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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

WORKING PAPER
ON SEA AREA WITHIN THE LIMITS OF NATIONAL JURISDICTION

Submitted by the Chinese Delegation
16 July 1973

1. Territorial Sea

(1) The territorial sea, as delimited by a coastal State by virtue of sovereignty, is a specified area of sea adjacent to its coast or internal waters, including the airspace over the territorial sea and its bed and subsoil thereof, over which it exercises sovereignty.

(2) A coastal State is entitled to reasonably define the breadth and limits of its territorial sea according to its geographical features and its needs of economic development and national security and having due regard to the legitimate interests of its neighbouring countries and the convenience of international navigation, and shall give publicity thereto.

(3) Coastal States in the same region may, through consultations on an equal footing, define a unified breadth or a limit for the territorial sea in the region.

(4) Coastal States adjacent or opposite to each other shall define the boundaries between their territorial seas on the principles of mutual respect for sovereignty and territorial integrity, equality and reciprocity.

(5) The breadth and limits of the territorial sea as defined by a coastal State are, in principle, applicable to the islands belonging to that State.

(6) An archipelago or an island chain consisting of islands close to each other may be taken as an integral whole in defining the limits of the territorial sea around it.

(7) A strait lying within the territorial sea, whether or not it is frequently used for international navigation, forms an inseparable part of the territorial sea of the coastal State.

(8) A coastal State may, for the purpose of regulation of its territorial sea, enact necessary laws and regulations and give publicity thereto. Ships and aircraft of a foreign State, passing through the territorial sea and the airspace thereabove of another State, shall comply with the laws and regulations of the latter State.

Foreign non-military ships enjoy innocent passage through territorial seas.

Passage is innocent when it is not prejudicial to the peace, security and good order of a coastal State.

A coastal State may, in accordance with its laws and regulations, require military ships of foreign States to tender prior notification to, or seek prior approval from, its competent authorities before passing through its territorial sea.

2. Exclusive Economic Zone or Exclusive Fishery Zone

(1) A coastal State may reasonably define an exclusive economic zone (hereinafter referred to as the economic zone) beyond and adjacent to its territorial sea in accordance with its geographical and geological conditions, the state of its natural resources and its needs of national economic development.

The outer limit of the economic zone may not, in maximum, exceed 200 nautical miles measured from the baseline of the territorial sea.

(2) All natural resources within the economic zone of a coastal State, including living and non-living resources of the whole water column, sea-bed and its subsoil, are owned by the coastal State.

A coastal State exercises exclusive jurisdiction over its economic zone for the purpose of protecting, using, exploring and exploiting the resources as described in the preceding paragraph.

(3) A coastal State shall, in principle, grant to the landlocked and shelf-locked States adjacent to its territory common enjoyment of a certain proportion of the rights of ownership in its economic zone. The coastal State and its adjacent landlocked and shelf-locked States shall, through consultations on the basis of equality and mutual respect for sovereignty, conclude bilateral or regional agreements on the relevant matters.

(4) The normal navigation and overflight on the water surface of and in the airspace above the economic zone by ships and aircraft of all States shall not be prejudiced. The delineation of the course for laying cables and pipelines in the sea-bed of the economic zone is subject to the consent of the coastal State.

(5) Other States may engage in fishery, mining or other activities in the economic zone of a coastal State pursuant to agreement reached with the coastal State.

(6) A coastal State may enact necessary laws and regulations for the effective regulation of its economic zone.

Other States, in carrying out any activities in the economic zone of a coastal State, are required to observe the relevant laws and regulations of the coastal State.

(7) A coastal State is entitled, when necessary, to deal with unauthorized fishery, mining or other activities in its economic zone and with violations of its relevant laws and regulations even though permission for such activities has been given.

(8) The delimitation of boundaries between the economic zones of coastal States adjacent or opposite to each other shall be jointly determined through consultations on an equal footing.

Coastal States adjacent or opposite to each other shall, on the basis of safeguarding and respecting the sovereignty of each other, conduct necessary consultations to work out reasonable solutions for the exploitation, regulation and other matters relating to the natural resources in the contiguous parts of their economic zones.

(9) The above provisions relating to the economic zone shall also apply to the exclusive fishery zone as reasonably defined by a coastal State beyond its territorial sea, except that the resources in the exclusive fishery zone are confined to the living resources of the water column in the said fishery zone.

3. Continental Shelf

(1) By virtue of the principle that the continental shelf is the natural prolongation of the continental territory, a coastal State may reasonably define, according to its specific geographical conditions, the limits of the continental shelf under its exclusive jurisdiction beyond its territorial sea or economic zone. The maximum limits of such continental shelf may be determined among States through consultations.

(2) The natural resources of the continental shelf, including the mineral resources of the sea-bed and subsoil and the living resources of sedentary species, appertain to the coastal State.

(3) The superjacent waters of the continental shelf beyond the territorial sea, the economic zone or the fishery zone are not subject to the jurisdiction of the coastal State.

The normal navigation and overflight on the superjacent waters of the continental shelf and in the airspace thereabove by ships and aircraft of all States shall not be prejudiced.

(4) A coastal State may enact all necessary laws and regulations for the effective management of its continental shelf.

The delineation of the course for laying submarine cables and pipelines on the continental shelf by a foreign State is subject to the consent of the coastal State.

(5) States adjacent or opposite to each other, the continental shelves of which connect together, shall jointly determine the delimitation of the limits of jurisdiction of the continental shelves through consultations on an equal footing.

(6) States adjacent or opposite to each other, the continental shelves of which connect together, shall, on the basis of safeguarding and respecting the sovereignty of each other, conduct necessary consultations to work out reasonable solutions for the exploitation, regulation and other matters relating to the natural resources in their contiguous parts of the continental shelves.