

The extended Continental Shelf: a legal perspective of the implementation of Article 76 of the United Nations Convention on the Law of the Sea of 1982 (UNCLOS)

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This paper provides a legal perspective of the implementation of article 76 of the UNCLOS and its criteria for the determination and delimitation of the outer limits of the extended continental shelf beyond 200 nautical miles. The concept of continental shelf was developed by a series of interventions; 1945 Truman Proclamation and the 1958 Geneva Convention on Continental Shelf. The author clarifies the legal perspectives of the article 76 in light of pertinent legal principles as it surfaces complexity of legal and scientific interface. The Truman Proclamation, which opened up for exercise of jurisdiction and resource exploitation by coastal States, while the North-Sea Continental Shelf Cases (1969) stressed that States had an inherent right to such territory on the basis of natural prolongation. On the matter of maximum limits that a State can claim in Continental Shelf, 1958 Convention set out 'exploitability test'. The 1970 Declaration on Principles Governing the International SeaBed articulated that the seabed beyond national jurisdiction was the 'common heritage of mankind'. Sri Lanka made a historical intervention during the deliberations of the 1958 Convention for a special method of determining the outer limit of the Continental Shelf. Since 1994, there have been many competing claims for an extended continental shelf, and Sri Lanka too made a submission in 2009 before the Commission for an extended continental shelf in the Southern Part of Bay of Bengal. Therefore, such claims are to be determined judiciously by implementing the article 76 criterion of natural prolongation or in consideration of principles of international law. The author concludes that physical or scientific features are not the same in all cases while it is the paradigm shift of theories and thus, a reasonable approach is required in varying degrees for contextual importance.

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