

Demarcation Of Maritime Boundary between Bangladesh and Myanmar: Politico-Security and Economic Implications

Dr. Abul Kalam Azad

Associate Professor

Department of International Relations

Jahangirnagar University

Dhaka, Bangladesh

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Map – 1
The Bay of Bengal



Introduction

A background of tension, mistrust and misunderstanding

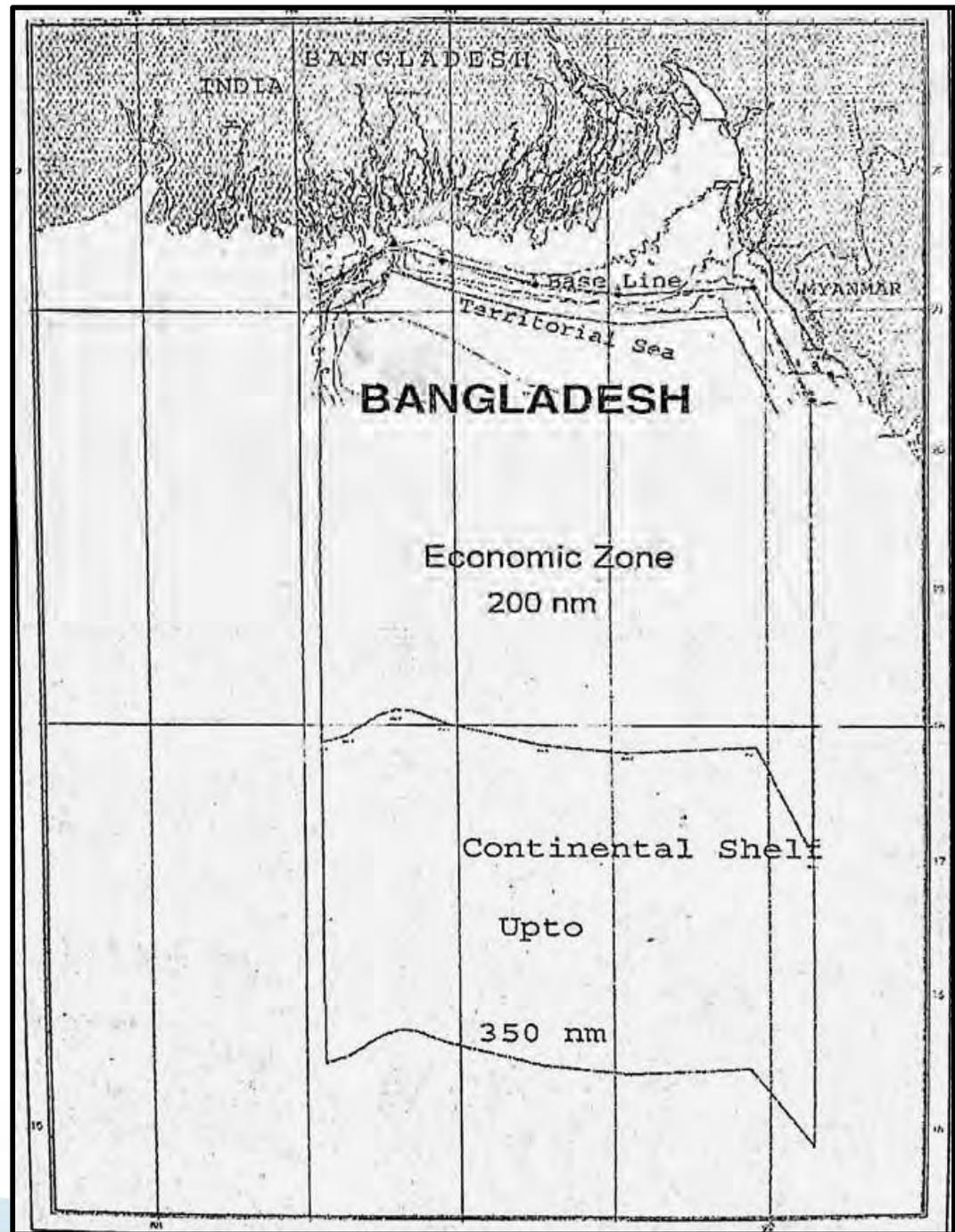
- ▶ Myanmar regime – inward looking political outlook
- ▶ Lack of awareness
- ▶ Taking advantage of Bangladesh's geographical vulnerability
- ▶ Myanmar's stubbornness and reluctance in dealing with bilateral issues
- ▶ Little heed to norms of normal diplomatic practice and international law.
- ▶ Buddhist chauvinism at home

Section I - Maritime Boundary Dispute between Bangladesh and Myanmar : Understanding Its Nature and Content

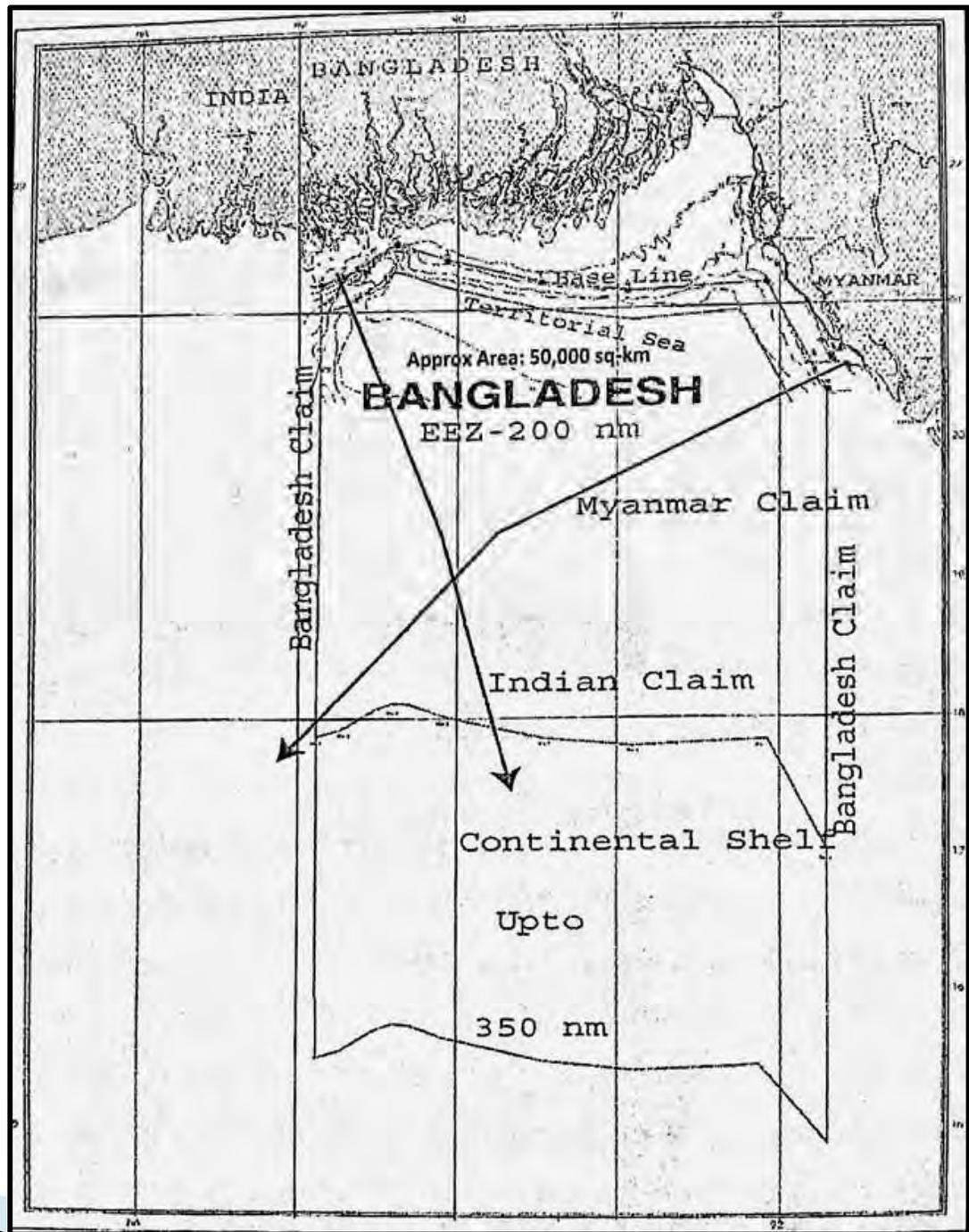
- ▶ Bangladesh's Territorial Waters and Maritime Zone Act of 1974 (10 fathom/60 feet)
- ▶ 10 fathom base line on depth criteria was not accepted internationally.
- ▶ Both India and Myanmar protested against the Act.
- ▶ Principle of equidistance versus principle of equity
- ▶ Bangladesh avoids being 'zone locked'



Map – 2
Geographical Coordinates
of Baseline points



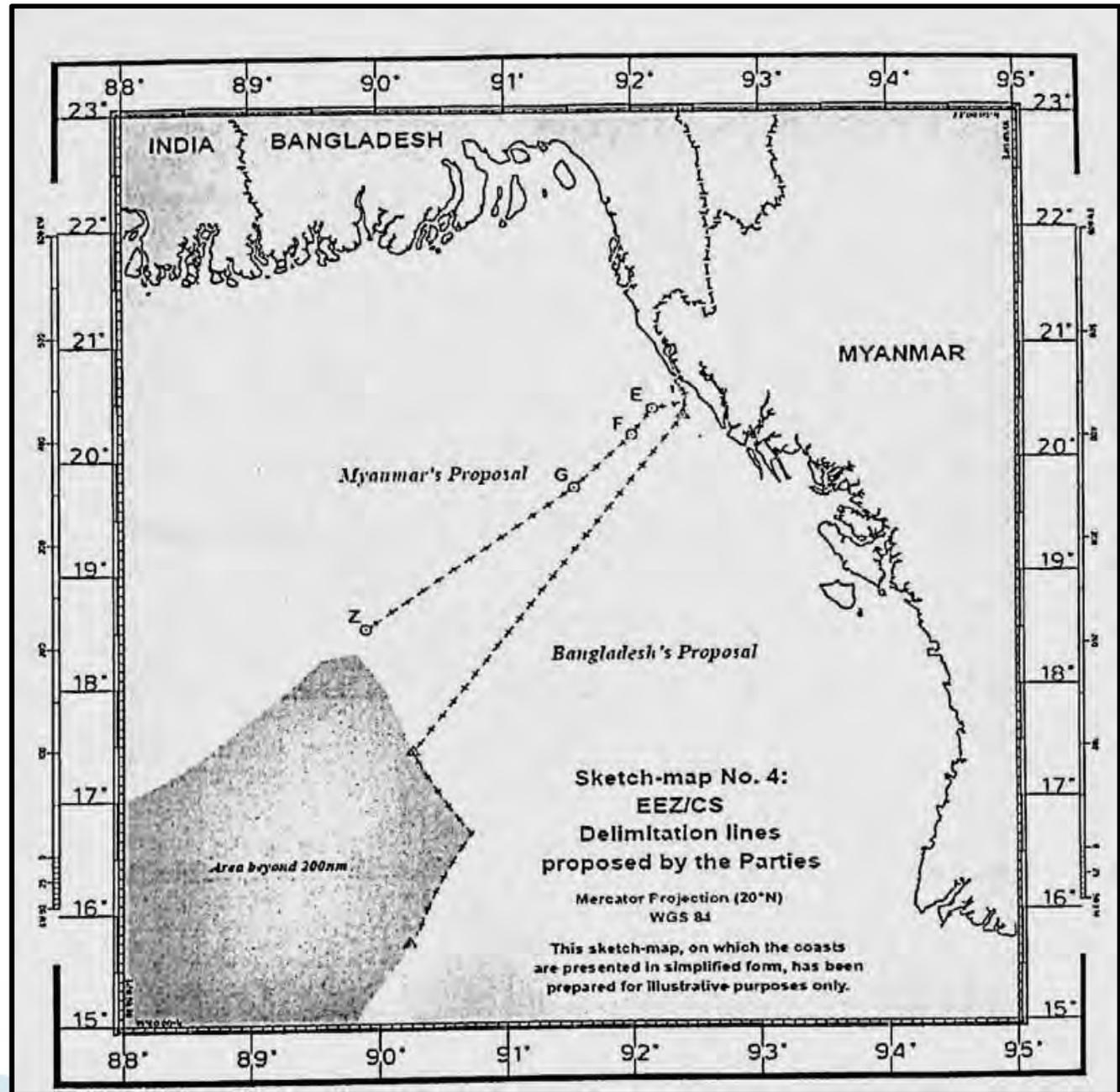
Map – 3
Conflicting claims of
Myanmar and India



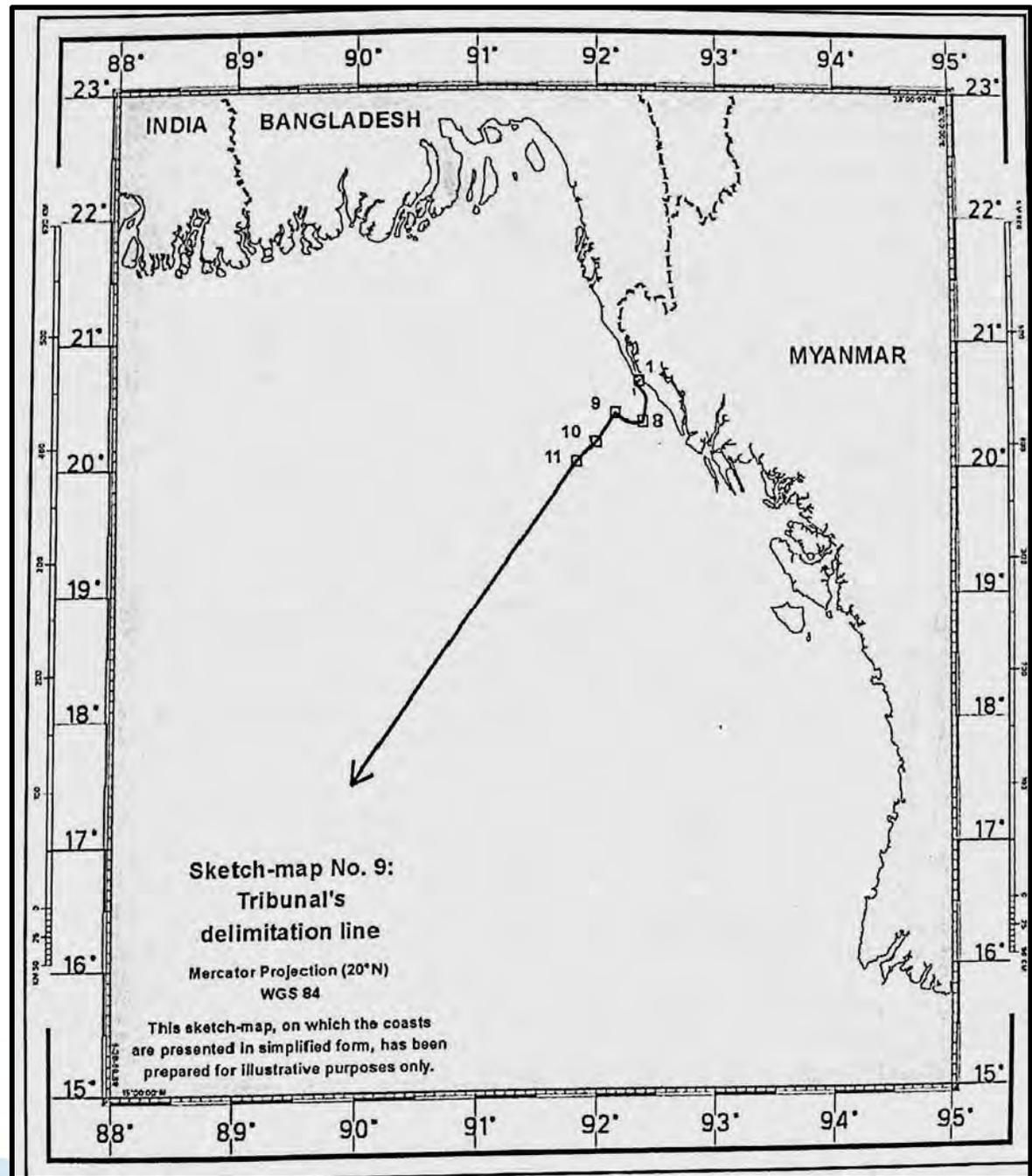
Section II – Delimitation of Maritime Boundary between Bangladesh and Myanmar : Going Beyond Bilateralism

- ▶ No tripartite agreement
- ▶ First talks in 1974
- ▶ Next round of talks in 1986
 - Lack of political will
 - Bangladesh's focus more on India
 - Non-ratification of UNCLOS 82
 - Denial to give Bangladesh advantage in its southern front
 - Rohingya issue
- ▶ Throughout the nineties, relations remained tense between Bangladesh and Myanmar

Map – 4
Different maritime
claims by
Bangladesh
and Myanmar



Map – 5
Delimitation Line by
ITLOS



Section II – Delimitation of Maritime Boundary between Bangladesh and Myanmar : Going Beyond Bilateralism (Continued...)

- ▶ Bangladesh sought to resolve the dispute through
 - The International Tribunal for the Law of the Sea
 - The International Court of Justice
 - Arbitral tribunal in accordance with Annex VIII of UNCLOS 82
 - A Special Arbitral Tribunal
- ▶ Bangladesh ratifies the UNCLOS 82 in 2001



Section III – Internationalization of Maritime Dispute between Bangladesh and Myanmar – A Way Towards a Solution

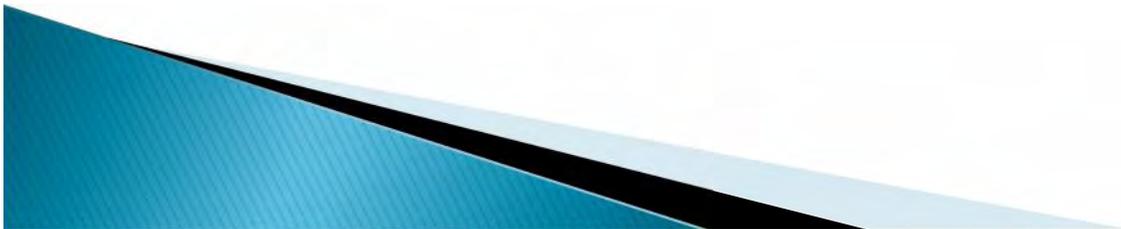
- ▶ Internationalization of a bilateral issue was not an easy task
- ▶ Talks again in 2007 and 2008 after a hiatus of nearly two decades
- ▶ Tremendous progress in marine science and technology
- ▶ Myanmar submits its claim over CS to CLCS (Article 76)
- ▶ Bangladesh prepares for submission
- ▶ Scramble for access to undiscovered oils worth billions of dollars in the Bay of Bengal
- ▶ Myanmar's incursion into the sovereign water zones of Bangladesh
- ▶ Both the parties on the verge of a confrontation
- ▶ The naval incident transmitted few messages for Bangladesh
- ▶ A notice of arbitration was issued to Myanmar on 08 October 2009.

Section III – Internationalization of Maritime Dispute between Bangladesh and Myanmar – A Way Towards a Solution (Continued...)

- ▶ The case was submitted before ITLOS on 14 December 2009
- ▶ The tribunal awarded Bangladesh :
 - The tribunal awarded Bangladesh a full 12 nm TS around St. Martin's Island overruling Myanmar's claim that the Island be cut into half.
 - The ITLOS sustained Bangladesh's claim to a full 200 nm EEZ following the concave nature of Bangladesh's coast
 - The ITLOS also awarded Bangladesh a substantial share of Outer Continental Shelf (OCS) beyond 200 nm.
 - ITLOS gave Bangladesh a baseline
 - A provisional equidistance line

Section III – Internationalization of Maritime Dispute between Bangladesh and Myanmar – A Way Towards a Solution (Continued...)

- ▶ ITLOS judgment is significant in many respects.
 - Unprecedented judicial efficiency in a maritime dispute
 - Verdict is final and cannot be appealed against
 - First case of ITLOS regarding maritime dispute
 - Judgment addresses delimitation of the CS beyond 200 nm.
 - A important point of reference for Indian case



Section IV – Resolution of Maritime Dispute between Bangladesh and Myanmar : Politico- Security and Economic Implications

- ▶ Current transition to democracy in Myanmar
- ▶ A likely change in Bangladesh's security perception (land and maritime security)
- ▶ A conflict is unlikely in the region
- ▶ Myanmar is a resource endowed country.
- ▶ New Bangladesh-Myanmar economic relations
- ▶ Cooperation in the marine domain

Section V – Resolution of Maritime Dispute between Bangladesh and Myanmar – A Future Outlook

- ▶ Maritime disputes are complex in nature, it needs time to solve them.
- ▶ The maritime dispute is essentially over resources
- ▶ A new outlook towards ocean and its governance
- ▶ Joint management



Conclusion

- ▶ A victory for both the countries, but much remains to be seen once the exploration works begin
- ▶ Both Bangladesh and Myanmar should come out of their past hang-over, in particular over the Rohingya issue
- ▶ Both Bangladesh and Myanmar should approach their oceanic space from a much broader perspective.
- ▶ Oceanic management requires peace in perpetuity

