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A/CONF.13/C.4/L.19-36

Annexes

Extract from the *Official Records of the United Nations Conference on the Law of The Sea, Volume VI (Fourth Committee (Continental Shelf))*

DOCUMENT A/CONF.13/C.4/L.19**Netherlands: proposal**

[Original text : English]
[19 March 1958]

Article 68

The article to read as follows :

“The coastal State exercises over the soil and subsoil of the continental shelf and other submarine areas adjacent to its coast, outside the territorial sea, sovereign rights for the purpose of exploring and exploiting their natural resources.

“However, the coastal State shall not use exploration and exploitation devices working on or in the superjacent waters beyond the depth line of 550 metres (approximately 300 fathoms).”

DOCUMENT A/CONF.13/C.4/L.19/Rev.1**Netherlands: proposal**

[Original text : English]
[26 March 1958]

Article 68

The article to read as follows :

“The coastal State exercises exclusive rights for the purpose of exploring and exploiting the natural resources of its continental shelf. These rights are not subject to any limitation when the method of tunnelling or directional drilling from terra firma, including islands, is used, but are limited to a depth of 550 metres of superjacent waters when drilling devices working on or in the high seas are used.”

Insert in the second paragraph a definition of the natural resources, either in the form of an exclusive list of items, or on the lines of document A/CONF.13/C.4/L.36.

DOCUMENT A/CONF.13/C.4/L.20**Netherlands: proposal**

[Original text : English]
[19 March 1958]

Article 69

The article to read as follows :

“The rights of the coastal State over the areas mentioned in article 68 do not affect the legal status of the superjacent waters as high seas, or that of the air space above those waters.”

DOCUMENT A/CONF.13/C.4/L.21**Netherlands: proposal**

[Original text : English]
[19 March 1958]

Article 70

The article to be deleted, in view of the fact that the substance of this article is already contained in article 61, paragraph 2.

DOCUMENT A/CONF.13/C.4/L.22 ***Netherlands: proposal**

[Original text: English]
[19 March 1958]

Article 71

The article to read as follows:

"1. The exploration of the areas mentioned in article 68, and the exploitation of their natural resources, must not result in any unjustifiable interference with navigation, fishing or the conservation of the living resources of the sea.

"2. Subject to the provisions of paragraphs 1 and 5 of this article and within the limits mentioned in article 68, the coastal State is entitled to construct and maintain or operate installations and other devices in the said areas necessary for the exploration and exploitation of their natural resources.

"The said installations and other devices shall be surrounded by a safety zone of 50 metres radius prohibited for all vessels except exploration and exploitation craft.

"A group of such installations and devices shall be considered as one unit if the distances are less than half a nautical mile. Entrance into such units is forbidden for

all ships of more than 1,000 registered tons, except exploration and exploitation craft. If such a unit is more than 10 nautical miles long, a fairway of one nautical mile wide shall be provided in the middle, and properly marked, without prejudice to paragraph 5. The area inside such units shall be a prohibited anchorage.

"3. [Text as proposed by the Internationaal Law Commission.]

"4. Due notice shall be given by the coastal State to those Governments which publish 'Notices to Mariners' of any such installations to be constructed, or to be dismantled, and of the kind and character of lights and fog-signals which they are carrying.

"The coastal State shall make regulations laying down that single installations or other devices shall be fitted out and shall operate proper lights and a fog-signal, whereas the units described in paragraph 2 above shall be fitted out and shall operate proper lights, preferably with a specific character, and fog-signals on those places of the unit most appropriate for the purpose.

"5. [Text as proposed by the International Law Commission.]"

* Incorporating A/CONF.13/C.4/L.22/Corr.1.

DOCUMENT A/CONF.13/C.4/L.23**Netherlands: proposal**

[Original text: English]
[19 March 1958]

Article 72

The article to read as follows:

"1. Where the same continental shelf or other submarine areas are adjacent to the territories of two or more States whose coasts are opposite each other, the boundary of these areas appertaining to such States shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary is the median line, every point of which is equidistant from the baselines from

which the breadth of the territorial sea of each State is measured."

"2. Where the same continental shelf or other submarine areas are adjacent to the territories of two adjacent States, the boundary of these areas shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary shall be determined by application of the principle of equidistance from the baselines from which the breadth of the territorial sea of each of the two States is measured."

DOCUMENT A/CONF.13/C.4/L.24/Rev.1**United Kingdom of Great Britain and Northern Ireland: revised proposal**

[Original text: English]
[21 March 1958]

Article 67 *

The article to read as follows:

"1. The coastal State exercises over the submarine areas adjacent to its coast but outside the area of the territorial sea, up to a depth of water of 550 metres, sovereign rights for the purpose of exploring and exploiting the natural resources of the seabed and subsoil of such areas.

“2. The provisions of paragraph 1 of this article shall not prejudice the right of a coastal State to exploit the subsoil by means of tunnelling irrespective of the depth of water above the subsoil.”

Note. — Article 68 would then consist of a definition of “natural resources” and in articles 69 to 72 there would be substituted for the words “the continental shelf” the words “the submarine areas referred to in article 67”.

* The amendments to articles 68, 70, 71 and 72 contained in document A/CONF.13/C.4/L.24 are reproduced in revised form in documents A/CONF.13/C.4/L.27 and A/CONF.13/C.4/L.28.

DOCUMENT A/CONF.13/C.4/L.25

Italy: proposal

[*Original text: French*]
[20 March 1958]

Article 72

Add to paragraph 1 the following sentence:

“In any case where, in the proximity of the coasts which are opposite to each other, there are islands that belong to the continental shelf, the boundary is the median line every point of which is equidistant from the low-water lines along the coasts of the said States.”

DOCUMENT A/CONF.13/C.4/L.25/Rev.1

Italy: proposal

[*Original text: French*]
[8 April 1958]

Article 72

Add to paragraph 1 the following sentence:

“Where in the proximity of coasts which are opposite to each other there are islands belonging to the said continuous continental shelf, in the absence of agreement, the boundary is the median line every point of which is equidistant from the low-water line along the coast of the said States, unless some other method of drawing the said median line is justified by special circumstances.”

This proposal is intended as an amendment either to article 72, paragraph 1 as drafted by the International Law Commission, or to the proposals submitted by the following States:

Yugoslavia (A/CONF.13/C.4/L.16)

Netherlands (A/CONF.13/C.4/L.23)

United Kingdom (A/CONF.13/C.4/L.28)

N.B. — This proposal completely replaces document A/CONF.13/C.4/L.25.

DOCUMENT A/CONF.13/C.4/L.26

Philippines: proposal

[*Original text: English*]
[21 March 1958]

Article 67

ADDITIONAL PARAGRAPH

Add a second paragraph to read as follows:

“2. All references in these articles to ‘continental shelf’ shall be understood to apply also to similar submarine areas adjacent to and surrounding the coasts of islands.”

DOCUMENT A/CONF.13/C.4/L.27**United Kingdom of Great Britain and Northern Ireland: proposal**

[Original text: English]
[21 March 1958]

Article 68

That the provisions of article 68 should include a definition of the term "natural resources".

For the words "the continental shelf" substitute the words "the submarine areas referred to in article 67."

1. For the words "the continental shelf" substitute the words "the submarine areas referred to in article 67."
2. Add the words "or pipe lines" after the words "submarine cables".

DOCUMENT A/CONF.13/C.4/L.28**United Kingdom of Great Britain and Northern Ireland: proposal**

[Original text: English]
[21 March 1958]

Article 71**PARAGRAPH 2**

Substitute for the words "to establish safety zones at a reasonable distance around such installation" the words "to establish safety zones with a maximum radius of 500 metres around such installations."

PARAGRAPH 4

The paragraph to read as follows:

"Due notice of any such installation constructed should be given to all governments with offices which issue 'Notices to Mariners', and permanent means for giving warning of their presence must be maintained."

Add a new paragraph, following the present paragraph 4, to read as follows:

"Any installations which are abandoned or disused should be entirely removed."

Renumber the present paragraph 5 as 6.

For the words "the continental shelf" substitute the words "the submarine areas referred to in article 67."

Article 72

The article to read as follows:

"1. Where the submarine areas referred to in article 67 are adjacent to the territory of two or more States whose coasts are opposite to each other, the boundary of such areas appertaining to such States shall, in the absence of agreement on any other boundary, be the median line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea is measured.

"2. In the case of adjacent States, the boundary of the submarine areas referred to in article 67 shall, in the absence of agreement on any other boundary, be determined by the application of the principles of equidistance from the nearest points of the baselines from which the breadth of the territorial sea of each of the two States is measured.

"3. In delimiting the boundaries of the submarine areas referred to in article 67, any lines which are drawn in accordance with the principles set out in paragraphs 1 and 2 of this article shall be defined with reference to charts and to geographical features as they exist at a particular date and reference shall be made to fixed permanent identifiable points on the land."

DOCUMENT A/CONF.13/C.4/L.29**India: proposal**

[Original text: English]
[22 March 1958]

Article 67

For the words "continental shelf", substitute "coastal submarine domain".

For the words "adjacent to", substitute "in the vicinity of".

For the words and figures "200 metres (approximately 100 fathoms) or, beyond that limit to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas", substitute "1,000 metres".

DOCUMENT A/CONF.13/C.4/L.29/Rev.1**India: proposal**

[Original text: English]
[24 March 1958]

Article 67

Replace by the following text:

“For the purposes of these articles, the term ‘continental shelf’ is used as referring to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, extending so far as the seabed is concerned to a depth of 550 metres of the superjacent waters.”

DOCUMENT A/CONF.13/C.4/L.30**Canada: proposal**

[Original text: English]
[22 March 1958]

Article 67

The article to read as follows:

“For the purposes of these articles, the term ‘continental shelf’ is used as referring to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to the point where a substantial break in grade occurs leading to abyssal ocean depth or, where there is no such substantial break in grade, to the point at which the depth of the superjacent waters reaches 200 metres.”

DOCUMENT A/CONF.13/C.4/L.31**United States of America: proposal**

[Original text: English]
[24 March 1958]

Article 68

Replace the word “sovereign” by the word “exclusive”.

DOCUMENT A/CONF.13/C.4/L.32**Netherlands and United Kingdom of Great Britain and Northern Ireland: proposal**

[Original text: English]
[22 March 1958]

Article 67

The article to read as follows:

“1. The provisions of the following articles shall apply to the seabed and subsoil of submarine areas contiguous to the outer limit of the territorial sea, including the continental shelf, the continental slope, and the submarine areas contiguous to islands.
“2. The coastal State exercises over these areas sovereign right for the purpose of exploring and exploiting their natural resources. For this purpose devices working on or in the high seas may be used up to a depth of water of 550 metres.”

DOCUMENT A/CONF.13/C.4/L.33**Sweden: proposal***[Original text : English]
[24 March 1958]***Article 67**

The article to read as follows :

- “1. The coastal State exercises over the submarine areas adjacent to its coast but outside the area of the territorial sea, up to a depth of water of 550 metres, control and jurisdiction for the purpose of exploring and exploiting the natural resources of the seabed and subsoil of such areas.
- “2. The provisions of paragraph 1 of this article shall not prejudice the right of the coastal State to exploit the subsoil by means of tunnelling irrespective of the depth of water above the subsoil.”
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DOCUMENT A/CONF.13/C.4/L.34**Venezuela: proposal***[Original text : Spanish]
[21 March 1958]***Article 70**

Between the words “resources,” and “the coastal State”, insert the phrase “and to its right to make regulations, pursuant to article 61, paragraph 2, concerning the routes to be followed,”.

DOCUMENT A/CONF.13/C.4/L.35**Venezuela: proposal***[Original text : Spanish]
[21 March 1958]***Article 71**

In paragraph 5, delete the phrase “in narrow channels or”.

DOCUMENT A/CONF.13/C.4/L.36

**Australia, Ceylon, Federation of Malaya, India, Norway, United Kingdom
of Great Britain and Northern Ireland: proposal**

*[Original text : English]
[24 March 1958]***Article 68**

Insert in the article the following definition of the term “natural resources”:

“The natural resources referred to in these articles consist of mineral and other non-living resources of the seabed and the subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil ; but crustacea and swimming species are not included.”
