Sea-Level Rise and Ambulating Maritime Zones: An Analysis of the Legal Implications for Coastal and Island States

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Satellite Observation of Sea-level Rise:

[Graph showing sea height variation over time from 1995 to 2015]

Source: climate.nasa.gov
Mozambique

• Sea walls
Maldives

- Lagoon Dredging
Why is Sea Level Rise Significant?

• Baselines are rising on Island and Coastal states;
• Baselines of a coast/island are measured from the low water mark; and
• This baseline is important for measuring the territorial sea, contiguous zone, EEZ and continental shelf.
Consequences of Sea-level Rise

• Economic consequences;
• Loss of maritime territory;
• Loss of statehood for island nations; and
• Litigation between states over uncertainty surrounding maritime boundaries.
1. Straight Baselines

- Article 7(2) provides for a means to permanently fix baselines when a coastline is highly unstable.
- Straight baselines remain effective until changed by the coastal state in accordance with UNCLOS.
- The provision is reserved for nations where an unstable delta is present.
2. Historical Title

• Proposes that states claim maritime baselines based on historical title.

• Previous conventions did not provide for claiming water based on historical title.

• Maritime nations do not take lightly to maritime claims in excess of what is fair.
3. Ambulatory Baselines

• Focuses on maintaining ambulatory boundaries.

• Requires ratification of UNCLOS & publication of baselines under UNCLOS.
4. Fixing Baselines

• There are three main ways to fix baselines:
  1. Amendment of UNCLOS;
  2. Agreement to supplement UNCLOS; and
  3. Bilateral treaties between states.
Conclusion

• Fixing Baselines by way of an amendment to UNCLOS;

• Interim measures:
  - Bilateral treaties; and
  - Physical prevention methods
THANK YOU