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

Thailand: draft articles on archipelagos

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)*

(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.

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[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.49²⁸

[Original: English]

[16 August 1974]

1. 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.

²⁸These 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.