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An Introduction to Technical Aspects of Maritime Boundary Delimitation
held in Durham on 11-13 September 2023.

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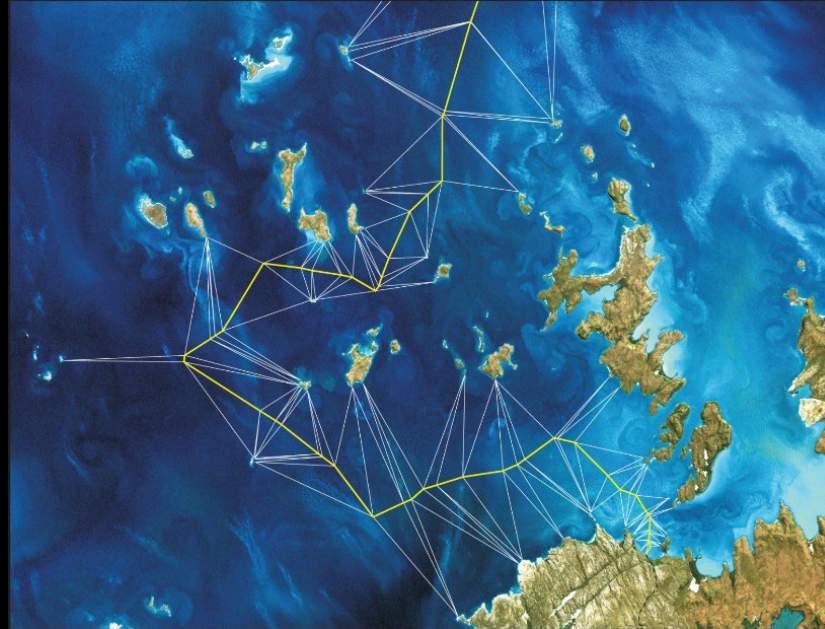
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Thank you.



Equidistance lines



Martin Pratt

bordermap consulting

Geographical intelligence for international
boundary-making and dispute resolution

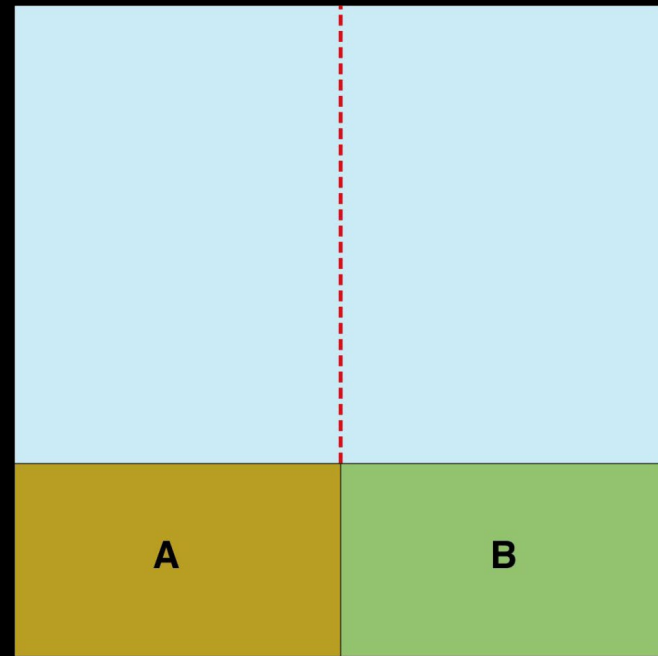
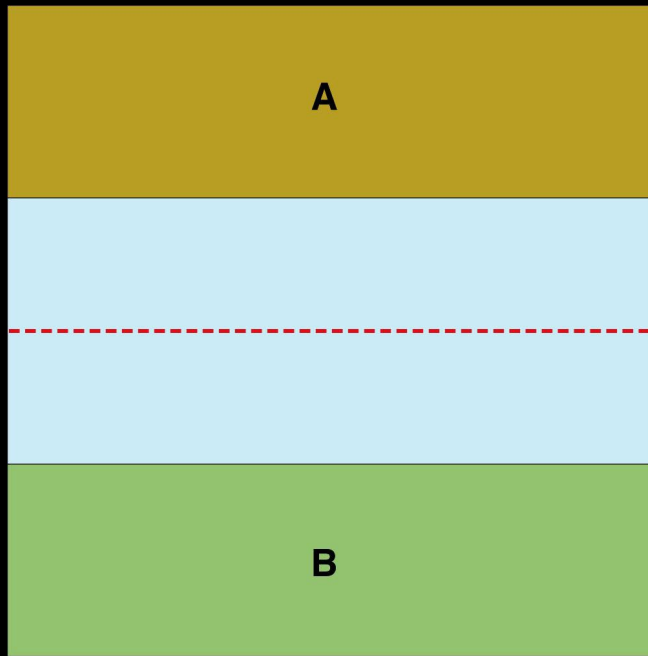
Territorial sea delimitation

UNCLOS, Article 15

Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond **the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured**. The above provision does not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance therewith.

Equidistance / median lines

...the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured.

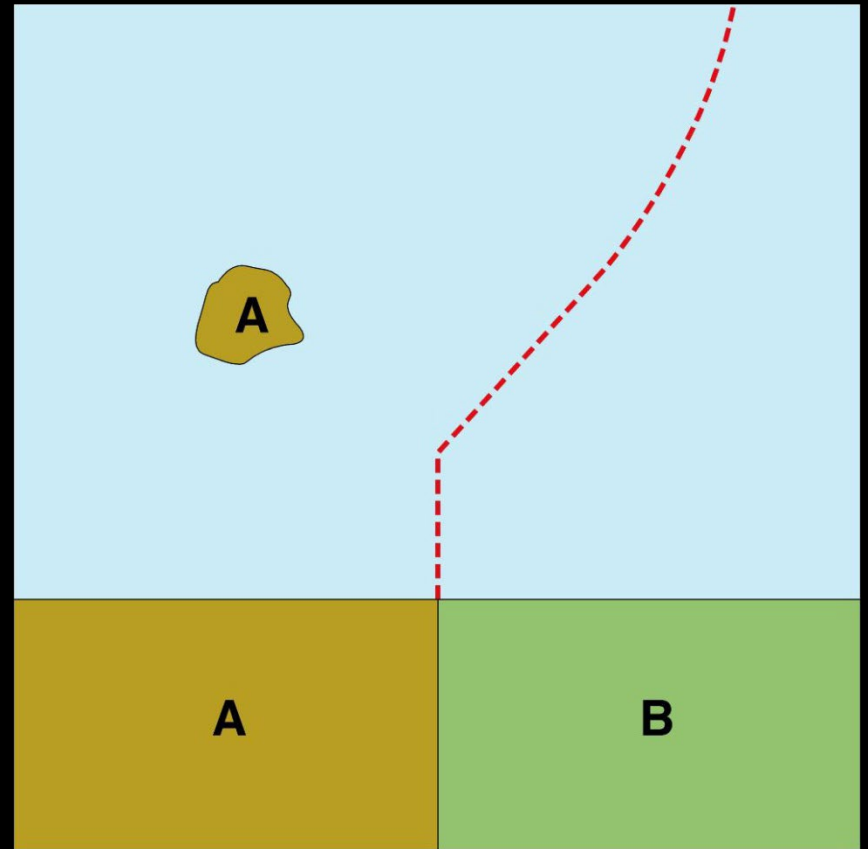
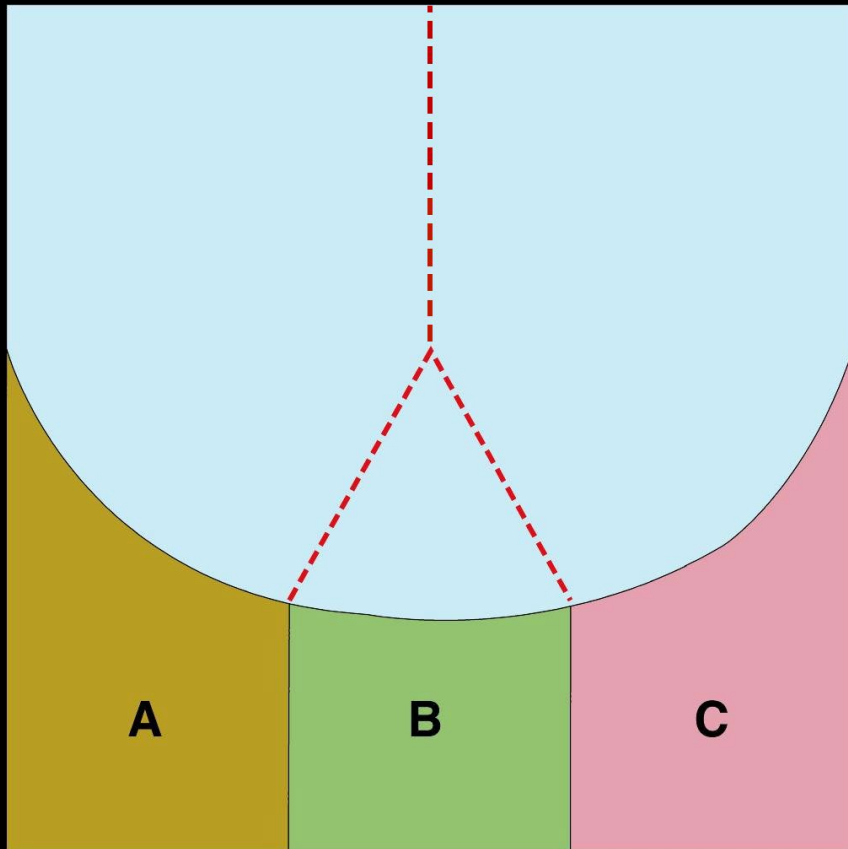


EEZ and continental shelf delimitation

UNCLOS, Articles 74 & 83

1. The delimitation of the continental shelf between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve **an equitable solution**.

'Inequitable' equidistance?



North Sea Continental Shelf Cases, 1967-69



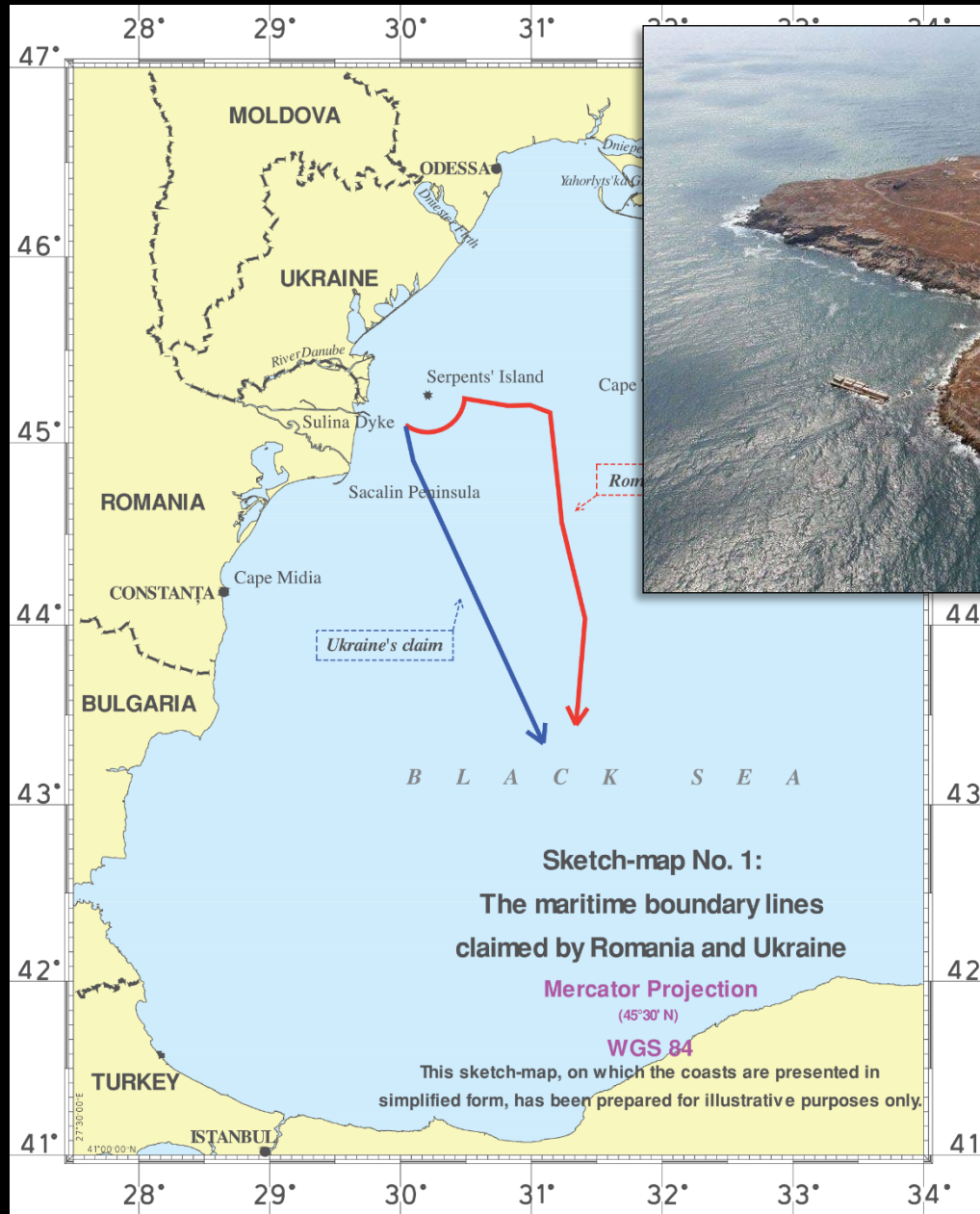
North Sea Continental Shelf (1969): principles

- Equidistance method has no privileged status: no limit to methods that can be used.
- “...delimitation is to be effected by agreement in accordance with equitable principles, and taking account of all the relevant circumstances, in such a way as to leave as much as possible to each Party all those parts of the continental shelf that constitute a natural prolongation of its land territory into and under the sea, without encroachment on the natural prolongation of the land territory of the other.”

Potentially relevant circumstances in determining an equitable solution

- Historic rights
- The previous conduct of the parties
- Economic factors
- Security interests
- Environmental factors
- Geomorphology (beyond 200 M)
- Coastal geography

Romania v. Ukraine (ICJ Judgment 2009)



Romania v. Ukraine: the ICJ's three stage approach to maritime delimitation

1. “In keeping with its settled jurisprudence on maritime delimitation, the first stage of the Court’s approach is to establish the provisional equidistance line ... using methods that are geometrically objective and also appropriate for the geography of the area in which the delimitation is to take place. So far as delimitation between adjacent coasts is concerned, an equidistance line will be drawn unless there are compelling reasons that make this unfeasible in the particular case. So far as opposite coasts are concerned, the provisional delimitation line will consist of a median line between the two coasts.”
2. “...consider whether there are factors calling for the adjustment or shifting of the provisional equidistance line in order to achieve an equitable result.”
3. “A final check for an equitable outcome entails a confirmation that no great disproportionality of maritime areas is evident by comparison to the ratio of coastal lengths”

Romania v. Ukraine Judgment, paragraphs 118, 116, 120 & 122

Romania v. Ukraine: the ICJ's three stage approach to maritime delimitation (simplified)

1. Construction of provisional equidistance line
2. Identification of factors requiring adjustment of provisional equidistance line
3. Non-disproportionality check

Romania v. Ukraine: constructing the provisional equidistance line

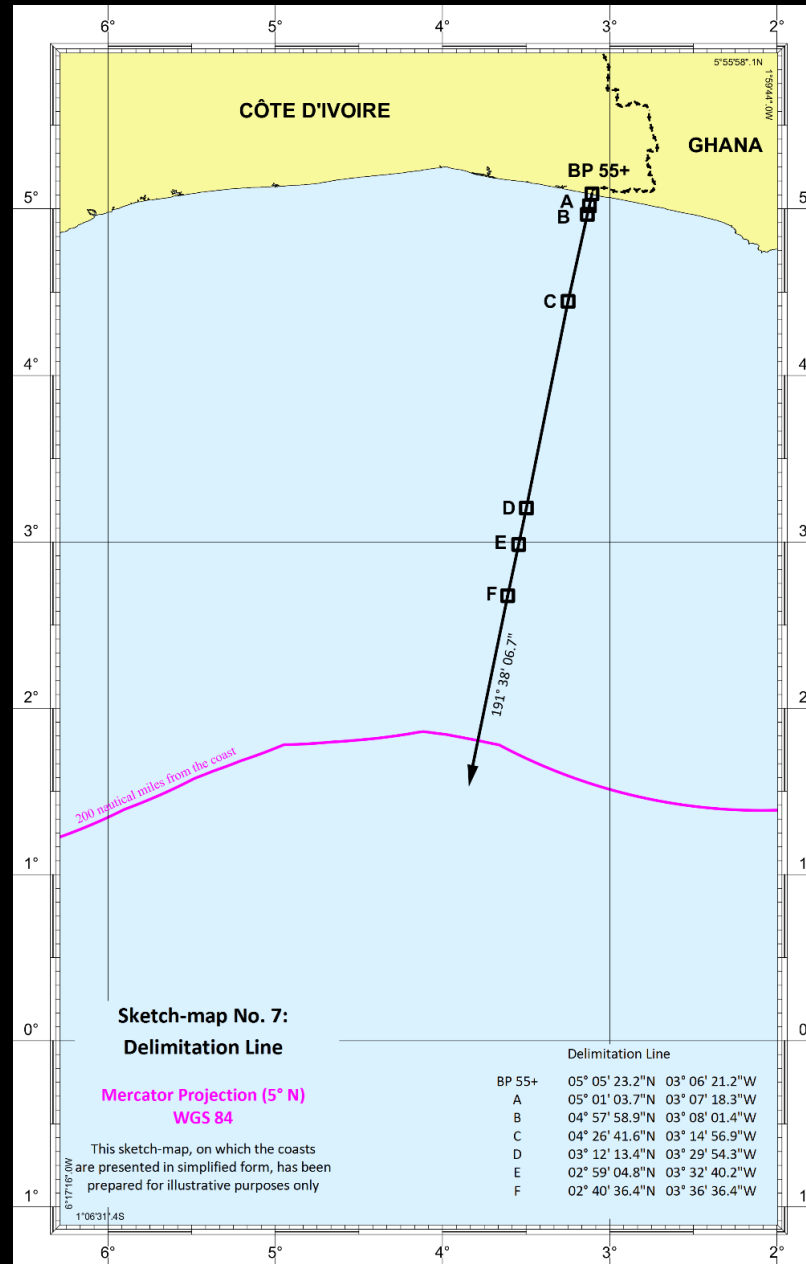
117. Equidistance and median lines are to be constructed from the **most appropriate points** on the coasts of the two States concerned, with particular attention being paid to those protuberant coastal points situated nearest to the area to be delimited.

127. ... the Court will identify the appropriate points on the Parties' relevant coast or coasts which mark a significant change in the direction of the coast, in such a way that the geometrical figure formed by the line connecting all these points reflects the general direction of the coastlines. The points thus selected on each coast will have an effect on the provisional equidistance line that takes due account of the geography.

Romania v. Ukraine: maritime boundary

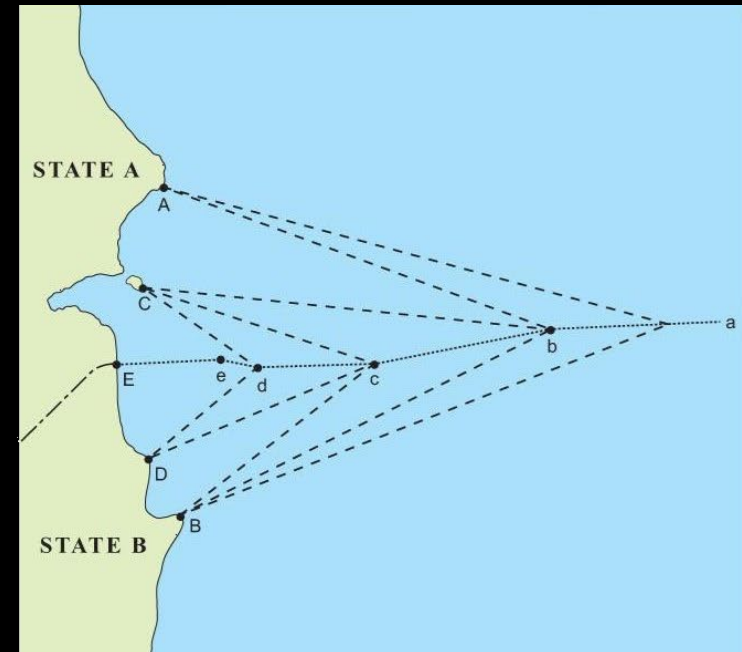
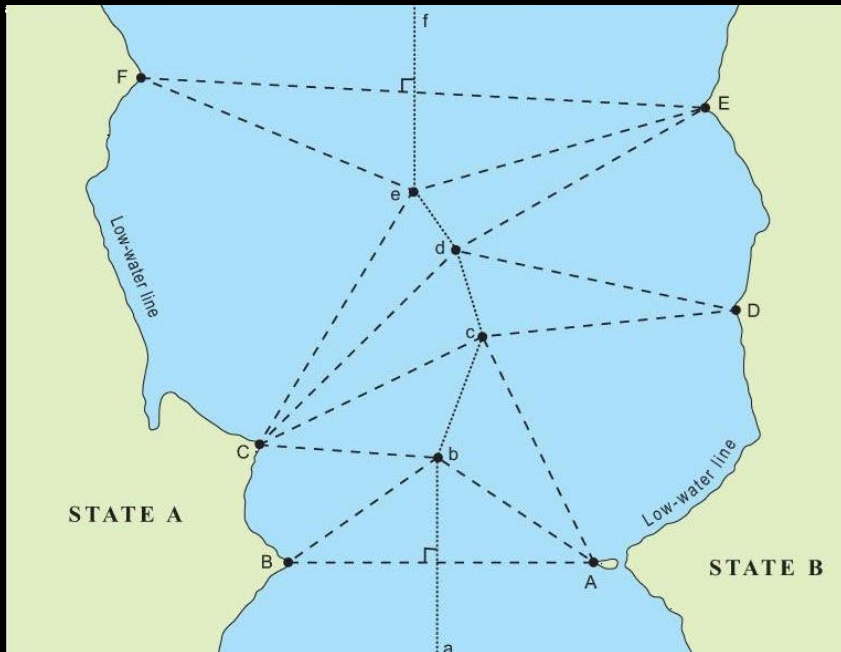


Ghana/Côte d'Ivoire (2017): Delimitation line



Equidistance / median lines

...the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured (UNCLOS, Article 15)



Equidistance / median lines

“So far as delimitation between adjacent coasts is concerned, an equidistance line will be drawn unless there are compelling reasons that make this unfeasible in the particular case.

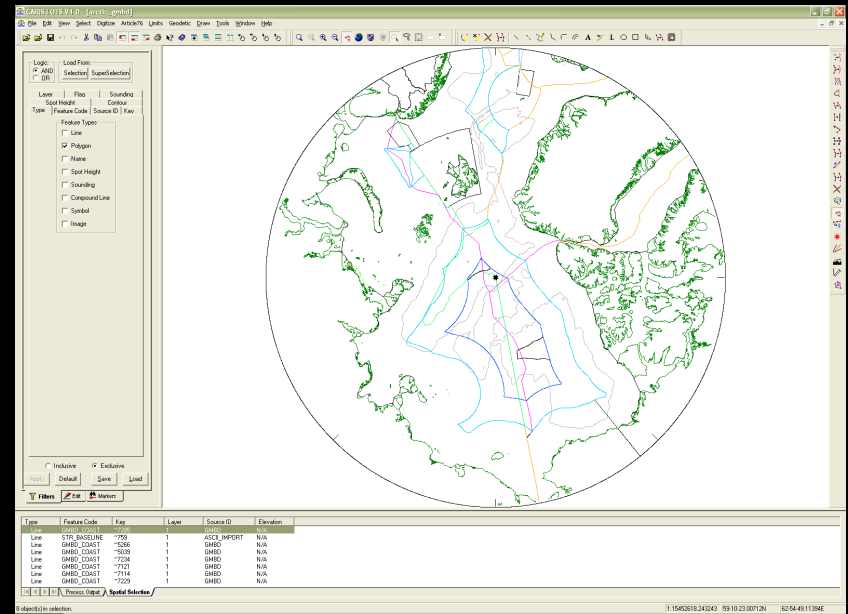
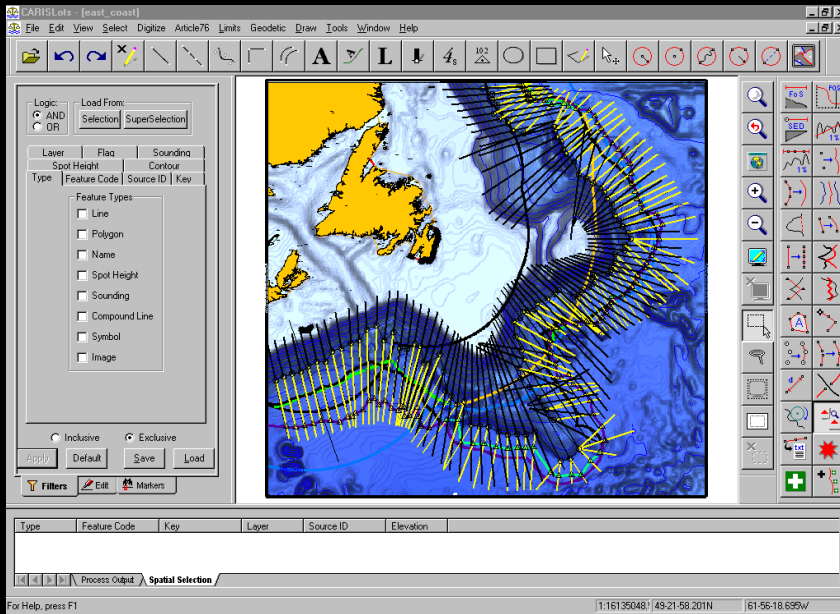
... So far as opposite coasts are concerned, the provisional delimitation line will consist of a median line between the two coasts. **No legal consequences flow from the use of the terms “median line” and “equidistance line” since the method of delimitation is the same for both.”**

Romania v. Ukraine Judgment, paragraph 116

Tools for maritime boundary-making

CARIS LOTS Limits and Boundaries

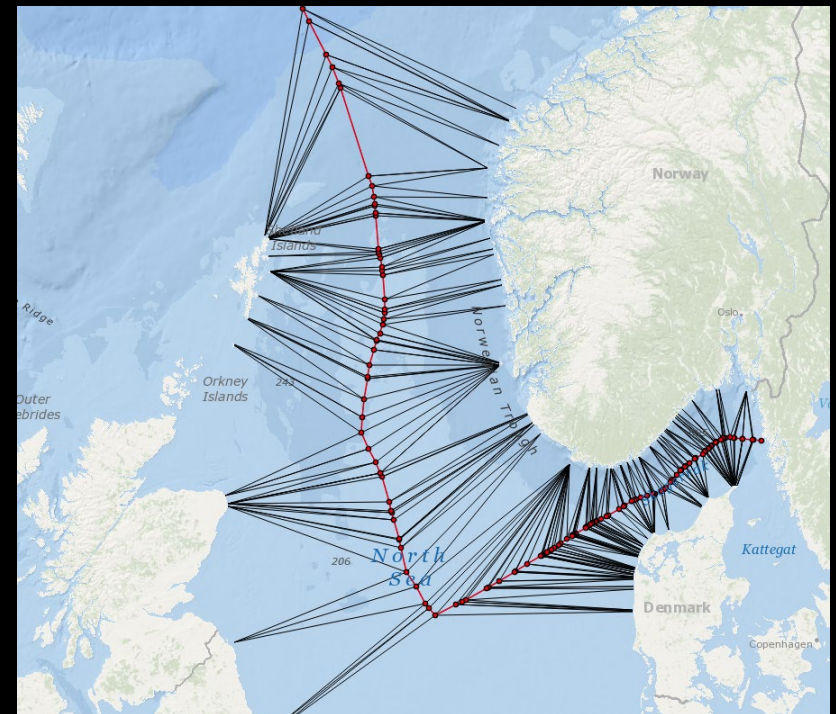
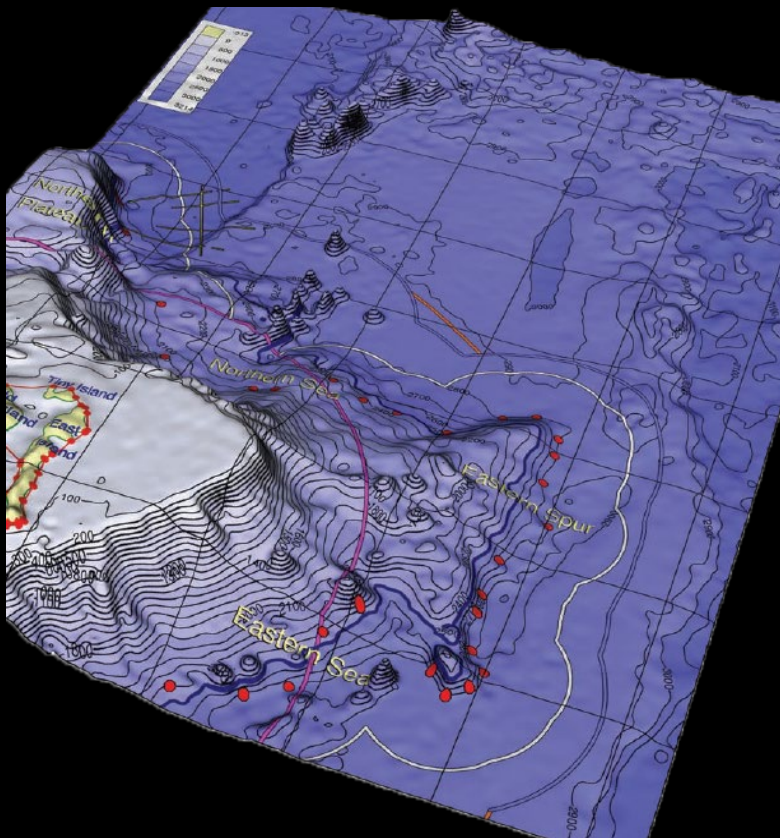
www.teledynecaris.com/en/products/lots-limits-and-boundaries



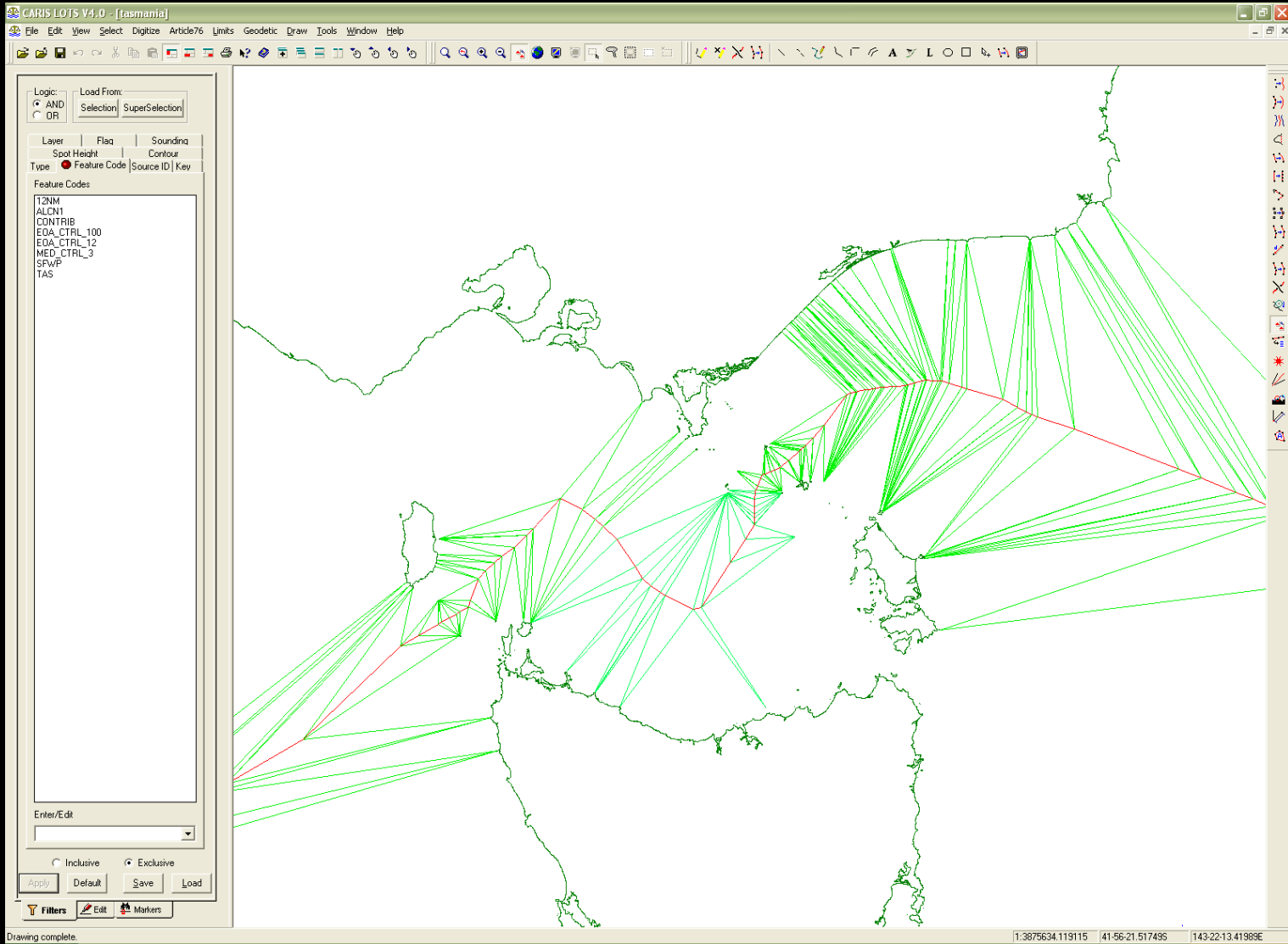
Tools for maritime boundary-making

Geocap Shelf / Maritime Limits and Boundaries for ArcGIS

www.geocap.no/article/martime-limits-and-boundaries-for-arcgis



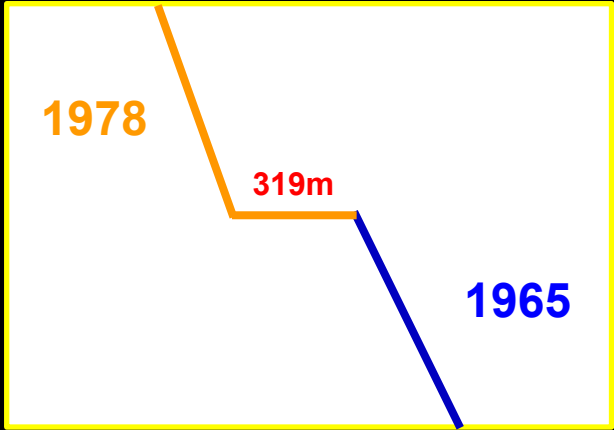
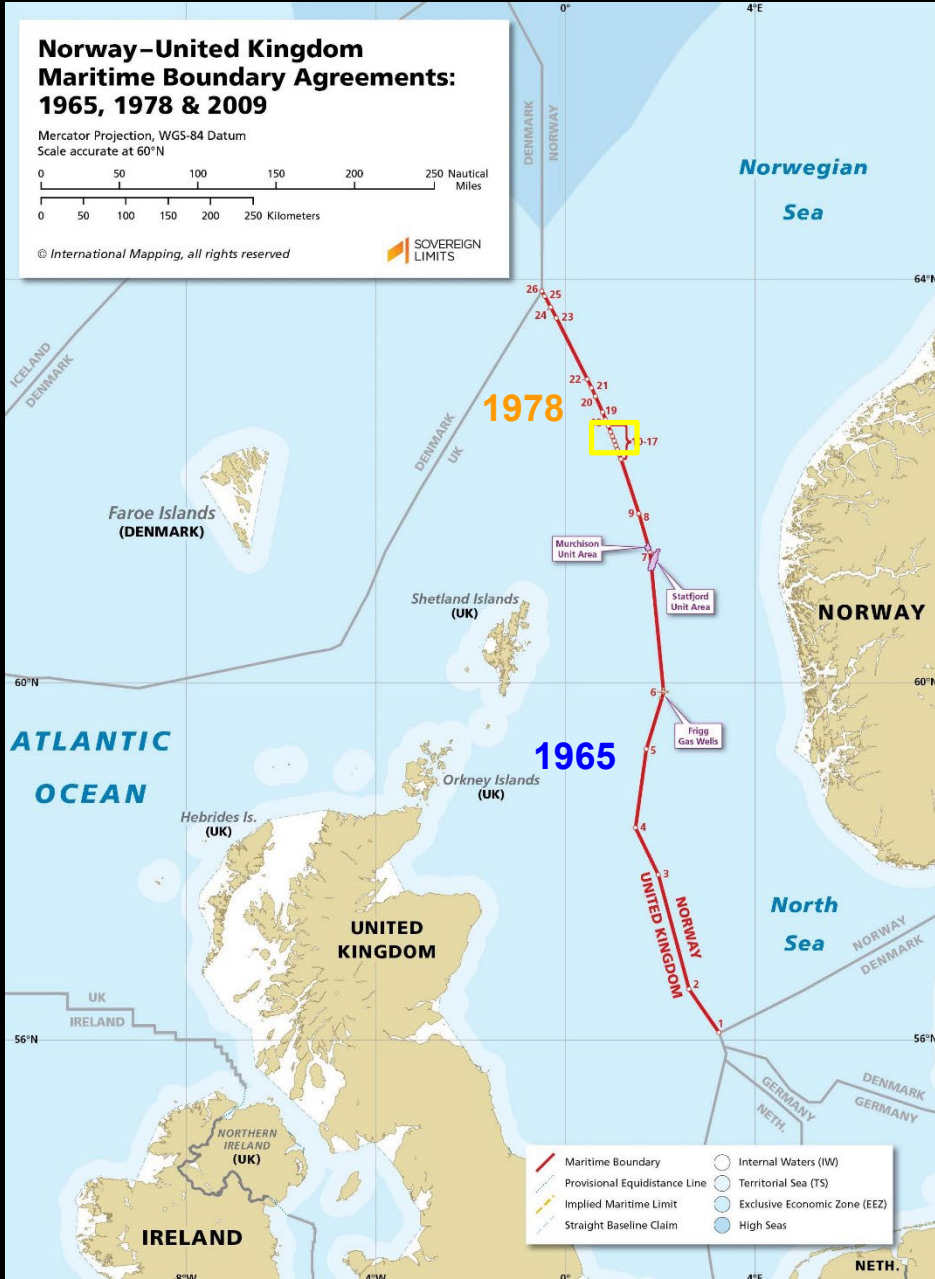
Computing equidistance lines



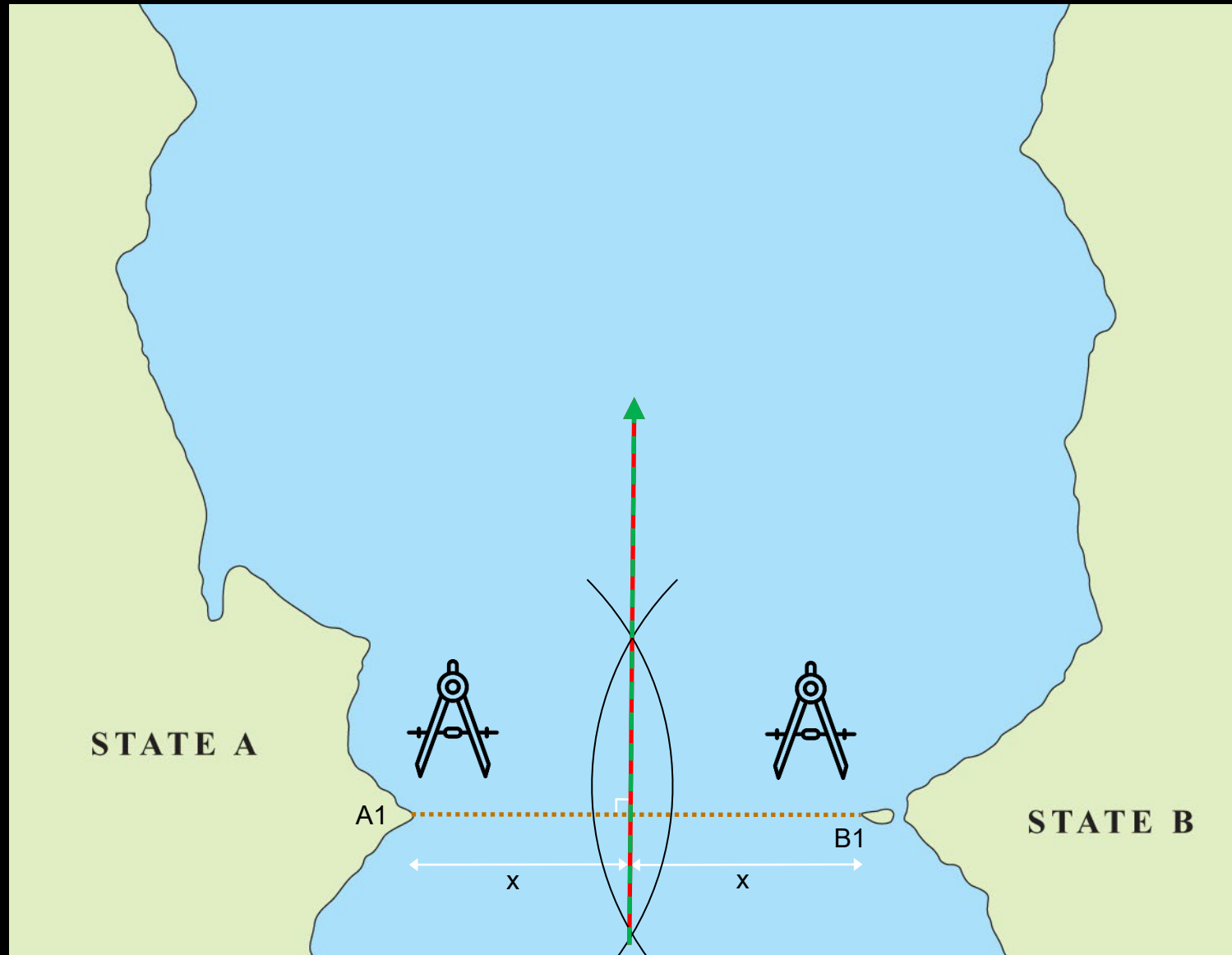
WARNING: Garbage In, Garbage Out...

Limits and equidistance lines generated by software are only useful if the baselines from which they are constructed are sufficiently accurate for the needs of the relevant state or states.

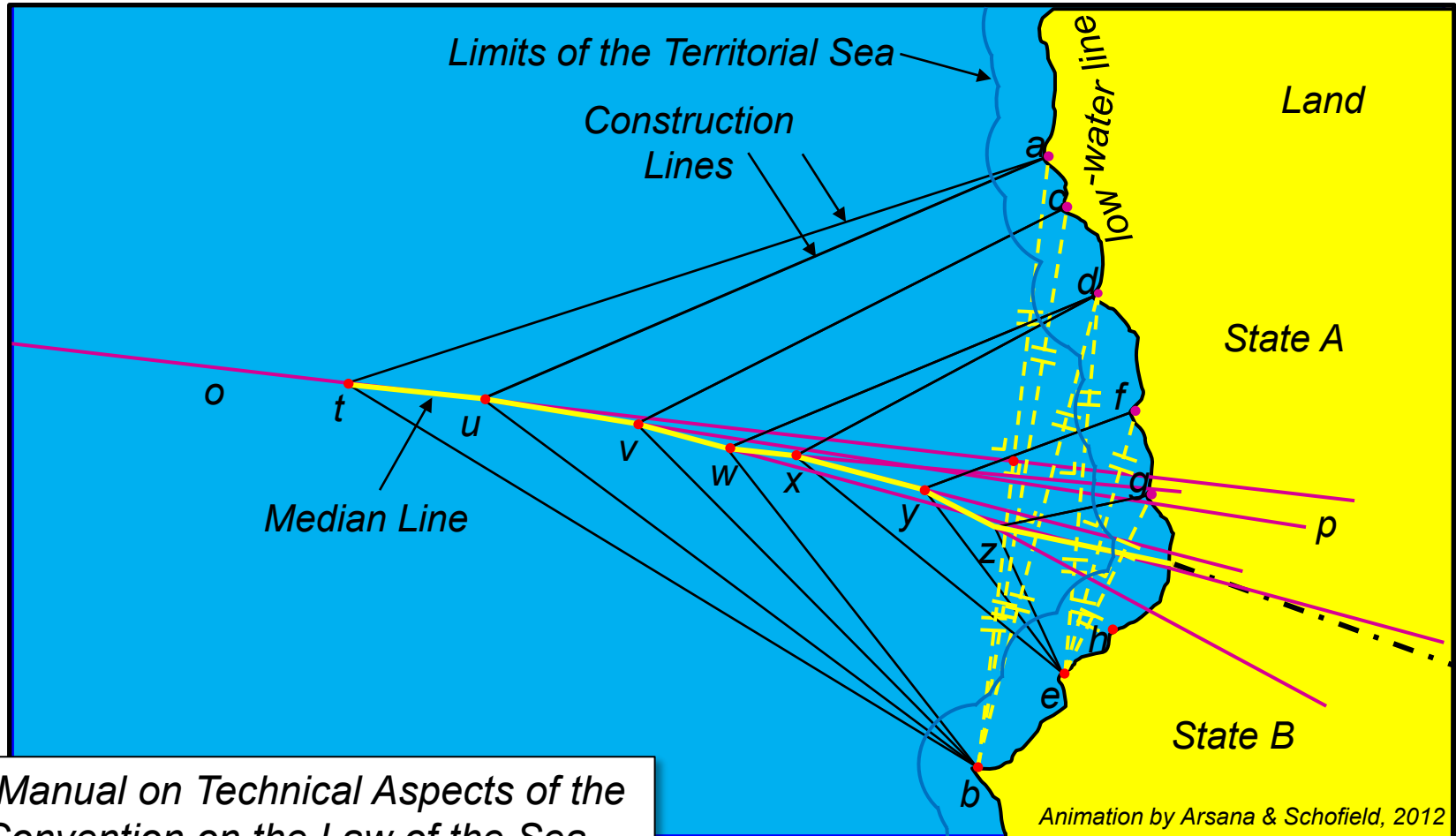
Computed v. manual construction of equidistance lines Norway-UK (1965/1978)



Constructing an equidistance line



Construction of an Equidistance Line between Adjacent States



IHO Manual on Technical Aspects of the
UN Convention on the Law of the Sea

<https://iho.int/en/capacity-building-publications>

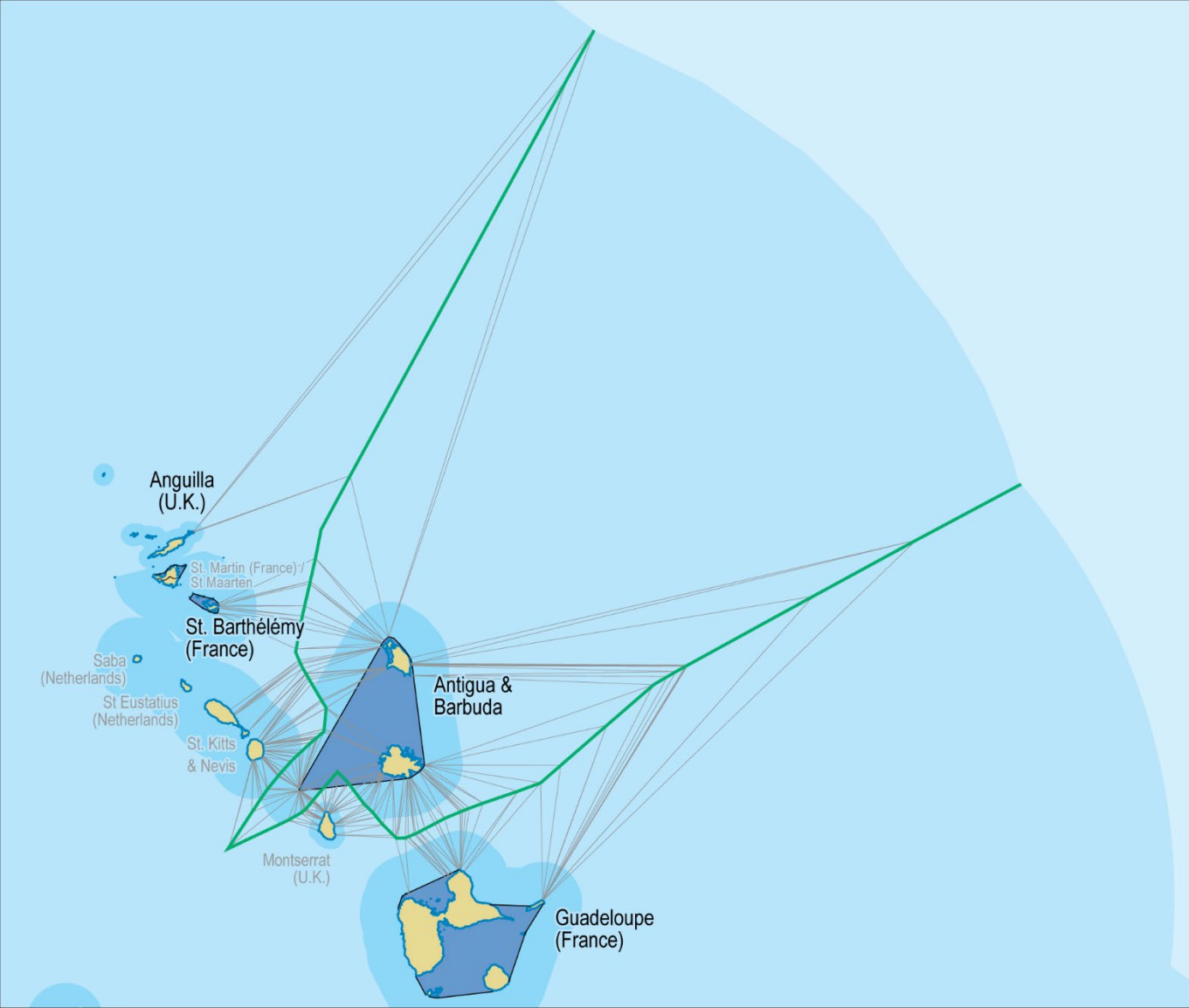
(for the full manual in English, follow the 'español' link)

University of Wollongong



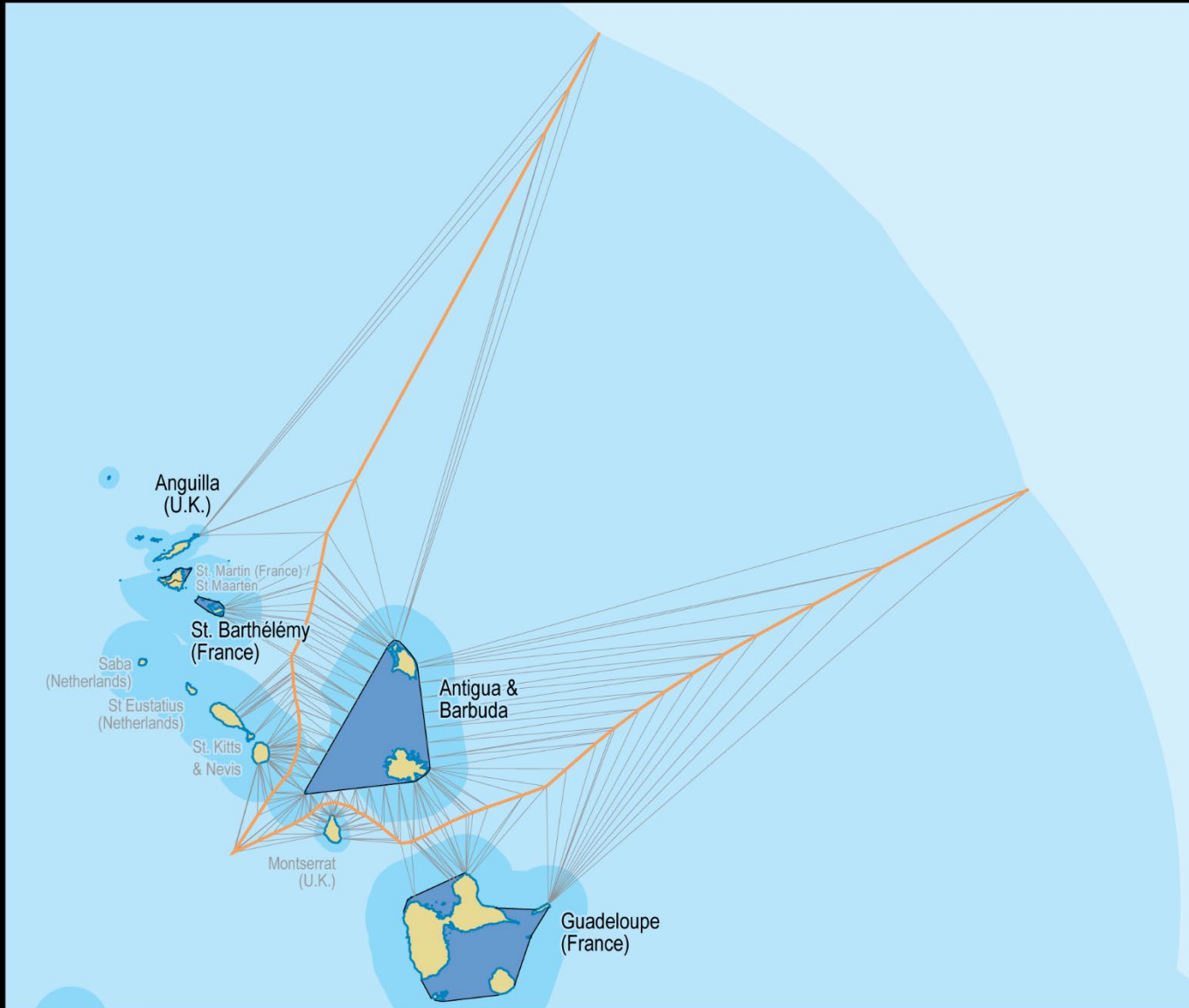
Impact of straight baselines on equidistance lines

Antigua & Barbuda



Impact of straight baselines on equidistance lines

Antigua & Barbuda



Impact of straight baselines on equidistance lines

Antigua & Barbuda



Thank you!



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boundary-making and dispute resolution