

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

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**A/CONF.62/C.2/L.54**

**Belgium, Denmark, France, Germany (Federal Republic of), Ireland, Italy, Luxembourg, Netherlands and United Kingdom of Great Britain and Northern Ireland: working paper on the high seas**

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the international zone, having regard to all relevant geographic, geological or other factors.

*Article 3*

The marine spaces of islets or islands similar to islets situated in the territorial sea, on the continental shelf or in the economic

zone of another State shall be determined by agreement between the States concerned or by other means of pacific settlement used in international practice.

The marine spaces of such elevations of land situated in the international zone of the sea-bed shall be established by agreement with the International Authority for that zone.

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**Belgium, Denmark, France, Germany (Federal Republic of), Ireland, Italy, Luxembourg, Netherlands and United Kingdom of Great Britain and Northern Ireland: working paper on the high seas**

[Original: English]  
[12 August 1974]

It is clear that in any comprehensive convention on the law of the sea articles setting out the rights and duties of States on the high seas must be included. Such rights and duties are at present codified in the 1958 Geneva Convention on the High Seas<sup>24</sup> It is likely that some provisions of that Convention will need some modification in the light of the conclusions reached by this Conference. However, it is the view of the sponsors that the principles and provisions contained in the Convention on the High Seas are otherwise valid, must remain in force for areas beyond the territorial sea, and should be incorporated in any new comprehensive convention on the law of the sea adopted by this Conference.

Meanwhile the sponsors wish to propose additions to the Convention on the High Seas not directly related to the other matters under discussion at this Conference. These additions are contained in the draft articles set out below.

(The numbering of these articles corresponds to that of relevant articles in the 1958 Geneva Convention on the High Seas.)

*Article 6 bis*

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

2. In particular, the flag State shall, in addition to its obligations under article 10 below, take the following action in respect of ships flying its flag:

(a) Maintain a register of shipping containing the names and particulars of ships flying its flag;

(b) Cause each such ship, before registration and thereafter at the intervals prescribed by international regulations, to be surveyed by a qualified surveyor of ships;

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

(d) Ensure that each such ship has on board adequate charts, nautical publications and navigational equipment and instruments appropriate for the safe navigation of the ship;

(e) Cause an inquiry to be held by or before a suitably qualified person or persons into every marine casualty or incident of navigation on the high seas involving a ship flying its flag and causing loss of life or serious injury to nationals of another State, or serious damage to shipping or installations of another State or to the marine environment;

(f) Assume jurisdiction under its municipal law over each such ship and over the master, officers and crew in respect of administrative, technical and social matters concerning the ship; and

(g) Take the necessary measures to ensure that the master and officers are fully conversant with and are required to observe the appropriate applicable international regulations concerning the safety of life at sea, the prevention and control of marine pollution, the prevention of collisions and the maintenance of communications by radio.

Without prejudice to paragraph 1 of this article, the requirements of this paragraph do not apply to ships or boats which are excluded from generally accepted international regulations on account of their small size.

3. The flag State, in taking measures required under paragraph 2 above, shall conform to generally accepted international regulations, procedures and practices.

4. A State which has reasonable grounds to suspect that proper jurisdiction and control has not been exercised in accordance with this Convention may report the facts to the flag State and request it to investigate the matter further. Upon receiving such a request, the flag State shall investigate the matter, take any action necessary to remedy the situation and notify the requesting State of the action taken.

5. The flag State shall co-operate in the conduct of any inquiry held in another State into any marine casualty or incident of navigation causing loss of life or serious injury to nationals or damage to ships or other installations of that other State, or to the marine environment.

*Article 10<sup>25</sup>*

1. Every State shall take such measures for ships under its flag as are necessary to ensure safety at sea with regard *inter alia* to:

(a) The use of signals, the maintenance of communications and the prevention of collisions;

(b) The manning of ships and labour conditions for crews taking into account the applicable international labour instruments;

(c) The construction, equipment and seaworthiness of ships.

2. In taking such measures each State is required to conform to generally accepted international standards and to take any steps which may be necessary to ensure their observance.

3. A State which has reasonable grounds for suspecting that such measures have not been taken may report the facts to the flag State and request it to investigate the matter further. Upon receiving such a request, the flag State shall investigate the matter, take any action necessary to remedy the situation and notify the requesting State of the action taken.

<sup>24</sup> United Nations, *Treaty Series*, vol. 450, p. 82.

<sup>25</sup> The close relationship between articles 6 *bis* and 10 might enable them to be combined at a later stage, if this were considered desirable.

*Article 21 bis*

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

2. Any State which has reasonable grounds for believing that a vessel is engaged in illicit traffic in narcotic drugs may, whatever the nationality of the vessel but provided that its tonnage is less than 500 tons, seize the illicit cargo. The State which carried out this seizure shall inform the State of nationality of the vessel in order that the latter State may institute proceedings against those responsible for the illicit traffic.

3. Any State which has reasonable grounds for believing that a vessel flying its flag is engaged in illicit traffic in narcotic drugs, may request the co-operation of another State to put an end to this.

*Article 21 ter*

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

2. "Unauthorized broadcasting" consists of the transmission of sound radio or television broadcasts from a ship or installation on the high seas intended for reception by the general public contrary to international regulations, but excluding the transmission of distress calls.

3. Any person engaged in unauthorized broadcasting from the high seas may be prosecuted before the Court of the flag State of the vessel, the place of registry of the installation, the State of which the person is a national, any place where the transmissions can be received or any State where authorized radio communication is suffering interference.

4. On the high seas, any of the States having jurisdiction in accordance with paragraph 3 above may, in conformity with article 22, arrest any person or ship engaged in unauthorized broadcasting and seize the broadcasting apparatus.

## DOCUMENT A/CONF.62/C.2/L.55

## Turkey: draft articles on the régime of islands

[Original: English]  
[13 August 1974]

*Article 1*  
(Definitions)

*Article 2*

Except where otherwise provided in this chapter, the marine spaces of islands are determined in accordance with the provisions of this Convention.

*Article 3*

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

The inhabitants of such islands shall be entitled to create their economic zone at any time prior to or after attaining independence or self-rule. The right to the resources of such economic zone and to the resources of its continental shelf are vested in the inhabitants of that island to be exercised by them for their benefit and in accordance with their needs or requirements.

In case the inhabitants of such islands do not create an economic zone, the Authority shall be entitled to explore and exploit such areas, bearing in mind the interests of the inhabitants.

2. An island situated in the economic zone or on the continental shelf of other States shall have no economic zone or continental shelf of its own if it does not contain at least one tenth of the land area and population of the State to which it belongs.

3. Islands without economic life and situated outside the territorial sea of a State shall have no marine space of their own.

4. Rocks and low-tide elevations shall have no marine space of their own.

*Article 4*

A coastal State cannot claim rights based on the concept of the archipelago or archipelagic waters over a group of islands situated off its coasts.

*Article 5*

In areas of semi-enclosed seas, having special geographic characteristics, the maritime spaces of islands shall be determined jointly by the States of that area.

*Article 6*

The provisions of this chapter shall be applied without prejudice to the articles of this Convention relating to delimitation of marine spaces between countries with adjacent and/or opposite coasts.

*Article 7*

For the purposes of this chapter the term "marine space" implies either the territorial sea and/or continental shelf and/or the economic zone according to the context in which the term has been used.

## DOCUMENT A/CONF.62/C.2/L.56

## Turkey: draft article on enclosed and semi-enclosed seas

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The general rules set out in chapters . . . (chapters relating to territorial sea and economic zone) of this Convention shall be applied, in enclosed and semi-enclosed seas, in a manner consistent with equity.

States bordering enclosed and semi-enclosed seas may hold consultations among themselves with a view to determining the manner and method of application, appropriate for their region, for the purposes of this article.