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Canada, Chile, Iceland, India, Indonesia, Mauritius, Mexico
New Zealand and Norway: working paper

The representatives of Canada, Chile, Iceland, India, Indonesia, Mauritius, Mexico, New Zealand and Norway have held a number of informal consultations on certain issues relating to the Law of the Sea. They are presenting the following draft articles as a possible framework for discussion on those issues by the Third United Nations Conference on the Law of the Sea.

Preparation of this informal working paper does not imply withdrawal of the proposals submitted, individually or jointly, by some of the above-named States, or substitution of such proposals or stated positions by the present working paper; nor does the paper necessarily reflect their final positions and is without prejudice to declared national positions.

Draft articles

Territorial sea: general provisions

Article 1

1. The sovereignty of a coastal State extends beyond its land territory and internal waters, and, in the case of archipelagic States, their archipelagic waters, over an adjacent belt of sea defined as the territorial sea.
2. The sovereignty of a coastal State extends to the air space over the territorial sea as well as to its bed and subsoil.
3. This sovereignty is exercised subject to the provisions of these articles and to other rules of international law.

Article 2

The breadth of the territorial sea shall not exceed 12 nautical miles to be measured from the applicable baseline.

Article 3

Except where otherwise provided in these articles, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State.

Article 4

1. In localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial sea is measured.
2. The drawing of such baselines must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the régime of internal waters.
3. Where the method of straight baselines is applicable under the provisions of paragraph 1, account may be taken, in determining particular baselines, of economic interests peculiar to the region concerned, the reality and the importance of which are clearly evidenced by long usage.
4. The system of straight baselines may not be applied by a State in such a manner as to cut off from the high seas the territorial sea of another State.

Archipelagic States

Article 5

1. An archipelagic State is a State constituted wholly or mainly by one or more archipelagos.
2. For the purpose of these articles, an archipelago is a group of islands, including parts of islands, with interconnecting waters and other natural features which are so closely interrelated that the component islands, waters and other natural features form an intrinsic geographical, economic and political entity or which historically have been regarded as such.

Article 6

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, economic zone and other special jurisdictions are to be measured.
2. If the drawing of such baselines encloses a part of the sea traditionally used by an immediate and adjacent neighbouring State for direct communication from one part of its territory to another part, such communication shall continue to be respected.

Article 7

1. The waters enclosed by the baselines, hereinafter referred to 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 sea-bed and subsoil thereof, and to all of the resources contained therein.
3. Innocent passage* of foreign ships shall exist through archipelagic waters.

* Further articles will be required relating to the régime and description of passage through specified sea lanes of the archipelagic waters.

Article 8

The foregoing provisions regarding archipelagic States shall not affect the established régime concerning coastlines deeply indented and cut into and to the waters enclosed by a fringe of islands along the coast, as expressed in article 4.

Archipelagos forming part of a coastal State

Article 9

1. A coastal State with one or more off-lying archipelagos, as defined in article 5, paragraph 2, which form an integral part of its territory, shall have the right to apply the provisions of articles 6 and 7 to such archipelagos upon the making of a declaration to that effect.
2. The territorial sea of a coastal State with one or more off-lying archipelagos exercising its rights under this article will be measured from the applicable baselines which enclose its archipelagic waters.

Article 10

The provision regarding archipelagos forming part of a coastal State shall not affect the established régime concerning coastlines deeply indented and cut into and to the waters enclosed by a fringe of islands along the coast, as expressed in article 4.

Article 11

The provision regarding archipelagos forming part of a coastal State shall be without prejudice to the régime of archipelagic States, as provided for in articles 5, 6 and 7.

Economic zone

Article 10

The coastal State exercises in and throughout an area beyond and adjacent to its territorial sea, known as the exclusive economic zone: (a) sovereign rights for the purpose of exploring and exploiting the natural resources, whether renewable or non-renewable, of the sea-bed and subsoil and the superjacent waters; (b) the other rights and duties specified in these articles with regard to the protection and preservation of the marine environment and the conduct of scientific research. The exercise of these rights shall be without prejudice to article 19 of this convention.

Article 13

The outer limit of the economic zone shall not exceed 200 nautical miles from the applicable baselines for measuring the territorial sea.

[The co-sponsors recognize the requirement for equitable rights of access on the basis of regional, subregional or bilateral agreements, for nationals of developing land-locked States and developing geographically disadvantaged States (to be defined) to the living resources of the exclusive economic zones of neighbouring coastal States. They will shortly be presenting articles to this effect.]

Article 14

In the economic zone, ships and aircraft of all States, whether coastal or not, shall enjoy freedom of navigation and overflight subject to the exercise by the coastal State of its rights within the area, as provided for in this convention.

Article 15

The coastal State shall exercise its rights and perform its duties in the economic zone without undue interference with other legitimate uses of the sea, including, subject to the provisions of this convention, the laying of cables and pipelines.

Article 16

The emplacement and use of artificial islands and other installations on the surface of the sea, in the waters and on the sea-bed and subsoil of the economic zone, shall be subject to the authorization and regulation of the coastal State.

Article 17

In exercising their rights under this convention, States shall not interfere with the exercise of the rights or the performance of the duties of the coastal State in the economic zone.

Article 18

The coastal State shall ensure that any exploration and exploitation activity within its economic zone is carried out exclusively for peaceful purposes.

[Further specific articles will be required in relation to the economic zone.]

Continental shelf

Article 19

1. The coastal State exercises sovereign rights over the continental shelf for the purpose of exploring it and exploiting its natural resources.
2. The continental shelf of a coastal State extends beyond its territorial sea to a distance of 200 miles from the applicable baselines and throughout the natural prolongation of its land territory where such natural prolongation extends beyond 200 miles.

3. Paragraph 2 of this article shall be without prejudice to the provisions concerning delimitation between adjacent and opposite States contained in articles and other rules of international law.

Further provisions will be required on the subject of article 19 including provisions to cover the precise demarcation of the limits of the continental margin beyond 200 miles; the use of the shelf for peaceful purposes only; delimitations between opposite and adjacent States, with retention of existing rights, including rights under bilateral agreements; and the relationship between the continental shelf and the economic zone.