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ABSTRACT

Title: A New Conceptualization of Delimitation

Equity as a legal concept is an emanation of the idea of justice as enshrined in UNCLOS. The obligation to find an equitable solution in continental shelf disputes is a fundamental norm of the law of delimitation. The ICJ and various arbitral tribunals have edified a *corpus iure* of normative equitable criteria and methods of the law of delimitation for continental shelves within 200 NM. The underlying reasoning in the delimitation case law is based on the legal conception that delimitation is linked to title which implies that the applicable criteria and methods to find an equitable solution must be consistent with the basis of the title to the continental shelf. The title to the continental shelf within 200 NM is based on mere geographical elements and the equitable criteria and methods to find an equitable solution have been based on geographical features. By contrast the title to the shelf beyond 200 NM is founded on geological and geomorphologic features and this fact will accordingly influence the criteria and methods in the obligation to determine an equitable solution in that area. Consequently the question arises to what extent the case law in delimitations within 200 NM will be relevant in outer continental margin delimitations.

This article seeks prospectively to establish the perceptual conception of normative equitable criteria and methods in outer continental margin delimitations. In conclusion it is held that the obligation to find an equitable solution in outer continental margin delimitations will be ruled and governed by new principles and methods.