred to the Drafting Committee for consideration. The latter would prefer to maintain the International Law Commission text as adopted.

All texts: The Drafting Committee suggests, however, that it would make for textual consistency to insert the word "innocent" in the phrase "right of passage" in this article.

ARTICLE 19 (A/CONF.13/C.1/L.156)

Paragraph 2

English text: The word "only" should be placed before the words "as payment".

ARTICLE 20 (A/CONF.13/C.1/L.156)

Paragraph 1

English text: "by reason of" should be changed to "in connexion with".

Paragraph 3

English text: The Drafting Committee recommends the following improvement: "In the cases provided for in paragraphs 1 and 2 of this article, the coastal State shall, if the captain so requests, before taking any steps advise the consular authority of the flag State, and shall facilitate contact between such authority and the ship's crew. In cases of emergency this notification may be communicated while the measures are being taken."

Paragraph 5

All texts: The First Committee, at its 38th meeting, adopted in principle the United Kingdom proposal (A/

CONF.13/C.1/L.37) for this paragraph.² As the sponsor, however, acknowledged certain advantages in the comparable proposal of Yugoslavia (A/CONF.13/C.1/L.20, whose author had ceded the voting priority to the United Kingdom proposal), the Committee referred the two texts to the Drafting Committee for amalgamation. The Drafting Committee accordingly recommends the following text :

"The coastal State may not take any steps on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connexion with any crime committed before the ship entered the territorial sea, if the ship, proceeding from a foreign port, is only passing through the territorial sea without entering internal waters."

ARTICLE 21 (A/CONF.13/C.1/L.156)

Title

All texts : For conformity with articles 19 and 20, insert "foreign" before "ships".

Paragraph 1

Co-ordination of all texts : The Drafting Committee notes that the English text is in hortatory form : "A coastal State *should* not stop..." but the French and Spanish in mandatory language : "ne peut pas arrêter", "no deberá detener..." As there was separate voting on the relevant parts of this proposition in the Committee (A/CONF.13/C.1/SR.40), and as the matter is clearly one of substance, the Drafting Committee makes no recommendation on the subject.

Paragraph 2

English text : Insert "assumed" after "obligations".

ARTICLES 22 AND 23

The First Committee decided at its 43rd meeting that the problem of form presented by these articles, including the question (A/CONF.13/C.1/L.37 : United Kingdom) whether a rearrangement of the titles would not make these two articles unnecessary, could be settled by the Drafting Committee. The Drafting Committee inclined to the opinion that this might have been the case but that an alteration of substance by the First Committee had removed the matter from the Drafting Committee's consideration. In adopting in its 48th meeting the cross-reference in article 23 to article 19, the Committee eliminated this possibility.

The two articles could therefore be voted on in the First Committee in their present form, the International Law Commission's text in the case of article 22, the International Law Commission's text as modified by A/CONF.13/C.1/L.48 in the case of article 23.

ARTICLE 24 (A/CONF.13/C.1/L.161)

Paragraph 2

The Drafting Committee would redraft the paragraph as follows (conforming to the language of article 32) :

² In the United Kingdom proposal it appeared as an additional paragraph 4.

English text :

"During passage warships have complete immunity from the jurisdiction of any State other than its flag State."

ARTICLE 25

The proposal of the Netherlands (A/CONF.13/C.1/L.51/Corr.2) was referred to the Drafting Committee which believes, however, that its use was eliminated by the same decision of the First Committee as prevented re-arrangements of this group of articles. (See under articles 22 and 23 above.)

English text : It would make a better rendering to alter "which may be brought to its notice" to "which is made to it."

ARTICLE 66 (A/CONF.13/C.1/L.164)

The Drafting Committee, in discussing paragraph 3 of article 66,³ noted a point of substance to which it calls the attention of the Committee. This paragraph deals with the delimitation of the contiguous zone as between States having opposite or adjacent coasts. The solution adopted is in all cases the median line. The same problem arises also in relation to the delimitation of the territorial sea as between States having opposite or adjacent coasts, and is dealt with in article 12. The solution adopted in this case, in order to provide for the possibility of territorial seas of different breadths, is that neither State is entitled to extend its territorial sea beyond the median line.

If it may be assumed that the limit of the contiguous zone may vary as between opposite States, the solution adopted in article 66 for delimiting the contiguous zone therefore diverges from the solution adopted in article 12 for territorial seas. If, on the other hand, it is to be assumed that the limit of the contiguous zone will uniformly be twelve miles from the coast, the solution adopted in article 66 will meet all cases.

Whether there is inconsistency is clearly a matter of substance, which the Drafting Committee refers to the First Committee. If the Committee decides to adopt an identical solution in the two articles, this could be done by replacing paragraph 3 of article 66 by the first sentence of paragraph 1 of article 12, *mutatis mutandis*.

If this were done, paragraph 3 of article 66 would read as follows :

"3. Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its contiguous zone beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of the two States is measured."

³ The text of this paragraph, as adopted by the First Committee (A/CONF.13/C.1/L.164) was as follows :

"3. The delimitation of this zone between two States the coasts of which are opposite each other at a distance less than the breadth of their territorial seas and contiguous zones, or between two adjacent States, is constituted, in the absence of an agreement, by the median line every point of which is equidistant from the nearest points on the baselines from which the breadths of the territorial seas of the two States are measured"

Text of the articles and the resolution adopted by the First Committee

(A/CONF.13/C.1/L.168/Add.1, annex)

I. Articles adopted by the First Committee

TERRITORIAL SEA

SECTION I. GENERAL

Article 1

JURIDICAL STATUS OF THE TERRITORIAL SEA

1. The sovereignty of a State extends, beyond its land territory and its internal waters, to a belt of sea adjacent to its coast, described as the territorial sea.
2. This sovereignty is exercised subject to the provisions of these articles and to other rules of international law.

Article 2

JURIDICAL STATUS OF THE AIR SPACE OVER THE TERRITORIAL SEA AND OF ITS BED AND SUBSOIL

The sovereignty of a coastal State extends to the air space over the territorial sea as well as to its bed and subsoil.

Article 3

FISHING ZONE

A State has a fishing zone contiguous to its territorial sea extending to a limit twelve nautical miles from the baseline from which the breadth of its territorial sea is measured in which it has the same rights in respect of fishing and the exploitation of the living resources of the sea as it has in its territorial sea.

SECTION II. LIMITS OF THE TERRITORIAL SEA

Article 4

NORMAL BASELINE

Except where otherwise provided in these articles, the baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State.

Article 5

STRAIGHT BASELINES

1. In localities where the coastline as a whole is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the territorial sea is measured.
2. The drawing of such baselines must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the régime of internal waters. Except where justified on historical grounds or imposed by the peculiar geography of the coast concerned, the length of the straight baseline provided for in paragraph 1 shall not exceed fifteen miles.
3. 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.
4. Where the method of straight baselines is applicable under the provisions of paragraph 1, account may be taken, in determining particular baselines, of economic

interests peculiar to the region concerned, the reality and the importance of which are clearly evidenced by a long usage.

5. The system of straight baselines may not be applied by a State in such a manner as to cut off from the high seas the territorial sea of another State.

6. The coastal State must clearly indicate straight baselines on charts to which due publicity must be given.

Article 5 A

INTERNAL WATERS

1. Waters on the landward side of the baseline of the territorial sea form part of the internal waters of the State.
2. Where the establishment of a straight baseline in accordance with article 5 has the effect of enclosing as internal waters areas which previously had been considered as part of the territorial sea or of the high seas, a right of innocent passage, as provided in articles 15 to 25, shall exist in those waters.

Article 6

OUTER LIMIT OF THE TERRITORIAL SEA

The outer limit of the territorial sea is the line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea.

Article 7

BAYS

1. This article relates only to bays the coasts of which belong to a single State.
2. For the purposes of these articles, a bay is a well-marked indentation whose penetration is in such proportion to the width of its mouth as to contain landlocked waters and constitute more than a mere curvature of the coast. An indentation shall not, however, be regarded as a bay unless its area is as large as, or larger than, that of the semi-circle whose diameter is a line drawn across the mouth of that indentation.
3. For the purpose of measurement, the area of an indentation is that lying between the low-water mark around the shore of the indentation and a line joining the low-water marks of its natural entrance points. Where, because of the presence of islands, an indentation has more than one mouth, the semi-circle shall be drawn on a line as long as the sum total of the lengths of the lines across the different mouths. Islands within an indentation shall be included as if they were part of the water area of the indentation.
4. If the distance between the low-water marks of the natural entrance points of a bay does not exceed 24 miles, a closing line may be drawn between these two low-water marks, and the waters enclosed thereby shall be considered as internal waters.
5. Where the distance between the low-water marks of the natural entrance points of a bay exceeds 24 miles, a straight baseline of 24 miles shall be drawn within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.
6. The foregoing provisions shall not apply to so-called "historic" bays, or in any cases where the straight baseline system provided for in article 5 is applied.

*Article 8**PORTS*

For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of the harbour system shall be regarded as forming part of the coast.

*Article 9**ROADSTEADS*

1. Buoyed channels giving access to ports, and roadsteads which are normally used for the loading, unloading and anchoring of ships, and which would otherwise be situated wholly or partly outside the outer limit of the territorial sea, are included in the territorial sea. The coastal State must clearly demarcate such roadsteads and buoyed channels and indicate them on charts together with their boundaries, to which due publicity must be given.

2. This article shall not apply to buoyed channels giving access to ports of more than one State.

*Article 10**ISLANDS*

1. An island is a naturally-formed area of land, surrounded by water, which is above water at high-tide.

2. The territorial sea of an island is measured in accordance with the provisions of these articles.

*Article 11**LOW-TIDE ELEVATIONS*

1. A low-tide elevation is a naturally-formed area of land which is surrounded by and above water at low-tide but submerged at high tide. Where a low-tide elevation is wholly or partly at a distance, from the mainland or an island, not exceeding the breadth of the territorial sea, the low-water line on that elevation may be used as the baseline for measuring the territorial sea.

2. Where a low-tide elevation is situated wholly at a distance, from the mainland or an island, exceeding the breadth of the territorial sea, it has no territorial sea of its own.

Article 12

*DELIMITATION OF THE TERRITORIAL SEA
BETWEEN STATES WITH OPPOSITE OR
ADJACENT COASTS*

1. Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of the two States is measured. This provision shall not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance with this provision.

2. The line of delimitation between the territorial seas of two States lying opposite to each other or adjacent to each other shall be marked on large-scale charts officially recognized by the coastal States.

Article 13

*DELIMITATION OF THE TERRITORIAL SEA
AT THE MOUTH OF A RIVER*

1. If a river flows directly into the sea, the baseline shall be a straight line across the mouth of the river between points on the low-tide line on the banks.

2. If the river flows into an estuary the coasts of which belong to a single State, article 7 shall apply.

*Article 14 (Eliminated)**SECTION II. RIGHT OF INNOCENT PASSAGE**SUB-SECTION A. RULES APPLICABLE TO ALL SHIPS**Article 15**MEANING OF THE RIGHT OF INNOCENT PASSAGE*

1. Subject to the provisions of the present articles, ships of all States shall enjoy the right of innocent passage through the territorial sea.

2. Passage means navigation through the territorial sea for the purpose either of traversing that sea without entering internal waters, or of proceeding to internal waters, or of making for the high seas from internal waters.

3. Passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by *force majeure* or by distress.

4. Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. Such passage shall take place in conformity with the present rules and with other rules of international law.

5. Passage of foreign fishing vessels shall not be considered innocent if they do not observe such laws and regulations as the coastal State may make and publish in order to prevent them from fishing in the territorial sea.

6. Submarines are required to navigate on the surface and to show their flag.

*Article 16**DUTIES OF THE COASTAL STATE*

1. The coastal State must not hamper innocent passage through the territorial sea.

2. The coastal State is required to give appropriate publicity to any dangers to navigation within its territorial sea of which it has knowledge.

*Article 17**RIGHTS OF PROTECTION OF THE COASTAL STATE*

1. The coastal State may take the necessary steps in its territorial sea to prevent passage which is not innocent.

2. In the case of ships proceeding to internal waters, the coastal State shall also have the right to take the necessary steps to prevent any breach of the conditions to which the admission of those ships to those waters is subject.

3. Subject to the provisions of paragraph 4, the coastal State may, without discrimination among foreign ships, suspend temporarily in specified areas of its territorial sea the innocent passage of foreign ships if such suspension is essential for the protection of its security. Such suspension shall take effect only after having been duly published.

4. There shall be no suspension of the innocent passage of foreign ships through straits which are used for international navigation between one part of the high seas and

another part of the high seas or the territorial sea of a foreign State.

Article 18

DUTIES OF FOREIGN SHIPS DURING THEIR PASSAGE

Foreign ships exercising the right of innocent passage shall comply with the laws and regulations enacted by the coastal State in conformity with these articles and other rules of international law and, in particular, with such laws and regulations relating to transport and navigation.

SUB-SECTION B. MERCHANT SHIPS

Article 19

CHARGES TO BE LEVIED UPON FOREIGN SHIPS

1. No charge may be levied upon foreign ships by reason only of their passage through the territorial sea.
2. Charges may be levied upon a foreign ship passing through the territorial sea as payment only for specific services rendered to the ship. These charges shall be levied without discrimination.

Article 20

ARREST ON BOARD A FOREIGN SHIP

1. The criminal jurisdiction of the coastal State should, generally, not be exercised on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connexion with any crime committed on board the ship during its passage, save only in the following cases :

- (a) If the consequences of the crime extend to the coastal State ; or
- (b) If the crime is of a kind to disturb the peace of the country or the good order of the territorial sea ;
- (c) If the assistance of the local authorities has been requested by the captain of the ship or by the consul of the country whose flag the ship flies, or
- (d) If it is necessary for the suppression of illicit traffic in narcotic drugs.

2. The above provisions do not affect the right of the coastal State to take any steps authorized by its laws for the purpose of an arrest or investigation on board a foreign ship passing through the territorial sea after leaving internal waters.

3. In the cases provided for in paragraphs 1 and 2 of this article, the coastal State shall, if the captain so requests, before taking any steps advise the consular authority of the flag State and shall facilitate contact between such authority and the ship's crew. In cases of emergency this notification may be communicated while the measures are being taken.

4. In considering whether or how an arrest should be made, the local authorities shall pay due regard to the interests of navigation.

5. The coastal State may not take any steps on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connexion with any crime committed before the ship entered the territorial sea, if the ship, proceeding from a foreign port, is only passing through the territorial sea without entering internal waters.

Article 21

ARREST OF FOREIGN SHIPS FOR THE PURPOSE OF EXERCISING CIVIL JURISDICTION

1. A coastal State should not stop or divert a foreign ship passing through the territorial sea for the purpose of exercising civil jurisdiction in relation to a person on board the ship.
2. A coastal State may not levy execution against or arrest the ship for the purpose of any civil proceedings, save only in respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its voyage through the waters of the coastal State.
3. The provisions of the previous paragraph are without prejudice to the right of the coastal State, in accordance with its laws, to levy execution against or to arrest, for the purpose of any civil proceedings, a foreign ship lying in the territorial sea, or passing through the territorial sea after leaving the internal waters.

SUB-SECTION C. GOVERNMENT SHIPS OTHER THAN WARSHIPS

Article 22

GOVERNMENT SHIPS OPERATED FOR COMMERCIAL PURPOSES

The rules contained in sub-sections A and B shall also apply to government ships operated for commercial purposes.

Article 23

GOVERNMENT SHIPS OPERATED FOR NON-COMMERCIAL PURPOSES

The rules contained in sub-section A and in article 19 shall apply to government ships operated for non-commercial purposes.

SUB-SECTION D. WARSHIPS

Article 24

PASSAGE

1. The coastal State may make the passage of warships through the territorial sea subject to previous authorization or notification. Normally it shall grant innocent passage subject to the observance of the provisions of articles 17 and 18.
2. During passage, warships have complete immunity from the jurisdiction of any State other than its flag State.

Article 25

NON-OBSERVANCE OF THE REGULATIONS

If any warship does not comply with the regulations of the coastal State concerning passage through the territorial sea and disregards any request for compliance which is made to it, the coastal State may require the warship to leave the territorial sea.

Article 66

CONTIGUOUS ZONE

1. In a zone of the high seas contiguous to its territorial sea, the coastal State may take the measures necessary to prevent and punish infringements of its customs, fiscal, immigration or sanitary regulations, and violations of its security.

2. This contiguous zone may not extend beyond twelve miles from the baseline from which the breadth of the territorial sea is measured.

3. The delimitation of this zone between two States the coasts of which are opposite each other at a distance less

than the breadth of their contiguous zones, or between two adjacent States, is constituted, in the absence of an agreement, by the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of the two States is measured.

II. Resolution adopted by the First Committee

RÉGIME OF HISTORIC WATERS

The First Committee,

Considering that the International Law Commission has not provided for the régime of historic waters including historic bays,

Recognizing the importance of the juridical status of such areas,

Recommends that the Conference should refer the matter to the General Assembly of the United Nations with the request that the General Assembly should make appropriate arrangements for the study of the juridical régime of historic waters including historic bays, and for the result of these studies to be sent to all Member States of the United Nations.

SALES AGENTS FOR UNITED NATIONS PUBLICATIONS

ARGENTINA

Editorial Sudamericana, S.A., Calle Alsina 500, BUENOS AIRES.

AUSTRALIA

H. A. Goddard Pty., Ltd., 255a George Street, SYDNEY, N.S.W.; 90 Queen St., MELBOURNE. Melbourne University Press, CARLTON N.3, Victoria.

AUSTRIA

Gerold & Co., Graben 31, WIEN I.
B. Wüllerstorff, Book Import and Subscription Agency, Markus Sittikusstrasse 10, SALZBURG.

BELGIUM

Agence et Messageries de la Presse, S.A., 14-22 rue du Persil, BRUSSELS.
W. H. Smith & Son, 71-75 bd Adolphe-Max, BRUSSELS.

BOLIVIA

Librería Selecciones, Empresa Editora "La Razón", Casilla 972, LA PAZ.

BRAZIL

Livraria Agir, Rua Mexico 98-B, Caixa Postal 3291, RIO DE JANEIRO, D.F.; and at SÃO PAULO and BELO HORIZONTE.

CAMBODIA

Papeterie-Librairie nouvelle, Albert Portail, 14 av. Boulloche, PHNOM-PENH.

CANADA

The Ryerson Press, 299 Queen Street West, TORONTO, Ontario.

CEYLON

The Associated Newspapers of Ceylon, Ltd., Lake House, P.O. Box 244, COLOMBO

CHILE

Librería Ivens, Casilla 205, SANTIAGO
Editorial del Pacífico, Ahumada 57, SANTIAGO.

CHINA

The World Book Co., Ltd., 99 Chung King Road, 1st Section, TAIPEI, Taiwan.
The Commercial Press, Ltd., 211 Honan Rd., SHANGHAI.

COLOMBIA

Librería América, Sr. Jaime Navarro R., 49-58 Calle 51, MEDELLÍN.
Librería Buchholz Galería, Av. Jiménez de Quesada 8-40, BOGOTÁ.
Librería Nacional, Ltda., 20 de Julio, San Juan Jesús, BARRANQUILLA.

COSTA RICA

Trejos Hermanos, Apartado 1313, SAN JOSÉ.

CUBA

La Casa Belga, René de Smedt, O'Reilly 455, HAVANA.

CZECHOSLOVAKIA

Ceskoslovenský Spisovatel, Národní Trída 9, PRAGUE I.

DENMARK

Messrs. Einar Munksgaard, Ltd., Nørregade 6, COPENHAGEN.

DOMINICAN REPUBLIC

Librería Dominicana, Calle Mercedes 49, Apartado 656, CIUDAD TRUJILLO.

ECUADOR

Librería Científica Bruno Moritz, Casilla 362, GUAYAQUIL; and at QUITO.

EGYPT

Librairie "La Renaissance d'Egypte", 9 Sharia Adly Pasha, CAIRO.

EL SALVADOR

Manuel Navas y Cia, "La Casa del Libro Barato", 1ª Avenida Sur 37, SAN SALVADOR.

FINLAND

Akateeminen Kirjakauppa, 2 Keskuskatu, HELSINKI.

FRANCE

Editions A. Pedone, 13 rue Soufflot, PARIS, Vº.

GERMANY

R. Eisenschmidt, Kaiserstrasse 49, FRANKFURT/MAIN.
Buchhandlung Elwert & Meurer, Hauptstrasse 101, BERLIN-SCHÖNEBERG.
Alexander Horn, Spiegelgasse 9, WIESBADEN.
W. E. Saabach, G.m.b.H., Ausland-Zeitungs-handel, Gertrudenstrasse, 36, KÖLN 1

GREECE

Kaufmann Bookshop, 28 Stadion Street, ATHENS.

GUATEMALA

Sociedad Económica Financiera, Edf. Briz, Do. 207, 6a av. 14-33, Zona 1 GUATEMALA CITY.

HAITI

Max Bouchereau, Librairie "A la Caravelle" Boite postale 111-B, PORT-AU-PRINCE.

HONDURAS

Librería Panamericana, Calle de la Fuente, TEGUCIGALPA.

HONG KONG

Swindon Book Co., 25 Nathan Road, KOWLOON.

ICELAND

Bókaverzlun Sigfusar Eymundssonar, Austurstreti 18, REYKJAVIK.

INDIA

Orient Longmans, CALCUTTA, BOMBAY, MADRAS and NEW DELHI.
Oxford Book & Stationery Company, Scindia House, NEW DELHI, and at CALCUTTA.
P. Varadachary & Co., 8 Linghi Chetty Street, MADRAS I.

INDONESIA

Jajasan Pembangunan, Gunung Sahari 84, DJAKARTA

IRAN

"Guty", 482 av Ferdowsi, TEHRAN

IRAQ

Mackenzie's Bookshop, Booksellers and Stationers, BAGHDAD.

ISRAEL

Blumstein's Bookstores, Ltd., 35 Allenby Road, P.O.B. 4154, TEL AVIV.

ITALY

Libreria Commissionaria Sansoni, Via Gino Capponi 26, FLORENCE.

JAPAN

Maruzen Co., Ltd., 6 Tori-Nichome, Nihonbashi, P.O.B. 605, TOKYO Central.

JORDAN

Joseph & Bahous & Company, Dar-El-Kutub, P.O. Box 66, AMMAN.

LEBANON

Librairie Universelle, BEIRUT.

LIBERIA

Mr. Jacob Momolu Kamara, Gurly and Front Streets, MONROVIA.

LUXEMBOURG

Librairie J. Schummer, Place Guillaume, LUXEMBOURG.

MEXICO

Editorial Hermes, S.A., Ignacio Mariscal 41, Mexico, D.F.

NETHERLANDS

N. V. Martinus Nijhoff, Lange Voorhout 9, THE HAGUE.

NEW ZEALAND

The United Nations Association of New Zealand, G.P.O. 1011, WELLINGTON.

NORWAY

Johan Grundt Tanum Forlag, Kr. Augustsgt. 7a, OSLO

PAKISTAN

Thomas & Thomas, Fort Mansion, Frere Road, KARACHI.
Publishers United, Ltd., 176 Anarkali, LAHORE.
The Pakistan Co-operative Book Society, 150 Govt. New Market, Azimpura, Dacca, East Pakistan, and at CHITTAGONG.

PARAGUAY

Agencia de Librerías de Salvador Nizza, Calle Pte Franco 39-43, ASUNCIÓN.

PANAMA

José Menéndez, Agencia Internacional de Publicaciones, Plaza de Arango, PANAMA.

PERU

Librería Internacional del Perú, S.A., Casilla 1417, LIMA; and at AREQUIPA.

PHILIPPINES

Alemar's Book Store, 749 Rizal Avenue, MANILA.

PORTUGAL

Livraria Rodrigues, Rua Auréa 186-188, LISBON.

SINGAPORE

The City Bookstore, Ltd., Winchester House, Collyer Quay, SINGAPORE.

SPAIN

Librería José Bosch, Ronda Universidad 11, BARCELONA.
Librería Mundi-Prensa, Lagasca 38, MADRID.

SWEDEN

C. E. Fritze's Kungl. Hovbokhandel, Fredsgatan 2, STOCKHOLM 16.

SWITZERLAND

Librairie Payot, S.A., 1 rue de Bourg, LAUSANNE; and at BASLE, BERNE, GENEVA, MONTREUX, NEUCHÂTEL, VEVEY, ZÜRICH.
Librairie Hans Raunhardt, Kirchgasse 17, ZÜRICH 1.

SYRIA

Librairie universelle, DAMASCUS.

THAILAND

Framuan Mit, Ltd., 55, 57, 59 Chakrawat Road, Wat Tuk, BANGKOK.

TURKEY

Librairie Hachette, 469 Istiklal Caddesi, BEYOGLU-ISTANBUL.

UNION OF SOUTH AFRICA

Van Schaik's Bookstore (Pty.), P.O. Box 724, PRETORIA.

UNITED KINGDOM

H.M. Stationery Office, P.O. Box 569, LONDON S.E.1; and at H.M.S.O. Shops in LONDON, BELFAST, BIRMINGHAM, BRISTOL, CARDIFF, EDINBURGH and MANCHESTER.

UNITED STATES OF AMERICA

International Documents Service, Columbia University Press, 2960 Broadway, NEW YORK 27, N.Y.

URUGUAY

Oficina de Representación de Editoriales, Prof. Héctor d'Elia, 18 de Julio 1333, Palacio Díaz, MONTEVIDEO.

VENEZUELA

Librería del Este, Av. Miranda 52, Edf. Gallpan, CARACAS.

VIETNAM

Librairie Albert Portail, 185-193 rue Catinat, SAIGON.

YUGOSLAVIA

Drzavno Preduzece, Jugoslovenska Knjiga, Terazje 27/H, BELGRADE.
Cankars Endowment (Cankarjeva Založba), LJUBLJANA (Slovenia).

XII.56

Orders from countries where sales agents have not yet been appointed may be sent to

Sales Section, European Office of the United Nations, Palais des Nations, GENEVA, Switzerland, or Sales and Circulation Section, United Nations, NEW YORK, U.S.A.