

# **Third United Nations Conference on the Law of the Sea**

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-

**A/CONF.62/L. 8/Rev.1**

## **Statement of activities of the Conference during its first and second sessions**

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)*

(b) Disputes concerning sea boundary delimitations between States;

(c) Disputes involving historic bays or limits of territorial sea;

(d) Disputes concerning vessels and aircraft entitled to sovereign immunity under international law, and similar cases in which sovereign immunity applies under international law;

(e) Disputes concerning military activities [, unless the State conducting such activities gives its express consent];

(f) . . . .

(g) . . . .

2. If one of the Contracting Parties has made such a declaration, any other Contracting Party may enforce the same exception in regard to the Party which made the declaration.

#### *Alternative C.2*

1. In ratifying this Convention, acceding to it, or accepting it, a State may declare that it does not accept the jurisdiction of the dispute settlement machinery with respect to one or more of the following categories of disputes:

(a) Disputes arising out of the normal exercise of discretion by a coastal State pursuant to its regulatory and enforcement jurisdiction under this Convention, except in cases involving an abuse of power;\*

(b) Disputes concerning sea boundary delimitations between adjacent and opposite States, including those involving historic bays and the delimitation of the adjacent territorial sea;

(c) Disputes concerning vessels and aircraft entitled to sovereign immunity under international law, and similar cases in which sovereign immunity applies under international law;

(d) Disputes concerning military activities [, unless the State conducting such activities gives its express consent.];

(e) . . . .

(f) . . . .

2. If one of the Contracting Parties has made such a declaration, any other Contracting Party may enforce the same exception in regard to the Party which made the declaration.

\*The precise drafting and implications of this reservation will require further examination in the light of the substantive provisions of this Convention.

*Note: Relevant provisions of international instruments*

Geneva General Act for the Pacific Settlement of International Disputes of 1928 and Revised General Act of 1949, article 39:

"1. . . . [A] Party, in acceding to the present General Act, may make his acceptance conditional upon the reservations exhaustively enumerated in the following paragraph. These reservations must be indicated at the time of accession.

"2. These reservations may be such as to exclude from the procedure described in the present Act:

"(a) Disputes arising out of facts prior to the accession either of the Party making the reservation or of any other Party with whom the said Party may have a dispute;

"(b) Disputes concerning questions which by international law are solely within the domestic jurisdiction of States;

"(c) Disputes concerning particular cases or clearly specified subject matters, such as territorial status, or disputes falling within clearly defined categories.

"3. If one of the parties to a dispute has made a reservation, the other parties may enforce the same reservation in regard to that party.

"4. In the case of Parties who have acceded to the provisions of the present General Act relating to judicial settlement or to arbitration, such reservations as they may have made shall, unless otherwise expressly stated, be deemed not to apply to the procedure of conciliation."

Convention for the Prevention of Pollution from Ships, 1973, article 3 (3):

"The present Convention shall not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service. However, each Party shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with the present Convention."

## DOCUMENT A/CONF.62/L.8/REV.1

### **Statement of activities of the Conference during its first and second sessions prepared by the Rapporteur-general: Mr. Kenneth O. RATTRAY (Jamaica)**

[Original: English]  
[17 October 1974]

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### I. Historical background

1. The item concerning the peaceful uses of the sea-bed beyond national jurisdiction was first included in the agenda of the General Assembly in 1967. The General Assembly examined this item at its twenty-second session and adopted resolution 2340 (XXII) establishing the *Ad Hoc* Committee, composed of 35 States, to study the peaceful uses of the sea-bed and the ocean floor beyond the limits of national jurisdiction.

2. Consequent upon the report of the *Ad Hoc* Committee, the General Assembly, at its twenty-third session on 21 December 1968, adopted resolution 2467 (XXIII), establishing the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction. This Committee, originally composed of 42 Member States, was subsequently enlarged successively by 44 and 5 members respectively, thus making a total membership of 91.

3. On 17 December 1970, the General Assembly adopted resolution 2750 (XXV), under part C of which it decided to convene a new Conference on the Law of the Sea in 1973 and to instruct the enlarged Committee to undertake the preparatory work for the Conference. The Conference would deal with the establishment of an equitable international régime—including an international machinery—for the area and the resources of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, a precise definition of the area, and a broad range of related issues including those concerning the régimes of the high seas, the continental shelf, the territorial sea (including the question of its breadth and the question of international straits) and contiguous zone, fishing and conservation of the living resources of the high seas (including the question of the preferential rights of coastal States), the preservation of the marine environment (including, *inter alia*, the prevention of pollution) and scientific research.

4. The Committee held a series of meetings in New York and Geneva extending from 1969 to 1973 and, in accordance with paragraph 2 of General Assembly resolution 3029 A (XXVII), of 18 December 1972, submitted a final report<sup>175</sup> on its deliberations containing a comprehensive review and documentation of its work.

5. Under its resolution 3067 (XXVIII) of 16 November 1973, the General Assembly decided to convene the first session of the Third United Nations Conference on the Law of the Sea in New York, from 3 to 14 December 1973 inclusive, to deal with matters relating to the organization of the Conference, the establishment of subsidiary organs and the allocation of work to these organs and any other purpose within the scope of paragraph 3 of the resolution.

6. Under that paragraph, the Assembly decided that the mandate of the Conference "shall be to adopt a convention dealing with all matters relating to the law of the sea, taking into account the subject-matter listed in paragraph 2 of General Assembly resolution 2750 C (XXV) and the list of subjects and issues relating to the law of the sea formally approved on 18 August 1972 by the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and bearing in mind that the problems of ocean space are closely interrelated and need to be considered as a whole".

<sup>175</sup> *Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 21 and corrigenda 1 and 3.*

7. The General Assembly further decided to convene the second session of the Conference, for the purpose of dealing with the substantive work, for a period of 10 weeks from 20 June to 29 August 1974 at Caracas and, if necessary, to convene not later than 1975 any subsequent session or sessions as might be decided upon by the Conference and approved by the General Assembly, bearing in mind that the Government of Austria had offered Vienna as the site for the Conference in 1975.

8. The General Assembly resolution also invited the Conference to make such arrangements as it might deem necessary to facilitate its work and referred to it the reports of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction on its work and all other relevant documentation of the General Assembly and the Committee.

9. Having regard to the desirability of achieving universality of participation in the Conference, the General Assembly decided to request the Secretary-General to invite, in full compliance with General Assembly resolution 2758 (XXVI) of 25 October 1971, States Members of the United Nations or members of specialized agencies or the International Atomic Energy Agency and States parties to the Statute of the International Court of Justice as well as the following States to participate in the Conference: Republic of Guinea-Bissau and Democratic Republic of Viet-Nam.<sup>176</sup>

10. It also requested the Secretary-General:

(a) To invite to the Conference intergovernmental and non-governmental organizations in accordance with paragraphs 8 and 9 of resolution 3029 A (XXVII);

(b) To invite the United Nations Council for Namibia to participate in the Conference;

(c) To provide summary records in accordance with paragraph 10 of resolution 3029 A (XXVII).

11. The General Assembly further decided that the Secretary-General of the United Nations would be the Secretary-General of the Conference and authorized him to appoint a special representative to act on his behalf and to make such arrangements—including recruitment of necessary staff, taking into account the principle of equitable geographical representation—and to provide such facilities as might be necessary for the efficient and continuous servicing of the Conference, utilizing to the fullest extent possible the resources at his disposal.

12. The General Assembly requested the Secretary-General to prepare draft rules of procedure for the Conference, taking into account the views expressed in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and in the General Assembly, and to circulate the draft rules of procedure in time for consideration and approval at the organizational session of the Conference.

<sup>176</sup> In a cable dated 22 November 1973, addressed to the Secretary-General of the United Nations, the Minister for Foreign Affairs of the Democratic Republic of Viet-Nam stated that in view of the fact that the Provisional Revolutionary Government of the Republic of South Viet-Nam had not been invited, the Government of the Democratic Republic of Viet-Nam considered itself unable to participate in the Conference. (For text of cable see document A/9350.)

13. Pursuant to General Assembly resolution 3067 (XXVIII), the Third United Nations Conference on the Law of the Sea held its first session from 3 to 15 December 1973 in New York and its second session from 20 June to 29 August 1974 at Caracas.

## II. First session

### OPENING OF THE SESSION

14. The Conference was opened by the Secretary-General of the United Nations, Mr. Kurt Waldheim, on 3 December 1973.

### ELECTION OF THE PRESIDENT

15. At the opening meeting, Mr. H. S. Amerasinghe (Sri Lanka) was unanimously elected President of the Conference.

### ADOPTION OF THE AGENDA

16. At the same meeting, the agenda of the first session (A/CONF.62/1) was adopted.

### ELECTION OF OFFICERS

17. The Conference considered the election of its officers from the 2nd to the 9th meetings between 7 and 13 December.

18. At its 2nd meeting, the Conference decided that (1) the Vice-Presidents of the Conference, the Vice-Chairmen of the Main Committees and the members of the Drafting Committee would be elected by country; (2) the Chairmen and the Rapporteurs of the Main Committees, the Chairman of the Drafting Committee and the Rapporteur-General would be elected individually; (3) in the event of an individually elected member having to be replaced, the regional group to which the post had been allocated would elect a candidate to replace him.

19. At its 3rd meeting, on 10 December, the Conference adopted the following understanding that had been reached by the regional groups:

(1) There would be a General Committee consisting of 48 members: the President, 31 Vice-Presidents, 15 officers of the three Main Committees and the Rapporteur-General. The posts would be distributed as follows: 12 African States, 12 Asian States, 9 Latin American States, 9 Western European and Other States and 6 Eastern European States.

(2) Each Main Committee would have a Chairman, three Vice-Chairmen and a Rapporteur.

(3) The number of Vice-Presidents would be: 9 African, 8 Asian, 5 Latin American, 6 Western European and Other States and 3 Eastern European.

(4) The post of Rapporteur-General, whose incumbent would also be a member of the General Committee, would be allocated to the Latin American States.

(5) The Drafting Committee would consist of 23 members, distributed as follows: 6 African, 6 Asian, 4 Latin American, 5 Western European and Other States and 2 Eastern European. It was the understanding of four regional groups, the African, Asian, Latin American and Eastern European, that any candidacy of the United States would be accommodated within the quota of Western European and Other States. It was further understood that the Chairman of the Drafting Committee would have the right to participate in meetings of the General Committee without the right to vote, if that was applicable, and that the Rapporteur-General would have the right to participate in meetings of the Drafting Committee without the right to vote if that was applicable.

20. At its 5th meeting, on 11 December, the Conference decided that the rules of procedure of the General Assembly should be applied in so far as they were applicable to the elections of the various officers of the Conference and that those elections should take place at the next meeting.

21. At its 6th meeting, on 12 December, the Conference adopted the following formula which was read out by the President: "No State shall as a right be represented on more than one main organ of the Conference."

22. At its 7th meeting, on 12 December, the Conference adopted the following order for the elections of the officers of the Conference: (1) the Chairmen of the three Main Committees and the Chairman of the Drafting Committee; (2) the Rapporteur-General; (3) the Vice-Chairmen and the Rapporteurs of the three Main Committees; (4) the 31 Vice-Presidents of the Conference; (5) the 22 other members of the Drafting Committee.

23. The results of the elections were as follows:

(1) *Chairmen of the First, Second and Third Committees:*

Mr. Paul Bamela Engo (United Republic of Cameroon) was elected Chairman of the First Committee by acclamation.

Mr. Andrés Aguilar (Venezuela) was elected Chairman of the Second Committee by acclamation.

Mr. Alexander Yankov (Bulgaria) was elected Chairman of the Third Committee by acclamation.

Mr. J. A. Beesley was elected Chairman of the Drafting Committee by secret ballot. He received 81 votes.

(2) Mr. Kenneth Rattray (Jamaica) was elected Rapporteur-General by acclamation.

(3) *Vice-Chairmen and Rapporteurs of the First, Second and Third Committees:*

*First Committee:*

Brazil, the German Democratic Republic and Japan were elected Vice-Chairmen by acclamation.

Mr. H. C. Mott (Australia) was elected Rapporteur by acclamation.

*Second Committee:*

Czechoslovakia, Kenya and Turkey were elected Vice-Chairmen by acclamation.

Mr. S. N. Nandan (Fiji) was elected Rapporteur by acclamation.

*Third Committee:*

Colombia, Cyprus and Germany (Federal Republic of) were elected Vice-Chairmen by acclamation.

Mr. A. M. A. Hassan (Sudan) was elected Rapporteur by acclamation.

(4) *Election of Vice-Presidents*

*African States:* Algeria, Egypt, Liberia, Madagascar, Nigeria, Tunisia, Uganda, Zaire and Zambia were elected by acclamation.

*Asian States:* China, Indonesia, Iran, Iraq, Kuwait, Nepal, Pakistan and Singapore were elected by acclamation.

*Eastern European States:* Poland, Union of Soviet Socialist Republics and Yugoslavia were elected by acclamation.

*Latin American States:* Bolivia, Chile, the Dominican Republic, Peru and Trinidad and Tobago were elected by acclamation.

*Western European and Other States:* The following were elected by secret ballot: France (109 votes), United States of America (107 votes), Norway (104 votes), Belgium (100 votes), United Kingdom of Great Britain and Northern Ireland (99 votes), Iceland (96 votes).

(5) *Appointment of the Drafting Committee*

*African States:* Ghana, Lesotho, Mauritius, Mauritania, Sierra Leone and United Republic of Tanzania were appointed members of the Committee.

*Asian States:* Afghanistan, Bangladesh, India, Malaysia, Philippines and Syria were appointed members of the

Committee. Thailand withdrew its candidature in favour of Bangladesh for 1974, on the understanding that Thailand would replace Bangladesh for 1975.

*Eastern European States:* Romania and Union of Soviet Socialist Republics were appointed members of the Committee.

*Latin American States:* Argentina, Ecuador, El Salvador and Mexico were appointed members of the Committee.

*Western European and Other States:* Italy, Netherlands, Spain and United States of America were appointed members of the Committee.

The Netherlands indicated to the Conference that it would withdraw in favour of Austria at the meeting of the Conference which might take place in Vienna in 1975.

#### APPOINTMENT OF MEMBERS OF THE CREDENTIALS COMMITTEE

24. At its 9th meeting, on 13 December, the Conference decided that the Credentials Committee should consist of the following 9 members: Austria, Chad, China, Costa Rica, Hungary, Ireland, Ivory Coast, Japan and Uruguay.

25. It was also decided that the rules of procedure of the General Assembly regarding the Credentials Committee would be applied at the first session of the Conference.

26. The Credentials Committee met on 14 December. It elected Mr. Heinrich Gleissner (Austria) as Chairman. The Committee had before it a memorandum by the Secretary-General on the status of credentials (see A/CONF.62/15). The Committee considered, subject to the observations made by various delegations, that the delegations present at the first session of the Conference should be seated.

27. The Conference adopted the report of the Credentials Committee (*ibid.*) at its 12th meeting, on 15 December.

#### DRAFT RULES OF PROCEDURE

28. At its 6th meeting, on 12 December, the Conference decided to discuss first the rules of procedure connected with the decision-making process.

29. The Conference considered its draft rules of procedure from the 8th to the 11th and 13th meetings, between 13 and 15 December. It had before it draft rules of procedure prepared by the Secretary-General (A/CONF.62/2 and Add.1-3) at the request of the General Assembly in its resolution 3067 (XXVIII) together with amendments thereto submitted by various delegations (A/CONF.62/4-14).

30. At its 13th meeting, on the proposal of the President, the Conference agreed that the rules of procedure of the Conference would be adopted at its second session not later than 27 June 1974, that the sponsors of amendments would hold informal consultations from 25 February to 1 March 1974 and that 31 January 1974 be set as the time-limit for submission of any further amendments to the rules. On the proposal of the representative of Argentina, the Conference decided that the rules of procedure of the General Assembly would be applied to the adoption of the rules of procedure of the Conference.

31. Informal consultations on the rules of procedure were held in New York from 25 February to 1 March and from 10 to 12 June 1974. During those consultations the amendments were revised and new amendments were submitted (A/CONF.62/7/Rev.1, 10/Add.1, 16 and 18-21). Two other documents concerning the rules of procedure were submitted (A/CONF.62/17 and 22).

### III. Second Session

#### OPENING OF THE SESSION

32. At the 14th, opening, meeting on 20 June 1974, the Conference was addressed by the President of Venezuela, the

President of the Conference and by the Secretary-General of the United Nations. Representatives of 138 States participated in the session.

#### AGENDA OF THE SECOND SESSION

33. The agenda of the second session was contained in document A/CONF.62/24.

#### RULES OF PROCEDURE

34. The Conference considered its rules of procedure at its 15th to 20th meetings, held between 21 and 27 June, and adopted them at its 19th and 20th meetings on 27 June (A/CONF.62/30).

35. At the 38th meeting, on 11 July, the representative of Senegal moved that the Conference invite the national liberation movements recognized by the Organization of African Unity and by the League of Arab States to participate in its proceedings as observers. The representative of Israel raised the question of the competence of the Conference, under rule 34, to extend such an invitation. The President ruled that the vote on the question of competence would be taken by a simple majority of those present and voting. The Conference decided by a roll-call vote of 88 in favour to 2 against, with 35 abstentions, that it was competent to consider the motion of Senegal.

36. At its 40th meeting, on 12 July, the Conference considered a report of the General Committee (A/CONF.62/31), whereby the Committee decided to recommend to the Plenary the adoption of two new rules in the rules of procedure: (1) to insert a new paragraph under rule 40 defining the meaning of the term "State participating" and (2) to insert a new rule 63 concerning observers for national liberation movements.

37. The Conference decided to insert the new rule regarding "Meaning of the term 'State participating'" as paragraph 2 of rule 40 and to amend the heading to read "Meaning of the phrase 'representatives present and voting' and of the term 'State participating'". The Conference also decided to insert a new rule 63 regarding "Observers for national liberation movements" (see A/CONF.62/30/Rev.1).

#### NATIONAL LIBERATION MOVEMENTS

38. The following national liberation movements recognized by the Organization of African Unity and by the League of Arab States were invited to participate in the proceedings as observers:

For Angola, the People's Movement for the Liberation of Angola (MPLA) and the National Liberation Front of Angola (FNLA);

For Mozambique, the Liberation Front of Mozambique (FRELIMO);

For Namibia, the South West African People's Organization (SWAPO);

For Rhodesia-Zimbabwe, the Zimbabwe African National Union (ZANU) and the Zimbabwe African People's Union (ZAPU);

For South Africa, the African National Congress (ANC) and the Panafrikanist Congress (PAC);

For the Comoro Islands, the National Movement for the Liberation of the Comoro Islands (MOLINACO);

For the Seychelles Islands, the Seychelles People's United Party (SPUP), and the Seychelles Democratic Party;

For the Somali Coast, the National Front for the Liberation of the Somali Coast (FLCS);

For Palestine, the Palestine Liberation Organization (PLO).

#### FIRST REPORT OF THE GENERAL COMMITTEE

39. At its 15th meeting, on 21 June, the Conference considered the first report of the General Committee (A/CONF.62/

28) and decided, *inter alia*, to request the Secretary-General to extend invitations to the non-governmental organizations listed in document A/CONF.62/L.2 in accordance with paragraph 9 of resolution 3029 A (XXVII) and resolution 3067 (XXVIII), to participate in the Conference as observers. In this regard at its 43rd meeting, on 22 July, the Conference requested the Secretary-General to invite also the additional non-governmental organizations listed in document A/CONF.62/L.2/Add.1.

#### ALLOCATION OF WORK TO MAIN COMMITTEES

40. At the same meeting, the Conference, on the recommendation of the General Committee, decided to allocate the subjects and issues which had been prepared in accordance with General Assembly resolution 2750 C (XXV) to the Plenary and to the Main Committees as follows:

#### THE PLENARY

##### *Items to be considered directly by the Plenary*

- Item 22. *Peaceful uses of the ocean space; zones of peace and security*
- Item 25. *Enhancing the universal participation of States in multilateral conventions relating to the law of the sea*

#### ALL MAIN COMMITTEES

##### *Items to be dealt with by each Main Committee in so far as they are relevant to their mandates*

- Item 15. *Regional arrangements*
- Item 20. *Responsibility and liability for damage resulting from the use of the marine environment*
- Item 21. *Settlement of disputes*
- Item 22. *Peaceful uses of the ocean space; zones of peace and security*

#### FIRST COMMITTEE

##### *Items to be considered by the First Committee*

- Item 1. *International régime for the sea-bed and ocean floor beyond national jurisdiction*
  - 1.1 Nature and characteristics
  - 1.2 International machinery: structure, functions, powers
  - 1.3 Economic implications
  - 1.4 Equitable sharing of benefits, bearing in mind the special interests and needs of the developing countries, whether coastal or land-locked
  - 1.5 Definition and limits of the area
  - 1.6 Use exclusively for peaceful purposes
- Item 23. *Archaeological and historical treasures on the sea-bed and ocean floor beyond the limits of national jurisdiction*

#### SECOND COMMITTEE

##### *Items to be considered by the Second Committee*

- Item 2. *Territorial sea*
  - 2.1 Nature and characteristics, including the question of the unity or plurality of régimes in the territorial sea
  - 2.2 Historic waters
  - 2.3 Limits
    - 2.3.1 Question of the delimitation of the territorial sea; various aspects involved
    - 2.3.2 Breadth of the territorial sea. Global or regional criteria. Open seas and oceans, semi-enclosed seas and enclosed seas
  - 2.4 Innocent passage in the territorial sea
  - 2.5 Freedom of navigation and overflight resulting from the question of plurality of régimes in the territorial sea
- Item 3. *Contiguous zone*
  - 3.1 Nature and characteristics
  - 3.2 Limits
  - 3.3 Rights of coastal States with regard to national security, customs and fiscal control, sanitation and immigration regulations

##### Item 4. *Straits used for international navigation*

- 4.1 Innocent passage
- 4.2 Other related matters, including the question of the right of transit

##### Item 5. *Continental shelf*

- 5.1 Nature and scope of the sovereign rights of coastal States over the continental shelf. Duties of States
- 5.2 Outer limit of the continental shelf: applicable criteria
- 5.3 Question of the delimitation between States; various aspects involved
- 5.4 Natural resources of the continental shelf
- 5.5 Régime for waters superjacent to the continental shelf
- 5.6 Scientific research

##### Item 6. *Exclusive economic zone beyond the territorial sea*

- 6.1 Nature and characteristics, including rights and jurisdiction of coastal States in relation to resources, pollution control and scientific research in the zone. Duties of States
- 6.2 Resources of the zone
- 6.3 Freedom of navigation and overflight
- 6.4 Regional arrangements
- 6.5 Limits: applicable criteria
- 6.6 Fisheries
  - 6.6.1 Exclusive fishery zone
  - 6.6.2 Preferential rights of coastal States
  - 6.6.3 Management and conservation
  - 6.6.4 Protection of coastal States' fisheries in enclosed and semi-enclosed seas
  - 6.6.5 Régime of islands under foreign domination and control in relation to zones of exclusive fishing jurisdiction
- 6.7 Sea-bed within national jurisdiction
  - 6.7.1 Nature and characteristics
  - 6.7.2 Delineation between adjacent and opposite States
  - 6.7.3 Sovereign rights over natural resources
  - 6.7.4 Limits: applicable criteria
- 6.8 Prevention and control of pollution and other hazards to the marine environment
  - 6.8.1 Rights and responsibilities of coastal States
- 6.9 Scientific research

##### Item 7. *Coastal State preferential rights or other non-exclusive jurisdiction over resources beyond the territorial sea*

- 7.1 Nature, scope and characteristics
- 7.2 Sea-bed resources
- 7.3 Fisheries
- 7.4 Prevention and control of pollution and other hazards to the marine environment
- 7.5 International co-operation in the study and rational exploitation of marine resources
- 7.6 Settlement of disputes
- 7.7 Other rights and obligations

##### Item 8. *High seas*

- 8.1 Nature and characteristics
- 8.2 Rights and duties of States
- 8.3 Question of the freedoms of the high seas and their regulation
- 8.4 Management and conservation of living resources
- 8.5 Slavery, piracy and drugs
- 8.6 Hot pursuit

##### Item 9. *Land-locked countries*

- 9.1 General principles of the law of the sea concerning the land-locked countries
- 9.2 Rights and interests of land-locked countries
  - 9.2.1 Free access to and from the sea: freedom of transit, means and facilities for transport and communications
  - 9.2.2 Equality of treatment in the ports of transit States
  - 9.2.3 Free access to the international sea-bed area beyond national jurisdiction
  - 9.2.4 Participation in the international régime, including the machinery and the equitable sharing in the benefits of the area

- 9.3 Particular interests and needs of developing land-locked countries in the international régime
- 9.4 Rights and interests of land-locked countries in regard to living resources of the sea
- Item 10. *Rights and interests of shelf-locked States and States with narrow shelves or short coastlines*
- 10.1 International régime
- 10.2 Fisheries
- 10.3 Special interests and needs of developing shelf-locked States and States with narrow shelves or short coastlines
- 10.4 Free access to and from the high seas
- Item 11. *Rights and interests of States with broad shelves*
- Item 16. *Archipelagos*
- Item 17. *Enclosed and semi-enclosed seas*
- Item 18. *Artificial islands and installations*
- Item 19. *Régime of islands:*
- (a) Islands under colonial dependence or foreign domination or control;
- (b) Other related matters
- Item 24. *Transmission from the high seas*

## THIRD COMMITTEE

*Items to be considered by the Third Committee*

- Item 12. *Preservation of the marine environment*
- 12.1 Sources of pollution and other hazards and measures to combat them
- 12.2 Measures to preserve the ecological balance of the marine environment
- 12.3 Responsibility and liability for damage to the marine environment and to the coastal State
- 12.4 Rights and duties of coastal States
- 12.5 International co-operation
- Item 13. *Scientific research*
- 13.1 Nature, characteristics and objectives of scientific research of the oceans
- 13.2 Access to scientific information
- 13.3 International co-operation
- Item 14. *Development and transfer of technology*
- 14.1 Development of technological capabilities of developing countries
- 14.1.1 Sharing of knowledge and technology between developed and developing countries
- 14.1.2 Training of personnel from developing countries
- 14.1.3 Transfer of technology to developing countries
- This decision carried a note to the following effect:

*Note.* The agreement reached in the sea-bed Committee on 27 August 1971<sup>177</sup> on the organization of its work read as follows:

“While each sub-committee will have the right to discuss and record its conclusions on the question of limits so far as it is relevant to the subjects allocated to it, the main Committee will not reach a decision on the final recommendation with regard to limits until the recommendations of Sub-Committee II on the precise definition of the area have been received, which should constitute basic proposals for the consideration of the main Committee.”

It is therefore recommended that the same understanding should be carried forward in respect of the Main Committees of the Conference, preliminary to the adoption of the pertinent final provisions by the Conference.

## GENERAL STATEMENTS

41. At its 21st to 23rd meetings, held from 28 June to 1 July, at its 25th to 42nd meetings, between 2 and 15 July, and at its 46th and 48th meetings, on 29 July and 7 August respectively, the Conference heard general statements by 115 delegations and by representatives of the following intergovernmental organizations: the International Hydrographic Organization (22nd meeting), the Organization of African Unity (26th meeting), the League of Arab States (30th meeting), the Permanent Commission of the South Pacific and the Organization of American States (48th meeting). It also heard the representative of the Palestine Liberation Organization (43rd meeting), and representatives of the following specialized agencies: the Inter-Governmental Maritime Consultative Organization (22nd meeting), the United Nations Educational, Scientific and Cultural Organization (41st meeting), the Food and Agriculture Organization of the United Nations (46th meeting) and the International Atomic Energy Agency (48th meeting), as well as representatives of the United Nations Environment Programme (31st meeting) and the United Nations Conference on Trade and Development (42nd meeting) and of the non-governmental organizations (36th meeting).

TRIBUTE TO THE LATE PRESIDENT OF ARGENTINA,  
JUAN DOMINGO PERÓN

42. On 1 July, the Conference held a special Plenary meeting to pay tribute to the memory of the late President of Argentina, Juan Domingo Perón (24th meeting).

## TRIBUTE TO SIMÓN BOLÍVAR THE LIBERATOR

43. At its 43rd meeting, on 22 July, the Conference considered and adopted the 121-Power draft resolution (A/CONF.62/L.3 and Add.1-4) entitled “Tribute to Simón Bolívar the Liberator”.

44. The Conference held a special Plenary meeting on 24 July, as an act of homage to the memory of Simón Bolívar on the occasion of the 191st anniversary of his birth.

ADDRESS BY MR. LUÍS ECHEVERRÍA ALVAREZ,  
PRESIDENT OF MEXICO

45. At its 45th meeting, on 26 July, the President of Mexico addressed the Conference.

## MAIN COMMITTEES

46. At its 46th and 48th meetings, held on 29 July and 7 August respectively, the Conference heard progress reports by the Chairmen of the Main Committees. At the 46th meeting, the President made a statement on the organization of work for the remainder of the session. Statements on the activities of the Main Committees are annexed hereto.

## CREDENTIALS COMMITTEE

47. The Credentials Committee met on 21 August. It elected Mr. Franz Weidinger (Austria) as Chairman to replace Mr. Heinrich Gleissner (Austria) who had served as Chairman during the first session of the Conference. The Committee had before it a memorandum by the Executive Secretary on the status of credentials (see A/CONF.62/34). Subject to the views expressed by various delegations, the Committee considered that the delegations present at the second session of the Conference should be seated.

48. The Conference adopted the report of the Credentials Committee (*ibid.*) at its 50th meeting, on 28 August.

## DRAFTING COMMITTEE

49. The Drafting Committee held an organizational meeting on 22 August.

<sup>177</sup> Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 21, para. 22.

## CONCLUDING STATEMENTS AND DOCUMENTS OF THE SESSION

50. At its 49th meeting, on 27 August, on the recommendation of the General Committee at its 6th meeting on 26 August, the Conference decided to prepare the following concluding statements and documents of the session: (1) a concise, factual, informative and non-controversial statement of the work of each of the Main Committees (see annexes I, II and III); (2) oral statements of the Chairmen of the Main Committees summing up the progress of work to date; (3) statement by the Rapporteur-General covering the work of the Plenary meetings to date; (4) final oral statement by the President summing up the results of the work of the Conference to date; (5) letter from the President of the Conference to the President of the General Assembly transmitting a request for a further session or sessions of the Conference; and informing the General Assembly of the action taken by the Conference to invite national liberation movements and any recommendations that the Conference wished to make.

51. After discussion, the Conference decided that the communication to the President of the General Assembly should contain an appropriate formula to cover proposals that Papua New Guinea, the Cook Islands, Surinam and the Netherlands Antilles, since they were in a position to accede to independence either immediately or in the near future, be enabled to take part in the work of the Conference as observers until their formal accession to full independence, and thereafter as participating States.

## RECOMMENDATIONS TO THE GENERAL ASSEMBLY CONCERNING THE NEXT SESSION AND FINAL ACTIONS OF THE CONFERENCE

52. At the 49th meeting, also on the recommendation of the General Committee at its 6th meeting, the Conference decided to request the General Assembly to schedule a session at Geneva from 17 March to 3 or 10 May 1975, the latter date depending upon certain practical arrangements to be made with the World Health Organization, whose Assembly was scheduled to open on 6 May at Geneva.

53. The Conference also agreed to recommend that the formal final session of the Conference should be held at Caracas for the purpose of signature of the final act and other instruments of the Conference.

## ARRANGEMENTS FOR THE CLOSURE OF THE SECOND SESSION

54. At the same meeting, the Conference approved recommendations by the General Committee concerning arrangements for the closing of the second session.

## FORMULA FOR INCLUSION IN THE COMMUNICATION FROM THE PRESIDENT OF THE CONFERENCE ADDRESSED TO THE PRESIDENT OF THE GENERAL ASSEMBLY, TRANSMITTING THE DECISIONS OF THE CONFERENCE

55. At its 51st meeting, on 29 August, the Conference agreed upon the following formula to be contained in the communication sent by the President of the Conference to the President of the General Assembly, namely, that the Conference decided to recommend to the General Assembly that:

(a) Papua New Guinea, which was already conducting its own relations as an independent nation, be invited, if independent, to attend any future session of the Conference as a participating State or, if not yet independent, to attend as an observer;

(b) The Cook Islands, Surinam, the Netherlands Antilles and the West Indies Associated States be invited to attend any future session of the Conference as observers or, should they by that time be independent, to attend as participating States.

## EXPRESSION OF GRATITUDE TO THE GOVERNMENT OF VENEZUELA

56. At the same meeting, the Conference adopted by acclamation the draft resolution submitted by Colombia, Czechoslovakia, Egypt, El Salvador, France, Senegal and Thailand, contained in document A/CONF.62/L.9, and decided: (1) to express to His Excellency the President of the Republic of Venezuela, the President and members of the Organizing Committee of the Conference and the Government and people of Venezuela its deepest gratitude for the unforgettable hospitality which they had offered it; (2) to give voice to its hope that the ideals of social justice, equality among nations and solidarity among peoples advocated by the Liberator Simón Bolívar would serve to guide the future work of the Conference.

## DOCUMENTS OF THE CONFERENCE

57. In addition to the documents mentioned in the above text, the following documents were submitted to the plenary of the Conference:

[See the list of documents at the beginning of the present volume.]

## APPENDIX

*Index to the summary records of the meetings of the second session of the Conference*

## MEETINGS HELD FROM 20 JUNE TO 29 AUGUST 1974

*14th meeting—20 June 1974*

Opening of the second session  
Minute of silence for prayer or meditation  
Statement by the President of the Conference  
Address by Mr. Carlos Andrés Pérez, President of Venezuela  
Address by the Secretary-General of the United Nations  
Statements made on behalf of the regional groups

*15th meeting—21 June 1974*

Report of the General Committee:  
Statements by the President and by the representatives of India, Nigeria and Spain  
Approval of the list of interested non-governmental organizations:  
Statement by the President  
Adoption of the rules of procedure:  
Statements by the President and by the representatives of Chile, Canada, Peru, Kenya, Turkey and Japan

*16th meeting—25 June 1974*

Adoption of the rules of procedure (*continued*):  
Statements by the President and by the representatives of Nigeria, United Republic of Tanzania, Israel, India, Guyana, Chile, Kenya, United Republic of Cameroon, United Kingdom, Japan, United States of America, Colombia, Ecuador, Brazil and Senegal (on behalf of the group of African States)

*17th meeting—26 June 1974*

Adoption of the rules of procedure (*continued*):  
Statements by the President and by the representatives of El Salvador, Mexico, Pakistan, Spain, United Republic of Tanzania, Bulgaria, Madagascar, Nigeria, Liberia, Ghana, Ivory Coast, Sierra Leone, Tonga, Czechoslovakia, Japan and Barbados

*18th meeting—26 June 1974*

Tribute to the memory of four members of the United Nations Disengagement Observer Force:  
Statements by the President and by the representative of Austria  
Adoption of the rules of procedure (*continued*):  
Statements by the representatives of German Democratic Republic, Brazil, Jamaica, United Republic of Cameroon, by the President and by the representatives of the Union of Soviet Socialist Republics, Mongolia, Greece, Ukrainian Soviet Socialist Republic, Bangladesh, Nepal, Guatemala, Guyana, Austria, Zambia,



Trinidad and Tobago, Afghanistan, Australia, Guinea, United States and Singapore

19th meeting—27 June 1974

Adoption of the rules of procedure (*continued*):

Statements by the President and by the representatives of Zambia, United Republic of Tanzania, Bulgaria, Israel, Nigeria, Canada, Turkey, Ecuador and Egypt

20th meeting—27 June 1974

Adoption of the rules of procedure (*continued*):

Statements by the President and by the representatives of Peru, Canada, India, Mexico, Spain, Nigeria, Ecuador, Norway, Egypt, Lesotho, Special Representative of the Secretary-General, and by the representatives of China, United States of America, United Republic of Cameroon, Guyana, Australia, Iraq, Albania, Congo, Japan, Algeria, Guinea, Cuba, Ghana, Madagascar, United Kingdom of Great Britain and Northern Ireland, Senegal, Romania, Panama, Pakistan, Morocco, Union of Soviet Socialist Republics and Venezuela

21st meeting—28 June 1974

General statements:

Costa Rica, Brazil, El Salvador, Barbados and Guinea

22nd meeting—28 June 1974

General statements (*continued*):

Republic of Viet-Nam, Secretary-General of the Inter-Governmental Maritime Consultative Organization, Democratic People's Republic of Korea, Union of Soviet Socialist Republics, Pakistan and Director of the International Hydrographic Organization.

[Exercise of the right of reply: Khmer Republic and Japan]

23rd meeting—1 July 1974

General statements (*continued*):

Trinidad and Tobago, Iran, Argentina, Egypt and Sweden

24th meeting—1 July 1974

Tribute to the memory of General Perón, President of the Argentine Republic:

Statements by the President, by the representatives of El Salvador (on behalf of the Latin American countries), Finland (on behalf of the group of Western European and Other States), Sri Lanka (on behalf of the group of Asian States), Bulgaria (on behalf of the group of Eastern European States), Senegal (on behalf of the group of African States), Egypt (on behalf of the Arab countries), Venezuela (as the representative of the host country) and by Chile, Lebanon, Uruguay, United States of America, Spain and Argentina

25th meeting—2 July 1974

General statements (*continued*):

German Democratic Republic, China, Honduras, Kenya, Western Samoa, Norway, Ghana and Australia.

[Exercise of the right of reply: Union of Soviet Socialist Republics]

26th meeting—2 July 1974

General statements (*continued*):

United Republic of Cameroon, Republic of Korea, Mongolia, Yugoslavia, United Republic of Tanzania, Mauritania, Organization of African Unity.

[Exercise of the right of reply: Republic of Viet-Nam, Khmer Republic and Democratic People's Republic of Korea]

27th meeting—3 July 1974

Statement by the President

General statements (*continued*):

India, Canada, Jamaica, Albania, Bangladesh.

[Point of order: Union of Soviet Socialist Republics; exercise of the right of reply: Albania]

28th meeting—3 July 1974

General statements (*continued*):

Sri Lanka, Colombia, Bolivia, Madagascar, Congo, Mauritius and Tonga.

[Exercise of the right of reply: China]

29th meeting—4 July 1974

General statements (*continued*):

Nicaragua, United Kingdom of Great Britain and Northern Ireland, Fiji, Czechoslovakia and Cuba

30th meeting—4 July 1974

General statements (*continued*):

Yemen, Chile, Poland, Uruguay and League of Arab States

31st meeting—8 July 1974

General statements (*continued*):

Executive Director of the United Nations Environment Programme, Ecuador, Iceland, Philippines, Democratic Yemen.

[Exercise of the right of reply: Uruguay, Ecuador, El Salvador, Brazil, Peru, Argentina and Kenya]

32nd meeting—8 July 1974

General statements (*continued*):

Laos, Romania, Greece, Finland, Zambia, Bahamas and Libyan Arab Republic

33rd meeting—9 July 1974

General statements (*continued*):

Afghanistan, Singapore, Lebanon, Denmark, Zaire, Liberia and Federal Republic of Germany

34th meeting—9 July 1974

General statements (*continued*):

Nigeria, Netherlands and United Arab Emirates.

[Exercise of the right of reply: Iran]

35th meeting—10 July 1974

General statements (*continued*):

Hungary, Switzerland, Saudi Arabia, Malaysia, Panama, Equatorial Guinea, Pakistan and Thailand

36th meeting—10 July 1974

General statements (*continued*):

Iraq, Bulgaria, Israel, Oman and a representative of the non-governmental organizations attending the Conference

37th meeting—11 July 1974

General statements (*continued*):

Tunisia, France, Kuwait, Peru and Malta

38th meeting—11 July 1974

General statements (*continued*):

Gambia, Ireland, United States of America, Paraguay, Khmer Republic, Austria, Mali and Senegal

Invitation to the national liberation movements recognized by the League of Arab States and the Organization of African Unity to participate in the Conference as observers:

Statements by the representative of Senegal, by the President and by the representative of Israel.

[Explanation of vote: United States of America]

39th meeting—12 July 1974

General statements (*continued*):

Belgium, Algeria, Uganda, Turkey and Nepal.

[Exercise of the right of reply: Greece]

Invitation to national liberation movements recognized by the Organization of African Unity and by the League of Arab States to participate in the Conference as observers:

Statement by the representative of Panama

40th meeting—12 July 1974

General statements (*continued*):

Spain, Holy See, Guinea-Bissau, Bahrain, Cyprus and Sierra Leone

Invitation to national liberation movements recognized by the Organization of African Unity and by the League of Arab States to participate in the Conference as observers:

Statements by the Rapporteur, the President, Israel, Senegal, Paraguay, Tunisia, United States, South Africa, France, Malta, Portugal, Cuba and Bangladesh.

[Point of order: Yemen, Egypt, Morocco and Tunisia]

*41st meeting—15 July 1974*

## Tribute to Simón Bolívar the Liberator:

Statements by the representative of El Salvador and by the President

General statements (*continued*):

Morocco, Italy, Dominican Republic, UNESCO and Japan

*42nd meeting—15 July 1974*General statements (*continued*):

United Nations Conference on Trade and Development, Bhutan, Lesotho, Upper Volta, Somalia, Indonesia and Venezuela

*43rd meeting—22 July 1974*

## Progress of work:

Statements by the Chairmen of the Main Committees

## Tribute to Simón Bolívar the Liberator:

Statements by the President, by the representatives of Finland (on behalf of the group of Western European and Other States), German Democratic Republic (on behalf of the group of Eastern European States), Senegal (on behalf of the group of African States), Sri Lanka (on behalf of the group of Asian States and Egypt (on behalf of the Arab States)

## Statement by the representative of the Palestine Liberation Organization

## Additions to the list of non-governmental organizations:

Statement by the President

*44th meeting—24 July 1974*

## Tribute to Simón Bolívar the Liberator:

Statements by the President, the representatives of Sri Lanka (on behalf of the group of Asian States), German Democratic Republic (on behalf of the group of Eastern European States), Egypt (on behalf of the Arab States), Philippines (on behalf of the Association of South East Asian Nations (ASEAN)), France, Senegal (on behalf of the group of African States), Peru, Spain, United States, Israel, Romania, Yugoslavia, Dominican Republic, India, Union of Soviet Socialist Republics, Jamaica (on behalf of the Caribbean countries of the Latin American region), Bangladesh, Panama and Venezuela

*45th meeting—26 July 1974*

Address by Mr. Luís Echeverría Alvarez, President of the United Mexican States

*46th meeting—29 July 1974*

## Progress of work:

Statements by the Chairmen of the Main Committees and Statement by the President

General statements (*continued*):

New Zealand and the Assistant-Director General (Fisheries) of FAO

## Introduction of working paper A/CONF.62/L.4:

Statements by the representative of Turkey, the President, the representatives of Peru, Canada and Federal Republic of Germany  
President's ruling. Tunisia appealed against the President's ruling. Tunisia's appeal against the President's ruling was put to a vote and was rejected by 50 votes to 38 with 39 abstentions

Canada introduced document A/CONF.62/L.4. Statements by the representatives of Chile, United Republic of Cameroon, by the President, and by the representative of Bulgaria

Invitation to national liberation movements recognized by the Organization of African Unity and by the League of Arab States to participate in the Conference as observers (*concluded*):

Statements by the representative of Senegal and by the President

*47th meeting—1 August 1974*

Expression of sympathy in connexion with the recent floods in Bangladesh:

Statements by the President and the representative of Bangladesh

*48th meeting—7 August 1974*

## Progress of work:

Statements by the Chairmen of the Main Committees

General statements (*concluded*):

Statements by the representative of the Permanent Commission of the South Pacific, the representative of the Inter-American Juridical Committee of the Organization of American States and by the representative of the International Atomic Energy Agency

*49th meeting—27 August 1974*

## Report of the General Committee:

Statements by the President, by the Rapporteur-General and by the representatives of Australia, New Zealand, Netherlands, United States, Israel, the Special Representative of the Secretary-General, and by the representatives of Union of Soviet Socialist Republics, France, Federal Republic of Germany and Colombia

*50th meeting—28 August 1974*

## Report of the Credentials Committee:

Statements by the President, and by the representatives of Romania, Cuba, Yugoslavia, Union of Soviet Socialist Republics, Algeria, Egypt, Albania and Khmer Republic.

[Exercise of right of reply: Republic of Viet-Nam]

## Question of the communication to the President of the General Assembly:

Statements by the President and by the representative of the United Republic of Tanzania

Tribute to the memory of the members of the United Nations Peace-keeping Force in Cyprus who had lost their lives in the performance of their duties

Tribute to the memory of the late Mr. Alcívar, Ambassador of Ecuador, and Mr. Khanachet, Ambassador of Kuwait:

Statements by the President and by the representatives of Ecuador and Kuwait

*51st meeting—29 August 1974*Question of the communication to the President of the General Assembly (*concluded*):

Statements by the President and by the representatives of New Zealand, United Kingdom of Great Britain and Northern Ireland, Jamaica (on behalf of the Bahamas, Barbados, Guyana, Jamaica, and Trinidad and Tobago) and Bulgaria

Presentation of document A/CONF.62/L.7 on the settlement of disputes

Adoption of draft resolution A/CONF.62/L.9

Statement by the Rapporteur-General on the activities of the Conference

Statements by the Chairmen of the Main Committees

Statements by the Chairmen of the regional groups

Statement by the Minister for Foreign Affairs of Venezuela

Closing statement by the President

Minute of silence for prayer or meditation

Closing of the session

## ANNEXES

## ANNEX I

## Statement of activities of the First Committee

*Prepared by the Rapporteur of the Committee*

*Note:* The following text, with its appendices, gives an account of the activities of the First Committee. The objective is to provide a doc-

ument of record and reference which will enable the Committee to continue without delay consideration of the subject-matter before it at the next session of the Conference.

This statement of activities incorporates certain amendments made as a result of consideration of the original text (A/CONF.62/C.1/L.10) and discussions at the 17th meeting of the Committee on 27 August 1974, at which the Committee took note of it.

## I. ESTABLISHMENT OF THE COMMITTEE

1. The First Committee was one of the three committees of the whole established at the first session of the Conference to deal with the subjects covered by the three sub-committees of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction.

The officers of the Committee are:

*Chairman:* Mr. P. B. Engo (United Republic of Cameroon)

*Vice-Chairmen:* Brazil, Mr. S. M. Thompson-Flores; German Democratic Republic, Mr. H. Wuensche; Japan, Mr. T. Iguchi

*Rapporteur:* Mr. H. C. Mott (Australia)

## II. MANDATE OF THE COMMITTEE

2. By decision of the Conference at its 15th meeting on 21 June 1974, upon the recommendation of the General Committee, the First Committee has the task of considering the following items from the list of subjects and issues:

Item 1. *International régime for the sea-bed and ocean floor beyond national jurisdiction*

- 1.1 Nature and characteristics
- 1.2 International machinery: structure, functions, powers
- 1.3 Economic implications
- 1.4 Equitable sharing of benefits, bearing in mind the special interests and needs of the developing countries, whether coastal or land-locked
- 1.5 Definition and limits of the area
- 1.6 Use exclusively for peaceful purposes

Item 23. *Archaeological and historical treasures on the sea-bed and ocean floor beyond the limits of national jurisdiction*

3. The Conference also agreed that the following understanding reached in the sea-bed Committee on 27 August 1971 should be carried forward in respect of the committees of the Conference:

"While each sub-committee will have the right to discuss and record its conclusions on the question of limits so far as it is relevant to the subjects allocated to it, the main Committee will not reach a decision on the final recommendation with regard to limits until the recommendations of Sub-Committee II on the precise definition of the area have been received, which should constitute basic proposals for the consideration of the main Committee."

## III. DOCUMENTATION

4. By paragraph 6 of resolution 3067 (XXVIII), the General Assembly referred to the Conference the reports of the sea-bed Committee and all other relevant documentation of the General Assembly and the Committee. The First Committee thus has before it all the documentation from Sub-Committee I of the sea-bed Committee, including in particular the texts illustrating the areas of agreement and disagreement on items 1 and 2 of the Sub-Committee's programme of work.

5. Documents presented in the Committee during the second session of the Conference are listed at the beginning of the present volume.

## IV. WORK OF THE COMMITTEE

6. During the second session of the Conference, held at Caracas from 20 June to 29 August, the First Committee worked through formal and informal meetings. It held 17 formal meetings and 23 informal meetings.

7. At its first meeting on 10 July, the Committee accepted a proposal by the Chairman that it should start work with a brief general discussion to enable representatives to comment on issues of fundamental importance, so as to facilitate efforts to reach agreement on the major issues over which wide differences of view existed. The Chairman proposed that at the end of this discussion the formal committee should be converted into an informal body of the whole, to examine the preparatory material sent forward from the sea-bed Committee with a view to eliminating brackets and alternatives and thus to build up areas of agreement. The Committee agreed to the Chairman's proposal that Mr. C. W. Pinto (Sri Lanka) should be Chairman of its informal meetings.

8. Sixty-six delegations spoke during the general discussion from 11 to 17 July. An index of the summary records of the Committee,

including the list of those who spoke in the discussion, is contained in appendix II.

9. Subsequently, at a further series of meetings, the Committee discussed the question of the economic implications of mining in the deep sea-bed. As a basis for this discussion, a representative of the United Nations Conference on Trade and Development (UNCTAD) and the Special Representative of the Secretary-General presented reports to the Committee on the subject; as a further aid to discussion the Chairman of the Committee issued a note (A/CONF.62/C.1/L.2) listing these reports and incorporating summaries and conclusions of them. During the discussion of this question 38 delegations made statements and raised questions which were answered by representatives of the Secretariat of the United Nations and the secretariat of UNCTAD. The statements of those representatives who took part in the discussion are also listed in appendix II. Two working papers were tabled on the subject of the economic effects of deep sea-bed exploitation (A/CONF.62/C.1/L.5 and 11).

10. As an aid to understanding of the subject of economic implications, the Chairman of the Committee arranged an informal seminar on 31 July and 1 August 1974. For the information of the Committee the Chairman summarized the discussions in the seminar at the 13th meeting of the Committee. In addition, at the Committee's 14th meeting the Chairman summarized further discussion which had taken place in the Committee. His summaries contained personal views and were not binding on any delegation.

11. Following a reference to General Assembly resolution 2750 A (XXV) and a request by one delegation, the Secretariat informed the Committee that in accordance with that resolution it would prepare a brief and concise follow-up study to the previous report (A/CONF.62/25) on the economic implications of sea-bed mineral development taking into account the discussions that had taken place during the second session of the Conference, for presentation at the next session.

12. Four documents were tabled and introduced on the subject of Conditions of exploration and exploitation (A/CONF.62/C.1/L.6-9).

13. At its 14th meeting, on 19 August, the First Committee established a working group to pursue negotiations on articles 1-21 relating to principles of the régime, as contained in document A/CONF.62/C.1/L.3, and particularly on article 9 thereof, and on the subject of conditions of exploration and exploitation. The Committee agreed that the working group should be limited in number but open-ended, so that any State could participate in its activities, and entrusted the Chairman of the Committee with the duty of conducting consultations to establish the membership of the group. The Committee also agreed that Mr. C. W. Pinto (Sri Lanka) should be Chairman of the working group and that he should report as appropriate to the Committee.

14. As a result of his consultations, the Chairman of the Committee said at its 16th meeting on 21 August that general agreement had been reached that the working group should consist of 50 States, made up of nine representatives of each of the five geographical groups plus five representatives of sponsors of individual proposals before the Committee. He announced the composition of the working group as follows:

(a) Group of African States: Algeria, Egypt, Ghana, Lesotho, Mali, Morocco, Nigeria, United Republic of Tanzania and Zaire.

(b) Group of Asian States: Afghanistan (alternating with Nepal), China, India, Iran, Kuwait, Pakistan, Philippines (alternating with Indonesia), Singapore and Yugoslavia.

(c) Group of Eastern European States: Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, German Democratic Republic, Hungary, Poland, Romania, Ukrainian Soviet Socialist Republic and Union of Soviet Socialist Republics.

(d) Latin American States: Bolivia, Brazil, Chile, Honduras, Jamaica, Mexico, Peru, Trinidad and Tobago and Venezuela.

(e) Group of Western European and Other States: Austria, Canada, Germany (Federal Republic of), Italy, Netherlands, Norway, Sweden, Switzerland and United Kingdom of Great Britain and Northern Ireland.

(f) Sponsors of proposals before the Committee: Australia, Colombia, France, Japan and United States of America.

15. A number of delegations stated views in regard to the establishment and functioning of the working group. The Chairman made a number of comments in response to these remarks. The statements of the delegations concerned and the comments of the Chairman are contained in the summary records of the 14th, 15th and 16th meetings of the Committee.

V. WORK OF THE INFORMAL COMMITTEE  
AT INFORMAL MEETINGS

16. During the session the Chairman of the informal meetings reported to the Committee on progress made. By decisions of the Committee his statements appear *in extenso* in the records of the 9th, 11th and 14th meetings. His reports contained personal views and were not binding on any delegation.

17. The informal meetings reviewed draft articles 1-21 relating to principles of the régime, as set forth by the sea-bed Committee and contained in its report. The results of its work on those articles are before the Committee in document A/CONF.62/C.1/L.3. During consideration of the draft articles, it was agreed that there should be an article on definitions and that the terms to be dealt with and their interpretation would be decided at a later stage.

18. Upon completion of consideration of the draft articles, the Chairman suggested three issues which should be the subject of detailed study:

(a) The system of exploration and exploitation: who may explore and exploit the area?

(b) The conditions of exploration and exploitation;

(c) The economic implications of sea-bed mineral development.

19. It was agreed that, although the issues would be considered in that order, representatives could make relevant reference to other issues.

20. Discussion of the system of exploration and exploitation proceeded on the basis of the four alternative texts of draft article 9 prepared by the Working Group of Sub-Committee I of the sea-bed Committee. During the discussion, several new proposals were made. A new text was introduced at the 11th meeting of the Committee by the Chairman of the Group of 77 on behalf of that Group to replace alternative B of article 9; this new text is alternative B in document A/CONF.62/C.1/L.3. The statement of the Chairman of the Group of 77 appears *in extenso* in the records of the 11th meeting. Another new proposal was introduced to replace the former alternative C. Alternatives A and D of the original text remained unchanged. In addition, one delegation proposed a new text of two articles. The first of those was later considered to have been absorbed into the revised alternative B mentioned above; the second is reproduced at the end of document A/CONF.62/C.1/L.3.

21. During its consideration of the conditions of exploration and exploitation, the informal meetings received three working papers which were subsequently tabled in the Committee as documents A/CONF.62/C.1/L.6, 7 and 8.

22. The informal meetings did not discuss the economic implications of sea-bed mineral development because this subject was taken up at the level of the Committee (see paras. 9-11 above).

VI. WORK OF THE WORKING GROUP

23. At the 17th meeting of the Committee, the Chairman of the working group gave a preliminary report to the Committee on the work done relating to its mandate. By decision of the Committee his statement appears *in extenso* in the record of the meeting. This report contained personal views and was not binding on any delegation. A delegation commented on the statement of the Chairman of the working group and his remarks are summarized in the records of the 17th meeting.

VII. FUTURE WORK

24. The First Committee made useful progress at this session of the Conference towards completion of the mandate assigned to it by the Conference. The opportunity should be provided for it to continue this work at a further session, with a view to completing the drafting of articles dealing with the international régime and machinery for exploration of the sea-bed beyond the limits of national jurisdiction and the exploitation of its resources.

25. When it resumes work the Committee will have before it, in accordance with General Assembly resolution 3067 (XXVIII), all reports of the sea-bed Committee and all other relevant documentation of the General Assembly and the Committee, and all of the documents presented at the second session.

APPENDIX I

*Documents of the First Committee*

[See the list of documents at the beginning of the present volume.]

APPENDIX II

*Index to the summary records of the meetings of the First Committee*

MEETINGS HELD FROM 10 JULY TO 27 AUGUST 1974

*1st meeting—10 July 1974*

Organization of work.

Statements were made by the Chairman and by the representatives of El Salvador, Chile, United Republic of Tanzania, Finland, Kenya, Colombia, Peru, Sri Lanka, France, Bolivia and Tunisia and by the Secretary of the Committee.

*2nd meeting—11 July 1974*

International régime and machinery:

Statements were made by the representatives of the German Democratic Republic, Sri Lanka, Australia, Peru, Canada and Chile.

*3rd meeting—12 July 1974*

International régime and machinery (*continued*):

Statements were made by the representatives of Brazil, Venezuela, Trinidad and Tobago and by the Chairman of the Planning Council of the International Ocean Institute.

*4th meeting—15 July 1974*

International régime and machinery (*continued*):

Statements were made by the representatives of Japan, Cuba, Nigeria, Federal Republic of Germany, Uruguay, United Kingdom of Great Britain and Northern Ireland and Jamaica.

*5th meeting—16 July 1974*

International régime and machinery (*continued*):

Statements were made by the representatives of Austria, Poland, Romania, Colombia, Kenya, Madagascar, Switzerland, Sweden, Liberia, Thailand and Bangladesh.

*6th meeting—16 July 1974*

International régime and machinery (*continued*):

The United States of America made a statement on a point of clarification. Statements were made by the representatives of Nepal, Denmark, France, Philippines, Israel, Burma, Iceland, and the World Federation of United Nations Associations.

The representative of UNCTAD presented reports prepared by that organization and statements were made by the representatives of the United States of America, Chile, Peru, Brazil, India and Algeria.

*7th meeting—17 July 1974*

International régime and machinery (*continued*):

Statements were made by the representatives of Afghanistan, Portugal, Mexico, United States of America, Ethiopia, Ireland, Kuwait, United Republic of Tanzania, Fiji, Republic of Korea, Pakistan, Yugoslavia, Congo and Ecuador.

The representatives of Mexico, Colombia and Venezuela made statements in exercise of the right of reply.

*8th meeting—17 July 1974*

International régime and machinery (*concluded*):

Statements were made by the representatives of Tunisia, China, Iraq, Albania, Bhutan, Republic of Viet-Nam, Union of Soviet Socialist Republics, Greece, Mongolia, Spain, Ukrainian Soviet Socialist Republic, Algeria, Finland, Bolivia, United States of America, Libyan Arab Republic, Ghana, United Republic of Tanzania and by the Chairman.

*9th meeting—30 July 1974*

Informal meetings:

The Chairman of the informal meetings made a statement.

Economic implications of sea-bed mineral development:

The Chairman made a statement and the Special Representative of the Secretary-General introduced a document (A/CONF.62/25); questions were raised by the representatives of Chile, Zaire, Ven-

ezuela, Uruguay, Jamaica, Yemen, Singapore, Ghana and the United States of America, to which a representative of the Secretariat answered.

*10th meeting—30 July 1974*

Economic implications of sea-bed mineral development (*continued*):

Questions were raised by the representatives of Cuba, Israel, Peru, India, Netherlands, Federal Republic of Germany, United Kingdom of Great Britain and Northern Ireland, Nigeria, Zambia, Mexico, Sri Lanka, France and United Republic of Tanzania, to which a representative of the Secretariat answered.

*11th meeting—6 August 1974*

Informal meetings:

The Chairman of the informal meetings made a statement introducing document A/CONF.62/C.1/L.3. Statements were made by the representatives of Colombia, Venezuela, Bulgaria, Jamaica, Zaire, France, Peru, Chile, Nicaragua, Madagascar and Yugoslavia.

Organization of work:

Statements were made by the Chairman and by the representatives of France, Peru, Madagascar, Chile, Brazil, Netherlands, Union of Soviet Socialist Republics, United States of America, United Kingdom of Great Britain and Northern Ireland, and Kuwait.

*12th meeting—7 August 1974*

Economic implications of sea-bed mineral development (*continued*):

Statements were made by the representatives of Sweden, Ghana, Trinidad and Tobago, France, Peru, Chile, South Africa, Australia and the International Ocean Institute.

The Union of Soviet Socialist Republics raised a point of order to which the Chairman replied.

*13th meeting—8 August 1974*

Economic implications of sea-bed mineral development (*continued*):

Statements were made by the representatives of Japan, United States of America, Zaire (on behalf of the group of African States), United Kingdom of Great Britain and Northern Ireland, Argentina, Cuba, Israel, Morocco and Greece.

Seminar on the implications of sea-bed mineral development:

Statements were made by the Chairman and by the representatives of the United States of America, Guinea, Zaire, the Ukrainian Soviet Socialist Republic, Liberia and Chile.

*14th meeting—19 August 1974*

Economic implications of sea-bed mineral development (*continued*):

The Chairman summarized the discussions.

Informal meetings:

The Chairman of the informal meetings made a statement.

Conditions of exploitation of the area:

Statements were made by the representative of Colombia introducing document A/CONF.62/C.1/L.7, the representative of the United States of America introducing document A/CONF.62/C.1/L.6 and the representative of France introducing document A/CONF.62/C.1/L.8

Working group:

A statement was made by the representative of Brazil proposing the establishment of a negotiating group under the chairmanship of Mr. Pinto (Sri Lanka). A statement was made by the representative of the United Republic of Tanzania. The Committee established a working group.

A point of order was raised by the representative of Peru. Statements were made by the representatives of Algeria, Pakistan, Guinea and the representative of the United States of America.

The Rapporteur made a statement.

*15th meeting—20 August 1974*

Conditions of exploitation of the area:

Japan introduced document A/CONF.62/C.1/L.9. Statements were made by the representatives of Zaire, German Democratic Republic, Israel, United Kingdom of Great Britain and Northern Ireland, Ghana and the Federal Republic of Germany.

The representative of Peru made a statement in connexion with the point of order he had raised at the previous meeting.

Working group:

Statements were made by the Chairman and by the representatives of Barbados, Mali, Uruguay, Colombia, United Republic of Tan-

zania, Mauritania, Guinea, Zaire, Ghana, Nigeria, Chile and Republic of Korea.

Points of order were raised by the representatives of Algeria and the United States of America.

*16th meeting—21 August 1974*

Working group:

Statements were made by the Chairman and by the representatives of France, Madagascar, Thailand, El Salvador, Barbados, Brazil, United States of America, Spain, Peru, Morocco, Uganda, Liberia and Turkey. The representative of Brazil made a proposal regarding the work of the working group. Statements were made by the representatives of United States of America, Barbados, Peru, Ghana, Uganda and China.

The Chairman announced the composition of the working group.

The representative of Chile made a statement in connexion with General Assembly resolution 2750 (XXV) requesting a further study by the Secretariat. Statements were made by the United States of America, Kuwait and France.

*17th meeting—27 August 1974*

The Secretary of the Committee made a statement concerning the further study requested by the representative of Chile.

Working group:

Statements were made by the Chairman of the working group and by the representatives of India and Bolivia.

Statement of activities of the Committee:

Statements were made by the Rapporteur and by the representatives of United Republic of Tanzania, Chile, Thailand, Ghana, Peru and United States of America.

The representative of China made a statement concerning document A/CONF.62/C.1/L.11 to which the representative of Chile replied.

General statements were made by the representatives of Egypt, Guinea, Madagascar, France, Thailand, Czechoslovakia, Colombia and United States of America.

## ANNEX II

### Statement of activities of the Second Committee

*Prepared by the Rapporteur of the Committee*

#### I. INTRODUCTION

1. At its 2nd meeting on 7 December 1973, the Conference decided to establish the Second Committee as one of its three Main Committees.

2. In accordance with the decision of the Conference at its 7th meeting on 12 December 1973, the officers of the Committee were as follows:

*Chairman:* Mr. Andrés Aguilar (Venezuela)

*Vice-Chairmen:* Czechoslovakia, Mr. Z. Pisk; Kenya, Mr. F. X. Njenga; Turkey, Mr. N. Tuncel

*Rapporteur:* Mr. S. N. Nandan (Fiji)

#### II. MANDATE OF THE COMMITTEE

3. At its 15th meeting on 21 June 1974, the Conference allocated the following items to the Second Committee, bearing in mind the introductory note<sup>178</sup> to the list of subjects and issues:

<sup>178</sup>The text of the introductory note is as follows:

"The present list of subjects and issues relating to the law of the sea has been prepared in accordance with General Assembly resolution 2750 C (XXV).

"The list is not necessarily complete nor does it establish the order of priority for consideration of the various subjects and issues.

"Since the list has been prepared following a comprehensive approach and attempts to embrace a wide range of possibilities, sponsorship or acceptance of the list does not prejudice the position of any State or commit any State with respect to the items on it or to the order, form or classification according to which they are presented.

"Consequently the list should serve as a framework for discussion and drafting of necessary articles." (*Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 21 and corrigendum, para. 23*).

- Item 2. *Territorial sea*
- 2.1 Nature and characteristics, including the question of the unity or plurality of régimes in the territorial sea
  - 2.2 Historic waters
  - 2.3 Limits
  - 2.3.1 Questions of the delimitation of the territorial sea; various aspects involved
  - 2.3.2 Breadth of the territorial sea. Global or regional criteria. Open seas and oceans, semi-enclosed seas and enclosed seas
  - 2.4 Innocent passage in the territorial sea
  - 2.5 Freedom of navigation and overflight resulting from the question of plurality of régimes in the territorial sea
- Item 3. *Contiguous zone*
- 3.1 Nature and characteristics
  - 3.2 Limits
  - 3.3 Rights of coastal States with regard to national security, customs and fiscal control, sanitation and immigration regulations
- Item 4. *Straits used for international navigation*
- 4.1 Innocent passage
  - 4.2 Other related matters including the question of the right of transit
- Item 5. *Continental shelf*
- 5.1 Nature and scope of the sovereign rights of coastal States over the continental shelf. Duties of States
  - 5.2 Outer limit of the continental shelf: applicable criteria
  - 5.3 Question of the delimitation between States; various aspects involved
  - 5.4 Natural resources of the continental shelf
  - 5.5 Régime for waters superjacent to the continental shelf
  - 5.6 Scientific research
- Item 6. *Exclusive economic zone beyond the territorial sea*
- 6.1 Nature and characteristics, including rights and jurisdiction of coastal States in relation to resources, pollution control and scientific research in the zone. Duties of States
  - 6.2 Resources of the zone
  - 6.3 Freedom of navigation and overflight
  - 6.4 Regional arrangements
  - 6.5 Limits: applicable criteria
  - 6.6 Fisheries
    - 6.6.1 Exclusive fishery zone
    - 6.6.2 Preferential rights of coastal States
    - 6.6.3 Management and conservation
    - 6.6.4 Protection of coastal States' fisheries in enclosed and semi-enclosed seas
    - 6.6.5 Régime of islands under foreign domination and control in relation to zones of exclusive fishing jurisdiction
  - 6.7 Sea-bed within national jurisdiction
    - 6.7.1 Nature and characteristics
    - 6.7.2 Delineation between adjacent and opposite States
    - 6.7.3 Sovereign rights over natural resources
    - 6.7.4 Limits: applicable criteria
  - 6.8 Prevention and control of pollution and other hazards to the marine environment
    - 6.8.1 Rights and responsibilities of coastal States
    - 6.8.2 Scientific research
- Item 7. *Coastal State preferential rights or other non-exclusive jurisdiction over resources beyond the territorial sea*
- 7.1 Nature, scope and characteristics
  - 7.2 Sea-bed resources
  - 7.3 Fisheries
  - 7.4 Prevention and control of pollution and other hazards to the marine environment
  - 7.5 International co-operation in the study and rational exploitation of marine resources
  - 7.6 Settlement of disputes
  - 7.7 Other rights and obligations
- Item 8. *High seas*
- 8.1 Nature and characteristics
  - 8.2 Rights and duties of States
  - 8.3 Question of the freedoms of the high seas and their regulation
  - 8.4 Management and conservation of living resources
  - 8.5 Slavery, piracy and drugs
  - 8.6 Hot pursuit
- Item 9. *Land-locked countries*
- 9.1 General principles of the law of the sea concerning the land-locked countries
  - 9.2 Rights and interests of land-locked countries
    - 9.2.1 Free access to and from the sea: freedom of transit, means and facilities for transport and communications
    - 9.2.2 Equality of treatment in the ports of transit States
    - 9.2.3 Free access to the International Sea-Bed Area beyond national jurisdiction
    - 9.2.4 Participation in the international régime, including the machinery and the equitable sharing in the benefits of the Area
  - 9.3 Particular interests and needs of developing land-locked countries in the international régime
  - 9.4 Rights and interests of land-locked countries in regard to living resources of the sea
- Item 10. *Rights and interests of shelf-locked States and States with narrow shelves or short coastlines*
- 10.1 International régime
  - 10.2 Fisheries
  - 10.3 Special interests and needs of developing shelf-locked States and States with narrow shelves or short coastlines
  - 10.4 Free access to and from the high seas
- Item 11. *Rights and interests of States with broad shelves*
- Item 16. *Archipelagos*
- Item 17. *Enclosed and semi-enclosed seas*
- Item 18. *Artificial islands and installations*
- Item 19. *Régime of islands*
- (a) Islands under colonial dependence or foreign domination or control;
  - (b) Other related matters
- Item 24. *Transmission from the high seas*
4. The Conference also allocated to the Second Committee the following items in so far as they are relevant to its mandate:
- Item 15. *Regional arrangements*
- Item 20. *Responsibility and liability for damage resulting from the use of the marine environment*
- Item 21. *Settlement of disputes*
- Item 22. *Peaceful uses of the ocean space; zones of peace and security*
5. The Conference recommended that the following agreement, reached in the sea-bed Committee on 27 August 1971, should be carried forward in respect of the Main Committees of the Conference:
- “While each sub-committee will have the right to discuss and record its conclusions on the question of limits so far as it is relevant to the subjects allocated to it, the main Committee will not reach a decision on the final recommendation with regard to limits until the recommendations of Sub-Committee II on the precise definition of the area have been received, which should constitute basic proposals for the consideration of the main Committee.”
- ### III. ORGANIZATION OF WORK
6. At its 1st meeting on 3 July 1974, the Committee agreed on the organization of a first stage of its work, on the basis of the following proposals made by the Chairman (A/CONF.62/C.2/L.2):
- “The items allocated to the Committee should be taken up in official and non-official meetings, as considered convenient, with the Committee Chairman presiding. Working groups should not be established, at least at the initial stage, on the understanding that, if necessary, one or more informal *ad hoc* groups may be established;
- “The items allocated to the Committee should be considered one by one in the order in which they appear in the relevant list. The idea is to consider each of these items and questions and then to identify the main trends and to express these trends in generally acceptable formulae, in other words, to ‘put the item on ice’, without taking

decisions, and to pass on to the following item. It is clearly understood that, during the discussion of each item, delegations may refer to related items. No decision will be taken until all the closely interconnected items have been fully considered;

"At present, it does not seem possible to draw up a time-table of work. At most, such a time-table could be prepared only tentatively and the officers are currently working on this. The officers of the Committee could be given the responsibility of periodically reviewing the progress of the work in the light of the time available. Depending on the progress of the work and having regard to the time factor, special measures could be taken to expedite the work when it is thought that the Committee is falling behind;

"The Committee should not take a formal decision on the documentation which will serve as a basis for its work. All the available documents—the documents of the Sea-Bed Committee and any others that may have been submitted officially or informally or which may be submitted during this session—may be used."

7. The Committee, upon nearing the completion of the first stage of its work, approved, at its 9th informal meeting on 15 August 1974, a proposal submitted by the Chairman on the organization of a second stage of its work. The proposal, as adopted, was contained in the following statement made by the Chairman at the 43rd meeting of the Committee on 23 August 1974:

"1. Priority will be given to the completion of the first stage of the Committee's work, namely the consideration of the informal working papers which still have to be discussed and their possible revision.

"2. Simultaneously, whenever time was available, the Committee will undertake a second reading of the items allocated to it, which will be regrouped as follows:

"GROUP I: item 2 (Territorial sea); item 4 (Straits used for international navigation); item 16 (Archipelagos); and item 3 (Contiguous zone). Item 17 (Enclosed and semi-enclosed seas), item 18 (Artificial islands and installations), and item 19 (Régime of islands) can also be discussed in so far as they relate to the other items included in this group.

"GROUP II: item 5 (Continental shelf); item 6 (Exclusive economic zone); item 7 (Coastal State preferential rights or other non-exclusive jurisdiction over resources beyond the territorial sea); item 10 (Rights and interests of shelf-locked States and States with narrow shelves or short coastlines); and item 11 (Rights and interests of States with broad shelves). Item 9 (Land-locked countries), item 17 (Enclosed and semi-enclosed seas), item 18 (Artificial islands and installations), and item 19 (Régime of islands) can also be discussed in so far as they relate to the other items included in this group.

"GROUP III: item 8 (High seas) and item 24 (Transmission from the high seas). Item 18 (Artificial islands and installations) and item 19 (Régime of islands) can also be discussed in so far as they relate to the other items included in this group.

"3. The aim of this second reading is to reduce, as far as possible, the number of alternative formulations in the working papers. Consequently, discussions should be focused on differences of substance, not on questions of drafting, except where new wording can help to combine alternative formulations.

"4. There will be an opportunity for delegations to introduce proposals in formal meetings of the Committee. It is to be hoped that these new proposals will be primarily designed to consolidate texts and thus reduce the number of variants. However, most of the work in the second stage will be carried out at informal meetings."

#### IV. WORK OF THE COMMITTEE

8. The Committee did not convene during the organizational session of the Conference held in New York from 3 to 15 December 1974.

9. During the second session of the Conference, the Second Committee held 46 formal meetings and 23 informal meetings.

10. In accordance with the agreement on the organization of its work, the Committee proceeded at its 2nd to 40th meetings to consider one by one the items allocated to it. At its 6th meeting on 17 July 1974, the Committee decided to limit participation in the debate to members of the Committee who had not been members of the sea-bed Committee and to members making new proposals or whose position with regard to particular issues had changed. The Committee further agreed that the members of the Committee could make statements relating to the new proposals submitted. At its 14th meeting on 23 July, the

Committee decided to limit the time allowed to each speaker to 15 minutes.

11. The Committee considered the following items: item 2—Territorial sea; item 3—Contiguous zone; item 4—Straits used for international navigation; item 5—Continental shelf; item 6—Exclusive economic zone beyond the territorial sea; item 7—Coastal State preferential rights or other non-exclusive jurisdiction over resources beyond the territorial sea; item 8—High seas; item 9—Land-locked countries; item 10—Rights and interests of shelf-locked States and States with narrow shelves or short coastlines; item 11—Rights and interests of States with broad shelves; item 16—Archipelagos; item 17—Enclosed and semi-enclosed seas; item 18—Artificial islands and installations; item 19—Régime of islands; and item 24—Transmission from the high seas.

12. An index to the summary records of the Second Committee is contained in appendix III.

13. In furtherance of the decision of the Committee on the organization of the first stage of its work, the officers prepared a series of 13 informal working papers in order to reflect in generally acceptable formulations the main trends which had emerged, with relation to the items allocated to the Committee, from the proposals submitted to the sea-bed Committee or to the Conference itself.

14. In a statement made at the 46th meeting of the Committee on 28 August 1974 (A/CONF.62/C.2/L.86), the Chairman recalled the procedure followed in the preparation and consideration of the informal working papers. As noted in that statement, the Committee considered these informal working papers at its informal meetings. Taking into account the observations and comments made by members of the Committee on both the substance and form of the informal working papers, the officers prepared two revisions of each paper.<sup>179</sup>

15. In accordance with its decision on the organization of the second stage of its work, the Committee completed a second reading, provision by provision, of the informal working paper on item 2—Territorial sea.

16. At its 46th meeting, the Committee decided to consolidate the 13 informal working papers into a single working document, which would form a basis for its future work. This working document has been issued as a separate document, under the symbol A/CONF.62/C.2/WP.1, which constitutes appendix I hereto.

#### V. DOCUMENTS BEFORE THE COMMITTEE

17. By paragraph 6 of resolution 3067 (XXVIII), the General Assembly referred to the Conference the reports of the sea-bed Committee and all other relevant documentation of the General Assembly and the Committee. The Second Committee thus had before it all the documentation from Sub-Committee II of the sea-bed Committee, and the documents submitted to the Conference which were relevant to the mandate of the Committee.

18. A list of the documents submitted to the Second Committee since the Committee was established and up to 28 August 1974 appears at the beginning of the present volume.

#### VI. FUTURE WORK OF THE COMMITTEE

19. In systematically considering the items allocated to it and preparing a series of informal working papers reflecting in generally acceptable formulations the main trends on each item, the Committee completed an essential phase of its work. The completion of this phase represents significant progress in the work of the Committee, bearing in mind the incomplete nature of the preparatory work on the items before the Committee.

#### VII. PRESENTATION OF THE STATEMENT ON THE WORK OF THE SECOND COMMITTEE

20. The Rapporteur, at the 46th meeting of the Committee, presented this statement to the Committee. At that meeting, the Committee took note of the statement.

<sup>179</sup>At its 4th informal meeting on 25 July 1974, the Committee decided to prepare no more than two revisions of any one informal working paper.

## APPENDIX I

*Working paper of the Second Committee: main trends*

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## INTRODUCTION

The sole purpose of this working paper is to reflect in generally acceptable formulations the main trends which have emerged from the proposals submitted either to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction or to the Third United Nations Conference on the Law of the Sea.

The inclusion of these formulations does not imply any opinion on the degree of support they have commanded either in the preparatory stage or in the proceedings of the Caracas session of the Conference. Moreover, it does not imply that all the proposals from which these formulations have been taken have been discussed in the Second Committee. The inclusion of a provision in this paper, whether or not only one formula appears, does not necessarily imply that there are no other opinions concerning these questions or that all or most delegations agree on the necessity for such a provision.

All the proposals submitted to the sea-bed Committee and to the Conference remain before the Second Committee and may be considered by it at any time. Thus, the preparation of this document and its acceptance by the Committee as a working paper in no way signifies that these proposals have been withdrawn.

Since the purpose of this paper is to focus the discussion of each of the items allocated to the Second Committee on the fundamental issues, leaving until later the consideration of supplementary rules and drafting points, the paper does not include all the proposals contained in the reports of the sea-bed Committee or submitted to the Conference.

It should be noted that with respect both to scientific research and to the prevention and control of pollution and other hazards to the marine environment, other proposals are under consideration in the Third Committee.

The question of the settlement of disputes will be examined under item 21 (settlement of disputes). The Committee will then consider, *inter alia*, whether to place all the provisions in a separate chapter or to include them in the relevant chapters.

### PART I. TERRITORIAL SEA (item 2)\*

#### 1. Nature and characteristics, including the question of the unity or plurality of régimes in the territorial sea

##### *Provision 1*

##### *Formula A*

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

\*For purely methodological reasons, the position of those delegations who make their acceptance of the territorial sea régime condi-

2. The sovereignty of a coastal State extends to the air space over the territorial sea as well as to its bed and subsoil.

3. This sovereignty is exercised subject to the provisions of these articles and to other rules of international law.

##### *Formula B*

1. The sovereignty of a coastal State extends beyond its coast and internal or archipelagic waters to an adjacent zone described as the territorial sea.

2. . . . (same as in formula A).

3. This sovereignty is exercised in accordance with the provisions of these articles and allows a plurality of régimes in the cases and for the purposes indicated hereinafter.

##### *Formula C*

1. The sovereignty of a coastal State extends beyond its land territory and internal waters, and in the case of archipelagic States, their archipelagic waters, over an adjacent belt of sea defined as the territorial sea.

2. . . . (same as in formula A).

3. . . . (same as in formula A).

#### 2. Historic waters

##### *Provision 2*

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.

##### *Provision 3*

No claim to historic waters shall include land territory or waters under the established sovereignty, sovereign rights or jurisdiction of another State.

#### 3. Limits

##### 3.1 *Question of the delimitation of the territorial sea; various aspects involved*

##### (a) NORMAL BASELINES

##### *Provision 4*

##### *Formula A*

Except where otherwise provided in these articles, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State.

tional upon the creation of an exclusive economic zone is not reflected as a trend in this paper.

*Formula B*

A coastal State may adopt its own method of drawing the baseline according to the topographical features of its coast.

In localities where the coastline is regular or the coast is low and flat, the method of natural baseline, i.e. taking the low-tide lines as the baselines, may be employed for measuring the breadth of the territorial sea.

*(b) STRAIGHT BASELINES**Provision 5**Formula A*

In localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial sea is measured.

*Formula B*

1. In localities where the coastline is indented or there are islands along the coast, the method of a series of straight baselines, i.e. taking the lines connecting the basepoints on the coast and the outermost islands as the baselines, may be employed for measuring the breadth of the territorial sea.

2. A coastal State with coasts of great lengths and complicated topography may employ the method of mixed baselines, i.e. drawing the baseline in turn by the methods provided for in article . . . and in this article to suit different conditions.

*Provision 6*

The drawing of such baselines must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the régime of internal waters.

*Provision 7**Formula A*

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.

*Formula B*

. . . (same as formula A) . . . or except where States have historically and consistently applied low-tide elevation for the purpose of drawing straight baselines.

*Provision 8*

Where the method of straight baselines is applicable under the provisions of paragraph . . . , account may be taken, in determining particular baselines, of economic interests peculiar to the region concerned, the reality and the importance of which are clearly evidenced by a long usage.

*Provision 9*

In localities where no stable low-water line exists along the coast due to continual process of alluvion and sedimentation and where the seas adjacent to the coast are so shallow as to be non-navigable by other than small boats and pertain to the character of inland waters, baselines shall be drawn linking appropriate points on the sea adjacent to the coast not exceeding the 10-fathom line.

*Provision 10*

The system of straight baselines may not be applied by a State in such a manner as to cut off from the high seas the territorial sea of another State.

*Provision 11*

The coastal State must clearly indicate straight baselines on charts, to which due publicity must be given.

*Provision 12*

1. Waters on the landward side of the baseline of the territorial sea form part of the internal waters of the State.

2. Where the establishment of a straight baseline in accordance with article . . . has the effect of enclosing as internal waters areas which previously had been considered as part of the territorial sea or of

the high seas, a right of innocent passage, as provided in articles . . . shall exist in those waters.

*(c) RIVERS**Provision 13*

If a river flows directly into the sea, the baseline shall be a straight line across the mouth of the river between points on the low-tide line of its banks.

*(d) BAYS, THE COASTS OF WHICH BELONG TO A SINGLE STATE**Provision 14*

1. This article (provisions 14 to 17) relates only to bays the coasts of which belong to a single State.

2. For the purposes of these articles, a bay is a well-marked indentation whose penetration is in such proportion to the width of its mouth as to contain land-locked waters and constitute more than a mere curvature of the coast. An indentation shall not, however, be regarded as a bay unless its area is as large as, or larger than, that of the semi-circle whose diameter is a line drawn across the mouth of that indentation.

3. For the purpose of measurement, the area of an indentation is that lying between the low-water mark around the shore of the indentation and a line joining the low-water marks of its natural entrance points. Where, because of the presence of islands, an indentation has more than one mouth, the semi-circle shall be drawn on a line as long as the sum total of the lengths of the lines across the different mouths. Islands within an indentation shall be included as if they were part of the water area of the indentation.

*Provision 15**Formula A*

If the distance between the low-water marks of the natural entrance points of a bay does not exceed 24 miles, a closing line may be drawn between these two low-water marks, and the waters enclosed thereby shall be considered as internal waters.

*Formula B*

If the distance between the low-water marks of the natural entrance points of a bay does not exceed . . . miles, a closing line may be drawn between these two low-water marks, and the waters enclosed thereby shall be considered as internal waters.

*Provision 16**Formula A*

Where the distance between the low-water marks of the natural entrance points of a bay exceeds 24 miles, a straight baseline of 24 miles shall be drawn within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.

*Formula B*

Where the distance between the low-water marks of the natural entrance points of a bay exceeds . . . miles, a straight baseline of . . . miles shall be drawn within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.

*(e) HISTORIC BAYS OR OTHER HISTORIC WATERS**Provision 17**Formula A*

The foregoing provisions shall not apply to so-called "historic" bays, or in any case where the straight baseline system provided for in article . . . is applied.

*Formula B*

In the absence of other applicable rules the baselines of the territorial sea are measured from the outer limits of historic bays or other historic waters.

*(f) PERMANENT HARBOUR WORKS**Provision 18**Formula A*

For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of the harbour system shall be regarded as forming part of the coast.

*Formula B*

For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form part of the harbour system and which are above water at high tide shall be regarded as forming part of the coast.

## (g) ROADSTEADS

*Provision 19*

Roadsteads which are normally used for the loading, unloading and anchoring of ships, and which would otherwise be situated wholly or partly outside the outer limit of the territorial sea, are included in the territorial sea. The coastal State must clearly demarcate such roadsteads and indicate them on charts together with their boundaries, to which due publicity must be given.

## (h) LOW-TIDE ELEVATIONS

*Provision 20*

1. A low-tide elevation is a naturally formed area of land which is surrounded by and above water at low tide but submerged at high tide. Where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the mainland or an island, the low-water line on that elevation may be used as the baseline for measuring the breadth of the territorial sea.

2. Where a low-tide elevation is wholly situated at a distance exceeding the breadth of the territorial sea from the mainland or an island, it has no territorial sea of its own.

## (i) DELIMITATION BETWEEN STATES WITH OPPOSITE OR ADJACENT COASTS

*Provision 21**Formula A*

Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The provisions of this paragraph shall not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance with this provision.

The line of delimitation between the territorial seas of two States lying opposite to each other or adjacent to each other shall be marked on large-scale charts officially recognized by the coastal States.

*Formula B*

Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line, every point of which is equidistant from the nearest points on the baselines . . . from which the breadth of the territorial seas of each of the two States is measured.

*Formula C*

1. Where the coasts of two or more States are adjacent and/or opposite, the delimitation of the boundary lines of the respective territorial seas shall be determined by agreement among them in accordance with equitable principles.

2. In the course of negotiations, the States may apply any one or a combination of delimitation methods appropriate for arriving at an equitable agreement, taking into account special circumstances . . .

3. The States shall make use of the methods envisaged in Article 33 of the United Nations Charter or other peaceful means and methods open to them, in order to resolve differences which may arise in the course of negotiations.

*Formula D*

Coastal States adjacent or opposite to each other shall define the boundaries between their territorial seas on the principles of mutual respect for sovereignty and territorial integrity, equality and reciprocity.

**3.2 Breadth of the territorial sea. Global or regional criteria. Open seas and oceans, semi-enclosed and enclosed seas**

## (a) BREADTH OF THE TERRITORIAL SEA

*Provision 22**Formula A*

Each State shall have the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines drawn in accordance with articles . . . of this Convention.

*Formula B*

Each State has the right to establish the breadth of its territorial sea up to a distance not exceeding 200 nautical miles, measured from the applicable baselines.

*Formula C*

The maximum limit provided in this article shall not apply to historic waters held by any State as its territorial sea.

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.

## (b) GLOBAL OR REGIONAL CRITERIA, OPEN SEAS AND OCEANS, SEMI-ENCLOSED AND ENCLOSED SEAS

*Provision 23**Formula A*

Global criterion.

*Formula B*

1. Each coastal State shall have the right to establish the limits of the adjacent sea subject to its sovereignty and jurisdiction, within the maximum distance referred to in paragraph 2 of this article, having regard to reasonable criteria which take into account the relevant geographical, geological, ecological, economic and social factors and interests relating to the preservation of the marine environment and national sovereignty.

2. In seas where the zone of sovereignty and jurisdiction of a coastal State can extend to a distance of 200 nautical miles, measured from the applicable baselines, without interfering with the zone of sovereignty and jurisdiction of another coastal State, that distance shall be recognized as the maximum outer limit applicable to the respective zones of sovereignty and jurisdiction.

*Formula C*

1. A coastal State shall have the right to determine the breadth of its territorial sea within a maximum limit of . . . nautical miles measured from applicable baselines drawn in accordance with the relevant articles of this Convention.

2. The right referred to in paragraph 1 shall not be exercised in such a manner as to cut off the territorial sea of another State or any part thereof from the high seas.

3. In areas of semi-closed seas, having special geographical characteristics, the breadth of the territorial seas shall be determined jointly by the States of that area.

**4. Innocent passage in the territorial sea**

## (a) RULES APPLICABLE TO ALL SHIPS

*Provision 24**Formula A*

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

*Formula B*

In territorial seas whose breadth exceeds 12 nautical miles, ships of all States, whether coastal or not, shall enjoy the right of innocent passage in the form prescribed in article . . . within a limit of . . . nautical miles measured from the applicable baselines.

Beyond this internal limit, ships shall enjoy freedom of passage subject to the provisions of provision 47.

## Provision 25

## Formula A

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

## Formula B

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

2. For the purposes of these articles the term "port" includes any harbour or roadstead normally used for the loading, unloading or anchoring of ships.

## Provision 26

Innocent passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by *force majeure* or by distress.

## Provision 27

## Formula A

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.

## Formula B

1. . . . (Same as formula A).

2. Passage of a foreign ship shall be considered to be prejudicial to the peace, good order or security of the coastal State, if in the territorial sea it engages in any threat or use of force in violation of the Charter of the United Nations against the territorial integrity or political independence of the coastal State or of any other State, or if it engages in any of the following activities:

- (i) Any other warlike act against the coastal or any other State;
- (ii) Any exercise or practice with weapons of any kind;
- (iii) The launching or taking on board of any aircraft;
- (iv) The launching, landing or taking on board of any military device;
- (v) The embarking or disembarking of any person or cargo;
- (vi) Any act of espionage affecting the defence or security of the coastal State;
- (vii) Any act of propaganda affecting the security of the coastal State;
- (viii) Any act of interference with any systems of communication of the coastal or any other State;
- (ix) Any act of interference with any other facility or installation of the coastal State;
- (x) Any other activity not having a direct bearing on passage.

3. Passage shall not be considered prejudicial to the peace, good order or security of the coastal State if any such activity is carried out with the prior authorization of the coastal State or as rendered necessary by *force majeure* or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress, or as may be prudent for safe navigation.

## Formula C

1. . . . (Same as formula A).

2. Passage of a foreign ship shall not be considered prejudicial to the peace, good order or security of the coastal State unless, in the territorial sea, it engages in any threat or use of force in violation of the Charter of the United Nations against the territorial integrity or political independence of the coastal State, or without authorization from the coastal State or justification under international law in any of the following activities:

- (a) Any exercise or practice with weapons of any kind;
- (b) The launching or taking on board of any aircraft;
- (c) The launching, landing or taking on board of any military device;
- (d) The embarking or disembarking of any person or cargo contrary to the customs, fiscal, immigration or sanitary laws or regulations of the coastal State;

(e) Any act aimed at interfering with any system of communication of the coastal State;

(f) Any act aimed at interfering with any other facilities or installations of the coastal State.

3. . . . (Same as formula B, para. 3).

## Provision 28

Passage shall be continuous and expeditious. Passing ships shall refrain from manoeuvring unnecessarily, hovering or engaging in any activity other than mere passage.

## Provision 29

## Formula A

1. Foreign ships exercising the right of innocent passage shall comply with the laws and regulations enacted by the coastal State in conformity with these articles and other rules of international law and, in particular, with such laws and regulations relating to transport and navigation.

2. 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 these vessels from fishing in the territorial sea.

## Formula B

1. The coastal State may make laws and regulations, in conformity with the provisions of this Convention and other rules of international law, relating to innocent passage through the territorial sea, 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, including the designation of sea lanes and the establishment of traffic separation schemes;
- (b) The protection of navigational aids and facilities and other facilities or installations including those for exploration and exploitation of the marine resources of the territorial sea and the sea-bed and subsoil thereof.
- (c) The protection of submarine or aerial cables and pipelines;
- (d) The conservation of the living resources of the sea;
- (e) The preservation of the environment of the coastal State, including the territorial sea, and the prevention of pollution thereto;
- (f) Research of the marine environment and hydrographic surveys;
- (g) The prevention of infringement of the customs, fiscal, immigration, quarantine or sanitary or phytosanitary regulations of the coastal State;
- (h) The prevention of infringement of the fisheries regulations of the coastal State, including *inter alia* those relating to the stowage of gear.

2. Such laws and regulations shall not

(a) Apply to or affect the design, construction, manning or equipment of foreign ships or matters regulated by generally accepted international rules unless specifically authorized by such rules; or

(b) Impose requirements on foreign ships which have the practical effect of denying or prejudicing the right of innocent passage in accordance with this Convention.

3. The coastal State shall give due publicity to all laws and regulations made by it under the provisions of this article.

4. Foreign ships exercising the right of innocent passage through the territorial sea shall comply with all such laws and regulations of the coastal State.

5. During their passage through the territorial sea, foreign ships, including marine research and hydrographic survey ships, may not carry out any research or survey activities without the prior authorization of the coastal State.

6. A coastal State may, where it considers it necessary having regard to the density of traffic concentration, require foreign ships exercising the right of innocent passage through its territorial sea to use such sea lanes and traffic separation schemes as may be designated or prescribed by the coastal State for the regulation of the passage of ships.

7. A coastal 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.

8. In the designation of sea lanes and the prescription of traffic separation schemes under the provisions of this article a coastal State shall take into account:

(a) The recommendations 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.

9. The coastal 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.

10. Foreign ships exercising the right of innocent passage through the territorial sea shall at all times, and particularly when using sea lanes and traffic separation schemes, designated or prescribed by the coastal State under the provisions of this article, comply with all generally accepted international regulations relating to the prevention of collisions at sea.

11. If in the application of its laws and regulations, a coastal State acts in a manner contrary to the provisions of these articles and loss or damage results to any foreign ship exercising the right of innocent passage through the territorial sea, the coastal State shall compensate the owners of such ship for that loss or damage.

#### Formula C

1. The coastal State may enact regulations relating to navigation in its territorial sea. Such regulations may relate, *inter alia*, to the following:

(a) Maritime safety and traffic and, in particular, the establishment of sea lanes and traffic separation schemes;

(b) Installation and utilization of facilities and systems of aids to navigation and the protection thereof;

(c) Installation and utilization of facilities to explore and exploit marine resources and the protection thereof;

(d) Maritime transport;

(e) Passage of ships with special characteristics;

(f) Preservation of marine and coastal environment and prevention of all forms of pollution;

(g) Research of the marine environment.

2. . . . (Same as formula B, para. 4).

#### Provision 30

#### Formula A

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

#### Formula B

Submarines and other underwater vehicles in innocent passage may be required to navigate on the surface and to show their flag.

#### Formula C

Submarines are required to navigate on the surface and to show their flag.

#### Provision 31

The coastal State shall not hamper the innocent passage of foreign ships through the territorial sea and, in particular, it shall not, in the application of these articles or of any laws or regulations made under the provisions of these articles, discriminate in form or in fact against the ships of any particular State or against ships carrying cargoes to, from or on behalf of any particular State.

#### Provision 32

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

#### Provision 33

The coastal State may take the necessary steps in its territorial sea to prevent passage which is not innocent.

#### Provision 34

#### Formula A

In the case of ships proceeding to internal waters, the coastal State shall also have the right to take the necessary steps to prevent any breach of the conditions to which admission of those ships to those waters is subject.

#### Formula B

In the case of ships proceeding to any port or internal waters, the coastal State shall also have the right to take the necessary steps to prevent any breach of the conditions to which admission of those ships to those waters is subject.

#### Provision 35

The coastal State may, without discrimination amongst foreign ships, suspend temporarily in specified areas of its territorial sea the innocent passage of foreign ships if such suspension is essential for the protection of its security. Such suspension shall take effect only after having been duly published.

#### (b) RULES APPLICABLE TO SHIPS WITH SPECIAL CHARACTERISTICS

#### Provision 36

#### Formula A

1. Tankers and ships carrying nuclear or other inherently dangerous or noxious substances or materials may be required to give prior notification of their passage to the coastal State and to confine their passage to such sea lanes as may be designated for that purpose by the coastal State.

2. For the purposes of this article, the term "tanker" includes any ship used for the carriage in bulk in a liquid state of petroleum, natural gas or any other highly inflammable, explosive or pollutive substance.

3. In order to expedite the passage of ships through the territorial sea the coastal State shall ensure that the procedures for notification under the provisions of this article shall be such as not to cause any undue delay.

1. The coastal State may regulate the passage through its territorial sea of the following:

(a) Nuclear-powered ships or ships carrying nuclear weapons;

(b) Marine research and hydrographic survey ships;

(c) Oil tankers and chemical tankers carrying harmful or noxious liquid substances in bulk;

(d) Ships carrying nuclear substances or materials.

2. The coastal State may require prior notification to or authorization by its competent authorities for the passage through its territorial sea of foreign ships mentioned in subparagraph (a) of paragraph 1.

3. The coastal State may require prior notification to its competent authorities for the passage through its territorial sea, except along designated sea lanes, of foreign ships mentioned in subparagraph (b) of paragraph 1.

4. The coastal State may require the passage through its territorial sea along designated sea lanes of foreign ships mentioned in subparagraphs (c) and (d) of paragraph 1, in conformity with article . . . (sea lanes and traffic separation schemes).

#### Provision 37

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.

#### (c) RULES APPLICABLE TO MERCHANT SHIPS

#### Provision 38

1. No charge may be levied upon foreign ships by reason only of their passage through the territorial sea.

2. Charges may be levied upon a foreign ship passing through the territorial sea as payment only for specific services rendered to the ship. These charges shall be levied without discrimination.

#### Provision 39

#### Formula A

1. The criminal jurisdiction of the coastal State should not be exercised 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 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 above provisions 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 internal waters.

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 internal waters.

#### *Formula B*

(a) (Same as formula A, except for para. 1 (d)):

"(d) If it is necessary for the suppression of illicit traffic in narcotic and psychotropic drugs."

#### *Provision 40*

1. The coastal State should 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 voyage through the waters of the coastal State.

3. The provisions of the previous paragraph 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 internal waters.

(d) RULES APPLICABLE TO GOVERNMENT SHIPS

(i) GOVERNMENT SHIPS OTHER THAN WARSHIPS

#### *Provision 41*

##### *Formula A*

The rules contained in . . . (provisions under subsections 4 (a) Rules applicable to all ships and 4 (c) Rules applicable to merchant ships) shall apply to government ships operated for commercial purposes.

##### *Formula B*

Government ships operated for commercial purposes in foreign territorial waters shall enjoy immunity, and therefore the measures referred to in this provision may be applied to them only with the consent of the State whose flag the ship flies.

#### *Provision 42*

1. The rules contained in . . . (provisions under subsection 4 (a) Rules applicable to all ships) and in article . . . (provision 38) shall apply to government ships operated for non-commercial purposes.

2. With such exceptions as are contained in the provisions referred to in the preceding paragraph, nothing in these articles affects the immunities which such ships enjoy under these articles or other rules of international law.

(ii) WARSHIPS

#### *Provision 43*

1. For the purpose of this article, the term "warship" means a ship belonging to the armed forces of a State bearing the external marks distinguishing such ships of its nationality, under the command of an

officer duly commissioned by the Government of the 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 . . . (provisions under subsection 4 (a) Rules applicable to all ships) shall apply to warships.

#### *Provision 44*

##### *Formula A*

If any warship does not comply with the regulations for the coastal State concerning passage through the territorial sea and disregards any request for compliance which is made to it, the coastal State may require the warship to leave the territorial sea.

##### *Formula B*

1. 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.

2. 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 1, 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 safe and expeditious route as may be directed by the coastal State.

##### *Formula C*

1. The coastal State may require prior notification to or authorization by its competent authorities for the passage of foreign warships through its territorial sea, in conformity with regulations in force in such a State.

2. Foreign warships exercising the right of innocent passage shall not perform any activity which does not have a direct bearing on the passage, such as:

- (a) Carrying out any exercise or practice with weapons of any kind;
- (b) Assumption of combat position by the crew;
- (c) Flying their aircraft;
- (d) Intimidation or display of force;
- (e) Carrying out research operations of any kind.

3. . . . (Same as formula A).

#### *Provision 45*

Subject to articles . . . (provisions 43, 44 and 46), nothing in these provisions affects the immunities which warships enjoy under these provisions or other rules of international law.

(iii) STATE RESPONSIBILITY FOR GOVERNMENT SHIPS

#### *Provision 46*

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 ships flying its flag), international responsibility shall be borne by the flag State of the ship causing the damage.

### **5. Freedom of navigation and overflight resulting from the question of plurality of régimes in the territorial sea**

#### *Provision 47*

1. In territorial seas whose breadth exceeds 12 nautical miles, ships of all States, whether coastal or not, shall enjoy the right of innocent passage in the form prescribed in article . . . within a limit of . . . nautical miles measured from the applicable baselines.

2. Beyond this internal limit, ships shall enjoy freedom of passage subject to the duties of peaceful coexistence and good neighbourliness and also the provisions adopted by the coastal State with regard to the exploration, conservation and exploitation of resources, the preservation of the marine environment, scientific research, the emplacement of installations and the security of navigation and maritime transport.

3. In accordance with the duties referred to in paragraph 2 of this article, ships in transit shall abstain from any activities that may be prejudicial to the coastal State, such as an exercise or practice with

weapons or explosives, the launching or taking on board of military devices, the embarking or disembarking of persons or cargo contrary to the customs, fiscal, immigration or sanitary provisions of the coastal State, any act of propaganda, espionage or interference with systems of communication, and other activities not having a direct bearing on passage.

4. Where appropriate, the provisions of paragraphs 2 and 3 of this article shall also apply to the passage of aircraft.

5. The provisions of the coastal State for the purposes referred to in paragraph 2 of this article shall not affect the legitimate and normal exercise of the rights enjoyed by other States with regard to navigation, overflight and other means of international communication in accordance with the provisions of this Convention.

## PART II. CONTIGUOUS ZONE (item 3)\*

### 1. Nature and characteristics

#### 2. Limits

##### *Provision 48*

##### *Formula A*

The contiguous zone may not extend beyond 12 miles from the baseline from which the breadth of the territorial sea is measured.

##### *Formula B*

The coastal State may establish a contiguous zone extending beyond its territorial sea of 12 miles to a distance of . . . nautical miles measured from the applicable baseline.

##### *Provision 49*

Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its contiguous zone beyond the median line, every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of the two States is measured.

### 3. Rights of coastal States with regard to national security, customs and fiscal control, sanitation and immigration regulations

##### *Provision 50*

##### *Formula A*

In a zone of the high seas contiguous to its territorial sea, the coastal State may exercise the control necessary to:

(a) Prevent infringement of its customs, fiscal, immigration or sanitary regulations within its territory or territorial sea;

(b) Punish infringement of the above regulations committed within its territory or territorial sea.

##### *Formula B*

In an area within the economic zone, the outer limits of which do not exceed . . . nautical miles beyond the territorial sea, the coastal State may exercise the control necessary to:

(a) . . . (Same as in formula A);

(b) . . . (Same as in formula A).

## PART III. STRAITS USED FOR INTERNATIONAL NAVIGATION (item 4)†

##### *Provision 51*

##### *Formula A*

1. This article applies to any strait or other stretch of water, whatever its geographical name, which:

\*For some delegations the establishment of an exclusive economic zone and for others the establishment of a 12-mile territorial sea would render the concept of a contiguous zone unnecessary; for some delegations the area contiguous to the territorial sea up to 200 miles is not a zone of the high seas. For purely methodological reasons these trends are not reflected in part II.

†For some delegations, straits used for international navigation which are part of the territorial sea of one or more States, fall, except

(a) Is used for international navigation;

(b) Connects two parts of the high seas.

2. "Straits State" means any State bordering a strait to which these provisions apply.

##### *Formula B*

This article applies to any strait or other stretch of water, whatever its geographical name, which:

(a) Is used for international navigation;

(b) Connects:

(i) Two parts of the high seas; or

(ii) The high seas with the territorial sea of one or more foreign States.

##### *Formula C*

These articles apply to any strait which is used for international navigation and forms part of the territorial sea of one or more States.

##### *Formula D*

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.

### 1. Innocent passage

##### *Provision 52*

##### *Formula A*

Subject to the provisions of article . . . (provision 54), the passage of foreign ships through straits shall be governed by the rules contained in part . . . (Right of innocent passage through the territorial sea).

##### *Formula B*

1. The provisions . . . (Right of innocent passage through the territorial sea) apply to straits used for international navigation not wider than six miles between the baselines.

2. There shall be no suspension of innocent passage of foreign ships through such straits.

##### *Formula C*

In the case of straits leading from the high seas to the territorial sea of one or more foreign States and used for international navigation, the principle of innocent passage for all ships shall apply and this passage shall not be suspended.

##### *Formula D*

A strait lying within the territorial sea, whether or not it is frequently used for international navigation, forms an inseparable part of the territorial sea of the coastal State.

##### *Formula E*

1. In straits used for international navigation between one part of the high seas and another part of the high seas or between one part of the high seas and the territorial sea of a foreign State, other than those straits in which the régime of transit passage applies in accordance with article . . . (provision 57, formula B), the régime of innocent passage in accordance with the provisions . . . (Right of innocent passage through the territorial sea) shall apply, subject to the provisions of this article.

2. There shall be no suspension of the innocent passage of foreign ships through such straits.

3. The provision of article . . . (Sea lanes) shall apply in such straits.

##### *Provision 53*

Nothing in this chapter shall affect any areas of high seas within a strait.

for some specific rules contained in provision 53, under the same legal régime as that of any other portion of the territorial sea. As a result, the position of these delegations is reflected in the provisions on innocent passage in the territorial sea appearing in part I, especially in provisions 25 to 29 and provision 44, formula C.

For certain delegations the question of passage of military aircraft in transit over straits should not be included in this paper or in a convention on the law of the sea.



*Provision 54*

1. Passage of foreign merchant ships through straits shall be presumed to be innocent.
2. There shall be no suspension of innocent passage of foreign ships through such straits.
3. The coastal State shall not hamper the innocent passage of foreign ships through the territorial sea in straits and shall make every effort to ensure speedy and expeditious passage; in particular it shall not discriminate, in form or in fact, against the ships of any particular State or against ships carrying cargoes or passengers to, from and on behalf of any particular State.
4. The coastal State shall not place in navigational channels in a strait facilities, structures or devices of any kind which could hamper or obstruct the passage of ships through such strait. The coastal State is required to give appropriate publicity to any obstacle or danger to navigation, of which it has knowledge, within the strait.

*Provision 55*

(Part I, provision 36, formula B)

*Provision 56*

(Part I, provisions 44 and 45)

## 2. Other related matters including the question of the right of transit

*Provision 57**Formula A*

1. In straits used for international navigation between one part of the high seas and another part of the high seas or the territorial sea of a foreign State, all ships and aircraft in transit, shall enjoy the same freedom of navigation and overflight, for the purpose of transit through and over such straits, as they have on the high seas. Coastal States may designate corridors suitable for transit by all ships and aircraft through and over such straits. In the case of straits where particular channels of navigation are customarily employed by ships in transit, the corridors, so far as ships are concerned, shall include such channels.
2. The provisions of this article shall not affect Conventions or other international agreements already in force specifically relating to particular straits.

*Formula B*

1. In straits to which this article applies, all ships and aircraft enjoy the right of transit passage, which shall not be impeded.
2. Transit passage is the exercise in accordance with the provisions of this chapter of the freedom of navigation and overflight solely for the purpose of continuous and expeditious transit of the strait between one part of the high seas and another part of the high seas or a State bordering the strait.
3. (Provision 51, formula A, paragraph 1).
4. Transit passage shall apply in a strait only to the extent that:
  - (a) An equally suitable high seas route does not exist through the strait; or
  - (b) If the strait is formed by an island of the coastal State, an equally suitable high seas passage does not exist seaward of the island.

*Formula C*

1. In straits used for international navigation between one part of the high seas and another part of the high seas, all ships in transit shall enjoy equally the freedom of navigation for the purpose of transit passage through such straits.
2. In the case of straits over which the air space is traditionally used for transit flights by foreign aircraft between one part of the high seas and another part of the high seas, all aircraft shall enjoy equally freedom of transit overflight over such straits.

*Formula D*

1. . . . (Same as formula B, para. 1).
2. . . . (Same as formula B, para. 2).
3. This article applies to any strait or other stretch of water which is more than six miles wide between the baselines, whatever its geographical name, which:

- (a) Is used for international navigation;
  - (b) Connects two parts of the high seas.
4. . . . (Same as formula B, para. 4).

*Provision 58**Formula A*

1. Ships and aircraft, while exercising the right of transit passage shall:
  - (a) Proceed without delay through the strait and shall not engage in any activities other than those incident to their normal modes of transit;
  - (b) Refrain from any threat or use of force in violation of the Charter of the United Nations against the territorial integrity or political independence of an adjacent straits State.
2. Ships in transit shall:
  - (a) Comply with generally accepted international regulations, procedures and practices for safety at sea, including the International Regulations for Preventing Collisions at Sea of 1972;
  - (b) Comply with generally accepted international regulations, procedures and practices for the prevention and control of pollution from ships.
3. Aircraft in transit shall:
  - (a) Observe rules of the air established by the International Civil Aviation Organization under the Chicago Convention as they apply to civil aircraft; State aircraft will normally comply with such safety measures and will at all times operate with due regard for the safety of navigation;
  - (b) At all times monitor the radio frequency assigned by the appropriate internationally designated air traffic control authority or the appropriate international distress radio frequency.

*Formula B*

1. The freedom of navigation provided for in this article for the purpose of transit passage through straits shall be exercised in accordance with the following rules:
  - (a) Ships in transit through the straits shall not cause any threat to the security of the coastal States of the straits, or to their territorial inviolability or political independence. Warships in transit through such straits shall not in the area of the straits engage in any exercises or gunfire, use weapons of any kind, launch or land their aircraft, undertake hydrographical work or engage in other similar acts unrelated to the transit. In the event of any accidents, unforeseen stops in the straits or any acts rendered necessary by *force majeure*, all ships shall inform the coastal States of the straits;
  - (b) Ships in transit through the straits shall strictly comply with the international rules concerning the prevention of collisions between ships or other accidents;
  - (c) Ships in transit through the straits shall take all precautionary measures to avoid causing pollution of the waters and coasts of the straits, or any other kind of damage to the coastal States of the straits. Super-tankers in transit through the straits shall take special precautionary measures to ensure the safety of navigation and to avoid causing pollution.
2. The freedom of transit overflight by aircraft over the straits as provided for in this chapter shall be exercised in accordance with the following rules:
  - (a) Overflying aircraft shall take the necessary steps to keep within the boundaries of the corridors and at the altitude designated by the coastal State for flights over the straits, and to avoid overflying the land territory of a coastal State unless such overflight is provided for by the delimitation of the corridor designated by the coastal State;
  - (b) Overflying aircraft shall not cause any threat to the security of the coastal States, their territorial inviolability or political independence; in particular military aircraft shall not in the area of the straits engage in any exercises or gunfire, use weapons of any kind, take aerial photographs, circle or dive down towards ships, take on fuel or engage in other similar acts unrelated to overflight.

*Provision 59**Formula A*

1. In conformity with this chapter, a straits State may designate sea lanes and prescribe traffic separation schemes for navigation in the straits where necessary to promote the safe passage of ships.

2. A straits State may, when circumstances require and after giving due publicity to its decision, substitute other sea lanes or traffic separation schemes for any previously designated or prescribed by it.

3. Before designating sea lanes or prescribing traffic separation schemes, a straits State shall refer proposals to the competent international organization and shall designate such sea lanes or prescribe such separation schemes only as approved by that organization.

4. The straits State shall clearly indicate all sea lanes and separation schemes designated or prescribed by it on charts to which due publicity shall be given.

5. Ships in transit shall respect applicable sea lanes and separation schemes established in accordance with this article.

#### *Formula B*

1. In the case of narrow straits or straits where such provision is necessary to ensure the safety of navigation, coastal States may designate corridors suitable for transit by all ships through such straits. In the case of straits where particular channels of navigation are customarily employed by ships in transit, the corridors shall include such channels. In the case of any change of such corridors, the coastal State shall give notification of this to all other States in advance.

2. In all straits where there is heavy traffic, the coastal State may, on the basis of recommendations by the Inter-Governmental Maritime Consultative Organization, designate a two-way traffic separation governing passage, with a clearly indicated dividing line. All ships shall observe the established order of traffic and the dividing line. They shall also avoid making unnecessary manoeuvres.

3. Coastal States may designate special air corridors suitable for overflight by aircraft, and special altitudes for aircraft flying in different directions, and may establish particulars for radio communication with them.

#### *Provision 60*

#### *Formula A*

A straits State shall not hamper transit passage and shall give appropriate publicity to any danger to navigation or overflight within or over the strait of which it has knowledge. There shall be no suspension of transit passage.

#### *Formula B*

1. No State shall be entitled to interrupt or suspend the transit of ships through the straits or engage therein in any acts which interfere with the transit of ships, or require ships in transit to stop or communicate information of any kind.

2. The coastal State shall not place in the straits any installations which could interfere with or hinder the transit of ships.

3. No State shall be entitled to interrupt or suspend the transit overflight of aircraft, in accordance with this article, in the air space over the straits.

#### *Provision 61*

The provisions of this chapter shall not affect the sovereign rights of the coastal States with respect to the surface, the sea-bed and the living and mineral resources of the straits.

#### *Provision 62*

1. Subject to the provisions of this article, a straits State may make laws and regulations:

(a) In conformity with the provisions of article . . . (provision 59, formula A);

(b) Giving effect to applicable international regulations regarding the discharge of oil, oily wastes and other noxious substances in the straits.

2. Such laws and regulations shall not discriminate in form or in fact among foreign ships.

3. The straits State shall give due publicity to all such laws and regulations.

4. Foreign ships exercising the right of transit passage shall comply with such laws and regulations of the straits State.

5. If a ship entitled to sovereign immunity does not comply with any such laws or regulations and damage to the straits State results, the flag State shall in accordance with article . . . (provision 63, formula A and provision 64) be responsible for any such damage caused to the straits State.

#### *Provision 63*

#### *Formula A*

Responsibility for any damage caused to a straits State resulting from acts in contravention of this chapter by any ship or aircraft entitled to sovereign immunity shall be borne by the flag State.

#### *Formula B*

Liability for any damage which may be caused to the coastal States of the straits, their citizens or juridical persons by the ship in transit, shall rest with the owner of the ship or other person liable for the damage, and in the event that such compensation is not paid by them for such damage, with the flag State of the ship.

#### *Provision 64*

If a straits State acts in a manner contrary to the provisions of this chapter and loss or damage to a foreign ship or aircraft results, the straits State shall compensate the owners of the vessel or aircraft for that loss or damage.

#### *Provision 65*

Liability for any damage which may be caused to the coastal States of the straits or their citizens or juridical persons by the aircraft overflying the straits shall rest with the owner of the aircraft or other person liable for the damage and in the event that compensation is not paid by them for such damage, with the State in which the aircraft is registered.

#### *Provision 66*

#### *Formula A*

The provisions of this chapter shall not affect the legal régimes of straits through and over which transit and overflight are regulated by international agreements, specifically relating to such straits.

#### *Formula B*

The provisions of this chapter shall not affect obligations under the Charter of the United Nations or under conventions or other international agreements already in force relating to a particular strait.

#### *Provision 67*

User States and straits States should by agreement co-operate in the establishment and maintenance in a strait of necessary navigation and safety aids or other improvements in aid of international navigation or for the prevention and control of pollution from ships.

### PART IV. CONTINENTAL SHELF (item 5)\*

#### *Provision 68*

#### *Formula A*

The term "continental shelf" means the sea-bed and subsoil of submarine areas adjacent to the coast but outside the area of the territorial sea, to the outer limits of the continental rise bordering on the ocean basin or abyssal floor.

#### *Formula B*

The continental shelf of a coastal State extends beyond its territorial sea to a distance of 200 miles from the applicable baselines and throughout the natural prolongation of its land territory where such natural prolongation extends beyond 200 miles.

#### *Formula C*

. . . (Same as formula B) . . . to the outer limit of its continental margin, as precisely defined and delimited in accordance with article . . .

#### *Formula D*

The continental shelf comprises the sea-bed and subsoil of the submarine areas adjacent to the territory of the State but outside the area of the territorial sea, up to the outer lower edge of the continental

\*For purely methodological reasons the position of delegations for whom the acceptance of an economic zone would entail the elimination of the legal concept of the continental shelf is not reflected as a trend in part IV. For those delegations the concept of the continental shelf will be subsumed under the concept of the economic zone and any portion of the continental shelf which extends beyond the economic zone shall fall under the international area.

margin which adjoins the abyssal plains area and, when that edge is at a distance of less than 200 miles from the coast, up to this last distance.

### I. Nature and scope of the sovereign rights of coastal States over the continental shelf. Duties of States

#### *Provision 69*

##### *Formula A*

The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.

##### *Formula B*

The sovereignty of a coastal State extends to its continental shelf.

#### *Provision 70*

The rights referred to in paragraph . . . (provision 69, formula A) 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.

#### *Provision 71*

The rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation.

#### *Provision 72*

##### *Formula A*

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

##### *Formula B*

The delineation of the course for laying submarine cables and pipelines on the continental shelf by a foreign State is subject to the consent of the coastal State.

##### *Formula C*

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

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.

When laying submarine cables and pipelines due regard shall be paid to cables and pipelines already in position on the sea-bed. In particular, possibilities of repairing existing cables or pipelines shall not be prejudiced.

#### *Provision 73*

##### *Formula A*

The exploration of the continental shelf and the exploitation of its natural resources must not result in any unjustifiable interference with navigation, fishing or the conservation of the living resources of the sea, nor result in any interference with fundamental oceanographic or other scientific research carried out with the intention of open publication.

Neither the installations or devices, nor the safety zones around them, may be established where interference may be caused to the use of recognized sea lanes essential to international navigation.

##### *Formula B*

The exercise of the coastal State's rights over the continental shelf shall not result in any unjustifiable interference with the freedom of navigation in the superjacent waters and of overflight in the superjacent air space, nor shall it impede the use of recognized lanes essential to international navigation.

##### *Formula C*

The coastal State shall exercise its rights and perform its duties without unjustifiable interference with navigation or other uses of the

sea, and ensure compliance with applicable international standards established by the appropriate international organizations for this purpose.

#### *Provision 74*

##### *Formula A*

The coastal State is entitled to construct, maintain or operate on or over the continental shelf installations and other devices necessary for the exercise of its rights over the same, to establish safety zones around such devices and installations, and to take in those zones measures necessary for their protection. Ships of all nationalities shall respect these safety zones, which may extend up to . . . around the installations or devices.

##### *Formula B*

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 installations which may interfere with the exercise of the rights of the coastal State.

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.

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-Governmental 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.

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.

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.

#### *Provision 75*

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

#### *Provision 76*

##### *Formula A*

Such installations and devices, though under the jurisdiction of the coastal State, do not possess the status of islands. They have no territorial sea of their own, and their presence does not affect the delimitation of the territorial sea of the coastal State.

##### *Formula B*

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.

#### *Provision 77*

##### *Formula A*

The establishment of any other type of installation by third States or their nationals is subject to the permission of the coastal State.

##### *Formula B*

No State shall be entitled to construct, maintain, deploy or operate on the continental shelf of another State any military installations or devices or any other installations for whatever purposes without the consent of the coastal State.

*Provision 78**Formula A*

The coastal State is obliged to undertake, in the safety zones, all appropriate measures for the protection of the living resources of the sea from harmful agents.

*Formula B*

In exercising its rights with respect to installations and sea-bed activities, the coastal State shall take all appropriate measures in the economic zone for the protection of the marine environment from pollution in connexion with such installations and activities, and ensure compliance with international minimum standards for this purpose established in accordance with the provisions of chapter . . . (Pollution).

The coastal State shall have the exclusive right to authorize and regulate drilling on the continental shelf for all purposes.

*Provision 79*

The provisions of these articles shall not prejudice the right of the coastal State to exploit the subsoil by means of tunnelling irrespective of the depth of water above the subsoil.

*Provision 80**Formula A*

1. A coastal State shall make contributions to the International Authority out of the revenues derived from exploitation of the non-living resources of its . . . zone in accordance with the following paragraph.

2. The rate of contribution shall be . . . per cent of the revenues from exploitation carried out within 40 miles or the 200-metre isobath of the . . . zone, whichever limit the coastal State may choose to adopt, and . . . per cent of the revenues from exploitation carried out beyond 40 miles or the 200-metre isobath within the . . . zone.

3. The International Authority shall distribute these contributions on the basis of equitable sharing criteria.

*Formula B*

The coastal State in the exercise of its rights with respect to the non-renewable natural resources of the continental shelf:

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

**2. Outer limit of the continental shelf: applicable criteria***Provision 81**Formula A*

(Provision 68, formula A)

*Formula B*

(Provision 68, formula B)

*Formula C*

(Provision 68, formula C)

*Formula D*

(Provision 68, formula D)

*Formula E*

[The outer limit of the continental shelf] 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.

*Formula F*

By virtue of the principle that the continental shelf is the natural prolongation of the continental territory, a coastal State may reasonably define, according to its specific geographical conditions, the limits of the continental shelf under its exclusive jurisdiction beyond its territorial sea or economic zone. The maximum limits of such continental shelf may be determined among States through consultations.

*Formula G*

1. The outer limit of the continental shelf may be established by the coastal State within the 500-metre isobath.

2. In areas where the 500-metre isobath referred to in paragraph 1 hereof is situated at a distance less than 200 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 200 nautical miles.

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 paragraph 2 hereof.

*Formula H*

The outer limit of the continental shelf shall not exceed a maximum distance of 200 nautical miles from the baseline for measuring the breadth of the territorial sea as set out in . . .

**3. Questions of the delimitation between States; various aspects involved***Provision 82**Formula A*

1. Where the same continental shelf is adjacent to the territories of two or more States whose coasts are opposite each other, the boundary of the continental shelf appertaining to such States shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary is the median line, every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea of each State is measured.

2. Where the same continental shelf is adjacent to the territories of two adjacent States, the boundary of the continental shelf shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary shall be determined by application of the principle of equidistance from the nearest points of the baselines from which the breadth of the territorial sea of each State is measured.

3. In delimiting the boundaries of the continental shelf, any lines which are drawn in accordance with the principles set out in paragraphs 1 and 2 of this provision should be defined with reference to charts and geographical features as they exist at a particular date, and reference should be made to fixed permanent identifiable points on the land.

*Formula B*

1. Where the coasts of two or more States are adjacent and/or opposite, the continental shelf areas appertaining to each State shall be determined by agreement among them, in accordance with equitable principles.

2. In the course of negotiations, the States shall take into account all the relevant factors . . .

3. The States shall make use of any of the methods envisaged in Article 33 of the Charter of the United Nations, as well as those established under international agreements to which they are parties, or other peaceful means open to them, in case any of the parties refuses to enter into or continue negotiations or in order to resolve differences which may arise during such negotiations.

4. The States may decide to apply any one or a combination of methods and principles appropriate for arriving at an equitable delimitation based on agreement.

*Formula C*

1. Where the coasts of two or more States are adjacent or opposite to each other, the delimitation of the boundary of the continental shelf appertaining to such States shall be determined by agreement between them, taking into account the principle of equidistance.

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, . . . from which the breadth of the territorial sea of each of the two States is measured.

*Formula D*

1. The delimitation of the continental shelf or the exclusive economic zone between adjacent and/or opposite States must be done by agreement between them, in accordance with an equitable dividing

line, the median or equidistance line not being necessarily the only method of delimitation.

2. For this purpose, special account should be taken of geological and geomorphological criteria, as well as of all the special circumstances, including the existence of islands or islets in the area to be delimited.

*Provision 83*

Where there is an agreement between the States concerned, questions relating to the delimitation of their (economic zones—patrimonial seas) and their sea-bed areas shall be determined in accordance with the provisions of that agreement.

*Provision 84*

No State shall by reason of this Convention claim or exercise rights over the natural resources of any area of the sea-bed and subsoil over which another State had, under international law immediately before the coming into force of this Convention, sovereign rights for the purpose of exploring it or exploiting its natural resources.

**4. Natural resources of the continental shelf**

*Provision 85*

The natural resources referred to in these provisions consist of the mineral and other non-living resources of the sea-bed and subsoil, together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the sea-bed or are unable to move except in constant physical contact with the sea-bed or the subsoil.

**5. Régime for waters superjacent to the continental shelf**

*Provision 86*

*Formula A*

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

*Formula B*

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

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.

**6. Scientific research**

*Provision 87*

*Formula A*

The consent of the coastal State shall be obtained in respect of any research concerning the continental shelf and undertaken there. Nevertheless, the coastal State shall not normally withhold its consent if the request is submitted by a qualified institution with a view to purely scientific research into the physical or biological characteristics of the continental shelf, subject to the proviso that the coastal State shall have the right, if it so desires, to participate or to be represented in the research, and that in any event the results shall be published.

*Formula B*

The coastal State may authorize scientific research activities on the continental shelf; it is entitled to participate in them and to receive 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.

**PART V. EXCLUSIVE ECONOMIC ZONE BEYOND  
THE TERRITORIAL SEA (item 6) \***

*Provision 88*

Coastal States have the right to establish beyond their territorial sea an exclusive economic zone . . .

\*For purely methodological reasons, the position of those delegations for whom the concept of an exclusive economic zone would be subsumed in a territorial sea extending up to 200 miles, is not reflected as a trend in part V.

. . . for the benefit of their peoples and their respective economies . . .

*Provision 89*

*Formula A*

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.

*Formula B*

In respect of a territory whose people have attained neither full independence nor some other self-governing status following an act of self-determination under the auspices of the United Nations, the rights to the resources of the economic zone created in respect of that territory and to the resources of its continental shelf are vested in the inhabitants of that territory to be exercised by them for their benefit and in accordance with their needs and requirements. Such rights may not be assumed, exercised or profited from or in any way infringed by a metropolitan or foreign Power administering or occupying that territory.

**1. Nature and characteristics, including rights and jurisdiction of coastal States in relation to resources, pollution control and scientific research in the zone. Duties of States**

*Provision 90*

*Formula A*

The coastal State has sovereign rights over the renewable and non-renewable natural resources which are found in the waters, in the sea-bed and in the subsoil of an area adjacent to the territorial sea called the patrimonial sea.

The coastal State has the right to adopt the necessary measures to ensure its sovereignty over the resources and prevent marine pollution of its patrimonial sea.

The coastal State has the duty to promote and the right to regulate the conduct of scientific research within the patrimonial sea.

. . . The coastal State shall authorize and regulate the emplacement and use of artificial islands and any kind of facilities on the surface of the sea, in the water column and on the sea-bed and subsoil of the patrimonial sea.

*Formula B*

1. (a) In the exclusive economic zone a coastal State shall have sovereignty over the living and non-living resources. It shall have sovereign rights for the purpose of regulation, control, exploration, exploitation, protection and preservation of all living and non-living resources therein.

(b) The resources referred to in subparagraph (a) above shall encompass the living and non-living resources of the water column, the sea-bed and the subsoil.

(c) Subject to article . . . (provision 94, formula A), no other State has the right to explore and exploit the resources therein without the consent or agreement of the coastal State.

2. 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.

3. 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 offshore 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.

#### Formula C

1. 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 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.

2. 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 off-shore artificial islands and other installations for purposes of the exploration and exploitation of the non-renewable resources thereof.

3. A coastal State may establish a reasonable area of safety zones around its off-shore 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.

#### Formula D

1. The coastal State exercises in and throughout an area beyond and adjacent to its territorial sea, known as the exclusive economic zone: (a) sovereign rights for the purpose of exploring and exploiting the natural resources, whether renewable or non-renewable, of the sea-bed and subsoil and the superjacent waters; (b) the other rights and duties specified in these articles with regard to the protection and preservation of the marine environment and the conduct of scientific research. The exercise of these rights shall be without prejudice to article . . . (Continental shelf).

2. . . . The emplacement and use of artificial islands and other installations on the surface of the sea, in the waters and on the sea-bed and subsoil of the economic zone, shall be subject to the authorization and regulation of the coastal State.

#### Formula E

1. (a) The coastal State exercises in and throughout an area beyond and adjacent to its territorial sea, known as the economic zone, the jurisdiction and the sovereign and exclusive rights set forth in this chapter for the purpose of exploring and exploiting the natural resources, whether renewable or non-renewable, of the sea-bed and subsoil and the superjacent waters.

(b) The coastal State exercises in the economic zone the other rights and duties specified in this Convention, including those with regard to the protection and preservation of the marine environment and the conduct of scientific research.

(c) The exercise of these rights shall be in conformity with and subject to the provisions of this Convention, and shall be without prejudice to the provisions of part III of this chapter.

2. (a) The coastal State shall have the exclusive right to authorize and regulate in the economic zone, 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 in the economic zone.

(b) 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.

(c) The provisions of article . . . (Installations) shall apply *mutatis mutandis* to such artificial islands and installations.

3. The coastal State shall have the exclusive right to authorize and regulate drilling for all purposes in the economic zone.

4. With respect to activities subject to its sovereign or exclusive rights, the coastal State may take such measures in the economic zone as may be necessary to ensure compliance with its laws and regulations in conformity with the provisions of this Convention.

#### Provision 91

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.

#### Provision 92

#### Formula A

The coastal State shall exercise its rights and obligations in the economic zone in accordance with the provisions of this Convention, with due regard to other legitimate uses of the high seas and bearing in mind the need for a rational exploitation of the natural resources of the sea and the preservation of the sea environment.

#### Formula B

1. The coastal State shall exercise its rights and perform its duties in the economic zone without unjustifiable interference with navigation or other uses of the sea, and ensure compliance with applicable international standards established by the appropriate international organizations for this purpose.

2. In exercising their rights, States shall not unjustifiably interfere with the exercise of the rights or the performance of the duties of the coastal State in the economic zone.

#### Provision 93

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

#### Provision 94

#### Formula A

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.

#### Formula B

1. The régime applicable to any economic zone or patrimonial sea provided for in article . . . of this Convention shall be subject to the rights of developing geographically disadvantaged States as contained in articles . . .

2. In any region where there are geographically disadvantaged States, the nationals of such States shall have the right to exploit the renewable resources within the economic zones or patrimonial seas of the region for the purpose of fostering the development of their fishing industry and satisfying the nutritional needs of such populations.

3. The States of the region shall co-operate to the fullest extent in order to secure the enjoyment of this right.

#### Formula C

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.

#### Formula D

1. Land-locked and other geographically disadvantaged States shall have the right to participate in the exploration and exploitation of the living resources of the . . . zone of neighbouring coastal States on

an equal and non-discriminatory basis. For the purpose of facilitating the orderly development and the rational exploitation of the living resources of the particular zones, the States concerned may decide upon appropriate arrangements to regulate the exploitation of the resources in those zones.

2. Land-locked and other geographically disadvantaged States shall have the right to participate in the exploration and exploitation of the non-living resources of the . . . zone of neighbouring coastal States on an equal and non-discriminatory basis. Equitable arrangements for the exercise of this right shall be made by the States concerned.

3. The expression "neighbouring coastal States" not only refers to States adjacent to each other, but also includes States of a region situated within reasonable proximity to a land-locked or other geographically disadvantaged State.

*Provision 95*

*Formula A*

1. All States deriving revenues from the exploitation of the non-living resources of the . . . zone shall make contributions to the International Authority at the rate of . . . per cent of the net revenues.

2. The International Authority shall distribute these contributions on the same basis as the revenues derived from the exploitation of the international sea-bed area.

*Formula B*

The sovereign rights of the coastal State over its continental shelf are exclusive. The revenues derived from the exploitation of the natural resources of the continental shelf shall not be subject to any revenue sharing.

**2. Resources of the zone**

*Provision 96*

The natural resources of the (economic zone/patrimonial sea) comprise the renewable and non-renewable natural resources of the waters, the sea-bed and the subsoil thereof.

**3. Freedom of navigation and overflight**

*Provision 97*

*Formula A*

In the economic zone, ships and aircraft of all States, whether coastal or not, shall enjoy the right of freedom of navigation and overflight and the right to lay submarine cables and pipelines with no restrictions other than those resulting from the exercise by the coastal State of its rights within the area.

*Formula B*

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.

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 of all States of recognized sea lanes and traffic separation schemes essential to international navigation.

*Formula C*

The rights of the coastal State in the economic zone shall be exercised without prejudice to the rights of all other States, whether having access to the sea or land-locked, as recognized in the provisions of this Convention and in international law, including the right to freedom of navigation, freedom of overflight, and freedom to lay submarine cables and pipelines.

*Formula D*

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 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.

**4. Regional arrangements**

*Provision 98*

*Formula A*

Coastal States and land-locked and other geographically disadvantaged States within a region or subregion may enter into an arrange-

ment for the establishment of regional or subregional . . . zones with a view to giving effect to the provisions of articles . . . on a collective basis.

*Formula B*

Coastal States and neighbouring land-locked States shall have the right to establish jointly regional economic zones between the 12-mile territorial sea and up to a maximum distance of 200 nautical miles, measured from the applicable baselines of the territorial sea.

*Formula C*

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.

**5. Limits: applicable criteria**

*Provision 99*

*Formula A*

The outer limit of the patrimonial sea shall not exceed 200 nautical miles from the applicable baselines for measuring the territorial sea.

*Formula B*

The limits of the economic zone shall be fixed in nautical miles in accordance with criteria in each region, which take into consideration the resources of the region and the rights and interests of developing land-locked, near land-locked, shelf-locked States and States with narrow shelves and without prejudice to limits adopted by any State within the region. The economic zone shall not in any case exceed 200 nautical miles, measured from the baselines for determining the territorial sea.

**6. Fisheries**

**6.1 Exclusive fishery zone**

*Provision 100*

*Formula A*

In the economic zone the coastal State shall exercise sovereign rights for the purpose of exploration, exploitation, conservation and management of the living resources including fisheries, in this zone, and shall adopt from time to time such measures as it may deem necessary and appropriate. The living resources may be plant or animal, and may be located on the water surface, within the water column, on the seabed or in the subsoil thereof.

*Formula B*

The coastal State exercises exclusive rights for the purpose of regulating fishing within the economic zone, subject to the provisions of these articles.

*Provision 101*

All fishing activities in the exclusive economic zone and the rest of the sea shall be conducted with due regard to the interests of the other States in the legitimate uses of the sea. In the exercise of their rights, the other States shall not interfere with fishing activities in the exclusive economic zone.

*Provision 102*

The coastal State shall co-operate with the appropriate regional and international organizations concerned with fishery matters when exercising its rights over living resources in the economic zone and, taking into account their recommendations, shall maintain the maximum allowable catch of fish and other living resources.

*Provision 103*

*Formula A*

The coastal State may allow nationals of other States to fish in its exclusive economic zone, subject to such terms, conditions and regulations as it may from time to time prescribe. These may, *inter alia*, relate to the following:

- (a) Licensing of fishing vessels and equipment, including payment of fees and other forms of remuneration;
- (b) Limiting the number of vessels and the number of gear that may be used;

- (c) Specifying the gear permitted to be used;
- (d) Fixing the periods during which the prescribed species may be caught;
- (e) Fixing the age and size of fish that may be caught;
- (f) Fixing the quota of catch, whether in relation to particular species of fish to catch per vessel over a period of time or to the total catch of nationals of one State during a prescribed period.

#### *Formula B*

1. Pursuant to its exclusive jurisdiction, it would be for the coastal State to determine the allowable catch of any particular species, and to allocate to itself that portion of the allowable catch, up to 100 per cent, that it can harvest.
2. Where the coastal State is unable to take 100 per cent of the allowable catch of a species as determined under the principles, it shall allow the entry of foreign fishing vessels with a view to maintaining the maximum possible food supply. Such access shall be granted up to the level of allowable catch on an equitable basis without the imposition of unreasonable conditions and in accordance with the provisions of these articles.

#### *Formula C*

1. The coastal State shall ensure the full utilization of renewable resources within the economic zone.
2. For this purpose, the coastal State shall permit nationals of other States to fish for that portion of the allowable catch of the renewable resources not fully utilized by its nationals, subject to the conservation measures adopted pursuant to articles . . . (provisions 99 and 107), and on the basis of the following priorities:
  - (a) States that have normally fished for a resource, subject to the conditions of paragraph 3;
  - (b) States in the region, particularly land-locked States and States with limited access to living resources off their coast; and
  - (c) All other States.

The coastal State may establish reasonable regulations and require the payment of reasonable fees for this purpose.

3. The priority under paragraph 2 (a) above shall be reasonably related to the extent of fishing by such State. Whenever necessary to reduce such fishing in order to accommodate an increase in the harvesting capacity of a coastal State, such reduction shall be without discrimination, and the coastal State shall enter into consultations for this purpose at the request of the State or States concerned with a view to minimizing adverse economic consequences of such reduction.

4. The coastal State may consider foreign nationals fishing pursuant to arrangements under articles . . . (provision 94 and provision 104, formula B) as nationals of the coastal State for purposes of paragraph 2 above.

#### *Provision 104*

#### *Formula A*

Neighbouring developing coastal States shall allow each others' nationals the right to fish in a specified area of their respective fishery zones on the basis of long and mutually recognized usage and economic dependence on exploitation of the resources of that area. The modalities of the exercise of this right shall be settled by agreement between the States concerned. This right will be available to the nationals of the State concerned and cannot be transferred to third parties by lease or licence, by establishing joint collaboration ventures, or by any other arrangement. Jurisdiction and control over the conservation, development and management of the resources of the specified area shall lie with the coastal State in whose zone that area is located.

#### *Formula B*

Neighbouring coastal States may allow each others' nationals the right to fish in a specified area of their respective economic zones on the basis of reciprocity, or long and mutually recognized usage, or economic dependence of a State or region thereof on exploitation of the resources of that area. The modalities of the exercise of this right shall be settled by agreement between the States concerned. Such right cannot be transferred to third parties.

#### *Formula C*

1. Measures adopted by the coastal State shall take account of traditional subsistence fishing carried out in any part of the fisheries zone.

2. When the coastal State intends to allocate to itself the whole of the allowable catch of a species, in accordance with these principles, it shall enter into consultations with any other State which requests such consultations and which is able to demonstrate that its vessels have carried on fishing in the fishery resources zone on a substantial scale for a period of not less than [10] years with a view to:

- (a) Analysing the catch and effort statistics of the other State in order to establish the level of fishing operations carried out in the zone by the other State;
- (b) Negotiating special arrangements with the other State under which the latter's vessels would be "phased out" of the fishery having regard to the developing fishing capacity of the coastal State; and
- (c) In the event of agreement not being reached through consultation there shall be a "phasing out" period of [5] years.

### **6.2 Preferential rights of coastal States**

#### *Provision 105*

On the basis of appropriate scientific data and in accordance with the recommendations of the competent international fishery organizations consisting of representatives of interested States in the region concerned and other States engaged in fishing in the region, the coastal State shall determine in the economic zone:

- (a) The allowable annual catch of each species of fish or other living marine resources except highly migratory species of fish;
- (b) The proportion of the allowable annual catch of each species of fish or other living marine resources that it reserves for its nationals;
- (c) That part of the allowable annual catch of fish or other living marine resources that may be taken by other States holding licences to fish in the economic zone in accordance with articles . . . (provision 106, paras. 1, 2 and 3).

#### *Provision 106*

1. Permission for foreign fishermen to fish in the economic zone of a developed coastal State shall be granted on an equitable basis and in accordance with the provisions of articles . . . of this Convention.

2. Foreign fishermen may be allowed to fish in the economic zone of a developing coastal State by the grant of a special licence and in accordance with the provisions of articles . . . of this Convention.

3. When granting foreign vessels permission to fish in the economic zone and in order to ensure an equitable distribution of living resources, a coastal State shall observe, while respecting the priority of the States specified in articles . . . of this Convention in the following order:

- (a) States which have borne considerable material and other costs or research, discovery, identification and exploitation of living resource stocks, or which have been fishing in the region involved;
- (b) Developing countries, land-locked countries, countries with narrow access to the sea or with narrow continental shelves, and countries with very limited living marine resources; . . .

4. Any questions of payment for the grant of licences to foreign fishermen to fish in the economic zone of a developing coastal State shall be settled in accordance with the provisions of this Convention and the recommendations of the competent international fishery organizations and by agreement between the States concerned.

5. Payment for fishing permits granted to foreign fishermen in the economic zone of a developing coastal State shall be levied on a reasonable basis and may take various forms.

#### *Provision 107*

In order to enable the fishing fleet of other States whose fishermen have habitually fished in the economic zone established pursuant to article . . . of this Convention to change over to working under the new conditions, a coastal State shall continue to grant the fishermen specified in this article the right to fish in the economic zone for a transition period of not less than three years after the entry into force of this Convention.

### **6.3 Management and conservation**

#### *Provision 108*

#### *Formula A*

1. In adopting measures to conserve living resources in the economic zone, the coastal State shall endeavour to maintain the produc-



tivity of species and avoid harmful effects for the survival of living resources outside the said zone.

2. The coastal State shall, for the foregoing purposes, promote any necessary co-operation with other States and with competent international organizations.

*Formula B*

1. It shall be the responsibility of the coastal State to provide proper management and utilization of the living resources within its zone of exclusive jurisdiction, including:

(a) Maintenance of the level of stocks which will provide the maximum sustainable yield;

(b) Rational utilization of the resources and the promotion of economic stability coupled with the highest possible food production; and

(c) Where the resource is required for direct human consumption in the coastal State, the highest possible priority to be given to the production of fish for direct human consumption.

2. Measures that the coastal State may take include:

(a) Requiring licensing by it of fishing vessels and equipment to operate in the zone;

(b) Limiting the number of vessels and the number of units of gear that may be used;

(c) Specifying the gear permitted to be used;

(d) Fixing the period during which fish or fish of a species or class may be taken;

(e) Fixing the size of fish that may be taken;

(f) Specifying the method of fishing that may be used in a specified area or for taking a specified species or class of fish and prohibiting any other methods.

3. The coastal State has responsibility to conduct research on the resources within the zone to enable it to fulfil its responsibility to provide proper management and rational utilization of those resources. It shall publish the results of that research within a reasonable period. Other States operating within the zone shall assist in the research programmes and shall provide comprehensive catch, effort and biological data at reasonable intervals as required.

*Formula C*

1. States shall co-operate in the elaboration of global and regional standards and guidelines for the conservation, allocation, and rational management of living resources directly or within the framework of appropriate international and regional fisheries organizations.

2. Coastal States of a region shall, with respect to fishing for identical or associated species, agree upon the measures necessary to co-ordinate and ensure the conservation and equitable allocation of such species.

3. Coastal States shall give to all affected States timely notice of any conservation, utilization and allocation regulations prior to their implementation, and shall consult with such States at their request.

An international register of independent fisheries experts shall be established and maintained by the Food and Agriculture Organization of the United Nations. Any developing State party to the Convention desiring assistance may select an appropriate number of such experts to serve as fishery management advisers to that State.

*Provision 109*

*Formula A*

The objective of conservation measures is to achieve the maximum sustainable yields of fishery resources and thereby to secure and maintain a maximum supply of food and other marine products.

1. Conservation measures must be adopted on the basis of the best scientific evidence available. If the States concerned cannot reach agreement on the assessment of the conditions of the stock to which conservation measures are to be applied, they shall request an appropriate international body or other impartial third party to undertake the assessment. In order to obtain the fairest possible assessment of the stock conditions, the States concerned shall co-operate in the establishment of regional institutions for surveying and research into fishery resources.

2. No conservation measures shall discriminate in form or in fact between fishermen of one State from those of other States.

3. Conservation measures shall be determined, to the extent possible, on the basis of the allowable catch estimated with respect to the individual stocks of fish. The foregoing principle, however, shall not preclude conservation measures from being determined on some other

bases in cases where, due to lack of sufficient data, an estimate of the allowable catch is not possible with any reasonable degree of accuracy.

4. No State can be exempted from the obligation to adopt conservation measures on the ground that sufficient scientific findings are lacking.

5. The conservation measures adopted shall be designed so as to minimize interference with fishing activities relating to stocks of fish, if any, which are not the object of such measures.

6. Conservation measures and the data on the basis of which such measures are adopted shall be subject to review at appropriate intervals.

*Formula B*

1. The coastal State shall ensure the conservation of renewable resources within the economic zone.

2. For this purpose, the coastal State shall apply the following principles:

(a) Allowable catch and other conservation measures shall be established which are designed, on the best evidence available to the coastal State, to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield, taking into account relevant environmental and economic factors, and any generally agreed global and regional minimum standards;

(b) Such measures shall take into account effects on species associated with or dependent upon harvest species and at a minimum, shall be designed to maintain or restore populations of such associated or dependent species above levels at which they may become threatened with extinction.

(c) For this purpose, scientific information, catch and fishing effort statistics, and other relevant data, shall be contributed and exchanged on a regular basis;

(d) Conservation measures and their implementation shall not discriminate in form or in fact against any fishermen. Conservation measures shall remain in force pending the settlement, in accordance with the provisions of chapter . . . of any disagreement as to their validity.

*Provision 110*

*Formula A*

1. Fisheries for anadromous fish shall be conducted only within the exclusive economic zones of coastal States and subject to the terms, conditions and regulations which they may from time to time prescribe.

2. The coastal State in whose waters anadromous fish spawn shall have responsibility for the management of these stocks and for the maintenance of such stocks at their optimum level.

3. When fisheries for anadromous species originating in one State are conducted by other States within their own exclusive fishery zones, such fisheries shall be regulated by agreement between the coastal State (or States) concerned and the State (or States) of origin, taking into account the preferential rights of the State (or States) of origin and its (or their) responsibility for the maintenance of the stocks.

*Formula B*

1. The conservation and management of anadromous species shall be regulated through arrangements among the States participating in the exploitation of such species and, where appropriate, through regional intergovernmental organizations established for this purpose.

2. The special interest of the coastal State, in whose fresh or estuarine waters anadromous species spawn, shall be taken into account in the arrangements for regulating such species.

*Formula C*

1. Coastal States in whose rivers anadromous species of fish (*salmoidae*) spawn shall have sovereign rights over such fish and all other living marine resources within the economic zone and preferential rights outside the zone in the migration area of anadromous fish.

2. Fishing by foreign fisheries for anadromous species may be carried on by an agreement between the coastal State and another interested State establishing regulatory and other conditions governing fishing by foreign nationals.

3. Priority in obtaining the right to fish for anadromous species shall be given to States participating jointly with the coastal States in measures to renew that species of fish, particularly in expenditure for that purpose, and to States which have traditionally fished for anadromous species in the region concerned.

*Formula D*

1. Fishing for anadromous species seaward of the territorial sea (both within and beyond the economic zone) is prohibited, except as authorized by the State of origin in accordance with articles . . . provision 103, formula C and provision 109, formula B).

2. States through whose internal waters or territorial sea anadromous species migrate shall co-operate with the State of origin in the conservation and utilization of such species.

*Formula E*

1. The exploitation of anadromous species shall be regulated by agreement among interested States or by international arrangements through the appropriate intergovernmental fisheries organization.

2. All interested States shall have an equal right to participate in such arrangements and organizations. Any arrangement shall take into account the interest of the State of origin and the interests of other coastal States.

*Provision 111*

1. Fisheries for catadromous fish shall be conducted only within the fishery [economic] zones of coastal States and subject to the terms, conditions and regulations that they may prescribe.

2. The coastal State in whose waters catadromous fish spend the greater part of their life cycle (hereinafter called the producing State) shall have the responsibility for the management of these stocks and their maintenance at optimum levels; in particular, the producing State shall ensure the ingress and egress of migrating fish.

3. In circumstances where catadromous fish migrate through the fishery [economic] zone of another State or States, whether as juvenile or maturing fish, the management of such fisheries, including harvesting, shall be regulated by agreement between the producing State and the other State or States concerned, which agreement shall both ensure the maintenance of the stocks at their optimum levels and take into account the preferential rights of the producing State and its responsibility for the maintenance of such stocks.

*Provision 112**Formula A*

Fishing for highly migratory species shall be regulated in accordance with the following principles:

A. *Management.* Fishing for the highly migratory species listed in the annex hereto within the economic zone shall be regulated by the coastal State, and beyond the economic zone by the State of nationality of the vessel, in accordance with regulations established by appropriate international or regional fishing organizations pursuant to this article.

All coastal States in the region, and any other State whose flag vessels harvest a species subject to regulation by the organization, shall participate in the organization. If no such organization has been established, such States shall establish one.

Regulations of the organization in accordance with this article shall apply to all vessels fishing the species regardless of their nationality.

B. *Conservation.* The organization shall, on the basis of the best scientific evidence available, establish allowable catch and other conservation measures in accordance with the principles of article . . . (provision 109, formula B).

C. *Allocation.* Allocation regulations of the organization shall be designed to ensure full utilization of the allowable catch and equitable sharing by member States.

Allocations shall take into account the special interests of the coastal State within whose economic zone highly migratory species are caught, and shall for this purpose apply the following principles within and beyond the economic zone: [insert appropriate principles].

Allocations shall be designed to minimize adverse economic consequences in a State or region thereof.

D. *Fees.* The coastal State shall receive reasonable fees for fish caught by foreign vessels in its economic zone, with a view to making an effective contribution to coastal State fisheries management and development programmes. The organization shall establish rules for the collection and payment of such fees, and shall make appropriate arrangements with the coastal State regarding the establishment and application of such rules. In addition, the organization may collect fees on a non-discriminatory basis based on fish caught both within and outside the economic zone for administrative and scientific research purposes.

E. *Prevention of interference.* The organization shall establish fishing regulations for highly migratory species in such a way as to prevent unjustifiable interference with other uses of the sea, including coastal State fishing activities, and shall give due consideration to coastal State proposals in this regard.

F. *Transition.* Pending the establishment of an organization in accordance with this article, the provisions of this article shall be applied temporarily by agreement among the States concerned.

G. *Interim measures.* If the organization or States concerned are unable to reach agreement on any of the matters specified in this article, any State party may request, on an urgent basis, pending resolution of the dispute, the establishment of interim measures applying the provisions of this article pursuant to the dispute settlement procedures specified in chapter . . . The immediately preceding agreed regulations shall continue to be observed until interim measures are established.

*Formula B*

1. Any coastal State in whose economic zone or other waters (archipelagic, territorial and internal waters) highly migratory species are found or taken and any State whose vessels take such species may request the opinion of the Director-General of FAO as to whether proper management of such species requires the setting up of an appropriate international or regional organization. The Director-General of FAO shall respond within 90 days of any such request, rendering his opinion, and if such opinion is positive, designating the members of the organization. In addition the Director-General may recommend the institutional arrangements for the organization. All designated States shall have the obligation to take all action necessary to establish the organization within the shortest possible time.

2. All States shall co-operate fully with an appropriate international or regional organization (being either an organization which exists on the date of entry into force of this article or an organization set up pursuant to this article) established and empowered to issue regulations to conserve and manage the species concerned, including the allocation of national quotas.

3. In the absence of agreement to the contrary decisions of the organization shall require an affirmative vote of two thirds of its members.

4. In formulating regulations the organization shall take into account the following criteria:

(a) The coastal State's right in priority to other States to harvest the regulated species within its economic zone to the extent of its harvesting capacity subject only to conservation measures issued by the organization in order to maintain or restore the regulated species.

(b) The rational utilization of such species within its maximum sustainable yield based on the best available scientific evidence.

(c) Traditional harvesting patterns both in the region and in the economic zone, taking into account the desirability of avoiding to the maximum extent possible severe economic dislocations in any State as a result of the application of this article.

(d) The criteria applicable to other than highly migratory species, as set out in article . . .

5. (a) The organization shall fix a uniform fee for fish caught whether inside or outside an economic zone, provided that a coastal State shall be exempt from such fee in respect of fish caught by its vessels in its economic zone or other waters.

(b) The uniform fee shall be fixed at a reasonable level, with a view to providing for:

(i) The organization's administrative expenses.

(ii) Effective contribution to management and development programmes for the species concerned.

(iii) Enforcement.

(iv) Scientific research.

(c) The coastal State shall receive the uniform fee paid in respect of fish caught by foreign vessels within its economic zone.

(d) The organization shall establish rules for the collection and payment of the uniform fee, and shall make appropriate arrangements with the coastal State regarding the establishment and application of such rules.

(e) The organization may require a member to make a minimum contribution to its budget, taking into account fees received by the organization in respect of fishing by the member's nationals.

6. Each State shall give effect to the regulations issued by the organization:

(a) Within its economic zone or other waters it shall apply those regulations to all persons and vessels.

(b) Outside its economic zone it shall apply those regulations to vessels flying its flag.

*Provision 113*

Notwithstanding the provisions of this chapter with respect to full utilization of living resources, nothing herein shall prevent a coastal State or international organization, as appropriate, from prohibiting the exploitation of marine mammals.

*Provision 114*

*Formula A*

1. The coastal State may itself exercise control over the observance of the fishing regulatory measures initiated by it under . . .

2. In cases where the competent authorities of the coastal State have sufficient reasons for believing that a foreign vessel engaged in fishing is violating these measures, they may stop the vessel and inspect it, and also draw up a statement of the violations. The consideration of cases which may arise in connexion with violations of the said measures by a foreign vessel, as well as the punishment of members of the crew guilty of such violations, shall be effected by the flag State of the vessel which has committed the violation. Such State shall notify the coastal State of the results of the investigation and of measures taken by it.

*Formula B*

1. The coastal State may, in the exercise of its rights under this chapter with respect to the renewable natural resources, take such measures, including inspection and arrest, in the economic zone, and, in the case of anadromous species, seaward of the economic zones of the host State and other States, as may be necessary to ensure compliance with its laws and regulations, provided that when the State of nationality of a vessel has effective procedures for the punishment of vessels fishing in violation of such laws and regulations, such vessels shall be delivered promptly to duly authorized officials of the State of nationality of the vessel for legal proceedings, and may be prohibited by the coastal State from any fishing in the zone pending disposition of the case. The State of nationality shall within six months after such delivery notify the coastal State of the disposition of the case.

2. Regulations adopted by international organizations in accordance with article . . . (provision 112, formula A) shall be enforced as follows:

(a) Each State member of the organization shall make it an offence for its flag vessels to violate such regulations, and shall co-operate with other States in order to ensure compliance with such regulations.

(b) The coastal State may inspect and arrest foreign vessels in the economic zone for violating such regulations. The organization shall establish procedures for arrest and inspection by coastal and other States for violations of such regulations beyond the economic zone.

(c) An arrested vessel of a State member of the organization shall be promptly delivered to the duly authorized officials of the flag State for legal proceedings if requested by that State.

(d) The State of nationality of the vessel shall notify the organization and the arresting State of the disposition of the case within six months.

3. Arrested vessels and their crew shall be entitled to release upon the posting of reasonable bond or other security. Imprisonment or other forms of corporal punishment in respect of conviction for fishing violations may be imposed only by the State of nationality of the vessel or individual concerned.

*Formula C*

The jurisdiction and control over all fishing activities within the exclusive economic zone shall lie with the coastal State concerned.

## 7. Sea-bed within national jurisdiction

*Provision 115*

1. The coastal State 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 non-renewable natural resources; shall not take property of such States, instrumentalities or nations except for a public purpose on a non-discriminatory basis and with adequate provision at the time of taking

for prompt payment of just compensation in an effectively realizable form.

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

### 7.1 Nature and characteristics

#### 7.2 Delineation between adjacent and opposite States

*Provision 116*

*Formula A*

The delineation of the economic zone between adjacent and opposite States shall be carried out in accordance with international law.

*Formula B*

1. Where the coasts of two or more States are adjacent or opposite to each other and the distance between them is less than double the uniform breadth provided in this Convention, the delimitation of their economic zone and of their sea-bed areas shall be determined by agreement among themselves.

2. Failing such agreement, no State is entitled to extend its rights over an economic zone and sea-bed area beyond the limits of the median line every point of which is equidistant from the nearest points of the baseline, . . . from which the breadth of the above area of each of the two States is measured.

*Formula C*

1. Where the coasts of two or more States are adjacent or opposite to each other the delimitation of the respective economic zone shall be determined by agreement among them in accordance with equitable principles taking into account all the relevant factors including *inter alia* the geomorphological and geological structure of the sea-bed area involved, and special circumstances . . .

2. The States shall make use of the methods envisaged in Article 33 of the Charter of the United Nations, as well as those established under international agreements to which they are parties, or other peaceful means open to them in case any of the parties refuses to enter into or continue negotiations or in order to resolve divergences which may arise during such negotiations.

3. The States may decide to apply any one or a combination of methods and principles appropriate for arriving at an equitable delimitation based on agreement.

*Formula D*

1. The delimitation of the continental shelf or the exclusive economic zone between adjacent and/or opposite States must be done by agreement between them, in accordance with an equitable dividing line, the median or equidistance line not being necessarily the only method of delimitation.

2. For this purpose, special account should be taken of geological and geomorphological criteria, as well as of all the special circumstances . . .

*Provision 117*

Nothing provided herein shall prejudice the existing agreements between the coastal States concerned relating to the delimitation of the boundary of their respective coastal sea-bed area.

### 7.3 Sovereign rights over natural resources

*Provision 118*

The coastal State exercises over the sea-bed and subsoil of the submarine area adjacent to the coast but outside the area of the territorial sea, hereinafter referred to as the coastal sea-bed area, sovereign rights for the purpose of exploring it and exploiting its mineral resources.

#### 7.4 Limits: applicable criteria

*Provision 119*

The coastal States shall have the right to establish the coastal sea-bed area up to a maximum distance of 200 nautical miles from the baseline for measuring the breadth of the territorial sea set out in . . .

## 8. Prevention and control of pollution and other hazards to the marine environment

### Provision 120

#### Formula A

A coastal State shall also have jurisdiction to enforce in the maritime area adjacent to its territorial sea such measures as it may enact in order to prevent, mitigate or eliminate pollution damage and risks and other effects harmful or dangerous to the ecosystem of the marine environment, the quality and use of water, living resources, human health and the recreation of its people, taking into account co-operation with other States and in accordance with internationally agreed principles and standards.

#### Formula B

The coastal State shall exercise its rights and obligations in the economic zone in accordance with the provisions of this Convention, with due regard to other legitimate uses of the high seas and bearing in mind the need for a rational exploitation of the natural resources of the sea and the preservation of the sea environment.

#### Formula C

In exercising its rights with respect to installations and sea-bed activities in the economic zone, the coastal State may establish standards and requirements for the protection of the marine environment additional to or more stringent than those required by applicable international standards.

### Provision 121

In exercising its rights with respect to installations and sea-bed activities, the coastal State shall take all appropriate measures in the economic zone for the protection of the marine environment from pollution, and ensure compliance with international minimum standards for this purpose established in accordance with the provisions of chapter . . . (Pollution).

### Provision 122

1. Every State undertakes to make the discharge of pollutants into the sea an offence punishable by adequate penalties.

2. Every State undertakes to make suitable provisions for the admission by its courts of law of documentary evidence, submitted by competent authorities of another State, concerning the commission by ships operating under its flag of an offence in respect of discharge of pollutants into the sea.

## 9. Scientific research

### Provision 123

#### Formula A

It is also for the coastal State to authorize such scientific research activities as are carried on in the area; it is entitled to participate in them and to receive the results obtained. 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.

#### Formula B

Within the limits of the economic zone each State may freely carry out fundamental scientific research unrelated to the exploration and exploitation of the living or mineral resources of the zone. Scientific research in the economic zone related to the living and mineral resources shall be carried out with the consent of the coastal State.

## PART VI. COASTAL STATE PREFERENTIAL RIGHTS OR OTHER NON-EXCLUSIVE JURISDICTION OVER RESOURCES BEYOND THE TERRITORIAL SEA (item 7)\*

### 1. Nature, scope and characteristics

#### Provision 124

In a zone beyond its territorial sea, hereinafter called "the zone", the coastal State may exercise the rights and powers set forth in these articles.

\*The Committee is conscious of the fact that the provisions contained in part VI are in fact mutually exclusive alternatives to the provisions contained in part V on the exclusive economic zone.

For purely methodological reasons, the positions of those delegations for whom the concept of a zone of preferential rights would be subsumed in a territorial sea that could be extended up to 200 miles is not reflected as a trend in part VI.

### Provision 125

1. Subject to the articles set forth below, all States shall have the right to allow their nationals to engage in the exploitation of the fishery resources of the sea.

2. Such exploitation shall be regulated for the benefit of nationals of all States in such a way as to ensure the rational exploitation and conservation of the fishery resources of the sea in the interest of mankind as a whole.

3. For these purposes:

(a) In the zone referred to in article . . . (provision 126), coastal States shall enjoy the fishing rights defined in these articles;

(b) All States shall maintain close co-operation at both the world and the regional levels in accordance with the following articles.

### Provision 126

1. The zone shall not extend beyond . . . nautical miles measured from the baseline of the territorial sea.

2. The extent of the zone shall be determined by the coastal State, within the limit referred to in paragraph 1, taking into account all relevant factors, in particular the geographical characteristics of the area and the fishery resources and their distribution off its coast.

### Provision 127

Where the coasts of two States are opposite or adjacent to each other, the delimitation of their respective zones within the limits specified in article . . . (provision 126) shall, failing agreement between them, be established in accordance with the provisions of article . . .

### 2. Sea-bed resources

. . .

### 3. Fisheries

### Provision 128

#### Formula A

1. To the extent consistent with the objective of conservation, a coastal State shall have a preferential right to ensure adequate protection to its coastal fisheries conducted in the adjacent waters, immediately beyond the limit of 12 miles from its coast, as follows:

(a) In the case of a developing coastal State:

The coastal State is entitled annually to reserve for its flag vessels that portion of the allowable catch of a stock of fish it can harvest on the basis of the fishing capacity of its coastal fisheries. In determining the part of the allowable catch to be reserved for the developing coastal State, the rate of growth of the fishing capacity of that State shall be duly taken into account until it has developed that capacity to the extent of being able to fish for a major portion of the allowable catch of the stock of fish.

(b) In the case of a developed coastal State:

The coastal State is entitled annually to reserve for its flag vessels that portion of the allowable catch of a stock of fish which is necessary to maintain its locally conducted small-scale coastal fisheries. The interests of traditionally established fisheries of other States shall be duly taken into account in determining the catch to be reserved for such small-scale coastal fisheries.

2. Measures to implement the preferential rights shall be determined by agreement among the coastal and non-coastal States concerned on the basis of the proposals made by the coastal State. For the purpose of such proposals, the coastal State may seek technical assistance from the Food and Agriculture Organization of the United Nations or such other appropriate organs.

3. The size of the preferential right of a coastal State shall be fixed within the limit of the allowable catch of the stock of fish subject to allocation, if the allowable catch for that stock is already estimated for conservation purposes. In cases where the estimate of the allowable catch is not available, the coastal and non-coastal States concerned shall agree on necessary measures in a manner which will best enable the coastal State to benefit fully from its preferential right.

4. No special status in the conservation of resources and no preferential rights shall be recognized to a coastal State in respect of highly migratory stocks of fish. The conservation and regulation of such stocks shall be carried out pursuant to international consultations or agreements in which all interested States shall participate, or through

the existing international or regional fishery organizations should such be the case.

5. No special status in the conservation of resources and no preferential rights shall be recognized to a coastal State in respect of anadromous stocks of fish. The conservation and regulation of such stocks shall be carried out pursuant to international consultations or agreements in which all interested States shall participate, or through the existing international or regional fishery organizations should such be the case.

#### *Formula B*

1. When in the interests of conserving any species it is necessary for the coastal State to fix a total allowable catch within its zone, it shall determine the total allowable catch so as to ensure the maintenance of the maximum sustainable yield.

2. The coastal State shall submit the figures determined pursuant to paragraph 1 to the appropriate regional or sectoral organizations. Those organizations may, on the basis of all relevant scientific data, recommend other figures.

3. Two or more coastal States may by mutual agreement decide to request a regional or sectoral fishing organization of their choice to determine the figures provided for in paragraph 1 for all stocks exploited jointly.

4. Within the framework of the above-mentioned aims of rational exploitation and conservation of fishery resources and taking account of the maximum allowable catch determined by the coastal State pursuant to paragraphs 1 to 3, as well as any recommendations made by appropriate organizations also pursuant to those paragraphs, the coastal State may reserve in its zone that part of the allowable catches of one or more species which vessels flying its flag are able to take.

5. When exercising its right under paragraph 4, the coastal State shall duly take into account the right of access of other States and particularly of:

- (a) States which have habitually fished in the zone;
- (b) Developing States of the same region, provided such States have not invoked paragraph 1 above to reserve for vessels flying their flag all the fish they can catch in their own zone;
- (c) States whose economies are to a very large extent dependent on fishing, where such States have not satisfied their needs by invoking the provisions of this article;
- (d) States of the same region with limited fishery resources whose economy is especially dependent on fishing;
- (e) Land-locked States.

6. In implementing paragraphs 4 to 6, allowance shall be made for cases where the coastal State adopting the measures referred to in paragraph 4 is a developing country or a country whose economy is to a very large extent dependent on fishing. A coastal State may claim the same right with respect to those parts of its territory in which the population is especially dependent on fishing for its livelihood and lacks alternative opportunities for permanent employment.

7. A coastal State wishing to avail itself of paragraphs 4 to 6 shall, in accordance with article . . . (provision 133, formula B, para. 1) notify the competent organization of the proposals concerning the rights to one or more species in its zone which it wishes to have reserved to vessels flying its flag and those to be granted to other States. The organization shall immediately hold consultations on these proposals. Failing agreement within four months of notification, the coastal State may determine, at a level equal to or lower than the proposed level, the rights it will reserve to vessels flying its flag.

8. Any State which considers that such decision taken by the coastal State is in violation of the rights accruing to it under paragraphs 4 to 6 may, within two months, have recourse to the procedure for settlement of disputes provided for in article . . . (Settlement of disputes).

9. Pending the decision of the special committee, the decision taken by the coastal State shall remain provisionally valid. However, the State which has referred the matter to the special committee, pursuant to paragraph 8 above, may in addition request the latter to prescribe certain provisional measures. The committee shall rule thereon within six weeks.

10. Every year, the decisions taken by the coastal State and the special committee and the agreement of the States concerned, as provided for in the preceding paragraphs, may be reviewed by the organization at the request of any of the interested parties. The provisions of paragraphs 7 to 9 shall apply to such review.

#### *Provision 129*

##### *Formula A*

1. The regulatory measures adopted to implement the preferential right of a coastal State may include catch allocation (quota by country) and/or such other supplementary measures as will be made applicable to vessels of non-coastal States engaged in fishing in the adjacent waters of the coastal State, including:

- (a) The establishment of open and closed seasons during which fish may or may not be harvested;
- (b) The closing of specific areas to fishing;
- (c) The regulation of gear or equipment that may be used;
- (d) The limitation catch of a particular stock of fish that may be harvested.

2. The regulatory measures adopted shall be so designed as to minimize interference with the fishing of non-coastal States directed to stocks of fish, if any, which are not covered by such measures.

##### *Formula B*

1. Measures necessary for maintaining, re-establishing or attaining the maximum yield from fishing shall be adopted by States and organizations. These measures shall be based on scientific data and take into account technical and economic considerations. They shall be adopted, subject to these articles, in the light of the regional situation and without discrimination as to form or substance.

2. The measures referred to in paragraph 1 shall be formulated having regard to the need to secure a supply of food for human consumption.

3. The measures referred to in paragraphs 1 and 2 may include:

- (a) Fixing the total allowable catch and its possible allocation;
- (b) Regulation of fishing activity;
- (c) The establishment of closed seasons;
- (d) A temporary ban on fishing in certain areas of the sea;
- (e) Any technical measures (relating, for example, to fishing gear, mesh sizes, fishing methods, minimum sizes of fish caught, etc.).

4. In accordance with the principles of rational exploitation and conservation, the regulatory measures referred to in paragraphs 1 to 3 shall be taken by the coastal State in its zone.

5. Vessels fishing in a zone subject to regulation under the conditions provided for in paragraph 4 shall respect the relevant regulations adopted by the coastal State.

The States whose flags are flown by such vessels shall take the necessary steps to ensure that these regulations are respected.

#### *Provision 130*

##### *Formula A*

1. With respect to regulatory measures adopted pursuant to the present régime, those coastal States which are entitled to preferential rights, and/or special status with respect to conservation, have the right to control the fishing activities in their respective adjacent waters. In the exercise of such right, the coastal States may inspect vessels of other States and arrest those vessels violating the regulatory measures adopted. The arrested vessels shall, however, be promptly delivered to the flag States concerned. The coastal States may not refuse the participation of other States in controlling the operation, including boarding officials of the other States on the coastal States patrol vessels at the request of the latter States. Details of control measures shall be agreed upon among the parties concerned.

2. Each State shall make it an offence for its nationals to violate any regulatory measures adopted pursuant to the present régime.

3. Nationals on board a vessel violating the regulatory measures in force shall be duly prosecuted by the flag State concerned.

4. Reports prepared by the officials of a coastal State on the offence committed by a vessel of a non-coastal State shall be fully respected by that non-coastal State, which shall notify the coastal State of the disposition of the case as soon as possible.

##### *Formula B*

1. The coastal State may stop, board and inspect fishing vessels within its zone, if it has valid reason to suspect that they have committed a breach of the fishery regulations as provided for in these articles.

2. The coastal State may also prosecute and punish offences committed by such vessels unless the flag State has established a procedure

permitting the prosecution and punishment of breaches of the fishery regulations of the coastal State adopted in conformity with these articles.

3. In that case, the coastal State shall send a report attesting the breach of regulations to the flag State and shall furnish the flag State with any particulars constituting evidence that such breach has been committed. Within a period of six months from the receipt of the report attesting that breach, the flag State shall make known to the coastal State whether or not it has brought the matter before its judicial authorities so that proceedings may be instituted.

4. Should the flag State not bring the matter before its judicial authorities, or should it fail to reply, the coastal State shall have the right to refer the matter to its own courts.

5. If the flag State has decided to bring the matter before its judicial authorities, it shall inform the coastal State of the outcome of the proceedings.

#### 4. Prevention and control of pollution and other hazards to the marine environment

#### 5. International co-operation on the study and rational exploitation of marine resources

##### Provision 131

1. A coastal State shall be recognized as having special status with respect to the conservation of fishery resources in its adjacent waters. Thus, the coastal State will have the right to participate, on an equal footing, in any survey on fishery resources conducted in its adjacent waters for conservation purposes, whether or not nationals of that coastal State are actually engaged in fishing the particular stocks concerned. Non-coastal States conducting the survey shall, at the request of the coastal State, make available to the coastal State the findings of their surveys and researches concerning such stocks.

2. Also, except for interim measures, no conservation measure may be adopted with respect to any stock of fish, without the consent of the coastal State whose nationals are engaged in fishing the particular stock concerned (or the majority of the coastal States in cases where there are three or more such coastal States).

3. A coastal State shall at the same time have the obligation to take, in co-operation with other States, necessary measures with a view to maintaining the productivity of fishery resources in its adjacent waters at a level that will enable an effective and rational utilization of such resources.

##### Provision 132

1. In order to assist in the development of the fishing capacity of a developing coastal State and thereby to facilitate the full enjoyment of its preferential right, there shall be international co-operation in the field of fisheries and related industries between the developing coastal State and other fishing States in concluding an agreement on the preferential right of that developing coastal State.

2. For the purpose of promoting the development of fishing industries and the domestic consumption and exports of fishery products of developing States, including land-locked States, developed non-coastal States shall co-operate with developing States with every possible means in such fields as survey of fishery resources, expansion of fishing capacity, construction of storage and processing facilities and improvements in marketing systems.

##### Provision 133

###### Formula A

Co-operation between coastal and non-coastal States under the present régime shall be carried out, as far as possible, through regional fishery commissions. For this purpose, the States concerned shall endeavour to strengthen the existing commissions and shall co-operate in establishing new commissions whenever desirable and feasible.

###### Formula B

1. Fishery organizations, hereinafter called "organizations" shall exercise the functions laid down in these articles. These organizations shall be responsible either for a region or for a given species.

States whose vessels fish or are concerned with and equipped for fishing within a region shall establish a regional organization if one does not already exist. Coastal States of the region, as well as any State

whose vessels fish or are concerned with and equipped for fishing in this region, shall be members of this organization.

States whose vessels fish or are concerned with and equipped for fishing for certain species such as tuna and whales shall establish a sectoral organization. This organization shall be established on a regional or world-wide basis if a competent sectoral or regional organization does not already exist. Coastal States in whose zone this activity is exercised, as well as any State whose vessels fish or are concerned with and equipped for fishing for the species in question, shall be members of this organization.

2. The constitutions or rules of procedure of these organizations shall ensure their most effective operation. In particular, they shall provide that the measures referred to in paragraphs 4 to 6 are as a general rule adopted by a majority greater than a simple majority, but not necessarily unanimously, and that they are binding upon the States members of the organization.

3. Where an appropriate regional or sectoral organization has not yet been established, the coastal State concerned shall consult with other interested States if it is unable to take the action provided for under articles . . . (provision 128, formula B, paragraphs 1 to 3 and 7 to 10) with respect to such an organization. The decisions taken by the coastal State after such consultations shall be reviewed each year pending the establishment of the organization.

4. The organization shall determine the procedures for applying the principles of rational exploitation and conservation as well as the basic principles of the measures to be adopted for this purpose.

5. Within the limits of their competence, they shall exercise the power to adopt the regulatory measures referred to in articles . . . (provision 129, formula B, paras. 1 to 3) in any part of a region beyond the zone in which a coastal State exercises such powers in accordance with article . . . (provision 129, formula B, para. 4).

6. The organizations shall co-ordinate the scientific research programmes of member States in order to ensure the supply of appropriate scientific information.

7. Vessels fishing in the area of competence of an organization are bound to comply with the measures adopted by such organizations.

8. Flag States parties to this Convention shall take the necessary steps to ensure such compliance.

9. The organization shall supervise the execution of its decisions.

10. Supervision shall be based, *inter alia*, on the examination of statistics which States members of the organization are required to compile and make available, and of all other data obtained from them.

11. Within the framework of an organization, its member States may decide, at the request of a coastal State, to establish in the zone of that State international fishery monitoring machinery for the purpose of reporting breaches of the regulations adopted by that State in accordance with article . . . (provision 129, formula B, para. 4). To this end, member States may appoint officers authorized to investigate breaches of the regulations of that State.

12. The provisions of article . . . (provision 130, formula B, paras. 2 to 5) shall be applicable to breaches so established. The organization shall inform the coastal State and the flag State of the findings of any inquiries it has made. The organization shall be kept informed of the outcome of legal proceedings.

13. The activities of the organization may be supplemented, as necessary, by those of an international fisheries authority, either existing or to be set up, the function of which could be:

(a) To promote the establishment of new organizations and, where a competent organization does exist, to exercise the powers which would normally devolve upon such organizations;

(b) To encourage all types of technical assistance in respect of fisheries.

##### Provision 134

The provisions of these articles shall not affect the rights and obligations of States under existing international agreements relating to specific fisheries.

##### Provision 135

1. The provisions of these articles

- (i) Shall not prejudice the maintenance of any existing special fisheries régime existing among States members of a customs union;

- (ii) Shall not preclude the establishment of a special fisheries régime among the States fishing for a particular region for that region or among States members of a customs union.

2. Where such a special régime exists, vessels of participating States fishing in the zone of another participating State shall be treated on the same footing as vessels of the latter for the purpose of article . . . (provision 128, formula B, para. 4).

## PART VII. HIGH SEAS AND TRANSMISSION FROM THE HIGH SEAS (items 8 and 24)\*

### 1. Nature and characteristics

#### *Provision 136*

##### *Formula A*

The term "high seas" means all parts of the sea that are not included in the territorial sea or in the internal waters of a State.

##### *Formula B*

The waters situated beyond the outer limits of the patrimonial sea—economic zone—constitute an international area designated as high seas.

##### *Formula C*

The term "international seas" shall denote that part of the sea which is not subject to the sovereignty and jurisdiction of coastal States.

##### *Formula D*

The term "high seas" means all parts of the sea that are not included in the internal waters, the territorial sea or the exclusive economic zone of a State.

#### *Provision 137*

##### *Formula A*

The high seas being open to all nations, no State may validly purport to subject any part of them to its sovereignty.

##### *Formula B*

The international sea area and its resources are, in principle, jointly owned by the people of all countries.

##### *Formula C*

The international seas shall be open to all States, whether coastal or land-locked, and their use shall be reserved for peaceful purposes.

### 2. Rights and duties of States

#### *Provision 138*

##### *Formula A*

The coastal State shall enjoy preferential rights to exploit living resources in a sector of the sea adjacent to the zone under its sovereignty and jurisdiction, and may reserve to itself or its nationals a part of the permissible catch of such resources.

##### *Formula B*

Subject to the articles . . . (management and conservation of the living resources of the high seas), all States shall have the right to allow their nationals to engage in the exploitation of the fishery resources of the sea.

#### *Provision 139*

Every State, whether coastal or not, has the right to sail ships under its flag on the high seas.

#### *Provision 140*

1. Each State shall fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. Ships have the nationality of the State whose flag they are entitled to fly. There must exist a genuine link between the State and the ship; in particular, the State must effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag.

\*The inclusion both of provisions using the term "high seas" and provisions using the term "international sea", under item 8 (High seas), does not prejudice the position of delegations as to the use of either term.

2. Each State shall issue to ships to which it has granted the right to fly its flag documents to that effect.

#### *Provision 141*

1. Ships shall sail under the flag of one State only and, save in exceptional cases expressly provided for in international treaties or in these articles, shall be subject to its exclusive jurisdiction on the high seas. A ship may not change its flag during a voyage or while in a port of call, save in the case of a real transfer of ownership or change of registry.

2. A ship which sails under the flags of two or more States, using them according to convenience, may not claim any of the nationalities in question with respect to any other State, and may be assimilated to a ship without nationality.

#### *Provision 142*

1. Every State is obliged effectively to exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag.

2. In particular, the flag State shall, in addition to its obligations under article . . . (provision 146), take the following action in respect of ships flying its flag:

(a) Maintain a register of shipping containing the names and particulars of ships flying its flag;

(b) Cause each such ship, before registration and thereafter at the intervals prescribed by international regulations, to be surveyed by a qualified surveyor of ships;

(c) Ensure that each such ship is in the charge of a master and officers who possess appropriate qualifications, in particular in seamanship, navigation and marine engineering, and that the crew is appropriate in qualification and numbers for the type, size and equipment of the ship;

(d) Ensure that each such ship has on board adequate charts, nautical publications and navigational equipment and instruments appropriate for the safe navigation of the ship;

(e) Cause an inquiry to be held by or before a suitably qualified person or persons into every marine casualty or incident of navigation on the high seas involving a ship flying its flag and causing loss of life or serious injury to nationals of another State or serious damage to shipping or installations of another State, or to the marine environment;

(f) Assume jurisdiction under its municipal law over each ship and over the master, officers and crew in respect of administrative, technical and social matters concerning the ship; and

(g) Take the necessary measures to ensure that the master and officers are fully conversant with and are required to observe the appropriate applicable international regulations concerning the safety of life at sea, the prevention and control of marine pollution, the prevention of collisions and the maintenance of communications by radio.

Without prejudice to paragraph 1 of this article, the requirements of this paragraph do not apply to ships or boats which are excluded from generally accepted international regulations on account of their small size.

3. The flag State, in taking measures required under paragraph 2, above, shall conform to generally accepted international regulations, procedures and practices.

4. A State which has reasonable grounds to suspect that proper jurisdiction and control has not been exercised in accordance with this Convention may report the facts to the flag State and request it to investigate the matter further. Upon receiving such a request, the flag State shall investigate the matter, taking any action necessary to remedy the situation and notify the requesting State of the action taken.

5. The flag State shall co-operate in the conduct of any inquiry held in another State into any marine casualty or incident of navigation causing loss of life or serious injury to nationals or damage to ships or other installations of that other State, or to the marine environment.

#### *Provision 143*

The provisions of the preceding articles do not prejudice the question of ships employed in the official service of an intergovernmental organization flying the flag of the organization.

#### *Provision 144*

1. Warships on the high seas have complete immunity from the jurisdiction of any State other than the flag State.

2. (Part I, provision 43, para. 1.)



*Provision 145*

Ships owned or operated by a State and used only in government non-commercial service shall, on the high seas, have complete immunity from the jurisdiction of any State other than the flag State.

*Provision 146*

1. Every State shall take such measures for ships under its flag as are necessary to ensure safety at sea with regard *inter alia* to:

(a) The use of signals, the maintenance of communications and the prevention of collisions;

(b) The manning of ships and labour conditions for crews taking into account the applicable international labour instruments;

(c) The construction, equipment and seaworthiness of ships.

2. In taking such measures each State is required to conform to generally accepted international standards and to take any steps which may be necessary to ensure their observance.

3. A State which has reasonable grounds for suspecting that such measures have not been taken may report the facts to the flag State and request it to investigate the matter further. Upon receiving such a request, the flag State shall investigate the matter, take any action necessary to remedy the situation and notify the requesting State of the action taken.

*Provision 147*

1. In the event of a collision or any other incident of navigation concerning a ship on the high seas, involving the penal or disciplinary responsibility of the master or of any other person in the service of the ship, no penal or disciplinary proceedings may be instituted against such persons except before the judicial or administrative authorities either of the flag State or of the State of which such person is a national.

2. In disciplinary matters, the State which has issued a master's certificate or a certificate of competence or licence shall alone be competent, after due legal process, to pronounce the withdrawal of such certificates, even if the holder is not a national of the State which issued them.

3. No arrest or detention of the ship, even as a measure of investigation, shall be ordered by any authorities other than those of the flag State.

*Provision 148*

1. Every State shall require the master of a ship sailing under its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers:

(a) To render assistance to any person found at sea in danger of being lost;

(b) To proceed with all possible speed to the rescue of persons in distress if informed of their need of assistance, in so far as such action may reasonably be expected of him;

(c) After a collision, to render assistance to the other ship, her crew and her passengers and, where possible, to inform the other ship of the name of his own ship, her port of registry and the nearest port at which she will call.

2. Every coastal State shall promote the establishment and maintenance of an adequate and effective search and rescue service regarding safety on and over the sea and—where circumstances so require—by way of mutual regional arrangements co-operate with neighbouring States for this purpose.

*Provision 149*

All States shall be obliged to comply with international regulations designed to prevent, reduce or eliminate any damage or risks arising from pollution or other effects detrimental or dangerous to the ecological system of the international seas, water quality and use, living resources and human health.

*Provision 150*

1. All States shall be entitled to lay submarine cables and pipelines on the bed of the high seas.

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

3. When laying such cables or pipelines the State in question shall pay due regard to cables or pipelines already in position on the sea-bed. In particular, possibilities of repairing existing cables or pipelines shall not be prejudiced.

*Provision 151*

Every State shall take the necessary legislative measures to provide that the breaking or injury by a ship flying its flag or by a person subject to its jurisdiction of a submarine cable beneath the high seas done wilfully or through culpable negligence, in such a manner as to be liable to interrupt or obstruct telegraphic or telephonic communications, and similarly the breaking or injury of a submarine pipeline or high-voltage power cable shall be a punishable offence. This provision shall not apply to any break or injury caused by persons who acted merely with the legitimate object of saving their lives or their ships, after having taken all necessary precautions to avoid such break or injury.

*Provision 152*

Every State shall take the necessary legislative measures to provide that, if persons subject to its jurisdiction who are the owners of a cable or pipeline beneath the high seas, in laying or repairing that cable or pipeline, cause a break in or injury to another cable or pipeline they shall bear the cost of the repairs.

*Provision 153*

Every State shall take the necessary legislative measures to ensure that the owners of ships who can prove that they have sacrificed an anchor, a net or any other fishing gear, in order to avoid injuring a submarine cable or pipeline, shall be indemnified by the owner of the cable or pipeline, provided that the owner of the ship has taken all reasonable precautionary measures beforehand.

### 3. Question of the freedoms of the high seas and their regulation

*Provision 154**Formula A*

The high seas being open to all nations, no State may validly purport to subject any part of them to its sovereignty. Freedom of the high seas is exercised under the conditions laid down by these articles and by the other rules of international law. It comprises, *inter alia*, both for coastal and non-coastal States:

- (i) Freedom of navigation;
- (ii) Freedom of fishing;
- (iii) Freedom to lay submarine cables and pipelines;
- (iv) Freedom to fly over the high seas.

These freedoms, and others which are recognized by the general principles of international law, shall be exercised by all States with reasonable regard to the interests of other States in their exercise of the freedom of the high seas.

*Formula B*

1. The following freedoms shall be exercised on the international seas:

- (i) . . . (same as formula A (i));
- (ii) . . . (same as formula A (iv));
- (iii) . . . (same as formula A (iii));
- (iv) Freedom to emplace artificial islands and other installations permitted under international law, without prejudice to the provisions of article . . . ;
- (v) Freedom of fishing, subject to the conditions laid down in article . . . ;
- (vi) Freedom of scientific research, subject to the conditions laid down in paragraph 2.

These freedoms shall be exercised by any State, with due consideration for the interests of other States in the exercise of the same freedom.

2. Scientific research in the international seas shall be open to any State and shall be promoted and facilitated under forms of co-operation and assistance which permit the participation of all States, irrespective of their level of development or of whether they are coastal or land-locked.

. . . (Complementary provisions on scientific research)



*Formula C*

Uses of the international sea area shall not prejudice the legitimate interests of other States and the common interests of all States.

**4. Management and conservation of living resources***Provision 155*

The coastal State has a special interest in maintaining the productivity of the living resources of the sea in an area adjacent to the patrimonial sea.

*Provision 156**Formula A*

1. Fishing in the international sea area shall be properly regulated to prohibit indiscriminate fishing and other violations of rules and regulations for the conservation of fishery resources.

2. Pending the establishment of a unified international fishery organization, States of a given sea area may set up a regional committee to work out appropriate rules and regulations for the regulation of fishing and the conservation of marine living resources in the international sea area. Fishing vessels of States of other regions may enter the said region for fishing activities provided they comply with the relevant rules and regulations of the region.

*Formula B*

1. Fishing and hunting in the international seas shall be subject to regulations of a world-wide and regional nature.

2. The aforesaid activities shall be carried out by techniques and methods which do not jeopardize adequate conservation of the renewable resources of the international seas.

*Formula C*

1. States shall co-operate with each other in the exploitation and conservation of living resources in areas beyond the economic zone of coastal States. States exploiting identical resources, or different resources located in the same area, shall enter into fisheries management agreements, and establish appropriate multilateral fisheries organizations, for the purpose of maintaining these resources. If such a body cannot be constituted among the concerned States, they may ask for the assistance of the Food and Agriculture Organization of the United Nations in establishing an appropriate regional or international regulatory body.

2. States, acting individually and through regional and international fisheries organizations, have the duty to apply the following conservation measures for such living resources:

(a) Allowable catch and other conservation measures shall be established which are designed, on the best evidence available to maintain or restore population of harvested species at levels which can produce the maximum sustainable yield, taking into account relevant environmental and economic factors, and any generally agreed global and regional minimum standards;

(b) Such measures shall take into account effects on species associated with or dependent upon harvested species and at a minimum shall be designed to maintain or restore populations of such associated or dependent species above levels at which they may become threatened with extinction;

(c) For this purpose, scientific information, catch and fishing effort statistics, and other relevant data shall be contributed and exchanged on a regular basis;

(d) Conservation measures and their implementation shall not discriminate in form or in fact against any fisherman. Conservation measures shall remain in force pending the settlement, in accordance with the provisions of chapter . . . , of any disagreement as to their validity.

3. With respect to anadromous species and highly migratory species, the provisions of article . . . and article . . . , respectively, shall apply.

*Provision 157**Formula A*

In respect of fisheries of highly migratory habits outside the limits of the exclusive fishery zone, regulations for their exploration, exploitation, conservation and development shall be made by the authority designated for the purpose by the Conference on the Law of the Sea.

*Formula B*

(Part V, provision 112, formula A).

*Formula C*

(Part V, provision 112, formula B).

*Provision 158*

With regard to the living resources of an area of the sea situated beyond the limits of the zones of sovereignty and jurisdiction of two or more States, which breed, feed and live by reason of the resources of that area, the States concerned may agree among themselves on appropriate regulations for the exploration, conservation and exploitation of such resources.

*Provision 159*

1. Regulations adopted to regulate fishing and hunting in the international seas shall ensure the conservation and rational utilization of living resources and the equitable participation of all States in their exploitation, with due regard to the special needs of developing coastal countries and land-locked countries.

2. Such regulations shall establish conditions and methods of fishing and hunting which prevent the indiscriminate exploitation of species and avert the danger of their extinction.

*Provision 160**Formula A*

Where a State has good reason to believe that vessels of the flag of another State have violated fishing and hunting regulations applicable to the international seas, the former State may request the flag State to take the necessary steps to punish those responsible.

*Formula B*

(Part V, provision 114, formula B).

*Provision 161**Formula A*

(Part V, provision 110, formula E).

*Formula B*

The right of exploitation of stocks of anadromous species shall be exercised only:

- (i) Within waters under the jurisdiction of the State of origin;
- (ii) Within waters under the jurisdiction of other coastal States, subject to such conditions and regulations as shall be agreed between such coastal State and the State of origin, taking into account the special role of the State of origin in the conservation of the species.

*Formula C*

(Part V, provision 110, formula D).

*Provision 162*

(Part V, provision 110, formula B).

*Provision 163*

(Part V, provision 113).

**5. Slavery, piracy and drugs***Provision 164*

1. Except where acts of interference derive from powers conferred by treaty, a warship which encounters a foreign merchant ship on the high seas is not justified in boarding her unless there is reasonable ground for suspecting:

- (a) That the ship is engaged in piracy; or
- (b) That the ship is engaged in the slave trade; or
- (c) That, though flying a foreign flag or refusing to show its flag, the ship is, in reality, of the same nationality as the warship.

2. In the cases provided for in subparagraphs (a), (b) and (c) above, the warship may proceed to verify the ship's right to fly its flag. To this end, it may send a boat under the command of an officer to the suspected ship. If suspicion remains after the documents have been checked, it may proceed to a further examination on board the ship, which must be carried out with all possible consideration.

3. If the suspicions prove to be unfounded, and provided that the ship boarded has not committed any act justifying them, it shall be compensated for any loss or damage that may have been sustained.

*Provision 165*

Every State shall adopt effective measures to prevent and punish the transport of slaves in ships authorized to fly its flag, and to prevent the unlawful use of its flag for that purpose. Any slave taking refuge on board any ship, whatever its flag, shall, *ipso facto*, be free.

*Provision 166*

All States shall co-operate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State.

*Provision 167*

Piracy consists of any of the following acts:

1. Any illegal acts of violence, detention or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:

(a) On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;

(b) Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;

2. Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;

3. Any act of inciting or of intentionally facilitating an act described in subparagraph 1 or subparagraph 2 of this article.

*Provision 168*

The acts of piracy, as defined in article . . . (provision 167), committed by a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft are assimilated to acts committed by a private ship.

*Provision 169*

A ship or aircraft is considered a pirate ship or aircraft if it is intended by the persons in dominant control to be used for the purpose of committing one of the acts referred to in article . . . (provision 167). The same applies if the ship or aircraft has been used to commit any such act, so long as it remains under the control of the persons guilty of that act.

*Provision 170*

A ship or aircraft may retain its nationality although it has become a pirate ship or aircraft. The retention or loss of nationality is determined by the law of the State from which such nationality was derived.

*Provision 171*

On the high seas, or in any other place outside the jurisdiction of any State, every State may seize a pirate ship or aircraft, or a ship taken by piracy and under the control of pirates, and arrest the persons and seize the property on board. The courts of the State which carried out the seizure may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the ships, aircraft or property, subject to the rights of third parties acting in good faith.

*Provision 172*

Where the seizure of a ship or aircraft on suspicion of piracy has been effected without adequate grounds, the State making the seizure shall be liable to the State the nationality of which is possessed by the ship or aircraft for any loss or damage caused by the seizure.

*Provision 173*

A seizure on account of piracy may only be carried out by warships or military aircraft, or other ships or aircraft on government service authorized to that effect.

*Provision 174**Formula A*

1. All States shall co-operate in the suppression of illicit traffic in narcotic drugs by ships on the high seas, contrary to international conventions.

2. Any State which has reasonable grounds for believing that a vessel is engaged in illicit traffic in narcotic drugs may, whatever the nationality of the vessel but provided that its tonnage is less than 500

tons, seize the illicit cargo. The State which carried out this seizure shall inform the State of nationality of the vessel in order that the latter State may institute proceedings against those responsible for the illicit traffic.

3. Any State which has reasonable grounds for believing that a vessel flying its flag is engaged in illicit traffic in narcotic drugs may request the co-operation of another State to put an end to this.

*Formula B*

. . . (same as formula A, except that the words "narcotic drugs" should be replaced by the words "narcotic and psychotropic drugs".)

**6. Hot pursuit***Provision 175*

1. The hot pursuit of a foreign ship may be undertaken when the competent authorities of the coastal State have good reason to believe that the ship has violated the laws and regulations of that State. Such pursuit must be commenced when the foreign ship or one of its boats is within the internal waters or the territorial sea or the contiguous zone of the pursuing State, and may only be continued outside the territorial sea or the contiguous zone if the pursuit has not been interrupted. It is not necessary that, at the time when the foreign ship within the territorial sea or the contiguous zone receives the order to stop, the ship giving the order should likewise be within the territorial sea or the contiguous zone. If the foreign ship is within a contiguous zone, as defined in article . . . , the pursuit may only be undertaken if there has been a violation of the rights for the protection of which the zone was established.

2. The right of hot pursuit ceases as soon as the ship pursued enters the territorial sea of its own country or of a third State.

3. Hot pursuit is not deemed to have begun unless the pursuing ship has satisfied itself by such practicable means as may be available that the ship pursued or one of its boats or other craft working as a team and using the ship pursued as a mother ship are within the limits of the territorial sea, or as the case may be within the contiguous zone. The pursuit may only be commenced after a visual or auditory signal to stop has been given at a distance which enables it to be seen or heard by the foreign ship.

4. The right of hot pursuit may be exercised only by warships or military aircraft, or other ships or aircraft on government service specially authorized to that effect.

5. Where hot pursuit is effected by an aircraft:

(a) The provisions of paragraphs 1 to 3 of this article shall apply *mutatis mutandis*;

(b) The aircraft giving the order to stop must itself actively pursue the ship until a ship or aircraft of the coastal State, summoned by the aircraft, arrives to take over the pursuit, unless the aircraft is itself able to arrest the ship. It does not suffice to justify an arrest on the high seas that the ship was merely sighted by the aircraft as an offender or suspected offender, if it was not both ordered to stop and pursued by the aircraft itself or other aircraft or ships which continued the pursuit without interruption.

6. The release of a ship arrested within the jurisdiction of a State and escorted to a port of that State for the purposes of an inquiry before the competent authorities may not be claimed solely on the ground that the ship, in the course of its voyage, was escorted across a portion of the high seas, if the circumstances rendered this necessary.

7. Where a ship has been stopped or arrested on the high seas in circumstances which do not justify the exercise of the right of hot pursuit, it shall be compensated for any loss of damage that may have been thereby sustained.

*Provision 176**Formula A*

The right of hot pursuit shall apply, *mutatis mutandis*, to violations in the economic zone or on the continental shelf, including safety zones around continental shelf installations, of the laws and regulations of the coastal State applicable in accordance with this Convention to the economic zone or the continental shelf, including such safety zones.

*Formula B*

The hot pursuit of a foreign ship may be undertaken when the competent authorities of the coastal State have good reason to believe that the ship has violated the laws and regulations of that State. Such pursuit must be commenced when the foreign ship or one of its boats is

within the internal waters or the territorial sea or the economic zone of the pursuing State, and may only be continued outside the territorial sea or the economic zone if the pursuit has not been interrupted.

The right of hot pursuit ceases as soon as the ship pursued enters the territorial sea or the economic zone of its own country or the territorial sea or the economic zone of a third State.

## 7. Transmission from the high seas

### *Provision 177*

1. All States shall co-operate in the repression of unauthorized broadcasting from the high seas.

2. "Unauthorized broadcasting" consists of the transmission of sound radio or television broadcasts from a ship or installation on the high seas intended for reception by the general public contrary to international regulations, but excluding the transmission of distress calls.

3. Any person engaged in unauthorized broadcasting from the high seas may be prosecuted before the court of the flag State of the vessel, the place of registry of the installation, the State of which the person is a national, any place where the transmissions can be received or any State where authorized radio communication is suffering interference.

4. On the high seas, any of the States having jurisdiction in accordance with paragraph 3 above may, in conformity with article . . . (provision 164), arrest any person, or ship engaged in unauthorized broadcasting and seize the broadcasting apparatus.

## PART VIII. LAND-LOCKED COUNTRIES (item 9) \*

### *Provision 178*

For the purpose of this Convention:

"Land-locked State" means any State which has no sea coast;

The term "transit State" means any State, with or without a sea coast, situated between a land-locked State and the sea, through whose territory the land-locked State shall have access to and from the sea;

The term "traffic in transit" means transit of persons, baggage, goods and means of transport across the territory of one or more transit States, when the passage across such territory, with or without transshipment, warehousing, breaking bulk or change in the mode of transport is only a portion of a complete journey which begins or terminates within the territory of the land-locked State.

### 1. General principles of the law of the sea concerning the land-locked countries

#### *Provision 179*

The existence and nature of the right of land-locked States to free access to and from the sea derive from the application of the principles of the freedom of the sea and the designation of the sea-bed and the ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction, as well as the resources of that area, as the common heritage of mankind.

### 2. Rights and interests of land-locked countries

#### *Provision 180*

(Part V, provision 94, formula D, paragraph 2)

#### 2.1 *Free access to and from the sea: freedom of transit, means and facilities for transport and communications*

##### *Provision 181*

#### *Formula A*

The right of land-locked States to free access to and from the sea is one of the basic principles of the law of the sea and forms an integral part of the principles of international law.

In order to enjoy the freedom of the seas and to participate in the exploration and exploitation of the sea-bed and its resources on equal terms with coastal States, land-locked States, irrespective of the origin

\*Other proposals relating to the free access to the international seabed area beyond national jurisdiction (part VIII, item 2.3) and participation in the international régime, including the machinery and the equitable sharing in the benefits of the area (part VIII, item 2.4) are under consideration in the First Committee.

and characteristics of their land-locked conditions, shall have the right of free access to and from the sea in accordance with the provisions of this Convention.

The right of free access to and from the sea of land-locked States shall be the concern of the international community as a whole and the exercise of such right shall not depend exclusively on the transit States.

Since free transit of land-locked States forms part of their right of free access to and from the sea which belongs to them in view of their special geographical position, reciprocity shall not be a condition of free transit of land-locked States required by transit States but may be agreed between the parties concerned.

#### *Formula B*

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

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.

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.

#### *Provision 182*

#### *Formula A*

The provisions of this Convention which govern the right of free access of land-locked States to and from the sea shall not abrogate existing special agreements between two or more States concerning the matters which are regulated in this Convention, nor shall they raise an obstacle as regards the conclusion of such agreements in the future.

In case such existing agreements provide less favourable conditions than those contained in this Convention, the States concerned undertake that they shall bring them in accord with the present provisions at the earliest occasion.

The provisions contained in the preceding paragraph shall not affect existing bilateral or multilateral agreements relating to air transport.

#### *Formula B*

(Same as formula A, but with the deletion of the third paragraph thereof)

#### *Provision 183*

Provisions of this Convention, as well as special agreements which regulate the exercise of the right of free access to and from the sea and the area of the sea-bed, establishing rights and facilities on account of the special geographical position of land-locked States, are excluded from the application of the most-favoured-nation clause.

#### *Provision 184*

#### *Formula A*

Transit States shall accord free and unrestricted transit for traffic in transit of land-locked States, without discrimination among them to and from the sea by all means of transport and communication, in accordance with the provisions of this Convention.

#### *Formula B*

In order to have access to and from the international sea area for trade and other peaceful purposes, land-locked States have the right to pass through the territory, territorial sea and other waters of adjacent coastal States. Coastal States and adjacent land-locked States shall, through consultations on the basis of equality and mutual respect for sovereignty, conclude bilateral or regional agreements on the relevant matters.

#### *Formula C*

(Provision 181, formula B, second paragraph)

#### 2.2 *Equality of treatment in the ports of transit States*

##### *Provision 185*

#### *Formula A*

Vessels flying the flag of a land-locked State shall have the right to use maritime ports.

Vessels of land-locked States are entitled to the most-favoured treatment and shall under no circumstances receive a treatment less favour-

able than that accorded to vessels of coastal States as regards access to and exit from the maritime ports.

The use of these ports, facilities, installations and equipment of any kind shall be provided under the same conditions as for coastal States.

#### *Formula B*

For the purposes provided for in this article, coastal States shall guarantee neighbouring land-locked States free passage through their territories, as well as equal treatment as regards entry into and use of ports, in accordance with internal legislation and any relevant agreements they may conclude.

#### *Provision 186*

Traffic in transit shall not be subject to any customs duties, taxes or other charges except charges levied for specific services rendered in connexion with such traffic.

If the port installations and equipment or the means of transport and communication, or both, existing in a transit State are primarily used by one or more land-locked States, tariffs, fees or other charges for services rendered shall be subject to agreement between the States concerned.

Means of transport in transit used by the land-locked States shall not be subject to taxes, tariffs or charges higher than those levied for the use of means of transport of the transit State.

#### *Provision 187*

For convenience of traffic in transit, free zones and/or other facilities may be provided at the ports of entry and exit in the transit States, by agreement between those States and the land-locked States.

Such zones shall be exempted from the customs regulations of the coastal States. They remain, however, subject to the jurisdiction of those States with regard to police and public health regulations.

#### *Provision 188*

Land-locked States shall have the right to appoint customs officials of their own in the ports of transit or free zones, empowered in accordance with the practice of States, to arrange the berthing of vessels whose cargo is bound for or coming from the land-locked State and to make arrangements for and supervise loading and unloading operations for such vessels as well as documentation and other necessary services for the speedy and smooth movement of traffic in transit.

#### *Provision 189*

Transit States shall provide adequate means of transport, storage and handling facilities at the points of entry and exit, and at intermediate stages, for the smooth movement of traffic in transit.

#### *Provision 190*

When means of transport and communication in the transit States are insufficient to give effect to the rights of land-locked States of free access to and from the sea or when the aforesaid means of transport and communication or the port installations and equipment are inadequate or may be improved in any respect, the land-locked States shall have the right to construct, modify or improve them in agreement with the transit State or States concerned.

#### *Provision 191*

Except in cases of *force majeure* all measures shall be taken by transit States to avoid delays in or restrictions on traffic in transit.

Should delays or other difficulties occur in traffic in transit, the competent authorities of the transit State or States and of land-locked States shall co-operate towards their expeditious elimination.

### **2.3 Free access to the international sea-bed area beyond national jurisdiction**

#### *Provision 192*

Land-locked States shall have the right of free access to and from the area of the sea-bed in order to enable them to participate in the exploration and exploitation of the area and its resources and to derive benefits therefrom in accordance with the provisions of this Convention.

For this purpose the land-locked States shall have the right to use all means and facilities provided for in this Convention with regard to traffic in transit.

### **2.4 Participation in the international régime, including the machinery and the equitable sharing in the benefits of the area**

#### *Provision 193*

In any organ of the international sea-bed machinery in which not all member States will be represented, in particular in its Council, there shall be an adequate and proportionate number of land-locked States, both developing and developed.

#### *Provision 194*

In any organ of the machinery, decisions on questions of substance shall be made with due regard to the special needs and problems of land-locked States.

On questions of substance which affect the interests of land-locked States, decisions shall be made with their participation.

### **3. Particular interests and needs of developing land-locked countries in the international régime**

### **4. Rights and interests of land-locked countries in regard to living resources of the sea**

#### *Provision 195*

#### *Formula A*

Land-locked . . . States shall have the right to participate in the exploration and exploitation of the living resources of the . . . zone of neighbouring coastal States on an equal and non-discriminatory basis. For the purpose of facilitating the orderly development and the rational exploitation of the living resources of the particular zones, the States concerned may decide upon appropriate arrangements to regulate the exploitation of the resources in those zones.

#### *Formula B*

Nationals of a developing land-locked State shall enjoy the privilege of fishing in the neighbouring area of the exclusive economic zone of the adjoining coastal State on the basis of equality with the nationals of that State. The modalities of the enjoyment of this privilege and the area to which they relate shall be settled by agreement between the coastal State and the land-locked State concerned. This privilege will be available to the nationals of the land-locked State concerned and cannot be transferred to third parties by lease or licence, by establishing joint collaboration ventures, or by any other arrangement. Jurisdiction and control over the conservation, development and management of the resources of the specified area shall lie with the coastal State in whose zone that area is located.

#### *Formula C*

In any region where there are [land-locked] States, the nationals of such States shall have the right to exploit the renewable resources within the economic zones or patrimonial seas of the region for the purpose of fostering the development of their fishing industry and satisfying the nutritional needs of such populations.

#### *Formula D*

Coastal States shall, through bilateral or subregional agreements, as the case may require, in which the interests of all parties are given fair consideration, accord to States having no sea coast which are their neighbours or which belong to the same subregion preferential treatment over third States with regard to fishing rights in that area of their territorial sea which is not reserved exclusively for their nationals. Such preferential treatment shall be reserved for national enterprises of the States having no sea coast which operate in the area exclusively with ships flying the flag of those States and whose catch is intended for domestic or industrial consumption in the said States, or for national enterprises of the States having no sea coast which are associated with national enterprises of the coastal States.

#### *Formula E*

Through bilateral and, where appropriate, subregional agreements, . . . agreement shall be reached with States having no sea coast on an equitable régime for the exercise in the maritime area of fishing rights which shall be preferential in relation to third States. The said preferential rights shall be granted provided that the enterprises of the State which wishes to exploit the resources in question are effectively controlled by capital and nationals of that State and that the ships which operate in the area fly the flag of that State.

*Provision 196*

1. Land-locked . . . States shall not transfer their rights under articles . . . (provision 94, formula D, paragraphs 1 and 2 in Part V) to third States, except when otherwise agreed upon by the States concerned.

2. The provisions of paragraph 1 shall, however, not preclude land-locked . . . States from obtaining technical or financial assistance from third States, or appropriate international organizations, for the purpose of enabling them to develop viable industries of their own.

**PART IX. RIGHTS AND INTERESTS OF SHELF-LOCKED STATES AND STATES WITH NARROW SHELVES OR SHORT COASTLINES (item 10)**

*Provision 197**Formula A*

For the purposes of these articles: "geographically disadvantaged States" means developing States which are . . . or for geographical, biological or ecological reasons:

- (i) Derive no substantial economic advantage from establishing an economic zone or patrimonial sea, or a territorial sea beyond 12 miles; or
- (ii) Are adversely affected in their economies by the establishment of economic zones or patrimonial seas or territorial seas beyond 12 miles by other States; or
- (iii) Have short coastlines and cannot extend uniformly their national jurisdiction.

*Formula B*

"Geographically disadvantaged States" means land-locked States and coastal States which, for geographical reasons, are unable to declare a . . . zone pursuant to . . . , or do not declare such a . . . zone because it would not be economically meaningful.

*Provision 198*

"Neighbouring coastal State" means a coastal State of a region situated within reasonable proximity to a disadvantaged State.

**1. International régime**

. . .

**2. Fisheries**

*Provision 199**Formula A*

. . . geographically disadvantaged States shall have the right to participate in the exploration and exploitation of the living resources of the . . . zone of neighbouring coastal States on an equal and non-discriminatory basis. For the purpose of facilitating the orderly development and the rational exploitation of the living resources of the particular zones, the States concerned may decide upon appropriate arrangements to regulate the exploitation of the resources in those zones.

*Formula B*

. . . 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.

*Formula C*

In any region where there are geographically disadvantaged States, the nationals of such States shall have the right to exploit the renewable resources within the economic zones or patrimonial seas or territorial seas beyond 12 miles of the region for the purpose of fostering the development of their fishing industry and satisfying the nutritional needs of such populations.

The States of the region shall co-operate to the fullest extent in order to secure the enjoyment of this right.

*Formula D*

In regions or subregions in which certain coastal States, owing to geographical or ecological factors, are unable, over all their coastlines, to extend the limits of their sovereignty and jurisdiction up to distances equal to those adopted by other coastal States in the same region or

subregion, the former States shall enjoy, in the seas of the latter States, a preferential régime vis-à-vis third States in matters relating to the exploitation of renewable resources, the said régime to be determined by regional, subregional or bilateral agreements taking into account the interests of the respective States.

*Provision 200*

1. . . . geographically disadvantaged States shall not transfer their rights under articles . . . (part V, provision 94, formula D, paragraphs 1 and 2) to third States, except when otherwise agreed upon by the States concerned.

2. The provisions of paragraph 1 shall, however, not preclude . . . geographically disadvantaged States from obtaining technical or financial assistance from third States, or appropriate international organizations, for the purpose of enabling them to develop viable industries of their own.

**3. Special interests and needs of developing shelf-locked States and States with narrow shelves or short coastlines**

*Provision 201*

(Part V, provision 94, formula D, para. 2)

**4. Free access to and from the high seas**

**PART X. ARCHIPELAGOS (item 16)**

*Provision 202**Formula A*

These articles apply only to archipelagic States.

*Formula B*

A coastal State with one or more off-lying archipelagos, as defined in article . . . (provision 203, formula A, paragraph 2) which form an integral part of its territory, shall have the right to apply the provisions of articles . . . to such archipelagos upon the making of a declaration to that effect.

*Formula C*

The method applied to archipelagic States for the drawing of baselines shall also apply to archipelagos that form part of a State, without entailing any change in the natural régime of the waters of such archipelagos or of their territorial sea.

*Provision 203**Formula A*

1. An archipelagic State is a State constituted wholly by one or more archipelagos and may include other islands.

2. 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.

*Formula B*

1. On ratifying or acceding to this Convention, a State may declare itself to be an archipelagic State where:

(a) The land territory of the State is entirely composed of three or more islands; and

(b) It is possible to draw a perimeter, made up of a series of lines or straight baselines, around the outermost points of the outermost islands in such a way that:

(i) No territory belonging to another State lies within the perimeter,

(ii) No baseline is longer than . . . nautical miles, and

(iii) The ratio of the area of the sea to the area of land territory inside the perimeter does not exceed . . . provided that any straight baseline between two points on the same island shall be drawn in conformity with articles . . . of the Convention (on straight baselines).

2. A declaration under paragraph 1 above shall be accompanied by a chart showing the perimeter and a statement certifying the length of each baseline and the ratio of land to sea within the perimeter.

3. Where it is possible to include within a perimeter drawn in conformity with paragraph 1 above only some of the islands belonging to a State, a declaration may be made in respect of those islands. The provisions of this Convention shall apply to the remaining islands in the same way as they apply to the islands of a State which is not an archipelagic State and references in this article to an archipelagic State shall be construed accordingly.

*Provision 204*

*Formula A*

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.

*Formula B*

... (same as formula A) ... or may employ as a baseline any non-navigable continuous reefs or shoals lying between such points.

*Formula C*

In the case of an archipelagic State, or of an archipelago that forms part of a State, the baselines from which the adjacent sea over which the State exercises its sovereignty and jurisdiction shall be measured may be drawn by straight lines which join the outermost points of the outermost islands and drying reefs of the archipelago.

*Provision 205*

The drawing of such baselines shall not depart to any appreciable extent from the general configuration of the archipelago.

*Provision 206*

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.

*Provision 207*

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.

*Provision 208*

An archipelagic State shall clearly indicate its straight baselines on charts to which due publicity shall be given.

*Provision 209*

An archipelagic State may draw baselines in conformity with articles ... (bays) and ... (river mouths) of this Convention for the purpose of delimiting internal waters.

*Provision 210*

*Formula A*

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.

*Formula B*

... (same as formula A) ... this sovereignty is exercised subject to the provisions of these articles and to other rules of international law.

*Formula C*

In such cases, the waters enclosed by the baselines shall be considered internal waters, though vessels of any flag may sail in them in accordance with the provisions laid down by the archipelagic State.

*Provision 211*

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.

*Provision 212*

*Formula A*

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.

*Formula B*

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 access and all forms of communications, including the laying of submarine cables and pipelines, between one part of its national territory and another part of such territory, such rights of direct access and communications shall continue to be recognized and guaranteed by the archipelagic State.

*Formula C*

In addition to the right of passage through the sea lanes designated for international navigation, an archipelagic State shall recognize, for the sole benefit of such of its neighbouring States as are enclosed or partly enclosed by its archipelagic waters, a right of innocent passage through these waters for the purpose of gaining access to and from any part of the high seas by the shortest and most convenient routes.

To this effect, an archipelagic State shall enter into arrangements with any such neighbouring States at the request of the latter.

*Provision 213*

*Formula A*

Where a declaration made in accordance with article ... has the effect of enclosing as archipelagic waters areas which previously had been considered as part of the high seas, the archipelagic State shall enter into consultation, at the request of any other State, with a view to safeguarding the rights and interests of such other State regarding any existing uses of the sea in such areas, except the navigational uses provided for in article ..., but including, *inter alia*, fisheries, submarine cables and pipelines.

*Formula B*

In any situation where the archipelagic waters, or territorial waters measured therefrom, of an archipelagic State include areas which previously had been considered as high seas, that archipelagic State, in the exercise of its sovereignty over such areas, shall give special consideration to the interests and needs of its neighbouring States with regard to the exploitation of living resources in these areas, and, to this effect, shall enter into an agreement with any neighbouring State, at the request of the latter, either by regional or bilateral arrangements, with a view to prescribing modalities entitling the nationals of such neighbouring State to engage and take part on an equal footing with its nationals and, where geographical circumstances so permit, on the basis of reciprocity, in the exploitation of living resources therein.

*Provision 214*

*Formula A*

Subject to the provisions of articles ... (provisions 215 to 219), ships of all States shall enjoy the right of innocent passage through archipelagic waters.

*Formula B*

1. Where parts of archipelagic waters have before the date of ratification of this Convention been used as routes for international navigation between one part of the high seas and another part of the high seas or the territorial sea of another State, the provisions of articles ... of this Convention apply to those routes (as well as to those parts of the territorial sea of the archipelagic State adjacent thereto) as if they were straits. A declaration made under paragraph ... (provision 203, formula B, para. 1) shall be accompanied by a list of such waters which indicates all the routes used for international navigation, as well as any traffic separation schemes in force in such waters in conformity with articles ... of this Convention. Such routes may be modified or new routes created only in conformity with articles ... of this Convention.

2. Within archipelagic waters other than those referred to in paragraph 1, the provisions of articles ... (innocent passage) apply.

*Formula C*

All ships shall enjoy equally freedom of passage in archipelagic straits, the approaches thereto, and those areas in the archipelagic

waters of the archipelagic State along which normally lie the shortest sea lanes used for international navigation between one part and another part of the high seas.

*Provision 215*

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 . . . (provisions 215 to 219) and indicate them on charts to which due publicity shall be given.

*Provision 216*

1. 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 . . . (provisions 215 to 219), 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;
  - (d) The protection of submarine or aerial cables and pipelines;
  - (e) The conservation of the living resources of the sea;
  - (f) The preservation of the environment of the archipelagic State, and the prevention of pollution thereto;
  - (g) Research in the marine environment, and hydrographic surveys;
  - (h) The prevention of infringement of the fisheries regulations of the archipelagic State, including, *inter alia*, those relating to the stowage of gear;
  - (i) The prevention of infringement of the customs, fiscal, immigration, quarantine, sanitary and phyto-sanitary regulations of the archipelagic State; and
  - (j) The preservation of the peace, good order and security of the archipelagic State.
2. The archipelagic State shall give due publicity to all laws and regulations made by it under the provisions of . . . (provisions 215 to 219).

*Provision 217*

*Formula A*

Foreign ships exercising the right of innocent passage through the archipelagic waters or the sea lanes designated under the provisions of . . . (provisions 215 to 219) shall comply with all laws and regulations made by the archipelagic State under the provisions of this article.

*Formula B*

Foreign ships exercising the right of free passage through the archipelagic waters or the sea lanes designated under the provisions of . . . (provisions 215 to 219) shall comply with the relevant laws and regulations made by the archipelagic State under the provisions of this article.

*Provision 218*

*Formula A*

If any foreign warship does not comply with the laws and regulations of the archipelagic State concerning its passage through the archipelagic waters or the sea lanes designated under the provisions of . . . (provisions 215 to 219) and disregards any request for compliance which is made to it, the archipelagic State may suspend the passage of such warship and require it to leave the archipelagic waters by such safe and expeditious route as may be designated by the archipelagic State.

*Formula B*

All ships passing through the straits and waters of archipelagic States shall not in any way endanger the security of such States, their territorial integrity or political independence. Warships passing through such straits and waters may not engage in any exercises or gunfire, use any form of weapon, launch or take on aircraft, carry out hydrographic surveys or engage in any similar activity unrelated to their passage. All ships shall inform the archipelagic State of any damage, unforeseen stoppage, or of any action rendered necessary by *force majeure*.

*Provision 219*

*Formula A*

Subject to the provisions of paragraph . . . (provision 218, formula A), an archipelagic State may not suspend the innocent passage of foreign ships through sea lanes designated by it under the provisions of . . . (provisions 215 to 219), except when essential for the protection of its security, after giving due publicity thereto and substituting other sea lanes for those through which innocent passage has been suspended.

*Formula B*

An archipelagic State may not interrupt or suspend the transit of ships through its straits or archipelagic waters, or take any action which may impede their passage.

*Provision 220*

The foregoing provisions shall not affect the established régime concerning coastlines deeply indented and cut into and the waters enclosed by a fringe of islands along the coast, as expressed in article . . .

PART XI. ENCLOSED AND SEMI-ENCLOSED SEAS  
(item 17)\*

*Provision 221*

For the purpose of these articles:

- (a) The term "enclosed sea" shall refer to a small body of inland waters surrounded by two or more States which is connected to the open seas by a narrow outlet.
- (b) The term "semi-enclosed sea" shall refer to a sea basin located along the margins of the main ocean basins and enclosed by the land territories of two or more States.

*Provision 222*

In regions with special characteristics, such as semi-enclosed or enclosed seas, where it is impossible for coastal States to fix the maximum breadth of their territorial seas, the breadth of the said seas shall be determined by agreement between the coastal States of the same region.

*Provision 223*

*Formula A*

The general rules set out in chapters . . . (chapters relating to territorial sea and economic zone) of this Convention shall be applied, in enclosed and semi-enclosed seas, in a manner consistent with equity.

States bordering enclosed and semi-enclosed seas may hold consultations among themselves with a view to determining the manner and

\*For purely methodological reasons the position of those delegations for whom global criteria should continue to apply is not reflected as a trend in part XI. For the same reasons the position of those delegations for whom the area adjacent to the territorial sea will become an exclusive economic zone or patrimonial sea, and shall not be considered as high seas, is not reflected as a trend in part XI.

method of application appropriate for their region, for the purposes of this article.

*Formula B*

The general rules set out in this Convention shall apply to an enclosed or semi-enclosed sea in a manner consistent with the special characteristics of these seas and the needs and interests of their coastal States.

*Provision 224*

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.

*Provision 225*

*Formula A*

The preservation and protection of the marine environment of an enclosed or semi-enclosed sea and the management of its resources shall be the responsibility of the coastal States. To this end the coastal States may, in addition to global norms:

(a) Adopt regional rules and standards aimed at the better protection of their environment against marine pollution.

(b) Co-ordinate their activities in relation to the management and exploitation of the renewable resources of the enclosed or semi-enclosed sea under regional arrangements.

*Formula B*

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

*Provision 226*

Scientific research in an enclosed or semi-enclosed sea shall be conducted only with the consent of the coastal States concerned.

*Provision 227*

*Formula A*

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 . . . (paras. 1 to 3) 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 IMCO;

(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 . . . (paras. 1 and 2):

(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.

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

5. 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.

*Formula B*

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.

*Formula C*

(See part III, provision 57, formula C; provision 58, formula B; provision 59, formula B; provision 60, formula B; provision 61; provision 63, formula B; provision 65 and provision 66, formula A.)

*Provision 228*

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.

PART XII. ARTIFICIAL ISLANDS AND INSTALLATIONS

(item 18)\*

*Provision 229*

The coastal State is entitled to construct artificial islands or immovable installations in its territorial sea.

*Provision 230*

The coastal State must not, through such structures, impede access to the ports of a neighbouring State or cause damage to the marine environment of the territorial seas of neighbouring States.

Before commencing the construction of artificial islands or installations as mentioned in the preceding provision, the coastal State shall publish the plans thereof and take into consideration any observations submitted to it by other States. In the event of disagreement, an interested State which deems itself injured may appeal to IMCO, which, though not empowered to prohibit the construction, may prescribe such changes or adjustments as it considers essential to safeguard the lawful interests of other States.

*Provision 231*

*Formula A*

(Part IV, provision 74, formula A)

*Formula B*

The coastal State shall have the exclusive right to authorize and regulate on the continental shelf the construction, operation and use of off-shore installations for the purpose of exploration or exploitation of natural resources or for other economic purposes.

. . . (Part IV, provision 74, formula B, paras. 2 to 5)

*Provision 232*

(Part IV, provision 75)

*Provision 233*

1. The coastal State may, on the conditions specified in the following paragraph, authorize the construction on its continental shelf of artificial islands or immovable installations serving purposes other than the exploration or exploitation of natural resources. Such structures shall be placed under its jurisdiction or under that of the State which undertakes their construction, and, with a view to their protection, may be surrounded by safety zones extending not more than 500 metres. Such artificial islands or immovable installations have no territorial sea of their own.

2. Before commencing the construction of artificial islands or installations as mentioned in paragraph 1, the State shall publish the plans thereof and take into consideration any observations submitted to it by other States. In the event of disagreement, an interested State which deems itself injured may appeal to . . . , which shall prescribe, where appropriate, such changes or adjustments as it considers essential to safeguard the lawful interests of other States.

\*Reference in part XII to the continental shelf is without prejudice to the position of those delegations for whom the concept of the continental shelf would be subsumed under the concept of the exclusive economic zone.



## Provision 234

## Formula A

(Part IV, provision 76, formula A)

## Formula B

(Part IV, provision 76, formula B)

## Provision 235

## Formula A

A coastal State shall authorize the laying of submarine cables and pipelines on the continental shelf, without restrictions other than those which may result from its rights over the same.

The establishment of any other type of installation by third States or their nationals is subject to the permission of the coastal State.

## Formula B

(Part IV, provision 77, formula B)

## Formula C

Subject to the provisions of paragraphs . . . (provision 73, formula A in part IV), the coastal State is entitled to construct and maintain or operate on the continental shelf installations and other devices necessary for its exploration and the exploitation of its natural resources, and to establish safety zones around such installations and devices and to take in those zones measures necessary for their protection.

## Provision 236

## Formula A

The coastal State shall authorize and regulate the emplacement and use of artificial islands and any kind of facilities on the surface of the sea, in the water column and on the sea-bed and subsoil of the patrimonial sea.

## Formula B

1. The coastal State shall have the exclusive right to authorize and regulate, in the economic zone, 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 installations which may interfere with the exercise of the rights of the coastal State in the economic zone.

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.

3. The provisions of article . . . (provision 231, formula B and provision 234, formula B) shall apply, *mutatis mutandis*, to such artificial islands and installations.

## Formula C

Subject to the provisions of paragraphs . . . (provision 237, formula B and provision 238), the coastal State shall have the sovereign right to engage in, decide on and regulate, within the economic zone, the construction, operation and utilization of non-coastal installations and other facilities, set up for purposes of exploration and exploitation of the natural resources of the economic zone.

## Provision 237

## Formula A

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.

## Formula B

None of the installations and other facilities or safety zones around them mentioned in paragraphs . . . (provision 236, formula C and provision 238) may be set up in places where they might be a hindrance to the use of the regular sea routes which are of essential importance to international navigation, or of areas which are of special importance to fishing.

## Provision 238

The coastal State shall ensure compliance with the agreed international standards concerning the breadth of the safety zone around non-coastal installations and other facilities and navigation beyond the limits of the safety zone but close to such non-coastal installations and other facilities.

## PART XIII. RÉGIME OF ISLANDS (item 19)

## Provision 239

## Formula A

An island is a naturally formed area of land, surrounded by water, which is above water at high tide.

## Formula B

1. An island is a vast naturally formed area of land, surrounded by water, which is above water at high tide.

2. An islet is a smaller naturally formed area of land, surrounded by water, which is above water at high tide.

3. A rock is a naturally formed rocky elevation of ground, surrounded by water, which is above water at high tide.

4. A low-tide elevation is a naturally formed area of land which is surrounded by and above water at low tide but submerged at high tide.

## Formula C

1. An islet is a naturally formed elevation of land (or simply an eminence of the sea-bed) less than one square kilometre in area, surrounded by water, which is above water at high tide.

2. An island similar to an islet is a naturally formed elevation of land (or simply an eminence of the sea-bed) surrounded by water, which is above water at high tide, which is more than one square kilometre but less than . . . square kilometres in area, which is not or cannot be inhabited (permanently) or which does not or cannot have its own economic life.

### 1. Islands under colonial dependence of foreign domination or control

## Provision 240

## Formula A

In respect of a territory whose people have attained neither full independence nor some other self-governing status following an act of self-determination under the auspices of the United Nations, the rights to the resources of the economic zone created in respect of that territory and to the resources of its continental shelf are vested in the inhabitants of that territory to be exercised by them for their benefit and in accordance with their needs and requirements. Such rights may not be assumed, exercised or profited from or in any way infringed by a metropolitan or foreign power administering or occupying that territory.

## Formula B

1. No economic zone shall be established by any State which has dominion over or controls a foreign island in waters contiguous to that island.

2. The inhabitants of such islands shall be entitled to create their economic zone at any time prior to or after attaining independence or self-rule. The right to the resources of such economic zone and to the resources of its continental shelf are vested in the inhabitants of that island to be exercised by them for their benefit and in accordance with their needs or requirements.

3. In case the inhabitants of such islands do not create an economic zone, the Authority shall be entitled to explore and exploit such areas, bearing in mind the interests of the inhabitants.

## Formula C

The rights recognized or established in the present Convention shall not be invoked by the colonial or occupying Power in respect of islands and other territories under colonial domination or foreign occupation as long as that situation persists.

## Formula D

Concerning islands under colonial domination, racist régime or foreign occupation, the rights to the maritime spaces and to the resources thereof belong to the inhabitants of those islands and must profit only their own development.

No colonial or foreign or racist Power which administers or occupies those islands shall exercise those rights, profit from them or in any way infringe upon them.

### 2. Other related matters

## Provision 241

## Formula A

Maritime spaces of islands shall be determined according to equitable principles, taking into account all relevant factors and circumstances including, *inter alia*:

- (a) The size of islands;
  - (b) The population or the absence thereof;
  - (c) Their contiguity to the principal territory;
  - (d) Whether or not they are situated on the continental shelf of another territory;
  - (e) Their geological and geomorphological structure and configuration.
2. Island States and the régime of archipelagic States as set out under the present Convention shall not be affected by this article.

#### Formula B

1. Subject to paragraph 4 of this article, the territorial sea of an island is measured in accordance with the provisions of this Convention applicable to other land territory.
2. The economic zone of an island and its continental shelf are determined in accordance with the provisions of this Convention applicable to other land territory.
3. The foregoing provisions have application to all islands, including those comprised in an island State.
4. In the case of atolls or of islands having fringing reefs, the baseline for measuring the breadth of the territorial sea shall be the seaward edge of the reef, as shown on official charts.

#### Formula C

1. The sovereignty and jurisdiction of a State extends to the maritime zones of its islands determined and delimited in accordance with the provisions of this Convention applicable to its land territory.
2. The sovereignty over the island extends to its territorial sea, to the air space over the island and its territorial sea, to its sea-bed and the subsoil thereof and to the continental shelf for the purpose of exploring it and exploiting its natural resources.
3. The island has a contiguous zone and an economic zone on the same basis as the continental territory, in accordance with the provisions of this Convention.

#### Formula D

1. An island situated in the economic zone or on the continental shelf of other States shall have no economic zone or continental shelf of its own if it does not contain at least one tenth of the land area and population of the State to which it belongs.
2. Islands without economic life and situated outside the territorial sea of a State shall have no marine space of their own.
3. Rocks and low-tide elevations shall have no marine space of their own.

#### Formula E

1. The marine spaces of islets or islands similar to islets situated in the territorial sea, on the continental shelf or in the economic zone of another State shall be determined by agreement between the States concerned or by other means of pacific settlement used in international practice.
2. The marine spaces of such elevations of land situated in the international zone of the sea-bed shall be established by agreement with the international authority for that zone.

#### Provision 242

##### Formula A

1. In principle, a State may not invoke the existence, in one of its maritime zones, of islets or islands similar to islets, as defined in article . . . (provision 239, formula C), for the purpose of extending the marine spaces which belong to its coasts.
2. Where such elevations of land are situated along the coast of the same State, in immediate proximity thereto, they shall be taken into consideration, in accordance with the provisions of this Convention, for the purpose of establishing the baseline from which the breadth of the territorial sea is measured.
3. Where an islet or island similar to an islet is situated in the territorial sea of the same State but very close to its outer limit, the State in question may reasonably extend its territorial waters seaward or establish an additional maritime zone for the protection of lighthouses or other installations on such islet or island. The additional zones thus established shall in no way affect the marine spaces belonging to the coasts of the neighbouring State or States.
4. Islets or islands similar to islets which are situated beyond the territorial sea, on the continental shelf or in the economic zone of the same State, may have around them or around some of their sectors

security areas or even territorial waters in so far as this is without prejudice to the marine spaces which belong to the coasts of the neighbouring State or States.

5. Where such eminences of the sea-bed are situated very close to the outer limit of the continental shelf or of the economic zone, the extension of their security zones or their territorial waters shall be established by agreement with the neighbouring State or States, or, where appropriate, with the authority for the international zone, having regard to all relevant geographic, geological or other factors.

#### Formula B

1. An island, islet, rock or a low-tide elevation are considered as adjacent when they are situated in the proximity of the coasts of the State to which they belong.
2. An island, islet, rock or a low-tide elevation are considered as non-adjacent when they are not situated in the proximity of the coasts of that State to which they belong.
3. The baselines applicable to adjacent islands, islets, rocks and low-tide elevations, in accordance with article . . . (paras. 1 and 2 and provision 239, formula B), are considered as the baselines applicable to the State to which they belong and consequently are used in the measurement of the marine spaces of that State.
4. The marine spaces of islands considered non-adjacent, in accordance with paragraphs . . . (para. 2 and provision 239, formula B, para. 1), shall be delimited on the basis of relevant factors taking into account equitable criteria.
5. These equitable criteria should notably relate to:
- (a) The size of these naturally formed areas of land;
  - (b) Their geographical configuration and their geological and geomorphological structure;
  - (c) The needs and interests of the population living thereon;
  - (d) The living conditions which prevent a permanent settlement of population;
  - (e) Whether these islands are situated within, or in the proximity of, the marine space of another State;
  - (f) Whether, due to their situation far from the coast, they may influence the equity of the delimitation.
6. A State cannot claim jurisdiction over the marine space by virtue of the sovereignty or control which it exercises over a non-adjacent islet, rock or low-tide elevation as defined in paragraphs . . . (para. 2 and provision 239, formula B, paras. 2 to 4).
7. In accordance with paragraph 6, safety zones of reasonable breadth may nevertheless be established around such non-adjacent islets, rocks or low-tide elevations.

8. The provisions of articles . . . (paras. 1 to 7 and provision 239, formula B) shall not apply either to island or to archipelagic States.

9. A coastal State cannot claim rights based on the concept of archipelago or archipelagic waters by reason of its exercise of sovereignty or control over a group of islands situated off its coasts.

#### Formula C

(See part I, provision 4, formula A; provision 5, formula A; provision 7, formula A and provision 8.)

#### Provision 243

##### Formula A

1. The delimitation of any marine or ocean space shall, in principle, be effected between the coasts proper of the neighbouring States, using as a basis the relevant points on the coasts or on the applicable baselines, so that the areas situated off the sea frontage of each State are attributed thereto.
2. Islands which are situated in the maritime zones to be delimited shall be taken into consideration in the light of their size, their population or the absence thereof, their situation and their geographical configuration, as well as other relevant factors.
3. Low-tide elevations, islets and islands that are similar to islets (of small size, uninhabited and without economic life) which are situated outside the territorial waters off the coasts and which constitute eminences on the continental shelf—whether lighthouses or other installations have been built on them or not—and man-made islands—regardless of their dimensions and characteristics—shall not be taken into consideration in the delimitation of marine or ocean space between neighbouring States.
4. The naturally formed areas of land referred to in paragraph 3 may have around them or around some of their sectors maritime safety

areas or even territorial waters, provided they do not affect marine spaces belonging to the coasts of neighbouring States.

5. The provisions of the present article shall not be applicable to islands and to other naturally formed areas of land which constitute part of an island State or of an archipelagic State.

#### Formula B

1. In areas of semi-enclosed seas, having special geographic characteristics, the maritime spaces of islands shall be determined jointly by the States of that area.

2. The provisions of this chapter shall be applied without prejudice to the articles of this Convention relating to delimitation of marine spaces between countries with adjacent and/or opposite coasts.

#### Formula C

1. In accordance with the provisions of articles . . . (provision 242, formula B, paras. 2, 4 and 5), the delimitation of the marine spaces between adjacent and/or opposite States must be done, in the case of presence of islands, non-adjacent islets, rocks and low-tide elevations, by agreement between them according to principles of equity, the median or equidistance line not being the only method of delimitation.

2. For this purpose, special account should be taken of geological and geomorphological criteria, as well as of all other special circumstances.

#### Formula D

1. Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line, every point of which is equidistant from the nearest points on the baselines, continental or insular, from which the breadth of the territorial seas of each of the two States is measured.

2. 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 amongst themselves.

3. 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.

4. Where the coasts of two or more States are adjacent or opposite to each other and the distance between them is less than double the uniform breadth provided in this Convention, the delimitation of their economic zones and of their sea-bed areas shall be determined by agreement among themselves.

5. Failing such agreement, no State is entitled to extend its rights over an economic zone and sea-bed area beyond the limits of 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 above areas of each of the two States is measured.

#### Formula E

Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its maritime spaces beyond the median line, every point of which is equidistant from the nearest points on the baselines, continental or insular, from which the breadth of the maritime spaces of each of the two States is measured.

#### Formula F

Where the coasts of two or more States are adjacent and/or opposite to each other, the delimitation of the respective maritime spaces shall be determined by agreement among them in accordance with equitable principles, taking into account all the relevant factors including, *inter alia*, the geomorphological and geological structure of the sea-bed area involved, and special circumstances such as the general configuration of the respective coasts, and the existence of islands, islets or rocks within the area.

#### Formula G

1. The delimitation of the continental shelf or of the economic zone between adjacent and/or opposite States shall be effected by agreement between them in accordance with an equitable dividing line, the median or equidistance line not being the only method of delimitation.

2. For this purpose, account shall be taken, *inter alia*, of the special nature of certain circumstances, including the existence of islands or islets situated in the area to be delimited or of such kind that they might affect the delimitation to be carried out.

#### Provision 244

### APPENDIX II

#### Documents of the Second Committee

[See the list of documents at the beginning of the present volume.]

### APPENDIX III

#### Index to the summary records of the meetings of the Second Committee

Meetings held from 3 July to 28 August 1974

##### 1st meeting—3 July 1974

###### Organization of work:

Statements by the Chairman, and by the representatives of Bulgaria, Senegal, El Salvador, Finland, Singapore, United States of America, Chile, Turkey, France, Tunisia, Greece, Spain, India, Peru, Colombia, Israel, Bolivia and Guatemala

##### 2nd meeting—9 July 1974

###### Territorial sea:

Statements by the Chairman, and by the representatives of Turkey, India, Indonesia, Guatemala, Greece, Ecuador, Guyana, United Republic of Cameroon, Bangladesh and Israel

##### 3rd meeting—11 July 1974

###### Organization of work:

Statements by the Chairman

###### Territorial sea (*continued*):

Statements by the representatives of Federal Republic of Germany, Madagascar, Honduras, German Democratic Republic, United Kingdom of Great Britain and Northern Ireland, Spain, Israel, Uruguay, Philippines, United Republic of Cameroon, Peru, Guyana and by the Chairman and Canada

##### 4th meeting—16 July 1974

###### Territorial sea (*continued*):

Statements by the representative of El Salvador, by the Chairman, and by the representatives of Turkey, Cuba, Union of Soviet Socialist Republics, Finland, Pakistan, Upper Volta, Guatemala, Netherlands, Tonga and Ecuador

[Statements by the representatives of Honduras and El Salvador in exercise of the right of reply]

##### 5th meeting—17 July 1974

###### Territorial sea (*continued*):

Statements by the representatives of Brazil, Bangladesh, Republic of Korea, Colombia, Peru, Cyprus, Uruguay, Greece, Jamaica, Philippines, El Salvador and Albania and by the Chairman

[Statements by the representatives of the Union of Soviet Socialist Republics and Albania in exercise of the right of reply]

###### Organization of work:

Statements by the representative of Tunisia and by the Chairman

##### 6th meeting—17 July 1974

###### Organization of work:

Statements by the Chairman and by the representatives of Iceland, Pakistan and Greece

###### Territorial sea (*continued*):

Statements by the representatives of Indonesia, Italy, Turkey, United Republic of Cameroon, Iran, Poland, Guinea, Ukrainian Soviet Socialist Republic, Paraguay, Venezuela and Iraq

##### 7th meeting—17 July 1974

###### Territorial sea (*concluded*):

Statements by the representatives of Trinidad and Tobago, Peru, Republic of Viet-Nam, Bhutan, Chile, Somalia, by the Chairman,

by the representatives of Japan, the International Chamber of Shipping, by El Salvador, Paraguay, Bolivia, Guyana, Uruguay, Tunisia and Guyana.

*8th meeting—18 July 1974*

Organization of work:

Statement by the Chairman

*9th meeting—19 July 1974*

Organization of work:

Statement by the Chairman

Contiguous zone:

Statements by the representatives of Mexico, United Republic of Cameroon, Togo, India, Indonesia, Israel, Egypt, Kenya, Iraq, Algeria, Guyana, by the Chairman, and by the representatives of Pakistan, El Salvador, Bahrain, Peru, Kuwait, Lebanon, Nigeria, Spain, Portugal and Union of Soviet Socialist Republics

*10th meeting—19 July 1974*

Straits used for international navigation:

Statement by the Chairman

*11th meeting—22 July 1974*

Straits used for international navigation (*continued*):

Statements by the representative of Spain, by the Chairman, and by the representatives of Iran, Denmark, Finland, United Kingdom of Great Britain and Northern Ireland and Sri Lanka

*12th meeting—22 July 1974*

Straits used for international navigation (*continued*):

Statements by the representatives of Union of Soviet Socialist Republics, German Democratic Republic, Cuba, Mongolia, United States of America, Sweden, United Republic of Tanzania, Czechoslovakia and Italy

*13th meeting—23 July 1974*

Straits used for international navigation (*continued*):

Statements by the representatives of Canada, Egypt, Poland, Peru, Morocco, Hungary, Turkey, Iceland, China, Yemen, Ghana, United States of America, Argentina and Chile

*14th meeting—23 July 1974*

Straits used for international navigation (*continued*):

Statements by the representatives of Oman, Singapore, Spain, Fiji, Israel, Algeria, Chile, by the Chairman, and by the representatives of Nigeria, Albania, Kuwait, Bulgaria, Iraq, Ukrainian Soviet Socialist Republic, Liberia, India, Paraguay and Peru

[Statements by the representatives of China and the Ukrainian Soviet Socialist Republic in exercise of the right of reply]

*15th meeting—25 July 1974*

Straits used for international navigation (*concluded*):

Statements by the representatives of Democratic Yemen and by the Chairman

*16th meeting—26 July 1974*

Continental shelf:

Statements by the representatives of Austria, Nicaragua, Bangladesh, Israel, Honduras, Libyan Arab Republic, Paraguay, Peru and Portugal

*17th meeting—26 July 1974*

Continental shelf (*continued*):

Statements by the representatives of Zaire, Finland, Australia, Japan, Republic of Korea, Spain and Lebanon

*18th meeting—29 July 1974*

Continental shelf (*continued*):

[Statements on a point of order by the representatives of Iceland and Nepal and by the Chairman]

Statements by the representatives of El Salvador, Argentina, Singapore, Uganda, Nepal, Venezuela, Greece, Uruguay, Pakistan, Egypt, Trinidad and Tobago and Burma

*19th meeting—30 July 1974*

Continental shelf (*continued*):

Statements by the representatives of Romania, Guyana, by the Chairman, and by the representatives of Kenya, United Republic

of Cameroon, Israel, Switzerland, Ecuador, Turkey, Iraq, Iceland and Thailand

*20th meeting—30 July 1974*

Continental shelf (*continued*):

Statements by the representatives of Gambia, Union of Soviet Socialist Republics, Kenya, Denmark, Democratic People's Republic of Korea, Republic of Viet-Nam, Tunisia, Mauritius, Cyprus, Norway, Lesotho, Cuba, Federal Republic of Germany, Ghana, Ireland, Chile, Mexico, Mali, Italy, Jamaica, Panama, Malta and Indonesia

[Statements by the representatives of Republic of Korea and Democratic People's Republic of Korea in exercise of the right of reply]

*21st meeting—31 July 1974*

Exclusive economic zone beyond the territorial sea:

Statement by the representative of New Zealand

*22nd meeting—31 July 1974*

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Statement by the representative of Bahrain

Exclusive economic zone beyond the territorial sea (*continued*):

Statements by the representatives of Honduras, Nigeria, Portugal, Mexico, German Democratic Republic, Yugoslavia, Upper Volta, Madagascar, Paraguay, Zaire, Congo, Cyprus, Barbados, by the Chairman, and by the representatives of Dahomey, Mauritania, Israel, Trinidad and Tobago, Laos, Switzerland, Ireland, Sweden and Finland

*23rd meeting—1 August 1974*

Exclusive economic zone beyond the territorial sea (*continued*):

Statements by the representatives of Bangladesh, United Republic of Tanzania, Kenya, Liberia, France and Sri Lanka

*24th meeting—1 August 1974*

Exclusive economic zone beyond the territorial sea (*continued*):

Statements by the representatives of China, El Salvador, Togo, Ghana, Greece, Iceland, Western Samoa, Tonga, United States of America, Burundi, India, Federal Republic of Germany, Cuba, Thailand, Peru and Romania

*25th meeting—5 August 1974*

Exclusive economic zone beyond the territorial sea (*continued*):

Statements by the representatives of Pakistan, Italy, Republic of Korea, Argentina, Ivory Coast, Uganda, Malaysia, Bolivia, Senegal, United Kingdom of Great Britain and Northern Ireland, Ukrainian Soviet Socialist Republic and Bhutan

*26th meeting—5 August 1974*

Exclusive economic zone beyond the territorial sea (*continued*):

Statements by the representatives of Poland, Brazil, Chile, Tunisia, Egypt, Australia, Byelorussian Soviet Socialist Republic, Nepal, Belgium, Albania, Indonesia, Guyana, Uruguay, Democratic Yemen and Somalia

[Statements by the representatives of Union of Soviet Socialist Republics, Albania and China in exercise of the right of reply]

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Exclusive economic zone beyond the territorial sea (*continued*):

Statements by the representatives of Singapore, South Africa, Khmer Republic, Panama, Turkey, Libyan Arab Republic, Ecuador, Haiti, Democratic People's Republic of Korea, Afghanistan, Spain and Guatemala

*28th meeting—6 August 1974*

Exclusive economic zone beyond the territorial sea (*continued*):

Statements by the representatives of Japan, Netherlands, Jamaica, Guinea, Bulgaria, Denmark, Venezuela, Union of Soviet Socialist Republics, Lebanon, Algeria and Austria

*29th meeting—6 August 1974*

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Statements by the representatives of Burma, Canada, Colombia, Iraq, Mali, and by the Chairman

*30th meeting—7 August 1974*

Coastal State preferential rights or other non-exclusive jurisdiction over resources beyond the territorial sea:

- Statements by the representatives of South Africa, France, by the Chairman, and by the representatives of Zaire, Denmark, China, Iceland, Union of Soviet Socialist Republics and Peru  
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Statements by the representatives of Canada, Tunisia, Nigeria, Norway, Ghana, Finland, Congo, Italy and by the Chairman
- Contiguous zone (*concluded*):  
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- High Seas:  
Statements by the representatives of El Salvador, United Republic of Tanzania, New Zealand, Guyana, by the Chairman, and by the representatives of the United Kingdom of Great Britain and Northern Ireland, Senegal, Union of Soviet Socialist Republics and Peru  
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Rights and interests of shelf-locked States and States with narrow shelves or short coastlines:  
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- 36th meeting—12 August 1974*  
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- 37th meeting—12 August 1974*  
Archipelagos (*concluded*):  
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- 40th meeting—14 August 1974*  
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- Transmission from the high seas:  
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- Completion of the Committee's work:  
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## ANNEX III

## Statement of activities of the Third Committee

Prepared by the Rapporteur of the Committee

## Note:

1. The following statement contains a brief account of the activities of the Third Committee and does not constitute a report in a formal or traditional sense. The objective is to provide a document of record and

reference which will enable delegations, and the Committee as a whole, to continue without delay consideration of the subject-matter before the Committee at the next session of the Conference.

### I. Establishment of the Committee

2. The Third Committee was one of three Main Committees established at the first session of the Conference, to deal with the subjects covered by the three sub-committees of the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction.

3. The officers of the Committee were elected as follows:

*Chairman:* Mr. A. Yankov (Bulgaria)

*Vice-Chairmen:* Colombia, Mr. A. Escallon Villa; Cyprus, Mr. A. J. Jacovides; Federal Republic of Germany, Mr. W. H. Lampe, Mr. G. Breuer

*Rapporteur:* Mr. A. M. A. Hassan (Sudan)

### II. Mandate of the Committee

4. By a decision of the Conference at its 15th meeting on 2 July 1974, upon the recommendation of the General Committee, the Third Committee was given the task of considering the following items from the list of subjects and issues:

#### Item 12. *Preservation of the marine environment*

- 12.1 Sources of pollution and other hazards and measures to combat them
- 12.2 Measures to preserve the ecological balance of the marine environment
- 12.3 Responsibility and liability for damage to the marine environment and to the coastal State
- 12.4 Rights and duties of coastal States
- 12.5 International co-operation

#### Item 13. *Scientific research*

- 13.1 Nature, characteristics and objectives of scientific research of the oceans
- 13.2 Access to scientific information
- 13.3 International co-operation

#### Item 14. *Development and transfer of technology*

- 14.1 Development of technological capabilities of developing countries
  - 14.1.1 Sharing of knowledge and technology between developed and developing countries
  - 14.1.2 Training of personnel from developing countries
  - 14.1.3 Transfer of technology to developing countries

5. The Conference also agreed that the following understanding reached in the sea-bed Committee on 27 August 1971 should be carried forward in respect of the Committees of the Conference:

"While each sub-committee will have the right to discuss and record its conclusions on the question of limits so far as it is relevant to the subjects allocated to it, the main Committee will not reach a decision on the final recommendation with regard to limits until the recommendations of Sub-Committee II on the precise definition of the area have been received, which should constitute basic proposals for the consideration of the main Committee."

### III. DOCUMENTATION

6. By paragraph 6 of resolution 3067 (XXVIII), the General Assembly referred to the Conference the reports of the sea-bed Committee and all other relevant documentation of the General Assembly and the Committee. The Third Committee thus had before it all the documentation from Sub-Committee III of the sea-bed Committee including in particular the notes with annexes from the Chairmen of the two working groups of Sub-Committee III. The texts of these notes and annexes are reproduced in the report of the sea-bed Committee. A list of all formal proposals presented to date to the Committee is contained in the list of documents at the beginning of the present volume.

### IV. ORGANIZATION OF WORK

7. During the second session of the Conference, the Third Committee worked through formal and informal meetings. It held 17 formal meetings and 21 informal meetings.

8. At its 2nd formal meeting held on 11 July 1974, the Committee accepted a proposal by the Chairman that it should start work with a brief general discussion to enable delegations to make statements on all the three items allocated to the Third Committee. At the conclusion of the general discussion, the Committee would hold its informal meetings to consider, alternately on a daily basis, item 12 at one meeting, and items 13 and 14 at the following meeting. The Committee agreed that when it held informal meetings on item 12 it should be under the chairmanship of Mr. José Luis Vallarta (Mexico). On 23 July 1974 the Committee agreed that when it held its informal meetings to consider items 13 and 14 it should be under the chairmanship of Mr. Cornel Metternich (Federal Republic of Germany).

9. During the general discussion, 43 delegations made statements on item 12 and 42 delegations on items 13 and 14. Representatives of several specialized agencies of the United Nations and other international organizations, among them the United Nations Educational, Scientific and Cultural Organization, the United Nations Environment Programme, the Inter-Governmental Maritime Consultative Organization and the Inter-Governmental Oceanographic Commission, made statements regarding subjects relevant to the mandate of the Committee.

### V. WORK OF THE THIRD COMMITTEE AT ITS INFORMAL MEETINGS

10. The two Chairmen of the informal meetings of the Committee on item 12 and items 13 and 14 made regular weekly reports to the Committee on progress made. These reports were the personal assessments of the Chairmen and were not binding on any delegation. The informal meetings also met as drafting and negotiating groups. At the end of the Conference session in Caracas the two Chairmen transmitted notes to the Chairman of the Committee describing the work done during the informal meetings. The texts of these notes are contained in document A/CONF.62/C.3/L.14 and 16 respectively. The Chairmen also transmitted texts of draft articles whether agreed upon or with alternates in some cases, prepared in the informal meetings of the Committee. These texts are found in document A/CONF.62/C.3/L.15 as regards item 12 and for items 13 and 14 in document A/CONF.62/C.3/L.17.

### VI. FUTURE WORK

11. The Third Committee made progress at this session of the Conference towards completion of the mandate assigned to it by the Conference. It therefore recommends that the opportunity should be provided for it to continue this work at a further session or sessions with a view to completing the drafting of articles dealing with the preservation of the marine environment, scientific research and development and transfer of technology.

### APPENDIX I

#### *Documents of the Third Committee*

[See the list of documents at the beginning of the present volume.]

### APPENDIX II

#### *Index to the summary records of the meetings of the Third Committee*

##### *Meetings held from 4 July to 27 August 1974*

##### *1st meeting—4 July 1974*

##### *Organization of work:*

Statements by the representative of Colombia, by the Chairman, and by the representatives of El Salvador, Senegal, Finland, Sri Lanka, Canada, United States of America and Romania

##### *2nd meeting—11 July 1974*

##### *Organization of work:*

Statements by the Chairman, and by the representatives of Senegal, Chile, Venezuela, Byelorussian Soviet Socialist Republic, Finland, Greece, Kenya, Spain, United States of America, Sudan, Pakistan, Sri Lanka, France, Algeria, Union of Soviet Socialist Republics, Canada, Brazil, Ireland and India

##### *3rd meeting—15 July 1974*

##### *Preservation of the marine environment:*

Statements by the Chairman, and by representatives of German Democratic Republic, Denmark, Iraq, Australia, Burma, Bangladesh and Madagascar

*4th meeting—16 July 1974*

Preservation of the marine environment (*continued*):

Statements by the representatives of Liberia, Egypt, Canada, Finland, Union of Soviet Socialist Republics, United Republic of Tanzania, Nigeria, Trinidad and Tobago and United Kingdom of Great Britain and Northern Ireland

*5th meeting—17 July 1974*

Preservation of the marine environment (*continued*):

Statements by the Assistant Director-General of the United Nations Educational, Scientific and Cultural Organization, and by the representatives of Sweden, Pakistan, Sudan, Israel, Italy, Japan, New Zealand, Greece, Portugal and Federal Republic of Germany

*6th meeting—17 July 1974*

Preservation of the marine environment (*continued*):

Statements by the representatives of China, Iran, Austria, Ecuador, France, Chile, Romania, Brazil, Barbados, Cuba, Spain, Libyan Arab Republic, India, by the Chairman, and by the representatives of Tunisia, United States of America and Denmark

*7th meeting—18 July 1974*

Scientific research:

Development and transfer of technology:

Statements by the representatives of Madagascar, German Democratic Republic, Sri Lanka, by the Chairman, and by the representatives of Sudan, Brazil, Burma, Colombia, France, United Republic of Cameroon, Denmark and Guyana

*8th meeting—19 July 1974*

Scientific research (*continued*):

Development and transfer of technology (*continued*):

Statements by the representatives of Panama, United States of America, Mexico, Israel, Ireland, Venezuela, China, Sweden, Federal Republic of Germany, Peru, Portugal and United Republic of Tanzania

*9th meeting—19 July 1974*

Scientific research (*continued*):

Development and transfer of technology (*continued*):

Statements by the representatives of Iran, Cuba, Spain, Nigeria, Austria, Yugoslavia, Union of Soviet Socialist Republics, Kenya, Iraq, Finland, Canada, Albania, Guinea, India, Libyan Arab Republic, Congo, Japan, Senegal, by the Chairman and by the representative of Brazil

*10th meeting—26 July 1974*

Reports of the Chairmen of the informal meetings:

Statements by the Chairman, and by the Chairmen of the informal meetings on item 12, and on items 13 and 14, by the representatives of Spain, France, Chile, Venezuela, Union of Soviet Socialist Republics, and by the Secretary of the Committee

Preservation of the marine environment (*continued*):

Statements by the representatives of Kenya, Greece, Japan, Trinidad and Tobago and Sudan

*11th meeting—5 August 1974*

Reports of the Chairmen of the informal meetings:

Statements by the Chairman, and by the Chairmen of the informal meetings on item 12, and on items 13 and 14

Preservation of the marine environment (*continued*):

Statements by the Secretary of the Committee, and by the representatives of India, Iran, New Zealand, Guyana, Ghana, Canada, Peru, Bangladesh, Denmark, Argentina, Kenya, Greece, Philippines and Ireland

*12th meeting—5 August 1974*

Scientific research:

Statements by the representatives of Yugoslavia, by the Chairman, by the representative of the Federal Republic of Germany and by the Secretary of the Committee

Preservation of the marine environment (*continued*):

Statements by the representatives of Israel, Nigeria, India, Jamaica, South Africa, Malta and Federal Republic of Germany

*13th meeting—9 August 1974*

Reports of the Chairmen of the informal meetings:

Statements by the Chairmen of the informal meetings on item 12 and on items 13 and 14

Scientific research (*continued*):

Statements by the representatives of Trinidad and Tobago, Spain, India, Egypt, Brazil, Pakistan, Byelorussian Soviet Socialist Republic, Kenya, France, Yugoslavia, Argentina, South Africa, Morocco, Barbados, by the Chairman and by the representatives of the Netherlands, Liberia, Greece and the Federal Republic of Germany

*14th meeting—9 August 1974*

Preservation of the marine environment (*continued*):

Statements by the representatives of Japan, the United Nations Environment Programme, the United States of America, Kenya, India, Pakistan, by the Chairman, and by the representatives of Barbados, Federal Republic of Germany and United Kingdom of Great Britain and Northern Ireland

Organization of work:

Statements by the Chairman and by the Secretary of the Committee

*15th meeting—16 August 1974*

Reports of the Chairmen of the informal meetings:

Statements by the Chairmen of the informal meetings on item 12 and on items 13 and 14

Preservation of the marine environment (*continued*):

Statements by the representatives of Italy, Chile, by the Chairman, and by the representatives of the Netherlands, the Inter-Governmental Maritime Consultative Organization, Iceland, United Kingdom of Great Britain and Northern Ireland, Federal Republic of Germany, India, Union of Soviet Socialist Republics, Spain and German Democratic Republic

Organization of work:

Statements by the Chairman, and the Rapporteur, and by the representatives of Colombia, Mexico, India, Yugoslavia, China, Venezuela and Spain

*16th meeting—23 August 1974*

Organization of work:

Statements by the representative of Israel, by the Chairman, and by the representatives of Guyana and Italy

Development and transfer of technology (*concluded*):

Statements by the representative of Sri Lanka, by the Chairman, and by the representatives of Nigeria, Pakistan, New Zealand, India, Australia, Senegal, Malta, Kenya, China, Bulgaria, Philippines, Ireland, Greece, France and Ukrainian Soviet Socialist Republic

Scientific research (*continued*):

Statements by the representatives of Colombia, India, Kenya, by the Chairman, by the representatives of China, Union of Soviet Socialist Republics, Somalia, Ecuador, Guyana, Norway, the Inter-Governmental Oceanographic Commission (UNESCO) and by the representatives of Spain, France, Ukrainian Soviet Socialist Republic, Pakistan and Mexico.

*17th meeting—27 August 1974*

Preservation of the marine environment (*concluded*):

Statements by the representatives of Norway, France and Chile

Scientific research (*concluded*):

Statements by the representatives of Netherlands, Austria, India, Colombia, Kenya, Yugoslavia, by the Chairman, and by the representatives of Madagascar, Argentina, Pakistan, Singapore, Libyan Arab Republic, Lesotho, Sierra Leone and Liberia

Statements by the Chairman of the informal meetings:

Statements by the Chairmen of the informal meetings on item 12, and on items 13 and 14, by the representative of Sweden, by the Chairman, and by the representatives of India, the Inter-Governmental Maritime Consultative Organization, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Lesotho and the United Nations Environment Programme

Consideration of the statement of activities of the Committee:

Statements by the Rapporteur and the Chairman, and by the representatives of Algeria, Lesotho and Sudan

Concluding statement by the Chairman