

UNITED NATIONS

GENERAL
ASSEMBLY



Distr.
LIMITED

A/AC.138/SC.II/L.10
7 August 1972

Original: ENGLISH

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

SUB-COMMITTEE II

DRAFT ARTICLES ON EXCLUSIVE ECONOMIC ZONE CONCEPT
(PRESENTED BY KENYA)

ARTICLE I

All States have a right to determine the limits of their jurisdiction over the seas adjacent to their coasts beyond a territorial sea of 12 miles in accordance with the criteria which take into account their own geographical, geological, biological, ecological, economic and national security factors.

ARTICLE II

In accordance with the foregoing Article, all States have the right to establish an Economic Zone beyond the territorial sea for the primary benefit of their peoples and their respective economies in which they shall exercise sovereign rights over natural resources for the purpose of exploration and exploitation. Within the zone they shall have exclusive jurisdiction for the purpose of control, regulation and exploitation of both living and non-living resources of the Zone and their preservation, and for the purpose of prevention and control of pollution.

The coastal State shall exercise jurisdiction over its Economic Zone and third States or their nationals shall bear responsibility for damage resulting from their activities within the Zone.

ARTICLE III

The establishment of such a Zone shall be without prejudice to the exercise of freedom of navigation, freedom of overflight and freedom to lay submarine cables and pipelines as recognized in international law.

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ARTICLE IV

The exercise of jurisdiction over the Zone shall encompass all the economic resources of the area, living and non-living, either on the water surface or within the water column, or on the soil or sub-soil of the sea-bed and ocean floor below.

ARTICLE V

Without prejudice to the general jurisdictional competence conferred upon the coastal State by Article II above, the State may establish special regulations within its Economic Zone for:

- (a) Exclusive exploration and exploitation of non-renewable marine resources;
- (b) Exclusive or preferential exploitation of renewable resources;
- (c) Protection and conservation of the renewable resources;
- (d) Control, prevention and elimination of pollution of the marine environment;
- (e) Scientific research.

Any State may obtain permission from the coastal State to exploit the resources of the Zone where permitted on such terms as may be laid down and in conformity with laws and regulations of the coastal State.

ARTICLE VI

The coastal State shall permit the exploitation of the living resources within its zone to the neighbouring developing land-locked, near land-locked and countries with a small shelf provided the enterprises of those States desiring to exploit these resources are effectively controlled by their national capital and personnel.

To be effective the rights of land-locked or near land-locked States shall be complemented by the right of access to the sea and the right of transit. These rights shall be embodied in multilateral or regional or bilateral agreements.

ARTICLE VII

The limits of the Economic Zone shall be fixed in nautical miles in accordance with criteria in each region, which take into consideration the resources of the region and the rights and interests of developing land-locked, near land-locked, shelf-locked States and States with narrow shelves and without prejudice to limits adopted by any State within the region. The Economic Zone shall not in any case exceed 200 nautical miles, measured from the baselines for determining territorial sea.

ARTICLE VIII

The deliniation of the Economic Zone between adjacent and opposite States shall be carried out in accordance with international law. Disputes arising therefrom shall be settled in conformity with the Charter of the United Nations and any other relevant regional arrangements.

ARTICLE IX

Neighbouring developing States shall mutually recognize their existing historic rights. They shall also give reciprocal preferential treatment to one another in the exploitation of the living resources of their respective Economic Zones.

ARTICLE X

Each State shall ensure that any exploration or exploitation activity within its Economic Zone is carried out exclusively for peaceful purposes and in such a manner as not to interfere unduly with the legitimate interests of other States in the region or those of the International Community.

ARTICLE XI

No territory under foreign domination and control shall be entitled to establish an Economic Zone.