



EMBASSY OF NICARAGUA  
THE HAGUE

NICARAGUA'S COMMENTS ON COLOMBIA'S RESPONSE TO JUDGE  
BENNOUNA'S QUESTION

1. Colombia makes three points in its summary response to Judge Bennouna's question, each of which is either incorrect or misleading.
2. First, Colombia asserts that in the present case there are no areas of continental shelf lying more than 200M from the nearest land territory.
3. As Nicaragua has pointed out, this is correct only if areas of land that are patently incapable of sustaining human habitation or economic life of their own, and which are accordingly incapable of generating an entitlement to an EEZ or a continental shelf, are taken into account: see UNCLOS Article 121(3). As a matter of law, these areas cannot be taken into account in this context.
4. Moreover, the fact that an area may lie within 200M of State A does not mean that the area may not also fall within the continental shelf entitlement of State B. As Nicaragua has pointed out, if there is such an overlap of entitlements the continental shelf must be delimited.
5. In addition, no State other than Colombia has claimed entitlement in the areas covered by Nicaragua's continental shelf claims. In the hypothetical event that one or more third States were eventually to do so, those claims necessarily would not be prejudiced by any continental shelf delimitation the Court effects as between Nicaragua and Colombia.
6. Second, Colombia asserts that "States parties to the Convention intending to establish the outer limits of their continental shelf beyond 200 nm from their baselines are obliged to do so in accordance with the provisions set out in paragraphs 4 to 9 of Article 76 of the Convention. This is done pursuant to conventional obligations, not customary international law."
7. Colombia's assertion that paragraphs 4 to 9 do not have the status of customary international law is correct only in so far as paragraphs 8 and 9 are concerned. These are plainly *inter partes* obligations for States Parties to the Convention. The criteria for the determination of the location of the outer limit of a State's continental shelf set out in paragraphs 4 to 7 are in a different category. These prescribe the precise limits



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of a State's continental shelf and are fully reflected in State practice, as was explained in paragraphs 8 – 21 of Nicaragua's previous response to Judge Bennouna's question.

8. Colombia has not addressed the points made by Nicaragua at the hearing that are pertinent to an appropriate answer of Judge Bennouna's question:

(a) that continental shelf rights exist *ipso facto* and *ab initio* and do not need to be 'established' in order that they exist,

(b) that paragraphs 4 to 9 of Article 76 (a) provide a precise indication as to how the limit of the continental shelf is to be determined, and (b) in addition prescribe an administrative procedure for gaining the imprimatur of the CLCS for definitive continental shelf limits; but those paragraphs do not set out a precondition for the existence of continental shelf rights within those limits,

(c) that a failure to comply with the administrative procedure in paragraphs 8 and 9 of Article 76 would amount to no more than a failure to fulfil an administrative requirement and would not entail the forfeiture of continental shelf rights,

(d) that Nicaragua has in fact fulfilled all of the obligations that the UNCLOS States Parties and the CLCS have determined are currently applicable in relation to CLCS filings, and

(e) that Nicaragua's compliance with administrative procedures under the United Nations Convention on the Law of the Sea are a matter for States Parties to the Convention and not for non-Party States, such as Colombia: and in any case, the crucial matter with respect to relations between the States Parties is the set of substantive rules for determining the outer limits of the continental shelf.

9. Colombia's assertion that paragraphs 4 to 9 do not have the status of customary international law is correct only in so far as paragraphs 8 and 9 are concerned. These are plainly *inter partes* obligations for States Parties to the Convention. The criteria for the determination of the location of the outer limit of a State's continental shelf set out in paragraphs 4 to 7 are in a different category. These prescribe the precise limits of a State's continental shelf, and are fully reflected in State practice, as was explained in Nicaragua's previous response to Judge Bennouna's question.



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10. Third, Colombia asserts that “there is no evidence of State practice indicating that the provisions of paragraphs 4 to 9 of Article 76 are considered to be rules of customary international law.”
11. That is incorrect. Nicaragua’s previous response referred to the extensive practice that evidences acceptance of the substantive criteria for the determination of the outer limit of the continental shelf set out in paragraphs 4 to 7. Extracts from the relevant materials on the website of the UN Division for Ocean Affairs and the Law of the Sea are appended to this response, for ease of reference. Most, but not all, of those materials relate to States that have ratified the United Nations Convention on the Law of the Sea; but it would be perverse to consider that a treaty provision which has been expressly accepted by the great majority of States, and which is supported by the practice of non-Party States, and which faces no contradictory State practice, does not represent customary international law.
12. Moreover, Colombia’s position is confused. It apparently accepts that paragraphs 1 to 3 of Article 76 do represent customary international law. But Article 76 (2) stipulates that “[t]he continental shelf of a coastal State shall not extend beyond the limits provided for in paragraphs 4 to 6.” The substantive criteria in paragraphs 4 to 6 of Article 76 are an integral part of the definition of what the continental shelf *is*.
13. For the reasons given above, Nicaragua adheres to the position that it set out in the hearing and in its first response to Judge Bennouna’s question.

The Hague, 18 May 2012.

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ANNEX

CONTINENTAL SHELF LEGISLATION: abstracted from the DOALOS website

Note

1. State practice shows that the definition in Article 76, and no other, is generally supported. The website of the UN Department for Ocean Affairs and the Law of the Sea ('DOALOS') carries the legislation of 151 States Parties as well as non-Parties to the UNCLOS.<sup>1</sup> Of those 151 States, approximately 90 have legislation relevant to the continental shelf and its outer limits: the approximation is necessary because some references to the continental shelf are oblique, and some laws are not readily available.
2. Of those 90 or so States, some 6 merely provide for delimitation of their continental shelf on the basis of agreements with neighbouring States (eg Croatia, Bulgaria, Estonia). It appears that approximately 50 of the remaining States adopt in their domestic law a definition of the continental shelf that is in line with 76(1) UNCLOS, referring to a continental margin; some go further in defining that margin in line with 76(3) UNCLOS; some refer to the provisions of Art 76 UNCLOS in general terms; and at least 3, including a State that has neither signed nor ratified the UNCLOS (Ecuador), refer to further detailed criteria under the provisions of Article 76 (5) – (6).
3. A further 19 States adhere to the '200m isobath + exploitability' criterion used in Article 1 of the 1958 Continental Shelf Convention or simply to an exploitability criterion; but 17 of those have signed or ratified UNCLOS, and some or all of them may either have adopted legislation to implement UNCLOS domestically, or have a legal system which gives direct effect to treaties. Further, 8 of the 19 have made submissions to the CLCS.
4. A further 16 States limit their assertions of jurisdiction over the continental shelf to 200 nm. But 14 of those have signed or ratified UNCLOS, and some or all of them may either have adopted legislation to implement UNCLOS domestically, or have a legal system which gives direct effect to treaties. Further, 7 of the 16 have made submissions to the CLCS.

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<sup>1</sup> <http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/index.htm>



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5. The conclusion is that more than 80 States of the 90 that have continental shelf legislation appear to accept the definition in Article 76 (4) – (7) either explicitly in their laws or implicitly by their acceptance of the UNCLOS.
6. Of all remaining States that have no (published) legislation on the continental shelf, 28 have made submissions to the CLCS, which indicates their acceptance of the provisions in Article 76 (4) – (7).
7. Finally, as Nicaragua noted in paragraph 18 of its previous response, even non-Parties to UNCLOS have explicitly accepted the Article 76 definition. For example, in 1987 the USA stated that:

“... the proper definition and means of delimitation in international law are reflected in Article 76 of the 1982 United Nations Convention on the Law of the Sea. The United States has exercised and shall continue to exercise jurisdiction over its continental shelf in accordance with and to the full extent permitted by international law as reflected in Article 76, paragraphs (1), (2) and (3). At such time in the future that it is determined desirable to delimit the outer limit of the continental shelf of the United States beyond two hundred nautical miles from the baseline from which the territorial sea is measured, such delimitation shall be carried out in accordance with paragraphs (4), (5), (6) and (7).”<sup>2</sup>

It will be noted that the USA does not consider compliance with Article 76(8) to be necessary in this context. A further seven non-Parties are listed in the Table of Legislation below.

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<sup>2</sup> J. Ashley Roach and Robert W. Smith, *United States Responses to Excessive Maritime Claims*, (2<sup>nd</sup> ed., 1996), pp. 201-202.



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LEGISLATION

*\*\* indicates a State that has not ratified the United Nations Convention on the Law of the Sea*

1. ANTIGUA & BARBUDA (Maritime Areas Act 1982): Article 8: (1) Subject to subsection (3), the continental shelf of Antigua and Barbuda comprises those areas of the seabed and subsoil of the submarine areas that are beyond and adjacent to the territorial sea throughout the natural prolongation of the land territory of Antigua and Barbuda to the outer edge of the continental margin, or to a distance of two hundred nautical miles from the nearest point of the baselines when the outer edge of the continental margin does not extend up to that distance.  
(2) For the purposes of subsection (1), wherever the continental margin extends beyond two hundred nautical miles from the nearest point of the baselines, the outer limits of the continental shelf shall be established with all due regard to the requirements and limitations of international law relevant to the establishment and delineation of the continental shelf beyond that distance.  
(3) For the purposes of this section, the continental margin comprises the submerged prolongation of the land mass of Antigua and Barbuda consisting of the seabed and subsoil of the shelf, the slope and the rise, but does not include the deep ocean floor with its oceanic ridge or the subsoil thereof.
2. ARGENTINA (Act No 23.968 of 14 Aug 1991): Article 6: The continental shelf, over which Argentina has sovereignty, shall include the seabed and the 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 two hundred (200) nautical miles from the baselines established in article 1 of this Act where the outer edge of the continental margin does not extend up to that distance.
3. AUSTRALIA (Seas and Submerged Lands Act 1973 as amended by the Maritime Legislation Amendment 1994): Article 3(1): ... "continental shelf" has the same meaning as paragraph 1 of article 76 of the [UN] Convention [on the Law of the Sea]...  
Article 12: The Governor-General may, from time to time by Proclamation, declare, not inconsistently with article 76 of the Convention or any relevant international agreement to which Australia is a party, the limits of the whole or any part of the continental shelf of Australia.



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4. BANGLADESH (Territorial Waters and Maritime Zones Act 1974): Article 7(1): The continental shelf of Bangladesh comprises: (a) the seabed and subsoil of the submarine areas adjacent to the coast of Bangladesh but beyond the limits of the territorial waters up to the outer limits of the continental margin bordering on the ocean basin or abyssal floor; ... [same for islands, rocks, composite groups thereof].
5. [BELGIUM provides for the delimitation of its continental shelf with its neighbours: Arts 1 and 2 of the Continental Shelf Act 1969.]
6. BRAZIL (Law No 8.617 of 4 Jan 1993): Article 11: The continental shelf of Brazil 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.  
The outer limits of the continental shelf will be established in accordance with article 76 of the United Nations Convention on the Law of the Sea, signed at Montego Bay on 10 December 1982.
7. [BULGARIA provides for the delimitation of its continental shelf with its neighbours: Arts 40 and 41 of the Maritime Space etc Act 2000.]
8. \*\*CAMBODIA (Statement by MFA Spokesman of 15 Jan 1978): Para 3: ... Democratic Kampuchea exercises its exclusive sovereign rights over its continental shelf, comprising the sea-bed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory.  
(Decree of the Council of State of 13 July 1982): Article 6: The continental shelf of the People's Republic of Kampuchea comprises the seabed and the subsoil of the submarine areas that extend beyond the territorial waters throughout the natural prolongation of its land territory to a distance of 200 nautical miles from the baseline used to measure the width of the territorial waters of the People's Republic of Kampuchea.
9. CANADA (Oceans Act 1996): Article 17: (1) The continental shelf of Canada is the seabed and subsoil of the submarine areas, including those of the exclusive economic zone of Canada, that extend beyond the territorial sea of Canada throughout the natural prolongation of the land territory of Canada:



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- (a) subject to subparagraphs (b) and (c), to the outer edge of the continental margin, determined in the manner under international law that results in the maximum extent of the continental shelf of Canada, the outer edge of the continental margin being the submerged prolongation of the land mass of Canada consisting of the seabed and subsoil of the shelf, the slope and the rise, but not including the deep ocean floor with its oceanic ridges or its subsoil;
  - (b) to a distance of 200 nautical miles from the baselines of the territorial sea of Canada where the outer edge of the continental margin does not extend up to that distance; ...
10. CAPE VERDE (Law No 60/IV/92 of 21 Dec 1992): Article 17: The continental shelf of the Republic of Cape Verde shall comprise the seabed and subsoil of the submarine areas that extend beyond the territorial sea up to a distance of 200 nautical miles from the baselines referred to in article 24.
11. P. R. CHINA (EEZ and Continental Shelf Act 1998): Article 2: ... The continental shelf of the People's Republic of China 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.
12. COOK ISLANDS (Continental Shelf Amendment Act 1977): Article 2(1): ... "Continental shelf" means the seabed and subsoil of those submarine areas that extend beyond the territorial limits of the Cook Islands throughout the natural prolongation of the land territory of the Cook Islands, 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 (as described in section 3 of the Territorial Sea and Exclusive Economic Zone Act 1977) where the outer edge of the continental margin does not extend to that distance; ...
13. CONGO (Ordinance No 049/77 of 18 Oct 1971): Article 2: The sovereignty of the People's Republic of the Congo extends beyond its territory to a distance of two hundred nautical miles measured from the low-water line along the coast. This sovereignty extends to the airspace above the territorial sea as well as to the seabed and subsoil of that sea.





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14. [CROATIA provides for the delimitation of its continental shelf with its neighbours:  
Art 43 of the Maritime Code 1994.]
15. CYPRUS (Continental Shelf Law 1974): Article 2: ... "continental shelf" means the seabed and subsoil of the submarine areas adjacent to the coast of the Republic, but beyond the territorial waters, where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas ...
16. D. R. CONGO (Law No 09/002 of 7 May 2009): Article 8: The continental shelf shall extend to 350 nautical miles from the baseline or to 100 nautical miles from the 2,500 metre isobath.
17. DENMARK (Royal Decree of 7 June 1963): Article 2(1): In accordance with article 1 of the Convention, the term "continental shelf" is used as referring (a) to the sea-bed 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 sea-bed and subsoil of similar submarine areas adjacent to the coasts of islands.
18. DOMINICAN REPUBLIC (Act No 573 of 1 Apr 1977): Article 7: ... For the purposes of this article, the term "Continental Shelf" includes the sea-bed and subsoil of the submarine areas stretching beyond the territorial sea and all along the natural extension of its land territory up to the outer edge of the continental terrace, or up to a distance of 200 nautical miles from the baselines from which the territorial sea is measured in cases where the outer edge of the continental terrace does not extend to that distance. [NB: DOALOS says this was repealed and replaced by an Act of 2007, which however does not provide anything on the CS.]
19. \*\*ECUADOR (Declaration of 19 Sep 1995): DECLARES: That, in addition to the continental and insular shelf within its territorial sea of 200 miles, the sea-bed and subsoil located between Ecuador's continental territorial sea and its insular territorial sea around the Galápagos Islands, up to a distance of 100 miles measured from the 2,500 metre isobath, also form part of the continental shelf of Ecuador.



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20. EGYPT (Presidential Decision No 1051 of 1958): The United Arab Republic shall exercise rights of sovereignty over the seabed and its subsoil in the continental shelf beyond the territorial waters to the point where the depth of the water is 200 metres and deeper to the limit within which the natural resources of the bottom can be exploited.
21. [ESTONIA provides for the delimitation of its continental shelf with its neighbours: Law on the boundaries of the maritime tract 1993.]
22. FIJI (Continental Shelf Act of 30 Dec 1970): Article 2: "Continental Shelf" means the sea-bed and subsoil of those submarine areas adjacent to the coasts of the islands of Fiji, but beyond the territorial limits of Fiji, to a depth of two hundred metres below the surface of the sea, or beyond that limit, to where the depth of the superjacent waters admits of exploitation of the natural resources of those areas; ...
23. FINLAND (Law no 149 of 5 Mar 1965 concerning the Continental Shelf): Article 1: For the purpose of the present law the term "continental shelf" means outside the area of Finland's territorial sea with the adjacent sea-bed and its subsoil to the boundary line which is determined according to articles 1 and 6 in the Geneva Convention of April 29, 1958, on the continental shelf or upon which agreements have been concluded between Finland and a foreign state according to the said article 6, paragraphs 1 or 2.
24. GEORGIA (Law concerning the Naval Space of Georgia 1998): I was unable to find it except in Georgian. As far as Google Translate let me gather, the law provides, in Arts 38 and 39, for [delimitation with adjacent and opposite States] and for an outer limit coinciding with that of the EEZ, respectively. The Georgian text can be found here:  
[http://www.parliament.ge/index.php?lang\\_id=GEO&sec\\_id=69&kan\\_det=det&kan\\_id=185](http://www.parliament.ge/index.php?lang_id=GEO&sec_id=69&kan_det=det&kan_id=185)
25. GERMANY (Declaration of 20 Jan 1964): ... the Federal Government regards the exploration and exploitation of the natural resources of the sea-bed and subsoil of the submarine area adjacent to the German coast but outside the area of the German territorial sea to a depth of 200 metres and, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources as an exclusive sovereign right of the Federal Republic of Germany.



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26. GHANA (Maritime Zones (Delimitation) Law 1986): [Article] 6(1): It is hereby declared that the continental shelf of the Republic shall comprise the sea-bed and subsoil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of its land territory to a distance of two hundred nautical miles from the baselines from which the breadth of the territorial sea is measured.
27. GREECE (Law 2289/1995 as amended by Law 4001/2011): "Submarine areas" means the seabed and subsoil of the internal waters, the territorial sea, the continental shelf and the exclusive economic zone (once declared), to a distance of 200 nm from the baselines from which the breadth of the TS is measured.
28. GRENADA (Territorial Sea and Maritime Boundaries Act 1989): Article 10: [exactly the same as Antigua and Barbuda, above.]
29. GUINEA-BISSAU (Act No 3/85 of 17 May 1985): Article 3: 1. The exclusive economic zone shall extend, within the national maritime frontiers, for a distance of 200 nautical miles measured from the straight baselines established by the above-mentioned Act.  
2. The State of Guinea-Bissau shall have the exclusive right to explore and exploit the living and natural resources of the sea and the continental shelf, slopes and sea-bed within the exclusive economic zone.
30. GUYANA (Maritime Boundaries Act 1977): Article 9: Subject to section 34, the continental shelf (which by virtue of the applied law, that is to say, the British Guiana (Alteration of Boundaries) Order in Council, 1954, was included in the boundaries of Guyana) comprises the seabed and subsoil of the submarine areas that extend beyond the limit of the territorial sea throughout the natural prolongation of the land territory of Guyana to the outer edge of the continental margin or to a distance of two hundred miles from the baseline referred to in section 7, where the outer edge of the continental margin does not extend up to that distance.
31. HAITI (Decree No 38 of 8 Apr 1977): Article 8: The continental platform of Haiti consists of the seabed and subsoil of submarine regions adjacent to the coast but located outside the territorial sea. It shall extend to the point where the depth of the superjacent waters allows exploitation of the natural resources of such regions.



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32. HONDURAS (Maritime Areas Act 1999): Article 9: The Honduran CS comprises the seabed and subsoil of the submarine areas adjacent to its territorial sea to a distance of 200 nm from the baselines or to the outer edge of its continental shelf.
33. ICELAND (Law No 41 of 1 June 1979): Article 5: The continental shelf of Iceland comprises the seabed and subsoil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of the 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 ...
34. INDIA (The Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act 1976): Article 6(1) The continental shelf of India (hereinafter referred to as the continental shelf) comprises the seabed and subsoil of the submarine areas that extend beyond the limit of its territorial waters throughout the natural prolongation of its land territory to the outer edge of the continental margin or to a distance of two hundred nautical miles from the baseline referred to in sub-section (2) of section 3 where the outer edge of the continental margin does not extend up to that distance.
35. \*\*I. R. IRAN (Act on the Marine Areas of the Islamic Republic of Iran 1993): Article 15: The provisions of article 14 [on sovereign rights in the EEZ] shall apply mutatis mutandis to the sovereign rights and jurisdiction of the Islamic Republic of Iran in its continental shelf, which comprises the seabed and subsoil of the marine areas that extend beyond the territorial sea throughout the natural prolongation of the land territory.
36. IRAQ: 1957 proclamation speaks only of 'resources [that lie] at the bottom of the maritime zone extending outwards to the sea and contiguous to the Iraqi territorial sea'.
37. \*\*ISRAEL (Submarine Areas Law 1953): Article 1(a): The territory of the State of Israel shall include the sea floor and underground of the submarine areas adjacent to the shores of Israel but outside Israel territorial waters, to the extent that the depth of



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the superjacent water permits the exploitation of the natural resources situate in such areas.

38. ITALY (Act No. 613 on the Surveying and Production of Oil and Gas in the Territorial Sea and Continental Shelf, and Amendments to Act No. 6 of 11 January 1967 on the Surveying and Production of Oil and Gas): Article 1: For the purpose of this Act, the term "continental shelf" is used as referring to the sea-bed and subsoil of the submarine areas adjacent to the territory of the Italian peninsula and islands 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. The outer boundary of the Italian continental shelf shall be determined by agreement with the States whose coasts are opposite those of the Italian State and which share the same continental shelf.
39. JAMAICA (Maritime Areas Act 1996): Article 21: (1) Subject to subsection (3), the continental shelf comprises those areas of the seabed and subsoil of the submarine areas that are beyond and adjacent to the territorial sea throughout the natural prolongation of the land territory of Jamaica to the outer edge of the continental margin, or to a distance of two hundred nautical miles from the nearest point of the baselines established in accordance with section 6 where the outer edge of the continental margin does not extend to that distance.  
(2) Where the continental margin referred to in subsection (1) extends beyond two hundred nautical miles from the nearest point of the baselines of the territorial sea, the outer limits of the continental shelf shall be established having regard to the principles of international law relevant to the establishment and delineation of the continental shelf beyond that point.  
(3) For the purposes of subsections (1) and (2), the continental margin comprises the submerged prolongation of the land mass of Jamaica consisting of the seabed and subsoil of the continental shelf, the slope and the rise, but does not include the deep ocean floor with its oceanic ridge or the subsoil thereof.
40. JAPAN (Law No 74 of 1996): Article 2: The continental shelf over which Japan exercises its sovereign rights and other rights as a coastal State in accordance with the UN Convention on the Law of the Sea (hereinafter 'the continental shelf') comprises the seabed its subsoil subjacent to the following areas of the sea:



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- (1) The areas of the sea extending from the baseline of Japan to the line every point of which is 200 nm from the nearest point on the baseline of Japan (excluding therefrom the territorial sea) ...
  - (2) The areas of the sea adjacent seaward to the areas of the sea referred to in the preceding subparagraph (limited to the part of the sea delimited by the line every point of which is 200 nm from the nearest point on the baseline of Japan), as prescribed by Cabinet Order in accordance with Article 76 of the UN Convention on the Law of the Sea.
41. KENYA (The Maritime Zones Act 1989): [Preamb]: An Act of Parliament to consolidate the law relating to the territorial waters and the continental shelf of Kenya; to provide for the establishment and delimitation of the exclusive economic zone of Kenya; to provide for the exploration and exploitation and conservation and management of the resources of the maritime zones; and for connected purposes. [AT: HOWEVER, THE ACT DOES NOT SAY ANYTHING ON THE CS, BUT PROCEEDS TO ESTABLISH A 200 NM EEZ].
42. KIRIBATI (Marine Zones (Declaration) Act 1983): Article 7: (1) Subject to the succeeding provisions of this section, for the purposes of any law of Kiribati the exclusive economic zone of Kiribati comprises those parts of the sea having as their inner limits the outer limits of the territorial sea and as their outer limits a line drawn 200 nautical miles seaward from the outer limits of the inland waters of Kiribati. ...
- (6) All areas of seabed, and the subsoil under the seabed of the exclusive economic zone shall be treated, for the purposes of any law of Kiribati, as part of the continental shelf of Kiribati.
43. [LATVIA provides for the delimitation of its continental shelf with its neighbours: Law on CS etc of 2 Feb 1993.]
44. LIBERIA (Act to Approve Executive Order by the President on 24 Dec 1976, approved 16 Feb 1977): ... the territorial sea of the Republic of Liberia shall extend to a distance of two hundred (200) nautical miles from the baseline of the Republic of Liberia.
45. MADAGASCAR (Ordinance No 85-103/Law No 85-103 of 1985): Article 7: The continental shelf of the Democratic Republic of Madagascar shall comprise the sea-



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bed and its subsoil beyond the territorial sea to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, or to the limit determined by agreement with adjacent States, or else to 100 nautical miles from the 2,500-metre isobath.

46. MALAYSIA (Continental Shelf Act 1966 as amended 1972): Article 2: ... "continental shelf" means the sea-bed and subsoil of submarine areas adjacent to the coast of Malaysia but beyond the limits of the territorial waters of the States, the surface of which lies at a depth no greater than two hundred metres below the surface of the sea, or, where the depth of the superadjacent waters admits of the exploitation of the natural resources of the said areas, at any greater depth; ...
47. MALTA (Continental Shelf Act 1966): Article 2: ... "the continental shelf" means the sea bed and subsoil of the submarine areas adjacent to the coast of Malta but outside territorial waters, to a depth of two hundred 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; so however that where in relation to states of which the coast is opposite that of Malta it is necessary to determine the boundaries of the respective continental shelves, the boundary of the continental shelf shall be that determined by agreement between Malta and such other state or states or, in the absence of agreement, the median line, namely a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial waters of Malta and of such other state or states is measured; ...
48. MAURITANIA (Ordinance 88-120 of 31 Aug 1988): Article 4: The continental shelf of the Islamic Republic of Mauritania shall comprise the sea-bed and subsoil of the submarine areas that extend beyond its territorial sea throughout the prolongation of its land territory to the outer edge of the territorial margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the edge of the continental margin does not extend up to that distance.
49. MAURITIUS: the Maritime Zones Act 1977 provides in Article 5(1): The continental shelf comprises the seabed and subsoil of the submarine areas that extend beyond the limit of the territorial waters throughout the natural prolongation of the land territory of Mauritius: (a) to the outer edge of the continental margin; or (b) to a distance of two hundred nautical miles from the baseline where the outer edge of the continental shelf does not extend up to that distance.



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The Maritime Zones Act 2005 (by virtue of which the UNCLOS has force of law in Mauritius—see Article 3) provides in Article 18: (1) The continental shelf of Mauritius comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory - (a) subject to paragraph 2 of Article 76 of UNCLOS, to the outer edge of the continental margin; or (b) where the outer edge of the continental margin does not extend up to that distance, a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. (2) Where, by virtue of paragraph 2 of Article 76 of UNCLOS, the outer limits of the continental shelf require to be determined in accordance with paragraphs 4 to 6 of UNCLOS, the Prime Minister may make regulations to provide for the outer limit to be determined by any method specified in paragraph 4 of Article 76 of UNCLOS.

50. MEXICO (Federal Act relating to the Sea 1986): Article 62: The Mexican continental shelf and island shelves shall comprise the sea-bed and subsoil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of national 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, in accordance with the provisions of international law. The preceding definition includes the shelves of islands, keys and reefs that form part of national territory. Article 65: In places where the outer edge of the continental margin of the continental shelf and island shelves does not extend 200 nautical miles from the baselines from which the territorial sea is measured, the outer limit of these shelves shall coincide exactly with the outer limit of the subsoil of the exclusive economic zone, as established in accordance with the provisions of articles 53 and 54 of this Act, and as marked on charts officially recognized by the United Mexican States.
51. MOZAMBIQUE (Law No 4/96 of Apr 1996): Shelf extends to 200nm or to the outer edge of the continental margin. [source: NOT DOALOS!; rather: <http://www.jag.navy.mil/organization/documents/mcrm/mozambique.pdf>]
52. MYANMAR (Territorial Sea and Maritime Zones Law 1977): Article 12: The continental shelf of Burma comprises the sea-bed and subsoil of the submarine areas that extend beyond the 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 where the outer edge of the continental margin does not extend up to that distance.





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53. NAMIBIA (Act No 3 of 30 June 1990): Article 6(1): The continental shelf as defined in the [UN] Convention [on the Law of the Sea 1982, see Article 1], or as it may from time to time be defined by international convention and binding on Namibia, shall be the continental shelf of Namibia.
54. NAURU (Sea Boundaries Act 1997): Article 7(1): All areas of seabed, and the subsoil under the seabed, of the EEZ shall be treated, for the purposes of any law, as part of the continental shelf of the Republic. [NB: Not from DOALOS; from [www.commonwealth.org](http://www.commonwealth.org)]
55. NETHERLANDS (Decree of 13 Mar 2000 determining outer limits of EEZ): Article 1: The outer limits of the exclusive economic zone of the Netherlands shall coincide with: (a) The outer limits of the Netherlands' territorial sea as referred to in section 1, subsection 1, of the Territorial Sea of the Netherlands (Demarcation) Act; and (b) The outer limits of the Netherlands' portion of the continental shelf.
56. NICARAGUA. (Act No 205 of 19 Dec 1979 on the Continental Shelf and Adjacent Sea): Article 1, The continental shelf of Nicaragua, throughout its extension, is an integral part and a natural prolongation of national territory, and is accordingly for all purposes subject to the sovereignty of the Nicaraguan nation.<sup>3</sup>
57. NIGERIA (Petroleum Decree No 51 of 1969): Article 14(1): In this Decree, unless the context otherwise requires: ... "Continental shelf" means the sea-bed and subsoil of those submarine areas adjacent to the coast of Nigeria the surface of which lies at a depth no greater than two hundred metres (or, where its natural resources are capable of exploitation, at any depth) below the surface of the sea, excluding so much of those areas as lies below the territorial waters of Nigeria.

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1. <sup>3</sup>Replaced by Law No. 420, 5 of March 2002:

Article 8.- The Continental Shelf of Nicaragua comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea as a natural prolongation and projection of its land territory under the sea to the minimum distance of 200 nautical miles and up to the maximum 350 M recognized by international law.



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58. NORWAY (Royal Decree of 31 May 1963): The sea-bed and the subsoil in the submarine areas outside the coast of the Kingdom of Norway are under Norwegian sovereignty as regards exploitation and exploration of natural resources, as far as the depth of the superjacent waters admits of exploitation of natural resources, within as well as outside the maritime boundaries otherwise applicable, but not beyond the median line in relation to other states.
59. [OMAN states in Article 7 of its 1981 Law that it 'will be issuing a declaration for delimiting the span of its continental shelf.]
60. PAKISTAN (Territorial Sea and Maritime Zones Act 1976): Article 5(1): The Continental Shelf of Pakistan, hereinafter referred to as the Continental Shelf, shall comprise the sea-bed and subsoil of the submarine areas that extend beyond the limit of the territorial waters of Pakistan throughout the natural prolongation of the land territory of Pakistan to the outer edge of the continental margin or where the outer edge of the continental margin does not extend up to a distance of 200 nautical miles from the baseline declared under subsection (3) of section 2, up to that distance.
61. PANAMA (Act No 31 of 2 Feb 1967): Establishment of 200 nm TS; later, Law No 38 of 4 June 1996 ratifies UNCLOS and adopts the relevant zones--but the Law is not available online.
62. PAPUA NEW GUINEA (Continental Shelf Act 1977): Article 1 (amending Article 2 of the 1974 Act): ... "continental shelf" means the seabed and subsoil -
- (a) underlying the waters between the high water lines and the baselines; and
  - (b) underlying the territorial sea; and
  - (b) adjacent to the coasts of Papua New Guinea which underlies the offshore seas to a depth not exceeding 200m or, beyond that limit, to a depth where the superjacent waters admit of the exploitation of the natural resources of that area; ...
63. \*\*PERU (Presidential Decree No 781 of 1 Aug 1947): Article 1: To declare that national sovereignty and jurisdiction can be extended to the submerged continental or insular shelf adjacent to the continental or insular shores of national territory, whatever the depth and extension of this shelf may be.



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(Petroleum Law 1952): Article 14(4): Continental shelf. This shall be the zone lying between the western limit of the coastal zone and an imaginary line drawn seaward at a constant distance of 200 miles from the low-water line along the continental coast. Also (Legislative Decree No 18880 of 8 June 1971).

64. [POLAND provides for the delimitation of its continental shelf with its neighbours in Arts 16(1) and 67 of its 1991 Act concerning Maritime Areas.]
65. PORTUGAL (Decree-Law No 49-369 of 11 Nov 1969): Article 1(2): For the purposes of this enactment, the continental shelf shall be deemed to be the sea-bed and subsoil of the submarine areas adjacent to national territory, whether continental or island territory, to where the depth of the superjacent waters admits of prospecting, exploration, evaluation and, eventually, exploitation of natural resources.
66. PHILIPPINES (1968 Proclamation): ... the sea bed and subsoil of the continental shelf adjacent to the Philippines, but outside the area of its territorial sea to where the depth of the superjacent waters admits of the exploitation of such resources, ...
67. RUSSIAN FEDERATION (Decree of the Presidium of 6 Feb 1968 on the CS): Article 1: ... The continental shelf of the USSR consists of the sea-bed and the subsoil of the submarine areas adjacent to the coast or to the islands of the USSR 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.
- The sea-bed and the subsoil of depressions entirely surrounded by the continental shelf of the USSR, irrespective of their depth, are part of the continental shelf of the USSR.
- (Federal Law on the CS of the Russian Federation 1995): Article 1: The continental shelf of the Russian Federation (hereinafter referred to as "the continental shelf") comprises the seabed and subsoil of the submarine areas situated beyond the territorial sea of the Russian Federation (hereinafter referred to as "the territorial sea") throughout the natural prolongation of its land territory to the outer edge of the continental margin.
- The continental margin is the prolongation of the land mass of the Russian Federation and consists of the seabed and subsoil of the shelf, the slope and the rise. The definition of the continental shelf also applies to all the islands of the Russian Federation. The inner edge of the continental shelf is the outer edge of the territorial sea.



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In accordance with the provisions of article 2 of this Federal Law, the outer edge of the continental shelf is situated at a distance of 200 nautical miles from the baselines from which the width of the territorial sea is measured, provided that the outer edge of the continental margin does not extend for a distance of more than 200 nautical miles. If the continental margin extends for a distance of more than 200 nautical miles from the aforementioned baselines, the outer edge of the continental shelf coincides with the outer edge of the continental margin determined in accordance with the rules of international law.

68. ST KITTS & NEVIS (Maritime Areas Act 1984): Article 7 [exactly the same as Antigua & Barbuda].

69. SAINT LUCIA (Maritime Areas Act 1984): Article 7 [exactly the same as Antigua & Barbuda].

70. ST VINCENT & THE GRENADINES (Maritime Areas Act 1983): Article 8: The continental shelf of Saint Vincent and the Grenadines comprises the seabed, subsoil and the submarine areas contiguous to its territorial sea from its archipelagic baselines seaward to a limit of 200 nautical miles.

71. SAMOA (Maritime Zones Act 1999): Article 24: The continental shelf of Samoa comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to -

- (c) The outer edge of the continental margin; or
- (d) A distance of 200 nautical miles from the baselines from which the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance.

72. SENEGAL (Act No 85-14 of 25 Feb 1985): Article 6: The continental shelf comprises the sea-bed and subsoil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of the 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.



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73. SEYCHELLES (Maritime Zones Act 1999): Article 11: (1) Subject to an Order made under section 13(2) with respect to the continental shelf, the continental shelf of Seychelles comprises the seabed and subsoil of the submarine areas that extend beyond the limit of the territorial sea throughout the natural prolongation of the land territory of Seychelles: (a) To the outer edge of the continental margin; or (b) To a distance of two hundred nautical miles from the baseline where the outer edge of the continental margin does not extend up to that distance.  
(2) For the purposes of subsection (1), wherever the continental margin extends beyond 200 nautical miles from the nearest point on the baselines, the outer limits of the continental shelf shall be established and delineated with due regard to the requirements and limitations of international law.  
(3) For the purposes of this section, the continental margin comprises the submerged prolongation of the land mass of Seychelles consisting of the seabed and subsoil of the shelf, the slope and the rise, but does not include the deep ocean floor with its oceanic ridges or the subsoil thereof.
74. SIERRA LEONE (The Maritime Zones (Establishment) Decree 1996): Article 11(1): The continental shelf of Sierra Leone comprises the seabed and subsoil of the submarine areas that extend beyond the territorial sea throughout the natural prolongation of its land territory to a distance of two hundred nautical miles from the baseline from which the breadth of territorial sea is measured.
75. SLOVENIA (Ecological Protection Zone and Continental Shelf Act 2005): Article 2(3): The continental shelf of the Republic of Slovenia shall comprise seabed and subsoil in underwater areas, extending beyond the territorial sea of the Republic of Slovenia to the borders in compliance with international law [as which Art 1 mentions 'particularly' the UNCLOS and bilateral agreements of Slovenia on CS delimitation].
76. SOLOMON ISLANDS (The Delimitation of Marine Waters Act 1978): Article 7: All areas of seabed and the subsoil thereof contained within the exclusive economic zone of Solomon Islands are deemed to form part of the continental shelf of Solomon Islands for the purposes of the Continental Shelf Act, 1970, and to be subject to the provisions of that Act as if they were areas designated under the provisions of subsection (3) of section 3 of that Act. [NB: I could not find the 1970 Act online].
77. SOUTH AFRICA (Maritime Zones Act, No 15 of 1994): Article 8(1): The continental shelf as defined in article 76 of the United Nations Convention on the Law of the Sea,



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1982, adopted at Montego Bay on 10 December 1982, shall be the continental shelf of the Republic.

78. SRI LANKA (Maritime Zones Law No 21 of 1 Sep 1976): Article 6(1): The continental shelf of Sri Lanka shall comprise: (a) the sea-bed and sub-soil of the submarine areas that extend beyond the territorial sea of Sri Lanka throughout the natural prolongation of the land territory of Sri Lanka to the outer edge of the continental margin or to a distance of two hundred nautical miles from the base-line from which the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance; and [(b) the same for islands, rocks, or groups thereof].
79. SUDAN (Territorial Waters and Continental Shelf Act 1970): Article 2(k): "Continental Shelf" means the seabed and subsoil of the submarine areas but outside the territorial waters of the Democratic Republic of the Sudan, to a depth of two hundred 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.
80. SWEDEN (Act No 314 of 3 June 1966): Article 1: For the purpose of this Act the term "continental shelf" shall mean the sea-bed and its subsoil within Swedish public waters and within such an area of the sea outside the territorial limits as the Government may determine in accordance with the Convention on the Continental Shelf signed at Geneva on 29 April 1958.
81. \*\*SYRIAN ARAB REPUBLIC (Law No 28 of 2003): Article 26: The continental shelf comprises the natural prolongation of Syrian maritime territory beneath the surface of the sea to the outer edge of the continental margin.
82. THAILAND: 1973 Royal Proclamation of the Continental Shelf not available in English. NB: <http://www.jag.navy.mil/organization/documents/mcrm/thailand.pdf> also contains no info on limits.
83. \*\*TIMOR-LESTE (Law No 7 of 2002-Maritime Boundaries): Article 8: The outer limit of the continental shelf of Timor-Leste shall be defined by a line in which each of the points is situated at a distance of two hundred nautical miles from the nearest point of the baseline or by the outer edge of the continental margin, in case the



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continental margin is located at a distance exceeding two hundred nautical miles from the baseline.

84. TRINIDAD & TOBAGO (Continental Shelf 1969 as amended 1986): Article 2: ... "Continental Shelf" means the seabed and subsoil of the submarine areas of Trinidad and Tobago that extend beyond its territorial throughout the natural prolongation of its land territory to the outer edge of its Continental Margin, or to a distance of two hundred nm from the baselines from which the breadth of the territorial sea of Trinidad and Tobago is measured where the outer edge of the Continental Margin does not extend up to that distance. "Continental Margin" means the submerged prolongation of the land mass of Trinidad and Tobago consisting of the seabed and subsoil, the slope and the rise of the Continental Shelf determined in accordance with the provision of the 1982 United Nations Convention on the Law of the Sea.
85. \*\*UNITED ARAB EMIRATES (Federal Law No 19 of 1993 in respect of the delimitation of the maritime zones of the UAE): Article 17: Subject to articles 23/2 [on agreement with other states/median line] and 24 [on publication of official charts] of this Law, the continental shelf of the State comprises the seabed and subsoil of the submarine areas extending beyond its territorial sea and considered a 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.
86. URUGUAY (Act 17.033 of 20 Nov 1998): Article 10: The continental shelf of Uruguay 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.  
The executive authority shall, through a special commission, chaired by a representative of the Ministry of Foreign Affairs and composed of representatives of the competent organizations, arrange for and coordinate the actions necessary to establish the outer edge of the continental shelf of Uruguay, in accordance with the provisions of article 76 of the [UN] Convention [on the Law of the Sea].
87. VANUATU (Maritime Zones Act No 6 of 2010): Article 11: (1) The continental shelf of Vanuatu comprises of the sea-bed and subsoil of the submarine areas that extend:  
(e) beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin; or



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(f) 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;

(2) If the continental margin referred to in section (1) extends beyond 200 nautical miles from the nearest point of the baselines from which the breadth of the territorial sea is measured, the outer limits of the continental shelf is to be established in accordance with Article 76 of the [UN] Convention [on the Law of the Sea].

88. \*\*VENEZUELA (Act of 27 July 1956): Article 4: The Republic of Venezuela shall own and have sovereignty over the sea-bed and subsoil of the submarine shelf adjacent to the territory of the Republic of Venezuela outside the area of the territorial sea, to a depth of 200 metres or, beyond that limit to where the depth of the waters admits of the exploitation of the resources of the sea-bed and subsoil in accordance with technical progress in exploration and exploitation. Channels, depressions or irregularities in the sea-bed of the continental shelf shall not constitute a break in the continuity of that shelf, and banks which by position or natural conditions are related to the continental shelf shall be comprised therein.

The continental shelf of the Republic of Venezuela shall include the continental shelf, as just defined, of the islands of the Republic.

89. VIETNAM (Statement on the TS, the CZ, the EEZ and the CS of 12 May 1977): Article 4: The continental shelf of the Socialist Republic of Vietnam comprises the seabed and subsoil of the submarine areas that extend beyond the Vietnamese territorial sea throughout the natural prolongation of the Vietnamese land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baseline used to measure the breadth of the Vietnamese territorial sea where the outer edge of the continental margin does not extend up to that distance.

90. YEMEN (Act No 45 of 1977): Article 2: ... Continental Shelf - The sea-bed and subsoil thereof extending beyond the territorial sea throughout the natural prolongation of the Republic's land territory to the outer limit 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 to that distance; ...