International Law

Academic year 2019-2020

The Law of Maritime Delimitation

DI058 - Autumn - 6 ECTS

Wednesday 16h15 - 18h00

Course Description

The establishment of the jurisdictional limits of the riparian States has become one of the major challenges of the international law of the sea. The delimitation of the maritime areas holds a privileged place in international jurisprudence. The number of delimitation treaties is also considerable. The seminar will offer to discuss the most important issues in this area as well as the relevant case law. Particular attention will be paid to the role of equidistance, equitable principles and equitable result, the determination of the relevant circumstances for maritime delimitation, the impact of islands and other maritime features, the existence of regional rules, the establishment of a single maritime boundary for different areas and other issues currently under discussion. The final questioning will focus on the possibility of reaching a general method of delimitation of maritime areas in the light of recent case law. A moot court on a contemporary delimitation dispute will be organised for the participants.

Syllabus

This course is limited to 20 participants and is only accessible to students (Master and PhD) of the International Law Department. The course will be taught in English, but students can use the two working languages of the Graduate Institute.

The course is divided in three stages:

1. The first sessions will be given by the Professor and are intended to provide the theoretical framework required for the proper understanding of the course. For each of the five sessions, students will read primary sources and doctrinal contributions. The sessions will be taught so as to enable students to participate by raising questions and comments.
The second part of the course will be organised in the form of seminars during which the students will analyse the jurisprudence on the law of maritime delimitation in depth. Participants are expected to read the judgments and awards that will be discussed in class before coming to the relevant sessions.

The third, and last stage, of the course will be devoted to the oral hearings of this academic year’s moot court. The real dispute that will be addressed, as if it were brought before the International Court of Justice, is the Case concerning the Continental Shelf (Italy / Malta). At the beginning of the semester the students will be divided in teams (two groups of Counsel for the respective Parties to the dispute and one group of judges). From the commencement of the course, the Counsel for the two States will have to work on the written pleadings that will have to be deposited on 4 December 2019. Oral pleadings will then be held during the penultimate session of the course, on 11 December 2019. The students that are part of the team of judges will have to draft their personal opinions by 17 December 2019, and present orally their reasoned conclusions on the day of the delivery of the judgment during the last session of the course, on 18 December 2019.

The teaching method of this course allows students first to acquire basic knowledge of the law of maritime delimitation, then to apply this knowledge during the analysis of the relevant case studies and, finally, to practice their knowledge in a real unsettled dispute.

The students will be evaluated primarily on the basis of their written and oral presentations during the Moot Court: 1) Counsel will be examined based upon the chapters that they have written in the Memorials and their oral pleadings; 2) the members of the bench will be examined on the basis of their respective written notes drafted in view of the judgment and their oral presentations. Class participation during the first and second stage of the course will also be taken into account.

The readings for the course will be made available on Moodle.

**NB: the following programme is provisional and subject to adjustments.**

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<thead>
<tr>
<th>Session 1</th>
<th>18 September 2019</th>
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<td><strong>Class</strong></td>
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**A. Introduction**

**B. Territorial Frontiers and Maritime Boundaries**


  and/or


**C. Maritime Spaces**


**Moot Court**

I. Presentation of the Case concerning the Continental Shelf (Italy / Malta)

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<th>Session 2</th>
<th>25 September 2019</th>
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### Class

#### A. Unilateralism and Bi(multi)lateralism in the Maritime Delimitation Process

- **Baselines and maritime delimitations**

- **Outer limits of the continental shelf**

- **Uti possidetis and maritime delimitations**

- **Historic rights and maritime areas**

#### Moot Court

II. Allocation of the students in their respective teams (two teams for the Parties to the case and one team of judges)

### Session 3 2 October 2019

#### Class

##### A. Territorial Allocation Lines And Maritime Delimitation Lines


##### B. Islands and Low-Tide Elevations


- [3] *The South China Sea Arbitration, Award of 12 July 2016*, pp. 119-260 (a selection of the most relevant paragraphs will be indicated).

  Two out of the three following readings:


### Session 4 9 October 2019
### Class

#### A. Evolution of the Rules Relating to Maritime Delimitation

#### B. Starting Point: Equidistance

#### C. "Equitable Principles"

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### Session 5 16 October 2019

#### Class

#### A. Relevant Circumstances

#### B. Equitable Result

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### Session 6 23 October 2019

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### Session 7  
**30 October 2019**

**Seminar**

**A. North Sea Continental Shelf**


### Session 8  
**6 November 2019**

**Seminar**

**A. Continental Shelf between the United Kingdom and France**


**B. Continental Shelf (Tunisia / Libya)**


**B. Continental Shelf (Libya / Malta)**


### Session 9  
**13 November 2019**

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### Seminar

#### A. Maritime Delimitation between Greenland and Jan Mayen (Denmark v. Norway)


#### Session 10 20 November 2019

<table>
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<tr>
<th>Seminar</th>
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<tbody>
<tr>
<td><strong>A. Maritime Delimitation in the Gulf of Guinea (Cameroon v. Nigeria; Equatorial Guinea intervening)</strong></td>
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<tr>
<td><strong>B. Maritime Delimitation in the Black Sea (Romania v. Ukraine)</strong></td>
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#### Session 11 27 November 2019

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<tr>
<th>Seminar</th>
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<tr>
<td><strong>A. Maritime Delimitation in the Caribbean Sea (Nicaragua v. Colombia)</strong></td>
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#### Session 12 4 December 2019
Seminar

A. Maritime Delimitation in the Caribbean Sea (Nicaragua v. Colombia)

A. Maritime Dispute (Peru v. Chile)

Moot Court

III. Time limit for the filing of the Memorials to the Registrar of the Court (Francesca Dal Poggetto, teaching assistant) 11.59 pm

IV. Handover of the Memorials by the Registrar to the judges and the respective Parties, 5 December 2019 at 12.00 am

Session 13 11 December 2019

Moot Court

V. Oral Pleadings by the legal teams representing the two States before the team of judges

Moot Court

VI. Time limit for the judges to send their respective notes on the case to the Registrar and the President of the Court (Prof. Kohen)

Session 14 18 December 2019

Class

A. Conclusions

Moot Court

VII. Statement by each judge of the Court of his or her reasoned vote

VIII. Reading of the Judgment by the President of the Court