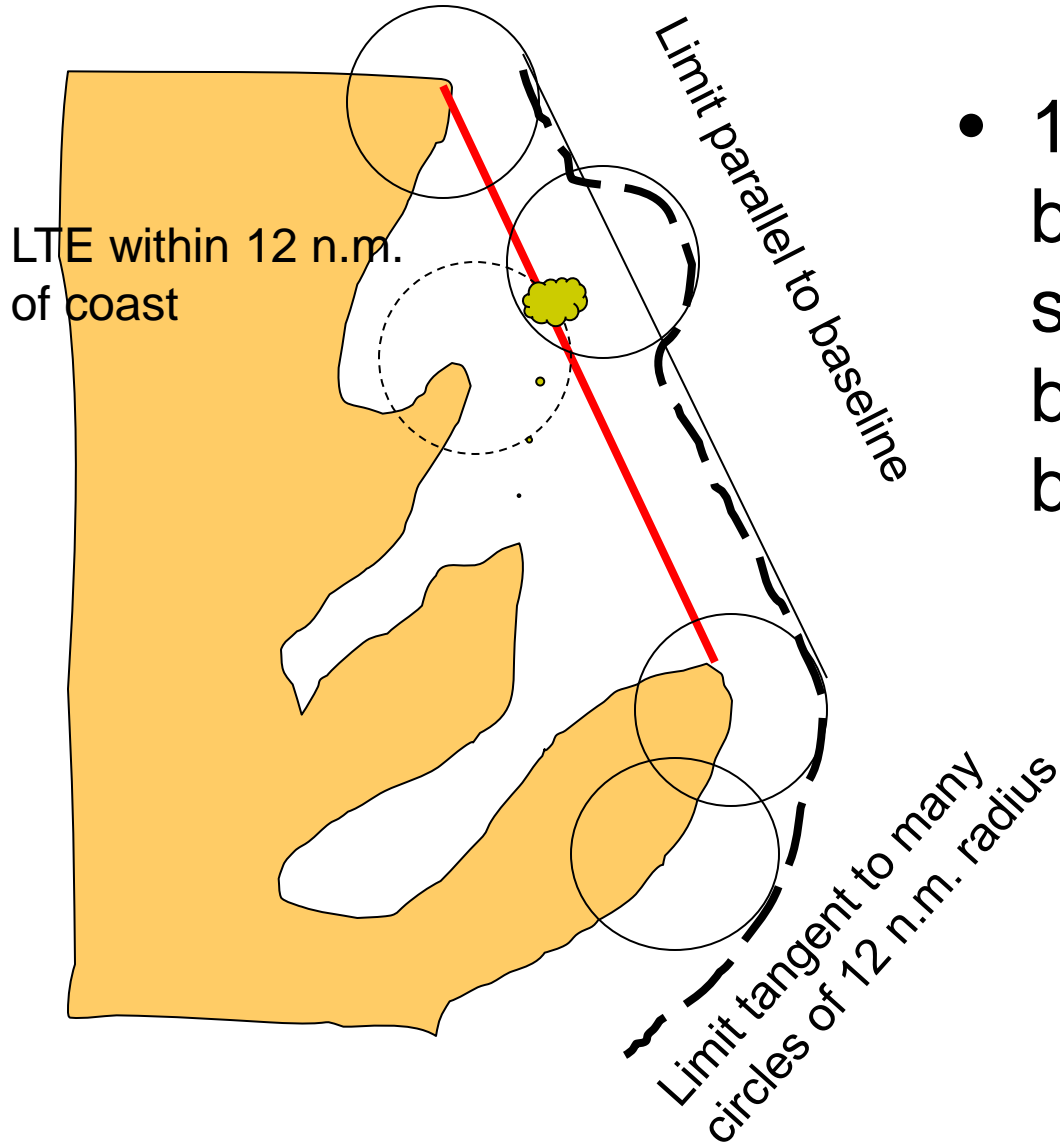


# Offshore Property Rights Course

Session 5

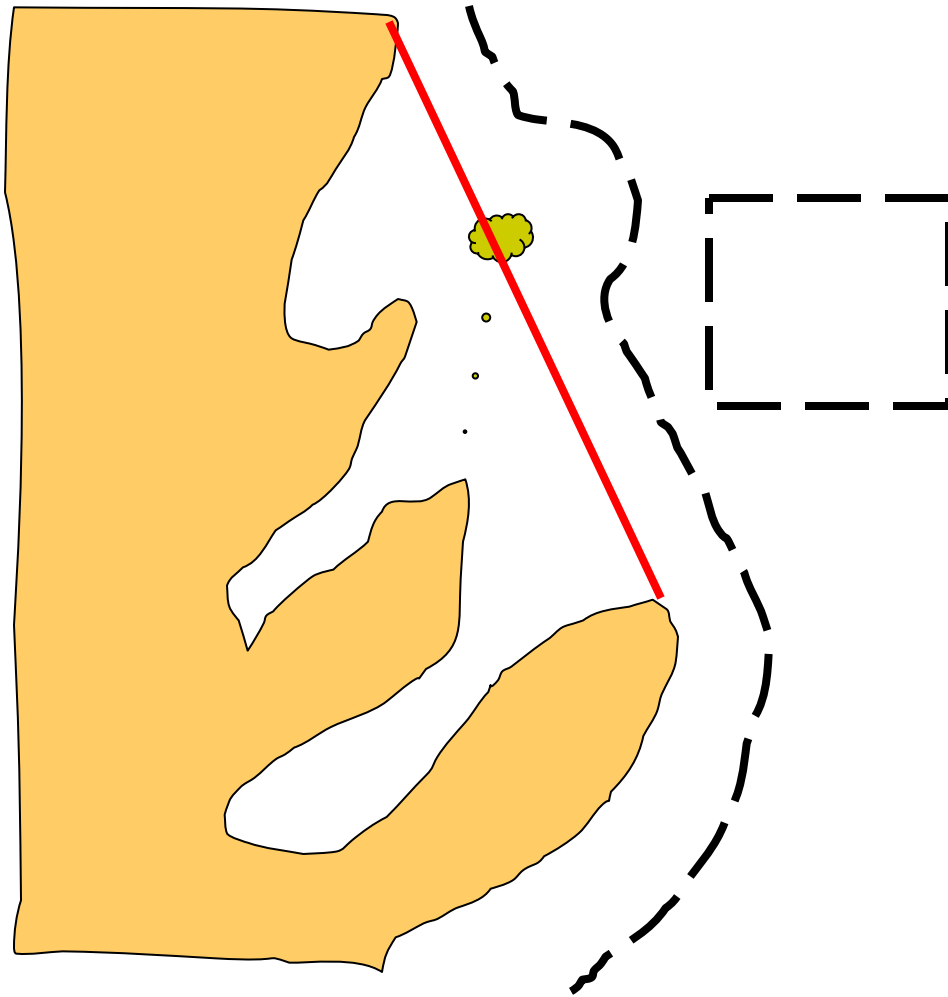
Jurisdictional Limits

# Territorial Sea



- 12 n.m. from baselines (either straight, or normal, or best combination of both)

# Roadsteads



- State can define area as part of TS for loading, unloading & anchoring
- E.g., English Bay off Vancouver (which is part of Strait of Georgia)

# Contiguous Zone

- Inner limit = outer limit of Territorial Sea
- Outer limit = 24 n.m. from Territorial Sea baselines

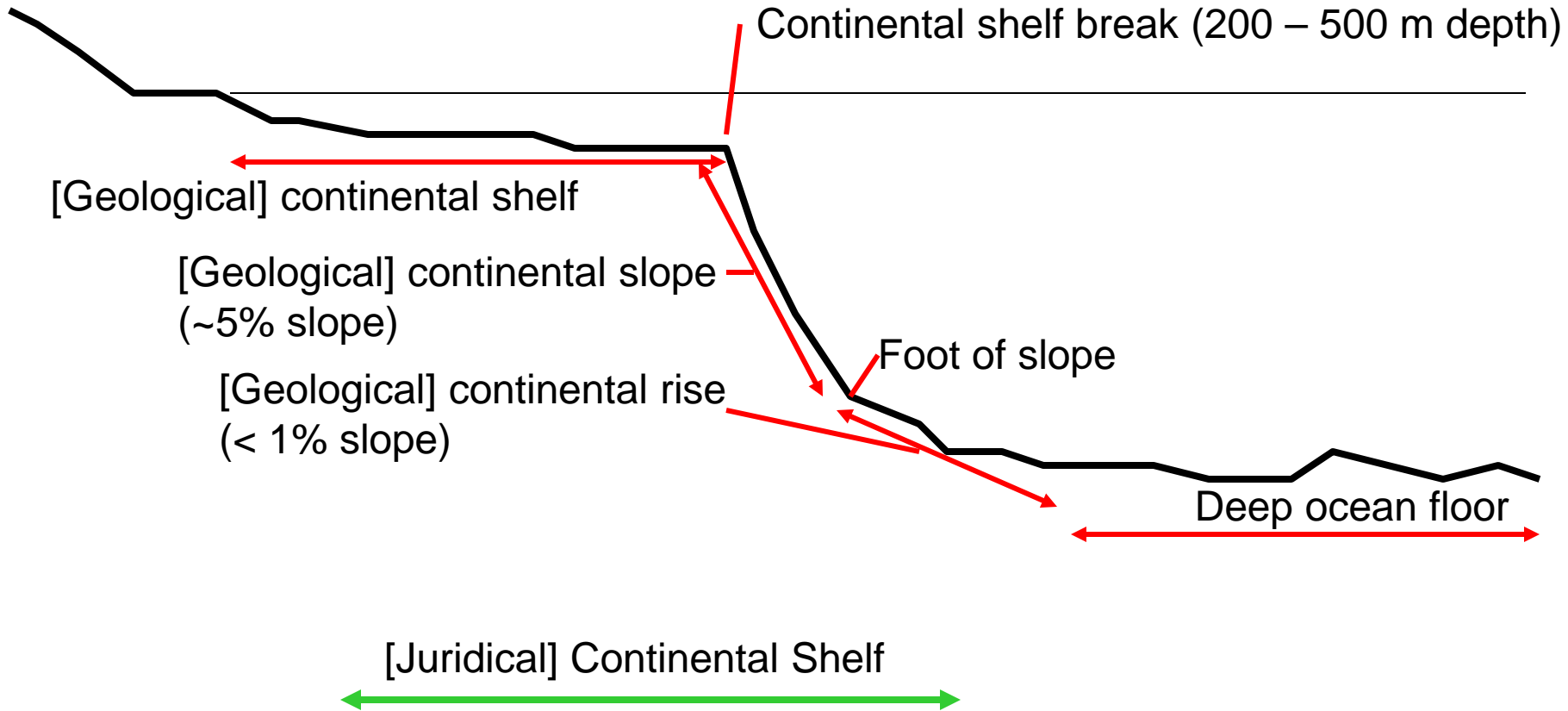
# Exclusive Economic Zone

- Inner limit = outer limit of Territorial Sea
- Outer limit = 200 n.m. from baseline of the territorial sea [UNCLOS Article 57]
- **HOWEVER**  
Rocks that cannot sustain human habitation or economic life of their own shall have no EEZ or Continental Shelf [UNCLOS Article 121.3]

# DFAIT view of Article 121.3

- Rocks are an integral part of coast
- Fishing activity (salmon or cod) occurred (occurs) AT the coast
- Sable Island – used to be settled & farmed
- Funk Island – cod fishing, egg collecting
- Avis Island (Venezuela), various Colombian cays off Nicaragua – military posts only

# Idealized Continental Shelf



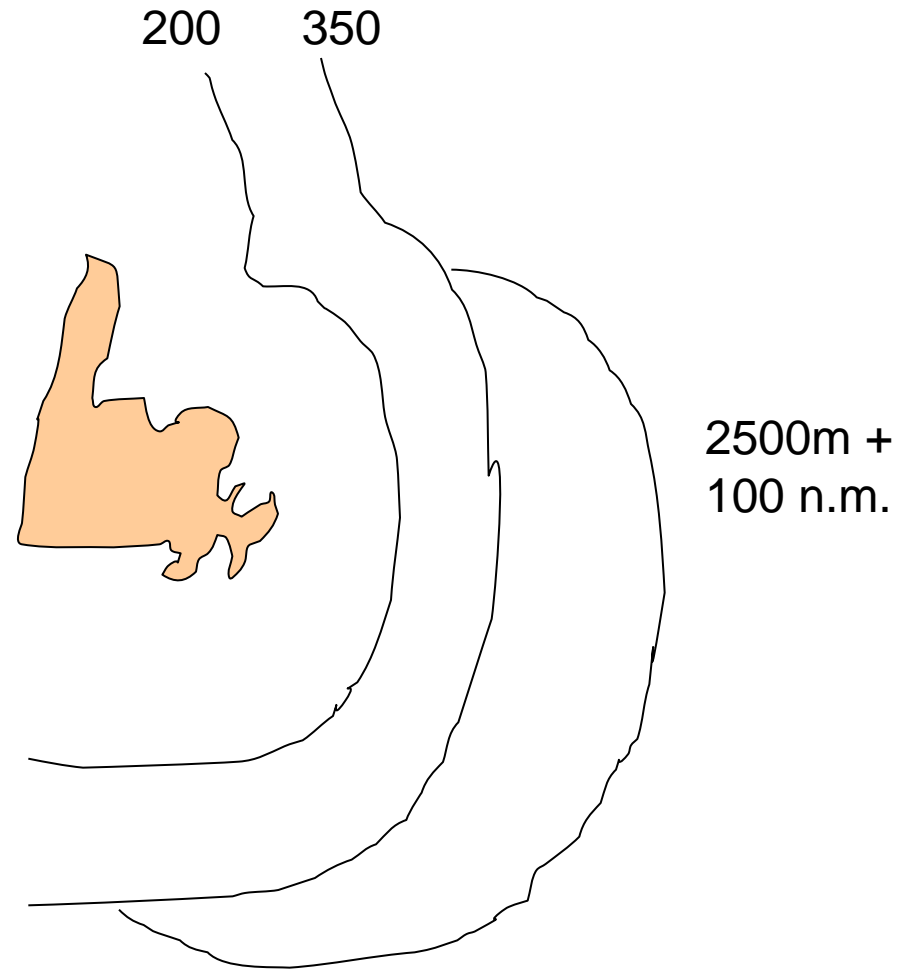
# Continental Shelf

- State has rights to natural prolongation of its land territory *ipso facto* & *ab initio* by virtue of its sovereignty over the land.  
[North Sea cases, 1969]
- Inner limit = outer limit of Territorial Sea
- Minimum outer limit = 200 n.m. from TS baselines
- Beyond 200 n.m. – 4 factors



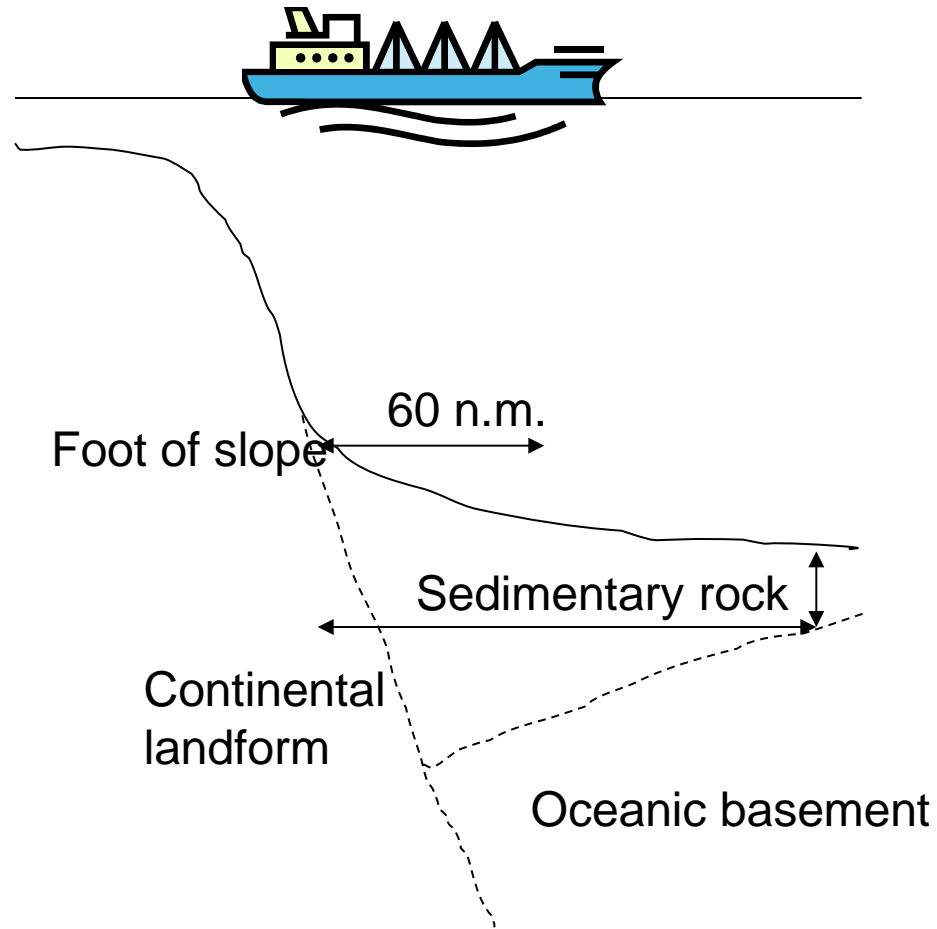
# Outer Bound or Constraint

- The GREATER of:
- 350 n.m. from Territorial Sea baselines
- 100 n.m. from the 2500 metre isobath (depth contour)



# Continental shelf

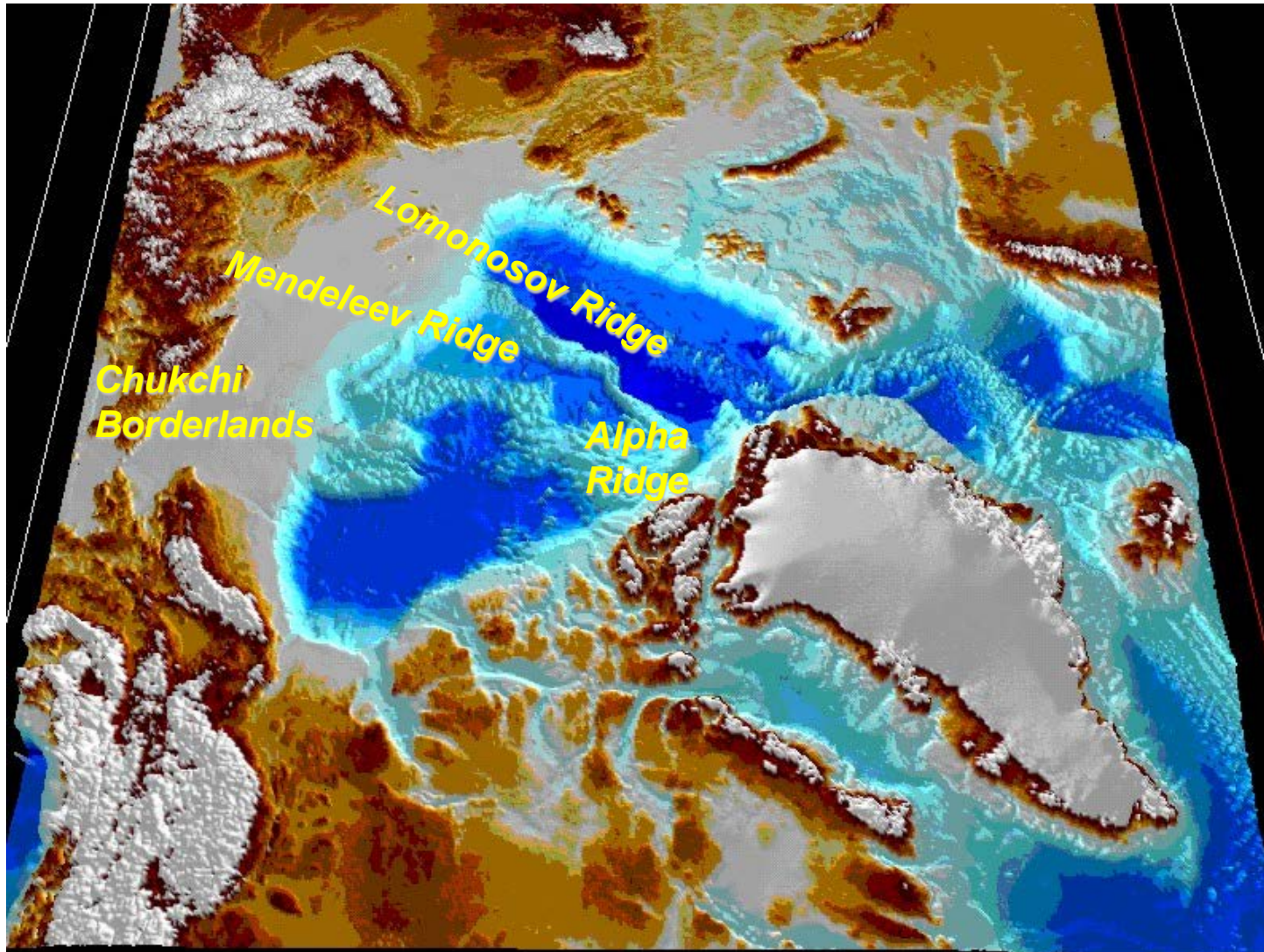
- GREATER OF
- Actual limit defined by 60 miles from foot of slope, or
- A distance from the foot of slope where sedimentary rock thickness is 1% of that distance



# Minor exception #1

- On submarine ridges that are NOT part of continental margin (i.e., mid-ocean ridges), then outer constraint is only the 350 n.m. from TS baselines.
- Stops Iceland claiming all of the centre of the Atlantic Ocean
- May affect claims in the Arctic Ocean

# Arctic Basin



# Minor Exception #2

- “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.” [UNCLOS 76.4(b)]
- Evidence?: gravity, magnetic, rock coring
- Australia & New Zealand have used this clause where one geologic plate sub-ducts under another.

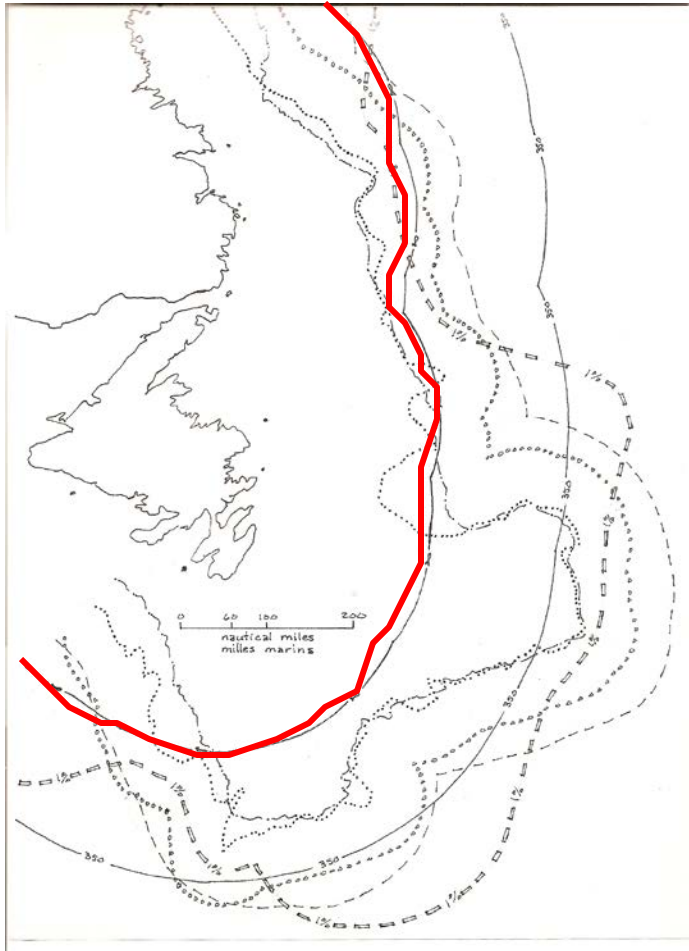
# Minor Exception #3

- Bay of Bengal Clause [UNCLOS Final Act, Annex II]
- If 200 m. isobath < 20 n.m. offshore, AND
- If thickness of sedimentary rock at outer edge of CS by Article 76 > 3.5 km
- THEN State may claim outer limit of CS at location where sedimentary rock thickness is 1 km.
- Was thought possible for BC & Alaska

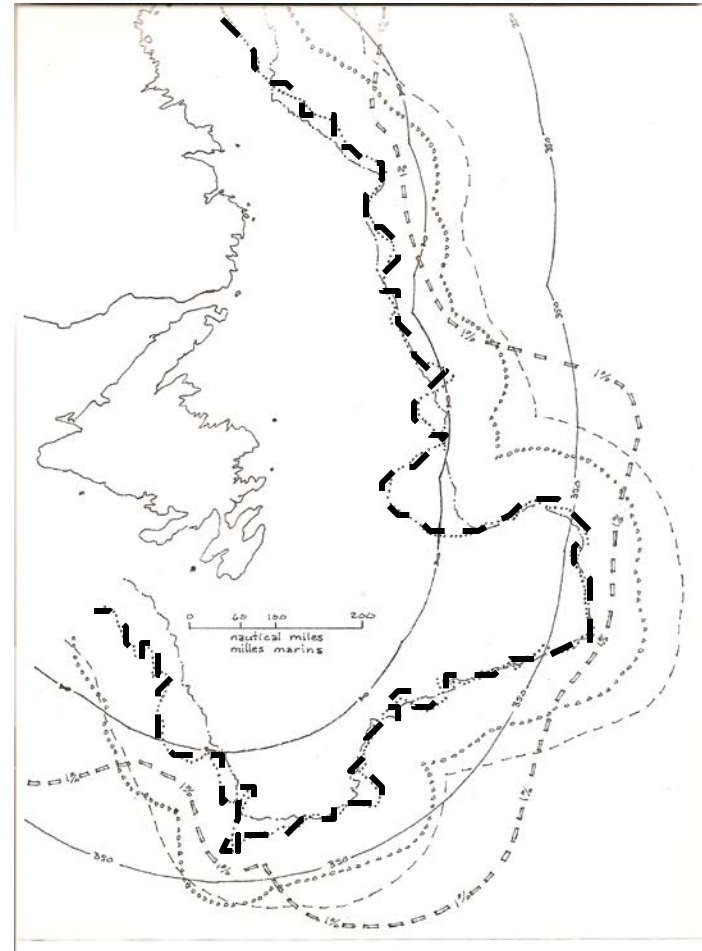
# Cont'l Shelf Outer Limit

- Where the shelf extends beyond 200 n.m. from the baselines
- By straight lines not exceeding 60 n.m. in length, connecting points defined by latitude & longitude
- States have often used 1 n.m. segments when going around a convex outer limit.

200 n.m. limit



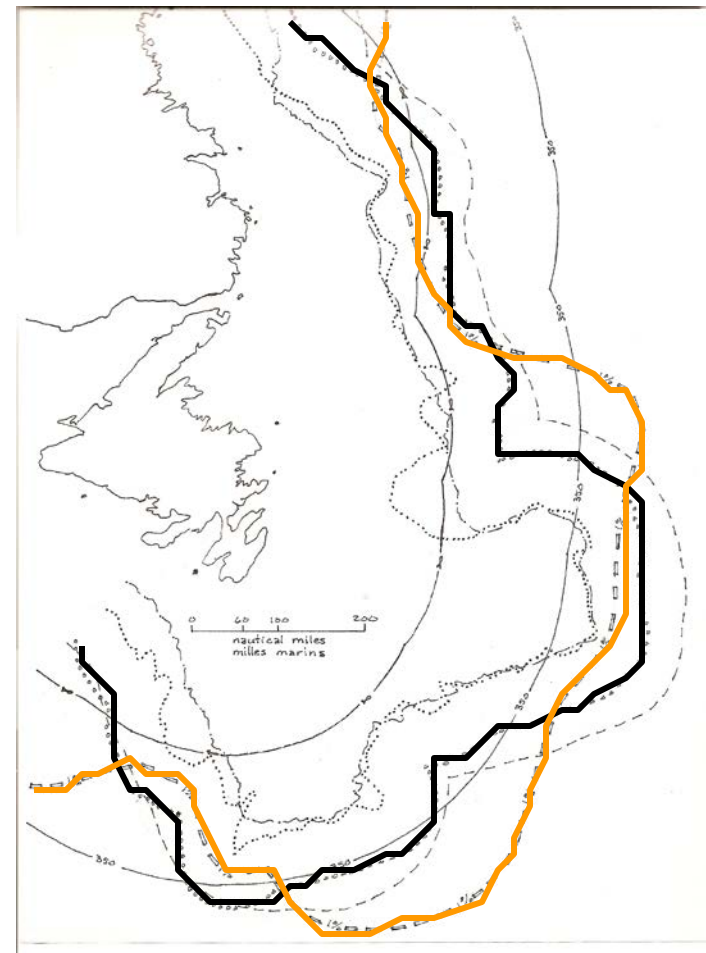
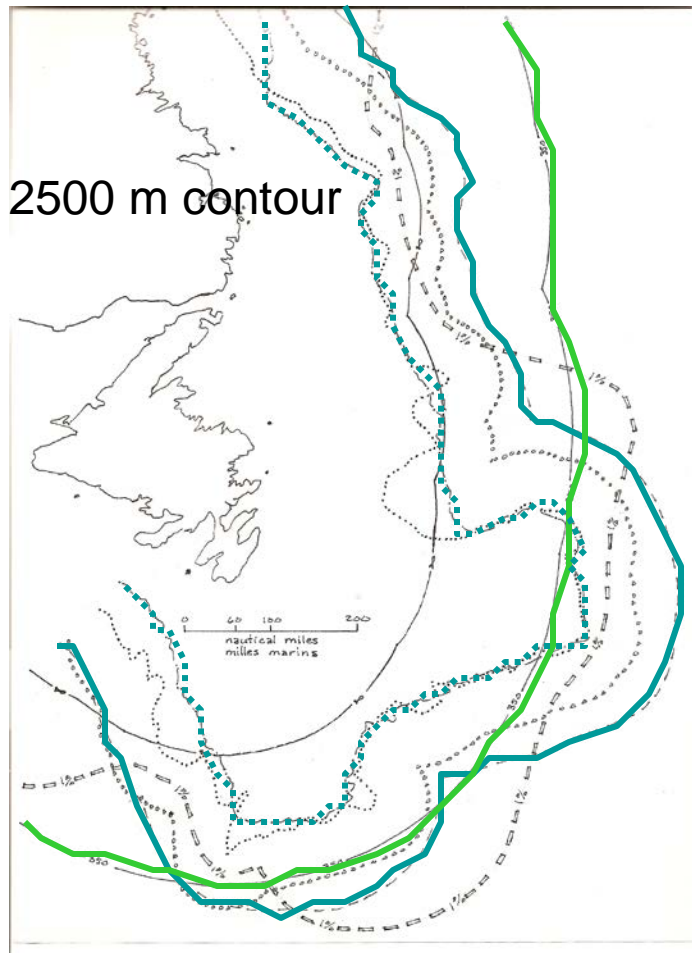
foot of slope



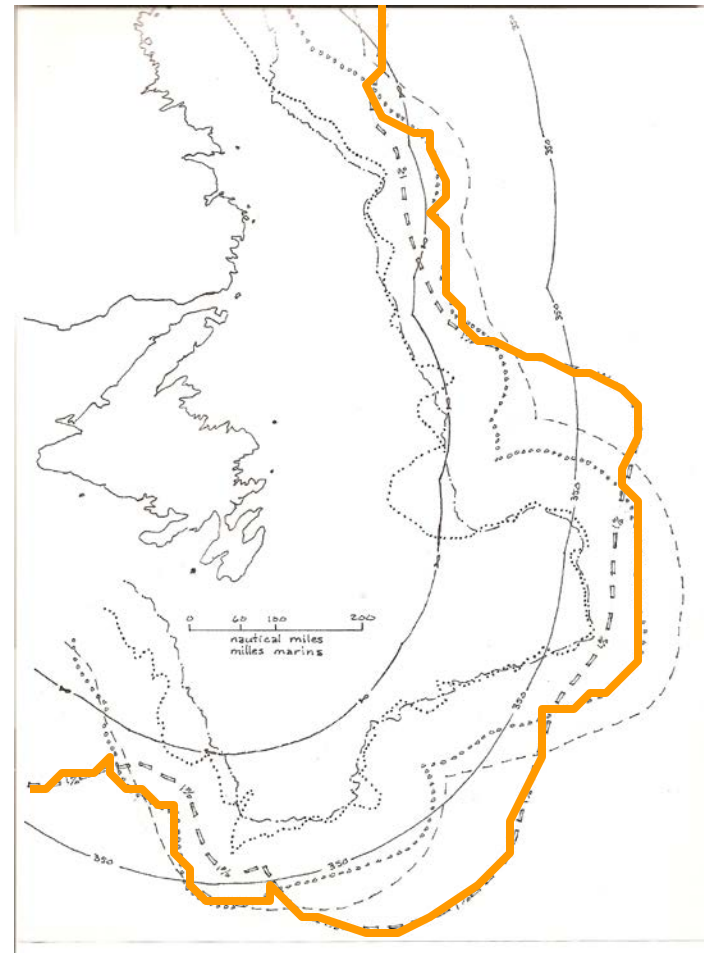
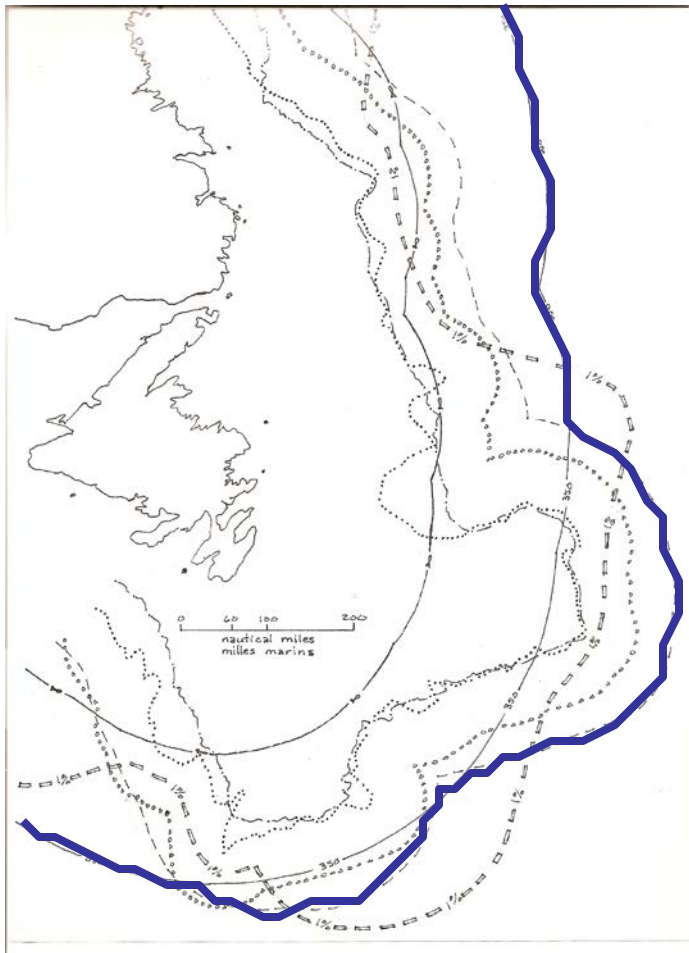


350 vs 2500 + 100

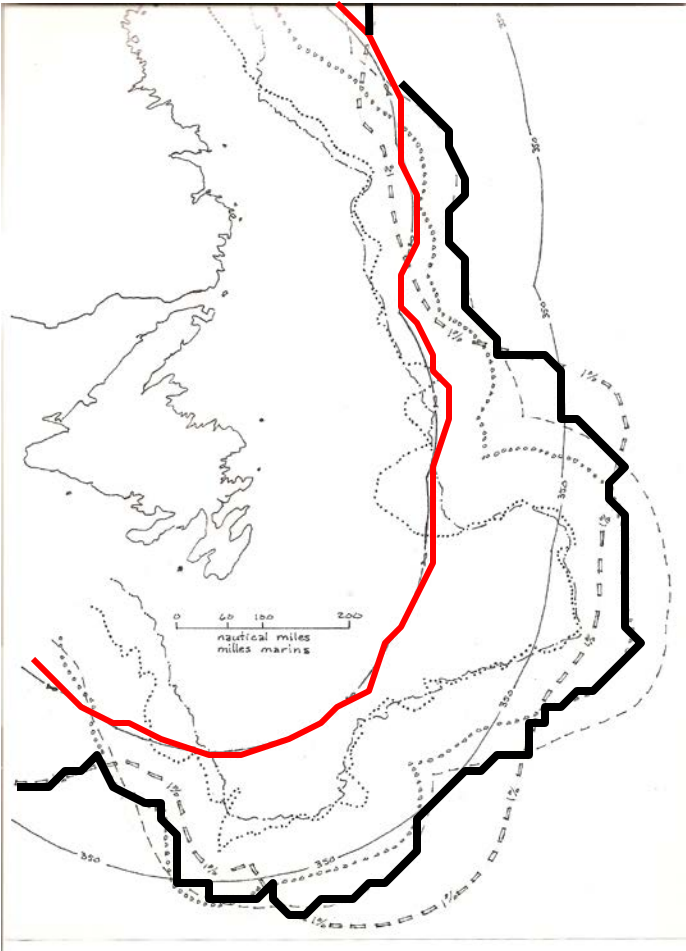
60 vs 1%



Want the **brown line** where it does not exceed the **blue line**.



# Final outer limit of Cont'l Shelf



- Finally!
- Make a list of Lat & Long for points not more than 60 n.m. apart along outer limit when the outer limit is beyond 200 n.m.

# Commission on the Limits of the Cont'l Shelf

- UNCLOS Annex II
- 21 experts in geology, geophysics, hydrography elected by State Parties
- State makes submission within 10 years [for Canada by Dec. 6, 2013]
- CLCS forms 7-person sub-committee to review technical data
- CLCS makes recommendations
- State then establishes limit in conformity with recommendations

# Archipelagic States

- Meant ONLY for states that are SOLELY islands (Indonesia, Philippines, Fiji, Bahamas, Trinidad & Tobago, Jamaica)
- Therefore, NOT Canadian Arctic
- Not in 1958 Convention
- UNCLOS Articles 46-54

- Ratio of areas  
Water : Land  
1 : 1 to 9 : 1
- (Water area inside an  
atoll is part of the land)
- Archipelagic baselines < 100 n.m.  
Except 3% of them can  
be up to 125 n.m.
- General configuration of  
archipelago

