

The External Limit of the Continental Shelf (International Law Perspective)

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Pursuant to the contemporary international law, each coastal State has sovereign rights to its continental shelf. The UN Convention on the Law of the Sea (Convention) is currently the most universal international legal act in relation to the extension of the continental shelf and its status. The Convention provides that each coastal State may establish the outer limit of the continental shelf at a distance of 200 nautical miles measured from the same baselines from which its territorial sea is measured. If the outer edge of the continental margin is further than 200 nautical miles from the baselines, the coastal State may establish the outer edge of its continental shelf along the outer edge of the continental margin subject to the limits provided in the Convention. Coastal States which are parties to the Convention establish the extent of their continental shelf upon recommendation of the Commission on the Limits of the Continental Shelf (Commission).

The question of the outer limit of the continental shelf is a question of the territorial limit of state sovereignty. Territorial issues have been a key factor in international politics throughout human history. The importance of the delimitation of the seabed is evident from the following facts. The world ocean covers about seventy one per cent of the Earth's surface. The seabed within the 200 nautical miles zone adjacent to coasts comprises about twenty percent of the total seabed or around 60 million square kilometres. In addition, the continental shelf beyond the 200 nautical miles zone constitutes approximately five percent of the total seabed or approximately fifteen million square kilometres. Therefore, the total area of the continental shelf equals to approximately twenty five percent of the total seabed or approximately seventy five million square kilometres (which is roughly as big as Africa and Asia together). At the same time the continental shelf has huge potential for economic exploitation. According to scientific prognosis, the seabed and subsoil of the world ocean contain vast mineral (including oil and gas) as well as marine biological resources.

Little was known about the seabed up to the middle of past century because technical capabilities to explore or produce natural resources of the seabed hardly existed. Therefore, the issue of state sovereignty over the seabed was not on the international agenda, and international law did not specifically regulate the delimitation of the seabed. This issue arose only after World War II as the industrial and technical progress allowed for exploration of the natural wealth of the seabed. Currently the possibilities of production of seabed's natural resources are quite high and continue to grow. Taking into account the depletion of the explored land reserves of natural resources and continued growth of consumption, the resources of the continental shelf are expected to meet a significant part of the needs of the world economy in XXI century.

This article gives an overview of the rules of international law in relation to the establishment of an outer limit of the continental shelf. The practical application of these rules has already started and will further expand in the near future. The correct understanding and application of these rules is crucial for ensuring the coastal States' sovereign rights to the continental shelf and its natural resources.

1. Development of the Legal Notion of the Continental Shelf

The first coastal State to claim rights to its continental shelf was the US. In the 1945 Truman Proclamation the Government of the United States declared that it "regards the natural resources of the subsoil and seabed of the continental shelf beneath the high seas, but contiguous to the coasts of the United States,¹ as appertaining to the United States, subject to its jurisdiction and control."

The Truman Proclamation urged international community to

¹ Presidential Proclamation No. 2667 dated 28 September 1945 "Policy of the United States with Respect to the Natural Resources of the Subsoil and Sea Bed of the Continental Shelf".

develop a multilateral international legal act governing the status of the continental shelf. The 1958 Geneva Convention on the Continental Shelf was the first such document (GCCS). Pursuant to Article 1 of the GCCS, the term “continental shelf” was used in the GCCS as referring:

- (a) to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas;
- (b) to the seabed and subsoil of similar submarine areas adjacent to the coasts of islands.

According to the criteria in part (a) of the above definition the external limit of the continental shelf of the coastal State could be established in the submarine areas adjacent to the coast:

- (a) along the line connecting the depths of 200 metres; or
- (b) to the extent that the coastal State was capable of developing the resources of the continental shelf.

This definition is not very useful in determining the fixed external limit of the continental shelf because adjacency and exploitability are imprecise criteria. Under the literal interpretation of this definition, the outer limits of the continental shelf could expand as the technological advances bring exploitation to deeper waters.² Taking into account the emergence of technologies allowing the deep ocean development of natural resources of the seabed, it is impossible to establish a fixed outer limit of the continental shelf under the GCCS definition. Moreover, as the GCCS does not define which areas of the seabed may be regarded as adjacent to the coast the GCCS definition of the continental shelf created the potential of expanding the sovereign rights of coastal States to the entire seabed of the world ocean.³ More certainty and, thus, stability was required with respect to the external limit of the continental shelf in order to start commercial exploitation of its resources. For these reasons the GCCS did not receive the support of the majority of States. Besides, many newly independent states that emerged from the process of decolonization did not feel bound by the interna-

tional treaties entered into before their independence on the ground that they had not participated in drafting of such treaties. The technological advances and the decolonization process led to the questioning and, ultimately, revision of the existing law of the sea and, in particular, the status of the continental shelf (including the GCCS).

In the last decades of the XX century the technological advances expanded the opportunities for the exploration and development of the seabed subsoil resources, especially for the developed states. Most coastal States were interested in the establishment of the precise criteria for the outer limit of the continental shelf to which their sovereign rights would extend. Therefore, the need for clear international legal regime of the seabed and its subsoil became topical. In 1967 Ambassador Arvid Prado of Malta proposed to the United Nations General Assembly that it look into the question of legal status of the seabed and ocean floor beyond the limits of national jurisdiction. The work of the committee established to consider this issue led to the convening of the Third United Nations Conference on the Law of the Sea and adoption of the Convention.

2. 1982 United Nations Convention on the Law of the Sea

2.1. Third United Nations Conference on the Law of the Sea (Conference)

At the time of development of a new definition of the continental shelf at the Conference many States supported the establishment of a uniform outer limit of the continental shelf which would coincide with the 200 nautical miles limit of the exclusive economic zone. This position may be attributed to the fact that from a geographic standpoint the continental shelf rarely extends beyond 200 nautical miles and, therefore, most States do not have any grounds to claim an outer limit of their continental shelf beyond 200 nautical miles from the baselines. However, a relatively small but influential group of States managed to convince other participants of the Conference to approve a formula, subject to certain geographical criteria, which allowed for the expansion of an outer limit of the continental shelf beyond 200 nautical miles from the baselines.

The Convention created three main legal regimes for the ocean floor and subsoil: seabed and sub-

² It may be argued that this definition applied the “effective occupation” approach to the continental shelf and gave a technologically advanced State advantage over a less developed State.

³ Dividing up the entire seabed between the coastal States would lead to the great number of territorial disputes between them. Moreover, it would deprive non-coastal States of the benefits from using seabed resources.

soil within the internal waters and the territorial sea, the continental shelf and the international seabed area. The coastal State enjoys full sovereignty over the seabed and subsoil within the internal waters and the territorial sea. Pursuant to Article 3 of the Convention the breadth of the territorial sea may not exceed 12 nautical miles. The continental shelf comprises the seabed and subsoil from the outer edge of the territorial sea to the limits established by the Convention. The seabed beyond the outer limits of the continental shelf constitutes the international seabed area which is the jurisdiction of the International Seabed Authority. The legal regime of the international seabed area is governed by Part XI of the Convention and the Agreement on the Implementation of Part XI, adopted on 28 July 1994. The international seabed area and its resources are “the common heritage of mankind.” No State may claim sovereignty or sovereign rights in relation to any part of the international seabed area or its resources. The International Seabed Authority organizes, carries out and supervises activities in the international seabed area. As the international seabed area is defined from the contrary, i.e., from the outer limit of the continental shelf, the establishment of the outer limit of the continental shelf is crucial for determining the line between the sovereign rights of the coastal State to the seabed resources and the jurisdiction of the International Seabed Authority.

In regard to the rights of the coastal State on the continental shelf, the provisions of the Convention are largely based on the provisions of the GCCS. Pursuant to the Convention, the coastal State exercises sovereign rights over the continental shelf for the purpose of exploring it and exploiting its natural resources. However, there are certain differences between the Convention and the GCCS. For instance, the GCCS mandates that any installations which are abandoned or disused must be entirely removed.⁴ The Convention does not contain a similar provision.

The Convention substitutes the GCCS between the States that are parties to both treaties. There remain, however, coastal States which are not parties to the Convention but are still parties to the GCCS. In relations between such States the GCCS still applies. However, some of the rules with respect to the continental shelf are deemed to be part of international customary law.

3. The Establishment of the Outer Limit of the Continental Shelf under the Convention

3.1 Overview

The definition of the continental shelf is given in Article 76 of the Convention and Statement of Understanding Concerning a Specific Method to be Used in Establishing the Outer Edge of the Continental Margin (Annex II to the Final Act of the Conference). Pursuant to Article 76(1) of the Convention the continental shelf of a coastal State 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 the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance. Article 76(3) of the Convention provides that the *continental margin* comprises the submerged prolongation of the land mass of the coastal State, and consists of the seabed and subsoil of the shelf, the slope and the rise; it does not include the deep ocean floor with its oceanic ridges or the subsoil thereof. If the continental margin does not extend beyond 200 nautical miles from the baselines the coastal State may unilaterally establish the outer limit of its continental shelf at a distance of up to 200 nautical miles from the baselines (subject to the rights of adjacent or opposite coastal States). In order to establish the outer limits of the continental shelf beyond 200 nautical miles a coastal State should make a submission to the Commission on the Limits of the Continental Shelf (Commission). The Commission reviews the submission and makes a recommendation on the outer limit of the continental shelf beyond 200 nautical miles to the coastal state. The coastal state may then establish the outer limits of its continental shelf pursuant to the recommendation of the Commission. The powers of the Commission and the procedure of the making the submissions are discussed further in section 4.

We note that pursuant to the Law of the Sea, coastal States have rights to the continental shelf *ipso facto et ab initio* – by virtue of the fact and from the beginning. This has been confirmed by the International Court of Justice in the North Sea Continental Shelf Case (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands) (1967–1969).

The Convention pro- ⁴ Article 5(5) of the GCCS.

vides that the rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation. Therefore, the coastal State may exercise its sovereign rights on the continental shelf whether the outer limits of the continental shelf are established or not. At the same time the coastal State should take into account the rights of other states in relation to the international seabed area, or if the continental shelf has not been delimited between the adjacent coastal states, the rights of the adjacent state.

The provisions of the Convention with respect to the outer limit of the continental shelf are a political consensus of States in the form of norms of international law. These norms rely significantly in part on the scientific data about the ocean floor which was available at the time of the Conference. Proper understanding and implementation of the Convention is impossible without the correct understanding of the scientific data that the States used at the time of the drafting of the Convention, the detailed research of the continental shelf and interpretation of the results of the research in accordance with the Convention. At the same time, it is important that scientific terms are used in the Convention in a legal context, and their meaning often differs from the meaning usually attributed to them in the purely scientific context.

The submission of a coastal State on the outer limits of the continental shelf to the Commission should contain data, to a degree acceptable by the Commission, confirming the compliance of the outer limit of the continental shelf which the coastal State would like to adhere to the rules set forth in the Convention. At the same time, the provisions of the Convention are quite broad and leave many uncertainties in the process of preparing and making the submission to the Commission. The Convention neither specifies the type and scope of data that should be submitted to the Commission, nor defines the certain scientific and legal terms used in the Convention. The Commission made an effort to clarify some of these issues in the Scientific and Technical Guidelines (Guidelines). The Commission adopted the Guidelines by consensus at the fifth session on 13 May 1999. The main purpose of the Guidelines is to provide direction to coastal States which intend to submit data and other

material concerning the outer limits of the continental shelf in areas where those limits extend beyond

200 nautical miles from the baselines. In the Guidelines the Commission clarifies its interpretation of scientific, technical and legal terms contained in the Convention. Clarification, in particular, is required because the Convention makes use of scientific terms in a legal context which at times departs significantly from accepted scientific definitions and terminology. In other cases, clarification is required because various terms in the Convention might be left open to several possible and equally acceptable interpretations. It is also possible that it may not have been deemed necessary at the time of the Third United Nations Conference on the Law of the Sea to determine the precise definition of various scientific and technical terms. Still in other cases, the need for clarification arises as a result of the complexity of several provisions and the potential scientific and technical difficulties which might be encountered by States in making a single and unequivocal interpretation of each of them. The Guidelines also aim at ensuring a uniform and extended state practice during the preparation of scientific and technical evidence submitted by coastal States.

From a legal perspective, the Guidelines may not be regarded as a source of international law because the Commission is not competent to create legally binding rules for the states. The Guidelines do not have legal force; they do not create new rules but only interpret how the Convention would be understood and applied by the Commission. Nonetheless, taking into account the vagueness of many provisions of the Convention, the Guidelines serve as an important tool for the preparation of submissions to the Commission.

3.2. Foot of the Continental Slope

Article 76(4) of the Convention sets forth the rules to be used by the coastal States in establishing the outer limit of the continental shelf beyond the 200 nautical miles from the baselines. The outer edge of the continental margin is determined by either:

- (a) a line delineated in accordance with paragraph 7 [of Article 76 of the Convention] by reference to the outermost fixed points at each of which the thickness of sedimentary rocks is at least 1 percent of the shortest distance from such point to the foot of the continental slope; or
- (b) a line delineated in accordance with paragraph 7 [of Article 76 of the Convention] by reference to fixed points not more than 60 nautical miles from the foot of the continental slope.⁵

⁵ Pursuant to Article 76(7) of the Convention, when either of the above criteria is used the outer limits of the continental shelf, where that shelf extends beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, are delineated by straight lines not exceeding 60 nautical miles in length, connecting fixed points, defined by coordinates of latitude and longitude.

The Convention does not require applying either of the above methods. Thus, the outer limit of the continental shelf may be extended up to a 1 percent sediment thickness line delineated by reference to fixed points, or by a line delineated by reference to fixed points at a distance of 60 nautical miles from the foot of the continental slope, or both.⁶

Each of these methods indicated above has the notion of the “foot of the continental slope” in its basis, therefore, determining the foot of the continental slope is an inevitable step in determining the outer limit of the continental shelf. Pursuant to Article 76(4), in the absence of evidence to the contrary, the foot of the continental slope shall be determined as the point of maximum change in the gradient at its base. The Guidelines echo the Convention in stating that the maximum change of gradient at the base of the continental slope should be used as the primary criterion for determining the foot of the continental slope whereas “evidence to the contrary” is regarded as an exception from the general rule.⁷ However, at certain continental margins the determination of the points of maximum change in gradient is a very difficult task and other criteria may be useful in determining the foot of the continental slope. The Guidelines point out that in certain circumstances geomorphological evidence given by the maximum change in the gradient does not or can not reliably locate the foot of the continental slope.⁸ In some areas there may not be a single point of the maximum change in the gradient; in other areas the point of the maximum change in the gradient may not reflect the geometry of the continental margin due to atypical topography of the seabed. The Guidelines specify some of the “evidence to the contrary” that may be used in relation to various types of continental margins.

In order to locate the point of the maximum change in the gradient at the base of the continental slope it is necessary to:

- (a) determine the area of the continental slope; and
- (b) locate the point of the maximum change in the gradient within that area.

The Convention does not define the term “continental slope.” The Guidelines define the continental slope as “the outer portion of the continental margin that extends from the shelf edge to the upper part of the rise or to the deep ocean floor where the rise is not developed.”

3.3. Sediment Continuity

As mentioned above, Article 76(4)(a) of the Convention provides that the outer limit of the continental shelf may be a line delineated in accordance with Article 76(7) by reference to the outermost fixed points at each of which the thickness of sedimentary rocks is at least 1 percent of the shortest distance from such point to the foot of the continental slope. However, the Convention specifies no requirements with respect to continuity of the sedimentary layers between the observation point and the foot of the continental slope position used for the 1% percent calculation. The Guidelines, however, extend the provisions of Article 76 of the Convention to include the requirement for continuity of the sedimentary layers between the fixed points and the foot of the continental slope positions. The Guidelines state, “In principle, the survey must be designed to prove the continuity of the sediments from each selected fixed point to the foot of the slope.”⁹ Pursuant to the Guidelines, the Commission invokes a principle of continuity in the implementation of the sediment thickness provision to state that:

- (a) To establish fixed points a coastal State may choose the outermost location where the one percent or greater sediment thickness occurs within and below the same continuous sedimentary apron; and that
- (b) For each of the fixed points chosen the Commission expects documentation of the continuity between the sediments at those points and the sediments at the foot of the continental slope.¹⁰

3.4. Constraints on the Outer Limits of the Continental Shelf

Article 76(5) of the Convention sets forth the maximum extent of the continental shelf. Pursuant to Article 76(5), the fixed points comprising the line of the outer limits of the continental shelf on the seabed:

- (a) shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured; or
- (b) shall not exceed 100 nautical miles from the 2,500 metre isobath, which is a line connecting the depth of 2,500 metres.

Thus, the outer limits of the continental shelf can extend either beyond a line delineated by reference to fixed

⁶ Section 2.1.5 of the Guidelines.
⁷ *Ibid*, Section 6.
⁸ *Ibid*, Section 6.1.10.
⁹ *Ibid*, paragraph 8.2.21.
¹⁰ *Ibid*, paragraph 8.5.3.

points at a distance of 350 nautical miles from baselines from which the breadth of the territorial sea is measured, or beyond a line delineated by reference to fixed points at a distance of 100 nautical miles from the 2,500 metre isobath, but not both.¹¹ It is important that these constraints are applied to the fixed points drawn in accordance with Article 76(4)(a)(i) and (ii) rather than to any point of the outer limit of the continental shelf. The outer limit of the continental shelf between such fixed points, defined by coordinates of latitude and longitude, is delineated by straight lines not exceeding 60 nautical miles in length, connecting the fixed points.

Although Article 76 appears to refer to a single 2,500 metre isobath, the Commission has recognized that geological and tectonic processes may create more than one 2,500 metre isobath. In this case the Guidelines provide that “unless there is evidence to the contrary, the Commission may recommend the use of the first 2,500 nautical miles isobath from the baselines from which the breadth of the territorial sea is measured that conforms to the general configuration of the continental margin.”

3.5. Oceanic Ridges, Submarine Ridges and Submarine Elevations

Article 76(3) and (6) of the Convention distinguish among three types of sea-floor highs:

- (i) oceanic ridges of the deep ocean floor,
- (ii) submarine ridges, and
- (iii) submarine elevations that are natural components of the margin.

It is important to distinguish among these types of sea-floor highs because they directly influence the area of the extended continental shelf. The continental shelf of coastal States can extend up to only 200 nautical miles on oceanic ridges, to 350 nautical miles on submarine ridges, and up to either 350 nautical miles or 100 nautical miles beyond the 2,500 metre isobath on submarine elevations.¹²

¹¹ Ibid, paragraph 2.1.8.

¹² Article 76(6) provides that “on submarine ridges, the outer limit of the continental shelf shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured.” This provision limits the possibility to establish the outer limit of the continental shelf along the 2,500 metre isobath.

4. Commission on the Limits of the Continental Shelf (Commission)

4.1. Overview of the Procedure

In order to establish the outer limit of its continental shelf beyond 200 nautical miles a coastal State should make a submission to the Commission. The submission should contain the information on the desired limits of the continental shelf beyond 200 nautical miles, and the results of the research of the seabed confirming the rights of the coastal State to such limits in accordance with the Convention. Upon consideration of the submission, the Commission gives the coastal State a recommendation with regards to the limits of the continental shelf.

The Commission was established in accordance with Article 76(8) and Annex II to the Convention. Its activities are governed by the Convention and the Rules of Procedure of the Commission. Pursuant to Annex II of the Convention, the functions of the Commission are:

- (a) to consider the data and other material submitted by coastal States concerning the outer limits of the continental shelf in areas where those limits extend beyond 200 nautical miles, and to make recommendations in accordance with article 76 and the Statement of Understanding adopted on 29 August 1980 by the Third United Nations Conference on the Law of the Sea; and
- (b) to provide scientific and technical advice, if requested by the coastal State concerned during the preparation of the data referred to above.

The Commission functions by way of sub-commissions composed of seven members. Following examination of the submission by a sub-commission, it submits its recommendations to the Commission. The Commission then considers the recommendations made by the sub-commission and makes recommendations to the coastal State that made the submission. If the coastal State agrees with the recommendation made by the Commission it may establish the outer limits of its continental shelf on the basis of these recommendations and in accordance with the appropriate national procedures. Finally, the coastal State should deposit charts and relevant information, including geodetic data, permanently describing the outer limits of its continental shelf with the Secretary-General of the United Nations. The procedure to

be followed by a coastal State to establish the outer limits of its continental shelf is summarized in Schedule one.

4.2. Members of the Commission

The Commission consists of 21 members who shall be experts in the field of geology, geophysics or hydrography and keeping in mind the need to ensure equitable geographical representation, are nationals elected by State Parties to the Convention. The members of the Commission are elected for five years and serve in their personal capacities. The first members of the Commission were elected on 13 March 1997. The current members of the Commission were elected on 23 April 2002.

A member of the Commission can not be a member of the sub-commission dealing with a submission by a coastal State if s/he:

- (a) is a national of the coastal State making the submission; or
- (b) has assisted a coastal State by providing scientific and technical advice with respect to the delineation.

However, such member of the Commission has the right to participate as a member in the proceedings of the Commission concerning the submission. The coastal State which has made a submission to the Commission may also send its representatives to participate in the relevant proceedings without the right to vote.

4.3. Deadline to Make a Submission

Pursuant to Article 4 of Annex II to the Convention, a coastal State that is willing to extend the outer limit of its continental shelf beyond 200 nautical miles should "submit particulars of such limits to the Commission along with supporting scientific and technical data as soon as possible, but in any case within ten years of the entry into force of this Convention for that State."¹³ At the tenth Meeting of State Parties to the Convention, concerns had been voiced by developing States regarding the difficulty of complying with the time limit in Article 4 of Annex II to the Convention. At the eleventh meeting of State Parties to the Convention, State Members of the Pacific Island Forum presented a position paper on this issue. The representative of Micronesia introducing this position paper emphasized the complexity of preparing submissions to the Commission on the Limits of the Continental

Shelf, which required significant resources, capacity and expertise to carry out the necessary activities such as the collection, collation and analysis of a large amount of bathymetric, seismic and geophysical data. He pointed out that a crucial theme of the Convention was that developing States should not, through lack of resources or capacity, be disadvantaged in respect of access to or use of their resources. Therefore, it would be inconsistent with the spirit of the Convention if the deadline for making the submissions to the Commission precluded developing States from defining the limits of their extended continental shelf owing to a lack of resources or capacity. Indeed, many countries would not be able to make a submission within the 10-year time frame stipulated in the Convention for reasons of capacity, financial and technical resources, the lack of settlement of key jurisdictional boundaries and the complexity of the technical issues involved. Furthermore, before the Scientific and Technical Guidelines were approved by the Commission on 13 May 1999, States did not have a clear understanding of how the submission to the Commission should be prepared. Finally, the first election of the members of the Commission had not taken place until May 1997, nearly three years after the entry into force of the Convention. Upon consideration of this issue at the eleventh meeting of State Parties to the Convention it was decided that, for a State for which the Convention entered into force before 13 May 1999, the date of commencement of the 10-year time period to make submissions to the Commission is 13 May 1999.

4.4. Submissions to the Commission

The following states have made their submissions to the Commission:

- (i) Russian Federaton (2001);
- (ii) Brazil (2004);
- (iii) Australia (2004);
- (iv) Ireland (2005);
- (v) New Zealand (2006);
- (vi) France, Ireland, Spain and the United Kingdom – joint submission (2006); and
- (vii) Norway (2006).

So far the Commission has made recommendations only with respect to the submission of the Russian Federa-

¹³ For the Russian Federation the Convention entered into force on 11 April 1997.

Other coastal States which have the right to extend the outer limit of their continental shelf beyond 200 nautical miles will need to make their submissions to the Commission soon. At the same time the mechanism for establishing the outer limit of the continental shelf provided in the Convention has yet to prove its efficiency.

Taking into account the complexity and volume of the data involved, the preparation of a submission is likely to require a significant investment of time, knowledge and money from the coastal State. In order to reduce the cost of preparing a submission, the coastal States may consider, where possible, joint submissions by two or more coastal States in accordance with paragraph 4 of Annex I to the Rules of Procedure of the Commission. In doing so the coastal States making the submission may share the costs of scientific research in the course of preparing the submission.

4.5. Submission by the Russian Federation

The submission made the Russian Federation concerned the outer limits of the continental shelf beyond 200 nautical miles in the Barents Sea, Bering Sea, Okhotsk Sea and in the Arctic Ocean. The submission was considered by the Commission at the eleventh session in 2002. With respect to the Barents Sea and the Bering Sea the Commission recommended that the Russian Federation submits to it the charts and coordinates of the delimitation lines as they would represent the outer limits of the continental shelf of the Russian Federation extending beyond 200 nautical

miles in the Barents Sea and the Bering Sea respectively upon entry into force of the maritime boundary delimitation agreements with Norway in the Barents Sea, and with the United States of America in the Bering Sea. Regarding the Sea of Okhotsk, the Commission recommended to the Russian Federation to make a well-documented partial submission for its extended continental shelf in the northern part of that sea. The Commission stated that this partial submission shall not prejudice questions relating to the delimitation of boundaries between States in the south for which a submission might subsequently be made, notwithstanding the provisions regarding the 10-year time limit established by article 4 of Annex II to the Convention. In order to make this partial submission, the Commission also recommended to the Russian Federation to make its best efforts to come to an agreement with Japan to make a joint submission in accordance with paragraph 4 of Annex I to the Rules of Procedure of the Commission. In regards to the Central Arctic Ocean, the Commission recommended that the Russian Federation make a revised submission in respect of its extended continental shelf in that area based on the findings contained in the recommendations.

In pursuance of the recommendation made by the Commission, the Ministries of Defense and for Natural Resources of the Russian Federation issued a joint order calling for the additional seabed research in the Arctic and the Pacific Oceans in 2007-2010 to prepare a new submission to the Commission. □