

# A Rising Tide: Dispute Settlement under the Law of the Sea

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LALIVE Lecture

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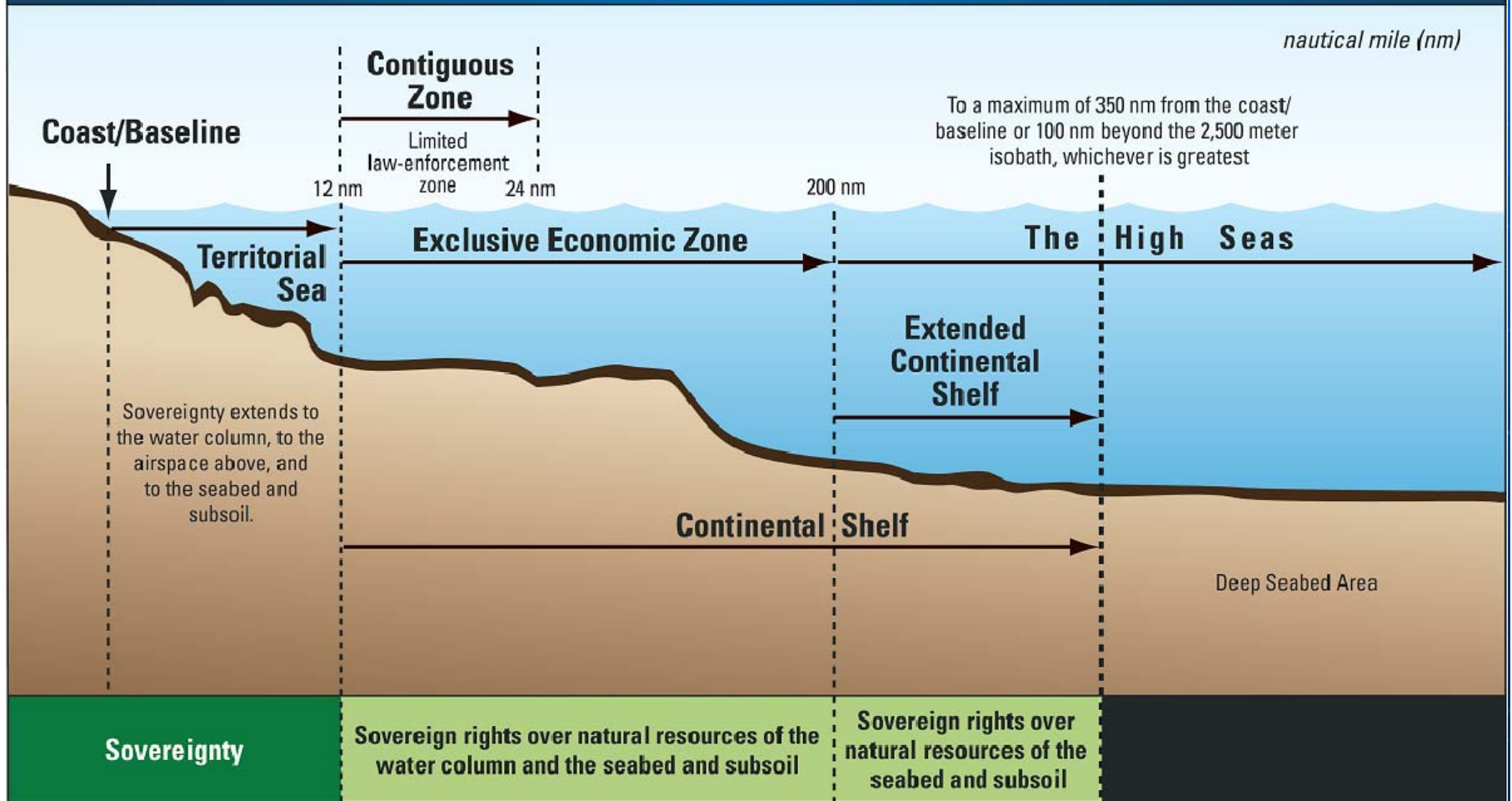
Geneva

# Outline

- I. Introduction**
- II. Law of the Sea Convention (LOSC)**
- III. Negotiation**
- IV. Mediation**
- V. Conciliation**
- VI. Arbitration**
- VII. Judicial Settlement**
- VIII. Commission on Continental Shelf**
- IX. Conclusion**

# LOSC Maritime Zones

## Maritime Zones



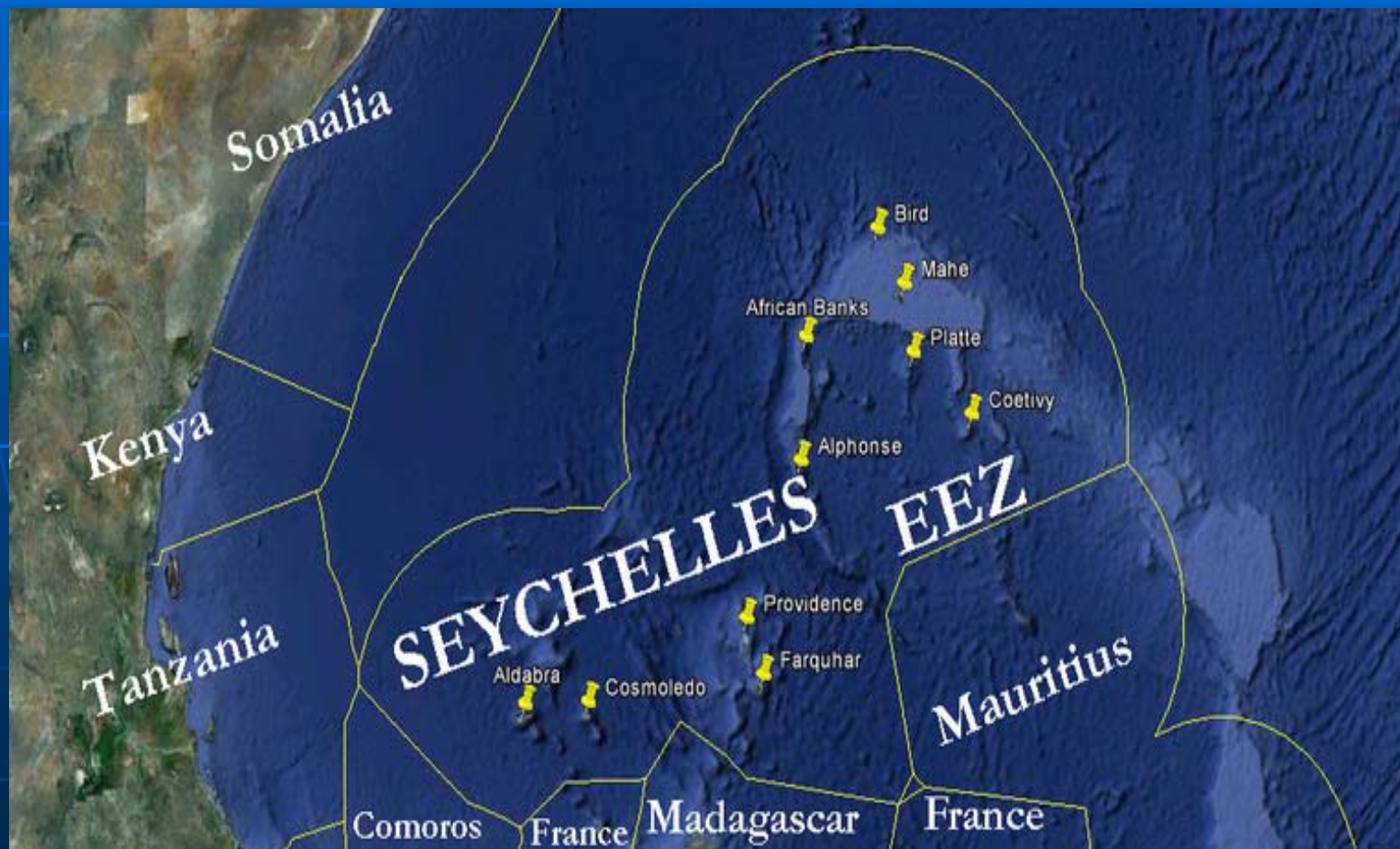
What are “islands”? “rocks”?  
“low-tide elevations”?



# LOSC Compulsory Dispute Settlement

1. International Tribunal for the Law of the Sea (ITLOS)  
-- LOSC Annex VI
2. International Court of Justice (ICJ)
3. Arbitral Tribunal  
-- LOSC Annex VII
4. Special Arbitral Tribunal  
-- fisheries, marine environment,  
scientific research, navigation  
-- LOSC Annex VIII

# Negotiation: 2008 Mauritius-Seychelles EEZ Delimitation Treaty



# Mediation: 2015 OAS Mediation of Belize-Guatemala Border Dispute



# Conciliation: 1981 Iceland/Norway Continental Shelf Dispute Regarding Jan Mayen Island

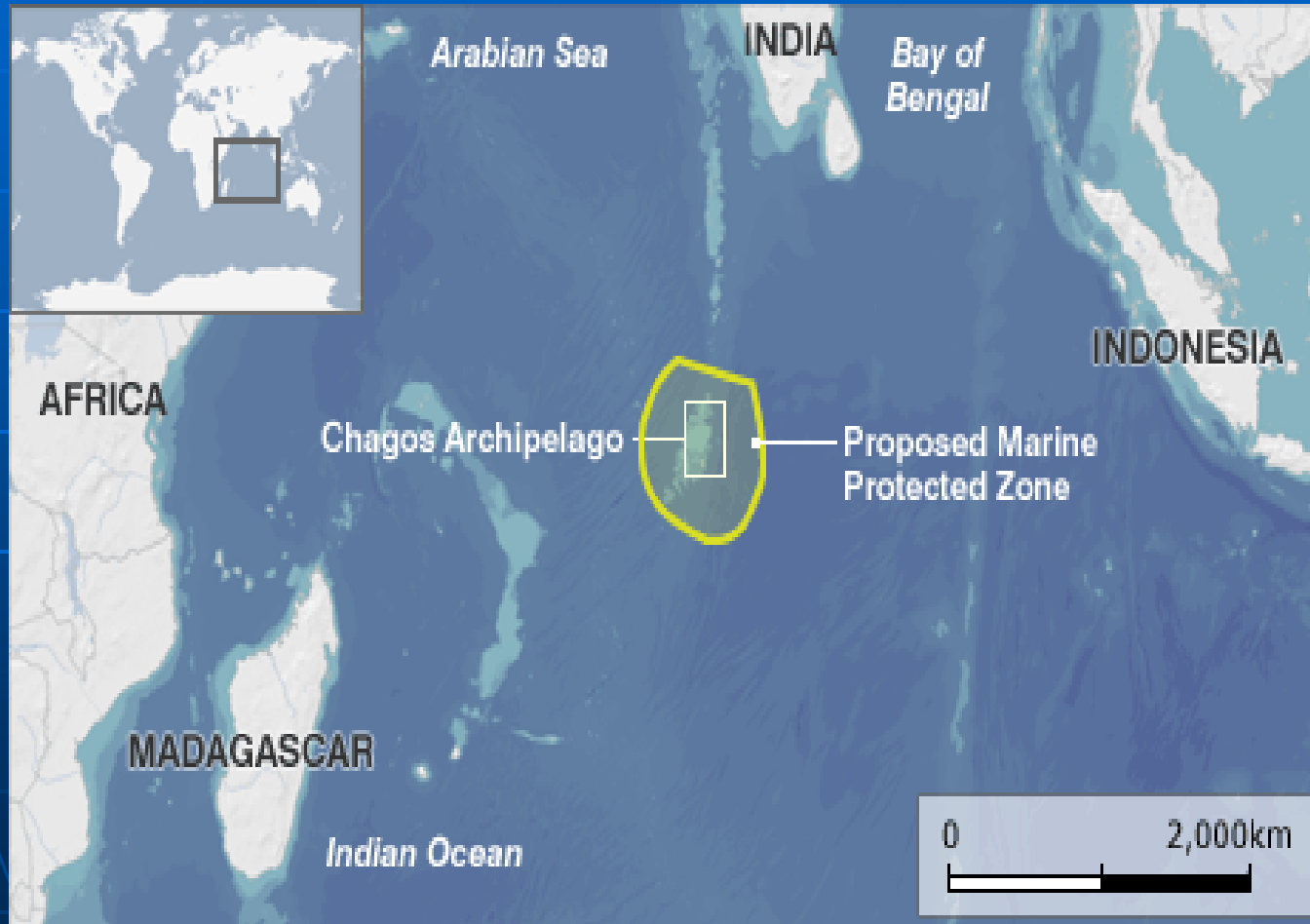




## LOSC Annex VII Arbitrations

1. Australia and New Zealand v. Japan ("Southern Bluefin Tuna Arbitration")
2. Ireland v. United Kingdom (known as the "MOX Plant Arbitration")
3. Malaysia v. Singapore ("Land Reclamation Arbitration")
4. Barbados v. Trinidad and Tobago Maritime Delimitation Arbitration
5. Guyana v. Suriname Maritime Delimitation Arbitration
6. Bangladesh v. India ("Bay of Bengal Maritime Boundary Arbitration")
7. Mauritius v. United Kingdom ("Chagos Archipelago Arbitration")
8. Argentina v. Ghana (the "ARA Libertad Arbitration")
9. Philippines v. China ("South China/West Philippines Sea Arbitration")
8. Malta v. São Tomé and Príncipe (the "Duzgit Integrity Arbitration")
9. Netherlands v. the Russian Federation ("Arctic Sunrise Arbitration")
10. Denmark in respect of the Faroe Islands v. the European Union ("Atlanto-Scandian Herring Arbitration")

# Chagos Archipelago Arbitration



# Philippines v. China Arbitration (China's "Nine-Dash" Line)



# International Tribunal for the Law of the Sea (ITLOS)



## ICJ Judgments on Law of Sea Since 1994

1998 *Fisheries Jurisdiction* (Spain v. Canada)

2001 *Maritime Delimitation and Territorial Questions* (Qatar v. Bahrain)

2002 *Land and Maritime Boundary* (Cameroon v. Nigeria: Equatorial Guinea intervening)

2007 *Territorial and Maritime Dispute in the Caribbean Sea* (Nicaragua v. Honduras)

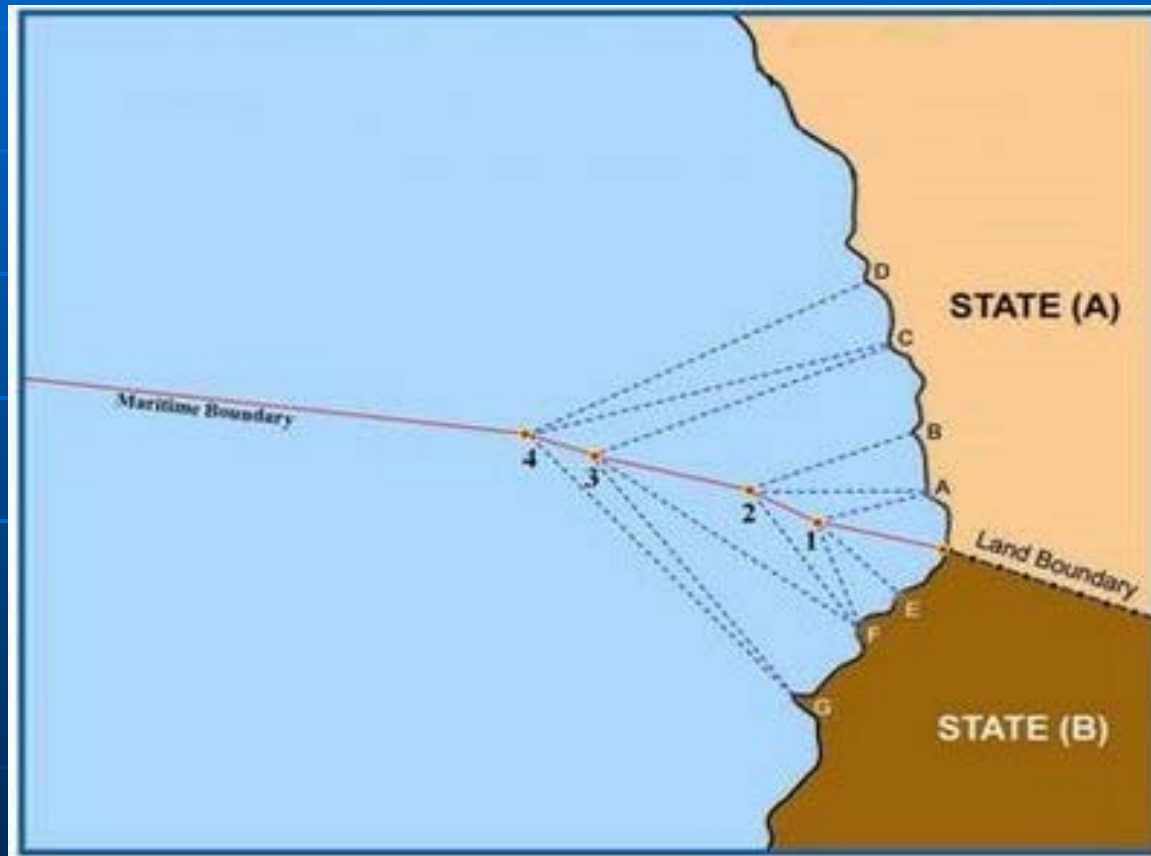
2012 *Territorial and Maritime Dispute* (Nicaragua v. Colombia)

2009 *Maritime Delimitation in the Black Sea* (Romania v. Ukraine)

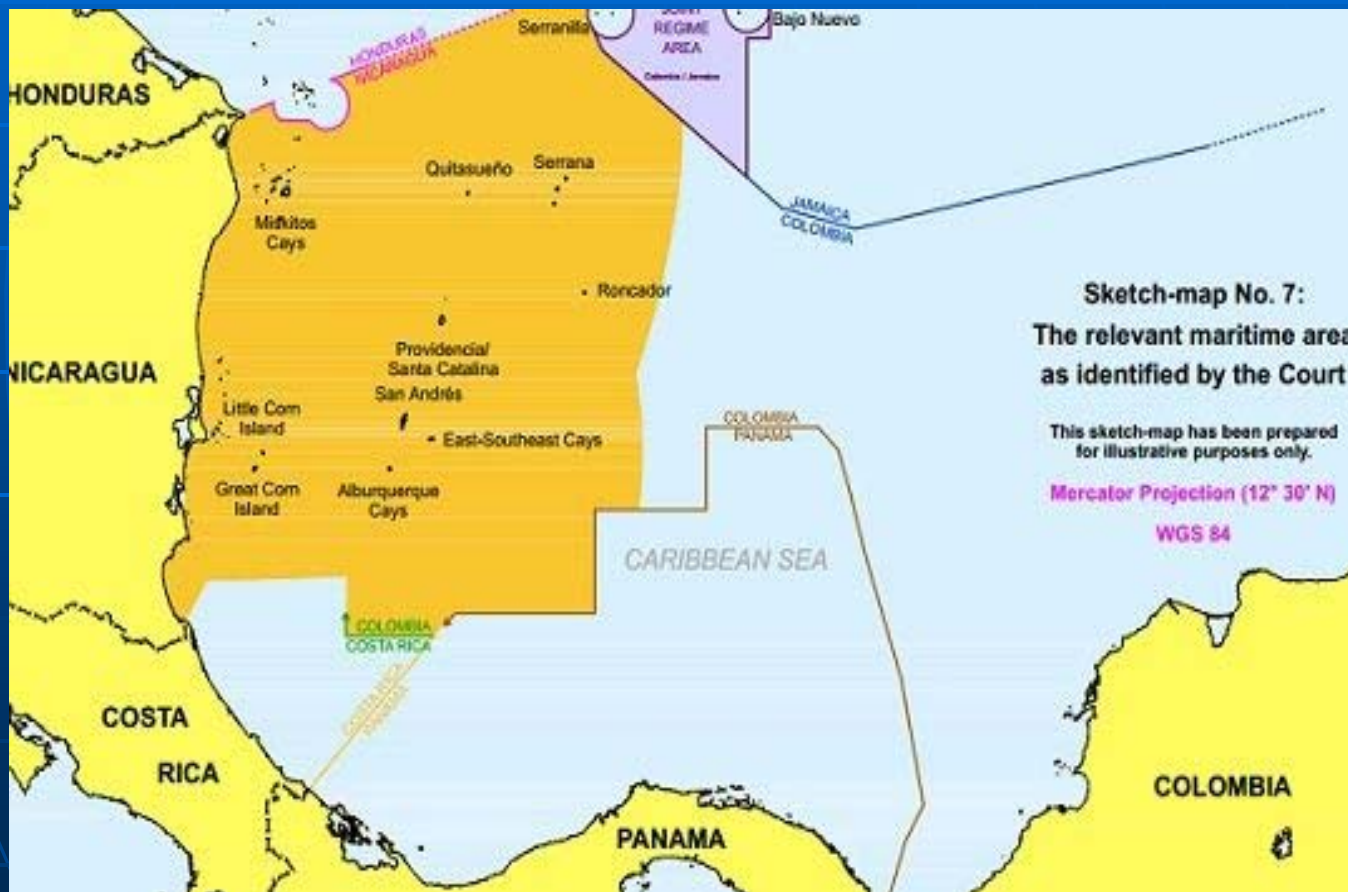
2014 *Maritime Dispute* (Peru v. Chile)

2014 *Whaling in the Antarctic* (Australia v. Japan: New Zealand intervening)

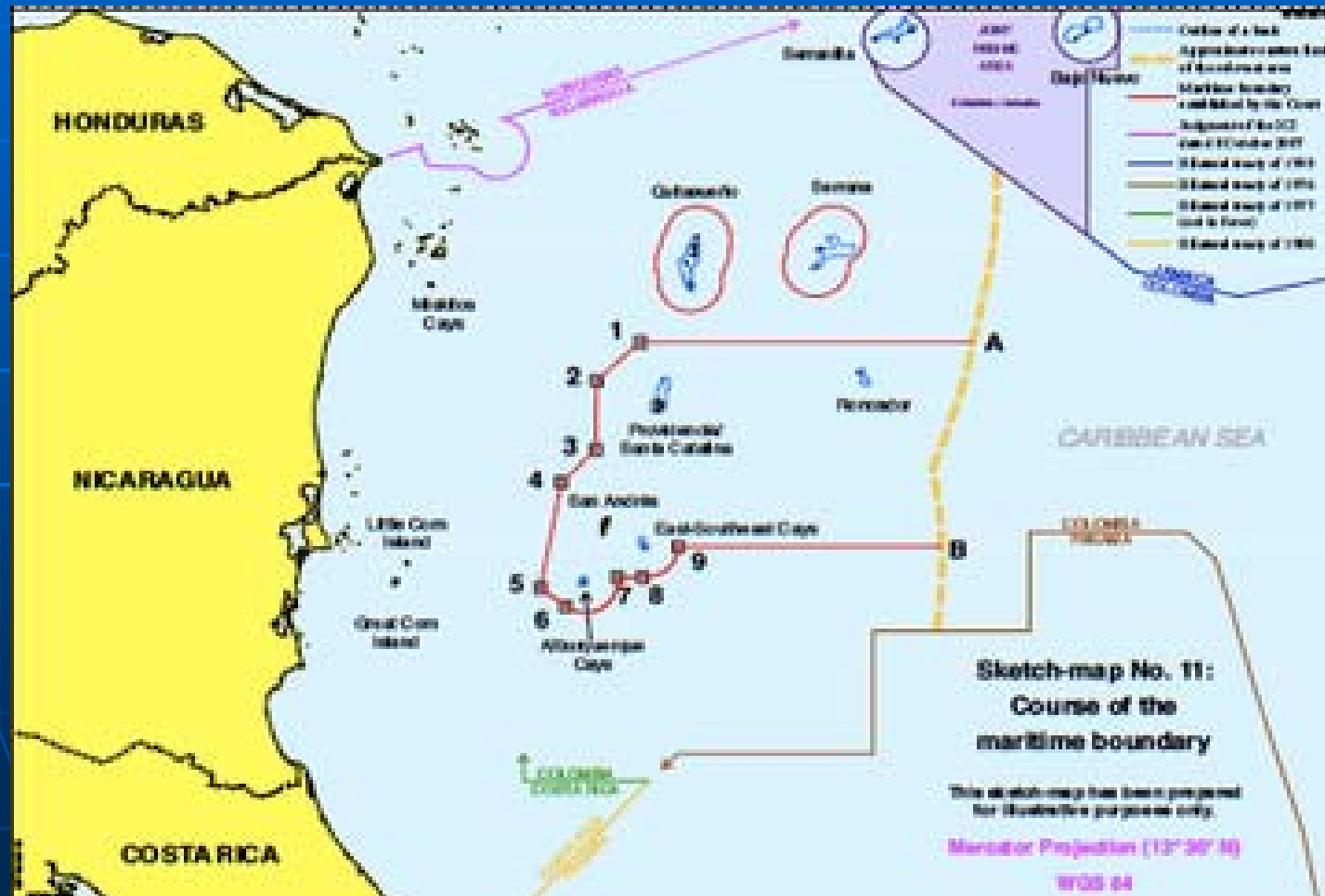
# Provisional Equidistance Line



# Identify the Relevant Maritime Area (*Nicaragua v. Colombia*)

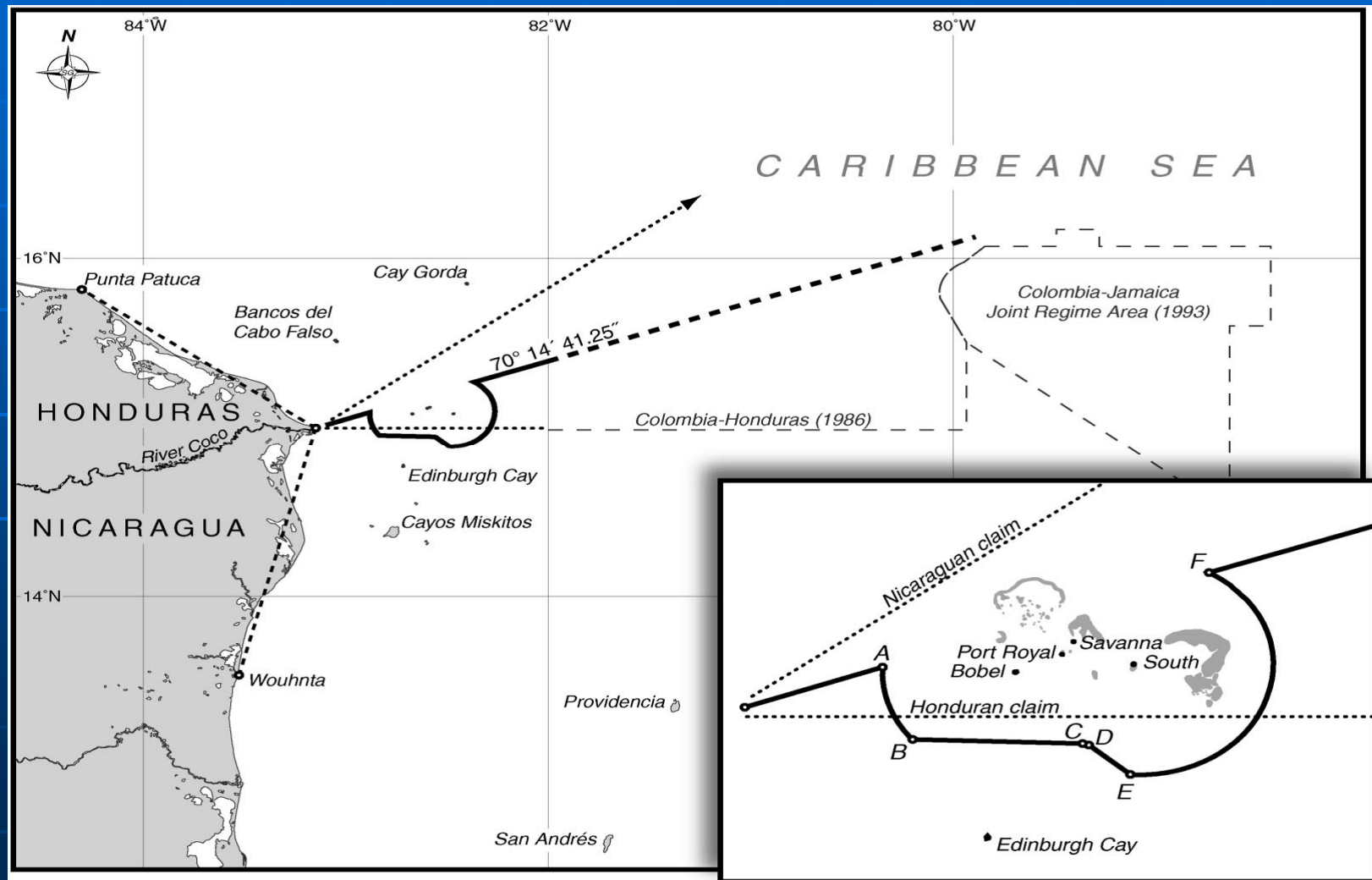


# ICJ's Three-Step Delimitation Process (*Nicaragua v. Colombia*)





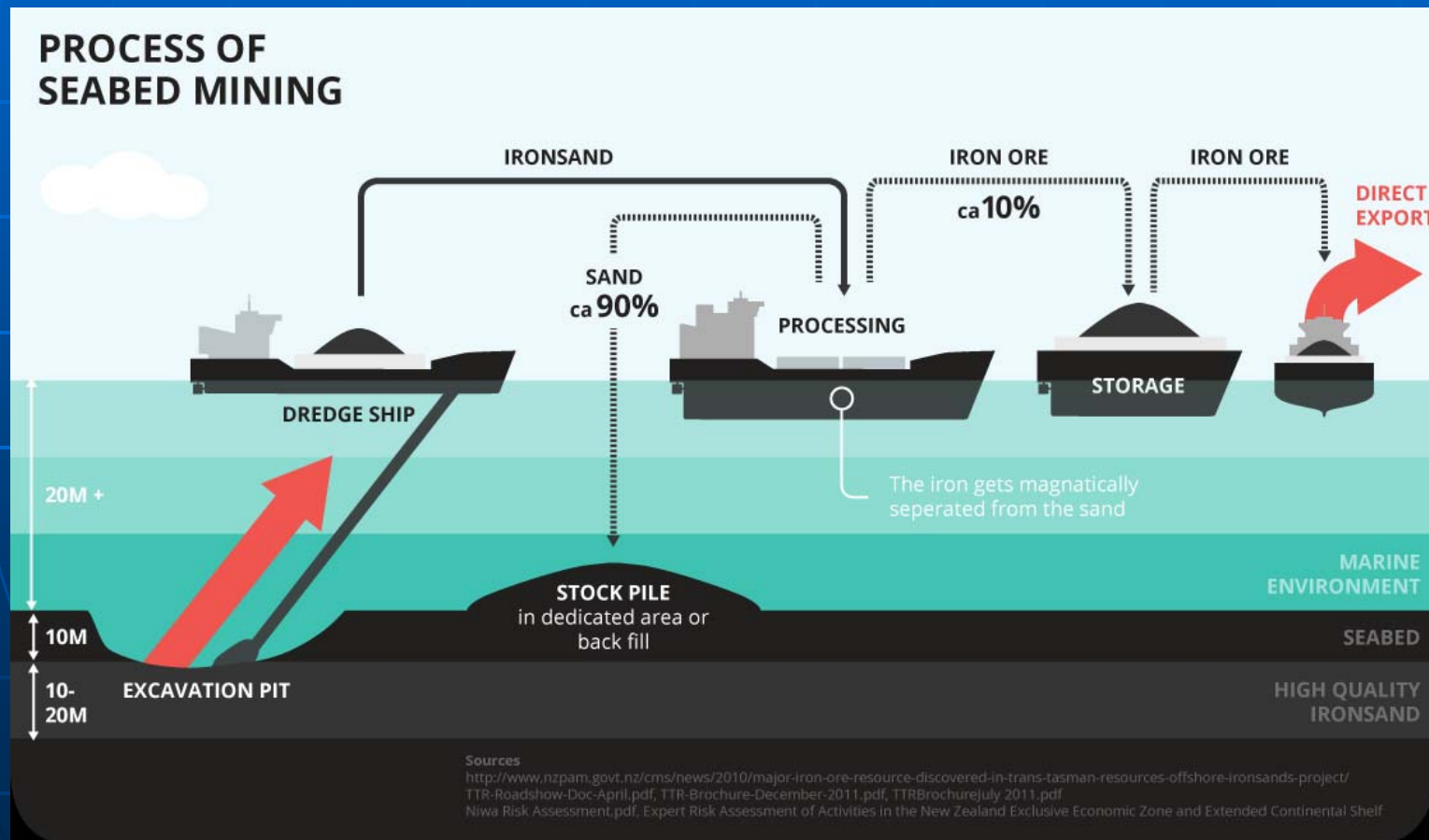
# ICJ's Angle-bisector Method (*Nicaragua v. Honduras*)



# ITLOS 2014 Advisory Opinion for West African Sub-Regional Fisheries Commission



# ITLOS Seabed Chamber 2011 Advisory Opinion on Seabed Mining



# Extended Continental Shelf Claims



# Future LOS Disputes?

High seas fishing

Deep sea-bed mining

Global climate change

Enforcement against pirates

Military incidents on the sea

Smuggling of persons

Cultural objects on seabed