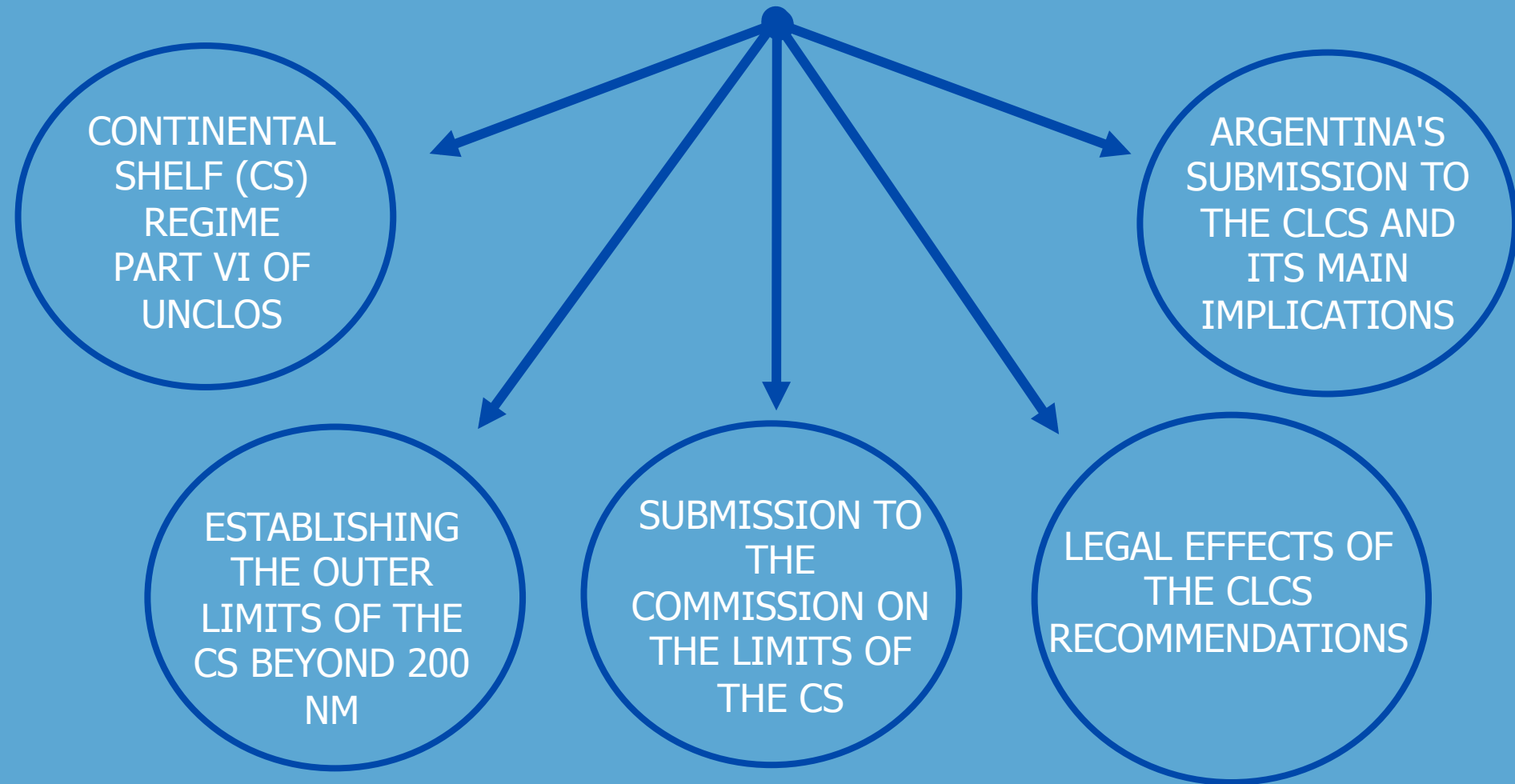


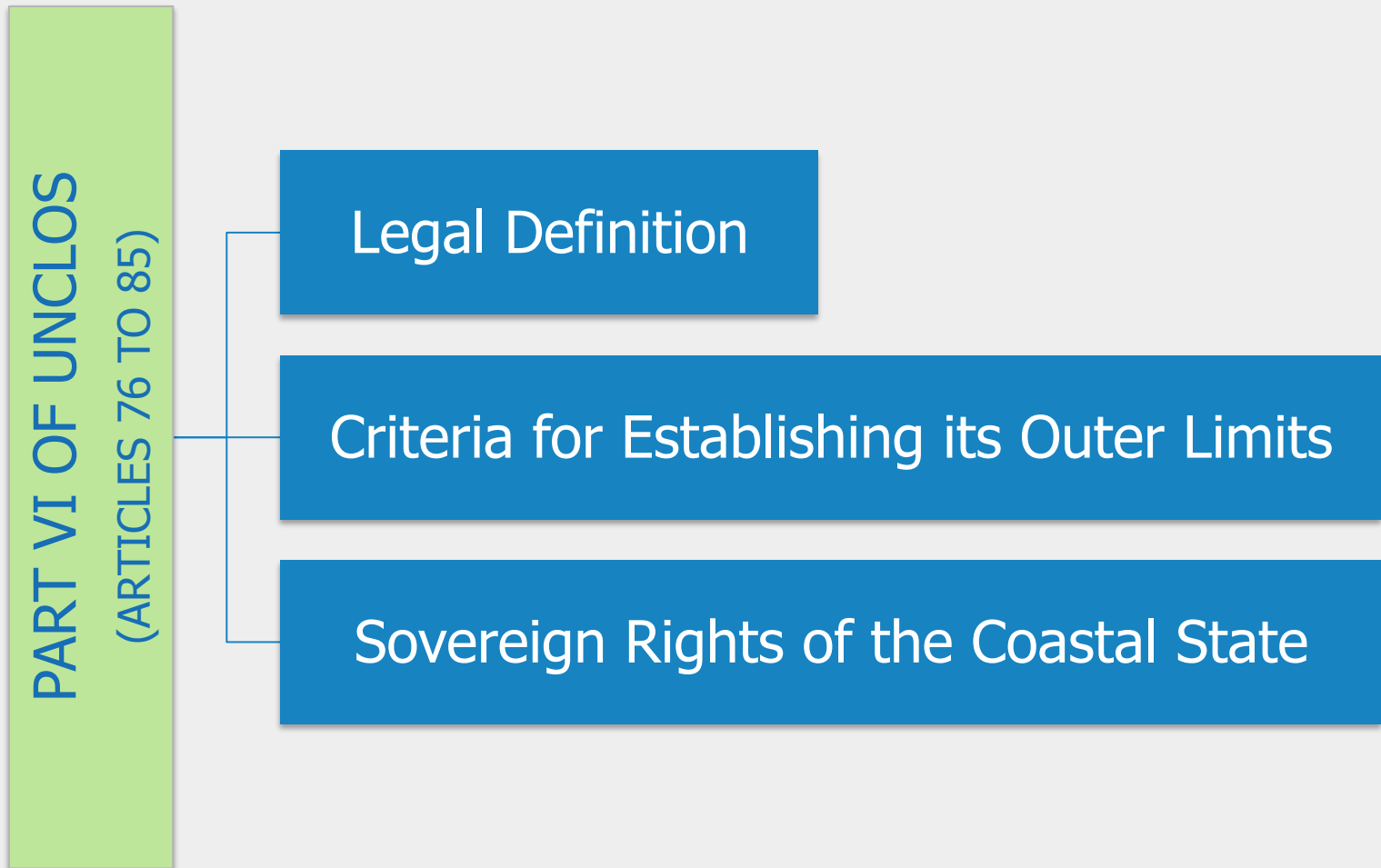


ARGENTINA'S CLAIM TO AN OUTER  
CONTINENTAL SHELF  
AN ANALYSIS OF ITS ENTITLEMENT AND THE  
RELEVANT LEGAL REGIME

# ARGENTINA'S CLAIM TO AN OUTER CONTINENTAL SHELF



# LEGAL REGIME GOVERNING THE CONTINENTAL SHELF



# LEGAL REGIME GOVERNING THE CONTINENTAL SHELF

## LEGAL DEFINITION

Seabed and subsoil of the submarine areas that extend

- ☐ beyond the territorial sea to the outer edge of the continental margin

or

- ☐ to a distance of 200 NM where the outer edge of the continental margin does not extend up to that distance

## CRITERIA FOR ESTABLISHING ITS OUTER LIMITS

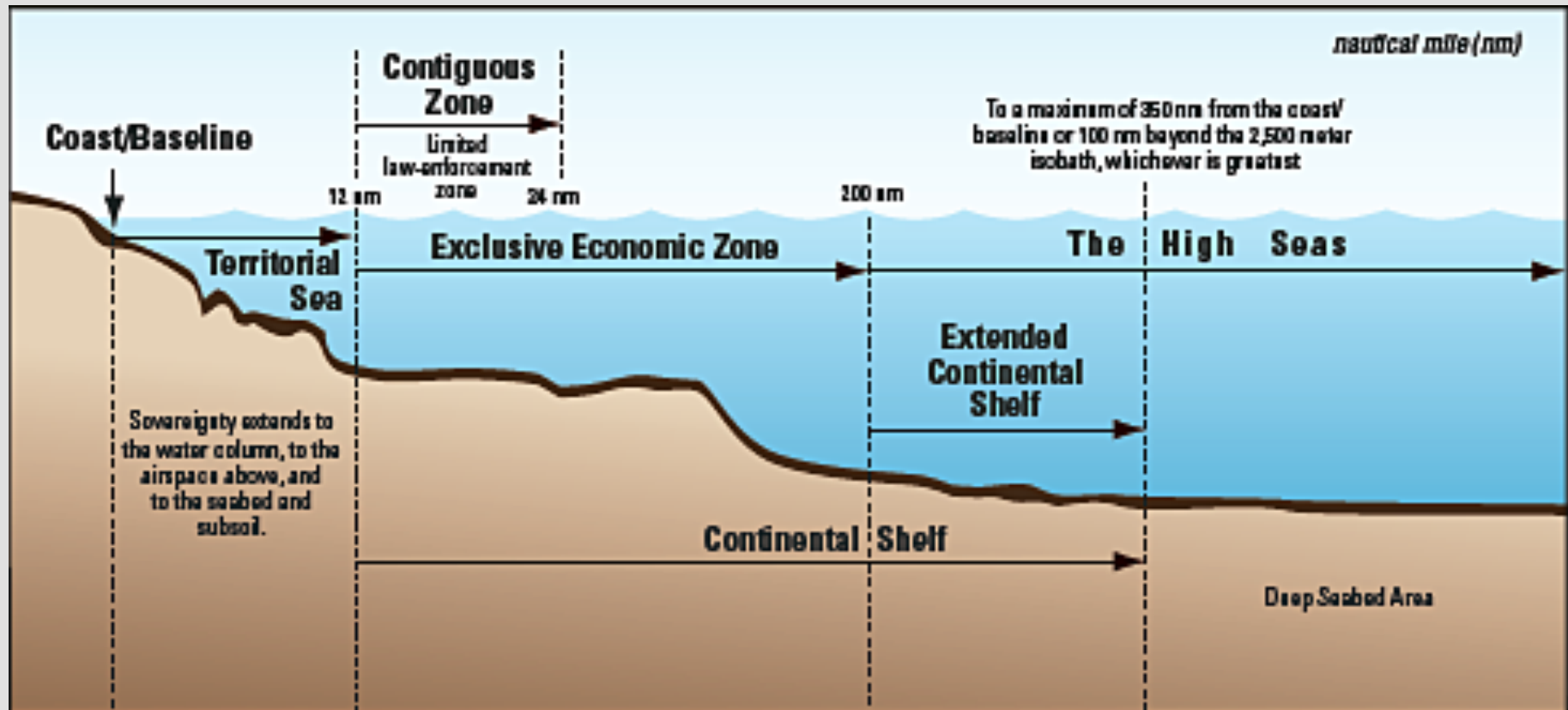
- ☐ **Geological Criterion**

- ☐ **Distance Criterion**

## SOVEREIGN RIGHTS OF THE COASTAL STATE

- ☐ Exclusive
- ☐ Do not depend on occupation or express proclamation
- ☐ Purpose:
  - exploring the CS
  - exploiting its natural resources (mineral, other non-living resources and living organisms belonging to sedentary species)

# CRITERIA FOR ESTABLISHING THE OUTER LIMITS OF THE CS



# ESTABLISHING THE OUTER LIMITS OF THE CS BEYOND 200 NM

Wherever the outer edge of the continental margin extends beyond 200 NM



The outer limit shall be determined on the basis of two formulas

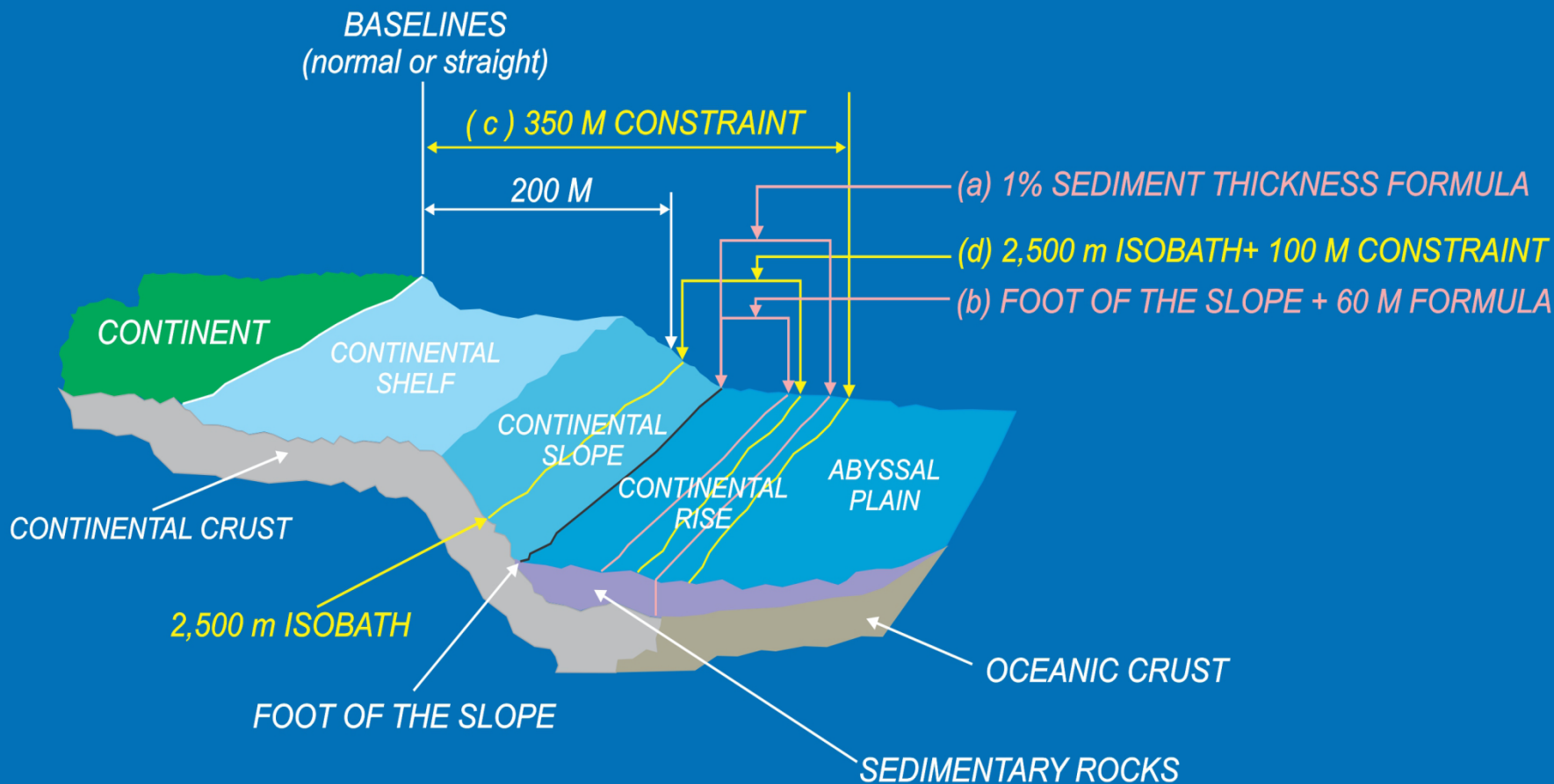
*Sediment Thickness Formula*

*Distance Formula*

Both or most convenient



However, the outer limits of the CS shall not exceed 350 NM



### Formulae (Art. 76 (4) a)

- Outermost fixed points at each of which the thickness of sedimentary rocks is at least 1 per cent of the shortest distance from such point to the foot of the continental slope, or
- Fixed points not more than 60 nautical miles from the foot of the continental slope.

### Constraints (Art. 76 (5))

The fixed points comprising the outer limit of the continental shelf, drawn in accordance with the preceding paragraph, shall not exceed:

- 350 nautical miles or
- 100 nautical miles from the 2,500 meter isobath



# COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF (CLCS)

## PURPOSE

Facilitating the implementation of UNCLOS in respect of the establishment of the outer limits of the CS beyond 200 NM

## COMPOSITION

21 experts in the field of geology or hydrography, elected by States Parties to UNCLOS

## FUNCTIONS

- Consider data on the outer limits of the CS beyond 200 NM
- Make recommendations on the establishment of such limits
  - Provide scientific and technical advice, if requested



# SUBMISSION TO THE CLCS

① Delineate the outer limits of the CS pursuant to the criteria set forth in UNCLOS (Art. 76)

② Submit information on such limits to the CLCS

Submission examined by a sub-commission and recommendations submitted to the CLCS

Recommendations approved by the CLCS by two-third of its members present and voting

Recommendations submitted to the coastal States and the UN Secretary-General

③ Establish the outer limits of the CS on the basis of the CLCS recommendations (final and binding)

④ Deposit charts with the UN Secretary-General



FOUR-STEP  
PROCEDURE

# LEGAL EFFECTS OF THE CLCS RECOMMENDATIONS

1

**Legal nature of the superjacent waters above the CS beyond 200 NM**

2

**Revenue sharing system concerning the exploitation of the non-living resources of the CS beyond 200 NM**

3

**Final and binding outer limits to be established on the basis of the CLCS recommendations**

4

**Relationship between the delimitation of maritime boundaries and unresolved land disputes, and the CLCS recommendations**



# ARGENTINA'S SUBMISSION TO THE CLCS

NATIONAL COMMISSION ON THE OUTER LIMITS OF  
THE CONTINENTAL SHELF (COPLA)



## NATIONAL COMMISSION ON THE OUTER LIMITS OF THE CONTINENTAL SHELF

Inter-ministerial  
commission  
established in  
1997 by  
Argentine Law  
No. 24,815

### ESTABLISHMENT

Prepare the  
final  
submission  
aimed at  
delineating  
the outer  
limits of the  
Argentine CS

### PURPOSE

- Carry out studies to identify the features of the Argentine CS
- Submit proposals to establish its outer limits

### FUNCTIONS

Developed  
during 20  
years  
supported by  
skilled  
professionals  
and  
specialized  
State  
agencies

### WORK

# ARGENTINA'S SUBMISSION TO THE CLCS





# ARGENTINA'S SUBMISSION TO THE CLCS

APRIL 2009



FINAL SUBMISSION by COPLA to the CLCS

Article  
76(8)  
UNCLOS



*Information on the limits of the CS beyond 200 NM*

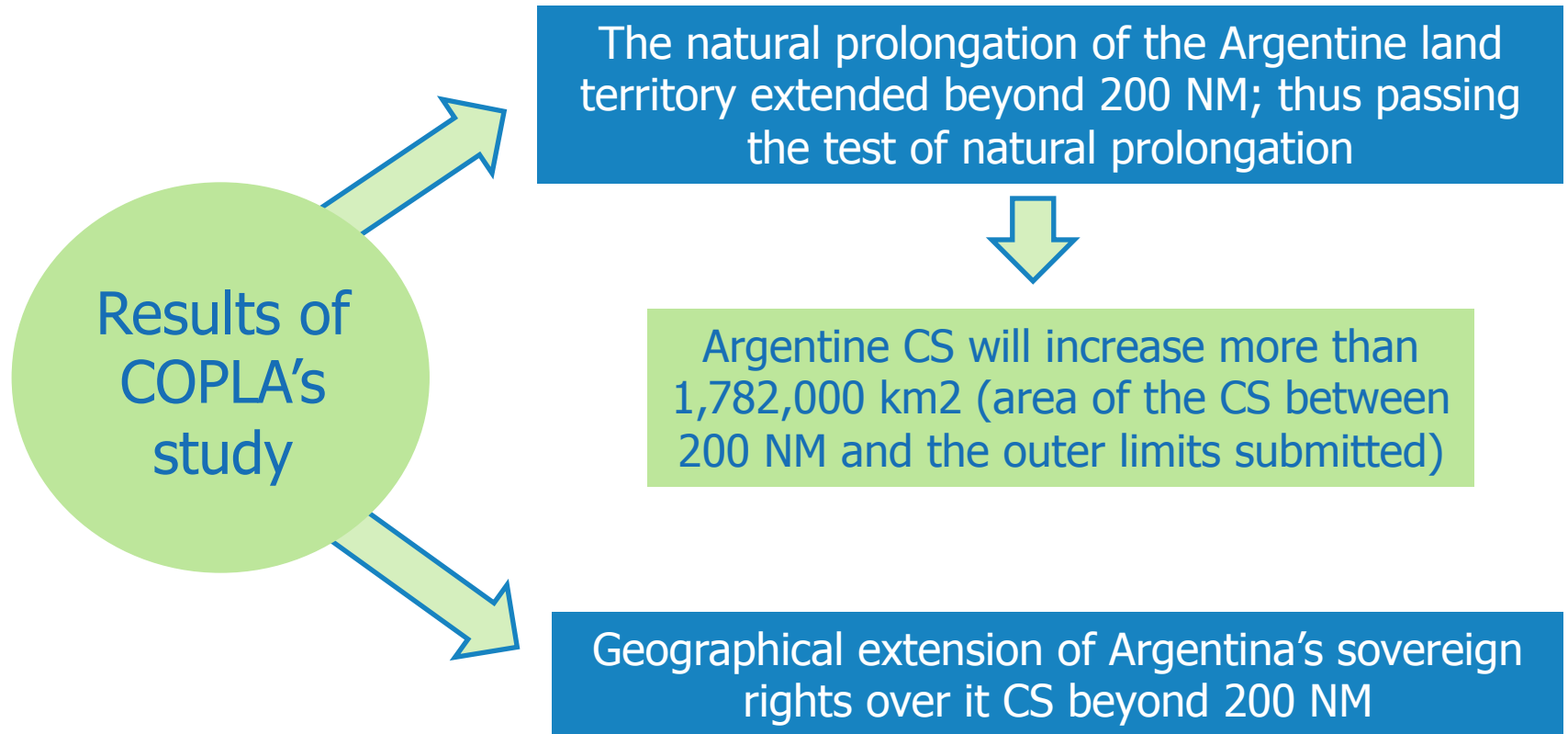
Article  
76(4-10)  
UNCLOS



*COPLA gathered and analyzed geomorphological, geological, geophysical and hydrographic data and after 20 years of work, established the outer limits of the Argentine CS*

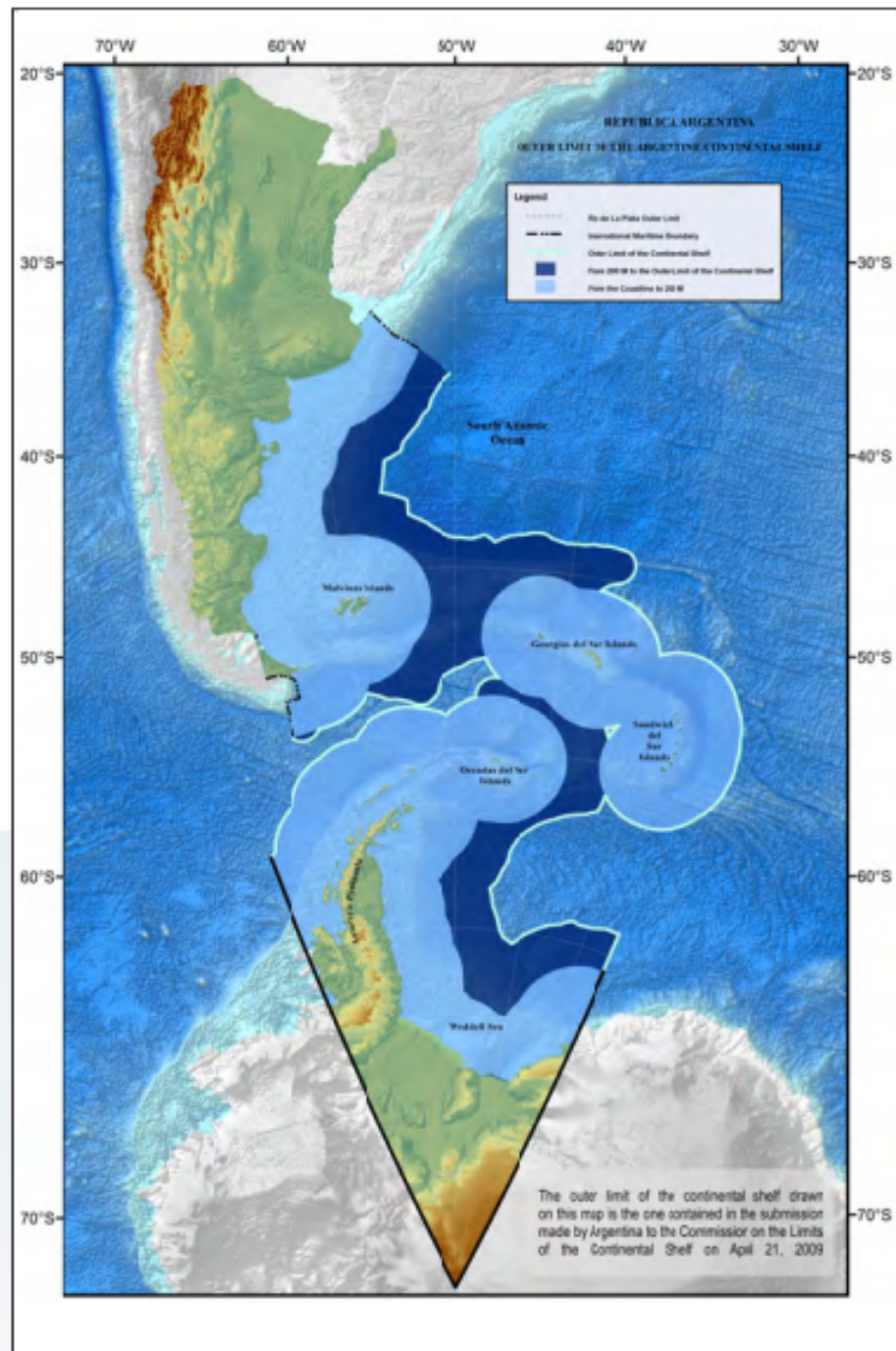


# ARGENTINA'S SUBMISSION TO THE CLCS



Area between the baseline and the 200 NM line

Area between the 200 NM line and the outer limit of the CS





# ARGENTINA'S SUBMISSION TO THE CLCS

Important  
aspects of  
Argentina's  
submission

The limit submitted complies with the provisions of UNCLOS and the Scientific and Technical Guidelines of the CLCS

All available resources were used to identify the most beneficial limit for our country according to the applicable formulae and constraints

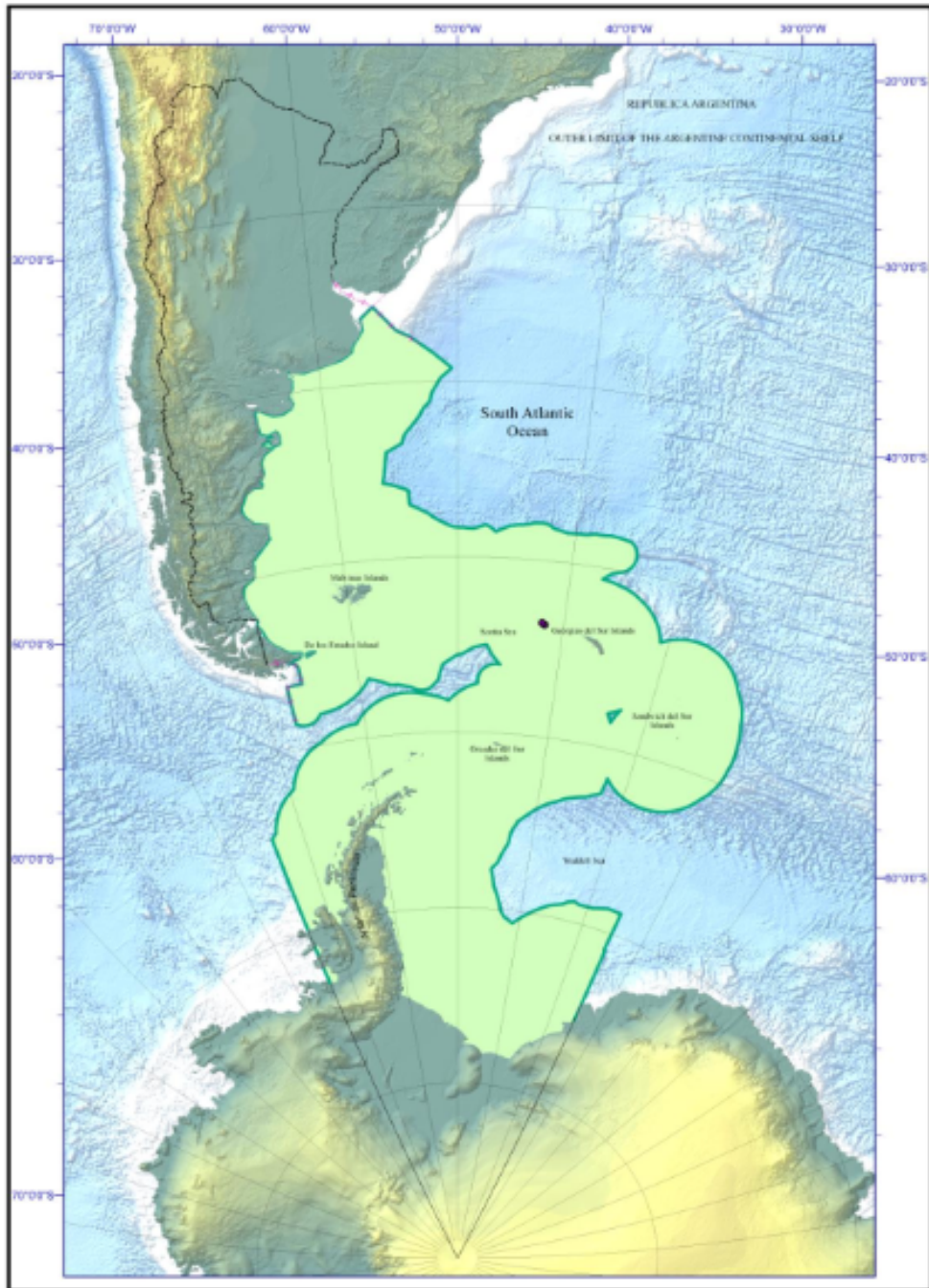
Argentina notified the CLCS that there was an area subject to dispute with the United Kingdom over the Islas Malvinas, Georgias del Sur and Sandwich del Sur

# ARGENTINA'S SUBMISSION TO THE CLCS


Finally, on March 11, 2016 and March 17, 2017, the CLCS approved the Recommendations in regard to the Argentine submission of the outer limit of the CS



Map of the area between  
the baseline and the  
outer limit of the CS



# CONCLUSIONS


- 
- Natural prolongation of the land territory of a coastal State extends beyond 200 NM
  - Coastal State is entitled to determine the outer limit of its CS beyond 200 NM
  - Coastal State shall follow a specific PROCEDURE

# CONCLUSIONS

Coastal State shall submit information on the limits of the continental shelf to the CLCS



CLCS shall make recommendations to the coastal State on the establishment of those limits



CS limits shall:

- a) be final and binding
- b) not impact on issues relating to unresolved maritime or land disputes

# CONCLUSIONS

Argentina's aim was the establishment of the longest limit of its CS

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graph TD; A[Argentina's aim was the establishment of the longest limit of its CS] --> B[COPLA is an inter-ministerial commission in charge of delineating such limits and elaborating the final submission to the CLCS]; B --> C[April 2009 – Argentina's full submission to the CLCS];
```

COPLA is an inter-ministerial commission in charge of delineating such limits and elaborating the final submission to the CLCS

April 2009 – Argentina's full submission to the CLCS

# CONCLUSIONS

2016/2017 - CLCS approved the Recommendations with regard to Argentina's submission

## CONSEQUENCES

GEOGRAPHICAL – Argentine CS increased more than 1,782,000 km<sup>2</sup>

POLITICAL – CLCS acknowledgement of the existence of a dispute related to Malvinas

ECONOMIC - Extension of sovereign rights over the CS beyond 200 NM for the purpose of exploring it and exploiting its natural resources