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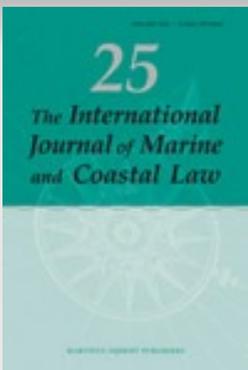
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Territorial Sovereignty Issues in Maritime Disputes: A Jurisdictional Dilemma Tribunals



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Abstract

Abstract It is unclear whether Law of the Sea tribunals under the Law of the Sea Convention (LOSC, or the Convention) determine maritime boundary disputes involving concurrent land sovereignty issues. The text of the Convention is silent on this respect. The only reference is in LOSC Article 298(1)(a)(i), which allows States to make declarations exempting themselves from compulsory dispute settlement, excluding concurrent territorial questions even from conciliation. However, concurrent land sovereignty issues are also excluded in the absence of such declarations. There are indications that tribunals are able to decide ancillary land issues so long as these do not constitute the 'very subject-matter' of the dispute, or the jurisdictional basis. The question of competence over mixed disputes may be less extensive in effect than is commonly understood. To avoid initiating proceedings based on the view that LOS tribunals might not ultimately exercise jurisdiction.

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