

Third United Nations Conference on the Law of the Sea

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A/CONF.62/C.2/L.88

Ecuador: draft article on the nature and characteristics of the territorial sea

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume IV (Summary Records, Plenary, General Committee, First, Second and Third Committees, as well as Documents of the Conference, Third Session)*

tion takes place from one to the other. However, agreement might be envisaged on elements rather than on finished and polished formulae. Having consulted the officers, I should like specifically to place before the Committee for consideration the points which might form the outline of our procedure in this first stage of the work.

1. Review of the documents produced at Caracas, on the basis of the grouping of the items decided on there, with a view to elaborating consolidated texts. In this connexion, the basic text would be the working paper on main trends contained in document A/CONF.62/L.8/Rev.1, which is a systematic compilation of the documents produced by the Second Committee in informal meetings at Caracas.

2. Informal consultations on the views expressed during the review of the above document. An attempt would be made to focus the process of consultation on the essential items. The Chairman and the officers, with the assistance of the Secretariat, would be authorized to carry on these consultations and would report on them to the Committee periodically.

3. Encouragement of working groups already in existence or which delegations may decide to set up. In that connexion, the Secretariat would be asked to provide the necessary meeting rooms and interpretation services.

4. Invitation to delegations which have maintained differing views, set out in alternative formulae, to meet and attempt to reach compromises, and to report in due course on the results of their consultations.

5. Formal meetings for the official submission of new proposals by States or groups of States or to hear progress reports on consultations.

In order that sufficient time, physical facilities and staff may be available, so as to enable intensive consultations to be carried on and permit working groups to operate to the full, it is suggested that the Second Committee should hold meetings only in the mornings, leaving the afternoons free for the other activities.

It is probable that the progress of this session will be measured not by the number of formal and informal meetings that are held but by the agreements of substance which may be reached. In this connexion, the working groups and consultations would seem to be lines of action parallel and complementary to the discussion which may take place here in informal meetings. Various channels may operate at the same time, and perhaps it is necessary that they should do so. I should like to suggest that the Committee decide to organize its work in this preliminary stage in accordance with the five points I have indicated. As I have already said, the officers of the Committee are in complete agreement with this.

DOCUMENT A/CONF.62/C.2/L.88

Ecuador: draft article on the nature and characteristics of the territorial sea

[Original: Spanish]
[17 April 1975]

1. The coastal State exercises sovereignty, beyond its coasts and its internal or archipelagic waters, over an adjacent area described as the territorial sea.

The coastal State also exercises sovereignty over the air space above the territorial sea, and over its bed and subsoil.

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

2. By virtue of its sovereignty over the territorial sea, the coastal State shall adopt the measures necessary for its security and shall exercise jurisdiction particularly with respect to:

(a) The exploration, exploitation, conservation and administration of non-renewable and renewable resources, whatever the characteristics and habits of the latter may be;

(b) Other economic activities including the production of energy by utilization of water, currents and winds;

(c) The preservation of the marine environment, including control and elimination of pollution, having regard to the provisions of international conventions, co-operation with other States and the recommendations of international technical bodies;

(d) The authorization, regulation and control of scientific research, including participation in such research and in its results;

(e) The emplacement and use of artificial islands, installations, structures and devices of any kind;

(f) The relevant customs, fiscal, immigration and sanitary policies;

(g) The other rights inherent in the sovereignty of the coastal State.

3. The rights of the coastal State shall be exercised without prejudice to the limitations established by this Convention.

4. Within the territorial sea the coastal State shall fix a limit near to its coasts within which the ships of all States shall enjoy the right of innocent passage. Beyond this internal limit, the ships and aircraft of all States shall enjoy freedom of passage over the territorial sea.

5. Within the internal limit of the territorial sea, the authorization of the coastal State shall be required for the laying of cables and pipelines. Beyond this internal limit any State, after previously informing the coastal State, may lay pipelines and cables and maintain them, without

prejudice to the rights of the coastal State or to the provisions of this Convention relating to free transit.

6. The coastal State may allow the nationals of other States to exploit the living resources in the territorial sea, subject to the regulations which it may enact. Such regulations may relate, *inter alia*, to the following:

(a) Determining the species which may be caught and the size of the catch and fixing fishing quotas per vessel, period of time or voyage;

(b) Issuing certificates and licences for fishing and marine hunting;

(c) Regulating the periods and areas for fishing and marine hunting and the techniques and gear which may be used;

(d) Specifying the information required from fishing boats, including statistics of catches and casts, and information on the boat's position;

(e) Authorizing and regulating fishing research programmes;

(f) Landing of all or part of the catch at ports of the coastal State;

(g) Procedures and penalties applicable in cases of infringement.

7. Pursuant to the purposes indicated in article 6, the coastal State, taking into account the provisions of this Convention relating to land-locked and geographically disadvantaged States, shall encourage the necessary co-operation with other States and with the competent international organizations.

8. Each coastal 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.

9. The breadth of the territorial sea may be established by regional or sub-regional agreements.

10. The coastal State, when establishing the limits of its territorial sea in conformity with this Convention, shall take into account the pertinent geographical, geological, ecological, economic and social factors, and interests relating to the preservation of the marine environment and its own security and defence.

DOCUMENT A/CONF.62/C.2/L.89/Rev. I

Statement on the work of the Second Committee

(Prepared by the Rapporteur of the Committee)

[Original: English]
[15 July 1975]

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 decisions of the Conference at its 7th meeting on 12 December 1973 and at its 52nd meeting on 17 March 1975, the officers of the Committee at the third session of the Conference, held at Geneva from 17 March to 10 May 1975, were as follows:

Chairman: Mr. R. Galindo Pohl (El Salvador).
Vice-Chairmen: Czechoslovakia, Mr. Z. Pisk; Kenya, Mr. F. X. Njenga; Turkey, Mr. N. Yolga.
Rapporteur: Mr. S. N. Nandan (Fiji)

II. Mandate of the Committee

3. The mandate of the Committee consists of examining the subjects and issues allocated to it by the Conference at its 15th meeting on 21 June 1974.⁴³

⁴³ The list of items allocated to the Committee is contained in paragraph 3 of the statement of activities of the Second Committee at the second session of the Conference. See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. III (United Nations publication, Sales No. E.75.V.5), document A/CONF.62/L.8/Rev.1, annex II.

III. Organization of work

4. At the 47th meeting of the Committee on 18 March 1975, the Chairman made a statement containing a proposal on the organization of the work of the Committee. The elements of that proposal, as approved by the Committee, were as follows:

1. Review of the documents produced at Caracas, on the basis of the grouping of the items decided on there, with a view to elaborating consolidated texts. In this connexion, the basic text would be the working paper on main trends contained in document A/CONF.62/L.8/Rev.1, which is a systematic compilation of the documents produced by the Second Committee in informal meetings at Caracas.

2. Informal consultations on the views expressed during the review of the above document. An attempt would be made to focus the process of consultation on the essential items. The Chairman and the officers, with the assistance of the Secretariat, would be authorized to carry on these consultations and would report on them to the Committee periodically.

3. Encouragement of working groups already in existence or which delegations may decide to set up. In that connexion, the Secretariat would be asked to provide the necessary meeting rooms and interpretation services.

4. Invitation to delegations which have maintained differing views, set out in alternative formulae, to meet