

## **ENFORCEMENT ACTION IN CONTESTED WATERS: THE LEGAL REGIME**

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Law enforcement is undoubtedly one of the sovereign powers of the State within its territory. In the same way, a State has exclusive enforcement powers within its maritime zones (exclusive economic zone and continental shelf). In the case of undelimited maritime boundaries, however, there could be two states claiming exclusive powers of enforcement. How is this situation to be dealt with?

The presentation proposes to provide a set of criteria, drawn from the applicable rules of international law, primarily the 1982 United Nations Convention on the law of the Sea, and from relevant decisions of international judges (ICJ, ITLOS, Arbitral Tribunals) for assessing whether a State may exercise enforcement action and determining how this action has to take place. The presentation will also provide indications as to the consequences of action not conforming to these rules, both at the level of State responsibility and of the admissibility of claims relating to the violation of rules on law enforcement before international tribunals.

Issues addressed will include:

- the procedural requirement posed by Arts. 74(3) and 83(3) UNCLOS;
- the distinction between enforcement activities and use of force in violation of international law, in the light of international treaties and decisions by international judges;
- issues of State responsibility arising out of the violation of rules applicable to law enforcement;
- claims for compensation for unlawful action.