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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

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Draft Article on the Rights and Duties of
Archipelagic States

Introductory Note

1. The United Kingdom Delegation has stated that any new Law of the Sea Convention must take proper account of, and make provision for, the legitimate concerns of archipelagic states. At the same time, it has emphasized that principles stated in general terms are not enough to resolve this problem, and that such principles must be enunciated in the form of objective criteria.

2. The draft Article which follows is an attempt to establish objective criteria and to elaborate the legal status of the states concerned. It is submitted as a basis for discussion and negotiation, and does not necessarily represent the final position of the United Kingdom Government in the matter.

DRAFT ARTICLE

RIGHTS AND OBLIGATIONS OF ARCHIPELAGIC STATES

1. On ratifying or acceding to this Convention, a state may declare itself to be an archipelagic state where:

- (a) the land territory of the state is entirely composed of 3 or more islands;
and
- (b) it is possible to draw a perimeter, made up of a series of lines or straight baselines, around the outermost points of the outermost islands in such a way that:
 - (i) no territory belonging to another state lies within the perimeter,
 - (ii) no baseline is longer than 48 nautical miles,and (iii) the ratio of the area of the sea to the area of land territory inside the perimeter does not exceed five to one:

Provided that any straight baseline between two points on the same island shall be drawn in conformity with Articles of the Convention (on straight baselines).

2. A declaration under paragraph 1 above shall be accompanied by a chart showing the perimeter and a statement certifying the length of each baseline and the ratio of land to sea within the perimeter.

3. Where it is possible to include within a perimeter drawn in conformity with paragraph 1 above only some of the islands belonging to a state, a declaration may be made in respect of those islands. The provisions of this Convention shall apply to the remaining islands in the same way as they apply to the islands of a state which is not an archipelagic state and references in this Article to an archipelagic state shall be construed accordingly.—

4. The territorial sea, [Economic Zone] and any continental shelf of an archipelagic state shall extend from the outside of the perimeter in conformity with Articles of this Convention.

5. The sovereignty of an archipelagic state extends to the waters inside the perimeter, described as archipelagic waters: this sovereignty is exercised subject to the provisions of these Articles and to other rules of international law.

6. An archipelagic state may draw baselines in conformity with Articles (bays) and (river mouths) of this Convention for the purpose of delimiting internal waters.

7. Where parts of archipelagic waters have before the date of ratification of this Convention been used as routes for international navigation between one part of the high seas and another part of the high seas or the territorial sea of another state,

the provisions of Articles of this Convention apply to those routes (as well as to those parts of the territorial sea of the archipelagic state adjacent thereto) as if they were straits. A declaration made under paragraph 1 of this Article shall be accompanied by a list of such waters which indicates all the routes used for international navigation, as well as any traffic separation schemes in force in such waters in conformity with Articles of this Convention. Such routes may be modified or new routes created only in conformity with Articles of this Convention.

8. Within archipelagic waters, other than those referred to in paragraph 7 above, the provisions of Articles (innocent passage) apply.

9. In this Article, references to an island include a part of an island and reference to the territory of a state includes its territorial sea.

10. The provisions of this Article are without prejudice to any rules of this Convention and international law applying to islands forming an archipelago which is not an archipelagic state.

11. The depositary shall notify all states entitled to become a party to this Convention of any declaration made in conformity with this Article, including copies of the chart and statement supplied pursuant to paragraph 2 above.

12. Any dispute about the interpretation or application of this Article which cannot be settled by negotiations may be submitted by either party to the dispute to the procedures for the compulsory settlement of disputes contained in Articles of this Convention.