

# Commission on the Limits of the Continental Shelf – Selected issues relating to its practice

A Presentation  
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# Outline

- An overview of the Commission's two functions
- Revised or new submission
- Submission of additional data and other information during an on-going examination of a submission, and
- Practice of the Commission with respect to submission involving disputes.

# Commission's functions

- To consider submissions by the coastal states and to make recommendations in accordance with article 76 of UNCLOS;
- To provide scientific and technical advice, if requested by a coastal State during the preparation of the data. (article 3, Annex II UNCLOS).

# Commission on the Limits of the Continental Shelf

- Number of submissions: 73 as of 23 April 2014
- Number of Recommendations made: 18
- Number of revised submissions: 2

# Function to consider and make recommendations

- Recommendations of the Commission have a legal effect.
- The outer limits established on the basis of the recommendations are final and binding.
- Testing of entitlement– “Is the coastal State entitled to an area of the continental shelf beyond 200 nm?” - this implied competence of the Commission
- The Commission has disagreed with a coastal State’s claim of entitlement in the submission of the UK in relation to Ascension Island.

# Function to provide advice

- Commission's second function of providing advice has never been availed of by coastal States.
- Commissioners to date have provided advice in their personal capacities.
- Coastal states inform the Commission of the names of the Commissioners who provided advice

# Revised or new submissions

- When coastal State disagrees with recommendations of the Commission, it may, within a reasonable time, make a revised or new submission. (Article 8, annex II UNCLOS)
- “Reasonable time” interpreted on a case-to-case basis
- One revised submission – Barbados
- One new submission – Russia in relation to the Sea of Okhotsk

# Submission of additional information, in the course of the examination of the submission

Two possibilities

1. Initial Examination - submission of additional information under the item, Clarification (Part III, Para. 6, Annex III of the Rules of Procedure )
2. Main Examination – in one or several meetings, the subcommission shall provide a comprehensive presentation of its views and general conclusions arising from the examination of part or all of the submissions. The coastal State shall have the opportunity to respond to the presentations of the subcommission, including the possibility of providing additional data and information.  
(Part IV, Para.10, Annex III of the Rules of Procedure, CLCS)



# Submission of additional information, in the course of the examination of the submission

Example: Norway submission for three separate areas in the North East Atlantic

- The Subcommission was not convinced that the submitted geophysical and geological data supported Norway's choice of location of the foot of the slope. Norway was therefore advised to explore more landward possibilities for the foot of the continental slope.
- Norway presented additional evidence including a high-resolution, Parasound, sub-bottom profiler data which convinced the subcommission to change its initial view, and agreed to move the foot of the slope location to a more seaward location.

# Practice of the Commission with respect to submissions which involve unresolved land or maritime disputes

## Annex I, Rules of Procedure of the CLCS

- The competence re disputes rests with States and the Commission recognizes this explicitly.
- In case a relevant dispute exists, the coastal State making the submission has two obligations:
  - a. Inform the Commission of the existence of the disputes
  - b. Assure the Commission to the extent possible that the submission will not prejudice questions relating to the delimitation of boundaries between States.

# Practice of the Commission with respect to submissions which involve unresolved land or maritime disputes

Annex I, Rules of Procedure of the CLCS

- What are the options of the coastal State?
  - a. Partial submission of area(s) not disputed
  - b. Joint submission by agreement of States – e.g. Joint Submission of France, Ireland, Spain and the UK in the Area of the Celtic Sea and the Bay of Biscay in May 2006. The four States informed the CLCS that the area was not the subject of any dispute among them and assured the Commission that it would not cause prejudice on matters relating to the delimitation of the area.
  - c. Separate submission by agreement of States

# Practice of the Commission with respect to submissions which involve unresolved land or maritime disputes

- Existence of a land or maritime dispute - The Commission shall not consider and qualify a submission.

## Examples:

1. Japan submission relating to the Southern Kyushu Palau Region where the legal status of Oki-no Tori Shima Island was questioned
2. Current examples - Malaysia and Vietnam, Yemen, the UK in respect of the Hatton Rockall Area, Ireland, in respect of the Hatton Rockall Area, Fiji and Kenya



Thank you.