



Delimitation of the Continental Shelf beyond 200 nm — State Practice

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OCS Boundary Agreements

- 1975/2009 Gambia - Senegal Agreement
- 1978 Australia - Papua New Guinea Agreement
- 1982 Australia – France Agreement
- 1988 Ireland – UK Agreement
- 1988 Australia - Solomon Islands Agreement
- 1990 Trinidad & Tobago – Venezuela Agreement
- 1990 USA – USSR Agreement
- 1997 Australia – Indonesia Agreement
- 2000 Mexico – USA Agreement

OCS Boundary Agreements

- 2004 Australia – New Zealand Agreement
- 2006 Agreed Minutes between Denmark (Faroe Islands), Iceland and Norway
- 1976/2009 Kenya – Tanzania Agreement
- 2009 Barbados – France Agreement
- 2010 Russia – Norway
- 2013 Agreed Minutes between Denmark (Greenland) and Iceland

Main Issues

- Analyse of negotiated maritime boundary delimitations beyond 200 nautical miles.
- Three issues analysed:
 - Delimitation method
 - Interplay between delineation and delimitation
 - Location of terminus (end point of boundary).

Delimitation

- Article 83 of UNCLOS
 - The delimitation of the continental shelf between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.
- Equidistance/relevant circumstances method.
- Negotiations are more flexible than litigation.

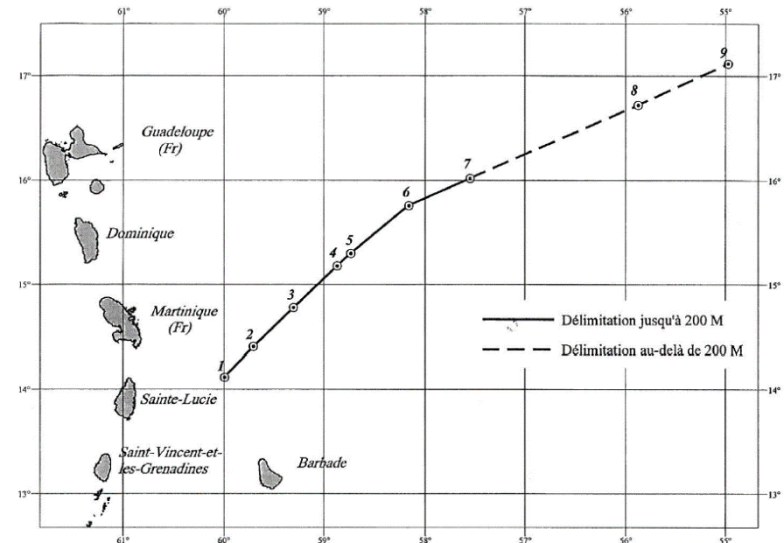
Delimitation Method

- Some agreements extend previously concluded boundaries beyond 200 nm without a change in direction.
 - 1975/2009 Gambia — Senegal
 - 2000 Mexico — USA
 - 2009 Kenya — Tanzania



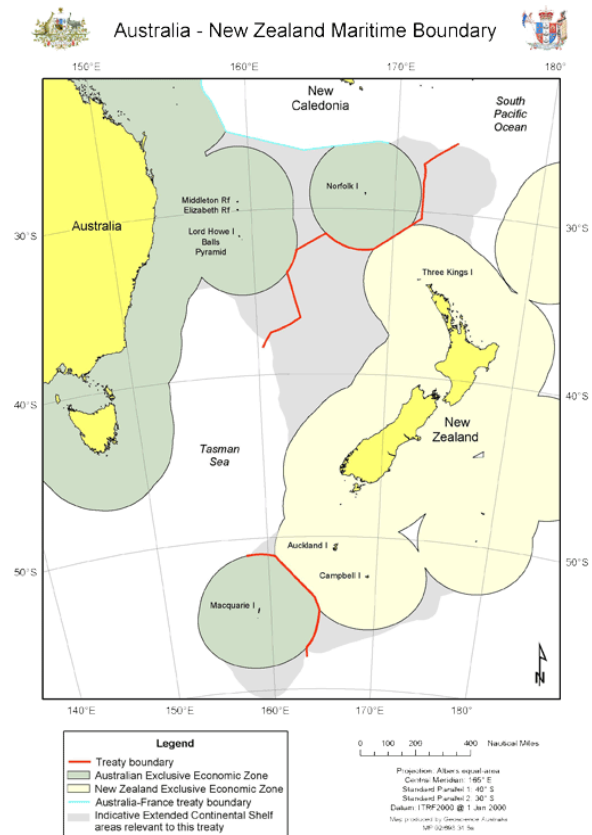
Delimitation Method

- A few agreements which delimit the inner and the OCS extend the inner line without a change in direction to the outer line.
 - 1982 Australia — France
 - 1988 Australia — Solomon Islands
 - 1990 Trinidad & Tobago — Venezuela
 - 1990 USA —USSR
 - 2009 Barbados — France



Delimitation Method

- Geoscientific factors have played a role in five agreements as relevant circumstances.
 - 1978 Australia — Papua New Guinea
 - 1988 Ireland — UK
 - 1990 Trinidad & Tobago — Venezuela
 - 1997 Australia — Indonesia
 - 2004 Australia — New Zealand



Delimitation Method

- No delimitation method dominates.
 - Equidistance or modified equidistance
 - Lines of longitude or latitudes
 - Mixture of methods or considerations

Delineation and Delimitation

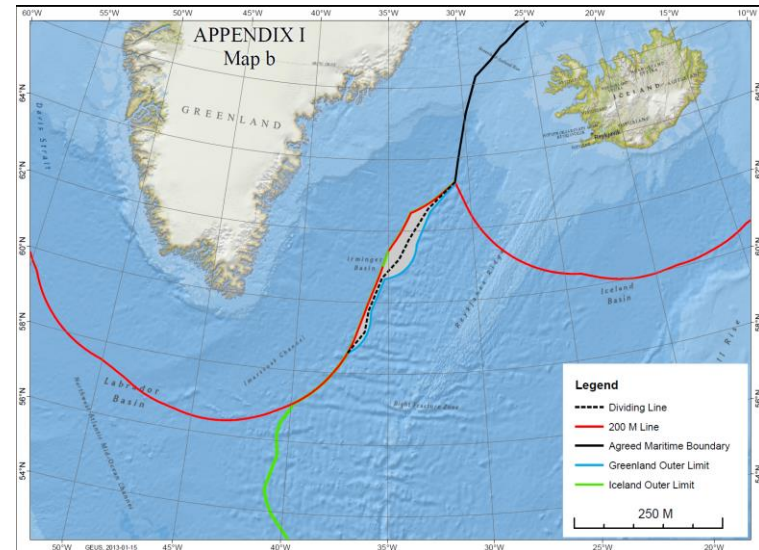
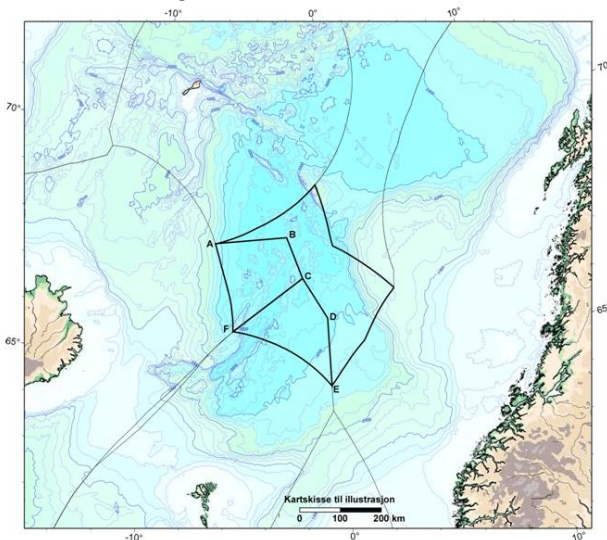
- The relationship between the CLCS procedure and maritime boundary delimitations have been addressed in the recent case law.
- The relationship is not clearly explained in UNCLOS.

Delineation and Delimitation

- 12 of 15 Agreements/Agreed Minutes have been concluded before one or both of the parties received recommendation from the CLCS.
- One Agreement was concluded after both parties had received recommendations.

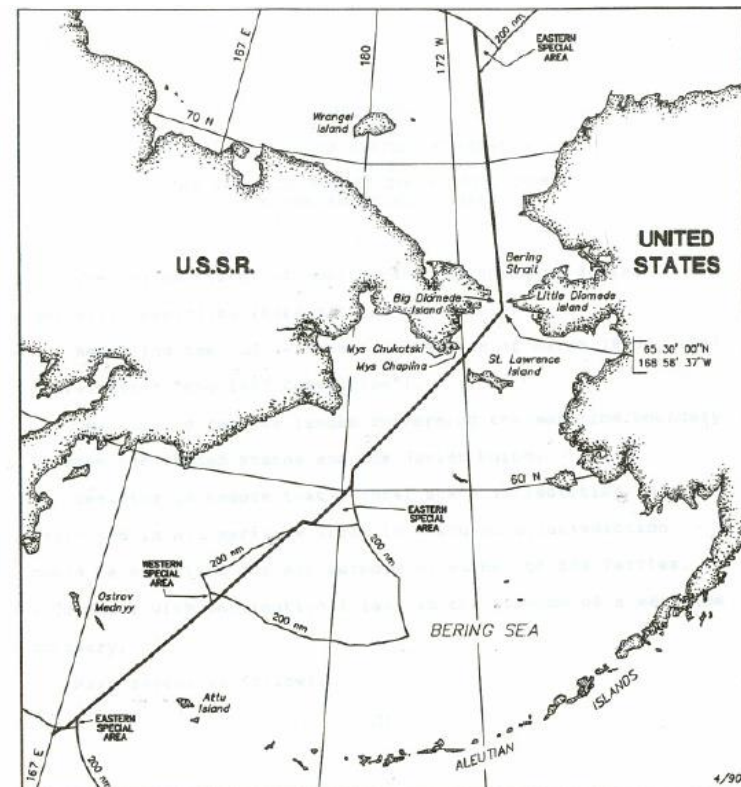
Delineation and Delimitation

- Two sets of Agreed Minutes have been concluded that provisionally delimit the OCS and create a process involving submissions to the CLCS before the boundary is finally delimited.



Terminus

- Some agreements leave the terminus undefined.
 - 1975/2009 Gambia — Senegal
 - 2009 Kenya — Tanzania
 - 1990 USA-USSR (Arctic)



Terminus

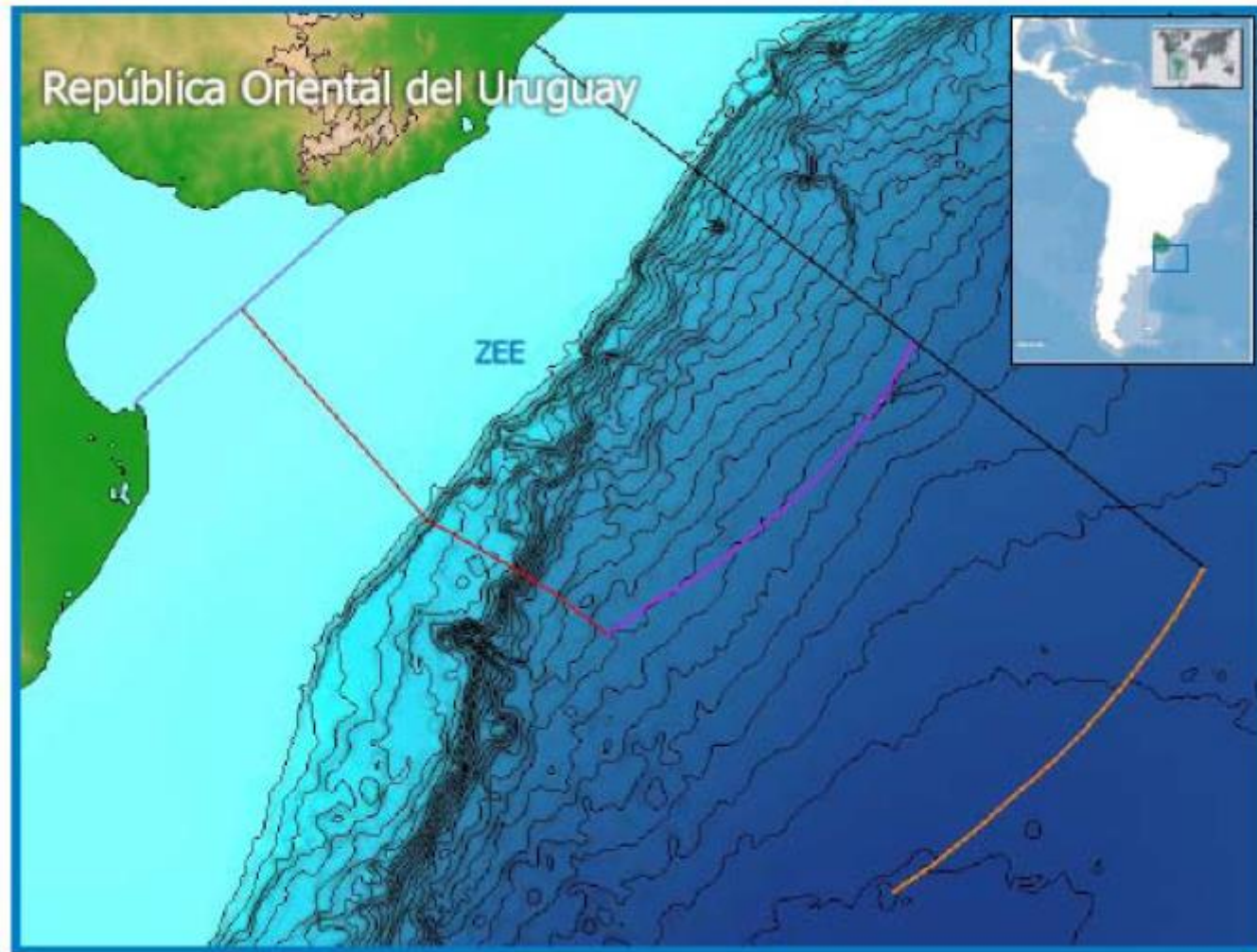
- A few agreements define a terminus but note that it can be adjusted in the future.
 - 1982 Australia — France
 - 1988 Ireland — UK
 - 1990 Trinidad & Tobago — Venezuela
 - 2004 Australia — New Zealand
 - 2013 Denmark (Greenland) — Iceland

Terminus

- Two Agreements fill a loophole/gap
 - 2000 Mexico — USA
 - 2006 Agreed Minutes between Denmark (Faroe Islands), Iceland and Norway
- A few agreements are not relevant in this context.



Argentina — Uruguay



Main Conclusion

- State practice seems to confirm that delineation and delimitation are separate functions.
- Maritime boundary agreements that extend the continental shelf beyond 200 nm are very similar to agreements that stop at the 200 nm limit.