

World Congress on International Law

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**THE MARITIME BOUNDARY
DISPUTE IN THE EAST CHINA SEA**

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Northeast Asia

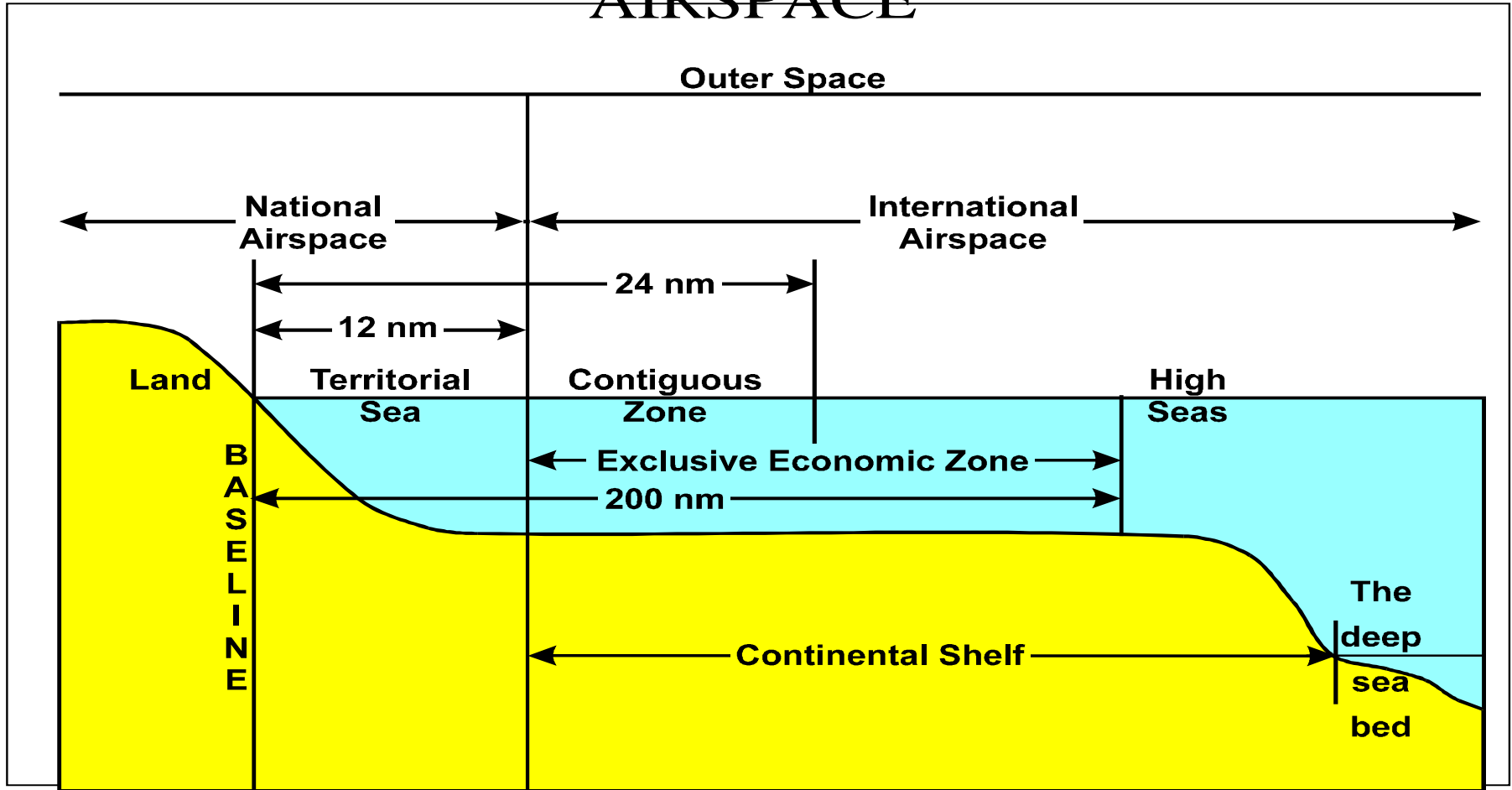
Japan's
Territorial
Sovereignty
Disputes with
China,
Korea &
Russia



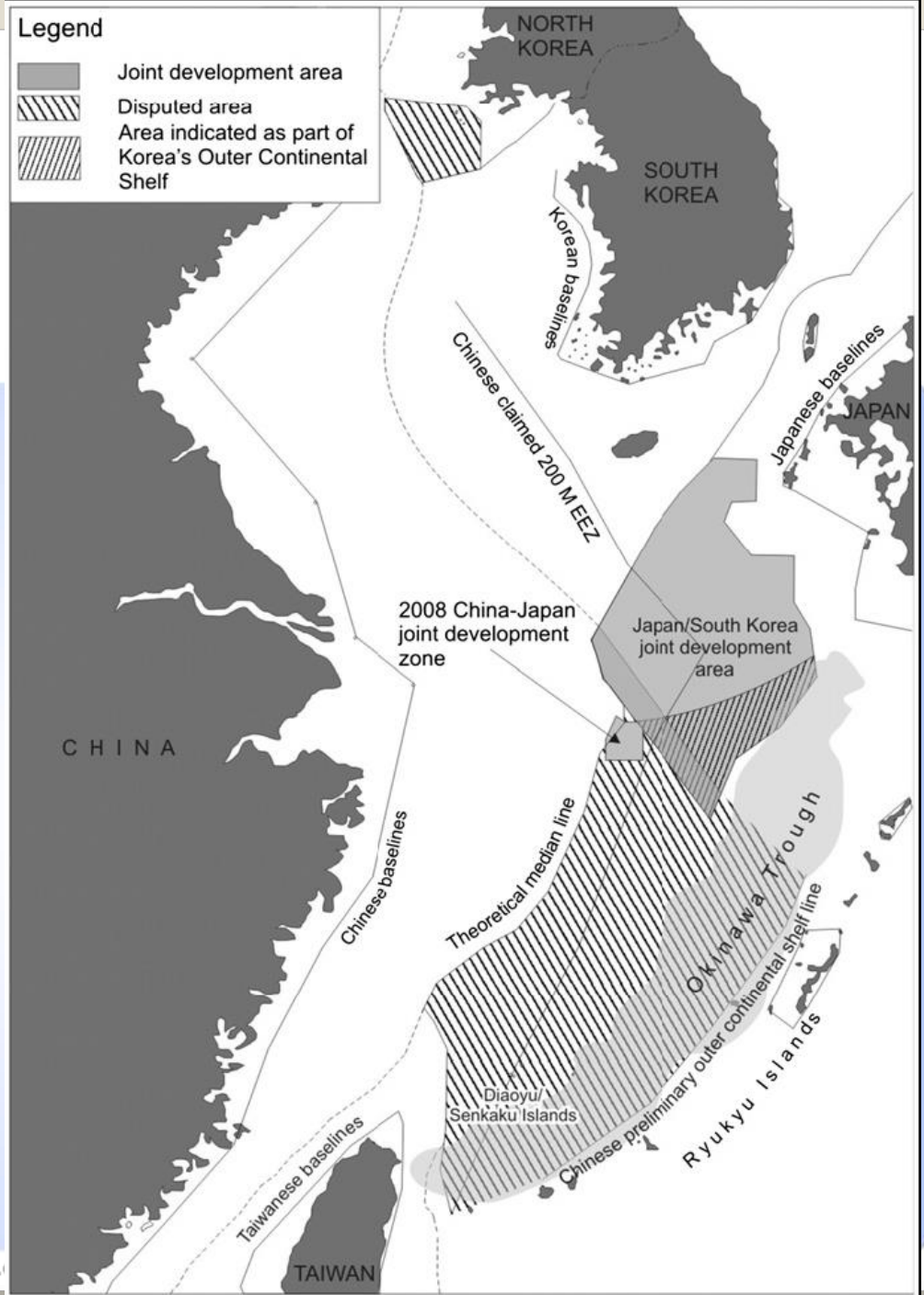
Senkaku / Diaoyu



LEGAL REGIMES OF THE OCEANS AND AIRSPACE



**Schofield and
Townsend-Gault:
(*Marine Policy*, vol.
35 (2011), p. 27)**



Article 76 of the UNCLOS

- Outer edge of the continental margin beyond 200 nautical miles:
 - Extent of continental shelf based on geomorphology and geology
 - Extent of the continental shelf beyond 200 nautical miles varies widely
- Before outer limits are established coastal state has to make a submission to the CLCS

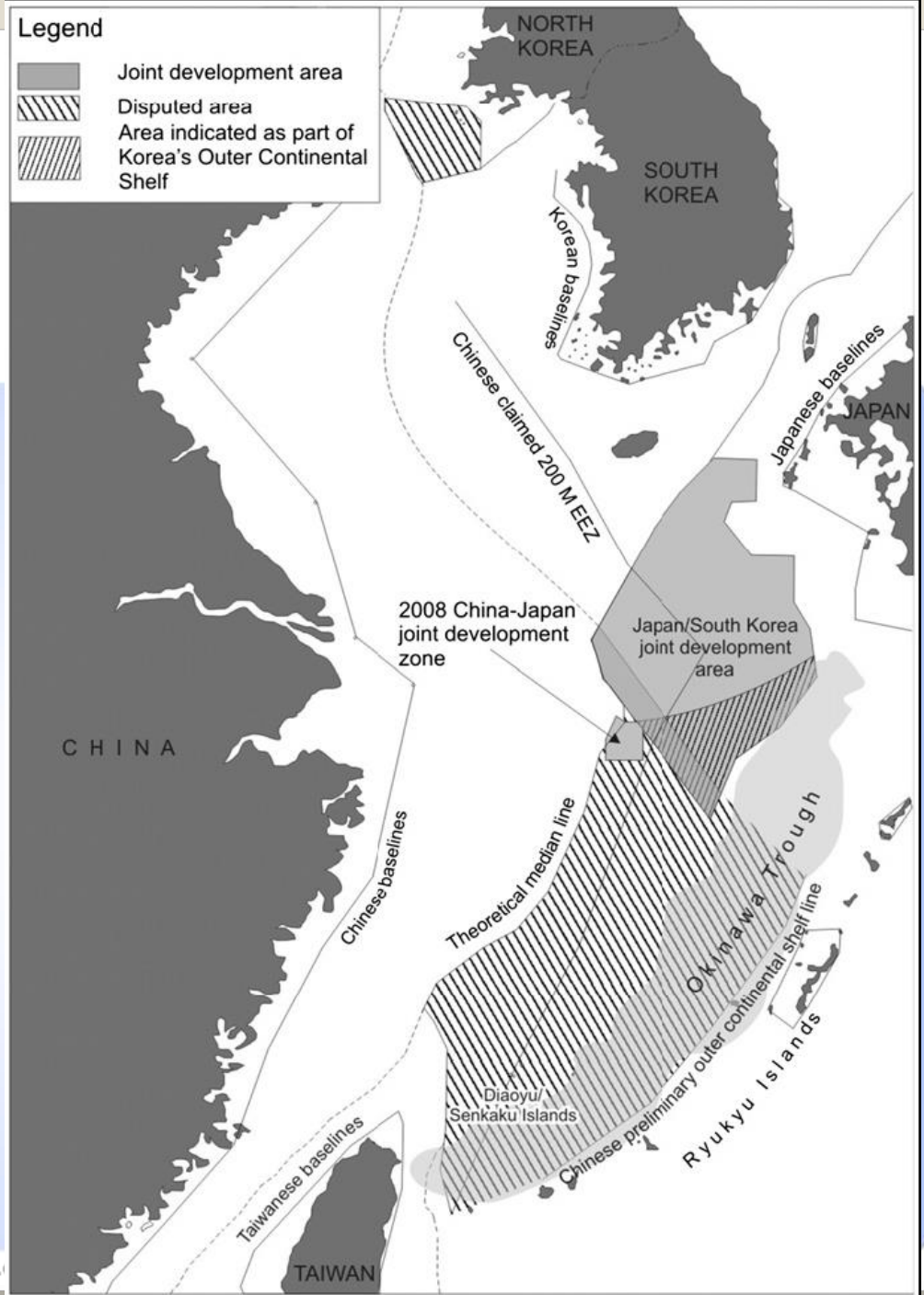
CLCS

- **21 experts in the field of geology, geophysics or hydrography**
- **Commission is required to make recommendations to coastal states on matters related to the establishment of the outer limits of the continental shelf**
- **Outer limits established by coastal state on basis of recommendations of the Commission final and binding**
- **Actions of the Commission shall not prejudice matters relating to the delimitation of boundaries between states with opposite or adjacent coasts (UNCLOS, Annex II, article 9)**

Rules of Procedure of the Commission

- In a case in which a dispute exists, Commission will only consider the submission of a coastal state with the prior consent of all states that are parties to the dispute

**Schofield and
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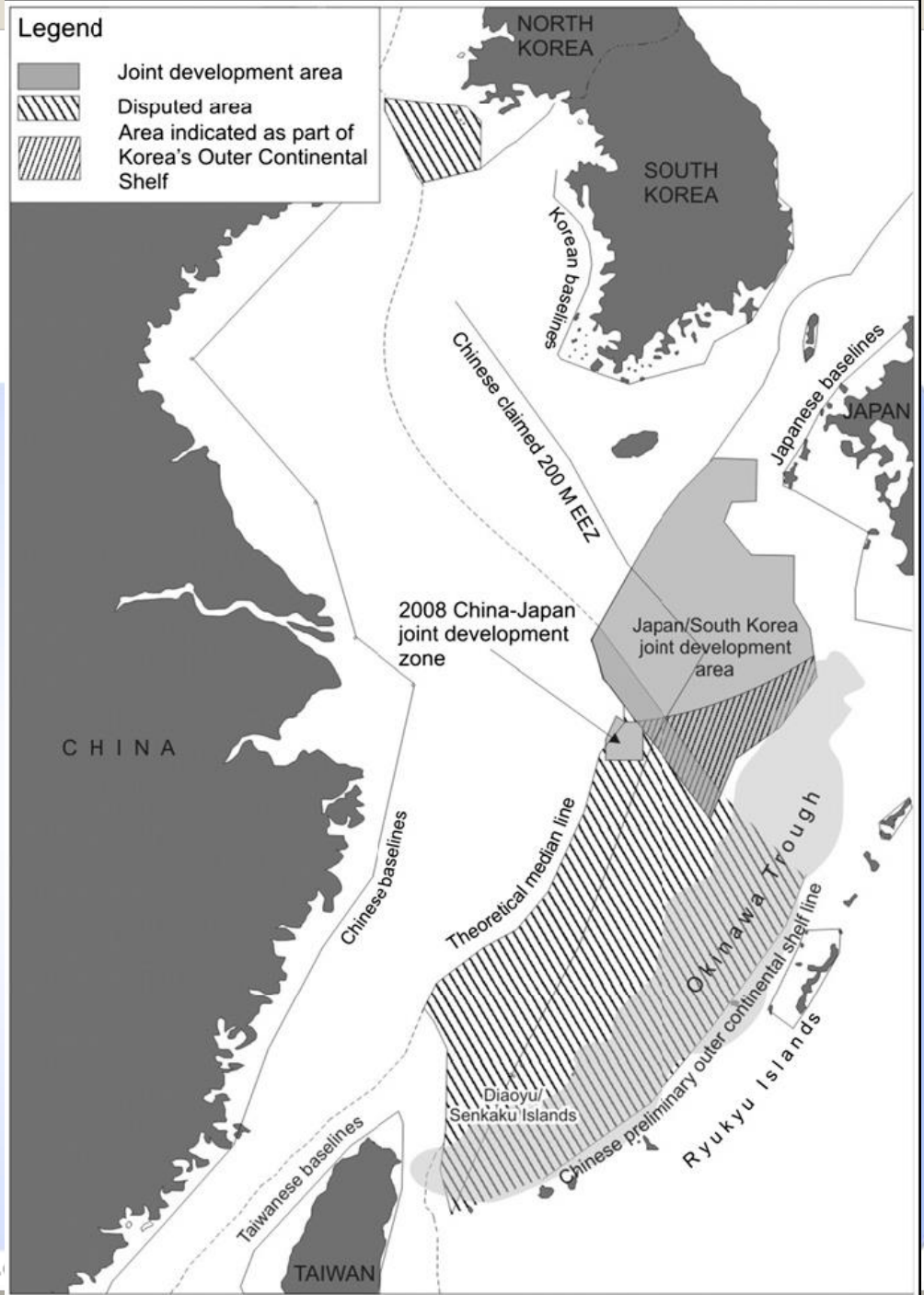
Steps To Resolve The Dispute

- CLCS Recommendation (without prejudice to the maritime boundary negotiation)
- Negotiation
- Dispute Settlement

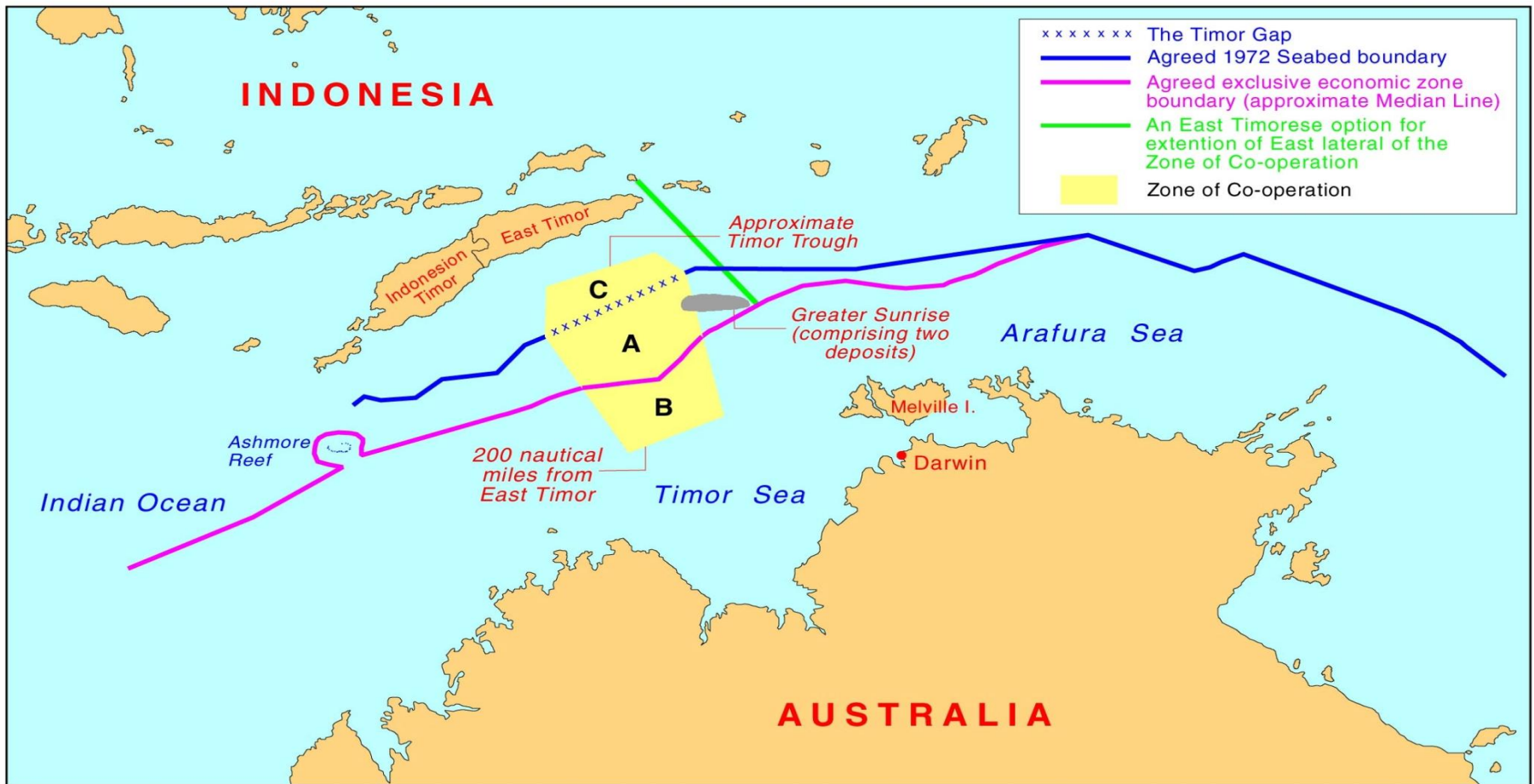
Dispute Settlement

- Median Line
- Grey Zone
- Adjusted Median Line
- Separate Maritime Boundaries

**Schofield and
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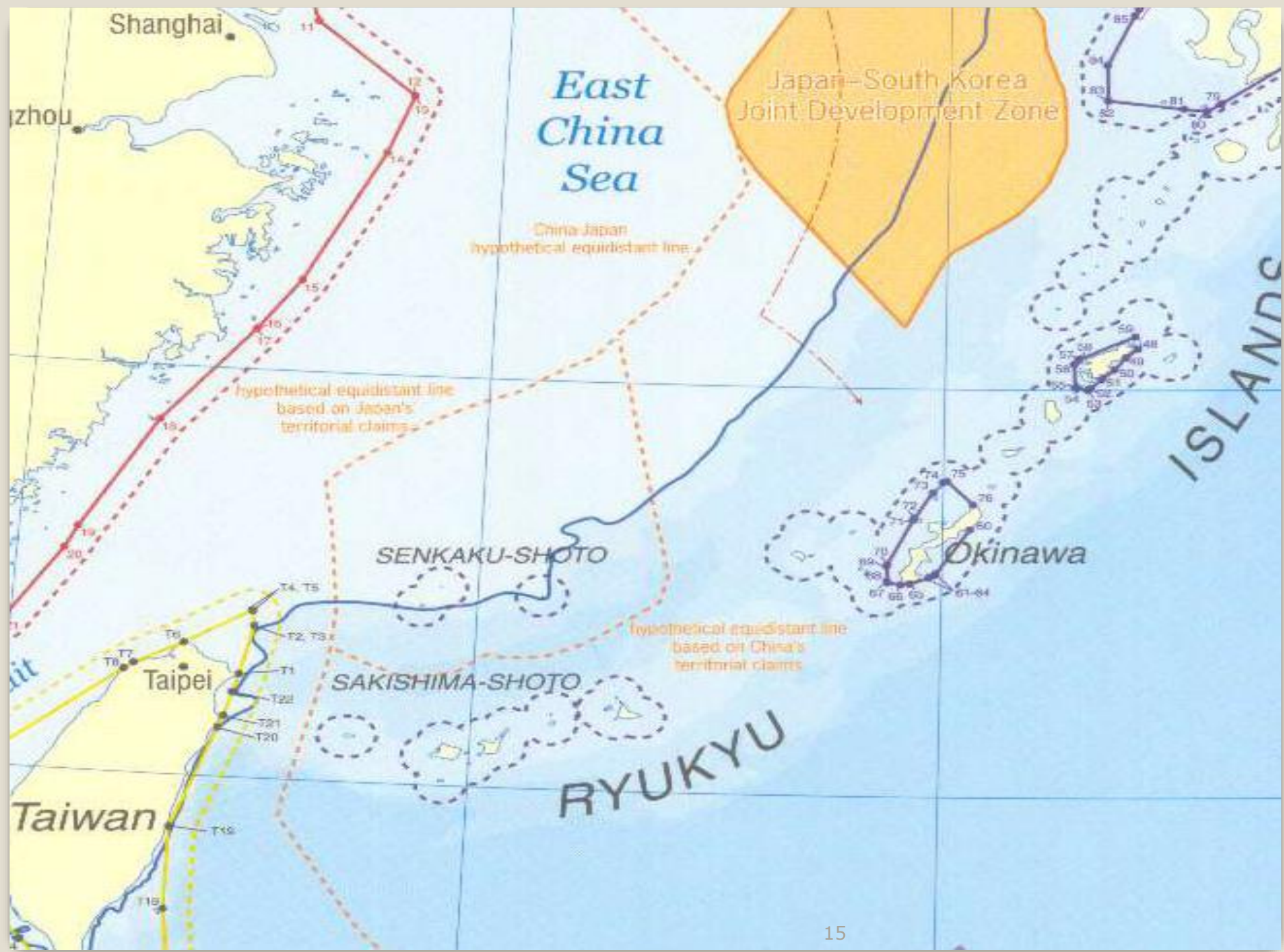


Australia and Indonesia's Maritime Boundaries



Senkaku / Diaoyu





Thanks for Your Attention

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