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A Note on Submissions and Preliminary Information on the Continental Shelf Beyond 200 Nautical Miles

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By 13 May 2009, many coastal states had submitted information on the limits of their continental shelves beyond 200 nautical miles to the Commission on the Limits of the Continental Shelf (CLCS). Many other coastal states had, as of that date, submitted to the CLCS their preliminary information ‘indicative of’ the limits of the ‘outer’ continental shelf.

Some might argue that 13 May 2009 – the deadline (and conditions) adjusted by the Meeting of States Parties to the LOS Convention¹ – should be seen as a sort of procedural fiction: purely a matter of form on which the right to the ‘outer’ continental shelf does not depend. Indeed, it was stated 40 years ago by the International Court of Justice in the *North Sea Continental Shelf Cases* that the right of a coastal state to the continental shelf is ‘in short ... an inherent right’ (para. 19 of the 1969 Judgment).

However, from the submissions (both those containing information, and those conveying preliminary information ‘indicative of’) by the coastal states, the 13 May 2009 deadline seems to have been taken quite seriously by those states. That is further confirmed by the dates of submissions: most were made in final few weeks or even days prior to 13 May 2009.

To supplement the chapters in this Part by an overview of submissions made, this editorial note contains two Tables, listing submissions containing information on the limits of the continental shelf beyond 200 nautical miles (Table 23.1) and those containing preliminary information ‘indicative of’ the continental shelf beyond 200 nautical miles (Table 23.2).

¹ See Art. 76(8) and Art. 4 of Annex II of the LOS Convention, and the decisions by the Meeting of States Parties in 2001 (UN doc. SPLOS/72) and in 2008 (UN doc. SPLOS/183). See also Treves, chapter 2; Armas-Pfirter, chapter 26, and McDorman, chapter 27 in this book.

Table 23.1 Submissions to the CLCS (as of 8 June 2009)

	Submission by [state]	Date of submission
1*	Russian Federation	20 December 2001
2*	Brazil	17 May 2004
3*	Australia	15 November 2004
4*	Ireland – <i>Porcupine Abyssal Plain</i>	25 May 2005
5*	New Zealand	19 April 2006
6*	Joint submission by France, Ireland, Spain and the United Kingdom – <i>the Celtic Sea and the Bay of Biscay</i>	19 May 2006
7*	Norway – <i>in the North East Atlantic and the Arctic</i>	27 November 2006
8	France – <i>areas of French Guiana and New Caledonia</i>	22 May 2007
9*	Mexico – <i>the western polygon in the Gulf of Mexico</i>	13 December 2007
10	Barbados	8 May 2008
11	United Kingdom – <i>Ascension Island</i>	9 May 2008
12	Indonesia – <i>North West of Sumatra Island</i>	16 June 2008
13	Japan	12 November 2008
14	Joint submission by Mauritius and Seychelles – <i>in the region of the Mascarene Plateau</i>	1 December 2008
15	Suriname	5 December 2008
16	Myanmar	16 December 2008
17	France – <i>the French Antilles and the Kerguelen Islands</i>	5 February 2009
18	Yemen – <i>south east of Socotra Island</i>	20 March 2009
19	United Kingdom – <i>Hatton Rockall Area</i>	31 March 2009
20	Ireland – <i>in respect of Hatton-Rockall Area</i>	31 March 2009
21	Uruguay	7 April 2009
22	Philippines – <i>in the Benham Rise region</i>	8 April 2009
23	The Cook Islands – <i>in the Manihiki Plateau</i>	16 April 2009
24	Fiji	20 April 2009
25	Argentina	21 April 2009
26	Ghana	28 April 2009
27	Iceland – <i>in the Ægir Basin and the western and southern parts of Reykjanes Ridge</i>	29 April 2009
28	Denmark – <i>area north of the Faroe Islands</i>	29 April 2009
29	Pakistan	30 April 2009
30	Norway – <i>Bouvetøya and Dronning Maud Land</i>	4 May 2009

Submission by [state]	Date of submission
31 South Africa – <i>in respect of the mainland of the territory of the Republic of South Africa</i>	5 May 2009
32 Joint submission by the Federated States of Micronesia, Papua New Guinea and Solomon Islands – <i>concerning the Ontong Java Plateau</i>	5 May 2009
33 Joint submission by Malaysia and Viet Nam – <i>in the southern part of the South China Sea</i>	6 May 2009
34 Joint submission by France and South Africa – <i>the Crozet Archipelago and the Prince Edward Islands</i>	6 May 2009
35 Kenya	6 May 2009
36 Mauritius – <i>in the region of Rodrigues Island</i>	6 May 2009
37 Viet Nam – <i>in North Area (VNM-N)</i>	7 May 2009
38 Nigeria	7 May 2009
39 Seychelles – <i>in the Northern Plateau Region</i>	7 May 2009
40 France – <i>in respect of La Réunion Island and Saint-Paul and Amsterdam Islands</i>	8 May 2009
41 Palau	8 May 2009
42 Côte d'Ivoire	8 May 2009
43 Sri Lanka	8 May 2009
44 Portugal	11 May 2009
45 United Kingdom – <i>in respect of the Falkland Islands, and of South Georgia and the South Sandwich Islands</i>	11 May 2009
46 Tonga	11 May 2009
47 Spain – <i>in respect of the area of Galicia</i>	11 May 2009
48 India	11 May 2009
49 Trinidad and Tobago	12 May 2009
50 Namibia	12 May 2009
51 Cuba	1 June 2009

NOTE: Submissions are listed in the order received by the Commission. *Source:* website of the DOALOS. Asterisks indicate recommendations adopted by the CLCS.

Table 23.2 Preliminary Information to the CLCS (as of 8 June 2009)

	Date of receipt	Preliminary information by [state]
1	2 April 2009	Benin and Togo
2	14 April 2009	Somalia
3	15 April 2009	Oman
4	21 April 2009	Fiji;
5		Fiji and Solomon Islands;
6		Fiji, Solomon Islands and Vanuatu
7	4 May 2009	Gambia
8	5 May 2009	Micronesia, Federated States of (<i>Eauripik Rise region; Mussau Ridge region</i>)
9		Papua New Guinea (<i>Eauripik Rise region; Mussau Ridge region</i>)
10		Solomon Islands
11	6 May 2009	Mauritius
12		Mexico
13	7 May 2009	Cape Verde
14		Tanzania, United Republic of
15	8 May 2009	Chile
16		France (<i>Polynésie française et Wallis et Futuna</i>)
17		France (<i>Saint-Pierre-et-Miquelon</i>)
18		Guinea-Bissau
19		Seychelles
20		Togo
21	11 May 2009	Cameroon
22		China
23		Costa Rica
24		Democratic Republic of the Congo
25		Guinea
26		Mauritania
27		Mozambique
28		New Zealand (<i>Tokelau</i>)
29		Republic of Korea
30		Spain (<i>west of Canary Islands</i>)

	Date of receipt	Preliminary information by [state]
31	12 May 2009	Angola
32		Bahamas
33		Benin
34		Brunei Darussalam
35		Congo
36		Cuba
37		Gabon
38		Guyana
39		Senegal
40		Sierra Leone
41	13 May 2009	Sao Tome and Principe
42	14 May 2009	Equatorial Guinea
43	2 June 2009	Comoros

NOTE: Submissions are listed in the order received by the UN Secretary-General. *Source:* website of the DOALOS. In addition, Vanuatu submitted preliminary information to the CLCS on 10 August 2009.

