

**The Right of Coastal States
under the Continental Shelf Regime beyond 200 Nautical Miles**

Atsuko Kanehara
Professor of Public International Law
Sophia University, Faculty of Law

Abstract

The Commission on the Limits of the Continental Shelf (CLCS) is undergoing the procedure for rendering the recommendations concerning the outer limits of the continental shelf. Possible future questions may be raised between coastal states and the CLCS, and between coastal states and other parties to the United Nations Convention on the Law of the Sea (UNCLOS). For considering the questions, it is necessary to examine right of the coastal state in establishing the outer continental shelf and the relationship between the CLCS and the coastal state.

Possible situations that enables “unilateral” establishment by a coastal state of the limits of the continental shelf are as follows;

- Coastal states may not be satisfied with the recommendation given by the CLCS and this situation could not be resolved by repeated process of re-submission by the coastal state to the CLCS.
- The establishment of the outer continental shelf limit is tied up with boundary delimitation disputes and/or territorial disputes.
- A transitional state waiting for the recommendation by the CLCS cannot bear being in a queue.
- A coastal state simply neglects the CLCS procedures.

It is also indispensable to consider the meaning of “final and binding” under Article 76, paragraph 8 of the UNCLOS. The presentation gives details of these questions.