

# SOU-A specific method for delineating the outer edge of the continental margin in particular regions

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# Disclaimer

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This report only represents the personal viewpoint ,not the national position.

# Contents

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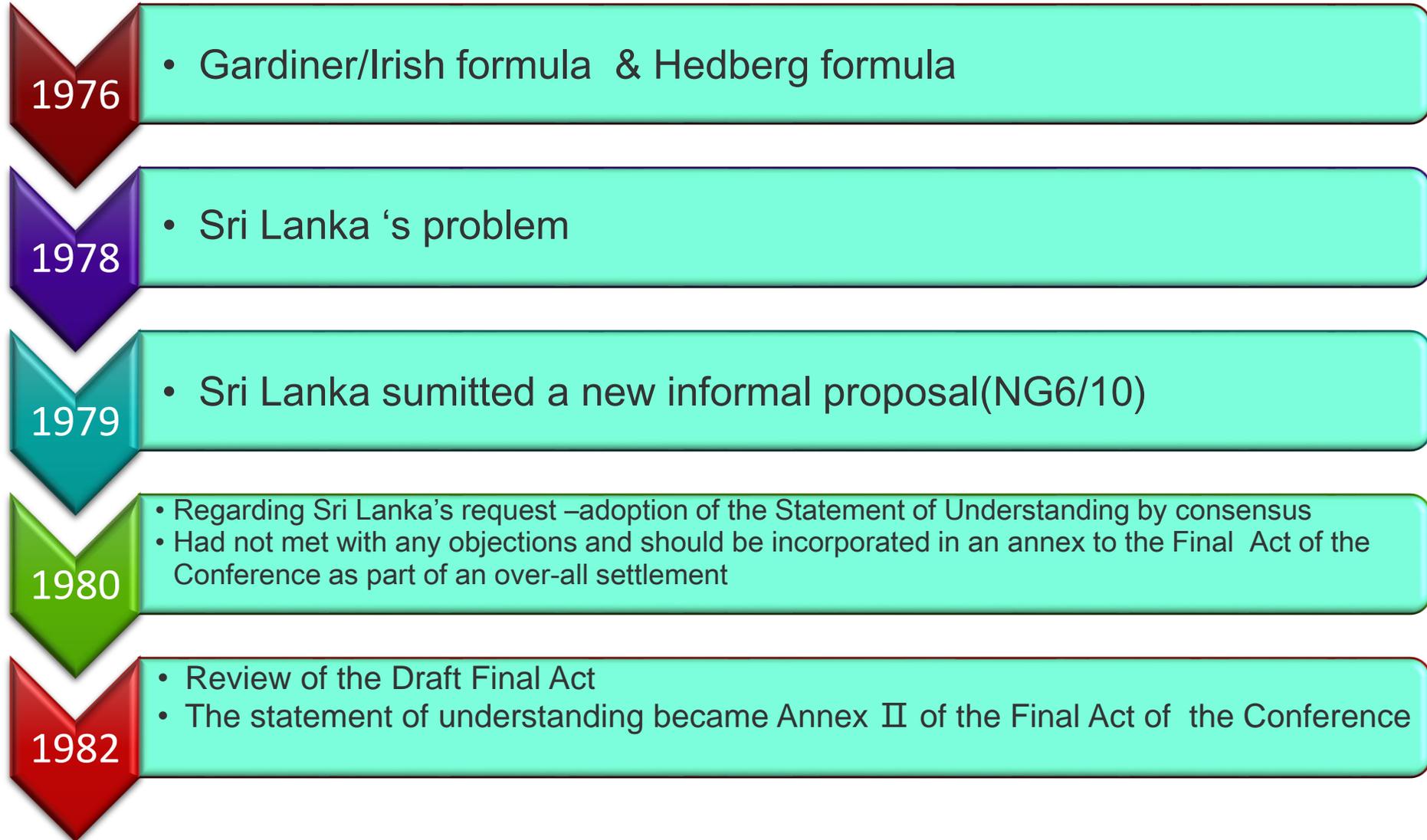


- ★ Source
- ★ Text
- ★ Requirements for application
- ★ Challenges

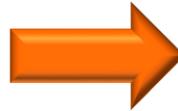
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## UNCLOS III (1973-1982)



Statement of understanding concerning a specific method to be used in establishing the outer edge of the continental margin



**STATEMENT OF UNDERSTANDING CONCERNING A SPECIFIC METHOD TO BE USED IN ESTABLISHING THE OUTER EDGE OF THE CONTINENTAL MARGIN**

*The Third United Nations Conference on the Law of the Sea, Considering the special characteristics of a State's continental margin where: (1) the average distance at which the 200 metre isobath occurs is not more than 20 nautical miles; (2) the greater proportion of the sedimentary rock of the continental margin lies beneath the rise; and*

*Taking into account the inequity that would result to that State from the application to its continental margin of article 76 of the Convention, in that, the mathematical average of the thickness of sedimentary rock along a line established at the maximum distance permissible in accordance with the provisions of paragraph 4(a)(i) and (ii) of that article as representing the entire outer edge of the continental margin would not be less than 3.5 kilometres; and that more than half of the margin would be excluded thereby;*

*Recognizes that such State may, notwithstanding the provisions of article 76, establish the outer edge of its continental margin by straight lines not exceeding 60 nautical miles in length connecting fixed points, defined by latitude and longitude, at each of which the thickness of sedimentary rock is not less than 1 kilometre,*

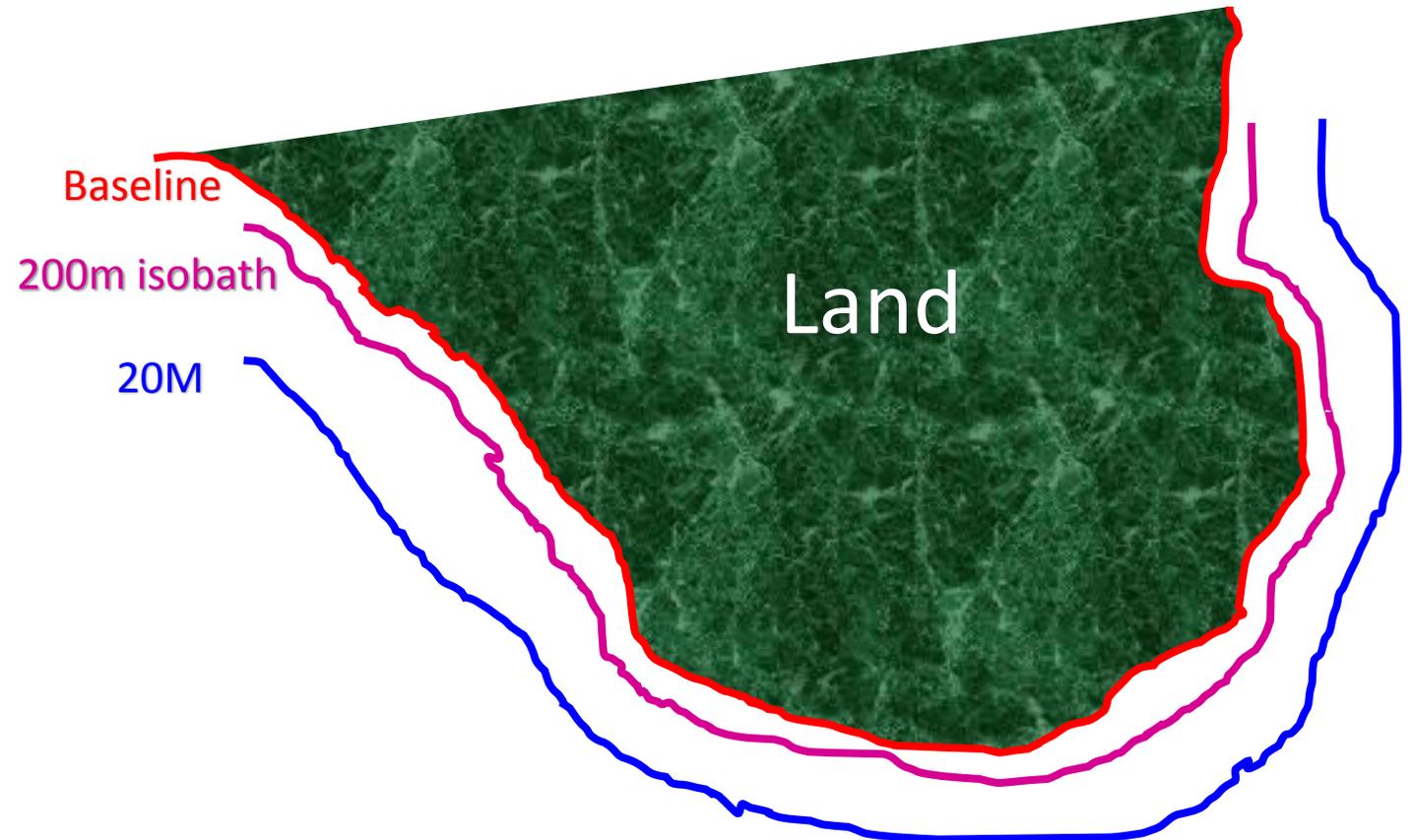
*Where a State establishes the outer edge of its continental margin by applying the method set forth in the preceding paragraph of this statement, this method may also be utilized by a neighbouring State for delineating the outer edge of its continental margin on a common geological feature, where its outer edge would lie on such feature on a line established at the maximum distance permissible in accordance with article 76, paragraph 4(a)(i) and (ii), along which the mathematical average of the thickness of sedimentary rock is not less than 3.5 kilometres,*

*The Conference requests the Commission on the Limits of the Continental Shelf set up pursuant to Annex II of the Convention, to be governed by the terms of this Statement when making its recommendations on matters related to the establishment of the outer edge of the continental margins of these States in the southern part of the Bay of Bengal.*

# Requirements for application

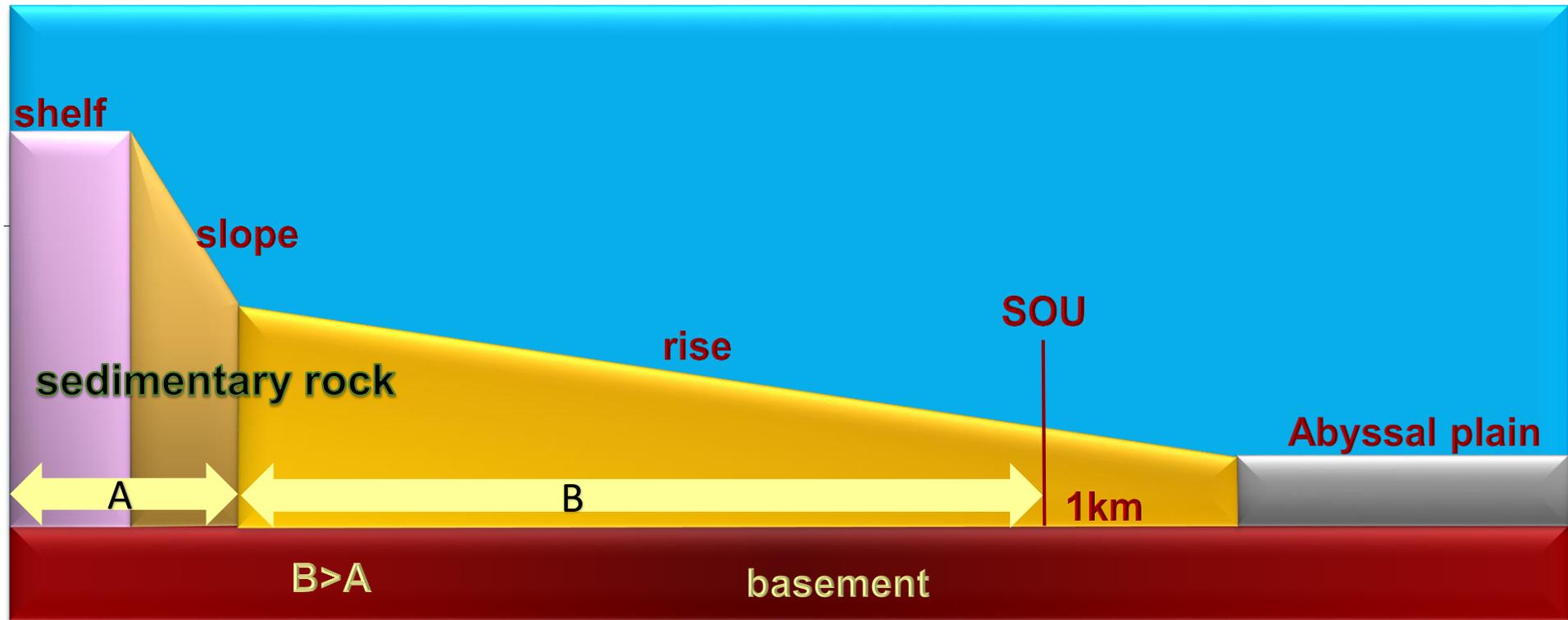
Understanding of the scientific and technical requirements to be satisfied

1. the average distance at which the 200 metre isobath occurs is not more than 20 nautical miles;



# Requirements for application

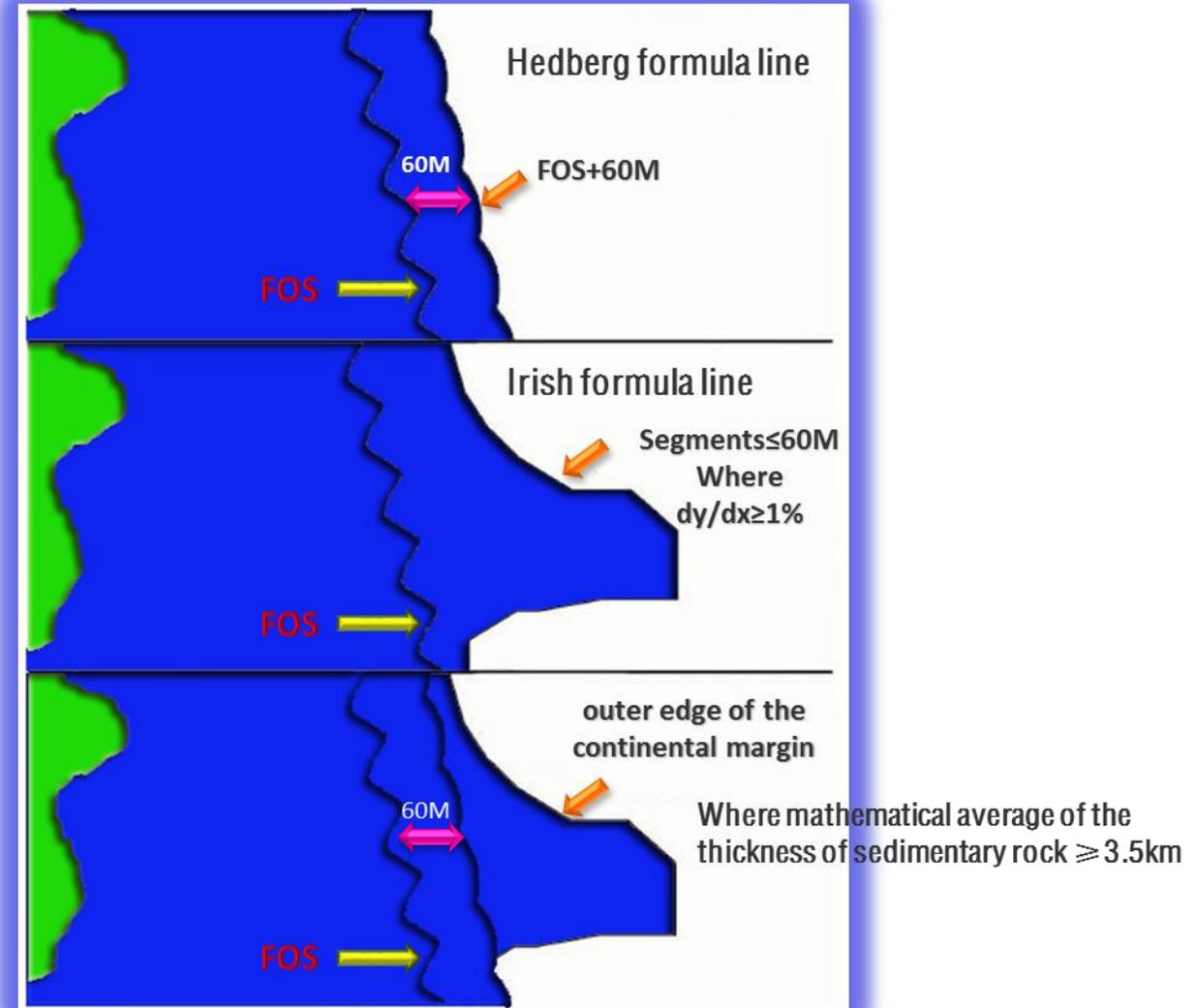
2. the greater proportion of the sedimentary rock of the continental margin lies beneath the rise;



Proportion of sediments beneath the **rise** is greater than the proportion of sediments beneath the **shelf** and **slope** across the continental margin

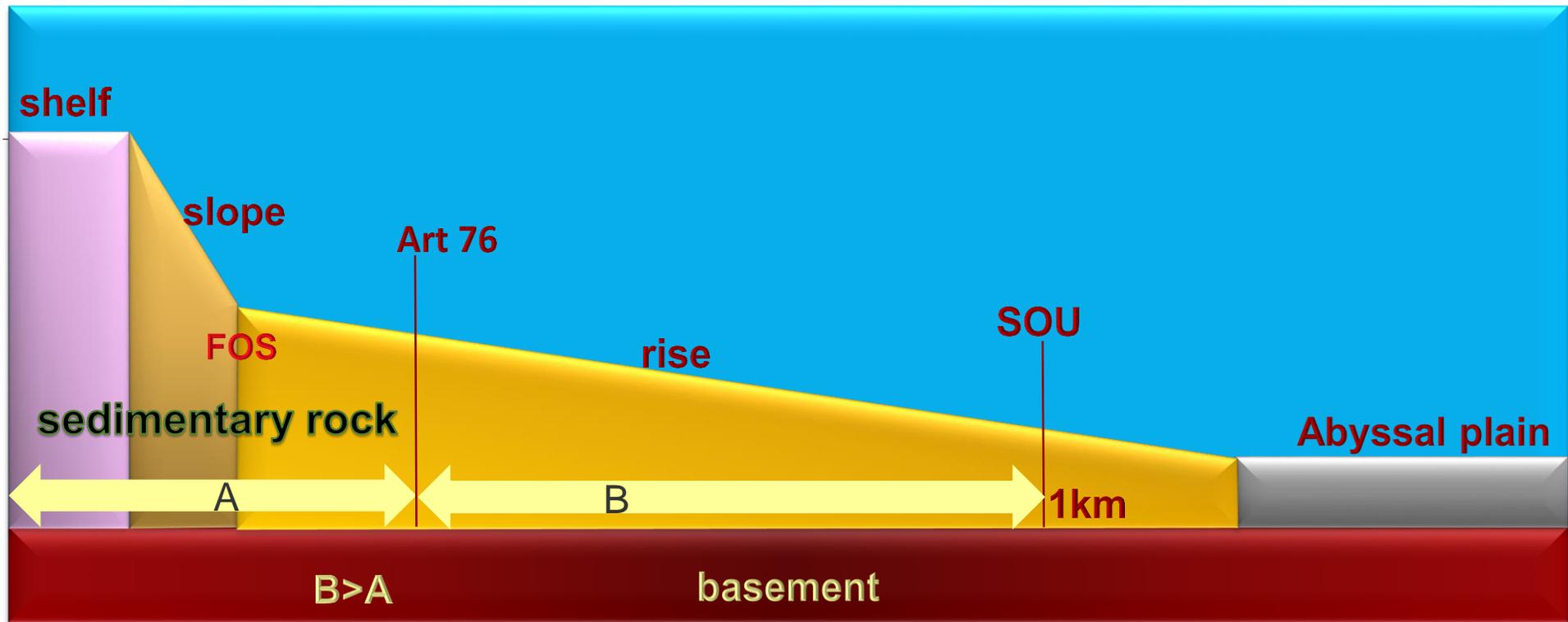
# Requirements for application

3. the mathematical average of the thickness of sedimentary rock along a line established at the maximum distance permissible in accordance with the provisions of paragraph 4(a)(i) and (ii) of that article as representing the entire outer edge of the continental margin would not be less than 3.5 kilometres;



# Requirements for application

4. more than half of the margin would be excluded thereby;



# Requirements for application



5. Establish the outer edge of its continental margin by straight lines not exceeding 60 nautical miles in length connecting fixed points, defined by latitude and longitude, at each of which the thickness of sedimentary rock is not less than 1 kilometre;
6. This method may also be utilized by a neighbouring State for delineating the outer edge of its continental margin on a common geological feature, where its outer edge would lie on such feature on a line established at the maximum distance permissible in accordance with article 76, paragraph 4(a)(i) and (ii), along which the mathematical average of the thickness of sedimentary rock is not less than 3.5 kilometres.

The sixth requirement established in paragraph 5 of the SOU, establishes that the method may also be utilized by a neighbouring State on a common geological feature.

# Challenges



## 1. SOU and Art 76

When one state used SOU, should any other provision in Art 76 also been to apply

SOU  Outer edge of the Continental margin

Art 76  Outer limit of the Continental shelf

SOU only define Outer Edge of Continental Margin, never define outer Limits of Continental Shelf

# Challenges

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## 1. SOU and Art 76

- SOU is seeking equivalence to the Irish Formula in identifying the limits of the continental margin;
- SOU replaces the methods to establish the outer edge of the continental margin described in paragraph 76(4)(a) i & ii and the rest of para 76 remains **valid**;
- Since the 350M or 2500m+100M constraints apply to the Irish Formula, why should not those constraints also apply to the continental margin established according to the SOU?

# Challenges

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## 2.Scope of application

In the para 6 of the SOU:

.....to the establishment of the outer edge of the continental margins of these States **in the southern part of the Bay of Bengal.**

Might the provisions of the Statement prove applicable in similar marginal settings elsewhere?

## 2. Scope of application

**Kenya** applied SOU in its Submission

In Kenya's note to the Secretary General of UN(MFA.TCA 12/34 VOL.XI/(101):

- **Kenya's position** in application of the SOU is that of a general nature provided that the submitting state's continental shelf **exhibits special characteristics** and that application of Art 76 occasions an **inequity**.
- Quantification of both conditions is clearly spelt in para 1 and 2 of the SOU. Both of these conditions **are geological and geomorphological in nature** and are basis upon which existence and extent of natural prolongation of a state's land territory into the ocean are found.

## 2.Scope of application

- Utility in the Southern part of the Bay of would not only negate the fundamental principle of equality of states under international law, but would also amount to discrimination of states even under similar circumstances.
- The intention of states was not and could not have been to create a situation that would address inequity in one part of the world and exclude others under similar geological and geomorphological situation, and that to imply so would derogate from the very principles that UNCLOS sought to project.

Application of the SOU is not and cannot be limited to a geographical region. These continental shelf exhibits the similar circumstances like the Southern part of the Bay of Bengal can also use.



**Thanks for your attention !**

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