DIFFERENTIATED EEZ AND CONTINENTAL SHELF BOUNDARIES TO RESOLVE DISPUTES

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1958 Continental Shelf Convention

- **Outer limit**: from the outer limit of the territorial sea to a depth of 200 metres or as long as the coastal State capable to exploit the continental shelf

- No agreed outer limit of territorial sea, but common practice was 3 nm from baselines

- **Article 6**: In the absence of agreement, the boundary is the median line
Indonesia – Malaysia Continental Shelf Boundaries 1969
Baselines – 1969 Agreement

- Indonesia and Malaysia both used straight baselines, even though the requirements in the TS Convention were not met.
- Indonesia argued that it was applying the straight baselines to enclose its archipelago (archipelagic baselines).
- Malaysia applied the straight baselines to enclose all of its islands of the coast of western Malay Peninsula to put itself on an equal footing in the division of the continental shelf with Indonesia.
1969 North Sea Continental Shelf Cases
1972 Indonesia-Australia CS Boundary
Art 56. Rights of Coastal State in EEZ

Art 56(1). In the 200 nm EEZ the coastal State has sovereign rights for the purpose of exploring and exploiting, conserving and managing, the natural resources, whether living or non-living,

- of the waters superjacent to the seabed and
- of the seabed and its subsoil

Analysis: The EEZ regime gives coastal States a second legal basis for claiming the natural resources of the seabed and subsoil within 200 nm. It supersedes the traditional rights derived from the freedom of the high seas in the 1982 UN Convention for the Law of the Sea. The 200-nautical-mile limit is based on the 1958 Geneva Convention. No matter the economical situation, natural resources are hot. Since many of the easy accessible resources on the main land are exhausted more and more effort is done for off-shore exploitation. Today a country's marine economic area is defined by its Exclusive Economic Zone (EEZ), a 200 nautical miles (370 km) wide strip from the respective national coast line. This regulation, which was installed by the “1982 Convention on the Law of the Sea” in 1982 grants a state special rights to explore natural (e.g. oil) and marine (e.g. fish) resources including scientific research and energy production (e.g. wind parks).

Practically this means that if a country owner a mineral rock somewhere in the ocean, this rock exploitable surface increases from almost zero on-shore to 360,000 km² off-shore. In the case EEZ's overlap it is up to the involved states to delineate the actual boundary, a rule which led in certain cases to decennia's of dispute. Yet there is more underwater land to claim and more squabbles ahead, since the 200 nautical miles definition get supplemented by a clause which allows its expansion till the continental shelf. The first deadline for this so-called continental shelf submittal was passed this year May and land (seabed) allocation will start soon. If underwater land grabbing goes on like this the Freedom of the Seas might soon shrink to the Freedom of the Ponds.
Australia and Indonesia’s Maritime Boundaries
Indonesia – Vietnam

- 1971 – Vietnam CS’ claim based on equidistance line from mainland
- After unification – Thalweg principle
- Late 1970s - Harmonized Line
- 2003 – Adjusted equidistance line
Indonesia
Malaysia
Spratly Islands
Singapore
Cambodia
Vietnam
Philippines
South China Sea
Sulu Sea
Asia
Animation by Arsana and Schofield (2012)
Separate Boundaries

Change in the Law
Why do you want to take this off? What you are doing is a crime and unethical.

For illustrative purposes only. The visualisation does not reflect the real geospatial setting of Indonesia and Australia.
Separate Boundaries

Political Factor
Separate Boundaries

Resources
East China Sea
Thank You for Your Attention

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