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# Case Study: The Myanmar and Bangladesh Maritime Boundary Dispute in the Bay of Bengal and Its Implications for South China Sea Claims

Ravi A. Balaram

**Abstract:** This paper seeks to review the pertinent Myanmar and Bangladesh history in overlapping maritime territorial claims leading up to the September 2011 International Tribunal for the Law of the Sea (ITLOS) case: Dispute Concerning Delimitation of the Maritime Boundary Between Bangladesh and Myanmar in the Bay of Bengal. It will dissect the legal proceedings as primary source documents and apply the relevant judgement findings to analyse the implications for the respective countries and for South China Sea maritime boundary disputes. While the judgements of this case set certain legal precedents that may be more easily applied to bilateral disputes, the implications, nevertheless, impinge on multilateral claims as well. To the extent that the Bangladesh-Myanmar ITLOS judgement provides a pathway to third-party, independent, and peaceful resolution to the potentially explosive and escalating tensions in the South China Sea, this paper argues that findings are relevant, but limited.

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**Keywords:** Myanmar, Bangladesh, boundary disputes, South China Sea

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## Policy Implications

- The Myanmar-Bangladesh dispute is the first maritime boundary case for ITLOS. It set precedence for a peaceful and equitable resolution, allowing the countries to move forward with natural resource extraction.
- ITLOS is an independent and diverse body of 21 judges who are experts in maritime law. They offer arbitration that is more suitable in maritime claims than the International Court of Justice (ICJ). A lighter case docket also affords ITLOS a more timely case judgement.
- The United Nations Convention on the Law of the Sea (UNCLOS) serves as the underlying and most pertinent body of legislature that is most applicable in maritime boundary disputes.
- Future maritime boundary case judgements should provide further clarification and definition of “islands” and corresponding territorial seas, exclusive economic zones (EEZ), and continental shelf areas.
- While both Myanmar and Bangladesh claim victory in the dispute settlement, the Rohingya indigenous people in both countries are most likely to suffer from the Tribunal decision. A drastic change in the economy from fishing and farming to hydrocarbon gas extraction may result in environmental concerns, land-rights issues, forced labour, increased numbers of refugees and human rights abuses.

## Introduction

Strict realists (Waltz 1988) espouse the nonexistence of international law and point to its limited usefulness in international relations. Rather, in the absence of a supranational body of enforcement, state actors behave according to national interests in an international system of anarchy. However, in cases where parties jointly submit jurisdiction to an independent third party to adjudicate a dispute, international law can provide a peaceful means to conflict resolution.<sup>1</sup>

On 14 March 2012, the International Tribunal for the Law of the Sea (ITLOS) released its case judgement for the Dispute Concerning Delimitation of the Maritime Boundary Between Bangladesh and Myanmar in the Bay of Bengal (Judgement 2012). The 1982 United Nations Convention on the Law of the Sea (UNCLOS) established ITLOS as an independent judiciary to adjudicate maritime disputes and claims. The Tribunal is composed of

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1 The views expressed in this article are those of the author and do not reflect the official policy or position of the United States Army, Department of Defense, or the United States Government.

21 independent elected members with maritime law expertise. In this specific case, both Bangladesh and Myanmar also picked one member each to represent their respective countries as ad-hoc judges. While ITLOS had previously adjudicated in 15 cases, this was the first case involving ITLOS to concern maritime boundaries. Before this, precedence concerning maritime boundary disputes derived from the case judgements of the International Court of Justice (ICJ) (International Boundary Research Unit 2009). The advantage that ITLOS has over ICJ in maritime claim arbitration is in the case expediency and the maritime technical expertise, both of which ICJ lacks.

## Historical Background

The first step in border delimitation between modern-day Bangladesh (before its independence from Pakistan in 1971) and Myanmar<sup>2</sup> occurred on 9 May 1966 with the Naaf River Boundary Agreement. However, this established a border only along the Naaf River delta, ending at the river's mouth onto the Bay of Bengal. Between 1974 and 1986, a series of eight rounds of bilateral negotiations convened to delimit the territorial waters, exclusive economic zones (EEZ) and continental shelf boundaries. At the second round of talks on 23 November 1974, the respective delegates signed the Agreed Minutes between the Bangladesh Delegation and the Burmese Delegation regarding the Delimitation of the Maritime Boundary between the Two Countries (the '1974 Agreed Minutes'). Commodore Chit Hliang, Navy Vice Chief-of-Staff, led the Myanmar delegation, while the Ambassador to Myanmar, Kwaja Mohammad Kaiser, led the Bangladesh delegation. Special Chart 114 was attached to the 1974 Agreed Minutes and graphically illustrated the boundary, which followed a line parallel to the Myanmar Rakhine state coast and equidistant between that coast and St. Martin's Island, which belongs to Bangladesh (Judgement 2012: 25).

Over 30 years later, the dispute re-emerged. Jared Bissinger, a research fellow at the National Bureau of Asian Research, trail-blazed the field in terms of theorizing the issue of causality in the re-emergence. He argues that the dispute resurfaced because of two primary factors: new discoveries of hydrocarbon gas reserves in the Bay of Bengal and increased demand for

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2 While "Burma" and "Myanmar" have been used officially and unofficially in written and verbal forms throughout the country's history, the author uses "Myanmar" only for consistency and simplification in this text. No political implications are intended. At the time of the September 2011 ITLOS proceedings, the full name of the country was the Republic of the Union of Myanmar.

natural gas in both countries. The majority of the hydrocarbon gas reserves in the Bay of Bengal were discovered between 2002 and 2007 (Bissinger 2010: 113). While Bangladesh, which is plagued by frequent power outages, is sourcing energy sources to alleviate its domestic power shortage, Myanmar is more likely to export the natural gas to both China and India.

The second period of six rounds of negotiations, from 2008 to 2010, were characterized by rising tensions (Judgement 2012: 21). In April 2008, the parties jointly signed a document similar to the 1974 Agreed Minutes: the Agreed Minutes of the Meeting held between the Bangladesh Delegation and the Myanmar Delegation regarding the Delimitation of the Maritime Boundaries between the two countries [April 2008]. This document, referred to subsequently as 'the 2008 Agreed Minutes', was signed on the Myanmar side by Commodore Maung Oo Lwin, commander of the Irrawaddy Navy Regional Command, and on the Bangladesh side by the Additional Foreign Secretary Mr. A. K. Mahmood. The salient points of the 2008 Agreed Minutes concern the classification of islands, in accordance with Article 121 of UNCLOS, and further reaffirmed and clarified the line proposed in the 1974 Agreed Minutes, by assigning a series of specific latitudinal and longitudinal points (Judgement 2012: 27). Additionally, it was proposed that the area of land known as St. Martin's Island be considered as an island, in accordance with Article 121 of UNCLOS (UNCLOS 1982). However, Oyster Island off the coast of Myanmar would not be considered an island, because it was deemed uninhabitable due to its lack of fresh water and its inability to sustain economic life or any permanent population. According to Article 121 UNCLOS, only islands as noted above, that are able to sustain human habitation or economic life of their own would be subject to the Convention in considerations dealing with EEZ and continental shelf (UNCLOS 1982; Judgement 2012: 27).

Bissinger's identification of the prospect of natural gas exploration as the proximate cause leading to the concomitant second period of bilateral negotiations in 2008 has similarities with the most recent April 2012 stand-off between Chinese and Philippine vessels over the disputed Spratly Islands in the South China Sea. On 17 October 2008, two Myanmar Navy vessels escorted four survey ships to begin exploratory drilling approximately 50 nautical miles southwest of St. Martin's Island in the contested area. Bangladesh responded by calling for a suspension of Myanmar's exploratory drilling until the delimitation of maritime boundaries had been determined, and also threatened the use of force against Myanmar with the dispatch of three Bangladesh Naval vessels (Moe 2008; *Daily Star* 2008). Although the week-long stand-off did not result in any direct conflict, the lack of any resolution

led Bangladesh to pursue third-party arbitration in accordance with Annex VII UNCLOS (Islam 2009), in October 2009.

Unlike cases dealt with by ITLOS, Annex VII arbitration involves only five members. Three members are jointly selected by the convening parties of the dispute. The remaining two are unilaterally appointed by each party. However, Myanmar chose not to settle the dispute under Annex VII, but opted rather for arbitration through ITLOS and concurrent bilateral negotiations. It is worth noting that in unrelated Annex VII arbitration between India and Bangladesh in 2010, both parties failed to agree on the three joint-members, but bilateral negotiations still ensued (Bissinger 2010: 130).

Nevertheless, Myanmar and Bangladesh decided to pursue a settlement through ITLOS in the process discussed below.

## Legal Proceedings

To initiate the legal proceedings under ITLOS, both countries had to submit by declaration, according to Article 287 paragraph 1, UNCLOS,

that it accepts the jurisdiction of the International Tribunal for the Law of the Sea for the settlement of the dispute between the Union of Myanmar and the People's Republic of Bangladesh relating to the delimitation of maritime boundary between the two countries in the Bay of Bengal (Judgement 2012: 10).

The Joint Declaration of ITLOS Judges Nelson, Chandrarekhara Rao, and Cot states that the International Court of Justice set the jurisprudence in case law in referencing the Maritime Delimitation in the Black Sea (Romania versus Ukraine) 2009. That case specifically upheld the previous 25-year legal precedence of demarcation as a three-step process: first, equidistant lines are drawn based on any relevant circumstances and are taken into consideration in accordance with Article 15 of UNCLOS. While the first step is more objective, the second step involves taking into consideration the concavity of coasts, island presence, relative coastal length and “considerations relating to economic resources, fisheries, security concerns and navigation” (Cot, Nelson, and Rao 2012: 2). This second step considers those relevant factors in making adjustments to ensure an equitable solution. Lastly, a test for disproportionality is made to reaffirm the equitable solution.

According to ITLOS, the maritime area in dispute was 283,471 square kilometres (Judgement 2012: 142). Appendix Figure 1: Submission of Territorial Sea Delimitation shows the initial respective proposed demarcations from Bangladesh and Myanmar. Clearly, Myanmar's proposed demarcation attempted to secure the natural gas deposits where the October 2008 ex-

ploratory drilling and subsequent stand-off occurred southwest of Bangladesh's St. Martin's Island. In oral arguments during the September 2011 hearing, the Bangladesh delegation argued that points 1 to 7 submitted to ITLOS coincided with both the 1974 and 2008 Agreed Minutes. Furthermore, the Bangladesh delegation saw those documents as binding.

While it is true, that Bangladesh ratified the 1974 Agreed Minutes to serve as a maritime boundary and drafted a treaty to Myanmar in 1974, Myanmar claims that the signatories to the 1974 and 2008 Agreed Minutes did not have the authority to ratify a joint boundary. Furthermore, it refused to sign the treaty drafted by Bangladesh in 1974. Rather than seeing them as binding agreements, Myanmar stated that the 1974 and 2008 Agreed Minutes served only as a record of issues discussed, rather than a finalized resolution. Bangladesh submitted affidavits from Bangladeshi fishermen and naval officers as evidence of the informal boundary that they believed had existed since 1974. Despite, Bangladesh's argument that Myanmar and Bangladesh have jointly behaved in accordance with the boundary stated in Special Chart 114 attached to the 1974 Agreed Minutes, ITLOS ruled that this failed to meet the requirements of a tacit or de facto agreement because the submitted affidavits reflect fishermen's opinions and naval officers' bias.

The test for historical tacit or de facto agreement in Article 15 UNCLOS states:

Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The above provision does not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance therewith (UNCLOS 1982: Art. 15).

In the absence of a pre-existing and legally-binding agreement, the Tribunal then looked to determine if any "historic title or other special circumstances" were relevant to this specific case. The Tribunal determined, with no contest from either party, that no historical titles were relevant to this case. However, Myanmar claimed that St. Martin's Island was a special circumstance in that it was located directly in front of the Myanmar coast and within the traditional 12 nautical mile territorial sea limit of Bangladesh. Therefore, Myanmar contended that the island should not warrant full consideration in terms of having its own relative territorial sea, EEZ and continental shelf. Essential to Bangladesh's argument was that St. Martin's Island, which lies approx-

imately six nautical miles south of Bangladesh, has a sustainable fishing economy, permanent population of approximately 7,000 people and a tourism industry that draws in over 360,000 tourists a year (Judgement 2012: 49, para. 143). In this contention, the Tribunal opted for the middle ground. It awarded St. Martin's Island its own 12 nautical mile territorial sea, but did not allow for its own relative EEZ or continental shelf.

Having reviewed historical titles and all relevant and special circumstances, the Tribunal made a judgement on the delimitation of the territorial waters (see Appendix Figure 2: International Tribunal Final Delimitation of Territorial Sea). The Tribunal further judged that the EEZ would follow the natural prolongation of the demarcation line (see Appendix Figure 2) on a 215 degree angle (relatively perpendicular to the Myanmar coast) and extending to 200 nautical miles.

Lastly, the Tribunal considered continental shelf claims beyond 200 nautical miles. Myanmar contested that the Tribunal did not have the jurisdiction to make the stated judgement. However, the Tribunal referred to Articles 76 and 83 of UNCLOS, which explicitly define "continental shelf" and specifically denote clauses for entitlement beyond 200 nautical miles. While both countries argued that the other should not have entitlements beyond the EEZ, the Tribunal continued the natural 215 degree angle prolongation of the demarcation line beyond 200 nautical miles. In the end, both Myanmar and Bangladesh willingly accepted the Tribunal's decision and both have proceeded with oil and gas exploration partnerships.

## Implications

This apparent win-win situation, however, also had a loser. The Rohingya indigenous people who straddle the Bangladesh-Myanmar coastal border are likely to suffer from the future implications of industrial growth and transformation in their villages. Already subjugated by the Myanmar government, the Rohingya are not even recognized as ethnic-minorities or citizens of the state. Stateless and impoverished, they have no entitlements and limited opportunities for upward mobility (Bissinger 2010: 139).

The outcome of the case only exacerbates several human rights issues. The Rohingya's subsistence fishing and farming villages are likely to be erased by the large footprint of oil and natural gas multinational corporations. While this may create some opportunities for legal employment, forced labour may also result. Furthermore, the infrastructure development associated with resource extraction may create roads, ports, and other means of transportation, but it is also likely to produce property rights and environmental issues that could displace the Rohingya. Ultimately, Rohingya



refugees who have fled to Bangladesh may have nowhere to turn to for survival. One hopes that corporate responsibility programs might try to mitigate this ethnic group's suffering, but this is by no means guaranteed in Bangladesh and Myanmar, where the rule of law is not fully embraced.

Furthermore, this method of demarcation is far from perfect. While the procedures have combined both scientific principles of measurement with legal principles based on jurisprudence and goals of equitable solutions, grey areas can be a by-product (see Appendix 3: Tribunal Delimited Grey Area). Clearly, ITLOS served as an expedient means of solution with proceedings commencing much faster than they would have with the ICJ. Furthermore, ITLOS judges were field experts in both the maritime scientific and legal aspects necessary to adjudicate this maritime boundary demarcation case. It would not be a surprise for ITLOS to continue to develop case law in maritime boundary disputes and for disputing parties to seek rapid, equitable, and peaceful third-party resolution through this Tribunal. Therefore, this case could set a precedent for other Asian maritime disputes, such as the disputes over the territoriality of the Spratly and Parcel islands in the South China Sea.

Unlike the Myanmar-Bangladesh Bay of Bengal ITLOS dispute, the South China Sea issue is inherently more complex in that China, Taiwan, Vietnam, Malaysia, Brunei, and the Philippines have overlapping claims. Even the naming of the body of water creates contention and controversy. While the family of Malay language-speaking countries of Malaysia, Brunei, and Indonesia call it the "South China Sea" (Laut Cina Selatan), China and Taiwan call it the "South Sea" (南海 or Nánhǎi) and Vietnam uses the "East Sea" (Biển Đông) (*Vietnam News* 2012) as its preferred name. Most recently, in 2011, the Philippines began using the neologism "West Philippine Sea" (Kanlurang Dagat ng Pilipinas) to protest at perceived aggression from Beijing against its claims (Pacpaco 2011). However, all parties to the South China Sea dispute are ratified signatory members to UNCLOS (though Taiwan falls under China's membership). Challenges arise in that, although the relevant countries are all members of UNCLOS, according to Article 287 UNCLOS, they must each declare ITLOS jurisdiction in settlement of the dispute. China, which has a great deference for bilateral negotiations, may be averse to this third-party settlement, especially if it is multilateral. However, as with the Myanmar-Bangladesh case, bilateral negotiations could also continue in parallel to Tribunal proceedings.

Regardless of whether this case was heard by ITLOS or the ICJ, the basic procedures in resolving the South China Sea claims would very likely be similar to the Myanmar-Bangladesh case. Cot, Nelson, and Rao justified

the three-step procedure as the foundation for the resolution of further maritime boundary claims:

One should not try to reintroduce other methods of delimitation when implementing the equidistance/relevant circumstances rule. It would amount to reintroducing the very elements of subjectivity progressively reduced over the years (Cot, Nelson, and Rao 2012: 2).

While experts in the field of maritime law largely agree on the procedures of delimitation, what constitutes “relevant” or “special circumstances” remains highly debated. For example, Judge Wolfrum in speaking about the special circumstances of St. Martin’s Island notes,

The Tribunal should have spelled out which consideration it took into account and which it did not. If it had done so it would have provided for the development of the general rule, which is missing (Wolfrum 2012: 3).

Wolfrum contends that, in addition to ability to sustain life, degree of economic independence, and accessibility of fresh water, the Tribunal should also consider other relevant factors such as a given island’s freedom of access to the sea and island size relative to maritime area in dispute. Furthermore, the Tribunal should have been more explicit in refining the island definition based in Article 121 UNCLOS.

Article 15 UNCLOS would also be relevant to South China Sea resolution in that, unlike in the Myanmar-Bangladesh case, which did not have historical ties nor special circumstances, the South China Sea dispute likely will. The People’s Republic of China has referenced its historical maritime charts that show the 1947 Republic of China’s territory in an eleven-dashed line that extends into the EEZ of multiple countries and includes both the Paracel and Spratly Islands. It is peculiar to note that this issue also increases in complexity as the PRC references only a nine-dashed line in its current claims, omitting two dashes in the Gulf of Tonkin. It is likely, that other countries may also submit evidence to support historical claims to islands in the South China Sea. Wolfrum’s recommendation for clarifying special circumstances in regards to the definition and classification of islands will be of particular importance in the Spratly Islands claims. However, this case does add legal precedence in the Tribunal’s conclusion that Oyster Island should not be considered an Island, according to Article 121 UNCLOS, because it has no permanent population, cannot sustain life, and has no economic activities. Certain rocks and reefs in the South China Sea, most likely, also would not classify as “islands” under Article 121 UNCLOS. This has significant implication in dealing with the EEZs of the various claimants.

China's foreign policy, traditionally, is characteristic of direct bilateral negotiation. It often uses its comparative economic advantage as leverage in disputes. When China joined UNCLOS in 1996, it explicitly rejected all four forms of adjudication explicitly stated in Article 298 UNCLOS, including ITLOS, ICJ, ad hoc arbitration, and "special arbitral tribunal" (International Crisis Group 2012: 31). This certainly poses obstacles for third-party resolution. Moreover, China will lose face domestically and fears the loss of national, popular support if it loses its claims, or parts thereof, in third-party courts that are perceived to be controlled by the West (International Crisis Group 2012: 31). Perhaps, however, the fact that the United States has yet to ratify UNCLOS may lend legitimacy to ITLOS from the Chinese perspective. According to Yun Sun, a Chinese scholar working for the Brookings Institution, Chinese are taught from a very young age that China's territory includes much of this disputed area in the South China Sea (Sun 2012). Yet, promise for multilateral negotiation is still possible. In arguably a political manoeuvre with little ramification in enforcement, China nevertheless joined all the ASEAN countries in signing the Declaration on the Conduct of Parties in the South China Sea in 2002.<sup>3</sup>

Judge Zhiguo Gao, who is an elected member of the ITLOS from China, produced a separate opinion on the Myanmar-Bangladesh case judgement. While Judge Gao voted with the majority of members in the case findings concerning jurisdiction and demarcation within 200 nautical miles, he voted against the operational clause concerning the maritime claims beyond 200 nautical miles (Gao 2012: 33). His dissent revolved around the methodology in demarcation and the effect of St. Martin's Island on the EEZ and continental shelf claims. Judge Gao declared that the angle-bisector method would have been more appropriate to the case in question as it would represent the coastal concavity of Myanmar and Bangladesh. According to Judges Cot, Rao, and Nelson, the Tribunal used the equidistance method (Cot, Nelson, and Rao 2012: 1), however. Judge Gao argues that the resultant 215 degree angle extending beyond 200 nautical miles is not truly reflective of the coastal concavity of Bangladesh and Myanmar. Judge Gao's calculations result in a 218 degree angle, which would have reduced Bangladesh's territorial claim and simultaneously reduced the contestable Grey Area (see Appendix Figures 3 and 4).

Furthermore, Judge Gao argued that effect should be given to St. Martin's Island in the delimitation of Bangladesh's territorial sea, EEZ, and continental shelf "by reason of its size, its large permanent population, its

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3 Declaration of Conduct of Parties in the South China Sea in 2002 (4 November 2002), online: <[www.aseansec.org/13163.htm](http://www.aseansec.org/13163.htm)>.

important economic life, its strategic importance and, most importantly, its geographical location only 4.547 nautical miles from Bangladesh's mainland territory" (Gao 2012: 33). Judge Gao agrees with the Tribunal that St. Martin's Island should have a 12 nautical mile EEZ. However, while the Tribunal concluded that St. Martin's Island would have no effect on the EEZ and continental shelf claims of Bangladesh, Judge Gao contends that the island should still partially effect the EEZ and continental shelf. The full-effect in Bangladesh's claim would block the outward-projection of Myanmar's sea territory because of the island's proximity to the Myanmar coast. Thus, Judge Gao proposes a more equitable solution, in which, only a half-effect of the island is accounted for (see Appendix Figure 5: Recommended Effect of St. Martin's Island from Judge Zhiguo Gao).

Critics, like Sam Bateman, contend "[Gao's] separate opinion shows views that are more or less in line with China's position on its disputes in the East and South China seas" (Bateman 2012: 2). The most applicable issues concerning Gao's opinion on the South China Sea are in the definition and characteristic of islands that entitle full-effect and entitlement in EEZ and continental shelf claims. It is interesting to note that the vice governor of China's Hainan Island is attempting to initiate tourist activities on the contested Parcel Islands (*China Post* 2012). Perhaps, this is part of both Article 121 UNCLOS and Judge Gao's reaffirmation that the full-effect of islands includes a distinct economic life. By developing a tourism industry in the Parcels, China may be attempting to position itself for the eventual adjudication of the dispute.

In addition to tourism, China, along with many of the other disputing countries, has begun a military build-up in the contested areas, including such activities as armed patrols, reconnaissance outposts, lighthouse construction and buoy marking to stake sovereign claims (International Crisis Group 2012: 8). A complicating factor in the dispute is the fact that the United States' Navy also has a presence in the South China Sea. US policy for the past decade has continued to be to remain neutral in the dispute and to seek freedom of navigation and peaceful resolution (Storey 2012). But, the US also has a mutual defence treaty with the Philippines, cemented by the Southeast Asia Collective Defense Treaty, or Manila Pact, of 1954.

## Conclusion

The 14 March 2012 ITLOS judgement is significant for both Myanmar and Bangladesh. It is a peaceful resolution that allows both countries to begin exploration and infrastructure development necessary for the extraction of potentially highly profitable hydrocarbon gas reserves in the Bay of Bengal.

Both sides are claiming victory in the dispute (*The Financial Express* 2012; Bhulyan 2012).

Yet, the unresolved issue of the stateless Rohingya indigenous people is likely to get worse. Violence protests are likely to continue as this disenfranchised ethnic group fights for its rights. For the first time since the Saffron Revolution of 2007, Burmese monks in Mandalay have recently protested against the favourable treatment of and for the deportation of Rohingya people to Bangladesh. Bangladesh has its own share of desecration against Buddhist temples (*New York Times* 2012). Aside from the issues of statelessness and religious ethno-linguistic tensions, the Rohingya are likely to be displaced as subsistence farming and fishing economies along the Bay of Bengal are transformed to hydrocarbon extraction industries. The fact that the issue of Rohingya displacement was not even addressed in the ITLOS Tribunal, perhaps, shows the limitations of this resolution, which focuses on the technicalities of maritime geography and legal precedence. It was not in the national interest of either Myanmar or Bangladesh to call attention to a problem, which is far more complex than maritime delimitation and lacks the immediate economic benefits.

As for the case's implications for future maritime disputes, ITLOS has set precedence in adjudicating its first maritime boundary claim. Its relatively light docket and concomitant expediency in adjudication, as well as expertise in maritime law, are hallmarks for its value as an international legal body for resolving disputes of this nature. The April 2012 formal diplomatic message from the Philippines to China requesting that the current South China Sea dispute be settled by ITLOS portends a future means of resolution. However, it is unfortunate that this specific case failed to further address the proper characteristics of islands and the requirements for respective exclusive economic zones and continental shelf. Nevertheless, the case built on the ICJ precedence for maritime territorial claims. As best captured by Judges Cot, Nelson and Rao:

By reaffirming and respecting these basic principles, the Tribunal will hopefully bring a significant and positive contribution to the development of the law of maritime delimitation in the years to come (Cot, Nelson, and Rao 2012: 2).

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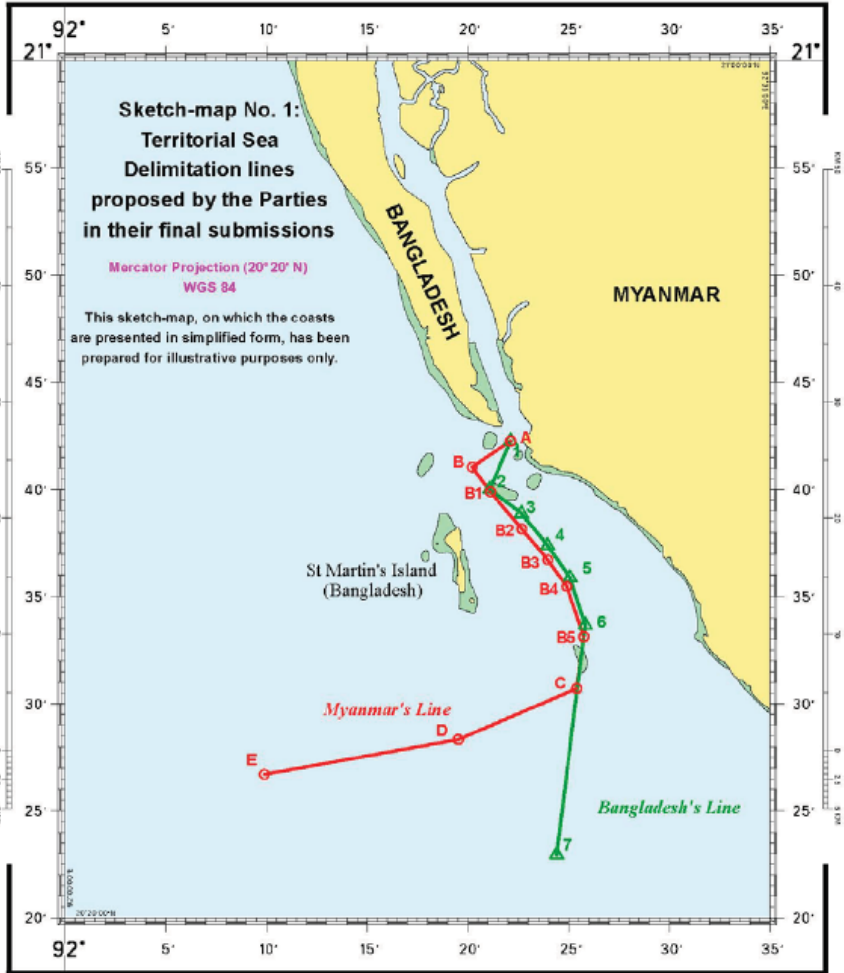
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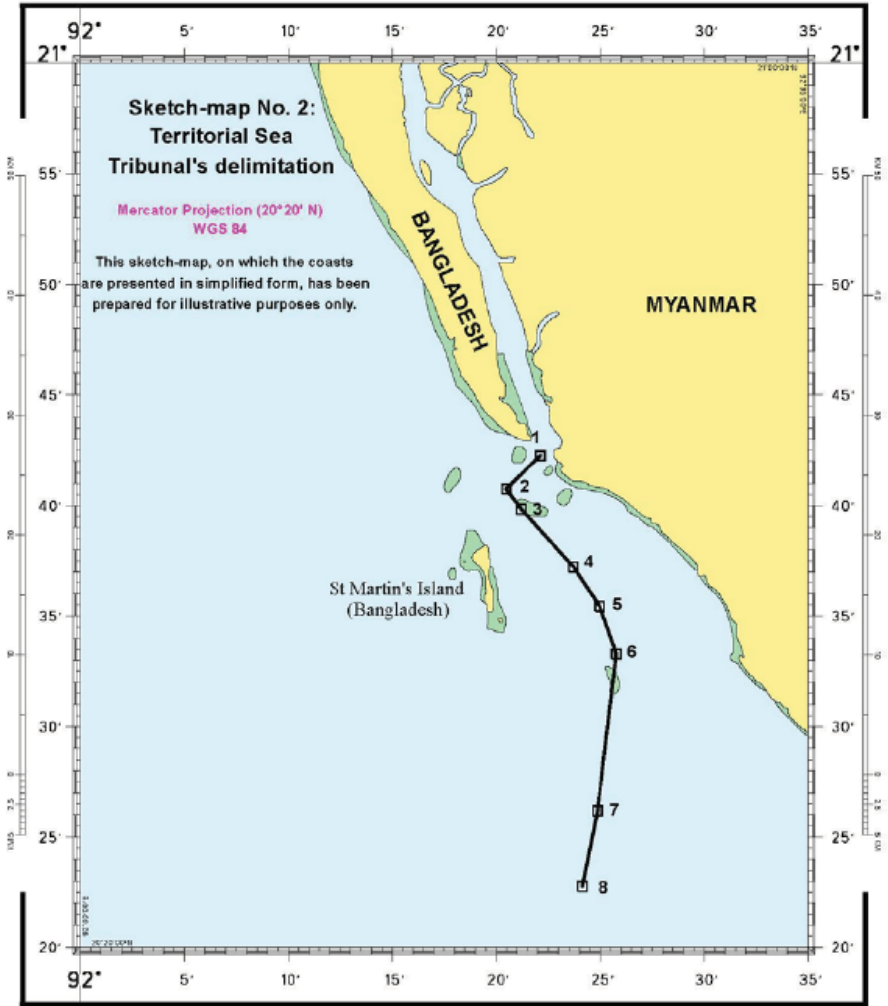
# Appendix

Figure 1: Joint Submission of Maritime Boundaries for Adjudication



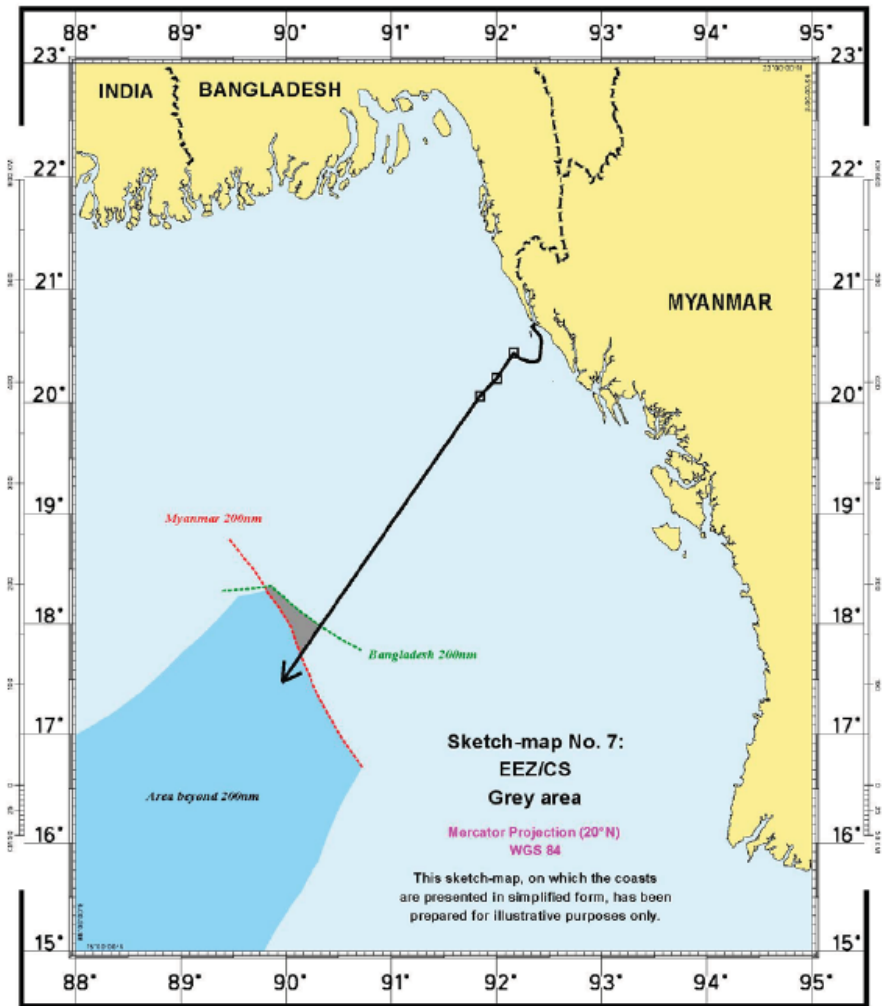
Source: Judgement 2012.

Figure 2: International Tribunal Final Delimitation of Territorial Sea



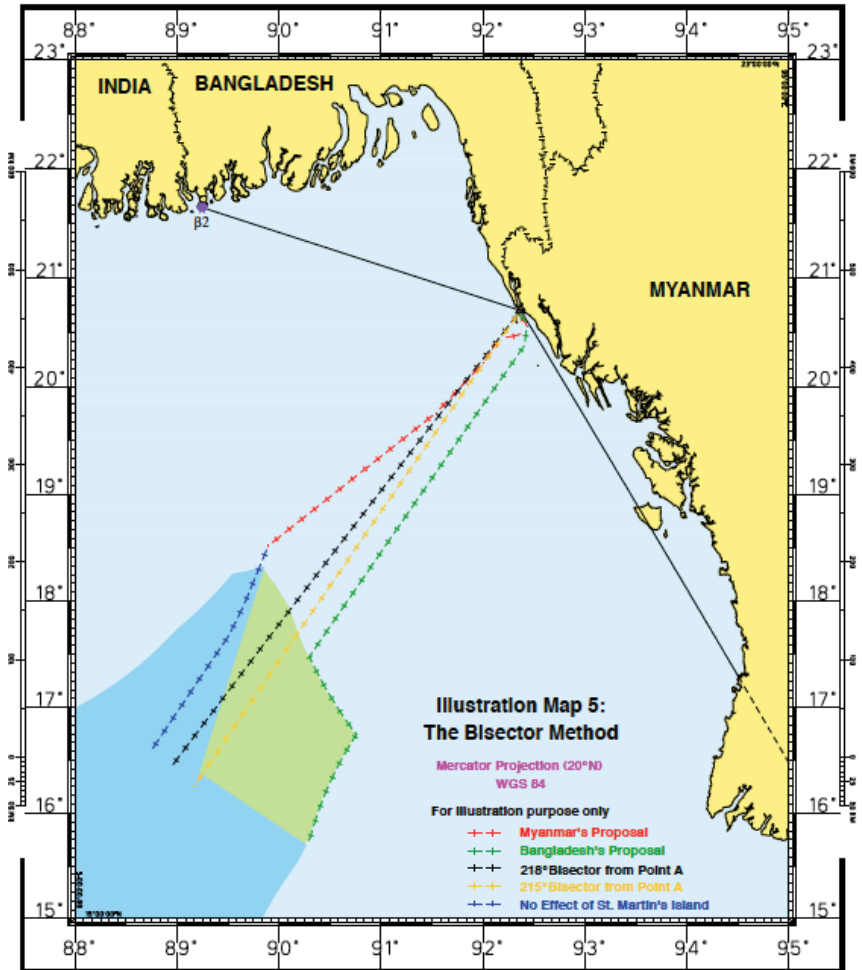
Source: Judgement 2012.

Figure 3: Tribunal Delimited Grey Area



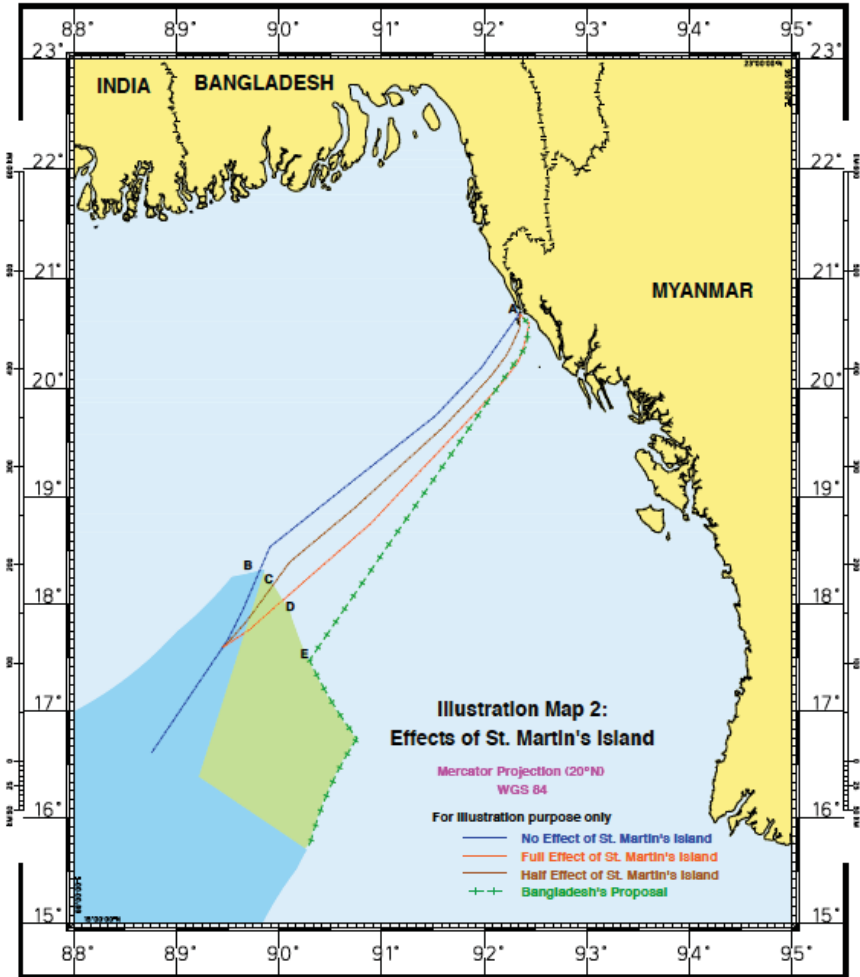
Source: Judgement 2012.

Figure 4: Recommended Delimitation from Judge Zhiguo Gao



Source: Judgement 2012.

Figure 5: Recommended Effect of St. Martin's Island from Judge Zhiguo Gao



Source: Judgement 2012.