

# MARITIME BOUNDARY DELIMITATION: NEGOTIATION AND BEST PRACTICES

*Regional Aspects of Maritime Boundary  
Delimitation in the Gulf of Guinea: current situation,  
challenges and possible solutions*

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# INTRODUCTION (1)

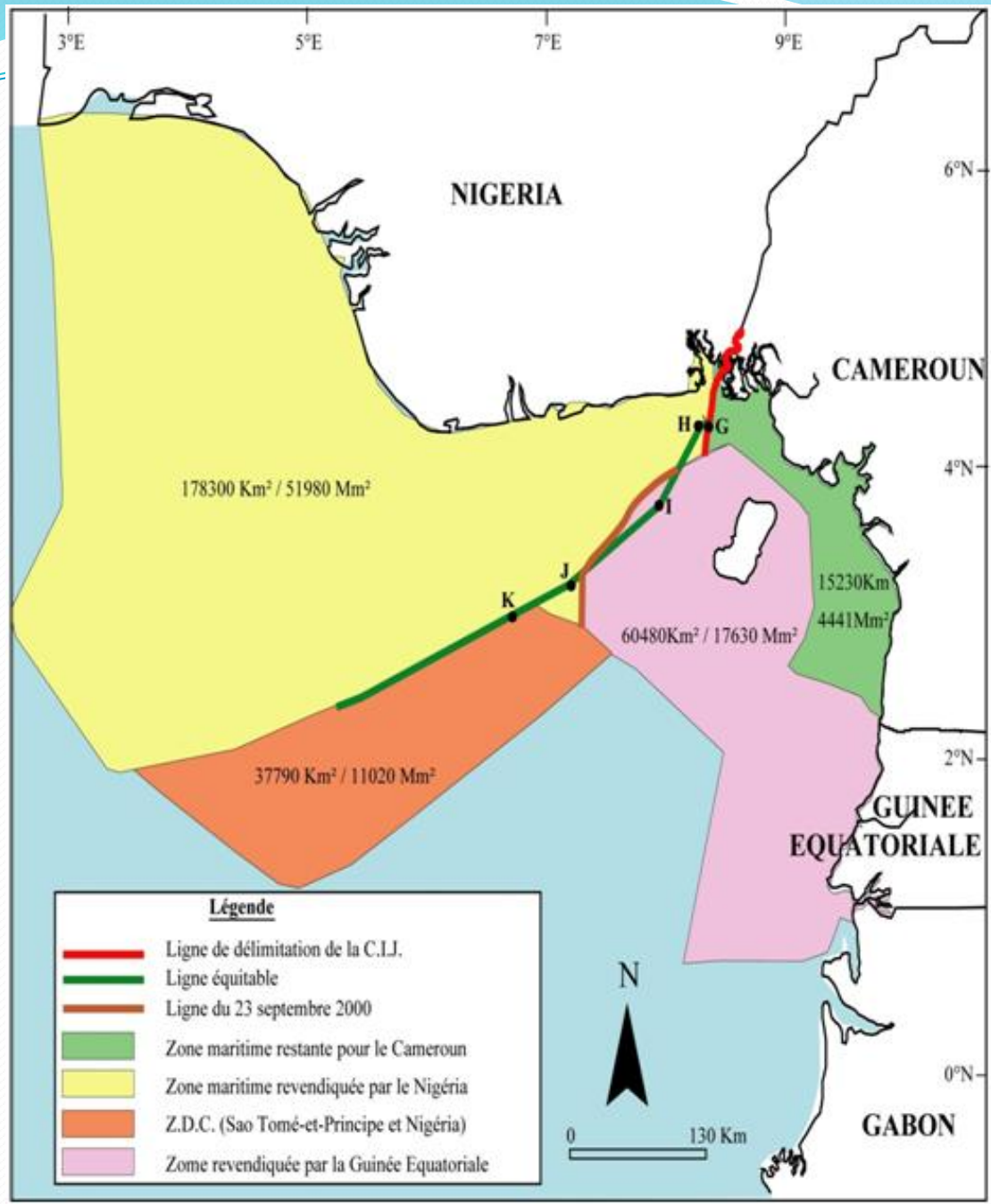
- For the purpose of the following presentation, the Gulf of Guinea, that we may call « the Black Gulf » both for its localisation on the shores of Africa and for its oil, consists of the member States of the Gulf of Guinea Commission (GGC): Angola, Cameroun, Congo, the Democratic Republic of Congo, Equatorial Guinea, Gabon, Nigeria, and Sao Tome and Principe, all of them riparian States to the said Gulf.

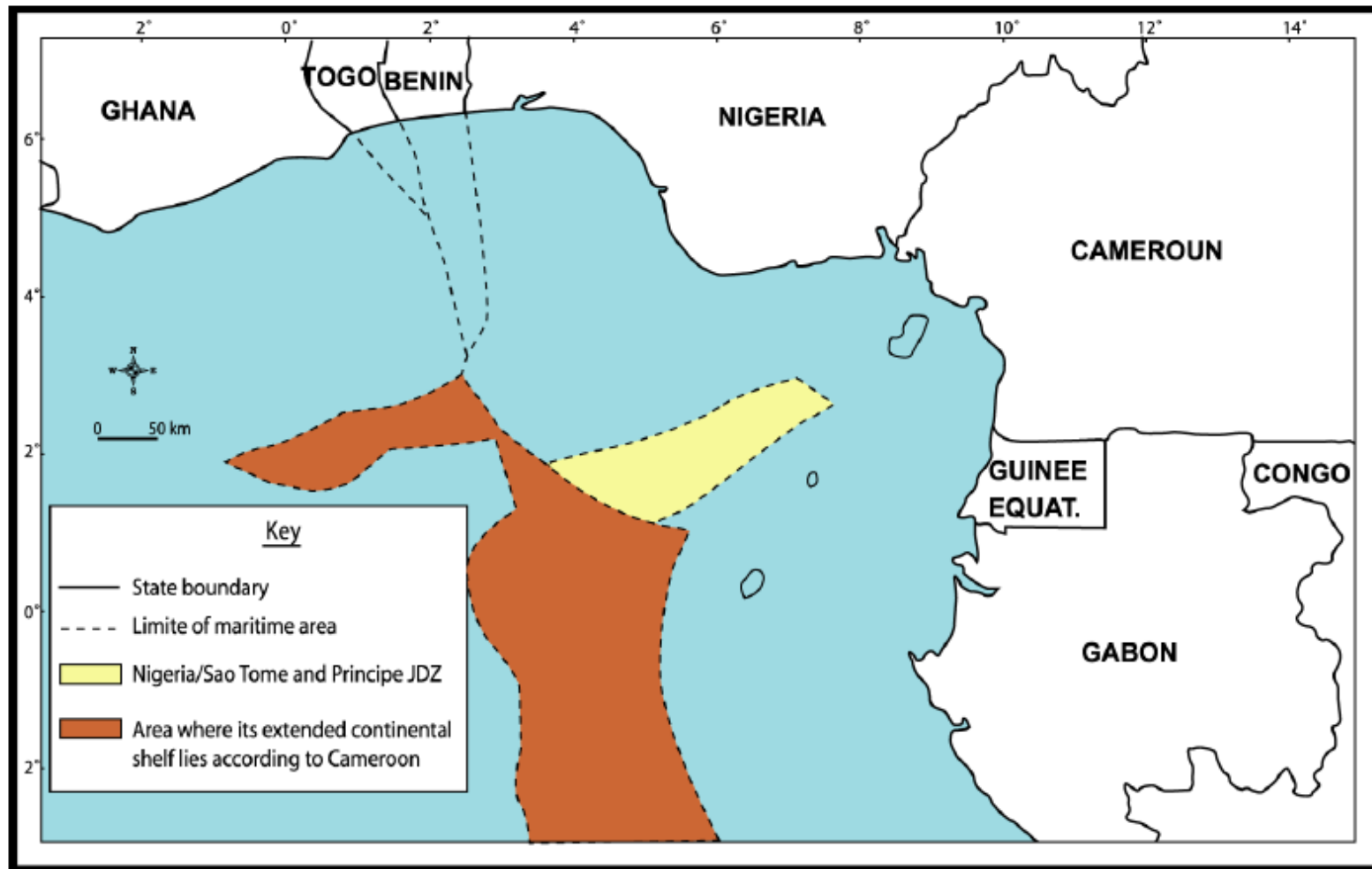


## INTRODUCTION (2)

- Negotiations and best State practice can be analysed either from the point of view of actual State practice, that is what appears best in the regional State practice in matter of maritime delimitation; either from a prospective point of view, that is by considering only what would apply best, be the most efficient and beneficial as a solution for States.
- In accordance with what has just been contemplated above, the following presentation shall be dealt with in two momenta: first, displaying the current situation of maritime delimitation in the Gulf of Guinea and its challenges(I), then discussing State practice derived from it and prospective solutions to the issues at stake (II).







Appendix 19: Map showing the relative positions of the N/STP JDZ and the area where Cameroon claims an Extended Continental Shelf

(Source: made by the author from previous documents, using geomatics)



# I- MARITIME DELIMITATION IN THE GULF OF GUINEA: CURRENT SITUATION AND CHALLENGES

- THE BAKASSI PENINSULA CRISIS (1993-2002) AND THE SPEEDING UP OF MARITIME DELIMITATION IN THE GULF OF GUINEA  
  
NEGOTIATIONS HAD BEEN SCARCE UNTILL 1993 IN THE MARITIME DELIMITATION PROCESS IN THE GULF OF GUINEA, BEFORE THE BREAK OUT OF THE BAKASSI PENINSULA CRISIS IN 1994.
- SUBSTANTIVE MARITIME BOUNDARY DELIMITATION ACHIEVED THROUGH BILATERAL NEGOTIATIONS
  - EQUATORIAL GUINEA AND NIGERIA: 23 SEPTEMBER 2000 PARTIAL MARITIME DELIMITATION TREATY
  - SAO TOME AND PRINCIPE AND GABON: THE 26 APRIL 2001 AGREEMENT ON THE DELIMITATION OF THE MARITIME BORDER
- THE JOINT DEVELOPMENT ZONE AGREEMENT OF 21 FEB 2001: 10 YEARS OF COOPERATION ALREADY, BASED ON NEGOTIATIONS AND PARAGRAPH 3 OF UNCLOS' ARTICLES 74 AND 83
- THE ICJ 10 OCTOBER 2002 JUDGEMENT IN THE LAND AND MARITIME DELIMITATION (CAMEROON V. NIGERIA): A PARTIAL MARITIME BOUNDARY DELIMITATION THROUGH LITIGATION
- AN EXAMPLE OF UNITIZATION ACCESSORY TO MARITIME DELIMITATION: THE NIGERIA EQUATORIAL GUINEA 2003 AGREEMENT
- ANGOLA AND DR-C INTERIM ARRANGEMENT
- THE REMAINING MARITIME DELIMITATION
  - CAMEROUN , NIGERIA, EQUATORIAL GUINEA AND SAO TOME AND PRINCIPE
  - GABON AND EQUATORIAL GUINEA
  - CONGO AND ITS NEIGHBORS
  - ANGOLA AND DR CONGO
  - THE CONTINENTAL SHELF OR RATHER, THE EXTENDED CONTINENTAL SHELF

# II MARITIME DELIMITATION IN THE GULF OF GUINEA: STATE PRACTICE AND PROSPECTIVE SOLUTION

- A As from a factual point of view concerning the territorial sea and the EEZ
  - Using bilateral negotiations
  - Combining mediation and litigation
  - Provisional arrangements
- B As from a prospective view point concerning the continental shelf
  - Regional framework agreement with assistance from a third party
  - Provisional arrangements

# CONCLUSION (1)

- From a factual point of view, and as far as territorial sea and EEZ are concerned , State practice in the Gulf of Guinea shows that:
  - a) bilateral negotiations ,
  - b) combining mediation with litigation, as well as
  - c) interim arrangements pending maritime delimitation have been very efficient in helping to achieve maritime delimitation, or as a preparatory phase for it. They me be considered as best actual regional State practice in this matter in the Gulf of Guinea.

## CONCLUSION (2)

- From a prospective point of view and as far as the continental shelf is concerned, the best practice, that entails negotiations, would consist in:
  - a) The framing of a regional framework agreement, if necessary with assistance from a third party; especially for the delimitation of the geopolitically complex area where Cameroon, Equatorial Guinea, Nigeria and Sao Tome and Principe claim jurisdiction; otherwise, the GGC missions might be upgraded to include such a concern for all its member States;
  - b) Interim arrangements, should there be a vital need for exploitation of resources in the claimed or disputed area.