

**SOVEREIGN RIGHTS FOR NON-SOVEREIGNS:  
A REVIEW OF THE RIGHTS OF NON-STATE ENTITIES TO THE  
CONTINENTAL SHELF**

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**Abstract**

The 1982 Law of the Sea Convention regulates the rights of States to the territorial sea, the exclusive economic zone and the continental shelf. It contains no provisions regarding the rights of non-Sovereign entities, including Non-Self Governing Territories, to natural resources.

There is a body of State practice, which arguably reflects an *opinio juris* that non-State entities, including sub-State entities, enjoy rights to offshore resources in the continental shelf.

I propose to discuss several examples of State practice, along with resolutions of the U.N. General Assembly and the jurisprudence of the International Court of Justice, and analyse the extent to which, under public international law, non-State entities enjoy rights to the continental shelf.

Examples of State practice include the following:

1. East Timor. In particular, the practice of UNTAET in respect of the exploitation of hydrocarbon resources in the Timor Gap. UNTAET consulted extensively with representatives of the East Timorese people in exercising these rights prior to independence.
2. Western Sahara. United Nations Under-Secretary-General Hans Correll advised in his legal opinion (S/2002/161) that any award by Morocco of rights to the continental shelf offshore Western Sahara would be illegal under international law.
3. Gaza. The practice of Palestine in granting offshore hydrocarbon rights and Israel's acquiescence / acceptance of this conduct constitutes further State practice.
4. Greenland. Greenland's responsibility for the exploitation of its natural resources is consistent with the rights of indigenous people to natural resources as recognised by the U.N. General Assembly.