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Submissions to the Un Clcs in Cases of Disputed and Undisputed Maritime Boundary Delimitations or Other Unresolved Land or Maritime Disputes of Develo (Law of the Sea)

Barbara Kwiatkowska

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This pioneering book surveys fundamental principles of not prejudicing by the UN Commission on the Limits of the Continental Shelf (CLCS) of Disputed and Undisputed Boundary Delimitations or Other Unresolved Land or Maritime Disputes under UNCLOS and the CLCS Rules. It constitutes a remarkable contribution by one of the world's leading academics in the field of international law of the sea to peaceful resolution of oceans and boundary disputes within the framework of the UNCLOS and the United Nations Charter. The author presents convincing legal reasoning that interpretation of the treaty provisions of UNCLOS and the CLCS Rules, as well as vast state practice of Submissions made to the CLCS are clear in suggesting that - as the 2006 UNCLOS Annex VII Barbados/Trinidad and Tobago Maritime Delimitation (Jurisdiction and Merits) Award and the 2012 ITLOS Bangladesh v. Myanmar Bay of Bengal Maritime Delimitation Judgment confirmed - the CLCS's Recommendations must in no way prejudice existing and prospective boundary delimitations, nor must they prejudice other land or maritime disputes, which can thus well be adjudicated-arbitrated or otherwise resolved: prior or in parallel to or sometimes in a follow-up to the CLCS' involvement. All practical means giving effect to such "without prejudice" principles are also being carefully analyzed, including practice of partial Submissions, deferral of Submissions, consideration of Submissions subject to consent of all parties to pending delimitations and disputes, or filing joint or separate Submissions by Agreement of all states concerned. In view of much attention given in the UNCLOS literature to Submissions in the Arctic and other regions of the developed states, the high virtue of this book is a comprehensive focus on Submissions and the pertaining delimitations and disputes of developing states of the Caribbean and Latin America, Northeast and Southeast Asia, South Pacific, South Asia and the Middle East, East Africa - Indian Ocean, South Africa, West Africa and North Africa. In the context of such broad geographical coverage, also some practice of developed states is covered, notably that of the United States, France, Britain, Japan, Australia and Spain. The full docket of the CLCS and an intimate link between process of disputed and undisputed boundary delimitations (by states and the judicial-arbitral fora) and process of delineation of outer CS limit beyond 200 miles (by the CLCS) will ensure that the CLCS remains in the UN-based center of stimulating law of the sea development and peaceful settlement of oceans disputes as a part of global system of the peace and security for at least the next two decades. About the author: Barbara Kwiatkowska is Professor of International Law of the Sea. She was in the years 1985-2009 Deputy Director and in 2009-2012 Senior Fellow of the Netherlands Institute for the Law of the Sea (NILOS) at the Faculty of Law, Economics and Governance - School of Law at the Utrecht University, The Netherlands. Prof. Kwiatkowska was nominated by the Netherlands as UNCLOS Annex VII Arbitrator and she is the author of Decisions of the World Court Relevant to the UNCLOS (2010),as well as longstanding contributor to the ASIL International Maritime Boundaries series and the author of over 150 articles devoted to a wide range of issues of international environmental law and the law of the sea, with particular reference to international jurisprudence of the ICJ, Arbitral Tribunals and the ITLOS.

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