

Third United Nations Conference on the Law of the Sea

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Document:-

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

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

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)*

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.