DISPUTED AREAS BEYOND 200 NAUTICAL MILES: HOW MANY AND WILL GEOPHYSICAL CHARACTERISTICS MATTER IN THEIR RESOLUTION?

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Abstract
Coastal States with a continental shelf beyond 200 nautical miles (nm), also known as an extended continental shelf (ECS), have made significant efforts to delineate their respective ECS limits. Many have made a submission to the Commission on the Limits of the Continental Shelf and the executive summaries from these submissions include coordinates that precisely delineate their ECS limits. Other States that have yet to finish their submissions have provided a preliminary information document (PID) that includes a general idea of the extent of their ECS. Many of the ECS limits in both the submissions and PIDS require maritime boundaries because the areas they encompass either abut or overlap with one or more neighbors. This paper provides an assessment of all of the areas beyond 200 nm that require one or more maritime boundaries and the States involved. The analysis revealed there are 118 ECS polygons generated by 79 States, and that 58 of these polygons require at least one maritime boundary. Of these 58, 42 are between two States, nine involve three States, and the final seven involve four or more States. This paper also examined whether geophysical characteristics, namely the morphology and geology of the seafloor, will likely play a role in delimiting maritime boundaries for these areas. While it is impossible to predict how these maritime boundaries will be resolved, this paper postulates that geophysical characteristics will play a role in determining relatively few maritime boundaries beyond 200 nm.

Introduction

Under the Law of the Sea Convention (the Convention), every coastal State has a continental shelf out to 200 nautical miles (nm) from its baselines and beyond that distance if certain criteria are met. Article 76 of the Convention
sets forth the criteria upon which a coastal State has a continental shelf that extends beyond 200 nm and how it may gain international recognition for this area. While there is only one continental shelf, that portion beyond 200 nm is commonly referred to as the extended continental shelf or simply ECS.\(^3\)

The author examined the documentation related to ECS delineations across the globe to determine a list of all areas beyond 200 nm that require one or more maritime boundaries and the States involved in each of those areas.\(^4\) This paper also examines whether geophysical characteristics will play a role in determining maritime boundaries for those ECS areas.\(^5\)

**The ECS Process**

Delineating the portion of the continental shelf beyond 200 nm is unlike determining the territorial sea, contiguous zone, or Exclusive Economic Zone, all of which are based on specified distances from the coastal baselines. The process to determine the outer limit of a State’s ECS involves the collection and analysis

\(^3\) Some authors refer to the extended continental shelf as the “outer continental shelf.” The outer continental shelf, under the U.S. Outer Continental Shelf Lands Act, is a statutory term that refers to the continental shelf beginning at the outer limit of each U.S. states’ submerged lands (usually 3 nm from the baselines) and extending to the outer limit of U.S. jurisdiction. Further, the term extended continental shelf is not found in the Convention; it is a term of convenience that refers to that portion of the continental shelf beyond 200 nautical miles. Also, a State does not “extend” its continental shelf, because Article 77 of the Convention provides that the rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation.
