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COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND
THE LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE II

ARGENTINA

DRAFT ARTICLES

1. The sovereignty of a coastal State extends to a belt of sea adjacent to its coast, described as the territorial sea, and to the air space, bed and subsoil of that sea.
2. It is for each State to fix the breadth of its territorial sea up to a maximum distance of 12 nautical miles measured from the applicable baselines.
3. Ships of all States, whether coastal or not, shall enjoy the right of innocent passage through the territorial sea in accordance with the following provisions:
 - 3.1 ... (definition of "innocent passage").
 - 3.2 ... (precise determination of the regulatory powers of the coastal State).
4. A coastal State has sovereign rights over an area of sea adjacent to its territorial sea up to a distance of 200 nautical miles measured from the baseline from which the breadth of the territorial sea is measured or up to a greater distance coincident with the epicontinental sea.

For the purposes of this and the succeeding articles, the term "epicontinental sea" means the column of water covering the seabed and subsoil which are situated at an average depth of 200 metres.

The scope of the above-mentioned rights is laid down in the succeeding articles.

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5. It is for each coastal State to fix the breadth of the area adjacent to its territorial sea up to the maximum distance prescribed in article 4, in accordance with criteria which take into account the regional geographical, geological, ecological, economic and social factors involved and interests relating to the preservation of the marine environment.

6. The delimitation of that area between two or more States shall be effected in accordance with the principles of international law.

7. A coastal State has sovereign rights over the renewable and non-renewable natural resources, living and non-living, which are to be found in the said area.

8. States in a particular region or subregion which for geographical or economic reasons do not see fit to extend their sovereign rights to an exclusive maritime area adjacent to their territorial sea shall enjoy a preferential régime for purposes of fishing in the exclusive maritime areas of other States belonging to the region or subregion, such régime to be determined by bilateral agreements providing for a fair adjustment of their mutual interests.

The said régime shall be granted provided that the enterprises of the State which wishes to exploit the resources in question are effectively controlled by capital and nationals of that State and that the ships which operate in the area fly the flag of that State.

9. The prospecting and exploration of the maritime area adjacent to the territorial sea and the exploitation of the natural resources existing therein are subject to the regulations of the coastal States concerned, which may reserve those activities to themselves or to their nationals or may allow third parties to engage in them in accordance with the provisions of their internal laws and of such international agreements as they may conclude on the matter.

10. The protection and conservation of renewable resources existing in the area are likewise subject to the regulations of the coastal States concerned and to such agreements as they may conclude on the matter, taking into account, where relevant, co-operation with other States and the recommendations of international technical bodies.

11. A coastal State shall also have jurisdiction to enforce in the maritime area adjacent to its territorial sea such measures as it may enact in order to prevent, mitigate or eliminate pollution damage and risks and other effects harmful or dangerous to the ecosystem of the marine environment, the quality and use of water, living resources, human health and the recreation of its people, taking into account co-operation with other States and in accordance with internationally agreed principles and standards.

12. It is also for the coastal State to authorize such scientific research activities as are carried on in the area; it is entitled to participate in them and to be informed of the results obtained. In such regulations as the coastal State may issue on the matter, the desirability of promoting and facilitating such activities shall be taken especially into account.

13. In the maritime area adjacent to the territorial sea, ships and aircraft of all States, whether coastal or not, have the right to free navigation and overflight without restrictions other than those which may result from the exercise by the coastal State of its rights in the matters of exploration, conservation and exploitation of resources, pollution and scientific research. Subject solely to these limitations, there shall also be freedom to lay submarine cables and pipelines.

14. Through bilateral and, where appropriate, subregional agreements, a coastal State shall facilitate for neighbouring States having no sea-coast the right of access to the sea and of transit. In the same way agreement shall be reached with States having no sea-coast on an equitable régime for the exercise in the maritime area of fishing rights which shall be preferential in relation to third States. The said preferential rights shall be granted provided that the enterprises of the State which wishes to exploit the resources in question are effectively controlled by capital and nationals of that State and that the ships which operate in the area fly the flag of that State.

15. The sovereignty of a coastal State extends to its continental shelf. The continental shelf comprises the bed and subsoil of the submarine areas adjacent to the territory of the State but outside the area of the territorial sea, up to the outer lower edge of the continental margin which adjoins the abyssal plains or, when that edge is at a distance of less than 200 miles from the coast, up to that distance.

16. The rights of the coastal State over the continental shelf do not affect the legal régime of the superjacent waters or air space.

17. The rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any declaration.

18. A coastal State has sovereignty over the renewable and non-renewable natural resources of its continental shelf. The said resources include the mineral and other non-living resources of the seabed and subsoil together with living vegetable organisms and animals belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

19. The prospecting and exploration of the continental shelf and the exploitation of its natural resources are subject to the regulations of the coastal States concerned, which may reserve those activities to themselves or to their nationals or may allow third parties also to engage in them in accordance with the provisions of their internal laws and of such international agreements as they may conclude on the matter.

20. The protection and conservation of renewable resources existing on the continental shelf are likewise subject to the regulations of the coastal States concerned and to such agreements as they may conclude on the matter, taking into account, where relevant, co-operation with other States and the recommendations of technical international bodies.

21. It is also for the coastal State to enact measures designed to prevent, mitigate or eliminate pollution of or from the continental shelf and of its natural resources, taking into account co-operation with other States and the recommendations of international technical bodies.

22. It is likewise for the coastal State to authorize scientific research activities on the continental shelf; it is entitled to participate in them and to be informed of the results thereof. In such regulations as the coastal State may issue on the matter, the desirability of promoting and facilitating such activities shall be taken especially into account.

23. A coastal State shall authorize the laying of submarine cables and pipelines on the continental shelf, without restrictions other than those which may result from its rights over the same.

24. The establishment of any other type of installation by third States or their nationals is subject to the permission of the coastal State.

25. The coastal State is entitled to construct, maintain or operate on or over the continental shelf installations and other devices necessary for the exercise of its rights over the same, to establish safety zones around such devices and installations, and to take in those zones measures necessary for their protection. Ships of all nationalities shall respect these safety zones, which may extend up to 500 metres around the installations or devices.

26. The construction of any installation or device shall be officially made public and permanent means for giving warning of its presence shall be maintained. Any installation which is disused shall be removed by the coastal State.

27. The exercise of the coastal State's rights over the continental shelf shall not result in any unjustifiable interference with the freedom of navigation in the superjacent waters and of overflight in the superjacent air space, nor shall it impede the use of recognized lanes essential to international navigation.

28. Delimitation.

29. Safeguard of existing international, bilateral or regional agreements on delimitation of the continental shelf.
