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Greece: draft articles on the continental shelf

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DOCUMENT A/CONF.62/C.2/L.24/Rev.1

Philippines: revised draft article on historic waters and delimitation
of the territorial sea[Original: English]
[19 August 1974]

1. The territorial sea may include waters pertaining to a State by reason of an historic right or title and actually held by it as its territorial sea.
2. The maximum limit provided in this Convention for the breadth of the territorial sea shall not apply to historic waters held by any State as its territorial sea.
3. Any State which, prior to the approval of this Convention, shall have already established a territorial sea with a breadth more than the maximum provided in this article shall not be subject to the limit provided herein.

DOCUMENT A/CONF.62/C.2/L.25

Greece: draft articles on the continental shelf

[Original: English]
[26 July 1974]NATURE AND SCOPE OF THE SOVEREIGN RIGHTS OF COASTAL
STATES OVER THE CONTINENTAL SHELF; OUTER LIMIT OF THE
CONTINENTAL SHELF—APPLICABLE CRITERIA*Article 1*

The term "continental shelf" comprises the sea-bed and subsoil of the submarine areas adjacent to the coast, continental or insular, but outside the area of the territorial sea, the outer limit of which may be established by the coastal State within the . . . metre isobath; in areas where the . . . metre isobath is situated at a distance less than . . . nautical miles measured from the baselines from which the territorial sea is measured, the outer limit of the continental shelf may be established by the coastal State by a line every point of which is at a distance from the nearest point of the said baselines not exceeding . . . nautical miles.

Article 2

The provisions applicable for the determination of the continental shelf of a State are as a general rule applicable to its islands.

Article 3

In areas where there is no continental shelf, the coastal State may have the same rights in respect of the sea-bed as in respect of the continental shelf, within the limits provided for in article 1.

Article 4

1. The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.
2. The rights referred to in paragraph 1 of this article are exclusive in the sense that if the coastal State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities, or make a claim to the continental shelf, without the express consent of the coastal State.
3. The rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any declaration or proclamation.

Article 5

No State shall by reason of this Convention claim or exercise rights over the continental shelf of another State over which

this State had under existing conventional law immediately before the coming into force of this Convention sovereign rights for the purpose of exploring it or exploiting its natural resources.

QUESTION OF THE DELIMITATION BETWEEN STATES; VARIOUS
ASPECTS INVOLVED*Article 6*

1. Where the coasts of two or more States are adjacent or opposite to each other, the delimitation of the continental shelf boundaries shall be determined by agreement among themselves.
2. Failing such agreement, no State is entitled to extend its sovereignty over the continental shelf beyond the median line every point of which is equidistant from the nearest points of the baselines, continental or insular, from which the breadth of the continental shelf of each of the two States is measured.

NATURAL RESOURCES OF THE CONTINENTAL SHELF

Article 7

The natural resources include the mineral and other non-living resources of the sea-bed and subsoil together with living vegetable organisms and animals belonging to sedentary species.

Article 8

A coastal State may enact all necessary laws and regulations for the effective management of its continental shelf.

RÉGIME FOR WATERS SUPERJACENT TO THE CONTINENTAL SHELF

Article 9

The rights of the coastal State over the continental shelf do not affect the legal régime of the superjacent waters or air space.

Article 10

The normal navigation and overflight on and in the air space above the superjacent waters of the continental shelf by ships and aircraft of all States shall not be prejudiced.

SCIENTIFIC RESEARCH

Article 11

It is for the coastal State to authorize scientific research activities on the continental shelf; it is entitled to participate in

them and to be informed of the results thereof. In such regulations as the coastal State may issue on the matter, the desirability of promoting and facilitating such activities shall be taken especially into account.

DOCUMENT A/CONF.62/C.2/L.26

Bulgaria, German Democratic Republic, Poland, Union of Soviet Socialist Republics:
draft articles on the territorial sea

[Original: Russian]
[29 July 1974]

I. NATURE AND CHARACTERISTICS OF THE TERRITORIAL SEA AND ITS BREADTH

Article 1

1. The sovereignty of a coastal State extends beyond its land territory and its internal waters to a belt of sea adjacent to its coast or to its internal waters and described as the territorial sea.

2. The sovereignty of a coastal State extends also to the air space over the territorial sea as well as to the bed and subsoil thereof. All the resources of the territorial sea are under the sovereignty of the coastal State.

3. The coastal State exercises this sovereignty subject to the provisions of these articles and to other rules of international law.

Article 2

Each State has the right to determine the breadth of its territorial sea within a maximum limit of 12 nautical miles, measured from the baselines determined in accordance with articles . . . of this Convention, and subject to the provisions of articles . . . concerning straits used for international navigation.

II. METHOD OF MEASURING AND DELIMITING THE TERRITORIAL SEA

Add here the text of articles 3 to 13 of the 1958 Convention on the Territorial Sea and the Contiguous Zone.⁴

III. RIGHT OF INNOCENT PASSAGE THROUGH THE TERRITORIAL SEA

A. RULES APPLICABLE TO ALL SHIPS

Article 14

Subject to the provisions of the articles of this section, ships of all States, whether coastal or not, shall enjoy the right of innocent passage through the territorial sea.

Passage of straits used for international navigation is governed by articles . . . of this Convention.

Article 15

1. Innocent passage means navigation through the territorial sea for the purpose either of traversing that sea without entering internal waters, or of proceeding to or from internal waters.

2. Innocent passage includes stopping and anchoring provided they are incidental to ordinary navigation or navigating conditions or are rendered necessary by *force majeure* or by distress.

Article 16

1. 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 these articles and with other rules of international law.

2. Passage of a foreign ship shall be considered innocent so long as it does not engage in any of the following in the territorial sea:

(a) Any threat or use of force either against the territorial integrity or the political independence of the coastal State or in any other way incompatible with the Charter of the United Nations;

(b) Any exercises or gunfire, launching of missiles or other use of weapons of any kind;

(c) The launching or taking on board of any aircraft;

(d) The unloading or loading of any cargo in violation of the laws of the coastal State;

(e) The disembarking or embarking of any person in violation of the laws of the coastal State;

(f) Deliberate acts interfering with any system of communication of the coastal State;

(g) Deliberate acts interfering with any other facilities or installations of the coastal State.

The provisions of subparagraphs (c) to (g) of this article shall not apply to any activity carried out with the prior authorization of the coastal State or rendered necessary by *force majeure* or by distress.

3. 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.

4. Submarines and other underwater vehicles are required to navigate on the surface and to show their flag.

Article 17

1. Foreign nuclear-powered ships and ships carrying nuclear substances shall, during passage through territorial waters, observe special precautionary measures and carry papers established for such ships by international agreements.

2. In exercising their right of passage, foreign scientific research, hydrographic survey and other ships may not carry out any marine research or surveys without previous authorization from the coastal State.

Article 18

1. The coastal State shall not hamper innocent passage through the territorial sea or discriminate amongst foreign ships in respect of such passage.

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

⁴United Nations, *Treaty Series*, vol. 516, p. 206.