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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

DRAFT ARTICLES ON ARCHIPELAGOS

submitted by Fiji, Indonesia, Mauritius and the Philippines

ARTICLE I

1. These articles apply only to archipelagic States.
2. An archipelagic State is a State constituted wholly or mainly by one or more archipelagos.
3. For the purposes of these articles an archipelago is a group of islands and other natural features which are so closely interrelated that the component islands and other natural features form an intrinsic geographical, economic and political entity or which historically have been regarded as such.

ARTICLE II

1. An archipelagic State may employ the method of straight baselines joining the outermost points of the outermost islands and drying reefs of the archipelago in drawing the baselines from which the extent of the territorial sea is to be measured.
2. The drawing of such baselines shall not depart to any appreciable extent from the general configuration of the archipelago.
3. Baselines shall not be drawn to and from low-tide elevations unless lighthouses or similar installations which are permanently above sea level have been built on them or where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the nearest island.
4. The system of straight baselines shall not be applied by an archipelagic State in such a manner as to cut off the territorial sea of another State.
5. The archipelagic State shall clearly indicate its straight baselines on charts to which due publicity shall be given.

ARTICLE III

1. The waters enclosed by the baselines, which waters are referred to in these articles as archipelagic waters, regardless of their depth or distance from the coast, belong to and are subject to the sovereignty of the archipelagic State to which they appertain.
2. The sovereignty and rights of the archipelagic State extend to the air space over its archipelagic waters as well as to the water column, the seabed and subsoil thereof, and to all of the resources contained therein.

ARTICLE IV

Subject to the provisions of article V, innocent passage of foreign ships shall exist through archipelagic waters.

ARTICLE V

1. An archipelagic State may designate sealanes suitable for the safe and expeditious passage of ships through its archipelagic waters and may restrict the innocent passage by foreign ships through those waters to those sealanes.
2. An archipelagic State may, from time to time, after giving due publicity thereto, substitute other sealanes for any sealanes previously designated by it under the provisions of this article.
3. An archipelagic State which designates sealanes under the provisions of this article may also prescribe traffic separation schemes for the passage of foreign ships through those sealanes.
4. In the prescription of traffic separation schemes under the provisions of this article, an archipelagic State shall, inter alia, take into consideration:
  - a. the recommendation or technical advice of competent international organizations;
  - b. any channels customarily used for international navigation;
  - c. the special characteristics of particular channels, and
  - d. the special characteristics of particular ships or their cargoes.
5. An archipelagic State may make laws and regulations, not inconsistent with the provisions of these articles and having regard to other applicable rules of international law, relating to passage through sealanes and traffic separation schemes as designated by the archipelagic State under the provisions of this article, which laws and regulations may be in respect of, inter alia, the following:

- a. the safety of navigation and the regulation of marine traffic, including ships with special characteristics;
  - b. the utilization of, and the prevention of destruction or damage to, facilities and systems of aids to navigation;
  - c. the prevention of destruction or damage to facilities or installations for the exploration and exploitation of the marine resources, including the resources of the water column, the seabed and subsoil;
  - d. the prevention of destruction or damage to submarine or aerial cables and pipelines;
  - e. the preservation of the environment of the archipelagic State and the prevention of pollution thereto;
  - f. research of marine environment;
  - g. the prevention of infringement of the customs, fiscal, immigration, quarantine or sanitary regulations of the archipelagic State;
  - h. the preservation of the peace, good order and security of the archipelagic State.
6. The archipelagic State shall give due publicity to all laws and regulations made under the provisions of paragraph 5 of this article.
  7. Foreign ships exercising innocent passage through those sealanes shall comply with all laws and regulations made under the provisions of this article.
  8. If any warship does not comply with the laws and regulations of the archipelagic State concerning passage through any sealane designated by the archipelagic State under the provisions of this article and disregards any request for compliance which is made to it, the archipelagic State may suspend the passage of such warship and require it to leave the archipelagic waters by such route as may be designated by the archipelagic State. In addition to such suspension of passage the archipelagic State may prohibit the passage of that warship through the archipelagic waters for such period as may be determined by the archipelagic State.
  9. Subject to the provisions of paragraph 8 of this article, an archipelagic State may not suspend the innocent passage of foreign ships through sealanes designated by it under the provisions of this article, except when essential for the protection of its security, after giving due publicity thereto, and substituting other sealanes for those through which innocent passage has been suspended.
  10. An archipelagic State shall clearly demarcate all sealanes designated by it under the provisions of this article and indicate them on charts to which due publicity shall be given.