

By : DATUK SERI SYED HAMID ALBAR
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THE OUTER LIMITS OF THE CONTINENTAL SHELF
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Y.Bhg. Vice Admiral (Rtd) Dato' Seri Ahad Ramli bin Haji Mohd. Nor
Chairman
Maritime Institute of Malaysia

Y.Bhg. Tan Sri Abdul Kadir Mohamad
Ambassador at-Large
Ministry of Foreign Affairs

Y.Bhg. Datuk Jaafar bin Ismail
Director-General
National Security Division
Prime Minister's Department

Y.Bhg. Dato' Mohd. Idris Mansur
Senior Vice President
Exploration and Production
PETRONAS

Excellencies,

Honoured Guests,

Distinguished Participants,

Ladies and Gentlemen,

It gives me great pleasure to welcome all participants to the Kuala Lumpur Workshop on the Delineation of the Outer Limits of the Continental Shelf, the first workshop on this important issue to be held in the Asia Pacific region. I have no doubt that the participants will benefit immensely from the discussion and the exchange of views on this subject to enhance the understanding of the issues and problems related to the delineation of the outer limits of the Continental Shelf.

2. I am particularly happy that various agencies of the Government of Malaysia have worked together to initiate and organise this Workshop, for the benefits of the regional countries. Let me also take this opportunity to thank PETRONAS for their generous contribution to support the convening of this Workshop, thus providing the valuable opportunity for participants to learn from eminent experts who, I am told, have just completed their first term as members of the Commission on the Limits of the Continental Shelf (CLCS). I would also like to recognise in advance the contributions of our own Malaysian experts on geodesy and hydrography to the Workshop.

Ladies and gentlemen,

3. In December 2002, we will mark the 20th anniversary of the "Charter of the Ocean" – this was the metaphor used twenty years ago in describing the newly signed United Nations Convention on the Law of the Sea (1982 Convention). This instrument is indeed a legal milestone second only, perhaps, to the United Nations Charter itself. Never before had a set of global rules containing important and far-reaching obligations been drafted. It was the culmination of the longest, most complex multilateral negotiations in the history of international law.

4. I consider the development of law of the sea as characterised by the demands of at least three competing doctrines:

First, "the freedom of the seas (mare liberum)" promoted by the flag states; Second, "the natural prolongation of land-mass" propagated by coastal states and third, "the common heritage of mankind".

Thus, the delineation of the outer limit of the continental shelf, which is the subject of this week's regional workshop, is essentially to strike a fair and equitable balance between the national interests and global commons vis-à-vis the freedom of the seas.

Ladies and Gentlemen,

5. As most of us are well aware, the United Nations has attempted to promote the peaceful use of the sea and to develop its ocean governance since 1950s. The First United Nations Conference on the Law of the Sea, held in Geneva in 1958, led to the codification of four treaties that dealt with some areas of the law of the sea, including the 1958 Convention on the Continental Shelf.

6. In the 1970s, the Third United Nations Conference on the Law of the Sea began its work. The Conference laboured for more than ten years on a comprehensive treaty which codify international law on all aspects of ocean space and uses. The result of the Third Conference is the 1982 United Nations Convention on the Law of the Sea which contains 320 articles and 9 annexes. Part VI of the Convention deals with Continental Shelf. To date, 138 countries have ratified the United Nations Convention of the Law of the Sea (UNCLOS 1982).

7. The 1982 Convention, significantly modified the criteria for establishing the outer limits of the continental shelf, as defined in 1958 Geneva Convention on the Continental Shelf. Article 76 of 1982 Convention refers to the continental shelf as a special juridical term that applies to the areas of the seabed falling under the sovereign rights of the coastal state for the purpose of exploring and exploiting its natural resources. The outer limit of this juridical legal continental shelf is determined by a reference to a distance of 200 nautical miles; or to the outer edge

of the geological continental margin wherever the margin extends beyond 200 nautical miles. This is the subject matter you will be discussing at this Workshop.

Ladies and gentlemen,

8. Let me at this juncture ,share with you some of my thoughts on the development of the Law of the Sea and the challenges that confront developing countries, such as Malaysia ,in the attempt to fullfil the obligations under the 1982 Convention.

9. With the 1982 Convention modification to the definition of continental shelf, States are allowed to use one or the other definition in their national legislation. Some coastal states have, in fact, replaced the provisions of the 1958 Convention with those contained in 1982 UNCLOS. Malaysia is still in the process of reviewing relevant legislations not only relating to its continental shelf but other legislations as well, to bring it into line with the 1982 Convention.

10. The modification also brought with it a new problem for states separated by an ocean with width less than 200 nautical miles. This geographical situations where the distance between the States with opposite coasts is less than 400 nautical miles, States Parties have adopted an interim policy of favouring a single maritime zone, namely, that the outer limit of both exclusive economic zone and continental shelf will be the same line. Although this seems to be a logical and practical approach to resolving the problem, its acceptance by others, are by no means certain.

Ladies and gentlemen,

11. Given its real and potential riches, it is well understood that a country could only explore and exploit its continental shelf natural resources once their maritime limits are clearly defined. But the political and legal processes to be undertaken in attempting to define especially the continental shelf limits, present enormous challenges for many developing countries:

12. First, the challenges to submit relevant background data and information such as hydrography, geodesy, geology, and geophysics to the Commission on the Limits of Continental Shelf (CLCS). A coastal state that intends to establish the outer limit of a continental shelf beyond 200 nautical miles will have ten years in which to prepare its submission to the CLCS, that is, before 13 May 2009.

13. Second, the challenges in resolving the problems related to the lack of financial, technical expertise as well as acquiring the necessary skills, not only in collating the necessary background date and information, but also in exploring and exploiting the seabed resources.

14. I believe it is essential that the United Nations assist developing countries to overcome these challenges. Otherwise, one of the goals of the 1982 Convention, which provide the legal framework for the exploitation of natural resources of the oceans – both living and mineral – for the benefit of all peoples and countries, would not be achieved.

15. Having said that, I therefore consider this Workshop as most timely and extremely significant, especially in addressing one of the challenges I mentioned earlier ,which is considered to be a most complex and technical subject.

16. I hope this workshop will not only achieve the objective of preparing and familiarising the participants, with the processes and skills required, to deal effectively with the issues but also contribute to the formation of networking amongst the participants and the experts, I am sure that with the knowledge and the friendship established your work will be greatly facilitated. This will enable for the timely submission to the Commission on the Limits of the Continental Shelf the background data and information, regarding their continental shelf limits beyond the two hundred nautical miles.

17. On this note, I wish all the participants attending this workshop will have a fruitful learning experience and at the same time enriched yourselves with the knowledge on this important subject. Now, I have the pleasure to declare open the Kuala Lumpur Workshop on the Delineation of the Outer Limits of the Continental Shelf. I wish all of you a successful Workshop and a pleasant stay in Kuala Lumpur to our guests.

Thank you.