

4. CONVENTION ON THE CONTINENTAL SHELF

Geneva, 29 April 1958

ENTRY INTO FORCE: 10 June 1964, in accordance with article 11.
REGISTRATION: 10 June 1964, No. 7302.
STATUS: Signatories: 43. Parties: 59.
TEXT: United Nations, *Treaty Series*, vol. 499, p. 311.

Note: See "Note:" in the same place in chapter XXI.1.

<i>Participant¹</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>	<i>Participant¹</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>
Afghanistan.....	30 Oct 1958		Indonesia.....	8 May 1958	
Albania.....		7 Dec 1964 a	Iran (Islamic Republic of).....	28 May 1958	
Argentina.....	29 Apr 1958		Ireland.....	2 Oct 1958	
Australia.....	30 Oct 1958	14 May 1963	Israel.....	29 Apr 1958	6 Sep 1961
Belarus.....	31 Oct 1958	27 Feb 1961	Jamaica.....		8 Oct 1965 a
Bolivia (Plurinational State of).....	17 Oct 1958		Kenya.....		20 Jun 1969 a
Bosnia and Herzegovina ²		12 Jan 1994 d	Latvia.....		2 Dec 1992 a
Bulgaria.....		31 Aug 1962 a	Lebanon.....	29 May 1958	
Cambodia.....		18 Mar 1960 a	Lesotho.....		23 Oct 1973 d
Canada.....	29 Apr 1958	6 Feb 1970	Liberia.....	27 May 1958	
Chile.....	31 Oct 1958		Madagascar.....		31 Jul 1962 a
Colombia.....	29 Apr 1958	8 Jan 1962	Malawi.....		3 Nov 1965 a
Costa Rica.....	29 Apr 1958	16 Feb 1972	Malaysia.....		21 Dec 1960 a
Croatia ²		3 Aug 1992 d	Malta.....		19 May 1966 d
Cuba.....	29 Apr 1958		Mauritius.....		5 Oct 1970 d
Cyprus.....		11 Apr 1974 a	Mexico.....		2 Aug 1966 a
Czech Republic ³		22 Feb 1993 d	Montenegro ⁵		23 Oct 2006 d
Denmark.....	29 Apr 1958	12 Jun 1963	Nepal.....	29 Apr 1958	
Dominican Republic.....	29 Apr 1958	11 Aug 1964	Netherlands ⁶	31 Oct 1958	18 Feb 1966
Ecuador.....	31 Oct 1958		New Zealand.....	29 Oct 1958	18 Jan 1965
Eswatini.....		16 Oct 1970 a	Nigeria.....		28 Apr 1971 a
Fiji.....		25 Mar 1971 d	Norway.....		9 Sep 1971 a
Finland.....	27 Oct 1958	16 Feb 1965	Pakistan.....	31 Oct 1958	
France.....		14 Jun 1965 a	Panama.....	2 May 1958	
Germany ⁴	30 Oct 1958	27 Dec 1973 a	Peru.....	31 Oct 1958	
Ghana.....	29 Apr 1958		Poland.....	31 Oct 1958	29 Jun 1962
Greece.....		6 Nov 1972 a	Portugal.....	28 Oct 1958	8 Jan 1963
Guatemala.....	29 Apr 1958	27 Nov 1961	Romania.....		12 Dec 1961 a
Haiti.....	29 Apr 1958	29 Mar 1960	Russian Federation.....	31 Oct 1958	22 Nov 1960
Iceland.....	29 Apr 1958		Senegal ⁷		25 Apr 1961 a
			Serbia ²		12 Mar 2001 d

<i>Participant¹</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>	<i>Participant¹</i>	<i>Signature</i>	<i>Ratification, Accession(a), Succession(d)</i>
Sierra Leone.....		25 Nov 1966 a	Tunisia	30 Oct 1958	
Slovakia ³		28 May 1993 d	Uganda.....		14 Sep 1964 a
Solomon Islands		3 Sep 1981 d	Ukraine	31 Oct 1958	12 Jan 1961
South Africa.....		9 Apr 1963 a	United Kingdom of Great Britain and Northern Ireland.....	9 Sep 1958	11 May 1964
Spain		25 Feb 1971 a	United States of America.....	15 Sep 1958	12 Apr 1961
Sri Lanka.....	30 Oct 1958	1 Jun 1966 a	Uruguay	29 Apr 1958	
Sweden.....		1 Jun 1966 a	Venezuela (Bolivarian Republic of).....	30 Oct 1958	15 Aug 1961
Switzerland	22 Oct 1958	18 May 1966			
Thailand.....	29 Apr 1958	2 Jul 1968			
Tonga.....		29 Jun 1971 d			
Trinidad and Tobago		11 Jul 1968 a			

Declarations and Reservations

(Unless otherwise indicated, the declarations and reservations were made upon ratification, accession or succession.)

CANADA

"The Government of Canada wishes to make the following declaration with respect to article 1 of the Convention:

"In the view of the Canadian Government the presence of an accidental feature such as a depression or a channel in a submerged area should not be regarded as constituting an interruption in the natural prolongation of the land territory of the coastal state into and under the sea."

FRANCE

In depositing this instrument of accession, the Government of the French Republic declares:

Article 1

In the view of the Government of the French Republic, the expression "adjacent" areas implies a notion of geophysical, geological and geographical dependence which *ipso facto* rules out an unlimited extension of the continental shelf.

Article 2 (paragraph 4)

The Government of the French Republic considers that the expression "living organisms belonging to sedentary species" must be interpreted as excluding crustaceans, with the exception of the species of crab termed "barnacle"; and it makes the following reservations:

Article 4

The Government of the French Republic accepts this article only on condition that the coastal State claiming that the measures it intends to take are "reasonable" agrees that if their reasonableness is contested it shall be determined by arbitration.

Article 5 (paragraph 1)

The Government of the French Republic accepts the provisions of article 5, paragraph 1, with the following reservations:

(a)

An essential element which should serve as the basis for appreciating any "interference" with the conservation of the living resources of the sea, resulting from the exploitation of the continental shelf, particularly in breeding areas for maintenance of stocks, shall be the technical report of the international scientific bodies responsible for the conservation of the living resources of the sea in the areas specified respectively in

article 1 of the Convention for the Northwest Atlantic Fisheries of 8 February 1949 and article 1 of the Convention for the Northeast Atlantic Fisheries of 24 January 1959.

(b) Any restrictions placed on the exercise of acquired fishing rights in waters above the continental shelf shall give rise to a right to compensation.

(c) It must be possible to establish by means of arbitration, if the matter is contested, whether the exploration of the continental shelf and the exploitation of its natural resources result in an interference with the other activities protected by article 5, paragraph 1, which is "unjustifiable".

Article 6 (paragraphs 1 and 2)

In the absence of a specific agreement, the Government of the French Republic will not accept that any boundary of the continental shelf determined by application of the principle of equidistance shall be invoked against it:

-- if such boundary is calculated from baselines established after 29 April 1958;

-- if it extends beyond the 200-metre isobath;

-- if it lies in areas where, in the Government's opinion, there are "special circumstances" within the meaning of article 6, paragraphs 1 and 2, that is to say: the Bay of Biscay, the Bay of Granville, and the sea areas of the Straits of Dover and of the North Sea off the French coast.

GERMANY⁴

"In signing the Convention on the Continental Shelf of 29 April 1958, the Federal Republic of Germany declares with reference to article 5, paragraph 1 of the Convention on the Continental Shelf that in the opinion of the Federal Government article 5, paragraph 1 guarantees the exercise of fishing rights (*Fischerei*) in the waters above the continental shelf in the manner hitherto generally in practice."

GREECE

... Pursuant to article 12 of the Convention, the Kingdom of Greece makes a reservation with respect to the system of de-limiting the boundaries of the continental shelf appertaining to States whose coasts are adjacent or

opposite each other, provided for in article 6, paragraphs 1 and 2, of the Convention. In such cases, the Kingdom of Greece will apply, in the absence of international agreement, the normal baseline system for the purpose of measuring the breadth of the territorial sea.

IRAN (ISLAMIC REPUBLIC OF)

Upon signature

Reservations:

(a) *Article 4:* With respect to the phrase "the Coastal State may not impede the laying or maintenance of submarine cables or pipe-lines on the continental shelf", the Iranian Government reserves its right to allow or not to allow the laying or maintenance of submarine cables or pipe-lines on its continental shelf.

(b) *Article 6:* With respect to the phrase "and unless another boundary line is justified by special circumstances" included in paragraphs 1 and 2 of this article, the Iranian Government accepts this phrase on the understanding that one method of determining the boundary line in special circumstances would be that of measurement from the high water mark."

MONTENEGRO⁵

In determining its continental shelf, Yugoslavia recognizes no "special circumstances" which should influence that delimitation.

SERBIA²

In determining its continental shelf, Yugoslavia recognizes no "special circumstances" which should influence that delimitation.

SPAIN

Spain's accession is not to be interpreted as recognition of any rights or situations in connexion with the waters of Gibraltar other than those referred to in article 10 of the Treaty of Utrecht, of 13 July 1713, between the Crowns of Spain and Great Britain.

Spain also declares, in connexion with article 1 of the Convention, that the existence of any accident of the surface, such as a depression or a channel, in a submerged zone shall not be deemed to constitute an interruption of the natural extension of the coastal territory into or under the sea.

VENEZUELA (BOLIVARIAN REPUBLIC OF)

In signing the present Convention, the Republic of Venezuela declares with reference to article 6 that there are special circumstances to be taken into consideration in the following areas: the Gulf of Paria, in so far as the boundary is not determined by existing agreements, and in zones adjacent thereto; the area between the coast of Venezuela and the island of Aruba; and the Gulf of Venezuela.

Reservation made upon ratification: . . . with express reservation in respect of article 6 of the said Convention.

Objections

(Unless otherwise indicated, the objections were made upon ratification, accession or succession.)

CANADA

"The Government of Canada wishes to declare as follows:

"(i) That it does not find acceptable the declaration made by the Federal Republic of Germany with respect to article 5, paragraph 1.

"(ii) That it reserves its position concerning the declaration of the Government of the French Republic with respect to article 1 and article 2, paragraph 4; and further that it does not find acceptable the reservations made by the Government of the French Republic to articles 4, and 5, paragraph 1.

"(iii) That it does not find acceptable the reservation made by the Government of the French Republic to article 6, paragraphs 1 and 2, insofar as that reservation relates to a boundary calculated from baselines established after 29 April 1958 or to a boundary extending beyond the 200 metre isobath.

"(iv) That it reserves its position concerning the reservation made by the Government of the French Republic to article 6, paragraphs 1 and 2, insofar as that reservation relates to a boundary in areas where there are 'special circumstances' within the meaning of article 6, paragraphs 1 and 2.

"(v) That it does not find acceptable the reservation made by the Iranian Government to article 4."

FIJI

FRANCE

The Government of the French Republic does not accept the reservations made by the Government of Iran with respect to article 4 of the Convention.

MONTENEGRO⁵

"The Government of Yugoslavia does not accept the reservation made by the Government of the French Republic with respect to article 6 of the Convention on the Continental Shelf."

NETHERLANDS

Objections to:

"the reservations made by the Iranian Government to article 4;

"the reservations made by the Government of the French Republic to articles 5, paragraph 1, and 6, paragraphs 1 and 2.

"The Government of the Kingdom of the Netherlands reserve all rights regarding the reservations in respect of article 6 made by the Government of Venezuela when ratifying the present Convention."

NORWAY

"In depositing their instrument of accession regarding the said Convention, the Government of Norway declare that they do not find acceptable the reservations made by the Government of the French Republic to article 5, paragraph 1, and to article 6, paragraphs 1 and 2."

SERBIA²

"The Government of Yugoslavia does not accept the reservation made by the Government of the French Republic with respect to article 6 of the Convention on the Continental Shelf."

SPAIN

Spain declares the following:

1. That it reserves its position with respect to the declaration made by the Government of the French Republic in connexion with article 1;

2. That it deems unacceptable the reservation made by the Government of the French Republic to article 6, paragraph 2, especially as concerns the Bay of Biscay.

THAILAND

On depositing the instrument of ratification, the Government of Thailand made objections to "the reservations to articles 1, 4, 5 (paragraph 1) and 6 (paragraphs 1 and 2) made by the Government of France."

TONGA⁸

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

"Article 1: The Government of the United Kingdom take note of the declaration made by the Government of the French Republic and reserve their position concerning it.

"Article 2 (paragraph 4): This declaration does not call for any observations on the part of the Government of the United Kingdom.

"Article 4: The Government of the United Kingdom and the Government of the French Republic are both parties to the Optional Protocol of Signature concerning the Compulsory Settlement of Disputes done at Geneva

on the 29th of April, 1958. The Government of the United Kingdom assume that the declaration made by the Government of the French Republic is not intended to derogate from the rights and obligations of the parties to the Optional Protocol.

"Article 5 (paragraph 1): Reservation (a) does not call for any observations on the part of the Government of the United Kingdom.

"The Government of the United Kingdom are unable to accept reservation (b) .

"The Government of the United Kingdom are prepared to accept reservation (c) on the understanding that it is not intended to derogate from the rights and obligations of parties to the Optional Protocol of Signature concerning the Compulsory Settlement of Disputes.

"Article 6 (paragraphs 1 and 2): The Government of the United Kingdom are unable to accept the reservations made by the Government of the French Republic."

UNITED STATES OF AMERICA⁹

"The United States does not find the following reservations acceptable:

"1. The reservation made by the Iranian Government to article 4.

"2. The reservation made by the Federal Republic of Germany to article 5, paragraph 1."

"The reservations [made by France] to articles 4, 5 and 6. The declarations by France with respect to articles 1 and 2 are noted without prejudice."

"The Government of the United States does not find acceptable the declaration made by the Government of Canada with respect to article 1 of the Convention on the Continental Shelf. The United States considers that Convention to be in force and applicable between it and Canada, but that such application does not in any manner constitute any concurrence by the United States in the substance of the declaration made by Canada with respect to article 1 of that Convention."

Notes:

¹ Signed and ratified on behalf of the Republic of China on 29 April 1958 and 12 October 1970, respectively. See note concerning signatures, ratifications, accessions, etc., on behalf of China (note 1 under "China" in the "Historical Information" section in the front matter of this volume).

In communications addressed to the Secretary-General with reference to the above-mentioned ratification, the Permanent Missions to the United Nations of Bulgaria, Poland, Romania, the Ukrainian SSR and the Union of Soviet Socialist Republics stated that the said ratification was illegal since the so-called "Government of China" represented no one and did not have the right to speak on behalf of China, there being only one Chinese State in the world, the People's Republic of China, and one Government entitled to represent it, the Government of the People's Republic of China.

In letters addressed to the Secretary-General concerning the above-mentioned communications, the Permanent Representative of China to the United Nations stated the following:

"The Republic of China, a sovereign state and member of the United Nations, attended the first United Nations Conference on the Law of the Sea in 1958, contributed to the formulation of the

Convention on the Continental Shelf, signed the said Convention on 29 April 1958 and duly deposited its instrument of ratification with the Secretary-General of the United Nations on 12 October 1970. Any statement relating to the said Convention that is incompatible with or derogatory to the legitimate position of the Government of the Republic of China shall in no way affect the rights and obligations of the Republic of China under the said Convention."

² The former Yugoslavia had signed and ratified the Convention on 29 April 1958 and 28 January 1966, respectively, with the following reservation:

Reservation in respect of article 6 of the Convention :

In determining its continental shelf, Yugoslavia recognizes no "special circumstances" which should influence that delimitation.

On 29 September 1965, the Government of the former Yugoslavia had communicated the following objection:

"The Government of Yugoslavia does not accept the reservation made by the Government of the French Republic

with respect to article 6 of the Convention on the Continental Shelf."

See also note 1 under "Bosnia and Herzegovina", "Croatia", "former Yugoslavia", "Slovenia", "The Former Yugoslav Republic of Macedonia" and "Yugoslavia" in the "Historical Information" section in the front matter of this volume.

³ Czechoslovakia had signed and ratified the Convention on 31 October 1958 and 31 August 1961, respectively. See also note 1 under "Czech Republic" and note 1 under "Slovakia" in the "Historical Information" section in the front matter of this volume.

⁴ The German Democratic Republic had acceded to the Convention with a declaration on 27 December 1973. For the text of the declaration, see United Nations, *Treaty Series*, vol. 905, p. 82. See also note 2 under "Germany" in the "Historical Information" section in the front matter of this volume.

⁵ See note 1 under "Montenegro" in the "Historical Information" section in the front matter of this volume.

⁶ In respect of the Kingdom in Europe, Surinam and the Netherland Antilles. See also note 1 under "Netherlands Antilles" and "Suriname" in the "Historical Information" section in the front matter of this volume.

⁷ The Secretary-General received on 1 March 1976, a communication from the Government of Senegal denouncing this Convention and specifying that the denunciation would take effect on the thirtieth day from its receipt, i.e., on 30 March 1976. The said communication was circulated by the Secretary-General to all States entitled to become parties to the Convention under its respective clauses.

The notification of denunciation was registered by the Government of Senegal on 1 March 1976 under No. 7302. (See United Nations, *Treaty Series*, vol. 997, p. 486).

In this connection, a communication from the Government of the United Kingdom was received by the Secretary-General on 1 September 1976 and registered on that same date under No. 7302.

(See United Nations, *Treaty Series*, vol. 1021, p. 433). The content of this communication is, in essence, *mutatis mutandis*, identical to the first paragraph of the communication by the Government of the United Kingdom reproduced in chapter XXI.1.

⁸ The Secretary-General received on 22 October 1971, a communication from the Government of Tonga to the effect that the latter wishes to maintain all objections made by the United Kingdom to the reservations or declarations made by States with respect to this Convention.

⁹ On 27 October 1967, the Government of the United States of America transmitted to the Secretary-General the following communication with reference to its previous communications regarding ratifications and accessions to the Law of the Sea Conventions with reservations which were unacceptable to the United States of America:

"The Government of the United States of America has received an inquiry regarding the applicability of several of the Geneva Law of the Sea Conventions of 1958 between the United States and States which ratified or acceded to those Conventions with reservations which the United States found to be unacceptable. The Government of the United States wishes to state that it has considered and will continue to consider all the Geneva Law of the Sea Conventions of 1958 as being in force between it and all other States that have ratified or acceded thereto, including States that have ratified or acceded with reservations unacceptable to the United States. With respect to States which ratified or acceded with reservations unacceptable to the United States, the Conventions are considered by the United States to be in force between it and each of those States except that provisions to which such reservations are addressed shall apply only to the extent that they are not affected by those reservations. The United States considers that such application of the Convention does not in any manner constitute any concurrence by the United States in the substance of any of the reservations involved."

