

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

MLA CONFERENCE

02 SEPTEMBER 2017

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Satellite Observation of Sea-level Rise:



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
