

ANNEX V



Commission on the Limits of the Continental Shelf

SUMMARY OF RECOMMENDATIONS OF THE COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF IN REGARD TO THE PARTIAL REVISED SUBMISSION MADE BY THE RUSSIAN FEDERATION IN RESPECT OF THE SEA OF OKHOTSK ON 28 FEBRUARY 2013¹⁰

Recommendations prepared by the Subcommittee established for the consideration
of the Submission made by the Russian Federation

Adopted by the Subcommittee on 4 February 2014

Adopted by the Commission, with amendments, on 11 March 2014

¹⁰ The aim of this Summary is to provide information which is not of confidential or proprietary nature in order to facilitate the function of the Secretary-General in accordance with Rule 11.3 of Annex III to the Rules of Procedure of the Commission (CLCS/40/Rev.1). This Summary is based on excerpts of the Recommendations and may refer to material not necessarily included either in the full Recommendations or this Summary.

I. INTRODUCTION

- 1 On 28 February 2013, the Russian Federation submitted to the Commission on the Limits of the Continental Shelf, through the Secretary-General of the United Nations, information on the limits of the continental shelf beyond 200 M from the baselines from which the breadth of the territorial sea is measured in respect of the Sea of Okhotsk, in accordance with article 76, paragraph 8.
- 2 The Convention entered into force for the Russian Federation on 11 April 1997.
- 3 It is recalled that, on 20 December 2001, the Russian Federation had made a Submission to the Commission, which covered the following regions: Barents Sea, Bering Sea, Sea of Okhotsk and Central Arctic Ocean. On 27 June 2002, the Commission adopted the "*Recommendations of the Commission on the Limits of the Continental Shelf in regard to the Submission made by the Russian Federation on 20 December 2001.*" In these Recommendations, inter alia, the Commission recommended the Russian Federation "to make a well documented partial submission for its continental shelf extended beyond 200 nautical miles in the northern part of Sea of Okhotsk. This partial submission shall not prejudice questions relating to the delimitation of boundaries between States in the south for which a submission may be made later, notwithstanding the provisions regarding the ten-year period established by article 4 of Annex II to the Convention."
- 4 Pursuant to these Recommendations, the Russian Federation made a Partial Revised Submission in respect of the Sea of Okhotsk, on 28 February 2013.¹¹
- 5 On 4 March 2013, the Secretary-General issued Continental Shelf Notification CLCS.1.REV.2013.LOS, giving due publicity to the Executive Summary of the Partial Revised Submission in accordance with rule 50 of the Rules of Procedure.¹² Pursuant to rule 51 of the Rules of Procedure, the consideration of the Partial Revised Submission was included in the agenda of the thirty-second session of the Commission.
- 6 At the thirty-second session, on 12 August 2013, in light of the partial change in the membership of the Commission, which had occurred since the adoption of the "*Recommendations of the Commission on the Limits of the Continental Shelf in regard to the Submission made by the Russian Federation on 20 December 2001*", the Commission proceeded to fill certain vacancies in the Subcommittee established to examine the Partial Revised Submission made by the Russian Federation. Following consultations, the Commission appointed Mazlan Bin Madon, Jair Alberto Ribas Marques, Walter R. Roest and Szymon Uścínowicz to fill the four vacancies. They joined the original members of the Subcommittee, namely Lawrence Folajimi Awosika, Galo Carrera (Chair) and Yong-Ahn Park (Vice-Chair). After its reconstitution, the Subcommittee met and elected Mr. Roest as the other Vice-Chair.
- 7 The presentation of the Partial Revised Submission to the Commission was made on 16 August 2013 by the head of the Delegation of the Russian Federation, Denis

¹¹ The list of the material included in the original Submission is contained in Annex II to the Recommendations.

¹² See Continental Shelf Notification CLCS.1.REV.2013.LOS at http://www.un.org/Depts/los/clcs_new/submissions_files/submission_rus_rev.htm.

Gennadyevich Khramov, Deputy Minister of Natural Resources and Environment. The Delegation also included Yuri Borisovitch Kazmin, deputy head of Delegation, and Evgeny T. Zagaynov, Deputy Permanent Representative of the Russian Federation to the United Nations, New York, as well as a number of advisers. In addition to elaborating on substantive points of the Partial Revised Submission, Mr. Khramov informed the Commission that Ivan F. Glumov, member of the Commission, had assisted the Russian Federation by providing scientific and technical advice in respect of the Partial Revised Submission.

- 8 Mr. Khramov stated that the Partial Revised Submission did not prejudice the issues related to delimitation of maritime boundaries between Japan and the Russian Federation in the southern Sea of Okhotsk and that Japan did not object to the consideration of the Partial Revised Submission by the Commission.
- 9 The Commission received and took note of the content of note verbale No. SC/13/203, from the Permanent Mission of Japan to the United Nations, dated 23 May 2013, which informed the secretariat of the Commission¹³ that “the Government of Japan confirms that it does not object to Russia's request to the Commission to consider Russia's revised partial submission” and that “this Note Verbale itself and the possible Commission's recommendations to be made in relation to the aforementioned Russia's revised partial submission shall be without prejudice to the position and view of the Government of Japan in regard to the Islands of Etorofu, Kunashiri, Shikotan and Habomai, which are inherent part of the Japanese territory, as well as to the delimitation of the exclusive economic zone and the continental shelf yet to be agreed upon between Japan and the Russian Federation.”
- 10 The Commission addressed the modalities for the consideration of the Partial Revised Submission, recalling the decision taken at its twenty-sixth session, as well as the existing practice of the Commission in this regard,¹⁴ whereby revised submissions would be considered on a priority basis notwithstanding the queue (CLCS/68, para. 57). The Commission assigned the examination of the submission to the Subcommittee referred to in paragraph 6.
- 11 Following its reconstitution, the Subcommittee met without delay. The Subcommittee prepared a set of procedures for the conduct of meetings with the Delegation. During its initial examination of the Partial Revised Submission, held from 19 to 22 August 2013, the Subcommittee carried out an analysis of the data and information. On the basis of the preliminary analysis carried out in that context, the Subcommittee decided to continue its work during the thirty-third session. The Subcommittee also held two meetings with the Delegation of the Russian Federation, during which it requested the Delegation to provide additional geodetic and hydrographic data and information, which was available from either Russian sources and/or from public domain sources across the continental slope and its base in the Sea of Okhotsk.¹⁵
- 12 The Subcommittee continued its examination of the Partial Revised Submission during the thirty-third session. During this session, the Delegation transmitted, through the Secretariat, the requested additional geodetic and hydrographic data and information. On 28 October 2013, the Delegation transmitted public domain

¹³ Division for Ocean Affairs and the Law of the Sea (“DOALOS”), Office of Legal Affairs, United Nations.

¹⁴ CLCS/72, paragraph 49.

¹⁵ The material supplied to the Delegation by the Subcommittee is contained in Annex III to the Recommendations.

data. On 13 November 2013, it submitted data obtained from the RV “Vice-admiral Vorontsov” cruise (2013).

- 13 The Subcommittee held two meetings with the Delegation, during which the Delegation presented the additional geodetic and hydrographic data and information and the Subcommittee provided a comprehensive presentation of its views and general conclusions arising from the examination of the Partial Revised Submission and of the additional data and information, pursuant to paragraph 10.3 of Annex III to the Rules of Procedure. In accordance with paragraph 10.4 of Annex III to the Rules of Procedure, the Delegation responded to the presentation and indicated its agreement with the views of the Subcommittee. The Delegation also stated that it would consider making a presentation to the Commission pursuant to paragraph 15.1 bis of Annex III to the Rules of Procedure at the thirty-fourth session.
- 14 Subsequently, on 20 November 2013, the Subcommittee adopted the substance of the Recommendations unanimously and decided that it would proceed with the adoption of the final draft at the thirty-fourth session of the Commission, with a view to transmitting the Recommendations to the Commission in advance of the first plenary part of that same session. The final draft of the Recommendations was adopted by the Subcommittee on 4 February 2014 and submitted to the Commission on the same date for consideration and approval.
- 15 The Commission makes these Recommendations to the Russian Federation in fulfillment of its mandate as contained in article 76, paragraph 8, and articles 3 and 5 of Annex II to the Convention. The limits of the continental shelf established by the Russian Federation on the basis of these Recommendations shall be final and binding.
- 16 The Commission prepared these Recommendations, which were adopted on 11 March 2014, taking into consideration the internal procedures and the methodology outlined in the following documents of the Commission: the Rules of Procedure; the Guidelines and article 6 of Annex II to the Convention.
- 17 A Summary of the Recommendations is included as Annex V of this document in conformity with paragraph 11.3 of Annex III to the Rules of Procedure.
- 18 Throughout the examination of the Partial Revised Submission, the Subcommittee received secretariat support from DOALOS.

II. CONTENTS OF THE PARTIAL REVISED SUBMISSION

A. Original Submission

- 19 The Partial Revised Submission, as received on 28 February 2013, contained an Executive Summary; a Main Body, which is the analytical and descriptive part; and Scientific and Technical Data.¹⁶

B. Communications and additional material

- 20 In the course of the examination of the Partial Revised Submission by the Subcommittee, the Delegation submitted additional geodetic data and measured

¹⁶ See para. 1.1 of Annex III to the Rules of Procedure and paras. 9.1.3, 9.1.4, 9.1.5 and 9.1.6 of the Guidelines. A list of the material included in the Partial Revised Submission received on 28 February 2013 is contained in Annex I to these Recommendations.

bathymetric profiles across the continental slope and its base in the Sea of Okhotsk.¹⁷

III. EXAMINATION OF THE PARTIAL REVISED SUBMISSION BY THE SUBCOMMISSION

B. Initial examination of the Partial Revised Submission

1. Examination of the format and completeness of the Submission

- 21 Pursuant to paragraph 3 of Annex III to the Rules of Procedure, the Subcommission examined and verified the format and completeness of the Submission.

1. Preliminary analysis of the Partial Revised Submission

- 22 Pursuant to paragraph 5 of Annex III to the Rules of Procedure, the Subcommission undertook a preliminary analysis of the Submission, in accordance with article 76 and the Guidelines and concluded as follows:¹⁸
- (i) The outer edge of the continental margin, established from the FOS of the Sea of Okhotsk Region by applying the provisions of article 76, paragraph 4(a), extends beyond the 200 M limits of the Russian Federation in the Sea of Okhotsk. Therefore, the Russian Federation can delineate the outer limits of its continental shelf beyond its 200 M limits in this region (Figure 1). In particular, the Subcommission agrees with the premise and the conclusion formulated by the Russian Federation that, if the Test of Appurtenance is satisfied, the whole *Enclave* of seabed and subsoil located beyond 200 M in the Sea of Okhotsk (hereinafter “the *Enclave*”) would be part of the continental shelf of the Russian Federation, subject to the application of the constraints;
 - (ii) The Subcommission took note of the fact that the note verbale of 23 May 2013, submitted by the Permanent Mission of Japan to the United Nations and referred to the Subcommission by the Commission stated that the Government of Japan “does not object to Russia's request to the Commission to consider Russia's revised partial submission;”
 - (iii) The proposed region of the continental shelf beyond 200 M consists of an *Enclave* landward of the following three lines: (i) the 60 M formula line, (ii) the distance constraint of 350 M and (iii) the depth constraint determined at a distance of 100 M from the 2500 m isobath;
 - (iv) The advice of a specialist or the cooperation of relevant international organizations were not required; and
 - (v) Additional time would be required to review all data and to prepare the recommendations during future sessions of the Commission.

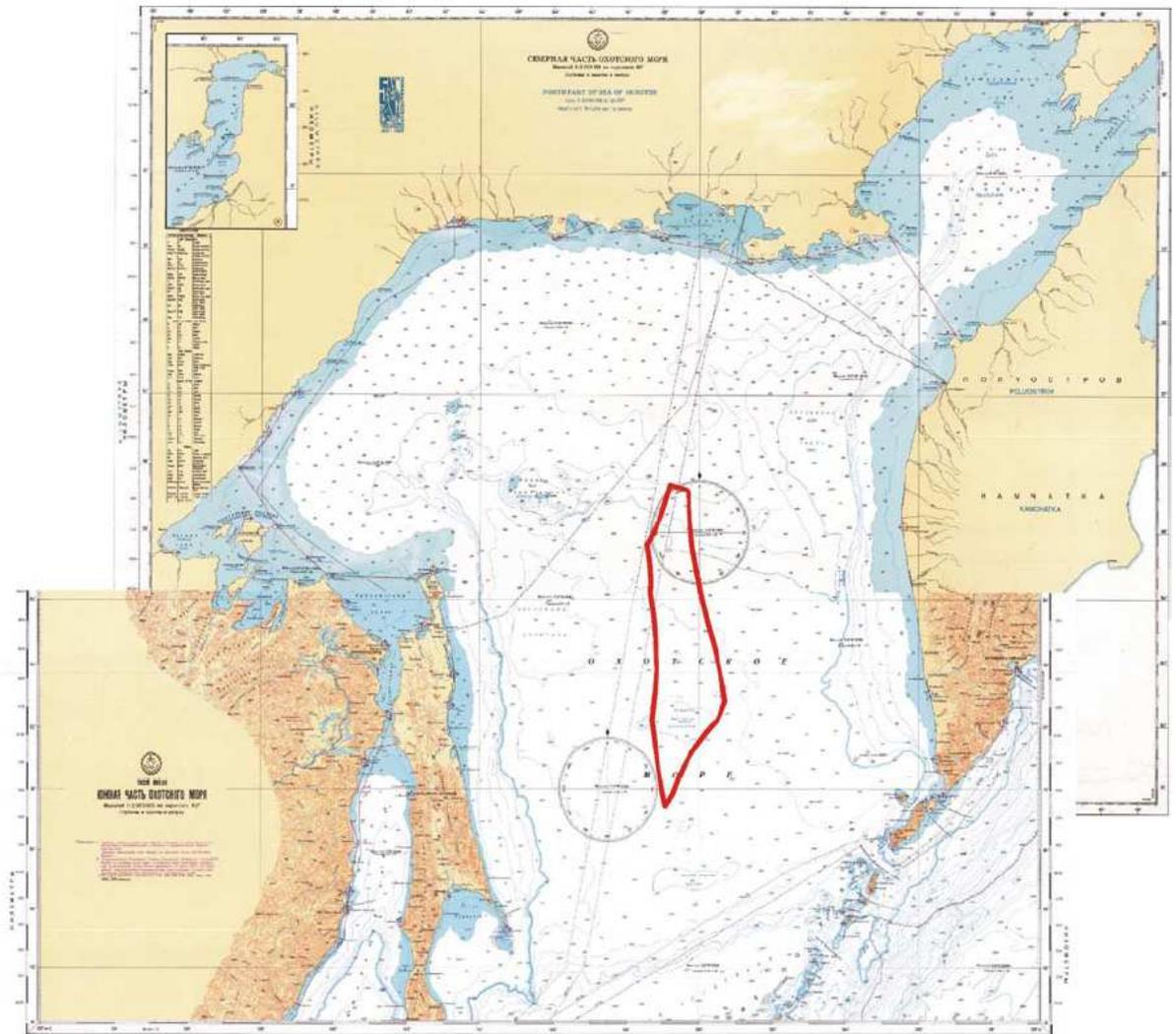
B. Main scientific and technical examination of the Partial Revised Submission

- 23 The Subcommission examined the Partial Revised Submission through the following processes:
- (i) Detailed examination of the data and information supporting every FOS point;

¹⁷ Lists of both the additional material submitted by the Delegation of the Russian Federation and the communications of the Subcommission are included as, respectively, Annexes II and III to these Recommendations.

¹⁸ See CLCS/80, para. 40.

- (ii) Determination of the 60 M formula line;
- (iii) Determination of the 350 M distance constraint;
- (iv) Determination of the depth constraint at a distance of 100 M from the 2500 m isobath;
- (v) Seeking clarifications, where necessary, through exchanges between the Delegation and the Subcommittee. In particular, the Subcommittee requested additional geodetic data and information relevant for the construction of the *Enclave* and hydrographic data and information relevant for the determination of the base and the FOS points in the Sea of Okhotsk;
- (vi) Making a comprehensive presentation of the views and general conclusions of the Subcommittee to the Delegation, at an advanced stage of the examination of the Revised Partial Submission.¹⁹



¹⁹ See para. 10.3 of Annex III to the Rules of Procedure.

Figure 1 -.Chart of the Sea of Okhotsk showing the bathymetry, the surrounding landmasses of the Russian Federation and the *Enclave* situated beyond the 200 M limit (taken from the Executive Summary of the Submission).

IV. PROVISIONS OF THE CONVENTION ON WHICH THESE RECOMMENDATIONS ARE BASED

- 24 The Recommendations of the Commission are based on the scientific and technical data and other material provided by the Russian Federation in relation to the implementation of article 76. The Recommendations of the Commission only deal with issues related to article 76 and Annex II to the Convention and shall not prejudice matters relating to delimitation of boundaries between States with opposite or adjacent coasts.

V. RECOMMENDATIONS OF THE COMMISSION IN RESPECT OF THE SEA OF OKHOTSK

- 25 The Partial Revised Submission made by the Russian Federation on 28 February 2013 relates to the continental shelf in the Sea of Okhotsk (Figure 1).

1. Geographical and geological description of the region

- 26 As described in the Partial Revised Submission, the Sea of Okhotsk is a marginal sea of the continental margin of the Asian continent. It runs deep into the continent and has an extensive overdeepened shelf. The continental margin encompasses a complex ensemble of geological structures of different age which are represented by the Mesozoic (Verkhoyansk - Kolyma, Sikhote Alin, Koni - Taiganossk) and Mesozoic-Cenozoic (Hokkaido - Sakhalin, West Kamchatka - Koryak and East Kamchatka) fold systems of the Pacific tectonic belt. Most of the systems strike north-east or submeridionally (Hokkaido - Sakhalin system). The exception is provided by structures of the Verkhoyansk - Kolyma fold area striking north-westward. Sublatitudinal structures of the Paleozoic-Mesozoic Mongol -Okhotsk fold system of the Central Asian fold belt join the Sea of Okhotsk on the west (Uda Bay area). Besides, the Sikhote Alin and Okhotsk - Chukchi volcano-plutonic belt associated with boundaries of differing age fold systems of the Pacific belt are located on the northern and western onland parts of the Sea of Okhotsk.
- 27 Tectonically the onshore and offshore area of the Sea of Okhotsk region is a young (Mesozoic) platform with heterogeneous folded basement and the Cenozoic sedimentary cover. However, unlike the contiguous continental areas, the Okhotsk Sea plate because of its location in the transitional zone from Asian continent to the Pacific Ocean has undergone different destructive transformations. In general they may be defined as initial stages of oceanization (certainly except for the Kurile Basin). These transformations, most likely, were caused by ascent of the mantle diapir and resulted in extension of the continental crust, and its decrease in thickness (down to 19-20 km and less in the southern parts of the offshore area), formation of the Okhotsk Sea Arch and surrounding Cenozoic trough belt. The greatest decrease in thickness was reported for the metavolcanogenic-sedimentary layer of the consolidated crust. In parts of the Verkhoyansk - Kolyma area adjacent to the Sea of Okhotsk the thickness of the unit is 13-18 km in synclinatorium zones and 5-7 km on massifs. In the Sea of Okhotsk its maximum thickness is only 4-6 km decreasing under the Cenozoic troughs. It might be caused by extension and erosion of the upper layer of the consolidated crust. However, lithotectonic complex of fold systems around the Sea of Okhotsk still occur in the offshore as inferred from dredging data used for compilation of the schematic map of the acoustic basement.

2. The determination of the foot of the continental slope (article 76, paragraph 4(b))

- 28 The FOS should be established in accordance with article 76, paragraph 4(b) subject to the provisions of article 76, paragraph 3, namely that the margin comprises the submerged prolongation of the land mass of the coastal State; consists of the seabed and subsoil of the shelf, the slope and the rise; and does not include the deep ocean floor with its oceanic ridges or the subsoil thereof.

2.1 Considerations

- 29 The *Enclave* is at water depths between 300 and 1400 m (Figure 1). The *Enclave* lies landward of the base and the FOS points associated with the continental margin of the Russian Federation located in the area of the Sea of Okhotsk (Figure 2).
- 30 The outer edge of the continental margin, established from these FOS points by applying the provisions of article 76, paragraph 4, extends beyond the 200 M limit of the Russian Federation. The *Enclave* is part of the submerged prolongation of the land masses of the Russian Federation that surround the Sea of Okhotsk. The Partial Revised Submission, as well as the additional geodetic and hydrographic data and information submitted, demonstrate that the *Enclave* lies landward of the FOS in the region (Figure 2). On this basis, the Commission recognizes the entitlement of the Russian Federation to establish its continental shelf beyond its 200 M limits in this area.

2.2 Recommendations

- 31 Based on its consideration of the scientific and technical data and information contained in the Partial Revised Submission made by the Russian Federation on 28 February 2013, together with the additional data provided by the Russian Federation on 28 October and 13 November 2013, the Commission agrees that the base of the continental slope around the continental margin of the Sea of Okhotsk has been correctly identified by the Russian Federation. The Commission also agrees with the general location of the FOS points determined by the Russian Federation.

3. The establishment of the outer edge of the continental margin (article 76, paragraph 4(a)).

- 32 The outer edge of the continental margin of the Russian Federation in the region of the Sea of Okhotsk should, for the purposes of the Convention, be determined in accordance with article 76, paragraph 4.
- 33 The FOS envelope, and thus the outer edge of the continental margin of the Russian Federation, lies beyond the *Enclave*. The *Enclave* therefore forms part of the submerged prolongation of the landmasses of the Russian Federation, i.e. Eastern Siberia, Kamchatka Peninsula and Sakhalin Island (Figure 2).

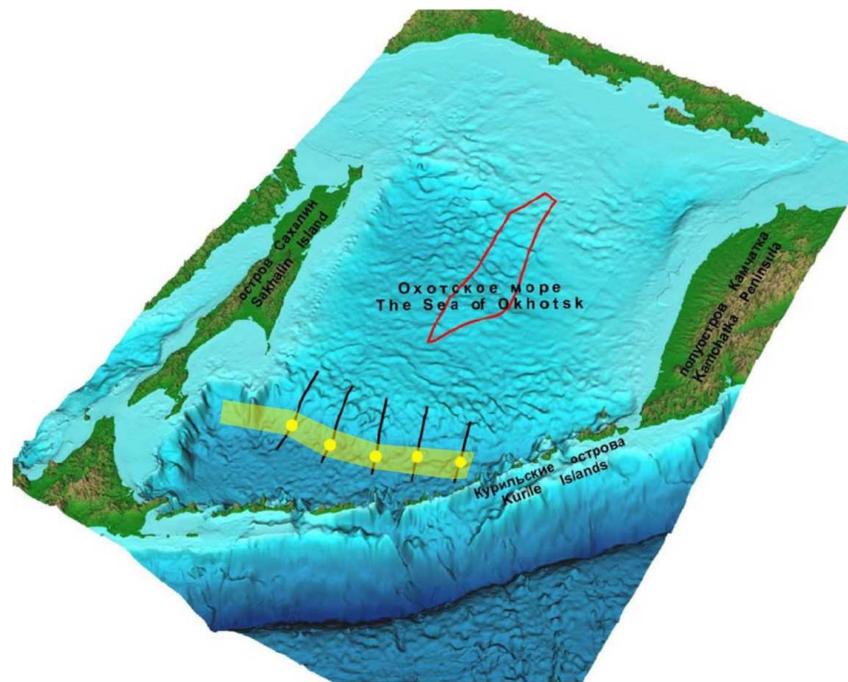


Figure 2 – Base of the continental slope (yellow region) and FOS points (yellow points) in the southern part of the Sea of Okhotsk. (Figure adapted from Executive Summary of the Partial Revised Submission)

3.1 Recommendations

- 34 Based on its consideration of the scientific and technical data and information contained in the Partial Revised Submission made by the Russian Federation on 28 February 2013, together with the additional data provided by the Russian Federation on 28 October and 13 November 2013, the Commission agrees with the premise and the conclusion formulated by the Russian Federation that passing the Test of Appurtenance guarantees that the *Enclave* is part of the continental shelf of the Russian Federation, subject to the application of the constraints.

4. **The delineation of the outer limits of the continental shelf**

- 35 The extent of the continental shelf beyond the 200 M limit should be based on the consideration of the location of the outer edge of the continental margin, taking into account the constraints provided in article 76, paragraph 5.

4.1 The application of the constraint criteria (article 76, paragraphs 5 & 6)

- 36 The outer limits of the continental shelf cannot extend beyond the constraints as per the provisions contained in article 76, paragraph 5. Accordingly, the fixed points comprising the line of the outer limits of the continental shelf on the seabed, drawn in accordance with paragraph 4 (a)(i) and (ii), either shall not exceed 350 M from the baselines from which the breadth of the territorial sea is measured or shall not

exceed 100 M from the 2,500 m isobath, which is a line connecting the depth of 2,500 m (Figure 3).

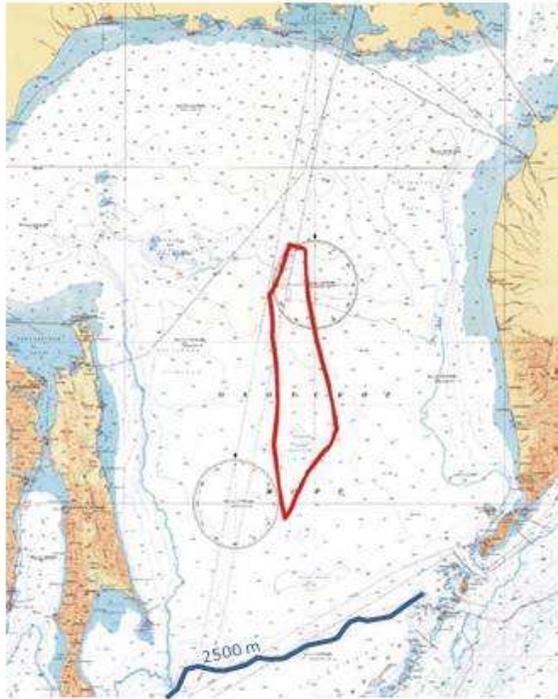


Figure 3 - *Enclave* landward of the 2500 m isobath (blue) (Figure adapted from Executive Summary of the Partial Revised Submission).

- 37 The application of the constraint criteria involves, firstly, the construction of the distance and the depth constraint lines. Secondly, it involves the combination of these two constraint lines to establish a single constraints line to be applied in accordance with the provisions contained in paragraphs 5 and 6 of article 76.
- 38 The depth constraint line in the Partial Revised Submission was determined from all hydrographic data and information collected in the Sea of Okhotsk. The *Enclave* is located landward of the depth constraint.
- 39 The distance constraint line in the Partial Revised Submission was determined by envelopes of arcs at a distance of 350 M from the baselines from which the breadth of the territorial sea of the Russian Federation is measured. The *Enclave* is located landward of the distance constraint.

4.2 **Recommendations**

- 40 Based on its consideration of the scientific and technical data and information contained in the Partial Revised Submission made by the Russian Federation on 28 February 2013, together with the additional data provided by the Russian Federation on 28 October and 13 November 2013, the Commission agrees with the Russian Federation that the *Enclave* lies landwards of the single constraints line.

4.3 The outer limits of the continental shelf (article 76, paragraph 7)

- 41 The *Enclave* is part of the continental shelf of the Russian Federation. No outer limits delineated by straight lines not exceeding 60 M in length, connecting fixed points, defined by coordinates of latitude and longitude are included.

4.4 Recommendations

- 42 Based on its consideration of the scientific and technical data and information contained in the Partial Revised Submission made by the Russian Federation on 28 February 2013, together with the additional data provided by the Russian Federation on 28 October and 13 November 2013, the Commission agrees with the Russian Federation that the *Enclave* lies landwards of the single constraints line (Figure 3).
- 43 The Commission acknowledges that since the Partial Revised Submission concerns an enclave no outer limits delineated by straight lines not exceeding 60 M in length, connecting fixed points, defined by coordinates of latitude and longitude are required.

5. Recommendations for the Enclave in the Sea of Okhotsk (Article 76, Paragraph 8)

- 44 In conclusion, based on its consideration of the scientific and technical data and information contained in the Partial Revised Submission made by the Russian Federation on 28 February 2013, together with the additional data provided by the Russian Federation on 28 October and 13 November 2013, the Commission agrees that:
- (i) the base of the continental slope of the continental margin of the Sea of Okhotsk has been correctly identified by the Russian Federation. The Commission also agrees with the general location of the FOS points determined by the Russian Federation;
 - (ii) passing the Test of Appurtenance guarantees that the *Enclave* is part of the continental shelf of the Russian Federation, subject to the application of the constraints;
 - (iii) the *Enclave* lies landwards of the single constraints line; and
 - (iv) since the Partial Revised Submission concerns an enclave that lies landward of the following three lines: (i) the 60 M formula line, (ii) the distance constraint of 350 M and (iii) the depth constraint determined at a distance of 100 M from the 2500 m isobath, no outer limits delineated by straight lines not exceeding 60 M in length, connecting fixed points, defined by coordinates of latitude and longitude are required.
- 45 Consequently, the Commission recommends that the *Enclave* be regarded as part of the continental shelf of the Russian Federation.