

Third United Nations Conference on the Law of the Sea

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Summary records of meetings of the Second Committee 8th meeting

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume II (Summary Records of Meetings of the First, Second and Third Committees, Second Session)*

8th meeting

Thursday, 18 July 1974, at 10.45 a.m.

Chairman: Mr. Andrés AGUILAR (Venezuela).

Organization of work

The CHAIRMAN announced that new draft articles had been submitted by Bulgaria, Czechoslovakia, the German Democratic Republic, Poland, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics, dealing with the question of straits used for international navigation (A/CONF.62/C.2/L.11) and by Nigeria, on the territorial sea (A/CONF.62/C.2/L.12). An informal document, Working Paper No. 1, had also been submitted. If there were no objections, he would close the meeting so that the Committee could proceed informally.

The meeting rose at 10.50 a.m.

9th meeting

Friday, 19 July 1974, at 11.25 a.m.

Chairman: Mr. Andrés AGUILAR (Venezuela).

Organization of work

1. The CHAIRMAN informed the members that the officers of the Committee had decided to prepare a revision of Informal Working Paper No. 1, which would be considered at the meeting on Monday, 22 July.

Contiguous zone

[*Agenda item 3*]

2. Mr. TELLO (Mexico), supported by Mr. MBAYA (United Republic of Cameroon) and by Mr. LAWSON (Togo), suggested that the Committee postpone consideration of item 3 in view of the fact that there would be no further justification for having a contiguous zone if the concept of the patrimonial sea were included in the new law of the sea. He pointed out, moreover, that only one draft article on the contiguous zone had been submitted (A/9021 and Corr. 1 and 3, vol. IV, sect. 3), so that if there were no agreement with regard to the elimination of the contiguous zone, it would perhaps be best to put the only existing text "on ice" and to take a decision at a later date.

3. Mr. JAGOTA (India) reminded the Committee that the proposal concerning the contiguous zone referred to by the representative of Mexico had been submitted to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction by his delegation. With regard to the first alternative just proposed by Mexico, he indicated that he was not sure whether the concept of an economic zone or patrimonial sea would confer special jurisdiction on coastal States to prevent infringement of customs, fiscal, immigration or sanitation regulations; if so, the concept of a contiguous zone would be superfluous irrespective of whether the jurisdiction to be granted to the coastal State was broad or limited. If it was decided to maintain the contiguous zone as an area in which specific powers were to be exercised, it should be limited to a breadth not exceeding 18 nautical miles outside the territorial sea. He proposed, accordingly, that the blank spaces before the words "nautical miles" in his delegation's proposal, indicating the limits of the contiguous zone, should be completed by the number 30. The second alternative proposed by Mexico was also agreeable to him.

4. Mr. DJALAL (Indonesia) agreed that the contiguous zone would lose its importance if the idea of an economic zone were approved, but since the latter would essentially relate to questions of economics and marine resources, his delegation pre-

ferred that the concept of the contiguous zone should not be discarded completely, since it involved other powers of the coastal State with regard to customs, fiscal and police control, and sanitation and immigration regulations.

5. Mr. ROSENNE (Israel) said that his delegation could see no reason to perpetuate the concept of the contiguous zone. In the context of the new law of the sea, it would remain applicable only in the event that no agreement was reached on extending the breadth of the territorial sea to 12 nautical miles or on establishing a maritime zone in which the coastal State would enjoy various exclusive rights, especially of an economic nature.

6. The Israeli delegation believed that if a State decided not to extend its territorial sea up to the maximum agreed limit, but still deemed it necessary to enforce its regulations with regard to taxation, customs or immigration up to that limit, it should be able to do so. If a State was entitled to determine the outer limit of its sovereignty up to a distance of 12 nautical miles, it obviously could also elect to exercise lesser powers in that same zone.

7. In view of those considerations, the Israeli delegation was inclined to agree that consideration of the item should be deferred.

8. Mr. ABDEL HAMID (Egypt) said that his delegation had already referred to the necessity of maintaining the concept of the contiguous zone. In that connexion, it should be noted that Egyptian legislation provided for a contiguous zone of 6 miles, since in areas of heavy maritime traffic the coastal State should have facilities for enforcing its regulations.

9. The jurisdiction implied by the concept of the contiguous zone was completely different from that applicable to the economic zone, and there were practical reasons for maintaining the former concept.

10. Mr. NJENGA (Kenya) said that the role envisaged for the contiguous zone in the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone¹ was quite limited and was serviceable in the context of a territorial sea of 12 miles. On the other hand, if the new concept of an economic zone extending to 200 miles were accepted, the contiguous zone would become totally useless, and his delegation was therefore willing

¹ United Nations. *Treaty Series*, vol. 516, p. 206.