



## Delineation of the Outer Limits of the Continental Shelf beyond 200 Nautical Miles

### Implementation of article 76 of the United Nations Convention on the Law of the Sea of 1982

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## Overview



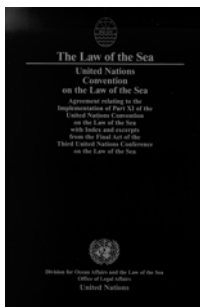
- United Nations Convention on the Law of the Sea
- Regime of maritime zones and baselines under UNCLOS
- Continental Shelf:
  - Regime and Jurisdiction
  - Definition, formulae and constraints for delineation of the continental shelf beyond 200M
  - Role of the Commission on the Limits of the Continental Shelf
  - Deposit of charts, and relevant information on outer limits
- Assistance to developing States

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## United Nations Convention on the Law of the Sea

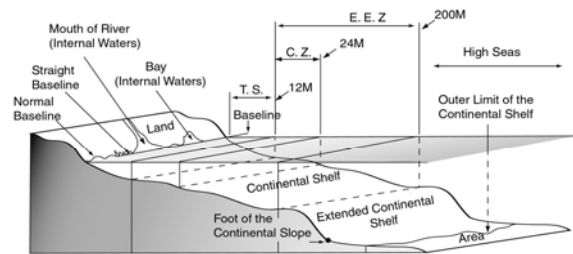


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## Maritime zones

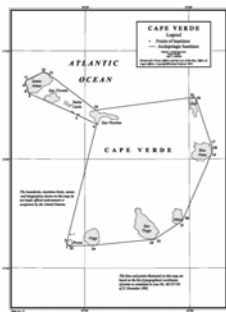
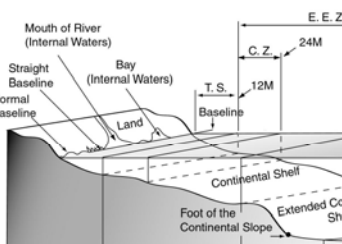


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## Maritime zones (archipelagic baselines)



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## Continental Shelf – legal regime (articles 76 – 84)



- Scope: seabed and subsoil.
- Content of the legal regime: The coastal State has sovereign rights over the continental shelf for the purpose of exploring the continental shelf and exploiting its natural resources.
  - These rights are:
    - Exclusive;
    - Independent from occupation or any express proclamation.

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## Continental Shelf – sovereign rights



**Rights over the continental shelf are 'ipso facto':**

***"The rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation"***

**(article 77, paragraph 3).**

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## Continental Shelf – jurisdiction



- Content of the legal regime: the coastal State has jurisdiction with regard to the:
  - (i) establishment and use of artificial islands, installations and structures (article 80);
  - (ii) drilling on the continental shelf (article 81);
  - (iii) cables and pipelines connected to its exploration and exploitation or to the operations of artificial islands, installations and structures (article 79);
  - (iv) marine scientific research (article 246); and
  - (v) protection and preservation of marine environment (article 208).

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## Continental Shelf – definition (article 76)



### ■ Definition of continental shelf:

*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. (article 76, paragraph 1)*

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## Continental Margin – definition (article 76)



### ■ Definition of continental margin:

*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.*

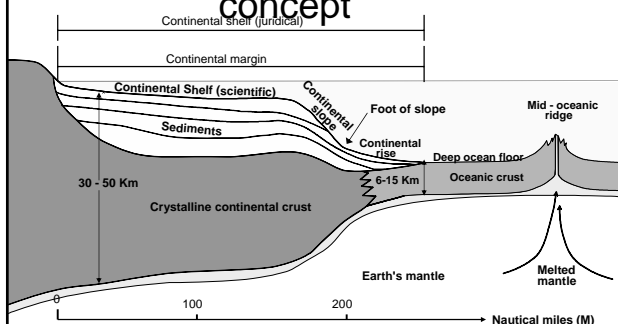
**(article 76, paragraph 3).**

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## Continental Shelf - scientific concept



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## Continental Shelf – legal concept (article 76 – cont.)



### Possible scenarios:

- A. States with continental shelves up to 200 nautical miles:** Up to 200 nautical miles from the baselines, the coastal State does not need to make a submission to the CLCS to enjoy its continental shelf rights.

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Continental Shelf – legal concept (cont.)  
(article 76)



**B. States with continental shelves extending beyond 200 nautical miles (extended continental shelf):** Wherever the continental margin of a coastal State extends beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured (extended continental shelf), the coastal State concerned is required to prepare and make a submission to the Commission on the Limits of the Continental Shelf.

Continental Shelf – legal concept  
(article 76 – cont.)



Such a coastal State must establish the outer limits of its continental shelf – through application of formulae lines and within constraint lines – in relation to the outer edge of the continental margin (article 76, paragraphs 4-6);

Foot of the continental slope plus 60 M line formula

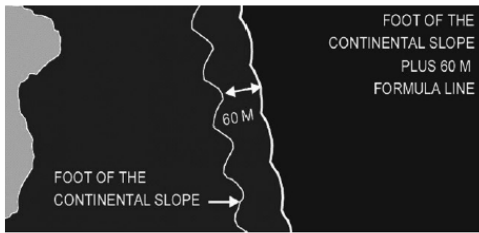


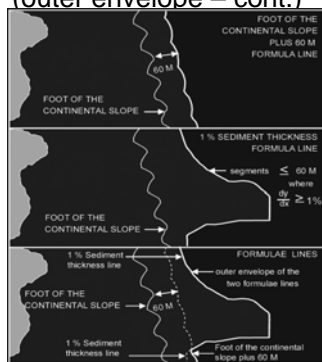
Figure I.9: Foot of the continental slope plus 60 M line – bird's eye view (Scientific and Technical Guidelines)

Sediment thickness formula



Figure I.7: Sediment thickness line – bird's eye view (Scientific and Technical Guidelines)

Step 1 – Formulae lines  
(outer envelope – cont.)



350 M constraint line

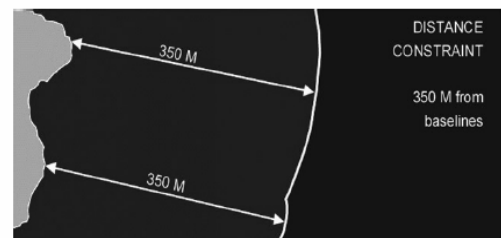


Figure I.12: 350 M constraint line – bird's eye view (Scientific and Technical Guidelines)

## 100M from 2,500m isobath line

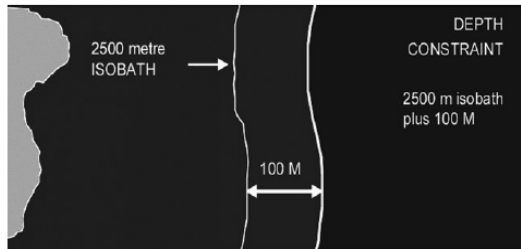


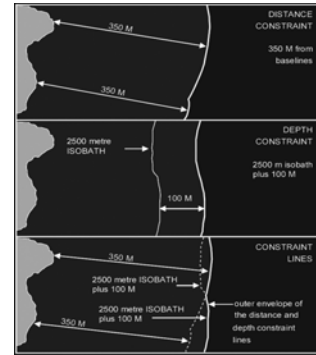
Figure I.13: 100 M from 2,500 m isobath constraint line – bird's eye view (Scientific and Technical Guidelines)

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## Outer envelope of the constraint lines



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## Constraint Lines and Seafloor Highs



*[The continental margin] does not include the deep ocean floor with its oceanic ridges or the subsoil thereof.*

(article 76, paragraph 3)

*[...] 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.*

(article 76, paragraph 6)

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## Outer envelope of the formulae

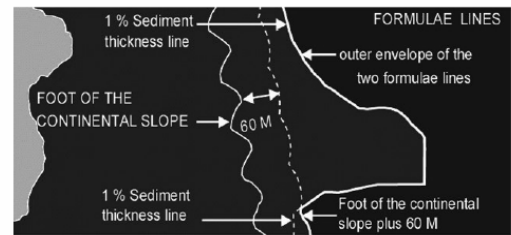


Figure I.10: Outer envelope of the formulae lines (Scientific and Technical Guidelines)

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## Outer envelope of the constraint lines

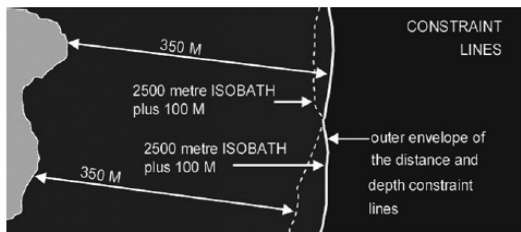


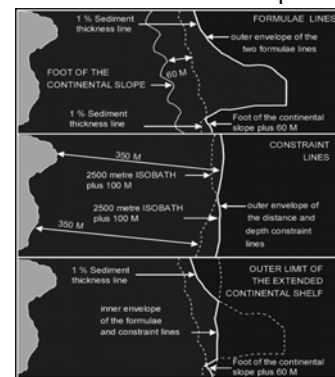
Figure I.14: Outer envelope of the constraint lines – bird's eye view (Scientific and Technical Guidelines)

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## Outer limit of the continental shelf – composite line



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## Outer limit of the continental shelf

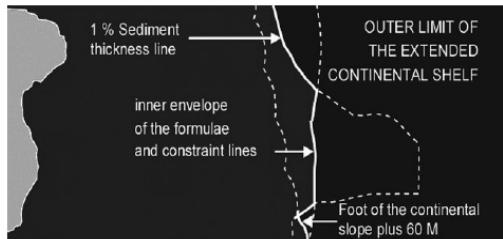


Figure I.15: Composite outer limits of the continental shelf—bird's eye view (Scientific and Technical Guidelines)

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## Continental Shelf –1978 Study



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## Continental Shelf – Role of the Commission on the Limits of the Continental Shelf (CLCS)



- 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 must be submitted by the coastal State to the CLCS (article 76, paragraph 8 – article 4, Annex II).

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## Commission on the Limits of the Continental Shelf



The Commission (CLCS) examines the submission by the coastal State and makes recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf (article 76, paragraph 8).

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## Mandate of the CLCS



- To consider submissions and make recommendations thereupon
- To provide scientific and technical advice (Scientific and Technical Advice Committee)

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## Basic features of the CLCS



- 21 members experts in the fields of
  - geology;
  - geophysics; or
  - hydrography;
- Elected by States Parties to this Convention from among their nationals, having due regard to the need to ensure equitable geographical representation: there must be at least three members from each geographical region;
- Serve in their personal capacities (Annex II, paragraph 2(1))

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## 10 year period



If State intends to establish outer limits beyond 200M, it is required to make a Submission to CLCS.

As soon as possible, but in any event:

- Within 10 years from entry into force of Convention for that State or by May 2009 if UNCLOS entered into force for that State prior to 13 May 1999 – (article 4 of Annex II to UNCLOS and SPLOS/72)

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## Submissions received by the CLCS so far



1. Russian Federation (2001)
2. Brazil (2004)
3. Australia (2004)
4. Ireland (partial - 2005)
5. New Zealand (2006)
6. France, Ireland, Spain, United Kingdom (joint and partial - 2006)
7. Norway (2006)
8. France (partial - 2007)

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## The Commission – basic documents



- CLCS/40 - Rules of Procedure of the Commission on the Limits of the Continental Shelf
- CLCS/11 - Scientific and Technical Guidelines of the Commission on the Limits of the Continental Shelf

(CLCS/11/Add.1, CLCS/11/Corr.1, CLCS/11/Add.1/Corr.1)

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## CLCS (Disputes related to the submission)



Annex I to the Rules of Procedure establishes guarantees in case of:

- Disputes in the delimitation of the continental shelf between opposite or adjacent States; or
- Other unresolved land or maritime disputes, related to the submission.

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## CLCS (Disputes related to the submission – cont.)



The CLCS must be:

- Informed of such disputes by the coastal States making the submission; and
- Assured by the coastal States making the submission to the extent possible that the submission will not prejudice matters relating to the delimitation of boundaries between States.

(paragraph 2 of Annex I to the Rules of Procedure)

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## CLCS (Disputes related to the submission – cont.)



In case of disputes, the CLCS can proceed in one of the following ways. It may:

- Request information and co-operation from the coastal State;
- Allow a partial submission by the coastal State;
- Allow joint or separate submissions from two or more States by agreement;
- Examine the submission if prior consent is given by all parties to the dispute.

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## CLCS (Disputes related to the submission – cont'd)



### Understanding:

- Competence with respect to matters regarding such disputes which may arise in connection with the establishment of the outer limits of the continental shelf rests with States (paragraph 1 of Annex I to the Rules of Procedure);
- Submissions made before the CLCS and recommendations approved by the CLCS thereon do not prejudice the position of States which are parties to a land or maritime dispute (paragraph 5(b) of Annex I to the Rules of Procedure).

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## Outer limits established on the basis of CLCS recommendations



- The limits of the shelf established by a coastal State on the basis of these recommendations are final and binding (article 76, paragraph 8).

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## Deposit of charts and geographical coordinates, due publicity (article 76)



- The coastal State must 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 (article 76, paragraph 9)
- The Secretary-General gives due publicity to them (article 76, paragraph 9).

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## Deposit of charts and geographical coordinates (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 ... 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.

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## Deposit of charts and geographical coordinates (article 84)



- 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.

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## Challenges for developing States in the implementation of article 76 of UNCLOS



- The complexity of the task of preparing submissions to the Commission;
- Need to deploy significant resources, capacity and expertise for collection, collation and analysis of a large amount of bathymetric, seismic and geophysical data;
- Lack of required resources, including human resources, and other capacity;
- Approaching time-limit, which for some States is 13 May 2009.

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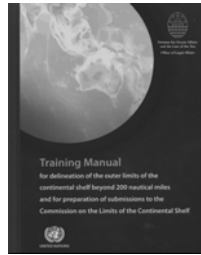
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## Training manual on the preparation of a submission to the CLCS



- Prepared by DOALOS;
- Assistance by two Members of the CLCS - Mr. Harald Brakke and Mr. Galo Carrera;
- Goals – to provide in-depth understanding of the legal, scientific, technical and procedural issues related to the implementation of article 76 of UNCLOS.



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## “Article 76” Trust fund

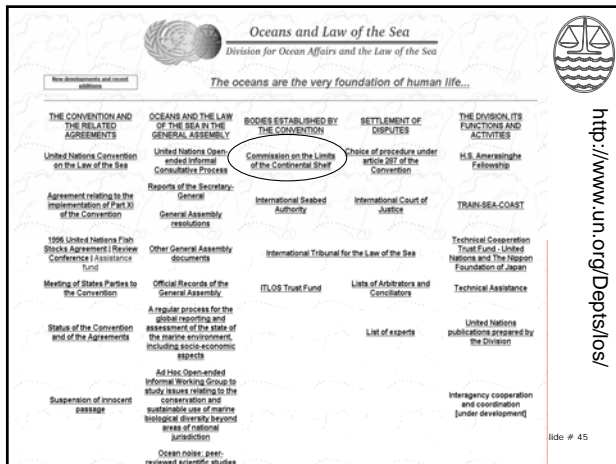


- Training of technical and administrative staff;
- Desktop study or other means to make an initial assessment of the nature of the continental shelf and its limits;
- Working out of plans for the acquisition of necessary additional data and mapping projects;
- Preparation of final submission documents;
- Advisory/consultancy assistance related to the above points.

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## DOALOS/OLA – The Secretariat of UNCLOS and of the CLCS



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