

## **Background Sheet on Extended Continental Shelf Issues**

### **An overview of terms: the continental shelf and extended continental shelf (ECS)**

Under the Convention on the Law of the Sea, every coastal State has a continental shelf out to 200 nautical miles from its coastal baselines (or out to a maritime boundary with another coastal State), and beyond that distance if certain criteria are met. Article 76 of the Convention sets forth the criteria upon which a coastal State may establish continental shelf that extends beyond 200 nautical miles. The extended continental shelf (ECS) is that portion of the continental shelf that lies beyond this 200 nautical mile limit. Note the juridical (legal) continental shelf is not necessarily the same as what a geologist would call a continental shelf.

### **General rights of coastal States over their continental shelf areas may include the following:**

- Exploration, exploitation, conservation, and management of non-living resources of the seabed and subsoil of the continental shelf, such as ferromanganese crusts, ferromanganese nodules, gas hydrate deposits, and petroleum;
- Exploration, exploitation, conservation, and management of living, “sedentary” resources, such as clams, crabs, scallops, sponges, and mollusks.
- exclusive control over marine scientific research on the shelf;
- control over the construction, operation and use of artificial islands, installations and structures;
- control over the delineation of the course for laying pipelines;
- regulation of drilling and mining; and
- control and prevention of marine pollution in connection with some activities on the ECS.

While a continental shelf coincides with the exclusive economic zone (EEZ) out to 200 nautical miles, the ECS is not an extension of the EEZ. Sovereign rights that apply to the EEZ, especially rights to the resources of the water column (e.g., pelagic fisheries) do not necessarily apply to the ECS.

### **Coastal States and countries that have ECS areas**

Coastal States that meet the criteria in Article 76 may establish a continental shelf beyond 200 nautical miles. An estimated 60 coastal States have a continental shelf that extends beyond 200 nautical miles. Twelve have made a submission in whole or in part to the Commission on the Limits of the Continental Shelf (CLCS).

### **The Commission on the Limits of the Continental Shelf (CLCS)**

The CLCS is an expert body established by the Convention on the Law of the Sea. A coastal State that is party to the Convention on the Law of the Sea may submit the coordinates of its identified ECS, along with supporting data and analyses, to the CLCS. The CLCS consists of 21 members, elected by those States that are party to the Convention. Experts in geology, geophysics, or hydrography, members of the CLCS serve in a personal capacity. They examine coastal States’ ECS submissions and make recommendations to the submitting States. If the coastal State establishes its ECS limits “on the basis of” CLCS recommendations, those limits are “final and binding.”

The CLCS has no mandate to settle boundary disputes, nor can it make any decisions that will bias future resolution of such disputes. Any boundary disagreements must be resolved between the States themselves.