

# The Competence of International Courts and Tribunals to Delimit the Continental Shelf Beyond 200 Nautical Miles

On **31 August 2022**,  
**Wednesday** at  
**4.30pm – 6.00pm**,  
**Singapore time**

### Programme

- 4.30 – 4.35 pm Introduction by **Pem Tshering**
- 4.35 – 5.00 pm Presentation by **Assistant Prof Xuexia Liao**
- 5.00 – 5.10 pm Comments by **Dr. Massimo Lando**
- 5.10 – 5.20 pm Comments by **Dr. Leonardo Bernard**
- 5.20 – 6.00 pm Moderated Discussion led by Pem Tshering

### Join Zoom Meeting

<https://nus-sg.zoom.us/j/81936893827?pwd=enhTc2xvKyt5Njd5MDU3K1p0ZkFDdz09>

Meeting ID: **819 3689 3827** | Passcode: **944981**

The AsianSIL Law of the Sea Interest Group is pleased to invite you to a panel discussion on the recent book ‘*The Continental Shelf Delimitation Beyond 200 Nautical Miles: Towards A Common Approach to Maritime Boundary-Making*’ (Cambridge University Press 2021) by Assistant Professor **Xuexia Liao**, Peking University Law School. Professor Liao will present one of her chapters titled “*The Competence of International Courts and Tribunals to Delimit the Continental Shelf Beyond 200 Nautical Miles*” where she asks the question: are international courts and tribunals competent to delimit the continental shelf beyond 200 nautical miles between coastal States before the States establish the outer limits of the continental shelf under Article 76 of the 1982 UN Convention on the Law of the Sea (UNCLOS)? Starting from the *Bay of Bengal* cases to the *Somalia v. Kenya* case, a certain degree of consistency has been reached in that the judiciary proceeded to delimitation on the basis of the conceptual distinction between delineation and delimitation. This presentation examines the development and confusion in the jurisprudence and discusses under what circumstances international courts and tribunals would be wise to refrain from delimiting the continental shelf beyond 200 nm.

This panel discussion, chaired by **Pem Tshering** (AsianSIL Law of the Sea Interest Group co-convenor) will also feature **Dr. Massimo Lando**, Assistant Professor, City University of Hong Kong School of Law and **Dr. Leonardo Bernard**, Lecturer, Australian National Centre for Ocean Resources and Security (ANCORS), University of Wollongong, who will share their insights on this important issue.



**Xuexia LIAO, Assistant Professor, Peking University Law School** Xuexia LIAO is an Assistant Professor of Peking University Law School. She completed her doctoral studies in international law at Graduate Institute of International and Development Studies, Geneva and was awarded the Diploma of the Hague Academy of International Law (2016). She is the author of *The Continental Shelf Delimitation Beyond 200 Nautical Miles: Towards A Common Approach to Maritime Boundary-Making* (2021, CUP). Her research interests include maritime delimitation, the regime of the continental shelf, and international dispute settlement.



**Dr. Massimo LANDO, Assistant Professor, City University of Hong Kong School of Law** Dr Lando's academic research is in general international law. Before joining CityU School of Law, he was Associate Legal Officer at the International Court of Justice, working in the chambers of Judge Dalveer Bhandari and Judge ad hoc Charles N. Brower (2017–2020). He previously interned at the International Tribunal for the Law of the Sea. Dr Lando completed his PhD at the University of Cambridge, writing a thesis on the establishment of maritime boundaries under international law. Before his PhD, Dr Lando obtained an LLM from the University of Cambridge. He also obtained an LLB from the University of Milan and a GDL from the University of Law. He will be called to the Bar of England and Wales (Gray's Inn). Dr Lando is a Global Fellow at the Centre for International Law of the National University of Singapore. Dr Lando welcomes supervising research students within his areas of research.



**Dr. Leonardo BERNARD, Lecturer, ANCORS, University of Wollongong** Leonardo BERNARD is a Lecturer with the Australian National Centre for Ocean Resources and Security (ANCORS) at the University of Wollongong, Australia. Leo has researched and written extensively on law of the sea issues such as the continental shelf; maritime boundary disputes; rock or island; and on the application of historic rights under international law. Over the last 10 years, his work has been published in peer-reviewed journals including *Asian Journal of International Law*, *Journal of Political Risk* and *Asian Dispute Review*. Leo is the co-author of *Promoting Compliance: The Role of Dispute Settlement and Monitoring Mechanisms in ASEAN Instruments* (Cambridge University Press, 2016); as well as the co-editor for *East China Sea: How to Build Confidence and Promote Cooperation* (Korea Maritime Institute, 2018) and *Beyond Territorial Disputes in the South China Sea: Legal Framework for the Joint Development of Hydrocarbon Resources* (Cheltenham: Edward Elgar, 2013). He has also contributed to edited collections, including a chapter on delimitation of outer continental shelf (co-authored with Professor Clive Schofield) in *New Knowledge and Changing Circumstances in the Law of the Sea*, (Tomas Heidar (ed), Brill Nijhoff, 2020) and a chapter on offshore geographic features (co-authored with Professor Robert Beckman) in *Arbitration Concerning the South China Sea: Philippines versus China*, (Wu Shicun and Zou Keyuan (eds), Ashgate, 2016).



**Ms. Pem TSHERING, Managing Associate, Sidley Austin** Pem Tshering is a Managing Associate in the Global Arbitration, Trade and Advocacy practice group at Sidley Austin. Pem focuses her practice on international dispute resolution and arbitration. She has acted as counsel for claimants, respondents, and as tribunal assistant in commercial and investment treaty arbitrations spanning a wide range of industries, including renewables, pharmaceuticals, defense procurement, energy and natural resources, under the auspices of the ICSID, UNCITRAL, ICC, SIAC, LCIA, and HKIAC rules. With a growing specialism in public international law, Pem has also assisted several international arbitral tribunals in inter-State cases, including territorial and maritime disputes.