

THE UNITED NATIONS – NIPPON FOUNDATION FELLOWSHIP

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Ravin

- 1- Today, I am going to present about the overlapping zones in the gulf of Thailand in which I will speak about maritime boundaries claims and the joint development areas.
- 2- The gulf of Thailand is a part of the South China Sea which bounded by Cambodia, Malaysia, Thailand and Vietnam. The Gulf is relatively shallow; the mean depth is 45 meters, and the maximum depth only 80 meters. It contains oil and large degree natural gas resources. The countries bordering the gulf have not settled yet their maritime boundary claims. It hosts about six disputes in term of overlapping maritime claims. One agreed maritime boundary was concluded in 1979 between Malaysia and Thailand. Another one concerning the continental shelf and Exclusive Economic Zone reached agreement between Thailand and Vietnam in 1997 but was strongly protested by Cambodia. The others remain on the process of negotiation.
- 3- The delimitation of maritime boundary in the Gulf has demonstrated the complexity and prolongation. This phenomenon can be attributed by some factors. The change of the political regime, civil war and the frequently change of the head of state and government among the coastal states have prevented the process of negotiation with each other. The complex coastal geography, especially the presence of the numerous islands, islets and rocks play a role in creating conflicting claims. Excessive of claim of straight baseline of the coastal states has also proved difficulty in the delimitation in the Gulf. Furthermore, some of the coastal states have disagreed to the treaties established by the colonial power. For example, Thailand disagrees to the interpretation of the Franco-Siamese Treaty of 23 March 1907 while Vietnam does not also recognize the role of the Brevi'e Line drawn by France in 1939 in maritime delimitation. In addition, the rich of natural resources, seabed oil and gas, in the Gulf is one of the factors that hamper the countries from reaching agreement on boundary delimitation.
- 4- The fact of the Gulf proves no coastal state can claim its full 200 nautical miles of Exclusive Economic Zone entitlement as provided by the United Nations

Convention on Law of the Sea. Conversely, to date the coastal states have made their claims 200 nautical miles from their base line. As a result, they created large dispute areas. It is approximately 24,221 square nautical miles in which Cambodia and Thailand represent about 5,800 square miles, and about 14,580 nautical miles under dispute between Vietnam and Cambodia.

- 5- To delimit maritime boundary is not as easy as like cutting a cake. It demands a strong political will of coastal states' leaders, technical experts in geography and maritime affairs, knowledge of law of the sea, maritime laws and regulations, and times as well. Moreover, if the disputed parties could not reach an agreement and leads to the arbitration and international courts, those mechanisms have to be skillful and reliable.

***Distinguishes guests
Ladies and Gentlemen,***

- 6- With regard to the joint development offshore, it came after the judgment of the International Court of Justice in the North Sea Continental Shelf Case of 1969. At that time the Court referred to the possibility of the parties' decision on "a regime of joint jurisdiction, use, or exploitation for the zone of overlap or any part of them". The judgment has met the purpose of the coastal states that focus on the advantages of the natural resources rather than the limitation of the maritime boundary. Even though the joint development does not limit the international maritime boundary, it plays a vital role in settling the maritime disputes in the absence of the agreement on delimitation of maritime boundary among the states with opposite or adjacent coastlines. In addition, the UNCLOS provides legal rights to the coastal states in the spirit of understanding and cooperation to enter into provisional arrangements which has no prejudice to the final delimitation in the event that the parties involved could not reach an agreement.
- 7- Through the international practice and the UN Convention, many overlapping areas created by coastal states around the globe have become joint development area. This number including the two joint development areas which have been concluded by the coastal states in Gulf of Thailand.
- 8- In 1979 with the disagreement on the delimitation of continental shelf boundary, Malaysia and Thailand signed a Memorandum of Understanding on a joint development area which covers 7300 square miles. The join area was limited by the unilateral claim in 1973 and 1979 by Thailand and Malaysia respectively. Similarly, Malaysia and Vietnam concluded their MOU in 1992 over the

overlapping area which covers smaller size. The both settings up joint development areas have the purpose to enable the exploitation of petroleum resources for the mutual benefit of the parties.

- 9- Meanwhile, Cambodia and Thailand both created overlapping claim approximately 5,800 square miles maritime territory which is believed to contain significant oil and natural gas reserves. The Royal Government of Cambodia and Thailand have expressed their intention to settle their disputed area by peacefully. The two Countries have established General Border Committee on Land and Maritime Boundary Delimitation. They have conducted negotiation many times. Unfortunately, the negotiations on the maritime boundary never reach an agreement. Learn from the great advantages of the joint development, both governments have started their negotiation on the JDA arrangement in order to exploit petroleum resources in the seabed. They are studying and negotiating on the sharing of natural resources which is believed to be located in the overlapping area.
- 10- With regard to the oil and gas in the Gulf, Cambodia is the last country to put its natural resources in commercial investment. As confirmed by the US Oil Cheveron including GS Caltex of Korea and Japan Mitsui Oil, which has been allowed by Cambodian Government to invest and conduct exploration at its western seashore, one of the six blocks has been discovered oil and gas. As estimated by World Bank only Block A contains 400-500 million barrels of oil and 2-3 trillion cubic feet of gas. The Royal Government of Cambodia is now preparing an oil and gas management law in anticipation of oil and gas revenues starting from 2010 or 2011.
- 11- In conclusion, the delimitation of maritime boundary proves not easy even though we have maritime law and regulation and other international mechanisms on the sea matters. It demands the parties involved seriously study the fact of geography of the coast, and the historical status in the conflict zone and good will of coastal states ' leaders especially. In addition, the human resource development in field of law of the sea is really needed in building peaceful maritime boundary. With regard the JDA arrangement, it takes long time to the negotiation on the sharing of the expecting natural resources, and liability. So far, the coastal states around the Gulf have agreed one boundary line and two Joint Development Areas. The remaining claims, both maritime delimitation and joint development, are being negotiated. Hopefully, all negotiation on the conflicted maritime boundaries will be concluded in decades not centuries.

12-Finally, I would like the United Nations and Nippon Foundation to continue their significant job to arrange and provide financial support to the research program in the field of law of the sea.

Thank You.