

# **Coastal States in the South China Sea and Submissions of the Outer Limits of the Continental Shelf**

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# Main Objectives

- The submissions of the outer continental shelf made by states of the South China Sea (SCS)
- The potential impact for the developments in the South China Sea.

# Rights and Obligations of coastal States

- Article 76, paragraph 8, of the UNCLOS 1982  
“Information on the limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured shall be submitted by the coastal State to the Commission on the Limits of the Continental Shelf set up under Annex II on the basis of equitable geographic representation. The Commission shall make recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf. The limits of the shelf established on the basis of these recommendations shall be final and binding.”

- Continental Shelf to 200 nm:
  - a part of customary international law prior to the UNCLOS 1982 applied to all coastal States, States Parties and non-States Parties to the UNCLOS 1982
- Outer limit of the CS beyond 200 nm:
  - Notion of the treaty international law, applied to coastal States Parties (CSP) to the UNCLOS 1982

## 3 options that CSP express its intentions to the CLCS

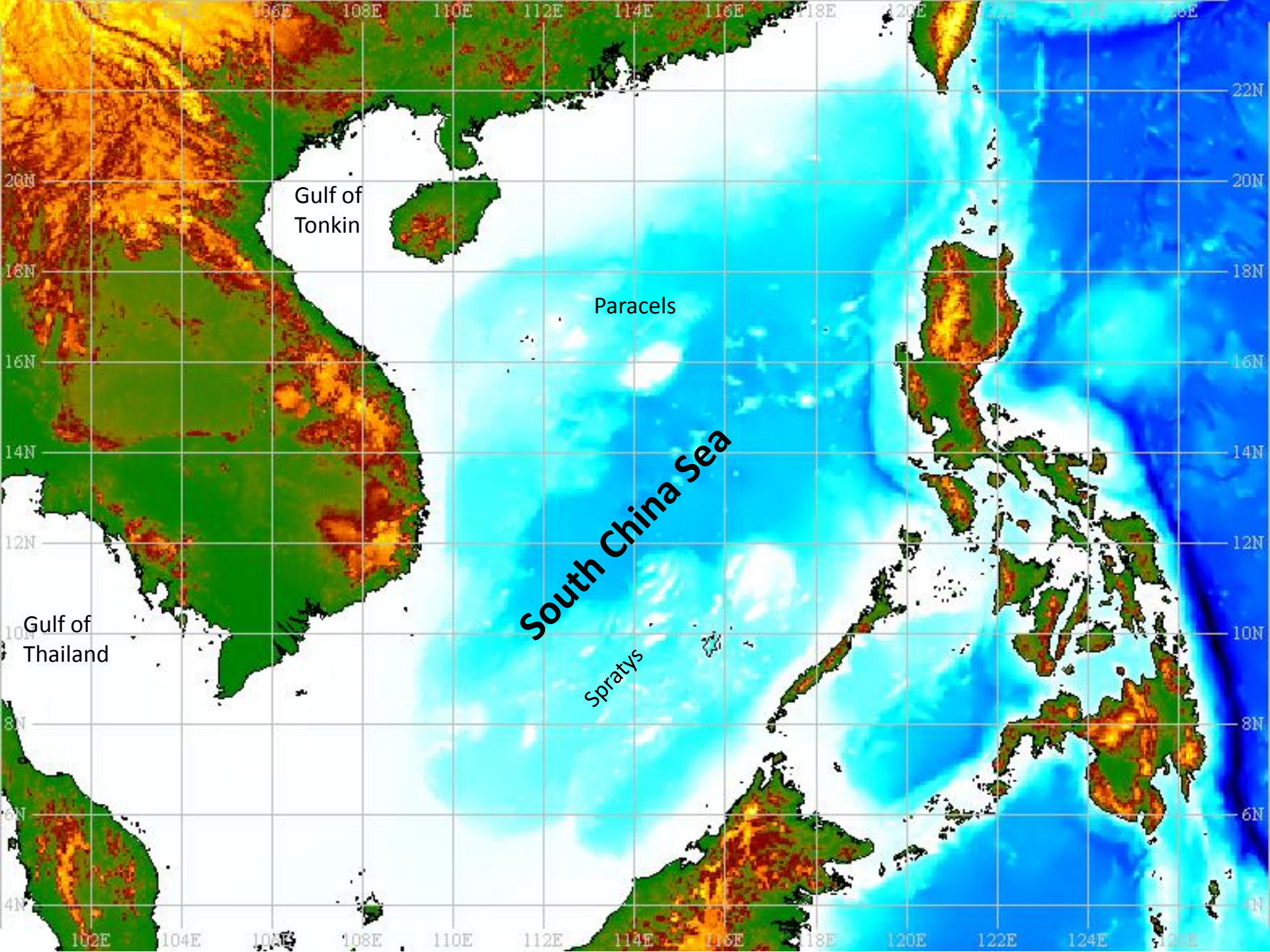
- Final submission of the outer limit of the extended CS (a full or partial submission. Or a joint submission)
- Preliminary information indicative of the outer limits of the extended CS
- Objections to submissions of the other coastal States Parties that may prejudice its right

# Process of defining the outer limit of extended continental shelf (ECS)

- 1<sup>st</sup> phase: Right of the CSP to conduct the scientific survey and collect data, to make submission and Obligation to not affect the rights of world community and concerned states.
- 2<sup>nd</sup> phase: CLCS evaluate the CSP submission and country's objection if it has.
- 3<sup>rd</sup> phase: The advisory process – Revised submissions in line with the CLCS Recommendations
- 4<sup>th</sup> phase: final and binding outer limit of the ECS

# CLCS and maritime disputes

- CLCS has a function to evaluate the scientific content in the coastal state's claim to the continental shelf beyond 200 nautical miles from its baseline.
- CLCS is a neutral organ to any dispute between coastal states
- Maritime dispute settlement and the definition of extended continental shelf have remained two different things to be considered from different perspectives.



Gulf of  
Tonkin

Paracels

**South China Sea**

Spratlys

Gulf of  
Thailand



# South China Sea and ECS

- Thailand and Cambodia have no right to make claim for ECS
- Singapore no any intention
- Indonesia, Malaysia, the Philippines, and Vietnam – 1<sup>st</sup> option - make submissions
- Brunei and China – 2<sup>nd</sup> option - preliminary information indicative
- China and the Philippines – 3<sup>rd</sup> option - Objections

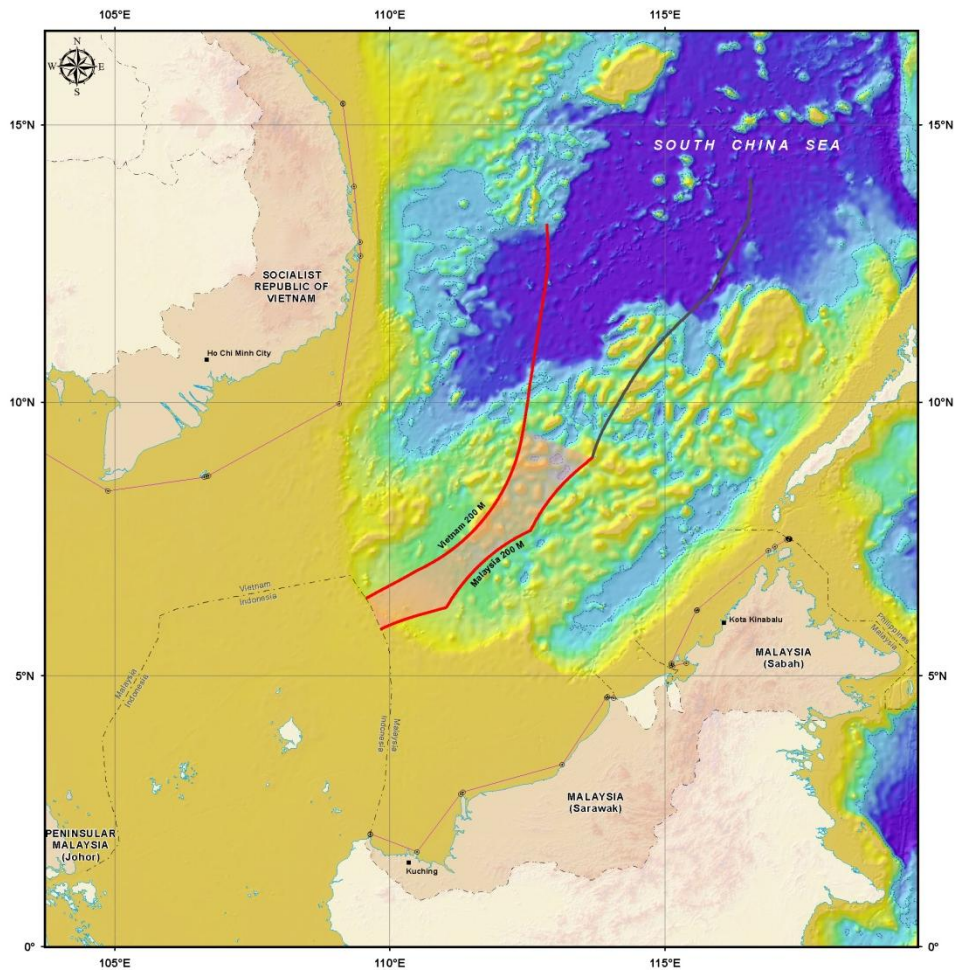
# Submissions

- Indonesia: the extended continental shelf off North West of Sumatra Island - 16 June 2008
- the Philippines - The outer edge of the continental margin in the Benham Rise Region - 8 April 2009

## **Both are outside of the South China Sea**

- Malaysia and Vietnam joint submission relating to a defined area in the South of the South China Sea - 6 May 2009
- Vietnam submission relating to the North Area (VNM-N) - 7 May 2009

## **Both are inside of the South China Sea**



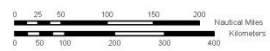
# VIETNAM-MALAYSIA JOINT SUBMISSION

## DEFINED AREA IN THE SOUTHERN PART OF THE SOUTH CHINA SEA

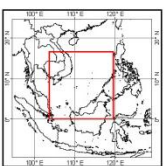
### LEGEND

- City
- Basepoint
- Straight Baselines
- 2500m Isobath (GEBCO)
- - - Agreement
- - - International Boundary
- 200 M
- Philippines 200 M
- Defined Area

**Bathymetry (metres)**  
 High : 4021  
 Low : -8126



Geodetic Datum : WGS84  
 Spheroid : WGS84  
 Semi major axis, a : 6 378 137.000 m  
 Semi minor axis, b : 6 356 752.314 m  
 Flattening, 1/f : 298.257 223 563  
 Eccentricity squared, e<sup>2</sup> : 0.006 694 379 990 13  
 Projection : Mercator  
 Central Meridian : 111° 00' 00" E  
 Latitude of Origin : 7° 00' 00" N  
 False Easting : 950 000.000 m  
 False Northing : 800 000.000 m  
 Scale Factor : 1.000000 (along 7° 00' 00" N)  
 Linear unit : Metre

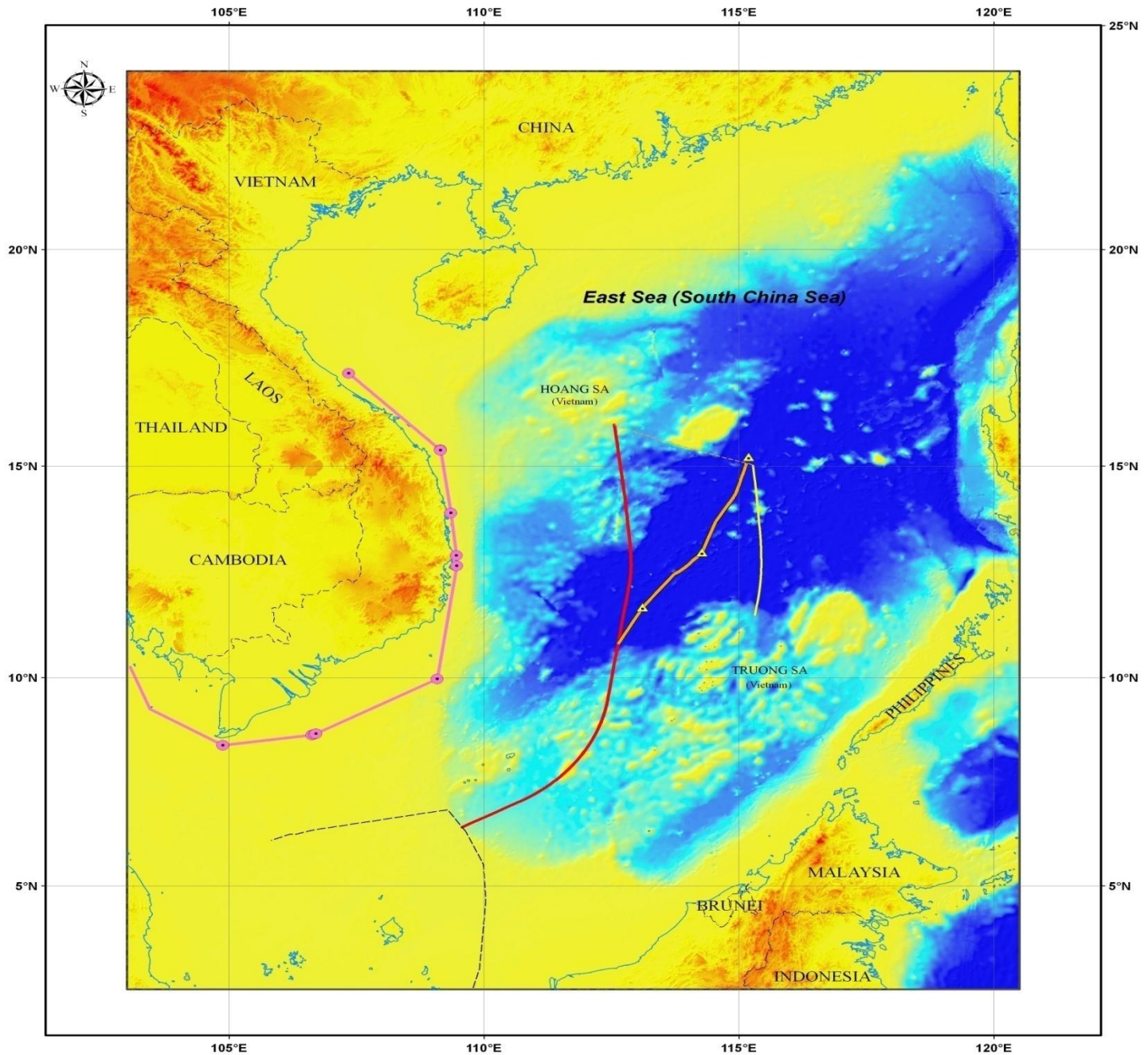


Joint Submission



This map is for illustrative purposes only

# CONTINENTAL SHELF BEYOND 200 NM ( VNM-N)



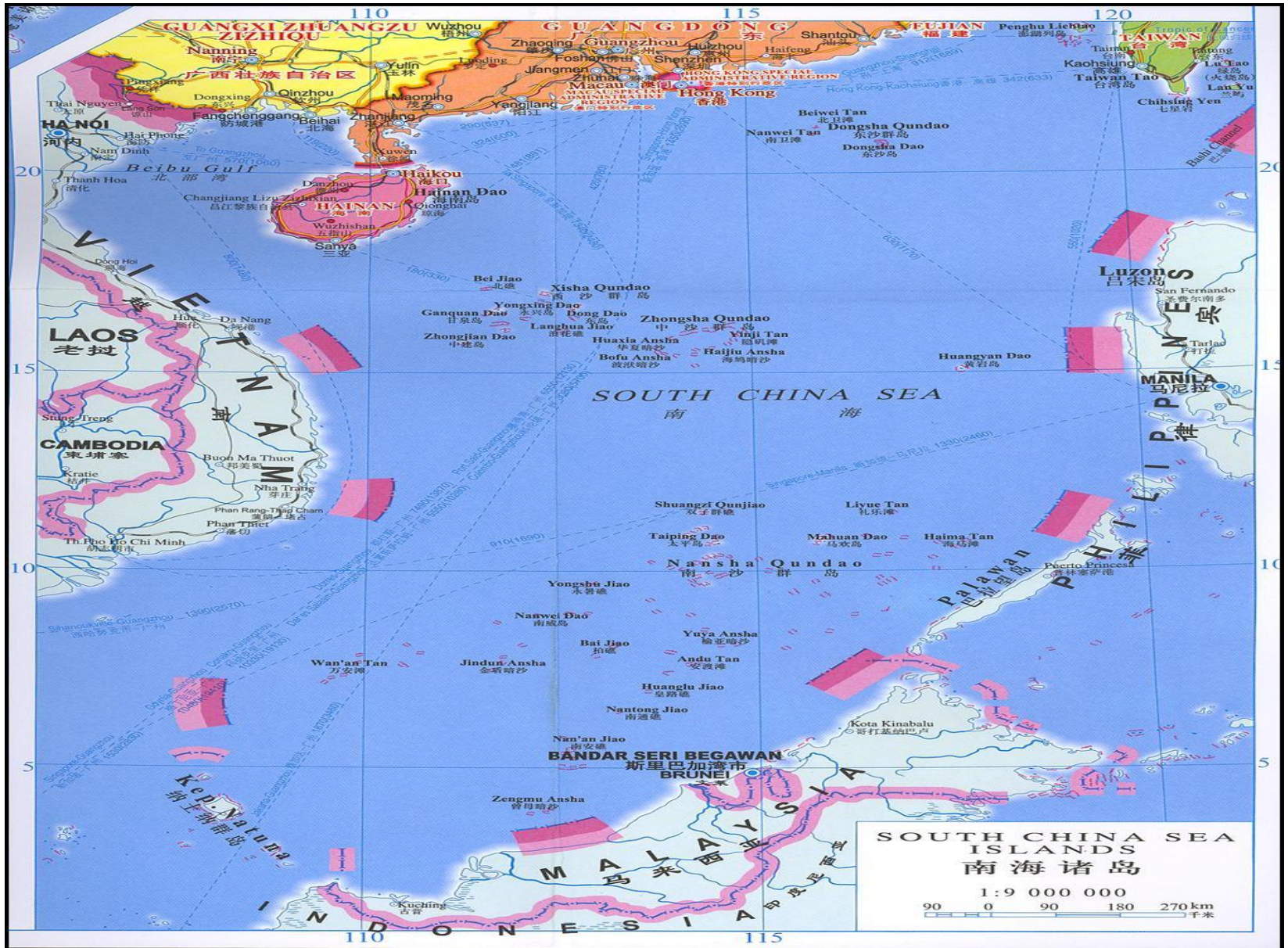
# Positions of parties

- Vietnam – Malaysia:
  - Make submissions constitute legitimate undertakings in implementation of the obligations of State Parties to the UNCLOS 1982, which conform to the pertinent provisions of the UNCLOS 1982 as well as the Rules of the Procedure of the CLCS
  - ECS are located completely outside of the 200 nautical miles from the baselines of land territories of both Malaysia and Vietnam, and outside of agreed limits of continental shelves with other concerned countries.
  - Joint Submission and VNM submission would not prejudice matters relating to the delimitation of boundaries between States with opposite or adjacent coasts

# Positions of parties

- China objections – 7 May 2009:
  - all waters and features within the nine dotted line are claimed under Chinese jurisdiction.
  - Vietnam and Malaysia submissions infringe upon Chinese sovereignty, sovereign rights and jurisdiction in the South China Sea.
- Philippines objections - August 4, 2009:
  - The ECS areas are disputed because they overlap with those of the Philippines

# CHINESE NINE DOTTED LINE CLAIM



# Preliminary information indicative

- China - 11 May 2009: East China Sea not South China Sea
- Brunei - 12 May 2009: Brunei's full submission to the CLCS will show that the edge of the continental margin, lying at the transition between the Dangerous Grounds (Spratly Islands) and the deep ocean floor of the South China Sea, is situated beyond 200 nautical miles from the baselines from which Brunei's territorial sea is measured



# Obstacles to the ECS in the SCS

- Status of islands and the extension of the continental shelf:
  - If the rocks in the SCS have only 12 nm TS, the possibility of extension of the continental shelf without prejudice to the maritime delimitation will be granted to the coastal States.
  - If the rocks in the SCS have their own CS, maritime delimitation would affect on the CLCS work
- Chinese U shape dotted line
- CLCS work load: even if there had been no objections, it would possibly not be until 2035 before Vietnam's individual submission and the joint submission by Malaysia and Vietnam would be considered by the CLCS, in other words in 26 years time

# ECS and the SCS

- Definition of ECS is not a solution for islands disputes in the SCS
- ECS bring the claimant countries in the SCS to cooperate in:
  - Encourage the concerned states to follow the UNCLOS 1982 in fixing the outer limit of the continental shelf.
  - Encourage the parties to have serious discussions about the status of islands
  - Encouraged the parties to clarify their claim limits. Any line claimed not from the land feature will encroach the basic principles of UNCLOS 1982 and seem to be unacceptable.

Thank for attention