

Maritime Boundary Delimitation: The Case Law

Is It Consistent and Predictable?

Edited by Alex G. Oude Elferink,
Tore Henriksen and Signe Veierud Busch



MARITIME BOUNDARY DELIMITATION: THE CASE LAW

The law of maritime delimitation has been mostly developed through the case law of the International Court of Justice and other tribunals. In the past decade, a number of cases have raised questions about the consistency and predictability of the jurisprudence concerning this subfield of international law. This book investigates these questions through a systematic review of the case law on the delimitation of the continental shelf and the exclusive economic zone. Comprehensive coverage allows for conclusions to be drawn about the case law's approach to the applicable law and its application to the individual case. *Maritime Boundary Delimitation* will appeal to scholars of international dispute settlement as well as practitioners and academics interested in the law concerning the delimitation of maritime boundaries.

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Preface

When the K. G. Jebsen Centre for the Law of the Sea at the University of Tromsø (UiT, the Arctic University of Norway) started operating in 2013, maritime boundaries and limits were one of the main research projects of the Centre. Specifically, it was intended that the research on maritime boundaries and limits would include an assessment of the case law on the delimitation of the continental shelf and the exclusive economic zone. At the time of writing of this preface, the initiation of this case law dates back half a century. In 1967, Denmark, Germany and the Netherlands submitted their disputes concerning the delimitation of the continental shelf in the North Sea to the International Court of Justice. The 1969 Judgment of the Court formed the starting point of a rich and varied jurisprudence dealing with the delimitation of first the continental shelf and subsequently also the exclusive economic zone. As the analysis of the chapters to this volume and the case law itself testify, the concepts that the Court developed in its 1969 Judgment still resonate in the case law today.

This book is a joint effort in more than one respect. As editors, we profited much from working in a team of three. This allowed us to pool our insights on how to proceed with the organization of the project, in providing feedback to our contributors and in drafting the introductory and concluding chapters. Second, we are appreciative of the engagement of the other participants in the project. All of them attended the workshop in the framework of the project, which was convened in Tromsø at the end of May 2016. At the workshop the initial drafts of [Chapters 2–13](#) were discussed. We used this discussion to provide our contributors with detailed feedback in connection with the preparation of a revised version of their drafts. The availability of the draft chapters also allowed us to present and discuss outlines of [Chapters 1](#) and [14](#) of this volume at the workshop. The input we received greatly assisted us in finding the right focus for these chapters.

For the organization of the workshop in Tromsø we were able to rely on Christin Skjervold of the Jebsen Centre. As always, she did a wonderful job in ensuring that everything was planned perfectly and that we could focus on substantive matters. We would also like to acknowledge the assistance of Sofia Sjögren during the workshop, who at the time was an LLM student at UiT, the Arctic University of Norway. The notes she kept assisted us in reconstructing the discussions and drawing up our feedback to the contributors. We thank Glen Jeffries, one of our current LLM students, for his research assistance in preparing [Chapter 14](#) and his involvement in the stylistic editing of the volume. Anyone familiar with the latter task will appreciate the effort that is required to bring an edited volume of this size into good shape. Finally, our appreciation goes to Finola O'Sullivan and Rebecca Roberts and the other staff at Cambridge University Press for getting this book ready for submission to its intended audience.

Internet materials cited in the chapters that follow were current as of May 2017.

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Signe Veierud Busch

Tore Henriksen

Utrecht and Tromsø, 20 May 2017

Abbreviations

CLCS

Commission on the Limits of the Continental Shelf

EEZ

Exclusive Economic Zone

ICJ

International Court of Justice

ILC

International Law Commission

ITLOS

International Tribunal for the Law of the Sea

km

kilometre

LOSC

1982 United Nations Convention on the Law of the Sea

nm

nautical mile

UNCLOS I

First United Nations Conferences on the Law of the Sea

UNCLOS II

Second United Nations Conferences on the Law of the Sea

UNCLOS III

Third United Nations Conferences on the Law of the Sea

UNTS

United Nations Treaty Series

Virginia Commentaries

United Nations Convention on the Law of the Sea 1982: A Commentary (6 vols., 1985–2002)

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1948

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1958

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1958

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1958

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1982

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1993

Convention for the Conservation of Southern Bluefin Tuna, signed 10 May 1993, entered into force 20 May 1994, 1819 UNTS 360