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Algeria: draft articles on straits used for international navigation; semi-enclosed seas

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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; or

(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 provisions of paragraph 1 of this article 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 any port in the coastal State.

3. In the cases provided for in paragraphs 1 and 2 of this article, the coastal State shall, if the captain so requests, advise the consular authority of the flag State before taking any steps, 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 any port in the coastal State.

Article 9

1. The coastal State shall 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. The 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 passage through the waters of the coastal State.

3. The provisions of paragraph 2 of this article 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 any port in the coastal State.

III. RULES APPLICABLE TO GOVERNMENT SHIPS

A. GOVERNMENT SHIPS OTHER THAN WARSHIPS

Article 10

The rules contained in sections I and II shall apply to government ships operated for commercial purposes.

Article 11

1. The rules contained in section I and in article 7 shall apply to government ships operated for non-commercial purposes.

2. With such exceptions as are contained in paragraph 1 of this article or in article 14 nothing in these articles affects the immunities which such ships enjoy under the provisions of these articles or other rules of international law.

B. WARSHIPS

Article 12

1. For the purposes of this article, the term "warship" means a ship belonging to the armed forces of a State bearing the external marks distinguishing such ship of its nationality, under the command of an officer duly commissioned by the Government of that State and whose name appears in the appropriate service list or its equivalent, and manned by a crew who are under regular armed forces discipline.

2. The rules contained in section I shall apply to warships.

3. Foreign warships exercising the right of innocent passage shall not, in the territorial sea, carry out any manoeuvres other than those having direct bearing on passage.

4. If any warship does not comply with the laws and regulations of the coastal State relating to passage through the territorial sea or fails to comply with the requirements of paragraph 3 of this article, and disregards any request for compliance which is made to it, the coastal State may suspend the right of passage of such warship and may require it to leave the territorial sea by such route as may be directed by the coastal State.

Article 13

With such exceptions as are contained in articles 12 and 14 nothing in these articles affects the immunities which warships enjoy under the provisions of these articles or other rules of international law.

C. LIABILITY OF GOVERNMENT SHIPS

Article 14

If, as a result of any non-compliance by any warship or other government ship operated for non-commercial purposes with any of the laws or regulations of the coastal State relating to passage through the territorial sea or with any of the provisions of these articles or other rules of international law, any damage is caused to the coastal State, including its environment and any of its facilities, installations or other property, or to any of its flag vessels, international responsibility for such damage shall be borne by the flag State of the ship causing such damage.

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Algeria: draft articles on straits used for international navigation; semi-enclosed seas

[Original: French]
[23 July 1974]

Article 1

1. Merchant ships and government ships operated for commercial purposes which are proceeding to or from a coastal

State bordering a semi-enclosed sea whose access to ocean space lies exclusively through straits connecting two parts of the high seas and traditionally used for international navigation shall enjoy the right of free transit for this purpose.

2. The régime of passage provided for in this article shall, however, be applied in accordance with the following provisions:

(a) During passage, ships shall observe all international regulations concerning the prevention of collisions and shall accordingly comply with such traffic separation schemes as may derive from this convention or from recommendations by the Inter-Governmental Maritime Consultative Organization;

(b) Ships shall likewise take all preventive measures necessary to avoid causing any damage to the coastal States bordering the straits;

(c) Damage caused to the coastal State as a result of the exercise by a ship of the right of passage under the régime of free transit shall entitle that State to claim compensation;

(d) No State shall be entitled to interrupt or suspend free transit through straits or to take any measures likely to hamper such transit.

3. The provisions of this article:

(a) Apply only to straits which connect two parts of the high seas and which are traditionally used for international navigation;

(b) Do not apply to straits already regulated by international conventions.

Article 2

1. Warships and government ships operated for non-commercial purposes which are passing through straits under the conditions provided for in article 1, paragraph 1, shall enjoy the right of innocent passage.

2. The régime of innocent passage must be established in such a way as to safeguard the legitimate rights and interests of coastal States with regard, *inter alia*, to national security and safety of navigation.

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Nigeria: revised draft articles on the exclusive economic zone

[Original: English]
[5 August 1974]

Article 1

RIGHTS AND COMPETENCES OF A COASTAL STATE

1. A coastal State has the right to establish, beyond its territorial sea, an exclusive economic zone the outer limit of which shall not exceed 200 nautical miles measured from the applicable baselines for measuring the territorial sea.

2. A coastal State has the following rights and competences in its exclusive economic zone:

(a) Exclusive right to explore and exploit the renewable living resources of the sea and the sea-bed;

(b) Sovereign rights for the purpose of exploring and exploiting the non-renewable resources of the continental shelf, the sea-bed and the subsoil thereof;

(c) Exclusive right for the management, protection and conservation of the living resources of the sea and sea-bed, taking into account the recommendations of the appropriate international or regional fisheries organizations;

(d) Exclusive jurisdiction for the purpose of control, regulation and preservation of the marine environment including pollution control and abatement;

(e) Exclusive jurisdiction for the purpose of control, authorization and regulation of scientific research;

(f) Exclusive jurisdiction for the purpose of protection, prevention and regulation of other matters ancillary to the rights and competences aforesaid and, in particular, the prevention and punishment of infringements of its customs, fiscal, immigration or sanitary regulations within its territorial sea and economic zone.

3. A coastal State shall have the exclusive right to authorize and regulate in the exclusive economic zone, the continental shelf, ocean bed and subsoil thereof, the construction, emplacement, operation and use of offshore artificial islands and other installations for purposes of the exploration and exploitation of the non-renewable resources thereof.

4. A coastal State may establish a reasonable area of safety zones around its offshore artificial islands and other installations in which it may take appropriate measures to ensure the safety both of its installations and of navigation. Such safety zones shall be designed to ensure that they are reasonably related to the nature and functions of the installations.

Article 2

RIGHTS AND COMPETENCES OF OTHER STATES

1. All States shall have the following rights in the exclusive economic zone of a coastal State:

(a) Freedom of navigation and overflight; and

(b) Freedom of laying of submarine cables and pipelines.

2. All States may exercise, subject to an appropriate bilateral or regional arrangement or agreement, the competence to exploit an agreed level of the living resources of the zone.

3. Land-locked and geographically disadvantaged States shall have the right to explore and exploit the living resources of the exclusive economic zones of neighbouring coastal States, subject to appropriate bilateral or regional arrangements or agreements with such coastal States.

Article 3

DUTIES OF A COASTAL STATE

1. A coastal State shall use its exclusive economic zone for peaceful purposes only.

2. A coastal State, in its exclusive economic zone, shall enforce applicable international standards regarding the safety of navigation.

3. A coastal State, in its exclusive economic zone, is under an international duty not to interfere without reasonable justification with:

(a) The freedom of navigation and overflight and

(b) The freedom of laying of submarine cables and pipelines.

4. A coastal State shall not erect or establish artificial islands and other installations, including safety zones around them, in such a manner as to interfere with the use by all States of recognized sea lanes and traffic separation schemes essential to international navigation.

Article 4

DUTIES OF OTHER STATES

1. In the exclusive economic zone of the coastal State, all other States are duty bound not to interfere with the exercise by the coastal State of its rights and competences.