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Philippines: revised draft article on historic waters and delimitation of the territorial sea

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DOCUMENT A/CONF.62/C.2/L.24/Rev.1

Philippines: revised draft article on historic waters and delimitation of the territorial sea

[Original: English]

[19 August 1974]

1. The territorial sea may include waters pertaining to a State by reason of an historic right or title and actually held by it as its territorial sea.
2. The maximum limit provided in this Convention for the breadth of the territorial sea shall not apply to historic waters held by any State as its territorial sea.
3. Any State which, prior to the approval of this Convention, shall have already established a territorial sea with a breadth more than the maximum provided in this article shall not be subject to the limit provided herein.

DOCUMENT A/CONF.62/C.2/L.25

Greece: draft articles on the continental shelf

[Original: English]

[26 July 1974]

NATURE AND SCOPE OF THE SOVEREIGN RIGHTS OF COASTAL STATES OVER THE CONTINENTAL SHELF; OUTER LIMIT OF THE CONTINENTAL SHELF—APPLICABLE CRITERIA

Article 1

The term "continental shelf" comprises the sea-bed and subsoil of the submarine areas adjacent to the coast, continental or insular, but outside the area of the territorial sea, the outer limit of which may be established by the coastal State within the . . . metre isobath; in areas where the . . . metre isobath is situated at a distance less than . . . nautical miles measured from the baselines from which the territorial sea is measured, the outer limit of the continental shelf may be established by the coastal State by a line every point of which is at a distance from the nearest point of the said baselines not exceeding . . . nautical miles.

Article 2

The provisions applicable for the determination of the continental shelf of a State are as a general rule applicable to its islands.

Article 3

In areas where there is no continental shelf, the coastal State may have the same rights in respect of the sea-bed as in respect of the continental shelf, within the limits provided for in article 1.

Article 4

1. The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.

2. The rights referred to in paragraph 1 of this 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 make a 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 declaration or proclamation.

Article 5

No State shall by reason of this Convention claim or exercise rights over the continental shelf of another State over which

this State had under existing conventional law immediately before the coming into force of this Convention sovereign rights for the purpose of exploring it or exploiting its natural resources.

QUESTION OF THE DELIMITATION BETWEEN STATES; VARIOUS ASPECTS INVOLVED

Article 6

1. Where the coasts of two or more States are adjacent or opposite to each other, the delimitation of the continental shelf boundaries shall be determined by agreement among themselves.

2. Failing such agreement, no State is entitled to extend its sovereignty over the continental shelf beyond the median line every point of which is equidistant from the nearest points of the baselines, continental or insular, from which the breadth of the continental shelf of each of the two States is measured.

NATURAL RESOURCES OF THE CONTINENTAL SHELF

Article 7

The natural resources include the mineral and other non-living resources of the sea-bed and subsoil together with living vegetable organisms and animals belonging to sedentary species.

Article 8

A coastal State may enact all necessary laws and regulations for the effective management of its continental shelf.

RÉGIME FOR WATERS SUPERJACENT TO THE CONTINENTAL SHELF

Article 9

The rights of the coastal State over the continental shelf do not affect the legal régime of the superjacent waters or air space.

Article 10

The normal navigation and overflight on and in the air space above the superjacent waters of the continental shelf by ships and aircraft of all States shall not be prejudiced.