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A/CONF.62/C.2/L.71 and Add.1-2

Iraq: draft articles on enclosed and semi-enclosed seas

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.70

Bahamas: draft articles on archipelagic States

[Original: English]

[20 August 1974]

Article 1

1. An archipelagic State is a State constituted wholly or mainly of one or more archipelagos.

2. For the purpose of these articles, an archipelago is a group of islands, including parts of islands, and other natural features which are so closely interrelated that the component islands and other natural features form an intrinsic geographical, economic and political entity or which historically have been regarded as such.

Article 2

1. In drawing the baselines from which the extent of the territorial sea, economic zone and other special jurisdictions are to be measured, an archipelagic State may employ the method of straight baselines joining the outermost points of the outermost islands and drying reefs or low-tide elevations of the

archipelago or may employ as a baseline any non-navigable continuous reefs or shoals lying between such points.

2. If the drawing of such baselines encloses a part of the sea traditionally used by an immediate and adjacent neighbouring State for direct communication from one part of its territory to another part, such communication shall continue to be respected.

Article 3

1. The waters enclosed by the baselines, hereinafter referred to 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 the archipelagic State extend to the air space over its archipelagic waters, as well as to the water column, the sea-bed and subsoil thereof, and to all the resources contained therein.

DOCUMENT A/CONF.62/C.2/L.71 AND ADD.1 AND 2*

Iraq: draft articles on enclosed and semi-enclosed seas

[Original: English]

[21 August 1974]

Article 1

1. The provisions of this article apply only to straits which connect two parts of the high seas and which are customarily used for international navigation.

2. Ships of all States shall enjoy freedom of navigation in straits connecting two parts of the high seas, whether they are open seas or semi-enclosed seas.

Article 2

Management, conservation, exploration and exploitation of marine living resources in semi-enclosed seas beyond the territorial sea shall be undertaken by the riparian States in such areas through the regional arrangements, taking into account the activities of international organizations concerned in these fields.

Article 3

In those areas, the preservation of the marine environment and the control of pollution shall be managed jointly among

* Document A/CONF.62/C.2/L.71/Add.1 of 22 August 1974 was issued to add article 5 to the draft articles and A/CONF.62/C.2/L.71/Add.2 of 26 August 1974 to add article 6.

the riparian States. Rules, regulations and standards for this purpose shall be based on internationally agreed standards. Due consideration shall be given to the work done by the competent international organizations in this regard.

Article 4

Freedom of navigation should be maintained in semi-enclosed seas which constitute part of the high seas.

Article 5

The term "semi-enclosed sea which constitutes part of the high seas" means an inland sea which is surrounded by two or more States, which may provide a corridor of the high seas between opposite and adjacent States and which is connected with other parts of the high seas by a narrow outlet.

Article 6

Where the establishment of a 12-mile territorial sea in a semi-enclosed sea, which constitutes part of the high seas, has the effect of enclosing as territorial sea areas previously considered as part of the high seas, freedom of navigation shall exist in those waters.