

INFORMAL SUGGESTIONS BY MOROCCO

Delimitation of the territorial sea between States
with opposite or adjacent coasts

1. Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured.

2. This article does not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance with this provision.

In such a case:

(a) The States concerned shall enter into negotiations with a view to achieving agreement and not simply undertake formal negotiations as a sort of pre-condition for the automatic application of a certain method of delimitation failing agreement; the States concerned shall conduct themselves in such a manner as to make the negotiations meaningful, which is not the case when one State insists on its own position without considering any modification.

(b) The States concerned shall act in such a manner as to ensure that, in the specific case and in the light of all the circumstances, equitable principles are applied; to this end, the equidistance method may be applied, while other methods exist and may be employed exclusively or jointly depending on the sectors considered.

(c) Pending the conclusion of an agreement or a settlement, the States concerned shall abstain from any measure which could prejudice a final solution or in any way, aggravate their conflict, and shall endeavour to reach mutually acceptable, provisional arrangements, regarding the activities within the "bona fide" disputed areas.

(d) If no agreement or arrangement can be arrived at within a reasonable period of time, the States concerned shall have recourse to the procedures provided for in Part IV (Settlement of disputes) or to any other procedure in conformity with Article 33 of the Charter of the United Nations.

Article 74

Delimitation of the exclusive economic zone between adjacent or opposite States

1. The delimitation of the exclusive economic zone between adjacent or opposite States shall be effected by agreement in accordance with equitable principles, employing, where appropriate, the median or equidistant line, and taking account of all the relevant circumstances, in particular:

(a) The geographical features of the zone to be delimited, including the respective configuration of the coastlines of the States concerned as well as the presence of islands which, by their location, constitute an element of exorbitant distortion in the delimitation to be effected.

(b) The geomorphology and geological structure and, in so far as they can be determined, the natural resources of the sea-bed and those of the water-column of the zones to be delimited.

(c) The reasonable relationship which, after consideration of the criteria indicated under sub-paragraph (a), should result from a delimitation effected in accordance with principles of equitable proportionality between the extent of the zones to be delimited and the respective length of the coastlines measured following the general direction thereof.

2. Taking due account of these factors:

(a) The States concerned shall enter into negotiations with a view to achieving agreement and not simply undertake formal negotiations as a sort of pre-condition for the automatic application of a certain method of delimitation failing agreement; the States concerned shall conduct themselves in such a manner as to make the negotiations meaningful, which is not the case when one State insists on its own position without considering any modification.

(b) The States concerned shall act in such a manner as to ensure that, in the specific case and in the light of all the circumstances, equitable principles are applied; to this end, the equidistance method may be applied, while other methods exist and may be employed exclusively or jointly depending on the sectors considered.

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(d) If no agreement or arrangement is arrived at within a reasonable period of time, the States concerned shall have recourse to the procedures provided for in Part IV (Settlement of disputes) or to any other procedure in conformity with Article 33 of the Charter of the United Nations.

Article 83

Delimitation of the continental shelf between adjacent or opposite States

1. The delimitation of the continental shelf between adjacent or opposite States shall be effected by agreement in accordance with equitable principles, employing, where appropriate, the median or equidistant line, and taking account of all the relevant circumstances, in particular:

(a) The geographical features of the zone to be delimited, including the respective configuration of the coastlines of the States concerned as well as the presence of islands which, by their location, constitute an element of exorbitant distinction in the delimitation to be effected.

(b) The geomorphology and geological structure and, in so far as they can be determined, the natural resources of the zones to be delimited.

(c) The reasonable relationship which, after consideration of the criteria indicated under sub-paragraph (a), should result from a delimitation effected in accordance with principles of equitable proportionality between the extent of the zones to be delimited and the respective length of the coastlines measured, following the general direction thereof.

2. Taking account of these factors:

(a) The States concerned shall enter into negotiations with a view to achieving agreement and not simply undertake formal negotiations as a sort of pre-condition for the automatic application of a certain method of delimitation failing agreement; the States concerned shall conduct themselves in such a manner as to make the negotiations meaningful, which is not the case when one State insists on its own position without considering any modification.

(b) The States concerned shall act in such a manner as to ensure that, in the specific case and in the light of all the circumstances, equitable principles are applied; to this end, the equidistance method may be applied, while other methods exist and may be employed exclusively or jointly depending on the sectors considered.

(c) Pending the conclusion of an agreement or a settlement, the States concerned shall abstain from any measure which could prejudice a final solution or in any way, aggravate their conflict, and shall endeavour to reach mutually acceptable, provisional arrangements, regarding the activities within the "bona fide" disputed areas.

(d) If no agreement or arrangement is arrived at within a reasonable period of time, the States concerned shall have recourse to the procedures provided for in Part IV (Settlement of disputes) or to any other procedure in conformity with Article 33 of the Charter of the United Nations.