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**The South China Sea: Cooperation for Regional
Security and Development**

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**Status of Offshore Geographic Features and
Maritime Claims in the South China Sea**

Prof Robert C Beckman

Director, Centre for International Law

CIL

Centre for International Law

www.cil.nus.edu.sg



NUS

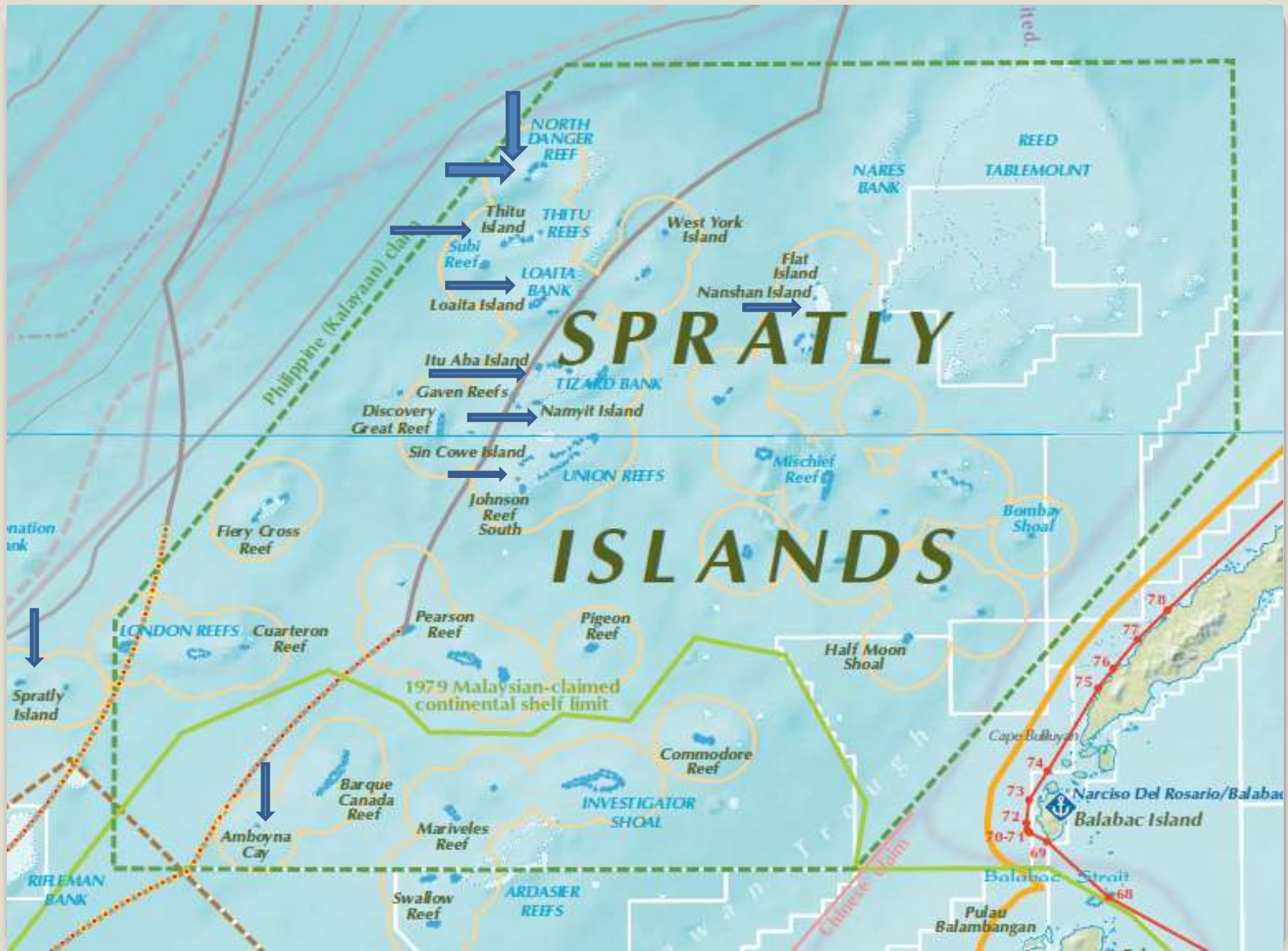
National University
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Underlying Principles

- States have **sovereignty** over their **land territory** and over their territorial sea
- Archipelagic States have sovereignty over their archipelagic waters
- “Land territory” includes “Islands”
- **Land dominates the Sea**
 - Sovereignty can only be claimed over land territory
 - Maritime claims can only be made from land territory

Islands and Rocks

- **DEFINITION:** An **island** is a naturally formed area of land surrounded by and above water at high tide
- **GENERAL RULE:** **Islands** are entitled to all maritime zones
- **EXCEPTION:** **Rocks** which cannot sustain human habitation or economic life of their own shall not be entitled to an EEZ or CS
- **SPRATLY ISLANDS:**
 - **130** maritime features
 - **30** or so are **islands**
 - **1 to 12** are large enough to be entitled “in principle” to an EEZ and CS
 - **1.7 km²** – total land area of 13 largest islands



SPRATLY

ISLANDS

Philippine (Kalayaan) claim

1979 Malaysian-claimed continental shelf limit

Chinese claim

NORTH DANGER REEF

Thitu Island

Subi Reef

Loaita Island

Itu Aba Island

Gaven Reefs

Discovery Great Reef

Sin Cowe Island

Johnson Reef South

Pearson Reef

Flery Cross Reef

LONDON REEFS

Cuarteron Reef

Amboyne Cay

Barque Canada Reef

Mariveles Reef

Swallow Reef

ARDASIER REEFS

Pigeon Reef

Commodore Reef

INVESTIGATOR SHOAL

West York Island

Nanshan Island

Flat Island

Mischief Reef

REED

NARES BANK

TABLEMOUNT

Bombay Shoal

Half Moon Shoal

Cape Buluyan

Narciso Del Rosario/Balabac

Balabac Island

Balabac Strait

Pulau Balambangan

ation ank

Spratly Island

RIFLEMAN BANK

Red.

WIN TROUGH

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Itu Aba / Taiping (Taiwan)



Image © 2011 DigitalGlobe

© 2011 MapIt

10°22'35.34" N 114°21'57.51" E elev 24 ft

©2010 Google

Eye alt 3885 ft

Imagery Date 2/17/2008

Thitu Island (Philippines)



Image © 2011 DigitalGlobe
© 2011 Europa Technologies

© 2011 MapIt

11°03'04.50"N 114°17'02.37"E elev 12 ft

©2010 Google

Eye alt 4150 ft

Imagery Date: 2/25/2007

Spratly Island (Vietnam)



Imagery Date: 07/13/2007

© 2011 MapIt
Image © 2011 DigitalGlobe
8°33'39.63" N 111°55'11.75" E elev 12 ft

©2010 Google

Eye alt 1771 ft

Nanshan Island (Philippines)



Scarborough Shoal



Scarborough Shoal



Scarborough Shoal – Sustain Human Habitation?



Low-Tide Elevations

- Definition: naturally formed area of land above water at low tide but submerged at high tide (drying rocks or reefs)
- **No maritime zones of their own**
- May not be subject to a claim of sovereignty (not completely clear)
- If within 12 nm of land territory, is subject to the sovereignty of the State in whose territorial sea it lies
- If within 12 nm of land territory or island, may be used as a basepoint in measuring the territorial sea
- If outside Territorial Sea, state in whose EEZ it lies has sovereign rights and jurisdiction

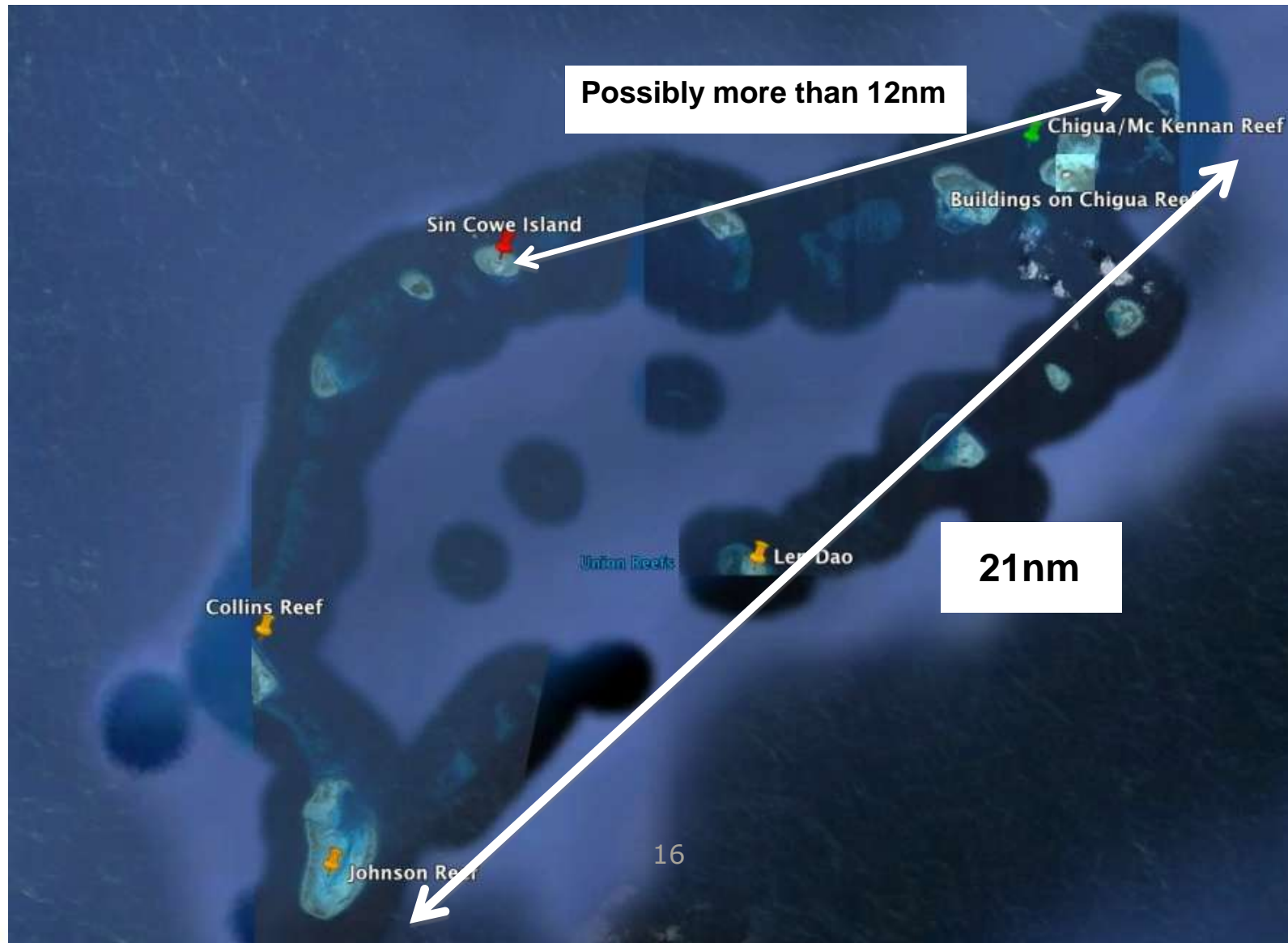
Islands or Low-Tide Elevations?



Article 6. Reefs

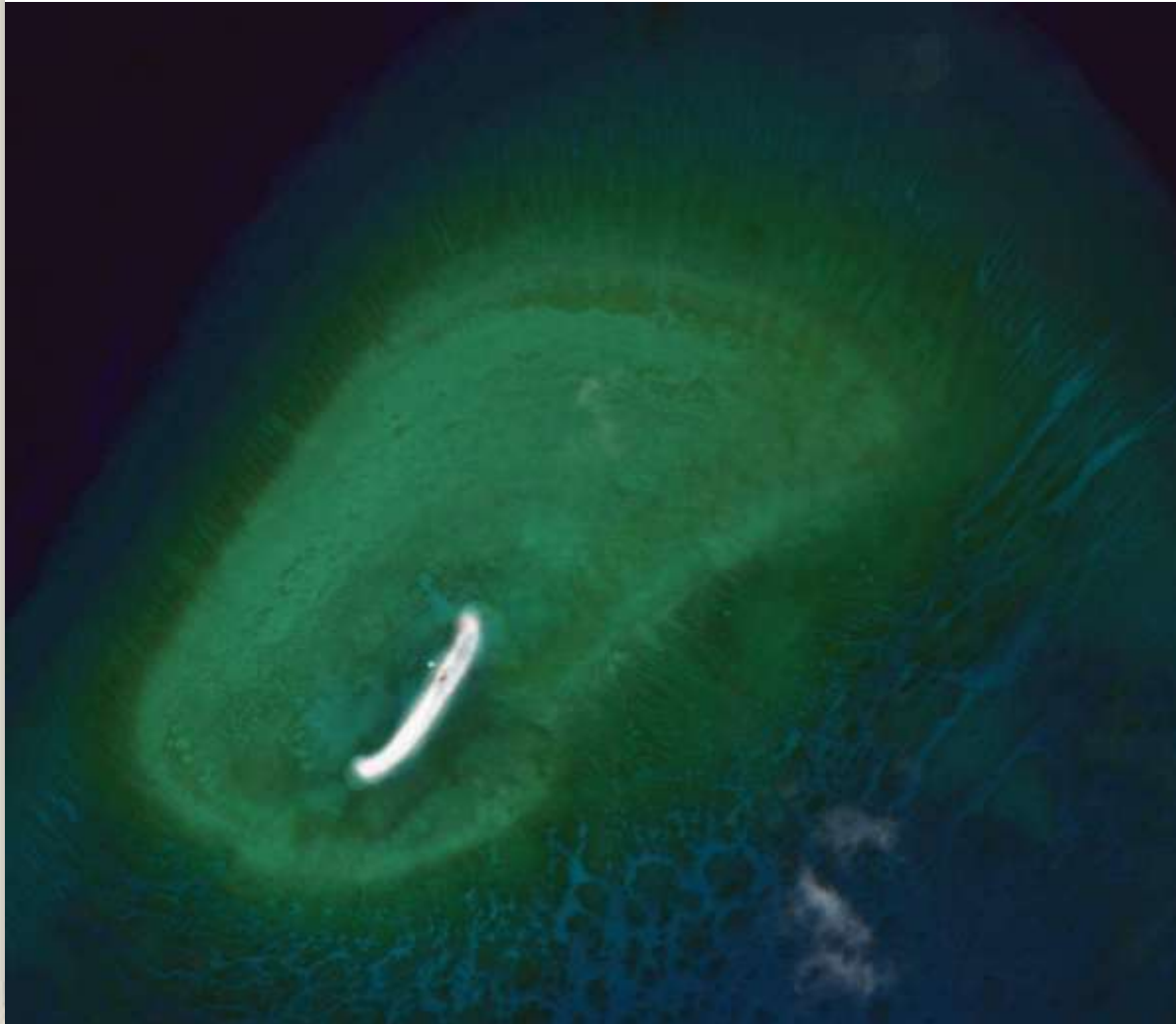
- In the case of islands situated on atolls or
- of islands having fringing reefs,
- the baseline for measuring the breadth of the territorial sea is the seaward low-water line of the reef, as shown by the appropriate symbol on charts officially recognized by the coastal State.

Union Reefs Atoll



Flat island: Island or rock?

Note the difference in shape.
Likely to be seasonal variation.
Large fringing reef



25 Feb. 2006



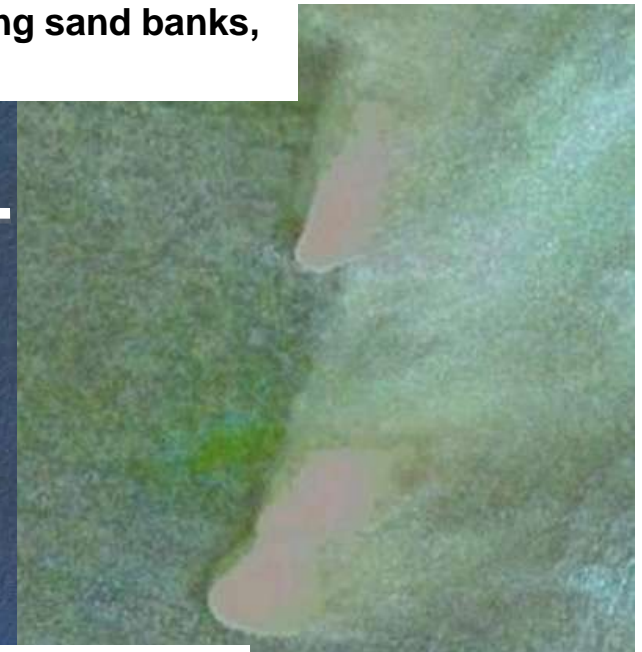
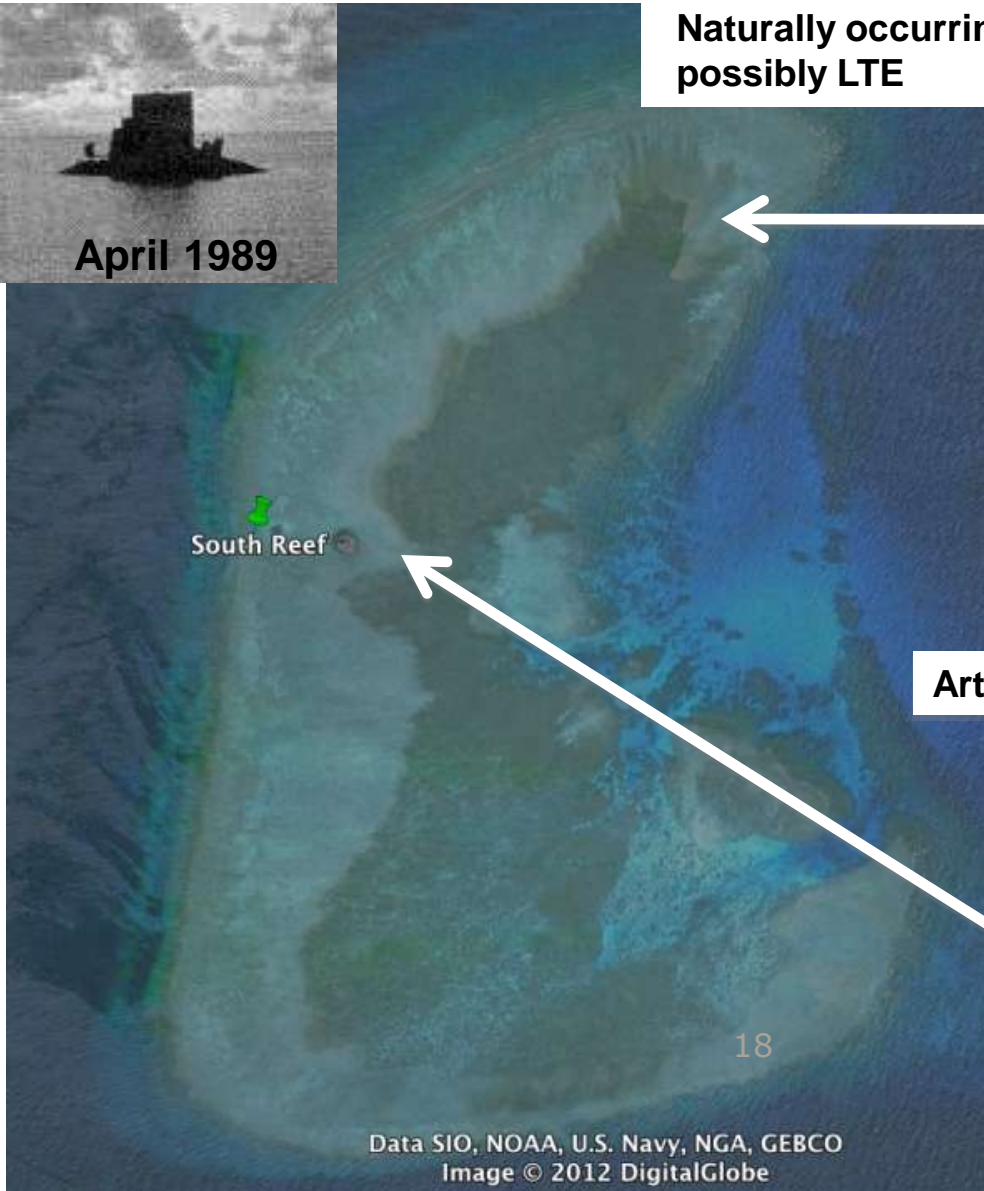
20 May 2011



South Reef, a Low tide elevation with an artificial island



Naturally occurring sand banks, possibly LTE



Artificial island



Submerged Features

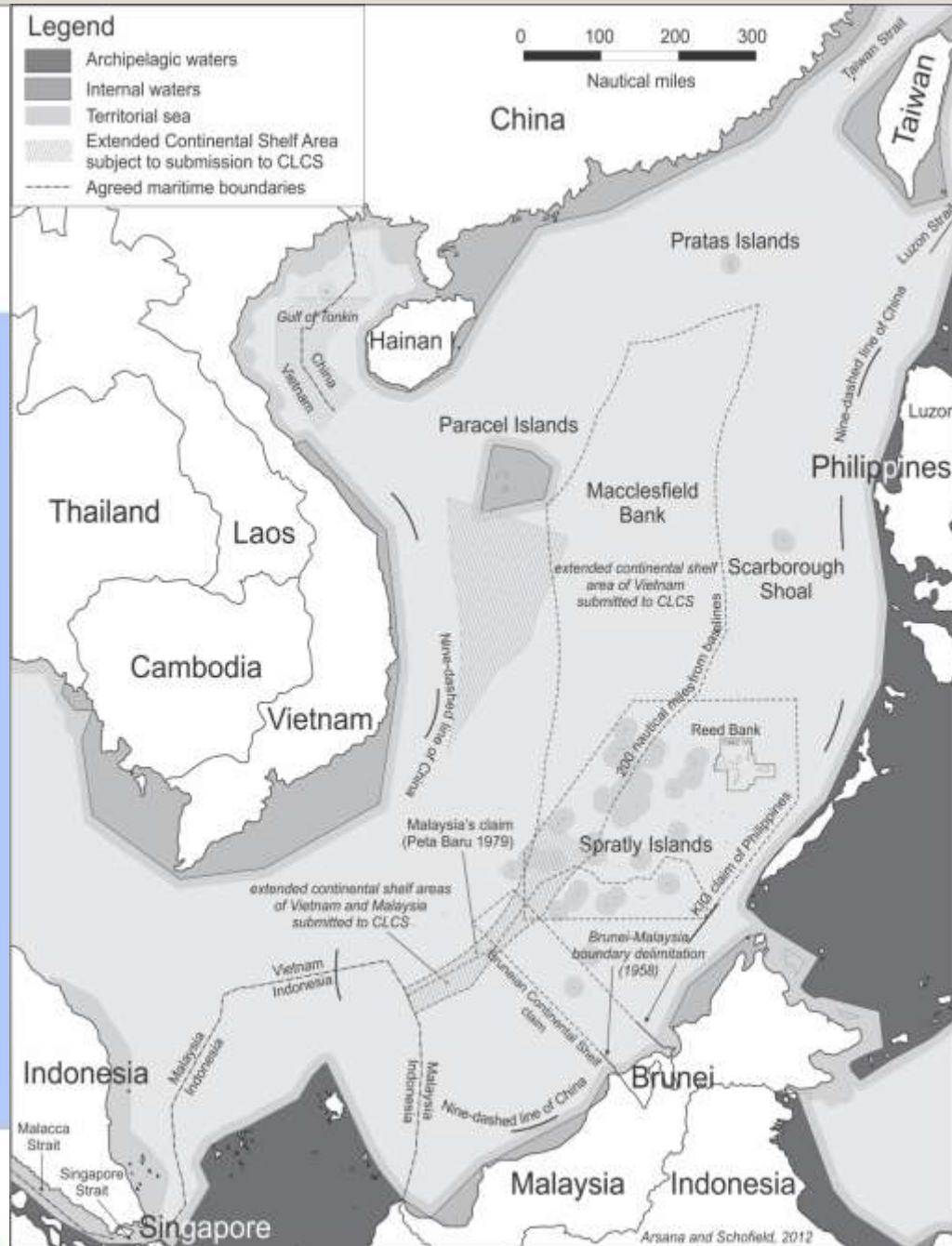
- Not land territory -part of seabed
- Not subject to a claim of sovereignty
- If within territorial sea, under sovereignty of coastal State
- If outside territorial sea, is part of seabed, and State in whose EEZ it lies has:
 - (1) sovereign rights to resources; and
 - (2) jurisdiction as provided in UNCLOS

Legend

- Archipelagic waters
- Internal waters
- Territorial sea
- Extended Continental Shelf Area subject to submission to CLCS
- Agreed maritime boundaries

0 100 200 300

Nautical miles



Artificial Islands, Installations and Structures

- Not subject to sovereignty claim
- Coastal State has jurisdiction if within its EEZ or on its CS
- Not “islands” – no maritime zones
- May have 500 metre “safety zone” around them
- If turn low-tide elevation into artificial island through reclamation, it remains a low-tide elevation
- If build installations and structures on low tide elevations or submerged features, their status does not change

Swallow Reef (Malaysia)

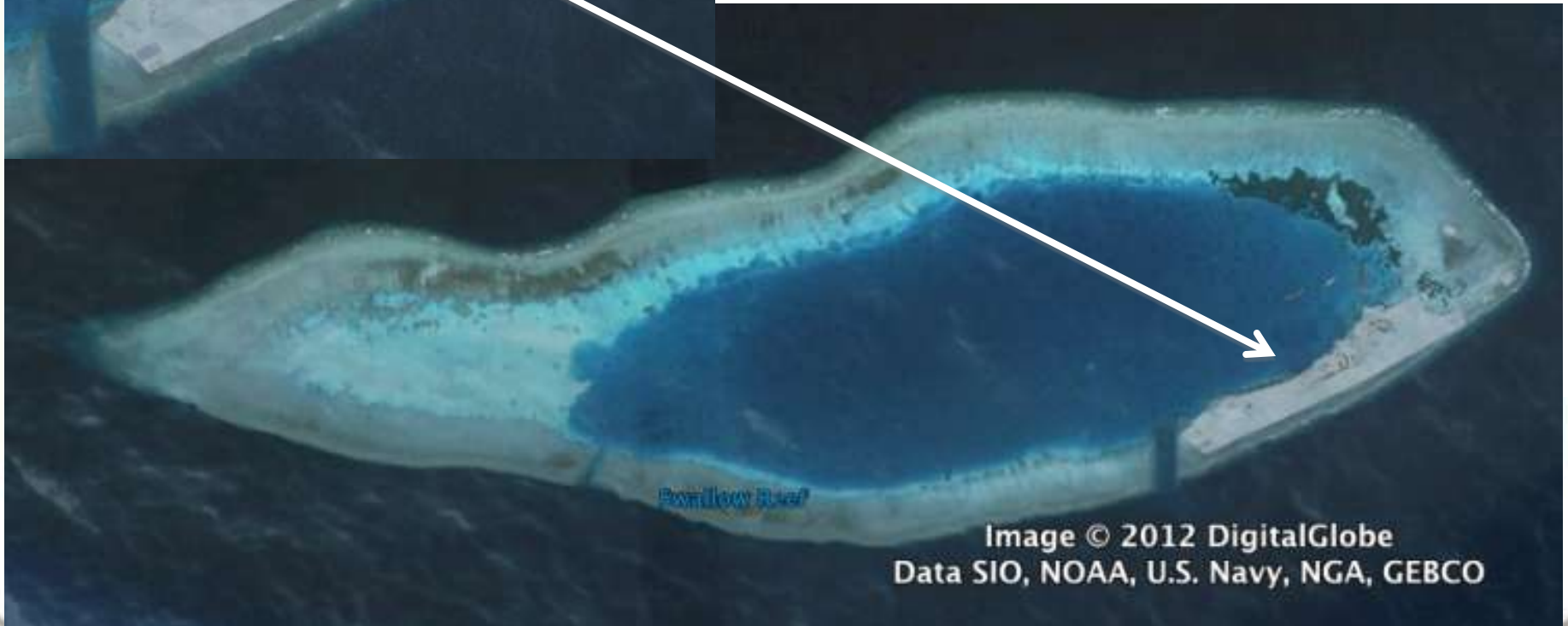
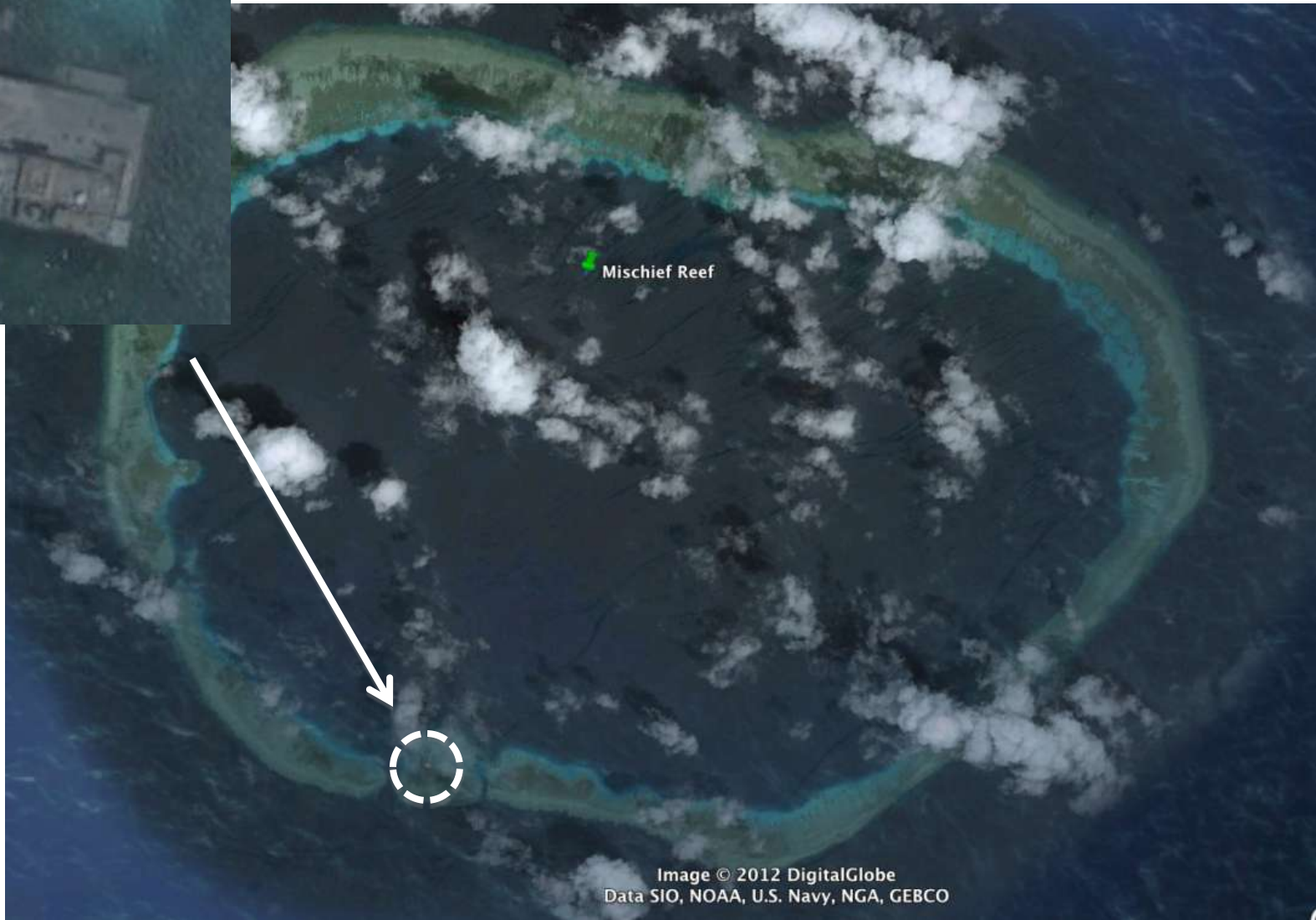


Image © 2012 DigitalGlobe
Data SIO, NOAA, U.S. Navy, NGA, GEBCO

Swallow Reef (Malaysia) Pulau Layang Layang



Mischief Reef (China)

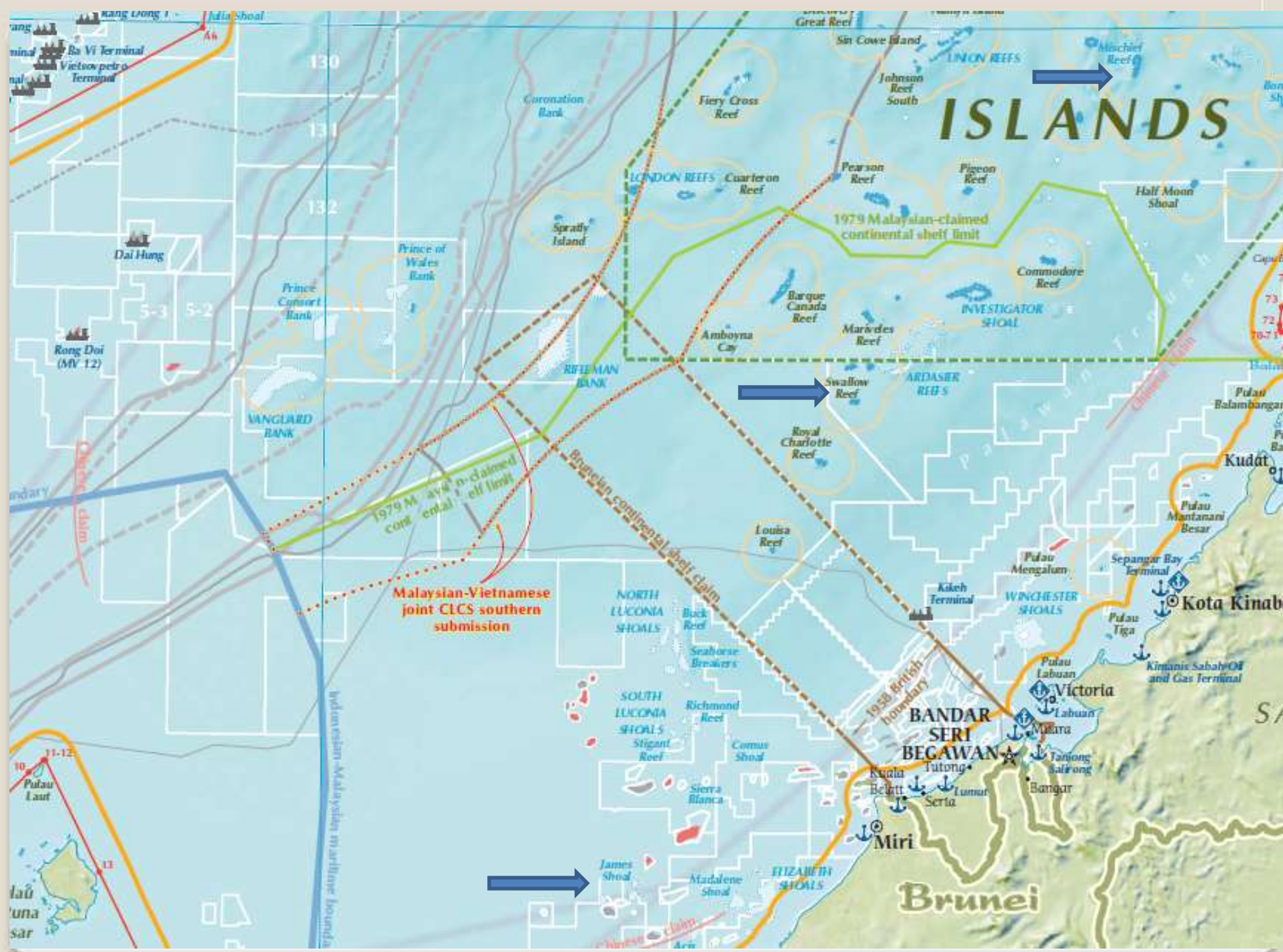


Mischief Reef (China)

*Mischief Reef Site 3
22 March 1999*



PHOTO BY AFP



ISLANDS

1979 Malaysian-claimed continental shelf limit

Malaysian-Vietnamese joint CLCS southern submission

Bruneian continental shelf claim

Brunei

BANDAR SERI BEGAWAN

Kota Kinabalu

Miri

Victoria

James Shoal

SOUTH LUCONIA SHOALS

NORTH LUCONIA SHOALS

Pulau Laut

Pulau Sar

Conclusions

1. The status of the offshore features under UNCLOS is very important to the legitimacy of the maritime claims
2. None of the claimants seem to have given much thought to the legal status of the features they are claiming and occupying
3. The claimant should clarify what features they claim sovereignty over and what maritime zones they are claiming from the features
4. Claims must be clarified before the areas for joint development can be identified

Thanks for Your Attention

Robert Beckman and Youna Lyons

Centre for International Law (CIL)

National University of Singapore

Email: CILDIR@NUS.EDU.SG

CILLBLY@NUS.EDU.SG

Website: WWW.CIL.NUS.EDU.SG