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Canada: draft article on a definition of an international strait

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exploration, exploitation, protection and preservation of all living and non-living resources therein.

2. The resources referred to in paragraph 1 of this article, shall encompass the living and non-living resources of the water column, the sea-bed and the subsoil.

3. Subject to article 6, no other State has the right to explore and exploit the resources therein without the consent or agreement of the coastal State.

Article 3

A coastal State shall also have exclusive jurisdiction within the exclusive economic zone, *inter alia*, for the purposes of:

(a) Control, regulation and preservation of the marine environment including pollution control and abatement;

(b) Control, authorization and regulation of scientific research;

(c) Control and regulation of customs and fiscal matters related to economic activities in the zone.

Article 4

A coastal State shall have the exclusive right to make and enforce regulations relating to, *inter alia*, the following:

(a) The authorization and regulation of drilling for all purposes;

(b) The construction, emplacement, operation and use of artificial islands and other installations;

(c) Establishment and regulation of safety zones around such off-shore islands and installations;

(d) The licensing of fishing vessels and gear;

(e) Closed fishing seasons;

(f) Types, sizes and amount of gear; and numbers, sizes and types of fishing vessels;

(g) Quota and sizes of fish that may be caught;

(h) The conduct of research, disposition of samples and reporting of associated scientific data.

Article 5

1. In the exclusive economic zone all States shall enjoy the freedom of navigation, overflight and laying of submarine cables and pipelines.

2. In the exercise of the freedoms referred to in paragraph 1 of this article, States shall ensure that their activities in the exclusive economic zone are carried out in such a manner as not to interfere with the rights and interests of the coastal State.

Article 6

1. Developing land-locked and other geographically disadvantaged States have the right to exploit the living resources of

the exclusive economic zones of neighbouring States and shall bear the corresponding obligations.

2. Nationals of land-locked and other geographically disadvantaged States shall enjoy the same rights and bear the same obligations as nationals of coastal States in the exploitation of the living resources of the exclusive economic zone.

3. Bilateral, subregional or regional arrangements shall be worked out for the purposes of ensuring the enjoyment of the rights and the carrying out of the obligations referred to in paragraphs 1 and 2 of this article in full respect of the sovereignty of the States concerned.

Article 7

States in a region may establish regional or subregional arrangements for the purposes of developing and managing the living resources, promoting scientific research, preventing and controlling pollution, and for the purpose of peaceful settlement of disputes.

Article 8

1. The delimitation of the exclusive economic zone between adjacent or opposite States shall be done by agreements between them on the basis of principles of equity, the median line not being the only method of delimitation.

2. For this purpose, special account shall be taken of geological and geomorphological factors as well as other special circumstances which prevail.

Article 9

Each State shall ensure that any exploration or exploitation activities within its exclusive economic zone is carried out exclusively for peaceful purposes and in such a manner as not to interfere with the legitimate interests of other States in the region or those of the international community.

Article 10

No State shall be entitled to construct, maintain, deploy or operate, in the exclusive economic zone of another State, any military installation or device or any other installation or device for whatever purposes without the consent of the coastal State.

Article 11

In respect of a territory whose people have not achieved full independence or some other self-governing status recognized by the United Nations, the rights to the resources of its exclusive economic zone belong to the people of that territory. These rights shall be exercised by such people for their benefits and in accordance with their needs and requirements. Such rights may not be assumed, exercised or benefited from or in any way be infringed upon by a foreign Power administering or occupying or purporting to administer or to occupy such territory.

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[Original: English]
[26 August 1974]

An international strait is a natural passage between land formations which:

- (a) (i) Lies within the territorial sea of one or more States at any point in its length and
- (ii) Joins . . .
- (b) Has traditionally been used for international navigation.