

IS THERE A 400-MILE RULE IN UNCLOS ARTICLE 76(8)?

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Abstract

The omission from Australia's 2004 submission to the Commission on the Limits of the Continental Shelf of two areas of prolongation of the Australian landmass beyond 200 nautical miles from the territorial sea baseline appears to rest on a view that it is unnecessary to include in a submission any area within 200 miles of another State's territory. Examination of the text of the UN Convention on the Law of the Sea suggests that this is probably erroneous. Although the practical consequences for Australia of having acted on this view are unlikely to be significantly detrimental, this is not necessarily true of the parallel situation between China and Japan in the Okinawa Trough.