

UNITED NATIONS

# GENERAL ASSEMBLY



Distr.  
LIMITED

A/AC.138/SC.II/L.39  
16 July 1973

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 RESOURCE JURISDICTION OF COASTAL STATES BEYOND THE TERRITORIAL SEA

proposed by the delegations of Afghanistan, Austria,  
Belgium, Bolivia, Nepal and Singapore

- (1) in the context of the discussions on the recognition of the jurisdiction of coastal States over the resources in a zone adjacent to their territorial sea, and
- (2) as a formula attempting to accommodate the vital needs and major interests of all States, which does not necessarily reflect the final views of the sponsoring delegations.

### ARTICLE I

(1) Coastal States shall have the right to establish, adjacent to the territorial sea, a ..... Zone which may not extend beyond ..... nautical miles from the baselines from which the breadth of the territorial sea is measured.

(2) Coastal States shall have, subject to the provisions of Articles II and III, jurisdiction over the ..... Zone and the right to explore and exploit all living and non-living resources therein.

### ARTICLE II

(1) Landlocked and coastal States which cannot or do not declare a ..... Zone pursuant to Article I (hereinafter referred to as the Disadvantaged States), as well as natural or juridical persons under their control, shall have the right to participate in the exploration and exploitation of the living resources of the ..... Zone of neighbouring coastal States on an equal and non-discriminatory basis. For the purpose of facilitating the orderly development and the rational management and exploitation of the living resources of particular ..... Zones, the States concerned may decide upon appropriate arrangements to regulate the exploitation of the resources in that Zone.

(2) In the ..... Zone the coastal State may annually reserve for itself and such other Disadvantaged States as may be exercising the right under the preceding paragraph, that part of the maximum allowable yield, as determined by the relevant international fisheries organization, which corresponds to the harvesting capacity and needs of these States.

(3) States other than those referred to in paragraph 1 shall have the right to exploit that part of the remaining allowable yield subject to payments, to be determined under equitable conditions, and regulations laid down by the coastal States for the exploitation of the living resources of the ..... Zone.

(4) Disadvantaged States shall not transfer the right conferred upon them in paragraph 1 to third parties. However, this provision shall not preclude the Disadvantaged States from entering into arrangements with third parties for the purpose of enabling them to develop viable fishing industries of their own.

(5) A developed coastal State, which establishes a ..... Zone pursuant to Article I, paragraph 1, shall contribute .... per cent of its revenues<sup>a/</sup> derived from the exploitation of the living resources in that Zone to the International Authority. Such contributions shall be distributed by the International Authority on the basis of equitable sharing criteria.

(6) In exploiting the living resources the States referred to in paragraphs 1 and 3 of this Article shall observe the regulations and measures pertaining to management and conservation in the respective ..... Zones.

#### ARTICLE III

(1) A coastal State shall make contributions to the International Authority out of the revenues<sup>a/</sup> derived from exploitation of the non-living resources of its ..... Zone in accordance with the following paragraph.

(2) The rate of contribution shall be .... per cent<sup>b/</sup> of the revenues from exploitation carried out within forty miles or 200 metres isobath of the ..... Zone,

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<sup>a/</sup> The word "revenues" shall have to be defined.

<sup>b/</sup> It is understood that different rates should apply to developed and developing countries.

whichever limit the coastal State may choose to adopt, and .... per cent<sup>b/</sup> of the revenues from exploitation carried out beyond forty miles or 200 metres isobath within the ..... Zone.

(3) The International Authority shall distribute these contributions on the basis of equitable sharing criteria.

ARTICLE IV

Any dispute arising from the interpretation and application of the provisions of the foregoing Articles shall be subject to the procedures for the compulsory settlement of disputes provided for in the Convention.

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<sup>b/</sup> It is understood that different rates should apply to developed and developing countries.