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Bulgaria, Czechoslovakia, German Democratic Republic, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics: draft articles on straits used for international navigation

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume III (Documents of the Conference, First and Second Sessions)*

DOCUMENT A/CONF.62/C.2/L.10

Ecuador: draft articles on the territorial sea

[Original: Spanish]
[16 July 1974]

Article 1

1. The sovereignty of a coastal State extends beyond its coast and internal or archipelagic waters to an adjacent zone described as the territorial sea.
2. The sovereignty extends also to the sea-bed and subsoil of the territorial sea as well as to the corresponding air space.
3. Each State has the right to establish the breadth of its territorial sea up to a distance not exceeding 200 nautical miles, measured from the applicable baselines.

Article 2

The coastal State exercises its sovereignty over the territorial sea subject to the provisions of this Convention.

DOCUMENT A/CONF.62/C.2/L.11*

Bulgaria, Czechoslovakia, German Democratic Republic, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics: draft articles on straits used for international navigation

[Original: Russian]
[17 July 1974]

Article 1

1. In straits used for international navigation between one part of the high seas and another part of the high seas, all ships in transit shall enjoy equally the freedom of navigation for the purpose of transit passage through such straits.

In the case of narrow straits or straits where such provision is necessary to ensure the safety of navigation, coastal States may designate corridors suitable for transit by all ships through such straits. In the case of straits where particular channels of navigation are customarily employed by ships in transit, the corridors shall include such channels. In the case of any change of such corridors, the coastal State shall give notification of this to all other States in advance.

2. The freedom of navigation provided for in this article for the purpose of transit passage through straits shall be exercised in accordance with the following rules:

(a) Ships in transit through the straits shall not cause any threat to the security of the coastal States of the straits, or to their territorial inviolability or political independence. Warships in transit through such straits shall not in the area of the straits engage in any exercises or gunfire, use weapons of any kind, launch or land their aircraft, undertake hydrographical work or engage in other similar acts unrelated to the transit. In the event of any accidents, unforeseen stops in the straits or any acts rendered necessary by *force majeure*, all ships shall inform the coastal States of the straits;

(b) Ships in transit through the straits shall strictly comply with the international rules concerning the prevention of collisions between ships or other accidents.

In all straits where there is heavy traffic, the coastal State may, on the basis of recommendations by the Inter-Governmental Maritime Consultative Organization, designate a two-way traffic separation governing passage, with a clearly indicated dividing line. All ships shall observe the established order of traffic and the dividing line. They shall also avoid making unnecessary manoeuvres;

(c) Ships in transit through the straits shall take all precautionary measures to avoid causing pollution of the waters and

coasts of the straits, or any other kind of damage to the coastal States of the straits. Supertankers in transit through the straits shall take special precautionary measures to ensure the safety of navigation and to avoid causing pollution;

(d) Liability for any damage which may be caused to the coastal States of the straits, their citizens or juridical persons by the ship in transit, shall rest with the owner of the ship or other person liable for the damage, and in the event that such compensation is not paid by them for such damage, with the flag-State of the ship;

(e) No State shall be entitled to interrupt or suspend the transit of ships through the straits, or engage therein in any acts which interfere with the transit of ships, or require ships in transit to stop or communicate information of any kind;

(f) The coastal State shall not place in the straits any installations which could interfere with or hinder the transit of ships.

3. The provisions of this article:

(a) shall apply to straits lying within the territorial sea of one or more coastal States;

(b) shall not affect the sovereign rights of the coastal States with respect to the surface, the sea-bed and the living and mineral resources of the straits;

(c) shall not affect the legal régime of straits through which transit is regulated by international agreements specifically relating to such straits.

Article 2

In the case of straits leading from the high seas to the territorial sea of one or more foreign States and used for international navigation, the principle of innocent passage for all ships shall apply and this passage shall not be suspended.

Article 3

1. In the case of straits over which the air space is traditionally used for transit flights by foreign aircraft between one part

*Incorporating document A/CONF.62/C.2/L.11/Corr.3 of 26 August 1974.

of the high seas and another part of the high seas, all aircraft shall enjoy equally freedom of transit overflight over such straits. Coastal States may designate special air corridors suitable for overflight by aircraft, and special altitudes for aircraft flying in different directions, and may establish particulars for radio communication with them.

2. The freedom of transit overflight by aircraft over the straits, as provided for in this article, shall be exercised in accordance with the following rules:

(a) Overflying aircraft shall take the necessary steps to keep within the boundaries of the corridors and at the altitude designated by the coastal States for flights over the straits, and to avoid overflying the land territory of a coastal State, unless such overflight is provided for by the delimitation of the corridor designated by the coastal State;

(b) Overflying aircraft shall not cause any threat to the security of the coastal States, their territorial inviolability or political independence; in particular military aircraft shall not in the area of the straits engage in any exercises or gunfire, use wea-

pons of any kind, take aerial photographs, circle or dive down towards ships, take on fuel or engage in other similar acts unrelated to overflight;

(c) Liability for any damage which may be caused to the coastal States of the straits or their citizens or juridical persons by the aircraft overflying the straits shall rest with the owner of the aircraft or other person liable for the damage and, in the event that compensation is not paid by them for such damage, with the State in which the aircraft is registered;

(d) No State shall be entitled to interrupt or suspend the transit overflight of aircraft, in accordance with this article, in the air space over the straits.

3. The provisions of this article:

(a) shall apply to transit flights by aircraft over straits lying within the territorial sea of one or more coastal States;

(b) shall not affect the legal régime of straits over which overflight is regulated by international agreements specifically relating to such straits.

DOCUMENT A/CONF.62/C.2/L.12

Nigeria: draft articles on the territorial sea

[Original: English]
[17 July 1974]

Article 1

(General provisions: nature and characteristics)

Article 2

LIMITS OF THE TERRITORIAL SEA

The territorial sea shall not extend beyond 50 nautical miles from the baseline from which the breadth of the territorial sea is measured.

DOCUMENT A/CONF.62/C.2/L.13

Fiji, Indonesia, Mauritius, Philippines: draft article on the nature and characteristics of the territorial sea

[Original: English]
[18 July 1974]

1. The sovereignty of a coastal State extends beyond its land territory and internal waters, and in the case of archipelagic States, their archipelagic waters, over an adjacent belt of sea defined as the territorial sea.

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

3. This sovereignty is exercised subject to the provisions of these articles and to other rules of international law.

DOCUMENT A/CONF.62/C.2/L.14

Netherlands: draft article on delimitation between States with opposite or adjacent coasts

[Original: English]
[19 July 1974]

1. Where the determination of sea areas under articles . . . (territorial sea, continental shelf, economic zone) by adjacent or opposite States up to the maximum limit would result in overlapping areas, the marine boundaries between those States shall be determined, by agreement between them, in accor-

dance with equitable principles, taking into account all relevant circumstances.

2. Pending such agreement, neither of the States is entitled to establish its marine boundaries beyond the line, every point of which is equidistant from the nearest points on the baselines.