

Third United Nations Conference on the Law of the Sea

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Document:-

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

Malaysia: amendments to document A/CONF.62/C.2/L.49

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(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.49²⁸

[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 *itals.* 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.

and communications shall continue to be recognized and guaranteed by the archipelagic State.”

2. Article 4

The existing paragraph should be numbered 1, and a new paragraph 2 should be added as follows:

“2. The provisions of paragraph 1 of this article shall not apply to the provisions of paragraph 5 of article 2.”

DOCUMENT A/CONF.62/C.2/L.65

Bolivia and Paraguay: draft articles on the “regional economic zone”

[Original: Spanish]
[16 August 1974]

Explanatory note

The delegations of Bolivia and Paraguay have held consultations on a number of questions concerning the law of the sea, in particular the topic of the regional economic zone. They now present the following draft articles for consideration in the debate on that item at the Third United Nations Conference on the Law of the Sea.

The preparation and submission of these draft articles do not, of course, imply the withdrawal or replacement of any proposals already submitted separately or jointly by the sponsoring States. This proposal is intended as an improved and expanded version of previous proposals. The basic philosophy underlying the regional economic zone has already been outlined in the statements made in the Second Committee by the representatives of Paraguay at the 22nd meeting and Bolivia at the 25th meeting.

Article 1

Coastal States and neighbouring land-locked States shall have the right to establish jointly regional economic zones between the 12-mile territorial sea and up to a maximum distance of 200 nautical miles, measured from the applicable base-lines of the territorial sea.

Article 2

All the States concerned shall participate fully in the regional economic zone and shall be entitled to enjoy the use and benefits of all renewable and non-renewable resources therein, with equal rights and obligations.

Article 3

The States which form part of a regional economic zone shall jointly manage the exploration, exploitation and conservation of the resources of the zone through regional machinery, on the same lines as that proposed for a similar purpose in the sea-bed and ocean floor beyond the limits of national jurisdiction, which shall also ensure an equitable distribution of the resulting benefits.

Article 4

Third States, international governmental and non-governmental organizations whatever their scope, and natural or legal persons may be allowed to co-operate in the regional economic zones, and financing may be accepted from any source for the operation of the regional machinery.

Article 5

Within the limits of each regional economic zone there shall be regional sovereignty for the exploration, exploitation and conservation of the natural resources, whether renewable or non-renewable, of the sea-bed, the subsoil and the superjacent waters, and jurisdictional powers over the contiguous zone shall be exercised exclusively by the coastal States.

Article 6

On the basis of the equality of rights and obligations of all participating States without discrimination of any kind, the regional economic zone shall protect and preserve, and ensure the protection and preservation of, the marine environment, and may permit joint scientific research to be carried on.

Article 7

The regional economic zone may establish, preferably through the regional machinery, an enterprise as the organ of the authority responsible for carrying out all technical, industrial and commercial activities, including the regulation of production, the marketing and the distribution of raw materials from the regional economic zone resulting from exploration of the zone and exploitation of its natural resources. The enterprise, in the exercise of its functions and powers, which shall be laid down in a convention and its pertinent regulations, shall assume responsibility for the relevant activities, either directly or through operational contracts, joint ventures, joint management or any other type of legal régime which does not conflict with the interests of the zone and the machinery shall ensure effective administrative and financial control in all circumstances.

Article 8

In the exercise of its powers and functions, the enterprise shall act in accordance with the general policy and conditions laid down by the competent regional assembly, and shall submit proposals with regard to its activities and the legal provisions required for such activities to the competent body or council for consideration and authorization.

Article 9

On the same lines as the international zone and the marine and ocean resources beyond national jurisdiction, which are deemed to be the common heritage of mankind—a principle that has already acquired the character of a rule of international law—the regional economic zones and their renewable and non-renewable resources shall be declared the common heritage of the region.

Article 10

The regional economic zones may organize themselves on the broadest possible basis and shall also exploit their resources in such a manner as to ensure that they do not adversely affect the national land-based economies of countries dependent on a single commodity which are members of the zone or of other zones.

Article 11

The members of each regional economic zone, whether or not they are coastal States, shall be equitably and fairly represented both in the regional machinery and in the enterprise.