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Document:

Annexes

Articles 67 to 73 of the Draft of the International Law Commission (A/3159)

Extract from the *Official Records of the United Nations Conference on the Law of The Sea, Volume VI (Fourth Committee (Continental Shelf))*

ANNEXES

[*Note.* — For the contents of these annexes, see entries in bold type in the Index to documents of the Fourth Committee, p. ix of this volume.]

ARTICLES 67 TO 73 OF THE DRAFT OF THE INTERNATIONAL LAW COMMISSION (A/3159)

SECTION III. CONTINENTAL SHELF

Article 67

For the purposes of these articles, the term "continental shelf" is used as referring 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 (approximately 100 fathoms), or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas.

Article 68

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

Article 69

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

Article 70

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

Article 71

1. The exploration of the continental shelf and the exploitation of its natural resources must not result in any unjustifiable interference with navigation, fishing or the conservation of the living resources of the sea.
2. Subject to the provisions of paragraphs 1 and 5 of this article, the coastal State is entitled to construct and maintain on the continental shelf installations necessary for the exploration and exploitation of its natural resources, and to establish safety zones at a reasonable distance around such installations and take in those zones measures necessary for their protection.

3. Such installations, though under the jurisdiction of the coastal State, do not possess the status of islands. They have no territorial sea of their own, and their presence does not affect the delimitation of the territorial sea of the coastal State.

4. Due notice must be given of any such installations constructed, and permanent means for giving warning of their presence must be maintained.

5. Neither the installations themselves, nor the said safety zones around them may be established in narrow channels or where interference may be caused in recognized sea lanes essential to international navigation.

Article 72

1. Where the same continental shelf is adjacent to the territories of two or more States whose coasts are opposite to each other, the boundary of the continental shelf appertaining to such States shall be determined by agreement between them. 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 baselines from which the breadth of the territorial sea of each country 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 baselines from which the breadth of the territorial sea of each of the two countries is measured.

Article 73

Any disputes that may arise between States concerning the interpretation or application of articles 67-72 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.

DOCUMENT A/CONF.13/C.4/L.1

Federal Republic of Germany: Memorandum concerning draft articles 67 to 73

[Original text: French]
[4 March 1958]

1. The delegation of the Federal Republic of Germany shares the opinion of the International Law Commission that the principle of the freedom of the high seas applies equally to the exploration and exploitation of the subsoil of the high seas (*cf.* A/3159, p. 24, commentary on article 27, paragraph 2).

The delegation of the Federal Republic of Germany fully supports the view of the International Law Commission that "Any freedom that is to be exercised in the interests of all entitled to enjoy it, must be regulated... to safeguard its exercise in the interests of the entire international community" (*ibid.*, paragraph 5). And so far as the

framing of new rules is concerned, it agrees with the Commission that "the necessary steps must be taken to ensure that this development affects the freedom of the seas no more than is absolutely unavoidable, since that freedom is of paramount importance to the international community" (*ibid.*, pp. 40-41, section III, The Continental Shelf, paragraph 4).

With regard to the continental shelf in particular, the delegation of the Federal Republic of Germany considers likewise that, in view of the growing importance of the wealth of the subsoil of the high seas, it is necessary, in the interests of the international community, to establish