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A/CONF.62/C.2/L.48

Pakistan: draft articles on land-locked States

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)*

Article 25

SUPERJACENT WATERS

The rights of the coastal State over the continental shelf do not affect the legal status of the superjacent waters, or that of the air space above those waters.

Article 26

APPLICATION OF ECONOMIC ZONE PROVISIONS

The provisions of part I of this chapter shall apply, *mutatis mutandis*, to the sea-bed and subsoil of the continental shelf.

Article 27

DUTIES WITH RESPECT TO NON-RENEWABLE RESOURCES

In the exercise of its rights with respect to the non-renewable resources of the continental shelf, the coastal State:

(a) Shall comply with legal arrangements which it has entered into with other contracting States, their instrumentalities, or their nationals in respect to the exploration or exploitation of such resources and shall not take property of such States, instrumentalities or nationals except for a public purpose on a non-discriminatory basis and with adequate provisions at the time for prompt payment of just compensation in an effectively realizable form; and

(b) Shall pay, in respect of the exploitation of such non-renewable resources seaward of the territorial sea or the 200-metre isobath, whichever is farther seaward (insert formula), to be used as specified in article . . . , for international community purposes, particularly for the benefit of developing countries.

Article 28

INSTALLATIONS

1. The coastal State shall have the exclusive right to authorize and regulate on the continental shelf the construction, operation and use of artificial islands and installations for the purpose of exploration or exploitation of natural resources or for other economic purposes, and of any installation which may interfere with the exercise of the rights of the coastal State.

2. The coastal State may, where necessary, establish reasonable safety zones around such off-shore installations in which it may take appropriate measures to ensure the safety both of the installations and of navigation. Such safety zones shall be designed to ensure that they are reasonably related to the nature and function of the installation. Ships of all nationalities must respect these safety zones.

3. The breadth of the safety zones shall be determined by the coastal State and shall conform to applicable international standards in existence or to be established by the Inter-Gov-

ernmental Maritime Consultative Organization regarding the establishment and breadth of safety zones. In the absence of such additional standards, safety zones around installations for the exploration and exploitation of non-renewable resources of the sea-bed and subsoil may extend to a distance of 500 metres around the installations, measured from each point of their outer edge.

4. Due notice must be given of the construction of any such installations and the extent of safety zones, and permanent means for giving warning of the presence of such installations must be maintained. Any such installations which are abandoned or disused must be entirely removed.

5. States shall ensure compliance by vessels of their flag with applicable international standards regarding navigation outside the safety zones but in the vicinity of such off-shore installations.

6. Installations and safety zones around them may not be established where interference may be caused to the use of recognized sea lanes essential to international navigation.

7. For the purpose of this section, the term "installations" refers to artificial off-shore islands, facilities, or similar devices, other than those which are mobile in their normal mode of operation at sea. Installations shall not afford a basis for a claim to a territorial sea or economic zone, and their presence does not affect the delimitation of the territorial sea or economic zone of the coastal State.

Article 29

SUBMARINE CABLES AND PIPELINES

1. Subject to its right to take reasonable measures for the exploration and exploitation of the natural resources of the continental shelf, the coastal State may not impede the laying or maintenance of submarine cables or pipelines on the continental shelf.

2. Nothing in this article shall affect the jurisdiction of the coastal State over cables and pipelines constructed or used in connexion with the exploration or exploitation of its continental shelf or the operations of an installation under its jurisdiction, or its right to establish conditions for cables or pipelines entering its territory or territorial sea.

ANNEX

Highly migratory species

- | | |
|-------------------|--------------------------------------|
| 1. Albacore Tuna | 7. Marlin |
| 2. Bluefin Tuna | 8. Sailfishes |
| 3. Bigeye Tuna | 9. Swordfish |
| 4. Skipjack Tuna | 10. Sauries |
| 5. Yellowfin Tuna | 11. Dolphin (fish) |
| 6. Pomfrets | 12. Cetaceans (whales and porpoises) |

DOCUMENT A/CONF.62/C.2/L.48**Pakistan: draft articles on land-locked States**

[Original: English]

[8 August 1974]

A. FREE ACCESS AND TRANSIT TO AND FROM THE SEA

1. Each land-locked State shall enjoy free access to and from the sea.

2. Neighbouring transit States shall accord, on a basis of reciprocity, free transit through their territories of persons and goods of land-locked States by all possible means of transportation and communication. The modalities of the exercise of free transit shall be settled between the land-locked States and the neighbouring transit States by means of bilateral or regional agreements.

3. Land-locked States shall have the freedom to use one or more of the alternative routes or means of transport, as agreed with the transit States concerned, for purposes of access to and from the sea.

B. PARTICIPATION IN THE EXPLOITATION OF THE RESOURCES OF THE EXCLUSIVE ECONOMIC ZONE OF NEIGHBOURING COASTAL STATES

1. In the exclusive economic zone adjacent to its territorial sea established in conformity with this Convention, the coastal

State may enter into bilateral or regional arrangements with the neighbouring land-locked State to enable the nationals of such a State to participate in the exploitation of the living resources of the zone in an area specified by the coastal State.

2. The coastal State may stipulate that the privileges to be enjoyed by the nationals of the land-locked State shall not be

transferable to the nationals of any third State by means of lease, licence or by any other arrangement. The nationals of the developing land-locked State may avail themselves of the benefit of collaboration with the specialized agencies of the United Nations where such collaboration is resorted to by the nationals of the coastal State itself.

DOCUMENT A/CONF.62/C.2/L.49

Fiji, Indonesia, Mauritius and Philippines: draft articles relating to archipelagic States

[Original: English]
[9 August 1974]

These draft articles are largely based on proposals contained in documents A/AC.138/SC.II/L.15 and 48 (A/9021 and Corr.1 and 3, vol. III, sects. 2 and 38) submitted to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction in 1973.

Article 1

1. These articles apply only to archipelagic States.
2. An archipelagic State is a State constituted wholly by one or more archipelagos and may include other islands.
3. For the purpose of these articles an archipelago is a group of islands, including parts of islands, interconnecting waters and other natural features which are so closely interrelated that such islands, waters and other natural features form an intrinsic geographical, economic and political entity, or which historically have been regarded as such.

Article 2

1. An archipelagic State may employ the method of straight baselines joining the outermost points of the outermost islands and drying reefs of the archipelago in drawing the baselines from which the extent of the territorial sea, economic zone and other special jurisdictions are to be measured.
2. The drawing of such baselines shall not depart to any appreciable extent from the general configuration of the archipelago.
3. Baselines shall not be drawn to and from low-tide elevations unless lighthouses or similar installations which are permanently above sea level have been built on them or where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the nearest island.
4. The system of straight baselines shall not be applied by an archipelagic State in such a manner as to cut off the territorial sea of another State as determined under article . . . of chapter . . . of this Convention.
5. If the drawing of such baselines encloses a part of the sea which has traditionally been used by an immediately adjacent neighbouring State for direct communication, including the laying of submarine cables and pipelines, between one part of its national territory and another part of such territory, the continued right of such communication shall be recognized and guaranteed by the archipelagic State.
6. An archipelagic State shall clearly indicate its straight baselines on charts to which due publicity shall be given.

Article 3

1. The waters enclosed by the baselines, which waters are referred to in these articles as archipelagic waters, regardless of their depth or distance from the coast, belong to, and are subject to the sovereignty of, the archipelagic State to which they appertain.

2. The sovereignty and rights of an archipelagic State extend to the air space over its archipelagic waters as well as to the water column and the sea-bed and subsoil thereof, and to all of the resources contained therein.

Article 4

Subject to the provisions of article 5, ships of all States [whether coastal or not] shall enjoy the right of innocent passage through archipelagic waters.

Article 5

1. An archipelagic State may designate sea lanes suitable for the safe and expeditious passage of foreign ships through its archipelagic waters, and may restrict the passage of such ships, or any types or classes of such ships, through those waters to any such sea lanes.
2. An archipelagic State may, from time to time, after giving due publicity thereto, substitute other sea lanes for any sea lanes previously designated by it under the provisions of this article.
3. An archipelagic State which designates sea lanes under the provisions of this article may also prescribe traffic separation schemes for the passage of such ships through those sea lanes.
4. In the designation of sea lanes and the prescription of traffic separation schemes under the provisions of this article an archipelagic State shall, *inter alia*, take into account:
 - (a) The recommendations or technical advice of competent international organizations;
 - (b) Any channels customarily used for international navigation;
 - (c) The special characteristics of particular channels; and
 - (d) The special characteristics of particular ships.

5. An archipelagic State shall clearly demarcate all sea lanes designated by it under the provisions of this article and indicate them on charts to which due publicity shall be given.
6. An archipelagic State may make laws and regulations, not inconsistent with the provisions of these articles and having regard to other applicable rules of international law, relating to passage through its archipelagic waters, or the sea lanes designated under the provisions of this article, which laws and regulations may be in respect of all or any of the following:
 - (a) The safety of navigation and the regulation of marine traffic;
 - (b) The installation, utilization and protection of navigational aids and facilities;
 - (c) The installation, utilization and protection of facilities or installations for the exploration and exploitation of the marine resources, including the resources of the sea-bed and subsoil, of the archipelagic waters;