

Third United Nations Conference on the Law of the Sea

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Document:-

A/CONF.62/C.2/L.92

Malaysia: amendment to document A/CONF.62/C.2/L.49

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

Article . . .

1. A bay shall be regarded as historic only if it satisfies all of the following requirements: (a) that the State or States which claim it to be such shall have clearly stated that claim and shall be able to demonstrate that they have had sole possession of the waters of that bay continuously, peaceably and for a long time, by means of acts of sovereignty or jurisdiction in the form of repeated and continuous official regulations on the passage of ships, fishing and any other activities of the nationals or ships of other States; (b) that such practice is expressly or tacitly accepted by third States, particularly neighbouring States.

2. A bay the coasts of which belong to two or more States and which satisfies the requirements laid down in paragraph 1 of this article shall be regarded as historic only when there is agreement between the coastal States to that effect.

3. The coastal State or States shall notify the International Hydrographic Organization of the agreement or agreements referred to in the foregoing paragraph and shall mark them on large-scale charts prepared by the States concerned. Until such notification is supplied, the régime of historic bay shall not apply to the said bay.

4. No claim to historic bays shall include land, territory or waters under the established sovereignty, sovereign rights or jurisdiction of other States.

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*[Original: English]
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If the drawing of such baselines results in enclosing an area or areas of the sea separating two or more parts of an immediately adjacent neighbouring State, all existing rights which that State has traditionally exercised and all rights stipulated under agreements already concluded and other legitimate interests shall enure and remain unaffected.

* This text replaces the one contained in document A/CONF.62/C.2/L.64/Rev.1; see *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. IV. (United Nations publication, Sales No. E.75.V.10).