

Contribution to the report of the Secretary-General
on oceans and the law of the sea

Judicial work

1. In the Dispute Concerning Delimitation of the Maritime Boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean (Ghana/Côte d'Ivoire) (Case No. 23), the Special Chamber of the International Tribunal for the Law of the Sea formed to deal with this dispute ("the Special Chamber") delivered its Judgment on 23 September 2017. In The M/V "Norstar" Case (Panama v. Italy) (Case No. 25), the International Tribunal for the Law of the Sea ("the Tribunal"), by Order of 15 November 2017, authorized the submission of a reply by Panama and a rejoinder by Italy and fixed the time-limits for the submission of those pleadings. As of 1 June 2018, Case No. 25 remains pending before the Tribunal and oral proceedings in this case are planned for September 2018.

2. Case No. 23. The dispute between Ghana and Côte d'Ivoire was submitted to the Tribunal by notification of a special agreement concluded on 3 December 2014. At the request of the Parties, the Tribunal formed the Special Chamber under article 15, paragraph 2, of its Statute. By Order of 25 April 2015, the Special Chamber prescribed provisional measures under article 290, paragraph 1, of the United Nations Convention on the Law of the Sea ("the Convention"), following a request filed by Côte d'Ivoire on 27 February 2015. In its Judgment of 23 September 2017, the Special Chamber delimited the maritime boundary between the two Parties in the territorial sea, the exclusive economic zone and the continental shelf, including the continental shelf beyond 200 nautical miles. The Special Chamber first determined that, contrary to Ghana's contention, there was no tacit agreement on the course of the maritime boundary. It then decided to effect the delimitation by applying the equidistance/relevant circumstances methodology, rejecting thereby the arguments put forward by Côte d'Ivoire in favour of the application of the angle bisector methodology. The Special Chamber established a provisional equidistance line and thereafter examined whether relevant circumstances requiring an adjustment of that line existed. It did, however, not find any such circumstances. In particular, the Special Chamber did not consider that the cut-off effect to the detriment of Côte d'Ivoire resulting from the equidistance line was so significant as to require an adjustment of the equidistance line. It neither accepted Côte d'Ivoire's arguments based on the location of maritime mineral resources, in light of the international jurisprudence which favours in principle maritime delimitation based on geographical considerations... Regarding the delimitation of the continental shelf beyond 200 nm, the Special Chamber applied the same delimitation methodology as within 200 nm. The Special Chamber did not find any significant disproportion in the allocation of maritime areas to the Parties relative to the respective lengths of their relevant coasts. After having delimited the maritime boundary between the Parties, the Special Chamber had to deal with Côte d'Ivoire's claim that the responsibility of Ghana was engaged for alleged violations of the rights of Côte d'Ivoire. The Special Chamber found that it had jurisdiction to decide over this claim, on the basis of forum prorogatum. . On this issue, the Special Chamber came to the conclusion that Ghana's conduct in the disputed part of the continental shelf had neither violated Côte d'Ivoire's sovereign rights nor article 83 of the Convention nor the provisional measures prescribed by the Special Chamber in its Order of 25 April 2015.

