

# **CONTROVERSY IN THE BAY OF BENGAL: ISSUES SURROUNDING THE DELIMITATION OF BANGLADESH'S MARITIME BOUNDARIES WITH INDIA AND MYANMAR**

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Abstract:

This presentation will explore the issues surrounding the delimitation of Bangladesh's maritime boundaries in the resource-rich Bay of Bengal.

After many years of protracted negotiations, Bangladesh, India and Myanmar have finally agreed to submit their disputes to binding third-party dispute resolution. This presentation will provide an insight into the controversies that await the parties and tribunals in these complex delimitations.

The Bangladesh-Myanmar delimitation has been submitted to ITLOS (the first time the tribunal will hear a maritime delimitation case), whilst the Bangladesh-India delimitation has been submitted to an Annex VII arbitral tribunal. This presentation will consider the different processes involved in these two mechanisms and then provide an overview of the anticipated claims of the three States.

It is expected that India and Myanmar will favour an equidistance-based approach to the delimitation, whilst Bangladesh will seek a solution that based upon equitable principles and the *North Sea Continental Shelf* cases.

The different approaches adopted in the jurisprudence of the International Court of Justice and arbitral tribunals will be explored, with particular focus on the use of the equidistance method, particularly in areas with unstable coastlines, the relevance of the location of third States and possible relevance of the "cut off" effect.

The complexities of these disputes are amplified by the overlapping outer continental shelf claims made by India and Myanmar to the Commission on the Limits of the Continental Shelf. It has been anticipated that Bangladesh will make a further conflicting submission in 2011.