



## Presentation Abstract

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### **Delimitation of the continental shelf beyond 200M and prospects for revenue sharing between states and the international community**

This paper will focus on the legal regime for the continental shelf beyond 200M that the 1982 UNCLOS established. Two aspects of this regime will be scrutinized, namely, the *delimitation* of the continental shelf beyond 200M and the prospects for the implementation of bilateral and multilateral *revenue-sharing* provisions for mineral resources exploited in this part of the continental shelf.

Delimitation will include first, the *delineation* of the final limits of the CS beyond 200M demarcating the end of coastal State jurisdiction and by extension, the beginning of the deep sea-bed 'Area', minerals exploitation of which is to be administered by the International Sea-bed Authority (ISA); and second, delimitation in the more traditional sense of the term within international law, namely, maritime boundary delimitation between adjacent and opposite coastal/island States.

Elaborating on the two different aspects of delimitation considered here, an initial observation on the decision-making process for delineation of the continental shelf beyond 200M is the absence of a role for the ISA in this exercise. This is despite the fact that the expansion of a State's continental shelf beyond 200M necessarily impinges on the remaining sea-bed Area within the ISA's remit. Turning to the second aspect of delimitation of the continental shelf beyond 200M between adjacent or opposite States, an initial question is as to whether the generally applicable rules of maritime delimitation are equally relevant for the delimitation of these sea-bed areas. Here it is first important to note that there is no distinction made in the relevant UNCLOS provisions (Article 83) for delimitation of continental shelf boundaries within and beyond 200M. Moreover, several existing maritime boundary delimitation agreements already make provision either implicitly or explicitly for boundary lines going beyond 200M. On the other hand, at least until very recently with the ITLOS decision in the *Bangladesh/Myanmar* case delivered on 14 March 2012, no international court or tribunal has directly undertaken the task of continental shelf delimitation beyond 200M.<sup>1</sup>

A further aspect of this paper involves the possible presence of shared or transboundary natural resources. Within this context, the first bilateral agreements (between Mauritius and the Seychelles) on overlapping continental shelf entitlements beyond 200M, incorporating a joint development regime with shared revenues, will be considered here.<sup>2</sup> The final substantive part of this paper also relates to revenue sharing with respect to the requirement under Article 82 of the Convention for payments and contributions from the exploitation of the continental shelf beyond 200M for distribution by the ISA to designated members of the international community. Issues arising from the future application of Article 82 have been considered *inter alia* by the ISA and the International Law Association (ILA) and will re-visited here.<sup>3</sup>

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<sup>1</sup> *Dispute concerning delimitation of the maritime boundary in the Bay of Bengal (Bangladesh/Myanmar)* (Judgment of 14 March 2012) [2012] ITLOS Rep., to be published; available online on <http://www.itlos.org/index.php?id=108&L=0>.

<sup>2</sup> Text of the relevant treaties appended to the Maritime Zones Bill, The Republic of Mauritius, available on <http://www.gov.mu/portal/goc/assemblysite/file/bill0512.pdf>.

<sup>3</sup> See eg ISA, Technical Study No. 5: *Non-Living Resources of the Continental Shelf Beyond 200 Nautical Miles: Speculations on the Implementation of Article 82 of the United Nations Convention on the Law of the Sea* (2010), available on <http://isa.org.jm/en/documents/publications>. Reports of the relevant ILA Committee are available on <http://www.ila-hq.org/en/committees/index.cfm/cid/33>.