

The Commission on the Limits of the Continental Shelf

ITS ESTABLISHMENT AND SUBSEQUENT PRACTICES

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Outline

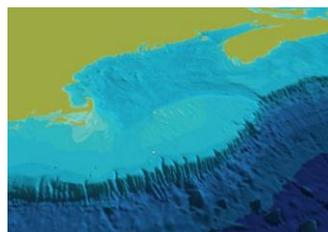
1. The Law of the Sea Convention (LOSC) and the Continental Shelf
2. The Commission on the Limits of the Continental Shelf (CLCS) and Article 76 and Annex II, LOSC
3. Establishment of the CLCS and Rules of Procedure
4. Organizational Phase of the CLCS
5. Primary Phase of the CLCS
6. Secondary Phase of the CLCS
7. Tertiary Phase of the CLCS
8. Practices of the CLCS
9. Concluding Remarks

1. The LOSC and the Continental Shelf

- The LOSC juridical continental shelf
- Key characteristics
 - Sea-bed and subsoil of the submarine areas
 - Extends beyond the territorial sea throughout the natural prolongation of the land territory to
 - A. Outer edge of the continental margin, or
 - B. 200 nautical miles from the baselines
- Every coastal state has a minimum continental shelf of 200 nautical miles
- Some coastal states may be entitled to a continental shelf that extends beyond 200 nautical miles to the outer edge of the continental margin

Continental Margin

Atlantic coast offshore Northeast Canada/USA



2. The CLCS and Article 76 and Annex II, LOSC

- LOSC creates a formula under Article 76 to determine the outer edge of the continental margin
- States interpret Article 76 to ascertain the outer limits of their continental shelf beyond 200 nautical miles
- States submit information to the CLCS on the limits of their continental shelf beyond 200 nautical miles
- CLCS makes recommendations to States
- State proclaims the limits of the continental shelf
 - “on the basis of these recommendations” which
 - “shall be final and binding”

3. Establishment of the CLCS and Rules of Procedure

- CLCS comprised of 21 members with expertise in geology, geophysics, or hydrography
 - Geographic representation
 - Serve in personal capacity
- Sub-Commissions review submissions and make recommendations to the Commission
- Recommendations by a two thirds majority
- CLCS Rules of Procedure: CLCS/40/Rev.1 (2008)
 - Conduct of business and voting procedures
 - Coastal state submissions
 - Submissions in the case of a dispute
- The three phases of the work of the CLCS

4. Organizational Phase of the CLCS

1997–2001

- Election of first CLCS members
- Finalisation of the Rules of Procedure
- Establishment of working Committees
- Creation of a modus operandi
- Guidance for states seeking to make a submission

5. Primary Phase of the CLCS

2001–2004

- Three submissions received
 1. Russian Federation
 2. Brazil
 3. Australia
- One recommendation made
 1. Russian Federation
- Development of Operational procedures
- Interaction between the CLCS Sub-Commission and Coastal State
- Reaction by States to the submission of the coastal state

Eg. Australian submission results in 8 notes to the Secretary-General including from Japan

6. Secondary Phase of the CLCS

2005–2009

- Forty eight (48) submissions received – including Japan
 - Twenty nine (29) submissions received in 5 weeks prior to 13 May 2009 deadline
- Eight (8) recommendations made
 1. Brazil
 2. Australia
 3. Ireland
 4. New Zealand
 5. Joint French submission
 6. Norway
 7. France (French Guiana, New Caledonia)
 8. Mexico

7. Tertiary Phase of the CLCS

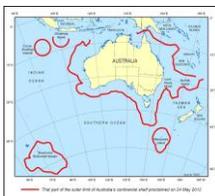
2010 – 2012 and beyond

- Ten (10) submissions received – total of Sixty-one (61)
- Nine (9) recommendations made – total of Eighteen (18)
 1. Barbados
 2. Barbados (revised)
 3. UK (Ascension Island)
 4. Indonesia (Sumatra)
 5. Japan
 6. Mauritius/Seychelles (Mascarene Plateau)
 7. Suriname
 8. France (French Antilles, Kerguelen)
 9. Philippines (Benham Rise)

61 submissions – 18 recommendations – 4 deferred – 2 active Sub-commissions

Australia’s Outer Continental Shelf

Proclaimed 25 May 2012



8. Practices of the CLCS

- Partial submissions
- Reactions by other states
- Land and Maritime territory in dispute
- Modification and adjustment of submissions
- Interaction between Sub-Commissions and States
- Interaction between Sub-Commissions and Commission

9. Concluding Remarks

- Importance of the work of the CLCS
- Emerging legal issues
- Disagreement between coastal states and CLCS
- State proclamation of outer continental shelf limits
- Dispute Resolution options for States
- CLCS Workload issues
- Impact of the work of the CLCS upon development of the law of the sea