



SUBMISSIONS OF STATES IN RESPECT OF EXTENDED CONTINENTAL SHELF IN THE ARCTIC OCEAN

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The Arctic is gaining the position of an important strategic and geopolitical area and the extension of the legal continental shelf cannot be considered only as a “race for resources” in terms of economic benefits, but in the end it brings with it both political and socio-economic benefits. The article presents a comprehensive analysis of the current status of submissions to the Commission for the Limits of the Continental Shelf regarding the Arctic Ocean and the stage in which they currently are. It also approaches a legal definition of the continental shelf, the work of the Commission and compares the view of the Arctic states on particular seafloor highs.²

Key words: continental shelf, Arctic, Arctic Ocean, claims, CLCS


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1 INTRODUCTION

In the context of the Arctic and maritime zones, the issue of delimitation and extension of the continental shelves of the Arctic coastal states and their overlapping claims is the most significant and discussed topic.

The continental shelf is a natural extension of the continent below the sea level and an integral part of the continental margin. Unlike the exclusive economic zone, the continental shelf is not a purely legal term and is based on geological or geomorphological characteristics.

The exclusivity of the exploitation of the living and non-living resources of the shelf by the coastal state exercising these sovereign rights over it is the essence of the legal concept of the continental shelf. And it is the proven reserves of oil and natural gas that increase the economic attractiveness of the Arctic. And not only that – the warming

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of the region opens new opportunities for scientific research, economic development, energy policy, alternative transport, and mineral mining, which makes the Arctic one of the most interesting and attractive areas in the world (Chuguryan et al., 2022, p. 225).

Sovereign rights applied to the shelf do not establish the sovereignty of the state over the mainland. Customary law enshrines that rights to the continental shelf exist independently of historical title based on occupation, acquisition or expressed declaration. Compared with other maritime zones, it is this aspect that establishes the special nature of continental shelf rights and justifies the independent existence of the continental shelf zone even within the two-hundred-mile exclusive economic zone (Cottier, 2015, p. 79). The fact that within both zones a state has sovereign rights to the bottom and subsoil does not mean that the concept of the continental shelf has been absorbed by the exclusive economic zone regime, but that greater importance should be given to elements such as distance from the coast, which are common to both concepts (ICJ, p. 33). Thus, the continental shelf regime constitutes the *lex specialis* regarding the exploitation of the natural resources of the seabed and subsoil (Proelss, Müller, 2008, p. 661-662).

The delineation of the continental shelf is much more complicated than the delineation of other marine zones – both legally and technically. The current legal regime of the continental shelf is contained in the Convention on the Law of the Sea (hereinafter UNCLOS, 1982), which represents customary law even for non-parties. Article 76 of UNCLOS considers two ways of constituting the shelf – a shelf based on the geological and geomorphological characteristics of the seabed (natural extension of the continent) and a shelf based on a distance of 200 NM (regardless of the nature of its seabed and subsoil). The claim to extend the continental shelf beyond the 200 NM limit is confirmed by the body established by the Convention – the Commission on the Limits of the Continental Shelf (hereinafter CLCS or Commission) based on a thorough examination of the criteria specified in the Convention. Despite the fact that the Commission does not have the authority to delimit the outer limit of the continental shelf and this right belongs only to the sovereign state (as in the case of determining state borders), it issues recommendations to states' submissions. States delineate the outer limit of the shelf in accordance with these recommendations. Although any coastal state can extend its continental shelf, the extension has no legal effect unless the CLCS makes clear recommendations confirming the scientific validity of the geological data properly submitted to it. The Commission's role also lies in relation to the international seabed – the more the shelf is extended beyond the 200 NM limit, the more of the Area, which is the common heritage of mankind, will shrink.

Rights arising from a continental shelf extended beyond the 200 NM limit are not equivalent to a “legal” continental shelf delimited until that limit. To balance the extension of the continental shelf limits, coastal states must also contribute to the revenue sharing system from the exploitation of mineral resources beyond the 200 NM limit, by

making contributions or making payments. These payments or contributions are equitably distributed among the parties to UNCLOS through the International Seabed Authority.

The article analyzes the latest developments in the Arctic Ocean based on primary sources – submissions by Arctic states to extend the continental shelf beyond the limit of 200 NM submitted to the Commission on the Limits of the Continental Shelf, notes verbales of the states responding to them, and the Commission's recommendations (if they were adopted). Information on the current legal regime of the continental shelf and the procedural procedures of the Commission are based on the provisions of the Convention on the Law of the Sea (1982), the Rules of Procedure, the Modus Operandi and the Scientific and Technical Guidelines of the Commission on the Limits of the Continental Shelf. Scientific articles that discuss this topic cannot be omitted.

The aim of the article is to create comprehensive and up-to-date material containing an analysis of the submissions of the Arctic states to the Commission, the evidence provided by States and the different interpretation of States (for example in relation to seafloor highs) and the Commission's procedure in making recommendations.

Arctic states do not dispute their claims to an extended continental shelf, but the entitlement of their claims is debatable. The Arctic Ocean is specific in its shallowness, and in the case of extended shelves, it is not just about adjacent but even opposite shelves.

The right of the coastal state to extend the continental shelf beyond the 200 NM limit is conditional upon the fulfillment of strict technical and scientific criteria, and the given issue cannot be explained without them, therefore the introductory part of the article precisely characterizes these specific criteria. The mentioned criteria, in contrast to paragraphs 1-7 of Article 76 of UNCLOS, do not constitute customary law.

Subsequently, in the next part, for a better understanding of the process of submitting claims for extension, we characterize the activity and function of the Commission for the Limits of the Continental Shelf because its decisive procedure brings the final and binding delimitation of the limits of the shelf established by the coastal state based on these recommendations.

There are also different interpretations in the individual submissions of the Arctic states, e.g. in the case of seafloor features, which then determine which constraint line will be applied as the outer limit of the continental shelf. In the individual submissions, we present the characteristics with which the relevant states argument.

The article presents a comprehensive analysis of the current state of submissions to the Commission for the Limits of the Continental Shelf and the stage in which they currently are.

2 CRITERIA FOR EXTENDING THE CONTINENTAL SHELF BEYOND 200 NM

The current legal regime of the continental shelf is defined in a manner which is scientifically based, legally definable and politically acceptable (Smith and Taft, 2000; p. 17). Its legal definition contains 4 rules, 2 formulas, and 2 constraint lines. Although this

definition contained in UNCLOS is legal, it is based on strict scientific criteria - geological, geophysical, geomorphological, hydrographic, and geodetic.

The limit of the continental shelf is defined in the Convention on the Law of the Sea as the outer limit of the continental margin or the limit of 200 NM from the baselines unless the continental margin reaches this limit. The two-hundred-mile limit of the shelf is therefore used predominantly by states whose shelf does not reach this width. The difference in the scientific and legal definition of the shelf is that the legal shelf includes essentially the entire edge of the continent, while from a geological point of view the shelf is only one component of the continental edge.

The continental shelf may be extended beyond this limit by coastal states based on the criteria set out in Article 76 of UNCLOS:

- lines defining the outer limit of the continental margin [Art. 76 par. 4 a):
 - 60 nautical miles from the foot of the continental slope (Hedberg formula), or
 - line where the thickness of the sediments reaches at least 1% from the shortest distance to the foot of the continental slope (Gardiner or Irish formula);
- lines defining the outer limits of the continental shelf must not exceed [Art. 76 par. 5]:
 - 350 nautical miles from the baselines, or
 - 100 nautical miles from the 2,500-meter isobath (a line connecting points at a depth of 2,500 m);
- regardless of these lines, on submarine ridges the outer limit of the continental shelf must not exceed 350 nautical miles [Art. 76 par. 6].

If a state wants to extend the limit of the continental shelf beyond 200 NM, it must first determine where the edge of the continent is located. State can choose one of the more favorable options contained in Article 76 (paragraph 4a), which determine the outer limit of the continental margin. Determining where the foot of the continental slope is located is the most important issue. In the absence of evidence to the contrary, the foot of the continental slope shall be determined as the point of maximum change in the gradient at its base.

Article 76 (5) defines the lines that may represent the outermost limits of the shelf. It is left to the coastal state which of the lines it will use. It is possible that there are several isobaths of 2,500 m near the coast, and the state may use the one farthest from the coast as a boundary line, and it will be in accordance with the provisions of UNCLOS. It may also happen that the isobath will be further than 350 NM from the baselines. Therefore, the coastal state can choose any combination of lines that is more favorable to it.

Article 76 (6) represents another limitation – on submarine ridges, the outer edge shall not exceed 350 NM from the baselines. Provision of Art. 76 (6) does not apply to submarine elevations, which are a natural part of the continental margin and a continuation of the land, such as plateaux, rises, caps, banks, and spurs. In the case of submarine elevations, the outer limit of the shelf should be determined at a maximum distance of 100 NM from the 2,500 m isobath.

The application of all the criteria mentioned in Article 76 is complicated by the definitional and technical determination of the thickness of the sediments, the foot of the continental slope, the 2,500-meter isobath and the distinction between oceanic ridges and submarine ridges and submarine elevations, which are natural components of the continental margin (McDorman, 2013; p. 81). States must demonstrate that the seabed they claim is not only a natural extension of their coast, but also has the same geological composition.

In the Arctic, there are 3 submarine ridges that are part of the seabed – Lomonosov, Alfa-Mendeleev and Gakkel (the names in the submissions differ and sometimes 4 ridges are mentioned – Alfa and Medeleev are listed separately, over time the terminology in the submission in connection with the Mendeleev Ridge changes to Mendeleev Rise).

3 COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF AND THE EVALUATION OF SUBMISSIONS OF COASTAL STATES

The Commission on the Limits of the Continental Shelf (CLCS) was established to consider the data and other material submitted by coastal States concerning the outer limits of the continental shelf in areas where those limits extend beyond 200 nautical miles (NM), to make recommendations to them and to provide scientific and technical advice, if requested by the coastal State. The Commission provides an unbiased view and independent scientific expertise in relation to the unilateral claims of states on the continental shelf. The recommendation represents a formal evaluation of the submission. The work of the Commission on the Limits of the Continental Shelf contributes to the peaceful acquisition of maritime space by states (Awosika, 2014).

The Commission is composed of 21 members who are experts in geology, geophysics and hydrography and are elected by States Parties from among their nationals with due regard to the need to ensure equitable geographical representation. If a state is not a party to UNCLOS, it cannot have a representative in the Commission. The composition of the Commission and the absence of legal experts – even though the Commission interprets and applies the relevant provisions of UNCLOS, has been criticized by several authors. However, the Commission's role consists in assessing scientific and technical data, and the legal component of this process is only secondary (Peters, 2016; p. 53-54).

The purpose of the CLCS proceedings is to introduce precision in the determination of the outer limits of the shelf, even though UNCLOS itself does not condition a state's right to a continental shelf on the precise determination of the outer limits (Baumert, 2017; p. 864). However, the role of the CLCS is undeniable because the establishment of the outer limits of the shelf determines the beginning of the Area, which is the common heritage of mankind and benefits the entire international community.

Peters (2016) summarizes the points that could challenge the Commission's independence. The first is that the state that appoints a CLCS member also pays the expenses associated with the performance of this function. It would contribute to the independence of the Commission if these expenses were borne directly by the UN. Another point of criticism of the Commission's independence is that a member of the CLCS may be asked to be an advisor or consultant in the preparation of a state's submission. However, providing scientific and technical support is one of the Commission's functions. The author also comments on the re-submission process, which can take place indefinitely if the state does not agree with the Commission's recommendations. Another aspect may be that meetings are held in private and only the Executive Summary of the submission is public, so there could be a debate on the lack of transparency of the Commission's work.

Claims of coastal states for extended shelf submitted to the CLCS must be supported by scientific proofs in the form of geological, geomorphological and barymetric analyses. The coastal state submits to the CLCS only a proposal for establishing the outer limits of the continental shelf. The Commission examines the data and materials submitted by the state that is interested in extending its shelf beyond the 200 NM limit and issues recommendations to them. During data preparation, the coastal state may request scientific and technical assistance from CLCS.

The state delineates its shelf according to the provisions of UNCLOS and according to the recommendations of the CLCS. If the state agrees with the recommendations, it will define the boundaries of its continental shelf based on them. The shelf limits determined by the coastal State based on these recommendations shall be final and binding. Maps with marked geodetic data are deposited with the UN Secretary-General and he publishes them in an appropriate manner. If the coastal state does not agree with the recommendations, it is entitled to submit a revised or new proposal within a reasonable time. In theory, this process can go on indefinitely (Smith, Taft, 2000, p. 20-21).

4 THE RUSSIAN FEDERATION

4.1 Submission in respect of the Barents Sea, the Bering Sea, the Okhotsk Sea, and the Central Arctic Ocean

On 20th December 2001, the Russian Federation became the first Arctic state (and the first state ever) to submit to the CLCS its proposal to extend the limits of the shelf

beyond the limits established by the UNCLOS. The submission covered four areas – the Barents Sea, the Bering Sea, the Sea of Okhotsk, and the Central Arctic Ocean.

The consideration of the submission was included in the agenda of the 10th session of the CLCS, which took place in New York from 25 March to 12 April 2002. In accordance with rule 49 of the Rules of Procedure of the Commission, notification was sent to all Member States of the UN, including States, which are parties to the UNCLOS, to publish the proposed outer limits of the continental shelf as proposed.

Denmark, Canada, Norway, and the United States responded within the three-month period specified in Rule 50 of the Commission's Rules of Procedure to the Russian submission by sending diplomatic notes. The permanent missions of Denmark and Canada mentioned they were not in a position to determine whether they agreed to the submission, which should not be taken as their approval. At the time, Denmark had not even ratified UNCLOS and stated that, as they were still in the data collection process, they could not assess the possible impact of the extension of the Russian shelf on the potential overlap with the Greenlandic one. Denmark also communicated its reservation to the Russian government. Japan declared that the so-called the Four Islands mentioned in the submission should not be the subject of the Commission's investigation, as they are disputed, referring to the Rules of Procedure and Scientific and Technical Guidelines.

In the note, Norway points to the disputed area in the Barents Sea, but at the same time agrees to consider the submission. The USA pointed out significant errors in the submission, such as that it referred to the border specified in the Treaty between the Soviet Union and the US (1990), even though the Russian Duma had never ratified it. The USA states that the Alpha-Mendeleev Ridge is “geologic feature formed on oceanic crust” and has “identical origin to Iceland-Faroe Ridge” and that it is “not a part of any state's continental shelf”. They consider Lomonosov Ridge as “freestanding feature in deep, oceanic part of the Arctic Ocean Basin and not a natural component of the continental margins of either Russia or any other state” (Representative of the United States of America, 2002). These ridges do not have any direct significance for possible US submission.

Since this was the first ever submission of a claim to extend the continental shelf beyond the 200 NM limit, it was decided that the procedure for establishing a subcommission to assess the Russian proposals should serve as a model, *mutatis mutandis*, for the establishment of subsequent subcommissions. The Russian submission was considered not only at the 10th, but also at the 11th session of the Commission, so sufficient time was allocated for the work of the subcommittee.

On 27th June 2002, the CLCS issued recommendations – it neither accepted nor rejected the proposal but stated that further research was needed to support the claim. In the case of the Barents and Bering Seas, the CLCS recommended that, after the entry into force of the agreements on the delimitation of maritime boundaries with Norway in the Barents Sea and with the USA in the Bering Sea, to send the CLCS maps and coordinates

of the delimitation lines, as they would represent the outer limits of the continental shelf of the Russian Federation exceeding 200 NM in the Barents Sea and the Bering Sea. Regarding the Okhotsk Sea, the Commission recommended to submit a well-documented partial submission for its extended continental shelf in the northern part of the sea. The CLCS stated that this partial submission would not affect questions relating to the delimitation of boundaries between states in the South, for which a submission could subsequently be made, notwithstanding the provisions relating to the 10-year time limit set out in Article 4 of Annex II to the Convention. To make this partial submission possible, the CLCS also advised the Russian Federation to use its best efforts to reach an agreement with Japan in accordance with paragraph 4 of Annex I to the Commission's Rules of Procedure. Regarding the Central Arctic Ocean, the CLCS recommended to submit a revised submission regarding its extended continental shelf in this area based on the findings contained in the recommendations (Commission on the Limits of the Continental Shelf, 2002).

The Commission stated that according to the materials provided in the submission the Lomonosov Ridge cannot be considered a submarine elevation under the Convention and according to the current state of scientific knowledge, the Alpha-Mendeleev Ridge Complex cannot be considered a submarine elevation under the Convention (Russian Federation, 2015).

Since the Okhotsk Sea is not part of the Arctic Ocean, we will not analyze submission made in this regard.

4.2 Partial revised Submission in respect of the Arctic Ocean

On 3rd August 2015, the Russian Federation submitted substantially revised submission concerning the Arctic Ocean. It claims 1,191,347 km², including the North Pole, which is about 100,000 km² more than the 2001 submission (Hossain, 2021). It is estimated that the area includes 594 oil fields and 159 natural gas fields, as well as two major nickel fields and more than 350 gold deposits. Initial renewable fuel resources are estimated at 258 billion tonnes of fuel equivalent, representing 60% of the total hydrocarbon resources of the Russian Federation (Staalesen, 2015).

The revised submission is based on the scientific assumption that the central Arctic submarine ridges, among them the Lomonosov Ridge, the Alpha-Mendeleev Rise (the term "rise" is already used here) and the Chukchi Plateau, as well as their separating the Podvodnikov and Chukchi basins, have a continental character (Russian Federation, 2015). The Russian claim is based on the argument that the Lomonosov Ridge and the Alpha-Mendeleev Rise are not oceanic ridges or submarine ridges, but submarine elevations. Since based on the provisions of Article 76 (6) UNCLOS does not apply a limit of 350 NM in the case of elevations as in the case of submarine ridges, it would be possible to define the outer limit of the shelf based on 100 NM from the 2,500 m isobath, thus expanding it significantly.

The issue of maritime delimitation in the Barents Sea and Arctic Ocean between the Russian Federation and the Kingdom of Norway mentioned in the context of first Russian submission was settled with the entry into force on 7 July 2011 of the Treaty on Maritime Delimitation and Cooperation in the Barents Sea and the Arctic Ocean of 15th September 2010.

Regarding the US-Russian maritime issue, the Russian Federation applies the Agreement “provisionally from the date of signature to present” (Russian Federation, 2015). Concerning the relations with Denmark (Agreement of 27 March 2014) and Canada, the States agreed on general procedure (when one State makes Submission to the Commission, the other State shall immediately forward to the UN Secretary-General a diplomatic note exactly saying they do not object the submission).

In response to the submission, Denmark (2015) pointed to a possible overlapping of the Danish and Russian shelves, the US (2015) confirmed the provisional application of the provisions of 1st June 1990 Agreement by both states, and Canada (2015) also pointed to a possible overlapping of extended shelf claims. In 2021, the USA sent a similar note concerning an Addendum to the Executive Summary of the partially revised Submission in respect of the continental shelf in the area of the Lomonosov Ridge and other areas of the Arctic Ocean.

At the 52nd session, the Delegation submitted additional data and information concerning new outer limit points in the Amundsen and Canada basins that resulted in a significant change in the outer limits initially proposed in the Submission of 2015. On 31st March 2021, the Russian Federation submitted to the Commission two addenda to the partially revised 2015 submission in respect of the Arctic Ocean. The first addendum concerns the Gakkel ridge, the Nansen and Amundsen basins, and the second the Lomonosov Ridge, the Alpha-Mendelev Rise, the Amundsen and Makarov basins, and the Canada basin (United Nations, 2021). Russian claim now includes 70% of the seabed in the central parts of the Arctic Ocean outside the exclusive economic zone of the Arctic coastal states, and the addenda represent a further expansion of the continental shelf by around 705,000 km² (Breum, 2021).

The CLCS issued recommendations on 6th February 2023. At the Commission’s 50th meeting in 2019, a breakthrough occurred in relation to Russian shelf extension claim – the CLCS agreed with the claim that the Lomonosov Ridge, the Medeleev Rise, as well as the Podvodnikov Basin are submarine plateaus and are geologically similar to the Russian continent, but this does not automatically confirm Russia’s claim (Staalesen, 2019).

The recommendations state that “Lomonosov Ridge is a continental fragment of the Barents-Kara Sea passive continental margin, from which it separated as a result of the opening of the Eurasian Basin along the Gakkel Ridge axial spreading center” and that “Mendelev Rise is a seafloor high that extends from the Siberian margin towards the center of the Arctic Ocean where it merges with a similar feature, the Alpha Ridge,

which extends from the opposite side of the ocean basin. The merged feature is referred to hereafter as Mendeleev-Alpha Rise, in accordance with the terminology used in the Submission.” According to the Recommendations “Gakkel Ridge is presumed to be a northern extension of the Mid-Atlantic Ridge system” (Commission on the Limits of the Continental Shelf, 2023a).

In conclusion, the Subcommission agreed with the Russian Federation that Lomonosov Ridge, Mendeleev-Alpha Rise, and Podvodnikov Basin are submarine elevations that are natural components of the margin in accordance with article 76, paragraph 6. Hence, the depth constraint (isobath 2,500 m + 100 NM) can be applied for the delineation of the outer limits of the continental shelf.

Due to insufficient data and information provided for the outer edge of the continental margin, the outer limits of the continental shelf in the southern part of Amundsen Basin have not been defined. The CLCS recommends making a partial revised submission in respect of its continental shelf in that area. The CLCS recognizes that the establishment of the final outer limits of the continental shelf of the Russian Federation in the Arctic Ocean may depend on continental shelf delimitation with neighboring States (Commission on the Limits of the Continental Shelf, 2023a).

4.3 Partial revised Submission in respect of the southeastern part of the Eurasian Basin in the Arctic Ocean

This partial submission from 14th February 2023, refers to the submission of 20 December 2001 and its partial revised submission of 3rd August 2015 (with addenda submitted on 31st March 2021) concerning the Arctic Ocean. The area of the seabed in the submission covers the southeast part of the Amundsen Basin and Gakkel Ridge of the Eurasia Basin of the Arctic Ocean (Russian Federation, 2023).

In its submission, the Russian Federation refers to the provisions of paragraphs 1, 4 a) ii), 5, and 7 of Article 76 of UNCLOS. Regarding the Commission’s Rules of Procedure, it pointed to unresolved issues regarding the delimitation of maritime borders, namely with the Kingdom of Denmark and Canada.

In this submission, points are based on the Hedberg formula, one point is based on the Gardiner formula (a point from the 2015 submission), and one point lies on the 200-mile limit of the exclusive economic zone.

The presentation of the partial revised submission was made on 5th July 2023 on the 58th session.

4.4 Partial revised Submission in the Area of the Gakkel Ridge in the Arctic Ocean

The most recent submission of the Russian Federation is dated 30th October 2023. The Russian Federation submitted with reference to its Submission of 20th December 2001, and of its Partial Revised submission of 3rd August 2015 (with addenda submitted

on 31 March 2021) in respect of the Arctic Ocean, information on the limits of the continental shelf beyond 200 NM in the Area of the Gakkel Ridge in the Arctic Ocean.

According to data obtained it is indicated that the Gakkel Ridge is a submarine ridge to which a limit of 350 NM is applied.

5 THE KINGDOM OF NORWAY

By the Royal Decree of 31st May 1963, Norway proclaimed sovereign rights over the seabed and subsoil outside its coast as regards exploitation and exploration of natural deposits, to such extent as the depth of the sea permits the exploitation of such deposits. Later the definition of the shelf was restored in the Act No. 12 of 21st June 1963 relating to the exploration for and exploitation of submarine natural resources. Next, the Act No. 11 of 22nd March 1985 pertaining to petroleum activities specified that the continental shelf comprises the seabed and subsoil beyond the territorial sea, as far as it may be deemed to be the natural prolongation of Norwegian land territory, but no less than 200 NM from the baselines. The current definition is contained in the Act of 29th November 1996 No. 72 relating to petroleum activities, and builds on article 76 of the Convention, which came into force for Norway on 24 July 1996 (Norway, 2006).

The Kingdom of Norway made its submission on 27th November 2006. Norway requested the extension of the continental shelf in three areas of the North-East Atlantic and the Arctic – the so-called Loophole in the Barents Sea, the Western Nansen Basin in the Arctic Ocean and the so-called Banana Hole in the Norwegian and Greenland Seas. The Loophole in the central part of the Barents Sea is the area beyond and totally enclosed by the 200 NM limits of Mainland Norway and Svalbard, and the Russian Federation and is undoubtedly part of the submerged prolongation of the land masses of these two coastal States. The Banana Hole is the area of the Norwegian and Greenland Seas that is totally enclosed by the 200 NM limits of Mainland Norway and Svalbard in the east, and the Faroe Islands, Iceland, Jan Mayen, and Greenland in the south and west (Commission on the Limits of the Continental Shelf, 2009).

The submission states that the continental margins of the Northeast Atlantic and the Eurasian Basin of the Arctic Ocean are part of the same continuous continental margin, i.e. the Eurasian Continental Margin. The largest part consists of the continental margin adjacent to Mainland Norway and the Svalbard Archipelago, and extends from the North Sea in the south, through the Norwegian and Greenland Seas, into the Eurasian Basin of the Arctic Ocean in the north. The other part of the shelf surrounds the Jan Mayen Island which the submission refers to as “a special case as it is, in geological terms, part of its own small continent” (Norway, 2006).

Concerning the Banana Hole, on 20th September 2006 the Ministers of Foreign Affairs of Norway, Denmark (together with the Prime Minister of the Government of the Faroes) and Iceland signed Agreed Minutes that set out an agreed procedure for determining future delimitation lines in the southern part of the Banana Hole. A procedure

was agreed upon (which is similar in several cases) that when any of these States submits its documentation relating to the outer limits of the continental shelf, the other States shall notify the Secretary-General of the United Nations that they have no objection to the CLCS considering and issuing the documentation on that basis recommendations. Furthermore, the Commission's recommendations do not affect the submission of documentation to these states at a later stage or the issue of bilateral delimitations of the continental shelf between these states (Commission on the Limits of the Continental Shelf, 2009c). Similarly, on 20th February 2006 Norway and Denmark together with Greenland signed an Agreement concerning the delimitation of the continental shelf and the fisheries zones in the area between Greenland and Svalbard (which came into force on 2 June 2006).

While the Banana Hole and Western Nansen Basin areas were not questioned, in respect of the Loophole, the Russian Federation stated that the Barents Sea region was the subject of a dispute that had not yet been settled at the time, but agreed to consider the submission with respect to the disputed Barents Sea area and reserves the right to present additional comments to the submission. Denmark and Iceland also commented on the Norwegian claim in diplomatic notes (regarding the Agreed Minutes and Agreement mentioned above). Spain responded with a note regarding its right to use resources on the continental shelf around Svalbard based on the Spitsbergen Treaty of 1920 (the provisions of the Spitsbergen Treaty and its regime are briefly referred to in the diplomatic note by the Russian Federation) and stated that it has for the fact that the Svalbard Treaty also applies to the area in the Western Nansen Basin and Loophole and reserves the right to the resources of the continental shelf that may be defined around Svalbard, including the extension thereof (Permanent mission of Spain, 2007).

The CLCS adopted recommendations on 27th March 2009. In relation to Loophole, the Norwegian proposal met the requirements for submission for extension continental shelf beyond 200 NM from the baseline and it recommends that Norway proceed with the delimitation of the continental shelf beyond 200 NM in the Loophole in agreement with the Russian Federation, with the assurance that both coastal states share a claim to the seabed and subsoil beyond 200 NM in this part of the Barents Sea as natural extensions of their land territories (Commission on the Limits of the Continental Shelf, 2009c).

Since 1974, Norway and Russia had disputed an area in the Barents Sea with an area of 175,000 km². Both states settled the disputed situation on 15th September 2010 by concluding the Treaty concerning Maritime Delimitation and Cooperation in the Barents Sea and the Arctic Ocean (the Murmansk Treaty). Both countries maintain good relations and cooperate in various areas – the beginning of cooperation was mainly focused on oil and gas, a sector in the High North where both countries have common problems and opportunities; later the focus has been on the environment, geosciences, and technology for field development in the Arctic (Damašková and Ermilova, 2022; p. 499).

Norway has become the first Arctic country to delineate its continental shelf based on the Commission's recommendations. The total area of the continental shelf of Norway is about 235,000 km², which is about ¾ of the land area of Norway. The original proposal submitted to the Commission dealt with an area of 250,000 km² (Nilsen, 2009).

Bearing in mind the overlapping claims of the states regarding the North Pole, it is certainly possible to say that Norway is not affected by possible overlapping claims for geographical reasons. The shelf boundary is between 84° and 85° N latitude, approximately halfway between the northern edge of Svalbard and the North Pole. This is also confirmed by the words of the Minister of Foreign Affairs of Norway, Jonas Gahr Støre: "In the discussion about who owns the North Pole – it is definitely not us" (Doyle, 2009).

5.1 Submission in respect of Bouvetøya and Dronning Maud Land

On 4th May 2009, the Kingdom of Norway submitted to the Commission a submission in respect of Bouvet Island and Queen Maud Land (Commission on the Limits of the Continental Shelf, 2009a). States did not submit any notes verbale in relation to the Bouvetøya part of the submission, but the CLCS received several notes verbale relating to the continental shelf belonging to Dronning Maud Land located in Antarctica (namely from the USA, the Russian Federation, India, the Netherlands, and Japan) and decided to do not consider and do not qualify this part of the submission. The Commission adopted the recommendations on 8th February 2019, but since it does not belong to the Arctic region, we will not analyze it further in this section (Commission on the Limits of the Continental Shelf, 2019).

6 THE KINGDOM OF DENMARK

The Kingdom of Denmark has made 5 partial submissions to the Commission on the Limits of the Continental Shelf – for the area north of the Faroe Islands (2009), Faroe-Rockall Plateau Region (2010) both submitted together with the Government of the Faroe Islands; submission in respect of the southern continental shelf of Greenland (2012), later a claim for the north-eastern continental shelf of Greenland (2013), and as a final claim for the Northern continental shelf of Greenland in 2014. Denmark in every partial submission states that particular partial submission is a first – fifth step in fulfilling Denmark's obligation under Article 76 (8) UNCLOS and Article 4 of Annex II to the UNCLOS to submit information on the outer limits of its continental shelf beyond 200 NM.

By Royal Decree No. 259 of 7th June 1963, Denmark proclaimed sovereign rights over the seabed and subsoil off the coast of the Kingdom of Denmark for exploration and exploitation of natural deposits beyond the territorial sea to a depth of 200 m or to such an extent as the depth of the sea permits the exploitation of such deposits. In accordance with the UNCLOS, such sovereign rights are now being exercised up to 200 NM from

the baselines or to agreed boundaries. A designation of the continental shelf around the Faroe Islands was published in the Official Gazette of the Kingdom of Denmark on 7th May 1985. By agreement between the Government of the Kingdom of Denmark and the Government of the Faroes on 22nd December 1992, the legislative and executive powers regarding subsoil resources were transferred to the Government of the Faroes. National legislation of the Faroes regulates all aspects of the rights of a coastal State over the continental shelf (The Kingdom of Denmark, 2009). By Agreement between the Government of the Kingdom of Denmark and Naalakkersuisut (Government of Greenland) as implemented by the Danish Act No. 473 of 12th June 2009 (Act on Greenland Self-Government), Naalakkersuisut was vested with the authority of assuming new fields of responsibility. By Inatsisartut (Parliament of Greenland) Act No. 7 of 7th December 2009 (Act on Mineral Resources) the legislative and executive responsibility for mineral resource activities was assumed by Naalakkersuisut with effect from 1st January 2010 (The Kingdom of Denmark, 2013).

6.1 Partial submission in the area north of the Faroe Islands

A partial submission by the Danish and Faroese governments concerning the area north of the Faroe Islands was made on 29th April 2009 and received notes from Iceland and Norway – neither state objected.

There were some unresolved issues regarding the delineation of the continental shelf in the area more than 200 NM from the baselines of the Faroe Islands, mainland Norway, Iceland, Jan Mayen Island, Greenland, and Svalbard, referred to as the Banana Hole. On 20th September 2006, Denmark, Iceland, and Norway agreed on a procedure for determining the delimitation line in the southern part of Banana Hole.³

Ireland and the United Kingdom agreed on a maritime boundary on the continental shelf in 1988, but this has not been accepted by Denmark and the Faroes, neither Iceland, which made overlapping claims. The four States have met regularly since 2001 to resolve the issues arising from these overlapping claims, but to date have been unable to reach agreement, and that Ireland made this submission within the period established by the UNCLOS. At the 24th session, together with Denmark, the United Kingdom, and Ireland presented in respect of Hatton-Rockall Area, Iceland only made a submission that year, presenting it only at the 31st session.

In the submission, Denmark refers to the Faroe-Iceland Ridge and the Ægir Ridge as “seafloor highs”. The outer limits of the continental shelf north of the Faroe Islands extend to 350 NM from the baselines from which the territorial sea lines around the Faroe Islands are measured. To the west, north-west, and south-east, the outer limits of the continental shelf are delineated by the 200 NM limits of Iceland, Jan Mayen, and the mainland of Norway, respectively (The Kingdom of Denmark, 2009).

³ See section The Kingdom of Norway

The Commission adopted recommendations on 12th March 2014. It is the only Danish submission on which the Commission has already issued its recommendations.

Since the Commission has accepted Denmark's position that the Ægir ridge is a submarine ridge, the outer limits of the continental shelf shall not exceed 350 NM from the baselines. The outer limit in the region north of the Faroe Islands, as defined by Denmark, consists only of the 350 NM distance constraint line, with which the Commission issued a favorable opinion.

6.2 Partial Submission in respect of Faroe-Rockall Plateau Region

Iceland commented on the partial submission of Denmark from 2nd December 2010 Faroe-Rockall Plateau Region. Since in the Hatton-Rockall area, which is part of the submitted claim, there is a part of the Icelandic continental shelf, which is, however, the subject of overlapping claims of Denmark, Ireland, and the United Kingdom. The Government of Iceland in a note verbale dated 5th April 2011 (received by the Secretary-General on 8th April 2011, after the closing of the plenary part of the 27th session) (Commission on the Limits of the Continental Shelf, 2021) did not give its consent to the consideration and qualification of the submission by the Commission. Iceland therefore did not include this area in its claim submitted to the CLCS on 30th April 2009 and stated that it would make a separate submission in respect of this area later.

The Government of Denmark together with the Government of the Faroe Islands issued a communiqué in which they see no reason to block the consideration of the submission to the CLCS in this matter by other states. Consequently, in Denmark's view, the consideration of the submissions of Ireland and the United Kingdom was subject to its consent. It also states that Denmark will give its consent to the CLCS to consider the submissions of the United Kingdom and Ireland, provided that its submission concerning the Faroe-Rockall Plateau region is considered at the same time. It was also stated that Iceland also had a claim that overlapped with parts of the region, even though it had not submitted a claim relating to this area within the 10-year period prescribed by the UNCLOS. In this context, Denmark is of the opinion that if Iceland made such a submission, it could also be added to the current consideration of all submissions related to this region (Permanent Mission of Denmark, 2010).

The CLCS decided to defer further consideration of the submission and the note verbale until such time as the submission is next in line for consideration, as queued in the order in which it was received.

6.3 Partial Submission in respect of the Southern Continental Shelf of Greenland

On 14th June 2012, Denmark made a submission in respect of the southern continental shelf of Greenland. This Partial Submission is the first one related to Greenland and covers only the Southern Continental Shelf of Greenland.

This was a partial submission by the government of Denmark together with Greenland and states that it intends to submit separate information on the areas north and north-east of Greenland. Canada (2012) and Iceland (2013) commented on the submission. Neither state objected to the consideration of the submitted proposal, with Canada noting the possible overlap of Denmark's claim with its own claim filed later.

The southern continental margin of Greenland extends from mainland Greenland to the Irminger Sea in the east, across the Eirik Ridge in the south and to the Labrador Sea in the west. Denmark's partial submission on the southern continental shelf of Greenland was presented on 17th August. There are two separate sections to the outer limits of shelf beyond 200 NM – the south-western part in the Labrador Sea and the eastern part in the Irminger Sea. In the southwestern part, the outer limits end at the 200 NM line of Canada in the north and south and then at the 200 NM line of Greenland in the east. (The Kingdom of Denmark, 2012).

In an exchange of notes dated 15th March 2012, the Governments of Denmark and Canada agreed that when one State makes a submission to the Commission regarding the outer limits of the continental shelf in the Labrador Sea, the other State shall immediately send a diplomatic note to the Secretary-General of the United Nations informing him, that it has no objection to the consideration of the submission by the CLCS, and states that the Commission's recommendations regarding the submission do not affect the Commission's consideration of its own proposals and matters relating to the delimitation of the borders between the two states.

Iceland's outer limits proposed in its submission of 29th April 2009 overlap with the eastern part of Greenland's southern continental shelf. The matter is subject to consultation between the parties (The Kingdom of Denmark, 2012). The CLCS also decided to revert to the consideration of the partial submission, and any notes verbales that may be received in the future, at the plenary level when the partial submission was next in line for consideration as queued in the order in which it was received (Commission on the Limits of the Continental Shelf, 2016b).

6.4 Partial Submission in respect of the North-Eastern Continental Shelf of Greenland

On 26th November 2013, Denmark jointly submitted a partial submission with Greenland regarding the area north-east of Greenland. Denmark also presented its submission on 17th August 2016 as the previous one.

Again, this is a partial submission stating that Denmark intends to submit separate information on sea areas north of Greenland. Norway commented on the submission, which, although it did not object to the consideration of the submission by the CLCS, described the subject area between Greenland and Svalbard as "disputed". An unresolved question remains in connection with the delimitation of the northeastern continental shelf of Greenland. Its outer limits overlap with the outer limits of the continental shelf of

Norway. On 27th November 2006, Norway submitted its submission for three separate areas in the Barents Sea, the Arctic Ocean, and the Norwegian Sea, and the CLCS adopted recommendations on it on 27th March 2009.

On 20th February 2006, the Kingdom of Denmark together with the Government of Greenland and the Kingdom of Norway signed an Agreement concerning the delimitation of the continental shelf and the fisheries zones in the area between Greenland and Svalbard which into force on 2nd June 2006. In the preamble to the Agreement, the contracting parties expressed their intention to revert to the delimitation of the continental shelf beyond 200 NM in connection with the establishment of the outer limits of the continental shelf (Agreement, 2006).

The northeastern continental margin of Greenland is a passive continental margin extending approximately 1,300 km from 70° in the south to 82° N in the north. The width of the continental shelf varies from about 60 km in the southern and northern parts of the margin to more than 300 km in the central part (The Kingdom of Denmark, 2013).

Only Hedberg formula points have been used in this Partial Submission. The outer limits end at the 200 NM line of Greenland in the west and at the 200 NM line of Norway (Svalbard) in the east (The Kingdom of Denmark, 2013).

In accordance with the above, the Kingdom of Denmark has requested that the Commission consider the data and other material in this partial submission concerning the North-Eastern Continental Shelf of Greenland and make recommendations regarding this partial submission without prejudice to the delimitation of the continental shelf between Denmark/Greenland and Norway. Both states agreed to this request.

6.5 Partial Submission in respect of the Northern Continental Shelf of Greenland

Another submission to the Commission was made by the Kingdom of Denmark on 15th December 2014, this time in relation to the northern continental shelf of Greenland. It is a partial submission of the Government of the Kingdom of Denmark together with the Government of Greenland and was presented as well at the 41st session on 18th August 2016.

This submission is particularly interesting because by submitting it, Denmark became the first country to claim sovereign rights over the North Pole. The Danish claim is based on the claim that the continental shelf of Greenland is connected to the Lomonosov Ridge located at the bottom of the Arctic Ocean and is a natural prolongation of the Greenlandic mainland. The Danish and Greenlandic governments jointly claim a shelf of approximately 900,000 km². The submission of the claim to the Commission was preceded by 12 years of collecting the necessary scientific data. Denmark has invested around 44.3 billion euros in data collection and processing to support its claim (Pettersen, 2014).

Denmark considers the Lomonosov Ridge, the Gakkel Ridge, the Alpha-Mendelev ridge complex, and Chukchi Borderland as integral parts of the Northern

Continental Margin of Greenland. The Lomonosov Ridge is qualified in the submission as “a sliver of continental crust” and “seafloor high”. The Gakkel Ridge is considered to be “an active, ultra-slow seafloor spreading ridge”. The Alpha-Mendeleev ridge complex is “a volcanic plateau” and it has proposed that it is “an oceanic plateau containing remnants of continental material”. The submission further states that the Alpha-Mendeleev ridge complex and Chukchi Borderland are morphologically continuous with the land mass of Greenland, however, the data do not provide for their classification as “submarine elevations”, which would be a component of the continental margin (The Kingdom of Denmark, 2014).

Norway, Canada, the Russian Federation, and the USA commented on the submitted claim. Norway agreed with consideration of the submission with regard to the “disputed area” (in view of the 2006 Agreement), Canada did not object, the Russian Federation reminded a possible overlapping claim but did not object to the Commission’s consideration, stating that any recommendations by the Commission regarding the Danish proposal have no impact on the rights of the Russian Federation during the consideration of the Russian submission nor on the delimitation of the continental shelf between the Russian Federation and Denmark. The abovementioned 3 points were essentially the content of the agreement concluded on 7th March 2014 by the Kingdom of Denmark together with the Government of Greenland and the Russian Federation through an exchange of notes (The Kingdom of Denmark, 2014).

The USA noted that their claim to the continental shelf may overlap with that of Greenland but did not object with a similar amendment as the Russian Federation – that the Commission’s decision would not affect the delimitation of the US continental shelf or the mutual delimitation between the USA and Denmark.

In this submission, both formulas are used, a limit of 350 NM, and even a line of 100 NM from the 2,500 m isobath.

During the preparation of this partial submission, the Kingdom of Denmark held regular consultations with Canada. It emerged from these consultations that the outer limits of the Canadian continental shelf will overlap with the outer limits of the northern continental shelf of Greenland in a later proposal. Canada made its claim in 2013.

7 CANADA

7.1 Partial submission in respect of the Atlantic Ocean

Canada made its first submission to the Commission on 6th December 2013, but in respect of continental shelf in the Atlantic Ocean. The partial submission is organized in three sections – the Labrador Sea, the Grand Banks and Nova Scotia. In this submission, Canada states that this is a partial submission and intends to submit information on the limits of the continental shelf beyond 200 NM in the Arctic Ocean at a later date. Denmark commented on the submission – regarding overlapping in the Labrador Sea area with the area south of Greenland, USA, and France – because of Saint

Pierre and Miquelon – the Government of Canada in previous communication completely rejected any claims of France to any maritime area.

In respect of the Nova Scotia region, Canada anticipated potential overlap if the United States make a submission in the same region. However, the outer limits of the Canadian continental shelf end at the provisional equidistant line with the United States. The submission does not affect matters relating to the delimitation of boundaries between Canada and Denmark or between Canada and the United States. (Commission on the Limits of the Continental Shelf, 2018)

7.2 Partial submission in respect of the Arctic Ocean

Canada submitted a partial submission regarding the Arctic on 23rd May 2019 and it is an addition to the earlier partial submission in respect of the Atlantic Ocean. The USA, Denmark, and the Russian Federation commented on the submission. None of the states objected, but they considered potential overlapping claims.

Preparatory work in relation to shelf delimitation began in the mid-1990s, but the preparation of a partial submission began after Canada became a party to the Convention in 2003. Several Canadian programs have involved international cooperation, notably with the USA, the Kingdom of Denmark, the Kingdom of Sweden, and the Federal Republic of Germany. Data collection began in 2006 and ended in 2016.

In this submission, Canada asserts that Canada's continental margin in the Arctic Ocean is part of a morphologically continuous continental margin that includes a number of extensive seafloor highs. These include the Central Arctic Plateau (Lomonosov Ridge, Alpha Ridge, and Mendeleev Rise), which forms a submerged extension of the Canadian mainland. Geological and geophysical evidence further demonstrates that the Central Arctic Plateau is continuous with the Canadian mainland and as such is a natural part of its continental margin. It does not explicitly (unlike the Russian Federation or Denmark in their submissions) comment on the nature of the aforementioned seafloor heights (Government of Canada, 2019).

In the submission, Canada states that there have been regular consultations with both Denmark and the Russian Federation and basically similar procedures, that the states will not object to each other's submissions to the CLCS and that the consideration of the submission will not affect the submission of the other state or the mutual boundaries between their shelves. Potentially overlapping claims were also revealed in mutual consultations with the US during the preparation of the submission (Government of Canada, 2019). The establishment of the outer limits of the Canadian continental shelf in the Arctic Ocean will depend on delimitation with the Kingdom of Denmark, the Russian Federation, and the USA.

On 19th December, Canada submitted to the Commission an addendum to its original submission. It covers an additional area of continental shelf extending beyond the limits provided for in that partial submission, encompassing the full length of the

Central Arctic Plateau. Addendum states that the Central Arctic Plateau is considered “a seafloor elevation” in the context of Article 76 and the Scientific and Technical Guidelines of the Commission on the Limits of the Continental Shelf (Government of Canada, 2022).

8 ICELAND

8.1 Partial submission in respect of the Ægir Basin area and in the western and south-eastern parts of Reykjanes Ridge

Iceland submitted an information to the Commission on 29th April 2009 related to two separate regions in the North Atlantic – the Ægir Basin area to the northeast of Iceland, and the western and southern parts of Reykjanes Ridge to the south of Iceland.

The preparation of the submission began in 2000. In the submission, Iceland considers the Reykjanes Ridge as an integral part of the prolongation of its mainland territory. According to Iceland, this is a partial submission that does not include the continental shelf of Iceland in the Hatton-Rockall area, which is subject to overlapping claims by Denmark on behalf of the Faroe Islands, Ireland and the United Kingdom or in the eastern part of the Reykjanes Ridge potentially overlapping the Hatton-Rockall area. In order not to prejudice issues relating to the demarcation of interstate boundaries in the Hatton-Rockall area, submissions for both areas will be made at a later date. Denmark and Norway (2009) commented on the submission in relation to the so-called Banana Hole and Denmark again in 2013 (in relation to the Irminger Sea) but had no objections.

Concerning this overlapping areas, 2 agreements were concluded – on 20th September 2006 Agreed Minutes between Iceland, Denmark on behalf of the Faroe Islands, and Norway on the delimitation of the continental shelf beyond 200 NM in the Ægir Basin area (this area is referred to as the southern part of the Banana Hole) and 200 nautical miles between Iceland and Greenland in the Irminger Sea (Iceland, 2009).

The CLCS issued recommendations on this submission on 10th March 2016. Iceland regards the Reykjanes Ridge as an integral part of the prolongation of the land mass of Iceland because there is continuity in terms of morphology, geological origin, and history with Iceland. Subcommission considered that the region is part of the continental margin of Iceland for the purposes of the Article 76. While some members of the Commission accepted the consideration of the Reykjanes Ridge as a submarine elevation, other members of the Commission arrived at the conclusion that the data and information contained in the Submission did not support its consideration as a submarine elevation. The CLCS could not arrive to the conclusion that the constraint line (2,500 m + 100 NM) was applicable and considered that the data and information contained in the Submission were inconclusive to support the western and southern parts of the Reykjanes Ridge as a natural component of the continental margin of Iceland. For this reason, the CLCS decided to recommend only on those fixed points in the western part of the Reykjanes Ridge constituting the outer limits of the continental shelf that are located

within 350 NM from the baselines of Iceland. One fixed point is located on the 200 NM line of Greenland's exclusive economic zone (Commission on the Limits of the Continental Shelf, 2016a).

Based on the consideration of the scientific and technical documentation contained in Iceland's submission, the Commission concluded that, in the Ægir basin, the foot of the slope points mentioned in the submission meet the requirements of Article 76 and Chapter 5 of the Guidelines. In the Ægir Basin, the outer edge of the continental margin is based solely on fixed points within 60 NM of the base of the slope (Commission on the Limits of the Continental Shelf, 2016a).

Denmark/Greenland reported updates to the Greenland baselines that changed the location of the 200 NM line of Greenland. This affected the location of the three outer limit fixed points submitted by Iceland with respect to the western part of the Reykjanes Ridge, as these points were located on Greenland's original 200 NM border (Commission on the Limits of the Continental Shelf, 2013).

8.2 Partial revised Submission in respect of the western, southern and south-eastern parts of the Reykjanes Ridge

On 31st March 2021, Iceland submitted a revised submission to the Commission regarding the western, southern, and southeastern parts of the Reykjanes ridge. The revised submission provides new data and analysis from surveys on Reykjanes Ridge. As before, it covers the continental shelf in the western and southern parts of Reykjanes Ridge. In addition, it includes the south-eastern part of Reykjanes Ridge in order to give a better sense of the overall area. The submission neither covers the Hatton-Rockall area, which is in dispute, nor the north-eastern part of Reykjanes Ridge which potentially overlaps the Hatton-Rockall area (Iceland, 2021).

In a previous submission, the subcommission concluded that the Reykjanes Ridge is a submarine ridge that is a natural part of the continental margin, but the CLCS found the data and information provided to be unconvincing to support the claim that the western and southern parts of the Reykjanes Ridge can be considered a natural part of the continental margin of Iceland. The Commission therefore could not conclude that a line 100 NM from the isobath could be applied and decided to recommend only fixed points up to a distance of 350 NM. Accordingly, Iceland submitted in this submission additional information supporting the argument that the Reykjanes Ridge is a natural part of Iceland's continental margin due to its geological connection to its mainland territory.

In addition, the Commission's recommendations in respect of Bouvetøya (Norway), dated 8th February 2019, are an important precedent which bears strong similarities to the circumstances on Reykjanes Ridge. The recommendations acknowledge that a divergent plate boundary geologically classified as a mid-oceanic ridge, which is under strong influence from hotspot ridge interaction, can constitute

a submarine elevation that is a natural component of the continental margin in the sense of article 76 (6) of UNCLOS.

The submission was presented at the 58th plenary session of the Commission on 9th August 2023.

9 FINLAND, KINGDOM OF SWEDEN, AND THE USA

For geographical reasons, Finland and Sweden cannot claim an extension of the continental shelf beyond 200 NM, as the Baltic Sea has a maximum width of 193 km (which is approximately 104 NM).

The USA was basically the first country to start the debate on claiming the natural resources of the subsoil and the seabed of the continental shelf, based on the Truman Declaration of 28th September 1945. Therefore, it remains a paradox that the USA has not yet ratified the Convention on the Law of the Sea. The provisions of UNCLOS (except Part XI) apply to them as customary law, which they also admitted. For this reason, they do not even have a set time limit for submitting a claim to the Commission for the Limits of the Continental Shelf. As mentioned above, in practice the Commission has not yet had to deal with a submission from a non-contracting state of UNCLOS, therefore opinions on whether such a submission would be admissible differ.⁴

Since the US is not a contracting party, it cannot fully participate in the governance of the Arctic, as it depends largely on the provisions of UNCLOS and use the right to exclusivity in drilling resources from the extended continental shelf.

10 CONCLUSIONS

The article presents a comprehensive summary of the submissions of the Arctic coastal states for the extension of the continental shelf beyond the 200 NM limit in relation to the sovereign rights arising from this legal concept.

The introductory parts briefly analyzed rules, formulas, and constraints for better clarification the content of the submissions. The Arctic states, primarily the Russian Federation, Denmark and Canada, whose shelves overlap, do not deny the individual claims of their “competitors”, they only question the entitlement of the claims.

We can also see differences in the perception of various seafloor features – submarine ridges, submarine elevations or oceanic ridges, which determine the constraint line of the outer limit of the continental shelf. Since the coastal state can choose which of the lines mentioned in Article 76 UNCLOS will be more favorable, the classification of these features in the submission is of great importance. Of course, it is necessary to support these claims with scientific evidence, which is then evaluated by the Commission.

In justifying its claim to the shelf in the Arctic, Russia considers the Lomonosov Ridge and Mendeleev Rise a continuation of the Eurasian continent – the central Arctic

⁴ For more details, see the chapter Commission for the Limits of the Continental Shelf

submarine ridges, the Chukchi Plateau, as well as the Podvodnikov and Chukchi Basins separating them, have a continental character (Russian Federation, 2015). It therefore designates the ridges as elevations, which means that they would not be subject to the 350 NM limitation, but a delineation based on 100 NM from the 2,500 m isobath would apply. The USA considers them to be oceanic ridges that are not a continuation and natural extension of the continent (The United States of America, 2002). The resources found in them would therefore not belong exclusively to Russia or any other state but would belong under the governance of the International Seabed Authority (ISA). However, as confirmed by the Commission on the Limits of the Continental Shelf, the Lomonosov Ridge, the Mendeleev Rise, as well as the Podvodnikov Basin are submarine plateaus, and their geological composition is continental in origin.

The Commission's work is important not only in determining the outer limit of the continental shelf, but also in defining the boundary of the international seabed, which is considered as the common heritage of mankind. However, it does not have the competence to delimitate this border, because this competence belongs only to the sovereign state, which does so if it agrees with the recommendations issued by the Commission.

All the claims for extended continental shelf submitted by Denmark, Russia, and Canada overlap and there are other areas identified as disputed in the submissions. The Commission does not have the authority to decide disputes between states, so if the Commission confirms the states' claims submitted to it, the states will determine the borders among themselves on the basis of bilateral negotiations and treaties on the delimitation of borders.

We can observe a consensus among all Arctic coastal states regarding the procedure for overlapping claims – states consistently confirm that they have no objection to the Commission consideration such submissions, for example by issuing recommendations for joint submissions.

Processing of all states' claims submitted to the Commission for the Limits of the Continental Shelf may take decades due to the Commission's procedural procedures. A total of 93 submissions and 11 partially revised submissions were submitted to the Commission, and so far, it has decided on only 40 of them, which is relatively few. This is because in order to consider and qualify the claim, it is necessary to examine all the documents and maps submitted by the states, and the composition of the Commission is small in terms of personnel and does not meet permanently. That is why the submissions are considered for so long and the Commission decides on them in the order in which they were received.

Even though the resource potential of the Arctic is wealthy, we can observe that states are solving their conflicting claims through peaceful cooperation and there is no "New Cold War" involved, even though at the moment the cold Arctic is the subject of hot interest of Arctic and non-Arctic actors.

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