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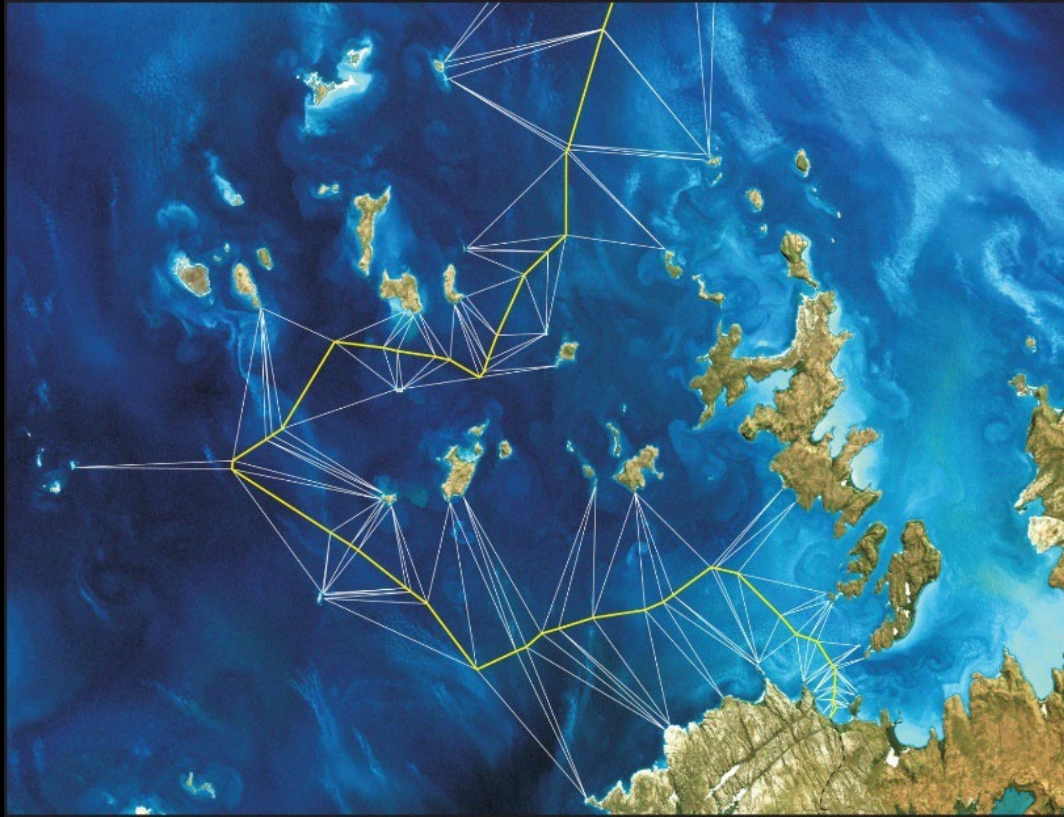
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Thank you.



Negotiating Maritime Boundaries



Professional training workshop
6-8 June 2022



Opening discussion

- What is your background / involvement with maritime boundaries?
- Why do you feel maritime boundaries are important?
- What are the main obstacles to the delimitation of your country's maritime boundaries?
- What are you hoping to get out of this workshop?

The paradox of ocean law and governance

- Oceans are crucial for modern world:
politically, economically, environmentally, culturally



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THE OCEAN: LIFE & LIVELIHOODS

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THE BLUE ECONOMY.



uses smart shipping to lessen the impacts on the environment



is inclusive and improves the lives of all



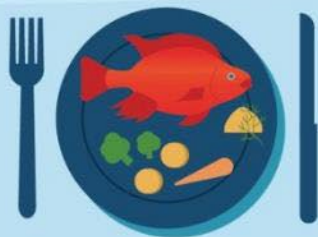
harnesses renewable energy



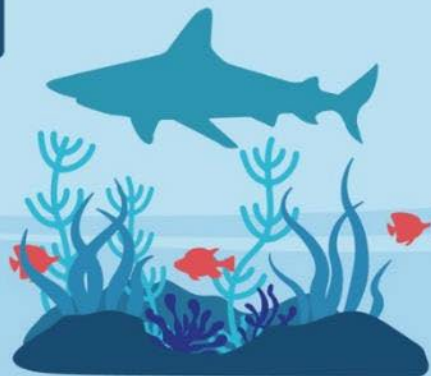
is based on sustainable fisheries



takes action against illegal fishing



creates jobs, reduces poverty and ends hunger



conserves marine life and oceans



protects coastal communities from the impacts of climate change



tackles marine litter and oceans pollution



Maldives



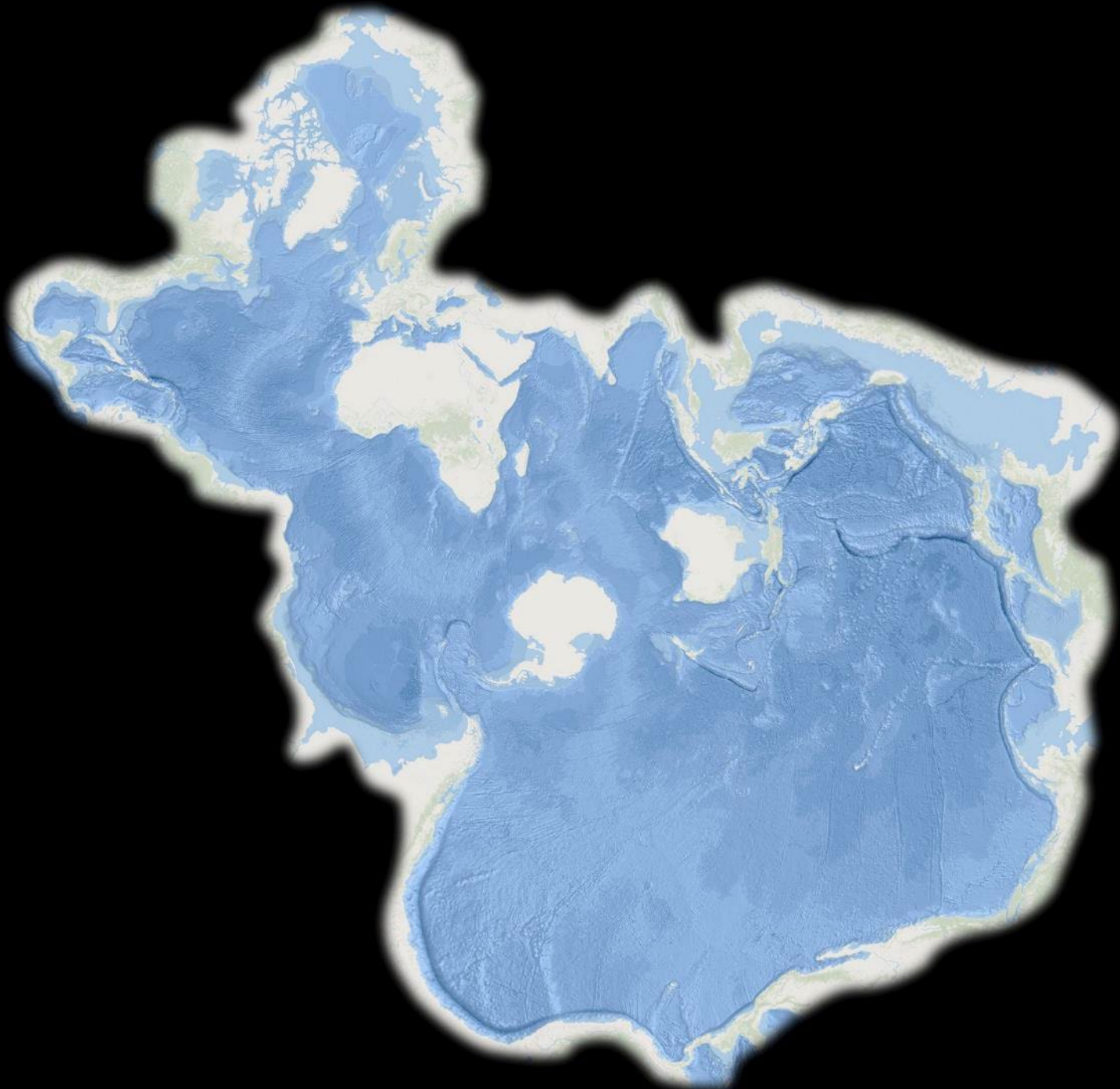
Tuvalu

The paradox of ocean law and governance

- Oceans are crucial for modern world:
politically, economically, environmentally, culturally

The paradox of ocean law and governance

- Oceans are crucial for modern world:
politically, economically, environmentally, culturally
- Oceans are difficult spaces in which to apply the rule of law

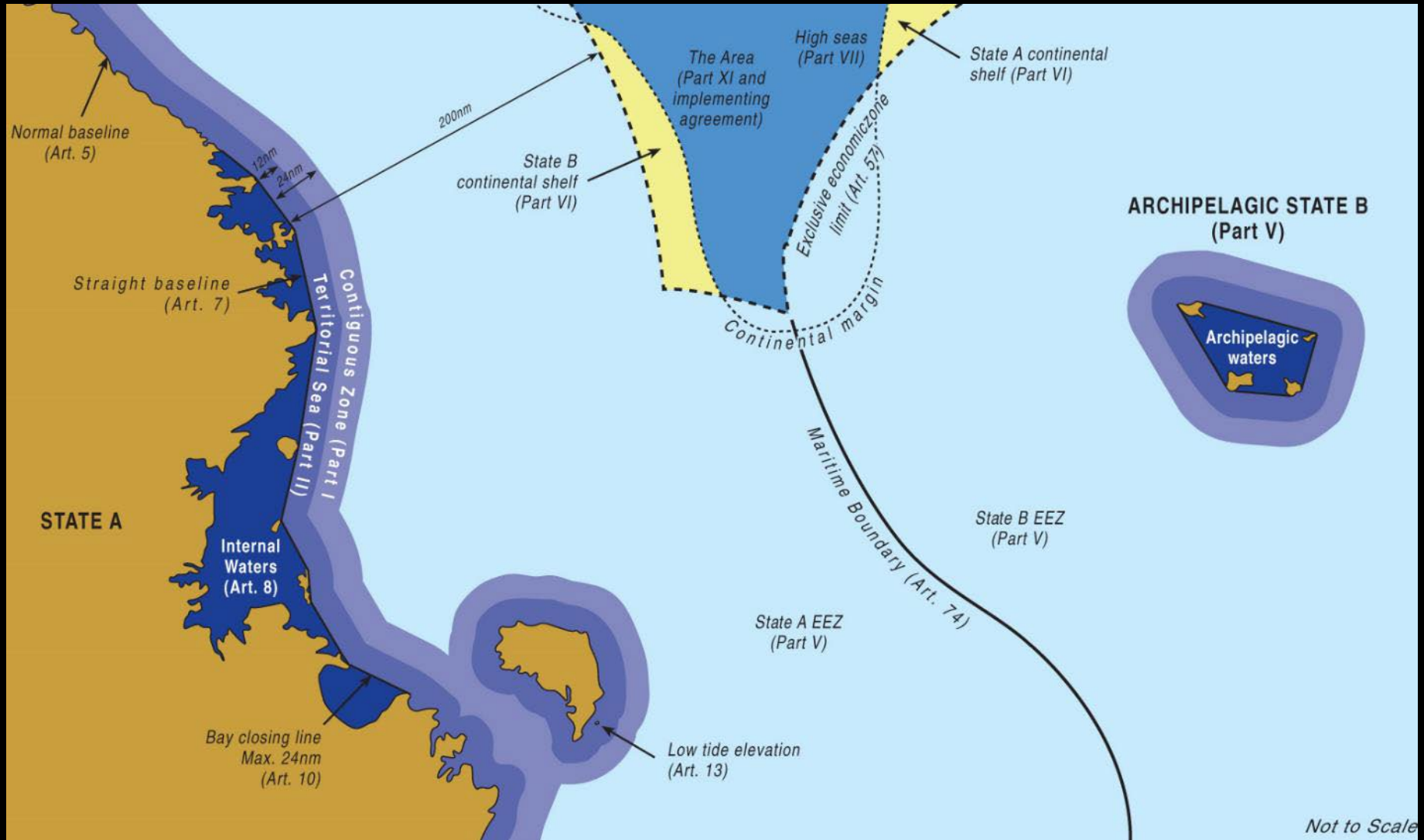




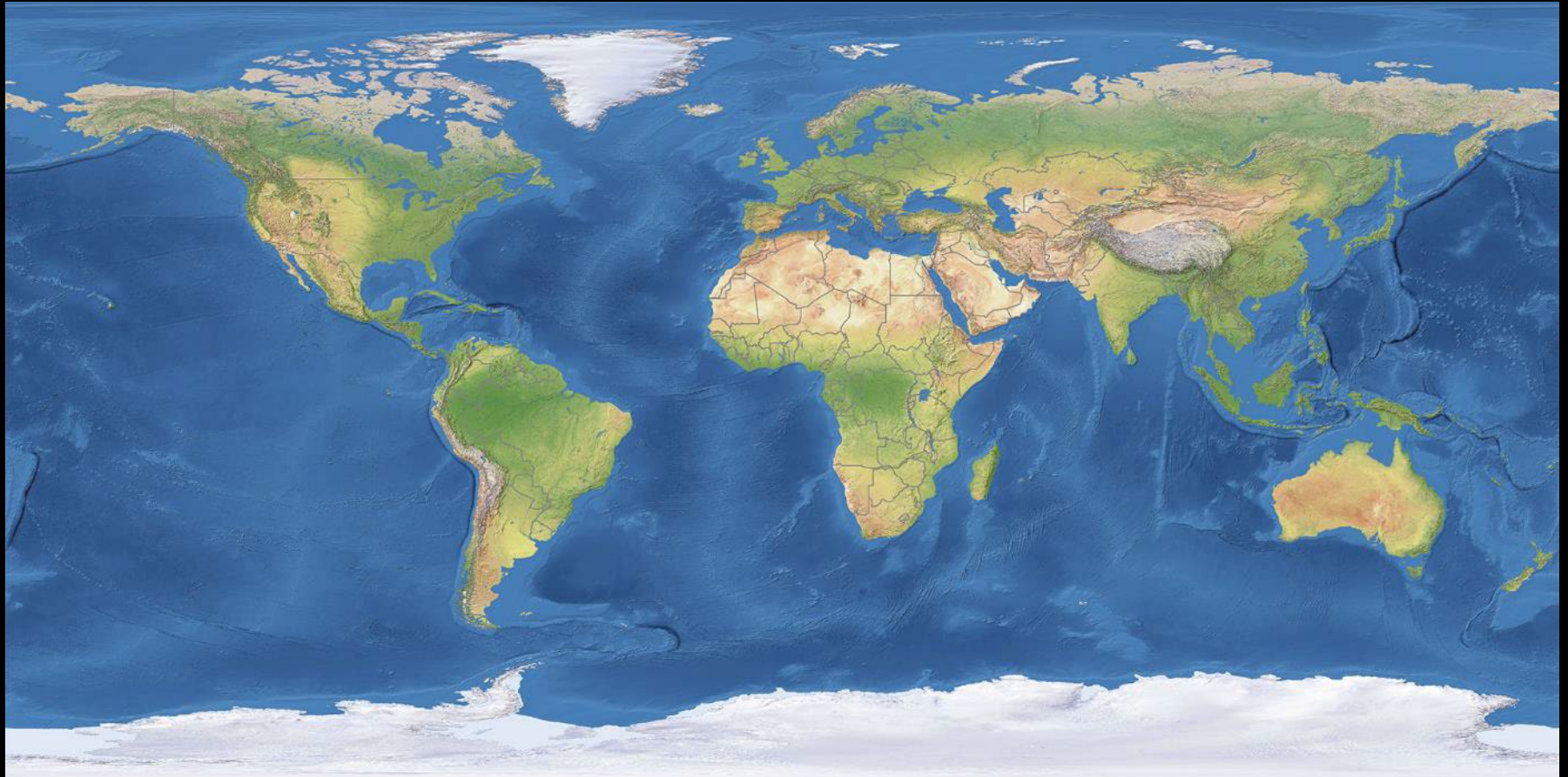
The law of the sea: historical context

- 15th-18th centuries: extensive maritime claims, e.g. 1493 division of world's oceans between Portugal and Spain
- 1607: Grotius' *Mare Liberum*
- 19th century: European imperial powers promote freedom of the seas
- 'Cannon-shot rule' → 3 nm territorial sea
- 1930: Hague Codification Conference
- 1942: Trinidad & Tobago-Venezuela continental shelf delimitation
- 1945: 'Truman proclamation' on the continental shelf
- 1958: Geneva Conventions on the Law of the Sea
- 1973-82: 'UNCLOS III' → 1982 United Nations Convention on the Law of the Sea
- November 1994: 1982 Convention enters into force
- 90% of all maritime boundary agreements are post-1970

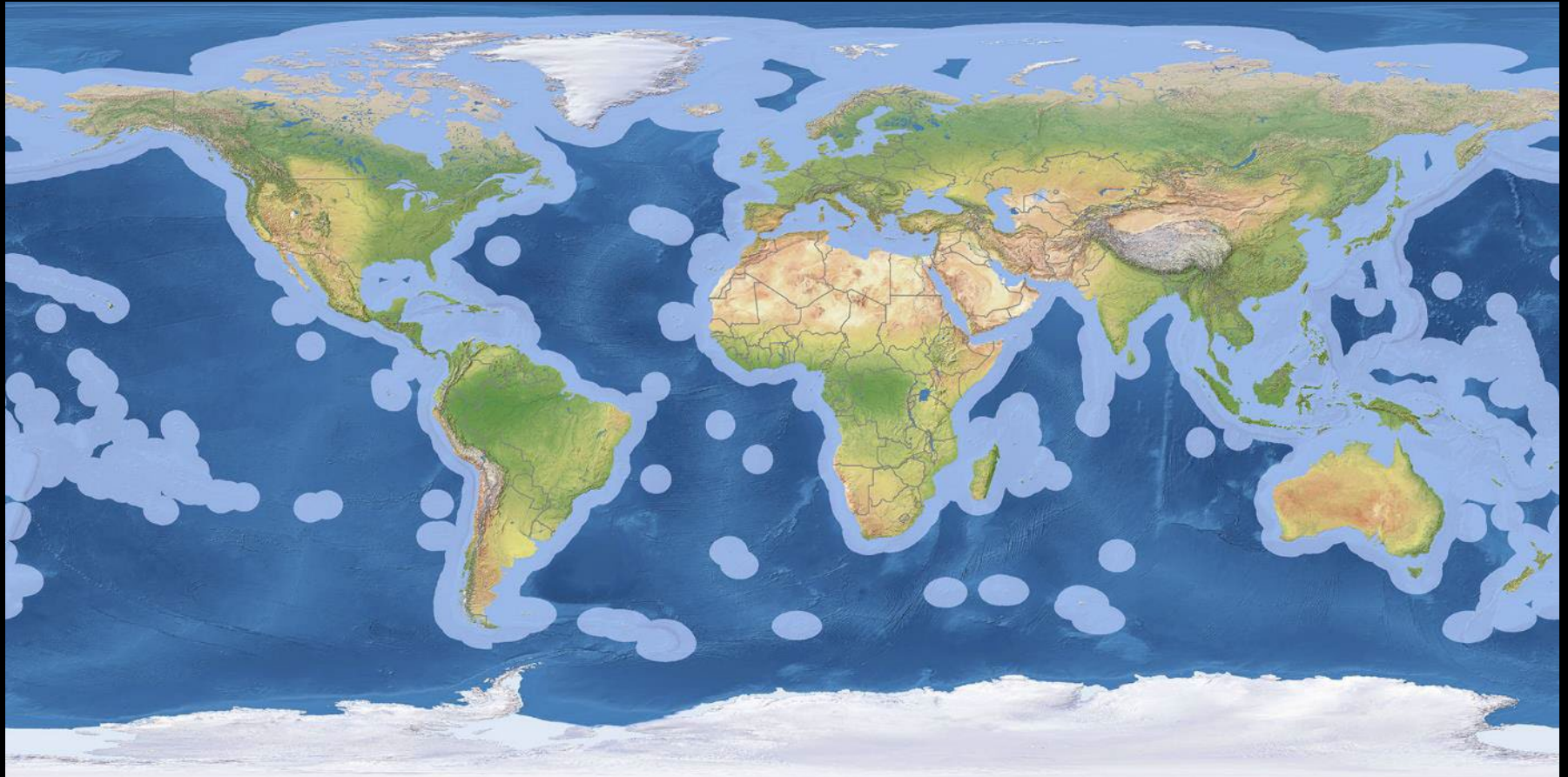
Maritime jurisdiction under UNCLOS



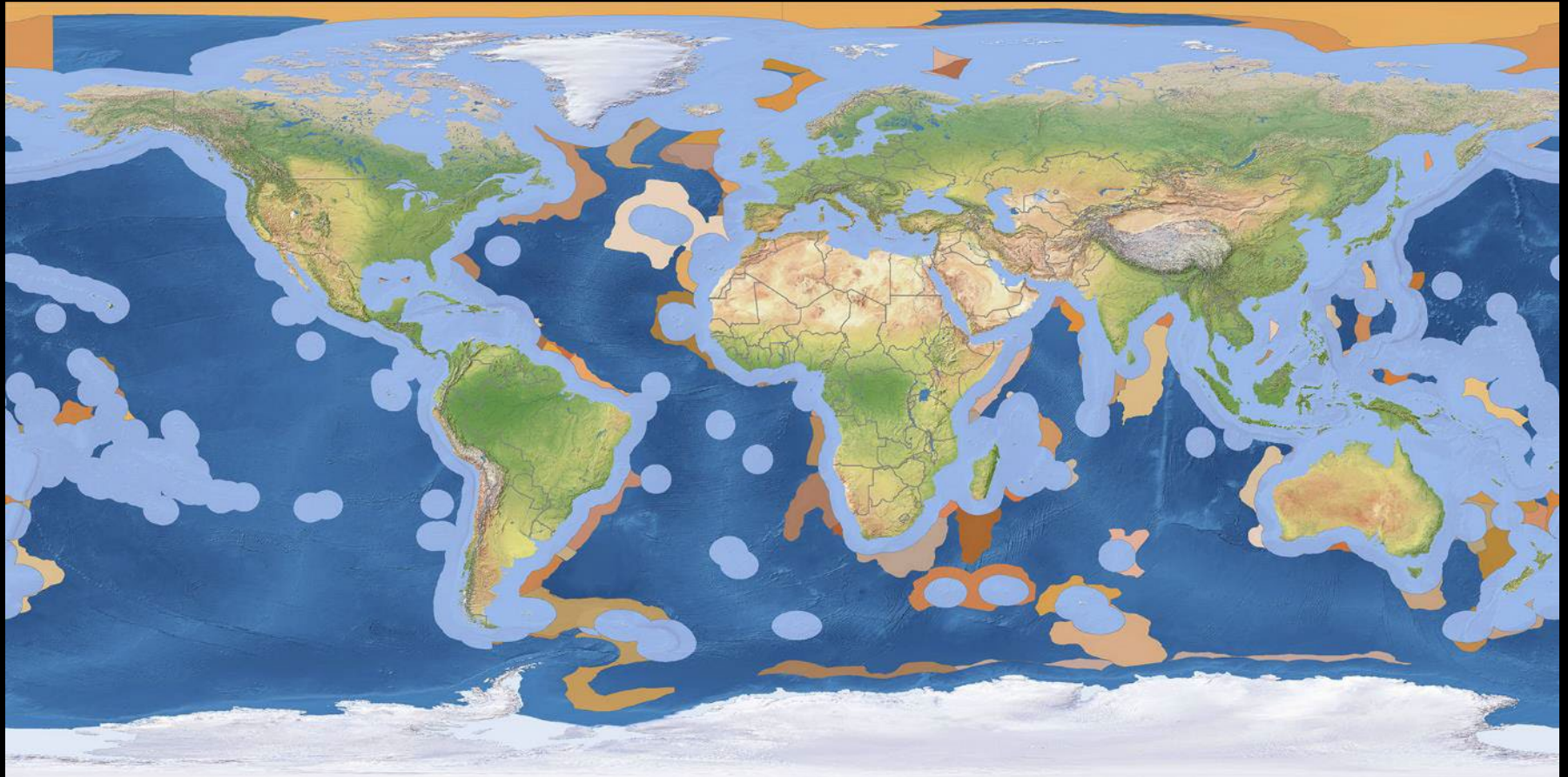
Maritime jurisdiction: the global state of play



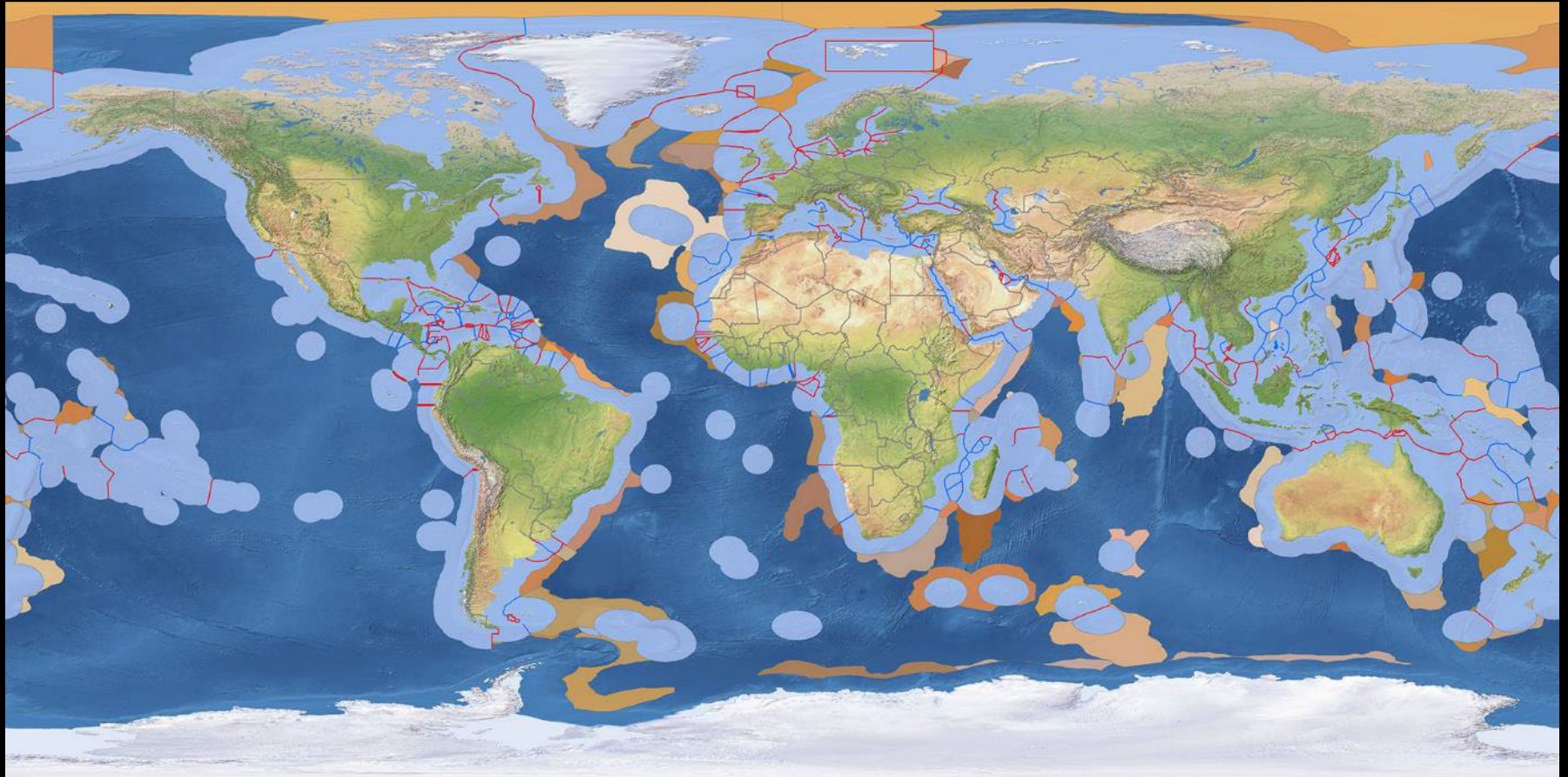
Maritime jurisdiction: the global state of play



Maritime jurisdiction: the global state of play



Maritime jurisdiction: the global state of play



Maritime boundaries: the state of play

- Coastal states: **155**
- Potential maritime boundaries: **366** (434 if Canada-USA = 4 etc)
- Boundaries with 1+ signed agreements: **195** (53%)
- Boundaries with 1+ agreements in force: **174**
- Total no. of boundary agreements: **297**
- 6.4 agreements/year from 1970 to 2004
- 3.2 agreements/year from 2005-20
 - 60 years to complete all remaining boundaries?

Figures represent IBRU's count based on available data but should not be treated as definitive

The purpose and value of maritime boundaries

- Produce an equitable division of maritime space

The delimitation of the EEZ / continental shelf ... shall be effected by agreement on the basis of international law ... in order to achieve an equitable solution.

UNCLOS Articles 74 and 83, paragraph 1

- Allow for efficient resource exploitation
- Contribute to the sustainable management of the world's oceans
- Minimise risk of disputes and conflict

Maritime jurisdictional disputes

1. Disputes linked to territorial disputes
2. Disputes related to maritime claims
3. Disputes over what represents an equitable solution in boundary delimitation
4. Technical disputes
5. Disputes relating to maritime activities

Disputes linked to territorial disputes

- Disputed coastal territory
- Positional disputes over land boundary terminus
- Island sovereignty disputes

Island sovereignty disputes



Dokdo/Takeshima



Leila/Perejil



Hans Island

Disputes related to maritime claims

- Baseline disputes
- Disputes over legal status of small insular features
(UNCLOS Article 121(3))
- Maritime zones exceeding UNCLOS limits
- Historic waters claims
- Disputes over treaty interpretation
- Disputes over continental shelf beyond 200 M

Disputes over what represents an equitable solution in boundary delimitation

- Relevant coastlines
- Coastal configuration
- Coastal length and proportionality
- Use of straight / archipelagic baselines
- Weight accorded to insular features

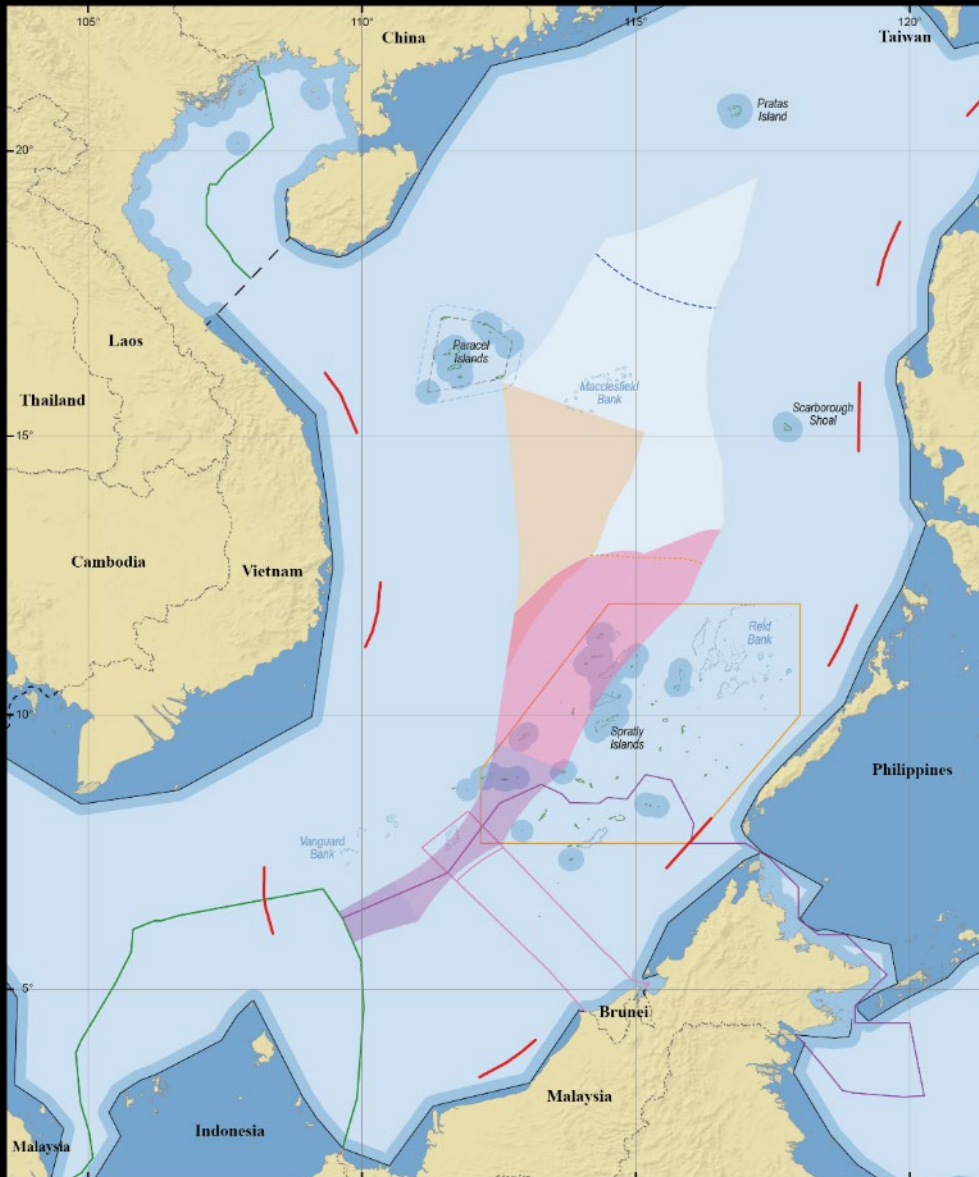
Technical disputes in boundary delimitation

- Relevant charts and other sources of geographic information
- Location of relevant base points
- Coordinates
- Type of line

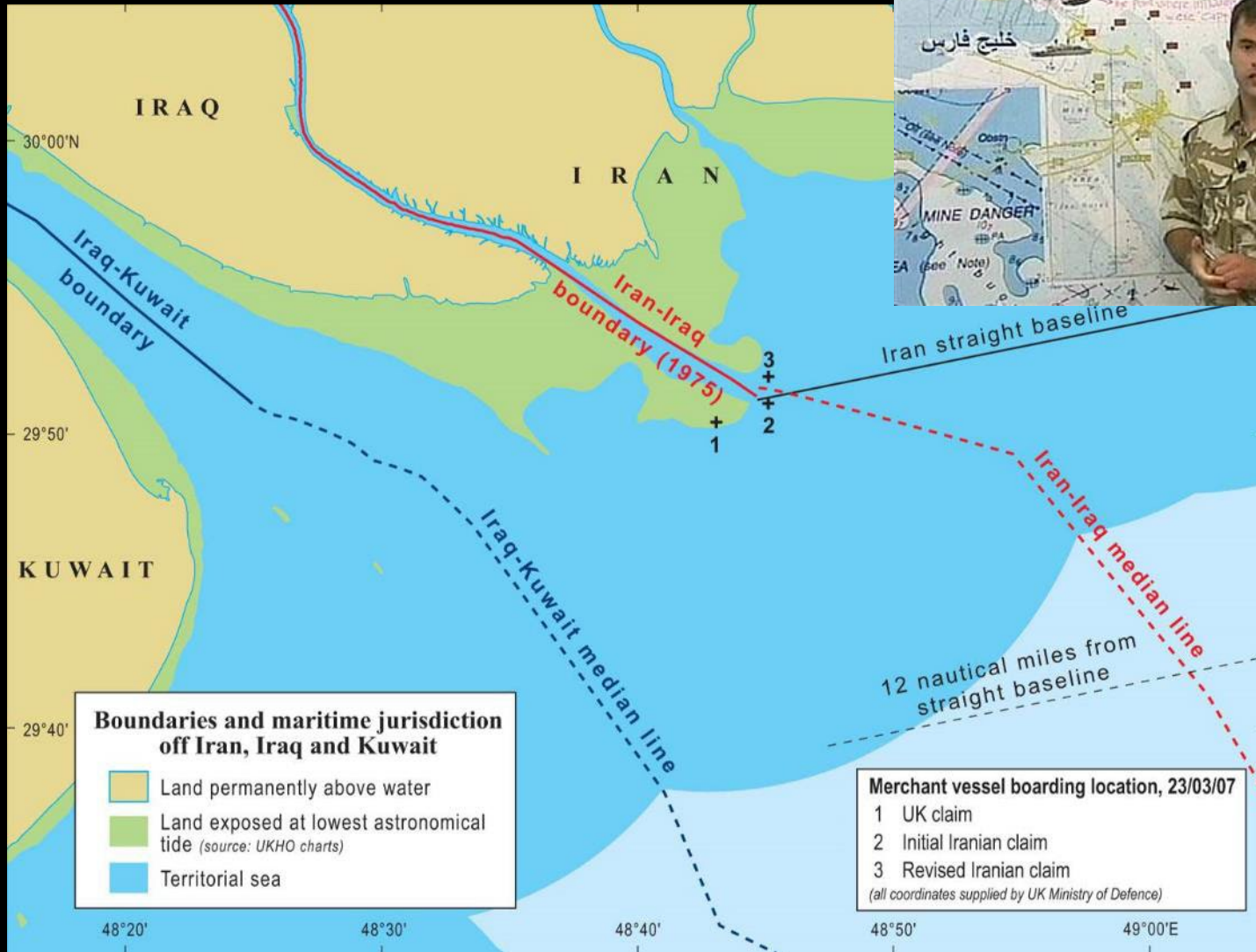
Disputes relating to maritime activities

- Restrictions on navigation and overflight
- Fishing
- Hydrocarbon exploration and exploitation
- Laying of pipelines and cables
- Protection of the marine environment
- Marine scientific research

Disputed boundaries in the South China Sea



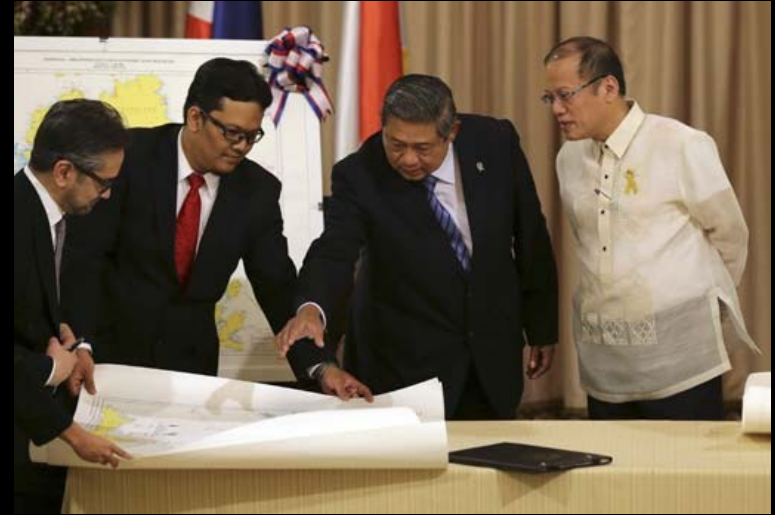
Maritime boundary uncertainty: Iran-Iraq



Negotiate, negotiate, negotiate!



Greece-Turkey



Indonesia-Philippines



Bhutan-China



Ghana-Togo

Three thoughts...

We cannot negotiate with those who say
'What's mine is mine and what's yours is negotiable.'

John F. Kennedy

The most difficult thing in any negotiation ...
is making sure that you strip it of the
emotion and deal with the facts.

Howard Baker

The best negotiators know that negotiation
is a collaboration, not a confrontation.

John Patrick Dolan

Negotiate, negotiate, negotiate!



Antigua and Barbuda-UK

Thank you!



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