The Joint Extended Continental Shelf of the Republic of Mauritius &
the Republic of Seychelles

Geological Continental Shelf versus Legal Continental Shelf

In geological terms, the continental shelf of a coastal State is described as the extended perimeter of each continent and associated coastal plain, and was part of the continent during the glacial periods. However, in this present era which is called “the interglacial periods the continental shelf is now submerged by relatively shallow seas.

Under UNCLOS, the term “continental shelf” was given a legal definition as the stretch of the seabed adjacent to the shores of the particular country to which it belongs. According to UNCLOS, the continental shelf of a coastal State comprises the submerged prolongation of the land territory of the coastal State—the seabed and subsoil of the submarine areas that extend beyond its territorial sea to the outer edge of the continental margin, or to a distance of 200 nautical miles where the outer edge of the continental margin does not extend up to that distance.

The continental margin consists of the seabed and subsoil of the shelf, the slope and the rise, if it includes the rise, it normally consists of three sediments: diamicton, made of sub-rounded grains of continental origin, the so-called continental shelf, the slope and the rise, which are associated with the sediment and the subsoil of the continental margin. Under UNCLOS, the term “continental shelf” consists of the seabed and subsoil of the submarine areas that extend beyond the territorial sea of a coastal State to the outer edge of the continental margin, or to a distance of 200 nautical miles where the outer edge of the continental margin does not extend up to that distance.

The foot of the continental slope is normally located between the rise and the shelf. However, in the absence of a rise, it is taken as a point where the maximum change in gradient occurs between the slope and the deep sea.

What is an Extended Continental Shelf (ECS)?

Under UNCLOS, a coastal State can extend its territorial claim of the ocean floor if the surrounding continental area or the natural prolongation of its land territory extends more than 200 nautical miles offshore. The maximum limit of this additional area is defined by the outer limit of the continental margin.

In the case of the Joint Mauritius and Seychelles Submission, the limit of the outer edge of the continental margin has been defined by a series of points taken at 60 nautical miles away from the location of the foot of the slope, defined as the point of maximum change in gradient between the slope/rise and the base of the deep sea. The limit of the ECS in the region of the Mascarene Plateau was then delineated by applying the two constraints of 350 nautical miles and the 2500 metres depth as provided for in UNCLOS.

What are the rights of a coastal State over the ECS?

The coastal State exercises sovereign rights over the ECS to the purposes of exploring it and exploiting its natural resources, living or not, but has no control over any living organisms above those waters. The exercise of the rights over the continental shelf and the ECS does not affect the legal status of the superjacent waters or of the air space above those waters. The exercise of the rights over the continental shelf and the ECS must not infringe or result in any unjustifiable interference with navigation and other rights and freedoms of other States as provided for in UNCLOS.

What next?

Now that Mauritius and Seychelles have joint jurisdiction over the Extended Continental Shelf, as recommended by the CLCS, the two States have undertaken to jointly manage the area. In that context, the Prime Minister of the Republic of Mauritius and the President of the Republic of Seychelles will sign two Treaties during the forthcoming visit of the President of the Republic of Seychelles to Mauritius in March 2012.

The first Treaty deals with the joint exercise of sovereign rights in the Joint Zone and the second defines the framework for the co-management of the area. The two Treaties will have extraterritorial force. Seychelles and Mauritius will then have agreed mechanisms to be able to explore the extended continental shelf and exploit its resources.

Mauritius Oceanography Institute

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The Extended Continental Shelf of Mauritius and Seychelles in the Region of the Mascarene Plateau

In December 2008, the Republic of Mauritius and the Republic of Seychelles, both parties to the United Nations Convention on the Law of the Sea (UNCLOS), made a Joint Submission to the United Nations Commission on the Limits of the Continental Shelf (CLCS) for an Extended Continental Shelf (ECS) beyond their respective 200 nautical milesExclusive Economic Zones in the region of the Mascarene Plateau. The area comprises a vast extent of seabed and underlying marine subsoil of approximately 396,000 square kilometres. This ECS represents nearly 20% of the size of the Exclusive Economic Zone (EEZ) of Mauritius (approximately the size of Germany) and is located North East of the Mascarene Plateau.

Why did Mauritius and Seychelles have to make a Joint Submission?

In accordance with Article 76 of UNCLOS, both Mauritius and Seychelles could claim the area of the Mascarene Plateau (as shown in green in the diagram) as a natural prolongation of their respective land mass and underlying marine subsoil. In such a situation a bilateral dispute would have arisen in which case the Commission would have deferred the consideration of both submissions until the dispute was settled. By making a joint submission the two States have demonstrated their willingness to collaborate closely as two mid ocean islands in harnessing the huge potential which the extended continental shelf represents.

What is UNCLOS?

The United Nations Convention on the Law of the Sea (UNCLOS), which applies to 162 States, as well as to the European Community, and whose principles are being followed by many other States, is a multilateral convention which seeks to regulate the rights of States in the different maritime zones by many other States, is a multilateral convention which seeks to regulate the rights of States in the different maritime zones by many other States, is a multilateral convention which seeks to regulate the rights of States in the different maritime zones.

What is the ECS of Mauritius?

The Extended Continental Shelf of Mauritius and Seychelles in the Region of the Mascarene Plateau extends to the airspace over and seabed below. The territorial sea is regarded as the sovereign territory of the coastal State, although foreign ships (both military and civilian) are limited to a width of 12 nautical miles. The Exclusive Economic Zone (EEZ) of Mauritius to join the Correira Bank Rise and the Republic of Seychelles, both parties to the United Nations Convention on the Law of the Sea (UNCLOS), which applies to 162 States, as well as to the European Community, and whose principles are being followed by many other States, is a multilateral convention which seeks to regulate the rights of States in the different maritime zones by many other States, is a multilateral convention which seeks to regulate the rights of States in the different maritime zones.

What are the territorial sea and the contiguous zone?

The territorial sea, as defined by UNCLOS, is a band of coastal waters extending at most 12 nautical miles from the baseline of a coastal State. The territorial sea is regarded as the sovereign territory of the coastal State, although foreign ships (both military and civilian) are limited to a width of 12 nautical miles. The contiguous zone is a band of water extending from the outer edge of the territorial sea up to 24 nautical miles from the baseline, within which a coastal State can exercise limited control for the purpose of preventing or punishing infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territorial sea. This zone typically lies between 12 and 24 nautical miles wide.