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

Dual Distribution

WORKING PAPER ON THE COMPREHENSIVE LIST OF SUBJECTS AND ISSUES
RELATING TO THE LAW OF THE SEA SUBMITTED BY ARGENTINA, BRAZIL,
COLOMBIA, CHILE, ECUADOR, EL SALVADOR, GUATEMALA, GUYANA,
JAMAICA, PANAMA, PERU, SPAIN, TRINIDAD AND TOBAGO,
URUGUAY, AND VENEZUELA

In accordance with resolution 2750 C (XXV), of the United Nations General Assembly, the Enlarged Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction must, among other things, prepare for the Conference on the Law of the Sea, tentatively scheduled for 1973, a comprehensive list of subjects and issues relating to the Law of the Sea.

According to the same resolution, the Enlarged Committee, in addition to the list, must prepare draft articles on the issues mentioned above.

The inclusion in the list of one or of several questions, or the presentation of the list as a whole, does not signify acceptance that draft articles to be submitted to the Conference must be prepared on each and every article on the list. Therefore, sponsorship or acceptance of this list does not commit the position of any State with respect to the items on it nor to the order or classification according to which they are presented. This does not preclude the Conference from considering in due time any of the items on the list, whether or not articles have been drafted on them, if it is so proposed. The decision as to which items shall be the object of drafting of articles shall be taken not only after the preparation of the list but also after the debate, study and negotiation of matters included in the list. Accordingly, the list shall serve as a framework for discussion. After delegations have stated which items are of interest to them, formulation, allocation or grouping of the items shall be discussed and negotiated.

* Re-issued for technical reasons.

It was understood that the inclusion in the list of items already dealt with in the Geneva Conventions of 1958 does not prejudice the question of the eventual modification or reaffirmation of those items.

In the light of the aforementioned observations, the following list is submitted for consideration by delegations members of the Committee.

Comprehensive list of subjects and issues relating to the Law of the Sea

A. Zones within national jurisdiction

1. Territorial sea

- 1.1. Nature and characteristics. Question of the plurality of regimes in the territorial sea.
- 1.2. Delimitation of the territorial sea: baseline criteria; criteria applicable to archipelago states.
- 1.3. Breadth of the territorial sea. Regional criteria. Open seas and oceans, semi-enclosed seas and closed seas.
- 1.4. Archipelagoes.
- 1.5. Guarantees for international communications.
 - (a) Freedom of navigation. Innocent passage. Current problems: ships and submarines propelled by nuclear energy, huge oil tankers, scientific research vessels, pirate radio stations, etc. Rights of coastal States: criteria for prior notification and the question of responsibility for damage.
 - (b) Overflight in the airspace above the territorial sea, in open seas and oceans.
 - (c) Other forms of communication.

2. Zones of special jurisdiction

- 2.1. Review of the regime of the contiguous zone.
- 2.2. Rights of coastal States with regard to national security, customs and fiscal control, sanitation and immigration regulations.
- 2.3. Rights of coastal States with regard to the conservation, preservation, reservation and exclusive or preferential exploitation of the resources, economic and/or fisheries closing lines, resources administration, protection of the marine environment and scientific research. Applicable criteria, including economic and social development needs. Regional criteria.

- 2.4. Rights of coastal States with respect to the prevention of pollution and other hazardous and harmful effects arising from the uses of the seas.
- 2.5. Enclosed and semi-enclosed seas and archipelagos. Regional criteria.
- 2.6. Historical waters.
3. Continental shelf
 - 3.1. Nature and scope of the sovereign rights of coastal States over the continental shelf.
 - 3.2. Outer limit of the continental shelf: applicable criteria, including exploitability, distance, depth, adjacency and geomorphology.
 - 3.3. Question of the delimitation between States.
 - 3.4. Natural resources of the continental shelf. Question of the inclusion of all benthonic species.
 - 3.5. Regime for waters superjacent to the continental shelf.
 - 3.6. Scientific research: its regulation.
4. Straits

Navigation through international straits. Innocent passage.
- B. Zones beyond national jurisdiction
5. International area of the sea-bed

International regime, including an Authority, for the sea-bed and ocean floor and the subsoil thereof beyond the limits of national jurisdiction.
6. High seas or zones beyond national jurisdiction
 - 6.1. Nature and characteristics. Rights and duties of States.
 - 6.2. Regulation of the freedom of navigation: question of the protection of the merchant navies of developing countries.
- 6.3. Fishing and conservation of living resources
 - (a) Regulation of the freedom of fishing.
 - (b) Preferential rights of coastal States.
 - (c) Conservation and protection of living resources in view of increasing use of the sea-bed and exploitation of its resources.
 - (d) Supervision and control of fishing methods and procedures.

6.4. Preservation of the marine environment

Different forms of pollution, including that caused by the exploitation and transportation of petroleum, the disposal of waste by ships and from land and pollution and other hazardous effects caused by military and related activities.

- (a) Measures to combat pollution and other hazards to the marine environment.
- (b) Measures to preserve the ecological balance of the marine environment.
- (c) Responsibility for damage to the marine environment.

6.5. Scientific research

- (a) Nature, characteristics and purposes of scientific research of the oceans. Definition of fundamental oceanographic research.
- (b) Regulation of scientific research, particularly the deployment of Oceanographic Data Acquisition Systems (ODAS).
- (c) Rights of coastal States with regard to oceanographic research beyond their national jurisdiction.
- (d) International co-operation in and promotion of oceanographic research; publication and dissemination of results: role of international sea-bed regime.

6.6. Landlocked States

- (a) Free access for landlocked States to the high seas.
- (b) Equal access for landlocked States to the areas of the sea-bed and ocean floor beyond national jurisdiction.
- (c) Participation of landlocked States in the international regime.

6.7. Question of the responsibility for damage resulting from the use of the marine environment.

6.8. Question of radio and television transmission from the high seas.

6.9. Artificial islands.

C. Questions of general interest

7. Peaceful uses

- 7.1. Principles and purposes of the peaceful uses of ocean space
- 7.2. Denuclearization of ocean space.
- 7.3. Possibilities of demilitarization of ocean space beyond national jurisdiction.
- 7.4. Inspection and verification through international agencies.

8. Regional arrangements

- 8.1. Management of ocean space, including living and non-living resources.
- 8.2. Scientific research.
- 8.3. Preservation of marine environment.
- 8.4. Zones of peace and security.

9. Settlement of disputes