

The outer limits of the continental shelf

Submissions to the Commission on the Limits of the Continental Shelf with a focus on the Bay of Bengal

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ASEAN & BIMSTEC

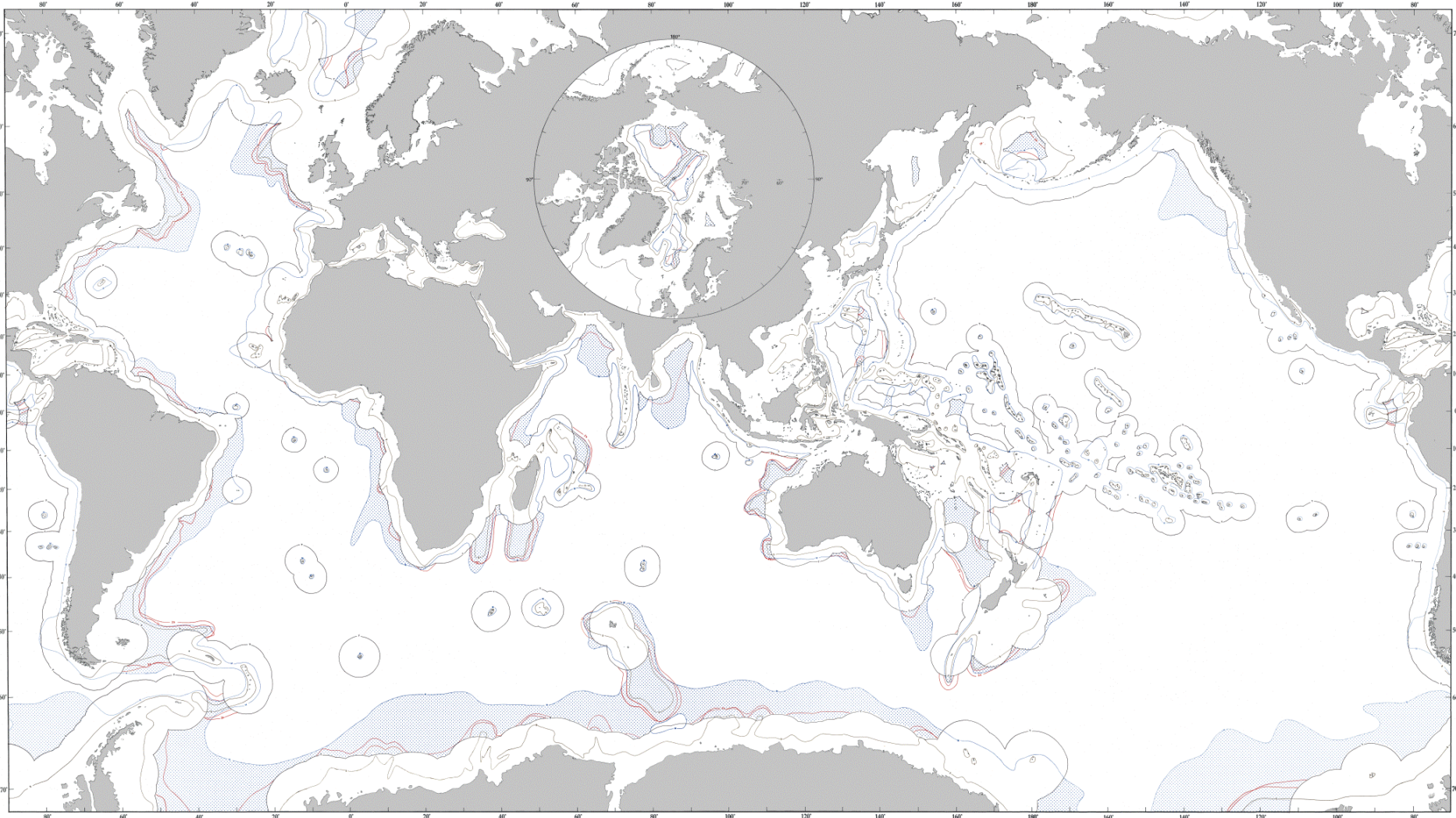


Overview

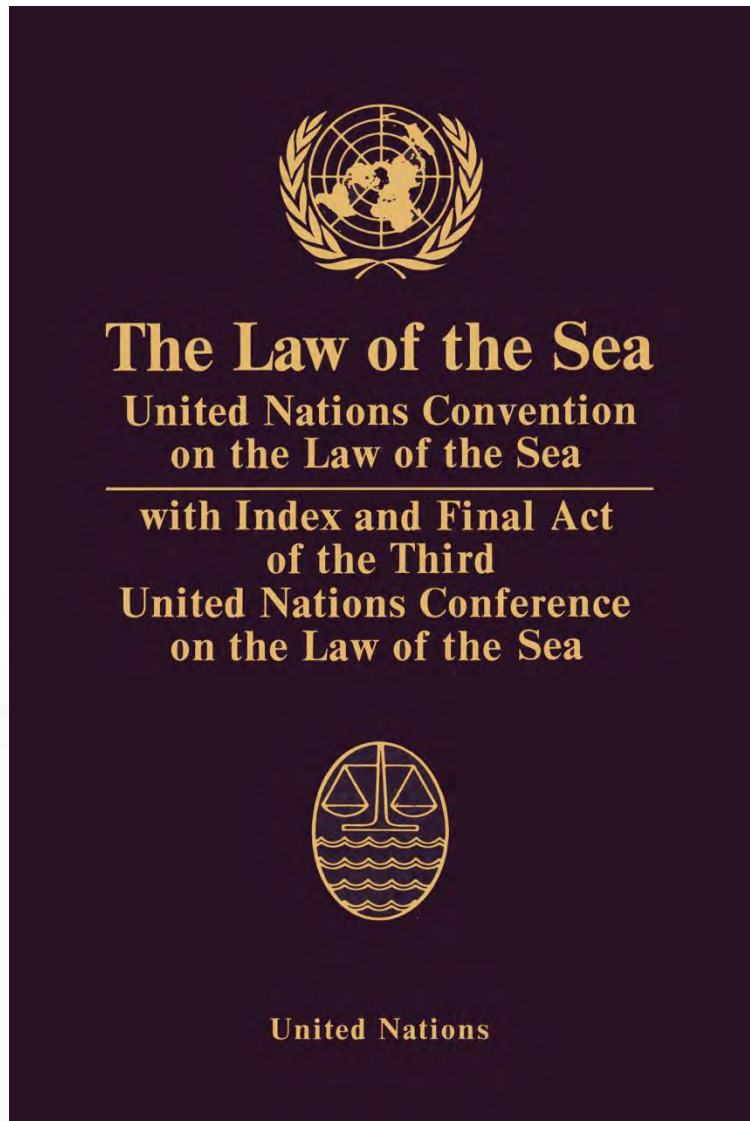
- What did we know during the Third Conference?
- The unique status of the determination of the outer limits of the continental shelf beyond 200 nautical miles in international law: Article 76 (8)
- The mandate of the Commission on the Limits of the Continental Shelf in accordance with the provisions of article 3 of Annex II to UNCLOS
- Submissions by States and their consideration by the Commission
- Submissions made by States in the Bay of Bengal and Notes submitted by other States
- Advice to States and capacity building activities
- What do we know now?

What did we know in 1978?

A/CONF.62/C.2/L.98 and Add.1, 18 April 1978



The continental shelf and the CLCS in UNCLOS



Part VI

Continental Shelf

Annex II

Commission on the Limits
of the Continental Shelf

The unique status of the determination of the outer limits of the continental shelf beyond 200 nautical miles

PART VI CONTINENTAL SHELF

Article 76

Definition of the continental shelf

8. 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 shall be submitted by the coastal State to the Commission on the Limits of the Continental Shelf set up under Annex II on the basis of equitable geographical representation. The Commission shall make recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf. The limits of the shelf established by a coastal State on the basis of these recommendations shall be final and binding.

The mandates of the Commission on the Limits of the Continental Shelf

ANNEX II. COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF

Article 3

1. The functions of the Commission shall be:

(a) to consider the data and other material submitted by coastal States concerning the outer limits of the continental shelf in areas where those limits extend beyond 200 nautical miles, and to make recommendations in accordance with article 76 and the Statement of Understanding adopted on 29 August 1980 by the Third United Nations Conference on the Law of the Sea;

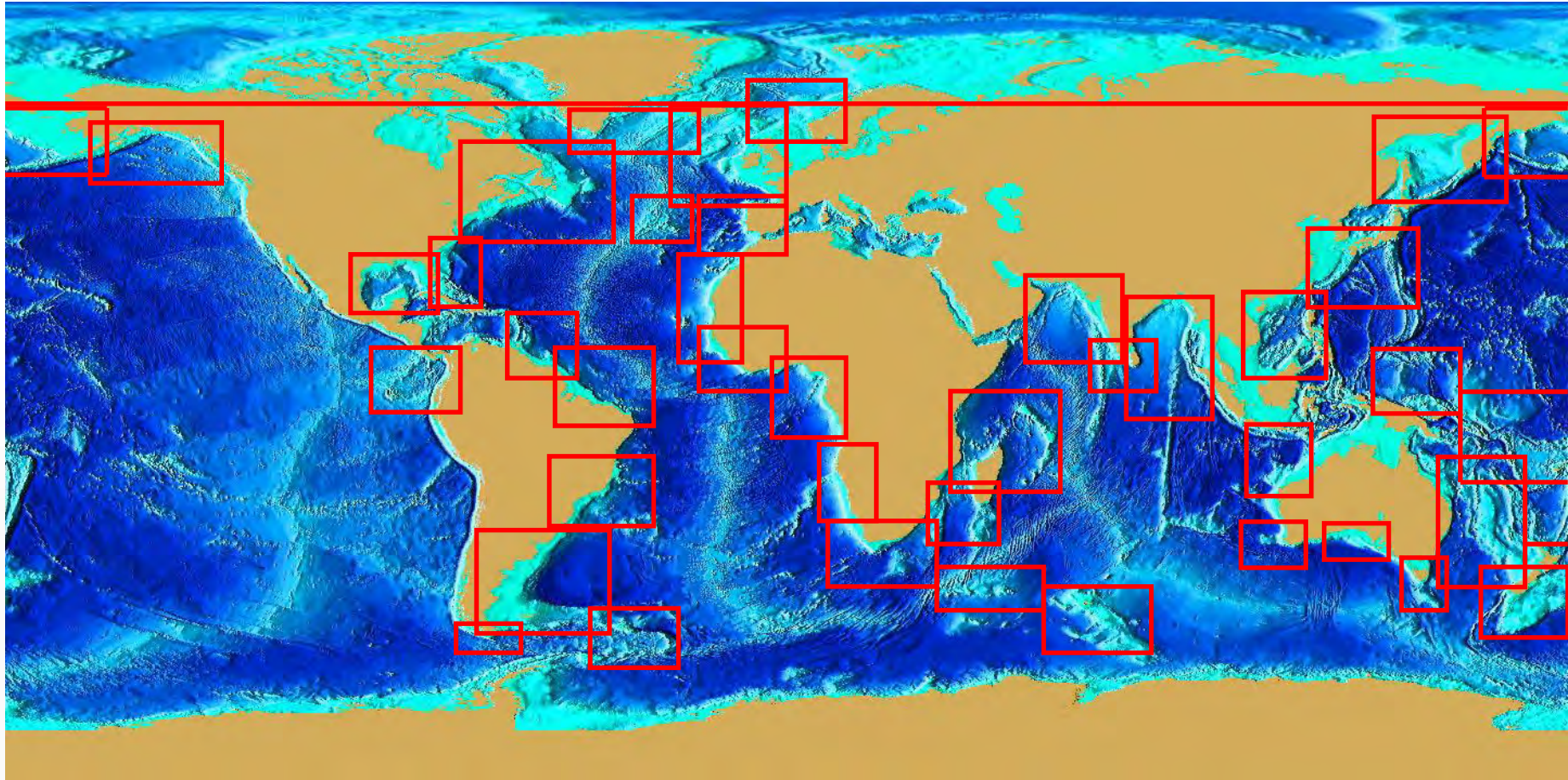
(b) to provide scientific and technical advice, if requested by the coastal State concerned during the preparation of the data referred to in subparagraph (a).

84 submissions plus 6 revised submissions

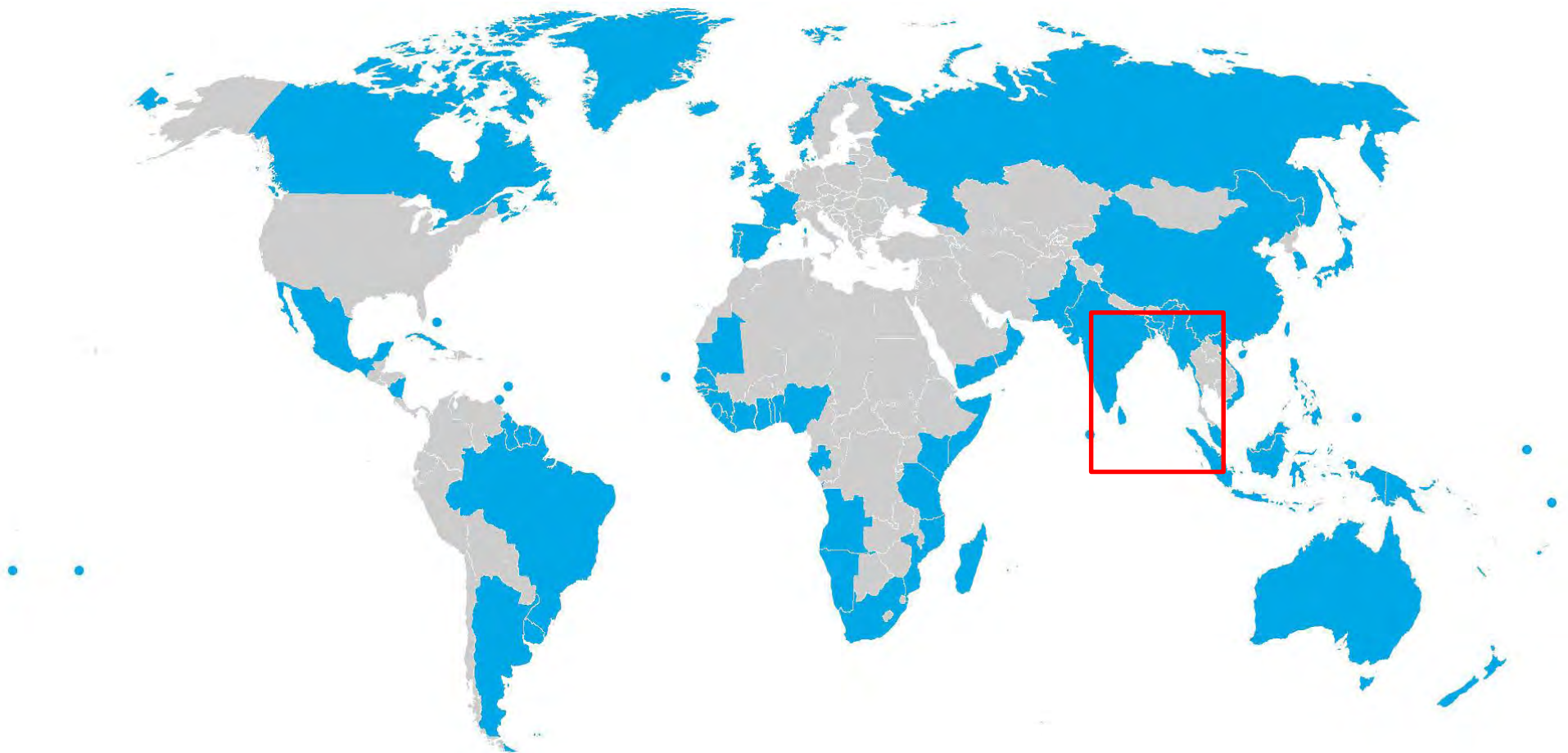
46 Partial Submissions and 8 Joint Submissions

Submission by [State]	Date of submission	Presentation to the CLCS*	Subcommission established	Recommendations adopted on [For summaries of the recommendations follow the link to the respective submission page]					
1. Russian Federation	20 December 2001	See CLCS/32	See CLCS/32	27 June 2002 See CLCS/34	40	France - in respect of La Réunion Island and Saint-Paul and Amsterdam Islands	8 May 2009	See CLCS/90	See CLCS/98
1a. Russian Federation - partial revised Submission in respect of the Oshotok Sea	26 February 2013	See CLCS/90	See CLCS/90	11 March 2014 See CLCS/93	41	Palau	8 May 2009	See CLCS/98 and CLCS/103	
1b. Russian Federation - partial revised Submission in respect of the Arctic Ocean	3 August 2015	See CLCS/93	See CLCS/93		42	Côte d'Ivoire	8 May 2009	See CLCS/94 & CLCS/95	See CLCS/95
2. Brazil	17 May 2004	See CLCS/42	See CLCS/42	4 April 2007 See CLCS/54	43	Sri Lanka	8 May 2009	See CLCS/98	See CLCS/98
2a. Brazil - partial revised Submission - in respect of the Brazilian Southern Region	10 April 2015	See CLCS/90	See CLCS/90	8 March 2019 See CLCS/108	44	Portugal	11 May 2009	See CLCS/98	See CLCS/98
2b. Brazil - partial revised Submission - in respect of the Brazilian Equatorial Margin	8 September 2011	See CLCS/103	See CLCS/103		45	United Kingdom of Great Britain and Northern Ireland - in respect of the Falkland Islands, and of South Georgia and the South Sandwich Islands	11 May 2009	See CLCS/98	See CLCS/98
2c. Brazil - partial revised Submission - related to the Brazilian Oriental and Meridional Margin	7 December 2018				46	Tonga	11 May 2009	See CLCS/98	See CLCS/103
3. Australia	16 November 2004	See CLCS/44	See CLCS/44	9 April 2008 See CLCS/58	47	Spain - in respect of the area of Galicia	11 May 2009	See CLCS/98	
4. Iceland - Porcupine Abyssal Plain	25 May 2005	See CLCS/48	See CLCS/48	4 April 2007 See CLCS/54	48	India	11 May 2009	See CLCS/98	
5. New Zealand	19 April 2006	See CLCS/52	See CLCS/52	22 August 2009 See CLCS/60	49	Trinidad and Tobago	12 May 2009	See CLCS/98	
6. Joint submission by France, Iceland, Spain and the United Kingdom of Great Britain and Northern Ireland - in the area of the Celtic Sea and the Bay of Biscay	19 May 2006	See CLCS/52	See CLCS/52	24 March 2009 See CLCS/62	50	Namibia	12 May 2009	See CLCS/98	
7. Norway - in the North East Atlantic and the Arctic	27 November 2008	See CLCS/54	See CLCS/54	27 March 2009 See CLCS/62	51	Cuba	1 June 2009	See CLCS/98	
8. France - in respect of the areas of French Guiana and New Caledonia	22 May 2007	See CLCS/56	See CLCS/56	2 September 2009 See CLCS/64	52	Mozambique	7 July 2010	See CLCS/70	
9. Mexico - in respect of the western polygon in the Gulf of Mexico	13 December 2007	See CLCS/58	See CLCS/58	11 March 2009 See CLCS/62	53	Myanmar	28 July 2010	See CLCS/70	
10. Barbados - revised	8 May 2008	See CLCS/60	See CLCS/62	15 April 2010 See CLCS/66	54	Danmark - Faroe-Rockall Plateau Region	26 December 2010	See CLCS/70	
11. United Kingdom of Great Britain and Northern Ireland - Ascension Island	25 July 2011	See CLCS/62	See CLCS/62	13 April 2012 See CLCS/74	55	Bangladesh	25 February 2011	See CLCS/72	
12. Indonesia - North West of Sumatra Island	16 June 2008	See CLCS/62	See CLCS/62	28 March 2011 See CLCS/70	56	Madagascar	29 April 2011	See CLCS/72	
13. Japan	12 November 2008	See CLCS/62	See CLCS/64	19 April 2012 See CLCS/74	57	Seychelles	8 September 2011	See CLCS/74	
14. Joint submission by the Republic of Mauritius and the Republic of Seychelles - in the region of the Mascarene Plateau	1 December 2008	See CLCS/62	See CLCS/66	30 March 2011 See CLCS/70	58	Mexico - in respect of the eastern polygon in the Gulf of Mexico	16 December 2011	See CLCS/74	
15. Suriname	6 December 2008	See CLCS/64	See CLCS/66	30 March 2011 See CLCS/70	59	United Republic of Tanzania	18 January 2012	See CLCS/78	
16. Myanmar	16 December 2008	See CLCS/64	See CLCS/66		60	Denmark - in respect of the Southern Continental Shelf of Greenland	10 April 2012	See CLCS/78	
17. France - areas of the French Antilles and the Kerguelen Islands	5 February 2009	See CLCS/66	See CLCS/68	19 April 2012 See CLCS/74	61	Denmark - in respect of the North-Eastern Continental Shelf of Greenland	14 June 2012	See CLCS/95	
18. Yemen - in respect of south east of Soobra Island	20 March 2009	See CLCS/68			62	Joint Submission by Tuvalu, France and New Zealand (Tokelau) - in respect of the area of the Robbie Ridge	7 December 2012	See CLCS/98	
19. United Kingdom of Great Britain and Northern Ireland - in respect of Hatton Rockall Area	31 March 2009	See CLCS/64			63	China - in Part of the East China Sea	14 December 2012	See CLCS/80	
20. Ireland - in respect of Hatton-Rockall Area	31 March 2009	See CLCS/64			64	Kiribati	24 December 2012	See CLCS/80	
21. Uruguay	7 April 2009	See CLCS/64	See CLCS/70	18 August 2016 See CLCS/95	65	Republic of Korea	28 December 2012	See CLCS/80	
22. Philippines - in the Benham Rea region	8 April 2009	See CLCS/64	See CLCS/70	12 April 2012 See CLCS/74	66	Nicaragua - in the southwestern part of the Caribbean Sea	24 June 2013	See CLCS/93	
23. The Cook Islands - concerning the Manihiki Plateau	16 April 2009	See CLCS/64	See CLCS/72	19 August 2018 See CLCS/95	67	Federated States of Micronesia - in respect of the Eauripik Rise	30 August 2013	See CLCS/93	
24. Fiji	30 April 2009	See CLCS/64			68	Denmark - in respect of the North-Eastern Continental Shelf of Greenland	26 November 2013	See CLCS/95	
25. Argentina	21 April 2009	See CLCS/64 & CLCS/76	See CLCS/76	11 March 2016 See CLCS/93	69	Armenia	9 December 2013	See CLCS/95	
25a. Argentina - partial revised Submission	28 October 2016	See CLCS/98	See CLCS/98	17 March 2016 See CLCS/98	70	Paraguay - in respect of the Atlantic Ocean	6 December 2013	See CLCS/103	
26. Ghana	28 April 2009	See CLCS/64	See CLCS/76	6 September 2014 See CLCS/85	71	Bahamas	6 February 2014	See CLCS/105	
27. Iceland - in the Egrí Basin area and in the western and southern parts of Reykjanes Ridge	20 April 2009	See CLCS/78	See CLCS/78	10 March 2016 See CLCS/93	72	France - in respect of Saint-Pierre-et-Miquelon	16 April 2014	See CLCS/95	
28. Denmark - in the area north of the Faroe Islands	20 April 2009	See CLCS/78	See CLCS/78	11 March 2014 See CLCS/93	73	France - in the western part of the Lau-Colville Ridge	23 April 2014	See CLCS/98	
29. Pakistan	30 April 2009	See CLCS/80	See CLCS/80	13 March 2015 See CLCS/98	74	Somalia	21 July 2014	See CLCS/98	
30. Norway - in respect of Bouvetøya and Dronning Maud Land	4 May 2009	See CLCS/80	See CLCS/80	8 February 2019 See CLCS/108	75	Joint Submission by Cabo Verde, The Gambia, Guinea, Guinea-Bissau, Mauritania, Senegal and Sierra Leone - in respect of areas in the Atlantic Ocean adjacent to the coast of West Africa	25 September 2014	See CLCS/90	
31. South Africa - in respect of the mainland of the territory of the Republic of South Africa	5 May 2009	See CLCS/88	See CLCS/83	17 March 2017 See CLCS/98	76	Denmark - in respect of the Northern Continental Shelf of Greenland	15 December 2014	See CLCS/95	
32. Joint submission by the Federated States of Micronesia, Papua New Guinea and Solomon Islands - concerning the Ontong Java Plateau	5 May 2009	See CLCS/96	See CLCS/83		77	Spain - in respect of the area west of the Canary Islands	17 December 2014	See CLCS/90	
33. Joint submission by Malaysia and Viet Nam - in the southern part of the South China Sea	5 May 2009	See CLCS/94			78	Oman	26 October 2017	See CLCS/103	
34. Joint submission by France and South Africa - in the area of the Crozet Archipelago and the Prince Edward Islands	8 May 2009	See CLCS/98 & CLCS/90	See CLCS/93		79	France - in respect of French Polynesia	2 April 2018		
35. Kenya	6 May 2009	See CLCS/84 & CLCS/88	See CLCS/90		80	Joint Submission of the Republic of Benin and the Toplice Republic	21 September 2018	See CLCS/108	
36. Mauritius - in the region of Rodrigues Island	6 May 2009	See CLCS/84	See CLCS/83		81	Libya	23 October 2016	See CLCS/108	
37. Viet Nam - in North Area (VNM-N)	7 May 2009	See CLCS/94			82	Mauritius - concerning the Southern Chagos Archipelago region	26 March 2019		
38. Nigeria	7 May 2009	See CLCS/84	See CLCS/90		83	Indonesia - in the area of North of Papua (Eauripik Rise)	11 April 2019		
39. Seychelles - concerning the Northern Plateau Region	7 May 2009	See CLCS/64	See CLCS/93	27 August 2019 See CLCS/102	84	Canada - in respect of the Arctic Ocean	23 May 2019		

Predicted scenario presented in the
CLCS Open Meeting held on 1 May 2000



States which have made Submissions to the CLCS



Submissions made by States in the Bay of Bengal and Notes submitted by other States:

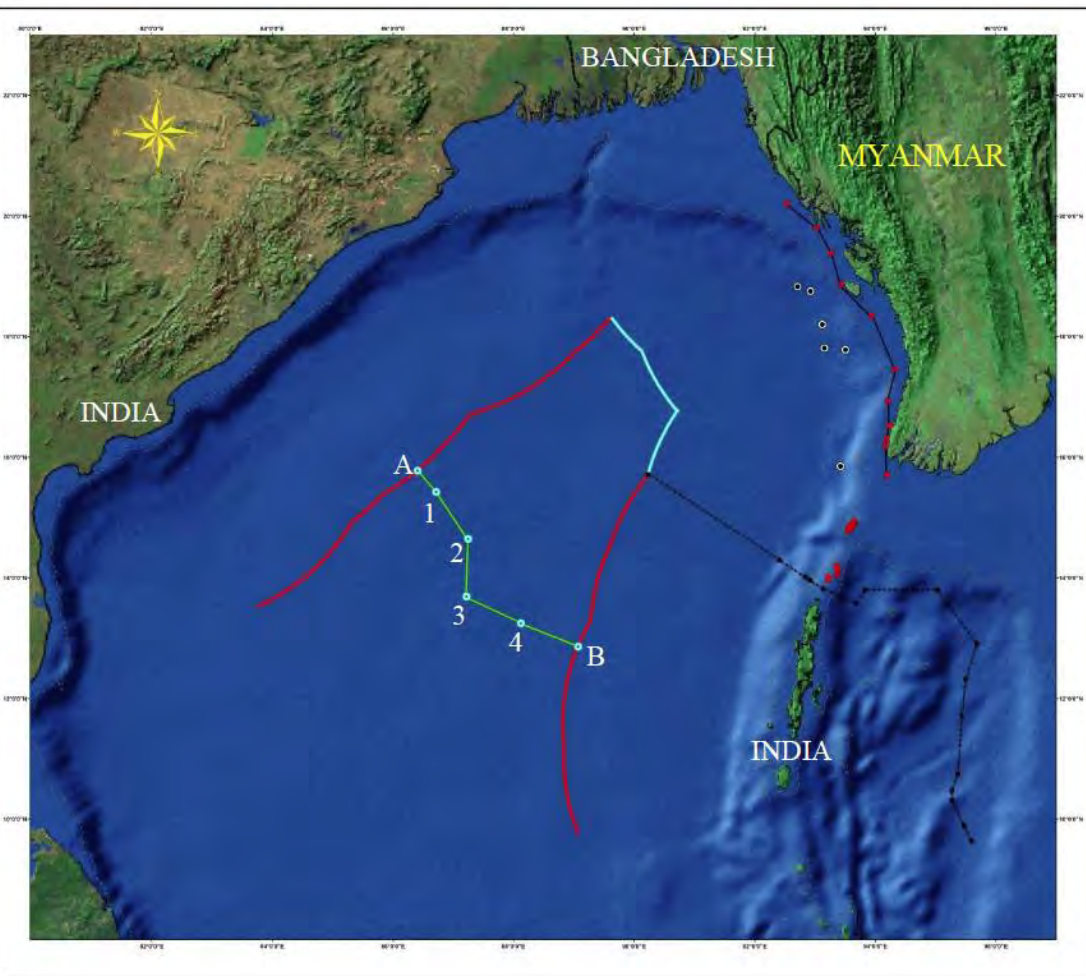
Republic of the Union of Myanmar

16. Republic of the Union of Myanmar: Submission of 16 December 2008

Democratic Socialist Republic of Sri Lanka:	Note dated 2 March 2009
Republic of India:	Note dated 26 March 2009
Republic of Kenya:	Note dated 30 April 2009
People's Republic of Bangladesh:	Note dated 23 July 2009
People's Republic of Bangladesh:	Note dated 30 September 2012

Amendment of 30 July 2015

People's Republic of Bangladesh:	Note dated 22 October 2015
Republic of India:	Note dated 30 October 2015



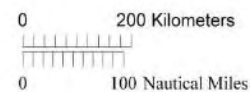
Submission of the Republic of the Union of Myanmar

16 December 2008

LEGEND

- Foot of the continental slope points
- Fixed points of outer limit
- Outer limit of the extended continental shelf
- International land boundary
- Coastline
- Territorial sea baseline
- Myanmar-India Maritime boundary
- 200 m isobath
- 200 M line of Myanmar
- Approximate 200 M line of other States

SCALE

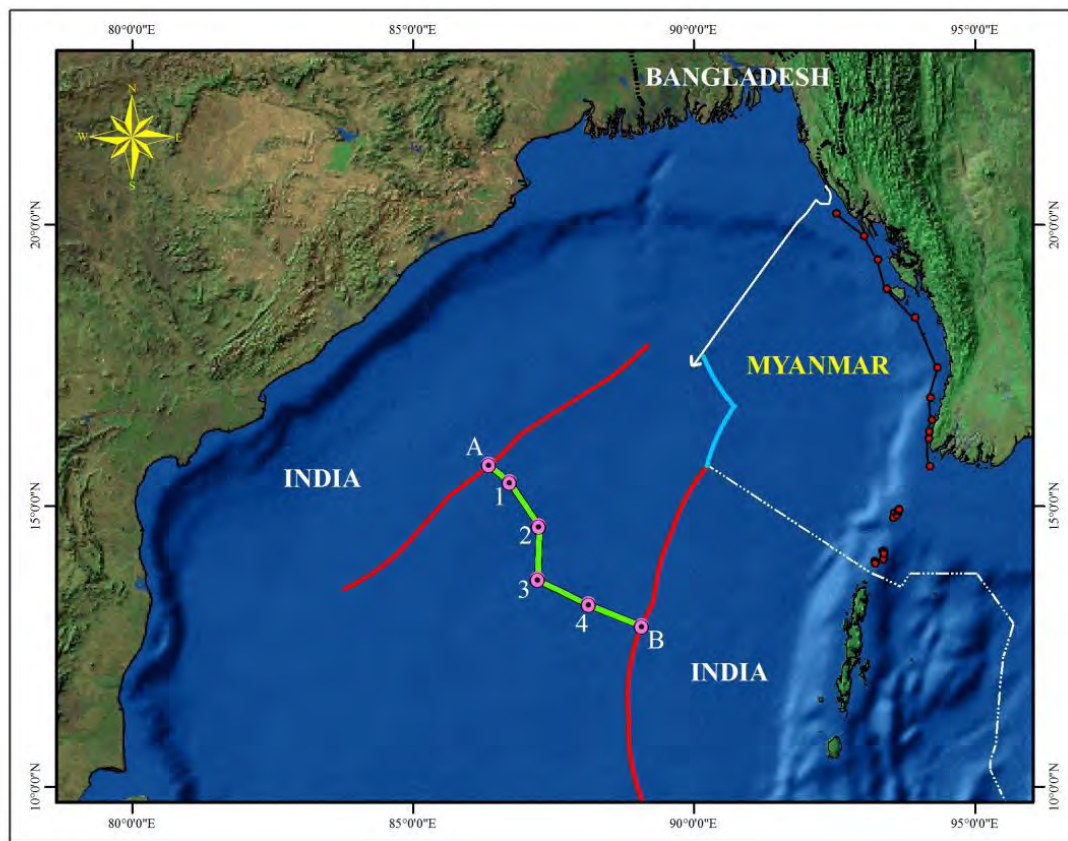


Projection - Transverse Mercator









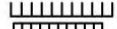
Datum - WGS 84

Central Meridian - 90° E

December, 2008

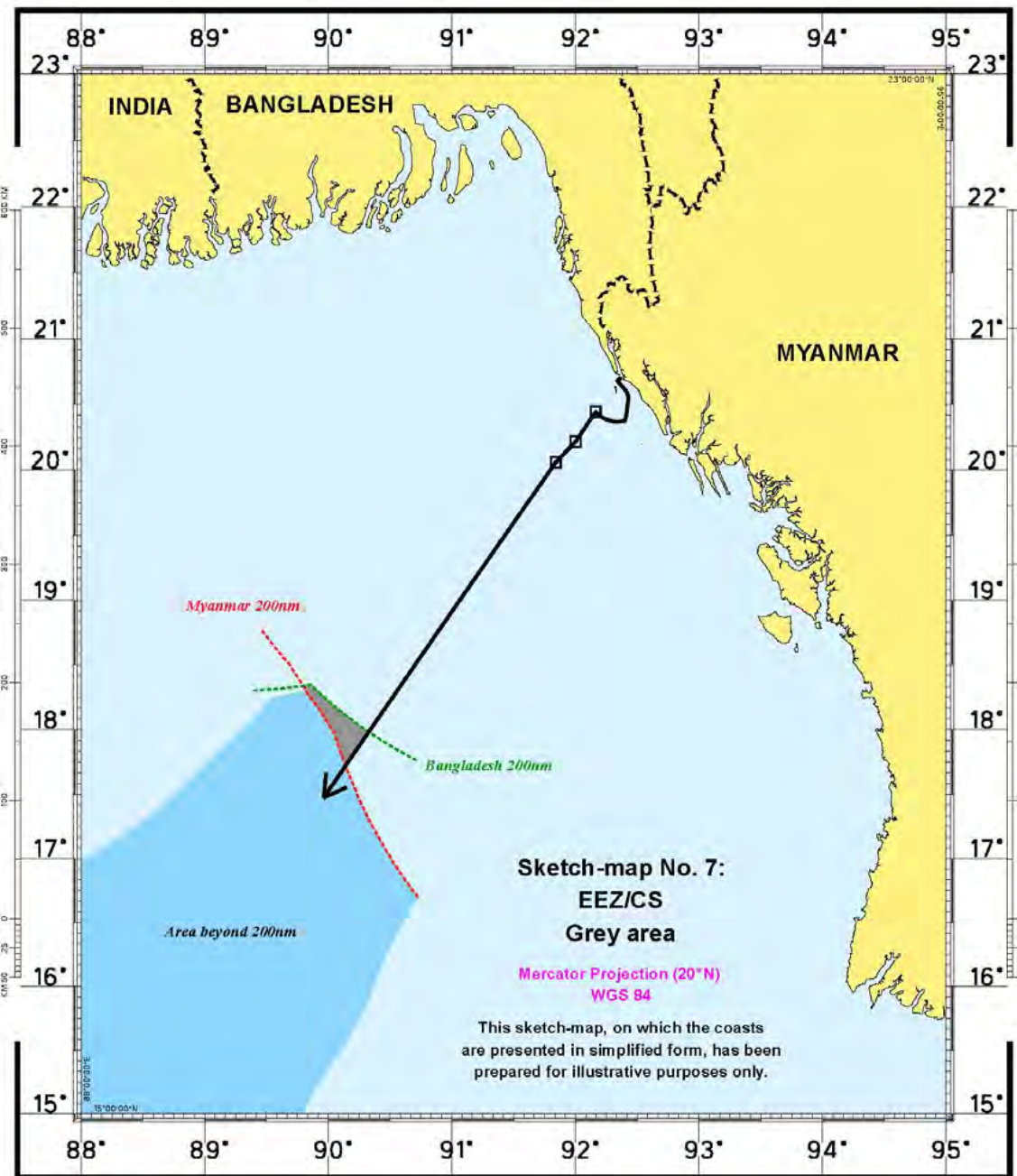


LEGEND

-  International land boundary
 -  Fixed points
 -  Myanmar-India agreed maritime boundary
 -  Outer limits of the continental shelf
 -  Myanmar-Bangladesh maritime boundary settled by the ITLOS' Judgement in 2012
 -  Myanmar baselines
 -  200 M limits of Myanmar
 -  Approximate 200 M limits of neighbours
- 0 200 Kilometers

 0 95 Nautical Miles
- Projection - Transverse Mercator
 Datum - WGS 84
 Central Meridian - 90° E

Submission of the Republic of the Union of Myanmar

Amendment
30 July 2015



Case No. 16: Dispute
concerning delimitation of
the maritime boundary
between Bangladesh and
Myanmar in the Bay of
Bengal

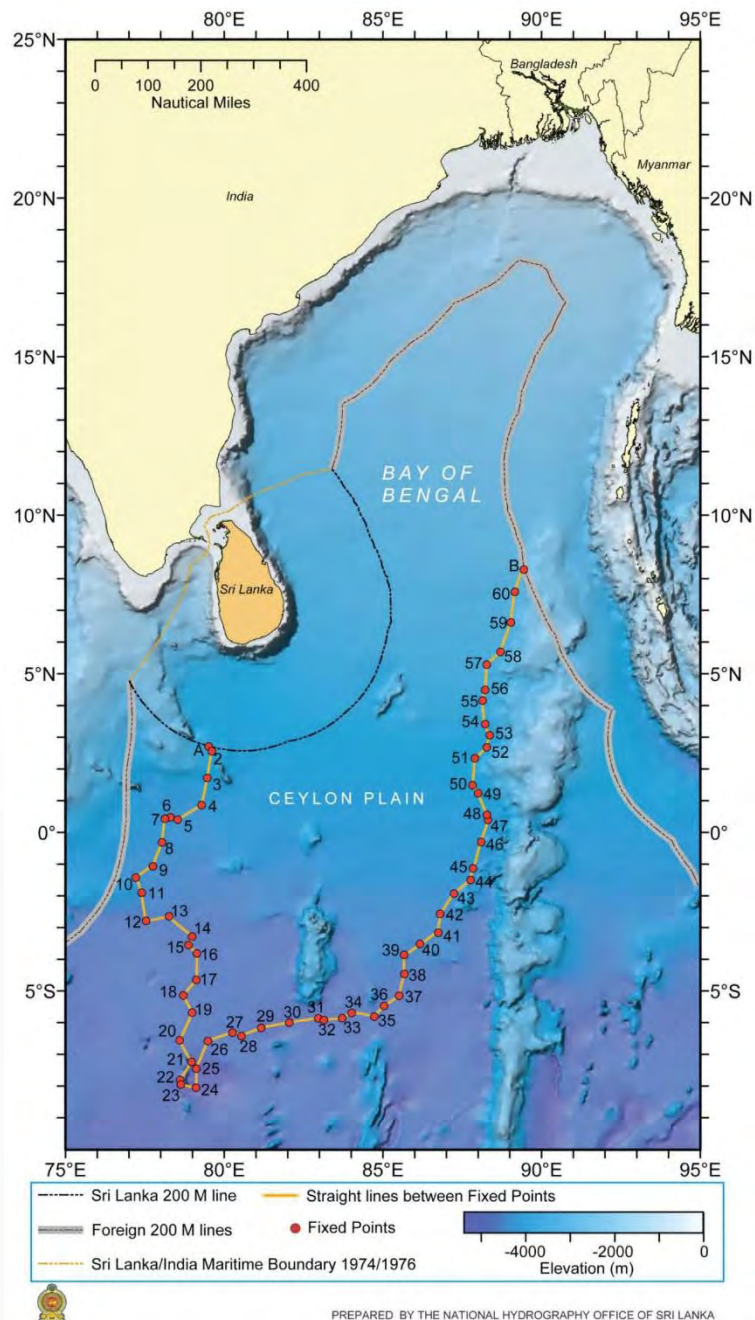
14 March 2012

Submissions made by States in the Bay of Bengal and Notes submitted by other States:

Democratic Socialist Republic of Sri Lanka

43. Democratic Socialist Republic of Sri Lanka:	Submission of 8 May 2009
Republic of Maldives:	Note dated 4 August 2009
Republic of India:	Note dated 10 May 2010
People's Republic of Bangladesh:	Note dated 20 October 2010

Amendment, none



Submission of the Democratic Socialist Republic of Sri Lanka

8 May 2009

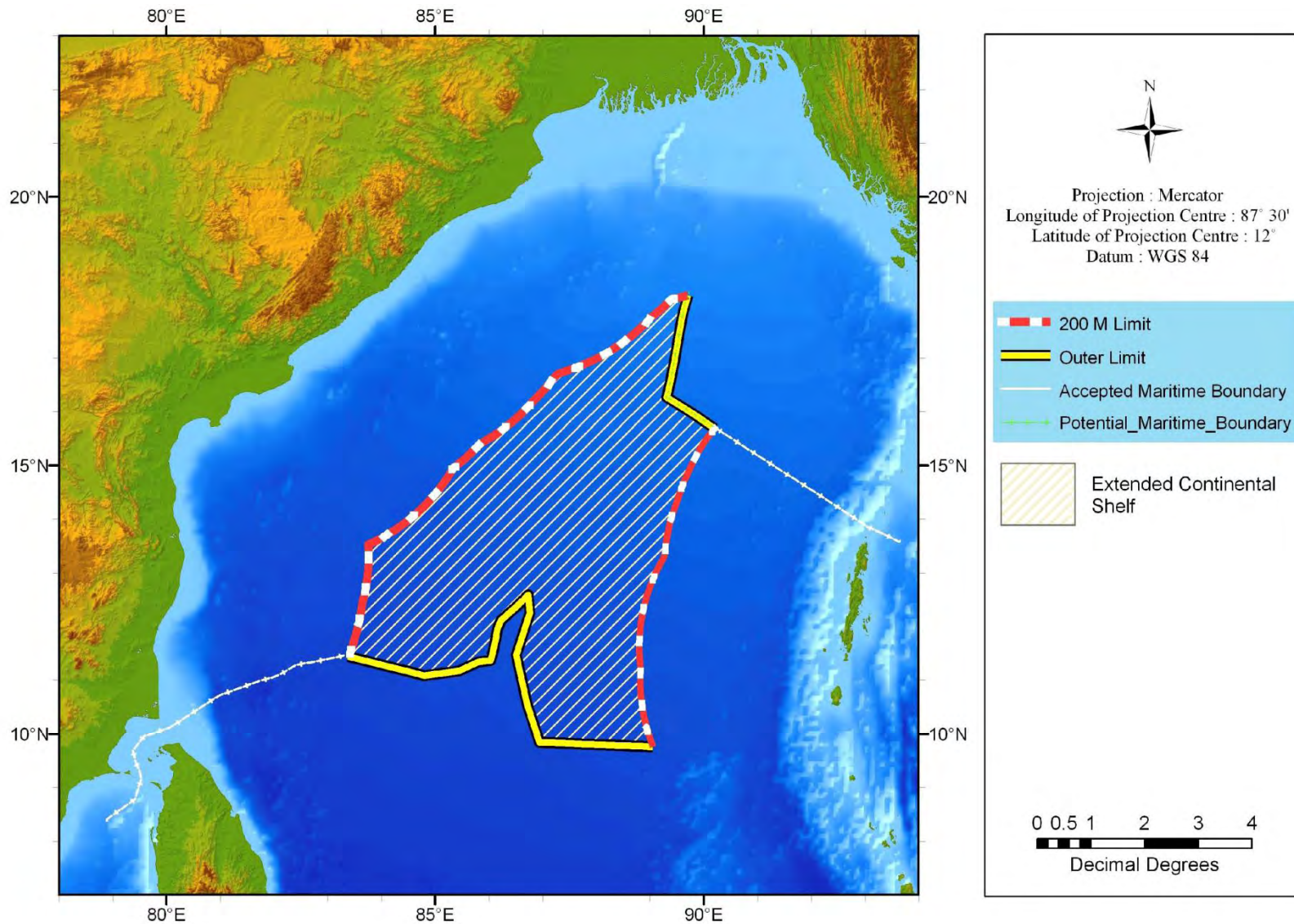
Submissions made by States in the Bay of Bengal and Notes submitted by other States:

Republic of India

48. Republic of India:	Submission of 16 December 2008
Republic of the Union of Myanmar:	Note dated 4 August 2009
People's Republic of Bangladesh:	Note dated 29 October 2009
Sultanate of Oman:	Note dated 19 May 2010

Amendment, none

Submission of the Republic of India 11 May 2009



Submissions made by States in the Bay of Bengal and Notes submitted by other States:

Republic of Maldives

49. Republic of Maldives:

Submission of 26 July 2010

United Kingdom of Great Britain
and Northern Ireland:

Note verbale dated 9 August 2010

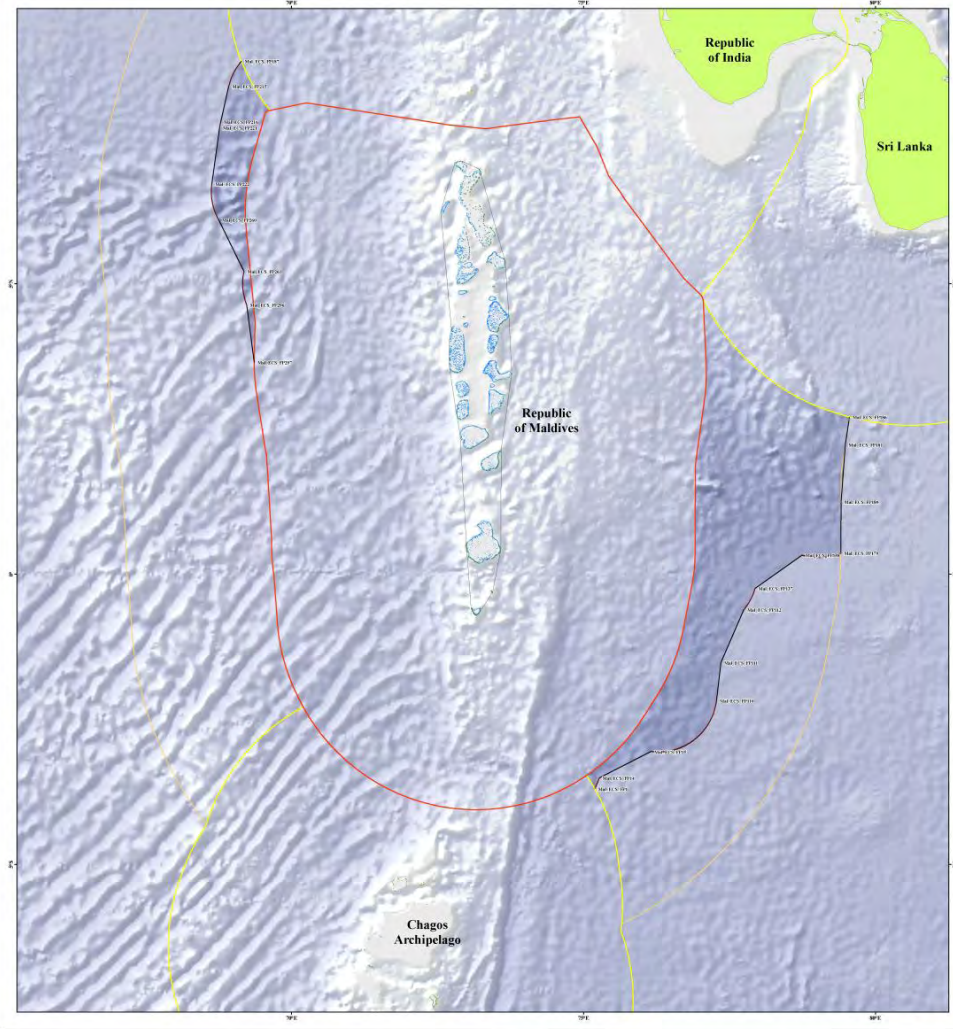
Republic of Mauritius:

Note verbale dated 29 October 2010

Republic of Mauritius:

Note verbale dated 24 March 2011

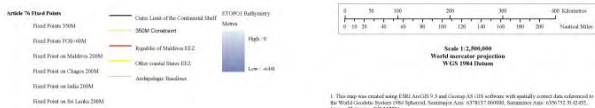
Amendment, none



Submission of the Republic of Maldives

26 July 2010

The outer limit of the continental shelf of the Republic of Maldives showing provisions of article 76 invoked



1. This map was created using GIS ArcGIS 9.3 and Google ANI 01 software with spatially corrected data referenced to the World Geodetic System 1984 datum. Coordinate Area is WGS 1984. Projection Area is UTM 48Q. Datum is WGS 1984. Source Reference: 200-117575.

2. The background public boundaries in ArcGIS 9.3 are based on EEZ/EEJ, a public domain file set obtained from the National Oceanic and Atmospheric Administration (NOAA) Federal Geospatial Data Center (FGD/C).

3. The use of Republic of Maldives coastal and continental shelf is subject to their own jurisdiction.

4. Depiction of EEZ does not mean the submitting State is based on the legal title of the State of analysis and should not be taken to signify recognition or endorsement by the Republic of Maldives of the validity of international law of another State's boundaries from which EEZ are drawn.

MAL-EEZ-MAP 2

Submissions made by States in the Bay of Bengal and Notes submitted by other States:

People's Republic of Bangladesh

55. People's Republic of Bangladesh:

Submission of 25 February 2011

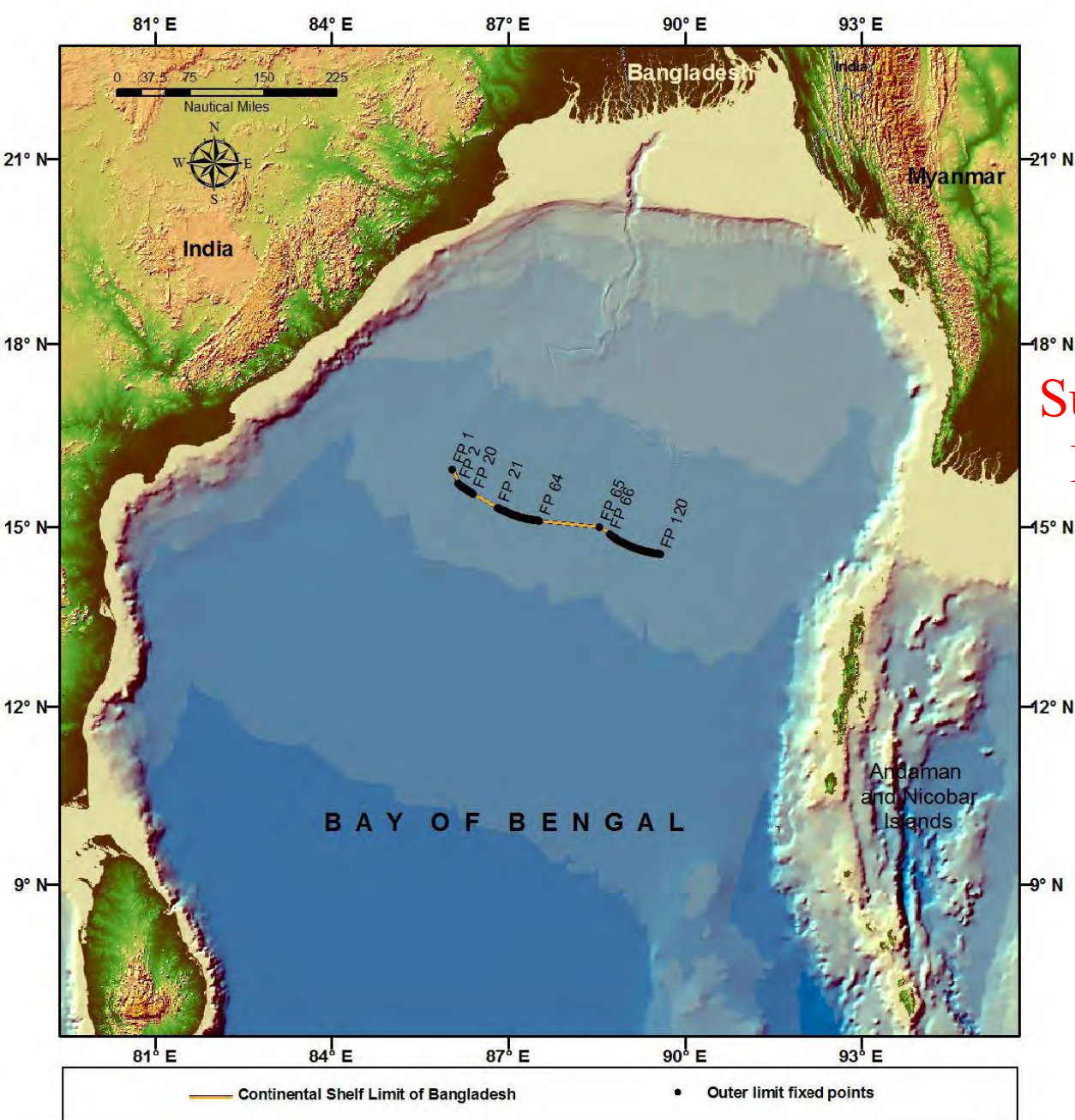
Republic of the Union of Myanmar:

Note verbale dated 31 March 2011

Republic of India:

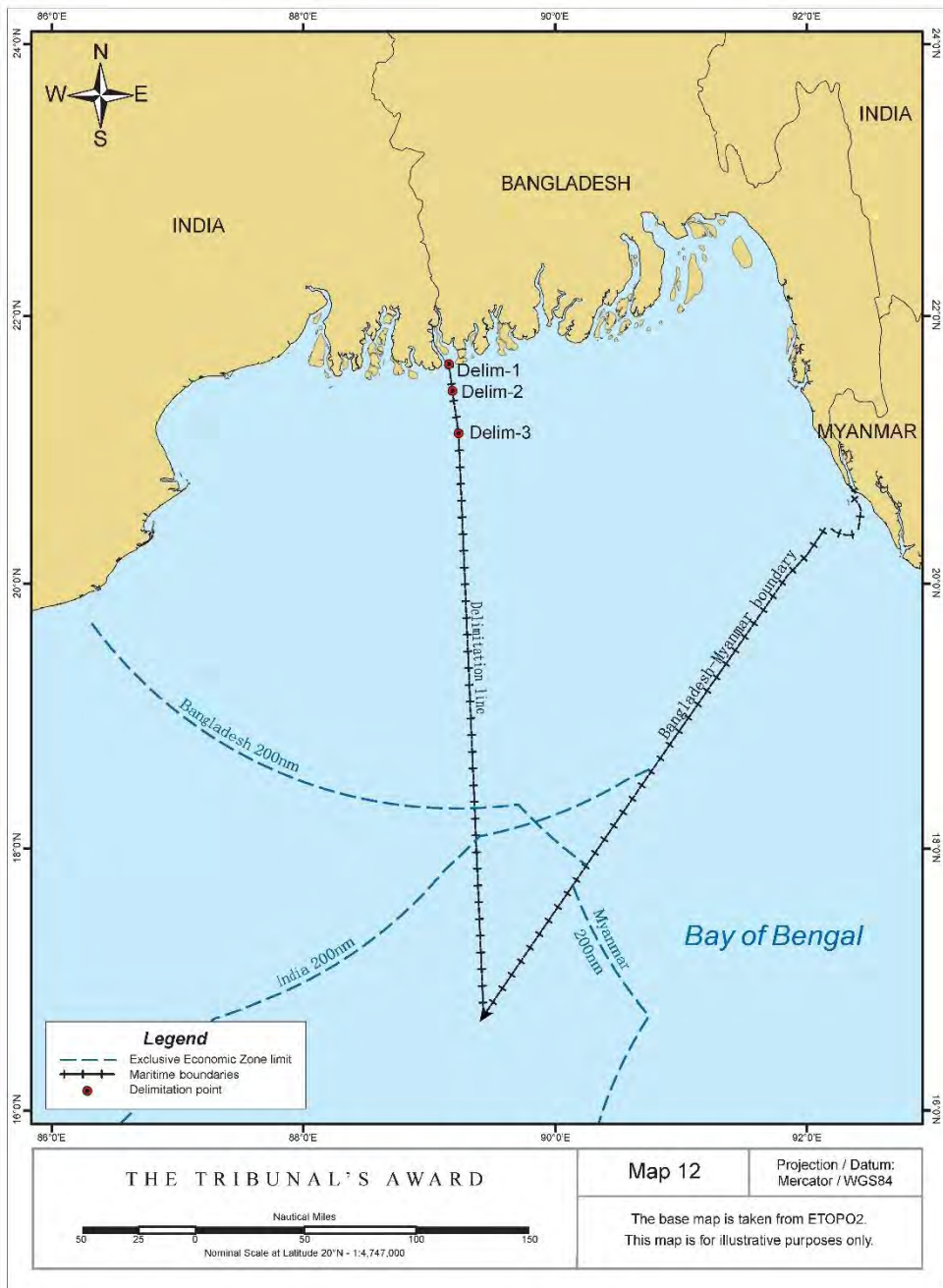
Note verbale dated 20 June 2011

Amendment, none



Submission of the People's
Republic of Bangladesh

25 February 2011



Case No. 16: Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal

14 March 2012

Bay of Bengal Maritime Boundary Arbitration Annex VII Tribunal Award

7 July 2014

Submissions and objections in the Bay of Bengal

Current status:

- Four from among five Submissions made by States in various regions of the Bay of Bengal have been subjected to the relevant provisions of paragraph 5(a) of Annex I to the CLCS Rules of Procedure to prevent their consideration.
- Three among those five Submissions already arrived to the top of the queue for consideration, the fourth is next in line.

Potential avenues:

- Partial Submissions
- Joint Submissions
- Multilateral agreements to allow the CLCS to consider all Submissions without prejudice to boundary delimitation
- Amendment of Submissions in accordance with recent judgments and awards.

How? Bilateral or multilateral consultations, or mediation efforts.

Deposits of outer limits of the continental shelf made by coastal States on the basis of recommendations pursuant to paragraphs 76(9) and 84(2) of the Convention

20 May 2009 – Mexico, in respect of the western polygon in the Gulf of Mexico (MZN 72)

19 August 2009 – Ireland, in respect of the Porcupine Abyssal Plain (MZN 73)

2 July 2012 – Philippines, in respect of the Benham Rise region (MZN 88)

2 November 2012 – Australia (MZN 92)

1 April and 25 May 2016 – Russian Federation, in respect of the Sea of Okhotsk (MZN 121)

30 August 2016 – Pakistan (MZN 122)

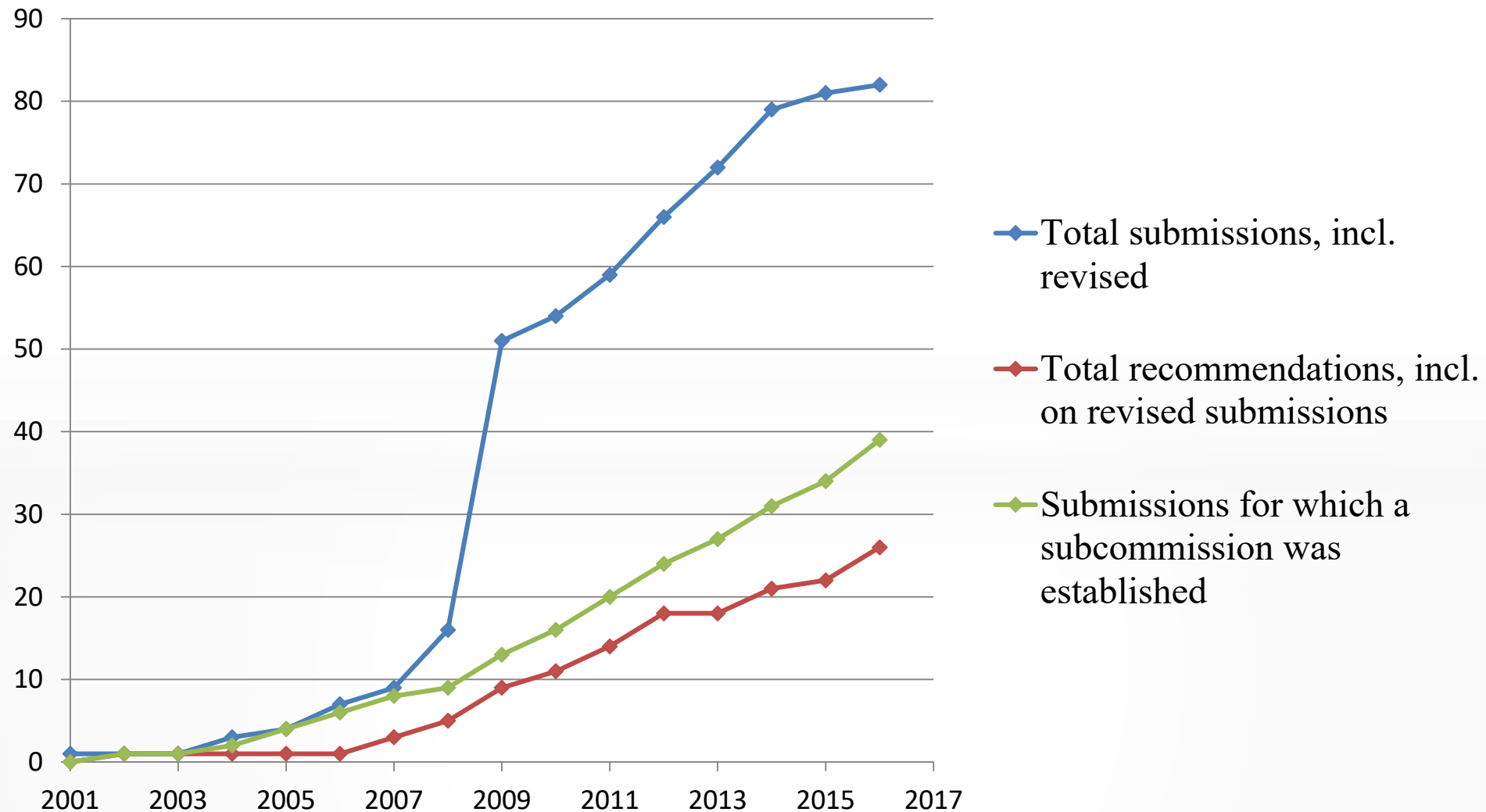
7 September 2016 – Russian Federation, in respect of the Barents Sea (MZN 124)

14 December 2017 – Suriname (MZN 131)

26 October 2018 – New Zealand (MZN 140)

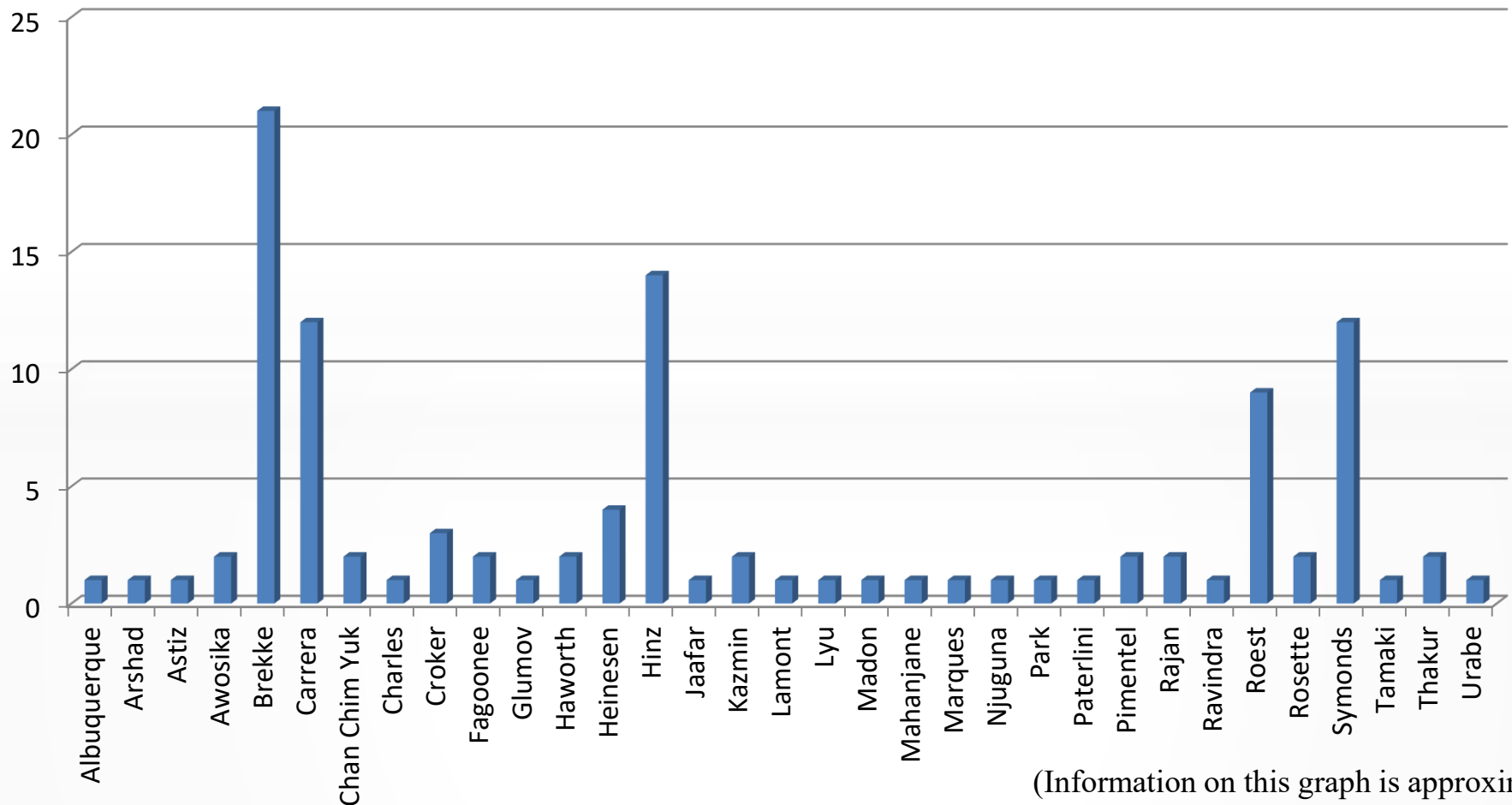
In addition, on 9 July 2012, Mauritius and Seychelles jointly deposited, pursuant to paragraph 84(2) of the Convention, a list of geographical coordinates of points defining the limits of the Joint Zone between the two States as contained in the “Treaty concerning the joint exercise of sovereign rights over the continental shelf in the Mascarene plateau region” of 13 March 2012 (MZN 91)

Submissions received and considered and recommendations issued as of 6 March 2017



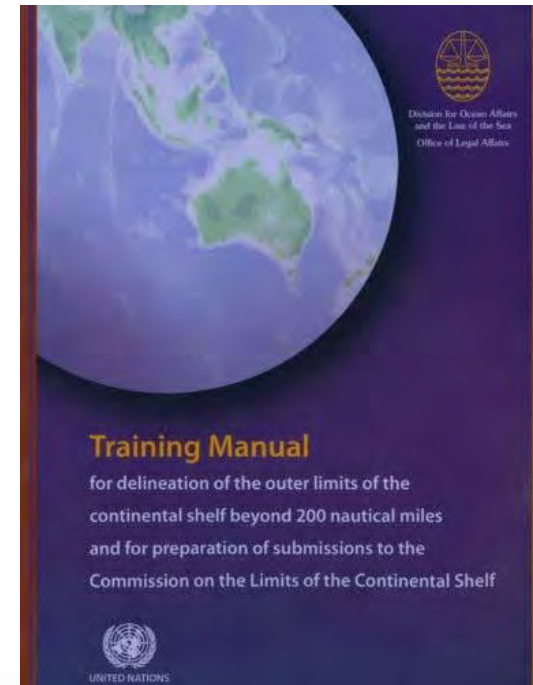
Advice provided to coastal States (number of submissions)

Although the Commission has not received any request for assistance to date, which would have been based on the second mandate of the Commission as described in paragraph 1(b) of article 3 of Annex II to the Convention, upon invitation, individual members provided assistance to many submitting States in their personal capacity.



Capacity Building

- Training Manual for delineation of the outer limits of the continental shelf beyond 200 M
- Regional, sub-regional and national training courses:
 - Suva, Fiji, 28 February - 4 March 2005;
 - **Colombo, Sri Lanka, 16 - 20 May 2005;**
 - Accra, Ghana, 5 - 9 December 2005;
 - Buenos Aires, Argentina, 8 - 12 May 2006;
 - **Bandar Seri Begawan, Brunei Darussalam, 12 - 16 February 2007;**
 - Cape Town, South Africa, 13 - 17 August 2007;
 - Port of Spain, Trinidad and Tobago, 14 - 18 January 2008;
 - Windhoek, Namibia, 22 - 26 September 2008;
 - Luanda, Angola, 16 - 20 May 2011;
 - Guayaquil, Ecuador, 2 - 6 December 2013; and
 - Breckenridge, Colorado, USA, 21 - 25 September 2015.



Colombo, Sri Lanka

16 - 20 May 2005

- CLCS: H. Brekke, G. Carrera, K. Hinz, I. Lamont, and Y.A. Park.
- DOALOS: V. Golitsyn, R. Sandev, and L. Santosuosso.



Bandar Seri Begawan, Brunei Darussalam

12 - 16 February 2007

- CLCS: G. Carrera, K. Hinz, B. Jaafar, and Y.A. Park.
- DOALOS: G. Blake, R. Sandev, and L. Santosuosso.



What do we know now?

1. The work to be conducted by States was underestimated in terms of its scientific and technical breadth and scope, cost and time:

- The amount of scientific and technical data contained in a single national submission surpasses the size of the full World data set used in 1978
- The cost of a submission can range from hundreds of thousands of dollars to hundreds of millions of dollars. Trust Funds have made an important contribution.
- The preparation of a submission can range from 3 to 10 or more years ... deadlines 2004, 2009, 20??
- Advice to States by CLCS members and capacity building became important components of the implementation of article 76

What do we know now?

2. The work to be conducted by the CLCS was largely underestimated:

- A preliminary estimate of a total of 35 submissions, 1978
- 84 Submissions + 6 Revised Submissions ... likely more than 100
- 46 Partial Submissions (consultations to avoid disputes or an unnecessary long delay in the preparation of a large Submission)
- 8 Joint Submissions (cooperation among neighbour States)

What do we know now?

3. Further delays in the consideration of some Submissions by the CLCS can be prevented by means of several avenues through consultations or mediation efforts.

- 4 among 5 Submissions have received objections in the Bay of Bengal and 3 have arrived to the queue for consideration, 1 is next in line.
- Partial or joint Submissions, multilateral or bilateral non-prejudice agreements, or amendments to Submissions are avenues worth exploring.
- Diplomatic consultations have resulted already in the removal of some objections. Mediation efforts could be made also available.
- What happened to the 10 years deadline?