

# **United Nations Conference on the Law of the Sea**

Geneva, Switzerland  
24 February to 27 April 1958

Document:

## **Text of the articles and final clauses adopted by the Fourth Committee (A/CONF.13/L.12, annex)**

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.62

## Netherlands: proposal

[Original text: English]  
[3 April 1958]

## Article 73

The article to read as follows :

“Any disputes that may arise between States concerning the interpretation or application of articles 67-72 may be submitted to the International Court of Justice by unilateral application of any of the parties, unless they agree on another method of peaceful settlement.

“In the case of judicial proceedings relating to the application of article 72, the Court shall have power to decide *ex aequo et bono* whether a boundary line other than that defined in that article is justified by special circumstances.”

*Note.* — The Netherlands delegation intends to submit, in due course, a further proposal of a more general character concerning the settlement of disputes.

**Text of the articles and final clauses adopted by the Fourth Committee  
(A/CONF.13/L.12, annex)**

## I

## Article 67

1. For the purpose of these articles, the term “continental shelf” is used as referring to the seabed and subsoil of the submarine areas adjacent to the coasts but outside the area of the territorial sea, to a depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas.
2. For the purposes of these articles the term “continental shelf” shall be deemed also to refer to the seabed and subsoil of similar submarine areas adjacent to the coasts of islands.

## Article 68

1. The coastal State exercises over the continental shelf exclusive rights for the purpose of exploring it and exploiting its natural resources.
2. The rights referred to in paragraph 1 of the present article are exclusive in the sense that if the coastal State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities, or lay claim to the continental shelf, without the express consent of the coastal State.
3. The rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation.
4. The natural resources referred to in these articles consist of the mineral and other non-living resources of the seabed and 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 in this definition.

## Article 69

The rights of the coastal State over the continental shelf do not affect the legal status of the superjacent waters as high seas, or that of the air space above those waters.

## Article 70

Subject to its right to take reasonable measures for the exploration of the continental shelf and the exploitation of its natural resources, the coastal State may not impede the laying or maintenance of submarine cables or pipelines on the continental shelf.

## Article 71

1. The exploration of the continental shelf and the exploitation of its natural resources must not result in any unjustifiable interference with navigation, fishing or the conservation of the living resources of the sea nor result in any interference with fundamental oceanographic or other scientific research carried out with the intention of open publication.
2. Subject to the provisions of paragraphs 1 and 6 of this article, the coastal State is entitled to construct and maintain or operate on the continental shelf installations and other devices necessary for its exploration and the exploitation of its natural resources, and to establish safety zones around such installations and devices and to take in those zones measures necessary for their protection.
3. The safety zones referred to in paragraph 2 of the present article may extend to a distance of 500 metres around the installations and other devices which have been erected, measured from each point of their outer edge. Ships of all nationalities must respect these safety zones.
4. Such installations and devices, though under the jurisdiction of the coastal State, 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 of the coastal State.
5. Due notice must be given of the construction of any such installations, and permanent means for giving warning of their presence must be maintained. Any installations which are abandoned or disused must be entirely removed.
6. Neither the installations or devices, nor the safety zones around them may be established where interference may be caused to the use of recognized sea lanes essential to international navigation.
7. The coastal State is obliged to undertake, in the safety

zones, all appropriate measures for the protection of the living resources of the sea from harmful agents.

8. The consent of the coastal State shall be obtained in respect of any research into the continental shelf.

Nevertheless, the coastal State shall not normally withhold its consent if the request is submitted by a qualified institution with a view to purely scientific research into the physical or biological characteristics of the continental shelf, subject to the proviso that the coastal State shall have the right, if it so desires, to participate or to be represented in the research, and that in any event the results shall be published.

#### *Article 72*

1. Where the same continental shelf is adjacent to the territories of two or more States whose coasts are opposite each other, the boundary of the continental shelf 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 nearest points of the baselines from which the breadth of the territorial sea of each State is measured.

2. Where the same continental shelf is adjacent to the territories of two adjacent States, the boundary of the continental shelf 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 nearest points of the baselines from which the breadth of the territorial sea of each State is measured.

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

#### *Article 73 (additional article)*

The provisions of these articles 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.

#### *Article 74 (formerly article 73)*

Any disputes that may arise between States concerning the interpretation or application of articles 67-73 shall be submitted to the International Court of Justice at the request of any of the parties, unless they agree on another method of peaceful settlement.

## II

### RECOMMENDATIONS OF THE FOURTH COMMITTEE REGARDING FINAL CLAUSES

#### *Signature*

The present convention shall, until 6 months from the

closing of the Conference, be open for signature on behalf of all States Members of the United Nations or of one of the specialized agencies, of any other State invited to take part in the United Nations Conference on the Law of the Sea, and of any other State invited by the General Assembly to become a party to the convention.

#### *Ratification*

This convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

#### *Accession*

After . . . . ., this convention shall be open for accession by the States mentioned in article . . . . . The instruments of accession shall be deposited with the Secretary-General of the United Nations.

#### *Entry into force*

1. This convention shall come into force on the . . . . . day following the date of deposit of the . . . . . instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the . . . . . instrument of ratification or accession, the convention shall enter into force on the . . . . . day after deposit by such State of its instrument of ratification or accession.

#### *Revision*

A request for the revision of the present convention may be made at any time by any contracting party by means of a notification in writing addressed to the Secretary-General.

The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

#### *Notifications*

The Secretary-General of the United Nations shall inform all States Members of the United Nations and the other States referred to in article . . . . . :

- (a) Of signatures to this convention and of the deposit of instruments of ratification or accession, in accordance with articles . . . . .
- (b) Of the date on which this convention will come into force, in accordance with article . . . . .
- (c) Of requests for revision.

#### *Deposit of the convention, and languages*

The original of this convention of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States referred to in article . . . . .

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[58E2]

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Printed in the Netherlands  
13916—September 1958—2,700

Price : \$(U.S.)1.50 ; 11/- stg.; Sw. fr. 6.50  
(or equivalent in other currencies)

United Nations publication  
Sales No.: 58.V.4, Vol.IV