

CHAPTER 1. NATIONAL LEGISLATION

I. Argentina

- (a) DECREE No. 1,386, CONCERNING MINERAL RESERVES, 24 JANUARY 1944. "BOLETÍN OFICIAL DE LA REPÚBLICA ARGENTINA", VOL. 52, NO. 14, 853 (17 MARCH 1944), P. 6. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Whereas in Document No. 179,659-42 the Department of Mines, Geology and Hydrogeology, a department of the Ministry of Agriculture, recommended that decrees which established zones of mineral reserves and which were enacted more than fifteen years ago, should be repealed; and

Whereas the reserves in question were in each case related to special circumstances which do not exist at the present time; and

Whereas it is a measure of sound administration to revise and regulate the question of the reserves so established so as to avoid unnecessary delays in the granting of applications for mining rights in the zones in question, and at the same time to contemplate present and future needs,

Now therefore, the President of the Argentine Nation

Decrees :

Article 1. The Decrees of 1 May 1924, 1 July 1925 and 1 April 1927 which, respectively, established mineral reserves in a zone of the National Territory of Neuquén, the Territories of Chaco and Formosa and a small area in Puerto Madryn are hereby repealed.

Article 2. Pending the enactment of special legislation, the zones at the international frontiers of the national territories and the zones on the ocean coasts, as well as the zones of the epicontinental sea of Argentina, shall be deemed to be temporary zones of mineral reserves; nevertheless, applications for prospecting rights, evidence of discoveries and other applications in respect of mineral rights may continue to be dealt with according to the ordinary procedure, unless the Departments of War and Navy in consultation with the Ministry of Agriculture express a special interest owing to the nature of the question, or under the provisions of chapter XVII of the Mining Act.

Article 3. In the case of existing reserve zones other than those covered by Decree No. 60,778 of 14 May 1935, the Ministry of Agriculture may recommend that the reserves in question should cease to be regarded as such, unless the Department of War, after investigations conducted under Act No. 12,709 or for reasons which it considers compelling, expresses a special interest in maintaining the reserves.

Article 4. Pending the enactment of legislation to amend chapter XVII of the Mining Act (Act No. 12,161 of 26 March 1935) that contemplates

the present and future interests of the nation, the reserve zones referred to in Decree No. 60,778 of 14 May 1935 shall continue to be considered as such.

(b) DECREE NO. 14,708, CONCERNING NATIONAL SOVEREIGNTY OVER EPICONTINENTAL SEA AND THE ARGENTINE CONTINENTAL SHELF, 11 OCTOBER 1946. "BOLETÍN OFICIAL DE LA REPÚBLICA ARGENTINA", VOL. 54, NO. 15,641 (5 DECEMBER 1946), P. 2. TRANSLATION FROM "AMERICAN JOURNAL OF INTERNATIONAL LAW", VOL. 41 (1947), SUPPLEMENT, P. 11, AS REVISED BY THE SECRETARIAT OF THE UNITED NATIONS

Whereas:

The submarine platform, known also as the submarine plateau or continental shelf, is closely united to the mainland both in a morphological and a geological sense;

The waters covering the submarine platform constitute the epicontinental seas, characterized by extraordinary biological activity, owing to the influence of the sunlight, which stimulates plant life (algae, mosses, etc.) and the life of innumerable species of animals, both susceptible of industrial utilization;

The Executive Power, in article 2 of Decree No. 1,386, dated 24 January 1944, issued a categorical proclamation of sovereignty over the "Argentine continental shelf" and the "Argentine epicontinental sea", declaring them to be "transitory zones of mineral reserves";

The State, through the medium of the *Yacimientos Petroliferos Fiscales* (Public Petroleum Deposits Administration), is exploiting the petroleum deposits discovered along the "Argentine continental shelf", thereby confirming the Argentine nation's right of ownership over all deposits situated in the aforesaid continental shelf;

It is the purpose of the Executive Power to continue, more and more intensively, its scientific and technical investigations respecting all phases of the exploration and exploitation of the animal, vegetable and mineral wealth, which offer such vast potentialities, contained in the Argentine continental shelf and in the corresponding epicontinental sea;

In the international sphere, conditional recognition is accorded to the right of each nation to consider as national territory the entire extent of its epicontinental sea and of the adjacent continental shelf;

Relying upon this principle, the Governments of the United States of America and of Mexico have issued declarations asserting the sovereignty of each of the two countries over the respective peripheral epicontinental seas and continental shelves (Proclamation of President Truman, dated 28 September 1945, and Declaration of President Avila Camacho, dated 29 October 1945);

The doctrine in question, apart from the fact that it is implicitly accepted in modern international law, is now deriving support from the realm of science in the form of serious and valuable contributions, as is evidenced by numerous national and foreign publications and even by official educational programmes; and

The manifest validity of the thesis set forth above, as well as the determination of the Argentine Government to perfect and preserve all the attributes inherently bound up with the exercise of national

sovereignty, make it advisable to formulate the corresponding declaration, thereby amplifying the effects of the aforesaid Decree No. 1,386.

The President of the Argentine Nation, supported by a General Accord of the Ministers

Decrees :

Article 1. It is hereby declared that the Argentine epicontinental sea and continental shelf are subject to the sovereign power of the nation;

Article 2. For purposes of free navigation, the character of the waters situated in the Argentine epicontinental sea and above the Argentine continental shelf, remains unaffected by the present Declaration;

Article 3. The present Declaration shall be brought to the attention of the Honourable Congress, published, transmitted to the National Registry and filed.

Note. On 2 July 1948 the Government of the United States of America sent the following note to the Government of Argentina (United Nations document A/CN.4/19, p. 115);

"At the direction of my Government I have the honor to state that the United States Government has carefully studied the Declaration of the President of the Argentine Nation of 11 October 1946 concerning the industrial utilization of the resources of the continental shelf and the coastal seas, together with Decree No. 1386 of 24 January 1944 which the Declaration amplifies. The Declaration cites the Proclamations of the United States of 28 September 1945 in the Preamble. My Government is accordingly confident that His Excellency, the President of the Argentine Nation, in formulating the Declaration, was actuated by the same long-range considerations with respect to the wise conservation and utilization of natural resources as motivated President Truman in proclaiming the policy of the United States relative to the natural resources of the sub-soil and sea bed of the continental shelf and its policy relative to coastal fisheries in certain areas of the high seas. The United States Government, aware of the inadequacy of past arrangements for the effective conservation and utilization of such resources, views with sympathy the considerations which led the Argentine Government to formulate its Declaration.

"At the same time, the United States Government notes that the principles underlying the Argentine Declaration differ in large measure from those of the United States Proclamations and appear to be at variance with the generally accepted principles of international law. In these respects, the United States Government notes in particular that (1) the Argentine Declaration decrees national sovereignty over the continental shelf and over the seas adjacent to the coasts of Argentina outside the generally accepted limits of territorial waters, and (2) the Declaration fails, with respect to fishing, to accord recognition to the rights and interests of the United States in the high seas off the coasts of Argentina. In view of these considerations, the United States Government wishes to inform the Argentine Government that it reserves the rights and interests of the United States so far as concerns any effects of the Declaration of 11 October 1946 or of any measures designed to carry that Declaration into execution.

"The reservations thus made by the United States Government are not intended to have relation to or to prejudge any Argentine claims with reference to the Antarctic Continent or other land areas.

"I may state for Your Excellency's information that the United States Government is similarly reserving these rights and interests with respect to decrees of the Governments of Chile and Peru which purport to extend sovereignty beyond the general accepted limits of territorial waters."

2. Chile

- (a) PRESIDENTIAL DECLARATION CONCERNING CONTINENTAL SHELF, 23 JUNE 1947, "EL MERCURIO" (SANTIAGO DE CHILE), 29 JUNE 1947, P. 27. TRANSLATION FROM "INTERNATIONAL LAW QUARTERLY" (1948), VOL. 2, P. 135

Considering :

1. That the Governments of the United States of America, of Mexico and of the Argentine Republic, by presidential declarations made on 28 September 1945, 29 October 1945, and 11 October 1946, respectively, have categorically proclaimed the sovereignty of their respective States over the land surface or continental shelf adjacent to their coasts, and over the adjacent seas within the limits necessary to preserve for the said States the natural riches belonging to them, both known and to be discovered in the future;

2. That they have explicitly proclaimed the rights of their States to protect, preserve, control and inspect fishing enterprises, with the object of preventing illicit activities threatening to damage or destroy the considerable natural riches of this kind contained in the seas adjacent to their coasts, and which are indispensable to the welfare and progress of their respective peoples; and that the justice of such claims is indisputable;

3. That it is manifestly convenient, in the case of the Chilean Republic, to issue a similar proclamation of sovereignty, not only by the fact of possessing and having already under exploitation natural riches essential to the life of the nation and contained in the continental shelf, such as the coal-mines, which are exploited both on the mainland and under the sea, but further because, in view of its topography and the narrowness of its boundaries, the life of the country is linked to the sea and to all present and future natural riches contained within it, more so than in the case of any other country;

4. That international consensus of opinion recognizes the right of every country to consider as its national territory any adjacent extension of the epicontinental sea and the continental shelf;

5. That the State has the obligation to protect and guard the exploitation of the natural riches contained in this territory, on sea, on land, and in the air;

The President of the Republic hereby declares:

(1) The Government of Chile confirms and proclaims its national sovereignty over all the continental shelf adjacent to the continental and island coasts of its national territory, whatever may be their depth below the sea, and claims by consequence all the natural riches which exist on the said shelf, both in and under it, known or to be discovered.

(2) The Government of Chile confirms and proclaims its national sovereignty over the seas adjacent to its coasts whatever may be their depths, and within those limits necessary in order to reserve, protect, preserve and exploit the natural resources of whatever nature found on, within and below the said seas, placing within the control of the government especially all fisheries and whaling activities with the object of

preventing the exploitation of natural riches of this kind to the detriment of the inhabitants of Chile and to prevent the spoiling or destruction of the said riches to the detriment of the country and the American continent.

(3) The demarcation of the protection zones for whaling and deep sea fishery in the continental and island seas under the control of the Government of Chile will be made in virtue of this declaration of sovereignty at any moment which the Government may consider convenient, such demarcation to be ratified, amplified, or modified in any way to conform with the knowledge, discoveries, studies and interests of Chile as required in the future. Protection and control is hereby declared immediately over all the seas contained within the perimeter formed by the coast and the mathematical parallel projected into the sea at a distance of 200 nautical miles from the coasts of Chilean territory. This demarcation will be calculated to include the Chilean islands, indicating a maritime zone contiguous to the coasts of the said islands, projected parallel to these islands at a distance of 200 nautical miles around their coasts.

(4) The present declaration of sovereignty does not disregard the similar legitimate rights of other States on a basis of reciprocity, nor does it affect the rights of free navigation on the high seas.

Note. On 2 July 1948, the Government of the United States sent the following note to the Government of Chile (United Nations document A/CN.4/19, p. 114):

"I have the honor to refer to the Decree issued by the President of the Republic of Chile on 25 June 1947 concerning the conservation of the resources of the continental shelf and the epicontinental seas and to advise that I have been instructed by my Government to make certain reservations with respect to the rights and interests of the United States of America.

"The United States Government has carefully studied this declaration of the President of the Republic of Chile. The Declaration cites the Proclamations of the United States of 28 September 1945 in the Preamble. My Government is accordingly confident that His Excellency, the President of the Republic of Chile, in issuing the Declaration, was actuated by the same long-range considerations with respect to the wise conservation and utilization of natural resources as motivated President Truman in proclaiming the policy of the United States relative to the natural resources of the subsoil and sea bed of the continental shelf and its policy relative to coastal fisheries in certain areas of the high seas. The United States Government, aware of the inadequacy of past arrangements for the effective conservation and perpetuation of such resources, views with utmost sympathy the considerations which led the Chilean Government to issue its Declaration.

"At the same time, the United States Government notes that the principles underlying the Chilean Declaration differ in large measure from those of the United States Proclamations and appear to be at variance with the generally accepted principles of international law. In these respects, the United States Government notes in particular that (1) the Chilean Declaration confirms and proclaims the national sovereignty of Chile over the continental shelf and over the seas adjacent to the coast of Chile outside the generally accepted limits of territorial waters, and (2) the Declaration fails, with respect to fishing, to accord appropriate and adequate recognition to the rights and interests of the United States in the high seas off the coast of Chile. In view of these considerations, the United States Government wishes to indicate to the Chilean Government that it reserves the rights and interests of the United States so far as concerns any effects of the Decla-

ration of 25 June 1947, or of any measures designed to carry that Declaration into execution.

"The reservations thus made by the United States Government are not intended to have relation to or to prejudice any Chilean claims with reference to the Antarctic Continent or other land areas.

"The Government of the United States of America is similarly reserving its rights and interests with respect to decrees issued by the Governments of Argentina and Peru which purport to extend their sovereignty beyond the generally accepted limits of territorial domain."

3. Costa Rica

- (a) MARITIME FISHING AND HUNTING ACT, ENACTED BY DECREE NO. 190, 28 SEPTEMBER 1948. "LA GACETA", VOL. 70, NO. 229, P. 1749.
TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

The Founding Junta of the Second Republic

Considering:

That this Junta has made the declaration incorporating the submarine wealth enclosed by our continental and insular shelf and the maritime zone adjacent to the continental and insular coasts of the nation, and that fishing and maritime hunting should be placed under the control of the State because the defective utilization thereof constitutes a danger to the biological conservation of the species; that it is fitting also to bring fishing in the rivers and lakes of the country under such control; and that it is also in the national interest to promote the industries which are derived from fishing and maritime hunting;

Therefore, decrees the following:

Maritime Fishing and Hunting Act

Article 1. Fishing concerns a natural resource which is part of the national wealth and the regulation thereof is therefore within the competence of the Executive Power for which purpose the present decree is issued to prescribe the conditions for the right to work such resources and to lay down rules for the exercise of that right, a rational utilization, a higher economic output and the conservation and protection of the species which live in the water.

Article 7. Fishing and maritime hunting in the waters under the protection and control of the State shall be carried out solely by vessels, installations or floating factories registered in Costa Rica or by vessels of foreign registry, provided they have duly obtained the authorization of the Ministry of Agriculture and Industry.

Note. The regulations enacted in pursuance of this Act by Decree No. 363 of 11 January 1949 prohibited certain types of fishing within six maritime miles from the coast (articles 9 and 13). These provisions were changed, however, by Decree No. 739 of 4 October 1949 which provided merely that the Ministry of Agriculture and Industries shall determine the areas within which such methods of fishing may not be employed. *La Gaceta*, vol. 71, no. 21 (3 February 1949), p. 157, and no. 226 (8 October 1949), p. 1826.

The declaration mentioned in the preamble to this Act was embodied in the Decree-Law No. 116, of 27 July 1948. This Decree-Law has been replaced by the Decree-Law No. 803, of 3 November 1949, which is reproduced below.

(b) DECREE-LAW NO. 803, CONCERNING CONTINENTAL AND INSULAR SHELF, 2 NOVEMBER 1949. "LA GACETA", VOL. 71, NO. 249 (5 NOVEMBER 1949), P. 2046. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

The Founding Junta of the Second Republic

Considering:

1. That the protection and perpetuation of fishing resources which exist in, on, or under the seas contiguous to the continental or insular coasts of the national territory, both those resources which have been discovered and those which may be discovered in the future, can be developed by the improvement of measures of conservation and by international co-operation in the field of conservation.

2. That the fishing resources and the minerals existing under the submarine shelf, are of capital importance for the nation and the State as food and industrial wealth, and that their improper exploitation would directly prejudice the interests of the nationals of Costa Rica and the national and continental economy.

3. That an international consensus recognizes the right and obligation of a coastal State to develop the conservation of fisheries in the high sea contiguous to its coasts, in accordance with the particular conditions in each region, and in harmony with the exclusive rights and interests of any other State.

4. That to achieve the aforesaid ends, it is indispensable that the State should proclaim a policy relating to coastal fisheries in certain areas of the high sea, and to its rights in the resources under the submarine shelf.

5. That the Decree-Law No. 116 of 27 July 1948 does not ignore the rights of other States and that on the basis of reciprocity and in accordance with this principle, the process of conclusion of treaties has been begun, in which treaties it is intended to deal with matters relating in particular to maritime conservation, hunting and fishing.

6. That with reference to the policy of treaties to be concluded in recognition of legitimate rights of other countries and in conformity with international practices, it is desirable to clarify the aforementioned Decree-Law No. 116 which has lent itself to twisted interpretations, and consequently it ought to read in the following manner:

Therefore decrees:

Article 1. Decree-Law No. 116 of 27 July 1948 shall read as follows:

"*Article 1.* National sovereignty is confirmed and proclaimed in the whole submarine platform or continental and insular shelf adjacent to the continental and insular coasts of the national territory, at whatever depth it is found, and the inalienable right of the nation to all the natural wealth which exists in the said shelf or platform is reaffirmed.

“*Article 2.* The rights and interests of Costa Rica are proclaimed over the seas adjacent to the continental and insular coasts of the national territory, whatever their depth, and to the extent necessary to protect, conserve, and utilize the natural resources and wealth which exist or shall come to exist on, in, or under said seas; henceforth maritime fishing and hunting carried on in said seas shall be under the surveillance of the Government of Costa Rica, with the object of preventing an inadequate exploitation of its natural wealth from prejudicing the nationals, the economy of the nation, and the American continent.

“*Article 3.* The demarcation of the zones of protection of maritime hunting and fishing in the continental and insular seas which by virtue of the present Decree-Law are under the control of the Government of Costa Rica, shall be made, in accordance with this declaration, whenever the Government deems it appropriate, whether by ratifying, amplifying, or modifying said demarcation, as the national interest demands.

“*Article 4.* The protection of the State is declared over all the sea included within the perimeter formed by the coasts and by a mathematical parallel, projected out to sea at a distance of 200 marine miles from the continental Costa Rican coasts. In the case of Costa Rican islands, the demarcation will be measured by marking out a zone of the sea contiguous to the coasts of the said islands, projected parallel to such coasts, to a distance of 200 marine miles all around them.

“*Article 5.* The present declaration, to which articles 2, 3, and 4 of this decree refer, does not ignore similar legitimate rights of other States, on the basis of reciprocity, and does not affect rights of free navigation on the high sea.”

Article 2. This Decree-Law shall be effective upon its publication.

Note. This Decree-Law replaces the Decree-Law No. 116, of 27 July 1948 (*La Gaceta*, vol. 70, no. 171, 29 July 1948). The previous enactment spoke of “the inalienable right of each country to consider all the adjacent extension of the epicontinental sea and of the continental shelf as part of national territory”. It proclaimed “national sovereignty” not only over the submarine platform (article 1) but also over the adjacent seas (Article 2).

4. Guatemala

- (a) PETROLEUM LAW, ENACTED BY LEGISLATIVE DECREE NO. 649, 30 AUGUST 1949. “DIARIO DE CENTRO AMÉRICA”, VOL. 56, NO. 46 (27 SEPTEMBER 1949), P. 505. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. All deposits or natural reserves of petroleum within the land or sea boundaries of the Republic, up to the extremity of the continental shelf or platform of the Republic, shall, whether they lie on or under the earth, lakes, rivers or seas, be the property of the nation. The direct *dominium* over them is inalienable and imprescriptible.

Article 29. The Executive Power may grant prospecting concessions in any area included within the boundaries of the national territory,

territorial waters and continental shelf or platform of Guatemala. Such concessions may comprise land areas, provided that these are not included in existing prospecting or operating concessions or in areas declared to be National Reserve Zones.

Article 36. The Executive Power may grant operating concessions in any area included within the boundaries of the national territory, territorial waters and continental shelf or platform of Guatemala. Such concessions may comprise land areas and areas submerged beneath the sea, lakes, lagoons and rivers, provided that they are not included in existing prospecting or operating concessions or in areas declared to be National Reserve Zones.

Note. Similar provisions were included also in the previous Petroleum Law, enacted by Legislative Decree No. 468 of 29 November 1947. *Diario de Centro América* (1948), vol. 52, no. 8, p. 75. For a comment on that law, see A. Molina, "Los dominios marítimo y submarino de Guatemala," *Revista de la Facultad de Ciencias Jurídicas y Sociales de Guatemala*, vol. 4, no. 3 (April-June 1949), pp. 15-19.

5. Honduras

(a) CONGRESSIONAL DECREE NO. 102, AMENDING THE POLITICAL CONSTITUTION, 7 MARCH 1950. "LA GACETA: DIARIO OFICIAL DE LA REPÚBLICA DE HONDURAS", VOL. 75, NO. 14,055 (16 March 1950), P. 2. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. The name of the single chapter of title 1, the name of title 2, and articles 4 and 153 of the Political Constitution are amended, and shall read as follows:

(a) Name of the single chapter of title 1: "Concerning the Nation and Sovereignty".

(b) Name of title 2: "Concerning Nationality and Citizenship".

(c) *Article 4.* "The limits of Honduras and its territorial division shall be determined by law. The submarine platform or continental and insular shelf, and the waters which cover it, in both the Atlantic and Pacific Oceans, at whatever depth it may be found and whatever its extent may be, forms a part of the national territory."

(d) *Article 153.* "The following belong to the State: Full, inalienable, and imprescriptible dominion of the waters of the territorial seas to the extent of twelve kilometres measured from the low-water mark, and full, inalienable, and imprescriptible dominion of its beaches, and of its lakes, lagoons, estuaries, rivers, and rivulets which run continuously, with the exception of springs which rise and terminate within private property; also the dominion, likewise full, inalienable, and imprescriptible, over all the resources which exist or may exist in its submarine platform or continental and insular shelf, in its lower strata, and in the area of the sea included within vertical planes constructed on its boundaries."

Article 2. The present decree shall be constitutionally ratified by the next legislature and shall enter into force immediately after its publication in *La Gaceta*.

Note. Prior to the change introduced by this decree, article 153 of the Constitution of Honduras, of 28 March 1936, provided only that "the State has full *dominium*, inalienable and imprescriptible, over the waters of the territorial seas to a distance of twelve kilometres measured from the low-water mark". *Decretos de la Asamblea Nacional Constituyente*, 1936, p. 39.

- (b) CONGRESSIONAL DECREE NO. 103, AMENDING THE AGRARIAN LAW, 7 MARCH 1950. "LA GACETA: DIARIO OFICIAL DE LA REPÚBLICA DE HONDURAS", VOL. 75, NO. 14,055 (16 MARCH 1950), P. 2. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 1. The first article of the Agrarian Law is amended, and shall read as follows:

"*Article 1.* The property of the land, in its double aspect of soil and subsoil, as well as the waters included in its territory, belong originally to the State, which has the right to transfer the dominion to individuals, establishing thereby private property.

"The following belong to Honduras:

"(1) The land situated on the continent within its territorial limits, and all the islands and keys in the Pacific which have been considered Honduran.

"(2) The following islands: Cisne (Swan), Viciosas, Misteriosas and Mosquitos; the following keys: Gorda, Vivorillos, Cajones, Becerro, Cocurucuma, Caratazcá, Falso, Gracias a Dios, Los Bayos, Pichones, Palo de Campeche; and others islands, banks and reefs situated in the Atlantic, over which Honduras exercises dominion and sovereignty, in addition to the Islands of Bahía.

"(3) Its submarine platform or continental and insular shelf and the waters which cover it, in both the Atlantic and Pacific Oceans, at whatever depth it may be found and whatever its extent may be."

Article 2. The present decree shall be constitutionally ratified by the next legislature and shall enter into force immediately after its publication in *La Gaceta*.

6. Iceland

- (a) LAW NO. 44, CONCERNING THE SCIENTIFIC CONSERVATION OF THE CONTINENTAL SHELF FISHERIES, 5 APRIL 1948. "STJÓRNARTÍÐTINDI", 1948, A. 4, P. 147. TRANSLATION BY SECRETARIAT OF THE UNITED NATIONS

The President of Iceland proclaims: The Althing has passed the present law which is hereby approved and confirmed:

Article 1. The Ministry of Fisheries shall issue regulations establishing explicitly bounded conservation zones within the limits of the continental shelf of Iceland, wherein all fisheries shall be subject to Icelandic rules and control; provided that the conservation measures now in effect shall in no way be reduced. The Ministry shall further issue the necessary regulations for the protection of the fishing grounds within the said zones. The Fiskifélag Islands (Fisheries Society) and the Atvinnudeild Háskóla Islands (Industrial Research Laboratories) of the

University of Iceland) shall be consulted prior to the promulgation of the said regulations.

The regulations shall be revised in the light of scientific research.

Article 2. The regulations promulgated under article 1 of the present law shall be enforced only to the extent compatible with agreements with other countries to which Iceland is or may become a party.

Article 3. Violations of the regulations issued under article 1 shall be punishable by fines from Kr.1,000 to Kr.100,000, as specified in the regulations.

Article 4. The Ministry of Fisheries shall, so far as possible, take part in international scientific research directed towards fisheries conservation.

7. Mexico

- (a) PRESIDENTIAL DECLARATION WITH RESPECT TO CONTINENTAL SHELF, 29 OCTOBER 1945. "EL UNIVERSAL" (MEXICO CITY), VOL. 116, NO. 10,541 (30 OCTOBER 1945), PP. 1 AND 17. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

The experience of the last few years has shown the growing need for States to conserve those natural resources which, throughout the ages, and for various reasons, have been beyond their control and have not been fully utilized.

It is well known that the land forming the continental plateaux does not rise in steep gradients from the great depths of the ocean floors but rests on a submarine platform known as the continental shelf which is bounded by the "isobath", that is, the line joining points at the same depth (200 metres) and beyond whose limits the slope descends steeply or gradually towards the ocean zones of medium depth: this shelf clearly forms an integral part of the continental countries and it is not wise, prudent or possible for Mexico to renounce jurisdiction and control over and utilization of that part of the shelf which adjoins its territory in both oceans.

It is now known, as a result of various scientific researches, that this shelf contains natural resources, liquid and gaseous minerals, phosphates, calcium, hydrocarbons, etc., of inestimable value whose legal incorporation into the national property is urgent and cannot be delayed.

Furthermore, it is equally urgent that the Mexican State should adequately protect, work and develop the exceptionally rich fishing resources with which it has been endowed by nature, such as those in the waters off the coasts of Lower California, not to mention the others; and the urgency is still greater at the present time when the world, impoverished and needy as a result of the war imposed by totalitarianism, must develop its production of food to the greatest possible extent.

In the pre-war years the Western Hemisphere had to stand aside while permanent fishing fleets from other countries engaged in an excessive and exhaustive exploitation of these vast resources which, although they should of course contribute to international well-being, must belong above all to the country possessing them and to the continent of which it forms part. In view of its very nature, it is essential that this protection

should consist in the extension of control and supervision by the State to the places and zones indicated by science for the development of high-seas fisheries, irrespective of their distance from the coast.

For these reasons the Government of the Republic lays claim to the whole of the continental platform or shelf adjoining its coast line and to each and all of the natural resources existing there, whether known or unknown, and is taking steps to supervise, utilize and control the closed fishing zones necessary for the conservation of this source of well-being.

The foregoing does not mean that the Mexican Government seeks to disregard the lawful rights of third parties, based on reciprocity, or that the rights of free navigation on the high seas are affected, as the sole purpose is to conserve these resources for the well-being of the nation, the continent and the world.

My Government has instructed the competent authorities to proceed with the drafting of the appropriate legislation and the conclusion of such treaties as may be necessary.

(b) PRESIDENTIAL DECREE INCORPORATING IN THE PROPERTY OF "PETRÓLEOS MEXICANOS" THE SUBSOIL OF THE LANDS COVERED BY THE TERRITORIAL WATERS OF THE GULF OF MEXICO AND OTHER LANDS SPECIFIED THEREIN, 25 FEBRUARY 1949. "DIARIO OFICIAL", VOL. 173, NO. 10 (11 MARCH 1949), P. 4. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

...In the exercise of the powers conferred upon me by article 89, paragraph 1, of the General Constitution of the Republic, and in virtue of the provisions of article 1, article 6, paragraph II, and article 7 of the Regulatory Act, issued in respect of petroleum, under article 27 of the Constitution, and

Considering:

I. That, according to the scientific surveys made, the subsoil of the lands comprised in the continental shelf may contain deposits of hydrocarbons capable of being utilized and exploited by the nation as was recognized in the declaration of 29 October 1945 by the Federal Executive which claimed for the nation the whole submarine shelf or platform adjacent to the coasts of the Republic and of its islands;

II. That in accordance with that declaration the Executive on 6 December 1945 submitted to the Congress of the Union and of the State Legislatures for consideration a constitutional amendment for the juridical restoration to the nation of the said continental shelf, with its natural wealth, in order that the nation may proceed to its proper exploitation;

III. That, in the case of hydrocarbons, the jurisdiction of the Government of the Republic is indisputable, under the express terms of article 27, paragraph 4, of the Federal Constitution, whereby the nation is empowered to undertake the exploitation of the petroleum resources of the subsoil of the continental shelf, through the intermediary of the Public Petroleum Institution known as *Petróleos Mexicanos* and in accordance with the system of grants established in the Regulatory Act issued under the above-mentioned article 27 of the Constitution in respect of petroleum, I am pleased to issue the following

Decree :

Article 1. The subsoil of the lands covered by the territorial waters of the Gulf of Mexico adjacent to the zone included between the Barra de Santecomapan, State of Veracruz, and the Barra de Paso Real, State of Campeche, to a distance of five kilometres from the low water mark, is hereby included in the property of *Petróleos Mexicanos*;

Article 2. The subsoil of the lands covered by the waters of the lagoons of Carmen, Machona, Mecoacán and Términos in the States of Campeche and Tabasco, from the average high water mark in the said lagoons is also incorporated in the property of *Petróleos Mexicanos*; and

Article 3. The Secretariat of the Economy shall proceed to issue to *Petróleos Mexicanos* the title deeds relating to the lands the subsoil of which is hereby incorporated in the property of that institution.

8. Nicaragua

- (a) POLITICAL CONSTITUTION, 1 NOVEMBER 1950. "LA GACETA", VOL. 54, NO. 235 (6 NOVEMBER 1950), p. 2209. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 5. The national territory extends between the Atlantic and the Pacific Oceans and the Republics of Honduras and Costa Rica. It also comprises: the adjacent islands, the subsoil, the territorial waters, the continental shelf, the submerged foundations (*zócalos submarinos*), the air space and the stratosphere.

Such frontiers as may not yet be determined shall be fixed by treaties and by law.

9. Panama

- (a) CONSTITUTION, 1 MARCH 1946. "GACETA OFICIAL", VOL. 43, NO. 9,938 (4 MARCH 1946), p. 18. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 209. The following belong to the State and are of public use and, in consequence, cannot be the object of private appropriation:

(1) The territorial sea and the waters of lakes and streams; the beaches and banks thereof and of navigable rivers, as well as ports and inlets. All this property is subject to free and common appropriation, in accordance with regulations established by law;

(2) The lands and waters designated for public services of all categories of communications;

(3) The lands and waters designated or to be designated by the State for public services of irrigation, hydroelectric production, drainage and aqueducts;

(4) The aerial space and the submarine continental shelf which appertain to the national territory; and

(5) All the other property which the law designates for public use.

In all cases in which private property is converted into property for public use, the owner thereof shall be compensated.

- (b) DECREE No. 449, FOR THE REGULATION OF SHARK FISHING BY FOREIGN VESSELS IN THE WATERS UNDER THE JURISDICTION OF THE REPUBLIC, 17 DECEMBER 1946. "GACETA OFICIAL", VOL. 43, NO. 10,181 (24 DECEMBER 1946), P. 2. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Article 3. For the purposes of fisheries in general, national jurisdiction over the territorial waters of the Republic extends to all the space above the sea bed of the submarine continental shelf. For this reason the product of any fishing within the limits indicated is considered a national product, and is therefore subject to the provisions of the present decree.

10. Peru

- (a) PRESIDENTIAL DECREE No. 781, CONCERNING SUBMERGED CONTINENTAL OR INSULAR SHELF, 1 AUGUST 1947. "EL PERUANO: DIARIO OFICIAL", VOL. 107 NO. 1,983 (11 AUGUST 1947), P. 1. TRANSLATION FROM "INTERNATIONAL LAW QUARTERLY", VOL. 2 (1948), P. 137

The President of the Republic,

Considering:

That the continental submerged shelf forms one entire morphological and geological unit with the continent;

That the shelf contains certain natural resources which must be proclaimed as our national heritage;

That it is deemed equally necessary that the State protect, maintain and establish a control of fisheries and other natural resources found in the continental waters which cover the submerged shelf and the adjacent continental seas in order that these resources which are so essential to our national life may continue to be exploited now and in the future in such a way as to cause no detriment to the country's economy or to its food production;

That the value of the fertilizer left by the guano birds on islands off the Peruvian coast also requires for its safeguard the protection, maintenance and establishment of a control of the fisheries which serve to nourish these birds;

That the right to proclaim sovereignty and national jurisdiction over the entire extension of the submerged shelf as well as over the continental waters which cover it and the adjacent seas in the area required for the maintenance and vigilance of the resources therein contained, has been claimed by other countries and practically admitted in international law (Declaration of the President of the United States of 28 September 1945; Declaration of the President of Mexico of 29 October 1945; Decree of the President of the Argentine of 11 October 1946; Declaration of the President of Chile of 23 June 1947);

That article 37 of the State Constitution establishes that all mines, lands, forests, waters and in general all sources of natural wealth pertain to the State, with the exception of rights legally acquired;

That in fulfilment of its sovereignty and in defence of national economic interests it is the obligation of the State to determine in an irrefutable

manner the maritime dominion of the nation, within which should be exerted the protection, maintenance and vigilance of the aforesaid resources;

With the advisory vote of the Cabinet:

Decrees:

1. To declare that national sovereignty and jurisdiction can be extended to the submerged continental or insular shelf adjacent to the continental or insular shores of national territory, whatever the depth and extension of this shelf may be.

2. National sovereignty and jurisdiction are to be extended over the sea adjoining the shores of national territory whatever its depth and in the extension necessary to reserve, protect, maintain and utilize natural resources and wealth of any kind which may be found in or below those waters.

3. As a result of previous declarations the State reserves the right to establish the limits of the zones of control and protection of natural resources in continental or insular seas which are controlled by the Peruvian Government and to modify such limits in accordance with future changes which may originate as a result of further discoveries, studies or national interests which may arise in the future and at the same time declares that it will exercise the same control and protection on the seas adjacent to the Peruvian coast over the area covered between the coast and an imaginary parallel line to it at a distance of 200 (two hundred) nautical miles measured following the line of the geographical parallels. As regards islands pertaining to the Nation, this demarcation will be traced to include the sea area adjacent to the shores of these islands to a distance of 200 (two hundred) nautical miles, measured from all points on the contour of these islands.

4. The present declaration does not affect the right to free navigation of ships of all nations according to international law.

Note. On 2 July 1948, the Government of the United States sent the following note to the Government of Peru (United Nations document A/CN.4/19, p. 113):

"I have the honor to advise Your Excellency that the Government of the United States of America has carefully studied the Decree of the President of the Republic issued on 1 August 1947 concerning the conservation of the resources of the continental shelf and the coastal seas. The Decree cites the Proclamation of the United States of 28 September 1945 in the Preamble. My Government is accordingly confident that His Excellency, the President of the Peruvian Republic, in issuing the Decree, was actuated by the same long-range considerations with respect to the wise conservation and utilization of natural resources as motivated President Truman in proclaiming the policy of the United States relative to the natural resources of the subsoil and sea bed of the continental shelf and its policy relative to coastal fisheries in certain areas of the high seas. The United States Government, aware of the inadequacy of past arrangements for effective conservation and perpetuation of such resources, views with the utmost sympathy the considerations which led the Peruvian Government to issue its Decree.

"At the same time, the United States Government notes that the principles underlying the Peruvian Decree differ in large measure from those of the United States Proclamation and appear to be at variance with the generally accepted principles of international law. In these respects, the United States Government notes in particular that (1) the Peruvian Decree declares

national sovereignty over the continental shelf and over the seas adjacent to the coast of Peru outside the generally accepted limit of territorial waters, and (2) the Decree fails, with respect to fishing, to accord recognition to the rights and interests of the United States in the high seas off the coasts of Peru. In view of these considerations, the United States Government wishes to inform the Peruvian Government that it reserves the rights and interests of the United States so far as concerns any effects of the Decree of 1 August 1947 or of any measures designed to carry that Decree into execution.

"The Government of the United States is similarly reserving rights and interests with respect to the Decrees issued by the Governments of Argentina and Chile which purport to extend sovereignty beyond generally accepted lines of territorial waters."

- (b) SUPREME RESOLUTION NO. 121, GRANTING TO THE STATE PETROLEUM ENTERPRISE OIL RESERVES IN TUMBES AND PIURA, 27 APRIL 1948. "EL PERUANO: DIARIO OFICIAL", VOL. 108, NO. 2,200 (8 May 1948), P. 1. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Whereas the State Petroleum Enterprise was established by Supreme Decree No. 11 of 2 April 1948; and

Whereas :

The said Enterprise, in accordance with the terms of the decree under which it was set up, shall take over and continue the work of prospecting and the operations hitherto carried on by the State; and shall likewise prospect and work any new oil fields, a concession for which may be granted by the Executive at its discretion, out of the State reserves;

The reserved oil fields situated on the coast, adjacent to and surrounding the Zorritos camp and *Refineria de Villar*, are those most suitable for immediate and intensive development by reason of their favourable geological conditions, their immediate proximity to the sea, the presence of water from the Tumbes and Chira rivers for the camps and for drilling operations and their relative proximity to the port of Zorritos and *Refineria de Villar*;

Advanced technical surveys and a systematic plan for prospecting the sub-soil of the said area already exist;

By Supreme Decree of 1 August 1947 the government proclaimed national sovereignty and jurisdiction over the continental and insular platform or shelf adjacent to the national coast and islands; and

In view of the statement made by the Director of Mines and Petroleum.

It is hereby resolved :

1. To grant to the State Petroleum Enterprise a concession in respect of the reserved oil fields in the provinces of Contralmirante Villar, Tumbes and Zarumilla in the department of Tumbes, and likewise in respect of the reserved oil fields in the provinces of Paita and Sullana in the department of Piura, with the sole exception of the areas in the two last-named provinces which are covered by the contract for prospecting *ad referendum* concluded with the International Petroleum Company, subject to the decision of the National Congress. The approximate area of the reserved oil fields which are the subject of this concession is eight hundred and seventy thousand (870,000) hectares and the boundaries of that area are shown on the annexed map which forms an integral part of this resolution;

2. Likewise to grant to the State Petroleum Enterprise a concession in respect of the submerged oil fields off the north coast within the limits specified in the Supreme Decree of 1 August 1947; it being understood that the southern limit of the submerged area so conceded will be latitude south four degrees fifteen minutes ($4^{\circ}15'$) in the proximity of Cape Blanco, and that it will extend from that point as far as the frontier with Ecuador.

11. Philippines

- (a) PETROLEUM ACT OF 1949, ENACTED BY REPUBLIC ACT NO. 387, 18 JUNE 1949. "OFFICIAL GAZETTE", VOL. 45 (1949), P. 3192

Article 3. State Ownership. All natural deposits or occurrences of petroleum or natural gas in public and/or private lands in the Philippines, whether found in, on or under the surface of dry lands, creeks, rivers, lakes, or other submerged lands within the territorial waters or on the continental shelf, or its analogue in an archipelago, seaward from the shores of the Philippines which are not within the territories of other countries, belong to the State, inalienably and imprescriptibly.

Note. Petroleum regions were established under this Act, and their land and sea boundaries were delimited by Administrative Order No. V-3 of the Bureau of Mines, 30 August 1949. *Official Gazette*, vol. 45 (1949), p. 4163.

12. Portugal

- (a) DECREE REGULATING FISHING BY STEAM VESSELS, 9 NOVEMBER 1910. "COLEÇÃO OFICIAL DE LEGISLAÇÃO PORTUGUESA", 1910, VOL. 2, P. 76; "COLEÇÃO DE LEGISLAÇÃO PORTUGUESA" (PUBLISHED BY THE "REVISTA DE LEGISLAÇÃO E DE JURISPRUDÊNCIA DE COIMBRA"), 1910, P. 248. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Whereas deep trawling by steam vessels at depths of under 100 fathoms within the limits of the continental shelf is extremely harmful to fisheries, because this method destroys the feeding grounds on the sea bed and therewith the young fry feeding, sheltering and developing there, a process rapidly leading to the destruction of the marine life along the coasts affected since, as a consequence, it becomes impossible to replace the stocks of fish at depths of over 100 fathoms, the habitat of the fully developed fish, so that an important source of wealth is destroyed;

Whereas this has occurred on all coasts where such a system has been used, even along the vast continuous continental shelf which runs from the Bay of Biscay northwest along the coasts of France, Belgium, Holland and Germany, as far as the Norwegian coast where it turns southwest and extends to within fifty miles of the west coast of Ireland, which means that many steam fishing vessels belonging to those States are coming further to deplete the resources of our narrow continental shelf area, as has already occurred in the case of Morocco;

Whereas our continental shelf is so narrow that eight steam vessels could cover it with their nets in one year's fishing, and therefore the technical commission in its various reports has stated that, without

going so far as to prohibit this system of intensive fishing on the continental shelf, only four steam vessels should be allowed to engage in fishing, as was required by the Decree of 6 November 1906, which limited registration to the thirteen vessels then existing and did not allow major repairs to or replacements of such vessels;

Whereas these provisions have not been effective, because Portuguese citizens have evaded them, either by buying or hiring steam vessels and flying the flag of our ally, or by registering their vessels at Cape Verde;

Whereas deep trawling by steam vessels is not harmful at depths of over 100 fathoms;

Whereas a glut of fish prejudicial to the industry and to the many fishermen cannot occur since the inland transport system, serving both the provinces and Spain, would immediately carry off the supply in refrigerator trucks;

Considering that in the circumstances the limitation of the number of steam fishing vessels is an arbitrary infringement of the right of citizens to carry on their activities and exercise their initiative;

Now therefore the Provisional Government of the Portuguese Republic hereby issues, in the name of the Republic, the following decree which shall have the force of law:

Article 1. Steam vessels for use as trawlers may be registered by the port authorities as fishing vessels, subject to the general conditions laid down by the port authority regulations and the special conditions prescribed by this decree.

Sole paragraph. The expression "steam vessels" means any vessel propelled by a mechanical engine.

Article 2. Fishing by this method may only be carried out beyond the bathymetric line of 100 fathoms, and never at a distance of less than three miles from the coast.

Article 3. In addition to the common taxes and duties to which all fishing vessels are liable, steam trawlers shall be liable to a charge of 1,500 réis payable at the time of registration, one-sixth of that sum being set aside for the fishermen's welfare fund to be established as prescribed in article 12 of the Act of 31 October 1909, and the remaining five-sixths for a fund for the renewal of naval material.

Article 4. The registration and licences shall be valid for one year and shall be applied for in the month of January each year.

Sole paragraph. Registration shall be permissible during other months for the period remaining until the next registration period, in which case the amount payable on registration shall be in proportion to the time for which the registration will be valid.

Article 5. The registration of steam vessels as fishing vessels may only be allowed in respect of Portuguese citizens under the terms of the laws in force; any partnerships or companies which they may form may not issue warrants or securities to bearer. The securities of such partnerships or companies may not in any circumstances be transferred by negotiation or endorsement in blank, and they may not on any account be transferred to aliens, except as part of an inheritance passing by operation of law or under testamentary disposition, in which case the said aliens are required to dispose of them within thirty days of the date upon

which they effectively obtain possession. All the foregoing shall be expressly set forth in the articles of association of the above-mentioned partnerships or companies, and shall be noted on the registered certificates.

Paragraph 1. All the securities representing the operating capital of the above-mentioned partnerships or companies, whatever the denomination of the said securities, together with any transfers that may occur, shall be duly registered at the offices of the chamber of commerce, where the partnership or company concerned is registered, so that it may be possible at any time to ascertain who are the owners of the shares.

Paragraph 2. Until this registration shall have taken place, the payment of any interest on or income from the said securities shall be void and hence be deemed not to be a due debt.

Paragraph 3. The registration referred to in paragraph 1 may not take place unless and until the applicant can produce with his application any evidence showing that he is a Portuguese citizen, or that he has been a naturalized Portuguese citizen for not less than two years.

Article 6. Registration shall not be permitted unless the persons or bodies corporate can produce evidence to show that they have sufficient means to purchase and defray the cost of operating the vessels which they intend to use for the purpose of fishing.

Article 7. The provisions of article 5 of the Navigation Act of 8 July 1863 and of article 455 of the Penal Code shall be applicable in respect of any fraudulent practices whereby it is intended to evade the provisions of article 5 of this Decree.

Article 8. For statistical purposes, the catch of steam trawlers shall be weighed and classified according to the principal species.

Article 9. Vessels found trawling within the prohibited zone shall be detained with their respective nets and their catch, and catch shall be confiscated and their fishing rights suspended for a year; in this case that part of the licence fee paid in respect of the remaining period of validity of the licence shall not be refunded.

Sole paragraph. The captain or owner of a steam vessel also becomes criminally liable in proportion to the gravity of the offence committed.

Article 10. The Government, after consulting with the competent authorities, may prohibit this method of fishing at any time for a specified period; any such action shall not create a right to claims or compensation.

Article 11. The nets known as *tartaranhas*, operated by vessels now registered, may continue in operation until unfit for service, but the major repairs as defined in article 489 of the Commercial Code, may not be executed on these nets.

Article 12. It shall be unlawful for Portuguese vessels to accept delivery, on the high seas, of any fish from foreign vessels; in the event of contravention of this provision the registration may be withdrawn for the period of one year.

13. Saudi Arabia

- (a) ROYAL PRONOUNCEMENT CONCERNING THE POLICY OF THE KINGDOM OF SAUDI ARABIA WITH RESPECT TO THE SUBSOIL AND SEA BED OF AREAS IN THE PERSIAN GULF CONTIGUOUS TO THE COASTS OF THE KINGDOM OF SAUDI ARABIA, 28 MAY 1949. TRANSLATION FROM ARABIC TEXT PUBLISHED IN "UMM AL QURA" (MECCA), SUPPLEMENT NO. 1263, 29 MAY 1949; "AMERICAN JOURNAL OF INTERNATIONAL LAW", VOL. 43 (1949), SUPPLEMENT, P. 156

We, 'Abdul 'Aziz ibn 'Abdul Rahman Al Faisal Al Sa'ud, King of the Kingdom of Saudi Arabia,

After reliance on God Almighty, being aware of the need for the greater utilization of the world's natural resources which are the bounty of God, and of the desirability of giving encouragement to efforts to discover and make available such resources,

Recognizing that by God's providence valuable resources may underlie parts of the Persian Gulf off the coasts of Saudi Arabia, and that modern technology by the grace of God makes it increasingly practicable to utilize these resources,

Appreciating that recognized jurisdiction over such resources is required in the interest of their conservation and prudent utilization when and as development is undertaken;

Deeming that the exercise of jurisdiction over such resources by the contiguous nation is reasonable and just, since the effectiveness of measures to utilize or conserve these resources would be contingent upon co-operation and protection from the shore and since self-protection compels the coastal nation to keep close watch over activities off its shores which are of a nature necessary for the utilization of these resources; and

Considering that various other nations now exercise jurisdiction over the subsoil and sea bed of areas contiguous to their coasts;

Declare the following policy of the Kingdom of Saudi Arabia with respect to the subsoil and sea bed of areas of the Persian Gulf contiguous to the coasts of Our Kingdom:

The subsoil and sea bed of those areas of the Persian Gulf seaward from the coastal sea of Saudi Arabia but contiguous to its coasts, are declared to appertain to the Kingdom of Saudi Arabia and to be subject to its jurisdiction and control. The boundaries of such areas will be determined in accordance with equitable principles by Our Government in agreements with other States having jurisdiction and control over the subsoil of sea bed of adjoining areas. The character as high seas of the waters of such areas, the right to the free and unimpeded navigation of such waters and the air space above those waters, fishing rights in such waters, and the traditional freedom of pearling by the peoples of the Gulf, are in no way affected.

14. United Kingdom

(a) ARAB STATES UNDER THE PROTECTION OF THE UNITED KINGDOM

Note: The translations of these Proclamations were supplied by the British Foreign Office, who, however, having regard to the fact that the Proclamations were issued by the Sheikhs of the territories concerned in Arabic, observe that only the Arabic texts are authentic and that the English translations do not carry official authority.

(i) *Abu Dhabi*

Proclamation with respect to the seabed and the subsoil of the high seas of the Persian Gulf, 10 June 1949.

Whereas it is desirable to give encouragement to any efforts which will facilitate the greater utilisation of the world's natural resources;

And whereas valuable resources underlie parts of the Persian Gulf off the coasts of Abu Dhabi and it has become increasingly possible to utilise such submerged resources;

And whereas it is desirable in the interests of protection, conservation and orderly development that the exploitation of such resources should be properly limited;

And whereas it is just that the seabed and the subsoil extending to a reasonable distance from the coast should appertain to and be administered by the littoral state adjacent to it;

And whereas the right of any littoral state to exercise its control over the natural resources of the seabed and subsoil adjacent to its coasts has been established in international practice by the action of other states;

Now, therefore, we Shakhbut bin Sultan bin Sa'id, Ruler of Abu Dhabi, pursuant of the powers invested in us in this matter, are pleased to proclaim and it is hereby proclaimed as follows:

We, Shakhbut bin Sultan bin Sa'id, Ruler of Abu Dhabi, hereby proclaim that the seabed and subsoil lying beneath the high seas in the Persian Gulf contiguous to the territorial waters of Abu Dhabi and extending seaward to boundaries to be determined more precisely, as occasion arises, on equitable principles, by us after consultation with the neighbouring states, appertain to the land of Abu Dhabi and are subject to its exclusive jurisdiction and control.

And nothing in this Proclamation shall be deemed to affect the sovereignty over islands or the status of the seabed and the subsoil which lies beneath any territorial waters.

Nothing in this Proclamation shall be deemed to affect the character as high seas of the waters of the Persian Gulf above the seabed, and outside the territorial waters, or the fishing or traditional pearling rights in such waters.

(ii) *Ajman*

Proclamation with respect to the seabed and the subsoil of the high seas of the Persian Gulf, 20 June 1949.

Whereas it is desirable to give encouragement to any efforts which will facilitate the greater utilisation of the world's natural resources;

And whereas valuable resources underlie parts of the Persian Gulf off the coasts of Ajman and it has become increasingly possible to utilise these submerged resources;

And whereas it is desirable in the interest of protection, conservation and orderly development that the exploitation of such resources should be properly limited;

And whereas it is just that the seabed and the subsoil extending to a reasonable distance from the coast should appertain to and be administered by the littoral state adjacent to it;

And whereas the right of any littoral state to exercise its control over the natural resources of the seabed and subsoil adjacent to its coasts has been established in international practice by the action of other states;

Now, therefore, we Rashid bin Hamid, Ruler of Ajman, pursuant of the powers invested in us in this matter, are pleased to proclaim and it is hereby proclaimed as follows: —

We, Rashid bin Hamid, Ruler of Ajman, hereby proclaim that the seabed and subsoil lying beneath the high seas in the Persian Gulf contiguous to the territorial waters of Ajman and extending seaward to boundaries to be determined more precisely, as occasion arises, on equitable principles, by us after consultation with the neighbouring states, appertain to the land of Ajman and are subject to its exclusive jurisdiction and control.

And nothing in this Proclamation shall be deemed to affect the sovereignty over islands or the status of the seabed and the subsoil which lies beneath any territorial waters.

Nothing in this Proclamation shall be deemed to affect the character as high seas of the waters of the Persian Gulf above the seabed and outside the territorial waters and the status of the air space above the waters of the Persian Gulf outside territorial waters or the fishing or traditional pearling rights in such waters.

(iii) *Bahrain*

Proclamation with respect to the sea bed and the subsoil of the high seas of the Persian Gulf, 5 June 1949.

Whereas it is desirable to encourage all efforts which will bring about the greater utilisation of the world's natural resources;

Whereas valuable resources are found under parts of the Persian Gulf off the coasts of Bahrain and it is becoming increasingly practicable to utilise such submerged resources;

Whereas it is desirable in the interests of protection, conservation and orderly development that the exploitation of such resources should be properly controlled;

Whereas it is just that the seabed and subsoil extending to a reasonable distance from the coast should belong to and be controlled by the littoral state to which it is adjacent;

Whereas the right of a littoral state to exercise its authority over the natural resources of the seabed and subsoil adjacent to its coasts has been established in international practice by the action of other states;

Now, therefore, we Salman bin Hamed al Khalifa, Ruler of Bahrain, in pursuance of the powers vested in us in that behalf, are pleased to proclaim and hereby proclaim as follows:

We, Salman bin Hamed al Khalifa, Ruler of Bahrain, hereby declare that the seabed and subsoil lying beneath the high seas of the Persian Gulf contiguous to the territorial waters of Bahrain and extending seaward to boundaries to be determined more precisely as the opportunity calls, and that on just principles, by us after consulting with the neighbouring states, belong to the country of Bahrain and are subject to the sphere of its absolute jurisdiction and its absolute authority.

Nothing in this Proclamation shall be considered to affect the sovereignty over the islands or the status of the seabed and subsoil beneath any territorial waters.

Nothing in this Proclamation shall be considered to affect the character as high seas of the waters of the Persian Gulf above the seabed and outside the limits of the territorial waters or the status of the air space above the waters of the Persian Gulf outside the territorial waters or the fishing and traditional pearling rights in such waters.

(iv) *Dubai*

Proclamation with respect to the seabed and the subsoil of the high seas of the Persian Gulf, 14 June 1949.

Whereas it is desirable to give encouragement to any efforts which will facilitate the greater utilisation of the world's natural resources;

And whereas valuable resources underlie parts of the Persian Gulf off the coasts of Dubai and it has become increasingly possible to utilise these submerged resources;

And whereas it is desirable in the interests of protection, conservation and orderly development that the exploitation of such resources should be properly limited;

And whereas it is just that the seabed and the subsoil extending to a reasonable distance from the coast should appertain to and be administered by the littoral state adjacent to it;

And whereas the right of any littoral state to exercise its control over the natural resources of the seabed and subsoil adjacent to its coasts has been established in international practice by the action of other states;

Now, therefore, we Sa'id bin Maktum, Ruler of Dubai, pursuant of the powers invested in us in this matter, are pleased to proclaim and it is hereby proclaimed as follows:

We, Sa'id bin Maktum, Ruler of Dubai, hereby proclaim that the seabed and subsoil lying beneath the high seas in the Persian Gulf contiguous to the territorial waters of Dubai and extending seaward to boundaries to be determined more precisely, as occasion arises, on equitable principles, by us after consultation with the neighbouring states, appertain to the land of Dubai and are subject to its exclusive jurisdiction and control.

And nothing in this Proclamation shall be deemed to affect the sovereignty over islands or the status of the seabed and the subsoil which lies beneath any territorial waters.

Nothing in this Proclamation shall be deemed to affect the character as high seas of the waters of the Persian Gulf above the seabed and outside the territorial waters and the status of the air space over the waters of the Persian Gulf outside territorial waters or the fishing or traditional pearling rights in such waters.

(v) *Kuwait*

Proclamation with respect to the seabed and the subsoil of the high seas of the Persian Gulf, 12 June 1949.

Whereas it is desirable to encourage any effort which will lead towards the greater utilisation of the world's natural resources;

And whereas it is possible that there may be there valuable resources lying under parts of the waters of the Persian Gulf at a distance from the coast of Kuwait and the wish is expressed to realise the utilisation of such submerged resources;

And whereas it is desirable in the interests of protection, conservation and orderly development that such exploitation shall be placed under control in the proper manner;

And whereas it is right and just that the seabed and the subsoil extending to a reasonable distance from the coast should appertain to and be controlled by the littoral state to which it is adjacent;

And whereas the right of the state in the exercise of its authority over the natural resources of the seabed and the subsoil adjacent to its coasts has been decided and established in international practice by the action of other states;

Now, therefore, we Ahmed al Jabir al Subah, Ruler of Kuwait, in pursuance of all powers enabling us in that behalf, are pleased to publish the following proclamation:

The Ruler of Kuwait hereby proclaims that the seabed and the subsoil lying beneath the waters of the sea in the middle of the sea of the Persian Gulf delimited as follows become part of the principality of Kuwait and are subject to its administration and authority. The seabed and the subsoil referred to above are those which adjoin the coastal territorial waters of the principality of Kuwait and extend in the direction of the sea to limits which will be decided upon more precisely as the resulting situation may demand, and on equitable principles, by the Ruler of Kuwait after consulting the neighbouring countries.

Nothing in this Proclamation shall be deemed to affect the sovereignty of the islands or the status of the seabed and the subsoil underlying any part of the territorial waters.

Nothing in this Proclamation shall be deemed to affect the ways of sea navigation of the waters of the Persian Gulf above the seabed and outside the limit of the boundaries of the territorial waters or the status of air navigation above the waters of the Persian Gulf outside the limit of the boundaries of the territorial waters or the traditional fishing rights and pearling rights in such waters.

(vi) *Qatar*

Proclamation with respect to the seabed and the subsoil of the high seas of the Persian Gulf, 8 June 1949.

Whereas it is desirable to encourage all efforts which will bring about the greater utilisation of the world's natural resources;

Whereas valuable resources may underlie parts of the Persian Gulf off the coasts of Qatar and it is becoming increasingly practicable to utilise such submerged resources;

Whereas it is desirable in the interests of protection, conservation and orderly development that the exploitation of such resources should be properly controlled;

Whereas it is just that the seabed and subsoil extending to a reasonable distance from the coast should belong to and be controlled by the littoral state to which it is adjacent;

Whereas the right of a littoral state to exercise its authority over the natural resources of the seabed and subsoil adjacent to its coasts has been established in international practice by the action of other states;

Now, therefore, we Abdullah bin Qasin al Thani, Ruler of Qatar, in pursuance of the powers vested in us in that behalf, are pleased to proclaim and hereby proclaim as follows:

We, Abdullah bin Qasin al Thani, Ruler of Qatar, hereby proclaim that the seabed and subsoil lying beneath the high seas of the Persian Gulf contiguous to the territorial waters of Qatar and extending seaward to boundaries to be determined more precisely as the occasion arises, on equitable principles, by the Ruler of Qatar in consultation with the neighbouring states, appertain to the Shaikhdom of Qatar and are subject to its exclusive jurisdiction and control.

Nothing in this Proclamation shall be considered to affect the sovereignty over the islands or the status of the seabed and subsoil beneath any territorial waters.

Nothing in this Proclamation shall be considered to affect the character as high seas of the waters of the Persian Gulf above the seabed and outside the limits of the territorial waters or the status of the air space above the waters of the Persian Gulf outside the territorial waters or the fishing and traditional pearling rights in such waters.

(vii) *Ras al Khaimah*

Proclamation with respect to the seabed and the subsoil of the high seas of the Persian Gulf, 17 June 1949.

Whereas it is desirable to give encouragement to any efforts which will facilitate the greater utilisation of the world's natural resources;

And whereas valuable resources underlie parts of the Persian Gulf off the coasts of Ras al Khaimah and it has become increasingly possible to utilise these submerged resources;

And whereas it is desirable in the interests of protection, conservation, and orderly development that the exploitation of such resources should be properly limited;

And whereas it is just that the seabed and the subsoil extending to a reasonable distance from the coast should appertain to and be administered by the littoral state adjacent to it;

And whereas the right of any littoral state to exercise its control over the natural resources of the seabed and subsoil adjacent to its coasts has been established in international practice by the action of other states;

Now, therefore, we Saqr bin Muhammad bin Salim, Ruler of Ras al Khaimah, pursuant of the powers invested in us in this matter, are pleased to proclaim and it is hereby proclaimed as follows:

We, Saqr bin Muhammad bin Salim, Ruler of Ras al Khaimah, hereby proclaim that the seabed and subsoil lying beneath the high seas in the Persian Gulf contiguous to the territorial waters of Ras al Khaimah and extending seaward to boundaries to be determined more precisely, as occasion arises, on equitable principles, by us after consultation with the neighbouring states, appertain to the land of Ras al Khaimah and are subject to its exclusive jurisdiction and control.

And nothing in the Proclamation shall be deemed to affect the sovereignty over islands or the status of the seabed and the subsoil which lies beneath any territorial waters.

Nothing in this Proclamation shall be deemed to affect the character as high seas of the waters of the Persian Gulf above the seabed and outside the territorial waters and the status of the air space above the waters of the Persian Gulf outside territorial waters or the fishing or traditional pearling rights in such waters.

(viii) *Sharjah*

Proclamation with respect to the seabed and the subsoil of the high seas of the Persian Gulf, 16 June 1949.

Whereas it is desirable to give encouragement to any efforts which will facilitate the greater utilisation of the world's natural resources;

And whereas valuable resources underlie parts of the Persian Gulf off the coasts of Sharjah and it has become increasingly possible to utilise these submerged resources;

And whereas it is desirable in the interest of protection, conservation and orderly development that the exploitation of such resources should be properly limited;

And whereas it is just that the seabed and the subsoil extending to a reasonable distance from the coast should appertain to and be administered by the littoral state adjacent to it;

And whereas the right of any littoral state to exercise its control over the natural resources of the seabed and subsoil adjacent to its coasts has been established in international practice by the action of other states;

Now, therefore, we Sultan bin Saqar al Qasin, Ruler of Sharjah, pursuant of the powers invested in us in this matter, are pleased to proclaim and it is hereby proclaimed as follows:

We, Sultan bin Saqar al Qasin, Ruler of Sharjah, hereby proclaim that the seabed and subsoil lying beneath the high seas in the Persian Gulf contiguous to the territorial waters of Sharjah and extending seaward to boundaries to be determined more precisely, as occasion arises, on equitable principles, by us after consultation with the neighbouring states, appertain to the land of Sharjah and are subject to its exclusive jurisdiction and control.

And nothing in this Proclamation shall be deemed to affect the sovereignty over islands or the status of the seabed and the subsoil which lies beneath any territorial waters.

Nothing in this Proclamation shall be deemed to affect the character as high seas of the waters of the Persian Gulf above the seabed and outside the territorial waters and the status of the air space above the waters of the Persian Gulf outside territorial waters or the fishing or traditional pearling rights in such waters.

(ix) *Umm al Qaiwain*

Proclamation with respect to the seabed and the subsoil of the high seas of the Persian Gulf, 20 June 1949.

Whereas it is desirable to give encouragement to any efforts which will facilitate the greater utilisation of the world's natural resources;

And whereas valuable resources underlie parts of the Persian Gulf off the coasts of Umm al Qaiwain and it has become increasingly possible to utilise these submerged resources;

And whereas it is desirable in the interests of protection, conservation and orderly development that the exploitation of such resources should be properly limited;

And whereas it is just that the seabed and the subsoil extending to a reasonable distance from the coast should appertain to and be administered by the littoral state adjacent to it;

And whereas the right of any littoral state to exercise its control over the natural resources of the seabed and subsoil adjacent to its coasts has been established in international practice by the action of other states;

Now, therefore, we Ahmad bin Rashid Ma'ali, Ruler of Umm al Qaiwain, pursuant of the powers invested in us in this matter, are pleased to proclaim and it is hereby proclaimed as follows:

We, Ahmad bin Rashid Ma'ali, Ruler of Umm al Qaiwain, hereby proclaim that the seabed and subsoil lying beneath the high seas in the Persian Gulf contiguous to the territorial waters of Umm al Qaiwain and extending seaward to boundaries to be determined more precisely, as occasion arises, on equitable principles, by us after consultation with the neighbouring states, appertain to the land of Umm al Qaiwain and are subject to its exclusive jurisdiction and control.

And nothing in this Proclamation shall be deemed to affect the sovereignty over islands or the status of the seabed and the subsoil which lies beneath any territorial waters.

Nothing in this Proclamation shall be deemed to affect the character as high seas of the waters of the Persian Gulf above the seabed and outside the territorial waters and the status of the air space above the waters of the Persian Gulf outside territorial waters or the fishing or traditional pearling rights in such waters.

(b) BAHAMAS

(i) *Petroleum Act, 3 April 1945. "Bahamas, Acts passed in the year 1945", No. 1, p. 1*

Article 1. This Act may be cited as The Petroleum Act 1945.

Article 2. In this Act unless the context otherwise requires:—

. . .

“Land” means land other than a submarine area but includes all marshes and lands underlying all lakes and also all coastal marine swamp lands and lands underlying all bodies of water connected with the sea and extending inland;

. . .

“New Providence” means and includes the Island of New Providence and the islands and cays known as Athol Island, Gaudling Cay, Hog Island, Long Cay, North Cay, Rose Island, Salt Cay, Sandy Cay and Silver Cay;

. . .

“Submarine area” means land underlying the sea waters below high water mark.

Article 3. [Vesting of rights in the government.]

Article 4. [Board.]

Article 5. No person shall explore or prospect for petroleum or commence any mining operations in connexion therewith in any land or submarine area except under a licence or lease to be granted under the provisions of this Act.

Article 6. No licence to explore or prospect for petroleum and no lease to commence any mining operations in connexion therewith shall be granted in respect of New Providence or the land underlying the sea within four miles thereof except with the consent of the Legislature.

Article 7. [Board to grant licences.]

Article 8. [Alien control.]

Article 9. [Reciprocity.]

Article 10. [Licences only granted to local companies.]

Article 11. [Assignment of licence.]

Article 12. (1) An oil exploration licence shall not be granted in respect of an area of less than eight (8) square miles of land or eight square miles of submarine area or a total of eight square miles of land and submarine area, nor more than one thousand two hundred (1,200) square miles of land and fifteen thousand (15,000) square miles of submarine area: Provided that no oil exploration licence shall be granted

to a company incorporated in the Colony which is directly or indirectly owned or controlled by persons who directly or indirectly own or control any other company incorporated in the Colony to which an oil exploration licence has been already granted in respect of the maximum area provided under this sub-section.

(2) An oil prospecting licence shall not be granted in respect of an area of:

- (a) More than two hundred (200) square miles; or
 - (b) Less than eight (8) square miles, save in cases where special exemption is granted by the Board.
- (3) An oil mining lease shall not be granted in respect of an area of:
- (a) More than one hundred (100) square miles; or
 - (b) Less than four (4) square miles, save in cases where special exemption is granted by the Board.

Article 13. [Royalties.]

Articles 14-22. [Ancillary rights.]

Article 23. [High water mark.]

Article 24. [Survey marks.]

Article 25. A licensee or lessee shall, if called upon so to do by the Board, illuminate between the hours of sunset and sunrise with respect to a submarine area in a manner satisfactory to the Pilotage Board for New Providence and with respect to land, in a manner satisfactory to the Public Board of Works for New Providence, all derricks, piers, survey marks or any other installations erected in any submarine area or land included in a licence or lease.

Article 26. The holder of a prospecting licence or a mining lease shall adopt all practicable precautions to prevent pollution of the coastal waters by oil, mud or any other fluid or substance which might contaminate the sea water or shore line or which might cause harm or destruction to marine life.

Article 27. [Exemption from duty.]

Article 28. [Regulations.]

Article 29. [Arbitration.]

Note. The Regulations of 20 June 1945, made under this Act by the Governor in Council, contain among the forms annexed thereto a form for an "oil mining lease in respect to submarine areas" (Form G). *Bahamas, Appendix to the Statutes of 9 George VI, Orders in Council and Rules and Regulations Made During the Year 1945*, p. 135; *Official Gazette*, 25 June 1945 (Extraordinary), No. 112.

- (ii) *Bahamas (Alteration of Boundaries) Order in Council (No. 2574)*, 26 November 1948. "*United Kingdom, Statutory Instruments, 1948*", vol. I, part I, p. 250

Whereas it is desirable to extend the boundaries of the Colony of the Bahamas so as to include the continental shelf contiguous to the coasts of the Colony:

Now, therefore, His Majesty, in pursuance of the powers conferred upon Him by the Colonial Boundaries Act, 1895, and of all other powers

enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Bahamas (Alteration of Boundaries) Order in Council, 1948.

2. The boundaries of the Colony of the Bahamas are hereby extended to include the area of the continental shelf which lies beneath the sea contiguous to the coasts of the Bahamas.

3. Nothing in this Order shall be deemed to affect the character as high seas of any waters above the continental shelf and outside the limits of territorial waters.

Note. On 17 December 1948 the Secretary of State for Colonial Affairs of the United Kingdom explained in the House of Commons that the object of this order, and of a similar order issued with respect to Jamaica, was "to extend the jurisdiction of the Governments of these Colonies so as to give them control over the sea-bed and sub-soil contiguous to their coasts with a view to securing such natural resources as may exist there". *British Parliamentary Debates* (Hansard), 5th series, vol. 459, p. 230.

(c) BRITISH HONDURAS

(i) *Oil Mining Regulations, 2 September 1949.* "*British Honduras, Statutory Instruments*", No. 56 of 1949

2. In these regulations and in every licence and lease issued hereunder the following terms shall respectively have the meanings assigned to them unless inconsistent with the context, or unless expressly varied in such licence or lease:

. . .

"Crown lands" includes all lands, inland waters, caves, reefs, and submarine areas now being or hereafter becoming part of the Colony, but shall not include alienated land as defined herein;

. . .

15. In the case of a licence or lease over land and sea or sea only, the following provisions shall apply:

Pollution

(a) The licensee or lessee shall adopt all practical precautions to prevent the pollution of coastal water by oil, mud or any other fluid or substance which might contaminate the sea water or shore line or which might cause harm or destruction to marine life;

Illumination of installations

(b) The licensee or lessee shall at all times maintain and keep in good repair, working order and condition and if so required by the Governor illuminate between the hours of sunset and sunrise, in a manner satisfactory to the Harbour Master, all derricks, piers, survey marks or any other installations erected in the area under licence or lease;

Exclusion of surface rights to foreshore

(c) The licence or lease shall not confer any surface rights to the foreshore lying between high water mark and low water mark at

ordinary spring tides and no use shall be made thereof unless and until the approval of the Governor, which shall not be unreasonably withheld, has been first obtained.

(d) JAMAICA

- (i) *Jamaica (Alteration of Boundaries) Order in Council (No. 2575), 26 November 1948*. "United Kingdom, Statutory Instruments, 1948", vol. I, part II, p. 1664

Whereas it is desirable to extend the boundaries of the Colony of Jamaica so as to include the continental shelf contiguous to the coasts of the Colony:

Now, therefore, His Majesty, in pursuance of the powers conferred upon Him by the Colonial Boundaries Act, 1895, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Jamaica (Alteration of Boundaries) Order in Council, 1948.
2. The boundaries of the Colony of Jamaica are hereby extended to include the area of the continental shelf which lies beneath the sea contiguous to the coasts of Jamaica, including its dependencies.
3. Nothing in this Order shall be deemed to affect the character as high seas of any waters above the continental shelf and outside the limits of territorial waters.

Note. On 17 December 1948 the Secretary of State for Colonial Affairs of the United Kingdom explained in the House of Commons that the object of this order, and of a similar order issued with respect to the Bahamas, was "to extend the jurisdiction of the Governments of these Colonies so as to give them control over the sea-bed and sub-soil contiguous to their coasts with a view to securing such natural resources as may exist there". *British Parliamentary Debates* (Hansard), 5th series, vol. 459, p. 230.

(e) TRINIDAD AND TOBAGO

- (i) *Submarine (Oil Mining) Regulations, 22 May 1945*. "Government Notice No. 87"; "Proclamations, Orders, Regulations, etc., 1945" p. 101

Part I. General

1. These regulations may be cited as the Submarine (Oil Mining) Regulations, 1945.

2. In these regulations and in every licence issued thereunder the following terms shall respectively have the meanings assigned to them, unless inconsistent with the context:

"Licensee" means a person to whom a licence under these regulations is granted, his successors in title and the persons deriving title under him.

"Submarine area" means land underlying the sea waters surrounding the coast of the Colony below high water mark at ordinary spring tides.

"Crude oil" means the natural produce of the wells or springs of oil before such produce has been refined or otherwise treated except for the removal of water and foreign substances.

“Products” means any component of crude oil which is obtained by any process of separation and shall include oil fuel.

“Natural gas” means gas obtained from borings and consisting primarily of hydro-carbons.

“Casing head petroleum spirit” means any petroleum or liquid hydrocarbons obtained from natural gas (before the crude oil from which such natural gas is derived has been measured for royalty) by separation or by any chemical or physical process.

“Oil fuel” means that product of the crude oil which complies with the Admiralty specification for fuel oil at the time.

“His Majesty’s dominions” shall be deemed to include British Protectorates, and protected States and territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty.

“British subject” shall be deemed to include a person under His Majesty’s protection.

“Person” shall be deemed to include a company.

Part II. Licence to Explore for and Win Crude Oil and Natural Gas in Submarine Areas

3. Every application for a licence to explore for and win crude oil or natural gas in a submarine area shall be presented to the Sub-Intendant of Crown Lands.

On presenting the application, the applicant shall deposit with the Sub-Intendant of Crown Lands the sum of twenty-four dollars which shall in no case be returned.

4. (1) Every application for a licence shall contain the following particulars:

(a) In the case of an application by an individual, his address, nationality and occupation;

(b) In the case of an application by a company, the nature of and the principal place of business of the company (and if the principal place of business is outside the Colony, the name and address of a duly authorized agent in the Colony), the names and nationality of the directors thereof and the name, nationality and holdings of the principal shareholders;

(c) A description illustrated by a map or plan showing the situation, boundaries, and extent of the submarine area with respect to which the licence is required.

(2) An application by an alien or a company incorporated outside His Majesty’s dominions shall contain, in addition to the matters specified in paragraph (1) of this regulation, full particulars of the company to be incorporated (in accordance with regulation 9) in the Colony or in some other part of His Majesty’s dominions for the purpose of receiving the grant of and exploiting any licence which may be granted in pursuance of the application.

5. Except with the special permission of the Governor no licence shall be granted in respect of a submarine area which is not in one single block and of a reasonably compact shape or which is less than 675 acres in extent.

6. Subject to the approval of the Governor more than one licence may be granted to the same applicant.

7. A licence shall not be assigned or transferred without the previous consent in writing of the Governor.

8. An application by a licensee for the assignment of a licence shall be made in writing addressed to the Sub-Intendant of Crown Lands and shall be accompanied by a fee of twenty-four dollars. With the application the applicant shall furnish the like particulars in respect of the proposed assignee as are required to be furnished in the case of applicants for licences under regulation 4.

9. In the case of an application for a licence by an alien or a company incorporated outside His Majesty's dominions or in the case of an application by a licensee for the Governor's consent to the assignment of a licence to an alien or a company incorporated outside His Majesty's dominions such licence shall only be granted to a company incorporated in the Colony or in some other part of His Majesty's dominions for the purpose of receiving and exploiting any such licence.

10. A licence shall not be granted to or held by any person who is or becomes controlled directly or indirectly by a national of or by a company incorporated in any country the laws and customs of which do not permit British subjects or companies incorporated in His Majesty's dominions or companies incorporated in that country controlled directly or indirectly by British subjects or companies incorporated in His Majesty's dominions to acquire, hold and operate petroleum concessions on conditions which in the opinion of His Majesty's Principal Secretary of State for the Colonies are reasonably comparable with the conditions upon which such rights are granted to nationals of that country with the addition of conditions corresponding to those imposed by clause 4 (special clause) and clause 5 (reciprocity) of part VI of the schedule in the form of licence contained in schedule I to these regulations.

11. The licence shall be prepared by the Crown Solicitor in the model form in schedule I to these regulations, with such modifications and amendments as may from time to time be approved by the Governor.

12. If a licence is not executed within six months after approval of the application, the right of the applicant to such licence shall be deemed to have lapsed, unless the Governor considers that the delay is not attributable to the fault of the applicant.

13. Every licence shall contain such conditions and stipulations as the Governor may in each case consider necessary and in particular shall contain the conditions set out in the model form of licence in schedule I to these regulations subject to such modifications as shall be approved by the Governor.

14. (1) The licence shall not confer any surface rights to the foreshore lying between high water mark and low water mark at ordinary spring tides and no use shall be made thereof by the licensee unless and until the authority of the Governor (which shall not be unreasonably withheld) is first obtained under the provisions of the Crown Lands Ordinance, chapter 27, no. 5.

(2) Any coastal marine swamp lands or marshes shall in no case be deemed to form part of the submarine area: Provided that where there are such swamp lands or marshes a line fixed by the Director of Surveys shall be deemed to be the high water mark line.

15. The licensee shall, if called upon so to do by the Director of Surveys, erect and maintain at his own expense such survey marks or

monuments as may be necessary for the delimitation of the submarine area included in the licence. Such survey marks or monuments shall be of a form and type approved by the Director of Surveys.

16. The licensee shall pay in accordance with the terms of the licence a dead rent in respect of each acre comprised in the licensed area at the following rates:

Table

During the 1st year of the licence	\$ 0.10	per	acre	per	annum.
“ “ 2nd “ “ “ “	\$ 0.10	“	“	“	“
“ “ 3rd “ “ “ “	\$ 0.20	“	“	“	“
“ “ 4th “ “ “ “	\$ 0.20	“	“	“	“
“ “ 5th “ “ “ “	\$ 0.40	“	“	“	“
“ “ 6th “ “ “ “	\$ 0.60	“	“	“	“
“ “ 7th “ “ “ “	\$ 0.80	“	“	“	“
“ “ 8th “ “ “ “	\$ 1.10	“	“	“	“
“ “ 9th “ “ “ “	\$ 1.40	“	“	“	“
“ “ 10th and subsequent years	\$ 1.80	“	“	“	“

provided that (1) if the royalty payable in respect of any one year shall amount to or exceed the sum of the said rent the latter shall not be payable in respect of such year and (2) if the royalty in respect of any one year shall be less than the amount of the said rent the amount payable in respect of such royalty shall be deducted from the said rent payable in respect of that year.

17. The licensee shall pay royalties in accordance with the terms of the licence.

18. The licensee shall during the continuance of the licence carry on all operations for winning and working crude oil and natural gas in a skilful and workmanlike manner in accordance with methods and practice customarily employed in good oilfield practice and all drilling operations shall be carried out in accordance with the Mines, Borings and Quarries Ordinance, chapter 26, no. 4 and any regulations made thereunder.

19. The licensee shall during the continuance of the licence with due diligence carry out such surveys and examinations of the licensed area and do such testing of the licensed area by means of the drill or trial borings as may be necessary for the purpose of arriving at the petroleum producing prospects of the same and shall in this respect give due regard to the reasonable wishes of the Governor. Provided that so long as the royalty payments equal or exceed the dead rents the requirements of this regulation shall not apply.

20. The licensee if required by the Governor to do so shall illuminate between the hours of sunset and sunrise, in a manner satisfactory to the Harbour Master, all derricks, piers, survey marks or any other installations erected in the area included in a licence. The means of illumination shall be such as is approved or required by the Harbour Master.

21. The licensee shall adopt all practicable precautions (which shall include the provision of modern equipment) to prevent pollution of the coastal waters by oil, mud, or any other fluid or substance which might contaminate the sea water or shore line.

22. The licensee shall enter into a covenant that he will erect in the Colony a refinery capable of dealing with a named percentage of the output of oil from the submarine area under licence to him, and of so treating the oil as to produce oil fuel suitable for the requirements of the Imperial Government. Provided that the licensee may, with the Governor's consent first had and obtained, arrange with the proprietors of some approved refinery already erected in the Colony to refine the oil in accordance with the requirements of the Imperial Government. Provided also that the Governor shall have the power to suspend the obligation of erecting such refinery either for a fixed period to cover the initial stages of development or until a reasonable time after the Imperial Government shall have announced its readiness to purchase from the licensee stated quantities of oil fuel at their current commercial values.

23. The term for which a licence under these regulations may be granted shall not exceed thirty years but the licence may contain a clause permitting renewal for a further period not exceeding thirty years provided that the dead rent payable under the licence may during such further period be increased by not more than 50 per centum per annum.

24. The licensee shall be at liberty to determine a licence either wholly or in part on giving to the Governor not less than six months' notice expiring on either the 30th day of June or on the 31st day of December in any year:

Provided that if the licence is determined in respect of a part of the submarine area in respect of which the licence was granted:

(i) The part to be surrendered shall not be less than 675 acres in extent save by special permission of the Governor and shall be of such a shape as may be approved by the Governor;

(ii) The part remaining shall not be less than 675 acres in extent save by special permission of the Governor;

(iii) The surrender shall not come into effect until the 30th day of June or the 31st day of December, whichever shall first happen, following the completion of the survey of the boundaries of the part to be surrendered.

25. In the case of a licensee surrendering the whole, or a part of the submarine area included in a licence and subsequently re-applying for the whole or any part thereof surrendered, a licence in respect of such submarine area or part thereof may be granted but subject to the licensee paying dead rent in respect thereof at such rate as the Governor may determine but not exceeding the annual rent that would have been paid had the licence been held continuously.

Note. Schedule I of these regulations contains a model form for a "licence to explore for and win crude oil and natural gas in a submarine area". To this short form is annexed a long schedule which is divided into nine parts dealing, respectively, with: description of the submarine area referred to in the licence; liberties, powers and privileges to be exercised or enjoyed by the licensees; liberties and powers of the Governor and other persons authorized by him; rents and royalties reserved by the licence; other provisions relating to the rents and royalties; the licensees' covenants; the Governor's covenants; general provisions; and definitions. For the full text of the schedule, see *Trinidad and Tobago, Government Notice No. 87; Proclamations, Orders, Regulations, etc., 1945*, pp. 105-119.

Regulation 20 of these regulations has been revised by Government Notice No. 99, issued by the Colonial Secretary's Office on 1 June 1945. *Trinidad and Tobago, Proclamations, Orders, Regulations, etc., 1945*, p. 127. The new text reads as follows:

"The licensee shall not carry on any operation authorized by the licence in such a manner as to effect the closing of the marine areas specified in section 2 of the Submarine Areas of the Gulf of Paria (Annexation) Order, 1942, or any of them, and any works or installations erected by the licensee shall be of such nature and shall be so constructed, placed, marked and buoyed as not to constitute a danger or obstruction to shipping, and the licensee if required by the Governor to do so shall illuminate between the hours of sunset and sunrise, in a manner satisfactory to the Harbour Master, all derricks, piers, survey marks or any other installations erected in the area included in a licence. The means of illumination shall be such as is approved or required by the Harbour Master."

With respect to submarine areas in the Gulf of Paria, see the Treaty of 26 February 1942, between United Kingdom and Venezuela, and the Annexation Order issued thereunder, which are reproduced in chapter 2 of part I, below.

15. United States of America

- (a) PRESIDENTIAL PROCLAMATION NO. 2667, CONCERNING THE POLICY OF THE UNITED STATES WITH RESPECT TO THE NATURAL RESOURCES OF THE SUBSOIL AND SEA BED OF THE CONTINENTAL SHELF, 28 SEPTEMBER 1945. "U.S. STATUTES AT LARGE", VOL. 59 (1945), P. 884. "FEDERAL REGISTER", VOL. 10 (1945), P. 12303; "DEPARTMENT OF STATE BULLETIN", VOL. 13 (1945), P. 485

Whereas the Government of the United States of America, aware of the long range world-wide need for new sources of petroleum and other minerals, holds the view that efforts to discover and make available new supplies of these resources should be encouraged; and

Whereas its competent experts are of the opinion that such resources underlie many parts of the continental shelf off the coasts of the United States of America, and that with modern technological progress their utilization is already practicable or will become so at an early date; and

Whereas recognized jurisdiction over these resources is required in the interest of their conservation and prudent utilization when and as development is undertaken; and

Whereas it is the view of the Government of the United States that the exercise of jurisdiction over the natural resources of the subsoil and sea bed of the continental shelf by the contiguous nation is reasonable and just, since effectiveness of measures to utilize or conserve these resources would be contingent upon co-operation and protection from the shore, since the continental shelf may be regarded as an extension of the land-mass of the coastal nation and thus naturally appurtenant to it, since these resources frequently form a seaward extension of a pool or deposit lying within the territory, and since self-protection compels the coastal nation to keep close watch over activities off its shores which are of the nature necessary for utilization of these resources;

Now, therefore, I, Harry S. Truman, President of the United States of America, do hereby proclaim the following policy of the United

States of America with respect to the natural resources of the subsoil and sea bed of the continental shelf.

Having concern for the urgency of conserving and prudently utilizing its natural resources, the Government of the United States regards the natural resources of the subsoil and sea bed of the continental shelf beneath the high seas but contiguous to the coasts of the United States as appertaining to the United States, subject to its jurisdiction and control. In cases where the continental shelf extends to the shores of another State, or is shared with an adjacent State, the boundary shall be determined by the United States and the State concerned in accordance with equitable principles. The character as high seas of the waters above the continental shelf and the right to their free and unimpeded navigation are in no way thus affected.

Note. The purpose of this proclamation has been explained as follows in an accompanying press release:

"The policy proclaimed by the President in regard to the jurisdiction over the continental shelf does not touch upon the question of Federal versus State control. It is concerned solely with establishing the jurisdiction of the United States from an international standpoint. It will, however, make possible the orderly development of an underwater area 750,000 square miles in extent. Generally, submerged land which is contiguous to the continent and which is covered by no more than 100 fathoms (600 feet) of water is considered as the continental shelf.

"Petroleum geologists believe that portions of the continental shelf beyond the three-mile limit contain valuable oil deposits. The study of subsurface structures associated with oil deposits which have been discovered along the the Gulf coast of Texas, for instance, indicates that corresponding deposits may underlie the offshore or submerged land. The trend of oil-productive salt domes extends directly into the Gulf of Mexico off the Texas coast. Oil is also being taken at present from wells within the three-mile limit off the coast of California. It is quite possible, geologists say, that the oil deposits extend beyond the traditional limit of national jurisdiction.

"Valuable deposits of minerals other than oil may also be expected to be found in these submerged areas. Ore mines now extend under the sea from the coasts of England, Chile, and other countries.

"While asserting jurisdiction and control of the United States over the mineral resources of the continental shelf, the proclamation in no wise abridges the right of free and unimpeded navigation of waters of the character of high seas above the shelf, nor does it extend the present limits of the territorial waters of the United States.

"The advance of technology prior to the present war had already made possible the exploitation of a limited amount of minerals from submerged lands within the three-mile limit. The rapid development of technical knowledge and equipment occasioned by the war now makes possible the determination of the resources of the submerged lands outside of the three-mile limit. With the need for the discovery of additional resources of petroleum and other minerals, it became advisable for the United States to make possible orderly development of these resources. The proclamation of the President is designed to serve this purpose." *Department of State Bulletin*, vol. 12 (1945), p. 484.

Further official comments on United States' action with respect to the continental shelf are contained in the *Annual Report of the Secretary of the Interior* (Harold L. Ickes) for 1945 (pp. vi, ix-x) which states that:

"We have acquired jurisdiction over the Continental Shelf, which is about 760,000 square miles of underwater land from which we may replenish some of our depleted mineral reserves. If we discount the obvious

fact it is uninhabited and uninhabitable, the Continental Shelf ranks with the lands which we acquired by the Louisiana Purchase, or by the opening of the West, or by the purchase of Alaska. And the exploration of this vast underwater area will be an important historical event. We will make new applications of modern science and set scientists to work in co-operation on a scope that has been surpassed on no single undertaking other than the project for the development of atomic energy.

“Approximately described, the Continental Shelf is all of the ocean floor around the United States and its Territories that is covered by no more than 600 feet of water. The whole area is almost as large as the area embraced in the Louisiana Purchase, which was 827,000 square miles, and almost twice as large as the original 13 colonies, which was 400,000 square miles. Along the Alaska coastline the shelf extends several hundred miles under the Bering Sea. On the Eastern coast of the United States the width of the shelf varies 20 miles to 250 miles, and along the Pacific coast it is from 1 to 50 miles wide.

“Two Presidential proclamations assert our sovereignty over the mineral resources of this ground, and our jurisdiction over the fishery resources of the high seas contiguous to our lands. The food and mineral resources of these areas are worth billions of dollars. Experts in the geology of oil lands would not be surprised if we found 22 billion barrels of oil—more than we are sure that we have on the continent—beneath one small part of the shelf that reaches into the Gulf of Mexico. Geologists also think that the shelf will yield minerals. Their expectations are based on geologists’ observations and on geologic reasoning. They have “tracked” lines of oil-bearing formations in the earth up to the shoreline, and they have good reasons to believe that the lines continue along the bed of the ocean. They also know which geologic processes create oil, and the shelf has undergone those processes.

“The great wealth in this new acquisition is not something that we may take in a few decades or a few centuries. We can begin taking it within a relatively short time. It is true that oil has never been recovered from fields that are distant from the shore and under 600 feet of water, but it has been recovered from a field that is a mile off the Louisiana shore and from another that is 2 miles off the coast of Texas. Techniques for recovering it from deeper waters appear to be possible to our scientists and engineers, and they must appear possible also to at least one oil company, for it has explored the waters of the Gulf of Mexico for oil up to 26 miles off the Louisiana coast.

“This Department has been assigned to explore the shelf, and we have developed our plans so far as we can develop them without knowing how much money the Congress will appropriate for the work. We have acquired some of the extraordinary instruments that will be used; we are building or redesigning others. We are formulating a program for co-operative work by geophysicists, geologists, and engineers. Their work will be carried on partly aboard vessels and partly in submarines, and diving bells, and in airplanes. The cost of the survey may run to several millions of dollars if we include the cost of ships and equipment that have served their war purpose for the Navy and which are still in the Navy’s possession. Even if we did count the cost of these essentials in the cost of the survey, which would be doubtful bookkeeping, the shelf would still be cheap. Alaska cost us \$7,200,000; the Danish West Indies, \$25,000,000; and the Louisiana Purchase amounted to \$27,000,000. The Continental Shelf cost only the forethought that was required to assert our sovereignty over it.”

- (b) EXECUTIVE ORDER NO. 9633, RESERVING AND PLACING CERTAIN RESOURCES OF THE CONTINENTAL SHELF UNDER THE CONTROL AND JURISDICTION OF THE SECRETARY OF THE INTERIOR, 28 SEPTEMBER 1945. "FEDERAL REGISTER", VOL. 10 (1945), p. 12305; "DEPARTMENT OF STATE BULLETIN", VOL. 13 (1945), p. 486

By virtue of and pursuant to the authority vested in me as President of the United States, it is ordered that the natural resources of the subsoil and sea bed of the continental shelf beneath the high seas but contiguous to the coasts of the United States declared this day by proclamation to appertain to the United States and to be subject to its jurisdiction and control, be and they are hereby reserved, set aside, and placed under the jurisdiction and control of the Secretary of the Interior for administrative purposes, pending the enactment of legislation in regard thereto. Neither this Order nor the aforesaid proclamation shall be deemed to affect the determination by legislation or judicial decree of any issues between the United States and the several states, relating to the ownership or control of the subsoil and sea bed of the continental shelf within or outside of the three-mile limit.

(c) TEXAS

- (i) *Act declaring the sovereignty of Texas along its seacoast, 16 May 1941, as amended by Act of 23 May 1947. "General and Special Laws of the State of Texas", 47th Legislature (1941), c. 286, p. 454; 50th Legislature (1947), c. 253, p. 451*

Whereas, Dominion, with its consequent use, ownership and jurisdiction over its marginal waters by a State has found support because it is the duty of a State to protect its citizens whose livelihood depends on fishing, or taking from said marginal waters the natural products they are capable of yielding; also, has found support in that sufficient security must exist for the lives and property of the citizens of the State; and

Whereas, According to the ancient principles of international law, it was generally recognized by the nations of the world that the boundary of each sovereign State along the seacoast was located three (3) marine miles distant in the sea, from low water mark along its coast on the open sea; and

Whereas, The seaward boundary of each sovereign State as so fixed is generally known as the three (3) mile limit of such State; and

Whereas, The said three (3) mile limit was so recognized as the seaward boundary of each sovereign State, because at the time it became so fixed three (3) marine miles was the distance of a cannon shot, and was considered the distance at which a State could make its authority effective on the sea by the use of artillery located on the shore; and

Whereas, Since the said three (3) mile limit was so established as the seaward boundary of each sovereign State, modern cannon have been improved to such an extent that now many cannon shoot twenty-seven (27) marine miles and more, and by the use of artillery located on its shores a State can now make its authority effective at least twenty-seven (27) marine miles out to sea from low water mark; and

Whereas, The first Congress of the Republic of Texas passed an Act (1 Gammel's Laws, 1193) defining the boundaries of the Republic of Texas and declaring that its boundaries began at the mouth of the Sabine River and ran West along the Gulf of Mexico three (3) leagues from land to the mouth of the Rio Grande, then up to the principal stream of said river to its source; and the Congress of the United States (5 U.S. Statutes at Large, 797) proposed to the Republic of Texas that it be admitted into the Union, and that Texas should retain all vacant and unappropriated land lying within its limits; and the Congress of the Republic of Texas thereafter passed a Joint Resolution accepting the terms of annexation proposed by the United States (2 Gammel's Laws, 1200), and such action of the Congress of the Republic of Texas was ratified by popular vote of the people of Texas, and Texas was admitted to the Union by virtue of a Resolution of Congress passed December 29, 1845, under which the State of Texas retained all of its public lands (9 U.S. Statutes at Large, 108); and the first Legislature of the State of Texas declared: "That the exclusive right to the jurisdiction over the soil included in the limits of the late Republic of Texas was acquired by the valor of the people thereof, and was by them vested in the government of said Republic; that such exclusive right is now vested in and belongs to the State (Acts, First Legislature, 1846, page 155); and under the treaty of Guadalupe Hidalgo, the boundary line between the Republic of Mexico and the United States was defined as commencing in the Gulf of Mexico, three (3) leagues from land, opposite the mouth of the Rio Grande; it is clear that the Republic of Texas and the State of Texas have from the earliest days asserted title to the ownership of that portion of the Gulf of Mexico, and the soil at the bottom thereof, out to the limit of three (3) marine leagues from shore."

Whereas, Therefore, the gulfward boundary of Texas is already located in the Gulf of Mexico, three (3) leagues distant from the shore, a width of marginal area made greater by the above Act and agreement, than the well-accepted and inherent three (3) mile limit; and

Whereas, A State can define its limits on the sea; and

Whereas, The State of Texas owns the waters of the sea and the waters of the arms of the sea, and the seashore and the shores of all arms of the sea as far inland as the high water mark within the territory of the State of Texas; and

Whereas, The State of Texas, including all parts thereof and all territory that may be added thereto, forms a part of the United States of America, over which the said United States is authorized to exercise, and exercises, such powers and jurisdiction as the said United States is authorized by the Constitution of the United States to exercise thereover;

Be it enacted by the Legislature of the State of Texas:

Section 1. That the Gulfward boundary of the State of Texas is hereby fixed and declared to be a line beginning in the Gulf of Mexico at the mouth of the Sabine River; thence on a grid bearing S. 35 degrees 55 minutes and 22 seconds E. to the farthestmost edge of the continental shelf from the Gulf Shore line; thence in a westerly and southerly direction with the edge of the continental shelf to a point opposite the mouth of the Rio Grande River; thence to the mouth of the Rio Grande River.

Section 2. That, subject to the right of the government of the United States to regulate foreign and interstate commerce under section 8 of article 1 of the Constitution of the United States, and to the power of the government of the United States over cases of admiralty and maritime jurisdiction under section 2 of article 3 of the Constitution of the United States, the State of Texas has full sovereignty over all the waters of the Gulf of Mexico and of the arms of the Gulf of Mexico within the boundaries of Texas, as herein fixed, and over the beds and shores of the Gulf of Mexico and all arms of the said Gulf within the boundaries of Texas, as herein fixed.

Section 3. That the State of Texas owns, in full and complete ownership, the waters of the Gulf of Mexico and of the arms of the said Gulf, and the beds and shores of the Gulf of Mexico, and the arms of the Gulf of Mexico, including all lands that are covered by the waters of the said Gulf and its arms, either at low tide or high tide, within the boundaries of Texas, as herein fixed; and that all of said lands are set apart and granted to the Permanent Public Free School Fund of the State, and shall be held for the benefit of the Public Free School Fund of this State according to the provisions of law governing the same.

Section 4. That this Act shall never be construed as containing a relinquishment by the State of Texas of any dominion, sovereignty, territory, property or rights that the State of Texas already had before the passage of this Act.

Note. The original text of section 1 of the 1941 Act read as follows:

“Section 1. That the gulfward boundary of the State of Texas is hereby fixed and declared to be a line located in the Gulf of Mexico parallel to the three (3) mile limit, as determined according to said ancient principles of international law, which gulfward boundary is located twenty-four (24) marine miles further out in the Gulf of Mexico than the said three (3) mile limit.”

In a suit by the United States against the State of Texas, the United States Government alleged that the United States was and is “the owner in fee simple of, or possessed of paramount rights in, and full dominion and power over, the lands, minerals and other things underlying the Gulf of Mexico, lying seaward of the ordinary low water mark on the coast of Texas and outside of the inland waters, extending seaward to the outer edge of the continental shelf and bounded on the east and southwest, respectively, by the eastern boundary of the State of Texas and the boundary between the United States and Mexico.” The Supreme Court has made only the following short comment on the Texas Acts of 1941 and 1947: “Texas in 1941 sought to extend its boundary to a line in the Gulf of Mexico twenty-four marine miles beyond the three-mile limit and asserted ownership of the bed within that area. And in 1947 she put the extended boundary to the outer edge of the continental shelf. The irrelevancy of these acts to the issue before us has been adequately demonstrated in *United States v. Louisiana*.” *Official Reports of the Supreme Court*, vol. 339, pp. 707, 709, 720.