The Legal Regime of Saudi Arabian Territorial Sea

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The seas have performed essential functions for mankind. The most important of these are the medium of communication, a vast reservoir of resources, and continuous, almost limitless, supplies of fish as well as extensive mineral wealth. In the 17th century, some of the then-maritime powers claimed subjection of the seas to their national sovereignties. In particular, Portugal proclaimed a huge tract of high seas as part of its territorial domain. However, these claims produced counter-responses by the powerful states of North Europe which demanded freedom of the seas in order to export and expand commercial and trade relations\(^{(1)}\), whereby, the doctrine of the open seas was elaborated. The high seas as res communes were made accessible to all nations and incapable of appropriations, thus, the freedom of the high seas became a basic principle of international law. Nevertheless, it was permissible for a coastal state to have a maritime belt around its coastline as its territorial waters or sea, and treat it as an integral part of its territorial domain\(^{(2)}\). Thus, much of the history of international law of the sea up to the present day has centered around the extent of the territorial sea or the precise location of the dividing line between it and the high seas\(^{(3)}\).

Following the Second World War, a fever of extending the territorial waters was stimulated by coastal states, in view of the vital fact that the continental shelves contain extensive oil and gas resources\(^{(4)}\). In this direction, the Government of Saudi Arabia issued a royal proclamation in which it defined its official policies in connection with

\(^{(3)}\) The breadth of the territorial sea has proved to be far more elusive the original stipulation was upon the so-called Cannon-Sea Rule ..., which measured the width of the territorial sea by the ability of the coastal state to dominate it by military means from the confines of its town shore.
the legal regime of its territorial waters. The Royal Decree No. 6/4/5/3711 of May 23, 1949 defined the Kingdom's territorial waters as embracing both inland waters and the coastal sea. It also defined the extent of the territorial waters as extending six nautical miles beyond its inland waters, subject to the rules and principles of international law as to innocent passage of vessels of other nations through the coastal sea. Moreover, the decree claimed the right to exercise maritime surveillance relating to security, navigation and fishery matters in a contiguous zone extending six miles beyond the territorial waters\(^{(5)}\). Furthermore, it claimed that the Saudi territorial waters, the air space above the soil and sub-soil beneath them to be under the sovereignty of the Kingdom.

In 1958 the Government of Saudi Arabia issued a new decree which redefined the Kingdom's territorial waters and adopted the use of the term 'territorial sea' to replace territorial waters as well as changing the wording of its claim by asserting that sovereignty over the territorial sea was subject to the established rules of international law\(^{(6)}\). It is notable that the Royal Decree of 1958 omitted the provisions for innocent passage of vessels of other nations through the coastal sea which were enshrined in the previous decree of 1949.

As far as the extent of jurisdiction is concerned, the Royal Decree of 1958 extended the Kingdom's sovereignty to the air space above the soil and sub-soil beneath the territorial sea\(^{(7)}\). It is obvious that this is in accord with Article 2 of the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone which provides that "... the sovereignty of a coastal state extends to the air space over the territorial sea as well as to its bed and subsoil..."\(^{(8)}\).

As far as the limitation on sovereignty is concerned, the Royal Decree of 1949 explicitly recognized the innocent passage of vessels of other nations through the territorial waters but the position changed in the subsequent Decree of 1958 which stated only that its sovereignty was subject to the established rules of international law\(^{(9)}\). This, however, did not preclude a recognition of the principle of innocent passage, in fact, the Decree generally followed the trends of the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone. Therefore, the Saudi claim relating to the jurisdictional status of the territorial sea was in accord, in principle, with international standards\(^{(10)}\).

**The Breadth of the Territorial Sea**

As stated earlier, there has been no limit universally accepted for the breadth of the territorial sea. The three-mile limit was traditionally accepted in international law with a number of exceptions based on historical reasons. At the 1930 Hague Conference an attempt to reach a consensus on the three-mile limit proved futile\(^{(11)}\). Subsequently, the

\(^{(5)}\) Supplement to the *AJIL*, vol. 43, 1949, p.154.

\(^{(6)}\) See the 1949 Royal Decree in the Supplement to the *AJIL*, vol. 43, 1949, p.154.

\(^{(7)}\) See the 1958 Royal Decree in the UN Legislative Series ST/Leg Ser B/Supp., p.29.


\(^{(11)}\) S. Whitemore Boggs, *AJIL*, vol. 45, 1951, p. 244.
1958 Geneva Conference of the Law of the Sea also failed to reach an agreement on the breadth of the territorial sea, but the convention adopted by the conference does not justify an extension of the territorial sea beyond twelve miles. This was exemplified in Article 24 (2) which provides that "... the contiguous zone may not extend beyond twelve miles from the baseline from which the breadth of the territorial sea is measured...." Thus, the extension of the Kingdom’s territorial sea to twelve miles, did not contradict any universally accepted rule.

Closely related to the question of the breadth of the territorial sea is the method by which the breadth is to be measured. Thus, the Kingdom in 1949 claimed that for the area "... where the shore of the mainland or an island is fully exposed to the open sea....." the baseline from which the coastal sea is measured would be "... the lowest low-water mark on the shore...." whilst areas having islands and shoals the Kingdom claimed the use of straight baselines. In 1958 Decree No. 33 redefined the territorial waters but the provisions establishing baselines remained unchanged.

It is obvious that there has been a general global consensus, in principle, on the use of the low-water mark as the baseline from which to measure the breadth of the territorial sea. Nonetheless, exceptional circumstances to the rule have been recognized where particular configurations required deviations from the main coastline. For instance, the ICJ recognized the exceptional circumstances in the 1951 Anglo-Norwegian Fisheries Case, in which the court recognized the straight baselines. The 1958 Geneva Convention on the Territorial Sea and Contiguous Zone also recognized this trends in Article 3 which provides that "... the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal state ...." Thus, the use of low-water mark by the Kingdom has been in accord with the established rules of international law.

The Boundary between Internal Waters and the Territorial Sea

The straight baselines are used to delimit the boundary between internal waters and territorial sea for such irregular coastal features as bays, ports, islands and archipelagoes. The geographical features of the Arabian Gulf as such made the Kingdom to claim the use of straight baselines while the general use of such baselines has been a subject of controversy and special problems have arisen concerning islands and island groups.

On the use of straight baselines with bays the Royal Decree of 1949 claimed that "... where a bay confronts the open sea, lines drawn from the headland to headland across the

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(14) In the majority of cases it would not be very difficult to locate the low-water line which is to act as the baseline for the measuring the width of the territorial sea but, sometimes, the geography of the state’s coasts would be such as to cause certain problems. For instance the coastline may be deeply intended, there may be numerous islands, running parallel to the coasts, or there may be bays which cut into the coastlines.
mouth of the bay would be the baselines...”(17). This position did not change in the 1958
Decree which maintained the previous stand. Thus, the provisions of the 1949 Royal
Decree were in general agreement with the established rules of international law did not
specify a maximum length for a straight baseline to be used for a bay. In contrast Article 7
(4) of the 1958 Geneva Convention on the Territorial Sea provides that "... the natural
entrance points of a bay does not exceed twenty-four miles a closing line may be drawn
between these two low-water marks and the waters enclosed thereby shall be considered
as internal waters...”(18). As pointed out earlier, the provisions of the 1949 Royal Decree
were more general, nonetheless, the Saudi position was in agreement with the established
rules of international law pertaining to the use of straight baselines for bays.

As far as ports are concerned, the Royal Decrees of 1949 and the 1958 stated that
"... where a port or harbour confronts the open sea the baselines would be the lines,
drawn along the seaward side of the outermost works of the port or harbour and
between such works....”(19). The aforesaid position was in accord with Article 8 of the
Geneva Convention on the Territorial Sea which provides that "... for the purpose of
delimiting the territorial sea, the outermost permanent harbour works which form an
integral part of the harbour system shall be regarded as forming part of the coast...”(20).

The use of straight baselines to delimit the boundary between internal waters and
the territorial sea for islands and archipelagoes has proved to be more complex and
controversial. The problem centered around the status of shoals and the use of straight
baselines to link islands with the coast and into groups and the status of the areas of
water enclosed within the straight baselines between the islands. In this respect, the
Kingdom has used the straight baselines for islands and island groups and has also made
a specific claim, pertaining to the shoals. The Royal Decree of 1949 proclaimed the
following as the baselines from which the Kingdom's territorial sea to be measured:- "...

(e) where an island is not more than twelve nautical miles from the mainland, lines
drawn from the mainland and along the outer shores of the islands,

(f) where there is an island group which may be connected by lines not more than twelve
nautical miles long of which the island nearest to the mainland is not more than twelve
nautical miles from the mainland, lines drawn from mainland and along the outer
shores of all the islands of the group, if the islands form a chain or along the outer
shores of the outermost islands of the group if the islands do not form a chain,

(g) where there is an island group which may be connected by lines not more than
twelve nautical miles long of which the island nearest to the mainland is more than
twelve nautical miles from the mainland, lines drawn along the outer shores of all
the islands of the group, if the islands form a chain or along the outer shores of the
outermost islands of the group if the islands do not form a chain...”(21).

Subsequently, the Royal Decree of 1958 repeated the provisions of the 1949 Decree relating to the use of straight baselines with islands as well as the question of the status of the water within the baselines which were defined as inland waters. In this respect, the Royal Decree claimed that "... the waters between the mainland and Saudi Arabian islands not more than twelve nautical miles shall from part of the inland waters..." (22). The Decree also claimed that "... any area of high sea wholly surrounded by the territorial sea and extending not more than twelve nautical miles in any direction such area shall from part of the territorial waters..." (23). Moreover, it claimed that "... any pronounced pocket of high sea..." (24), that could be wholly enclosed by drawing a single straight line not more than twelve nautical miles long shall be considered a part of the territorial waters.

The international approach to the status of offshore areas adjacent to islands and island groups, is not clearly defined but there has been a global consensus that each island has its own territorial sea. In this respect, Article 10 of the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone recognized that every island has its own territorial sea but the breadth of such territorial sea has remained open to controversy as well as the use of straight baselines to connect islands into groups with points on shore. This has affected to status of island groups and the status of offshore areas within such groups. Thus, the ILC recommended various proposals to the 1958 Geneva Conference on the Law of the Sea but agreement on a highly controversial area of law, in which no clearly defined international approach has emerged, was hard to reach (25). Thus, it would appear that the position of the Kingdom in using the straight baselines to delimit island groups and connect islands with points on shore is not without precedent (26). As far as the question of shoals is concerned, it is generally recognized that shoals which are wholly or partly within the territorial sea, as measured from the mainland or an island, may be taken as points of departures for the purpose of measuring the extension of the territorial sea. This approach has been envisaged in Article 11 of the 1958 Geneva Convention on the Territorial Sea, thus, the Saudi position was in accord with the established rules of international law pertaining to shoals.

The Boundary with Proximate States

Another issue associated with the delimitation of the territorial sea is the delimitation of boundary lines between opposite and adjacent states which are in general vulnerable to the problems of interpretation and application. However, the Royal Decree

(22) Article 4 (c & d), Ibid., p. 154.
(23) Article 7, Ibid., p.155.
(24) Ibid., p.155.
(25) Young Richard, the Legal Status of Submarine Areas Beneath the High Seas, AJIL, vol. 45, 1951, pp. 226-228.
(26) This point was raised in the Anglo-Norwegian Fisheries Case before the ICJ. The case concerned a Norwegian decree delimiting its territorial sea along some 100 miles of its coastline. However, instead of measuring the territorial sea from the low-water line, the Norwegians constructed a series of straight baselines linking the outermost parts of land running along the fringe of islands and rocks which run parallel to the Norwegian coastline. This had the effect of enclosing within its territorial limits parts of what would normally have been the high seas of the traditional method had been utilized. As a result, certain disputes involving British fishing boats arose and the U.K. challenged the legality of the Norwegian baselines at international law. The ICJ held that it was the outer line of the fringe of islands that was relevant in baselines here and not the low-water line of the mainland.
of 1949 provided that if the Kingdom's inland waters or the coastal sea should be overlapped by the waters of another state, boundaries would be determined by the government of the Kingdom in agreement with the state concerned in conformity with equitable principles(27). It is notable that the Royal Decree maintained that the boundary line be the result of an agreement in accordance with equitable principles. This approach did not exclude the principle of median line but it did offer the possibility for other considerations in order to reach a mutually acceptable solution. In this respect, international law has generally recognized the existence of special circumstances, as well as the principle of equidistance and the drawing of median lines for delimiting the territorial seas of proximate states(28). Article 12 of the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone also provides the following "... 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 point on the baseline ..."(29). Despite the broad provisions enshrined in international law as well as the technical difficulties associated with determining the median line of the territorial sea, the position of the Kingdom was not in conflict with the established rules of international law.

**The Contiguous Zone**

As far as the contiguous zone is concerned, the Royal Decree of 1949 claimed the following "... with a view to securing compliance with the laws of the Kingdom relating to security, navigation and fishing matters, maritime surveillance may be exercised in a contiguous zone outside the coastal sea, extending for a distance of six nautical miles and measured from baselines of the coastal sea, provided, however, that nothing in this article shall be deemed to apply to the rights of the Kingdom with respect to fishing "(30).

Subsequently, the Royal Decree of 1958 reclaimed the contiguous zone and included sanitary matters as subject to the Kingdom's jurisdiction.

It also retained the provisions that "... the contiguous zone extended beyond the territorial sea a further distance of six nautical miles..."(31). Thus, with the extension of the territorial sea to twelve miles had the effect of extending the contiguous zone to eighteen miles.

It should be noted that international law has recognized the existence of a contiguous zone but the limits of such a zone and the extent of jurisdiction exercised within such zones have been subject to controversy. However, Article 24 of the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone provides that "... I- In a zone of the high seas contiguous to its territorial sea, a coastal state may exercise the control necessary to (a) Prevent infringement of its customs, fishing, immigration or

sanitary regulations within its territory or territorial sea, (b) Punish infringement of the above regulations committed within its territory or territorial sea. 2- The contiguous zone may extend beyond twelve miles from the baseline from which the breadth of the territorial sea is measured" (32). In this direction, the Kingdom included navigation interests in its claim to jurisdiction in the areas adjacent to its territorial sea (33). As far as the breadth of the contiguous zone is concerned, the Kingdom initially claimed under the 1949 Royal Decree six miles beyond the six miles territorial sea, which was in accord with the established rules of international law. However, the Royal Decree of 1958 exceeded the twelve-mile limit which is generally accepted by the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone.

**Authority over Offshore Resources**

The Kingdom defined its claim to offshore resources by specific national actions. The initial claim to the acquisition of offshore resources in the Arabian Gulf was made on May 28, 1949 in the form of the Royal Proclamation which asserted a claim that the subsoil and sea-bed of those areas of the seaward from the coastal sea, but contiguous to the coasts of Saudi Arabia, appertain to the Kingdom and were subject to its jurisdiction and control. It also maintained that the character of such offshore areas as high sea would remain unchanged and that submarine boundaries would be determined on equitable principles (34).

Subsequently, the Kingdom defined its claim to the acquisition of offshore resources in the Red Sea by the Royal Decree M-27 of September 7, 1968. The Kingdom asserted its claim to ownership of all the hydrocarbon materials and minerals in the strata of sea-bed in the zone extending below the high sea and contiguous to the Saudi Continental Shelf (35). These vast mineral resources attracted several companies from distant countries who laid claims to the ownership of these resources. Under these circumstances, the Saudi Government was compelled to decree the law relating to the acquisition of the Red Sea resources. In addition to the fact that the Red Sea is limited in area and almost similar in its geographical configuration to a closed sea, demonstrates the effect which activities in the area might have on the fundamental interests of the Kingdom, therefore, it necessary to issue a law asserting its ownership to the natural resources of the Red Sea (36). The Kingdom's claim to the outer limit of its continental shelf was not based on the concept of the 200-mile exclusive economic zone but the justification could be found in the fact that the Red Sea was limited in area and almost similar in its geographical configuration to a closed sea. However, the established rules of international law permit the extension of the coastal states rights to where the depth of the superjacent water admits the exploitation of the national resources of the sea-bed. Article 1 of the 1958 Geneva Convention on the Continental Shelf provides that "... for the purpose of these articles the term continental shelf is used as referring, (a) to the sea-bed and sub-soil of the submarine areas adjacent to the coast but outside the area of the

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(34) Ibid., p.157.
(36) Section 1 of the 1968 Royal Decree, Ibid. p. 119.
territorial sea to a depth of 200 meters or beyond that limit to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas; (b) to the sea-bed and subsoil of similar submarine areas adjacent to the coasts of islands...\(^{37}\).

However, the Royal Proclamation of 1968 provided for some limitation on the seaward limits of the area concerned where the coasts of the Kingdom are adjacent or opposite the coasts of other states. It also envisaged the possibility of entering into a joint venture with neighboring states that may have similar rights recognized by the Government of Saudi Arabia, in order to prospect, explore and exploit the areas in which the legal rights of the Kingdom overlap with those of neighboring states. Moreover, it maintained that the application of such regulations relating to the ownership of the Red Sea resources would not affect, in any way, the description of the high seas or obstruct navigation therein\(^{38}\).

On May 16, 1974 the Kingdom signed an agreement with the Sudan defining their respective sovereign rights in the sea-bed and sub-soil of the submarine areas lying between their coasts in the Red Sea. It also enshrined provisions for joint exploitation of the natural resources of the common areas between their respective exclusive zones. Moreover, it provided for the establishment of a joint commission which would determine the manner in which the accumulation or deposit was to be exploited, provided that any decision taken should guarantee for the government involved an equitable share in the proceeds of the exploitation\(^{39}\).

It should be noted that the Saudi-Sudanese agreement conforms with the established rules and principles of international law, declared by the International Court of Justice in the North Sea Continental Shelf Cases\(^{40}\). The court declared that "(1) delimitation is to be effected by agreement in accordance with equitable principles, and taking account of all the relevant circumstances, in such a way as to leave as much as possible to each party all those parts of the continental shelf that constitute a natural prolongation of its land territory into and under the sea, without encroachment on the natural prolongation of the land territory of the other, (2) if, in the application of the preceding sub-paragraph, the delimitation leaves to the parties areas that overlap, these to be divided between them in agreed proportions or failing agreement, equally, unless they decide on a regime of joint jurisdiction, uses, or exploitation for the zone of overlap or

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\(^{40}\) The cases were between West Germany on the one side and Holland and Denmark on the other. The problem was that the application of the equidistant principles of Article 6 of the Geneva Convention would give West Germany only a small share of the North Sea continental shelf in view of her concave northern shoreline between Holland and Denmark. The question arose as to whether the article was binding upon West Germany at all as she had not ratified the 1958 Continental Shelf Convention. The ICJ held that the principle enumerated in Article 6 did not bind West Germany since they were not rules of customary international law and also since she had not ratified the convention. The court decided that the dispute was to be settled by agreement in accordance with equitable principles bearing in mind certain geographical factors such as the general configuration of the coasts, (North Sea Continental Shelf Case, ICJ Report, February 20, 1969, p. 53.)
any part of them...”\(^{(41)}\). However, the Saudi-Sudanese agreement settled one of the main offshore boundaries in the Red Sea and should help to promote the development of the submarine area between the two countries, as well as establishing a valuable precedent for the delimitation of other offshore boundaries in the Red Sea.

Closely associated with the continental shelf claims, the Royal proclamation of 1968 asserted claims to exclusive fishing zones in the Red Sea and the Arabian Gulf in those areas lying contiguous to the coasts of the Kingdom. It indicated that the fish resources are considered a principal diet for the people of the Kingdom and an essential factor for furthering its social and economic development and recognized that jurisdiction over such fishing resources is required in the interest of their conservation and prudent utilization. Thus, the proclamation established exclusive fishing zones, contiguous to the coasts of the Kingdom, and the coasts of its islands extending to a distance of fifty nautical miles from the coastal sea of the Kingdom toward the high seas. It also prohibited fishing and all related activities by non-Saudis, in the exclusive fishing zone, unless prior permission was obtained from the government of the Kingdom. Finally, it indicated that the implementation of those provisions would not affect the character of the fishing zone as high sea \(^{(42)}\).

**Conclusion**

From the foregoing examination of the trends in the development of the law of the sea in the Arabian Gulf and the Red Sea as represented by the Kingdom’s claims to authority over offshore areas, Saudi Arabia generally based its claims in previously established rules of international law. Its claims were made in accord with accepted international practices as expressed in various international forums. In the area of the sea in which there was no clear international consensus, Saudi Arabia based its claims on the international legal principles and rules suggested in international forums that best satisfied its international interests in the Arabian Gulf and the Red Sea context.

From the preceding analysis of the claims of the Kingdom to authority over offshore resources, it is apparent that although there was no clearly developed international standard on the extension of coastal state authority over offshore resources, the Kingdom adopted claims patterned on earlier claims of other states. In the case of claim to the resources of the sea-bed and sub-soil of those areas contiguous to the coasts of the Kingdom, the latter based its claim on the Truman Proclamation on the continental shelf. However, the claim was adopted to meet the needs of the Arabian Gulf and the Red Sea context as evidenced by the emphasis on the principle of contiguity. As indicated earlier, the Royal Proclamation of 1949 made no reference to the continental shelf concept \(^{(43)}\). Instead, it recognized the need for the greater utilization and conservation of the natural resources, deeming that the exercise of jurisdiction over such resources by the contiguous nation is reasonable and just.

\(^{(41)}\) M.D. Blecher, Equitable Delimitation of Continental Shelf, *AJIL*, vol. 73, 1979, pp. 68-76.
\(^{(43)}\) The Continental Shelf is a geological expression referring to the ledges that project in many cases from the continental land mass into the seas and which are covered with only a relatively shallow layer of waters and which eventually fall away into the ocean depths. These shelves take up some 7 to 8% of the total area of ocean and their extent varies considerably from place to place.
Royal Proclamation declared "... that the subsoil and sea-bed of those areas of the Arabian Gulf seaward from the coastal sea of Saudi Arabia but contiguous to its coasts appertaining to the Kingdom are subject to its jurisdiction and control..." (44).

It should be noted that the Arabian Gulf has no continental shelf but it is a relatively shallow basin, with an average depth of about 40 meters and a maximum depth of about 100 meters, whereby the Kingdom based its claim on the concept of contiguity (45). In its subsequent claim to resources in the Red Sea, the Kingdom claimed ownership for resources in the strata of the sea-bed in the zone extending in the Red Sea bed adjacent to the Kingdom’s continental shelf. Here the Kingdom used the concept of contiguity in the form adjacent to the shelf. Thus, it would appear that the claim of the Kingdom to the resources of the sea-bed and subsoil in the Arabian Gulf and the Red Sea was based on prior claims of other nations.

The 1945 Truman Proclamation on the continental shelf represented not only a significant legal precedent but also a landmark in the development of international law relating to the ownership of resources of the subsoil and sea-bed of the continental shelf. The United States Government was aware of the long-range world-wide need for new resources of petroleum and other mineral resources and the need to encourage efforts to discover and make available new supplies of these resources. As a result, the American proclamation recognized that jurisdiction over these resources is essential in the interest of their conservation and prudent utilization. It also recognized that the exercise of jurisdiction over the natural resources of the sub-soil and sea-bed of the continental shelf by the contiguous nations is reasonable and just. On these grounds, the American Government regarded the natural resources of the sub soil arid sea-bed of the continental shelf beneath the high seas but contiguous to the coasts of the United States as pertaining to the U.S.A., subject to its jurisdiction and control (46).

By comparing the provisions of the American Proclamation on the continental shelf with those of the Saudi Royal Proclamation of May 28, 1949, it is obvious that the Kingdom's claim was based on the Truman Proclamation. However, a most obvious difference between the two claims does exist in the Kingdom's avoidance of the use of the term continental shelf which reflected the adoption of terms suiting the situation in the Arabian Gulf. As stated earlier, the Royal Proclamation of 1949 adopted the concept of contiguity rather than the concept of the continental shelf which did not represent any contravention of established rules of international law.

As far as the extent of jurisdiction is concerned, the Royal Proclamation claimed jurisdiction and control over those areas of the sub-soil and sea-bed contiguous to the Kingdom's coasts. However, it would appear that the Royal Proclamation claimed jurisdiction over the shelf, as well as over its resources. Also to be noted is the Royal Proclamation claimed jurisdiction over the shelf, as well as over its resources. Also to be noted is the Royal Proclamation that indicated the following "... the character as high

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seas of the waters of such areas, the right to the free and unimpeded navigation of such waters and the air space above those waters, fishing rights in such waters, and the traditional freedom of pearling by the peoples of the Gulf are in no way affected...” (47).

Thus, the practice of the Kingdom generally followed the precedent set by the American Proclamation of 1945 which eventually emerged in the form of a global consensus envisaged in the 1958 Geneva Convention on the Continental Shelf. Article 2 of the said convention provides that ".... the coastal state exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources." (48). Article 3 also provides that "....the rights of the coastal state over the continental shelf do not depend on occupation, effective or national, or on any express proclamation..." (49). Thus, practices of the Kingdom pertaining to the degrees of authority exercised above the continental shelf were in general agreement with the established rules of international law.

References
Blecher, M.D., *Equitable Delimitation of Continental Shelf*, *AJIL*, vol. 73, 1979, pp. 68-76.
Boggs, S. Whitemore, *AJIL*, vol. 45, 1951, p. 244.
*Supplement to the AJIL*, vol. 43, 1949, p.154.
The 1958 Royal Decree in the *UN Legislative Series ST/Leg Ser B/Suppl.*, p. 29.
Young Richard, *The Legal Status of Submarine Areas Beneath the high Seas*, *AJIL*, vol. 45, 1951, pp. 226-228.

(49) Ibid., p. 859.