

# **FUGRO + CMS**

## LOS CONSULTANCY SERVICES; LEGAL AND SCIENTIFIC

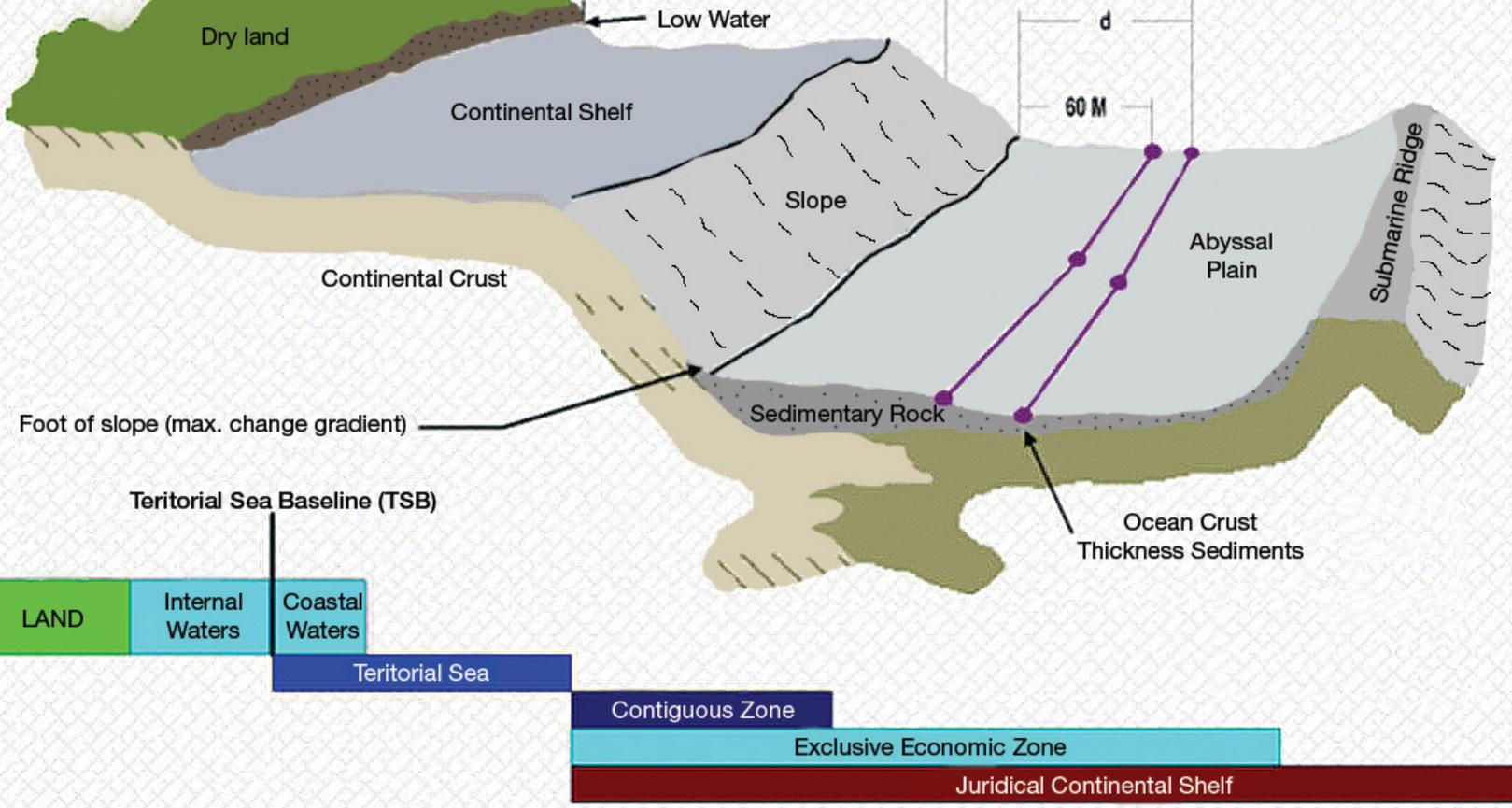
### **Law of the Sea and maritime boundaries: merging law and science**

#### **BOUNDARIES AND INVESTMENT RISK**

Fewer than half of the 512 or so potential maritime boundaries in the world have been agreed, creating uncertainty. The complex process of agreeing and fixing boundaries or making provisional arrangements can be time-consuming and expensive but once agreed can significantly contribute to the economic wealth of the affected countries. Disputes over maritime boundaries, some involving lakes as opposed to seas, regularly

flare up around the world and sometimes result in armed skirmishes. Lake Countries (at present nine major lakes in Africa have oil and gas blocks issued and/or being issued) and Coastal States with competing claims to maritime areas routinely grant oil and gas concessions in disputed waters without the investors being fully aware of the underlying inter-State dispute. Indeed, maritime boundary disputes form a misunderstood and frequently overlooked area of investment risk management in the energy sector.

The creation of maritime boundaries involves the use of geology, oceanography, technology, money, law, history, politics and diplomacy. The modern Law of the Sea (LOS), as codified in the 1982 United Nations Convention on the Law of the Sea (UNCLOS), and the determination of maritime boundaries and related matters of interest to more than 160 Coastal States and the energy, mining, fishing and telecommunications industries involve a mixture of law, science and diplomacy. This calls for a multi-disciplinary approach.



## OFFERING NEUTRAL LEGAL-SCIENTIFIC SOLUTIONS

Through their cooperative arrangement, Fugro and leading energy law firm CMS offer separate complementary expertise for tackling the most complicated scientific and legal issues arising in this context.

UNCLOS, which entered into force in 1994 and has been ratified by over 165 States, is not just a set of principles but establishes legally binding obligations for each party. Coastal States having ratified UNCLOS have the right to claim all juridical and natural resource rights to the water and ocean floor up to 200 nautical miles from their coastline and in exceptional cases even beyond that distance. In certain geographical settings, the rights set forth in UNCLOS can result in overlapping claims and boundary disputes which the disputing States are under a legal obligation to resolve in accordance with international law.

Fugro's Robert van de Poll and CMS's Pieter Bekker enjoy a joint affiliation through their membership of the faculty of the internationally renowned Centre for Energy, Petroleum and Mineral Law and Policy

(CEPMLP) at the University of Dundee (UK), bringing together scientific and legal expertise regarding the Law of the Sea. They lead the Dundee Ocean and Lake Frontiers Institute and Neutrals (DOLFIN), a research and know-how platform that brings together different disciplines dealing with maritime boundaries.

## SCIENTIFIC EXPERTISE RELATING TO LOS ISSUES

Fugro LOS Services and Survey offers the following services:

- Customized Law of the Sea Seminars, Workshops and hands-on Training Courses focusing on the scientific aspects of UNCLOS
- Law of the Sea Applications covering the Exclusive Economic Zone (EEZ) as;
  - Territorial Sea Baseline Studies,
  - Legal Maritime Limits,
  - Maritime Boundaries (resolved and/or unresolved)
  - UNCLOS Article 76 Extended Continental Shelf (ECS) Applications
- Airborne LiDAR Bathymetry (ALB), Satellite Derived Bathymetry (SDB) used for Territorial Sea Baseline Model

determination (for Legal Limits and Maritime Boundary resolution)

- Deepwater Bathymetric Multibeam and/or Single Beam Surveys (ECS applications)
- Seismic Surveys (ECS applications) and deep water Resource Assessments
- Marine Gravity, Magnetics, and Core Sampling for Evidence to the Contrary

To date, Fugro Law of the Sea specialists have worked on projects in over 125 Coastal and Lake States. This covers approximately 90 per cent of the approximately 75 ECS Submissions made to date under UNCLOS.

Over 1,000 LOS projects; workshops and training sessions have been delivered by Fugro; government Territorial Sea Baseline Review studies have been completed; and Maritime Boundary projects have been undertaken. In addition, the Fugro Law of the Sea Team has been responsible for executing and managing Oil & Gas risk assessment studies, coastal states' desktop studies, 55 Law of the Sea specific surveys (bathymetry, seismics, gravity + magnetics, and geochem coring)The Fugro Law of the Sea Database is a compilation of all available relevant data acquired since 1999 from both public and proprietary sources.

This Global LOS Database is unique, and no other database currently offers such a complete and comprehensive selection of Law of the Sea specific information.

The Fugro Law of the Sea Manager, Mr. Robert van de Poll, has personally trained and worked with many of the Commissioners serving on the Commission on the Limits of the Continental Shelf (CLCS), which is charged with reviewing all countries' ECS claims being submitted under UNCLOS. Mr. Van de Poll serves as an Honorary Lecturer on the Global Faculty of the Centre for Energy, Petroleum and Mineral Law and Policy (CEPMLP) at the University of Dundee, UK ([www.cepmlp.org](http://www.cepmlp.org)). With 20+ years of direct Law of the Sea experience, Fugro is positioned to address and handle all aspects of any Coastal State's Law of the Sea requirements.

## LEGAL EXPERTISE RELATING TO LOS ISSUES

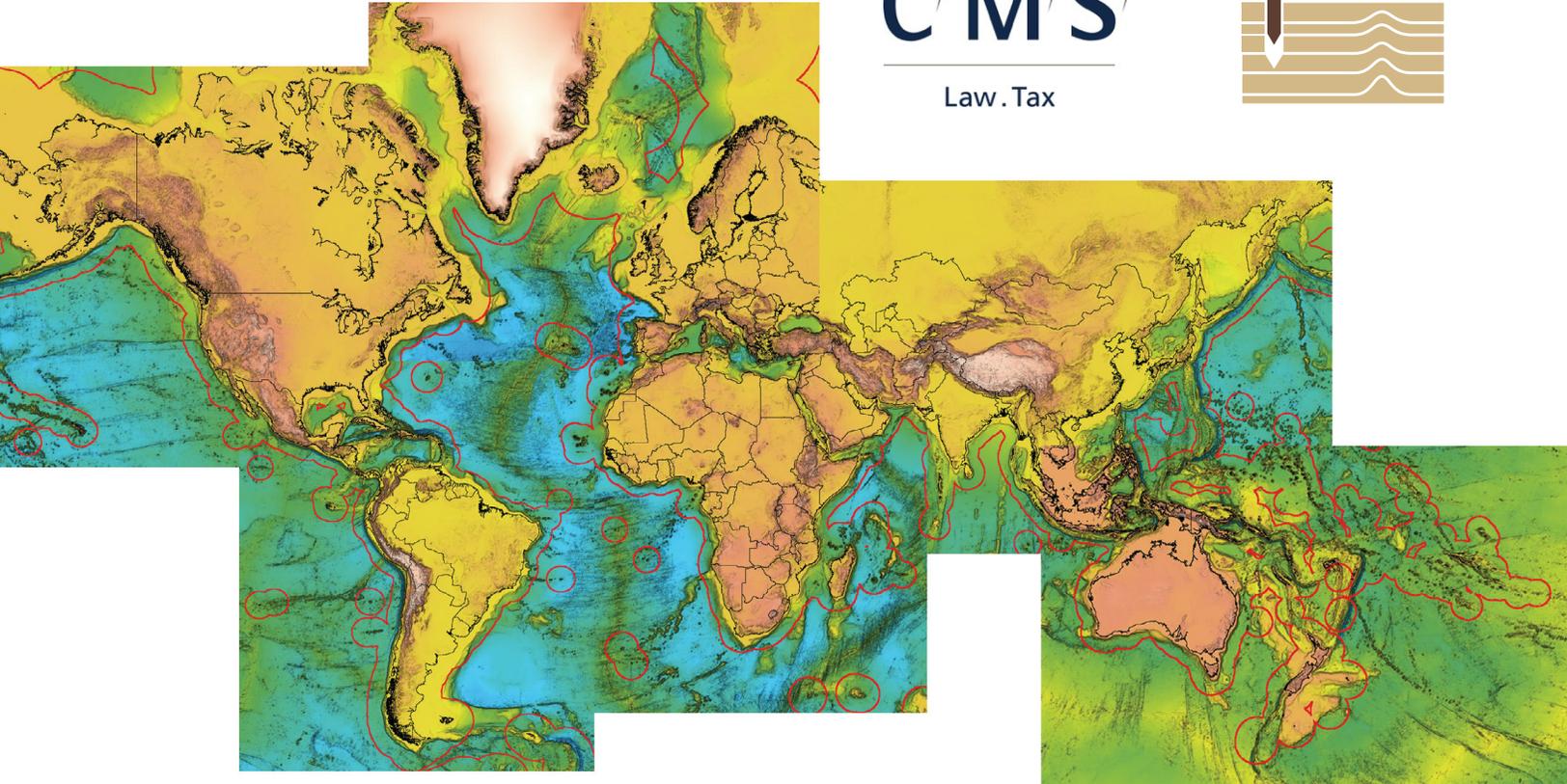
UNCLOS governs all legal questions relating to sovereignty and sovereign rights within the various maritime zones and the seabed, including: fishing rights; mineral rights; navigation rights; and limits of maritime jurisdiction. Customary international law also applies to many of these questions and is particularly relevant to issues involving countries which have signed but not yet ratified UNCLOS. The legal analysis of maritime boundary disputes depends on the maritime zone that is the subject of the dispute.

Professor Pieter Bekker of CMS's public international law team holds the Chair in International Law at the Centre for Energy, Petroleum and Mineral Law and Policy (CEPMLP), University of Dundee, UK ([www.cepmlp.org](http://www.cepmlp.org)), where he teaches on the law of the sea and dispute resolution. He was involved in several maritime delimitation cases while working as a staff lawyer for the International Court of Justice (ICJ), the world's preeminent body for adjudicating

maritime boundary disputes, earlier in his career and he has appeared before the International Tribunal for the Law of the Sea in Hamburg, Germany. He has served as counsel or advisor to clients in connection with various cases featuring law of the sea aspects, including boundary cases.

CMS frequently advises clients on these legal issues, principally companies operating in coastal waters, especially companies engaged in oil or gas exploration and production. According to the [Legal 500](#) directory, "CMS is synonymous with the energy sector," and [Chambers & Partners Global](#) has ranked CMS as "by far the best firm in the energy sector."





**FUGRO GLOBAL LAW OF THE SEA DATABASE**

- Complete Global Coverage for all 162 (Coastal) Countries
- Subdivides world into 8 separate regions, (North America & Caribbean, South America, Europe , Africa, Middle East/ Asia , Oceania, Arctic and Antarctic)
- Populated with public and proprietary data

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