

III. Continental Shelf Claims in the Arctic Ocean

Determination of the Outer Continental Shelf Limits and the Role of the Commission on the Limits of the Continental Shelf

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After a tedious process of preparation and negotiations, the United Nations Convention on the Law of the Sea (UNCLOS) was adopted in 1982, and came into force in November 1994. One of its basic aims is to guarantee “the peaceful uses of the seas and oceans, the equitable and efficient utilization of their resources, the conservation of their living resources, and the study, protection and preservation of the marine environment”. Therefore, UNCLOS defines the rights and responsibilities of nations in their use of the world's oceans, establishing guidelines for business, international navigation, protection of environment, and the management of marine natural resources. It sets the maritime limits as to different degrees of national sovereignty decreasing toward the open ocean. The area beyond national sovereignty (called “The Area”) is considered the common heritage of mankind.

Within the scope of UNCLOS, three bodies were established: the International Tribunal for the Law of the Sea (ITLOS), the International Seabed Authority (ISA) and the Commission on the Limits of the Continental Shelf (CLCS). Under UNCLOS coastal states are entitled to declare a certain area beyond its 200 M Exclusive Economic Zone (EEZ) as extended Legal Continental Shelf if the continental margin under question strictly fulfils certain morphological and geological conditions. If positively recommended by the CLCS the coastal state acquires rights and responsibilities, such as exploring and exploiting non-living resources of the seabed and subsoil thereof (e. g. oil and natural gas, gas hydrates and mineral resources). The process how to provide evidence and to obtain the final and binding official recommendation by the CLCS will be explained as well as the difficulties that occur under particular circumstances due to complex terminology of the related UNCLOS provisions. Particular focus will be given to the situation in the Arctic Ocean, different scenarios and their implications will be presented.