

the characteristics of fishery resources are such that it is not possible to apply uniform conservation measures to all cases. Hence sub-paragraphs (2) and (3) are based on the principle that specific conservation measures should be adopted by agreement among the parties concerned. If negotiations among them fail to produce agreement within a specified period (six months), the dispute must be settled in accordance with the procedure set forth in Part IV, paragraph 4.2. This basic framework of the present regime is the same as the principles adopted under Articles 3, 4 and 5 of the Geneva Convention.

3.3 Basic principles relating to conservation measures

(1) Conservation measures must be adopted on the basis of the best evidence available. If the States concerned cannot reach agreement on the assessment of conditions of the stock to which conservation measures are to be applied, they shall request an appropriate international body or other impartial third party to undertake the assessment. In order to obtain the fairest possible assessment of the stock conditions, the States concerned shall co-operate in the establishment of regional institutions for the survey and research concerning fishery resources.

(2) Except as specifically authorized under the present regime, no conservation measure shall discriminate in form or in fact fishermen of one State against those of other States.

(3) Conservation measures shall be determined, to the extent possible on the basis of the allowable catch to be estimated with respect to the individual stocks of fish. The foregoing principle shall not preclude conservation measures determined on some other bases in cases where sufficient data are not available to estimate the allowable catch with any reasonable degree of accuracy.

(4) No State may be exempted from the obligations to adopt conservation measures on the ground that sufficient scientific findings are lacking.

(5) Conservation measures to be adopted shall be designed to minimize interference with the fishing activities relating to stocks of fish which are not the object of such measures.

(6) Conservation measures and the data on the basis of which such measures are adopted shall be subject to review at appropriate intervals.

Commentary

1. Conservation refers to those remedial or preventive measures designed to regulate the exploitation of fishery resources for the purpose of protecting the resources from the depletive effects of overfishing and, at the same time, of enabling the maximum utilization of the resources by the international community. As such, it is essentially a biological concept, the application of which must be based in principle on objective scientific findings related to the stocks of fish concerned. It is often stressed, however, that in view of the inherent difficulties in collecting sufficient data over relatively limited periods of time, it is neither practical nor appropriate to adhere strictly to the principle of "conservation based on scientific findings", particularly when modern fishing techniques have considerably increased man's capacity to fish. It is therefore considered necessary to modify this principle so as to allow the parties concerned to adopt conservation measures on the basis of the best evidence available [sub-paragraph (1)] and also to prohibit them from avoiding the obligations to adopt conservation measures merely because conclusive scientific findings are not yet available [sub-paragraph (4)].

2. The sort of flexibility described above does not mean that conservation measures may be determined in an arbitrary manner. Yet, certain biological data may be interpreted in different ways, making it difficult for the parties concerned to reach agreement on specific measures to be adopted. Thus, for the purpose of facilitating agreement, the

new regime will establish a rule of third party assessment and will encourage the growth of regional institutions which will assume the function of such assessment [sub-paragraph (1)].

3. Conservation is essentially a biological concept, the object of which is fishery resources, and therefore is indifferent to the nationality of fishermen. In this respect, conservation is distinct from the concept of protection of coastal fisheries, which is dealt with under Part II. Thus, conservation measures must be based primarily on the principle of non-discrimination, i.e., the burden-sharing of conservation should be effected in such a way as not to discriminate the fishermen of one State (e.g. a non-coastal State or a new-comer State) against those of other States (e.g. coastal States or traditional fishing States). This is only logical because over-fishing (or under-utilization) may be brought about by any State. Derogation from this principle of non-discrimination shall be permitted for coastal States only in cases where it is specifically authorized under the present regime [sub-paragraph (2)].

4. Although it is desirable for all conservation measures to be adopted on the basis of the quantitatively estimated allowable catch of the stocks of fish concerned, the paucity of data often makes it impossible to estimate the allowable catch with any accuracy at all, particularly with respect to newly-developed or under-utilized stocks. Thus, a rigidly quantitative approach to conservation will prevent the parties concerned in many cases from finding practical solutions. Difficulties establishing the allowable catch should not hinder the application of conservation measures (e.g. protection of spawning grounds, regulation of fishing gears) when and if the need for such action is recognized [sub-paragraph (3)].

5. Some conservation measures (e.g. prohibition of the use of a certain type of gears) may seriously affect the fishing activities relating to these stocks which are not covered by

the adopted measures when such activities are conducted in the water to which the adopted measures will apply. Although it may be sometimes impossible to devise measures which will have no restrictive effects on unrelated fishing activities, it is considered desirable to incorporate in the present regime the principle that the parties concerned should make best efforts to minimize such secondary effects (sub-paragraph (5)).

3.4 Special status of coastal States

(1) It is recognized that a coastal State has a special status with respect to the conservation of fishery resources in the adjacent waters. Such special status consists of:

- (a) the obligation of the coastal State to take necessary measures, in co-operation with non-coastal State, with a view to maintaining the productivity of fishery resources in the adjacent waters on an appropriate level with effective utilization of such resources; and
- (b) the rights provided for in sub-paragraphs (2) and (3) below in order to enable the coastal State to carry out effectively the foregoing obligation.

(2) A coastal State has the right to participate on an equal footing in any survey for conservation purposes concerning a stock or stocks of fish in the adjacent waters, whether or not nationals of that coastal State are engaged in fishing the particular stocks concerned. Non-coastal States shall, at the request of the coastal State, make available to the coastal State the findings of their surveys and research concerning such stocks.

(3) Except for such cases as specifically authorized under Part IV, paragraphs 4.1 and 4.2, no conservation measure may be adopted with respect to any stock of fish without the consent of the coastal State nationals of which are engaged in fishing the particular stock concerned (or

majority of the coastal States in cases where there are two or more such coastal States).

(4) The provisions of the foregoing sub-paragraphs shall not apply to the fishing of highly migratory stocks which may be substantially exploited outside the adjacent waters.⁴

Commentary

1. The present regime recognizes a special status of coastal States with respect to the conservation of fishery resources in their adjacent waters. The status has two aspects: general responsibilities to take necessary conservation measures in co-operation with non-coastal States and certain rights to carry out such responsibilities. Such status is derived from the general recognition that the relative proximity enjoyed by coastal States with respect to fishery resources in their adjacent waters enables them, on the one hand, to have better knowledge of the conditions of these resources to which they have easy access and, on the other hand, makes them particularly vulnerable to the productivity of those resources on which their coastal fisheries must depend. (This of course does not mean that all coastal States actually have better knowledge of and are more vulnerable to, the conditions of fishery resources in their adjacent waters than non-coastal States.) It must be pointed out in this condition that the special status is conferred on coastal States not only to safeguard the interests of their coastal fisheries but also to realize the most effective utilization of fishery resources by all the States concerned.

2. In relation to the special status of a coastal State, it is not considered appropriate to define the outer limit of "the adjacent waters" in terms of a specific distance from the coast since the special status should be recognized not in respect of "areas" but in respect of "resources." The migratory range of fish varies from one stock to another. It

4. See paragraph 5 of the Commentary to Part II, paragraph 2.2 of the text.

would therefore be meaningless to establish any arbitrary definition, which would ignore the basic characteristics of fishery resources.

3. The concept of the special status of coastal States adopted under the present regime is an amplification of a similar idea underlying the provisions contained in Article 6 of the Geneva Convention.

3.5 Exemptions of coastal States from the application of conservation measures

Notwithstanding the obligation under sub-paragraph (1) of paragraph 3.4, a coastal State may be exempted from applying conservation measures in cases where the effects of its catch on such measures are considered negligible.

Commentary

Although in principle coastal States are under the general obligation to share the burden of conservation with non-coastal States, it is considered appropriate for the new regime to include a rule which will exempt a coastal State from this burden-sharing if the catch of that coastal State is so small as to give only negligible effects on the conservation measures to be adopted. Exemptions of this kind are practised in some of the existing regional arrangements and would be of use particularly to small-scale coastal fisheries of developing countries which may find certain conservation measures to be too onerous.

PART IV: OTHER PROVISIONS

4.1 Interim Measures

If the States concerned have failed to reach agreement within [six] months on measures concerning preferential catch under paragraph 2.2 or on arrangements concerning conservation measures under paragraph 3.2, any of the said States may initiate the procedure for the settlement of disputes in paragraph 4.2. In such a case, the States concerned shall

adopt the interim measures set forth below until such time as the said procedure is completed. Such interim measures shall in no way prejudice the respective position of the States concerned with respect to the dispute in question.

- (a) Each State shall take necessary measures to ensure that its catch of the stock concerned will not exceed on an annual basis its average annual catch of the preceding [five] year period.
- (b) In cases where particular fishing grounds, fishing gears or fishing seasons are in dispute in connection with the implementation measures for the preferential catch of a coastal State, the non-coastal States concerned shall, except under sub-paragraph (c) below, adopt the latest proposal of the coastal State with respect to the matter in dispute.
- (c) A non-coastal State shall be exempted from the application of the preceding sub-paragraph if the adoption of the proposal of the coastal State would seriously effect either its catch permitted under sub-paragraph (a) above or its catch of some other stock which it is substantially exploiting. In such a case, that non-coastal State shall take all possible measures which it considers appropriate for the protection of the coastal fisheries concerned.
- (d) Each State shall inform the special commission established in accordance with paragraph 4.2 and all other States concerned of the specific interim measures it has taken in accordance with any of the preceding sub-paragraphs.

Commentary

1. It is necessary for the new regime to provide for rules which will be applicable to the fishing activities of the States concerned in the interim period during which the procedure for the settlement of disputes in paragraph 4.2 is

invoked. The Geneva Convention adopted the rule according to which coastal States have the right to take unilateral measures which shall be valid as to other States if such measures fulfil certain requirements. The U.S. draft articles submitted to the United Nations Sea-Bed Committee (document A/AC. 138/SC. II/L.4) seem to adopt the same rule.⁵ Yet, such a rule, which may be called the rule of unilateral application, creates so many legal and other problems as to make it inoperative for all practical purposes.⁶ The present paragraph, therefore, takes a different approach to the question of interim measures and provides for a set of rules as distinct from the rule of unilateral application.

2. The basic rule to be followed by the States concerned during the interim period is to limit their catch to a specific level, regardless of the nature of the dispute (sub-paragraph (a)). The primary objective of this rule is to protect the fishery resources concerned until the dispute is settled by maintaining a *status quo* concerning the fishing activities of the individual States. When the dispute relates to certain regulatory measures (i.e. closed areas, regulation of fishing gears, closed seasons) to be applied to non-coastal States for the purpose of protection, the non-coastal States must adopt, on a temporary basis, the relevant proposals of the coastal State (sub-paragraph (b)). Non-coastal States will be exempted from this additional obligation under specific circumstances, but they still have to take voluntary measures for the protection of the coastal fisheries concerned (sub-paragraph (c)). If the coastal State considers such voluntary measures to be inadequate as interim measures, it may seek under paragraph 4.2 provisional measures to be determined by the special commission.

3. The interim measures described above are designed

5. See Article III, paragraphs 3 and 4.

6. Note that the relevant provisions of the Geneva Convention (Article 7) have never been invoked in practice.

to bring about during the interim period a situation which would be as equitable as possible to the parties concerned whose interests and claims are in conflict with each other.

4.2 Procedure for the settlement of disputes

Any dispute which may arise between States under the present regime shall be referred to a special commission of five members in accordance with the following procedure, unless the parties concerned agree to settle the dispute by some other method provided for in Article 33 of the Charter of the United Nations :⁷

(a) Not more than two members may be named from among nationals of the parties, one each from among nationals of the coastal and the non-coastal States respectively.

(b) Decisions of the special commission shall be by majority vote and shall be binding upon the parties.

(c) The special commission shall render its decision within a period of six months from the time it is constituted.

(d) Notwithstanding the interim measures taken by the parties under paragraph 4.1, the special commission may, at the request of any of the parties or at its own initiative, decide on provisional measures to be applied if the commission deems necessary. The commission shall render its final decision within a further period of six months from its decision on such provisional measures.

Commentary

i. The present regime provides for a procedure for the settlement of disputes by arbitration without prejudice to the use of any other method of settlement by agreement among the parties concerned. Such a procedure, which is similar to the one adopted by the Geneva Convention in its Articles

⁷ Sub-paragraphs 5 A, C and F of Article III, paragraph 7 of the U.S. draft articles (document A/AC.118/SC.11/L.4) may also be adopted for the purposes of the present regime.

9-11, is essential to any general regime concerning fisheries of the high seas if it is to be both effective and equitable.

2. The suggested modifications to the U.S. draft articles are based on the following considerations :

- (i) A special commission should not become unwieldy large by allowing the participation without vote of nationals named by any of the parties to the dispute ;
- (ii) Instead of adopting the rule of unilateral application of disputed measures by coastal States and empowering the special commission to suspend their application, it is considered more equitable to establish a set of interim measures and make such measures subject to whatever provisional measures to be determined by the commission.
- (iii) The special commission should in any case make its decision within a fixed period of time. If the commission thinks that more time is required to render the final decision, it should decide on provisional measures (e.g. extension of the interim measures in force).

4.3 Enforcement of regulatory measures

(i) Right of control by coastal States

With respect to regulatory measures adopted pursuant to the present regime, these coastal States which are entitled to the preferential fishing rights and/or the special status with respect to conservation have the right to control the fishing activities in their respective adjacent waters. In the exercise of such right, the coastal States may inspect vessels of non-coastal States and arrest vessels of non-coastal States violating the regulatory measures. The arrested vessels shall be promptly delivered to the duly authorized officials of the flag States concerned. The coastal States may not refuse the participation of non-coastal States in control, including

boarding of officials of non-coastal States on their petrol vessels at the request of the latter States. Details of control measures shall be agreed upon among the parties concerned.

(2) *Jurisdiction*

- (a) Each State shall make it an offence for its nationals to violate any regulatory measure adopted pursuant to the present regime.
- (b) Nationals of a vessel violating the regulatory measures in force shall be duly punished by the flag States concerned.
- (c) Reports prepared by the officials of a coastal State on the offence committed by a vessel of a non-coastal State shall be fully respected by that non-coastal State which shall inform the coastal State of the action taken or the reasons for not taking any action if that is the case.

Commentary

1. Under the present regime no State or group of States has the exclusive right to enforce regulatory measures adopted in connection with the preferential fishing rights or the special status of coastal States. Accordingly, the coastal States concerned have the right to control the fishing activities of non-coastal States in their adjacent waters, but they must accept joint control with non-coastal States which wish to co-operate with the coastal States in the enforcement of the regulatory measures. The recognition of such right of coastal States seems appropriate in view of their legitimate interests in the orderly enforcement of the regulatory measures. The regulatory measures referred to in this paragraph include interim measures under paragraph 4.1 and provisional measures under paragraph 4.2.

2. In view of the legal status of the high seas, which

include the adjacent waters, each State must reserve to itself criminal jurisdiction over its vessels violating the regulatory measures adopted under the present regime. Flag State jurisdiction, however, is often suspected by coastal States as tantamount to loose enforcement. In order to secure strict enforcement of regulatory measures and to remove the concern of coastal States, it is considered necessary to establish rules accordingly to which any violation will be duly punished by the flag State and the coastal State concerned will be informed by the flag State of its action.

4.4 Co-operation with developing States

For the purpose of promoting the development of fishing industries and the domestic consumption and exports of fishery products of developing States, including land-locked States, developed non-coastal States shall co-operate with developing States with every possible means in such fields as survey of fishery resources, expansion of fishing capacity, construction of storage and processing facilities and improvements in marketing systems.

Commentary

Few developing coastal States will be in a position in the near future to take full advantage of the preferential fishing rights recognized under the present regime. The same can be said with respect to developing land-locked States, which presently have little capacity to benefit from better and more equitable utilization of fishery resources of the high seas to be achieved by the present regime. Developing countries in general are in need of assistance and co-operation from developed countries (and international organization) in order to expand and modernise their fishing and other related industries. Although it is not possible for any general regime concerning fisheries of the high seas to deal with this equation in a specific manner, it is considered clearly desirable to establish the principle which will encourage and promote internal co-operation in the field of

fisheries and in other related fields either in the form of private investment (e.g. joint ventures) or financial and technical assistance on a government-to-government basis.⁸

4.5 Regional fisheries commissions

Co-operation between coastal and non-coastal States under the present regime shall be carried out, as far as possible, through regional fisheries commissions. For this purpose, the States concerned shall endeavour to strengthen the existing commissions and shall co-operate in establishing new commissions whenever desirable and feasible.

Commentary

The present regime envisages a network of international arrangements for the protection of coastal fisheries and the conservation of fishery resources. Coordination and harmonisation of these arrangements can best be achieved in the established forums of regional fisheries commissions. Isolated arrangements on an ad hoc basis may create conflicting situations and will hinder the development of effective international programmes for conservation and protection. As already pointed out in relation to the general provisions contained in paragraph 1.2, rules under the present regime may not always be consistent with the commission. Even in such a case, however, member States will not be prevented from making use of the data and other information available in the commission in order to negotiate specific regulatory measures which are independent of the activities of the commission but are not contradictory to them.

8. Note in this connection that the Second Geneva Conference on the Law of the Sea adopted Resolution II with a similar objective.

(II) WORKING PAPER ON "THE EXCLUSIVE ZONE CONCEPT"
PREPARED BY THE GOVERNMENT OF KENYA AS
MEMBER OF THE WORKING GROUP ON
THE LAW OF THE SEA

As is already well known, the 1958 and 1960 Geneva Law of the Sea Conference failed to resolve the limit of the territorial waters. As of today there is a wide variation of territorial sea claims ranging from 3 miles to 200 miles. The diversity of claims is clearly brought out in the table* below:

Territorial Claims 1960 and 1970

| Breadth in miles | 3 | 4 | 5 | 6 | 9 | 10 | 12 | 18 | 25 | 50 | 130 | 200 | Archi- pelago |
|---------------------|----|---|---|----|---|----|----|----|----|----|-----|-----|------------------|
| | km | | | | | | | | | | | | |
| 1960 | 26 | 4 | 1 | 10 | 1 | 1 | 13 | | 1 | 1 | | 1 | 2 |
| 1970 | 28 | 4 | | 12 | | 1 | 48 | 1 | 1 | 1 | | 7 | 2 |

The major characteristics of the territorial sea is that the coastal State has complete jurisdiction over its territorial sea with the one exception i.e. the right of "innocent passage" of other nations' ships therein. As defined in the 1958 Territorial Sea Convention "... Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State". Above all no foreign vessels may engage in fishery activities within the territorial sea.

For major maritime powers with large fleets of naval, commercial or fishery ships their interest is to keep this zone of coastal State jurisdiction to the minimum, for beyond territorial sea is high seas, in which the so-called "freedom of

*The source of this table is a paper presented by Dr. E.D. Brown at the Sixth Session of the Law of the Sea Institute at Rhode Island in summer 1971.

the high seas" reigns supreme. Of these the most celebrated are :—

1. freedom of navigation ;
2. freedom of fishing ;
3. freedom to lay submarine cables and pipelines ; and
4. freedom to fly over the high seas.

Conversely, for developing countries with hardly any navies except for coastal defence, and few if any ocean going commercial vessels and fledgling fishing fleets, their interest lies in a broad belt of territorial sea where they would be spared from cut-throat competition, particularly from sophisticated fishing fleets of distant-water fisheries, mainly from the developed countries. That is why many developing States, particularly in Latin America, have resorted to broad unilateral extension of their territorial waters. While so far it is only the Latins who have 'gone the whole hog' and extended their jurisdiction to 200 miles, there are numerous countries in Asia and Africa which have more than 12 miles territorial sea adhered to by a majority of States as shown in the table. Thus, Guinea has 130 miles, Gabon and Ghana 25 miles, Cameroun 18 miles etc. These extensions have been motivated primarily by economic and defence purposes.

As it is to be expected, most of the developed countries have strongly attacked any "unreasonable" extension of territorial waters stressing what they consider their vested interests in the freedoms of the high seas which would be detrimentally affected by such extensions. According to them anything beyond 12 miles would be unreasonable.

On the other hand, the majority of developing countries insist that the present regime of the high seas benefits only the developed countries who had laid down the law and it is harmful to their interests particularly in fishery. The answer, at least as far as the Latin Americans are concerned, is the

extension by the developing countries of territorial waters to 200 miles. It is this impasse which is sought to be overcome through the formulation and elaboration of the "Economic Zone Concept".

The idea of an exclusive economic zone was briefly discussed during the Colombo meeting of the Asian-African Legal Consultative Committee in January 1971 and at the Working Group meeting of AALCC at New Delhi in June 1971. Basically the purpose of the economic zone is to safeguard the economic interests of the coastal State in the area without interfering unduly with other States' legitimate interests, particularly in navigation and overflight and laying of submarine cables, i.e. in all aspects of international communication for which the sea is used.

On closer examination, the claims of 200-mile territorial sea by the Latin American countries do not really amount to full control over that zone except in the case of one or two countries. The great majority recognize the full right of navigation and overflight beyond a 12-mile zone. Even the minority who like Brazil insist on innocent passage in the whole of the 200 miles do not and cannot really enforce it. Consequently the economic zone concept would be the way out for them at the Conference though one suspects that, for tactical reasons, they would continue to insist on territorial sea of 200 miles, finally making their acceptance of the economic zone *provided* it extended to 200 miles, so as to look like a big compromise on their part.

The important aspect of the economic zone concept is of course its outer limits. The Kenya delegation at the July/August Session of the Preparatory Committee proposed a 200-mile zone, that being the maximum which any State could claim. Within that area, fishery and pollution control would be within the exclusive jurisdiction of the coastal State. As will be remembered, the 200-mile limit proposed by Kenya received considerable support from many delegations from

Africa, Asia and, of course, Latin America and in their statements they endorsed that limit. The 200-mile limit is not capricious, but it is motivated by the economic need not only for the present but over the foreseeable future. At the time when many developing countries are investing in highly expensive fishing ships we must ensure that they should have sheltered area of sufficient width with least competition, particularly from factory ships to ensure that they are economically viable. Otherwise we may suffer the same fate as some countries whose modern fishing ships have been forced out by such competition. It should also be remembered that it will be wishful thinking to expect the Latin Americans to accept a roll-back of their present 200-mile claims.

The exclusive economic zone concept has been criticised particularly by the certain developed countries which claim that it will lead to loss of marine resources through under-utilization, most developing coastal States not having the means to exploit such a broad area. This claim is unfounded because the coastal State can enter into licensing arrangement with any State or fishing concern, under which they can continue fishing on payment of fees and royalties laid down. What of course they are opposed to is the additional expense involved in paying for licences and/or operating factory ships as far away from the coast as 200 miles away, but why should they get fish which have largely obtained their nourishment from the territorial seas of the coastal States for nothing?

A more valid objection is that such a zone would make the position of developing land-locked States even more untenable for it would mean that if they wished to fish they would have to go beyond the 200 miles—a considerable expense for countries which among the developing countries are least developed. We consider that the best solution for land-locked countries, particularly in Africa, would be along the basis of regional arrangements, along the lines of the joint Kenya, Tanzania, Uganda and Zambia shipping line

which would enable these countries to engage in fishery within the economic zone of the neighbouring countries. Within the African Group this idea of regional multilateral and bilateral arrangements, not only for the land-locked countries but also for countries like the Republic of Zaire and adjoining Congo which have extremely narrow coasts was very well received. It would also suit countries like Sudan and Ethiopia, bordering on a relatively narrow sea. It is on these basis that the idea of an economic zone received enthusiastic endorsement by the African Group of the Preparatory Committee at Geneva.

Some objections raised by some developed countries were merely propagandistic and really bent on their continued expropriation of the resources of the sea. For instance, they argued that freight charges would go up, navigation would become more hazardous and some countries like Kenya, may find themselves buyers of licences instead of sellers as they claimed there is no fish off the coast of Eastern Africa—which is clearly nonsensical as they would otherwise not be as interested in fishing in the area as they seem to be. Navigation lanes would not be affected merely by extending jurisdiction for specific purposes unconnected with freedom of navigation.

There has also been some objections that the acceptance of an exclusive economic zone would lead to "creeping jurisdiction" whereby control might be extended to other areas—like navigation and defence. But as pointed out above, this need not be the case if the exclusive economic zone concept is well formulated at the Conference and given specific content.

Finally, it could be argued that the insistence on narrow territorial waters leaving a broad area of unrestricted high seas is, in effect, an argument for an economic zone for the benefit of developed countries. It is futile to insist on freedom of the high seas while in fact such freedom benefits

primarily the developed countries who have the means to effectively utilize such freedoms. Freedom of any kind is meaningful only if there is equality of opportunity to make use of it. Just as it is meaningless to talk of freedom of expression while doing nothing to ensure that the masses are literate, it is equally hypocritical to praise freedoms of the high seas when the great majority of nations have no means of enjoying those freedoms. In such a situation such freedom amounts to freedom to exploit others which is what is hoped to be curbed through the concept of an exclusive economic zone.

(III) PRELIMINARY DRAFT AND OUTLINE OF A CONVENTION
ON THE SEA-BED AND THE OCEAN FLOOR AND THE SUB-
SOIL THEREOF BEYOND NATIONAL JURISDICTION

Working Paper prepared by Mr. Christopher W. Pinto,
(Sri Lanka) Rapporteur of the Sub-Committee on the Law of
the Sea.

PREAMBLE

CHAPTER I

THE INTERNATIONAL SEA-BED

Delimitation of the International Sea-bed

Article 1

The International Sea-bed shall comprise that area of the sea-bed and the ocean floor and the sub-soil thereof lying beyond the limits of national jurisdiction as hereinafter defined.*

Article 2

1. Every State shall notify the International Sea-bed Authority established pursuant to Article 20 of this Convention, of the limit of its national jurisdiction defined by co-ordinates of latitude and longitude and indicated on appropriate large scale maps officially recognised by that State.

2. The International Sea-bed Authority may take such steps as may be necessary, in collaboration with the notifying State, to review the contents of such notification.

3. The International Sea-bed Authority shall register

*The status of uninhabited or sparsely populated remote islands, and artificial islands to be considered.