

Land Reclamation Activities under the Law of the Sea Convention in the Light of Sea Level Rise

NCLOS Conference 2022 – Ocean Space

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Knowledge for Tomorrow



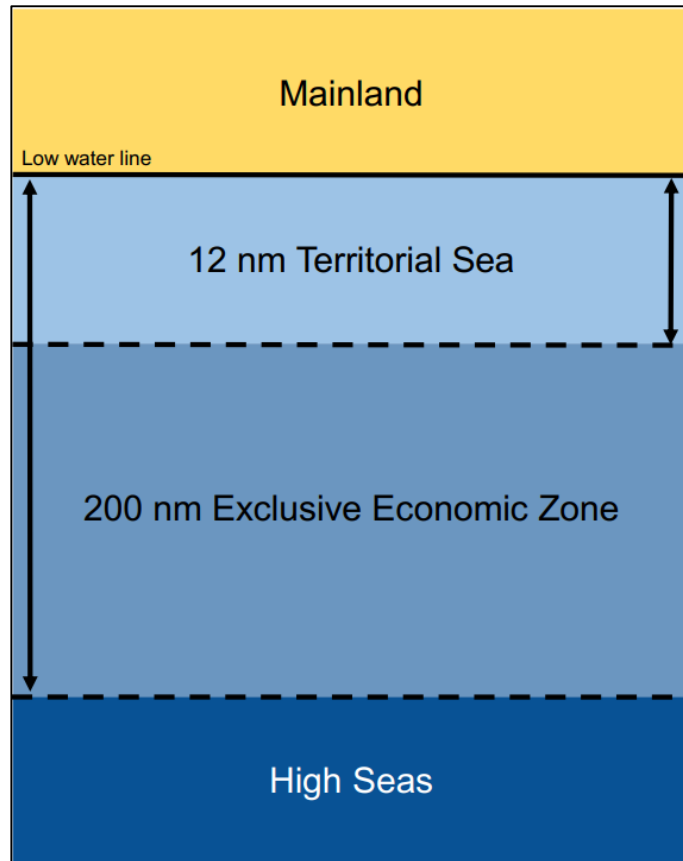
Land Reclamation Activities and the Law of the Sea

- **Art. 5 UNCLOS:**

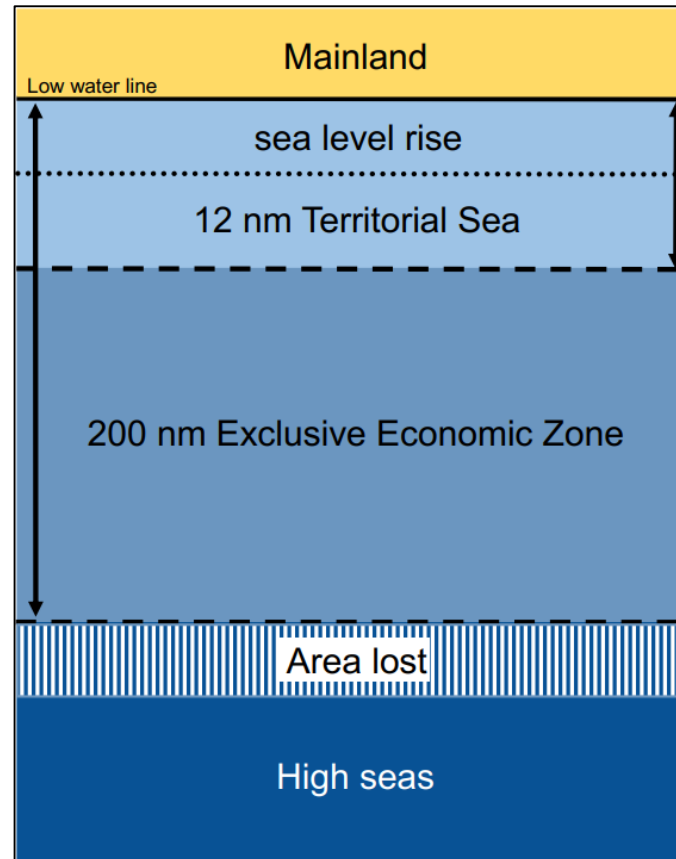
Except where otherwise provided in this Convention, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast (...)



Land Reclamation Activities and the Law of the Sea (1)



Source: Own depiction



Land Reclamation Activities and the Law of the Sea (2)

- Art. 11 UNCLOS:

For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of the harbour system are regarded as forming part of the coast (...)



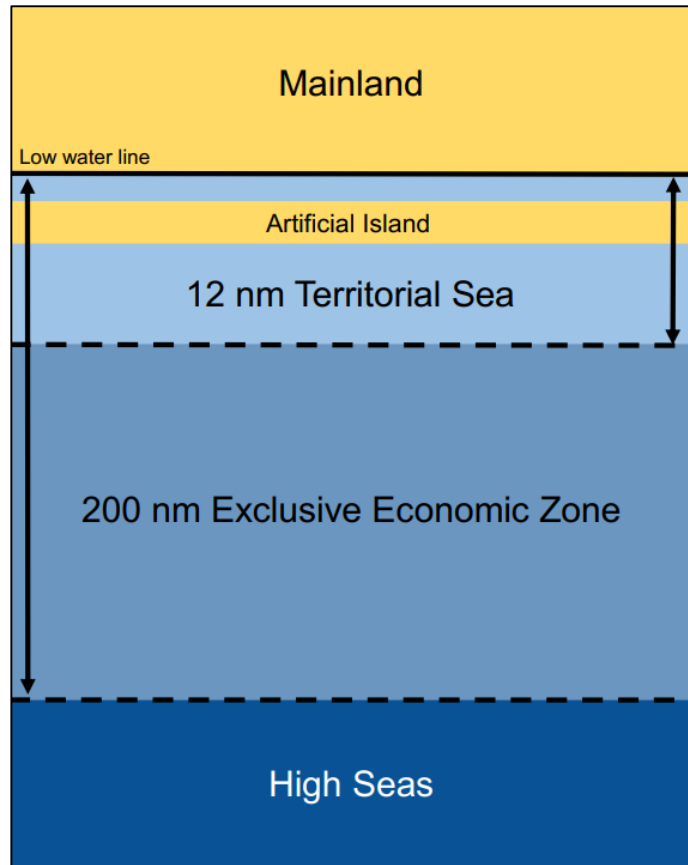
Land Reclamation Activities and the Law of the Sea (3)

- **Art. 60 (8) UNCLOS:**

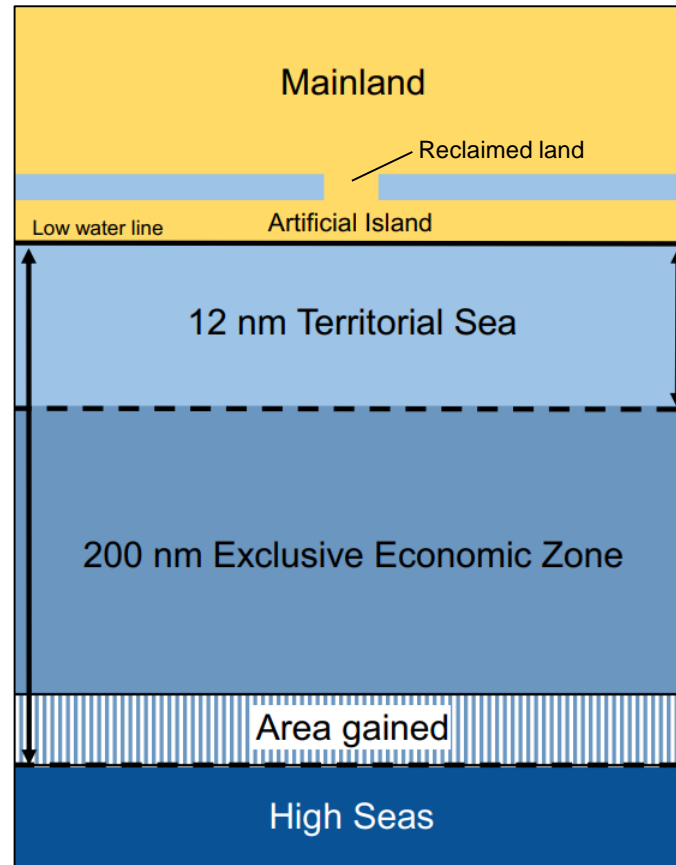
Artificial islands, installations and structures (...) have no territorial sea of their own, and their presence does not affect the delimitation of the territorial sea, the eez or the continental shelf



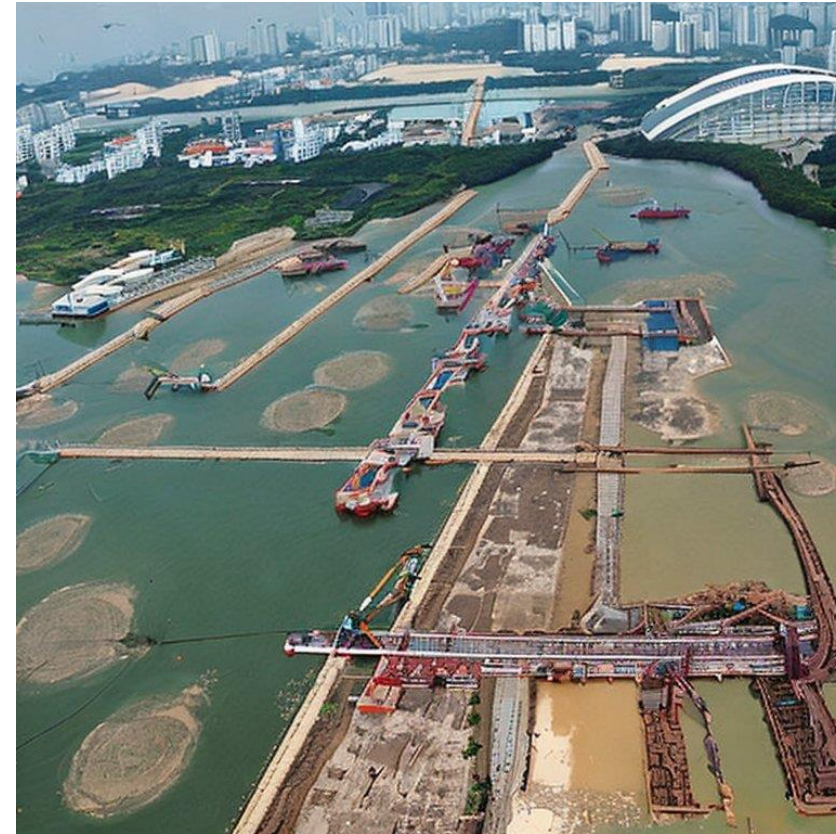
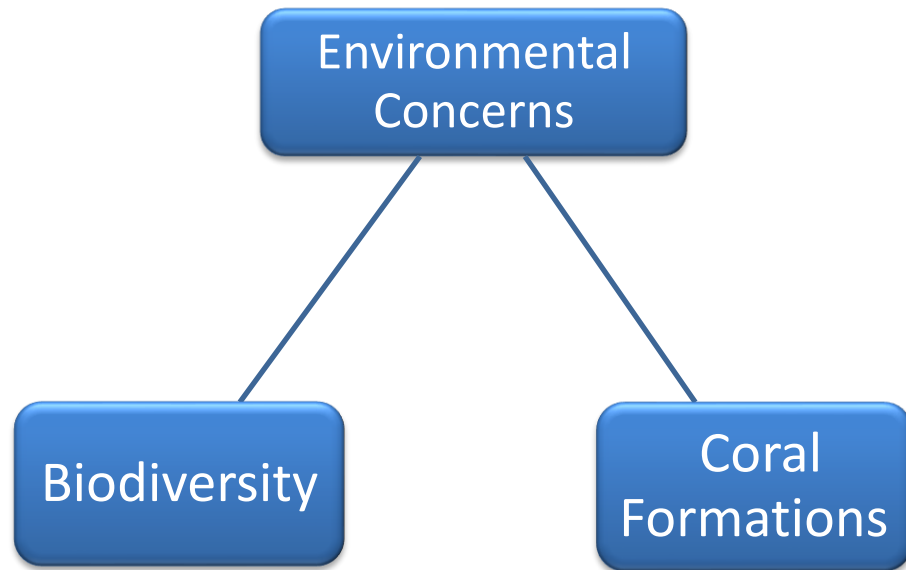
Land Reclamation Activities and the Law of the Sea (4)



Source: Own depiction

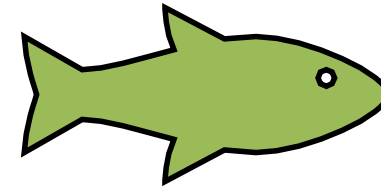
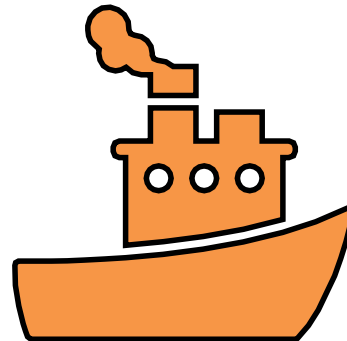
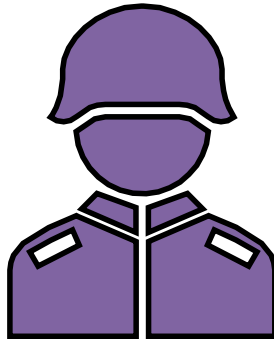
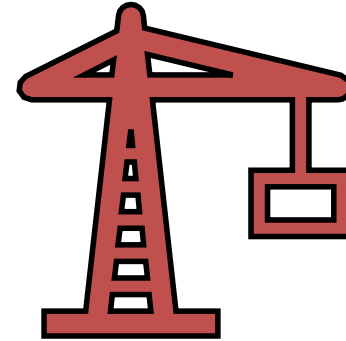


Land Reclamation Activities and the Environment



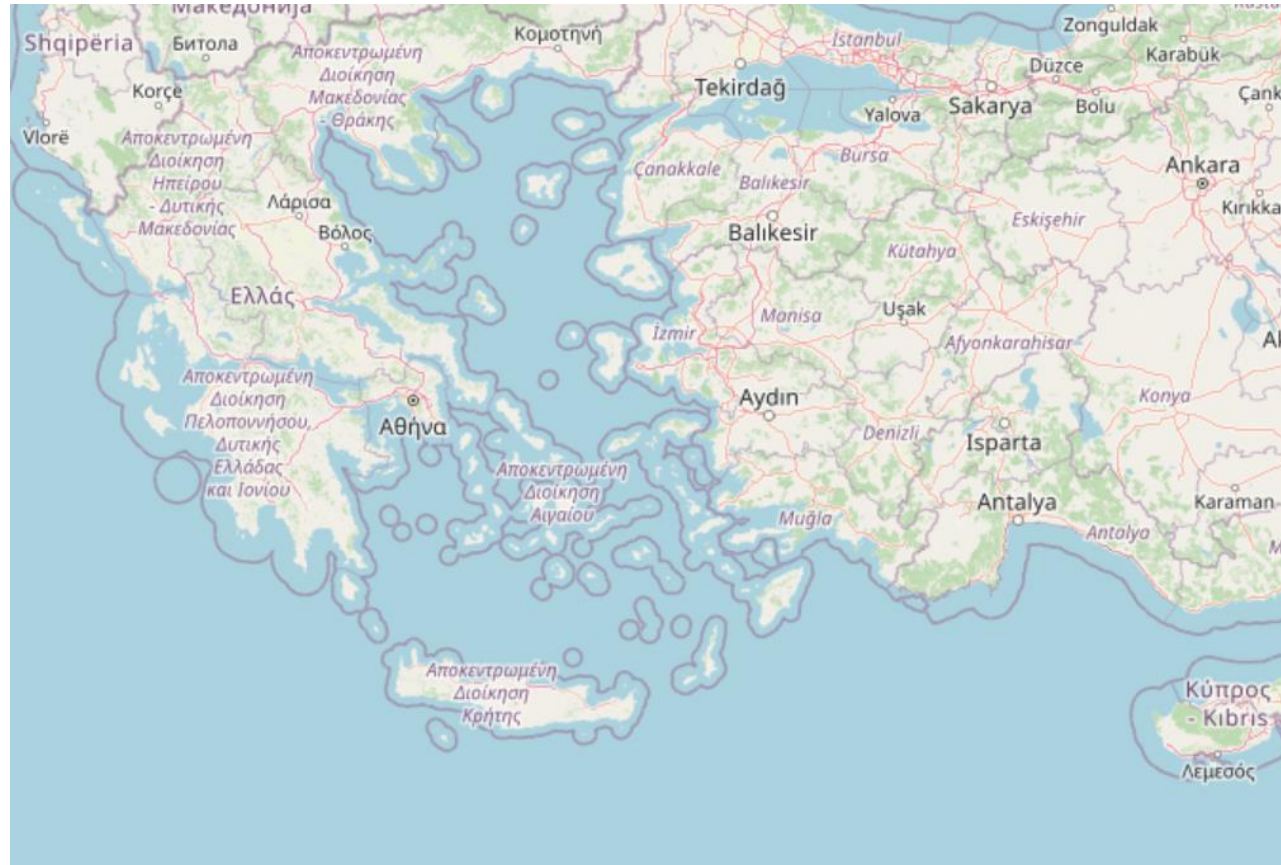
Source: AI Generated through Stable Diffusion, <https://huggingface.co/spaces/stabilityai/stable-diffusion>

Security issues



Issues of shifting maritime boundaries and maritime zones (1)

- **Aegean Sea Continental Shelf (Greece v. Turkey), 1978**



Source: <https://openstreetmap.org/>

Issues of shifting maritime boundaries and maritime zones (2)

- **Bay of Bengal Maritime Boundary Arbitration between Bangladesh and India (Bangladesh v. India), 2014**

“Maritime boundaries must be stable and definitive to ensure a peaceful relationship”

- **International Law Commission, Study Group on Sea Level Rise in Relation to International Law, 2020**

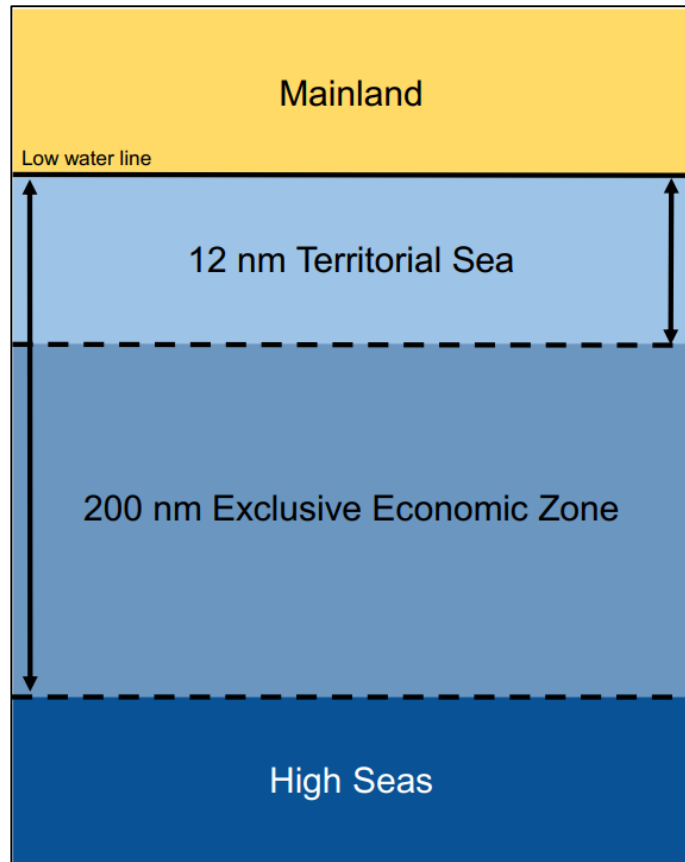
“Legal stability, security, certainty and predictability”

- **UNCLOS Preamble**

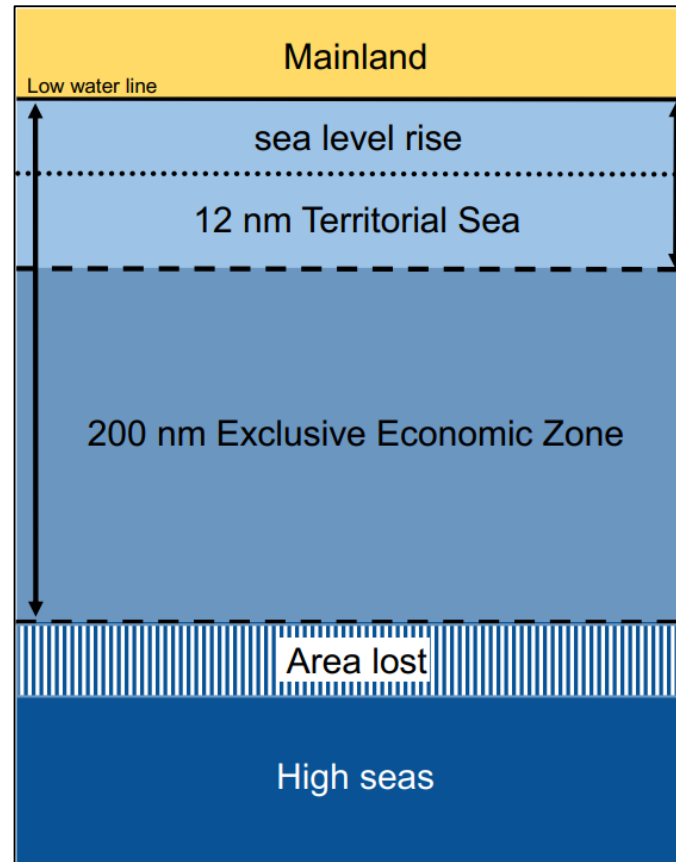
“Strengthening of peace, security, cooperation and friendly relations between all nations”



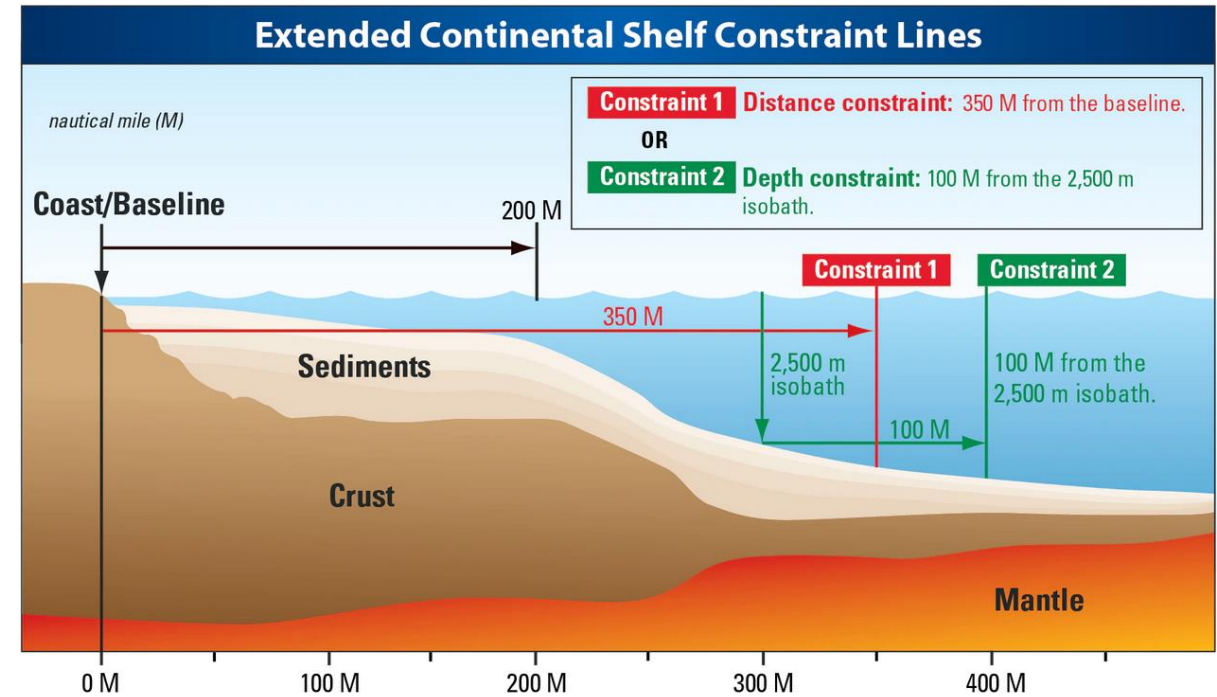
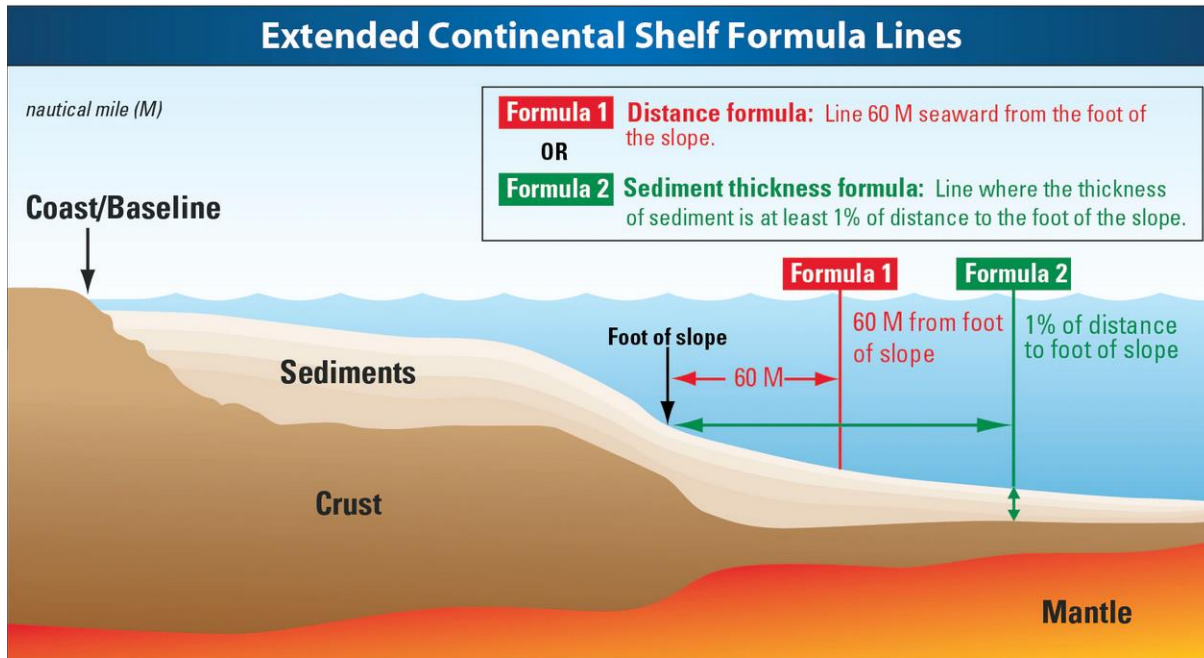
Security issues related to sea level rise (1)



Source: Own depiction

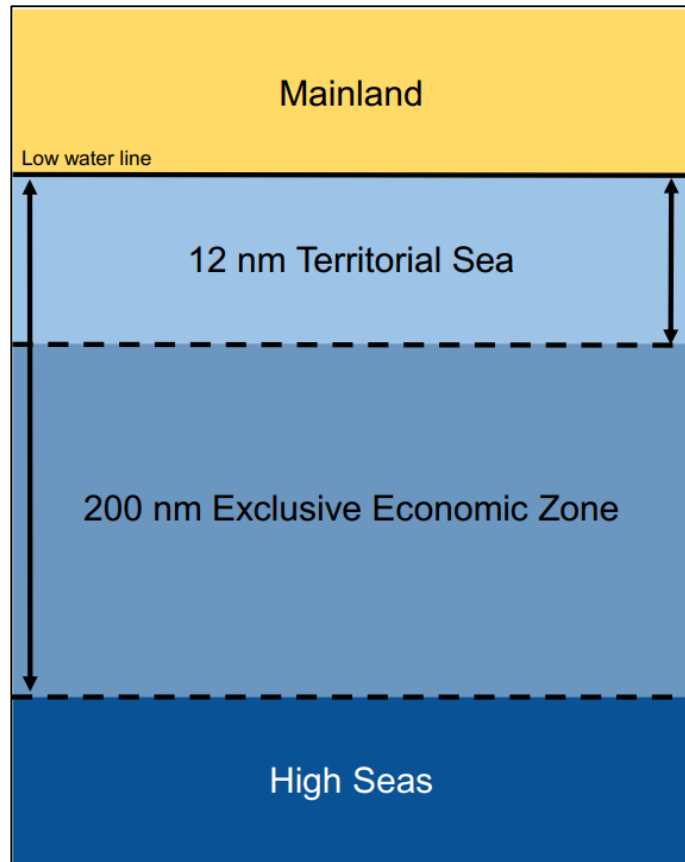


Security issues related to sea level rise (2)

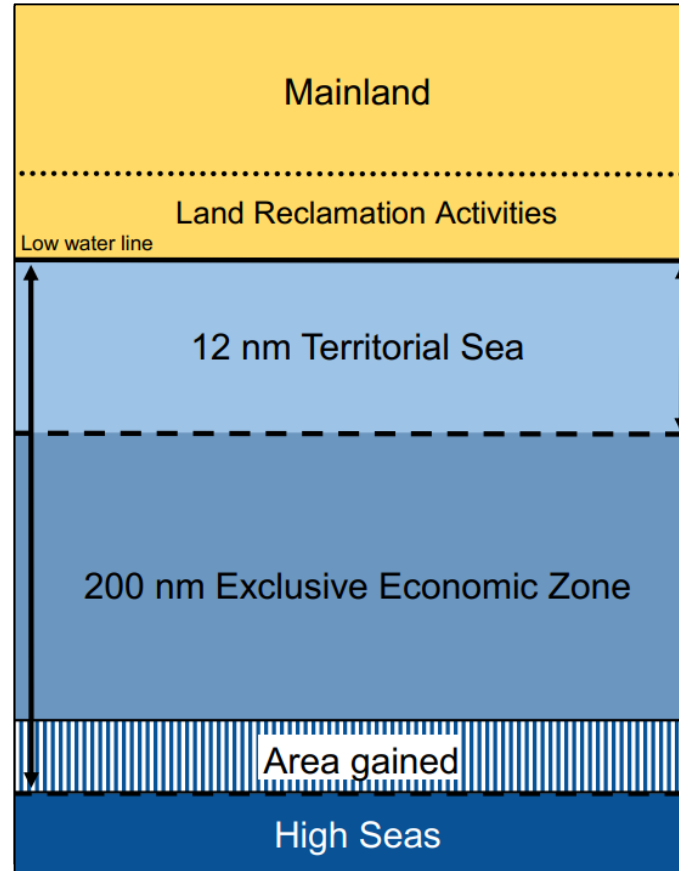


Source: <https://www.state.gov/about-the-u-s-extended-continental-shelf-project/>

Security issues related to land reclamation (1)

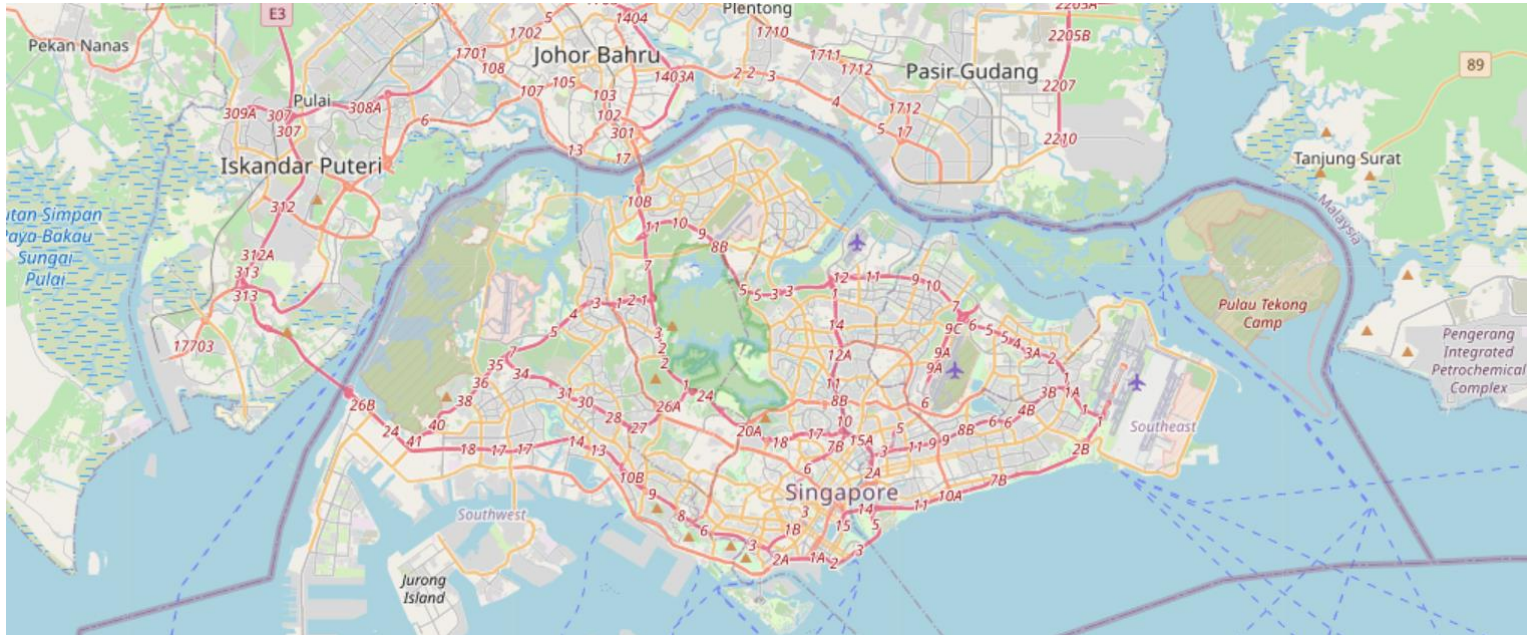


Source: Own depiction



Security issues related to land reclamation (2)

- **Case Concerning Land Reclamation by Singapore In and Around the Strait of Johor**



Source: www.openstreetmap.org

Sources (selection)

- International Law Association, Sofia Conference 2012, Baselines under the International Law of the Sea
- Carelton, Problems Relating to Non-Natural and Man-Made Basepoints under UNCLOS
- International Law Commission, Sea-level rise in relation to international law – First issues paper by Bogdan Aurescu and Nilüfer Oral, A/CN.4/740
- Lusthaus, Shifting Sands: Sea Level Rise, Maritime Boundaries and Inter-state Conflict
- Fakhro, Land Reclamation in the Arabian Gulf: Security, Environment and Legal Issues
- Martin-Antón et al., Review of Coastal Land Reclamation Situation in the World
- Mossop, The Relationship Between the Continental Shelf Regime and a New International Instrument for Protecting Marine Biodiversity in Areas Beyond National Jurisdiction

International Adjudication

- Aegean Sea Continental Shelf Case (Greece v. Turkey), ICJ, judgement of 19 December 1978
- Case Concerning Land Reclamation by Singapore in and around the Straits of Johor (Malaysia v. Singapore), PCA, decision of 1 September 2005
- Bay of Bengal Maritime Boundary Arbitration (Bangladesh v. India), award of 7 July 2014



Thank you for your attention

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