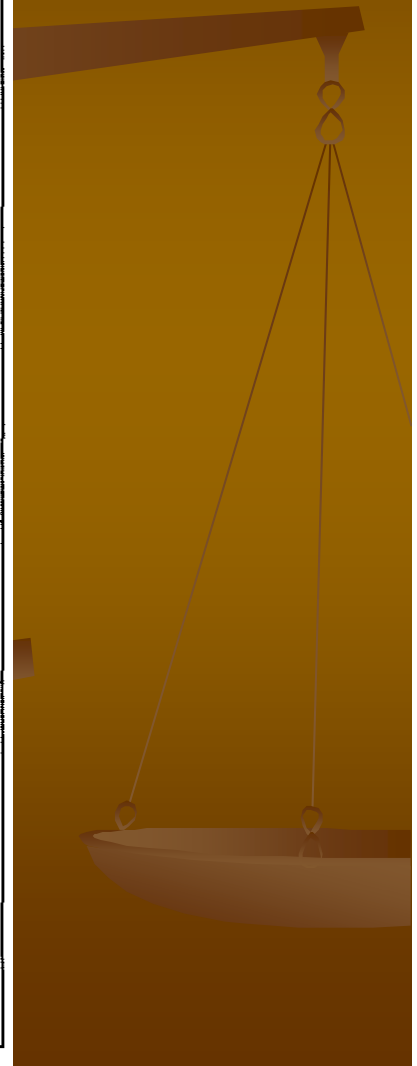
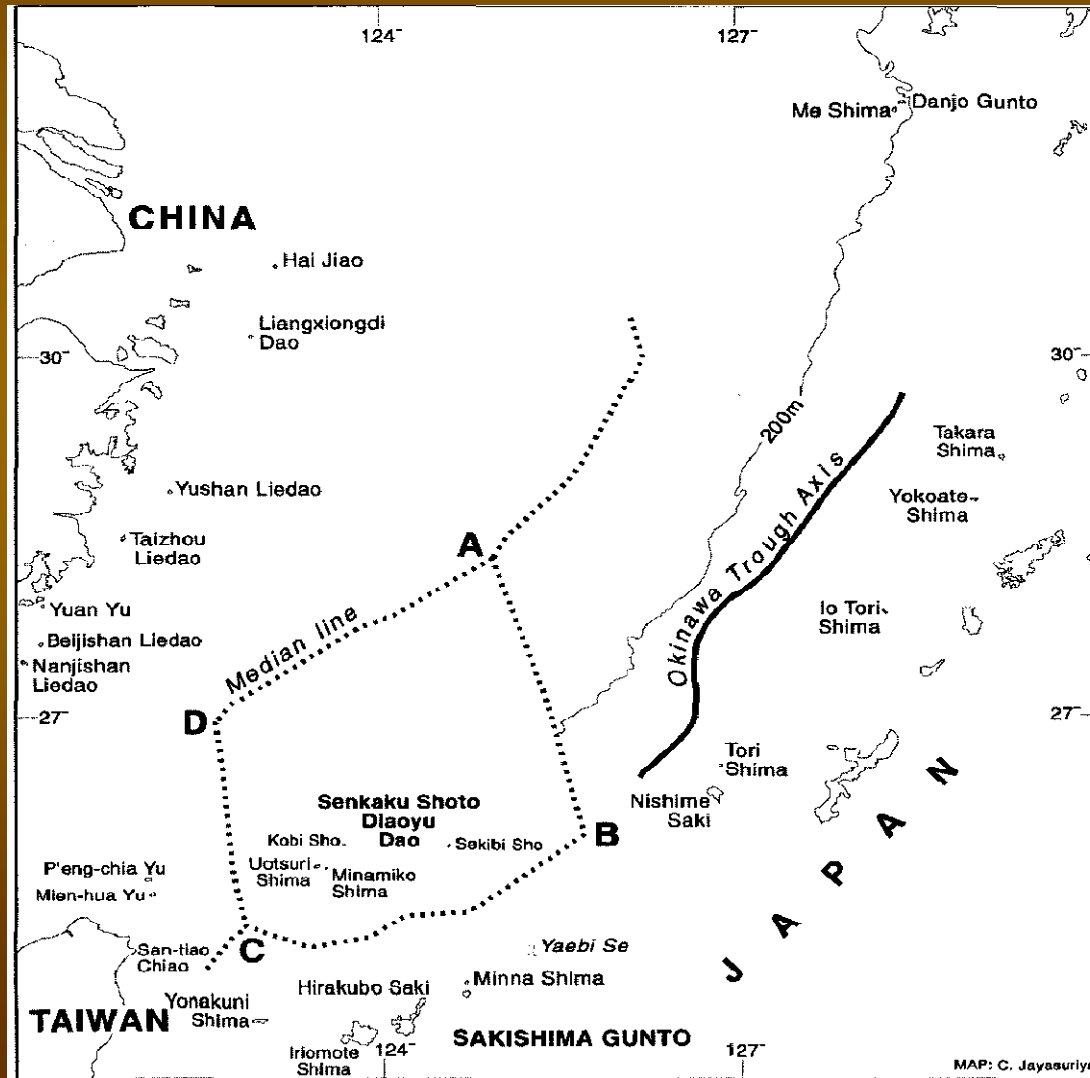


Is There a 400-Mile Rule in UNCLOS Article 76(8)?

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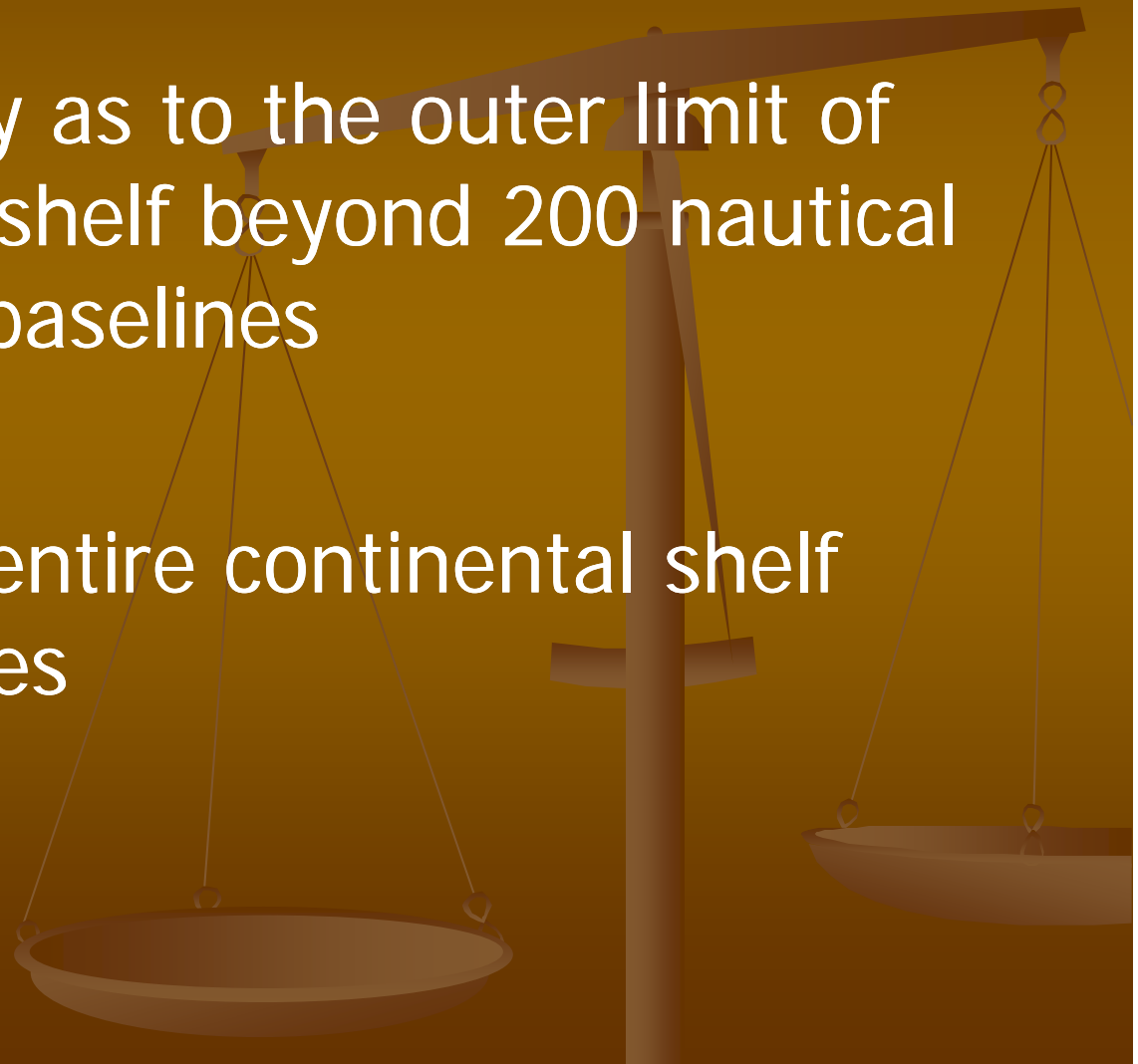
The Okinawa Trough

(Prescott & Schofield, *The International Maritime Boundaries of the World*, 2nd edn, 2005, p.627)



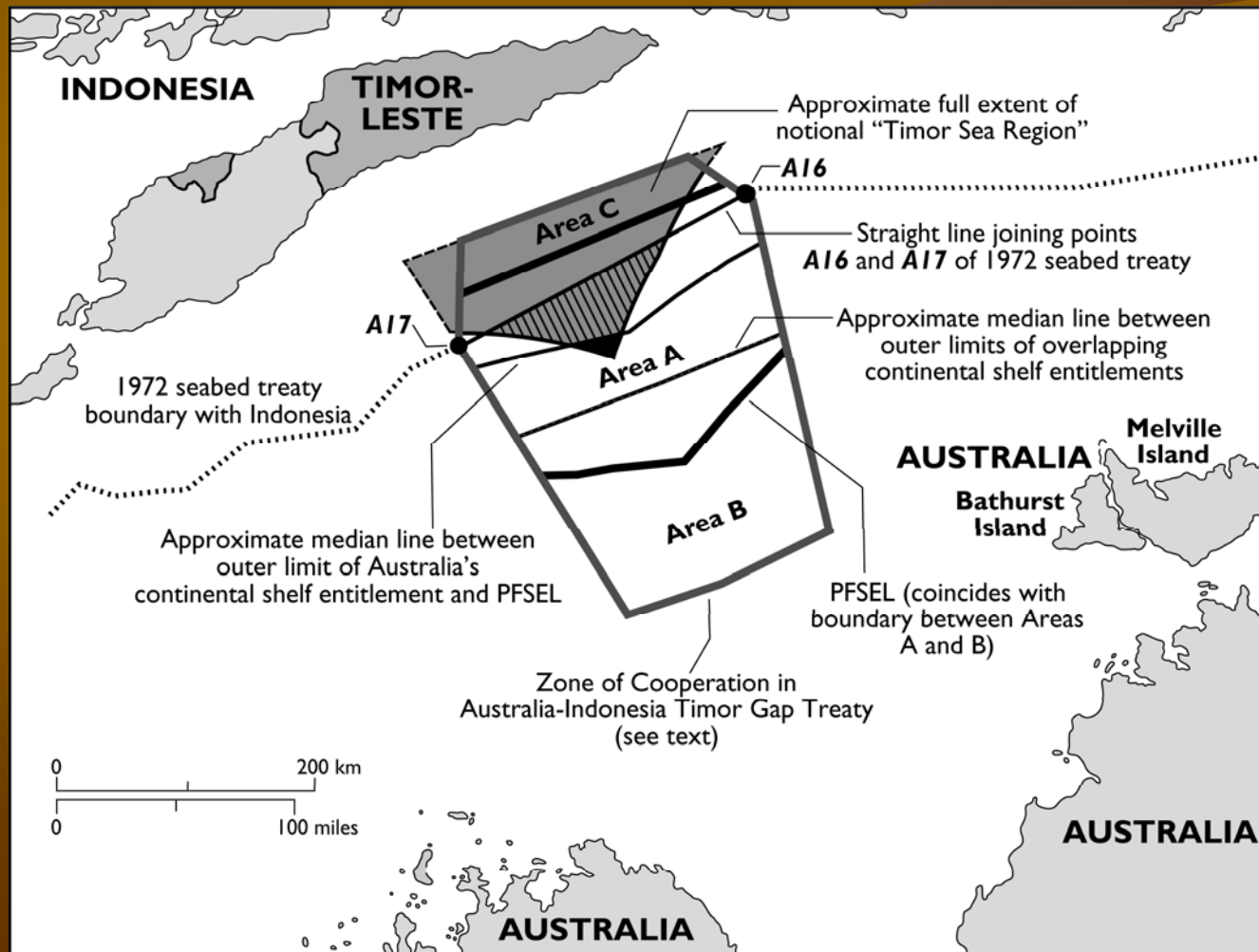
Consequences of not making an Article 76 submission

- Loss of certainty as to the outer limit of the continental shelf beyond 200 nautical miles from the baselines
- Not loss of the entire continental shelf beyond 200 miles

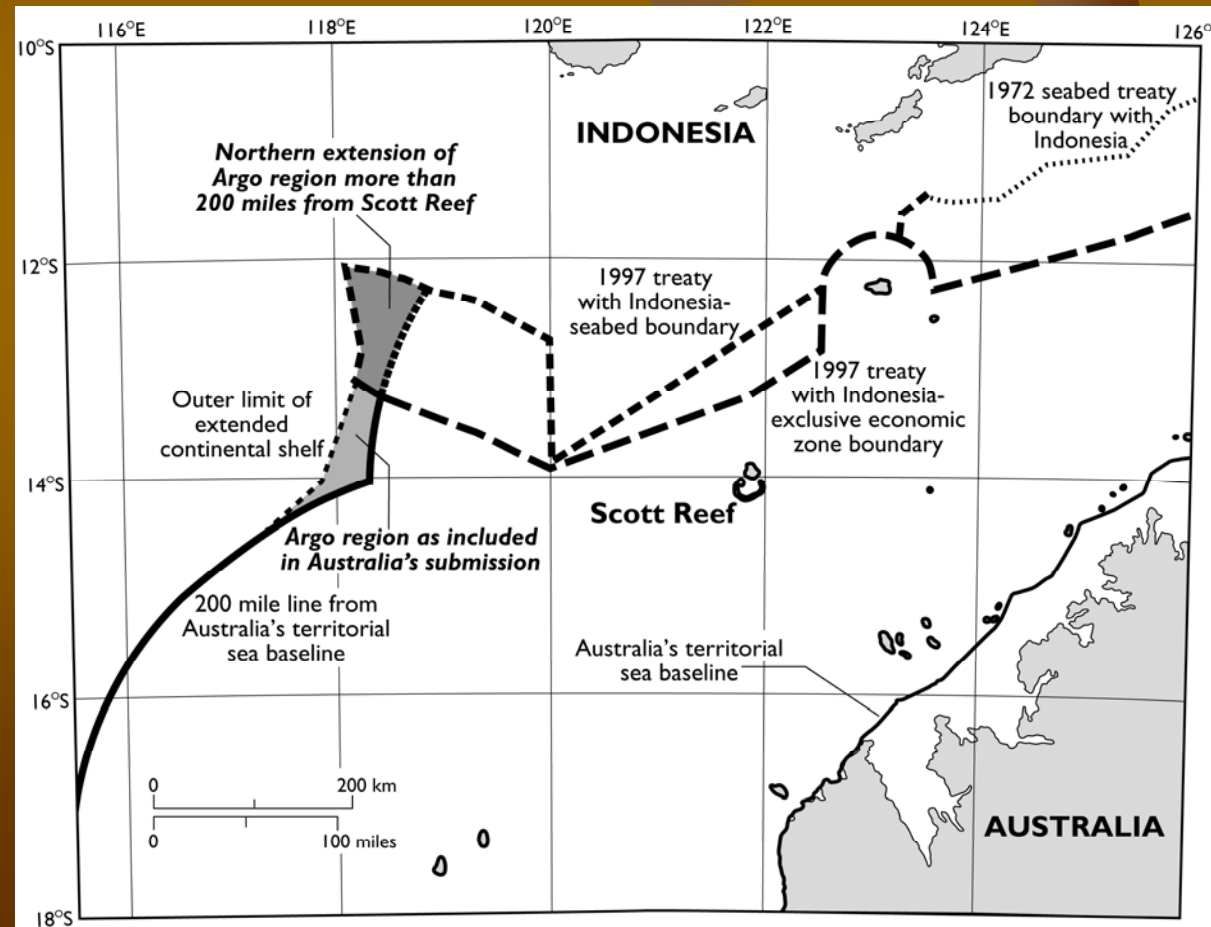


The Timor Sea “ghost” region

(prepared by Bob Smith, Cartographic Unit, School of Geography, University of Southampton)



The Argo region in Australia's submission to the Commission on the Limits of the Continental Shelf, and its northern extension (also prepared by Bob Smith)



Conclusions

- The safer view is that there is no 400-mile rule in Article 76(8) relieving States from consequences of not making a submission for areas within 200 miles of another State.
- Australia's submission assuming such a rule was not defective for omitting the Timor Sea region and part of the Argo region, just incomplete – and a little risky:
 1. Slight risk in the Argo region that Indonesia will refuse to ratify the 1997 boundary treaty without renegotiating the seabed boundary
 2. Greater risk in the Timor Sea region of inadvertently ending any chance of obtaining in future delimitation any part of the shelf > 200 miles from its own baseline.

Is There a 400-Mile Rule in UNCLOS Article 76(8)?*



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