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Informal single negotiating text, part II

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Revision of contract

15. [Circumstances under which terms and conditions (e.g. financial conditions) of contracts may be revised—to be drafted.]

Force majeure

16. Non-performance or delay in performance shall be excused if and to the extent that such non-performance or delay is caused by *force majeure*. The party invoking *force majeure* may take appropriate measures including revision, suspension or termination of the contract; provided, however, that in the event of a dispute the parties shall first have recourse to the procedures for the settlement of disputes provided for in this part.

Transfer of rights

17. The right and obligations arising out of a contract shall be transferred only with the consent of the Authority, and in accordance with the rules and regulations adopted by it. The Authority shall not withhold consent to the transfer if the proposed transferee is in all respects a qualified applicant, and assumes all of the obligations of the transferor.

Applicable law

18. The law applicable to the contract shall be solely the provisions of this Convention, the rules and regulations prescribed by the Authority, and the terms and conditions of the contract. The rights the obligations of the Authority and of the Contractor shall be valid and enforceable notwithstanding the law of any State, or any political subdivision thereof to the contrary. No contracting State may impose conditions on a Contractor that are inconsistent with the principles of this Convention.

Liability

19. Responsibility or liability for wrongful damage arising out of the conduct of operations by the Contractor or the Authority shall lie with the Contractor or the Authority as the case may be. It shall be a defence in any proceeding against a Contractor that the damage was the result of an act or omission of the Authority. Similarly, any responsibility or liability for wrongful damage arising out of the exercise of the powers and functions of the Authority shall lie with the Authority. It shall be a defence in any proceeding against the Authority that the damage was a result of an act or omission of the Contractor. Liability in every case shall be for the actual amount of damage.

Settlement of disputes

20. Any dispute concerning the interpretation or application of this Convention, its rules and regulations or the terms and conditions of a contract and arising between the Authority and a Contracting State or any State enterprise or person natural or juridical which possesses the nationality of a Contracting State or is effectively controlled by it or its nationals, or any group of the foregoing shall on the application of either party be subject to the procedure for settlement of such disputes provided for in this Convention.

Arrangements following provisional entry into force of the Convention

21. In the period immediately following provisional application of this Convention, the Authority shall, with respect to the first [...] such contracts, joint ventures or other such form of association, give priority to those covering integrated stages of operations.

DOCUMENT A/CONF.62/WP.8/PART II
(Text presented by the Chairman of the Second Committee)

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Introduction

The Conference at its 55th meeting on 18 April 1975 adopted a proposal by the President that the chairmen of the three main committees should each prepare a single negotiating text covering the subjects entrusted to his committee, taking account of all formal and informal discussions and proposals. The President emphasized that the text would be a basis for negotiation, rather than a negotiated text or accepted compromise, and would not prejudice the position of any delegation.

In the preparation of the present text, covering the subjects allocated to the Second Committee, account was taken of the documents before the Conference and the official and unofficial consultations held during the current session.

The particular nature of this text did not allow the retention of all the trends reflected in document A/CONF.62/C.2/WP.1³³ and in other 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 Conference. The aim of the Conference in adopting the new method for the future stage of its work would have been defeated had all trends been retained in this text. It was possible to amalgamate some of the alternative formulations but in other cases it was necessary to choose between conflicting proposals. In certain cases, a middle course was adopted.

The justification for the task entrusted to me is to be found in the particular nature of the single negotiating text as defined by the President and in the need to have a working instrument on the basis of which the process of negotiations can be intensified. I have endeavoured to accomplish this task to the best of my ability and express the hope that it will fulfil the purposes for which it was requested by the Conference.

It should be noted that the Third Committee is dealing with both scientific research and the prevention and control of pollution and other hazards to the marine environment in a wider context.

The present text does not necessarily represent the views of my delegation. I have prepared it in my capacity as an officer of the Conference and not as representative of my country.

Reynaldo GALINDO POHL
Chairman, Second Committee

Part I: The territorial sea and the contiguous zone

SECTION 1. GENERAL

Article 1

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

³³ 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, appendix I.

2. This sovereignty extends to the air space over the territorial sea as well as to its bed and subsoil.

3. The sovereignty over the territorial sea is exercised subject to the provisions of these articles and to other rules of international law.

SECTION 2. LIMITS OF THE TERRITORIAL SEA

Article 2

Every 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 the provisions of the present Convention.

Article 3

The outer limit of the territorial sea is the line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea.

Article 4

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.

Article 5

In the case of islands situated on 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 by the appropriate symbol on official charts.

Article 6

1. 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. Where because of the presence of a delta or other natural conditions the coastline is highly unstable, the appropriate points may be selected along the furthest seaward extent of the low-water line and, notwithstanding subsequent regression of the low-water line, such baselines shall remain effective until changed by the coastal State in accordance with the present Convention.

2. The coastal State may employ the method of mixed baselines, i.e. drawing the baseline in turn by the methods provided for in article 4 and this article to suit different conditions.

3. 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.

4. Straight 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 except in instances where the drawing of baselines to and from such elevations has received general international recognition.

5. Where the method of straight baselines is applicable under the provisions of paragraph 1 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.

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

7. The coastal State must clearly indicate straight baselines on charts, supplemented by a list of geographical coordinates of points, deposited with the Secretary-General of the United Nations, who shall give due publicity thereto.

Article 7

1. Except as provided in part VII, 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 6 has the effect of enclosing as internal waters areas which previously had been considered as part of the territorial sea, of the exclusive economic zone or of the high seas, a right of innocent passage as provided in these articles shall exist in those waters.

Article 8

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. The coastal State must clearly indicate these baselines on large-scale charts deposited with the Secretary-General of the United Nations, who shall give due publicity thereto.

Article 9

1. This article 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 mark 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.

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

5. Where the distance between the low-water marks of the natural entrance points of a bay exceeds twenty-four miles a straight baseline of twenty-four 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.

6. The foregoing provisions shall not apply to so-called "historic" bays, or in any case where the straight baseline system provided for in article 6 is applied.

Article 10

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. Offshore installations and artificial islands shall not be considered as permanent harbour works.

Article 11

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.

Article 12

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.

Article 13

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 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.

2. 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.

SECTION 3. INNOCENT PASSAGE IN THE TERRITORIAL SEA

SUBSECTION A. RULES APPLICABLE TO ALL SHIPS

Article 14

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.

Article 15

1. Passage means navigation through the territorial sea for the purpose of:

(a) Traversing that sea without entering internal waters or calling at a roadstead or port facility outside internal waters; or

(b) Proceeding to or from internal waters or a call at such a roadstead or port facility.

2. 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 or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress. Passage shall otherwise be continuous and expeditious.

Article 16

1. 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.

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 of the following activities:

(a) Any threat or use of force against the territorial integrity or political independence of the coastal State or in any other manner in violation of the Charter of the United Nations;

(b) Any exercise or practice with weapons of any kind;

(c) Any act aimed at collecting information to the prejudice of the defence or security of the coastal State;

(d) Any act of propaganda aimed at affecting the defence or security of the coastal State;

(e) The launching, landing, or taking on board of any aircraft;

(f) The launching, landing or taking on board of any military device;

(g) The embarking or disembarking of any commodity, currency or person contrary to the customs, fiscal or sanitary regulations of the coastal State;

(h) Any act of wilful pollution, contrary to the provisions of the present Convention;

(i) The carrying out of research or survey activities of any kind;

(j) Any act aimed at interfering with any systems of communication of the coastal or any other State;

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

(l) Any other activity not having a direct bearing on passage.

3. The provisions of paragraph 2 shall not apply to any activities carried out with the prior authorization of the coastal State or, in the case of any of the activities referred to in sub-paragraphs (e) to (l), as are rendered necessary by *force majeure* or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress. In such cases the foreign ship shall, as appropriate, inform

the authorities of the coastal State as promptly as possible of the action taken.

4. 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.

Article 17

Submarines and other underwater vehicles are required to navigate on the surface and to show their flag, unless otherwise authorized by the coastal State.

Article 18

1. The coastal State may make laws and regulations, in conformity with the provisions of the present Convention and other rules of international law, relating to innocent passage through the territorial sea, 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 the exploration and exploitation of the marine resources of the territorial sea and the sea-bed and subsoil thereof;

(c) The protection of cables and pipelines;

(d) The conservation of the living resources of the sea;

(e) The prevention of infringement of the fisheries regulations of the coastal State, including, *inter alia*, those relating to the stowage of gear;

(f) The preservation of the environment of the coastal State and the prevention of pollution thereof;

(g) Research of the marine environment and hydrographic surveys;

(h) The prevention of infringement of the customs, fiscal, immigration, quarantine or sanitary or phytosanitary regulations of the coastal State.

2. Such laws and regulations shall not 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.

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 and 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 these articles, comply with all generally accepted international regulations relating to the prevention of collisions at sea.

Article 19

1. 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 pre-

scribed by the coastal State for the regulation of the passage of ships.

2. Tankers and ships carrying nuclear or other inherently dangerous or noxious substances or materials may be required to confine their passage to such sea lanes.

3. A coastal State may from time to time, after giving due publicity thereto, modify the traffic separation schemes or substitute other sea lanes for any sea lanes previously designated by it under the provisions of this article.

4. 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; and

(c) The special characteristics of particular ships and channels.

5. 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.

Article 20

Foreign nuclear-powered ships and ships transporting nuclear substances shall, when exercising the right of innocent passage through the territorial sea, carry documents and observe special precautionary measures established for such ships by international agreements.

Article 21

1. The coastal State shall not interrupt or hamper the innocent passage of foreign ships through the territorial sea and, in particular, in the application of these articles or of any laws or regulations made under the provisions of these articles, it shall not:

(a) Impose requirements on foreign ships which have the practical effect of denying or prejudicing the right of innocent passage; or

(b) Discriminate in form or in fact against the ships of any State or against ships carrying cargoes to, from or on behalf of any State.

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

Article 22

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

2. In the case of ships proceeding to internal waters or a call at a port facility outside 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 internal waters or such a call is subject.

3. 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.

Article 23

1. If a ship exercising the right of innocent passage through the territorial sea does not comply with the laws and regulations concerning navigation, it shall be liable for any damage caused to the coastal State, including its environment and any of its facilities, installations or other property or to any ships flying its flag.

2. 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.

SUBSECTION B. RULES APPLICABLE TO MERCHANT SHIPS

Article 24

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.

Article 25

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;

(b) If the crime is of a kind to disturb the peace of the country or the good order of the territorial sea;

(c) If the assistance of the local authorities has been requested by the captain of the ship or by the consular officer of the country whose flag the ship flies; or

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

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, the coastal State shall, if the captain so requests, advise the consular officer of the flag State before taking any steps, and shall facilitate contact between such officer 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.

Article 26

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.

SUBSECTION C. RULES APPLICABLE TO GOVERNMENT SHIPS

(1) GOVERNMENT SHIPS OTHER THAN WARSHIPS

Article 27

The rules contained in subsections A and B shall apply to government ships operated for commercial purposes.

Article 28

1. The rules contained in subsection A and in article 24 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.

(2) WARSHIPS

Article 29

1. For the purposes of the present Convention, "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 subsection A shall apply to warships.

Article 30

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

the territorial sea by such safe and expeditious route as may be directed by the coastal State.

Article 31

Subject to articles 29, 30 and 32, nothing in these provisions affects the immunities which warships enjoy under these provisions or other rules of international law.

(3) STATE RESPONSIBILITY FOR GOVERNMENT SHIPS

Article 32

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.

SECTION 4. CONTIGUOUS ZONE

Article 33

1. In a zone contiguous to its territorial sea, described as the contiguous zone, 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.

2. The contiguous zone may not extend beyond 24 nautical miles from the baseline from which the breadth of the territorial sea is measured.

Part II: Straits used for international navigation

SECTION 1. GENERAL

Article 34

1. The régime of passage through straits used for international navigation established in this part shall not in other respects affect the status of the waters forming such straits nor the exercise by the strait State of its sovereignty or jurisdiction over such waters and their air space, bed and subsoil.

2. The sovereignty or jurisdiction of the strait State shall be exercised subject to the provisions of this part and other rules of international law.

3. For the purposes of this part "strait State" means any State bordering a strait to which these articles apply.

Article 35

Nothing in this part shall affect:

(a) Any areas of internal waters within a strait, unless they were considered as part of the high seas or territorial sea prior to the drawing of straight baselines in accordance with the rules provided for in article 6;

(b) The status of the waters beyond the territorial seas of strait States as exclusive economic zones or high seas; or

(c) The legal status of straits in which passage is regulated in whole or in part by long-standing international conventions in force specifically relating to such straits.

Article 36

The provisions of this part shall not apply to a strait used for international navigation if a high seas route or a route through an exclusive economic zone of similar convenience exists through the strait.

SECTION 2. TRANSIT PASSAGE

Article 37

The articles in this section apply to straits which are used for international navigation between one area of the high seas or an exclusive economic zone and another area of the high seas or an exclusive economic zone.

Article 38

1. In straits referred to in article 37, all ships and aircraft enjoy the right of transit passage, which shall not be impeded, except that if the strait is formed by an island of the strait State, transit passage shall not apply if a high seas route or a route in an exclusive economic zone of similar convenience exists seaward of the island.

2. Transit passage is the exercise in accordance with the provisions of this part of the freedom of navigation and overflight solely for the purpose of continuous and expeditious transit of the strait between one area of the high seas or an exclusive economic zone and another area of the high seas or an exclusive economic zone.

3. The right of transit passage recognized under this article may also be exercised for the purpose of transit to or from another strait State, subject to the conditions of entry to that State.

4. Any activity which is not an exercise of the right of transit passage through a strait remains subject to the other applicable provisions of the present Convention.

Article 39

1. Ships and aircraft, while exercising the right of transit passage shall:

(a) Proceed without delay through the strait;

(b) Refrain from any threat or use of force against the territorial integrity or political independence of a strait State or in any other manner in violation of the Charter of the United Nations;

(c) Refrain from any activities other than those incident to their normal modes of continuous and expeditious transit unless rendered necessary by *force majeure* or by distress;

(d) Comply with other relevant provisions of this part.

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;

(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 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 designed air traffic control authority or the appropriate international distress radio frequency.

Article 40

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

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

3. Such sea lanes or traffic separation schemes shall conform with generally accepted international regulations.

4. Before designating sea lanes or prescribing traffic separation schemes, a strait State shall refer proposals to the competent international organization with a view to their adoption. The organization may adopt only such sea lanes and separation schemes as may be agreed with the strait State, after which the strait State may designate or prescribe them.

5. In respect of a strait where sea lanes or such schemes are proposed through the waters of two or more strait States, the States concerned shall co-operate in formulating proposals in consultation with the organization.

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

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

Article 41

1. Subject to the provisions of this section, the strait State may make laws and regulations relating to transit passage through straits, in respect of all or any of the following:

(a) The safety of navigation and the regulation of marine traffic as provided in article 40;

(b) The prevention of pollution, giving effect to applicable international regulations regarding the discharge of oil, oily wastes and other noxious substances in the strait;

(c) With respect to fishing vessels, the prevention of fishing, including the stowage of fishing gear;

(d) The taking on board or putting overboard of any commodity, currency or person in contravention of the

customs, fiscal, immigration or sanitary regulations of the strait State.

2. Such laws and regulations shall not discriminate in form or fact among foreign ships, nor in their applications have the practical effect of denying, hampering or impairing the right of transit passage as defined in this session.

3. The strait 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 strait State.

5. If a ship or aircraft entitled to sovereign immunity acts in a manner contrary to the provisions of this part or laws and regulations adopted in accordance with paragraph 1 and loss or damage results to a strait State or other State in the vicinity of the strait, the flag State shall be responsible for that loss or damage.

Article 42

User States and strait 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.

Article 43

A strait 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.

SECTION 3. INNOCENT PASSAGE

Article 44

1. The régime of innocent passage, in accordance with section 3 of part I, shall apply in straits used for international navigation between:

(a) One area of the high seas or an exclusive economic zone and another area of the high seas or an exclusive economic zone, other than those straits in which the régime of transit passage applies in accordance with section 2; or

(b) One area of the high seas or an exclusive economic zone and the territorial sea of a foreign State.

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

Part III: The exclusive economic zone

Article 45

1. In an area beyond and adjacent to its territorial sea, described as the exclusive economic zone, the coastal State has:

(a) Sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether renewable or non-renewable, of the sea-bed and subsoil and the superjacent waters;

(b) Exclusive rights and jurisdiction with regard to the establishment and use of artificial islands, installations and structures;

(c) Exclusive jurisdiction with regard to:

(i) Other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds; and

(ii) Scientific research;

(d) Jurisdiction with regard to the preservation of the marine environment, including pollution control and abatement;

(e) Other rights and duties provided for in the present Convention.

2. In exercising its rights and performing its duties under the present Convention in the exclusive economic zone, the coastal State shall have due regard to the rights and duties of other States.

3. The rights set out in this article shall be without prejudice to the provisions of part IV.

Article 46

The exclusive economic zone shall not extend beyond 200 nautical miles from the baseline from which the breadth of the territorial sea is measured.

Article 47

1. All States, whether coastal or land-locked, shall, subject to the relevant provisions of the present Convention, enjoy in the exclusive economic zone the freedoms of navigation and overflight and of the laying of submarine cables and pipelines and other internationally lawful uses of the sea related to navigation and communication.

2. The provisions of articles 74, 76 to 97 and 100 to 102 and other pertinent rules of international law shall apply to the exclusive economic zone in so far as they are not incompatible with the provisions of this part.

3. In cases where the present Convention does not attribute rights or jurisdiction to the coastal State or to other States within the exclusive economic zone, and a conflict arises between the interests of the coastal State and any other State or States, the conflict should be resolved on the basis of equity and in the light of all the relevant circumstances, taking into account the respective importance of the interests involved to the parties as well as to the international community as a whole.

4. In exercising their rights and performing their duties under the present Convention in the exclusive economic zone, States shall have due regard to the rights and duties of the coastal State and shall comply with the laws and regulations enacted by the coastal State in conformity with the provisions of this part and other rules of international law.

Article 48

1. In the exclusive economic zone, the coastal State shall have the exclusive right to construct and to authorize and regulate the construction, operation and use of:

(a) Artificial islands;

(b) Installations and structures for the purposes provided for in article 45 and other economic purposes;

(c) Installations and structures which may interfere with the exercise of the rights of the coastal State in the zone.

2. The coastal State shall have exclusive jurisdiction over such artificial islands, installations and structures including jurisdiction with regard to customs, fiscal, health, safety and immigration regulations.

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

4. The coastal State may, where necessary, establish reasonable safety zones around such artificial islands, installations and structures in which it may take appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures.

5. The breadth of the safety zones shall be determined by the coastal State, taking into account applicable international standards. Such zones shall be designed to ensure that they are reasonably related to the nature and function of the artificial islands, installations or structures, and shall not exceed a distance of 500 metres around them measured from each point of their outer edge, except as authorized by generally accepted international standards or as recommended by the appropriate international organizations.

6. Ships of all nationalities must respect these safety zones and shall comply with generally accepted international standards regarding navigation in the vicinity of artificial islands, installations, structures and safety zones. Due notice shall be given of the extent of safety zones.

7. Artificial islands, installations and structures and the safety zones around them may not be established where interference may be caused to the use of recognized sea lanes essential to international navigation.

8. Artificial islands, installations and structures shall have no territorial sea of their own and their presence does not affect the delimitation of the territorial sea or of other zones of coastal State jurisdiction or of the continental shelf.

Article 49

The consent of the coastal State shall be obtained in respect of any research concerning the exclusive economic zone 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, 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 the results shall be published after consultation with the coastal State concerned.

Article 50

1. The coastal State shall determine the allowable catch of the living resources in its exclusive economic zone.

2. The coastal State, taking into account the best evidence available to it, shall ensure through proper conservation and management measures that the maintenance of the living resources in the exclusive economic zone is not endangered by over-exploitation. As appropriate, the coastal State and relevant subregional, regional and global organizations shall co-operate to this end.

3. Such measures shall also be designed to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield, as qualified by relevant environmental and economic factors, including the economic needs of coastal fishing communities and the special requirements of developing countries, and taking into account fishing patterns, the interdependence of stocks and any generally recommended subregional, regional or global minimum standards.

4. In establishing such measures the coastal State shall take into consideration the effects on species associated with or dependent upon harvested species with a view to maintaining or restoring populations of such associated or dependent species above levels at which their reproduction may become seriously threatened.

5. Available scientific information, catch and fishing effort statistics, and other data relevant to the conservation of fish stocks shall be contributed and exchanged on a regular basis through subregional, regional and global organizations where appropriate and with participation by all States concerned, including States whose nationals are allowed to fish in the exclusive economic zone.

Article 51

1. The coastal State shall promote the objective of optimum utilization of the living resources in the exclusive economic zone without prejudice to the provisions of article 50.

2. The coastal State shall determine its capacity to harvest the living resources of the exclusive economic zone. Where the coastal State does not have the capacity to harvest the entire allowable catch, it shall, through agreements or other arrangements and pursuant to the terms, conditions and regulations referred to in paragraph 4, give other States access to the surplus of the allowable catch.

3. In granting access to other States to its exclusive economic zone under this article, the coastal State shall take into account all relevant factors, including, *inter alia*, the significance of the renewable resources of the area to the economy of the coastal State concerned and its other national interests, the provisions of articles 57 and 58, the requirements of developing countries in the subregion or region in harvesting part of the surplus and the need to minimize economic dislocation in States whose nationals have habitually fished in the zone or which have made substantial efforts in research and identification of stocks.

4. Nationals of other States fishing in the exclusive economic zone shall comply with the conservation measures and with the other terms and conditions established in the regulations of the coastal State. These regulations shall be consistent with the provisions of the present Convention and may relate, *inter alia*, to the following:

(a) Licensing of fishermen, fishing vessels and equipment, including payment of fees and other forms of remuneration, which, in the case of developing coastal States, may consist of adequate compensation in the field of financing, equipment and technology relating to the fishing industry;

(b) Determining the species which may be caught, and fixing quotas of catch, whether in relation to particular stocks or groups of stocks or catch per vessel over a period of time or to the catch by nationals of any State during a specified period;

(c) Regulating seasons and areas of fishing, the types, sizes and amount of gear, and the numbers, sizes and types of fishing vessels that may be used;

(d) Fixing the age and size of fish and other species that may be caught;

(e) Specifying information required of fishing vessels, including catch and effort statistics and vessel position reports;

(f) Requiring, under the authorization and control of the coastal State, the conduct of specified fisheries research programmes and regulating the conduct of such research, including the sampling of catches, disposition of samples and reporting of associated scientific data;

(g) The placing of observers or trainees on board such vessels by the coastal State;

(h) The landing of all or any part of the catch by such vessels in the ports of the coastal State;

(i) Terms and conditions relating to joint ventures or other co-operative arrangements;

(j) Requirements for training personnel and transfer of fisheries technology including enhancement of the coastal State's capability of undertaking fisheries research;

(k) Enforcement procedures.

5. Coastal States shall give due notice of conservation and management regulations.

Article 52

1. Where the same stock or stocks of associated species occur within the exclusive economic zones of two or more coastal States, these States shall seek either directly or through appropriate subregional or regional organizations to agree upon the measures necessary to co-ordinate and ensure the conservation and development of such stocks without prejudice to the other provisions of this part.

2. Where the same stock or stocks of associated species occur both within the exclusive economic zone and in an area beyond and adjacent to the zone, the coastal State and the States fishing for such stocks in the adjacent area shall seek either directly or through appropriate subregional or regional organizations to agree upon the measures necessary for the conservation of these stocks in the adjacent area.

Article 53

1. The provisions of paragraph 2 shall apply, in addition to the other provisions of this part, to the regulation by the coastal State in its exclusive economic zone of fishing for the highly migratory species listed in the annex.

2. The coastal State and other States whose nationals fish highly migratory species in the region shall co-operate directly or through appropriate international organizations with a view to ensuring conservation and promoting the objective of optimum utilization of such species throughout the region, both within and beyond the exclusive economic zone. In regions where no appropriate international organization exists, the coastal State and other States whose nationals harvest these species in the region shall co-operate to establish such an organization and participate in its work.

3. Nothing in the present Convention shall restrict the right of a coastal State or international organization, as appropriate, to prohibit, regulate and limit the exploitation

of marine mammals. States shall co-operate either directly or through appropriate international organizations with a view to the protection and management of marine mammals.

Article 54

1. Coastal States in whose rivers anadromous stocks originate shall have the primary interest in and responsibility for such stocks.

2. The State of origin of anadromous stocks shall ensure their conservation by the establishment of appropriate regulatory measures for fishing in all waters within its exclusive economic zone and for fishing provided for in sub-paragraph 3 (b). The State of origin may, after consultation with other States fishing these stocks, establish total allowable catches for stocks originating in its rivers.

3. (a) Fisheries for anadromous stocks shall be conducted only in the waters within exclusive economic zones, except in cases where this provision would result in economic dislocation for a State other than the State of origin.

(b) The State of origin shall co-operate in minimizing economic dislocation in such other States fishing these stocks, taking into account the normal catch and the mode of operations of such States, and all the areas in which such fishing has occurred.

(c) States referred to in sub-paragraph (b), participating by agreement with the State of origin in measures to renew anadromous stocks, particularly by expenditures for that purpose, shall be given special consideration by the State of origin in the harvesting of stocks originating in its rivers.

(d) Enforcement of regulations regarding anadromous stocks beyond the exclusive economic zone shall be by agreement between the State of origin and the other States concerned.

4. In cases where anadromous stocks migrate into or through the waters within the exclusive economic zone of a State other than the State of origin, such State shall co-operate with the State of origin with regard to the conservation and management of such stocks.

5. The State of origin of anadromous stocks and other States fishing these stocks shall make arrangements for the implementation of the provisions of this article, where appropriate, through regional organizations.

Article 55

1. A coastal State in whose waters catadromous species spend the greater part of their life cycle shall have responsibility for the management of these species and shall ensure the ingress and egress of migrating fish.

2. Harvesting of catadromous species shall be conducted only in waters in respect of which the State mentioned in paragraph 1 exercises sovereign rights over the living resources and, when conducted in the exclusive economic zone, shall be subject to the provisions of the present Convention concerning fishing in the zone.

3. In cases where catadromous fish migrate through the waters of another State or States, whether as juvenile or maturing fish, the management of such fish shall be regulated by agreement between the State mentioned in paragraph 1 and the State or States concerned. Such agreement shall ensure the rational management of the

species and take into account the responsibilities of the State mentioned in paragraph 1 for the maintenance of these species.

Article 56

The provisions of this part shall not apply to sedentary species as defined in article 63, paragraph 4.

Article 57

1. Land-locked States shall have the right to participate in the exploitation of the living resources of the exclusive economic zones of adjoining coastal States on an equitable basis, taking into account the relevant economic and geographic circumstances of all the States concerned. The terms and conditions of such participation shall be determined by the States concerned through bilateral, sub-regional or regional agreements. Developed land-locked States shall, however, be entitled to exercise their rights only within the exclusive economic zones of neighbouring developed coastal States.

2. The provisions of this article are without prejudice to the provisions of articles 50 and 51.

Article 58

1. Developing coastal States which are situated in a subregion or region whose geographical peculiarities make such States particularly dependent for the satisfaction of the nutritional needs of their populations upon the exploitation of the living resources in the exclusive economic zones of their neighbouring States and developing coastal States which can claim no exclusive economic zones of their own shall have the right to participate, on an equitable basis, in the exploitation of living resources in the exclusive economic zones of other States in a subregion or region.

2. The terms and conditions of such participation shall be determined by the States concerned through bilateral, subregional or regional agreements, taking into account the relevant economic and geographic circumstances of all the States concerned, including the need to avoid effects detrimental to the fishing communities or to the fishing industries of the States in whose zones the right of participation is exercised.

3. The provisions of this article are without prejudice to the provisions of articles 50 and 51.

Article 59

Rights granted under the provisions of articles 57 and 58 to exploit living resources cannot without the express consent of the coastal State be transferred to third States or their nationals by lease or licence, by establishing joint collaboration ventures or by any other arrangements.

Article 60

1. The coastal State may, in the exercise of its sovereign rights to explore, exploit, conserve and manage the living resources in the exclusive economic zone, take such measures, including boarding, inspection, arrest and judicial proceedings, as may be necessary to ensure compliance with the laws and regulations enacted by it in conformity with the provisions of the present Convention.

2. Arrested vessels and their crew shall be promptly released upon the posting of reasonable bond or other security.

3. Coastal State penalties for violations of fisheries regulations in the exclusive economic zone may not include imprisonment, in the absence of agreement to the contrary by the States concerned, or any other form of corporal punishment.

4. In cases of arrest or detention of foreign vessels the coastal State shall promptly notify, through appropriate channels, the State of registry of the action taken and of any penalties subsequently imposed.

Article 61

1. The delimitation of the exclusive economic zone between adjacent or opposite States shall be effected by agreement in accordance with equitable principles, employing, where appropriate, the median or equidistance line, and taking account of all the relevant circumstances.

2. If no agreement can be reached within a reasonable period of time, the States concerned shall resort to the procedures provided for in part... (Settlement of disputes).

3. Pending agreement, no State is entitled to extend its exclusive economic zone beyond the median line or the equidistance line.

4. For the purposes of this article, "median line" means the 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.

5. In delimiting the boundaries of the exclusive economic zone, any lines which are drawn in accordance with the provisions of this article 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.

6. Where there is an agreement in force between the States concerned, questions relating to the delimitation of the exclusive economic zone shall be determined in accordance with the provisions of that agreement.

Part IV: Continental shelf

Article 62

The continental shelf of a coastal State comprises the sea-bed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance.

Article 63

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

2. The rights referred to in paragraph 1 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 without the express consent of the coastal State.

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

4. The natural resources referred to in these articles 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.

Article 64

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

Article 65

1. All States shall be entitled to lay submarine cables and pipelines on the continental shelf.

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

3. The delineation of the course for the laying of such pipelines on the continental shelf is subject to the consent of the coastal State.

4. Nothing in this part shall affect the right of the coastal State to establish conditions for cables or pipelines entering its territory or territorial sea, or its jurisdiction over cables and pipelines constructed or used in connexion with the exploration of its continental shelf or exploitation of its resources or the operations of artificial islands, installations and structures under its jurisdiction.

5. When laying submarine cables or pipelines, States shall pay due regard to cables or pipelines already in position. In particular, possibilities of repairing existing cables or pipelines shall not be prejudiced.

Article 66

The provisions of article 48 shall apply *mutatis mutandis* to artificial islands, installations and structures on the continental shelf.

Article 67

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

Article 68

The coastal State shall, with respect to the artificial islands, installations and structures and sea-bed activities subject to its jurisdiction, take appropriate measures for the protection of the marine environment from pollution, and ensure compliance with appropriate minimum international requirements provided for in part . . . (Preservation of the marine environment) and with other applicable international standards.

Article 69

1. The coastal State shall make payments or contributions in kind in respect of the exploitation of the

non-living resources of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

2. The rate of payment or contribution shall be . . . per cent of the value or volume of production at the site. Production does not include resources used in connexion with exploitation.

3. The International Authority shall determine the extent to which developing countries shall be obliged to make payments or contributions provided for in paragraphs 1 and 2.

4. The payments or contributions provided for in paragraphs 1 and 2 shall be made to the International Authority on terms and procedures to be agreed upon with the Authority in each case. The International Authority shall distribute these payments and contributions on the basis of equitable sharing criteria, taking into account the interests and needs of developing countries.

Article 70

1. The delimitation of the continental shelf between adjacent or opposite States shall be affected by agreement in accordance with equitable principles, employing, where appropriate, the median or equidistance line, and taking account of all the relevant circumstances.

2. If no agreement can be reached within a reasonable period of time, the States concerned shall resort to the procedures provided for in part . . . (Settlement of disputes).

3. Pending agreement, no State is entitled to extend its continental shelf beyond the median line or the equidistance line.

4. For the purposes of this article, "median line" means the 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.

5. In delimiting the boundaries of the continental shelf, any lines which are drawn in accordance with the provisions of this article 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.

6. Where there is an agreement in force between the States concerned, questions relating to the delimitation of the continental shelf shall be determined in accordance with the provisions of that agreement.

Article 71

The provisions of article 49 shall apply *mutatis mutandis* to research concerning the continental shelf and undertaken there.

Article 72

The provisions of this part 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.

Part V: High seas

SECTION 1. GENERAL

Article 73

The term "high seas" as used in the present Convention means all parts of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State.

Article 74

The high seas shall be open to all States, whether coastal or land-locked, and their use shall be reserved for peaceful purposes.

Article 75

1. 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 other rules of international law. It comprises, *inter alia*, both for coastal and non-coastal States:

- (a) Freedom of navigation;
- (b) Freedom of overflight;
- (c) Freedom to lay submarine cables and pipelines, subject to the provisions of part IV;
- (d) Freedom to construct artificial islands and other installations permitted under international law, subject to the provisions of part IV;
- (e) Freedom of fishing, subject to the conditions laid down in section 2;
- (f) Freedom of scientific research, subject to the provisions of parts IV and . . . (Scientific research).

2. These freedoms shall be exercised by all States, with due consideration for the interests of other States in their exercise of the freedom of the high seas.

Article 76

Every State, whether coastal or not, has the right to sail ships under its flag on the high seas.

Article 77

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.

2. Each State shall issue to ships to which it has granted the right to fly its flag documents to that effect.

Article 78

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.

Article 79

The provisions of the preceding articles do not prejudice the question of ships employed on the official service of the United Nations, its specialized agencies or the International Atomic Energy Agency flying the flag of the organization.

Article 80

1. Every State shall effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag.

2. In particular every State shall:

- (a) Maintain a register of shipping containing the names and particulars of ships flying its flag, except those which are excluded from generally accepted international regulations on account of their small size; and
- (b) Assume jurisdiction under its municipal law over each ship flying its flag and its master, officers and crew in respect of administrative, technical and social matters concerning the ship.

3. 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 construction, equipment and seaworthiness of ships;
- (b) The manning of ships, labour conditions and the training of crews, taking into account the applicable international labour instruments;
- (c) The use of signals, the maintenance of communications and the prevention of collisions.

4. Such measures shall include those necessary to ensure:

- (a) That each ship, before registration and thereafter at appropriate intervals, is surveyed by a qualified surveyor of ships, and has on board such charts, nautical publications and navigational equipment and instruments as are appropriate for the safe navigation of the ship;

- (b) That each ship is in the charge of a master and officers who possess appropriate qualifications, in particular in seamanship, navigation, communications and marine engineering, and that the crew is appropriate in qualification and numbers for the type, size, machinery and equipment of the ship;

- (c) That the master, officers and, to the extent appropriate, the crew are fully conversant with and required to observe the applicable international regulations concerning the safety of life at sea, the prevention of collisions, the prevention and control of marine pollution, and the maintenance of communications by radio.

5. In taking the measures called for by paragraphs 3 and 4 each State is required to conform to generally accepted international regulations, procedures and practices and to take any steps which may be necessary to secure their observance.

6. A State which has clear grounds to believe that proper jurisdiction and control with respect to a ship have not been exercised may report the facts to the flag State. Upon receiving such a report, the flag State shall investigate the matter, and, if appropriate, take any action necessary to remedy the situation.

7. Each State shall 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. The flag State and the other State shall co-operate in the conduct of any inquiry held by that other State into any such marine casualty or incident of navigation.

Article 81

Warships on the high seas have complete immunity from the jurisdiction of any State other than the flag State.

Article 82

Ships owned or operated by a State and used only on government non-commercial service shall, on the high seas, have complete immunity from the jurisdiction of any State other than the flag State.

Article 83

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.

Article 84

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, its crew and its passengers and, where possible, to inform the other ship of the name of his own ship, its port of registry and the nearest port at which it will call.

2. Every coastal State shall promote the establishment, operation 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.

Article 85

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.

Article 86

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.

Article 87

Piracy consists of any of the following acts:

(a) 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:

(i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;

(ii) Against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;

(b) 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;

(c) Any act of inciting or of intentionally facilitating an act described in subparagraphs (a) and (b).

Article 88

The acts of piracy, as defined in article 87, 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.

Article 89

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 87. 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.

Article 90

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.

Article 91

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.

Article 92

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.

Article 93

A seizure on account of piracy may only be carried out by warships or military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect.

Article 94

1. All States shall co-operate in the suppression of illicit traffic in narcotic drugs and psychotropic substances by ships on the high seas contrary to international conventions.

2. Any State which has reasonable grounds for believing that a vessel flying its flag is engaged in illicit traffic in narcotic drugs and psychotropic substances may request the co-operation of other States to suppress such traffic.

Article 95

1. All States shall co-operate in the suppression of unauthorized broadcasting from the high seas.

2. 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.

3. On the high seas, a State having jurisdiction in accordance with paragraph 2 may, in conformity with article 96, arrest any person or ship engaged in unauthorized broadcasting and seize the broadcasting apparatus.

4. For the purpose of the present Convention, "unauthorized broadcasting" means 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.

Article 96

1. Except where acts of interference derive from powers conferred by treaty, a warship which encounters on the high seas a foreign ship, other than a ship entitled to complete immunity in accordance with articles 81 and 82, is not justified in boarding her unless there is reasonable ground for suspecting:

- (a) That the ship is engaged in piracy;
- (b) That the ship is engaged in the slave trade;
- (c) That, subject to article 95, the ship is engaged in unauthorized broadcasting;
- (d) That the ship is without nationality; or
- (e) 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 paragraph 1, 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.

4. These provisions shall apply *mutatis mutandis* to military aircraft.

5. These provisions shall also apply to any other duly authorized ships or aircraft clearly marked and identifiable as being on government service.

Article 97

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 33, 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 shall apply *mutatis mutandis* to violations in the exclusive 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 the present Convention to the exclusive economic zone or the continental shelf, including such safety zones.

3. 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.

4. 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 or the exclusive economic zone or above the continental shelf. 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.

5. The right of hot pursuit may be exercised only by warships or military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service and specially authorized to that effect.

6. Where hot pursuit is effected by an aircraft:

- (a) The provisions of paragraphs 1 to 4 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 outside the territorial sea 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 continue the pursuit without interruption.

7. 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 exclusive economic zone or the high seas, if the circumstances rendered this necessary.

8. Where a ship has been stopped or arrested outside the territorial sea in circumstances which do not justify the exercise of the right of hot pursuit, it shall be compensated for any loss or damage that may have been thereby sustained.

Article 98

Every State shall comply with the provisions of part . . . (Preservation of the marine environment).

Article 99

1. All States shall be entitled to lay submarine cables and pipelines on the bed of the high seas beyond the continental shelf.

2. The provisions of article 65, paragraph 5, shall apply to such cables and pipelines.

Article 100

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 apply also to conduct calculated or likely to result in such breaking or injury. However, it 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.

Article 101

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.

Article 102

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.

SECTION 2. MANAGEMENT AND CONSERVATION OF THE LIVING RESOURCES OF THE HIGH SEAS

Article 103

All States have the right for their nationals to engage in fishing on the high seas subject to:

(a) Their treaty obligations;

(b) The rights and duties as well as the interests of coastal States provided for, *inter alia*, in article 52, paragraph 2, and articles 53 and 54; and

(c) The provisions of this section.

Article 104

All States have the duty to adopt, or to co-operate with other States in adopting such measures for their respective nationals as may be necessary for the conservation of the living resources of the high seas.

Article 105

States shall co-operate with each other in the management and conservation of living resources in the areas of the high seas. States whose nationals exploit identical resources, or different resources in the same area, shall enter into negotiations with a view to adopting the means necessary for the conservation of the living resources concerned. They shall, as appropriate, co-operate to establish subregional or regional fisheries organizations to this end.

Article 106

1. In determining the allowable catch and establishing other conservation measures for the living resources in the high seas, States shall:

(a) Adopt measures which are designed, on the best evidence available to the States concerned, to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield, as qualified by relevant environmental and economic factors, including the special requirements of developing countries, and taking into account fishing patterns, the interdependence of stocks and any generally recommended subregional, regional or global minimum standards;

(b) Take into consideration the effects on species associated with or dependent upon harvested species with a view to maintaining or restoring populations of such associated or dependent species above levels at which their reproduction may become seriously threatened.

2. Available scientific information, catch and fishing effort statistics, and other data relevant to the conservation of fish stocks shall be contributed and exchanged on a regular basis through subregional, regional and global organizations where appropriate and with participation by all States concerned.

3. States concerned shall ensure that conservation measures and their implementation do not discriminate in form or in fact against the fishermen of any State.

Article 107

The provisions of article 53, paragraph 3 shall also apply to the conservation and management of marine mammals in the high seas.

Part VI: Land-locked States

Article 108

1. For the purposes of the present Convention:

(a) “Land-locked State” means a State which has no seacoast;

(b) “Transit State” means a State, with or without a seacoast, situated between a land-locked State and the sea through whose territory “traffic in transit” passes;

(c) “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 trans-shipment, warehousing, beaking 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;

(d) “Means of transport” means:

- (i) Railway rolling stock, sea and river craft and road vehicles;
- (ii) Where local conditions so require, porters and pack animals.

2. Land-locked States and transit States may, by agreement between them, include as means of transport pipelines and gas lines and means of transport other than those included in paragraph 1.

Article 109

1. Land-locked States shall have the right of access to and from the sea for the purpose of exercising the rights provided for in the present Convention including those relating to the freedom of the high seas and the principle of the common heritage of mankind. To this end, land-locked States shall enjoy freedom of transit through the territories of transit States by all means of transport.

2. The terms and conditions for exercising freedom of transit shall be agreed between the land-locked States and the transit States concerned through bilateral, subregional or regional agreements, in accordance with the provisions of the present Convention.

3. Transit States, in the exercise of their full sovereignty over their territory, shall have the right to take all measures to ensure that the rights provided for in this part for land-locked States shall in no way infringe their legitimate interests.

Article 110

Provisions of the present Convention, as well as special agreements which regulate the exercise of the right of access to and from the sea, 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.

Article 111

1. 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.

2. Means of transport in transit used by 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.

Article 112

For the convenience of traffic in transit, free zones or other customs 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.

Article 113

Where there are no means of transport in the transit States to give effect to the freedom of transit or where the existing means, including the port installations and equipment, are inadequate in any respect, transit States may request the land-locked States concerned to co-operate in constructing or improving them.

Article 114

1. Except in cases of *force majeure* all measures shall be taken by transit States to avoid delays in or restrictions on traffic in transit.

2. 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.

Article 115

Ships flying the flag of land-locked States shall enjoy treatment equal to that accorded to other foreign ships in maritime ports.

Article 116

Land-locked States may, in accordance with the provisions of part III, participate in the exploitation of the living resources of the exclusive economic zone of adjoining coastal States.

Part VII: Archipelagos

SECTION 1. ARCHIPELAGIC STATES

Article 117

1. The provisions of this section shall apply to archipelagic States.

2. For the purposes of the present Convention:

(a) “Archipelagic State” means a State constituted wholly by one or more archipelagos and may include other islands;

(b) “Archipelago” means a group of islands, including parts of islands, inter-connecting waters and other natural features which are so closely interrelated that such islands, waters and other natural features form an intrinsic geographic, economic and political entity, or which historically have been regarded as such.

Article 118

1. An archipelagic State may draw straight baselines joining the outermost points of the outermost islands and drying reefs of the archipelago provided that such baselines enclose the main islands and an area in which the ratio of the area of the water to the area of the land, including atolls, is between one to one and nine to one.

2. The length of such baselines shall not exceed 80 nautical miles, except that up to . . . per cent of the total

number of baselines enclosing any archipelago may exceed that length, up to a maximum length of 125 nautical miles.

3. The drawing of such baselines shall not depart to any appreciable extent from the general configuration of the archipelago.

4. 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.

5. The system of straight baselines shall not be applied by an archipelagic State in such a manner as to cut off from the high seas or the exclusive economic zone the territorial sea of another State.

6. The archipelagic State shall clearly indicate its straight baselines or large-scale charts, deposited with the Secretary-General of the United Nations, who shall give due publicity thereto.

7. 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 communication, including the laying of submarine cables and pipelines, between two or more parts of the territory of such State, the archipelagic State shall continue to recognize and guarantee such rights of direct access and communication.

8. For the purposes of computing the ratio of water to land under paragraph 1, land areas may include waters lying within the fringing reefs of islands and atolls, including that part of a steep-sided oceanic plateau which is enclosed or nearly enclosed by a chain of limestone islands and drying reefs lying on the perimeter of the plateau.

Article 119

The breadth of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf shall be measured from the baselines drawn in accordance with article 118.

Article 120

1. The sovereignty of an archipelagic State extends to the waters enclosed by the baselines, described as archipelagic waters, regardless of their depth or distance from the coast.

2. This sovereignty extends to the air space over the archipelagic waters, the bed and subsoil thereof, and the resources contained therein.

3. This sovereignty is exercised subject to the provisions of this section.

Article 121

Within its archipelagic waters, the archipelagic State may draw closing lines for the delimitation of internal waters, in accordance with articles 8, 9 and 10.

Article 122

Archipelagic States shall respect existing agreements with other States and shall recognize traditional fishing rights of the immediately adjacent neighbouring States in certain

areas of the archipelagic waters. The terms and conditions of the exercise of such rights, including the extent of such rights and the areas to which they apply, shall, at the request of any of the States concerned, be regulated by bilateral agreements between them. Such rights shall not be transferred to or shared with third States or their nationals.

Article 123

1. Subject to the provisions of article 124, ships of all States, whether coastal or not, shall enjoy the right of innocent passage through archipelagic waters, in accordance with the provisions of section 3 of part I.

2. The archipelagic State may, without discrimination in form or in fact amongst foreign ships, suspend temporarily in specified areas of its archipelagic waters the innocent passage of foreign ships if such suspension is essential for the protection of its security. Such suspension shall take effect after having been duly published.

Article 124

1. An archipelagic State may designate sea lanes and air routes suitable for the safe, continuous and expeditious passage of foreign ships and aircraft through its archipelagic waters.

2. Ships and aircraft of all States, whether coastal or not, shall have the right of archipelagic sea lanes passage in sea lanes and air routes through the archipelago.

3. Archipelagic sea lanes passage is the exercise in accordance with the provisions of the present Convention of the rights of navigation and overflight in the normal mode for the purpose of continuous and expeditious transit through an archipelago between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone.

4. Such sea lanes and air routes shall traverse the archipelago and the adjacent territorial sea and shall include all normal passage routes used as routes for international navigation or overflight through the archipelago, and, within such routes, so far as ships are concerned, all normal navigational channels, provided that duplication of routes of similar convenience between the same entry and exit points shall not be necessary.

5. The width of a sea lane shall not be less than . . . nautical miles or . . . per cent of the distance between the nearest points on islands bordering the sea lane.

6. An archipelagic State which designates sea lanes under the provisions of this article may also prescribe traffic separation schemes for the safe passage of ships through narrow channels in such sea lanes.

7. An archipelagic State may, when circumstances require, after giving due publicity thereto, substitute other sea lanes or traffic separation schemes for any sea lanes or traffic separation schemes previously designated or prescribed by it.

8. Such sea lanes or traffic separation schemes shall conform to generally accepted international regulations.

9. Before designating sea lanes or prescribing traffic separation schemes, an archipelagic State shall refer proposals to the competent international organization with a view to their adoption. The organization may adopt only such sea lanes and traffic separation schemes as may be agreed

with the archipelagic State, after which the archipelagic State may designate or prescribe them.

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

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

12. If an archipelagic State does not designate sea lanes, the right of archipelagic sea lanes passage may be exercised through the routes normally used for international navigation through the archipelagic waters.

Article 125

1. Ships, and aircraft, while exercising the right of archipelagic sea lanes passage shall:

(a) Proceed without delay through the designated sea lanes;

(b) Refrain from any threat or use of force against the territorial integrity or political independence of the archipelagic State or in any other manner in violation of the Charter of the United Nations;

(c) Refrain from any activities other than those incident to their normal modes of continuous and expeditious transit unless rendered necessary by *force majeure* or by distress;

(d) Comply with other relevant provisions of this section.

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;

(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 designed air traffic control authority or the appropriate international distress radio frequency.

Article 126

An archipelagic State shall not hamper archipelagic sea lanes passage and shall give appropriate publicity to any danger to navigation or overflight within the designated sea lanes or air routes of which it has knowledge. There shall be no suspension of archipelagic sea lanes passage.

Article 127

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

Article 128

1. Subject to the provisions of this section, the archipelagic State may make laws and regulations relating to archipelagic sea lanes passage through archipelagos in respect of all or any of the following:

(a) The safety of navigation and the regulation of marine traffic as provided in article 124;

(b) The prevention of pollution, giving effect to the applicable international regulations regarding the discharge of oil, oily wastes and other noxious substances in the archipelagic waters;

(c) With respect to fishing vessels, the prevention of fishing, including the stowage of fishing gear;

(d) The taking on board or putting overboard of any commodity, currency or person in contravention of the customs, fiscal, immigration or sanitary regulations of the archipelagic State.

2. Such laws and regulations shall not discriminate in form or fact amongst foreign ships, nor in their application have the practical effect of denying, hampering or impairing the right of archipelagic sea lanes passage as defined in this section.

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

4. Foreign ships exercising the right of archipelagic sea lanes passage shall comply with such laws and regulations of the archipelagic State.

Article 129

If a ship or aircraft entitled to sovereign immunity acts in a manner contrary to the provisions of this section or laws and regulations adopted in accordance with paragraph 1 of article 128 and loss or damage results to an archipelagic State or other States in its vicinity, the flag State shall be responsible for that loss or damage.

Article 130

The provisions of this section are without prejudice to the provisions of article 6.

SECTION 2. OCEANIC ARCHIPELAGOS BELONGING TO CONTINENTAL STATES

Article 131

The provisions of section 1 are without prejudice to the status of oceanic archipelagos forming an integral part of the territory of a continental State.

Part VIII: Régime of islands

Article 132

1. An island is a naturally formed area of land, surrounded by water, which is above water at high tide.

2. Except as provided for in paragraph 3, the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of an island are determined in accordance with the provisions of the present Convention applicable to other land territory.

3. Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf.

Part IX: Enclosed and semi-enclosed seas

Article 133

For the purposes of this part, the term "enclosed or semi-enclosed sea" means a gulf, basin, or sea surrounded by two or more States and connected to the open seas by a narrow outlet or consisting entirely or primarily of the territorial seas and exclusive economic zones of two or more coastal States.

Article 134

States bordering enclosed or semi-enclosed seas shall co-operate with each other in the exercise of their rights and duties under the present Convention. To this end they shall, directly or through an appropriate regional organization:

(a) Co-ordinate the management, conservation, exploration and exploitation of the living resources of the sea;

(b) Co-ordinate the implementation of their rights and duties with respect to the preservation of the marine environment;

(c) Co-ordinate their scientific research policies and undertake where appropriate joint programmes of scientific research in the area;

(d) Invite, as appropriate, other interested States or international organizations to co-operate with them in furtherance of the provisions of this article.

Article 135

The provisions of this part shall not affect the rights and duties of coastal or other States under other provisions of the present Convention, and shall be applied in a manner consistent with those provisions.

Part X: Territories under foreign occupation or colonial domination

Article 136

1. The rights recognized or established by the present Convention to the resources of a territory whose people have not attained either full independence or some other self-governing status recognized by the United Nations, or a territory under foreign occupation or colonial domination, or a United Nations Trust Territory, or a territory administered by the United Nations, shall be vested in the inhabitants of that territory, to be exercised by them for their own benefit and in accordance with their own needs and requirements.

2. Where a dispute over the sovereignty of a territory under foreign occupation or colonial domination exists, the rights referred to in paragraph 1 shall not be exercised until such dispute is settled in accordance with the purposes and principles of the Charter of the United Nations.

3. In no case may the rights referred to in paragraph 1 be exercised, profited or benefited from or in any way infringed by a metropolitan or foreign power administering or occupying such territory or purporting to administer or occupy such territory.

4. References in this article to a territory include continental and insular territories.

Part XI: Settlement of disputes

Article 137

Disputes arising out of the interpretation or application of articles . . . shall be resolved in accordance with the provisions of part . . . of the present Convention.

ANNEX

Highly migratory species

- | | |
|----------------------|--------------------------------------|
| 1. Albacore Tuna | 9. Pomfrets |
| 2. Bluefin Tunas | 10. Marlin |
| 3. Bigeye Tuna | 11. Sailfishes |
| 4. Skipjack Tunas | 12. Swordfish |
| 5. Yellowfin Tuna | 13. Sauries |
| 6. Blackfin Tuna | 14. Dolphin (fish) |
| 7. Little Tuna | 15. Oceanic Sharks |
| 8. Frigate Mackerels | 16. Cetaceans (whales and porpoises) |

*DOCUMENT A (CONF. 62/WP.8/PART III
(Text presented by the Chairman of the Third Committee.)*

Part I: Protection and preservation of the marine environment

CHAPTER I. GENERAL PROVISIONS

Article 1

"Pollution of the marine environment" means the introduction by man, directly or indirectly, of substances or energy in the marine environment (including estuaries) resulting in such deleterious effects as harm to living resources, hazards to human health, hindrance to marine activities including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities.*

Article 2

States have the obligation to protect and preserve all the marine environment.

Article 3

States have the sovereign right to exploit their natural resources pursuant to their environmental policies and they shall, in accordance with their duty to protect and preserve the marine environment, take into account their economic needs and their programmes for economic development.

Article 4

1. States shall take all necessary measures consistent with this Convention to prevent, reduce and control

* A provision containing a definition of marine pollution together with all other definitions could be embodied in a special introductory chapter of this Convention.