

## TAKING STOCK BEFORE ITLOS TAKES OFF: MARITIME DELIMITATION PRINCIPLES AND TRENDS EMERGING FROM CURIAL SETTLEMENT (1969-2010)

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### Abstract

Now that the International Tribunal for the Law of the Sea (ITLOS) will have an opportunity to adjudicate its first maritime boundary delimitation case arising from the Bay of Bengal dispute between Bangladesh and Myanmar, it is useful to take stock and review the principles and trends that have emerged from the 15 or so leading cases on maritime boundary delimitation. A *jurisprudence constante* appears to have developed between *North Sea Continental Shelf* in 1969 and *Maritime Delimitation in the Black Sea (Romania v. Ukraine)* in 2009. The majority of cases have been decided by the International Court of Justice, while a handful was adjudicated by *ad hoc* tribunals. A number of these decisions have been influenced by the UN Convention on the Law of the Sea and key principles and concepts embodied in it, insofar as they were formally applicable. What can we learn from these various decisions? How have international courts and tribunals dealt with each other's decisions in maritime boundary disputes? What will ITLOS' approach be in the light of these precedents? Will it be self-asserting or deferential? How will this affect the fabric of the adjudication of maritime boundary disputes? Among the jurisprudential trends to be discussed are delimitation methodology, the practice of drawing a "single" all-purpose delimitation line, the sectoral approach in delimiting overlapping maritime zones, the issue of geographical configuration, the treatment given to islands and to oil wells and concessions, and the treatment of areas situated beyond the 200 nautical mile limit.