

# CIL Workshop on Submarine Cables and the Law of the Sea

## Session 4. Problems caused by Overlapping Maritime Boundaries

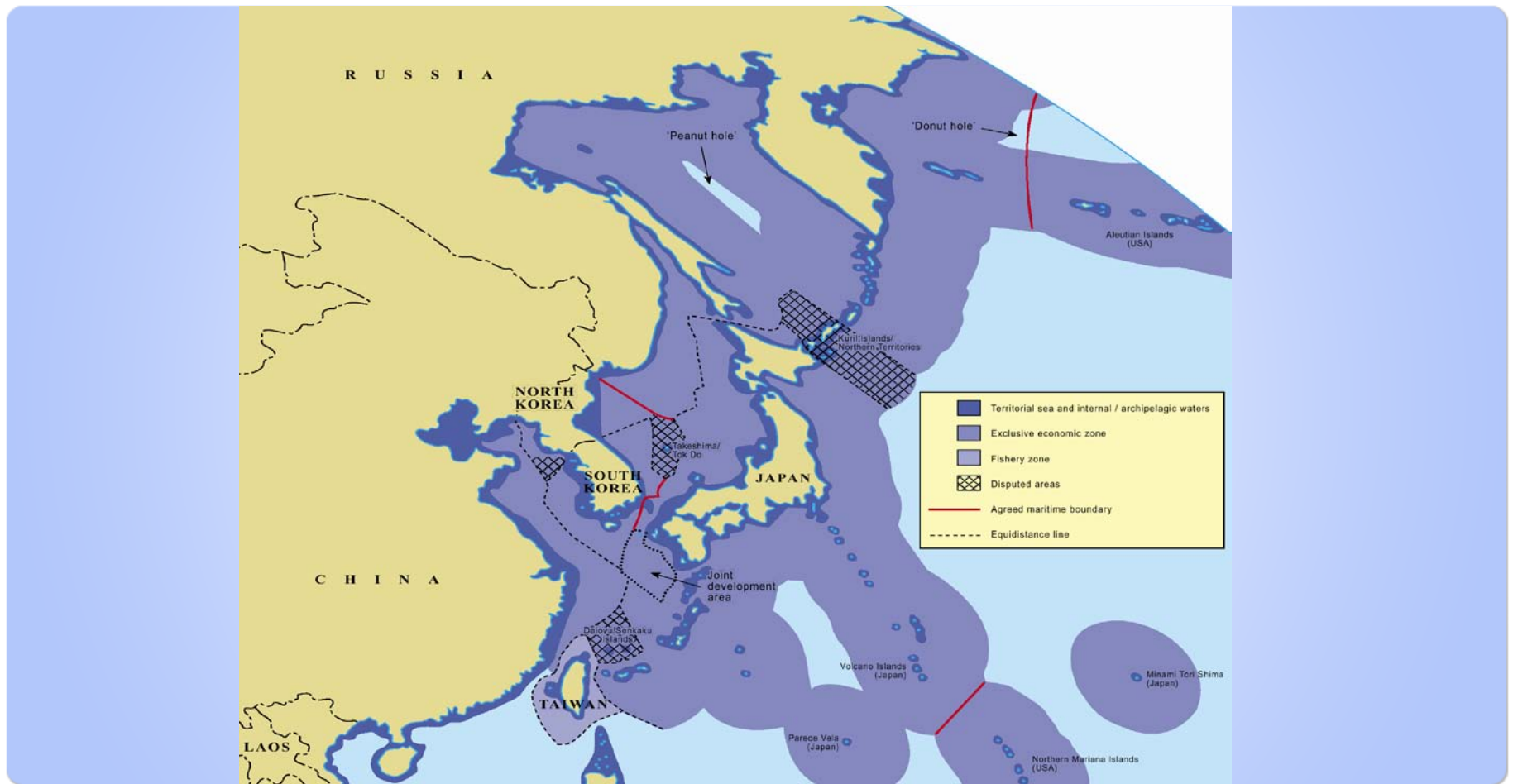
### Overlapping Boundaries in East & Southeast Asia – the Relevance of UNCLOS

**Robert Beckman**

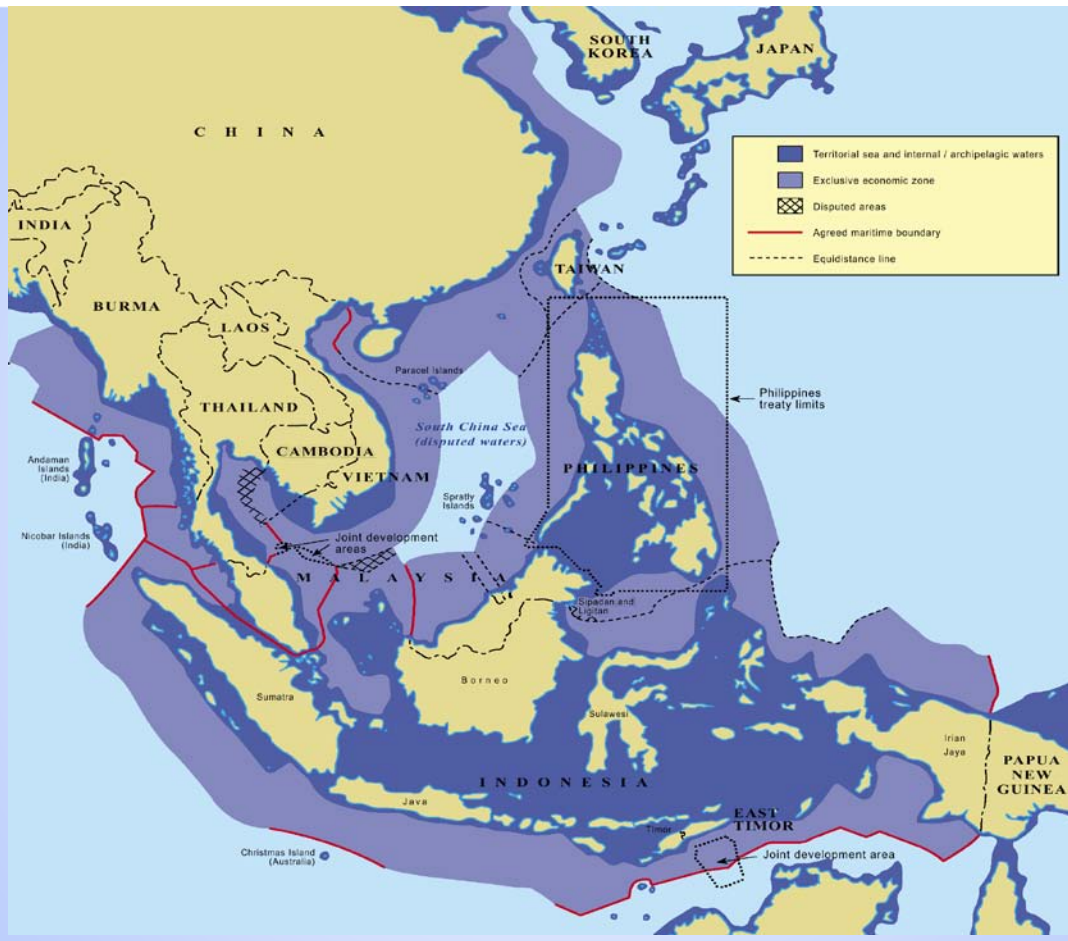
Director, Center for International Law  
Associate Professor, Faculty of Law

14 December 2009

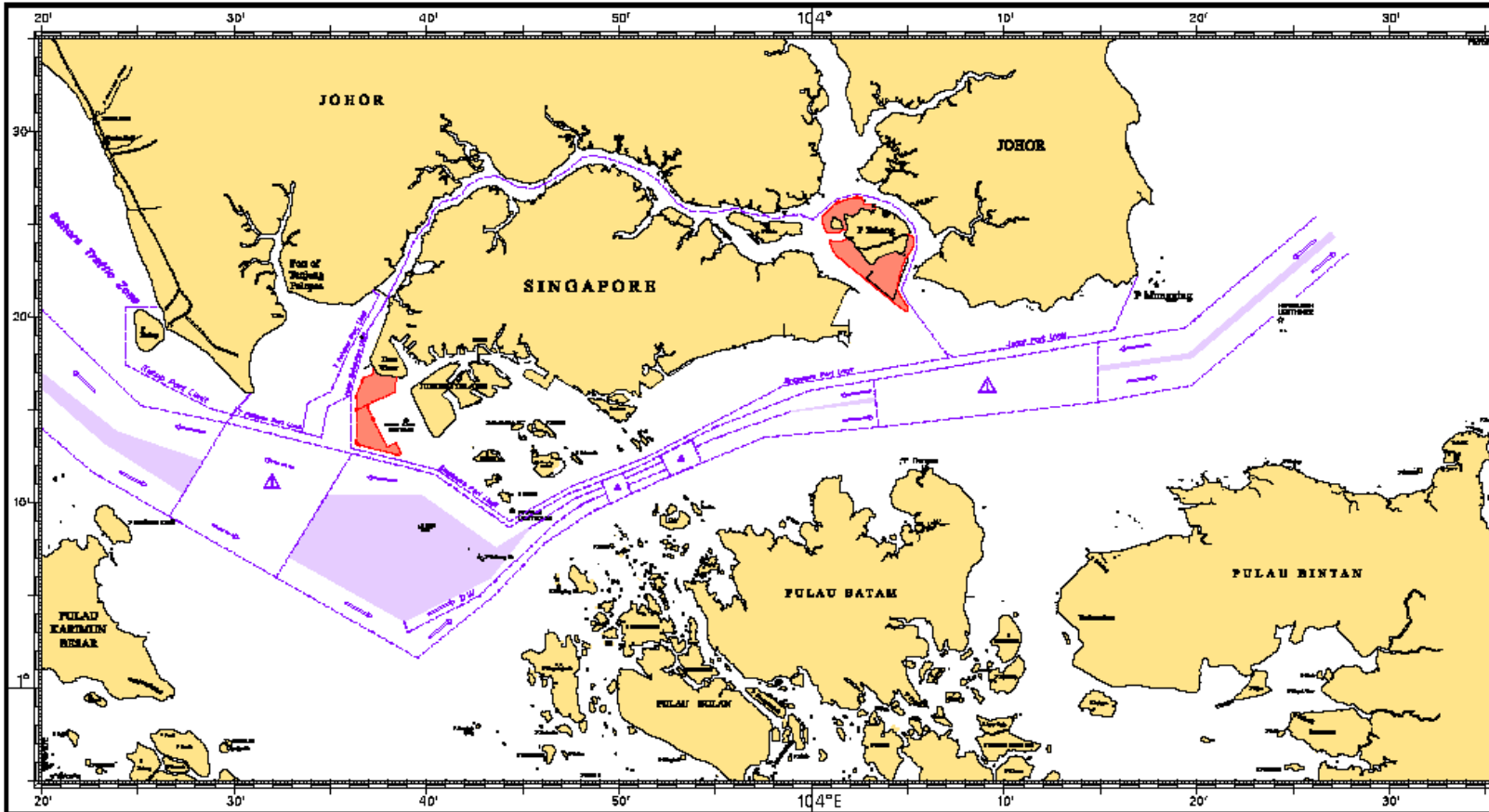
# Disputed Waters in East Asia



# Disputed Waters in SE Asia



## SINGAPORE STRAIT - PORT LIMITS AND TRAFFIC SEPARATION SCHEME

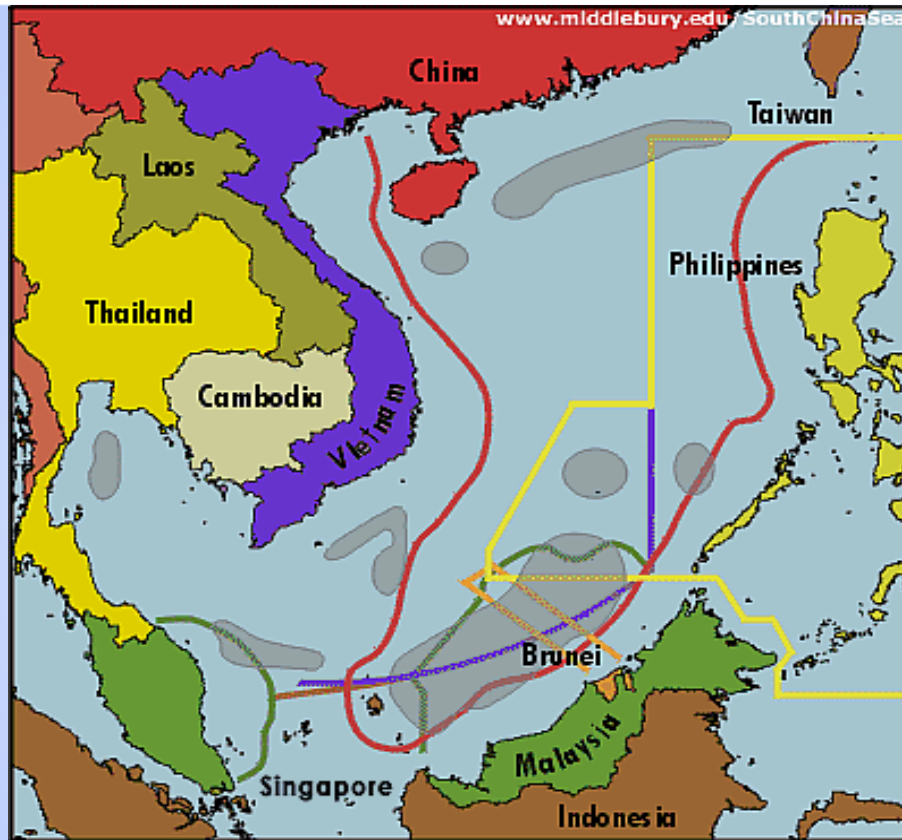


Prepared by Waesche/Goldsch Hydrographic Dept. MPH 6 Feb 06 ON 616706 Scale 1:500 000

POSITIONS IN WGS 84

HY Code ADI

# Overlapping Claims in the SCS



## Countries Claiming Ownership

- China
- Vietnam
- Malaysia
- Taiwan
- Philippines

Gas/ Oil fields

0 500 1000 km

# Occupied "islands" in SCS

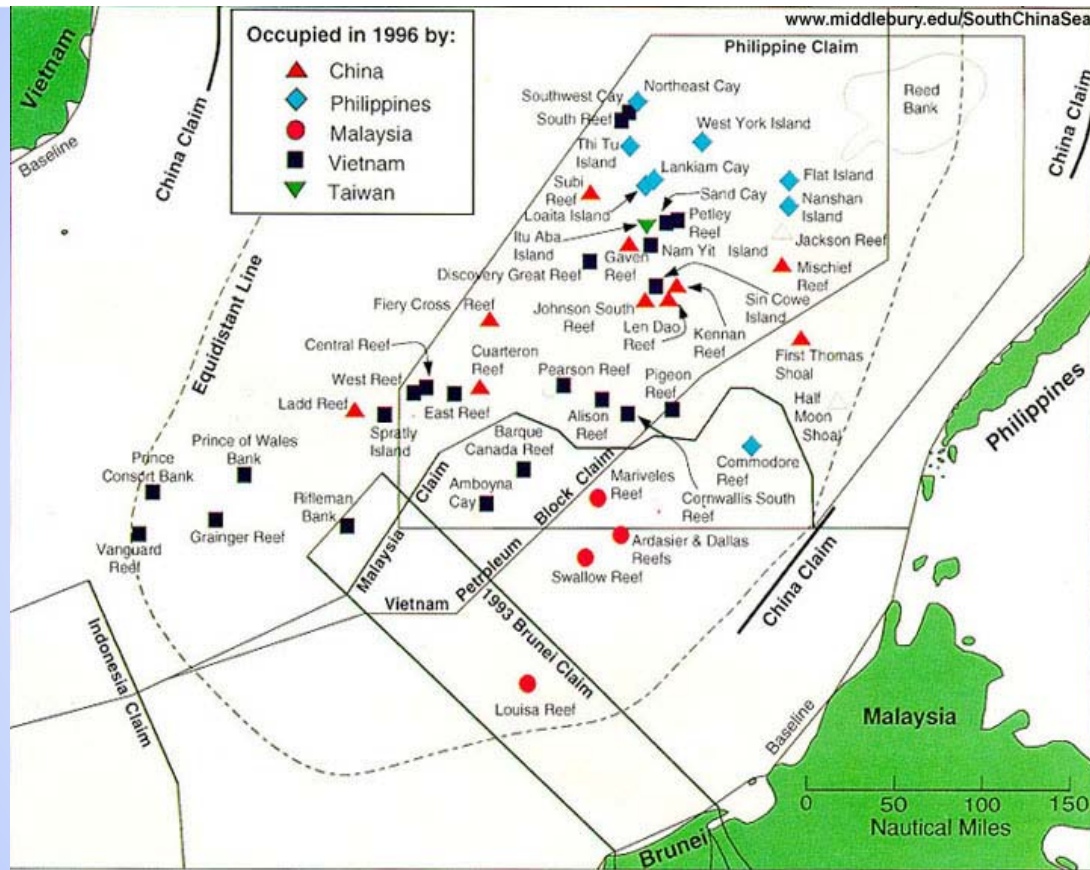
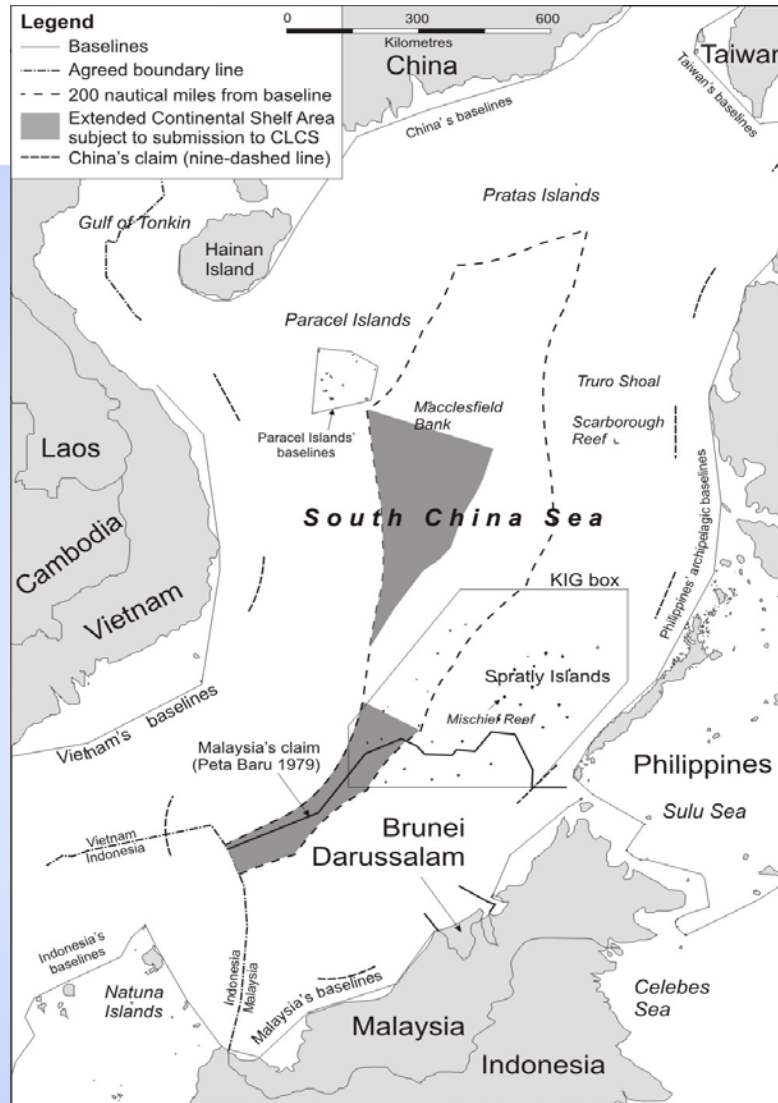


Plate 1 The Spratly features, their occupants as of 1996, and jurisdictional claims. China has placed markers on features with open triangles, but does not occupy them

# Extended Continental Shelf Claims

- Area of overlapping claims in the SCS has been complicated by “extended continental shelf claims” of Malaysia and Vietnam in 2009
- Claims submitted to Continental Shelf Commission to meet deadline of May 2009
- China has objected to the submissions because they extend to the area in which it claims sovereignty over the islands in the SCS
- Commission is not likely to consider the submissions





# Maritime zones of islands in SCS

- Disputes are primarily over which State has sovereignty over the “islands”
- Also issues as to:
  1. Which islands are entitled to a 200 nm EEZ?
  2. Which islands are only entitled to a 12 nm territorial sea because they are “rocks which cannot support human habitation or economic life of their own”?
  3. Which are below water at high tide and not even entitled to 12 nm territorial sea?

# UNCLOS and Overlapping Claims in South China Sea

- UNCLOS does not address the issue of how to resolve the competing sovereignty claims
- Maritime boundaries cannot be delimited until sovereignty issue is resolved
- UNCLOS provisions on the delimitation of EEZ and CS boundaries provide that pending settlement of the maritime boundaries, States should enter into “**provisional arrangements of a practical nature**”, and that such provisional arrangements are without prejudice to maritime claims

# UNCLOS and Overlapping Claims in South China Sea

- It is in the common interest of all States to ensure that damaged submarine cables are repaired as quickly as possible
- Claimant States should all agree to informal “**provisional arrangements of a practical nature**” with respect to the repair of submarine cables in areas of overlapping maritime claims in their EEZ and on their Continental Shelf (Arts 74 and 83)
- It should be clear that such provisional arrangements are without prejudice to maritime claims

Thanks for your attention

Any Questions?