

# CENTRE FOR INTERNATIONAL LAW

Seminar

# CIL

**18 May 2012, Friday, 4.00PM – 5.30PM**

**Executive Seminar Room, Level 3 Block B, NUS Bukit Timah Campus  
469 Bukit Timah Road, Singapore 259756**

## DOES SIZE MATTER?

### The Role of Islands in the Delimitation of Maritime Boundaries and Implications for the South China Sea



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**Clive Schofield** is Professor and Director of Research at the Australian Centre for Ocean Resource and Security (ANCORS), University of Wollongong, Australia. He currently holds an Australian Research Council Future Fellowship. Dr Schofield is a political geographer whose research interests relate to international boundaries and particularly maritime boundary delimitation. He has researched and published primarily on issues related to the delimitation of maritime boundaries, geo-technical issues in the law of the sea, maritime security and regarding maritime boundary disputes and their resolution. He has been involved in the peaceful settlement of boundary and territory disputes, for example through the provision of technical advice and research support to governments engaged in boundary negotiations and in dispute settlement cases before the International Court of Justice.

#### INTRODUCTION

Islands are a perennial feature and source of discord in the context of both claims to maritime jurisdiction and the delimitation of maritime boundaries. This is clearly the case in East and Southeast Asia where disputes over island sovereignty as well as their capacity to generate extensive maritime claims, and thus role in ocean boundary making remain rife.

LOS provides for several different types of insular feature, notably islands capable of generating extended maritime claims (continental shelf and exclusive economic zone rights) and "rocks" which are unable to do so. Unfortunately, and despite abundant scholarly attention, no definitive way to distinguish between these two types of island is presently available. Considerable progress has, however, been made in overcoming the challenges posed by islands in the process of delimiting maritime boundaries.

The presentation will briefly outline types of island, their capacity to generate maritime claims and key definitional dilemmas. The role of islands in maritime and territorial disputes is assessed with particular reference to East and Southeast Asia. Developments in addressing issues with islands in ocean boundary making are then traced. It is suggested that although State practice in this context is somewhat mixed, an increasingly clear approach to the treatment of islands in maritime delimitation has emerged from the rulings of international courts and tribunals. In particular, it is posited that recent jurisprudence indicates that geographical factors are critical to the role of islands in maritime delimitation – in particular the location of islands relative to the other coastlines involved in the delimitation equation coupled with the relative relevant coastal fronts involved – rather than their mere size. It is concluded that the island/rock debate is a an unhelpful distraction as even if certain islands can be classified as being capable of generating extended maritime claims this by no means suggests that they will be accorded full weight in the delimitation of maritime boundaries. Potential implications for the multiple island disputes in the South China are then drawn.

**FREE ADMISSION** Please register by emailing Ms Geraldine Ng at [cilnwfq@nus.edu.sg](mailto:cilnwfq@nus.edu.sg)

#### ABOUT THE CENTRE FOR INTERNATIONAL LAW (CIL)

The Centre for International Law (CIL) is based at the Bukit Timah campus of the National University of Singapore. CIL's mission is to enable Singapore and the Asia-Pacific region to play a more significant role in the promotion and development of international law and policy. The Centre's aim is to become the region's intellectual hub and thought leader for research on and teaching of international law and policy. The Director of CIL is Associate Professor Robert C Beckman and the Deputy Director is Dr Navin Raj. For more information, please visit the CIL website at <http://www.cil.nus.edu.sg> or email: [cil.info@nus.edu.sg](mailto:cil.info@nus.edu.sg)