

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

Geneva, Switzerland  
24 February to 27 April 1958

Document:  
**A/CONF.13/C.4/L.39-62**

## **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.39****Greece: proposal**

[Original text : English]  
[24 March 1958]

**Article 68**

Replace the word " natural " by the word " mineral ".

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**DOCUMENT A/CONF.13/C.4/L.40****Indonesia: proposal**

[Original text : English]  
[26 March 1958]

**Article 68**

## ADDITIONAL PARAGRAPH

1. Add the following words :  
" physical or virtual occupation not being a necessary condition ".
  2. Add a second paragraph to read as follows :  
" Scientific research of the continental shelf should be given high priority and undertaken with the consent of the coastal State."
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**DOCUMENT A/CONF.13/C.4/L.41****Bulgaria: proposal**

[Original text : French]  
[26 March 1958]

**Article 69**

Add the following sentence :

" The coastal State shall not use the continental shelf for the purpose of building military bases or any installations which are directed against other States."

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**DOCUMENT A/CONF.13/C.4/L.41/Rev.1****Bulgaria: revised proposal**

[Original text : French]  
[31 March 1958]

**Article 71**

## ADDITIONAL PARAGRAPH

Add a paragraph to read as follows :

" The coastal State shall not use the continental shelf for the purpose of building military bases or installations."

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**DOCUMENT A/CONF.13/C.4/L.42****Venezuela: proposal**

[Original text: Spanish]  
[26 March 1958]

**Article 72**

The article to read as follows:

- “1. Where a continental shelf is adjacent to the territories of two or more States whose coasts are opposite to each other, the boundary of the continental shelf appertaining to such States shall be determined by agreement between them or by other means recognized in international law.
- “2. Where the same continental shelf is adjacent to the territories of two adjacent States, the boundary of the continental shelf shall be determined in the manner prescribed in paragraph 1 of this article.”

**DOCUMENT A/CONF.13/C.4/L.43****Federal Republic of Germany: proposal**

[Original text: French]  
[26 March 1958]

**Article 68**

The article to read as follows:

“The coastal State exercises over the continental shelf the rights defined in article 71 for the purpose of exploring and exploiting its mineral resources.”

*Commentary*

The grant to the coastal State of rights over the continental shelf outside the territorial sea raises doubts about possible repercussions of the exercise of those rights on the freedom of the high seas. These doubts would be lessened if the rights in question were enumerated and more fully defined. The delegation of the Federal Republic of Germany therefore considers that article 71 should be amplified accordingly and article 68 consequently worded as proposed above.

**DOCUMENT A/CONF.13/C.4/L.44****United Kingdom of Great Britain and Northern Ireland: proposal**

[Original text: English]  
[27 March 1958]

**Article 68**

The article to read as follows:

- “1. The coastal State exercises over the submarine areas referred to in Article 67, 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 the coastal State to exploit the subsoil by means of tunneling irrespective of the depth of water above the subsoil.”

Insert in a third paragraph the definition of “natural resources” proposed in A/CONF.13/C.4/L.36.

**DOCUMENT A/CONF.13/C.4/L.45\*****Cuba: proposal**

[Original text: Spanish]  
[28 March 1958]

**Additional article**

Add an article to read as follows:

“The rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation.”

\* Incorporating document A/CONF.13/C.4/L.45/Corr.1.

**DOCUMENT A/CONF.13/C.4/L.48****Pakistan: proposal**

[Original text: English]  
[31 March 1958]

**Article 71**

## PARAGRAPH 4

The text to read as follows:

“Prior notice must be given of the construction of any such installations to all governments and groups interested in navigation and fishing, and when constructed permanent means for giving warning of their presence must be maintained. Any installations which are abandoned or disused must be entirely removed.”

**DOCUMENT A/CONF.13/C.4/L.49****Denmark: proposal**

[Original text: English]  
[1 April 1958]

**Article 71**

Add at the end of paragraph 1:

“nor in any interference with fundamental oceanographic research carried out with the intention of open publication.”

**DOCUMENT A/CONF.13/C.4/L.50****Iran: proposal**

[Original text: English]  
[1 April 1958]

**Article 71**

## ADDITIONAL PARAGRAPH

Add a new paragraph 6 to read as follows:

“Notwithstanding the provisions of article 68, and in the interests of scientific progress, the coastal State shall, at the request of appropriate and qualified institutions, permit them to carry out on the continental shelf any kind of fundamental research having a purely scientific objective, provided that:

(a) The institution concerned shall in its application to the coastal State give a full description of the nature and scope of the research work contemplated, that

(b) The coastal State may choose to participate in such research work, or to nominate observers to follow such work, and that

(c) The observations made, the data obtained and all conclusions derived therefrom shall be published.”

**DOCUMENT A/CONF.13/C.4/L.51****Argentina: second revised proposal**

[Original text: Spanish]  
[1 April 1958]

**Article 73**

The article to read as follows:

“Any disputes that may arise between States concerning the interpretation or application of the preceding articles shall be settled by the procedure provided for in the Charter of the United Nations.”

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**DOCUMENT A/CONF.13/C.4/L.53****Indonesia: proposal**

[Original text: English]  
[1 April 1958]

**Article 71**

## ADDITIONAL PARAGRAPH

Add a paragraph to read as follows:

“Scientific research of the continental shelf should be given high priority and undertaken with the consent of the coastal State.”

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**DOCUMENT A/CONF.13/C.4/L.54****Greece: proposal**

[Original text: English]  
[1 April 1958]

**Article 71**

In paragraph 1, replace the words “must not result in any unjustifiable interference” by the words “shall interfere as little as possible”.

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**DOCUMENT A/CONF.13/C.4/L.55****Italy: revised proposal**

[Original text: French]  
[1 April 1958]

**Article 71**

Add, in paragraph 2, after the words “at a reasonable distance”, a comma and the words “not in any case exceeding 500 metres,”.

*Variant*

After the words “at a reasonable distance”, add a comma and the words “not as a rule exceeding 500 metres,”.

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**DOCUMENT A/CONF.13/C.4/L.56****France: proposal**

[Original text: French]  
[1 April 1958]

**Article 71**

## ADDITIONAL PARAGRAPH

Add the following:

“The consent of the coastal State shall be obtained in respect of any research into the soil or subsoil of 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 researches, and that in any event the results shall be published.”

**DOCUMENT A/CONF.13/C.4/L.57****India: proposal**

[Original text: English]  
[1 April 1958]

**Article 71**

## ADDITIONAL PARAGRAPH

Add a new paragraph to read as follows:

“The continental shelf adjacent to any coastal State shall not be used by the coastal State or any other State for the purpose of building military bases or installations.”

**DOCUMENT A/CONF.13/C.4/L.58****Federal Republic of Germany: proposal**

[Original text: French]  
[1 April 1958]

**Article 71**

## PARAGRAPH 1

Delete the word “unjustifiable”.

## PARAGRAPH 2

Replace paragraph 2 by the following text:

“Subject to its international obligations, the coastal State may make regulations concerning:

(a) The licensing of undertakings to engage in the exploration or exploitation of the natural resources of the continental shelf;

(b) The execution of such operations, in the interests of general safety and in order to protect the other resources of the subsoil, the sea and the neighbouring land;

(c) Working conditions in or on the installations used for the exploration and exploitation of the natural resources of the continental shelf;

(d) The siting and marking of the said installations, whether fixed or floating.

The coastal State shall see to it that the operations connected with the exploration and exploitation of the natural resources of the continental shelf interfere with other activities on the high seas no more than is absolutely unavoidable and that they do not harm the living resources of the sea.

The coastal State shall allow all oceanographical research to be conducted freely in the continental shelf, if the research is undertaken with the intention of publishing the results.”

## PARAGRAPH 3

Replace the first two words by the words:

“Installations used for the exploration or exploitation of the natural resources of the continental shelf”.

## PARAGRAPH 5

Replace the words “the said” by the word “any”.

**DOCUMENT A/CONF.13/C.4/L.59****Union of Soviet Socialist Republics: proposal**

[Original text: Russian]  
[2 April 1958]

**Article 73**

Replace the words: "at the request of any of the parties" by the words "in accordance with the Statute of the Court".

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**DOCUMENT A/CONF.13/C.4/L.60****Iran: proposal**

[Original text: English]  
[2 April 1958]

**Article 72****PARAGRAPH 1**

Add to the paragraph the following sentence:

"Where special circumstances, as envisaged in this paragraph, so warrant, the median line may be measured from the high-water mark along the coastline of the States concerned."

**ADDITIONAL PARAGRAPH**

Add a new paragraph 3 to read as follows:

"Where an island or islands exist in a region which constitutes a continuous continental shelf, the boundary shall be the median line and shall be measured from the low-water mark along the coasts of the States concerned, provided, however, that where special circumstances so warrant, the median line shall be measured from the high-water mark along the coastline of such States."

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**DOCUMENT A/CONF.13/C.4/L.61****India: revised proposal**

[Original text: English]  
[3 April 1958]

**Article 73**

Add the following sentence:

"... provided however that nothing in this article shall be deemed to enlarge the jurisdiction of the International Court of Justice so as to include disputes which do not fall within the competence of the International Court of Justice by virtue of declarations made by States under Article 36 of the Statute of the International Court of Justice and deposited with the Secretary-General of the United Nations."

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## 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