

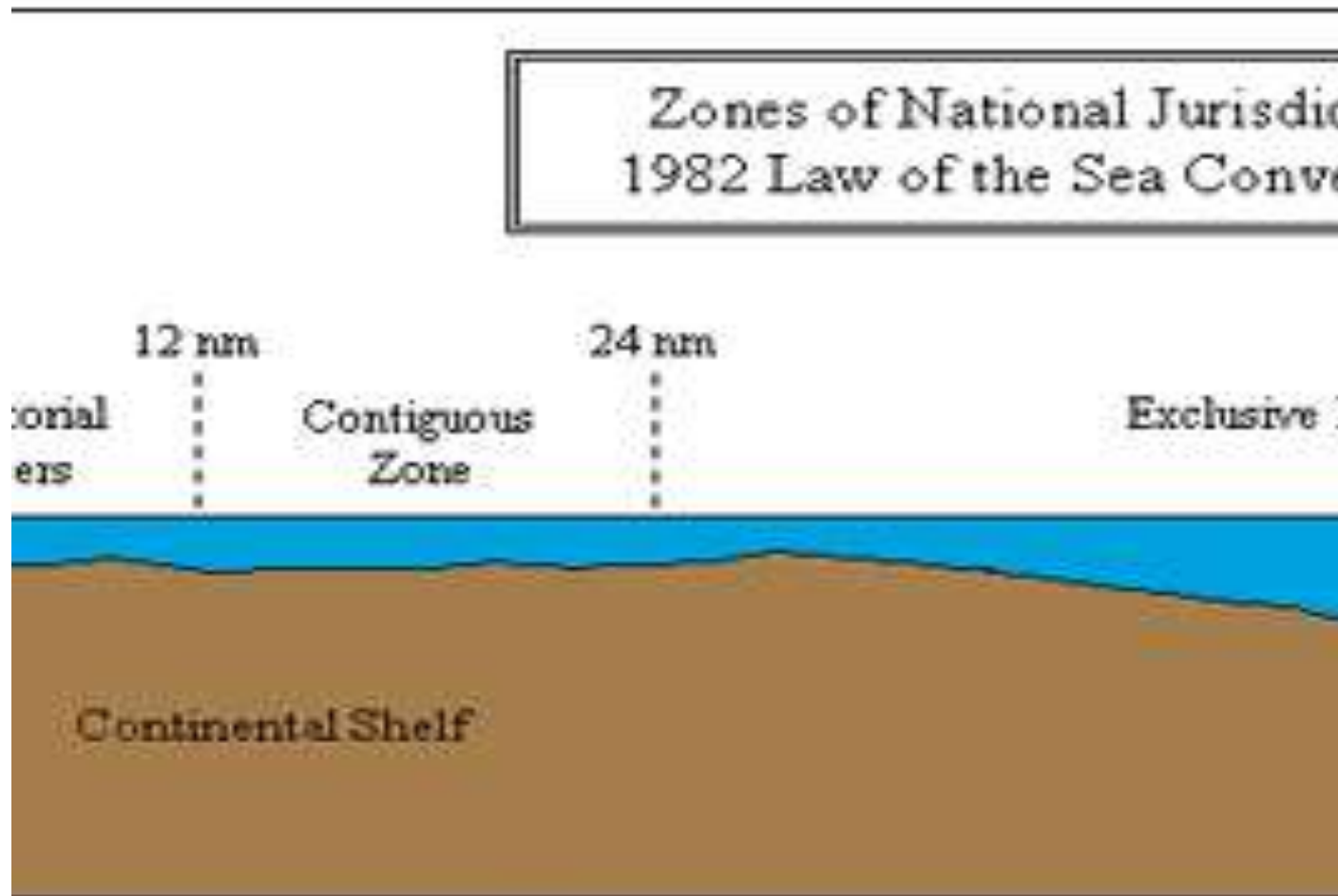
MARITIME DISPUTE SETTLEMENT

1. Types of Maritime Disputes

- Two important factors account for the growing incidence disputes involving the coastal states over their maritime claims in the sea:
 1. Vastness of the sea and its complex geography
 2. Large size of maritime sovereign jurisdictions granted to a coastal state by UNCLOS 198
- Maritime Disputes are of vast number which mostly arise over maritime boundary demarcation and violation of drawn boundaries
- Poaching, smuggling of narcotics, arms, contraband goods and people

- Exploration for the marine surface and seabed resources like hydrocarbons and minerals
- Threats or attacks on a maritime state's people, fishermen, vessels, coastal assets and oil spills

2. UNCLOS MARITIME JURISDICTIONS



3. Maritime Dispute Settlement

Methods: International

- Negotiation by the maritime sovereign disputants – Conventional means of UN dispute settlement

- International Tribunal for Law of the Sea (ITLOS), Hamburg, Germany.
Established by UNCLOS
- International Court of Justice
- Arbitration Tribunal

4. ICJ Case Studies

- *Continental shelf Delimitation*: ICJ ruled (1969)
- Court ruled in favour of application of the principle of Natural Prolongation of the continental depth.
- ICJ rejected the principle of EQUIDISTANCE laid down by the 1958 Geneva Convention of Continental Shelf

- Parties to the Dispute: Netherlands, Germany and Denmark over the North Sea waters. should follow principle of EQUIDISTANCE in delimiting Continental Shelf in North Sea by following natural prolongation of land territory under the sea.
- The criteria of natural prolongation was applied by ICJ in the Anglo-French case and Gulf of Maine case

5. Cases settled through Arbitration

- UNCLOS allows settlement of maritime disputes through arbitration method. Important case settled through Arbitration method in resolving maritime boundary disputes related to South China Sea.

- Arbitration Tribunal's most recent (2016) case dealt with the question whether China's claims to historic rights within the "nine-dash line." Philippines challenged China's maritime activities which violated its historic rights in South China Sea. That these were not in conformity with UNCLOS.
- The case involved issues relating to exclusive economic zone (EEZ) and continental shelf (CS) of the Philippines.
- Tribunal declared that PRC claims exceeded UNCLOS Laws on maritime sovereign jurisdictions. PRC however rejected Tribunal ruling.

- Although the Arbitral Tribunal has resolved the majority of disputes than other means of settlement procedure, it has no power to call upon any party of the dispute unless both the parties accept its jurisdiction.
- Arbitration Tribunal does not have the power also to make any party bound to follow its decision. So, these limitations are liable for protracting maritime boundary delimitation.
