Maritime Zones: straight and archipelagic baselines

- **Territorial Sea**
- **Internal water**
- **Archipelagic water**

Countries:
- Vietnam
- Malaysia
- Indonesia
- Brunei
- Sabah
- Philippines
- PR China
- Taiwan

Regions:
- South China Sea
200M Limits from Mainlands

- Vietnam
- Malaysia
- Indonesia
- Brunei
- Philippines

200M EEZ + Continental Shelf

Area >200M
Bathymetry

Shallow shelf ~100m

Deep ocean >4000m

Intermediate shelf ~2000m

Very deep ocean >5000m

Shallow shelf ~100m
Outer Continental Shelf

Vietnam's Partial Submission

Malaysia/Vietnam Joint Submission

Oceanic crust

PR China

Vietnam

Philippines

Indonesia

Malaysia

Brunei

Taiwan
South China Sea: Islands

- PR China
- Paracel Islands
- Spratly Islands
- Prata Island
- Scarborough Reef
- Sabah
- Indonesia
- Malaysia
- Brunei
- Vietnam
- Philippines
- Taiwan
200M EEZ from all features
Article 121: Regime of islands

1. An island is a naturally formed area of land, surrounded by water, which is above water at high tide.

2. Except as provided for in paragraph 3, the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of an island are determined in accordance with the provisions of this Convention applicable to other land territory.

3. Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf.
Island Features in the South China Sea

Rock

Sand cay = rock?

Artificial island
Island Features in the South China Sea

12M only

12M 200M?

Nothing!
Subi Reef – low-tide elevation

1867 HMS Rifleman Survey
Subi Reef – low-tide elevation
Thitu Island and Reefs

1867 HMS Rifleman Survey
Thitu Island and Reefs

Sandy Cay

Sandy Cay

Island

Google

Thitu Island
Thitu Island and Subi Reef Entitlements

- Low-tide elevation
- Sandy Cay (Philippines)
- Island (Philippines)
- Subi Reef (China)
Gaven Reef (North)

Figure 8: Gaven Reef (North)

Survey by JBSF Rierson (1967)
(depecting no high-water feature)

(depecting no high-water feature)

Imperial Japanese Navy Chart No. 528
(depecting sand cay with height of 1.9 metres
above Mean Sea Level)

U.S. Chart No. 5304/7 (1967)
(depecting sand cay with height of 1.9 metres
above Mean Sea Level)
Gaven Reef (North)
Rules for drawing boundaries

- **Territorial Sea (article 15):**
  - equidistance/special circumstances

- **Continental Shelf/EEZ (articles 74/83):**
  - Equitable principles

**Three Stage process**

1. Draw equidistance
2. Adjust for relevant circumstances
3. Check for equity and proportionality
## Status of small features in delimitation

<table>
<thead>
<tr>
<th>Feature</th>
<th>Entitlement</th>
<th>Role in Delimitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fully entitled island</td>
<td>TS, CZ, EEZ, CS</td>
<td>Full or, more likely, reduced weight</td>
</tr>
<tr>
<td>Small Island/Rock</td>
<td>TS, CZ</td>
<td>Reduced weight/enclave</td>
</tr>
<tr>
<td>Low-tide elevation (&lt;12M of island)</td>
<td>TS, CZ</td>
<td>Probably nil (BD/India = nil)</td>
</tr>
<tr>
<td>Isolated low-tide elevation (&gt;12M)</td>
<td>Nil -not capable of appropriation</td>
<td>Nil</td>
</tr>
</tbody>
</table>
Colombia’s Islands and Cays

San Andrés

Quitasueño

Serrana

QS 32

QS 4
Colombia’s proposal

- COLOMBIA
- PANAMA
- COSTA RICA
- NICARAGUA

Locations:
- San Andres
- S Catalina Providencia
- Serranilla
- Bajo Nuevo
- Serrana
- Roncador
- Quitasueño
- Serranilla Bajo Nuevo
- Roncador
- Albuquerque

Median line
Nicaragua vs Colombia: ICJ Judgment (2012)

San Andrés

S Catalina

Providencia

Bajo Nuevo

Quitasueño

Serranilla

Roncador

Serranilla Bajo Nuevo

12M Enclaves

Weighted Median line

Median line
12M zones for small islands and rocks
A Solution?

PR China

Paracel Islands

Scarborough Reef

Spratly Islands

Brunei

Median

CS median

>200M

Australia

Vietnam

Malaysia

Indonesia

Philippines

Taiwan

Agreed
Interim Practical Solution?