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**Bulgaria, Byelorussian Soviet Socialist Republic, German Democratic Republic, Poland,
Ukrainian Soviet Socialist Republic, and Union of Soviet Socialist Republics: draft
articles on the economic zone**

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the Sea, Volume III (Documents of the Conference, First and Second Sessions)*

DOCUMENT A/CONF.62/C.2/L.36

Jamaica: draft articles on rights of developing geographically disadvantaged States within a territorial sea beyond 12 miles

[Original: English]
[5 August 1974]

Article 1

The régime applicable to any territorial sea extending beyond 12 miles provided for in article . . . of this Convention shall be subject to the rights of developing geographically disadvantaged States as contained in articles 2, 3, 4 and 5 below.

Article 2

1. In any region where there are geographically disadvantaged States, the nationals of such States shall have the right to exploit the renewable resources within any territorial sea extending beyond 12 miles in such a region, for the purpose of fostering the development of their fishing industry and satisfying the nutritional needs of their populations.

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

Article 3

Except as provided in article 4, nothing in articles 1 and 2 shall apply to territories under foreign domination or forming an integral part of metropolitan powers outside the region.

Article 4

In the application of articles 1 and 2 to the Associated States, self-governing territories and territories under foreign domination, the rights thereby conferred shall be so applied as only to confer rights on the inhabitants of such territories for the purpose of their domestic needs.

Article 5

For the purposes of these articles:

1. Geographically disadvantaged States means developing States which are

(a) Land-locked; or

(b) For geographical, biological or ecological reasons

(i) Derive no substantial economic advantage from establishing a territorial sea extending beyond 12 miles; or

(ii) Are adversely affected in their economies by the establishment of a territorial sea beyond 12 miles by other States; or

(iii) Have short coastlines and cannot extend uniformly their national jurisdiction.

2. "Nationals" include enterprises substantially owned and effectively controlled by nationals.

DOCUMENT A/CONF.62/C.2/L.37

Denmark: draft article on anadromous species

[Original: English]
[5 August 1974]

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

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

DOCUMENT A/CONF.62/C.2/L.38*

Bulgaria, Byelorussian Soviet Socialist Republic, German Democratic Republic, Poland, Ukrainian Soviet Socialist Republic, and Union of Soviet Socialist Republics: draft articles on the economic zone

[Original: Russian]
[5 August 1974]

The delegations of the Byelorussian SSR, the German Democratic Republic, the People's Republic of Bulgaria, the Polish People's Republic, the Ukrainian SSR and the Union of Soviet Socialist Republics, noting the understanding reached at the Conference that all questions concerning the law of the sea are interrelated and must be resolved in the form of a "package deal", are prepared to agree to the establishment of an economic zone, as set forth in the present draft articles on condition that mutually acceptable decisions are also accepted by the Conference on the other basic questions of the law of the sea

(12-mile breadth of territorial waters, freedom of passage through international straits, freedom of navigation, freedom of scientific research, determination of the outer limits of the continental shelf, the sea-bed régime and the prevention of pollution of the sea environment).

I. GENERAL PROVISIONS

Article 1

The coastal State shall have the right to establish a zone, contiguous to its territorial sea, for the purposes of the preser-

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vation, exploration and exploitation of the living and mineral resources therein, to be known as the economic zone.

Article 2

The coastal State shall, within the limits of the economic zone, exercise in accordance with this Convention sovereign rights over all living and mineral resources in the waters, the sea-bed and the subsoil thereof.

Article 3

The economic zone shall not extend beyond the limit of 200 nautical miles, calculated from the baselines used to measure the breadth of the territorial waters.

Article 4

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

Article 5

Within the limits of the economic zone each State may freely carry out fundamental scientific research unrelated to the exploration and exploitation of the living or mineral resources of the zone. Scientific research in the economic zone related to the living and mineral resources shall be carried out with the consent of the coastal State.

Article 6

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

Article 7

1. Subject to the provisions of paragraphs 2 and 3 of the present article, the coastal State shall have the sovereign right to engage in, decide on and regulate, within the economic zone, the construction, operation and utilization of non-coastal installations and other facilities, set up for purposes of exploration and exploitation of the natural resources of the economic zone.

2. The coastal State shall ensure compliance with the agreed international standards concerning the breadth of the safety zone around non-coastal installations and other facilities and navigation beyond the limits of the safety zone but close to such non-coastal installations and other facilities.

3. None of the installations and other facilities or safety zones around them mentioned in paragraphs 1 and 2 of the present article may be set up in places where they might be a hindrance to the use of the regular sea routes which are of essential importance to international navigation, or of areas which are of special importance to fishing.

Article 8

In exercising their rights under this Convention States shall not hinder the exercise of the rights or the fulfilment of the obligations of the coastal State in the economic zone.

Article 9

The coastal State and all other States shall ensure that all activities for the preservation, exploration and exploitation of the living and mineral resources in the economic zone are carried out solely for peaceful purposes.

Article 10

No economic zone must be established by any State which has dominion over or controls a foreign territory in waters contiguous to that territory.

II. FISHERIES

Article 11

1. In the exercise of its rights over the living marine resources in the economic zone, the coastal State shall, through appropriate regulations, ensure the rational exploitation and the maximum use and preservation of such resources for the purpose of increasing the production of food-stuffs derived from such resources.

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

Article 12

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

(a) The allowable annual catch of each species of fish or other living marine resources except highly migratory species of fish;

(b) The proportion of the allowable annual catch of each species of fish or other living marine resources that it reserves for its nationals;

(c) That part of the allowable annual catch of fish or other living marine resources that may be taken by other States holding licences to fish in the economic zone in accordance with articles 15 and 16 of this Convention;

(d) Measures to regulate the exploitation of living marine resources;

(e) Measures to conserve and renew living marine resources;

(f) Regulations for monitoring the observance of the measures specified in subparagraphs (d) and (e).

Article 13

Measures for the conservation, exploration and exploitation of living marine resources and for the monitoring of their observance may not discriminate in form or content against the fishermen of any other State.

Article 14

The size of the allowable annual catch, and the measures for the conservation, exploration and exploitation of living marine resources in the economic zone shall be established with due regard to appropriate economic factors and to environment factors and in accordance with internationally agreed rules.

Article 15

1. If a coastal State does not take 100 per cent of the allowable annual catch of any stocks of fish or other living marine resources in the economic zone, fishermen of other States shall be granted licences to fish for the unused part of such catch.

2. Permission for foreign fishermen to fish in the economic zone of a developed coastal State shall be granted on an equitable basis and in accordance with the provisions of articles 16, 19 and 20 of this Convention.

3. Foreign fishermen may be allowed to fish in the economic zone of a developing coastal State by the grant of a special licence and in accordance with the provisions of articles 16, 17, 18, 19 and 20 of this Convention.

Article 16

When granting foreign vessels permission to fish in the economic zone and in order to ensure an equitable distribution of living resources, a coastal State shall observe, while respecting the priority of the States specified in articles 18 and 19 of this Convention, the following order:

(a) States which have borne considerable material and other costs of research, discovery, identification and exploitation of living resource stocks, or which have been fishing in the region involved;

(b) Developing countries, land-locked countries, countries with narrow access to the sea or with narrow continental shelves, and countries with very limited living marine resources;

(c) All other States without discrimination.

Article 17

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

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

Article 18

Neighbouring developing coastal States may allow each other's nationals the right to fish in a specified area of their economic zones on the basis of long and mutually recognized use. The conditions for the exercise of this right shall be es-

tablished by agreement between the States concerned, and such right cannot be transferred to a third party.

Article 19

Developing States which are land-locked or which have a narrow outlet to the sea or a narrow continental shelf shall enjoy the privilege of fishing in the economic zone of a neighbouring coastal State on the basis of equality with the nationals of that State. The conditions governing the enjoyment of this privilege shall be worked out by agreement between the parties concerned.

Article 20

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

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

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

Article 21

In order to enable the fishing fleets of other States whose fishermen have habitually fished in the economic zone established pursuant to article 1 of this Convention to change over to working under the new conditions, a coastal State shall continue to grant the fishermen specified in this article the right to fish in the economic zone for a transition period of not less than three years after the entry into force of this Convention.

DOCUMENT A/CONF.62/C.2/L.39

Afghanistan, Austria, Belgium, Bhutan, Bolivia, Botswana, Finland, Iraq, Laos, Lesotho, Luxembourg, Mali, Nepal, Netherlands, Paraguay, Singapore, Swaziland, Sweden, Switzerland, Uganda, Upper Volta and Zambia: draft articles on participation of land-locked and other geographically disadvantaged States in the exploration and exploitation of the living and non-living resources in the area beyond the territorial sea

[Original: English]
[5 August 1974]

Article 1

Subject to the provisions of these articles, coastal States shall have the right to establish, adjacent to their territorial sea, a . . . zone, the breadth of which shall not exceed . . . nautical miles from the baselines from which the breadth of the territorial sea is measured, for the purpose of exploring and exploiting the living and non-living resources therein.

Article 2

Land-locked and other geographically disadvantaged States¹⁵ shall have the right to participate in the exploration and exploitation of the living resources of the . . . zone of neighbouring coastal States¹⁶ on an equal and non-discrimina-

¹⁵The precise scope of the term "other geographically disadvantaged States" is still to be defined.

¹⁶The expression "neighbouring coastal States" not only refers to States adjacent to each other, but also includes States of a region situated within reasonable proximity to a land-locked or other geographically disadvantaged State.

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

Article 3

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

Article 4

1. Land-locked and other geographically disadvantaged States shall not transfer their rights under articles 2 and 3 to third States, except when otherwise agreed upon by the States concerned.