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THE NEW LAW OF THE SEA

by

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After 8 laborious, sometimes frustrating, years of negotiations, the Third UN Conference on the Law of the Sea (hereinafter referred to as III UNCLOS) is finally coming to a close. The adoption on 30 April, 1982 of a Convention on the Law of the Sea marked a significant milestone in the development of international law. The final Act of the Conference and the new Convention will be signed sometime in December this year. The importance of the adoption of the Convention cannot be over-emphasised. It will be applied to two-thirds of the surface of the globe. It is the most far-reaching multi-lateral negotiations that have successfully been undertaken on a global scale. It demonstrates that even in an area where interests of states are in conflict and where the issues involved are complex, given determination and goodwill, it is possible to achieve a solution. It is a landmark in the development of international co-operation. The participants of the Conference have by their efforts promoted world peace and good order.

2. Sceptics have over the years, when the Conference was seeking to find the correct balance, expressed serious reservations as to whether the Conference will ever conclude. Well, the adoption of the Convention is the surest proof to the contrary. Of course, the sceptics were not entirely wrong during certain periods of the long negotiations because even the participants of the Conference had on occasions expressed doubts as to whether, on account of the very diverse points of views held by different countries, it was really possible to achieve agreement. That this is now achieved is a feat of a unique kind.

3. As one who is closely associated with the negotiations over all these years, the only regret I have at this time is the fact that the Conference was not able to adopt the Convention by acclamation or consensus. For its own particular reasons, which I will deal with later, the United States has found itself not in a position to support the Convention. It called for a vote to be taken on the Convention which otherwise would have been adopted by consensus or at least without a vote. The result of the vote was 130 in favour, 4 against and 17 abstentions. Be that as it may, it cannot be denied that the Convention has received overwhelming support.

4. It was only in 1958, at the first UN Conference of the Law of the Sea, that four Conventions on the Law of the Sea were adopted. They relate to:-

(i) the territorial sea and contiguous zone;

(ii) high seas;

(iii) continental shelf; and

(iv) conservation and management of the living resources of the sea.

While the 1958 Conference adopted the four Conventions it failed nevertheless to resolve one of the thorniest issues that was before it, i.e. to determine the maximum breadth of the territorial sea. Indeed this failure prompted the convening of a second Conference in 1960 to deal specifically with this issue. Again it failed to reach agreement.

5. Over the years coastal states have claimed territorial sea of varying breadths, with a few claiming up to 200 miles. The rapid technological advancement that had taken place in the post 1958 years rendered many of the assumptions and suppositions implicit in the four Conventions obsolete. This led to further clamours to revise the four Conventions and to deal with the marine questions in their totality rather than in a piecemeal fashion. Many States felt that the problems of the ocean space were closely inter-related and should be considered as a whole.

6. Indeed, even before the present Conference was formally convened in 1973, preparatory work was undertaken by a committee of the United Nations General Assembly known as the Sea-bed Committee. That Committee wrestled with the conflicting points of view over a period of five years. Just to illustrate how complex and sensitive the questions under consideration could be, the Committee spent almost an entire year just to identify themain issues and the sub-issues that should be taken up at the III UNCLOS.

7. Because of the extreme importance and political sensitivity involved, the orocedures adopted by III UNCLOS were also unusual. Previous UN plenipotentiary conferences always had before them draft articles prepared by the International Law Convention. This was not so for III UNCLOS, as delegations felt that they were not prepared to let the International Law Commission put up a basic draft as the issues were too political. Further all previous plenipotentiary Conferences had always maintained detailed record of the discussions. But in order to encourage a freer exchange of views and a better understandinq of each

other's needs and interests most of the meetings or discussion at III UNCLOS were informal without record. Events have now shown that that was the correct approach to take. It discouraged the making of formal statements just for the record and thus facilitated the convergence of views.

SCOPE OF THE NEW CONVENTION

8. As indicated above the participants at the Conference wished to deal with the problems relating to the marine space in a comprehensive manner. Accordingly, the new Convention, as adopted, reflects that approach. It contains provisions relatino to the territorial sea and continuous zone, passage of vessels through straits used for international navioation, archipelagic States, the exclusive economic zone, the continental shelf, the high seas, the Area outside national jurisdiction which is the common heritage of mankind, marine scientific research, preservation of the marine environment and settlement of disputes. While quite a large numher of the provisions in the new Convention are lifted out of the existing four Conventions, an even larger number of provisions are completely new and create new law.

9. Under the new Convention a coastal state is entitled to establish a territorial sea of up to 12 miles measured from the baseline. Generally the baseline is thelow-water mark of the coast. Beyond the territorial sea a coastal state is permitted to establish an Exclusive Economic Zone (EEZ) of up to 200 miles measured from the baseline. Therefore, effectively the EEZ is only 188 miles. In particular localities where the coastal state has very extensive

continental shelf which extends beyond 200 miles from the baseline (e.g. USA, Australia, New Zealand, Canada, Argentina, Brazil, etc.) the coastal state is also accorded the sovereign rights to explore and exploit the non-living resources of the continental shelf up to practically the edge of the continental margin. The manner in which the new Convention deals with the very difficult question of defining the continental shelf is at Appendix 'A'. Beyond the 200 mile EEZ or the edge of the continental margin, whichever is the further, is the International Area, which is the common heritage of mankind.

10. Within its territorial sea a coastal state has full sovereignty over it except in respect of two aspects. The first is that vessels of other states have the right of innocent passage through the territorial sea. A passage is innocent only so long as it is not prejudicial to the peace, good order or security of the coastal state. In determining whether a passage is innocent or otherwise the purpose of the passage is important. If the passage is intended to be a threat against the sovereignty or integrity of the coastal State then that passage would not be innocent. Similarly the carrying out of any activities by the vessel while in passage through the territorial sea could also render the passage non-innocent unless such activities are necessary because of force majeure or other circumstances. The second exception applies in the situation where a part of a territorial sea also forms a strait used for international navigation. In this situation vessels of other countries enjoy the right of transit passage through the straits. I will deal with this aspect of transit passage in some detail later, as I believe the question is of particular

interest to the participants of this Conference of The Maritime Law Association of Australia and New Zealand.

11 Within the EEZ the coastal state has the sovereign rights to explore and exploit the living and non-living resources and jurisdiction over scientific research and the preservation of the marine environment. It is, however, important to note that the coastal state does not have full sovereignty in the EEZ as it has in the territorial sea. Subject to such economic rights and other jurisdiction conferred upon the coastal state, other states enjoy the freedom of navigation and over-flight and of the laying of submarine cables and pipelines and to conduct other internationally lawful uses of the sea in the EEZ. Recognising that since both the coastal state and other states have rights within the EEZ the new Convention provides that where there is a conflict that conflict "should be resolved on the basis of equity and in the light of all the relevant circumstances, taking into account the respective importance of the interests involved to the parties as well as to the international community as a whole". This formula hardly gives any definite guidance for the resolution of a dispute. It is so flexible that obviously every dispute would have to be decided on the facts of each case.

12 In this part of the world certain countries have particularly peculiar geographical features. These countries consist of island territories which spread over a wide expanse of the sea. Three countries have so far in this region identified themselves as such archipelagic states, i.e., Fiji, Indonesia and the Philippines. In view of their special geographical features these countries have asserted that the

traditional way of determining the baselines and of measuring the territorial sea and of the exclusive economic zone should not be applicable to them. They said that to maintain their unity and territorial integrity as states it is important that they should be entitled to claim waters in-between their numerous islands as their internal waters. Accordingly, they sought the right to draw baselines which would allow them to join the outer-most points of the outer-most islands. The territorial sea and the EEZ of such an archipelagic state will be measured outwards of these connecting baselines. During the 1958 Conference this concept was put forward but it was not accepted then. However, these states have now succeeded in having included in the new Convention a separate part dealing specifically with this matter.

13 It is important to note that not every other state which has a large number of islands may claim to be an archipelagic state. This is because for a state to qualify as an archipelagic state the area of the water to the area of the land ratio enclosed within the baselines must fall within 1 to 1 and 9 to 1. There are certain other objective criteria laid down in the Convention to prevent abuse such as the maximum length of each baseline.

14 In view of the vast expanse of water that will be enclosed within the baselines drawn by an archipelagic state and in order to safeguard the navigational interests of the international community that will be affected by such baselines, the new Convention, as part of the trade-off to accepting this new concept, has elaborated a scheme to protect such interests.

Provisions are also included to safeguard the special interests of countries which neighbour an archipelagic state.

15 The most significant and important aspect of the new Convention, and also the most novel, relates to that part of the sea-bed which is beyond the jurisdiction of any state and which has been declared to be thecommon heritage of mankind. The new Convention proclaims that no state shall claim or exercise sovereignty or sovereign rights over any part of the International Area. It also provides that no such claim or exercise of sovereignty or sovereign rights shall be recognised. All rights in the resources of the International Area are vested in mankind as a whole and the responsibility for safeguarding those rights of mankind are being vested in a newly created international body called the International Seabed Authority, which the new Convention also establishes.

16 The new Convention sets out a system which will provide for the orderly exploration and exploitation of the resources of the International Area. It will also ensure that no state could have the monopoly in exploring and exploiting those resources. Extensive powers of control are accorded to the International Seabed Authority to ensure that the interests ofmankind as a whole is safeguarded. As indicated earlier on, the US has not been able to accept this part of the new Convention dealing with the International Area. It felt that the new Convention would have the effect of inhibiting and perhaps preventing the development of the deep seabed resources. It also objected to the

provisions in the new Convention which require the transfer of technology to the less developed countries.

17 While many changes of a siqnificant kind were made to the draft Convention at the 11th hour of the III UNCLOS in order to accommodate the concern of the United States, it was unfortunate that the US still found itself unable to accept the new Convention as finally adopted. The Conference realised that it was necessary to have the US on board if we were to successfully launch the International Seabed Authority and to fully realise the common heritage ofmankind. For that reason the Conference had deferred a decision on the draft Convention for a full year before a final decision had to be taken.

ISSUES AFFECTING THE REGION

18 The foregoing is a very, very brief account of what is dealt with in the new Convention, which consists of more than 400 articles. It must, however, be stressed that the adoption of the new convention does not necessarily mean that we have resolved all problems relatinq to the marine space. The new Convention, though elaborate, contains no more than broad rules and principles. Further, it hardly represents the finest piece of legislative drafting.

Indeed the contrary is more the case. This is because the text of many of the articles in the new Convention was the result of compromises reached. Compromised solutions by their very nature often contain deliberate generalities and perhaps even ambiguities. It is

through the use of generalities that opposing views could possibly be harmonised. As far as I can see this is the beginning of very much more work that is to come. The role of the sea lawyer is far from being eclipsed. Indeed he has now the task of applying the broad rules and principles set out in the treaty to particular facts of each case. Volumes will undoubtedly be written on or about the new Convention, which will take us well into the next century.

19 For the countries in this region two questions dealt with in the new Convention are of particular importance and I will deal with each in turn. I believe these are also questions which are of particular relevance to the participants at this gathering in Singapore. The first question relates to the right of navigation and the second the question of delimitation between adjacent and opposite states.

NAVIGATION THROUGH STRAITS

2Ø The Straits of Malacca and Singapore rank as one of themost busiest waterways used for international navigation. In the Far Fast it is probably themost important and critical route used for navigation. Vessels from the West have to traverse the Straits in order to get on to the Far East and vice-versa. Energy traffic from the Middle East goes through the Straits to keep in action the Japanese industry. For Australia and New Zealand another set of international waterways which are important are the Makassar Strait and the Sunda Strait, which cut throuqh the Indonesia Archipelago.

21 As stated above, the new Convention created a totally new regime of transit passage for straits used for international navigation. For the regime of transit passage to apply in any strait that strait must be one which connects one area ofthe high seas or an exclusive economic zone and another area of the high seas or an exclusive economic zone.

22 The regime of transit passage covers not only navigation but also overflights. In short, the regime preserves the right of aircraft to fly over a strait used for international navigation. This is one important difference between innocent passage and transit passage. Another important difference is that a strait state cannot suspend transit passage. A vessel or an aircraft exercising the riqht of transit passage must proceed continuously and expeditiously through the strait. The strait state is expressly prohibited from impeding the exercise of such a right by vessels and aircraft of other states. While this right of transit passage is described in the new Convention as the "freedom of navigation and overflight", it is not quite the same as the high seas freedom of navigation and overflight because the straits states are accorded certain regulatory powers though the grounds upon which the strait states may exercise those powers are clearly circumscribed.

23 Powers are given in the new Convention to the strait states to designate sealanès and prescribe traffic separation scheme to promote safety of navigation. However, to ensure that such sealanes or traffic separation schemes are drawn in a manner which is in conformity with acceptable international rules

and standards, the sealanes or traffic separation schemes must be adopted by the relevant international organisation, which in this case will be IMCO, before it may be implemented. The strait state has also the powers to make laws and regulations, in accordance with internationally accepted standards, to promote the safety of navigation, to prevent, reduce and control pollution and to prevent fishing and the taking on board or putting over board any commodity, currency or person in contravention of customs, fiscal, immigration or sanitary rules of the strait state. As naviqation is a matter of universal concern and in order to prevent the adoption of discriminatory measures between different flags, thenew Convention specifically prescribes that there shall not be any discrimination in form or in fact among foreign ships.

24 To strike the correct balance between preserving the "freedom" of navigation and overflight and theneed to protect the security of the Strait state, certain duties are imposed upon vessels and aircraft in transit. They are required to refrain from any activities other than those which are incidental to their normal modes of continuous and expeditious transit unless rendered necessary by force majeure or by distress. They must also refrain from any threat or use of force against the sovereignty, territorial integrity or political independence of strait states. Further, they should also comply with the generally accepted international regulations and procedures governing safety at sea and the relevant rules of the air established by the International Civil Aviation Organisation.

25 If a vessel should fail to comply with the laws and regulations of the strait state which are properly made in accordance with the powers given in the new Convention and such failure to comply causes or threatens major damage to the marine environment of the strait, the strait state is authorised to take the the appropriate enforcement measures.

26 In so far as a strait state should improperly prevent a vessel or aircraft of another country from exercising the right of transit passage, that state would have, in accordance with qeneral principals of international law, to bear the full responsibility for its actions. It is pertinent to note that a dispute concerning the question of the exercise of the right of transit passage is subject to the compulsory settlement procedure set out in the new Convention. Therefore the State of registry of the vessel or aircraft in question has an effective recourse should the rights of its vessel or aircraft be infringed.

27 The position of the Makassar and Sunda Straits is a little different from that of the Straits of Malacca and Singapore in that the first mentioned straits fall within the archipelagic waters of Indonesia, that is, the straits are within the baselines of Indonesia. However, as earlier indicated, the acceptance of the archipelagic principle is condition upon the acceptance by the archipelagic states of the navigational interests of the international community. Accordingly the new Convention created the new concept of the right of the archipelagic sealane passage through straits which falls within archipelagic waters and which have before the adoption of this new Convention been used as

waterways for international communication. The content of the right of archipelagic sealane passage is almost identical with that laid down for transit passage for straits as discussed above.

28 Therefore, in so far as normal navigation is concerned, it is quite clear thatsuch navigation cannot legitimately be impeded by a strait state or an archipelagic state. That was part of the bargain in the III UNCLOS in agreeing to the extension of the territorial sea to 12 miles and acceptance of the archipelagic principle.

CONFLICTING JURISDICTIONAL CLAIMS

29 One direct consequence of the provisions in the new Convention giving states extended jurisdiction over the sea is that in those areas where adjacent or opposite states are close to each other, delimitation problems will inevitably arise. The new Convention also provides that every island no matter how small will qualify to have an economic zone and/or a continental shelf just like any other continental land territory. The only exception is that of a rock which "cannot sustain human habitation or economic life of their own". For such a rock the coastal state is not permitted to claim any EEZ or continental shelf for that rock.

30 Potentially the seas in this region are known to be rich both in terms of the living as well as the non-living resources. Accordingly islands or rocks which in previous times were totally ignored or disregarded have suddenly become the focal point of

attention of the states concerned. In the Southeast Asian region a number of such conflicting claims to off-shore islands have arisen. I would identify the following three disputed sets of islands as being the most important:-

(a) Spratlys

The Spratlys are a group of islands in the South China Sea. Some of the islands are reportedly occupied by Vietnam, some by the Philippines and some by Taiwan. The People's Republic of China also claimed those islands though she has not apparently occupied any of it. The Philippines has in fact carried out exploration for oil in the area and she would appear to have made some discoveries there.

(b) Paracels

The Paracels are a group of islands situated Southeast of the People's Republic of China. Both China and Vietnam claimed sovereignty over those islands. They were occupied by South Vietnam until 1976 when the Chinese took control of those islands. Both China and Vietnam rely on historical grounds to support their respective claims.

(c) Phu Quoc Islands

The Phu Quoc are a group of islands in the eastern part of the Gulf of Thailand. They were claimed by both the former Khemer Republic and the former

Republic of Vietnam. In view of the fact that Kampuchea is now overrun by Vietnam it is still unclear whether one or the other party has forsaken its claim. It is something we have to watch for further developments.

31 In the context of the new Law of the Sea the question of who owns a particular island is of critical importance. The existence of such an island could make significant differences in the way in which two adjacent or opposite states will have to demarcate their EEZ or continental shelf boundary. Until the question of the ownership of these three sets of island groups is resolved, I do not see how the states which have conflicting claims could demarcate their respective boundaries. Unilateral demarcation is another matter altogether.

32 One of the thorniest questions which III UNCLOS had to deal with was to lay down the principles or criteria by which states which are opposite or adjacent to each other should demarcate their boundary. The discussions and negotiations on this one question stretched over the entire period of the Conference. Some countries prefer the equidistance principle. These are countries which have offshore islands. Others prefer a bare reference to eouitable principle without giving primary importance to the equidistance principle. These are countries which have offshore islands of other states located close to their coast. It was indeed one of the last provisions to be agreed upon by consensus. The articles in ouestion in the new Convention read as follows:-

> "The delimitation of the exclusive economic zone (or the continental shelf) between states with opposite or adjacent coast shall be effected by agreement on the basis of international law as referred to in Article 38 of the Statute for the International Court of Justice in order to achieve an equitable solution".

It is obvious that these provisions do not lay down any definite objective criteria. All that they say is that delimitation question must be resolved by agreement. The only other point which is of any significance in the articles is that the agreement must achieve an equitable solution. Of course what is an equitable solution in particular situations is certainly not a matter which one could define objectively. Perhaps the way in which the articles were formulated was inevitable as it was a compromise formula which was broadly acceptable to both sides. As stated earlier, compromises invariably contain expressions or terminologies which are capable of a variety of interpretations.

33 It is, however, not true that this region has not been able to resolve its boundary problems at all. While the Conference was wrestling with many of the intractable problems some of the countries have begun to carry out bilateral negotiations in order to have their boundaries demarcated. Quite a number of boundary agreements have been concluded in the last ten years. Indonesia is a party to most of them and she should be commended for taking the lead in this matter, i.e. to resolve boundary problems through negotiations and agreements. Such an approach is clearly in consonance with the articles quoted above.

34 What happens if negotiations between two opposite or adjacent states do not result in an agreement? Depending upon the importance of this issue in the total relationship of the two states, it could certainly sour up or strain their relation. What, however, I would like to bring to yourattention is an innovative approach which has been adopted to resolve a boundary problem between Malaysia and Thailand in the Gulf of Thailand. There is no reason why it cannot be applied to other disputed areas provided the political will is there. Malaysia and Thailand have agreed to set up a joint authority for the exploration and exploitation of that portion of the seabed in the Gulf of Thailand which is in dispute. The arrangement was effected by a Memorandum of Understanding signed between the two countries in February 1979. This is intended to be an arrangement for 50 years pending final demarcation of the boundary. So rather than holding back exploration and exploitation of the resources of the disputed area which is known to be potentially rich, this joint approach has the distinct advantage of defusing a situation which could lead to misunderstanding andperhaps even conflict. It has converted a difficult situation into an opportunity for cooperation for the mutual benefit of both parties, leaving behind for the moment where the line should be drawn.

35. Boundary negotiations do very often become protracted. States might be tempted as a result to take unilateral action of one kind or another. It hardly needs stressing that any form of unilaterism can never resolve difficulties. Indeed the sooner states appreciate this the sooner will a solution be found. Unilaterism will only harden positions on both sides and thus reduce the prospects for a compromise.

36 The Falkland Islands dispute between Great Britain and Argentina is one that goes way back many years. However, the significance of the Falkland Islands is the fact that they are sitting on what is believed to be the continental shelf of Argentina. Ownership of the Falklands in the hands of the United Kingdom would considerably reduce the extent of the continental shelf of Argentina. It is highly speculative as to whether the recent Falklands crisis was precipitated by any of the matters dealt with at III UNCLOS.

PROSPECTS FOR COOPERATION

37 The adoption of the new Convention is only the first step in the long process to bring law and order on to the oceans. Each State must now carefully examine the new Convention and determine whether it will ratify the new Convention which requires 60 ratifications and accessions to come into force. While there is a natural temptation for every state to weigh the pros and cons in the new Convention and to determine whether it has obtained a fair deal under the new Convention, I hope they will bear in mind that this was the best that could be obtained by agreement.

38 If there are states that feel that the new Convention gives too much to some states and very little or none to others, they are not far wrong. As one who had been involved in the negotiations from the preparatory stages, I had, together with other like-minded people in the Conference, sought to bring a little more equity into the new Convention. However, we encountered very strong opposition. The new Convention would have afforded the best opportunity of

bridging the gap between the rich and poor nations. But that was not to be the case. Instead the richer are getting more and the really poor nothing at all. In this imperfect world of ours, that was perhaps not unexpected. The solidarity of the Third World was nowhere to be found in seeking to promote the interest of the really poor amongst them. The poorer nations were also less vocal at III UNCLOS and, sad to say, did not pay sufficient regard to what transpired there.

39 Whatever its shortcomings, it seems to me that the international community has no option but to ratify the new Convention and bring it into force. The alternative is the law of the jungle. It is certainly better to have imperfect rules than no rules at all. Eight years of hard work should not be abandoned. I hope the US will bear this in mind when considering the new Convention. No nation, however powerful, can totally disregard world opinion. I am confident that the US will have the moral courage to ratify the new Convention notwithstanding its own misgivings. Let this be the beginning of a new era of cooperation on the oceans.

APPENDIX "A"

ARTICLE 76

DEFINITION OF THE CONTINENTAL SHELF

1 The continental shelf of a coastal State comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea through the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance.

2 The continental shelf of a coastal State shall not extend beyond the limits provided for in paragraphs 4 to 6.

3 The continental margin comprises the submerged prolongation of the land mass of the coastal State, and consists of the sea-bed and subsoil of the shelf, the slope and the rise. It does not include the deep ocean floor with its oceanic ridges or the subsoil thereof.

4(a) For the purposes of this Convention, the coastal State shall establish the outer edge of the continental margin wherever the margin extends beyond 200 mautical miles from the baselines from which the breadth of the territorial sea is measured, by either:

(i) a line delineated in accordance with paragraph 7 by reference to the outermost fixed points at each of which the

thickness of sedimentary rocks is at least 1 per cent of the shortest distance from such point to the foot of the continental slope; or

(ii) a line delineated in accordance with paragraph 7 by reference to fixed points not more than 60 nautical miles from the foot of the continental slope.

(b) In the absence of evidence to the contrary, the foot of the continental slope shall be determined as the point of maximum change in the gradient at its base.

5 The fixed points comprising the line of the outer limits of the continental shelf on the seabed, drawn in accordance with paragraph 4(a)(i) and (ii), either shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured or shall not exceed 100 nautical miles from the 2,500 metre isobath, which is a line connecting the depth of 2,500 metres.

6 Notwithstanding the provisions of paragraph 5, on submarine ridges, the outer limits of the continental shelf shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured. This paragraph does not apply to submarine elevations that are natural components of the continental margin. such as its plateaux, rises, caps, banks and spurs.

7 The coastal State shall delineate the outer limits of its continental shelf, where that shelf extends beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured by straight lines not exceeding 60 nautical miles in length, connecting fixed points, defined by coordinates of latitude and longitude.

8 Information on the limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured shall be submitted by the coastal State to the Commission on the Limits of the Continental Shelf set up under Annex II on the basis of equitable geographical representation. The Commission shall make recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf. The limits of the shelf established by a coastal State on the basis of these recommendations shall be final and binding.

9 The coastal State shall deposit with the Secretary-General of the United Nations charts and relevant information, including geodetic data, permanently describing the outer limits of its continental shelf. The Secretary-General shall give due publicity thereto.

10 The provisions of this article are without prejudice to the question of delimitation of the continental shelf between States with opposite or adjacent coasts.