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Press Release SEA/1792

Background Release

COMMISSION ON LIMITS OF CONTINENTAL SHELF TO HOLD THIRTEENTH SESSION

AT HEADQUARTERS FROM 26 APRIL TO 30 MAY

Matters relating to its rules of procedure, its modus operandi, as well as a response to a letter from the Russian Federation, will be before the Commission on the Limits of the Continental Shelf, as it opened its thirteenth session on Monday, 26 April.

During the one-week session, the Commission will also consider a number of other matters, including issues related to training, and "lessons learned" from the Commission's consideration of the first submission to come before it - that of the Russian Federation.

Under the provisions of the United Nations Convention on the Law of the Sea, a coastal State has sovereign jurisdiction over the resources of its continental shelf, which 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 its coastline (baseline points from its which its territorial sea breadth is measured). However, if the outer edge of the continental margin is beyond 200 nautical miles from the baselines, the coastal State must submit to the Commission on the Limits of the Continental Shelf the relevant information it relied on in establishing the outer limits of its continental shelf.

In establishing the outer limits of the continental shelf beyond 200 nautical miles, the coastal State must follow complex rules contained in article 76 of the Convention. Those limits are finally established by the State based on the recommendations of the Commission made after that body has examined the information submitted to it by the State. Only when the State has determined its outer limits based on the Commission's recommendations do the limits become final and binding.

In accordance with the Convention on the Law of the Sea, the Commission has two distinct obligations: to examine and make the necessary recommendations on the basis of information submitted by coastal States on the outer limits of their continental shelf; and to provide scientific and technical advice, if requested by the coastal State concerned, during the preparation of such submissions. The Commission's recommendations and actions are without prejudice to the delimitation of boundaries between States with opposite or adjacent coasts. It is estimated that more than 30 States may meet the necessary criteria for establishing an outer limit of their continental shelf beyond 200 nautical miles.

The determination of the outer limit of the continental shelf of States is necessary to separate those areas that fall under national jurisdiction from those areas of the seabed which were proclaimed by the General Assembly, and later the United Nations Convention on the Law of the Sea, to be the common heritage of mankind. The resources of the deep seabed beyond the limits of national jurisdiction are to be managed jointly by all States through the International Seabed Authority, an international organization also established by the Convention.

The Russian Federation was the first State to make such a submission in December 2001. The submission was considered during the Commission's 2002 session. After the completion of its examination of the scientific data and other material included in the submission by the Russian Federation, the Commission adopted its recommendations on 27 June 2002, which were sent both to the Russian Federation and to the Secretary-General. The Commission presented its recommendations in the four areas relating to the continental shelf extending beyond 200 nautical miles contained in the submission: the Barents Sea, the Bering Sea, the Sea of Okhotsk and the Central Arctic Ocean. The Commission requested the Russian Federation to make a revised submission in certain areas. In that context, the Commission at this session will examine a response to a letter it received from the Russian Federation in June 2003.

Rules of Procedure and Modus Operandi

The Commission will have before it a conference room paper prepared by the Chairman of its "Editorial Committee" concerning possible amendments to the Rules of Procedure of the Commission (document CLCS/2004/CRP.2). The document includes proposed amendments that would align the rules of procedure with any changes in the Modus Operandi and Internal Procedures of the Commission (document CLCS/2004/CRP.1), as well as amendments of substance that would address specific issues as proposed by members of the Commission, mainly dealing with rule 44 (submissions by a coastal State) and rule 51 (attendance by the coastal State at examination of submission). The Commission's rules of procedures are contained in document CLCS/3/Rev.2. The Commission will also consider the possible consolidation of the texts of the above-mentioned documents governing procedural matters within the Commission, the Rules of Procedure (CLCS/3/Rev.3), Modus Operandi (CLCS/L.3), and the Internal Procedure of the Subcommittee of the Commission (CLCS/L.12).

Among the issues addressed in these documents are the degree of participation in the proceedings of the Commission and its subsidiary bodies by representatives of the coastal State making a submission, the contents and format of the Commission's recommendations and the establishment and reporting of the final outer limits.

The documents are also being reviewed in light of the practical experience gained during the examination of the Russian Federation's submission.

The proposed amendments to rule 44 mainly deal with the recognition within the rules of a previous decision made by the State Parties to the Convention on the Law of the Sea extending the deadline for the submission of information on the establishment of the outer limits beyond 200 nautical miles for States that ratified or acceded to the Convention before 13 May 1999. The Convention provides that such information must be submitted to the Commission within 10 years of the

date of entry into force of the Convention for the State concerned. Therefore, the deadline for the initial 60 States whose ratification or accession made possible the entry into force of the Convention on 16 November 1994 would have been 16 November 2004. The deadline for those States is now 13 May 2009.

In extending the deadline, the States Parties to the Convention took into account certain delays that had taken place in the establishment of the Commission. For example, the initial election of the members of the Commission and thus the establishment of the Commission itself had been delayed until March 1997. Under the provisions of the Convention, those elections and the establishment of the Commission should have taken place no later than 18 months after the entry into force of the Convention, meaning no later than May 1996. The States Parties also took into consideration that States were in a better position to consider making their submission after the Commission adopted its Scientific and Technical Guidelines on 13 May 1999. (See documents SPLOS/5 and SPLOS/72).

The second proposed substantive amendment deals with representation of the coastal State and its participation during the relevant proceedings of the Commission (rule 51). In this case, any proposed changes are much more complex since they are aimed to ensure that the coastal State is in a position to make a full presentation and to participate in relevant proceedings, and at the same time to ensure the Commission's ability to discuss its final recommendations in private.

Other matters on the agenda for this session include training, issues relating to confidentiality and the report of the Chairman of the Commission on the proceedings of the thirteenth meeting of States Parties.

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