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**Workshop for the Promotion of  
Sustainable Development of Africa's  
Deep Seabed Resources in Support for  
Africa's Blue Economy  
16-18 May 2019, Pretoria, South Africa**

**THE OUTER LIMIT OF THE  
CONTINENTAL SHELF IN  
AFRICA: PRESENT SITUATION  
AND PROSPECTS**

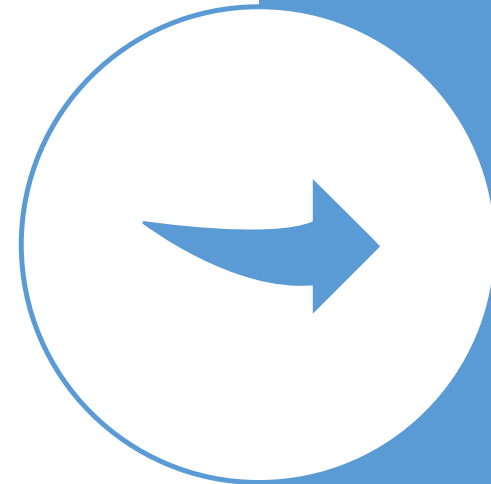
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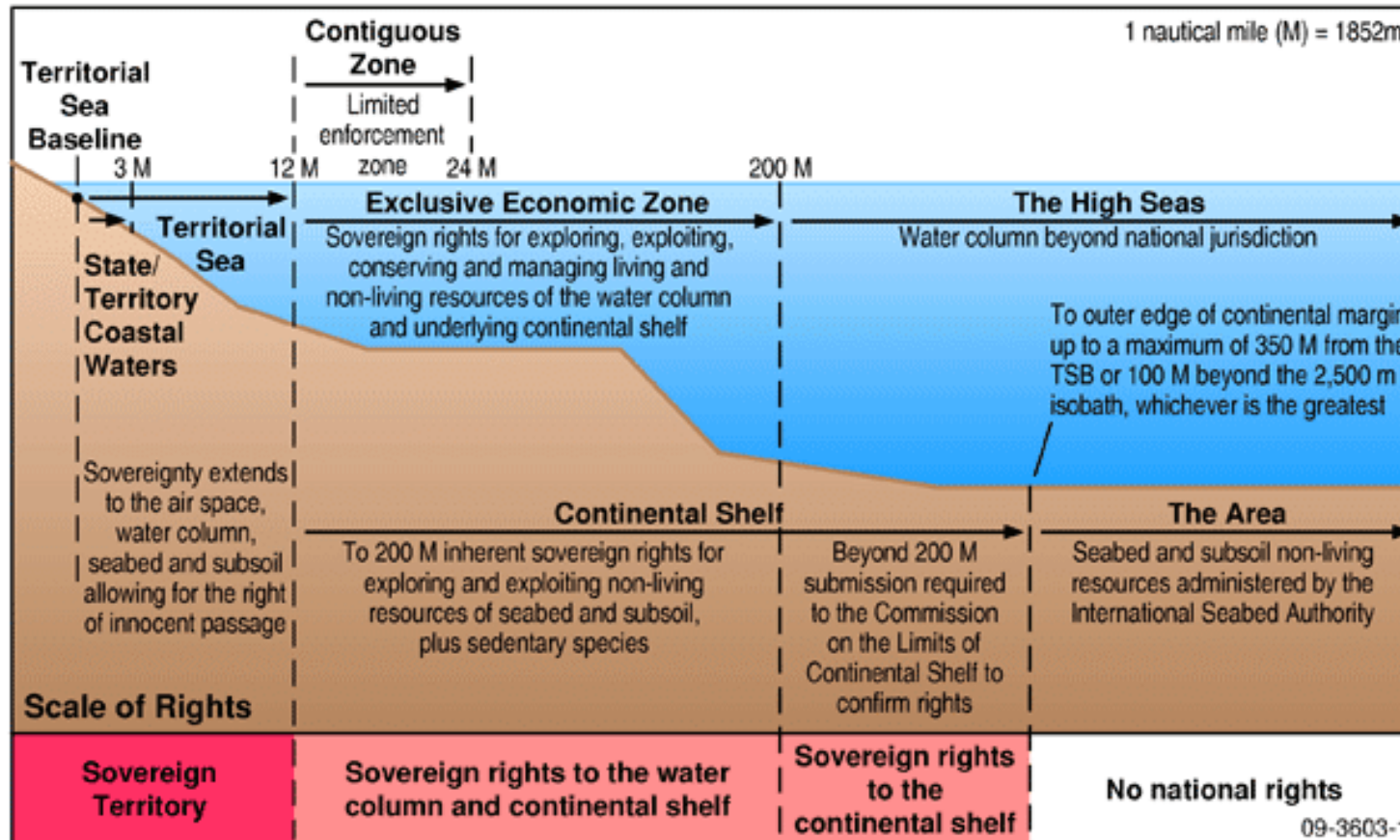
# Outline

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- African Union Instruments – Extended CS
- African States – CLCS actual Submissions
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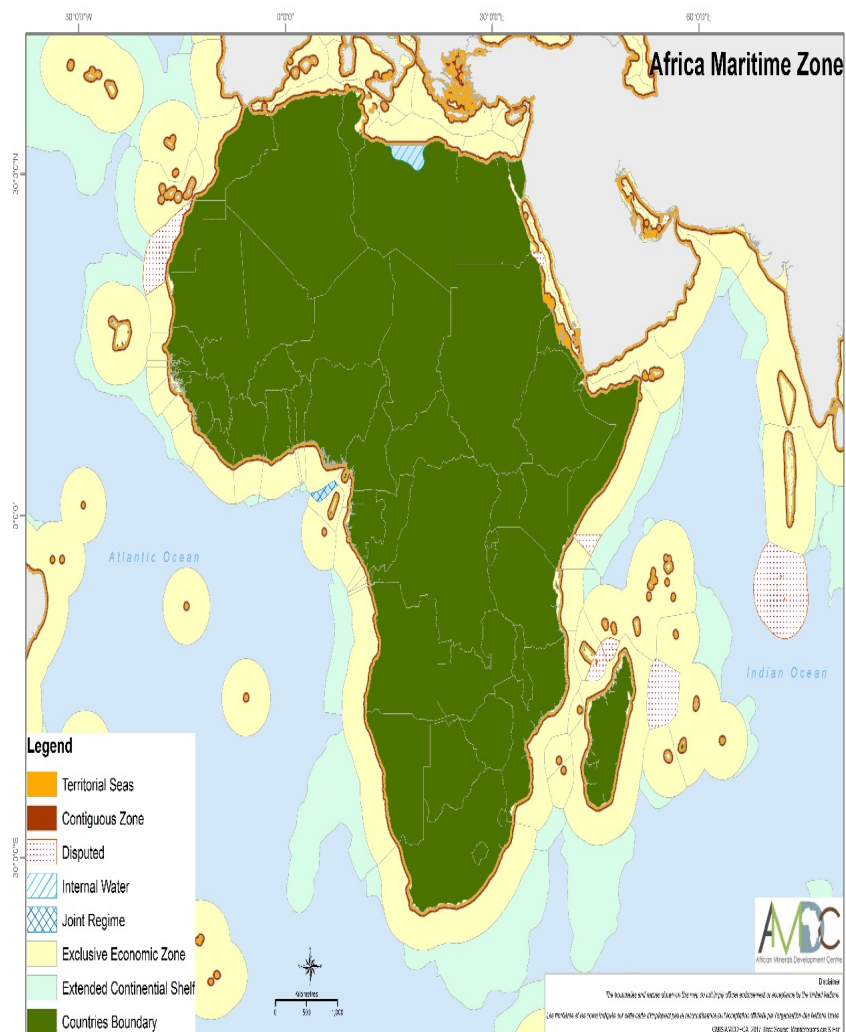


# Introduction – Maritime Zones under the UN Law of the Sea Convention(UNCLOS) 1982

(Diagram prepared by Geosciences Australia)



# Introduction - African Maritime Zones



❑ Why outer limits of the CS?

➤ delimits full extent of maritime zones within national jurisdiction.

➤ delimits African Maritime Domain (AMD)

## ❖ Africa's Maritime Domain (AMD)

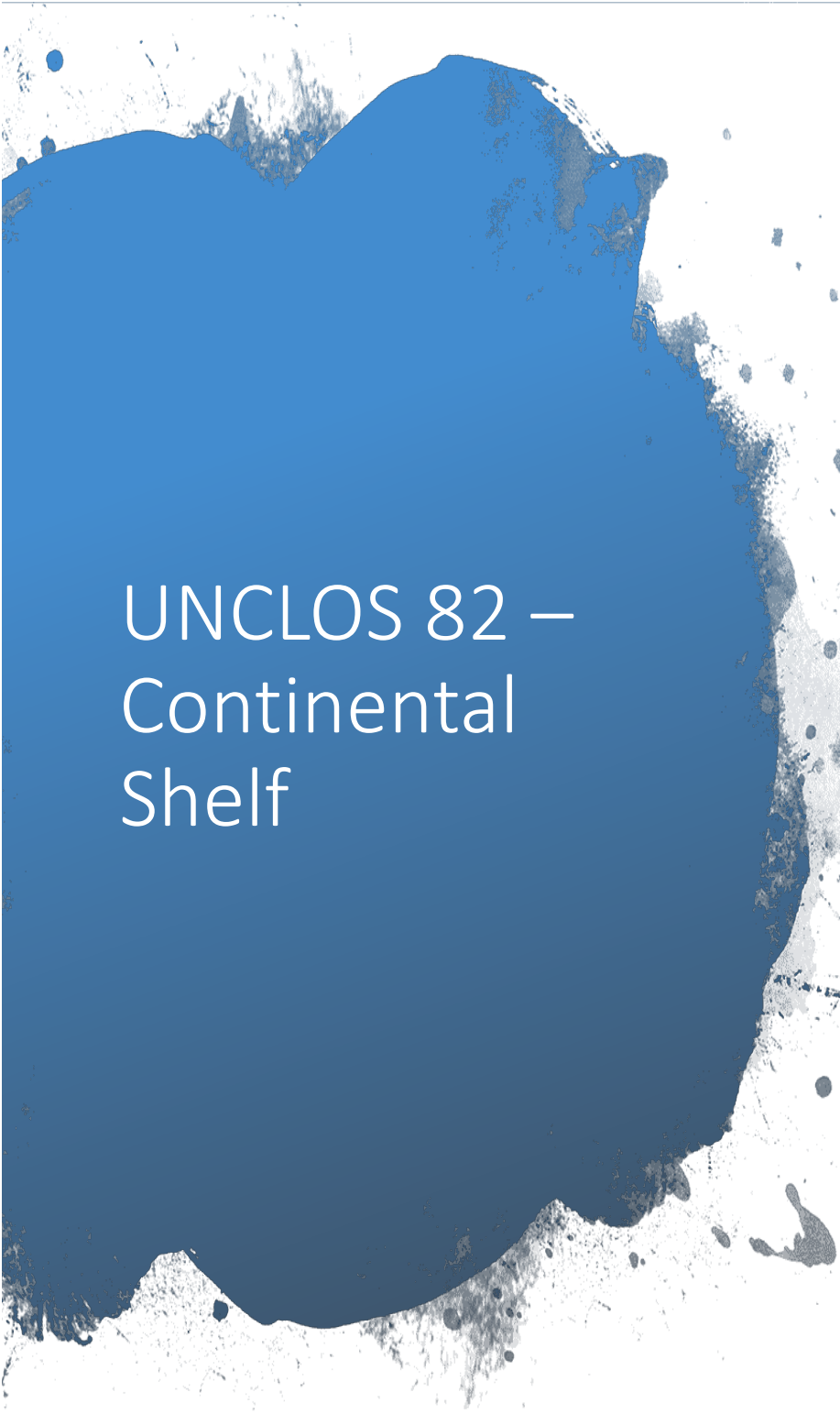
“refers to all areas and resources of, on, under, relating to, adjacent to, or bordering on an African sea, ocean, or African lakes, intra-coastal and inland navigable waterways, including all African maritime-related activities, infrastructure, cargo, vessels and other means of conveyance. It also includes the air above the African seas, oceans, lakes, intra-coastal and inland navigable waterways and to the oceans’ electromagnetic spectrum as well.”  
2050 AIM Strategy

➤ Delimiting the Area - Area is “the seabed and ocean floor and subsoil thereof beyond the limits of national jurisdiction.”  
Art.1(1) of UNCLOS 82

# Introduction - Pre UNCLOS 82

## □ Convention on the Continental Shelf 1958

“For the purpose of these articles, the term “continental shelf” is used as referring (a) to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, **to a depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas;** (b) to the seabed and subsoil of similar submarine areas adjacent to the coasts of islands.” Art.1



## UNCLOS 82 – 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.” Art.76(1)
- ❑ “The fixed points comprising the line of the outer limits of the continental shelf on the seabed, drawn in accordance with paragraph 4 (a)(i) and (ii), **either shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured or shall not exceed 100 nautical miles from the 2,500 metre isobath**, which is a line connecting the depth of 2,500 metres.” Art.76(5)

# UNCLOS 82 – 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 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.” Art.76(8)

□ “The Commission shall consist of 21 members who shall be experts in the field 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, who shall serve in their personal capacities.” Annex II of UNCLOS 82, Art.2(1)



# UNCLOS 82 – Deadline for submission to CLCS

□ “Where a coastal State intends to establish, in accordance with article 76, the outer limits of its continental shelf beyond 200 nautical miles, **it shall submit particulars of such limits to the Commission along with supporting scientific and technical data as soon as possible but in any case within 10 years of the entry into force of this Convention for that State.** The coastal State shall at the same time give the names of any Commission members who have provided it with scientific and technical advice.” Annex II, Art.4 of UNCLOS 82

- 2001 States Parties to the Law of the Sea Convention (SPLOS) decision that the commencement date for calculating the 10-year period for states parties to UNCLOS 82 before 13 May 1999 – **13 May 1999 = deadline 13 May 2009;**
- 2008 SPLOS decision for developing States unable to meet 13 May 2009 deadline– made a distinction for developing States between:
  - Actual Submission;
  - Preliminary Information indicative of the extended continental shelf
  - ✓ a description of the status of preparation and the intended date of making the actual submission;
  - ✓ Submission of preliminary information freezes the running of the deadline
  - ✓ No consideration of preliminary information by CLCS until actual submission



# African Union Instruments – Extended CS

- AU decision on the extended CS requested broad shelf African States to speed up the process of preparing and submitting their claims for the extension of the limits of their continental shelf with a view to meeting the deadline at that time of 12 May 2009
  - Decision on Extension of the African Continental Shelf and Climate Change, Doc.EX.CL/391 (XII), 2 February 2008
- 
- 2050 Africa's Integrated Maritime Strategy 2014
  - "Member States shall be encouraged to claim their respective maritime limits, including their extended Continental Shelf where applicable. Member States are urged to accept and fulfil all those responsibilities that emanate from the establishment of maritime zones as foreseen by UNCLOS and the IMO SOLAS Convention" Para.59

# African States – CLCS actual Submissions(I)

Africa States	Date of Submission	Position
<p><u>Joint submission by the Republic of Mauritius and the Republic of Seychelles</u> - in the region of the Mascarene Plateau</p>	<p>1 December 2008</p>	<ul style="list-style-type: none"> <li>▪ First submission by African States, and prepared collaboratively by two mid-ocean small island developing States.</li> <li>▪ informed CLCS of intention to make further submissions for their respective remaining areas of continental shelf.</li> <li>▪ On 30 March 2011 – CLCS made recommendations.</li> </ul>
<p>Ghana</p>	<p>28 April 2009</p>	<ul style="list-style-type: none"> <li>▪ 5 September 2014 – CLCS made recommendations</li> </ul>
<p><u>South Africa</u> - in respect of the mainland of the territory of the Republic of South Africa</p>	<p>5 May 2009</p>	<ul style="list-style-type: none"> <li>▪ 17 March 2017 – CLCS made recommendations in respect of some of the areas in the submission, but did not substantively address several areas covered by the submission</li> <li>▪ CLCS recommended a revised submission as regard the areas not covered by the recommendation</li> <li>▪ 13 September 2017 - South Africa files note verbal expressing</li> </ul>

# African States – CLCS Submissions(II)

Africa States	Date of Submission	Position
Kenya	6 May 2009	CLCS decided to defer further consideration of the submission due to dispute
<a href="#">Mauritius</a> - in the region of Rodrigues Island	6 May 2009	CLCS Sub-commission still considering the submission
Nigeria	7 May 2009	<ul style="list-style-type: none"> <li>▪ CLCS Sub-commission still considering the submission</li> </ul>
<a href="#">Seychelles</a> - concerning the Northern Plateau Region	7 May 2009	<ul style="list-style-type: none"> <li>▪ 27 August 2018 – CLCS made recommendations</li> </ul>
Cote D' Ivoire	8 May 2009	<ul style="list-style-type: none"> <li>▪ Impact of proceedings before the International Tribunal for the Law of the Sea on Ghana/Cote d'Ivoire Case</li> </ul>

## African States – CLCS Submissions(III)

Africa States	Date of Submission	Position
Namibia	12 May 2009	<ul style="list-style-type: none"> <li>▪ Sub-commission of CLCS to be established</li> </ul>
Mozambique	7 July 2010	<ul style="list-style-type: none"> <li>▪ Sub-commission of CLCS to be established</li> </ul>
Madagascar	29 April 2011	<ul style="list-style-type: none"> <li>▪ Sub-commission of CLCS to be established</li> </ul>
United Republic of Tanzania	18 January 2012	<ul style="list-style-type: none"> <li>▪ Sub-commission of CLCS to be established</li> </ul>
Gabon	10 April 2012	<ul style="list-style-type: none"> <li>▪ CLCS decided to defer further consideration of the submission due to potential dispute</li> </ul>
Angola	6 December 2013	<ul style="list-style-type: none"> <li>▪ CLCS decided to defer further consideration of the submission due to potential dispute</li> </ul>

# African States – CLCS Submissions(IV)

Africa States	Date of Submission	Position
Somalia	21 July 2014	CLCS decided to defer further consideration of the submission due to dispute
<a href="#">Joint Submission by Cabo Verde, The Gambia, Guinea, Guinea-Bissau, Mauritania, Senegal and Sierra Leone</a> - in respect of areas in the Atlantic Ocean adjacent to the coast of West Africa	25 September 2014	<ul style="list-style-type: none"> <li>▪ Sub-commission of CLCS to be established</li> </ul>
<a href="#">Joint Submission of the Republic of Benin and the Togolese Republic</a>	21 September 2018	Nothing done yet by CLCS
Liberia	23 October 2018	Nothing done yet by CLCS

# African States - Preliminary Information indicative of the extended continental shelf(I)

African States	Date of Submission	Progress to Actual Submission
Angola	12 May 2009	YES
Benin	12 May 2009	YES
Benin and Togo	2 April 2009	YES
Cameroon	11 May 2009	NO
Cabo Verde	7 May 2009	YES
Comoros	2 June 2009	NO
Congo	12 May 2009	NO

# African States - Preliminary Information indicative of the extended continental shelf(II)

African States	Date of Submission	Progress to Actual Submission
Democratic Republic of Congo	11 May 2009	NO
Equatorial Guinea	14 May 2009	NO
Gabon	12 May 2009	YES
Gambia	4 May 2009	NO
Guinea	11 May 2009	YES
Guinea-Bissau	8 May 2009	YES
Mauritania	11 May 2009	YES
Mauritius in the Chagos Archipelago Region	6 May 2009	YES
Morocco	3 August 2015	NO
Mozambique	11 May 2009	YES
Sao Tome and Principe	13 May 2009	NO
Senegal	12 May 2009	YES



# African States - Preliminary Information indicative of the extended continental shelf(III)

African States	Date of Submission	Progress to Actual Submission
<b>Seychelles</b> in the Aldabra Island Region	8 May 2009	
<b>Sierra Leone</b>	12 May 2009	YES
<b>Somalia</b>	14 April 2009	YES
Togo	8 May 2009	YES
<b>United Republic of Tanzania</b>	7 May 2009	YES

# UNCLOS 82 – Obligation to deposit

☐ “The coastal State shall 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. The Secretary-General shall give due publicity thereto.” Art.76(9) of UNCLOS 82

- ☐ CS up to 200 NM
- ☐ CS beyond 200 NM

## What next ...?

- ❑ How can African States be helped with:
  - Preliminary information to actual submissions to CLCS?
  - After CLCS recommendations- what next?
    - revised submissions
    - Post recommendation implementation
  - Complying with obligation under Art.76(8) of UNCLOS 82?
  - Appropriate National Legislation
- ❑ A central co-ordinating body housed by the AU(perhaps the AUBP?) to act as a one-stop shop to point African coastal states to various organisations that may provide advise and/or support for this.

*Thank You*

*Diolch*