- (a) prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea;
- (b) punish infringement of the above laws and regulations committed within its territory or territorial sea.
- 2 The contiguous zone may not extend beyond 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.

PART III

STRAITS USED FOR INTERNATIONAL NAVIGATION SECTION 1 GENERAL PROVISIONS

Article 34 Legal status of waters forming straits used for international navigation

- The regime of passage through straits used for international navigation established in this Part shall not in other respects affect the legal status of the waters forming such straits or the exercise by the states bordering the straits of their sovereignty or jurisdiction over such waters and their air space, bed and subsoil.
- 2 The sovereignty or jurisdiction of the states bordering the straits is exercised subject to this Part and to other rules of international law.

Article 35 Scope of this Part

Nothing in this Part affects:

- (a) any areas of internal waters within a strait, except where the establishment of a straight baseline in accordance with the method set forth in Article 7 has the effect of enclosing as internal waters areas which had not previously been considered as such;
- (b) the legal status of the waters beyond the territorial seas of states bordering straits as exclusive economic zones or high seas; or
- (c) the legal regime in straits in which passage is regulated in whole or in part by long-standing international conventions in force specifically relating to such straits.

Article 36 High seas routes or routes through exclusive economic zones through straits used for international navigation

This Part does not apply to a strait used for international navigation if there exists through the strait a route through the high seas or through an exclusive economic zone of similar convenience with respect to navigational and hydrographical characteristics; in such routes, the other relevant Parts of this Convention, including the provisions regarding the freedoms of navigation and overflight, apply.

SECTION 2 TRANSIT PASSAGE

Article 37 Scope of this section

This section applies to straits which are used for international navigation between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone.

Article 38 Right of transit passage

In straits referred to in Article 37, all ships and aircraft enjoy the right of transit passage, which shall not be impeded; except that, if the strait is formed by an island of a state bordering the strait and its mainland, transit

- passage shall not apply if there exists seaward of the island a route through the high seas or through an exclusive economic zone of similar convenience with respect to navigational and hydrographical characteristics.
- 2 Transit passage means the exercise in accordance with this Part of the freedom of navigation and overflight solely for the purpose of continuous and expeditious transit of the strait between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone. However, the requirement of continuous and expeditious transit does not preclude passage through the strait for the purpose of entering, leaving or returning from a state bordering the strait, subject to the conditions of entry to that state.
- Any activity which is not an exercise of the right of transit passage through a strait remains subject to the other applicable provisions of this Convention.

Article 39 Duties of ships and aircraft during transit passage

- 1 Ships and aircraft, while exercising the right of transit passage, shall:
 - (a) proceed without delay through or over the strait;
 - (b) refrain from any threat or use of force against the sovereignty, territorial integrity or political independence of States bordering the strait, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;
 - (c) refrain from any activities other than those incident to their normal modes of continuous and expeditious transit unless rendered necessary by *force majeure* or by distress;
 - (d) comply with other relevant provisions of this Part.
- 2 Ships in transit passage shall:
 - (a) comply with generally accepted international regulations, procedures and practices for safety at sea, including the International Regulations for Preventing Collisions at Sea;
 - (b) comply with generally accepted international regulations, procedures and practices for the prevention, reduction and control of pollution from ships.
- 3 Aircraft in transit passage shall:
 - (a) observe the Rules of the Air established by the International Civil Aviation Organisation as they apply to civil aircraft; state aircraft will normally comply with such safety measures and will at all times operate with due regard for the safety of navigation;
 - (b) at all times monitor the radio frequency assigned by the competent internationally designated air traffic control authority or the appropriate international distress radio frequency.

Article 40 Research and survey activities

During transit passage, foreign ships, including marine scientific research and hydrographic survey ships, may not carry out any research or survey activities without the prior authorisation of the states bordering straits.

Article 41 Sea lanes and traffic separation schemes in straits used for international navigation

1 In conformity with this Part, states bordering straits may designate sea lanes and prescribe traffic separation schemes for navigation in straits where necessary to promote the safe passage of ships.

- 2 Such states may, when circumstances require, and after giving due publicity thereto, substitute other sea lanes or traffic separation schemes for any sea lanes or traffic separation schemes previously designated or prescribed by them.
- 3 Such sea lanes and traffic separation schemes shall conform to generally accepted international regulations.
- 4 Before designating or substituting sea lanes or prescribing or substituting traffic separation schemes, states bordering straits shall refer proposals to the competent international organisation with a view to their adoption. The organisation may adopt only such sea lanes and traffic separation schemes as may be agreed with the states bordering the straits, after which the States may designate, prescribe or substitute them.
- In respect of a strait where sea lanes or traffic separation schemes through the waters of two or more states bordering the strait are being proposed, the States concerned shall co-operate in formulating proposals in consultation with the competent international organisation.
- 6 States bordering straits shall clearly indicate all sea lanes and traffic separation schemes designated or prescribed by them on charts to which due publicity shall be given.
- 7 Ships in transit passage shall respect applicable sea lanes and traffic separation schemes established in accordance with this article.

Article 42 Laws and regulations of states bordering straits relating to transit passage

- Subject to the provisions of this section, states bordering straits may adopt laws and regulations relating to transit passage through straits, in respect of all or any of the following:
 - (a) the safety of navigation and the regulation of maritime traffic, as provided in Article 41;
 - (b) the prevention, reduction and control of pollution, by giving effect to applicable international regulations regarding the discharge of oil, oily wastes and other noxious substances in the strait;
 - (c) with respect to fishing vessels, the prevention of fishing, including the stowage of fishing gear;
 - (d) the loading or unloading of any commodity, currency or person in contravention of the customs, fiscal, immigration or sanitary laws and regulations of states bordering straits.
- 2 Such laws and regulations shall not discriminate in form or in fact among foreign ships or in their application have the practical effect of denying, hampering or impairing the right of transit passage as defined in this section.
- 3 States bordering straits 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.
- The flag state of a ship or the state of registry of an aircraft entitled to sovereign immunity which acts in a manner contrary to such laws and regulations or other provisions of this Part shall bear international responsibility for any loss or damage which results to states bordering straits.

Article 43 Navigational and safety aids and other improvements and the prevention, reduction and control of pollution

User States and States bordering a strait should by agreement co-operate:

- (a) in the establishment and maintenance in a strait of necessary navigational and safety aids or other improvements in aid of international navigation; and
- (b) for the prevention, reduction and control of pollution from ships.

Article 44 Duties of States bordering straits

States bordering straits shall not hamper transit passage and shall give appropriate publicity to any danger to navigation or overflight within or over the strait of which they have knowledge. There shall be no suspension of transit passage.

SECTION 3 INNOCENT PASSAGE

Article 45 Innocent passage

- The regime of innocent passage, in accordance with Part II, section 3 shall apply in straits used for international navigation:
 - (a) excluded from the application of the regime of transit passage under Article 38, para 1; or
 - (b) between a part of the high seas or an exclusive economic zone and the territorial sea of a foreign state.
- 2 There shall be no suspension of innocent passage through such straits.

PART IV ARCHIPELAGIC STATES

Article 46 Use of terms

For the purposes of this Convention:

- (a) 'archipelagic state' means a state constituted wholly by one or more archipelagos and may include other islands;
- (b) 'archipelago' means a group of islands, including parts of islands, interconnecting waters and other natural features which are so closely interrelated that such islands, waters and other natural features form an intrinsic geographical, economic and political entity, or which historically have been regarded as such.

Article 47 Archipelagic baselines

- An archipelagic state may draw straight archipelagic baselines joining the outermost points of the outermost islands and drying reefs of the archipelago provided that within such baselines are included the main islands and an area in which the ratio of the area of the water to the area of the land, including atolls, is between 1 to 1 and 9 to 1.
- The length of such baselines shall not exceed 100 nautical miles, except that up to 3% of the total number of baselines enclosing any archipelago may exceed that length, up to a maximum length of 125 nautical miles.
- The drawing of such baselines shall not depart to any appreciable extent from the general configuration of the archipelago.
- 4 Such 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.
- 5 The system of such baselines shall not be applied by an archipelagic state in such a manner as to cut off from the high seas or the exclusive economic zone the territorial sea of another state.
- If a part of the archipelagic waters of an archipelagic state lies between two parts of an immediately adjacent neighbouring state, existing rights and all other legitimate interests which the latter state has traditionally exercised in such waters and all rights stipulated by agreement between those states shall continue and be respected.
- For the purpose of computing the ratio of water to land under para 1, land areas may include waters lying within the fringing reefs of islands and atolls, including that part of a steep-sided oceanic plateau which is enclosed or nearly enclosed by a chain of limestone islands and drying reefs lying on the perimeter of the plateau.
- 8 The baselines drawn in accordance with this article shall be shown on charts of a scale or scales adequate for ascertaining their position. Alternatively, lists of geographical co-ordinates of points, specifying the geodetic datum, may be substituted.
- 9 The archipelagic state shall give due publicity to such charts or lists of geographical co-ordinates and shall deposit a copy of each such chart or list with the Secretary General of the United Nations.

Article 48 Measurement of the breadth of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf

The breadth of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf shall be measured from archipelagic baselines drawn in accordance with Article 47.

Article 49 Legal status of archipelagic waters, of the air space over archipelagic waters and of their bed and subsoil

- The sovereignty of an archipelagic state extends to the waters enclosed by the archipelagic baselines drawn in accordance with Article 47, described as archipelagic waters, regardless of their depth or distance from the coast.
- 2 This sovereignty extends to the air space over the archipelagic waters, as well as to their bed and subsoil, and the resources contained therein.
- 3 This sovereignty is exercised subject to this Part.
- The regime of archipelagic sea lanes passage established in this Part shall not in other respects affect the status of the archipelagic waters, including the sea lanes, or the exercise by the archipelagic state of its sovereignty over such waters and their air space, bed and subsoil, and the resources contained therein.

Article 50 Delimitation of internal waters

Within its archipelagic waters, the archipelagic state may draw closing lines for the delimitation of internal waters, in accordance with Articles 9, 10 and 11.

Article 51 Existing agreements, traditional fishing rights and existing submarine cables

Without prejudice to Article 49, an archipelagic state shall respect existing agreements with other States and shall recognise traditional fishing rights and other legitimate activities of the immediately adjacent neighbouring

states in certain areas falling within archipelagic waters. The terms and conditions for the exercise of such rights and activities, including the nature, the extent and the areas to which they apply, shall, at the request of any of the states concerned, be regulated by bilateral agreements between them. Such rights shall not be transferred to or shared with third states or their nationals.

An archipelagic state shall respect existing submarine cables laid by other states and passing through its waters without making a landfall. An archipelagic state shall permit the maintenance and replacement of such cables upon receiving due notice of their location and the intention to repair or replace them.

Article 52 Right of innocent passage

- Subject to Article 53 and without prejudice to Article 50, ships of all states enjoy the right of innocent passage through archipelagic waters, in accordance with Part II, section 3.
- The archipelagic state may, without discrimination in form or in fact among foreign ships, suspend temporarily in specified areas of its archipelagic waters the innocent passage of foreign ships if such suspension is essential for the protection of its security. Such suspension shall take effect only after having been duly published.

Article 53 Right of archipelagic sea lanes passage

- An archipelagic state may designate sea lanes and air routes thereabove, suitable for the continuous and expeditious passage of foreign ships and aircraft through or over its archipelagic waters and the adjacent territorial sea.
- 2 All ships and aircraft enjoy the right of archipelagic sea lanes passage in such sea lanes and air routes.
- Archipelagic sea lanes passage means the exercise in accordance with this Convention of the rights of navigation and overflight in the normal mode solely for the purpose of continuous, expeditious and unobstructed transit between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone.
- 4 Such sea lanes and air routes shall traverse the archipelagic waters and the adjacent territorial sea and shall include all normal passage routes used as routes for international navigation or overflight through or over archipelagic waters and, within such routes, so far as ships are concerned, all normal navigational channels, provided that duplication of routes of similar convenience between the same entry and exit points shall not be necessary.
- Such sea lanes and air routes shall be defined by a series of continuous axis lines from the entry points of passage routes to the exit points. Ships and aircraft in archipelagic sea lanes passage shall not deviate more than 25 nautical miles to either side of such axis lines during passage, provided that such ships and aircraft shall not navigate closer to the coasts than 10% of the distance between the nearest points on islands bordering the sea lane.
- An archipelagic state which designates sea lanes under this article may also prescribe traffic separation schemes for the safe passage of ships through narrow channels in such sea lanes.
- An archipelagic state may, when circumstances require, after giving due publicity thereto, substitute other sea lanes or traffic separation schemes for any sea lanes or traffic separation schemes previously designated or prescribed by it.

- 8 Such sea lanes and traffic separation schemes shall conform to generally accepted international regulations.
- In designating or substituting sea lanes or prescribing or substituting traffic separation schemes, an archipelagic state shall refer proposals to the competent international organisation with a view to their adoption. The organisation may adopt only such sea lanes and traffic separation schemes as may be agreed with the archipelagic state, after which the archipelagic state may designate, prescribe or substitute them.
- 10 The archipelagic state shall clearly indicate the axis of the sea lanes and the traffic separation schemes designated or prescribed by it on charts to which due publicity shall be given.
- 11 Ships in archipelagic sea lanes passage shall respect applicable sea lanes and traffic separation schemes established in accordance with this article.
- 12 If an archipelagic state does not designate sea lanes or air routes, the right of archipelagic sea lanes passage may be exercised through the routes normally used for internal navigation.

Article 54 Duties of ships and aircraft during their passage, research and survey activities, duties of the archipelagic state and laws and regulations of the archipelagic state relating to archipelagic sea lanes passage

Articles 39, 40, 42 and 44 apply mutatis mutandis to archipelagic sea lanes passage.

PART V EXCLUSIVE ECONOMIC ZONE

Article 55 Specific legal regime of the exclusive economic zone

The exclusive economic zone is an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this Part, under which the rights and jurisdiction of the coastal state and the rights and freedoms of other states are governed by the relevant provisions of this Convention.

Article 56 Rights, jurisdiction and duties of the coastal state in the exclusive economic zone

- 1 In the exclusive economic zone, the coastal state has:
 - (a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the sea bed and of the sea bed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;
 - (b) jurisdiction as provided for in the relevant provisions of this Convention with regard to:
 - (i) the establishment and use of artificial islands, installations and structures;
 - (ii) marine scientific research;
 - (iii) the protection and preservation of the marine environment;
- (c) other rights and duties provided for in this Convention.
- 2 In exercising its rights and performing its duties under this Convention in the exclusive economic zone, the coastal state shall have due regard to the rights

- and duties of other states and shall act in a manner compatible with the provisions of this Convention.
- 3 The rights set out in this article with respect to the sea bed and subsoil shall be exercised in accordance with Part VI.

Article 57 Breadth of the exclusive economic zone

The exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

Article 58 Rights and duties of other states in the exclusive economic zone

- In the exclusive economic zone all states, whether coastal or land-locked, enjoy, subject to the relevant provisions of this Convention, the freedoms referred to in Article 87 of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines, and compatible with the other provisions of this Convention.
- Articles 88 to 115 and other pertinent rules of international law apply to the exclusive economic zone in so far as they are not incompatible with this Part.
- In exercising their rights and performing their duties under this Convention in the exclusive economic zone, states shall have due regard to the rights and duties of the coastal state and shall comply with the laws and regulations adopted by the coastal state in accordance with the provisions of this Convention and other rules of international law in so far as they are not incompatible with this Part.

Article 59 Basis for the resolution of conflicts regarding the attribution of rights and jurisdiction in the exclusive economic zone

In cases where this Convention does not attribute rights or jurisdiction to the coastal state or to other states within the exclusive economic zone, and a conflict arises between the interests of the coastal state and any other state or states, the conflict should be resolved on the basis of equity and in the light of all the relevant circumstances, taking into account the respective importance of the interests involved to the parties as well as to the international community as a whole.

Article 60 Artificial islands, installations and structures in the exclusive economic zone

- In the exclusive economic zone, the coastal state shall have the exclusive right to construct and to authorise and regulate the construction, operation and use of:
- (a) artificial islands;
- (b) installations and structures for the purposes provided for in Article 56 and other economic purposes;
- (c) installations and structures which may interfere with the exercise of the rights of the coastal state in the zone.
- The coastal state shall have exclusive jurisdiction over such artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.
- Due notice must be given of the construction of such artificial islands, installations or structures, and permanent means for giving warning of their presence must be maintained. Any installations or structures which are abandoned or disused shall be removed to ensure safety of navigation, taking

into account any generally accepted international standards established in this regard by the competent international organisation. Such removal shall also have due regard to fishing, the protection of the marine environment and the rights and duties of other states. Appropriate publicity shall be given to the depth, position and dimensions of any installations or structures not entirely removed.

- 4 The coastal state may, where necessary, establish reasonable safety zones around such artificial islands, installations and structures in which it may take appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures.
- The breadth of the safety zones shall be determined by the coastal state, taking into account applicable international standards. Such zones shall be designed to ensure that they are reasonably related to the nature and function of the artificial islands, installations or structures, and shall not exceed a distance of 500 metres around them, measured from each point of their outer edge, except as authorised by generally accepted international standards or as recommended by the competent international organisation. Due notice shall be given of the extent of safety zones.
- All ships must respect these safety zones and shall comply with generally accepted international standards regarding navigation in the vicinity of artificial islands, installations, structures and safety zones.
- Artificial islands, installations and structures and the safety zones around them may not be established where interference may be caused to the use of recognised sea lanes essential to international navigation.
- 8 Artificial islands, installations and structures do not possess the status of islands. They have no territorial sea of their own, and their presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.

Article 61 Conservation of the living resources

- 1 The coastal state shall determine the allowable catch of the living resources in its exclusive economic zone.
- The coastal state, taking into account the best scientific evidence available to it, shall ensure through proper conservation and management measures that the maintenance of the living resources in the exclusive economic zone is not endangered by over-exploitation. As appropriate, the coastal state and competent international organisations, whether subregional, regional or global, shall co-operate to this end.
- Such measures shall also be designed to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield, as qualified by relevant environmental and economic factors, including the economic needs of coastal fishing communities and the special requirements of developing states, and taking into account fishing patterns, the interdependence of stocks and any generally recommended international minimum standards, whether subregional, regional or global.
- In taking such measures the coastal state shall take into consideration the effects on species associated with or dependent upon harvested species with a view to maintaining or restoring populations of such associated or dependent species above levels at which their reproduction may become seriously threatened.

Available scientific information, catch and fishing effort statistics, and other data relevant to the conservation of fish stocks shall be contributed and exchanged on a regular basis through competent international organisations, whether subregional, regional or global, where appropriate and with participation by all states concerned, including states whose nationals are allowed to fish in the exclusive economic zone.

Article 62 Utilisation of the living resources

- The coastal state shall promote the objective of optimum utilisation of the living resources in the exclusive economic zone without prejudice to Article 61.
- The coastal state shall determine its capacity to harvest the living resources of the exclusive economic zone. Where the coastal state does not have the capacity to harvest the entire allowable catch, it shall, through agreements or other arrangements and pursuant to the terms, conditions, laws and regulations referred to in para 4, give other states access to the surplus of the allowable catch, having particular regard to the provisions of Articles 69 and 70, especially in relation to the developing states mentioned therein.
- In giving access to other states to its exclusive economic zone under this article the coastal state shall take into account all relevant factors, including, *inter alia*, the significance of the living resources of the area to the economy of the coastal state concerned and its other national interests, the provisions of Articles 69 and 70, the requirements of developing states in the subregion or region in harvesting part of the surplus and the need to minimise economic dislocation in states whose nationals have habitually fished in the zone or which have made substantial efforts in research and identification of stocks.
- A Nationals of other states fishing in the exclusive economic zone shall comply with the conservation measures and with the other terms and conditions established in the laws and regulations of the coastal state. These laws and regulations shall be consistent with this Convention and may relate, *inter alia*, to the following:
 - (a) licensing of fishermen, fishing vessels and equipment, including payment of fees and other forms of remuneration, which, in the case of developing coastal States, may consist of adequate compensation in the field of financing, equipment and technology relating to the fishing industry;
 - (b) determining the species which may be caught, and fixing quotas of catch, whether in relation to particular stocks or groups of stocks or catch per vessel over a period of time or to the catch by nationals of any state during a specified period;
 - (c) regulating seasons and areas of fishing, the types, sizes and amount of gear, and the types, sizes and number of fishing vessels that may be used;
 - (d) fixing the age and size of fish and other species that may be caught;
 - (e) specifying information required of fishing vessels, including catch and effort statistics and vessel position reports;
 - (f) requiring, under the authorisation and control of the coastal state, the conduct of specified fisheries research programmes and regulating the conduct of such research, including the sampling of catches, disposition of samples and reporting of associated scientific data;

- (g) the placing of observers or trainees on board such vessels by the coastal state;
- (h) the landing of all or any part of the catch by such vessels in the ports of the coastal state;
- (i) terms and conditions relating to joint ventures or other co-operative arrangements;
- requirements for the training of personnel and the transfer of fisheries technology, including enhancement of the coastal state's capability of undertaking fisheries research;
- (k) enforcement procedures.
- 5 Coastal states shall give due notice of conservation and management laws and regulations.

Article 63 Stocks occurring within the exclusive economic zones of two or more coastal States or both within the exclusive economic zone and in an area beyond and adjacent to it

- 1. Where the same stock or stocks of associated species occur within the exclusive economic zones of two or more coastal states, these states shall seek, either directly or through appropriate subregional or regional organisations, to agree upon the measures necessary to co-ordinate and ensure the conservation and development of such stocks without prejudice to the other provisions of this Part.
- Where the same stock or stocks of associated species occur both within the exclusive economic zone and in an area beyond and adjacent to the zone, the coastal state and the states fishing for such stocks in the adjacent area shall seek, either directly or through appropriate subregional or regional organisations, to agree upon the measures necessary for the conservation of these stocks in the adjacent area.

Article 64 Highly migratory species

- The coastal state and other states whose nationals fish in the region for the highly migratory species listed in Annex I shall co-operate directly or through appropriate international organisations with a view to ensuring conservation and promoting the objective of optimum utilisation of such species throughout the region, both within and beyond the exclusive economic zone. In regions for which no appropriate international organisation exists, the coastal state and other states whose nationals harvest these species in the region shall co-operate to establish such an organisation and participate in its work.
- 2 The provisions of para 1 apply in addition to the other provisions of this Part.

Article 65 Marine mammals

Nothing in this Part restricts the right of a coastal state or the competence of an international organisation, as appropriate, to prohibit, limit or regulate the exploitation of marine mammals more strictly than provided for in this Part. States shall co-operate with a view to the conservation of marine mammals and in the case of cetaceans shall in particular work through the appropriate international organisations for their conservation, management and study.

Article 66 Anadromous stocks

1 States in whose rivers anadromous stocks originate shall have the primary interest in and responsibility for such stocks.