

Chapter 7

The Continental Shelf

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7.1 Introduction

The continental shelf is the relatively shallow area of the seafloor adjacent to the coast where what is known as the continental margin slopes down from the landmass into the sea until it begins to drop more sharply towards the deep ocean floor. Within this area coastal states possess exclusive sovereign rights for the purposes of exploring and exploiting its living and non-living resources. The inner limit of the continental shelf has always been found where the territorial sea ends. However the outer limits of the continental shelf were moved significantly seawards during the 20th century, and are now set by the 1982 *United Nations Convention on the Law of the Sea*¹ (LOSC), to which Australia is a party. Under article 76 of the LOSC the continental shelf comprises the seabed and subsoil that extends beyond the territorial sea to 200 nm from the territorial sea baselines, or beyond that distance to the edge of the continental margin as defined by the LOSC (the so-called “outer continental shelf”).² A coastal state wishing to establish a continental shelf beyond 200 nm must submit data to a body established by the LOSC, the Commission on the Limits of the Continental Shelf (CLCS), which determines whether the information is consistent with the complex formulae set out in article 76.

The continental shelf was the first maritime zone to be proclaimed by Australia in 1953.³ On the entry into force of the LOSC the definition of the

1 Opened for signature 10 December 1982, 1833 UNTS 397 (entered into force 16 November 1994) (LOSC).

2 But see *Maritime Boundary (Barbados v Trinidad and Tobago) (Award)* (2006) 45 ILM 800, 835 [213]: “there is in law only a single ‘continental shelf’ rather than an inner continental shelf and a separate extended or outer continental shelf”.

3 Commonwealth, *Gazette*, No 56, 11 September 1953, 2563. See LFE Goldie, “Australia’s Continental Shelf: Legislation and Proclamations” (1954) 3 *International and Comparative Law Quarterly* 535, 539-540. A similar proclamation was made on the same date in respect of New Guinea, then a territory held by Australia under League of Nations mandate.

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