

United Nations Conference on the Law of the Sea

Geneva, Switzerland
24 February to 27 April 1958

Documents:

A/CONF.13/L.13

**First report of the Drafting Committee of the Conference: articles and final clauses
adopted by the Fourth Committee**

A/CONF.13/L.14

**Yugoslavia: amendment to article 67 as adopted by the Fourth Committee
(A/CONF.13/L.12)**

Extract from the *Official Records of the United Nations Conference on the Law of
The Sea, Volume II (Plenary Meetings)*

the boundary of the continental shelf appertaining to such States shall be determined by agreement between them. In the absence of agreement, and unless another boundary line is justified by special circumstances, the boundary is the median line, every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea of each State is measured.

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

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

Article 73 (New article)

The provisions of these articles shall not prejudice the right of the coastal State to exploit the subsoil by means of tunnelling irrespective of the depth of water above the subsoil.

Article 74 (formerly article 73)

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

II

**RECOMMENDATIONS OF THE FOURTH COMMITTEE
REGARDING FINAL CLAUSES**

Signature

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

Ratification

This convention is subject to ratification. The instruments

of ratification shall be deposited with the Secretary-General of the United Nations.

Accession

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

Entry into force

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

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

Revision

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

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

Notifications

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

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

Deposit of the Convention, and languages

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

DOCUMENT A/CONF.13/L.13

First report of the Drafting Committee of the Conference: articles and final clauses adopted by the Fourth Committee

[Original text : English]
[21 April 1958]

1. The Drafting Committee of the Conference met on 21 April, under the chairmanship of Mr. J. A. Correa (Ecuador), and considered the texts of articles 67 to 74 adopted by the Fourth Committee (A/CONF.13/L.12, annex), together with the final clauses adopted by that committee (A/CONF.13/L.12, annex).

2. The Drafting Committee recommends a small number of changes of a drafting nature. These are set out below as follows :

- (a) Those changes affecting the English, French and Spanish texts ;

- (b) Those changes affecting the English text only ;
- (c) Those changes affecting the French text only ;¹
- (d) Those changes affecting the Spanish text only.¹

CHANGES AFFECTING THE ENGLISH, FRENCH AND SPANISH TEXTS

Article 67

To avoid repetition, rearrange article 67 as follows :

¹ Changes affecting the French and Spanish texts only have not been reproduced in the present document.

Article 67

"For the purpose of these articles, the term 'continental shelf' is used as referring (a) to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas; (b) to the seabed and subsoil of similar submarine areas adjacent to the coasts of islands."

Article 71, para. 8

Replace the words "into the continental shelf" by the following words: "concerning the continental shelf and undertaken there".

Article 74

Replace the word "States" by the words "contracting parties".

Clause on accession

Begin the clause with the words "This convention..."

Clause on entry into force¹

Paragraph 1: Insert the word "thirtieth" in the first blank space.

¹ The Drafting Committee decided to make no recommendation as to the number of instruments required to be deposited for the Convention to come into force, since it felt that this was a matter of substance which should be left for the Conference to decide.

Paragraph 2: Insert the word "thirtieth" in the second blank space.

(6) Clause on notifications

Sub-paragraph (c): Add the phrase "in accordance with article..."

CHANGES AFFECTING THE ENGLISH TEXT ONLY

Article 68, para. 2

Delete the words "the present" and replace by the word "this". Replace the word "lay" by the words "make a".

Article 71, para. 1

After the word "sea", add a comma.

Article 71, para. 3

Replace the words "the present" by the word "this".

Article 71, para. 8

In the second sentence replace the word "into" by the word "concerning".

Final clauses

Throughout the final clauses, replace the words "the present convention" by the words "this convention".

Article on signature

Replace the word "one" by the word "any".

DOCUMENT A/CONF.13/L.14

**Yugoslavia: amendment to article 67
as adopted by the Fourth Committee (A/CONF.13/L.12)**

[Original text: English]
[21 April 1958]

At the end of paragraph 1 add the following sentence:

"But in any case the breadth of the continental shelf must not be extended beyond 100 miles in the direction of the high seas measured from the outer limit of the territorial sea."

Comment

There are some shallow seas, even large parts of oceans as well, whose depth of 200 m. is very often extended rather far from the coast (may be up to 300 or 400 miles). If nothing is said about a boundary as far as the continental shelf is concerned, it might happen that enormous surfaces of the sea would be subordinated to several exclusive rights of the coastal States, which would mean a scramble for a new division of the world, only this time of the sea world. Having in mind the fact that the continental shelf does hamper, to some extent, navigation and fishing on the high seas, it is absolutely necessary not to allow the States, in establishing their continental shelf, to go too far. On land there are precisely drawn boundary lines between States, and yet frontier incidents occur frequently. One can imagine what the situation on the high seas will be, where no such frontiers exist.