The Outer Continental Shelf and South American Coastal States

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As of 13 May 2009, five submissions regarding areas of the continental shelf in South America had been made before the Commission on the Limits of the Continental Shelf (CLCS, or the Commission), established in accordance with the United Nations Convention on the Law of the Sea (LOS Convention).\(^1\) Argentina, Brazil, French Guyana, Suriname and Uruguay are among the 51 states that have made partial or full submissions related to their continental shelves.\(^2\) Additionally, as of that date, preliminary information had been submitted by Chile and Guyana.\(^3\)

The latter two states availed themselves of the decision made by the Meeting of State Parties in 2008.\(^4\) According to this decision the obligation to submit necessary information to the CLCS within a 10-year period, as found in Article 4 of Annex II to the LOS Convention, may be satisfied by submitting to the UN Secretary-General preliminary information indicative of the outer limits of the continental shelf beyond 200 nautical miles, a description of the status of preparation and intended date of making a submission in accordance with the requirements of Article 76 of the LOS Convention and the Rules of Procedure and the Scientific and Technical Guidelines of the CLCS. Thence, it has been also decided that, pending the receipt of a submission meeting the said requirements, preliminary information transmitted in accordance with subparagraph 1(a) of the 2008 decision.

\(^1\) On the establishment and work of the Commission, see Jares, chapter 25 in this book.
\(^2\) For the list of submissions, see Table 23.1 in this book.
\(^3\) For the list of preliminary information submitted, see Table 23.2 in this book.
\(^4\) See UN doc. SPLOS/183, of 20 June 2008, para. 1(a).
sion by the Meeting of States Parties shall not be considered by the Commiss-

Following a strategic decision to proceed with a later type of submission, Chile was among those states that took an open standing in favour of this interpretative formula to be able to fulfill the requirements of Article 76 of the LOS Convention and meet the standards required according to the Rules of Procedure and the Scientific and Technical Guidelines of the CLCS.

As expected, submissions made by South American countries and the information transmitted to the Commission invoked relevant provisions of the LOS Convention, basically Article 76 and Annex II. As required by Annex I of the Rules of Procedure of the Commission, states have informed the Commission when they consider that there is an unresolved land or maritime dispute with other states, in which case the Commission shall not consider or qualify a submission made by any state involved in such a dispute. A similar circumstance arises in cases with pending delimitations.

Although South America has not shown a different pattern of behaviour in comparison with countries in other regions, and there have been no new issues raised before the CLCS, we may note that the South American submissions show at least three distinctive geographic and geopolitical features. These are, firstly, the weight of ridges in the Pacific region, which in the case of Chilean islands are in the process of being assessed; secondly, the current sovereignty dispute between Argentina and the United Kingdom in the Southern Atlantic, and the fact that both states have lodged submissions in respect of coincident areas advancing different constructions; and thirdly, the fact that two South American states (Argentina and Chile) claim sovereign rights in Antarctica, including the entitlement to an extended continental shelf therein.

Apart from these considerations, distinctions among submissions mostly concern the emphasis on particular methodological aspects, the use of preferred technology and of available public data, as well as reactions from other states. Two specific legal aspects may also be worth considering in the South American practice: the presence of extant controversies regarding ter-

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5 Ibid., para. 1(b).