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An Introduction to Technical Aspects of Maritime Boundary Delimitation
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Thank you.



Relevant coast, relevant areas and coastline length

IBRU Training Workshop No. 71

**An Introduction to Technical Aspects of Maritime Boundary
Delimitation**

Durham, UK, 12 September 2023

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sovereigngeographic.com

Fundamental principles: coast

The juridical link between the State's territorial sovereignty and its rights to certain adjacent maritime expanses is established by means of its coast.

(Libya/Malta, para 49 (1985))

The title of a State to the continental shelf and to the exclusive economic zone is based on the principle that the land dominates the sea through the projection of the coasts or the coastal fronts.

(Black Sea, para. 77 (2009))

Fundamental principles: coast/area proportionality

A main factor to be taken into account in delimitation:

a reasonable degree of proportionality, which a delimitation carried out in accordance with equitable principles ought to bring about between the extent of the continental shelf areas appertaining to the coastal State and the length of its coast.

(North Sea Continental Shelf, para 101(D) (1969))

continental shelf before the coast

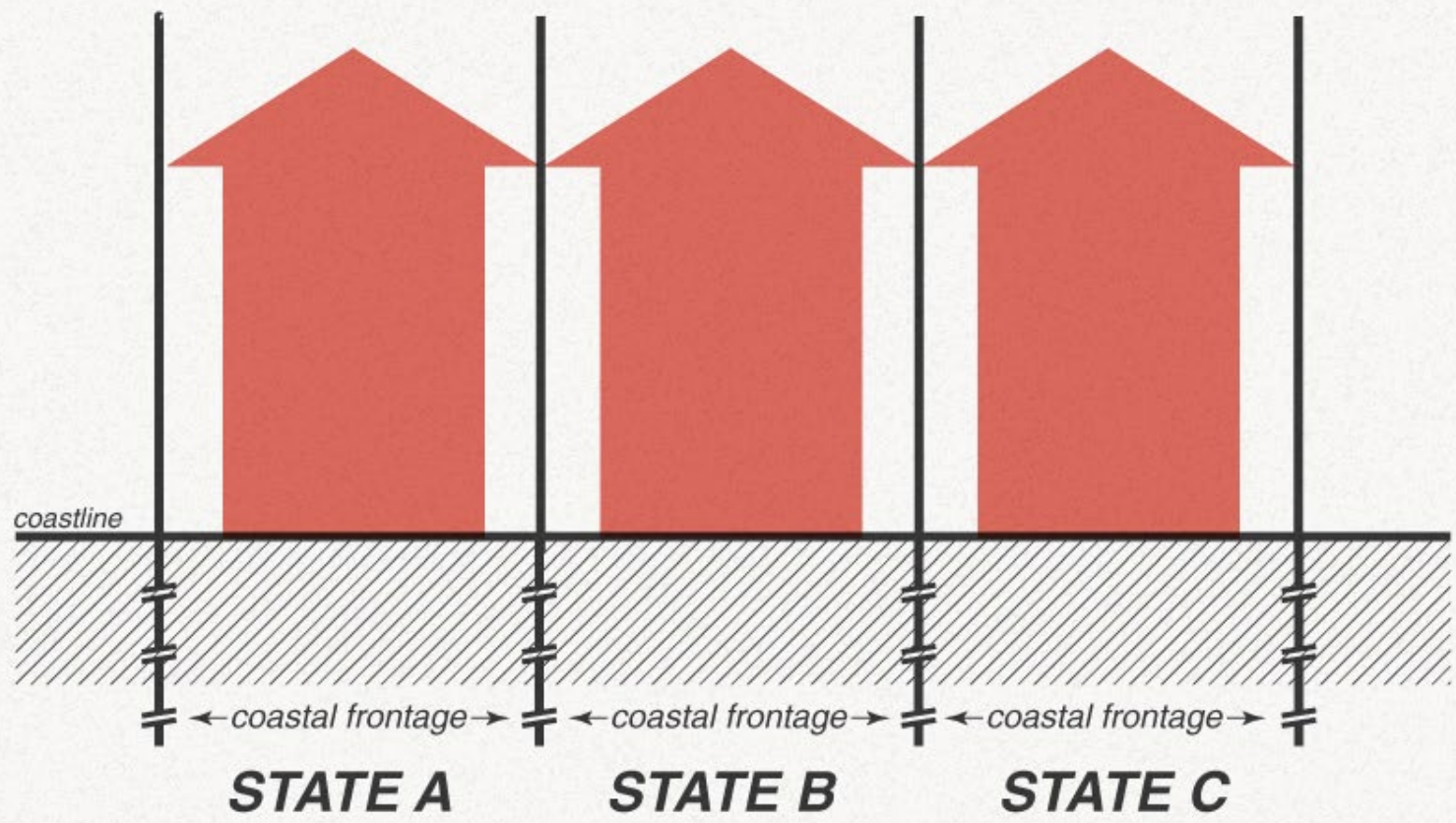


Figure 1

But *very* loosely applied . . .

The purpose of delimitation is not to apportion equal shares of the area, nor indeed proportional shares. (*Black Sea*, para 110 (2009))

The purpose of the disproportionality test “is not to attempt to achieve even an approximate correlation between the ratio of the lengths of the Parties’ relevant coasts and the ratio of their respective shares of the relevant area. It is, rather, to ensure that there is not a disproportion so gross as to “taint” the result and render it inequitable. Whether any disproportion is so great as to have that effect is not a question capable of being answered by reference to any mathematical formula.”

(*Nicaragua v Colombia*, para 242 (2021))

Not disproportionate enough

relevant coast	1 : 8.2	(Colombia : Nicaragua)
relevant area	1 : 3.44	(Colombia : Nicaragua)
relevant coast	1 : 9	(Norway : Denmark)
relevant area	1 : 2.7	(Norway : Denmark)

Identifying the relevant coasts

“In order to consider a coast to be relevant for the purposes of delimitation, it must generate projections which overlap with projections from the coast of the other party.”

(Costa Rica v Nicaragua, para 179 (2018))

“Determine the coasts of [the Parties] the seaward projections of which overlap.”

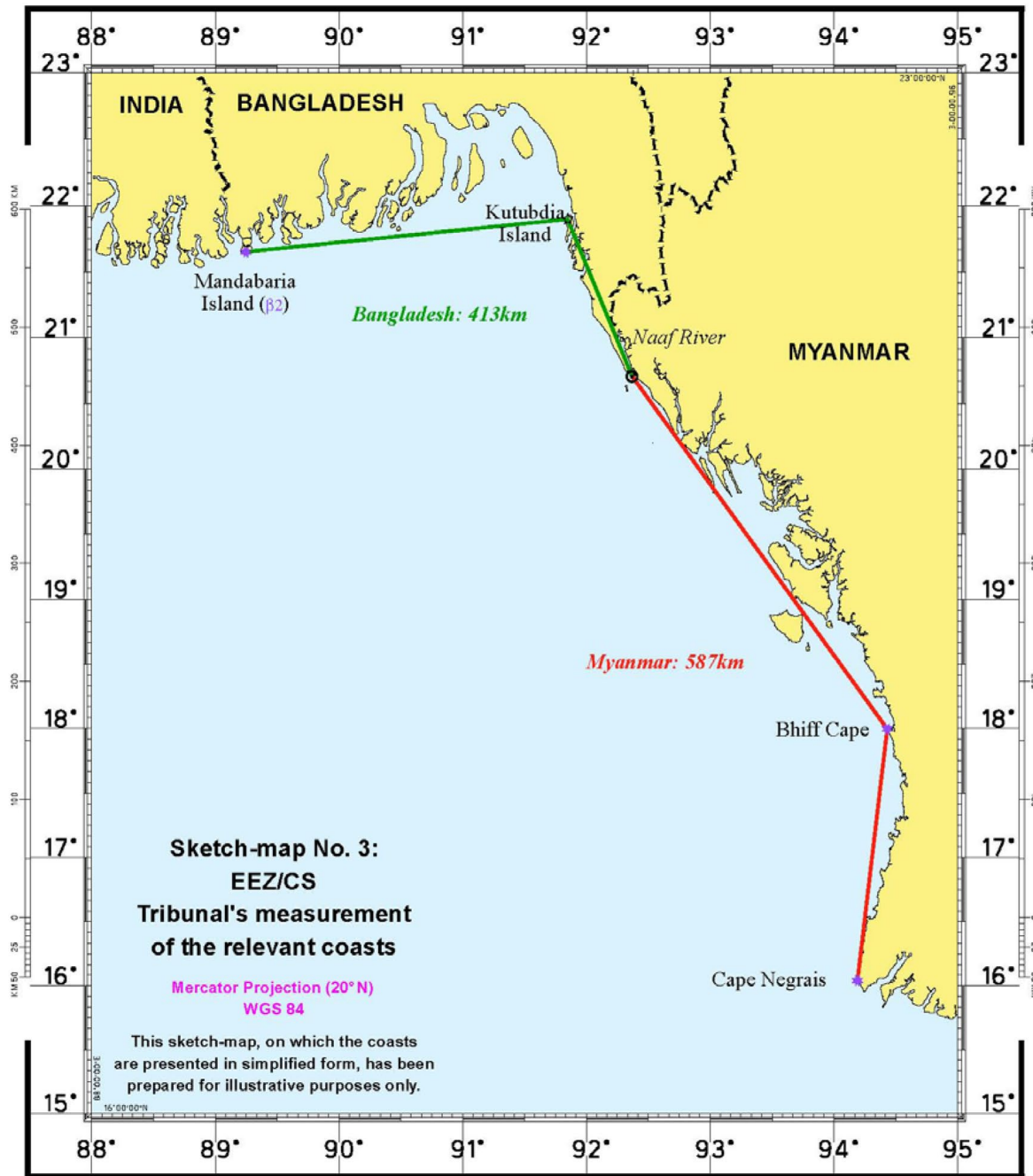
(Mauritius/Maldives, para 108 (2023))

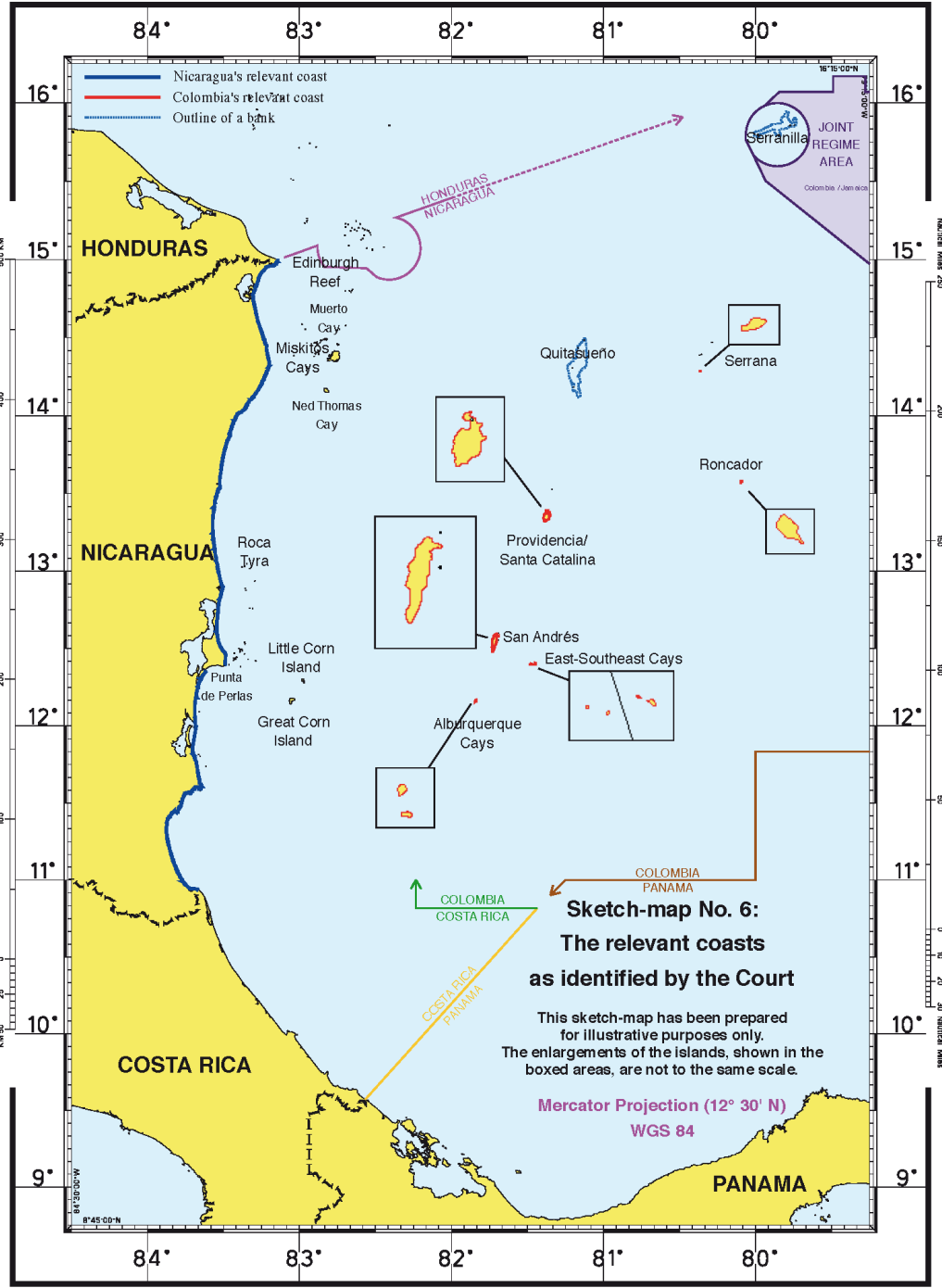
Question:

Do coast project seaward in *one* direction (frontally)?

Or do coasts project seaward in *all* directions (radially)?

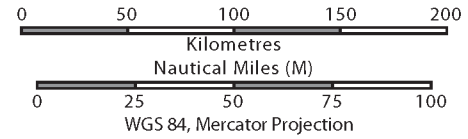






Sketch-Map 3.4

**PACIFIC RELEVANT COASTS:
NATURAL CONFIGURATION**







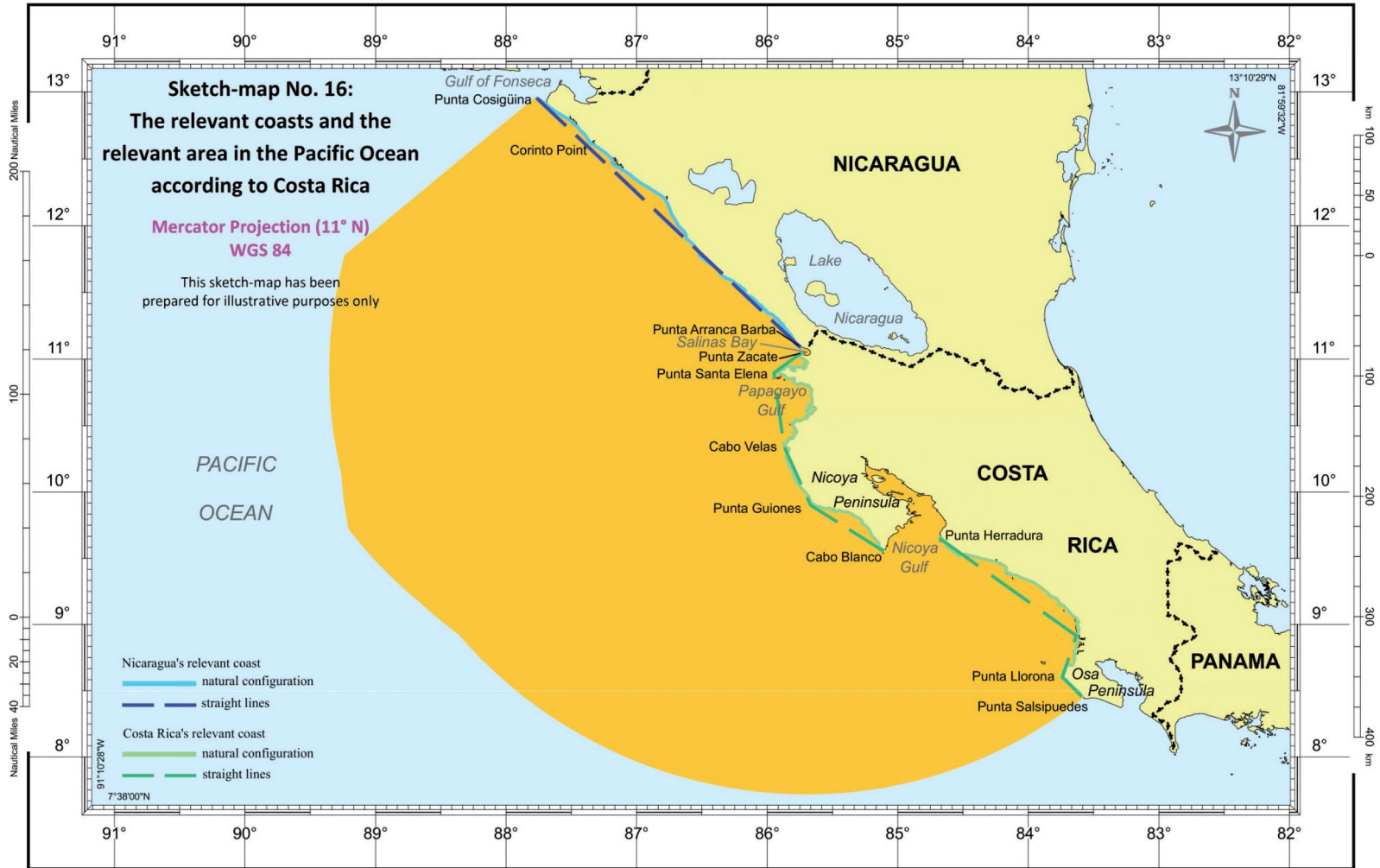
Since in the Pacific Ocean the coast of Costa Rica is characterized by a certain degree of sinuosity, whereas the coast of Nicaragua largely develops along a straight line, the Court considers it appropriate to identify the relevant coast of both Parties by means of straight lines. (*Costa Rica v Nicaragua*, para 179 (2018))

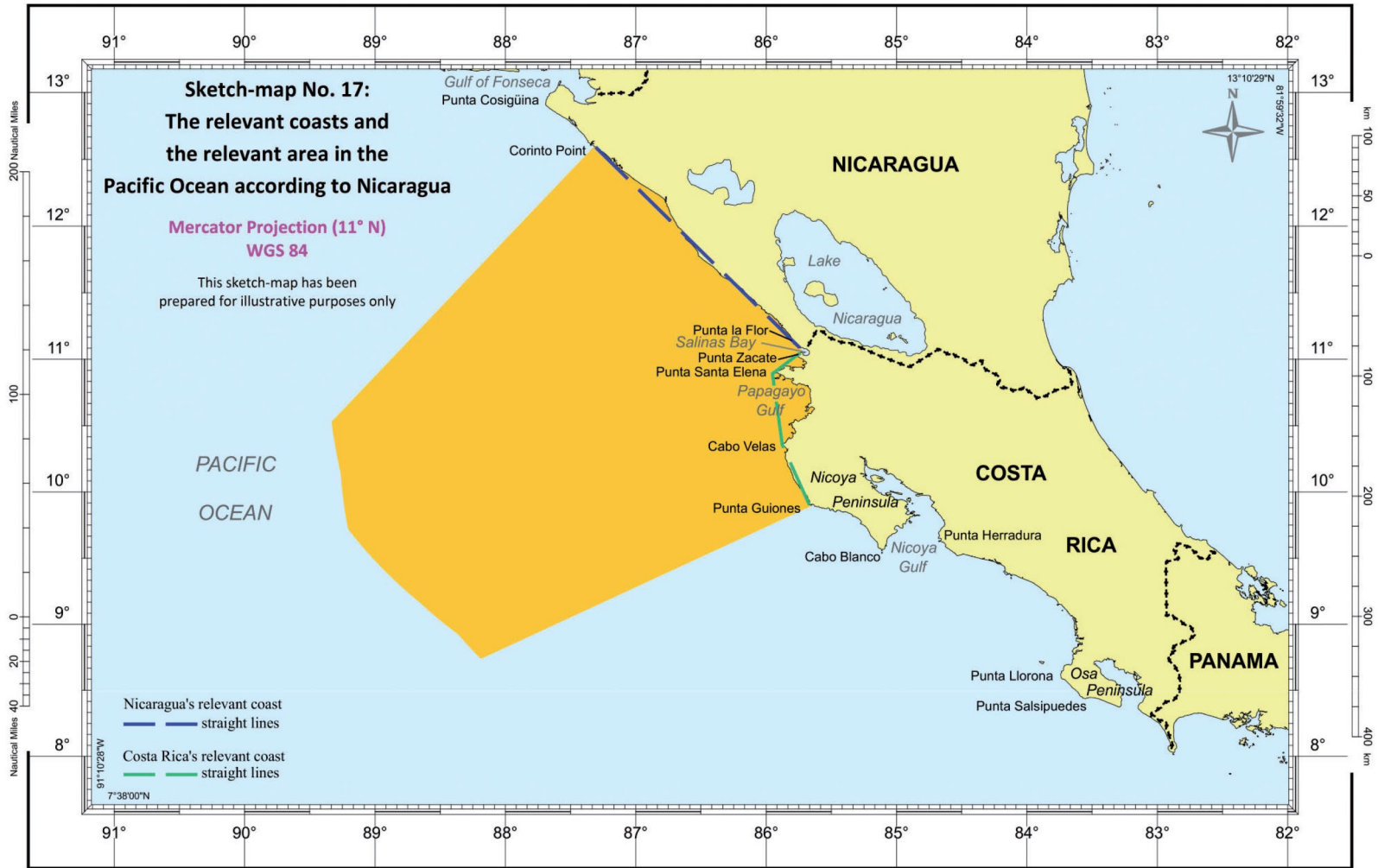
Identifying the relevant area

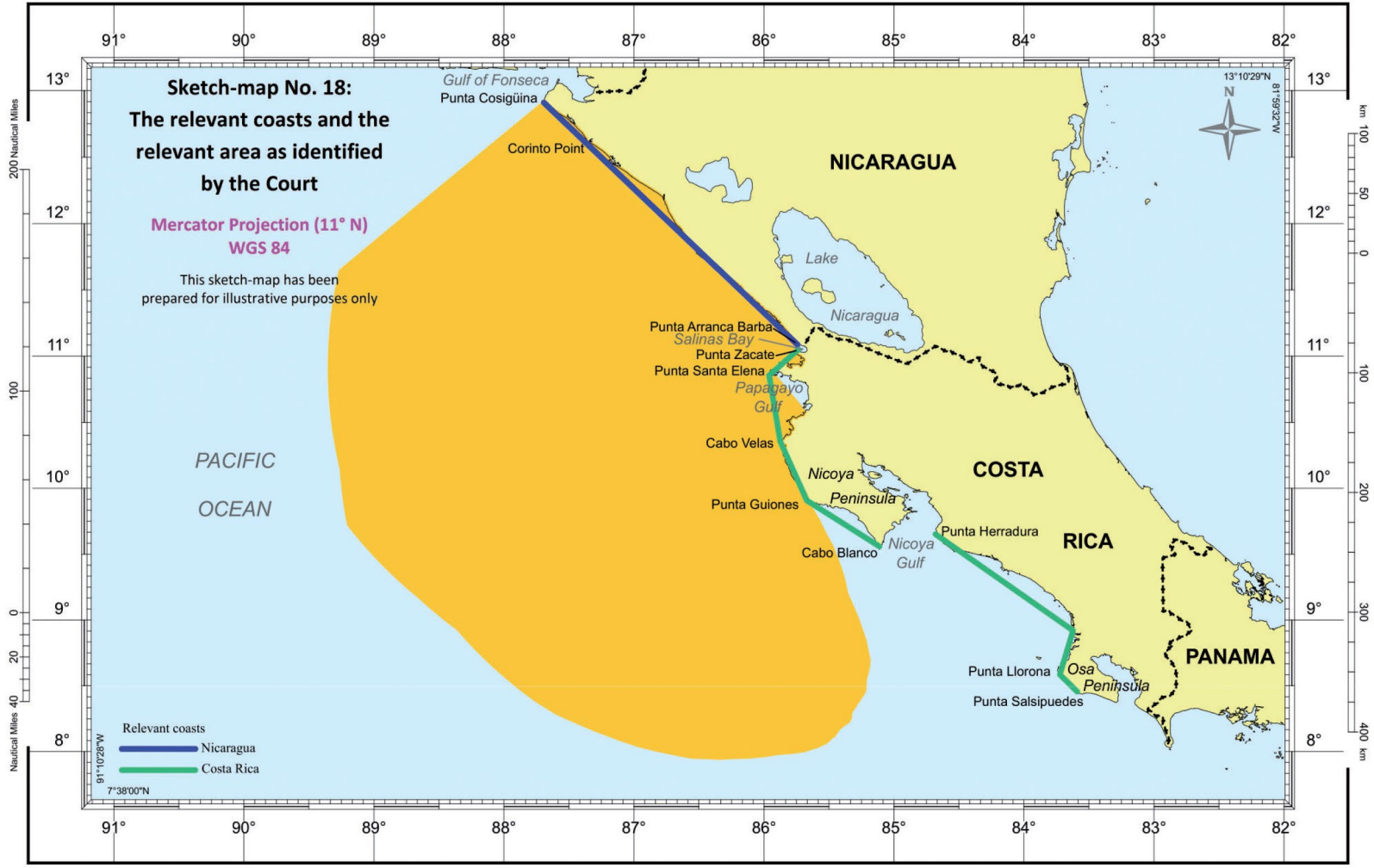
“The relevant area ... includes the maritime spaces in which the potential entitlements generated by the coasts of the Parties overlap”

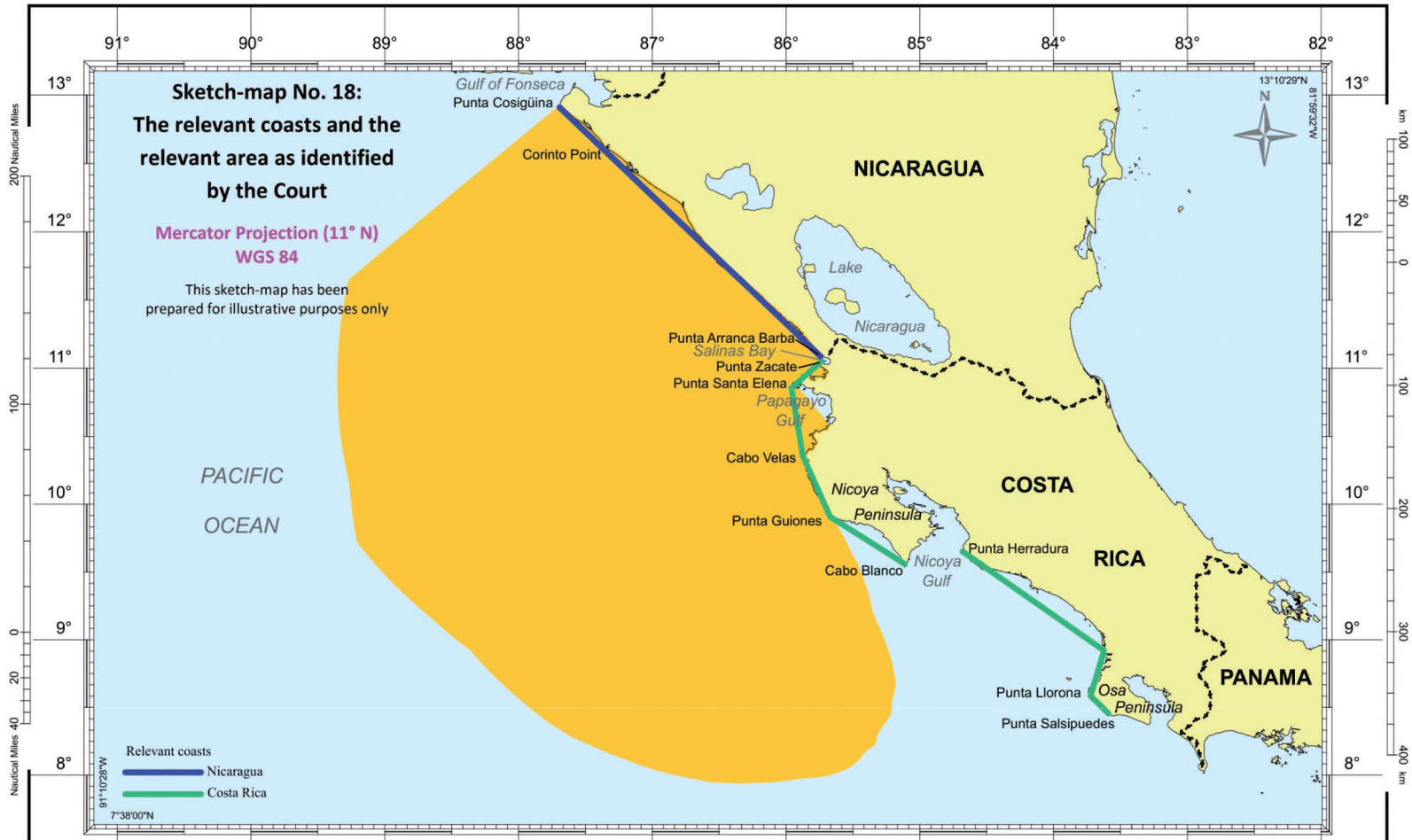
(Costa Rica v Nicaragua, para 184 (2018))

- Still not clear whether coasts project frontally or radially
- Third-state areas are not included
- Extent (seaward) of entitlements will impact extent of relevant area (ie, 200M *versus* wide-margin shelf)









relevant coast 1 : 1.42 (Nicaragua : Costa Rica)

relevant area 1 : 1.30 (Nicaragua : Costa Rica)

The Court considers that [the delimitation] does not result in gross disproportionality.

Accordingly, the Court finds that the delimitation of the maritime boundary ... achieves an equitable solution in accordance with Articles 74 and 83 of UNCLOS. (para 203)