

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

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Document:-

**A/CONF.62/C.2/L.62/Rev.1**

**Algeria, Dahomey, Guinea, Ivory Coast, Liberia, Madagascar, Mali, Mauritania,  
Morocco, Sierra Leone, Sudan, Tunisia, Upper Volta and Zambia: draft articles on  
the regime of islands**

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume III (Documents of the Conference, First and Second Sessions)*

## DOCUMENT A/CONF.62/C.2/L.58

Argentina, Bolivia, Brazil, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Libyan Arab Republic, Mexico, Morocco, Nicaragua, Panama, Paraguay, Peru, Uruguay: draft article on islands and other territories under colonial domination or foreign occupation

[Original: Spanish]

[13 August 1974]

The rights recognized or established in this Convention shall not be invoked by the colonial or occupying Power in respect of islands and other territories under colonial domination or foreign occupation as long as that situation persists.

## DOCUMENT A/CONF.62/C.2/L.59

Dominican Republic: draft article on straits and waterways

[Original: Spanish]

[14 August 1974]

The principle of prior negotiation shall be adopted between States having common waterways and straits before either of them undertakes any works or installations liable to result in pollution of any kind for the other coastal State.

## DOCUMENT A/CONF.62/C.2/L.60

El Salvador: working paper on the exclusive economic zone

[Original: Spanish]

[14 August 1974]

It is proposed that the elements listed hereunder be inserted for consideration at the appropriate place in the formulations already submitted concerning the characteristics of the exclusive economic zone:

- (a) Jurisdiction of the coastal State over other economic uses of the waters;
- (b) Residual competences and rights in favour of the coastal State;
- (c) The indication that the exclusive economic zone is contiguous to the high seas.

## DOCUMENT A/CONF.62/C.2/L.62/Rev. 1

Algeria, Dahomey, Guinea, Ivory Coast, Liberia, Madagascar, Mali, Mauritania, Morocco, Sierra Leone, Sudan, Tunisia, Upper Volta and Zambia: draft articles on the régime of islands

[Original: French]

[27 August 1974]

## Article 1

1. An island is a vast naturally formed area of land, surrounded by water, which is above water at high tide.
2. An islet is a smaller naturally formed area of land, surrounded by water, which is above water at high tide.
3. A rock is a naturally formed rocky elevation of ground, surrounded by water, which is above water at high tide.
4. 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.
5. An island, islet, rock or a low-tide elevation are considered as adjacent when they are situated in proximity to the coasts of the State to which they belong.
6. An island, islet, rock or a low-tide elevation are considered as non-adjacent when they are not situated in the proximity of the coasts of the State to which they belong.

## Article 2

- 1: The baselines applicable to adjacent islands, islets, rocks and low-tide elevations, in accordance with article 1, are considered as the baselines applicable to the State to which they belong and consequently are used in the measurement of the marine spaces of that State.
2. The marine spaces of islands considered non-adjacent, in accordance with paragraphs 1 and 6, shall be delimited on the basis of relevant factors taking into account equitable criteria.
3. These equitable criteria should notably relate to:
  - (a) The size of these naturally formed areas of land;
  - (b) Their geographical configuration and their geological and geomorphological structure;
  - (c) The needs and interests of the population living thereon;
  - (d) The living conditions which prevent a permanent settlement of population;

(e) Whether these islands are situated within, or in the proximity of, the marine space of another State;

(f) Whether, due to their situation far from the coast, they may influence the equity of the delimitation.

4. A State cannot claim jurisdiction over the marine space by virtue of the sovereignty or control which it exercises over an islet, rock or low-tide elevation as defined in paragraphs 2, 3, 4 and 6 of article 1.

5. In accordance with paragraph 4 of this article, safety zones of reasonable breadth may nevertheless be established around such islets, rocks or low-tide elevations.

#### Article 3

1. In accordance with the provisions of article 1, paragraph 6, and article 2, paragraphs 2 and 3, the delimitation of the marine spaces between adjacent and/or opposite States must be done, in the case of presence of islands, by agreement between them according to principles of equity, the median or equidistance line not being the only method of delimitation.

2. For this purpose, special account should be taken of geological and geomorphological criteria, as well as of all other special circumstances.

#### Article 4

1. The provisions of articles 1 and 2 shall not apply either to insular or to archipelagic States.

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

#### Article 5

Concerning islands under colonial domination, racist régime or foreign occupation, the rights to the maritime spaces and to the resources thereof belong to the inhabitants of those islands and must profit only their own development.

No colonial or foreign or racist Power which administers or occupies those islands shall exercise those rights, profit from them or in any way infringe upon them.

### DOCUMENT A/CONF.62/C.2/L.63

Thailand: draft articles on archipelagos

[Original: English]

[15 August 1974]

#### Article . . .

In any situation where the archipelagic waters, or territorial waters measured therefrom, of an archipelagic State include areas which previously had been considered as high seas, that archipelagic State, in the exercise of its sovereignty over such areas, shall give special consideration to the interests and needs of its neighbouring States with regard to the exploitation of living resources in these areas, and, to this effect, shall enter into an agreement with any neighbouring State, at the request of the latter, either by regional or bilateral arrangements, with a view to prescribing modalities entitling the nationals of such neighbouring State to engage and take part on an equal footing with its nationals and, where geographical circumstances so permit, on the basis of reciprocity, in the exploitation of living resources therein.

#### Article . . .

In addition to the right of passage through the sea lanes designated for international navigation, an archipelagic State shall recognize, for the sole benefit of such of its neighbouring States as are enclosed or partly enclosed by its archipelagic waters, a right of innocent passage through these waters for the purpose of gaining access to and from any part of the high seas by the shortest and most convenient routes.

To this effect, an archipelagic State shall enter into arrangements with any such neighbouring States at the request of the latter.

### DOCUMENT A/CONF.62/C.2/L.64

Malaysia: amendments to document A/CONF.62/C.2/L.49<sup>28</sup>

[Original: English]

[16 August 1974]

#### I. Article 2

Paragraph 5 should be amended to read as follows (amended parts underlined\*):

"5. 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 communications*, including the laying of submarine cables and pipelines, between one part of its national territory and another part of such territory, *such rights of direct access*

\*In italics, in the text.

<sup>28</sup>These amendments are submitted without prejudice to the right of Malaysia to submit further amendments to other provisions contained in document A/CONF.62/C.2/L.49.