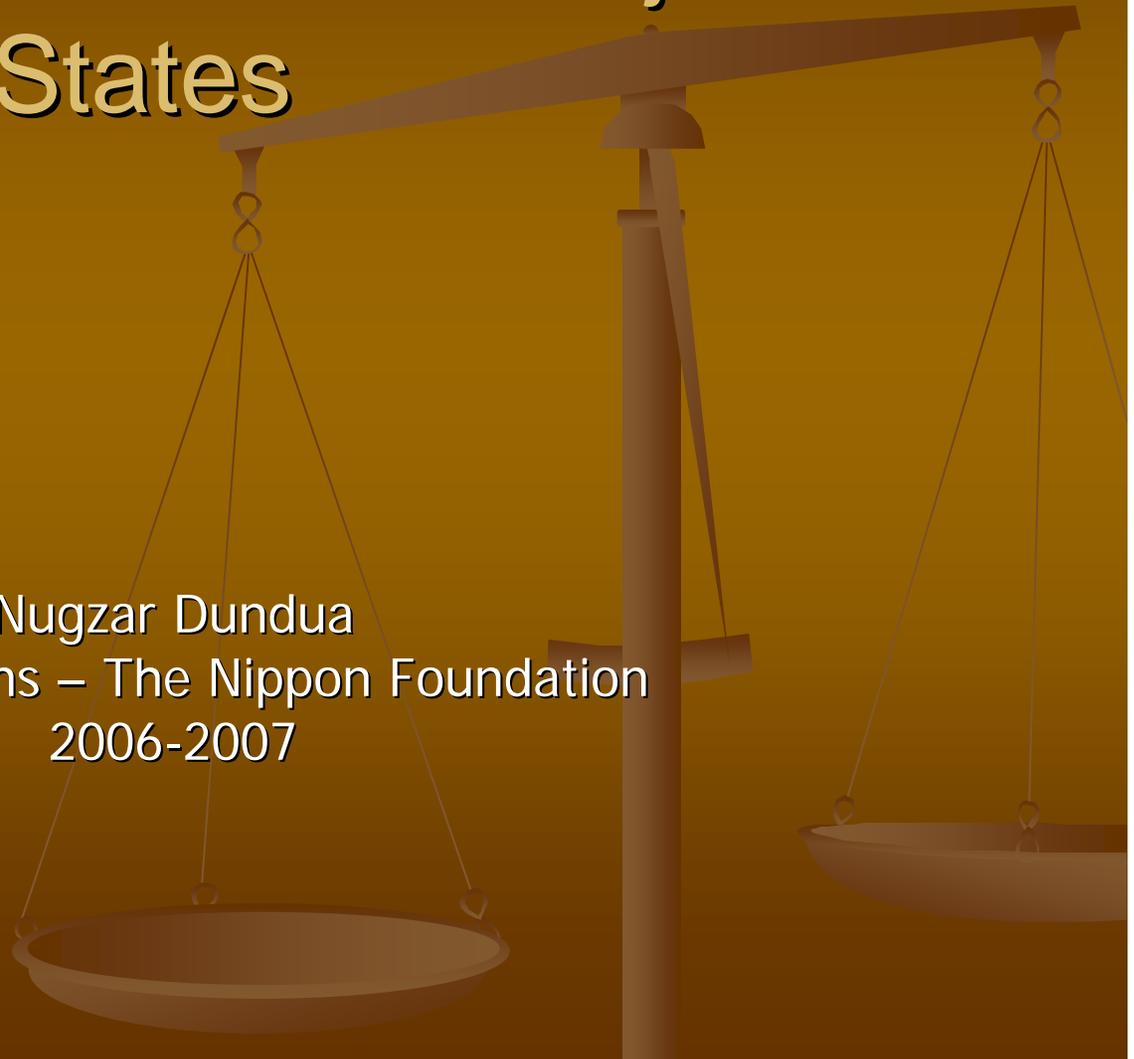


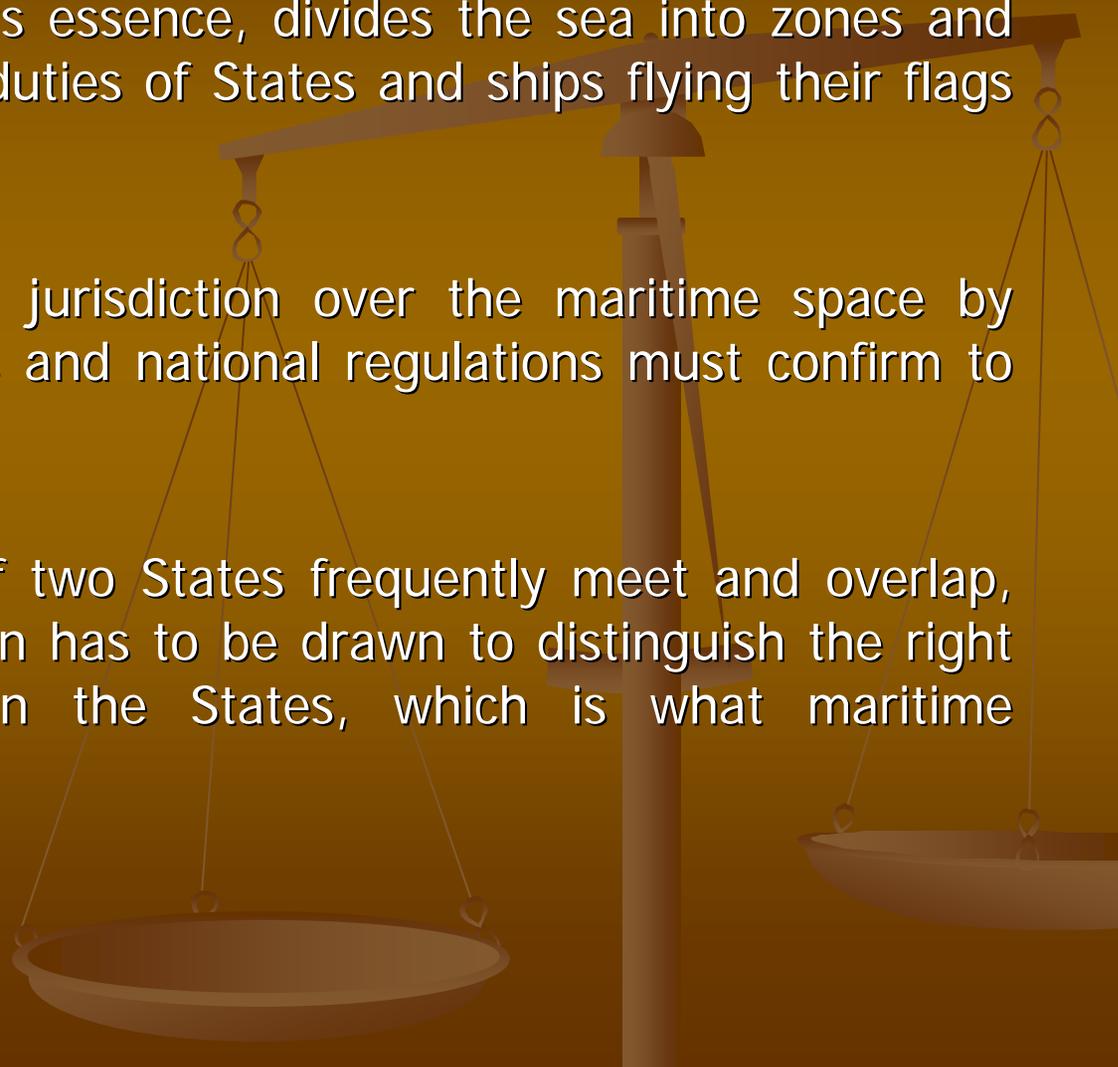
Delimitation of the Maritime Boundaries between the adjacent States

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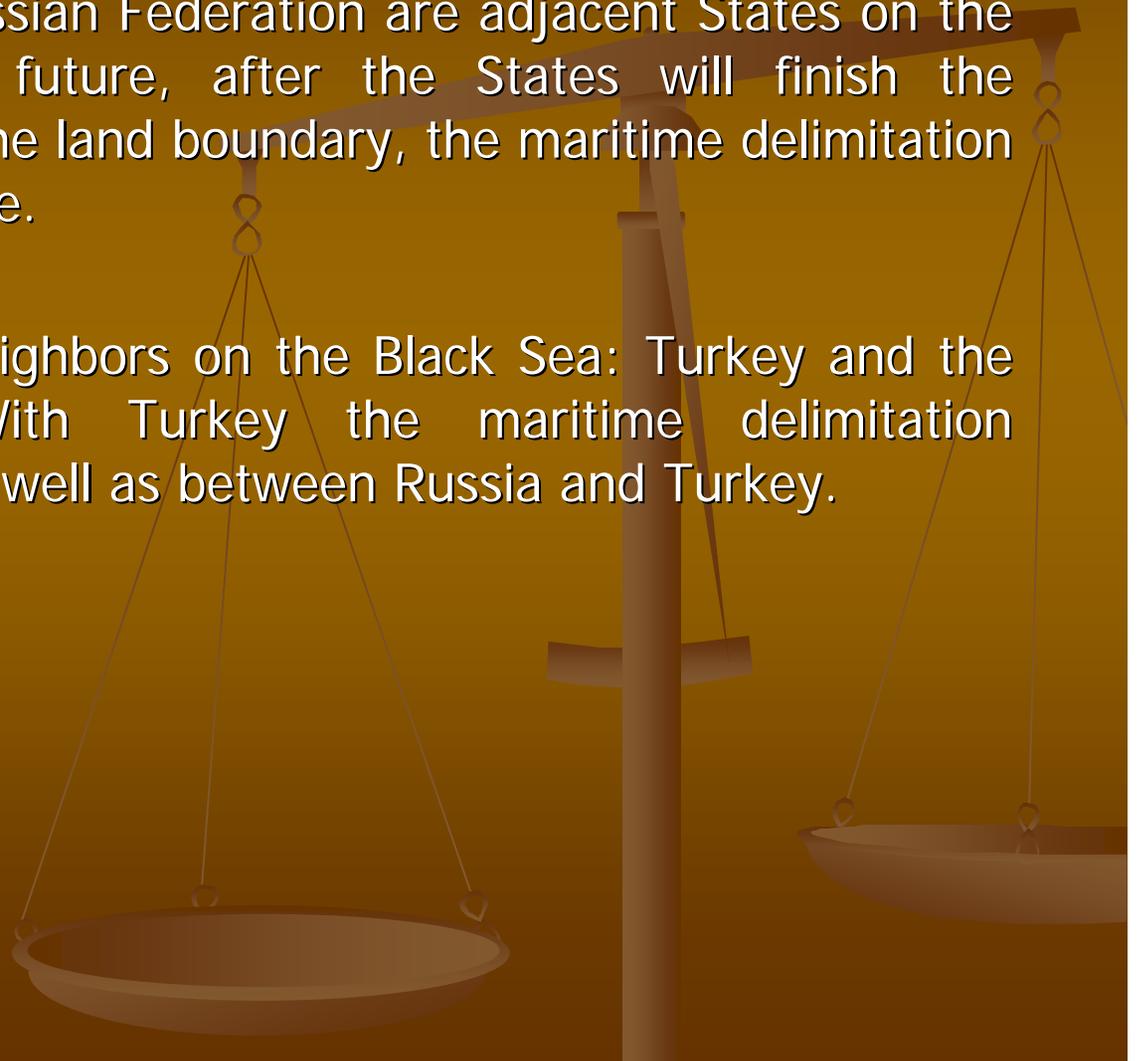
What does delimitation means

- The law of the sea, in its essence, divides the sea into zones and specifies the rights and duties of States and ships flying their flags in those zones.
- Every coastal State has jurisdiction over the maritime space by international conventions and national regulations must confirm to international law.
- Those maritime zones of two States frequently meet and overlap, and the line of separation has to be drawn to distinguish the right and obligations between the States, which is what maritime delimitation is about.



Why between the adjacent States

- Because Georgia and Russian Federation are adjacent States on the Black Sea and in the future, after the States will finish the delimitation process on the land boundary, the maritime delimitation process will take the place.
- Georgia has only two neighbors on the Black Sea: Turkey and the Russian Federation. With Turkey the maritime delimitation agreement is in force, as well as between Russia and Turkey.



Location of Georgia



Black Sea

- Thematic map



Attempts to codify delimitation rules and methods

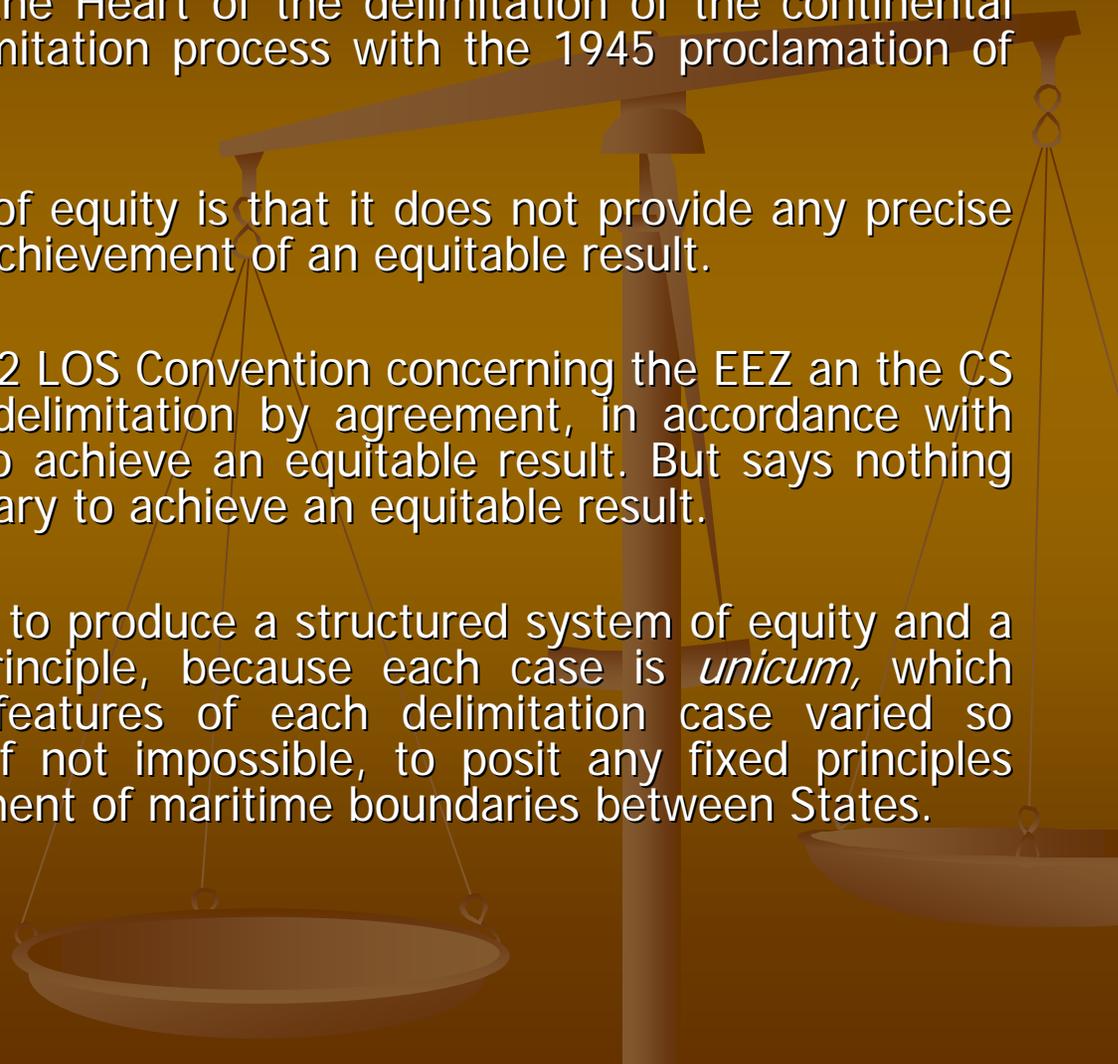
- Earliest attempt to codify delimitation rules was the Hague Codification Conference of 1930, but without much success.
- After the establishment of the United Nations and the ILC under its auspices, the First United Nations Conference (1949-1956) on the Law of the Sea took place (UNCLOS I). As a result of this Conference two conventions were adopted. 1958 Geneva Convention on the territorial sea and contiguous zone and 1958 Geneva Convention on the Continental Shelf. Preference was given to equidistance/special circumstances rule.
- The UNCLOS III (1973-1982) led to the adoption of the most comprehensive convention on the law of the sea.
- After long and difficult negotiation, a compromise formula for the delimitation was finally produced and it was eventually incorporated in the new LOSC, adopted on 30 April 1982.
- It seems that new compromise formula is vague, but it is workable, If there was one prescribed method of delimitation, in many cases it would lead to inequitable results. The States are free during the negotiation process to agree on any method or methods which they consider to be equitable for them.

Principals and methods of delimitation

- Equidistance line. The 1958 Conventions defines equidistance “as the line every point of which is equidistance from the nearest points of the baselines from which the breadth of the territorial sea of each of the Two States is measured.”
- According to the 1958 Geneva Conventions, the use of the equidistance line was obligatory in the absence of an agreement, historical titles or special circumstance.
- Equidistance line is used in most agreements concerning the maritime delimitation, it found its privileged role in State practice.
- But its privileged role was diminished by the ICJ and arbitral awards. In the majority of cases, it was declared that the equidistance was not a binding rule of law, but merely one method among others, as it was never regarded as part of customary international law, which plays the major role in maritime delimitation process.
- The demolishing of equidistance went so far that the it disappeared from the text of article 74 and 83 of the 1982 LOS Conventions an remains only in article 15.

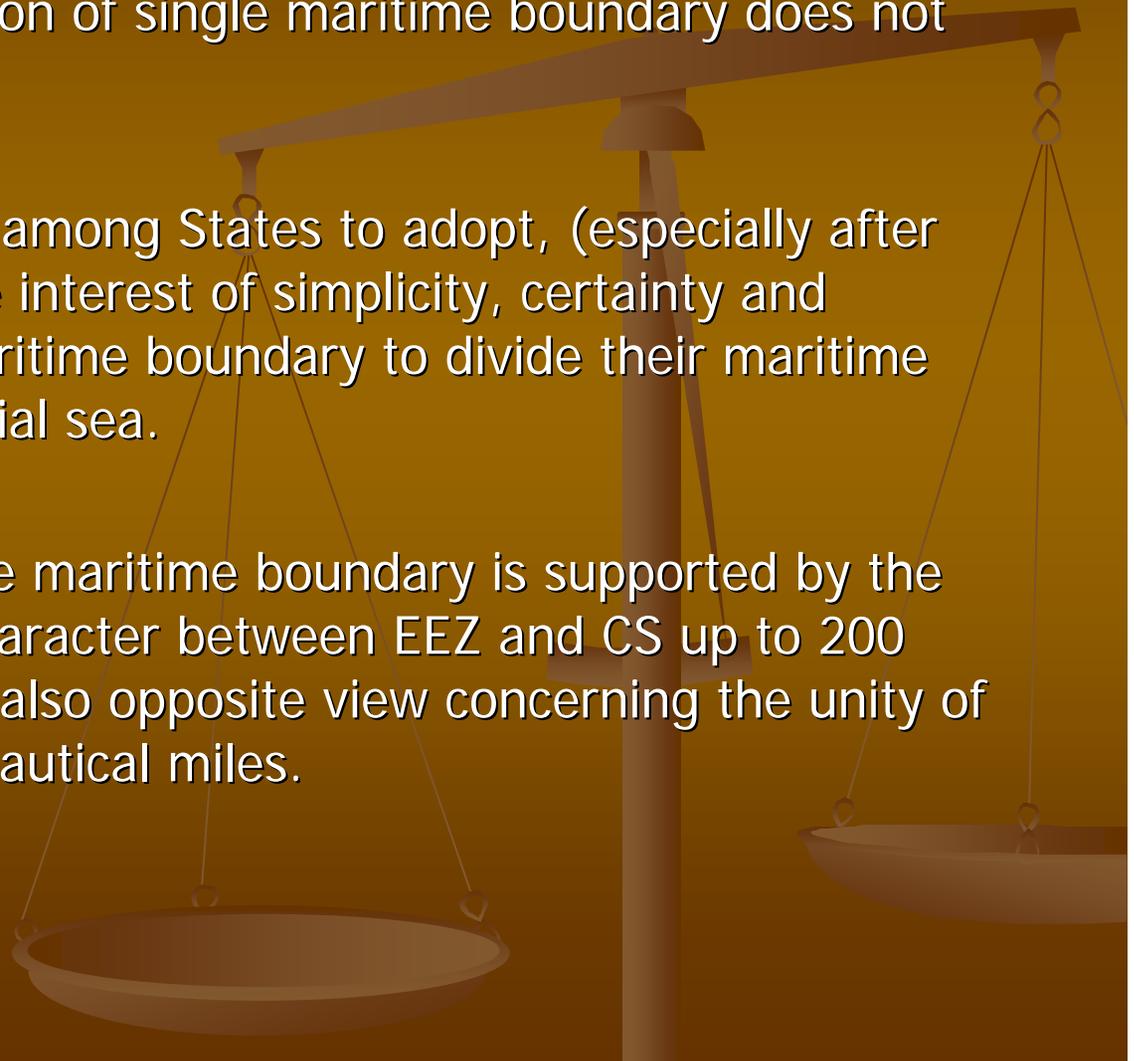
Equity and Equitable Principles

- The notion of Equity is in the Heart of the delimitation of the continental shelf and came in the delimitation process with the 1945 proclamation of US President Truman.
- The problem with the idea of equity is that it does not provide any precise principle or criteria for the achievement of an equitable result.
- Article 74 and 83 of the 1982 LOS Convention concerning the EEZ an the CS provides for effecting the delimitation by agreement, in accordance with international law in order to achieve an equitable result. But says nothing about the principles, necessary to achieve an equitable result.
- At present It is not possible to produce a structured system of equity and a clear body of equitable principle, because each case is *unicum*, which means that geographical features of each delimitation case varied so greatly that it is difficult, if not impossible, to posit any fixed principles applicable for the establishment of maritime boundaries between States.



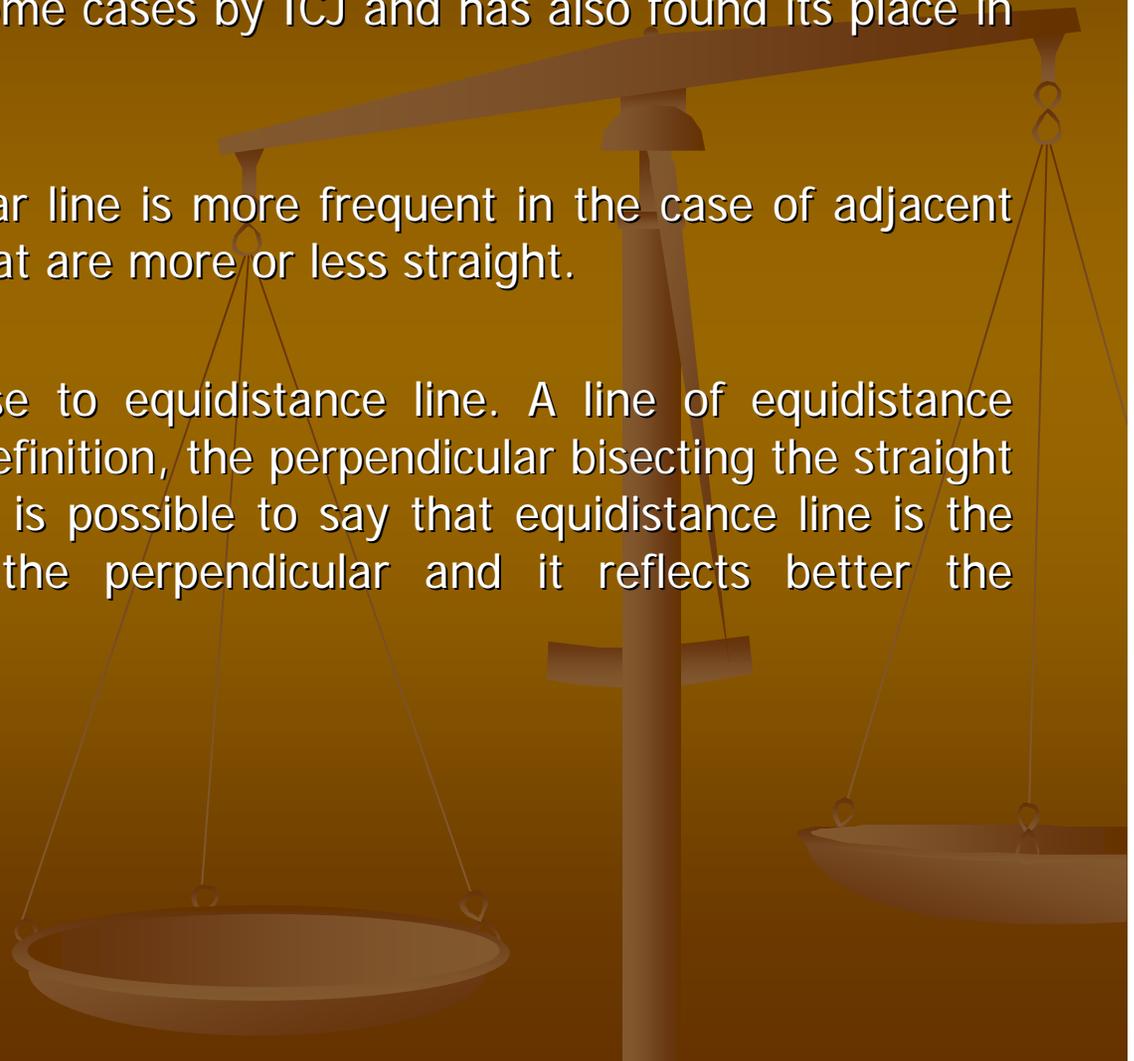
Single Maritime Boundary

- In the law of sea the notion of single maritime boundary does not exist.
- There is increasing trend among States to adopt, (especially after emergence of EEZ) in the interest of simplicity, certainty and convenience, a single maritime boundary to divide their maritime zones beyond the territorial sea.
- The recourse of the single maritime boundary is supported by the parallelism and similar character between EEZ and CS up to 200 nautical miles. There are also opposite view concerning the unity of two regimes within 200 nautical miles.



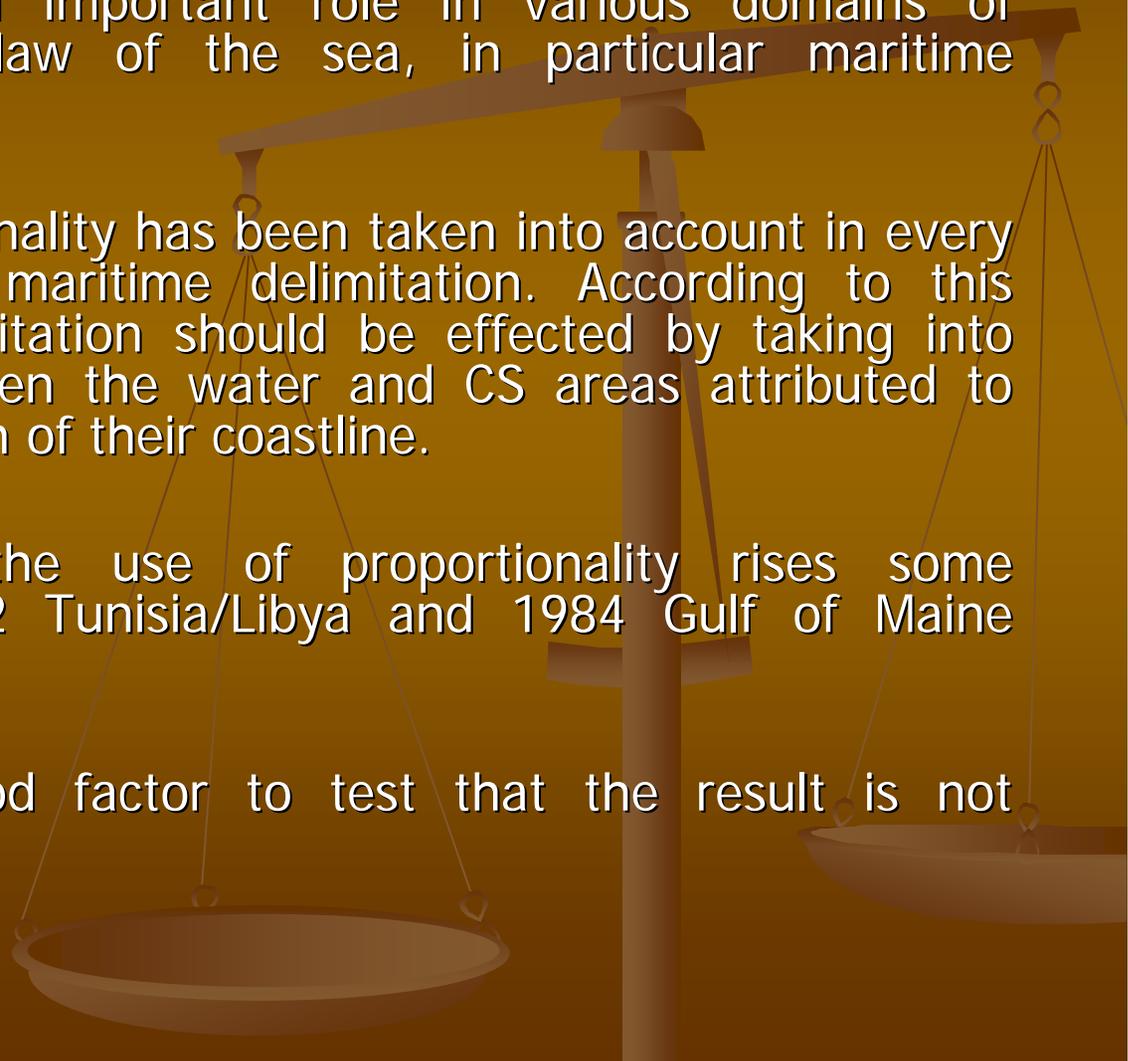
Perpendicular Line

- This method was used in some cases by ICJ and has also found its place in State Practice.
- The use of the perpendicular line is more frequent in the case of adjacent States, presenting coasts that are more or less straight.
- This line seems to be close to equidistance line. A line of equidistance between two points is, by definition, the perpendicular bisecting the straight line between two points. It is possible to say that equidistance line is the scientific development of the perpendicular and it reflects better the configuration of coasts.

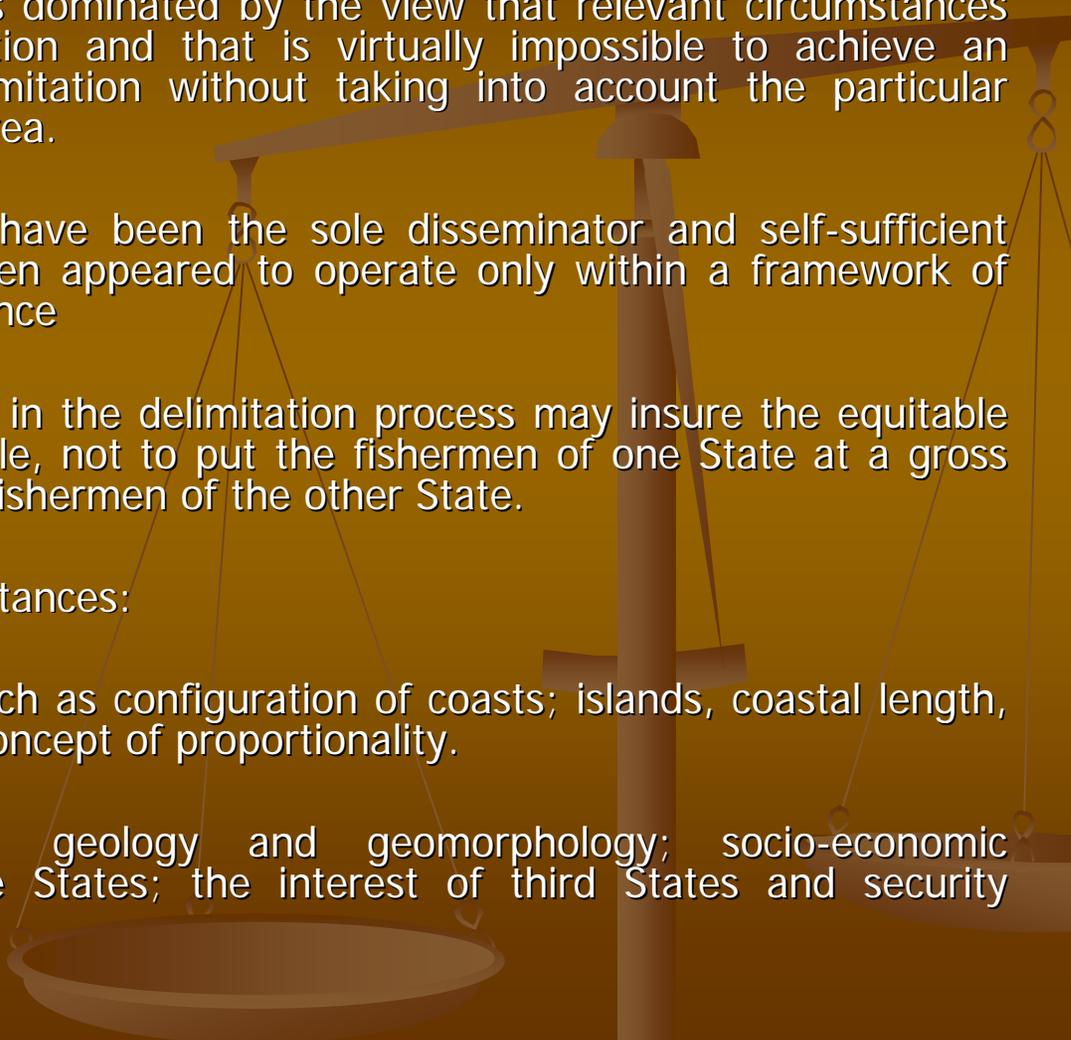


Proportionality

- Proportionality plays an important role in various domains of international law and law of the sea, in particular maritime delimitation.
- The concept of proportionality has been taken into account in every judgment relating to maritime delimitation. According to this concept, maritime delimitation should be effected by taking into account the ratio between the water and CS areas attributed to each State and the length of their coastline.
- In some ICJ cases the use of proportionality rises some misunderstanding. (1982 Tunisia/Libya and 1984 Gulf of Maine cases).
- Proportionality is a good factor to test that the result is not inequitable.



Relevant Circumstances

- Maritime delimitation process is dominated by the view that relevant circumstances have an effect upon delimitation and that is virtually impossible to achieve an equitable solution in any delimitation without taking into account the particular relevant circumstances of the area.
 - Relevant circumstances never have been the sole disseminator and self-sufficient factor in delimitation. They often appeared to operate only within a framework of equitable principles or equidistance
 - Also, the use of proportionality in the delimitation process may insure the equitable access to resources, for example, not to put the fishermen of one State at a gross disadvantage compared to the fishermen of the other State.
 - Most dominant relevant circumstances:
 - Geographical circumstances; such as configuration of coasts; islands, coastal length, which is closely related to the concept of proportionality.
 - Non geographical such as: geology and geomorphology; socio-economic circumstances; conduct of the States; the interest of third States and security (political) consideration.
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Conclusion

- After the consideration and study such a complicated and multiform subject, the author proposes his view on the maritime delimitation between Georgia and the Russian Federation.
- The use of Equidistance line (according article 15 of 1982 LOS Convention) seems the best solution for the territorial sea. and beyond the territorial sea, for the EEZ an CS single line based on equidistance.
- Why equidistance line? Because there are no such kind of relevant circumstances which may preclude the use of equidistance.
- There are no island in the delimitation area, the coast of the State are adjacent to the whole perimeter and are smooth with no significant irregular or concave coastline. The coasts of to states appear to be the same, with Georgia 315 km and Russia is 475 km. The proportionality between coastal length is 1"1.5. geological and geomorphological factors are out of relevance. The interest of any third State is also excluded, as well as socio-economic circumstances, because there are no oil, gas or other natural resources and the local population has never been dependent on fishing activities.
- If the States will negotiate in goof faith trying to understand the opposing view and respect each others interests, it seems quite possible to achieve an equitable result an conclude an agreement, which will strengthen the good relationship between two neighbor States.

THE END

