

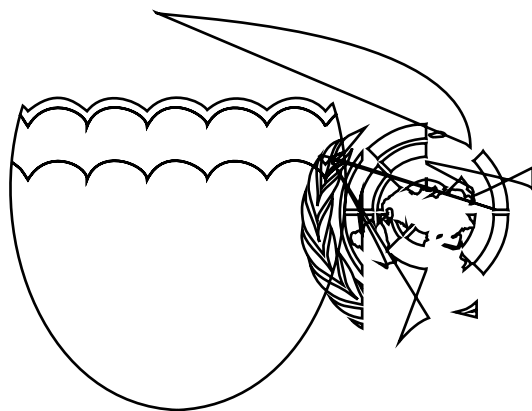


Division for Ocean Affairs and the Law of the Sea
Office of Legal Affairs



the Law of the Sea

Guidelines on deposit with the Secretary-General
of charts and lists of geographical coordinates



NOTE

CONTENTS

FOREWORD.....	iv.....
I. INTRODUCTION	1.....
II. THE ACT OF DEPOSIT.....	1.....
C S 	1.....
S 	2.....
O 	2.....
III. FORMAT OF THE DEPOSITED INFORMATION.....	3.....
C 	3.....
C 	3.....

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FOREWORD

The present guidelines were prepared in response to paragraph 363 of General Assembly resolution 74/19 of 10 December 2019, in which the Assembly requested the Secretary-General to continue the publication activities of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs, in particular through the publication of guidelines on deposits with the Secretary-General of charts and lists of geographical coordinates of points under the United Nations Convention on the Law of the Sea.

The guidelines are part of a series of publications prepared in fulfilment of the responsibilities entrusted to the Secretary-General in the Convention. In its resolution 52/26 of 26 November 1997, among others, the General Assembly listed a number of activities to be conducted by the Secretary-General, and that are discharged through the Division, including undertaking efforts to promote a better understanding of the Convention and the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 in order to ensure their effective implementation, and ensuring appropriate responses to requests of States, in particular developing States, for advice and assistance in signing, ratifying and implementing the Convention.

Supplementary material and information	8. In most cases, the source material for the charts and lists of geographical coordinates of points is the relevant texts of national legislation and maritime boundary delimitation treaties.
Legislation and treaties	9. While legislation and treaties are not the object of a deposit, under the Convention, their transmission in the context of the deposit is acceptable and considered as supplementary material and information. 10. With regard to maritime boundary delimitation treaties containing charts or lists of geographical coordinates of points, it is noted that such treaties should be registered with the Secretary-General under Article 102 of the Charter of the United Nations, prior to their transmission to the Division for Ocean Affairs and the Law of the Sea in connection with a deposit under the Convention.
Judgments and awards	11. In the case of lines of delimitation, the source material for charts and lists of geographical coordinates of points may be judgments of international courts or tribunals or arbitral awards in respect of cases to which the depositing State was a party. Such judgments or awards may also be referred to at the time of a deposit and would be considered as supplementary information.
Illustrative maps	12. Illustrative maps that do not qualify as nautical charts (see para. 19) but are enclosed to show baselines, outer limit lines or lines of delimitation are also considered as supplementary information.
Observations and statements	13. If a coastal State wishes to address matters that it deems relevant for the deposit in the form of observations or statements, it should include those observations or statements either in the main body of the communication or in an annex. 14. Such observations or statements should ideally be concise and accompanied by a translation, if appropriate and whenever possible, into English or French or both languages. They may relate to, inter alia: <ul style="list-style-type: none"> (a) Notifying the supersession of earlier deposits (see para. 15); (b) Referencing the source of the deposited material, such as the national legislation or maritime boundary delimitation treaties, or providing other relevant context; (c) Referencing recommendations of the Commission on the Limits of the Continental Shelf, in relation to the deposit of charts and relevant information, including geodetic data, under article 76, paragraph 9, of the Convention; (d) Outlining the interpretation by the depositing State of relevant provisions of the Convention; (e) Addressing technical aspects concerning the deposited material; (f) Indicating whether the deposit is also being made with the Secretary-General of the International Seabed Authority, in the case of deposits pursuant to article 84, paragraph 2, of the Convention.

⁴ The mere existence or adoption of national legislation in relation to the limits of maritime zones, the transmission of such information to the Secretariat for information without specifying the intent to deposit or the conclusion of a maritime boundary delimitation treaty registered with the Secretariat under Article 102 of the Charter of the United Nations cannot be interpreted as an act of deposit with the Secretary-General under the Convention, even if such national or international instruments should contain charts or lists of geographical coordinates of points.

⁵ For more information and guidance concerning the registration of treaties under Article 102 of the Charter, see the Treaty Handbook, available at https://treaties.un.org/pages/Resource.aspx?path=Publication/TH/Page1_en.xml.

Charts (cont)

23. It should be noted that the expression "scale or scales adequate for ascertaining

Lists of

Supplementary material and information

30. If the coastal State also intends to transmit with the deposited information national legislation or maritime boundary delimitation treaties that have been registered under Article 102 of the Charter, such legislation or treaties should be provided as a high-resolution pdf file, ideally created as a direct export from the software used to create the files and in sufficient quality and resolution (for the technical requirements applying to such files, see paras. 25 (a) and (b)), for publication on the website of the Division. The text of the legislation or treaties should also be provided in a Microsoft Word format or, in consultation with the Secretariat, another text-processing format, to facilitate the processing and translation into English, French and Spanish, for publication in the Law of the Sea Bulletin.

31. The electronic copy of illustrative maps representing supplementary material should meet the same technical requirements as those outlined for nautical charts in paragraph 25.

Checklists

32. When preparing the communication and the material for a deposit, it is recommended that the coastal State use the following checklists. Should there be any doubt, the coastal State should contact the Division to obtain all necessary procedural and technical clarifications (email: doalos@un.org, tel.: +1 212 963 3962).

Procedural checklist The communication transmitting the deposit should:

- Be a note verbale or a letter from a duly authorized representative of the coastal State, such as a Head of State or Government, a minister for foreign affairs or a permanent representative or a permanent observer to the United Nations, or any person duly authorized by either of them
- Be addressed to the Secretary-General of the United Nations
- Be also addressed to the Secretary-General of the International Seabed Authority, as a separate communication, for deposits made under article 84, paragraph 2, of the Convention
- Clearly state the intention to make a deposit under the Convention
- Specify the relevant article or articles of the Convention that are invoked
- Specify whether the deposit is of charts and/or lists of geographical coordinates of points and describe what those charts or lists represent
- Specify the geodetic datum
- Include, as applicable, information or observations relevant to the deposit
- Be accompanied by charts or lists of geographical coordinates of points, or both, or by the relevant national legislation or act or maritime boundary delimitation treaty containing those charts or lists (for formats, see the technical checklist below)
- Be delivered to:
Division for Ocean Affairs and the Law of the Sea
Office of Legal Affairs
Room DC2-0450
United Nations
New York, NY 10017
United States of America

ANNEX I

RELEVANT ARTICLES OF THE CONVENTION¹⁵

I. Deposit and due publicity related to maritime zones

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Article 7 Straight baselines

1. In localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial sea is measured.
2. Where because of the presence of a delta and other natural conditions the coastline is highly unstable, the appropriate points may be selected along the furthest seaward extent of the low-water line and, notwithstanding subsequent regression of the low-water line, the straight baselines shall remain effective until changed by the coastal State in accordance with this Convention.
3. The drawing of straight baselines must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the regime of internal waters.
4. Straight baselines shall not be drawn to and from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them or except in instances where the drawing of baselines to and from such elevations has received general international recognition.
5. Where the method of straight baselines is applicable under paragraph 1, account may be taken, in determining particular baselines, of economic interests peculiar to the region concerned, the reality and the importance of which are clearly evidenced by long usage.
6. The system of straight baselines may not be applied by a State in such a manner as to cut off the territorial sea of another State from the high seas or an exclusive economic zone.

Article 9 Mouths of rivers

If a river flows directly into the sea, the baseline shall be a straight line across the mouth of the river between points on the low-water line of its banks.

Article 10 Bays

1. This article relates only to bays the coasts of which belong to a single State.
2. For the purposes of the Convention, a bay is a well-marked indentation whose penetration is in such proportion to the width of its mouth as to contain landlocked waters and constitute more than a mere curvature of the coast. An indentation shall not, however, be regarded as a bay unless its area is as large as, or larger than, that of the semi-circle whose diameter is a line drawn across the mouth of that indentation.
3. For the purpose of measurement, the area of an indentation is that lying between the low-water mark around the shore of the indentation and a line joining the low-water mark of its natural entrance points. Where, because of the presence of islands, an indentation has more than one mouth, the semi-circle shall be drawn on a line as long as the sum total of the lengths of the lines across the different mouths. Islands within an indentation shall be included as if they were part of the water area of the indentation.

¹⁵ Bold print has been used to highlight the provisions related to deposit and due publicity obligations.

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Article 47

Archipelagic baselines

1. An archipelagic State may draw straight archipelagic baselines joining the outermost points of the outermost islands and drying reefs of the archipelago provided that within such baselines are included the main islands and an area in which the ratio of the area of the water to the area of the land, including atolls, is between 1 to 1 and 9 to 1.
2. The length of such baselines shall not exceed 100 nautical miles, except that up to 3 per cent of the total number of baselines enclosing any archipelago may exceed that length, up to a maximum length of 125 nautical miles.
3. The drawing of such baselines shall not depart to any appreciable extent from the general configuration of the archipelago.
4. Such baselines shall not be drawn to and from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them or where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the nearest island.
5. The system of such baselines shall not be applied by an archipelagic State in such a manner as to cut off from the high seas or the exclusive economic zone the territorial sea of another State.
6. If a part of the archipelagic waters of an archipelagic State lies between two parts of an immediately adjacent neighbouring State, existing rights and all other legitimate interests which the latter State has traditionally exercised in such waters and all rights stipulated by agreement between those States shall continue and be respected.
7. For the purpose of computing the ratio of water to land under paragraph 1, land areas may include waters lying within the fringing reefs of islands and atolls, including that part of a steep-sided oceanic plateau which is enclosed or nearly enclosed by a chain of limestone islands and drying reefs lying on the perimeter of the plateau.
8. The baselines drawn in accordance with this article shall be shown on charts of a scale or scales adequate for ascertaining their position. Alternatively, lists of geographical coordinates of points, specifying the geodetic datum, may be substituted.
9. The archipelagic State shall give due publicity to such charts or lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations.

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Article 75

Charts and lists of geographical coordinates

1. Subject to this Part, the outer limit lines of the exclusive economic zone and the lines of delimitation drawn in accordance with article 74 shall be shown on charts of a scale or scales adequate for ascertaining their position. Where appropriate, lists of geographical coordinates of points, specifying the geodetic datum, may be substituted for such outer limit lines or lines of delimitation.
2. The coastal State shall give due publicity to such charts or lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations.

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 throughout 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 paragraph 3.
3. The continental margin comprises the submerged prolongation of the land mass of the coastal State, and consists of the seabed 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 nautical 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) For the purposes of this Convention, the coastal State shall establish the outer edge of the continental margin wherever the margin extends beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, by either:
 5. 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 limit 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 [of the Convention] 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.

Article 84

Charts and lists of geographical coordinates

1. Subject to this Part, the outer limit lines of the continental shelf and the lines of delimitation drawn in accordance with article 83 shall be shown on charts of a scale or scales adequate for ascertaining their position. Where appropriate, lists of geographical coordinates of points, specifying the geodetic datum, may be substituted for such outer limit lines or lines of delimitation.
2. The coastal State shall give due publicity to such charts or lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations and, in the case of those showing the outer limit lines of the continental shelf, with the Secretary-General of the Authority.

II. Other due publicity obligations under the Convention

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Article 21

Laws and regulations of the coastal State relating to innocent passage

1. The coastal State may adopt laws and regulations, in conformity with the provisions of this Convention and other rules of international law, relating to innocent passage through the territorial sea, in respect of all or any of the following:

- (a) the safety of navigation and the regulation of maritime traffic;
- (b) the protection of navigational aids and facilities and other facilities or installations;
- (c) the protection of cables and pipelines;
- (d) the conservation of the living resources of the sea;
- (e) the prevention of pollution of the sea;
- (f) the protection of the marine environment;
- (g) the protection of fisheries resources for which the coastal State has exclusive jurisdiction in accordance with international law;
- (h) the protection of the cultural heritage of the sea.

Article 42

Laws and regulations of States bordering straits relating to transit passage

1. Subject to the provisions of this section, States bordering straits may adopt laws and regulations relating to transit passage through straits, in respect of all or any of the following:
 - (a) the safety of navigation and the regulation of maritime traffic, as provided in article 41;
 - (b) the prevention, reduction and control of pollution, by giving effect to applicable international regulations regarding the discharge of oil, oily wastes and other noxious substances in the strait;
 - (c) With respect to fishing vessels, the prevention of fishing, including the stowage of fishing gear;
 - (d) the loading or unloading of any commodity, currency or person in contravention of the customs, fiscal, immigration or sanitary laws and regulations of States bordering straits.
2. Such laws and regulations shall not discriminate in form or in fact among foreign ships or in their application have the practical effect of denying, hampering or impairing the right of transit passage as defined in this section.
3. States bordering straits shall give due publicity to all such laws and regulations.
4. Foreign ships exercising the right of transit passage shall comply with such laws and regulations.
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ANNEX II

TEMPLATE FOR A COMMUNICATION ADDRESSED TO THE SECRETARY GENERAL OF THE UNITED NATIONS

[Opening courtesy salutation addressed to the Secretary-General of the United Nations.]

[Add sender here: e.g., the Permanent Mission/Permanent Representative of... to the United Nations] has the honour to deposit with the Secretary-General, as depositary of the United Nations Convention on the Law of the Sea, [charts] [and/or] [lists of geographical coordinates of points], [accompanied by illustrative maps,] [as contained in [specify the title of the national legislation or maritime boundary delimitation treaty, if applicable] [attached herewith]] concerning [include any of the following, as applicable, specifying the geographical area to which they belong, as appropriate]

- the baselines from which the breadth of the territorial sea is measured, pursuant to article 16, paragraph 2, of the Convention
- the outer limits of the territorial sea and/or lines of delimitation thereof, pursuant to article 16, paragraph 2, of the Convention
- the outer limits of the contiguous zone and/or lines of delimitation thereof, pursuant to article 16, paragraph 2, of the Convention
- Archipelagic baselines, pursuant to article 47, paragraph 9, of the Convention
- the outer limits of the exclusive economic zone and/or lines of delimitation thereof, pursuant to article 75, paragraph 2, of the Convention
- the outer limits of the continental shelf and/or lines of delimitation thereof, pursuant to article 76, paragraph 9, and/or article 84, paragraph 2, of the Convention

[the [list] [lists] of geographical coordinates of points [as contained in legislation/treaty] [is] [are] referred to [specify the geodetic datum, e.g., the World Geodetic System 1984 (WGS 84)].

[Relevant observations – examples]

[The [Legislation/treaty title] repeals and replaces [legislation/treaty title] the present deposit hereby supersedes [fully] [in part] the previous deposit made by [State] on [date], which was given due publicity through maritime notification [M.Z.N...]. [If the supersession is partial, clearly identify which parts of the previously deposited material are not affected by the supersession and remain valid.]

[The outer limits of the continental shelf of [State] beyond 200 nautical miles from the baselines are established on the basis of the Recommendations adopted by the Commission on the Limits of the Continental Shelf of [date] in respect of the submission made by [State].]

[All communications]

[The Secretary-General is requested to assist [State] giving due publicity to the deposit, in accordance with the aforementioned [article] [articles] of the Convention, including through the publication of the deposited material and information in the Law of the Sea Bulletin and on the website of the Division for Ocean Affairs and the Law of the Sea. [In view of the depositary practice of the Secretary-General (see document SPLOS/30/12), the inclusion of such a paragraph is optional, but highly desirable.]

[Closing salutation addressed to the Secretary-General of the United Nations.]

ANNEX III
TEMPLATE FOR A COMMUNICATION
ADDRESSED TO THE SECRETARY GENERAL
OF THE INTERNATIONAL SEABED AUTHORITY⁶

[Opening salutation addressed to the Secretary-General of the International Seabed Authority.]

[Add sender here: e.g., the Permanent Mission/Permanent Representative of [State] to the International Seabed Authority] has the honour to deposit with the Secretary-General of the International Seabed Authority, [charts] [and/or] [lists of geographical coordinates of points], [as contained in the attached national legislation or maritime boundary delimitation treaty,] [accompanied by illustrative maps,] showing the outer limit lines of the continental shelf, pursuant to article 84, paragraph 2 of the Convention.

the [list] [lists] of geographical coordinates of points [as contained in legislation/treaty] [is] [are] referenced to [specify the geodetic datum, e.g., the World Geodetic System 1984 (WGS 84)].

[Relevant observations – examples].

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