

The Delimitation of Maritime Boundaries in the Mediterranean

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Agenda

- ▶ The Issue
- ▶ Methods of delimitation
- ▶ UN Convention on the Law of the Sea
- ▶ Case Law
- ▶ Way Forward

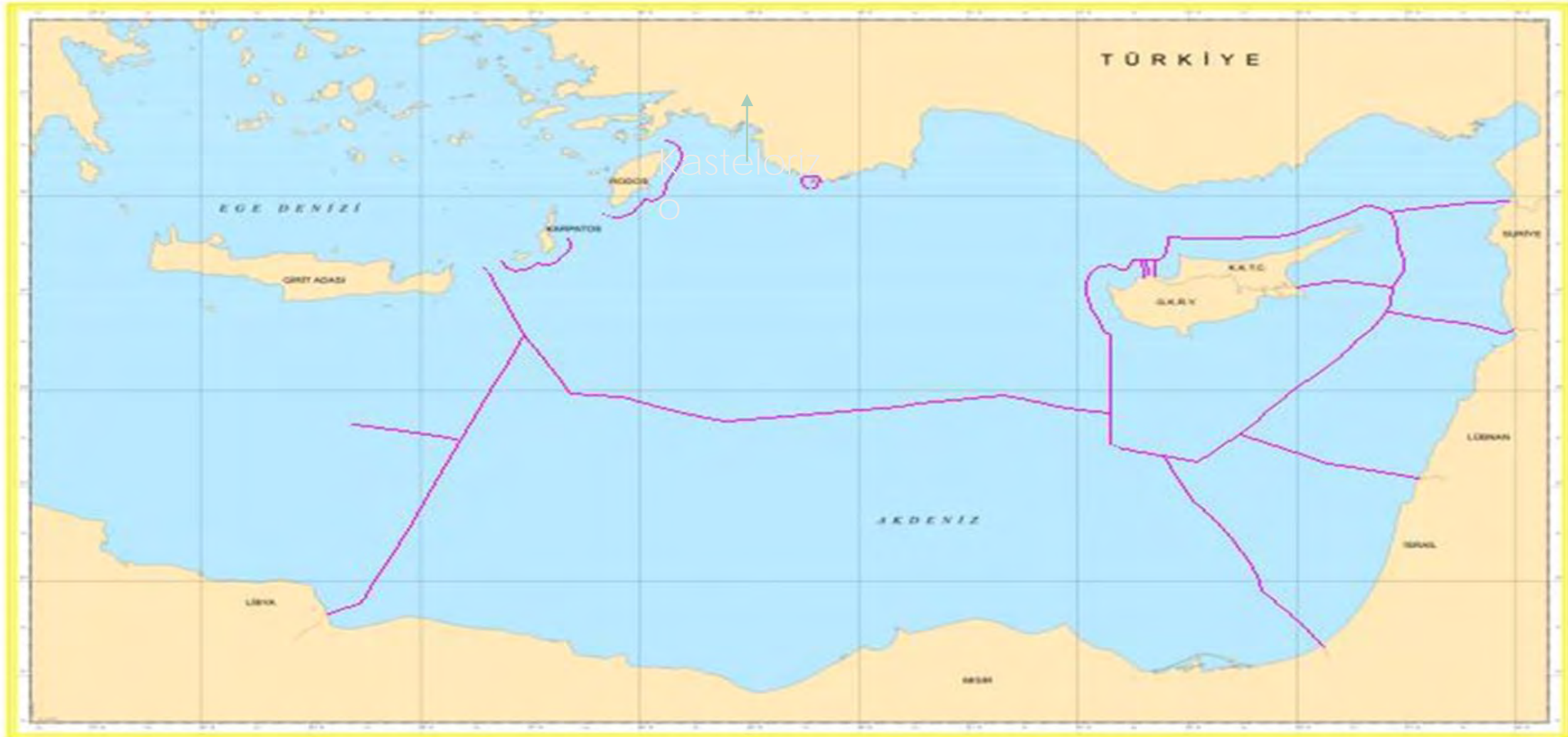
How to Share

- ▶ Agreement
 - ▶ But no state may effect delimitation without the consent of affected states
- ▶ Adjudication
- ▶ Gunboat

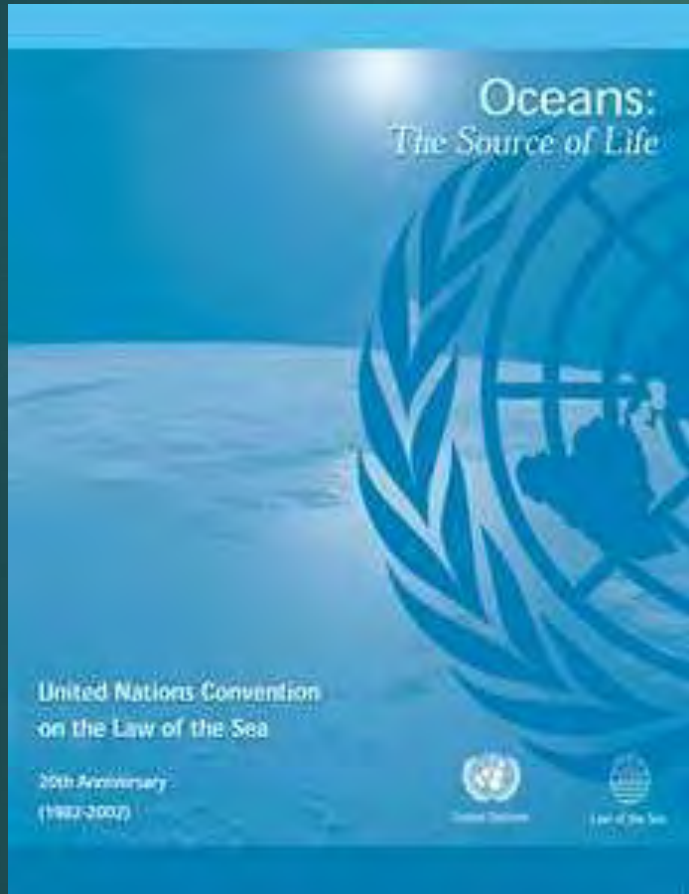


UNCLOS Delimitation of Boundaries in the Mediterranean

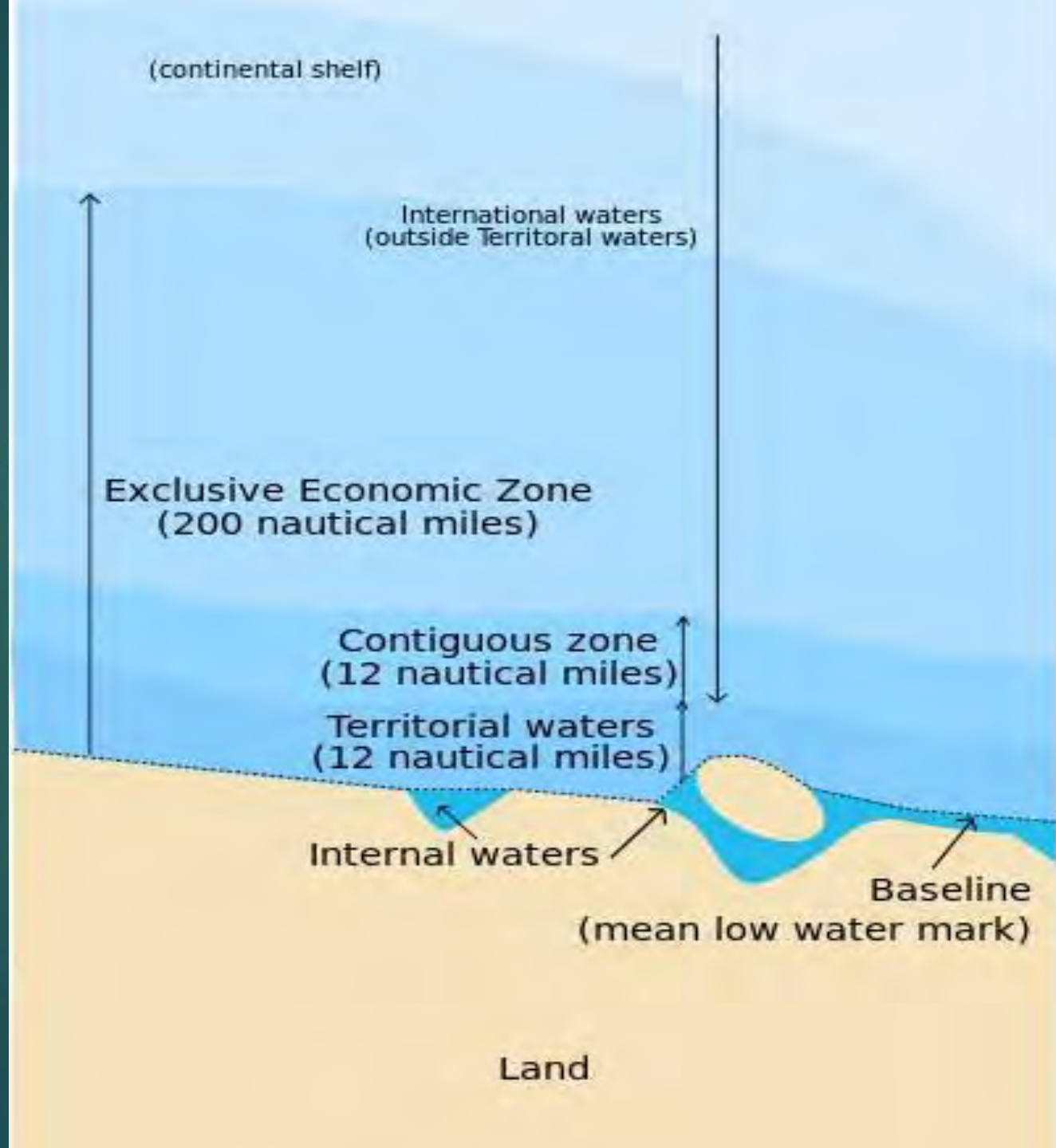
Turkey's Position



1982 UN Convention on The Law of the Sea

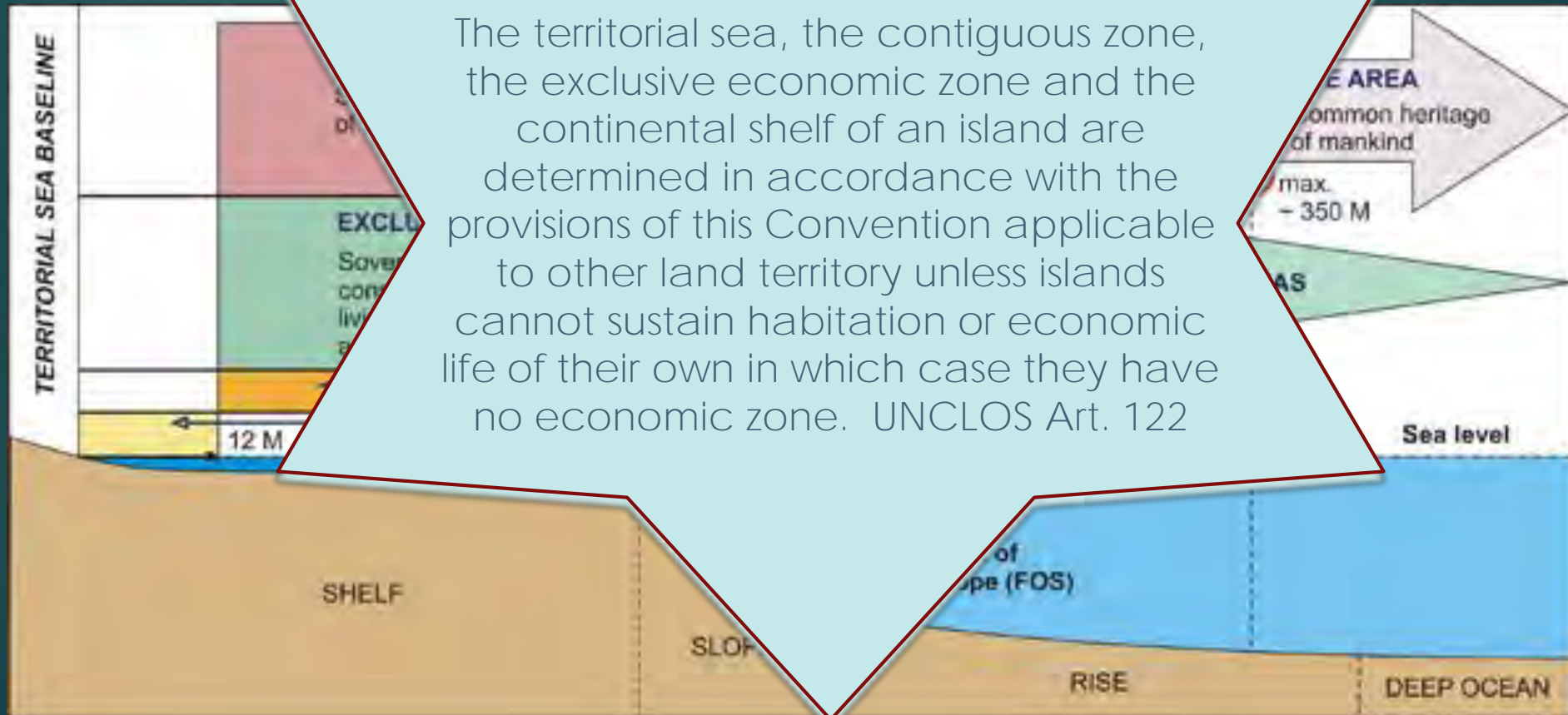


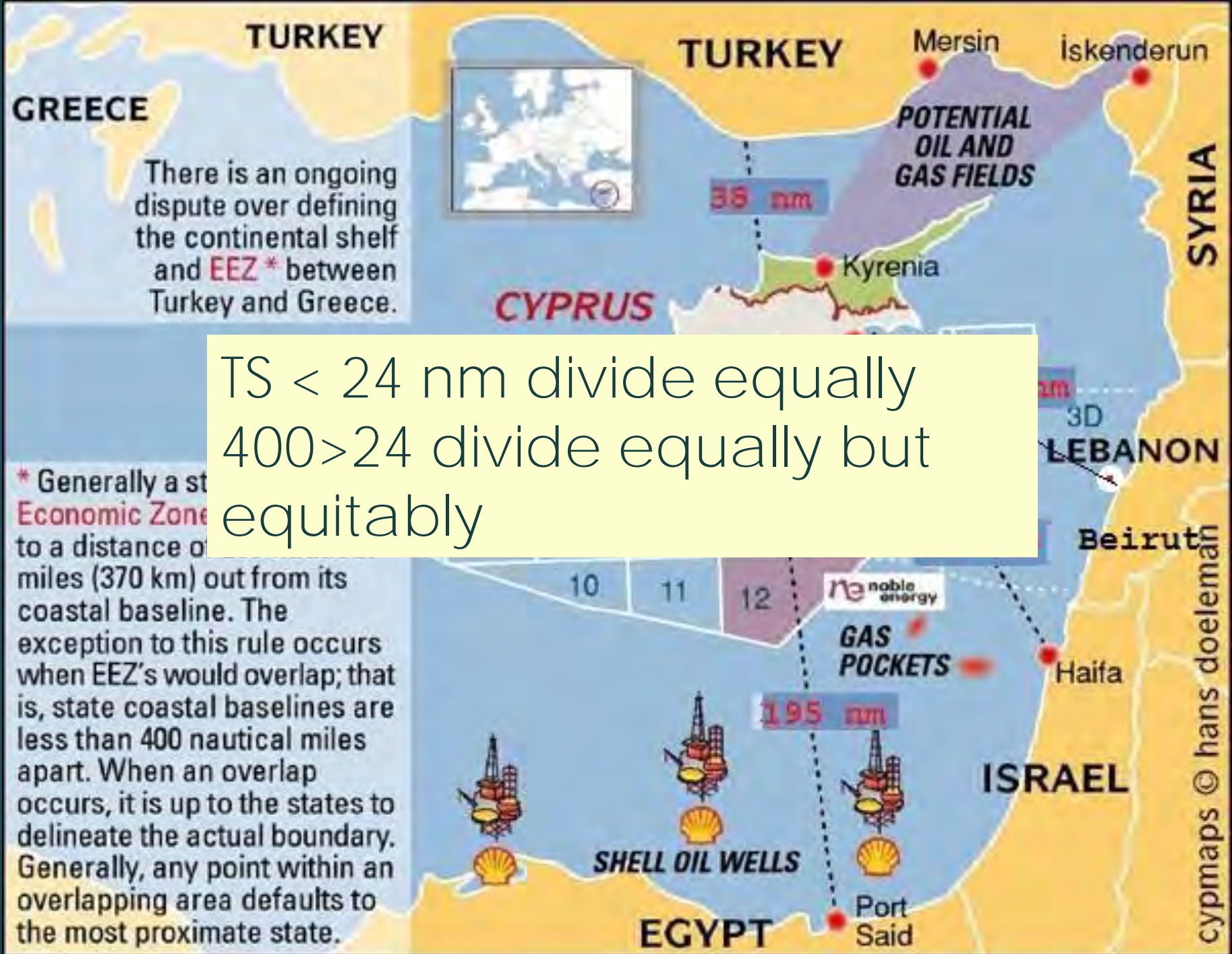
- Concluded: 1982, Montego Bay, Jamaica
- Came into force: 16 November 1994
- 130 in favour, 17 abstentions, 4 against
- 168 countries acceded
- Egypt (1982) Cyprus (1988) Greece (1995)
- Turkey, Israel, Syria have not signed



1982 UN Convention on The Law of the Sea

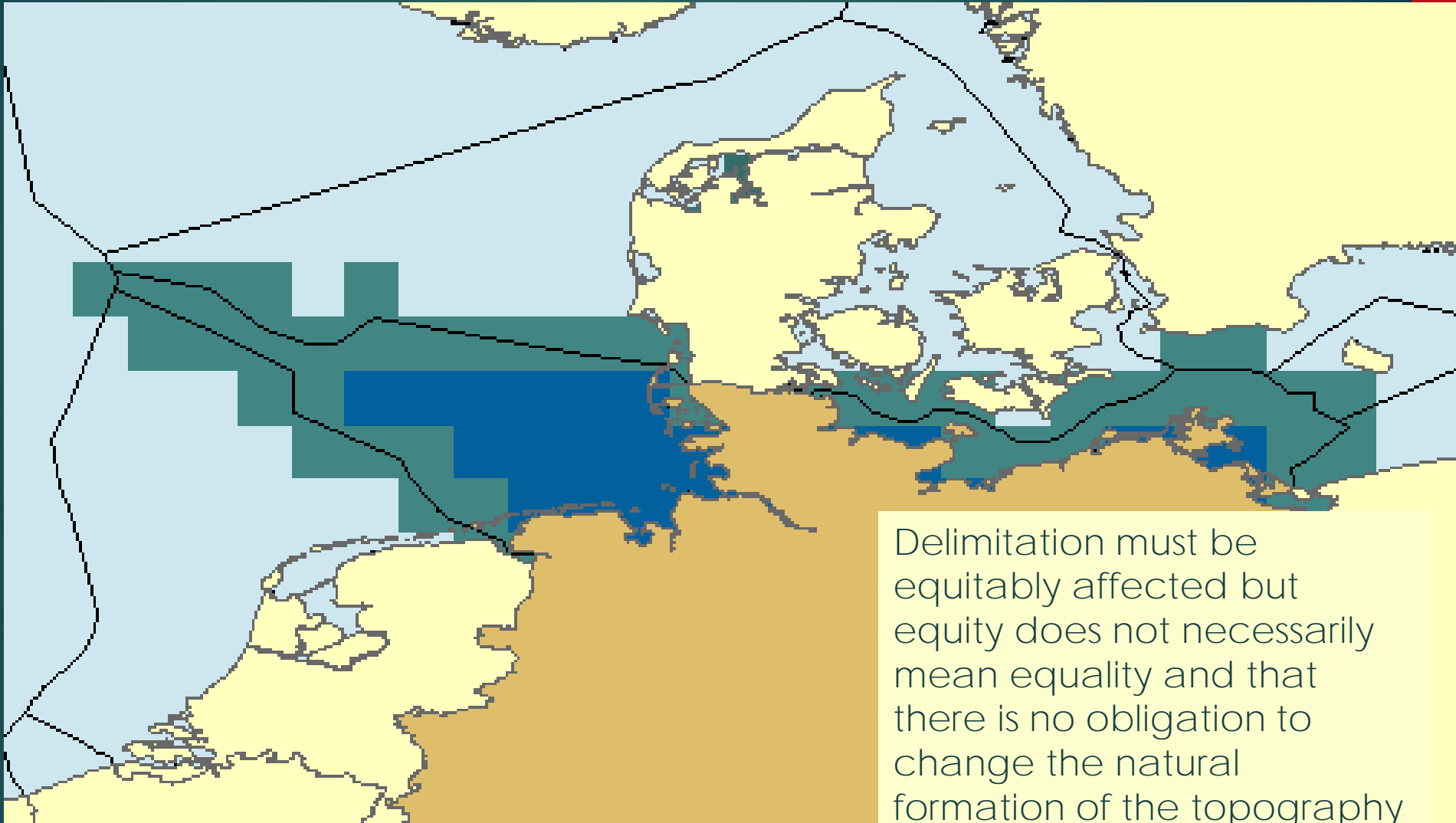
The territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of an island are determined in accordance with the provisions of this Convention applicable to other land territory unless islands cannot sustain habitation or economic life of their own in which case they have no economic zone. UNCLOS Art. 122





TS < 24 nm divide equally
 400 > 24 divide equally but equitably

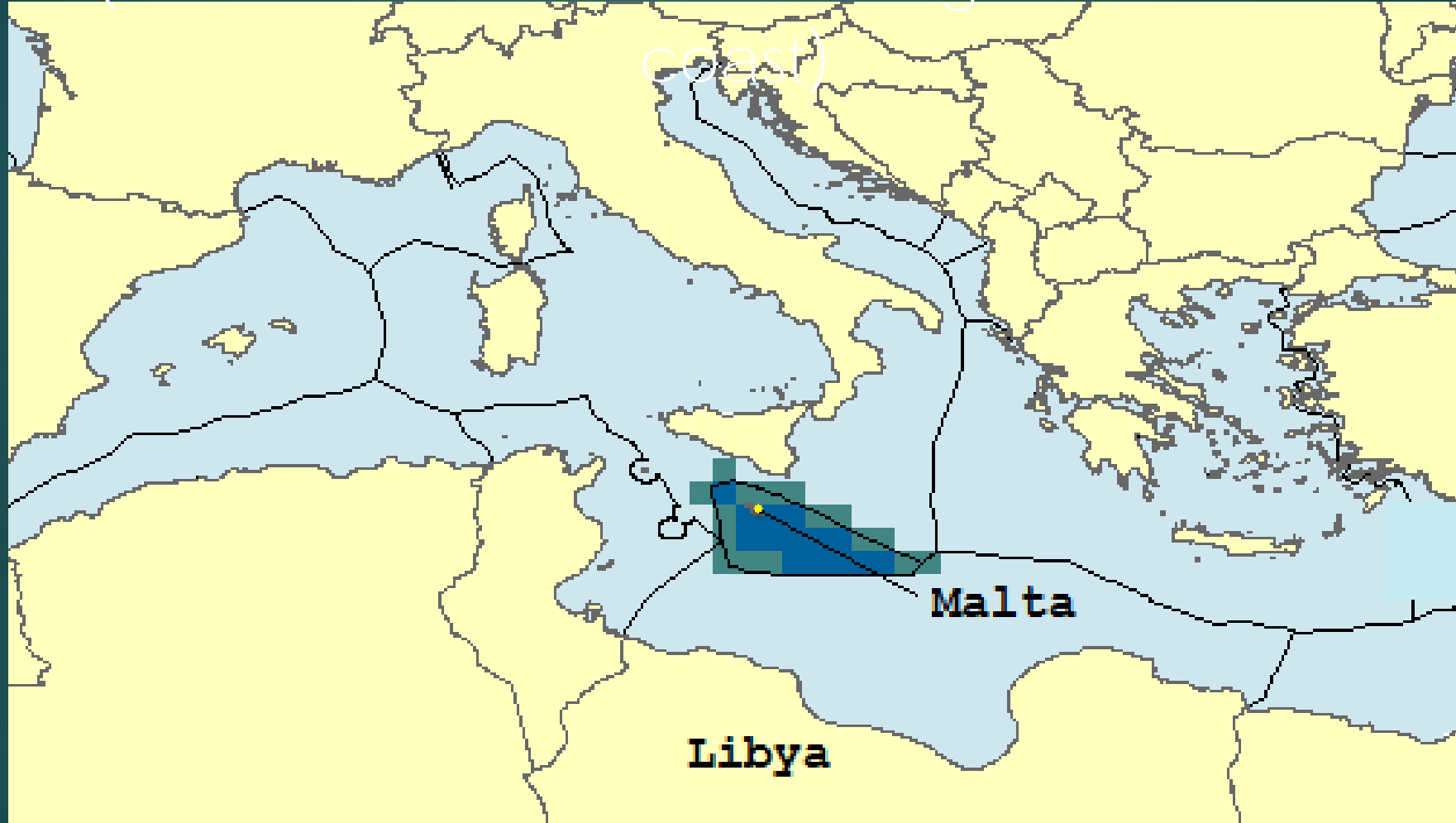




Delimitation must be equitably affected but equity does not necessarily mean equality and that there is no obligation to change the natural formation of the topography in order for all States to have equal amount of continental shelf

1985 Libya v Malta

(uninhabited islands and length of relevant coast)



Denmark v Norway 1993

'delimitation is a process that demarks an area already belonging to the state it is not an exercise in apportioning to each state a share of a divisible part'
p133

Denmark v Norway 1993

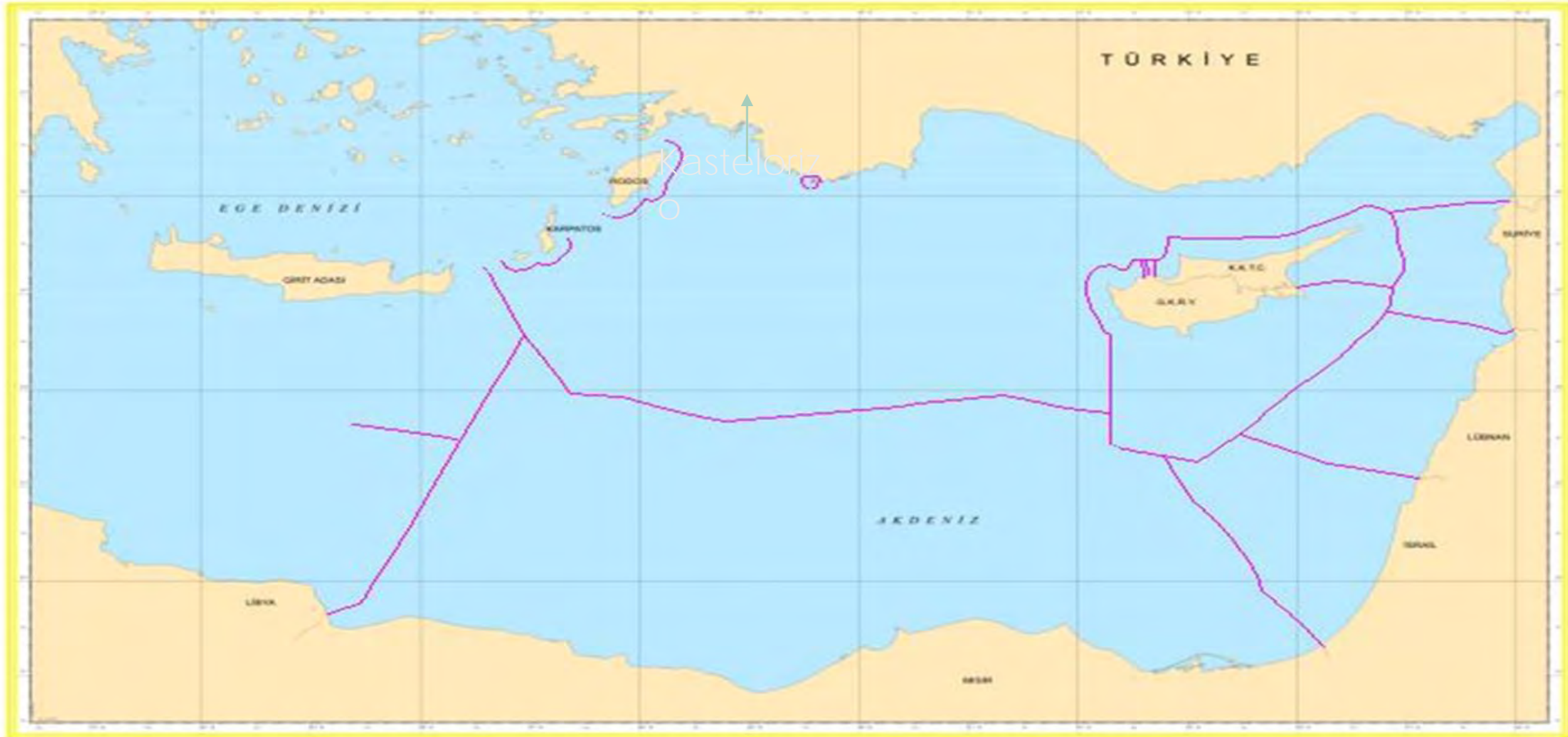
Equity does not necessarily imply equality ... and it does not require that a State without access to the sea should be allotted an area of continental shelf Equality is to be reckoned within the same plane, and it is not such natural inequalities as these that equity could remedy. p134

Qatar v Bahrain, 2001

“[t]he most logical and widely practised approach is first to draw provisionally an equidistance line and then to consider whether that line must be adjusted in the light of the existence of special circumstances.” p 176

Honduras v Nicaragua 2007 adjusts basepoints of the river Coco

Turkey's Position



1978 Greece v Turkey

1973 Turkey grants a license to explore in Greek waters

Greece launches a protest with the UN

Negotiations until 1976

1976 Further license by Turkey to explore in Greek waters

1976 Greece brings a cause of action against Turkey in the ICJ

1978 Case dismissed lack of jurisdiction!

