

that the regime on straits should also apply to *other stretch of water* whatever its geographical name if it is used for international navigation and connects two parts of the high seas. It is doubtful if such an extended definition should be appropriate because such a definition would include even cases where two parts of the high seas are connected by a canal or other stretch of internal water. In the joint proposal of Denmark and Finland (A/Conf.62/C.2/L.15) the definition of a strait is substantially the same as in the British proposal but a differentiation is made between straits which are more than six miles wide and those which are less for the purpose of determining the nature of the passage through the strait. In respect of the former, the proposal contemplates *transit passage* and for the latter innocent passage. This is very similar to the Italian proposal before the Sea-Bed Committee (A/AC.138/SC.II/L.30).

Article 2

1. In the case of straits which form part of the territorial sea of one or more States or straits leading from the high seas to the territorial sea of one or more foreign States the regime of innocent passage shall apply for all ships.

2. There shall be no suspension of innocent passage through such straits.

Article 3

1. Passage of foreign merchant ships through straits shall be presumed to be innocent.

2. The coastal State shall not hamper the innocent passage of foreign ships through the territorial sea in straits and shall make every effort to ensure speedy and expeditious passage; in particular, it shall not discriminate, in form or in fact, against the ships of any particular State or against ships carrying cargoes or passengers to, from and on behalf of any particular State.

3. The coastal State shall not place in navigational channels in a strait facilities, structures or devices of any kind which would hamper or obstruct the passage of ships through

such strait. The coastal State is required to give appropriate publicity to any obstacle or danger to navigation, of which it has knowledge, within the strait.

Article 4

The provisions of an Article to deal with the question of passage through straits connecting two parts of the high seas need to be further discussed.

Commentary

There appears to be three different sets of views in so far as the nature of the passage through straits used for international navigation is concerned. The draft articles introduced by the Group of 8 major "strait" States before the Sea-Bed Committee (A/AC.138/SC.II/L.18) as also the proposal of Fiji (A/AC.138/SC.II/L.42) proceed on the basis that navigation through the territorial sea and through straits used for international navigation should be dealt with as an entity where the strait forms part of the territorial seas and that the interests of the coastal States and general interests of international maritime navigation can be best balanced by adoption of the traditional regime of innocent passage. The proposal of Oman at the Caracas Session (A/Conf.62/C.2/L.16) contemplates the regime of innocent passage in straits which form part of the territorial sea of one or more States subject to certain conditions which are the same as Article 2.2, and Article 3 herein. The second view, which is held by all the major maritime powers, is that all ships shall enjoy transit passage through the straits, or in other words, the same freedom of navigation as they have in high seas subject, however, to certain exceptions. In this connection, the Draft Articles introduced by U.S.S.R. before the Sea-Bed Committee, Article II of the Draft Articles introduced by U.S.A. (A/AC.138/SC.II/L.4) may be seen. The British proposals at Caracas (A/Conf.62/C.2/W) were also to the same effect. The third view, which has been put forward by Italy (A/AC.138/SC.II/L.) and jointly by Denmark and Finland (A/Conf.62/C.2/L.15) contemplates that in straits which are less than six miles in width the regime of innocent

passage should apply whilst in other straits which are wider transit passage should prevail. This proposal aims at a sort of status quo because even on the basis of a three mile territorial sea in straits which are no more than 6 miles in width nothing more than innocent passage is claimed.

Article 5

The right of free transit through straits connecting two parts of the high seas would continue to be recognised where the transit passage does not involve entering the territorial sea of one or more States bordering the strait.

Commentary

This Article is intended to clarify the position that in the part of a strait where the waters have the character of the high seas, the concept of freedom of navigation through such waters is not by any means impeded.

Article 6

Part-A

The provisions of these articles shall not in any way affect conventions or other international agreements relating to particular straits.

Part-B

In cases where free transit through straits is accorded the principles applicable will be the following:

x x x x x x x x x

Article 7

Ships in transit

(a) Shall proceed without delay through the strait and shall not engage in any activities other than those incidental to their normal modes of transit.

(b) Shall not cause any threat to the security of the coastal States of the straits, or to their territorial inviolability or

political independence or act in any manner whatsoever in violation of the provisions of the United Nations Charter.

(c) Shall comply with generally accepted international regulations, procedures and practices for safety at sea, including the International Regulations for preventing collisions at Sea.

(d) Shall take all precautionary measures to avoid causing pollution of the waters and coasts of the straits, or any other kind of damage to the coastal States of the straits. Super-tankers in transit through the straits shall take special precautionary measures to ensure the safety of navigation and to avoid causing pollution.

Commentary

This Article is based on Provision V of the Informal Working Paper No. 2 issued by the Second Committee at the Caracas Session. The above propositions are taken partly from Formula A and partly from Formula B which contain the United Kingdom and Eight-Power Socialist proposals respectively.

Article 8

1. In conformity with this Chapter, a strait State may designate sea-lanes and prescribe traffic separation schemes for navigation in the straits where necessary to promote the safe passage of ships.

2. A strait State may, when circumstances require and after giving due publicity to its decision, substitute other sea-lanes or traffic separation schemes for any previously designated or prescribed by it.

3. Before designating sea-lanes or prescribing traffic separation schemes, a strait State shall refer proposals to the competent international organization and shall designate such sea-lanes or prescribe such separation schemes only as approved by that organisation.

4. The strait State shall clearly indicate all sea-lanes and separation schemes designated or prescribed by it on charts to which due publicity shall be given.

5. Ships in transit shall respect applicable sea-lanes and separation schemes established in accordance with this Article.

Commentary

This Article is in identical terms with Formula 'A' of Provision VI in Informal Working Paper No. 2 of the Second Committee and is based on the United Kingdom proposals.

Article 9

A strait State shall not hamper transit passage and shall give appropriate publicity to any danger to navigation or over-flight within or over the strait of which it has knowledge. There shall be no suspension of transit passage.

Commentary

The text of this Article is identical with the provisions of Formula 'A' of Provision VII in the Informal Working Paper and is based on the United Kingdom proposal.

Article 10

1. Subject to the provisions of this Article, a strait State may make laws and regulations :

- (a) in conformity with the provisions of Article above ;
- (b) giving effect to applicable international regulations regarding the discharge of oil, oily wastes and other noxious substances in the straits.

2. Such laws and regulations shall not discriminate in form or fact among foreign ships.

3. The strait State shall give due publicity to all such laws and regulations.

4. Foreign ships exercising the right of transit passage shall comply with such laws and regulations of the strait State.

5. If a ship entitled to sovereign immunity does not comply with any such laws or regulations and damage to strait State results, the flag State shall in accordance with Article be responsible for any such damage caused to the strait State.

Commentary

This Article is the same as Provision IX in the Informal Working Paper No. 2 based on the United Kingdom proposal.

Article 11

1. Liability for any damage which may be caused to the coastal States of the straits, their citizens or juridical persons by the ship in transit, shall rest with the owner of the ship or other person liable for the damage, and in the event that such compensation is not paid by them for such damage, with the flag State of the ship.

2. Liability for any damage which may be caused to the coastal States of the straits or their citizens or juridical persons by the aircraft overflying the straits shall rest with the owner of the aircraft or other person liable for the damage and in the event that compensation is not paid by them for such damage, with the State in which the aircraft is registered.

Commentary

This Article is the same as Formula 'B' in Provision X of the Informal Working Paper No. 2 based on Eight Power proposal.

Note: These tentative draft propositions do not in any way reflect the view point of the A.A.L.C.C. Secretariat but have been mainly put forward to serve as an aid to discussions.

RIGHTS AND INTERESTS OF LAND-LOCKED STATES

The position of land-locked States *vis-a-vis* the Law of the Sea is a matter of particular importance to the Asian-African community in view of the fact that out of 29 land-locked States in the world, six happen to be in Asia and fourteen in Africa. This Committee has consequently laid special emphasis on this subject and had constituted a Study Group under the Chairmanship of the distinguished Jurist Dr. A.H. Tabibi of Afghanistan for detailed consideration of various topics related to the subject. The deliberations in the Special Study Group resulted in formulations of certain draft propositions which were considered by the Committee and in inter-sessional meetings.

Two comprehensive proposals had been put before the U.N. Sea-Bed Committee on this subject, namely the Seven-Power Draft Articles relating to Land-Locked States sponsored by Afghanistan, Bolivia, Czechoslovakia, Hungary, Mali, Nepal and Zambia (A/AC.138/93) and an independent proposal by Bolivia (A/AC.138/92). In addition, provisions regarding the rights of land-locked States are found in various proposals on the international sea-bed regime as also in the proposals concerning economic zones.

At the Tokyo Session of this Committee detailed consideration was given to this subject on the basis of a note and certain tentative draft formulations prepared by the Secretary-General. The main questions which were considered were the following:

- (a) Right of access to the sea and transit through the territory of a State or States for purposes thereof—question of reciprocity;
- (b) Transit through international rivers for the purpose of access to the sea including navigational rights in such rivers;

- (c) Sharing of benefits in the resources of the sea, particularly in the exclusive economic zones of neighbouring coastal States of the region;
- (d) The access to the international sea-bed area beyond the limits of national jurisdiction; and
- (e) Participation in the international regime for the sea-bed and in international machinery.

The broad areas of agreement which could be deduced from the discussions were as follows:—

- (a) Transit is a necessity for land-locked States for access to the sea and its resources and also for movement of its goods and persons.
- (b) Transit is an essential element of the concept of sovereign equality of States and as a sovereign State a land-locked country is fully entitled not only to reach the high seas which are public domain, but also to enjoy the rights relating thereto. If any part of the seas is converted into an exclusive economic or fishing zone, the interests of land-locked States must be accommodated therein in an appropriate manner.
- (c) Most of the land-locked States in Asia and Africa are the least developed and therefore their special interests must be recognised and protected. It was also realised that their interests lay along with the developing States and consequently it was not in their interest to impede progressive development of the law which supports the legitimate interests of developing States, whether coastal or land-locked.
- (d) The right of participation of land-locked States in international machinery for the sea-bed should be effectively protected and that they should have preferential share of benefits derived from sea-bed exploitation.

There were some points on which discussions were not conclusive and it was felt necessary that the process of consultation between land-locked and coastal States be continued. These points are as follows:—

- (a) Is the concept of the access to the sea a natural right flowing from established principles of international law or is it a freedom to be enjoyed, protected and guaranteed?
- (b) Accommodation of the interests of land-locked States and the transit States — modalities to be prescribed for the exercise of the transit, prescription of routes — bilateral and multilateral arrangements and questions of reciprocity.
- (c) Definition of land-locked States — should these be so defined as to encompass other geographically disadvantaged States, namely, States with short coast lines and shelf-locked States.
- (d) Participation in the exploitation of the non-living resources in the areas of the exclusive economic zone of the coastal States.
- (e) Whether the land-locked States should have a right to lease out or grant licences to nationals of third States in respect of exploitation of the living resources in the economic zones of the neighbouring coastal States?
- (f) Settlement of disputes between the land-locked and coastal States — appropriate machinery and a method of settlement.

After the Tokyo Session of this Committee a group of land-locked States met in Kampala (Uganda) towards the end of March 1974 and drew up a declaration on the question of the rights of land-locked States. The Kampala Declaration was introduced in the meeting of the Group of 77 held in

Nairobi in April 1974 and it was also considered by the Conference of the Foreign Ministers of O.A.U. States in their meeting in Mogadishu in June 1974.

At the Caracas meeting 17 land-locked States introduced an explanatory paper on Draft Articles relating to land-locked States (A/Conf.62/C.2/L.29). Botswana, Lesotho, Uganda, and Upper Volta introduced certain amendments to the text contained in document A/AC.138/93. Pakistan (A/Conf. 62/C.2/L.48) as also Bolivia and Paraguay (L.76) introduced certain proposals.

TENTATIVE DRAFT PROPOSITIONS

(To serve as an aid to discussions)

Article 1

For the purpose of this Convention:

“Land-locked State” means any State which has no sea coast;

The term “transit State” means any State, with or without a sea coast, situated between a land-locked State and the sea, through whose territory the land-locked State shall have access to and from the sea;

The term “traffic in transit” means persons, baggage, goods and means of transport across the territory of one or more transit States, when the passage across such territory, with or without trans-shipment warehousing, breaking bulk or change in the mode of transport is only a portion of a complete journey which begins or terminates within the territory of the land-locked State.

Commentary

The text of this Article has been taken from Provision I in Informal Working Paper No. 9 of the Second Committee in Caracas.

The definition adopted here of "land-locked State" and "transit State" and of "traffic in transit" is virtually the same as given in clauses (a), (b) (i) and (c) of Article I of the Seven-Power Draft Articles contained in Doc. A/AC.138/93. Clauses (b) (ii) and (d) of that draft would appear to be superfluous and have, therefore, not been incorporated. The definitions of "land-locked State" and "transit State" in Asian-African Legal Consultative Committee Study Group formulations were also the same as the above text. The definition of "traffic in transit" in the Study Group draft was, however, different but the definition given in the Informal Working Paper would seem to be more appropriate.

Article 2

The existence and the nature of the rights of land-locked States to free access to the sea derive from the application of the principles of the freedom of the sea and the designation of the sea-bed and the ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, as well as the resources of that area, as the common heritage of mankind.

Commentary

The text of this Article has been taken from Provision II in Informal Working Paper No. 9. This incorporates the legal basis for the recognition of the right of land-locked States not only in the matter of access to the sea but also in respect of access to the sea-bed area. In view of the comprehensive nature of the provisions of this Article a further provision like paragraph 1 of Formula A of Provision III in the Informal Working Paper No. 9 which is based on paragraph 1 of Article II of the Seven-Power Draft would appear to be unnecessary.

Article 3

1. Each land-locked State, irrespective of the origin and characteristics of its land-locked condition, shall have the right of free access to and from the sea in order to enjoy the freedom of the seas and participate in the exploration and exploitation

of the sea-bed and its resources on equal terms with the coastal States.

2. In conformity with the aforesaid principle neighbouring transit States shall accord free transit through their territories of persons and goods of land-locked States by all possible means of transportation and communication.

The modalities of the exercise of free transit shall be settled between the land-locked State and the neighbouring transit State or States by means of bilateral or regional agreements; provided that the transit State shall not insist on any terms or conditions which may render the right of the land-locked State illusory or nugatory.

3. Land-locked States shall have the freedom to use one or more of the alternative routes or means of transport, as agreed with the transit States concerned, for purposes of access to and from the sea.

4. A transit State may request the land-locked State for certain rights of transit for its own traffic in transit through the territory of the land-locked State, and when such a request is made the land-locked State shall accord such rights to the transit State in order to ensure mutuality and better performance of the transit agreement.

Commentary

The above formulation has been attempted as a sort of compromise in the light of propositions contained in Formula A and B of Provision III in Informal Working Paper No. 9; Articles II, III, XIII and XVI of the Seven-Power proposal (A/AC.138/93); the proposals contained in A/Conf.62/C.2/L.29; and Section A of Draft Articles introduced by Pakistan (A/Conf. 62/C.2/L.48). In view of the provisions of this Article it would appear to be unnecessary to have another article corresponding to Provision VI of Informal Working Paper No. 9. The provisions of paragraph 2 of this Article would also make it unnecessary to have a specific provision on the rights of transit States like Article XIV of the Seven-Power proposal.

Article 4

The provisions of this Convention which govern the right of free access of land-locked States to and from the sea shall not abrogate existing special agreements between two or more States concerning the matters which are regulated in this Convention, nor shall they raise an obstacle as regards the conclusion of such agreements in the future.

In cases such existing agreements provide less favourable conditions than those contained in this Convention, the States concerned undertake that they shall bring them in accord with the present provisions at the earliest occasion.

The provisions contained in the preceding paragraph shall not affect existing bilateral or multilateral agreements relating to air transport.

Commentary

The text of this Article is the same as Provision IV in Informal Working Paper No. 9 which is based on Article XX of the Seven-Power Draft (A/AC.138/93) and the Explanatory Paper A/Conf. 62/C.2/L.29.

Article 5

Provisions of this Convention, as well as special agreements which regulate the exercise of the right of free access to and from the sea and the area of the sea-bed, establishing rights and facilities on account of the special geographical position of land-locked States, are excluded from the application of the most-favoured-nation clause.

Commentary

The text of this Article is the same as Provision V in Informal Working Paper No. 9 which is based on Article XXI of the Seven-Power Draft (A/AC.138/93) and the Explanatory Paper A/Conf.62/C.2/L. 29.

Article 6

Vessels flying the flag of a land-locked State shall have the right to use maritime ports.

Vessels of land-locked States shall under no circumstances receive a treatment less favourable than that accorded to vessels of coastal States as regards access to and exit from the maritime ports.

The use of these ports, facilities, installations and equipments of any kind shall be provided under the same conditions as for coastal States.

Commentary

This Article deals with the question of the rights of all land-locked States in regard to access to maritime ports for vessels flying their flags. The provisions of this Article are the same, except for certain modifications, as Formula A of Provision VII of Informal Working Paper No. 9 which is based on Article V of the Seven-Power Draft (A/AC.138/93).

Article 7

For the purposes provided for in this Convention, coastal States shall guarantee neighbouring land-locked States free passage through their territories, as well as equal treatment as regards entry into and use of ports, in accordance with internal legislation and any relevant agreements they may conclude.

Traffic in transit shall not be subject to any customs duties, taxes or other charges except charges levied for specific services rendered in connection with such traffic.

If the port installations and equipment or the means of transport and communication or both existing in a transit State are primarily used by one or more land-locked States, tariffs, fees or other charges for services rendered shall be subject to agreement between the States concerned.

Means of transport in transit used by the land-locked State shall not be subject to taxes, tariffs or charges higher than those levied for the use of means of transport of the transit State.

Commentary

This Article deals with the position of traffic in transit of land-locked States, in the territories of neighbouring coastal States which serve as transit States. The first paragraph of this Article is based on Formula 'B' of Provision VII and the remaining three paragraphs are the same as Provision VIII of Informal Working Paper No. 9.

Article 8

For convenience of traffic in transit, free zones and/or other facilities may be provided at the ports of entry and exit in the transit States, by agreement between those States and the land-locked States.

Such zones shall be exempted from the customs regulations of the coastal States. They remain, however, subject to the jurisdiction of those States with regard to police and public health regulations.

Article 9

Land-locked States shall have the right to appoint customs officials of their own in the ports of transit or free zones, empowered in accordance with the practice of States, to arrange the berthing of vessels whose cargo is bound for or coming from the land-locked State and to make arrangements for and supervise loading and unloading operations for such vessels as well as documentation and other necessary services for the speedy and smooth movement of traffic in transit.

Article 10

Transit States shall provide adequate means of transport, storage and handling facilities at the points of entry and exit, and at intermediate stages, for the smooth movement of traffic in transit.

Article 11

When means of transport and communication in the transit States are insufficient to give effect to the rights of land-locked States of free access to and from the sea or when the aforesaid means of transport and communication or the port installations and equipment are inadequate or may be improved in any respect the land-locked States shall have the right to construct, modify or improve them in agreement with the transit State or States concerned.

Article 12

Except in cases of *force majeure* all measures shall be taken by transit States to avoid delays in or restrictions on traffic in transit.

Should delays or other difficulties occur in traffic in transit, the competent authorities of the transit State or States and of land-locked States shall co-operate towards their expeditious elimination.

Commentary on Articles 8 to 12

These provisions deal with details concerning the enjoyment of the right of transit by land-locked States. Articles 8 to 12 are identical with the Provisions IX to XIII of the Informal Working Paper No. 9 which are based on Articles VII, VIII, IX, X and XI respectively of the Seven-Power proposal (A/AC.138/93).

Article 13

Land-locked States shall have the right of free access to and from the area of the sea-bed in order to enable them to participate in the exploration and exploitation of the area and its resources and to derive benefits therefrom in accordance with the provisions of this Convention.

For this purpose the land-locked States shall have the right to use all means and facilities provided for in this Convention with regard to traffic in transit.

Article 14

In any organ of the international sea-bed machinery in which not all Member States will be represented, in particular in its Council, there shall be an adequate and proportionate number of land-locked States, both developing and developed.

Article 15

In any organ of the machinery, decisions on questions of substance shall be made with due regard to the special needs and problems of land-locked States.

On questions of substance which affect the interests of land-locked States, decisions shall be made with their participation.

Commentary on Articles 13, 14 and 15

These three Articles deal with the question of free access to the international sea-bed area beyond national jurisdiction, participation in the international regime including machinery and equitable sharing in the benefits of the area. The texts of these Articles are identical with the Provisions XIV, XV and XVI of Informal Working Paper No. 9 which are based on Articles XVII, XVIII and XIX of the Seven-Power Draft.

Article 16

Nationals of developing land-locked States shall enjoy the privilege of fishing and to participate in the sharing of the living resources in the area of the exclusive economic zone of the neighbouring coastal State on the basis of equality with the nationals of that State. The modalities of the enjoyment of this privilege and the area to which they relate shall be settled by agreement on a bilateral or regional basis.

Article 17

The coastal State may stipulate that the rights to be enjoyed by the nationals of the land-locked States shall not be transferable *provided* that the benefit of foreign collaboration or

assistance shall not be unreasonably denied to the nationals of the developing land-locked States where such assistance is resorted to by the nationals of the coastal State itself.

Article 18

Developing land-locked and coastal States may enter into regional arrangements with a view to equitable sharing of mineral and other non-living resources of the areas comprising exclusive economic zones of the coastal States of the region.

Commentary on Articles 16 to 18

The provisions of these Articles which deal with the question of participation of land-locked States in the exploitation and sharing of resources of the economic zones of their neighbouring coastal States would appear to be most controversial. What the majority of land-locked States would like to ensure is the equal right for their nationals both in respect of living and non-living resources. Whilst the coastal States would be prepared to give to the nationals of land-locked States a share in the living resources exclusively for their own benefit they are not prepared at present to go any further. Article VIII of the Joint Draft on Exclusive Economic Zone (A/AC.138/SC.II/L.40) and Section B of Pakistan's proposals (A/Conf.62/C. 2/L.48) may be seen in this connection. Article 9 of the Kampala Declaration of March 22, 1974, is also significant on this matter which provides that land-locked States and other geographically disadvantaged States shall have equal rights with other States and without discrimination in the exercise of jurisdiction over resources in areas adjacent to the territorial sea. The texts of Provisions XVII to XIX of the Informal Working Paper No. 9 may also be seen.

NOTE : These draft propositions do not in any way reflect the viewpoint of the A.A.L.C.C. Secretariat but have been put forward to serve as an aid to discussions.

ARCHIPELAGOS

The concept of archipelago as applied to archipelagic States as also the question of establishment of a special regime concerning midocean archipelagos are matters of special interest to some of the member States of the Committee. These questions were generally discussed in the Hague Codification Conference 1930, in the International Law Commission as also during the Geneva Conferences on the Law of the Sea in 1958 and 1960 but no conclusions were reached due to wide divergence of views and lack of available technical data.

The discussion on this topic was initiated within this Committee at its Colombo Session and the concept was developed during discussions at the Committee's Lagos Session as also in two inter-sessional meetings held in Geneva in June 1971 and July 1972. Thereafter the Delegates of Fiji, Indonesia, Mauritius and the Philippines introduced a proposal in the shape of Draft Articles before the U.N. Sea-Bed Committee (A/AC.138/SC.II/L.48). The United Kingdom also introduced certain Draft Articles on the Rights and Duties of Archipelagic States (A/AC.138/SC.II/L.44). In addition, the Draft Articles on Territorial Sea introduced by the Delegation of Uruguay (A/AC.138/SC.II/L.24) and the Draft submitted jointly by Ecuador, Panama and Peru (A/AC.138/SC.II/L.27) as also the Chinese Working Paper on Exclusive Economic Zone contained certain specific provisions with regard to archipelagos.

At the Tokyo Session of the Committee some detailed discussions took place on the basis of a note and certain draft formulations prepared by the Secretariat. In the light of the discussions the following broad areas had appeared to have emerged :

- (a) There was general appreciation of the need to recognise and protect the legitimate political, economic and

security interests of archipelagic States. There was general support to the concept of political unity of land, people and the sea with respect to archipelagic States in the true sense.

- (b) The term 'archipelagic State' should be so defined that it protects the interests of the State in a fair and reasonable manner.
- (c) The status of waters enclosed within the archipelago, howsoever described, should be subject to the sovereignty of the archipelagic State.
- (d) Legitimate interests of the international community in transit through these waters should be effectively protected.

During the Caracas meeting, Fiji, Indonesia, Mauritius and the Philippines submitted a draft (A/Conf.62/C.2/L.49) which was based largely on the proposals introduced before the U.N. Sea-Bed Committee. A joint proposal was introduced by way of amendment to the above draft by Bulgaria, G.D.R. and Poland (A/Conf.62/C.2/L.49). Another amendment to the joint draft was introduced by Malaysia (A/Conf.62/C.2/L.64) whilst certain specific proposals were put forward by Ecuador (L.51), Thailand (L.63), Bahamas (L.70) and Cuba (L.73). The Working Paper presented jointly by Canada, Chile, Iceland, India, Indonesia, Mauritius, Mexico, New Zealand and Norway (L.4) also contained certain provisions on archipelagos.

TENTATIVE DRAFT PROPOSITIONS

(To serve as an aid to discussion)

Article 1

(Definition)

1. An archipelagic State is a State constituted wholly or mainly by one or more archipelagos (and may include other islands).